
Appendix F: NYS Coastal Policies Consistency Review**Development Policies**

Policy 1 Restore, revitalize, and redevelop deteriorated and under utilized waterfront areas for commercial, industrial, cultural, recreational, and other compatible uses.

The Project consists of three sites, each located within an urban renewal area to be redeveloped by the Applicant, as well as the proposed daylighting of the Saw Mill River and other infrastructure improvements in the City of Yonkers. The Project would redevelop and revitalize a portion of the Yonkers waterfront with a mix of residential, commercial, office and publicly accessible open space uses, which are compatible with the mixed use character of the area and would improve the economic base of the community. The positive impacts of each site are described below.

Palisades Point is a 5.80 acre site located within the State's Coastal boundary on Parcels H and I (and a portion of Parcel J) under the City's 1998 Waterfront Master Plan. The site is an urban renewal disposition parcel that has been acquired by the City's Community Development Agency. Structures were previously removed from the site to make the land available for redevelopment. Proposed uses include 436 dwelling units, ground level retail and/or professional office space, and publicly accessible open space along the Hudson River that includes a promenade and a canoe/kayak launch, a water-dependent use. The Proposed Action sites structures in Palisades Point perpendicular to the waterfront to preserve upland views and expands public access to the waterfront, including an extension of the existing Yonkers waterfront promenade, which will become part of Westchester County's Hudson River Esplanade.

River Park Center is an approximately 13 acre inland site on which there is a large surface parking lot, several buildings, and the Government Center garage. Redevelopment would include mixed-use residential and commercial development, construction of a minor league ballpark, and a publically accessible open space, known as Riverwalk. As part of the Riverwalk, a segment of the Saw Mill River, a tributary of the Hudson River, would be daylighted. Virtually the entire length of the mostly underground river through the site would be exposed and landscaped to include the pedestrian Riverwalk, places to rest, and scenic overlooks. Public access to the site would be created via street level sidewalks, an elevator and stairs at different locations. The riverwalk would provide public access to multi-level retail, restaurant and entertainment uses. A proposed minor league baseball field will provide a new recreational opportunity for the city.

The Cacace Center is an approximately 4.3 acre site owned by the City, which currently houses a parking garage. Redevelopment of this site will include office uses, a hotel, the new City of Yonkers Fire Department Headquarters building (relocated from the River Park Center site) and a new public parking garage.

The City of Yonkers is also considering making public improvements at Larkin Plaza, including the daylighting of the Saw Mill River and creation of a new public park (expansion of the existing public park at Larkin Plaza). This municipal project would require relocation of the existing public parking at Larkin Plaza.

Policy 2 Facilitate the siting of water-dependent uses and facilities on or adjacent to coastal waters.

The Palisades Point site includes 3.13 acres of private but publically accessible open space on the Hudson River, representing approximately 54% of the site. A canoe/kayak launch, which is a water-dependent use, is proposed to be located at the southern portion of the site. There are currently only two boat launch sites in the City of Yonkers, one is located at the JFK Marina at Warburton Avenue and JFK Memorial Drive, approximately one mile to the north of the project site, and the other is a kayak launching site at the Yonkers Paddling & Rowing Club. Providing public access to the Hudson River at Palisades Point provides a connection between Yonkers' waterfront resources and the City's interior urban areas.

The residential development, promenade and scenic overlooks proposed for Palisades Point are water-enhanced uses, and serve to increase activity along the waterfront and provide access to scenic views.

The Palisades Point site is located adjacent to the American Sugar Refining, Inc. ("ASR") facility, a water-dependent use. Appropriate measures to limit the access of casual boaters to ASR's maritime structures, such as the installation of warning signs, will be coordinated with the US Army Corps of Engineers and US Coast Guard.

Daylighting of the Saw Mill River will provide opportunities for additional public access to the water's edge, including the Riverwalk, which will provide water-enhanced uses currently not available. The development of 5,293 public parking spaces would support the water-dependent and water-enhanced uses, by making them accessible to persons who may not otherwise be able to access the uses.

Policy 3 Further develop the State's major ports of Albany, Buffalo, New York, Ogdensburg, Oswego as centers of commerce and industry, and encourage the siting, in these port areas, including those under the jurisdiction of state public authorities, of land use and development which is essential to, or in support of, the waterborne transportation of cargo and people.

Not applicable.

Policy 4 Strengthen the economic base of smaller harbor areas by encouraging the development and enhancement of those traditional uses and activities which have provided such areas with their unique maritime identity.

Not applicable.

Policy 5 Encourage the location of development in areas where public services and facilities essential to such development are adequate.

The Project is located in downtown Yonkers where public services and facilities exist. This includes an extensive bus and transit system (i.e., rail and ferry) and an existing mixture of residential, commercial, public and quasi-public uses. Complementing existing transit in the area is a proposed trolley that will connect River Park Center with the Metro North railroad station. The area is served with existing water and sewer lines and a road system that provides connection to the Saw Mill River Parkway and the New York State Thruway. The Project would upgrade these systems through replacement of old deteriorated utilities and separation of storm and sanitary sewer flows. Construction of a number of major road and intersection improvements would also be accomplished. The Project will include 6,673 new parking spaces, including 5,293 public parking spaces.

The Applicant will construct a new Fire Department Headquarters on New Main Street, as part of the Project. This significantly improved facility will be in close proximity to each of the development sites.

In response to the need for additional police services in the area, the Applicant has proposed a 1,200 square foot police “substation” at River Park Center.

St. Joseph’s Medical Center and St. John’s Riverside Hospital each provide hospital services in the area. According to figures published by the New York Health Care Commission, it appears that each, based on current occupancy rates of 67% and 69% respectively, has available capacity to accommodate the projected increase in population as a result of the Project

Policy 6 Expedite permit procedures in order to facilitate the siting of development activities at suitable locations.

Not applicable.

Fish and Wildlife Policies

Policy 7 Significant coastal fish and wildlife habitats will be protected, preserved, and where practical, restored so as to maintain their viability as habitats.

The Palisades Point site is located on the Hudson River waterfront, the second largest tidal estuary along the east coast that reaches from the Battery in Manhattan north to the federal dam at Troy, New York. The Project is situated in the lower Hudson River estuary. Most of the shoreline habitat of the lower Hudson River estuary, especially from Manhattan north to beyond

Croton-on-Hudson, is extensively disturbed from industrial, commercial, and residential development. The shoreline already consists of riprap and has been filled in substantial areas. The Hudson River at the Yonkers waterfront is a mixture of Atlantic Ocean saltwater and Hudson River freshwater. The distribution of tidal marsh communities and plants in the Hudson River is influenced strongly by surface water salinity. Yonkers is located within the area that potentially supports brackish tidal marsh communities. However, there are no tidal marshes or wetlands on or adjacent to the Palisades Point site. Benthic communities vary in distribution depending on bottom water salinity, with a typically marine benthos from Stony Point south dominated by marine worms and crustacean - Yonkers is located within this reach of the benthic community. Additionally, there are 240 species regularly using the lower Hudson River estuary, incorporating 151 bird species and 80 fish species, including federally and state listed species.

Recognizing the importance of this habitat, analysis of the potential impacts of water oriented construction activities has been conducted (primarily the construction for the canoe/kayak launch and rejuvenation of the existing riprap for shoreline stabilization), as has an Essential Fish Habitat study, included as Appendix A to this review. The analysis concludes that the proposed construction would be local in scope; therefore no direct regional impacts would occur. The Palisades Point project area is the site of an existing riprapped shoreline, adjacent to a port facility (the American Sugar Refinery). Fishery studies conducted by the Army Corps of Engineers in the 1980s found that the majority of the fish were found in inter-pier areas as opposed to open water shallows. Since these studies, a majority of the dilapidated piers and pile fields in the region have been removed, resulting the loss of this inter-pier habitat for many fish. There are pile supported structures to the north and south of the site that provide an extensive habitat favorable to striped bass. The proposed Project would not affect the existing inter-pier habitat.

The redevelopment/construction of the Palisades Point site is planned to provide enhanced food resources and habitat for essential fish habitat species, especially from the new riprap, or other shoreline stabilization, that will stabilize and rejuvenate the shoreline. The proposed supplemental riprap, or other shoreline stabilization, will provide new vertical structures that will in turn provide a larger surface area for the recruitment of encrusting organisms, providing an enhanced food source for many essential fish habitat species. In addition, the proposed shoreline rehabilitation activities are not likely to jeopardize the shortnose sturgeon or result in the destruction or adverse modification of its habitat.

The Proposed Action will improve the quality of the stormwater that is discharged into the Hudson River and is not expected to have an adverse effect upon the hydrology of the Hudson River or upon existing aquatic resources.

The Proposed Action includes the daylighting and landscaping of large portions of the Saw Mill River in downtown Yonkers, which is currently channelized and mostly contained in an underground flume, discharging into the Hudson River. Daylighting the river is a major step towards river and habitat restoration. Appropriate testing will be conducted and any contaminated soil would be remediated to the extent practicable, given the highly urbanized watershed of the river.

Policy 8 Protect fish and wildlife resources in the coastal area from the introduction of hazardous wastes and other pollutants which bio-accumulate in the food chain or which cause significant sublethal or lethal effect on those resources.

Certain parcels comprising the inland River Park Center site are classified as “brownfields,” and will be remediated pursuant to the New York Brownfield Cleanup Program. Clean up activities will be conducted under a Remedial Action Work Plan, subject to the approval of the New York State Department of Environmental Conservation and the New York State Department of Health.

Policy 9 Expand recreational use of fish and wildlife resources in coastal areas by increasing access to existing resources, supplementing existing stocks, and developing new resources.

Development of the canoe/kayak launch will expand recreational use of the Hudson River’s fish and wildlife resources in the area. Water quality within the Saw Mill River varies by location and there are recommended limits on consumption of fish from the river. There is no evidence of shellfish beds.

Policy 10 Further develop commercial finfish, shellfish, and crustacean resources in the coastal area by encouraging the construction of new, improvement of existing on-shore commercial fishing facilities increasing marketing of the state’s seafood products, maintaining adequate stocks, and expanding aquaculture facilities.

No commercial fishing activity occurs in the vicinity of the Project. The Project is located in an urban environment which currently experiences water quality issues, limited finfish habitat and lack of shellfish.

Flooding and Erosion Hazards Policies

Policy 11 Buildings and other structures will be sited in the coastal area so as to minimize damage to property and the endangering of human lives caused by flooding and erosion.

The Project is not located in an identified coastal erosion hazard area or a coastal high hazard area. New riprap will stabilize the shore line at the Palisades Point site. All habitable structures at Palisades Point will have the lowest habitable floors at elevations situated on foot above the 100 year flood elevation. At the River Park Center site, all proposed structures will be situated above the 100-year flood elevation. A letter of Map Amendment will be obtained from FEMA to address the daylighting of the Saw Mill River. No building construction will occur within the floodway of the Saw Mill River. The Cacace Center site is not located on the Hudson waterfront, nor does the Saw Mill River run through the site. Improvements to Larkin Plaza, if

undertaken by the City, would include park upgrades. The City of Yonkers has enacted ordinances that regulate development in the flood plain, ensuring that development is constructed in a manner that minimizes its exposure to flooding. The Applicant will apply for, and conform with, necessary City permits related to Flood, Erosion and Sediment Control and Floodway and Floodway-Fringe Area Control.

Policy 12 **Activities or development in the coastal area will be undertaken so as to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features including beaches, dunes, barrier islands and bluffs.**

Not applicable.

Policy 13 **The construction or reconstruction of erosion protection structures shall be undertaken only if they have a reasonable probability of controlling erosion for at least thirty years as demonstrated in design and construction standards and/or assured maintenance or replacement programs.**

Waterfront stabilization is needed at the Palisades Point site. This includes, at the southern end of the site, the installation of a riprap revetment, or other shoreline stabilization, which is approximately 650 feet long and extends two to four feet above the mean high water line. This revetment will replace an existing revetment which appears to be in poor condition.

The daylighting of the Saw Mill River will result in the placement of “naturalized” stone and/or riprap surface. Banks, in some areas, will be stabilized using a combination of “hardscape,” live branch cuttings through boulders/riprap/geotextile baskets and live plantings.

The design of landscaping and site features will provide permanent stabilization to provide long term protection against erosion. In accordance with the York State Department of Environmental Protection’s (NYSDEC) Pollution Discharge Elimination System (SPDES) for Discharges for Construction Activities, General Permit No. GP-0-08-01, a maintenance and operations manual will be prepared to address permanent facilities.

Policy 14 **Activities and development, including the construction or reconstruction of erosion protection structures, shall be undertaken so that there will be no measurable increase in erosion or flooding at the site of such activities or development, or at other locations.**

During construction, one of the first actions on site will be the installation of sediment and erosion control measures along the exposed portion of the Saw Mill River. No work will occur in the current Saw Mill Riverbed until the river is diverted by installing a continuous box culvert. The box culvert will be a permanent installation and will allow for the diversion of a portion of flood stage river flows, if necessary, which will minimize potential erosive impacts during

extreme storm events. Post daylighting, the velocity and water surface elevation will be similar to existing conditions. The streambed design will incorporate soil bioengineering systems in conjunction with structural measures to provide permanent protection, enhance aesthetics and create environmentally acceptable improvements. Techniques will include design as outlined by USDA Chapter 16, Streambank and Shoreline Protection and USDA, National Engineering Handbook, Part 654, Stream Restoration Design.

The existing revetment along the southern half of the Palisades Point site exhibits instabilities and is in poor condition. The revetment has displaced and caused moderate erosion to the upland area. With continued exposure to ice floes, current and wave action, the rate of upland erosion will increase. The replacement revetment will be properly engineered and installed.

Policy 15 Mining, excavation or dredging in coastal waters shall not significantly interfere with the natural coastal processes which supply beach materials to land adjacent to such waters and shall be undertaken in a manner which will not cause an increase in erosion of such land.

Not applicable.

Policy 16 Public funds shall only be used for erosion protective structures where necessary to protect human life, and new development which requires a location within or adjacent to an erosion hazard area to be able to function, or existing development; and only where the public benefits outweigh the long term monetary and other costs including the potential for increasing erosion and adverse effects on natural protective features.

Public funds will be used towards the daylighting of the Saw Mill River. The erosion protective structures associated with the daylighting will permit the reestablishment of wildlife habitat and wetlands. Public access to and enjoyment of the riverfront, in addition to the positive impacts on fish and wildlife habitats, will be accomplished through the daylighting process and the installation of associated protective structures necessary to recreate the riverbed and riverbanks. In addition, public parking and infrastructure improvements, including the separation of storm and sanitary sewers, will be funding through a Tax Increment Financing program.

Policy 17 Non-structural measures to minimize damage to natural resources and property from flooding and erosion shall be used whenever possible.

The Proposed Action is a redevelopment project located in an urban area. Due to the channelization of the Saw Mill River, structural measures will be required as part of the daylighting because natural protective features no longer exist. Non-structural measures are not a feasible alternative for replacement of the existing riprap along the southern end of the Palisades Point site.

General Policy

Policy 18 To safeguard the vital economic, social and environmental interests of the state and of its citizens, proposed major actions in the coastal area must give full consideration to those interests and to the safeguards which the state has established to protect valuable coastal resources areas.

When fully operational, it is estimated that the proposed Project will generate total employment of approximately 5,338 jobs in Westchester County. The total economic output generated by the proposed development is estimated at \$797.7 million annually in Westchester County. In New York State, the proposed Project will generate approximately 6,026 jobs with associated wages of roughly \$226.7 million. Total economic output generated by the proposed development is estimated at \$888.8 million annually.

In addition to economic opportunities, the proposed Project would provide opportunities for social interaction in public open spaces proposed on the various sites.

Certain grassroots organizations have made daylighting the Saw Mill River a goal over the past several years. The Proposed Project would advance this environmental interest of the citizens.

Utility upgrades, including separating the storm and sanitary sewers, will have environmental benefits within both the immediate and regional areas.

Public Access Policies

Policy 19 Protect, maintain and increase the level and types of access to public water-related recreation resources and facilities.

The public open space at Palisades Point will include an esplanade running the entire length of the riverside of the site (an extension of the existing Hudson River Esplanade), providing views of the Palisades and Hudson River. Benches set along the esplanade will provide ample room informal gathering and passive recreation while larger scenic overlook plaza areas located along the esplanade will allow for both informal and formal gatherings (e.g., watching the sunset, and the bridges to the north and the south, organized festivals).

Two large publicly accessible green areas are located in the area between proposed mixed-use buildings and the esplanade. The first is an extension of the existing City “sculpture park” currently located on the northern portion of the Palisades Point site. New pathways will be extended through landscaped areas that are to be the setting for outdoor sculpture. Through the creation of landform, an outdoor gallery will create smaller “outdoor spaces” in which existing and future artwork will be placed. The second of the two green areas will be a more formal lawn lined with shade trees, left open to the south to relate to a larger paved plaza area. This lawn area will allow for informal gatherings, picnics, sunbathing and other forms of passive recreation and informal active recreation.

Located to the south of the lawn area, adjacent to the proposed commercial storefronts and/or professional offices, is a plaza area that will allow for vehicular turnaround and drop off for both restaurant and recreation activities. This paved area will also allow for a variety of programs including organized events. Located near the center of the plaza, on axis with the lawn directly to the north, will be a sculptural element that serves a visual beacon when seen both from within the site and from boats on the Hudson River. A canoe and kayak launch area to be owned and operated by the City or its designee will allow for easy access to water recreation.

The Saw Mill River at River Park Center stretches from Elm Street to New Main Street, curving through the site for a distance of approximately 1,100 linear feet. The daylighting, reconfiguration and improvement of the Saw Mill River and will create a “Riverwalk.”

A public plaza at River Park Center will stretch north along the New Main Street frontage of the site. The plaza will have two stand-alone large restaurant spaces (approximately 1,500 square feet and 3,000 square feet). In addition, across the river from the plaza, the Riverwalk that fronts the plaza on the north side will be lined with three larger restaurant spaces at the plaza/river promenade level with shopping above. The public plaza area will be enhanced with street furniture, lighting and tree plantings, thus adding to a lively urban gathering space environment at the site’s main corner.

Policy 20 Access to the publically-owned foreshore and to lands immediately adjacent to the foreshore or the water’s edge that are publically-owned shall be provided and it shall be provided in a manner compatible with adjoining uses.

The Palisades Point site is an urban renewal disposition parcel owned by the City’s Community Development Agency. Except for the portion of the site in which the new riverfront esplanade will be located, the site is to be acquired by the Applicant. When redeveloped, the site will provide public space (the esplanade) and privately owned, publicly accessible open space. Amenities will include benches, scenic overlook plaza areas and a canoe/kayak launch. The existing surrounding neighborhood contains a mixture of residential, industrial, government and commercial uses. The proposed water-dependent and water-enhanced amenities will be compatible with Palisades Point mixed use development and the redevelopment area to the north. The ~500 foot long esplanade along the Hudson River at Palisades Point will connect this site with the existing Hudson River Esplanade that extends to the Yonkers Railroad Station.

The Palisades Point site is located adjacent to the American Sugar Refinery, a water-dependent use. Appropriate measures to limit the access of casual boaters to American Sugar Refinery’s maritime structures will be coordinated with the US Army Corps of Engineers and US Coast Guard. Measures may include informational signage at the canoe/kayak launch facility to notify boaters of exclusion zones and potential hazards associated with traveling too close to existing structures and industrial maritime operations.

The City, if it proceeds with daylighting of the Saw Mill River and other improvements at Larkin Plaza, will create a new public park (expansion of the existing public park at Larkin Plaza). This park would provide a plaza that could be used for festivals and other special events, walkways and paths along the rivers edge – all would be compatible with the mixed use neighborhood, which includes, single-and multi-family housing, community services, commercial and industrial uses.

Policy 21 Water-dependent and water enhanced recreation will be encouraged and facilitated, and will be given priority over non-water related uses along the coast.

The Proposed Action includes water-dependent recreation in the form of the public access canoe/kayak launch. Water-enhanced recreation is provided through expanded public access to the waterfront, including an extension of the existing Yonkers waterfront promenade which forms part of Westchester County's Riverwalk. Overlooks providing public access to water views and opportunities for wildlife watching, an expanded sculpture garden, and other publicly accessible open space, provides water-enhanced passive recreation.

The approximately 500 foot long esplanade along the Hudson River at Palisades Point will connect this site with the existing Hudson River Esplanade that extends to the Yonkers Railroad Station.

Policy 22 Development, when located adjacent to the shore, will provide for water-related recreation, whenever such use is compatible with reasonably anticipated demand for such activities, and is compatible with the primary purpose of the development.

The Project includes a publicly accessible canoe/kayak launch in addition to walking paths. These uses are compatible with the mixed-use nature of the Project.

Historic and Scenic Resources Policies

Policy 23 Protect, enhance and restore structures, districts, areas or sites that are of significance in the history, architecture, archaeology or culture of the state, its communities, or the nation.

Architectural styles in the downtown area vary greatly. Several historic structures from the 19th century and early 20th century are located in the area. Structures and open space areas listed on the National Register, as well as those eligible for the Register have been identified. Identified resources include, but are not limited to (see DEIS Section III.B, Visual and Community Character for the complete list): War Memorial Park, John Capcott Mansion, Philipse Manor House, Manor House Park, Yonkers Esplanade, Yonkers Trolley Barn, Yonkers Main Post Office. Historic structures will be demolished as part of the project, including 87 Nepperhan

Avenue, a city office building. To the extent practicable, distinctive building elements from those buildings proposed to be demolished will be retained and incorporated into the design of the River Park Center development.

Shadow studies were conducted to assess potential impact on significant structures and spaces. Building orientations limit shadows to the extent practicable.

The architectural design of the project seeks to enhance the area by reflecting the brick, stonework, attention to architectural details and relation of building to street reflected in the City's historic structures. Also see Policy 25.

Policy 24 Prevent impairment of scenic resources of statewide significance.

The closest State designated "Area of Statewide Scenic Significance" is the Hudson Highlands area that is located approximately 36 miles north of Yonkers near Peekskill, NY. The Project will have no visual impact on this Area of Statewide Scenic Significance.

Policy 25 Protect, restore or enhance natural and man-made resources which are not identified as being of statewide significance, but which contribute to the overall scenic quality of the coastal area.

The Proposed Action will restore to the City of Yonkers visual and recreational access to the Saw Mill River which, in its current channelized condition, mostly contained in an underground flume, is not accessible to residents.

The Project will enhance local parks and culture by creating a "cultural park" at Palisades Point that will be created by reconfiguring and extending the existing sculpture park. The waterfront promenade that will run the entire length of the Palisades Point site will incorporate guidelines established for the Westchester County Riverwalk and will provide expansive views of the Palisades and Hudson River. Significant landscaping and pedestrian elements will be utilized to enhance public access to scenic views.

The retail frontages and/or publicly accessible open spaces that will occur along the periphery of River Park Center provide interest and destinations for pedestrians. This will be most pronounced along New Main Street, where the retail/restaurant frontages and sidewalk improvements will establish a primary pedestrian connection from the existing downtown shopping area in Getty Square to City Hall, the Cacace Center, and the Riverwalk at River Park Center. These improvements will formalize the pedestrian route from the Yonkers Metro-North Station to the proposed ballpark, bringing substantial foot traffic through Getty Square and past many local off-site retail establishments. The terminus of this route will be reinforced by the proposed daylighting and landscaping of the Saw Mill River. The daylighting of the Saw Mill River will offer a variety of positive community benefits by providing substantial public open space and introducing a natural element into the predominantly hardscaped downtown environment.

Agricultural Lands Policy

Policy 26 **Conserve and protect agricultural lands in the State's coastal area.**

Not applicable.

Energy and Ice Management Policies

Policy 27 **Decisions in the siting and construction of major energy facilities in the coastal area will be based on public energy needs, compatibility of such facilities with the environment, and the facility's need for a shorefront location.**

Not applicable.

Policy 28 **Ice management practices shall not interfere with the production of hydroelectric power, damage significant fish and wildlife and their habitats, or increase shoreline erosion or flooding.**

Not applicable.

Policy 29 **Encourage the development of energy resources on the outer continental shelf, in Lake Erie and in other water bodies, and ensure the environmental safety of such activities.**

Not applicable.

Water and Air Resources Policies

Policy 30 **Municipal, industrial, and commercial discharge of pollutants, including but not limited to, toxic and hazardous substances, into coastal waters will conform to state and national water quality standards.**

The proposed Project will be in conformance with the New York State Department of Environmental Protection's Pollution Discharge Elimination System permit for Discharges for Construction Activities, General Permit No. GP-0-08-01 (the "General Permit"). Site design and subsequent permitting requires conformance with the technical standards for a stormwater quantity and quality controls presented in the New York State Stormwater Management Design Manual. The final Stormwater Pollution Prevention Plan will be approved by the City and

submitted to the NYSDEC prior to the start of construction in accordance with the Notice of Intent (NOI) requirements for the General Permit.

Policy 31 State coastal area policies and management objectives of approved local waterfront revitalization programs will be considered while reviewing coastal water classifications and while modifying water quality standards; however, those waters already overburdened with contaminants will be recognized as being a development constraint.

In order to address stormwater quality issues and pollution removal goals, underground filtration devices will be provided on all discharges from the parking garages, site driveways and new roads. Runoff from buildings, pedestrian plazas, walkways, etc. will be directed to hydrodynamic systems prior to discharge to the Saw Mill River and the Hudson River.

Policy 32 Encourage the use of alternative or innovative sanitary waste systems in small communities where the costs of conventional facilities are unreasonably high, given the size of the existing tax base of these communities.

Not applicable.

Policy 33 Best management practices will be used to ensure the control of stormwater runoff and combined sewer overflows draining into coastal waters.

With the exception of Palisades Point (which will discharge into the Hudson River), drainage from the Project will discharge into the Saw Mill River, rather than into the City's combined sewers. Best management practices will be in conformance with the New York State Department of Environmental Protection's Pollution Discharge Elimination System permit for Discharges for Construction Activities, General Permit No. GP-0-08-01 and the *New York Guidelines for Urban Erosion and Sediment Control* dated October 2005. Diversion of runoff from the City's combined sewer and the increase in impervious surface will increase discharge to the Saw Mill River. However, there is sufficient capacity to accommodate the localized increase in stormwater flows. Underground filtration devices will be provided on all discharges from the parking garages, site driveways and new roads. Runoff from buildings, pedestrian plazas, walkways, etc., will be directed to hydrodynamic systems prior to discharge to the Saw Mill River and the Hudson River. In addition, the Project will physically separate stormwater from the sanitary sewers in the area of the River Park Center site, diverting stormwater from the existing combined sewer system through the construction of new stormwater drainage facilities in the Project area, and removing known sources of inflow/infiltration.

Policy 34 Discharge of waste materials into coastal waters from vessels subject to state jurisdiction will be limited so as to protect significant fish and wildlife habitats, recreational areas and water supply areas.

Not applicable.

Policy 35 Dredging and filling in coastal waters and disposal of dredge material will be undertaken in a manner that meets existing state permit requirements, and protects significant fish and wildlife habitats, scenic resources, natural protective features, important agricultural lands, and wetlands.

Daylighting the Saw Mill River may require the removal and disposal of certain materials since portions of the site are contaminated. These activities will be addressed under the oversight of the New York State Department of Environmental Protection and the New York State Department of Health in a manner consistent with the approved Remedial Action Work Plan. There is no dredging or filling proposed with the construction at Palisades Point. The only water-oriented construction activities will be the installation of the canoe/kayak launch and the rejuvenation of the existing riprap for shoreline stabilization on the southern portion of the site.

Policy 36 Activities related to the shipment and storage of petroleum and other hazardous materials will be conducted in a manner that will prevent or at least minimize spills into coastal waters; all practicable efforts will be undertaken to expedite the cleanup of such discharges; and restitution for damages will be required when these spills occur.

Transport, treatment and disposal of hazardous materials will be conducted as outlined in an approved Remedial Action Work Plan, subject to the approval of the New York State Department of Environmental Conservation and the New York State Department of Health (also see Policies 8 and 39).

Policy 37 Best management practices will be utilized to minimize non-point discharge of excess nutrients, organics and eroded soils into coastal waters.

The stormwater management practices outlined by the Applicant in the DEIS utilize best management practices.

Policy 38 The quality and quantity of surface water and groundwater supplies will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply.

Not applicable.

Policy 39 The transportation, storage, treatment and disposal of solid wastes, particularly hazardous wastes, within coastal areas will be conducted in such a manner so as to protect groundwater and surface water supplies,

significant fish and wildlife habitats, recreation areas, important agricultural land, and scenic resources.

Solid wastes, as defined by New York's Solid Waste Management Act include demolition and construction debris. The Applicant will transport demolition and construction debris off site in a safe and appropriate manner. Transport, treatment and disposal of hazardous wastes will be conducted as outlined in an approved Remedial Action Work Plan (RAWP), subject to the approval of the New York State Department of Environmental Conservation and the New York State Department of Health (also see Policy 8).

Policy 40 Effluent discharged from major steam electric generating and industrial facilities into coastal waters will not be unduly injurious to fish and wildlife and shall conform to state water quality standards.

Not applicable.

Policy 41 Land use or development in the coastal area will not cause national or state air quality standards to be violated.

a. Traffic Related Air Quality

Traffic associated with the Project is not expected to result in significant impacts to air quality assuming the implementation of the improvements to the traffic network included in this Project. Based on results of modeling and mobile source analysis for CO and PM_{2.5}, concentrations will not result in any exceedance of ambient air quality standards or significant impact thresholds.

b. Stationary Sources

Although there is potential for impacts on Palisades Point from emissions from the ASR facility, the occurrence and severity of impacts is dependent on a number of variable factors including current process operations, type of fuel combustion, and seasonal and other meteorological conditions, especially wind direction. A number of mitigation measures will be incorporated into the design of the Palisades Point buildings to prevent or minimize the impacts of the ASR facility on residents. The Palisades Point towers will be ventilated by a central HVAC system with fresh air inlets located at the top of the towers. The system will provide fresh/conditioned air that will be injected into the residential units and provide a positive flow of air to the living space. The systems will incorporate high efficiency particulate air filters on the outside fresh air inlets. In addition the systems will include carbon filters on the air inlets. Other design considerations may include units with non-opening windows and balconies without patios.

c. Construction

The potential emissions from construction activities will be localized and of a temporary nature. The following are mitigation measures that can be used to minimize construction emissions:

- Use of tarps over open-body trucks transporting materials to and within the sites;
- Use of temporary vegetative cover such as annual grasses on soil stockpiles and disturbed areas awaiting additional construction;
- Application of water or other dust suppressant to on-site dirt roads during construction to mitigate dust;
- Prohibition of on-site burning of construction wastes;
- Unnecessary idling of internal combustion engines will be prohibited;
- Keeping equipment well maintained;
- Use of ultra-low sulfur diesel (ULSD) to reduce emissions from non-road equipment; and
- Use of PM Traps on diesel equipment to minimize PM_{2.5} emissions.

Policy 42 Coastal management policies will be considered if the state reclassifies land areas pursuant to the prevention of significant deterioration regulations of the federal Clean Air Act.

Not applicable.

Policy 43 Land use or development in the coastal area must not cause the generation of significant amounts of acid rain precursors: nitrates and sulfates.

Boiler equipment will be located indoors and burners will be of the low NO_x type. Mitigation measures outlined in the DEIS can be used to mitigate potential emissions during construction, including use of ultra-low sulfur diesel to reduce emissions from non-road equipment.

Wetlands Policy

Policy 44 Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.

There are no tidal or freshwater wetlands on the Site. The daylighting of the Saw Mill River could result in future habitat restoration, including, potentially, the establishment of wetland areas.