

III.M Construction Impacts

M. Construction Impacts

Comment III.M-1:

Considering the issues stated above (safety, access, elderly and residents with disabilities), where will we [the residents of PierPointe on the Hudson – also known as the Scrimshaw House] be parking during the construction period and how long?

(Vincent Wilson, Representative, Scrimshaw House (Pier Point on the Hudson), Letter, 5/13/2008)

Response III.M-1:

Temporary parking during construction will be provided to the west and south of the Palisades Point construction site. A new access road will be developed to service the temporary lots. To provide access for elderly persons and persons with disabilities, a pedestrian access consistent with ADA requirements will be provided from the temporary parking lot to an area proximate to the Scrimshaw House. The temporary lots will be constructed and opened in the first month of the Project's construction. It is anticipated that the temporary lots will be used for approximately 21 months. See Exhibits III.M-14 through III.M-17 of the DEIS.

Comment III.M-2:

What will happen to my business and the businesses in the area when construction begins at Chicken Island? Are we going to receive incentives like the Developer proposed until the construction phase is completed?

As you well know, the streets will be closed and access by customers to our businesses will be virtually impossible. This means that sales will be down but we will still have to make tax and rent payments and employee wages need to be paid.

How will we protect our investments? Some of these buildings have been bought by developers, and they do not want to renew some of these leases because they want to wait and see what will happen with the SFC project? In the mean time, we cannot sell if we want to, and we cannot move because all we have is the area and a name at that location.

(Wilson Terrero, Board Member, Yonkers CDA, President, Dominican Cultural Association of Yonkers, Treasurer, Letter, 5/14/2008)

Response III.M-2:

See Response III.I-76.

Comment III.M-3:

Also, in keeping with the past practices of the Westchester County Department of Health, it is recommended that there be an active vapor mitigation system employed for the remediation. The proposed passive mitigation system approach may lead to public exposure to potentially harmful vapors before vapor recovery begins.

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

Response III.M-3:

During construction, vapor monitoring will be implemented.

The passive vapor collection system design can incorporate active vapor collection. As the building foundation plan and final site design progresses, the vapor collection system design will be re-evaluated. The Applicant will conform to all DEC brownfields remediation regulations. If a passive system is ultimately installed, it will be tested and evaluated after the building is constructed and prior to occupancy. If the tests indicate an active system is necessary to remove sub-slab vapors, the passive system can accept active collection pumps, and the system can become active. In addition, the vapor monitoring system will include alarms if harmful vapors are detected, and periodic monitoring.

See also Response III.L-10.

Comment III.M-4:

Truck Traffic – DEIS states the number of trucks coming and leaving the construction sites daily, but does not delineate the routes that they will be traveling. I recommend that the routes be shown since 75 to 150 trucks daily along heavily traveled roadways will be a significant impact. Also show we know where off site all demolition debris is being carted to?

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

Response III.M-4:

As indicated in Section III.M.7.c in the DEIS, regionally, most of the larger trucks that serve the sites will come to Yonkers from I-87 exiting to use the Yonkers Avenue corridor. It was further noted that other streets likely to receive truck traffic including Nepperhan Avenue, Prospect Street, New Main Street, Palisades Avenue, Elm Street and South Broadway. Demolition debris will be disposed of in a regulated facility according to all local, state and other applicable requirements.

Comment III.M-5:

Interim plans during construction – Considering the issues stated above (safety, access, elderly and residents with disabilities), where will we be parking during the construction period and how long?

(Kimberly Lopez, Resident, E-mail, 5/30/2008)

Response III.M-5:

See Response III.M-1.

Comment III.M-6:

The City of Yonkers is undergoing redevelopment on a massive and widespread scale and the various development projects throughout the city will inevitably have an impact on the environment and may overload infrastructure and utilities such as water and sewer. While the DEIS accounts for other developments in the Yonkers area, its discussion of this issue is limited primarily to a discussion of development-related traffic impacts. Further attention must be paid to the impact of this particular project in terms of stormwater management and sewage treatment. The DEIS does not look at these issues in the context of broader development within the city, especially the cumulative impact that these many projects will have on the Yonkers sewage treatment plant. Additionally, the sewage treatment plant treats municipal waste from communities outside the City of Yonkers, municipalities that are also experiencing tremendous growth and development. As such, the DEIS should look beyond Yonkers to ascertain the cumulative impact from development projects in cities and towns whose waste is treated at the plant in order to fully discuss and plan for the cumulative impact of this project on sewage treatment and consequently, CSOs. Without an analysis of the cumulative impacts of all of these projects, the data relied on in the DEIS is fatally flawed and legally deficient.

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

Response III.M-6:

The County has required that the increase in sanitary flow be mitigated by a factor of 3:1. The details of the final mitigation plan area currently under review by the County DEF. As indicated in Section III.H of the DEIS, the Yonkers Joint Wastewater Treatment Plant (YJWWTP) was originally designed to accommodate a maximum hydraulic flow rate of 330 million gallons per day (MGD) and satisfactorily treat a flow of 92 MGD. Upgrades to the YJWWTP increased its ability to treat sanitary flow and the plant is currently permitted by the New York State Department of Environmental Conservation to treat up to 120 MGD. The YJWWTP is currently serving a population of approximately 500,000, and the Westchester County DEF's annual report for 2005 states that the average flow to the plant was 108 MGD. In accordance with the DEIS Scope, the DEIS evaluates the cumulative impact of the projected sanitary flows from other planned developments projects within the City slated for completion by the proposed SFC project's anticipated build year.

Comment III.M-7:

What precaution will be put in place to assure that we do not experience similar disaster as what has happen in NYC in regards to Construction Cranes? I would like to see Current, properly Inspected Crane and regulations of what kind of Crane can be used at the sites.

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

Response III.M-7:

All construction, including the use of cranes, will be performed with the highest attention to safety. The construction of the Project will comply with all New York State and City of Yonkers regulations, which include safety regulations. It should also be noted that the Applicant has extensive experience in construction of similarly sized projects. The Proposed Project will

generate a significant amount in fees for the City which will be used to pay for the inspection of the various construction sites.

Comment III.M-8:

I would like to see an FYI be sent to the residents in the surrounding area to let them know their rights and what they should expect during the construction.

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

Response III.M-8:

A construction management plan will be developed during the Site Plan approval process and will include appropriate notification to City officials and residents. As noted above the construction management plan could be made available for posting on the appropriate web sites related to the Proposed Action.

Comment III.M-9:

Trucks should be monitored. No special Construction time should be issued at ANY time during the construction; construction should adhere to the time scheduled given in the noise ordinance. ALL trucks transporting materials must be covered while traveling through the community.

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

Response III.M-9:

The Applicant will attempt to perform all construction activities during the times prescribed in the City Code. However, at certain times, it may be necessary for the Applicant to perform some work outside of those prescribed times. In that case, the Applicant will apply to the Department of Housing and Buildings for a variance in order to operate certain construction equipment outside of the normally prescribed times so that it continues its compliance with City Code under an approved variance. This request will also be submitted to the Council Member of the district in which the project is located at the time the request is being submitted to the Department of Housing and Buildings and any other City agencies. As stated on page III.G-25 in the DEIS, the use of tarps over open-body trucks is a potential measure that will be implemented to mitigate localized air quality impacts from construction traffic.

Comment III.M-10:

The considerable upheaval of the area during construction may further crack those portions of the flume, which will survive the construction. The enclosure of the river, beginning in the late nineteenth century, was done with considerable skill. When the "rat pit" was finally covered, it was cause for great celebration in the 1890s, A century later, the jack hammering for new sidewalks in the area, in 1995-96, is reliably believed to have cracked one or more portions of the flume between Getty Square and Mill Street. The sinking of the Philipse Manor Hall, wet basements in the area, and collapsing sidewalks and roadways, are currently attributed to this work. The impending construction will be much more severe. Further opening of cracks

underground will cause water to seep into adjoining foundations in greater volume. Accordingly, much care should be taken, and regular inspections by qualified independent individuals of the flume and its underground walls should be conducted.

(Bob Snyder, Letter, 5/28/2008)

Response III.M-10:

Comment noted. The daylighting of the Larkin Plaza area would be a City sponsored project. Any construction activity should take into consideration the age of the underlying structure and surrounding environment. The project construction will not impact portions of the existing Saw Mill River flume outside of the project area. All portions within the project site will either be reconstructed as noted or inspected and their structural stability ensured. Since the project will not impact the flow conditions upstream or downstream along the River, no impact to the flume, outside of the project limits is anticipated. All construction will be in accordance with all applicable building codes and ordinances.

Comment III.M-11:

We suggest that deliveries of materials/equipment not be allowed at night, but be restricted to the same week day work hours as permitted by law.

(Paul Wieland, Letter, Not Dated)

Response III.M-11:

See Response III.M-9.

Comment III.M-12:

I think the 30 month schedule for the entire Project is optimistic. My gut feel is that it would be at least 36 months.

(Mel Goldstein, Letter, Not Dated)

Response III.M-12:

Comment noted.

Comment III.M-13:

III-M-2

I. River Park Center

..."Existing utilities will be relocated around the perimeter of the site a required to maintain the integrity of the existing infrastructure systems." Provide an estimate of impacts of to relocate existing utilities, including duration and location of road closures and dig ups. Estimate how long Palisade Avenue will be closed when diverting the Saw Mill River.

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

Response III.M-13:

As noted in Exhibits III.M-2 through III. M-17, there will need to be a number of selected areas along the perimeter of the proposed project where utility improvements will need to be made. The duration of the impacts will vary but have been generally accounted for in the proposed construction phasing plan. The Applicant will need to coordinate with the City and other governmental agencies (NYSDOT) regarding any work done within a road right-of-way. With respect to Palisade Avenue, Section III.M.1.a in the DEIS notes that Palisades Avenue would only be partially closed during the Saw Mill diversion process, allowing for continued circulation and access.

Comment III.M-14:

III-M-3

I. River Park Center

DEIS notes that construction trucks will arrive before 7:00 a.m., however City Noise Ordinance §66-4(F) states that "operating... any tool or equipment used in construction" cannot start before 7:00 a.m. Request a zoning interpretation from the Commissioner of Housing and Buildings.

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

Response III.M-14:

The Applicant will ensure, through consultations if necessary, that its construction activities are in conformance with all City of Yonkers regulations.

Comment III.M-15:

III-M-5

2. Cacace Center

Estimate number of truck trips for rock removal off-site.

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

Response III.M-15:

Table III.M-2 in the DEIS estimates the number of truck trips related to rock removal associated with the Cacace Center site.

Comment III.M-16:

III-M-7

7. Short Term Impacts b. Noise Table III-M-I

Typical Construction Equipment Noise Levels Construction noise listed is between 80 and 101 dBA, which all exceed the city's maximum noise level of 75 dBA, constituting a prima facie evidence of a noise disturbance according to the noise ordinance. The list does not include noise levels for blasting which they intend to do.

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

Response III.M-16:

According to Part VII, Chapter 66, Article 1 §66-4(F) of the Yonkers City Code, construction activities occurring between 7am and 6pm on weekdays, excluding legal holidays, are exempt from the maximum noise levels set forth in the City's noise ordinance. Also see Response III.F-28.

Comment III.M-17:

III-M-9

7. Short Term Impacts c. Construction Traffic

Proposed that the majority of construction workers will park off-site. The largest temporary construction parking lot is the JFK marina which would have 1,010 parking spaces available. The city has proposed to construct a 150 space parking garage along JFK Drive within several years. Discuss the impacts of the potential construction at the JFK site if it coincides with the use of this auxiliary parking lot.

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

Response III.M-17:

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

Comment III.M-18:

III-M-10 c. Construction Traffic--Table III M-2 Yonkers Project Truck Traffic Matrix Construction Months 2 through 6 has 435-455 additional truck trips associated with the project and months 7-17 has 250-310 additional truck trips. Note that this is a significant increase in truck traffic that should be studied and ensure that the city traffic engineer has reviewed the increase.

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

Response III.M-18:

Comment noted. The City's traffic engineer has and will continue to review the traffic related impacts associated with this environmental review. While the number of truck trips is an increase over existing conditions, it is still well below anticipated volumes which have been evaluated in detail in Section III.E of the DEIS.

Comment III.M-19:

III-M-12

7. Short Term Impacts c. Construction Traffic

DEIS states 150 off-street merchant related parking spaces will be temporarily displaced from Project construction activity, (not including New Main Street, Palisades Avenue Elm Street.) State or map location of the displaced spaces.

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

Response III.M-19:

As indicated in Exhibit III.M-18 and described in the text in Section III.M, displaced parking is associated with on-street spaces and those spaces within the Chicken Island municipal parking lot. Based on information provided by the Yonkers Parking Authority, only approximately 130 spaces out of more than 380 spaces at Chicken Island are used. The 150 spaces mentioned in the comment refer to the Chicken Island parking lot.

Comment III.M-20:

III-M-13

7. Short Term Impacts e. Utilities

Include specifics or at least estimates re: duration and location of street closures, excavations, repaving for utility installation.

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

Response III.M-20:

The extent of the planning for these projects has not progressed to the point where specific utility locations have been finalized. Some preliminary utility locations have been identified for each area but each of these is subject to change pending additional design and review of the relevant utility. The utilities in question involve:

- Storm Water
- Sanitary
- Electrical
- Gas
- Water
- Teledata

Some general comments can be made regarding the typical sequencing and tie-ins. Prior to even the start of construction onsite, discussions will be held with the various utilities regarding building loads, available utility loads, available utility lines in the street and where in the building each utility will be run into. These discussions will result in a plan for each utility and a corresponding plan for each building. Typically the builder is responsible for constructing utility

connections out to the street line and each utility is responsible for getting power or water or gas up to that point. The deeper utilities are usually installed first. The order shown above reflects the usual order/depth of the various utilities.

ConEdison will be involved in the planning for the appropriate utility tie-ins. Discussion with this utility company could address other areas of concern. It is noted, however, that ConEdison does not provide municipal street lighting.

Sometimes a utility has the developer perform the street openings. In that case, the builder will subcontract with a qualified, bonded and insured specialty firm that is familiar with Yonkers street openings to perform the work. Sometimes the utility subcontracts out the work and sometimes the utility performs the work themselves. In any case, the work is typically performed during off hours or weekends to avoid impacting traffic. If the roadwork is extensive then it could extend into the next business day and road plates are installed at the end of the work shift to ensure that no openings are left open. If work is progressing on a road opening at night, then local police enforcement is typically used for traffic control along with warning signs, traffic cones and barricades.

A preliminary review was conducted of utility availability for River Park Center. There do not appear to be any utility connections being made into Nepperhan Avenue. This is because a deep river feature will separate Nepperhan from River Park Center. However due to the size of the development, there is anticipated to be several utility connections for each utility made into New Main Street, Palisade Ave and Elm Street. Likewise preliminary review indicates that there are no utility connections planned for the Cacace Center to be made into Nepperhan.

See also Response III.M-13.

Comment III.M-21:

Provide details for the M29 Line project, including location and duration of construction.

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

Response III.M-21:

See Response LA-29.

Comment III.M-22:

States notify area users/inhabitants within 500 feet of site at least 48 hours prior to blasting. Question, do people normally get more notice?

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

Response III.M-22:

The Applicant proposes to notify users/inhabitants within 500 feet of blast site at least 48 hours prior to blasting. Under the existing City ordinance there is no noticing requirement prior to a blasting event.

With respect to whether people are normally given notice, the Applicant notes that other Westchester County communities have provisions similar to the Applicant's proposal.

The Town of Greenburgh, NY requires users within the 300 feet be notified at least 3 days prior to a blast event. Specifically, Section 140-11(A) of the Greenburgh Town Code specifies, in part, "Not more than 20 days nor less than three days prior to a scheduled blast, the permit holder shall serve a notice of intent to blast, stating when and where blasting activity is scheduled to occur, on each occupant or user of each structure, commercial or residential, within 300 feet of the proposed blast site and upon the owner or owners of any parcel of property immediately adjoining or abutting the parcel of property on which the blasting is to take place, regardless of the distance an adjoining owner is from the blast site. "

Section 125-48.12 of the Town Code of the Town of Bedford, NY states that "Not more than 30 days nor less than 72 hours prior to the intended blasting, a notice of intent to blast shall be served upon the following: (1) The owner or owners of any parcel of property immediately adjoining or abutting the parcel of property on which the blasting is to take place. (2) When determined necessary by the Building Inspector, the inhabitants or users of any structure, including residential dwellings, located within 500 feet of the blast location."

Comment III.M-23:

III-M-18

9. Mitigation Measures b. Rock Removal Protocol

Rock drilling generates noise levels between 80 to 100 dBA and a typical rock crusher generates 94 dBA. These numbers exceed the city's noise levels. Applicant should provide specific noise mitigation of how he plans to muffle the noise "so as not to exceed a specified dBA." Second applicant must explain exactly what the "specified dBA" means. Does that refer to the city noise ordinance? If not, will the applicant comply with the city's noise maximum levels with mitigation?

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

Response III.M-23:

The "specified dBA" refers to levels that that will be determined by the Applicant in consultation with the professional engineer/seismologist that will be retained by the Applicant and the City Engineer that is considered as acceptable based on industry standards and background noise. See Response III.M-16.

Comment III.M-24:

III-M-20

9. Mitigation Measures c. Other Pollutant Controls (3) Temporary Facilities

Change may to must. (Waste management company must be contracted to arrive on site and provide the routine plumbing and sanitization of the facility.)

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

Response III.M-24:

Comment noted.

Comment III.M-25:

III-M-20

9. Mitigation Measures

e. Other Construction Related Mitigation Measures (3) Hours of Construction.

For weekend, holiday or night time work applicant should be required to notify area users/inhabitants within 500 feet of site at least 48 hours prior commencement of work.

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

Response III.M-25:

Comment noted. The Applicant will conform to the requirements of the City Code.

Comment III.M-26:

III-M-21

10. Detailed Construction Sequencing a. Cacace (2) Firehouse

Discuss handicap accessibility when sidewalk adjacent to work site is closed for duration of construction.

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

Response III.M-26:

As noted in Section III.M of the DEIS, temporary sidewalks will be provided to provide access to existing buildings.

Comment III.M-27:

Discuss impacts of relocating, rerouting and re-feeding utilities for River Park Center and Saw Mill River Diversion.

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

Response III.M-27:

As noted in Section III.M7e. of the DEIS, there is a discussion of how utilities within the various project locations will be improved. Refer also to DEIS Section III.H for a detailed discussion of the subject utility line installation. During construction of the new water mains, there may be some discoloration and temporary shutdown of services, but this is expected to occur only after hard connection of the water mains and would be short in duration. In addition, there may be some temporary road closures and redirection of traffic. Temporary access will be provided to businesses in operation which are affected by the construction work. Current fire flows will be maintained during construction. During final design, the Applicant's engineer, in coordination

with the City Water Department, will decide on a case by case basis whether to install temporary piping prior to the installation of the new water mains to maintain service to existing customers.

Comment III.M-28:

Comment III.M-29:

III-M-26-27

10. Detailed Construction Sequencing d. River Park Center towers Truck Traffic & Routing (e)(5) and (f)(5)

Months 7-12 130 truck trips consisting of 80 concrete pours and 50 delivery trucks Months 13-18 160 truck trips consisting of 80 concrete pours and 80 delivery trucks Discuss traffic and congestion impacts for increase in truck traffic including truck routes, timing, mitigation etc. [Also there is an additional 80 shuttle service trips per day for all sites.]

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

Response III.M-28:

See Responses III.M-4, III.M-18.

Comment III.M-29:

M. Construction Impacts

III-M-26

10. Detailed Construction Sequencing -. River Park Center towers (e) Months 7-12. Discuss details of cranes including height, size, safety precautions and maximum length of time on site.

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

Response III.M-29:

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

Erecting the retail and stadium areas will be 2 additional Pecco Hammerhead cranes. The final height of these 2 cranes will be 75' above the height of the stadium light towers.

The base of all 4 of these cranes will be completely set within the contract limit lines of the construction site. The initial erection and the subsequent "jumps" will be performed on weekends to avoid disruption to the adjacent areas and the construction site.

See also Response III.M-7.

Comment III.M-30:

III-M-27

10. Detailed Construction Sequencing d. River Park Center towers (g) Months 19-24 Discuss details of baseball field construction, e.g. staging, equipment.

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

Response III.M-30:

The construction of the ballfield will be integrated with the overall construction process for the River Park center podium and related residential / office buildings. Equipment for the overall construction of the Project will also be utilized for the ballpark. Staging of necessary materials for the ballpark will be incorporated into the staging process for the overall River Park Center build out. The construction schedule for the entire Phase I project accounts for the timing needs of the ballpark. The final site plan for the Project will conform with all of the relevant city codes and regulations, ensuring an efficient construction process for the ballpark and the other components of the Project.

Comment III.M-31:

III-M-31

10. Detailed Construction Sequencing

m. Larkin Plaza (I) New Parking Garage Months 1 thru 10 States "location to be determined." Are there any potential sites being studied? These should be included.

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

Response III.M-31:

Section V.G of the DEIS outlines two potential parking solutions for the Larkin Plaza improvements and provides an evaluation of each.

Comment III.M-32:

Page III.I-38 - Construction -The analysis indicates that temporary parking during construction for merchants has been identified, but no location is cited.

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

Response III.M-32:

As stated on page III.M-12 of the DEIS, one area is located at the corner of Nepperhan Avenue and New Main Street and the other area is on the westerly side of Palisade Avenue just before the intersection with Elm Street.

Comment III.M-33:

Clarify the anticipated construction impacts to the surrounding street system and businesses of infrastructure and utility work at the River Park Center site and how they will be mitigated.

Describe potential “worse case scenarios” for disruption of service to businesses continuing to operate during construction and how the negative impact on these businesses will be mitigated.

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

Response III.M-33:

As noted in Section III.H of the DEIS, utility work at River Park Center is not expected to adversely affect neighboring properties as most utility facilities in the vicinity of the Project sites are purposely built to allow for tie-ins to adjacent facilities. Should the utility determine that an area shutdown is required, which is rare, the shutdown would be coordinated with adjacent property owners to minimize short term impacts. Additional vehicular traffic will be generated by the construction at River Park Center. Chapter III.M of the DEIS outlines those impacts, as well as the measures that will be implemented to mitigate those impacts. In particular, the creation of temporary parking to mitigate the removal of parking more proximate to downtown. Further, as noted in Section III.M.h. of the DEIS there is anticipated to be a short term construction related impact on local businesses as food and other establishments within walking distance of the site would experience an increase in daytime business.

Comment III.M-34:

Clarify the projected economic impact during construction (e.g. loss of sales and tax revenues) on the City of Yonkers and downtown businesses whose customers presently utilize the Chicken Island and Government Center parking lots and the existing public transportations bus stops in the vicinity of the River Park Center project site.

Clarify mitigation measures to maximize accessibility and minimize economic losses and short term construction related impacts to abutting businesses.

Clarify mitigation measures to allow C.H. Martin’s delivery activities to continue unhindered during and after construction.

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

Response III.M-34:

As noted on Exhibits III.M-4 and III.M-5 that portion of New Main Street in proximity to C.H. Martin will remain open for delivery activity. The Applicant will make all reasonable efforts to mitigate and limit the amount of economic impact on the City of Yonkers downtown businesses due to construction. In the long run the redevelopment of the downtown will be a significant benefit to the existing downtown businesses.

As noted in Section III.M.h. of the DEIS there is anticipated to be a short term positive construction related impact on local businesses as food and other establishments within walking distance of the site would experience an increase in daytime business.

For further discussion of parking and economic impacts related to construction activity, see Response III.M-33.

Comment III.M-35:

(33) III.M, p.4 The DEIS states, “The diesel emissions at [River Park Center] will have minimal impact on adjacent properties due to the size of the site and distance to adjacent properties.”

Clarify why the C.H. Martin building will only be minimally impacted by diesel emissions given its proximity to the site.

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

Response III.M-35:

Diesel emissions from construction activities associated with implementation of the proposed Project will be temporary in duration, vary with the types of construction and the types of equipment used for the different stages of construction and the location of the construction activity on each site.. Potential diesel engine exhaust impacts at receptors will depend on the work activity, the proximity of the work activity (relative location on site/distance to receptor), and extraneous sources (i.e., other background, non-project related diesel engine emission sources), and are not anticipated to be significant. Diesel engine emissions mitigation measures will include the use of ultra-low sulfur diesel fuel to reduce emissions from non-road equipment, and the use of Particulate Matter (PM) traps to minimize PM-2.5 emissions.

Comment III.M-36:

(34) III.M, p.4 The DEIS states, “It is anticipated that the loudest noise generated at this site will be related to rock blasting, mechanical removal of rock and the hoe ramming existing foundations. These activities will have a short duration at the beginning of the construction.”

Clarify the estimated duration of these noise generating activities.

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

Response III.M-36:

As noted on Exhibit III.M-8 and Table III.M-2 the majority of the rock removal activity associated with the Proposed Action is to occur at the Cacace Justice Center site. As noted therein this activity is anticipated to occur during the first three months of construction activity. Regarding the proposed noticing requirements and the posting of the proposed construction management plan, see Responses III.M-39, III.M-8.

Comment III.M-37:

(35) III.M, p.12 The DEIS states, “Fixed air monitoring stations will be established at locations along the perimeter to monitor for particulates (i.e. dust) and volatile organics using direct reading and recordable instruments. The air monitoring stations will be operational during remedial activities.”

Clarify who will be responsible for monitoring the data and determining if additional mitigation measures are required.

Clarify to whom members of the public should communicate concerns re dust levels in their buildings.

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

Response III.M-37:

Emissions during construction will include dust (soil) as well as exhaust emissions from construction equipment. The remediation and construction contractor(s) will be responsible for the control of airborne particulates at the River Park Center site during remediation and construction. Dust mitigation measures include periodic cleaning of nearby public roadways with a street sweeper and a water truck, use of a truck wash/decontamination pad during remediation, dust suppression measures (e.g., maintenance of the stabilized construction entrance, limiting vehicle speeds). During remediation, perimeter air monitoring stations will be established and operated in accordance with the approved Community Air Monitoring Plan. The point of contact for monitoring air quality and enforcing control and mitigation measures will be identified prior to commencement of activities, and specified in a Construction Management Plan approved by the City of Yonkers.

Comment III.M-38:

Clarify what studies have been done to determine the extent of the rodent population at the River Park Center site.

Clarify the impact on the surrounding community that is anticipated by the disruption of this population, e.g. the number of rodents, the communities that will be impacted, the health and safety issues created and how they will be mitigated.

Clarify the population control methods that may be implemented and their environmental impacts.

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

Response III.M-38:

Because the preferred habitat for rats is present in the portions of the Saw Mill River that are currently covered, it is assumed that rats are present. Prior to construction activities, a rat trapping and eradication program will be implemented to carefully remove rats in the construction area. The trapping program will continue until rats are no longer endemic to the construction area. Also during the construction period, potential food sources that are attractions for rats will be carefully managed to limit the reintroduction of rats into the area.

Comment III.M-39:

Clarify how, if at all, the surrounding residents and businesses will be notified in advance that blasting will be occurring.

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

Response III.M-39:

As stated on page III.M-17 of the DEIS, all inhabitants or users of structures located within 500 feet of the blasting site at least 48 hours prior to commencement of any blasting operations. Also see Responses III.F-30, III.M-22.

Comment III.M-40:

b. The DEIS fails to consider additional building projects and the impact of traffic on all of the combined projects planned for the downtown and the waterfront.

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

Response III.M-40:

The traffic study that was performed and included in the DEIS does include the traffic that is anticipated to be generated by certain developments in the Project Area. See page III.E-6 of the DEIS and Appendix 2.C of the DEIS. Further, Section VII.C of the DEIS provides details as to the cumulative impacts of a number of different projects in the downtown and other sections of the City of Yonkers.

Comment III.M-41:

Would the applicant be responsible for the costs related to the demolition of the Government Center Garage?, 87 Nepperhan Avenue?, Fire Headquarters?, Other private buildings on New Main and Nepperhan?

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

Response III.M-41:

All building construction and demolition, with the exception of those improvements at Larkin Plaza, which are the responsibility of the City, will be the responsibility of the Applicant with the following exception: TIF bonds will pay for the construction costs associated with the specific improvements listed in Response LA-26. Sale terms of the properties to be conveyed by the City to the Applicant will be detailed in the Land Disposition Agreements currently under negotiation. These details will include responsibility as needed for associated relocation, building demolition, and environmental remediation.

Comment III.M-42:

8. Can SFC use hybrid vehicles or clean burning systems throughout the construction period, and after?

(Margaret Setterholm, Resident, E-mail, 5/30/2008)

Response III.M-42:

Page III.G-26 of the DEIS describes the measures that the Applicant may use to mitigate the environmental impact of construction vehicles.

Comment III.M-43:

Neither the "Short Term Impacts" nor the "Mitigation" sections of the Construction Impacts chapter of the DEIS analyze the four Phase I project elements separately; instead, these sections merely discuss impacts and mitigation generally. For example, in pages III.M-7 through M-20, the DEIS acknowledges that Project construction may cause air quality, noise and traffic impacts "on the adjacent community," but fails to specify where and for how long such impacts will occur (and whether those impacts will be experienced by sensitive receptors), what equipment or operations will cause those impacts, and what mitigation will be employed by the Applicant to reduce them. In short, the DEIS fails to provide the public with adequate information regarding where construction impacts will be experienced, by whom, and for how long.

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

Response III.M-43:

Comment noted. Section III.M of the DEIS contains a detailed and thorough construction sequencing plan and description and analysis of potential construction related impacts. As noted on Exhibit III.F-5 of the DEIS, a series of sensitive receptors was identified within a 1,000 foot radius from the proposed Project sites. Further, both Sections III-F and III-G of the DEIS identify equipment and activities that are anticipated to impact the surrounding community including ground clearing, excavation, pile driving, foundation work, building erection, and finishing. Table III.M-2 of the DEIS specifically notes the duration of the anticipated construction related impacts.

Comment III.M-44:

Appendix 1, §1B of the DEIS also states, at page 5, that "Best management practices will be utilized during construction to minimize disturbance to coastal waters and coastline." However, the DEIS fails to set forth any description of those management practices; they should be included in the Supplemental DEIS.

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

Response III.M-44:

Section III.D-3.c of the DEIS provides a description of the sediment and erosion control measures to be utilized during construction of the Project. A formal sediment and erosion control plan will be developed as part of the Site Plan Approval process and included in the final Stormwater Pollution Prevention Plan in accordance with NYSDEC requirements.

Comment III.M-45:

Page III.M-9 and Tables III.M-2 and III.M-3 describe numerous temporary parking lots (totaling almost 2,000 parking spaces) where construction workers will be able to park. However, as discussed above with respect to the "temporary impacts" and "mitigation" sections, the DEIS does not identify the specific temporary lot(s) to be used by workers for each respective Project element. ASR therefore is unable to ascertain from the DEIS where the Palisades Point workers

will park, how they will reach such temporary lot(s) and, if such lot(s) are remote from the construction site, how they will be transported between the lot(s) and the construction site. Thus, the DEIS does not demonstrate either how, if at all, ASR will be impacted by construction-related traffic, or what specific mitigation will be put into place to relieve such impacts.

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

Response III.M-45:

As noted on Exhibits III.M-14 through 17 of the DEIS, the majority (90%) of construction workers for Palisades Point would park at the ATI site and be shuttled to Palisades Point. In addition, the Applicant has indicated that they are no longer considering the use of JFK Marina parking but instead will utilize underused parking as part of the Cromwell Towers complex.

Comment III.M-46:

The "Detailed Construction Sequencing" section of the chapter states that 90% of Palisades Point workers will park at the "ATI site," which consists of 260 spaces and is located about 3,000 feet north of Palisades Point, which itself has 375 spaces. (Pages III.M-29 to M30.) If in fact a single lot is used, why are the Palisades Point workers not using the 375 spaces at Palisades Point? If they are to use the ATI site, what will the Palisades Point parking spaces be used for? Either way, these references to the use of a single remote lot appears to contradict the discussion of five remote parking lots as discussed above (and set forth on Table III.M-3).

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

Response III.M-46:

Based on the phasing schedule for the Project, it is not anticipated that there will be any period of time when the Palisades Point site will be generally available for construction worker parking. If the phasing changes so that construction at Palisades Point does not coincide with other components of the Project, then the Palisades Point site could be used for construction related parking. As noted previously, the area denoted for optional construction parking at the Palisades Point site will be used for temporary parking for the residents of the Scrimshaw House. See also Response III.M-45.

Comment III.M-47:

The DEIS estimates the number of truck trips made throughout the 24-month construction period for Palisades Point and, for months 7 through 24, indicates that "Site Access (90%) from Prospect Street Bridge." (Page III.M-30 through M.31.) The chapter acknowledges that the Prospect Street Bridge will not be completed until around month 7, so for months 1 through 6, indicates that "all site access initially from Water Grant Street." (III.M-29.) The Supplemental DEIS should indicate why the construction of the Palisades Point development cannot be deferred until after the Prospect Street Bridge is completed, so that construction traffic can use the new bridge for months 1 through 6.

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

Response III.M-47:

Given concerns expressed by area residents and others, as well as cost factors, the proposed Prospect Street bridge has been eliminated from the Project. Concerns included the safety and security implications of the new bridge for current waterfront residents, possible traffic impacts from the bridge, visual impacts of the bridge, and the impacts of the bridge on Queens Daughter's Daycare.

Comment III.M-48:

Exhibit III.M-14 shows construction access not only along the road from Water Grant Street, but also, apparently, through the northern gate of ASR's sugar refinery. (Exhibits III.M-15 through III.M-17 also show such access.) There will be no access to Palisades Point construction activities through the ASR refinery; these references are erroneous and must be deleted.

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

Response III.M-48:

Comment noted. The Applicant does not intend to use the ASR site as an access point for construction related traffic. In the event construction related equipment can not access the site from Main Street, equipment could be brought to the site using Babcock Place and proceeding south along Alexander Street to the site.

Comment III.M-49:

A review of Section III.M and the referenced sections regarding the construction impacts led to the understanding that many main streets in Yonkers will be temporarily and negatively impacted by construction of the Project. It is necessary that the Applicant quantitatively illustrate these impacts with more detail as these impacts apply to each study intersection, particularly since there will be numerous construction phases extending over a long time period. The projected traffic conditions and Levels of Service (LOS) during the expected lengthy construction period should be analyzed during both the Peak AM and PM Hours analyzed in the DEIS. In addition, existing conditions should be analyzed among the study intersections during the anticipated construction traffic peak hours. A LOS comparison should be made between the existing conditions and conditions during construction for all peak hours defined. Specific attention should be paid to the existing truck routes and how the trucks servicing other businesses in Yonkers (such as ASR's sugar refinery) may be impacted during construction.

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

Response III.M-49:

The replacement parking along Yonkers Avenue will be available concurrently with the removal of off-street parking. The City will require the Applicant to prepare a Maintenance and

Protection of Traffic Plan (“MPTP”) for Yonkers Avenue/Nepperhan Avenue for City review and approval prior to construction to insure that “through traffic” is maintained. Parking will be eliminated in order to provide the same number of lanes as currently exists. Thus, there will be minimal impact on traffic (trucks included) using Yonkers Avenue during construction. Exhibits II-49 through II-49c of the DEIS identify proposed replacement parking areas along and in the vicinity of Yonkers Avenue.

In the River Park Center/Cacace Center area, traffic flow on adjoining roadways will be maintained during construction with the exception of a section of New Main Street that will be closed for several months to permit demolition of 87 Nepperhan Avenue. A MPTP will be prepared for this area and reviewed/approved by the City prior to construction. Prior to issuance of a building permit, temporary parking will be provided to replace any on-street and off-street spaces designated for removal during construction permitted by such building permit.

While there may be short interruptions of traffic flow, minimal interruption is anticipated due to “site work” along the major arterials, i.e., Nepperhan Avenue, South Broadway, etc. Since the Prospect Street Bridge has been eliminated from the Project, there will be no construction impacts at this location.

Level of Service is not typically calculated for a construction period. Increases in delay are normally expected due to construction activity – for example, if a roadway is being resurfaced at least one lane will be “out of service.” These delays are unavoidable. For this Project, it is anticipated that the existing number of lanes on Yonkers Avenue/Nepperhan Avenue will be maintained to the maximum extent possible resulting in the least disruption to existing traffic. The 4 to 5 outbound trucks from ASR during each of the peak hours should encounter minimal delay.

Comment III.M-50:

The Scope requires that the EIS quantitatively analyze potential temporary impacts to the area's transportation systems during the construction period; however, the DEIS does not provide any quantitative analysis of the impact of construction-related traffic on the study intersections. In order to analyze how these additional transportation services will impact LOS for traffic in the surrounding areas, the Supplemental DEIS should estimate the distribution of this additional construction traffic among the key intersections.

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

Response III.M-50:

It should be noted that not all the workers (trucks) are required during the entire project. Thus, the number of construction trips is distributed over the construction cycle. However, there will be additional traffic in the area due to construction workers and construction deliveries. An indication of the resulting LOS is the “No-Build” condition which considers the existing traffic volume plus growth and other development traffic to the design year. Table III.M-2 in the DEIS provides detailed estimates of truck trips per month for the 30 month construction period for each aspect of construction for each of the development sites, including the total number of truck

trips per day. The total ranges from approximately 200 to 450 trips with the largest numbers occurring during the first six months of construction. From month 7 to 17 of the Project, the number of truck trips is around 300 per day. From month 17 to month 30, the estimated number of truck trips is approximately 200 per day.

The Applicant's traffic engineer has reviewed the capacity analysis for each study intersection anticipated to be affected by construction truck trips, and has concluded that the truck trips would not materially affect the No-Build operating condition. As indicated in Section III-E of the DEIS, the City's peak hours are 7:30 to 8:30 AM, 4:30 to 5:30 PM on weekdays and 1:00 to 2:00 PM on Saturdays while the peak hour for construction traffic is will occur prior to 7:30 and before 4:30. Furthermore, since truck trips would be distributed throughout the day, approximately 20-50 truck trips would affect the roadway network during the peak hours.

See also Response III.M-49.

Comment III.M-51:

While there is mention of a few streets that would be utilized by the Project's 200-450 construction trucks, the DEIS has not distributed these trucks along the study area streets. Determination of this distribution is necessary to understand the traffic impacts the construction would have on ASR's sugar refinery and the larger community. The Supplemental DEIS must analyze and disclose how the truck volumes are distributed among the streets, how the presence of these additional trucks impacts the LOS on the study intersections, how these trucks impact the existing truck routes utilized by ASR and other nearby businesses.

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

Response III.M-51:

The DEIS conservatively estimated the number of trucks a day between 200 and 400. This is a maximum range for concurrent construction of all Project components and will most likely occur during major excavation phases and delivery of concrete. In general the average will be some 200 trips a day. The DEIS notes that the larger trucks will come to Yonkers from I-87 and use the Yonkers Avenue corridor. Other streets likely to receive truck traffic include Nepperhan Avenue, Prospect Street, New Main Street, Palisade Avenue, Elm Street, and South Broadway.

Comment III.M-52:

ASR's traffic consultant, TRC, conducted field observations in the study area on a typical weekday afternoon. TRC observed that traffic on downtown Yonkers streets during what is considered "off-peak" times is relatively high, with high volumes of school bus traffic and vehicular and pedestrian traffic between 3:00 PM and 4:00 PM. Put another way, the DEIS only evaluated peak hours, when in fact it appears that the Project's largest impact will be during non-peak hours given the infusion of Project construction-related traffic. There is no analysis provided on the impact this increase in construction related traffic during the "off-peak" times

would have. A LOS comparison should be prepared by the Applicant regarding traffic during peak construction travel times.

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

Response III.M-52:

The data collected by the Applicant's traffic engineers shows that the traffic volume along the Nepperhan Avenue/Yonkers Avenue corridor during the 3 PM to 4 PM period is lower than the peak hour traffic evaluated in the traffic study (based on machine count summary), and therefore no separate analysis of this time period is warranted.

Comment III.M-53:

If construction may continue from 3:30 PM to 6:00 PM, some construction related traffic will impact the surrounding areas during these time periods. How will this affect the traffic volumes at the study intersections during the Peak PM Hour? A percentage of the departing construction traffic that will be leaving during the Peak PM Hour must be defined and included in the requested traffic analysis of the construction period.

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

Response III.M-53:

The data collected indicates that traffic volumes between 3 PM and 4 PM are lower than during the peak hour when the majority of the construction related traffic would be leaving the Project area. As noted in Section III.M of the DEIS the construction related traffic will fluctuate depending on the particular phase of construction. Approximately 90 percent of the construction worker traffic is anticipated to use off site lots for parking with the balance parking on the particular construction site. It is not anticipated that the balance of the construction related traffic would significantly impact existing traffic conditions, and it is noted that all construction related impacts are temporary in nature. See Response III.M-52.

Comment III.M-54:

The DEIS estimates that, due to construction, "approximately 150 off-street merchant related parking spaces will be temporarily displaced from Project construction activity. This does not include parking along New Main Street, Palisades Avenue, and Elm Street." (III.M-12.) Relocating these parking spaces to two separate temporary parking areas will create new traffic patterns. The temporary parking areas identified by the Applicant are on Nepperhan Avenue & New Main Street and on the westerly side of Palisades Avenue just before its intersection with Elm Street. The intersection of Nepperhan Avenue & New Main Street is along the ASR truck route, and the intersection of Palisades Avenue & Elm Street is in close proximity thereto. Directing approximately 150 merchant-related parking spaces to this area will impact traffic conditions at these intersections and along Nepperhan Avenue (and thus, along ASR's truck route). The traffic impacts related to these pattern changes were not illustrated; their effects need to be studied and illustrated in the Supplemental DEIS.

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

Response III.M-54:

Merchant traffic coming from the south or west is already using the existing on-street parking or Chicken Island parking area is already passing through the intersection of New Main Street/Nepperhan Avenue and Palisade Avenue and Elm Street. During construction this traffic will be rerouted to temporary parking areas. Given the existing traffic volume in the area (over 3000 vehicles passing through the intersection of Nepperhan Avenue/New Main Street), the impact of this temporary rerouting will be minimal.

Comment III.M-55:

The DEIS ignores the details of these temporary impacts. The above-mentioned Appendix E does not discuss how and for how long these roadways will be affected by Project improvements, or how transportation and congestion brought about by the utility work will impact LOS and ASR truck routes, particularly at the study intersections.

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

Response III.M-55:

Comment noted. Temporary impacts are not ignored in the DEIS. Sections III.M.7.e and f of the DEIS provide a discussion of construction impacts related to utility and roadway improvements. As noted in the DEIS, new water and sanitary sewer lines will be provided in the streets that abut the Project Area, including New Main Street, Nepperhan Avenue, Palisade Avenue, Elm Street, Waverly Street and Maple Street. New storm drains will also be provided in these streets and others, including Yonkers Avenue.

In addition, road and intersection improvements within the right-of-way of existing streets include the following:

1. Installation of a landscape median along Nepperhan Avenue in the vicinity of both the Cacace Center and River Park Center sites.
2. Provision of additional turning lanes at certain intersections, such as at Nepperhan Avenue and Elm Street and Nepperhan Avenue with Broadway.
3. Realignment of the intersection of Waverly Avenue and Nepperhan Avenue as part of the major access to River Park Center. The portion of Waverly Street referred to is its westernmost terminus with Nepperhan Avenue, the realignment will require coordination with both NYSDOT and the Polish Center. The land area involved is presently vacant and will not effect operations of nearby facilities.
4. Improvements to the Saw Mill River Parkway ramps.

These improvements would likely involve activities such as excavation that would likely require the closure or partial closure of roadways or lanes for short periods of time. Any such closures would only affect roadways in the immediate vicinity of the project and roadways where specific utility or roadway improvements have been identified. Sections III.E and III.H identify planned utility and roadway improvements respectively. Short term construction related impacts to abutting businesses on streets such as New Main Street, Elm Street and Palisade Avenue will be minimized to the extent practicable with efforts to maintain vehicular and pedestrian traffic flow, with at least one traffic lane and one side-walk open whenever possible.

The Applicant anticipates that any necessary lane closures would be limited to the shortest duration practicable. During such times, decreases in LOS would be likely, but the impacts would not be considered significant due to the temporary nature of the lane closures. Mitigation will include the implementation of a Maintenance and Protection of Traffic Plan for Yonkers Avenue/Nepperhan Avenue reviewed and approved by the City prior to construction to ensure traffic flow.

Comment III.M-56:

Some improvements and alterations to the area's roadways and intersections will have long term impacts on traffic patterns and temporary negative impacts on LOS. During construction, LOS of the affected intersections will worsen. In particular, the construction of Prospect Street Bridge will affect ASR's secondary access point which is currently located along Water Grant Street. The installation of a landscape median along Nepperhan Avenue in the vicinity of the Cacace Center and River Park Center sites, the addition of turning lanes at Nepperhan Avenue & Elm Street and Nepperhan Avenue and Broadway, and the realignment of the intersection of Waverly Avenue and Nepperhan Avenue will have a direct impact on the ASR truck route (located along Nepperhan Avenue at these locations) during construction. The Applicant maintains that these activities will have a temporary negative impact on traffic and that there will be an attempt to mitigate these impacts. While suggestion of negative impacts and mitigation measures were made, specific details were not disclosed to the public regarding exactly how much the LOS would decline and for how long. If not properly phased and managed, the extensive off-site utility and roadway work could bring downtown Yonkers to a complete standstill during the peak hours and for extended off-peak hours as well. Much more information should be provided by the Applicant regarding this very large and complicated Project so that these impacts can be better defined and mitigation measures recommended.

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

Response III.M-56:

Traffic impacts have been mitigated to the maximum extent practicable and will not materially affect truck routes in downtown Yonkers. The Prospect Street bridge has been eliminated from the Project. The City will require the Applicant to prepare a Maintenance and Protection of Traffic Plan ("MPTP") for Yonkers Avenue for City review and approval prior to construction to insure that "through traffic" is maintained. Parking will be eliminated at the start of construction to provide the same number of lanes as currently exists. Thus, there will be minimal impact on traffic (trucks included) using Yonkers Avenue during construction.

In the River Park Center/Cacace Center area, traffic flow on adjoining roadways will be maintained during construction with the exception of a section of New Main Street that will be closed for several months to permit demolition of 87 Nepperhan Avenue. A MPTP will be prepared for this area and reviewed/approved by the City prior to construction.

While there may be short interruptions of traffic flow, minimal interruption is anticipated due to “site work” along the major arterials, i.e., Nepperhan Avenue, South Broadway, etc. Since the Prospect Street Bridge has been eliminated from the Project, there will be no construction impacts at this location.

Level of Service is not typically calculated for a construction period. Increases in delay are normally expected due to construction activity – for example, if a roadway is being resurfaced at least one lane will be “out of service.” These delays are unavoidable. For this Project, it is anticipated that the existing number of lanes on Yonkers Avenue/Nepperhan Avenue will be maintained to the maximum extent possible resulting in the least disruption to existing traffic. Regarding the provision of replacement parking, see Response III.M-49.

Comment III.M-57:

Pages III.M-16 through M-18 of the DEIS describe the Applicant's blasting protocol. Although the DEIS is silent on this point, four power generators at ASR's sugar refinery which equipment is located immediately adjacent to the Palisades Point site – incorporate vibration monitors that automatically shut down the generators if certain vibration thresholds are exceeded. The Supplemental DEIS should describe appropriate mitigation in the event blasting is necessary at the Palisades Point site and the Applicant is unable to ensure that ASR's applicable vibration thresholds will not be exceeded. Such mitigation should include, for example, the Applicant's commitment to schedule such blasting only during those weekends when no operations are scheduled at ASR's refinery.

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

Response III.M-57:

As noted in Section III.M of the DEIS, no blasting will occur at the Palisades Point site.

Comment III.M-58:

We want to be assured that the noise, dust, vibration, parking, traffic impacts during construction will be minimized to the greatest practical extent. Has there been a study of the foregoing impacts on our property and congregation?

(George Sarkissian, President, Mar Mari Church Executive Committee, Letter, 5/29/2008)

Response III.M-58:

Chapter III.M of the DEIS and this FEIS describe the temporary impacts that construction may have on properties within the Project Area as well as the steps that will be taken to minimize any adverse impacts.

Comment III.M-59:

Does the plan for construction of the new towers require any direct access to or through our property? If so, will we have a choice in allowing any such access or will it be forced upon us?

(George Sarkissian, President, Mar Mari Church Executive Committee, Letter, 5/29/2008)

Response III.M-59:

It is not anticipated that the Project will require access to or through the property of Mar Mari Church.