STATE OF NEW YORK  
CITY OF YONKERS

Minories of  
The City of Yonkers Planning Board  
March 13, 2013 - 7:05 p.m.  
at  
City Hall  
87 Nepperhan Avenue  
Yonkers, New York 10701-3892

BEFORE:

JERRY KICIUK, Acting Chairman  
JOHN MORRISSEY, Member  
MICHAEL GILLAN, Member  
JOHN KHADER, Member

PRESENT:

LEE ELLMAN, Planning  
COLLEEN ROCHE, Planning  
RACHEL G. KRAVITZ, Associate Corporation Counsel

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MR. KICIUK: This is a special meeting of the Yonkers Planning Board meeting held on March 13th, 2013, in the City Council chambers, Yonkers City Hall.

The regularly scheduled meeting which normally would have been held tonight is going to be held on March 27th, that is two weeks from tonight. The only item on tonight's agenda is the proposed Austin Avenue development, the scoping session, so I am going to ask for a representative for the applicant, Mr. Al Delbello.

MR. DELBELLO: Thank you very much.

Let me just explain very briefly what is going on this evening. The Planning Board made a determination that it was going to be the lead agency for this project, and they also made a determination that this is a Type I Action. That Type I Action, the first thing that has to be done is to
determine the scope, and tonight is a scope hearing.

What that means is, that we have to identify the environmental impacts, and that's what we are going to be doing this evening, identifying the environmental impacts, and then that's followed by what they call a DEIS, Draft Environmental Impact Statement, but for now what we would like to do, I would like to ask Rich Pearson of John Meyer Consulting, who is our site engineer, to go over the site so that everybody is aware of what we're doing.


As Al mentioned, I will give a brief overview of the project for your information and then we'll open up the meeting to the public for your comments as to what information should be included in the DEIS scope.

We already have a draft scope and there is a lot of information already
there summarizing a lot of the
environmental topics that are to be
analyzed, but we are here to hear from
you and see what comments you have.

This plan is an aerial photo that
shows the site area. This is the
Costco and Home Depot and Stew
Leonard's buildings.

This is the Thruway running along
the bottom of the Sprain and Sprain
Road above that and this is Stew
Leonard's Drive.

This plan shows the overall site
in green. Four your reference again,
the Costco and Home Depot buildings are
here and the Stew Leonard's building is
here, and the rest of the property is
undeveloped land in this area as well
as north of Austin Avenue.

Austin Avenue is this area, 9A,
Saw Mill River Road is along the top of
the stream. This plan shows the
various lots that control the overall
property, 75 acres total land area.
This drawing shows the various existing zones within the property. A portion of the property is in the I Zone. This portion is in the IP Zone, and the northern portion is in the CM Zone.

The application is a proposed zoning amendment to allow the property to be within the PMD Zone. The entire property would be zoned PMD, and the minimum acreage for that property would be 70 acres as proposed.

This plan shows proposed retail development in blue. This is a two story proposed development with a 40,000 square foot footprint, 80,000 square foot total.

This building is a proposed Target. This plan shows the Target with parking underneath the majority of the parking building with the remaining parking out towards Austin Avenue.

This plan shows an alternative parcel configuration and layout for
Target. There is approximately 3.6 acres that the applicant is looking to obtain from the County IDA. With that additional acreage, the Target building could be on grade with all the parking exterior of the Target building. This will allow the Target building to be lower than it would otherwise be on the previous plan where essentially much of the building would be on columns or stilts.

This plan shows additional residential property to the north. There is 400 residential multi-family units that would be accessed by a new roadway that would connect to Sprain Road. This would again involve cooperation with the County IDA to provide a roadway in this area and the intersection of Austin Avenue, and the proposed driveway would be a grade separated intersection so that there would be no crossing traffic between Austin Avenue and the residential
driveway for the proposed use.

This is an aerial photo with the proposed uses superimposed similar to the other plans, and just provides you with a different view of the existing conditions with the proposed conditions.

As part of our preliminary analysis we have done some traffic analysis along Stew Leonard's Drive and Sprain Road and the Thruway ramps, and we are proposing many improvements that will be analyzed in detail in DEIS.

Those improvements include providing new traffic signals at Sprain Road and Stew Leonard's Drive as well as the exit 6A ramps and Stew Leonard's Drive, widening along Stew Leonard's Drive in two locations, actually three locations, and widening along Sprain Road and two additional traffic signals on the northern portion of Stew Leonard's Drive.

This is a little bit more detail
on those proposed road improvements. As you can see, there will be additional lanes along here and here, and an additional lane along Sprain Road.

Moving to the north on Stew Leonard's Drive we would be signalizing the existing unsignalized U-turn movement. Currently there is one southbound lane on Stew Leonard's Drive in this area. We would be removing the pavement markings to once again allow two southbound lanes at that location. We would also be widening the northbound approach to have these separate lanes for the U-turn and two through lanes continuing through the intersection, and there would also be the driveway for the proposed residential driveway for that location.

Finally to the north we have additional improvements shown which is a double left turn into Stew Leonard's driveway, and Stew Leonard's driveway
would be modified to have three lanes
coming out compared to the one lane
that they currently have.

There would be a double right turn
and a single left turn for vehicles
wanting to travel into Target. Target
would have two lanes coming out to the
signalized intersection.

We have also looked at the
intersection of Jackson Avenue and
Sprain Road in Greenburgh. I believe
most of you know that Sprain Road
continues up to Jackson Avenue and we
would be doing improvements to that
intersection.

Currently the intersection has a
traffic signal controlling the
intersection and a separate left and
right turn lane along Sprain Road and a
separate left turn lane along Jackson
Avenue westbound.

In the proposed improvements at
the intersection are to widen both
Sprain Road and Jackson Avenue. Sprain
Road would be widened to maintain an existing right turn lane shown in the light gray, and then have the two existing lanes converted to be a double left turn so two lanes would come out of Sprain Road, and then the lanes on Jackson Avenue would be shifted and widened to accommodate the two left turn lanes, and in addition, there would be a right turn lane constructed along Jackson Avenue eastbound.

The traffic signal would be reconstructed as part of these improvements.

The final slide relates to tax benefits from the project. There is a substantial benefit to the City of Yonkers by having the project, the Target and the other retail developments. Many jobs would be created, both temporary jobs for construction and permanent jobs for the Target and the other stores.

MR. DELBELLO: Let's go into that
a little bit more. Part of this study is called a socioeconomic study, and as you can see from this slide, the Target store is projected to do a hundred million dollars in sales, have 400 employees producing a city sales tax of two and a half million dollars with an income tax of $230,880 and a pilot payment of $227,500.

The "other" is the 80,000 square foot store which is projected to produce 30 million dollars in sales, 200 permanent employees, $750,000 in city sales tax, $115,440 in income tax, and a pilot payment of $104,000.

Construction jobs are a thousand jobs, and the total revenue to the city would be $6,405,070, significant benefit to the City of Yonkers.

That's our presentation. Thank you, Mr. Chairman.

MR. KICIUK: Thank you, Mr. Delbello. Thank you, Mr. Pearson. I would ask just to remind you, if anyone
has cell phones, I will ask you to please turn them off, and if you want to have private conversations, I would ask you to please go out in the hall.

There is a sign-in sheet for speakers. I have one, I believe Christine has the other one. If you would like to speak tonight, please get your name on there.

Once we begin the public hearing portion, I am going to collect that and after that you will still have an opportunity to submit your comments in writing to the Planning Bureau.

As we have a fairly large number of speakers tonight I am going to limit each speaker's time to three minutes, and just to remind you, all comments will be entered into the public record. If you heard someone say something before, there is no need for you to repeat it. Having more people say the same thing doesn't help in any way.

What we are doing here tonight, we
are collecting for the applicant not whether or not you are for or against the project, but what should be in the scope of the project. Think of it as what belongs in the table of contents for the project, things like environmental, traffic, whatever you can think of, but it's not necessarily to get opinions whether or not you are for or against the project.

With that I will ask if members of the Planning Board, do you have any comments or questions? Very well. So I am going go in order here. Our first speaker is Gail O'Rourke. Please state your name and address for the record.

MS. O'ROURKE: Gail O'Rourke, 105 Clooney Avenue right in the neighborhood.

Mr. Chairman and members of the Board: I wish to speak first on the requested modifications, the planned multi-use development zone. The PMD Zone was never included in the original
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City of Yonkers 2000 master plan. The only PMD Zone now existing in Yonkers is the area that was specifically devised for the Ridge Hill development.

At the time of the proposal for the addition of this new district in the Zoning Code, a commitment was made to the residents of the City of Yonkers by the elected officials, that it would be the only occasion that zone would be used in the city.

In June of 2006 the City Council voted to include this new PMD zone and codified the wording to say, "On tracts of 80 or more acres," not 80 or less.

Now a developer wants to reduce the acreage requirement to 70 acres. Our concern is that from 80 to 70, will it be 60, 50? All at the whim of the developer.

As the saying goes, fool me once, shame on you, fool me twice, shame on me. Will the Southern Executive Park be the next site in our own
neighborhood requesting a modification of the acreage requirement? Will this PMD Zone eventually wipe out the entire Zoning Code of Yonkers?

We feel that this is just another case of spot zoning. A good chess player always looks at the next move while contemplating the present. While this scoping session is about the property off Stew Leonard's Drive, Austin Avenue and Prior Place, the decision you make on the request for the reduction of acreage requirement for the PMD Zone will have an impact on all future development in Yonkers.

Once one change is accepted, developers will line up and keep combing back to the cookie jar.

There are many types of development that can be done on this site that conform to the present zoning system.

I am either speaking really slow.

MR. KICIUK: There is one minute
left. That was a two minute bell.

MS. O'ROURKE: Okay. An exhibition center similar to the New Jersey convention center and exhibition center, a center for safe data storage and office building, the possibilities are endless.

It is up to the developer to investigate these new options. All we ask is that they stay within the code.

The second item I wish to comment on is our general stance on development. We have stood support in many projects within our neighborhood. The Elizabeth Seton Pediatric Center, SUMA Bank The Marriott Residence and Hampton Inn.

We have also rejected other projects, large and small, because of the potential impact in our already well documented flooding and traffic problems.

We are a neighborhood of middle income folks just like the tradesmen
who do need work, and we do understand their situation.

We are asking the developer to stay within the present zoning does not stop construction. It would only mean a different type of construction.

The type of retail project proposed for Austin Avenue should be placed in the downtown and even expanded upon. This will provide construction work at two sites and be the anchor of a real overdue revitalization of Yonkers.

We have many wonderful restaurants stores in the downtown that are not being supported in the way that a large scale retail mixed use project will serve to enhance their marketability.

And lastly, let me now state again that the Nepera Park - Gray Oakes Neighborhood Association and its membership are not anti-development, as long as prior commitments to the citizens of Yonkers are honored and the
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development is in conformance with the existing Zoning Code.

We respectfully ask that you not grant the reduction in acreage request to the description of the PMD zone.

MR. KICIUK: Thank you, Ms. O'Rourke.

Our next speaker is Ross Pepe and Fernando-- I am sorry, I can't read your last name very well. Munillo?

You are going to be next so please get ready. Mr. Pepe.

MR. PEPE: Thank you. My name is Ross Pepe, I am President of the Construction Industry Council and Building Contractors Association of Westchester and Mid Hudson. We are located at 629 Old White Plains Road, Tarrytown.

I am here tonight to speak on behalf of over 500 businesses and 20,000 employees working throughout the region and Westchester County including the City of Yonkers.
The proposal of the Morris Company before the Planning Board tonight is a sound economic development plan that will lead to increased jobs in the construction and building industries as well as hundreds of permanent jobs for Yonkers residents.

As we know, the developer has proposed a bill for both commercial and residential properties to create 400 units of sorely needed market rate residential housing and retail stores. This clean development opportunity will result in millions of dollars of sales tax and pilot revenues for the city, County of Westchester and New York State at a time when governments are struggling to remain economically stable. Most certainly the City of Yonkers can use these needed revenues.

In addition to improving and removing contamination from the site, the developer will be widening Stew Leonard Drive, installing new traffic
lights, adding additional lanes at the intersection of Sprain Road and Jackson Avenue, adding new waste water and drinking water utilities, and constructing a new road from the residential site to Sprain Road.

As proven by other properties in the area, existing residential areas remain untouched and free of any new traffic due to the development's immediate access to I-87.

We urge the Planning Board to proceed with this project approval.

Thank you.

MR. KICIUK: Thank you. Mr.--
MR. MUZILLO: Muzillo.
MR. KICIUK: Mr. John Murtagh is on deck.
MR. MUZILLO: Mr. Chairman and members of the Board:

As neighbors of Austin Avenue, we agree that project developments do contribute to the progress. Yet, we also believe that city laws and
regulations are to be complied with, not to be modified from time to time for the only benefit of big companies.

The area of the intended project, Austin Avenue and Prior Place, has been traditionally one of the last natural sanctuaries for a wide variety of animals, birds and reptiles, like deer, coyotes, red tail foxes, wood-shacks, turkeys eagles, hawks, owls, cardinals, blue jays, woodpeckers turtles, frogs, just to name a few.

During the construction of Home Depot, Costco and Stew Leonard's, we witnessed powerless how hundreds of native very old beautiful trees were wiped off in a matter of days.

Egg guess have been known to hundred hunt in this area. It is one of the only green spaces in Yonkers where wildlife can feel safe and thrive. The elevation of the site is ideal for birds of pray and red tail hawks are often seen circling over.
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The Sprain Creek at the bottom of the east boundary provides water for the wildlife and has its own inhabitants. The existing vegetation consists of trees, grass, briars, wild flowers and vines.

By destroying this habitat, all creatures and trees will disappear forever. Birds singing will be replaced by traffic noise and pollution. Instead of trees we will tall cement walls. Instead of greenery we will see black asphalt. No way. Nobody needs that in our area.

Why don't they go to Ridge Hill or Hudson River corridor or Central Avenue? There are plenty of places over there intended for Department Stores.

As many of my neighbors, I take special pride in the tranquility, the greenery and beauty of Austin Avenue and Prior Place, the feeling that we have, as we feel we get away from the
everyday hectic city lifestyle.

It has been our home for over 15 years. It is where my kids grew up peacefully playing out in the streets until late without any worries of traffic or bumping into random strangers. I want the same for my grand kids too. There just aren't many places like this in Yonkers. Yes, it is unique and we would like to keep the way it is.

This project is not about the people and problems of Yonkers, it's all about developers profits.

With all due respect, we strongly request not to allow this environmentally negative project to take place.

MR. KICIUK: Mr. Murtagh, then Rosalie Koch.

MR. MURTAGH: Thank you, John Murtagh, 223 Parkview Avenue, Yonkers. My friend Mr. Delbello mentioned that one of the things we have to consider
is the socioeconomic impact of this project. Well, as I look at the map I can't help but think that folks who live on the west side of Austin Avenue and on Prior Place, the socioeconomic impact is pretty clear, they are screwed, it's as simple as that if this projects goes through, but I am going to let them speak to that and I am sure they will about the noise, about the dirt, about the traffic, about the retaining wall that is going to go up and the loading docks and everything else.

I want to emphasize instead what my friend Gail said a few moments ago about what frankly was a moral commitment by the elected and appointed officials of this city. I took that vote back in July, July 11st of 2006. Actually I voted against Ridge Hill. A vote on July 11st that I might add, we now know, was only secured by bribery, a vote that in retrospect was illegal,
but be that as it may, a vote, and God bless me I don't throw anything out, the agenda for that meeting. Here is what the City Council said they were voting on among other things. "The City Council may, pursuant to Article XIII of the Zoning Ordinance, amend the zoning map to designate tracks to be included in the PMD Zone, provided that such designation shall be limited to tracks of 80 acres."

Based on a draft environmental impact statement, we heard about that a few minutes ago that says cumulative impacts of this project. "Under the proposed PMD zoning amendments there are only two existing parcels that would appear to meet the 80 acre minimum requirement, Cross County Shopping Center and Yonkers Raceway."

In the DEIS, number six proposed zoning amendments. "The purpose of the PMD District is to provide for and to foster comprehensive planning of large
scale integrated mixed use and high density residential developments. In order for the City Council to designate a PMD District, each track must be at least 80 acres."

In fact they liked that one so much they repeated it at the end under Zoning. "The creation of the new zoning district is intended to provide for and foster the comprehensive plan with large scale integrated mixed use commercial and high density developments on tracks of 80 acres or more.

Now, obviously I know you can omit the law any old time you want, and if you get the votes to do it you can do it, but a moral commitment was made almost seven or eight years ago now by the officials of this city elected and appointed and they need to live up to that moral equipment.

Eighty acres means eighty acres, doesn't mean 70 acres, it doesn't mean
74.85 acres, it doesn't mean 72 acres or 76 acres, and when someone shows up here a year from now it shouldn't mean 60 or 50 or 55 or 65. Eighty acres is 80 acres. That's what the people of this city were promised, that is what they deserve. Thank you.

MR. KICIUK: Thank you, Mr. Murtagh. Rosalie Koch and Fred Weaver is next.

MS. KOCH: Good evening, Board members. I am only laughing because John Murtagh said pretty much what I needed to say, thank you, John, but I do also want to add that when will the city respect the taxpayer homeowner and stop offering pilots to developers.

Six million dollars is not enough, it's just not enough. We can't afford to support any more developers. They need to carry their own weight, carry their own water. You can't expect the homeowner taxpayer to take this kind of abuse to have look at giant walls, to
have traffic running through their neighborhoods, to have steep slopes that are just dangerous.

I mean, I live there, the Ridge Hill project, so I can tell you we are still bargaining about the steep slope that is Ridge Hill Boulevard and the accidents that happen there and the crime, the crime that is stealing all of the police cars out of the First Precinct for which there was never any compensation.

The developers have got to start paying their own way like the citizens of Yonkers. That is all I am going to say, and I would like to yield the rest of my team to Rick Weaver.

MR. KICIUK: After Mr. Weaver is Maureen Booklukos.

MR. WEAVER: Mr. Chairman, members of the Board, my name is Fred Weaver, I live at 34 Edison Avenue in Nepera park and Gray Oakes. I am also the President of the Nepera Park Gray Oakes
Tonight, I am here tonight to express to you concerns we have on the items in the positive declaration and scoping section announcement.

Let me now say that we are pro development as long as prior commitments to the citizens of Yonkers are honored and the development is in conformance with existing zoning.

We have prepared a document listing our concerns with each item outlined in the declaration and I would like to hand that out to you right now.

MR. KICIUK: Please give it to Christine and she will hand it out.

MR. WEAVER: All the items in the declaration are of great importance to us and our comments and concerns are included in our package.

I wish to speak first on the steep slope location. Drainage in this area is a major concern of the residents to the surrounding community. Storm water
has no predictable path from steep slope sites. Water, as we all know, runs from high elevations to low elevations, and the only place the water flows from the Austin Avenue location is down baby down.

It is common knowledge during storm events the Saw Mill overflows its banks. During significant storm events, homes in the community experience damage from basement leakage to complete flooding.

The runoff from the Austin Avenue area is already known to overburdening the existing system discharging into the Saw Mill River.

The existing storm sewer system starts at the junction of Austin Avenue and Prior Place and descends to Saw Mill River Road where it reduces in size and discharges into the river.

Prior place has a separate storm and sanitary line further south on the street. This line is believed to be a
combined system as residents have experienced flooded basements from backups since Stew Leonard's was tied in.

Residents both on Prior and down on Hersh Street has also experienced strong odors of sewer gases emanating from storm drains.

On the east side of the dump site water flows down to the Sprain Brook where it discharges. The Sprain Brook discharges into the Grassy Sprain Brook which discharges into the Bronx River. The Bronx River also overflows its banks, and during significant storm events it floods many locations along its land.

There is a property known as 1000 Palmer Road, Brooklands Cooperative. That experiences serious flooding. Removal of 500,000 square feet of green space to impervious surface could be the deciding factor to serious injury, possibly even fatality at that site.
Austin Avenue dump. There are people in this room from residents to past and present elected officials which know the material that was dumped in that site. There were many Herald Statesmen newspaper articles, however on January 27th, 1967 entitled Coughin Corner, Austin Avenue Dump Can't Quit Smoking. It's quite a story.

A family had a home at the base of this dump. Their kids were constantly sick. Their dog mysteriously died. Finally the house had to be demolished.

The remediation of the dump at that time was to run hoses and extinguish visible flames and smoldering embers. The steam and smoke containing toxic metal billowed from way beyond safe periods.

As kids we climbed the rocks behind this house to enter the dump. As we scaled the rock, we encountered green liquid with a foul odor that burned when we touched it. This dump
was oozing from the rock crevices from the bottom to the top of our climb. Imagine this mixture of toxins deep down in the rock structure.

If New York State DEC has provided a remediation data base search outlining the contamination of concern; arsenic, barium, chromium, led, magnesium, maganese, mercury, nickel, zinc, all still in the ground.

The following statement to the site assessment is significant threat. "This site does not pose a significant threat to public health or the environment." Think about the words, "significant threat." We want the words no threat.

The residents deserve to have this site completely remediated before any development is approved. We have lived with this problem for decades. Let's do the right thing for once and not have to again disturb this dump. Remediate it completely for the sake of
the residents and the environment. I ask the Board to carefully review our submission concerning all the items and I thank you for your time.

MR. KICIUK: Thank you, Mr. Weaver. Ms. Boolukos.

MS. BOOLUKOS: Yes.

MR. KICIUK: Then Richard Bergenson is on deck.

MS. BOOLUKOS: Maureen Boolukos, 147 Austin Avenue, resident there for 46 years.

First of all, I would like to address the fact that the DEC said no significant danger from toxins. What is significant when the residents in this area have suffered enough such as cancer. Some already have passed on, from a vibrant 20 year old to our next-door neighbor of leukemia. Others with diagnosis of breast cancer and pancreatic cancer, and children suffering from asthma as well as
I guess those people are insignificant in the DEC's eyes. As long as taxpayers pay, who cares. Let's give the developer a free ride. I ask you to change your ways and show humanity and intellect by doing what is right. No PMD Zone.

Infrastructure of our homes I believe cannot withstand any more structural damage from the blasting, especially on our foundation, and most all concern about our septic tanks. We already have damage from the construction of Stew Leonard's, Home Depot and Ecco which did a great deal of blasting and didn't even have a C.O. for their property.

To all the labor unions, you have our complete support since the majority of us are Teamsters and belong to labor and trade unions. We've worked hard to own our homes an maintain them, but understand you too would not want this
in your backyard, and I mean in your backyard.

There was so many fond memories of the square the way it used to be. The shopping now we have, the shopping could be going to Target. We have great restaurants down there already, a waterfront, all that is missing is a store like Target. Yonkers folk remember getting on the bus and going to the square to shop and eat and spend the day. It was accessible to the whole city.

Noise and carbon monoxide pollution. I cannot open my windows in spring and summer due to the noise from the New York State Thruway, the braking of brakes to stop and pay a toll, the semis that unhitch and park adjacent to Home Depot while Home Depot is receiving deliveries and their trailers are beeping backing up, the bumper to bumper traffic on Sprain Road every weekend not all to go shopping, just a
quicker way to get on the Thruway and
avoid a toll.
Now all year around the lights at
night. Stew's bright red sign seen
from our bedroom window, the lights
from Home Depot from my living room.
Soon I won't need any lights. Target's
proposed parking will light up the
whole house.
Then there is the storage shed for
salt by the toll booth that I realize
needs to operate during a snow storm to
keep our roads passable, the pay loader
used to fill up the salt trucks,
constant beeping of the trucks lined up
and idling to be filled.
Now you want to add more salt to
our wounds. By the way, in the summer
they stock up the supply with salt and
that goes on for weeks, so it is a four
season nuisance.
I just have one important thing to
add. Mr. Delbello is representing
these developers as he was climbing the
political ladder. He was in my living room and he promised that this would be zoned IP and that there would be buffer zones and the residents in our area would not be affected by any large development of any sort.

Well, apparently you got into office and now the hell with us in Yonkers, right? You sold Yonkers out and you sold your soul, Mr. Delbello, and I am very sorry that I even voted for you.

MR. KICIUK: Mr. Bergenson.

MR. BERGENSON: That's a tough act to follow.

My name is Richard Bergenson. I have live at 145 Austin Avenue directly across from the area recently covered by the film from the Ridge Hill project. I say recently covered.

Ever since the city closed the dump site from the residue from the incinerator by order, they were ordered to cover it and they never did until
they got the free fill from Ridge Hill.

Anyway, I bought my house in 1961. The real estate person told me the area across the street, although once a city dump site for incinerator residue, was scheduled to become parkland. It didn't, and it didn't take me long after I moved in to witness the new use of the area.

Various vehicles and other odds and ends were being brought into the plateau creating a scavengers paradise. Finally, a disgusted citizen and a member of Nepera Park, Mr. Frank Pearson, he organized a mother's with baby carriages blockade to prevent the entrance to the dump site.

Mr. Pearson was promptly arrested, but the publicity generated enough embarrassment for the city that they finally did close the site.

That in the 70's, another hair brain proposal had the site being deemed perfect to become a STOL
airport, stole meaning short takeoff or landing. The idea was supported by the Yonkers Chambers of Commerce and the Federal Aviation Authority.

After several city hearings, the situation was such the idea was abandoned. All during the 60's, 70's and 80's underground fires would occasionally flare up requiring the Fire Department to have fire engine staff feeding water into the sink holes where smoke and fire was emanating.

This lasted for weeks at a time sometimes. They'd leave only on emergency but they would come back. It was like a vacation spot for them.

In the late 1990's the city proposed the current zoning for the area that we are talking about and it was accepted permitting the Stew Leonard's, Costco and Home Depot complex to be built.

The city accepted the input from the surrounding civic associations and
promised to be faithful to the zoning
designations of the remaining Austin--
unused Austin Avenue area.

Now, I understand that the
construction workers of Westchester
County are urging the city and the
county to approve the proposed zone
changes so that they can get work.

Well, as a retired union
carpenter, I did that kind of protest
and lobbying for work also, that is
part of bargain.

I am a 62 year member of the
Carpenters Union and I am not selling
anybody out, and it might be a case of
numinism, not in my backyard, but
that's not the case.

Work can occur in the area as
currently zoned, just get the right
person or company to develop something
there. We don't need the PMD zone
change, and I thank you for your time.

MR. KICIUK: Thank you, Mr.
Bergenson. Myrna Bergenson and Evelyn
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Welch is to follow.

MS. BERGENSON: My name is Myrna Bergenson. I live at 145 Austin Avenue for 51 years. I am directly across from the area that was finally capped. I won't go into that. My husband just mentioned all about it.

In the New York State Department of Environmental Conservation's report they stated that the capped area, although containing various hazardous materials, and I won't go into repeating them again because you already heard it, does not pose a significant threat to public health. I beg to differ. These ingredients are known carcinogens.

I am a cancer survivor. Since that time I have already got breathing problems and asthma. My next-door neighbor residing at 147 Austin Avenue for about 45 years is George Boolukos. He has been battling pancreatic cancer for years. The neighbors next to
George were the Kyles who resided at 175 Austin Avenue for about 30 years. Margo Kyle died of bone marrow cancer. How do you explain that? Three houses in a row directly across from this area, all cancer. It's not significant, is it? Maybe not to you, but it sure is to us.

For about 30 years we put up with nonsense back and forth, and I won't repeat it, you heard it all. Further disruption of the earth on this site is the last thing we need. That could be unleashing a death sentence to all of us living in the area. Thank you.

MR. KICIUK: Thank you, Ms. Bergenson. Evelyn Welch and next will be Terry Joshe.

MS. WELCH: Hello, my name is Evelyn Welch and I am a lifelong citizen of Yonkers residing at 101 Prior Place.

Most recently we have been reading about plans to construct retail as well
as residential development on what is known as the Austin Avenue dump in Hogan Field. The details I have read about this endeavor greatly concern me as my home is in close proximity to this site, and mine and the surrounding neighborhoods quality of life will be most impacted.

First and foremost I am adamantly opposed to the PMD zoning being sought. Secondly, I travel from my home on the roads around this site and the traffic is getting worse and worse. The intersection at Jackson Avenue and Saw Mill River Road, although recently reconstructed, has not helped the situation there. We often wait three light changes at peak hours due to congestion.

Those wanting to make a right-hand turn and go east coupled with those who wish to go north back up on a single lane past the Manor House, Sand Roc Catering Hall.
The same situation also occurs at the Jackson Avenue and Sprain Road intersection. Add a holiday influx of traffic and it's a nightmare. I am always leery of getting into the left lane on Jackson Avenue going onto Saw Mill River Road as large trucks have a very hard time negotiating a right turn from Saw Mill River Road onto Jackson.

Oftentimes the large trucks must encroach into the turn lane on Jackson and/or the cars on Jackson must merge to the right or back up if the traffic allows it.

I have often noticed vehicles trying to enter both Jackson and Saw Mill River Road from the Greenburgh community on borders of the development. They must wait for extended periods of traffic to clear in order to enter Jackson Avenue or Saw Mill River Road.

We here on Prior Place have had to endure the Austin Avenue sump, the loss
of our park, Hogan Field, Stew Leonard's construction and the continuing illumination of our area from their light, utility problems from their sharing lines that should be separate, and the damage to our homes from blasting.

It is now time to consider the residents. Development must be in accordance with existing zoning and in regard to the quality of life for the surrounding residents and the existing environment. Thank you.

MR. KICIUK: Thank you, Ms. Welch. Now we have Terry Joshe and then Leon Nanton.

MS. JOSHE: Good evening, everyone, Terry Joshe, 29 Rockland Avenue in Yonkers which of course is not part of the neighborhood but I speak on behalf of the Yonkers Committee for Smart Development Team which has on its board and team membership representatives from all
over the city, including some of these people.

This is not a neighborhood issue, it's a much broader problem, it's Ridge Hill and SFC probably combined as far as these people are concerned, especially considering the toxic hazards, but I want to talk specifically about a few things, but I want to say first of all, that I'd really like to ask the Planning Board and the Planning Department when you are lead agency on a project, that when you send out a scope document, you include the mapping of this nature with it. It is very difficult, especially if you are not a resident of the immediate neighborhood, to sit down with a scope document in your hand and try to come up with what you think might be important for it.

If you don't have a map, it's just a generic comment over and over about air quality and whatever, and really I
ask you to please remember.

I went on the city site and looked at the visual site maps. They don't tell you very much and I would like to make that a city policy for any lead agency that a map be included when the scoping documents go out because for one thing, in terms of 80 acres, it is impossible to tell whether or not that is actually 80 buildable acres and I think that is something that should be considered in any kind of transformation of this down to 70 acres. Are we really doing that because there aren't 80 buildable acres? I didn't know because I didn't have the maps.

I wanted to say my friend John Murtagh who I think has left made a very true comment about Ridge Hill that we were black topping the top of a mountain and this is not far away from that, but in terms of the actual honing in on the scope, I will send in our
comments on Friday because the team is still putting them together. There is a lot to talk about but I do feel that this particular scope document focuses very heavily on traffic, et cetera, does not really focus on the matters, the environmental issues. It's very sketchy information in here and I hope that the Planning Board will choose to elaborate on all that.

This gentleman who spoke about the natural environment is actually correct. That is something that we give very short shrift to in every environmental impact statement. We tend to think about the human consequences but we have to think for ourselves the carbon footprint consequence of taking away the hillside greenery.

It's not just about whether or not the deer will have someplace to live. Maybe we prefer they didn't or the fox or whatever or the birds. It's really
important because we need it to
breathe, but I don't want to go on and
belabor that point, I just want to say
that our comments analyzing the very
specific issues in this scope will be
coming in on Friday, and I am totally
in support and I celebrate all of these
people who came out to speak on behalf
of their neighborhood. Thank you.

MR. KICIUK: Thank you, Ms. Joshe.
Leon Nanton and our final speaker will
be Thomas Madden.

MR. NANTON: Good evening. I am
Leon Nanton. I am the first Vice
President of Nepera Park Gray Oakes
Association.

Much that you need to hear as a
Planning Board has already been
discussed because they are important
points.

Being second to last, I am not
going to repeat everything, but I am
going to remind you of the points that
are poignant. There is a moral
commitment as was said because there is a lot of people with no voice here.

One main thing is the past. The past has written and explained this to all of us many times before. My President did a lot of research. I don't have the same resources. I didn't make a big pack. I only have one copy of each. Hopefully your resources, the taxpayer money can make you copies.

The Herald Statesmen of March 11th, 1959 has an article, Hogan Park was supposed to become a kiddie zoo. Why? Because it was a green space.

October 6th, 1967, Austin Dump was told that it can keep dumping, but on October 11, 1967, the politicians and everybody else said no, it's supposed to be green space, it's supposed to be a park because that's what the people were promised.

In January of 2000 -- January, 27, 1967 the same thing. Today, Greenburgh
wrote about how the developer has discussed the changes that would have to be made. Why? Because more green space has to be taken.

For you construction workers, we are the same as you. We own our homes, we work. Many of our constituents are you. If you go to work on this site it will not be a check, it will be part of a death sentence because what is in this ground where you will be working and what is around you will be very dangerous and you will not be told.

This is a Brownfield site, okay? The developer has said he understands it's a Brownfield site and he knows at the very bottom is wetlands. He has explained it. He knows it.

The knowledge of a PMD to change everything scares us because it could change when it didn't work. In '81 when he bought it with the office park, it didn't change. Now it's retail.

What could happen if you the Planning
Board give them a PMD.?

Lastly, quality of life of Greenburgh. You have not talked to the Greenburgh community. You talked to their officials. There is clear-- there are many other communities like us that exist.

I would like to give you the newspaper articles. Hopefully our taxpayer money can make some copies because I was not able to, but this is 40 to 50 years worth of one spot telling us what is wrong and what it should be.

Remember, our kids need to have more than someplace to shop. That's all I have to say. Thank you.

MR. KICIUK: Our final speaker tonight will be Thomas Madden.

MR. MADDEN: Thank you, Mr. Chairperson. My name is Thomas Madden. I am Commissioner of Community Development Conservation for the Town of Greenburgh.
The Town of Greenburgh has gone over the draft scoping document and submitted comments to Mr. Ellman. If you would like, I can go over all the comments in it.

We have gone through each of different sections starting with Section 3, the description of the proposed action.

We would like to see a section four added, description of the comprehensive history of the project site, including any and all prior uses and previous development proposals and prior zoning changes is to be presented. The stage at which each previous development proposal was abandoned, no official application submitted, application withdrawn before decision, application denied, et cetera is also to be indicated.

Number five. A detailed description of the recent history of development that has occurred on
adjacent parcels that are owner or
controlled by the applicant and/or its
associated entities is to be provided.

Number six. A detailed
description of the adjacent parcels
owned or controlled by the applicant
and/or its associated entities that
currently are underdeveloped,
significantly underdeveloped, or
under-utilized are to be identified and
described.

Section C. Project Development
Data:

Section 8-B: A discussion on how
the Proposed Action will be designed to
the extent possible, to conform to the
requirements of the Leadership in
Energy and Environmental Design, (LEED)
Green Building Rating System will be
included, as well as a discussion of
the potential use of green building
technologies to meet these
requirements.

Section IV. Purpose and need for
the proposed action.

B. Need for the Project.

Describe from a regional, local, neighborhood, and site perspective.

2. To the extent possible, the needs analysis is to be based on similar projects that have been constructed in proximity to the project site and is to include existing demographic conditions in the City region and any other information.

Under Section 5-A, Land Use and Zoning. Under Zoning, Subsection B. Description of zoning of adjacent parcels, and I would like to add in the City of Yonkers and the Town of Greenburgh.

Number Two under Land Use. Impact on adjacent land uses in the City of Yonkers and the Town of Greenburgh.

Subsection D, Potential Impacts. Discussion of the proposed project's compliance or non-compliance with local land use and zoning regulations, as
well as the Proposed Action's relationship to City, County, regional Economic Development Councils and Mid-Hudson Regional Sustainability Plans is to be discussed.

Under the subsection for Zoning under C. An analysis of why the existing zoning of the subject property is believed to be inappropriate and/or less desirable than the proposed PMD zoning is to be discussed.

Under B, Soils Topography and Geology. It says description of existing soil types and subsurface conditions based upon soil survey information and soil boring logs. We would like to see added in, Soil information is to utilize the Soil Survey of Westchester and Putnam Counties.

Section F. A description of all rock outcroppings on the project site are to be described and mapped.

MR. KICIUK: Mr. Madden, I believe
Planning Department has this. It's really not necessary for you to read it. It's already part of the record.

MR. MADDEN: I want to make sure you guys have it. We look forward with working with the City of Yonkers on the project and reviewing the DEIS.

MR. KICIUK: That was the final speaker who signed up. Is there anyone else who would like to come up and speak. Anyone else? Very well, sir. Everyone raise their hands. So we have two people. You first and then you will be the final speaker so please identify yourself.

MR. HUNDERBARK: James Hunderbark. I live at 16 Brier Hill Drive in Yonkers.

I have been a 10 year resident of Yonkers. I have two small children which were born and raised in the city so far. When I moved here I was greeted with open arms by my neighbors, and I learned that this city is a city
of neighbors and of neighborhoods.

Today, Council, I am actually afraid for my neighborhood and my neighbors. This proposed development will put my neighborhood in quite a bit of jeopardy. This PMD zone if granted to the Morris Brothers of New Jersey will catastrophically change the complexion of my neighborhood.

We have a small wooded area of single family homes which will be basically turned into the back parking lot of a big box store.

My health and the health of my family may very possibly be at risk short term and long term. The site proposed is an unremediated dump full of toxic chemicals. I understand that the city needs development. I don't think that a PMD zone granted to the Morris Brothers is the right project.

I don't think that an unremediated toxic dump near homes and families is the right site. Thank you.
MR. KICIUK: Thank you.

MS. BOSSI: My name is Francesca Bossi, I live at 168 Austin Avenue.

On behalf of all my neighbors, if I may have the undisputed pleasure of saying that I will be most really impacted because my home resides at the intersection of Austin Avenue and Prior Place, so I will come out of my home, and should Mr. Delbello's plan come to fruition, I will look at 55 foot retaining wall and a box store on top, so I just thought I will throw that in for you.

My questions are financial and based upon the presentation put on the back page, I am just curious why would we be giving a pilot of $227,500 to a Fortune 500 company that had 73 billion dollars in revenue for last year and three billion dollars in profit. I am really baffled by this, so if somebody can give me a good answer, I am ready to hear it.
As for residential development, why would a residential development be given a pilot program of $520,000 when we already have a repressed housing market and we have a glutton of inventory in our county and in our state. Just throwing that out there.

The income tax projections which are also on the last page, you mentioned that these are based on average annual salaries, $30,000 a year and half of the employees would be Yonkers residents.

Do you plan on just excluding non-Yonkers residents that apply for these jobs? I am just wondering, but $30,000 a year is such a low salary that I would think that the $102,000 in income tax would really be, they probably would be exempt from any kind of income tax liability, and for a hundred thousand dollars a year, I think we have seen in the newspapers that there are plenty of delinquent
taxpayers in the city that we would probably go after and get a lot more money if we went that route.

Your two and a half million dollars, I am sorry, your three million dollars of sales tax revenues that are assumed here based on revenues of one hundred million dollars, Target sells clothing and I believe we have an income-- a sales tax exemption of clothing up to $110, so I am just wondering why would we assume a full two and a half percent of sales tax on a store that sells clothing? And if they sell groceries, groceries would be exempt from sales tax so I think three million dollars is very very high.

Actually I have one more question, and my question is for Mr. Delbello. I am just curious. How would you feel about having 175,000 square foot box store right outside your house? Would you like it? I don't think you would.

MR. KICIUK: Thank you. That
concludes this portion of the meeting. I would like to remind everyone that your comments may still be submitted to the Planning Bureau until 4:30 p.m. on Monday, March 25th, so this wasn't your final opportunity to get your comments in, so if you think of anything else, please feel free to submit it, and I would like to thank everyone for their participation.

Mr. Ellman, do you have anything to add?

MR. ELLMAN: No.

MR. KICIUK: I think with that that concludes tonight's meeting. Thank you all for coming.
STATE OF NEW YORK  )
 ) ss.
COUNTY OF WESTCHESTER )

I, HOWARD BRESHIN, a Court Reporter
and Notary Public within and for the State of New
York, do hereby certify:

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

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

IN WITNESS WHEREOF, I have hereunto
set my hand.


____________________
HOWARD BRESHIN,
COURT REPORTER