

2.0 PROJECT DESCRIPTION COMMENTS AND RESPONSES

Comment 2-1 (Public Hearing, February 9, 2010 - Bob Walters, Science Barge Director, Groundworks): I want to speak in support of the hydroponic greenhouse on the proposed Teutonia Farm...I feel a greenhouse on Teutonia Hall will be a bigger version and will be able to supply locally grown food to Yonkers residents, will be able to provide jobs and be able to provide an education center.

Response 2-1: *Comment noted.*

Comment 2-2 (Public Hearing, February 9, 2010 - Terri Joshi, President, YCSD): ...in spite of the fact that I am very enthusiastic about the building objectives here, I find it very hard to justify a 25 story tower even using geothermal energy in the highest elevation in the center of downtown which is already a beautiful relic of an earlier period of architecture and has a low-rise walkable neighborhood aspect and charm.

Response 2-2: *Comment noted. Based on a review of United States Geological Survey (USGS) topographic maps, the project site is not the highest elevation in the center of downtown. Within the downtown area, elevations increase traveling east of the site. For example, Yonkers City Hall sits at an elevation of approximately 116 feet above mean sea level.*

Comment 2-3 (Public Hearing, February 9, 2010 - Nick Papas, Yonkers Resident): I am further concerned about...the design of the building that I think if we were in downtown Manhattan it might be great, but a building of that scope, 25 stories and all that glass, I don't really think it's appropriate for what we're trying to do with the preservation of our city. If you take a look at the trolley building, if you take a look at some of the other homes that are on that street I am sure we can come up with a design that is a little bit more in tune to the existing architecture...

Response 2-3: *Although the applicant proposes a building design which is modern and visually appealing, an alternative building design has been developed to address concerns with the modern appearance of the building. The alternative is presented in Section 1.0 of the FEIS - the reflective glass will be eliminated as part of this alternative design.*

Comment 2-4 (Public Hearing, February 9, 2010 - Nick Papas, Yonkers Resident): I am also a little concerned about occupancy rates. In talking to some of the residents in the other buildings, occupancy rates are relatively low, somewhere in the area of 50 percent. This is an informal number, just talking, as I said, to residents, so I would love to know what they're going to do to ensure that a good portion of those 412 residences are filled.

Response 2-4: *The Applicant's two rental projects, 66 Main Street and Main Street Lofts, have occupancy rates that are over 95 percent. Hudson Park North and South are at about 95 percent occupancy as of July 2011. The Applicant tracks regularly the market for rental dwellings in the Yonkers market. The Applicant does not anticipate having difficulties renting the apartments.*

Comment 2-5 (Public Hearing, February 9, 2010 - Diedre Rylander, Yonkers Resident): I like the design of the storm water being reused for the garden. I think that is a great innovation for this development.

Response 2-5: *Comment noted.*

Comment 2-6 (Public Hearing, February 9, 2010 - Diedre Rylander, Yonkers Resident): With the Teutonia Hall, I am very pleased that there is a proposal to save the facade. I would be hopeful that there might be a way, a cost effective way to integrate the existing building into this design.

Response 2-6: *Given the Applicant's objective to provide on-site parking in an underground structure (to minimize visual impacts of an aboveground parking structure) and to also remediate the contaminated soils beneath and surrounding the building, it is not possible to preserve the existing building in its entirety. The Applicant proposes to preserve the facade and integrate it into the automated garage's facade because it is not physically possible to maintain the entirety of the building.*

Comment 2-7 (Letter 9, February 24, 2011, Patricia Dow, Majority Leader, Yonkers City Council): Proposed Action (Page 1-1) - The trolley barn has 40 one bedroom lofts — is the 40 part of the 412 units? Are these units included in this equation?

Response 2-7: *The Trolley Barn's 40 dwelling units are in addition to the 412 dwelling units to be constructed.*

Comment 2-8 (Letter 9, February 24, 2011, Patricia Dow, Majority Leader, Yonkers City Council): Proposed Action (Page 1-1) - Are the developers in contract or negotiations with the current owners of 66-72 Buena Vista Avenue? These are the individual lots located directly across from the project.

Response 2-8: *The Applicant is in contract to purchase the three properties on the east side of Buena Vista Avenue across from the proposed apartment building that are part of the PUR application. Owner consent affidavits for these three properties were submitted with the PUR special use permit application.*

Comment 2-9 (Letter 9, February 24, 2011, Patricia Dow, Majority Leader, Yonkers City Council): Project Description - General Comment Regarding Handicap Accessibility - Are the developers complying with NYS guidelines for disabled individuals? Referencing 66 Main Street, the developer failed to install handicapped accessible amenities as well as proper curb cuts to allow access for disabled individuals.

Response 2-9: *The Applicant will comply with the New York State Building Code with regard to the provision of handicapped accessibility. The 66 Main Street project is handicapped accessible. The building does not have a handicapped accessible curb cut on Hawthorne Street as there is no sidewalk along this street to access. Handicapped accessible curbs will be installed and their locations determined during detailed site plan review and in consultation with the City engineering department.*

Comment 2-10 (Letter 12, February 25, 2011, Nell Twining, Member, Yonkers LPB): The size of the project site on the west side of Buena Vista Avenue is 1.7759 acres, including the existing Trolley Barn. This site is too small to comply as a Planned Urban Redevelopment, which must have a minimum of 2 acres. The developer has purchased three small houses on the east side of Buena Vista and has included their lots into his Lot Area Table calculation, as if it were part of the development site, even though they are non-contiguous, in order to try to

achieve the required 2 acres to be a PUR. If the guidelines were written to give guidance on how zoning and urban planning should proceed, by declaring minimum sizes of places that would be appropriate for large developments, this "gerrymandering" of lots would seem to be outside of the intent of the guidelines, and the developer's interpretation should not be allowable.

Response 2-10: As per Section 43-72.C of the Yonkers zoning ordinance, planned urban redevelopments (PUR's) may be permitted "in all designated urban renewal areas on tracts of land of two or more acres in aggregate." Thus, a PUR may be applied to one or more parcels of land, and the acreage must be two or more acres in aggregate, i.e., the sum of the parcels. The zoning ordinance does not require that the land be contiguous.

Comment 2-11 (Letter 12, February 25, 2011, Nell Twining, Member, Yonkers LPB): The project is too tall -- cramming too much density on too small a site makes this project twice the height of all existing waterfront apartment towers; 337.5 feet above the River is too much height for this location; 28 total stories vs 4 to 14 stories; 69.5 feet higher than Palisades Point. The Proposed Project is a total of 28 stories when viewed from the Pier. Drawing A1.9¹ shows that the top of the proposed tower would be 285.5 above average grade. That would be 337.5 feet above mean sea level. (This measurement is to the top of the very large penthouse which would be quite clearly visible from sites other than directly below on Buena Vista.) In contrast, other nearby new waterfront residential buildings are typically 4 to 14 stories high, with grades near sea level. Palisade Point, a nearby project which has been approved, but not built, would begin at 6 feet above mean sea level and be 262 feet high, therefore, rising to a total of 268 feet above mean sea level. The top of the tower proposed for Buena Vista would be 69.5 feet higher than Palisade Point.

Response 2-11: While the building is 25 stories high and would be the highest in the project vicinity, it would be one among several tall buildings located in the Prospect Street/Riverdale Avenue vicinity leading down to the waterfront (see Figure 3.4-2a of the DEIS). Traveling along Nepperhan Avenue west to the waterfront, Philipse Towers are a series of three 16 story buildings. 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. Lastly, at the end of Prospect Street along the waterfront, the Palisades Point towers that have been approved would be 25 stories.

Comment 2-12 (Letter 12, February 25, 2011, Nell Twining, Member, Yonkers LPB): The Project is Too Dense At over Half Million Square Feet, the Project Is Almost Twice as Dense As Allowable by Zoning.

- Proposed PUR of Well Over 1/2 million sf (599,887s) = FAR 6.95
- Proposed Complex of Over 1/2 million sf (584,000 sf) = FAR 8.9
- New Buildings of Nearly 1/2 million sf (488,150 sf) ----- FAR 11.7
- Allowable FAR by Zoning of 4.5 would limit it to 225,000 sf

599,887 sf (well over 1/2 million sf) PUR. (see Drawing CO.1 of the DEIS in Appendix C) spread over the entire proposed 2.4 acres (88,762.63 sf) assumed to be in the PUR (including the

¹ Reference is being made to Drawing A1.9 in Appendix C of the DEIS.

Trolley Barn and the 3 houses across the street) would create a FAR of 6.95, or 35% more than allowed by zoning.

584,887 sf (over 1 Million) complex on the contiguous 77,425.51 sf parcel (including the Trolley Barn) on the west side of Buena Vista would result in a FAR of 7.55 or 40% more than allowed by zoning.

488,150 sf of new construction is being proposed on a 49,959.4 sf footprint would be a FAR of 11.7, or 60% more than allowed by zoning.

Any way one considers the project boundaries, such a large FAR would set a bad precedent. A FAR of 6.95 on the ShopRite site could result in a project of over 1.5 million sf.

Response 2-12: *The City zoning ordinance does not establish a maximum floor area ratio ("FAR") for planned urban redevelopment special use permits. The FAR, as well as other dimensional standards, are established by the Planning Board and City Council's approval of a specific project, building and use. Floor area ratio is defined by the Yonkers zoning ordinance as the "quotient of the gross floor area of a building divided by its lot area". Gross floor area is defined as the "sum of the gross horizontal areas of the several floors and mezzanine floors of a building and its accessory buildings on the same lot, excluding basement or cellar areas devoted to parking and mechanical equipment space." Using the zoning definition, the gross floor area of the proposed structure is 591,094 square feet for the entire PUR project (including buildings on east side of Buena Vista Avenue and Trolley Barn building). Divided by the lot area of 2.04 acres (or 88,862 square feet) yields a FAR of 6.6. An FAR of 4.5 for the DW district (which does not apply to a PUR) would yield 470,448 square feet of gross floor area. The net difference in FAR for the proposed PUR the DW district and what is planned is 120,646 square feet.*

The allowable FAR will be established as part of the City Council's approval of a planned urban redevelopment for the subject property.

Comment 2-13 (Letter 12, February 25, 2011, Nell Twining, Member, Yonkers LPB): The Floorplates Are Too Big The Proposed Tower Floors are Over 43% Larger Than Palisades Point Tower Floors. Proposed tower floor plate 17,197 sf; Palisades Point towers are only 11,000 and 12,000 sf. A much lower building and/or a small floorplate point tower would block fewer views. Allowing such a large floor plate would set a bad precedent for other future developments.

Response 2-13: *A smaller floor plate is proposed in conjunction with a building alternative presented in Section 1.0 of the FEIS. A smaller floor plate point tower would not substantially change views of the building - the building would be still located in the same place in the same location although on a smaller footprint.*

Comment 2-14 (Letter 12, February 25, 2011, Nell Twining, Member, Yonkers LPB): This would be a very good location for a development, on a more modest scale, that would be respectful of Yonkers Historic resources, and would employ good urban design principles to

enhance and add value to the downtown. The tower is, for all of the reasons stated above, inappropriate for this site.

Response 2-14: *The Applicant proposes to modify the design of the facade and massing of the building to address various comments regarding its design. Refer to Section 1.0 of this FEIS for a complete description of those changes.*

Comment 2-15 (Letter 12, February 25, 2011, Neil Twining, Member, Yonkers LPB): Lack of Setbacks Creates a Tall Sheer Wall on a Narrow Street. The proposed tower would be too much height, directly, without setback, on Buena Vista Avenue, which is a very narrow street. The new Downtown Zoning Plan should evaluate minimum tower setbacks to be allowed from street frontages, taking into consideration street widths. Maximum tower heights should also take into consideration adjacent street widths. This project should be redesigned to comply with good urban design setback and street proportion guidelines.

Response 2-15: *An alternative is presented in Section 1.0 of the FEIS which would set the new apartment building an additional five feet from the easterly, southerly and westerly property line. In addition, the sidewalk would be increased from 7 to ten feet under either scenario, creating a greater “setback” from the curb. A comparison of the building mass and height between the DEIS plan and the preferred alternative plan is provided in Figure 1-19 Comparison of Proposed Action to Building Alternative - Massing and Height.*

Comment 2-16 (Letter 14, January 24, 2011, John Pinegar, Yonkers Resident):you are introducing 25 stories of glass tower in a neighborhood of 1 and 2 story houses and other low buildings. This site is up the hill, so 25 stories towers even higher than were it to be down below by the river or by Main Street. It is completely inappropriate to build 25 stories there. I would say the same thing if the construction were brick or stone. It is just too far out of context.

Response 2-16: *The Applicant proposes an alternative design to address comments regarding the facade materials. Refer to Section 1.0 of this FEIS for a complete description of those changes. The alternative would be the same building height as the proposed action.*

Comment 2-17 (Letter 15, January 24, 2011, Syrette Dym, AICP, VHB - City Planning Consultant): It would appear based on the City’s Zoning Ordinance that some additional approvals are required. Section 43.72c.4 seems to indicate that approval of a CDP (Concept Development Plan) is required from both the Planning Board and City Council. In addition, it would appear that the City Council also has to issue a special ordinance authorizing encroachment in street right-of-way.

Response 2-17: *The CDP is required to be submitted as part of the PUR special use permit. It is a required submission of the PUR, not a separate stand alone document that is approved independently of the PUR special use permit. As set forth in the aforementioned section, “Following approval of the CDP by the Planning Board and the Yonkers City Council as required for special use permits...” The City Council must approve the encroachment as a separate approval.*

Comment 2-18 (Letter 15, January 24, 2011, Syrette Dym, AICP, VHB - City Planning Consultant): Regarding the encroachment agreement to permit geothermal wells in city right-of-way, indicate how this agreement is working relative to the Main Street Loft project. The

special ordinance required to be issued by City Council authorizing the encroachment needs to be added to the list of approvals required.

Response 2-18: A description of the encroachment agreement is provided in Section 3.4, Land Use and Zoning, of the DEIS. 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 66 Main Street project. An encroachment agreement would be entered into between the Applicant and the City of Yonkers. 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 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. The ordinance approving the encroachment agreement is listed as a necessary approval.

Comment 2-19 (Letter 15, January 24, 2011, Syrette Dym, AICP, VHB - City Planning Consultant): Figure 2-9 does not depict the buildings on the east side of Buena Vista Avenue. Please provide the correct exhibit.

Response 2-19: Figure 2-9 is attached. It was inadvertently omitted from the DEIS.

Comment 2-20 (Letter 15, January 24, 2011, Syrette Dym, AICP, VHB - City Planning Consultant): The text indicates that the garage area immediately beneath the apartment building will not be visible because it is below the grade of the rail right-of-way. Indicate in the west elevation drawing where the Metro-North tracks lie relative to the depicted buildings. It would appear that landscaping is being provided to the rear of a portion of the garage shown in Figure 2-7. If there is not room for landscaping to the rear of the remaining portion of the garage, the rear building wall may require additional material treatment. The west elevation figure also does not adequately represent the location of the trash pickup area and loading area and how these will be seen or screened from views from the west. Figure 2-8 does not make clear what the proposed treatment for this area is and how it will work. Further explanation and alternatives need to be presented. The examples show treatment along public streets not in rear unattended areas that are likely to receive no maintenance.

Response 2-20: The west elevation shows all portions of the development located at and above the railroad grade. For example, the small windows at the base of the Trolley Barn building are visible as shown in the elevation as they are just above the grade of the railroad tracks and right-of-way. Landscaping is proposed to be provided to the rear of the garage building within a brick garden wall planter as shown in Figure 2-8 of the DEIS. Farther north of this planter area, there is not sufficient area to provide additional planter area as the area is being used for the loading and unloading area for the hydroponic garden. Figure 2-8, insets "1" and "3" do show the proposed treatment for "greening" the retaining wall. Inset "2" shows the treatment for the railing/fencing that will screen the loading and unloading area. The examples do not show treatments along

public streets. The Applicant will landscape the retaining wall in a manner acceptable to the City - the specific plantings will be determined during site plan approval. Note that the building alternative in Section 1.0 would set the building back an additional five feet from the westerly property line allowing additional space for plantings.

Comment 2-21 (Letter 15, January 24, 2011, Syrette Dym, AICP, VHB - City Planning Consultant): Additional mitigation to providing remote television inspection of existing combined sewer and spot repairs may be required to offset increased project sewage flows. Comments from PS&S and the City need to be responded to.

Response 2-21: Appendix B includes the comments of Mr. James Moran, P.E., Senior Professional Engineer with City of Yonkers Department of Engineering. The existing City sewer in Buena Vista Avenue has been camera inspected. The Department of Engineering has recommended that the Applicant fund the cured in place sewer lining. According to the Department, this lining and installation of a new manhole will eliminate groundwater infiltration and offset the increased sanitary sewer flow due to this project.

Comment 2-22 (Letter 15, January 24, 2011, Syrette Dym, AICP, VHB - City Planning Consultant): The location of the two transformers in the courtyard and their treatment should be identified.

Response 2-22: As per Section 3.3, Utilities, the location of the building transformers are proposed underground between the street and the front of the residential tower. The project engineer has provided a tentative location for the two underground vaults, as shown in the diagram attached to the letter provided by ConEdison (see June 24, 2010 letter, Appendix B of the DEIS). The vaults would be located just in front of the landscaped courtyard and would have grates over them to allow access for maintenance as required by ConEdison. At the request of the City, the vaults can be situated within the landscaped courtyard and screened. The specific location and any required screening will be determined during detailed site plan review and in consultation with ConEdison.

Comment 2-23 (Letter 15, January 24, 2011, Syrette Dym, AICP, VHB - City Planning Consultant): The type of relocation assistance, if any, to be provided to residents that will be displaced needs to be identified.

Response 2-23: Although not required to provide assistance, the Applicant has offered to work with the City's Community Development Agency to assist in finding suitable alternative housing locations for the existing tenants that would be relocated.

Comment 2-24 (Letter 15, January 24, 2011, Syrette Dym, AICP, VHB - City Planning Consultant): Table 2-1 – 92 Main Street is identified as Block 512 Lot 1 and Lot 11. It appears that Lot 11 relates only to 41 Buena Vista Avenue.

Response 2-24: 92 Main Street should be identified as Lot 1 only.

Comment 2-25 (Letter 15, January 24, 2011, Syrette Dym, AICP, VHB - City Planning Consultant): Table 2-1a- Building Program Details - Explain the difference between the

329,420 square feet for unit total square feet versus 355,569 square feet building net and 444,160 sf building gross square footage.

Response 2-25: *The commenter is referencing data that are specific to the new apartment building provided by the project architect - the data do not include the Trolley Barn or existing multifamily dwellings. The 329,420 square feet is the total square footage of building area contained within the 412 apartment units. The 355,569 is the gross building square footage minus circulation, lobby, amenity and loading areas. The 444,160 square feet is the building gross square footage measured from exterior building face to face.*

Comment 2-26 (Letter 15, January 24, 2011, Syrette Dym, AICP, VHB - City Planning Consultant): Table 2-1a - Parking gross square feet is listed as 43,990 sf at the G1 level. Explain what area this represents.

Response 2-26: *This is the gross square footage of the entire parking area, not just that located on the G1 level.*

Comment 2-27 (Letter 15, January 24, 2011, Syrette Dym, AICP, VHB - City Planning Consultant): Table 2-1a - The number of parking spaces is identified as 544 but as conceptual only to be verified by the mechanized parking consultant during design. How was the 544 space estimate derived? No figures are supplied for the square footage per parking space category. Can an estimate be provided?

Response 2-27: *The 544 parking spaces are shown on the building floor plans and are accurate. Each of the parking pallets is 7.2 feet wide and 18.25 feet long. The parking spaces and garage dimensions have been verified by the mechanized parking consultant. These are the total number of "spaces" within the mechanized parking garage plus the four exterior parking spaces within the autocourt.*

Comment 2-28 (Letter 15, January 24, 2011, Syrette Dym, AICP, VHB - City Planning Consultant): The unit type and number chart specifies 82 units but in fact only adds up to 80 units. Please reallocate the additional two units in the proper unit type category.

Response 2-28: *The table is revised as follows - two additional C3 dwelling units are provided as affordable units:*

<u>Unit Type</u>	<u>Bedrooms</u>	<u>Affordable Units</u>
E1	0 - Efficiency	5
A1	1	13
A2d	1	20
A3	1	5
A4	1	14
C1	2	9
C2	2	9
C3	2	7
	<i>Total</i>	82

Comment 2-29 (Letter 15, January 24, 2011, Syrette Dym, AICP, VHB - City Planning Consultant): There is no recognition that the approximately 23 two bedroom units might

accommodate families with children and there should be. This relates to the projected schoolchildren generation identified later in the DEIS.

Response 2-29: *The commenter is specifically referencing the 23 two-bedroom dwelling units which would be set aside as affordable units. As per Response 2-28, the total number of two-bedroom affordable dwelling units is 25 units. For purposes of the fiscal impact analysis, the 25 affordable two-bedroom dwelling units were assigned a student multiplier of 0.45 students per dwelling - schoolage children were generated from the two bedroom units. The Applicant anticipates the building will appeal to senior households, single professionals and young couples without children and will market it accordingly.*

Comment 2-30 (Letter 15, January 24, 2011, Syrette Dym, AICP, VHB - City Planning Consultant): It is stated that the parking garage will occupy the three (3) ground levels of the new apartment building and the first and second floors of the building located south of the auto-court. It should be clarified that the garage will partially occupy the three ground levels of the apartment building and that apartments or apartment related uses will also be located on portions of these levels as shown in the Building Floor Plans in the Appendix.

Response 2-30: *On p. 2-11 of the DEIS, the narrative addresses the location of the automated parking. Page 2-15, which discusses building operation, states as follows: "The space on the lowest level, G3, is dedicated to mechanized parking and mechanical storage, e.g., the CHP is located on this level. The floor plan for Levels G1 and G2 is the same - most of the levels' space is dedicated to mechanized parking, but six (6) apartments would be located on each level along the westerly side of the building closest to the Trolley Barn." The DEIS discloses that apartments will be located on two of the G levels.*

Comment 2-31 (Letter 15, January 24, 2011, Syrette Dym, AICP, VHB - City Planning Consultant): Identify here or in later chapters the amount of additional impervious surface being introduced by the project development over that existing. It is also stated that the hydroponic farm will eliminate water from the combined stormwater/sanitary sewer system. Indicate here or in later chapter the amount of stormwater reduction due to the farm.

Response 2-31: *For the proposed apartment building on the west side of Buena Vista Avenue and as per Section 3.2, Surface Water Resources, of the DEIS, the project engineer estimates that approximately 80 percent of the existing site is impervious. Post-construction, 100 percent of the site will consist of impervious surfaces. Although a planter will be constructed along a portion of the westerly property line, and a landscaped courtyard will also be provided, the amount of pervious surface area to be retained on the site is nominal. Approximately 46,300 gallons is required to serve the hydroponic garden.*

Comment 2-32 (Letter 15, January 24, 2011, Syrette Dym, AICP, VHB - City Planning Consultant): Since the PUR special use permit identifies items that must be included in the Concept Development Plan and major signs and lighting are one of the items, there should be some narrative describing what these would be for the project, either here or in the appropriate section.

Response 2-32: *Section 1.0 of the FEIS presents the concept for signage and lighting.*

Comment 2-33 (Letter 15, January 24, 2011, Syrette Dym, AICP, VHB - City Planning Consultant): It should be identified if the City has made a determination regarding the need to comply with Zoning Ordinance Supplementary Regulations, and if not, when such a determination will be made.

Response 2-33: *The City Planning Director has indicated that the Commissioner of Building and Housing determined previously that the PUR supersedes the City zoning ordinance's supplementary regulations.*

Comment 2-34 (Letter 15, January 24, 2011, Syrette Dym, AICP, VHB - City Planning Consultant): **Volume II – Appendix -** Project Application – September 23, 2009 - A positive impact identified in the application is the implementation of an apprenticeship program for local youth similar to the program implemented for 66 Main Street. Describe how this program operated, how many youth were involved and how and when it will be initiated for this project. Given the different scale of this project compared with the 66 Main Street project, what is the number of youth anticipated to participate in this project?

Response 2-34: *The previous program was an ad-hoc program that utilized approximately ten young adults. The Applicant cannot predict how many youth would participate in the program for this specific project, and any apprenticeship program depends to a large extent on the programs which the City is offering at the time of construction, which in turn depends on available outside funding sources. The Applicant will consult with the City Office of Economic Development to use individuals from any apprenticeship program being offered by the agency at the time of construction and is also willing to initiate another ad-hoc program at the time of construction.*

Comment 2-35 (Letter 18, April 22, 2011, Yonkers Dept. of Planning & Development): Applicant characterizes the development as “transit oriented”. Needs to define this term that is then used throughout the document.

Response 2-35: *There is no single accepted definition of transit-oriented development.² The project is consistent with the following definition: “The practice of developing or intensifying residential land use near rail stations” (Boarnet and Crane, 1998).*

Comment 2-36 (Letter 18, April 22, 2011, Yonkers Dept. of Planning & Development): Do we want to allow applicant to characterize the development as something other than a residential development and to take any credit for circumstances that are not of the projects making?

Response 2-36: *See Response 2-35 above. The Applicant characterizes its own development as a “transit-oriented development” - how the City may characterize the project would not have regulatory implications for the proposal. It is a Planned Urban Redevelopment “PUR” which requires special use permit approval from the Yonkers City Council and Planning Board.*

Comment 2-37 (Letter 18, April 22, 2011, Yonkers Dept. of Planning & Development): Describe the height in feet when noting “25-story” as in “25-story/250 feet/76.2 m”.

² *Transit-Oriented Development and Joint Development in the United States: A Literature Review, Transit Cooperative Research Program, Federal Transit Administration, 2002.*

Response 2-37: *Comment noted. The height in feet is described in the DEIS, e.g., Table 3.4-5. The zoning ordinance does not regulate building height in meters, and the general public is accustomed to measuring height in feet. Thus, the “feet” measurement only is used.*

Comment 2-38 (Letter 18, April 22, 2011, Yonkers Dept. of Planning & Development): Do not use terms such as “state of the art” to describe the parking garage.

Response 2-38: *Comment noted. Numerous industry publications refer to fully automated robotic parking systems as state of the art technology and the applicant agrees with this characterization. See <http://www.gizmag.com/go/6848/picture/31335/>.*

Comment 2-39 (Letter 18, April 22, 2011, Yonkers Dept. of Planning & Development): Explain the parking garage in a new second paragraph before “A hydroponic garden ...” What is automatic and different about it from other parking garages and is “clean tech” a term of art and allowable or a modifier that should not be used.

Response 2-39: *An extensive description of the process was provided in Section 3.5, Traffic and Transportation, and Appendix G of the DEIS rather than in the Executive Summary of the DEIS. Clean technology or “clean tech” is a term of art used to describe “products or services that improve operational performance, productivity, or efficiency while reducing costs, inputs, energy consumption, waste, or pollution.”³*

Comment 2-40 (Letter 18, April 22, 2011, Yonkers Dept. of Planning & Development): Special use permit approval

Response 2-40: *Comment noted.*

Comment 2-41 (Letter 18, April 22, 2011, Yonkers Dept. of Planning & Development): Transit-oriented development is used through out the document as if a term of art, but is never defined. Please include a definition/discussion of what is generally accepted as transit-oriented development.

Response 2-41: *See Response 2-35. The definition noted in the response is consistent with the applicant’s characterization of its project.*

Comment 2-42 (Letter 18, April 22, 2011, Yonkers Dept. of Planning & Development): Is the trolley barn building a part of another PUR approval? Are there any restrictions on that PUR that would carry over or have to be modified to include that site in this PUR?

Response 2-42: *The Trolley Barn was not a part of any previous PUR approval.*

Comment 2-43 (Letter 18, April 22, 2011, Yonkers Dept. of Planning & Development): Figure 2.8 is not included in the DEIS.

Response 2-43: *Figure 2-8 is entitled Concept Elevations - Garage Wall Treatment, and is included in the DEIS.*

³ <http://erb.umich.edu/research-initiatives/research-themes/energy-climate/>

Comment 2-44 (Letter 18, April 22, 2011, Yonkers Dept. of Planning & Development): Page 2-2 Abutting property owners notes that the site is east of the “Metro North Hudson River Division right-of-way”. The ROW is not owned by Metro North but is leased by them from others. Identify the owner of the site.

Response 2-44: *According to the City of Yonkers GIS website and City real property data, the parcel is in the ownership of Metro North.*

Comment 2-45 (Letter 18, April 22, 2011, Yonkers Dept. of Planning & Development): Surrounding land uses. Note that the Yonkers Train Station is also an Amtrak station.

Response 2-45: *Comment noted.*

Comment 2-46 (Letter 18, April 22, 2011, Yonkers Dept. of Planning & Development): Check on Post Office being on the National Register of Historic Places.

Response 2-46: *The Yonkers U.S. Post Office is listed on the National Register of Historic Places - it is identified as 90NR02477.*

Comment 2-47 (Letter 18, April 22, 2011, Yonkers Dept. of Planning & Development): Page 2-3 Main transportation Corridors. The use of bus transit seems highly overstated. Discuss the likelihood of development residents using bus transit given the income of the residents. Bus transportation in Westchester County is overwhelmingly the poor or the young and old that have no driver’s licenses.

Response 2-47: *The comment provides no source for the conclusion that bus transportation is used by segments of the population with the above mentioned socioeconomic status. Page 2-3 specifically states that residents will benefit from proximity to transit and bus services - it does not quantify how many residents will use bus versus rail service. See also Response 3.5-32 for a discussion of ridership demographics.*

Comment 2-48 (Letter 18, April 22, 2011, Yonkers Dept. of Planning & Development): Main Transportation Corridors. How will use of mass transit limit demand for on site parking? Reduction of work day trips makes sense but tie the parking issue to the transit issue.

Response 2-48: *A household that resides in the Project and who regularly commutes by rail or bus to a place of work significantly reduces its reliance on vehicle usage. A household may opt to not purchase/lease a vehicle, and rent a vehicle on an as-need basis. Also, a two or more person household may find that it can rely on one rather than two vehicles given the fact that one or more members of the household may use mass transit to commute. The reduced reliance on vehicles reduces the need for on-site parking to store those vehicles.*

Comment 2-49 (Letter 18, April 22, 2011, Yonkers Dept. of Planning & Development): Page 2-6 Electricity Transformers should be accommodated on the site and out of view. Using the City sidewalk is not a desirable location.

Response 2-49: *The location of the transformers are below ground. The exact location will be determined during site plan review in consultation with ConEdison. The underground transformers can be located on the project site within the courtyard area.*

Comment 2-50 (Letter 18, April 22, 2011, Yonkers Dept. of Planning & Development): Page 2-10 Affordable Housing Affordable units will have to be distributed through out the building so that parity of views and quality of units (vis a vis, distance from street from rail road, etc) is achieved.

Response 2-50: *The mix, size and finish of the affordable housing units will be as required by New York State Division of Housing and Community Renewal and Housing Finance Agency guidelines and requirements, as may be amended by the special use permit approval. The intent will be to distribute the dwellings throughout the building and locations will be determined as part of the special use permit approval.*

Comment 2-51 (Letter 18, April 22, 2011, Yonkers Dept. of Planning & Development): Page 2-11 Sustainability Greenhouse would be cooled with evaporative cooling systems, i.e., “swamp coolers”, which are known to not work well in humid areas. Will this system work here in the Northeast? Will there be alternative cooling used?

Response 2-51: *During most months, the hydroponic garden will rely on a low energy evaporative cooling system which will be sufficient to cool the green house to sustain vegetative growth. The greenhouse is not being conditioned to accommodate human habitation.*

Comment 2-52 (Letter 18, April 22, 2011, Yonkers Dept. of Planning & Development): Page 2-11 Storm water will be supplied to the garden “substantially reducing its reliance on local water supplies and eliminating storm water” from the sewer system. Substantially is not the same as no use of local water supply. Which is it? Will there be zero water effluent from the greenhouse?

Response 2-52: *The local water supply will not be used to furnish water to the greenhouse. Effluent is a very small in comparison to the total water use of the facility (<10%). The water comes from flushing the growing systems to clean them (this is done once or twice a season). See also Response 2-31.*

Comment 2-53 (Letter 18, April 22, 2011, Yonkers Dept. of Planning & Development): Page 2-12 Proposal to drill wells in the City ROW. Will there be compensation offered to the city for the use of its resource?

Response 2-53: *The Applicant will pursue agreements comparable to those in place for 66 Main Street. The Applicant does not pay any compensation to the City for the encroachment. It maintains a performance bond in the event there is any damage to the City sidewalk so that the sidewalk may be repaired. No compensation is proposed to be offered to the City.*

Comment 2-54 (Letter 18, April 22, 2011, Yonkers Dept. of Planning & Development): Page 2-12 The Community Development Agency is noted throughout the document as being that agency which the applicant will enter into agreements with or seek permissions from. It must be noted that the CDA is a special purpose agency primarily concerned with the disposition of urban renewal lands and has little authority in other areas.

Response 2-54: *Comment noted. The CDA is specifically referenced because the site is located in a designated Urban Renewal Area (URA).*

Comment 2-55 (Letter 18, April 22, 2011, Yonkers Dept. of Planning & Development): Page 2-12 Authority to use city ROW rests with the City Council. While the Planning Board and the City Engineer have an interest in the question and would be consulted as a matter of law, it remains the Council that has authority to lease city property.

Response 2-55: *Agreed. As per p. 2-12, "The City Council would be required to pass a special ordinance authorizing the encroachment."*

Comment 2-56 (Letter 18, April 22, 2011, Yonkers Dept. of Planning & Development): Page 2-12 Why can't the wells be drilled in the backyard of the site?

Response 2-56: *There is insufficient maneuvering space to be able to access the wells for maintenance under either the proposed action or the building alternative.*

Comment 2-57 (Letter 18, April 22, 2011, Yonkers Dept. of Planning & Development): Page 2-12. What would happen if the city determined that the encroachment agreement should be terminated? How would the wells be treated and what alternative heating system would the building use?

Response 2-57: *The Applicant expects to enter into an encroachment agreement to ensure that the geothermal wells are allowed to operate for a reasonable time period that would justify the added cost to install such wells. In the absence of geothermal wells, the Applicant would rely on standard gas fired boilers. The time period will be determined at the time the agreement is formulated and approved by the City Council.*

Comment 2-58 (Letter 18, April 22, 2011, Yonkers Dept. of Planning & Development): Project Architectural Design Page 2-13. Figure 9 is a repeat of figure 7 showing the rear of the project on the west side of BVA.

Response 2-58: *Comment noted. See Figure 2-9 appended to the FEIS.*

Comment 2-59 (Letter 18, April 22, 2011, Yonkers Dept. of Planning & Development): Page 2-13. Why not restore all of the chimneys on the frame houses instead of just the visible ones?

Response 2-59: *All chimneys will be treated equally.*

Comment 2-60 (Letter 18, April 22, 2011, Yonkers Dept. of Planning & Development): Page 2-13. Teutonia will appear to be freestanding on the north side but will in fact be a part of the garage building.

Response 2-60: *Comment noted.*

Comment 2-61 (Letter 18, April 22, 2011, Yonkers Dept. of Planning & Development): Page 2-13. Please check with the Sign Inspector to determine if the proposed flag pole and "corporate" flag will constitute a roof sign.

Response 2-61: *In the DW district, signs are allowed as a permitted accessory use subject to supplemental requirements. The Applicant proposes a flagpole. The Applicant will seek approval of the flagpole as part of the CDP for the proposed project.*

Comment 2-62 (Letter 18, April 22, 2011, Yonkers Dept. of Planning & Development): Page 2-14. Consideration must be given to screening the discordant commercial element of the goods conveyor from both the Scrimshaw house and the waterfront promenade.

Response 2-62: *The project will represent a vast improvement in the viewshed as viewed from Scrimshaw House and the waterfront promenade over present views of the dilapidated buildings and properties that constitute the project site. Except for the upper landing, the conveyor will be screened from view from the waterfront promenade. The conveyor will be visible from the Scrimshaw House, but it takes up less than 120 square feet of space, or a little more than one-half the area of a single parking space on the entire project site. The conveyor is a very minor structure.*

Comment 2-63 (Letter 18, April 22, 2011, Yonkers Dept. of Planning & Development): Page 2-14. Westchester County will be accepting a greater range of recyclable plastics in the coming year that will require a large enough recycling area. Plastics are picked up only every two weeks. Has the size and means of trash & recycling removal been vetted by the Yonkers DPW?

Response 2-63: *Yes, the size and means of trash and recycling removal has been vetted with the Yonkers DPW. Refer to responses presented in Section 3.8 of the FEIS.*

Comment 2-64 (Letter 18, April 22, 2011, Yonkers Dept. of Planning & Development): Building Operation Page 2-15. Will all sides of the frame buildings on the east side of BVA be historically rehabilitated?

Response 2-64: *Yes.*

Comment 2-65 (Letter 18, April 22, 2011, Yonkers Dept. of Planning & Development): Page 2-15. Please clarify what is meant by "below grade" in reference to the "three ground floors". I assume that G1 and G2 are below street grade of BVA but that G3 is actually fully buried.

Response 2-65: *G1, G2 and G3 are below the grade of Buena Vista Avenue. G1 and G2 will be visible from westerly vantage points and are not "buried". G3 is fully buried.*

Comment 2-66 (Letter 18, April 22, 2011, Yonkers Dept. of Planning & Development): Phasing Page 2-16. Is the 30 days estimated for excavation and site prep realistic given volume of soil needing removal. The estimate of 2,900 truck trips for excavation equates to 12 trips per hour, or one truck every 5 minutes, eight hours each day for 30 work days. Given site constraints is this possible?

Response 2-66: *The engineer indicates that this estimate is reasonable.*

Comment 2-67 (Letter 18, April 22, 2011, Yonkers Dept. of Planning & Development): Site Plan review and design standards Page 2-18. Noted that mechanical equipment will be screened so as not to be visible from BVA. What about other streets located around the site that rise in elevation?

Response 2-67: *Mechanical equipment will be located within the interior of the ground floors of the building, or atop the roof. The conveyor for the hydroponic garden will be visible from some locations to the west of the site. A wall with plantings will screen the conveyor loading area, but the landing of the conveyor may be visible from the streets*

immediately west of the site within the waterfront area. Views of this small landing area are not significant.

Comment 2-68 (Letter 18, April 22, 2011, Yonkers Dept. of Planning & Development):

Article X – off street parking Page 2-19 While the Hudson Park study is interesting the applicant should also include the results from their building at 66 Main Street. What is the proposed cost of parking and what effect will it have on parking occupancy? Will potential users be deterred and find alternate parking on-street due to high costs associated with the garage?

***Response 2-68:** The cost to utilize the parking garage will be comparable to the cost to tenants using a conventional garage. The fee for parking has not yet been determined but is typically approximately 5 percent of the base rental fee and is not cost prohibitive for most tenants. The Applicant does not expect that it will deter potential users.*

Comment 2-69 (Letter 18, April 22, 2011, Yonkers Dept. of Planning & Development):

Table 2-2 page 2-21 Recast to show the permit being sought with the departments/agencies required for comment:

Special Use Permit	Planning Board City Council
Urban Renewal Plan	Planning Board Public Hearing and Review City Council Public Hearing and Review

***Response 2-69:** Please refer to the Table provided in Section 1.0.*

Comment 2-70 (Letter 18, April 22, 2011, Yonkers Dept. of Planning & Development):

Figure 2-2 Site and abutting property owners. Should show a site plan sketch of the utility of this proposed site for the proposed use as a staging area. The applicant's 66 Main Street building and the adjacent Homes for America Building staged all over the downtown in an unacceptable manner. It is necessary to understand how the staging will work in a general way and then whether or not staging can work on a chosen site.

***Response 2-70:** The applicant will work with the CDA to identify locations which may serve as staging areas prior to the commencement of construction. This will be made a condition of any SEQRA Findings Statement. The locations will depend in part on the timing of construction for this project vis-a-vis other projects which may be occurring in the project vicinity.*

Comment 2-71 (Letter 18, April 22, 2011, Yonkers Dept. of Planning & Development):

Figure 2-4 Rendering of Project site; a) Please indicate where the Point of View is for this perspective drawing. It appears to be atop the post office building. b) Please provide a rendering from a pedestrian point of view that will show both sides of the street (a rendering of the project rather than one side of the project).

***Response 2-71:** The Key Plan illustrates the point of view. Figure 3.6-27 provides a photosimulation of the project from street level in proximity to the post office building. Figure 2-5 provides a concept elevation of the west side of Buena Vista Avenue, and Figure 2-9 provides a view of the east side of Buena Vista Avenue. These two elevations illustrate adequately what the change in the visual environment will be on Buena Vista Avenue for SEQRA purposes. The applicant will provide a rendering of both sides of the*

street at the site plan review stage, when the agencies have rendered an opinion on their preference for the facade of the new apartment building.

Comment 2-72 (Letter 18, April 22, 2011, Yonkers Dept. of Planning & Development):

Figure 2-8 Garage Wall Treatment. How long will green wall take to grow in? Will it be a plant that maintains leaves all year long or vines that have to grow each year?

Response 2-72: *The exact plant species to be used will be determined during site plan review and in consultation with the Planning Board. English ivy, Hedera helix, is an evergreen ivy that grows up to 50 feet tall and can grow nine (9) feet per year. The green leaves will provide a screen year round. Other ground and wall covering plants can be planted in combination with English ivy, but other species will not necessarily provide the year round screening benefit of English ivy. It is a fast grower and can fill in a wall within 3-5 years.*

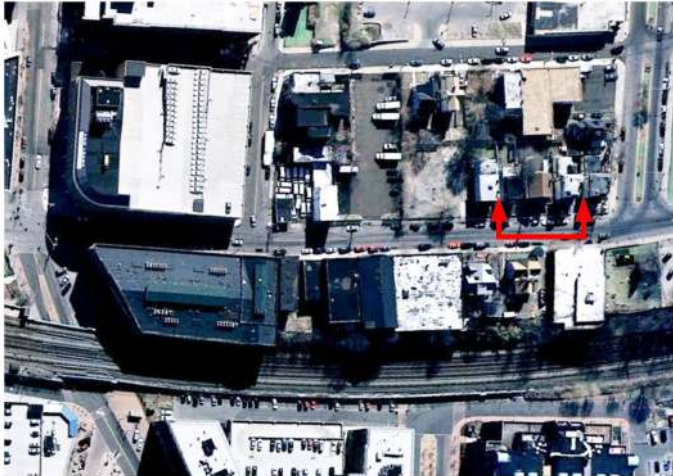
Comment 2-73 (Letter 18, April 22, 2011, Yonkers Dept. of Planning & Development):

Figure 2-8 Greenhouse. Will the greenhouse be lighted at all? Will such lighting cause impacts to adjacent buildings or to project buildings to the south?

Response 2-73: *Lighting will be used in the evening which will be shielded from above so as to cast light down onto the plants. "Grow" lights may be used as part of the operation. Lighting use will be limited and used for a time period up to 12 hours during the day. The specific time frame when the lights will be used will vary depending on the season. Lighting will not be cast skyward.*



BUENA VISTA AVENUE - EAST ELEVATION



KEY PLAN



Scale: 1/8" = 2'- 0"

Figure 2-9: Concept Elevations - 3 Multi Family Buildings
 Buena Vista Teutonia PUR
 City of Yonkers, Westchester County, New York
 Source: The Lessard Architectural Group, P.C.
 BKSK Architects, LLP
 Drawing Date: 01/12/10