

### **3.4 Land Use and Zoning**

#### **3.4.1 Land Use**

##### **3.4.1.1 Existing Conditions**

##### *Existing Land Use - Project Site*

The Project Site consists of ten (10) tax parcels, seven (7) located on the west side of Buena Vista Avenue, and three (3) located on the east side of the same avenue. The site totals 2.04 acres. Table 3.4-1 lists the existing land use of each parcel based on City of Yonkers tax data and field observation. Figure 3.4-1 illustrates land uses on the Project Site. Properties identified as “Inn/Lodge” on the Yonkers GIS tax parcel database are buildings where rooms are being rented for residential use.

<b>Table 3.4-1 Buena Vista Teutonia PUR Existing Land Uses</b>		
<b>Tax Parcel Number</b>	<b>Street Address</b>	<b>Existing Land Use</b>
<b><i>West Side of Buena Vista Avenue</i></b>		
0512001	92 Main St.	Multifamily Building (Trolley Barn)
0512011	41 Buena Vista Ave.	Industrial vacant
0512013	45 Buena Vista Ave.	Industrial vacant
0512015	49 Buena Vista Ave.	Industrial vacant
0512017	53 Buena Vista Ave.	Gas station
0512021	61 Buena Vista Ave.	3-family residential
0512023	65 Buena Vista Ave.	Inn/Lodge (rooming house)
<b><i>East Side of Buena Vista Avenue</i></b>		
0511027	66 Buena Vista Ave.	1-family residential
0511025	68 Buena Vista Ave.	Inn/Lodge (roominghouse)
0511024	72 Buena Vista Ave.	3-family residential
Source: City of Yonkers Property Tax Roll, Property classifications, TMA Field Survey, 2010.		

Past use of the Project Site is described in The Phase IA Cultural Resource Survey included as Appendix H of the DEIS. On the east side of Buena Vista Avenue, 66-72 Buena Vista Avenue is presently the site of three residential buildings. Two of these buildings have been converted from single-family residential use to multifamily use. On the west side of Buena Vista Avenue, from north to south, existing uses include: the Trolley Barn apartment building with retail uses along Main Street; a vacant storage building, abandoned commercial building previously in office use; former Teutonia Hall, an auto repair garage, and a three family building and an “inn/lodge”. With the exception of the Trolley Barn site which had been used for trolley use, the parcels that constitute the project site had been residential in their early history. Later, several

building on the west side of Buena Vista Avenue were converted to nonresidential use. Every parcel constituting the Project Site is developed with buildings. With the exception of the buildings on the east side of Buena Vista Avenue and the Trolley Barn, all other structures would be demolished to accommodate the new apartment building. The Teutonia Hall facade would be saved, dismantled, cleaned and reintegrated into the project design by making it an element of the apartment complex's street level facade.

A portion of the site on which the proposed apartment building would be constructed has been admitted into the New York State Department of Environmental Conservation's Brownfields Cleanup Program. In addition to past uses noted above, 41-53 Buena Vista Avenue has been occupied by the following previous businesses: clothing, jewelry and toy manufacturing, dry cleaning, dental office facilities, warehouse storage and auto repair/parts distribution. The two existing residential properties on the west side of Buena Vista Avenue are not part of the Brownsfield site.

#### *Existing Land Use - Study Area*

As required by the Scoping Document, this section of the DEIS describes existing land uses located generally within ¼-mile of the Project Site. The land use study area includes: the Buena Vista Avenue neighborhood and downtown area, defined to include the area encompassed by Buena Vista Avenue, Hawthorne Avenue, Riverdale Avenue to Downing Street, and from the site to O'Boyle Park to the edge of the Sugar House. In addition, the land use study area includes the City's downtown zoning districts as defined by the DW, CB and GC districts. Figure 3.4-2 illustrates existing land uses within this defined study area. Figure 3.4-2a provides the location of a number of buildings and applicable building height (in stories) that are referenced in the discussion below.

The land use area is comprised of a diverse mix of land uses. Land uses are in flux and changing within the study area as a result of ongoing redevelopment efforts. The "immediate" waterfront area consists of those parcels that maintain frontage on the Hudson River and/or are located on the west side of the Metro-North Hudson Line railroad-right-of-way. Starting at the north end of the immediate waterfront area and south of Ashburton Avenue, properties on either side of Alexander Street consist primarily of vacant industrial and commercial buildings and vehicle storage. The Yonkers police department's central booking facility (i.e., the city jail) is located on the east side of Alexander Street. Across from the city jail is the Bezak Environmental Education Center located in Habirshaw Park. The north Yonkers pump station is located south of the Environmental Education Center and the Yonkers Canoe Club is at the southern end of the pump station property. The pump station generally handles wastewater from the entire City with the exception of the neighborhoods in the immediate vicinity of the sewage treatment plant. The area described above, located between Ashburton Avenue and Wells Avenue along the waterfront, is within the Alexander Street Urban Renewal Area and the City recently completed a master plan and the SEQRA process for its redevelopment. The City proposes redevelopment of the waterfront with a mix of residential and commercial uses. Building heights of up to 25-30 stories would be allowed, depending on the development parcel on which the building is situated. The City Jail building will be preserved and adaptively reused - the jail function is being relocated elsewhere in the City.

Between Wells Avenue and Prospect Street, the immediate waterfront area is located in the Riverview Urban Renewal area. This area was the subject of the 1995 Yonkers Downtown Waterfront Master Plan. Implementation of the master plan has resulted in various

improvements, including construction of Hudson Park. Hudson Park is a mixed use development constructed in two phases. Hudson Park North consists of 294 one- and two-bedroom rental apartments in two towers of 14 and 12 stories connected by a four-story building. Off-street parking is provided in an attached garage. Hudson Park South consists of 266 one- and two-bedroom apartments and 20,000 square feet of retail, restaurants and professional office space. The project resulted in the construction of the Yonkers Esplanade Park along the waterfront. The Yonkers Recreation Pier adjoins the Hudson Park development at the foot of Main Street. The Yonkers Recreation Pier is the only turn-of-the-century Victorian Pier still in use on the Hudson River and was originally built in 1902. A restaurant occupies space in the pier. South of Hudson Park is Scrimshaw House, a power plant converted into 136 multifamily dwelling units. The Clermont building (Hudson Park) and the Scrimshaw House are located immediately west of the Project Site.

South of the Scrimshaw House is vacant land formerly in industrial use. The Yonkers City Council has approved the redevelopment of this area for a new multifamily residential development, Palisades Point. Palisades Point will introduce two, 25-story residential buildings with a total of 436 condominium residences, 9,000 square feet of retail/restaurant or office space and two parking facilities with 725 spaces. The existing esplanade constructed adjacent to Hudson Park will be continued south. Publicly accessible open space, accessory parking, and a sculpture garden and boat launch will be introduced along the waterfront. To the south of the Palisades Point development site is American Sugar Refining, Inc., one of Domino Sugar's refineries. The Metro-North Hudson Line separates the immediate waterfront from the remainder of the City.

North of Dock Street, between the Metro-North Hudson Line and Warburton Avenue, much of the land area is dedicated to the i.park development. I.park is a 750,000 square foot office/flex space complex. On the west side of Warburton Avenue north of Dock Street are 2-, 3- and 4-story mixed use commercial buildings with retail, commercial, office, restaurant, and residential uses. Two churches are situated along this stretch of the avenue. Anchoring the northwest corner of the intersection of Dock Street and Warburton Avenue is the Philipse Manor Hall State Historic Site. The Herald Statesman newspaper building and a New York State Department of Motor Vehicle (DMV) office are situated on the north side of Dock Street. The Yonkers Riverfront Library is located in a former Otis Elevator office building and is located across the street from the Yonkers train station. The library shares space with the Yonkers Board of Education. Parking for the Board of Education is located north of the building and Wells Avenue.

Larkin Plaza is immediately south of Dock Street. A city park is situated across from the main U.S. Post Office building. Commuter parking is located in the middle of the plaza area, and smaller scale commercial buildings front the plaza. The daylighting of the Saw Mill River project would expand the reuse of the plaza area for passive recreational use. The Main Street corridor is located south of Larkin Plaza. Here, buildings are generally 2-4 stories in height, and consist of a mix of commercial, office and residential uses. Two redevelopment sites front to Main Street: the 66 Main Street residential lofts, and Station Plaza. The Trolley Barn building, part of the PUR site, is located across from the U.S. Post Office and the Yonkers train station.

South of Main Street, between the Metro-North Hudson Line and Hawthorne Street extending to O'Boyle Park, uses are a mix of smaller-scale multifamily residential buildings with 3-4 dwellings on small lots. Queens Daughters Daycare is located immediately south of the proposed apartment building. Buena Vista Park is located mid-block on the west side of Buena Vista

Avenue between Prospect Street and St. Mary's Street. St. Mari Church is north of Buena Vista Park. Small delis/grocery stores attached to multifamily buildings at the street level are scattered through the otherwise predominantly residential neighborhood.

East of Hawthorne Street, between Hudson Street and Vark Street, smaller city blocks were consolidated to accommodate urban renewal projects such as Riverview Towers. On Hudson Street, between Hawthorne and Riverdale avenues, a church, auto repair, and a YMCA building are located along the street. Further south and on the north side of Prospect Street is a Shop-rite grocery store and ancillary parking garage. Fronting to Riverdale Avenue and south of Prospect Street is the Riverview Towers complex. This complex consists of seven residential buildings ranging from 7-19 stories in building height. Retail uses are situated at ground level along Riverdale Avenue. The Vive School is located midblock between Prospect Street and Vark Street. The Buena Vista parking garage is located at the south end of this block. The Philipse Towers complex is located on the east side of Riverdale Avenue across from Riverview Towers and consists of three 16-story apartment buildings. South of Vark Street, between Hawthorne Avenue and Riverdale Avenue, the smaller city block pattern prevails and smaller scale multifamily residential buildings dominate. Along Riverdale Avenue, property is vacant on the west side of the avenue across from Cerrato Park. South of Cerrato Park and Herriot Street is an approximately 13-story apartment building with attached garage. Farther south of this apartment building and on the east side of Riverdale Avenue, land abutting the avenue is vacant due to changes in slope encountered here. Buildings are situated above the avenue and front to Stanley Avenue. A mix of vacant, automotive commercial and residential uses are found on the west side of Riverdale Avenue. A church is located at the corner of Highland Avenue and Riverdale Avenue, and Seton Manor, a senior housing complex, is located south of Highland Avenue.

West of Riverdale Avenue and centered around and on either side of Nepperhan Avenue is the city's governmental complex and buildings and uses affiliated with St. Joseph's Medical Center. Washington Park, City Hall, and other governmental offices (health center building) and city government parking garage are located on the north side of Nepperhan Avenue between South Broadway and Main Street. On the south side of Nepperhan Avenue and across from the City Hall complex is a park, Yonkers police headquarters, and Griffin House. Griffin House is an affordable senior housing complex funded by the U.S. Department of Housing and Urban Development (HUD) and it provides 81 units of affordable housing for well and frail elderly and is part of the St. Joseph's complex. St. Joseph's Medical Center is located at the northwest corner of the Park Hill Avenue/Vark Street and South Broadway intersection. West of the medical center is the Convent of Mary the Queen and the Vark Street Playground. St. Joseph's Nursing Home is north of and adjoins the medical center. On the north side of St. Mary's Street is St. Mary's Roman Catholic Church. A YWCA is north of the church. Medical offices are located north of the YWCA approaching the Nepperhan Avenue/South Broadway intersection. A Hudson Valley Bank is located at the southwest corner of the intersection.

As part of the approved SFC redevelopment project, the government center garage and health center building that house city offices will be demolished, and the approximately 2.5 acres on which they are currently located and an adjoining private parcel owned by the Salvation Army will be demolished and relocated. The development will include approximately 20,000 square feet of street level retail/restaurant space fronting on New Main Street, approximately 21,000 square feet for the relocation of the Salvation Army, and a new eight (8) level parking garage containing approximately 1,523 parking spaces. The garage will have approximately 475 private

parking spaces to serve the western residential tower at River Park Center, and approximately 1,048 public spaces.

The approved SFC development would relocate governmental office space demolished to accommodate River Park Center (described below) to a new “Cacace Center”. The Cacace Center will be a mixed-use development on an approximately 4.3 acre site owned by the City (on which the existing Cacace Justice Center Garage is located) bounded by South Broadway, Nepperhan Avenue, New Main Street and the existing Cacace Justice Center building (which will remain). Cacace Center will have office space to replace City government offices displaced from the Health Center Building, a new City of Yonkers Fire Department Headquarters building, a hotel, and a new public parking garage. Specifically, the Cacace Center will have the following principal components: an approximately 225,000 square foot building at the southeast corner of Nepperhan Avenue and South Broadway – the building will be approximately 190 feet high and contain approximately 150,000 square feet of office space and a hotel having 150 guest rooms; a new public parking garage fronting on Nepperhan Avenue and containing approximately 1,349 parking spaces, some of which will be assigned to the hotel and office uses; and a new 50,000 square foot Fire Department Headquarters building at the southwest corner of New Main Street and Nepperhan Avenue having five (5) vehicle bays.

Table 3.4-2 presents a chart of the building program for the various SFC projects. In addition to the three components listed below, the SFC project also includes a component which would result in the daylighting of the Saw Mill River within the Larkin Plaza area.

<b>Table 3.4-2 SFC Building Program</b>			
<b>Use</b>	<b>River Park Center</b>	<b>Cacace Center</b>	<b>Palisades Point</b>
<i>Residential</i>	<i>950 dwelling units</i>		<i>436 dwelling units</i>
<i>Office</i>	<i>325,000 square feet</i>	<i>150,000 square feet</i>	
<i>Retail</i>	<i>475,000 square feet</i>		<i>8,700 square feet</i>
<i>Restaurant</i>	<i>90,000 square feet</i>		
<i>Movies</i>	<i>2,200 seats</i>		
<i>Salvation Army</i>	<i>21,000 square feet</i>		
<i>Ballpark</i>	<i>6,500 seats</i>		
<i>Hotel</i>		<i>150 rooms</i>	
<i>Firehouse</i>		<i>50,000 square feet</i>	
<i>Parking</i>	<i>2,550 parking spaces</i>	<i>1,349 parking spaces</i>	<i>670 private parking garage; 57 on-street public parking spaces</i>
<i>Source: SFC FEIS, 2010.</i>			

The City’s downtown commercial hub is centered around Getty Square, located at the confluence of Main Street, South Broadway, North Broadway, and Palisades Avenue. The historic St. John’s Church anchors this busy area. The Getty Square area consists primarily of 1-3 story buildings with retail uses at ground level and a mix of office and apartment uses above. A large parking area is situated northeast of Main Street behind existing retail buildings fronting to Main Street. This area, known as “Chicken Island”, has been approved by the City for the development of River Park Center.

The portion of River Park Center on the approximately 13 acre site bounded by Palisade Avenue, Elm Street, Nepperhan Avenue and New Main Street will be a mixed-use residential, commercial and entertainment development. An 11-level podium and two (2) residential buildings above the podium will rise approximately 500 feet high. The podium contains: 455,000 square feet of retail space; 80,000 square feet of restaurant space; 80,000 square feet of movie theater space; 100,000 square feet of office space; 1,200 square feet for a police department substation; a 6,500 seat ballpark and related concession and services areas; and 2,550 parking spaces. The two (2) residential towers will rise 38 stories above the 11-story podium, for a total of 49 stories in height, and will contain an aggregate total of approximately 950 dwelling units. Private parking to serve the western tower will to be located at the Government Center site.

The Palisade Avenue Office Building will be a 14-story office building located on the northwest corner of Elm Street and Palisade Avenue. The building will have approximately 10,000 square feet of street level retail and 225,000 square feet of office space on seven levels on top of a 435-space, six-level public parking structure (the first level of parking is located below grade). The parking facility would serve both the on-site office uses and provide overflow parking for the proposed stadium.

The City of Yonkers Fire Headquarters (Station 1) will be relocated from School Street to a new building to be constructed by the SFC developer at the Cacace Center site. During construction, the Fire Headquarters will be temporarily located in an existing building located on the corner of Columbus Place and St. Casimir Avenue, with access to Nepperhan Avenue.

It is noted that during preparation of this DEIS, the scope and scale of the SFC project has been changing, based on review of various press announcements released by the project sponsors. This DEIS relies on the descriptions set forth in the SEQRA documents for the SFC project.

In summary, the 1/4-mile land use study area accommodates a variety of existing land uses, some of which will change as a result of various major redevelopment projects either proposed or approved within the study area. Land use trends in the study area can be summarized as follows:

- Major developments are proposed or approved along the waterfront which would introduce high density, multistory, multifamily residential buildings with ancillary retail uses. Public open space is interspersed throughout the waterfront area and connected by a riverfront esplanade. The Domino Sugar Refinery represents the southerly boundary of these redevelopment activities. Mid-rise to high-rise buildings would be allowed, up to 30 stories in height.
- The Main Street downtown area has been the subject of incremental redevelopment and reuse with various residential and commercial uses being introduced. Trolley Barn and 66 Main are two redevelopment projects in the Main Street area controlled by the Project Sponsor.
- South of Main Street and west of Riverdale Avenue, the City exhibits the historic block and street pattern dominated by small lots and smaller scale multifamily residential buildings with religious uses, schools, and park space interspersed throughout the neighborhood. The neighborhoods were historically developed with single- and two-family dwellings but most structures have been converted to multifamily use.

- Along Riverdale Avenue, two major urban renewal projects, Riverview Towers and Philipse Towers, dominate the streetscape. Here, buildings achieve a height of 16-17 stories. South of Cerrato Park, the smaller lot, smaller building pattern reasserts itself.
- North of Dock Street and west of Warburton Avenue, the i.park and N-valley redevelopment projects dominate the City landscape. Getty Square is located to the south and east of this area, and the buildings here and to the west, in the vicinity of Larkin Plaza, retain their smaller scale character. However, a major redevelopment project located immediately east of Getty Square centered around Chicken Island will dramatically change the Yonkers skyline, with a stadium and 50-story residential buildings being constructed that would flank the stadium.

*Land Use Policies Applicable to the Project Site and Study Area*

City of Yonkers Master Plan

*Connections:* The Yonkers Comprehensive Plan, was published in 2000. Map 8 of the Plan indicates that the project site is located in the “Downtown Waterfront Area”. This area is generally bounded by Vark Street to the south and Ashburton Avenue to the north. The Comprehensive Plan does not set forth specific goals and implementation strategies for the Downtown Waterfront. Rather, it discusses general planning efforts as follows:

*“The downtown waterfront is subject to a parallel planning effort. The City plans to enhance the development of water and residential/commercial uses, establish a connection between the train station and the waterfront, create a variety of public spaces along the water’s edge and reinforce and enhance the visual connections from downtown to the Hudson River and Palisades. The City’s Community Development Agency owns much of the downtown waterfront land and plans to initiate its redevelopment.*

*The waterfront plan has the potential to be a catalyst to spur economic development in the downtown area....”*

Map 10 of the report indicates that the project site is located in the Getty Square neighborhood. With regard to neighborhoods, an implementation strategy of the Plan is to “preserve historic neighborhoods and structures”. Map 11 indicates that the site is in a “density sensitive” area, i.e., residential densities are higher than City-wide average of 6.53 units per acre. As per the Comprehensive Plan, “greater care than normal must be given to planning and zoning decisions in these neighborhoods.”

Map 6 of the Comprehensive Plan illustrates that the Project Site is located in a New York State Economic Development Zone.

Riverview Urban Renewal Plan (“URP”)

The Project Site is located in the Riverview Urban Renewal Area (see Figure 3.4-3). Because the properties are located in an urban renewal area, the City has determined that the Project Site is in a blighted area within the meaning of the New York State Urban Renewal law. The urban renewal plan specifies the uses intended to be developed through redevelopment and rehabilitation of properties in the urban renewal area. According to the URP, the Project Site

located on the west side of Buena Vista Avenue is planned for residential uses - it is not contained in a "Development Area". Generally, new residential uses are planned for 60-100 dwelling units per acre and no new residential uses will exceed medium-high density.

The Project Site located on the east side of Buena Vista Avenue is allowed a mix of residential, commercial, public and semi-public uses. The site is located in Development Area 11 - all development must conform to existing codes and ordinances or as permitted in the City's PDR zone district. Any proposed open space parking is subject to Planning Bureau review for consideration regarding aesthetics, ingress and egress, lighting, signage, screening and any other pertinent items. The Trolley Barn is contained within Development Area 10. As per the urban renewal plan, uses are to include residential, commercial, public and semi-public uses. The Trolley Barn has been renovated and includes retail uses fronting on Main Street and residential lofts.

#### Yonkers Downtown Waterfront Master Plan

*The Yonkers Downtown Waterfront Master Plan* is a plan addressing future land uses within the waterfront area in the vicinity of Main Street. Subsequent to the completion of the Plan, much of the area has been developed or otherwise committed. Hudson Park has been completed, and the land area south of Hudson Park will be the site of the approved Palisades Point project. The downtown waterfront study area included land primarily on the west side of the Metro-North rail right-of-way, except that the Trolley Barn site and Station Plaza were also included. The Plan recommended several land use scenarios to pursue - none of the scenarios proposed residential uses for the Trolley Barn. The Plan did recommend preservation of the Trolley Barn and specifically, the historic elements of the facade. The Plan's goals include:

- Generate increased demand for retail goods and services in the downtown area, and promote the overall economic growth and vitality of the City;
- Physically, visually, and aesthetically reconnect the fabric of the City's downtown with the Hudson River;
- Improve public access to and along the waterfront;
- Generate public activity in the waterfront and downtown areas;
- Bring new opportunities for development adjacent to the river as well as the downtown;
- Foster a desirable mix of uses -- including housing, commercial, recreational and educational -- in the downtown waterfront area; and
- Encourage the development of public and private water-dependent and water-related uses.

A second downtown master plan process was initiated in 2010. According to a presentation made by Urban Design Associates entitled "Yonkers Downtown Rezoning Study (July 2010)", this master plan and rezoning process will be conducted in three phases. The first phase involves data collection and analysis and has been completed. The second phase involves the development of alternative designs and visions for the subject area which is currently in process. The last phase is the preparation of a draft urban design plan and zoning recommendations which should be completed by 2011. The study area for Re-Zoning Downtown Yonkers is bounded by Vark Street to the south, Ashburton Avenue to the north, and the waterfront to the west. The study area extends to properties that front on North Broadway, Palisade Avenue and Elm Street up to Nepperhan Avenue, the north side of Nepperhan



Avenue, and School Street (in order to encompass the hospital area). Eleven draft vision objectives have been identified for the overall area as follows:

- A Green downtown;
- More community gathering space - fix Getty Square
- Restore historic buildings
- More residential with varied price points and demographics
- Improve bus routes in downtown
- More interesting retail and office space
- Restore Wheeler Block
- Reuse Proctor Theater
- Improve access to the riverfront - protect view corridors
- Protect scale of downtown
- Fix Riverdale Avenue

The Buena Vista Teutonia Project Site is included in an area identified as the “Buena Vista Downtown District” (“BVDD”). The BVDD extends from Hudson Street to Vark Street and from the Metro North rail right-of-way to the properties that front on the east side of Riverdale Avenue. Excluded from this general area is another district identified as Proctor Square which encompasses properties primarily along Riverdale Avenue and South Broadway between Hudson Street and Prospect Street. As stated in the Design Charrette Presentation (July 1, 2010), essential elements of the BVDD include:

- New neighborhood park at Buena Vista and Prospect;
- Teutonia development;
- Redevelop the Shoprite block into a mixed use street oriented development;
- Long term redevelopment of Riverview into new housing

A new Buena Vista Park would be constructed on the east side of Buena Vista Avenue across from the existing daycare center and the automated garage. A short connector street would be constructed generally in front of the Project’s proposed automated garage, and would connect Buena Vista Avenue with Hawthorne Avenue. Construction of the park would require the demolition of the three dwellings that are part of the proposed PUR and located on the east side of Buena Vista Avenue.

#### Greenway Compact

*“The Greenprint for a Sustainable Future”* (“Greenprint”) is the Westchester County Greenway Compact Plan. Greenprint builds on the planning legacy in Westchester so as to assist the county, city, town and village governments in ensuring a sustainable future for years to come. The Plan provides the basis for participating municipalities to qualify for incentives granted by the New York State Legislation through the Hudson River Valley Greenway Act of 1991. The Plan creates an approach to regional economic development that promotes tourism while incorporating natural, cultural and historic resource protection and increasing Hudson River access opportunities.

The Hudson River Valley Greenway Act of 1991 created a process for voluntary regional cooperation among the communities that border the Hudson River to promote the goal of “preservation, enhancement and development of the world-renowned scenic, natural, historic,

cultural and recreational resources of the Hudson River Valley.” The Act specifies five Greenway criteria through which this goal can be achieved. The five Greenway criteria are:

- **Natural and Cultural Resource Protection:** Protect, preserve and enhance natural and cultural resources including natural communities, open spaces, historic places, scenic areas and scenic roads.
- **Regional Planning:** Encourage communities to work together to develop mutually beneficial regional strategies for natural and cultural resource protection, economic development, public access and heritage and environmental education.
- **Economic Development:** Encourage economic development that is compatible with the preservation and enhancement of natural and cultural resources with emphasis on agriculture, tourism and the revitalization of existing community centers and waterfronts.
- **Public Access:** Promote increased public access to the Hudson River and important local resources through the creation of parks and the development of the Hudson River Valley Greenway Trail System and the Hudson River Greenway Water Trail with linkages to the natural and cultural resources of the Valley.
- **Heritage and Environmental Education:** Promote awareness among residents and visitors about the Valley’ natural, cultural, scenic and historic resources.

Greenprint has designated the City of Yonkers as a “major center”. Development is to be channeled whenever possible to centers where infrastructure can support growth, where transportation can be provided, and where redevelopment can enhance economic vitality. Greenprint highlights the proposed Riverwalk. The segment of Buena Vista Avenue in front of the proposed project site is a designated part of the Riverwalk.

Another objective of Greenprint is to preserve and protect the county’s coastal zones and significant land resources. The project site is located within a coastal zone and consideration must be made with regard to the project’s effect on coastal zone resources.

Greenprint recommends that a range of housing types that are affordable to renters and home buyers be encouraged, with each municipality addressing its needs for affordable housing as well as a share of the regional need.

In addition, Greenprint is supportive of transportation alternatives that serve the needs of workers, consumers and residents and that improve air quality by enhancing the efficiency and effectiveness of public transportation and reducing solo-driving.

Lastly, another policy applicable to this project is that Greenprint seeks to enhance the quality of life for Westchester residents by protecting the county’s historical resources and factoring them into land use decisions.

#### Westchester County Plan (2025)

*Westchester 2025/plan together*, was adopted by the Westchester County Planning Board on May 6, 2008, and last amended January 5, 2010. *Westchester 2025* expressed important land use policies for the County and sets out a new framework for a planning partnership between the County and its 45 municipalities. Fifteen broad policies are set forth in the document as follows:

- Channel development to centers;
- Enhance transportation corridors;
- Assure interconnected open space;
- Nurture economic climate;
- Preserve natural resources;
- Support development and preservation of permanently affordable housing;
- Support transportation alternatives;
- Provide recreational opportunities to serve residents;
- Protect historic and cultural resources;
- Maintain utility infrastructure;
- Support vital facilities;
- Engage in regional initiatives;
- Define and protect community character;
- Promote sustainable technology
- Track and respond to land use, demographic and economic trends.

The County has previously identified the City of Yonkers as a major center in its Greenprint planning policy document. Development is to be channeled to centers.

#### NYSDOS Coastal Policies

A review of the New York State Coastal Atlas confirms that the project site is located within New York State's coastal zone boundary. If the project requires a permit or other regulatory approval from a federal agency or involves federal financial assistance, the NYS Department of State (NYSDOS) will conduct a consistency review of the Project.

"Consistency review" is a process whereby a project is reviewed to determine whether it complies with the New York State Coastal Management Program and an approved Local Waterfront Revitalization Program ("LWRP"). Consistency reviews are also performed to determine if a state agency's action is consistent with the coastal management program.

The City of Yonkers has not approved a LWRP.

#### Westchester County Critical Environmental Area ("CEA")

The Westchester County Board of Legislators adopted a local law in 1989 (16-1989) that designated the Hudson River and its adjoining shoreline as a critical environmental area. The project site is located in the CEA (see Figure 3.4-4). Actions located in the CEA are designated as Type I actions and a project's potential impact on the CEA must be considered during the SEQRA process. Although the Project Site is located in the CEA, it is physically separated from the Hudson River by an existing rail line and other shoreline properties.

### Waterfront CEA

According to the New York State Department of Environmental Conservation website, there is no designated Waterfront CEA in the City of Yonkers.

### Hudson River Trailway Plan

*Westchester Riverwalk, a Greenway Trail* was published by the Westchester County Department of Planning in 2003. The study maps a preliminary route for a continuous railway along the entire Hudson River shoreline in Westchester County. Segment 29 is a 2.25 mile segment in the City of Yonkers that routes the proposed trail along Buena Vista Avenue, from the Yonkers Railroad station south to Herriot Street. The project site is situated along this preliminary route. The Plan does note that the routing is subject to change, depending on a more in-depth feasibility analysis of each trail segment. For Segment 29, an alternate route would take the trail from Main Street at the Yonkers Train Station to Riverdale Avenue to avoid the wastewater treatment plant at the southerly end of the route.

See <http://www.westchestergov.com/planningdocs/riverwalk/HudRiverTrailPlan.pdf>.

#### 3.4.1.2 Potential Impacts

##### *Proposed Change in Existing Land Use Pattern*

Implementation of the Project will change existing land uses on the project site to uses that are compatible with adjoining residential land uses as well as land uses planned immediately west of the site along the waterfront. The Project will convert mostly vacant, deteriorated and dilapidated nonresidential structures and property within an urban renewal area to a transit-oriented development with a mix of low and high rise multifamily uses. The primary component of the Project is the proposed construction of a 25-story, 412-unit apartment building with accessory parking provided in a state-of-the-art automated garage. A rooftop hydroponic garden would be located atop a portion of the garage. Other accessory on-site uses include a fitness room, indoor swimming pool, classroom/conference space, leasing center, and trash loading and other mechanical space. The 25-story apartment building will be physically linked to and integrated with the adjoining Trolley Barn multifamily live-work building at 92 Main Street. The Trolley Barn is listed on the National Register of Historic Places and consists of 40, one-bedroom lofts. Three existing multi-tenant residential buildings (66-72 Buena Vista Avenue) located across from the proposed apartment building would be rehabilitated into thirteen (13) one-, two-, and three-bedroom dwelling units.

##### *Compatibility with Land Use in Adjoining Area*

The Project Site is located in a transitional area between the land uses and activities occurring within the downtown waterfront area and uses located farther south along Buena Vista Avenue. The Main Street corridor consists of a mix of commercial and residential uses with buildings that range between one to ten stories in building height. Along the waterfront, redevelopment has resulted in the construction of mid- to high-rise residential buildings in association with Hudson Park and the adaptive reuse of Scrimshaw House into a mid-rise multifamily building. The most recently approved project, Palisades Point, would introduce two 25-story high rise apartment buildings adjacent to the waterfront. Both Hudson Park and the approved Palisades Point incorporate parking garages into their design. The Buena Vista Teutonia apartment building is

compatible with the residential density, land uses, and building scale existing and/or approved on adjoining property to the west of the site.

Rehabilitation, rather than demolition, of the three residential buildings on the east side of Buena Vista Avenue will reintroduce the historic character of the facades of buildings on this side of the avenue.

Residents of the PUR would benefit from the Project's excellent location to activities within the downtown waterfront area. As the Project does not propose the construction of ground level retail uses, new residents introduced by the Project would utilize the retail and commercial services available in the downtown area, creating demand for, and supporting the viability and vitality of Main Street and other existing retail areas. The PUR is in close proximity to various recreational facilities and amenities, including the existing esplanade and recreation pier at the foot of Main Street. In addition, active recreational amenities have been incorporated into the apartment building's layout, with a fitness center and indoor pool incorporated into the design of the building. Passive recreation rooftop space is also incorporated into the building's design.

The project is compatible with the daycare center to the south of the site. As demonstrated in Section 3.6., Aesthetic Resources, the apartment building would not cast shadows on the proposed facility. The apartment building has also been designed so that a low-rise structure, no more than two stories above the ground level of Buena Vista Avenue, will adjoin the daycare center. A solid brick wall would face the daycare building - this is intended to attenuate any noise that may emanate from the automated garage. The daycare center building will be located five (5) feet from the wall of the garage building. The rooftop farm is situated above the daycare center and the limited noise introduced by the garden would be contained mostly within the greenhouses. The apartment's loading areas are located within an internal auto court which would block and attenuate any noises from trucks that may load produce or otherwise serve the residents of the apartment building. The three multifamily buildings located across from the daycare center would be rehabilitated and maintained at the same scale as the daycare center building. No new uses are being proposed that would be incompatible with the daycare center use.

The westerly elevation of the new apartment building is shown in Figures 2-7 and 2-8. The garage area immediately beneath the apartment building will not be visible as it is below the grade of the rail right-of-way. The exterior walls of the parking garage beneath the auto court and the automated garage/hydroponic garden building will be a combination of pre-cast concrete and brick. Landscaping within brick planters and a green wall will soften the appearance of the walls. The proposed trash collection area and bottom of the proposed conveyor belt system would be screened by a green fence shown as Inset 2 on Figure 2-8. The fence would wrap around to match up with the brick planter. Only a door and landing area at the top of the proposed conveyor belt system would be visible as shown in that figure. The trash and unloading area is situated immediately to the east of the Scrimshaw House and that building will block views of the upper portions of the conveyor belt system from the esplanade and river that is in front of it. A person walking on the esplanade may glimpse the conveyor area as well as rear of the building through the space located between the Scrimshaw House and Clermont buildings. However, it is anticipated that most viewers will be looking west to view the Hudson River and the Palisades on the western shore.

The trash area will not be visible from the daycare center - it is approximately 125 north of the northwest corner of the daycare building and is shielded from view by the automated garage

building and brick planter area. The conveyor belt area is located approximately 140 feet from the nearest corner of the daycare center. Since the westerly wall of the proposed garage building is approximately in line with the westerly wall of the daycare center, the conveyor belt operations will not impact daycare operations.

The wall immediately adjoining the daycare center will be concrete and faced with brick and no openings within the wall are proposed.

*Consistency with Land Use Plans and Policies*

The Applicant proposes that the Riverview Urban Renewal Plan be amended so that the Plan acknowledges and allows the proposed scale and residential density of the new apartment building. The apartment building would exceed the recommended density and building height of residential uses within the urban renewal area. The building's scale and height would be consistent with residential uses and buildings proposed immediately to the west of the Project Site. Likewise, the building height is not out of character with the heights of towers of residential buildings located to the east along Riverdale Avenue. An amendment to the urban renewal plan would require approval of the Yonkers Community Development Agency and the Yonkers City Council.

With the exception of the Trolley Barn site, the Project Site is not included in the area encompassed by the Yonkers Downtown Waterfront Master Plan. The Trolley Barn has been rehabilitated in a manner that preserves the historic character of the building, listed on the National Register, and consistent with the recommendations of the Plan. However, the City approved the building to be adaptively reused for residential purposes although the Master Plan recommended that the building be reused for nonresidential uses. Retail uses have been accommodated along the ground level space that fronts to Main Street retaining the continuity of nonresidential uses at ground floor level along Main Street.

The westerly side of the PUR project would be consistent with the Downtown Yonkers Rezoning Study. The Buena Vista Teutonia Project Site is included in an area identified as the Buena Vista Downtown District. The building mass shown in the study is the same as proposed. It appears that the long-term vision for the BVDD is to construct a park generally in front of the daycare center and on the east side of Buena Vista Avenue - this would require demolition of the three existing residential buildings that are part of the PUR. Thus, rehabilitation of the three facades may not be consistent with the long term vision of the Rezoning Study. As the Rezoning Study is a draft concept, the project's consistency with the vision is subject to change.

The Project is compatible with various Westchester County plans as follows:

- By constructing residential uses in the City of Yonkers, development is being channeled to this "major center". (Westchester 2025 and Greenprint)
- Construction of residential uses in the City absorbs residential demand for housing that might be otherwise accommodate on "green fields" - this assists in preserving natural resources and open space elsewhere in the County. (Greenprint).
- The Project will preserve cultural resources by preserving the Teutonia Hall facade and integrating it into the design of the automated garage/hydroponic garden building. In addition, the existing multifamily buildings on the east side of Buena Vista Avenue, two of

which are associated with the Otis family, will be rehabilitated. (Westchester 2025 and Greenprint)

- The hydroponic garden offers an element of economic development as it would create jobs and emphasize an agricultural activity in an urban environment. The hydroponic garden also offers an educational opportunity for local residents and visitors. The hydroponic garden could be a city attraction along the Riverwalk route, which encompasses the segment of Buena Vista Avenue in front of the new building. (Greenprint)
- The Applicant is committed to offering 20 percent of the dwellings as affordable housing to meet overall affordable housing needs in the County. (Westchester 2025)
- Although the Project is located in the coastal zone, it will not have any direct impact on the immediate shoreline or river as it is physically separated from both by the Metro-North Hudson line right-of-way. (Greenprint and Westchester 2025)
- The proposed project incorporates sustainable technologies into its design, i.e., use of a CHP, geothermal wells, reduction of stormwater captured by the hydroponic garden, reduction in carbon emissions through use of automated garage, and other design features. (Westchester 2025)

Lastly, the Project would not have a significant impact on coastal resources and is otherwise compatible with land uses planned for areas immediately adjacent to the waterfront. The City has not adopted a local waterfront revitalization program. Thus, the City has not implemented policies related to coastal resources. The Project was reviewed to determine its consistency with the 44 coastal policies established by New York State's coastal zone management program ("CZMP").

Many CZMP policies are not directly applicable to the Project as the site does not front directly on or have direct access to the Hudson River. However, a major policy of the State's CZMP is to revitalize deteriorated and underutilized waterfronts (Policy 1). The CZMP states that it is local government's primary responsibility to promote this policy through the implementation and adoption of a LWRP. Although the City has not adopted a LWRP, the Project would revitalize a deteriorated area within an urban renewal area within the coastal zone. This is consistent with planning policies being promulgated by the City for the immediate waterfront area, i.e., the Alexander Street area. The Project would not impede locating water-dependent uses and facilities on or adjacent to coastal waters (Policy 2) and would not impact public access to the waterfront (Policies 19 and 20) as the Project Site does not directly adjoin the waterfront. Appropriate controls will be implemented to mitigate against the potential for soil erosion and sedimentation to enter the stormwater system which ultimately discharges to the river (Policy 7). The Project would not introduce hazardous wastes that would enter the waste stream or have a negative impact on the river's water quality (Policy 8). Albeit small in scale, the Proposed Project would introduce an agricultural use, the hydroponic garden, to the coastal zone area (Policy 26).

It is a coastal zone policy to "protect, enhance and restore structures, districts, areas or sites that are of significance in the history, architecture, archaeology or culture of the state, its communities, or the nation" (Policy 23). Overall, the Project is consistent with this policy as it would continue the maintenance and use of the Trolley Barn historic building. It would also result in the rehabilitation of two properties formerly associated with the Otis family. The former Teutonia Hall facade will be restored, protected, reconstructed and made an integral element of

the new apartment building's street level facade. The Project does not adjoin a Scenic Area of Statewide Significance (SASS), therefore, no impact is anticipated to any SASS (Policy 24).

The Project would be compatible with Policy 25: "protect, restore or enhance natural and man-made resources which are not identified as being of statewide significance, but which contribute to the overall scenic quality of the coastal area." The policy narrative states that emphasis must be placed on the removal of existing elements that degrade the visual quality of the waterfront area. The Project would result in the demolition of dilapidated and deteriorated buildings and structures within the waterfront area.

#### *Hydroponic Farm and Operations*

The hydroponic greenhouse would be located atop the roof of the low-rise automated garage structure. The greenhouse would be a pre-engineered structure consisting of a galvanized steel or aluminum frame with glass or polycarbonate glazing. Its proposed area totals approximately 14,000 square feet.

The greenhouse would be suitable for growing perishable produce such as lettuces, tomatoes, basil, cucumbers and pepper varieties. Crop yields would range between 82,000 pounds annually for cucumbers, to 189,000 pounds for lettuce. A conveyor belt area located behind the garage next to a loading area would be used to move produce from the farm to trucks for transport. It is estimated that between 5-10 full time jobs would be created by the farm operation. These would range from highly skilled positions in greenhouse maintenance and operations to mid level employment in packaging and distribution.

The operation will be configured to grow the same assortment of produce all year round. Typical crops are tomatoes, lettuces, peppers, squashes and herbs - all items that are highly perishable and high in commercial value. Production in the greenhouses is maintained constantly, all year round. Harvesting also occurs constantly, and is normally scheduled on a daily or every other day basis. Delivery to market thus will also be on a daily or similar basis.

The greenhouse will produce an estimated lettuce yield (for example) of 200,000 pounds per year. This is the equivalent of 1,150 persons fresh vegetable consumption in a year, or the fresh salad consumption of 10,150 persons.

The greenhouse will produce roughly 550 pounds of produce per day. Because yields for most vegetable crops are higher in the summer season, approximately 600-650 pounds per day would be yielded in the summer peak and 35-450 pounds per day in the midwinter. This is roughly 800 heads of lettuce (for example) or 66 cases per day in the summer, or 500 heads or 40 cases in the winter. The produce will be placed in cases for shipping and delivery. The conveyor belt will be an electric two-way system that will allow produce and materials (e.g., cases and boxes) to be loaded and unloaded. The produce would be packaged at the top of the building near the conveyor. Cases would be stored on site for up to a day but because the produce is highly perishable, storage time is typically short in duration. The conveyor belt will not operate continuously but for short time periods when a delivery is occurring. It is anticipated that 1-2 truck deliveries per day would occur.

The greenhouse will need to be tended every day of the week, 365 days per year. Harvesting and delivery does not need to be daily. A typical operation would harvest and deliver Monday to Friday or Monday to Saturday, either daily or every other day.



The facility would contribute to the mitigation of approximately 10-20 tons of carbon dioxide emissions per year. The emissions mitigation is based on growing produce in a more energy efficient greenhouse, and by reducing the transportation of produce to a few miles. The greenhouse infrastructure and operations will be synchronized with the host building to maximize efficient energy use. The greenhouse will also have isolative glazing materials and a heat-retaining roof curtain system. These systems, combined with appropriate crop and temperature setbacks, will significantly reduce heating fuel use. Energy efficient pumps, motors, and lights will be controlled by a centralized computer system that will minimize electricity use and unneeded equipment cycling. Passive cooling and heating strategies will be utilized primarily for space conditioning.

In addition to energy, the facility will conserve potable water and minimize wastewater production. Approximately 300,000-380,000 gallons of storm water discharge would be averted through capturing rainwater from the greenhouse roof, storing it and using it for crop irrigation and cooling system needs. Efficient water use is inherent in the facility's farming methods, an approach known as recirculating hydroponics. Water and fertilizers are reused in a closed-loop plumbing system, resulting in water and resource conservation as well as eliminating discharge of polluted water. A very small amount of wastewater would be produced during the facility's yearly maintenance operations and any sanitary facilities.

Overall, the local food grown in the greenhouse will have a significantly smaller carbon and water footprint than conventional produce while simultaneously reducing the air and water pollution caused by typical agricultural operations and product transport. The crops grown in this greenhouse would be the highly perishable salad type crops, currently obtained by most retailers from California. Replacing trucked produce with locally grown produce will not only save significant amounts of carbon dioxide emissions but will also give consumers a much better, fresher product.

#### *Geothermal Wells*

The proposed geothermal wells will be drilled below City streets within existing right-of-way. The geothermal wells will be used to heat and cool occupied spaces (residential and common areas) and require maintenance once per year for about two days to clean out the system.

Geothermal systems provides a reliable, energy efficient system of heating and cooling, based on capturing the energy between the outdoor and building temperatures in the winter and summer months and the stable constant temperature of groundwater. The geothermal system will be utilized in conjunction with the combined heat and power (CHP) system. In the summer months, excess heat from the CHP system can be reduced by the geothermal system, reducing energy demand for cooling. In the winter months the geothermal system will augment the heating of the building and reduce heating energy needs. A diagram which shows the water and power flows for the geothermal system and the CHP system is provided as Figure 3.3-1.

The Applicant anticipates arrangements would be made to allow construction of the geothermal wells within the City right-of-way comparable to the arrangement approved for the geothermal wells that serve the Main Street Lofts project. An encroachment agreement would be entered into between the Applicant and the City of Yonkers Community Development Agency or other City agency. The geothermal wells would be located within the right-of-way subject to Planning Board and City Engineer approvals. The Applicant would be responsible for all costs associated

with the maintenance of the encroachment, including maintenance, repair and replacement of any sidewalk within which the wells may be located. The Applicant would obtain and maintain property damage and liability insurance for the Encroachment naming relevant City agencies as additional insured. The encroachment agreement may be terminated by the City when determined necessary. The City would continue to have rights to allow construction or otherwise improve its right-of-way. The Applicant would indemnify the City and its agencies harmless from any costs and expenses set forth in the Agreement. The agreement would be recorded in the Westchester County Clerk's office. The City Council would be required to pass a special ordinance authorizing the encroachment.

#### 3.4.1.3 Mitigation Measures

As the Project is anticipated to be compatible with land use plans and adjoining land uses, no mitigation measures are proposed.

### **3.4.2 Zoning**

#### **3.4.2.1 Existing Conditions**

The Project Site is located in the Downtown Waterfront (“DW”) zoning district. Figure 3.4-5, Zoning Map, illustrates the zoning applicable to the project site and adjoining properties.

Table 3.4-3 lists uses that are allowed in the district as per Table 43-1, Schedule of Use Regulations, of the City of Yonkers Zoning Law. “Allowed” refers to uses that are: permitted uses, permitted, with supplemental requirements set forth in Article VI of the Zoning Law; and, permitted subject to special use requirements set forth in Article VII of the Zoning Law.

<b>Table 3.4-3 Yonkers Zoning Law - DW Zoning District Allowable Uses</b>	
<b>Schedule of Use Regulations</b>	
<b>Use</b>	<b>Designation</b>
Colleges/Universities	P
Municipal Uses (City of Yonkers)	P
Offices of Philanthropic Institutions	Ps
Private not-for-profit recreational uses	S
Audio, radio, video and television stations and studios	Ps
Banks and financial uses	P
Banquet and catering facilities	Ps
Cabarets and nightclubs	Ps
Commercial schools	P
Day-care centers	Ps
Eating and drinking establishments	P
Food and beverage stores	P
Health clubs and gymnasiums	P
Hotels	Ps
Indoor markets	P
Live/work buildings	S
Medical and dental offices	P
Offices	P
Personal service establishments	P
Planned Urban Redevelopments	S
Restaurants	P
Retail establishments	P
Retail craft uses	P
Telephone switching stations	P
Theaters and movie theaters	P
Automobile rental establishment	Ps

<b>Table 3.4-3</b> <b>Yonkers Zoning Law - DW Zoning District</b> <b>Allowable Uses</b>	
<b>Schedule of Accessory Use Regulations</b>	
<b>Use</b>	<b>Designation</b>
Amusement games and devices	Ps
Automatic teller machines	Ps
Awnings or canopies	Ps
Bars or lounge areas...	Ps
Christmas tree sales	Ps
Fences and walls	Ps
Live entertainment	Ps
Live/work units	S
Loading berths/spaces	Ps
Newspaper vending machines	Ps
Outdoor dining area	Ps
Outdoor storage	Ps
Refuse collection, storage and recycling facilities	Ps
Retail uses in conjunction with offices	Ps
Satellite antennas	S
Signs	Ps
Soda or candy vending machines	Ps
Fee in lieu of parking	S
Shared parking	Ps
Private garage	Ps
Private open-air parking	Ps
Semipublic open-air parking	Ps
Semipublic parking structure	Ps
Source: Yonkers Zoning Local Law, 2010. Notes: P = Permitted use. Ps = Permitted, with supplemental requirements (see Article VI of the Zoning Law). S = Permitted subject to special use requirements (see Article VII of the Zoning Law).	

Table 3.4-4 lists the dimensional regulations applicable to the DW zoning district. Where the specific dimensional requirements applicable to supplementary requirements vary from the dimensional requirements listed below, the supplementary use regulations govern. The supplementary use and dimensional regulations may be waived by the approving agency or the Zoning Board of Appeals (area variance required for waiver of dimensional requirement). With regard to parking, the parking requirements applicable to the DW district depend upon the specific use proposed. The parking requirements are set forth in Table 43-4 of the Yonkers Zoning Ordinance.

<b>Table 3.4-4</b> <b>Yonkers Zoning Law - DW Zoning District</b> <b>Dimensional Regulations for Nonresidential Uses</b>	
<b>Schedule of Use Regulations</b>	
<b>Minimum Requirements for Nonresidential Uses</b>	
Lot area (square feet)	--
Lot width (feet)	--
Front yard (feet)	--
Rear yard (feet)	10
Side yard, one/both (feet)	--
Side-front yard of corner lot (feet)	--
Space between buildings on the same lot (feet)	--
<b>Maximum Permitted for Nonresidential Uses</b>	
Building Coverage (%)	90
Height (stories/feet)	5/66
Floor Area Ratio	4.5
Minimum Number of Parking Spaces	As per Table 43-4
Source: Table 43-3, Schedule of Dimensional Requirements for nonresidential uses, Yonkers Zoning Local Law, 2010. Notes: In the DW district, the minimum height shall be two stories or 25 feet, whichever is greater.	

### *PUR Special Use Permit*

Within the DW zoning district, “planned urban redevelopments” (“PUR”) are permitted subject to special use requirements set forth in Section 43-72.C of the Yonkers Zoning Law. A PUR may be permitted in all designated urban renewal areas on tracts of land of two (2) or more acres in aggregate. A PUR is not subject to the dimensional or use requirements for the district in which they are located. Planned urban redevelopments must be designed as a single planned development according to a comprehensive development plan (“CDP”). The special use permit sets forth the information to be included in a CDP:

1. The general location of existing and proposed structures.
2. The general type of existing and proposed uses.
3. Existing topography and general grading and drainage proposals.
4. Existing and proposed major internal streets and points of access to existing mapped streets.
5. Major parking and loading areas.
6. Major landscaped areas and proposed screening.
7. A statement as to the capacities of existing water and sewer lines and related facilities and that such water and sewer lines are adequate.
8. A statement as to the capacities of existing electric and gas lines and related facilities and that such water and sewer lines are adequate.
9. Existing and proposed location and type of major signs and lighting.
10. A written statement describing various aspects of the conceptual plan, including any proposed phasing of development activities, and a statement of the applicant’s interest

in the land as well as evidence to support the applicant's right to make application and use of the land.

The site plan and floor plans submitted with this DEIS constitute the CDP. The PUR Special Use Permit Application is included as Appendix C. Following approval of the CDP by the Planning Board and the Yonkers City Council as required for special use permits, a site plan for the PUR is submitted.

The Planning Board reviews all special use permit applications for conformity with general standards set forth in Section 43-60 of the Zoning Law. These standards are:

1. That such use shall be in harmony with the general purposes and intent of this chapter.
2. That such a use shall not affect adversely the character of the district, nor the conservation of property values, nor the health and safety or [sic] residents or workers on adjacent properties and in the general neighborhood.
3. That such a use shall be of such appropriate size and so located and laid out in relation to its access streets that vehicular and pedestrian traffic to and from such a use will not create undue congestion or hazards prejudicial to the character of the general neighborhood.
4. That such a use shall not conflict with the direction of building development in accordance with the City of Yonkers Comprehensive Plan or other such plans as may have been adopted by the City Council or Planning Board.

The Yonkers Planning Board must approve a special use permit in order for it to be forwarded to the Yonkers City Council for its consideration. The City Council may approve, disapprove, or approve with modifications the decision of the Planning Board with respect to the granting of a special use permit.

The DW district has few dimensional requirements. The minimum rear yard requirement is 10 feet, and the maximum building coverage is 90 percent. The maximum height allowed in the district is 5 stories, or 66 feet. Lastly, a maximum floor area ratio of 4.5 is allowed. As mentioned above, approval of the PUR eliminates any dimensional or use requirements for a subject property. Rather, the standards applicable to the PUR are those set forth in the CDP approved by the Planning Board and City Council.

#### *Article VI Supplementary Regulations*

The supplementary regulations for all uses and districts were reviewed and the Project does not appear to require a waiver from any of the provisions set forth in this section.

#### *Article IX - Site Plan Review and Design Standards*

Article IX includes standards applicable to site layout design, including such elements as lighting, access, and landscaping. The Planning Board is authorized to waive the requirements associated with site plan design as per Section 43-102 of the Zoning Law.

#### *Article X - Off-street Parking and Loading*

Table 43-4 of the City of Yonkers Zoning Ordinance requires that one parking space be provided per dwelling plus 0.33 per bedroom for apartments. However, on December 8, 2009,

the Yonkers City Council approved General Ordinance No. 8 of 2009 amending the Zoning Ordinance by adding the following new section:

Section 43-138. Reduced Parking Requirements for certain Apartment Houses and Live-Work Units.

Under Section 43-130-B, for new construction of Apartments and Live-Work Units within one quarter mile (1/4) of a mile of an active train station used for passenger rail-transportation purposes, the minimum number of required parking spaces shall be one parking space per apartment or live-work unit.

Section 43-4 Schedule of Parking Requirements, was also amended to refer to this new zoning section.

Based on a review of Table 43-5, Schedule of Loading Space Requirement, it does not appear that the apartment building or hydroponic garden require an off-street loading space. Regardless, the operation of the hydroponic garden has been designed with a loading space to the rear of the garage building.

#### 3.4.2.2 Potential Impacts

The apartment building requires PUR special use permit approval. The apartment building is consistent with the land uses recently approved and/or constructed adjacent to and immediately west of the Project Site. Construction of the apartment building, rehabilitation of existing residential buildings on the east side of Buena Vista Avenue, and continuation of the existing Trolley Barn uses are not anticipated to affect adversely the character of the DW district. Rehabilitation of existing residential buildings, and conversion of vacant and dilapidated industrial/commercial buildings to a transit-oriented residential building is anticipated to have a positive effect on surrounding property values. The traffic study, summarized in Section 3.5 of this DEIS, demonstrates that the Project would not create undue traffic congestion or hazards or effect the safety of the general neighborhood. The use does not conflict with the direction of building development set forth in the City's Comprehensive Plan, or other land use policy objectives - the PUR would specifically advance many of the City's planning objectives, including the introduction of a transit-oriented development in proximity to the Metro North Yonkers rail station.

With regard to the general objectives applicable to special use permits that are contained in Section 43-60, the new apartment building would meet these objectives as follows:

1. That such use shall be in harmony with the general purposes and intent of this chapter. The project will meet many of the objectives of Section 43-3, Declaration of purpose, of the Zoning Ordinance. It will improve the social and economic well being of the City through the removal of vacant dilapidated structures and will introduce a new population and tax ratable to the City. It will result in a significant improvement to the property value of the subject property. It will recognize and preserve a historic aspect of the neighborhood, namely the facade associated with Teutonia Hall. It will result in the exterior rehabilitation of several homes whose households have been associated with the Otis family. It will foster a relatively dense urban fabric where appropriate, i.e., in close proximity to the Yonkers train station. It will also introduce a new use which will benefit restaurants, grocers, and other food vendors through the growth and production

of perishable produce as part of a hydroponic garden. The project has been designed to ensure light and air to the adjoining daycare by situating a low rise building adjacent to this use.

2. That such a use shall not affect adversely the character of the district, nor the conservation of property values, nor the health and safety or [sic] residents or workers on adjacent properties and in the general neighborhood. The proposed project is located in an urban renewal area and the nonresidential buildings constituting the project site are vacant and dilapidated. A purpose of the PUR is to redevelop areas within an urban renewal area in conjunction with a comprehensive development plan that will improve blighted properties and improve the overall character of the neighborhood. The new apartment building will result in the removal of these vacant nonresidential buildings, result in a brownfield clean-up which will improve the environment for existing residents, and introduce a new transit-oriented development which will enhance property values and improve the overall safety of the neighborhood.
3. That such a use shall be of such appropriate size and so located and laid out in relation to its access streets that vehicular and pedestrian traffic to and from such a use will not create undue congestion or hazards prejudicial to the character of the general neighborhood. A traffic study was performed to assess the potential traffic impact the project may have on its environs and surrounding traffic network. The traffic study has concluded that the project will not have a negative impact on traffic. Sufficient off-street parking spaces are being provided within the automated garage so as to ensure there will be no congestion created by on-street parking demand. Further, the parking garage is of sufficient size to allow current tenants of the Trolley Barn to utilize the proposed automated parking garage potentially reducing parking demand within the neighborhood.
4. That such a use shall not conflict with the direction of building development in accordance with the City of Yonkers Comprehensive Plan or other such plans as may have been adopted by the City Council or Planning Board. As described in Section 3.4.1, the proposed project is consistent with the City of Yonkers Comprehensive Plan. As of this writing, the new apartment building appears to be consistent with the initial concepts being created for the Buena Vista Downtown District, a district identified in the City's overall rezoning efforts associated with its downtown area. The BVDD specifically incorporates the proposed project into its initial concept plan and identifies the project as "essential". If the current concept was adopted, preservation of the three buildings on the east side of Buena Vista Avenue would be inconsistent with long-term plans for the neighborhood which include construction of park that would require demolition of the three structures.

The proposed project will be designed with concrete curbs at the street edge and will conform to ADA standards. Concrete sidewalks will be maintained around the perimeter of the buildings. Outdoor lighting will conform, as required, to the Illuminating Engineering Society Handbook. Street lighting in front of the Trolley Barn would be installed in front of the new apartment building for continuity. To the extent that existing street lights within the existing City street right-of-way do not conform to Section 43-121.B., the Applicant requests a waiver from said standards since the same lighting design will be utilized.



All mechanical equipment must be architecturally screened so as not to be visible from the public right-of-way along Buena Vista Avenue. Trash pick-up and loading areas have been situated in areas of the auto court not readily visible from the street.

The trash area will be screened from views to the west, i.e., the waterfront esplanade and Hudson River, by use of a “green fence”. Pick-up will only occur two days per week. The Applicant is willing to explore other design measures based on the City’s review of this screening proposal. An example of the fence is shown in Figure 2-8. In addition, the auto court area, where the refuse disposal areas would be located, sit behind the Scrimshaw House. Therefore, it is anticipated that this building will, to some extent, block views of the Project Site. Although it is not anticipated that residents of the building would attempt to enter onto the Metro North right-of-way from the Project Site, the fence will further limit any attempted access to the tracks.

Driveways have been designed to conform to the site design standards and will intersect with the street at 90 degrees as required. Sight distance, as per Section 3.5 of the DEIS, will meet standards set forth in Section 43-121.D. All traffic control devices have been shown on the site plan and will meet the Manual on Uniform Traffic Control Devices (“MUTCD”).

All water, sewer and drainage facilities must be approved by the various City departments responsible for reviewing said facilities. For a detailed description of utility services, refer to Section 3.3 of this DEIS.

All portions of the lot not used for buildings, structures, driveways, parking lots, loading spaces or sidewalks will be landscaped - details will be developed as the site plan progresses. Street trees and plants will be installed within the apartment courtyard and auto court adjacent to the sidewalk. On the side of the apartment complex that faces to the Hudson River waterfront, a “green wall” consisting of trellises and evergreen plantings will be installed at the base of the auto court and parking garage (see Figures 2-7 and 2-8). The apartment complex does not abut a residential district, thus screening is not required.

The following table compares the zoning requirements for the DW zoning district, which are intended to apply to nonresidential uses only, to the dimensions of the proposed PUR. For purposes of this analysis, the dimensions provided in the table apply to the west side of Buena Vista Avenue property only. The three buildings on the east side of Buena Vista Avenue are pre-existing buildings and except for exterior facade rehabilitation, there will be no other alterations made to them. Also, note that the Trolley Barn, also part of the PUR, will be attached to the new apartment building. For purposes of Table 3.4-5, the dimensions include the Trolley Barn in the calculations.

<b>Table 3.4-5</b> <b>Yonkers Zoning Law - DW Zoning District</b> <b>Comparison of Dimensional Regulations</b>		
<b>Schedule of Use Regulations</b>		
<b>Minimum Requirements for Nonresidential Uses</b>		Proposed Apartment Building including Trolley Barn
Lot area (square feet)	--	1.776 acres
Lot width (feet)	--	475
Front yard (feet)	--	0
Rear yard (feet)	10	0
Side yard, one/both (feet)	--	0
Side-front yard of corner lot (feet)	--	0
Space between buildings on the same lot (feet)	--	65
<b>Maximum Permitted for Nonresidential Uses</b>		
Building Coverage (%)	90	77%
Height (stories/feet)	5/66	25/332
Floor Area Ratio	4.5	7.6
Minimum Parking Requirements	Table 43-4	One parking space per apartment
Source: Table 43-3, Schedule of Dimensional Requirements for nonresidential uses, Yonkers Zoning Local Law, 2010.		
Notes: In the DW district, the minimum height shall be two stories or 25 feet, whichever is greater.		

No minimum lot area is prescribed for a lot in the DW district. With the parcels on the east side, the Project Site meets the minimum 2 acre requirement for a PUR special permit. The portion of the Project Site on the west side of Buena Vista Avenue totals 1.776 acres.

For purposes of this analysis, the front lot line of the property is deemed to be along Buena Vista Avenue since the property has the longest length of frontage on this street. It is acknowledged that the Trolley Barn building also fronts to Main Street. However, since the DW district does not require a minimum front or side yard, it does not matter along which street the front or side yards are measured.

The lot width, measured along Buena Vista Avenue totals 475 feet - there is no minimum lot width requirement for the DW district. The project proposes no front, rear or side yards. It is noted that a 20-foot rear yard has been provided behind the automated parking garage structure. However, the northwest corner of the apartment building will sit on the rear property line and the Trolley Barn presently sits on the the rear property line along its shared boundary with the Metro North right-of-way. The maximum height of the apartment building, measured along Buena Vista Avenue, is 332 feet which exceeds the DW district building height of 66 feet stories. The apartment building has 25 stories above the grade of Buena Vista Avenue - the maximum number of stories in the DW district is five (5) stories. The building coverage for the portion of the Project Site on the west side of Buena Vista Avenue is 77 percent; this is less than the 90 percent building coverage permitted in the DW district. Note that building coverage was determined based on the floor plan for the main ground level of the building which includes the auto court. The floor area ratio was determined as per the definitions contained in the

Yonkers Zoning Ordinance. For a conservative analysis, the hydroponic rooftop gardens were included in the gross floor area ratio. Basement level parking and mechanical equipment area was not included. The floor area ratio of the Project Site exceeds that allowed by the DW district. Note that floor area data were obtained from the project data sheet provided on Sheet CO.1 of the building plan set.

For parking, see discussion of parking below.

#### *Article X - Off-street Parking and Loading*

The new apartment building would consist of 24 efficiency studios, 266 one-bedroom dwellings, and 122 two-bedroom dwellings. The proposed action does not propose any change to the current method of parking for the existing Trolley Barn or the existing residential buildings on the west side of Buena Vista Avenue. As per the architect's plans, 540 parking "positions" have been provided in an automated garage and four (4) spaces are provided in the autocourt.

The new apartment building would be located within 1/4-mile of the Yonkers train station (see Figure 3.4-2). Thus, the parking requirement for the new apartment building is one parking space per apartment as per Section 43-130-B of the Zoning Ordinance, or a total of 412 parking spaces. The proposed automated parking garage will have 540 parking positions plus four parking spaces in the auto court, exceeding the zoning's parking requirement.

The requirement for one parking space per apartment is reasonable based on a study of the adjoining Hudson Park residential development which concluded that parking demand was 0.89 parking spaces per dwelling unit. Based on a rate of 0.89 spaces/unit, the new apartment building would create demand for 367 parking spaces. Thus, it is anticipated the Project's demand for parking will be met by the 540 on-site parking positions in the automated garage. Since surplus capacity in the garage is anticipated, Trolley Barn occupants would be permitted to use the garage thereby freeing up parking capacity elsewhere.

As part of the comprehensive development plan submitted in conjunction with the PUR special use permit, the Applicant is requesting that the Planning Board and City Council specifically allow an automated garage as an accessory use to the new apartment building.

#### *Waivers*

To the extent that existing street lights within the City street right-of-way do not conform to Section 43-121.B of the City Zoning Ordinance, the Applicant would request a waiver from the standards since the same lighting design will be utilized.

#### *New York State Department of State (NYSDOS) Variances*

*In the Building Application review comment letter that accompanies the PUR Application (see Appendix C), the Commissioner of the Department of Housing & Buildings requested that the architect of record verify compliance with the Building Code of New York State (BCNYS) for courts and fire-rating and percent openings. The review states that NYSDOS variance may be required. As per this request, Lessard Group, project architect, has prepared the response that follows:*

North Side: On the north side, the proposed building is between approximately 10 and 20 feet from the existing Trolley Barn building. BCNYS 704.3 allows two buildings on the same lot to be “considered as portions of one building if the aggregate area of such buildings is within the limits specified in Chapter 5 for a single building.” This provision also requires that the more restrictive construction type be used if the buildings have different construction types. Since the proposed building will be of Type I construction and the existing building is of Type III construction, the aggregate gross area of any single floor is limited to 72,000 square feet (24,000 square feet for Type IIIA construction, plus 200% increase for sprinkler system per BCNYS 506.3) in order for the buildings to be considered as one building. The actual aggregate area of any one floor does not exceed 44,496 square feet, so the buildings can be considered as a single building for the purposes of determining required wall and opening protection.

Because of this, the “imaginary line” requirement of BCNYS 704.3 does not apply, and fire separation distance for the north side of the building becomes negligible. No rating is required for this wall, and there is no limitation on the area of openings.

East Side: This side of the proposed building abuts Buena Vista Avenue, with a fire separation distance (measured to centerline of Buena Vista Avenue) that varies from approximately 25'-1" to approximately 75'-0". A 1-hour fire rating is required for exterior walls at portions of the building less than 30'-0" from the centerline of Buena Vista Avenue (per BCNYS Table 602), but there is no limitation on the percentage of protected or unprotected openings (per BCNYS Table 704.8 and BCNYS 704.8.1). Exterior glass walls in portions of the tower with a fire separation distance of less than 30 feet will be considered to have 100% unprotected openings in accordance with BCNYS Table 704.8.1. Thus, no rating is required for these walls.

South Side: Portions of the building abut the property line on the south side. Exterior walls in these areas will be rated in accordance with BCNYS Table 602, and openings will be limited in area and protected in accordance with BCNYS Table 704.8.

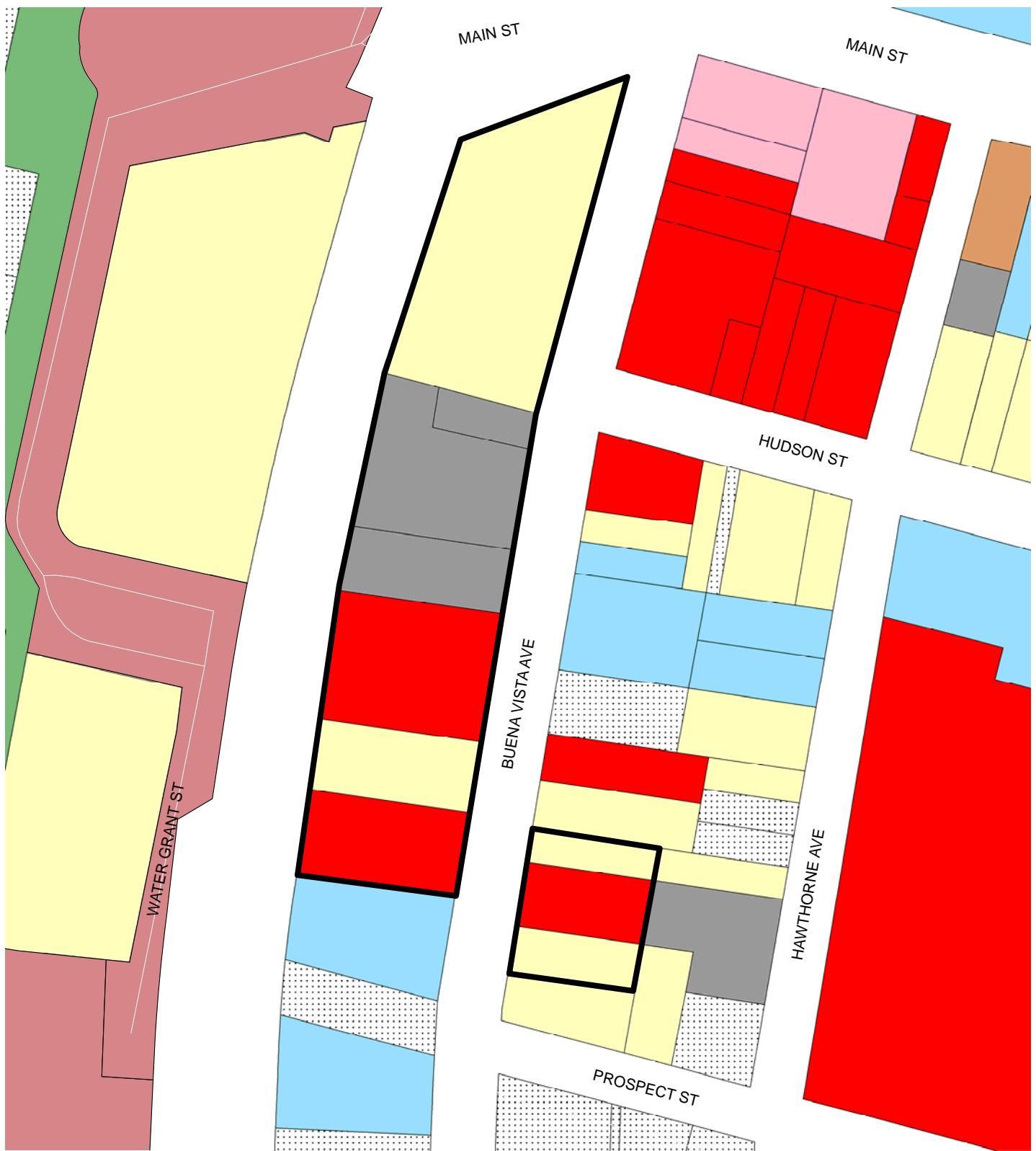
West Side: The west side of the property abuts an adjacent rail right-of-way. The fire separation distance, as measured to the centerline of this right-of-way, exceeds 30 feet at all points, so no exterior wall rating or limitation of openings is required per BCNYS Tables 602 or 704.8.

The project's architect concludes that a variance from the provisions described above will not be required. As part of the SEQRA review, the NYS Department of State will receive the DEIS and accompanying plans for purposes of receiving comment on this matter.

With regard to handicap parking, two of the entry/exit cabins comply with the Americans with Disabilities (“ADA”) standards. The automated parking garage is designed with a larger “module” that is specifically for a handicapped driver to pull up and get out of the car with the handicap code required clearances. The mechanical parking system provides for handicap accessibility, and no variance is needed. Again, the NYS Department of State will receive the DEIS and plans for purposes of commenting on this matter.

#### 3.4.2.3 Mitigation Measures

No mitigation measures are proposed.



# Legend

- Communication, Utilities, Transportation
- Water Supply Lands
- Vacant/Undeveloped
- Residential
- Public Parks, Parkway Lands & Private Recreation
- Office and Research
- Mixed Use
- Manufacturing, Industrial, Warehouse
- Institutional and Public Assembly
- Commercial and Retail
- Project Site



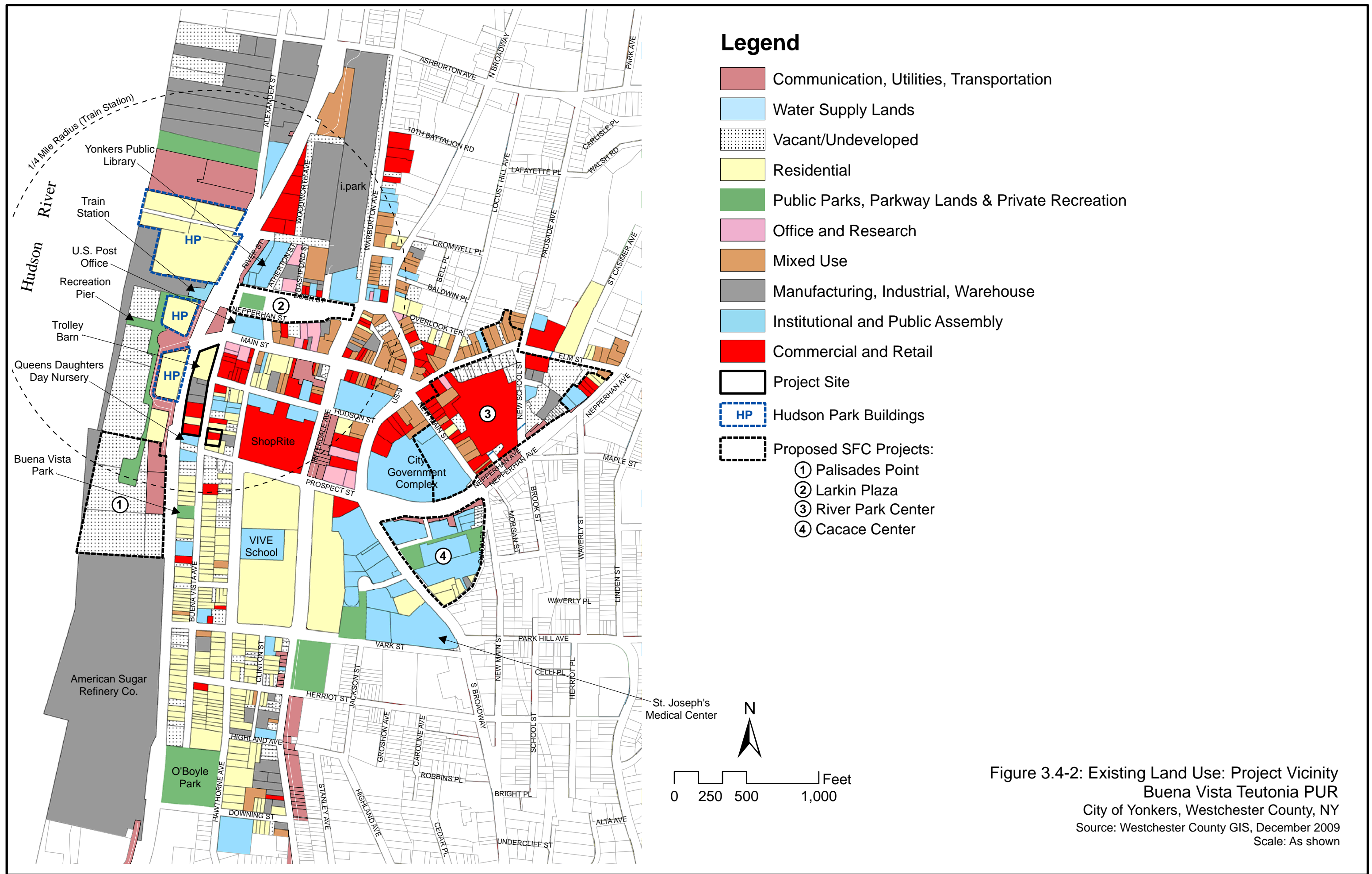
0 25 50 100 Feet

Figure 3.4-1: Existing Land Use: Project Site  
Buena Vista Teutonia PUR

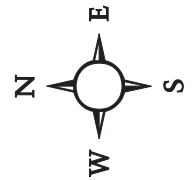
City of Yonkers, Westchester County, NY

Source: Westchester County GIS, December 2009

Scale: As shown

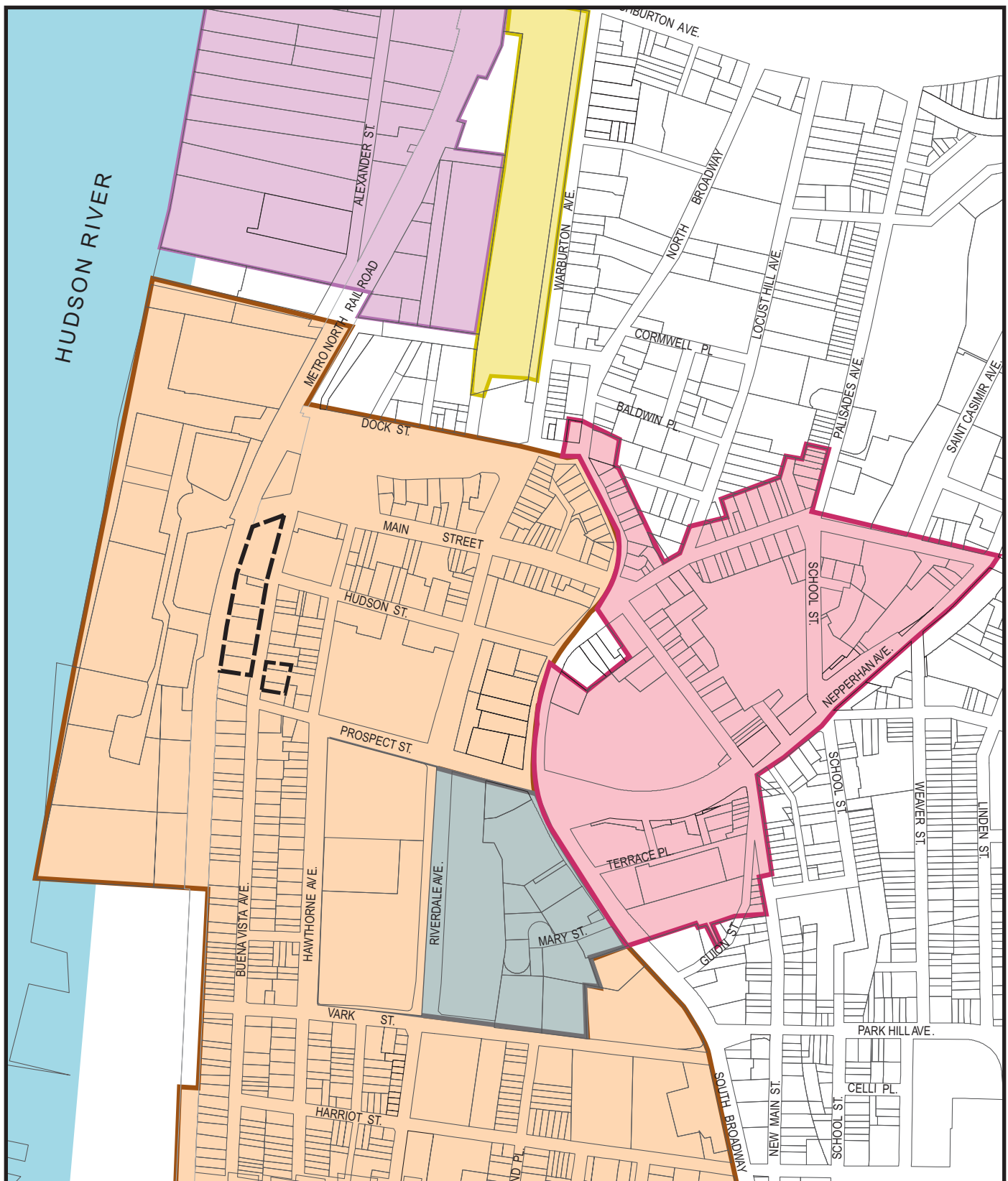






**Figure 3.4-2a: Building Heights in the Project Vicinity**  
 Buena Vista Teutonia PUR  
 City of Yonkers, Westchester County, NY  
 Base: NYS GIS Clearinghouse, 2009 Orthoimagery  
 Scale: 1" = 1,000'





#### Legend

- Site Property Boundary
- Alexander St. Urban Renewal Area
- I-Park Urban Renewal Area
- Riverview Urban Renewal Area NDP
- Getty Square Urban Renewal Area
- Former Jefferson-Riverdale URA

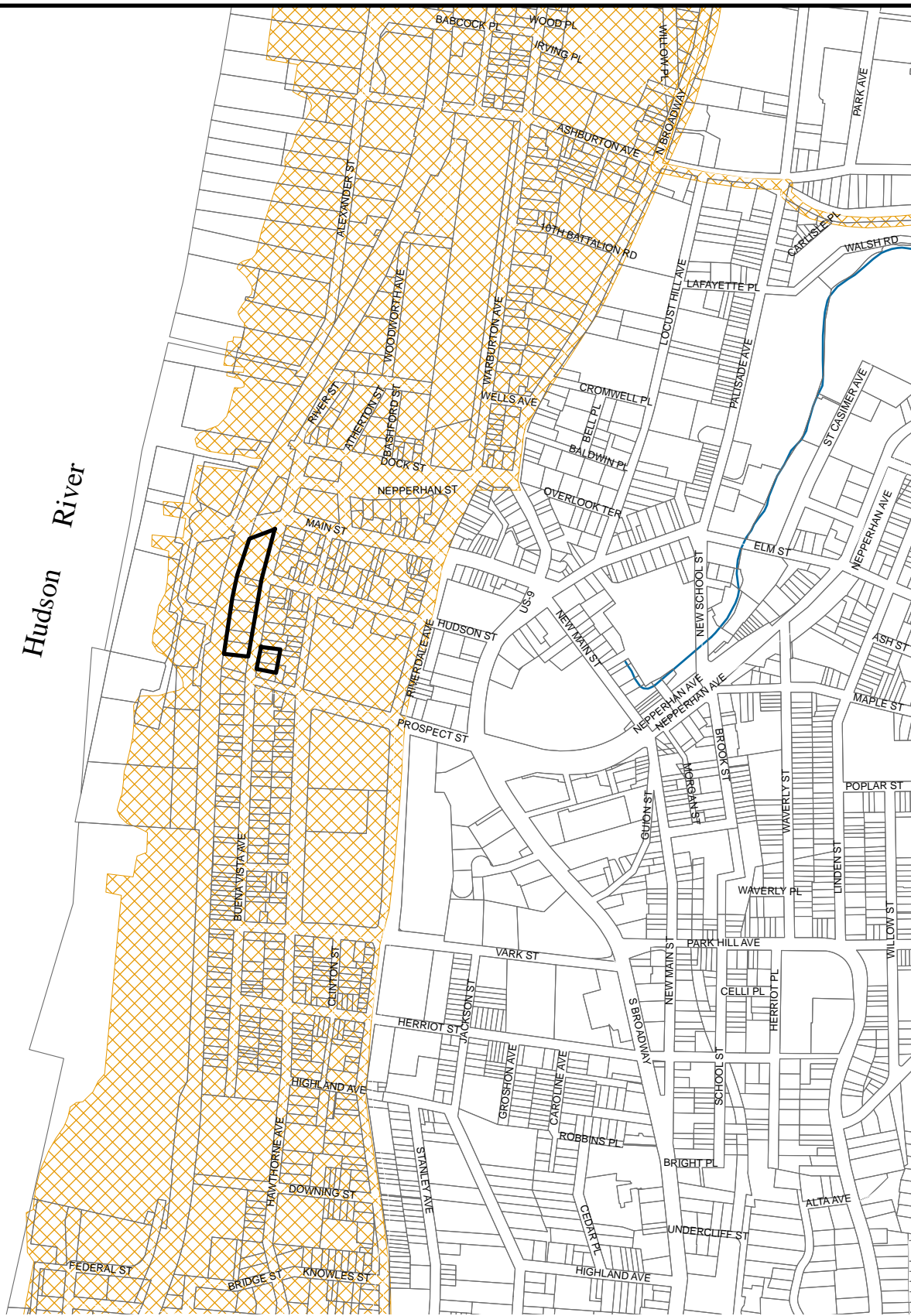


File 09044 10/11/10  
JS:109044



**Figure 3.4-3: Urban Renewal Map**  
**Buena Vista Teutonia PUR**  
**City of Yonkers, Westchester County, New York**  
 Source: SFC DEIS, July 2007  
 Scale: As shown

0 300 600 1,200 Feet





### Legend

-  Critical Environmental Areas
-  Site Property Boundary



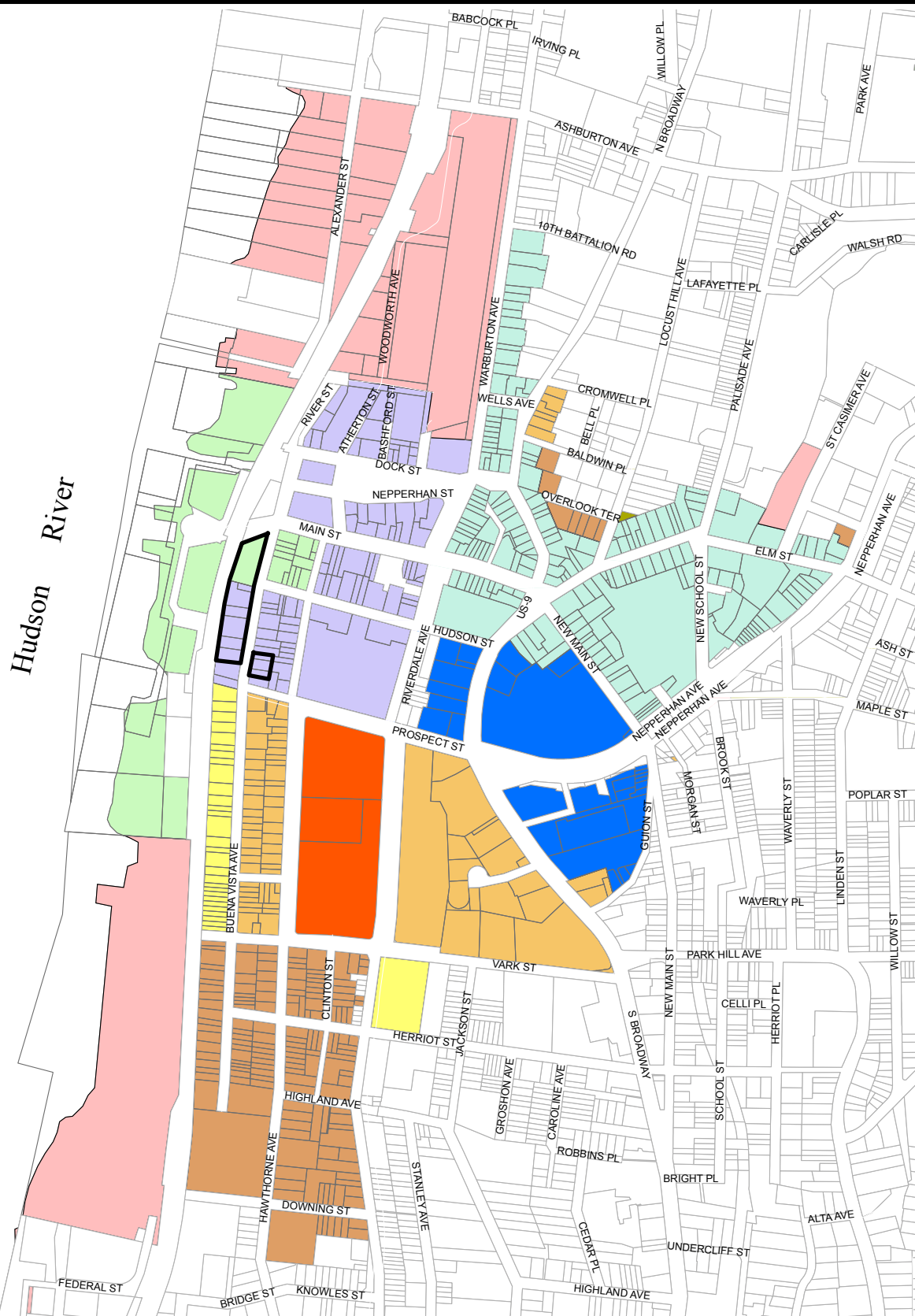
0 255 510 1,020 Feet

**Figure 3.4-4: Westchester County Hudson River CEA  
Buena Vista Teutonia PUR**

City of Yonkers, Westchester County, NY

Source: Westchester County GIS

Scale: As shown



#### Legend

- I - Industry
- BR - Restricted Business, Residence
- BA - General Business and Apt. House
- A - Elevator Apartment, High Density
- CM - Commercial, Storage, Light Industrial
- DWD - Downtown Waterfront District
- PUR - Planned Urban Redevelopment
- CBD - Central Business District
- Site Property Boundary



0 250 500 1,000 Feet

### Figure 3.4-5: Zoning Map Buena Vista Teutonia PUR

City of Yonkers, Westchester County, NY

Source: Westchester County GIS, December 2009

Scale: As shown



## *Buena Vista*

### Essentials:

- New neighborhood park at Buena Vista and Prospect
- Teutonia development
- Redevelop the Shoprite block into a mixed-use street oriented development
- Long term redevelopment of Riverview into new housing

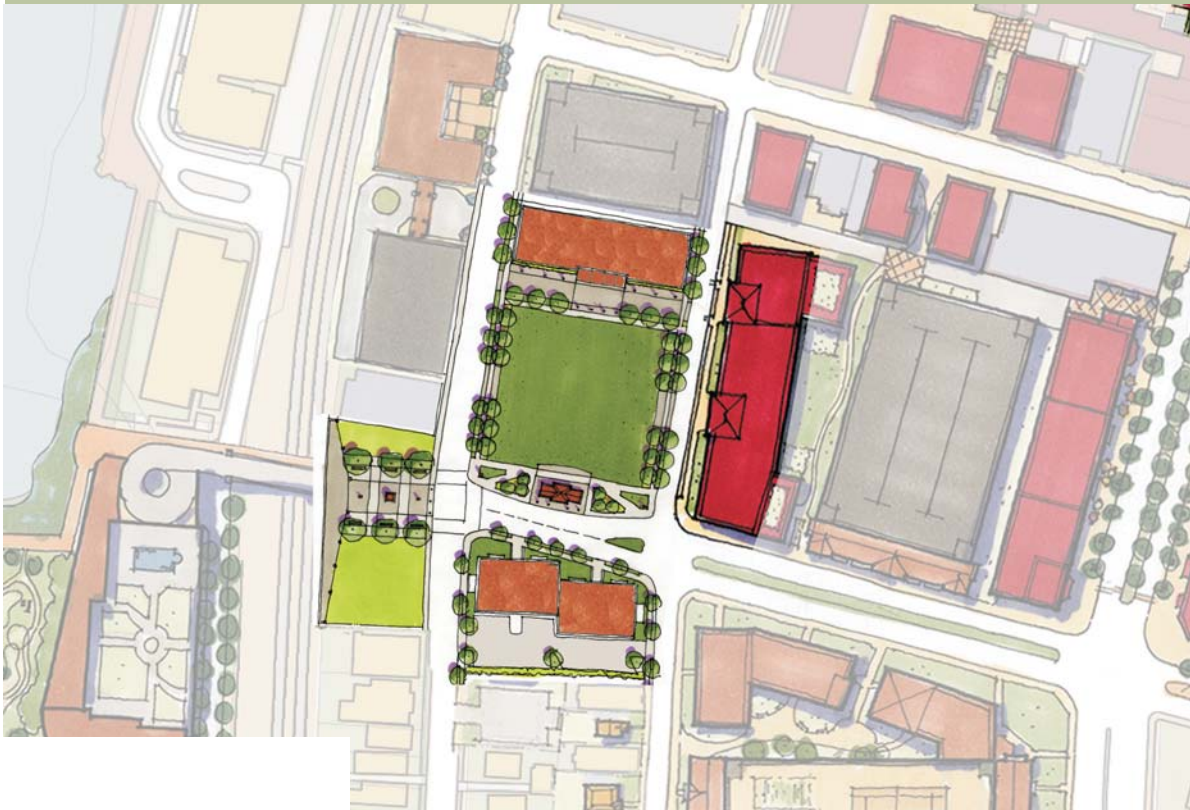


Figure 3.4-6: Proposed Buena Vista Downtown District Concept

Buena Vista Teutonia PUR

City of Yonkers, Westchester County, New York

Source: Yonkers Downtown Rezoning Study  
prepared by Urban Design Associates, 2010

