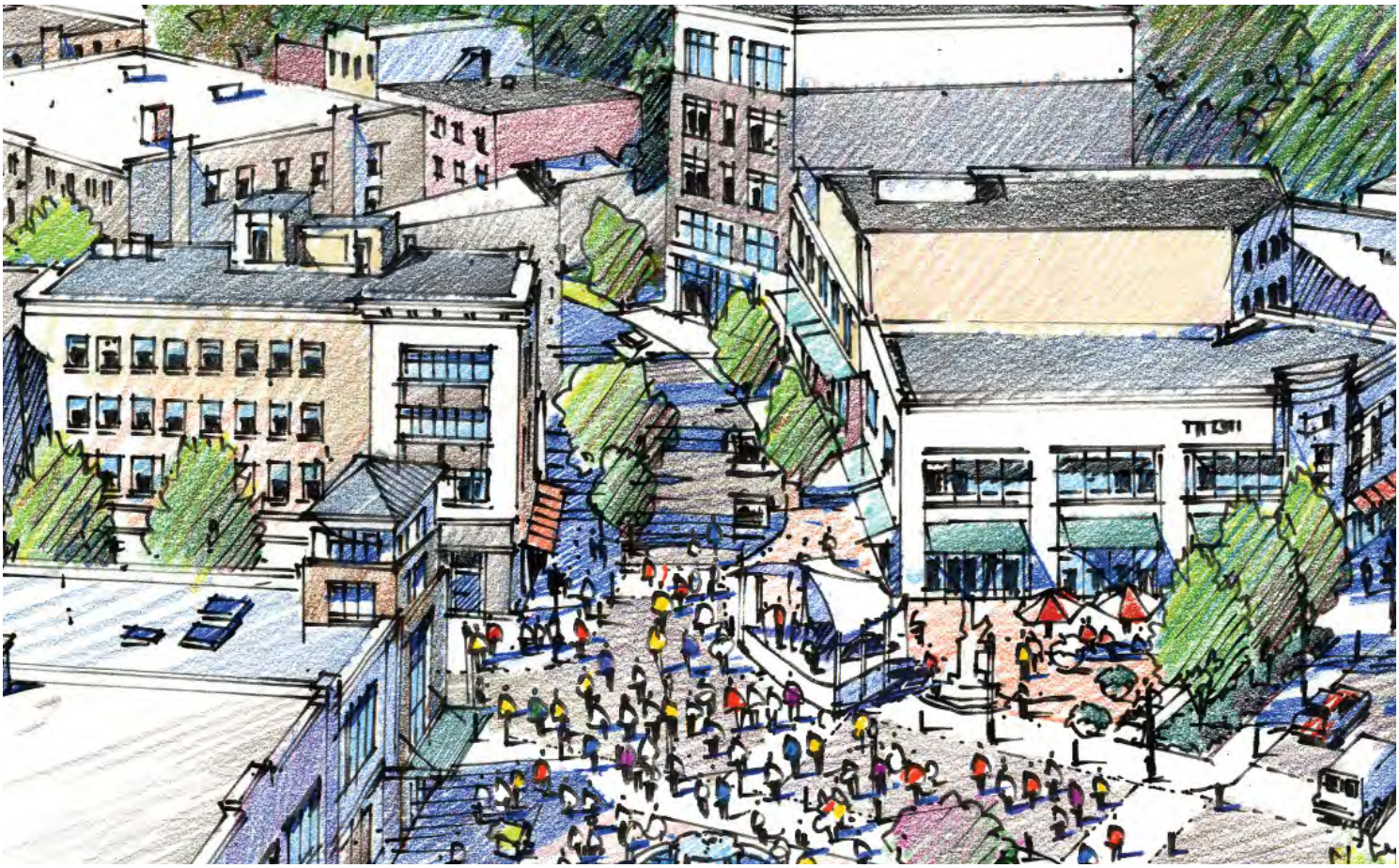

# DOWNTOWN YONKERS REZONING

City of Yonkers
Westchester County, NY

## Final Generic Environmental Impact Statement

December 13, 2011

# DOWNTOWN YONKERS REZONING

## FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT (FGEIS)

**Submitted: November 15, 2011**
**Accepted: December 13, 2011**

**FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT**
(FGEIS)

**Downtown Yonkers Rezoning**

City of Yonkers
Westchester County, NY

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**Direct Action by City Council**

**Date DGEIS Accepted: October 11, 2011**
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**Closing Date of Comment Period: November 14, 2011**
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# 1.0 INTRODUCTION

This Final Generic Environmental Impact Statement (FGEIS) has been prepared pursuant to the State Environmental Quality Review Act (SEQRA) and its implementing regulations (6 NYCRR Part 617). Under those regulations, the FGEIS serves as the basis for the Lead Agency Findings. The City of Yonkers City Council ("Council") is the lead agency for this environmental review. This FGEIS was prepared to respond to all substantive comments made on the Draft Generic Environmental Impact Statement (DGEIS), which was accepted by the Council for circulation and comment on October 11, 2011. In accordance with Section 617.9(b)(7) of the SEQRA regulations, this FGEIS incorporates by reference the Downtown Yonkers Rezoning DGEIS. The City Council, as lead agency, proposes to adopt amendments to the City of Yonkers Zoning Code and Zoning Map (Chapter 43) (See FGEIS Appendix B) with respect to Downtown Yonkers. In addition, the City proposes to adopt amendments to Chapter 47, Outdoor Signs, of the Yonkers City Code. Specifically, the proposed sign code amendments include changes to the Sign Code that would allow projecting signs in the Downtown Rezoning Area and South Broadway Special Districts. These actions constitute the "Proposed Action."

As set forth in DGEIS Appendix A and FGEIS Appendix B, "Proposed Zoning Amendments to Code", the City intends to change the current zoning scheme to better protect the health, safety and welfare of City residents by allowing for increased development potential in the downtown area to meet demand, which will help to strengthen Downtown Yonkers as a retail and entertainment destination. The aim of the proposed Zoning Code amendments is to better serve the community by creating a vibrant and walkable downtown with street level activity that will support local businesses, attract new residents, and realize the potential of the downtown as the transit oriented business and residential center of the city and as a regional attraction. The aim is to enhance the downtown area as a live, work and play environment that is also inclusive and respectful of the needs of its residents.

The Zoning Code amendments also aim to preserve and enhance existing residential and industrial neighborhoods by continuing the development patterns of these areas established in the mid- to late-19th and early-20th centuries and by establishing design criteria for new development. Finally, the proposed amendments take into consideration the close proximity of public transit, the downtown's accessibility to New York City, and existing infrastructure and utilities.

The public comment period on the DGEIS opened on October 11, 2011, and extended through November 14, 2011. During that period, a public hearing on the DGEIS was held on November 1, 2011, and written comments were also received from the public and involved and interested agencies. Copies of the transcript from the public hearing and written comments received on the DGEIS are provided in this FGEIS as Appendix A.

In response to verbal comments received at the public hearing, at other meetings, and written comments received during the public comment period, the City has made a several substantive revisions to the Proposed Action to address and respond to concerns raised by members of the public. The draft Zoning Code amendments have been revised to reflect these proposed changes; the changes to the proposed action are described in Section 2.0 of this FGEIS.

The steps in preparing and finalizing the FGEIS include:

- Final GEIS (FGEIS) – acceptance and publication by the Yonkers City Council as Lead Agency, which incorporates relevant comments and responses made during public review of the DGEIS.
- Findings Statement – adopted and passed by the Yonkers City Council as Lead Agency no sooner than 10 days, nor more than 30 days after publication of the FGEIS. The Findings Statement must: 1) consider the relevant environmental impacts, facts and conclusions presented in the GEIS; 2) provide a rationale for the agency's decision; 3) certify that SEQR's requirements have been met; and 4) certify that consistent with social, economic and other essential considerations, from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that the adverse environmental impacts will be avoided or minimized to the maximum extent practicable.

The FGEIS is organized into three chapters. Chapter 1.0 describes the project's location, environmental setting, a brief description of the Proposed Action and the review process to date; Chapter 2.0 describes the changes that have been made to the proposed action in response to issues and concerns raised during the public comment period as well as several clarifications to the DGEIS. Chapter 3.0 contains a summary of all "substantive" DGEIS public hearing and written comments and provides responses to each of those substantive comments as required by SEQRA regulations at 6 NYCRR 617.9(b)(8). Comments have been categorized by topic to follow the sections of the DGEIS and are referenced with the individual commenter's name and the date that the comment was received (letters and public hearing transcripts as contained in FGEIS Appendix A), and a response is provided for each substantive comment.

## 1.1 Site Location and Environmental Setting

### Site Location

The City of Yonkers is located on the east side of the Hudson River in Westchester County, New York. Yonkers borders the New York City borough of The Bronx and is approximately two miles

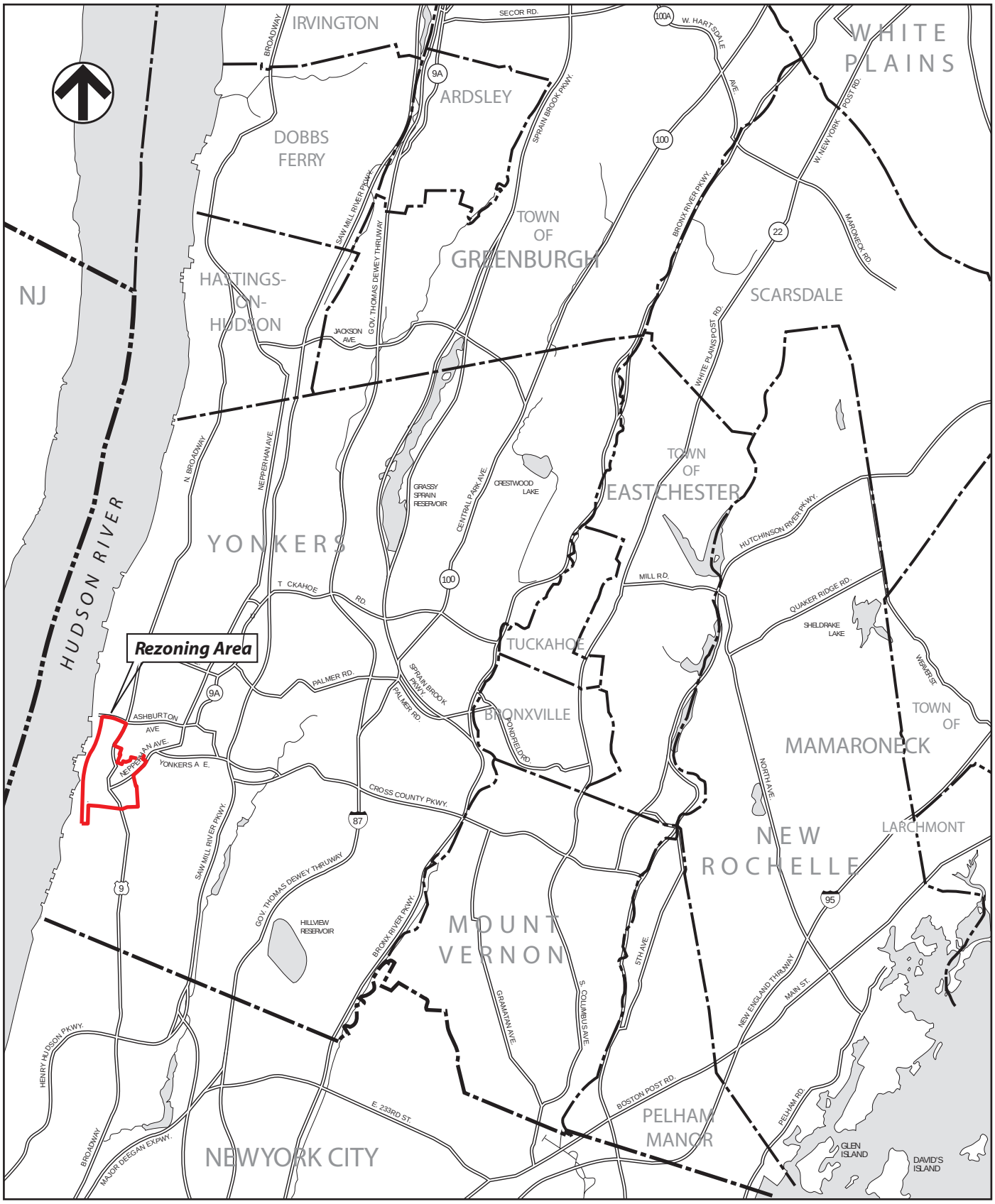
north of Manhattan. The area affected by the Proposed Action is in the city's downtown area in the southwestern portion of the City of Yonkers ("Downtown Rezoning Area"). (See Figure 1-1.)

The Downtown Rezoning Area encompasses approximately 192 acres. The Downtown Rezoning Area is bound by Ashburton Avenue (NYS Route 9A) to the north and the Metropolitan Transportation Agency (MTA) Metro-North/Amtrak railroad tracks to the west. To the south, the Downtown Rezoning Area extends past Vark Street and slightly past Highland Avenue. The intersection of Nepperhan Avenue and Columbus Place represents the most eastern point of the Downtown Rezoning Area. (See Figure 1-2.)

**Environmental Setting**

The Downtown Rezoning Area is an area of rolling terrain generally sloping from the east to west with the lower elevations closest to the rail track, the saw mill river and the Hudson River. It is an urban setting, largely mid-rise in scale, but punctuated with high rise building from a variety of decades. The Hudson River is located in close proximity to the Downtown Rezoning Area to the west of the MTA Metro-North railroad tracks.

Land use patterns in the Yonkers Downtown Rezoning Area reflect those of typical mid-sized cities. Downtown Yonkers contains a diverse mix of land uses, including single- and multi-family residential, retail, restaurants, commercial, office, light and medium industrial, institutional, parks, vacant land, and parking typical for an older urban setting. Residential uses are the predominant land use, representing 28.6% of the Downtown Rezoning Area. Residential uses are followed by an "Other" category, which represents 24.6% of the Downtown Rezoning Area and includes uses that area not classified, vacant land, land designated as urban renewal, and miscellaneous uses. Non-classified uses generally contain a mix of commercial and residential uses. The remaining generalized land uses are commercial/office (16.4%), institutional/quasi-public/public (12.5%), industrial (8.5%), transportation/utilities (3.6%), mixed-use (1.9%), and parks/recreation (0.8%).




Downtown Yonkers Rezoning FGEIS

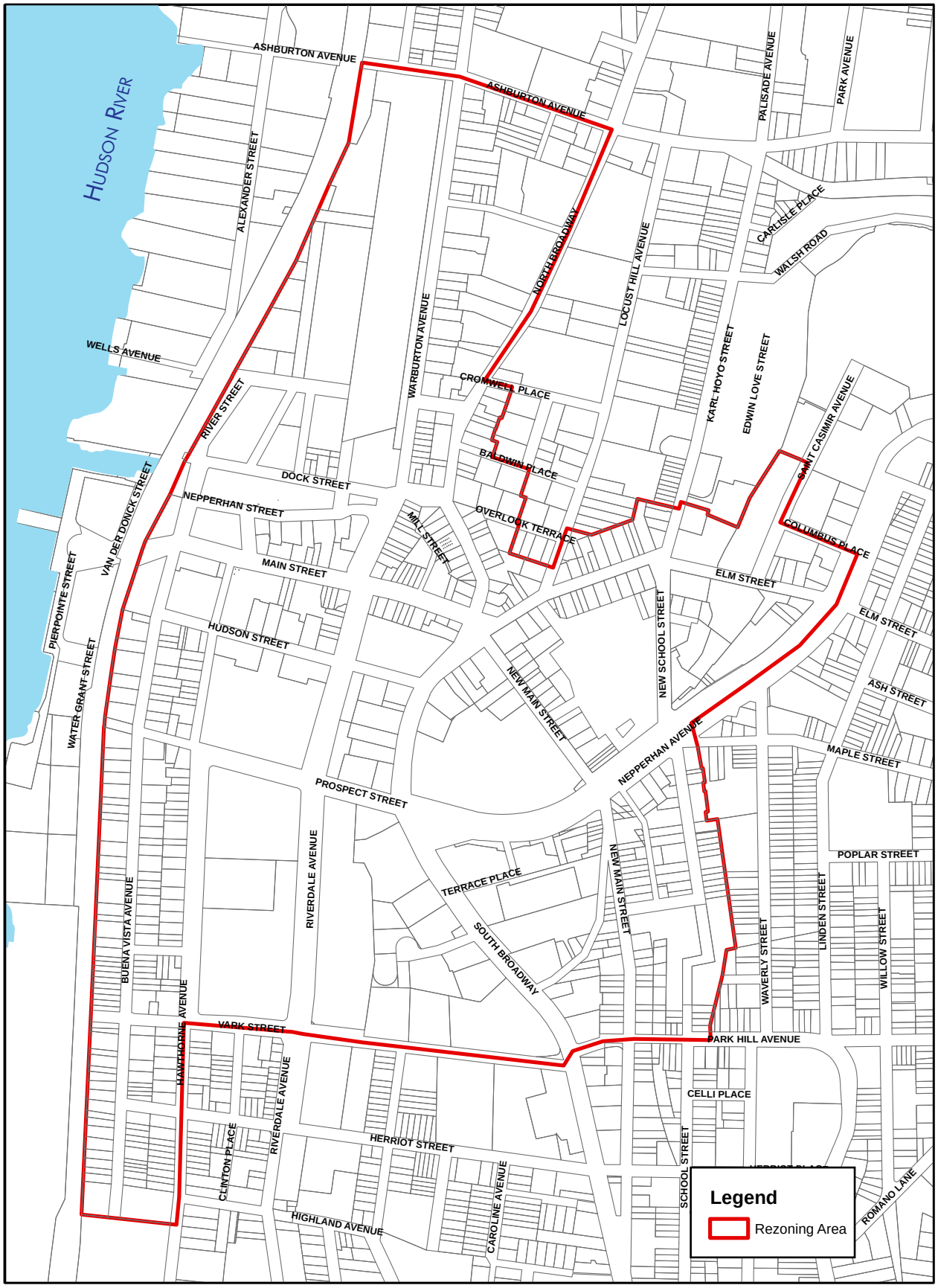
Figure 1-1: Regional Location

Yonkers, NY

source: Alexander Street Master Plan

Scale as shown

BFJ Planning




Downtown Yonkers Rezoning FGEIS

Figure 1-2: Downtown Rezoning Area

Yonkers, NY

Source: City of Yonkers GIS, 2011

Not to scale

BFJ Planning

## 1.2 Proposed Action

The Proposed Action is the adoption of amendments to the City of Yonkers Zoning Code and Zoning Map (Chapter 43) with respect to Downtown Yonkers. Included in the Zoning Code amendments are changes to the Downtown zoning districts (with associated use, bulk and setback requirements, design standards, and the creation of a modified form based zoning), as well as Zoning Code amendments to definitions, parking requirements, and use standards. In addition, the City proposes to adopt amendments to Chapter 47, Outdoor Signs (§47-7.F) of the Yonkers City Code. Specifically, the proposed amendments include changes to the Sign Code that would allow projecting signs in the Downtown Rezoning Area and South Broadway Special Districts. The proposed Code Amendments are included in FGEIS Appendix B.

**Zoning Code Amendments**

**Zoning Districts, bulk and uses -** The proposed Zoning Code amendments will replace 10 existing zoning districts with five districts, recognizing the mixed use nature of Downtown Yonkers and the lessened necessity of separating uses in a post-industrial economy, which will make it easier for development or redevelopment applicants to navigate through the city's regulatory process. The Zoning Code amendments also include new bulk and setback requirements, as well as design standards. In order to achieve the desired downtown density while protecting the character of the downtown, the City decided to use form base zoning. The intent is to place building height and density in specific locations to limit impacts on historic buildings and open spaces while still providing a wide range of uses in the downtown. (See DGEIS Chapters 2.0 and Chapter 3.1 Land Use, Zoning, and Public Policy for a description of bulk, setback and parking requirements and design standards, as well as a description of the proposed amendments to the zoning definitions and Sign Code.)

**Parking -** The Proposed Action includes Zoning Code amendments to the Off-Street Parking and Loading section (Article X) of the Yonkers Zoning Code. The proposed off-street parking amendments are reflective of the proposed zoning changes within the Downtown Rezoning Area and are representative of typical downtown urban areas where people tend to park once and then walk to one or more destinations.

**Sign Code Amendments**

Under the current zoning, wall signs are permitted to project a distance not to exceed 12 inches from the face of its supporting structure, provided that the lowest edge of such sign or any affixed device is a minimum of 10 feet above grade. The proposed Sign Code amendments would allow signs in the Downtown Rezoning Area and South Broadway Special Districts to project a maximum of four feet from the face of the building to which they are attached. The

lowest point of the projected sign must be a minimum of 10 feet above sidewalk level, may not be self-illuminated and may not exceed eight square feet.

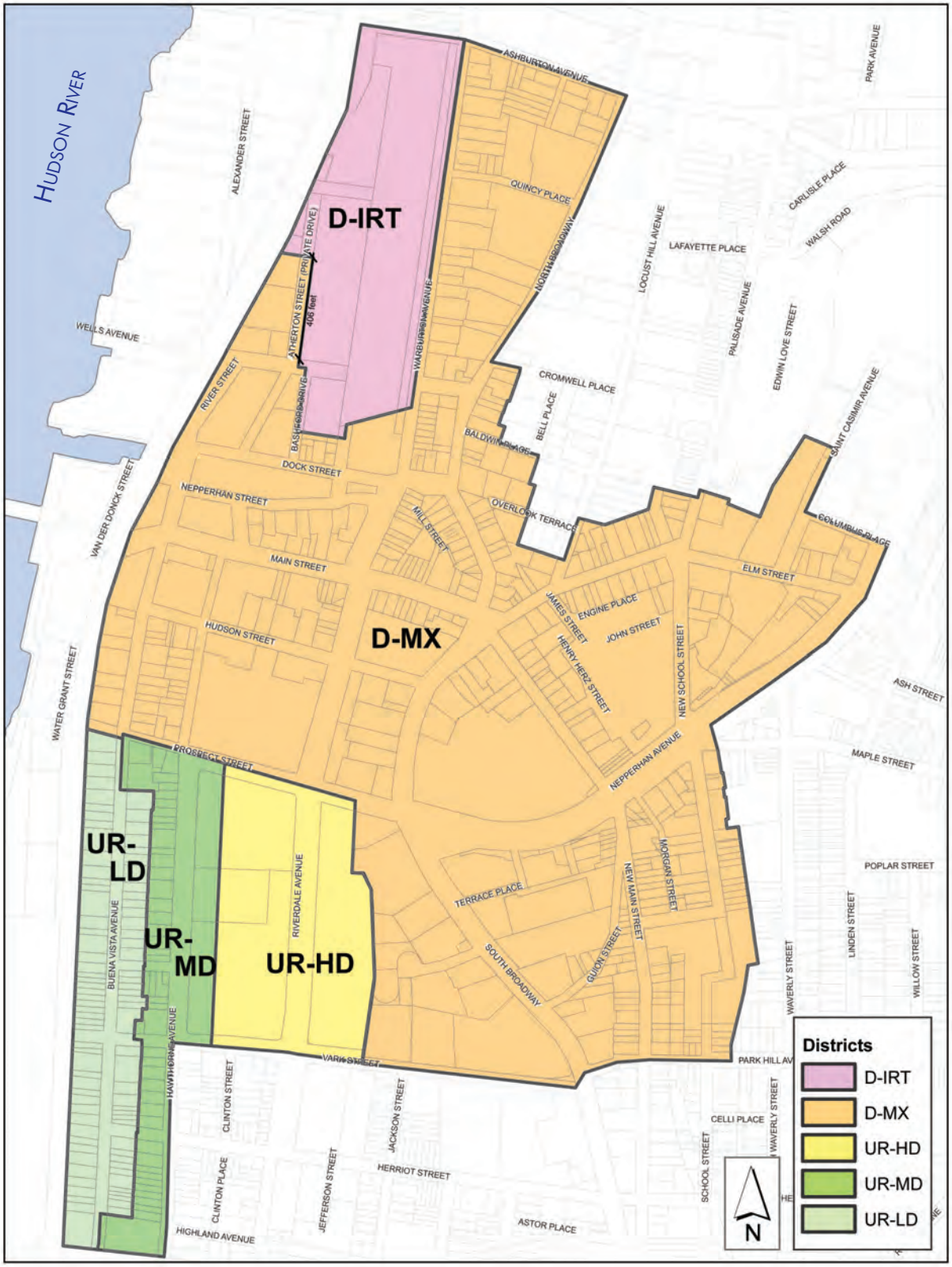
## 2.0 CHANGES TO THE PROPOSED ACTION AND DGEIS

This chapter summarizes major changes to the draft Zoning Code amendments in response to substantive public comments received at the November 1, 2011 public hearing and during the approximately 30-day public review period for the DGEIS (October 11, 2011 – November 14, 2011). The revisions reinforce the intent of the proposed Zoning Code amendments to guide and support future development within the Downtown Rezoning Area while protecting the health, safety and welfare of City residents. In addition, this section also provides several minor clarifications to the Draft Generic Environmental (DGEIS) Impact Statement. The DGEIS clarifications are being made at the direction of the City of Yonkers and are not in direct response to public comments made during the DGEIS public review period. Specific revisions or clarifications to the DGEIS, requested during the DGEIS public review period, are addressed in Chapter 3.0: Response to Comments of this FGEIS.

### 2.1 Changes to the Proposed Action

In response to substantive comments received on the DGEIS, the following changes have been made to the Proposed Action; these changes are indicated in the revised Zoning Code amendments in redline/strikeout (see FGEIS Appendix B) and are summarized below.

1. **Proposed Zoning Map** – In response to public comment, a minor correction to the proposed zoning map (DGEIS Figure 2-4 and 3.1-3) has been made; the proposed boundary of the D-MX District has been extended north of Wells Avenue between the railroad tracks and Atherton Street (existing private drive). This correction brings the proposed zoning map in line with the proposed uses studied and analyzed for this area as part of the adopted Alexander Avenue Master Plan, Urban Renewal Plan and related Generic Environmental Impact Statement (2008). See Figure 2-1 below for the revised Proposed Zoning Map. This correction does not impact any of the analysis contained within the DGEIS as any future residential development in this area was included in the increment analysis and the related assessment of project-related impacts (i.e. traffic, socioeconomics, infrastructure and utilities, community facilities, etc.).




Downtown Yonkers Rezoning FGEIS

Figure 2-1: Revised Zoning

Yonkers, NY

source: City of Yonkers Planning Department, June 2011

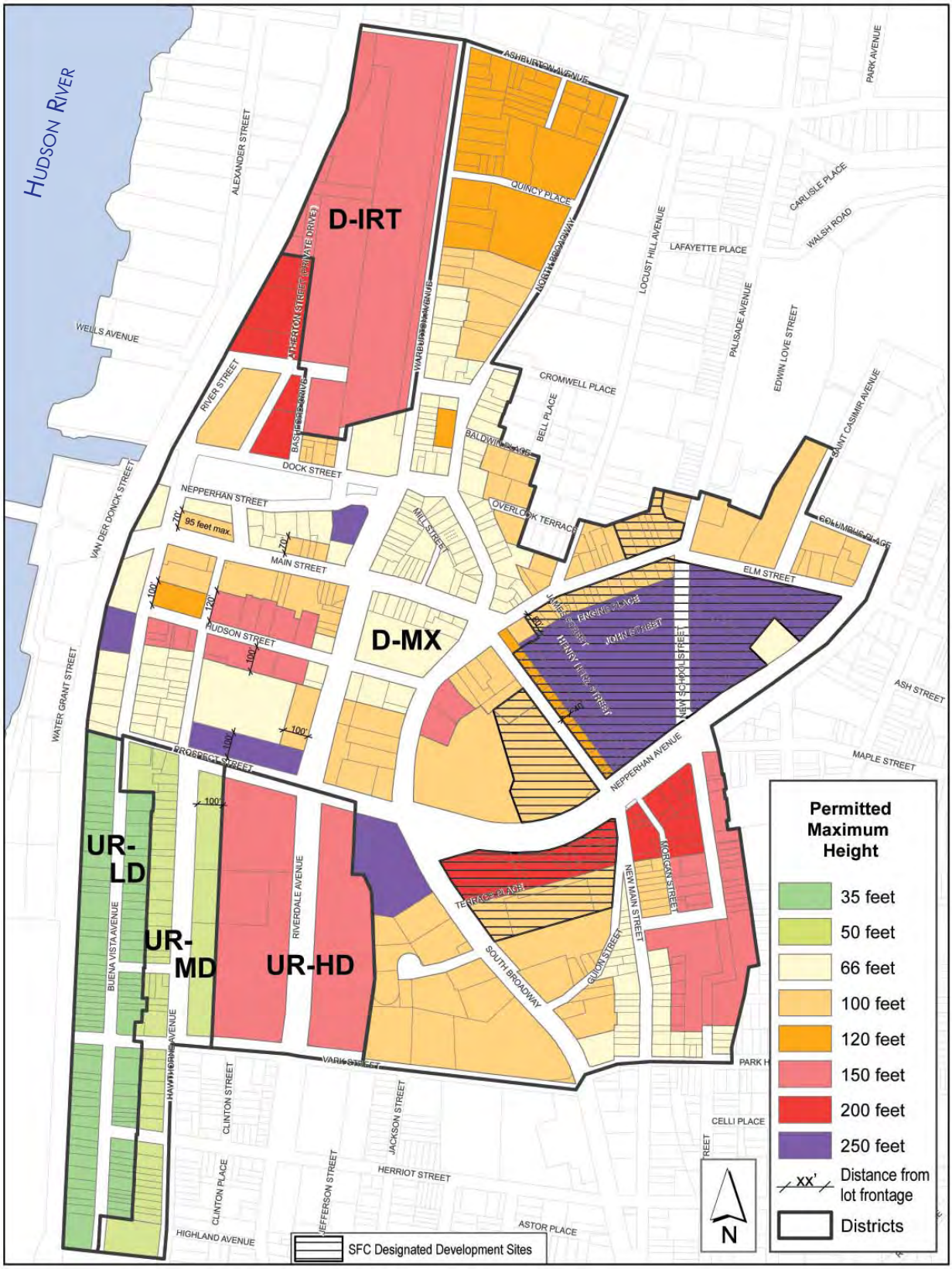
Not to scale

BFJ Planning

2. **Downtown Height Map (Map B)** – In response to public comments made with respect to height and viewsheds, Map B: Downtown Height Map (DGEIS Figure 2-5 and 3.1-5) has been revised to reduce the extent of the 250 foot maximum permitted height limit on the block roughly bounded by the railroad tracks to the west, Buena Vista Avenue to the east, Hudson Street to the north and Prospect Street to the south. The southerly portion of this block has been re-designated as having a maximum permitted height of 66 feet rather than 250 feet. The more northerly portion of the block will remain at 250 feet as proposed. By allowing significant height on a smaller portion of the block, it is the City's intent to limit visual/viewshed impacts at this location. See Figure 2-2 below for the revised Downtown Height Map.

   See Figure 2-2 below for the revised Downtown Height Map.

3. **Minor Edits to the Proposed Zoning Code Amendments** – In addition to the two map changes identified above, other minor revisions have been made to the proposed Zoning Code amendments. These revisions have been made to correct minor inconsistencies and other minor typos. None of these proposed revisions are substantive. All of these proposed revisions are included in redline/strikeout in the revised Proposed Zoning Code Amendments contained in FGEIS Appendix B**.**




Downtown Yonkers Rezoning FGEIS

Figure 2-2: Revised Downtown Building Heights

Yonkers, NY

source: Proposed Zoning Code Amendments, 2011

Not to scale

BFJ Planning

## 2.2 Clarifications to the DGEIS

In addition to the above minor revisions to the Proposed Zoning Code Amendments, several minor clarifications have been made to the information presented in the DGEIS. Again, it is important to note that the following clarifications have not been made in response to public comments raised during the DGEIS public review period. Specific revisions or clarifications to the DGEIS, requested during the DGEIS public review period, are addressed in Chapter 3.0: Response to Comments of this FGEIS.

1. **Chapter 1.0: Executive Summary** - Table 1-2: Summary of Impacts and Mitigation Measures:
   - Section 3.2: Community Character, Shadows, Impacts (page 1-10) – The following has been added as the first sentence of this section:
     "There are instances where shadows produced by new development within the downtown, if not properly controlled, may result in significant adverse impacts. However, based on the analysis contained in the DGEIS,.."

   - Section 3.4: Transportation and Parking, Traffic, Mitigation Measures (pages 1-12 and 1-14) – The following revisions have been made:
     - The proposed mitigation measure to "Widen Ashburton Avenue from two to four lanes" has been revised to read: "Increase the roadway capacity of Ashburton Avenue by widening the approaches at the key intersections."
     - A new traffic mitigation measure has been added as follows: "Implement a fair share contribution mitigation strategy to assist in implementation of the required Saw Mill River Parkway off-ramp improvements" (see Section 3.4 discussion below).
     - A new parking mitigation measure has been added as follows: "To ensure adequate visitor and resident parking in the Downtown, the City will study existing public parking facilities, on-street parking regulations and will investigate the establishment of a fair share parking mitigation fund."

2. **Section 3.1: Land Use, Zoning, and Public Policy, 3.1.1 Existing Conditions, Hazardous Materials (page 3.1-15):**
   - The third paragraph has been revised as follows:
     - The list of New York State Department of Environmental Conservation (NYSDEC) defined hazardous wastes are provided in 6NYCRR Part 371. These wastes are commonly found on certain manufacturing sites, and

brownfields[1]. According to the NYSDEC Division of Environmental Remediation Environmental Site Database Search, there are several parcels within the Downtown Rezoning Area that have recently or are currently being addressed under one of the division's remedial programs: Brownfield Cleanup or Voluntary Cleanup. The following sites have been identified as part of the either the Brownfield Cleanup or Voluntary Cleanup programs:

**Table 3.1-3: NYSDEC Brownfield and Voluntary Cleanup Program Sites**

| Site Code | Site Name | Program | Site Class* | Address |
|---|---|---|---|---|
| C360074 | 185 - 187 Riverdale Ave. | Brownfield Cleanup | C | 185 Riverdale Avenue |
| C360076 | Main/Hudson/Hawthorne Site | Brownfield Cleanup | C | Main St. and Hudson St. and Hawthorne Ave. |
| C360083 | River Park Center Site a/k/a Chicken Island Site | Brownfield Cleanup | A | New Main Street and Nepperhan Avenue |
| C360085 | Former Teutonia Hall Site | Brownfield Cleanup | A | 41-59 Buena Vista Avenue |
| C360085A | OFF-SITE Former Teutonia Hall Site | Brownfield Cleanup | A | 41-59 Buena Vista Avenue |
| V00564 | CE - Woodworth Ave. MGP Yonkers | Voluntary Cleanup | A | Woodworth & Ashburton Ave's |

**Classification Code A:** The classification assigned to a non-registry site in any remedial program where work is underway and not yet complete (i. e., Brownfield Cleanup Program, Environmental Restoration Program, and Voluntary Cleanup Program sites).
**Classification Code C**: The classification used for sites where the DEC has determined that remediation has been satisfactorily completed under a remedial program (i. e., State Superfund, Brownfield Cleanup Program, Environmental Restoration Program, Voluntary Cleanup Program).

*Source: NYSDEC Environmental Site Database Search*

In addition to the above sites, there are also currently some commercial sites, such as existing gas stations and laundromats that may contain hazardous substances that are contained to these smaller specific sites.

[1] Brownfields are abandoned or underused properties, including but not limited to industrial and commercial facilities, where redevelopment or expansion may be complicated by possible environmental contamination (real or perceived). A brownfield site is defined in New York State Environmental Conservation law as "...any real property, the redevelopment or reuse of which may be complicated by the presence or potential presence of a contaminant." Specific examples of sites which could qualify include: abandoned gas stations, old factory and mill complexes and foundries. (http://www.dec.ny.gov/docs/remediation_hudson_pdf/bftoolbox.pdf)

**3. Section 3.1: Land Use, Zoning, and Public Policy, 3.1.2 Potential Impacts:**

- 3.1.2.1 Zoning, Bulk Requirements, Page 3.1-20: Table 3.1-3: Schedule of Bulk Requirements (D-MX and D-IRT Districts) has been revised to Table 3.1-4.
- 3.1.2.1 Zoning, Bulk Requirements, Page 3.1-22: Table 3.1-4: Schedule of Bulk Requirements (UR-LD, UR-MD AND UR-HD Districts) has been revised to Table 3.1-5.
- 3.1.2.1 Zoning, Parking Page 3.1-27: Table 3.1-5: Existing Parking versus Proposed Parking Requirements has been revised to Table 3.1-6.
- 3.1.2.2 Land Use, Page 3.1-33: Table 3.1-6: Schedule of Permitted Principal Uses under Proposed Zoning Code Amendments has been revised to Table 3.1-7.

3.1.2.2 Land Use, Page 3.1-36: Table 3.1-7: Schedule of Permitted Accessory Uses under Proposed Zoning Code Amendments has been revised to Table 3.1-8.

**4. Section 3.2: Community Character, 3.2.2 Potential Impacts, Wind (page 3.2-9):**

- The sixth paragraph has been revised as follows:
    - The Proposed Action itself is generic in nature and does not directly result in the construction of any future projects; rather it sets forth a general development framework for the downtown. As no specific projects are contemplated by the proposed Rezoning, no site-specific analysis has been conducted. This level of analysis is not common for proposed zoning that affects multiple lots as factors such as building design and the siting of buildings will vary from site to site. However, the potential for site-specific wind impacts associated with future development projects in the Downtown Rezoning Area does exist. Future developments could result in wind impacts along some of the downtown's street corridors that could in turn result in impacts to pedestrians as they walk along those corridors.

5. **Section 3.4: Transportation and Parking, 3.4.3 Mitigation Measures, Traffic and Parking (DGEIS pages 3.4-25 – 3.4-31):** The following clarifications and revised mitigation measures have been added to DGEIS page 3.4-25-3.4-31:

- **Capacity Increase of Ashburton Avenue (DGEIS Page 3.4-26)**

The DGEIS assumed that Ashburton Avenue would be widened from 2 lanes to 4 lanes. This assumption was based on previous studies performed for Ashburton Avenue and on the Mobility Framework Study prepared for Downtown Yonkers as part of the rezoning effort. In fact the assumption was that the capacity of Ashburton Avenue would increase from an existing 900 vehicles per hour per direction to 1,600 vehicles per hour per direction.

The DGEIS also showed in Table 3.4-6 that with the 1,600-vehicle capacity Ashburton Ave would still have a minimum reserve capacity after all developments occur of 604 vehicles in the AM peak hour, and 481 vehicles in the PM peak hour.

The design of the Ashburton Avenue road widening project is currently in process. Instead of a full widening from two lanes to four lanes, as was the originally designed concept, the current concept envisions increasing the roadway capacity by widening the approaches only at key intersections and by traffic management strategies to reduce impacts on demolishing several existing potentially historic structures located along the road right of way. This can be achieved through the addition of turn lanes or approach lanes and the elimination of on-street parking along one side of the road. This strategy will increase the roadway's capacity, although it may not be as high 1,600 vehicles per hour. It is estimated that a future capacity of 1,300 vehicles per hour per direction can reasonably be achieved with the intersection improvements. With the 1,300-capacity the reserve capacities after the full development with the new zoning in place would be the following:

- AM Peak Hour Entering: 304 vehicles (23%)
- AM Peak Hour Exiting: 726 vehicles (56%)
- PM Peak Hour Entering: 239 vehicles (18%)
- PM Peak Hour Exiting: 181 vehicles (14%)

The above reserve capacities (after full development) are very reasonable reserves. To conclude, the mitigation strategy for Ashburton Avenue should be changed to state that traffic capacity will be increased from about 900 vehicles per hour per direction to 1,300 vehicles per hour per direction. This should then become the design target for the consultants working on this project.

- **SEQRA Based Traffic Mitigation Fair Share Contribution (DGEIS Page 3.4-30)**

The DGEIS had identified the traffic impacts caused by the future developments that would occur under the no-action scenario (2025 build-out under existing zoning) and those projected under the build scenario (2025 build-out under the proposed zoning). They are described in Section 3.4 Transportation and Parking. The DGEIS also identified mitigation measures that would be needed to accommodate all cumulative new developments. In addition to general traffic demand management measures (shifting some traffic demand to other transportation modes), the DGEIS identified two specific roadway capacity improvements:

1. Increasing the capacity of Ashburton Avenue; and
2. Constructing a new off-ramp off the Sawmill River Parkway to alleviate the current congestion at the Saw Mill River Parkway Off-ramp at Yonkers Avenue.

Whereas the first improvement has a funding source, the second improvement does not. The most feasible option for this mitigation measure would be the addition of a southbound exit off the Saw Mill River Parkway at Nepperhan Avenue. This would be an at-grade ramp that utilizes NYSDOT property and City of Yonkers property. It is currently in the design stages as the result of the mitigation for a proposed development (SWEP) in the Northern part of Yonkers. No cost estimate has been prepared but it is expected that it will be several million dollars. Normally this improvement is the responsibility of the State of New York who is responsible for the efficient operation of the Saw Mill River Parkway and its interchanges.

The objective of this mitigation strategy is to raise sufficient funds locally to entice the State of New York to undertake this improvement or to raise sufficient funds for any transportation improvements that could help mitigate the traffic impacts of the proposed Zoning Code amendments. The strategy would be to use the SEQR process to obtain fair-share contributions as a mitigation measure for the traffic increases that each future project generates. This mitigation strategy requires that all future projects that create the need for an improvement contribute to the improvement in proportion to the traffic that they generate. The nexus is that all those who benefit from the project have to contribute to the mitigation measure, and those who contribute to the mitigation measure must benefit from it. The additional southbound off-ramp will benefit all new developments in Downtown Yonkers even though their traffic loads coming from the north may be small. By shifting these loads to another exit ramp, capacity at the Yonkers Avenue exit will be freed up for other traffic flows.

Two elements are required for this mitigation strategy: 1) the sum of money that needs to be raised locally to entice the State to undertake the ramp improvement (or another traffic improvement that is deemed to be an acceptable mitigation measure); and 2) the fair share mitigation contribution by future developments. For the purposes of this DGEIS it is estimated that the total cost to improve the southbound exit off the Saw Mill River Parkway at Nepperhan Avenue will be approximately $5,000,000 and that the City wants to raise $500,000 for a Traffic Mitigation Fund for new development. In this example it is expected that the $500,000, which represents 10% of the hypothetical cost to construct the off-ramp, will help to leverage State funds and represents only a fair share of the cost of the ramp improvement that is reasonably related to the incremental increase of new development under the proposed Zoning Code amendments. The balance of the cost would be the responsibility of the State and would correspond to the remaining proportion of existing traffic that generates the need for the improvement. This existing traffic would occur with or without the proposed Zoning Code amendments and would therefore not have to contribute to the $500,000 Traffic Mitigation Fund. The City has the option to adjust this

sum once cost estimates have been established. When doing so, the City needs to take into consideration the pace of the future developments and the urgency for the improvement.

The local mitigation fund needs to be contributed to by all new developments in proportion to their traffic impact. All future developments have been identified in Table 3.4-5 of the DGEIS with their traffic generation estimates. The most appropriate traffic generation variable is the inbound plus outbound vehicle trips generated by each development during the PM peak hour. PM peak-hour traffic generation rates are statistically more accurate than daily rates, and also reflect the load impacts the best.

The following calculation method is recommended (in conformance with the DGEIS impact calculation):

1. For each new development use the most appropriate ITE rates for the PM street peak hour.
2. Reduce the resulting PM peak hour generation for that development by 30% to take into consideration the transit modal split for Downtown Yonkers
3. For those uses that have high internal capture rates, i.e. all uses that can be considered as secondary destinations as opposed to primary destinations, a 50% discount rate should be applied to take into account that the persons patronizing these uses are to a large degree persons that are already downtown. This 50% discount would only be applied to the retail and restaurant uses. The internal capture rate discount would not be applied to the residential and employment (office and light industrial uses) developments, even though these developments generate some traffic that remains internal to the downtown area. The internal capture rates of residential and office developments in Downtown Yonkers are significantly lower than for commercial uses.
4. The calculation below shows the total traffic generation for all developments listed in the DGEIS (Table 3.4-5) broken down as residential/employment and other (commercial, cultural, educational, recreational) categories. The two discounts are then applied to the respective categories to produce an overall PM peak-hour traffic generation for all developments under consideration: 4,060 vehicle trips.

**Table 2-1: Total Trip Generation**

| USE | PM Peak Hour Traffic Generation | |
|---|---|---|
| | IN | OUT |
| Total residential/employment uses | 1653 | 2825 |
| Total other (commercial/cultural/educational/recreational) | 2561 | 2068 |
| **Subtotal** | **4,214** | **4,893** |
| Credit for Transit Split for all uses: 30% | -1264 | -1468 |
| Credit for Internal Capture of Other category: 50% | -1280 | -1034 |
| **Total Traffic Generation:** | **1669** | **2391** |
| **Total Traffic Generation both Directions:** | | **4,060** |

If one wanted to raise the $500,000 over the 4,060 vehicle trips ($123 per vehicle trip), one would probably have to wait for a very long time to generate the sum, and it may be possible that one could never generate that sum because not all anticipated developments may occur. For example, it is very probable that the SFC project will not include all the uses that were addressed in their EIS. It is therefore prudent to schedule the $500,000 over maybe half of that development level. This will then guarantee that the mitigation funds will be raised within a reasonable time frame. If the $500,000 is spread over 2,000 vehicle trips the per trip fair-share contribution would be $250.

5. The following shows some examples of the fair-share mitigation calculation:

   For a 50,000 SF (gross floor area) of general office the traffic generation calculation would be as follows:

   The ITE PM peak-hour generation would be 90 vehicle trips (15 in and 75 out, based on equation). With the 30% reduction for transit this project would be responsible for 63 vehicle trips, i.e. 63 times $250 as per the calculation above, equals $15,750.

   For a 60,000 SF supermarket the ITE calculation yields 631 vehicle trips total (322 in and 309 out). With the 30% reduction for transit and the 50% reduction for internal capture, the pm peak-hour traffic generation would be 221 vehicle trips, multiplied by $250 per trip generates $50,250.

6. The above contribution levels ($500,000) and the per trip fair share contribution amounts can be adjusted as necessary, once the City has a cost estimate for the proposed improvement. The critical aspect of this mitigation strategy is that it is on a fair-share basis in relation to the net traffic generation for the PM peak-hour.

It is important to note that under the fair share contribution mitigation strategy, the city of Yonkers must set-up a separate Traffic Mitigation Fund to hold the generated mitigation revenue. The fund can only be used to fund the Saw Mill River Parkway mitigation set forth above; if the Saw Mill River Parkway improvements do not occur, the City is obligated to return the collected contributions to the respective developers.

- **Parking (DGEIS Page 3.4-31)**

To ensure that the future supply of parking in the Downtown is sufficient to meet the needs of both residents and visitors, the following mitigation measure has been added: "To ensure adequate visitor and resident parking in the Downtown, the City will study existing public parking facilities, on-street parking regulations and will investigate the establishment of a fair share parking mitigation fund."

# 3.0 COMMENTS AND RESPONSES

## INTRODUCTION

This section of the Final Generic Environmental Impact Statement (FGEIS) addresses the substantive comments received on the October 11, 2011 Downtown Yonkers Rezoning Draft Generic Environmental Impact Statement (DGEIS). Comments include those presented at the DGEIS public hearing held at 7:00 p.m. on Tuesday, November 1, 2011, at Yonkers City Hall, City Council Chambers, 40 South Broadway, Yonkers, New York and written comments submitted to the City of Yonkers City Council during the DGEIS public review period held from October 11, 2011 to November 14, 2011.

Table 3-1 presents a list of individuals and agencies that submitted written comments during the DGEIS public review period; comments received verbally at the DGEIS public hearing are included in Table 3-2.

**Table 3-1: Written Comments Received on the DGEIS**

| Letter Author | | Author Affiliation | Date of Letter |
|---|---|---|---|
| **1.** | John Pinegar | Yonkers resident | Oct. 31, 2011 |
| **2.** | Joseph Cotter | i.Park/ National RE/sources | Nov. 1, 2011 |
| **3.** | Luis Perelman | Blue Door Art | Nov. 13, 2011 |
| **4.** | Peter Grizone | Yonkers resident | Nov. 14, 2011 |
| **5.** | Robert Hothan | Yonkers resident | Nov. 14, 2011 |
| **6.** | YBID | Yonkers Downtown Business Improvement District | Nov. 14, 2011 |
| **7.** | YCSD | Yonkers Committee for Smart Development | Nov. 14, 2011 |
| **8.** | Daniel Pennessi | National RE/sources | Nov. 14, 2011 |

**Table 3-2: Commenters at the Public Hearing on November 1, 2011**

| Speaker | Affiliation |
|---|---|
| **1.** Terry Joshi | Yonkers Community for Smart Development |
| **2.** Margaret Stetterholm | Yonkers Resident |
| **3.** Michael Sabitino | Yonkers Resident/Councilmember Elect |
| **4.** Daniel Pennessy | i.park, General Counsel |
| **5.** Barrymore L. Scherer | Yonkers Resident |
| **6.** Tony Van Loan | Hudson River Community Association |
| **7.** Robert Hothan | Yonkers Resident |
| **8.** Ivy Reeves | Yonkers Resident |
| **9.** Geraldine Canty | Yonkers Resident |
| **10.** Nell Twining | Yonkers Resident |
| **11.** Donna Ingram | Yonkers Resident |
| **12.** Peter Grizone | Yonkers Resident |
| **13.** Peter Monante | Yonkers Resident |
| **14.** Bernard Statule | Yonkers Resident & local broker |
| **15.** Theresa Boyd | Yonkers Resident |

The following sections summarize and respond to substantive comments received on the DGEIS; copies of all DGEIS comments received, including transcripts from the public hearing can be found in Appendix A: Comments Received on the DGEIS. A summary of the substantive comments made in each of the above referenced comment letters and public testimony is presented where applicable to the environmental review process and a response to each substantive comment listed is provided. The commenter's name is listed after each comment. The responses to comments are organized as follows:

3.1 General Comments
3.2 Executive Summary
3.3 Proposed Action
3.4 Land Use, Zoning and Public Policy
3.5 Community Character
3.6 Natural Features
3.7 Transportation and Parking
3.8 Air Quality and Noise
3.9 Socioeconomics
3.10 Community Facilities and Services
3.11 Infrastructure, Utilities and Stormwater Management
3.12 Historic and Archeological Resources
3.13 Other Environmental Impacts
3.14 Analysis of Alternatives
3.15 Future Actions

## 3.1 General Comments

**NOTE: This section addresses general comments, and, accordingly, the responses are set forth in somewhat general terms. More specific comments on the same topics are responded to with corresponding specificity in later sections of the FGEIS (see titles set forth above).**

3.1.1 *Comment:* "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" (Joseph Cotter, ipark, Written Letter: November 1, 2011).

3.1.1 *Response:* It is the intent of the proposed Downtown Industrial Research and Technology (D-IRT) District to continue to support the industrial uses in the northern portion of the Downtown Rezoning Area, including existing and potential new uses in i.park, while eliminating uses that are not compatible with the Downtown Rezoning Area. The proposed D-IRT District will continue to allow light and medium industrial uses and will expand some of the permitted uses, such as research and development laboratories (not permitted in the Industry District) and testing laboratories and pilot plants, which currently are permitted uses subject to special use requirements. However, the proposed D-IRT District does not include heavy industrial uses, which are currently permitted in the Industry (I) District. Research conducted by the Yonkers Planning Department has found that the existing uses within i.park do not include heavy industrial uses; therefore, all existing uses within i.park are consistent with the proposed Zoning Code amendments.

In addition, a minor change to the proposed zoning map (DGEIS Figures 2-4 and 3.1-3) has been made; the proposed boundary of the D-MX District has been extended north of Wells Avenue between the railroad tracks and Atherton Street (existing private drive). This change brings the proposed zoning map in line with the proposed uses studied and analyzed for this area as part of the adopted Alexander Avenue Master Plan (May 2009), Urban Renewal Plan (May 2009) and related Generic Environmental Impact Statement (2008). (See Figure 2-1: Proposed Zoning in Chapter 2.0 Changes to Proposed Action for the revised Proposed Zoning Map.) This correction does not impact any of the analysis contained within the DGEIS as any future residential development in this area was included in the increment analysis and the related assessment of project-related impacts (i.e. traffic, socioeconomics, infrastructure and utilities, community

facilities, etc.). In addition, the proposed permitted maximum building height of 200 feet will remain the same.

3.1.2 *Comment:* "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" (Joseph Cotter, i.park, Written Letter: November 1, 2011).

3.1.2 *Response:* See Response 3.1.1. Also, it is the intent of the proposed Zoning Code amendments to continue to support and expand economic development opportunities in Downtown Yonkers, however, heavy industry and the primary processing of raw materials was not viewed as a good fit with the changes proposed elsewhere in the downtown. The proposed Zoning Code amendments aims to achieve this by creating a vibrant downtown area with a mix of uses and densities that will support and encourage new growth in the Downtown Rezoning Area.

3.1.3 *Comment:* "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 purposed additional uses and density" (Joseph Cotter, i.park, Written Letter: November 1, 2011).

3.1.3 *Response:* Comment noted. See Responses 3.1.1 and 3.1.2. In addition, it should be noted that the proposed D-IRT District is consistent with the uses that are currently present at i.park, including the Kawasaki facility, which is a manufacturing use that will continue to be permitted under the proposed D-IRT District. Furthermore, the new D-IRT designation applies to only one area of the downtown because only that area continues as a concentration of successful industrial uses. The owners have stated commitment to industrial uses at the site. Combined with current success at attracting bio-tech research laboratories, it is anticipated that this will lead to the preservation of the area with a zoning that recognizes the modern industrial uses and their need to be separated from residential uses.

3.1.4 *Comment:* "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" (John Pinegar, Yonkers Resident, Written Letter: October 31, 2011).

3.1.4 *Response:* One of the purposes of the proposed design standards is to encourage attractive building and site design with regard to a high level of design standards. The design standards encourage design flexibility, such as changes in color, texture and/or material for non-residential and mixed use buildings. Photos in the proposed Zoning Code amendments are meant to articulate some of the proposed design standards in order to assist both professionals and the laymen with design in Downtown Yonkers. Photos depict existing buildings in the downtown, and are not intended to restrain creative architectural design. At the same time, the proposed design standards are intended to protect and enhance the character of the Downtown Rezoning Area, including historic buildings. As a part of the proposed Zoning Code amendments the design standards are subject to review by the Planning Board and their decisions can be appealed to the Zoning Board of Appeals.

3.1.5 *Comment:* "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" (John Pinegar, Yonkers Resident, Written Letter: October 31, 2011).

3.1.5 *Response:* Comment noted. The proposed action involves the adoption of the proposed Zoning Code amendments, which in and of itself, is not a comprehensive plan or any other type of plan. Rather, the purpose of the proposed Zoning Code amendments is to provide the legal framework that will allow the City of Yonkers to guide future growth and development by regulating and restricting the location of uses and regulating and limiting the height, bulk, and location of buildings. The proposed Zoning Code amendments do not preclude the planning or expansion of public parkland or open spaces. In fact, it is not the intent of a city zoning code to zone for parks. At a future time, the city or another party could decide to commit funding to the acquisition of additional parkland in the downtown or a comprehensive plan or parks and open space plan could be prepared, independent of the proposed Zoning Code amendments.

According to §28-a of the New York State General City Law a city comprehensive plan is defined as the "…The materials, written and/or graphic, including but not limited to maps, charts, studies, resolutions, reports and other descriptive material that identify the goals, objectives, principles, guidelines, policies, standards, devices and instruments for the immediate and long-range protection, enhancement, growth and development of the city".

The proposed Zoning Code amendments are consistent with the downtown area's current vision plan, titled "Rezoning for Downtown Yonkers" (Draft October 2010), which includes a number of development initiatives, such as strengthening downtown Yonkers as a retail and entertainment destination and increasing the downtown residential supply. In the downtown vision plan, an open space framework is supported within Downtown Yonkers, including a connected system of parks, plazas, greenways, promenades, and pedestrian-scaled streetscapes. (See Appendix E of the Downtown Yonkers Rezoning DGEIS.) Although the proposed Zoning Code amendments do not and cannot zone specifically for parkland, it does provide for sidewalk enhancement areas, which will expand sidewalks along several key streets to allow for more public space for pedestrians. (See Map C: Additional Sidewalk Width Requirements Map located in Appendix B: Proposed Zoning Amendments to Code of the Downtown Yonkers in this FGEIS.)

Parkland in Yonkers carries the zoning of the neighborhood around it even as it is held in the public trust. Uses of parkland are governed by New York State law that imposes a far stricter use pattern upon the park land than does local zoning. A review of the Yonkers Zoning Map will indicate to the commenter that the zoning proposed for Downtown Yonkers is consistent in this regard.

3.1.6 *Comment:*" "I don't see an emphasis on public access to the water, and as people, we have the power to establish the theme, the beauty of the shorefront. There's nothing about guaranteeing public access to the water that would include people just going in a correct place and boat launching, kayak launching, canoe launching" (Margaret Setterholm, Yonkers resident. Public Hearing: November 1: 2011).

3.1.6 *Response:* The Hudson River waterfront and parcels located within the vicinity of the waterfront are not included in the Downtown Rezoning Area as defined in the boundaries of the proposed Zoning Code amendments or the Downtown Yonkers Rezoning DGEIS; therefore, the proposed Zoning Code amendments do not include recommendations for the city's waterfront. The Downtown Rezoning Area is bound by Ashburton Avenue (NYS Route 9A) to the north and the Metro-North railroad tracks to the west. To the south, the Downtown Rezoning Area extends past Vark Street and slightly past Highland Avenue. The intersection of Nepperhan Avenue and Columbus Place represents the most eastern point of the Downtown Rezoning Area. (See Figure 1-

2: Downtown Rezoning Area in Appendix A: Proposed Zoning Amendments to Code of the Downtown Yonkers DGEIS. For recommendations pertaining to the city's waterfront, see the city's downtown vision plan in Appendix E of the Downtown Rezoning DGEIS.)

3.1.7 *Comment:* "I see emphasis on small lots divided up for small mom and pop shops. This sort of thing. Rent is sky high, only being accessible to franchises. Has no class, no character, nothing of local charm. And there is no design control. We don't want to have something that's on South Broadway, the Safeguard. I know it's a great business, employs people, I don't want to put that down. It doesn't belong, that Safeguard storage place is an eyesore right in the middle of where you have some nice old architecture. So for the small businesses there can be initiatives from the Council for the Small Business Association to help, state government to help with those enterprises. We don't want to lose that charm in Yonkers on the shorefront" (Margaret Setterholm, Yonkers resident. Public Hearing: November 1: 2011).

3.1.7 *Response:* Comment noted. The proposed Zoning Code amendments address the most significant impediment to the location of small businesses in the downtown, the way off-street parking is regulated. The vast majority of smaller business spaces are in existing buildings on sites that are not able to provide off street parking and that were built without parking spaces. These spaces have remained vacant due to the difficulty and cost of obtaining parking variances. The parking requirements for existing buildings were specifically changed to assist the small business in occupying the spaces.

The proposed Zoning Code amendments contain new design guidelines that will help to preserve the character of Downtown Yonkers. In addition, the proposed Zoning Code amendments will allow a greater mix of uses in the downtown, which will help to provide a variety of different uses at varying scales and densities.

3.1.8 *Comment: "*So those are my concerns as someone who has had a lifetime of wonderful shorefront experiences walking around barefoot, enjoying myself at New Port Beach. Why can't we have that here in Yonkers? Something comparable, something human scale and solid. All right, thank you" (Margaret Setterholm, Yonkers resident. Public Hearing: November 1, 2011).

3.1.8 *Response:* Comment noted. It is the intent of the proposed Zoning Code amendments to allow for increased development potential in the downtown area, which will help to strengthen Downtown Yonkers as a retail and entertainment destination. The aim of the proposed Zoning Code amendments is to better serve the community by creating a vibrant and walkable downtown with street level activity that will support local businesses, attract new residents, and realize the potential of the downtown as the center of the city and as a regional attraction. The Zoning Code amendments aim to

improve the pedestrian experience by providing for sidewalk enhancement areas (See Map C: Additional Sidewalk Width Requirements Map located in FGEIS Appendix B: Revised Proposed Zoning Amendments to Code.) In addition, the Hudson River waterfront and parcels located within the vicinity of the waterfront are not included in the Downtown Rezoning Area as defined in the boundaries of the proposed Zoning Code amendments or the Downtown Yonkers Rezoning DGEIS; therefore, the proposed Zoning Code amendments do not include recommendations for the city's waterfront.

3.1.9 *Comment:* "I did want to say I am glad that we do have a plan, finally. For the most part, I looked it over the last week and there is a lot of good things. But there are a few things that do concern me, the park areas, there is not enough park space. There is not enough open areas, and that really concerns me" (Michael Sabitino, Yonkers resident. Public Hearing: November 1, 2011).

3.1.9 *Response:* Comment noted. See Response 3.1.5.

3.1.10 *Comment:* "Access to the river, I think that's important. That's what's going to be attracting people to the downtown area" (Michael Sabitino, Yonkers resident. Public Hearing: November 1, 2011).

3.1.10 *Response:* Comment noted. The proposed Zoning Code amendments seek to have a similar salutary impact on the attractiveness of the upland areas as the development of the waterfront did to that area. The two areas are interlinked and as the waterfront has become a more enjoyable location the people that are attracted to that area spill into the downtown. See also Response 3.1.6.

3.1.11 *Comment: "*On a positive note, it's clear the site where i-Park proposed the Metro Center would benefit greatly from the proposed for offices, back office mixed use/residential/retail and such other uses since it is directly connected to the Yonkers train station. We believe this would enhanced the desired objective of generating jobs for the downtown area" (Daniel Pennessy, i-Park. Public Hearing: November 1, 2011).

3.1.11 *Response:* Comment noted.

3.1.12 *Comment:* "One thing that concerns me is that somehow I find it hard to feel that the entire proposal is completely independent given the fact that in part it was written or at least contributed to by developers themselves which somehow doesn't make this absolutely good" (Barrymore L. Scherer, Yonkers resident. Public Hearing: November 1, 2011).

3.1.12 *Response:* Contrary to the commenter's claim, the proposed Zoning Code amendments were not written by developers. The proposed Zoning Code amendments were written

by the City of Yonkers Department of Planning and Development, and the Yonkers City Council will review and vote on the proposed Zoning Code amendments. The proposed Zoning Code amendments are based in part on the downtown vision plan, titled "Rezoning for Downtown Yonkers", and aim to change the current zoning scheme to better protect the health, safety and welfare of city residents, while minimizing significant adverse impacts to the city. The downtown vision plan included a steering committee composed of city residents, downtown merchants, service providers, the downtown Business Improvement District, preservation advocates, developers, arts groups, and various other downtown entities. Several public meetings were held and a market study was prepared as part of the planning process for the downtown vision plan. While writing the draft Zoning Code amendments the Department of Planning and Development took into account many variables that would best achieve the vision for Downtown Yonkers. The department considered existing land ownership patterns in addition to topography, the street grid, the relationship between land uses and transportation, viewsheds, potential impacts on historic and cultural resources, potential environmental impacts, the built environment, community character, and other factors.

3.1.13 *Comment:* "I think one of the big problems with this is that the daylighting of the Saw Mill River adjacent to the Riverfront Library is a lovely idea. I am not putting it down. But it is not right in the middle of downtown Yonkers. There needs to be more parkland designated adjacent to City Hall. The projected SFC mall which would be sort of immediately right back there, there was going to be construction across the street involving a hotel and buildings for the fire department, but really very little open space left. And the little tiny sliver of parkland that would go around the new SFC mall, supposing SFC ever gets the financing to build it, it's really not going to be adequate for the number of people even who are already in the neighborhood. That certainly is a concern and it is something that the zoning commission needs to revisit now to think about designating a larger area that would be for future use, not already built on" (Tony Van Loan, Hudson River Community Association. Public Hearing: November 1, 2011).

3.1.13 *Response:* Comment noted. See Response 3.1.5.

3.1.14 *Comment:* "I am here again only for the open space, green space that we have always talked about and I am hoping that we are going to get that. A lot of our people are looking for parks. A lot of parents they don't want to go to other towns, so we really need some open spaces and green spaces" (Ivy Reeves, Yonkers resident. Public Hearing: November 1, 2011).

3.1.14 *Response:* Comment noted. See Response 3.1.5.

3.1.15 *Comment:* "I wanted to say that I was shocked when I saw the presentation last week. I remember the discussions, and for me this seemed to be a different set of things behind what was being designed at that point. That somehow it felt it was going to be much more community oriented, much more open. Something where we would all have pleasure in going into this new downtown. The impression I got through the 3-D images really was that in fact we are going for, as Ken Dearden, said more density, density, density. And I don't know if that's the answer. We have been aiming for density, we have been talking about new buildings, we have been talking about bringing people in. It's not worked. So maybe we have to actually rethink our downtown plan all together and look at what our strengths are and not necessarily build towers up front. I have said this before, I don't want lots H&I, I don't want the Teutonia tower. And I don't want the Alexander Street towers. I want open space and I want to feel as if I am down on the waterfront and I want to have access to the waterfront and be able to enjoy it. And I believe that everyone else in the city would prefer that to new buildings, corridors -- somebody said to me, well, we are preserving the view sheds from City Hall. How many of us actually live in City Hall or even look out of the windows in City Hall? So we want view sheds for the people" (Geraldine Canty, Yonkers resident. Public Hearing: November 1, 2011).

3.1.15 *Response:* See Response 3.1.5. In addition, the Buena Vista Teutonia and Alexander Street projects mentioned by the commenter were previously approved by the city and are independent of the proposed Zoning Code amendments.

In response to the commenter's discussion on view sheds, the proposed Zoning Code amendments were written with respect to view sheds in Downtown Yonkers. The Yonkers Department of Planning and Development went through several iterations of deciding the allowable locations and heights of buildings under the proposed Zoning Code amendments. These iterations helped the department to appropriately zone for building heights in locations that minimize potential adverse impacts to view sheds, such as view sheds of the Hudson River waterfront. Potential views of the Hudson River waterfront, for example, will be minimized in part due to the topography of Downtown Yonkers, which is elevated above the Hudson River and slopes downward from east to west. It is anticipated that minor impacts on the wide vista of the Hudson River Palisades will occur when viewed from likely vista points and viewing areas. However, the City of Yonkers is already built with mainly mid-rise buildings and similar development heights could proceed under existing zoning, resulting in similar impacts to the Hudson River view sheds. The proposed 25-story maximum building height under the proposed Zoning Code amendments (see FGEIS Chapter 2.0) is reasonable for an urban downtown area such as the City of Yonkers.

3.1.16 *Comment:* The proposed plan has failed to provide enough open and green space which is sorely needed in the downtown (Nell Twining, Yonkers Resident. Public Hearing: November 1, 2011).

3.1.16 *Response:* Comment noted. See Response 3.1.5.

3.1.17 *Comment:* "I'd like to just state that I agree with all the points that Nell (Twining) made, so please, count me in on that" (Donna Ingram, Yonkers resident. Public Hearing: November 1, 2011).

3.1.17 *Response:* Comment noted.

3.1.18 *Comment:* "I'd like to echo some of the concerns that have been stated about the green space, or lack of meaningful open space" (Peter Grizone, Yonkers resident. Public Hearing: November 1, 2011).

3.1.18 *Response:* Comment noted. See Response 3.1.5.

3.1.19 *Comment:* "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" (Peter Grizone, Yonkers resident. Public Hearing: November 1, 2011).

3.1.19 *Response:* Comment noted. The Buena Vista Teutonia project is a private proposal undergoing review under the current downtown zoning and as such is independent of the proposed Zoning Code amendments.

3.1.20 *Comment:* "I want to say congratulations, and hopefully business and profit in the City of Yonkers and I like when the City of Yonkers is successful and coming out with brilliant ideas" (Peter Monante, Yonkers resident. Public Hearing: November 1, 2011).

3.1.20 *Response:* Comment noted.

3.1.21 *Comment:* "I am a citizen of Yonkers, also, commercial real estate broker for 20 years in the city. I represented a lot of properties downtown throughout Yonkers. A lot of properties downtown some with very large footprints. There has been very little interest by developers, by industrial users, by retail stores to go in there. There just has not been the density that we are talking about trying to bring. We need to commend the city right now because at a time when you can't get things downtown, Yonkers

continues to grow. What's happening down on Alexander Street, what's happened Forest City is great. What's happening now with the changing the zoning. It's a very good sign and important to consider that. I support the new change in zoning. I support the work that Deardon has been doing, and if things get too dense and more parkland as things move on things can be changed later. But to stop these things now before they can come I think is really silly" (Bernard Stachel, Yonkers resident. Public Hearing: November 1, 2011).

3.1.21 *Response:* Comment noted.

3.1.22 *Comment:* "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" (Theresa Boyd, Yonkers resident. Public Hearing: November 1, 2011).

3.1.22 *Response:* Comment noted. See Response 3.1.5.

3.1.23 *Comment:* "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" (Peter Grizone, Yonkers resident. Written comment: November 14, 2011).

3.1.23 *Response:* Comment noted.

3.1.24 *Comment:* "Europe has constructed over 20,000 passive-house (P)H 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 allowance" (Rob Hothan, Yonkers resident. Written comment: November 14, 2011).

3.1.24 *Response:* Comment noted. The use of solar and other energy conservation technologies are a potential for the future; however, the zoning proposal had to work with the current building inventory, the likely development patterns in the area, the likely value of solar heating in this part of the country and current market for such uses in the region. The proposed zoning does not preclude the potential for the development of solar powered homes, but does take as its primary principal that the most reachable environmental benefit in this area is transit orientation and compact development.

3.1.25 *Comment:* "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" (Rob Hothan, Yonkers resident. Written comment: November 14, 2011).

3.1.25 *Response:* As part of the DGEIS, the Yonkers Department of Planning and Development prepared computer generated model shadow assessments for the Downtown Rezoning Area. The southwest corner of Nepperhan Street and Warburton Avenue was chosen for the DGEIS as a representative example of a location where a 25-story building could be constructed under the proposed Zoning Code amendments and a good example of the potential shadow impacts that could occur on an adjacent park, in addition to other types of uses. As shown in Appendix F of the Downtown Yonkers Rezoning DGEIS, this location is adjacent to the future location of the new park at Larkin Plaza and the nearby Philipse Manor Hall, a recognized National Historic Place. A shadow assessment considers actions that result in new shadows long enough to reach a publicly accessible open space or historic resource (except within an hour and a half of sunrise or sunset). For actions resulting in structures less than 50 feet high, a shadow assessment is generally not necessary unless the site is adjacent to a park, historic resource, or important natural feature (if the features that make the structure significant depend on sunlight). The shadow assessment was prepared for various times throughout the day during the Summer Solstice, Spring and Fall Equinoxes, and cold weather conditions on November 21$^{st}$. In response to this comment, the City prepared shadow assessment diagrams for the Winter Solstice; the December 21$^{st}$ shadow diagrams are included in FGEIS Appendix C. The methodology used for the computer generated model shadow assessment is common for the preparation of shadow assessments and widely used by professionals. Therefore, it is an accepted methodology for shadow assessments. The DGEIS notes that there are instances where shadows produced by new development within the downtown, if not properly controlled, may result in significant adverse impacts. The City of Yonkers Department of Planning and Development city considered the impacts of the locations of the proposed zoning districts and the potential maximum allowable building heights and went through several iterations of analysis to minimize the potential adverse impacts of allowable building heights, while satisfying the desired density in the downtown.

3.1.26 *Comment:* "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" (YBID. Written comment: November14, 2011).

3.1.26 *Response:* Comment noted.

3.1.27 *Comment:* "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" (YBID. Written comment: November 14, 2011).

3.1.27 *Response:* Comment noted.

3.1.28 *Comment: "*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" (YBID. Written comment: November 14, 2011).

3.1.28 *Response:* Comment noted.

## 3.2 Executive Summary

No comments received.

## 3.3 Proposed Action

3.3.1 *Comment:* "I want to say, the Yonkers Planning Department has also been generous in its effort to involve the public in the original planning for the rezoning of the downtown. Unfortunately, some of the most promising ideas generated in part by the public which were originally met with enthusiasm by Planning Department members and the professional outside consultants have unaccountably disappeared from the Generic Environmental Impact Statement. In particular, the clearly stated public wish for a large central park to serve as a green fulcrum for public respite and relaxation. This intensely built environment has been severely dropped with a group of 250 foot buildings, the proposed Greenport might have been" (Terry Joshi, Yonkers Community for Smart Development, Public Hearing: November 1, 2011).

3.3.1 *Response:* Comment noted. See Response 3.1.5.

3.3.2 *Comment:* "This rezoning plan should include, it does not, specific historic districts within a newly described historic district zone, perhaps the HD zone that can preserve our most important historic properties in the downtown. The Landmarks Preservation Board consultant's report should be an excellent guide in this process. Currently, in this GEIS the historic buildings have been earmarked for lower heights. That in itself is not enough to protect them from razing, as I think we all remember from the Philipse Manor historic district. Historic districts attract the kind of small economic ventures

that help create economic vibrancy and street traffic we all want in the downtown" (Terry Joshi, Yonkers Community for Smart Development, Public Hearing: November 1, 2011).

3.3.2 *Response:* The proposed Zoning Code amendments do not preclude the designation of historic districts or places. Additionally, the city has a functioning process for the designation and protection of historic properties under the Landmarks Preservation Ordinance (Chapter 45 of the Yonkers City Code). The creation of historic districts in the zoning was considered to potentially work at cross purposes to the existing process in the Preservation Ordinance

The expansion or designation of a historic district typically occurs via a separate study or process as per federal or New York State guidelines, including coordination with the New York's State Historic Preservation Office (SHPO). The SHPO helps communities identify, evaluate, preserve, and revitalize their historic, archeological, and cultural resources. The SHPO administers programs authorized by both the National Historic Preservation Act of 1966 and the New York State Historic Preservation Act of 1980. These programs, including the Statewide Historic Resources Survey, the New York State and National Registers of Historic Places, the federal historic rehabilitation tax credit, the Certified Local Government program, the state historic preservation grants program, state and federal environmental review, and a wide range of technical assistance, are provided through a network of teams assigned to territories across the state.

In addition to federal and state entities, the City of Yonkers code currently contains a Landmarks Preservation Ordinance, which was passed by the City Council in August of 1991. It is designed to protect and preserve properties that are important in Yonkers' history. Under the Landmarks Ordinance Law a Landmarks Preservation Board was established, which is dedicated to the protection and preservation of Yonkers' architectural, historical and cultural resources. It is comprised of eleven Landmarks Board Members who are residents of Yonkers. The Landmarks Preservation Board has two principal functions: 1) It prepares reports on nominations of structures and places as landmarks or historic districts; and 2) It issues approvals for certificates of appropriateness for changes to landmarks, buildings or sites in historic districts. The Board also has the responsibility to regulate changes to properties designated as landmarks or located in historic districts. In its review role on landmark and district nominations, the Board makes recommendations to the City Council. Once a site or district is created by the Council the Landmarks Preservation Board has the authority to make determinations on the historical appropriateness of proposed new buildings, structures or changes to existing buildings. Certificates of appropriateness may be required for work that does not otherwise require a building permit. Nominations for historic districts are most commonly made by neighborhood associations with the help

of a professional planner or preservationist. This process would be a separate process from the proposed Zoning Code amendments.

While writing the proposed Zoning Code amendments, the Yonkers Department of Planning and Development took into consideration the Landmarks Preservation Ordinance. The Planning Department gave precedence to the Landmarks Board and its existing ordinance understanding that creation of a competing preservation process might not accomplish the city's goals in the downtown or city-wide for preservation. The department zoned existing areas and potential areas of historic interest with density and height that placed the least amount of development pressure on those areas. This action, coupled with the proposed design guidelines, is anticipated to help protect and strengthen existing and potential historic areas of interest.

3.3.3 *Comment:* "Also, the historic preservation for important historic buildings, and do we need an historic zone? What are we going to do about those historic district buildings?" (Michael Sabitino, Yonkers resident. Public Hearing: November 1, 2011).

3.3.3 *Response:* Comment noted. The Landmarks Preservation Ordinance in combination with the reduced development pressure placed upon the areas under the proposed zoning amendments means that there is no need for an historic zoning process in addition to the landmarks preservation process. See also Response 3.3.2.

3.3.4 *Comment:* Upon careful review of the proposed rezoning, which included various changes, the uses in the current I-zone district we think it is important to recognize both the historic and current uses that are current at the property. i-Park clearly understands the mission of the city to enhance the existing industrial zone to allow for more flexibility as we contemplate the changing nature of the workplace and potential new industries, such as the biotechnology industry. With this in mind, however, we believe it is important not to remove existing industry uses but rather add some of the potential future uses that may allow the property to transition into the future, Kawasaki and many supplier companies clearly engaged in heavy industry use. In fact, Kawasaki, the name is Kawasaki Heavy Industry, Inc.. We think it's important to continue to allow for this and other heavy industry uses which do create job growth for i-Park (Daniel Pennessy, i.park. Public Hearing: November 1, 2011).

3.3.4 *Response:* Comment noted. See Responses 3.1.1 and 3.1.2.

3.3.5 *Comment:* 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. Industrial districts, we believe, will become less available as other communities in Westchester County choose to eliminate many of the current allowable uses. This will continue to provide i-Park with a competitive advantage for attracting

new tenants, both now and in the future (Daniel Pennessy, i-Park. Public Hearing: November 1, 2011).

3.3.5 *Response:* Comment noted.

3.3.6 *Comment:* In summary, we believe that the existing industrial zone allows for a range of uses that will continue to be important generators of jobs and clearly reflects the City of Yonkers' strong industry past. It is also worth noting that i-Park is the only property that is subject to this new designation. We believe unfairly burdens the i.park both now and in the future. i.park remains committed to providing a location for heavy industry use like Kowasaki and other existing tenants and continue to work closely with the City of Yonkers to generate future jobs and the taxpayers. We strongly encourage you to combine the existing industrial zone uses with proposed uses and other objectives (Daniel Pennessy, i-Park. Public Hearing: November 1, 2011).

3.3.6 *Response:* Comment noted. See Responses 3.1.1 and 3.1.2.

3.3.7 *Comment:* "That said, I have two comments to make. The first, part of the central area of the zoning map marked, D-MX. Mixed use includes the blocks bounded by Main Street, North Broadway, Manor House Square, and Warburton Avenue. These blocks include such significant buildings as the former main public library, which have been Wheller(p) block with its decoration of columns, Odd Fellows Hall, among other buildings that make up the existing historic legacy of downtown Yonkers. Looking at the GEIS, it is simply not sufficient just to protect this area with a 66 foot height limit. Instead, it is entirely appropriate that the city formerly, traditionally, known as the City of Gracious Living, zone this crucial portion of the heart of downtown Yonkers as a specific historic district. Do it once and for all. That's the first comment" (Barrymore L. Scherer, Yonkers resident. Public Hearing: November 1, 2011).

3.3.7 *Response:* Comment noted. See response 3.3.2.

3.3.8 *Comment:* "A good deal of the zoning that has been changed in our immediate area we don't particularly agree with, especially the designation for having, frankly, high-rise buildings down on the Glenwood Avenue area and down on the waterfront adjacent to the Glenwood station" (Tony Van Loan, Hudson River Community Association. Public Hearing: November 1, 2011).

3.3.8 *Response:* "The areas described by the commenter are not included in the Downtown Rezoning Area as defined in the boundaries of the proposed Zoning Code amendments or the Downtown Yonkers Rezoning DGEIS. The Downtown Rezoning Area is bound by Ashburton Avenue (NYS Route 9A) to the north and the Metro-North railroad tracks to the west. To the south, the Downtown Rezoning Area extends past Vark Street and

slightly past Highland Avenue. The intersection of Nepperhan Avenue and Columbus Place represents the most eastern point of the Downtown Rezoning Area." (See Figure 1-2: Downtown Rezoning Area in Appendix A: Proposed Zoning Amendments to Code of the Downtown Yonkers DGEIS.)

3.3.9 *Comment:* "Attention should have been paid to establishing an actual historic zone, and I think it's a huge disappointment that that has not been acknowledged" (Nell Twining, Yonkers resident. Public Hearing: November 1, 2011).

3.3.9 *Response:* Comment noted. See Response 3.3.2.

3.3.10 *Comment:* And I'm also very concerned about the height and bulk represented of the proposed plan, and in particular, the proposed locations of maximum height and bulk. And I am concerned that these locations and this height and bulk will have a very huge adverse effect on our historic resources in the downtown (Nell Twining, Yonkers resident. Public Hearing: November 1, 2011).

3.3.10 *Response:* While writing the proposed Zoning Code amendments, the Yonkers Department of Planning and Development took into consideration the existing Landmarks Preservation Ordinance and locally designated historic districts, as well as federal and State designated National Register of Historic Places and Districts. The department zoned existing areas and potential areas of historic interest with density and height that placed the least amount of pressure on those areas. This action, coupled with the proposed design guidelines, is anticipated to help protect and strengthen existing and potential historic areas of interest. It is also the intent of the proposed Zoning Code amendments to allow for increased development potential in the downtown area, which will help to strengthen Downtown Yonkers as a retail and entertainment destination. The aim of the proposed Zoning Code amendments is to better serve the community by creating a vibrant and walkable downtown with street level activity that will support local businesses, attract new residents, and realize the potential of the downtown as the center of the city and as a regional attraction.

3.3.11 *Comment:* 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 (Peter Grizone, Yonkers resident. Public Hearing: November 1, 2011).

3.3.11 *Response:*

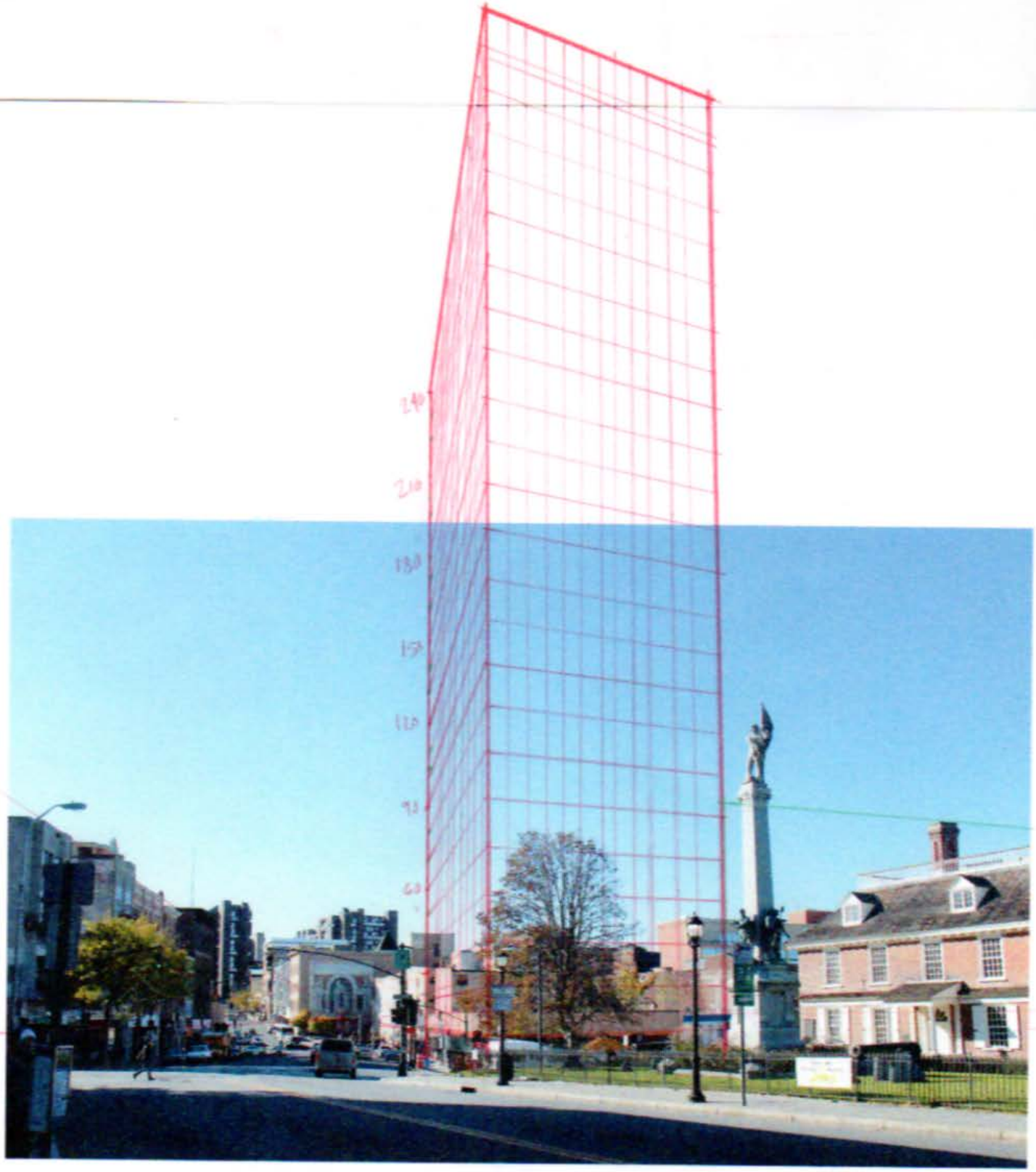
As part of the planning and visioning process, the City of Yonkers Department of Planning and Development tested several iterations of proposed allowable building heights in various Downtown locations, prior to selecting the final heights as shown in Map B. These iterations helped the Department to appropriately zone for building heights in locations that minimize potential adverse impacts to view sheds, historic and cultural resources, and parks and open space, while achieving the desired level of density in Downtown Yonkers. The Yonkers Department of Planning and Development attempted to balance the desired density within the Downtown Rezoning Area with preservation of community character. There are instances, if not properly controlled, where significant adverse impacts, such as shadows, will occur in some areas if future development is constructed up to the allowable maximum building heights. Understanding the historic and cultural importance of Philipse Manor Hall, the Yonkers Department of Planning and Development prepared computer generated shadow diagrams of a potential 25-story building across from Philipse Manor Hall and Larkin Plaza at the southwest corner of Nepperhan Street and Warburton Avenue. During the warmer seasons, shadows produced from a potential 25-story building would be cast onto Larkin Plaza and Philipse Manor Hall during certain times throughout the day. However, the width and duration of the shadows would not be considered significant as the shadows move throughout the day. During the cold weather months shadows cast by the potential 25-story building often overlap those shadows caused by the No Action condition. The shadow diagrams were contained in DGEIS Appendix F and additional shadow diagrams have been prepared for the December 21st Winter Solstice and are included in FGEIS Appendix C. The City considered these impacts when locating the proposed zoning districts and drafting the bulk and height requirements. As a result, the proposed zoning district locations and maximum allowable building heights are located in areas that have minimized to the maximum extent practicable the potential impacts of future development on the surrounding community. The City has proposed greater building heights and density in the downtown core, while protecting the existing residential areas located at the southwestern portion of the Downtown Rezoning Area. By directing future growth in the city's downtown core, the City has avoided potential greater adverse impacts if that growth were directed to other areas of the City. The proposed building heights are typical of and consistent with downtown urban areas. See FGEIS Chapter 2.0 for additional discussion.

Design standards have been incorporated into the proposed Zoning Code amendments that will help mitigate some of the potential adverse impacts of buildings heights. For example, the proposed design guidelines has set maximum building footprints above 66 feet in height, minimum upper-story setbacks, and minimum tower separation requirements that will lessen the potential adverse impacts of future development. These proposed design guidelines currently do not exist and are an improvement over the current City Zoning Code.

3.3.12 *Comment:* "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)" (Peter Grizone, Yonkers resident. Written comment: November 14, 2011).

3.3.12 *Response:* Comment noted. See Response 3.3.11. See below for Sketch S1 submitted by commenter.

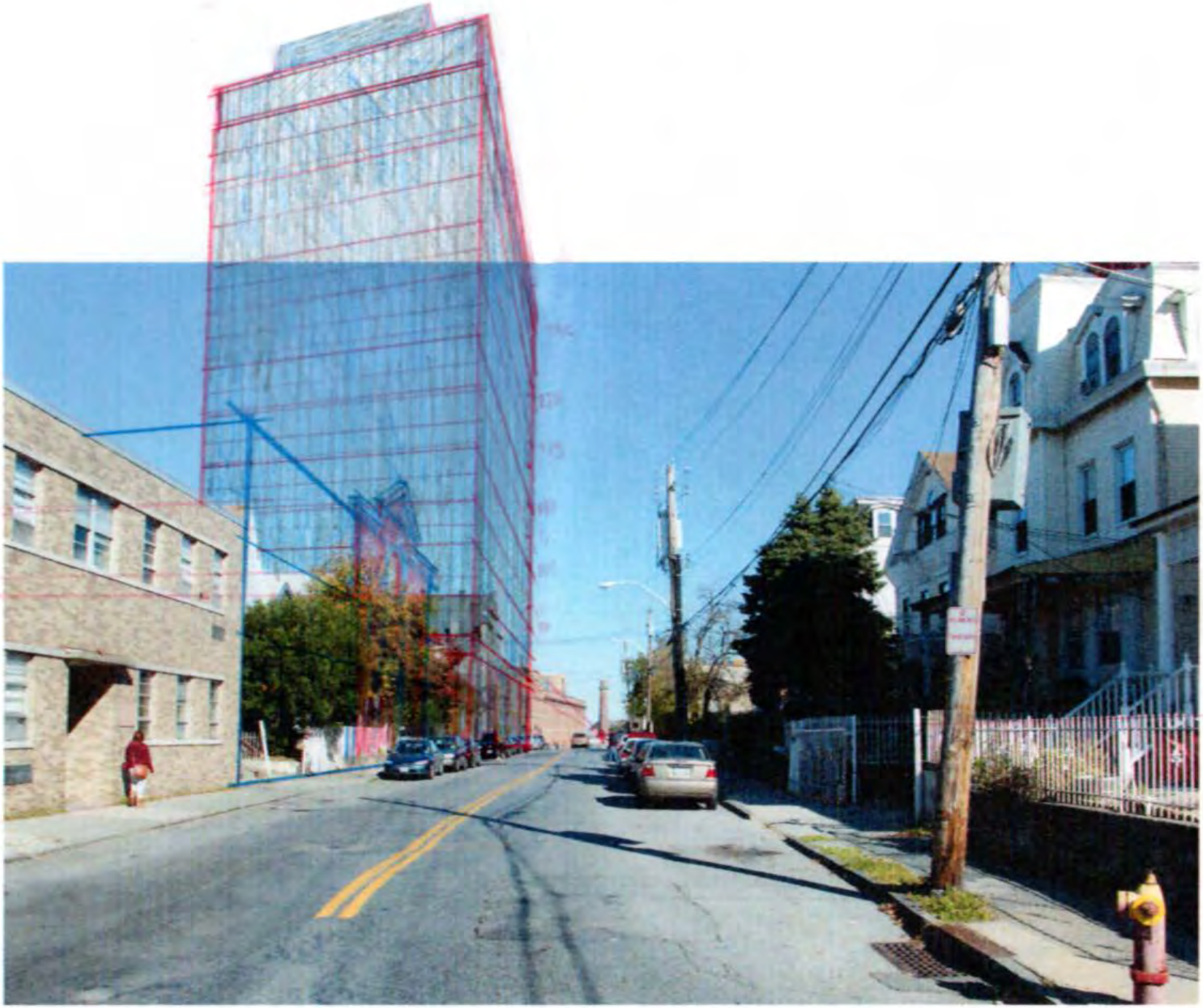
3.3.13 *Comment: "*The property on the west side of Buena Vista Avenue between Hudson and Prospect- the maximum permitted height (250 ft) completely overpowers the Trolley Barn, the narrow residential street and the adjacent low density neighborhood to the south. (see Sketches S2 & S3)" (Peter Grizone, Yonkers resident. Written comment: November 14, 2011).




# 25 STORY TOWER

PERMITTED IN REZONING PROPOSAL

S1



# 25 STORY TEUTONIA TOWER

S2

PERMITTED IN REZONING PROPOSAL

# 25 STORY TEUTONIA TOWER

S3

PERMITTED IN REZONING PROPOSAL

3.3.13 *Response:* Comment noted. See Sketches S2 and S3 above submitted by commenter. See Response 3.3.11 above.

3.3.14 *Comment: "*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)" (Peter Grizone, Yonkers resident. Written comment: November 14, 2011).

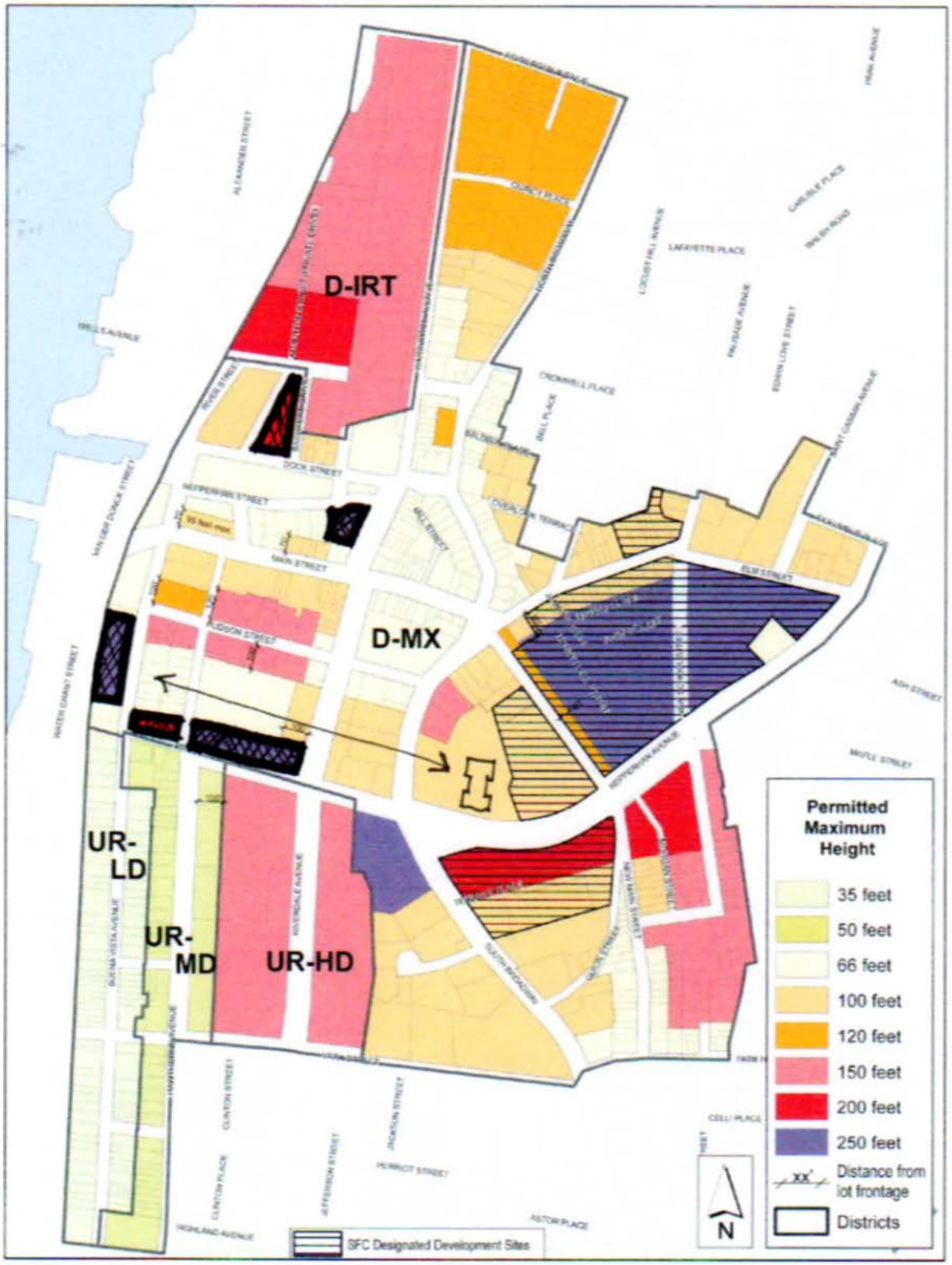
3.3.14 *Response:* Comment noted. See Response 3.3.11. See below for Sketch M1 submitted by commenter. In addition, it is the intent of the proposed Zoning Code amendments to encourage future growth and development in the Yonkers downtown core, including greater density and building heights in order to strengthen Downtown Yonkers as a retail and entertainment destination. The aim of the proposed Zoning Code amendments is to better serve the community by creating a vibrant and walkable downtown with street level activity that will support local businesses, attract new residents, and realize the potential of the downtown as the center of the city and as a regional attraction. The commenter's submitted sketch (Sketch M1) depicts a view shed in the center of the downtown core, where greater density and building heights are encouraged. The view corridor depicted in Sketch M1 does not take into consideration the topography of the Downtown Rezoning Area. City Hall location is located at an elevation of approximately 100 feet above sea level, while the potential Buena Vista Teutonia tower is located at an elevation of approximately 50 to 75 feet above sea level. The existing lower topography at the western portion of the Downtown Rezoning Area will limit the impact to viewsheds from locations to the east.

Further, as discussed in FGEIS Chapter 2.0 the Downtown Building Heights Map (FGEIS Figure 2-2) has been revised to reduce the extent of the 250 foot maximum permitted height limit on the block containing the proposed Buena Vista Teutonia Hall. The southerly portion of this block has been re-designated as having a maximum permitted height of 66 feet rather than 250 feet. The more northerly portion of the block remains at 250 feet. By allowing significant height on a smaller portion of the block, it is the City's intent to limit visual/viewshed impacts at this location. This reduction will further limit any impacts to viewsheds from locations to the east.

# 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

3.3.15 *Comment: "*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." (Peter Grizone, Yonkers resident. Written comment: November 14, 2011).

3.3.15 *Response:* Comment noted. See Responses 3.3.11 and 3.3.14.

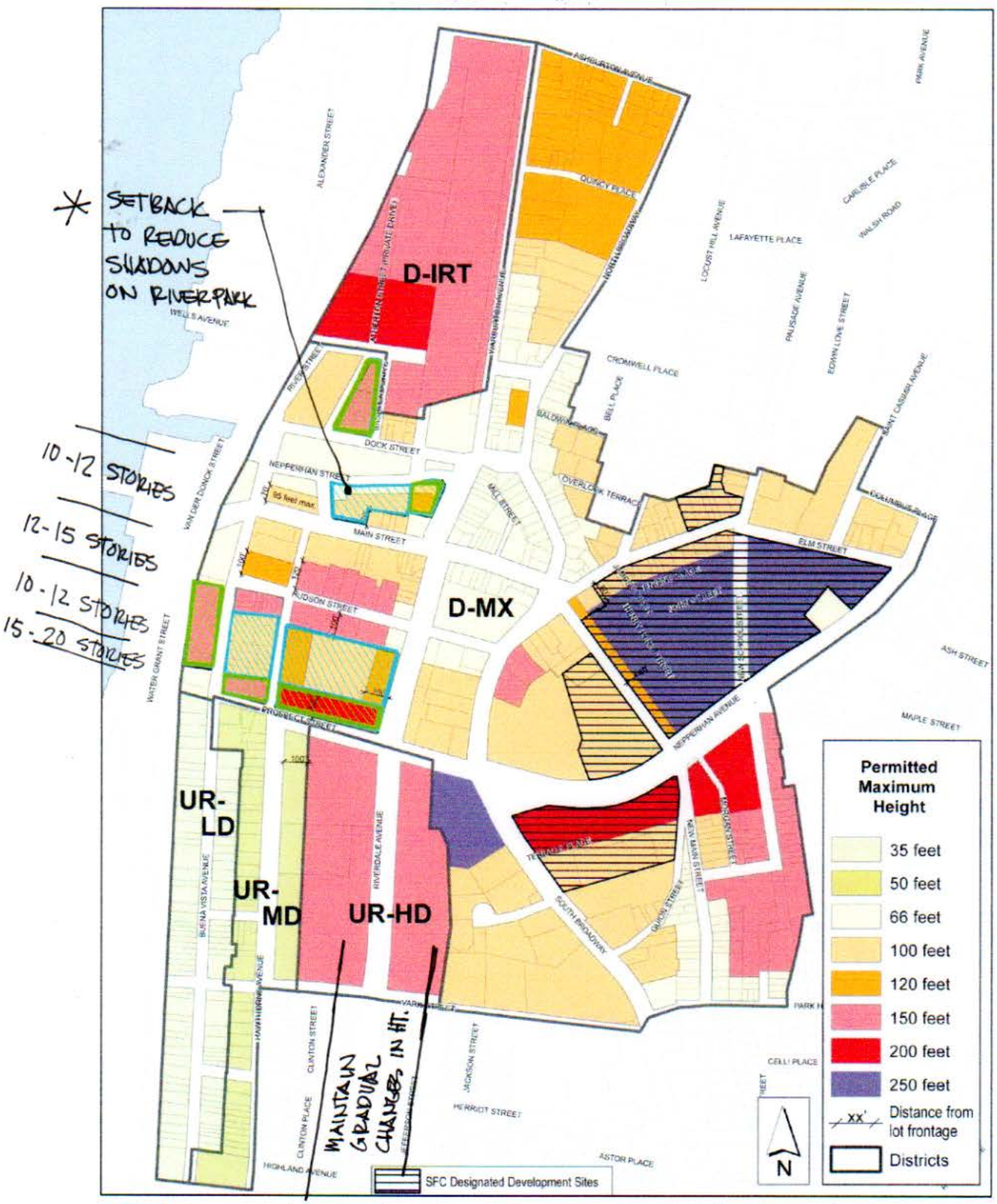
3.3.16 *Comment: "*The concern I have is not with density close to the train station. This is the necessary and sustainable response to this proximity to transit. Neither is my concern about the changing character of neighborhoods as I encourage their change, but only if the process respects our significant 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" (Peter Grizone, Yonkers resident. Written comment: November 14, 2011).

3.3.16 *Response:* Comment noted. See Responses 3.3.11 and 3.3.14. See Sketches M1 and M2 submitted by commenter. In addition, design standards have been incorporated into the proposed Zoning Code amendments that will help mitigate some of the potential adverse impacts of buildings heights. For example, the proposed design guidelines has set maximum building footprints above 66 feet in height, minimum upper-story setbacks, and minimum tower separation requirements that will lessen the potential adverse impacts of future development. These proposed design guidelines currently do not exist and are an improvement over the current City Zoning Code.

# 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

3.3.17 *Comment: "*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 should not be thought of as a lost opportunity for developers, but quite the opposite, it could be recognized as an opportunity catalyst" (Peter Grizone, Yonkers resident. Written comment: November 14, 2011).

3.3.17 *Response:* Comment noted. See Response 3.1.5.

3.3.18 *Comment: "*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" (Peter Grizone, Yonkers resident. Written comment: November 14, 2011).

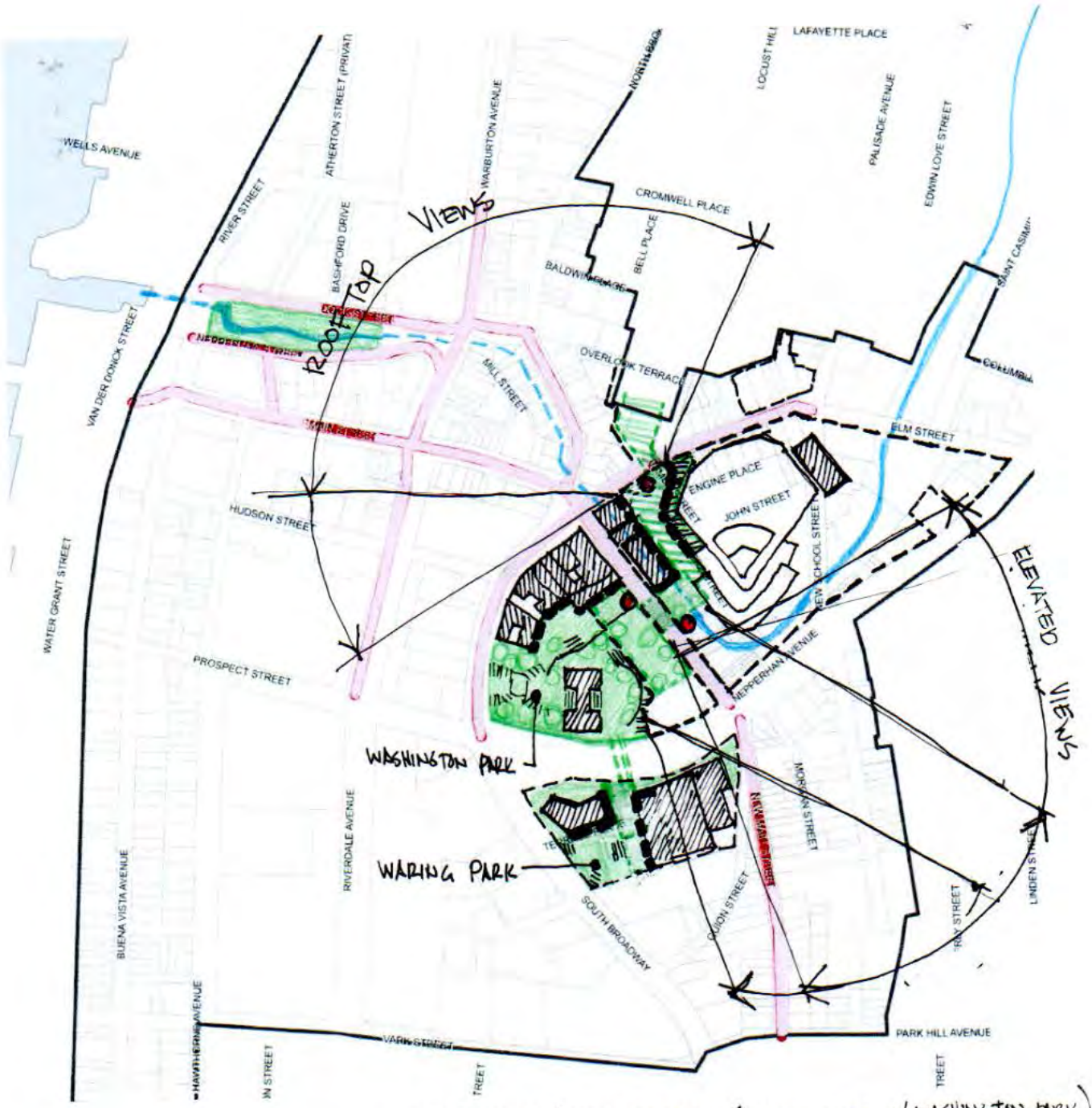
3.3.18 *Response:* Comment noted. See Response 3.1.5. See below for Sketch M3 submitted by commenter.

3.3.19 *Comment:* "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" (Luis Perelman, Blue Door Art. Written comment: November 13, 2011).

# OPEN SPACE

## EXPANSION OF WASHINGTON PARK

**M3**




OPEN SPACE ON ROOF OF GOV'T CTR. 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

3.3.19 *Response:* The proposed Zoning Code amendments do not preclude future developments from incorporating permanent or rotating art exhibits. At a future time, the city, a private developer, or another party could decide to commit funding for the incorporation of art into a future development or public space.

3.3.20 *Comment:* "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. Written comment: November 14, 2011).

3.3.20 *Response:* The proposed building heights were studied in depth within the Downtown Yonkers Rezoning DGEIS, including the potential impacts of building heights. Different and more appropriate methodologies were used for the analysis of potential traffic impacts and impacts on public infrastructure uses, including an analysis of the incremental increase in residential dwelling units and non-residential floorspace.

3.3.21 *Comment: "*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.)" (YCSD. Written comment: November 14, 2011).

3.3.21 *Response:* The Yonkers Department of City Planning and Development went through several iterations of deciding the allowable locations and heights of buildings under the proposed Zoning Code amendments, and took into consideration many factors, including the topography of the Downtown Rezoning Area. These iterations helped the department to appropriately zone for building heights in locations that minimize potential adverse impacts to view sheds, historic and cultural resources, and parks and open space, while achieving the desired level of density in Downtown Yonkers. The Yonkers Department of Planning and Development attempted to balance the desired density within the Downtown Rezoning Area with preservation of community character. The City has proposed greater building heights and density in the downtown core, while protecting the existing residential areas located at the southwestern portion of the Downtown Rezoning Area. By directing future growth in the city's downtown core, the City has avoided potential greater adverse impacts if that growth were directed to other

areas of the downtown. It is the intent of the proposed Zoning Code amendments to allow for increased development potential in the downtown area, which will help to strengthen Downtown Yonkers as a retail and entertainment destination while making the best use of the area's transit facilities and infrastructure. The aim of the proposed Zoning Code amendments is to better serve the community by creating a vibrant and walkable downtown with street level activity that will support local businesses, attract new residents, and realize the potential of the downtown as the center of the city and as a regional attraction.

3.3.22 *Comment:* **"**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. Written comment: November 14, 2011).

3.3.22 *Response:* Comment noted. See response 3.3.2.

3.3.23 *Comment: "*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" (YCSD. Written comment: November 14, 2011).

3.3.23 *Response:* Comment noted. See response 3.3.2.

3.3.24 *Comment:* "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?" (YCSD. Written comment: November 14, 2011).

3.3.24 *Response:* Comment noted. See response 3.3.2.

3.3.25 *Comment:* "§ 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. YCSD would like clarification on the 3 year limit: why and how was this concept floated?" (YCSD. Written comment: November 14, 2011).

3.3.25 *Response:* The only existing Dedicated Development Site within the Downtown Rezoning Area is the SFC project. Three years is a typical and accepted minimum amount of time to amortize a program.

3.3.26 *Comment: "*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" (YCSD. Written comment: November 14, 2011).

3.3.26 *Response:* Comment noted. See Response 3.3.25. In addition, all of the existing zoning districts, such as the CB or GC District, are proposed to be replaced with new zoning districts in the Downtown Rezoning Area. The Designated Development Site concept requires City Council approval, was only available after SEQR review of any project proposing the concepts use, and would no longer be available after the sunset of the CB and GC districts. The only Designated Development Site established was created for the SFC project, after the three year amortization period, the existing dimensional standards and other zoning regulations for that Designated Development Site will no longer be used.

3.3.27 *Comment: "*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" (YCSD. Written comment: November 14, 2011).

3.3.27 *Response:* Comment noted. The proposed Zoning Code amendments could alternatively allow the incorporation of the Proctor Theater into a rehabilitated and expanded building. See also Response 3.3.26.

3.3.28 *Comment: "*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?" (YCSD. Written comment: November 14, 2011).

3.3.28 *Response:* Comment noted. See Responses 3.3.25 and 3.3.26.

3.3.29 *Comment:* "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." (YCSD. Written comment: November 14, 2011).

3.3.29 *Response:* In response to public comments made with respect to height and viewsheds, Map B: Downtown Height Map (DGEIS Figure 2-5 and 3.1-5) has been revised to reduce the extent of the 250 foot maximum permitted height limit on the block roughly bounded by the railroad tracks to the west, Buena Vista Avenue to the east, Hudson Street to the north and Prospect Street to the south. The southerly portion of this block has been re-designated as having a maximum permitted height of 66 feet rather than 250 feet.. By allowing significant height on a smaller portion of the block, it is the City's intent to limit visual/viewshed impacts at this location. (See Figure 2-2 in Chapter 2.0 for the revised Downtown Height Map.)

As part of the planning and visioning process, the City of Yonkers Department of Planning and Development tested several iterations of proposed allowable building heights in various Downtown locations, prior to selecting the final heights as shown in Map B. These iterations helped the Department to appropriately zone for building heights in locations that minimize potential adverse impacts to view sheds, historic and cultural resources, and parks and open space, while achieving the desired level of density in Downtown Yonkers. The Yonkers Department of Planning and Development attempted to balance the desired density within the Downtown Rezoning Area with preservation of community character. There are instances, if not properly controlled, where significant adverse impacts, such as shadows, will occur in some areas if future development is constructed up to the allowable maximum building heights. The proposed zoning district locations and maximum allowable building heights are located in areas that have minimized to the maximum extent practicable the potential impacts of future development on the surrounding community. The City has proposed greater building heights and density in the downtown core, while protecting the existing residential areas located at the southwestern portion of the Downtown Rezoning Area. The proposed building heights are typical of and consistent with downtown urban areas.

It is the intent of the proposed Zoning Code amendments to encourage future growth and development in the Yonkers downtown core, including greater density and building heights in order to strengthen Downtown Yonkers as a retail and entertainment destination. The aim of the proposed Zoning Code amendments is to better serve the

community by creating a vibrant and walkable downtown with street level activity that will support local businesses, attract new residents, and realize the potential of the downtown as the center of the city and as a regional attraction.

Design standards have been incorporated into the proposed Zoning Code amendments that will help mitigate some of the potential adverse impacts of buildings heights. For example, the proposed design guidelines has set maximum building footprints above 66 feet in height, minimum upper-story setbacks, and minimum tower separation requirements that will lessen the potential adverse impacts of future development. These proposed design guidelines currently do not exist and are an improvement over the current City Zoning Code.

3.3.30 *Comment: "*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" (YCSD. Written comment: November 14, 2011).

3.3.30 *Response:* Comment noted. See Response 3.3.2.

3.3.31 *Comment: "*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" (YCSD. Written comment: November 14, 2011).

3.3.31 *Response:* The proposed action is the adoption of the proposed Zoning Code amendments, which are contained in Appendix A of the Downtown Yonkers Rezoning DGEIS, with corrections noted in Chapter 2.0 of the FGEIS. The proposed action does not include the adoption of the vision plan, titled "Rezoning for Downtown Yonkers", which is located in Appendix E of the DGEIS.

3.3.32 *Comment:* "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" (YCSD. Written comment: November 14, 2011).

3.3.32 *Response:* Comment noted. See Response 3.3.2.

3.3.33 *Comment:* "Throughout the design charettes 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" (YCSD. Written comment: November 14, 2011).

3.3.33 *Response:* Comment noted. See Response 3.1.5.

3.3.34 *Comment: "*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" (YCSD. Written comment: November 14, 2011).

3.3.34 *Response:* Comment noted. See Response 3.1.5.

3.3.25 *Comment: "*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" (YCSD. Written comment: November 14, 2011).

3.3.35 *Response:* Comment noted. The City of Yonkers is in the process of finalizing the draft Green Building Standards. The 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.

3.3.36 *Comment:* "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." (YCSD. Written comment: November 14, 2011).

3.3.36 *Response:* The proposed action consists of the adoption of the proposed Zoning Code amendments, not the vision plan, titled "Rezoning for Downtown Yonkers". The Vision Plan was a draft that guided the City's planning and visioning process. The height as shown on the Downtown Height Map in the draft Zoning Code amendments is correct (as revised in Chapter 2.0 of the FGEIS) and supersedes the Vision Plan. As such, potential building heights are capped at 100 feet in the area described by the commenter.

3.3.37 *Comment:* "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" (YCSD. Written comment: November 14, 2011).

3.3.37 *Response:* Comment noted. See Response 3.3.29.

3.3.38 *Comment:* "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?" (YCSD. Written comment: November 14, 2011).

3.3.38 *Response:* Comment noted. See Response 3.3.21.

3.3.39 *Comment: "*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" (YCSD. Written comment: November 14, 2011).

3.3.39 *Response:* The proposed Zoning Map provides an orderly arrangement of districts and district uses for the Downtown Rezoning Area and does not constitute "spot zoning." Each district boundary was established in consideration of both existing and adjacent uses as well as future desired uses. While the proposed zoning regulations do allow for varied heights within the Downtown by location, this is not "spot zoning." The varying allowable heights have been established to minimize potential adverse impacts to view sheds, historic and cultural resources, and parks and open space, while achieving the desired level of density in Downtown Yonkers. The Yonkers Department of Planning and Development attempted to balance the desired density within the Downtown Rezoning Area with preservation of community character. The proposed maximum allowable building heights are located in areas that have minimized to the maximum extent practicable the potential impacts of future development on the surrounding community. The City has proposed greater building heights and density in the downtown core, while protecting the existing residential areas located at the southwestern portion of the Downtown Rezoning Area. The proposed building heights are typical of and consistent with downtown urban areas. In addition, please see Response 3.3.29.

3.3.40 *Comment: "*YCSD suggests that a requirement for pervious pavement or pavers be incorporated directly into the zoning for all ground level parking lots" (YCSD. Written comment: November 14, 2011).

3.3.40 *Response:* Options will be available within the proposed Green Building Standards to provide means to lessen run off from parking lots. In addition, §43-X6 Parking and Access of the proposed Zoning Code amendments contains suggestions for alternate drainage methods and landscaping requirements.

3.3.41 *Comment: "*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" (YCSD. Written comment: November 14, 2011).

3.3.41 *Response:* In addition to one shade tree required in every parking lot island, §43-X6.A.(2).(c).[5] requires two shade trees if the island extends the width of the double row of parking. This is a minimum requirement that will allow for the necessary spacing between certain types of shade trees.

3.3.42 *Comment: "*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" (YCSD. Written comment: November 14, 2011).

3.3.42 *Response:* The commenter is referring to the vision plan, titled "Rezoning for Downtown Yonkers" in Appendix E of the DGEIS. The adoption of the vision plan does not constitute the proposed action. Rather, the proposed action is the adoption of the proposed Zoning Code amendments. Within the proposed Zoning Code amendments, §43-X1.A Purpose Statements, D-MX Mixed-Use District states that, "The D-MX District encourages ground floor commercial uses to activate the street level environment." In addition, Table 1: Schedule of Principal Uses & UR-HD Accessory Uses lists the required ground floor uses, which includes various types of businesses, offices, retail establishments, and other non-residential uses.

3.3.43 *Comment: "*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!" (YCSD. Written comment: November 14, 2011).

3.3.43 *Response:* Comment Noted. The use of an architectural review board as a part of land use review process is an administrative and/or political decision that is beyond the scope of this review. The proposed action subject to the SEQR review is the proposed amendments to the City Zoning Code.

3.3.44 *Comment:* "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" (Daniel Pennessi, National RE/sources. Written comment: November 14, 2011).

3.3.44 *Response:* In response to this comment, the proposed zoning district map (DGEIS Figure 2-4 and 3.1-3) has been revised; the proposed boundary of the D-MX District has been extended north of Wells Avenue between the railroad tracks and Atherton Street (existing private drive). This correction brings the proposed zoning map in line with the proposed uses studied and analyzed for this area as part of the adopted Alexander Avenue Master Plan, Urban Renewal Plan and related Generic Environmental Impact Statement (2008). See Figure 2-1 in FGEIS Chapter 2.0 for the revised Proposed Zoning Map.

## 3.4 Land Use, Zoning and Public Policy

3.4.1 *Comment:* "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" (Joseph Cotter, i.park, Written Letter: November 1, 2011).

3.4.1 *Response:* Comment noted.

3.4.2 *Comment:* "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" (Luis Perelman, Blue Door Art. Written comment: November 13, 2011).

3.4.2 *Response:* Comment noted. See Response 3.3.19.

3.4.3 *Comment:* 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" (Rob Hothan, Yonkers resident. Written comment: November 14, 2011).

3.4.3 *Response:* Comment noted.

3.4.4 *Comment: "*We support the inclusion of housing as an approved used 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" (YBID. Written comment: November 14, 2011).

3.4.4 *Response:* Comment noted.

3.4.5 *Comment: "*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" (YBID. Written comment: November 14, 2011).

3.4.5 *Response:* Comment noted.

3.4.6 *Comment: "*YCSD joins the Blue Door Art Gallery/Luis Perelman in its comments on the omission of public art planning in the Design Guidelines" (YCSD. Written comment: November 14, 2011).

3.4.6 *Response:* Comment noted. Please refer to Responses 3.3.19 and 3.4.2 above.

## 3.5 Community Character

3.5.1 *Comment:* "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" (John Pinegar, Yonkers Resident, Written Letter: October 31, 2011).

3.5.1 *Response:* Comment noted. See Responses 3.1.25 and 3.3.11. In addition, Section 3.2 of the DGEIS notes that there are instances where shadows produced by new development within the downtown, if not properly controlled, may result in significant adverse impacts. It should be noted that the Executive Summary of the DGEIS has been updated to reflect that significant adverse impacts could occur as a result of shadows being cast from future development projects. See FGEIS Chapter 2.0 for the revised executive summary text.

The City of Yonkers Department of Planning and Development considered the impacts of the locations of the proposed zoning districts and the potential maximum allowable building heights and went through several iterations of analysis to minimize the potential adverse impacts of allowable building heights, while satisfying the desired density in the downtown. Shadows cast by future development projects will be typical of other downtown urban areas. Design standards have been incorporated into the proposed Zoning Code amendments that will help mitigate some of the potential adverse shadow impacts caused by future building heights. For example, the proposed design guidelines has set maximum building footprints above 66 feet in height, minimum upper-story setbacks, and minimum tower separation requirements that will lessen the potential adverse impacts of future development. These proposed design guidelines currently do not exist and are an improvement over the current City Zoning Code.

3.5.2 *Comment:* The other concern of mine is that some of the buildings are very high and I have a concern on how the shadowing of those buildings are going to affect the surrounding areas where they cast the shadows. And I hope that that's being looked at because those shadows change at different times of the year (Michael Sabitino, Yonkers resident. Public Hearing: November 1, 2011).

3.5.2 *Response:* Comment noted. Buildings permitted under the proposed zoning may result in significant shadow impacts that are typical of downtown urban centers; however, potential new development under the existing zoning may also result in significant shadow impacts. Shadow impacts are reviewed under SEQR as to their impacts upon public sites and historic sites/structures. A significant shadow impact is one that changes the nature and use of the resource upon which it falls, is consistent through out much of the day, and that has not been mitigated by design changes to a lesser degree then prior to mitigation. The potential significant adverse impacts of the proposed zoning was analyzed by the City of Yonkers Department of Planning and Development, which considered the impacts of the locations of the proposed zoning districts and went through several iterations of analysis to minimize the potential adverse impacts of allowable building heights. See also Responses 3.1.25 and 3.5.1 above.

3.5.3 *Comment: "*So I have two photographs I'd like to pass around. These were taken today at 1500 hours, otherwise known as 3:00 in the afternoon, November 1st. They are of a light post, and I measured the height of the light post on November 1st at 3:00, and the shadow that was caused by it. The light post is 16 feet and the shadow cast is 48 feet. So I think we need to understand that if we have a 250 foot building in that vicinity or anywhere for that matter, the buildings north of that structure will be adversely affected by that shade" (Robert Hothan, Yonkers resident. Public Hearing: November 1, 2011).

3.5.3 *Response:* Comment noted.

3.5.4 *Comment:* Now shading may not seem very important now, however, there will come a time in our society that we are going to be relying on more solar energy, either passive or active. So I brought along one of my textbooks (SEI, Solar Energy International) and I want to read one paragraph hear, unwanted shading had occurred from trees, vegetation structures and other raise poles and wires, as a general rule should be free of shade between 9:00 a.m. and 3:00 p.m. The optimum collection time frame is called, the solar window. Shadowing is often a greater problem during the winter months. Winter months is when the shadow is the longest. The hours of daylight are the shortest and, therefore, the sunlight is most precious. Shading corresponds with the sun's altitude in the winter when the shadows are longer for locations in the northern hemisphere, December 21, should be used as the worst case shadow calculations. That's very important. The winter solstice is the darkest time of the year and, therefore, it should be used in our calculations and which, unfortunately, after reviewing the study I did not see any shading analysis for December. And I think it's very important. And therefore, I would also like to say that 3-D modeling can be altered and may not always be very realistic. Therefore, an actual tactile model would be much more preferred (Robert Hothan, Yonkers resident. Public Hearing: November 1, 2011).

3.5.4 *Response:* Comment noted. See Response 3.1.25.

## 3.6 Natural Features

No comments received.

## 3.7 Transportation and Parking

3.7.1 *Comment:* "The notation for parking suggests 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'" (John Pinegar, Yonkers Resident, Written Letter: October 31, 2011).

3.7.1 *Response:* A new parking mitigation measure has been added as follows: "To ensure adequate visitor and resident parking in the Downtown, the City will study existing public parking facilities, on-street parking regulations and will investigate the establishment of a fair share parking mitigation fund." (See Section 2.2 Clarification to the DGEIS.)

Furthermore, the proposed minimum parking ratios for the Downtown Rezoning Area set by the proposed Zoning Code amendments (see FGEIS Appendix B), Parking Amendments (Page 46) are appropriate to the Yonkers Downtown. The ratios have

been drawn from urban centers in similarly situated suburban cities. The reduced ratios recognize the transit orientation of the Yonkers Downtown, but to the extent that parking is seen as becoming a hindrance to the full rental or sales of newly constructed space; in the future the developers of such property will be free to offer more parking than the minimums shown in the zoning ordinance. The "market approach" can also be back stopped by the site plan review process where the Planning Board can review the minimum requirements found in the zoning and make decisions about the need for additional parking beyond the zoning minima.

## 3.8 Air Quality and Noise

No comments received.

## 3.9 Socioeconomics

No comments received.

## 3.10 Community Facilities and Services

3.10.1 *Comment:* The GEIS states there is enough parkland citywide to address the requirement for open space for the residents in the downtown. The YCSD, too, would prefer to see open space actually in the downtown. The eight acres of open space approved on Chicken Island as part of the SFC project are being counted in this GEIS in total space in the downtown. First of all, it's not actually there yet and there are rumors about that, about the actual fate of the SFC project in the long run. Even were it to be built as approved, the SFC project calls for a heavily built up version of open space, pretty much paid services as part of the mall, and actually some of the daylighting of the Saw Mill River. The Larkin Plaza part, an exciting project, will be hopefully an aesthetic delight, also not the kind of park people can spread out and relax on grass. Neither serves the purpose of a grand park with mature trees and grassy knolls spurred behind it on a sunny day. We have an opportunity here, possibly our last one, to make the downtown as livable as possible, while at the same time increasing its economic viability by providing a kind of quality of life open space (Terry Joshi, Yonkers Community for Smart Development. Public Hearing: November 1, 2011).

3.10.1 *Response:* Comment noted. The State Environmental Quality Review Act (6 NYCRR Part 617) does not provide a definition of recreation and open space nor does it give priority to one type of open space/recreational facility over another. However, the New York City Environmental Quality Review (CEQR) Technical Manual does provide such definitions. New York City has a planning goal of a ratio of 2.5 acres of open space per 1,000 residents; this goal is used by New York City as an optimal benchmark for

residential populations in large-scale plans and proposals[1]. In calculating its open space ratio, New York City includes parks operated or managed by the City, State, or Federal governments, open space designated through regulatory approvals, outdoor public school yards, publically accessible institutional campuses, public housing grounds, community gardens, church yards, and public plazas. Of these types of open spaces, the open space analysis contained in DGEIS Section 3.7 only considered the first two types (government operated/managed parks and open space designated through the regulatory process). Therefore, the DGEIS analysis took a more conservative approach to analyzing the adequacy of open space in the downtown as community gardens, school yards, church yards, and public housing grounds were not included. If these resources had been included the open space ratio for residents of in the Downtown would have been higher than that presented in the DGEIS.

Further, the calculation of the open space ratio for the Downtown under the Proposed Action (13-acres per 1,000 residents) did not include the proposed 8.4-acres of open space/recreation proposed as part of the SFC project and it only included parks and open space resources located in and within a distance of ½-mile (a reasonable walking distance) of the Downtown Rezoning Area for a total of 263.73-acres. If constructed the SFC project would add an additional open space/recreational resource within the Downtown above what was analyzed in the DGEIS. Also, See Response 3.1-5 above.

3.10.2 *Comment:* My second concern is the downtown central park or the disappearance thereof. Last year in public meetings the plans all seemed to included a central park, something in the center close to central center of town, no longer in zoning, and one wonders what happened to it? The downtown region in New York State's fourth largest city needs a designated open space in the form of a central park. Somehow it should be included in the GEIS lists the existing city parks apparently as a statement that this is sufficient, this is enough. But it is really disingenuous to include all current city parkland, current parkland, as sufficient for the projected additional population, especially when those parks are essentially inaccessible to the current and prospective residents of downtown Yonkers (Barrymore L. Scherer, Yonkers resident. Public Hearing: November 1, 2011).

3.10.2 *Response:* Comment noted. See Responses 3.1-5 and 3.10.1 above.

3.10.3 *Comment:* "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

[1] New York City, 2010. *City Environmental Quality Review (CEQR) Technical Manual*, May 2010.