

SUPPLEMENTAL FINAL ENVIRONMENTAL IMPACT STATEMENT

River Club Apartments

*Prepared pursuant to the requirements of the
New York State Environmental Quality Review Act (SEQRA)*

Proposed Project:

River Club Apartments

Project Location:

1105-1135 Warburton Avenue, City of Yonkers, Westchester County, NY
Tax Parcel: Block 3570, Lot 48

Project Summary:

Proposed Amended Site Plan of an approved project known as "River Club" for the development of a 330-unit residential apartment complex on a 4.6-acre site located at 1105-1135 Warburton Avenue in the northwest corner of the City of Yonkers, Westchester County, New York. This is an application for a substantially reduced-density project, consistent with the zoning regulations for the site. The site is served by municipal water and sewer services.

Lead Agency:

City of Yonkers Planning Board
87 Nepperhan Avenue, Yonkers, NY 10701-3892
Contact: Lee Ellman, AICP, Planning Director
(914) 377-6557

Project Sponsor:

River Club LLC, an affiliate of GDC Properties, LLC
100 Summit Lake Drive, Valhalla, NY 10595
Contact: Andrew J. Maniglia
(914) 747-3600

SDEIS Prepared by:

Tim Miller Associates, Inc.
10 North Street, Cold Spring, NY 10516
Contact: Frederick Wells, RLA
(845) 265-4400

Date of SFEIS Acceptance by Lead Agency: March 27, 2013

The accepted SDEIS and SFEIS can be viewed online at:
www.timmillerasociates.com/publicreview/riverclub/

February 21, 2013

SUPPLEMENTAL FINAL ENVIRONMENTAL IMPACT STATEMENT

River Club Apartments
City of Yonkers, New York

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1.0 SUMMARY

Summary of the Supplemental Final Environmental Impact Statement

This document is a Supplemental Final Environmental Impact Statement ("SFEIS") prepared in accordance with the New York State Environmental Quality Review Act ("SEQRA") and its implementing regulations, 6 NYCRR Part 617. The SFEIS is prepared as an addendum to the Supplemental Draft Environmental Impact Statement ("SDEIS"), which is hereby incorporated by reference into this SFEIS.

The SEQRA documents have been prepared in support of the application for Amended Site Plan of an approved project by River Club LLC. (the "Applicant") to construct a 330-unit residential apartment complex on a 4.6-acre site located at 1105-1135 Warburton Avenue in the northwest corner of the City of Yonkers, Westchester County, New York. This project was the subject of a prior SEQRA review where a larger and denser project was approved. As a result, the SDEIS evaluated a focused scope of potential environmental impacts of the Action as now proposed.

The SEQRA Process

The SEQRA lead agency for this action is the City of Yonkers Planning Board. SEQRA prescribes that the lead agency is responsible for the adequacy and accuracy of the SFEIS. The SDEIS, as amended by the SFEIS, will form the basis for the lead agency's Statement of Findings that will conclude the environmental review process for the project. The Planning Board will adopt a Statement of Findings relative to the environmental effects of this project prior to taking any action regarding approval of the application.

The City of Yonkers Planning Board accepted the SDEIS (dated August 20, 2012) on November 14, 2012, and thereafter circulated the document for public review along with a Notice of Completion and Notice of SEQRA Hearing, including making the document available for public review by internet posting continuously from the date of the Notice to the date of this SFEIS. The Planning Board held a public hearing on the SDEIS on December 12, 2012, and after hearing comments from the public closed the hearing, and held the comment period on the SDEIS open for written comments through December 28, 2012. The lead agency received written comments from the public during the comment period.

The Supplemental Final Environmental Impact Statement

In accordance with SEQRA, this SFEIS provides written responses to substantive comments on the SDEIS received by the lead agency during the public review period, including oral comments made at the public hearing. The transcript of the SDEIS public hearing is included in SFEIS Appendix C. All written comments received by the lead agency during the public comment periods on the SDEIS are included in SFEIS Appendix D.

Substantive public comments received by the lead agency on the SDEIS, together with responses to the comments as required by SEQRA, are provided in this SFEIS in comment/response format. The comments have been summarized or paraphrased to clarify their context, and in some cases combined with other similar comments, and some responses to comments that are previously addressed in this document refer to the prior response. The source of each comment is referenced. In Appendices C and D, a number referencing the SFEIS response that addresses the comment is provided in the page margin.

The sources of the comments received during the course of the public comment period are listed below.

Table 1-1 Index of Comments Received on the SDEIS River Club		
Source	Name	Date
Oral Comments 1	Toni Van Loan, Hudson River Community Association, River Communities Coalition of Yonkers	12/12/12 Public Hearing
Oral Comments 2	Stanley Fishbein, President, Riverview Club Condominium, 1155 Warburton Ave.	12/12/12 Public Hearing
Oral Comments 3	Pamela Battle, The River Hill Condominium, 1116-1120 Warburton Ave.	12/12/12 Public Hearing
Letter 4	Stanley Fishbein, President, Riverview Club Condominium, 1155 Warburton Ave.	12/26/12 Letter
Letter 5	Pamela Battle & Mary Constable, The River Hill Condominium, 1116-1120 Warburton Ave.	12/27/12 Letter
Letter 6	Pamela Battle, et.al., The River Hill Condominium, 1116-1120 Warburton Ave. (attachment to Letter 5)	5/16/12 Letter
Letter 7	Gary Weinberg, President, 1085 Warburton Avenue Owners, Inc. (The Greystone)	12/28/12 Letter

This SFEIS has been prepared by Tim Miller Associates, Inc., with the assistance of SESI Consulting Engineers, the project engineer; Warshauer Mellusi Warshauer Architects, the project architect; Andrew J. Maniglia of Gilberti Stinziano Heintz & Smith, PC, the project attorney and applicant representative; and River Club LLC, the applicant; based on input and guidance provided by the City of Yonkers Planning Department, and City staff and advisors.

The Project Description

The SFEIS elaborates on various project-related environmental concerns heard during this review, and clarifies mitigation measures proposed to further reduce impacts of the revised project. None of the comments received necessitate a change to the project description as outlined in the SDEIS. The following points summarize key concerns discussed in this review.

- The SDEIS describes how the current proposed project will have somewhat different effect on visual sight lines from particular vantage points in the area toward the Hudson River than the approved plan; the SFEIS expands on this information.
- The SFEIS provides discussion of available remedies for impacts to off-site structures (including adjacent buildings and infrastructure), should any occur, through provision of surety bonds and adequate insurance by the developer or its contractors. A medium for communication between the applicant and adjoining property owner is suggested as a method to inform and resolve concerns over construction issues.
- The SFEIS clarifies the SDEIS discussion of proposed mitigation measures of blasting impacts, including a pre-construction survey and a listing of the proposed measures.

- Proposed measures to preserve vehicular and pedestrian traffic in the immediate project area during construction are discussed, including maintenance of sidewalk access on Warburton Avenue and site access via Harriman Avenue.
- Elements of the new project design are discussed, including on-site and off-site parking and treatment of the streetscape of Warburton Avenue.

Coordination of the Sewer Trunk Line Relocation

To coordinate jurisdictional concerns, construction methods, and permitting requirements of the proposed relocation of the County sewer trunk line that traverses the property on the project site, the applicant met with representatives of the City of Yonkers, Westchester County Department of Environmental Facilities and the US Army Corps of Engineers (ACOE) during the preparation of the SDEIS. These meetings resulted in concurrence that the County would support the applicant's application to the ACOE for the requisite wetland permit (under Section 404 of the Clean Water Act) to relocate the trunk line and construct a retaining wall at the eastern edge of the wetland to support the slope and provide a stable bed for the sewer line. The ACOE also indicated, based on its initial review of the current project plans, the proposed project qualifies for authorization under Federal Nationwide Permit #12, Utility Line Activities.

A formal request for authorization under Nationwide Permit #12 (known as a Pre-Construction Notification) was submitted by the applicant and received by the ACOE in late November 2012. The requisite 45-day review period ensued, and has passed without objection or comment by the ACOE, thereby authorizing the sewer trunk line relocation as proposed.

2.0 Responses to Comments on the SDEIS

Comment 1-1: (Toni Van Loan, Public Hearing 12/12/12): Concern about loss of view corridor from Aqueduct Trail over the property, and sight lines from 1116-1120 Warburton Avenue residential units on lower floors. **(Pamela Battle, Public Hearing 12/12/12):** Concern about loss of views affecting 30 percent of the residents at 1120 Warburton Avenue. Project should consider reducing that impact. **(Pamela Battle & Mary Constable, Letter 5):** There is no mention in the Executive Summary of the SEIS of how the view corridors of 1116-1120 Warburton Avenue will be affected. The applicant's proposal to create a viewing station on the Aqueduct Trail does not address the loss of views from our building.

***Response 1-1:** The SDEIS explains that the reorientation of the building parallel to Warburton Avenue in the current plan will result in a significant reduction to the vista from certain vantage points on the Old Croton Aqueduct Trail, very similar to the obstruction provided by 1085 Warburton Ave (shown in SDEIS Figure 3.5-12). The revised plan will obstruct the view from view points 5 and 6 on the trail. An individual standing at one of these points will have a limited view to the west. The SDEIS explains that the revised plan will not change the view from the most prominent vantage points identified on the Trail in the study area, view points 11 and 12, and other study vantage points on the trail, most with intermittent views to the west, will remain substantially unchanged.*

Based on the SDEIS analysis, it is also demonstrated that sight lines from some residential units at 1116-1120 Warburton Avenue toward the River will be obscured to a greater extent in the proposed plan than from the approved plan. (The relative position of 1116-1120 Warburton Avenue in the NE corner of SDEIS Figure 3.5-12 is shown in plan view and in Cross Section 6 of Figure A-7.3 in SDEIS Appendix F [inadvertently referenced as Figure A-6] in sectional view.) Unfortunately, this is an unavoidable impact of the reorientation of the proposed building on the site to reduce the development "footprint", avoid wetland disturbance, avoid placing the building over the County sewer trunk line, and substantially improve the views of 1085 and 1155 Warburton Avenue. Additionally, a new view corridor to the west will be created between 1155 Warburton Avenue and the north end of River Club.

Comment 2-1: (Stanley Fishbein, Public Hearing 12/12/12) (Pamela Battle & Mary Constable, Letter 5) (Gary Weinberg, Letter 7): The SDEIS traffic study indicates the City will need to install a traffic light at Warburton Avenue and Odell Terrace. Can this installation be accelerated, as soon as possible? Concern about increased speeding and accidents.

***Response 2-1:** The applicant proposes to fund its pro rata share of the installation of the traffic signal at Warburton Avenue and Odell Terrace as one of several mitigation measures, consistent with the 2010 plan approval. As stated in the SDEIS, the applicant will work directly with the City of Yonkers to address the appropriate level of contribution towards the recommended improvements. The applicant will also coordinate the schedule of such contribution and signal installation. The traffic control devices and road construction will be directed by the City of Yonkers engineering department. The pro rata contribution from the developer will be provided before any certificate of occupancy is issued by the City of Yonkers.*

Speeding and accidents are not a function of traffic signals. Speeding is caused by the driver who may or may not comply with a traffic control device. There has been no

indication that the recent accidents on Warburton Avenue have had anything to do with traffic control devices or the lack thereof.

Comment 2-2: (Stanley Fishbein, Public Hearing 12/12/12) (Gary Weinberg, Letter 7): Concern about increased flow in sewer trunk line as a result of its reconstruction and potential effect on the two neighboring buildings in relation to the condition of the pipe at those properties.

Response 2-2: *The proposed plans call for installing approximately 500 lineal feet of new pipe and straightening the trunk line to eliminate the risk of another pipe failure at the site. The project will add a very small percentage increase in flow through the pipe. There will not be any significant change in the rate or amount of flow in the County trunk line as a result of reconstructing that pipe or connecting the project to it, nor will the reconstruction result in any change to the condition of the pipe at the adjoining properties.*

Comment 2-3: (Stanley Fishbein, Public Hearing 12/12/12) (Letters 4, 6 & 7): Concern about blasting damage to nearby buildings and sewer trunk line. Should conduct baseline assessments of the surrounding building foundations and infrastructure before, during and upon completion of construction, undertaken by an engineer selected by the community and paid for by the developer.

Response 2-3: *The blasting plan proposed in the original DEIS is outlined in the SEQRA Findings adopted for the approved project and remains applicable to the proposed project. The blasting plan would be developed to avoid or minimize the potential impacts to nearby properties and the County sewer line. The plan will be submitted to the City of Yonkers Fire Commissioner for review and issuance of a license or permit to conduct blasting at the site in accordance with Chapter 59 of the City Code, and would include the following measures:*

- *full conformance with applicable State, County and City requirements (including requirements of the City of Yonkers Fire Department, Building Inspector, City or County Engineer, or other authority);*
- *blasting conducted by a licensed blaster having received a Certificate of Fitness from the Yonkers Fire Department in accordance with §59-60 of the City Code;*
- *conduct a pre-blasting meeting between the contractor and appropriate City officials;*
- *conduct a pre-blast survey of all properties within a reasonable distance from the blast and to the extent as determined by the permit authority;*
- *notification by telephone to the City of Yonkers Fire Prevention Division / Bureau of Combustibles before blasting each day that blasting will be performed, followed up by submitting a Blasting Affidavit;*
- *notification in writing to the adjoining property owners (or property management companies) within 48 hours of each day that blasting will be performed;*
- *post warning signs 400 feet from the blasting area;*
- *post a bond in an amount stipulated in the conditions of the license;*

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- seismic monitoring by a trained and qualified technician at all times blasting is performed (using instruments such as Thomas Instruments VMS-500 seismograph or equivalent calibrated within the last twelve months);
- use blasting mats in accordance with applicable regulations and good construction practices;
- strict adherence to the US Bureau of Mines blasting procedures, including the above provisions, avoidance of surface (air) blasts, and maintenance of a peak particle velocity of no more than two (2.0) inches per second at the structures of interest (unless the permit authority requires a decreased quantity of explosives); and,
- conduct a post-blast survey of all properties surveyed in the pre-blast survey.

The Geotechnical Report in the SDEIS recommends employing controlled blasting techniques in tight blasting situations where it is necessary to preserve the integrity of existing buildings, utilities and strength of the bedrock surrounding the excavation. The detailed design of the blasting program should be developed after the selection of a blasting contractor with experience in tight blasting projects. Test blasts may be conducted to determine appropriate blast charges. [SDEIS Appendix E, page 8.]

The Geotechnical Report recommends conducting a pre-construction survey of all structures within 200 feet of the work site prior to any construction activity. Therefore, the applicant will conduct a pre-construction survey of the foundations of all structures within 200 feet of the work site (including all portions of a foundation which has any part of the structure within 200 feet of the work site). A pre-construction survey (to the extent defined in the approved blasting plan) will be conducted by a qualified independent specialist and paid for by the applicant for the purpose of establishing potential liability for identified structural damage caused by the blasting operations. Given the short expected duration of blasting, there would be no need for surveys during the operations. A post-construction survey will also be completed by the applicant.

The normal course of action should a nearby property appear to sustain damage from blasting would be for the affected property owner to notify the City Building Inspector who would then coordinate a post-construction inspection to be attended by the owner or its representative, blasting contractor and Building Inspector for a determination of the appropriate remedy. The blasting contractor will be liable for any property damage caused by blasting operations and is required by law to carry insurance to cover such an event.

Comment 2-4: (Stanley Fishbein, Public Hearing 12/12/12) (Letters 4 & 7): Regarding blasting and other construction damage to offsite property and infrastructure, developer should post an appropriate bond. **(Pamela Battle, Public Hearing 12/12/12) (Pamela Battle & Mary Constable, Letter 5):** Concern about effects of construction on the old infrastructure in the area, the essential utilities. What measures will be taken to minimize this impact?

Response 2-4: The City Code §59-56H requires the blasting permittee to post an Indemnity Bond in the amount of \$5,000 protecting the City of Yonkers. The City also requires a Certificate of Insurance with a general aggregate minimum of \$1,000,000 to remain on file. Standard mitigation measures relative to blasting operations, including those outlined in Response 2-3, will be employed to avoid or minimize the potential impacts to nearby properties and the municipal infrastructure from on-site blasting.

Likewise, the City Code §103-36 requires the permittee for work in the public street to furnish public liability and property damage insurance and post with the Department of Public Works for the life of the permit a Performance Bond in the amount of \$50,000 guaranteeing proper repair of any damage to underground infrastructure.

With regard to mitigation of potential impacts to the Old Croton Aqueduct resulting from construction or blasting, the applicant will conduct a pre-construction inspection of the OCA and locate seismometers at the OCA for the duration of blasting. The extent of such inspection and monitoring will be coordinated with the City Building Department.

Comment 2-5: (Stanley Fishbein, Public Hearing 12/12/12) (Letters 4 & 7): Is construction access thoroughly discussed in the SDEIS, including access from Harriman Avenue? Describe the handling of pedestrian and vehicular traffic on Warburton and Harriman avenues during construction. Provide more details as relates to possible encroachment on neighboring properties. Currently, there is an access road to the project site that crosses the northwest corner of 1085 Warburton Avenue. This use is unacceptable to us.

Response 2-5: *Initial stages of construction will require the use of Harriman Avenue and the existing gravel access drive into the lower portion of the project site for work associated with the sewer line relocation and retaining wall construction.*

As described in the SDEIS, at project completion, Harriman Avenue will provide a secondary means of vehicular access to the River Club development for periodic maintenance vehicles and emergency access, as well as access to the County trunk sewer line. Such access will utilize the pedestrian walkway proposed at this location (providing pedestrian access to the train station) but no formal or permanent driveway is proposed from Harriman Avenue.

The applicant will need to obtain an agreement with the adjoining property owner (The Greystone) to allow the temporary construction access and permanent pedestrian/emergency access.

Temporary closure of the sidewalk on the west side of Warburton Avenue at the property will occur for the duration of project construction and pedestrians will be directed to use the east side sidewalk. Temporary closure of the on-street parking spaces on both sides of Warburton Avenue immediately in front of the site will also be required for the duration of construction. Brief lane closures on Warburton Avenue may be required as equipment and material are brought to and from the site. Appropriate signage and traffic control personnel (i.e. flag crew) will be utilized to inform and direct pedestrian and vehicular traffic along Warburton Avenue of the road and sidewalk safety measures implemented. The project is not expected to result in any road closures at any point during the construction period. [SDEIS page 3.4-16]

The applicant will take responsibility to clear the east side sidewalk of snow, ice, loose leaves, branches and overgrowth for the duration of project construction when the west side sidewalk is unavailable. However, the applicant will not be responsible for any accidents that result in personal injury that occur on property that is not owned by the applicant.

The applicant's plans include a traffic control and construction staging plan (sheet SP-4 in SDEIS Appendix G) that identifies the provisions for handling pedestrian and vehicular traffic on Warburton Avenue during construction. There are no specific provisions necessary for controlling pedestrian and vehicular traffic on Harriman Avenue during construction. The contractor will coordinate with the City Police Department for traffic control and temporary closures in the area of construction.

Comment 2-6: (Stanley Fishbein, Public Hearing 12/12/12) (Gary Weinberg, Letter 7): How will the developer communicate with neighbors on construction progress (frequency and means)? The 2010 site plan approval states: *"Special efforts will be made to work closely with the adjacent cooperative building in regards to construction and access issues. The applicant will contact the 1085 Warburton Avenue coop board prior to the start of construction to stake out paths for access to the site and will make all reasonable efforts to insure the limitation of construction period impacts."*

Response 2-6: *The method of communication between the area residents and the Applicant will continue in its current form. Andrew Maniglia or the River Club Project Manager will continue to liase between the residents and the applicant on a monthly or as needed basis. In accordance with the prior approval, the applicant will contact the Board of Directors of the Riverfront Residential Coalition prior to the start of construction to advise it of the anticipated project schedule and to obtain an agreement to allow the temporary construction access and permanent pedestrian/ emergency access, as described in Response 2-5.*

Comment 2-7: (Stanley Fishbein, Public Hearing 12/12/12) (Letters 4, 6 & 7): Concern about an increase in insect and rodent populations migrating from the construction site to the neighboring buildings, thereby increasing the cost of extermination services. The increased cost of extermination should be borne by the developer from commencement of construction to 6 months after completion. **(Pamela Battle, Public Hearing 12/12/12):** Applicant should be responsible for the increase in cost of extermination of pests at 1116-1120 Warburton Avenue.

Response 2-7: *The applicant will hire a certified and licensed exterminator to produce a plan for the minimization of vermin displacement from the construction site that might result from site disturbance. When the applicant begins its submission of construction plans to the Department of Housing and Building it will simultaneously begin a baiting and extermination program on the project site. In so doing, the applicant will seek to control vermin at the site a breeding season ahead of the start of site disturbance. Extermination will continue throughout the completion of construction activities.*

Comment 3-1: (Pamela Battle, Public Hearing 12/12/12) (Letters 5, 6 & 7): Concern about structural damage to 1116-1120 Warburton Avenue from project construction, relative to pile driving, blasting and heavy trucks. Applicant should be required to post a bond to pay for damage to our building, wall, or driveway. Is concerned about the stability of the existing wall at 1116-1120 Warburton Avenue. Applicant should be required to post a bond to pay for rehabilitation of the project site if construction is abandoned.

Response 3-1: *The applicant recognizes the sensitive nature construction operations bring to any neighborhood and is particularly sensitive to the failed construction sites that have occurred on Warburton Avenue in recent years. Please refer to Responses 2-3 and 2-4 regarding provisions for averting structural damage to nearby buildings from blasting operations, including posting of the appropriate bond. In much the same way,*

before the issuance of a permit by the City for excavation at the site, the site contractor must and will post a Surety Bond in an amount to be fixed by the Mayor, Commissioner of Housing and Buildings and Commissioner of Public Works in accordance with City Code §56-53, that will be conditioned upon the faithful performance of the conditions contained in City Code Article IV (Excavation) or the New York Uniform Code, the observance of all municipal ordinances and laws, for indemnification of the City for any damages to property outside the site, and repair of damage to off-site private property. The applicant's insurance will also be in an amount adequate to cover any construction-related damage. In the event of a default (such as abandonment of the project), the City Council may declare the bond to be in default and collect the sum remaining payable thereunder and complete the work required to be performed by the applicant (generally to the extent of assuring public safety and welfare).

Further, regarding bonds or performance guaranties in connection with this site plan, Code §43-109 provides that the Planning Board (the approving agency) may require that the construction and installation of required infrastructure and other improvements for which site plan approval is granted be secured by a bond, letter of credit or other performance guaranty instrument in an amount sufficient therefor. Such instrument shall specify the period within which the improvements must be completed, and shall provide for the retention by the City of ten percent (10%) of the total amount for a period of one year after the satisfactory completion of all improvements to insure the soundness and integrity of such improvements.

As described in Response 2-3, the normal course of action should a nearby property appear to sustain damage from project construction would be for the affected property owner to notify the City Building Inspector who would then coordinate an inspection to be attended by the owner, contractor and Building Inspector for a determination of the appropriate remedy. The contractor will be liable for any property damage caused by its operations and is required by law to carry insurance to cover such an event.

Comment 3-2: (Pamela Battle, Public Hearing 12/12/12) (Pamela Battle & Mary Constable, Letter 5): The 200-foot zone proposed for a pre-blasting survey should be expanded beyond 200 feet in include the entire 1116-1120 Warburton Avenue property. The baseline survey should be expanded to critically look at the structural integrity of utilities infrastructure beyond 200 feet. The project should pay for any reasonable costs should we need to seek legal advice. The residents of our property should not be responsible for any financial burden that is associated with or arise from the construction of the proposed development.

Response 3-2: *The Geotechnical Report also recommends conducting a pre-construction survey of the foundations of all structures within 200 feet of the work site (including all portions of a foundation which has any part of the structure within 200 feet of the work site) prior to any construction activity. Refer to Response 2-3 for additional description.*

The normal course of action should a nearby property appear to sustain damage from project construction is described in Response 2-3. The contractor will be liable for any property damage caused by its operations and is required by law to carry insurance to cover such an event. The project will not be responsible to pay for others to seek legal advice relating to remedial action made necessary by the project unless a judge ultimately decides otherwise.

Comment 3-3: (Pamela Battle, Public Hearing 12/12/12): Concern about an increase in runoff from steep slopes affecting 1116-1120 Warburton Avenue.

Response 3-3: Inspection of Warburton Avenue topographic maps from the Hastings boundary to Odell Avenue shows that 1116-1120 Warburton Avenue property is located entirely upgradient from the River Club property and will not be affected in any way by stormwater (runoff) management at the project site. (For further information, please refer to pre- and post-construction drainage area drawings, sheets WAT-1 and WAT-2 in SDEIS Appendix C. The 1116-1120 Warburton Avenue property is in the NE corner of the drawings.)

Comment 3-4: (Pamela Battle, Public Hearing 12/12/12) (Letters 5, 6 & 7): Concern about the number of parking spaces proposed. Should provide enough parking for residents, staff, service visits and guests to mitigate on-street parking issues. The plan needs to provide more parking, the MG zoning district requirement of 1.5 spaces per unit. The proposal will remove eight parking spaces from Warburton Avenue. We estimate that at least 20-30% of the residents at 1116-1120 Warburton Avenue have two cars.

Response 3-4: The project site has never been zoned MG like the nearby parcels and as a result of various studies performed by the Yonkers Planning Department and the Yonkers Planning Board at the request of the Yonkers City Council, remained zoned as the "A-Elevator Apartment" district. Therefore the requirements of the MG District do not apply to this application. The A District permits higher density residential development than the MG District. The zoning requirements for an apartment building in the A District specify one (1) parking space per dwelling unit plus 0.33 spaces per bedroom. However, the City of Yonkers enacted a Transit Oriented Development Overlay for developments within 250 feet of a mass transit facility. Since the proposed project is within 250 feet of the Metro North Commuter Railroad Greystone Train Station, the applicant is only required to provide one (1) parking space per unit.

In its project review letter to the City Planning Director dated October 26, 2012, the City's Assistant Traffic Engineer found the proposed number of off-street parking spaces to be acceptable, citing the applicant's inclusion of one parking space per unit in each rental/lease agreement, the proposed direct access connection to the Greystone Railroad Station and the applicant's willingness to monitor the parking conditions on Warburton Avenue (see Appendix B).

The current project design includes a number of tandem (longer than normal) parking spaces in its parking plan. There are twenty such parking spaces under the building that could potentially park two cars, although the applicant has counted them as single spaces (see drawing A-4 in SDEIS Appendix F).

A parking study conducted for the SDEIS found that, on average, there were approximately 40 on-street parking spaces available in the immediate project area (SDEIS page 3.4-10). The proposal will remove eight of these available spaces from Warburton Avenue.

Comment 3-5: (Pamela Battle, Public Hearing 12/12/12) (Pamela Battle & Mary Constable, Letter 5): Concern about the availability of safe sidewalks on Warburton Avenue during the construction. SDEIS says sidewalk on west side will be closed during construction. The

sidewalk on the east side [opposite the project site] is not a useable sidewalk and is often not accessible.

Response 3-5: *The applicant's preliminary traffic controls are identified in the project plans (see drawing SP-4 in SDEIS Appendix G), which will include closure of the sidewalk and vehicular controls (physical barriers) in front of the site. Signage will be necessary to direct pedestrian traffic across Warburton Avenue at each end of the construction area to use the sidewalk on the east side of the street. The traffic and pedestrian control measures will be coordinated with the City Building Department prior to the commencement of construction. The applicant will accept responsibility for clearing the east side sidewalk of snow, ice, loose leaves, branches and overgrowth for the duration of project construction when the west side sidewalk is unavailable. However, the applicant will not be responsible for any accidents that result in personal injury that occur on property that is not owned by the applicant.*

Comment 3-6: (Pamela Battle, Public Hearing 12/12/12) (Letters 5 & 6): Construction hours should be limited to between 8:00a and 5:00p, Monday to Friday, with no noise before or after those times. No work should be allowed at weekends or official holidays. Vehicles to be used for the construction should not be allowed to park on Warburton Avenue, thereby blocking the flow of car and pedestrian traffic. We request that there be no lane closures during the peak commuter times.

Response 3-6: *Construction activity may occur weekdays from 7:00 AM to 6:00 PM, in conformance with the City of Yonkers regulations. However, to mitigate the effect of construction noise on the neighborhood, the applicant will restrict any noise-generating activities at the site before 8:00 AM and after 5:00 PM, Monday through Friday. All subcontractors will be advised of this requirement. As stated in the SDEIS, no construction activity will occur between 6:00 PM and 7:00 AM or on weekends or holidays, unless otherwise granted for a specific purpose by variance from the Yonkers Building Department.*

The applicant's plans include a traffic control and construction staging plan (sheet SP-4 in SDEIS Appendix G) that identifies specific mitigation measures relative to construction traffic on Warburton Avenue to be implemented during the construction period. The plan depicts the approximate locations of construction trailers, crane pads and traffic control devices necessary to maintain public safety and vehicular and pedestrian flow on Warburton Avenue during construction, and identifies limited parking needed for contractor vehicles within the traffic barricades. Work will be scheduled at the site to avoid any lane closures during the peak commuter times.

At the suggestion of the Planning Department, parking for construction workers is planned at the former Boyce Thompson Institute property on North Broadway in Yonkers, less than one mile from the site. The applicant will come to an agreement with the City to use a limited portion of that site (or other agreeable site) for parking and will provide a jitney van to transport workers to and from the construction site. The applicant is also investigating use of another nearby privately owned site.

Comment 3-7: (Pamela Battle, Public Hearing 12/12/12) (Pamela Battle & Mary Constable, Letter 5): Concern about the market for luxury, 600 square foot units and how these units would preserve the integrity of the neighborhood. The average size of the units in the surrounding buildings is larger and most have private balconies. What if that market is not there? Taking into

account that in future years the building may be sold as cooperative or condominium apartments, would the small unit size and limited parking be attractive to future owners?

Response 3-7: *The current proposed plan includes a variety of unit sizes designed to reflect the anticipated rental market. The current plan includes 140 units with an average size of 662 square feet, another 80 units that average 1,054 square feet, and the remaining 110 units averaging 1,336 square feet. The changes in the design from the for-sale unit plan that was approved in 2005 to the current plan were brought about as a result of the change in market conditions over recent years and the current plan is designed for the current market anticipated by the applicant.*

Comments of Stanley Fishbein, Letter 4: *Comments from Letter 4 are incorporated in Comments/Responses 2-1 through 2-7.*

Comment 5-1 (Letters 5 & 7): The applicant's proposal to create a viewing station on the Aqueduct Trail with a gazebo suggests it will be situated in close proximity to the Graham School, giving kids a nice place to hang out in the evening, cause mischief and throw rocks. The addition of a gazebo will provide motorists a reason to stop and park their cars. We request more details on this structure including design, height, and location.

Response 5-1: *The applicant's SDEIS proposal included creating a formal overlook feature for viewing the Hudson River from the OCA Trail. However such a feature may be considered an attractive nuisance by area residents and as it is not the applicant's intention nor the City's desire to facilitate undesirable activity, the applicant has withdrawn the proposed gazebo.*

Comment 6-1: (Pamela Battle, et.al., Letter 6): The number of units and height of the building are very large concerns in terms of impact on traffic, on availability of street parking, quality of life and our property values. While we acknowledge and appreciate that this latest design is a reduction in units, footprint, and does not intrude on the wetlands, we really would prefer to see something MG compliant (fewer stories and fewer units) built on this site resulting in less impact on traffic, parking, our property values, our quality of life, and our views. We would welcome an alteration to the design that would incorporate a step-in, or taper element to the building sides, to preserve more views for more current residents, contribute to more light and airiness, and for the public which use the Croton Aqueduct. We request that the development be setback from the street the same distance as the adjacent buildings (a minimum of 33'), and that the sides be terraced (stepped) for the following reasons:

- In keeping with the adjacent/surrounding building.
- To avoid creating a 'tunnel effect' in the neighborhood,
- To maintain the overall appearance of 'openness' in the neighborhood.

Response 6-1: *As described in Response 3-4, the project site has remained zoned as the A District by the City and was never zoned MG, therefore the requirements of the MG District do not apply to this application. The A District permits higher density residential development than the MG District, including greater building height. The current project's proposed density of 330 units is approximately 60 percent of the permitted density.*

The proposed reorientation of the River Club building from the approved site plan is a primary factor in reducing the overall development "footprint" of the project, including

avoiding wetland disturbance, avoiding placement of the building over the County sewer trunk line, and substantially reducing visual impacts on the adjacent neighboring buildings to the north and south. However, as demonstrated in the SDEIS, the building will create a streetwall where currently a mass of woodland trees exists (compare SDEIS Figure 3.5-3, existing View 1N, with Figure 2-6 post-development view, and Cross Section 6 of Figure A-7.3 in Appendix F). Even with a 4-story MG zoned building, this would be an unavoidable consequence of development on the project site. The proposed building will be a new visual element on Warburton Avenue, designed to reflect the contemporary flavor of the buildings nearby, incorporating red brick on the lower floors and a neutral, light color, stucco-like finish on the upper floors, with vertical undulations to soften the face, and parapet accents atop the facade. The building will appear as twin buildings, separated by a low profile connection in the middle. At the pedestrian level, the proposed site plan includes a series of decorative planters and new street trees along the sidewalk, new lighting and a courtyard at the main entrance.

The proposed site plan conforms to the zoning setback requirements of the A District and does not require any zoning variances. The site plan in SDEIS Appendix F (sheet A-1) identifies the minimum setback requirements specified in the Zoning Code and the setbacks provided in the revised plan.

As presently designed the frontage along Warburton Avenue 25' building setback from the street line, similar to the adjoining buildings. Based on available survey information, the adjacent building to the north has a 25.7' setback and the adjacent building to the south has a 24.1' setback.

Comment 6-2: (Pamela Battle, et.al., Letter 6): When the traffic survey is complete, residents would like to have the opportunity to comment on the results, including any changes to the building plan and design.

Response 6-2: *The Supplemental DEIS included an updated traffic study and a revised project design and was circulated to interested parties for public comment. If there are any changes to the building plan and design (though none are anticipated), the applicant would circulate the new plans to the City Planning Board as the approving entity, the public and area residents for comment. At this stage of development, no new plans are anticipated.*

In its project review letter to the City Planning Director dated October 26, 2012, the City's Assistant Traffic Engineer concurred with the findings and mitigation measures proposed in the updated traffic study (see Appendix B).

Comment 6-3: (Pamela Battle, et.al., Letter 6): Trees/landscaping - Should the trees adjacent to the west side of Warburton be removed, can they be replaced as soon as is practicable. In addition, the need to preserve and/or restore as many trees between the adjacent properties as possible.

Response 6-3: *The proposed project will require removal of virtually all existing vegetation on the site adjacent to Warburton Avenue. Replanting of shade trees and the addition of ornamental plantings in raised planters along the frontage will be implemented during the site completion phase of construction. The Proposed Site Plan (see SDEIS Figure 2-3) includes evergreen tree planting to restore screening along the northern and southern property lines.*

Comment 6-4: (Pamela Battle, et.al., Letter 6): The neighborhood would welcome the gift of easier and quicker access to the Metro North Station; it is now a circuitous and long walk for most of the local residents who use Metro North and [easier access through the applicant's property] could mitigate some of the loss and inconvenience we will endure if this project is built.

Response 6-4: The walking distance from the northeasterly property corner of the applicant's site to the train station via existing sidewalks and the stairway through Hudson Fulton Memorial Park opposite Odell Avenue is approximately one-third mile (1,900 feet). A walkway through the applicant's project would reduce this walking distance to approximately 1,100 feet. The applicant does not propose a public sidewalk through the project at this time.

Comment 7-1: (Gary Weinberg, Letter 7): Our goal is not to prevent development on the property, but to encourage smart development. We appreciate that the GDC plan for the property has improved over the years in several ways: (1) the number of units has been reduced to 330, (2) the foot print is smaller, (3) the development impacts less of the property – including the wetlands and, (4) it appears to be a simpler plan to build thus, hopefully, a shorter construction period. These are all steps in a positive direction.

Response 7-1: Comments noted.

Comment 7-2: (Gary Weinberg, Letter 7): Airborne dust and debris from construction need to be mitigated. Periodic window and window mechanism cleaning at adjacent properties should be required and paid for by the developer.

Response 7-2: Conventional methods to control dust are outlined in the original DEIS and remain part of the current proposal to be implemented throughout the construction period.

Comment 7-3: (Gary Weinberg, Letter 7): The animal population on the property and the methods of dealing with animal displacement should be documented. The development property currently contains a diverse wildlife. The impact of construction on existing wildlife on the site and in the wetlands needs to be further elaborated. The presence of all current animals needs to be defined and methods of dealing with animal displacement ranging from deer and birds as well as other pests such as insects and rodents.

Response 7-3: The DEIS dated July 2000 documents wildlife surveys conducted on the project site including an extensive list of observed or potential inhabitants. The following description of wildlife use of the site was presented in that DEIS following a number of site surveys and observations:

"Wildlife potential for this site is limited by the urban setting surrounding it. The apartment buildings immediately to the north and south of the site, and high density residential structures across Warburton Avenue to the east, limit the available habitat and potential use of this site as a wildlife corridor. The Metro North line to the west separates the site from the Hudson River both physically and hydrologically. Thus this site represents an isolated island of wooded land in an urban environment, and its habitat value is limited to bird or mammal species that are highly adapted to suburban/urban areas. Based on observations of the site during autumn and spring

Responses to Comments

February 21, 2013

migration seasons, there is no evidence that the site is used for nesting, resting or feeding of migratory bird species.”

There is no evidence to support a conclusion that the subject site currently contains a diverse wildlife population. The most promising location for use by wildlife is the existing wetland. A very small portion of the wetland will be disturbed in the current plan for the relocation of the County sewer trunk line. The current proposal includes a comprehensive plan for the restoration and enhancement of the wetland, which will increase its habitat potential, particularly for native bird species. Such species would be expected to enjoy the insect population that may inhabit the site.

Regarding pest species such as insects and rodents, please see the response to Comment 2-7.

APPENDIX A
SEQRA Documentation

SEQRA DISTRIBUTION LIST - RIVER CLUB**Recipient****Lead Agency & Municipality:**

City of Yonkers Planning Board, Roman Koziky, Chairman

City of Yonkers Planning Bureau, Lee Ellman, AICP, Director

City of Yonkers, City Engineer, Paul Summerfield, PE

City of Yonkers, Law Department, Michael Curti, Esq.

City of Yonkers, Sr. Associate Corporation Counsel, Alain Natchev, Esq.

City of Yonkers, City Clerk, Vincent Spano, Deputy City Clerk

Involved Agencies:

City of Yonkers, Water Engineer, Albina Glaz, PE

City of Yonkers, Department of Housing and Buildings, William Schneider, PE

Westchester County Department of Health, Lenny Meyerson, Deputy Commissioner

NYS Dept. of Environmental Conservation (Region 3)

United States Army Corps of Engineers-New York District, Stacey Jensen

Interested Parties:

City of Yonkers, Mayor Michael Spano

City of Yonkers, City Council, Chuck Lesnick, President

City of Yonkers, City Council, Chris Johnson, John Larkin

City of Yonkers, Department of Planning & Development, Jeffrey Williams

City of Yonkers, Department of Public Works, Commissioner Thomas Meier

City of Yonkers, Traffic Engineering, Dominick Mica

City of Yonkers, Fire Department, Commissioner Robert Sweeny

City of Yonkers, Police Department, Commissioner Charles Gardner

Westchester County Department of Planning, David Kvinge, Director of Environment

Metro North Railroad, John P. LaFond, Assistant Director of I&C

Riverfront Coalition

Local Libraries - Riverfront Branch & Will Branch

*Notice to local Newspaper**Notice to ENB**Posted online <http://timmillerassociates.com/publicreview/riverclub>**Applicant and Project Team*

APPENDIX B

Correspondence

**MIKE SPANO
MAYOR**

**40 SOUTH BROADWAY
CITY HALL – 5th FLOOR
YONKERS, NY 10701-3872**

**PAUL N. SUMMERFIELD, P.E.
CITY ENGINEER**



**TEL (914) 377-6739
FAX (914) 377-6922**

**DEPARTMENT OF ENGINEERING
TRAFFIC ENGINEERING DIVISION
CITY OF YONKERS**

To: Lee Ellman
Planning Director

From: Dominic Micka
Assistant Traffic Engineer

Subject: River Club Apartments (1105-1135 Warburton Avenue)
Traffic Engineering SDEIS Review

Date: October 26, 2012

The Traffic Engineering Division has completed a review and an analysis of the August 20, 2012 Draft Environmental Impact Statement (SDEIS) prepared by Tim Miller Associates, Inc (Traffic Analysis by John Collins Engineering, PC) for the 1105-1135 Warburton Avenue proposed development. Our review concentrated on section 3.4 "Transportation".

The revised data collection and analysis prepared by the traffic consultant for the applicant of this proposed development was accomplished in accordance with accepted traffic engineering methods.

The traffic impact analysis conducted by the traffic consultant for the proposed development was accurate and comprehensive. In our opinion it properly evaluated the impacted area.

Based on our review and analysis of the information provided, the following Traffic Engineering concerns regarding negative impacts to the transportation system have been addressed:

- A new semi-actuated traffic signal will be installed at the intersection of Warburton Avenue and Odell Avenue meeting all current traffic engineering design standards. The traffic signal installation shall also include all required pavement markings
- A new semi-actuated traffic signal will be installed at the intersection of North Broadway and Odell Avenue meeting all current traffic engineering design standards. Upgrades to the pavement surface, pavement markings, traffic control signing and geometric improvements (increase the radius) to the northwest corner have also been indicated as a mitigation measures
- Timing and coordination upgrades at the intersection of North Broadway and Executive Blvd
- Timing modifications to the traffic signal at the intersection of North Broadway and Roberts Avenue

- New traffic signal controller and coordination of the signal at North Broadway and St. John's Hospital Driveway
- Upgrades to the pavement surface, pavement markings and traffic control signing on Odell Avenue between North Broadway and Warburton Avenue; specifically in the vicinity of the Old Croton Aqueduct crossing
- The proposed pavement markings adjacent to the site driveway on Warburton Avenue (to provide proper sight distance) as shown on site plan SP-2 should be a full curb concrete "bump out" to ensure that vehicles do not park illegally in the striped area. The architectural site plans seem to suggest this will be concrete curb. The "bump out" will also allow vehicles to enter/exit the driveway at the same grade as Warburton Avenue due to the proposed driveway slope of 16% (which is greater than the maximum allowed).

The proposed project will provide the required number of off-street parking spaces as per zoning requirement 43-138. Although the anticipated parking demand generated by the site may be greater, it is our opinion that the inclusion of one parking space per unit in the rental/lease agreement, the proposed direct access connection to the Greystone Railroad Station and the applicant's willingness to monitor the parking conditions on Warburton Avenue annually will keep any adverse affect on area parking to a minimum.

If you have any questions or comments concerning this matter please do not hesitate to contact me.

cc: P. Summerfield, P.E.
M. Lepre, P.E.

APPENDIX C

Public Hearing Transcript

STATE OF NEW YORK
CITY OF YONKERS

-----X

Minutes of
The City of Yonkers Planning Board
December 12, 2012 - 6:15 P.M.
at
City Hall
87 Nepperhan Avenue
Yonkers, New York 10701-3892

-----X

B E F O R E:

ROMAN KOZICKY, Chairman
JERRY KICIUK, Member
MICHAEL GILLAN, Member
JOHN KHADER, Member

P R E S E N T:

LEE ELLMAN, Planning
COLLEEN ROCHE, Planning
ALAIN NATCHEV, Associate
Corporation Counsel

1 Proceedings
 2 not a dialogue.
 3 MR. PIETROSANTI: That's fine. We
 4 hear what is happening. We'll wait for
 5 the Planning Board and all the other
 6 departments to make their comments.
 7 Thank you.
 8 MR. KOZICKY: Members of the
 9 Board, no further questions? Staff?
 10 All right. We look forward to keep
 11 working with you and see you at next
 12 month's meeting.
 13 MR. PIETROSANTI: Thank you very
 14 much.
 15 MR. KOZICKY: We are moving back
 16 to our public hearings. You can take
 17 your spots. There is no further action
 18 on this.
 19 MS. GOMEZ: Thank you.
 20 MR. KOZICKY: Moving back to item
 21 number four for the public hearing.
 22 This is a site plan review for a
 23 proposed 330 unit residential building
 24 at Block: 5570; Lot: 48; on the
 25 property known as 1105-1135 Warburton

1 Proceedings
 2 participation.
 3 MR. KOZICKY: Thank you. The
 4 first speaker please come forward and
 5 state your name and address for the
 6 record.
 7 MS. VAN LOAN: Good evening. My
 8 name is Toni Van Loan and I live at 657
 9 Warburton Avenue which is just above
 10 the Hudson River Museum. I actually
 11 represent the Hudson River Community
 12 Association which is the large west
 13 side community association which
 14 occupies the area, I would say, below
 15 Trevor Park and into the Ravine area
 16 down to Getty Square, but I also
 17 participate with the RCCY organization,
 18 River Communities Coalition of Yonkers,
 19 and we do have, they have a couple of
 20 members here as well, and this is
 21 really more in their bailiwick, but
 22 this is really my concern more as a
 23 private citizen because I spent a lot
 24 of time walking on the aqueduct and in
 25 the reservoir reserve which is up the

1 Proceedings
 2 Avenue, pursuant to Article IX of the
 3 Yonkers Zoning Ordinance. Andrew
 4 Maniglia is the representative for the
 5 proposal.
 6 I understand there will be no
 7 action this evening other than us
 8 opening the public hearing and seeing
 9 if there is any comment, public comment
 10 or questions.
 11 Did we have the sign-in sheet to
 12 show if there are any registrants?
 13 Okay, for the record, I have Toni Van
 14 Loan, Stanley Fishbein and Pam Battle.
 15 Let's start with -- I am sorry,
 16 Mr. Maniglia, did you want to do a
 17 short presentation before we go to the
 18 public hearing?
 19 MR. MANIGLIA: I just wanted to
 20 thank staff and the Planning Board and
 21 the Planning Board staff for their
 22 review of the Supplemental EIS and for
 23 bringing us to this point that would
 24 allow the public hearing and the
 25 comments, and we look forward to the

1 Proceedings
 2 hill from this proposed development,
 3 and I understand it has been scaled
 4 down considerably from its original
 5 presentation, and attempts have been
 6 made to address drainage issues and
 7 preserving the condition of the
 8 wetlands which are below the buildings
 9 down near the train station, and also
 10 attempts not to mess with the sewer
 11 pipe.
 12 I can remember the disaster we had
 13 a few years ago when that burst, and
 14 boy was that a mess and stank for
 15 weeks.
 16 My major concern really has to do
 17 with view corridors. I spent a lot of
 18 time on the aqueduct which has up to
 19 this point had a beautiful view of the
 20 Palisades over Mr. Ginsberg's property,
 21 and when are going to lose that? We
 22 are going to lose it completely and
 23 it's just not going to be there
 24 anymore.
 25 The space between the south tower

1-1

1 Proceedings
 2 and the north tower, which was
 3 originally supposed to have been a bit
 4 wider, has been narrowed down so it's
 5 really a tiny slot. It looks like it
 6 might be 25 or 30 feet wide. Perhaps
 7 it's 50 feet. That is really not
 8 adequate to preserve a view when you
 9 have two large buildings fronting on
 10 Warburton.

11 It's also going to destroy the
 12 site line for the buildings across the 1-1
 13 street at 1120 Warburton. They're
 14 going to completely lose-- the
 15 buildings to the lower end of that
 16 building will completely lose their
 17 view corridor.

18 I guess this is an aesthetic
 19 consideration, but frankly, that part
 20 of Yonkers is especially beautiful and
 21 it's the only part of Yonkers that is
 22 not completely built up, and between
 23 the various parks and the preserve, we
 24 actually have some wonderful views and
 25 something that doesn't exist anywhere

1 Proceedings
 2 First of all, I would like to
 3 thank the Planning Board for
 4 incorporating into the requirements of
 5 the SEIS, the community request for an
 6 updated traffic study and addressing
 7 other aspects of the development such
 8 as the handling of rain water runoff.

9 We are in favor of the development
 10 of this site. We think it would add to
 11 the safety of the community and be a
 12 good neighbor, and the current plan is
 13 far superior to all prior plans that we
 14 have seen to date.

15 So much has been made in
 16 addressing our concerns, but there is
 17 still a few that remain. Those are the
 18 ones that I would like to bring to your
 19 attention and comment on this evening.

20 As the SEIS, as a result of the 2-1
 21 new traffic study mentions the City of
 22 Yonkers will be required to install a
 23 traffic light at the intersection of
 24 Odell and Warburton, and I am here
 25 tonight to ask if the installation of

1 Proceedings
 2 else in this area and certainly in the
 3 City of Yonkers, and contributing this
 4 large project which is going to
 5 completely block it certainly does not
 6 make me happy.

7 On behalf of PARKA, I know that
 8 they would be concerned about
 9 additional traffic and pollution and
 10 parking issues which are already a
 11 major problem, but I think I am going
 12 to let the folks behind me address
 13 those things. I just brought up my own
 14 particular concern. Thank you.

15 MR. KOZICKY: Thank you very much.
 16 The next speaker is Stanley Fishbein.

17 MR. FISHBEIN: Good evening. My
 18 name is Stanley Fishbein. I am a
 19 resident of 1155 Warburton Avenue, the
 20 property contiguous to the north side
 21 of the proposed development site and I
 22 am president of the Riverview

23 Condominium Association located at that
 24 building, and it's on their behalf that
 25 I am making some comments this evening.

1 Proceedings
 2 that traffic light could be
 3 accelerated.

4 MR. ELLMAN: Can you pull the
 5 microphone a little away from you?

6 MR. KOZICKY: We are getting
 7 feedback.

8 MR. FISHBEIN: Is that better?

9 MR. ELLMAN: You know what, I am
 10 just actually curious, Blackberry or
 11 smart phone?

12 MR. FISHBEIN: Turned off.

13 MR. MANIGLIA: It's treble on the
 14 PA.

15 MR. FISHBEIN: How is that?
 16 Testing, one, two, three. How is that?
 17 Testing, one, two, three. Okay.

18 As many of you may be aware, we
 19 had two fatal traffic accidents on
 20 Warburton Avenue in the past week, one
 21 of which was in the area of that
 22 intersection with Odell and Warburton.

23 Both accidents were related to speeding
 24 in the neighborhood which has been an
 25 ongoing problem for as long as I can

1 Proceedings
 2 recall but it seems to be worse lately,
 3 so we are all in favor of installing
 4 this traffic light at that intersection
 5 which will reduce the speeding, and as
 6 I mentioned a moment ago, if we can
 7 accelerate that and have the
 8 installation done as soon as possible
 9 in light of the fact that it's acquire
 10 in the SEIS. The community would be in
 11 favor of that.

2-1

12 I am not sure what extent the
 13 Planning Board gets involved, how that
 14 can be implemented, but I wanted to
 15 make that comment here tonight as well
 16 as a letter that I sent to our City
 17 Councilman yesterday.

18 Okay. Having read through the
 19 SEIS, there was made mention that there
 20 is a plan to straighten and rebuild the
 21 county sewer trunk, a 48 inch pipe that
 22 runs across the development site, and
 23 the question we had was, in rebuilding
 24 this pipe, would the increased flow
 25 that's anticipated to result from its

2-2

1 Proceedings
 2 straightening out have any negative
 3 impact on the property just north and
 4 south of this site because of that
 5 increased flow? We are not sure of the
 6 condition of the pipe outside the
 7 property.

8 We know on the development site
 9 itself it was undermined, the structure
 10 of the pipe itself and had to be
 11 replaced a couple of years ago, but we
 12 are not sure of the nature of the
 13 condition of the pipe north and south,
 14 so if somehow that can be looked into
 15 and taken into consideration, it would
 16 be appreciated.

2-2

17 The blasting on the site is
 18 another concern. We are not sure to
 19 what extent the vibrations will do
 20 damage to the building structures
 21 adjacent to the site and possibly the
 22 county sewer line itself, and as I just
 23 heard earlier this evening, the
 24 development of the Costco building,
 25 blasting had a negative effect on

2-3

1 Proceedings
 2 surrounding buildings, so it's a
 3 legitimate concern and I want to see
 4 how we can address that.
 5 Perhaps doing an engineering study
 6 to get a baseline assessment of our
 7 building and the other two contiguous
 8 buildings prior to blasting so that in
 9 the event there is a shift or a change
 10 in the structural integrity, that we
 11 have this baseline from which to
 12 measure it against and then could seek
 13 damages. I think that would be a
 14 prudent thing to do.

2-3

15 We would like to obtain our own
 16 engineer, and of course to the extent
 17 that costs could be picked up by the
 18 developer would again seem appropriate.

2-3

19 In terms of any damage to either
 20 the surrounding properties as a result
 21 of blasting or development on that site
 22 or damage to other city infrastructure
 23 or county infrastructure in the case of
 24 the sewer pipe, we feel it's certainly
 25 appropriate to have the developer post

1 Proceedings
 2 a bond that could be used to put back
 3 in proper condition any damage that's
 4 done.

2-4

5 I want to point out that other
 6 cities have this requirement of
 7 developers, and it's my understanding
 8 that this developer in particular has
 9 posted bonds for other of their
 10 developments in some of these other
 11 cities.

12 In light of the fact that we have
 13 had two failed developments in our
 14 neighborhood that have left these
 15 gaping holes in the ground at
 16 constructed sites, they could not be
 17 put back into their original condition
 18 because there was not a requirement of
 19 the bond. We don't want to see a third
 20 site do damage to the neighborhood, so
 21 again we respectfully request that the
 22 developer post an appropriate bond to
 23 address the potential risk to these
 24 infrastructures.

25 Just a couple of other quick

1 Proceedings
 2 comments. In looking through the SEIS
 3 it talked about access to the site for 2-5
 4 construction would be from Warburton
 5 Avenue. They also wanted to access the
 6 site from Harriman Road behind the
 7 property on its side.
 8 If there was a discussion of that
 9 in the SEIS I missed it, but I would
 10 like a little more detail and insight
 11 into how they plan to access the site
 12 during the construction period so we
 13 have a better understanding, and also
 14 nowhere in there was it mentioned how 2-6
 15 the developer would communicate with
 16 the neighborhood to keep it updated in
 17 terms of the progress that it was
 18 making as it moves along the two year
 19 anticipated period when they will be
 20 building on the site.
 21 One other thought we had too, and
 22 based on previous experience, when
 23 developments of this site take place,
 24 it disturbs the ground, and guess what
 25 happens? All the bugs, the rodents,

1 Proceedings
 2 MS. BATTLE: Battle. I am on the
 3 condo board, a member of the River Hill
 4 Condominium which is across the street,
 5 1116-1120.
 6 Our property was developed by
 7 Ginsberg. We are asking the developer 3-1
 8 to post bond to cover potential damages
 9 to our property's structural integrity,
 10 and I am talking about our building,
 11 our driveway and our wall, we have a
 12 long big wall, to pay for services, to 2-7
 13 eliminate pests that might seek refuge,
 14 and to pay for rehabilitation of other
 15 properties should they abandon it 3-1
 16 before it's finished.
 17 We certainly have plenty of
 18 history to ask for this. We have had
 19 two other properties abandoned. Mrs.
 20 Bishop lost her home. Our building,
 21 not only with the blasts, but with the
 22 pile drivers and heavy trucks during
 23 construction, there will be a fair
 24 amount of earth shaking, and we have a
 25 semi-cantilevered building. I lived in

1 Proceedings
 2 anything else that is inhabiting that
 3 ground runs out. Where do they go?
 4 They go into the buildings contiguous
 5 to the site, and so we would anticipate
 6 an influx of varmets and creatures,
 7 and therefore our extermination costs
 8 would skyrocket, and we are 2-7
 9 respectfully requesting that that cost
 10 be borne by the developer,
 11 And I would be submitting these
 12 comments in a formal written letter
 13 within the appropriate time frame. I
 14 am not quite sure how many days I have.
 15 Is it 10 days from today or 30 days?
 16 MR. KOZICKY: I believe it's the
 17 28th.
 18 MR. FISHBEIN: Thank you very
 19 much, Mr. Chairman, I thank you for
 20 listening to our concerns in the
 21 community.
 22 MR. KOZICKY: Thank you. Our next
 23 speaker, Pam--
 24 MS. BATTLE: Pam Battle.
 25 MR. KOZICKY: Battle?

1 Proceedings
 2 San Francisco and in the LA area during
 3 two very big earthquakes, and buildings
 4 that are built like that where you have
 5 an open car port or it's built on top
 6 of a garage are not structurally sound,
 7 and I am not quite sure, you know, but
 8 there could be a lot of potential
 9 damage and we are not sure it's stable.
 10 They are talking about doing a
 11 geology survey before blasting, but 3-2
 12 they need to look at other things too,
 13 and it's 200 feet. It should be 200
 14 yards to set a baseline, but we are
 15 very concerned. What would happen if
 16 there is real structural damage as a
 17 result of this?
 18 We can feel the trains go by and
 19 there is a certain amount of cracking
 20 and settling and increased runoff too 3-3
 21 that we are getting from steep slopes,
 22 so we would like to see these measures,
 23 and we are also concerned about the old
 24 infrastructure in place, our essential 2-4
 25 utilities that could be suspended and

1 Proceedings
2 interrupted. What measures can be
3 taken to minimize the impact to them
4 and protect them so they remain in
5 place? 2-4

6 The number of parking spaces we
7 feel needs to be increased to cover
8 parking spaces for their staff as well
9 as service people visiting the building
10 and a certain number of guests. We
11 don't feel the allotment is large
12 enough. 3-4

13 They say part of the sidewalk on
14 their side of the street will not be
15 available while they are under
16 construction, and the east side, west
17 side, no, east side is not good, and in
18 front of 1104 and 1106 is totally
19 unusable, but there are large sections
20 of it that are muddy or not cleared or
21 have branches towering over from our
22 property south going to the train
23 station so people have to walk in the
24 street and that's not safe, so we would
25 like to see something addressed in 3-5

1 Proceedings
2 much. Are there any other speakers on
3 this item?

4 Okay, if not, then I will
5 entertain a motion to close the public
6 hearing portion of this item. So moved
7 by Mr. Kiciuk, seconded by Mr. Khader.
8 All in favor indicate by saying aye.
9 (A chorus of ayes.)

10 MR. KOZICKY: Opposed nay? That
11 passes unanimously, the public hearing
12 portion is now closed.

13 I guess the period for comments
14 goes to December 28th. All right.
15 Thank you.

16 A VOICE FROM THE AUDIENCE: What
17 about the Water Club?

18 MR. KOZICKY: We are not done with
19 our agenda, ma'am. Number 11 is a
20 special use permit Planned Urban
21 Redevelopment [PUR] at Block: 2605;
22 Lots: 73 and 75; pursuant to Article
23 VII of the Yonkers Zoning Board
24 ordinance.

25 We are taking this together with

1 Proceedings
2 terms of that. And then we are worried
3 about construction hours. We would
4 like to see them at 8 to 5, but
5 certainly no noise before, you know, 7
6 where cars are noisy and trucks. 3-6

7 About 30 percent of the owners
8 will lose their views with the present
9 design, and we would like to see their
10 designs altered and the impact. 1-1

11 We also wonder about-- we just
12 wonder, they say they feel there is a
13 market for these luxury residences and
14 we question how is 600 square foot a
15 luxury residence? And who is this
16 going to appeal to? And what if there
17 isn't a market for this? Is there
18 plans that this building is going to be
19 maintained and taken care of if there
20 isn't a market demand? I am concerned
21 about our neighborhood, so the biggest
22 thing is, the bond and the insurance to
23 cover potential damages, the parking
24 and other safety issues. Thank you. 3-7

25 MR. KOZICKY: Okay, thank you very

1 Proceedings
2 the item number 12 which is a review
3 and discussion of proposed amendments
4 to the Downtown Waterfront Master Plan
5 and Design Guidelines. David Smith is
6 here as a representative for the
7 proposal.

8 MR. SMITH: If you can give us a
9 few minutes to put up our boards.

10 MR. KOZICKY: We'll have a two
11 minute recess.

12 MR. SMITH: Thank you.
13 (Recess.)

14 MR. KOZICKY: We are back in
15 order. Back on items number 11 and 12
16 regarding the PUD and the Downtown
17 Waterfront Master Plan and Design
18 Guidelines. Mr. Smith, would you like
19 to start the presentation before we get
20 to the public hearing?

21 MR. SMITH: Thank you, Mr.
22 Chairman. For the record, Dave Smith,
23 I am with VHB Engineering. We are here
24 on behalf of the applicant, Collins
25 Enterprises, LLC.

APPENDIX D

Written Comments Received
on the SDEIS

Riverview Club Condominium, 1155 Warburton Avenue, Yonkers, NY 10701

December 26, 2012

Sharon Ebert, Deputy Commissioner for Planning & Development
 Roman Kozicky, Chairman, Yonkers Planning Board
 Lee Ellman, Planning Director (Lee.Ellman@YonkersNY.Gov)
 Yonkers Planning Bureau
 87 Nepperhan Avenue
 Yonkers, New York 10701

RECEIVED
DEC 27 2012
CITY PLANNING BUREAU

Re: 1105-1135 Warburton Avenue, application for extension of site plan approval by the applicant, Ginsburg Development Corporation (GDC).

Dear Commissioner Ebert, Chairman Kozicky, and Mr. Ellman:

I write on behalf of Riverview Club Condominium, a 262-unit residential building located at 1155 Warburton Avenue adjacent to the north side of the proposed development site at 1105-1135 Warburton Avenue.

As I mentioned at your last meeting on December 12th, we thank you for incorporating into the requirements of the SEIS, the community's request for an updated traffic study and addressing other aspects of the site plan such as the handling of rain water run-off.

The following are our comments and concerns at this time:

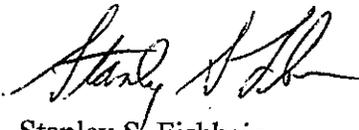
1. We strongly recommend and request that you require the developer, GDC to post a bond to protect surrounding neighbor properties as well as city infrastructure. GDC has posted similar bonds for its other developments, so we expect the same treatment as provided by this developer to other communities. 2-4
2. We strongly recommend and request that you require GDC to pay for the cost of an engineering study to obtain a baseline assessment of surrounding property foundations and infrastructure as a prerequisite to determine and measure any damage done by blasting and other activities during project development. Furthermore, we request that the community select and hire the engineering firm from a recommended list of qualifying firms. 2-3
3. We strongly recommend and request that you require GDC to provide funding for extermination services to the surrounding properties for a period of 6 months after development completion as well as at commencement and regularly throughout the project's development. 2-7
4. We strongly recommend and request that the required traffic signal at the intersection of Odell and Warburton Avenues be installed as soon as possible as it has been a site of frequent accidents, including a recent fatality. 2-1

5. More details of the construction access plan is requested, especially as it relates to possible encroachment on neighboring properties and handling pedestrian and vehicular traffic on Harriman as well as Warburton avenues. 2-5
6. GDC should describe in advance the frequency as well as means that it will use to communicate with its neighbors during the project development. 2-6
7. How will the increased flow through the relocated county sewer pipe affect the sewer line and properties through which it travels to the north and south of the GDC site? 2-2

As we heard during your December 12th meeting, blasting at the Costco development site caused cracking of foundations and drywall within neighboring homes. We need look no further than the Costco experience as support for the seriousness of our concerns and implementation of our requests in paragraph 1 and 2.

Thank you for your consideration of these matters.

Sincerely,



Stanley S. Fishbein
President
Riverview Club Condominium

CC: Christopher Johnson, City councilman
Michael Sabatino, City councilman
Board of Directors, Riverview Club Condominium

The River Hill Condominium
1116-1120 Warburton Avenue
Yonkers
NY 10701

27 December 2012

Sharon Ebert, Deputy Commissioner for Planning & Development (Sharon.Ebert@YonkersNY.gov)
Roman Kozicky, Chairman, Yonkers Planning Board (c/o Colleen.Roche@YonkersNY.gov)
Lee Ellman, Planning Director (Lee.Ellman@YonkersNY.Gov)

Yonkers Planning Bureau
87 Nepperhan Avenue
Yonkers, New York 10701

CC: Chuck Lesnick, City Council President (Chuck.Lesnick@YonkersNY.gov)
Christopher Johnson, City Councilman (Christopher.Johnson@YonkersNY.gov)
Wilson Terrero, Minority Leader (Wilson.Terrero@YonkersNY.gov)
Michael Sabatino, City Councilman (Michael.Sabatino@YonkersNY.gov)
Dennis Shepherd, City Councilman (Dennis.Shepherd@YonkersNY.gov)
Mike Breen, City Councilman (Mike.Bareen@YonkersNY.gov)
John Larkin, City Councilman (John.Larkin@YonkersNY.gov)

Re: 1105-1135 Warburton Avenue, application for extension of site plan approval by the applicant, Ginsberg Development Corporation (GDC)

Dear Commissioner Ebert, Chairman Kozicky and Mr. Ellman.

We are writing, **representing the 72 unit owners of River Hill Condominium at 1116 and 1120 Warburton Avenue**, situated directly across the street from the proposed development at 1105-1135 Warburton. Our property was developed and built by GDC. We are in agreement with the many concerns and comments submitted by our neighbors Gary Weinberg of The Greystone Co-op at 1085 Warburton, and Stanley Fishbein of the Riverview Club Condominium at 1053 Warburton Avenue. In addition we refer to our letter dated 16 May 2012 (copy attached).

Following the public meeting of the Yonkers Planning Department held on Wednesday 12 December, and also referring to the Supplement Environment Impact Statement (SEIS) on the River Club apartments dated August 20, 2012, we would like to bring to your attention the following comments, concerns and requests.

Before the construction begins, we urge that GDC, the Developer of 1105-1135 Warburton Avenue, post bond /insurance to cover potential damages and possible losses from their construction activities:

- to surrounding residential properties, their foundations, including our driveway, parking area **3-1** and retaining wall (approximately 630 ft);
- to pay for services to eliminate pests that probably will seek refuge from the construction in **2-7** adjacent residential buildings; and
- to pay for rehabilitation of their property, in the event it is abandoned before being completed. **3-1**

There certainly is sufficient history in this neighborhood to serve as reasonable basis for our request for insurance bond with the loss of Mrs. Bishops home, the broken sewer pipes and abandoned development sites at 1077 and 1106 Warburton Ave that blight the appearance of our neighborhood.

With the pile drivers, blasts and heavy trucks during construction there will be a fair amount of earth shaking. River Hill Condominium is a semi cantilevered building, on a hill (such structures with garages on the first floor have proven to be more easily damaged in earthquakes in San Francisco 1989 and Northridge 1994) and we are truly worried that the earth shaking could impact the structural integrity of our building, driveway and rock wall incurring large expense on our home owners. Our resident owners want to make sure that we are not subjected to the tragic loss that Mrs. Bishop suffered during the failed construction of 1077 Warburton Avenue (or what home owners experienced with the building of Costco). And that we will be fairly compensated if there is damage or extra expense is caused by their construction activities.

3-1

What measures can be taken to minimize damage and protect our critical public utilities infrastructure and services? Over the past few years we have seen increased steep slope water run-off and damaging mudslides. Could this erosion and the earth shaking from construction activities so damage water, sewage and power infrastructure to cause significant interruption to everyone else's essential utilities?

2-4

The site engineer recommended a pre-construction survey of all structures within 200 feet of the site will be completed prior to blasting to document existing conditions. This survey will be conducted by a professional retained by the licensed blasting contractor. **Perhaps the baseline survey needs to be expanded beyond 200 feet and to critically look at the structural integrity utilities infrastructure also?**

3-2

- **The Developer intends to conduct a baseline study of structures up to a radius of 200 feet of the site. We request that the Development pay for a baseline study, (before, during and after completion of the project) to include the entire property situated at 1116-1120 Warburton Avenue, and any reasonable costs should we find it necessary to seek legal advice.**

3-2

In short, the residents of our property should not be responsible for any financial burden that is associated or arise from the construction of the proposed development. The SEIS report discusses ways they will 'minimize' damage to surrounding properties. Unfortunately, the Developer cannot guarantee there will no 'no' damage to the surrounding properties/area. This is indeed a worrying prospect for the residents of this building/neighborhood.

3-2

Other Comments

- **About 30% of our owners will lose their views with the present design. We urge that their design be altered to lessen the loss of views from the Aquaduct and for our owners.**

1-1

The Executive Summary of the SEIS report discusses the preservation of the view corridors of the buildings at 1085 and 115 Warburton Avenue. However, there is no mention of how the view corridors of our building will be affected.

1-1

The applicant proposed to create a permanent viewing station with a raised gazebo on the Old Croton Aqueduct Trail on private property (permission pending) just north of the Yonkers border with the Town of Greenburgh/Village of Hastings-on-Hudson where there are permanent views that will not be obstructed by construction or vegetation. This does not address the loss of views from our building. Also the proposal of the gazebo suggests it will be situated in close proximity to the Graham School – giving the kids a nice place to hang out in the evening and cause more mischief and throw rocks! This area has suffered a recent spate of broken windows as a result of youths from the Graham School throwing rocks). In addition, the addition of a gazebo will provide motorists a reason to stop and park

1-1

5-1

their cars. When the local catering club has functions, this already creates a serious congestion of parked cars.

- **Increase the number of parking spaces within this development. Parking and traffic is already a challenge in this neighborhood, as is.**

Based on our experience we are convinced that the number of parking spaces needs to be increased for this property to cover that some of their residents will have more than one car per unit, as well as including more parking spaces for staff , service people and guests.

3-4

The SEIS report states an allocation of 332 parking spaces for 330 units. This is based on a ratio of 1:1 parking spaces per unit, and is permitted if the project is declared a ‘special transit project’. We request that the normal zoning code requirement of 1:5 parking spaces per unit be imposed. The proposed building will already remove eight parking spaces from Warburton Avenue. Furthermore, the majority of residents from this building have at least one car, including those residents who use MetroNorth Railroad to commute to work during the week. We estimate that at least 20-30% of our residents have two cars. If this scenario is applied to the proposed development, this would surely amount to a seriously congested parking situation.

3-4

Please install the proposed traffic light at the bottom of Odell ASAP. We have had two violent automobile accident deaths within the last 30 days. Cars travel too fast in this stretch of Warburton.

2-1

- **Neighborhood residents need safe sidewalks to travel to and from the train station during construction.**

3-5

The SEIS report states that part of the west side of the sidewalk on Warburton Avenue will be unavailable during the construction period. Unfortunately, we do not have a useable sidewalk on the east side of Warburton Avenue. Despite numerous requests from our residents, it is often not accessible – during the winter the snow and ice is not removed, during the fall there are leaves, often wet, and in the summer there are branches and an overgrowth of vegetation, and is generally muddy. This section of the sidewalk fronts a plot of land that was recently abandoned by a developer. Our residents endured months of loud drilling noise, and resulted in damage to the stone staircase that leads to this property.

- **Limitation on Working Hours, Noise and Logistics.**

3-6

The work hours should be confined to the hours of 8.00 am to 5.00 pm Monday to Friday. No work allowed at weekends and official holidays. This includes the running/warming up of engines, and loud noise of any kind, before or after those times.

Vehicles to be used for the construction of the development should not be allowed to park on Warburton Avenue, thereby blocking the flow of car and pedestrian traffic.

The plan mentioned that there may be brief lane closures to bring equipment on and off the property. We request that there are no lane closures during the peak commuter times.

- **Demand for rental units in the area**

3-7

The SEIS report states that “the applicant believes the current demand for rental units is favorable for this type of development and that the current market conditions will support additional rental housing opportunities”. Are there any recent studies that suggest that there is a demand for this type of rental property? The report does not mention such a study! Furthermore, the average size of each unit will be 600 square foot. This is a small size for a project that is being described as ‘luxury’, and we

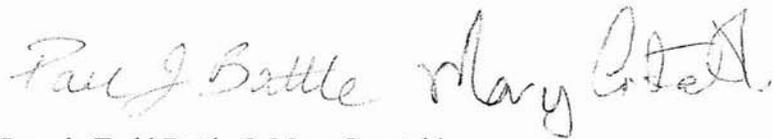
question whether the size of units and the high anticipated rental price is appropriate to the neighborhood. The average size of the units in the surrounding buildings are larger and most have private balconies.

We must question whether the proposed development would be sustainable over the longer-term? Taking into account that in future years the building may be sold as co-operative or condominium apartments, would the small unit size and limited parking be attractive to future owners?

3-7

We thank you for your consideration of the above matters.

Sincerely,

Handwritten signatures of Pamela Todd Battle and Mary Constable in cursive script.

Pamela Todd Battle & Mary Constable
Board Managers
The River Hill Condominium

The River Hill Condominium
1116 -1120 Warburton Ave
Yonkers
NY 10701

16 May 2012

Lee J. Ellman, AICP, Planning Director
City of Yonkers Planning Board
87 Nepperhan Avenue, Suite 320
Yonkers, New York 10701

Dear Mr. Ellman,

Proposed New Development of the River Club, 1105-1135 Warburton Ave.

Following the meeting of the City of Yonkers Planning Board that was held on Wednesday 9 May at the Yonkers City Hall, the Board of Managers of the River Hill Condominium, 1116-1120 Warburton Avenue, representing 72 units and owners across the street from the proposed River Club development would like to submit to you the following concerns and requests. Pamela Todd Battle of Unit 4A and Mary Constable of Unit 1J, as individual owners, also submitted a version of these points at the May 9th Planning Board public comment session.

The number of units and height of the building are very large concerns in terms of impact on traffic, on availability street parking, quality of life and our property values. While we acknowledge and appreciate that this latest design is a reduction in units, footprint, and does not intrude on the wetlands, we really would prefer to see something MG compliant (**fewer stories and fewer units**) built on this site resulting in less impact on traffic, parking, our property values, our quality of life, and our views.

6-1

Given that we were not able to get the rezoning to MG we desired for this property, what can be done to lessen the damage and loss that many residents in this neighborhood will experience if this development is built? The following actions could help mitigate the impact.

Traffic Survey – When the survey is complete, residents would like to have the opportunity to comment on the results, including any changes to the current draft of the building plan and design.

6-2

Building and Property Design

We would welcome an alteration to the design that would incorporate a step-in, or taper element to the building sides, to preserve more views for more current residents, contribute to more light and airiness, and for the public which use the Croton Aqueduct.

6-1

We request that the development be setback from the street the same distance as the adjacent buildings, and that the sides be terraced for the following reasons:

- In keeping with the adjacent/surrounding building.
- To avoid creating a ‘tunnel effect’ in the neighborhood,
- To maintain the overall appearance of ‘openness’ in the neighborhood.

Trees/landscaping – Should the trees adjacent to the west side of Warburton be removed, can they be replaced as soon as is practicable. In addition, the need to preserve and/or restore as many trees between the adjacent properties as possible.

6-3

Car Parking – Request that the new development includes a greater ratio of car park spaces to units. In addition, the property should include ample guest parking. This is to avoid the development adding the already congested parking conditions that exist on Warburton Avenue.

3-4

We request that a Reserve Fund be set-up by the developer to pay for potential damages to private and public properties; that may be damaged during construction, including pest control and/or to rehabilitate the building site if it is abandoned.

- Including Hiring of Independent Engineer to inspect and prepare reports (before, during and on completion of building) on the impact to surrounding properties – What method will they use to clear the land? Explosives/drilling. Either method may cause severe cracks/damage to the surrounding properties, (in particular, the 630 ft retaining wall that fronts the property at 1116-1120 Warburton Avenue)

2-3

- Including Pest Control – The development will disperse the wildlife. The surrounding buildings will need to fortify their existing efforts on pest control. Can this be funded from the Developer and or a special fund?

2-7

- Abandonment of the development – Should the developer abandon the project before completion, what would happen to the site and would there be any penalties to the developer? There are already two abandoned properties in the near vicinity – one across the street. How will the City of Yonkers attract new business/developments if they allow developers to abandon projects? This has impacted the quality of life in the neighborhood and possibly impacted our property values.

3-1

Limitation on Working Hours, Noise and Logistics – the work hours should be confined to the hours of 8.00 am to 5.00 pm Monday to Friday. No work allowed at weekends and official holidays. This includes the running/warming up of engines, and loud noise of any kind, before or after those times.

3-6

- Vehicles to be used for the construction of the development should not be allowed to park on Warburton Avenue, thereby blocking the flow of vehicular and pedestrian traffic. This was the case for the development of the building at 1077 Warburton Avenue. During

3-6

construction of this development, commuters had to walk in the middle of the street to reach Metro-North.

Right of Way Access to Railroad- The neighborhood would welcome the gift of easier and quicker access to the Metro North Station; it is a circuitous and long walk for most of the local residents who use Metro North and could mitigate some of the loss and inconvenience we will endure if this project is built.

6-4

Larger picture. We would appreciate if the city, planning board and the developer could use their influence and power to help restore our neighborhood in terms of some type of rehabilitation of the abandoned building sites (1077 and 1104 Warburton Avenue, as well as two abandoned houses in the same area) that blight our neighborhood, which detracts from the desirability of living in this neighborhood.

Sincerely,

Pamela Todd Battle, Unit 4A, Board Manager *Pamela Todd Battle*
Mary Constable, Unit 1J, Board Manager and Secretary *Mary Constable*
Curt Epstein, Unit 1K, Board Manager and Vice-President *Curt Epstein 1K*
Carol Lehmann, Unit 2A, Board Manager *Carol Lehmann 2A*
James Chung, Unit 4Q, Board Manager and Treasurer *James Chung*
Janice Goodhue, Unit 4D, Board Manager and President *Janice Goodhue 4D*
Audrey Sackson, Unit 4K, Board Manager *Audrey Sackson 4K*
Christopher Keane, Unit 3K, Board Manager *Christopher Keane 3K*

The River Hill Condominium

The Greystone

1085 Warburton Avenue Owners, Inc.

Gary Weinberg, President
1085 Warburton Avenue
Yonkers, NY 10701-1049
(917) 593-3938
GaryWeinberg@aol.com

December 28, 2012

Roman Kozicky, Chairman, Yonkers Planning Board (c/o Colleen.Roche@YonkersNY.gov)
Lee Ellman, Planning Director (Lee.Ellman@YonkersNY.Gov)

Yonkers Planning Bureau
87 Nepperhan Avenue
Yonkers, New York 10701

CC: Chuck Lesnick, City Council President (Chuck.Lesnick@YonkersNY.gov)
Christopher Johnson, City Councilman (Christopher.Johnson@YonkersNY.gov)
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Michael Sabatino, City Councilman (Michael.Sabatino@YonkersNY.gov)
Dennis Shepherd, City Councilman (Dennis.Shepherd@YonkersNY.gov)
Mike Breen, City Councilman (Mike.Bareen@YonkersNY.gov)
John Larkin, City Councilman (John.Larkin@YonkersNY.gov)

Re: 1105-1135 Warburton Avenue, Comments on Supplemental Draft Environmental Impact Statement (SDEIS) August 20, 2012

Dear Commissioner Ebert, Chairman Kozicky, and Mr. Ellman:

I write on behalf of the 204 families living at 1085 Warburton Avenue. Our property is adjacent south of the proposed development site at 1105-1135 Warburton Avenue.

Our goal is not to prevent development on the property, but to encourage smart development. We appreciate that the GDC plan for the property has improved over the years in several ways: (1) the number of units has been reduced to 330, (2) the foot print is smaller, (3) the development impacts less of the property – including the wetlands and, (4) it appears to be a simpler plan to build thus, hopefully, a shorter construction period. These are all steps in a positive direction.

7-1

We have reviewed the SDEIS on the Ginsburg Development Corporation (GDC) River Club Development proposed plan and have areas of environmental concerns to be reviewed and addressed.

Stanley Fishbein of the Riverview Club Condominium at 1155 Warburton Avenue submitted comments (attached) that we agree with and support:

1. Require GDC to post a bond to protect surrounding neighbor properties as well as city infrastructure. 2-4
2. Require GDC to pay for the cost of an engineering study (undertaken by firm selected by the community) to obtain a baseline assessment of surrounding property foundations and infrastructure as a prerequisite to determine and measure any damage done by blasting and other activities. 2-3
3. Require GDC to provide funding for extermination services to the surrounding properties. 2-7
4. Require GDC to install required traffic signal at the intersection of Odell and Warburton Avenues as soon as possible. 2-1
5. Require GDC to provide more details of the construction access plan, especially as it relates to possible encroachment on neighboring properties and handling pedestrian and vehicular traffic on Harriman as well as Warburton avenues 2-5
6. Require GDC to describe in advance the frequency, as well as the means, it will use to communicate with its neighbors during the project development. 2-6
7. Require GDC to provide more information to detail how the increased flow through the relocated county sewer pipe will affect the sewer line and properties which it travels to the north and the south of the development site. 2-2

In addition, we have the following concerns:

1. Elaborating on item #1 above, in addition to protecting the surrounding neighboring properties and city infrastructure, we are also concerned about the state of the site should it be abandoned by the developer (or put on hold for over one year) prior to completion (as demonstrated at 1077 Warburton Avenue and 1104 Warburton Avenue). We strongly recommend and request that GDC be required to have sufficient funds reserved (in bond or escrow) to finish the site to an appropriate level to make it appropriate for the public. 3-1
 2. Elaborating on Item #5 above, the access plan, this needs to be thoroughly detailed. We have experienced devastating impacts on our property from the development at 1077 Warburton Avenue to the south of our property. The 1077 project had sheeting failures that disrupted our property and undermined the foundation to the single family home further south (Mrs. Bishop's property). In addition, the 1077 project used our property for access to their property – the south side of our property was carved into a ramp to access the 1077 project. There was no access plan detailed in advance of the project approval. 2-5
-

After we took action to halt the encroachment on our property, the 1077 developer was surprisingly left with no viable access to their property.

It is vital that any access to the GDC development not encroach on our property at 1085 Warburton Avenue. Currently, there is an access road that crosses the north-west corner of our property. This use is unacceptable to us. Past access plans have detailed access along Harriman Avenue around our property without entering our property. It appears that such access will impact on the wetlands. If access is intended along Harriman Avenue then this must be further investigated and detailed.

2-5

3. Elaborating on item #6 above, we are concerned with communication with neighbors on adjacent properties. From our experience with 1077 Warburton Avenue and 1104 Warburton Avenue developments, as well as prior encroachments on our property from GDC (road built along the north west corner of our 1085 Warburton Ave. for access), we have learned that it is critical that the requirement of communication with neighboring properties continue to be enforced as stated in the 2010 site plan approval:

2-6

“Special efforts will be made to work closely with the adjacent cooperative building in regards to construction and access issues. The applicant will contact the 1085 Warburton Avenue coop board prior to the start of construction to stake out paths for access to the site and will make all reasonable efforts to insure the limitation of construction period impacts.”

4. The number of units and height of the building are major concerns as they impact on traffic, on availability street parking, quality of life and our property values. We would prefer to see a structure that is MG compliant (fewer stories and fewer units) built *on the same footprint* resulting in reduced impact on traffic, parking, views, property values, health, safety and our quality of life. In addition, if the roofline was “stepped” rather than consistent across then the building height would appear as less substantial.
5. We strongly recommend and request that you require GDC to increase the setback of the structure from the street to a minimum of 33’ -- no closer than the existing buildings north and south. The existing setback at 1085 Warburton of 25’ from the sidewalk plus an additional approximate 8’ to the street. Existing setback at 1155 Warburton Avenue is even greater. The proposed development provides only 25’ setback from the street. This minimal proposed setback will make the environment feel much more urban and congested.
6. A viewing station is proposed on Old Croton Aqueduct. We strongly recommend and request that you require GDC to provide more details on this structure including design, height, and location.
7. The development will provide a total of 332 off-street parking spaces. We strongly recommend and request that you require GDC to provide more off-street parking spaces

6-1

6-1

5-1

3-4

be provided. This ratio is approximately 1:1 (parking spaces to units) is not acceptable. It does not take into account that (a) eight on-street parking spaces will be lost (b) building staff parking requirements [section 2.6.2 references a building staff of 10], and (c) visitor parking requirements. We strongly recommend and request that you require GDC to provide off-street parking spaces specifically designated for residents, staff and visitors, to mitigate on-street parking issues.

3-4

Our building at 1085 Warburton contains 254 parking spaces for 204 units -- a ratio of 1.25:1. Our garage is almost always filled close to capacity. Normal current zoning calls for 1.5 parking spaces per unit. This project should not be allowed to be designated a special transit project with less parking spaces as there is no local shopping within a walkable distance.

8. Airborne dust and debris from construction need to be mitigated. We strongly recommend and request that you require GDC to provide periodic window and window mechanism cleaning at adjacent properties be paid for by the developer.

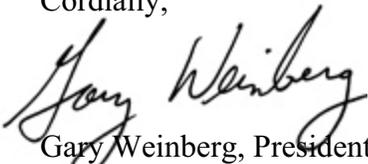
7-2

9. We strongly recommend and request that you require GDC to document all of the animal population on the property and the methods of dealing with animal displacement. The development property currently contains a diverse wildlife. The impact of construction on existing wildlife on the site and in the wetlands needs to be further elaborated. The presence of all current animals needs to be defined and methods of dealing with animal displacement ranging from deer and birds as well as other pests such as insects and rodents.

7-3

We urge the Planning Board to address the issues outlined above. Many thanks for your attention to our concerns.

Cordially,



Gary Weinberg, President
1085 Warburton Avenue Owners, Inc.