

the increase in new residents (figure 3.7-5: Estimated Number of New Residents (2025)) and businesses?" (YBID. Written comment: November 14, 2011).

3.10.3 *Response:* Comments noted. The following discussion of the Yonkers Downtown/Waterfront Business Improvement District has been incorporated herein:

The Yonkers Downtown/Waterfront Business Improvement District (BID)

In an effort to enhance the business climate of the downtown, the City of Yonkers, working with the business community, has established the Yonkers Downtown/Waterfront Business Improvement District ("BID"). A business improvement district is a public/private partnership in a particular geographical area, where property owners or leaseholders collectively contribute to the maintenance, development and promotion of their properties. The BID encompasses the City's traditional central business district, including Chicken Island, Getty Square, the City Pier, Larkin Plaza, St. Joseph's Medical Center as well as City Hall, the Health Center Building and the Riverfront Library. Generally, the BID is bounded by Nepperhan Street to the north, the Hudson River to the west, Prospect Street to the south and School Street to the east.

The BID includes approximately 350 members: 190 property owner members and 160 lease holder members. Including the local City Council member, the Mayor of Yonkers and the City's Commissioner of Finance, a 14-person Board of Directors directs and organizes the BID and its services. The Board of Directors works with the Executive Director of the BID and provides general management of the BID in accordance with the BID bylaws.

BID fees are based on a special benefit assessment that amounts to 6% of the City of Yonkers tax, Westchester County tax and school tax. Real property tax exempt non-profits (including churches, day care centers etc.) located within the BID's geographic boundary are exempt from the BID fee. Services the BID provides include a clean team of rangers which provides street and sidewalk cleaning services, discounted trash collection, discounted parking permits for local parking facilities, advertising and promotional events, such as a jazz, dance and film festivals.

New property owners in the BID's geographic area may be exempted from the BID fee for a few years as part of a local business incentive package. Otherwise, all business owners in the district are required to be members. Future plans for the BID include an expansion of services including development of a more comprehensive BID website with opportunities for e-commerce, publishing of a BID business directory, re-branding of the BID and the sponsoring of additional events.

It is anticipated that any commercial development that occurs within the Yonkers Downtown as a result of the Proposed Action would have a beneficial impact on the BID. The Proposed Action does not contemplate any change in the existing role of the BID in the Downtown. New commercial developments within the BID area would be required to contribute fees to the BID, thereby increasing the revenues of the BID to pay for any increase in demand for BID services as well as further leveraging the collective buying power of the BID. No significant adverse impacts to the BID are anticipated as a result of the Proposed Action.

3.10.4 *Comment:* “Page 3.7-15. How was the calculation of 17 acres per 1000 population arrived at? Does it take the rest of the Yonkers population into account? 200,000 people using 263.73 acres of open space is not 17 acres per 1000 population” (YCSA. Written comment: November 14, 2011).

3.10.4 *Response:* The calculation of the existing open space ratio for the Downtown was calculated by taking the total existing population of the Downtown (15,541 residents) and dividing it by the total acreage of open space/park facilities that residents of the Downtown are most likely to use – those located within the Downtown Rezoning Area and within ½-mile radius (a reasonable walking distance from the Downtown) of the Rezoning Area (approximately 263.73 acres – see DGEIS Figure 3.7-2). This results in an open space ratio of approximately 0.2-acres per person or 17-acres per 1,000 residents. The open space ratio for the Downtown did not factor in the total population of the City of Yonkers as residents City-wide would use, in addition to the Downtown resources, other open space resources not included within the Downtown Study Area, including neighborhood and regional parks, and State and County Parkland more proximate to their locations. The DGEIS (Page 3.7-15) states that the existing City-wide open space ratio is 5.7-acres of parkland per 1,000 residents. As stated on DGEIS Page 3.7-25, 2025 build-out of the Downtown will result in a 0.2-acre decrease in the City-wide open space ratio, resulting in a 2025 City-wide open space ratio of 5.5-acres per 1,000 residents. As stated in the DGEIS this is well above the New York City planning goal of a ratio of 2.5-acres of open space per 1,000 residents.

3.10.5 *Comment:* “Page 3.7-25. Note that the open space numbers in paragraph 2 do not seem to match those of Pg. 3.7.15 paragraph 2” (YCSA. Written comment: November 14, 2011).

3.10.5 *Response:* The open space numbers contained on Page 3.7-15 reflect the existing (2010) open space ratios for the City of Yonkers and the Downtown, while the open space ratios included on Page 3.7-25 reflect the decrease in the open space ratio for the City of Yonkers and the Downtown at full-build out under the Proposed Action in 2025. The existing (2010) open space ratio in the Downtown is 17-acres per 1,000 population,

while the open space ratio in 2025 under the proposed action is 13-acres per 1,000 population.

3.10.6 *Comment:* “The issue is *proximity* to parkland. Downtown dwellers, without the convenience of a suburban backyard, should have easy access to a place to spread a blanket on a nice day” (YCSO. Written comment: November 14, 2011).

3.10.6 *Response:* Comment noted. See Response 3.1.5 above and DGEIS Section 3.7 for an analysis of parks and open space.

3.10.7 *Comment:* “The GEIS counts the proposed SFC River Park Center’s small amount of open space along the still-buried Nepperhan River toward its open space totals for the downtown. Consider:

1. River Park Center although approved, may never be built or,
2. The SFC partnership may build it to different design specifications or,
3. The project may be sold to another developer who will opt for a redesign” (YCSO. Written comment: November 14, 2011).

3.10.7 *Response:* Comment noted. See Response 3.10.1 above.

3.10.8 *Comment:* “The River Park Center open space is a built environment, consisting of an open seating area along a shopping mall. While “open” in the sense that the sky will float above it, it is neither “green” nor recreational and it is the YCSO opinion that it should not be counted toward the total of public open space in the downtown” (YCSO. Written comment: November 14, 2011).

3.10.8 *Response:* Comment noted. See Response 3.10.1 above.

3.11 Infrastructure, Utilities, and Stormwater Management

3.11.1 *Comment:* “The water impact mentions that the water pressure is merely part of a larger problem. New development and zoning are times to make future projects mandated rather than saying there is an on-going study, and we’ll see where that goes. Saying it is part of a larger problem doesn’t allow you to force the issue now. The EIS should recommend that improvements to the water pressure are mandated as part of the 12-13 year plan” (John Pinegar, Yonkers Resident, Written Letter: October 31, 2011).

3.11.1 *Response:* As noted by the commenter and described in Section 3.8 Utilities, Infrastructure, and Stormwater Management of the DGEIS, there is currently an issue with low flow capacity and reduced water pressure in some areas of the Downtown Rezoning Area. Any new development could have a negative impact on the city-wide

water distribution system; however, flow capacity is an existing issue that extends beyond the Downtown Rezoning Area.

As a result of this existing issue, the City of Yonkers Water Bureau is in the process of modeling the water distribution system, including the flow capacity and delivery of water within the downtown and the city as a whole. The model, which is anticipated to be completed by the end of 2011, would help to identify specific problem areas within the City of Yonkers water distribution system. After this study is completed, the City may take specific actions to address this issue.

Development within the proposed new zoning districts will be required to comply with the provisions of the City of Yonkers' proposed Green Building Standards, which would apply to the design, construction, addition, alteration, change of occupancy, enlargement, removal and demolition of every structure, except one- and two-family dwellings and multiple dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress. The standards would also not apply to equipment or systems that are used primarily for industrial or manufacturing processes. The Green Building Standards, which are based on the International Green Construction Code, will include six major areas of compliance: sustainable site development; responsible waste management; provisions for green transportation; use of healthy and sustainable building materials; provisions for the use of clean energy and reductions in energy usage; and provisions for reduction in water usage.

In addition to the above measures, as part of site plan review, all future development in the Downtown Rezoning Area will be reviewed by the City of Yonkers Water Bureau of the Department of Public Works with respect to water pressure.

3.11.2 *Comment:* "There definitely is a sewer impact. While it is easy to say that 'there is excess capacity now, and that's all we are worried about' may be good for the developer, but it is inadequate for the City Council. Since this treatment plant receives over 90% of all water from the entire county, and since there is the problem of combined storm/sanitary, the city cannot just plan for the current use or the current excess capacity and call it good. If that means planning for another plant somewhere else in the near future, or increasing the capacity of the Yonkers plant, then that should be included as part of the impact and part of long term planning. Yonkers is not the only town that dumps into this plant, nor the only town that wants to grow. I may be biased because I live near the plant, but it is of concern to me" (John Pinegar, Yonkers Resident, Written Letter: October 31, 2011).

3.11.2 *Response:* According to the Yonkers Engineering Department, the North Yonkers Pump Station and Yonkers Joint Wastewater Treatment have sufficient capacity for current and future demands (Meeting on August 18, 2011). It should be noted that the Yonkers

Wastewater Treatment plant does not receive all of water from 90% of Westchester County. There are seven main wastewater treatment plants within the county: Yonkers, Peekskill, Port Chester, New Rochelle, Blind Brook, Mamaroneck and Ossining. The Yonkers wastewater treatment plant serves all of Yonkers, Mount Vernon, Hastings, Dobbs Ferry, Irvington, Tuckahoe, Tarrytown, Mount Kisco and portions of Bronxville, Scarsdale, New Rochelle, Eastchester, Mount Pleasant and White Plains. Most of northern Westchester County does not have wastewater treatment plants due to the geography and New York City water shed. It should also be noted that while the Yonkers Joint Wastewater Treatment Plant currently has excess capacity to treat additional sewage flows, the design capacity of the plant has been exceeded during heavy storm events because stormwater is combined into the present system. Future city-wide mitigation should include measures to completely separate storm water runoff from sewage thus greatly reducing the discharge to the facility. The Westchester County Department of Environmental Facilities currently recommends separating stormwater and sanitary sewer lines for new projects to help improve water quality in the Hudson River and maintain an acceptable capacity at the Yonkers Joint Wastewater Treatment Plan.

There have been past initiatives that have been undertaken to reduce sanitary sewer flow from a regional perspective, including a program in 2003 by the Westchester County departments of Public Works and Environmental Facilities to remove inflow and infiltration in municipal sanitary sewers and reduce sanitary sewer overflows to surface waters, such as the Hudson River. According the Yonkers Engineering Department, the City of Yonkers has a NYSDEC order of consent to conduct its own inflow and infiltration system study, which would extend beyond and include the Downtown Rezoning Area. The inflow and infiltration contribution to the City's combined sewer system from any new project within the Downtown Rezoning Area should be at a rate equal to the water flow of a new project with inflow and infiltration being paid for by the developer on a project by project basis.

Future development projects in the Downtown Rezoning Area have the ability to implement low impact development stormwater management practices, such as rain gardens, bioswales, green roofs, and the use of pervious pavement for net-zero increase of stormwater into the City's combined sewer system. The implementation of these practices on a site-specific basis would help to reduce combined sanitary and stormwater sewer overflows, and thus reduce flow into the North Yonkers Pump Station and Yonkers Joint Wastewater Treatment Plant. The implementation of low impact development practices, coupled with the City's proposed Green Building Standards, would mitigate some of the potential impacts of the proposed Zoning Code amendments.

3.12 Historic and Archeological Resources

No comments received.

3.13 Other Environmental Impacts

No comments received.

3.14 Analysis of Alternatives

No comments received.

3.15 Future Actions

No comments received.

APPENDIX A

COMMENTS RECEIVED ON THE DGEIS

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Proceedings

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CITY COUNCIL OF THE CITY OF YONKERS

PUBLIC HEARING

A SEQRA PUBLIC HEARING ON A PROPOSED REZONING OF APPROXIMATELY 250 ACRES OF DOWNTOWN YONKERS CENTERED ON GETTY SQUARE, THE TRADITIONAL CENTRAL BUSINESS DISTRICT OF THE CITY. THE NEW ZONING WILL INTRODUCE FORM BASED ZONING INTO THE CODE

TUESDAY, NOVEMBER 1, 2011
7: 30 P. M.

City Hall
Yonkers, New York

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PRESENT: CHUCK LESNICK, CITY COUNCIL PRESIDENT
PATRICIA McDOW, Majority Leader
JOHN MURTAGH, Minority Leader
JOAN GROWNOSKI, Member
DENNIS SHEPERD, Member
JOHN LARKIN, Member
WILSON TERRERO, Member
CHRISTIAN DePALERMO, Counsel
VINCENT SPANO, Deputy Clerk, Counsel
LEE ELLMAN, Planning Director

DOUGLASS REPORTING COMPANY
50 MAIN STREET
WHITE PLAINS, NEW YORK 10601
914-946-1276

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1 Proceedings 2

2 CITY COUNCIL PRES. LESNICK: We

3 are opening the public hearing. There was a

4 little ambiguity whether this public hearing

5 started at 7:00 or 7:30. Apparently, there were

6 different notices that went out. What we decided

7 to do was to start the public hearing at 7:00.

8 Patricia McDow has a Real Estate

9 Committee meeting which was also scheduled to

10 start at 7:00. She's going to start first and

11 she going to recess. We will start the public

12 hearing, we will have as many as people want to

13 speak at that public hearing, then recess the

14 public hearing and go to Pat's Real Estate

15 Committee meeting and at the conclusion of that

16 the public hearing, then come back to Rules.

17 (Real Estate Committee)

18 CITY COUNCIL PRES. LESNICK:

19 Thank you, Majority Leader McDow. We are now

20 back in the Rules Committee meeting. Within the

21 Rules Committee this body of all seven Council

22 members, we are going to have a public hearing

23 and the public hearing is going to commence right

24 now. The Clerk will read the call to the public

25 hearing.

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2 MR. SPANO: This is a SEQRA
3 Public hearing proposed rezoning approximately of
4 151 acres of Downtown Yonkers centered on Getty
5 Square, the traditional central business district
6 of the city. The new zoning law will introduce
7 form based zoning into the code.

8 CITY COUNCIL PRES. LESNICK:
9 We have two speakers so far who have signed up.
10 I'd ask the Clerk to call them.

11 MR. SPANO: Terri Joshi filed
12 by Margaret Setterholm.

13 CITY COUNCIL PRES. LESNICK:
14 For the record, at a public hearing you have five
15 minutes as opposed to three minutes at the
16 Council meeting.

17 MS. JOSHI: Says three here,
18 but I am happy to hear it's five. Hi, everybody,
19 good evening. I am Terry Joshi, for Yonkers
20 Community for Smart Development.

21 First thing I really wanted
22 to do since this may be my last public
23 opportunity to extend YCSD's wishes to our
24 parting Council members, Joan Gronowski, Pat
25 McDow, John Murtagh, because the three of you

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2 have been generous with your time and always
3 receptive with everyone's comments and advice
4 from the members of the public and we deeply
5 appreciate it. The three of you will be missed on
6 the Council level. We wish you all the best in
7 whatever you do next.

8 I want to say, the Yonkers
9 Planning Department has also been generous in its
10 effort to involve the public in the original
11 planning for the rezoning of the downtown.
12 Unfortunately, some of the most promising ideas
13 generated in part by the public which were
14 originally met with enthusiasm by Planning
15 Department members and the professional outside
16 consultants have unaccountably disappeared from
17 the Generic Environmental Impact Statement. In
18 particular, the clearly stated public wish for a
19 large central park to serve as a green fulcrum
20 for public respite and relaxation. This
21 intensely built environment has been severely
22 dropped with a group of 250 foot buildings, the
23 proposed Greenport might have been. The GEIS
24 states there is enough parkland citywide to
25 address the requirement for open space for the

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1 Proceedings 5
2 residents in the downtown. The YCSD, too, would
3 prefer to see open space actually in the
Page 4

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4 downtown. The eight acres of open space approved
5 on Chicken Island as part of the SFC project are
6 being counted in this GEIS in total space in the
7 downtown. First of all, it's not actually there
8 yet and there are rumors about that, about the
9 actual fate of the SFC project in the long run.
10 Even were it to be built as approved, the SFC
11 project calls for a heavily built up version of
12 open space, pretty much paid services as part of
13 the mall, and actually some of the daylighting of
14 the Saw Mill River. The Larkin Plaza part, an
15 exciting project, will be hopefully an aesthetic
16 delight, also not the kind of park people can
17 spread out and relax on grass. Neither serves
18 the purpose of a grand park with mature trees and
19 grassy knolls spurred behind it on a sunny day.

20 We have an opportunity
21 here, possibly our last one, to make the downtown
22 as livable as possible, while at the same time
23 increasing its economic viability by providing a
24 kind of quality of life open space.

25 Let's also discuss another

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1 Proceedings 6
2 touchstone that bring renters, buyers and
3 commercial tenants to the neighborhood. The
4 architectural historic beauty with which they are

5 surrounded, Tribecca, SoHo, Paris, the Upper East
6 Side are treasured because they are historic
7 properties. This rezoning plan should include,
8 it does not, specific historic districts within a
9 newly described historic district zone, perhaps
10 the HD zone that can preserve our most important
11 historic properties in the downtown. The
12 Landmarks Preservation Board consultant's report
13 should be an excellent guide in this process.
14 Currently, in this GEIS the historic buildings
15 have been earmarked for lower heights. That in
16 itself is not enough to protect them from razing,
17 as I think we all remember from the Philippe
18 Manor historic district. Historic districts
19 attract the kind of small economic ventures that
20 help create economic vibrancy and street traffic
21 we all want in the downtown.

22 There are many other issues,
23 I haven't had power for about three days now, I
24 haven't actually wanted to read the GEIS by
25 flashlight. YCSD will be definitely submitting

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1 Proceedings 7
2 comments on the shadows and buildings' heights by
3 the November 14th date, and remind everybody
4 watching at home, you can still submit comments
5 to Lee Eilman in e-mail or snail mail by November
6 14th. Thank you.

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7 CITY COUNCIL PRES. LESNICK:
8 Thank you, Terry. I was corrected by the way, it
9 is actually only suppose to be 3:00 minutes,
10 that's what it said in the notice and that's what
11 the Clerk will set the clock for in the future.
12 You had the benefit of the extra 30 seconds.
13 MS. SETTERHOLM: Margaret
14 Setterholm. I live in Yonkers, downtown Yonkers.
15 I grew up in California on the beach, New Port
16 Beach, to be exact, and that's famous for having
17 a beautiful seaside lifestyle welcome to everyone
18 24/7. And when I first came to Yonkers I
19 immediately went to the riverside to see what was
20 back there, assuming the locals would have
21 embraced a great opportunity which is a
22 shorefront. And it was the worst. It was
23 dismal, dangerous. And even when I put my feet
24 in the water a cop appeared, seemed like out of
25 no where, a police boat saying, miss, what are

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1 Proceedings 8
2 you doing? In other words, just having the quiet
3 enjoyment of the water was so highly unusual.
4 It shouldn't be that way.
5 I have been to a meeting
6 about the presentation for the zoning, I have
7 been to every single meeting, all the shows,

8 everything from the very beginning of this
9 downtown zoning project. Now, in the results
10 which I saw the other day, I didn't hear once
11 anything, and I want to applaud the team, they
12 worked very hard on it but I see some things lost
13 and maybe those will somehow come back into view.
14 I don't see an emphasis on public access to the
15 water, and as people, we have the power to
16 establish the theme, the beauty of the
17 shorefront. There's nothing about guaranteeing
18 public access to the water that would include
19 people just going in a correct place and boat
20 launching, kayak launching, canoe launching. I
21 don't see emphasis on small lots divided up for
22 small mom and pop shops. This sort of thing.
23 Rent is sky high, only being accessible to
24 franchises. Has no class, no character, nothing
25 of local charm. And there is no design control.

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1 Proceedings 9
2 We don't want to have something that's on South
3 Broadway, the Safeguard. I know it's a great
4 business, employs people, I don't want to put
5 that down. It doesn't belong, that Safeguard
6 storage place is an eyesore right in the middle
7 of where you have some nice old architecture. So
8 for the small businesses there can be initiatives
9 from the Council for the Small Business

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10 Association to help, state government to help
11 with those enterprises. We don't want to lose
12 that charm in Yonkers on the shorefront.
13 So those are my concerns as
14 someone who has had a lifetime of wonderful
15 shorefront experiences walking around barefoot,
16 enjoying myself at New Port Beach. Why can't we
17 have that here in Yonkers? Something comparable,
18 something human scale and solid. All right,
19 thank you.
20 CITY COUNCIL PRES. LESNICK:
21 Thank you, Margaret. Nobody else has signed up.
22 Just come up to the podium, identify yourself.
23 MR. SABITINO: Michael
24 Sabitino, 10 Deshon Place, Yonkers. I think
25 Terry touched on most of the things that I am

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1 Proceedings 10
2 concerned about. I did want to say I am glad
3 that we do have a plan, finally. For the most
4 part, I looked it over the last week and there is
5 a lot of good things. But there are a few things
6 that do concern me, the park areas, there is not
7 enough park space. There is not enough open
8 areas, and that really concerns me. As Margaret
9 just said, access to the river, I think that's
10 important. That's what's going to be attracting

11 people to the downtown area. So that's one of my
12 biggest concerns.

13 Also, the historic
14 preservation for important historic buildings,
15 and do we need an historic zone? What are we
16 going to do about those historic district
17 buildings?

18 The other concern of mine is
19 that some of the buildings are very high and I
20 have a concern on how the shadowing of those
21 buildings are going to affect the surrounding
22 areas where they cast the shadows. And I hope
23 that that's being looked at because those shadows
24 change at different times of the year. So those
25 are the points that I am most concerned about.

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1 Proceedings 11

2 Thank you.

3 CITY COUNCIL PRES. LESNICK:
4 Thank you, Michael. Barrymore, you're next, but
5 the gentleman here I recognized first. Then we
6 will have Barrymore.

7 MR. PENNESSY: Good evening,
8 Council Members. My name is Daniel Pennessy,
9 general counsel for i-Park. We prepared a
10 statement we submitted to Lee Eilman together
11 with a few comments to the draft EIS.

12 Upon careful review of the
Page 10

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13 proposed rezoning, which included various
14 changes, the uses in the current I-zone district
15 we think it is important to recognize both the
16 historic and current uses that are current at the
17 property. i-Park clearly understands the mission
18 of the city to enhance the existing industrial
19 zone to allow for more flexibility as we
20 contemplate the changing nature of the workplace
21 and potential new industries, such as the
22 biotechnology industry. With this in mind,
23 however, we believe it is important not to remove
24 existing industry uses but rather add some of the
25 potential future uses that may allow the property

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1 Proceedings 12
2 to transition into the future, Kawasaki and many
3 supplier companies clearly engaged in heavy
4 industry use. In fact, Kawasaki, the name is
5 Kawasaki Heavy Industry, Inc.. We think it's
6 important to continue to allow for this and other
7 heavy industry uses which do create job growth
8 for i-Park.
9 Most importantly, as other
10 communities continue to up zone and target
11 gentrification for their industrial areas, i-Park
12 has been firmly committed to industrial
13 development and job creation. Industrial

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14 districts, we believe, will become more available
15 as other communities in Westchester County choose
16 to eliminate many of the current allowable uses.
17 This will continue to provide i-Park with a
18 competitive advantage for attracting new tenants,
19 both now and in the future.

20 On a positive note, it's
21 clear the site where i-Park proposed the Metro
22 Center would benefit greatly from the proposed
23 for offices, back office mixed
24 use/residential/retail and such other uses since
25 it is directly connected to the Yonkers train

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1 Proceedings 13
2 station.
3 We believe this would
4 enhanced the desired objective of generating jobs
5 for the downtown area.
6 In summary, we believe that
7 the existing industrial zone allows for a range
8 of uses that will continue to be important
9 generators of jobs and clearly reflects the City
10 of Yonkers' strong industry past.
11 It is also worth noting that
12 i-Park is the only property that is subject to
13 this new designation. We believe unfairly
14 burdens the i-park both now and in the future.
15 i-Park remains committed to providing a location

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16 for heavy industry use like Kawasaki and other
17 existing tenants and continue to work closely
18 with the City of Yonkers to generate future jobs
19 and the taxpayers.

20 We strongly encourage you to
21 combine the existing industrial zone uses with
22 proposed uses and other objectives. Thank you.

23 CITY COUNCIL PRES. LESNICK:
24 Next speaker, Barrymore.

25 MR. SCHERER: Barrymore L.

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1 Proceedings 14
2 Scherer, 9 Hillside Drive, Yonkers. You have
3 quite a cast in front you, and those who will
4 succeed in office. So I have been part of this
5 in some sort of a way through all these years. I
6 have looked at these various proposals. One
7 thing that concerns me is that somehow I find it
8 hard to feel that the entire proposal is
9 completely independent given the fact that in
10 part it was written or at least contributed to by
11 developers themselves which somehow doesn't make
12 this absolutely good.

13 That said, I have two
14 comments to make. The first, part of the central
15 area of the zoning map marked, demixed. Mixed
16 use includes the blocks bounded by Main Street,

17 North Broadway, Manor House Square, and Warburton
 18 Avenue. These blocks include such significant
 19 buildings as the former main public library,
 20 which have been Wheller(p) block with its
 21 decoration of columns, Odd Fellows Hall, among
 22 other buildings that make up the existing
 23 historic legacy of downtown Yonkers.

24 Looking at the GEIS, it is
 25 simply not sufficient just to protect this area

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1 Proceedings 15
 2 with a 66 foot height limit. Instead, it is
 3 entirely appropriate that the city formally,
 4 traditionally, known as the City of Gracious
 5 Living, zone this crucial portion of the heart of
 6 downtown Yonkers as a specific historic district.
 7 Do it once and for all. That's the first
 8 comment.

9 My second concern is the
 10 downtown central park or the disappearance
 11 thereof. Last year in public meetings the plans
 12 all seemed to included a central park, something
 13 in the center close to central center of town, no
 14 longer in zoning, and one wonders what happened
 15 to it? The downtown region in New York State's
 16 fourth largest city needs a designated open space
 17 in the form of a central park. Somehow it should
 18 be included in the GEIS lists the existing city

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19 parks apparently as a statement that this is
20 sufficient, this is enough. But it is really
21 disingenuous to include all current city
22 parkland, current parkland, as sufficient for the
23 projected additional population, especially when
24 those parks are essentially inaccessible to the
25 current and prospective residents of downtown

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1 Proceedings 16
2 Yonkers. That's my comment. I thank you very
3 much.
4 CITY COUNCIL PRES. LESNICK:
5 Tony?
6 MR. VAN LOAN: I am Tony Van
7 Loan, I represent Hudson River Community
8 Association which is the large community
9 association represents northwest Yonkers.
10 Basically, west of Broadway, north of Ashburton.
11 A good deal of the zoning that has been changed
12 in our immediate area we don't particularly agree
13 with, especially the designation for having,
14 frankly, high-rise buildings down on the Glenwood
15 Avenue area and down on the waterfront adjacent
16 to the Glenwood station. But actually what I
17 came to speak about is just what this gentleman
18 just mentioned and it's going to sound terribly
19 repetitive. I haven't prepared a particular

20 Transcripts.txt
speech for this occasion but, truly, I think one
21 of the big problems with this is that the
22 daylighting of the Saw Mill River adjacent to the
23 Riverfront Library is a lovely idea. I am not
24 putting it down. But it is not right in the
25 middle of downtown Yonkers. There needs to be

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1 Proceedings 17
2 more parkland designated adjacent to City Hall.
3 The projected SFC mall which would be sort of
4 immediately right back there, there was going to
5 be construction across the street involving a
6 hotel and buildings for the fire department, but
7 really very little open space left. And the
8 little tiny sliver of parkland that would go
9 around the new SFC mall, supposing SFC ever gets
10 the financing to build it, it's really not going
11 to be adequate for the number of people even who
12 are already in the neighborhood. That certainly
13 is a concern and it is something that the zoning
14 commission needs to revisit now to think about
15 designating a larger area that would be for
16 future use, not already built on.
17 I am trying to think of a
18 better way to put it, I am not stating this too
19 gracefully, I apologize for that, I wish you all
20 the very best for the evening. Thank you very
21 much.

Transcripts.txt

22 CITY COUNCIL PRES. LESNICK:
23 Thank you very much. Just to remind folks, we
24 have sign up sheets on the podium, people can
25 sign up. If I don't see any in the queue which I

StenoCAT 32 Sample Template

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1 Proceedings 18
2 don't have right now, I'll either recognize
3 people when they want to speak, if not we will go
4 to the Real Estate Committee and come back and
5 continue this afterwards. So is there anybody
6 who would like to speak now?
7 MR. HOTHAN: Robert Hothan, 2
8 Bashford Street, Yonkers, New York. So I have
9 two photographs I'd like to pass around. These
10 were taken today at 1500 hours, otherwise known
11 as 3:00 in the afternoon, November 1st. They are
12 of a light post, and I measured the height of the
13 light post on November 1st at 3:00, and the
14 shadow that was caused by it. The light post is
15 16 feet and the shadow cast is 48 feet. So I
16 think we need to understand that if we have a 250
17 foot building in that vicinity or anywhere for
18 that matter, the buildings north of that
19 structure will be adversely affected by that
20 shade.
21 Now shading may not seem very
22 important now, however, there will come a time in

23 Transcripts.txt
our society that we are going to be relying on
24 more solar energy, either passive or active. So
25 I brought along one of my textbooks and I want to

StenoCAT 32 Sample Template

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1 Proceedings 19
2 read one paragraph hear, unwanted shading had
3 occurred from trees, vegetation structures and
4 other raise poles and wires, as a general rule
5 should be free of shade between 9:00 a.m. and
6 3:00 p.m.. The optimum collection time frame is
7 called, the solar window. Shadowing is often a
8 greater problem during the winter months. Winter
9 months is when the shadow is the longest. The
10 hours of daylight are the shortest and,
11 therefore, the sunlight is most precious.
12 Shading corresponds with the sun's altitude in
13 the winter when the shadows are longer for
14 locations in the northern hemisphere, December
15 21, should be used as the worst case shadow
16 calculations. That's very important. The winter
17 solstice is the darkest time of the year and,
18 therefore, it should be used in our calculations
19 and which, unfortunately, after reviewing the
20 study I did not see any shading analysis for
21 December. And I think it's very important. And
22 therefore, I would also like to say that 3-D
23 modeling can be altered and may not always be
24 very realistic. Therefore, an actual tactile

Transcripts.txt

25 model would be much more preferred. Thank you.

StenoCAT 32 Sample Template

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1 Proceedings 20
2 CITY COUNCIL PRES. LESNICK:
3 Doesn't count on your time, can you cite the
4 source you were reading from?
5 MR. HOTHAN: This is out of
6 SCI, Solar Energy International, it's the design
7 and installation manual.
8 CITY COUNCIL PRES. LESNICK:
9 Thank you. I guess we will enter these into the
10 record and figure out how we put them in. Next
11 speaker?
12 So we are going to recess
13 this portion of the public hearing and reconvene
14 it after the Real Estate Committee.
15 (Recess)
16 CITY COUNCIL PRES. LESNICK:
17 The Chair of the Real Estate Committee has
18 recessed the Real Estate Committee momentarily.
19 We are now back in the
20 public hearing and it's approximately 8:36. This
21 is within the hour of the 7:30 start time that
22 the public hearing was noticed in the newspaper,
23 also noticed several other places.
24 If there is anybody hear in
25 the room that came to speak on the public hearing

1 Proceedings 21
2 on the downtown rezoning who did not speak
3 earlier, would you like to come to the microphone
4 now?
5 Identify yourself for the
6 stenographer.
7 MS. REEVES: Ivy Reeves,
8 resident of Yonkers. I am here again only for
9 the open space, green space that we have always
10 talked about and I am hoping that we are going to
11 get that. A lot of our people are looking for
12 parks. A lot of parents they don't want to go to
13 other towns, so we really need some open spaces
14 and green spaces. There's a lot of other stuff
15 but I will just speak on that for right now.
16 Thank you.
17 MS. CANTY: Geraldine Canty,
18 resident of Yonkers. I wanted to say that I was
19 shocked when I saw the presentation last week. I
20 remember the discussions, and for me this seemed
21 to be a different set of things behind what was
22 being designed at that point. That somehow it
23 felt it was going to be much more community
24 oriented, much more open. Something where we
25 would all have pleasure in going into this new

♀

1 Proceedings 22
2 downtown. The impression I got through the 3-D
3 images really was that in fact we are going for,
4 as Ken Deardon, said more density, density,
5 density. And I don't know if that's the answer.
6 We have been aiming for density, we have been
7 talking about new buildings, we have been talking
8 about bringing people in. It's not worked. So
9 maybe we have to actually rethink our downtown
10 plan all together and look at what our strengths
11 are and not necessarily build towers up front. I
12 have said this before, I don't want lots H&I, I
13 don't want the Teutonia tower. And I don't want
14 the Alexander Street towers. I want open space
15 and I want to feel as if I am down on the
16 waterfront and I want to have access to the
17 waterfront and be able to enjoy it. And I
18 believe that everyone else in the city would
19 prefer that to new buildings, corridors --
20 somebody said to me, well, we are preserving the
21 view sheds from City Hall. How many of us
22 actually live in City Hall or even look out of
23 the windows in City Hall? So we want view sheds
24 for the people.
25 CITY COUNCIL PRES. LESNICK:

♀

1 Proceedings 23

2 Nell Twining?

3 MS. TWINING: The proposed
4 plan has failed to provide enough open and green
5 space which is sorely needed in the downtown.
6 Attention should have been paid to establishing
7 an actual historic zone, and I think it's a huge
8 disappointment that that has not been
9 acknowledged. And I'm also very concern about
10 the height and bulk represented of the proposed
11 plan, and in particular, the proposed locations
12 of maximum height and bulk. And I am concerned
13 that these locations and this height and bulk
14 will have a very huge adverse effect on our
15 historic resources in the downtown.

16 CITY COUNCIL PRES. LESNICK:
17 Donna Ingram?

18 MS. INGRAM: Donna Ingram,
19 also a citizen of Yonkers. I'd like to just
20 state that I agree with all the points that Nell
21 made, so please, count me in on that.

22 MR. GRIZONE: My name is Peter
23 Grizone, a resident of Yonkers. I'd like to echo
24 some of the concerns that have been stated about
25 the green space, or lack of meaningful open

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space. I do realize there is a need for some density, I think density around the transit hub makes a certain amount of sense, but I think some of the towers are kind of extreme. Extreme juxtaposition. One in particular, across from Phillipse Manor, and then, of course, Teutonia Hall, also. And I think density can be achieved in other ways and maybe more gradual ways that have a better urban fabric, graduated urban fabric rather than big spikes in certain areas.

I think Teutonia Hall people talk about the shadows, that's an issue. Just the Teutonia Hall right next to the Trolley Barn which was renovated very nicely and 66 Main Street is a very nice building. Teutonia Hall is not. It's a bad proposal and I think it's bad for the potential of Yonkers and we don't want to damage the potential. We are trying to think of the big picture and I don't think that we need to rush into large buildings that can hurt the matter. Thank you.

CITY COUNCIL PRES. LESNICK:

MR. MONANTE: Peter Monante.

I want to say congratulations, and hopefully

2 business and profit in the City of Yonkers and I
3 like when the City of Yonkers is successful and
4 coming out with brilliant ideas. That's all I
5 wanted to say thank you.

6 CITY COUNCIL PRES. LESNICK:
7 MR. STATULE: Bernard Statule,
8 I am a citizen of Yonkers, also, commercial real
9 estate broker for 20 years in the city. I
10 represented a lot of properties downtown
11 throughout Yonkers. A lot of properties downtown
12 some with very large footprints. There has been
13 very little interest by developers, by industrial
14 users, by retail stores to go in there. There
15 just has not been the density that we are talking
16 about trying to bring. We need to commend the
17 city right now because at a time when you can't
18 get things downtown, Yonkers continues to grow.
19 What's happening down on Alexander Street, what's
20 happened Forest City is great. What's happening
21 now with the changing the zoning. It's a very
22 good sign and important to consider that. I
23 support the new change in zoning. I support the
24 work that Deardon has been doing, and if things
25 get too dense and more parkland as things move on

StenoCAT 32 Sample Template

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1 Proceedings 26
2 things can be changed later. But to stop these
3 things now before they can come I think is really
Page 24

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silly. So that's what I'd like to say. Thank you.

CITY COUNCIL PRES. LESNICK:

MS. BOYD: My name is Theresa Boyd. I am a citizen of Yonkers. I'd like to say the importance of parks cannot be understated. The importance of the people of Yonkers have spoken, that's what they want should not be, it should be taken very seriously. That's it.

CITY COUNCIL PRES. LESNICK:

Okay. So if there are no further speakers on the public hearing we will close the public hearing.

* * * * *

StenoCAT 32 Sample Template

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Proceedings
C E R T I F I C A T I O N

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STATE OF NEW YORK)
) SS.
COUNTY OF WESTCHESTER)

I, Lynn Farrell, Court Reporter and Notary Public within and for the County of Westchester, State of New York, do hereby certify:

That I reported the proceedings that are hereinbefore set forth, and that such transcript is a true and accurate record of said proceedings

AND, I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand.

Lynn Farrell

Subject: FW: Yonkers Re-zoning Plan

Sent: Monday, October 31, 2011 3:26 PM

To: Lee Ellman

Subject: Yonkers Re-zoning Plan

Lee,

I am taking this opportunity to make a few comments on the proposed re-zoning plans and design review plans in the EIS that are up for comment. I have the following remarks directed to the following issues.

1. Part of the EIS addresses the impact of shadows on the surrounding area. The EIS says there is no impact. However, this is patently absurd. When you have areas that are being re-zoned to accommodate buildings up to 250 feet in height, and so forth, especially in areas that have potential view impacts to the Hudson River, there is a definite effect of the shadows on the surrounding neighborhood. Though there is some mention of the token effort to maintain view to the river, by definition the building heights will cast shadows from the west to the east and from the south to the north, putting some previously sunny areas in partial or permanent shadow.
2. The design review makes mention of requirements for buildings in the new zones, and seems to provide for a massive amount of homogeneity in any new structure being built or remodeled. It requires evenly rhythmical window placement as well as uniform façade height and so forth. The sample photos would seem to request, if not require, that everything look the same. Architects are ingenious people and have the ability to create diversity that fits within the fabric of the existing built-up community. Tying everything to such a monotonous guideline of uniformity as proposed by these design review guidelines does not lead to diversity but crushing sameness.
3. While it is true that the Saw Mill daylighting and the waterfront park will qualify as open public spaces, as well as a proposed greenspace for the Larkin Plaza project, it behooves the city to plan for something a little more than the pocket parks that exist and are in the works. Neither of the mentioned projects are much more than pocket parks, and more substantial public open space should be included in this plan.
4. The notation for parking suggest that one of the alternatives is to allow the market to determine the parking quantities. I think this should be much more a 'build good inexpensive parking and people will use it' than 'we'll build it when we think people will be willing to pay for it'.
5. The water impact mentions that the water pressure is merely part of a larger problem. New development and zoning are times to make future projects mandated rather than saying there is an on-going study, and we'll see where that goes. Saying it is part of a larger problem doesn't allow you to force the issue now. The EIS should recommend that improvements to the water pressure are mandated as part of the 12-13 year plan.
6. There definitely is a sewer impact. While it is easy to say that 'there is excess capacity now, and that's all we are worried about' may be good for the developer, but it is inadequate for the City Council. Since this treatment plant receives over 90% of all water from the entire county, and since there is the problem of combined storm/sanitary, the city cannot just plan for the current use or the current excess capacity and call it good. If that means planning for another plant somewhere else in the near future, or increasing the capacity of the Yonkers plant, then that should be included as part of the impact and part of long term planning. Yonkers is not the only town that dumps into this plant, nor the only town that wants to grow. I may be biased because I live near the plant, but it is of concern to me.

Many of the ideas are well thought out and comprehensive, though I do not approve of a 250' high Buena Vista Teutonia building, which the new zoning allows for. I have already spoken out about this project. I think these items I cite above need to be re-thought, and the actual impacts perhaps revised.

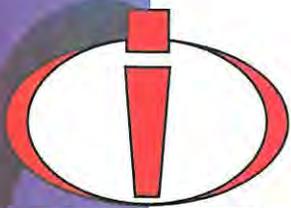
Thanks for letting me vent,
JP

John Pinegar

LEED AP
associate

GRUZEN SAMTON architects llp
320 west 13th street, 9th floor
new york, ny 10014.1200
t. 212.477.0900
f. 212.477.1257
www.gruzensamton.com

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Thank you.



i.park

November 1, 2011

Mr. Lee Ellman
City of Yonkers
40 South Broadway
Yonkers, New York 10701

Re: *The Proposed D-IRT Zone*

Dear Lee:

The Proposed D-IRT Zone

Upon careful review of the proposed rezoning for the i.park property, which included the various changes to uses in the current I Zone, we think it is important to recognize both the historic and current uses that are occurring at the property. i.park clearly understands the mission of the City to enhance the existing I Zone to allow for more flexibility as we contemplate the changing nature of the workplace and of potential new industries, such as bio-tech. With this in mind, however, we believe it is important not to remove the existing industrial uses, but rather add some of the potential future uses that may allow the property to transition to the future.

Kawasaki Heavy Industry

Kawasaki & its many supplier companies clearly engage in a heavy industrial use. In fact, Kawasaki's name is Kawasaki Heavy Industries Inc. We think it is important to continue to allow for this and other heavy industrial uses, which do create job growth for i.park. Most importantly, as other communities continue to up zone and target gentrification for their industrial areas, i.park has been firmly committed to industrial development and job creation. This I Zoning, we believe will become more valuable as other communities in Westchester County chose to eliminate many of the currently allowable uses. This will continue to provide i.park with a competitive advantage for attracting new tenants, both now and in the future.

www.ipark2000.com

Benefits of Increased Height

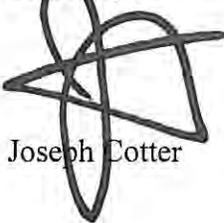
On a positive note, it is clear that the site where i.park had proposed the Metro Center would benefit greatly from the proposed height increase to allow for 250 feet buildings, which would be ideal for office/back office/mixed-use (residential) since it is directly connected to the Yonkers Train Station. We believe this would enhance the desired objective of generating jobs for the downtown.

Summary

In summary, we believe the existing I Zone allows for a range of uses that will continue to be important generators of jobs and clearly reflects the City of Yonkers' strong industrial past. It is also worth noting that i.park is the only property that is subject to the new D-IRT designation which we believe will unfairly burden i.park both now and in the future.

i.park remains committed to providing a location for heavy industrial uses like Kawasaki and we will continue to work closely with the City of Yonkers to generate future jobs and tax base. We strongly encourage you to combine the existing I Zone with the proposed additional uses and density.

Sincerely,

A handwritten signature in black ink, appearing to be "Joseph Cotter", written over a printed name.

Joseph Cotter

cc: Sharon Ebert

Subject: GEIS Comments

From: Luis Perelman [mailto:eselp@optonline.net]

Sent: Sunday, November 13, 2011 5:34 PM

To: Lee Ellman

Subject: GEIS Comments

The Blue Door Artist Association – www.bluedoorart.org - is a not-for-profit organization dedicated to bringing the arts to local communities throughout Westchester that are currently underserved by art programs and exhibition venues. *The Blue Door* is the successor to *Art of Main Street*. We have an active participant in the cultural life of Yonkers for the past ten years and has the only art gallery in the city.

In looking through the GEIS for the Yonkers Downtown Rezoning, we see that there is no discussion of public art. We would have expected that the Design Guidelines would have recognized the importance of public art as an enhancement to the cultural and economic health of the community. We suggest the incorporation of sculpture and murals be incorporated into new and adaptively reused development projects.

Public art enhances the Yonkers environment in the following ways:

1. Attraction of a higher quality architectural style in urban settings
2. Encouragement of foot traffic as Downtown visitors and residents linger near newly installed art
3. Encouragement of the relocation of artists and artisans to the Downtown area, bringing an artistic vibrancy that has been proven to enhance the rejuvenation of urban areas across the country, from NYC's SOHO and Williamsburg to Portland, Oregon's entire downtown.

In particular, we think that the Rezoning KEY STREETS would be an important corridor for the placement of permanent and rotating art exhibits, and that a requirement for appropriate spaces for art installations and/or exhibitions should be included in the planned rezoning.

Peter Girzone
87 Franklin Avenue
Yonkers, NY 10705
917.664.7778
pgirzone@gmail.com

11.14.2011

Dear Mr Ellman:

I write to you as a concerned Yonkers resident and homeowner about the proposed Downtown Yonkers Rezoning and DGEIS. My wife and I very enthusiastically call Yonkers home since we moved our young family here from Manhattan five years ago. We considered the other boroughs, and other communities in New Jersey and in Westchester County, but in the end nothing came close to matching the attributes (great old ring suburbs, sense of community, diversity, industrial base, proximity to New York, commuter lines, hilled topography, and the layout and historic if downtrodden fabric of downtown), and potential for growth that we found so compelling in this beautiful river city amidst the network of parkways connecting it to the larger region.

I was born and raised upstate in Troy, NY, another industrial Hudson River city with its own Proctor's Theater and great architecture from its affluent past. I feel a strong connection to the history and topography of the Hudson Valley and Yonkers in particular and as an architect, I am in love with its potential to be a great city, even a model city of 21st century living.

It is by way of this introduction that I want to state my concerns with this rezoning proposal. If we are really serious about the long term goal of making Yonkers great, we need to see that our planning efforts should not cede to developers' narrow, short term interests over the enduring best interests of the City of Yonkers. I am pro-development and do not wish to cast developers as villains. They are initiating this process and are taking risks and we obviously need and benefit from their partnership. But they, by the nature of the business are primarily looking out for themselves. It is our role as citizens and that of our elected officials and agencies to articulate our end of this partnership and assert our long term interests and I do not think we are doing that as well as we must.

I laud the simplification of districts and the move to form-based zoning, but the stated intention of this type of planning is to limit the impact of tall developments on historic buildings. The proposed zoning map seems to grossly miss the mark in five properties downtown.

Permitted Maximum Height Map

Specifically:

1) The property at the corner of Warburton and Nepperhan- the maximum permitted height (250 ft.) completely overpowers Philipse Manor and the traditional fabric (66 ft.) lining Warburton and North Broadway in this otherwise sensibly protected zone (see sketch S1)

2) The property on the west side of Buena Vista Avenue between Hudson and Prospect- the maximum permitted height (250 ft) completely overpowers the Trolley Barn, the narrow residential street and the adjacent low density neighborhood to the south. (see sketches S2 & S3)

3) Three other properties between Warburton and Buena Vista- the maximum permitted heights will allow buildings that would disrupt the urban fabric with heights 15 to 19 stories taller than their immediate neighbors on both sides. (see sketch M1 for the 5 properties in question)

The attached sketches (S1, S2 & S3) illustrate the implications of the height map on the two most extreme instances which quite honestly give the appearance of being unplanned. The five maximum height designations shown on attached sketch (M1) represent a condoned free-for-all that will seriously and forever squander the precious potential for a coherent fabric of great streetscapes mixing new with historic, achieving the dynamic unity that will be a large part of the attraction for the young new industrial workers and creative professionals whose presence will be required to keep the developers interested in the long run.

The concern I have is not with density close to the train station. This is the necessary and sustainable response to this proximity to transit. Neither is my concern about the changing character of neighborhoods as I encourage their change, but only if the process respects our significant inherited buildings and surroundings and proceeds with a coherent vision of each district and the city as a whole. The grave concern instead is for the 'out-of-character' building heights shown on attached sketch (M1) that have no other justification than to satisfy the property owner's wishes or demands to maximize their investments. Larkin Plaza District and Buena Vista District north of Prospect Street as shown on attached sketch (M2 – Alternative Height Map) could attain similar density by spreading higher maximum heights (and investment opportunities) over the urban fabric rather than concentrating it in overpowering towers. The result of this alternative approach would be a graduated fabric (no jarring scale changes) without sacrificing much if any needed density.

We do not get a second chance at these decisions regarding our future. **If the only way the math works for the developers in any of these five properties is to compromise our wise long term plan, I think we can afford to, and must wait for the math to get better - and it definitely will as the revitalization progresses.** The good will earned by producing two very good projects (66 Main and the Trolley Barn Renovation) should not indebt us to the developers of Buena Vista Teutonia Tower to the point of permitting this detestable proposal for Yonkers.

Open Space

The last concern that I want to make is that there does not seem to be a robust enough strategy for downtown open space accessible for all. The day lighting of the river will be a positive amenity but it does not address the need for larger gathering events that a larger park would provide.

Real Estate used for a successful open space is should not be thought of as a lost opportunity for developers, but quite the opposite, it could be recognized as an opportunity catalyst.

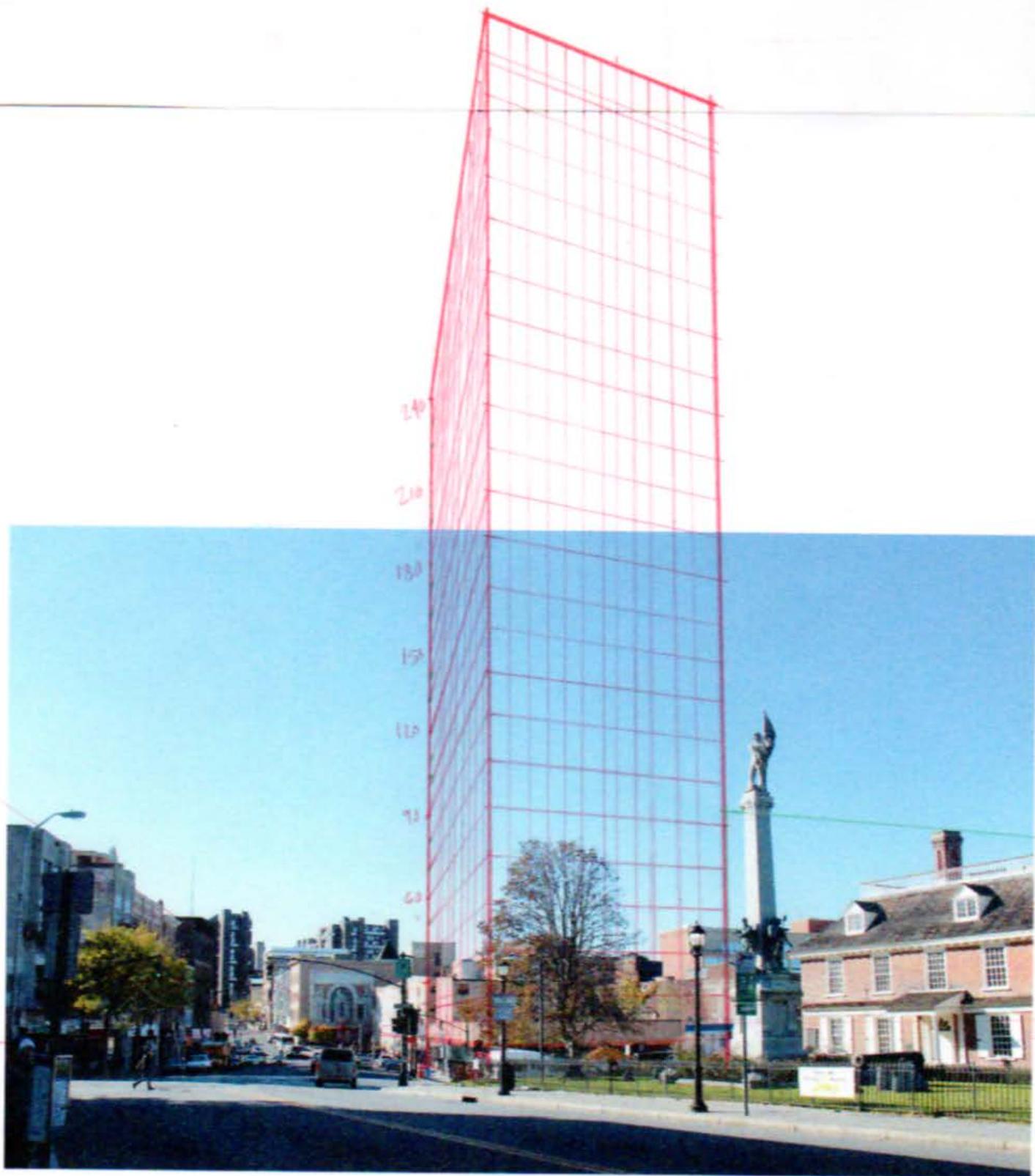
4) Some related ideas regarding a central open space that could be explored are shown on attached sketch (M3). - Expansion of Washington Park.

1. Washington Park is a pleasant space, but the steep grade keeps it from being significantly used by people other than those who work in the adjacent buildings.
2. City Hall is grand, but physically dissociated from the commercial ground of the street.
3. The views from the top of the hill are incredible - an excellent and under used way to appreciate the city.
4. Government Center Garage could be made to structurally handle a deep garden roof to support medium sized trees.
5. Washington Park could be expanded over the Government Center Garage and bridged over Main Street to expanded roof top programming (baseball field already planned) to engage the planned housing tower and other commercial opportunities and also bridged over Palisade Ave. to a grade level connection atop Overlook Terrace and Locust Hill.
6. This would form an elevated green promenade from Waring Park to Overlook Terrace that would connect City Hall with an expansive central public space connecting city government with the commercial and entertainment realms while creating a new amenity with numerous commercial opportunities requiring the use of rooftops only.

Yonkers is brimming with opportunity and if it is not frittered away by bad decisions, the opportunity will continue to grow for future development and ultimately, the betterment of the City of Yonkers.

Sincerely,

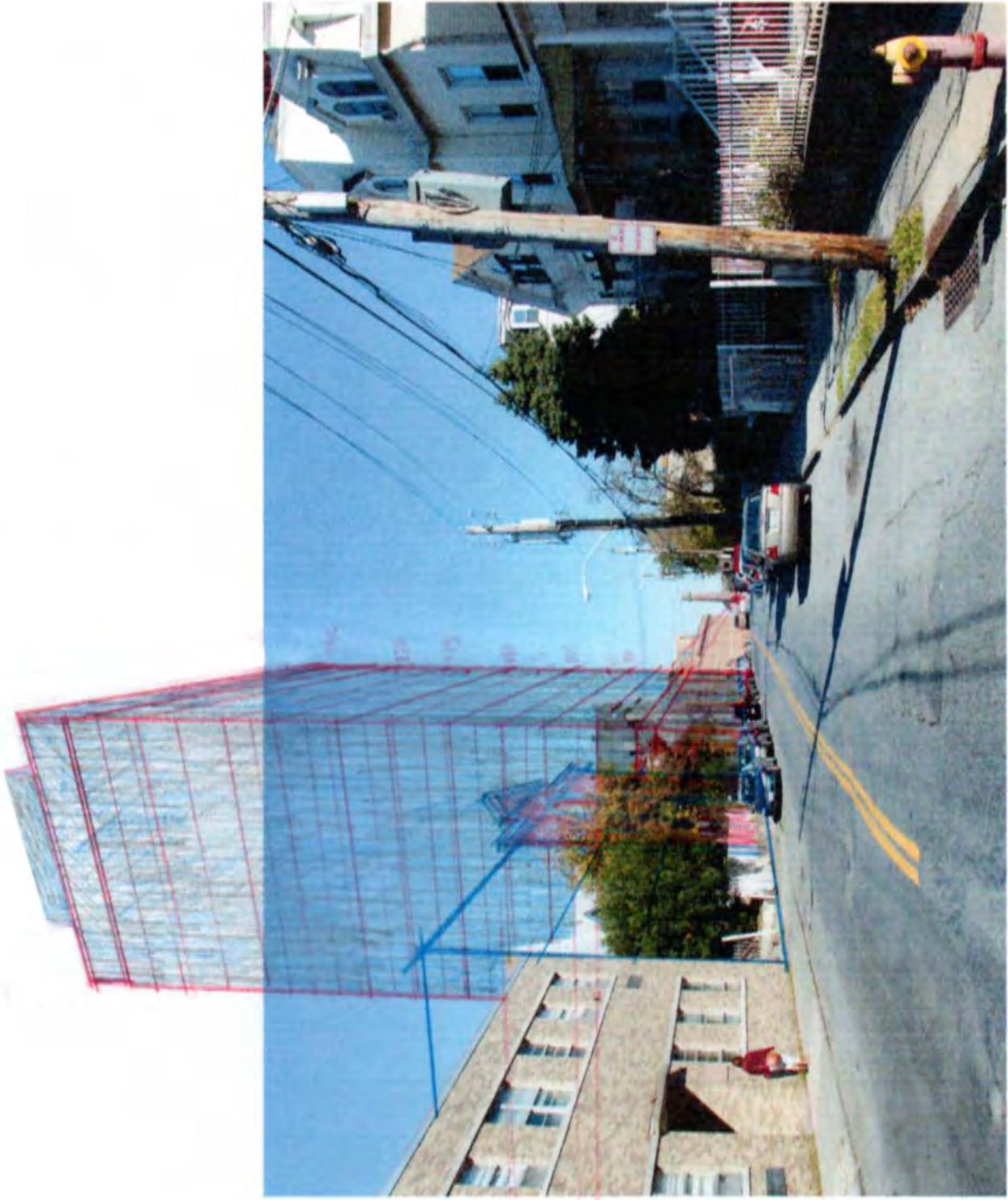
Peter Girzone



25 STORY TOWER

PERMITTED IN REZONING PROPOSAL

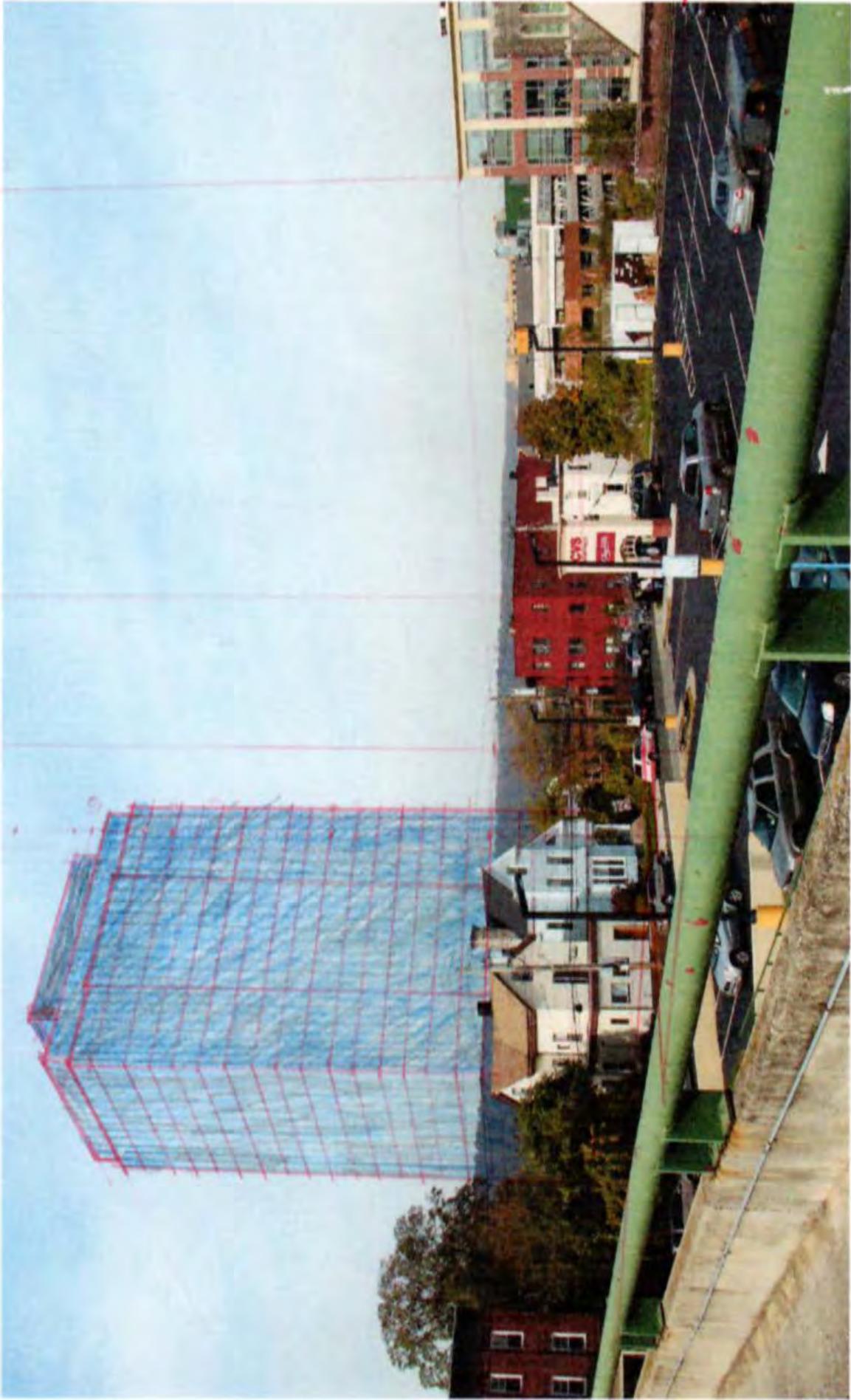
SI



25 STORY TEUTONIA TOWER

PERMITTED IN REZONING PROPOSAL

S2



25 STORY TEUTONIA TOWER

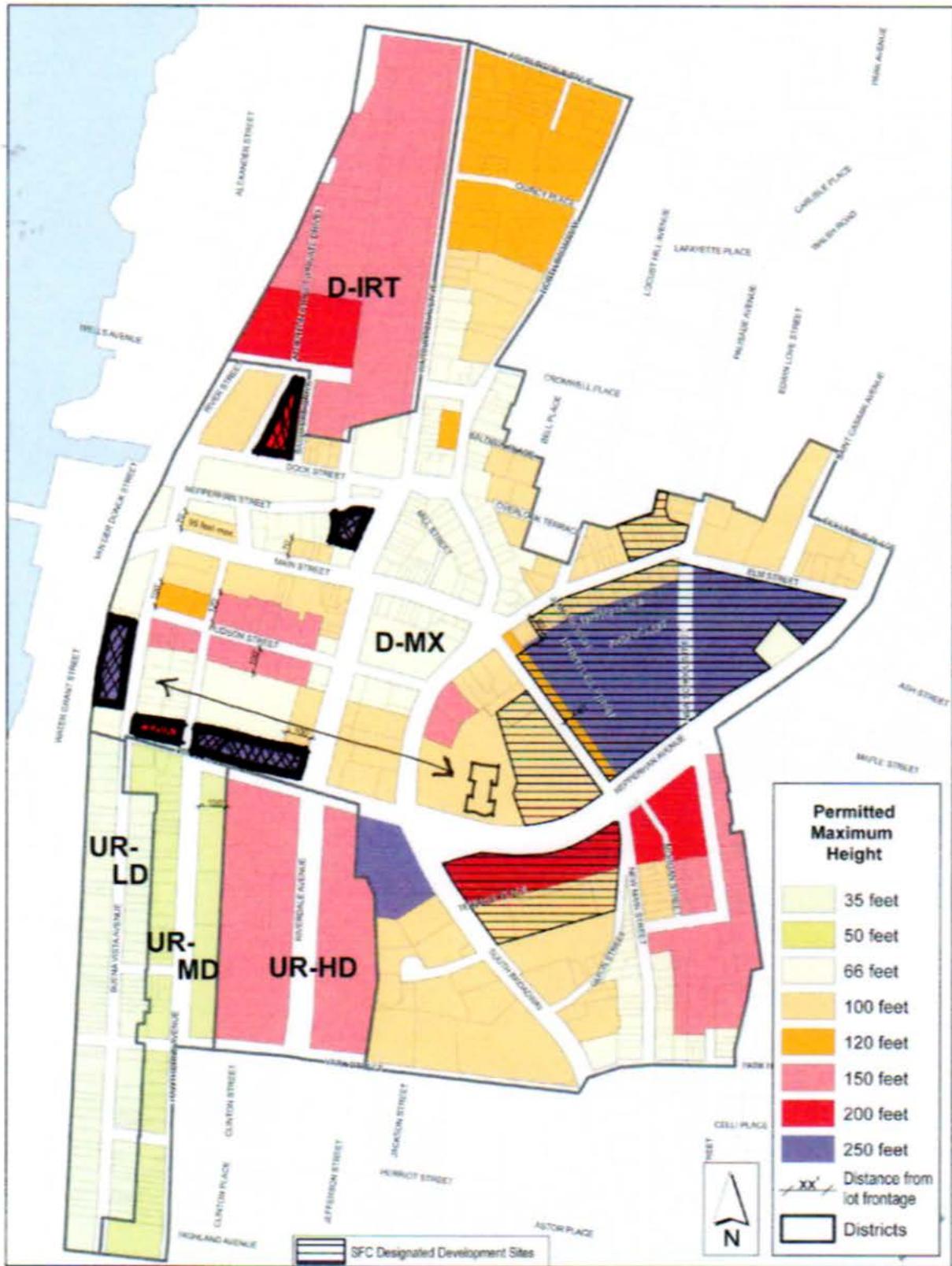
PERMITTED IN REZONING PROPOSAL

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PLANNING DEPT. HEIGHT MAP

M1

AREAS OF CONCERN



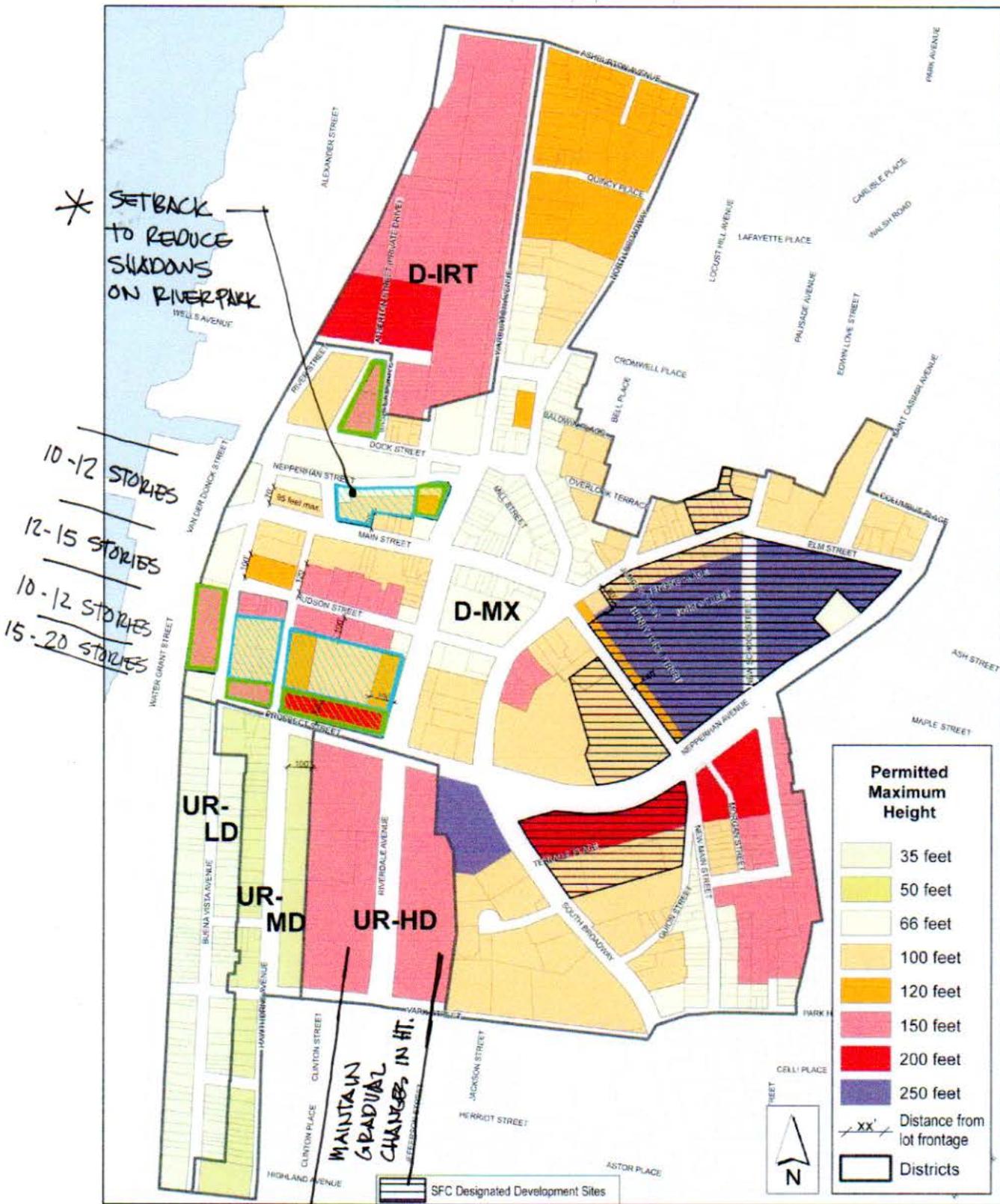
DISRUPTIVE PERMITTED HEIGHTS

HEIGHTS KEPT LOW TO ACHIEVE VIEW CORRIDOR BETWEEN CITY HALL AND BUENA VISTA (TEUTONIA) TOWER

ALTERNATIVE HEIGHT MAP

M2

COMPARISON



- ADDITION TO MAX. HT. AS COMPARED WITH PLANNING DEPT. PROPOSAL
- REDUCTION TO MAX. HT. AS COMPARED WITH PLANNING DEPT. PROPOSAL

OPEN SPACE

M3

EXPANSION OF WASHINGTON PARK



-  OPEN SPACE ON ROOF OF GOVT. CR. PARKING (CONTINUOUS W/ WASHINGTON PARK)
-  EXPANDED ROOFTOP PROGRAMMING (POTENTIALLY) LINKING PARK W/OVERLOOK TERRACE
-  ACCESS DOWN TO STREET LEVEL
-  COMMERCIAL OPPORTUNITIES AT OPEN SPACE PLANE
-  SFC DEVELOPMENT ZONES

Subject: FW: zoning

From: Rob Hothan [mailto:hothan_inc@yahoo.com]
Sent: Monday, November 14, 2011 5:01 PM
To: Lee Ellman
Subject: zoning

Lee,
Thanks for a great zoning proposal. I especially enjoyed the change in the parking requirements and am hopeful that I will rent my spaces easier when that is enacted into law.

Although I feel that this zoning proposal is a great start it can be improved upon. Since studying in Europe I have been introduced to a system of construction called PassivHaus design. It's been termed the building that nearly heats it's self. This is possible thanks to the high performance construction of the building envelope, including the triple pane glazing. These windows are able to allow the sun to heat the building during the heating season. I would not have believed it until I actually worked as a intern in a passivhaus architects office. Europe has constructed over 20,000 PH buildings (North America has maybe 10). The key is to allow sunlight to strike the glazing during the winter. This is directly related to the new zoning proposal and the height allowances.

I have included some pages from 3 text books on the topic of solar access, planning, massing, shading. I have highlighted the areas that are pertinent. They are sent under a separate email.

Also
when I requested to have a physical model of the downtown and the proposed massing of the buildings this is due to the below observations...

according to the book by Norbert Lechner, Heating, Cooling, Lighting: Sustainable Design Methods for Architects, third edition page 142... **"Graphical tools are awkward and/or misleading. Experience has shown that although computer models are powerful, physical models are still better. It is well known that a picture is worth a thousand words, but it is less known that a model is worth a thousand pictures. Physical modeling is easy to understand, infinitely flexible, and inexpensive once you have a heliodon, and some heliodons are very inexpensive."**

Considering the permanent and "life altering" consequences of a revised zoning ordinance for the downtown, it is imperative that we take all intelligent measures to investigate the ramifications of such a change. This includes creating a physical model and performing the daylight analysis.

Robert Hothan

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DOWNTOWN YONKERS REZONING
Draft Generic Environmental Impact Statement

Written Comments by
The Downtown/Waterfront Business Improvement District, Inc. of Yonkers

November 14, 2011

The YBID strongly supports rezoning because almost no as-of-right redevelopment is feasible under the current zone as evidenced by the fact that all recent projects of notable scale (both built and proposed) required a variance or PUR. Specifically:

1. We would like to acknowledge the City Council as Lead Agency, and the Department of Planning and Development for running a transparent process that has had ample opportunity for public review and input.
2. We support the inclusion of housing as an approved use in the downtown. The process of securing a special use permit – public hearings, City Council approval, etc. – is burdensome for the property owners and inefficient for the governmental agencies that use their time authorizing housing in the downtown. In support of this position, we could not find an example of the special use permit ever being rejected for live/work units. But, we wonder how many redevelopments have been postponed because of the limitations on housing in the Central Business zone.
3. We support the elimination of parking requirements for redevelopment of existing buildings. The current requirement is onerous for both residential and business development as it does not account for the relative size and scale of potential projects; without this change many small, infill projects are not currently feasible.
4. We appreciate that the zoning is flexible so as not to preclude the preservation of open space if, in the future, the City or civic-minded groups decide to commit funding to the acquisition and maintenance of additional parkland in the downtown.
5. The YBID provides services to downtown property owners, businesses, and residents. Section 3.2.1 (“Existing Conditions”) and/or Section 3.7 (“Community Facilities and Services”) should include a discussion of current services provided by the YBID. Is there an anticipated change in the role or demand for the YBID’s services with the increase in new residents (figure 3.7-5: Estimated Number of New Residents (2025)) and businesses?

Submitted on behalf of the YBID board of directors by:

Kenneth W Dearden
Chairman

Steve Sansone
Executive Director

**YCSD PUBLIC HEARING WRITTEN COMMENTS
SEQRA GEIS, DOWNTOWN YONKERS REZONING
November, 2011**

It seems to the YCSD Team that the more important portion of the GEIS is not the actual proposed Zoning Map. Rather, it is the *Proposed Downtown Building Heights* that should take precedence in Lead Agency review. We ask that the Lead Agency study the Building Heights very carefully. All the EIS studies – traffic patterns, shadow, light and air, public infrastructure uses – are a product of *the Proposed Building Heights* rather than the more basic zoning that will underlie these Building Heights regulations.

YCSD would like to note that the unique topography of the Yonkers downtown provides its own ultimate limits on the amount of tall buildings and density that can be accommodated in this bowl-like area. Perhaps the standard viewshed model of urban redesign, which functions well when the area in question is laid out in a grid, simply won't work in the cluttered, higgledy-piggledy Yonkers urban core! Perhaps we should use the physical sites of City Hall (on its promontory) and St. John's Episcopal Church (along the original Indian trail) as guidelines for height (CH) and the layout of downtown design (as buildings and pedestrian walkways radiate out and away from its historic church and city center.)

A. ZONING INCONSISTENCES AND HISTORIC PRESERVATION

1. Proposed Zoning/Proposed Downtown Building Heights Inconsistencies

There are some startling points at which the Proposed Zoning Regulations and the Proposed Downtown Building Heights are actually at odds with one another. The worst potential impact of these inconsistencies may well be to the most historic blocks in the city. Unless these conflicting zoning allowances are resolved, it is vital that the city incorporate an historic district zone into Proposed Zoning.

YCSD has stated throughout this process that an historic district zone is a necessary component to any thoughtful rezoning and master plan of the Yonkers downtown, which still has a magnificent complement of historic blocks that should be preserved. This is even more urgent if the GEIS is approved without addressing the potential danger it contains to the historic buildings within the proposed D-MX Zone.

a. * D-MX Zone (GEIS Figure 2-4; Figure 2-5; Pages 2-11 & 2-12)

The Mixed-Use Zone encompasses the bulk of the Proposed Zoning area. The Proposed Building Height maximum is 66', or between 5-7 stories, with exceptions noted on Figure 2-5. As one can see by looking at Figure 2-5, the most historic blocks in the city (the Wheeler Block; the Mill Street are;, North Broadway as it travels from the Wheeler

Block past Odd Fellow Hall; the Riverdale Avenue frontage between Manor House Square and Main Street) are all within the 66' height allowance. As this is approximately the height of most of the existing properties, it would appear that there is little incentive for a developer to seek to demolish and rebuild on those sites, thereby essentially creating an historic district by default. But is a default protection good enough?

IF ONE TURNS TO APPENDIX A:

*** § 43-X8, Pages 40 & 41, Special Regulations for Designated Development Sites**
Designated Development Sites are permitted within the D-MX Downtown District.

Note: developers have 3 years from the time of GEIS approval to essentially assemble, and although it is not clear in this document, to presumably apply for and be granted a Designated Development Site. *YCSO would like clarification on the 3 year limit: why and how was this concept floated?*

*** Page 41, Letter C Dimensional Standards**

Page 41, # 5 clearly states that in the former CB district (under current zoning) a NEW DDS may reach a maximum height of 400'

Figure 2-3, Existing Zoning (1st volume) clearly shows that the former CB district encompasses virtually every block of potentially historic properties in the downtown!

This inconsistency is a dangerous loophole. Developers could assemble the entire Wheeler Block, as an example, and level it for any one of the uses for a DDS listed in Appendix A, Pages 40 & 41.

Page 41, # 6 clearly states that in the former GC district (under current zoning) the NEW maximum height is 220'.

Figure 2-3, Existing Zoning (1st volume) clearly shows that the former GC District (under current zoning) includes, among other properties the Proctor Theatre. As stated above, this inconsistency could allow demolition of the Proctor Theatre.

IF ONE TURNS BACK TO APPENDIX E, Rezoning for Downtown Yonkers Section C, Master Plan:

* Pages 46 and 58 clearly state the city's decision to preserve and rehabilitate the Wheeler Block and the Proctor Theatre area.

The DDS allowances in Appendix A show equally clearly the city's willingness to allow mega-development sites to swallow these properties. Which is it?

b. Appendix A, Page 14, # 3

Note: Although the Zoning Map shows D-MX height at 66', this Appendix item clearly shows that 66' is only the BASE HEIGHT for taller buildings which can then be built to higher specifications as long as the additional height meets tower setback requirements.

This is a **very important example** of the GEIS willingness to allow overrides of the basic 66' zoning in the D-MX Zone which could have serious consequences for historic properties in particular and for the new Master Plan in general.

Refer to Appendix A, Pages 14-15 for additional details.

THE YCSD TEAM STRONGLY URGES THE LEAD AGENCY TO COMMIT TO FULL PROTECTION OF THE CITY'S HISTORIC PROPERTIES BY RECONCILING THESE INCONSISTENCIES USING AN HISTORIC DISTRICT OVERLAY ZONE AS THE VEHICLE OF PROTECTION.

We also urge the Lead Agency to check carefully for other possible zoning inconsistencies hidden in the Appendices, in case there are any which could substantially alter the basic Master Plan and Rezoning Proposed in this GEIS.

B. HISTORIC DISTRICT OVERLAY ZONE

In light of the comments in A (above), YCSD would like to strongly encourage the Lead Agency to consider incorporating a specific historic zone into this remapping of the downtown. The Landmarks Preservation Board has received its list of buildings most essential for protection from its consultants (funded by a \$50,000 earmark from the City Council). This list is the perfect reference tool for the design and mapping of a district designed to protect Yonkers' architectural and cultural history in perpetuity.

Historic District Zones are now a routine part of urban zoning in virtually every successful municipality in the country. This is the Yonkers moment in time. We should do it now!

C. OPEN SPACE

1. A Central Park

Throughout the design charrettes the public voice was united and clear: a large central park was considered a vital necessity in the downtown. It is disappointing to see that this important revitalization component is missing from the Master Plan. While there are several small parks planned, including the Larkin Plaza area, these are not the kinds of grand parks which could be a central focus for relaxation and/or special events. There are several location in which such a 2-3 acre park could be placed. We request that the Lead Agency carefully review the Proposed Building Heights section of the GEIS to determine which parcels could be reconceived as an elegant central focus for the downtown.

2. Vest Pocket Parks

YCSD has another general proposal to make about open space. The city has an opportunity to incorporate the visionary notion of a string of tiny vest pocket parks along the Key Streets, built into the proposed new or adaptively reused buildings planned for those streets. New York City and other municipalities requires public space in private settings in many new buildings. These include public arcades/thoroughfares that can lead through street level floors from one main street to another, and/or small permanent seating areas, with foliage and permanent benches or chairs and tables, either outdoors or frequently in glassed atria.

YCSD would like to see a series of these parks incorporated into the building requirements for such construction on Key Streets. *Yonkers could be a leader in the creation of a new model of urban design – a string of tiny public places that propel pedestrians along the Key Streets!*

3. Open Space vs. Population Density – Page 3.7-15

a. Page 3.7-15

How was the calculation of 17 acres per 1000 population arrived at? Does it take the rest of the Yonkers population into account? 200,000 people using 263.73 acres of open space is not 17 acres per 1000 population.

b. Page 3.7-25

Note that the open space numbers in paragraph 2 do not seem to march those of Pg. 3.7.15 paragraph 2.

c.. The issue is *proximity* to parkland. Downtown dwellers, without the convenience of a suburban backyard, should have easy access to a place to spread a blanket on a nice day.

d. Calculation of downtown open space acreage

The GEIS counts the proposed SFC River Park Center’s small amount of open space along the still-buried Nepperhan River toward its open space totals for the downtown.

Consider:

1. River Park Center although approved, may never be built or,
2. The SFC partnership may build it to different design specifications or,
3. The project may be sold to another developer who will opt for a redesign.

Further, the River Park Center open space is a built environment, consisting of an open seating area along a shopping mall. While “open” in the sense that the sky will float above it, it is neither “green” nor recreational and it is the YCSD opinion that it should not be counted toward the total of public open space in the downtown.

D. ENERGY USE AND CONSERVATION – THE GREEN BUILDINGS STANDARDS

1. Green Building Standards – Page 4-4

YCSD is familiar with the Planning Department/Green Policy Task Force plans to legislate Green Building Standards for the downtown area. However, this legislative initiative has not reached a formal stage and will probably not be enacted prior to the enactment of the new Zoning Code.

As the Green Building Standards are not yet codified, it seems that the GEIS should present a fuller analysis of the proposed Energy Use and Conservation requirements of the new Zoning Code. Perhaps this could be included in the Alternatives Chapter of the EIS.

E. SKYLINES, VIEW CORRIDORS AND BUILDING HEIGHTS

1. Main Street Building Heights Figure 2-5 AND Appendix Section E Regulating Plans, Page 72

We note in Figure 2-5 that the north and south sides of Main Street, in the block west of Riverdale Avenue, would have permitted building heights of 100’. ***However, in Appendix Section E Regulating Plans, Page 72, it appears that the height may be as much as 215’!***

First of all, please clarify which chapter is correct. 215’ is patently unacceptable.

Furthermore: While we recognize that the south side of the street already has buildings at approximately 100’ in height (66 Main St.), we would prefer that the rest of the block remain at the current heights. There is an intimacy with the law of the land, an alignment with the

topography as it rises from the Hudson River toward Riverdale Avenue, that gives the streetscape an elegance and proportion that would be lost if taller buildings flanked the north and south sides.

Place yourself visually in the middle of Main Street between the General Post Office and 86 Main Street. Look east. There is a gentle swale that leads the eye ever upward along the length of Main Street, climbing toward Getty Square.

Conversely, stand on the other side of Riverdale Avenue and look downward toward the River, and enjoy the appropriate skyline as it lowers itself toward the Palisades.

This is an important sightline for the street (Main Street) and an important element of downtown redevelopment. We are talking about the pedestrian entryway from the Yonkers Train Station to the center of downtown Yonkers. Flash forward to residents and tourists arriving on the train, and enjoying the low-key splendor of a walk upward, ever slightly upward, on Main Street. The building cornices are at the perfect height now. Let us not alter them with taller buildings.

2. Building Heights in the Yonkers landscape – Figure 2-5

How did this GEIS set the proposed height of structures within the context of Yonkers topography?

Should buildings of more than 100'-120' even be included in the zoning?

F. BUILDING HEIGHTS – FAVORED DEVELOPERS

1. Spot Zoning

The Teutonia Hall unapproved project and a potential Nick Sprayregen building on the corner of Warburton and Dock Street are spot zoning in favor of particular developers and should be deleted from the GEIS. This is a guiding document and should not incorporate the wishes of specific property owners.

G. PARKING LOT PAVEMENT MATERIALS AND LANDSCAPING – APPENDIX A, PAGES 34-36

1. YCSD suggests that a requirement for pervious pavement or pavers be incorporated directly into the zoning for all ground level parking lots.

2. Interior Landscaping (c) # 5

Shade Trees: Can you specific 1 shade tree per specific length/width of a parking lot island or landscaped area? There will surely be areas where more than 1 tree can be planted.

H. DISTRICT PLANS – APPENDIX SECTION D

1. Larkin Plaza

It is not clear that there will be retail on the first floors of the commercial office buildings. The sidebar box on Page 49 states “street level cafes, restaurants and shops.” The continuing paragraph text on Page 50 states” Ground floor office uses should be permitted only on Larkin Plaza. Section E, Regulating Plans (page 70) seems to reinforce the disinclination to require retail at street level in new commercial buildings. Please clarify.

I. DESIGN GUIDELINES ADMINISTRATION & ARCHITECTURAL REVIEW BOARD

Who will administer the well-crafted Design Guidelines for the downtown? On the Planning Department frosted glass door languishes the sad title: *Architectural Review Board*. Entombed in the City Code is the language that created the *Architectural Review Board*.

Alas and alack, the ARB remains unstaffed, unmanned, and unknown.

The ARB is the perfect vehicle for the administration of the Design Guidelines the city has created, not only for the downtown but for the Alexander Street Design Guidelines, the South Broadway corridor, and the Ravine and Nodine Hill Master Plans. Bring back (or just finally convene) the ARB!

J. PUBLIC ART IN THE DOWNTOWN

YCSD joins the Blue Door Art Gallery/Luis Perelman in its comments on the omission of public art planning in the Design Guidelines. The Key Streets present an extraordinary opportunity to create a visual arts corridor, particularly if the YCSD proposal regarding Vest Pocket Parks in C (Above) is considered. But even without the Vest Pocket Parks, we should not miss the opportunity to plan for placing of large and small-scale 3D pieces (and 2D work where appropriate.)

*Submitted by the YCSD Team
Terry Joshi, President
November 14, 2011*

National RE/sources

Memorandum

TO: Lee Ellman (via email)

Sharon Ebert (via email)

CC: Joseph Cotter and Lynne Ward

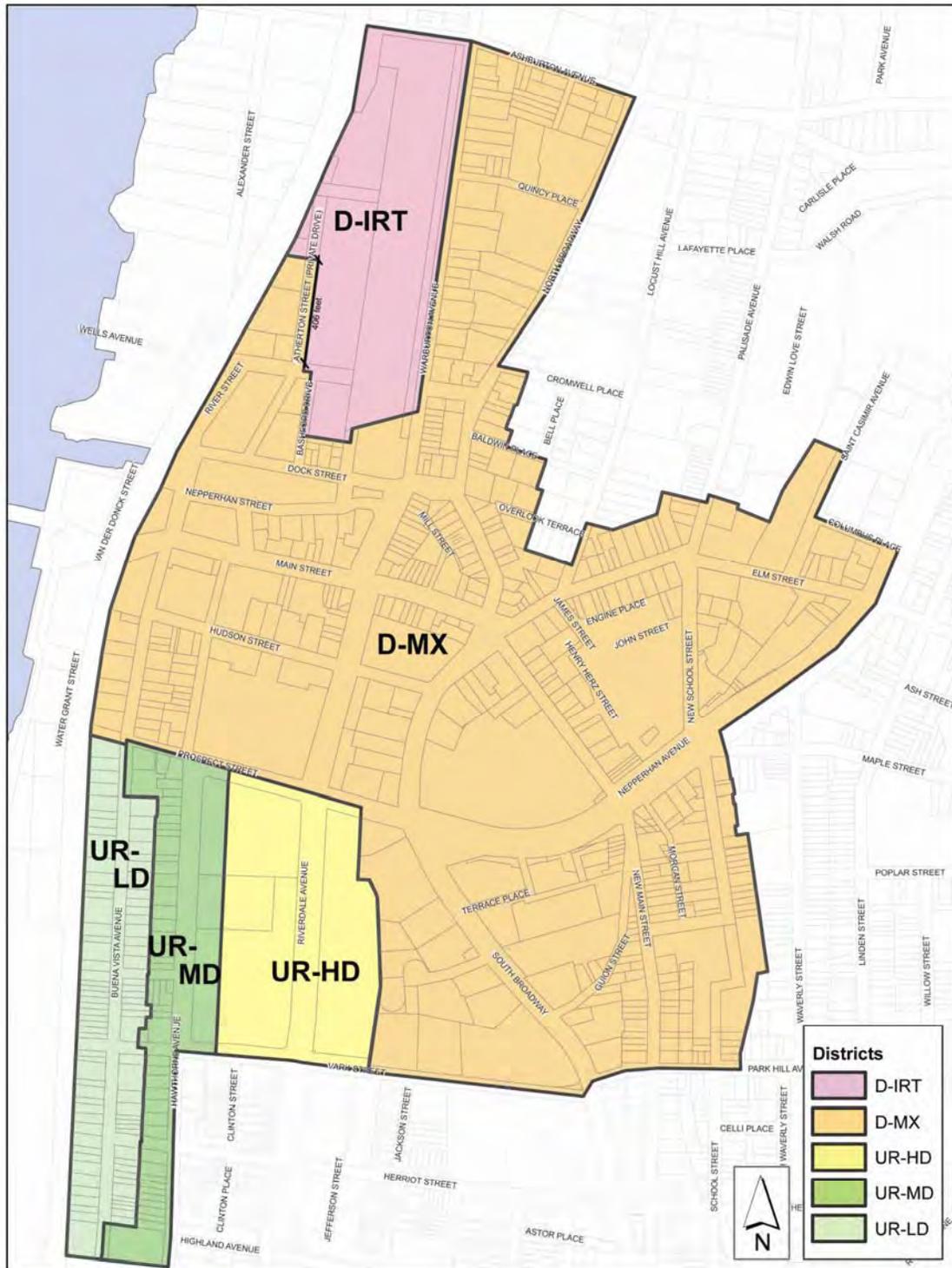
FROM: Daniel J. Pennessi

DATE: November 14, 2011

RE: Response to Draft Environmental Impact Statement accepted by the City of Yonkers City Council, as lead agency, for the Proposed Downtown Rezoning (the “**Rezoning**”), which affects i.Park Hudson, Yonkers, New York (the “**Subject Property**”)

The Rezoning appears to be inconsistent with the approved Alexander Street Master Plan. As owner of the Subject Property, we hereby request that the Rezoning be revised to be consistent with the approved Alexander Street Master Plan. This would allow the southern portion of the Subject Property (i.e., the so-called “Metro Center” portion of Subject Property) to have such uses as residential and transportation.

APPENDIX B
REVISED PROPOSED ZONING AMENDMENTS TO CODE



ARTICLE ~~XXXXVIII~~. DOWNTOWN DISTRICTS

§43-~~X1~~. PURPOSE STATEMENTS

The following districts comprise the Downtown Districts:

A. D-MX Mixed-Use District

The D-MX Mixed-Use District is a high concentration of commercial, residential and institutional developments in the Downtown. The D-MX District encourages ground floor commercial uses to activate the street level environment. In order to create a concentration of pedestrian-oriented commercial uses networked throughout the D-MX District, certain streets are designated “Key Streets” and require commercial ground floor uses within a storefront design.

(1) Key Streets: The Key Streets of the D-MX District are shown in Map A: Key Streets. The purpose of Key Streets is to preserve and enhance the pedestrian-oriented commercial environment and promote economic development focused on active uses such as retail, restaurant, service and entertainment uses. To achieve this, regulations require certain ground floor uses, a storefront design at the street level, and increased transparency requirements. The following streets are designated as Key Streets in the D-MX District:

- (a) **Main Street** between Buena Vista Avenue and Getty Square/North & South Broadway
- (b) **New Main Street** between Getty Square/North & South Broadway and Vark Street/Park Hill Avenue
- (c) **Nepperhan Street** between Buena Vista Avenue to Warburton Avenue
- (d) **Dock Street** from Buena Vista Avenue to Warburton Avenue
- (e) **Riverdale Avenue/Warburton Avenue** between Prospect Street and Wells Avenue
- (f) **South Broadway/North Broadway** between Nepperhan Avenue and Manor House Square
- (g) **Palisade Avenue** between Main Street/Getty Square and Elm Street

B. D-IRT Downtown Industrial Research and Technology District

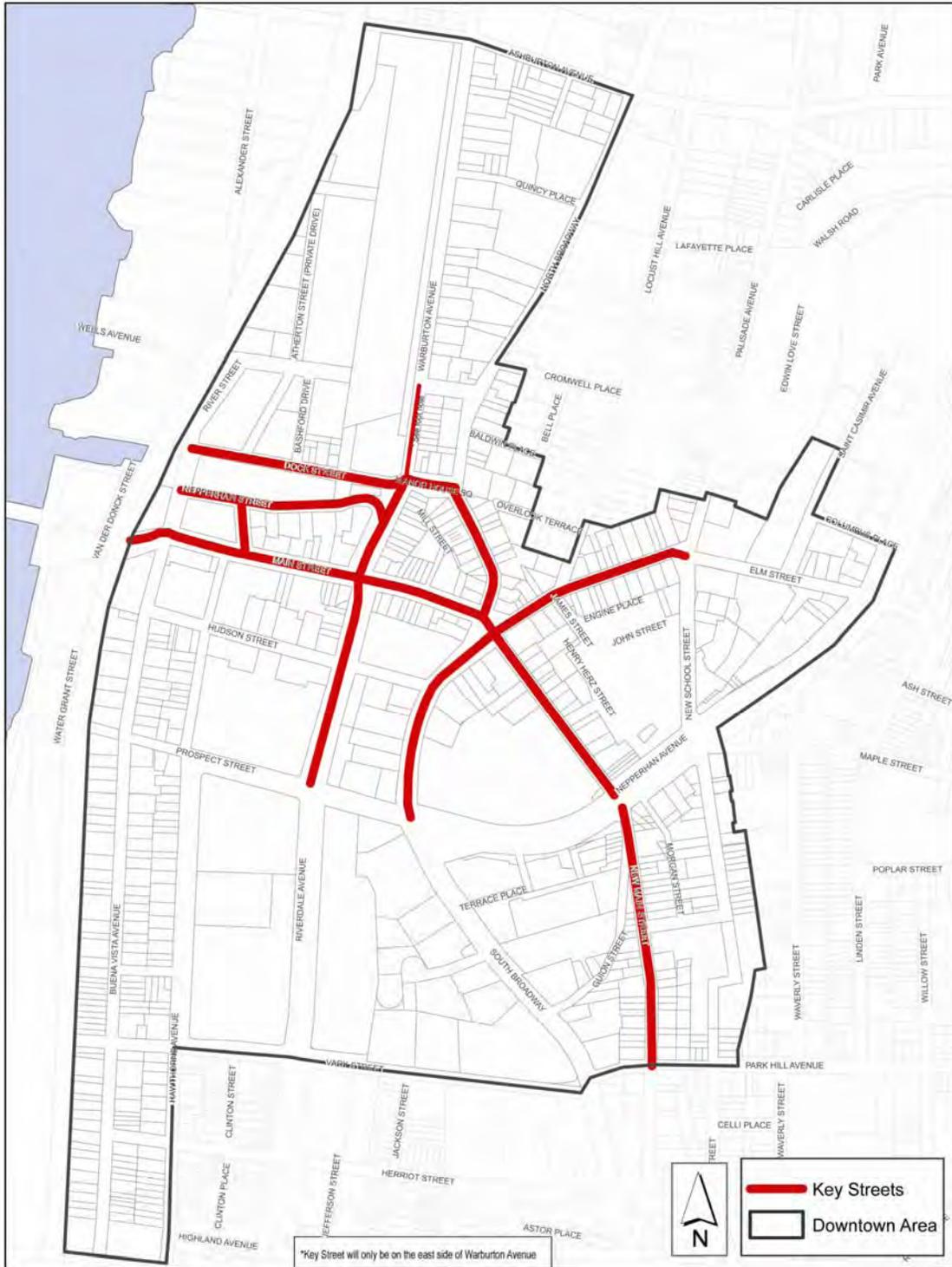
The D-IRT District supports the industrial uses in the northern portion of Downtown. This district with its close proximity to the Metro North and Amtrak train lines is a prime location for office, industrial, research and development and technology-based uses. It also allows certain commercial uses to serve the work force. Residential uses are prohibited to avoid conflicts with industrial users and encroachment into industrial land.

C. UR-LD Low Density Urban Residential District

The UR-LD Urban Residential Low Density District is intended to address urban neighborhoods, adjacent to the Downtown, that contain a mix of single-family, detached and attached two-family, and townhouse dwellings. The UR-LD District is intended to maintain the residential environment of these urban neighborhoods, continuing the

development patterns of these areas established in mid to late 19th and early 20th centuries.

MAP A: KEY STREETS



D. UR-MD Medium Density Urban Residential District

The UR-MD Urban Residential Medium Density District is intended to address urban neighborhoods, adjacent to the Downtown, that contain a mix of all dwelling types, including apartment house dwellings. The UR-MD District is intended to maintain the residential environment of these urban neighborhoods, continuing the development patterns of these areas established in mid to late 19th and early 20th centuries.

E. UR-HD High Density Urban Residential District

The UR-HD Urban Residential High Density District encourages a high density residential development, located adjacent to the Downtown to increase the Downtown residential population, build a critical mass for the commercial uses located Downtown and take advantage of existing transportation resources. Limited commercial establishments are also allowed at select locations within the district.

§43-~~X2~~. SCHEDULE OF USES

- A. The schedule of principal uses permitted within the Downtown Districts is shown in Table 1: Schedule of Principal Uses. Principal uses are allowed as permitted (P), permitted with supplemental standards (Ps) or special uses (S).

In addition, the following use regulations apply:

- (1) Within the D-MX District, certain uses are required on the ground floor of Key Streets in order to create a concentration of pedestrian-oriented uses. See Section 43-~~XX.A~~ (1) and Map A for Key Street designations. Table 43-64: Schedule of Principal Uses & UR-HD Accessory Uses shows those uses that are required on the ground floor of buildings along the Key Streets.
- (2) Within the UR-HD District, limited commercial uses are allowed on the ground floor of apartment houses for lots that front on Riverdale Avenue¹. Table 1: Schedule of Principal Uses shows the non-residential uses that are allowed along that frontage. Such non-residential uses must comply with the following conditions:
 - (a) Such uses must be conducted entirely inside a building.
 - (b) Such uses must front on Riverdale Avenue and provide access to the commercial uses from Riverdale Avenue only.
 - (c) No more than one (1) wall sign on the exterior of the structure for each commercial use is permitted. Such wall sign is limited to letters no more than twelve (12) inches in height and a total sign length that equals seventy percent (70%) width of the store's Riverdale Avenue façade.
 - (d) Window signs are permitted and limited to no more than twenty-five percent (25%) of each window and door area.
 - (e) New construction requires a minimum first floor height of twelve (12) feet and fifty percent (50%) transparency of the first floor façade. A minimum eighteen (18) inch high knee wall is required beneath glazing. Knee walls are limited to a maximum height of thirty-six (36) inches.

¹ The non-residential uses allowed on the ground floor of apartment houses that front Riverdale Avenue are accessory uses to the residential uses permitted in the UR-HD District.

- (f) Any security gates must comply with the design standards for security gates in the Downtown Districts for non-residential and mixed-use buildings. Security gates are discouraged in the Downtown Districts and are not required during any rehabilitation of a building or for new construction.

TABLE 1: SCHEDULE OF PRINCIPAL USES & UR-HD ACCESSORY USES							
PRINCIPAL USES	DISTRICTS						
	D-MX	<i>D-MX – KEY STREETS: Required ground floor uses</i>	D-IRT	UR-LD	UR-MD	UR-HD	<i>UR-HD: Non-Residential Accessory Uses allowed on ground floor of buildings that front Riverdale Avenue</i>
Residential Uses							
Single-family detached dwellings				P	P		
Two-family attached dwellings				P	P		
Two-family detached dwellings				P	P		
Apartment houses	P				P	P	
Live/work buildings	P				P	P	
Townhouses				P	P	P	
Senior citizen apartment houses	P				P	P	
Community residential facilities – up to 14 persons				Ps	Ps	Ps	
Community residential facilities – over 14 persons					S	S	
Public and Institutional Uses							
Children's day camps	S			S	S	S	S
Colleges/universities	P		P				
Convents, monasteries and seminaries				S	S		
Government uses (non-City of Yonkers)	S		S			S	
Hospitals	S						
Medical Establishment	Ps						
Municipal uses (City of Yonkers)	P	P	P	P	P	P	
Offices of philanthropic institutions	Ps						
Parish houses				Ps	Ps	Ps	
Places of Worship				Ps	Ps	Ps	
Philanthropic institutions providing social services	S						
Private recreational clubs or community swimming pools	S			S	S	S	
Private clubs and community centers	S					S	
Private not-for-profit recreational uses	S			S	S	S	
Schools	Ps			Ps	Ps	Ps	
<u>Utility Substations</u>			S				
Business, Commercial and Office Uses							
Audio, radio, video and television stations and studios	Ps		Ps				
Banks and financial uses	P	P					P

TABLE 1: SCHEDULE OF PRINCIPAL USES & UR-HD ACCESSORY USES

PRINCIPAL USES	DISTRICTS						UR-HD: Non-Residential Accessory Uses allowed on ground floor of buildings that front Riverdale Avenue
	D- MX	D-MX – KEY STREETS: Required ground floor uses	D- IRT	UR- LD	UR- MD	UR- HD	
Banquet and catering facilities	P						
Cabarets and nightclubs	P	P					
Commercial recreation uses, indoor	P	P					
Commercial schools	P		P				
Conference centers	Ps		Ps				
Day-care centers	Ps	Ps	Ps				Ps
Department stores	P	P					
Eating and drinking establishments	P	P	P				P
Fast-food restaurants	P	P					
Drive-through Restaurants							
Food and beverage stores	P	P	P				P
Health clubs and gymnasiums	P	P	P				P
Hotels	P	P					
Indoor markets	P	P					
Live/work buildings	P						
Medical and dental offices Medical Establishments	P	P	P				P
Offices	P	P	P				
Personal service establishments	P	P	P				P
Restaurants	P	P					
Retail establishments	P	P					P
Retail craft uses	P	P					
Supermarkets	S	S					
Telephone switching facilities	P		P				
Theaters and movie theaters	P	P					
Veterinary offices or hospitals	P						
Motor Vehicle Uses							
Automobile rental establishments – Within fully enclosed structure only	Ps		Ps				
Automobile supply and service stores	P						
Car Sharing Service Office	Ps		Ps				
Industrial, Warehouse and Storage Uses							
Breweries and microbreweries			P				
Industrial design uses	P	P	P				
Light industrial uses	P		P				
Medium industrial uses			P				
Printing plant, photo lithography or reproduction establishments			P				
Laboratories, research and development			P				
Testing laboratories and pilot plants			P				

TABLE 1: SCHEDULE OF PRINCIPAL USES & UR-HD ACCESSORY USES							
PRINCIPAL USES	DISTRICTS						
	D-MX	D-MX – KEY STREETS: Required ground floor uses	D-IRT	UR-LD	UR-MD	UR-HD	UR-HD: Non-Residential Accessory Uses allowed on ground floor of buildings that front Riverdale Avenue
<u>Warehousing, Storage and Wholesaling of non-hazardous and non-flammable materials</u>			P				
Industrial Vivarium			P				

B. Accessory Uses

The schedule of accessory uses permitted within the Downtown Districts is shown in Table 2: Schedule of Accessory Uses. Accessory uses are allowed as permitted (P), permitted with supplemental standards (Ps) or special (S) uses. Accessory uses are allowed as permitted (P), permitted with supplemental standards (Ps) or special (S) uses.

- (1) Non-residential accessory uses within the UR-HD District are allowed only when accessory to a commercial use located along Riverdale Avenue.

TABLE 2: SCHEDULE OF ACCESSORY USES					
ACCESSORY USES	DISTRICTS				
	D-MX	D-IRT	UR-LD	UR-MD	UR-HD
Residential Accessory Uses					
Decks and patios	Ps		Ps	Ps	Ps
Doghouses and structures accommodating pets			Ps	Ps	
Family day care	Ps		Ps	Ps	Ps
Fences and walls	Ps		Ps	Ps	Ps
Group family day-care homes	Ps		Ps	Ps	Ps
Home-based businesses	S		S	S	S
Home occupations	Ps		Ps	Ps	Ps
Parish houses			Ps	Ps	
Radio and TV antennas	Ps		Ps	Ps	Ps
Refuse collection, storage and recycling facilities	Ps		Ps	Ps	Ps
Satellite antennas	S		S	S	S
Signs	Ps		Ps	Ps	Ps
Swimming pools and bathhouses	Ps		Ps	Ps	Ps
Tennis courts and other sports courts	Ps		Ps	Ps	Ps
Exercise facilities – Resident use only	P		P	P	P
Non-Residential Accessory Uses					
Amusement games and devices	Ps	Ps			
Automatic teller machines	Ps	Ps			Ps ¹
Awnings or canopies	Ps	Ps			Ps ¹
Bars or lounge areas serving liquor and brew pubs	Ps	Ps			Ps ¹
<u>Cafeteria</u>	Ps	Ps			
Christmas tree sales	Ps				Ps ¹
Fences and walls	Ps	Ps			Ps ¹

TABLE 2: SCHEDULE OF ACCESSORY USES					
ACCESSORY USES	DISTRICTS				
	D-MX	D-IRT	UR-LD	UR-MD	UR-HD
Greenhouses	Ps	Ps			Ps ¹
Helistops or heliports	S	S			
Laboratories	Ps	Ps			
Live entertainment	P	P			
Live/work units	P				
Loading berths or spaces	Ps	Ps			Ps ¹
Newspaper vending machines	Ps	Ps			Ps ¹
Outdoor dining areas	Ps	Ps			Ps ¹
Outdoor storage		Ps			
Railroad sidings		Ps			
Refuse collection, storage and recycling facilities	Ps	Ps			Ps ¹
Satellite antennas	S	S			
Signs	Ps	Ps			Ps ¹
Soda or candy vending machines	Ps	Ps			Ps ¹
Temporary flea markets or carnivals	Ps				
Water tanks	P	P			P ¹
Accessory Parking					
Car Sharing Service Parking Space	<u>Ps</u>	<u>Ps</u>			
Curb Cuts	<u>Ps¹</u>	<u>Ps¹</u>	<u>Ps¹</u>	<u>Ps¹</u>	<u>Ps¹</u>
Fee-in-lieu of parking	Ps	Ps			
Shared parking	Ps	Ps			Ps
Private garage	Ps	Ps	Ps	Ps	Ps
Private open-air parking	Ps	Ps	Ps	Ps	Ps
Semipublic garage	Ps	Ps			Ps
Semipublic open-air parking	Ps	Ps			Ps

Footnotes: 1) See curb cut standards in the downtown districts 43-X6 Parking and Access (D) Curb Cuts and Access

§43-X3 DIMENSIONAL STANDARDS

A. Bulk and Setback Regulations

(1) Table 3: Dimensional Standards for D-MX and D-IRT Districts establishes the bulk and setback regulations for the D-MX and D-IRT Districts.

TABLE 3: DIMENSIONAL STANDARDS FOR D-MX AND D-IRT DISTRICTS		
BULK & SETBACK REGULATIONS	DISTRICTS	
	D-MX	D-IRT
BULK		
Maximum Building Height	66', unless permitted height by Section 43-X3.B below and <u>Map B: Downtown Height Map</u>	66', unless permitted height by Section 43-X3.B below and <u>Map B: Downtown Height Map</u>
Minimum Building Height	25' and 2 stories	25' and 2 stories

¹ Only permitted as an accessory to non-residential uses allowed on ground floor of apartment houses on lots that front Riverdale Avenue in the UR-HD District.

REQUIRED SETBACKS		
Front Build-To Line	0 ^{1,2}	0 ^{1,2}
Minimum Interior Side Setback	0	0
Side Front Build-To Line	0 ^{1,2,3}	0 ^{1,2}
Minimum Rear Setback	Non-residential: 0 Residential: 10'	0

¹ Exceptions: See Map C: Downtown Sidewalk Enhancement Areas Map for [sidewalk enhancement setback exceptions requirements](#).

² A setback may be increased to a maximum of 25' if a public plaza or public seating area is incorporated and located adjacent to a public street.

³ On a corner lot, where a rear yard is required because of residential uses, the side front build-to line requirement applies only up to the rear yard line, where no setback is required to the rear lot line.