

## **III.P Alternatives (V)**

**P. Alternatives (V)****Comment V-1:**

In addition, Scenic Hudson has proposed an alternative design concept for Palisades Point based on the Downtown Master Plan that has been determined by an independent economist to be viable and profitable. We believe this approach eliminates significant adverse visual impacts and also preserves open space for Yonkers residents, providing them with access to the river that will contribute to the creation of a great Hudson River urban waterfront that will be a magnet for future development and prosperity.

*(James A. Slaughter, Director of Land Use Advocacy, Scenic Hudson, Letter, 5/1/2008)*

**Response V-1:**

Comment Noted. The Applicant evaluated several alternatives to the Proposed Project. Alternative F included several different scenarios for developing Palisades Point including one that is based on the City's 1998 Master Plan & Design Guidelines for the Yonkers Downtown Waterfront. See pages V-21 – V-26 for a discussion of that alternative. Scenic Hudson's new plan was presented to the Council as an attachment to its DEIS comment letter and is included in Chapter IV of this FEIS.

**Comment V-2:**

Scenic Hudson has developed an Alternative Waterfront Concept Plan that advocates for the creation of parks along the Yonkers waterfront. Scenic Hudson's approach was developed after engaging in a months-long dialogue with numerous community groups. It reflects the views of Yonkers residents to provide stronger connections to the Hudson River. The vision is to create a "necklace" of community parks spaced one-half-mile apart, stretching for two miles along the Yonkers shoreline from the city's southern boundary to JFK Marina in its Glenwood section.

*(James A. Slaughter, Director of Land Use Advocacy, Scenic Hudson, Letter, 5/1/2008)*

**Response V-2:**

Comment Noted. The Proposed Project contains 1.93± acres of publically accessible open space at Palisades Point. Of the alternatives that the Applicant was required to study in the DEIS, only the alternative that increased the height of the two buildings at Palisades Point would create more open space than the Proposed Project. See Table V-8 of the DEIS. Scenic Hudson's plan apparently extends well beyond the Palisades Point site. SFC conducted community meetings with many groups and stakeholders which, contributed to the Applicant's proposed design for the waterfront and lead to the formation of a plan the Applicant felt was financially feasible for it to construct.

**Comment V-3:**

All of the other alternatives ruled out the daylighting of the river in the River Park Center, and I didn't understand that. I want to be provided a justification for why the daylighting will not be possible under the other proposed alternatives.

*(Deirdre Hoare, Resident, Public Hearing, 5/13/2008, Page 201)*

**Response V-3:**

It is conceivable that daylighting could occur in scenarios without the project or with a different project; however, such scenarios would require additional public sector funding. Although the proposal to open the Saw Mill River and construct the adjacent Riverwalk at River Park Center would enhance the attractiveness and destination appeal of the site, it is nonetheless a revenue-negative amenity. That is, it is a desirable but discretionary component that will not generate revenue. The considerable construction costs of the Proposed Project or any of the alternatives considered for the River Park Center site and surrounding parcels is justification for the inclusion of a publicly-funded amenity such as the Riverwalk. Although pledged public funds will cover approximately \$34 million of the cost of this \$45 million project element at River Park Center, additional funding would have to be provided for the remaining \$11 million required to complete the daylighting as planned under the Proposed Action. Without the mix of uses and the volume of space provided under the Proposed Project, the additional funding would have to be supported by a smaller development consisting of a less profitable mix of uses, which is permitted under the existing zoning. Alternative B, the Existing Zoning Alternative, as described in Chapter V of the DEIS would consist of roughly 1.3 million square feet of office and commercial uses, similar to the existing uses surrounding the River Park Center site, but it would not include housing, movie theaters, a supermarket and other uses which are not permitted in the current CB district. Without these additional components, the project no longer provides the mixture of uses that made it attractive and the costs of daylighting the Saw Mill River and constructing the Riverwalk becomes unreasonable. As such, it would not be reasonable to expect that such a revenue-negative amenity would be included as a feature of a standard commercial-office development. In this regard, it is worth noting that commercial and office uses at high permissible densities have been as-of-right for the River Park Center site and surrounding properties for many years. Nonetheless, even without the added amenity cost associated with the Saw Mill River daylighting and Riverwalk, no viable office-commercial development projects have been proposed.

It should be noted, however, that it would still be possible for the City to undertake daylighting of the River at Larkin Plaza if grant funding could be obtained for both the daylighting costs and the relocation and construction costs of public parking currently in use at Larkin Plaza. As a non-revenue producing project utilizing public funds, the City would need to make the budgetary decision on the utility of this plan.

Under the alternative that considered the development in accordance with the previous proposal for the ballpark, no additional daylighting would be undertaken because that was not a part of the original proposal. While some new landscaping and paths would be added to the 230 lineal feet of the River that is exposed, approximately 1,100 lineal feet of daylighting would not occur under this alternative.

**Comment V-4:**

The two "no ballpark" alternatives presented by the developer are a rooftop with no usage, and an additional story of 150,000 sq ft of retail space which would require another parking level. The GPTF asks: why NOT a green roof that could serve as both an environmental buffer AND a

public amenity with picnic areas, etc., as with the roof on the Manhattan sewage treatment plant along the West Side Highway? The GPTF should request that the City Council require green roofs on all future buildings.

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

**Response V-4:**

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.). Additional retail in place of a ballpark would result in additional job creation and revenue for the Applicant and the City, along with the need for additional parking and for the mitigation of additional traffic. A green roof alternative would have certain benefits, as indicated by the comment, but would not achieve the same level of attraction and the other economic objectives attributable to the ballpark or the additional retail.

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**Comment V-5:**

The DEIS states, “The ballfield is a significant green roof that would be eliminated in both options.” (40) V., p.16 Clarify why the ballpark could not be replaced with another use that incorporates a green roof. Clarify how the ballpark qualifies as a “green roof”. Clarify what if any chemicals/pesticides will be used to maintain the ballfield and the ballpark facility, their environmental impacts and how they will be mitigated.

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

**Response V-5:**

The field will be a green roof because it will be constructed of natural soil and grass; therefore, it will serve to decrease the amount of stormwater runoff by capturing water from rain events. The application of any chemicals/pesticides to the ballfield will be done in accordance with all federal, state, and local laws and regulations. In addition, as discussed in Chapter III.D of the DEIS, the stormwater from the River Park Center will undergo filtration treatment prior to discharge into the Saw Mill River. The treatment will include the removal of a portion of nitrogen that may be present in the stormwater. See Response V-4.

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**Comment V-6:**

“No Ballpark” Alternative: Still only addresses either a plain roof or another floor of retail. What about a green roof?

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

**Response V-6:**

See Response V-5.

**Comment V-7:**

There is still no analysis of the project feasibility without TIF. What about an SFC analysis of a GO bond or other public funding?

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

**Response V-7:**

The TIF Feasibility Study and Preliminary Plan for Municipal Redevelopment includes the financial issues related to TIF. The Applicant has said that the project is not feasible without the City of Yonkers upgrading the public infrastructure in the downtown; it is the City's decision as to what is the best funding vehicle.

**Comment V-8:**

There is no financial analysis presented to justify the refusal to consider 13.5% or 20% affordable housing.

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

**Response V-8:**

The Applicant has committed to providing new affordable/workforce housing units equal to 10% of residential units being constructed as part of the Project. This represents an increase from 6%, which was proposed in the DEIS. The percent of affordable housing will be determined by the Council as part of its negotiation on a number of business items that will be finalized in the Land Disposition Agreements and the Environmental Findings Statement. As part of negotiations in the Land Disposition Agreements, the Applicant will provide proprietary information to the City Council in executive session to provide a basis for affordable housing and other economic components of the project. See Responses LA-5, III.I-197.

**Comment V-9:**

87 Nepperhan Avenue – Adaptive Reuse: a. V-28, J. As with the first pDEIS, this alternative is under-analyzed. What appears here is essentially a negative paragraph that readdresses the Project plan for the site, not an adaptive reuse of 87 Nepperhan Avenue, a National Registry eligible Art Deco building?

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

**Response V-9:**

A plan that does not include that acquisition of 87 Nepperhan and other buildings on the west side of New Main Street, including the Government Center garage is on Exhibit V-16 in the DEIS. For more details on the condition of the building at 87 Nepperhan and more discussion about the possibility of re-use, see Response LA-18.

**Comment V-10:**

a. Natural Resources: Why is there no proposal for a green roof? Would it not make the expensive condos more saleable if they looked out at a garden rather than a hot cement roof? b. Marketability for condo towers: would these apartments not be more saleable with a park-like setting below them rather than a plain rooftop? c. Will the condo towers have fewer floors if there is no ballpark but there is an extra level of retail, or will the condos simply rise higher into the air? How is this dealt with as a zoning topic in the DEIS?

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

**Response V-10:**

Under the 'no ballpark' alternative, the only change to the zoning text amendments would be the deletion of 'ballpark' as a permitted use and the deletion of any other mention of ballpark. The towers would be the same height and the whole site would remain within the 6.0 FAR that the zoning amendments would permit. The Applicant is confident that apartment units adjacent to a ballpark would be financially feasible as well as desirable by enough potential owners or tenants for them to be successful. There are a number of locations throughout the nation where ballparks and residential towers co-exist in vibrant downtown locations. Several of these are major league facilities that attract much larger crowds and have more home games than the minor league facility planned for the subject site. The Applicant's market analyses have shown that there is a market for the residential uses proposed.

See also Response V-4.

**Comment V-11:**

Why not use an Alternative that conforms to the 1998 Master Plan and would reduce quality-of-life impacts on the city while at the same time generating the same amount of sales tax revenue as an 11-story mall?

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

**Response V-11:**

Comment Noted. However, the 1998 Master Plan was not financially feasible for the redevelopment of the waterfront parcels at the Palisades Point in the decade since the completion of the Plan. In the Applicant's opinion, the density provided was not enough to compensate for the additional cost associated with development on pilings (the site is completely infill), for the location adjacent to an active industrial site (American Sugar), and for a competitive residential redevelopment environment along other Westchester County sections of the Hudson River. It is further noted that one of the considerations raised by the City was the creation of usable publically accessible open space as part of the proposed site plan. The current plan calls for the creation of approximately 1.93 acres of publically accessible open space. In addition, the Palisades Point site has been previously remediated and cleaned up and is not eligible for NYS Brownfields tax credits, which have been used on other waterfront development projects to help offset the costs of construction thereon. Additionally, the 1998 Master Plan does not include the River Park Center and Cacace Center sites, which the Applicant includes as part of its Project. River Park Center and Cacace Center have significant extra-ordinary site development costs. For a further discussion of this issue, see Response III.A-200.

**Comment V-12:**

Why doesn't the City Council consider and approve the Development alternative under existing zoning (alternative B)?

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

**Response V-12:**

Comment noted. Development within the existing zoning will not create the dynamic, mixed-use downtown that is desired for Yonkers. In addition, the density of development would not be as great, thus making the downtown area less vibrant than it could be. Several important uses (apartment, movie theatres and supermarkets) for example, are not permitted in the current zoning. Just as important, in the Applicant's opinion, is that the existing zoning does not allow for the creation of a mixed-use development district that incorporates the range of uses, including residential development in the form proposed by the Applicant. The ability to construct 950 market rate residential units provides a significant economic advantage by spreading the site development costs associated with the development of the River Park Center site. In addition, as noted in the fiscal analysis prepared as part of this EIS, the spending of discretionary income by prospective residents along with the City income taxes generated as a result of the addition of new residents provides a compelling positive economic impact to the City. Previous attempts to redevelop this area have not been successful. The Getty Square Urban Renewal Plan was approved 30 years ago. The recent proposal for a ballpark and limited amount of retail use on the Chicken Island site was not successful. Twenty-years ago, an economic development study was prepared by Ernst & Young. That study recommended a mixed-use development similar to the proposed River Park Center development. River Park Center with its mixture of retail, restaurant, residential, office and recreation uses will provide a number of attractions that will, in the Applicant's opinion, bring people to the development and downtown area and help ensure its economic success.

**Comment V-13:**

Here's a list of other ways for SFC to make the same amount of money, and for Yonkers to gain continuing—and increasing--revenue streams: Build an aquarium on the river around the Beczak Center. Build biotech facilities at the aquarium (research labs, conference center, pharmaceutical and technology company offices, etc.). Name that complex after Amicone. Now that's a legacy--he'll be remembered for revitalizing tourism, business, and education all in one fell swoop. (Note what the Norwalk Aquarium did for that city!) Build a film and television studio, like Astoria Studios in Queens. That brings in Hollywood revenues and creates work for area residents. Rehab the old theatre downtown to make it a functional venue for live events. More revenue, more jobs. I know that Tarrytown Music Hall is interested in doing this. Build a community college. That generates more revenue and more jobs. Make SFC fix the public schools as a tradeoff: they get one compromise for every \$2 million they put into physical rehabilitation, technology upgrades, school supplies, teacher raises, etc.

*(Kris Dilorenzo, E-mail, 5/30/2008)*

**Response V-13:**

Comment noted. The Project, as currently envisioned, helps achieve the City's vision of creating economic opportunities for employment through a mixed-use and vibrant downtown as well as needed tax dollars from an underutilized area of the City. It is also anticipated that the private investment of the Project will help spur other development in the downtown area, which could include rehabilitation of the theater and other municipal projects. The public amenities included in the Proposed Development, such as the Riverwalk and ballpark, are designed to support the private investment. In the Applicant's opinion, additional public uses, including an aquarium, are not considered feasible.

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**Comment V-14:**

We think the discussion of the Alternative I in Section V is inadequate. The developer says that increasing the set aside of affordable units is economically unfeasible, with no supporting evidence. Certainly the developer might earn fewer profits under this scenario, but using this developer is not the only option for the City. This shows the dangers of contracting out master plan responsibilities, since it becomes impossible to get an impartial analysis of the alternatives. While this or more ambitious proposed affordable housing scenarios might require additional public and private investment than the current scenario, in the long run the public interest could be better served, because existing residents would not be displaced or deprived of their economic livelihoods and physical environment. Further, households whose housing costs were stabilized would have more discretionary income to purchase neighborhood goods and services, and serve as a more stable economic engine for long-term, balanced growth.

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

**Response V-14:**

Comment noted. This FEIS, and the Council's forthcoming SEQRA findings, are documents of the City Council, and not the developer. See Responses LA-5, V-3, V-8.

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**Comment V-15:**

Chapter V of the DEIS, "Alternatives," is critically flawed. The omissions, inaccuracies and inappropriate methodology essentially convert this critical chapter into an argument that the City must accept the "Project" as proposed by the Applicant. The critical flaw is most readily apparent with respect to the grossly insufficient alternative study for Palisades Point.

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

**Response V-15:**

Comment noted. The alternatives analysis conforms to the DEIS scope and evaluates the relative impacts of 17 alternative scenarios, including three different plans for Palisades Point. Two of those plans were alternative designs, and one evaluated lower density. Analyses compared the Palisades Point alternatives to each other and to the Proposed Action. In addition to significant differences in height and open space, the analyses presented differences in traffic generation,



parking, water consumption, sanitary sewage effluent generated, population, and school age children.

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**Comment V-16:**

The Palisades Point alternative study is particularly flawed because of its primary assumption that the Applicant must have 436 residential units. (V-6, V-21) This assumption can be readily seen in the fact that three of the alternatives utilize 436 units. No explanation, analyses or other basis exists for this assumption. The 436-unit assumption therefore improperly skews the alternative analysis to demonstrating the desirability of the proposed high density configuration.

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

**Response V-16:**

See Response III.A-200.

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**Comment V-17:**

Of the four alternative options to the proposed two 25-story towers with 436 units, the first two 30-story tower alternative is discarded as the "straw man" it is apparently intended to be. The Applicant next proposed two alternatives that have lower buildings but retain 436 residential units. The fourth alternative has fewer units but lower buildings to expand the floor plate, thus consuming open space. However, the DEIS provides no comparison among the alternatives, except the amount of open space which in turn is keyed into a particularly "bulky" alternative scenario. This alternative review does not comply with the mandate that "[t]he description and evaluation of each alternative should be at a level of detail sufficient to permit a comparative assessment of the alternative discussed." (6 N.Y.C.R.R. § 6.7(b)(5)(v).)

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

**Response V-17:**

Chapter V of the DEIS compares the potential impacts of each alternative for each of the major impact categories. Since the density is the same for two of the Palisades Point alternatives and the Proposed Action, the comparison focuses on building height and its relation to open space. The conclusion from this analysis is that alternatives with taller buildings result in increased open space.

Comparison of traffic impacts, impacts to utilities, fiscal impacts, etc., was not undertaken for alternatives with the same number of units. since the impacts are the same as the impacts for the Proposed Action. Impact factors for the less dense alternative were, however, provided for comparative purposes.

See Response V-18.

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**Comment V-18:**

By positing 436 units, the Applicant is able to manipulate floor plates that decrease the potential for open space as the height of the building is reduced to conform with objections to tall towers on the waterfront. Alternatively, the tower structures could be reduced in height, and open space preserved if the residential density of the towers were reduced.

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

**Response V-18:**

An alternative examines a less dense development with 262 residential units and compares its height, open space, and other impact factors against the other Palisades Point alternatives as well as to the Proposed Action.

The lesser density alternative is based on the plans and program in the City's Downtown Waterfront Master Plan & Design Guidelines. The 262 unit alternative would yield 1.72 acres of open space. Higher density alternatives, including the Proposed Action, would increase the amount of open space up to approximately 3.5 acres. The design of the 262 unit alternative is the design concept included in the Waterfront Master Plan, and has not been manipulated to yield less open space on the site. The proposed Project furthers objectives of the Plan that call for significant open space areas along the Hudson River.

**Comment V-19:**

The revised alternatives analysis must set forth any economic premise relied upon by the Applicant to reject any alternative as unfeasible or inconsistent with the Applicant's objective, including those alternatives consisting anything other than exactly 436 units.

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

**Response V-19:**

See Responses V-11, III.A-200.

**Comment V-20:**

Totally absent from the Alternatives analysis is an examination of the physical relation of the Palisades Point structures to ASR's existing industrial facility immediately adjacent to the southern border of Palisades Point. Indeed, the future Palisades Point residents no doubt will want to be buffered from ASR's sugar refinery. However, the Alternatives chapter gives no consideration to configurations or site layout that would maximize such buffering, which should include mitigation and/or avoidance of air, noise, traffic and visual impacts. For example, there is no discussion in the Alternatives chapter of the reasonable alternative of massing the Palisades Point towers at the northern end of that site, as opposed to placing the towers in an almost adjacent proximity with the sugar refinery's structures. The illustrations of Alternative "F" (Exhibits V-11 and 12) reflect the massing of residential units on the southern border of the

Palisades Point site. Nor is there a discussion of alternate configurations that would include plantings and/or parking structures that would act as a buffer between the proposed high-end residential dwelling units and ASR's refinery.

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

**Response V-20:**

The closest residential tower at Palisades Point will be approximately 230 feet from ASR's northerly property line and approximately 420 feet from the northerly-most stack at the ASR facility. This proposed condition is sufficiently distant to not warrant analysis of alternatives specifically based on greater separation.

Factors related to the shifting the South Tower or some of its mass to the northerly end of the Palisades Point site include increased building heights proximate to the Scrimshaw House, and/or a reduction in density that would, in the Applicant's opinion, render the development economically infeasible. See also Response III.A-200.