

II. Overall Comments

A. Lead Agency Comments (LA)

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Comment LA-1:

Members of the City Council asked that the FEIS provide updated information regarding the Applicant's discussions with the Fire Department in respect to the Department's ability to fight fires in high-rise buildings as tall as 50 stories, and the extent to which the Yonkers Fire Department has the necessary training and expertise. The Council members asked that the FEIS update the Fire Department's assessment of new personnel and equipment needs to service the Proposed Project. Correspondence with the fire department should be provided and should document any such assessments conducted after the DEIS was completed, particularly in respect to: the anticipated number of new firefighters, new equipment, required training, and the amount of financing to be provided by the applicant for that equipment.

(City Council, Lead Agency, City of Yonkers, Memorandum, 7/21/2008)

Response LA-1:

The City of Yonkers Fire Department has a comprehensive training program to continually educate fire fighting personnel, and would therefore be expected to train personnel with regard to issues raised by high-rise buildings. In addition, the buildings will be fully sprinklered with appropriate fire separations between uses and designed to all applicable codes. A life-safety audible and visual system will be in place to alert occupants of any life-safety situations. Egress routes will be clearly identified and egress towers will allow vertical exiting to the street from upper levels of River Park Center.

Based on the Applicant's analysis of incremental fire services required for the Proposed Project, the Fire Department concurs with SFC that approximately 25% of the costs of a new engine company and ladder company should be attributed to the Project. The City of Yonkers Fire Department has noted future service needs for the downtown based on other anticipated developments. As noted in the DEIS, the staffing costs on an annual basis for the two additional companies is approximately \$4,761,413 including benefits. Based on the Fire Department's estimates, the Project's annual share of these costs would be ±\$1.19 million. In addition, as noted in the DEIS there would be a projected one-time capital cost for the two companies, of which the Project's share would be \$450,000. As noted in Chapter III.I of the DEIS and in Response LA-20 below, anticipated revenues to the City will well exceed these costs.

The Fire Department concluded that the two additional companies must be brought on-line at once, and not incrementally. The City recognizes that there are other significant development projects in downtown which contribute to the need for additional staffing. As the environmental review of those projects is conducted, the City will need to evaluate their demand on fire service and ascertain the contribution of those projects to the costs of, among other things, the new companies.

See Appendix A of this FEIS for a report submitted on September 18, 2008 by Local 628 of the Yonkers fire fighters union. This report was reviewed by the Yonkers Fire Department and correspondence dated September 23, 2008 from Fire Commissioner Pagano was submitted; this

memorandum is also included in Appendix A of this FEIS. Please also refer to the August 8, 2008 letter from the Yonkers Fire Department in Appendix A of this FEIS. Commissioner Pagano acknowledged the “comprehensive, accurate detailing of the staffing of the Yonkers Fire Department” included in the fire fighters union report but noted that the report “concerns itself with impacts of increased development throughout the entire city on the department” (i.e., beyond the Proposed Project of the Applicant). The commissioner further concurs with the union recommendation of “an analysis of the current and future needs as [Yonkers] grows beyond [the SFC] project.” Commissioner Pagano confirmed that the addition of staffing and equipment as described in the DEIS, consisting of an additional ladder company and an additional engine company, will be sufficient to address the incremental impacts of the proposed SFC project.

The following is in response to the Council's previous concerns about emergency egress from River Park Center. In the event of an emergency, there are multiple areas for spectators to congregate and safely exit the ballpark. The ballpark is essentially a three story structure which is connected to a large open space area – the field of play. The three stories of the ballpark are as follows: the lowest level, also known as the field level, contains the playing surface, dugouts, home and visitor lockers rooms, administrative functions, etc.; level two is also known as the concourse level and contains food services, restrooms, etc.; and level three is also known as the skybox or suite level and contains skyboxes, restrooms, and a restaurant.

Level three has two exit stairs from which approximately 800 patrons would exit in an emergency. Level two has two exit stairs, four egress ramps, and seven escalators from which approximately 5,400 patrons would exit. Level one is served by the same exits as level two, from which the additional patrons would exit. The facility also has four passenger elevators, and one freight elevator.

The ballpark is designed for 6,500 spectators. This is essentially 1/10 the capacity of a major league ballpark venue. Controlling a crowd of that size is a much smaller endeavor than at a big league facility. But the emergency exit plan is fundamentally the same - spectators are directed primarily to ramps down to grade. In addition to well illuminated way-finding signage (as required by code), team staff as well as security personnel will guide fans to the appropriate exits/entrances in the event of an emergency.

In addition, the Applicant has had meetings with union representatives from the Fire Department, the Commissioner and Administrative officials. As noted in the correspondence from the Fire Commissioner the issues raised by the firefighters union have been discussed and they will be kept informed of any changes to the plan.

Comment LA-2:

Several concerns about the Temporary Fire Headquarters were expressed during City Council Real Estate Committee meetings by the Fire Department and by members of the City Council. The FEIS should further clarify the construction schedule in regard to Fire Headquarters demolition and construction of the new Fire Headquarters, and process by which the temporary fire facility was selected. The FEIS should also include correspondence with the Fire Department

demonstrating coordination with the Department and the Department's concurrence on this matter. Furthermore, the FEIS should address specific concerns expressed by Council members relating to the temporary fire headquarters, including noise impacts, rehabilitation and relocation costs and their financing methods, adequate street widths for fire trucks, and potential effects of the proposed median in Nepperhan Avenue, response times.

(City Council, Lead Agency, City of Yonkers, Memorandum, 7/21/2008)

Response LA-2:

According to the Fire Department, response times from the temporary and new facilities will be acceptable. The temporary facility will be completed prior to the demolition of the existing Fire Department Headquarters, and the new permanent facility will be completed prior to the issuance of a certificate of occupancy for any new building at River Park Center. The Fire Department has evaluated the temporary facility, and has concluded that it "will not impede YFD's ability to effectively serve the community nor will it negatively affect response times, as long as all of our concerns of maintaining adequate traffic flow... are met." In addition, the YFD has evaluated issues of maneuverability into and out of the temporary facility and is satisfied that there will be no negative effects due to the proposed median in Nepperhan Avenue. As shown on Exhibit II-15 of this FEIS, the center median along Nepperhan Avenue will have sufficient width to accommodate left turn lanes at various locations and will not interfere with traffic flow and emergency crossings. The median will feature 'mountable' curbs. The issue of noise from fire engine sirens is an unavoidable impact that would occur at any location.

Please see the August 8, 2008 letter from the Yonkers Fire Department in Appendix A of this FEIS.

The Applicant has indicated that the City of Yonkers' Fire Department will pay for its own relocation costs to its new headquarters and firehouse on New Main Street; the Applicant will pay for relocation costs to the temporary firehouse used during the construction of the permanent facility. However, these business terms will be finalized in the Land Disposition Agreements to be signed at the conclusion of the SEQRA process.

The demolition of the existing firehouse and the related asbestos abatement will be paid for by the Applicant. The relocation of the firehouse to a temporary location will cost between \$750,000 and \$1,000,000. The new firehouse in the Cacace Center site will cost \$20.3 million (as estimated by Ellana Inc./Bluestone Developers, Consultants to the City). The Applicant will construct a "like-kind" fire headquarters and station facility on New Main Street for the City of Yonkers (i.e., of similar size and function to the building on School Street). Costs greater than this like-kind facility (e.g., greater size or functionality) would be paid for by the City under terms to be included in the Land Disposition Agreements between the Applicant and the City Council. The new fire headquarters will be owned by the City.

Comment LA-3:

As with the Fire Department, the FEIS should include updated analysis of effects on Police Department operations, as well as correspondence from the Department demonstrating cooperation and agreement with the analyses.

(City Council, Lead Agency, City of Yonkers, Memorandum, 7/21/2008)

Response LA-3:

The City of Yonkers Police Department anticipates the need to add 10 additional officers and two sergeants to service the Project. The additional personnel and related equipment are estimated to cost \$1,356,233 in the first year and \$1,204,328 annually thereafter. As noted in Response LA-20 below, the anticipated taxes generated by the Project exceed all anticipated municipal service costs, including Police Department costs. In addition, as recommended by the Police Department, the Applicant has stated that they will provide 1,200 square feet of space for a police 'substation' at River Park Center" and that private security will augment police service for "special events (e. g., minor league ball games)."

In addition, the Police Department has stated that they believe the Project will be a stabilizing factor in the surrounding area and neighborhoods. The department reviewed the environmental impacts of the Project and the proposed mitigation in the context of police staffing (i.e., a potential re-allocation and/or reduction). This August 2008 review "more thoroughly and extensively review[s]" the plan, and led the Police to revise their assessment of impacts. These changes have been incorporated into this FEIS response above and confirm adequate police presence on the westside of Yonkers.

Finally, the Police Department's re-assessment notes that the Applicant, or the operator of the ballpark, will pay for those additional costs directly related to ballgame events (e.g., traffic management) and these will not be an expense incurred by the City.

Please see the August 4, 2008 letter from the Yonkers Police Department in Appendix B of this FEIS.

Comment LA-4:

The FEIS should provide additional clarification of potential impacts to DPW operations. Members of the Council expressed concerns about snow plowing on the Proposed Project's public spaces and on roadways adjacent to the project, as well as further clarification as to how trash collection from the various project components will be handled. The discussion of trash collection should more clearly describe whether the project would use public or private trash collection and how litter clean-up after events at the ballpark would be handled.

(City Council, Lead Agency, City of Yonkers, Memorandum, 7/21/2008)

Response LA-4:

The City will be responsible for snow plowing and maintenance of public streets and public parking garages. It is noted that the public garage at River Park Center will be enclosed and that no snow removal will be required for that facility. The Cacace Center and Government Center garages would need to have roofs cleared. However, this is the same as current conditions at the existing facilities where the City is responsible for snow clearing. Trash will be collected by a private carter. Litter clean-up at River Park Center, including clean-up after games and other events, will be the responsibility of the Applicant and operator of the ballpark. The "riverwalk"

at River Park Center will be maintained by the Applicant. The publicly accessible open space along the Hudson River at Palisades Point will be maintained by the Applicant.

The Department of Public Works Commissioner John Liszewski, in his June 2008 testimony at a City Council Real Estate Committee meeting, suggested that it might need one additional truck to provide service to the Project, but would need to further review specific plans to verify what, if any, additional resources would be necessary. The estimated cost of a truck is \$160,000. Each truck requires three staff people. The salary of each staff person is anticipated to be \$57,000 per year plus 35% in benefits, for a total estimated annual personnel cost of approximately \$231,000. As discussed in Chapters III-I of the DEIS and Response LA-20 below, Project generated revenues are more than sufficient to offset this cost.

Comment LA-5:

Council members asked that the FEIS provide updated details in respect to the Applicant's plans to provide affordable housing. The members are requesting clarification regarding the affordable housing component of the proposed project to better assist the City Council in making a collective decision on the amount of housing that should be provided to balance the impacts of the project on community and neighborhood demographics. The discussion should include, but not be limited to, a discussion of the following questions:

- a) Will affordable housing be included in the on-site housing? If so, how many units? If not, why?
- b) If off-site affordable housing is to be created, how will the number of units be calculated?
- c) How will this off-site housing be created, and by whom?
- d) How will this affordable housing component be funded, and how will the amount of funding be determined?
- e) Where will the affordable housing be located?
- f) Will the housing be for rental or ownership?

The Council wishes to remind the Applicant that off-site housing units above and beyond the number of units evaluated in the DEIS may result in additional environmental impacts, and to the extent that the construction of off-site affordable housing is now proposed, the potential affects of this housing must be addressed.

(City Council, Lead Agency, City of Yonkers, Memorandum, 7/21/2008)

Response LA-5:

In response to concerns by the Council as well as the community, the Applicant proposes to increase the percentage of affordable housing from 6% to 10%. Of the proposed 10 % total (144 units), 5% (or 72 units) of that housing will be new construction. The applicant proposes that half of the new construction will be built on-site at River Park Center as part of the rental building based on the Westchester County standard of affordability (80% AMI), while the other half will be built off-site but within the Project area (i.e., within 0.5 miles from River Park Center). The applicant proposes that the other 5% of affordable housing will consist of a payment in lieu of construction in the amount of \$35,000 per affordable unit. This payment (72 units x \$35,000 per unit = \$2.5 million) will go to an affordable housing fund and a rent subsidy fund which the City will administer.. Payments to the fund will be made incrementally as the units receive Certificates of Occupancy.

The City Council notes that the specific percentages and details, as well as characteristics and locations of the off-site affordable housing units have not been determined, and decisions have not yet been made regarding rental versus for-sale housing, potential partnerships with not-for-profit housing developers, etc.

An additional 36 units in the downtown area of Yonkers ($1436 \text{ units} \times 2.5\% = 36$) would add population, school age children, traffic, and additional utility demands to the area. Although the impacts would vary based on housing type, number of bedrooms per unit, and the proximity to transit facilities, among other factors, the following are the likely impacts of 36 units with an average of two bedrooms per unit:

Population: ± 90 persons;

School Age Children: ± 20 students;

Traffic Generation: ± 20 peak hour trips;

Water Usage: $\pm 11,000$ gpd.

The Lead Agency will evaluate the aforementioned proposal by the Applicant in consideration of the other impacts and benefits of the Proposed Action and provide a determination as part of SEQRA Statement of Environmental Findings.

Comment LA-6:

During City Council Real Estate meetings, the Applicant noted that various job training programs will be implemented during the construction phases of the project to employ local residents. Any such plans should be outlined in the FEIS along with examples of how comparable programs were implemented in other projects. How successful were these programs?
(*City Council, Lead Agency, City of Yonkers, Memorandum, 7/21/2008*)

Response LA-6:

The employment training program will be patterned after the program that was successfully implemented by the Applicant in New Rochelle. The focus of the program is to provide pre-apprenticeship training for local tradesmen, which will help lead to permanent employment. The apprentice program in New Rochelle, a much smaller project, was limited to 15 persons. In Yonkers, it could be larger given the size of the project and the potential availability of funds. Although many of the construction jobs will likely be filled by Yonkers residents, there is no way to commit to a specific number.

As part of a Project Labor Agreement, the Unions may agree to accept qualified local residents to participate in a pre-apprenticeship training program that may lead to entry into the State Certified Apprenticeship programs.

The pre-apprenticeship training prepares individuals for placement within the Union Apprenticeship program by providing them with the skills needed to enter and succeed in a State Certified Apprenticeship Program. A partnership with a number of different entities is needed to

deliver a pre-apprenticeship training program. Among its likely partners are the Building and Construction Trades Council, the Construction Industry Council who represents the contractors, and a coordinating entity which may be a non-profit or a consultant.

The role of the coordinating entity will be to operate the program. This will require: recruiting and selecting the participants based on qualifications, assisting in developing the curriculum, working with the trades and contractors to identify job sites for on-the-job training, identifying journeyworker to work with the participants, handling payroll for the participants and lastly, assisting in placing participants in apprenticeship programs.

PROPOSED PROGRAM APPROACH:

The coordinating entity will recruit, assess, and drug test applicants to ensure that the best possible candidates are chosen for the training. Trainees will receive one week of classroom training and five weeks of on-the-job training under the supervision of a journeyworker. The classroom training can take place at the coordinator's office or donated space and the on-the-job training will take place at work sites throughout the identified county. During the six weeks of training, the participants will receive an hourly stipend of \$8 per hour.

The one week of classroom training will include the following:

- Specific Skill Training – information about the various trades and the tools of the trade
- History of the Trade – pertinent information on being an apprentice within the trade
- Health & Safety – safety/health issues and skills to work safely
- Substance Abuse and Workplace – risks and accidents caused by substance use
- Occupation Information - individuals working in the field will be available for career information

At the end of the classroom training, the participant will choose a trade for the on-the-job training portion of the program. Based on their choice, a job site will be identified and the candidate will be assigned for five weeks. During that time, the coordinating entity will provide supportive services to assist the candidate and ensure program completion. At the end of the five weeks of training, the journeyworker will provide a performance review on the candidate and recommendation for union membership, if applicable.

Once the trainee becomes a Union member, the coordinating entity will work with the individual and the Local to ensure job placement in a timely fashion. The partnership between the Union and the coordinating entity will provide the Local with a qualified worker and will assist the unemployed/underemployed local residents in joining the Union and obtaining employment. Additional job counseling and support will be provided to ensure that the graduate remains successfully employed.

PROPOSED PROGRAM QUALIFICATIONS:

- 1) 18 years old or older
- 2) Unemployed or underemployed resident of identified county
- 3) High school diploma/GED
- 4) Pass a drug test
- 5) Possess a valid driver's license
- 6) Strong interest in joining the construction trades

PROGRAM OUTCOMES:

- Train and prepare qualified candidates on the essential job and career requirements of the various building trades available in the identified county.
- Assist in placing individuals who complete the requirements of the Pre-Apprenticeship Program, including "on-the-job" training, in Union Apprenticeship programs or permanent union jobs.
- Provide a mechanism for the local residents to benefit from the various construction jobs throughout the county.

In addition, the Applicant will utilize a "first choice" employment policy, which will prioritize current Yonkers residents and use best efforts to hire qualified Yonkers residents for jobs associated with the Project.

Comment LA-7:

The FEIS should include an updated discussion of the project's potential impacts on Hospitals. Members of the Council expressed concerns about the existing demand for hospital services, including long lines and wait times for emergency room services. The FEIS should further describe the hospitals that will likely serve the proposed project, and their ability to accommodate new patients as may be generated by the project.

(City Council, Lead Agency, City of Yonkers, Memorandum, 7/21/2008)

Response LA-7:

The two hospitals most likely to serve the Project are St. Joseph's Medical Center and St. Johns Riverside Hospital.

St. Joseph's Medical Center is a 194-bed acute care hospital and 200-bed nursing home. It provides a wide range of medical services and is located at 127 South Broadway in Yonkers.

St. Johns Riverside Hospital, a 407-bed community hospital located at 2 Park Avenue, has been providing health care for the communities of Yonkers and southern Westchester since 1869. St. Johns staff includes 300 physicians. In 2001, Yonkers General Hospital officially merged with St. John's and is now known as the ParkCare Pavilion.

According to the 2007 report published by the New York Health Care Commission, St. Joseph's Hospital had a total occupancy of 67% and St. John's Riverside had a total occupancy of 69%. Based on the total occupancy rates it appears that there is available capacity to accommodate the projected increase in population as a result of the Project.

See Appendix C of this FEIS for a letter from St. Joseph's Medical Center stating they are capable of serving the additional demand that will be generated by the Project.

Comment LA-8:

The FEIS should provide a clarification of the height of the high rise buildings proposed for River Park Center. The FEIS should specify the height of the buildings in terms of stories and feet.

(City Council, Lead Agency, City of Yonkers, Memorandum, 7/21/2008)

Response LA-8:

The occupied portions of the two 38-story buildings at River Park Center will rise above the 11 story podium and each will be a maximum of 500 feet high, measured from street level. In addition, each building would have a ±24.0 foot high mechanical penthouse, as shown in DEIS Exhibits II-38 and II-39. The rooftop mechanical penthouse space rising above the 49th floor will be unoccupied. The proposed zoning allows 525 feet, excluding the mechanical penthouses. The zoning as proposed provides some flexibility in the final design and height of the buildings. Zoning is often written in this manner, since preliminary building designs are refined as the approval process moves forward. The final decision on the zoning will be made by the City Council.

It should be noted that the East Residential Tower will appear to be taller than the West Residential Tower (as shown in Exhibits II-38 and II-39 of the DEIS) because the grade of the River Park Center site changes in elevation from 58.0' above sea level (ASL) at New Main Street at the base of the West Residential Tower to a street level elevation of 75.0' ASL at Elm Street at the base of the East Residential Tower.

Comment LA-9:

The FEIS should more clearly describe the internal pedestrian circulation of River Park Center, including descriptions of how the individual commercial establishments would be accessed from the garage and the street, how the ballpark would be accessed, and how the residential components would be accessed. Emergency egress from the high rise towers and the ballpark needs to be described, as well.

(City Council, Lead Agency, City of Yonkers, Memorandum, 7/21/2008)

Response LA-9:

A detailed description of pedestrian circulation at River Park Center is presented below. Exhibits II-1 through II-11 provide further clarification of the pedestrian circulation at River Park Center.

LEVEL 58'

There are two vehicular access driveways on Level 58'—the first level of program. The first, **Public Vehicular Access 1**, located just to the north of Tenant Space 58C.1 on New Main Street, provides vehicular access to **Parking Level 1** of the parking garage. There is also a service vehicle exit (**Service Access 1**) leading from a shared retail/residential service loading/unloading area (**Loading Area B**) (see Exhibit II-1 of this FEIS). Two additional two-way access points (**Public Vehicular Access 2 and 3**) are located on Palisades Avenue (described below) (see Exhibit II-2 of this FEIS).

The northern street frontage of River Park Center along Palisade Avenue is lined with approximately 5,750 SF of retail space, two public parking garage access points (**Public Vehicular Access 2 and 3**), and a vertical circulation core (**Core C**) from approximately Locust Hill Street to Karl Hoyo Street, where Palisade Avenue intersects with Elm Street (see Exhibits II-1 and II-2 of this FEIS). Pedestrian access from the parking garage to Palisade Avenue is provided in three ways: 1) via a short walkway from **Parking Level 1** to the street; 2) via **Core C** that is located adjacent to **Public Vehicular Access 2** near New Main Street, and 3) via a staircase to the street from the parking garage located further east, near Locust Hill Street (see Exhibits II-1 and II-2 of this FEIS).

There are three vehicular access points along the Palisades Avenue street frontage. **Public Vehicular Access 2**, occurs at Level 58' (see Exhibit II-1 of this FEIS) approximately 150' east of New Main Street, and provides vehicular access to the first level of public parking (**Parking Level 1**). It also provides access to the vehicular vertical circulation core of the parking garage with access to Parking Levels 1 through 4. This entranceway also provides service vehicular access point (**Service Access 2**) to **Loading Area B**, a shared retail/residential service loading/unloading area servicing retail uses on this level (Level 57') and those above. **Loading Area B** can accommodate three (3) semi-tractor trailers and two (2) high efficiency trash compactors. Point of service occurs via an elevator core located directly behind the loading bay (see Figure 58'). Service vehicles accessing **Loading Area B** enter River Park Center site from Palisades Avenue via **Service Access 2** and exit on New Main Street via **Service Access 1** (see Exhibit II-1 of this FEIS).

A proposed 74,000 SF retail space, associated service elements and parking garage occupy the majority of the interior space at Level 58'. Service access to the 74,000 SF retail space is provided via **Service Access 3** along Palisades Avenue (see Exhibits II-1 and II-2 of this FEIS), which provides access to **Loading Area A**, a service loading/unloading area servicing retail uses on this level and those above. **Loading Area A** can accommodate five (5) semi-tractor trailers and three high efficiency trash compactors. Because the site's elevation falls approximately 20 feet from south to north (north = 60'0"± and south = 80'0"±), primary shopper access to this retail space will

occur from the parking garage (Parking Level 1). Shoppers will bring their purchases to the front entrance of the store and will either take carts out to their vehicles parked nearby in the parking garage or use three cart elevators provided at **Core A**. Pedestrian access to this retail space is provided via a main vertical circulation core (**Core A**) located at the northeast corner of the public plaza on New Main Street. **Core A** provides pedestrian access to all retail levels of River Park Center.

LEVEL 69'

Interior spaces on Level 69' correspond to the retail spaces on Level 58' (the floor-to-floor dimension is approximately 24 feet, making Level 69' interstitial space between retail floors). **Public Vehicular Access 3**, occurs at Level 69' (see Exhibit II-2 of this FEIS) on Palisade Avenue approximately 100' west of Elm Street, and provides vehicular access to the second level of public parking (**Parking Level 2**). It also provides access to the vehicular vertical circulation core of the parking garage with access to Parking Levels 1 through 5. Also located on Palisade Avenue is **Service Access 3**, which provides vehicular access to **Loading Area A** (see Exhibit II-1 of this FEIS). **Service Access 4** provides vehicular and service access to the ballpark, and is located approximately 40' west of Elm Street on Palisade Avenue (see Exhibit II-2 of this FEIS).

LEVEL 80'

The interior space at Level 80' is occupied by a 126,000 SF anchor retail space, a 30,000 SF retail space, a 45,000 SF retail space, ballpark box office (**via Core G**), associated service elements, and **Parking Level 3** of the public parking garage (see Exhibit II-3 of this FEIS). Vehicular access to these elements is provided via **Public Vehicular Access 4**, a two-way entrance/exit ramp located on Elm Street, which provides direct vehicular access to parking Level 3 from Elm Street. Additional public vehicular access is provided via the parking garage entrances located along Palisades Avenue and New Main Street, and via the interior vertical vehicular circulation core of the parking garage, which accommodates vehicular travel between **Parking Levels 1 - 5** (see Exhibit II-3 of this FEIS).

Pedestrian access is provided via several points throughout the River Park Center site including a main vertical circulation atrium on the southern façade along Nepperhan Avenue (**Core G**). Core G provides pedestrian access from Nepperhan Avenue to all levels of River Park Center, from the anchor retail space at Level 80' to the ballpark at Level 162', via escalators and elevators. Pedestrian/shopper circulation on Level 80' between the 126,000 SF anchor retail space and the 45,000 SF secondary retail tenant space is provided by the retail circulation core (**Core A**) that adjoins these uses. **Core A**, located at the northeast corner of the public plaza on New Main Street, provides pedestrian access to all retail levels of River Park Center.

Service access for the retail uses on Level 80' occurs for the 45,000 SF retail space via a service elevator core from **Loading Area B** (with Palisade Avenue access via **Service Access 2**—see Exhibit II-1 of this FEIS). The 126,000 SF anchor retail and 30,000 SF retail spaces are serviced from **Loading Area C** (Elm Street access via **Service Access 5**)

(see Exhibit II-3 of this FEIS). Loading Area C can accommodate five (5) semi-tractor trailers and three high efficiency trash compactors.

LEVEL 91'

With the exception of **Parking Level 4**, space on Level 91' is dedicated to circulation and service elements associated with retail uses below and retail and residential uses and the 6,500 seat ballpark located on levels above (see Exhibit II-4 of this FEIS). Vehicular access to **Parking Level 4** is provided via the parking garage entrances located along Palisades Avenue, Elm Street and New Main Street and via the interior vertical vehicular circulation core of the parking garage that accommodates vehicular travel between **Parking Levels 1 - 5** (see Exhibit II-4 of this FEIS).

Pedestrian access to Level 91' is provided via the vertical circulation cores located at points throughout the site. This includes the main vertical circulation atrium on southern façade along Nepperhan Avenue (**Core G**), which provides vertical circulation between retail uses and the ballpark above. This element provides vertical pedestrian access from the anchor retail space on Level 80' to the ballpark at Level 162'.

LEVEL 102'

The interior of River Park Center at Level 102' is occupied by a 31,500 SF retail space, and associated service elements, circulation cores, and **Parking Level 5** of the public parking garage (see Exhibit II-5 of this FEIS). Vehicular access is provided from **Parking Level 4** and levels below via the vertical vehicular circulation core and via **Public Parking Entrance 5**, a two-way ramp providing direct vehicular access from Nepperhan Avenue (see Exhibit II-5 of this FEIS). This ramp also provides access to **Residential Parking Levels 1-5** for the East Residential Tower.

Parking for residents and visitors of the Residential Towers (East and West) will be physically segregated from the public parking. Access to the residential parking for the East Residential Tower is provided via a separate entrance leading from the two-way entry ramp for **Parking Entrance 5** (from Nepperhan Avenue). The separation between residential and public parking areas will be controlled by a card activated barrier checkpoint. Residents and visitors to the East Residential Tower will take elevators from residential parking levels 1-5 to the residential sky lobby located on Level 162'. Pedestrian access to the East Residential Tower will occur via a vertical circulation core (**Core H**) leading from Elm Street to a doorman-staffed residential sky lobby located on Level 162'.

The residential parking for the West Residential Tower is located in the Government Center Garage on New Main Street. Vehicular access to this parking area is provided on New Main Street. Resident and visitor pedestrian access to the West Residential Tower will be via a "sky bridge" across New Main Street from the proposed Government Center Garage to Level 102' at River Park Center. From there, pedestrian access to West Residential Tower will be via a private vertical circulation core from the sky bridge corridor to a doorman-staffed residential sky lobby located on Level 146'. Pedestrian access to the West Residential Tower from the street will be via a vertical circulation core

(**Core B**) located in the public plaza on New Main Street. Residents and visitors coming from the street will take the elevators in **Core B** to a doorman-staffed residential sky lobby located on Level 146'.

Pedestrian access to the retail uses on Level 102 is provided via **Core A** that provides access from the public plaza on New Main Street and Parking Levels 1-5. Access is also accommodated from Nepperhan Avenue via **Core G**, the main vertical circulation atrium on the southern façade. This point of entry would bring shoppers to Parking Level 5 (on Level 102') at which point they would walk through the garage to their destination. Pedestrian access from Palisade Avenue is provided via **Core C** located on Palisades Avenue (near Getty Square), which provides direct access from the street to Public Parking Levels 1-5.

Service access for the 31,500 SF retail space on Level 102' occurs via a service elevator core from **Loading Area B** (Palisade Avenue access). These elevators will also provide service deliveries for the residential uses in West Residential Tower (see Exhibit II-5 of this FEIS).

LEVEL 113'

Level 113' accommodates an 80,000 SF (10 screen) cinema, parking and associated service elements. **Public Parking Level 6** is located on Level 113' with access provided via an internal vertical vehicular circulation ramp located at the western end of the parking garage that provides access from Parking Level 5. Vertical vehicular travel between Public Parking Levels 1-5 is provided through a separate vertical vehicular circulation ramp. Using both internal ramp systems, public vehicular access is provided to all six levels of on-site public parking. **Residential Parking Level 2** is also located on Level 113'. Vehicular access is provided via an internal vertical vehicular circulation core that accommodates vehicular travel between **Residential Parking Levels 1 - 5** only (see Exhibits II-5 through II-9 of this FEIS).

Pedestrian access to the cinema use on Level 113' is provided via **Core C** located on Palisades Avenue (near Getty Square), which provides direct access to the theater lobby from the street level and from Public Parking Levels 1-5. Access is also provided via **Core A** with access from the public plaza level on New Main Street and **Public Parking Levels 1-6**. Additional access is provided from Nepperhan Avenue via **Core G**, the main vertical circulation atrium on the southern façade. This point of entry would bring moviegoers and shoppers to **Public Parking Level 6**, at which point they would walk through the garage to the cinemas.

Service access for the movie theater will be accommodated via **Loading Area C** (with Elm Street access via **Service Access 5**—see Exhibit II-3 of this FEIS) and/or Level 6 of the parking garage.

LEVEL 124'

Level 124' accommodates two principal spaces: a 40,000 SF retail space and a 140,000 SF retail space. **Residential Parking Level 3** for East Residential Tower is also located

on Level 124” (see Exhibit II-7 of this FEIS). Vehicular access to this parking area is provided via an internal vertical vehicular circulation core that accommodates vehicular travel between **Residential Parking Levels 1 - 5** only (see Exhibits II-5 through II-9 of this FEIS).

Pedestrian access to the retail uses on Level 124’ is provided via **Core A** that provides access from the public plaza on New Main Street and Parking Levels 1-6. Access is also accommodated from Nepperhan Avenue via **Core G**, the main vertical circulation atrium on the southern façade (see Exhibit II-7 of this FEIS).

Pedestrian access from the residential parking for the West Residential Tower, located in the Government Center Garage on New Main Street, is also provided on Level 124’. Vehicular access to this parking area is provided from New Main Street. Resident and visitor pedestrian access to the West Residential Tower will be via a sky bridge across New Main Street from the proposed Government Center Garage that connects to Levels 102’ and 124’ in River Park Center. From there, pedestrian access to West Residential Tower will be via a private vertical circulation core from the sky bridge corridor to a doorman-staffed residential sky lobby located on Level 146’. Pedestrian access to the West Residential Tower from the street will be via a vertical circulation core (**Core B**) located in the public plaza on New Main Street. Residents and visitors coming from the street would take the elevators in **Core B** to a doorman-staffed residential sky lobby located on Level 146’.

LEVEL 135’

With the exception of **Residential Parking Level 4** (for the East Residential Tower), space on Level 135’ is dedicated to circulation and service elements associated with retail and uses already described and with circulation elements for the residential uses and the 6,500 seat ballpark located on subsequent levels above (see Exhibit II-8 of this FEIS). Vehicular access to **Residential Parking Level 4** is provided via an internal vertical vehicular circulation core that accommodates vehicular travel between **Residential Parking Levels 1 - 5** only (see Exhibits II-5 through II-9 of this FEIS).

LEVEL 146’

The 6,500-seat ballpark and its associated service components occupy the majority of the interior space at Level 146’ (see Exhibit II-9 of this FEIS). These include the regulation-sized ball field with an outfield (center field) distance of approximately 411 feet measured from home plate. Distances to right and left field fences measure 313 and 330 feet respectively. The service areas surrounding the playing field can be broken into three categories: field service, game service, and public area. Field service areas include two large storage rooms under the left and right field bleachers/seats for field equipment. This includes grounds maintenance equipment, tarps and service vehicles. Apart from the ball field itself, this component consumes the largest part of the area on Level 146.’ The second largest area is dedicated to game service components. These include the home and away team locker rooms with showers, toilets, and coaches,’ managers’ and trainers’ offices, storage and laundry rooms, and a weight-training facility. This component also includes administration offices, which include seven offices, a central administration area

and conference room. The public area accounts for the smallest component of the ball field at Level 146'. This includes ingress and egress paths and ramps, circulation corridors, and concession areas (see Exhibit II-9 of this FEIS).

Service access to the ballpark occurs in the storage room under right field bleachers where a service elevator core reaches the field from Palisade Avenue (**Service Access 4**). This service core provides two heavy-duty service elevators capable of transporting grounds maintenance vehicles for the ballpark.

Pedestrian access to the ballpark is provided via the main vertical circulation atrium on the southern façade along Nepperhan Avenue (**Core G**). This element provides vertical pedestrian access to all levels of River Park Center via seven (7) escalators and five (5) elevators, from Level 80' at Nepperhan Avenue to the ballpark's seating and amenities at Level 162'. These will provide the primary point of public access to the ballpark, although access can also be accommodated via the three egress/ingress spiral ramps located in the west, southeast and northeast corners of the ballfield (see Exhibit II-9 of this FEIS). These ramps provide emergency egress for fans leaving the field. For a discussion of emergency egress, see Response LA-1.

Other uses on Level 146' include the residents' sky lobby for West Residential Tower and **Residential Parking Level 5** (for East Residential Tower). Vehicular access to this parking area is provided via an internal vertical vehicular circulation core that accommodates vehicular travel between **Residential Parking Levels 1 - 5** only (see Exhibits II-5 through II-9 of this FEIS). The residential sky lobby provides access to the residential units in West Residential Tower via a vertical circulation core. Pedestrian access to the sky lobby is provided via this core from Level 124' described above. Service access for West Residential Tower is provided by service elevator core from **Loading Area B** as described in Level 102'.

LEVEL 162'

Public seating and concession stands for the 6,500-seat ballpark occupy the majority of the interior space at Level 162' (see Exhibit II-10 of this FEIS). The seating is arranged in a double-tier bleacher configuration that wraps the infield. The area behind the seating provides space for the public service components of the ballpark including two (2) sets of men's and women's restrooms, two (2) concession stands and food preparation kitchens, and offices for security, first aid, and customer service, and an employee locker room. In addition, there is a picnic area behind the leftfield outfield fence that provides fans with an opportunity to enjoy the game and the views from the roof of River Park Center.

Pedestrian access to the ballpark is provided via the main vertical circulation atrium on the southern façade along Nepperhan Avenue (**Core G**). This element provides vertical pedestrian access to all levels of River Park Center via seven (7) escalators and five (5) elevators, from Level 80' at Nepperhan Avenue to the ballpark's seating and amenities at Level 162'. These will provide the primary point of public access to the ballpark (see Exhibit II-9 of this FEIS).

Other uses on Level 162' include the sky lobby for East Residential Tower and amenities for the residences in West Residential Tower (see Exhibit II-10 of this FEIS). The residential amenities for West Residential Tower are located one floor directly above the tower's residential sky lobby located on Level 146' providing easy access for residents (see Exhibit II-9 of this FEIS). The amenities include a gym and associated service areas (bathrooms, locker rooms, etc), a swimming pool, recreation rooms, and a tennis court. Residents access these amenities via the Tower's interior residential elevators (that also provide access from the sky lobby to the residential units). Access to the East Residential Tower sky lobby is provided via a vertical circulation core that connects directly to Elm Street and to Residential Parking Levels 1-5.

LEVEL 172'

The only uses at Level 172' are the residential units that occupy the first residential floors of East and West Residential Towers (see Exhibit II-11 of this FEIS). Both residential towers rise above the ballpark offering views of the games in progress and of the surrounding area including the Hudson River Valley to the north, west and south.

Comment LA-10:

The FEIS should include a more detailed discussion of open space to be provided within the proposed project. The FEIS should include a clear tabulation showing the total amount of open space, and describe where each individual component of open space would be located. The discussion should also describe the anticipated ownership and public accessibility for those open spaces and any amenities that may be provided.

(City Council, Lead Agency, City of Yonkers, Memorandum, 7/21/2008)

Response LA-10:

As shown on the table below, the "at-grade" public and private but publicly accessible open space at the Cacace Center, River Park Center and Palisades Point sites totals ± 6.3 acres. This includes ± 3.37 acres at River Park Center (not including the ballpark, with over 2 acres of playing field), ± 1.0 acres at the Cacace Center and ± 1.93 acres at Palisades Point. The Hudson River promenade at Palisades Point and the open space at Cacace Center (except for open space immediately adjacent to the office/hotel building) would be public; the other spaces would be private but publicly accessible. Public accessibility and use would be assured through easements.

Rooftop recreational open space totals 1.5 acres at Palisades Point and 2.0 acres at River Park Center; this open space will be for residents and their guests and not accessible to the general public.

	Publicly Accessible Open Space (acres)	Private Rooftop Open Space (acres)
Palisades Point	1.93± *	1.5±
River Park Center	3.37±	2.0±
Cacace Center	1.0±	-
Totals	6.3±	3.5±

Totals do not include ballpark area
 *2.53 with Sculpture Garden

Comment LA-11:

Members of the City Council expressed concerns about the land that the City will dedicate as parkland in exchange for dedicated parkland that will be alienated by the proposed project. The FEIS should describe the condition and ownership of the land proposed for dedication, where it will be located, and who will maintain that land once dedicated as parkland.

(City Council, Lead Agency, City of Yonkers, Memorandum, 7/21/2008)

Response LA-11:

A total of approximately 8.25 acres of City owned land has been dedicated as parkland to replace the underutilized parkland that was alienated as a result of the Project. The approximately 2.93 acres of “parkland” that was alienated currently serves no recreational purpose and has not for more than 50 years. The parkland that was alienated is either paved or in passive use, and currently offers relatively little in the way of recreational value. The replacement parkland consists of 4.95 acres at 1061 North Broadway (Block 3515, Lot 115) and 3.30 acres at 101 Odell Avenue (Block 3515, Lot 100). The new parkland is undeveloped open space. The new parkland abuts the Old Croton Aqueduct State historic park and is suited for recreation. Exhibit I-3 of this FEIS shows the location of the replacement parkland. The alienation has been approved by the State. The replacement parkland is not proposed to be State or Federally funded. It will be maintained by the City.

Comment LA-12:

With regard to the daylighting of the Saw Mill River, members of the Council have requested additional and updated information regarding this component of the project. The FEIS should include a figure showing the tax parcels that the Applicant needs to acquire (or has acquired) in order for the daylighting to occur. Further, the FEIS should clarify that the daylighting at Larkin Plaza is not being undertaken by the Applicant. Furthermore, several members of the Council requested additional information pertaining to the use of state funding slated for the daylighting. The FEIS should clarify how this funding is being allocated and the role of the New Main Street Development Corporation in the implementation of the Applicant’s daylighting proposal, as well as in the implementation of the City’s daylighting of the Larkin Plaza location, for which Council members understood the funds were to be directed.

(City Council, Lead Agency, City of Yonkers, Memorandum, 7/21/2008)

Response LA-12:

The daylighting of the Saw Mill River at Larkin Plaza is not being undertaken by the Applicant. The estimated cost for the daylighting at River Park Center is \$41,252,189 and \$23,662,589 for Larkin Plaza daylighting. These estimates were developed by the Applicant's engineers and the City's consultant - Ellana Inc./Bluestone Developers Construction Cost Consultants. The Applicant has requested that a \$10 Million grant to the City from ESDC and a \$24 Million grant to the City from the State Dormitory Authority be contributed by the City to defray the costs of the daylighting at River Park Center. The City would not daylight the Saw Mill River at Larkin Plaza unless and until additional funds are made available to the City for that purpose, and an appropriate plan has been developed for the construction of replacement parking. The Applicant has no participation in or control over the New Main Street Development Corporation.

Exhibit II-14 of this FEIS shows the tax parcels that the Applicant needs to acquire and has acquired in order for the daylighting of the Saw Mill River at River Park Center. These parcels are needed to construct the proposed by-pass culvert to accommodate the daylighting of the Saw Mill River through the River Park Center site. The proposed concrete culvert would run through the site to the north of the river (see Section III.M).

See also Response III.D-12.

Comment LA-13:

With regard to the daylighting of the Saw Mill River, members of the City Council requested that the FEIS describe the protocol for dealing with debris that may already be in the river and its flume, as well as any debris that may enter the river channel during and after construction. Further, the FEIS needs to update and further discuss the potential for exposing contaminated sediments or soil during any daylighting-related construction, and plans for containing and/or mitigating any potential effects of contaminated materials, such as a worker/community health safety plan, as appropriate.

(City Council, Lead Agency, City of Yonkers, Memorandum, 7/21/2008)

Response LA-13:

Environmental conditions on the River Park Center site will be remediated by the Applicant under the New York State Brownfield Cleanup Program. The River Park Center site was accepted into the Brownfield Cleanup Program in December 2006. Under the oversight of both the New York State Departments of Environmental Conservation (NYSDEC) and Health (NYSDOH), the site has been fully investigated and a remedial plan has been developed. The planned remediation will be fully protective of the intended mixed use of the site. Areas of identified contamination, known as "hot spots", which were fully described in the November 2007 Remedial Investigation Report (RIR), will be physically removed and disposed of off-site in proper disposal facilities. All areas of the site will subsequently be covered with either hardscape materials or capped with two feet of clean soil cover, which must be maintained. The planned remedial efforts are described in the November 2007 Remedial Action Work Plan (RAWP). The RIR and RAWP have been publicly available for review in the Yonkers

Riverfront Branch Library and DEC Region 3 New Paltz office since December 19, 2007. The RAWP was approved by the NYSDEC in a letter dated June 26, 2008 and approved by the NYSDOH in a letter dated June 24, 2008, both are available at the above mentioned document repositories.

There are seven plans within the RAWP specifically designed to prevent impact to off-site properties. Control measures are required in the RAWP to prevent such impacts, and are described in detail in the plans contained within the RAWP. These controls are accepted, standard controls to mitigate against off-site dust and other nuisances that can be caused by remedial projects such as this involving extensive excavation and movement of subsurface materials. The control measures are required to be implemented by the Applicant during the site remediation efforts and will be monitored by the NYSDEC.

Section III.D-3.c of the DEIS provides a description of the sediment and erosion control measures to be utilized for the Project. The complete sediment and erosion control plan will be developed as part of the site plan and included in the final Stormwater Pollution Prevention Plan ("SWPPP") in accordance with NYSDEC requirements. Sediment control measures shall be implemented in accordance with the requirements of the City and NYSDEC. The measures to be installed shall be in accordance with the approved sediment and erosion control plans. Responsibility for maintenance of the facilities will be included in the final SWPPP.

The River Park Center site operations plan will include a garbage collection and disposal program to minimize the presence of debris to support rodent life around the newly daylighted areas and minimize the debris that could enter the River. This will be an improvement over existing conditions where there is no ongoing maintenance or debris removal along the River.

Additionally, filters at River Park Center will be maintained by the Applicant. These filters will collect floatables and sediment which will then be removed from the Saw Mill River and discarded appropriately.

In accordance with the NYSDEC approved Remedial Investigation Work Plan (RIWP), six (6) sediment samples were collected from various points in the Saw Mill River. The results of these samples are fully described in the NYSDEC approved RIR.

As part of the NYSDEC approved RAWP, the exposure to contaminants during construction is addressed through the following documents, all of which are available as part of the RIR and/or RAWP:

- A qualitative human health exposure assessment (HHEA) was conducted as part of the Remedial Investigation, and is included as Appendix C to the Remedial Investigation Report. It includes exposure of potentially contaminated riverbed sediments in the Saw Mill River.
- The Applicant has prepared a site-specific HASP for this project; it is included as Appendix E in the RAWP. It includes exposure of potentially contaminated riverbed sediments in the Saw Mill River. All remedial work performed under the RAWP will be in full compliance with governmental requirements, including Site and worker safety requirements mandated by Federal OSHA. The Volunteer and associated parties preparing the remedial documents submitted to the State and those performing the construction work, are completely responsible for the preparation

of an appropriate Health and Safety Plan and for the appropriate performance of work according to that plan and applicable laws. The HASP and requirements defined in this Remedial Action Work Plan pertain to all remedial and invasive work performed at the Site until the issuance of a Certificate of Completion. A Site Safety Coordinator will be identified prior to the start of remedial construction.

- A Community Air Monitoring Plan (CAMP) was developed for the site. A copy of the CAMP is included as Appendix G to the RAWP.
- The Remediation Contractor will prepare a Contractors Site Operations Plan (SOP) prior to the start of construction. The Remediation Engineer, SESI, will review this SOP for completeness and compliance with the RAWP. It will include exposure of potentially contaminated riverbed sediments in the Saw Mill River.
- A Soil/Materials Management Plan, that describes the screening for contaminants in soil and water and handling of contaminated soils and water is included in the RAWP. It includes exposure of potentially contaminated riverbed sediments in the Saw Mill River.
- As stated in the NYSDEC approved RAWP, a Construction Quality Assurance Plan (CQAP) will be submitted to the NYSDEC as an addendum to the RAWP prior to the start of remedial construction. The purpose of this document is to describe and explain implementation of selected remedial tasks for the site, short-term environmental monitoring activities, and the rationale used to develop these activities for the project. This document also identifies the quality assurance/quality control (QA/QC) steps to be used in construction management, including monitoring actions, reporting mechanisms, and documentation formats. It presents how environmental monitoring will be performed and how modifications to the construction procedures will be directed, as necessary, in response to results of monitoring actions. Further, it defines the QA methods and protocols for project personnel to ensure they have a complete understanding of monitoring, feedback, and adjustment mechanisms. It will include exposure of potentially contaminated riverbed sediments in the Saw Mill River.

The three types of compliance monitoring to be conducted include the following:

- Protection Monitoring – to confirm that human health and the environment are adequately protected during the construction period of the cleanup action.
- Performance Monitoring – to confirm that the cleanup action has attained cleanup standards and other performance standards.
- Confirmation Monitoring – to confirm the long-term effectiveness of the cleanup action once performance standards have been attained.

Comment LA-14:

The FEIS should provide further description of the ballpark and potential alternative uses to the rooftop space allocated for ballpark use. Members of the City Council suggested ideas for additional uses of the ballpark, including ice skating, soccer, and performing arts space.

(City Council, Lead Agency, City of Yonkers, Memorandum, 7/21/2008)

Response LA-14:

The ballpark is an amenity that would attract additional people to downtown Yonkers with added purchasing power for existing and proposed stores and restaurants. The ballpark would enable concerts and other spectator performances to be staged in downtown Yonkers in a modern venue with adequate parking and other facilities (concessions, bathrooms, etc.). Additional retail in place of a ballpark would result in additional job creation and revenue for the Applicant and the City, along with the need for additional parking and for the mitigation of additional daily traffic as opposed to occasional ballpark traffic. A green roof alternative would have certain benefits, as indicated by the comment, but would not achieve the other economic objectives attributable to the ballpark or the additional retail.

It should also be noted that the Applicant has indicated that the ballpark will be made available to schedule for community events, such as little league and soccer games, high school sports, concerts or community fairs. Some events may be combined, such as a concert and a ballgame. Some of the additional uses suggested by the City Council might also be staged at the ballpark, provided they conform to the maintenance and operating requirements of the ballpark. It is noted that Councilwoman McDow has indicated her support for the ballpark.

Comment LA-15:

The FEIS should provide additional details regarding the environmental sustainability measures associated with the proposed project. The Applicant has publicly stated that the project will be LEED certified, but no such specificity was provided in the DEIS. The FEIS should provide updated details regarding the specific sustainability measures the Applicant intends to utilize.

(City Council, Lead Agency, City of Yonkers, Memorandum, 7/21/2008)

Response LA-15:

The Applicant proposes to build all components of the Project except parking garages to a standard adequate to make the components eligible for LEED certification. The "Mall" or LEED for Retail is currently undergoing a Pilot program because of the unique nature of the retail environment and the different types of spaces that retailers need for the distinctive product lines being sold by different stores. The LEED for Retail program is expected to launch later this year. If and when it does, and when the Applicant knows which retailers will be at the Project, the Applicant will investigate compliance with the program.

Stormwater measures will include permeable paving, stormwater filter systems below ground, and areas of green roof which will aid in reducing the heat island effect and amount of runoff generated by the impervious surfaces. In addition, locating most or all of the parking under buildings and in covered garages will reduce thermal impacts to stormwater. The Project landscaping design will include plants that do not require extensive irrigation to reduce the impacts on the municipal water supply system. Trees will be selected to provide shade in the summer and sunlight in the winter where possible to pavement and building areas.

The Project sites will feature pedestrian-friendly features such as pathways, benches and focal points of interest (see Exhibits II-10 through II-13 of the DEIS). Exterior lighting will be designed to reduce glare and night-sky illumination, using a range of measures that include shielded luminaires (to avoid projecting light toward the sky), location of luminaires to avoid light trespass on surrounding areas, and utilization, wherever possible, of lower intensity lighting.

Water conservation will be promoted in the selection of low flow plumbing fixtures. Energy efficiency will be pursued by potentially using higher efficiency heat pump systems and advanced cooling tower controls for residences (if a water loop heat pump system is selected) – as well as other measures that are appropriate to the specific buildings. These HVAC systems have 10-25% higher cooling efficiency than the typical through-the-wall incremental units (PTACs) and can be 10-20% more efficient in heating.

The Applicant is committed to constructing buildings that will feature recycled content for a variety of materials such as concrete (fly ash or granulated blast furnace slag), steel, aluminum, insulations, carpeting and other materials. To the extent practicable, the construction process will be managed to divert waste materials from dump sites to recycling facilities – diversion rates of 50-75% are expected. Indoor air quality will be an important design feature of the Project and efforts will be made to utilize materials that reduce volatile organic compounds (paints, coatings, adhesives, sealants, carpeting) and techniques that promote good air quality (e.g., during construction).

The Applicant will also develop a green housekeeping guideline to be used by tenants and building operators. This guideline will emphasize the use of nontoxic materials for cleaning (e.g., reducing or eliminating chlorine compounds), and will also promote the use of Integrated Pest Management. This pest control technique focuses on (1) preventing pests from entering the building and also removing their opportunity to thrive in the building and (2) using control techniques that reduce the use of toxic and hormonally-disruptive agents.

Comment LA-16:

The FEIS should describe the details of the hydraulic study being performed by George Lackowitz. The FEIS should describe the specific components of the City's water supply system that will require replacement or upgrades to service the project, and describe how those improvements will be funded, who will undertake the construction activity, and how much capacity beyond that necessary to service the project will be available to support future downtown development. Members of the Council also requested additional information about how the proposed project may affect water pressure in other parts of the City.

(City Council, Lead Agency, City of Yonkers, Memorandum, 7/21/2008)

Response LA-16:

Lackowitz Engineering has prepared a comprehensive hydraulic analysis dated August 2008 and entitled "Final Report – Unified Study Yonkers Water Distribution System Analysis on the Effects of New Development," a copy of which is included as Appendix D to this FEIS. The analysis models the water distribution system under existing baseline conditions as well as under

future conditions with the Project (identified in the report as Phase I Development) and other planned development projects (identified in the report as Phase II Development) anticipated to be completed within the same timeframe as the Project. The results of the hydraulic model indicate the Project improvements, including new water mains identified in the DEIS (i.e., the Phase I pipeline projects and southside connection to Palisades Point identified in the hydraulic analysis), will mitigate the impacts of the Project and in some areas will improve system pressures and flows. In testimony provided to the City Council on September 23, 2008, City of Yonkers Department of Public Works Commissioner John A. Liszewski indicated that, while the proposed improvements will provide positive benefits to the Yonkers water main system, there are areas of existing concern identified on Ashburton Avenue, Rumsey Road and Southwest Yonkers that will need to be addressed by the City due to the age and limited flow capacity of the system in these areas. Commissioner Liszewski also indicated that the City has been aware that additional efforts to improve the system will be required in these vulnerable areas. The Commissioner reported that these areas of vulnerability had been previously identified by the City, and that necessary repair and upgrades to address these concerns have been a pre-existing matter of the Department's capital improvement program planning. Both the cost and timing of these improvements will be the responsibility of the City.

These vulnerable areas will not be made any more so as a result of the proposed improvements associated with the SFC Projects, however efforts must be taken to protect these vulnerable areas from damage during construction of the proposed project. To address this concern, the Applicant has prepared in conjunction with the City a Construction Water Remedial Plan dated August 25, 2008 to mitigate potential construction impacts to existing vulnerable areas of the existing water system identified in the hydraulic analysis including Ashburton Avenue, Rumsey Road and in Southwest Yonkers. The remedial plan has been reviewed and approved by the City DPW and is presented in Appendix D of this FEIS. With the proposed implementation of the Construction Water Remedial Plan as approved by the City DPW, the SFC Projects construction activities will not exacerbate the aforementioned vulnerable areas. The hydraulic model also indicates that added water demand from other downtown projects, identified in the report as Phase II Development, have no significant additional impact on the water system. It is anticipated that primary responsibility for construction management of the recommended improvements to the water system discussed in the DEIS and referred to in the hydraulic analysis as the Phase I Pipeline Project and the Southside Connection to Palisades Point will be undertaken by the Applicant in consultation with the City. As discussed in Section III.I (Socio-Economic Factors) of the DEIS, the use of tax increment financing (TIF) is proposed to pay for these utility improvements (the Phase I Pipeline Project and the Southside Connection to Palisades Point). This funding of public utilities and other infrastructure improvements is integral to the development of the proposed Project and is also necessary to support other future development in downtown Yonkers.

Comment LA-17:

Based on the hydraulic study referred to above, the FEIS should disclose and evaluate the effects of any new construction necessary to provide adequate water service to the project sites. Any roadways where in-road construction would be necessary should be identified, and any impacts

associated with this construction should be evaluated to the extent that impacts to the affected roadways as a result of these construction activities was not assessed in the DEIS.

(City Council, Lead Agency, City of Yonkers, Memorandum, 7/21/2008)

Response LA-17:

New water mains will be installed around the River Park Center site along Palisade Avenue, Elm Street, Nepperhan Avenue and New Main Street. In addition, new water mains will be installed in sections of Main Street and Prospect Street. The results of the hydraulic model indicate the Project improvements, including new water mains identified in the DEIS (i.e., the Phase I pipeline projects identified in the hydraulic analysis), will mitigate the impacts of the Project and in some areas will improve system pressures and flows. Further, the Applicant has prepared in conjunction with the City a Construction Water Remedial Plan dated August 25, 2008 to mitigate potential construction impacts to vulnerable areas of the existing water system identified in the hydraulic analysis including Ashburton Avenue, Rumsey Road and in Southwest Yonkers. As discussed above, in Response LA-16, the Department of Public Works had previously identified these vulnerable areas, and had planned to address them as a matter of routine maintenance and upgrading of Yonkers' water supply system. The remedial plan has been developed to ensure that these vulnerable areas are not damaged during construction, The plan has been reviewed and approved by the City DPW and is presented in Appendix D of this FEIS. The hydraulic model also indicates that added water demand from other downtown projects, identified in the hydraulic study the as Phase II Development, have no significant additional impact on the water system.

During construction of the new water mains, there may be some localized discoloration and temporary shutdown of services in the Project environs, but this is expected to occur only after hard connection of water mains and be of short duration. Also, there may be some short-term road closures and temporary redirection of traffic in the Project environs along Palisades Avenue, Elm Street, Nepperhan Avenue and New Main Street, as well as the section of Main Street generally between Buena Vista Avenue and North Broadway, and the section of Prospect Street generally between the railroad tracks and Hawthorne Avenue. It is noted that the construction activities planned within and/or adjacent to these roadways will be coordinated with the City and will be temporary and short term in nature, and therefore are not anticipated to involve significant adverse impacts beyond those assessed in the DEIS. Temporary access to operating businesses affected by the construction work will be provided. Additionally, current fire flows will be maintained during construction. During final design the Applicant's Engineer, in coordination with the City Water Department, will decide on a case by case basis whether to install temporary piping prior to the installation of the new water mains to maintain service to existing customers. Prior to the start of construction, final designs and plans will be reviewed by the City Engineer and the Department of Public Works to ensure the design addresses the City's specifications and recommendations. A detailed construction phasing plan will be prepared and reviewed with the City to assure continued water flow to residences and businesses in the area.

See Response LA-16.

Comment LA-18:

The FEIS should provide a more in-depth analysis of adaptively reusing 87 Nepperhan Ave. The analysis should provide a comparison of costs for rehabilitating and maintaining the building versus demolishing the building and relocating City offices to a new building. The FEIS should include an analysis of options for incorporating the 87 Nepperhan Avenue façade or elements thereof into the new building proposed for this site.

(City Council, Lead Agency, City of Yonkers, Memorandum, 7/21/2008)

Response LA-18:

A detailed analysis of rehabilitation of 87 Nepperhan is included in Chapter V of the DEIS. If the Health Center Building and Salvation Army building remain, the Project would be adversely impacted by the loss of approximately 800 parking spaces, which are necessary to support the development. In addition, the Project would also lose 20,000 square feet of proposed retail space at the grade level of the new Government Center garage on New Main Street and 21,000 square feet for the relocation of the Salvation Army.

This alternative would also result in a loss of 90,000 square feet of occupied office space in the Cacace Center office building, since City staff would not relocate there. The loss of office use at the Cacace Center could potentially impact the economic viability of the Project.

Moreover, based on a structural assessment prepared by its consultant, the Applicant has determined that rehabilitation and incorporation of the building into the new Government Center garage structure would adversely impact the financial viability of the Proposed Project.

The rehabilitation of the 87 Nepperhan building is estimated to total \$17.0 – 18.7 million (i.e., \$250-275 per square foot for 68,000 square feet). These costs are associated with the potential structural, environmental, mechanical and related retrofit expenses. The building would need to be renovated to meet current building codes and operating standards. Currently, 87 Nepperhan is not compliant with the Americans with Disabilities Act (ADA) and a rehabilitation of the building would require that ADA Standards for Accessible Design are met. The Applicant has completed a preliminary structural and environmental assessment of the building; this assessment details serious deficiencies with the operating systems of the building that would need to be upgraded and/or replaced. The building requires extensive repair or replacement of components including concrete soffits, roofing systems, roof flashing, brick veneer, steel relieving angles and other steel veneer components. The mechanical, electrical and plumbing assessment found the building to be in need of extensive overhaul and upgrade. The asbestos inspection documented suspect asbestos containing material throughout the building.

The financial viability of the Proposed Project would additionally be burdened by design constraints on the new Government Center Garage. The reconfiguration attributable to the rehabilitation of 87 Nepperhan would increase the height of the garage and negatively impact the internal traffic flow.

Finally, retaining 87 Nepperhan will have a negative financial impact on the proposed Cacace Center building. Without the City of Yonkers moving its offices from the existing building to the new office building, the Applicant will not be able to construct the proposed office and hotel on the Southeast corner of South Broadway and Nepperhan Avenue.

The new Cacace Center building is designed to include a condominium unit of 100,000 square feet. This space would house in part the relocated offices currently located in 87 Nepperhan Avenue. The Applicant estimates this building unit for the City could be constructed for \$27.5 - 30.0 million (i.e., \$275-300/sf). Per estimates in the Bluestone Analysis, summarized in Appendix I of this FEIS, total costs including interior fit out, furnishings, and equipment, are anticipated to be approximately \$50 Million (i.e. \$500 per sf). The details as to what the City would pay to acquire this office space will be negotiated as part of the LDA. In addition, the new building is proposed to include an additional 50,000 square feet of office and a hotel that has 150 rooms.

While it is not economically feasible to retain the building, the Applicant will incorporate the more distinctive building elements of the structure, namely the decorative limestone ornamentation at the Nepperhan Avenue entry, will, to the extent practicable, be incorporated into the design of the River Park Center. The site plan for the Proposed Project will include this incorporation of components of the existing building into one or more of the new structures.

Comment LA-19:

The FEIS should also include an updated fiscal impact discussion weighing the costs for relocating and outfitting City offices, including the temporary and permanent Fire Headquarters and City offices at 87 Nepperhan, against the revenues received for transferring City properties, including the Fire headquarters, 87 Nepperhan, and parkland parcels, to the Applicant. The FEIS should also include an updated discussion of anticipated costs and leasehold or other arrangements, if any, to the City for occupying space at proposed project buildings, including the new Fire Headquarters and the Cacace Center.

(City Council, Lead Agency, City of Yonkers, Memorandum, 7/21/2008)

Response LA-19:

The comment calls for a cost/benefit analysis that cannot be performed until the financial obligations of the Applicant and the City are fully negotiated. However, it should be noted that the Applicant has agreed to be liable for the costs to 1) demolish 87 Nepperhan Avenue; 2) construct the temporary Fire Department Headquarters and relocate the YFD to this location; and 3) to construct a "like-kind" permanent replacement Fire Department Headquarters. Specific financial details of relocation will be determined as part of the Land Disposition Agreements. The Land Disposition Agreements will be negotiated with the City Council and will detail various aspects of the Project.

Comment LA-20:

The FEIS should include a more in-depth discussion of event management at the ballpark. This discussion should include anticipated costs to the city for event management, and a concise and a detailed discussion of event-related traffic patterns, including pick-up and drop-off activity.

(City Council, Lead Agency, City of Yonkers, Memorandum, 7/21/2008)

Response LA-20:

The Applicant will provide on-site security for all buildings with additional security and traffic control for events at the ballpark. The event security personnel will have appropriate equipment based on crowd level and type of event, as well as other related factors based on the Applicant's experience in event management as well as input from the applicable City Departments, including Police. The Applicant's plans also call for the construction of a sub-station for the Yonkers Police Department near the intersection of New Main Street and Nepperhan Avenue. It is noted that the other anticipated expenses related to the Police Department, such as those related to ballgame events would be paid for by the Applicant, or the operator of the ballpark, and would not be an expense incurred by the City of Yonkers. As noted in the table below the anticipated taxes generated by the Project exceed anticipated municipal service costs.

The DEIS evaluates the preferred routing of vehicles to and from the Project including the ballpark, which includes the Saw Mill River Parkway and Yonkers Avenue. It is anticipated that the majority of the traffic would utilize these roads to reach the ballpark. As part of the DEIS, the City Council requested analysis of alternate routing under various conditions. The identified alternate routes, including neighborhood streets, are not anticipated to be primary routes used by the ballpark patrons, and the City should not encourage their use for ballpark access.

Two-thirds of the patrons to the ballpark are anticipated to arrive one hour before the game. The parking assignments for these vehicles will be the new Government Center garage and the Cacace Center garage. They will be directed to not use the parking at River Park Center since that parking will be primarily used by retail and movie patrons.

A bus drop-off lane will be located along Nepperhan Avenue. As vehicles travel west along Nepperhan, a fourth lane will be provided along the northern side of the road, immediately in front of the ballpark entrance for busses to stop and drop-off or pick-up passengers. Traffic that is destined to the ballpark will be able to continue traveling along Nepperhan Avenue in three thru traffic lanes, which would be sufficient to accommodate traffic given the anticipated timing of the events at the ballpark.

Coordination will be required between the ballpark operator and the Yonkers Police Department to ensure that traffic flow along Nepperhan Avenue is maintained at all times. A Traffic Management Plan for the ballpark has been developed and has been reviewed by the City (Exhibit II-16 of this FEIS). This plan was developed for the "worst case" event. However, it is anticipated that a significant number of fans will use mass transit to reach the ballpark. The private buses anticipated for visitors to the ballpark are envisioned for groups attending events (e.g., summer campers, boy/girl scouts, etc.). Typically these private buses are staffed and remain off when not in use, avoiding idling. They often return to their facility if located nearby, rather than parking at the ballpark. Based on the Applicant's experience in Newark, NJ, it is expected that busses will only be utilized 4-6 times per year on special promotional days at the ballpark. During these days, busses will locate spaces to park in the nearby area. It should also be noted, that during these days, a significantly fewer number of cars would be expected. The operator of the ballpark will discuss specific plans with the City prior to selecting promotional days.

As noted above, the Applicant or the ballpark operator will pay for the additional police department costs related to ballgames. In addition, as shown below, the taxes generated by the Project are more than sufficient to cover the increased costs incurred by the City to provide municipal services.

	<i>NY State</i>	<i>Westchester County</i>	<i>City of Yonkers</i>	<i>MCTD</i>	<i>Total</i>
<i>Sales and use tax</i>	\$5,995,276	\$2,550,767	\$4,255,000	\$638,000	\$13,439,043
<i>Hotel tax</i>		\$222,290			\$222,290
<i>Personal income tax</i>	\$6,175,781		\$1,647,000		\$7,822,781
<i>Mortgage recording tax</i>	\$595,000	\$198,000	\$428,000	\$257,000	\$1,478,000
<i>Real property transfer tax</i>	\$374,000				\$374,000
<i>Real Estate Property tax</i>		\$2,424,510	\$9,932,853		\$12,357,363
Total Revenue	\$13,140,057	\$5,395,567	\$16,262,853	\$895,000	\$35,693,477
<i>Amount allocated to TIF (at 75% of Property Taxes to both County and City)</i>		\$1,818,383	\$7,449,640		\$9,268,022
Balance available		\$3,577,185	\$8,813,213*		\$12,390,398

* Costs for community facilities and services, estimated at \$3.4 million per year (see table below), leaving a balance of \$5.4 million per year in excess City revenues.

Service Provider	Anticipated Cost Attributed to Proposed Action (millions)
Schools	±\$ 0.672
Fire	±\$ 1.19
Police	±\$ 1.204
DPW	±\$ 0.23
Recreation	±\$ 0.091
Total	±\$ 3.387

Building permit fees are not included in the table above because these are generated only at the time of application for a particular building phase or component and are not recurring.

Comment LA-21:

Members of the City Council have requested additional detail pertaining to the potential for increased traffic on roads coming from the northerly sections of Yonkers, such as, from the area of Executive Boulevard, and down Warburton Avenue.

(City Council, Lead Agency, City of Yonkers, Memorandum, 7/21/2008)

Response LA-21:

The scope for the DEIS, as approved by the Lead Agency, required the detailed analysis of 60 intersections including an alternate route analysis undertaken to determine the impact of the

Project traffic at the intersection of Nepperhan Avenue and Executive Boulevard. The analysis showed that there would be little if any project impact at this location. The DEIS evaluated several locations along Warburton Avenue including its intersection with Ashburton Avenue, Lamartine Avenue, and Glenwood Avenue and North Broadway/Lamartine Avenue were also evaluated. Based on the evaluation, no improvements were needed due to the Project impact. Thus, no improvements were recommended north of Ashburton Avenue.

Based on the Project impact at the intersections evaluated along North Broadway, Warburton Avenue and Executive Boulevard, the proposed Project's impact at other locations would be similar. In addition, while the intersection of Odell Avenue and North Broadway was not included in the adopted DEIS scope, the Applicant's engineers opined that, given its location, this intersection would be also be minimally impacted by the project. The intersection of Odell Avenue and North Broadway is currently affected by the hospital, the medical offices adjoining North Broadway, the South Westchester Executive Park and traffic to and from Warburton Avenue (Hudson River Museum).

Comment LA-22:

Members of the City Council have requested clarification of the proposed trolley operations. The FEIS should describe how the trolley would be funded and operated, its capacity, and how and when it would be used.

(City Council, Lead Agency, City of Yonkers, Memorandum, 7/21/2008)

Response LA-22:

The trolley will be funded through the BID. (Based on current fees, the Project will provide approximately \$200,000 to the BID annually.) The trolley will be owned and operated by the BID. The trolley is expected to provide continuous service during normal hours of operation, running between the railroad station and the River Park Center. Intermediate stops will be provided on North Broadway and Nepperhan Avenue as well as in the Getty Square area to provide for a link between the development and the train station. Trolley users will make a nominal payment to partially cover the operating costs. The capacity of the trolley will be based on the vehicle used but should be in the order of 30 to 40 seats.

Comment LA-23:

The FEIS should provide clarification and a figure to describe the proposed median in Nepperhan Avenue. Details about the median such as the proposed width in various locations and any potential effects on traffic flow and emergency crossing should be provided.

(City Council, Lead Agency, City of Yonkers, Memorandum, 7/21/2008)

Response LA-23:

As shown on Exhibit II-15 of this FEIS, the center median along Nepperhan Avenue will have sufficient width to accommodate left turn lanes at various locations and will not interfere with traffic flow and emergency crossings. The median will feature 'mountable' curbs. The median will be pedestrian friendly in that it will allow for crossings at signalized locations with

pedestrian actuation. The final design of the median will be determined during the Site Plan Approval process. The width of the median will vary between 4 and 16 feet. The median will not negatively affect traffic flow. Pedestrians will be able to cross at several locations, and the median will enhance the safety of such crossings by providing a "safe haven."

Comment LA-24:

Members of the City Council have requested that the parking analysis include an analysis of churches that currently use public parking facilities. The FEIS should describe how these churches may be affected during construction and upon completion of the proposed project.

(City Council, Lead Agency, City of Yonkers, Memorandum, 7/21/2008)

Response LA-24:

The Applicant has been in discussions with the Mount Carmel Baptist Church regarding the purchase of a portion of the existing parking lot in exchange for increased, indoor accessible parking or other consideration. The Applicant's plan does not call for the disturbance of the church or its rectory. Several other churches in the area utilize on-street parking, which will be eliminated by the Project. Replacement for on-street parking during construction is included in the temporary spaces. See Exhibit III.M-18 of the DEIS. A greater amount of public parking will be available for these churches as result of the construction of the public parking garages that are a part of the Project. A meeting occurred on September 16, 2008 with the Applicant with the Kingdom Baptist Church during which parking needs and how they could be served at River Park Center was discussed. It was noted that sufficient parking will be available in the River Park Center garage, but that arrangements for church use would be addressed by the Yonkers Parking Authority which will operate the parking facility. Churches near the Project area are shown on Exhibit II-17 of this FEIS.

Comment LA-25:

The FEIS should include a clarification of the fiscal risks associated with the Tax Increment Financing. What are the risks to the City of Yonkers, and who assumes those risks? What measures will be taken to prevent any burden from being placed on the City in the event of project failure? Who will determine what the safeguards are?

(City Council, Lead Agency, City of Yonkers, Memorandum, 7/21/2008)

Response LA-25:

Tax Increment Bonds are not general obligation bonds and will not be backed by the full faith and credit of the City. The City will not be responsible for making up any shortfall between the incremental tax revenue generated by the Project and the debt service on the Tax Increment Bonds.

The Tax Increment Bond projections are based upon the pledge of 75% of the City and County tax increment generated by the Project parcels (and generated in the future by other parcels in the "project area", to the extent that the taxes on these other parcels increase due to property improvements and reassessment, if any to debt service on the Tax Increment Bonds. The Tax

Increment Bonds will also be paid from the net parking revenues (after payment of costs of operation) from the new public parking facilities that are a part of the Project. The underwriters of the Tax Increment Bonds will require a feasibility study to be performed to confirm the reasonableness of the projections. The Applicant has agreed to “backstop” the debt service on the Tax Increment Bonds, although the form and substance of the backstop have not yet been finalized.

Comment LA-26:

The FEIS should provide a breakdown of the project components being funded by the TIF. How will the TIF money be allocated? The FEIS should also include a discussion of how potential cost overruns will be handled within the context of TIF financing.

(City Council, Lead Agency, City of Yonkers, Memorandum, 7/21/2008)

Response LA-26:

The table below shows a general breakdown of the public improvements and infrastructure proposed to be funded by the proceeds of Tax Increment Bonds, and the costs estimated by the Applicant. The City's consultant - Ellana Inc./Bluestone Developers Construction Cost Consultants - has estimated that the improvements (exclusive of the Prospect Street bridge, which has since been eliminated from the Project) will cost approximately \$212 Million. (See Appendix I of this FEIS for details of the Bluestone estimates.) The final list of improvements and costs of construction will be determined in consultation with the City and its consultants after Site Plan Approval of the Project.

The Applicant is still requesting a \$200 million TIF bond offering, which was its initial request, to finance the infrastructure improvements as well as the carrying costs of the bonds. All costs over the \$200 million will be the responsibility of the Applicant, subject to the provisions of the Land Disposition Agreements.

Public Improvement	Cost
Public Parking Spaces (5,000 @ \$22,500 per space)	\$112,500,000
Sanitary sewer	\$792,311
Storm drain	\$4,996,900
Water distribution improvements	\$1,996,756
Roadways, bridges and traffic	\$26,530,840
Landscape and streetscape	\$3,540,400
Controlled inspection and testing	\$1,135,716
Miscellaneous / Contingency	\$7,571,441
Total	\$159,064,364

Comment LA-27:

The FEIS should provide clarification of the relocation assistance or benefits, if any, that would be provided to residents and businesses, both tenants and owners, that will be displaced by the project.

(City Council, Lead Agency, City of Yonkers, Memorandum, 7/21/2008)

Response LA-27:

It is currently anticipated that all private properties needed to complete the Project will be acquired by the Applicant in private transactions. However, if properties are acquired by the City for disposition to the Applicant, then relocation assistance to residential and business displacees would be required to be provided pursuant to General Municipal Law Section 74-b.

The Project is displacing twenty-two families in total. All residential tenants directly displaced by the Project will receive relocation assistance in the form of assistance in finding a new apartment to relocate to and/or relocation stipends to cover the cost of moving, possible rent increase, and relocating their residences. It should be noted that the Applicant's experience has demonstrated that relocation assistance varies from family to family, and must be flexible so as to address individual needs.

In the short term, 32 local businesses will be displaced as a result of the Applicant's acquisition of private property. Relocation assistance will be provided to the affected businesses, including help in finding new locations. The majority of the properties are owner-occupied and will be delivered vacant. There are also some tenants that are month to month renters. Where leases are in place, certain benefits may be provided by the current owner. In addition the Applicant will provide information on available space in the immediate area, helping tenants to find suitable space in conjunction with the efforts of the BID and Chamber of Commerce. The tenants will not, however, receive financial benefits from the Applicant.

The Applicant will work with the BID to devise a marketing plan that would strengthen local businesses, making them more competitive in the revitalized downtown area. During the three year construction period, many local businesses will benefit from the influx of construction workers. After the Project is developed, there will be a significant increase in purchasing power in downtown Yonkers with new residents and visitors spending money in both existing and new stores and restaurants.

With respect to the most recent hotel occupancy rates in Westchester County, based on information from the Westchester County Office of Tourism, the occupancy rate for 2007 averaged 73%.

Comment LA-28:

Members of the council have expressed concern about the amount of hotel space that is being constructed in the City. The FEIS should clarify what existing and planned hotels within the downtown Yonkers trade area were factored into the market analysis, and summarize how the Applicant's market analysis demonstrates the need for additional hotel space.

(City Council, Lead Agency, City of Yonkers, Memorandum, 7/21/2008)

Response LA-28:

The proposed Project includes a 150 room hotel at the Cacace Center. The Applicant is confident that the market for a new hotel in downtown Yonkers is sufficient to justify the development of a new hotel. A detailed hotel market study was completed for the proposed site and is included as

Appendix A to the Tax Increment Financing Feasibility Study included in the DEIS as Appendix 1.F.

In Yonkers, there are four hotels outside of the downtown: Ramada Inn (103 Rooms), Royal Regency (91 Rooms), Yonkers Gateway Motel (40 rooms), and Tuckahoe Motor Inn (82 Rooms). Two new hotels have been approved for the Southern Westchester Executive Park off North Broadway: a Residence Inn by Marriott, an extended-stay hotel, with 144 rooms, and a Hilton Hampton Inn with 150 rooms. In addition, the Ridge Hill project includes a hotel.

Prior to the current economic situation, the improvement in the national, regional and local economies over the past few years has significantly increased demand for hotel rooms in Westchester County, and there is a consensus among hotel experts that demand will remain strong. Occupancy rates for Westchester County are above national levels and this typically indicates that the market can absorb additional rooms. According to the Westchester County Office of Economic Development and Smith Travel Research, the Westchester/Rockland hotel occupancy rate reached 80% in October 2006, a 4.2% increase over the rate in 2005.

Comment LA-29:

The City Council has requested that the FEIS include any available updates regarding the status of the Con Edison M29 line and possible coordination between it and the power needs and construction of the proposed project.

(City Council, Lead Agency, City of Yonkers, Memorandum, 7/21/2008)

Response LA-29:

Section III.H-3 of the DEIS discusses the proposed M29 high voltage distribution feeder planned by Con Edison to extend from the Sprain Brook distribution station to a new substation in northern Manhattan. The M29 feeder is to extend along Nepperhan Avenue and Riverdale Avenue. Construction is anticipated to start by February 2009 and require approximately two years to complete work within the public rights-of-way. The Applicant has been seeking information from Con Edison regarding the status of the M29 feeder and will provide information on its construction plans as it becomes available. The utility maintains a website for the M29 project - www.coned.com/M29/; currently for Yonkers, the website indicates "Construction has not started in this area. No current information is available at this time." The Applicant will continue to monitor the M29 feeder project as part of the construction planning of the Project. When meetings are held, it is anticipated that both SFC and the City would be involved, making certain that construction activity is coordinated.

Comment LA-30:

The FEIS should provide additional information on the feasibility and impacts of using the various lots outlined in the DEIS for construction worker parking. Members of the Council expressed particular concerns about using JFK Marina Park as a construction worker parking lot. JFK Marina Park is proposed as one of the largest employee parking lots. JFK Marina Park is a public park that the City of Yonkers has recently improved. How will construction worker

parking constrain and impact the park and its users? The traffic impacts on the adjacent school, fire house, and JFK Memorial Drive should also be evaluated in the FEIS. JFK Memorial Drive already experiences significant congestion, and the effects of worker parking have not been discussed. The FEIS should also include an analysis of using Yonkers Raceway as a possible construction parking lot.

(City Council, Lead Agency, City of Yonkers, Memorandum, 7/21/2008)

Response LA-30:

Due to concerns regarding potential impacts to the surrounding neighborhood, the Applicant no longer proposes using JFK Marina Park for construction worker parking. In lieu of parking at the Marina, the underutilized parking structure at Cromwell Towers will be used. This structure can accommodate 750 vehicles per day and will not require a shuttle due to its proximity to the River Park Center site.

Comment LA-31:

Members of the Council expressed concerns about hours of construction, construction noise, and construction dust and particulate emissions for the proposed project. The latter factor has been cited by Council members in respect to the project's potential effect on asthma rates in Southwest Yonkers. The FEIS should include updated construction sequencing information, as well as an updated discussion of methods to be used to minimize any construction related disruptions and impacts.

(City Council, Lead Agency, City of Yonkers, Memorandum, 7/21/2008)

Response LA-31:

Emissions during construction will include dust (soil) as well as exhaust emissions from construction equipment. The remediation and construction contractor(s) will be responsible for control of airborne particulates at the River Park Center site during remediation and construction. Dust mitigation measures that contractors will be required to employ include periodic cleaning of nearby public roadways with a street sweeper and water truck, use of a truck wash/decontamination pad during remediation, dust suppression using engineering controls (e.g., use of water trucks and tarps on storage piles), and dust prevention measures (e.g., maintenance of the stabilized construction entrance, limiting vehicle speeds). During remediation, perimeter air monitoring stations will be established and operated in accordance with the approved Community Air Monitoring Plan. The responsibility for monitoring air quality and enforcing control and mitigation measures will be identified prior to commencement of construction activities.

There are seven plans within the Remedial Action Work Plan for River Park Center (RAWP), which was specifically designed to prevent impact to off-site properties. The plans include: Soil Management Plan, Quality Assurance Project Control Plan, Construction Quality Assurance Plan, Storm Water Pollution Prevention Plan, Community Air Monitoring Plan, Contractors Site Operation Plan, and Community Participation Plan. Collectively, these plans will be implemented during the remediation to prevent off-site impacts. Control measures are required in the RAWP to prevent such impacts, and are described in detail in the plans contained within the RAWP, which are available for public review. These controls are accepted, standard controls

to mitigate against off-site dust and other nuisances that can be caused by remedial projects such as this involving excavation and movement of subsurface materials, and are required to be implemented during site remediation.

The DEIS includes a discussion of noise generated by construction activities associated with construction equipment and construction traffic, but does not address each individual property that may experience noise impacts. Section F.4. of the DEIS discusses construction noise and provides a figure of distance contours in the area surrounding the River Park Center site. Typical sound levels associated with construction are compared to existing sound levels at these various distances. The DEIS states that sensitive receptors, including churches, other social and community services and residential dwellings located within 300 feet of the Site may experience noise impacts of greater than 3 dBA at times during construction. The City of Yonkers Noise Code does not regulate construction noise between the hours of 7:00 AM and 6:00 PM on weekdays [Section 66-4(F)]. Section 66-4(F) of the City of Yonkers Noise Code prohibits construction between the hours of 6:00 PM and 7:00 AM the following day or any time on weekends or legal holidays. The Applicant will attempt to perform all construction activities during the times prescribed in the City Code. However, at certain times, it may be necessary for the Applicant to perform some work outside of those prescribed times. In that case, the Applicant will apply to the Department of Housing and Buildings for a variance in order to operate certain construction equipment outside of the normally prescribed times. This request will also be submitted to the Council Member of the district in which the project is located at the time the request is being submitted to the Department of Housing and Buildings and any other City agencies. It is assumed that notification of the requested variance will be provided to all affected City officials. In addition, a noise and vibration mitigation work-plan will be developed to address construction activities.

Comment LA-32:

Members of the City Council have requested further clarification on how a construction management plan will be developed and enforced. What measures will be taken to ensure parking availability for existing businesses, churches, and government uses including City Hall and the Cacace Center?

(City Council, Lead Agency, City of Yonkers, Memorandum, 7/21/2008)

Response LA-32:

Chapters III.E.1 and III.M of the DEIS generally discuss parking for construction workers and temporary parking for displaced parkers. As part of the Site Plan Approval process, a construction management plan will be instituted requiring construction workers to park in locations described in the DEIS and this FEIS. The Applicant will develop this plan in consultation with the City's Building Department as well as other appropriate City agencies. The plan will be enforced by the City Building Department.

A temporary parking plan has been prepared by the Applicant to address the temporary displacement of parking facilities in the vicinity of the Project sites, specifically from the Chicken Island lot and the Cacace Justice Center facility. Approximately 300 spaces will be displaced from the Cacace Justice Center parking facility. Approximately 75 spaces are proposed

to be accommodated across South Broadway from the Cacace Justice Center in a parking structure associated with St. Joseph's Hospital. A shuttle bus, paid for by the Applicant, will run during the day to transport the balance of the Cacace Justice Center users to and from a lot on Downing Street. Off-peak access from the temporary lot proposed at the corner of Nepperhan Avenue and New Main Street to the Cacace Justice Center, will be provided using the existing Nepperhan Avenue pedestrian bridge that will remain open throughout construction process.

Once the new Cacace Center garage is opened at month 10, all of the parking displaced from the Cacace Justice Center parking facility will be relocated into the new garage. At month 18, the existing Government Center Garage will be closed and parking from that facility will also be relocated to the new Cacace Center Garage.

The Applicant has estimated, based on field surveys and conversations held with the Yonkers Parking Authority, that approximately 150 off-street merchant related parking spaces will be temporarily displaced from Project construction activity. This does not include parking along New Main Street, Palisades Avenue and Elm Street.

The Applicant has been able to identify approximately 136 parking spaces in two separate locations for use as temporary merchant related parking. The first area is located at the corner of Nepperhan Avenue and New Main Street (50± spaces) and in an 86± space area on the westerly side of Palisade Avenue just before the intersection with Elm Street. As noted in Exhibit III.M-18 of the DEIS accommodations have been made at several locations for relocated street parking amounting to approximately 224 spaces.

Comment LA-33:

Members of the City Council have requested additional details regarding construction safety. How will cranes and other specialized construction equipment be inspected? If the City building department is responsible, how will the inspections be funded?

(City Council, Lead Agency, City of Yonkers, Memorandum, 7/21/2008)

Response LA-33:

The construction of the Project will comply with all federal, New York State and City of Yonkers regulations, which include safety regulations. These regulations will be provided to City Council members prior to construction. It should also be noted that the Applicant has extensive experience in construction of similarly sized projects. Inspections by the City will be funded through building permit fees. The Applicant expects that the building fees associated with the Project will provide sufficient revenue for the City to inspect the Project, including the possibility of hiring outside inspectors if needed.

Each of the highrise towers at River Park Center will be constructed using a Pecco Hammerhead crane. Each tower crane will have an engineered base at the bottom of the tower and will be attached to the building structure at intermittent points. The crane is self erecting and will climb as the building gets higher. The final height for the crane will be 75' above the height of the building.

Two additional Pecco Hammerhead cranes will be used to erect the retail building and ballpark at River Park Center. The final height of these cranes will be 75' above the height of the ballpark light towers.

The base of all of these cranes will be completely set within the contract limit lines of the construction site. The initial erection and the subsequent "jumps" will be performed on weekends to avoid disruption to the adjacent areas and the construction site.

Comment LA-34:

Members of the City Council have requested additional clarification regarding the veterans' building that is part of the Government Center Garage. Will this use be relocated?

(City Council, Lead Agency, City of Yonkers, Memorandum, 7/21/2008)

Response LA-34:

The Office of Veterans Affairs maintains an office at 120 New Main Street in the first floor of the existing Government Center Garage. This garage is proposed to be demolished and rebuilt as a public parking facility with commercial space on the ground floor along New Main Street opposite River Park Center. The Applicant will assist the Veterans Affairs office to find suitable office space in downtown Yonkers, recognizing the need for easy access to transportation services.

Comment LA-35:

Members of the Council have asked that the FEIS provide updated and more comprehensive graphics and photo-simulations depicting how the proposed project would look, and how it would look within the larger context of existing and contemplated development in downtown Yonkers and along the Yonkers waterfront. Members have asked that these simulations include the currently contemplated Alexander Street redevelopment plans so as to enable the Council to understand the relationship between a possible redevelopment plan on the waterfront with the proposed project. Council members have asked that such depictions realistically show the entire SFC project, and that it accurately illustrate the size and scale of the individual project components in relationship to their setting (e.g., roadways, adjacent buildings, and topography).

(City Council, Lead Agency, City of Yonkers, Memorandum, 7/21/2008)

Response LA-35:

The visual analysis presented in the DEIS includes a comprehensive set of color illustrations, perspectives, cross sections, elevations and photo-simulations from a number of different vantage points within and outside the City limits. The visual analysis also includes an extensive evaluation of the potential impacts created by shadows from the new buildings. Taken as a whole, the visual impact analysis more than sufficiently satisfies SEQRA requirements for visual impact analysis. In addition, a scale model of the Project and surrounding area prepared by the Applicant has been utilized at City Council meetings and at multiple public meetings with the community.

A scale model of the SFC project and surrounding area prepared by the Applicant has been utilized at Council meetings. A separate computer model of the City's proposed Alexander Street urban renewal plan has been prepared by the City's consultants to assist with the City's continuing review of that proposal but is not connected to the Proposed Project. Since the Alexander Street urban renewal plan has not yet been approved and is only conceptual, incorporating it into the model of the Project could be misleading because Alexander Street's computer model is a massing study only and may not be representative of site-specific plans to be submitted for development projects at a to-be-determined future date. The Alexander Street planning process discusses a 10-20 year timeline for redevelopment of the corridor and there could be significant changes to the projects to be eventually constructed.

The visual analysis presented in the DEIS includes a comprehensive set of color illustrations, perspectives, cross sections, elevations and photo-simulations from a number of different vantage points within and outside the City limits. The visual analysis also includes an extensive evaluation of the potential impacts created by shadows from the new buildings. The visual depictions of the Proposed Project contained in the DEIS have been supplemented by an additional illustration of the Proposed Project shown in the larger context of existing and potential development projects on the Yonkers waterfront. In response to City Council requests, the Applicant has prepared Exhibit II-18 which depicts the Proposed Project from the west, encompassing recent Yonkers waterfront redevelopment projects (e.g., Hudson Park), as well as showing, in conceptual form, the prospective redevelopment of the Alexander Street waterfront as presented in the Community Development Agency's Alexander Street Master Plan DGEIS.

The Proposed Project has undergone extensive architectural and engineering study and a full SEQRA review of the environmental impacts has been completed. Taken as a whole, the visual impact analysis more than sufficiently satisfies SEQRA requirements for visual impact analysis.