

# FINAL ENVIRONMENTAL IMPACT STATEMENT

---

## ***LeCount Square*** *New Rochelle, New York*

### **Lead Agency:**

City Council  
City of New Rochelle  
515 North Avenue  
New Rochelle, NY 10801  
Contact: Craig King, Commissioner of Development  
Telephone: 914-654-2182  
Fax: 914-632-3626

### **Applicant:**

New Rochelle Revitalization, LLC  
115 Stevens Avenue  
Valhalla, NY 10595  
Contact: Joe Apicella  
Telephone: 914-769-6500  
Fax: 914-769-2179

**Preliminary Submittal:** January 28, 2008

**Revised:** August 1, 2008; September 24, 2008

**Date of Acceptance:** October 16, 2008

**Closing Date of Comment Period:** November 20, 2008

## **PARTICIPATING CONSULTANTS**

### **DEIS Coordination and Report Preparation:**

Saccardi & Schiff, Inc.  
445 Hamilton Ave, Suite 404  
White Plains, New York 10601  
phone: 914-761-3582  
fax: 914-761-3759  
Contacts: David Schiff  
Owen Wells

### **Site Planning and Architecture:**

Design Development, PLLC  
31 Mamaroneck Avenue, Suite 803  
White Plains, NY 10601  
phone: 914-949-4110  
fax: 914-949-4210  
Contact: Mark Schulman

Lessard Urban Inc.  
8521 Leesburg Pike, Suite 700  
Vienna, VA 22182  
phone: 703-760-9344  
fax: 703-760-9328  
Contact: John Jenkins

### **Landscape Architecture:**

IQ Landscape Architects, P.C.  
326 Bedford Road  
Bedford Hills, NY 10507  
phone: 914-666-6024  
fax: 914-666-7224  
Contact: Richard Quigley

### **Legal Services:**

DelBello, Donnellan, Weingarten, Wise and Wiederkehr, LLP  
One North Lexington Avenue  
White Plains, NY 10601  
phone: 914-681-0200  
fax: 914-684-0288  
Contact: Peter Wise, Esq.

### **Environmental Assessment**

JM Associates, Inc.  
225 Railroad Avenue  
Bedford Hills, NY 10507  
phone: 914-241-3795  
fax: 914-241-4499  
Contact: John Manfredi

**Traffic Engineering:**

Adler Consulting  
235 Main Street  
White Plains, NY 10601  
phone: 914-997-8510  
fax: 914-997-7140  
Contact: Bernie Adler

**Site Engineering:**

Kellard Sessions Consulting  
500 Main Street  
Armonk, NY 10504  
phone: 914-273-2323  
fax: 914-272-2329  
Contact: Ryan Coyne, P.E.

**Air Quality/Noise Studies:**

STV Incorporated  
225 Park Avenue South  
New York, NY 10003  
phone: 212-777-4400  
fax: 777-8463  
Contacts: Molly MacQueen  
Douglas Swann

**Cultural Resources:**

Historical Perspectives, Inc.  
PO Box 3037  
Westport, CT 06880  
phone: 203-226-7654  
fax: 203-226-8376  
Contact: Julie Abell Horn

## TABLE OF CONTENTS

---

### LECOUNT SQUARE

#### FINAL ENVIRONMENTAL IMPACT STATEMENT

#### **I. INTRODUCTION AND PROJECT DESCRIPTION**

A. Introduction.....	I-1
B. Summary of Permits and Approvals Required .....	I-1
C. Overview of Proposed Action.....	I-2
D. Project Refinements .....	I-7
E. Potential Impacts and Mitigation of Project Refinements .....	I-13

#### **II. COMMENTS AND RESPONSES**

A. Land Use, Zoning and Planning Consistency .....	II.A-1
B. Utilities.....	II.B-1
C. Visual/Aesthetics .....	II.C-1
D. Traffic .....	II.D-1
E. Noise .....	II.E-1
F. Air Quality .....	II.F-1
G. Socioeconomic .....	II.G-1
H. Community Facilities and Services .....	II.H-1
I. Historic and Archaeological Resources .....	II.I-1
J. Hazardous Materials .....	II.J-1
K. Construction Impacts .....	II.K-1
M. Miscellaneous/Project Description .....	II.M-1

#### **III. APPENDICES**

##### **Appendix A**

Public Hearing Transcripts

##### **Appendix B**

Comment Letters

##### **Appendix C**

Correspondence

##### **Appendix D**

United Water New Rochelle Agreement



**Appendix E**  
Parking Evaluation

**Appendix F**  
Traffic Impact Study

## LIST OF TABLES AND EXHIBITS

### LECOUNT SQUARE

---

#### FINAL ENVIRONMENTAL IMPACT STATEMENT

##### TABLES

	Page
I-1	Required Approvals/Permits ..... I-2
I-2	Project Component Comparison ..... I-7
I-3	Project Component Comparison (2) ..... I-8
I-4	Refined Open Space Calculation ..... I-11
I-5	On-Site Parking Comparison ..... I-12
I-6	Estimated Population Generation ..... I-25
I-7	Anticipated Total Property Tax Generation..... I-25
I-8	Anticipated Property Tax Generation by Taxing Jurisdiction ..... I-26
I-9	Anticipated Retail/Restaurant Sales Tax Generation..... I-26
I-10	Estimated Employment..... I-27
I-11	Anticipated School Children Generation ..... I-28
II-D-1	Reductions Due to Urban Location and Mass Transit Accessibility .....II.D-7
II-H-1	Open Space .....II.H-2

##### EXHIBITS

	After Page
1.	First Floor Plan ..... I-29
2.	Second Floor Plan ..... I-29
3.	Third Floor Plan ..... I-29
4.	Fourth Floor Plan ..... I-29
5.	Fifth Floor Plan ..... I-29
6.	Sixth Floor Plan ..... I-29
7.	Seventh Floor Plan..... I-29
8.	Typical Upper Floor Plan..... I-29
9.	Roof Plan ..... I-29
10.	Parking Level 1 ..... I-29
11.	Parking Level 2 ..... I-29
12.	Parking Level 3 ..... I-29
13.	Parking Level 4 ..... I-29
14.	Building Sections 1 and 2 ..... I-29
15.	Building Sections 3 and 4 ..... I-29
16.	Building Sections 5 and 6 ..... I-29
17.	Elevations 1 and 2..... I-29
18.	Elevations 3 and 4..... I-29
19.	New Anderson View ..... I-29
20.	LeCount View ..... I-29

## LIST OF TABLES AND EXHIBITS

### LECOUNT SQUARE

---

21.	Circulation Diagram.....	I-29
22.	LeCount Atrium View .....	I-29
23.	Public Atrium Section.....	I-29
24.	LeCount Atrium View .....	I-29
25.	Open Space Development Plan.....	I-29
26.	Public Open Space .....	I-29
27.	New Anderson Street Plaza .....	I-29
28.	New Anderson Street Sidewalk Comparison.....	I-29
29.	New Anderson Street Plaza and Roof Terrace Section .....	I-29
30.	New Anderson View.....	I-29
31.	North Avenue Corner View .....	I-29
32.	North Avenue View .....	I-29
33.	Existing Bus Routes.....	II.D-23

## **I. INTRODUCTION AND PROJECT DESCRIPTION**

---

### **A. Introduction**

This Final Environmental Impact Statement (FEIS) for the proposed development by New Rochelle Revitalization, LLC (the “Applicant”) of the LeCount Square project in downtown New Rochelle has been prepared in accordance with the requirements of the New York State Environmental Quality Review Act (SEQRA) and the regulations promulgated thereunder. The Lead Agency for review of the proposed project pursuant to SEQRA is the City Council of the City of New Rochelle.

This FEIS incorporates by reference the Supplemental Draft Environmental Impact Statement (SDEIS) and the Draft Environmental Impact Statement (DEIS) prepared in connection with the project. The DEIS was accepted as complete by the City Council on May 12, 2006. A public hearing was held by the City Council on June 20, 2006 and public comments were accepted until June 30, 2006. A public hearing was also held by the New Rochelle Planning Board regarding proposed amendments to the Lawton Street Urban Renewal Plan that relate to this project on May 30, 2006.

The project as originally proposed in the DEIS (the “Original Project”) was subsequently modified and evaluated in the SDEIS (the “Modified Project”), which was accepted as complete by the City Council on September 24, 2007. The SDEIS was circulated to all Interested and Involved Agencies and made available for public review at the Department of Development, the public library, and the City’s website. A public hearing on the SDEIS was held on November 20, 2007 and public comments were accepted until November 30, 2007.

The FEIS document is divided into three sections. This Section I, Introduction and Project Description, contains a brief description of the project studied in the SDEIS, a description of the refinements made to the project since publication of the SDEIS, and the potential environmental impacts of these changes. Section II includes all substantive comments regarding the project received during both the SDEIS and DEIS comment periods and a response to each comment. Where comments similar in nature have been made by more than one commenter, the comment is presented once, with each commenter acknowledged below. The comments have been organized by topic area. Section III is the Appendix, which contains all FEIS support documentation, including the transcripts from the public hearings, a copy of all comment letters received, and various supporting technical studies.

### **B. Summary of Permits and Approvals Required**

Implementation of the project would require approvals and permits from a variety of local, county and state agencies. These are summarized in the table below. Agencies that have approval-granting authority are Involved Agencies under the State Environmental Quality Review Act.

**Table I-1  
Required Approvals/Permits**

<b>Agency</b>	<b>Approval Type</b>
New Rochelle City Council*	Urban Renewal Plan amendments Amendments to the Comprehensive Plan Amendment of the Official Map Zoning Map amendment (rezoning of site) Amendments to the Zoning Ordinance
New Rochelle Planning Board	Site plan approval (LeCount Square) Site plan approval (Planned Parenthood relocation) Urban Renewal Plan amendments (recommendation) Amendments to the Official Map, Zoning Ordinance and Zoning Map (recommendation)
New Rochelle IDA	Potential financial assistance
New Rochelle Building Department	Building permit Sign permit
New Rochelle Department of Public Works	Curb cuts Street opening Potential traffic and parking mitigation measures
Westchester County Department of Health	Water and sewer
Westchester County Department of Environmental Facilities	Sewer
Westchester County Department of Planning	General Municipal Law advisory review
NYS Department of Environmental Conservation	SPDES permit
NYS Division of Housing and Community Renewal	Potential demolition order (5 Anderson Street)
United Water New Rochelle	Water main relocation

\*Lead Agency

Although it has not yet been determined, the project may be constituted as one or more residential and/or commercial condominiums, and/or as a “Major Development Subdivision” under Section 331-13E of the New Rochelle Zoning Ordinance. The New Rochelle Planning Board is the approving agency for a Major Development Subdivision.

### **C. Overview of Proposed Action**

#### *Original Project – DEIS (2006)*

The project originally described in the DEIS was the redevelopment of the LeCount Place/Anderson Street block, and the bed and right-of-way of existing Anderson Street, with an 850,000 square feet mixed use project containing retail, restaurant, office, residential, hotel and parking components (the “Original Project”). The block is currently occupied by residential, commercial and non-profit facilities, and a United States Post Office. The Original Project would have required the relocation of these uses, with the exception of the Post Office “storefront,” which was proposed be integrated into the development. The Original Project would also have involved the relocation of Anderson

Street northward approximately 50 feet in order to align it with the New Street entrance to New Roc City, and the enhancement of the relocated street with a center green and public amenities. The Original Project proposed two buildings: a main building with two towers located on the north side of the realigned Anderson Street, and a smaller residential “loft” building fronting on the south side of Anderson Street.

The retail component of the Original Project included 208,050 square feet of space designed to accommodate a mix of tenants including restaurant, smaller boutique and medium sized retailers, and large-format retailers. Retail would occupy the grade, second and third levels of the main building, and the ground floor of the loft building. The ground level plan of the main building included new space for the Post Office, at the same focal corner of Huguenot Street and North Avenue that it currently occupies. Subject to the approval of the Post Office, the three notable interior murals at the Post Office would be removed and relocated by the Applicant at its expense to a civic space for public display. The retail spaces of the Original Project would serve as a base for the office, hotel and residential components, which would be located above.

The residential component of the Original Project totaled 365,400 square feet of residential condominium use, distributed between a 146-foot high loft building and a 390-foot high residential tower projecting from the main building. The residential tower would have contained 201 units and would rise from the southwest corner of the main building. The loft building would contain 36 units. The hotel and office uses would have been located in a second, 305-foot high tower rising above the northeast corner of the main building. The office component would have consisted of 183,400 square feet and the hotel component would have contained 93,150 square feet. On-site parking would have principally been provided on three levels below-grade. The Original Project would have also utilized existing available spaces in the New Roc City garage. A new elevator core would have been constructed on the west side of the existing garage to facilitate access to the Original Project from every level of the garage. Loading would have occurred at-grade at a designated loading area in the interior of the main building, and below-grade at a loading area shared with the Marriott Hotel.

#### *Modified Project – SDEIS (2007)*

Subsequent to the close of the public comment period on the DEIS, the City Council began consideration of potential changes to the Downtown Density Bonus Overlay District that would permit the density and building height of the Original Project, as well as other development at other qualifying sites, to be increased. In addition, the Applicant noted a strengthening office market in Westchester County. The Applicant believes that the commercial market is evolving and that there is significant and growing unmet demand for office space in close proximity to Metro-North railroad stations. In order to respond to these changing conditions, the Original Project was modified and evaluated in the SDEIS. The primary changes between the modified project presented in the SDEIS (the “Modified Project”) and the Original Project include:

1. Expansion of Project Site:

The Applicant has obtained control of 2 Anderson Street (Section 1, Block 228, Lot 18), a parcel directly adjacent to the original project site. This new parcel has an area of approximately 3,000 square feet and has been incorporated into the project site. It is currently occupied by a one-story building divided into three commercial tenancies.

As of January 2008, with the exception of the Post Office, the Applicant has reached agreements to purchase all of the parcels which comprise the site on which the Modified Project would be developed.

2. Modification of Loft Building Design and New Anderson Street:

The inclusion of 2 Anderson Street allows for greater design flexibility in that there is no longer need to provide new access to any existing building fronting on Anderson Street. As a result, the previously proposed pedestrian way was eliminated. The ground floor of the loft building would continue to be retail, and provide a base for the residential component above. An additional driveway entrance to the on-site subsurface parking would also be provided on the south side of new Anderson Street ("New Anderson Street"). The loft building would have a covered pedestrian way along the sidewalk of New Anderson Street. This area could potentially accommodate outdoor dining and seating. The residential component of the loft building would be cantilevered over a portion of the covered pedestrian way. The loft building was also increased from 39 residential units to 58 units.

The open spaces and streetscape of New Anderson Street were also revised. First, the size of the open space in the median of the roadway was increased to improve its functionality and attractiveness as an active public space. The new median open space area would total approximately 4,879 square feet, and the conceptual plan for that space includes water features, a concession with café seating, new shade trees, and areas for seasonal plantings. The lobby entrance for the hotel/residential tower on the north side of New Anderson Street was realigned to be on an axis with a new loft building lobby. This axial relationship is intended to provide visual focus and security for the New Anderson Street public space. In addition, distinctive paving would be utilized to provide a cue that New Anderson Street is an active pedestrian space.

In addition to the New Anderson Street open space, the Modified Project would create additional grade-level plazas at the corners of Huguenot Street with North Avenue and LeCount Place.

3. Publicly-accessible Roof Garden:

The Original Project described in the DEIS included two roof garden areas to serve tenants of the proposed project. The Modified Project plan was modified to provide approximately 29,441 square feet of publicly-accessible open space split between a terrace on the fourth floor (on the roof of the third floor retail level), and a terrace and green roofs on the sixth floor.

The design of the vertical transportation core accessed from LeCount Place was also adjusted to further facilitate public access. In addition to an office lobby, LeCount Place would also include a publicly accessible core. Pedestrians could enter from the street level and access escalators or a bank of elevators that would provide access to the upper retail levels as well as the fourth floor open space. The pedestrian bridge from the New Roc City garage would also connect to this core. Arriving at the fourth floor, visitors would continue through a lobby which would open directly onto the fourth floor open space. This open space would have additional access points from the hotel and could be used as part of programming by the hotel for events such as galas and fundraising events or by the public for events associated with the proposed gallery.

4. Retention of Curved Post Office Façade/Form:

Based on the description from the National Register nomination form (which was prepared by the NYSOPRHP National Register and Survey Coordinator in 1986), the Post Office building itself has lost its architectural significance, and its complete preservation is not warranted. However, subject to the approval of the Post Office, the Applicant has committed to removing and relocating the significant murals to a civic area designated by the City for display. The Applicant also acknowledges that while the building may have lost its historic architectural merit, it is a familiar presence for City residents. Accordingly, the Modified Project proposed to either retain and integrate the existing curved façade into the Modified Project, or replace it with new construction having a curving wall that would emulate the historical form of the Post Office exterior. The design of the retail pedestal surrounding the Post Office has also been adjusted to “frame” and highlight this component.

As described in the DEIS, the off-site relocation of the Post Office carrier annex/distribution facility is still proposed. Based on continuing discussions between the Applicant and the Post Office, the distribution facility is anticipated to be relocated within the general vicinity, but outside of the core downtown area, at a location which provides access to regional arterials. If relocation is determined to be infeasible, the Applicant would incorporate a replacement on-site carrier annex/distribution facility as a part of the Project. The retail Post Office facility would either remain on-site or relocate to available retail space in Trump Plaza, across Huguenot Street, as determined by the Post Office. If the



retail facility is to remain on-site, a temporary facility could be located at Trump Plaza during construction of the Modified Project.

5. Alteration of Subsurface Parking Layout

The parking layout was modified to provide additional on-site parking spaces. This was accomplished through an extension of the area of underground parking below the newly incorporated 2 Anderson Street parcel, the incorporation of an additional level of parking (thereby increasing the number of parking levels from 3 to 4), and minor reorganization of the parking spaces. An additional entrance to the on-site parking was also provided on the south side of New Anderson Street. Generally the southern portion of each parking level will be used for valet parking for residential and hotel use, and the northern portion will accommodate self-parking for the retail use. The Modified Project layout includes a total of 1,012 spaces on-site, which is an increase over the 838 spaces provided in the Original Project. The below-grade vehicular connection to the New Roc City garage has been eliminated. The service tunnel below LeCount Place, which provides access between the existing Marriott loading dock in New Roc City and the Modified Project's retail service core, is still proposed.

6. Change in Relocation Site for Planned Parenthood

The relocation site for the Planned Parenthood facility is now proposed to be 435 North Avenue, the site of the Carib New York nightclub. The Applicant is the contract vendee of the site. The existing building at this location meets all of Planned Parenthood's specifications, and is advantageous in terms of size, building layout, security, and parking. The Applicant has met with representatives of Planned Parenthood to discuss the new location and they have expressed their willingness to relocate to the 435 North Avenue site. (See correspondence from Silverberg Zalantis LLP in the SDEIS Appendix.) Planned Parenthood has indicated that it may desire a minor addition to the building to meet its specifications, although it is not anticipated that the additional area would be significant. Potential minor exterior building alterations would be subject to site plan review. The Modified Project therefore no longer requires the disposition to the Applicant of City-owned land on Garden Street, or the construction of a new building in connection with the relocation of Planned Parenthood.

7. Overall Program and Height

As described above, the City is considering potential amendments to the Downtown Density Bonus Overlay District which would allow for increased height and building floor area for this project as well as other projects meeting certain criteria in downtown New Rochelle. The City also entered into a revised Memorandum of Understanding ("MOU") with the Applicant, which permits the Modified Project to be increased to a maximum floor area of 1,150,000 square

feet. The MOU also sets required percentages of floor area for the permitted uses, including at least 200,000 square feet of retail and restaurant use, at least 18% floor area of office and/or hotel use, and not more than 65% floor area of residential condominium use, with not more than 45% of the floor area devoted to residential use unless the additional floor area in excess of 45% is located above 390 feet in height.

As a result, and consistent with the Memorandum of Understanding and the contemplated changes to the regulations of the Downtown Density Bonus Overlay District, the overall development program was modified to 1,150,000 square feet of floor area. The proportionate floor area of the uses has also been adjusted. The floor areas for each of the program components of the Modified Project are indicated and compared with the Original Project in the table below. To accommodate the additional floor area, the height of the south tower would be increased to approximately 44 stories and 500 feet. The Modified Project's north tower would have a height of 19 stories and 278 feet, slightly shorter than in the Original Project proposal, but with a wider profile. The loft building would be significantly lower, with an approximate height of eight stories and 98 feet. In total, the overall floor area would increase by 300,000 square feet. The aggregate floor area of the various commercial uses would be increased by 253,000 square feet, and the floor area of the residential component would be increased by 47,000 square feet, or 21 units.

**Table I-2**  
**Project Component Comparison**

<b>Use</b>	<b>Modified Project (2007)</b>	<b>Original Project (2006)</b>
Residential	412,400 sf (258 units)	365,400 sf (237 units)
Office	380,000 sf	183,400 sf
Hotel	145,600 sf (209 rooms)	93,150 sf (125 rooms)
Retail	200,000 sf	193,050 sf
Restaurant	12,000 sf	15,000 sf
Total	1,150,000 sf	850,000 sf

#### **D. Project Refinements Since Acceptance of the SDEIS**

Subsequent to the acceptance of the SDEIS, the City approved modifications to the New Roc City retail facility located across LeCount Place. These modifications include conversion and reconfiguration of existing interior spaces to create new retail space, and will result in a net new retail floor area of approximately 50,775 square feet. This modification is anticipated to generate additional parking demand at the New Roc City garage, reducing the capacity available for use by the LeCount Square project. In order to assess the impact of the project on the New Roc City garage and the local transportation network, the Traffic Impact Study and Parking Analysis have been updated to account for the change at New Roc City. Preliminary parking analyses indicated that the parking requirements of the Modified Project studied in the SDEIS could no longer be accommodated. As a result, the overall development program has been reduced so that parking needs can be appropriately satisfied.

In addition, based upon comments received during the SDEIS public comment period, and input from City staff and the Peer Architectural Review Committee, some minor refinements to the project's open space and architectural design have been incorporated and are discussed below. However, the overall configuration and general design concepts remain the same as presented in the SDEIS. Exhibits 1-13 included at the end of this section present the refined plans for the first seven floors of the buildings, representative upper floors, and the parking levels. Several sections and elevations are included in Exhibits 14-18, which depict the vertical configuration and appearance. Several simulations and renderings have also been included in Exhibits 19-20 and 30-31, which depict the project's appearance from various vantage points.

The primary project refinements are outlined below.

1. Overall Program and Building Height/Mass

As previously noted, with the recently approved planned modifications to New Roc City, the New Roc City garage no longer has sufficient capacity to support the program proposed in the SDEIS. In order to ensure that the parking demand of the project can be satisfied, the project's overall development program has been reduced, with the reductions occurring across each component. The office component has been reduced by 50,000 square feet, the retail component has been reduced by 36,000 square feet, the hotel has been reduced by 59 rooms and the residence component has been reduced by 15 units. (While the hotel has been reduced by 59 rooms, its floor area has only decreased by 5,000 square feet due to the integration of specific design parameters from a potential hotel operator into the FEIS plan, which increased average room size.) The floor areas for each of the project components for this further modified project (the "FEIS Project") are compared with the Modified Project described in the SDEIS (2007) and the Original Project described in the DEIS (2006) in the table below.

As a result of the reduction in floor area, both the south and north towers would be reduced in height. The south tower would now have a height of approximately 493 feet, a minor reduction of approximately seven feet compared to the Modified Project. The north tower would be reduced in height by two floors, and would now have a height of 17 stories or 261 feet. The north tower floor plate and massing would remain the same. However, the south tower's floor plate has been reduced, which results in a slimmer building profile. The reduction in size of the south tower floor plate allows for an increase in the public open space on the 6<sup>th</sup> floor, as well as providing additional separation between the towers. No changes are proposed for the loft building.

**Table I-3**  
**Project Component Comparison**

Use	FEIS Project (2008)	Modified Project (2007)	Original Project (2006)
Residential	374,400 sf (243 units)	412,400 sf (258 units)	365,400 sf (237 units)
Office	330,000 sf	380,000 sf	183,400 sf
Hotel	140,600 sf (150 rooms)	145,600 sf (209 rooms)	93,150 sf (125 rooms)
Retail	154,000 sf	200,000 sf	193,050 sf
Restaurant	22,000 sf	12,000 sf	15,000 sf
Total	1,021,000	1,150,000 sf	850,000 sf

2. Publicly-accessible Open Space:

The Modified Project described in the SDEIS included several open space components: an open air terrace on the fourth floor, an open air terrace and green roofs on the sixth floor, open space associated with New Anderson Street, and new plaza areas on the project's Huguenot Street corners.

During the public comment period on the SDEIS, concerns were raised regarding the degree to which the fourth floor terrace would be used by hotel events, the extent to which sidewalk areas should be considered open space, and the connectivity between the street and the roof terraces. The open space configuration and calculations have been revised for this FEIS to respond to these issues.

In order to increase the amount of on-site public open space and improve connectivity between the site's open spaces, the design of the public lobby and vertical transportation core on LeCount Place has been adjusted. The lobby has been redesigned as a transparent public atrium space, to provide maximize visibility to the street, and includes escalator and elevator access to both the fourth floor and sixth floor terraces. Exhibit 21 presents a circulation diagram indicating the various options for accessing the upper-level open spaces. As indicated, both terraces would be accessible via the transparent public atrium on LeCount Place. While visitors could enter through hotel spaces, they would not be limited to hotel-only access.

The atrium is also conceived to serve as a public amenity and open space resource in itself. The experience of moving from the street to the roof terraces would feature a series of spaces linked by art and water gardens with the governing design principle of creating a continuous vertical garden space. This would provide an effective physical and functional linkage between the street and the upper open space resources. The exterior of the atrium would also include a prominent vertical sign announcing the presence of the roof terraces. Additional wayfinding signage would also be included at various locations along the project's streetscape, directing pedestrians to the terraces. Exhibits 22-29 include a series of design vignettes/renderings and a section to illustrate the character of the atrium space and its relationship to the street and the upper terraces.

In response to City concern regarding the potential that fourth floor terrace use by the hotel could temporarily restrict public access to the terrace, this area has been eliminated from the calculation of on-site public open space. However, the terrace would have access from the public atrium and would provide a public open space resource when not in use for hotel functions. The designs for the upper terraces have evolved, but retain the same components and design principles described in the SDEIS. The overall concept for the publicly-accessible open space remains the "Gallery at LeCount Square," a place to showcase public art in a park setting. The most current proposals for the roof terraces are shown on Exhibit 25. The fourth floor terrace is envisioned to

include a hardscape area, shade tree plantings, a water feature, pergola and café-style seating and would total approximately 9,220 square feet. The sixth floor terrace would similarly contain a hardscape plaza with tree plantings, a lawn panel, movable seating, a concession kiosk, and café-style seating. It would also contain an extensive green roof component, with sculpture garden and a walking path. The green roof provides an additional type of open space, helping create a diversity of open space experiences. The terrace would be a flexible space capable of accommodating larger groups for programmed events such as gallery openings or musical events, as well as informal passive recreation for small groups or individuals, away from the noise of the streets below. The sixth floor open space totals approximately 21,850 square feet.

The amount of open space has also been recalculated to eliminate the area of existing sidewalks along North Avenue, Huguenot Street and LeCount Place, and the portion of the sidewalk area along New Anderson Street that is typical of City sidewalks in the downtown (i.e., the portion extending 10 feet from the building). However, in several areas, plaza space will be expanded into the area beyond the typical 10-foot sidewalk width to include new, usable open space. Including this area, approximately 15,372 square feet of outdoor public space will be created at-grade. The plazas at the corners of Huguenot Street and North Avenue and Huguenot Street and LeCount Place have been slightly modified, but retain plantings and public art features to maintain their character as gateway focal points. Together, these publicly accessible plaza areas total approximately 5,246 square feet.

The overall amount of publicly-accessible open space on the project site is broken down in the table below and on Exhibit 26. In addition, refer to Exhibits 27-29 for plans of the New Anderson Street, renderings of grade-level public open space components, and a section describing the relationships between, and functionality of, the open spaces.

**Table I-4  
Refined Open Space Calculation**

	<b>Component</b>	<b>Square Feet</b>
Existing Conditions	<b>Anderson Street</b>	
	Sidewalk North of Anderson Street	3,640
	Main Plaza Areas	12,490
	<b>Total</b>	<b>16,130</b>
Proposed Conditions	<b>New Anderson Street</b>	
	South Sidewalk	2,300
	North Sidewalk	3,000
	East Island	979
	Middle Island	3,131
	West Island	716
	<b>Subtotal</b>	<b>10,126</b>
	<b>Street Level Plazas</b>	
	Huguenot and North	2,666
	Huguenot and LeCount	2,580
	<b>Subtotal</b>	<b>5,246</b>
	<b>Elevated Terrace and Atrium</b>	
	6 <sup>th</sup> Floor Roofdeck Terrace	21,850
	Atrium	11,000
	<b>Subtotal</b>	<b>32,850</b>
	<b>Total</b>	<b>48,222*</b>

\*Not including 4<sup>th</sup> Floor Roofdeck Terrace of approximately 9,220 sf, which is adjacent to the ballroom and hotel restaurant.

### 3. Internal Organization

There have been certain internal building refinements in the south tower designed to increase efficiency and improve building functionality. At the grade level, the south tower lobby entrance has been setback slightly deeper, increasing the amount of sidewalk space on the north side of New Anderson Street. This area now also includes adjacent, but separate entrances for the residential and hotel components. The elevator core servicing the hotel/residential tower has also been shifted, and is now located towards the west side of the building.

The hotel restaurant, which had previously been proposed on the 6<sup>th</sup> floor would be moved to the 4<sup>th</sup> floor, and open onto the 4<sup>th</sup> floor terrace. The hotel ballroom on the 4<sup>th</sup> floor has also been slightly reduced in size and reconfigured. On the 5<sup>th</sup> floor, the interior changes include a minor reorganization of the recreational amenities, which would be shared by residents and hotel guests. As a result of the reduction in building floor plate and adjustment of the elevator core, the configuration of the residence and hotel room layouts on the upper floors has also been adjusted. The new configuration results in the south tower containing 150 hotel rooms and 185 residences (69 1br-units, 92 2br-units, and 24 3br-units.)

#### 4. Parking and Access

Minor modifications have also been made in the on-site garage's parking configuration. The on-site parking concept remains essentially the same, with four levels of parking split between valet service residential and hotel spaces, and self-park retail spaces. However, modifications made to the elevator core and mechanical room, and additional tandem spaces have allowed for a minor increase in the amount of parking provided on-site (approximately 15 spaces more than the SDEIS Modified Project.) Also, since the reduced program allows for all of the project's retail parking demand to be accommodated on-site, the project no longer proposes to employ the changeable message sign system described in the SDEIS, which would have directed motorists to the New Roc City garage when the on-site facility neared capacity.

**Table I-5  
On-Site Parking Comparison**

<b>On-Site Parking</b>	<b>FEIS Project (2008)</b>	<b>Modified Project (2007)</b>	<b>Original Project (2006)</b>
Standard	543	556	389
Valet	484	456	449
Total	1,027	1,012	838

Site access remains the same as described for the Modified Project, with garage entrances on LeCount Place and New Anderson Street. However, an additional travel lane on the eastbound side of New Anderson Street has been included between the site driveway and the LeCount Place intersection. This would provide a lane for exiting vehicles to pull out into and an additional turn lane onto LeCount Place.

#### 5. Post Office Façade/Form:

As described in the SDEIS, the New Rochelle Post Office is listed on the National Register of Historic Places under the Thematic Resource of "United States Post Offices in New York State, 1858-1943." However, the nomination form states that the original terra cotta exterior, which was an unusual but integral component of its Art Moderne style, was replaced in the 1960s and the lobby was completely remodeled. The form concludes that, due to these changes, "the building has substantially lost its integrity of design and materials with the exception of three murals placed in the lobby in 1940, which still remain." Based on this description from the form (which was prepared by the NYSOPRHP National Register and Survey Coordinator in 1986), the building itself has lost its architectural significance, and its complete preservation does not appear warranted. However, the Applicant has committed to removing and relocating the significant murals to a mutually acceptable location for display. Prior to the issuance by the City Council of its Findings Statement, a professional conservator would be employed to develop a plan for the removal, storage and relocation of the murals, and implementation of this plan would be a mitigation measure required by the

Findings Statement. The Applicant would also prepare photo-documentation of the murals at a level commensurate with the Historic American Buildings Survey prior to removal.

The Applicant also understands that while the building may have lost its technical historic architectural merit, it is a familiar presence for City residents. In order to recognize this, the SDEIS had proposed to either retain and integrate the existing curved façade into the new development, or replace it with new construction having a curving wall that would reflect the historical form of the Post Office exterior. However, during the subsequent architectural peer review process, the general consensus was that the existing façade should not be retained. Based on this commentary from the Peer Architectural Review Committee, the proposed approach is now to replace the façade with new construction having a curving wall that reflects the historical form.

Based on the information contained in the nomination form, this project refinement would not be anticipated to significantly change the project's potential impact on historic resources as described in the SDEIS.

## **E. Potential Impacts and Mitigation of Project Refinements**

### **Land Use, Zoning and Planning Consistency**

#### *Land Use*

While the refinements reduce the overall density of development, the types of uses and overall configuration have not been materially altered. The project still provides a mix of uses commonly found in a downtown setting and compatible with surrounding development. No change in impacts on the downtown land use pattern or the project's relationship with surrounding uses would occur as a result of the refinements.

#### *Zoning*

With the refinements, the FEIS Project would have approximately 1,021,000 square feet of floor area and a FAR of 10.1 (1,021,000 square feet of development ÷ 101,348 square feet of site area = 10.1 FAR). The FEIS Project retains the public benefits detailed in the SDEIS that would warrant FAR and height bonuses under the regulations of the Downtown Density Bonus Overlay District. The previously proposed increases in the maximum FAR and maximum building height permitted for a site in the DMUR District/Downtown Density Bonus Overlay District from 9.0 to 11.5, and from 390 feet to 500 feet, respectively, would be more than sufficient to accommodate the FEIS Project. However, with the reduction in overall project floor area, the maximum permissible FAR in the DMUR District/Downtown Density Bonus Overlay District could be increased from 9.0 to 10.1 and still accommodate the FEIS Project. As the types of uses proposed are unchanged, there is no change from previous analysis in the SDEIS of the use mix.

The reduction in floor area reduces the FEIS Project's parking requirements. Under Section 331-126 of the Zoning Ordinance, the residences require 243 parking spaces and



the hotel is estimated to require 203 spaces at peak, for a total of 446 spaces. Based on shared use concepts (as permitted under Section 331-126.A of the Zoning Ordinance), the FEIS Project includes 484 valet parking spaces to accommodate residential and hotel needs (a portion of which may be used on weekdays to accommodate executives, management and select employees of the office building tenants). During the weekday and weekend overnight hours, a portion of the lowest level self-park retail and restaurant spaces would be used for additional hotel and resident valet parking. The retail, restaurant and office parking continues to be based on shared use. The FEIS Project would provide 543 on-site self-park spaces to satisfy the retail and restaurant uses. The remainder of the office parking would be in the New Roc City Garage. The Zoning Ordinance currently limits valet parking to 35% of the total required parking. Since the FEIS Project still proposes valet parking for both the residences and the hotel (and since parking for those components exceeds 35% of the total number of required spaces), the Applicant will request that the Zoning Ordinance be amended for mixed-use projects in the DMUR District and Downtown Density Bonus Overlay District.

The most recent MOU would need to be amended to accommodate the reduced density development program of the FEIS Project. As described earlier, the reductions occur across each of the use components. The area of retail and restaurant use is now 176,000 square feet, but the MOU currently requires a minimum of 200,000 square feet. The MOU also requires that a minimum of 18% of the floor area be for office and/or hotel use, and that a maximum of 65% may be residential condominium use (with not more than 45% of the floor area devoted to residential use unless the additional floor area in excess of 45% is located above 390 feet in height.) The FEIS Project complies with these requirements, with the hotel and office uses accounting for 46% of the overall floor area and the condominiums accounting for 36%.

#### *Planning Consistency*

The overall concept of the project has not changed substantially. The FEIS Project would continue to advance the downtown planning goals and objectives of the various City planning documents, and the regional objectives outlined in the County's Patterns for Westchester, as described in the DEIS and SDEIS.

#### **Utilities**

##### *Water*

The FEIS Project would have a decreased demand on utilities compared to the Modified Project. The estimated average water and wastewater flows from the Modified Project totaled approximately 129,624 gpd. For the FEIS Project, the projected daily water demand has been estimated to be 125,220 gpd, as calculated below (and including the water demand reduction of 20% for water saving devices as described in the SDEIS).

##### Average Daily Flows per Use

Office Use:	330,000 square feet x 0.1 gal/sf/day – 20%	=	26,400 gpd
Retail Use:	154,000 square feet x 0.1 gal/sf/day – 20%	=	12,320 gpd
Restaurant Use:	27,000 square feet		

	675 seats x 35 gal/day/seat – 20%	=	18,900 gpd
Residential Use:	150 gpd/one bedroom x 93 units – 20%	=	11,160 gpd
	300 gpd/two bedrooms x 116 units – 20%	=	27,840 gpd
	400 gpd/three bedrooms x 34 units – 20%	=	10,880 gpd
Hotel Use:	150 units x 120 gal/day/unit – 20%	=	14,400 gpd
Ballroom:	5,000 sf or 200 persons x 20 gal/day – 20%	=	3,200 gpd

Total Daily Flow (at full occupancy): 125,100 gpd or 86.88 gallons per minute (gpm).

Peak Daily Demand is typically expressed as four times the Total Daily Flow. However, with a mixed-use facility such as proposed FEIS Project, the peak flows do not occur concurrently; the office, retail and restaurant use flows actually peak later than that of the hotel and residential uses. Therefore, Peak Daily Demand has been calculated as follows:

Residential Flows:	=	49,880 gpd
Hotel Flows:	=	14,400 gpd
Total:		64,280 gpd or 44.64 gpm

Peak (Residential/Hotel) Daily Demand: 4x 44.64 gpm = 178.56 gpm

Office Use Flows:	=	26,400 gpd
Retail Use Flows:	=	12,320 gpd
Restaurant Use Flows:	=	18,900 gpd
Ballroom Use Flows:	=	3,200 gpd
Total:		60,820 gpd or 42.24 gpm

Peak (Non Residential) Daily Demand: 4 x 42.24 gpm = 168.96 gpm

For the purposes of this analysis, the combined peak hotel and residential value of 176.88 gpm plus the average non-residential use of 42.24 gpm, for a total of 220.8 gpm, will be used as the design value.

As described in the SDEIS, the existing water main in Anderson Street would still be relocated to New Anderson Street, and the domestic and fire service connections would be made to the existing 12 inch diameter water mains in Huguenot Street and LeCount Place.

In order to accommodate the water demands of the project, United Water of New Rochelle (UWNR) has indicated that replacement of the existing water mains in North Avenue from Coligni Avenue to Burling Lane with new 16-inch main would be required. The Applicant and UWNR have successfully negotiated an agreement regarding both the facilities that UWNR would need to construct to provide service to the project and the proportionate share of the cost of those facilities to be borne by the Applicant. Final design and implementation of the replacement project would occur at such time that the Applicant executes a "Will Serve" letter, which will be promptly issued by UWNR upon

written request for water service. A copy of the agreement is included in the Appendix of this FEIS.

#### *Sewer*

In the SDEIS, the Applicant studied data available in the “City of New Rochelle Public Sanitary Sewer Evaluation” prepared by Dolph Rotfeld Engineering, P.C, which evaluated the capacity of existing sewer mains in the downtown area. Based on its analysis, the Applicant proposed lining sections of the sewers in Huguenot Street and Main Street with cured in place pipe to increase their capacity and mitigate the additional sewage flows from the project. City staff disagreed that this mitigation would be adequate and suggested replacement of the affected lines with pipes of a larger capacity. To resolve this issue, the City and the Applicant agreed to have an independent engineering firm, Dvirka and Bartilucci, evaluate lining versus replacement and recommend to the City which course of mitigation was appropriate.

In a February 28, 2008 letter, Dvirka and Bartilucci disagreed with the Applicant’s peak flow calculation. Due to the varying times of day that sewage flows peak in mixed-use development (residential use peaks earlier than commercial use), the Applicant had calculated the peak flows for each use and determined the peak flow to the sewage system to be the higher of the two. Dvirka and Bartilucci noted that even if both uses do not peak at the same time, average flows from the commercial use should be combined with the peak flows from the residential use in order to provide a more conservative approach.

Recalculating the peak flow with this methodology caused the capacity of a section of the existing sewer in Huguenot Street to be exceeded when adding the peak flow from the project, even with the pipe lining as proposed in the SDEIS. Therefore, Dvirka and Bartilucci recommended that this section of the existing sewer main be replaced with a larger diameter pipe that would increase its capacity to sufficiently accommodate the project and all other existing and proposed flows.

In accordance with this recommendation, the Applicant proposes to replace the section of pipe in Huguenot Street from MH77260 to MH77259. The existing 10 inch pipe would be replaced with new 12 inch pipe. The capacity of the new 12 inch main in Huguenot Street can be calculated using the Manning’s Equation, as follows:

$$Q = \frac{1.49}{n} \times A \times R^{2/3} \times S^{1/2}$$

Notes: Q=Flow (cfs); A=Cross Section/Area (ft<sup>2</sup>); R=Hydraulic Radius (ft); S=Slope (ft/ft); n=Roughness Coefficient

$$Q = \frac{1.49}{0.013} \times 0.79 \times 0.40 \times 0.07 = 2.54 \text{ cfs} = 1.64 \text{ MGD}$$

In a March 10, 2008 letter, Dvirka and Bartilucci stated that the data contained in the Dolph Rotfeld Engineering, P.C. study was insufficient to definitively determine if the sewer main in Main Street has adequate capacity for connection. They recommended that the City request the Applicant to undertake additional studies of the area to determine the excess capacity, if any, in the existing sewer line in Main Street. However, in lieu of additional studies and the potential replacement of the piping in Main Street, the Applicant now proposes to discharge the entire project to Huguenot Street. This would require installation of new 8 inch pipe in LeCount Place between New Anderson Street and Huguenot Street. The replacement of the section of pipe in Huguenot Street described above would increase capacity sufficiently to accommodate the peak flows from the entire project. The total peak flow to Huguenot Street from the FEIS Project is as follows:

Total Peak Flow from Residential and Hotel Uses	=	178.56 gpm
Total Average Flow from Retail and Office Uses	=	<u>42.24 gpm</u>
Total Peak Flow to Huguenot Street	=	220.80 gpm = 0.316 MGD

The projected total peak flow to Huguenot Street can be calculated (in accordance with the Dolph Rotfeld, P.C. and Dvirka and Bartilucci studies) as follows:

Measured Maximum Current Flow	=	0.403 MGD
Anticipated Peak Flow from Other Proposed Projects	=	0.588 MGD
Anticipated Peak Flow from LeCount Square	=	<u>0.316 MGD</u>
Total Peak Flow to Huguenot Street	=	1.31 MGD

As indicated above, the replacement of this section of 10 inch pipe in Huguenot Street with 12 inch pipe will increase its capacity to 1.64 MGD, or 125% of its total projected peak flow.

As described in the SDEIS, developers of new projects in the New Rochelle Sewer District that generate a net increase in sewage flows to the district are required by both Westchester County and the City to provide mitigation by reducing existing water infiltration and inflow into the sewer system in an amount equal to three times the net increase. As stated in a letter from Commissioner Landi, P.E. of the Westchester County Department of Environmental Facilities, “new construction has had an offset imposed to remove identified sources of flow to assure no net impact on the [treatment] plant at the ratio of three (3) gallons of inflow and infiltration removed for each additional post-development gallon projected to be discharged to the sanitary system by the development.”

With the reduction in project size, the amount of inflow and infiltration required to be removed would be less than the amount identified in the SDEIS. For the FEIS Project, the amount of inflow and infiltration required to be removed is calculated as follows:

Projected Daily Flow: 125,100 gpd

**Existing Flows:**

An assessment of existing conditions yielded a total floor area on site of 93,000 square feet. Conservatively assuming that all of that floor area is retail or office, the existing flows are calculated to be 9,300 gpd (93,000 sf x 0.1 gal/sf/day = 9,300 gpd.)

The total increase in flows resulting from implementation of the FEIS Project would therefore be 115,800 gpd (125,100 gpd - 9,300 gpd = 115,800 gpd). The Applicant proposes to mitigate three (3) times that amount of flow, or 347,400 gallons. The location(s) of inflow and infiltration removal would be determined in consultation with the New Rochelle Department of Public Works.

***Stormwater***

No changes have been made to the stormwater design. Hydrodynamic separation units would be installed at each connection to the City's drainage system to treat the NYSDEC required volume.

**Visual/Aesthetics/Urban Design**

The overall site configuration and layout of the FEIS Project remains generally the same as the Modified Project studied in the SDEIS, with the vertical tower elements on the northeast and southwest corners of the block. However, with the reduction in floor area, the height of both the north and south towers would be reduced. The north tower would now rise to a height of 278 feet and the south tower to 493 feet. The width and general profile of the north tower would remain the same. However, the south tower floor plate has been reduced and results in a slimmer profile. This also results in greater separation between the two towers. Since the towers are reduced in the height, the length of shadow produced would be decreased. The south tower's shadow profile would also be decreased. As described in the SDEIS, the tower components would add variety to the City's skyline, but remain in context with other major downtown developments. Exhibits 19-20 depict the FEIS Project's appearance from various vantage points.

**Traffic/Parking**

***Traffic***

In order to assess the potential change in traffic impacts, Adler Consulting has prepared an updated Traffic Impact Study for the FEIS Project. This study is included in the Appendix. The study considers the same roadway segments and intersections considered in the prior traffic impact study discussed in the DEIS and SDEIS. However, it is updated to account for the modification to the uses at New Roc City discussed above.

**Existing and No-Build Conditions**

As indicated by the existing capacity analysis results, many of the studied intersections currently experience generally tolerable (Level-of-Service "D") or better peak-hour conditions. At the intersection of North Avenue with the access to the Intermodal

Transportation Center, the eastbound left-turn lane leaving the Center operates at a Level-of-Service (LOS) E during the PM peak hour. For the intersection of Garden Street with North Avenue, the westbound left-turn lane on Garden Street operates at LOS F, as does the southbound approach of North Avenue. For the unsignalized intersection of Garden Street with Cedar Street, the southbound Cedar Street approach operates at LOS f during all three peak hours.

The No-Build analysis accounts for specific developments in the vicinity and background growth, and provides an assessment of future operating conditions without the development of the project. The No-Build analysis also accounts for several roadway improvements that are expected to be completed before 2011, and therefore be functional before the operation of the FEIS Project. These improvements include “daylighting” the north curb of Main Street for approximately 100 feet in the vicinity of LeCount Place; the reconstruction of the northbound approach of North Avenue with Huguenot Street to eliminate the concrete median and provide for an exclusive left-turn lane, as well as two through lanes; the installation of traffic signals at the intersections of Cedar Street with Garden Street and Cedar Street (northbound) with Garden Street; and the reconstruction of the southbound Cedar Street approach with Huguenot Street, eliminating the separate right-turn lane and modifying the approach to provide two lanes for the through movement and two lanes for the right turn onto Huguenot Street.

It is anticipated that the reconstruction of North Avenue, which will include the construction of a new bridge over the New England Thruway (I-95) and a new pedestrian bridge, will be completed by the NYS Thruway Authority by 2011. The roadway geometry for the North Avenue intersections with Garden Street, Burling Lane and the access to the Intermodal Transportation Center associated with those improvements has been incorporated into the No-Build analysis.

In addition, the City of New Rochelle recently completed a study to coordinate the signal timing for the Main Street and Huguenot Street corridors. The revised traffic signal timings recommended as a result of that study were also included in the No-Build condition.

The analysis of the No-Build condition indicates that operating conditions at some of the study intersections would deteriorate as a result of other planned or approved projects.

For the intersection of Huguenot Street with North Avenue, LOS E conditions are expected on the southbound right-turn movement in the Saturday Peak Hour.

At the intersection of North Avenue with the Intermodal Transportation Center, the eastbound left turn movement is expected to experience LOS E conditions during the AM and PM Peak Hours. The westbound left-turn movement is expected to operate with LOS F conditions during the PM Peak Hour and with LOS E conditions during the Saturday Peak Hour.

For the intersection of Burling Lane with North Avenue, the westbound Garden Street approach is expected to experience LOS e conditions during the PM Peak Hour.

The exit from the New Roc City garage onto LeCount Place is expected to experience LOS f conditions during the Saturday Peak Hour.

#### Build Conditions

In order to assess the potential impacts, the Traffic Impact Study developed the anticipated traffic volumes to be generated by the FEIS Project based on Institute of Traffic Engineers Trip Generation Manual, with adjustments to account for a downtown location near mass transit. The study also developed trip assignments, based on patterns for surrounding projects.

The capacity analysis indicates that in the Build condition, without mitigation, some of the study intersections would continue to operate at clearly acceptable conditions while operating conditions at other intersections would be less desirable. The following is a summary of Build condition without mitigation.

For the intersection of Main Street with LeCount Place, the southbound left-turn movement on LeCount Place is expected to operate at LOS F during the weekday PM Peak Hour and Saturday Peak Hour.

At the intersection of Huguenot Street with Lawton Street, the westbound Huguenot Street movement is expected to experience LOS E conditions during the weekday PM Peak Hour and Saturday Peak Hour.

For the intersection of Huguenot Street with North Avenue, the southbound right-turn movement is expected to operate at LOS F conditions during the weekday PM Peak Hour, while the westbound approach is expected to operate at LOS E conditions. For the Saturday Peak Hour, LOS F conditions are expected on the southbound right-turn movement and the westbound right-turn movement, while the westbound left-turn and through movements and the northbound left-through movement are expected to operate at LOS E conditions.

The southbound right-turn movement of Cedar Street at the intersection with Huguenot Street is expected to operate at LOS F during the Saturday Peak Hour.

For the intersection of the Intermodal Transportation Center access with North Avenue, the eastbound left-turn movement is expected to operate at LOS E in the AM Peak Hour. For the PM Peak Hour, the eastbound left-turn movement and the southbound left-turn movement are expected to operate at LOS E, and the westbound left-turn movement is expected to experience LOS F conditions. During the Saturday Peak Hour, the westbound left-turn movement is expected to operate at LOS F.

For the intersection of Garden Street with North Avenue, LOS e conditions are expected for the westbound right-turn movement in the PM Peak Hour.

At the intersection of North Avenue with Anderson Street, the southbound approach is expected to operate with LOS F conditions during the PM Peak Hour, with LOS F conditions on the north- and southbound approaches of North Avenue in the Saturday Peak Hour.

At the intersection of Anderson Street with LeCount Place, LOS F conditions are anticipated on the eastbound and southbound approaches during the PM Peak Hour and Saturday Peak Hour.

Traffic exiting from the New Roc garage onto LeCount Place is expected to experience LOS f conditions during the PM Peak Hour and Saturday Peak Hour.

The access from the below grade on-site parking garage onto LeCount Place is expected to operate at LOS f during the weekday PM Peak Hour and the Saturday Peak Hour.

#### Mitigation Measures

Based on a comparison of the No-Build and Build conditions, mitigation measures are recommended at some, but not all, intersections. However, because the Traffic Impact Study utilized a Synchro analysis, which considers the entire network in calculating the effects of proposed mitigation measures, all intersections will be discussed below.

Many of the mitigation measures involve optimizing traffic signals by changing signal timings and offsets. The City of New Rochelle is moving forward with plans to design and install a Traffic Management System, driven by the recent significant development in the downtown area. When completed, the Traffic Management System will supersede the proposed signal timing and offsets, with changes to the system made directly from the control center rather than at individual controllers in the field. A portion of the capital cost of the system is currently unfunded, and the City will incur the recurring cost of operating the system. Construction of this federally-funded project is expected to begin in approximately two years and be completed by 2011. If all the components of the Traffic Management System are not completely installed, it is proposed that the improvement measures discussed below would be implemented by the Applicant to mitigate the anticipated traffic impacts of the FEIS Project.

- For the intersection of Main Street with Lawton Street, no mitigation measures are needed. However, signal timing offsets are being proposed to reduce upstream signal delay along Huguenot Street.
- For the intersection of Main Street with North Avenue in the PM Peak Hour, an increase of two (2) seconds in green time for the protected southbound left-turn phase, combined with an increase in the green time for the eastbound approach of two (2) seconds and a four (4) second reduction to the green time for the northbound North Avenue through movement maintains Level-of-Service at the No-Build condition. For the AM Peak Hour, a three (3) second reduction of green time from the northbound approach of North Avenue combined with adding three (3) seconds of green time to the eastbound approach was implemented. For the



Saturday Peak Hour, a reduction of 12 seconds of green time from the northbound approach of North Avenue and adding nine (9) seconds of green time to the protected southbound left-turn movement combined with adding three (3) seconds of green time to the eastbound approach was made. Changes to the traffic flows due to overall signal system improvements are also anticipated.

- The additional traffic leaving the project site on southbound LeCount Place at the intersection with Main Street suggests the implementation of a protected southbound left-turn signal phase, together with signal timing changes and the optimization of signal offsets. Overall, LOS C conditions are anticipated in the PM Peak Hour and Saturday Peak Hour.
- Signal offsets were optimized to yield LOS D or better conditions for the intersection of Huguenot Street with Lawton Street for all time periods.
- At the intersection of Huguenot Street with North Avenue, the re-location of the Post Office allows for the elimination of parking along the southerly curb lane of westbound Huguenot Street, providing for an exclusive left-turn lane on the approach. In addition, both the signal timing and signal offsets have been optimized, including the implementation of an overlap of the exclusive northbound left-turn signal phase with an exclusive westbound right-turn signal phase.
- The implementation of changes to signal timing and offsets will mitigate traffic impacts at the intersection of Huguenot Street with LeCount Place.
- For the intersection of Cedar Street with Huguenot Street, providing additional green time to Cedar Street combined with traffic signal optimization would improve overall delay in all three time periods.
- The reconstruction of the intersection of Garden Street/Burling Lane with North Avenue and the intersection of the Intermodal Transportation Center with North Avenue by the NYS Thruway Authority is expected to be completed by 2011 and was included in the analysis of the No-Build and Build conditions. Mitigation for the intersection of North Avenue with the Intermodal Transportation Center includes the implementation of split signal phasing and re-striping the westbound Garden Street approach to provide for an exclusive left-turn lane and a lane to accommodate left-turn and through movements.
- The intersection of Garden Street with the I-95 ramps is expected to operate at acceptable Levels-of-Service. With minor changes to signal timing and phasing, acceptable Levels-of-Service are anticipated at the intersection of Garden Street with Cedar Street and the intersection of Cedar Street (north) with Garden Street.
- For the intersection of Anderson Street with North Avenue, signal retiming, combined with improved system-wide signal offsets would provide improved Level-of-Service.
- The restriping of LeCount Place will continue to provide two travel lanes on each approach at its intersection with Anderson Street. The eastbound Anderson Street approach will include a lane to accommodate left-turn vehicles and a lane to accommodate the right-turn movement. Changes to the traffic signal timing, as well as optimizing the signal offsets will also provide an improved Level-of-Service.

It should be noted that the Synchro analysis considers the entire roadway system. Therefore, when a recommended mitigation measure is implemented in the analysis for a specific intersection, the effects are registered throughout the network at other intersections in the system. The analyses indicate the effect on the adjacent intersections and indicate the intersections working together.

The capacity analysis indicates that with these improvements, most traffic impacts of the FEIS Project would be mitigated and most intersections would operate at tolerable Levels of Service. The limited number of intersections that would be expected to operate at LOS E, F or f conditions are discussed below.

For the intersection of Huguenot Street with North Avenue, the overall LOS E in the PM Peak Hour represents an increase in delay of 14.5 seconds compared to the No-Build condition. For the weekday AM Peak Hour, clearly acceptable conditions are anticipated. In the Saturday Peak Hour, LOS F conditions are expected on the southbound right-turn movement and LOS E conditions on the westbound through movement with the intersection as a whole expected to experience LOS D conditions.

The New Roc City garage LeCount Place access would operate at LOS e during the PM Peak Hour and LOS f during the Saturday Peak Hour.

The access from the new on-site parking garage onto LeCount Place would be expected to operate at LOS f during the weekday PM Peak Hour and Saturday Peak Hour. Traffic on LeCount Place would operate at LOS b during all three peak time periods.

The full results of the capacity analyses, including tabular summaries by approach and detailed worksheets are available in the Traffic Impact Study located in the Appendix.

### *Parking*

Adler Consulting has prepared an updated Parking Analysis for the FEIS Project which accounts for the modification to the uses at New Roc City recently approved by the City. The study is included in the Appendix to this FEIS.

The FEIS Project includes 1,027 parking spaces, including 543 self-park spaces and 484 valet parking spaces. The valet spaces would be used to accommodate the residential and hotel needs. The available reserve capacity for permit parkers in the adjacent New Roc City municipal garage would be used to accommodate the bulk of the FEIS Project's office parking demand, although up to 210 of the office executives, management and select employees would be valet parked on-site during the day. The on-site self-park spaces would accommodate the FEIS Project's retail and restaurant components, as well as hotel employees (in the lowest level). The lowest level of the self-park spaces would also be available for hotel and residential valet parking, if necessary.

Based on estimated peak parking demand values, and daily and temporal distributions, the parking analysis concludes that with the development of the FEIS Project there would be at least five valet spaces and at least 31 self-park spaces available for use at all times

on-site. However, there would be a deficit of up to 95 permit spaces at the New Roc City garage in the middle of the day on weekdays. However, there are a substantial number of spaces on the roof of the New Roc City garage which are never used, and the majority of the spaces reserved for hotel guests on the lower levels of the garage are never used during the daytime hours, when demand for permit spaces is greatest.

In order to accommodate the parking demand associated with the portion of the office component of the FEIS Project proposed to be accommodated in the New Roc City garage, it is proposed to relocate the 11 hotel spaces on the roof to the lower levels of the garage. Further, it is proposed to move the gates to the roof parking further up the ramps leading to the roof, which would reduce the number of spaces provided for the residences located on the roof of the building to the 144 spaces required under the terms of the lease agreement for that air rights site, but would add 42 parking spaces to the New Roc City municipal garage, 31 of which would be permit spaces, bringing the number of permit spaces to 831. In addition, it is proposed to redesignate all but 50 of the spaces reserved for the exclusive use of the hotel so that they may also be used by permit parkers between the hours of 6:00 a.m. and 6:00 p.m. The 50 spaces closest to the hotel entrance would remain reserved exclusively for use by the hotel. This would free up 68 hotel spaces for permit parking during the busiest hours of the day, bringing the number of permit spaces to 899. Lastly, it is recommended that the number of parking spaces reserved for New Roc City management and garage management be reduced by two, bringing the grand total number of permit spaces to 901.

With the proposed reassignment of parking spaces in the New Roc City municipal garage, there would be at least six permit spaces unoccupied at all times and at least 11 metered spaces unoccupied at all times. At the time when only six permit spaces are unoccupied, there would be 226 metered spaces unoccupied, and when there are projected to be only 11 metered spaces unoccupied, there would be 81 permit spaces unoccupied.

## **Noise**

As described earlier, the amount of new traffic added to surrounding streets by the FEIS Project would be slightly less than that of the Modified Project studied in the SDEIS. Therefore, the noise impacts from mobile sources from the FEIS Project would be lessened and would not result in significant impact. As with the Modified Project described in the SDEIS, there would be no significant stationary source noise impacts.

## **Air Quality**

As described earlier, the amount of new traffic added to surrounding streets would be slightly less than the Modified Project studied in the SDEIS, and therefore the FEIS Project would not cause significant air quality impacts.

## Socioeconomic

The reduction in floor area would result in minor decreases in residential population, employment, and tax generation. With the decrease in the number of dwelling units from 258 to 243, the FEIS Project would be anticipated to generate a population of 493, compared to 505 for the Modified Project.

**Table I-6**  
**Estimated Population Generation**

<b>No. of Bedrooms</b>	<b>No. of Units</b>	<b>Household Size*</b>	<b>Population</b>
1-bedroom	93	1.86	173
2-bedroom	116	1.88	218
3-bedroom	34	3.00	102
<b>Total</b>	<b>243</b>	<b>-</b>	<b>493</b>

\*Source: Rutgers University, Center for Urban Policy Research, "Residential Demographic Multipliers," 2006. NYS 5+Units-Own Multipliers. No multiplier provided for studio units.

The FEIS Project would be expected to generate a total of approximately \$4.0 million in annual property taxes. This represents a decrease of \$499,000 or 11% from the Modified Project.

**Table I-7**  
**Anticipated Total Property Tax Generation**

<b>Project Component</b>	<b>Square feet</b>	<b>Approx. Tax/sf*</b>	<b>Anticipated Tax Generation</b>
Office	330,000	\$3	\$990,000
Hotel	140,600	\$3	\$421,800
Retail/Restaurant	176,000	\$4	\$704,000
Residential	374,400	\$5	\$1,872,000
<b>Total</b>	<b>1,021,000</b>	<b>-</b>	<b>\$3,987,800</b>

\* Tax per square foot based on comparables in the area.

The table below identifies the anticipated breakdown of the total property tax revenue by taxing jurisdiction.

**Table I-8**  
**Anticipated Property Tax Generation by Taxing Jurisdiction**

<b>District</b>	<b>Tax Rate per \$1,000 AV*</b>	<b>Percentage of Total Property Tax Bill</b>	<b>Tax Generation</b>
City	139.811	17%	\$695,508
City School District	513.57	64%	\$2,554,822
Library	12.271	2%	\$61,044
County	106.197	13%	\$528,291
County Sewer	17.897	2%	\$89,031
County Refuse	11.881	1%	\$59,104
Total	801.627	100%	\$3,987,800

\*Source: City of New Rochelle Tax Rates – January to September 2007

The FEIS Project would result in additional economic activity in downtown New Rochelle, including spending by residents, employees, hotel guests and retail visitors at local businesses. This increased business activity would be a positive impact on existing downtown businesses and would also benefit the City and County through increased sales tax revenues.

As the size of the retail/restaurant component has been slightly reduced in the FEIS Project, the expected sales tax revenue from on-site purchases would be proportionally reduced. Assuming average annual sales of \$500 per square foot, the retail/restaurant component would be expected to have annual sales of approximately \$106 million (176,000 square feet X \$500 = \$88,000,000). In order to be conservative, 25% of these purchases are assumed to be for items that are not subject to sales tax. The remaining \$66,000,000 in annual purchasing would be taxable. The total sales tax rate for purchases in New Rochelle is 8.375% and is distributed to different taxing jurisdictions. The table below outlines anticipated tax generation to each jurisdiction. New Rochelle's share of this sales tax would be approximately \$1.65 million.

**Table I-9**  
**Anticipated Retail/Restaurant Sales Tax Generation**

<b>Sales Tax Component</b>	<b>Tax Rate</b>	<b>Estimated Purchases</b>	<b>Sales Tax Revenue</b>
NYS	4%	\$66,000,000	\$2,640,000
Westchester County	1.5%	\$66,000,000	\$990,000
New Rochelle	2.5%	\$66,000,000	\$1,650,000
MTA	0.375%	\$66,000,000	\$247,500
Total	8.375%	\$66,000,000	\$5,527,500

Since a portion of the FEIS Project's office parking demand is proposed to be accommodated in the New Roc City garage, it would result in an increase in parking garage revenue. The office component is expected to generate a demand for 660 spaces. While up to 210 of the executives, management, and select employees would be valet-parked on-site, the remainder of the office parking demand would be satisfied through the

purchase of permits for the New Roc City garage, which cost \$720 annually. Anticipated annual project-related permit revenue would therefore be approximately \$324,000 annually (450 permits X \$720 = \$324,000.)

In summary, the City would be expected to receive approximately \$2,345,508 annually in combined property and sales tax revenue from the FEIS Project. The City would also be expected to receive an additional \$324,000 annually from parking permits and meters, however this parking revenue stream is dedicated to parking operations and does not contribute to the City's general fund.

The decrease in office, retail, and hotel space in the FEIS Project would decrease the number of permanent employment opportunities. In total, permanent on-site direct employment is expected to be 1,466 jobs, compared with the 1,746 estimated in the SDEIS for the Modified Project. Construction of the FEIS Project is estimated to involve approximately 2000 construction jobs over the course of the build out. However, these would not all be on-site simultaneously or continuously. At peak, it is estimated that there would be approximately 800 workers on-site.

**Table I-10**  
**Estimated Employment**

<b>Component</b>	<b>Estimated Employment*</b>
Office	991
Hotel	20
Retail/Restaurant	440
Residential	15
<b>Total</b>	<b>1,466</b>

\*Office and retail factors from Urban Land Institute (ULI) Development Impact Assessment Handbook, 1994. Hotel and residential support figures from Thomas Conoscenti & Associates, Inc. Economic Analysis of LC Main, LLC, 2003, for project including comparable components in White Plains.

## **Community Facilities**

### *Emergency Services*

The decrease in floor area (approximately 11 percent) is not anticipated to substantially affect the demand for community services detailed in the DEIS and SDEIS. As described, the cumulative impacts of the overall downtown development in New Rochelle will necessitate the hiring of additional police and fire department staff. The relatively minor decrease in the density of this individual project (in terms of the cumulative density of development in the downtown) would not significantly affect the staffing required to serve the overall downtown as discussed in the DEIS and SDEIS.

The decrease would slightly reduce the amount of City revenue generated by the FEIS Project that could be available for Police or Fire Department use. Based on the figures presented in the SDEIS (which utilized the City's 2007 Budget), the average cost for a police officer position is estimated at approximately \$72,179 (\$10,538,126 forecasted cost / 146 positions). The estimated average cost for a firefighter position is \$66,096 (\$7,733,256 forecasted cost / 117 positions). In the 2007 City budget, approximately 26.29% of total revenue was appropriated to the Police Department and 21.27% to the

Fire Department. Applying these proportions to the annual City property and sales tax generated by the FEIS Project, it is expected that the project could provide approximately \$616,634 annually to the Police Department, which would fund 8-9 police officers. Approximately \$498,890 could be provided annually to the Fire Department, which would fund approximately 7-8 firefighters. Decisions regarding budget and staffing levels are ultimately City Council decisions, and funding levels may be adjusted. However, as indicated above, the FEIS Project would generate sufficient tax revenue to offset the project's proportionate share of any potential increased Fire Department or Police Department costs for additional staff hired to serve the overall demands of downtown development.

Although the building heights have been lowered, the south tower would still exceed the maximum height that the Fire Commissioner has indicated can be served by the Department's current equipment. A two phase high-pressure pumper would therefore still be necessary to raise a column of water to the highest stories of the south tower.

#### *Solid Waste*

The decrease in floor area would result in a comparable reduction in anticipated solid waste generation. A private carter would still be employed to collect and dispose of solid waste.

#### *Schools*

Using recently available data from the Rutgers University Center for Urban Policy Research, the FEIS Project would now be anticipated to generate 41 students. Although the FEIS Project would have 15 fewer residential units than the Modified Project studied in the SDEIS, the number of anticipated schoolchildren is the same as for the Modified Project due to the change in the unit mix.

**Table I-11**  
**Anticipated School Children Generation**

<b>No. of Bedrooms</b>	<b>No. of Units</b>	<b>Multiplier*</b>	<b>Public Schoolchildren</b>
1-bedroom	93	0.15	14
2-bedroom	116	0.09	10
3-bedroom	34	0.49	17
Total	243	-	41

\*Source: Rutgers University, Center for Urban Policy Research, "Residential Demographic Multipliers," 2006. NYS 5+Units-Own Multipliers. No multiplier provided for studio units.

Using the per pupil program cost estimate of \$12,130 used in the DEIS (derived from total enrollment divided by budget, excluding administrative and capital expenditures), the cost to educate the project-generated schoolchildren would therefore be approximately \$497,330. This is substantially less than the \$2.5 million of school district taxes that would be paid by the FEIS Project, creating a significant positive fiscal impact for the public schools.

#### *Open Space*

As described in detail in the SDEIS and in the Project Refinements section above, the FEIS Project includes several open space components: a terrace on the fourth floor, a

terrace and green roof on the sixth floor, open space associated with New Anderson Street and new plaza areas on the project's Huguenot Street corners. For the FEIS Project, the area of publicly-accessible open space has been increased to 48,222 square feet.

### **Historic and Archaeological Resources**

The FEIS Project would not cause any different potential impacts to historic or archaeological resources than the Original Project or Modified Project.

### **Hazardous Materials**

The FEIS Project would not have any different impacts on hazardous materials than the Original Project or Modified Project.

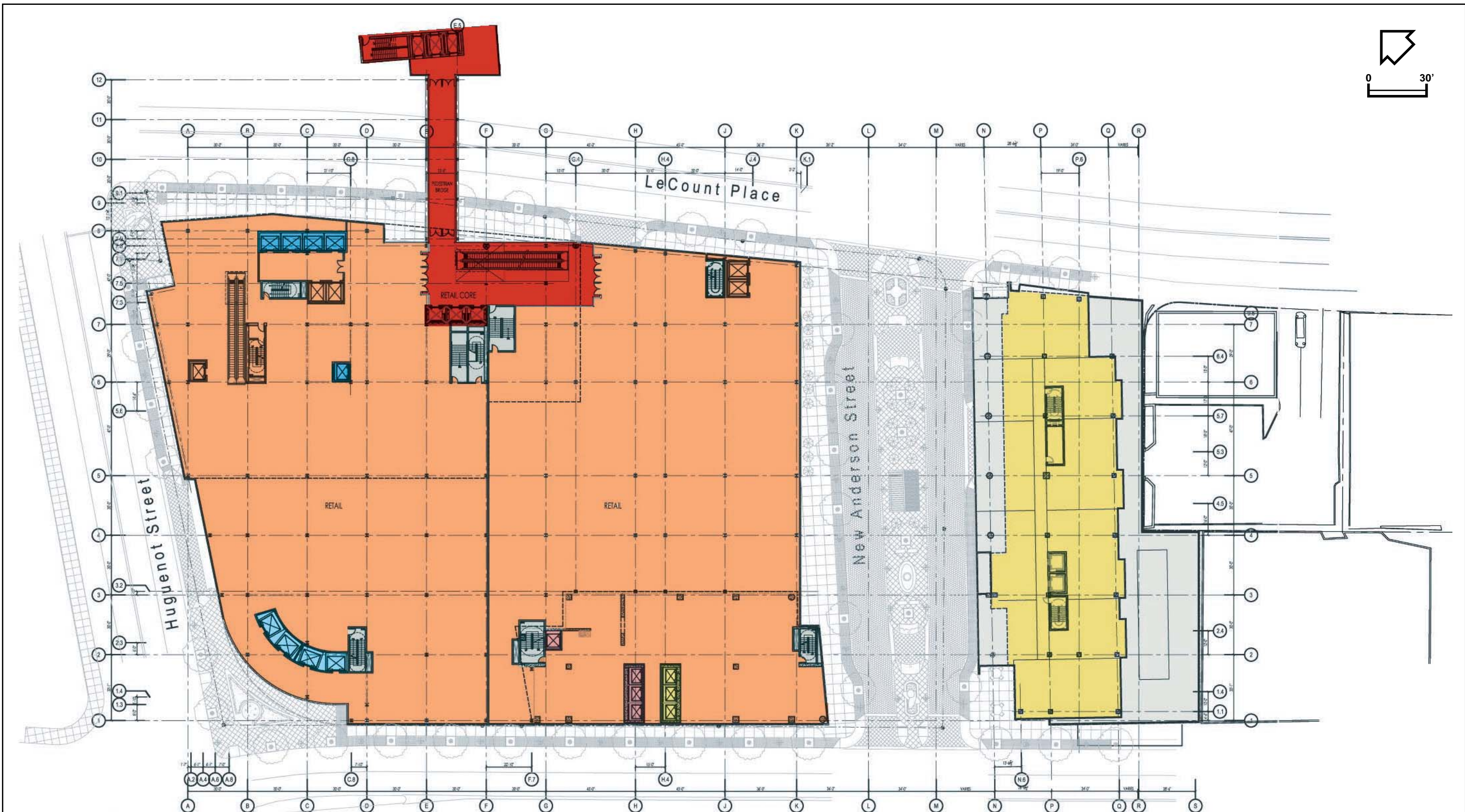
### **Construction Impacts**

While the floor area has been reduced, the overall mix of uses and vertical component configuration remains the same as the Modified Project. As a result, the construction activities, sequencing, and potential impacts would be essentially the same as described in the SDEIS.









SOURCE: designdevelopment

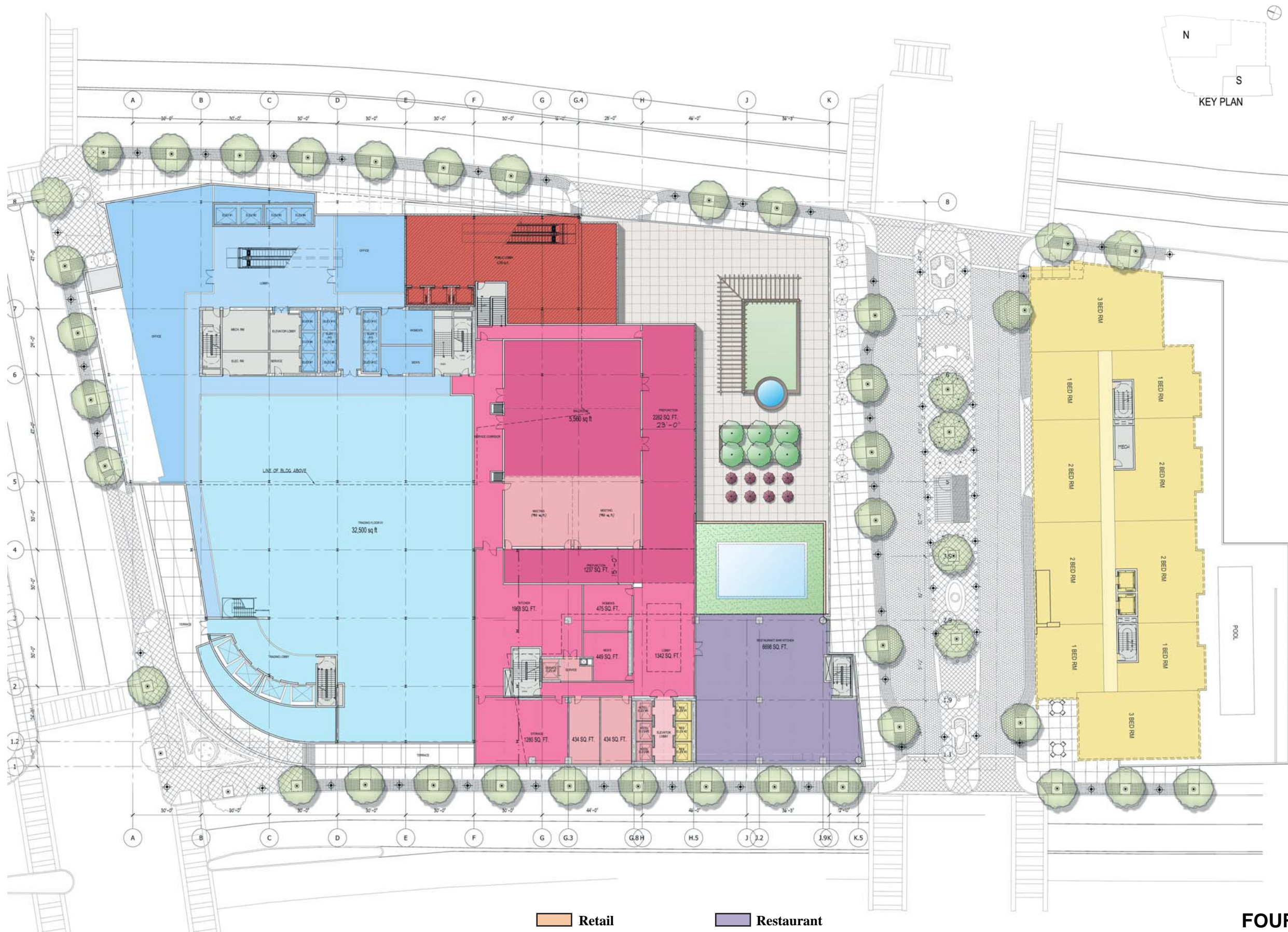
Exhibit 2  
**FEIS**  
**SECOND FLOOR PLAN**  
**LECOUNT SQUARE**  
 New Rochelle, New York

<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 20px; height: 10px; background-color: orange; border: 1px solid black; margin-right: 5px;"></span> Retail/Restaurant</li> <li><span style="display: inline-block; width: 20px; height: 10px; background-color: yellow; border: 1px solid black; margin-right: 5px;"></span> Residential</li> <li><span style="display: inline-block; width: 20px; height: 10px; background-color: lightblue; border: 1px solid black; margin-right: 5px;"></span> Office</li> <li><span style="display: inline-block; width: 20px; height: 10px; background-color: lightgrey; border: 1px solid black; margin-right: 5px;"></span> Mechanical Space</li> <li><span style="display: inline-block; width: 20px; height: 10px; background-color: darkgrey; border: 1px solid black; margin-right: 5px;"></span> Parking/Loading</li> </ul>	<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 20px; height: 10px; background-color: pink; border: 1px solid black; margin-right: 5px;"></span> Hotel</li> <li><span style="display: inline-block; width: 20px; height: 10px; background-color: magenta; border: 1px solid black; margin-right: 5px;"></span> Ballroom</li> <li><span style="display: inline-block; width: 20px; height: 10px; background-color: red; border: 1px solid black; margin-right: 5px;"></span> Public Lobby</li> <li><span style="display: inline-block; width: 20px; height: 10px; background-color: lightblue; border: 1px solid black; margin-right: 5px;"></span> Trading Floor</li> </ul>
---	---









- |  |   |
|--|---|
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #f4a460; border: 1px solid black;"></span> Retail           | <span style="display: inline-block; width: 15px; height: 10px; background-color: #808080; border: 1px solid black;"></span> Restaurant    |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #ffff00; border: 1px solid black;"></span> Residential      | <span style="display: inline-block; width: 15px; height: 10px; background-color: #ffb6c1; border: 1px solid black;"></span> Hotel         |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #add8e6; border: 1px solid black;"></span> Office           | <span style="display: inline-block; width: 15px; height: 10px; background-color: #ff69b4; border: 1px solid black;"></span> Ballroom      |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #d3d3d3; border: 1px solid black;"></span> Mechanical Space | <span style="display: inline-block; width: 15px; height: 10px; background-color: #ff0000; border: 1px solid black;"></span> Public Lobby  |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #696969; border: 1px solid black;"></span> Parking/Loading  | <span style="display: inline-block; width: 15px; height: 10px; background-color: #87ceeb; border: 1px solid black;"></span> Trading Floor |

Exhibit 4  
**FEIS**  
**FOURTH FLOOR PLAN**

**LECOUNT SQUARE**  
 New Rochelle, New York

*Saccardi & Schiff, Inc. - Planning and Development Consultants*





- |  |   |
|--|---|
| <span style="display: inline-block; width: 15px; height: 10px; background-color: orange; border: 1px solid black;"></span> Retail            | <span style="display: inline-block; width: 15px; height: 10px; background-color: purple; border: 1px solid black;"></span> Restaurant       |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: yellow; border: 1px solid black;"></span> Residential       | <span style="display: inline-block; width: 15px; height: 10px; background-color: pink; border: 1px solid black;"></span> Hotel              |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: lightblue; border: 1px solid black;"></span> Office         | <span style="display: inline-block; width: 15px; height: 10px; background-color: magenta; border: 1px solid black;"></span> Ballroom        |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: grey; border: 1px solid black;"></span> Mechanical Space    | <span style="display: inline-block; width: 15px; height: 10px; background-color: red; border: 1px solid black;"></span> Public Lobby        |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: darkgrey; border: 1px solid black;"></span> Parking/Loading | <span style="display: inline-block; width: 15px; height: 10px; background-color: lightblue; border: 1px solid black;"></span> Trading Floor |

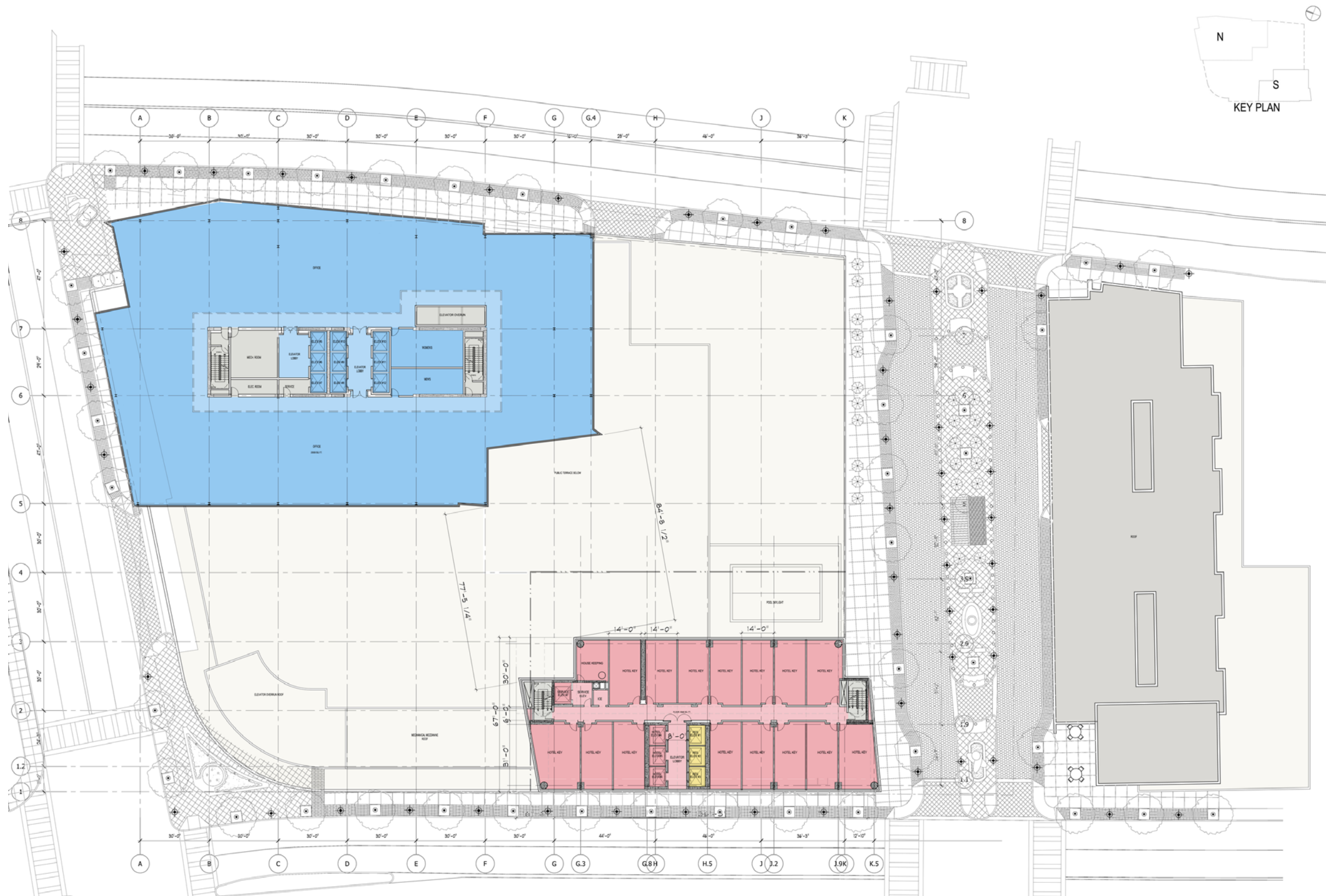
Exhibit 5  
**FEIS**  
**FIFTH FLOOR PLAN**

**LECOUNT SQUARE**  
 New Rochelle, New York





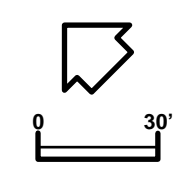
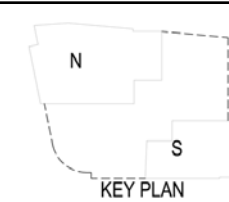




- |  |   |
|--|---|
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #f4a460; border: 1px solid black;"></span> Retail           | <span style="display: inline-block; width: 15px; height: 10px; background-color: #9b9bcb; border: 1px solid black;"></span> Restaurant    |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #f4e03f; border: 1px solid black;"></span> Residential      | <span style="display: inline-block; width: 15px; height: 10px; background-color: #f4a4a4; border: 1px solid black;"></span> Hotel         |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #4682b4; border: 1px solid black;"></span> Office           | <span style="display: inline-block; width: 15px; height: 10px; background-color: #dc143c; border: 1px solid black;"></span> Ballroom      |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #d3d3d3; border: 1px solid black;"></span> Mechanical Space | <span style="display: inline-block; width: 15px; height: 10px; background-color: #ff0000; border: 1px solid black;"></span> Public Lobby  |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #808080; border: 1px solid black;"></span> Parking/Loading  | <span style="display: inline-block; width: 15px; height: 10px; background-color: #add8e6; border: 1px solid black;"></span> Trading Floor |

Exhibit 7  
**FEIS**  
**SEVENTH FLOOR PLAN**

**LECOUNT SQUARE**  
 New Rochelle, New York



- |  |   |
|--|---|
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #f4a460; border: 1px solid black;"></span> Retail           | <span style="display: inline-block; width: 15px; height: 10px; background-color: #9b9b9b; border: 1px solid black;"></span> Restaurant    |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #ffff00; border: 1px solid black;"></span> Residential      | <span style="display: inline-block; width: 15px; height: 10px; background-color: #f4cccc; border: 1px solid black;"></span> Hotel         |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #add8e6; border: 1px solid black;"></span> Office           | <span style="display: inline-block; width: 15px; height: 10px; background-color: #ff0000; border: 1px solid black;"></span> Ballroom      |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #d3d3d3; border: 1px solid black;"></span> Mechanical Space | <span style="display: inline-block; width: 15px; height: 10px; background-color: #ff0000; border: 1px solid black;"></span> Public Lobby  |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #808080; border: 1px solid black;"></span> Parking/Loading  | <span style="display: inline-block; width: 15px; height: 10px; background-color: #add8e6; border: 1px solid black;"></span> Trading Floor |

Exhibit 8  
**FEIS**  
**TYPICAL UPPER FLOOR PLAN**  
**LECOUNT SQUARE**  
 New Rochelle, New York  
 Saccardi & Schiff, Inc. - Planning and Development Consultants



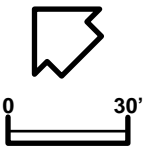
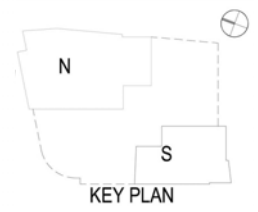
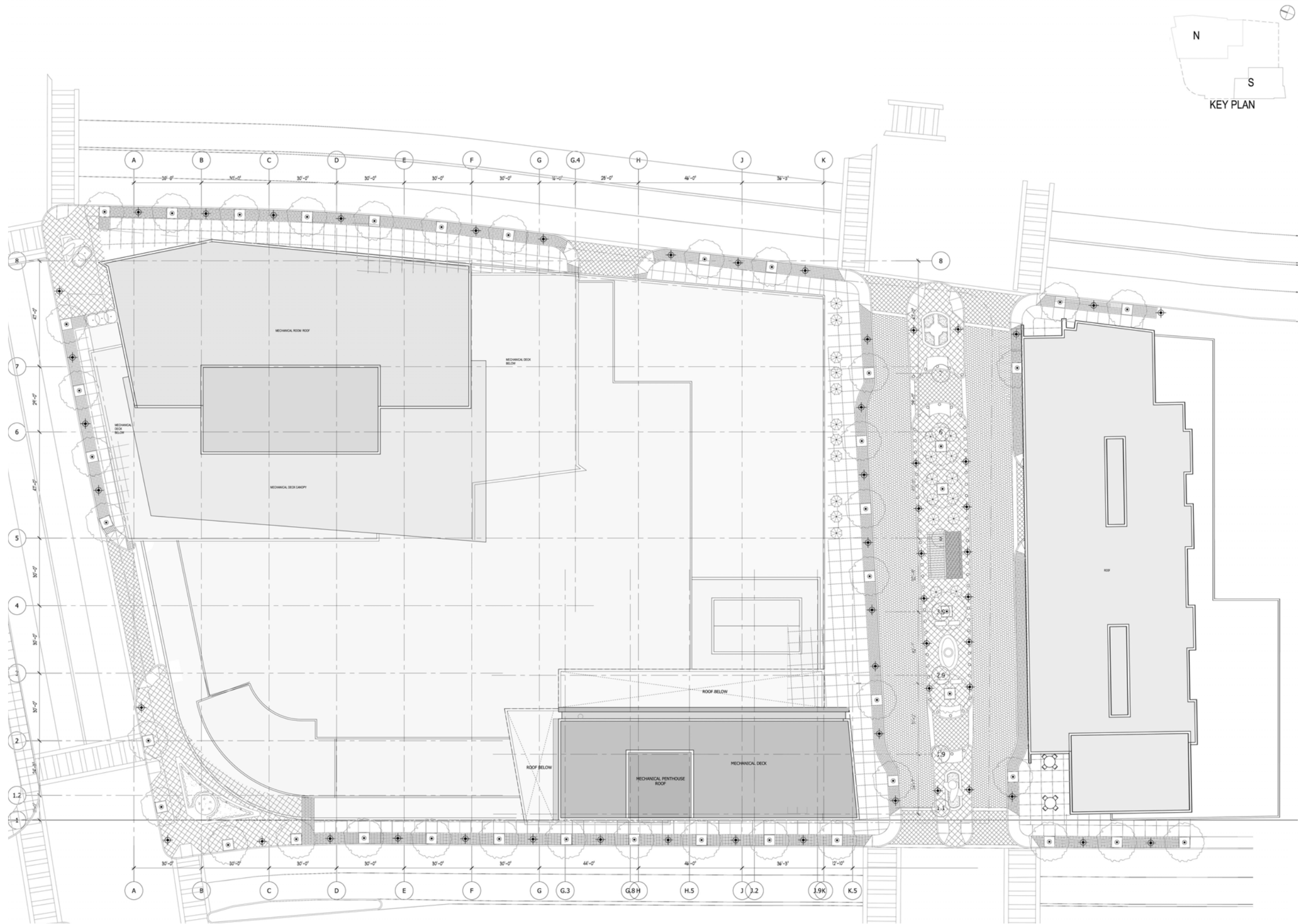


Exhibit 9  
**FEIS  
ROOF PLAN**

**LECOUNT SQUARE**  
New Rochelle, New York

*Saccardi & Schiff, Inc. - Planning and Development Consultants*

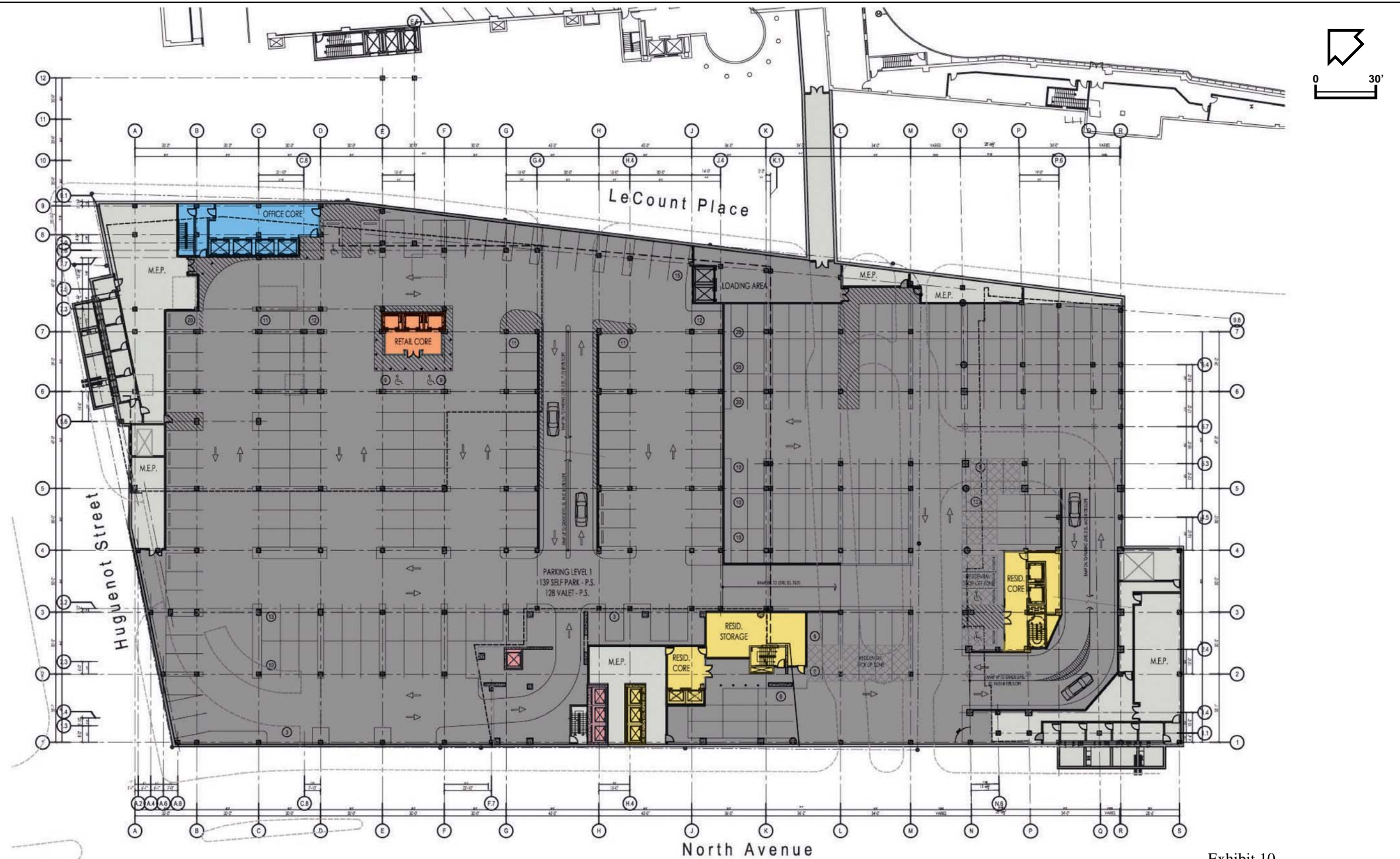


Exhibit 10  
FEIS  
PARKING LEVEL 1

LECOUNT SQUARE  
New Rochelle, New York

Saccardi & Schiff, Inc. - Planning and Development Consultants



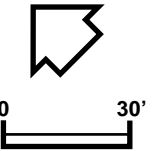
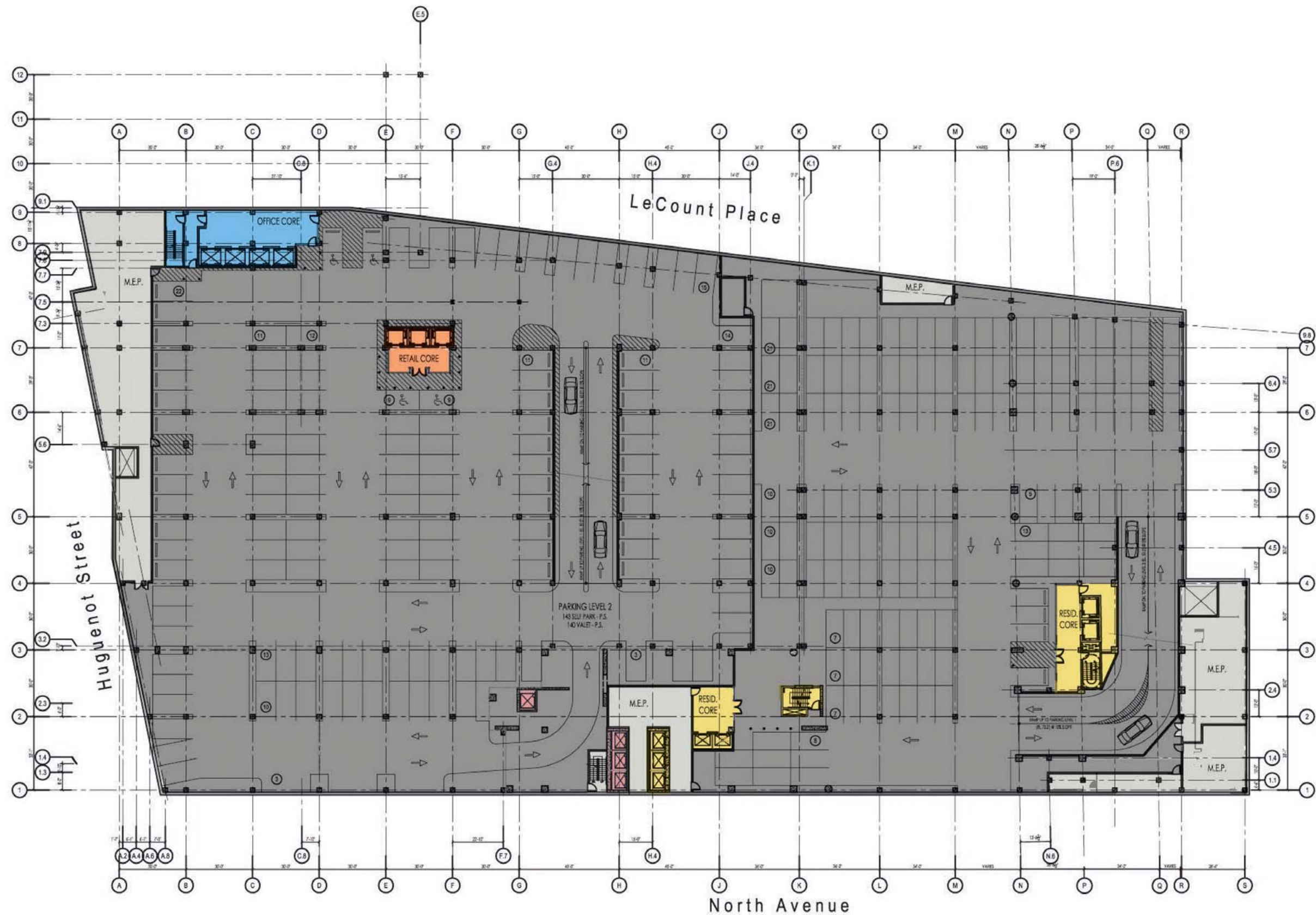


Exhibit 11  
**FEIS**  
**PARKING LEVEL 2**

**LECOUNT SQUARE**  
 New Rochelle, New York

- |  |   |
|--|---|
| <span style="display: inline-block; width: 15px; height: 10px; background-color: orange; border: 1px solid black;"></span> Retail/Restaurant | <span style="display: inline-block; width: 15px; height: 10px; background-color: pink; border: 1px solid black;"></span> Hotel              |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: yellow; border: 1px solid black;"></span> Residential       | <span style="display: inline-block; width: 15px; height: 10px; background-color: red; border: 1px solid black;"></span> Ballroom            |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: blue; border: 1px solid black;"></span> Office              | <span style="display: inline-block; width: 15px; height: 10px; background-color: red; border: 1px solid black;"></span> Public Lobby        |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: grey; border: 1px solid black;"></span> Mechanical Space    | <span style="display: inline-block; width: 15px; height: 10px; background-color: lightblue; border: 1px solid black;"></span> Trading Floor |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: darkgrey; border: 1px solid black;"></span> Parking/Loading |   |

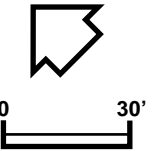
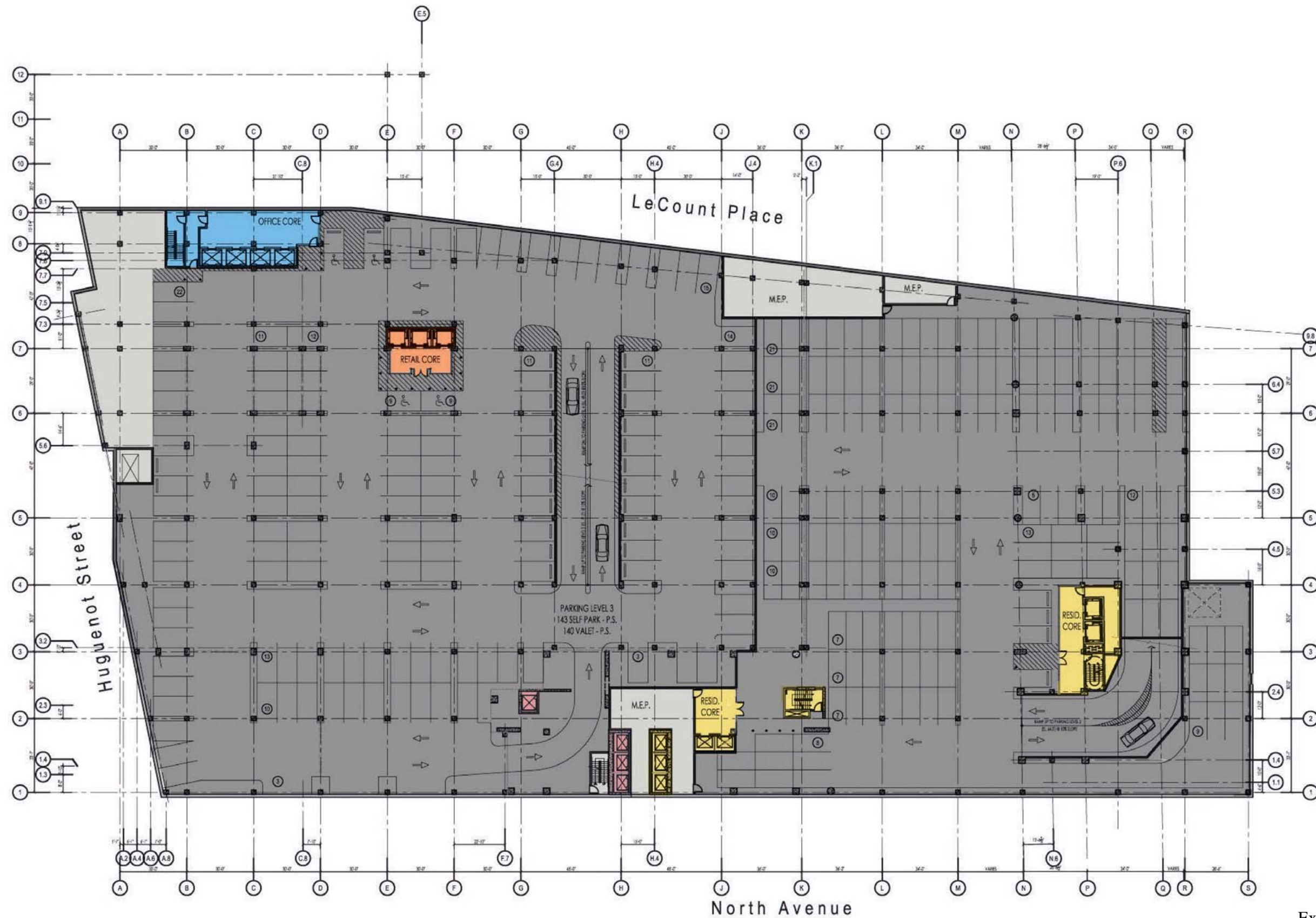


Exhibit 12  
**FEIS**  
**PARKING LEVEL 3**

**LECOUNT SQUARE**  
 New Rochelle, New York

- |  |   |
|--|---|
| <span style="display: inline-block; width: 15px; height: 10px; background-color: orange; border: 1px solid black;"></span> Retail/Restaurant | <span style="display: inline-block; width: 15px; height: 10px; background-color: pink; border: 1px solid black;"></span> Hotel              |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: yellow; border: 1px solid black;"></span> Residential       | <span style="display: inline-block; width: 15px; height: 10px; background-color: red; border: 1px solid black;"></span> Ballroom            |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: blue; border: 1px solid black;"></span> Office              | <span style="display: inline-block; width: 15px; height: 10px; background-color: lightblue; border: 1px solid black;"></span> Trading Floor |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: grey; border: 1px solid black;"></span> Mechanical Space    |   |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: darkgrey; border: 1px solid black;"></span> Parking/Loading |   |



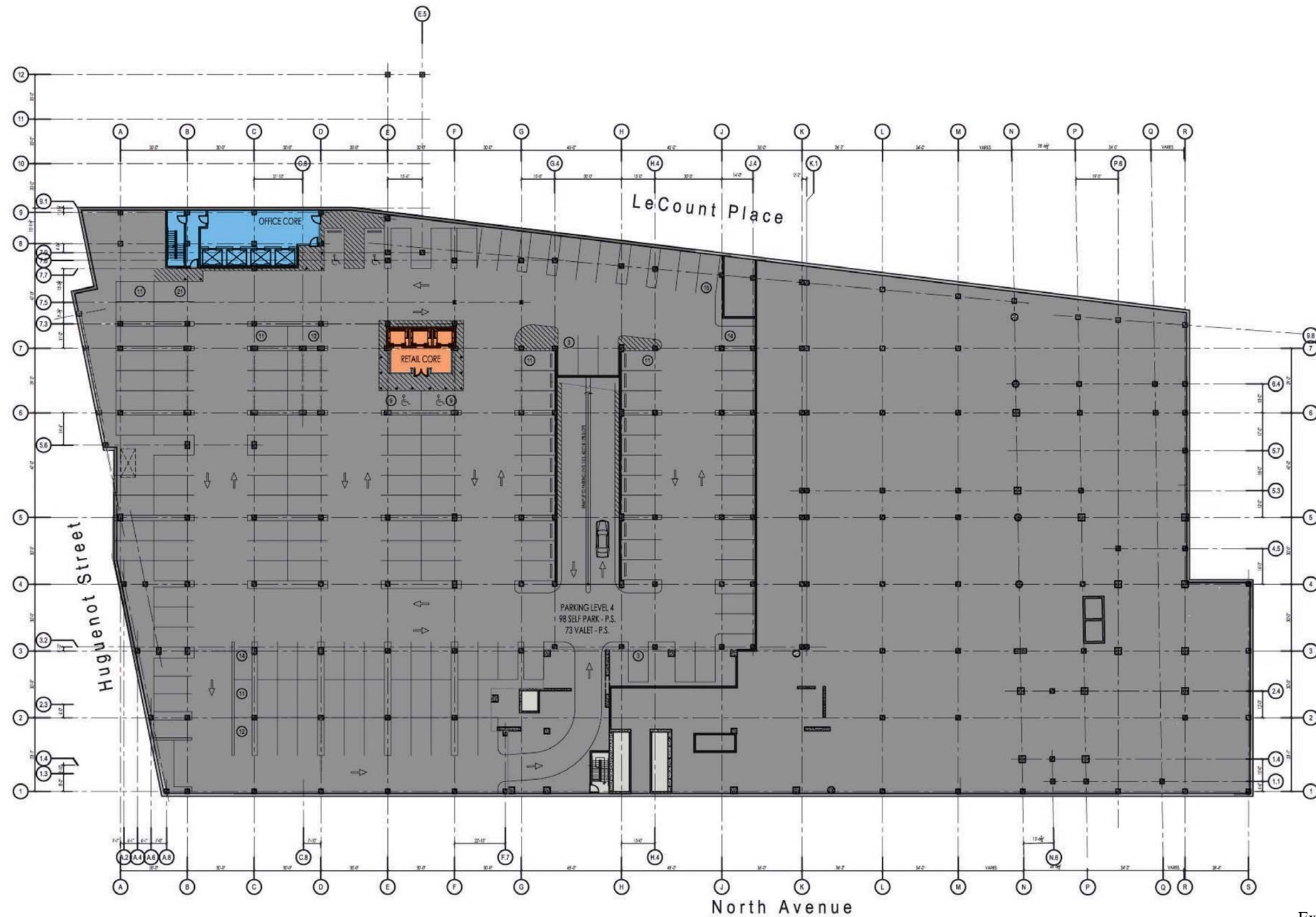
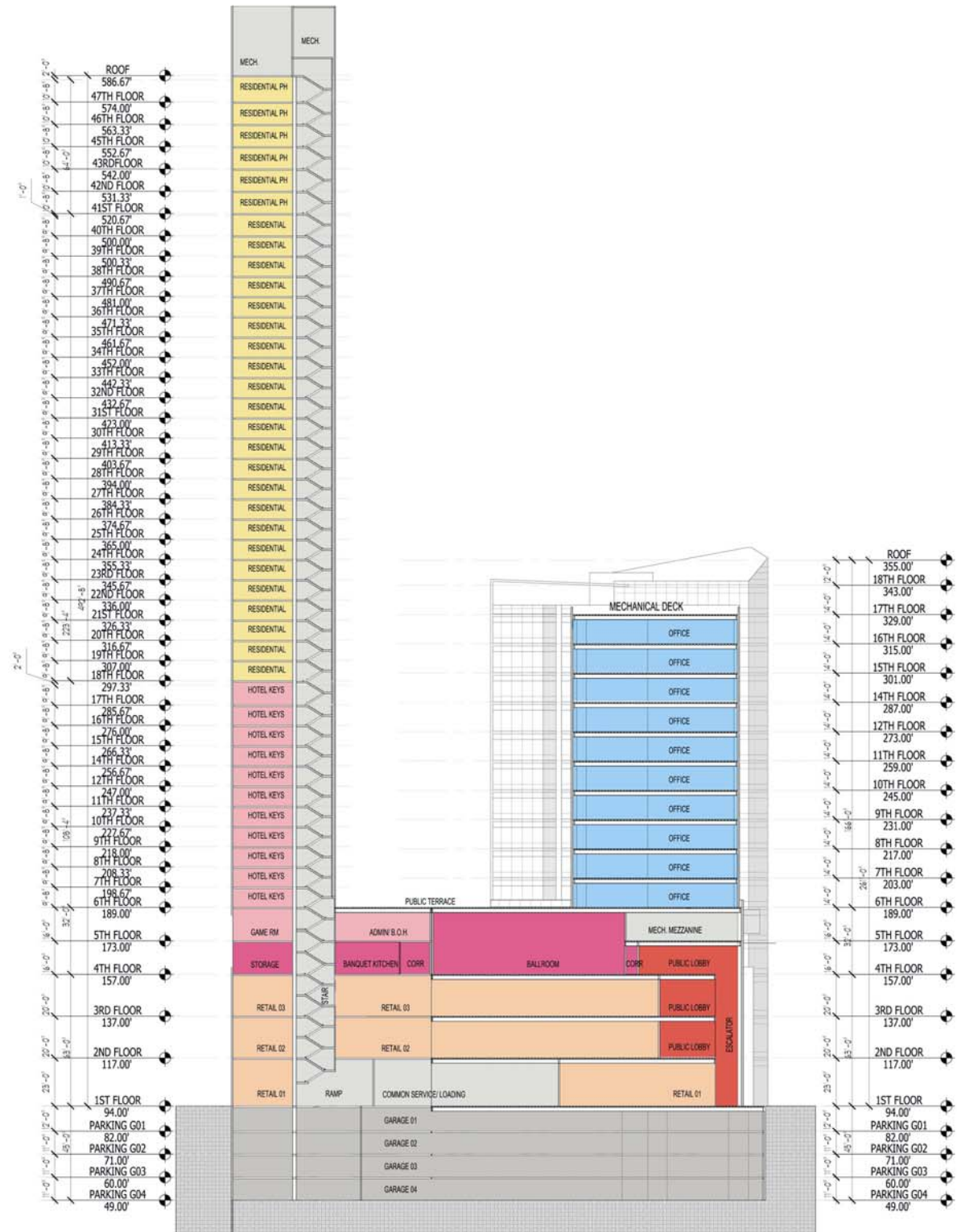
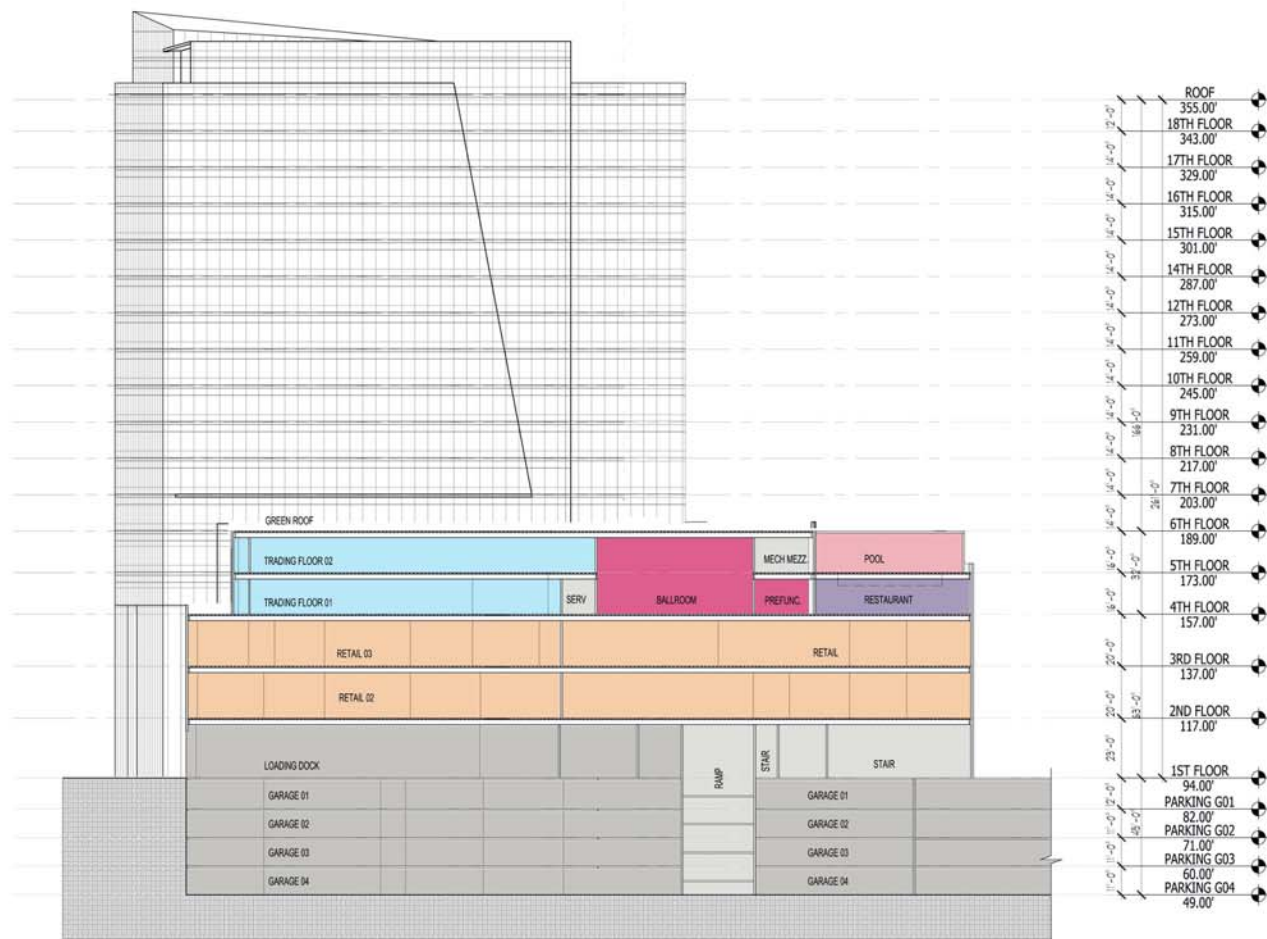
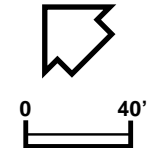
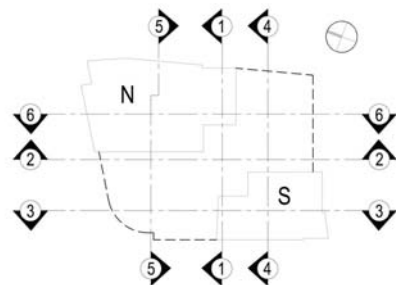


Exhibit 13  
**FEIS**  
**PARKING LEVEL 4**

**LECOUNT SQUARE**  
 New Rochelle, New York

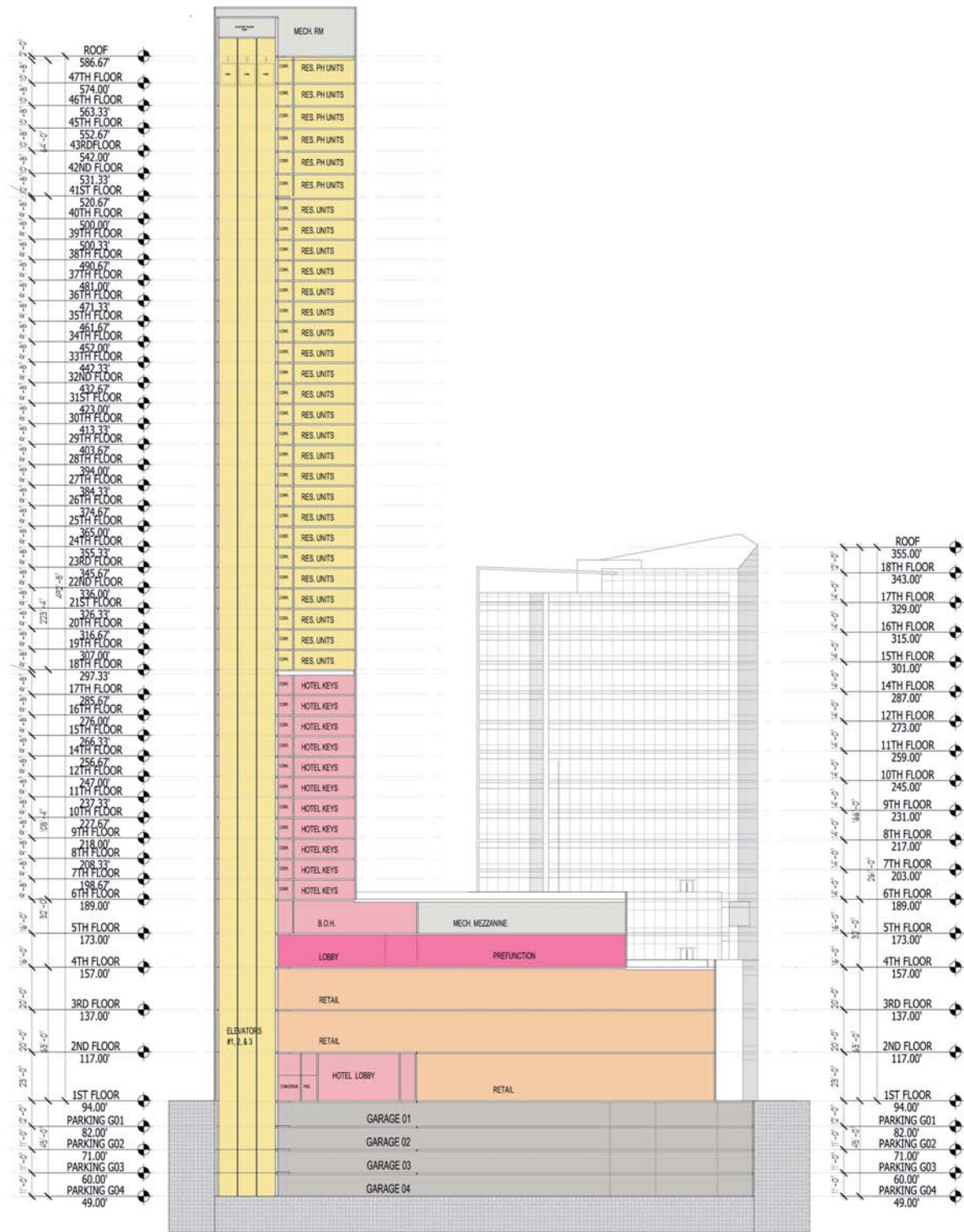
*Saccardi & Schiff, Inc. - Planning and Development Consultants*

- |  |   |
|--|---|
| <span style="display: inline-block; width: 15px; height: 10px; background-color: orange; border: 1px solid black;"></span> Retail/Restaurant   | <span style="display: inline-block; width: 15px; height: 10px; background-color: pink; border: 1px solid black;"></span> Hotel              |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: yellow; border: 1px solid black;"></span> Residential         | <span style="display: inline-block; width: 15px; height: 10px; background-color: red; border: 1px solid black;"></span> Ballroom            |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: blue; border: 1px solid black;"></span> Office                | <span style="display: inline-block; width: 15px; height: 10px; background-color: red; border: 1px solid black;"></span> Public Lobby        |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: lightgray; border: 1px solid black;"></span> Mechanical Space | <span style="display: inline-block; width: 15px; height: 10px; background-color: lightblue; border: 1px solid black;"></span> Trading Floor |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: darkgray; border: 1px solid black;"></span> Parking/Loading   |   |

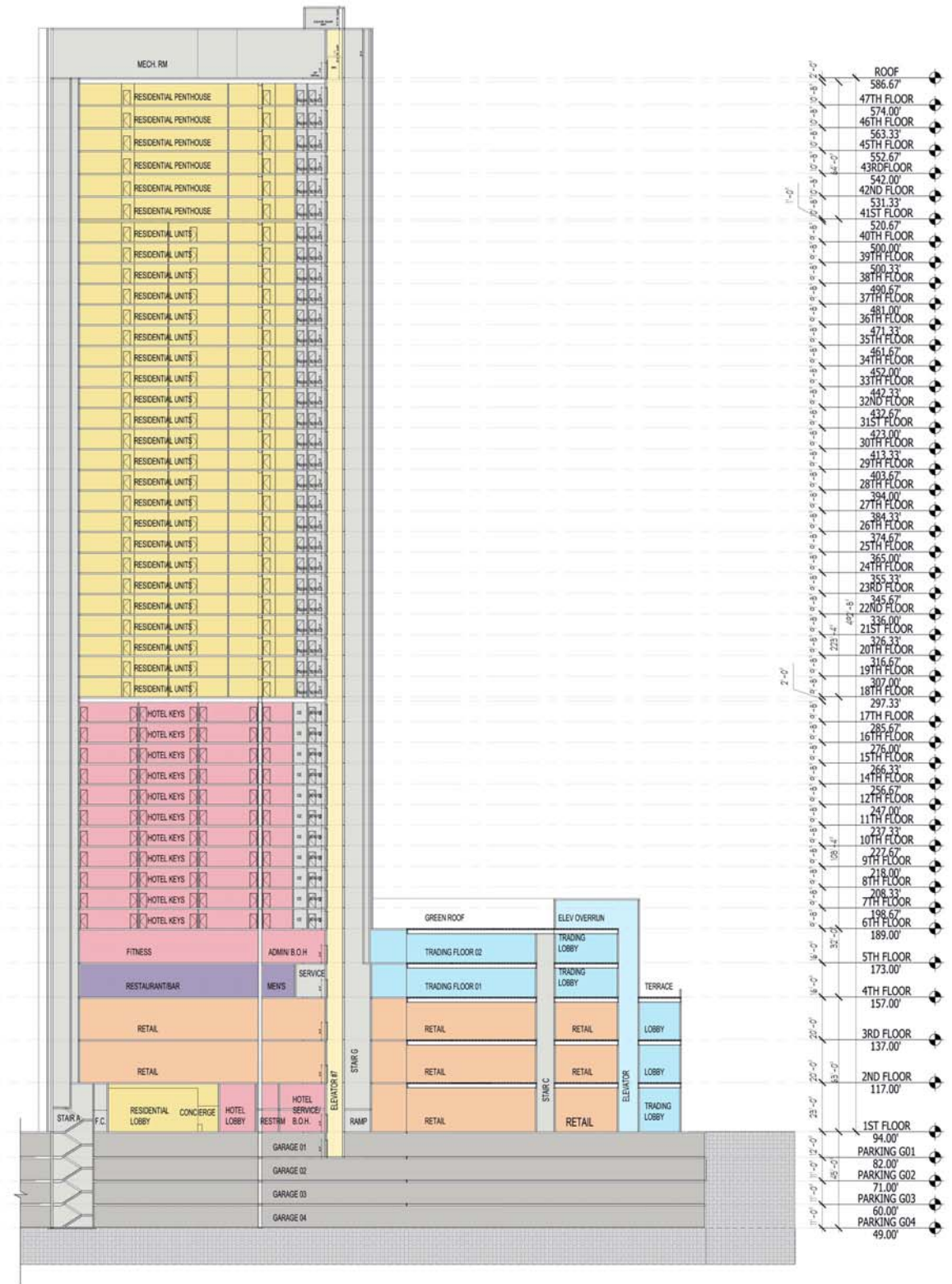


- |   |  |
|---|--|
| <span style="display:inline-block; width:15px; height:15px; background-color:orange; border:1px solid black;"></span> Retail              | <span style="display:inline-block; width:15px; height:15px; background-color:purple; border:1px solid black;"></span> Restaurant       |
| <span style="display:inline-block; width:15px; height:15px; background-color:yellow; border:1px solid black;"></span> Residential         | <span style="display:inline-block; width:15px; height:15px; background-color:lightcoral; border:1px solid black;"></span> Hotel        |
| <span style="display:inline-block; width:15px; height:15px; background-color:lightblue; border:1px solid black;"></span> Office           | <span style="display:inline-block; width:15px; height:15px; background-color:hotpink; border:1px solid black;"></span> Ballroom        |
| <span style="display:inline-block; width:15px; height:15px; background-color:lightgrey; border:1px solid black;"></span> Mechanical Space | <span style="display:inline-block; width:15px; height:15px; background-color:red; border:1px solid black;"></span> Public Lobby        |
| <span style="display:inline-block; width:15px; height:15px; background-color:grey; border:1px solid black;"></span> Parking/Loading       | <span style="display:inline-block; width:15px; height:15px; background-color:lightcyan; border:1px solid black;"></span> Trading Floor |

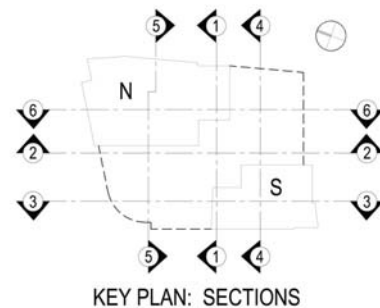




SECTION 4  
2  
A1-302



SECTION 3  
1  
A1-302

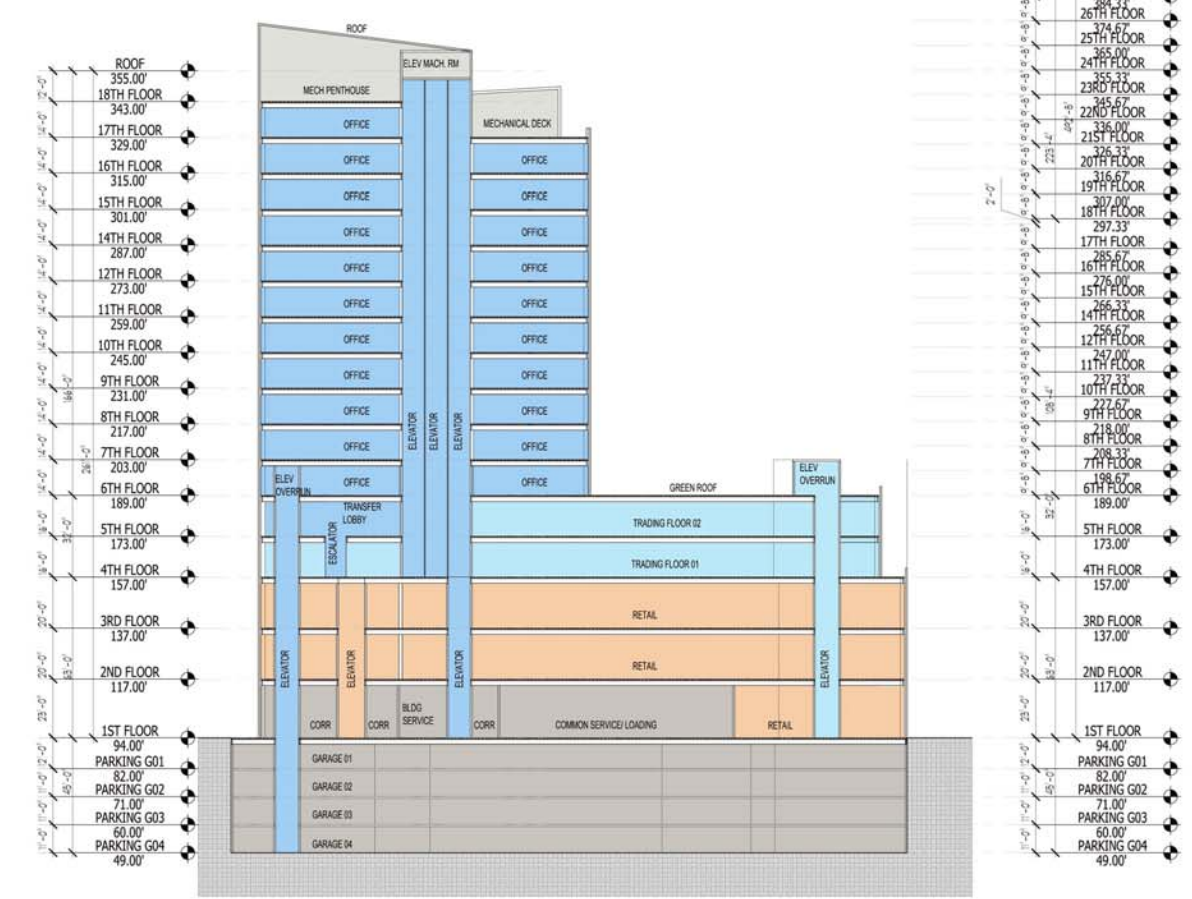
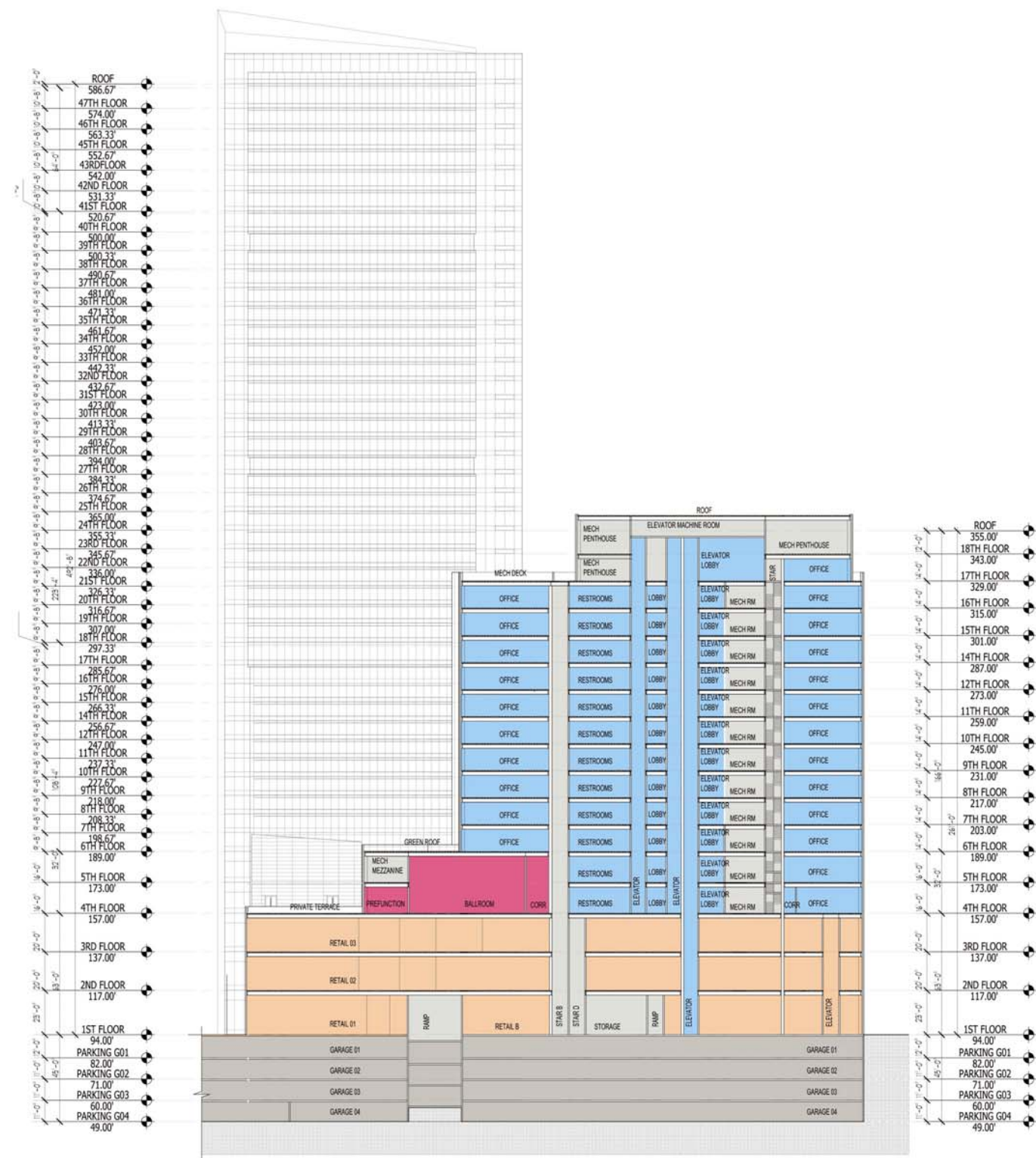
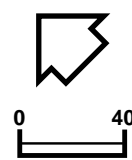


- Retail
- Residential
- Office
- Mechanical Space
- Parking/Loading
- Restaurant
- Hotel
- Ballroom
- Public Lobby
- Trading Floor

Exhibit 15  
**FEIS**  
**BUILDING SECTIONS 3 AND 4**  
**LECOUNT SQUARE**  
New Rochelle, New York

Saccardi & Schiff, Inc. - Planning and Development Consultants



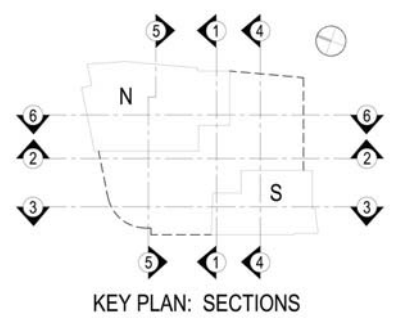


SECTION 6

2  
A1-303

SECTION 5

1  
A1-303



- Retail
- Residential
- Office
- Mechanical Space
- Parking/Loading
- Restaurant
- Hotel
- Ballroom
- Public Lobby
- Trading Floor

Exhibit 16  
**FEIS**  
**BUILDING SECTIONS 5 AND 6**  
**LECOUNT SQUARE**  
New Rochelle, New York  
Saccardi & Schiff, Inc. - Planning and Development Consultants



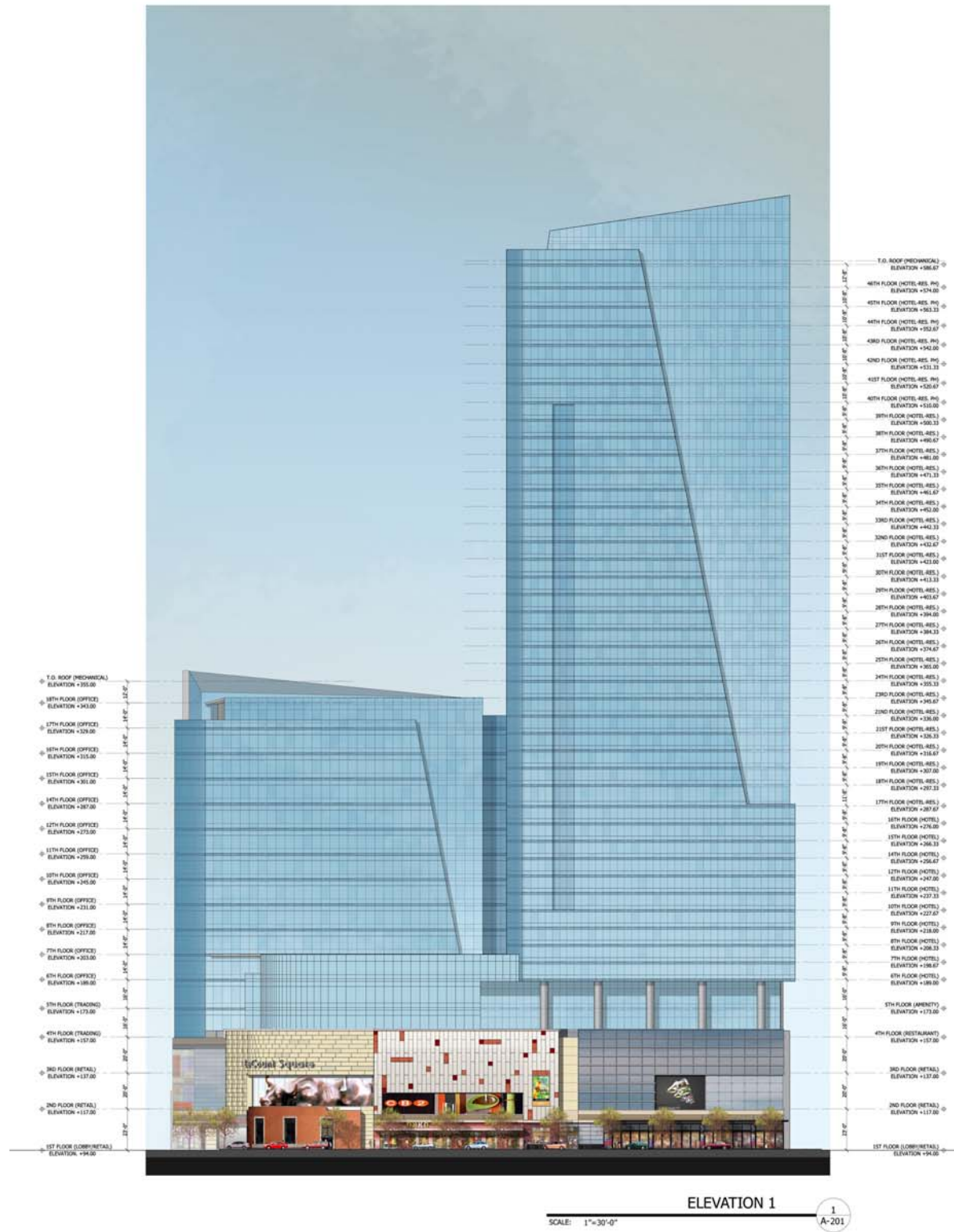
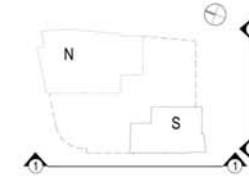


Exhibit 17  
FEIS  
ELEVATIONS 1 AND 2

**LECOUNT SQUARE**  
New Rochelle, New York

Saccardi & Schiff, Inc. - Planning and Development Consultants



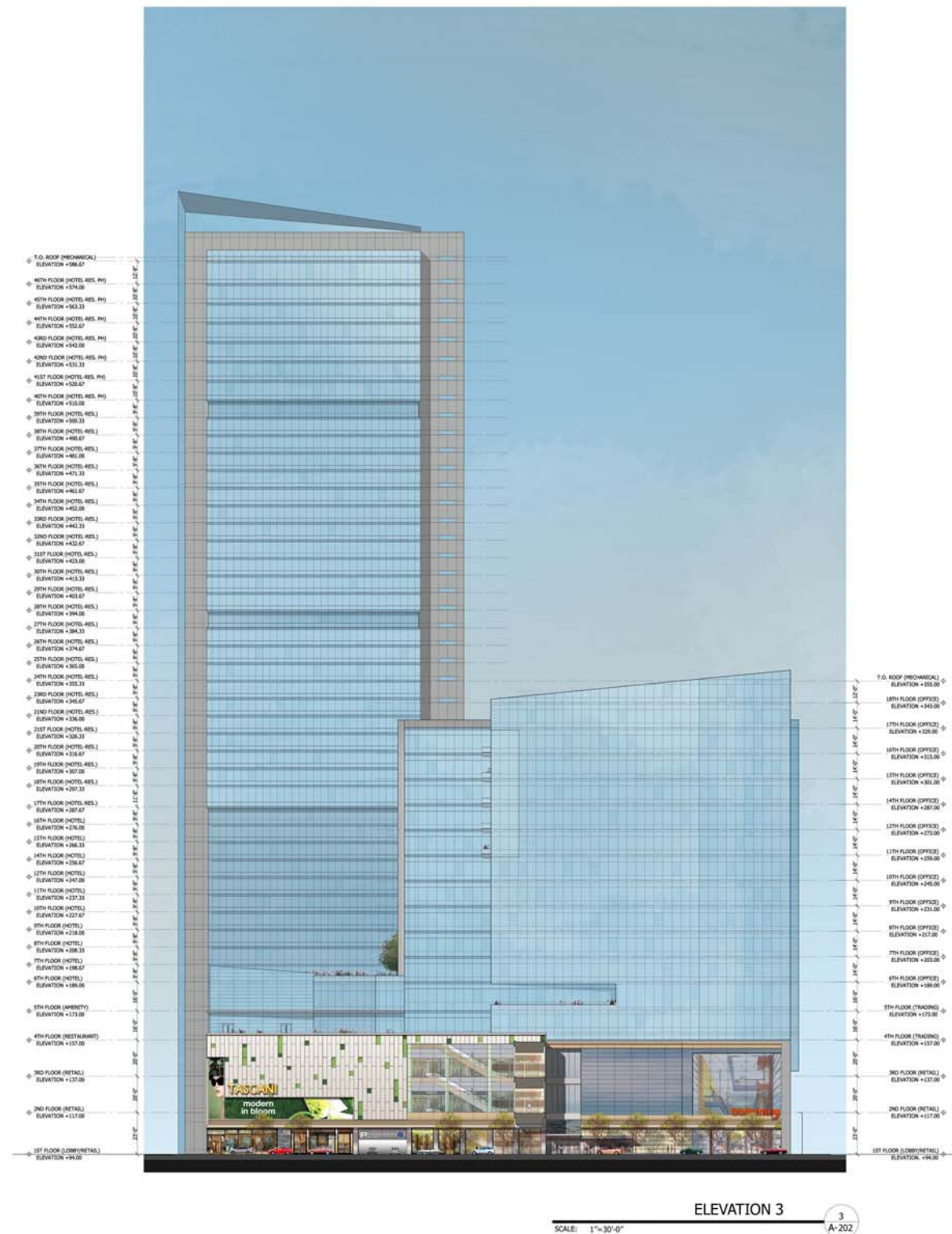


Exhibit 18  
**FEIS  
ELEVATIONS 3 AND 4**

**LECOUNT SQUARE**  
New Rochelle, New York

**Saccardi & Schiff, Inc. - Planning and Development Consultants**





Exhibit 19  
**FEIS**  
**NEW ANDERSON VIEW**

---

---

**LECOUNT SQUARE**  
New Rochelle, New York

---

---

*Saccardi & Schiff, Inc. - Planning and Development Consultants*





Exhibit 20  
**FEIS**  
**LECOUNT VIEW**

---

---

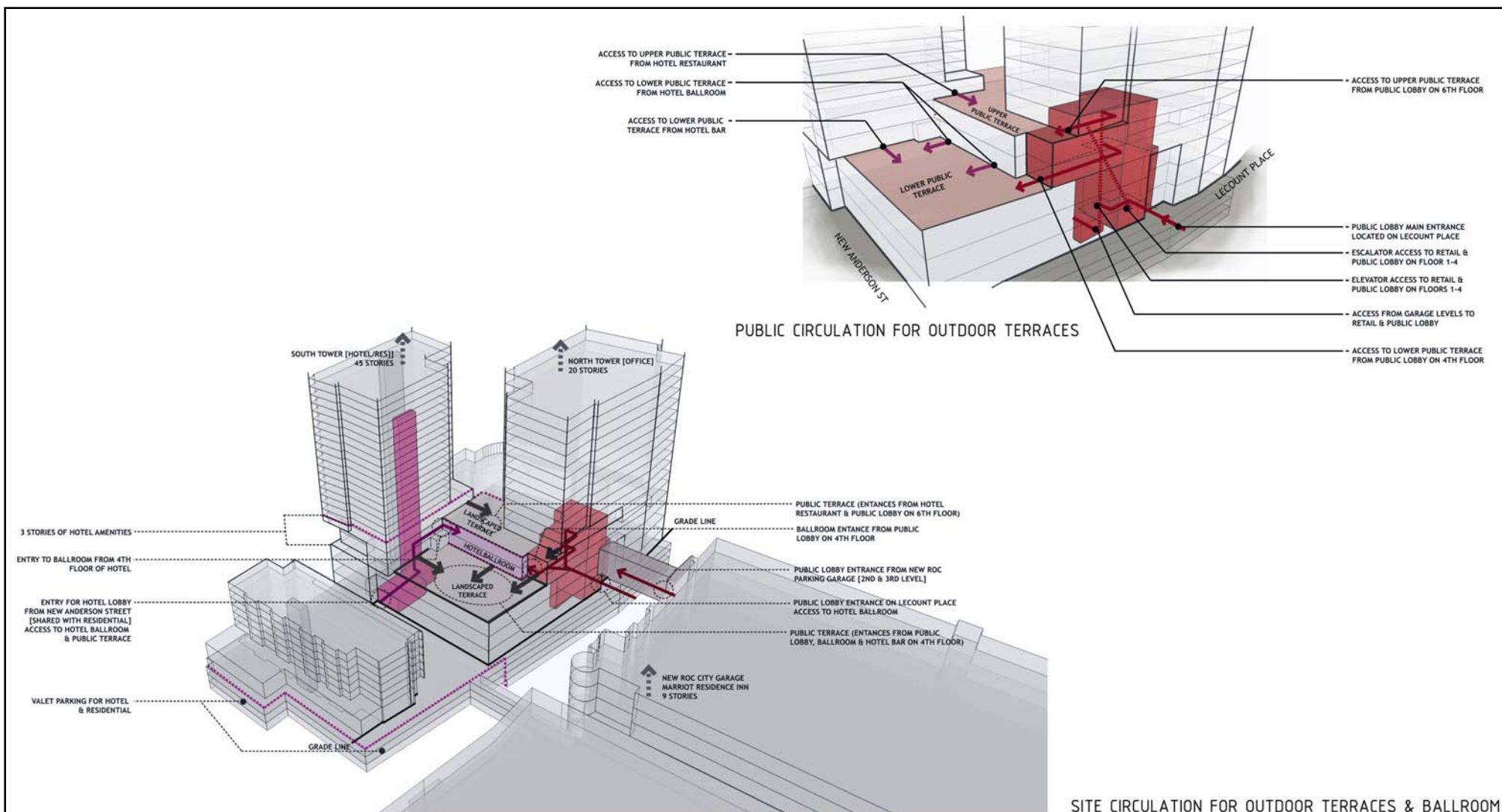
**LECOUNT SQUARE**  
New Rochelle, New York

---

---

SOURCE: **design**development

*Saccardi & Schiff, Inc. - Planning and Development Consultants*



SITE CIRCULATION FOR OUTDOOR TERRACES & BALLROOM

Exhibit 21  
**FEIS**  
**CIRCULATION DIAGRAM**

**LECOUNT SQUARE**  
 New Rochelle, New York



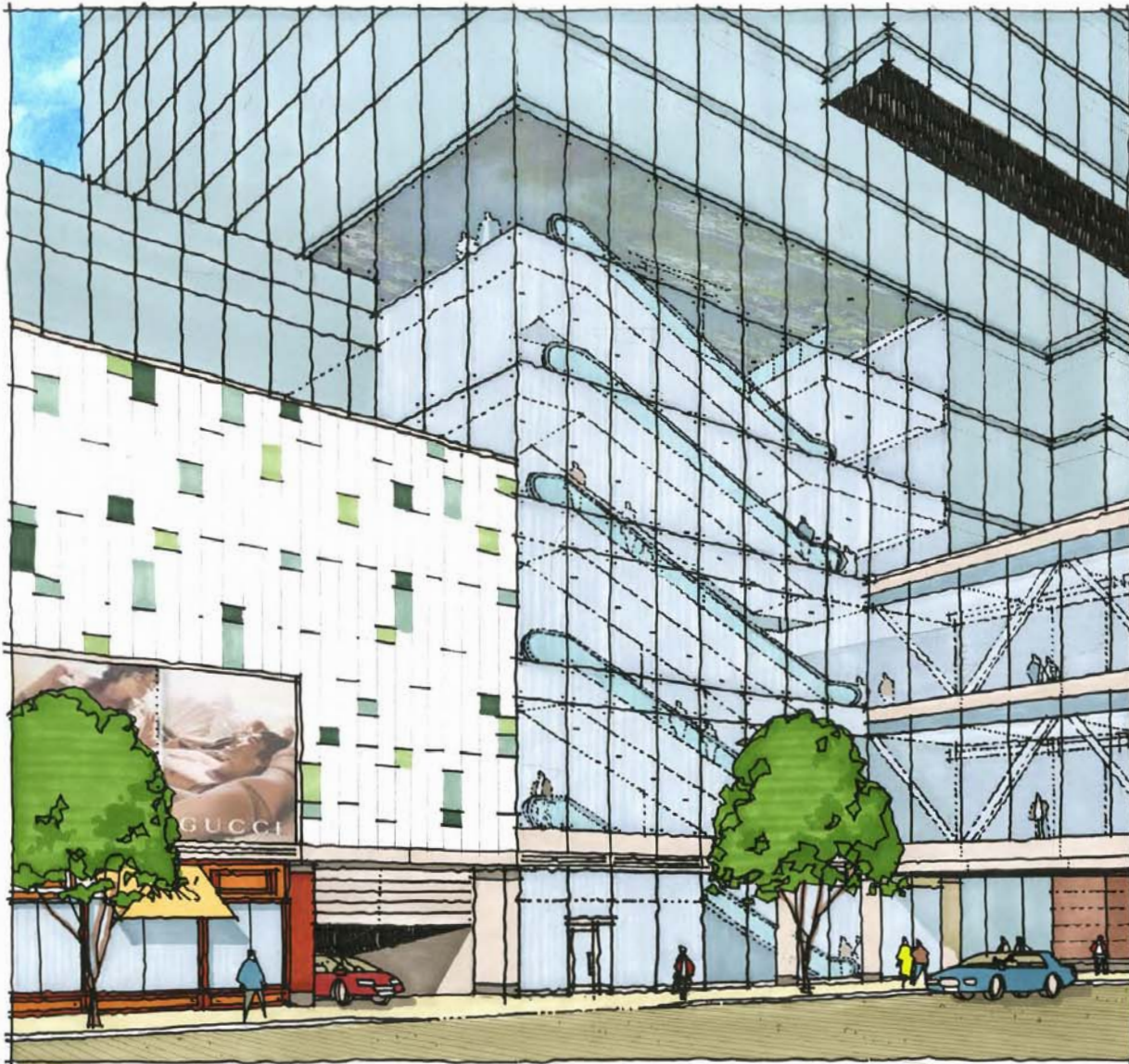


Exhibit 22

**FEIS  
LECOUNT ATRIUM VIEW**

**LECOUNT SQUARE**  
New Rochelle, New York

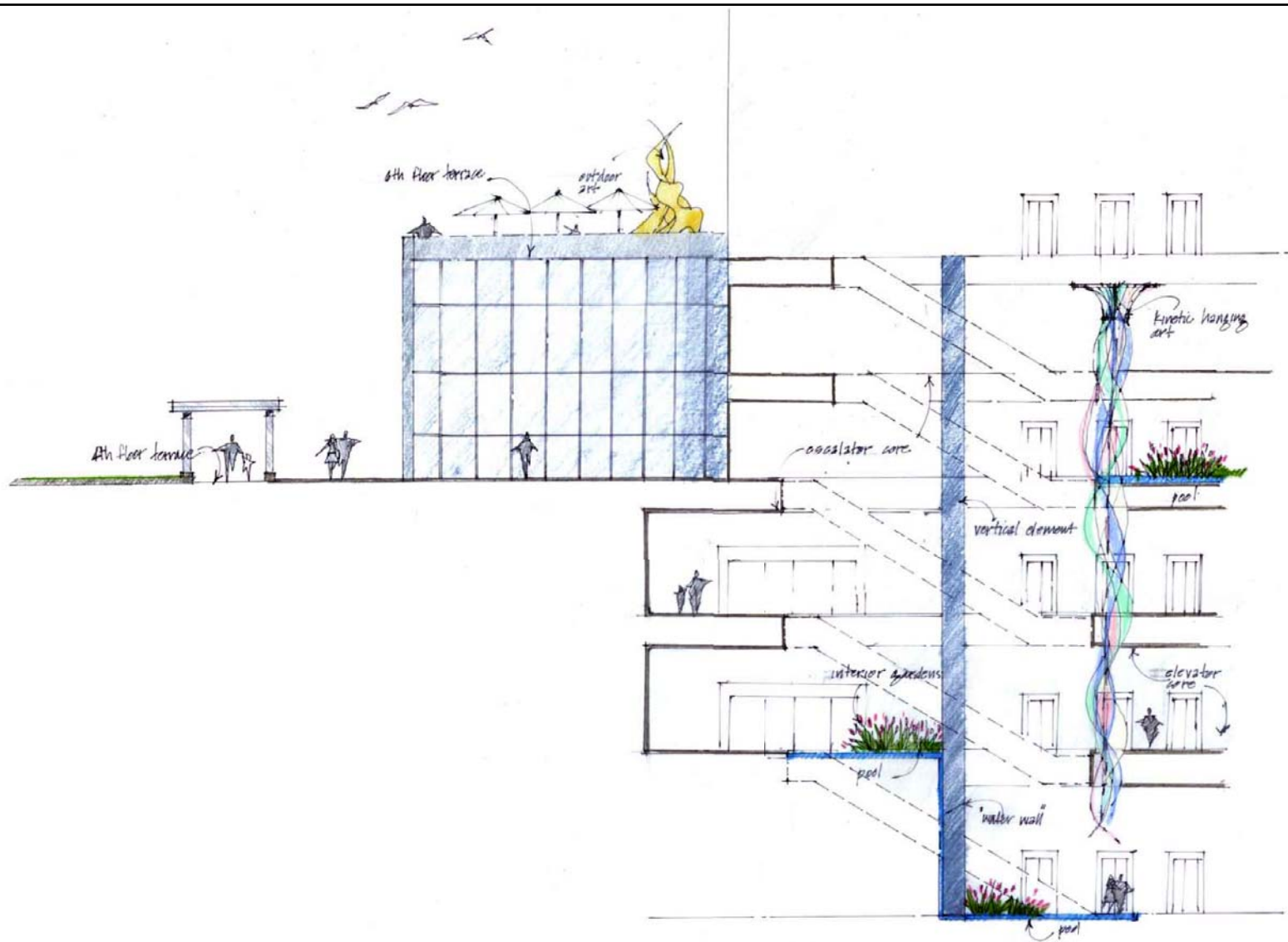


Exhibit 23  
**FEIS**  
**PUBLIC ATRIUM SECTION**

**LECOUNT SQUARE**  
 New Rochelle, New York



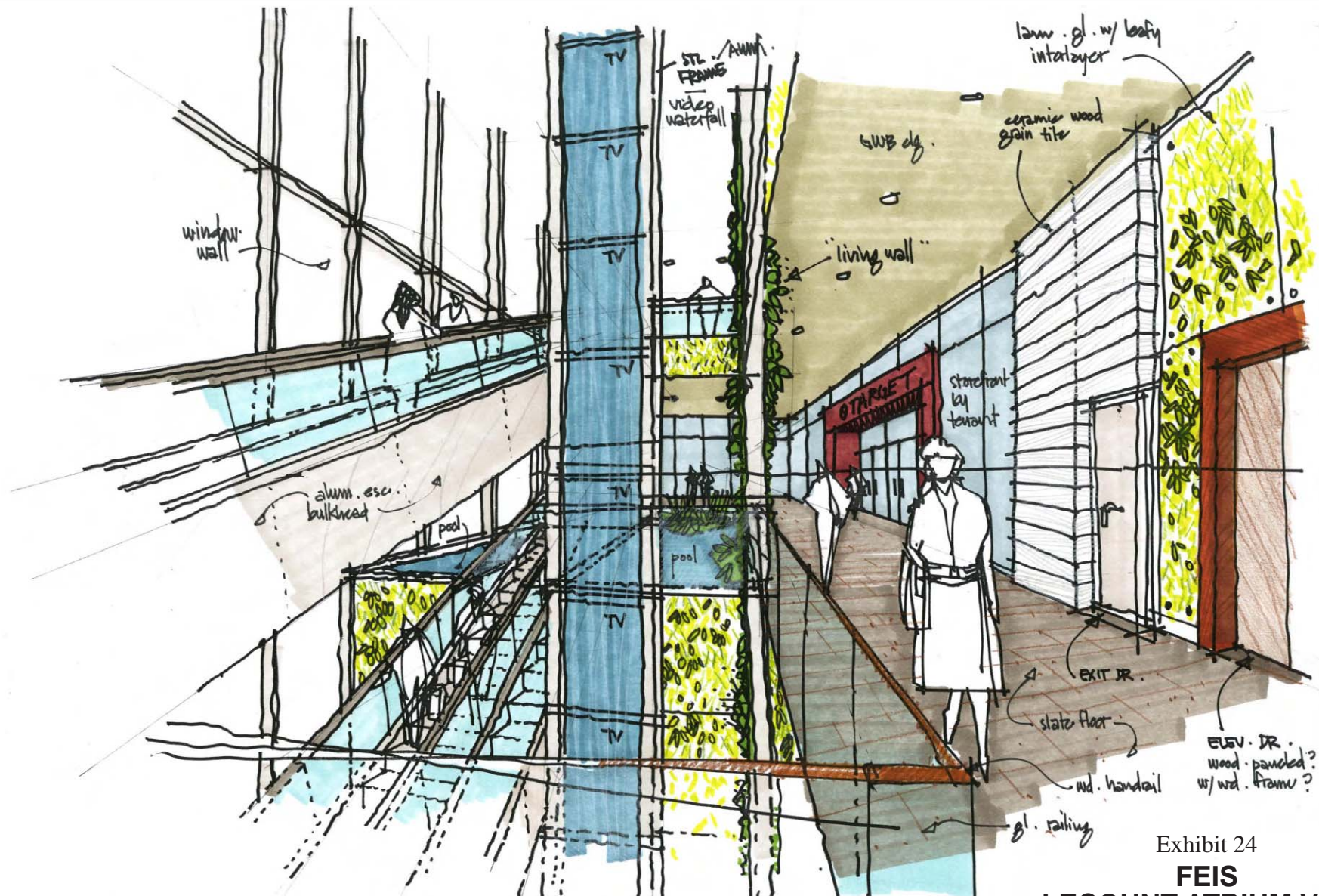


Exhibit 24  
**FEIS**  
**LECOUNT ATRIUM VIEW**

**LECOUNT SQUARE**  
 New Rochelle, New York



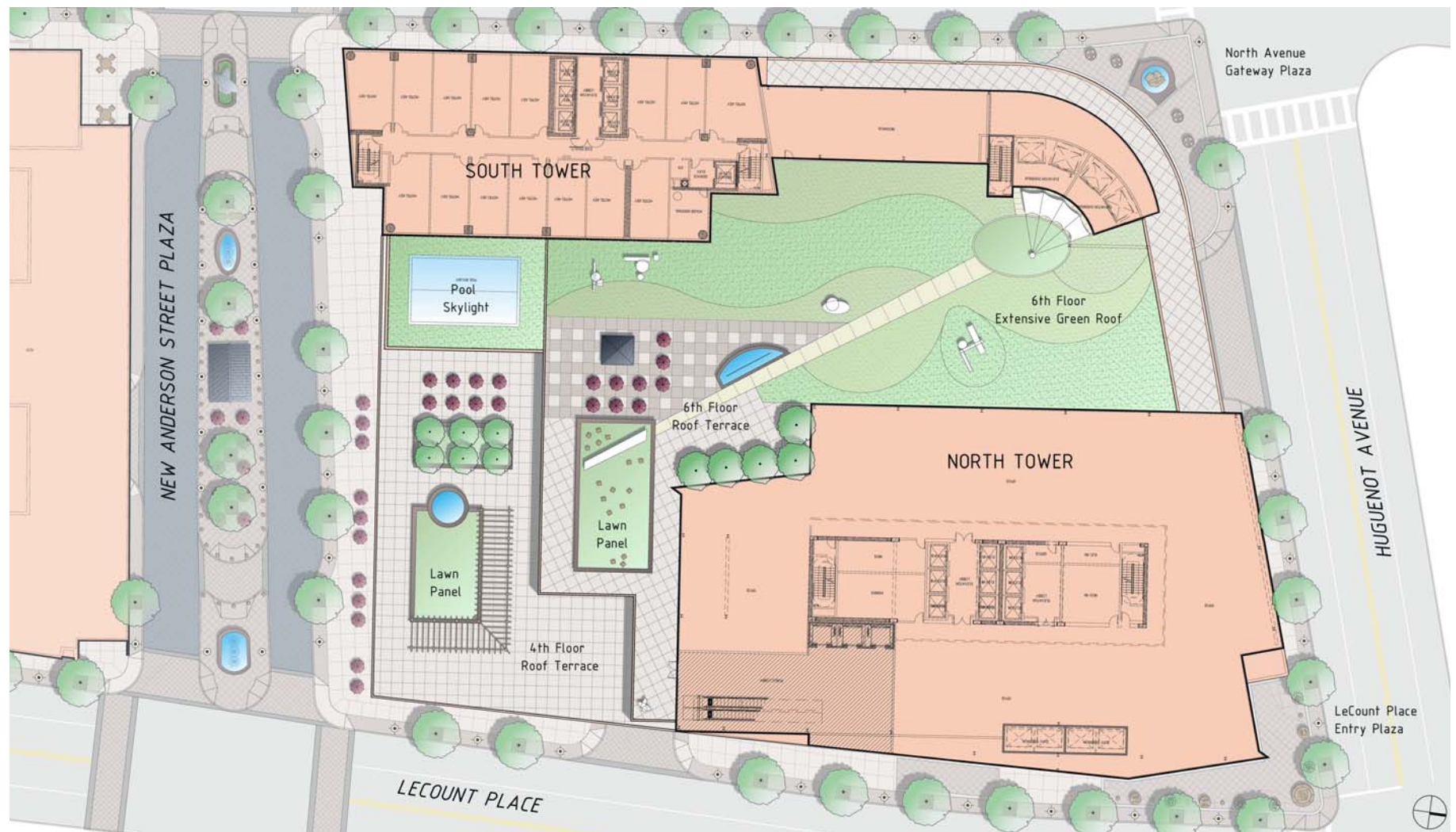


Exhibit 25  
**FEIS  
 OPEN SPACE  
 DEVELOPMENT PLAN**

**LECOUNT SQUARE**  
 New Rochelle, New York

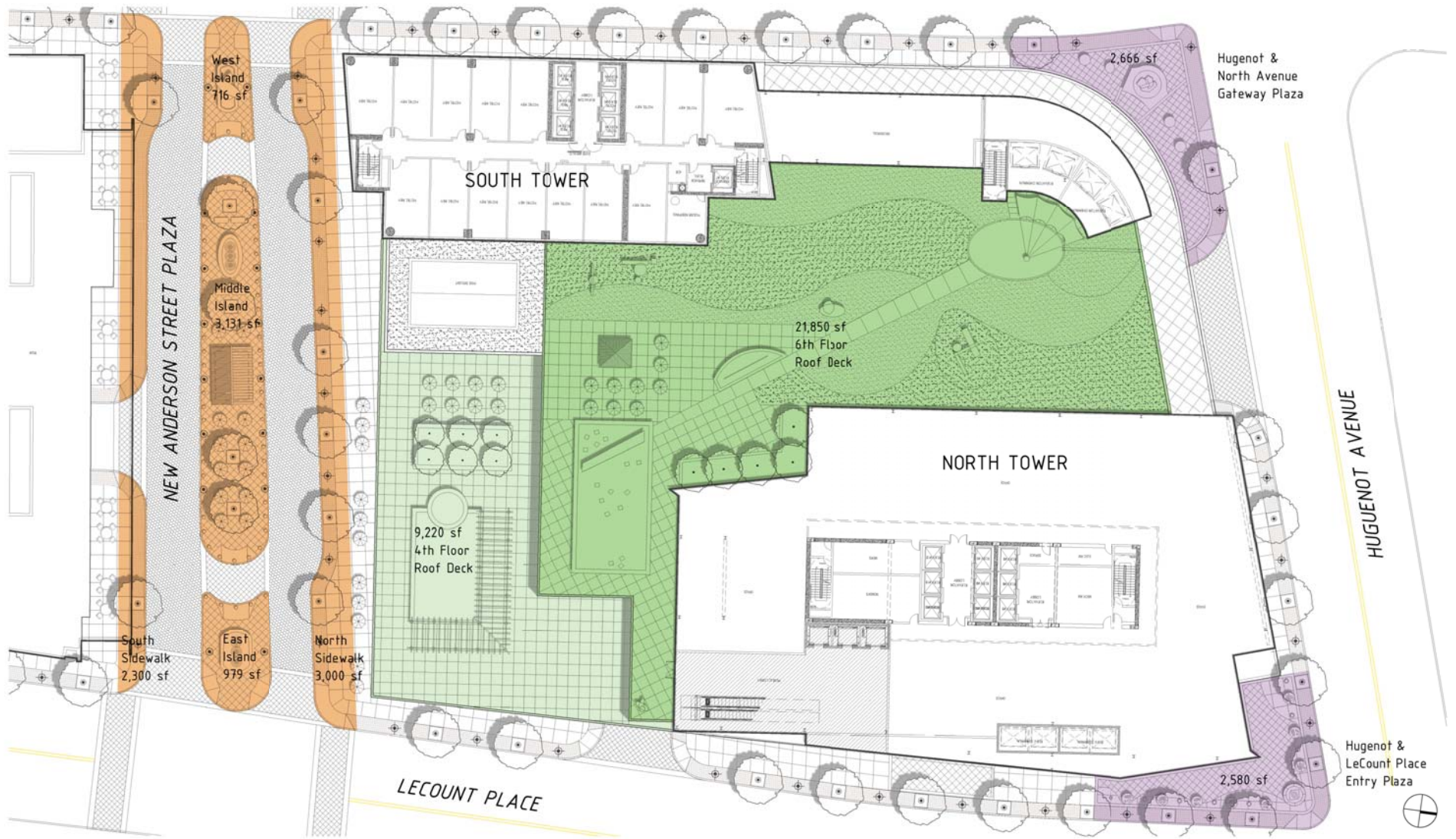


Exhibit 26  
**FEIS**  
**PUBLIC OPEN SPACE**

**LECOUNT SQUARE**  
 New Rochelle, New York





Public Art



Granite and Stainless Steel Benches



Kiosk



Luminaire



Light Column



Stainless Steel Bollards



Cafe Umbrellas



Tree Grate



Granite Curbs and Pavement



Asphalt Hex Pavers



Water Feature



Trench Drain

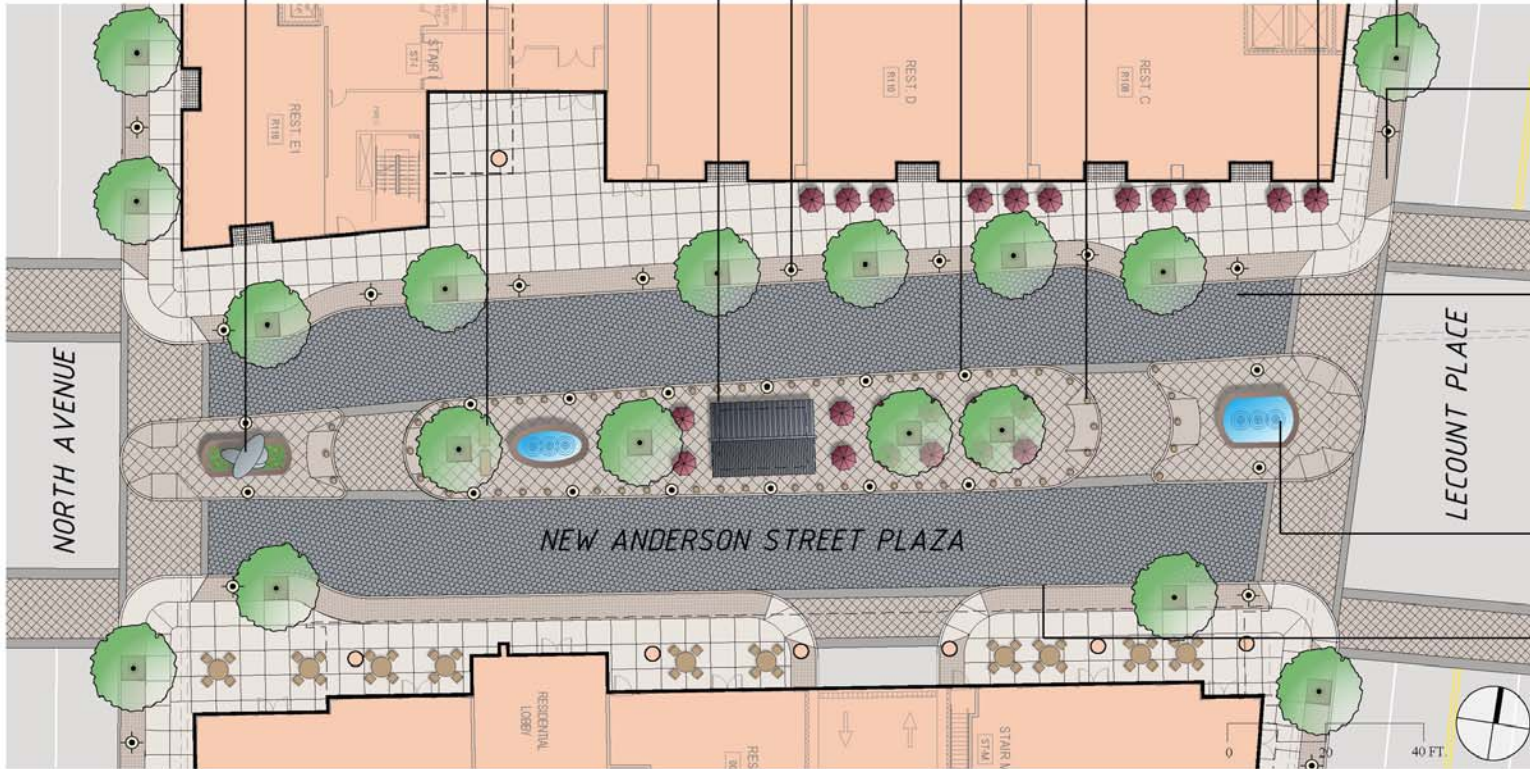


Exhibit 27

# **FEIS NEW ANDERSON STREET PLAZA**

**LECOUNT SQUARE**  
New Rochelle, New York



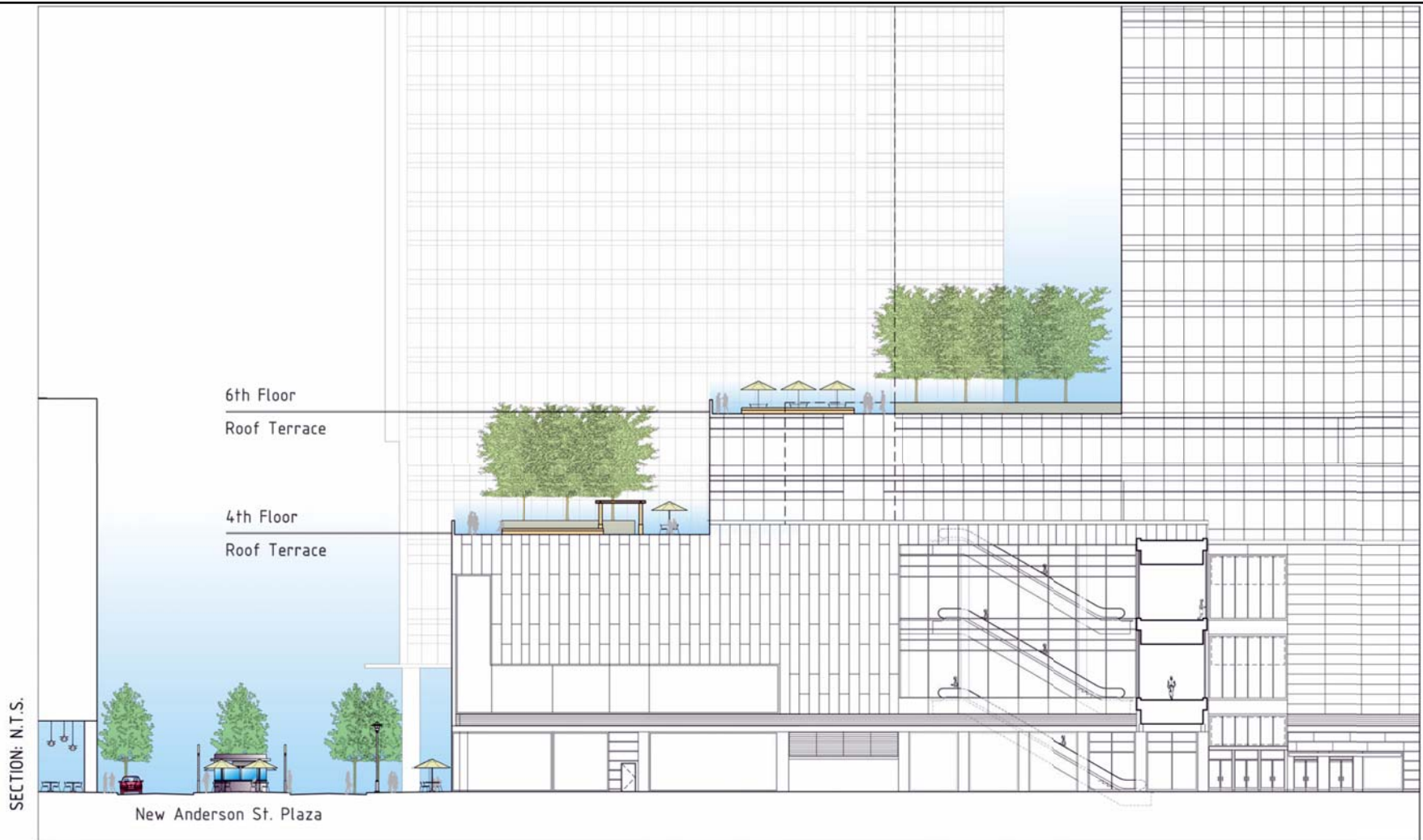


Exhibit 29

**FEIS  
NEW ANDERSON STREET  
PLAZA AND ROOF TERRACE  
SECTION**

**LECOUNT SQUARE**  
New Rochelle, New York





Exhibit 30  
**FEIS**  
**NEW ANDERSON VIEW**

---

**LECOUNT SQUARE**  
New Rochelle, New York

---

SOURCE: designdevelopment

*Saccardi & Schiff, Inc. - Planning and Development Consultants*



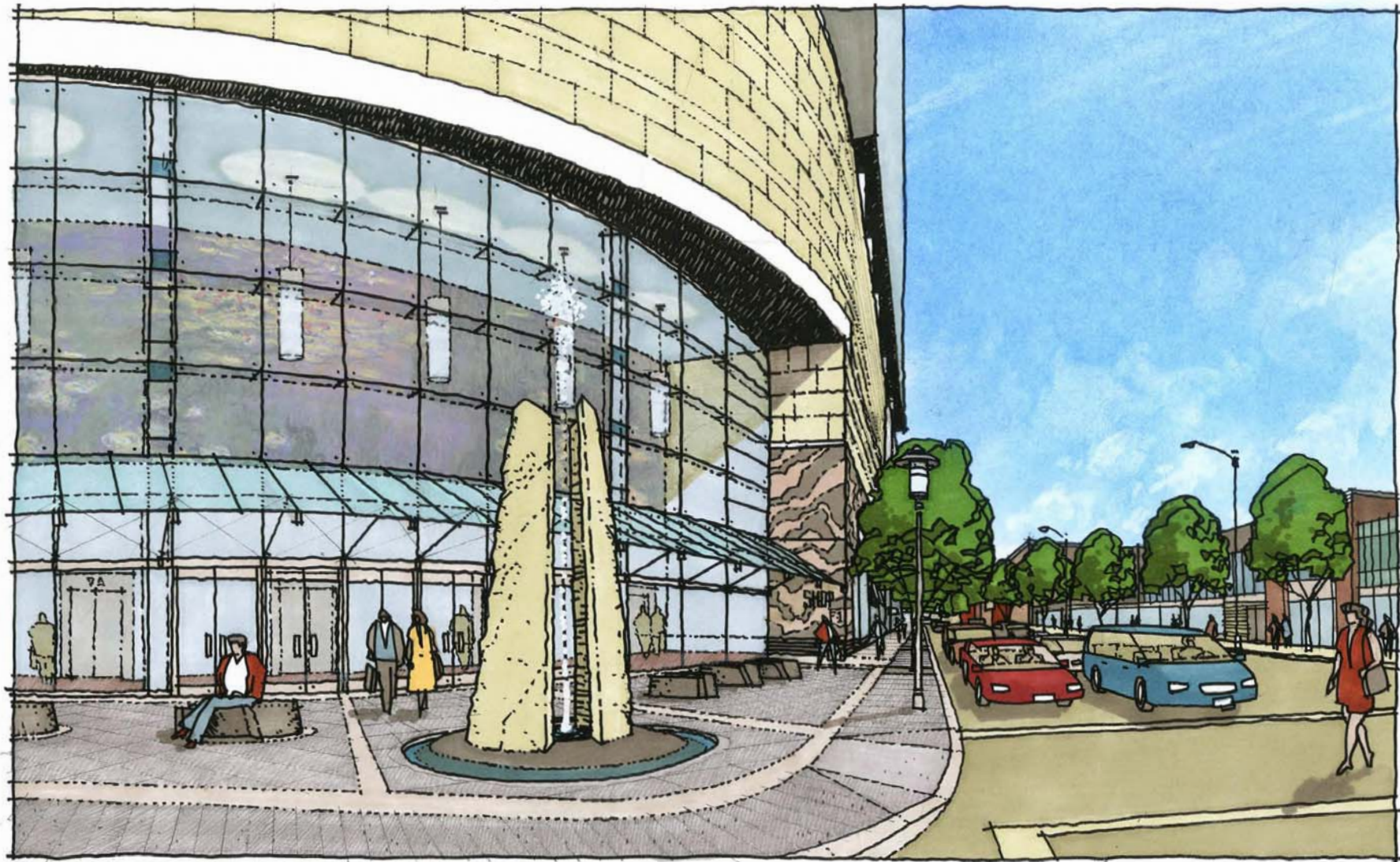


Exhibit 31

**FEIS  
NORTH AVENUE CORNER VIEW**

**LECOUNT SQUARE**  
New Rochelle, New York

SOURCE: **design**development

*Saccardi & Schiff, Inc. - Planning and Development Consultants*



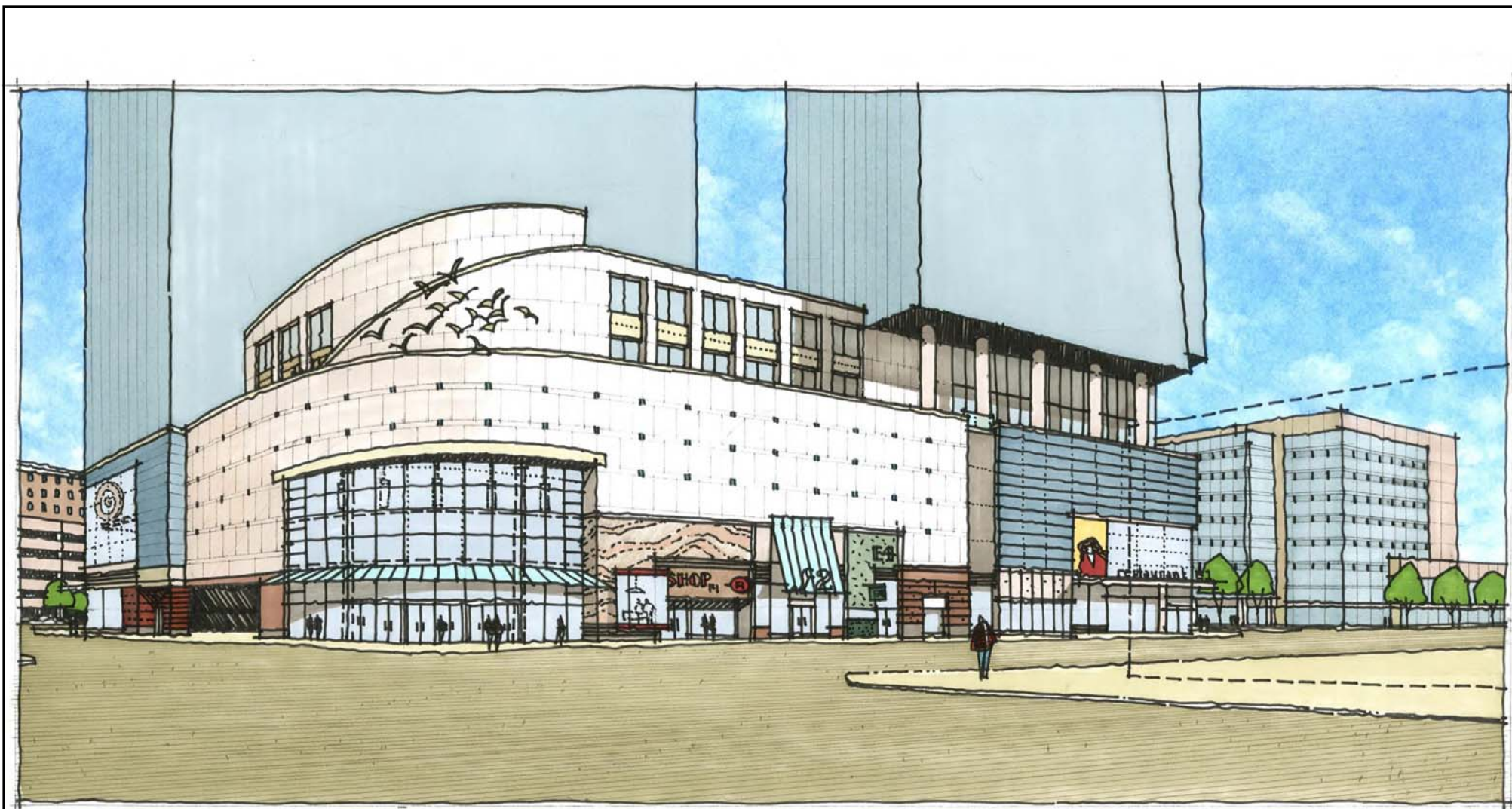


Exhibit 32  
**FEIS**  
**NORTH AVENUE VIEW**

**LECOUNT SQUARE**  
New Rochelle, New York



## II. COMMENTS AND RESPONSES

---

### A. Land Use, Zoning and Planning Consistency

#### SDEIS Comments

##### Comment II.A-1:

**12. “Self-contained pedestrian environment.”** In our previous letter, we noted the following statements in the draft EIS:

“for both the residential/hotel and the retail/office components, the project will provide a self-contained pedestrian environment. After potential office visitors or shoppers have driven into the New Roc City municipal garage, they would not have to cross LeCount Place at street level to reach their destination. Their walking route would either consist of crossing over LeCount Place via a pedestrian bridge directly into the second level of the proposed project’s main building, or under LeCount Place into the lower level retail facilities. Condominium residents would be able to drive onto the relocated Anderson Street, leave their car with the residential parking valet, and then enter their lobby without walking along the street. When they are ready to leave, their car will be delivered to the area in front of the residential lobby on Anderson Street, eliminating the need to cross any street to retrieve their vehicle. Visitors would park in the New Roc City garage, cross over LeCount Place and proceed to the residential lobby.”

This description portrays a development that could have no connection to the surrounding downtown. While the supplemental draft EIS made no further statements on this matter, we continue to point out that patrons and residents will not become pedestrians on local streets if they choose to drive to LeCount Square and park as the above text describes. This scenario could have the unfortunate effect of creating an insular environment and detracting, not enhancing, the active streetscape that the draft EIS stated that the applicant is seeking to create.

We continue to recommend that the City and the applicant have focused discussions about the relationship of the new uses and the project design to the downtown fabric. The final EIS should include a more extensive discussion of pedestrian movement patterns in the downtown area, including access to/from the intermodal center. Within this context, the final EIS should also provide more discussion of the development’s street level access points to the new uses. In particular, we recommend that more windows and actual entryways be added at street level to enhance the streetscape around the project.

(Edward Buroughs, AICP, Deputy Commissioner Westchester County Planning Board, Letter, 11/30/07, pg. 6-7; Similar comment in initial DEIS comment letter dated, 6/30/06)

##### Response II.A-1:

The proposed project has been designed to avoid the insular environment that sometimes occurs with urban “malls.” In contrast to mall-type projects that have a largely internal focus, the proposed project has an exterior focus, particularly at the street level. For example, the proposed

project wraps the grade level of the main building and the loft building with retail and restaurant spaces that are designed to have separate external entrances (indicated on FEIS Exhibit 1). This external focus, with many entrances, is expected to create a livelier street, with more pedestrian activity and window shopping interest, and a more typically urban pattern and shopping experience. The project would also create an inviting two-sided corridor along New Anderson Street that will foster street activity and connectivity.

It is possible that visitors could drive to the site and visit the project's upper level retail without necessarily having to make grade-level street crossings. However, this is not the only option. Visitors entering from the New Roc City garage would be able to reach the upper retail either by using the proposed second floor pedestrian bridge, or by exiting the garage at grade level, crossing LeCount Place and using the elevators or escalators available at the ground level in the main building. In order to visit the grade-level retailers, visitors will need to walk outside and enter from the street. Similarly, retail visitors who park on-site could utilize garage elevators to reach upper level retail, but would need to walk outside and enter from the street for grade-level retail.

It is also anticipated that the significant enhancements to the streetscape, and the increased availability and diversity of uses provided by the project will further increase street activity and linkages to surrounding uses. Visitors will likely be attracted to the location as a part of a downtown environment, where multiple objectives can be satisfied (e.g., shopping, having dinner and then seeing a movie), not simply as a destination for single-purpose trips. In addition, the project's mix includes office, residential and hotel uses. With available offerings in the immediate vicinity, workers, residents, and hotel guests would be very likely to walk out onto the street to enjoy a meal, run an errand, or satisfy other conveniences, further enhancing downtown activity levels.

In terms of pedestrian access, each of the proposed project's components would have a street-level access point. As described above, the grade level retail would have individual entrances onto the streets surrounding the project. Access to the upper levels of retail would be available from an entrance to a public atrium mid-block on LeCount Place. The residential and hotel lobbies would be located along Anderson Street, and the office would be accessible from the North Avenue/Huguenot Street corner and LeCount Place. All of these entrances are within ¼ mile walk from the Intermodal Center. In order to reach the site from the Intermodal Center, pedestrians would use the existing movement pattern (i.e., traveling south along a North Avenue sidewalk, and crossing across Huguenot Street and North Avenue at signalized crosswalks).

**Comment II.A-2:**

An alternative plan: Why not erect some of these buildings in the north end – say, Quaker Ridge area? Develop the north end, it's also the south. If people want views, we have many beautiful parks to experience first hand the Long Island sound. The "Renaissance" of New Rochelle does not require the destruction of a way of life and environment that we have moved here to experience and plant roots! My husband is a lifelong resident, and I have been here for 16 years. If we wanted to live in a high rise community, we would move to Manhattan. We love New Rochelle and its history, along with historic buildings and homes, its access to LI Sound, and the scale of a suburban, yet close to Manhattan, lifestyle. These buildings and unrestricted

development are destroying that community and forcing the City's "base" to either leave or consider moving away! Please have the fortitude to say No to developers and listen to the citizens of New Rochelle! It's our town – not theirs!

(Diana Mason and Charles Mirabella, Residents, 177 Woodland Avenue, New Rochelle, NY 10805, Letter, pg. 3-4)

**Response II.A-2:**

The City's Comprehensive Plan, as well the County Patterns for Westchester plan, recognizes that the downtown area is an appropriate location for more intensive development and high-rise buildings. For example, the City Comprehensive Plan's goal for downtown development is to:

"Expand the economic base of New Rochelle by revitalizing the downtown. Develop downtown as an attractive, safe, economically productive shopping and working destination, that serves both local residents and a larger market area."

One of the Comprehensive Plan's downtown-specific recommendations for realizing this goal is to "encourage mixed-use development including commercial, cultural, residential, entertainment, community, and recreational uses to create a critical mass of new development downtown." In addition, the Comprehensive Plan's zoning discussion notes that the Downtown Mixed Use Zone "should be densely developed with a mix of office, residential and retail uses, creating a definable corridor of dense, high rise urban uses adjacent to the transportation center." The City is also in the process of revising the regulations of the Downtown Density Bonus Overlay District, which would allow for building heights of up to 500 feet in the DMUR District. In addition, the project site is located at the "100 percent corner," identified in the New Rochelle Downtown Development Study (2005) as the cornerstone and focal point for downtown development, which is therefore an appropriate location for high-rise development.

The project contains a mix of uses designed to further the goal of the Comprehensive Plan and the Downtown Development Study to create a balanced mix of retail, office and residential development in the downtown, and will help create the critical mass of downtown activity uses and users necessary to revitalize and reestablish downtown as an active, exciting and viable destination. While the 10.1 FAR of the current proposed FEIS Project is higher than the Patterns for Westchester recommendation and slightly higher than the FAR of 9.0 contemplated in the Downtown Development Study, as described above (and noted by the County Planning Department in Comment II.A-9), the site is well situated for high density development. The redevelopment of the site with this project would advance the key County long-range land use policy of channeling development into the County's major downtown centers. It is also noted that the project's residential density falls within the Patterns for Westchester recommended range.

In general terms, the intent of the City's planning policies is to direct growth into the downtown center, which has supporting infrastructure, a transportation hub, and previously disturbed land, while preserving the character of its other neighborhoods and the qualities mentioned in the comment. The proposed project advances the City's objectives.

**Comment II.A-3:**

I am Mark Jerome. I am here on behalf of Monroe College and the New Rochelle Business Improvement District. I want to make some general comments. From our perspective, the BID has always been focused on three things. The first is residential development, the second is commercial, and third is retail development.

We had, in partnership with the City and the developers, real success on the residential side, and now are focusing on the retail and commercial sides of things.

There are three important things that we are looking at that are very important for the future development. The first thing we are waiting for is the expectation of retail at Trump Plaza.

The second thing, which Mr. Apicella spoke of today, which is important to those in the BID and many of us in downtown, is the change of use. And the third piece, which is perhaps the most important piece, the piece that we will turn to first for retail and commercial development downtown, is the LeCount Plaza.

I am not commenting in any way on size, the scope, the design of LeCount. We have not had time to look at that. In a general sense, the importance of bringing this business and to have workers that will patronize our businesses, and really, having some success with some significant retail is very important to us.

We ask you to continue to help represent us from downtown in working with the Cappelli organization to make sure that those things come to fruition.

(Mark Jerome, Representative of Monroe College and the New Rochelle Business Improvement District, Public Hearing Transcript, 11/20/07, pg. 15-17).

**Response II.A-3:**

Comment noted. As described above, the project includes a mix of uses intended to help diversify downtown uses and create a critical mass of residents, workers, visitors and shoppers in the downtown to enhance its viability as a central business district.

**Comment II.A-4:**

Further, Mr. Capelli's previous office venture on Huguenot Street was turned into an apartment. How can we believe him that an office will succeed?

(Peggy Godfrey, Public Hearing Transcript, 11/20/07, pg. 18)

**Response II.A-4:**

Since the close of the DEIS comment period, the Applicant has noted a strengthening office market in Westchester County. The Applicant believes that the commercial market is evolving, and in particular, that there is significant and growing unmet demand for office space in close proximity to Metro-North railroad stations. The City's Downtown Development Study similarly identified a paucity of larger office spaces attractive to Class A tenants. Improving market

conditions over the recent years have also been reported by other independent real estate firms, such as Grubb & Ellis, and Cushman and Wakefield<sup>1</sup>. These firms have also noted that companies facing high asking rates and tight space in New York City are showing interest in relocating north, such as Disney Publishing Worldwide, which is moving its headquarters to White Plains. The reports further note that Class A space is still highly sought after and that asking prices for such spaces are rising. These reports indicate that the White Plains central business district is showing positive results, with decreased inventory and increasing rents. This suggests that new Class A space in New Rochelle with convenient rail access should be competitive.

**Comment II.A-5:**

The City Zoning now allows up to 35 percent valet parking. This development will require a higher percentage of valet parking causing all kinds of delays for people working, living, working or shopping there.

(Peggy Godfrey, Public Hearing Transcript, 11/20/07, pg. 18)

**Response II.A-5:**

Valet parking is proposed for residents and hotel guests. The residential valet drop-off/pick-up area would be located in the first underground parking level and, as a result, would not interfere with any on-street traffic. Hotel patrons would utilize curb-side drop off in front of the hotel lobby. As shown on FEIS Exhibit 1, this would occur in a dedicated curb-side lane that has ample stacking distance, not a travel lane. Therefore, no increased delays for on-street traffic would be expected. In addition, valet parking is commonly used in urban areas and there is no evidence to suggest that cars operated by professional valets have a different impact on traffic conditions than cars operated by other drivers. As indicated in FEIS Exhibits 10-13, the residential and hotel valet parking area is separate from the retail self-park area, and would not create any on-site circulation conflicts.

**Comment II.A-6:**

I am probably the closest living person who lives across the street. I am for it. It think it should be made as high as you can. If you ever fly over New Rochelle on a plane, and I look down when I fly, I can say that's where I live, and the people in the seat next to me go crazy. You can see the Trump and the Avalon, if you are on a boat.

This is the turnaround point that my neighborhood and I will be the most impacted by it and will be making a turn for the better. I have gone through a lot of things there.

I support the Cappelli project in New Roc from the beginning. I am against it now that Mr. Apicella says that the whole component will change.

We are all waiting. I talk to many residents downtown and many business owners, and we are waiting for the one thing to appear. We are living in a new city that you have never seen before.

---

<sup>1</sup> Grubb & Ellis, "Office Market Trends Westchester County, NY Third Quarter 2007," Cushman & Wakefield, "Westchester County Office Market Fundamentals Remain Strong at Close of Third Quarter."



I am for you. Knock it down. Get it up, and let's keep moving. Thank You.

(James Toole, Resident, 2340 North Avenue, Public Hearing Transcript, 11/20/07, pg. 19-20)

**Response II.A-6:**

Comment noted.

**Comment II.A-7:**

I am absolutely opposed to bringing a Manhattan scale redevelopment to a suburban town. There is a difference between suburban and urban redevelopment. This is a development for Manhattan, and not New Rochelle. It should be done on a suburban scale.

How you can bring in the New York and midtown congestion to New Rochelle, and ruin the suburbs where people moved to get away from that type of congestion? I think this project should be stopped immediately.

(Jeffrey Russ, 220 Pelham Road, Public Hearing Transcript, 11/20/07, pg. 23-24)

**Response II.A-7:**

See Response II.A-2.

**Comment II.A-8:**

I am here to appeal to you to stop the overdevelopment of New Rochelle. No one moved to New Rochelle because they wanted high rises. Everybody who moved here wanted to move to the suburbs.

(Juliette Rouge, Public Hearing Transcript, 11/20/07, pg. 24)

**Response II.A-8:**

See Response II.A-2.

**DEIS Comments**

**Comment II.A-9:**

The proposed development is consistent with *Patterns for Westchester*, the County Planning Board's long-range land use policy document, in that it will serve to channel development into one of the county's major downtown centers where growth can be sustained and served by existing infrastructure and where project residents, employees and business tenants will have good access to public transit and a walkable environment. While the proposed action is both larger and denser than current zoning allows, the proposed zoning map amendments will permit this type of development to go forward in a way which is consistent with the vision that the City established in its planning documents. The proposed action is also generally consistent with the

**Patterns** map which shows downtown New Rochelle to be recommended for “High Density Urban 7-9” which has a recommended floor area ratio (FAR) of 1.6-6.4 and a recommended gross residential density of 51-205 dwelling units per acre. While the proposed FAR of 8.6 is higher than the **Patterns** range, the subject site is well situated for high density development. The gross residential density of 68 units per acre fits within the range recommended by **Patterns**.

(Edward Buroughs, AICP, Deputy Commissioner Westchester County Planning Board,  
letter dated June 30, 2006)

**Response II.A-9:**

Comment noted. The project has been designed to advance the regional planning goals espoused by the County Planning Board in Patterns for Westchester.

**Comment II.A-10:**

In addition, we recommend that the City focus on whether the 20-foot wide pedestrian area – positioned between the new 146-foot tall building on the north side and the existing buildings on the south side – would have limitations in providing light and air to pedestrians. The City should review this aspect to ensure that the design will create the attractive and active streetscape as shown in the rendering in the draft EIS.

(Edward Buroughs, AICP, Deputy Commissioner Westchester County Planning Board,  
letter dated June 30, 2006)

**Response II.A-10:**

As described in the SDEIS and this FEIS, the project site now includes 2 Anderson Street, the property at the southeast corner of North Avenue and Anderson Street. As a result, the plan no longer includes a pedestrian way, since there will be no need to provide access to a building fronting onto Anderson Street.

**Comment II.A-11:**

On a detail, we note that the existing landscaped area along Anderson Street contains a cut-through for a vehicular driveway into the Union State Bank parking lot, which also has access onto LeCount Place. The draft EIS does not state what will happen to this access point when Anderson Street is relocated and replaced by the pedestrian only arcade.

(Edward Buroughs, AICP, Deputy Commissioner Westchester County Planning Board,  
letter dated June 30, 2006)

**Response II.A-11:**

As described in Section III-A of the DEIS, the location of the proposed loft building could block the existing Anderson Street driveway access to Union State Bank. However, the Applicant is meeting with the property owner to discuss potential access alternatives and intends to enter into an agreement to accommodate a reconfiguration of the vehicle circulation. Correspondence from Union State Bank, acknowledging that compensation or alternative access arrangements may be necessary, and agreeing to continue discussions to find a mutually acceptable arrangement, is included in the SDEIS Appendix.

**Comment II.A-12:**

I'm with Monroe College. I am here tonight on behalf of Mark Jerome, who is executive director of the college, chair of the State of New York Board. At its June 1<sup>st</sup> meeting, the board voted unanimously to support this project. It wishes to send to the Council its enthusiastic support of the project and feels it will be a great boost to the ongoing redevelopment for New Rochelle.

In Mr. Jerome's other hat, as the executive vice president of the college, we feel the college also supports the project tremendously. We think it is going to be a great asset again to the community and the college. We feel what's happening in downtown New Rochelle is terrific. We could not express more support for it, and kind of a personal note, I actually live in the community as a neighbor of the project. I lend my personal support. So thank you very much.

(David Dimon, Public Hearing on June 20, 2006)

**Response II.A-12:**

Comment noted.

**Comment II.A-13:**

What happens to the area in front of the building with the pizza restaurant? How will the access to this building be affected? What happens to the bank's access?

(Dr. Walter Lipow, Planning Board meeting on May 30, 2006)

**Response II.A-13:**

The property on which the pizza restaurant is located (2 Anderson Street) has been incorporated into the proposed project. As a result, access does not need to be provided. See Response II.A-11 for discussion regarding access to the bank.

**Comment II.A-14:**

What will happen to the area in front of the stores – where you currently look at plantings...?

(Chester Freeman, Planning Board meeting on May 30, 2006)

**Response II.A-14:**

The initial proposal included a twenty-foot wide pedestrian way that would occupy the space in front of the stores on the existing Anderson Street. However, as described above, the project has been modified to incorporate the property on which the stores are located into the new development.

**Comment II.A-15:**

The current configuration of the project eliminates visibility of businesses on the south side of Anderson Street. While the pedestrian access to these buildings will be maintained, they would still suffer from the loss of visibility from North Avenue. The necessary changes to the bank driveway should also be described. If the project has been revised to improve visibility and

access to the businesses, the FEIS shall describe those project changes and how they affect the businesses.

(Graham Trelstad, AICP, AKRF, Inc., letter dated August 25, 2006)

**Response II.A-15:**

As described in the SDEIS, the project has been modified to incorporate 2 Anderson Street, the property on the south side of Anderson Street containing retail and restaurant uses. As a result, there are no visibility or access issues with respect to this building. However, the loft building would still block the existing driveway access for the bank building. The Applicant is meeting with the property owner to discuss potential access alternatives and intends to enter into an agreement to accommodate a reconfiguration of the vehicle circulation. Correspondence from Union State Bank, acknowledging that compensation or alternative access arrangements may be necessary, and agreeing to continue discussions to find a mutually acceptable arrangement, is included in the SDEIS Appendix.

**Comment II.A-16:**

The issue of ownership of the pedestrian arcade must also be addressed. Since the existing configuration of the project site provides access to businesses via a public right-of-way, an unusual situation may be created if some business' entrances are only accessible by crossing private property. Several maintenance issues are also raised by this situation. Details describing access to the properties during construction must also be described. If the project has been revised to make this issue moot, the FEIS shall so indicate.

(Graham Trelstad, AICP, AKRF, Inc., letter dated August 25, 2006)

**Response II.A-16:**

The project no longer includes a pedestrian arcade for access to the businesses on the south side of Anderson Street because the 2 Anderson Street property has been incorporated into the project.

**Comment II.A-17:**

As currently designed, the proposed project creates somewhat of an enclosed environment. Discussion in the DEIS recognizes the importance of attracting a critical mass; however, the bridges and tunnels can potentially result in vehicular travel to the project with only internal pedestrian circulation. Additional pedestrian activity on sidewalks should be encouraged by developing the project with street level entrances as the primary means of pedestrian ingress and egress. The project should provide connections to the entire downtown area, not just to New Roc City.

(Graham Trelstad, AICP, AKRF, Inc., letter dated August 25, 2006)

**Response II.A-17:**

See Response II.A-1 above.

## **B. Utilities**

### **SDEIS Comments**

#### **Comment II.B-1:**

##### **4. Infrastructure Impacts**

The City and its consultants have reviewed the Developer's proposed mitigation measures for impacts to the water supply distribution and sanitary sewer collection mains and have found the proposed mitigation to be inadequate. The Developer has proposed the lining of City sewer mains to increase flow capacity. Current data indicates that adequate mitigation will require replacement of the affected lines with pipes of a larger capacity. In addition, the City has identified the need for corrections to Inflow and Infiltration ("I&I") at three times the expected peak flow volume of new sanitary sewage. The Developer has not committed to this amount, but rather only to three times the average flow volume. The City is required to show continuing compliance with its Sewer Consent Order with Westchester County which must in turn show continuing compliance with its Sewer Consent Order with the New York State Department of Environmental Conservation, all through strict adherence to requirements to correct I&I.

(Charles B. Strome III, City Manager, City of New Rochelle Interdepartmental Memorandum, 11/16/07, pg. 3)

#### **Response II.B-1:**

In the SDEIS, the Applicant proposed lining sections of the sewers in Huguenot Street and Main Street with cured in place pipe to increase their capacity and mitigate the additional sewage flows from the project. City staff disagreed that this mitigation would be adequate and suggested replacement of the affected lines with pipes of a larger capacity. To resolve this issue, the City and the Applicant agreed to have an independent engineering firm, Dvirka and Bartilucci, evaluate lining versus replacement and recommend to the City which course of mitigation is appropriate.

In a February 28, 2008 letter, Dvirka and Bartilucci stated that while they agree with the Applicant's approach to increase capacity by lining the pipes, they disagree with the Applicant's peak flow calculation. Due to the varying times of day that sewage flows peak in mixed-use development (residential use peaks earlier than commercial use), the Applicant had calculated the peak flows for each use and determined the peak flow to the sewage system to be the higher of the two. Dvirka and Bartilucci noted that even if both uses do not peak at the same time, to be conservative, average flows from the commercial use should be combined with the peak flows from the residential use.

Recalculating the peak flow with this methodology causes the capacity of a section of the existing sewer in Huguenot Street to be exceeded when peak flow from the project is added, even if the pipe is lined as proposed in the SDEIS. Therefore, Dvirka and Bartilucci recommended that this section of the existing sewer main be replaced with a larger diameter pipe



that would increase its capacity to sufficiently accommodate the project and all other existing and proposed flows.

In accordance with this recommendation, the Applicant proposes to replace the section of pipe in Huguenot Street from MH77260 to MH77259. The existing 10 inch pipe would be replaced with new 12 inch pipe. Capacity calculations for the new 12 inch pipe are included in Section I of this FEIS.

As described in the SDEIS, the Applicant will comply with inflow/infiltration mitigation requirements based on the average flow from the project, but not the peak flows. Average flow, rather than peak flow, is the most appropriate measure of the overall amount of discharge into the sanitary sewer system. Westchester County Department of Environmental Facilities has confirmed that the ratio should be “based on the average daily flow as required by NYSDEC for sewer extension approvals.” See letter dated January 11, 2008 from Commissioner Lauro in the Appendix to this FEIS.

**Comment II.B-2:**

With respect to water supply issues, the Developer has been engaged in discussions with United Water, but has not reached a final conclusion as to what improvements will be necessary to the water distribution system for the Project. These improvements need to be identified in the FEIS, together with firm financial commitments from the Developer to fund such improvements as well as the timing thereof.

(Charles B. Strome III, City Manager, City of New Rochelle Interdepartmental Memorandum, 11/16/07, pg. 3)

**Response II.B-2:**

See Response II.B-10. An agreement has been negotiated under the supervision of the Public Service Commission regarding both the facilities that UWNR would need to construct to provide service to the project and the proportionate share of the cost of those facilities to be borne by the Applicant. In order to accommodate the water demands of the project, the replacement of approximately 3,000 feet of existing water mains in North Avenue from Coligni Avenue to Burling Lane with new 16-inch main would be required. Final design and implementation of the replacement project would occur at such time as the Applicant executes a “Will Serve” letter, which will be promptly issued by UWNR upon written request for water service. A copy of the agreement is included in the Appendix of this FEIS.

**Comment II.B-3:**

The County Department of Environmental Facilities (DEF) has noted that the New Rochelle Sewer District has been under a moratorium on sewer extensions imposed by the NYS Department of Environmental Conservation for some time. Although the connection for the proposed condominiums at the project site is technically not a sewer extension, the additional sewage flows will have an impact on the system. The supplemental draft EIS states that the City has required that this additional flow to the system be offset by reductions in inflow/infiltration (I&I), with the removal being on a three for one ratio, as required by the NYS DEC for sewer

extension approvals. The fact that the revised proposal has increased the projected daily flow to 129,960 gpd from 128,260 gpd will require an increased amount of mitigation.

While the supplemental draft EIS states that the applicant will comply with the mitigation requirements and provides a preliminary list of inflow and infiltration removal locations to accomplish this, we note that the locations on this list have already been completed as part of I&I mitigation project locations. The final EIS should also state whether the applicant will be required to place funds into a dedicated account for I&I work based on a per gallon cost of removal of flow through I&I and specify who will conduct the work in what timeframe.

(Edward Buroughs, AICP, Deputy Commissioner Westchester County Planning Board, Letter, 11/30/07, pg. 1-2; Similar comment in DEIS comment letter, dated 6/30/06)

**Response II.B-3:**

As described in the SDEIS, the Applicant will comply with the inflow/infiltration mitigation requirement. The locations identified in the SDEIS were preliminary based on the most recent update of the “New Rochelle Flow Reduction Study,” the best available source of information. However, some of the locations may have already been remediated, or will be remediated by the time the Applicant is in a position to perform the work. The Applicant intends to coordinate with the City’s Department of Public Works and WCDEF on locating other significant sources of inflow/infiltration that could be corrected as eligible projects at the time that the work is ready to proceed. The work will be performed by the Applicant.

**Comment II.B-4:**

In addition, the final EIS should specify in greater detail why the increase in wastewater from this project is only 1,700 gpd higher than under the previous project proposal, given that the revised proposal is substantially larger.

(Edward Buroughs, AICP, Deputy Commissioner Westchester County Planning Board, Letter, 11/30/07, pg. 1-2)

**Response II.B-4:**

The increase is slight because the SDEIS calculation takes into account the effect of water saving devices, while the DEIS calculation did not include this factor. Water saving devices, which are required in all new and rehabilitated structures, have the effect of reducing wastewater flows by approximately 20%. When this is factored into the project described in the DEIS, it results in a projected flow of approximately 102,608 gpd. The projected flow for the Modified Project described in the SDEIS was 129,624 gpd. The projected flow for the current proposed FEIS Project is approximately 125,100 gpd, which would be approximately 22% greater than the Original Project studied in the DEIS.

**Comment II.B-5:**

I have reviewed the Supplemental DEIS dated June 18, 2007, for the referenced Development and submit the following comments:

1. The City will require mitigation of Infiltration in the New Rochelle Sewer District sanitary sewers as required by the NYSDEC and the WCDEF due to the increase in density and Zoning changes. The calculated infiltration amount required to be removed is indicated herein below. In addition, certain sanitary sewer pipe segments are to be replaced, as required by the Department of Public Works, to achieve the flow capacity necessary to serve the Development.
2. The amount of Infiltration to be removed is to be equivalent to three (3) times the difference in the peak flows, calculated for pre-development and post development stages.

(J. Clemente, P.E. City Engineer, New Rochelle Department of Public Works, Memo, 11/16/07, pg. 1-2)

**Response II.B-5:**

See Responses II.B-1 and II.B-9.

**Comment II.B-6:**

3. The WCDEF has furnished The City of New Rochelle with a list of existing sewer pipe segments, to be lined by the cured-in-place method, to eliminate the required amount of Infiltration. The City will use this list to establish the location, pipe size and length of pipe segments to be corrected.

(J. Clemente, P.E. City Engineer, New Rochelle Department of Public Works, Memo, 11/16/07, pg. 1-2)

**Response II.B-6:**

Comment noted.

**Comment II.B-7:**

4. Any City-owned utilities in the streets to be acquired, or disturbed for the purpose of construction beneath such streets, will necessarily be relocated as required by the developer at his sole cost, such that that will be no interruption in services otherwise provided.

(J. Clemente, P.E. City Engineer, New Rochelle Department of Public Works, Memo, 11/16/07, pg. 1-2)

**Response II.B-7:**

Comment noted. Any existing City utility in Anderson Street will be moved at the Applicant's cost.

**Comment II.B-8:**

5. The City of New Rochelle will have the option of salvaging any items which may interfere with the proposed development, such as street lights, traffic signals, benches, trees, etc. items so designated will be carefully removed by the developer and delivered to designated location at his cost, as required by the City.



(J. Clemente, P.E. City Engineer, New Rochelle Department of Public Works, Memo, 11/16/07, pg. 1-2)

**Response II.B-8:**

Comment noted.

**Comment II.B-9:**

6. The calculated peak flows indicated on pages II-5, II-6 and II-7 of the Report translate into 2,017,234 gal. per day of inflow and infiltration that must be removed from the New Rochelle Sanitary Sewer System. The calculation is as follows:

Loft Building:

Peak Residential Flow	= 42.92 gpm
Non-residential Flow	= 6.37 gpm

Towers and Retail Podium:

Peak Residential Flow	= 395.92 gpm
<u>Peak Non-residential Flow</u>	<u>= 21.74 gpm</u>

Total = 466.95 gpm

Total inflow/infiltration required for removal:

$466.95 \text{ gpm} = 672,408 \text{ gpd} \times 3 = \underline{2,017,234 \text{ gpd}}$

(J. Clemente, P.E. City Engineer, New Rochelle Department of Public Works, Memo, 11/16/07, pg. 1-2)

**Response II.B-9:**

As described above and in the SDEIS, the Applicant will comply with inflow/infiltration mitigation requirements based on the average flow from the project, but not the peak flows. Average flow, rather than peak flow, is the most appropriate measure of the overall amount of discharge into the sanitary sewer system. Westchester County Department of Environmental Facilities has confirmed that the ratio should be “based on the average daily flow as required by NYSDEC for sewer extension approvals.” See letter dated January 11, 2008 from Commissioner Lauro in the Appendix to this FEIS.

**Comment II.B-10:**

On page II-8 of the SDEIS, NRR asserts that it “does not foresee the need for any [major] improvement to the public water distribution system” as a result of the Project. UWNR does not agree with this assessment. In fact, UWNR has concluded that in order to accommodate the water demands of LeCount Square without adversely impacting its existing customers, UWNR will be required to replace three thousand feet of existing 8 and 10-inch water main on North Avenue from Coligni Avenue to Burling Lane with new 16-inch main at substantial expense.

UWNR is in negotiations with the City to determine whether the new 16-inch line may be installed in a new trench in North Avenue or whether UWNR will be required to undertake the considerably more expensive and disruptive approach of removing the existing facilities and installing the new 16-inch main in the existing trench. Most of the increased cost and disruption associated with use of the existing trench would result from the need for UWNR to install temporary above-ground water mains on both sides of North Avenue to replace the existing facilities until the new 16-inch line can be installed and placed into service.

UWNR is presently involved in settlement negotiations with NRR under the supervision of the New York State Public Service Commission (“the PSC”) concerning both the facilities that UWNR will be required to construct to be able to serve the water demands of the Project without adverse impacts on UWNR’s other customers in the City and the “proportionate share” of the cost of those upgrades to be borne of NRR. Because these negotiations are confidential under the PSC’s rules, UWNR is not at liberty to reveal the substance of these settlement negotiations to the City of New Rochelle at this time.

However, UWNR can state that these negotiations are going well and that UWNR is optimistic that a settlement agreement specifying both the facilities the UWNR will need to construct and the “proportionate share” of those facilities to be borne by NRR will be reached with NRR and approved by the PSC in the near future. Obviously, if these settlement negotiations are not successful, more work will be required to resolve these important issues. If and when a settlement is filed with the PSC, UWNR will provide a copy of that settlement to the City.

(Diana Arthur, Operations Engineer, United Water New Rochelle, Letter, Received 11/30/07, pg. 1-2)

**Response II.B-10:**

An agreement has been negotiated under the supervision of the Public Service Commission regarding both the facilities that UWNR would need to construct to provide service to the project and the proportionate share of the cost of those facilities to be borne by the Applicant. In order to accommodate the water demands of the project, the replacement of approximately 3,000 feet of existing water mains in North Avenue from Coligni Avenue to Burling Lane with new 16-inch main would be required. Final design and implementation of the replacement project would occur at such time as the Applicant executes a “Will Serve” letter, which will be promptly issued by UWNR upon written request for water service. A copy of the agreement is included in the Appendix of this FEIS.

**Comment II.B-11:**

What happened to the moratorium on the sewer plant? Seven years ago we were all here, and people were up in arms about the sewage standing. And there is one in the park and one in Flint Park and that has overflow of sewage. The New York State Department of Environment told you no more new development until the sewage plant is upgraded. How do you get around that? No new development. How do we have 35-story buildings here? And how do they buy three private houses next to Flint Park?

The loophole, if there is a sewage hookup, it is not considered new development. I find that illegal and morally appalling. This is not environmentally responsible.

When the New York State Department of Environmental Protection is telling you that the Sound is getting polluted because of raw sewage being spilled into it; when we have heavy rains, you throw some chlorine into it and let it go into the Sound. And you add thousands of units. This is not morally responsible.

(Juliette Rouge, Public Hearing Transcript, 11/20/07, pg. 24-25)

**Response II.B-11:**

As described above, as part of this project, the Applicant will make inflow and infiltration repairs to existing sewer lines at a ratio of 3:1 (i.e., for every 1 gallon of the average daily sewer flow generated by the project, three gallons of flow attributable to inflow or infiltration will be removed.) As a result, the development of the project will in fact reduce the amount of overall flow into the treatment plant, improving operating and environmental conditions.

**DEIS Comments**

**Comment II.B-12:**

The Department of Public Works is currently in the process of evaluating the capacity of the City owned sewer lines in relation to the work being constructed in the downtown area of New Rochelle. While this study is not yet complete, preliminary results indicate that this project will have an impact on certain sections of the existing sanitary sewer system.

Based on a review of the information contained in the Draft Environmental Impact Statement, the 8-inch sanitary line located along Main Street between LeCount and Echo Avenue is inadequate to accommodate the additional sewage flow generated by the project. At minimum, this sanitary line requires replacement with a larger size line for this project to proceed as currently designed. Specific limits of work to accommodate the increase in flow will be defined by this office once an application for a permit is made.

(Jeffrey C. Coleman, PE, Commissioner of Public Works, letter dated June 30, 2006)

**Response II.B-12:**

This comment addresses the Original Project studied in the DEIS. The current plan for the project does not discharge wastewater to the Main Street pipe. The Applicant now proposes to discharge the entire project to Huguenot Street. This would require installation of new 8 inch pipe in LeCount Place between New Anderson Street and Huguenot Street. As indicated by the calculations in Section I of this FEIS, the replacement of the existing 10 inch Huguenot Street pipe with 12 inch pipe (as described above in Response II.B-1) would increase its capacity sufficiently to accommodate the peak flows from the entire project.

**Comment II.B-13:**

The applicant proposes to replace the existing 6-inch sanitary line located between the project connection point and Main Street with an 8-inch line to accommodate the project. The Department concurs with this course of action. A permit for this work will be required by this office.

(Jeffrey C. Coleman, PE, Commissioner of Public Works, letter dated June 30, 2006)

**Response II.B-13:**

See Response II.B-13. The current plan for the project directs all flows to a new 12 inch main that would be installed in Huguenot Street. Since there is no connection to Main Street, replacement of the existing 6 inch line is no longer required. However, a new 8 inch line would be installed in LeCount Place running north from New Anderson Street to make connection to Huguenot Street.

**Comment II.B-14:**

We concur with the recommendations of Westchester County and recommend that this project be required to reduce infiltration into the sanitary sewer system at a ratio of 3:1 consistent with the Department's position on similar projects of this magnitude.

(Jeffrey C. Coleman, PE, Commissioner of Public Works, letter dated June 30, 2006)

**Response II.B-14:**

See Responses II.B-1, 3, 9 and 11.

**Comment II.B-15:**

Based on mapping provided to the City by United Water, there appears to be a water main in the Anderson Street right-of-way. The Applicant should accurately determine whether or not this water main exists.

(Graham Trelstad, AICP, AKRF, Inc., letter dated August 25, 2006)

**Response II.B-15:**

There is an existing water main in Anderson Street that would be relocated to New Anderson Street by the Applicant.

**Comment II.B-16:**

The DEIS bases its assumptions that water will have sufficient flow and pressure to accommodate the proposed project on studies completed prior to construction of new buildings. The Applicant must clearly demonstrate that sufficient water capacity exists to accommodate demand from the proposed project as well as other planned projects in the vicinity.

(Graham Trelstad, AICP, AKRF, Inc., letter dated August 25, 2006)

**Response II.B-16:**

See Response II.B-10.



**Comment II.B-17:**

The DEIS does not provide sufficient evidence that capacity exists to accommodate a sewer connection to the proposed project. Combined with other pending development projects, the proposed project may have impacts on sewer lines and the New Rochelle Sewage Treatment Plant that need to be identified and possibly mitigated. Preliminary results of a study being performed by the Department of Public Works indicate that the project would have an impact on certain sections of the sanitary sewer system. The Applicant should work with the City to clearly demonstrate that sufficient capacity exists to accommodate the proposed project as well as other planned projects in the vicinity.

(Graham Trelstad, AICP, AKRF, Inc., letter dated August 25, 2006)

**Response II.B-17:**

See Response II.B-12 and the discussion of sewer impacts in FEIS Section I. With the installation of a new 12 inch line in Huguenot Street, as recommended by the City's consulting engineers, sufficient capacity exists to accommodate the flows from this and other vicinity projects.

**Comment II.B-18:**

Based on a review of information contained in the DEIS, the 8-inch sanitary line located along Main street between LeCount and Echo Avenue is inadequate to accommodate the additional sewage flow generated by the proposed project. At minimum, this sanitary line requires replacement with a larger size line for this project to proceed as currently designed. Specific limits of work to accommodate the increase in flow will be defined by the DPW.

(Graham Trelstad, AICP, AKRF, Inc., letter dated August 25, 2006)

**Response II.B-18:**

See Response II.B-12.

**Comment II.B-19:**

The DPW will require a permit to replace the 6-inch sanitary line located between the project connection point and Main Street.

(Graham Trelstad, AICP, AKRF, Inc., letter dated August 25, 2006)

**Response II.B-19:**

See Response II.B-13. Replacement of the line between the project and Main Street is no longer proposed. The Applicant will obtain a permit for the installation of 8 inch pipe connecting to Huguenot Street.

**Comment II.B-20:**

The DPW concurs with findings of the Westchester County Department of Environmental Facilities that require the Applicant to remove inflow and infiltration at a rate of three to one.

(Graham Trelstad, AICP, AKRF, Inc., letter dated August 25, 2006)

**Response II.B-20:**

Comment noted. See Responses II.B-1, 3, 9 and 11.

**Comment II.B-21:**

Based on city records, it appears that there are currently sewer mains located in the Anderson Street right-of-way that serve buildings on the south side of Anderson Street. It is expected that these mains would have to be relocated with the realignment of Anderson Street and construction activity proposed in the existing right-of-way. The locations of these mains should be confirmed and any potential changes to service connections that may be necessary as a result of the proposed project.

(Graham Trelstad, AICP, AKRF, Inc., letter dated August 25, 2006)

**Response II.B-21:**

The project has been modified since the DEIS to incorporate the property on the south side of Anderson Street (2 Anderson Street). Therefore, service to that property is no longer necessary.

## C. Visual/Aesthetics

### SDEIS Comments

#### **Comment II.C-1:**

**2. Visual impacts.** The proposed development will continue the recent trend of bringing large-scale development into the downtown with taller and more visible buildings. Such increased visibility makes it all the more critical to address the aesthetics character of the skyline as well as its impact on short and long range vistas. We note that since high-rise development has begun in New Rochelle, the city's skyline can be seen from places around the region, including parts of Yonkers, the Bronx, Long Island Sound, Queens and Nassau County. While this increased visibility has had a benefit for New Rochelle in the sense that it has literally raised the city's profile, this benefit will only reach its full potential through the highest level of design quality with new buildings such as LeCount Square. Several members of the County Planning Board have expressed uncertainty that the proposed project attains such a level of quality.

We request that the City share the findings of its architectural peer review process with the County Planning Board so we can better understand the evolution and rationale of the design of the new buildings. We encourage City officials to strive for a shape, size and interest level of building shapes that reflect the city's vision, not just the vision of the applicant. The decisions made by the City will shape the future view of New Rochelle and the views of a wide surrounding area.

(Edward Burroughs, AICP, Deputy Commissioner Westchester County Planning Board, Letter, 11/30/07, pg. 2-3)

#### **Response II.C-1:**

The City and the Applicant are engaged in an architectural peer review process to ensure design excellence for this project. Sessions were held on October 26, 2007 and February 13, 2008. At these sessions, the review panel discussed considerations such as fenestration and treatment of the retail podium, the open space components, the connection between the towers and the retail podium, connectivity within the site and the surrounding neighborhood, and the location of the loading and parking activities.

The proposed project has been designed to include details and form that will provide visual interest and avoid a generic building shape, including crown treatments, variations in building planes to avoid a plain rectangular form, differentiation of masses within the towers, varying proportions between the two primary towers, and features to enhance the buildings' sense of texture.

#### **Comment II.C-2:**

My husband and I are working to strongly request and urge you (the Zoning Board) to deny requests for any further increases in building size and height in New Rochelle, and not change zoning laws or give variances.

Do not proceed with the LeCount project. It is not in the best interests for New Rochelle or its residents.

The buildings already erected are much too tall for New Rochelle. This is not Manhattan or White Plains, which has had tall buildings for many years.

New Rochelle does not need, nor should we have the “tallest building in Westchester.”!

Cappelli wants this building to go to 550 feet, which is outrageous for our community. To say nothing of the congestion and “architectural blight” this building would impose upon this area of small, 1-2 level stores and buildings.

An 11/22/07 Journal News article states “...project could not be built unless New Rochelle increases the maximum height downtown. Currently, buildings may rise just short of 450 ft. (almost height Trump Plaza). Proposed change would allow up to 575 ft. at some sites.”

A few points on the above statement: Why could the project not be built lower (or should not be built at all)? 450 ft. is already way too tall for our city. But, 6 stories would be acceptable as an alternative.

To allow even greater heights of up to 575 ft. is outrageous and horribly inconsistent with the surrounding communities in the south end.

Existing buildings are also much too tall and have negatively affected my family’s life as well as other residents.

We live on Woodland Avenue and now have to keep the shades down on our 3rd floor bedroom, so as not to see the blinking red lights atop the Huguenot buildings, while lying in bed. It’s terrible that we are subjected to this glare and distraction in our own home.

I will not drive down Huguenot Street or downtown to avoid the already greatly increasing congestion, and to avoid seeing these buildings.

The prior city administration under Mayor Idoni, as well as the current, have disregarded citizen’s voices when we all said “No” to tall buildings in downtown. They have catered to and caved in, to developers, including Trump, on all levels: 30 yr tax abatements (unnecessary to give such long term incentives), other tax breaks – all at the expenses and detriment to property owners and all citizens.

(Diana Mason and Charles Mirabella, Residents, 177 Woodland Avenue, New Rochelle, NY 10805, Letter, pg. 1-3)

## **Response II.C-2:**

The project has been refined since the publication of the SDEIS to reduce floor area from 1,150,000 square feet to 1,021,000 square feet, and the height of the north tower by two stories to 261 feet (the south tower would be reduced by seven feet to 493 feet).



As described in the Land Use section of this FEIS, the City's Comprehensive Plan, as well the County Patterns for Westchester plan, recognize that the downtown area is an appropriate location for more intensive development and high-rise buildings. For example, the City Comprehensive Plan's goal for downtown development is to:

“Expand the economic base of New Rochelle by revitalizing the downtown. Develop downtown as an attractive, safe, economically productive shopping and working destination, that serves both local residents and a larger market area.”

One of the Comprehensive Plan's downtown-specific recommendations for realizing this goal is to “encourage mixed-use development including commercial, cultural, residential, entertainment, community, and recreational uses to create a critical mass of new development downtown.” In addition, the Comprehensive Plan's zoning discussion notes that the Downtown Mixed Use Zone “should be densely developed with a mix of office, residential and retail uses, creating a definable corridor of dense, high rise urban uses adjacent to the transportation center.” The City is also in the process of revising the regulations of the Downtown Density Bonus Overlay District to allow for building heights of up to 500 feet in the DMUR District. In addition, the project site is located at the “100 percent corner,” identified in the New Rochelle Downtown Development Study (2005) as the cornerstone and focal point for downtown development, which is therefore an appropriate location for high-rise development.

The project contains a mix of uses designed to further the goal of the Comprehensive Plan and the Downtown Development Study to create a balanced mix of retail, office and residential development in the downtown, and will help create the critical mass of downtown activity uses and users necessary to revitalize and reestablish downtown as an active, exciting and viable destination. While the reduced FAR of the FEIS Project of 10.1 is higher than the Patterns for Westchester recommendation and slightly higher than the FAR of 9.0 contemplated in the Downtown Development Study, as described above (and noted by the County Planning Department in Comment II.A-9), the site is well situated for high density development. The redevelopment of the site with this project would advance the key County long-range land use policy of channeling development into the County's major downtown centers. It is also noted that the project's residential density falls within the Patterns for Westchester recommended range.

In general terms, the intent of the City's planning policies is to direct growth into the downtown center, which has supporting infrastructure, a transportation hub, and previously disturbed land, while preserving the character of its other neighborhoods and the qualities mentioned in the comment. The proposed project advances the City's objectives.

### **DEIS Comments**

#### **Comment II.C-3:**

The proposed development will continue the recent trend of bringing large-scale development into the downtown. Further, this development is the first to propose use of the new Downtown

Density Bonus Overlay regulations to increase the size of the development. Because of this trend towards taller and more visible buildings, we encourage the City to consider drafting and adopting design criteria that would aim to achieve the highest level of design quality with new buildings of this scale.

(Edward Buroughs, AICP, Deputy Commissioner Westchester County Planning Board,  
letter dated June 30, 2006)

**Response II.C-3:**

The City is employing an architectural peer review process to ensure design excellence for this project, as well other downtown redevelopment projects. The City does not have any specific design criteria for high-rise buildings.

**Comment II.C-4:**

In addition, because the topography of New Rochelle allows tall developments to be easily viewed from distant locations, the analysis of visual impacts should consider viewsheds from all parts of the city as well as from Long Island Sound. We encourage the City to give special consideration to two aspects of visual impact:

**SKYLINES** The skylines of Westchester's cities are changing with each new large-scale downtown development. To date, the proposals referred to the County Planning Board have been predominately featured "plain rectangular boxes." We believe that there is an opportunity for visual enhancement, particularly when as in this situation the building is to include architectural lighting to "enhance the skyline." Such increased visibility makes it all the more critical to address the aesthetic character of the skyline as well as its impact on short and long range vistas. We encourage the City to require simulations or artists renderings of the changes to the skyline that would result from each large-scale development. With each evaluation, the City should reach an independent judgment as to how the skyline should look so that the shape, size and interest level of the building shapes reflect the artistic taste of the City, not just the vision of the applicant. The decisions made by the City will shape the future view of New Rochelle and of a wide surrounding area.

(Edward Buroughs, AICP, Deputy Commissioner Westchester County Planning Board,  
letter dated June 30, 2006)

**Response II.C-4:**

See Response II.C-1. The proposed project has been designed to include details and building form that will provide visual interest and avoid the referenced "plain rectangular box" condition. These include crown treatments, variations in building planes to avoid a plain rectangular form, varying proportions between the two primary towers, and features to enhance the buildings' sense of texture.

It is noted that high rise projects in downtown New Rochelle are visible from many locations throughout the region (e.g., on a clear day downtown New Rochelle is visible from the Whitestone Bridge.) However, the issue of concern is not visibility *per se*, but visual quality and context. An additional high rise presence in a tightly defined downtown area with other high rise

structures would not create a discordant element in the overall landscape setting. The DEIS, SDEIS and this FEIS include several visual simulations and elevations to evaluate the impact of the project on the City's skyline. It is also noted that viewshed analyses/massing studies illustrating all potential Downtown Density Bonus Overlay Zone projects (including this project) from more distant vantage points in the City, including Long Island Sound shoreline areas, are included in the New Rochelle Downtown Density Bonus SGEIS available on the City's website.

**Comment II.C-5:**

**ROOFTOPS** We recommend that the City consider drafting guidelines that focus on the rooftops of proposed new developments, both at the highest level and on intermediate roofs. Since the rooftops of lower buildings (such as the retail pedestal of the proposed project) can be seen from taller buildings in the adjacent area, they should be landscaped appropriately to minimize visual impacts. We note that the LeCount Square proposal features garden amenities on the roof above the retail and may serve as a model for other projects in the future, if it is successful. Rooftop treatment should also address green building technology as discussed below.

(Edward Buroughs, AICP, Deputy Commissioner Westchester County Planning Board,  
letter dated June 30, 2006)

**Response II.C-5:**

Comment noted. Although the City does not have design guidelines pertaining to rooftops, the proposed project incorporates plaza and garden areas on the fourth and sixth floors (surrounding the base of the towers) that will provide for activity and visual interest, and accommodate green building design features.

**Comment II.C-6:**

Separate from the draft EIS, the County Planning Board received on June 23, 2006 new renderings of the proposed project from the applicant which appear to preserve the existing façade as part of the project. We note that these renderings appear to have other changes, such as parking above grade, which differ from the project description in the draft EIS. A complete discussion of design elements should be included in the final EIS.

(Edward Buroughs, AICP, Deputy Commissioner Westchester County Planning Board,  
letter dated June 30, 2006)

**Response II.C-6:**

The plan has been modified and a complete discussion of the modified design elements is included in FEIS Section I. However, the project continues to have its parking in subsurface levels.

As described in the DEIS, the New Rochelle Post Office is listed on the National Register of Historic Places under the Thematic Resource of "United States Post Offices in New York State, 1858-1943." However, the nomination form states that the original terra cotta exterior, which was an unusual but integral component of its Art Moderne style, was replaced in the 1960s and the lobby was completely remodeled. The form concludes that, due to these changes, "the

building has substantially lost its integrity of design and materials with the exception of three murals placed in the lobby in 1940, which still remain.” Based on this description from the form (which was prepared by the NYSOPRHP National Register and Survey Coordinator in 1986), the building itself has lost its architectural significance, and its complete preservation does not appear warranted. However, the Applicant has committed to removing and relocating the interior murals to a mutually acceptable location for display. The Applicant also understands that while the building may have lost its technical historic architectural merit, it is a familiar presence for City residents. In order to recognize this, the Applicant proposes to replace it with new construction having a curving wall that would reflect the historical form of the Post Office exterior.

**Comment II.C-7:**

I am a native New Yorker. Employed – I work in New York City. Tall buildings don’t faze me. They have no place in quaint cities in the suburbs.

(Marjorie Brandon, Public Hearing on June 20, 2006)

**Response II.C-7:**

See Response II.C-2. The City’s Comprehensive Plan, as well the County Patterns for Westchester plan, has recognized that the downtown area is an appropriate location for more intensive development and high-rise buildings. The Comprehensive Plan’s zoning discussion notes that the Downtown Mixed Use Zone “should be densely developed with a mix of office, residential and retail uses, creating a definable corridor of dense, high rise urban uses adjacent to the transportation center.” The proposed project is located at the “100 percent corner,” identified in the New Rochelle Downtown Development Study (2005) as the cornerstone and focal point for downtown development. The location is therefore appropriate for high-rise development and the project is consistent with the City’s vision for downtown.

**Comment II.C-8:**

The Proposed Project should undergo a design review process to ensure that the highest standards of design will be incorporated into the architectural design and there will be an opportunity to effect that design in a reasonable and professional manner particularly with regard to overall aesthetic impact, sensitivity to adjoining properties and an overall enhancement to the architectural fabric of Downtown New Rochelle. A discussion of the design review process and the final project design shall be integrated into the FEIS. The visual impact analysis shall be updated to reflect the final design and shall include sufficient information for the Council to issue findings regarding applicability of additional building FAR and height under the recently adopted Downtown Density Bonus zoning.

(Graham Trelstad, AICP, AKRF, Inc., letter dated August 25, 2006)

**Response II.C-8:**

See Response II.C-1 regarding the architectural peer review process. The overall project and building design is described in Section I of this FEIS. In addition, the FEIS includes updated visual impact analyses and renderings of the project.



**Comment II.C-9:**

The DEIS does not provide an analysis of views that would potentially be blocked from nearby high-rises.

(Graham Trelstad, AICP, AKRF, Inc., letter dated August 25, 2006)

**Response II.C-9:**

The nearest high-rises to the project are Trump Plaza and the K-building. The proposed project's building massing and its relationship to surrounding development is visible in the shadow studies. The project's towers are off-set from each other and neither is directly adjacent to these neighboring high-rises. As a result, it is not expected that views from these locations would be significantly impeded. Both buildings would continue to have views of the downtown and towards the Long Island Sound, which is generally between the east and south-southwest of the project area. Other nearby high-rises include the Avalon development and the Bank of America office. The project is approximately two blocks from the Avalon development and would simply be another component of the downtown view from that development. The bank office tower is located catecorner from the project across the North Avenue/Huguenot Street intersection and would be 300-400 feet away from the project's primary vertical components. Based on the orientation of the office building it would continue to have open visibility towards the downtown and the Sound. It is likely that the project would actually improve the visual interest of views from these locations.

**Comment II.C-10:**

While the rounded corner of the Post Office is not historically or architecturally significant, it represents an important landmark. It is the City's desire to preserve this architectural element by retaining this façade or incorporating similar treatments in proposed buildings.

(Graham Trelstad, AICP, AKRF, Inc., letter dated August 25, 2006)

**Response II.C-10:**

The Applicant understands that while the building may have lost its technical historic architectural merit, it is a familiar presence for City residents. In order to recognize this, the Applicant proposes to replace it with new construction having a curving wall that would reflect the historical form of the Post Office exterior.

**Comment II.C-11:**

The aerial photographs used for the shadows analysis include the shadows of existing buildings. The shadows make it difficult to interpret where shadows from the proposed project would fall.

(Graham Trelstad, AICP, AKRF, Inc., letter dated August 25, 2006)

**Response II.C-11:**

Comment noted. The shadow studies included in the SDEIS used a darker shading to identify the shadows projected from the proposed buildings.

## **D. Traffic**

### **SDEIS Comments**

#### **Comment II.D-1:**

##### **3. Traffic Impacts**

The City and its consultants have reviewed the applicant's Traffic Impact Study, and continue to have questions regarding assumptions made in the analysis and the adequacy of proposed mitigation measures. These include the following issues:

- There is no mention of improvements to pedestrian amenities. Better accommodations should be investigated such as advanced walk phase. Improvements such as pedestrian signals with countdown timers should be cited as mitigation measures.
- The TIS states that mitigation measures discussed involve optimization traffic signals and that the applicant will retain a traffic signal specialist contractor to ensure that the improvement measures and timing changes are implemented. It should be indicated that when changing timings on corridors such as North Avenue, Huguenot Street and Main Street, that timings of signals other than those in the study area must be changed to provide coordination.
- Improvements determined for the intersection of LeCount Place and Main Street are the implementation of a protected southbound left turn signal phase. This requires the installation of a signal head with a left turn arrow. There is no commitment to construct.
- The improvements cited in the study for the intersection of Huguenot Street and North Avenue are inadequate to mitigate the impact of the project. Alternate mitigation must be identified including pedestrian accommodation and lane configuration.
- The improvements cited in the study for the intersection of Garden Street at the Transit Center are inadequate to mitigate the impact of the project. Alternate mitigation must be identified including pedestrian accommodation and lane configuration. The impact of left-turn prohibition for certain movements should be evaluated to determine if this is effective/acceptable mitigation.

(Charles B. Strome III, City Manager, City of New Rochelle Interdepartmental Memorandum,  
11/16/07, pg. 2-3)

#### **Response II.D-1:**

These comments have been addressed individually below. See Responses II.D-10 to II.D-17. It is also noted that the project has been reduced in size since the issuance of this comment in order to mitigate potential parking impacts and help mitigate traffic impacts. The revised project (sometimes identified in this FEIS as the "FEIS Project") has been evaluated in a revised Traffic Impact Study prepared by Adler Consulting, which also assesses the changes resulting from the recently approved modifications to the New Roc City facility. The revised Traffic Impact Study is included in its entirety in the Appendix to this FEIS. The changes to the project and the changes to New Roc City have affected the Levels-of-Service for the mitigated condition.

**Comment II.D-2:**

**3. Parking at New Roc City garage.** The revised project proposal, as with the previous proposal, involves the use of a shared parking scheme with the adjacent New Roc City parking garage. While we encourage shared parking schemes as a means to reduce the amount of physical space needed to accommodate parking areas, particularly in urban environments, we are concerned about a potential over-reliance on the New Roc City garage to accommodate parking that is needed at many downtown facilities.

As currently proposed, the project would involve the construction of a vertical core in the west side of the New Roc garage, as well as the creation of a pedestrian bridge between LeCount Square and the garage. This will result in the elimination of up to 30 existing parking spaces in the New Roc City garage bringing the total number of spaces down from its current number of 2,266. It is projected that approximately 630 new office employees will park in this garage using permit spaces while other spaces will continue to be used for the customers of the New Roc City complex, employees of the County of Westchester and overflow parking for both LeCount Square and Trump Plaza. According to the projections in the supplemental draft EIS, the proposed parking scenario is projected to leave at least 10 permit spaces free at all times and at least 65 metered spaces available for use by the general public at all times. Given the scale of the proposed project and the cumulative parking obligations and demands generated by nearby developments, this projection does not leave much room for error.

We recommend that the final EIS include a revised, full parking allocation plan for the garage, prepared and approval by the City, to ensure that there is, in fact, no unrealistic over-reliance on the New Roc City garage to accommodate the immediate area's parking needs. This allocation plan should also be accompanied by an analysis of vehicular movements and internal traffic patterns within the garage at peak times since traffic congestion within the garage facility can impact traffic on local streets.

(Edward Burroughs, AICP, Deputy Commissioner Westchester County Planning Board, Letter, 11/30/07, pg. 2-3)

**Response II.D-2:**

A revised and updated Parking Study has been prepared by Adler Consulting based upon comments received from the City's Public Properties and Parking Manager, and to account for the reduction in the floor area of the project and the recently approved changes at New Roc City. Specifically, the floor area of the project has been reduced to reduce the project's parking demand in the New Roc City municipal garage. Project-generated parking in the New Roc City garage would now be limited to 450 office parkers. The revised Parking Study is included in the Appendix to this FEIS. It is also noted that the study accounts for the cumulative parking demand generated by nearby existing development, including Trump Plaza.

The projected future parking conditions at the New Roc City garage with the recommended parking operations changes are presented in Table 9 in the Parking Study in the Appendix. With the recommended changes there would be at least six (6) permit spaces free at all times and at least 11 spaces available for use by the general public in metered parking at all times. It is noted that at the time when only six permits spaces are unoccupied, there would be 226 metered spaces

unoccupied, and when there are projected to be only 11 metered spaces unoccupied, there would be 81 permit spaces unoccupied. On unusually busy days, garage management could post temporary signs, if necessary, allowing permit parkers to park in some metered spaces and meter parkers to park in some permit spaces. In addition, parking garage staff could be posted at strategic locations within the garage to expedite the flow of traffic. If actual parking demand meets the projections in the study, there will be limited capacity at the New Roc City garage to accommodate parking for other redevelopment projects in the vicinity of the garage.

**Comment II.D-3:**

**4. Traffic impacts and mitigation.** The supplemental draft EIS states that the proposed project will have a significant traffic impact in downtown New Rochelle which currently has existing traffic congestion problems. In particular, the intersection of North Avenue and Huguenot Street experiences a poor level of service at various times of day. The report states that the “City of New Rochelle is moving forward with plans to design and construct a Traffic Management System which would include upgrading the traffic signal controllers along major corridor such as Main Street and North Avenue as well as to link the traffic signals in these corridors to a computerized control system...Construction of this federally-funded project is expected to begin in approximately two years and be completed in 2011.” The supplemental draft EIS then goes on to cite interim mitigation measures that can be put into place before this federally-funded improvement is completed.

The City of New Rochelle is designated as the recipient of a grant of \$5,561,000 (including a 20% local match) through the federal Congestion Mitigation and Air Quality (CMAQ) program to implement the signalization project. The reliance of the applicant for traffic impact mitigation on a project funded through the CMAQ program may be inappropriate. The intention of this program is to fund transportation projects that will alleviate congestion and provide an air quality benefit on an existing transportation system, not to accommodate the traffic capacity needs of future land development projects. Adding the additional traffic generation of the proposed development could potentially negate some of the congestion improvement gains that are the intention of this CMAQ project. Further, competition for the limited CMAQ program funds is very competitive and many potential CMAQ projects have gone unfunded.

If the City determines that the already planned Traffic Management System will mitigate traffic impacts of the LeCount Square development, then we recommend that the City consider requiring the applicant to contribute funding towards the project, proportional to the benefit that LeCount Square will receive. This funding contribution would then allow the CMAQ contribution to be reduced and the funds reprogramming for other eligible projects.

(Edward Buroughs, AICP, Deputy Commissioner Westchester County Planning Board, Letter, 11/30/07, pg. 3-4)

**Response II.D-3:**

The Applicant does not rely on the implementation of the referenced traffic management system, which would upgrade traffic signal controllers along major corridors such as Main Street and North Avenue, as mitigation for potential impacts of the project. The revised Traffic Impact



Study identifies a series of improvement measures which would mitigate the FEIS Project's traffic impacts independent of the City's planned traffic management system.

In addition, the characterization of the relationship between the planned system and the proposed project's impacts is inappropriate. The traffic management system project is directed at enhancing overall conditions on the City's network, not to fulfill a project-specific need. After the traffic management system is complete, the City will have the capability to remotely monitor traffic conditions, modify signal timing and phasing to respond to changing traffic conditions, such as vehicle congestion on a roadway corridor and roadway incidents, and implement additional timing patterns for peak shopping seasons and overnight conditions. The flexibility these capabilities add provides congestion relieving and air quality benefits for the roadway network under all scenarios, regardless of development activity. Furthermore, project generated traffic represents only a fraction of the traffic volumes on the street network. For example, at the intersection of North Avenue and Main Street, (the intersection of two of the major corridors to be upgraded as part of the planned traffic management system), the heaviest volumes are on the eastbound through movement. Build Year volumes for this movement are projected at 1,028 for the AM Peak Hour, 1,050 for the PM Peak Hour, and 1,234 for the Saturday Peak Hour. The project-generated volumes would be 59 for the AM Peak Hour, 75 for the PM Peak Hour and 109 for the Saturday Peak Hour, which represent between 5-9% of the overall volumes. At the intersection of North Avenue and Huguenot Street, the heaviest volumes are the westbound through movement. Build Year volumes for this movement are projected at 597 for the AM Peak Hour, 1,211 for the PM Peak Hour and 1,134 for the Saturday Peak Hour. Project generated-volumes would be 18 for the AM Peak Hour, 88 for the PM Peak Hour, and 74 for the Saturday Peak Hour, which would represent approximately 3%, 7%, and 7% of the overall volume, respectively.

**Comment II.D-4:**

In addition, we note that one of the interim mitigation measures involves providing an exclusive left-turn lane on westbound Huguenot Street at North Avenue if parking along the southerly curb lane of Huguenot Street is removed due to the relocation of the Post Office. The final EIS should include an alternative interim measure in the event that the Post Office remains as a tenant of the site.

(Edward Burroughs, AICP, Deputy Commissioner Westchester County Planning Board, Letter, 11/30/07, pg. 3-4)

**Response II.D-4:**

The retail Post Office would either relocate across the street to available retail space in Trump Plaza, or occupy new retail space on-site in a different location than the existing facility. The Huguenot Street spaces therefore would not provide direct access to the new retail facility. If the Post Office elects to occupy a retail space on the site, postal patrons would be able to utilize the new on-site parking facilities, the New Roc City garage, or North Avenue on-street spaces.

**Comment II.D-5:**

5. Truck traffic impacts. The final EIS should include a more detailed analysis of truck traffic to and from the site, taking into consideration the cumulative impact of truck traffic caused by all of

the recent developments in downtown New Rochelle. For example, we note that the project proposes a large truck bay with an entrance on Huguenot Street. Since the Trump Plaza building also has truck access on Huguenot Street, these two facilities could have a substantial impact on Huguenot Street traffic-both automobile and pedestrian.

(Edward Buroughs, AICP, Deputy Commissioner Westchester County Planning Board, Letter, 11/30/07, pg. 4)

**Response II.D-5:**

The revised Traffic Impact Study incorporates the cumulative traffic impacts from other downtown development. Truck traffic is also accounted for in the trip generation figures.

The Trump Plaza driveway access to its loading area is approximately 225 feet east of the LeCount Place intersection. The LeCount Place loading access to the project is approximately 155 feet west of the LeCount Place intersection, on the opposite side of the street. This provides ample separation. In addition, the truck loading for both the proposed project and Trump Plaza are designed as off-street facilities, with sufficient maneuverability for truck movements provided internally on each site. The project also includes a separate subsurface loading area to further reduce the potential for truck traffic impacts on the street. Given the distance between the facilities, the provision of off-street loading areas, and typical truck delivery operations, the location of the loading bays would not be anticipated to raise particular vehicular or pedestrian circulation concerns. The project would also include a garage door, which is designed to improve the pedestrian environment by screening the loading area when not in use.

**Comment II.D-6:**

**6. Pedestrian safety.** Aside from the truck bay location, increases in vehicular traffic and truck traffic may have an impact on pedestrian safety at other locations around the project site. We recommend that this aspect be specifically examined in the final EIS. Higher traffic volumes and more trucks can create dangerous situations for pedestrians, particularly at intersections where turning vehicles may not see pedestrians who are lawfully using the crosswalk. In addition, we also note that the supplemental draft EIS states that the project will involve the reactivation of New Street to vehicular traffic. This street is currently a pedestrian-only area within the New Roc City complex. While the supplemental draft EIS states that new sidewalks will be constructed along with “a physical barrier between pedestrian and vehicles” between the first and second parking aisles for the adjacent New Roc City garage, a full analysis of pedestrian safety should be provided in the final EIS to ensure that pedestrian safety-and comfort-remains the top priority.

(Edward Buroughs, AICP, Deputy Commissioner Westchester County Planning Board, Letter, 11/30/07, pg. 4)

**Response II.D-6:**

Pedestrian safety has been accounted for by including pedestrian volumes and pedestrian crossing phases in the intersection analyses. Further, at the intersections of New Anderson Street

with North Avenue and LeCount Place, new signal designs would include pedestrian displays with count-down timers. It is no longer proposed to reactivate New Street to vehicular traffic.

**Comment II.D-7:**

**9. Bee-Line bus service impacts and public transportation.** The project site is serviced by 12 separate bus routes which stop in the immediate area: Huguenot Street is serviced by routes 45, 60, 61, 66 and 91 and North Avenue is serviced by routes 7, 30 42, 45Q, 61 and 62. All of the North Avenue routes currently stop at a bus stop located along the project site frontage, just to the north of existing Anderson Avenue. This stop has relatively high usage:

Weekday on/off: 207/244  
Saturday on/off: 108/189  
Sunday on/off: 20/69

Because of the scale of construction and the project's inclusion of several roadway improvements to North Avenue and Huguenot Street, it is likely that bus service will be impacted.

The draft EIS did not include an examination of potential impacts to public transportation and now, neither does the supplemental draft EIS. This important subject must be addressed, particularly since the applicant is claiming 20% reductions in trip generation rates for both the residential and office components of the project, as well as a 10% reduction for the retail component, based on the transit accessibility of the site. We recommend that the final EIS include:

- Mapped identification of existing bus routes and bus stop locations within the project area.
- Specific identification of physical impacts on bus routes during and after construction.
- Proposal siting for a temporary bus stop along North Avenue during construction.
- Proposed siting and design for a permanent bus stop after completion of the project.
- Identification of improvements to be made by the developer to existing stops within and around the proposed project area.
- Identification of other potential impacts on Bee-Line and Metro-North services.

We recommend that the City require the applicant to contact the County Department of Transportation to review these subjects. In addition, we recommend that the City encourage the applicant to consider providing amenities for bus passengers within the proposed development, for example a waiting area that includes a transit-user related retail component. Alternatively, construction of a new well-designed and visually attractive bus shelter area at the development. Better transit links could encourage the development's residents, tenants, employees and customers to utilize the Bee-Line system.

(Edward Burroughs, AICP, Deputy Commissioner Westchester County Planning Board, Letter, 11/30/07, pg. 5-6; Similar comment in DEIS comment letter, dated 6/30/06)

**Response II.D-7:**

A map of existing bus routes and bus stop locations is provided at the end of this section. It is not anticipated that the project would have significant impacts on bus routes. During the

excavation and foundation phase of construction, single lane closures may be needed on Huguenot Street and North Avenue in order to move pedestrian traffic from the sidewalk onto the vacated lane, which would be used as a pedestrian walk way. For the North Avenue side, it is anticipated that the parking lane would be needed as a pedestrian walk way. Sidewalk bridges would be designed to allow pedestrian access to marked crosswalks and building entrances, as well as the bus stop. Therefore buses would be anticipated to continue using existing routes during this phase of construction. To accommodate the relocation of Anderson Street, it may be appropriate to temporarily move the North Avenue bus stop to a location just north of the new Anderson Street. The Applicant will coordinate with the County Department of Transportation on a suitable location. No impacts on bus routing would be anticipated after construction.

As noted, the traffic impact study utilized a 20% trip reduction for the condominium and office components, based on the site's urban location and proximity to mass transportation. A 10% reduction was utilized for the retail component to reflect its location in the central business district and proximity to City parking facilities. As an example, the anticipated trip reductions in the AM peak hour from these factors based on the peak hour site-generated traffic volumes (Table 5 in the revised Traffic Impact Study), are provided in the table below.

**Table II-D-1**  
**Reductions Due to Urban Location and Mass Transit Accessibility – AM Peak Hour**

<b>Component</b>	<b>In</b>	<b>Out</b>
Condominium	4	16
Retail	13	9
Office	86	12

Only a portion of these trip reduction credits reflect mass transit usage. The trip credits also account for walking and linked trips in an urban environment. Based upon the location, components, and marketing of the proposed project, it is anticipated that most of the credit attributable to mass transit for the condominium and office component would be for usage of Metro-North and not the existing bus system. An increase in customers would be regarded favorably by the company. The Applicant hopes to encourage and generate additional Bee-line bus ridership, however the trip reduction credits do not suggest that the number of bus riders would be significant enough to generate operational impacts.

The Applicant is amenable to the introduction of a bus shelter at the site in order to provide weather protection for riders and encourage additional transit usage. A location just north of the new Anderson Street appears logical (and would be consistent with the existing bus stop at the site), but the Applicant will coordinate with the County Department of Transportation on a suitable location.

#### **Comment II.D-8:**

**14. Bicycle transportation.** The draft EIS and the supplement draft EIS do not identify an opportunity for bicycle access to the site. Bicycling is a growing form of transportation that is being chosen by increasing numbers of people for both work trips and shopping trips. The location of the site within a high-density urbanized area offers great potential for bicycle access by residents, customers and employees. As now proposed, the development includes no amenities for bicyclists. We recommend that the City require the applicant to add bicycle racks



or a secure bicycle parking area to encourage alternate means of accessing the site. A site visit confirmed that many people ride bicycles in the downtown area. Without accommodations for cyclists, bikes would be found to be locked to street trees or other fixtures.

(Edward Burroughs, AICP, Deputy Commissioner Westchester County Planning Board, Letter, 11/30/07, pg. 7-8; Similar comment in DEIS comment letter, dated 6/30/06)

**Response II.D-8:**

The Applicant is amenable to including bike racks at the project site. The Applicant will coordinate the locations of the bike racks with the New Rochelle Planning Board during the site plan review process.

**Comment II.D-9:**

I have a concern regarding on-site parking for the LeCount Square project. When we review their parking plan some consideration needs to be given not only to the number of spaces being constructed but also how those spaces will be marketed and operated.

The Trump building, on paper, has the number of spaces required. However, these spaces are an extra cost to their residential tenants. The charge to the tenants of \$150 per month, \$1,800 annually, is 4.5 times the cost of an area resident permit across the street at the New Roc Garage. We have had a number of tenants purchase permits at New Roc and more than one has indicated that the cost of on-site parking was a factor.

My concern with the LeCount Sq. project is that a similar policy may be implemented which could result in that on-site parking would be under utilized and that the demand for off-site spaces will be higher than projected.

The LeCount Sq. project, the Trump retail and residential parkers and additional parking utilization from New Roc, if the conversion of some of their space from entertainment to retail occurs, may see the current glut of spaces in the New Roc Garage dry up.

We need to keep an eye on how those project spaces will be handled so that we can remain in control of our parking and not be forced into a corner as a result of how the developer runs his project.

(George F. Rainone, Public Properties and Parking Manager, City of New Rochelle Department of Development, 10/30/07 pg. 1)

**Response II.D-9**

The Applicant believes that condominium purchasers will prefer to have their vehicle valet-parked in the same building as their unit, rather than across the street at an unsecured public garage. In subsequent discussions with City staff, it was indicated that total number of referenced Trump Plaza residents seeking permit parking is relatively small (less than a dozen). These permit parkers have been accounted for in the revised Parking Study, which was based on recent parking counts at the New Roc City municipal garage. Although it is acknowledged that

Trump Plaza is not yet fully occupied, based on this experience, it is anticipated that only a relatively small number of project residents would prefer to park in the New Roc City garage. However, the Applicant will inform prospective purchasers that there is no guarantee of resident permit parking availability in the New Roc City garage.

**Comment II.D-10**

1. There is no mention of improvements to pedestrian amenities. Better accommodations should be investigated such as advanced walk phase. Improvements such as pedestrian signals with countdown timers should be sited as mitigation measures.

(Michael Briska, Traffic Engineer, City of New Rochelle, Memo, 11/2/07, pg. 1-3)

**Response II.D-10:**

The traffic signals installed at the intersection of New Anderson Street with North Avenue and at New Anderson Street with LeCount Place would include improved pedestrian amenities including “countdown timer” pedestrian signals.

Providing an “advanced walk phase” is a benefit to pedestrians in that it would provide pedestrians with a reduced-conflict opportunity to cross the street. However, from a vehicle management perspective, it would reduce the amount of green time available, increasing delay and decreasing Levels-of-Service. It would therefore cause a degradation of operating conditions. However, if so desired, an advanced walk phase could be implemented by the City after the project is completed.

**Comment II.D-11:**

2. The TIS states that mitigation measures discussed involve optimization traffic signals and that the applicant will retain a traffic signal specialist contractor to ensure that the improvement measures and timing changes are implemented. It should be indicated that when changing timings on corridors such as North Avenue, Huguenot Street and Main Street, that timings of signals other than those in the study area must be changed to provide coordination.

(Michael Briska, Traffic Engineer, City of New Rochelle, Memo, 11/2/07, pg. 1-3)

**Response II.D-11:**

Comment noted. The Applicant agrees to be responsible for implementing recommended signal timing and phasing changes within the study area, as defined by the scoping document. Changes to signal timing and phasing for intersections outside of the study area would be the responsibility of the City, but any such changes would likely be minimal, as the intersections included in the revised Traffic Impact Study are those determined to be strategically important.

**Comment II.D-12:**

3. Improvements determined for the intersection of LeCount Place and Main Street are the implementation of a protected southbound left turn signal phase. This requires the installation of a signal head with a left turn arrow.

(Michael Briska, Traffic Engineer, City of New Rochelle, Memo, 11/2/07, pg. 1-3)

**Response II.D-12:**

Comment noted. The Applicant would install a signal head with a left-turn arrow for the southbound LeCount Place approach to the intersection with Main Street.

**Comment II.D-13:**

4. The improvements cited in the study for the intersection of Huguenot Street and North Avenue are: removal of parking on the south side of the westbound approach to provide for an exclusive westbound left turn lane. The improved analyses shows that lanes would be configured to have a separate left turn, two through lanes and a right turn lane. Even with these lane modifications the through and right turn movements would be at LOS F during the Peak PM. I suggest that Adler determine if the intersection would function better with a shared left/through, one through only lane, a shared through/right lane and a right turn only lane. Also, the northbound left turn approach operates at a LOS F during the PM for the improved analysis. Adler must determine what the LOS would be for a lane configuration of a separate left, a shared left/through lane and a separate through lane. Improvements to pedestrian amenities need to be made on the west side of the intersection in order to accommodate added pedestrian traffic due to project traffic, the pedestrian crossing has to be relocated to the east so pedestrians cross between the southbound right turn lane and the through lanes. This improvement would require installation of pedestrian signals with countdown timers, handicapped ramps and removal of equipment and crossing at existing location.

(Michael Briska, Traffic Engineer, City of New Rochelle, Memo, 11/2/07, pg. 1-3)

**Response II.D-13:**

With the reduction in project size, the revised Traffic Impact Study indicates that the referenced movements would no longer experience LOS F during the PM Peak Hour. At the intersection of Huguenot Street and North Avenue, the westbound left turn movement would be anticipated to have a LOS B, the westbound through movement would be anticipated to have a LOS E, and the northbound left would be anticipated to have a LOS C.

In light of these improved operating levels, and based on the suggested additional analyses, which yielded unfavorable results, the Applicant's Traffic Engineer does not recommend the creation of either a double right-turn lane on the westbound Huguenot Street approach to the intersection with North Avenue or of a double left-turn lane on the northbound North Avenue approach. In addition, New York State Traffic Law requires that an exclusive signal phase be provided when vehicles can make either a left- or right-turn from two travel lanes. It is also noted that a pedestrian crossing the street during the exclusive phase may not be seen by a driver making a turn from the second lane which could lead to accidents. The Applicant would be willing to make the necessary improvements to relocate the pedestrian crossing on the west side of the intersection so that pedestrians could cross between the southbound right-turn lane and the through lanes.

**Comment II.D-14:**

5. The intersection of Garden Street at the Inter-modal Center for the build mitigated condition indicates that the LOS would still be F. Adler must perform an analysis for the condition where left turns are prohibited at this location. If the operation improves significantly a study should be performed to determine the impact from diversions due to this prohibition at intersections that would be impacted by this change such as: Lockwood and North, Lockwood and Memorial, Burling and Memorial, Exit 16 off-ramp at Garden and Cedar, Division St. at rear entrance to train station, Division at Huguenot, Division at Main, Huguenot at Centre, Main at Centre. Lincoln at North and Lincoln at Memorial. The following pictures depict conditions which are experience on the corridor on a daily basis.

(Michael Briska, Traffic Engineer, City of New Rochelle, Memo, 11/2/07, pg. 1-3)

**Response II.D-14:**

As indicated in the revised Traffic Impact Study, the referenced intersection is no longer anticipated to operate at LOS F. Discussions with representatives of the New York State Thruway Authority (NYSTA) indicate that reconstruction of Garden Street/Burling Lane with North Avenue and the intersection of the Intermodal Transportation Center with North Avenue is expected to be complete by 2011. Mitigation for the intersection of North Avenue with the Intermodal Transportation Center includes the implementation of split signal phasing and re-striping the westbound Garden Street approach to provide for an exclusive left-turn lane and a lane to accommodate left-turn and through movements.

**Comment II.D-15:**

7. The statement, “consistent with recently accepted factors for the downtown development, trip-generation rates contained in the Manual for condominium were reduced by 20 percent” needs to be backed up by ITE literature and “For office space, the trip generation rates were also reduced by 20 percent to reflect the urban location of the Site and the proximity to mass transportation opportunities at the Inter-modal Transportation Center”. What happens on a rainy day?

(Michael Briska, Traffic Engineer, City of New Rochelle, Memo, 11/2/07, pg. 1-3)

**Response II.D-15:**

The Applicant’s Traffic Engineer has met with the City’s Department of Public Works (DPW) and reviewed the trip generation rates and supporting documentation. The DPW has approved the use of the reductions in trip generation rates for the revised Traffic Impact Study.

**Comment II.D-16:**

8. Figure 10 (Net Site generated traffic) does not indicate any trips from the project would enter or leave from the ITC driveway. Volumes should be added to this movement. Adler Consulting must determine the percentage and number of trips. Furthermore Adler needs to analyze the ITC unsignalized garage exit used by the public to determine project impacts. Current conditions are shown at this location below.

(Michael Briska, Traffic Engineer, City of New Rochelle, Memo, 11/2/07, pg. 1-3)



**Response II.D-16:**

It is not anticipated that a person already assigned a parking space in the development (either a project resident or a person working in the office space) would use a vehicle to drive less than one-quarter mile to the Intermodal Transportation Center to pay for and occupy another parking space.

**Comment II.D-17:**

9. For the A/D patterns sited, I have the following comments:

- a. Figure 6 – Residential A/D, I doubt 10 percent or for that matter anyone would turn left from Garden Street to go into Site. They would more likely use roadways with more capacity such as Cedar Street. Remove all trips entering site from Burling Lane all of these should enter Site from North Avenue or LeCount Place. Adler shows no one turning left onto LeCount Place from Main Street.
- b. Figure 7 – Hotel A/D, remove 6 percent entering Site from Burling send them to Main St to access site on LeCount or North. Remove percentage making left onto Garden send them all down North to site.
- c. Figure 8 – Office A/D – Remove percentage making lefts from Garden going to Site.
- d. Figure 9 – Retail A/D – Remove percentage making lefts from Garden going to Site.
- e. All A/D patterns should show a percentage of traffic entering and leaving transit center.

(Michael Briska, Traffic Engineer, City of New Rochelle, Memo, 11/2/07, pg. 1-3)

**Response II.D-17:**

The arrival/departure patterns were re-evaluated based on the locations of the driveway(s) providing access to the individual components of the project and the overall conditions of the streets and roadways leading to and from the area, as determined based on a review of the delays in the No-Build analysis.

Project residents traveling along the eastbound Main Street approach would be expected to turn left onto North Avenue, turn right onto New Anderson Street and then quickly turn right to take advantage of the garage entrance located on the south curb of New Anderson Street. It is expected that motorists would avoid traveling to LeCount Place to make a left turn onto northbound LeCount Place followed by an additional left turn onto New Anderson Street to turn left across eastbound traffic for access into the garage.

**DEIS Comments**

**Comment II.D-18:**

At one intersection it is with delays up to 1,097.8 seconds per vehicle. Mitigations are suggested such as making a length of lane one-way taking away all parking on Huguenot Street.

(Peggy Godfried, Public Hearing on June 20, 2006)

**Response II.D-18:**

The referenced delay was for the westbound left turn approach of the Garden Street/Burling Lane at North Avenue intersection for the PM peak hour in the Build-Condition, without any mitigation measures as identified in the DEIS. However, this FEIS includes a revised and updated Traffic Impact Study, accounting for improvements to this area being undertaken by the NYS Thruway Authority. With the proposed roadway improvements, this movement would no longer occur.

**Comment II.D-19:**

I can see from the south end there is too much development, too much traffic. I don't know how you have arrived at the ratio of cars to people, but I know that if anyone drives in New Rochelle without this development and low rise building it is impossible... I would like to see one building be completed to see what traffic it builds. You are just piling on.

(Marjorie Brandon, Public Hearing on June 20, 2006)

**Response II.D-19:**

Comment noted. This FEIS includes a revised Traffic Impact Study that evaluates the potential traffic impacts from this project, as well as projected traffic from other developments, and identifies mitigation measures designed to improve traffic flow.

**Comment II.D-20:**

The scope of the DEIS did not include a traffic analysis of the project's consequences to the north end of New Rochelle. The City of New Rochelle has not issued a report of accidents occurring in the north end in the last five years, yet in the last five years we have had Avalon I and New Roc City and now the Capelli Trump Building adding to the traffic on upper North Avenue. Twenty wheelers are not uncommon, cement mixer trucks are common and the increase in traffic is horrendous, yet nothing is done to alleviate it and everything to aggravate it. The DEIS is deficient and a study should be made on the effect of the project on the north end of New Rochelle.

(Edward Ryan, letter dated June 28, 2006)

**Response II.D-20:**

The intersections required to be studied were identified in the scope for this project adopted by the City Council, as Lead Agency. Generally, the purpose of a scope is to focus an EIS on potentially significant impacts. Given the roadway network, nearby location of major arterials such as I-95, and experience with other downtown development, any potential traffic impacts of the project in the north end of New Rochelle were determined to be not significant enough to merit review.

**Comment II.D-21:**

How do visitors access the upper level retail? How will this be different then the situation at City Center where visitors enter from the garage, then take an elevator and never go outside? In the cases where people do go out of the building, there are few entrances on the outside.

(Anthony Carbone, Esq., Planning Board meeting on May 30, 2006)

**Response II.D-21:**

There are several proposed ways for visitors to access the upper level retail. Access for pedestrians from the street would be available from a series of escalators and elevators in a public atrium located mid-block on LeCount Place. Access from the on-site parking beneath the project would also be provided by an elevator bank in the self-park section. Visitors who park in the New Roc City garage would be able to reach the upper retail either by using the proposed second floor pedestrian bridge, or by exiting the garage at grade level, crossing LeCount Place and using the elevators or escalators available in the atrium.

The proposed project differs from the City Center development in White Plains in significant ways. The City Center project has a largely internal focus and, as noted in the comment, few external entrances. The proposed project has been designed to avoid the insular environment that sometimes occurs with urban “malls.” In contrast to mall-type projects that have a largely internal focus, the proposed project has an exterior focus, particularly at the street level. For example, the proposed project wraps the grade level of the main building and the loft building with retail spaces that are designed to have separate external entrances (indicated on FEIS Exhibit 1). This external focus, with many entrances, is expected to create a livelier street, with more pedestrian activity and window shopping interest, and a more typically urban pattern and shopping experience. The project would also create an inviting two-sided corridor along New Anderson Street that will foster street activity and connectivity.

It is also noted that in order to visit the grade-level retailers, visitors would need to walk outside and enter from the street. Similarly, retail visitors who park on-site could utilize garage elevators to reach upper level retail, but would need to walk outside and enter from the street for grade-level retail.

It is also anticipated that the significant enhancements to the streetscape, and the increased availability and diversity of uses provided by the project will further increase street activity and linkages to surrounding uses. Visitors will likely be attracted to the location as a part of a downtown environment, where multiple objectives can be satisfied (e.g., shopping, having dinner and then seeing a movie), not simply as a destination for single-purpose trips. In addition, the project’s mix includes office, residential and hotel uses. With available offerings in the immediate vicinity, workers, residents, and hotel guests would be very likely to walk out onto the street to enjoy a meal, run an errand, or satisfy other conveniences, further enhancing downtown activity levels.

**Comment II.D-22:**

How many uses can the New Roc City garage accommodate? First Parcel 1A requested use of some space, and now this project is asking to use the space. Is there still capacity? At what point does the garage reach a point where it can’t accommodate any additional parkers? You indicate that there is sufficient capacity, however I have to be convinced of the parking figures and usage.

(Anthony Carbone, Esq., Planning Board meeting on May 30, 2006)

**Response II.D-22:**

See Response II.D-2.

**Comment II.D-23:**

So there will now be two pedestrian crossovers to the garage – one over Huguenot and one over LeCount?

(Dr. Walter Lipow, Planning Board meeting on May 30, 2006)

**Response II.D-23:**

There would be two pedestrian bridges connecting to the New Roc City garage. The proposed project includes a bridge connecting across LeCount Place, and the Trump Plaza project has a bridge connecting across Huguenot Street.

**Comment II.D-24:**

You are currently proposing three levels of subsurface parking. What is the chance that you are going to then have to eliminate a level like in the case of Parcel 1A.

(Dr. Walter Lipow, Planning Board meeting on May 30, 2006)

**Response II.D-24:**

Since the time of publication of the DEIS, the project has been modified to include four levels of subsurface parking. During construction of the Parcel 1A project, bedrock was encountered at approximately 14.5 feet below the ground surface. If a similar situation is found on the project site, and rock removal cannot be accomplished through mechanical means, blasting would be carried out to reach the necessary depth. Among other reasons, blasting was not utilized at Trump Plaza because of proximity to the railroad tracks, a condition not presented here. It is not anticipated, therefore, that any parking would be eliminated.

**Comment II.D-25:**

If you do hit rock, are you committing to doing three levels of subsurface parking?

(Edward Lynch, Planning Board meeting on May 30, 2006)

**Response II.D-25:**

See Response II.D-24. The project has been modified and includes parking on four subsurface levels.

**Comment II.D-26:**

How many parking spaces are you proposing per residential unit?

(Anthony Carbone, Esq., Planning Board meeting on May 30, 2006)



**Response II.D-26:**

The residential parking would be by valet only and parking would be shared with the hotel and office executives. Therefore, there is no fixed parking ratio for residential units. During the period when residential and hotel parking has the highest occupancy (overnight hours), and assuming that all 203 spaces required by the City Zoning Ordinance for the hotel were occupied by hotel guests or employees, there would be over 800 spaces available for use by residents.

**Comment II.D-27:**

You are utilizing tandem spaces for the valet-parked portion of the garage. Are these allowable?

(Anthony Carbone, Esq., Planning Board meeting on May 30, 2006)

**Response II.D-27:**

Yes, the use of tandem and valet parking spaces may be permitted according to §331-128 of the City's Zoning Ordinance. Valet parking is currently permitted for up to 35% of the required parking spaces. Since it is proposed that all of the required parking for both the residence and hotel be valet parked, the Applicant will request that the Zoning Ordinance be amended for mixed-use projects in the DMUR District and Downtown Density Bonus Overlay District.

**Comment II.D-28:**

Where are the loading areas?

(Anthony Carbone, Esq., Planning Board meeting on May 30, 2006)

**Response II.D-28:**

As described in the SDEIS, loading would be accommodated in two locations containing a total of 11 loading bays. The main building would have one grade-level loading area accessed from Huguenot Street. An additional below-grade loading access would also be utilized to serve the retail users. This would involve shared use of the existing Marriott Hotel loading bay at New Roc City and the construction of additional bays at that location.

**Comment II.D-29:**

How deep down is the service tunnel?

(Sebastian Bulfamonte, Planning Board meeting on May 30, 2006)

**Response II.D-29:**

The service tunnel would ramp up to approximately elevation 75', which is equal to the elevation of the first subsurface parking level.

**Comment II.D-30:**

Who would drive from Harrison Street through an underground tunnel to the project parking area? I don't find it believable that visitors would use this route.

(Anthony Carbone, Esq., Planning Board meeting on May 30, 2006)

**Response II.D-30:**

The project has been modified and the vehicular tunnel beneath LeCount Place has been eliminated.

**Comment II.D-31:**

You may be able supply all of the technically required parking, but what happens to a first-time shopper who has to circle up to the sixth level in order to find a space. In the future they will look for easier spaces on-street and add traffic onto the street. It's possible that you may have the spaces, but not in the correct area.

(Dr. Walter Lipow, Planning Board meeting on May 30, 2006)

**Response II.D-31:**

The FEIS Project includes parking on four levels below-grade, with vehicular access points on LeCount Place and New Anderson Street. The FEIS Project would also utilize existing available spaces in the New Roc City garage for a portion of the office parking. A new elevator core would be constructed on the west side of the New Roc City garage to facilitate access to the project from every level of the garage. This combination provides convenient parking for the project.

**Comment II.D-32:**

Parking has to be in a convenient location.

(Anthony Carbone, Esq., Planning Board meeting on May 30, 2006)

**Response II.D-32:**

Comment noted. See Response II.D-31 above.

**Comment II.D-33:**

The project is in a downtown with a variety of stores and activity. Visitors come down to do multiple trips – they may see a movie, then get something to eat. It's not a situation where people are coming because it's the most convenient place to get a nail. The parking may be somewhat inconvenient, but that is part of a downtown environment.

(Sebastian Bulfamonte, Planning Board meeting on May 30, 2006)

**Response II.D-33:**

Comment noted.

**Comment II.D-34:**

The configuration for parking in the DEIS suggests the use of 8x17 foot stalls and tandem spaces for parking by valets only. By using 8x17 spaces, the valets would risk damaging vehicles when entering and exiting a vehicle since a very limited amount of space would be available around vehicles. Furthermore, the use of tandem spaces and compacting vehicles so tightly may present a serious risk in the event that a vehicle catches fire. Fire would be more likely to spread to

adjacent vehicles and fighting the fire would be difficult in such close quarters. This configuration also fails to address the potential for future changes that would provide self-parking options.

(Graham Trelstad, AICP, AKRF, Inc., letter dated August 25, 2006)

**Response II.D-34:**

The use of tandem and valet parking spaces is permissible according to §331-128 of the City's Zoning Ordinance. The code's requirement for a valet space is 7.5x15 feet, which is smaller than the dimensions of the proposed spaces. Valet parking is commonly used in urban areas and there is no evidence to suggest that professional valets would damage vehicles using these typically-sized spaces. Similarly, there is no evidence to suggest that this common arrangement would result in undue fire risk. The garage would also be sprinklered to assist in fire containment.

The Applicant does not anticipate any future change that would require additional self-parking on-site. As described in the DEIS, a requirement that the project employ a professional valet service in perpetuity could be imposed by the City as a condition of approval. In addition, §331-128 of the Zoning Ordinance requires that a legal instrument shall be provided by the property owner guaranteeing the continued use of valet services.

**Comment II.D-35:**

The project proposes a pavement treatment for Anderson Street other than asphalt. This is not permitted for a municipally owned street. All construction within the right of way is subject to the approval of the Department of Public Works and the plans and specifications should be filed prior to work commencing.

(Graham Trelstad, AICP, AKRF, Inc., letter dated August 25, 2006)

**Response II.D-35:**

The conceptual designs for New Anderson Street include the use of distinctive paving to enhance the streetscape, calm traffic, and demarcate pedestrian crossings. The Applicant recognizes that approval by the Department of Public Works would be required for the street. Additional detail on the road construction specifications would be provided during the site plan review and building permit stages.

**Comment II.D-36:**

The proposed conceptual design of Anderson Street, as depicted on Exhibit 7, lends itself to a treatment typical of on-site circulation. This should be incorporated as an on-site element rather than within the public right-of-way.

(Graham Trelstad, AICP, AKRF, Inc., letter dated August 25, 2006)

**Response II.D-36:**

The treatment of New Anderson Street is designed to create an active and attractive public environment. Upon completion, title to the bed of the New Anderson Street right-of-way would

be conveyed by the Applicant to the City. New Anderson Street would remain a public street, and the right-of-way and street furniture and other fixtures would be maintained by the City. However, the Applicant would retain the right to perform the maintenance if the City fails to do so

**Comment II.D-37:**

The width of the proposed travelway along Anderson Street is inadequate to accommodate traffic and queuing resulting from the proposed project.

(Graham Trelstad, AICP, AKRF, Inc., letter dated August 25, 2006)

**Response II.D-37:**

See FEIS Exhibit 28, which provide a section through New Anderson Street indicating sufficient width to accommodate traffic flow and the hotel valet drop-off.

**Comment II.D-38:**

The width of the proposed Anderson Street approach to the intersections of North Avenue and LeCount Place are inadequate.

(Graham Trelstad, AICP, AKRF, Inc., letter dated August 25, 2006)

**Response II.D-38:**

The width of New Anderson Street at the approaches to the intersections with North Avenue and LeCount Place generally “necks down” to 15 feet, which is adequate for one lane of traffic. However, as described in Section I of this FEIS, an additional travel lane on the eastbound side of New Anderson Street has been included between the site driveway and the LeCount Place intersection. This would provide a lane for exiting vehicles to pull out into and an additional turn lane onto LeCount Place. The mid-block portions of New Anderson Street, as shown on FEIS Exhibit 1, include two lanes; however the curb-side lane is intended for valet drop-off and parking/standing, not as a travel lane. The capacity analyses performed for the project indicate that the New Anderson Street intersections would operate at acceptable Levels-of-Service.

**Comment II.D-39:**

The circle within the midblock of Anderson Street is inadequate to accommodate through traffic as well as project generated traffic. U-turns will not be permitted at this location.

(Graham Trelstad, AICP, AKRF, Inc., letter dated August 25, 2006)

**Response II.D-39:**

The configuration of New Anderson Street has been revised since the DEIS. The median no longer includes a mid-block circle. However, it does contain two cut-throughs for use by the hotel valets. It is not expected that other traffic would be permitted to utilize these cut-throughs.

**Comment II.D-40:**

The additional on-street parking proposed for LeCount Street is not recommended by the DPW as this area is frequently used for vehicle loading.

(Graham Trelstad, AICP, AKRF, Inc., letter dated August 25, 2006)

**Response II.D-40:**

The project has been modified since the DEIS and additional on-street parking along LeCount Place is no longer proposed.

**Comment II.D-41:**

The reductions in the trip generation rates indicated were applicable to rates contained in the past edition of the Trip Generation manual. Since that time, other data points have been collected and incorporated directly into the new trip generation rates. Any reduction of the new trip generation rates should be substantiated by actual field studies supporting the new rates. Contrary to the discussion in the text, there has been no confirmation that the reductions proposed are accurate. The study should be consistent with the industry standards.

The 50% reduction in trip generation for the condominium component, the 20% reduction in trip generation rates for the office component, and the 21% reduction in trip generation rates for the retail component of the project are rejected by the DPW as the credit is already taken into account in the updated trip generation rates and there is no data to support additional reduction.

(Graham Trelstad, AICP, AKRF, Inc., letter dated August 25, 2006)

**Response II.D-41:**

See Response II.D-15.

**Comment II.D-42:**

All proposed traffic signal timing should be in whole seconds.

(Graham Trelstad, AICP, AKRF, Inc., letter dated August 25, 2006)

**Response II.D-42:**

The traffic signal timing recommended in the revised Traffic Impact Study is presented in whole seconds.

**Comment II.D-43:**

The proposed interim mitigation at the intersection of Burling and North will create a left-turn trap for northbound and southbound left-turning vehicles. This proposal is unacceptable as it will cause extreme congestion during each peak-hour signal cycle that is not reflected in the applicant's traffic analysis.

(Graham Trelstad, AICP, AKRF, Inc., letter dated August 25, 2006)

**Response II.D-43:**

See Response II.D-14. Discussions with representatives of the New York State Thruway Authority (NYSTA) indicate that reconstruction of Garden Street/Burling Lane with North Avenue and the intersection of the Intermodal Transportation Center with North Avenue is



expected to be complete by 2011, prior to the occupancy of the proposed project. As a result, interim mitigation measures are no longer proposed.

**Comment II.D-44:**

As indicated in Table III-D-13, The following intersections have unmitigated impacts

- Main and Lawton
- Main and North
- Main and LeCount
- Huguenot and Lawton Street
- Huguenot and North
- Huguenot and LeCount
- North and Garden
- Garden at Burling
- Anderson and LeCount

Additional mitigation should be required for the intersections indicated above. The applicant has provided mitigation at these intersections, however they have stated that the implementing agency is the City of New Rochelle. The applicant should take responsibility for the impact and identify it as an impact in the study and take responsibility for the mitigation. In addition, some of the mitigation measures do not return level of service or queue conditions to No Build levels, therefore additional mitigation is required.

(Graham Trelstad, AICP, AKRF, Inc., letter dated August 25, 2006)

**Response II.D-44:**

The project has been modified since the DEIS. The FEIS includes a revised Traffic Impact Study for the FEIS Project, and identifies measures to mitigate the impacts from project-generated traffic. The Applicant would be responsible for implementation of identified mitigation measures.

With the exceptions of the Huguenot/LeCount and the Garden/Burling/North intersections, the referenced intersections would have certain periods where delays for the overall intersection in the Mitigated condition would exceed No-Build delays. These are summarized in Table 9 in the Traffic Impact Study. However, the bulk of these intersections would still operate at Level-of-Service (LOS) D or better, which represents tolerable delays. The exception is the Huguenot/North intersection, which would experience LOS E in the PM peak hour, compared to LOS D in the No-Build condition.

The Huguenot/LeCount intersection would experience improved delays during all peak hours in the Mitigated condition compared to the No-Build condition. With the NYSTA reconstruction, the Garden/Burling/North intersection configuration would change and no longer produce a signalized overall LOS calculation. However, one movement, the westbound right turn, would be anticipated to experience a LOS e (49.9 seconds) with slightly more delay than the LOS e in the No-Build (36.5 seconds).

Given the constraints of existing downtown development and the existing road network, the improvements recommended in the FEIS mitigate project generated impacts to the maximum extent practicable.

**Comment II.D-45:**

The parking lane proposed to be used as a turn lane at North and Huguenot Street appears to be inadequately sized to accommodate a through lane. This may require property acquisition to achieve. A conceptual plan indicating the improvements should be prepared.

(Graham Trelstad, AICP, AKRF, Inc., letter dated August 25, 2006)

**Response II.D-45:**

The westbound Huguenot Street approach to the intersection with North Avenue is approximately 42 feet wide and can accommodate four travel lanes, which is the configuration analyzed.

**Comment II.D-46:**

The arrival/departure patterns for the residential and hotel components of the project are treated equally; however, the lobbies for each of these uses are in different locations and the proposed location of the hotel lobby at the northern end of LeCount Place does not make a northbound left-turn from LeCount Place appropriate given the close proximity to the intersection of Huguenot Street.

(Graham Trelstad, AICP, AKRF, Inc., letter dated August 25, 2006)

**Response II.D-46:**

The project has been modified since the DEIS. The hotel lobby is now on New Anderson Street. The FEIS analysis includes new arrival/departure patterns that reflect the project changes.

**Comment II.D-47:**

The proposed project includes a vehicular access from the New Roc Garage as well as a pedestrian bridge and elevator tower on the west face of the New Roc Garage with access from each level. These features, as well as the pedestrian bridge to Trump Plaza, reduce the number of parking spaces and space used for storage in the New Roc Garage. Table III-D-1, "Future New Roc City Garage under Current Parking Regulations," indicates that at several points throughout the week there are deficiencies in the number of permit spaces. All of the modifications to the garage noted above will result in lost spaces. This reduction in available parking should be quantified and the impact on parking availability within the New Roc Garage and for the proposed project should be identified.

(Graham Trelstad, AICP, AKRF, Inc., letter dated August 25, 2006)

**Response II.D-47:**

See Response II.D-2. The revised Parking Study quantifies the number of parking spaces lost as a result of proposed modifications to the New Roc City garage. With the recommended operational changes to the facility, there are available permit and metered spaces at all times.

**Comment II.D-48:**

Many of the lost spaces in the New Roc Garage are allocated to the existing hotel use. Will the lost spaces be made up elsewhere in the garage or will the number of spaces allocated to the hotel be reduced? If made up elsewhere, what type of space will be affected? If the number of hotel spaces is reduced, will the hotel still meet the zoning requirements for parking? Currently, a percentage of garage operating costs is attributed to hotel spaces and is paid to the City each year. This percentage is based upon the number of hotel spaces. How will a reduction in hotel spaces affect this payment?

(Graham Trelstad, AICP, AKRF, Inc., letter dated August 25, 2006)

**Response II.D-48:**

The hotel spaces are proposed to be redistributed in the garage without reduction in number. The net result is anticipated to be a loss of 30 metered spaces. It is proposed to redesignate 68 of the spaces reserved for the exclusive use of the hotel so that they may also be used by permit parkers between the hours of 6:00am and 6:00pm.



## **E. Noise**

### **SDEIS Comments**

#### **Comment II.E-1:**

Interestingly, the noise report claimed a three decibel increase. However, no mention is made of the original noise figures which were almost all acceptable or normally unacceptable. Even three extra decibels creates a serious environmental problem and should not be downplayed.

Noise causes many health problems. It is particularly damaging to children where studies may have shown that excess noise levels lower academic achievement.

(Peggy Godfrey, Public Hearing Transcript, 11/20/07, pg. 18-19; Similar comment during DEIS Public Hearing, 6/20/06)

#### **Response II.E-1:**

A 3-dBA increase is normally the smallest change in a sound level that is perceptible to the human ear. As indicated in the SDEIS, various regulatory bodies use a figure ranging from 3- to 5-dBA as a threshold level for determining whether there is the potential for noise impact from a project. Based on the noise screening analyses in the SDEIS for mobile sources and for the new Anderson Street roadway, adverse noise impacts related to project-generated traffic would not result at any location within the study area (i.e., the increase in traffic volumes would not be substantial enough to raise existing noise levels by 3 dBA, the minimum perceptible level of change.) Nor would there be any noise impact from project stationary sources. As a result, there are no anticipated adverse noise impacts from the project to the surrounding area.

The impact of existing noise levels on the proposed project would exceed HUD's standards for residential uses. However, noise attenuation design features, such as acoustically-laminated glass and weather stripping, will be utilized to reduce interior noise to HUD "acceptable" levels.

### **DEIS Comments**

#### **Comment II.E-2:**

It is unclear whether the project will include any of the noise attenuation measures to achieve HUD "acceptable" interior noise levels identified on page III-E-14.

(Graham Trelstad, AICP, AKRF, Inc., letter dated August 25, 2006)

#### **Response II.E-2:**

See Response II.E-1.



## **F. Air Quality**

### **SDEIS Comments**

#### **Comment II.F-1:**

Again, I am asking you: What is the impact on air pollution, water pollution, noise pollution? I will tell you. Are you aware that Westchester County is in the top ten? Guess what? Top ten for the filthiest air in the nation. Westchester County. High incidence of asthma.

And we are also in the top ten for cancer-causing carcinogens in the air caused - - a lot of which is caused by power plants. But the big harmful thing is diesel fuel.

Right by the park six days a week pounding to break the ground with the big machines. I don't live near 84 Park. Six days a week, my poor daughter, six days a week cannot stand the noise. Mommy, are they allowed to work on Saturday? I had to shut the window because diesel was coming in the window.

(Juliette Rouge, Public Hearing Transcript, 11/20/07, pg. 26)

#### **Response II.F-1:**

Westchester County has been designated as a non-attainment area for ozone and fine particulate matter (PM 2.5). However, the proposed project would not result in an adverse impact related to these emissions or air quality. The air pollutants identified as potentially being of concern for the project were CO (with respect to emissions from project generated traffic) and NO<sub>2</sub> (with respect to stack emissions from heating and hot water systems).

As indicated in the SDEIS Air Quality section, the predicted maximum 1-hour and 8-hour CO concentrations of mobile sources (project generated traffic) would not exceed the present National Ambient Air Quality Standards (NAAQS). Similarly, the predicted concentrations for stationary source NO<sub>2</sub> would be below the NAAQS impact threshold.

During the construction phase, short-term ambient air quality impacts may result from fugitive dust and emissions from construction equipment and vehicles. However, as described in the SDEIS, the project incorporates a number of mitigation measures directed at minimizing construction-related emissions.

## **G. Socio-Economic**

### **SDEIS Comments**

#### **Comment II.G-1:**

**8. Inclusion of affordable housing.** At the time we responded to the draft EIS, we noted the need for more affordable housing opportunities in Westchester and the fact that the draft EIS did not discuss whether any of the proposed dwelling units would be set aside as affordable. We noted at that time that the City's Zoning Ordinance recognized the need for affordable housing and required a 10% set-aside of floor area for affordable units in any residential development containing more than ten dwelling units. The Ordinance also provides an option to make a payment into the City's Affordable Housing Fund in lieu of providing any affordable units. We were disappointed that the supplemental draft EIS does not provide more information on this aspect of the project.

The final EIS should include a complete discussion of the affordable housing component of this project and how such housing is to be provided.

(Edward Buroughs, AICP, Deputy Commissioner Westchester County Planning Board, Letter, 11/30/07, pg. 5; Similar comment in DEIS comment letter, dated 6/30/06)

#### **Response II.G-1:**

The Applicant will comply with the City's affordable housing law, referenced above and contained in Article XIX of the City Zoning Ordinance. The Applicant will make a payment into the Affordable Housing Fund in accordance with the requirements of §331-152 of the Zoning Ordinance, and related provisions of the affordable housing law.

#### **Comment II.G-2:**

**10. Potential need for economic study.** The proposed development will bring additional large format retail into a downtown area, which has been a recent development trend in Westchester. It is not yet clear how this "big box" version of retail will relate with the smaller retail operations typically found in downtown environments where emphasis is on pedestrian access as opposed to direct parking garage links. We previously recommended that the final EIS explore this aspect and include an economic feasibility analysis on the relationship between large-format retail and traditional downtown uses. This was not included in the supplemental draft EIS. Such a review may identify initiatives that could be taken to strengthen the economic health of the overall downtown area.

(Edward Buroughs, AICP, Deputy Commissioner Westchester County Planning Board, Letter, 11/30/07, pg. 6; Similar comment in DEIS comment letter, dated 6/30/06)

#### **Response II.G-2:**

The proposed project has been designed with space on the upper retail levels that could accommodate a large format retailer. That space has not yet been leased, and it is possible that it

may be divided to accommodate small to medium-sized retailers. The street level space is designed to provide space for a number of smaller retail and restaurant businesses.

Regardless, the project is not properly characterized as a “big box” development. The combination of proposed uses (residential, office, hotel and retail) will help diversify the downtown’s portfolio of uses and encourage additional economic activity in the downtown, including spending by residents, employees, hotel guests and retail visitors, which will support nearby businesses.

In addition, as described in Response II.A-1, the project has a strong pedestrian focus and has been designed to avoid the type of insular environment that is sometimes evident at urban “malls.”

The comment appears to ask for a study of the potential economic impact of the project on “traditional downtown” competitors. Under SEQRA, analysis of competitive impacts is not warranted unless it is reasonably anticipated that a project will cause one or more anchors and/or a sufficient number of other competitors to fail, with the result that neighborhood character will be adversely impacted. Here, the expectation is to the contrary - anecdotal evidence from the City Center project in downtown White Plains, the most directly comparable local example of a similar mixed-use development including large-format retailers, suggests that although there will be some competition, this type of project would be expected to generally strengthen the economic health of the downtown as a whole. Over the past several years since City Center was developed, the surrounding downtown streets in White Plains (primarily Main Street and Mamaroneck Avenue) have seen a dramatic increase in street level pedestrian activity during both day and evening hours. In addition, new retail and restaurant uses, both national and independent, have been established on Main Street and Mamaroneck Avenue.

**Comment II.G-3:**

Once again, Cappelli is seeking tax incentives for retail, office and hotel portions of the LeCount project. And eminent domain will probably be used - also a no, no!

(Diana Mason and Charles Mirabella, Residents, 177 Woodland Avenue, New Rochelle, NY 10805, Letter, pg. 3)

**Response II.G-3:**

See Response II.G-4 for discussion of property tax generation and potential PILOT payments. The Applicant has reached agreements with each of the owners of the private properties which comprise the site, and eminent domain will not be utilized.

**Comment II.G-4:**

The original Draft Environmental Impact Statement states this development will apply for a PILOT, which is another method of giving a tax abatement. We need to know if the projected \$4,486,800 in real estate taxes have been calculated with this pilot.

(Peggy Godfrey, Public Hearing Transcript, 11/20/07, pg. 17)

**Response II.G-4:**

As described in the DEIS, the proposed project would result in additional revenues for the City through real estate taxes and, if the project is assisted by the New Rochelle Industrial Development Agency (IDA), payments in lieu of taxes (PILOT). Projects assisted by the IDA are exempt from real property taxes during the financial assistance period (typically 10 years). However, if the project is assisted by the IDA, the Applicant has agreed to make PILOT payments to the City, County and school district equal to the amounts of tax that would have been paid had the project not been assisted by the IDA and remained taxable, except that during the fourth through tenth whole tax years of the PILOT period, the tax rates on which PILOT payments would be based would be adjusted each year by the percentage increase in the Consumer Price Index for the New York-New Jersey Metropolitan Area, which could be less than the increase in tax rate for that year for taxable property in the City. Notwithstanding this, the Applicant has agreed that in no event could an adjustment cause PILOT payments in any year to be less than 100% of the amount of PILOT payments for the preceding tax year.

**Comment II.G-5:**

However, the estimated sales of \$106 million are hard to believe, since no specific retail source or other sources of sales tax are listed.

(Peggy Godfrey, Public Hearing Transcript, 11/20/07, pg. 17-18)

**Response II.G-5:**

The retail spaces have not yet been leased. Potential sales tax generation is therefore based on the conservative assumption that the spaces will generate \$500 per square foot average annual sales, with a deduction of 25% for non-taxable items (an effective annual sales rate of \$375 per square foot.) The \$500 per square foot figure is consistent with the assumption for a similar Westchester County mixed-use project in a downtown environment<sup>1</sup>. It is also reasonable given retail sales per foot reported by BizStats for national retailers for the years ending in 2002 and 2003 (ranging from \$229 per square foot to \$961 per square foot for trade categories and store types anticipated to be attracted to the project location).

**Comment II.G-6:**

The 1,746 job claims for this one block is stupefying. How will all of these people travel to one block? Where will they park? And how can the City services absorb such an influx of people?

(Peggy Godfrey, Public Hearing Transcript, 11/20/07, pg. 17-18)

**Response II.G-6:**

The anticipated employment figures are calculated based upon accepted office and retail space allocation factors from the Urban Land Institute Development Impact Assessment Handbook, 1994, and hotel and residential support figures from a comparable project in White Plains. For the FEIS Project, the estimated employment has been reduced to approximately 1,466. The bulk

---

<sup>1</sup> Economic Analysis of LC Main, LLC, 2003, Thomas Conoscenti & Associates, Inc.

of the employment (991) is expected to come from the office component. Generally, commercial development requires relatively little in public services, while contributing substantial tax revenues to local jurisdictions. See FEIS Section I.E and SDEIS Section II.G and H for discussion of fiscal impacts and City services. Employees at the site would park at the New Roc City garage or in the on-site below grade parking. See the Appendix for detailed traffic and parking analyses.

**Comment II.G-7:**

I will end my three minutes with a statement by Senator Schumer who recently claimed that Westchester is overbuilding with apartments.

Other aspects of overdevelopment are reflected in a statement made by a New Rochelle Councilman in 1956 that apartments on Pelham Road were costing the taxpayer \$80.50 per apartment.

Our City Council should be honest, and tell us how much the LeCount Place apartments will cost the New Rochelle taxpayers.

(Peggy Godfrey, Public Hearing Transcript, 11/20/07, pg. 19)

**Response II.G-7:**

The project is a mixed-use development, with a balance between residential, retail, office and hotel use. The Applicant disagrees with the assertion that there has been an “overbuilding of apartments” in the downtown. In addition, as recent experience has shown in other Westchester communities, the creation of a critical mass of residents plays a significant role in revitalizing downtowns.

While conventional thinking in years past held that residential development didn’t “pay its way,” this is not accurate with respect to high-value residences with relatively few bedrooms, because these residences do not generate significant numbers of school children. In addition, the project includes significant commercial space, the taxes from which would off-set any incremental increased costs to the local taxing jurisdictions for service to the residential and commercial components of the project. As an illustration, the City school tax represents the largest portion of a New Rochelle taxpayer’s bill (approximately 64%.) The cost to educate the project-generated schoolchildren is estimated to be approximately \$497,330. This cost would be substantially less than the increase in property taxes paid to the school district from the proposed project, resulting in a net positive fiscal impact of approximately \$2.1 million annually for the district. This is a substantial positive impact that would benefit City tax payers.

**DEIS Comments**

**Comment II.G-8:**

Although there was some low income housing in this, we see our city going in the direction of New York City where developers are coming up, buying up property, buying middle income and low income and building high-end housing and they’re creating a vacuum for these people that don’t have these high incomes.



(Peggy Godfried, Public Hearing on June 20, 2006)

**Response II.G-8:**

The only housing on the development site consisted of 38 apartments in the building at 5 Anderson Street. All of these tenants have been successfully relocated, without complaint to the City, and in accordance with the Emergency Tenant Protection Act. As described in response II.G-1, the project will comply with the City's affordable housing law contained in Article XIX of the Zoning Ordinance, which will help create housing opportunities for middle income households.

**Comment II.G-9:**

The household sizes found in Table III-G-3 are not appropriate. Since the majority of residential units proposed are 2-bedroom units, a multiplier that more accurately reflects projected household sizes should be used. This number should be consistent with, and therefore higher than, the multiplier for 1-bedroom units. All subsequent analyses should be revised to reflect this change.

(Graham Trelstad, AICP, AKRF, Inc., letter dated August 25, 2006)

**Response II.G-9:**

The population analysis was updated in the SDEIS and FEIS to include the most recently available residential demographic multipliers from the Rutgers University Center for Urban Policy Research.

## **H. Community Facilities and Services**

### **SDEIS Comments**

#### **Comment II.H-1:**

The principal open space concerns raised by the panel and City are that the proposed open space is not readily accessible to the general public nor is its lot area properly computed.

The MOU requires one acre (43,560 square feet) of publicly-accessible open space. While the SDEIS identifies approximately 49,212 square feet of proposed open space, an estimated 30 percent of that space (14,892 square feet) is located within sidewalks located on Anderson Street, North Avenue, Huguenot Avenue, and LeCount Place. Sidewalk space should not be considered meaningful open space. Another 29,441 square feet (60 percent) of the proposed open space is located on two roof-deck terraces on the 4th and 6th floors of the Project. To access this 4<sup>th</sup> and 6<sup>th</sup> floor space, the public would be required to enter from the lobby of the private hotel or commercial space. Moreover, there is little functional or physical linkage between these roof-deck terraces and the street or pedestrian walkways. For the public to access these terraces, design changes are required to functionally and physically link this space to the general public and other downtown activities, as well as to make it more inviting.

It should also be noted that the Developer has indicated that it intends to seek a density bonus under the provisions of the DDB Overlay District, relying on its provision of high quality, meaningful publicly-accessible open space. Such open space could be provided on-site as well as on another site within the downtown which benefits the Project. The Council will need to determine if the proposed open space meets such criteria to obtain such a density bonus.

(Charles B. Strome III, City Manager, City of New Rochelle Interdepartmental Memorandum, 11/16/07, pg. 2)

#### **Response II.H-1:**

In response to this comment, the amount of open space has been recalculated to eliminate the area of existing sidewalks along North Avenue, Huguenot Street and LeCount Place, and the portion of the sidewalk area along new Anderson Street that is typical of City sidewalks in the downtown (i.e., the portion extending 10 feet from the building). However, in several areas, plaza space will be expanded into the area beyond the typical 10-foot sidewalk width to include new, usable open space. Including this area, approximately 15,372 square feet of outdoor public space will be created at-grade.

As seen on Exhibit 21, Circulation Diagram, the upper terraces would be accessed not only from the lobby of the hotel or commercial space, but also from a public atrium on LeCount Place. This area would be glass-enclosed to maximize visibility to the street and include escalator and elevator access to both the fourth floor and sixth floor terraces. The atrium would itself be a public amenity and open space resource. The experience of moving from the street to the roof terraces would be through an exciting series of spaces linked by art and water gardens, designed

to create a continuous vertical garden. This would provide an effective physical and functional linkage between the street and the upper level open space resources. The exterior of the atrium would also include a prominent vertical sign announcing the presence of the roof terraces. Additional wayfinding signage would also be included at various locations along the project's streetscape, directing pedestrians to the terraces.

In response to City concerns regarding the potential for hotel use of the fourth floor terrace to temporarily restrict public access to the terrace, this area has been eliminated from the calculation of open space. However, as noted above, the terrace would have access from the public atrium and would be a public open space resource when not in use for hotel functions. The overall amount of open space on the project site is broken down in the table below. In addition, refer to Exhibits 22-29 for illustrations of the atrium, depictions of various outdoor open space components, and section drawings showing the relationships between the open spaces and illustrating their functionality.

**Table II-H-1  
Open Space**

	<b>Component</b>	<b>Square Feet</b>
Existing Conditions	<b>Anderson Street</b>	
	Sidewalk North of Anderson Street	3,640
	Main Plaza Areas	12,490
	<b>Total</b>	<b>16,130</b>
Proposed Conditions	<b>New Anderson Street</b>	
	South Sidewalk	2,300
	North Sidewalk	3,000
	East Island	979
	Middle Island	3,131
	West Island	716
	<b>Subtotal</b>	<b>10,126</b>
	<b>Street Level Plazas</b>	
	Huguenot and North	2,666
	Huguenot and LeCount	2,580
	<b>Subtotal</b>	<b>5,246</b>
	<b>Elevated Terrace and Atrium</b>	
	6 <sup>th</sup> Floor Roofdeck Terrace	21,850
	Atrium	11,000
	<b>Subtotal</b>	<b>32,850</b>
	<b>Total</b>	<b>48,222*</b>

\*Not including 4<sup>th</sup> Floor Roofdeck Terrace of approximately 9,220 sf, which is adjacent to the ballroom and hotel restaurant.

The Applicant believes the project's substantial new open space and significant streetscape and grade-level open space improvements warrant bonuses under the regulations of the DDB Overlay District. However, other features of the project also warrant bonuses, including LEED certification (the Applicant is committed to having the office tower and residential/hotel tower LEED certified; see also Response M-4), new construction with high quality design and the provision of a minimum of 100,000 square feet of office and/or hotel uses.

**Comment II.H-2:**

**5. Fire Safety**

The City's Fire Commissioner has identified that the proposed 500 foot height of the Project will result in an impact to the City's firefighting capacity. Specifically, the City does not currently have the necessary apparatus to elevate a column of water at sufficient pressure to fight a fire at heights above 400 feet. The additional height would require the purchase of a two-phase pumper, which cost has been estimated at \$500,000. The Developer has offered to pay only its "proportionate share" of the new equipment. However, since there are currently no other projects in the City which would require a two-phase pumper, the Developer should bear the full cost of funding such apparatus.

(Charles B. Strome III, City Manager, City of New Rochelle Interdepartmental Memorandum, 11/16/07, pg. 4)

**Response II.H-2:**

The City is in the process of revising its DDB Overlay District to allow for increased floor area and building heights of up to 500 feet. In the draft generic environmental impact statement prepared by the City in connection with the proposed changes, four development sites (including LeCount Square) likely to qualify for the increased floor area and height are analyzed. If buildings at the other three sites are constructed to the maximum proposed height of 500 feet, then the same type of new apparatus needed to service this project would be required to provide service to them. In addition, the City is currently reviewing another high-rise project in the downtown with a height above 400 feet (Church/Division Street Mixed Use Project; 490-foot height including mechanicals, as indicated in the FEIS on the City's website). Presumably this project would similarly require a two-phase pumper to provide service to the upper floors.

The Applicant's potential contribution towards the purchase of a two-phase pumper has been discussed informally with City staff, but agreement has not yet been reached. Because other projects are also likely to be serviced by the new pumper, the Applicant should not be required to pay more than its proportionate fair share for the cost of the new equipment, which would be based on the ratio of the floor area of the project to the total floor area that would be served by the new pumper. It is also noted that the project is projected to generate a substantial annual surplus in tax revenue to the City, a portion of which could be used to cover the cost of this equipment. For example, in the 2007 City budget, approximately 21.27% of total revenue was appropriated to the Fire Department. Applying this proportion to the annual City property and sales tax generated by the project, it is expected that the project could provide approximately \$589,187 annually to the Fire Department. After the payment by the Applicant of its proportionate share, the debt service on a bond for the remaining purchase price of the new pumper could be paid using only a small portion of this annual revenue.

**Comment II.H-3:**

**7. Access to public space.** The revised project proposal notes that approximately 29,441 square feet of publicly-accessible open space will be provided, split between a terrace on the fourth floor (on the roof of the third floor retail level) and a terrace and green roofs on the sixth floor of the podium building. The fourth floor open space would have access from a public lobby with

elevator and escalator access as well as access directly from the hotel. The sixth floor open space would be accessible only from the hotel. According to the supplemental draft EIS, the fourth floor space would be designed as the “Gallery at LeCount Square,” a forum for rotating displays of public art. The terrace would also be flexible space capable of accommodating larger groups for programmed events. The sixth floor open space area would include “an additional privately owned but publicly accessible terrace area with shade tree plantings and café style seating.” The document states that, “it is anticipated that the rooftop terraces would be open and accessible during typical daylight business hours, with occasional evening openings when activities or events occur in the adjacent hotel space that would provide for appropriate security.”

As described in the supplemental draft EIS, these open space areas could easily be conceived by the public to be areas for the exclusive use of the hotel, particularly since they will be designed for hotel functions and restaurant seating and that there would be no public access after dark. We recommend that the final EIS include a more detailed discussion of the limitations and opportunities for public access to these spaces, including specific time periods, to evaluate if they should be considered “public areas.” In addition, the final EIS should discuss plans of how the public would be informed of the existence of these spaces.

(Edward Buroughs, AICP, Deputy Commissioner Westchester County Planning Board, Letter, 11/30/07, pg. 4-5)

### **Response II.H-3:**

See Response II.H-1 in relation to public accessibility, way-finding, visibility and connectivity. While there is access to the upper open spaces from the hotel, the public access has been revised so that there is now direct access from the public LeCount Place atrium to both the 4<sup>th</sup> and 6<sup>th</sup> floor terraces. In addition, the public atrium core has been redesigned as an open, glass structure in order to provide more transparency and make the connection to the upper terraces more visible. In addition, the project would include way-finding signage so that the public would be readily aware of the open space.

The open spaces are not specifically “designed for hotel functions and restaurant seating,” but rather to function as engaging public spaces. The Applicant’s design team strongly believes that programming and a variety of outdoor experiences are vital in creating successful open space that is inviting and interesting to the public. The presence of outdoor seating or tables would not signify to the public that these are private spaces any more than does café activity spilling onto a public square. There are many examples of successful open spaces that include concessions or movable seating used by food/drink vendors. The Applicant contends that such features actually make the space more active and attractive as a functional public open space. In addition, night-time closures are consistent with public access to many urban parks which have posted hours.

However, in response to City concerns regarding the potential for use of the fourth floor terrace by the hotel to temporarily restrict public access, the terrace area is no longer included in the calculation of on-site public open space.



**Comment II.H-4:**

At the October 30, 2007 meeting of the Advisory Committee on Parks and Recreation, the LeCount Square project SDEIS document and schematic plans were reviewed with particular focus on the public open space requirements.

The consensus opinion of this citizen committee was: the proposed public open space amenities presented is inadequate in its current form and requires a more practical option, especially on street level; features of the fourth and sixth floor level open space options are tastefully designed, but impractical as true, unrestricted public space use options; accessibility concerns were registered and were deemed impractical based upon the nature and forecasted use patterns of both the hotel and restaurant.

(William V. Zimmermann, Commissioner of Parks and Recreation, City of New Rochelle,  
Memo, 11/13/07, pg. 1)

**Response II.H-4:**

See Responses II.H-1 and II.H-3 above.

**Comment II.H-5:**

And our schools were overcrowded a few years ago. Millions and millions of dollars to expand the high school. Where will the children go to school? I hear that they will not have children. That's a neat trick. I don't know how you can predict.

(Juliette Rouge, Public Hearing Transcript, 11/20/07, pg. 24)

**Response II.H-5:**

Over the past decades, demographic multipliers have become increasingly sophisticated and reliable. The estimates in the SDEIS and FEIS are derived from data compiled by the Rutgers University Center for Urban Policy Research based on the most recent US Census Public Use Microdata Sample (PUMS). The PUMS data allows for cross-tabulations of demographic characteristics by specific housing characteristics, such as number of bedrooms, type of housing product and tenure. The DEIS analysis also included demographic data from the recent Avalon project. Based on the PUMS data, the project would be estimated to generate approximately 41 schoolchildren. The estimated cost to educate the project-generated schoolchildren would be approximately \$497,330. This cost would be substantially less than the increase in property taxes paid to the school district from the proposed project, resulting in a net positive fiscal impact of approximately \$2.1 million annually for the district.

**DEIS Comments**

**Comment II.H-6:**

These two areas would create open space of approximately 5,275 square feet, which appears to be less than the existing open space on the development site. We note that the award of the requested 1.5 FAR bonus under the Downtown Density Bonus Overlay District is tied to the "provision of new publicly accessible open space on-site or anywhere within the DB, DMU or DMUR zoning districts and/or improvements to existing open space or streetscape in excess of

any improvements required by §331-119.B.” It is not clear in the draft EIS how this requirement is intended to be met. The City will need to assess this aspect in the final EIS.

(Edward Buroughs, AICP, Deputy Commissioner Westchester County Planning Board, letter dated June 30, 2006)

**Response II.H-6:**

See Response II.H-1 and II.H-3. The FEIS Project includes approximately 15,372 square feet of outdoor public space at grade, 21,850 square feet of publicly accessible roof garden space, and 11,000 square feet of publicly accessible atrium space. Please see Table II-1 in Response II.H-1 for a breakdown of the open space components.

The existing “green space” at Anderson Plaza consists of approximately 5,700 square feet in two landscaped islands, planted with trees and ground cover. Some bare spots are evident and it is the Applicant’s opinion that the area is not particularly appealing or usable. The remainder of the Anderson Plaza area consists of brick and concrete sidewalk. The new publicly-accessible open spaces are expected to be significantly more inviting and usable than the existing plaza area. The new sidewalks along new Anderson Street and the new plaza elements at the corners of Huguenot Street/North Avenue and Huguenot Street/LeCount Place are also expected to create an improved pedestrian environment. This provides the “improvement to existing open space or streetscape” referenced in the Downtown Density Bonus Overlay District. In addition, the project does not necessarily require this potentially applicable FAR bonus in order to accommodate the proposed development program. The project is eligible for FAR bonuses for a number of the other public benefits, such as LEED certification, new construction with high quality design and the provision of a minimum of 100,000 square feet of office and/or hotel space.

**Comment II.H-7:**

More serious are the anticipated problems with our city services. This is in the report. The police department says they need to add 15 or 20 more officers, the fire fighters, and 20 officers. In addition, they need emergency service ambulances. What they have now they said it exceeds the ability of the ambulance to take care of things. They need another half day of ambulance. With each of these city services it is assumed that revenue from these services will generate enough tax service to pay for the extra service, and that’s where I will be trying to make some kind of analysis.

(Peggy Godfried, Public Hearing on June 20, 2006)

**Response II.H-7:**

The referenced figures were estimates of additional personnel needed to service all of the new downtown development, and not just this project. The Police Commissioner estimates that this project would require approximately three officers and one to two community service officers.

As described in the DEIS, the City evaluates the staffing needs of its emergency services on an on-going basis. In light of the new growth in the downtown area, the City will consider whether additional staff and/or equipment is necessary to serve the potential additional service demands

from the proposed project, as well as the other downtown developments. Page II-66 of the SDEIS includes an analysis of the revenue generated to the Police and Fire Department by the project using current budget allocations and the staffing that the revenue could support.

**Comment II.H-8:**

Schools are another aspect of these. As I mentioned, I did not have time to analyze all of the information, but I at least agreed it is my concern and my whole impression of this project is that it is too big, it is too risky for the taxpayers of this city, and I think it will hasten the exodus of people who have called New Rochelle their home for many years and generations.

(Peggy Godfried, Public Hearing on June 20, 2006)

**Response II.H-8:**

See Response II.H-5. The cost to educate the school children generated by the project would be substantially less than the increase in property taxes paid to the school district by the proposed project, resulting in a net positive fiscal impact of approximately \$2.1 million annually for the district. This is a substantial positive impact that would in fact benefit City taxpayers.

**Comment II.H-9:**

The Fire Department has reviewed the DEIS and found that a significant increase in personnel and equipment would be necessary to accommodate the proposed project and other planned development projects. The Applicant should work with the City to determine the project's fair share of this increase and demonstrate the sufficiency of tax revenues to serve as mitigation for any increase in staffing and equipment needed.

(Graham Trelstad, AICP, AKRF, Inc., letter dated August 25, 2006)

**Response II.H-9:**

See Responses II.H-2 and II.H-7.

**Comment II.H-10:**

The Police Department has reviewed the DEIS and found that a significant increase in personnel and equipment would be necessary to accommodate the proposed project and other planned development projects. The Applicant should work with the City to determine the project's fair share of this increase and demonstrate the sufficiency of tax revenues to serve as mitigation for any increase in staffing and equipment needed.

(Graham Trelstad, AICP, AKRF, Inc., letter dated August 25, 2006)

**Response II.H-10:**

See Responses II.H-2 and II.H-7.

**Comment II.H-11:**

Although the DEIS states that a private carting firm will be used for solid waste collection, if the sponsors of the proposed project make a request to the Department of Public Works to collect

solid waste an additional truck and crew would be required. The Applicant should demonstrate that the project will generate sufficient tax revenue to offset this cost.

(Graham Trelstad, AICP, AKRF, Inc., letter dated August 25, 2006)

**Response II.H-11:**

As indicated in the DEIS, private carting would be used. The Applicant does not intend to request public collection. Also, as detailed in the responses above and Section I of this FEIS, the project would generate substantial revenue for the City. If the City decides additional DPW staffing or equipment is necessary, it can allocate a portion of the tax revenue from the project to help pay this cost.

**Comment II.H-12:**

The DEIS should include a more detailed discussion of proposed open space and should disclose whether the new open space will equal 0.3 acres. The MOU requires appraisal to determine if the land value of the lost Anderson Plaza area will be equaled by the land value of new open space. The City has not made a formal determination that provision of open space on second- or third-story roofs would satisfactorily replace publicly-owned and publicly-accessible open space lost on Anderson Street.

(Graham Trelstad, AICP, AKRF, Inc., letter dated August 25, 2006)

**Response II.H-12:**

The SDEIS and FEIS include discussions of existing and proposed open space. The open space has been recalculated as discussed in Response II.H-1 above. The existing “Anderson Plaza” area measures approximately 12,490 square feet. The FEIS Project’s street-level outdoor open space totals 15,372 square feet, which exceeds the amount of existing open space. The proposed streetscape/sidewalk open space component of new Anderson Street is comparable in nature and function to the existing space at Anderson Plaza, which consists essentially of a sidewalk surrounding two planter islands, but would have a significantly improved character.

## **I. Historic and Archaeological Resource**

### **SDEIS Comments**

#### **Comment II.I-1:**

**11. Inclusion of Post Office.** The project site includes the New Rochelle Post Office, located at the corner of North Avenue and Huguenot Street. The post office building is listed on the National Register of Historic Places and is an example of the Art Moderne style of architecture. The post office also contains three Depression-era murals installed by the Works Progress Administration in 1940. Because the façade of the building was altered in the 1960s, the draft EIS and the supplement draft EIS both question if the historic integrity of the building remains. However, the historic value of the murals inside the post office is not disputed and, under the current proposal, they would be retained after the post office is demolished and moved to a yet-to-be-determined civic space.

Despite the fact that the façade of the post office building was altered, it is our opinion that the building has substantial historic and community character value. While we fully support the concept of preserving the murals, we recommend that efforts be made to preserve all or part of the existing building. While the applicant has proposed to incorporate either the existing curved façade of the building into the project, or replace it with new construction having a similar curving wall, we encourage the City to explore additional alternatives in the final EIS so that more of this historic resource and community asset can be preserved as part of the proposed project. We note that, as currently proposed, the post office entrance would serve only as an elevator lobby for the trading floors above. Perhaps a better use can be found for this space, or a retail postal operation can remain along with the murals.

(Edward Buroughs, AICP, Deputy Commissioner Westchester County Planning Board, Letter, 11/30/07, pg. 6; Similar comment in DEIS comment letter, dated 6/30/06)

#### **Response II.I-1:**

Please see Response II.I-2 below which details the rationale for the proposed approach to the Post Office building, and the proposal to replace it with new construction having a curving wall that would reflect the historical form of the Post Office exterior. It is noted in the Historic Resource Inventory Form that the interior public lobby has also been considerably altered. Therefore, retention of the interior is not warranted.

The corner currently occupied by the Post Office would include a lobby for the office component. However, it is not designed simply as an access point, but would also serve as a landmark/gateway into the downtown, with a dynamic architectural presence and enhanced plaza area. Please refer to Exhibit 31 in Section I. It is also noted that during the architectural peer review process, the general consensus was that the existing façade should not be retained.



**DEIS Comments**

**Comment II.I-2:**

We have initiated the review of the project in accordance with Section 106 of the National Historic Preservation Act of 1966 and relevant implementing regulations.

Enclosed please find Archeology Comments directing that an original copy of the Phase 1A report be forwarded to our office for continued review. Also enclosed are Resource Evaluations that find the Standard Star Building and the Anderson Street Apartments to be eligible for listing in the National Register of Historic Places.

The proposed demolition of the National Register of Historic Places listed United States Post Office structure, the eligible Standard Star Building and the eligible Anderson Street Apartments will result in adverse effects upon those resources. Before our office can concur with these demolitions, we will have to review an analysis of reasonable project alternatives that include retaining the historic structures. If it can be shown that retaining/reusing the buildings is not feasible, we will work to develop an agreement for the project.

(Kenneth Markunas, NYSOPRHP Historic Sites Restoration Coordinator, letter dated June 16, 2006.)

**Response II.I-2:**

An original, bound copy of the Phase 1A report was forwarded to the NYSOPRHP Historic Preservation Field Services Bureau on June 29, 2006.

The Applicant has considered the feasibility of incorporating existing structures into the overall building program. Based on an examination of the historical features of the buildings, and practical considerations, the Applicant believes that retaining/reusing the buildings is not feasible, and that the most reasonable approach is to demolish 5 Anderson Street and the Standard Star building, and preserve the murals of the Post Office. The rationale for the proposed preservation program is provided below.

As described in the Historic Resource Inventory Form, the Standard Star building is a well detailed, if restrained, example of the Italian Renaissance Style. While the original Standard Star building exterior remains largely unchanged, the form notes that during the 1940s, 1960s, 1970s, and within the recent past, various alterations and additions occurred in the interior of the building and on the LeCount Place frontage, impairing its historic integrity. Even if this were not the case, the Applicant has determined that retention of the entire Standard Star building would be infeasible. As can be seen on the DEIS Exhibit 3, the Standard Star building is very narrow (20 feet) and deep (140 feet), penetrating nearly half way through the block. This configuration cannot efficiently accommodate modern residential or commercial uses and would preclude an integrated overall project design, and therefore the construction of the type of high density mixed-use project that meets the objectives of the City's plans for downtown revitalization. In addition, stabilization of the building during construction of the underground parking below the building would present major logistical problems, as would the construction of substantial additional building mass above the building. In the Applicant's opinion, the

accommodations necessary to retain the building would be cost-prohibitive, and are not warranted under the circumstances.

The four-story building at 5 Anderson Street has been identified as eligible for listing on the National Register, as an example of Georgian Colonial Revival architecture. As described in the Historic Resource Inventory Form, the building has been somewhat compromised by the remodeled storefronts, but retains architectural integrity in the remainder of the building. However, integrating this building into the project and rehabilitating it for residential use is not economically viable. This is due to the fact that the cost to rehabilitate this type of building is extremely high, especially when weighed against the result, which would be apartment layouts with reduced efficiency and lacking the features demanded in the current market. The existing 38 apartments have layouts and relatively confined spaces that do not meet contemporary market standards, and suffer from aging/obsolete plumbing, electric and mechanical systems. Like the Standard Star Building, the safe integration of the building into the overall development of the project would necessitate extensive, specialized construction techniques in order to protect the building while creating a four-level underground parking structure beneath the building, and substantial building mass above it. In the Applicant's opinion, the accommodations necessary to retain the building would be cost-prohibitive, and are not warranted under the circumstances.

The New Rochelle Post Office is listed on the National Register of Historic Places under the Thematic Resource of "United States Post Offices in New York State, 1858-1943." However, the nomination form states that the original terra cotta exterior, which was an unusual but integral component of its Art Moderne style, was replaced in the 1960s and the lobby was completely remodeled. The form concludes that, due to these changes, "the building has substantially lost its integrity of design and materials with the exception of three murals placed in the lobby in 1940, which still remain." Based on this description from the form (which was prepared by the NYSOPRHP National Register and Survey Coordinator in 1986), the building itself has lost its architectural significance, and its complete preservation is not warranted. However, subject to the approval of the Post Office, the Applicant has committed to removing and relocating the significant murals to a mutually acceptable location for display. Prior to the issuance by the City Council of its Findings Statement, a professional conservator would be employed by the Applicant to develop a plan for the removal, storage and relocation of the murals, and implementation of this plan would be a mitigation measure required by the Findings Statement. The general process for removal would likely involve: (1) examination of the painting and stabilization of any loose flakes by the conservator prior to removal; (2) probing by the conservator behind the canvas to determine how it is attached to the wall; and (3) if adhered directly to the wall surface, testing to determine the most appropriate method of removal, such as peeling and cutting with scalpel, using solvents to loosen the adhesive, or a combination of these techniques; and (4) stabilization and removal of the murals. The Applicant would also prepare photo-documentation of the murals at a level commensurate with the Historic American Buildings Survey prior to removal.

The Applicant also acknowledges that while the building may have lost its technical historic architectural merit, it is a familiar presence for City residents. Accordingly, the Applicant proposes to incorporate new construction having a curving wall that would emulate the historical form of the Post Office exterior.

The Applicant is committed to working with the NYSOPRHP to mitigate potential adverse effects due to unavoidable demolition of the 5 Anderson Street and the Standard Star buildings. Mitigation for the loss of these structures could potentially be additional documentation of the architectural or historical significance of the buildings, and the removal and preservation of the Post Office murals.

**Comment II.I-3:**

We write to notify you as Lead Agency for the above named action that, we find the DEIS, as filed, to be incomplete, and may have specific technical errors because of this. State law requires that as a preferred action, all interested parties and agencies must be notified as to necessary (or advisory) input. The City's Landmarks Board was excluded entirely from this process.

Clearly, because the subject site includes a building listed on the National Register of Historic Places, as well as being a recognized "local landmark", there was a requirement that the Historical and Landmarks Review Board be included in the DEIS development process.

The City Code is clear in specifying the duties, jurisdiction, and approval-granting authority of the City's Landmarks board (§170-1A(1),(2),(3) and 170-4B(8),(9)).

(Melvin Beacher, Historical and Landmarks Review Board Chairman, letter dated June 28, 2006)

**Response II.I-3:**

According to the Department of Development, the Post Office has not been designated by the City Council as a City historic landmark. Therefore, the City's Historical and Landmarks Review Board does not have approval authority and is not considered an Involved Agency under SEQRA. However, the Historical and Landmarks Review Board is an Interested Agency and has been included on this document's distribution list. The DEIS included a Phase IA Archaeological and Architectural Assessment and Historic Resource Inventory Forms prepared by experienced and credentialed professionals.

**Comment II.I-4:**

I have to commend the Cappelli organization for what I saw here today. I have to commend the Cappelli organization for their efforts in terms of preservation in White Plains most successfully. I am not a great architecture critic in particular. I am an architect. If you look at the presentations that were done three and four months ago, it is not what we saw today. If you look at the city's website as I did today, the presentations depicted today are not what we saw tonight; what we saw is far better in my personal opinion. I want to urge you as a preservationist to be reminded that the city landmark board did pass a resolution to council some months ago about the preservation of the Post Office façade. The Post Office is a long-term local landmark. It may not be great architecture, but it is interesting depression architecture. It is a local landmark, and that's more important than national. Local landmarks come; the minute you take them away, they are gone and they are gone permanently. So whether you replace it with great 1970 architecture or 2006 architecture, the minute you take a local piece of the municipal historic factor away, you have lost it permanently. What we saw tonight, I thought it was a great shot of holding onto that. We are only talking about the façade. I urge you as a member of the city

historical landmark review board to maintain that piece of the city historic fabric. It does not interfere with the development of the project. I am an architect. I am pro-development all the time, and I thank you for this opportunity.

(Melvin Beacher, Public Hearing on June 20, 2006)

**Response II.I-4:**

Please see Response II.I-2 above which details the rationale for the proposed approach to the Post Office building and the proposal to replace it with new construction having a curving wall that would reflect the historical form of the Post Office exterior.

**Comment II.I-5:**

In terms of the Post Office, the current location is inconvenient. I would like to see the Post Office moved elsewhere with better access and where visitors could park.

(Chester Freeman, Planning Board meeting on May 30, 2006)

**Response II.I-5:**

The current proposal is for the retail operation of the Post Office to occupy retail space on the site or relocate to available retail space in Trump Plaza, as determined by the Post Office.

**Comment II.I-6:**

So based on your conversations with Post Office representatives, they are not particularly wedded to their location or the historic aspects of their building? I don't think anyone would really be in favor of saving the bank façade. I would be more interested in the Standard Star façade. Any expressed resistance to this would most likely be mainly a surrogate for general resistance to change.

(Dr. Walter Lipow, Planning Board meeting on May 30, 2006)

**Response II.I-6:**

The Post Office has been amenable to the potential for relocation to a new site, provided that it meets its specifications, and has not expressed any concern for the historic aspects of the existing building. Please see Response II.I-21 for discussion related to the Post Office and Standard Star buildings.

**Comment II.I-7:**

The DEIS indicates that the historic murals in the Post Office would be "relocated to a civic space for display." Additional information on the methods used for relocating the murals and the future location of the murals needs to be provided.

(Graham Trelstad, AICP, AKRF, Inc., letter dated August 25, 2006)

**Response II.I-7:**

See Response II.I-2. As described in the SDEIS, the murals would be offered for relocation to a mutually acceptable location for display. It is suggested that the Municipal Art Commission would be an appropriate body for locating a suitable civic space.

**Comment II.I-8:**

The FEIS needs to provide formal descriptions of the eligibility of the Standard Star Building and 5 Anderson Street and assess potential impact from their removal.

(Graham Trelstad, AICP, AKRF, Inc., letter dated August 25, 2006)

**Response II.I-8:**

Appendix E of the DEIS includes formal Historic Resource Inventory forms describing these two buildings and their eligibility for listing on the National Register of Historic Places. Their removal would represent an unavoidable adverse impact that could be mitigated as described in Response II.I-2.

**Comment II.I-9:**

More specific detail needs to be provided as to the method for removal and preservation and location of display for the historic murals within the U.S. Post Office.

(Graham Trelstad, AICP, AKRF, Inc., letter dated August 25, 2006)

**Response II.I-9:**

See Response II.I-2 above.

**Comment II.I-10:**

The FEIS should disclose whether the City's Historical and Landmarks Review Board has any review or approval authority over changes to historic resources on the project site.

(Graham Trelstad, AICP, AKRF, Inc., letter dated August 25, 2006)

**Response II.I-10:**

According to the Department of Development, the Post Office has not been designated by the City Council as a City historic landmark. Therefore, the City's Historical and Landmarks Review Board does not have approval authority.

**Comment II.I-11:**

Pursuant to the letter dated August 17, 2006 from the State Historic Preservation Officer (SHPO), the FEIS must contain "an analysis of reasonable project alternatives that include retaining the historic structures" (e.g., United States Post Office, Standard Star building, and Anderson Street apartments). This analysis will be necessary for SHPO's NEPA concurrence on potential demolition of these structures.

(Graham Trelstad, AICP, AKRF, Inc., letter dated August 25, 2006)



**Response II.I-11:**

See Response II.I-2 for a discussion of the infeasibility of retaining the historic buildings.

**J. Hazardous Materials**

There were no comments received on either the DEIS or SDEIS regarding this section.

## **K. Construction Impacts**

### **DEIS Comments**

#### **Comment II.K-1:**

A more specific discussion of construction phasing and how construction would impact traffic and access to local businesses needs to be provided. Impacts to businesses on Anderson Street as well as the impacts of lane closures should be analyzed in detail.

(Graham Trelstad, AICP, AKRF, Inc., letter dated August 25, 2006)

#### **Response II.K-1:**

The SDEIS includes a detailed discussion of phasing, construction traffic management, anticipated lane closures, and access in Section II.K.

## **M. Miscellaneous/Project Description**

### **SDEIS Comments**

#### **Comment II.M-1:**

As stated in the Notice of Completion for the SDEIS, there remain a number of important outstanding issues that need to be addressed during the SEQRA review for the Project. These primary issues of concern are:

- 1) Project Design and provision of public and accessible open space;
- 2) Integration of the United States Post Office into the project design including relocation of certain Post Office functions where necessary;
- 3) Traffic impacts and necessary mitigation measures;
- 4) Infrastructure impacts and necessary mitigation measures; and
- 5) Capital impacts to the City's Fire Department and necessary mitigation measures. A more detailed summary discussion of each issue is included below. It is important to discuss these issues now, so that they are included in the record of the public hearing, as well as to provide clear direction during the preparation of the Final Environmental Impact Statement ("FEIS") for the Project.

(Charles B. Strome III, City Manager, City of New Rochelle Interdepartmental Memorandum, 11/16/07, pg. 1-2)

#### **Response II.M-1:**

Comment noted. Responses regarding the identified issues of concern are included in this FEIS in the relevant impact chapter sections (e.g. Traffic, Utilities, Community Facilities).

#### **Comment II.M-2:**

##### **1. Project Design and Open Space**

As required by the MOU, the Developer has submitted Project plans for peer review by a panel of City-selected architects from whom comments are due within the next week. Principal concerns raised by the panel have included the isolation of the Project from other activity centers in the downtown, including New Roc City, and public accessibility of proposed open space. The panel has raised other concerns with respect to Project design that do not need to be resolved now but which will need to be addressed prior to site plan review of the Project.

(Charles B. Strome III, City Manager, City of New Rochelle Interdepartmental Memorandum, 11/16/07, pg. 2)

**Response II.M-2:**

Comment noted. The architectural peer review committee held its first session on October 26, 2007 and a second session on February 13, 2008. See Section II.H for discussion regarding open space accessibility and relationship of the project to its surroundings.

**Comment II.M-3:**

2. Integration of the United States Post Office

The City recognizes that a key consideration in the Project plans is the relocation of the existing United States Post Office to another location within the downtown and relocation/preservation of the historic murals within the Post Office. The City has been working with the Developer and more specific details with respect to the relocation of the retail and/or distribution functions of the existing Post Office, the preservation of the historic murals as well as the requirements of the National Environmental Policy Act ("NEPA") will be required to be addressed in the FEIS.

(Charles B. Strome III, City Manager, City of New Rochelle Interdependent Memorandum, 11/16/07, pg. 2)

**Response II.M-3:**

Comment noted. The carrier annex/distribution facility of the Post Office is anticipated to be relocated within the general vicinity of the existing location, but to a site outside of the core downtown area with access to arterial roadways. The Applicant and the Post Office representatives are continuing to work together and are currently assessing potential distribution facility sites. If relocation is determined to be infeasible, the Applicant would incorporate a replacement on-site carrier annex/distribution facility as a part of the project. The retail Post Office facility would either occupy space on-site, or relocate to available retail space in Trump Plaza across Huguenot Street. As described in the SDEIS and this FEIS, subject to the approval of the Post Office, the three notable interior murals at the Post Office would be removed and relocated by the Applicant at its expense to a mutually acceptable location for public display. The Applicant is willing to relocate the murals to any space desired by the City. Any NEPA requirements in connection with the relocation of the distribution facility will be satisfied by the Post Office pursuant to that federal law and the agency's own rules and procedures.

**Comment II.M-4:**

**13. Green building technology.** The City should consider requiring that this, and other proposed large commercial and residential buildings, be designed to incorporate green, or sustainable building methods and technologies. Such efforts would promote new buildings that are environmentally responsible, profitable and healthy places to live and work. Nationally recognized rating systems (for example, LEEDS – Leadership in Energy and Environmental Design) and organizations can assist in the City in recommending sustainable elements of building and site design and in the ongoing assessment of the projects. Such efforts can help improve a project through reduced site disturbance, alternative transportation opportunities, energy and water efficiencies, environmentally sensitive building techniques and materials and improve indoor environmental quality. The supplemental draft EIS made no mention of this concern.



(Edward Burroughs, AICP, Deputy Commissioner Westchester County Planning Board, Letter, 11/30/07, pg. 7; Similar comment in DEIS comment letter, dated 6/30/06)

**Response II.M-4:**

The Applicant shares the County's desire to promote environmentally responsible development, and is committed to having the office tower and residential/hotel tower LEED certified. The project currently incorporates, or will likely include, a number of design features in the LEED rating system including appropriate site selection, brownfield redevelopment, stormwater management practices, the use of recycled or renewable materials, low emitting materials, water efficient landscaping, and efficient fixtures. The project also includes green roofs.

**Comment II.M-5:**

I heard Mr. Apicella talk about how initially this project was factored out dollar-wise with the idea that you guys were going to exercise eminent domain on his behalf. He actually had to purchase property and spend \$35 million. He had to buy property from private people.

Am I hearing something wrong here? I thought you had to go to somebody and offer them money. And if they didn't want to sell it to you, they didn't have to.

If their financial basis is asking you guys to raise this building to the skies another 25 percent from the original proposal is because they came with assumption that you were going to rubber stamp eminent domain for them.

With the Supreme Court aside, I thought we were looking at it differently. I don't know if the citizens of New Rochelle want a 500 foot building in their backyard. I agree that we need some development. I also looked at a map and I put my money on my house. I can see the water. I can see the City. I can see Greenwich. I can see Long Island and White Plains just as good as any place else. This is a nice place to stick my money into.

I didn't have a City Council to get me my house by eminent domain. I am wondering if you have to look at this bit differently. Okay. You guys have a lot of money and you bring in a lot of jobs. That's all nice.

Maybe we need a PILOT program to help me as a homeowner. Just because I don't bring in 1,700 jobs, I wonder how many homeowners would want a PILOT program for their house so they have their taxes abated.

I am suggesting that when you look at this development, look, they want to risk their money. And if this is as desirable as they make it out to be, they should have factored in everything originally.

I am concerned because some issues in town make me queasy about how things get done around here.

(Vince Malfitano, 9 Fairview Place, Public Hearing Transcript, 11/20/07, pg. 21-23)

**Response II.M-5:**

Comment noted. The Applicant has reached agreements with each of the owners of the private properties that comprise the site and eminent domain will not be utilized. Potential PILOT payments are discussed in Response II.G-4.

**Comment II.M-6:**

Trump Building has not been sold yet; and the other building. You don't know what the impact is on the sewage and the traffic and the neighborhood. You should wait before you consider anything else.

(Juliette Rouge, Public Hearing Transcript, 11/20/07, pg. 26)

**Response II.M-6:**

The traffic and utility studies included in the SDEIS account for full operation of other projects in the vicinity, including Trump Plaza.

**DEIS Comments**

**Comment II.M-7:**

I am probably the closest resident to this project in the City of New Rochelle. I met with Mr. Apicella a couple of times. I am on the BID board for some time, I am in support of the project. I have one problem where you say you look down from LeCount Place to Library Green. There is one problem. My building is in the middle of it. So you've got to come and take me before you make that straight-through effect. My building, along with a couple of others, sits in the middle of that. I am hoping they will come across the street, and move me out of there, so I don't have to live through this construction.

(James O'Toole, Public Hearing on June 20, 2006)

**Response II.M-7:**

Comment noted.

**Comment II.M-8:**

I am glad Anderson Street will finally be gone. As you know, I've come to these meetings for years complaining about Anderson Street, and you know it is looking up, but I have my – I am a little conservative.

(James O'Toole, Public Hearing on June 20, 2006)

**Response II.M-8:**

The Applicant concurs that the existing Anderson Street is not particularly inviting and believes that the new Anderson Street will be a significantly more active and successful space, and that the realignment will provide a better connection and relationship to North Avenue and to other downtown development anchors.

**Comment II.M-9:**

We got some retail, but I thought there would be a lot more. I am hoping this project will go that way and not a different way. I am looking for it. I hope everything works out, but remember, I am still in the way Joe.

(James O'Toole, Public Hearing on June 20, 2006)

**Response II.M-9:**

The current proposed FEIS Project contains 176,000 square feet of retail and restaurant space. This is a significant quantity of retail space, and is expected to have a substantial positive impact on the City's fiscal health.

**Comment II.M-10:**

The first thing I would like to tell people, I am not a naysayer, and I am not against progress, nor am I against unions. I was a union member myself. What I am against is the way development is being done. Okay. The second thing you are doing is using eminent domain to take private property that belongs to someone else and turn it over to a developer. This is the most unjust thing there is. Now, if you want development and real progress, let's do it the right way, the old-fashioned way. And the old-fashioned way is when you take two business people, put them together, and let them make their own deals and leave the city out of it. Thank you very much.

(George Ambrosia, Public Hearing on June 20, 2006)

**Response II.M-10:**

Comment noted. The Applicant has reached agreements with each of the owners of the private properties that comprise the site and eminent domain will not be utilized.

**Comment II.M-11:**

There is another issue that's not been addressed is with the wind. I am not talking from people speaking. I am talking wind factor. Since they built Avalon and the garage, when you go out from the train station in the winter, you try to cross, you are literally blown and have to hang onto the side of the building. That's a wind tunnel; it is dangerous in a snowstorm. I have seen and I was one of them, we were thrown against buildings; we couldn't stand up. No one has done wind studies. You are laughing, but this is a huge project... You have to do a wind study.

(Marjorie Brandon, Public Hearing on June 20, 2006)

**Response II.M-11:**

The impact of any one project on street level wind conditions is unlikely to be sustained or consistent. In the case of this project, impacts on wind conditions would be moderated by the off-set of the towers, the horizontal planes of the elevated terrace levels at the tower bases, the setbacks of the towers, and other architectural features which would reduce the effect of downward rushes of air. It is also noted that with the exception of Trump Plaza, there are no other high-rise buildings in the immediate vicinity of the project, and therefore the construction

of the project would not create a “building canyon” that would be more likely to impact street level air flow.

**Comment II.M-12:**

This is not about providing union jobs or construction jobs. People live here after the construction workers leave. I don’t think that Mr. Cappelli is the arbiter of good taste, but whatever. The building looks fine.

(Marjorie Brandon, Public Hearing on June 20, 2006)

**Response II.M-12:**

Comment noted. The project has been designed to advance the downtown planning goals and objectives of the City’s various planning documents, including the Comprehensive Plan, and is intended to help improve the long-term health of the downtown. In addition, the City is employing an architectural peer review process to ensure design excellence for this project, as well other downtown redevelopment projects.

**Comment II.M-13:**

I appear for Planned Parenthood Hudson Peconic, Inc. I submitted a letter for the record and provided you with copies earlier this evening. Essentially we are here tonight not to complain about the project, not to complain about the City Council. The City has been very supportive of Planned Parenthood and helpful in this process. As you know, we have had discussions with the developer over the last number of months concerning moving the Planned Parenthood site. The developer is very interested in coming up with a cooperative manner in doing this and moving us to a site within the City. As you know, Planned Parenthood has been in the City for many years serving an important public purpose. PPOH prides themselves on its service and among other things need to be on a thoroughfare that provides for public transportation. We had discussions, we located the site, the developer has worked with us to develop a plan for that site approximately six months ago. The reason we’re here tonight and submitted the letter was to continue this part of this process. I am not sure the Council is aware that the discussions to move this forward and complete the agreement have just stopped. We have not had any communication from the developer with regard to the contract in several months, and we note that you got a DEIS providing for, with approval, for various things. We believe the City is under the preliminary portion. Part of what’s going to happen here, Planned Parenthood is going to be moved to another site within the City; that was Planned Parenthood’s intention in cooperating with the City and the developer to do this, but we seem to have fallen off of the radar with the developer. We think it is important to address this before the City acts on these applications to take possession so this can be resolved right in the middle of the proposal. We don’t want to be obstructionists or be seen that we don’t want to move, but we need progress. We want to know this is part of the process.

(Steven Silverberg, Public Hearing on June 20, 2006)

**Response II.M-13:**

The relocation site for the Planned Parenthood facility is proposed to be 435 North Avenue, the site of the Carib New York nightclub. The new site contains an existing building that meets

Planned Parenthood's specifications, and is advantageous in terms of size, building layout, security, and parking. The Applicant has met with representatives of Planned Parenthood to discuss the new location and they have expressed their willingness to relocate to the 435 North Avenue site, subject to entering into an acceptable agreement for renovation and modification of the building. See additional correspondence from Silverberg Zalantis LLP included in the SDEIS Appendix.

**Comment II.M-14:**

I might have gotten caught in the next (indiscernible) of these things. It is still important to speak about. (Indiscernible) urban renewal, the history spoken about, this essential architecture history, things to that effect that growing up in New Rochelle, I have seen Bloomingdale's move out, I have seen the mall get closed, I have seen retail get shut down (indiscernible) to glorify its diversity. There is not much diversity in terms of what to do here. Retail, there are smaller shops, but I resent I have to go to Eastchester or White Plains to spend my dollar. That is something that bothers me. We have always had stops and starts for the last 30 or so years. Where new things were built things start to move ahead. What we are going to see here, what I suppose this project is like, New Roc City came in, there was a situation it might not be up to people's standards, what they thought it was going to be. Now they have more retail. It has to be a plan, a group, instead of individual buildings and individual setup. What was talked about in the Arts Council legislative meeting this afternoon was a comprehensive plan, and I think this is a start to move ahead. The buildings here has shown New Rochelle has been a second city to White Plains since I have been in New Rochelle. I have grown up here and moved back here for the diversity. Now we have a chance to seize an opportunity that if we put it on hold, I am not sure what's going to come next to parcel (indiscernible) for years something was being built there; it has always been a lot of talk. We are on the cusp of action. There are certain things that have to be looked at and planning a situation now or at a time where the time is to move ahead and there is a plan in place to make New Rochelle a 24-hour city is very important. A lot of times you can go out to a restaurant on Main Street, Peruvian place or whatever, you come back, there's no place to go, no place to be. You go to your house; it is a place to spend dollars and be fiercely proud to come back here. I am proud of this city. I am glad to see action being sustained. Let's not stall it again knowing this much retail is going to be here. In the last week's meeting, a lady asked about retail; it is here in our face. Take advantage. Do what we have to do to make it work. Thank you.

(Bruce Negron, Public Hearing on June 20, 2006)

**Response II.M-14:**

Comment noted.

**Comment II.M-15:**

The DEIS is virtually silent about the abortion clinic transactions. I believe that the use of the City parking lot to house a new abortion clinic is unconstitutional because under the state constitution a city is prohibited from giving land to a corporation, whether it is Capelli's or Planned Parenthood's. To sell them the land would be nothing but a subterfuge. I might add that by furnishing the land for Planned Parenthood puts New Rochelle in the abortion business.

(Edward Ryan, letter dated June 28, 2006)

**Response II.M-15:**

The proposed relocation site for the Planned Parenthood facility has been changed to 435 North Avenue, the site of the Carib New York nightclub. The project site is privately owned and the City would not be involved.

**Comment II.M-16:**

How many housing units does the project contain? Are these proposed as condominium or rental?

(Anthony Carbone, Esq., Planning Board meeting on May 30, 2006)

**Response II.M-16:**

The current proposed FEIS Project contains a total of 243 condominium units.

**Comment II.M-17:**

How many hotel rooms?

(Anthony Carbone, Planning Board meeting on May 30, 2006)

**Response II.M-17:**

The current proposed FEIS Project includes a total of 150 hotel rooms.

**Comment II.M-18:**

Who is being attracted to the Trump Plaza units?

(Anthony Carbone, Planning Board meeting on May 30, 2006)

**Response II.M-18:**

The typical buyer profile at Trump Plaza is a young professional or empty-nester household. Generally, purchasers are from the New York City metro area, with significant proportions coming from Westchester Sound Shore communities and Manhattan.

**Comment II.M-19:**

There are inaccuracies on a number of DEIS maps. Church Street ends at Main Street and becomes Memorial Highway to the north.

(Chester Freeman, Planning Board meeting on May 30, 2006)

**Response II.M-19:**

Comment noted; maps in the DEIS are corrected by reference.



**Comment II.M-20:**

If the project and approval process goes well, when would we see retailers and tenants in there? What would be the impact on timing of potential litigation as in the case of the Bar Building with your project in White Plains?

(Dr. Walter Lipow, Planning Board meeting on May 30, 2006)

**Response II.M-20:**

The overall project is anticipated to have a construction period of approximately 2-2½ years. It is possible that some of the retail levels may be opened while the towers are still being completed. The Applicant has successfully reached agreements with each of the private property owners on the site. Therefore, no litigation, and none of the related delays, is anticipated.

**Comment II.M-21:**

So based on your negotiations with the property owners, this might not require the use of eminent domain?

(Dr. Walter Lipow, Planning Board meeting on May 30, 2006)

**Response II.M-21:**

The Applicant has reached agreements with each of the owners of the private properties that comprise the site and eminent domain will not be utilized.

**Comment II.M-22:**

We understand that a number of design changes have occurred following the preparation of the complete DEIS. These design changes result, in part, from agreements made between the Applicant and adjoining property owners, the nature of which agreements shall be described in the Final Environmental Impact Statement (FEIS). The FEIS must describe all project changes and assess whether any different environmental impacts would result from the project changes. We would recommend that the FEIS contain a completely revised Project Description chapter. The status of any negotiations with property owners shall be updated as part of the revised Project Description.

(Graham Trelstad, AICP, AKRF, Inc., letter dated August 25, 2006)

**Response II.M-22:**

Section I of this FEIS describes the current proposed FEIS Project and includes an assessment of the potential for environmental impacts from design changes.

**Comment II.M-23:**

Exhibits 12 and 18B show a 1,700 square-foot retail space adjacent to the New Roc City parking garage on the east side of LeCount Place. There is no specific discussion of the design or programming of this retail space anywhere in the DEIS. Who owns the land on which this retail space would be built?

(Graham Trelstad, AICP, AKRF, Inc., letter dated August 25, 2006)

**Response II.M-23:**

The project has been modified to eliminate the retail space adjacent to the New Roc City parking garage.

**Comment II.M-24:**

It is the City's understanding that it is no longer contemplated to relocate Planned Parenthood to the City's Garden Street parking lot site. The FEIS shall describe the current plan for Planned Parenthood relocation and assess any potential impacts different from what was identified and analyzed in the DEIS.

(Graham Trelstad, AICP, AKRF, Inc., letter dated August 25, 2006)

**Response II.M-24:**

The proposed relocation site for the Planned Parenthood facility is 435 North Avenue, the site of the Carib New York nightclub. The new site contains an existing building that meets all of Planned Parenthood's specifications, and is advantageous in terms of size, building layout, security, and parking. The SDEIS describes the Planned Parenthood relocation plan and includes an assessment of potential impacts of the relocation to 435 North Avenue.

**Comment II.M-25:**

The DEIS does not provide sufficient detail regarding the status of the Post Office. Several options are discussed, but no definitive relocation plans are provided for either the retail or distribution functions. A detailed discussion of the post office relocation along with an analysis of impacts specifically related to that relocation should be provided. Access to the new post office, parking availability, and traffic impacts associated with the relocation of either the loading facility or retail operation should be described in detail.

(Graham Trelstad, AICP, AKRF, Inc., letter dated August 25, 2006)

**Response II.M-25:**

See Response II.M-3.

**Comment II.M-26:**

As part of development of the tunnel under LeCount Place, additional information (e.g., formal appraisals) will be required to provide the City with compensation for this land.

(Graham Trelstad, AICP, AKRF, Inc., letter dated August 25, 2006)

**Response II.M-26:**

Comment noted.

**Comment II.M-27:**

The proposed configuration, ownership, and maintenance of Anderson Street is unclear. It should be specified that all costs and construction activity for this action would be assumed by the developer. Details should also be provided to specify future ownership and maintenance of the

existing and proposed rights-of-way. The costs associated with maintenance of proposed improvements such as lighting and the fountain should be disclosed and the party that would assume those costs should be noted. Furthermore, it should be noted that Anderson Street would remain a public right-of-way and that all modifications and improvements to Anderson Street would be made pursuant to City street standards and paid for by the Applicant. The City understands that no valet parking activity would take place within the Anderson Street right-of-way.

(Graham Trelstad, AICP, AKRF, Inc., letter dated August 25, 2006)

**Response II.M-27:**

The fee title to the bed of existing Anderson Street (and all related air and subsurface rights) and certain subsurface rights below LeCount Place sufficient to permit the construction and operation of the service tunnel would be conveyed to the Applicant pursuant to a Land Disposition Agreement between the City and the Applicant. All costs for construction activity would be assumed by the Applicant. Upon completion, title to the bed of the New Anderson Street right-of-way (including public sidewalk areas but excluding subsurface rights) and the public improvements in the median open space area would be conveyed by the Applicant to the City without cost. The City will maintain the right-of-way and associated street furniture and fixtures. However, the Applicant will retain the right to perform maintenance if the City fails to do so.

The residential valet drop-off/pick-up area would be located in the first underground parking level. However, hotel patrons would utilize curb-side drop-off in front of the hotel lobby on New Anderson Street.

**Comment II.M-28:**

There needs to be a more detailed discussion regarding the acquisition of certain properties. The DEIS states that the Applicant is still negotiating with certain property owners. A detailed discussion of the current status of negotiations must be provided.

(Graham Trelstad, AICP, AKRF, Inc., letter dated August 25, 2006)

**Response II.M-28:**

The Applicant has reached agreements with each of the owners of the private properties that comprise the site.

**Comment II.M-29:**

Similarly to the comment above under “Socioeconomic impacts,” the DEIS uses inappropriate multipliers to make a determination of projected population growth. The “Growth Inducing Impacts” chapter should be revised with more appropriate numbers.

(Graham Trelstad, AICP, AKRF, Inc., letter dated August 25, 2006)

**Response II.M-29:**

As described in Response II.G-9, the population analysis was updated in the SDEIS and FEIS to include the most recently available residential demographic multipliers from the Rutgers

University Center for Urban Policy Research. The project includes approximately 243 housing units that would be expected to generate a population of approximately 493 residents, not all of whom would be new residents of New Rochelle. Even in the unlikely event that all residents are new to the City, this represents only a minor increase in the City's population (0.7%) and is not considered to be significant.