

III.S General and Advocacy Comments (GA)

S. General and Advocacy Comments (GA)**Comment GA-1:**

I worked with Louis on a lot of projects and I know the project they are looking at now. They are busy people, and they have tenants waiting here too, and we don't want to discourage them, so please I ask you, pass this resolution, because if these developers percent leave Yonkers, it's going to be many, many years before you see any developer coming here to try to do something to Yonkers, so let's not miss the train and stand and watch it go away, let's approve this project and please do that for the City of Yonkers. I thank you.

(Ed Doyle, Resident, Public Hearing, 4/29/2008, Page 35)

Response GA-1:

Comment noted.

Comment GA-2:

More than 50 meetings have been taking place to move this project forward. I think the time is now. As you can see, my constituents and my members stand behind me with this project. We need to move this.

(Michael Carriere, Rep. of District Counsel 9, Painters and Allied Trades, Public Hearing, 4/29/2008, Page 36)

Response GA-2:

Comment noted.

Comment GA-3:

I am a resident of Yonkers and owner of apt in the downtown waterfront area. I would like to voice my support for the SFC project.

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

Response GA-3:

Comment noted.

Comment GA-4:

I could go on about why I support these projects, but I will save that for the public hearings. I will say that it is the best opportunity I can imagine for the downtown area. If the opportunity is missed, it would be a shame and a huge disservice to this area of the city where residents need jobs, commerce, safe neighborhoods and Yonkers pride.

(Tony Capone, President, Act One Tenants Corporation, Letter, 4/2/2008)

Response GA-4:

Comment noted.

Comment GA-5:

After 11pm [at the first public hearing on the Project], the very last speaker addressed a near empty chamber to ask about what will happen to the small business owners in the immediate area. He said conversations between fellow Hispanic business operators revolve around already high rents and the absence of these local stores in any of the proposed futures for downtown. These businesses that have persevered to create what life there is downtown are invisible to SFC, it would seem. There does not appear to be anyone from the City or SFC reaching out to these entities to dispel rumors of displacement or lack of consideration. The mere fact that so many people are still unclear as to how this development will impact Yonkers beyond sunny promises says more work is needed.

(Taylor James Pierce, Letter, 4/29/2008)

Response GA-5:

SFC has conducted outreach to the Hispanic community. In February 2008, the Applicant presented its proposed program in a bilingual presentation to the Yonkers Mexican Chamber of Commerce and received support from the officers of that organization. In March 2008, the Applicant presented its proposed program to the Yonkers Hispanic Federation and received support from the attendees. Additionally, SFC has run advertisements for many of its public meetings in the area's Spanish newspapers (e.g., Pluma Libre, El Aguila) and the Spanish press has covered the Applicant's proposed program in past editions of the newspapers. The City Council held two public hearings on the DEIS at which 139 members of the public spoke. The Applicant posted its draft preliminary DEIS on its website in November 2006 for public review and comment prior to its submission and re-posting of the preliminary DEIS in February 2007. It has recently re-posted in Spanish. Spanish translators were available at the public hearings. Many of the City Council's hearings and meetings on the Applicant's proposals have been carried live on the City's Government Cable Station (channel 78) and have been re-aired. In addition, the Council extended the public comment period for more than two weeks from the original deadline in order to allow increased public participation.

In addition, the Applicant will hire a minority and women business recruitment consultant. This consultant will assist the Applicant in hiring local, minority, and women-owned businesses and employees for both the construction and permanent jobs associated with the Project. This assistance will likely include placing advertisements in publications which target minorities and women. The Applicant is in the process of evaluating various agencies/companies for this effort. Some of the candidates are Westchester One Stop and Rapid Start.

See also Response III.I-54.

Comment GA-6:

I believe that the project should be going forward and expeditiously, but I do not believe that the developer should receive any type of cart blanche from the City Council. We depend upon the City Council to use all due diligence to make sure that all the agreements are done for the benefit of Yonkers in all fairness to the developers.

(Richard Brand, Resident, Public Hearing, 4/29/2008, Page 79)

Response GA-6:

Comment noted. The City Council, as Lead Agency reviewing the Project has retained its own consultants to analyze the Applicant's DEIS as well as to evaluate the Tax Increment Financing plan. In addition to the City Council, SFC has presented to the City's Planning Board, Zoning Board, Landmarks Board, Community Development Agency, Yonkers Parking Authority, and Industrial Development Agency so these boards can participate in the due diligence of the proposed plan.

Comment GA-7:

I believe that the redevelopment of the waterfront and downtown area is long overdue.

(Annette Arthur, Resident, Public Hearing, 4/29/2008, Page 96)

Response GA-7:

Comment noted.

Comment GA-8:

If you don't move on this, I would like to see who will be standing here in years to thank you or to curse you for not making the right decisions. Thank you and good night.

(Frank Giannettino, Resident, Public Hearing, 4/29/2008, Page 115)

Response GA-8:

Comment noted.

Comment GA-9:

No matter how much money you dump into the system, votes count more than money, so if you support the Community Benefits Alliance, we will support you.

(Phyllis Stevenson, Public Hearing, 4/29/2008, Page 142)

Response GA-9:

Comment noted. See Response III.I-8.

Comment GA-10:

Yonkers, what potential, and that potential was going to be realized any day now. Well, if you guys vote right on this project, it will finally be realized.

(Andy Carlin, Resident, Public Hearing, 4/29/2008, Page 150)

Response GA-10:

Comment noted.

Comment GA-11:

We all need each other, that's why we all have to help each other to be together and live in harmony and live a quality of life, have nice schools, pay less taxes because the community is going to benefit from hopefully this big development, and because we are part of Westchester County which is one of the richest counties in America, Yonkers, but we are not that rich yet but we are getting there little by little.

(Mr. Vlahopoulos, Business Owner, Public Hearing, 4/29/2008, Page 157)

Response GA-11:

Comment noted.

Comment GA-12:

I am here tonight to urge you to move this project forward as expeditiously as you can.

(Richard Halevy, Public Hearing, 4/29/2008, Page 161)

Response GA-12:

Comment noted.

Comment GA-13:

So we strongly urge the City Council, and everyone that is interested in the progress and the future of this great city, to approve this and move on. Thank you.

(Al Villate, Founding Chairman, Yonkers Hispanic Chamber of Commerce, Public Hearing, 4/29/2008, Page 166)

Response GA-13:

Comment noted.

Comment GA-14:

I am here to urge you to vote to move this project the next step.

(Tom McSpedon, Resident, Public Hearing, 4/29/2008, Page 167)

Response GA-14:

Comment noted.

Comment GA-15:

I want to see it happen. Let's build it.

(Alvin Singletary, Local Union 46, Public Hearing, 4/29/2008, Page 169)

Response GA-15:

Comment noted.

Comment GA-16:

Let's address these legitimate concerns with respect to housing and gentrification and job opportunities that are facing us and let's deal with them directly. Let's pass this and pass it now.

(John Marjand, Resident, Public Hearing, 4/29/2008, Page 174)

Response GA-16:

Comment noted. Section III.I of the DEIS addresses the housing and employment impacts of the Project.

Comment GA-17:

You got four thousand pages already of study, what more do you have to study? Please, there is nothing else you can study, so please get through the process. Move the project forward. Don't lose the opportunity for the City of Yonkers, the residents of Yonkers, the taxpayers of Yonkers and the youth of Yonkers to see this development through. Thank you.

(Ross Pepe, President, Construction Council, Public Hearing, 4/29/2008, Page 182-183)

Response GA-17:

Comment noted.

Comment GA-18:

I just want to make a comment that when—knowing the developer that is in hand, Cappelli, we know he is a responsible contractor.

(Eddie George, Iron Workers District Council, Public Hearing, 4/29/2008, Page 191)

Response GA-18:

Comment noted.

Comment GA-19:

Right now I wouldn't bring my family. I wouldn't bring my children downtown. What I see is a potential is a place I would like to bring my family.

(David Hackett, Resident, Public Hearing, 4/29/2008, Page 196)

Response GA-19:

Comment noted.

Comment GA-20:

I just want to start out by saying there are some of us here who are committed to reading a five thousand page DEIS. I sincerely doubt with a full time job I can do that before May 13th. I put forth yet again to extend at the very least the written deadline.

(Terry Joshi, Yonkers Green Policy Task Force, Public Hearing, 4/29/2008, Page 197)

Response GA-20:

Comment noted. The City Council, as Lead Agency, extended the deadline for written comments on the project to May 30, 2008.

Comment GA-21:

The impact on all must be equal. Take your time. Do not be pushed. There are a lot of people that have interests. Don't be pushed, please.

(Kevin Gorman, Public Hearing, 4/29/2008, Page 211)

Response GA-21:

Comment noted. See Responses GA-5, GA-6.

Comment GA-22:

The devil is in the details. Councilwoman Barbato said that the devil is in the details and the details are in the DEIS and that is what we are supposed to be commenting on, and if you don't have time to read it, you know, you are not going to be able to comment intelligently, so I hope you will extend that comment period.

(Deirdre Hoare, Resident, Public Hearing, 4/29/2008, Page 218-219)

Response GA-22:

Comment noted. See Response GA-20.

Comment GA-23:

I would like to read from the Executive Summary page I-30 three sentences that have caused us to be concerned about how the impact of this project is going to be on the community. Sentence number one. Continued support for public service organizations and not-for-profits is also anticipated. In 2006 and 2007 the applicant and its related entities funded numerous community organizations in Yonkers. The applicant will also consider supplemental funding of housing rehabilitation program to compliment the commercial rehabilitation program cited above. These are listed in a two-page section called Other in the Executive Summary page I-30 that I ask to

you take a look at. It is that kind of coverage that gets us concerned about the impact of the project.

(Greg Arcaro, Executive Director, Community Planning Council of Yonkers, Public Hearing, 4/29/2008, Page 234)

Response GA-23:

Comment noted. The "Other" section mentioned in the comment refers to a synopsis of the socio-economic impacts that the Project will have on local non-profits and housing rehabilitation programs. A more detailed discussion of those impacts is presented in Chapter III.I, "Socio-Economic Factors," of the DEIS. See also Response GA-65.

Comment GA-24:

This e-mail is from a concerned citizen of Yonkers who asks that the time for public hearings on this project be extended. This seems to be a very major project that the public at large has very little knowledge of.

(Marco and Maria Minasso, Letter, 4/27/2008)

Response GA-24:

Comment noted. The City Council, as Lead Agency, extended the deadline for written comments on the project to from May 13, 2008 to May 30, 2008. See Response GA-6.

Comment GA-25:

We [American Sugar Refining, Inc.] request that the City Council, in its capacity as "lead agency" for the environmental review of the proposed Struever Fidelco Cappelli LLC ("SFC") project ("Project"), extend for 30 days the public comment period for the Project's 8,038-page Draft Environmental Impact Statement ("DEIS"), from May 13, 2008 to June 12, 2008. Given the complex issues-many of which appear to be unexamined or inaccurately examined in the DEIS-inherent in siting a major residential development immediately adjacent to an around-the-clock industrial facility, this request should be granted to ensure that adequate time is allowed to review and evaluate the DEIS in order to protect the public health, safety, and welfare.

(Daniel Riesel, Esq., Sive, Paget & Riesel, P.C., American Sugar Refining, Inc., Letter, 4/28/2008)

Response GA-25:

See Comment GA-28.

Comment GA-26:

I want you to know American Sugar is not here to oppose this important project but is here to request a modest extension of the comment period to allow our consultants to analyze potential issues that could be created by the Palisades Point development, and determine what, if any,

mitigation measures should be implemented by the developer to reducing any adverse environmental impacts.

(Lael Paulson, Manager, American Sugar Refining, Inc., Public Hearing, 4/29/2008, Page 75)

Response GA-26:

See Comment GA-28.

Comment GA-27:

I speak tonight to request that this Council extend the period for comments on the DEIS for 30 days from May 13 to June 12.

(Joseph DiSalvo, Esq., Sive, Paget & Riesel, P.C., American Sugar Refining, Inc., Public Hearing, 4/29/2008, Page 87-88)

Response GA-27:

See Comment GA-28.

Comment GA-28:

On behalf of our client American Sugar Refining, Inc. ("ASR"), we send this letter to inform you and the members of the City Council that ASR's Consultants have been working diligently on studying the Draft Environmental Impact Statement submitted by SFC. In addition, we are pleased to inform you that SFC has agreed to direct its consultants to confer with ASR's consultants and to respond to ASR's consultants' inquiries diligently, to help expedite ASR's evaluation. In return, ASR agreed to send this letter and to state that it will not request any further extension of the comment period beyond May 30, 2008, based on the record now available to us, and assuming that SFC so directs its consultants.

(Joseph A. DiSalvo, Esq., Sive, Paget & Riesel, P.C., American Sugar Refining, Inc., Letter, 5/12/2008)

Response GA-28:

Comment noted.

Comment GA-29:

Under ordinary circumstances, each of the four major development components described in the draft EIS would probably require their own EIS under SEQR. By combining the four developments into one environmental review, a "mega-EIS" has been produced that reviews the impacts of each project component, as well as tries to explain the inter-relatedness of each component. While it is appropriate that such a large undertaking is being examined as part of a broad comprehensive review, it may be unreasonable to assume that this initial review can identify and explore the details of each project. The sheer volume of the documentation poses a challenge, particularly for members of the public. The complexity and length also appears to have resulted in presentation of inconsistent, unclear or incomplete information.

(Westchester County Planning Board, Letter, 5/29/2008, Page 7)

Response GA-29:

While lengthy, this FEIS, together with the DEIS, accurately examines the environmental impacts associated with the Project. If the project were broken up into four segments the process would have been segmented, which is clearly discouraged under SEQRA. Also see Responses GA-6, III.A-10.

Comment GA-30:

Identify agreements required. The extent of all agreements required to implement the project need to be identified including the parties of such agreements. Are any agreements already in place; if so, what do they cover or provide for?

(Westchester County Planning Board, Letter, 5/29/2008, Page 9; Westchester County Department of Planning, Westchester County, Letter, 5/29/2008 (C66))

Response GA-30:

Comment noted. The principal agreements between the City and the Applicant will be Land Disposition Agreements, which will set forth the respective rights and obligations of the parties with regard to the construction of the Project. It is anticipated that other agreements will be needed to implement the Project, including appropriate easements for public access and use of the "riverwalk" at River Park Center, and with regard to the operation of the public parking facilities in River Park Center, but the form and substance of these agreements has not yet been finalized.

Comment GA-31:

As a Local Union Number Three Electrician, this project is a must for Yonkers, not only for all construction workers building the project, but for the future full time employment for residents of Yonkers.

(Declan Sherry, Public Hearing, 5/13/2008, Page 4)

Response GA-31:

Comment noted.

Comment GA-32:

I understand that Councilmember McDow has requested a scale model of the development that is going on, and if that is true, I think that is a terrific thing.

(Charlie Hensley, Public Hearing, 5/13/2008, Page 5)

Response GA-32:

A scale model of the SFC project and surrounding area prepared by the Applicant has been utilized at Council meetings. A separate computer model of the City's proposed Alexander Street

urban renewal plan has been prepared by the City's consultants to assist with the City's continuing review of that proposal but is not connected to the Proposed Project. Since the Alexander Street urban renewal plan has not yet been approved and is only conceptual, incorporating it into the model of the Project could be misleading because Alexander Street's computer model is a massing study only and may not be representative of site-specific plans to be submitted for development projects at a to-be-determined future date. The Alexander Street planning process discusses a 10-20 year timeline for redevelopment of the corridor and there could be significant changes to the projects to be eventually constructed. However, the Applicant understands the importance of such an illustration to the City Council and as illustrated on Exhibit II-18 in this FEIS, a visual depiction has been prepared which includes the Proposed Action as well as conceptually planned, but as of yet not proposed, development program to the north.

The visual analysis presented in the DEIS includes a comprehensive set of color illustrations, perspectives, cross sections, elevations and photo-simulations from a number of different vantage points within and outside the City limits. The visual analysis also includes an extensive evaluation of the potential impacts created by shadows from the new buildings. , .

Comment GA-33:

I love this development. I have said it before and I am not going to go on more about that. I really want to see it happen, but I think this is a podium. Eleven stories is not a podium. Eleven stories is a building with a 50 story building on top of it which makes it a 61 story building.

(Charlie Hensley, Public Hearing, 5/13/2008, Page 7)

Response GA-33:

Comment noted. The 50 stories include the podium. See Response LA-8.

Comment GA-34:

The daylighting of the river is great.

(Charlie Hensley, Public Hearing, 5/13/2008, Page 8)

Response GA-34:

Comment noted. Daylighting of the Saw Mill River is only being undertaken by the Applicant at River Park Center. The daylighting of the Saw Mill River at Larkin Plaza is the responsibility of the City and is not part of the Project that the Applicant is constructing.

Comment GA-35:

I think it's a great idea, jobs for people to bring their families after all this is built. I read a couple of little things on it during the past couple of months about the kayak opening and having access to the Hudson, I think that's great. I think it's a great idea that we are going green, and I think it's even a better idea if we hop on it before the costs rise up so much, because we well know

everything has been rising and rising, so if we start on it now, we won't have to pay additional costs that we are lacking right now, just not doing anything.

(Jerry Torre, Resident, Public Hearing, 5/13/2008, Page 12)

Response GA-35:

Comment noted.

Comment GA-36:

All of these wonderful young and talented residents of Phillipsburgh Hall have left Yonkers. Each and every one told me how disappointed they were that the proposed development plan did not materialize. They said there was no place to sit down with their agent and have a cup of coffee. There was limited shopping. The promised ballpark never materialized. They saw the plans, they heard the hype, but years after they moved in there was still nothing to keep these young and vibrant people in our downtown community.

(Shelly Weintraub, Vice President of Real Estate, Greyston Foundation, Public Hearing, 5/13/2008, Page 19-20)

Response GA-36:

Comment noted.

Comment GA-37:

I wanted to say I support the scale model being requested by Councilwoman McDow.

(Ann Miller, Public Hearing, 5/13/2008, Page 25)

Response GA-37:

Comment noted. See Response GA-32.

Comment GA-38:

Let's not put Yonkers on crutches, and one more thing, please vote in the affirmative now. There is no second chance. It is now.

(Fred Buhler, Resident, Public Hearing, 5/13/2008, Page 30)

Response GA-38:

Comment noted.

Comment GA-39:

Most of Yonkers is entirely unaware of what is being proposed, and as people find out, they are appalled. Many are frightened at the magnitude of change that would result from these projects and a hasty going forth with them.

(Michelle Jacobs, Resident, Public Hearing, 5/13/2008, Page 31)

Response GA-39:

Comment noted. There have been over 40 meetings on the subject proposal in addition to two public hearings on the DEIS. Many people have expressed support for the project at the SEQRA public hearings held in May 2008. See Response GA-5.

Comment GA-40:

Before we take one step further toward bricks and mortar, we should demand, as Councilwoman McDow has demanded, that the city be given a complete three-dimensional model, built to scale, showing the entire proposed downtown, and the waterfront and the surrounding areas.

(Barrymore Scherer, Public Hearing, 5/13/2008, Page 43)

Response GA-40:

Comment noted. See Response GA-32.

Comment GA-41:

This project means jobs, jobs means opportunity, and I am asking City Council that yes, we do elect you into office to make the correct decision and the right decision for us.

(Julie Weiner, Executive Director, Council for SUNY Yonkers, Public Hearing, 5/13/2008, Page 53-54)

Response GA-41:

Comment noted.

Comment GA-42:

I know when we talk about master plans and we talk about, you know, environmental impact study statements, what does it all mean to the average person? And they are getting a little bit lost in all of this, so as you go through the next part of this process, I ask you to please think about how you make it simple for the simple people to understand.

(Marla Hurban, Director of Community Relations, Jewish Council of Yonkers, Public Hearing, 5/13/2008, Page 71)

Response GA-42:

Comment noted. This is a complicated process. The Council believes that the project and its environmental impacts have been fairly and adequately presented to the public. Also see Response GA-29.

Comment GA-43:

I love to see this project go through as quickly as we humanly can. I think the financial state of the country, of the world leaves us at a really bad place if we don't move forward.

(Marla Hurban, Director of Community Relations, Jewish Council of Yonkers, Public Hearing, 5/13/2008, Page 71-72)

Response GA-43:

Comment noted.

Comment GA-44:

I personally would love for this City to have a ball stadium. I know we don't have enough stadiums or fields down here at all. We need shopping in the downtown. I work in the downtown. There is no where to go and nothing to do, and if we want people to move up here and live in all this development that we are doing, we have to provide the basics for them. We have to provide shopping. We have to provide entertainment for them, and for somebody who rather come over on the west side and look at the river once in a while, we need a little more destinations, so I hope you move this along as quickly as possible.

(Marla Hurban, Director of Community Relations, Jewish Council of Yonkers, Public Hearing, 5/13/2008, Page 73-74)

Response GA-44:

Comment noted.

Comment GA-45:

I have been wanting to see a project like this happen for many, many years, and it makes me sick every time I take the Bronx River Parkway north, I get off at exit 21. At the light, Main Street, I make a right and I look right at the buildings. I look at White Plains and I always say to myself why can't this be my city? Why can't my city look like this?

(Ronald Volino, Resident, Public Hearing, 5/13/2008, Page 81)

Response GA-45:

Comment noted.

Comment GA-46:

This is fantastic a balance. This is a great investment. I don't think anyone should be slamming that.

(Gus Nathan, Development Liaison, Yonkers Chamber of Commerce, Public Hearing, 5/13/2008, Page 90)

Response GA-46:

Comment noted.

Comment GA-47:

I hope the Council will get behind Councilmember McDow's request for a 3D model so we know what we are talking about. Certainly if you want to get a flavor of this you can go to the riverfront library and take a good look out at what used to be a really panoramic view of the river and the Palisades which is now in two pieces because there is a residential building in the center.

(Nan Beer, Resident, Public Hearing, 5/13/2008, Page 95)

Response GA-47:

Comment noted. See Response GA-32.

Comment GA-48:

I can't tell you how important it is to see this redevelopment in this area. It is essential for the future of Yonkers, the jobs, the activity and the taxes. I recommend that you accept the DEIS and move on to the next step in this process.

(Janice Lubin Kirshner, Executive Director, Jewish Council of Yonkers, Public Hearing, 5/13/2008, Page 130)

Response GA-48:

Comment noted.

Comment GA-49:

I implore you to accept this and to approve it.

(Janice Lubin Kirshner, Executive Director, Jewish Council of Yonkers, Public Hearing, 5/13/2008, Page 132)

Response GA-49:

Comment noted.

Comment GA-50:

I have been a lifelong resident of Yonkers as several of the other people here are, and our business is located two and a half blocks south of the proposed baseball stadium, Cappelli project, and I can say that I am for this project.

(Pat Gambardella, Resident, Public Hearing, 5/13/2008, Page 132)

Response GA-50:

Comment noted.

Comment GA-51:

We have a great opportunity. Too often we have had opportunities and something comes along.
(Angelo Martinelli, Chairman, Yonkers Chamber of Commerce, Public Hearing, 5/13/2008, Page 159)

Response GA-51:

Comment noted.

Comment GA-52:

As I said, there were 18 condos two and a half years ago. People bought into those. They bought in with the expectation that you guys would act. It's not happening. With the financial market the way it is right now it may not happen. If you guys don't get of your duff and move it now, it's not going to happen.

(Jim McMohan, Resident, Public Hearing, 5/13/2008, Page 161)

Response GA-52:

Comment noted.

Comment GA-53:

Council members and Yonkers residents. I hope you all agree with me when I say build it now.
(Mr. Hackett, Business Owner, Public Hearing, 5/13/2008, Page 167)

Response GA-53:

Comment noted.

Comment GA-54:

The DEIS lumps everything together too many times. When we come to financials, when we come to environmental impact, when we come to several things, it's all put in one big thing. There are three major components of this project, the Palisades Park, the River Park, the ballpark and the Cacace Government Center. They need to be separated out so we can look at them clearly and understand each part of them financially, environmentally.

(Gail Averill, President, Park Hill Land Conservancy, Inc., Public Hearing, 5/13/2008, Page 185-186)

Response GA-54:

Comment noted. The project has been evaluated as a whole consistent with SEQRA. See Responses GA-29, III.A-10.

Comment GA-55:

I understand that there is a proposal for a scale model of the development, and I would like to support that as a requirement for this and all other future projects.

(Gail Averill, President, Park Hill Land Conservancy, Inc., Public Hearing, 5/13/2008, Page 189)

Response GA-55:

Comment noted. See Response GA-32.

Comment GA-56:

I am here to emphasize the plan must be accelerated because many economic opportunities lie ahead in this fine city.

(John Zenzano, Resident, Public Hearing, 5/13/2008, Page 202)

Response GA-56:

Comment noted.

Comment GA-57:

First, Scenic Hudson is greatly concerned that the City appears to be rushing to judgment on this massive project. The City has scheduled just two public hearings during the brief comment period. While we appreciate the recent two-week extension of the comment period to May 30th, this still does not allow sufficient time for the public to review the nine thousand page DEIS and its appendices, and prepare comprehensive comments so that the project can address residents' concerns and benefit the City over the long term.

(Jeff Anzevino, Senior Regional Planner, Scenic Hudson, Public Hearing, 5/13/2008, Page 207-208)

Response GA-57:

Comment noted. The City Council, as Lead Agency, extended the deadline for written comments on the Project from May 13, 2008 until May 30, 2008. See Response GA-29.

Comment GA-58:

And I do implore you to get that 3D scale model because then everyone can talk about the same thing.

(Kathryn Buckley, Public Hearing, 5/13/2008, Page 220)

Response GA-58:

Comment noted. See Response GA-32.

Comment GA-59:

I urge you to see the potential of this project and see that it moves fast before the developers lose their interest in our southwest economy. This is our one time opportunity. It's a lifetime opportunity, so let's all enjoy this new lease of life for Yonkers.

(Polli Jassal, Indian American Council, Public Hearing, 5/13/2008, Page 234)

Response GA-59:

Comment noted.

Comment GA-60:

In conclusion, I would like to mention that Yonkers was incorporated as a city in 1872. Wouldn't it be nice if in the year 2012, the 140th anniversary, that most of this plan would be complete? Certainly economic times dictate that now is the time to act, and in 30 to 40 years we certainly don't want to look back and say look at this nice literature, look at these power points, look at these videos, only to say too bad it never got off the ground.

(Stephan Kubasek, Resident, Public Hearing, 5/13/2008, Page 245)

Response GA-60:

Comment noted.

Comment GA-61:

The reason I felt I needed to come back was because I think this project is projecting an image, the image that Yonkers needs to bring Yonkers forward. The image of Yonkers now is, I think we are still waiting for the prince on the white horse from Albany.

(Patti Breen, Resident, Public Hearing, 5/13/2008, Page 253)

Response GA-61:

Comment noted.

Comment GA-62:

Stop talking. Start doing something that is important. Finally, say yes to this project. There are things that I'd like to see changed in it, but I would like to see it started, because from what I understand, we are going to run out of the chances of the money that is slowly being pulled back in New York City, and we are going to lose the chance of having that money here.

(Lorraine Palais, Lincoln Park Taxpayers Association, Public Hearing, 5/13/2008, Page 270)

Response GA-62:

Comment noted.

Comment GA-63:

I would not like to see you coming before a future Councilman saying the things that we are saying. Talbin slipped away. The Wilmorite people slipped away. We don't want to see SFC slip away. We know there are problems. We know what the people on Palisades Avenue -- people on Main Street are concerned about. Yes, we can listen to them, but please, if we start this project, we will not lose an opportunity and you won't have to stand up apologetic before a Council such as yourself and say we could have, we would have, we should have.

(Lorraine Palais, Lincoln Park Taxpayers Association, Public Hearing, 5/13/2008, Page 271)

Response GA-63:

Comment noted.

Comment GA-64:

As Executive Director of Yonkers Partners in Education, an education fund created to bring private investment to the Yonkers Public Schools, I write to voice my support for the proposed SFC development. I support the development because I believe it will be the most significant catalyst for the transformation of the Yonkers downtown from an area previously blighted by poverty and crime to one of economic prosperity and civic engagement. In addition to bringing economic renewal to the city, I strongly believe that this development will bring significant benefits to the 25,000 children who attend the Yonkers Public Schools for the following reasons:

(Wendy R. Nadel, Executive Director, Yonkers Partners in Education, E-mail, 5/22/2008, Page 1)

Response GA-64:

Comment noted.

Comment GA-65:

My support for this project is grounded in the belief that any successful development needs to happen in partnership with the community. SFC needs to work with community organizations on an agreement that will address the community needs that will arise as a result of the development so this is truly a win-win project for everyone. Such an agreement should include funding for organizations like ours that support the public schools, organizations that work on low income housing, those that protect the environment and promote arts and culture for the community. An agreement that leaves the people of the community feeling "whole" will set an important precedent for future developments and will result in a community with a unified vision.

(Wendy R. Nadel, Executive Director, Yonkers Partners in Education, E-mail, 5/22/2008, Page 1)

Response GA-65:

The Applicant has been a financial supporter of numerous not for profits and other community organizations in Yonkers (including the Yonkers Partners in Education) and intends to continue such support as financially practical. The Applicant has conducted an extensive outreach

program to Yonkers community groups and has participated in over 40 community meetings on the project. Also see Response III.I-8.

Comment GA-66:

Please reject this project as too big and as doing too little for the long-term benefit of the City of Yonkers.

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

Response GA-66:

Comment noted.

Comment GA-67:

I had requested the DEIS be written in Spanish as well; once this request was not honored, I'd was told that Summary would be made available. The Summary was made available on Tuesday of this week, can the written comments of the Hispanic community be extended, by two weeks.

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

Response GA-67:

A Spanish speaking translator was provided at each of the two hearings on the DEIS. The DEIS has been translated into Spanish and is available on the Project website. For more information about the Applicant's outreach to the Hispanic population, see Response GA-5.

Comment GA-68:

First of all, the fact that the DEIS was paid for by the developers makes it suspect. Any Environmental Impact Statement not undertaken by a disinterested third party will be biased. Moreover, as a document it is massive - thousands of pages long. It is also published exclusively on-line. Therefore it is available only to those Yonkers taxpayers who have access to a computer, and who have the sophistication to search for it - no easy task. What about the rest of the electorate? How can they have had access to it? Thus the DEIS has not really been presented to the greater public with true candor or transparency. And this is a further reason to doubt that SFC truly has Yonkers' interests at heart, and not purely mercenary interests.

(B.L. Scherer, E-mail, 5/30/2008)

Response GA-68:

This FEIS, and the DEIS that is incorporated by reference into this document are documents of the Lead Agency – in this case, the City Council. The Council, and its independent consultants, have monitored and evaluated the drafting of the DEIS and FEIS, as well as the final products themselves. The Council believes that this FEIS, and the DEIS incorporated by reference, fairly and accurately identifies the environmental impacts of the Project. In addition to being available online, the DEIS is and was available at the Yonkers Public Library (both the Riverfront and Grinton I. Will branches.) Also see Response GA-6.

Comment GA-69:

What's more, the few images of the various projects supplied by the developers do not convey the magnitude or sheer bulk of the buildings they want to erect. In effect, they are deliberately concealing the truth. So the first thing to call for is a three-dimensional scale model of the proposed developments, on the waterfront, downtown and Chicken Island - a model that also shows the surrounding buildings and topography, so that the public can see how drastically these looming towers would affect everything around them.

(B.L. Scherer, E-mail, 5/30/2008)

Response GA-69:

See Response GA-32.

Comment GA-70:

Whether they should or not, many of our fellow citizens don't know about the scale of the plans. One neighbor I recently met talked about how excited she was that all this development was happening along the waterfront, "with nothing over 12 stories."

(Charlie Hensley, Resident, Letter, 5/30/2008)

Response GA-70:

The height of the buildings has been a major issue discussed at almost every one of the 40 meetings on the project. See Response GA-5.

Comment GA-71:

Clarify the Applicant's "control" of the privately owned parcels of property constituting the River Park Center site, specifically the Applicant's present and future ownership interests in said parcels in light of the stated intent of New Main Street Development Corporation to acquire and hold property at the River Park Center site. Clarify whether the Applicant would include in its definition of "privately owned" property parcels those that are owned by New Main Street Development Corporation. Clarify whether the Applicant intends to acquire property from New Main Street Development Corporation, including property NMSDC may acquire for "daylighting" purposes at the River Park Center site.

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

Response GA-71:

Currently, the Applicant has Contract of Sale agreements (i.e., options to purchase) for the majority of private parcels associated with the River Park Center site. These agreements provide the Applicant the right to purchase these parcels to be exercised if the project receives approval at the conclusion of the SEQRA process. The Applicant has no involvement with the New Main Street Development Corporation. The Applicant intends to pursue purchase of all property privately.

If the New Main Street Development Corporation purchases property in the area, the Applicant would then purchase said property from the Corporation.

Comment GA-72:

1) What infrastructure improvements will be made at each of the four Phase 1 project sites? Give a breakdown for each type of infrastructure improvement (i.e. parking lot, road improvement, bridge, sewer or water main upgrade, etc.) by the Block and lot number for each tax lot at each site. Improvements made on, in, above or under public roads, or utility easements should be specified by street name or easement location. 2) What infrastructure improvements will be made in the TIF district, and where? Give a breakdown and location for each type of infrastructure improvement (i.e. parking lot, road improvement, bridge, sewer or water main upgrade, etc.) by the Block and lot number for each tax lot in the district. Improvements made on, in, above or under public roads, or utility easements should be specified by street name or easement location.

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

Response GA-72:

The exact block and lot numbers are not applicable to infrastructure improvements. The DEIS, together with this FEIS, provides sufficient information outlining the work scope and areas slated for infrastructure improvement. It includes closing of certain roads, which will be made part of the Project site. Updated information concerning the improvements to the water system can be found in Chapter III.H of this FEIS as well as in Responses LA-16, LA-17.

Comment GA-73:

3) What is the total anticipated cost of infrastructure improvements for Phase 1? Give a breakdown for each type of infrastructure improvement (i.e. parking lot, road improvement, bridge, sewer or water main upgrade, etc.) by the Block and Lot number for each tax lot. Improvements made on, in, above or under public roads and utility easements should be specified by street name or easement location. 4) What is the anticipated cost of infrastructure improvements at each of the four project sites? Give a breakdown of costs for each type of infrastructure improvement (i.e. parking lot, road improvement, bridge, sewer or water main upgrade, etc.). 5) What is the anticipated cost of infrastructure improvement in the TIF district? Give a breakdown and location for each type of infrastructure improvement (i.e. parking lot, road improvement, bridge, sewer or water main upgrade, etc.). Improvements made on, in, above or under public roads and utility easements should be specified by street name or easement location. 6) What is the anticipated cost of infrastructure improvements for Phase 1 outside the TIF district, and where will these be made? Give a breakdown for each type of infrastructure improvement (i.e. parking lot, road improvement, bridge, sewer or water main upgrade, etc.) and its location (Block and lot number of tax lot). Improvements made on, in, above or under public roads and utility easements should be specified by street name or easement location.

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

Response GA-73:

The exact block and lot numbers are not applicable to infrastructure improvements. The total cost of infrastructure improvements as estimated by the Applicant in the DEIS is \$159,064,364.

Public Parking at \$112,500,000

Sanitary Sewer at \$792,311

Storm Drain at \$4,996,900

Water Distribution improvements at \$1,996,756

Roadways, bridges and traffic at \$26,530,840

Landscape and streetscape at \$ 3,540,400

Controlled Inspection and testing at \$1,135,716

Contingency at \$7,571,441

With the exception of temporary parking for the Scrimshaw House during construction, all these infrastructure improvements are related to the River Park Center, Government Center, and Cacace Center project areas entirely. No TIF funds will be used for infrastructure costs associated with Palisades Point, with the exception of the temporary parking for the Scrimshaw House. The majority of the infrastructure improvements are located in the TIF district. The few infrastructure improvements (Traffic, Water Distribution) located outside of the TIF district are for the benefit of the TIF district. Note that the proposed hard costs to be financed with TIF bonds is \$160,000,000.

Comment GA-74:

My family and I are for Yonkers development. But we want smart development with assured benefits to Yonkers in education, affordable housing open spaces, plus jobs for our citizens. Do not displace citizens to benefit developers.

(Elita Agee, Resident, Letter, 5/13/2008)

Response GA-74:

Comment noted. Detailed discussions of the residential and business displacement, as well as the fiscal benefits of the Project for the City of Yonkers, can be found in Chapters III.I of the DEIS and this FEIS. See also Response III.I-20.

Comment GA-75:

Scenic Hudson has long been an ardent supporter of daylighting the Saw Mill River and, funded by a grant from the governor's office, is proud of having conducted the necessary investigation to determine its technical feasibility. We fully support this daylighting and agree that it would be a

wonderful addition to the downtown while reconnecting Yonkers to an important part of its history.

(Jeffrey Anzevino, Senior Regional Planner, Scenic Hudson, Letter, 5/13/2008)

Response GA-75:

Comment noted.

Comment GA-76:

Furthermore, YCSD would like to strongly encourage the Lead Agency to analyze the Phase 1 components as separate and distinct building projects.

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

Response GA-76:

Comment noted. See Responses GA-29, III.A-10.

Comment GA-77:

YCSD encourages the Lead Agency to select Alternative B as the appropriate choice for Phase 1 development. According to the DEIS, Alternative B would be the same as the Project in a significant way: "Sales taxes, however, would be approximately the same with Alternative B and the Project, given the similar amounts of retail development."

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

Response GA-77:

Comment noted. Alternative B provides fewer benefits than the Proposed Action since it relies on existing zoning. Specifically, 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.

Comment GA-78:

An Independent League team is NOT a Minor League Team. Constant repetition of the "minor league" misnomer has led the public to believe that Yonkers will have a farm team for the Major Leagues. This is something that should be clarified because the financial gains for the city are considerably lower with an Independent League team.

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

Response GA-78:

Comment noted. Chapter III.I of the DEIS describes the anticipated economic impacts of the baseball team on the City. The proposed team for the Yonkers ballpark is part of the Atlantic League of Professional Baseball Clubs, Inc., and "independent league" not directly associated

with Major League Baseball (“MLB”). However, the Atlantic League is part of the National Association of Professional Baseball Leagues, Inc. which is bound to MLB through the Professional Baseball Agreement and provides the Atlantic League team minor league” status. The Applicant has never described its proposed baseball team as a “farm team” of MLB and has described the team as “independent” to distinguish this. Financial gains for a city from any professional sports team – “major” or “minor” – is both team-specific and city-specific; such gains attributable to an Independent League team are not necessarily “considerably lower.”

Comment GA-79:

Is AKRF taking an appropriately hard look at this DEIS and providing the City Council, and the citizens of Yonkers, the level of critical review that is needed in order to make an informed decision on this project? Is there a conflict based on AKRF’s work for the CDA in developing the Alexander St. Master Plan? Should not an independent consultant be used to perform this important review?

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

Response GA-79:

The City Council has taken a hard look at the project and its consulting team, including AKRF, has properly advised the Council on all procedural and substantive aspects of the project. The City of Yonkers Inspector General has issued an opinion that AKRF has no conflict with regard to their involvement with the Community Development Agency relative to Alexander Street. Also see Response GA-6.

Comment GA-80:

Why is it in the City’s best interest to approve this Project?

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

Response GA-80:

The Project will have many benefits to the City of Yonkers, including the creation of permanent and construction jobs, increased tax revenue, the addition of publicly accessible open space, entertainment, retail stores, restaurants, and parking, all of which will help to create a revitalized downtown.

Comment GA-81:

Why is it appropriate to wrap the entire project into one development Plan with one approval instead of 4 separate projects with 4 separate approval proceedings? Having the projects approved as a single project will benefit SFC. Are there any benefits to the City in lumping it together into one project? Would it not be more beneficial to the City to analyze each project separately?

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

Response GA-81:

Comment noted. See Responses GA-29, III.A-10.

Comment GA-82:

What guarantee to the City is there that SFC will complete all phases of the project in a timely manner? Will SFC only complete those portions of the project that are most lucrative or beneficial to them to comply, with no concern for the needs of the City? Will it leave other phases of the project unstarted or, worse, incomplete? Are there any consequences for partially completed projects? Is there money held in escrow so the City can have the remainder of the project completed using funds made by SFC? Are there penalties for time delays? Will SFC complete and benefit from luxury high rises on the Hudson River, while stalling the daylighting of the Saw Mill River and improvements to Chicken Island?

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

Response GA-82:

The Applicant will be required under the Land Disposition Agreements to complete the Project within specified time periods. Although the Land Disposition Agreements have not yet been finalized, it is anticipated that until the Project is complete, the lands owned by the City and/or City entities will be leased to the Applicant, and failure to complete the Project in accordance with the Land Disposition Agreements will be e default under that lease.

Comment GA-83:

When negative impacts are identified, "recommendations" are made to mitigate those impacts. However, there are no (or only minimal) requirements for mitigation and no consequences for failure to mitigate. What justification is there for allowing such a project that does not guarantee the mitigation of negative impacts? For example, see sections on air quality and hazardous waste.

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

Response GA-83:

Mitigation requirements will be detailed in the statement of findings based on the analyses contained in the DEIS and FEIS.

Comment GA-84:

I would first like to comment that considering the size of this project, the length of time given for the comment period is unreasonable, one wonders if this was meant to stifle the public's input simply because of the lack of time available to working people to study the far-reaching project. Again, there has not been a reasonable amount of time to thoroughly investigate this project's merit, scope and physical components.

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

Response GA-84:

The Council has given the public many opportunities to comment on the Project and its potential environmental impacts, including two public hearings and numerous City Council meetings devoted solely to the review of this Project. In addition, the Applicant has conducted approximately 40 community meetings on the Project. Also see Response GA-5.

Comment GA-85:

How has Yonkers worked with local non-profit organizations and environmental group to ensure the citizen's acceptance of these projects? What happened to the Scenic Hudson proposal for a limit of 8 stories for residential buildings along the waterfront? They believe, as do most Yonkers residents, including me, that the taller, unwieldy 25-story buildings would obscure views of the Hudson River for everyone else. Has this proposal been unreasonably and unfairly tossed aside? What is the view of the Beczak Center Board of Directors, the Yonkers Paddle and Rowing Club (YPRC), the New York Whale and Dolphin Action League, and others, for the planned height of buildings?

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

Response GA-85:

Comment noted. The Applicant has met with each of the not-for-profit groups and has held approximately 40 community meetings. The Council has heard from many non-profit community and environmental groups regarding this Project both prior to, and during, the public comment period on the DEIS. Further, during the public comment period, the Council received oral and written comments from numerous community and environmental groups, including many of the ones mentioned above. All substantive comments on the DEIS are included in Chapter IV of this FEIS and responded to in this Chapter. Scenic Hudson's new plan is included in the written comments submitted by Scenic Hudson regarding this Project, which is included in Chapter IV of this FEIS. Also see Responses III.I-78, V-11.

Comment GA-86:

The YPRC has been an important part of the Hudson River shoreline for many years. Their presence on the waterfront should be assured, during every aspect of development.

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

Response GA-86:

Comment noted. The YPRC facility is not part of the proposed Project site and would not be affected by the Project.

Comment GA-87:

Full accessibility should be part of the planning process rather than an afterthought. This is the rationale for having an independent consultant with expertise in the area of accessibility for people with disabilities.

(Melvyn R. Tanzman, Executive Director, Westchester Disabled on the Move, Inc., Letter, 5/30/2008)

Response GA-87:

Comment noted.

Comment GA-88:

I choose to submit my dissertation on this one specific topic in order to support my contention that there are many ways in which to make a financial breakdown of an exceedingly complex DEIS, and that the Lead Agency should separate the major components of this Project and analyze each one on an individual basis.

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

Response GA-88:

Comment noted. See Responses GA-29, III.A-10.

Comment GA-89:

I fully support the SFC project and urge the City Council to move the project forward as soon as possible so that Yonkers' taxpayers and all other residents can reap the benefits of a revitalized and rebuilt downtown and waterfront.

(Donald Sluetz, Resident, Letter, 5/12/2008; Richard E., Resident, Letter, 5/12/2008; Paul T., Resident, Letter, 5/12/2008; Carol K. Heffer, Resident, Letter, 5/12/2008; Kathleen K., Resident, Letter, 5/12/2008; Dale P., Resident, Letter, 5/12/2008; D. Lar, Resident, Letter, 5/12/2008)

Response GA-89:

Comments noted.

Comment GA-90:

Accordingly, the City Council, as Lead Agency, should include as part of its SEQRA findings mitigation measures that contain built-in enforcement mechanisms. For example, mitigation measures relating to the construction of Palisades Point should be enforced by requiring the Applicant to demonstrate to the City Council that the development plans conform to the imposed mitigation measures before submission of an application for a building permit.

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

Response GA-90:

Comment noted. The Department of Planning and Department of Buildings will review development plans submitted for building permits to ensure that all conditions of the findings and site plan approval (and PUR special use permit approval for Palisades Point) are complied with. See Response GA-82.

Comment GA-91:

Similarly, the Applicant should be required to build out the supporting infrastructure prior to offering residential units for sale, and this and related requirements should be imposed through a deed declaration. The form of such a deed declaration should be attached to the City Council's SEQRA Findings, coupled with the requirement that the deed declaration be filed as part of any land transfer to the Applicant or against any property presently owned by the Applicant and intended for utilization in this Project. Deed declarations have long been used to enforce mitigation measures imposed by municipalities, and it is particularly appropriate in the instant application due to the transfer of public property to a private, for-profit enterprise.

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

Response GA-91:

Comment noted. Infrastructure required to support a specific phase of the Project will be constructed and completed in connection with the associated phase.

Comment GA-92:

Appropriate deed declarations should be filed against the Palisades Point parcels reflecting that all purchasers of property interests therein (i.e., condominium units) are aware that: (i) the adjacent property is dedicated to industrial use for the indefinite future; (ii) such industrial use may be expanded or modified in the future; (iii) such uses involves the generation of noise, air emissions, maritime operations, truck and other vehicle traffic, as well as an industrial configuration that may be deemed inconsistent with residential dwelling; and (iv) purchasers of condominium units take their interest subject to ASR's existing or expanded industrial uses.

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

Response GA-92:

Comment noted. Given the physical presence of the ASR facility immediately adjacent to Palisades Point, it is reasonable to assume that all prospective residents of Palisades Point will be aware of the existence of the facility, and by extension, the potential impacts of the facility on them, even in the absence of any requirement that the Applicant disclose that information.

Comment GA-93:

More specifically, the Final Environmental Impact Statement and City Council's SEQRA Findings must incorporate full mitigation measures to protect ASR's ability to continue to operate its sugar refinery on the Yonkers waterfront.

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

Response GA-93:

Comment noted. Under SEQRA, the adverse environmental impacts of an action must be mitigated. Neither the change of the character of the City's waterfront from former industrial use to mixed residential and commercial use nor the presence of new homeowners on the land adjacent on to the facility (both of which have been long planned by the City) is an adverse impact of this Project for which mitigation is required or warranted. Approving the Project will not prevent ASR from continuing to operate the facility.

Comment GA-94:

Accordingly, the FEIS and the SEQRA Findings by the City Council should require that: 1) The Community Development Agency impose in any deed, lease, easement or other instrument conveying an interest in title in and to the parcel and improvements related thereto, mitigation restrictions and covenants requiring the mitigation measures discussed below, said restrictions and covenants to run with the land and bind those who own or acquire by any means an interest in title in and to the parcel; and 2) As a condition precedent to any issuance by the City of Yonkers of any site plan approval or building permit for the Palisades Point portion of the Project, that the Applicant enter into an agreement with ASR and the City of Yonkers that will impose mitigation covenants and restrictions on that property, said mitigation covenants and restrictions to run with the land and bind those who own or acquire by any means an interest in title in and to the parcel.

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

Response GA-94:

Comment noted. See Responses GA-92, GA-93.