

July 8, 2008

Ms. Albina Glaz  
City of Yonkers Water Bureau  
170 Saw Mill Road  
Yonkers, New York 10701

Re: SFC Yonkers – DEIS Comments  
Utility Section III.H

Dear Ms. Glaz:

We are writing to request information from your department to respond to the DEIS Utility comments received by our office to date which relate to City water issues. Note that the majority of the comments pertain to the City of Yonkers purchasing of water from the New York City water system. Each comment is identified below for your consideration.

**A. Water Rates and Usage** - The following 7 comments relate to the cost of water and possible impacts from the Project. To properly answer these comments, we will need the following information:

- City of Yonkers cost to purchase water at per capita usage rates and above per capita usage.
- How the user rates are currently computed and allocated by residential and commercial use.
- Current usage and amount NYC determines to be the per capita water allowance.

**1. Comments Related to NYC Water System Allocation to City of Yonkers Comment III.H-10:**

If excess water charges are owed to the NYC Department of Environmental Protection due to increased water usage by the project, will these charges be paid only by those properties contained within the project area? This should be clarified.

(Westchester County Planning Board, Letter, 5/29/2008, Page 12)

**2. Comment III.H-33:**

With the additional residential and commercial tenants moving to the area, how would that increase affect our cost to NYC for our water bill? What is the estimated cost above what we are currently paying?

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

**3. Comment III.H-44:**

With respect to water purchased from New York City and the COY's allotment. [We are nearing our water limit and would be charged at a higher rate] DEIS asserts that an increase

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in the number of residents increases our allotment. That must be checked. Makes assumption applicant can institute water conservation measures to offset increase use of water.

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

**4. Comment III.H-55:**

III H 20 The answer to the amount of new residents and the presumed increase in the amount of water allocated by NYC does not answer the fundamental question – Will Yonkers be better off, worse off, or static when it comes to water issues after the proposed project is in place? Will the addition of 1,950 residents and their allocation balance the water use by the proposed commercial and other uses?

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

**5. Comment III.H-56:**

III H20 Does the City of Yonkers water rate system result in a break even or better situation when all water usage in the proposed project is taken into account? Will the replacement of water mains result in less leakage loss and then a net gain in water rents for the proposed project?

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

**6. Comment III.H-58:**

Water Fees

Will COY property owner water rates have to be increased to meet the demand for additional water and to for the NY City Diversion rates?

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

**7. Comment III.H-63:**

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.

(Joseph Moran, P.E., Acting City Eng., Dept. of Engineering (Yonkers), Memo, 5-13-2008)

**B. Other Comments & Responses - Please review and provide additional information if available.**

**Comment Related to Water District # 1**

**Comment III.H-11:**

Page 1-31 [of the DEIS] notes that the Yonkers Fire Department expressed a need to increase [the] water pressure in the area from 40 to 60 PSI. However, if this is connected to Water District #1, have the impacts been addressed?

(Westchester County Planning Board, Letter, 5/29/2008, Page 12)

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**Response III.H-11:**

Page I-31 of the DEIS indicates that the Fire Department has expressed a need for improvement to the existing water supply system, particularly with respect to pressure problems experienced during summer months in nearby Nodine Hill. As discussed in Section III.H.3.a (Mitigation Measures), based on the recommendations of the City’s hydraulic consultant, the measures proposed for upgrading the existing water distribution system will strengthen the downtown water system and provide fire flows of approximately 3,500 gpm at a residual pressure of 60 psi. During the final design of the water main improvements, the City Water Bureau will review the improvement plans to ensure that they adequately address the water supply and pressure requirements. It is anticipated that primary responsibility for construction management of the recommended utility improvements will be undertaken by the Applicant in consultation with the City. As discussed in Section III.I “Socio-Economic Factors”, of this DEIS, the use of tax increment financing is proposed to pay for these necessary utility improvements. This funding of the public utilities and other infrastructure improvements is integral to the development of the proposed Project and is also necessary to support other future development in downtown Yonkers. *(City Water Bureau to review and expand this response as required including potential impact if connection is made to Water District #1.)*

**Comment Regarding Relationship of NYCDEP Capital Program to Downtown Yonkers**

**Comment III.H-13:**

The NYC DEP capital program outlines several major repairs and interim service changes in the water supply system. The EIS should discuss these coming actions and the relationship to the proposed development in downtown Yonkers.

(Westchester County Planning Board, Letter, 5/29/2008, Page 12)

**Response III.H-13:**

According to the City of Yonkers 2006 Annual Water Report, the New York City DEP has implemented a series of programs to evaluate and protect source water quality within the Catskill/Delaware watersheds. Their efforts focus on three important program areas: 1) The enforcement of strengthened watershed rules and regulations; 2) The acquisition and protection of watershed lands; and 3) Implementation partnership programs that target specific sources of pollution in the watersheds. More specifically, the DEP capital programs related to proposed development activity in downtown Yonkers include \_\_\_\_\_. *(City Water Bureau to review and expand this response to more specifically address the repairs and interim service changes identified in NYCDEP’s capital program and their relationship to proposed development in downtown Yonkers.)*

**Other Comments**

**Comment III.H-48:**

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HI What constitutes an emergency condition?

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

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**Response III.H-48:**

As indicated on page III.H-1 of the DEIS, under emergency conditions, the City is permitted to draw water from the Grassy Sprain Reservoir without filtration or treatment. Although the reservoir is still classified as a water supply reservoir, it is no longer used as a source of normal water supply. It is the Applicant's understanding that emergencies would pertain to conditions such as the maintenance of domestic pressure and the provision of fire flow availability. (*City Water Bureau to review and expand this response.*)

**Comment III.H-9:**

The draft EIS states that the impact of this project [on the water supply] (568,000 Gallons per day) along with other planned developments results in a projected cumulative water demand of approximately 1 million gallons per day. The discussion of water supply raises several questions that we recommend be addressed: The draft EIS does not provide documentation that the city has sufficient source available to meet these demands. This must be clarified.

(Westchester County Planning Board, Letter, 5/29/2008, Page 12)

**Response III.H-9:**

(*City Water Bureau to provide any additional documentation supporting that the City has sufficient water source available to meet future demands from the SFC Project and the other planned developments.*)

We respectfully request that you provide us with your responses as soon as possible, since the Applicant will be meeting with AKRF, the City's planning consultant, on July 11 to start reviewing the responses. I will call you tomorrow to discuss this request and provide any required clarifications. Should you have any questions in the interim, please do not hesitate to call me at 428-0010 or via email at [jschwalbe@divneyts.com](mailto:jschwalbe@divneyts.com). Thank you for your assistance.

Very truly yours,

DIVNEY TUNG SCHWALBE, LLP



Gerhard M. Schwalbe, P.E.  
Partner

/vjd

cc: J. Apicella  
J. Saccardi  
P. Wise  
C. Sculti  
File 659.4A