

**Application/Petition of
Struever Fidelco Cappelli LLC
for**

**RIVER PARK CENTER,
CACACE CENTER DEVELOPMENT,
LARKIN PLAZA
and
PALISADES POINT**

**to the
Mayor and City Council
Yonkers, New York**

October 24, 2006

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October 24, 2006

By Hand

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

Re: Applications of Struever Fidelco Cappelli, LLC ("SFC") for: (i) approval of certain amendments to the Zoning Ordinance of the City of Yonkers; (ii) approval of certain amendments to the Getty Square Urban Renewal Plan of the City of Yonkers; (iii) discontinuance of certain public streets of the City of Yonkers; (iv) adoption of a Home Rule Message to the New York State Legislature in support of the alienation by the City of certain City of Yonkers parklands; and (v) approval of Redevelopment Plan under the New York State Municipal Redevelopment Law and authorization to issue Tax Increment Bonds in accordance with that Law, all in connection with the development by SFC of the proposed residential and mixed-use projects to be known as: (a) "Palisades Point," on the parcels of real property designated as Parcels H and I in the Master Plan & Design Guidelines for the Yonkers Downtown Waterfront approved by the Yonkers Community Development Agency on December 16, 1998 and by the City Council on April 17, 1999 (and located in Development Area No. 10 of N.D.P. Area 2 under the Modified Urban Renewal Plan for N.D.P. Area 1 and N.D.P. Area 2 dated December, 1998, and last amended in October, 2004); (b) "River Park Center," on the site commonly known as "Chicken Island," certain surrounding parcels and portions of the "Government Center" (City Hall) site; and (c) and "Cacace Center" site, such lands being located in the project area under the Urban Renewal Plan for the Getty Square Urban Renewal Area dated September 19, 1975 and amended July 10, 1978.

Honorable City Council President and City Council Members:

We represent Struever Fidelco Cappelli, LLC ("SFC"), the developer of the proposed residential and mixed-use projects to be known as "Palisades Point," "River Park Center" and "Cacace Center." As you recall, SFC has been designated by the City of Yonkers ("City") as the "Master Developer" of the projects under the Master Developer Designation Agreement ("MDDA") dated as of May 17, 2006, and made between SFC, the City, the Yonkers Community Development Agency ("CDA"), the City of Yonkers Industrial Development Agency ("YIDA"), and the City of Yonkers Parking Authority, and as the "qualified and eligible sponsor" of the projects under the Modified Urban Renewal Plan for N.D.P. Area 1 and N.D.P. Area 2 (the "Riverview Urban Renewal Plan") and the Urban Renewal Plan for the Getty Square Urban Renewal Area ("Getty Square Urban Renewal Plan")¹. On behalf of SFC and in accordance with the MDDA, we are pleased to submit this application/petition to the City Council for the approvals and actions identified and discussed below, all of which are necessary to facilitate the development of the projects by SFC.

THE APPLICANT/PETITIONER

A. Development Experience.

SFC is the successor to Struever Fidelco Yonkers, LLC, and is a New York limited liability company comprised of three members, each having vast experience as a developer of urban residential and mixed-use projects: Struever Bros. Eccles & Rouse, Inc. of Baltimore, Maryland; Fidelco Yonkers LLC, a related entity of the Fidelco Realty Group of Millburn, New Jersey; and LC Yonkers, LLC, a related entity of Cappelli Enterprises, Inc., of Valhalla, New York.

Struever Bros. Eccles & Rouse, Inc. has a prestigious record of success as a unique urban real estate development company. The firm has an intentional focus on urban mixed-use projects, neighborhood transformation, historic adaptive reuse and reinvigorating city waterfronts. With more than 16 million square feet and nearly \$5 billion of total investment costs in projects completed or under development, Struever Bros. Eccles & Rouse is a uniquely diversified, full service real estate development and construction company. The company is devoted to restoring landmark buildings, leading smart growth developments, creating unique live-work communities and 24-hour urban neighborhoods. Recognized for its superior quality, incomparable design and unprecedented leasing initiatives, the company celebrates the richness of urban life by capturing the diverse character of each neighborhood and reshaping the way people live, work and play in their community. Although Baltimore has been the backdrop for many of the company's projects, its vision and reputation for excellence has benefited Wilmington, Providence, Denver, Harrisburg, Boston, Nashville and Durham.

¹ Modified Urban Renewal Plan for N.D.P. Area 1 and N.D.P. Area 2 dated December, 1998, and last amended in October, 2004, and the Urban Renewal Plan for the Getty Square Urban Renewal Area dated September 19, 1975, and last amended July 10, 1978.

The Fidelco Realty Group is an owner-developer of residential, retail, office and industrial properties in New York, New Jersey, Florida, Connecticut and Ohio. For more than 25 years, Fidelco Realty Group has been an active investor in properties which require rehabilitation, repositioning and/or environmental remediation, restoring these properties for the benefit of local communities. Fidelco Realty Group has funded and partnered the development of over 1,000 units of new single family and townhouse units in New Jersey over the last four years with an aggregate value of \$500 million and over 600 units of new apartments with an aggregate value of over \$70 million.

In Bayonne, N.J., Fidelco Realty Group is the developer of Harbor Station, the first phase of redevelopment of the former Military Ocean Terminal at Bayonne. Harbor Station is planned to include an ambitious mix of uses including multi-family housing, one and two-family townhouses, retail, restaurants and entertainment venues, as well as office, civic and recreational uses. The redevelopment plan received the 2005 Smart Growth Award from NJ Future, New Jersey's largest smart growth and sustainable development advocacy organization, for its integration of the redevelopment with the rest of the city, for expanding and utilizing mass transit options, creating new public parks and opening the historic waterfront to the community. The company's development projects also include the recently completed waterfront residential community in Aventura, Florida known as Hidden Bay. This \$250 million development is comprised of over 800 residential units, a 67 slip marina and a 17,000 square foot spa.

Cappelli Enterprises, Inc. is the most experienced and dynamic developer of urban renewal and downtown revitalization projects in Westchester and the region. In recent years, the company and its affiliates have developed New Roc City in New Rochelle, New York, a mixed-use commercial and entertainment center containing approximately 446,000 square feet with a 120 room Marriott Hotel and 98 residences and City Center in White Plains, New York, a mixed-use commercial center containing approximately 540,000 square feet with two (2) residential towers each approximately 350 feet high and containing approximately 600 residential units and private on-site parking, and a 2,300 space public parking garage. Two additional projects are currently under construction; Trump Plaza in New Rochelle, a mixed-use retail and residential development approximately 435 feet high and containing 140,000 square feet of retail space and approximately 185 residences, and Renaissance Plaza, a mixed-use project in White Plains with two (2) towers approximately 500 feet high and containing a 123 room Ritz Carlton Hotel and approximately 465 residential units (including "hotel condominiums" to be served by the Ritz Carlton), 70,000 square feet of office space and 5,000 square feet of retail space. The company is also currently completing the approvals process for an approximately 1,100,000 square foot mixed-use commercial and residential center on a site in downtown New Rochelle.

B. Designation of SFC as Master Developer and Qualified and Eligible Sponsor.

In August, 2003, Yonkers Baseball Development, Inc. ("Yonkers Baseball"), an entity wholly owned by the YIDA, issued a Request for Qualifications ("RFQ") for the development of a new ballpark and associated retail uses on the site bounded by Palisade Avenue to the north, School Street to the east, Nepperhan Avenue to the south and New Main Street to the west, and commonly known as "Chicken Island." In March, 2004, in response to a proposal from Struever

Bros. Eccles & Rouse Development Services, LLC and Fidelco Realty Group, Yonkers Baseball and those entities entered into a Memorandum of Agreement for the development of the ballpark and retail uses. Struever Bros. Eccles & Rouse Development Services, LLC and Fidelco Realty Group subsequently formed Struever Fidelco Yonkers, LLC to act as the developer of the ballpark project. Struever Fidelco Yonkers, LLC thereafter presented to the City and the CDA proposals for the development of the site known designated as Parcels H and I in the Master Plan & Design Guidelines for the Yonkers Downtown Waterfront (the "Downtown Waterfront Master Plan") approved by the CDA on December 16, 1998 and by the City Council on April 17, 1999².

On July 7, 2005, the City Council approved the designation of Struever Fidelco Yonkers, LLC as the "qualified and eligible sponsor" for the redevelopment of the Chicken Island site under the Getty Square Urban Renewal Plan, and for Parcels H & I under the Riverview Urban Renewal Plan. The designation was confirmed by the CDA on October 19, 2005.

In December, 2005, Struever Fidelco Yonkers, LLC restructured and admitted LC Yonkers, LLC as a member, and the company was renamed Struever Fidelco Cappelli, LLC. On May 17, 2006, SFC, the City, the CDA, the YIDA and the Yonkers Parking Authority entered into the MDDA, pursuant to which SFC was designated by those municipal entities as the "Master Developer" of ten potential redevelopment projects in the downtown area including the redevelopment of Parcel H and I and the Chicken Island site and surrounding parcels, including a portion of the Cacace Justice Center site (identified in the MDDA as the "Gateway District Project"). On April 4, 2006, the City Council approved the designation of SFC as the "qualified and eligible sponsor" for the redevelopment of Parcels H and I and the Gateway District Project under the Riverview Urban Renewal Plan and Getty Square Urban Renewal Plan, respectively, and on May 17, 2006, the designation was approved by the CDA.

Over the last few months, SFC has presented to the Mayor and City Council, and to the public, modified and updated proposals for the redevelopment of Parcels H and I and the Gateway District Project, and for the issuance by the City of tax increment bonds to pay for the cost of public improvements and infrastructure needed to support the redevelopments. The current redevelopment proposals that are the subject of this application/petition and tax increment financing are described in further detail below.

THE PROJECT AREAS

SFC has named the proposed development at the Parcels H and I site "Palisades Point," named the proposed development at the Chicken Island site and certain surrounding parcels and sites "River Park Center," and named the proposed development at the Cacace Justice Center site "Cacace Center" (Palisades Point, River Park Center and Cacace Center are hereinafter collectively referred to as the "Phase I Projects")³. The Phase I Projects are shown on the aerial

² Parcels H and I are located in Development Area No. 10 of N.D.P. Area 2 described in, and subject to, the Riverview Urban Renewal Plan.

³ River Park Center sometimes refers only to the proposed mixed-use residential and commercial development on the site bounded by Palisade Avenue, Elm Street, Nepperhan Avenue and New Main Street, and sometimes collectively

photograph attached to this application/petition as **Exhibit 1**. The parcels which together constitute Palisades Point and the current ownership of those parcels are identified in **Exhibit 2a** to this application/petition⁴. The parcels which together constitute River Park Center (including Government Center and Elm Street Center) and the current ownership of those parcels are identified in **Exhibit 3a** to this application/petition, and the parcels are shown in **Exhibit 3b** through **Exhibit 3e** to this application/petition. The parcels which together constitute Cacace Center and the current ownership of those parcels are identified in **Exhibit 4a** to this application/petition, and the parcels are shown in **Exhibit 4b** to this application/petition.

As described in more detail below, in connection with the Phase I Projects and as required by the MDDA, SFC has prepared concept plans for the “daylighting” of the Saw Mill River and for the improvement of the existing City parkland at Larkin Plaza. Since these improvements are to be a public improvement project of the City⁵ and not a project of SFC, Larkin Plaza is not strictly a component of either of the Phase I Projects. However, as discussed in more detail below, the Environmental Impact Statement to be prepared by SFC in connection with the Phase I Projects will analyze the potential environmental impacts of the daylighting and other improvements potentially to be made by the City at Larkin Plaza.

THE PHASE I PROJECTS

The Phase I Projects for which this application/petition is submitted to the City (and the potential City improvement program at Larkin Plaza) are generally described as follows.

A. Palisades Point.

Palisades Point is a mixed-use development having residential and “neighborhood” retail and/or professional office uses in two buildings, publicly accessible open space along the Hudson River (within Parcel J as designated under the Downtown Waterfront Master Plan), on-site structured and at-grade parking, including replacement parking for Scrimshaw House⁶. More specifically, Palisades Point includes the following principal components:

- Two buildings each having a 25 story tower and a five (5) story low-rise “wing” (creating a residential façade when viewed from the Hudson River) containing an aggregate total of approximately 436 dwelling units and approximately 8,700 square feet of retail and/or professional office space;

to the proposed development at that site and at the sites identified in this application/petition as “Government Center” and “Elm Street Center.”

⁴ The Palisades Point Project site also includes the air rights over the Metro-North Railroad necessary to permit the construction of a new vehicle bridge over the tracks from Prospect Street to Parcels H and I.

⁵ The daylighting of the Saw Mill River is anticipated to be funded by grants from the State and potentially from the County and federal government. To date, the City has been advised that the State will make \$34,000,000 available to defray the costs of daylighting the river at Larkin Plaza and River Park Center.

⁶ Under the MDDA, the construction of the replacement Scrimshaw House parking is subject to the receipt of sufficient Public Funding (as defined in the MDDA).

- Two on-site, five (5) level parking structures containing an aggregate total of approximately 630 private parking spaces (inclusive of the replacement parking for Scrimshaw House);
- Approximately 56 on-street public parking spaces;
- Approximately 136,000 square feet of publicly accessible open space along the Hudson River (within Parcel J) with a pedestrian promenade and a kayak/canoe launch; and
- A new vehicular bridge over the Metro-North Railroad tracks from Prospect Street to Palisades Point.

Palisades Point is shown on the plans, renderings and drawings attached to this application/petition as **Exhibits 2b** through **Exhibit 2d**.

B. River Park Center (including Government Center and Elm Street Center).

River Park Center (including Government Center and Elm Street Center) is shown on the plans, renderings and drawings attached to this application/petition as **Exhibits 3f** through **Exhibit 3k**. The components of River Park Center are as follows:

1. Mixed-use residential and commercial development (a/k/a River Park Center).

The portion of River Park Center on the approximately 13 acre site bounded by Palisade Avenue, Elm Street, Nepperhan Avenue and New Main Street will be a mixed-use residential and commercial development having the following principal components:

- A building having an 11 level “podium” and two (2) residential towers above the podium each approximately 500 feet high. The podium contains:
 - Approximately 450,000 square feet of retail space;
 - Approximately 75,000 square feet of restaurant space;
 - Approximately 80,000 square feet of movie theater space;
 - Approximately 175,000 of office space;
 - A 6,500 seat “rooftop” ballpark and related concession and service areas (approximately 42,000 square feet);
 - Approximately 2,144 public parking spaces to serve the commercial uses; and
 - Approximately 477 private parking spaces to serve the eastern residential tower.

The two (2) towers will contain an aggregate total of approximately 950 dwelling units. Private parking to serve the western tower will be located in the new garage at the Government Center site.

The City of Yonkers Fire Headquarters (Station 1) will be relocated from School Street to a new building be constructed by SFC, at its expense, at Cacace Center.

A significant component of River Park Center is the daylighting of the Saw Mill River, from Elm Street to New Main Street, a distance of approximately 1,100 linear feet, and the creation of a publicly accessible “Riverwalk.” The Riverwalk will be landscaped to include pedestrian pathways and bridges, places to rest, and an open-air amphitheater and plaza at the corner of Nepperhan Avenue and New Main Street with three (3) small (2,000 to 3,000 square foot) free-standing restaurants. Retail spaces and restaurants in the main building will front the Riverwalk and outdoor dining will be offered. The principal entrance to the ballpark will be from a drop-off area on Nepperhan Avenue to a bridge crossing over the river.

2. Government Center.

An approximately 2.5 acre portion of the City Hall site on which the existing Government Center Garage and the building known as 87 Nepperhan Avenue (also known as the “health Center Building”) are located will be redeveloped with approximately 30,000 square feet of retail space and restaurant space fronting on New Main Street, and a new eight (8) level parking garage containing approximately 1,556 parking spaces. The garage will have approximately 472 private parking spaces to serve the western residential tower at River Park Center, and approximately 1,084 public spaces⁷, some of which are anticipated to be designated for the Mayor, City Council members, and certain City staff members. The private residential parking spaces and the public spaces will have separate entries/exits and circulation routes within the garage.

The building known as 87 Nepperhan Avenue will be demolished, and City offices will be relocated to a new office building to be constructed by SFC, at its expense, at Cacace Center.

3. Elm Street Center.

Elm Street Center is a proposed nine (9) story office building at the northeast corner of Elm Street and Palisade Avenue. The building will contain approximately 150,000 square feet over a five (5) level public parking structure containing approximately 366 public parking spaces.

C. Cacace Center.

Cacace Center will be a mixed-use development on an approximately 4.3 acre site bounded by South Broadway, Nepperhan Avenue, New Main Street and the existing Cacace Justice Center building (which will remain), and will have office uses, a hotel, a new City of Yonkers Fire Department Headquarters building, and a new public parking garage. More specifically, Cacace Center will have the following principal components:

- An approximately 225,000 square foot building at the southeast corner of Nepperhan Avenue and South Broadway – the building will be approximately 190 feet high and contain approximately 150,000 of office space and a 75,000 square foot hotel having 150 guest rooms;

⁷ Approximately 386 of the parking spaces are intended to replace the existing public parking at Chicken Island, and 543 spaces to replace the public parking in the existing Government Center Garage.

- A new public parking garage fronting on Nepperhan Avenue and containing approximately 1,347 parking spaces, of which approximately 500 spaces would be reserved for the office use and approximately 113 spaces for the hotel; and
- A new 40,000 square foot Fire Department Headquarters building at the southwest corner of New Main Street and Nepperhan Avenue having six (6) vehicle bays.

Cacace Center is shown on the plans, renderings and drawings attached to this application/petition as **Exhibit 4c** through **Exhibit 4f**.

D. Larkin Plaza.

The improvements at Larkin Plaza, including the daylighting of the Saw Mill River and improvements associated with the creation of a new public park (expansion of the existing public park at Larkin Plaza) are to be made by the City as a public improvement project. As previously indicated, the cost of these improvements is anticipated to be defrayed with grants from the State and potentially the County and the federal government. SFC has prepared a concept plan for improvements to Larkin Plaza which shows:

- The daylighting of approximately 800 linear feet of the Saw Mill River; and
- The creation of new public park space made possible by the relocation by the City of the approximately 138 existing parking spaces at Larkin Plaza.

Although Larkin Plaza is not a project of SFC, the Environmental Impact Statement to be prepared by SFC in connection with the Phase I Projects will analyze the potential environmental impacts of the daylighting and other improvements potentially to be made by the City at Larkin Plaza.

The parcels which together constitute Larkin Plaza and the current ownership of those parcels are identified in **Exhibit 5a** attached to this application/petition, and the concept plan for Larkin Plaza is shown on the plans attached to this application/petition as **Exhibits 5b** and **Exhibit 5c**.

E. Parking for the Phase I Projects.

The brief descriptions of the Phase I Projects identify the number of parking spaces to be provided at Palisades Point, each of the three sites that comprise River Park Center, and at Cacace Center. The Environmental Impact Statement to be prepared by SFC will discuss parking compliance for the Phase I Projects. However, at this early stage of the approvals process, it important to note that:

- The total number of private parking spaces to serve the residences at Palisades Point and to replace the Scrimshaw House parking spaces (184 spaces) is approximately 630;

- The total number of public spaces to serve the commercial uses and users of the publicly accessible riverfront space at Palisades Point is approximately 56;
- The total number of private parking spaces to be provided to serve the residences at River Park Center is approximately 950; and
- The total number of public parking spaces to be provided to serve all of the commercial uses, including the ballpark, at River Park Center and Cacace Center is approximately 4,941.

Finally, it is also important to note that no private parking for the ballpark will be provided. Instead, parking for the ballpark will be “shared parking” in the public garages at the three sites that together comprise River Park Center and the public garage at Cacace Center.

THE APPLICANT’S LAND USE APPROVAL STRATEGY

There are a number of different ways that zoning and local land use approvals for the Phase I Projects could be achieved. After considering the options, SFC has concluded that the most desirable route is to apply for approval of Palisades Point as a “Planned Urban Redevelopment” (“PUR”), and to seek the amendments to the PUR regulations and the regulations of the CB District and GC District (and to various other provisions of the City of Yonkers Zoning Ordinance) that are necessary to permit Palisades Point, River Park Center and Cacace Center to be developed as proposed, and to be “financeable” during construction and after completion. These amendments to the Zoning Ordinance and the other approvals requested by this application/petition are described below.

THE APPROVALS REQUESTED BY THIS APPLICATION/PETITION

Numerous approvals are required from the City Council, the Planning Board of the City, the CDA, the YIDA and the Yonkers Parking Authority to permit the Phase I Projects to be developed as proposed by SFC. It is premature to request some of these approvals, such as site plan approval from the Planning Board, at this early point in the State Environmental Quality Review Act (“SEQRA”) process, before the Phase I Projects have been given the “hard look” required by that statute. However, even at this early stage, application to the City Council for certain of the essential approvals required to develop the Phase I Project is appropriate. Accordingly, by this application/petition, SFC respectfully requests that the City Council: (a) approve certain amendments to the Zoning Ordinance of the City of Yonkers; (b) approve certain amendments to the Getty Square Urban Renewal Plan of the City of Yonkers; (c) discontinue certain public streets of the City of Yonkers; (d) adopt a Home Rule Message to the New York State Legislature in support of the alienation by the City of certain City of Yonkers parklands; and (e) approve a Redevelopment Plan under the New York State Municipal Redevelopment Law and authorize issuance of tax increment bonds in accordance with that law. Each requested approval and action is more fully described below.

Amendments to the Zoning Ordinance.

To permit the Phase I Projects to be developed as proposed and to ensure that the Phase I Projects can be financed during and after construction, certain amendments to the Zoning Ordinance are required. The requested amendments, which are attached as **Exhibit 6** to this application/petition, are briefly described as follows:

1. Palisades Point.

Palisades Point is proposed to be approved as a PUR. Amendments to the PUR regulations are needed to: (a) clarify that a PUR may be established in current and former zoning districts of the City, including the PDR District, since that is the last district classification of record for the site, but is not currently a zoning district of the City; (b) clarify that none of the use or dimensional regulations of the Zoning Ordinance apply to a PUR; and (c) clarify that uses established and buildings lawfully constructed as a PUR shall be considered to be conforming under all provisions of the Zoning Ordinance.

2. River Park Center and Cacace Center.

The amendments necessary to permit River Park Center to be developed fall into two broad categories: modifications to the use and dimensional regulation of the CB District and GC District, and modifications to the supplementary regulations for off-street parking and building height. The proposed modifications to the use and dimensional regulations are intended to specifically permit the broad range of uses proposed for River Park Center, including, most importantly, residences, which are not currently permitted in the CB District, and to permit buildings up to 525 feet high⁸ on sites in the CB District having at least 10 acres, and buildings 250 feet high⁹ on sites in the GC District having at least 4 acres, in both districts without a required rear yard setback and at a maximum coverage of 100%. Maximum floor area ratio in the CB District is also proposed to be increased from 5.0 to 6.0.

The supplementary parking regulations are proposed to be amended primarily to: (a) establish new parking ratios for the uses at River Park Center that are consistent with ratios successfully utilized by SFC at other similar mixed-use urban projects; (b) specifically permit off-street parking requirements for River Park Center and Cacace Center to be satisfied in public parking garages proximate to the development; (c) specifically permit shared parking in the public garages for the uses at River Park Center and Cacace Center, including the ballpark.

The supplementary regulation providing for exceptions to building height is proposed to be amended to permit rooftop appurtenances to cover the entire "floorplate" of the roof, consistent with recent architectural design trends.

⁸ Excluding rooftop structures permitted under Zoning Ordinance Section 43-33O(1).

⁹ See note 8, above.

B. Amendments to the Getty Square Urban Renewal Plan.

The current Riverview Urban Renewal Plan (for N.D.P. Areas 1 and 2) accommodates Palisades Point. However, the Getty Square Urban Renewal Plan, which was last amended in 1978, does not permit the uses and the density of development proposed at River Park Center and Cacace Center, and therefore must be amended. More specifically, the proposed amendments would: (a) make the permissible floor area ratios and building coverage consistent with the amended Zoning Ordinance; (b) reflect the fact the School Street between Nepperhan Avenue and Palisade Avenue will be closed (see below); and (c) identify Government Center and Cacace Center as areas to be redeveloped. The applicant's proposed amendments to the Getty Square Urban Renewal Plan are attached to this application/petition as **Exhibit 7**.

As the City Council is aware, under the New York State Urban Renewal Law, agreements made by the CDA to sell land in an urban renewal area to a private redeveloper ("Land Disposition Agreement") must be approved by the City Council. Land Disposition Agreements have not yet been negotiated between SFC and the CDA with respect to the Palisades Point and the parcels owned by the CDA at River Park Center, but will be presented to the City Council for its consideration and approval in due course¹⁰.

C. Discontinuance of Streets.

As indicated above, School Street between Nepperhan Avenue and Palisade Avenue must be closed and discontinued, and the bed of that street is proposed to be conveyed to SFC. The portion of Guion Street between New Main Street and the site of the City's proposed new detention center must also be closed and discontinued. Five other streets at River Park Center that are shown on the Official Map of the City must also be discontinued and conveyed to SFC: Ann Street, Henry Herz Street; James Street; John Street and Engine Place. The procedure for the discontinuing public streets and amending the Official Map is set forth in New York General City Law Section 29. Under that law, the proposed street discontinuances must be referred to the City Planning Board for review and report, and is subject to a public hearing held by the City Council.

D. Alienation of City Parkland.

SFC's title company has concluded that the approximately 2.5 acre Government Center site is public parkland. In addition, the title company has determined that: (1) the portion of the lot known on the City tax assessment map as Block 490, Lot 72 that fronts on Guion Street (and which is proposed to be redeveloped as part of the new public parking garage) is part of Waring Park, which fronts on South Broadway (and also is identified as Block 490, Lot 72); and (2) a parcel formerly known as Block 486, Lots 1 and 4, and now known as Block 483, part of Lot 60 (in the vicinity of Engine Place), is parkland. Under New York law, public parkland cannot be transferred to a private party for private use ("alienated") unless the New York State grants

¹⁰ We also note that certain parcels at River Park Center and Cacace Center are owned by the City. "Land Disposition Agreements" for the sale of these parcels to SFC will also have to be presented to and approved by the City Council.

special legislative approval for the conveyance. Accordingly, and pursuant to the New York Municipal Home Rule Law, SFC respectfully requests that the City Council adopt and transmit to the State Legislature a "home rule message" requesting legislative approval of the alienation of these lands to SFC for redevelopment as a part of the Phase I projects. The precise boundaries of the lands proposed to be alienated will be supplied to the City shortly.

E. Adoption of a Municipal Redevelopment Plan and Tax Increment Bond Financing.

1. Tax Increment Financing, Generally.

The development of Palisades Point, River Park Center and Cacace Center is a public-private partnership, and without the City's financial participation and support, the projects could not be constructed. As SFC has indicated to the City Council on many occasions, an essential component of the City's participation is City funding for the construction of the approximately 5,000 public parking spaces at Palisades Point, River Park Center and Cacace Center and the public sewer, water and road and other infrastructure improvements needed to support the Phase I Projects, which are currently estimated to cost more than \$170,000,000. In return, the City has made it clear that City funding for the public improvements must be supported by the Phase I Projects themselves, and not by the general revenues of the City. The vehicle through which both objectives can be met is "tax increment financing" under the New York Municipal Redevelopment Law (New York General Municipal Law Article 18-c). Although infrequently utilized in New York¹¹, tax increment financing is an indispensable self-financing tool used throughout the United States to help local governments successfully redevelop urban renewal areas and encourage economic development¹².

In a tax increment financing, the current real property tax assessed value of all properties in a designated "tax increment financing district" would be established as the "base value." As redevelopment in the district increases the assessed values of the redeveloped properties, a portion of the additional tax revenue generated by the increase in assessed value over the base value would be set aside and committed by the City for debt service on the tax increment bonds, the proceeds of which would be used for the construction of public improvements and infrastructure to support the development of the Phase I Projects. However, the tax revenue generated by the base value in the tax increment financing district would continue to be general revenues of the City useable for any City purpose. It is important to note that the property taxes of current owners in the district will not increase as a result of tax increment financing unless, of course, those owners improve their own properties, thereby increasing the assessed value of the properties.

¹¹ The most significant reason is that the statute does not permit school taxes to be allocated to the tax increment. Therefore, except in the "big five" cities of the State in which school taxes are part of the general real property tax levied and collected by the municipal government, the available increment is not large enough to support debt service on the tax increment bonds issued by the municipality.

¹² Tax increment financing has been successfully utilized in Baltimore, Pittsburgh, Providence, Atlanta, St. Louis, Memphis, St. Paul, Kansas City, Dallas, Indianapolis, Louisville and Bridgeport, among other cities.

SFC has engaged Municap, nationally recognized experts in structuring tax increment financings, to help the City and SFC structure the tax increment financing for the Phase I Projects. Although their conclusions are still preliminary, Municap has determined that the tax increment to be generated by the Phase I projects coupled with the parking revenues from the new public parking spaces will together be sufficient to cover the debt service on the amount of tax increment bonds anticipated to be needed, and to yield a surplus in excess of debt service that would be useable for any City purpose. A more definitive tax increment financing plan will be developed with the participation of the City and its counsel and consultants as the Municipal Redevelopment Law process advances.

2. The Municipal Redevelopment Law Approval Process.

Tax increment financing is permitted in New York only in connection with a Municipal Redevelopment Plan duly adopted by the municipality. The process is set forth in the New York Municipal Redevelopment Law, and is generally as follows:

- The City Council must first find that it is feasible to prepare a study to determine if a redevelopment project within a specified area (the "tax increment financing district") is feasible, and then must designate the area as a survey area and authorize the preparation of the study. Any person may request the City Council to designate a tax increment financing district; this application/petition constitutes SFC's request that the area shown in **Exhibit 8** to this application/petition be designated.
- Based on the results of the study of the proposed tax increment financing district, the City Council must authorize the preparation of a "preliminary plan" for the redevelopment of the district. The preliminary plan must include, among other things: (a) a description of the boundaries of the district; (b) a general statement of the land uses and the standards proposed as the basis for the redevelopment of the district; (c) a statement of how the purposes of the Municipal Redevelopment law would be achieved by the redevelopment; (d) a description of how the preliminary plan conforms to the comprehensive plan of the City; (e) a general statement of the impact of the project on residents of the district and the surrounding area; and (f) a statement of why redevelopment of the district would not be undertaken were it not for the provisions of the Municipal Redevelopment Law (i.e., tax increment bond financing). The preliminary plan must be accompanied by an Environmental Impact Statement analyzing the potential impacts of the proposed redevelopment project. To comply with this requirement, the Environmental Impacts Statement to be prepared by SFC in connection with the Phase I Projects will study a proposed preliminary plan for the district¹³.
- Upon the approval by the City Council of the preliminary plan, the City Council must authorize the preparation of a final "redevelopment plan" for the district. Among other things, the redevelopment plan must contain: (a) a legal description of the boundaries of the district; (b) by "diagram and in general terms": (i) the approximate amount of open

¹³ Assuming, of course, that the City Council authorizes the preparation of a preliminary plan.

space to be provided and the street layout; (ii) limitations on the type, size, height, number and proposed use of buildings; (iii) the approximate number of dwelling units; and (iv) the property to be devoted to public purposes and the nature of such purposes; (c) a "neighborhood impact statement" describing the physical, social and economic conditions existing in the district and describing the impact of the project on residents of the district and surrounding areas in terms of relocation, traffic circulation, environmental quality, availability of community facilities and services, impact on school population and quality of education, property assessments and taxes, and other matters affecting the physical and social quality of the neighborhood¹⁴; (d) a description of the proposed method of financing the redevelopment in detail sufficient to determine the economic feasibility of the plan; and (e) adequate safeguards that the work of redevelopment will be carried out pursuant to the plan and provide for the retention of controls and the establishment of any restrictions or covenants running with the land sold or leased by the City for private use for such periods of time and under such conditions as the City Council deems necessary. The redevelopment plan may, among other things, also provide for: (1) the issuance of tax increment bonds and the use of the proceeds of such bonds to carry out the plan (and if it does, then the plan must also contain adequate provision for the payment of debt service on the bonds); (2) the City to acquire by gift, purchase, lease or condemnation all or part of the land in the district; and (c) the expenditure of money by the City and for the City to undertake and complete any proceedings necessary to carry out the project. The redevelopment plan must provide a plan for relocation of families and persons to be temporarily or permanently displaced from housing in the district.

- Before the redevelopment plan is approved by the City Council, it must be referred to the City Planning Board for review and recommendations with respect to the conformity of the plan with the adopted comprehensive plan of the City. The Planning Board has thirty (30) days in which to file its report with the City Council.
- Before the redevelopment plan is approved, the City Council must hold a public hearing on the plan in accordance with the requirements of Section 970-h of the Municipal Redevelopment Law.
- The redevelopment plan may be approved after the close of the public hearing and after the report of the Planning Board has been filed, provided, however, that if the Planning board fails to file its report within the thirty (30) day period, then the City Council may approve the plan in the absence of the report.

After the redevelopment plan is approved, the City Council is authorized to issue by resolution tax increment bonds "for the purpose of carrying out or administering a redevelopment plan" but only for: (a) acquisition of land; (b) demolition and removal of buildings, structures and improvements and site preparation; (c) installation, construction or reconstruction of streets, walkways, docks, drainage, parking facilities, flood control facilities, water and sewer systems and other public utilities, parks and playgrounds; and (d) other public improvements or services

¹⁴ All of these issues will be studied in the Environmental Impact Statement to be prepared by SFC.

integral to the redevelopment plan authorized by or for which a period of probable usefulness has been established by Section 11.00 of the New York Local Finance Law.

Finally, it should be noted that the preliminary tax increment financing plan prepared by SFC would also require Westchester County participation with respect to County taxes. The Municipal Redevelopment Law expressly permits a “joint undertaking” by the City and the County, in which the County would appoint the City as its agent for the purposes of preparing the preliminary plan and final redevelopment plan for the district, each of which would be separately approved by the City Council and the Westchester County Board of Legislators. After the County Board approved the final redevelopment plan, it would by resolution irrevocably pledge its tax increment revenues to the debt service on the City’s tax increment bonds. SFC intends to request that the County participate in a joint undertaking.

State Environmental Quality Review Act

In October, 2005, Struever Fidelco Yonkers, LLC, SFC’s predecessor, was designated by the CDA and the City Council as the qualified and eligible sponsor for the redevelopment of Parcels H and I in accordance with a proposal presented to the CDA. Thereafter, the CDA became the designated lead agency for review of the proposed plan under SEQRA, and on November 29, 2005, held a public scoping session on the Environmental Impact Statement that the CDA required to be prepared in connection with the proposal. Shortly thereafter, SFC was formed, and the new company decided to reconsider the proposed plan for Parcels H and I, and to formulate a plan for the redevelopment of Chicken Island and surrounding areas. As a result, the SEQRA review process commenced by the CDA was suspended, and to date, no further actions under SEQRA have been taken by the CDA.

SFC now proposes that the City Council become lead agency under SEQRA for the review of both Phase I Projects and all related actions. The SEQRA regulations define “lead agency,” in pertinent part, as the agency “principally responsible for undertaking, funding or approving an action.” SFC respectfully submits that the actions requested in this application/petition, including the approval by the City Council of tax increment bond financing, are so essential to the development of the Phase I Projects that that the City Council is indisputably the proper lead agency.

The Phase I Projects and related actions are classified under SEQRA as “Type I” actions. Because there are numerous other potentially involved agencies having approval authority over the Phase I Projects, coordinated review of a Type I action is warranted. Under SEQRA regulations, when an agency proposes to undertake a Type I action, it must transmit an Environmental Assessment Form (“EAF”) and the application for the action to all potentially involved agencies and notify them that a lead agency must be agreed upon within thirty (30) calendar days of the date that the EAF and application are transmitted to them. Accordingly, attached to this application/petition as **Exhibit 9** is a full EAF for transmittal to the potentially involved agencies, and for consideration by the City Council.

As indicated throughout this application/petition, SFC acknowledges that an Environmental Impact Statement will be required to be prepared in connection with the Phase I Projects. As soon as the City Council is confirmed as the lead agency, we request that the City Council issue a positive declaration of environmental significance under SEQRA thereby requiring a Draft Environmental Impact Statement ("DEIS") to be prepared, and schedule a public scoping session on the DEIS as soon as possible thereafter.

INITIAL REQUESTED ACTIONS

As is evident from this application/petition, the City Council has many actions to take in connection with the Phase I Projects, some of which have not yet been formally applied for (such as approval of Land Disposition Agreements, which have not been negotiated), and some of which are premature at this stage of the process (such as referral of the proposed Zoning Ordinance amendments and street discontinuances to the Planning Board for its advisory reports, which would best be made after the DEIS is accepted by the City Council, and the plan for the Phase I Projects found by the Council to be generally acceptable). We will submit requests for these actions at the appropriate time. However, to begin the approval process as expeditiously as possible, SFC respectfully requests that the City Council take the following actions on October 24:

- Classify the Phase I Projects and all related actions as "Type I" under SEQRA, declare its intent to be lead agency under SEQRA, and direct the circulation of the EAF and this application/petition to all potentially involved agencies; and
- Find that it is feasible to prepare a study to determine if a redevelopment project within the proposed "tax increment financing district" identified in **Exhibit 8** to this application/petition is feasible, and then designate the proposed tax increment financing district as a survey area and authorize the preparation of the study.

On behalf of SFC, we look forward to working with the City Council to make the Phase I Projects a success for the applicant and the City.

Very truly yours,



PETER J. WISE

Enc.

cc: Mayor Philip A. Amicone
Frank Rubino, Corporation Counsel
Lee Ellman, Planning Director
Alfred B. DelBello, Esq.
Todd Miles, Esq.
Shawn Griffin, Esq.
Louis R. Cappelli
Marc E. Berson
Carl William Struever

Joseph Apicella
Marla S. Smith
Peter Klein
Lawrence J. White
Nora Finn
John Saccardi
David Smith
Keenan Rice

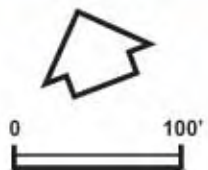
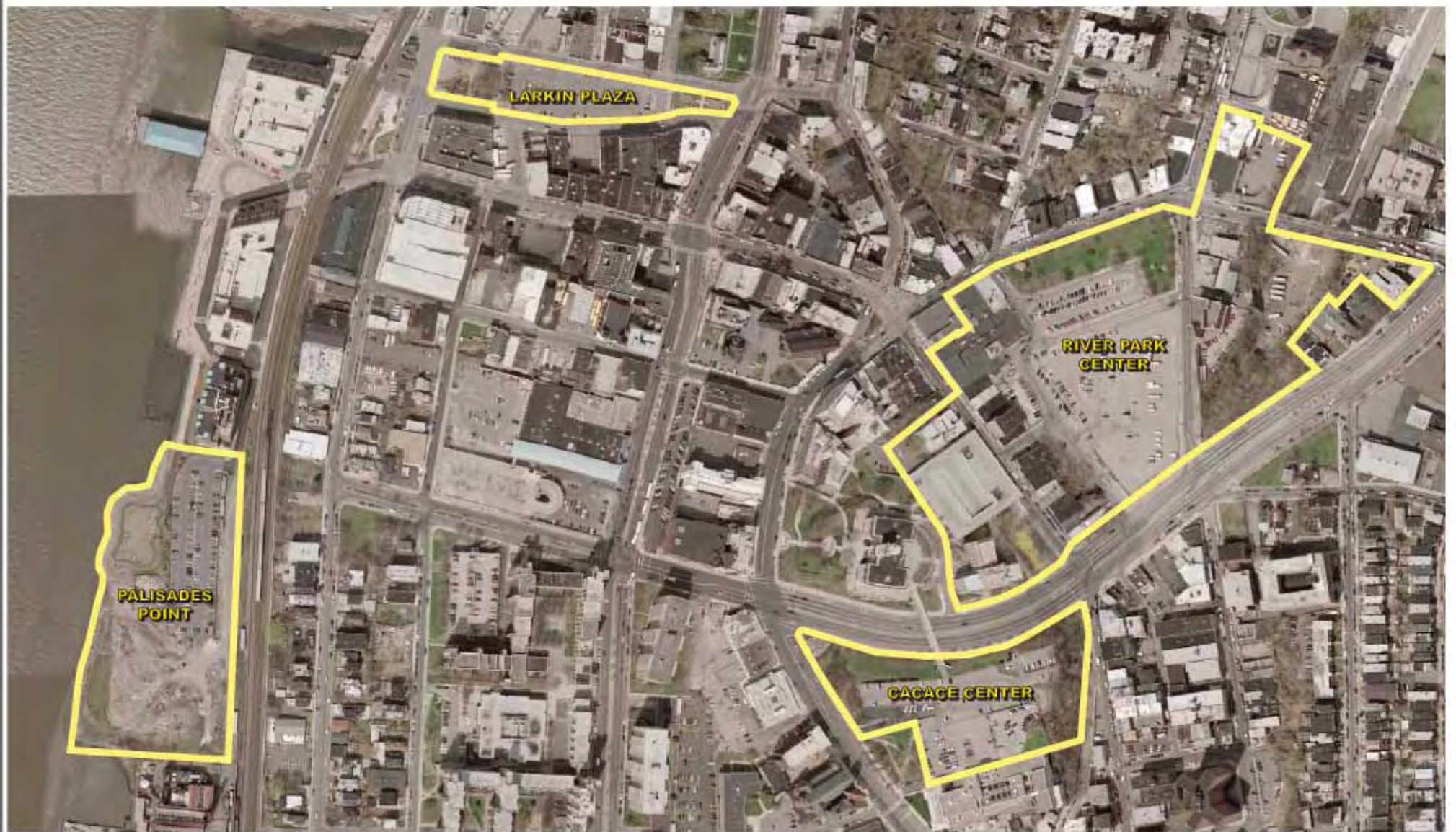


Exhibit 1
**AERIAL PHOTOGRAPH OF
THE PROJECT AREA**

SFC PHASE I PROJECTS

STRUEVER FIDELCO CAPPELLI LLC

Exhibit 2a: List of Parcels—Palisades Point Development Area

| Exhibit 2a: List of Parcels—Palisades Point Development Area | | | | |
|--|-----------------|----------------------------|--------------------|--|
| City of Yonkers Owned Properties | | | | |
| Ref. | Address | Current Legal Owner Entity | Current Owner Name | Legal Description |
| A | Palisades Point | Yonkers CDA | | Section 1, Block 640, Lots 1, 25,28; Block: 643, Lots 1, 24,40 |
| | | | | |

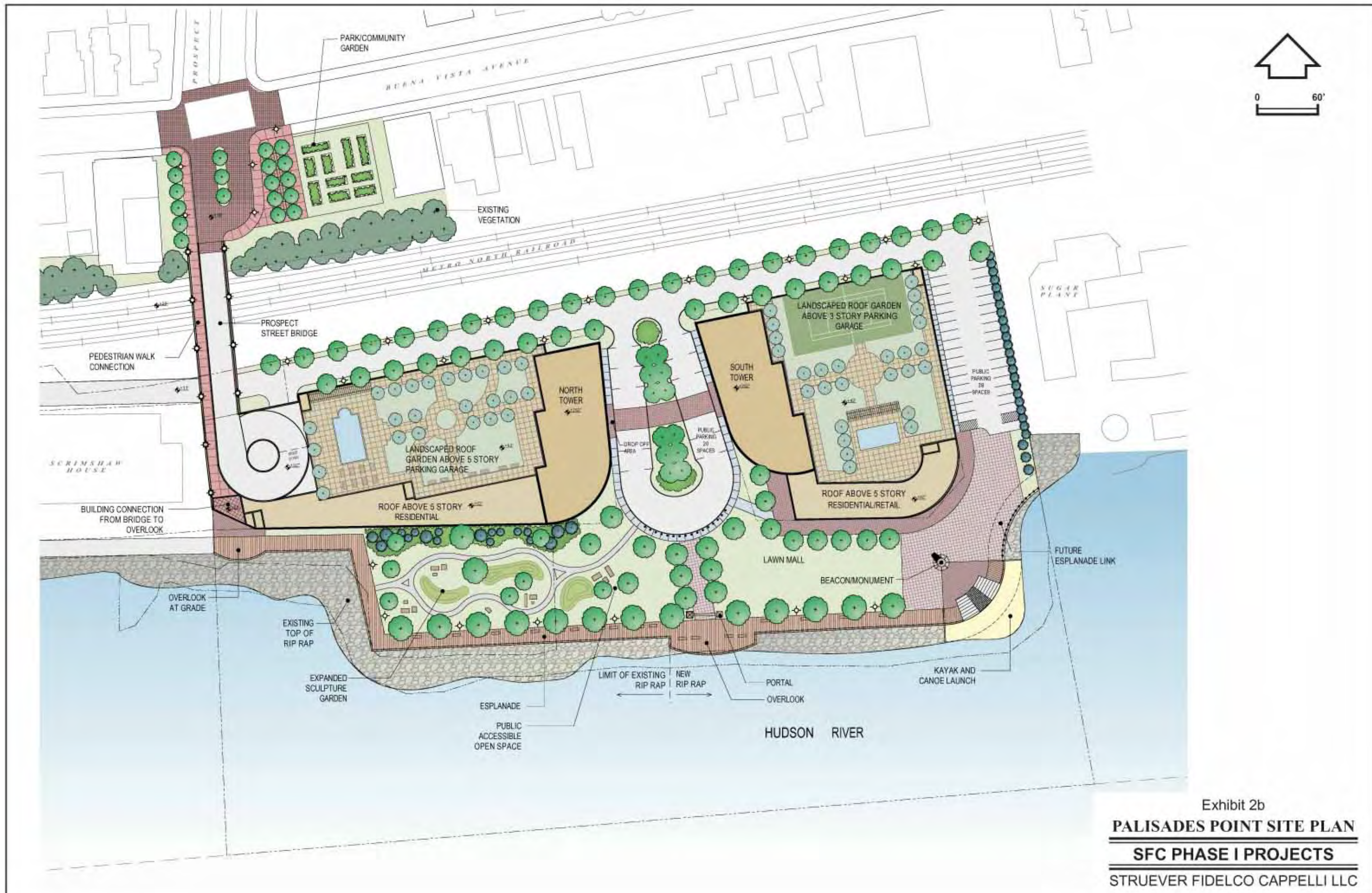


Exhibit 2b
PALISADES POINT SITE PLAN
SFC PHASE I PROJECTS
STRUEVER FIDELCO CAPPELLI LLC



Exhibit 2c

**PALISADES POINT
PERSEPCTIVE**

SFC PHASE I PROJECTS

STRUEVER FIDELCO CAPPELLI LLC



Exhibit 2d

**PALISADES POINT
PERSPECTIVE**

SFC PHASE I PROJECTS

STRUEVER FIDELCO CAPPELLI LLC

Exhibit 3a: List of Parcels—River Park Center Development Area

| Exhibit 3a: List of Parcels—River Park Center Development Area | | | | |
|---|--|-----------------------------------|---|---|
| Privately Owned | | | | |
| Ref. | Address | Current Legal Owner Entity | Current Owner Name | Legal Description |
| 1 | 12 Palisade Ave (Nader Sayegh) | Palisades Ave Realty Inc | Nader Sayegh | Section 1, Block 484, Lot 3. Situated on the westerly corner of James Street and Palisade Avenue |
| 2 | 8 Palisade Ave; 109, 113, 177 New Main Street, and 2 & 8 James Street | CC South LLC | CC South LLC, Managing Member: Eli Applebaum | Section 1, Block 484, Lot: 1 (8 Palisade Ave), Lot: 5 (2 James St) , Lot: 8 (8 James St), Lot: 59 (117 New Main St) Lot: 61.62 (113 New Main St - Dot Lot), and Lot: 63 (109 New Main St). Situated on the southerly side of Palisade Avenue, the easterly side of New Main Street and the westerly side of James Street. |
| 3 | 119 New Main Street (Sneaker W | Sun Gun Lee & Geun Soon K. Lee | Sun Gun Lee & Geun Soon K. Lee | Section 1, Block 484, Lot 57. Situated on the easterly side of New Main Street, between Ann Street and Palisade Avenue |
| 4a | 125 Met Foods,Foto Arts,Ro | Hi Jong Lee & Soon Ja Lee | Hi Jong Lee & Soon Ja Lee | Section 1, Block 484, Lot 55. Situated on the easterly side of New Main Street between Ann Street and Palisade Ave. |
| 4b | 123-125 Met Foods,Foto Arts,Ro | Richway Corp | Hi Jong Lee & Soon Ja Lee | Section 1, Block 484, Lot 56. Situated on the easterly side of New Main Street between Ann Street and Palisade Ave. |
| 5a | 127-129 New Main St(Suzy) | 127-129 New Main St Inc | Kyun Sook Jung | Section 1, Block 484 , Lot 53. Situated on westerly side of New Main Street, with additional frontage on northerly side of Anne Street |
| 5b | 131 New Main St & 9 Ann St (Suzy) | 131 New Main Sr Inc | Kyun Sook Jung | Section 1, Block 484 , Lot 51 (131 New Main St), Lot 15 (9 Ann St). Situated on westerly side of New Main Street, with additional frontage on northerly side of Anne Street |
| 6a | 135-141 New Main St (Mr Young) | C&C New Main Corporation | Young C. Choi, C&C New Main Corp | Section 1, Block 483, Lots 13, and 16. Situated on easterly side of New Main Street, with additional frontage on the southerly side of Anne Street. |
| 6b | 143-145 New Main St (Mr Young) | Young C. Choi | Young C. Choi, C&C New Main Corp | Section 1, Block 483, Lot 12 . Situated on easterly side of New Main Street, with additional frontage on the southerly side of Anne Street. |
| 7 | 147,149,151A New Main Store | Stephanie Cho | Stephanie Cho | Section 1, Block 483, Lot 10. On easterly side of New Main St, north of Nepperhan Ave and with rear frontage on Henry Hertz Street. |
| 8 | 151B New Main St - Furniture | Steve & Ralph Trizano | Steve & Ralph Trizano | Section 1, Block 483, Lot 9. Situated on the easterly sode of New Main Street, north of Nepperhan Ave and with rear frontage on Henry Herz Street. |
| Continued Next Page... | | | | |

Exhibit 3a: List of Parcels—River Park Center Development Area

| Ref. | Address | Current Legal Owner Entity | Current Owner Name | Legal Description |
|------------------------|---|-----------------------------------|---|---|
| 9 | 153 New Main St (Central Bar & | Jose Rodriguez | Jose Rodriguez | Section 1, Block 483, Lot 7. Situated on the easterly side of New Main Street, north of Nepperhan Avenue and with rear frontage on Henry Hertz Street |
| 10 | 155 New Main Street (El Rey De | Anton Meyer | Anton Meyer | Section 1, Block 483, Lot 5. Situated on the northerly corner of New Main Street and Nepperhan Ave. |
| 11 | 58-70 Elm Street (Sunoco) | Antone & Jacqueline Daoud | Antone Daoud | Section 1, Block 475, Lot 1. Situated on the southerly side of Elm Street, and the easterly side of School Street. |
| 12 | 33 John St (Lisa Coffee Shop) & 7 New School Street | 33 John Street Realty | Charles Miller | Section 1, Block 475, Lots 64,65,66. Situated at the intersection of northerly side of John Street and the easterly side of School Street. |
| 13 | 37 John Street (Blue Bldg Auto | Najib & Ferail Naber | Ferail Naber | Section 1, Block 475, Lot 67. Situated on the northerly side of John Street, east of New School Street. |
| 14a | 78 Elm St, 92 Elm St, 45 John Street | Milio Brothers Inc* | Antonio & Franco Milio | Section 1, Block 475, Lot: 9 (78 Elm St), Lot: 19 (92 Elm St), Lot: 70 (45 John St) |
| 14b | 193 Nepperhan Ave, 195 Nepperhan Ave | Milio Brothers Inc | Antonio & Franco Milio | Section 1, Block 475, Lot: 25 (195 Nepperhan Ave), Lot: 26 (193 Nepperhan Ave) |
| 15 | 46 John Street - Caliber Constr | DP Riverside Realty, Inc | David Hackett, D.P. Riverside Realty, Inc | Section 1, Block 475, Lot 53. Situated on the easterly terminus of John Street, across a steel brodge over the Saw Mill River. |
| 16 | 175 Nepperhan Ave - Mt Carmel Baptist Church | Mt Carmel Baptist Church | Reverend Bruce | Section 1, Block 475, Lots 35. Situated on westerly side of Nepperhan Avenue. Refer to Survey only includes Parking Lot and vacant land south west of Rectory |
| 17 | 197 Nepperhan Ave - Elm Hardware | Victor Pedro | Victor Pedro | Section 1, Block 475, Lot 22. Situated on the westerly side of Nepperhan Ave, and the southerly side of Elm Street. |
| 18 | 58 Palisade Ave - Amoco Xmission | PWN Associates, Inc | Tony Mauro | Section 2, Block 2030, Lot 1. Located on the northerly side of Elm Street and the easterly side of Palisade Avenue |
| 19 | 68 Palisade Avenue - Pentecostal Church | Philippi Pentecostal Church | Reverend Francisco Alicea | Section 2, Block 2030, Lot 10. Located on the easterly side of Palisade Ave. |
| 20 | 110 New Main Street - Salvation Army | The Salvation Army | Salvation Army | Section 1, Block 487, Lots 13 & 15 |
| Continued Next Page... | | | | |

Exhibit 3a: List of Parcels—River Park Center Development Area

| City of Yonkers Owned Properties | | | | |
|----------------------------------|---|--|--------------------|---|
| Ref. | Address | Current Legal Owner Entity | Current Owner Name | Legal Description |
| B1 | Grassy Knoll Between Getty Square Parking Area and Palisade Ave | Boarding Palisades Ave (North side) between New School St/ElmSt/Palisades interesection and James St | Yonkers CDA | Section 1, Block 485, Lots 1,2,4,6,7,8,10,12,14,16,18; Block 486, Lots: 15,16 |
| B2 | Grassy Knoll Between Getty Square Parking Area and Palisade Ave | Boarding Palisades Ave (North side) between New School St/ElmSt/Palisades interesection and James St | City of Yonkers | Section 1, Block 485: Lot 3 |
| C | 32 John St - Yonkers Fire House | New School St & John St | City of Yonkers | Section 1, Block: 475, Lots: 50,51,55,59 |
| D | Vacant Land Fronting Nepperhan Ave | Next to Mt Carmel Baptist Church Vacant Land | City of Yonkers | Section 1, Block: 475, Lots: 43, 75; |
| E | Roadway - New School Street between Elm St and Nepperhan Ave | | City of Yonkers | |
| F | Roadway - John St | | City of Yonkers | |
| G | Roadway - Ann Street | | City of Yonkers | |
| H | Roadway - Engine Place | | City of Yonkers | |
| I | Roadway - James St | | City of Yonkers | |
| J | Roadway - Henry Hertz Street | | City of Yonkers | |
| Continued Next Page... | | | | |

Exhibit 3a: List of Parcels—River Park Center Development Area

| Ref. | Address | Current Legal Owner Entity | Current Owner Name | Legal Description |
|---|------------------------------------|----------------------------|-----------------------------|--|
| K | Government Center Garage | | City of Yonkers | Section 1, Block: 488, Lot: 1 (Partial, Refer to City Hall Map) |
| L | 87 Nepperhan Building | | City of Yonkers | Section 1, Block: 488, Lot: 1 (Partial, Refer to City Hall Map) |
| State of New York Owned Properties | | | | |
| a' | Vacant Land Fronting Nepperhan Ave | | City of Yonkers/State of NY | Section 1, State Property: Block: 475, Lots: 200,201,202 (Refer to Survey and legal Description for accurate representation) |
| | | | | |



Exhibit 3b

**RIVER PARK CENTER
SITE PARCEL MAP:
CITY HALL SITE**

SFC PHASE I PROJECTS

STRUEVER FIDELCO CAPPELLI LLC



Exhibit 3c
**RIVER PARK CENTER
SITE PARCEL MAP:
CHICKEN ISLAND SITE**
SFC PHASE I PROJECTS
STRUEVER FIDELCO CAPPELLI LLC



Exhibit 3d
**RIVER PARK CENTER
SITE PARCEL MAP:
ELM/PALISADES/NEPPERHAN
TRIANGLE**

SFC PHASE I PROJECTS

STRUEVER FIDELCO CAPPELLI LLC



Exhibit 3e

**RIVER PARK CENTER
SITE PARCEL MAP:
ELM/PALISADES/SCHOOL
STREET CORNER**

SFC PHASE I PROJECTS

STRUEVER FIDELCO CAPPELLI LLC



Exhibit 3g

**RIVER PARK CENTER
PERSPECTIVE**

SFC PHASE I PROJECTS

STRUEVER FIDELCO CAPPELLI LLC



Exhibit 3h
**RIVER PARK CENTER
PERSPECTIVE**

SFC PHASE I PROJECTS

STRUEVER FIDELCO CAPPELLI LLC



Exhibit 3i

**RIVER PARK CENTER
PERSPECTIVE**

SFC PHASE I PROJECTS

STRUEVER FIDELCO CAPPELLI LLC



Exhibit 3j

NEW MAIN STREET FAÇADE

SFC PHASE I PROJECTS

STRUEVER FIDELCO CAPPELLI LLC



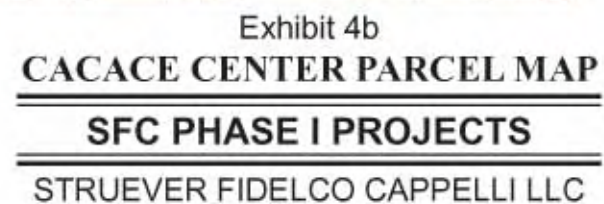
Exhibit 3k
**NEW MAIN STREET
PERSPECTIVE**

SFC PHASE I PROJECTS

STRUEVER FIDELCO CAPPELLI LLC

Exhibit 4a: List of Parcels—Cacace Center Development Area

| Exhibit 4a: List of Parcels—Cacace Center Development Area | | | | |
|---|--|-----------------------------------|---------------------------|--|
| Privately Owned | | | | |
| Ref. | Address | Current Legal Owner Entity | Current Owner Name | Legal Description |
| 1 | 229 New Main St | K.B.B. Enterprise, Corp | K.B.B. Enterprise, Corp | Section 1, Block: 492, Lot: 1 |
| City of Yonkers Owned Properties | | | | |
| A | Cacace Justice Parking Lot & surrounding vacant land | Yonkers CDA | | Section 1, Block: 489, Lot: 1, Block: 490, Lot: 22,24 |
| B | Cacace Justice Parking Lot & surrounding vacant land | City of Yonkers | | Section 1, Block: 489, Lot: 1, Block: 490, Lot: 3,14,15,16,17,18,20,21,80; Roadway: Terrace Place; |
| C | Waring Park | City of Yonkers | | Section 1, Block: 490, Lot: 72 (Refer to Survey/Legal Description) |
| | | | | |



STRUEVER FIDELCO CAPPELLI LLC

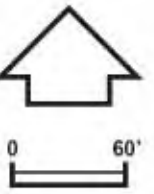


Exhibit 4c
CACACE CENTER SITE PLAN
SFC PHASE I PROJECTS
STRUEVER FIDELCO CAPPELLI LLC



Exhibit 4d
**CACACE CENTER
PERSPECTIVE**

SFC PHASE I PROJECTS

STRUEVER FIDELCO CAPPELLI LLC



Exhibit 4e
**CACACE CENTER
PERSPECTIVE**

SFC PHASE I PROJECTS

STRUEVER FIDELCO CAPPELLI LLC



Exhibit 4f

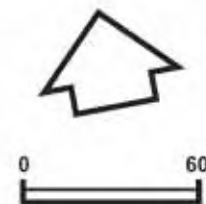
**CACACE CENTER PERSPECTIVE
(FIRE DEPARTMENT HEADQUARTERS)**

SFC PHASE I PROJECTS

STRUEVER FIDELCO CAPPELLI LLC

Exhibit 5a: List of Parcels—Larkin Plaza Development Area

| Exhibit 5a: List of Parcels—Larkin Plaza Development Area | | | | |
|--|-------------------------|-----------------------------------|---------------------------|---|
| City of Yonkers Owned Properties | | | | |
| Ref. | Address | Current Legal Owner Entity | Current Owner Name | Legal Description |
| A | Larkin Plaza Parking | City of Yonkers | | Refer to Survey/Title |
| B | Larkin Plaza Park | City of Yonkers | | Section 2, Block 2005, Lot:1 |
| C | Monument Square | City of Yonkers | | East of Larkin Plaza Parking Lot, between Woodworth Ave and Warburton Ave |
| D | Woodworth Ave (partial) | City of Yonkers | | Between Larkin Plaza Parking Lot and Monument Square; Bounded by Nepperhan St and Dock St |
| Properties not part of Development Site but will be affected: | | | | |
| C | Roadway - Dock Street | City of Yonkers | | |
| D | Roadway - Nepperhan St | City of Yonkers | | |
| E | Roadway - Buena Vista | City of Yonkers | | Culvert to be expanded here |
| F | Roadway - Warburton Ave | City of Yonkers | | |
| | | | | |



SCALE 1"=60'



Exhibit 5c

LARKIN PLAZA PERSPECTIVE

SFC PHASE I PROJECTS

STRUEVER FIDELCO CAPPELLI LLC

EXHIBIT 6

The proposed amendments to the Zoning Ordinance are as follows (underlined text added; strikethrough text deleted):

A. With respect to the special use known as “Planned Urban Redevelopments”:

1. Amend Section 43-72C(1) and Section 43-74E(1) to read as follows: “Planned urban redevelopments (PURs) may be permitted in all designated urban renewal areas including in the former PDR District, on tracts of land of two or more acres in aggregate.”
2. Amend Section 43-72C(2) and Section 43-74E(2) to read as follows: “Notwithstanding §43-27 and §43-50, PURs shall not be required to meet the dimensional or use requirements for the district in which they are located.”
3. Amend Section 43-72C and Section 43-74 to add new subsection (5), as follows:
“(5) Uses established and buildings and structures constructed pursuant to a PUR special permit shall be deemed conforming to the provisions of this chapter.”

B. With respect to the regulations of the CB District:

1. Amend the table of “Residential Uses” of Table 43-1 (Schedule of Use Regulations) to add a new vertical column captioned “CB” and to make apartment houses “Permitted uses” and planned urban redevelopments “Permitted subject to special use requirements,” as follows:

| Residential Uses | CB |
|------------------------------|-----------|
| Apartment houses | P |
| Planned urban redevelopments | S |

2. Amend the table of “Business, Commercial and Office Uses” of Table 43-1 (Schedule of Use Regulations) with respect to the CB District to make: commercial recreation uses – indoor, commercial recreation – outdoor, department stores and planned shopping centers “Permitted uses”; building supply stores, cabarets and nightclubs, and garden centers “Permitted, with supplemental requirements”; and supermarkets and wholesale price clubs and big-box retail stores “Permitted subject to special use requirements,” as follows:

| Business, Commercial and Office Uses | CB |
|---|-----------|
| Building supply stores | Ps |
| Cabarets and nightclubs | Ps |
| Commercial recreation uses – indoor | P |
| Commercial recreation uses – outdoor | P |
| Department stores | P |
| Garden centers | Ps |
| Planned shopping centers | P |

| | |
|---|---|
| Supermarket | S |
| Wholesale price clubs and big-box retail stores | S |

3. Amend the table of “Residential Accessory Uses” of Table 43-1 (Schedule of Accessory Use Regulations) to add a new vertical column captioned “CB” and make: decks and patios, fences and walls, radio and TV antennas, refuse collection, storage and recycling facilities, signs, storage sheds, greenhouses and children’s playhouses, swimming pools and bathhouses and tennis courts and other sports courts “Permitted, with supplemental requirements”; and satellite antennas “Permitted subject to special use requirements,” as follows:

| Residential Accessory Uses | CB |
|--|-----------|
| Decks and patios | Ps |
| Fences and walls | Ps |
| Radio and TV antennas | Ps |
| Refuse collection, storage and recycling facilities | Ps |
| Satellite antennas | S |
| Signs | Ps |
| Storage sheds, greenhouses and children’s playhouses | Ps |
| Swimming pools and bathhouses | Ps |
| Tennis courts and other sports courts | Ps |

4. Amend the list of use regulations for the CB District of Table 43-2 (List of Use Regulations by District) to conform to Table 43-1, as amended.
5. Amend the “Schedule of Dimensional Regulations for Residential Uses” (Table 43-3) to add to add a new vertical column captioned “CB” and add new footnotes 4 and 5, as follows:

| Minimum Requirements for Residential Uses | CB |
|--|-----------|
| Lot area (square feet) | |
| Single- and two-family dwellings | -- |
| Multifamily dwellings | -- |
| Lot width (feet) | |
| Single- and two-family dwellings | -- |
| Multifamily dwellings | -- |
| Front yard (feet) | |
| Single- and two-family dwellings | -- |
| Multifamily dwellings | -- |
| Rear yard (feet) | |
| Single- and two-family dwellings | -- |
| Multifamily dwellings | -- |
| Side yard; one/both (feet) | |
| Single- and two-family dwellings | -- |
| Multifamily dwellings | -- |
| Side yard of corner lot (feet) | |
| Single- and two-family dwellings | -- |
| Multifamily dwellings | -- |

| | |
|--|--------------------|
| Average lot area per family (square feet) | |
| Single-family dwellings | -- |
| Two-family dwellings | -- |
| Multifamily dwellings | -- |
| Gross floor area (square feet) | |
| Apartments | 350 |
| Maximums Permitted for Residential Uses | |
| Building coverage (%) | |
| Single- and two-family dwellings | -- |
| Multifamily dwellings | 90 ⁴ |
| Height (stories/feet) | |
| Single- and two-family dwellings | -- |
| Multifamily dwellings | --/50 ⁵ |
| Floor Area Ratio | |
| Single- and multi-family dwellings | -- |
| Multifamily dwellings | 6.00 |

Notes:

“4. The maximum building coverage shall be 100% on a parcel having 10 or more acres in aggregate.

5. The minimum height shall be two stories or 25 feet, whichever is greater. The maximum height shall be 525 feet on a parcel having 10 or more acres of area in aggregate.”

6. Amend the “Schedule of Dimensional Regulations for Nonresidential Uses” (Table 43-3) and add new footnote 8 to increase floor area ratio in the CB District and eliminate the required rear yard and increase the maximum permitted building coverage for certain parcels in the CB District (and GC District – see item C. 1, below) as follows:

| | |
|---|-----------------|
| Minimum Requirements for Nonresidential Uses | CB |
| Rear yard (feet) | 10 ⁸ |
| Maximums Permitted for Nonresidential Uses | |
| Building coverage (%) | 90 ⁸ |
| Floor Area Ratio | 6.00 |

Notes:

“8. There shall be no required rear yard and the maximum permitted building coverage shall be 100% on a parcel in the CB District having 10 or more acres in aggregate and on a parcel in the GC District having 4 or more acres in aggregate.”

C. With respect to the regulations of the GC District:

1. Amend the “Schedule of Dimensional Regulations for Nonresidential Uses” (Table 43-3) to eliminate the required rear yard and increase the maximum

permitted building coverage for certain parcels in the GC District by referencing new footnote 8 to Table 43-3*, as follows:

| Minimum Requirements for Nonresidential Uses | GC |
|--|-----------------|
| Rear yard (feet) | 10 ⁸ |
| Maximums Permitted for Nonresidential Uses | |
| Building coverage (%) | 90 ⁸ |

D. With respect to building height in both the CB District and GC District:

1. Amend footnote 2 of the “Schedule of Dimensional Regulations for Nonresidential Uses” (Table 43-3) to increase the maximum permitted height on certain parcels in the CB District and GC District by adding new second and third sentences, as follows: “In the CB District, the maximum height shall be 525 feet on a parcel having 10 or more acres of area in aggregate. In the GC District, the maximum height shall be 250 feet on a parcel having 4 or more acres in aggregate.”

E. With respect to supplemental requirements for accessory parking areas:

1. Amend Section 43-44A(9)(a) to read as follows: “Except where shared parking has been specifically authorized by the approving authority as per §43-132C, private garages and private open air parking areas serving multifamily uses shall be provided on the same lot as the principal use or building or on a separate lot ~~under the same ownership as the principal building~~, provided that such parking ~~spaces~~ garages and open air parking areas on a separate lot are no more than 300 feet, measured by the shortest available route for pedestrian travel, from the property line nearest the entrance of the principal use or building which such parking serves to the pedestrian entrance of such garage or open air parking area closest to such property line, by the shortest publicly available route for pedestrian travel, and further provided that as a condition of its approval, the agency approving a site plan shall require a legal instrument satisfactory to the Corporation Counsel of the City of Yonkers assuring the continued existence and use of such private parking for the duration of the principal use or building which such parking serves.”
2. Amend Section 43-44B(2) to read as follows: “Except where shared parking has been specifically authorized by the approving authority as per §43-132C, in all districts semipublic parking structures and semipublic open air parking areas shall be provided on the same lot as the principal use or building or on a separate lot ~~under the same ownership as the principal building~~, provided that such parking ~~spaces~~ structures and open air parking areas on a separate lot are no more than 300 feet, measured by the shortest publicly available route for pedestrian travel, from the property line nearest the entrance of the principal use or building which such parking serves to the pedestrian entrance of such parking structure or open air

* See proposed new footnote 8 to Table 43-3 as set forth in item B. 6, above.

parking area closest to such property line, by the shortest publicly available route for pedestrian travel, and further provided that as a condition of its approval, the agency approving a site plan shall require a legal instrument satisfactory to the Corporation Counsel of the City of Yonkers assuring the continued existence and use of such semipublic parking for the duration of the principal use or building which such parking serves."

3. Amend Section 43-44 to add a new Section 43-44C and new subsection (1) thereof to read as follows:

"C. Public parking garages and public parking lots.

(1) Off-street parking accessory to a principal use or building in the CB District or the GC District may be provided in one or more public parking garages or public parking lots provided that such parking garages and parking lots are no more than 500 feet, measured by the shortest available publicly available route for pedestrian travel, from the property line nearest the entrance of the principal use or building which such parking serves to the pedestrian entrance of such parking garage or parking lot closest to such property line."

4. Amend Section 43-44A(9)(d) as follows: "No private parking garage accessory to and below a multifamily building to which it is accessory shall contain more than five parking levels above lowest grade except in the CB District and GC District."
5. Amend Section 43-44B(7) as follows: "No semipublic parking structure provided below the principal building to which it is accessory shall contain more than five parking levels above lowest grade except in the CB District and GC District."

F. With respect to shared parking:

1. Amend Section 43-132C to read as follows: "Shared parking. The agency approving a site plan may allow off-street parking and loading spaces required for uses, buildings or structures on the same or ~~on adjacent~~ different lots to be provided in one or more semipublic parking lot, or more than one of said lots, or in a structure or semipublic open air parking garage area, and in the CB District and GC District, one or more public parking garage or public parking lot, subject to the following:"
2. Amend Section 43-132C(3) to read as follows: "No shared semipublic parking facility shall be located more than 300 feet, and no shared public parking facility shall be located more than 500 feet, measured by the shortest publicly available route for pedestrian travel, from the property line of any of the uses, buildings or structures which it such shared parking facility serves as measured from the property line of the use, building or structure to the property line pedestrian entrance of the such-shared parking facilities facility closest to such property line."

G. With respect to the schedule of off-street parking requirements:

1. Amend the Zoning Ordinance to add new Section 43-137, as follows:

“§ 43-137. Required parking in the CB District and GC District.

A. Notwithstanding §43-128 and Table 43-4, in the CB District and GC District, the minimum number of required off-street parking spaces for the following uses shall be as set forth below:

| <u>Use</u> | <u>Minimum Number of Spaces</u> |
|--|--|
| <u>Apartments</u> | <u>1 per dwelling unit</u> |
| <u>Commercial recreation uses – outdoor – Minor League Baseball Park</u> | <u>1 per 4 spectator seats</u> |
| <u>Offices</u> | <u>1 per 500 square feet of gross floor area</u> |
| <u>Medical offices</u> | <u>1 per 400 square feet of gross floor area</u> |
| <u>Planned shopping centers</u> | <u>1 per 350 square feet of gross floor area</u> |
| <u>Restaurants</u> | <u>1 per 150 square feet of gross floor area</u> |
| <u>Retail craft uses</u> | <u>1 per 450 square feet of floor area</u> |
| <u>Retail establishments</u> | <u>1 per 350 square feet of gross floor area</u> |
| <u>Supermarkets</u> | <u>1 per 350 square feet of gross floor area</u> |
| <u>Wholesale price clubs and big-box retail stores</u> | <u>1 per 350 square feet of gross floor area</u> |
| <u>Theaters or movie theaters</u> | <u>1 per 3 seats</u> |

B. For all other uses, the minimum required number of off-street parking spaces shall be as set forth in Table 43-4.”

H. With respect to the exceptions to height limitations of the Schedule of Dimensional Regulations (Table 43-3):

1. Amend the second sentence of Section 43-33O(1) to read as follows: “The total area covered by such features shall not exceed 20% of the horizontal area of the roof on which they are located or 10% of the lot area, whichever is the lesser, except that such limitation shall not apply in the CB District or GC District.”

URBAN RENEWAL PLAN
FOR THE
GETTY SQUARE URBAN RENEWAL AREA
YONKERS, NEW YORK

September 19, 1975

Amended July 10, 1978

Proposed Revisions October 24, 2006

Note: Proposed text revisions indicated by underlining of new language

A. DESCRIPTION OF URBAN RENEWAL AREA

1. Boundary Description

The boundaries of this Urban Renewal Area, located in the City of Yonkers, County of Westchester, State of New York, shown on Exhibit 1, are generally as follows:

Starting at a point which is formed by the intersection of the North right-of-way line of Elm Street and the East right-of-way line of Nepperhan Avenue Arterial proceed Westerly to a point formed by the North right-of-way line of Elm Street, and West right-of-way line of Nepperhan Avenue Arterial; thence Westerly along the said northern right-of-way line of Elm Street to its intersection with the East right-of-way line of Palisades Avenue; thence Northerly along the eastern right-of-way line of Palisades Avenue to its intersection formed by the East right-of-way line of Palisade Avenue and the eastern by the East right-of-way line of Palisade Avenue and the eastern extension of the North property line of Lot 40, Block 2027; thence Westerly along the said eastern extension to a point formed by the intersection of the West right-of-way line of Palisade Avenue and the North property line of Lot 40, Block 2027; thence Southerly along the said eastern property line its intersection with the South line of Lot 78; Block 2027; thence Westerly along the said southern property line to its intersection with the West property line of Lot 48, Block 2027; thence Southerly along the said western property line to its intersection with the North property line common to Lots 50, 51, 52, 54, and 56, Block 2027; thence West/Southwest along said common northern property lines to its intersection with the West property line of Lot 56, Block 2027; thence Southerly along the said western property line to its intersection with the North property line of Lot 58, Block 2027; thence West/Southwest along the said northern property line to its intersection with the West property lines of Lot 58, Block 2027; thence West/Southwest through Lot 58, 60 and 62 along a straight line to a point formed by the intersection of the East property line and North property line of Lot 63, Block 2027; thence West/Southwest along the Northern property line of Lot 63, Block 2027 to its intersection with the East right-of-way line of Locust Hill Avenue; thence Southerly along the said eastern right-of-way line for 60 feet; thence West/Southwesterly to a point formed by the intersection of the West right-of-way line of Locust Hill Avenue

and the North property line common to Lots 35 and 36, Lot 2018; thence North/Westerly through Lot 48, Block 2018 along a straight line to a point formed by the intersection of East property lines common to Lots 50, 51, 52, 53, 54, 55, and 56 and the South property line of Lot 50, Block 2018; thence Northerly along the common eastern property line of Lot 50 through 56 to its intersection with the East property line of Lot 57, Block 2018; thence Northerly along the said eastern property line to its intersection with the south right-of-way line of Overlook Terrace; thence Westerly along the said southern right-of-way line to its intersection with the South property line of Lot 18, Block 2018; thence Westerly along the said southern property line to its intersection with the East property line of Lot 62, Block 2018; thence Northerly along the said eastern property line to its intersection with the North property line of Lot 62, Block 2018; thence Westerly along the said northern property line to its intersection with the East right-of-way of North Broadway; thence Westerly along the path formed by the western extension of the North property line of Lot 62, Block 2018 to its intersection with the West right-of-way line of North Broadway; thence Southerly along the said western right-of-way line to its intersection with the North right-of-way line to its intersection with the North right-of-way line of Manor House Square; thence Easterly along the line formed by the extension of the North right-of-way line of Manor House Square to its intersection with the East right-of-way line of North Broadway; thence South Easterly along the said eastern right-of-way line to a point formed by the said eastern right-of-way line of North Broadway and the northern extension of the West right-of-way line of New Main Street; thence Southerly along the line formed by the northern extension of the West right-of-way line of New Main Street to its intersection with the South right-of-way line of South Broadway; thence Southwesterly along the said southern right-of-way line to its intersection with the West property line of Lot 5, Block 487; thence Northeasterly along the said Southeastern property line of Lot 7, Block 487; thence Southeasterly along the said southwestern property line to its intersection with the Northwest property line of Lot 11, Block 487; thence Southwesterly along the northwestern property line of Lot 11 and 21 to its intersection with the Southwestern property line of 21; thence Northwesterly along the Southwestern property line of Lot 20 in Block

488 to its intersection with the southwestern property line of Lot 6 in Block 488; thence Southwesterly along said southeastern property line of Lot 2; thence Northwesterly along said southwestern property line to its intersection with the East right-of-way line of South Broadway; thence Southwesterly along said East right-of-way line to its intersection with the north right-of-way line of Nepperhan Avenue; thence Southwesterly along a straight line to a point which is the intersection of the south right-of-way line of Prospect Street and the west right-of-way line of South Broadway; thence Southeasterly along the west right-of-way line of South Broadway to its intersection with the southeastern property line of Lot 24 in Block 493; thence Northwesterly along a straight line to a point which is the intersection of the East right-of-way line of South Broadway and the southeastern property line of Lot 66 in Block 490; thence Northeasterly along the southeastern property line of Lot 66 to its intersection with the north right-of-way of Guion Street; thence Easterly along a straight line to a point which is the intersection of the South right-of-way line of Guion Street and the southern property line of Lot 9 in Block 492; thence Northeasterly along the south right-of-way line of Guion Street to its intersection with the West right-of-way line of New Main Street; thence Easterly along a straight line to a point which is the intersection of the southern property line of Lot 22 in Block 481 and the East right-of-way of New Main Street to its intersection with the south right-of-way of Nepperhan Avenue; thence Northeasterly along the south right-of-way line of Nepperhan Avenue to its intersection with a point and the east right-of-way of Nepperhan Avenue which is the point or place of beginning.

2. General Conditions

The general land use pattern in the Getty Square Central Business District today includes offices (finance, insurance, real estate, and related business services) in local government offices and services, banking, personal and repair services, churches and other institutions, a few warehouses and small factories, and retail (general merchandising, apparel, specialty shops, food and drug stores, and furniture and appliance stores, etc.). There are some occupied dwelling units on the floors above

several of the retail establishments. Large office buildings of up to twelve stories cluster on South Broadway.

City Hall and the adjacent Health Center Building are located on a prominent knoll in the C.B.D. Building heights in the rest of the Central Business District range from one to four stories.

Activities are distributed along the streets radiating out from the Square, with purely retail and office uses clustering close to Getty Square proper, in most cases within one block of this center point. Dock Street, Nepperhan Street (Larkin Plaza), and Main Street west of Riverdale Avenue contain more of a mixture of uses, including some wholesaling and industrial, and other non-downtown uses. Government uses are clustered along Nepperhan Avenue.

Various types of downtown activities are lacking in the Getty Square area, limiting its ability to attract a full cross-section of the shopping population. These include cultural facilities, shopping-oriented recreation, and appropriate number of quality of restaurants, and a diversification of merchandising within its many shops. For most merchants, advertising, sales, and other business promotional activity is extremely rare.

Getty Square's 300 retail establishments drew a daily population of approximately 40,000 persons, as of 1972. The existing street pattern in the Square converges at Getty Square, and as a result, traffic flows through the Square are often difficult. This has been the subject of many studies.

Most of Getty Square's buildings are deteriorated or deteriorating, and most are obsolete in construction. The general appearance of retail establishment in the Square is fair to poor, with both shops and buildings poorly maintained. Surveys have outlined a need for extensive rehabilitation or redevelopment for the area (See Appendix A. Structural Condition Survey) City Hall, the Health Center Building and

the Government Center Garage are all in good condition. In addition to City government offices at this location, however, there are also some County offices in the Health Center Building, which has caused overcrowding. Because of a lack of adequate space here, many other County service offices are situated in buildings in other areas of Yonkers.

The adjoining residential neighborhoods have undergone considerable redevelopment in the recent past. Approximately 1800 units of housing have been built in these neighborhoods since Phillipse Towers was completed in 1964, many of them in Neighborhood Development Areas. This new housing provides a substantially increased shopping market from the surrounding neighborhoods to augment Getty Square's other major market – the workers who come to the Square daily.

Today it is the service and commercial portions of the Central Business District that badly need improvement, both physically and economically.

This Urban Renewal Area, therefore, has been defined to include most of the Central Business District not already contained in the Riverview Urban Renewal Areas (NDP Areas 1 and 2). It is an area, which is characterized by blight and various stages of deterioration, both physically and economically.

B. STATEMENT OF PLAN OBJECTIVES

This Urban Renewal Plan has been designed to achieve the development goals outlined in the City's Comprehensive Plan ("Connections, The Yonkers Comprehensive Plan"), and other studies prepared for the City. Specifically, those will include:

1. The elimination of substandard, deteriorating and functionally obsolete residential and commercial structures that exert a blighting influence on the area.
2. The elimination of environmental deficiencies by providing land area for a balanced and integrated arrangement of commercial and public uses consistent with the downtown character of the area and the City's planning and design objectives.

3. The acquisition of other property in order to provide sites with appropriate configurations so that proper and meaningful development can take place.
4. The rehabilitation of those commercial and residential areas that are evidencing signs of deterioration but are suitable for retention as part of the community's retail and housing supply.
5. The reestablishment and revitalization of the Getty Square Area as a viable Central Business District through the development of a major retail center, expandable to include office residential, entertainment and hotel use.
6. The development of an improved throughfare system and adequate public facilities, in order to properly serve the existing and proposed commercial areas.
7. The acquisition and development of commercial areas that would add to the City's tax base as well as provide increased job opportunities and advancement for Yonkers' residents.
8. The development of adequate off-street parking and public spaces to service the needs of downtown commercial uses.
9. The improvement of streets, sidewalks, curbs, and storm and sanitary sewers, when necessary and the placement of new utility lines underground.
10. The integration of the new development with existing, viable development and anticipated construction projects for the Central Business District.
11. The characteristics of the Saw Mill (or Nepperhan) River, shall be open and maintained in those areas in which new construction is to take place.
12. The creation of an urban design for the area which will reflect the characteristics of topography, terrain, location, and site configuration in the design of new structures, circulation systems, and the spatial environment created by the placement of buildings, streets and roadways, and other forms of urban space and promotion of a high standard of design of buildings, signs, items of street furniture, and landscaping of open space.
13. The maintenance of the downtown area as a center for government functions and services.

C. STATEMENT OF PROPOSED LAND USE

The framework for this Urban Renewal Plan rests with the development of a planned regional retail center and an expanded government center, as well as the rehabilitation of the remaining downtown buildings and uses. The Proposed Land Use Map, attached as Exhibit 2, shows the locations of proposed “Mixed Use”, “Predominately Commercial” and “Commercial, Parking and Governmental Uses” for the area. These proposed uses are described as follows (See Exhibit 2):

1. Mixed Use

The Urban Renewal Plan anticipates the development of a planned regional, mixed use retail center in the block bounded by Nepperhan Avenue, New Main Street and Palisades Avenue/Elm Street, including major retailing and comparison shopping activities, office, entertainment, housing and structured off-street parking, predominately to serve these new uses. The center will range in size between a minimum of 350,000 square feet to a maximum of 1.2 million square feet, depending on redeveloper market studies.

2. Predominately Commercial

Existing commercial (retail and office), residential-commercial, or residential uses will also be included among the proposed land uses, as indicated in Exhibit 2. These are buildings close by the commercial-public parking sites and are primarily buildings-to-remain in the Getty Square area, with shops in the first floor and shops, offices, storage, etc. or apartments on the upper floors, if any. This Plan includes most “Central Business District Core” properties not included in the Riverview Neighborhood Development Program Area (See General Description) in order to assure that the rehabilitation of the entire area downtown is carried out in a comprehensive manner.

3. Commercial, Parking and Governmental Uses

The area is shown in Exhibit 2 is proposed for blocks on either side of Nepperhan Avenue. Uses include replacement of the existing with new and larger facilities, including ground level retail stores and shops. It also includes the replacement of the

Fire Station and the development of a hotel and additional office space. Existing governmental uses (e.g., City Hall, Cacace Justice Center) will remain; a new detention facility built adjacent to the Justice Center.

D. PROPOSED LAND ACQUISITION, DEMOLITION AND REMOVAL OF STRUCTURES

1. Land Acquisition, Demolition and Removal of Structures

All real properties to be acquired are shown on Exhibit 3 as “Redevelopment (Properties to be Acquired)”. All improvements on properties to be acquired will be demolished and removed to permit the proper redevelopment for the uses proposed above.

All properties so identified on Exhibit 3 will be acquired and cleared, unless future investigation indicate that they are not needed to achieve specific project objectives.

When originally approved, approximately 75 families were to be relocated from this project area (See Appendix A. Structural Condition Survey). Approximately 85 non-residential establishments were to be displaced and accorded financial assistance, as required.

Property information and final engineering design to be obtained during the execution stage may indicate the need for minor revisions in taking lines.

2. Streets Closed

Streets to be eliminated from the Official City Map are shown on Exhibit 1.

E. PROPOSED ACQUISITION OF AIR RIGHTS AND CONCOMITANT EASEMENTS, ETC.

Air rights may be acquired in the area designated as Mixed Use.

F. PROPOSED METHODS OR TECHNIQUES OF URBAN RENEWAL

The effectuation of this Urban Renewal Plan will be accomplished through a combination of public and private actions. The type of actions proposed and the criteria under which each of these actions will be undertaken are as follows (See Exhibit 3, Proposed Renewal Action):

1. Redevelopment

Clearance and redevelopment will be undertaken in this Urban Renewal Area to eliminate environmental deficiencies and substandard, deteriorating, blighted, and functionally obsolete residential and commercial structures that exert a blighting influence on the area, and to accomplish the other applicable goals set forth in Section B, by the development of a regional retail and commercial center and an expanded government center complex.

(Standards and Controls for Redevelopment are found as the last item in this section.)

2. Rehabilitation and Conservation

The effectuation of the Urban Renewal Plan will provide a rehabilitation program for the existing-to-remain commercial, residential-commercial, and all other uses-to-remain (except the Government Center Garage, City Hall, The Health Center Building), and this program will consist of:

- a. Housing and Building Code Enforcement
- b. Municipal Incentives
- c. Financing Assistance
 - (i) Financing Methods (Agency Staff)
 - (ii) Improved mortgage terms (financial institutions)
- d. Design and merchandising assistance, by Agency staff
- e. Façade Improvement Program implemented by the Agency, which will rehabilitate and conserve buildings by a voluntary façade easement process. When an owner and/or tenant refuses to comply voluntarily with recommended

improvements, the Agency may acquire building or façade easement rights by means of condemnation proceedings.

- f. Assistance in dealing with other problems, where feasible

3. Street Widening

No street widening are contemplated

4. Standards and Controls for Redevelopment

a. Building Regulations

The building regulations for this Urban Renewal Area are as follows (Parking Garages excluded):

Maximum Permitted floor area ratio 6.0

Maximum permitted coverage

(However, open space may be roofed over) 100%

Any enclosed promenades and landscaped public spaces will be excluded in the FAR and coverage figures.

b. Off-Street Parking

Structured off-street parking shall be provided in accordance with the following ratios:

| | |
|--|---------------------------------------|
| <u>Residential</u> | <u>1 space for each dwelling unit</u> |
| <u>Office</u> | <u>1 space for each 500 s.f.</u> |
| <u>Hotel</u> | <u>0.75 space for each key</u> |
| <u>Retail</u> | <u>1 space for each 350 s.f</u> |
| <u>Restaurant</u> | <u>1 space for each 150 s.f</u> |
| <u>Movie Theatre</u> | <u>1 for each 4 seats</u> |
| <u>Ballpark</u> | <u>1 space for each 4 seats</u> |
| <u>Commercial outdoor recreational use</u> | <u>1 space for each 4 seats</u> |

c. Truck Loading and Uploading

Off-street loading berths will be provided for the commercial development within the project area. This off-street loading is to be provided in accordance with the requirements of the redeveloper(s) reflecting department store requirements and specialty shop requirements.

d. Site Planning and Architectural Expression

Site plans shall reflect the goals listed in Section B, above. While redeveloper(s) will be given freedom in concept, design, and layout within the standards specified in this Plan, all structures, facilities, and public areas must reflect distinguished architectural expression and techniques (including landscaping) in order to signify attractiveness, quality and permanence.

e. Site Plan and Design Review

Redeveloper(s) shall submit plans for review by the staff of the Yonkers Community Development Agency and the Planning Board. Said site plans shall include, among others, specific documentation outlining: (1) grading, (2) drainage, (3) circulation, (4) parking area (5) street tree planting along street frontages, fences, and walls if any, (6) landscaping and public area and (7) exterior design of buildings, structures, and signs. Said site plan may be amended from time to time through the same process as the original review. The specific proposals for the development of the site will be evaluated by the Yonkers Community Development Agency and the Planning Board as to the manner in which they achieve plan objectives and controls.

f. Redeveloper(s) Obligations

The land acquired by the Yonkers Community Development Agency will be disposed of subject to an agreement or agreements between the Agency and the redeveloper(s). The redeveloper(s) will be required by the contractual agreements to observe the Urban Renewal Plan controls and development objectives as contained in the Urban Renewal Plan. The redeveloper(s) will

further be required to submit a redevelopment schedule satisfactory to the Agency. The agreements with the redeveloper(s) will include requirements for adherence to all applicable local, state and federal laws. In addition, the following provisions or provisions of similar intent will be included in the disposition agreement:

- (i) The purchase of the land by the redeveloper(s) is for the purpose of redevelopment in accordance with the Urban Renewal Plan and not for speculation.
- (ii) The building of improvements will be commenced and completed within a reasonable time.

G. PROPOSED PUBLIC, SEMI-PUBLIC, OR COMMUNITY FACILITIES

The City will install the necessary public parking, and close the streets shown in Exhibit 1 and 2 and described above. Streetbeds of closed streets shall be donated by the City to the Agency.

H. PROPOSED NEW OR AMENDED CODES OR ORDINANCES AND PROGRAM OF ENFORCEMENT

Revisions or amendments will be necessary to the City's Zoning Ordinance in order to effectuate the Urban Renewal Plan.

Enforcement procedures will continue as they exist today.

I. OTHER PROVISIONS NECESSARY TO MEET REQUIREMENTS OF APPLICABLE STATE AND LOCAL LAWS

Pursuant to Section 502, Subdivision 7 or Article 15 of the New York State General Municipal Law, the following statements are made:

1. Duration of Controls

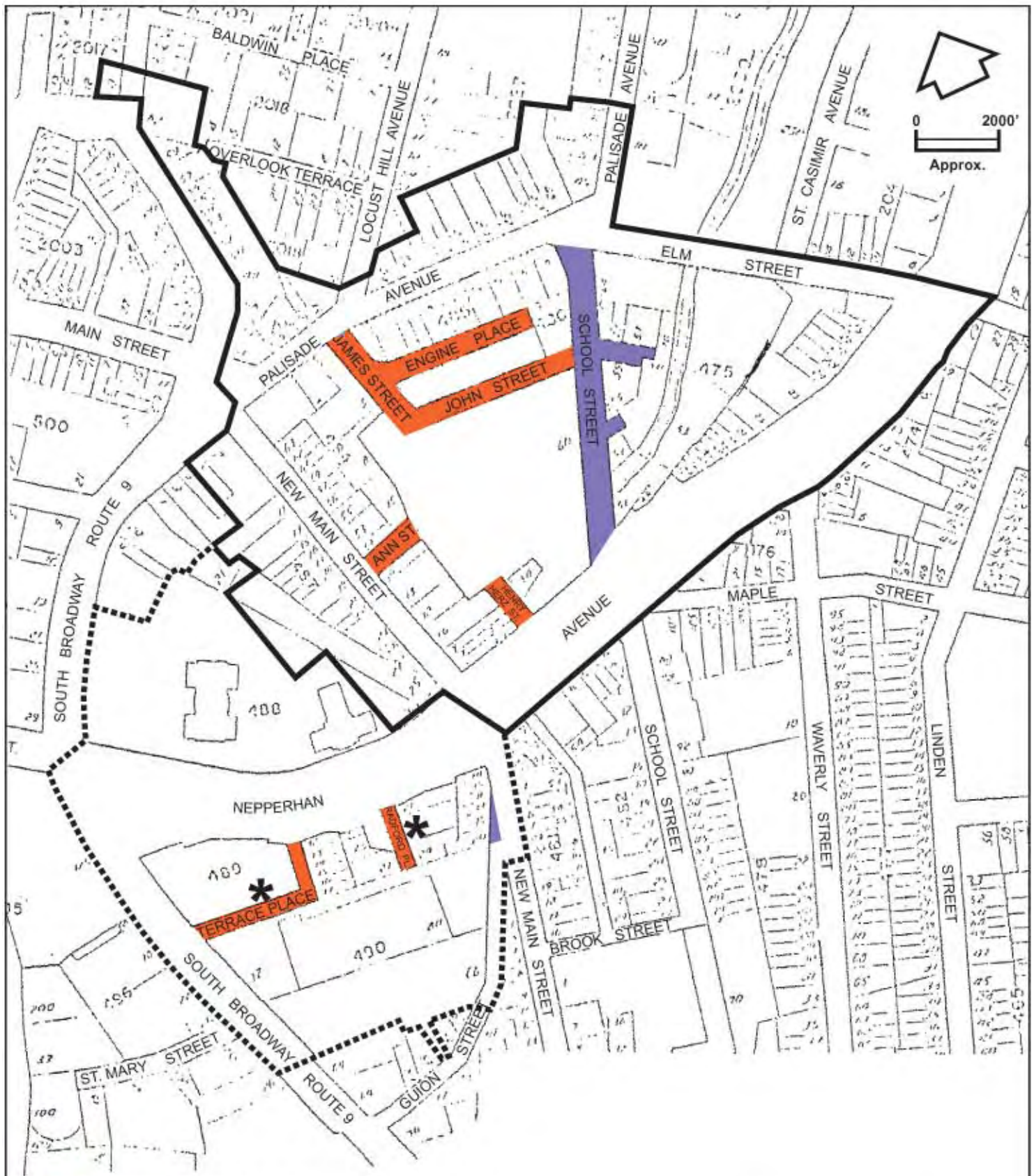
The land use restrictions and controls of the Urban Renewal Plan and any modification thereof for this Urban Renewal shall run with the land and shall be binding on all parties and all persons claiming under them for a period of not less than forty (40) years from the date of approval of the Urban Renewal Plan by the City Council of Yonkers.

2. Procedures for Changes in the Urban Renewal Plan as Approved

The provisions of this Urban Renewal Plan may be modified or amended or additions made thereto at any time by the City Council of Yonkers, provided that any such changes amendments, or additions made subsequent to the sale or lease of land in this Urban Renewal Area by the Yonkers Community Development Agency, shall be concurred in by the Agency and which land is directly affected by such changes, amendments or additions.

3. Provisions to Preserve Integrity of Plan

In order to preserve the integrity of this Urban Renewal Plan, the Superintendent of Buildings of the City of Yonkers shall notify the Yonkers Community Development Agency upon receipt of any applications for a permit for building construction or alternation or for a certificate of occupancy for a structure or use within this Urban Renewal Area. Pursuant to Section 503 (h) of the General Municipal Law, for a period of three years from the approval of this Plan by the City Council, or of any amendments hereto, the Superintendent of Buildings shall not issue a building construction or alternation permit or a certificate of occupancy for a structure or use within this Urban Renewal Area without having first obtained the consent of the construction, alternation or use is necessary for the immediate protection of the public health and safety. The Director of the Community Development Agency shall consent to the issuance of certificates and permits upon determination that the proposed construction, alteration or use is not inconsistent with this Urban Renewal Plan or amendments hereto.



- Original Street Closings
- Proposed Street Closings
- Discontinued by City Council in 1993
- Original Boundary Line
- Previously Amended Boundary Line

NOTE: Street widenings deleted

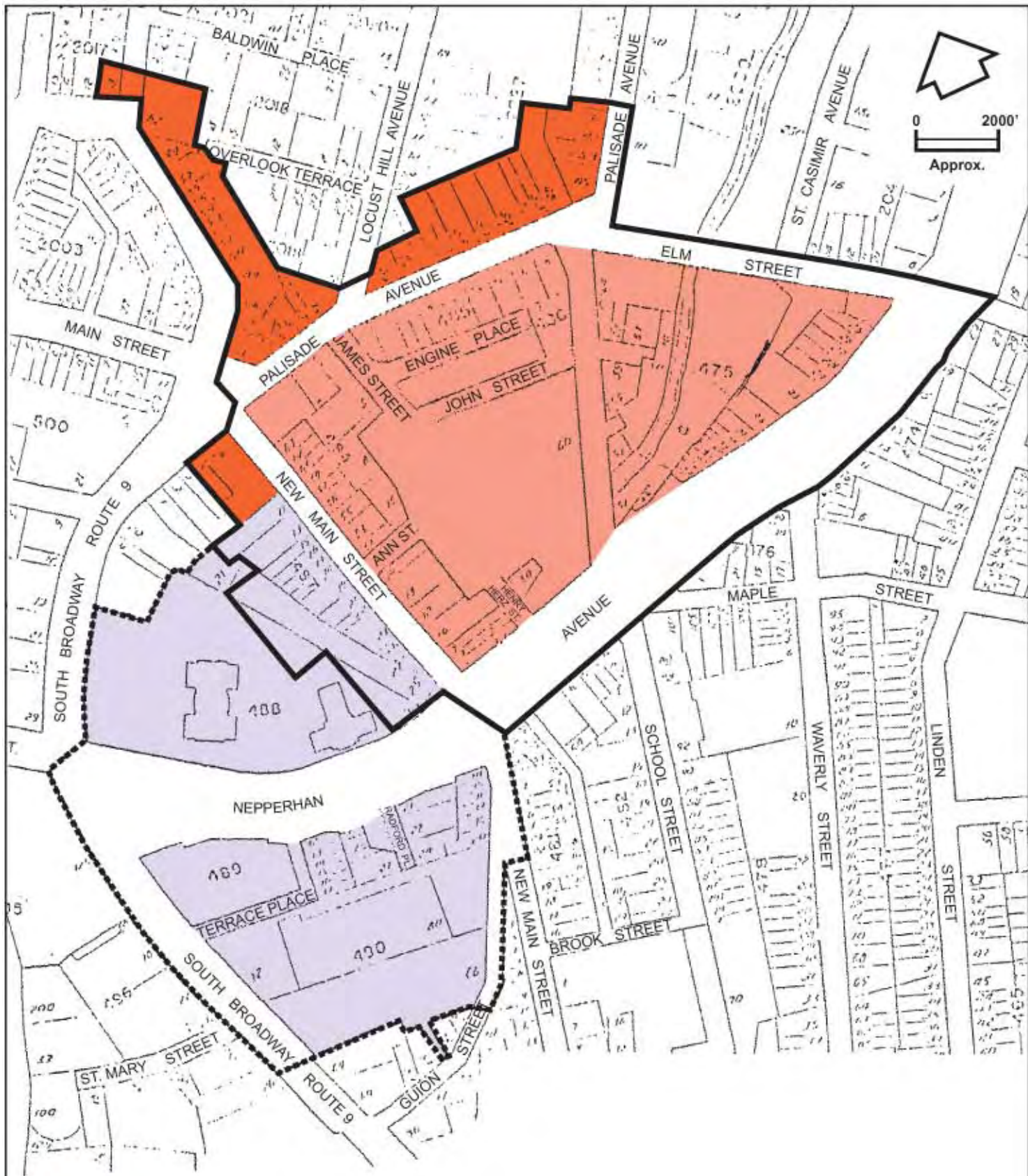
BASE MAP SOURCE: Getty Square Urban Renewal Plan

Exhibit I

RENEWAL AREA BOUNDARY AND PROPOSED STREET CLOSINGS

WATERFRONT DEVELOPMENT PLAN
STRUEVER FIDELCO CAPPELLI - YONKERS, NY

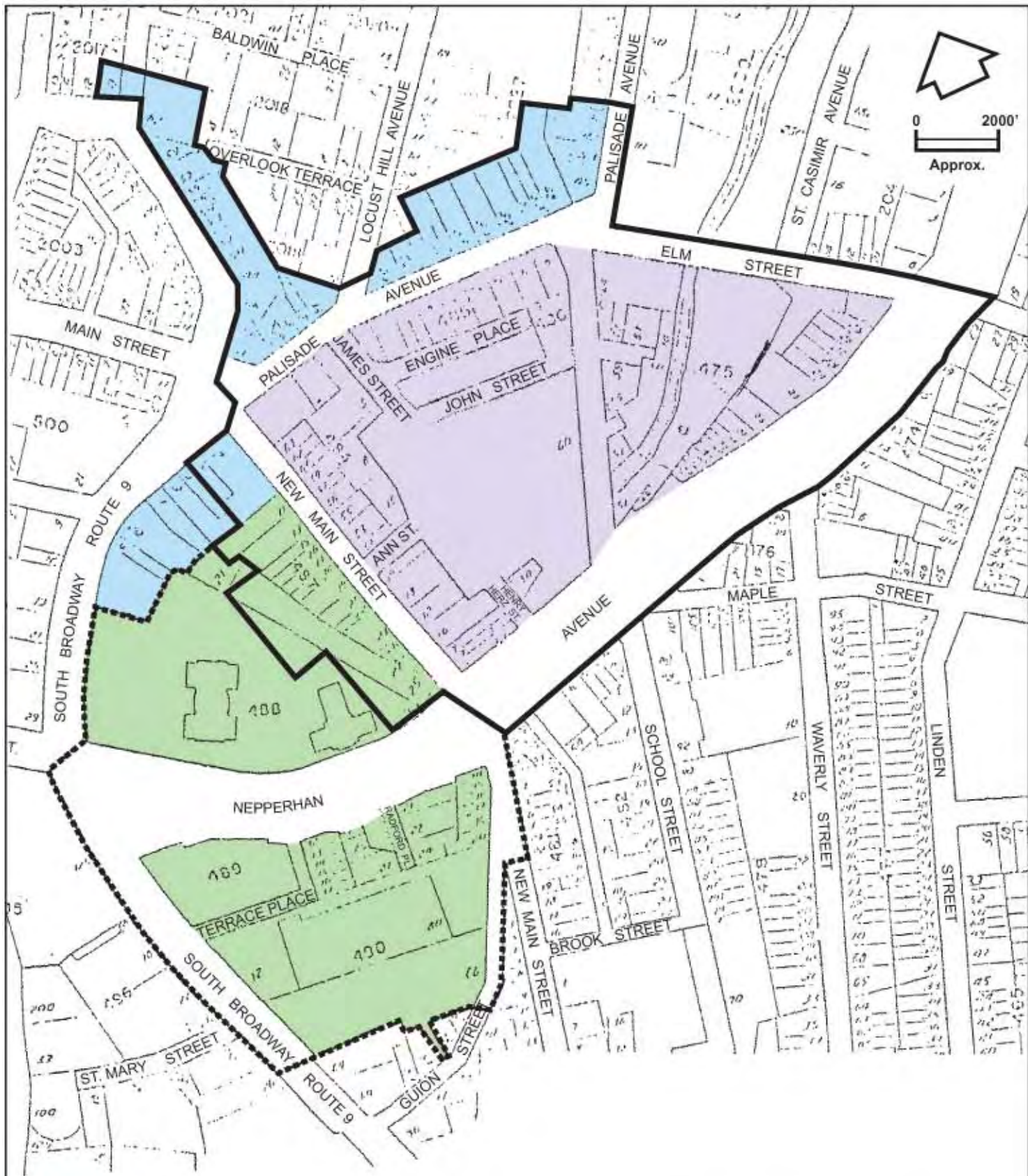
Saccardi & Schiff, Inc. - Planning and Development Consultants



- Predominantly Commercial
- Mixed Use
- Commercial Parking and Governmental Uses
- Original Boundary Line
- Previously Amended Boundary Line

Exhibit 2
PROPOSED AMENDED LAND USE

WATERFRONT DEVELOPMENT PLAN
STRUEVER FIDELCO CAPPELLI - YONKERS, NY



- Rehabilitation and Conservation
- Redevelopment
- Redevelopment and Conservation
- Original Boundary Line
- Previously Amended Boundary Line

Exhibit 3
**PROPOSED AMENDED
RENEWAL ACTION**

WATERFRONT DEVELOPMENT PLAN
STRUEVER FIDELCO CAPPELLI - YONKERS, NY

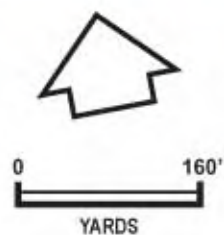


Exhibit 8
**PROPOSED TAX INCREMENT
FINANCING BOUNDARY MAP**
SFC PHASE I PROJECTS
STRUEVER FIDELCO CAPPELLI LLC

617.20
EXHIBIT 9
State Environmental Quality Review
FULL ENVIRONMENTAL ASSESSMENT FORM

Purpose: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

Full EAF Components: The full EAF is comprised of three parts:

- Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3:** If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions

Identify the Portions of EAF completed for this project:



Part 1

☐ Part 2

☐ Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- ☐ A. The project will not result in any large and important impact(s) and, therefore, is one, which **will not** have a significant impact on the environment, therefore **a negative declaration will be prepared.**
- ☐ B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore **a CONDITIONED negative declaration will be prepared.***
- ☐ C. The project may result in one or more large and important impacts that may have a significant impact on the environment; therefore **a positive declaration will be prepared.**

*A Conditioned Negative Declaration is only valid for Unlisted Actions

Name of Action

Name of Lead Agency

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Prepare (if different from responsible officer)

Date

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 be 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.

Name of Action Application of Struever Fidelco Cappelli, LLC ("SFC") for: (i) approval of amendments to Zoning Ordinance of the City of Yonkers; (ii) amendments to Getty Square Urban Renewal Plan of City of Yonkers; (iii) discontinuance of certain public streets of City of Yonkers; (iv) adoption of a Home Rule Message to the New York State Legislature in support of alienation by the City of certain City of Yonkers parklands; and (v) approval of Redevelopment Plan under the new York State Municipal Redevelopment Law, and authorization to issue Tax Increment Financing Bonds in accordance with that Law, all in connection with the development by SFC of the proposed residential and mixed-use projects on parcels of real property identified below.

Location of Action The proposed project consists of three (3) separate redevelopment areas in the City of Yonkers downtown and the adjacent waterfront area in Westchester County, NY.

Site A1 (River Park Center—Mixed Use Development) is bounded by Nepperhan Avenue to the south, Elm Street to the north and east, and New Main Street to the west.

Site A2 (Government Center) is situated on the northwest corner of Nepperhan Avenue and New Main Street adjacent to City Hall.

Site A3 (Cacace Justice Center) is bounded by New Main Street on the east, Broadway Road on the west and Nepperhan Avenue on the north. The southern edge of the Site A3 adjoins adjacent City-owned properties that form the remainder of the block.

Site A4 (Elm Street Center) is situated on the northeast corner of Elm Street and Palisades Avenue. The northern and eastern edges of the Site A4 adjoin adjacent properties that form the remainder of the urban block.

Project Area B (Palisades Point) is bounded by the Hudson River to the west and the Metro North Railroad Hudson Line tracks to the east, and is situated nominally between Prospect Street to the north and Saint Mary Street to the south.

Project Area C (Larkin Plaza) is bounded by Dock Street to the north, Main Street to the south, Buena Vista Avenue to the west and Riverdale Avenue to the east.

REFER TO PROJECT DESCRIPTION ATTACHED

Name of Applicant/Sponsor Struever Fidelco Cappelli, LLC

Business Telephone

(914) 769-6500

Address 115 Stevens Avenue

City/PO Valhalla

State NY

Zip Code 10595

Name of Owner (if different) REFER TO LIST ATTACHED

Business Telephone

()

Address REFER TO LIST ATTACHED

City/PO REFER TO LIST ATTACHED

State

Zip Code

Description of Action REFER TO LIST ATTACHED

Please Complete Each Question--Indicate N.A. if not applicable

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

2. Total acreage of project area: 28.9 acres.

| APPROXIMATE ACREAGE | PRESENTLY | AFTER COMPLETION |
|--|-------------------|-------------------|
| Meadow or Brushland (Non-agricultural) | <u>0</u> acres | <u>0</u> acres |
| Forested | <u>0</u> acres | <u>0</u> acres |
| Agricultural (Includes orchards, cropland, pasture, etc.) | <u>0</u> acres | <u>0</u> acres |
| Wetland (Freshwater or tidal as per Articles 24,25 of ECL) | <u>0</u> acres | <u>0</u> acres |
| Water Surface Area | <u>0</u> acres | <u>1.2</u> acres |
| Unvegetated (Rock, earth or fill) | <u>4.8</u> acres | <u>0</u> acres |
| Roads, buildings and other paved surfaces | <u>20.7</u> acres | <u>23.6</u> acres |
| Other (Indicate type) <u>Urban Greenscape (vegetated)</u> | <u>3.4</u> acres | <u>4.1</u> acres |

3. What is predominant soil type(s) on project site?

a. Soil drainage: ☐ Well drained N/A % of site ☒ Moderately well drained 100 % of site ☐ Poorly drained N/A % 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 project site? ☒ Yes ☐ No

a. What is depth to bedrock? varies (in feet)

5. Approximate percentage of proposed project site with slopes: ☒ 0-10% 97 % ☒ 10-15% 3 % ☐ 15% or greater N/A %

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 ☒ Other
(Hudson River)

8. What is the depth of the water table? >2 (in feet)

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 (Hudson River Fishing)

11. Does project site contain any species of plant or animal life that is identified as threatened or endangered? ☐ Yes ☒ No

According to N/A

Identify each species N/A

12. Are there any unique or unusual landforms 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 Larkin Plaza Park and Yonkers Sculpture Meadow

14. Does the present site include scenic views known to be important to the community? ☒ Yes ☐ No (Hudson River and Palisades)

15. Streams within or contiguous to project area: none

a. Name of Stream and name of River to which it is tributary: Saw Mill River; Hudson River

16. Lakes, ponds, wetland areas within or contiguous to project area: none

a. Name N/A 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 Markets 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 of the ECL, and 6 NYCRR 617? ☒ Yes ☐ No (HUDSON RIVER)

20. Has the site ever been used for the disposal of solid or hazardous wastes? ☐ Yes ☐ No ☒ Other (Brownfield)

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: The 28.8-acre project site includes lands owned by the City of Yonkers and privately owned lands in the process of being acquired by the applicant.

b. Project acreage to be developed: 28.9 acres initially; 28.9 acres ultimately.

c. Project acreage to remain undeveloped 9.05 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 1,485; proposed 6,467.

g. Maximum vehicular trips generated per hour Weekday PM Peak: Entry = 984 Exit = 1,226 (upon completion of project).

h. If residential, Number and type of housing units:

| | One Family | Two Family | Multiple Family | Condominium |
|------------|------------|------------|-----------------|---|
| Initially | <u>N/A</u> | <u>N/A</u> | <u>1,386</u> | <u>N/A</u> |
| Ultimately | <u>N/A</u> | <u>N/A</u> | <u>1,386</u> | <u>(TBD – all or a portion of the multi-family units may be condominiums)</u> |

i. Dimensions (in feet) of largest proposed structure 80' height; 660' width; 900' length.

j. Linear feet of frontage along a public thoroughfare project will occupy is? 6,000 ft.

2. How much natural material (i.e., rock, earth, etc.) will be removed from the site? TBD tons/cubic yards.

3. Will disturbed areas be reclaimed? ☐ Yes ☐ No ☒ N/A

a. If yes, for what intended purpose is the site being reclaimed? N/A

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? 3.4 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-phase project: Anticipated period of construction 24 months, (including demolition).

7. If multi-phased:

a. Total number of phases anticipated N/A (number).

b. Anticipated date of commencement phase 1 N/A month N/A year, (including demolition).

c. Approximate completion date of final phase N/A month N/A 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? 13,060; after project is complete? 5,460.

10. Number of jobs eliminated by this project? 107.

11. Will project require relocation of any projects or facilities? ☒ Yes ☐ No If yes, explain City of Yonkers offices at 87 Nepperhan Ave., and Fire Dept. Headquarters at School Street will be relocated

12. Is surface liquid waste disposal involved? ☐ Yes ☒ No

a. If yes, indicate type of waste (sewage, industrial, etc.) and amount N/A

b. If yes, 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

Explain Daylighting of the Saw Mill River will increase its water surface by approx. 18,000 SF

15. Is project, or any portion of project, located in a 100-year flood plain? ☒ Yes ☐ No

16. Will the project generate solid waste? ☒ Yes ☐ No
 a. If yes, what is the amount per month? 200 tons.
 b. If yes, will an existing solid waste facility be used? ☒ Yes ☐ No
 c. If yes, give name Charles Point; location Peekskill, NY
 d. Will any wastes **not** go into a sewage disposal system or into a sanitary landfill? ☒ Yes ☐ No
 e. If Yes, explain (Recyclable Material)
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 (For landscaping)
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 ☒ Other (Ballpark noise to be studied)
21. Will project result in an increase in energy use? ☒ Yes ☐ No
 If yes, indicate type(s) typical for urban development
22. If water supply is from wells, indicate pumping capacity N/A gallons/minute.
23. Total anticipated water usage per day 237,000 gallons/day.
24. Does project involve Local, State or Federal funding? ☒ Yes ☐ No If yes, explain: State Grants for daylighting of Saw Mill River; City Tax Increment Financing (TIF) Program

25. Approvals Required:

| | | Type | Submittal Date |
|------------------------------------|---|----------------------------|-----------------|
| City, Town, Village Board | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Phase I: EAF and TIF Dist. | <u>10/24/06</u> |
| City, Town, Village Planning Board | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | See Appendix | |
| City, Town Zoning Board | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | " " | |
| City, County Health Department | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | " " | |
| Other Local Agencies | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | " " | |
| Other Regional Agencies | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | " " | |
| State Agencies | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | " " | |
| Federal Agencies | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | " " | |

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 Urban Renewal Plan Amendments
2. What is the zoning classification(s) of the site? CB District, GC District, PRD District
3. What is the maximum potential development of the site if developed as permitted by the present zoning?
For CB District, Max. FAR = 5.0; For GC District, Max. FAR = 9.0; For PRD District, no maximum
4. What is the proposed zoning of the site? CB District, GC District, and PDR District
5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?
For CB District, Max FAR = 6.0; For GC District, same as existing; For PRD District as determined by approving agency
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 classifications within a 1/4 mile radius of proposed action?
Land uses: Mixed Uses, Commercial, Residential, Governmental
Zoning Classifications: CM, BA, I, C, OL, A, M, BR, B, PDR, GC, CB
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
11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)?
☒ Yes ☐ No
a. If yes, is existing capacity sufficient to handle projected demand? ☒ Yes ☐ No __ (TBD) __
12. Will the proposed action result in the generation of traffic significantly above present levels? ☒ Yes ☐ No
a. If yes, is the existing road network adequate to handle the additional traffic? ☒ Yes ☐ No (with improvements)

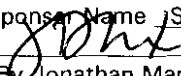
D. Informational Details

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 Struever Fidelco Cappelli, LLC Date October 24, 2006

Signature  Title: Associate

By Jonathan Martin (Saccardi & Schiff, Inc.) for Joseph Apicella

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

| EAF Appendix: Reviews and Approvals Required | |
|---|--|
| Agency | Reviews and Approvals |
| City of Yonkers | |
| City Council | <ul style="list-style-type: none"> • Zoning Ordinance Amendments • Discontinuance of Roads • Urban Renewal Plan Amendments • Municipal Redevelopment Plan Approval and Tax Increment Bond Issuance • Alienation of park land • Approval of Land Disposition Agreements • Disposition of City Property • Approval of PUR Special Permit |
| Planning Board | <ul style="list-style-type: none"> • Site Plan Approval • Approval of PUR Special Permit • Recommendations Regarding: Zoning Ordinance Amendments, Urban Renewal Plan Amendments, Discontinuance of Roads, and Municipal Redevelopment Plan |
| Community Development Agency | <ul style="list-style-type: none"> • Amendments to Urban Renewal Plan • Designation of qualified and eligible sponsor • Approval of Land Disposition Agreements • Disposition of CDA Property • Potential condemnations |
| City Departments | <ul style="list-style-type: none"> • Sewer and water Improvements • Road and intersection improvements • New Public Parking Facilities |
| Westchester County | |
| Planning Board | <ul style="list-style-type: none"> • GML Section 239 Project Review |
| Department of Environmental Facilities | <ul style="list-style-type: none"> • Extensions of sewer mains |
| Department of Health | <ul style="list-style-type: none"> • Water and Sewer improvements |
| Department of Transportation | <ul style="list-style-type: none"> • Bus Route Changes and County Road Improvements |
| New York State | |
| NYS Legislature | <ul style="list-style-type: none"> • Alienation of City park land |
| Department of Environmental Conservation | <ul style="list-style-type: none"> • Water Quality Certification, Section 404 of Clean Water Act • SPDES permit (drainage) • Approval for Daylighting of Saw Mill River |
| Department of State Coastal Resources Division | <ul style="list-style-type: none"> • Review of State Coastal Policy Consistency |
| Department of Transportation | <ul style="list-style-type: none"> • State Road Improvements |
| Office of Parks and Historic Preservation (SHPO) | <ul style="list-style-type: none"> • Review of Cultural Resources Study |
| Metropolitan Transit Authority | <ul style="list-style-type: none"> • Bridge crossing over tracks at Prospect Street (air rights) |
| U.S. Government | |
| U.S. Army Corps of Engineers | <ul style="list-style-type: none"> • Nationwide Permits relative to promenade and shoreline restoration (Parcels H and I) • Daylighting of Saw Mill River |
| | |