

III.J Community Services and Facilities

J. Community Services and Facilities

Comment III.J-1:

They spoke about new fire department headquarters. This project will replace an antiquated building with the state of the art facility, again, in Yonkers. A new fire station will be enlarged to handle the growth plan for the downtown Yonkers area.

(Michael Carriere, Rep. of District Council 9, Painters and Allied Trades, Public Hearing, 4/29/2008, Page 37)

Response III.J-1:

Comment noted.

Comment III.J-2:

I would like to see the buildings as tall as possible only if there is more public space made available – more public parks, kayak and canoe entry points, a children's playground, possibly a dog run in the waterfront area for the entire community to enjoy for years to come.

(Donald Finnerty, Letter, 4/25/2008)

Response III.J-2:

Comment noted. The Project will result in approximately 10.4 acres of publicly and privately accessible open space and will include a kayak and canoe launch as well as a waterfront park and esplanade. The Applicant will work with the City on the programming of the publicly accessible portions of the open space area.

Comment III.J-3:

A concern is the developers continued assertion that only 20% of the additional fire service costs the city will incur are related to the proposed project. The DEIS acknowledges the need for the additional companies and states that the new tax revenues will more than compensate for their 20% portion of the expense. I do not agree with this opinion. The Fire Department recognizes that the existing fire services in this area are already overtaxed, but we disagree that this project will only result in an incremental increase in demand. The very nature of the project, i.e. high-rise residential development and a sports facility will substantially increase the resident population and the daily visitors to the city. There will be increased demand for medical emergencies and automatic alarm responses, and the number of elevator rescues, gas & electrical emergencies, and carbon monoxide calls will increase proportionately. With the added population there will be a corresponding increase in structure fires. The City will need to add the two additional fire companies and incur the ongoing annual personnel and equipment expense.

(Anthony Pagano, Commissioner, Fire Department, City of Yonkers, Letter, 5/1/2008)

Response III.J-3:

The City of Yonkers Fire Department has had an opportunity to review the Proposed Action in more detail. 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. Based on the Applicant’s analysis of the incremental fire services required for the Proposed Project, the Fire Department concurs that approximately 25 percent of the costs of a new engine company and ladder company should be attributable to the Project. The estimates provided by the Yonkers Fire Department were arrived at based on a more specific review of the proposed building program and conceptual site plan and through discussion with the Applicant regarding the Proposed Action. In addition, the consideration regarding estimated calls for service took into account historical context, overall development trends in downtown and throughout the City. Table VII-1 in the DEIS provides a summary of the initial extent of anticipated development activities, beyond that prepared by the Applicant. It should be noted that there are also several vacant assemblies of property in downtown by private entities which will likely contribute to future demand. The YFD notes that the staffing requirements noted in the comments above are not incremental in nature but must be brought on-line all at once. 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 contribution towards impacts and mitigation.

Comment III.J-4:

Additionally, the number of fire companies located within a quarter mile of downtown is stated incorrectly in the report. There are three fire stations housing four companies not six companies in the project area. However, for an alarm of fire two additional companies located outside the geographical area will respond. This should be changed in the report.

(Anthony Pagano, Commissioner, Fire Department, City of Yonkers, Letter, 5/1/2008)

Response III.J-4:

Comment noted. There are three stations housing four companies as noted in the comment.

Comment III.J-5:

We support the other ideas to develop the public amenities such as walks and esplanades that will truly make downtown what it once was, a place to live, visit, shop and be entertained.

(Barbara Carmichael, Representative, Collins Enterprises, Public Hearing, 4/29/2008, Page 46)

Response III.J-5:

Comment noted.

Comment III.J-6:

Four years ago I believed that you would be the next Brooklyn, and the opportunity was not happening, and we are waiting and we need those tax dollars to make a change for the owners. We need it for the kids. It's a horrible school. We need it for the city to do better.

(Alex Cheblac, Business Owner, Public Hearing, 4/29/2008, Page 102)

Response III.J-6:

Comment noted.

Comment III.J-7:

This project will bring additional park land to Yonkers, and I am certain that the majority of Yonkers citizens will welcome come this. It's right for our children, our seniors and all our Yonkers residents.

(Justin Tubiolo, Resident, Public Hearing, 4/29/2008, Page 112)

Response III.J-7:

Comment noted. As a result of parkland alienation associated with the Proposed Action, the City of Yonkers has dedicated 8.25± of City -owned land as parkland. In addition, the Proposed Action contemplates the creation of 6.3± acres of publicly accessible open space.

Comment III.J-8:

Will Riverpark Center and the Hudson River esplanade/park be public or private property? Who will dictate the uses of the open space and will there be a charge for using these areas for community events? Who will be responsible for maintaining and policing the daylighted Nepperhan area/Hudson river esplanade and the ballpark? What are the anticipated costs of administering, maintaining, and providing security for these areas?

(Deane Prouty, Resident, Letter, 5/15/2008)

Response III.J-8:

The riverwalk at River Park Center and the landscaped lawn and esplanade at Palisades Point will be privately owned and publicly accessible open space. Security at River Park Center, including the riverwalk, will be provided by private employees of River Park Center. It is anticipated that the cost for services would be offset by the expected tax revenue that would be generated from the Project as outlined by the Yonkers Police Department. Chapter III.I of the DEIS and this FEIS contains details on the expected tax revenue and municipal service cost increases that are expected from the project.

Comment III.J-9:

The parkland alienation “swap” required by NY State law should be negotiated so that SFC contributes properties in the downtown to the open space parkland needs of the city. For example, there could be more open space allocated in Parcels H&I.

(Aileen Kilcommon, Yonkers Rowing and Paddling Club, Letter, 5/19/2008)

Response III.J-9:

Comment noted. The Proposed Action will result in approximately 6.3 acres of publicly accessible open space within the Project Area; 1.93± acres of which will be located at Palisades Point (Parcels H&I).

Comment III.J-10:

The current building plans essentially feature a complete “build-out” of the mall on every square inch of the [Chicken Island] property, except for the open area around the daylighted Saw Mill River that is assumed to run through the complex. In the renderings there is seating and a place for outdoor restaurant dining next to the “river,” but there is NO other additional open space. This is a huge building that will loom over the downtown and City Hall. It is time for the City Council to negotiate a real park in the downtown. New York City only allowed Trump to build his enormous residential towers along the West Side Highway after he agreed to a 28 acre public park. Why are we not requiring a similar quid pro quo?

(Aileen Kilcommon, Yonkers Rowing and Paddling Club, Letter, 5/19/2008)

Response III.J-10:

Comment noted. See Response III.J-9.

Comment III.J-11:

The only alternative to the ballpark proposed in the DEIS is another floor of retailers. Why doesn't the city negotiate an amenity for the public and require a green roof with the kinds of sports activities (soccer, Little League) and leisure activities (lawns and tables for picnics) as a specific Alternative Proposal under the DEIS guidelines?

(Aileen Kilcommon, Yonkers Rowing and Paddling Club, Letter, 5/19/2008)

Response III.J-11:

Comment noted. The DEIS addressed a series of alternatives including two different options with regards to the ballpark. The programming of the ballfield area for other types of sporting activities as noted in the comment can be coordinated with the Applicant.

Comment III.J-12:

SFC assures the city that the ball club will allow the field to be used for Little League, soccer, concerts, fairs, etc. It is highly unusual for a ballclub to permit other activities on a carefully

tended field. Please clarify that a letter of agreement has been produced to this effect. Also clarify if the city must carry insurance or if there are other fees (ie a bond) for this kind of extra use.

(Aileen Kilcommon, Yonkers Rowing and Paddling Club, Letter, 5/19/2008)

Response III.J-12:

As the owner of the ballpark, the Applicant has the ability to make this agreement. See Response III.I-122.

Comment III.J-13:

The mature trees and the green parkland that will be taken for the Cacace Center are a serious loss to the air quality of the downtown. Are replacement trees and open space planned for the downtown? What is the parkland replacement plan?

(Aileen Kilcommon, Yonkers Rowing and Paddling Club, Letter, 5/19/2008)

Response III.J-13:

The Proposed Action contemplates a comprehensive landscape plan for all components of the Proposed Action. The landscape plan will be submitted as part of the Site Plan Approval process. Where possible, native and drought resistant plants will be used. In addition, approximately 230 street trees are proposed to be planted along the curblin as part of the Project. See also Responses III.J-9, LA-11.

Comment III.J-14:

Will Riverpark Center and the Hudson River esplanade/park be public or private property? Who will dictate the uses of the open space and will there be a charge for using these areas for community events? Who will be responsible for maintaining and policing the daylighted Nepperhan area/Hudson river esplanade and the ballpark? What are the anticipated costs of administering, maintaining, and providing security for these areas?

(Aileen Kilcommon, Yonkers Rowing and Paddling Club, Letter, 5/19/2008)

Response III.J-14:

See Response III.J-8.

Comment III.J-15:

The daylighting of the Saw Mill at least through the River Park Center site must be a condition of approval, a contractual agreement between the City and the developer. River Park Center is a massive concrete structure in the center of the city, out of scale with everything around it. Even in the developer's illustrations, it is a hulking presence. (In fairness, what is there now is equally depressing). I am willing to accept that structure as the centerpiece of the City of Yonkers, if that is what is required to make it profitable, as long as there are 125 meters of the Saw Mill with a landscaped border running through it, to soften its bleakness. If we cannot get the river, River

Park Center is no longer River Park Center and should be scaled down to something within the current zoning and appropriate to the surrounding area.

(Gerard Wilson, Letter, 5/20/2008)

Response III.J-15:

Daylighting of the Saw Mill River through River Park Center is part of the Project and will be undertaken by the Applicant. Separately, the City is contemplating a similar daylighting project in Larkin Plaza.

Comment III.J-16:

Young people need a true state of the art community center with something for everyone to be used all year round. Families need a place to go for outings, and being close to the river can be very relaxing for young, old and the physically challenged.

(Ivy Reeves, Community Relations, Scenic Hudson, Public Hearing, 4/29/2008, Page 217)

Response III.J-16:

Comment noted. The Project will create public open space along the Hudson River at Palisades Point, and publicly accessible open space along the Saw Mill River at River Park Center. In addition, the Applicant anticipates continuing to provide financial support to many community organizations as part of the Project.

Comment III.J-17:

Will it be possible to control a fire in buildings of this height [the residential towers at River Park Center]? Who will pay for the additional, modernized fire trucks that will be needed to reach such heights?

(Aileen Kilcommon, Yonkers Rowing and Paddling Club, Letter, 5/19/2008)

Response III.J-17:

Modern building construction classification is IA, which is non-combustible construction with unlimited fire separation areas. In addition, the buildings will be fully sprinklered with appropriate fire separations between uses designed to all applicable codes. A life-safety audible and visual system will be in place to alert occupants of any threatening fire life-safety situations. Engineering egress routes will be clearly identified and egress towers will allow vertical existing to the street from upper levels of the project. As noted in the DEIS, the Applicant has agreed to pay their fair share towards the purchase of necessary apparatus. As noted in Section III.J of the DEIS, the Fire Department has estimated that the one time cost for apparatus to outfit two new companies is approximately \$1.8 million, of which the Applicant's fair share amounts to \$450,000. It is noted that the proper technique for engaging a fire in a multi-story buildings such as those proposed at River Park Center is from the interior of the building.

Comment III.J-18:

2. Identify proposed role of Westchester County. The draft EIS makes a number of statements about the expectation that Westchester County will participate in "various public improvements" related to the project. Specifically, the document mentions funding for the Westchester RiverWalk and Legacy funds. The EIS must provide more information on the proposed role for the county.

(Westchester County Planning Board, Westchester County, Letter, 5/29/2008; Westchester County Department of Planning, Westchester County, Letter, 5/29/2008 (C66))

Response III.J-18:

In addition to participation in the Tax Increment Financing Program, the Applicant anticipates County participation in the construction of the extension of the Hudson River Esplanade at Palisades Point, and potentially with the construction of the "riverwalk" at River Park Center (through the Westchester Legacy Program). See also Response III.E.1-12.

Comment III.J-19:

Will the developer contribute facilities for a public school?

(Westchester County Planning Board, Westchester County, Letter, 5/29/2008; Westchester County Department of Planning, Westchester County, Letter, 5/29/2008 (C66))

Response III.J-19:

Given the limited number of school children anticipated to be generated by this project (0.6 percent overall increase in enrollment), a public school would not be necessary.

However, the Applicant has expressed its commitment to the community as a whole and has provided financial support to a variety of Yonkers non-profit entities. These include education-based programs. Post-construction financial support is anticipated from the Applicant which could include support for a public school capital improvement program.

Comment III.J-20:

1. Address impact to public safety services. The EIS should examine the impact of the project on County-provided police services through the Department of Public Safety. For example, the proposed entertainment complex which includes a 6,500 seat baseball park in addition to movie theaters, shops and restaurants, will attract large numbers of people who will be traversing both local streets and the Saw Mill River and Cross County Parkways on their way to and from the venue. It is possible that before and after ballgames there will be a need for additional units from the County Police for traffic control, particularly since there is a possibility that traffic congestion on Yonkers Avenue may lead to back ups on both the Saw Mill River and Cross County Parkways.

(Westchester County Planning Board, Westchester County, Letter, 5/29/2008; Westchester County Department of Planning, Westchester County, Letter, 5/29/2008 (C66))

Response III.J-20:

As noted in Section III.E of the DEIS, the Proposed Action contemplates specific improvements to the Saw Mill River exit to Yonkers Avenue. In addition, the proposed event traffic planning incorporates the use of traffic control in coordination with the City of Yonkers Police Department. The Applicant will work with the City of Yonkers Police Department on a traffic control program for special events.

Comment III.J-21:

2. Prepare fire access plans. Based on the review of available plans, there is concern about how fire protection services will be delivered to some parts of the development sites. In particular, the EIS should clarify how fire trucks are able to get to the Palisades Point site, since there may be clearance issues with the train track crossing and navigation of the helix-shaped ramp off of the new Prospect Street bridge.

(Westchester County Planning Board, Westchester County, Letter, 5/29/2008)

Response III.J-21:

The Fire Department currently provides services to the multiple uses located west of the Metro-North track line, including the multi-story Scrimshaw House and Hudson Park communities. The proposed layout contemplates fire access to multiple sides of the proposed buildings. The height of the buildings at Palisades Point will not require any additional equipment that the Fire Department uses for servicing the adjacent residential buildings that will be unable to access the site under the train tracks at Main Street. See the letter from the Fire Department in Appendix A of this FEIS. Given concerns expressed by area residents and others, as well as cost factors, the proposed Prospect Street bridge has been eliminated from the Proposed Action. These concerns include issues of safety, security and traffic congestion for residents of the Scrimshaw House, and issues of potential impacts on the children's playground and parents' ability to drop-off their children at the Queen's Daughter daycare facility.

Comment III.J-22:

Also, since the new Fire Department headquarters is to be located on New Main Street, the EIS should demonstrate that adequate street width will be available to permit safe access by fire trucks and other emergency vehicles. We note that New Main Street is a narrow street with a tight turning radius from Nepperhan Avenue.

(Westchester County Planning Board, Westchester County, Letter, 5/29/2008)

Response III.J-22:

As part of the new firehouse, there will be an apron area to provide sufficient room for fire vehicles to back in or pull out. Thus, in the area of the firehouse, the street width has been increased.

The turning radius from Nepperhan Avenue is as it exists today. Review of the plans by the Fire Department did not indicate a problem with respect to turning radii at this location. See

Appendix A of this FEIS. In addition, the Fire Department has had and will continue to have input into the design and associated improvements.

Comment III.J-23:

In addition, we note that the draft EIS states that the anticipated occupants of the proposed housing are projected to include mostly empty nesters and young professionals. However, given that the proposed unit mix is overwhelmingly two and three-bedroom apartments, it stands to reason that these units may be desirable for families. Provisions for family recreation and educational facilities should be a required element of the site planning for the residential structures.

(Westchester County Planning Board, Westchester County, Letter, 5/29/2008; Westchester County Department of Planning, Westchester County, Letter, 5/29/2008 (C66))

Response III.J-23:

The DEIS, Sections III.I and J provide a more detailed breakdown as to the anticipated population projections for comparable residential communities within Westchester County, most particularly for school age children. A recent survey of the first phase of Hudson Park revealed that the school age child operation rate is approximately 0.015 school age children per unit. Regardless, the Applicant has proposed to incorporate approximately 3.5 acres of the rooftop component of both River Park Center and Palisades Point as open space area for project residential use.

Comment III.J-24:

The draft EIS states that areas of existing City parklands (approximately 2.93 acres in total) are proposed to be alienated and transferred to the developer to allow the construction of the project. It is our understanding that none of the parkland to be alienated is active parkland. To comply with State policy regarding replacement of alienated park land, the draft EIS notes that the City proposes to dedicate two City owned parcels as parkland, comprising a total of 8.25 acres: 4.95 acres at 1061 North Broadway (Block 3515, Lot 115) and 3.30 acres at 101 Odell Avenue (Block 3515, Lot 100). However, the draft EIS does not state what the current use of this land is, or what the City intends to do with the new parkland in terms of improvements for recreational or open space use. This should be clarified in the EIS. In addition, the EIS should verify if State legislation has been submitted and/or approved for the proposed alienation.

(Westchester County Planning Board, Westchester County, Letter, 5/29/2008)

Response III.J-24:

The 8.25± acres of newly dedicated parkland is currently City-owned land. The City is in the process of preparing a program for these parcels.

Comment III.J-25:

We appreciate the inclusion of another segment of Westchester RiverWalk into the Palisades Point portion of the development. As the project moves forward, more details of the proposed public space should be provided including funding proposals for design and construction. We recommend that the city work to incorporate the county's design guidelines and signage for RiverWalk on this new section of riverfront access as well as on all already developed sections. Such compliance with design standards for the length of RiverWalk would be a condition of any future county involvement. In addition, the EIS should provide clarification, with mapping, of the Scenic Hudson easement on the site and how this project conforms to the conditions of that easement.

(Westchester County Planning Board, Westchester County, Letter, 5/29/2008)

Response III.J-25:

It is noted that the County will likely require conformance to design standards created by Westchester County for additional segments of the Riverwalk. Refer to Exhibit III-3 of this FEIS for an illustration of the Scenic Hudson easement. Portions of the Hudson River waterfront in Yonkers, including the Palisades Point site, are subject to a "Conservation Easement" granted to Scenic Hudson Inc. in 1989, as amended by an Agreement between Scenic Hudson, the CDA and the City dated June 22, 2001 (the "Scenic Hudson Easement"). The Scenic Hudson Easement calls for the preservation of view corridors and the provision of additional access to the Hudson River. The Scenic Hudson Easement limits building heights at Palisades Point to not more than 50 feet for any building within 70 feet of the Hudson River and 250 feet for buildings in other locations, and requires reservation of 60 feet of open space along the Hudson River, 30 feet of which is for a pedestrian walkway. As seen on Exhibit III-3, the easement only overlaps Parcel H in the northwest corner, and does not overlap Parcel I at all.

Comment III.J-26:

Given the parkland alienation swap provided by New York State law, why aren't we negotiating so that SFC contributes properties to the downtown open spaces parkland needs of the city such as dedicating H and I to parkland. Given the parkland alienation swap provided by New York State law, why aren't we negotiating so that SFC contributes properties to the downtown open spaces parkland needs of the city such as dedicating H and I to parkland.

(Michelle Jacobs, Resident, Public Hearing, 5/13/2008, Page 34)

Response III.J-26:

The City of Yonkers has dedicated 8.25± acres of City-owned land as parkland which compensated for the alienation of 2.94± acres of parkland as part of the Proposed Action. Further the Applicant has identified 6.3± acres of area for publicly accessible open space as part of the Proposed Action.

Comment III.J-27:

The current building plans for the Chicken Island mall contemplate using every square inch of the property except for the area around the daylighting Saw Mill River. Why is there no

additional open space besides a small space for restaurants near the river, we believe more of a stream than a river, according to the proposed plans.

(Michelle Jacobs, Resident, Public Hearing, 5/13/2008, Page 34-35)

Response III.J-27:

The Proposed Action proposed the incorporation of 3.5 acres of rooftop space for recreation area for project residents exclusive of the proposed ballpark.

Comment III.J-28:

Will the River Park Center and the Hudson River Esplanade Park be public or private property? That is a big concern for a lot of people in Yonkers. Who will dictate the use of the open space? And will there be a charge for using these areas for community events?

(Deane Prouty, Resident, Public Hearing, 5/13/2008, Page 39)

Response III.J-28:

The privately-owned open space area will be accessible to the public. The Applicant has committed to working with the City of Yonkers Recreation Department on programming of the proposed publicly accessible open space.

Comment III.J-29:

Third, bringing credible park land to our city. This also is a right for our children, our seniors and all of our residents in business. Everyone can enjoy the outdoors while experiencing the beautiful Hudson in a clean and safe downtown.

(Justin Tubiolo, Resident, Public Hearing, 5/13/2008, Page 84)

Response III.J-29:

Comment noted.

Comment III.J-30:

Six, it will give our downtown a brand new state of the art fire station, our city, our firefighters, and most importantly, our residents need this. Our citizens deserve it to feel perfectly safe at all times.

(Justin Tubiolo, Resident, Public Hearing, 5/13/2008, Page 84)

Response III.J-30:

Comment noted.

Comment III.J-31:

There is a serious lack of open space for the public, and by that I mean green space, not paved space. In terms of the new downtown population numbers that are going to be coming in, much less the fact that the southwest quarter of the City is already underserved in terms of park land.

(Terry Joshi, Yonkers Green Policy Task Force, Public Hearing, 5/13/2008, Page 104)

Response III.J-31:

As noted by the Recreation Commissioner, there are limited opportunities to expand open space opportunities in downtown as well as City-wide. The Proposed Action includes approximately 6.3± acres of publicly accessible open space and 3.5± acres of privately owned open space area accessible to project residents.

Comment III.J-32:

I would ask that there be a more detailed analysis on the impacts to the Downtown Bid, not financially, but as to how enhanced services will need to be increased or decreased. And two, in Section 3-J pages 15 and 16, which is the Yonkers Downtown Waterfront BID, this entire section needs updating and a few corrections made. I'd recommend redoing this entire section.

(Steve Sansone, Executive Director, Yonkers Downtown/Waterfront BID, Public Hearing, 5/13/2008, Page 106-107)

Response III.J-32:

This section has been revised.

REVISED III.J-(1).i

The Yonkers Downtown Waterfront Business Improvement District (BID)

In an effort to enhance the business climate of the downtown, the City of Yonkers, working with the business community, established the Yonkers Downtown Waterfront Business Improvement District ("BID"). A business improvement district is a public/private partnership in a particular geographical area, where property owners or leaseholders collectively contribute to the maintenance, development and promotion of their properties. The BID encompasses the City's traditional central business district, including Chicken Island, Getty Square, the City Pier, Larkin Plaza, St. Joseph's Medical Center as well as City Hall, the Health Center Building and the Riverfront Library. Generally, the BID is bounded by Wells Avenue to the north, the Hudson River to the west, Prospect Street to the south and School Street to the east.

The BID includes approximately 350 members: 190 property owner members and 160 lease holder members. Including the local City Council member, the Mayor of Yonkers and the City's Commissioner of Finance, a 14-person Board of Directors directs and organizes the BID and its services. The Board of Directors works with the Executive Director of the BID and provides general management of the BID in accordance with the BID bylaws. A representative of the Applicant was elected to the board of directors in March 2008.

Property owners within the BID pay a special benefit assessment that amounts to 6% of the City of Yonkers tax, Westchester County tax and school tax. Real property tax exempt non-profits (including churches, day care centers etc.) located within the BID's geographic boundary are exempt from the BID fee. Some property owners in the BID's geographic area may be exempted from the BID fees as part of a local business incentive package provided by the City. Otherwise, all business owners in the district are required to be members. Services the BID provides include a "clean team" of rangers which provides street and sidewalk cleaning services, discounted commercial garbage collection, discounted parking permits for local parking facilities, cooperative advertising for BID members, and promotional events, such as jazz, dance and film festivals. The BID operates a website – www.YonkersDowntown.com – that contains news on happenings in the district, a business directory, a calendar of events, and other information related to Yonkers downtown.

Comment III.J-33:

I want to use YTI as an example which illustrates a need. We are asking that as part of the Yonkers revitalization plan, that serious thought be given to a modern state of the art performance center.

(Dr. Mary Lane, Chair, Board of Youth Theatre Interactions, Public Hearing, 5/13/2008, Page 142)

Response III.J-33:

Comment noted.

Comment III.J-34:

They would likely opt to utilize sidewalk cafes, book stores and restaurants, yet another example in which it sidesteps the issues of recreation for the residents. Just as the issue of affordable housing is not so much also for the residents, but for the people who work in the stores who also need day care, who also need summer programs, so a potentially wonderful project in our opinion in the DEIS is lacking specifics on its impact in the community, but it can be remedied, and we suggest that the Community Benefits Agreement with the community is one what to do that. Thank you.

(Greg Arcaro, Executive Director, Community Planning Council of Yonkers, Public Hearing, 5/13/2008, Page 179-180)

Response III.J-34:

Comment noted. See Response III.I-78.

Comment III.J-35:

Oh, yes, yes, of course, I have to end with saying there is nothing, nothing, nothing about bike trails, and all the green people sitting up here and Liam will become a biker, there is nothing about bike trails anywhere. There is a lot of pavement. We need green. I ask everybody to go

down Riverside Drive, take a bike ride, take a car ride and see how beautiful the whole Riverside Park is, and Yonkers can be that too. Thank you. Bye bye.

(Rona Shapiro, Resident, Public Hearing, 5/13/2008, Page 184-185)

Response III.J-35:

The creation of bike trails as part of the Proposed Action goes beyond the scope of analysis appropriate for the Proposed Action. Bikes can certainly be accommodated at the various publicly accessible open space areas through the provision of bike racks. In addition, bike racks will be installed within the parking structures.

Comment III.J-36:

We are kind of running out of places on the river that people can go to, so this last -- where Palisades Point is, we would like to have that preserved somehow to have more open space so that we can have activities to bring the people that represent open space to have a place to go and enjoy the river along with everybody else during the years.

(Joseph Kozlowski, Board Member, Friends of the Old Croton Aqueduct, Public Hearing, 5/13/2008, Page 247)

Response III.J-36:

The Proposed Action includes approximately 1.93± acres of publicly accessible open space as part of the Palisades Point component of the Proposed Action.

Comment III.J-37:

Also there is no discussion on how the fire department is equipped to handle an emergency in such a high building.

(Sharon Ebert, Deputy Commissioner of Planning and Development, City of Yonkers, E-mail, 5/22/2008)

Response III.J-37:

Section III.J of the DEIS outlines the abilities of the Yonkers Fire Department to address emergency service conditions. Further as noted in correspondence from the Fire Commissioner, the Yonkers Fire Department has always maintained an aggressive training program for any anticipated emergencies for both the protection of the public and Yonkers' firefighters and will continue to do so.

Comment III.J-38:

Palisades Point site - the impact on the schools by construction 436 residential units with 2.5 people in each unit = 1090 people at this site indicates that only 62 school age children are anticipated and only 51 attending Yonkers public schools, thus there will be no impact on the school system. I would like to see how this conclusion was reached.

(Sharon Ebert, Deputy Commissioner of Planning and Development, City of Yonkers, E-mail, 5/22/2008)

Response III.J-38:

The Applicant has incorporated survey information from a variety of local sources with respect to school age child generation. The Collins Phase I development in downtown Yonkers along the waterfront, which contains 266 units, 72% of which are 1 bedroom units, has resulted in four school age children from 266 units, or 0.015 children per unit. While the Applicant's proposes a 2-bedroom average size for their residential construction, they also used a school age children generation ratio significantly higher, 0.11 students per unit, than what has been experienced at the Collins Phase I development. The anticipated impact of the Project is expected to increase the overall school age population by approximately 0.6 percent. This is not anticipated to create an undue impact to the school system.

Comment III.J-39:

The building of such massive structures with such little public open space astounds me in its complete disregard for social and economic history. Open space, especially on the waterfront, has always been a major economic source of income for every community that has the wisdom to utilize it correctly. Consider how much of an economic engine Central Park is for New York City businesses. Instead of creating a real master plan that incorporates open space and "real" future revenue streams of projects, Yonkers continues to develop haphazardly - most often with sweetheart deals that enrich the developers and their representatives at taxpayer expense.

(Fred Polvere, E-mail, 5/27/2008)

Response III.J-39:

The Proposed Action incorporates approximately 6.3± acres of publicly accessible open space.

Comment III.J-40:

Do not approve of the minor league ballpark unless it can be easily converted into a multi recreational facility when no ball games in session. Yonkers Westside families/youth desperately need a fitness-recreation center (basketball, skateboard, exercise equipment, etc.) As a means to prevent crime. A senior center should also be incorporated in this area.

(Terry Nagai, Resident, E-mail, 5/30/2008)

Response III.J-40:

The programming of the ballpark use will be done in coordination with the Applicant and the City.

Comment III.J-41:

The Yonkers Downtown Waterfront Business Improvement District (page III.J-15) includes outdated and inaccurate information on the Downtown BID.

(Steve Sansone, Executive Director, Yonkers Downtown/Waterfront BID, E-mail, 5/30/2008, Page 106-107)

Response III.J-41:

See Comment III.J-32.

Comment III.J-42:

The Applicant's proposed River Park Center project is half in the BID and half outside of the BID because of the School Street boundary of the District. The DEIS states that the Applicant will work to extend the BID boundaries to include the entire RPC project site. Further clarification is required as to what the obligations of the BID will be in completing the change in boundaries.

(Steve Sansone, Executive Director, Yonkers Downtown/Waterfront BID, E-mail, 5/30/2008, Page 106-107)

Response III.J-42:

Comment noted.

Comment III.J-43:

The DEIS in Section III. J ("Community Services and Facilities") - g. "Public Works" (page III. J-14) makes reference to the City of Yonkers' Department of Public Works discontinuing the commercial refuse collection in the BID. Such a discontinuation would have a materially negative impact on the BID. The DEIS says "the DPW hopes to phase out this service in the next few years" which has not been communicated to us. Further clarification is needed from either the Applicant or DPW as to statements in the DPW regarding the BID and commercial refuse.

(Steve Sansone, Executive Director, Yonkers Downtown/Waterfront BID, E-mail, 5/30/2008, Page 106-107)

Response III.J-43:

The service provided by the DPW to the BID is a relationship between the City and the BID.

Comment III.J-44:

I put my vote behind the daylighting of the river and construction of a park downtown. This will benefit those of us already in Yonkers, and will attract people to our downtown restaurants etc. Coupled with a smaller mall and towers, this could really make Yonkers a beautiful city that would attract people from all over.

(Amy Litt, Resident, E-mail, 5/29/2008)

Response III.J-44:

Comment Noted.

Comment III.J-45:

How will we accommodate the additional children in our already overcrowded schools?

(Michelle Jacobs, Resident, E-mail, 5/29/2008)

Response III.J-45:

As noted in Section III.J of the DEIS, the Yonkers City School District is currently evaluating space and facility needs.

Comment III.J-46:

It should be identified whether the residential buildings are planning to request curbside collection or container collection. Either way sufficient storage will be required by the residential buildings. Additionally, storage space must be included in the design of the buildings to allow for weekly storage of recyclables.

(Martin Bellew, Deputy Commissioner, DPW, City of Yonkers, Letter, Not Dated)

Response III.J-46:

The specific design of the required storage space will be prepared as part of the site plan development phase. Sufficient space will be reserved in the event weekly storage is required.

Comment III.J-47:

Public parks with reasonable hours of operation are an essential part of any waterfront development and we encourage SFC to incorporate such parks into any plans for waterfront development.

(Andrew Rafter, Legal Intern, Riverkeeper, Letter, 5/30/2008)

Response III.J-47:

Comment noted. The Applicant will work with the City's Recreation Department during Site Plan Review with respect to programming of the proposed publicly accessible open space.

Comment III.J-48:

The rehabilitation of the waterfront should incorporate public access to the river at least a portion of the site in order to ensure that this valuable public resource remains open and accessible to all.

(Andrew Rafter, Legal Intern, Riverkeeper, Letter, 5/30/2008)

Response III.J-48:

Comment noted. A portion of the Palisades Point project includes an extension of the Riverwalk system that would be open and accessible to the public.

Comment III.J-49:

Can the local High School create a film, documenting the construction's history? Perhaps the Riverfront H.S. can participate in recording the history of the construction of the daylighting of the opening of Larkin Plaza.

(Patricia McDow, City Council Member, City of Yonkers, Letter, 5/30/2008)

Response III.J-49:

Comment noted. The School District is encouraged to coordinate with the Applicant on a documentary process.

Comment III.J-50:

Who will be responsible for the up keep of the recreational sites and the daylighting.

(Patricia McDow, City Council Member, City of Yonkers, Letter, 5/30/2008)

Response III.J-50:

The Applicant has indicated that it would be its responsibility for upkeep and maintenance of the publicly accessible open space areas including the areas surrounding the daylighted section of the Saw Mill River at River Park Center.

Comment III.J-51:

I would like the Ballpark to also be a children's Soccer Field as well, can that be done?

(Patricia McDow, City Council Member, City of Yonkers, Letter, 5/30/2008)

Response III.J-51:

Programming for the ballfield will be undertaken between the City and the Applicant. See Response III.I-122.

Comment III.J-52:

We are hoping to have a SUNY at Yonkers Technical School. Please partner with this community in an effort to make this happen

(Patricia McDow, City Council Member, City of Yonkers, Letter, 5/30/2008)

Response III.J-52:

See Response III.I-104.

Comment III.J-53:

Will the proper security be put in place to secure the 911 equipment at the new Fire Department Headquarters? Can the Firehouse be constructed first as opposed to relocated the Fire Unit temporarily until a new Fire Station is completed?

(Patricia McDow, City Council Member, City of Yonkers, Letter, 5/30/2008)

Response III.J-53:

Due to the construction scheduling process the permanent Fire Department Headquarters will be started as part of the initial construction sequencing. The Fire Department Headquarters will be operational prior to the opening of River Park Center.

Comment III.J-54:

I would like to see a doggy run and a skateboard park incorporated in the open space at Palisades Point.

(Patricia McDow, City Council Member, City of Yonkers, Letter, 5/30/2008)

Response III.J-54:

The Applicant will work with the City Recreation Department on the programming of the publicly accessible open space areas.

Comment III.J-55:

I would like to see a real community garden with a Greenhouse to replace the Buena Vista Community Garden that is being relocated to accommodate the Prospect Street Bridge. Perhaps one of the greenhouses from Boyce Thompson can be relocated here. This greenhouse will also serve a small community center for the community.

(Patricia McDow, City Council Member, City of Yonkers, Letter, 5/30/2008)

Response III.J-55:

Given concerns expressed by area residents and others, as well as cost factors, the proposed Prospect Street bridge has been eliminated from the Proposed Action. These concerns include issues of safety, security and traffic congestion for residents of the Scrimshaw House, and issues of potential impacts on the children's playground and parents' ability to drop-off their children at the Queen's Daughter daycare facility. See Response III.J-54.

Comment III.J-56:

Will funds be allocated and put aside for Festivals at the River Walk (Larkin Plaza & Getty Square).

(Patricia McDow, City Council Member, City of Yonkers, Letter, 5/30/2008)

Response III.J-56:

Festivals in Yonkers historically have been arranged and funded by either a non-profit and/or the City of Yonkers. The Applicant has been a financial supporter of some of these festivals in the past and intends to continue to support festivals and other community events as financially practical and physically.

Comment III.J-57:

Who will be responsible for the over-time cost when special events are being held at the Baseball stadium?

(Patricia McDow, City Council Member, City of Yonkers, Letter, 5/30/2008)

Response III.J-57:

The Applicant has identified a traffic control program that they will be responsible for in the event police officers are used.

Comment III.J-58:

How many additional police officers would be need as a result of the project? How many of these officers can our budget support?

(Patricia McDow, City Council Member, City of Yonkers, Letter, 5/30/2008)

Response III.J-58:

The City of Yonkers Police Department has had an opportunity to more thoroughly and extensively review the proposed internal security program proposed by the Applicant, including details on manpower, operations, internal security systems, command center and sub-station. As a result of this more in-depth analysis, the Police Department has indicated that they would anticipate the need to add 10 additional officers and two sergeants to service the Proposed Action. The additional two sergeants indentified by the Police Department would have an anticipated annual cost of approximately \$278,358. It is noted that the other anticipated expenses 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. See Appendix B of this FEIS. As noted in Response LA-20 and Chapter III.I of this FEIS, the anticipated taxes, fees and other income generated by the Proposed Action still far exceed anticipated costs as revised.

Comment III.J-59:

Please provide the City Council with the estimated response time being proposed for the new, temporary and old Fire station.

(Patricia McDow, City Council Member, City of Yonkers, Letter, 5/30/2008)

Response III.J-59:

Given its location on New Main Street, the response times would be almost the same as the times for the nearby School Street site. See Appendix A of this FEIS.

Comment III.J-60:

Can the developer adopt a school on the Westside and do some of the much needed repairs to the structure?

(Patricia McDow, City Council Member, City of Yonkers, Letter, 5/30/2008)

Response III.J-60:

The Applicant has been a financial supporter of Yonkers charities in the past. One of these charities is the Yonkers Partnership in Education which provides private support for the Yonkers public schools. The Applicant intends to continue to support school-related charities and other community groups as financially practical. This specific item can be discussed as part of the Land Disposition Agreements.

Comment III.J-61:

One of the first things is the demolition of the existing firehouse and rehousing it temporarily. What about the refurbishment of the temporary quarters? Has the fire commissioner studied whether the temporary and new locations will afford good accessibility with an ability to maintain current response times?

(Barbara Howard, Memo, 5/30/2008)

Response III.J-61:

The refurbishment of the temporary fire house will be completed prior to the demolition of the existing firehouse. The fire commissioner, chiefs and union delegates have been engaged in the evaluation of the temporary firehouse to ensure response times and critical needs of the fire Department are met. With respect to the timing related to construction of the new Fire Headquarters, the Applicant anticipates that it will take approximately 12 months to complete the contemplated construction. Waiting for the new facility to be completed would unnecessarily, in the Applicant's opinion delay the commencement of the River Park Center facility. Even after the completion of the new Fire Headquarters, there would still be approximately another 24 months of construction before River Park Center would be scheduled to open. The Applicant has publically committed that they will provide the City with the necessary guarantees to ensure that the Fire Headquarters gets built and further commits that no certificate of occupancy for River Park Center be issued until the construction of the Fire Headquarters is completed. See also Response LA-2.

Comment III.J-62:

Firefighting in high rises is a completely different challenge and training and increases in number of fire fighters and other emergency personnel is necessary. What figures do we have on this increase in operating expenses?

(Barbara Howard, Memo, 5/30/2008)

Response III.J-62:

The Yonkers Fire Department (YFD) has reviewed the details relative to construction techniques, access and circulation. Based on existing conditions relative to existing needs as well as other anticipated development in and around downtown, the YFD has evaluated the Applicant's analysis of the incremental fire services required for the Proposed Project, and anticipates that the Proposed Action creates a need for a approximately 25 percent proportion of a new engine company and new ladder company, refer also Response to Comment J-3 regarding substantiation of the figure referenced above, see also Appendix A of this FEIS for correspondence dated September 23, 2008 from Fire Commissioner Pagano relative to the evaluation of impacts of the Proposed Action.. Given this revised projection, anticipated costs are projected to be approximately \$1.19 million annually. In addition, as noted in the DEIS there is a projected one-time capital cost for the two companies projected, of which the Applicant's proportion would be \$450,000. As noted in Section III.I of the DEIS and this FEIS, anticipated revenues to the City will well exceed costs.

Comment III.J-63:

While I certainly see the need to expedite their plans through the engineering, building and planning departments, these plans are massive and will take time to professionally assess. Is this a 6 month process or one which is somewhat unknown? Will we have to bring in additional personnel in each of these departments so that all the other projects in Yonkers can receive a fair turnaround?

(Barbara Howard, Memo, 5/30/2008)

Response III.J-63:

As referenced in Section III.J of the DEIS, the Proposed Action, at the time of filing for Building Department permits, will be required to provide fees to the City sufficient to cover the cost of the review.

Comment III.J-64:

My point is that the DEIS did not seek, or receive, any expert opinions regarding firefighting operations in "skyscrapers."

(Barry B. McGoey, Resident, Letter, 5/30/2008)

Response III.J-64:

The Applicant has continued discussions with the Yonkers Fire Department regarding the servicing of the proposed project. They have provided comments throughout the scoping, DEIS acceptance and public comment periods and have indicated that they could provide service to the Project. For correspondence specifically addressing this issue, see Appendix A of this FEIS.

Comment III.J-65:

Indeed, the Yonkers Fire Department, significantly larger than both New Rochelle and White Plains would not have enough personnel and equipment to effectively fight fire with fire in some of the high-rises in these jurisdictions, never mind right here in Yonkers with significantly higher “skyscrapers.”

(Barry B. McGoey, Resident, Letter, 5/30/2008)

Response III.J-65:

The YFD runs a comprehensive training program to effectively prepare for incidents in multiple story buildings. The YFD has identified a need for additional companies to service the downtown area including the Proposed Action. The YFD has further attempted to clarify anticipated expenses related to the Proposed Action; see Appendix A of this FEIS and see Responses LA-1, III.J-62.

Comment III.J-66:

The reasoning of the Project Sponsors is flawed because they only consider the number of additional calls or runs, and not the potential of a structure fire or other disaster in one of the “skyscrapers” they plan on building. The Proposed Project will most certainly result in numerous additional calls for fire related service, more than justifying the additional two (2) Companies. However, the cost allocated to the Proposed Project should be much closer to one hundred (100%) percent than their estimated twenty (20%) percent.

(Barry B. McGoey, Resident, Letter, 5/30/2008)

Response III.J-66:

See Response III.J-3.

Comment III.J-67:

The Project Sponsors proposed to renovate a nearby commercial building, temporarily relocate Fire Headquarters into that temporary facility for at least a year, and then finally move Fire Headquarters into a new yet to be built structure. This is unacceptable and should not be allowed. A fire station is a very unique structure that usually cannot be configured into the footprint and layout of an existing structure without incurring a tremendous cost and effort.

(Barry B. McGoey, Resident, Letter, 5/30/2008)

Response III.J-67:

The Applicant has identified a proposed structure and has made commitments to adequately address the Fire Department’s concerns regarding the use of the temporary structure. It is the Applicant’s responsibility to make these accommodations. See Appendix A of this FEIS. See also Response LA-2.

Comment III.J-68:

It is obvious to me, that unless the City Council as Lead Agency requires the project Sponsors to build the new permanent replacement Fire Headquarters before demolishing the existing building, that the promised new building will never be built.

(Barry B. McGoey, Resident, Letter, 5/30/2008)

Response III.J-68:

The Applicant has made a commitment to ensure that the Fire Department Headquarters is operational before the opening of River Park Center. The Applicant is willing to post a bond, or other comparable assurance, that the permanent facility will be constructed.

Comment III.J-69:

The municipal unions could have possibly provided additional information leading to a contrary opinion from the administration's department heads as to the "descriptions of capacity, staff, or equipment associated with each facility or service" affected. As a result of the absence of such essential input, the DEIS has not identified the true impacts that the Proposed Projects will have on the levels of service within the City of Yonkers.

(Barry B. McGoey, Resident, Letter, 5/30/2008)

Response III.J-69:

The Applicant and the Lead Agency have relied upon the expertise of the City of Yonkers Fire Commissioner for identification of impacts on behalf of the Department as a whole. This includes the recent submission (September 18, 2008) of a report by Local 628 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. . .

Comment III.J-70:

The lawn and trees next to the Cacace Justice Center are apparently considered part of that property and are not "official" city parkland. If by chance this lawn is indeed city parkland, than a parkland alienation request must be made of New York State before that property can be used as a building site. If so, the city must comply with state law and find a comparable parkland exchange for this acreage. I suspect that it is not officially parkland because it is not discussed as such in the DEIS and I cannot find it listed that way on the city Parks Dept facilities map.

However, the fact that it is not official parkland does not alter the fact that it is an open, green setting with mature trees that contributes to the quality of the air and temperature in the downtown, as well as making a lovely aesthetic statement as an entryway to the downtown for motorists traveling west along Nepperhan Avenue. I think that the GPTF should make a forceful statement that we support the development of another site as a greensward to replace this one.

(Terry Joshi, Yonkers Green Policy Task Force, Letter, 5/30/2008)

Response III.J-70:

Comment noted. The Proposed Action includes a conceptual landscape plan which includes tree plantings along Nepperhan Avenue.

Comment III.J-71:

I think that the GPTF could make a coherent case for additional parkland at the site instead of a total build-out of the mall. SFC is asking for zoning revisions that will allow the FAR to permit the building "footprint" to cover the entire piece of property. My question: why not retract the building footprint and allow for a 3 acre park so that the parkland is in the downtown, rather than up at North Broadway and Odell where most of the downtown residents will not be likely to make use of it?

(Terry Joshi, Yonkers Green Policy Task Force, Letter, 5/30/2008)

Response III.J-71:

As noted in the DEIS, the publically accessible open space created as part of the River Park Center project amounts to approximately 3.37 acres. Further, SFC's economic model, which is proprietary, has indicated a significant economic shortfall for a scenario where an additional three acres is reserved for public parkland. (Even with the FAR of 5.0 in the existing zoning, the loss of an additional 3 acres would be a reduction of 250,000 s.f. of program space.) Based on the Applicant's design architect's experience, the dimensional requirements to accommodate an additional three acre park within River Park Center (over and above the ±3.37 acres of publicly available open space already provided) would preclude the incorporation of the dimensions necessary to make the proposed building program work from a functional standpoint..

Comment III.J-72:

Why is it necessary to have a large paved plaza on this precious acreage of green space directly adjacent to the Hudson River? It is clearly stated in the DEIS that this will be used as a vehicle turnaround and for "organized events" of an unspecified nature. a. This is impervious surface next to the river. b. If this is a vehicle turnaround it is NOT public space and should not be counted into the acreage total claimed to be for open space.

(Terry Joshi, Yonkers Green Policy Task Force, Letter, 5/30/2008)

Response III.J-72:

It is contemplated that the impervious surface area, similar to the promenade could be used for organized events such as concerts or festivals. The Applicant has agreed to coordinate with the City of Yonkers Recreation Department on programming the publicly accessible open space.

Comment III.J-73:

Who will pay for upkeep of public sidewalks and existing crosswalks?

(Loretta Miraglia, Resident, E-mail, 5/26/2008)

Response III.J-73:

The sidewalks immediately adjacent to the Project Area will be the responsibility of the property owner. Crosswalks will be the responsibility of the jurisdiction that owns the right-of-way.

Comment III.J-74:

Is any community parkland (not including ballfield) included in the developer's plans for the River Park Center site?

(Molly Roffman, Letter, 5/30/2008)

Response III.J-74:

The Proposed Action incorporates approximately 6.3± acres of publicly accessible open space.

Comment III.J-75:

State percent of publicly accessible open space at Palisades Point in terms of the site size

(Colleen Roche, AICP, Senior Planner, City of Yonkers, E-mail, 5/20/2008)

Response III.J-75:

Based on the site layout as outlined as part of the Proposed Action, approximately 50% percent of the Palisades Point site is publicly accessible open space. See Exhibit II-12 of this FEIS.

Comment III.J-76:

Publicly Accessible Open Space Along the Hudson River and Within the Site Change Westchester County Riverwalk to Yonkers Waterfront Promenade

(Colleen Roche, AICP, Senior Planner, City of Yonkers, E-mail, 5/20/2008)

Response III.J-76:

Comment noted.

Comment III.J-77:

Discuss handicap accessibility at riverwalk.

(Colleen Roche, AICP, Senior Planner, City of Yonkers, E-mail, 5/20/2008)

Response III.J-77:

See Response III.A-109.

Comment III.J-78:

The Fire Department also expressed a need for improvements to the obsolete water supply system...." This was not addressed in the water supply section; applicant should discuss.

(Colleen Roche, AICP, Senior Planner, City of Yonkers, E-mail, 5/20/2008)

Response III.J-78:

The DEIS indicates that the Fire Department has expressed a need for improvement to the existing water supply system, particularly with respect to pressure problems experienced during summer months in nearby Nodine Hill. According to The City of Yonkers Water Bureau 2006 Annual Water Quality Report, capital improvements planned for 2007 included cleaning, cement relining and reinforcement of 14,000 lineal feet of water mains in the Elm Street and Walnut Street area. The Annual Report indicates that this project will improve water quality, domestic pressure and fire flow availability in the Nodine Hill section of Yonkers.

In addition, as discussed in Section III.H.3.a of the SFC DEIS, the measures recommended by the City's hydraulic consultant for upgrading the existing water distribution system to provide adequate fire flow and domestic supply to the new buildings without significantly impacting existing water flow in the area, will strengthen the overall downtown water system and provide fire flows of approximately 3,500 gpm at a residual pressure of 60 psi. During the final design of the water main improvements, the City Water Bureau will review the improvement plans to ensure that they adequately address the water supply and pressure requirements.

See also the Comprehensive Hydraulic Study in Appendix D of this FEIS.

Comment III.J-79:

Does applicant pay for cost of renovation of temporary fire headquarters?

(Colleen Roche, AICP, Senior Planner, City of Yonkers, E-mail, 5/20/2008)

Response III.J-79:

See Response III.J-67.

Comment III.J-80:

How many Fire Engines and/or Ladder companies located in the project area? What is the s.f.. of the new building?

(Daisy Colon, Dept. of Planning and Development, City of Yonkers, Memo, 5/9/2008)

Response III.J-80:

As noted by the Fire Department, there are three fire stations, housing four companies in proximity to the Project Area.

Comment III.J-81:

Pg. III. J-21 - The department indicated it is difficult to estimate the number of calls to service that will be generated by the proposed ballpark. I suggest analyzing a similar place that has similar issues and get an estimate on the increase of call and response time that occur in the area.

(Daisy Colon, Dept. of Planning and Development, City of Yonkers, Memo, 5/9/2008)

Response III.J-81:

Given the location of the new Fire Department Headquarters and the proposed staffing outlined by the Fire Department there is anticipated to be minimal increase to response times to the Project Site. See Appendix A of this FEIS.

Comment III.J-82:

A major issue for the fire department is the water pressure and the aging infrastructure that often decreases the ability to operate its hoses at full capacity in the southwestern portion of the city. During construction of the water main improvements how will this be address? The impacts did not address this as an issue only as an existing condition. What are the impacts on this issue if the project is built? And how will it be mitigated?

(Daisy Colon, Dept. of Planning and Development, City of Yonkers, Memo, 5/9/2008)

Response III.J-82:

Existing fire flows in the Project area 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. See also Response III.J-78.

Comment III.J-83:

Pg. III J-22 - Most of the buildings in Yonkers are low to mid rise. Given the magnitude of the SFC Project, coupled with the 50+ story buildings, hotels and a baseball stadium, I think a discussion on the cost needed to train fire personnel to combat high rise fires, as well as evacuation procedures needs to take place. Granted our Fire Department is one of the best but combating high-rise fires, stadium evacuations and safety inspections requires Yonkers Fire Department to take a more aggressive and expensive look at how they respond to this type of development.

(Daisy Colon, Dept. of Planning and Development, City of Yonkers, Memo, 5/9/2008)

Response III.J-83:

The City of Yonkers Fire Department has a comprehensive training program that continually updates the City's fire fighting personnel on multiple issues and can accommodate the issues addressed above. See Appendix A of this FEIS.

Comment III.J-84:

Currently, "Chicken Island" parking lot serves as a helicopter landing pad for emergencies. The description mentions that Empress said that there are several areas that the emergency medical services helicopter are able to land and that the loss of Chicken Island should not be a problem. There should be a discussion on the exact locations on where the helicopter could land and how far from the hospital is this location and is there an increase in time to get to the hospital and how does this impact the patient?

(Daisy Colon, Dept. of Planning and Development, City of Yonkers, Memo, 5/9/2008)

Response III.J-84:

The proposed ballfield is dimensionally large enough to potentially accommodate a helicopter. The proposed ballfield could be used as a helicopter landing area for emergency situations.

Comment III.J-85:

Currently, DPW has an arrangement with the Downtown Bid to provide solid waste removal five days a week. What impacts would this have on DPW if they continue this arrangement and the proposed project is built. They currently have this arrangement because the wind and the scavengers usually scatter the garbage around. What will be different if you add more business and more people? What do they anticipate will occur?

(Daisy Colon, Dept. of Planning and Development, City of Yonkers, Memo, 5/9/2008)

Response III.J-85:

The operation of the ballpark and shopping areas of River Park Center will include a garbage collection and disposal program to minimize the presence of debris and litter. This will be an improvement over existing conditions where there is no ongoing maintenance or debris removal along the River. See also Response III.J-43.

Comment III.J-86:

Snow storage following storm events is an issue and it is anticipated to remain an issue following construction of the proposed project. There is no discussion of a plan for mitigation.

(Daisy Colon, Dept. of Planning and Development, City of Yonkers, Memo, 5/9/2008)

Response III.J-86:

The Applicant will coordinate with the City Department of Public Works during Site Plan Review to address this specific issue.

Comment III.J-87:

(38) V. p.10 The DEIS states, "Having fewer people and no 24 hour presence in the downtown area could actually require additional police protection for shoppers and workers in the area. Clarify the data supporting this assumption.

(Debra S. Cohen, Esq., Attorney, C.H. Martin, Letter, 5/30/2008)

Response III.J-87:

The statement relates to the increased residential presence in a downtown setting. This is based on the Applicant's experience in other downtown settings as well as that of the Yonkers Police Department.

Comment III.J-88:

1) What are the current annual costs of municipal services to the project sites, by service (i.e. Sanitation, DPW, police, fire protection, ambulance/emergency services, constituent services, code enforcement, education and school buses, etc.) for each of the four project sites? 2) What are the anticipated annual costs of municipal services to the project sites, by service (i.e. Sanitation, DPW, police, fire protection, ambulance/emergency services, constituent services, code enforcement, education and school buses, etc.) for each of the four project sites during the construction phase? 3) What are the anticipated annual costs of municipal services to the project sites, by service (i.e. Sanitation, DPW, police, fire protection, ambulance/emergency services, constituent services, code enforcement, education and school buses, etc.) for each of the four project sites upon completion for up to five years after project completion? 4) What are the current annual costs of municipal services to the TIF district, by service (i.e. Sanitation, DPW, police, fire protection, ambulance/emergency services, constituent services, code enforcement, education and school buses, etc.) for each of the four project sites? 5) What are the anticipated annual costs of municipal services for the TIF district, by service (i.e. Sanitation, DPW, police, fire protection, ambulance/emergency services, constituent services, code enforcement, education and school buses, etc.) for each of the four project sites during the construction phase? 6) What are the anticipated annual costs of municipal services to the TIF district, by service (i.e. Sanitation, DPW, police, fire protection, ambulance/emergency services, constituent services, code enforcement, education and school buses, etc.) for each of the four project sites upon completion for up to five years after project completion?

(Deirdre Hoare, Resident, Letter, 5/30/2008)

Response III.J-88:

As indicated in the Table accompanying Response LA-20, the Applicant's socio-economic consultant has prepared a detailed analysis with respect to anticipated revenues and costs associated with the Proposed Action. As detailed therein, it is anticipated that the total City tax revenue generated by the Proposed Action would amount to approximately \$16 million per year. An estimate of 75 percent allocation of property tax revenue applied towards the tax increment financing payment leaves a balance of approximately \$8.8 million annually in which to pay for projected increased cost in municipal services. Based on updated projections from the City

service providers, specifically the Fire Department and Police Department, the anticipated annual cost in services is estimated to be approximately \$3.4 million. Refer also to the Table in Response LA-20 for a detailed breakdown of anticipated costs. This leaves a significant surplus of revenue over expenditures for the City. See Appendix A of this FEIS for a letter from the Fire Department addressing these concerns.

Comment III.J-89:

12) How much will it cost to demolish the 87 Nepperhan Building? 13) Who will pay for the demolition of the 87 Nepperhan Building? 14) Who will pay to build the new municipal building at the Cacace Center and how much will it cost? 15) Who will own the new building for municipal services at the Cacace Center? 16) Will the City lease space in the new building, and, if so, how much is it estimated to cost on an annual basis? 17) How much will it pay to move the current city services in 87 Nepperhan to the new building at Cacace Center? Who will pay for this move? 18) How will City services be affected by this move? 19) Will City services remain in 87 Nepperhan until the new building is completed, or will they have to temporarily relocate elsewhere?

(Deirdre Hoare, Resident, Letter, 5/30/2008)

Response III.J-89:

See Response III.A-12.

Comment III.J-90:

The paved area at the South of the parcel, between the parking lot and the canoe/kayak launch cannot be included as part of the alleged 136,000 sf of open space. A paved area “to be used for occasional vehicle turnaround” is not open or green space. Not only does vehicle use impede public and pedestrian access but as has already happened near the City Pier, this will inevitably become additional parking space.

(Gail Averill, President, Park Hill Land Conservancy, Inc., Letter, 5/30/2008)

Response III.J-90:

The publicly accessible open space area as part of Palisades Point is intended to enhance public access to the Hudson River.

Comment III.J-91:

Plans appear to call for about half of the currently covered Saw Mill River to be ‘day lighted’ at this site. Further, a portion that is now open seems to be covered. There is no other open space on the site. The site appears to be a virtually complete “build-out”, including a piece of existing dedicated parkland. Negotiations for parkland alienation ‘swap’ required by NY State must be within the downtown area in order to serve existing residents, not include the area day lighted at the river, and should require the developers to make appreciable contribution. Cacace Center: Similarly, the parkland to be alienated must be replaced within the downtown area.

(Gail Averill, President, Park Hill Land Conservancy, Inc., Letter, 5/30/2008)

Response III.J-91:

Under the requirements of New York State Law, a municipality must merely replace the parkland being alienated. Note that the Proposed Project calls for the development of approximately 6.3 acres of publicly accessible open space. See also Response LA-11.

Comment III.J-92:

III E 10 Who pays for the police officers directing traffic? At Cross County Shopping Center there will be charges back to the operator. Will this be the case at the ballpark?

(Lee J. Ellman, Planning Director, Planning Bureau of Yonkers, City of Yonkers, Memo, 5/23/2008)

Response III.J-92:

The Applicant has indicated that for ballgames they would pay to have police provide traffic control service.

Comment III.J-93:

III E 10 What is difference between traffic control and police? Will there have to be legislation to allow traffic control personnel to be employed by the city? Can this be contracted out?

(Lee J. Ellman, Planning Director, Planning Bureau of Yonkers, City of Yonkers, Memo, 5/23/2008)

Response III.J-93:

See Response III.J-92.

Comment III.J-94:

III E.I-14 Parking Management. Will the Ballpark pay for cost of parking/police traffic assistance during events in a similar manner as with Cross County Shopping Center?

(Lee J. Ellman, Planning Director, Planning Bureau of Yonkers, City of Yonkers, Memo, 5/23/2008)

Response III.J-94:

Section III.E.3.h indicates that during ballpark events it is recommended that uniformed police officers or traffic control personnel be assigned to direct traffic. During ballgame events the Applicant would pay for this service.

Comment III.J-95:

n. Will Riverpark Center and the Hudson River esplanade/park be public or private property? Who will dictate the uses of the open space and will there be a charge for using these areas for community events? Who will be responsible for maintaining and policing the daylighted Nepperhan area/Hudson river esplanade and the ballpark? What are the anticipated costs of administering, maintaining, and providing security for these areas?

(Board of Directors, Yonkers Committee for Smart Development, Letter, 5/30/2008)

Response III.J-95:

Both River Park Center and Palisades Point will have publicly accessible open space. Upon acquisition by the Applicant, the riverwalk at River Park Center and the landscaped lawn and esplanade at Palisades Point will be privately owned and publicly accessible open space. The Applicant has indicated that they will work with the City of Yonkers Recreation Department in the programming of the publicly accessible open space areas. As noted in Section III.J of the DEIS, the Applicant has proposed a comprehensive on-site security program for the entire River Park Center site. In addition, the Yonkers Police Department has outlined anticipated expenses resulting from the Proposed Action; see Responses III.J-103, III.J-104, III.J-105.

Comment III.J-96:

If the ball team does not succeed in Yonkers, we will be left with two things: a. A Mall with a Baseball Motif on all its exterior walls that is no longer relevant. Will this ornamentation be removed, and at whose expense? b. A useless playing field. Will this be turned into a park amenity for city residents, and at whose expense? Who will maintain it?

(Board of Directors, Yonkers Committee for Smart Development, Letter, 5/30/2008)

Response III.J-96:

If the league or team were to fail, and no other baseball team were found to replace it, Yonkers would still have a recreational facility that would be available for high school baseball, soccer and other events under the terms of use established for the stadium. The ownership of the stadium and obligation to pay associated costs of maintenance, including fair market taxes on the property, will be held by the Applicant regardless of if a team plays at the facility or not. The real estate taxes associated on the ballpark will be a part of the Full Tax Agreement anticipated to be entered by the Applicant with the City. These tax obligations will be independent of a team as a tenant for the facility.

Comment III.J-97:

Can the service vehicle heavy-duty elevators transport Fire Trucks? How do emergency vehicles reach the top level of the building (i.e., the playing field) if they must reach the condo towers?

(Board of Directors, Yonkers Committee for Smart Development, Letter, 5/30/2008)

Response III.J-97:

The Fire Department would not bring trucks to the ballfield area to fight a structural fire in one of the proposed residential towers. Typical for a structural fire in a multi-story building, the Fire Department would address the emergency internal to the building.

Comment III.J-98:

Waring Park, with its gracious trees and lawn that provide a buffer between New Main Street and the Justice Center on the bluff, will be taken down to Nepperhan Avenue ground level as part of the Cacace Center design. That is how it appears in the DEIS renderings. Therefore, it is odd that on page II-27 it is stated that the park will be enhanced, particularly as it is part of the parkland alienation. Please evaluate!

(Board of Directors, Yonkers Committee for Smart Development, Letter, 5/30/2008)

Response III.J-98:

The statement in the DEIS refers to enhancements to the remaining portion of Waring Park and separately, to providing trees and landscaping along the Nepperhan Avenue frontage. It is noted that the Nepperhan Avenue frontage is not, nor is it contemplated to be, part of Waring Park.

Comment III.J-99:

2. How big is the “park” between the parking garage and the building that is described on II-27? Will it have any sunlight? Will there be public access or is it for tenants?

(Board of Directors, Yonkers Committee for Smart Development, Letter, 5/30/2008)

Response III.J-99:

Based on Exhibit II-12 of the DEIS the urban park area between the proposed hotel/office and the Cacace Parking Garage is approximately 7,800 s.f.. Given the areas location it will receive sunlight during the course of the day, and will be accessible to both the public and tenants.

Comment III.J-100:

g. Who will pay for additional uniformed officers and traffic control personnel that are recommended to be assigned to direct traffic during ball games (Page III.E-17)? Will Applicant pay? If the City, why would that be a fair use of resources – to supplement a money making venture?

(Board of Directors, Yonkers Committee for Smart Development, Letter, 5/30/2008)

Response III.J-100:

See Response III.J-92.

Comment III.J-101:

r. Who will pay for police office to direct traffic during ball games?

(Board of Directors, Yonkers Committee for Smart Development, Letter, 5/30/2008)

Response III.J-101:

See Response III.J-92.

Comment III.J-102:

What will the city's increased expenses be for additional Buildings Department personnel to supervise such a massive project? a. Will SFC be asked to underwrite the salaries of additional building inspectors, engineers and supervisory personnel? b. What will be the cost of policeman to direct traffic during the construction period? Who will pay for them? c. Will an increase in the number of sanitation workers be necessary during the construction period? Who will pay for them?

(Board of Directors, Yonkers Committee for Smart Development, Letter, 5/30/2008)

Response III.J-102:

As indicated in Section III.J of the DEIS, the Proposed Action is anticipated to generate significant fees to the City's Building Department to offset the cost for plan review and inspections as required. Specific fees and costs will be discussed as part of the Land Disposition Agreements. The Applicant will coordinate and compensate the City of the use of on-duty police officers. The Applicant will be responsible for site clean-up during the construction process and will not require the use of City sanitation workers.

Comment III.J-103:

Original tables on costs for recommended substations provided by Police Department. See Appendix B of this FEIS.

| Recommendation 1: Substation | | | |
|-------------------------------------|-----------|--------------|--------------------|
| Police Officer | \$104,451 | 4 | \$417,804 |
| Sergeant | \$123,851 | 2 | \$247,702 |
| Bicycle Patrol Officers | \$104,451 | 3 | \$313,353 |
| OT | \$821,983 | 1 | \$821,983 |
| Portable radios | \$3,203 | 5 | \$16,015 |
| Battery charger w/6 batteries | \$900 | 7 | \$6,300 |
| Portable radio batteries | \$38 | 10 | \$380 |
| Marked radio car w/mobile radio | \$30,905 | 1 | \$30,905 |
| Bicycles | \$1,300 | 2 | \$2,600 |
| 3-wheeled vehicle | \$21,000 | 1 | \$21,000 |
| Emergency Phone | \$500 | 1 | \$500 |
| Substation and related equipment | \$300,000 | 1 | \$300,000 |
| | | Total | \$2,178,542 |

| Recommendation 2: additional police Sector | | | |
|---|--------------|----|--------------------|
| Personnel | \$104,451 | 10 | \$1,044,510 |
| Portable radios | \$3,203 | 2 | \$6,406 |
| Portable radio batteries | \$38 | 4 | \$152 |
| Marked radio car w/mobile radio | \$30,905 | 1 | \$30,905 |
| | Total | | \$1,081,973 |

| Recommendation 3: additional Traffic Unit | | | |
|--|-----------|--------------|------------------|
| Personnel | \$104,451 | 2 | \$208,902 |
| Overtime | \$169,878 | 1 | \$169,878 |
| Portable radios | \$3,203 | 2 | \$6,406 |
| Portable radio batteries | \$38 | 4 | \$152 |
| Marked radio car w/mobile radio | \$30,905 | 1 | \$30,905 |
| | | Total | \$416,243 |

| Recommendation 4: Event policing | | | | |
|---|-----------------|--------------|---------------------------------|-----------------------|
| Possible Posts | Officers | Hours | Hourly Rate | Cost Per Event |
| Riverdale/Prospect | 2 | 4 | \$68.06 | \$544.48 |
| S.Broadway/Prospect | 2 | 4 | \$68.06 | \$544.48 |
| Nepperhan/New Main | 1 | 4 | \$68.06 | \$272.24 |
| Nepperhan/School | 1 | 4 | \$68.06 | \$272.24 |
| Nepperhan/Elm | 1 | 4 | \$68.06 | \$272.24 |
| Yonkers/Walnut | 2 | 4 | \$68.06 | \$544.48 |
| Yonkers/Prescott | 1 | 4 | \$68.06 | \$272.24 |
| Yonkers/Ashburton | 2 | 4 | \$68.06 | \$544.48 |
| Yonkers/SMR Pkwy | 4 | 4 | \$68.06 | \$1,088.96 |
| Yonkers/Midland | 1 | 4 | \$68.06 | \$272.24 |
| Yonkers/Cross County Pkwy | 1 | 4 | \$68.06 | \$272.24 |
| Palisade/Elm | 1 | 4 | \$68.06 | \$272.24 |
| Nepperhan/Ashburton | 1 | 4 | \$68.06 | \$272.24 |
| SMRR/Ashburton | 1 | 4 | \$68.06 | \$272.24 |
| Stadium Posts | 12 | 6 | \$68.06 | \$4,900.32 |
| Traffic Sergeant | 1 | 4 | \$91.11 | \$364.44 |
| Stadium Sergeant | 1 | 6 | \$91.11 | \$546.66 |
| | | | Total: | \$11,528.46 |
| Total Hours Per Event | 166 | | Events Per Year: | 70 |
| | | | Total Event OT Per Year: | \$806,922.20 |

(Yonkers Police Department, City of Yonkers, Letter, Not Dated)

Response III.J-103:

The original cost estimates here are superseded by the letter from the Police Department included in Appendix B of this FEIS. See Responses LA-3, III.J-58.

Comment III.J-104:

Original estimates of costs for dealing with stadium events are detailed in the table below. See Appendix B of this FEIS.

| Recommendation 4: Events | | | |
|--|-----------|--------------|--------------------|
| Event Coordinator (Lieutenant) Straight Time | \$140,910 | 2 | \$281,820 |
| Personnel Overtime | \$806,992 | 1 | \$806,992 |
| Portable radios | \$3,203 | 25 | \$80,075 |
| Portable radio batteries | \$38 | 25 | \$950 |
| Marked radio car w/mobile radio | \$30,905 | 3 | \$92,715 |
| Marked Van w/radio | \$32,304 | 1 | \$32,304 |
| Barricades, etc. | \$2,000 | 1 | \$2,000 |
| | | Total | \$1,296,856 |

(Yonkers Police Department, City of Yonkers, Letter, Not Dated)

Response III.J-104:

The Applicant has indicated that the cost for traffic control related to ballgame events will be borne by either the Applicant or the ballpark operator. The original cost estimates here are superseded by the letter from the Police Department included in Appendix B of this FEIS.

Comment III.J-105:

The following table illustrates what original estimate of the costs of these recommendations could be over the first five years, assuming that costs will increase about 4% per year. See Appendix B of this FEIS.

| Estimated Five Year Costs | | |
|---|-----------|---------------------|
| One time cost | Equipment | \$660,670 |
| Personnel only | 1st year | \$4,312,944 |
| Personnel only | 2nd year | \$4,485,461 |
| Personnel only | 3rd year | \$4,664,880 |
| Personnel only | 4th year | \$4,851,475 |
| Personnel only | 5th year | \$5,045,534 |
| Total Estimated Cost First Five Years: | | \$23,360,294 |

(Yonkers Police Department, City of Yonkers, Letter, Not Dated)

Response III.J-105:

The original cost estimates here are superseded by the letter from the Police Department included in Appendix B of this FEIS. See Response III.J-58.

Comment III.J-106:

The YACB requests that the Applicant's opinions be supported by details, facts and comparative studies for school systems in similar areas.

(Gavin Kearney and Jonathan Green, Yonkers Alliance for Community Benefit, Letter, 5/30/2008)

Response III.J-106:

As indicated on Table III.J-7 of the DEIS, the Applicant has relied upon a series of studies and analyses to determine potential impacts to the Yonkers School District. In addition, the Collins development in downtown Yonkers has resulted in four school age children from 266 units, a ratio is significantly lower than the 0.11 students per unit estimated on the Applicant's studies.

Comment III.J-107:

"The riverwalk will be a publicly accessible space (subject to easements of public access and use)" Will the riverwalk be owned and maintained by the applicant or the city? What about the maintenance of the river itself?

(Mario Caruso, Planning Bureau of Yonkers, City of Yonkers, Memo, 5/2/2008)

Response III.J-107:

The publicly accessible open space surrounding the Saw Mill River and the associated daylighting will be owned and maintained by the Applicant.

Comment III.J-108:

Community Character, III. B-16: Will the Palisades Point features of a formal lawn, continuation of the sculpture garden and esplanade be maintained by the applicant or the city? If the city, will these become dedicated parkland?

(Mario Caruso, Planning Bureau of Yonkers, City of Yonkers, Memo, 5/2/2008)

Response III.J-108:

The Applicant has indicated that it would coordinate with the City of Yonkers Recreation Department on the programming of the publicly accessible open space associated with Palisades Point.

Comment III.J-109:

Similarly will the Saw Mill River walk and other public plazas within River Park Center be maintained by the Applicant or the city?

(Mario Caruso, Planning Bureau of Yonkers, City of Yonkers, Memo, 5/2/2008)

Response III.J-109:

See Response III.J-107.

Comment III.J-110:

The DEIS recognizes that the Hudson River and the view of the Palisades are natural resources of the City. Does this DEIS provide adequate justification for the permanent removal of these natural resources from the City's assets?

(Loretta Miraglia, Resident, Memo, 5/30/2008)

Response III.J-110:

The Proposed Action provides public access to the Hudson River and the Palisades beyond where it does not currently exist.

Comment III.J-111:

How can the city services handle two 50 story towers?

(Loretta Miraglia, Resident, Memo, 5/30/2008)

Response III.J-111:

The Applicant has reviewed the Proposed Action with the various City service providers and their evaluation is that service can be provided. In addition to meeting with various Departments of the City during the development of the Project, numerous City agencies and Departments submitted comments on the DEIS, including the Fire Department, Police Department, Department of Public Works, Water Bureau, Traffic Engineering, and Planning; those comments, and their responses, are included in this FEIS.

Comment III.J-112:

Will the need for additional security, police and fire personnel, schools and other public services send an overtaxed city to the verge of bankruptcy or worse?

(Taffy Lee Williams, Resident, Letter, 5/30/2008)

Response III.J-112:

Based on the proposed program as outlined in the DEIS, the Proposed Action would generate taxes, revenue and other fees will in excess of anticipated costs to the City. For a more detailed discussion, see Response III.I-136.

Comment III.J-113:

Do not approve of the minor league ballpark unless it can be easily converted into a multi recreational facility when no ball games in session. Yonkers Westside Families/youth desperately need a fitness-recreation center (basketball, skateboard, exercise equipment, etc.) as a means to prevent crime. A senior center should also be incorporated in this area.

(Terry Nagai, Resident, E-mail, 5/30/2008)

Response III.J-113:

The ballpark is considered to be an amenity that would attract additional people to downtown Yonkers with added purchasing power for existing and proposed stores and restaurants. This amenity would enable concerts and other large scale spectator performances to be staged in downtown Yonkers in a venue with adequate parking and other facilities (concessions, bathrooms, etc.).

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.

Comment III.J-114:

The money from the I.D.A. should be used to provide the City of Yonkers Firefighters with a new Fire House and the other requirements and training they may need to be safe.

(Valerie Perez, Letter, 5/27/2008)

Response III.J-114:

Comment noted.

Comment III.J-115:

We also are concerned that Yonkers has less recreational land on a per capita basis than many other cities in the Northeast. How would the proposed SFC developments address this problem, since the additional high-income population that would relocate from Manhattan and other areas would in effect represent an increased per capita burden on scarce park and recreational facilities? Won't having 2,000 mostly new people bid up the demand for park land and crowd out existing residents, whose opportunities are already constrained? These issues are not adequately addressed in the DEIS.

(Charles Bell, President, REAPS, Letter, 5/30/2008)

Response III.J-115:

The Proposed Action includes approximately 6.3± acres of publicly accessible open space and 3.5± acres of privately accessible open space dedicated for project residents. The City has recently identified 8.25 acres of City-owned land that will be dedicated as replacement parkland.

Comment III.J-116:

Water pressure is discussed at page III.J-3, which indicates that existing fire flow conditions at the Palisades Point site are approximately 2,000 gpm at a residual pressure of 20 psi. Page III.J-22 states that improvements will be made to the water system to yield a flow in excess of 5,000 gpm at Palisades Point. But the DEIS (both in Chapter III and in Chapter III.H, "Utilities") fails to state whether such an improvement is satisfactory to the Yonkers Fire Department ("YFD"), or consistent with the applicable standards for the scale of the proposed development.

(Daniel Riesel, Esq., Sive, Paget & Riesel, P.C., American Sugar Refining, Inc., Letter, 5/30/2008)

Response III.J-116:

As part of the Site Plan Approval process, the City Water Bureau will review the improvement plans to ensure that applicable water supply and pressure requirements and standards are satisfied. As discussed in the August, 2008 Hydraulic Analysis prepared by Lackowitz Engineering for the City of Yonkers Department of Public Works and presented in Appendix D of this FEIS, fire flow availability simulations of the Project and other developments were performed using a 3,500 gallon per minute (gpm) fire flow, which is the standard promulgated by the Insurance Service Organization (ISO) for maximum fire flow from a public water system. ISO methodology was utilized to conform to the "Recommended Standards for Water Works", which is the criteria used by the New York State Department of Health for evaluating public water system improvements. The fire flow availability calculation is performed at system-wide "maximum day demand" conditions. The results of the aforementioned simulations indicate that the improvements proposed as part of the Project will mitigate the effect on fire flow of both the Project and other future developments in the vicinities of City Hall and the ASR facility.

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 existing water 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. The remedial plan has been reviewed and approved by the City DPW and is presented in Appendix D of this FEIS.

The City of Yonkers Fire Department has reviewed the SFC DEIS and submitted comments thereon, none of which raised any concerns regarding fire flow capacity.

Comment III.J-117:

Page III.J-21 notes the YFD's stated concern about increased response times due to Project-generated traffic. However, the DEIS then discards this concern with a conclusory sentence that "the proposed Project includes intersection and other traffic improvements that will ease congestion in the Project area." The Supplemental DEIS must describe the specific mitigation measures proposed for whatever routes the YFD is concerned about, describe how, if at all, such measures will be implemented, and analyze how such measures will affect any increases in YFD response time.

(Daniel Riesel, Esq., Sive, Paget & Riesel, P.C., American Sugar Refining, Inc., Letter, 5/30/2008)

Response III.J-117:

The Yonkers Fire Department has been involved in the evaluation of both the temporary and permanent location of the Fire Headquarters. Based on their evaluation of location and local road network, no anticipated impacts on response times are anticipated.

Comment III.J-118:

The DEIS does not fulfill Scope's mandate to assess the future capability of the YFD to adequately protect newly-created high rise buildings. While there is a discussion at page III.J-22 of the YFD adding an additional engine company and an additional ladder company to serve the Project and other planned downtown development, the DEIS fails to specify that the planned additions will be sufficient to protect the 25-story towers planned for Palisades Point, let alone the 50-story towers at River Park Center.

(Daniel Riesel, Esq., Sive, Paget & Riesel, P.C., American Sugar Refining, Inc., Letter, 5/30/2008)

Response III.J-118:

In a letter dated August 8, 2008 (attached as Appendix A of this FEIS), The Yonkers Fire Commissioner confirmed that "with the recommended additional manpower, training and equipment," then Department has the ability to adequately serve the Project, including the residential towers. The Yonkers Fire Department has indicated that an additional ladder company and engine company are required to service not only the Proposed Action but also service the existing demands and those anticipated from other developments in the downtown area. Staffing required to service these two companies amounts to 34 firefighters and 10 fire officers. See also Response III.J-3.

Comment III.J-119:

At page III.J-22, the DEIS fails to explain or justify the allegedly "conservative assumption" that the Project is only responsible for 20% of the necessary costs to upgrade the YFD. The Supplemental DEIS must explain how this 20% figure was derived and why it is "conservative." Moreover, to the extent this Project - which will be the first to introduce high-rise towers to downtown Yonkers to this scale - forces the YFD to upgrade its equipment and/or personnel, the Supplemental DEIS must clarify the basis upon which the Applicant can avoid 80% of such costs by relying upon other development which mayor may not be pursued or approved, and discuss whether residents of the Project's numerous high-rise towers would be put at risk because the YFD lacks adequate fire-fighting equipment.

(Daniel Riesel, Esq., Sive, Paget & Riesel, P.C., American Sugar Refining, Inc., Letter, 5/30/2008)

Response III.J-119:

The City of Yonkers Fire Department has noted future service needs for the downtown based on this Project and other anticipated developments. Based on the Applicant's analysis of incremental fire services required for the Proposed Project, the Fire Department concurs with SFC that approximately 25% percent of the costs of a new engine company and ladder company should be attributed to the Project. (Refer to Response to Comment J-3 relative to substantiation of the Fire Department's evaluation.) 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, 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 noted in the preparation of the No-Build analysis which outlines projects currently being considered before the City. 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. With respect to training, particularly for high rise buildings, the Fire Department has noted in their correspondence that the Yonkers Fire Department will maintain an aggressive training program for any anticipated emergencies for both the protection of the public and Yonkers firefighters.

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

Comment III.J-120:

The DEIS neglects to identify, for each parcel of parkland to be alienated, what type of open space it is (i.e., active, passive) and what population (i.e., children, elderly) uses it; until this basic information is disclosed, the sufficiency of proposed mitigation cannot be evaluated because there is no "baseline" showing what is being lost by the alienation.

(Daniel Riesel, Esq., Sive, Paget & Riesel, P.C., American Sugar Refining, Inc., Letter, 5/30/2008)

Response III.J-120:

The parkland that was alienated is either paved or in passive use, and currently has minimal recreational value. In the Home Rule request submitted by the City of Yonkers to alienate the ±2.93 acres, the City cited as its purpose the conveyance of certain parklands to allow for a mixed use redevelopment (the Proposed Action) in the downtown core of the City. The City of Yonkers is offering land not presently dedicated as parkland as a swap for the nominal parkland within the Project area. It should also be noted that prior to seeking the Home Rule message, the City had not eliminated other possible uses or designations for this land. The 8.25± acres are well in excess of the two-for-one state parkland swap requirement. See also Response III.J-122.

Comment III.J-121:

Second, the DEIS fails to identify whether the 8.5 acres of "new" City-owned parkland will serve the same geographic areas and user populations of the parkland to be alienated.

(Daniel Riesel, Esq., Sive, Paget & Riesel, P.C., American Sugar Refining, Inc., Letter, 5/30/2008)

Response III.J-121:

As indicated in the DEIS, given its design and location, the ± 2.93 acres of designated parkland proposed to be alienated has minimal current public use. It is anticipated that the replacement park land, which includes $8.25 \pm$ acres, will serve a broader user population. The replacement parkland will, however, be located in a different portion of the City, approximately 2.5 miles from the proposed project.

Comment III.J-122:

Third, the DEIS fails to cite the standard governing how much open space the Project must provide in order to offset either its parkland alienation or its destruction of non-park open space. Fourth, if the "new" 8.5 acres of parkland was to be dedicated independently of the Project, the Applicant cannot take credit for it.

(Daniel Riesel, Esq., Sive, Paget & Riesel, P.C., American Sugar Refining, Inc., Letter, 5/30/2008)

Response III.J-122:

Comment noted. With respect to the alienated parcels: ± 2.08 acres are associated with Washington Park which is currently developed with the City Parking Garage and City Hall Annex and associated lawn area; ± 0.583 acres are associated with Waring Park currently used as municipal parking and unused open space; and, ± 0.2694 acres adjacent to the City's Getty Square parking lot and also used for parking. Of the ± 2.93 acres of parkland being alienated, approximately 70 percent is either paved or built on, with the balance as passive use meaning that it is primarily lawn area and has no formal use associated with it.

Comment III.J-123:

Fifth, the DEIS fails to state whether any of the 8.4 acres of open space included in the Project - such as the Sculpture Meadow already in existence at the Palisades Point site just north of ASR's refinery - was open space before the Project; the Project may only take credit for net increases in open space that it creates.

(Daniel Riesel, Esq., Sive, Paget & Riesel, P.C., American Sugar Refining, Inc., Letter, 5/30/2008)

Response III.J-123:

Approximately 6.3 acres of new publicly accessible open space will be created as part of the Project. The sculpture garden is not included in the above referenced figure.

Comment III.J-124:

Sixth, the DEIS fails to specify which proposed open spaces will be designated as City parkland, or be privately owned but publicly accessible. Seventh, for any open space to be privately owned but publicly accessible, the DEIS does not specify the terms by which such spaces will be accessible to the public; the Supplemental DEIS should indicate the hours and number of days

per year that the public will have access to the open space, under what circumstances the owner can close the space to the public (for private events, etc.), how such open space will be maintained and made secure and who will be responsible for such expenses, and how the above terms will be made enforceable against the owner of such open space. Finally, because privately owned but publicly accessible open space is not a suitable replacement for alienating parkland, the Supplemental DEIS must detail which open space it is relying upon to replace the parkland to be alienated so that the Project may move forward as proposed.

(Daniel Riesel, Esq., Sive, Paget & Riesel, P.C., American Sugar Refining, Inc., Letter, 5/30/2008)

Response III.J-124:

The City of Yonkers has dedicated 8.25± acres of City-owned land as parkland to replace the approximately 2.93 acres to be alienated. No other public parkland is proposed to be dedicated beyond the ±8.25 acres described above. Refer also to Exhibit I-3 in this FEIS for specific location of the ±8.25 acres. The DEIS in Section II and III.J describes the proposed publicly accessible open space. The terms and conditions of the use of the space have not yet been finalized between the Applicant and the City, although it is anticipated that it would be accessible the same hours and days and under the same general conditions as City public parks. It is anticipated that the terms and conditions would be finalized as part of the Land Disposition Agreement and in further consultation with appropriate department heads (e.g., Recreation, DPW).

Comment III.J-125:

There is no provision for our fire department to deal with buildings of this magnitude.

(Elliot Z. Levine, Resident, Letter, 5/28/2008)

Response III.J-125:

See Response III.J-64.

Comment III.J-126:

Are the currently proposed replacement parkland parcels within walking distance of the area in which the original parkland is to be alienated?

(Molly Roffman, Letter, 5/30/2008)

Response III.J-126:

The Proposed Action incorporates approximately 6.3 acres of publically accessible open space, including access to the Hudson River. The City has dedicated ±8.25 acres of City-owned land as park area in the northern portion of the City, which is not within walking distance of the Project. See Exhibit I-3 of this FEIS. However, the parkland that was alienated is either paved or in passive use, and currently offers relatively little in the way of recreational value.

Comment III.J-127:

And also last night I listened to the budget hearing. I happened to check it out with Commissioner Pagano who said there is additional costs and additional manpower needed for these high-rise incidents, whether they be fires or shootings or whatever that goes on that the Fire Department and the Police Department are involved in, so this has to be factored in because it's going to cost us a lot of money.

(Joseph Kozlowski, Board Member, Friends of the Old Croton Aqueduct, Public Hearing, 5/13/2008, Page 251)

Response III.J-127:

Comment noted. Section III.J of the DEIS identified initial projections regarding anticipated costs relative to the provision of municipal services. Section III.J of this FEIS provides additional detail as to projected impacts from the Proposed Action.