

C1

From: act1boardbiz@msn.com
Wed Apr 02 18:52:16 2008
Subject: FW: Further downtown development

Mayor Amicone,

My name is Tony Capone and I am the president of the board for Act One Tenants Corp., the co-op at 35 Hudson St. which was begun by the Actor's Federal Credit Union. I have been a Yonkers resident and president of this board for the past 18 months and I am writing to tell you that I support the SFC downtown development.

Although we are only an 18 unit cooperative, we are one of only a few co-ops in the immediate downtown area. We are unanimous in our support of the downtown improvement through the proposed projects of phase one. Together with Peter Klein, Ken Dearden and Eric Wolf, I arranged a meeting/presentation with our residents and the SFC about 3 weeks ago. Peter Klein came to our building and presented the proposed plans to us. Since then I know that our residents have been emailing the city council, specifically Ms. McDow and Mr. Lesnick to show their support and urge them to declare the DEIS report completed. I understand that that has been done. We are prepared to show our support at public meetings. Please keep us updated through emails and we will be there.

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. If there is anything more I can do, then please contact me at this email address or call @ 646-284-6932. 35 Hudson Street (The Encore) supports the downtown development. Keep up the good work.

1.1

Sincerely,

Tony Capone

C2

-----Original Message-----

From: MDALTON1951@aol.com <MDALTON1951@aol.com>

To: Rocky Richard

CC: Christine Sculti

Sent: Fri May 09 09:57:49 2008

Subject: Re: Fw: Reimbursement for Meters Removed

May 9, 2008

Ms. Rocky Richard
Chief of Staff to City Council President
City Hall
40 South Broadway
Yonkers, NY 10701

Re: DEIS River Park Center, Cacace Center, Palisades Point, Larkin Plaza

Dear Ms. Richard:

After speaking with Christine Sculti she advised me to email you to inform you that we would like to be reimbursed for all parking meters removed for construction purposes by SFC or any other developers as discussed from the start of the project.

1.1

Please contact me at (914) 965-2375 if you need additional information.

Sincerely,

Michael J. Dalton
Executive Director of Yonkers Parking Authority

CC: Christine Sculti, Special Assistant to the Mayor on Economic Development

In a message dated 5/8/2008 8:18:29 AM Eastern Daylight Time,
christine.sculti@YonkersNY.gov writes:

Mike, Here is Joe's response but I'd submit the comment anyway.

C

-----Original Message-----

From: Joe Apicella <joea@cappelli-inc.com>

To: Christine Sculti

Sent: Tue May 06 13:04:27 2008

Subject: Re: Reimbursement for Meters Removed

Ok.

----- Original Message -----

From: Christine Sculti <christine.sculti@YonkersNY.gov>

To: Bill Fonte; Joe Apicella; pklein@fidelco.com <pklein@fidelco.com>;
DMarsh@nationaldevelopmentcouncil.org
<DMarsh@nationaldevelopmentcouncil.org>

Sent: Tue May 06 12:47:40 2008

Subject: Fw: Reimbursement for Meters Removed

Joe,

Was this taken into account?

Thanks,
Christine

-----Original Message-----

From: MDALTON1951@aol.com <MDALTON1951@aol.com>

To: Christine Sculti

Sent: Tue May 06 12:41:14 2008

Subject: Reimbursement for Meters Removed

Dear Christine,

The Yonkers Parking Authority would like to be reimbursed for removal of meters for traffic during construction by SFC or other developers.

Please check into this and get back to me at your earliest convenience.

Sincerely,

Michael Dalton
(914) 965-2375

C3

From: Donald Finnerty [<mailto:dfinn67@yahoo.com>]

Sent: Friday, April 25, 2008 12:19 PM

To: Daisy Colon; Lou Kirven; Chuck Lesnick

Subject: -SFC

Good afternoon,

I am a resident of Yonkers and owner of apt in the downtown waterfront area.

1.1

I would like to voice my support for the SFC project.

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

1.2

Thank you and regards,

Don Finnerty

35 hudson st 5d

yonkers ny 10701

914 457 4608

C4

From: Paul D. Feinstein [mailto:paulfeinstein@optonline.net]

Sent: Friday, April 25, 2008 11:30 AM

To: Carol Bengis

Cc: Daisy Colon

Subject: Struever Fidelco Cappelli

Dear Mr. President and Commissioner:

With regard to the proposed development of the Yonkers waterfront, please understand that I, as a long-term resident of Ludlow Park, whose home faces the River, am concerned that the plans give great consideration to (a) making sure the waterfront project is designed to preserve the dramatic views of the Palisades and the Hudson that Yonkers residents, the many people traveling by on the train, and others currently enjoy, and (b) making sure that the waterfront project is designed to create a great public place on the River, which if done right will become a magnet for future economic prosperity.

1.1

Thank you for your help.

Sincerely,

Paul Feinstein

914-375-3613

C5

From: MarMarMin@aol.com [mailto:MarMarMin@aol.com]

Sent: Friday, April 25, 2008 2:05 PM

To: Carol Bengis

Subject: Riverfront Project-Cappelli

City Council President Chuck Lesnick,

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.

1.1

Marco and Maria Minasso

64 Hardy Place

Yonkers, New York 10703

marmarmin@aol.com

SIVE, PAGET & RIESEL, P.C.

460 PARK AVENUE

NEW YORK, NEW YORK 10022-1906

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PAMELA E. ESTERMAN*
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DAVID PAGET
DANIEL RIESEL
STEVEN C. RUSSO
DAVID S. YUDELSON

*ALSO ADMITTED IN NJ

DAVID SIVE |
DAN CHORO
JENNIFER L. COV
CHRISTINE M.
ASHLEY S. MI
ELIZABETH A.
ARTHUR J. JACI
COUNSEL

WEB SITE: www.sp
E-MAIL: spclaw@sp

April 28, 2008

Via Fax, E-mail and FedEx

Hon. Chuck Lesnick
President, Yonkers City Council
40 South Broadway
Yonkers, New York 10701

Re: Request by American Sugar Refining, Inc.
for an Extension of Time for Public Comment on the
DEIS prepared by Struever Fidelco Cappelli LLC

Dear President Lesnick:

We, together with Nobile, Magarian & DiSalvo, LLP, represent American Sugar Refining, Inc. ("ASR"), which owns and operates the sugar refinery located at 1 Federal Street in Yonkers (the "Sugar Refinery"). We 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.

1.1

As you are aware, the Palisades Point element of the Project calls for the construction of two 25-story residential towers on the Sugar Refinery's northern border. Such development of the Yonkers waterfront would eliminate the traditional buffer areas that normally separate an industrial use from a residential use. It is thus critical for both the future of the Sugar Refinery and the success of Palisades Point, that the EIS accurately assess the impacts that these uses will have upon each other. Moreover, as required by the State Environmental Quality Review Act ("SEQRA"), where necessary,

1.2

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specific mitigation measures must be incorporated into the EIS to avoid or mitigate adverse environmental impacts created by Palisades Point to the maximum extent practicable. N.Y. Environmental Conservation Law §§ 8-0109(1), 8-0109(8).

In the short time that we have had to review the DEIS, we already have discovered significant flaws and omissions in its methodology. However, without additional time to perform an independent review and do our own air and noise modeling analyses, ASR will be unable fully to evaluate the document, and numerous flaws will remain in both the DEIS' technical analyses and proposed mitigation. ASR respectfully suggests that this modest 30-day extension will help to ensure that the environmental review will be thorough and accurate, and will maximize the potential for the Sugar Refinery and its proposed residential neighbors to coexist for years to come. Such a result, of course, will benefit not only ASR and SFC, but all of Yonkers.

The Sugar Refinery plays a significant role in the economics of Yonkers and the larger area. As you may be aware, approximately 285 people are employed at the Sugar Refinery. ASR pays over \$19,000,000 a year in gross wages, excluding benefits and overhead, and regularly purchases goods and services for numerous local contractors and companies. Although the Sugar Refinery is the last major industrial facility left along the Yonkers waterfront, we intend to remain at, and possibly expand, our Yonkers operations.

To date, ASR and its consultants have focused largely on the noise and air quality impacts related to Palisades Point. However, much of the DEIS remains to be studied, and we are unable to conclude by May 13 our evaluation of the various adverse impacts Palisades Point could have on operations at the Sugar Refinery and its surrounding area. The following reflects ASR's preliminary assessment of these impacts areas, and demonstrates our need for 30 more days to refine and complete our analysis.

Noise

The DEIS addresses the noise impacts of Palisades Point on nearby residential uses. However, there appears to be no evaluation of how noise from the Sugar Refinery will impact Palisades Point residents and employees. Although the proposed 5-story parking facility may serve as a partial noise buffer, our consultants believe that such a buffer would only would serve the lower levels of the 25-story towers; despite the parking facility, the majority of the towers' residents still will have a direct line of sight to – and thus noise impacts from – the Sugar Refinery's power plant, various air cleaning devices, and crane unloading area. The DEIS ignores the fact that all of these Palisades Point residences could be adversely impacted by noise, and could require mitigation.

2.1

SIVE, PAGET & RIESEL, P.C.

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Accordingly, ASR has begun taking noise measurements, modeling impacts, and examining practical mitigation measures that can reduce possible impacts. All of this can be accomplished if the Council extends the comment period.

Air

The DEIS attempts to model air impacts and identifies possible exceedances of applicable standards. The DEIS recognizes that SFC must eliminate air impacts created by the Project, as the document makes vague assurances about locating air intakes at Palisades Point and having inoperable windows where such impacts would occur. The treatment of those impacts and associated mitigation is, however, deficient, for reasons that include but are not limited to the following:

○ SFC's consultants never contacted the Sugar Refinery to seek actual emissions data, and therefore did not conduct air modeling based upon our actual configuration, including such critical parameters as stack exit temperature, velocity, and volume. Rather, SFC relied upon flawed assumptions that do not, and will not, reflect real conditions.

3.1

○ Most disturbing is the DEIS' failure to consider the influence that Palisades Point's 25-story towers will have on the plume dispersion from the Sugar Refinery's stacks. In particular, ASR is concerned that the towers could result in "downwash," by changing local wind patterns near the Sugar Refinery, altering the air emissions path of the Sugar Refinery's stacks, and resulting in increased air impacts to surrounding residents and Sugar Refinery employees alike.

3.2

○ ASR has been advised that the meteorological data used by SFC in the DEIS in running AERMOD3 is not the preferred data set used by the NYSDEC.

3.3

○ Particularly in light of the above deficiencies, the DEIS' discussion of the mitigation measures is far too general to provide assurance that Palisades Point will be designed to avoid adverse air impacts to the maximum extent practicable. This comment includes both the substantive mitigation measures proposed (or, more accurately, not proposed in the DEIS) and the means of enforcing such mitigation measures.

3.4

We have been advised by our consultants that air modeling will take at least 30 days from today. In addition, the modeling will dictate the necessary Project mitigation measures. It would be counterproductive to develop mitigation measures that are not reflective of an accurate modeling effort. Indeed, both mitigation and alternatives to

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SFC's proposed Project are the "lynchpin" of the EIS and must be based on accurate analysis of adverse impacts. Accordingly, the EIS must not only contain accurate fact prediction, but the mitigation and alternatives must be carefully tailored to reduce those predicted impacts. See Matter of Pyramid Co. of Watertown v. Planning Bd. of Watertown, 24 A.D.3d 1312 (4th Dept. 2005) (overturning agency action where mitigation measures are insufficient); Brander v. Town of Warren Town Bd., 18 Misc.3d 477, 847 N.Y.S.2d 450, 454 (N.Y. Sup. 2007) (striking EIS for failure to study alternative project scale, design and magnitude, among other alternatives). Here, the DEIS also suffers from only a passing reference to mitigation, and the real alternative to Palisades Point is illusory, at best.

Other DEIS Deficiencies

Although ASR has yet to thoroughly analyze all applicable DEIS chapters and appendices for flaws, the traffic, wastewater, and alternatives analyses immediately stand out as deficient. For example, with respect to traffic, we were struck by the DEIS' failure to consider the Sugar Refinery's easement running along the western side of the MetroNorth rail tracks from the Refinery's northern gate. Moreover, the DEIS fails to account for the City's obligation to construct an extension of Water Grant Street as a public street to the northern boundary of the Sugar Refinery, which could accommodate over 150 Refinery truck movements per day.

4.1

Conclusion

ASR is studying the DEIS, and is prepared particularly to analyze at its own expense the potential noise and air impacts relating to Palisades Point; where appropriate, ASR also will suggest appropriate mitigation. However, because this undertaking cannot be completed by the May 13 comment deadline, ASR requests a 30-day extension, until June 12.

ASR is not unmindful that its modest extension may be opposed on the grounds that the Project has developed over the past two years, and that no further "delay" should be tolerated. Respectfully, ASR submits that these grounds do not justify refusal of ASR's extension request. The DEIS has been available for review for just two weeks, and the public is entitled to look to the DEIS for a complete and adequate analysis of the environmental impacts, mitigation, and alternatives. Cf. Sun Beach Real Estate Dev. Corp. v. Anderson, 98 A.D.2d 367, 469 N.Y.S.2d 964, 970-71 (2d Dept. 1983) (observing that under SEQRA, "protection of the environment for the use and enjoyment of this and all future generations far overshadows the rights of developers to obtain prompt action on their proposals") (internal citations omitted). In addition, a brief

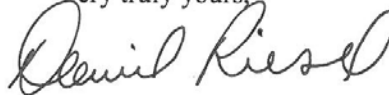
SIVE, PAGET & RIESEL, P.C.

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extension on this Project cannot credibly be characterized as "undue delay." In fact, ASR believes that the significant defects in this DEIS, if not corrected, can easily result in much longer and more costly delays and increased costs for all interested parties. Moreover, as noted above, the ability of industry and residential uses to coexist in the manner proposed is untested in Yonkers, and must be considered carefully if there is any hope to keep the waterfront an attractive location for both the Sugar Refinery and future residents of Palisades Point.

ASR has worked cooperatively with the City of Yonkers for many decades to great mutual benefit. We look forward to continuing in that spirit with both the City and SFC, and to completing our analysis of the DEIS and providing constructive comments thereupon, so that impacts of concern are identified and properly mitigated. Indeed, such a process is the best hope for the City to realize its dual, long-term objectives of bringing residents to Palisades Point, and of retaining a viable Sugar Refinery and all the benefits that ASR provides for the community.

Very truly yours,



Daniel Riesel

Cc: Mayor Phil Amicone
Minority Leader Liam J. McLaughlin
Councilmember Patricia D. McDow
Majority Leader Sandy Annabi
Councilmember Joan Gronowski
Councilmember John Murtagh
Councilmember Dee Barbato
Lael Paulson, ASR Refinery Manager
Kevin G. Ryan, Esq.
Alfred DelBello, Esq.

0188/city council ltr 4-28-08 clean

C7

From: taylor james pierce [mailto:daisygoat@gmail.com]

Sent: Wednesday, April 30, 2008 11:42 AM

To: Rocky Richard

Subject: RE: SFC Hearings on Tuesday April 29th

Date: Wed, Apr 30, 2008 at 1:28 AM

Subject: Letter to the Editor

To: letters@lohud.com

RE: Tuesday 29th Public Hearings on SFC Plans for Downtown Yonkers

I attended the public hearings at City Hall in downtown Yonkers and watched the last speaker from home on channel 78. With very few exceptions, everyone who spoke was in favor of development for downtown Yonkers. People fell into two camps from what I could surmise- One group said that " It's impressive. We need it economically. Let's build it now." Less certain parties said "We welcome it. However, 50 meetings later you're still not addressing a community's viable concerns. Will we ever be heard?"

While it is encouraging and commendable that the developer, Struever Fidelco Cappelli LLC, and the city council observe state requirements to listen to comments of citizens- I hope they are not going through the motions merely to placate the cautious and scrutinizing locals.

I have seen many of these citizens and representatives from organizations at other hearings. They all had the same questions regarding impact on infrastructure, details on tax incentive funds and the potential for displacing current residents of downtown. After 11pm, 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.

1.1

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. Some attendees grumbled that the process of approval is taking too long. Others countered that until there is transparency and actual dialogue enacted, there will be resistance.

The city council should move ahead with necessary approvals to expedite the much needed development. Not everyone will be pleased with the outcome. However, if SFC and the City (as agent for citizens' interests) could agree to create a real conduit for constructive recommendations, it might actually improve the design while addressing the needs of the community.

-Taylor James Pierce
Yonkers



OFFICE OF
THE FIRE COMMISSIONER
ANTHONY PAGANO

May 1, 2008

CITY OF YONKERS

FIRE DEPARTMENT

5 - 7 NEW SCHOOL STREET

YONKERS, NEW YORK 10701

(914) 377-7500 • FAX (914) 377-7560



RECEIVED
5/6/08

TO: Rocky Richard, Chief of Staff
City Council Presidents Office

FROM: Anthony Pagano, Fire Commissioner

RE: SFC DEIS Review

As requested, I reviewed the fire related information and found that the DEIS adequately addresses the issues the Fire Department found in our earlier review of the PDEIS.

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

1.1

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

1.2

These issues aside, it appears that the DEIS addresses my department's concerns satisfactorily.

Cc: C.Sculi

Anthony Pagano
Fire Commissioner

5/01/08

RECEIVED
5/5/08

Rocky Richard
Chief of Staff
Office of the Council President
40 S. Broadway room 403
Yonkers, N. Y. 10701

I would like to respond to the solicited comments on the waterfront project which is to cost \$1.4 billion (hopefully) dollars.

1.1

The city is falling apart and the roads are in dangerous condition but all we hear about is the Mayor's pet project which so far is underwhelming. Pete Kelly's restaurant is very nice and well it should be at the prices charged but as my wife put it "I do not care to drive down to this area to get here".

I could go on about the city I grew up in but I have never felt that the folks in city hall are really interested in any input from the populace. I remember a text book in college that referred to Yonkers as an example of a corrupt city and that was even after the Brogan era.

Sincerely,

E. H. Symonds

Scenic Hudson, Inc.
One Civic Center Plaza, Suite 200
Poughkeepsie, NY 12601-3157
Tel: 845 473 4440
Fax: 845 473 2648
email: info@scenichudson.org
www.scenichudson.org

C10



May 1, 2008

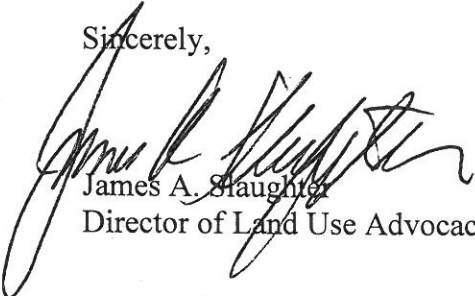
Ms. Joan Deierlein
City Clerk
City of Yonkers
Room 107 City Hall
40 South Broadway
Yonkers., NY 10701

Re: Draft Environmental Impact Statement – (DEIS)

Dear Ms. Deierlein:

Enclosed is Scenic Hudson's written testimony presented at the April 29, 2008 hearing. We would appreciate if you would provide copies for distribution to City Council Members. The comments address the proposed development of River Park Center, Cacace Center, Palisades Point and Larkin Plaza. Scenic Hudson will be submitting formal written comments on the aforementioned projects by May 30, 2008. If there are any questions, please contact me at (845) 473-4440, ext. 210.

Sincerely,



James A. Slaughter
Director of Land Use Advocacy

JS/kb

FILED
OFFICE OF CITY CLERK
YONKERS, NY
2008 MAY 2 AM 1:19



RIVERPARK CENTER

CACACE CENTER

PALISADES POINT

LARKIN PLAZA

**DRAFT ENVIRONMENTAL IMPACT STATEMENT
COMMENTS FROM SCENIC HUDSON**

**FILED
OFFICE OF CITY CLERK
YONKERS, NY
2008 MAY 22 AM 1:19**



Good Evening.

My name is James Slaughter and I am Director of Land Use Advocacy for Scenic Hudson, an environmental advocacy organization based in Poughkeepsie that has been involved in the redevelopment of the Yonkers waterfront since the 1980s. We appreciate the opportunity to present this testimony on the proposed development of Palisades Point, River Park Center and Cacace Center – otherwise known as H & I and Chicken Island. Scenic Hudson has held over 30 meetings with local organizations, business associations, elected officials and city administrators. We strongly support the economic revitalization of the City of Yonkers. We join the City Council in promoting the redevelopment of the waterfront and central business district; in fact, Scenic Hudson has spearheaded efforts to “daylight” the Saw Mill River through the city’s downtown, providing an exciting new amenity, and helped secure \$34 million in funding to make it happen. However, we strongly believe new development must adhere to smart growth principles and take into account the projects’ special location on the Hudson River.

We at Scenic Hudson also strongly believe that no one is being served by the apparent rush to judgment on this project. Presently, only two hearings are scheduled – tonight and May 13th, when written comments are due. Organizations or individuals that present this evening do not get a second bite of the apple; if additional questions about the DEIS arise, there will be no opportunities to ask them. This document contains nearly 9,000 pages, making it next to impossible for anyone to digest so quickly. This is a multi-billion dollar project that will shape the City of Yonkers for the next 75 years. Residents’ grandchildren will assume responsibility for managing the long-term implications of this project. The current slowdown in the Northeast economy, including a tight lending market provide an opportunity for a more systematic review of these developments that would allow for additional input from Yonkers residents – who in the end will be the beneficiaries or losers from this development.

I am not going to provide a detailed analysis of the projects: that will be reserved for Scenic Hudson’s written comments. However, I want to call attention to several aspects of the DEIS that demand further analysis:

1. Visual Character and Impacts

The Hudson River and the Palisades are the two natural wonders that provide the City of Yonkers with a unique “backyard.” The Palisades has been designated a National Natural Landmark and is listed on the



National Register of Historic Places. It contributes significantly to Yonkers' view shed – indeed, it has served as the city's iconic backdrop since its first settlement – so it is not surprising that it is depicted in seven of the eight historic murals in City Hall. Visual impacts from the proposed development at Palisades Point would adversely impact the views enjoyed annually by nearly 200,000 people engaged in recreation or heritage tourism on the Hudson River and at the Alpine Boat Basin and Alpine Lookout, a parking area providing scenic views off the Palisades Interstate Parkway, the latter two of which are nearly directly across the Hudson River from the project site. While the DEIS states "the two buildings at Palisades Point are perpendicular to the Hudson River, thereby minimizing visual impacts and maintaining important view corridors," the overlapping (or vertical blind effect) of tall buildings in a row actually obliterates views from most directions. The DEIS completely neglects to address the loss of views and visual impact on upland residential areas. It appears the applicant believes that "two modern and aesthetically pleasing residential towers sited perpendicular to the Hudson River" protect, enhance and improve visual quality and scenic resources. Their perpendicular orientation notwithstanding, the 25-story towers are twice the height of the adjacent Scrimshaw House and three times the height recommended in the 1998 Downtown Waterfront Master Plan. This creates dominant visual elements far beyond the scope of anything found on the waterfront and a definite blight on views for those in Palisades Interstate Park, on the Hudson River or traveling through the city by train. Just as important, Palisades Point threatens to set a precedent for modifying the Downtown Master Plan, which was crafted a result of dialogue with the community and the City of Yonkers to design zoning regulations that adhered to community scale and character.

3.1

2. Shadow Impacts

Although Scenic Hudson's primary interest is the waterfront, we also would like to share our thoughts on the River Park Center proposal, where there are visual impacts associated with the construction of two 50-story structures. From the description of impacts in the charts and the shadow studies in the DEIS, it is clear that the shadow impacts on several public open spaces and important natural features – including Manor House Park, St John's Episcopal Church and Getty Square, portions of the Bell-Place-Locust Avenue Historic District, War Memorial Park, Buena Vista Community Gardens and, most notably, much of the proposed riverfront park and all of the existing sculpture garden – will be in full shadow during significant portions of the day through much of the year. Additionally the neighborhood to the north of the proposed River Park Center will be in shadow most of the year because of the proposed buildings' heights. Even the proposed baseball field in the new development will be partly in shadow during large portions of each day because of the proposed 50-story tower to its south.

3.2



3. Downtown Master Plan

The Downtown Master Plan, adopted in 1998 was a very successful zoning/development template that provided clear guidelines for future activities. The City of Yonkers achieved this vision by initiating a design process for the downtown waterfront that focused on a 16-acre site west of the Yonkers train station. During the analysis of existing conditions, opportunities and constraints, public policies and community concerns, a set of design and planning principles was developed to capitalize on Yonkers' unique assets. The principles summarized below assisted decision makers in selecting a developer for this site:

- Establish a small-scale yet urban residential atmosphere
- Promote low-rise, high coverage development
- Provide on-street parking
- Enhance development with a variety of water-related uses
- Create a variety of interconnected public spaces
- Reinforce and enhance visual connections from downtown through to The Palisades
- Retain existing water edges and bulkheads wherever possible
- Establish a connection between the train station and the waterfront
- Create distinctive rooflines and building profiles to enliven the waterfront.
- Orient buildings and streets to take advantage of views through the site and along the waterfront.

4. Daylighting of Saw Mill River

Scenic Hudson has been very enthusiastic about the daylighting of the Saw Mill River and is proud of having taken a leading roll in advocating for it since 2003 when we undertook the investigation to determine its technical feasibility with the help of a grant from then-Governor Pataki's office. While it is fortunate that about 400 feet of the currently covered river through Chicken Island will be opened up as part of this project, another 475 feet will remain underground and about 100 feet currently open will actually be covered. However, it will be beneficial that the 500-foot segment from School Street to Elm Street will be incorporated as part of the project, although it will be a relocated alignment, not the river's existing natural course.

Daylighting of the Saw Mill River through Larkin Park Plaza also is mentioned in the DEIS. However, it is not part of the proposed project and must be undertaken by the city with funds that would come from



the state and federal governments. 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. Scenic Hudson will have further comments on the impacts of traffic, transportation, economic development and general environmental impacts in our written commentary on the DEIS. Scenic Hudson has developed an Alternative Waterfront Concept 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, along the Yonkers waterfront, from the city's southern boundary to JFK Marina in its Glenwood section.

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.

5.1

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.

5.2

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. One again, I thank Yonkers City Council for the opportunity to present this summary of concerns about this project. Again, we strongly recommend that more time and analysis be allocated by the decision makers so this project positively changes the face of Yonkers and all residents benefit.

PHILIP A. AMICONE
MAYOR

LEE J. ELLMAN, AICP
PLANNING DIRECTOR



87 NEPPERHAN AVENUE., ROOM 320
YONKERS, NEW YORK 10701 - 3892
914 377-6555
FAX 914 377-6552

C11

PLANNING BUREAU
CITY OF YONKERS

To: Lee J. Ellman, AICP, Planning Director

From: Mario Caruso, AICP, Principal Planner

Date: May 2, 2008

Re: SFC DEIS Comments

Enclosed are comments I have for various sections.

Executive Summary, I-3, Palisades Point: A canoe and kayak launch is referenced. Will this still be part of the project now that a similar use was recently built at the JFK Marina?

Executive Summary, I-4, Daylighting: "The riverwalk will be a publicly accessible space (subject to easements of public access and use)" Will the riverwalk be owned and maintained by the applicant or the city? What about the maintenance of the river itself?

Executive Summary, I-5, c. The Ballpark: This section should elaborate on the perspective minor league baseball team envisioned as the primary tenant. Other potential uses of the stadium should be discussed as well.

Have other sporting uses been considered on the "off-season" or as an alternative such as soccer, a speed skating track or a cycling velodrome?

Executive Summary, I-5, d. Government Center: A new garage of 1,613 spaces is stated, however, the private spaces, 473 and public spaces, 1048 add up to 1,521 spaces. Either correct the math error or explain why the spaces do not equal.

Executive Summary, I-5, d. Government Center: Will this garage and the other garages at Palisades Point and Cacace Center be built through the TIF infrastructure program? Would they be given over to the Yonkers Parking Authority to operate and maintain them?

Executive Summary, I-5, d. Government Center: 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?

Executive Summary, I-6, 3. Cacace Center: The existing parking is mistakenly labeled as the "Cacace Justice Center Garage" rather than an existing surface lot.

Executive Summary, I-6, 4. Larkin Plaza: “The City is considering making public improvements” Would this part of the \$160 million TIF infrastructure program or a separate funding source?

2.1

Executive Summary, I-8, c. Other Proposed Amendments: “Volumes of air space” are mentioned. Have air rights as a commodity been considered? Have the transfer of air rights or development rights been considered throughout the downtown? Smaller property owners in the downtown or along the waterfront that do not maximize their zoning envelope could sell air rights to the Applicant to create more density in the River Park Center and Cacace Center projects.

2.2

Executive Summary, I-9, 3. Amendment to the Waterfront Master Plan: The proposed Prospect Street Bridge—would pedestrian access and a vista overlook be included in the design of this bridge?

2.3

Executive Summary, I-10, first paragraph: “The Applicant has proposed that 75% of the tax increment be devoted to the bond debt service” This seems to be a recommendation. Can the City continually adjust how these tax increments are divided or are there TIF program restrictions?

2.4

Executive Summary, I-10, 5. Sale of Land: In the sentence describing the closing of School Street, the phrase “the New Main Street and” needs to be eliminated.

2.5

Executive Summary, I-10, 5. Sale of Land: In an effort to quantify the City’s contribution to this public-private partnership beyond the projected \$160,000,000 in infrastructure construction, will there be an appraisal completed for all public lands? These would include the acreage of the streets to be discontinued, the Chicken Island parking lot, Government Center garage, Cacace lot, waterfront parcels H, I and part of J, alienated park land, the Health Center Building and the Fire Headquarters.

2.6

Executive Summary, I-12, 5. County Actions: There needs to be an elaboration of how the County could or would participate in the Tax Increment Financing program?

2.7

Executive Summary, I-13: The line beginning with “Connections with...” should the “1990 downtown plan discussed below” be replaced with the “1988 downtown plan discussed above”.

2.8

Visual and Community Character, III. B-2: In the second paragraph, all the Census Tracts should have a decimal point, i.e. “300” should be “3.00”, “1101” should be “11.01”, etc.

2.9

Visual and Community Character, III. B-2: “New School Avenue” should be changed to “Street”

2.10

Visual and Community Character, III. B-7, Table of Anticipated Projects: “1 Park” should be “I-Park” Proctor Theater may have up to 2,300 seats and “31 Dock Street” should be “39 Dock Street.”

2.11

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

2.12

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

2.13

Visual and Community Character, III. B-22, Second paragraph: The pedestrian and visual experience will undoubtedly be enhanced by public art. Will this be paid for by the applicant? Have the applicants decided on whether these pieces of art will be selected by open competition?

3.1

Visual and Community Character, III. B-22: In the last line, "Larkin Square" should be changed to "Plaza", unless this is a new marketing term which needs explanation. This occurs in several other locations in the document as well.

3.2

Visual and Community Character, III. B-26 Fourth paragraph: How will this "amphitheater space" be programmed? Will local performing arts groups, schools, etc. be able to reserve time at it?

3.3

Visual and Community Character, III. B-28: What will the lighting and glare impact be on the two residential towers during the games or events? Will there be a policy in place to reduce or turn off the field lighting 30, 60 or 90 minutes after the game or event?

3.4

Visual and Community Character, III. B-29, Final Paragraph: In discussing the day care center's playground, please clarify the phrase "will be accommodated".

3.5

Historic and Archeological Resources, III. K-1, "Larkin Square" should be changed to "Plaza" in the text, table K-1 and table K-2.

3.6

Historic and Archeological Resources, III. Table K-2

According to the Planning Bureau database, several buildings were mistakenly placed on this table and many others were missed and should be added. Below are the list of properties within or in close proximity to the project areas.

3.7

Address	Determination	Proximity
Bell Place/ Locust Hill Avenue Historic District includes 8 prop.: 1,7,12, 17 Bell Place 39,45,53,57 Locust Hill Avenue	National Register	Adjacent to River Park Center
48 Yonkers Avenue (Bathhouse #3)	National Register	Near River Park Center
Former Otis Elevator includes: 9 Bashford Street 45 Woodworth Avenue 28, 29, 38 Wells Avenue	National Register Eligible	Adjacent to Larkin Plaza
Buena Vista Avenue—change to: 49-51,104,114,155,164,192,195, 196,197,205,212,213	National Register Eligible	Adjacent to Larkin Plaza
Yonkers Railroad Station Nepperhan "Ave" should be "Street"		

103 Elm Street should be eliminated

Hudson Street—change to 30,40	National Register Eligible	Adjacent to Larkin Plaza
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Main Street—change to: 3,55	National Register Eligible	Adjacent to Larkin Plaza
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11 Saint Casimir Avenue
Eliminate, already listed as Mott Mill
and on the National Register

South Broadway—change to: 10,30-38,40,53,87,104,124,130,140	National Register Eligible	Adjacent to River Park Center and Cacace Center
--	----------------------------	--

Dock Street—change to: 43	National Register Eligible	Adjacent to Larkin Plaza
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Add other streets: Nepperhan Avenue 87 (Health Center Building) 177 (Mt. Carmel Church)	National Register Eligible	Within and Adjacent to River Pk Ctr.
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North Broadway 5,10,11,15,19,23,34,52,62,66,67, 72,101	National Register Eligible	Adjacent or Near River Park Center
--	----------------------------	------------------------------------

Manor House Square 2,5,11	National Register Eligible	Adjacent to Larkin Plaza
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Warburton Avenue 4-8,46,62,64,74-76	National Register Eligible	Adjacent or Near Larkin Plaza
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Historic and Archeological Resources, III. K-7: Interior and exterior photo documentation should be conducted of 87 Nepperhan Avenue and the 5-7 New School Street according to State Historic Preservation Office standards prior to demolition.

4.1

Historic and Archeological Resources, III. K-7: In the mitigation measure to retain and incorporate distinctive building elements, there needs to be clarification on the phrase “to the extent practicable”. This mitigation measure may be a requirement of SHPO. If these building elements are eventually not incorporated into the design of any new buildings, the applicant may consider donating them to the Yonkers Historical Society, the Yonkers Fire Department or another local entity.

4.2

Westchester County Housing Opportunity Commission

c/o George M. Raymond Associates, 101 Executive Boulevard, Elmsford, NY 10523
(914) 345-9230

George M Raymond, Chairman

James Bason
Eugene Conroy
Dwight Douglas
Lawrence Dwyer
Blanca Lopez
Dennis McDermott
Thomas McGrath
Jean Pollak
Geoffrey Smith
Betsy Weiner
Shelley Weintraub

C12

May 9, 2008

Honorable Charles Lesnick, President
City Council
City Hall
Yonkers, New York 10701

Dear Honorable Lesnick:

The long awaited official hearing on the SFC redevelopment project showed unmistakably broad public support. One significant doubt seemed to center on the absence of affordable housing in the plan as now proposed. As the body charged by the County with the responsibility of advocating on behalf of affordable housing toward the realization of its overall need for 10,768 units during the 2000-2015 period, please allow us to join in the dialogue on that subject.

We fully recognize the desirabilities for a redeveloped downtown to attract high-income residents. As the decade old redevelopment of White Plains has shown, however, the realization of that objective need not eliminate the possibility of new housing including units priced within the affordability limits set by the County – which themselves are modeled on nationally accepted standards.

In other jurisdictions, the proportion of all housing units set aside as affordable range as high as 20 percent. In Westchester County the broadly accepted set aside is 10 percent aimed at households with incomes of up to 80% of the County median. Since the housing market of the last couple of decades has increasingly made it impossible even for households with incomes that are considerably higher than 80% to find acceptable accommodations, the City of Yonkers might consider a mix of 10% up to 80% of the median and an additional 10% for households with incomes between 80% and 120%.

The most important consideration should be that redevelopment on the scale contemplated in Yonkers at this time presents the City with a unique opportunity to create the kind of housing that would serve its evolving workforce demographic. We sincerely hope that the City will not allow this opportunity to slip away.

Respectfully submitted


George M. Raymond, Chairman

GMR:pd

1.1

C13

May 09, 2008

Dear Council President Lesnick and Members of the Yonkers City Council:

1.1

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.

I am requesting that the above be read into the record of the adjourned Public Hearing scheduled for May 13, 2008 and submitted for inclusion as a written comment.

Respectfully submitted,

Nigel Johnston
NAME

233 Van Cortlandt Park Ave
STREET

Yonkers, New York
CITY

C14

MARIA CHIULLI

From: <izsgal@optonline.net>
To: "CHIULLI MARIA" <m.chiulli1@verizon.net>
Sent: Friday, May 09, 2008 12:47 PM

May 9, 2008

Dear Council President Lesnick and Members of the Yonkers City Council:

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.

1.1

I am requesting that the above be read into the record of the adjourned Public Hearing scheduled for May 13, 2008 and submitted for inclusion as a written comment.

Respectfully submitted,

Sharon Almodoval
47 Alta Ave
5H
Yonkers, NY10705

C15

May 09, 2008

Dear Council President Lesnick and Members of the Yonkers City Council:

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.

1.1

I am requesting that the above be read into the record of the adjourned Public Hearing scheduled for May 13, 2008 and submitted for inclusion as a written comment.

Respectfully submitted,

William Wilson

NAME

233 Van Cortlandt Pk AVE.

STREET

Yonkers, New York

CITY

Department of Planning and Development
Office of Community Development

Memorandum

To: Lee Ellman
From: Daisy Colon
Date: May 9, 2008
Re: SFC - DGEIS

Propose Amendments to Getty Square Urban Renewal Plan

Appendix 1.D: URA – Description of URA Boundary Description -
Pg. 3 – Missing text in section of New Main Street and the order is different.
Pg 4 – need to review for boundary corrections.

1.1

Pg. 6 - 1st paragraph: The general appearance of retail establishment in the Square is fair to poor. I find this statement misleading - it refers to current conditions and sites the 1975 survey. If you are describing current conditions then you should look at doing an updated survey of the existing building conditions. Other wise the public will come away feeling misled.

1.2

Pg.9 – 2nd to last paragraph: Original approval approximately 75 families – Is the # still the same? 85 non residential establishment; is this the # being relocated? What is the current # being relocated? What does minor revision in the taking lines mean? It cannot extend beyond the current boundaries unless the property is identified and procedures followed. The list of properties that are identified for taking was not in the DGEIS.

1.3

Pg. 10 – Does the zoning ordinance have a policy on air rights? Is the city planning to change the zoning ordinance?

1.4

Pg. 11 Section 4: **Lee please review there are questions on policy**

Maximum Floor ratio proposed 6
100% permitted coverage Do we really want to allow this?

1.5

Site Plan & Design Review: Must get Planning Bureau and Building Dept. approval.

H. Please identify the revisions or amendment to the City zoning ordinance that will be required.

2.1

Pg. 14 – Superintendent should be changed to Commissioner.

2.2

Appendix A: Structural Conditions Survey – Needs to be updated to 2008. Please redo structural condition survey and include as Appendix A.

2.3

What are the present conditions? Have there been any modifications to the existing building conditions?

Exhibit 3 – Proposed Amended Renewal Action Map – The section Rehabilitation & Conservation adds several properties to the existing URA – Is this a modification of the existing boundaries?

2.4

Please add back to the URA the Exhibit with the Properties to be acquired.

Community Services & Facilities

Fire

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

2.5

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

2.6

A major issue for the fire department is the water pressure and the aging infrastructure that often decreases the ability to operate its hoses at full capacity in the southwestern portion of the city. During construction of the water main improvements how will this be address?

2.7

The impacts did not address this as an issue only as an existing condition. What are the impacts on this issue if the project is built? And how will it be mitigated?

Pg. 111 j-22 – Most of the buildings in Yonkers are low to mid rise. Given the magnitude of the SFC Project, coupled with the 50+ story buildings, hotels and a baseball stadium, I think a discussion on the cost needed to train fire personnel to combat high rise fires, as well as evacuation procedures needs to take place. Granted our Fire Department is one of the best but combating high-rise fires, stadium evacuations and safety inspections requires Yonkers Fire Department to take a more aggressive and expensive look at how they respond to this type of development.

2.8

Public Schools

Page III. J-17

The assumption that the proposed high rise housing in downtown Yonkers will not be particularly attractive to families with school-age children is misleading and may understate the impact of school aged children in the project area. Especially, if the population targeted to live in the project area is from NYC. In my experience, NYC residents may see an opportunity to move their family from a smaller apartment to a larger apartment and pay the same amount they are currently paying.

The applicant cites their recent experience in White Plains and New Rochelle as why they believe young professionals and empty nesters will move in to Yonkers. I believe that assumption may work to some degree but Yonkers may be more attractive to families in that Yonkers is 15 – 20 minutes from NYC, has 3 metro north stations and Yonkers residents can easily take the 1, 9 or the 4 train into NYC.

The number of school-age children per unit is based upon national multipliers and other similar projects in Westchester County. I believe that since the applicant is looking at targeting NYC residents to move to Yonkers they should look at NYC multipliers for similar projects.

The applicant also states that the urban lifestyle of this development would include families; however, once these children reach school age, it is likely that the families would move to town homes or single family homes. This may be true for some families but not all. Many NYC (Manhattanites) send their children to public schools and the City of Yonkers may be interested in pursuing families from the project area to enter the Yonkers School system. It would add to the quality of the school and to have families take an interest in the school system.

Ambulatory Services

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

Cultural Institutions & Other facilities

The Yonkers Public Library consists of 3 branches. The Riverfront Library is the only one in the project area. The section on the Yonkers Raceway needs to be updated.

The Downtown Waterfront Bid

The Downtown Waterfront Bid description needs to be updated. Ron Law is no longer the Director. The new Director's name is Steve Sansone.

Public Works

DPW anticipates proposed project will generate additional solid wastes but anticipates that the commercial and ball park waste will be handled by private carters.

3.1

3.2

3.3

3.4

3.5

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

4.1

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

14.2

Mitigation:

What is the estimated tax revenue the City of Yonkers is expected to receive from developing this project? The city is expected to pay for the increased costs for the Police Department, Fire Department and other municipal services to the project, as well as school district costs.

4.3

Utilities - This is a specialty area that needs to be review by an expert analyst in the field.

PRELIMINARY DRAFT ENVIRONMENTAL IMPACT ANALYSIS
SFC – RIVER PARK CENTER; May 6, 2008
REVIEW OF SECTION I – SOCIO-ECONOMIC IMPACTS

The following preliminary review was conducted of the 3rd Preliminary Draft Environmental Impact Analysis for River Park Center.

1-6 (last full paragraph – added with underlining)

The paragraph that was added to this page that begins with “the task of identifying populations...” bases its premises on incorrect information. While it is agreed that the rent stabilization criteria does not match Census data, the statement indicating that buildings with five units or less are rent-stabilized is incorrect; it actually is five units or less are not stabilized. This is a very significant difference and has implications for the entire analysis. As a result, a very large, but uncalculated number according to the analysis (perhaps it is as much as 80%) is NOT covered by the Emergency Tenant Protection Act (ETPA) and therefore is at risk of secondary displacement.

5.1

Similarly, the statement in the last sentence indicating that as much as 75% of the housing stock may be old enough to be protected under rent restrictions is also incorrect since an uncalculated number according to the analysis (perhaps it is as much as 75%) was built before 1974, the base year for ETPA regulations to take effect. Therefore all buildings containing five or more units built AFTER 1974 are not covered by ETPA, which other than the new waterfront buildings, represents few properties in the study area.

This is further verified by Table III.1-6 – (Housing Units by Structure, 2000). In this table, there is not breakdown of how many units are owner/occupied, so an accurate picture of the number of renters cannot be completely determined. However, when adding the 1-2 units and 3-4 units, the total equals 1,840 or 22% of the total. This does not include an undetermined number of buildings which contain only 5 units (still regulated under ETPA, since as the disclaimer in the analysis states, these have not been separated from the 5-9 category, as reported by the U.S. Census). A general knowledge of the neighborhood would indicate that there are a considerable number (perhaps significant?) of buildings containing five units, which would add to the percentage of unregulated units. Also, a look at the service area of the map indicates that the Collins buildings located at the waterfront are included in the analysis. These buildings were obviously built after 1974 (built after 2000) and their addition to the total is further skewing the results.

It is recommended that accurate data may be obtained from the New York State Department of Rent Administration. It is believed that this information is very likely to verify that the population at risk due to secondary displacement is a major concern.

l-7, in the last new paragraph added, starting with “ the median year 2000...” regarding the impact of the ETPA on restraining rents is considered an accurate statement.

However, it appears that the assumption is that market increases have not kept up with ETPA increases is arguable, since the Westchester County Rent Guidelines Board votes on rent adjustments annually. The larger question is what has been the effect of rent increases on non-regulated apartments and what is the implication for residents of these units due to secondary displacement.

6.1

It is important to note that a large number of the buildings in the Nodine Hill, Old 7th Ward, Hollow and St. Joseph’s neighborhoods contain less than six units, and as a result of the Project may be subject to increases in value, demand and as a result increases in rent and/or secondary displacement.

6.2

l-12 Office Market – The analysis studies the office market in terms of Yonkers’ inclusion in a south or lower portion of the County. However, as a separate issue the analysis should also look at the vacancy rates of the downtown office buildings in the immediate proximity (literally in the “shadow”) of the Project and the impact that an additional 375,000 square feet could potentially have. This includes primarily four older office buildings, 20, 30, 45 and 53 South Broadway and also the newly constructed One Station Plaza at lower Main Street. Note that 20 and 53 South Broadway have survived largely based upon the leasing of County and New York State space, while 45 South Broadway was condemned by the City, is unoccupied and is currently being rehabbed. In addition, 30 South Broadway operates as a commercial co-op, and has several vacant floors. The analysis therefore needs to demonstrate if the additional office space in the Project will be, like the retail, representative of a different market, and if it will have a positive or negative (or neutral) effect on the existing downtown buildings.

6.3

l-13 Retail Market – As is the case with the office market, the analysis discusses “unmet demand” but does not discuss the effect that the new retail space will have on the downtown. The analysis should present the existing rents and vacancy rates of downtown commercial buildings and compare them to the proposed Project, in terms of cost and product. If there is sufficient unmet demand to absorb the Project’s proposed retail space, the analysis should discuss if this will have either a positive or negative effect on downtown.

6.4

l-15 Direct Displacement – although mentioned on l-6, displacement is discussed again on this page. Regarding direct displacement, it is agreed that since only 22 households are being directly displaced, the existing vacancy rate should be capable of providing the required absorption. However, exception is taken to the statement concerning the 6% of the new residential units being affordable, since no definition of the level of affordability has been offered. If, for example 80% of AMI is the chosen income level, then a family of four would be required to make over \$81,000 income to afford an affordable apartment, whose rent could be over \$2,000, likely unaffordable to many of the residents currently living in the study area.

6.5

Indirect Displacement – The analysis indicates that the new Mulford Gardens will contain 225 units and references Fr. Pat Carroll Green (62 two-family buildings) both as providing new affordable housing in the study area. However, according to the map provided in the analysis both Mulford Gardens and Fr. Pat Carroll Green are located outside of the study area, so for purposes of the analysis should not be included. In addition, Fr. Pat Carroll Green is substantially pre-sold and would presumably be sold out long before the Project is completed. And, while it may provide additional affordable housing upon turnover, due to the imposition of the subsidy restrictions, it is expected that unit re-sales would occur on a limited basis.

7.1

The analysis also brings into the study the market rate rents for new waterfront buildings, which do not represent the overwhelming majority of the existing market. The analysis indicates that the Study Area will continue to diversify due to the new market rate housing, but does not indicate how this will affect the existing housing market, only to state “no significant indirect displacement is anticipated as a result of the Project. This statement has no basis of fact according to the analysis.

7.2

The analysis again discusses ETPA and contradicts its original statement by saying (incorrectly) that six units or more are covered. It also contradicts itself by stating that 38% of the buildings are over five (it’s now back to five) units, although earlier stated that this number could not be ascertained due to the reporting cohorts of the U.S. Census. The analysis further stated that the new residential components would not cause the Study Area as a whole to “shift its affluence” due to the small percentage of units added. However, since the analysis and supporting statements above regarding secondary displacement are not supportable, neither is this statement. Finally, although the analysis mentions the number of affordable units added in the last decade, it does not indicate what the vacancy rate is for buildings housing these units, which is traditionally well below the average for the area. The implication that vacancies are typically available is therefore not substantiated nor supported by the data.

7.3

I-19 – Direct Business and Institutional Displacement - The statement indicating that C.H. Martin would remain in Getty Square is not clear; is this referring to the building or the business? If just the business, has the owner agreed to move to another location and if so, where?

7.4

The analysis states that there is 110,400 sq. ft. of occupied commercial space and states that this total “does not account for the transient nature of many retailers (i.e. month to month leases by tenants who make only limited capital improvements to the spaces”, which doesn’t seem to make sense, since this market referred to is part of the downtown retail market. The statement also refers to “in the vicinity” when discussing the number of vacancies, but doesn’t define vicinity, as it did with “study area”. Since it does make a distinction between “vicinity” and Getty Square, it is not clear how accessible this space contemplated for retail relocation would be to many of the downtown residents.

7.5

l-22 – Secondary Retail Displacement – this portion of the analysis explains how the new retail space would not directly compete with the existing supply of retail space. However, a sentence was added to this most recent version which states:

“While the overall retail climate in the Study Area should improve substantially, it is probable that some existing, marginal retailers would be at risk of displacement by more substantial retailers with a higher degree of tolerance”.

This is confusing, subjective and seems to directly contradict the statements previously made in this section.

l-24 – Future w/o Proposed Project – first sentence on top of page. This states that those businesses which are to be displaced (doesn't specify if primary or secondary displacement) “do not constitute a concentration of any specific type of business...” If viewed in the context that the existing businesses are all of a specific (cost and product) type, serving the surrounding low and moderate income residents, this statement is therefore incorrect.

Mitigation – the analysis states that the applicant will contribute funds to assist housing and/or storefront rehab. It is important that it be stated how much, what form (loan, deferred loan, grant, terms) will it be leveraged by bank financing, will it instead be in-kind contractual rehab services, etc. Additional commitments are therefore required and should be made during the DEIS phase. In addition, further detail is requested regarding the statement that the Applicant will replicate an employment initiative program that was used in New Rochelle. The analysis also states here that many of the total construction and permanent jobs will be filled by Yonkers residents, but it is not clear what number and how firm a commitment this is.

Environmental Mitigation

Traffic - although its purpose is to determine project impact on the low-income and minority population, it presents its findings in terms that should be reviewed by other departments in the City, particularly Traffic Engineering.

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

l-43 – Economic Impacts – The analysis includes a template for understanding ERA's Input/Output (I/O) Model. The results, as indicated in Tables III.1 21- 25 are significant in determining direct economic impacts of the Project. Notwithstanding the fact that the I/O Model is defined, the Tables are difficult to follow and would better serve readers if they were clearly footnoted with explanations as to how each number was derived. Assuming the Multipliers used in Table III 1-4 are accurate, it is not clear (to this reader) how the calculations in Table III 1-5 were generated. No methodology is shown as to how to get from the summary of data in III 1-4 to the impacts empirically delineated in III 1-5. For example, multiplying the hard costs by the multiplier for earnings in 1-4

(\$1,238,232,500 x .3433) yields a figure considerably less than the \$353,057,143. This may not represent the correct application of the methodology to be used to achieve the number(s) obtained under “Direct Impacts” as shown in III 1-5. However, no explanation is given of how these calculations were achieved, which is problematic for someone reviewing the analysis not familiar with RIMS II procedures. A review of the U.S. Bureau of Economic Analysis website did not provide any assistance in understanding how the “Direct Impacts” (earnings, employment and average wages) were derived from the information shown.

1-54 -Ballpark - A separate impact analysis was conducted to determine the operational impacts of the ballpark using data provided by Westchester Baseball LLC. Various assumptions were made regarding both the income and operating expenses of the ballpark when in operation. The operator estimates a 75% occupancy rate that will generate approximately \$3.1 million in ticket sales for the 68 home games, but does not provide any data to support these projections. It is reasonable to estimate a lower occupancy rate, at least for the first few years of operation and the analysis should take a conservative look at what that would mean for its income projections. Other income projections, for concessions and advertising may or may not be reasonable, but no additional supporting data has been included. Although the ballpark is no longer “driving the deal”, it is nevertheless projecting over \$12 million in total impact and should therefore be more closely analyzed. The costs of the lease payments are yet to be determined. It is also not possible to determine if the operator is generating any profit within some of the operating expense lines, (for example “Ballpark Operations” and “General and Administrative”), as opposed to just the balance of the income after expenses once the lease payments are calculated.

Not part of this section, but directly related to the ballpark operation is an analysis conducted by G. Lamont Blackstone & Associates LLC dated April 14, 2008. The analysis is part of this firm's review of the Revised TIF Feasibility Study Draft for the SFC Project and encompasses the last two paragraphs of page 10 and the first paragraph on page 11.

The analysis indicates that:

- 1) a statement indicating that the financial assumptions of the ballpark are based upon comparisons to the Newark Bears “as we see the unique market conditions of Yonkers” but does not describe the factors that comprise the unique market.
- 2) “even as a component of a mixed-use project the operations of the ballpark are not self-supporting”.
- 3) The return on the total development costs of the ballpark is only 3%, which is not feasible as a rate of return unless it were heavily subsidized and that if the ballpark was a stand alone operation, it could not operate even with its own tax-exempt bonding.

- 4) The analysis therefore states that it is irrelevant whether the ballpark is funded by the City or by the developer, “a significant de facto subsidy will be provided to a component that has not yet been shown to provide significant success or synergies to the retail, office, residential and hotel components of the Project”.

The analysis concludes by discussing the potential weakness of the Atlantic League of Professional baseball Clubs, Inc., since it only has eight teams, is relatively new (1998) and is not affiliated with any major league clubs.

1-63 – Personal Income Tax – at the bottom of the page a stated was added stating that “it is the opinion of ERA that the....of the residences” This statement requires more substantiation.

10.1

1-80 - mortgage recording taxes - the analysis makes a reasonable assumption on annual re-sales (1/6 each year) and cites a source for the information. However, mortgage amounts per sales value are estimated at 85%, which seems high (80% being the typical largest mortgage amount available with Private Mortgage Insurance). In addition, though not discussed it is likely that from a marketing prospective many of the larger two and three bedroom units may be sold to “empty nesters”, who in selling their home could have a considerably larger down payment than anticipated. This is more likely than a first time homebuyer in this market. Should both of these situations occur, the result could nominally, or even significantly reduce the projected mortgage recording tax collected.

10.2

Collections for City of Yonkers transfer taxes are also projected, based on the same acceptable 1/6 resale rate, (Table III I-25) but also assuming projected resale values of \$450,000 to \$900,000. Although this is a likely scenario based upon Cappelli’s previous experience in Westchester, again no indication is given of how these resale values were computed.

10.3

Fiscal Impacts of the Proposed Ballpark – personal income tax revenues, Yonkers Personal Income Tax Surcharge and Sales and Use Tax for the ballpark are projected. Although much less income is generated for the ballpark than for the remainder of the project, again the analysis is deficient in explaining how jobs were allocated for Yonkers residents and non-residents (Table I-27).

10.4

Regarding capitalized value, the analysis utilized rents, vacancy rates, expense ratios and capitalization rates as provided by both the City Assessor and an outside consultant. To determine incremental value, a base value of approximately \$3.6 million is used, and then subtracted from the market value to determine the value to be converted to assessed value and then taxes. However, no calculation is presented to show how the base value was calculated and no justification for this value is shown anywhere, including the “Existing Conditions” at the beginning of the analysis.

10.5

The balance of this section provides a comprehensive overview of the need, and mechanism for establishing a Tax Increment Financing (TIF) District along with a discussion of the demographics of the targeted area before and after the project is developed. The analysis makes note that a more definitive plan is expected to be developed as the approval process advances.

Finally, the analysis briefly discusses potential displacement as a result of the project. I-100 - Tax Increment Financing (TIF) – The analysis has added an explanation of the mechanics of TIF, including a statement reiterating the Applicant's liability in the City's issuance of the bonds, which is a helpful addition.

VI. Growth Inducement

This section is discussed two concepts, “Downtown Planning” and “Potential Displacement” and is one of the shortest sections in the entire DEIS. However, it is a very significant section considering the topic of discussion and deserves much more detail and analysis than was unfortunately presented here.

Regarding the second item, “Potential Displacement” the section dismisses that secondary displacement is an issue due to the City’s planning efforts to strengthen the neighborhoods and create additional affordable housing opportunities. The analysis concludes by saying that “while gentrification may not be funny avoidable, it can be minimized by appropriate City planning initiatives”.

12.1

While efforts on the part of the City will continue, unfortunately these do not guarantee that gentrification will be minimized in any way. The Project has the potential of generating a significant increase in the demand for and therefore the value of properties throughout the surrounding neighborhoods, putting tremendous pressure on the owners to sell and/or market their properties to a more upscale clientele. This is exacerbated by the lack of rent controls on many of these properties, a fact that was ignored in this section of the analysis and attempted to be explained away in other sections of the DEIS and can indeed result in gentrification and secondary displacement.

The analysis also dismisses secondary displacement as being mitigated by the affordable component of the Project, designed to “further diversity new housing opportunities in downtown Yonkers”. However, again no explanation is given to the amount of affordable housing to be provided, the income levels, term of affordability and whether the units will be on-site or off-site. Mention is made here of improving the existing housing stock through rehabilitation loans and grants, but again does not discuss the mechanisms available to promote this rehab, which if implemented without proper controls can be counterproductive to efforts to minimize secondary displacement.

12.2

The DEIS again mentions that the Applicant will provide affordable housing either through the construction of units or contribution to a fund. This is acceptable as a proposal, but requires a much higher level of information, in order for the reader to determine its effectiveness.

The first section again mentions the Applicant’s commitment to providing affordable housing opportunities and also adds the component of a job training program. Again, at this point in the process, the City should be requesting specifics regarding the exact structure of the Applicant’s commitment which should be memorialized in this, or perhaps a separate document.

12.3

Appendix 1.F - Tax Increment Financing Feasibility Study and Preliminary Redevelopment Plan

The purpose of this Appendix is to present justification as to the study area's determination as a "Blighted Area", necessary as per Municipal Redevelopment Law. Since its last iteration, the feasibility study has added additional information to justify the Blight Study. TIF requirements are for the study area to be determined to be "blighted", and the report contains recent field surveys conducted by Saccardi and Schiff to make this justification. Also, additional information is presented to explain the relationship of the project site to the two overlapping Urban Renewal Areas.

l-4 The report proposes that the City and Westchester County enter into a "joint undertaking" under the Municipal Redevelopment Law. The purpose would be to guarantee that the County pledges its portion of the tax increment debt revenues to the debt service on the City's tax increment bonds. What is not clear is if the County would be legally obligated to approve this plan, and what the effect would be if they do not.

13.1

ll-1 – The study refers to the daylighting of portions of the Saw Mill River at River Park Center and "if the City elects to make them, at Larkin Plaza.." It is not clear from this document and would require review of other sections of the DEIS to determine if the Larkin Plaza portion of the daylighting is presented as an option.

13.2

Comment

The short Tax Increment Financing Feasibility Study and Preliminary Redevelopment Plan presented in the DEIS as Appendix 1.F presents an acceptable argument for the declaration of the Study Area boundary to be in a blighted condition, therefore justifying the preparation by the City of a preliminary plan for the redevelopment project. For purposes of making this case, the study area used extends beyond the project site area to include portions of the surrounding neighborhoods. The report indicates that there are a total of 134 residential uses in the Study Area, with concentrations of two and three family structures throughout.

Not mentioned in this section is the fact that these buildings and the tenants who occupy them are not protected by the Emergency Tenant Protection Act (ETPA). Although not the purpose of this Appendix, the results of the blight study provide further justification to the need for intervention to prevent secondary displacement in these buildings, as their value increases due to the proposed project.

C17

May 10, 2008

Dear Council President Lesnick and Members of the Yonkers City Council:

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.

1.1

I am requesting that the above be read into the record of the adjourned Public Hearing scheduled for May 13, 2008 and submitted for inclusion as a written comment.

Respectfully submitted,

KENNETH CHIULLI

NAME

15 PUTNAM AVE

STREET

YONKERS, New York

CITY

C18

May 10, 2008

Dear Council President Lesnick and Members of the Yonkers City Council:

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.

1.1

I am requesting that the above be read into the record of the adjourned Public Hearing scheduled for May 13, 2008 and submitted for inclusion as a written comment.

Respectfully submitted,



Mary Liberatore

99 Linn Ave

Yonkers, New York

C19

May 11, 2008

Dear Council President Lesnick and Members of the Yonkers City Council:

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.

1.1

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Respectfully submitted,

RICHARD RYAN

NAME

145 SAW MILL RIVER RD.

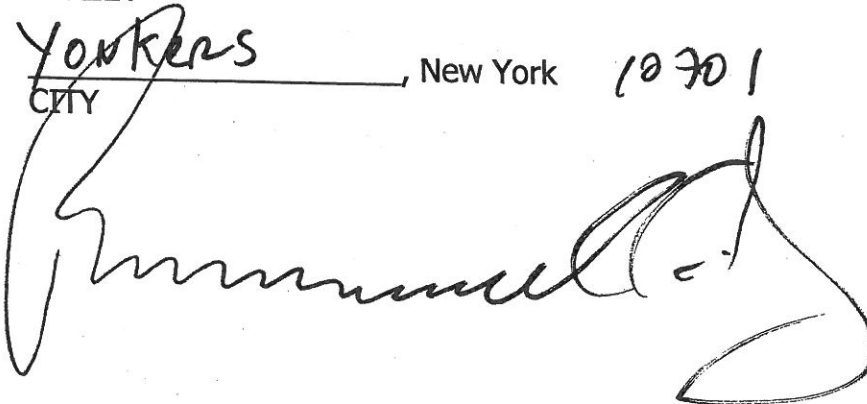
STREET

Yonkers

CITY

, New York

10701



C20

May 11, 2008

Dear Council President Lesnick and Members of the Yonkers City Council:

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.

1.1

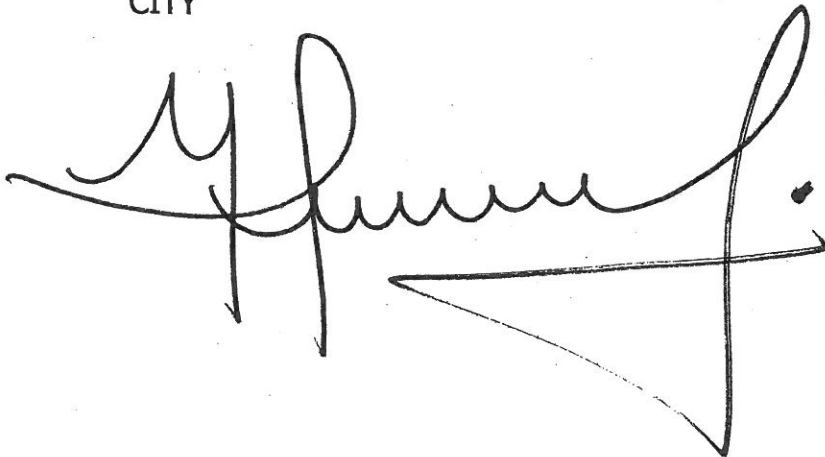
I am requesting that the above be read into the record of the adjourned Public Hearing scheduled for May 13, 2008 and submitted for inclusion as a written comment.

Respectfully submitted,

Yohanna Lopez Yohanna Lopez
NAME

126 Bennett Ave
STREET

Yonkers, New York
CITY



C21

May 12, 2008

Dear Council President Lesnick and Members of the Yonkers City Council:

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.

1.1

I am requesting that the above be read into the record of the adjourned Public Hearing scheduled for May 13, 2008 and submitted for inclusion as a written comment.

Respectfully submitted,

Bianca Mollicone

NAME

66 Sterling Ave.

STREET

Yonkers, New York

CITY

C22

May 12, 2008

Dear Council President Lesnick and Members of the Yonkers City Council:

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.

1.1

I am requesting that the above be read into the record of the adjourned Public Hearing scheduled for May 13, 2008 and submitted for inclusion as a written comment.

Respectfully submitted,

Carol K. Haffner

NAME

58 Butler Rd.

STREET

Yonkers, New York

CITY

C23

May 12, 2008

Dear Council President Lesnick and Members of the Yonkers City Council:

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.

1.1

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Respectfully submitted,

Doreen D. Gardi

NAME

15 Lawrence Place

STREET

Yonkers, New York 10701

CITY

C24

May 12, 2008

Dear Council President Lesnick and Members of the Yonkers City Council:

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.

1.1

I am requesting that the above be read into the record of the adjourned Public Hearing scheduled for May 13, 2008 and submitted for inclusion as a written comment.

Respectfully submitted,

Dale Lagan

NAME

115 Mayfair Rd

STREET

Yonkers, New York

CITY

10710

C25

May 12, 2008

Dear Council President Lesnick and Members of the Yonkers City Council:

1.1

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.

I am requesting that the above be read into the record of the adjourned Public Hearing scheduled for May 13, 2008 and submitted for inclusion as a written comment.

Respectfully submitted,

Donald Swetz

NAME

DONALD SWETZ

STREET

33 SUFFOLK TRAIL, New York

CITY YONKERS

C26

May 12, 2008

Dear Council President Lesnick and Members of the Yonkers City Council:

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.

1.1

I am requesting that the above be read into the record of the adjourned Public Hearing scheduled for May 13, 2008 and submitted for inclusion as a written comment.

Respectfully submitted,

Ellen Small

ELLEN SMALL

NAME

403 McLean Avenue

STREET

Yonkers, New York

CITY

C27

May 12, 2008

Dear Council President Lesnick and Members of the Yonkers City Council:

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.

1.1

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Respectfully submitted,

Frank Arce (ARCE')
NAME

585 McLean Ave

STREET

Yonkers, New York
CITY

C28

May 12, 2008

Dear Council President Lesnick and Members of the Yonkers City Council:

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.

1.1

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Respectfully submitted,

Jack Small
NAME

JACK SMALL

403 Mclean Ave
STREET

Yonkers, New York
CITY

C29

May 12, 2008

Dear Council President Lesnick and Members of the Yonkers City Council:

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.

1.1

I am requesting that the above be read into the record of the adjourned Public Hearing scheduled for May 13, 2008 and submitted for inclusion as a written comment.

Respectfully submitted,

Jacklyn Small
NAME

JACKLYN SMALL

403 McLean Avenue
STREET

Yonkers, New York
CITY

NOBILE, MAGARIAN & DiSALVO, LLP

COUNSELLORS AT LAW

111 KRAFT AVENUE
BRONXVILLE, N.Y. 10708

(914) 337-6300

RALPH R. NOBILE*
JOSEPH A. DiSALVO

EDWARD J. MITCHELL*

OF COUNSEL

LOUIS J. MAGGIOTTO**

COUNSEL

NAZARETH MAGARIAN
(1929-2001)

DEBRA A. ARENA*

*ALSO ADMITTED IN CONNECTICUT
**ALSO ADMITTED IN NEW JERSEY

FACSIMILE (914) 337-6913

May 12, 2008

Hon. Chuck Lesnick
President, Yonkers City Council
40 South Broadway
Yonkers, New York 10701

Re: SFC's DEIS; American Sugar Refining, Inc. ("ASR")

Dear President Lesnick:

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 now 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.

1.1

Very truly yours,
NOBILE, MAGARIAN & DiSALVO, LLP

By:

JOSEPH A. DiSALVO

JAD/ll

cc: American Sugar Refining, Inc.
Sive, Paget and Riesel, P.C.
Attention: Daniel Riesel, Esq.
DelBello Donnellan Weingarten Wise and Wiederkehr
Attention: Peter Wise, Esq.

C31

May 12, 2008

Dear Council President Lesnick and Members of the Yonkers City Council:

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.

1.1

I am requesting that the above be read into the record of the adjourned Public Hearing scheduled for May 13, 2008 and submitted for inclusion as a written comment.

Respectfully submitted,

Kathleen Kuhn

NAME

1 Beverly Rd

STREET

Yonkers, New York

CITY

C32

May 12, 2008

Dear Council President Lesnick and Members of the Yonkers City Council:

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.

1.1

I am requesting that the above be read into the record of the adjourned Public Hearing scheduled for May 13, 2008 and submitted for inclusion as a written comment.

Respectfully submitted,

Paul Truitt

NAME

1196 SAW MILL RIVER RD

STREET

YONKERS, New York

CITY

C33

May 12, 2008

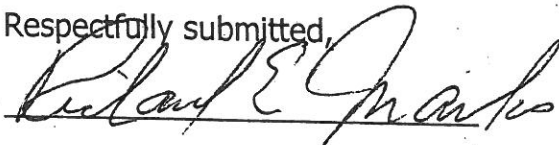
Dear Council President Lesnick and Members of the Yonkers City Council:

1.1

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.

I am requesting that the above be read into the record of the adjourned Public Hearing scheduled for May 13, 2008 and submitted for inclusion as a written comment.

Respectfully submitted,



NAME

2 SUDBURY DRIVE

STREET

Yonkers, New York 10710

CITY

C34

From: Michael Sabatino [mailto:sabatino@leaptec.com]

Sent: Tuesday, May 13, 2008 10:49 PM

To: Rocky Richard; Chuck Lesnick

Subject: SFC DEIS

Unfortunately I could not stay to speak tonight. Here are my written comments I may have more before the 30th.

There are many questions about the Tax Incremental Finance bonds; how they actually work, what the costs to the city will be, etc. We would like the council to consider these questions, an understanding of which is essential to making a determination on the overall financial situation for the city once these projects are built:

1. How much property tax revenue (dollar amount) is estimated for the TIF district for each year over the next 20 years, from start of construction? 1.1
2. How much of the anticipated property tax revenue (dollar amounts) is from the SFC development, and how much from other property in the TIF district, broken down on a yearly basis for the next 20 years? Give a breakdown for each Phase I component: Riverpark center, Parcels H&I, Cacace Center, Larkin Plaza, etc. 1.2
3. How much of the anticipated property tax revenue (in dollar amounts) on a yearly basis will go to pay the TIF bonds, and how much will revert to the city? 1.3
4. How much are the increased municipal services.. fire, police, sanitation, etc. necessary for the projects expected to cost (dollar amounts) for each year for the next 20 years? Give a breakdown for each project component of Phase I. 1.4
5. As per the Blackstone report, will the City be responsible for paying any shortfall between the property tax revenues and the TIF bond payments? 1.5
6. What happens if the property tax revenue is not enough to cover the TIF bond payments? Will the city be forced to raise property taxes to cover the difference? 1.6

Michael Sabatino
10 Belmont Pl
Yonkers, NY

C35

May 13, 2008

Dear Council President Lesnick and Members of the Yonkers City Council:

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.

1.1

I am requesting that the above be read into the record of the adjourned Public Hearing scheduled for May 13, 2008 and submitted for inclusion as a written comment.

Respectfully submitted,

Alessia Sciullo
NAME

Alessia Sciullo

619 PALISADE AVE
STREET

YONKERS, New York
CITY

C36

May 13, 2008

Dear Council President Lesnick and Members of the Yonkers City Council:

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.

1.1

I am requesting that the above be read into the record of the adjourned Public Hearing scheduled for May 13, 2008 and submitted for inclusion as a written comment.

Respectfully submitted,

Christina Claudio

NAME

Montague

STREET

Yonkers, New York

CITY

C37

From SFC Hearing 5/13/08

Dear Mr. Spano —

My family & I are
for Yonkers Develop-
ment,

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!
Yonkers has incredible assets

1.1

which should be protected,
& enhanced.

Thank you,
Elizabeth Wm. Agee
157 Alta Ave.
Yonkers

Mr. Spaulding

Scenic Hudson, Inc.
One Civic Center Plaza, Suite 200
Poughkeepsie, NY 12601-3157
Tel: 845 473 4440
Fax: 845 473 2648
email: info@scenichudson.org
www.scenichudson.org



C38

Statement of

**Jeffrey Anzevino, AICP
Senior Regional Planner
Scenic Hudson, Inc.**

**Riverpark Center, Cacace Center,
Palisades Point, Larkin Plaza**

**City Council
City of Yonkers**

May 13, 2008

Good Evening. My name is Jeff Anzevino, a Senior Regional Planner for Scenic Hudson, an environmental organization that has been advocating for smart growth on the Yonkers waterfront since the 1980s. We support the redevelopment of the Yonkers waterfront as a means of revitalizing the city's economy. However, for new development to benefit the entire community without compromising the environment and scenic views, the location of this project on the Hudson River must be considered and the planning process must involve the public in a meaningful way.

First, Scenic Hudson is gravely concerned that the city appears to be rushing to judgment on this massive project. The city has scheduled just two public hearings during a brief comment period. While we appreciate the recent two-week extension of the written comment period to May 30, this still does not allow sufficient time for the public to review the 9,000-page DEIS and prepare comprehensive comments so the project can address residents' concerns and benefit the city over the long term.

The current slowdown in the economy and a tight lending market provide an opportunity for a more systematic review of this project that would allow for further analysis of the DEIS and more input from Yonkers residents, who will be the beneficiaries or losers from this development.

As previously stated, Scenic Hudson supports the economic revitalization of the City of Yonkers' waterfront and central business district. However, we believe new buildings should not dwarf the height and scale of existing development. Unfortunately, that's what's proposed in the DEIS. We have strong concerns about how the development will impact views to and from the city, cast shadows over adjacent streets, and generate traffic through environmental-justice neighborhoods. Further, the development requires drastic amendments to the Downtown Waterfront Master Plan—amendments that residents have unequivocally opposed.

1. Visual Character and Impacts

Everyone understands The Palisades' importance as a backdrop to the City of Yonkers. The Palisades have been designated a National Natural Landmark and are listed on the National Register of Historic Places. Views to and from this magnificent rock formation are important, experienced by hundreds of thousands of people annually. These views would be severely impacted by the 25- and 50-story buildings proposed by SFC. The DEIS proposes no mitigation for the 50-story towers at Chicken Island. And the mitigation proposed at Parcels H&I—siting buildings perpendicular to the Hudson River—is insufficient to avoid, minimize, or reduce impacts as required by SEQRA.

Further, views from upland Yonkers neighborhoods also will be blocked by these tall buildings.

2. Shadow Impacts

In addition to tall buildings' visual impacts, the shadows they cast would impact several public open spaces and important natural features, including Manor House Park, St John's Episcopal Church, and Getty Square, the Bell Place/Locust Avenue Historic District, War Memorial Park, and Buena Vista Community Gardens. Perhaps most notably, most of the Riverfront Park and the entire existing sculpture garden will be in full shadow during significant portions of the day throughout much of the year.

3. Traffic Concerns

To mitigate the development's traffic impacts, the DEIS proposes the elimination of parking along the Yonkers Avenue/Nepperhan Avenue corridor from the Saw Mill River Parkway to downtown. In effect, this would create an "urban expressway" that threatens to divide neighborhoods, stifle pedestrian activity and hurt businesses. The proposed replacement of on-street parking with garage space would be less convenient for customers and would not provide a buffer between traffic on the proposed multi-lane arterial and pedestrians on the sidewalk. The additional travel lanes also would make pedestrian crossings much more difficult.

Scenic Hudson considers this an environmental-justice issue since the Study Area has limited income. According to the 2000 census, 36.1% of the households in the area fell below the poverty level, compared to 15.5% of all households in Yonkers. A map in the Preliminary DEIS (Environmental Justice Population in Yonkers, Exhibit 3, I-2) indicates that River Park Center and the Cacace Center are "islands" in the midst of an extensive "Environmental Justice" area. This map has not been included in the DEIS. We suggest it should be.

Thus, one of the mitigation measures for this project, which includes 1,386 dwelling units selling from between \$450,000 and \$900,000 (DEIS, p.3, I-18), is a proposal to increase the capacity of several roads by widening them. In combination with the removal of on-street parking from several major and minor streets – including Yonkers Avenue/Nepperhan Avenue, Palisade Avenue, Elm Street, and New Main Street – this mitigation places an undue burden on low-income residents to accommodate the increased traffic flow generated by the influx of (presumably) higher-income residents living in the expensive new condos.

The Traffic Study provides data on accidents (p.3, e25-27). This table indicates that 384 crashes

2.1

have occurred in the Study Area between 2003 and 2005. The DEIS should indicate if this is higher than the state average. Since measures proposed to mitigate traffic congestion would include the removal of on-street parking and the addition of travel and turn lanes, we are concerned that the wider road will result in more cars and trucks traveling at faster speeds. In effect, a highway would be created as a conduit to accommodate project-related traffic, again at the expense of low-income residents whose primary mode of transport is bus and walking. This is not only a safety concern but an environmental justice issue, as the motorists benefiting from this wider road passing through low-income areas will be residents of expensive homes. Simply put, it is unfair to create a hostile pedestrian environment and widen barriers in residential areas and business districts populated by low-income people to facilitate access by new high-income residents.

The FEIS should propose traffic mitigation by reducing the number of units so that fewer trips will be generated. Further, the road should be designed to a 30 mph travel speed. According to research by Walter Kulash P.E., this speed-flow relationship is optimal (1,950 vehicles per lane per hour) for moving vehicles along a roadway.

4) **Downtown Master Plan**

Scenic Hudson supports the existing provisions of the 1998 Downtown Waterfront Master Plan, which was instrumental in the redevelopment of the area around the Yonkers Recreation Pier. The plan promotes:

- Small-scale yet urban residential atmosphere.
- Low-rise, high-coverage development.
- On-street parking.
- Enhanced development with a variety of water-related uses.
- A variety of interconnected public spaces.
- Visual connections from downtown through to the Palisades.
- Retention of existing water edges and bulkheads wherever possible.
- Distinctive rooflines and building profiles to enliven the waterfront.
- Building and street orientation that retains views through the site and along the waterfront.

It should not be changed because its provisions—adopted by the City and supported by residents—is no longer convenient for a particular developer.

5) **Daylighting of Saw Mill River**

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.

3.1

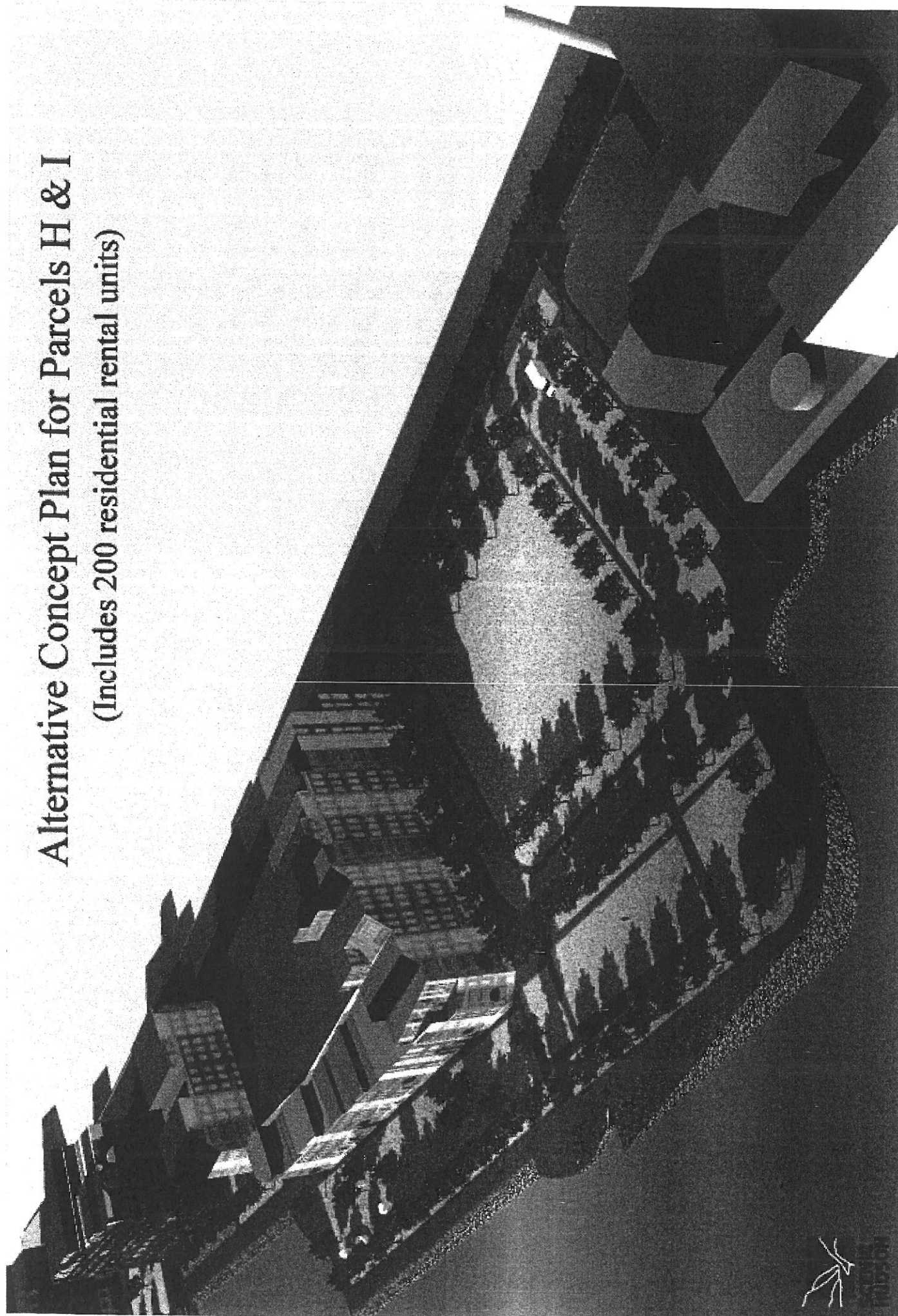
Conclusion

Scenic Hudson will submit additional comments by the end of the comment period. We have developed an Alternative Waterfront Concept Plan and alternate plan for Palisades Point that advocates for the creation of parks along the Yonkers waterfront. This concept is based on the principles on which the Downtown Waterfront Master Plan are based and a series of meetings with local stakeholders. It reflects the views of Yonkers residents to provide stronger connections to the Hudson River. The vision would 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. This concept will be submitted as part of our written comments.

Scenic Hudson thanks the Yonkers City Council for this opportunity to summarize our comments. Again, we recommend that more time and analysis be allocated by the city so this project improves the lives of as many Yonkers residents as possible.

Alternative Concept Plan for Parcels H & I

(Includes 200 residential rental units)



C39

May 9, 2008

Dear Council President Lesnick and Members of the Yonkers City Council:

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.

1.1

I am requesting that the above be read into the record of the adjourned Public Hearing scheduled for May 13, 2008 and submitted for inclusion as a written comment.

Respectfully submitted,

NAME Joe Graham

JOE GRAHAM

STREET 350 McLEAN AV

CITY YONKERS NY, New York

C40

May 12, 2008

Dear Council President Lesnick and Members of the Yonkers City Council:

1.1

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.

I am requesting that the above be read into the record of the adjourned Public Hearing scheduled for May 13, 2008 and submitted for inclusion as a written comment.

Respectfully submitted,

Karen Small

KAREN SMALL

NAME

403 McLean Avenue

STREET

Yonkers, New York

CITY

C41

May 13, 2008

Dear Council President Lesnick and Members of the Yonkers City Council:

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.

1.1

I am requesting that the above be read into the record of the adjourned Public Hearing scheduled for May 13, 2008 and submitted for inclusion as a written comment.

Respectfully submitted,

MARIA CHIULLI - PARK HILL RESIDENT FOR OVER

NAME

15 PUTNAM AVE 28 YEARS

STREET

YONKERS, New York

CITY

hereby submits the following letters
for support of the SFC project.

M. Chiulli

C42

From: Vincent Wilson [mailto:vincentwilson@hotmail.com]

Sent: Wednesday, May 14, 2008 8:36 AM

To: Rocky Richard; Joe Apicella; Peter Klein; Dee Barbato; Patricia McDow; Chuck Lesnick; Sandy Annabi; Joan Gronowski; Liam McLaughlin; John Murtagh

Cc: David Lipson; cafejon@optonline.com; andrew.sendall@barclayscapital.com; kalopez@optonline.net; vincentwilson@hotmail.com; battuta@optonline.net

Subject: PierPointe on the Hudson's comments from City Council Meeting May 13th

Good morning

Attached please find an electronic copy of the letter I read last night regarding PierPointe on the Hudson's (Scrimshaw House) comments on SFC's Environmental Impact Study.

Thank you for the opportunity to be a part of the process. We look forward to working with the City Council and Developers to move the project forward while coming up with solutions to our concerns.

Please feel free to contact me with any questions or clarification of our comments.

Vincent Wilson
Board President
PierPointe on the Hudson
23 Water Grant St Unit 4T
Yonkers, NY 10701
vincentwilson@hotmail.com
c) 917-821-3222

**Board of PierPointe on the Hudson
23 Water Grant Street
Yonkers, NY 10701**

May 13, 2008

Yonkers City Council

City Of Yonkers
40 South Broadway
Yonkers, NY 10701

Greetings:

The Board of Managers at PierPointe on the Hudson (formally known as The Scrimshaw House) would like to communicate their questions and concerns to the Environmental Impact Study for Phase 1 of SFC's downtown development. First, we would like to say that the majority of the residents (and owners) of PierPointe on the Hudson are extremely positive about the development. We

feel the time is now and do not want to see any delays in moving this project along. That being said, PierPointe does have some concerns we would like addressed.

PierPointe on the Hudson's parking lot will be replaced by the development and a bridge is proposed to be constructed very close to the building.

Below is a list of the residents and owners essential concerns:

With regard to parking our concerns are:

1) **Ownership of the parking** - We currently lease our parking lot from the city, which is approximately 184 spots. Who will own the parking lot after the development? What rights will we have? Can or will there be an increase in the dollar amount of our lease agreement with the City or will there be some other arrangement? What rights will we have?

2.1

2) **Direct Access from the parking lot to the Building** - Our parking lot is currently conveniently located next to our building with several security cameras. We are concerned about direct access from our cars to the building and safety for the residents.

2.2

3) **Drop off point** - We are now using the south side entrance as a drop off point for packages and heavy deliveries. Where will residents be able to unload packages after a long day food shopping or unload furniture if someone is moving? Additionally, when having work done on the building where will contractors be able to unload their equipment (ex. scaffolding, tools etc)

2.3

4) **Residents with Disabilities** - We have a number of elderly and people with disabilities in the building who will find it difficult to travel a long distance from the building to the parking garage. How will they be accommodated?

2.4

5) **Parking Spots** - How can we ensure that all 184 spots will be replaced.

2.5

6) **Views** - The south side of the building currently have views of the Manhattan skyline and residents that live in the corners have views of both the Manhattan skyline and the Hudson River. How will views of the Hudson and Manhattan Skyline be impacted by the development and the proposed Prospect Bridge?

2.6

7) **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?

2.7

Prospect Bridge concerns:

1) **Building safety** - the proposed bridge can create a safety concern for the residents of our building (crime, vehicular traffic and exhaust emissions)

2.8

2) **Privacy** - how high will the bridge be and how close to the building will it pass? Will pedestrians and/or passengers in cars be able to look into the windows of our building?

2.9

3) **Noise** - if the bridge is open 24 hours and so close to the building, will the car noise and pedestrians walking and talking disturb residents.

3.1

4) **Car lights** - will car headlights constantly illuminate the building disturbing residents?

3.2

We want to reiterate that we do not want the project delayed. The majority of the residents/owners want to see this project begin as soon as possible. We urge the Yonkers City Council to do its due diligences, but in a timely matter. If Yonkers loses this chance, it will be years before another development opportunity will come.

The purpose of this communication is to document our concerns, not to slow the process. We have met with representatives of SFC to outline our concerns. They have been very open and accommodating, meeting with us on multiple occasions. We look forward to working with SFC and the City Council to find solutions to our issues.

On behalf of the Board of Managers at PierPointe on the Hudson, the residents and owners, we thank the Yonkers City Council for your attention to our questions and concerns regarding the first phase of SFC's downtown Yonkers development.

Please contact me directly if you have any questions, need more information or would like clarification on our comments.

My contact information is:

Vincent Wilson, Board President
23 Water Grant St. Apt 4T
Yonkers, NY 10701
email: vincentwilson@hotmail.com

C) 917-821-3222

Sincerely,

Representing the Board of PierPointe on the Hudson

PHILIP A. AMICONE
MAYOR

ANDREW A. API
CITY ENGINEER



CITY HALL - ROOM 315
YONKERS, NEW YORK 10701-3872

(914) 377-6210
FAX (914) 377-6215

DEPARTMENT OF ENGINEERING
CITY OF YONKERS

C43

RECEIVED
5/27/08

To: Rocky Richard
Office of the City Council

From: Joseph J. Moran, P.E.
Acting City Engineer

A handwritten signature in cursive script, reading "Joseph J. Moran".

Date: May 23, 2008

Re: DEIS for River Park Center, Cacace Center, Larkin Plaza, and Palisades Point
Engineering Department Comments

I hereby transmit Engineering Department comments originally compiled on May 13, 2008 regarding the subject DEIS.

Cc: Christine Sculti

PHILIP A. AMICONE
MAYOR

ANDREW A. API
CITY ENGINEER



CITY HALL - ROOM 315
YONKERS, NEW YORK 10701-3872

(914) 377-6210
FAX (914) 377-6215

DEPARTMENT OF ENGINEERING
CITY OF YONKERS

MEMORANDUM

To: Lee Ellman, Planning Director
From: Joseph Moran, P.E., Acting City Engineer
Date: May 13, 2008

A handwritten signature in dark ink, appearing to read "Joseph Moran".

Re: DEIS for River Park Center, Cacace Center, Larkin Plaza, and Palisades Point

The Engineering Department has reviewed the executive summary, stormwater management, and utility sections for the proposed development and provides the following comments.

Executive Summary

pg I-2

Palisade Point

Who will construct, own and maintain proposed public bridge over Metro-North rail road from Prospect Street to Palisades Point?

1.1

pg I - 4

River Park Center – N.E. corner New Main and Nepperhan (River Walk)

Who will construct, own and maintain proposed elevator and access points?

1.2

pg I - 9

Note: City portion of infrastructure funding is to come from T.I.F.

What provisions have been proposed to remediate/mitigate the current condition of the flume? How will the responsibility of costs be determined?

1.3

pg I - 11

"IONA" Site

What is final disposition of consent agreement w/NYSDEC to remediate the "Iona" site?

1.4

pg I - 16

Flume

The current condition of the flume requires removal of debris, trees, garbage and isolated repairs that must be addressed. Devices to prevent the further accumulation of debris must be installed and

1.5

maintained. Who will be responsible to perform this work and maintain the flume and the daylighted portions of the river?

pg I – 19

Water Distribution System

Under the current water purchase agreement with NYC, the proposed residential population for this project will not be reflected in “residential rate” until a new census is compiled and adopted. Therefore the transient water use will increase at the premium price. Some consideration to offset this premium price until a new U.S. Census is completed should be formulated.

2.1

pg I – 20

Storm Water Quality

Pollution removal goals must address the pollutants of concern listed for the impaired waters of the Saw Mill River and Hudson River as specified on the N.Y.S. Section 303 (d) list of Impaired Waters. It should be specified who will own and maintain the filtration devices and hydrodynamic systems.

2.2

Storm Water Management (Section III.D)

pg III .D-9

Analysis of Current 100 Year Flood Flow

The applicant’s consultants must confirm flood flows for the Saw Mill River with the Federal Emergency Management Agency Flood Insurance Study revised September 28, 2007.

2.3

pg III .D-11

River Park Center

The ownership and maintenance of the water quality structures should be specified.

2.4

pg III .D-14

General Permit for Storm Water Discharges from Construction Activity

All references to NYSDEC SPDES General Permit No. GP.02-01 must be revised to the current permit GP-008-002 (April 2008).

2.5

pg III .D-15

City Erosion and Sediment Control Code

All references to the City’s erosion and sediment control code must reflect the revisions made on December 11, 2007 under article 56 of the City’s code.

2.6

pg III .D-15

All references to the N.Y. Guidelines for Urban Erosion and Sediment Control should be revised to N.Y. Standards and Specifications for Erosion and Sediment Control.

2.7

pg III .D-16

Owners Engineer Responsibilities

The Owner or operator of a construction activity must have their SWPPP reviewed and accepted by the MS4(City of Yonkers) prior to submitting the Notice of Intent.

2.8

pg III .D-17

The owner's engineer must certify as-built drawings for all permanent storm water management practices. This section of the DEIS must conform to the current general permit requirements and the City's local law (in Article XVI adopted 12/11/07).

3.1

pg III .D-23

Saw Mill River "Rapids"

The proposed velocities for the 10 year design flow or larger design storms are high and an analysis should be made to determine the possible channel bottom scouring (as noted on page III .D-6 existing conditions) or eroding.

3.2

Utilities (Section III .H)

pg III .H-13

Relocated and Temporary Water Mains

The detailed design documents for water main construction and relocation must be submitted to the City's Engineering Department and DPW for approval, and then forwarded to W.C.D.O.H. for review.

3.3

pg III .H-22

Storm Water Collection Systems in Public Streets

All water and sewer systems must conform to the City of Yonkers Standards for water and sewer systems.

3.4

All construction must comply with federal, state and local codes and regulations.

Work should be scheduled and coordinated in conjunction with the M-29 electric feeder contract mandated by the NYS Public Commission that will occur in the vicinity of River Park Center and Cacace Center.

3.5

The City of Yonkers Engineering will update reviews and comments as submittals progress.

Cc: Paul Summerfield, P.E.
James Moran, P.E.
Christine Sculti
SFC Review File