By Hand Delivery

Honorable Chuck Lesnick, City Council President
and Members of the City Council
City of Yonkers
40 South Broadway
Yonkers, New York 10701

Re: Petition of Morris Industrial Builders, L.P. for Amendments to the Zoning Ordinance and Zoning Map affecting Property located on Stew Leonard Drive, Yonkers.

Dear Council President Lesnick and Members of the City Council:

This firm represents Morris Builders L.P. (the “Petitioner”), a related entity of the Morris Companies and the lessee of certain property located on Stew Leonard Drive, Yonkers (the “Property”). On behalf of the Petitioner, we respectfully submit the enclosed Petition for your consideration.

As described in greater detail in the Petition, the Petitioner is proposing to develop approximately 260,000 square feet of additional retail space and a residential apartment house community having approximately 400 units at the Property (the “Project”). The Project is not permitted in the I District, the IP District or the CM Districts (which are the districts in which the Property is currently located), but is permitted in the Planned Multi-Use District (“PMD District”) of the City. Accordingly, the Petitioner is seeking amendments to the Zoning Ordinance and the Zoning Map of the City to: 1) amend the PMD District regulations to reduce the required acreage of tracts eligible for classification as PMD District from 80 acres to 70 acres; and 2) to reclassify and re-designate the Property from I District, IP District and CM District to PMD District.
Honorable Chuck Lesnick, City Council President
and Members of the City Council

May 23, 2011

We respectfully request that this matter be placed on the next available agenda of the City Council’s Real Estate Committee so that we may present the Project and to discuss it in greater detail.

Thank you for your consideration.

Very truly yours,

[Signature]

ALFRED B. DELBELLO

Enclosures

cc: Honorable Philip A. Amicone, Mayor
William Regan, Deputy Mayor
Louis Kirvin, III, Commissioner of Planning
Lee Ellman, Planning Director
Mark Blanchard, Esq., Corporation Counsel
Mark Bava
Joseph Sarchino
Janet Giris, Esq.
CITY COUNCIL: CITY OF YONKERS
COUNTY OF WESTCHESTER: STATE OF NEW YORK

In the Matter of the Application of

MORRIS BUILDERS, L.P.
(b/a MORRIS INDUSTRIAL BUILDERS, L.P.)

For: (1) amendments to the Zoning Ordinance and Zoning Map of the City of Yonkers, affecting real property known and designated on the Tax Assessment Map of the City of Yonkers as Block 3244, Lots 2, 3, 4, 5, 6, and 7; Block 3285, Lot 210; and "Stew Leonard Drive"; and (2) amendments to the Official Map of City of Yonkers to discontinue and close a portion of Stew Leonard Drive.

Morris Builders L.P., d/b/a Morris Industrial Builders, L.P. (the "Petitioner"), by its attorneys DelBello Donnellan Weingarten Wise & Wiederkehr, LLP, hereby petitions the City Council of the City of Yonkers pursuant to Article XIII of the City of Yonkers Zoning Ordinance (the "Zoning Ordinance") for amendments to the Zoning Ordinance of the City of Yonkers and the Zoning Map of the City of Yonkers, as follows:

The Petitioner and the Property

1. The Petitioner is a limited partnership duly organized and existing under the laws of the State of New Jersey and authorized to do business in the State of New York, having an address at 350 Veterans Boulevard, Rutherford, New Jersey 07070.

2. The Petitioner is a related entity of the Morris Companies. The Morris Companies is a full service real estate development organization with nearly forty years of development experience. The Morris Companies has built or facilitated the construction of more than 30 Million square feet of industrial and retail space, including the Costco Wholesale, Home Depot, and Stew Leonard’s stores on Stew Leonard Drive in the City of Yonkers (the “City”).
3. The owner of record of the real property which is the subject of this petition (the “Site”) is the County of Westchester Industrial Development Agency (the “WIDA”). The WIDA ground leased the Site to Morris Industrial Builders, the Petitioner’s predecessor in interest, pursuant to a certain Agreement of Lease dated October 24, 1985, as amended by a certain Amendment of Lease dated as of June 18, 2007 (the “Ground Lease”).¹ The Petitioner is authorized to submit this petition pursuant to the terms of the Ground Lease.

4. The Site consists of eleven (11) separate parcels totaling 74.85 acres and is located on Stew Leonard Drive in the City. The Site is shown on Drawing No. MP-1 entitled “Existing Conditions Plan”, prepared by John Meyer Consulting, P.C., and dated April 29, 2011, which is attached hereto as Exhibit “A”. The eleven (11) parcels are as follows:

- The parcel known and designated on the Tax Assessment Map of the City as Block 3244, Lot 2 (“Lot 2”). Lot 2 consists of approximately 16.3 acres and is located in an I District (Industry, Residences Excluded) of the City (the “I District”). Lot 2 is currently developed with the existing Costco Wholesale and Home Depot stores.

- The parcel known and designated on the Tax Assessment Map of the City as Block 3244, Lot 3 (“Lot 3”). Lot 3 consists of approximately 11.8 acres and is located in an I District of the City. Lot 3 is currently developed with the existing Stew Leonard’s store.

- The parcel known and designated on the Tax Assessment Map of the City as Block 3244, Lot 4 (“Lot 4”). Lot 4 consists of approximately 7.1 acres and is located in an IP District.

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¹ Petitioner and the Yonkers Industrial Development Agency (“YIDA”) thereafter entered into a “straight lease transaction,” pursuant to which Petitioner, as landlord, and YIDA, as tenant, entered into a certain Premises Lease Agreement dated December 1, 1989, as amended by that certain Amendment to the Premises Lease Agreement dated as of September 1, 1995, and as further amended by that certain Second Amendment to the Premises Lease Agreement dated as of December, 1997; and YIDA, as landlord, and Petitioner, as tenant, entered into that certain Amended and Restated Site Improvement Lease Agreement, dated as of December 1, 1989, as amended by that certain Amended and Restated Site Improvement Lease Agreement dated as of September 1, 1995 and that certain Amendment to Amended and Restated Site Improvement Lease Agreement dated as of December 22, 1997.
(planned industrial, residences excluded) of the City (the "IP District"). Lot 4 is currently undeveloped vacant land.

- The parcel known and designated on the Tax Assessment Map of the City Block 3244, Lot 5 ("Lot 5"). Lot 5 consists of approximately 3.3 acres and is located in an I District of the City. It is currently undeveloped.

- The parcel known and designated on the Tax Assessment Map of the City as Block 3244, Lot 6 ("Lot 6"). Lot 6 consists of approximately 0.8 acres and is located in an I District of the City. Lot 6 is currently vacant.

- The parcel known and designated on the Tax Assessment Map of the City as Block 3244, Lot 7 ("Lot 7"). Lot 7 consists of approximately 0.5 acres and is located in an IP District of the City. It is currently undeveloped.

- The northern-most portion of the bed of Stew Leonard Drive (the “Unimproved Stew Leonard Drive Parcel”). The Unimproved Stew Leonard Drive Parcel consists of approximately 1.3 acres, and has never been improved nor dedicated to the City. It is located in an IP District of the City.

- The existing Stew Leonard Drive right-of-way ("Stew Leonard Drive ROW"). The Stew Leonard Drive ROW which is currently improved but has never been dedicated to the City consists of approximately 3.3 acres and is located partially in the I District and partially in the IP District.

- A portion of the "relocated Austin Avenue" (the "Relocated Austin Avenue Parcel"). This property which consists of approximately 0.3 acres was intended to be utilized for the relocation of the existing Austin Avenue which has not occurred to date; it has not been improved nor has it been dedicated to the City.
The parcel located on the west side of Sprain Road just north of Austin Avenue (the "Sprain Road Parcel"). The Sprain Road Parcel consists of approximately 9.85 acres and is located in an IP District of the City.

The parcel located at 79 Austin Avenue and known and designated on the Tax Assessment Map of the City as Block 3285, Lot 210 ("Lot 210"). Lot 210 consists of approximately 20.3 acres and is wholly located in a CM District (commercial, storage and light manufacturing, residences excluded) of the City (the "CM District"). Lot 210 is currently undeveloped, vacant land.

An aerial view of the Site which also depicts all property within a ¼ mile radius of the Site is shown on Drawing No. MP-3 entitled “Site Vicinity Plan”, prepared by John Meyer Consulting, P.C., and dated April 29, 2011, which is attached hereto as Exhibit “B”.

**THE PROPOSED PROJECT**

5. The Petitioner proposes to develop at the Site approximately 260,000 square feet of additional retail space\(^2\), and a residential apartment house community having approximately 400 units (the "Project"). The components of the Project are shown in greater detail on the attached comprehensive development plan, Drawing No. MP-2 entitled “Comprehensive Development Plan”, prepared by John Meyer Consulting, and dated April 29, 2010 ("Exhibit “C”"). It should be noted that all components of the Project as shown on Exhibit “C” are currently conceptual in nature and are subject to modifications based on final design and requirements of end-users. However, if the Petition is granted and the Site is rezoned, each component of the Project will be subject to site plan approval from the Planning Board. The components of the Project are described as follows:

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\(^2\)Approximately 5,000 s.f. proposed to be developed on Lot 5 may be utilized as a restaurant.
A. Retail Lot and the Proposed Retail 1 Project.

6. The Petitioner proposes to partition Lot 2 into two (2) new lots with the Costco Wholesale and Home Depot stores to remain on one lot; the second lot (the "Retail 1 Lot") will consist of approximately 4.0 acres and is currently vacant. ³

7. The Petitioner intends to develop Retail 1 Lot with a two-story retail establishment containing a total of approximately 80,000 square feet, together with related parking and infrastructure (the "Retail 1 Project"). The proposed building is intended to be constructed on the northern portion of Retail 1 Lot, with related multi-level parking located to the south of the proposed building. Access to Retail 1 Lot would be from a new curb cut on Stew Leonard Drive.

8. A conceptual site plan for the Retail 1 Project is shown on Exhibit "C".

B. The Proposed Retail 2 Project.

9. The Petitioner intends to develop Lot 4 and the Unimproved Stew Leonard Drive Parcel (Lot 4 and the Unimproved Stew Leonard Drive Parcel, collectively, the "Retail 2 Lot") with a retail establishment containing approximately 175,000 square feet, together with approximately 627 surface parking spaces and related infrastructure (the "Retail 2 Project"). ⁴ Access to the Retail 2 Lot would be from Stew Leonard Drive south of the Unimproved Stew Leonard Drive Parcel. The conceptual site plan for the Retail 2 Project is shown on Exhibit "C".

³ A retail establishment was approved to be developed on the Retail 1 Lot in 1995. However, due to economic conditions, the store was not constructed, and ultimately, the approvals expired. The City Council adopted the Zoning Ordinance in 2000. Under the Zoning Ordinance, a retail establishment is not a principal permitted use on the Retail 1 Lot.

⁴ Depending upon the end-user of the Retail 2 Project, the Retail 2 Project may be either a “big box retail store” or a “retail establishment.”
C. The Proposed Retail 3 / Restaurant Project.

10. The Petitioner intends to develop Lot 5 with either a small retail building or a restaurant (the “Retail 3 Project”). The conceptual site plan for the Retail 3 Project is shown on Exhibit “C”.

D. The Residential Project.

11. As shown on Exhibit “C”, the Petitioner intends to develop Lot 210 with a market-rate residential apartment house community having approximately 400 dwelling units and consisting of the following principal components: (a) four (4) three-story buildings containing approximately 28 units in each building for a total of approximately 112 units; (b) two (2) four-story buildings containing approximately 144 units in each building for a total of approximately 288 units; and (c) approximately 705 parking spaces for the use of residents and visitors, including a five (5) level parking structure containing approximately 518 parking spaces, and 187 surface parking spaces (the “Residential Project”).

12. Principal access to the Residential Project will be from a new road that will intersect with Sprain Road southeast of Lot 210 near the north side of the existing Costco Wholesale and Home Depot stores. The access road, which is intended to remain private, will cross a bridge to be constructed over Austin Avenue. Secondary emergency access to Lot 210 will be from a gated driveway between the access road and Austin Avenue, which adjoins the southern boundary of Lot 210. There will be no access to the Residential Project from Austin Avenue.

THE PROPOSED AMENDMENTS TO THE ZONING ORDINANCE AND THE ZONING MAP

13. The Project is not a permitted use in the I District, the IP District or the CM District, but is permitted in the Planned Multi-Use District (“PMD District”) of the City. Accordingly, the
Petitioner seeks amendments to the Zoning Ordinance and the Zoning Map to: (i) amend the PMD District regulations to reduce the required acreage of tracts eligible for classification as PMD District from 80 acres to 70 acres; and (ii) reclassify and re-designate the Site from I District, IP District and CM District to PMD District. The text of Petitioner’s proposed amendments to the Zoning Ordinance is annexed hereto as Exhibit “D”.

14. The Petitioner respectfully submits that the rezoning of the Site to PMD District will best enable the proposed mixed-use commercial and residential development to be effectively and comprehensively planned. The rezoning of the Site will facilitate the development of new retail and residential uses which will serve the demands of City residents, increase the City’s property tax base\(^5\) and generate significant additional sales tax revenue. The Project is an appropriate use of the Site given the existing commercial/retail uses along Stew Leonard Drive, and the existing single and two family residential uses to the north, east and west of the Site.

15. The Petitioner further submits that: (a) there is a need for the Project, including the need for market-rate rental housing, in the City and the surrounding community; (b) adequate utilities and services, including roads, exist or can be reasonably expected to be created to serve the needs of the Project; and (c) the proposed rezoning and the development of the Site as a Planned Multi-Use Development are consistent with other land uses in the vicinity of the Site, and with the land use policies and objectives of the City.

THE DISCONTINUANCE OF A PORTION OF STEW LEONARD DRIVE

16. To accommodate the Retail 2 Project, the Petitioner is also requesting an amendment to the Official Map of the City to discontinue the Unimproved Stew Leonard Drive Parcel as

\(^5\) The Site is currently subject to a PILOT Agreement; any new development at the Site would result in an increase in amount of the PILOT payment to the City.
shown on Exhibit "C". The Unimproved Stew Leonard Drive Parcel has never been improved or used as a public right-of-way.

**COMPLIANCE WITH THE STATE ENVIRONMENTAL QUALITY REVIEW ACT**

17. Under the State Environmental Quality Review Act and the regulations promulgated thereunder ("SEQRA"), the Project and the actions directly and indirectly proposed by this Petition (collectively, the "Proposed Action") are classified as "Type I." A full Environmental Assessment Form (EAF) prepared by John Meyer Consulting, P.C., and dated May 18, 2011 is annexed hereto as Exhibit "E".

WHEREFORE, the Petitioner respectfully requests that the City Council grant this Petition and adopt the amendment to the Zoning Ordinance and Zoning Map as set forth herinabove.

Dated: May 18, 2011

Respectfully submitted,

DELBELLO DONNELLAN WEINGARTEN
WISE & WIEDERKEHR, LLP
Attorneys for Petitioner
One North Lexington Avenue
White Plains, New York 10601
(914) 681-0200
VERIFICATION

STATE OF NEW JERSEY  
COUNTY OF Bergen  

MARK BAVA, executive vice president of Builders Realty Corp., the general partner of Petitioner herein, being duly sworn states: I have read the annexed Petition, know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.

Mark Bava, Executive Vice President  
Builders Realty Corp., general partner of Morris Industrial Builders, L.P.

Sworn to before me this 8th Day of May, 2011

Lori-Ann Valentino  
Notary Public

LORI-ANN VALENTINO  
NOTARY PUBLIC OF NEW JERSEY  
§43-45 (A) is amended as follows (matter in {brackets} is deleted; underlined matter is added):

A. Zoning objectives. The purpose of the PMD District is to provide for, and to foster, the comprehensive planning of large scale, integrated mixed-use commercial and high-density residential developments on tracts of {80} 70 or more acres pursuant to a Comprehensive Development Plan ("CDP").

§43-45 (B) is amended as follows (matter in {brackets} is deleted; underlined matter is added):

B. Zoning Map amendments. The City Council may, pursuant to the provisions of Article XIII of the Zoning Ordinance (as supplemented by Subsection C of this § 43-45), amend the Zoning Map of the City of Yonkers to designate tracts to be included in the PMD District, provided that such designation shall be limited to tracts of at least {80} 70 acres and that each such designation shall be accompanied by the adoption of a CDP for each tract so designated. Upon such designation and adoption, such tract shall become a "PMD tract" for all purposes of the Zoning Ordinance.
PART 1 - PROJECT INFORMATION
Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire Form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

<table>
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<tr>
<th>NAME OF ACTION</th>
<th>Austin Avenue Multi Use Development Proposed Zoning Ordinance and Map Amendments</th>
</tr>
</thead>
<tbody>
<tr>
<td>LOCATION OF ACTION (Include Street Address, Municipality and County)</td>
<td>Stew Leonard Drive and Sprain Road, Yonkers, Westchester</td>
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<tr>
<td>NAME OF APPLICANT/SPONSOR</td>
<td>Morris Builders, L.P.</td>
</tr>
<tr>
<td>ADDRESS</td>
<td>350 Veterans Boulevard</td>
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<td></td>
<td>Rutherford</td>
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<td></td>
<td>NJ</td>
</tr>
<tr>
<td>BUSINESS TELEPHONE</td>
<td>(201) 804-8700</td>
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<tr>
<td>NAME OF OWNER (if different)</td>
<td>County of Westchester Industrial Development Agency</td>
</tr>
<tr>
<td>ADDRESS</td>
<td>Michaelian Office Building, Room 903</td>
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<td></td>
<td>White Plains</td>
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<td></td>
<td>NY</td>
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<tr>
<td>BUSINESS TELEPHONE</td>
<td>(914) 995-2916</td>
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DESCRIPTION OF ACTION:

The applicant proposes amendments to the Zoning Ordinance and Zoning Map of the City of Yonkers, for a property consisting of eleven (11) separate parcels totaling 74.85 acres which is currently zoned I District, IP District and CM District. The parcels are contiguous and the property is located on Stew Leonard Drive. The property is proposed to be rezoned to the Planned Multi-Use District ("PMD District").

The property includes the existing Costco Wholesale, Home Depot and Stew Leonard's stores, the existing Stew Leonard Drive right-of-way, and vacant, undeveloped land.

If the site is rezoned the applicant proposes to develop approximately 260,000 square feet of additional retail space (of which approximately 5,000 square feet may be utilized as a restaurant), and a residential apartment house community having approximately 400 units. Each component of the project will be subject to site plan approval from the Yonkers Planning Board.

The project is not a permitted use in the I District, the IP District or the CM District, but is permitted in the Planned Multi-Use District ("PMD District") of the City. Accordingly, the Applicant seeks amendments to the Zoning Ordinance and the Zoning Map to:
(i) amend the "PMD District" regulations to reduce the required acreage of tracts eligible for classification as PMD District from 80 acres to 70 acres; and (ii) reclassify and re-designate the site from I District, IP District and CM District to PMD District.

The rezoning of the site to PMD District will best enable the proposed mixed-use commercial and residential development to be effectively and comprehensively planned. This EAF analyzes the impacts of the proposed development.
A. Site Description

Physical setting of overall project, both developed and undeveloped areas.

1. Present land use: □ Urban □ Industrial □ Commercial □ Residential (suburban) □ Rural (non-farm) □ Forest □ Agriculture □ Other_Vacant land

2. Total acreage of project area: 74.85, with 36.0 to be newly developed acres:

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<tr>
<th>APPROXIMATE ACREAGE</th>
<th>PRESENTLY</th>
<th>AFTER COMPLETION</th>
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<tbody>
<tr>
<td>Meadow or Brushland (Non-agricultural)</td>
<td>1.4 acres</td>
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<td>Forested</td>
<td>33.0 acres</td>
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<td>Agricultural (includes orchards, cropland, pasture, etc.)</td>
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<td>- acres</td>
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<tr>
<td>Wetland (Freshwater or tidal as per Article 24, 25 of ECL)</td>
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<td>- acres</td>
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<tr>
<td>Water Surface Area</td>
<td>1.0 acres</td>
<td>1.0 acres</td>
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<tr>
<td>Unvegetated (Rock, earth or fill)</td>
<td>0.9 acres</td>
<td>- acres</td>
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<tr>
<td>Roads, Buildings and Other Paved Surfaces</td>
<td>37.65 acres</td>
<td>55.95 acres</td>
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<td>Other (Indicate type) Lawn &amp; landscaping</td>
<td>1.0 acres</td>
<td>6.6 acres</td>
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</table>

3. What is predominant soil type(s) on project site? □ CtC, CsD, Ub, CrC (undeveloped areas, 36.0 acres)
   a. Soil drainage □ Well drained 85% of site □ Moderately well drained 10% of site □ Poorly drained 5% of site
   b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? □ N/A acres. (See 1 NYCRR 370)

4. Are there bedrock outcroppings on the project site? □ Yes □ No
   a. What is depth to bedrock? 1.4 (in feet) □ Undeveloped 36 acres

5. Approximate percentage of proposed project site with slopes: □ 0-10% 26% □ 10-15% 13% □ 15% or greater 61%
   □ Undeveloped 36 acres

6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or the National Registers of Historic Places? □ Yes □ No

7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? □ Yes □ No

8. What is the depth of the water table? 2.75-6.5 (in feet) Source: NRCS Web Soil Survey

9. Is site located over a primary, principal or sole source aquifer? □ Yes □ No

10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? □ Yes □ No

11. Does project site contain any species of plant or animal life that is identified as threatened or endangered?
    □ Yes □ No According to NYSDEC Online Environmental Resource Mapper
    Identify each species N/A

12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations)
    □ Yes □ No Describe N/A

13. Is the project site presently used by the community or neighborhood as an open space or recreation area?
    □ Yes □ No If yes, explain N/A

14. Does the present site include scenic views known to be important to the community?
    □ Yes □ No

15. Streams within or contiguous to project area: Sprain Brook
    a. Name of Stream and name of River to which it is tributary Bronx River

16. Lakes, ponds, wetland areas within or contiguous to project area:
    a. Name None
    b. Size (in acres) N/A

17. Is the site served by existing public utilities? □ Yes □ No
    a. If Yes, does sufficient capacity exist to allow connection? □ Yes □ No
    b. If yes, will improvements be necessary to allow connection? □ Yes □ No

18. Is the site located in an agricultural district certified pursuant to Agriculture and Market Law, Article 25-AA
    Section 303 and 304? □ Yes □ No

19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8
20. Has the site ever been used for the disposal of solid or hazardous waste? Yes □ No □ Remediated (capped)

B. Project Description
1. Physical dimensions and scale of project (fill in dimensions as appropriate)
   a. Total contiguous acreage owned or controlled by project sponsor 74.85 acres.
   b. Project acreage to be redeveloped 23.0* acres initially; 23.0* acres ultimately.
   "Area estimated to be disturbed"
   c. Project acreage to remain undeveloped 13.0 acres.
   d. Length of project, in miles N/A (if appropriate)
   e. If the project is an expansion, indicate percent of expansion proposed N/A %
   f. Number of off-street parking spaces existing 0* ("area proposed for development is vacant"
      proposed 1,125 Retail; 705 Residential)
   g. Maximum vehicular trips generated per hour: Retail: 1,450; Residential: 238
      (Traffic generated by proposed development) (upon completion of project)?
   h. If residential: Number and type of housing units:
      Initially N/A Two Family 400 Condominium N/A
      Ultimately N/A Two Family 400 N/A
   i. Dimensions (in feet) of largest proposed structure 40± height; 260± width; 350± length.
   j. Linear feet of frontage along a public thoroughfare project will occupy? 5,600 ft. (Excl. Stew Leonard Drive)
2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? 700 ton/cubic yards
3. Will disturbed areas be reclaimed? ☑ Yes ☐ No ☐ N.A.
   a. If yes, for what intended purpose is the site being reclaimed? Landscaping, Building, Pavement
   b. Will topsoil be stockpiled for reclamation? ☑ Yes ☐ No
   c. Will upper subsoil be stockpiled for reclamation? ☑ Yes ☐ No
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? 19.7± acres.
5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project? Yes ☑ No ☐
6. If single phased project: Anticipated period of construction N/A months, (including demolition).
7. If multi-phased:
   a. Total number of phases anticipated 4 (number).
   b. Anticipated date of commencement phase 1 TBD month TBD year, (including demolition).
   c. Approximate completion date of final phase TBD month TBD year.
   d. Is phase 1 functionally dependent on subsequent phases? ☑ Yes ☐ No
8. Will blasting occur during construction? ☑ Yes ☐ No
9. Number of jobs generated: during construction 400; after project is complete 270.
10. Number of jobs eliminated by this project 0
11. Will project require relocation of any projects or facilities? ☑ Yes ☐ No ☐ N/A
12. Is surface liquid waste disposal involved? ☑ Yes ☐ No
   a. If yes, indicate type of waste (sewage, industrial, etc.) and amount N/A
   b. Name of water body into which effluent will be discharged N/A
13. Is subsurface liquid waste disposal involved? ☑ Yes ☐ No Type N/A
14. Will surface area of an existing water body increase or decrease by proposal? ☑ Yes ☐ No
    If yes, explain N/A
15. Is project or any portion of project located in a 100 year flood plain? ☑ Yes ☐ No
16. Will the project generate solid waste? *Analysis based on proposed development* ☑ Yes ☐ No
    a. If yes, what is the amount per month 130 tons
    b. If yes, will an existing solid waste facility be used? ☑ Yes ☐ No
    c. If yes, give name Wheelabrator Westchester; location Peekskill, NY
d. Will any waste **not** go into a sewage disposal system or into a sanitary landfill? □ Yes □ No  
e. If Yes, explain ____________________________  N/A ____________________________  

17. Will the project involve the disposal of solid waste? □ Yes □ No  
a. If yes, what is the anticipated rate of disposal? ______ N/A _______ tons/month.  
b. If yes, what is the anticipated site life? ______ N/A _______ years.  

18. Will project use herbicides or pesticides? □ Yes □ No  
19. Will project routinely produce odors (more than one hour per day)? □ Yes □ No  
20. Will project produce operating noise exceeding the local ambient noise levels? □ Yes □ No  
21. Will project result in an increase in energy use? □ Yes □ No  
   If yes, indicate type(s)  Natural gas, electricity  
22. If water supply is from wells, indicate pumping capacity ______ N/A _______ gallons/minute.  
23. Total anticipated water usage per day ______ 90,400 _______ gallons/day.  
24. Does project involve Local, State or Federal funding? □ Yes □ No  
   If yes, explain ____________________________  N/A ____________________________  

25. Approvals Required:  

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<th>City, Town, Village Council</th>
<th>□ Yes □ No</th>
<th>Type</th>
<th>Submittal Date</th>
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<tr>
<td>City, Town, Village Planning Board</td>
<td>□ Yes □ No</td>
<td>PMD Comprehensive Plan Approval: Zoning Map and Zoning Code Amendments</td>
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<tr>
<td>City, Town, Zoning Board</td>
<td>□ Yes □ No</td>
<td>PMD Comprehensive Plan Approval: Site Plan Approval</td>
<td>TBD</td>
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<td>City, County Health Department</td>
<td>□ Yes □ No</td>
<td>Water and Sewer Main Main Extension</td>
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</tr>
<tr>
<td>Other Local Agencies (Bldg. Dept.)</td>
<td>□ Yes □ No</td>
<td>Building Permit: SPDES General Permit</td>
<td>TBD</td>
</tr>
<tr>
<td>Other Regional Agencies</td>
<td>□ Yes □ No</td>
<td>Highway Work Permit for Sprain Road</td>
<td>TBD</td>
</tr>
<tr>
<td>(NY Thruway Authority w/City of Yonkers)</td>
<td>□ Yes □ No</td>
<td>State Agencies</td>
<td>□ Yes □ No</td>
</tr>
</tbody>
</table>

C. Zoning and Planning Information

1. Does proposed action involve a planning or zoning decision? □ Yes □ No  
   If yes, indicate decision required:  
   □ zoning amendment □ zoning variance □ special use permit □ subdivision □ site plan  
   □ new/revision of master plan □ resource management plan □ other ____________________________  

2. What is the zoning classification(s) of the site?  I (Industry, Residences Excluded); IP (Planned industrial, Residences Excluded); CM (Commercial, Storage and Light Manufacturing, Residences Excluded)  

3. What is the maximum potential development of the site if developed as permitted by the present zoning? 4,357,000 s.f. office or industrial park along with structured parking  

4. What is the proposed zoning of the site?  PMD (Planned Multi Use District)  

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning? 5,216,745 s.f. of multi use development  

6. Is the proposed action consistent with the recommended uses in adopted local land use plans? □ Yes □ No
7. What are the predominant land use(s) and zoning classification within a 1/4 mile radius of proposed action? 
   L, IP, S-50, S-60, CM, T Retail, single-family homes, commercial, park land.

8. Is the proposed action compatible with adjoining/surrounding land uses within a 1/4 mile?  □ Yes □ No

9. If the proposed action is the subdivision of land, how many lots are proposed?  N/A
   a. What is the minimum lot size proposed?  N/A

10. Will proposed action require any authorization(s) for the formation of sewer or water districts?  □ Yes □ No
    a. If yes, is existing capacity sufficient to handle projected demand?  □ Yes □ No

11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)?  □ Yes □ No
    a. If yes, is the existing road network adequate to handle the additional traffic?  □ Yes □ No

   A Traffic Study will be completed to identify potential traffic improvements that may be required

D. Informational Details

   Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

E. Verification

   I certify that the information provided above is true to the best of my knowledge.
   Applicant/Sponsor Name: John Dyer Consulting, PC Agent
   Date: 05/18/2011
   Signature: Robert B. Peake, AICP
   Title: Project Manager

   If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.