

State Environmental Quality Review
Findings Statement

Pursuant to Article 8 (State Environmental Quality Review Act - SEQRA) of the Environmental Conservation Law and 6 NYCRR Part 617, the City of Yonkers City Council as the Lead or an Involved Agency makes the following findings.

Name of Action: Downtown Yonkers Rezoning

Description of 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. In addition, the City proposes to adopt amendments to Chapter 47, Outdoor Signs, of the Yonkers City Code.

Location: Yonkers, NY

Agency Jurisdiction: City of Yonkers City Council

Date Final Environmental Impact Statement Filed: December 14, 2011

Facts and Conclusions Relied on to Support the Decision:

1. HISTORY AND COMPLIANCE WITH SEQRA REQUIREMENTS

Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the New York State Environmental Conservation Law requires that zoning code amendments follow a State Environmental Quality Review Act (SEQRA) process before they are adopted. A Generic Environmental Impact Statement (GEIS) was prepared to evaluate the impacts of the adoption of amendments to the City of Yonkers City Code by the Yonkers City Council. This findings statement represents the conclusion of the SEQRA process, which is summarized below:

- **Lead Agency**

On September 14, 2011, the City of Yonkers City Council declared itself the Lead Agency and determined that a full Generic Environmental Impact Statement (GEIS) would be produced. The Legislature determined that the adoption of the Zoning Code amendments is a Type 1 Action and issued a Determination of Significance – Positive Declaration.

- **Draft Generic Environmental Impact Statement (DGEIS)**

The DGEIS for the Proposed Action, prepared by the City of Yonkers City Council with the assistance of its consultants, was accepted by the City Council on October 11, 2011.

- **Public Hearing**
The public comment period on the DGEIS opened on October 11, 2011 and extended through November 14, 2011. During this period, a public hearing on the DGEIS was held on November 1, 2011. Fifteen commenters provided verbal comments at the public hearing in addition to eight written comments on the DGEIS during the comment period; both are referenced in the Final Generic Environmental Impact Statement.
- **Final Generic Environmental Impact Statement (FGEIS)**
The FGEIS was accepted by the City of Yonkers City Council on December 13, 2011, and a Notice of Completion filed. The FGEIS and Notice of Completion were circulated and filed with involved and interested agencies on December 14, 2011. Copies were also made available to the public at the Yonkers Public Library (Riverfront Library), located at 1 Larkin Center, and the City Clerk's Office, located at 40 South Broadway, Yonkers, NY, as well as on the City of Yonkers Department of Planning and Development website: <http://www.yonkersny.gov/Index.aspx?page=2354>.

2. DECISIONS MADE AND RATIONALE FOR AGENCY'S DECISION

The Yonkers City Council concludes that the adoption of the proposed Zoning Code amendments (the "Proposed Action") conforms to the certifications required by 6 NYCRR Part 617.11(d)(5). After discussion with its consulting professionals and taking into account the comments received during the public review process, the City Council believes that the Proposed Action will have a beneficial impact on the City of Yonkers as a whole, minimizes adverse environmental impacts to the maximum extent practicable, and will guide future development within Downtown Yonkers in accordance with sound land use and environmental management practices. Because the adoption of the Proposed Zoning Code amendments is expected to have a beneficial impact on the City of Yonkers, area-wide mitigation measures are generally not necessary, unless as otherwise noted in Section 3 below. The City Council has determined that the long-term benefits of the Proposed Action outweigh any of the potential adverse impacts. Future proposed projects within the Downtown Rezoning Area will be subsequently reviewed under SEQR (6 NYCRR Part 617) to evaluate possible site specific impacts and will be subject to local, State, and federal environmental protection regulations. During the site specific review of future projects, all identified significant adverse environmental impacts are required to be mitigated to the maximum extent feasible and practicable.

The Yonkers City Council is under no legal obligation to approve the proposed Zoning Code amendments, and the No-Action Alternative represents the option of not taking this action. Without the Zoning Code amendments, there would be less overall development and fewer residents within the Downtown Rezoning Area, and the benefits to downtown and the City of Yonkers as a whole from adoption of the proposed Zoning Code Amendments would not occur. Build-out under the Proposed Action is anticipated to result in approximately \$10.6 million in real property tax revenues (\$7.5 million to the Yonkers School District and \$3.1 million to the City's operating budget), \$6 million in retail sales taxes each year, and \$1.7 billion in direct economic benefit resulting from construction. The Proposed

Action would also result in significant secondary economic benefits to the City and the region. These benefits would not occur under the No Action Alternative.

In addition, the goals and objectives of the City with respect to the Downtown would not occur under the No Action Alternative. In recent years, zoning use restrictions, bulk restrictions, and parking regulations have prevented the mixed-use development potential that is typical of downtown areas; these conditions would persist under the No Action Alternative. The vision for Downtown Yonkers, which has been supported by Yonkers residents and business owners throughout the downtown rezoning study, to continue to revitalize the City's core with a mix of uses and densities using design standards to create an attractive downtown, would not be realized under the No Action Alternative.

The Proposed Action aims to preserve and enhance existing residential neighborhoods and industrial areas 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. Under the Proposed Action, new design standards for façades, massing, siting, parking, and landscaping are proposed, which will help to create a unifying architectural theme and further encourage attractive investment in Downtown Yonkers. The provisions of the City of Yonkers' Green Building Standards will also apply to the design, construction, addition, alteration, change of occupancy, enlargement, removal and demolition of every structure, which will further promote sustainable design practices and better protect the health, safety and welfare of City residents. 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. No such design guidelines or required compliance with the Green Building Standards would occur under the No Action Alternative.

Through adoption of the Proposed Action, 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, which will help to strengthen Downtown Yonkers as a retail and entertainment destination. The aim of the Proposed Action 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. None of these benefits would occur under the No Action Alternative.

The above stated goals are intended to benefit the public interest more than the No-Action Alternative. Furthermore, 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. The Proposed Action will not directly lead to beneficial or adverse impacts until private development or public action occurs. All future actions (i.e. zoning, land use policies, development, etc.) within the City of Yonkers are subject to future review under SEQRA, and will be administered by the appropriate approving agency.

3. FACTS AND CONCLUSIONS RELIED UPON TO SUPPORT THE ADOPTION OF THE PROPOSED ZONING CODE AMENDMENTS

The City of Yonkers City Council finds, upon due consideration of the DGEIS and FGEIS, as well as information derived from the public review process, that the proposed adoption of the Zoning Code amendments will generally result in positive impacts on Downtown Yonkers and will guide future development within Downtown Yonkers in accordance with sound land use and environmental management practices. Any potential adverse impact has been minimized to the maximum extent practicable. The Yonkers City Council supports the adoption of the proposed Zoning Code amendments for the following reasons (organized by DGEIS chapter):

A. Land Use and Zoning

Land Use

The Proposed Action would result in an incremental increase of population and density in the downtown (including 1,377 dwelling units and 1,559,331 square feet of commercial floorspace as compared to the No Action condition); however this is generally beneficial in nature because the proposed Zoning support the City’s vision to create a vibrant mixed-use 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 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 proposed Zoning Code amendments would allow residential uses in the downtown, which by and large are not permitted in most of the current zoning districts. By allowing residential uses in the Downtown Rezoning Area and requiring first floor commercial economic development along the “key streets”, the City can achieve its vision, which would support local businesses with pedestrian activity and enhance safety by having “eyes on the street”. In addition, the Proposed Action will help to reintroduce second-floor-and -above residential uses on top of commercial uses, which will allow for a better use of underutilized single-use buildings. Furthermore, heavy industrial uses, which are currently permitted in the I District, would no longer be permitted. This would be beneficial in helping to create a pedestrian-oriented mixed-use downtown with land uses that are more appropriate for a downtown area.

Zoning

Development proposal would be streamlined with less variances for commercial and residential uses in existing buildings and no requirement for special permits for residential uses, which would be beneficial in that the proposed Zoning Code amendments would allow for more consistency of uses with those that are typical of downtown areas.

Public Policy

The proposed Zoning Code amendments are complementary with the draft vision plan that was prepared for Downtown Yonkers, titled “Rezoning for Downtown Yonkers” (dated October 2010) by Urban Design Associates. The proposed Zoning Code amendments support the recommendations of the draft vision plan.

Hazardous Materials

Impacts from sites containing hazardous materials would be similar to the build-out under existing zoning and site specific impacts could occur with or without the Proposed Action. New in-ground construction may necessitate the need for a Phase 1 Environmental Site Assessment as part of future site plan and SEQR review.

Conclusion

Impacts that are associated with the Proposed Action are either beneficial or similar to impacts that would occur under the existing zoning. Therefore, adoption of the proposed Zoning Code amendments is not anticipated to result in any significant adverse impacts to land use, zoning, or public policy and no mitigation measures are required. Future site specific actions must comply with SEQR (6 NYCRR Part 617).

B. Community Character

Neighborhood Character

It is likely the character of certain neighborhoods will change as a result of the proposed Rezoning due to the proposed increase in density; however these increases are appropriate for an urban downtown area and were previously supported by residents and business owners as part of the visioning process for the “Rezoning for Downtown Yonkers” vision plan. Within the proposed new zoning districts, new design standards for façades, massing, siting, parking, and landscaping are proposed, which will help to create a unifying architectural theme and further encourage attractive investment in Downtown Yonkers. The proposed design standards will have a positive impact on community character within the downtown.

Viewsheds

The Proposed Action will result in increased density and building heights within the Downtown Rezoning Area, which will mainly result in positive impacts to the City of Yonkers’ skyline and overall community character. The City considered the potential impacts on viewsheds while formulating the allowable buildings heights and density under the proposed Zoning Code amendments. 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 similar development that would proceed under existing zoning, resulting in similar impacts to Hudson River viewsheds. Under the Proposed Action, future buildings will be a positive reflection of the long-term cityscape vista of Yonkers when viewed from the Palisades Ridge.

Shadows

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 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. The Department of Planning Development determined that the proposed 25-story maximum building height under the proposed Zoning Code amendments is reasonable for an urban downtown area such as the City of Yonkers. In addition, based on the analysis contained in the DGEIS, the Proposed Action is not anticipated to result in any significant adverse shadow impacts on historic resources and/or open spaces and the proposed Zoning Code amendments may in fact result in beneficial impacts, as compared to the existing zoning, to historic resources and open spaces in the downtown as a result of the proposed zoning code's design guideline requirements. The City considered the potential impacts of shadows on specific locations while formulating the allowable buildings heights and density under the proposed Zoning Code amendments. Furthermore, the proposed form based design standards consider the impacts of building heights in that they provide additional setbacks for towers, as well as a maximum allowable tower size that is less than the building's base.

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 detailed site-specific analysis has been conducted with the exception of a shadow assessment prepared by the City of Yonkers Planning and Development Department for the southwest corner of Nepperhan Street and Warburton Avenue in order to determine the potential shadow impacts on both Philipse Manor Hall and Larkin Plaza. Due to the proposed minimum setback and maximum allowable area requirements for towers under the proposed Zoning Code amendments, the actual width of the shadow caused by a potential 25-story building in this location is minor in nature. In addition, the potential for site-specific shadow impacts associated with future development projects in the Downtown Rezoning Area does exist. All future development projects occurring within the Downtown will be subject to Site Plan Review and site specific review under SEQRA (6 NYCRR Part 617), including an analysis of shadow impacts. If future projects are deemed to have potentially significant adverse shadow impacts on historical resources or open spaces, these impacts will be evaluated, and mitigation measures identified, during the individual approvals processes. This would also be a requirement of any development proceeding under existing zoning.

Wind

The downtown area of Yonkers experiences wind primarily from the west and northwest. These winds may be particularly noticeable as they move unimpeded up the Hudson River and over the Palisades Ridge along the western bank of the river. City-wide wind impacts would occur with or without the Proposed Action.

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.

Conclusion

Impacts that are associated with the Proposed Action are either beneficial or similar to impacts that would occur under the existing zoning. Therefore, adoption of the proposed Zoning Code amendments is not anticipated to result in any significant adverse impacts to viewsheds or from shadow impacts (unless as otherwise noted above) and no mitigation measures are required. Future site specific actions must comply with SEQRA (6 NYCRR Part 617).

C. Natural Features

Critical Environmental Areas

The Downtown Rezoning Area is a typical urban downtown environment that is fully developed. As such, ecologically important habitats, including wetlands and plant, animal, fish, and bird species are not prevalent. However, portions of the Downtown Rezoning Area are located within two Critical Environmental Areas (CEAs), the Hudson River CEA and the Croton Trailway State Park. Within the southwest portion of the Downtown Rezoning Area, the proposed zoning replaces the BA District (General Business and Apartment Houses, high density), BR District (Restricted Business, apartments not permitted), and the CM District (Commercial, Storage and Light Manufacturing). The proposed zoning in this area would allow a range of low-density to high-density residential uses within the UR-LD, UR-MD, and UR-HD districts. The proposed zoning districts would help to maintain the residential environment of these urban neighborhoods, and would result in positive impacts to the natural environment as warehousing, automobile repair shops, and light manufacturing uses would no longer be permitted.

Within the western portion of the Downtown Rezoning Area and within a portion of the Hudson River CEA, the proposed zoning (D-MX Downtown Mixed-Use District) replaces the DWD District (Downtown Waterfront) and a PUR designation (Planned Urban Redevelopment). The permitted uses under the proposed Zoning Code amendments are similar to permitted uses under the existing zoning, with the exception of residential and light industrial uses now being permitted. Both uses reflect the current mixed-use nature of this already developed area; therefore, no significant adverse impacts to natural features are anticipated.

In the northwestern corner of the Downtown Rezoning Area and within a portion of the Hudson River CEA, the proposed zoning replaces the existing I (Industrial) District with the D-IRT Industrial Research and Technology District. The I District currently allows light and heavy industrial uses, while the new D-IRT would allow a mix of office, light and medium industrial, research, and technology-based uses. Since heavy industrial uses are no longer permitted, no significant adverse impacts to natural features are anticipated.

A very small portion of the Downtown Rezoning Area also touches the Croton Trailway CEA. This area is currently zoned as the A District (Apartment Houses, high-density) and will be replaced by the D-MX District. Although the proposed D-MX district allows a mix of uses, these uses are not anticipated to

adversely impact natural features along the Trailway since high-density residential uses are currently permitted.

Vegetative Communities

The general impacts to vegetative communities under the proposed Zoning Code amendments would be similar to impacts that would occur if the Downtown Rezoning Area is developed under the existing zoning; therefore, no significant adverse impacts to vegetative communities are anticipated.

Wildlife and Wildlife Habitat

There are no threatened and endangered species and habitats within the Downtown Rezoning Area; therefore, no significant adverse impacts to wildlife or wildlife habitat are anticipated.

Wetlands

There is no presence of State or federally designated wetlands within the Downtown Rezoning Area; therefore, no significant adverse impacts to wetlands are anticipated.

Floodplains

The general impacts to floodplains if developed under the proposed Zoning Code amendments would be similar to impacts that would occur if the Downtown Rezoning Area is developed under the existing zoning; therefore, no significant adverse impacts to floodplains are anticipated.

Topography, Soils and Geography

The general impacts to topography, elevation, geology, and soils if developed under the proposed Zoning Code amendments would be similar to impacts that would occur if the Downtown Rezoning Area is developed under the existing zoning; therefore, no significant adverse impacts to natural features are anticipated.

Climate Change

The Proposed Action has the potential to result in approximately 14,829 new daily vehicle trips in and around the Downtown by 2025, which could result in increased CO₂ emissions; however, as a result of the increased density in the downtown, there would be an increase in walking and street activity, as well as the use of public transit under the Proposed Action. These are viewed as positive impacts in the reduction of CO₂ emissions. In addition, according to the New York State Department of Environmental Conservation (NYSDEC) overall levels of ozone (another form of air pollutant) have been declining in New York State as the result of motor vehicle exhaust emission controls, lower volatility fuels, stringent control of industrial pollution sources, and other measures that have reduced ozone precursors. This trend is expected to continue and overall air quality in the region is anticipated to improve. Compliance with the Green Building Standards will further improve air quality within the downtown. Finally, all future actions (i.e. policy or development) will be required to undergo future environmental review under SEQRA (6 NYCRR Part 617).

Coastal Zone Consistency

The Proposed Action is consistent with the NYS Department of State (DOS) Coastal Management Program policies relating to the use of coastal land and waters.

Conclusion

Impacts that are associated with the Proposed Action are either beneficial or similar to impacts that would occur under the existing zoning. Therefore, adoption of the proposed Zoning Code amendments is not anticipated to result in any significant adverse impacts to natural or land resources and no mitigation measures are required. Future site specific actions must comply with SEQR (6 NYCRR Part 617).

D. Transportation and Parking

Traffic

The traffic analysis in the DGEIS showed that there would be an incremental increase of 14,829 vehicular trips in Downtown Yonkers as a result of the Proposed Action, but in general, the major highway network serving Downtown Yonkers will be able to accommodate the additional traffic that is projected as the result of the zoning changes (assuming that several mitigation measures are undertaken). The analysis showed that some of the arterials serving downtown may operate close to their maximum capacity during one or both of the peak hours (North Broadway, Nepperhan and Warburton). These conditions can be alleviated through roadway configuration initiatives, and other projects geared toward making Downtown more walkable and accessible via the non-motorized modes of travel. Specific mitigation measures are described in Section 4. Mitigation Measures below.

Public Transportation

Transit impacts would mainly be beneficial under the Proposed Action as there would be an increase in transit ridership. The increase in ridership would occur as a result of increased density under the Proposed Action, while mitigating some of the impacts of the potential increase in vehicular trips. However, some public transit infrastructure improvements would be required in order to accommodate increases in bus and rail transit ridership, as well as additional local and commuter transit services. (See Section 4. Mitigation Measures below.)

Parking

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. As such, the proposed parking amendments are slightly less restrictive than those in the current zoning. All existing structures would be exempt from the proposed parking amendments, except that existing structures that currently provide parking would be required to continue to maintain those spaces. Since the parking requirement changes would be more appropriate for an urban downtown setting, no significant adverse impacts are anticipated. The proposed parking requirement changes would be beneficial in that they would make transit a more viable choice since the parking requirements are less restrictive within a quarter mile of the train

station, which would incentive development near the train station and create the potential for increased transit ridership.

Conclusion

Some of the impacts that are associated with the Proposed Action are beneficial to impacts that would occur under the existing zoning, including potential positive impacts on pedestrian circulation and increased transit ridership. Although an incremental increase in vehicular trips is anticipated, there would still be significant capacity reserves in general for most arterials after the development levels spurred by the proposed Zoning Code amendments. For some of the arterials in the downtown that will operate close to their maximum capacity, several mitigation measures are proposed and are discussed below in Section 4. Mitigation Measures. In addition, future site specific actions must comply with SEQR (6 NYCRR Part 617).

E. Air Quality and Noise

Air Quality

The Proposed Action has the potential to result in approximately 14,829 new daily vehicle trips in and around the Downtown by 2025, which could result in increased CO₂ emissions; however, as a result of the increased density in the downtown, there would be an increase in walking and street activity, as well as the use of public transit under the Proposed Action. These are viewed as positive impacts in the reduction of CO₂ emissions. In addition, according to the NYSDEC overall levels of ozone (another form of air pollutant) have been declining in New York State as the result of motor vehicle exhaust emission controls, lower volatility fuels, stringent control of industrial pollution sources, and other measures that have reduced ozone precursors. This trend is expected to continue and overall air quality in the region is anticipated to improve. Compliance with the Green Building Standards will further improve air quality within the downtown. Finally, the proposed Zoning Code amendments replace the existing I (Industrial) District with the D-IRT District. The I District currently allows light, medium and heavy industrial uses, while the new D-IRT would allow a mix of office, industrial, research and technology-based uses, which would be less impactful on air quality than any new heavy industrial uses occurring under existing zoning.

Noise

The general impacts to noise if developed under the proposed Zoning Code amendments would be similar to impacts that would occur if the Downtown Rezoning Area is developed under the existing zoning; therefore, no significant adverse impacts to noise are anticipated.

Conclusion

Impacts that are associated with the Proposed Action are either beneficial or similar to impacts that would occur under the existing zoning. Therefore, adoption of the proposed Zoning Code amendments is not anticipated to result in any significant adverse impacts to air quality or noise and no mitigation measures are required. Future site specific actions must comply with SEQR (6 NYCRR Part 617).

F. Socioeconomics

Primary Impacts

Increase in residences and businesses in the area provide additional tax revenue and employment opportunities. The introduction of market rate housing in the Downtown Rezoning Area will have the benefit of creating more diversity in what has long been a low-income/high-poverty area. The City's affordable housing efforts are currently focused in the areas of Yonkers outside of the traditionally low-income Downtown in order to break a pattern of racial and economic segregation. The addition of the units allowed by the Proposed Action into the market will bring the Downtown closer to the income distribution of the rest of the City. Socioeconomic integration of this nature is believed to be beneficial.

Secondary Impacts

Three types of secondary impact on the economy of Yonkers and Westchester County are expected as a result of the Proposed Action: 1) A temporary construction impact over the build-period ending in 2025; 2) A permanent/annual increase in household spending from occupancy of the proposed development by 2025; and 3) A permanent/annual increase in employment from new jobs generated and accommodated in the proposed development by full commercial operation and occupancy by 2025.

Conclusion

The impacts of the proposed rezoning will increase diversity, strengthen the job market and produce both tax revenues for the City and economic benefits for the local economy. Further, all future discretionary land development actions (i.e. Site Plan Approval) that may occur in the Downtown Rezoning Area will be subject to individual approvals processes and site specific review under SEQR (including an analysis of socioeconomic impacts and affordable housing, if deemed necessary).

G. Community Facilities and Services

Police

One aim of the Proposed Action is to transform Downtown Yonkers into a walkable mixed-use community with street level activity, which, if realized, would have a positive impact on the Yonkers Police Department and the City of Yonkers as a whole as the new development would result in additional "eyes on the street" and pedestrian-level activity potentially resulting in safer conditions within the downtown. However, it is estimated that the additional population could result in an increase in approximately 55 incidents or calls annually in the 3rd and 4th Precincts and could also result in an increase in response times. In order to meet this increase in demand and mitigate any impacts to response times, the Police Department would have to increase manpower and potentially buy additional equipment. The estimated \$3,082,670 in City tax revenues that would be generated by the Proposed Action if built-out as projected would serve to minimize and mitigate the financial impact of any new development on the Yonkers Police Department and portions of the projected tax revenue can be used to supplement the Police Department's budget.

Fire

It is anticipated that additional fire personnel and equipment will be required to meet the needs of an increased population in downtown. In addition, the Yonkers Fire Department has indicated the need to

increase the number of Fire Companies from 18 to 21. The estimated \$3,082,670 in City tax revenues that would be generated by the Proposed Action if built-out as projected would serve to minimize and mitigate the financial impact of any new development on the Yonkers Fire Department and portions of the projected tax revenue can be used to supplement the Fire Department's budget.

Emergency Services

With or without the Proposed Action, Empress Emergency Medical Services (the sole provider of ambulance service in the city) would need to periodically conduct a demand analysis to determine the number and location of ambulances needed to maintain the current level of service. The anticipated increase in demand of services would result in an increase in revenue for and employment opportunities with Empress Emergency Medical Services; no significantly adverse impacts on the provision of ambulance services will occur as a result of the proposed Zoning Code amendments. In addition, hospitals in the vicinity of the Downtown Rezoning Area have adequate capacity to handle any increase in demand for hospital bed space that may result from the Proposed Action.

Public Schools

New development within the Downtown would mostly cater to young professional singles, couples with very few school age children, or empty nester families many of whom will be New York City-bound commuters, who want to live in a downtown setting, close to shopping, and mass transit. With or without the Proposed Action, enrollment in the School District is anticipated to increase. However, the increase in the residential population in the downtown would result in an additional 182 school age children, over and above what would occur under the existing zoning scenario (No Action) that would utilize the public schools. An additional 90 students would be likely to utilize private schools. The estimated \$7,504,085 in School District tax revenues that would be generated by the Proposed Action (if built-out as projected) are sufficient to offset the City's cost to educate the students generated anticipated under the Proposed Action.

Parks and Recreation

An increase in the demand for open space and recreational facilities in the Downtown, the City of Yonkers and Westchester County is anticipated as a result of the Proposed Action. However, the City of Yonkers, and particularly the Downtown, is currently well-served for public parks and recreational facilities and will continue to be adequately served in the future with the Proposed Action. New open space/park resources are proposed within Downtown Yonkers, including Larkin Plaza and the 8.4-acres of new open space proposed as part of the SFC project. In addition, the proposed Zoning Code amendments do not preclude the City of Yonkers from acquiring or expanding parkland in the downtown or the preparation of a comprehensive plan or parks and open space plan.

Conclusion

Impacts that are associated with the Proposed Action are either beneficial or similar to impacts that would occur under the existing zoning. Therefore, adoption of the proposed Zoning Code amendments is not anticipated to result in any significant adverse impacts to community facilities or services and no

mitigation measures are required. Future site specific actions must comply with SEQR (6 NYCRR Part 617).

H. Infrastructure, Utilities and Stormwater Management

Water

The projected water demand is an incremental increase of 650,839 gallons per day (GPD) under the Proposed Action. According to the Water Bureau, the City has sufficient water supply via the New York City Water Supply System. There is currently an issue with low flow capacity and reduced water pressure in some areas of the Downtown Rezoning Area. Any new development could have a negative impact on the city-wide water distribution system; however, flow capacity is an existing issue that extends beyond the Downtown Rezoning Area. As a result of this existing issue, the City of Yonkers Water Bureau is in the process of modeling the water distribution system, including the flow capacity and delivery of water within the downtown and the city as a whole. The model, which is anticipated to be completed by the end of 2011, would help to identify specific problem areas within the City of Yonkers water distribution system. After this study is completed, the City may take specific actions to address this issue. In addition to this measure, as part of site plan review, all future development in the Downtown Rezoning Area will be reviewed by the City of Yonkers Water Bureau of the Department of Public Works with respect to water pressure.

Sewer

The projected sanitary demand is an incremental increase of 591,672 gallons per day (GPD) under the Proposed Action. According to the Yonkers Engineering Department, existing wastewater treatment facilities have sufficient capacity. It is possible that future city-wide impacts could occur, but these measures would be outside of the purview of the Proposed Action, which in and of itself, does not result in the construction of any future projects.

The Westchester County Department of Environmental Facilities currently recommends separating stormwater and sanitary sewer lines for new projects to help improve water quality in the Hudson River and maintain an acceptable capacity at the Yonkers Joint Wastewater Treatment Plant. There have also been past initiatives that have been undertaken to reduce sanitary sewer flow from a regional perspective, including a program in 2003 by the Westchester County departments of Public Works and Environmental Facilities to remove inflow and infiltration in municipal sanitary sewers and reduce sanitary sewer overflows to surface waters, such as the Hudson River.

Future development projects in the Downtown Rezoning Area have the ability to implement low impact development stormwater management practices, such as rain gardens, bioswales, green roofs, and the use of pervious pavement for net-zero increase of stormwater into the City's combined sewer system. The implementation of these practices on a site-specific basis would help to reduce combined sanitary and stormwater sewer overflows, and thus reduce flow into the North Yonkers Pump Station and Yonkers Joint Wastewater Treatment Plant. The implementation of low impact development practices, coupled with the City's proposed Green Building Standards, would mitigate some of the potential impacts of the proposed Zoning Code amendments. No required compliance with the Green Building

Standards would occur under the No Action Alternative. Additional future city-wide mitigation measures are discussed in Section 4. Mitigation Measures below.

Stormwater

The City currently has an old combined sanitary sewer and stormwater system, which results in continual maintenance. However, the City's combined sewer system is an existing issue that extends beyond the Downtown Rezoning Area. During storm events, the excess combined sewage overflow is partially treated before being discharged into the Hudson River and it is possible that the design capacity of the Yonkers Joint Wastewater Treatment Plant may be exceeded during heavy storm events. (See above discussion on sewers.) Potential mitigation measures are discussed in Section 4. Mitigation Measures below.

Solid Waste

The Proposed Action would result in increased demand for solid waste collection services. An estimated \$3,082,670 in City tax revenues would be generated by the Proposed Action if built-out as projected. This additional tax revenue would serve to minimize and mitigate the financial impact of any new development on the Yonkers Environmental Services Division and portions of the projected tax revenue can be used to supplement the department's budget.

Conclusion

The provisions of the City of Yonkers' Green Building Standards will apply to the design, construction, addition, alteration, change of occupancy, enlargement, removal and demolition of every structure, which will further promote sustainable design practices and better protect the health, safety and welfare of City residents. No such guidelines or required compliance with the Green Building Standards would occur under the No Action Alternative. The Green Building Standards would result in a positive impact on infrastructure and stormwater management in the Downtown Rezoning Area.

There are some infrastructure impacts that are associated with the Proposed Action that are existing issues that would occur with or without the proposed Zoning Code amendments. 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. Several mitigation measures are proposed and are discussed below in Section 4. Mitigation Measures. In addition, future site specific actions must comply with SEQR (6 NYCRR Part 617).

I. Historic and Archeological Resources

Archeology

The Downtown Rezoning Area primarily consists of both developed and vacant land that has previously been developed. Much of the ground within the Downtown has previously been disturbed and it is therefore unlikely that any archeological artifacts remain within the previously disturbed portion of the Downtown; therefore, the adoption of the proposed Zoning Code amendments is not anticipated to result in any significant adverse impacts to archeological resources.

Historic Resources

The impact on National Register-listed, National Register-eligible, and locally significant historic structures and historic districts arising from adoption of the proposed Zoning Code Amendments are generally beneficial in nature because the Proposed Action supports protecting the historical qualities of downtown Yonkers and seeks to regulate development in ways that will enhance the preservation of existing cultural resources through the proposed design guidelines. The design guidelines seek to preserve and build upon the existing architectural and historic character of downtown Yonkers; no such design criteria currently exists within the downtown. The location of historic resources was also considered in the placement of the various height districts. In addition, the proposed Zoning Code amendments do not preclude the City of Yonkers from designating new historic landmarks or districts.

Conclusion

Impacts that are associated with the Proposed Action are either beneficial or similar to impacts that would occur under the existing zoning. Therefore, adoption of the proposed Zoning Code amendments is not anticipated to result in any significant adverse impacts to historic or archeological resources and no mitigation measures are required. Future site specific actions must comply with SEQR (6 NYCRR Part 617).

4. MITIGATION MEASURES

Because the adoption of the Proposed Zoning Code amendments is expected to have a beneficial impact on the City of Yonkers as a whole, area-wide mitigation measures are generally not necessary, unless as otherwise noted below. The Proposed Action 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. Future proposed projects within the Downtown Rezoning Area will be subsequently reviewed under SEQR (6 NYCRR Part 617) to evaluate possible site specific impacts and will be subject to local, State, and federal environmental protection regulations. During the site specific review of future projects all identified significant adverse environmental impacts are required to be mitigated to the maximum extent feasible and practicable.

As discussed in Section 3 above, if approved, the proposed Zoning Code amendments may result in significant adverse impacts on shadows, traffic, parking, and water/sewer/stormwater infrastructure. Most of these impacts are existing issues that would occur with or without the proposed Zoning Code amendments. The Yonkers City Council believes that the long-term benefits of the Proposed Action outweigh these impacts, which have been mitigated by the following measures:

A. Changes to the Proposed Action

As noted during the public comment period, there were some concerns by the public regarding the proposed building heights in the Downtown Rezoning Area. 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.

B. Protection of Historic Resources

During the public comment period there was some concern regarding the preservation of historic buildings in the downtown. It was noted in the FGEIS that the proposed Zoning Code amendments do not preclude the City of Yonkers from designating new historic landmarks or districts. The City had also recently retained an historic preservation consulting firm, which surveyed buildings in the downtown for potential historic features or historic and cultural significance. This study has led to an historic district study in the oldest portion of Getty Square. Furthermore, given the concern that older buildings may be at risk of being demolished and rebuilt as a result of the proposed zoning's greater allowable building heights, there is a potential for additional protection of historic buildings and properties through the city's existing Landmarks Preservation Ordinance (Chapter 45 of the Yonkers City Code). Toward this end, the City should undertake a study that considers a potential historical commercial district in the downtown blocks where height is restricted to 66 feet in height. These areas contain many of the city's historic buildings that may be at risk of being torn down and rebuilt as-of-right if there are no other protections in place to preserve the unique character of these blocks.

C. Transportation and Parking Mitigation Measures

Changes to Proposed Mitigation Measures

As noted in the FGEIS, there are three changes to the mitigation measures for traffic and parking impacts:

1. Capacity Increase of Ashburton Avenue

The DGEIS assumed that Ashburton Avenue would be widened from two lanes to four 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. However, 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.

2. SEQR Based Traffic Mitigation Fair Share Contribution

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). 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 SEQRA 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.

3. Parking Mitigation Fund

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 was added to the FGEIS: "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."

Other Transportation and Parking Mitigation Measures

The DGEIS identified the following additional transportation and parking mitigation measures:

Traffic

- Reconfigure circulation pattern around Getty Square.
- Convert other downtown streets to two-way traffic as shown in the DGEIS.

- Create bicycle facilities and routes through the use of lane diets and markings and signing as shown in the DGEIS.
- Establish a Complete Streets Directive and Policy.
- Develop streetscapes along vehicle-dominated corridors such as Yonkers Avenue, Nepperhan Avenue to rebalance mobility toward pedestrian and transit friendliness.
- Enhance pedestrian connections between Downtown/Getty Square and the Riverfront.

Public Transportation

- Relocate current bus transfer area from Getty Square to a linear facility along both sides of Riverdale Avenue.
- Implement a Downtown Bus Circulator to connect the Riverfront, Train Station, new Bus Transfer area, City Hall/SFC Development, and Main Street/Getty Square. Recommendations for the vehicle to be used include hybrid or electric small, low-floor buses.
- Work with the MTA Metro-North Rail Road and Westchester County Transit/Bee-Line to coordinate efforts for additional commuter parking and connections among the rail, bus, and pedestrian systems, including a Metro-North fare free zone or low fare zone within Yonkers from one train station to another.
- Encourage local officials to work with Amtrak to create a monthly pass for Yonkers residents needing to commute to New York Penn Station.

Parking

- Develop a wayfinding system with real-time information on parking location and availability to better utilize existing underutilized parking and to inform visitors of the location and availability of parking.
- Revisit parking requirements for new development, focusing on reducing requirements or letting the market dictate how much parking is required.
- Rely on private developments to provide new parking facilities, with the City in a partnership role.
- Encourage the City to use appropriate pricing of parking facilities to better regulate demand.
- In order to foster a successful bicycle network, the City should encourage or provide safe and convenient places for bicycles to park.

D. Infrastructure, Utilities and Stormwater Management Mitigation Measures

The DGEIS identified the following mitigation measures for water, sewer, and stormwater infrastructure:

Water

The City of Yonkers Water Bureau is in the process of modeling the water distribution system, including the flow capacity and delivery of water within the downtown and the city as a whole. The model, which is anticipated to be completed by the end of 2011, would help to identify specific problem areas within the City of Yonkers water distribution system.

Sewer

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

Stormwater

Future development projects also have the ability to implement low impact development stormwater management practices, for net-zero increase of stormwater into the City's combined sewer system to help to reduce combined sanitary and stormwater sewer overflows.

CERTIFICATION TO APPROVE/FUND/UNDERTAKE:

Having considered the draft and final Environmental Impact Statement and having considered the preceding written facts and conclusions relied on to meet the requirements of 6 NYCRR Part 617.11, this Statement of Findings certifies that:

1. The requirements of 6 NYCRR Part 617 have been met; and
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is the one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.
3. (And if applicable) Consistent with the applicable policies of Article 42 of the Executive Law, as implemented by 19 NYCRR Part 600.5, this action will achieve a balance between the protection of the environment and the need to accommodate social and economic considerations.

Name of Agency
City of Yonkers City Council

Signature of Responsible Official

Chuck Lesnick

Name of Responsible Official

Yonkers City Council President

Title of Responsible Official

Date

Address of Agency

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cc: Other Involved Agencies: New York State Department of State – Division of Coastal Resources
Applicant