

**State Environmental Quality Review  
FINDINGS STATEMENT**

**THE POINTE**

**Preliminary Development Concept Plan, Zoning Text Amendment & Site Plan Approval**

**November 16, 2017**

**SEQRA Action Type:** Type 1  
**Adoption Date:** December 13, 2017  
**Lead Agency:** City of Mount Vernon City Council  
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Issued pursuant to Article 8 (State Environmental Quality Review Act - SEQRA) of the Environmental Conservation Law and 6 NYCRR Part 617.



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## 1. INTRODUCTION

This Findings Statement is prepared by the City of Mount Vernon City Council (“City Council”) pursuant to the New York State Environmental Quality Review Act (“SEQR”), Environmental Conservation Law Article 8, and the implementing regulations in Title 6, Part 617 of the New York Code of Rules and Regulations (“NYCRR”) relating to the adoption of the proposed Preliminary Development Concept Plan, related Zoning Text Amendments, and Site Plan Approval for The Pointe mixed-use development project (the “Proposed Action”). The City Council has served as the Lead Agency for this SEQR review. This Findings Statement draws upon the matters set forth in the administrative record for the Proposed Action, including the Draft Environmental Impact Statement (“DEIS”), accepted August 9, 2017 and the Final Environmental Impact Statement (“FEIS”), accepted November 8, 2017. The DEIS and FEIS are expressly incorporated into these Findings by reference.

As required under the NYCRR, the DEIS presented and thoroughly considered the environmental impacts of both a Proposed Action as well as a Preferred Alternative; this Findings Statement puts forth the project reviewed in the DEIS as the Preferred Alternative for approval. Upon the satisfaction of the required review and comment, the Lead Agency presents within this Findings Statement the Preferred Alternative as the Proposed Action and the term “Proposed Action” is used throughout this Findings Statement to describe or refer to the project described under the Preferred Action.

This Findings Statement considers the relevant environmental impacts facts and conclusions in the DEIS and FEIS prepared in conjunction with the Proposed Action. Having reviewed the DEIS and FEIS, the City Council makes the findings and conclusions set forth below based upon those documents and the administrative record before it. Further, this Findings Statement sets forth the facts and conclusions relied upon by the City Council to support its decision and indicates the social, economic and other considerations which form the basis thereof in accordance with 6 NYCRR §617.11(d).

## 2. DESCRIPTION OF THE PROPOSED ACTION

The Proposed Action (DEIS Preferred Alternative) is the adoption of a Preliminary Development Concept Plan, Zoning Text Amendments, and Site Plan Approval for the proposed The Pointe development on South Fourth Avenue and Third Street. The Pointe project is the first phase of a larger development scheme for the *South Fourth Avenue-East Third Street Urban Renewal Area* which will ultimately transform this blighted area. This Phase which encompasses Disposition Parcels 1, 2, 3, 4 and 6 is broken down into three stages (see DEIS Appendix O for the full Site Plan and FEIS for location map):

### **Stage 1**

The guaranteed Stage 1 consists of the new construction of Building A and Building B on Disposition Parcels 1 and 2. Building A will consist of approximately 296,313 SF in 12 floors (118 feet) containing 41 underground parking spaces, approximately 23,928 SF of leasable ground floor retail (with an additional 4,687 square feet of retail storage space in the cellar), and 210 affordable apartments for families and individuals, with approximately 25 percent set-aside for seniors. The unit mix in Building A consists of 13

studios, 68 one-bedrooms, 100 two-bedrooms and 29 three-bedrooms. Building B will consist of approximately 86,533 SF in 9 floors (87 feet) containing 49 studios, 21 one-bedroom apartments and 14 two-bedroom apartments to be operated as senior citizen and/or enriched housing facility.

Disposition Parcels 3 and 6 will be used as surface parking in Stage 1 with all existing structures to be razed. Stage I will total approximately 382,846 SF of new development containing 294 residential units, approximately 30,631 square feet of ground floor retail, and 187 parking spaces (41 cellar and 146 at-grade).

**Stage 2**

Stage 2 consists of the new construction of Building C and a garden open to the public. Building C will be constructed on Disposition Parcel 6 and will consist of the construction of approximately 94,098 SF on 7 floors (69 feet) containing approximately 9,275 SF of ground floor office space (with an additional 4,311 square feet of storage space in the cellar) and 56 affordable apartments for families and individuals above. The unit mix in Building C consists of 5 studios, 5 one-bedrooms, 40 two-bedrooms and 6 three-bedrooms.

**Stage 3:**

Stage 3 consists of the new construction of Building D, which will be constructed on Disposition Parcel 3. Building D includes the construction of an approximately 241,801 SF municipal parking garage containing parking spaces in the cellar and 6 floors above ground. The ground floor will contain approximately 13,148 SF of retail space.

When The Pointe is completed it will total four (4) buildings ranging from 7 to 12 stories, containing approximately 350 apartments, 585 parking spaces<sup>1</sup> and 53,054 square feet of leasable retail/office space in approximately 718,745 SF of total building space. In addition, there will be approximately 3,180 SF of privately owned and operated open space, which will be open to the public, in between buildings B and C and a portion of Disposition Parcel 4 will also become a garden open to the public (privately owned and operated).

**Proposed Zoning Text Amendment**

As described above, the Proposed Action also includes a request by the Applicant, MVP Realty Associates, LLC., for a text amendment to the City of Mount Vernon Zoning Code. As proposed, Building A of The Pointe does not meet the required 20 foot setback and buffer requirements per §267-26(F)(1)(j) of the City's Zoning Code. A portion of the backside of Building A (along the ground-floor retail space C and along South Fifth Avenue) has no setbacks or buffers from its property lines with four

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<sup>1</sup> The Scoping Document dated December 23, 2015 describes the garage as containing "up to 630 parking spaces". Refinement of the conceptual site plan has resulted in a reduction of 45 parking spaces; however, The Pointe proposes to construct 235 parking spaces more than required by zoning.

adjoining parcels. These four adjoining parcels, identified as Lots 3089.43, 3089.42, 3089.41 and 3089.40, are privately owned and zoned residential (RMF-6.75). All four properties are included in the *South Fourth Avenue – East Third Street Urban Renewal Plan* Disposition Parcel 12 and are marked as “To Be Acquired”. Three of the four lots (Lots 3089.43, 3089.42 and 3089.41) appear to contain residential units which were identified in the 2012 Blight Determination Study<sup>2</sup> as being in “fair” condition. The fourth parcel (Lot 3089.40) is currently being used as open air storage of construction and building materials for the business to the south of the property.

Additionally, Building D also lacks the required 20 foot rear setback and buffer. There is one separate and four adjoining parcels behind Building D which would be affected. The separate parcel is Lot 3109.02 which is a privately owned restaurant and zoned Neighborhood Business (NB). The adjoining parcels are identified as Lots 3109.05, 3109.06, 3109.07 and 3109.08. Lots 3109.05 and 3109.06 each contain a four-story multi-family residential building. Lot 3109.07 contains a large four-story multi-family residential building and Lot 3109.08 is vacant. Lot 3109.08 is included within the *South Fourth Avenue – East Third Street Urban Renewal Plan* Disposition Parcel 13 and is marked as “To Be Acquired”. In the 2012 Blight Determination Study, Lot 3109.08 was documented as being in “poor” condition. As such, and based upon the above, a text amendment to the City of Mount Vernon Zoning Code (see Appendix B of the FEIS for the proposed Zoning Text Amendment) is proposed that would provide discretion to the Planning Board to allow Building A and Building D to have no rear yard setback – clarifications to this text amendment were made as part of the revised Zoning Text Amendments contained in this FEIS (see FEIS Chapter 2.0 and FEIS Appendix B). The proposed amendment will extinguish the newly created dimensional deficiencies described above and will allow the project to proceed as an as-of-right project rather than the undesirable alternative of requiring the application for a discretionary approval of granting of certain area variances, the impact of which has been reviewed by the process leading to the adoption of this Findings Statement. Additionally, the proposed text amendments are drafted to further the goals of the Project as previously studied during the 2014 SEQOR review of the Urban Renewal Plan and will fit seamlessly into existing conditions of the project area.

### 3. DESCRIPTION OF THE PROJECT SITE

The Pointe project is situated in the east central portion of the City of Mount Vernon, just south of the downtown (the “Project Site”). The Project Site encompasses Disposition Parcels 1, 2, 3, 4 and 6 of the *South Fourth Avenue-East Third Street Urban Renewal Plan*, consisting of 20 properties owned by the Applicant and City. Of the 20 properties comprising the Project Site (see Table 1 below), twelve (12) are owned by the City of Mount Vernon, the Mount Vernon Industrial Development Agency (IDA), or the Mount Vernon Urban Renewal Agency (URA). In addition, fourteen (14) of the 20 parcels are contiguous parcels located on the west side of South Fourth Avenue and seven (7) of the 20 parcels are contiguous parcels located on the east side of South Fourth Avenue. The contiguous parcels will be merged into five tax lots as part of site plan approval. Combined the Project Site encompasses approximately 107,399

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<sup>2</sup> *Mount Vernon East Third Street-South Fourth Avenue Blight Determination Study* prepared by Ferrandino & Associates Inc., July 2012 and adopted by the Mount Vernon City Council on October 18, 2012.

square feet (SF), with 400 feet of frontage on the east side of South Fourth Avenue, 600 feet on the west side of South Fourth Avenue and 210 feet of frontage on West Third Street. The Project Site does not include the private parcel (3089.02) located at 10 W. 3<sup>rd</sup> Street as attempts to relocate the existing church located on the site were unsuccessful. This site was included in the DEIS Proposed Action, but was not included in the DEIS Preferred Alternative (Findings Proposed Action) and associated analysis.

**Table 1 – Project Site Properties**

West Side		East Side	
Address	(Block/Lot)	Address	(Block/Lot)
<b>Building A</b>		<b>Building D (Parking Garage)</b>	
205 S. 5 <sup>th</sup> Ave	3089.1*	203 S. 4 <sup>th</sup> Ave	3109.35*
202 S. 4 <sup>th</sup> Ave	3089.3	209 S. 4 <sup>th</sup> Ave	3109.33*
206 S. 4 <sup>th</sup> Ave	3089.4	211 S. 4 <sup>th</sup> Ave	3109.32*
208 S. 4 <sup>th</sup> Ave	3089.5	215 S. 4 <sup>th</sup> Ave	3109.31*
210-224 S. 4 <sup>th</sup> Ave	3089.6	217 S. 4 <sup>th</sup> Ave	3109.30*
207 S. 5 <sup>th</sup> Ave	3089.44	229 S. 4 <sup>th</sup> Ave	3109.29*
<b>Building B</b>		<b>Public Open Space</b>	
210-224 S. 4 <sup>th</sup> Ave	3089.6	230 S. 4 <sup>th</sup> Ave	3089.12
226 S. 4 <sup>th</sup> Ave	3089.11	232 S. 4 <sup>th</sup> Ave	3089.13
230 S. 4 <sup>th</sup> Ave	3089.12	203 S. 4 <sup>th</sup> Ave	3109.35*
<b>Building C</b>			
234 S. 4 <sup>th</sup> Ave	3089.14*		
238 S. 4 <sup>th</sup> Ave	3089.16*		
242 S. 4 <sup>th</sup> Ave	3089.17*		
246 S. 4 <sup>th</sup> Ave	3089.18*		

\* City-owned property

The Project Site is centered along South Fourth Avenue, with East/West Third Street to the north and East/West Fourth Street to the south. Access to the Project Site is on South Fourth Avenue and East/West Third Street. South Fourth Avenue is one-way heading south. Westchester County provides Bee Line bus service throughout the City of Mount Vernon, with Routes 42, 53 and 91 serving the Project Site along East/West Third Street and Route 52 on South Fifth Avenue. The Project Site is located 0.6 miles (4 blocks) from the County’s third busiest bus terminal (Petrillo Plaza). Additionally the Mount Vernon East train station is located 0.7 miles (5 blocks) from the Project Site.

#### 4. HISTORY AND COMPLIANCE WITH SEQR REQUIREMENTS

The NYCRR Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the New York State Environmental Conservation Law requires that the Proposed Action follow a SEQR process before adoption. An Environmental Impact Statement (EIS) was prepared to evaluate the impacts of the Proposed Action by the City of Mount Vernon City Council. This findings statement represents the conclusion of the SEQR process, which is summarized below:

- **Lead Agency** - On November 12, 2016, the City of Mount Vernon City Council declared itself the Lead Agency and determined that a full Environmental Impact Statement (EIS) would be produced. The Legislature determined that the adoption of the Proposed Action is a Type 1 Action and issued a Determination of Significance – Positive Declaration.
- **Draft Environmental Impact Statement (DEIS)** - The DEIS for the Proposed Action, prepared by the Applicant and its consultants, was accepted as complete for public review by the City Council on August 9, 2017.
- **Public Hearing** - The public comment period on the DEIS opened on August 10, 2017 and extended through October 21, 2017. During this period, a public hearing on the DEIS was held on September 13, 2017 and continued to and closed on October 11, 2017, and written comments were also received from the public and involved and interested agencies until October 21, 2017. No substantive environmental comments were received at either of the public hearings. Two speakers at the September 13, 2017 DEIS public hearing indicated a need for more time to review the DEIS, in response the City Council extended the public hearing until October 11, 2017 and closed the written comment period on October 21, 2017. No public comments were made at the October 11, 2017 public hearing. Three written comment letters were received and are referenced in the Final Environmental Impact Statement.
- **Final Environmental Impact Statement (FEIS)** - The FEIS was accepted by the City of Mount Vernon City Council on November 8, 2017, and a Notice of Completion filed, circulated and published, posted on a website designated for that purpose ([www.cmvny.com](http://www.cmvny.com)) and deposited in the Mount Vernon Public Library in accordance with NYS Department of Environmental Conservation Rule 617.9 and Rule 617.12 (6 NYCRR Section 617.9 and 617.12).

## 5. BENEFITS OF THE PROPOSED ACTION

The following benefits will occur as a result of the Proposed Action:

- **Revitalization of blighted neighborhood** – The Proposed Action calls for the implementation of the goals and objectives of the aforementioned Urban Renewal Plan by effecting the removal or rehabilitation of blighted buildings and clean-up of contaminated sites in the Urban Renewal Area. This will facilitate the revitalization of the Urban Renewal Area through the development of new residential and/or commercial spaces which will bring increased tax revenue and the creation of temporary and permanent jobs to the City. The proposed Project will revitalize the South Fourth Avenue/Third Street corridor with credit-rated tier of commercial tenants, and create hundreds of construction and permanent jobs. Additionally, the site will be remediated as the former industrial uses contributed to varying degrees of contaminating the soil. The Proposed Action will contribute to a more pedestrian-friendly streetscape and will provide sidewalk improvements, remove above ground power lines (to be relocated underground as required under NY General Municipal Law) and create a new park to be operated privately but

enjoyed by the public. The impacts of the Proposed Action will also improve the safety in the neighborhood.

- **Increase housing stock that meets housing quality standards** – The Proposed Action calls for the development of several hundred new residential housing units and senior housing and/or enriched housing units. The new units constructed to current building codes and standards, as well as Leadership in Energy and Environmental Design (LEED) standards, would replace or supplement the existing housing stock in the neighborhood, much of which is in substandard condition as described in the Blight Determination Study and the City’s 2015-2019 Consolidated Plan. The new housing product is designed for a mix of incomes targeted to the current neighborhood’s demographic mix.
- **Jobs** – The Proposed Action will create a net increase in the number of commercial/retail/office uses which will provide support and services to the residential components of the new development. It is anticipated that the new commercial/retail/office uses, including an assisted living facility, will generate approximately 300 temporary construction jobs and approximately \158 permanent retail, office and medical related jobs. Currently many of the 20 parcels within the Project Site are either vacant or underutilized. The job creation presents a beneficial economic impact to the City.
- **Increase City tax revenue generated** – The new development which will result from the Proposed Action is anticipated to generate real property taxes for the City greater than existing properties. Currently 12 properties within the proposed Project Site are City-owned and thus do not generate real property taxes for the City. The Proposed Action is also anticipated to generate additional sales tax revenue for the City. The generation of increased real property taxes will result in a long-term and lasting benefit to the City in perpetuity, certainly outlasting any impact of short term tax-relief incentives utilized under State enabling legislation employed to spur this type of development and re-development.

## 6. FACTS AND CONCLUSIONS RELIED UPON TO SUPPORT THE ADOPTION OF THE PROPOSED ACTION

The City of Mount Vernon City Council finds, upon due consideration of the DEIS and FEIS, as well as verbal and written information derived from the public review process, that the proposed adoption of the Proposed Action will generally result in positive impacts on Downtown Mount Vernon, the City as a whole, and will guide development at the Project Site in accordance with the *South Fourth Avenue-East Third Street Urban Renewal Plan* and sound land use and environmental management practices. The Lead Agency has taken a hard-look at any potential adverse impact and find that any and all potential adverse impacts have been minimized and mitigated to the maximum extent practicable. The City Council as Lead Agency wholly supports the adoption of the Proposed Action for the following reasons (organized by DEIS chapter):

## **6.1 Land Use, Zoning and Public Policy**

The Proposed Action is intended to be consistent with the City's local planning objectives and plans including the City of Mount Vernon 2015-2019 Consolidated Plan, the City of Mount Vernon 2011 Draft Comprehensive Plan, the RFM-SC Senior Citizen Floating Overlay Zone and regional plans such as Westchester 2025 and Patterns for Westchester.

Overall, the impacts on land use resulting from the Proposed Action will be generally beneficial in nature. While The Pointe will change the existing pattern of land use by encouraging mixed use buildings, the development is not expected to disrupt the overall pattern of land use in the neighborhood. There are existing mixed use buildings in the neighborhood, particularly concentrated in the South Fourth Avenue Corridor. Additionally, the 2011 Draft Comprehensive Plan designates the immediate neighborhood surrounding the Project Site as a "Higher Intensity Planning Area", which calls for planning strategies that create opportunities for greater development potential including mixed use and pedestrian-friendly development that encourages the balance of health, economic and residential growth.

The Pointe has been designed to be substantially in compliance with the *South Fourth Avenue-East Third Street Urban Renewal Plan* (UR-PUD-S4 Overlay District). Zoning compliance has been calculated for The Pointe development, as a whole, to encompass the buildable potential of all portions of the Project Site, including those that will not be developed or will contain only non-residential uses (such as Building D, the parking garage).

**Building Height:** The tallest building proposed to be constructed as part of The Pointe is Building A, located at the intersection of South Fourth Avenue and West Third Street. The building's height is proposed at 118feet/12 stories, including a 4 foot parapet wall on the roof for the rooftop garden. To accommodate this additional story, the Applicant would request a density bonus under the UR-PUD-S4 district to accommodate the additional height. The Pointe provides a significant community benefit/amenity in the form of the parking garage (Building D) to be constructed as part of the project. The parking garage will provide 243 more parking spaces than is required under by the Zoning Code. These parking spaces will be available for existing residents and businesses in the area as well as future developments in the Urban Renewal Area.

**Building Coverage:** As proposed, The Pointe has a building coverage of 77 percent. This calculation encompasses all lots comprising the Project Site as per §267-26(F)(1)(b) of the City's code, including the proposed park between Buildings B and C.

**Lot Area:** The Pointe exceeds the minimum lot area requirement of 5,000 SF. The entire Project Site encompasses 107,399 square feet. The smallest lot for an individual proposed building is 14,954 for Building B.

**Lot Area per Dwelling Unit:** The Pointe includes the construction of 350 dwelling units on the Project Site which is 107,399 square feet in total lot area, which equates to 306 square feet of lot area per dwelling unit (300 SF/dwelling unit required). The calculation is averaged across the entire Project Site to encompass the buildable potential of portions of the Project Site which will not be developed or will contain only non-residential uses (such as Building D, the parking garage).

**Lot Width and Frontage:** The Pointe's smallest lot width or frontage is 100 feet for Building A along South Fifth Avenue, 50 feet is the minimum required.

**Rear Yard Set Back & Buffer:** As proposed, Building A of The Pointe does not meet the required 20 foot setback and buffer requirements per §267-26(F)(1)(j) of the City's code. Approximately five percent of the backside of Building A (along the ground-floor Retail Space C) has no setbacks or buffers from its property lines with four adjoining parcels. Additionally, Building D also lacks the required 20 foot rear setback and buffer. A Zoning Text Amendment (see full text in FEIS Appendix B) that would:

- Permit senior citizen housing as regulated in the RMF-SC Zone as principal permitted use in the UR-PUD-S4 District.
- Permit the reduction of side yard setbacks for structures to 0 feet by the Planning Board during Site Plan Approval when underlying district is NB or CB.
- Permit the reduction of rear yard setbacks for structures to 0 feet by the Planning Board during Site Plan Approval when underlying district is NB or CB.

By giving the Planning Board discretion during Site Plan Approval to review the side and rear yard setbacks and to determine, based on site specific conditions and that the Proposed Action will fit within existing side and rear yard setback requirements per existing underlying zoning districts, the appropriateness of such a reduction will ensure that no significant adverse impacts occur as a result of the Proposed Action.

The application of the zero side and rear yard setbacks, as proposed to Building A and Building D of The Pointe will not result in any significant environmental impacts. Without the proposed Zoning Text Amendments, Building A and Building D, as proposed, do not meet the required 20 foot setback requirement in the UR-PUD-S4 zoning code. However, it is important to note that both Building A and Building D are located within the underlying Commercial Business (CB) and Neighborhood Business (NB) Districts where there are no rear yard requirements and therefore The Pointe will not result in a greater impact to what is allowed, as-of-right, within existing districts. Should the Project be designed and presented utilizing the underlying CB and NB zoning, Building A and Building D would not require any rear yard setbacks and would comply, as-of-right, with existing Code requirements (without the myriad benefits described herein). The Zoning Text Amendments proposed in the DEIS and clarified in the FEIS, would remedy this inconsistency and allow the project to follow the existing requirements of the underlying zoning and proceed as an as-of-right use.

In addition, all environmental impacts analyzed in the DEIS and FEIS demonstrated that there would be no rear yard setback. No rear yard is designed on the ground floor of Building A, but the second floor is set back 43 feet from the rear property line, this will allow the abutting properties sufficient light and air. Building D (the parking garage) is a necessary structure to provide adequate parking to The Pointe as well as to existing and future drivers in the neighborhood. In order to provide adequate space for parking, circulation and turning radii to meet building codes Building D must extend to the rear property line.

Impacts that are associated with the Proposed Action are either beneficial to the neighborhood or are no greater than impacts permitted as-of-right under the existing zoning. Therefore, adoption of the proposed Zoning Text amendments is not anticipated to result in any significant adverse impacts to land use, zoning, or public policy and no mitigation measures are required.

## **6.2 Urban Design and Visual Character**

The entire design of the proposed The Pointe development is guided by the “human scale”, especially at the street level, creating a sense of a “Main Street” along a blighted corridor. Visually stimulating design will attract pedestrian circulation along South Fourth Avenue. All four buildings are oriented to the street, creating and defining new public space. The street wall created by the buildings is intended to guide pedestrians from the intersection of South Fourth Avenue and East/West Third Street to the middle of the block, from one retail space to another; however, by not including Lot 2 in the Project Site, and the continued occupancy of this site for the three-story church building, would disrupt the continuity of the building design along West Third Street while the continuity along South Fourth Avenue would be maintained. Main lobby entrances will break the street wall and make the space more dynamic. In the middle of the development, between Buildings B and C, a plaza will break the street wall and open up the space. The landscaped plaza will serve as a neighborhood interaction space. There will be gates delineating the public open space from the private yard space behind Buildings B and C. Furthermore, improvements to the streetscape, including public seating, public art and other urban street furniture, are intended to contribute to the creation of a vibrant and safe neighborhood.

Parking will be located off the street in Building D. Additionally, as a part of the active design and ancillary community benefits of The Pointe, bicycle storage will be provided for the tenants in the cellars of Buildings A and B and also in Building D, the parking garage. Direct connection is provided from the parking garage to the retail corridor. Retail space is also provided along the front of the parking garage on the ground floor, which will mitigate any negative visual impact of the parking structure on the newly created neighborhood. The design of the garage façade above the ground floor retail is intended to blend with the rest of The Pointe development.

Under the UR-PUD-S4 Overlay Zone, the maximum height limit is 120 feet; however, many of the existing buildings in the corridor range from 1 to 4 stories, interspersed with taller structures. Therefore, the Lead Agency recognizes that the Project mitigated potential adverse impacts by designing the tallest building in The Pointe development to a reasonable maximum of 12 stories with a height of 118 feet and

located at the intersection of South Fourth Avenue and East/West Third Street. This building is the anchor for the development. The additional proposed three buildings are designed to taper off, increasing the visual and light corridor by correspondingly decreasing the height of the structures as the distance increase from the intersection. Analysis of the three-dimensional model prepared for the development indicates that The Pointe will reduce the amount of sunlight that reaches the residential properties directly to the east of the Project Site with varying degrees seasonally during the evening. For example, it is noted that the multi-family residential properties along the east side of South Third Avenue would be completely shaded during the evening year round. However, the single family homes along the west side of South Fifth Avenue would not be impacted at all. Furthermore, shadows cast by The Pointe would not affect any existing public open space, historic, cultural or institutional uses at any time of the year. Since only one of the buildings within the Project Site reaches the maximum height of eleven stories, the analysis shows that shadow impacts will be less than those predicted in the *South Fourth Avenue-East Third Street Urban Renewal Plan* DGEIS. Therefore, adoption of the Proposed Action is not anticipated to result in any significant adverse impacts to urban design and visual character (unless as otherwise noted above) and no mitigation measures are required.

### **6.3 Historic and Archaeological Resources**

No properties within or directly adjacent to the Project Site have been designated as a New York State Historic Site, listed on the National Register of Historic Places or listed as eligible for the National Historic Register. A final Letter of Effect/Impact was issued on January 22, 2016 (DEIS Appendix H) which stated that based upon their review, the New York State Office of Parks, Recreation and Historic Properties (OPRHP) has determined that no historic properties will be affected by this undertaking. Therefore, adoption of the Proposed Action is not anticipated to result in any significant adverse impacts to historic and archaeological resources.

### **6.4 Natural Resources/Hazardous Materials**

A Phase I Environmental Site Assessment (ESA) of lots 3, 4, 5, 6, 11 and 44 of block 3089 (the proposed site of Building A and part of the proposed site of Building B) which are fully controlled by the Applicant, was prepared by SESI Consulting Engineers, PC in December 2015 (see full report in DEIS Appendix I). SESI found that most of the surrounding properties have been residential and commercial including various stores, bakeries, fire station, auto repair and garages etc., but during the 1980s most of the residential properties in the vicinity were replaced by machine shops and auto shops. Industrial or commercial properties are generally contaminated when hazardous materials or petroleum and its by-products are spilled. To determine whether the subsurface has been impacted by the aforementioned, a Limited Phase II Environmental Site Investigation was performed by the Applicant, the results of which indicate a discharge of the metals and petroleum related compounds. The analytical data for groundwater showed exceedance of the NYS Effluent (class GA) criteria and detected petroleum hydrocarbons related compounds at different locations of Site A. Soils samples resulted in detection of similar products throughout Site A. Chlorinated volatile organic compounds (CVOCs) were detected in groundwater at levels below the Effluent (Class GA) criteria. Metals (cobalt, arsenic, and nickel) that may

be commonly found as alloys in automotive parts and used at the tool and die shop were found in Site A soils and unfiltered groundwater samples. Further investigation will be conducted to determine the impact of the exceedances and detects. Remediation of these exceedances will be necessary for site development.

Additional environmental site assessments will still need to be undertaken for the proposed sites of Buildings B, C and D; however, given the character of the neighborhood and the results of the Phase I ESA performed for the Site of Building A, it is likely these sites are suspect brownfield sites. Investigations of these sites have not been undertaken at this time as the Applicant does not have Site control of these properties. Once full Site control is established, the environmental site investigations will commence. This will likely occur after the approval of this SEQR Findings Statement and the Land Acquisition and Development Agreement (LADA) is executed.

Due to the level of contamination, the Applicant anticipates applying to the New York State Department of Environmental Conservation Brownfield Cleanup Program once the Applicant has site control. Irrespective of whether or not the Proposed Action is accepted into the Brownfield Cleanup Program, the site will be remediated. Thus, there will be no negative impacts affecting public health in the area and in reality public health conditions in the area will be improved as a result of the remediation. The Proposed Action would benefit the community by cleaning up and removing the contamination by participating in the Brownfield Cleanup Program under the oversight of the New York State Department of Environmental Conservation and the New York Department of Health. All hazardous materials or petroleum would be properly excavated and removed to a permitted off-site disposal facility from each of the contaminated Sites prior to construction of any building. Air quality would be monitored during excavation to make sure there are no soil contaminants affecting air quality in the area. Any negative impacts would be short-term and related to construction activity. The goal of the Brownfield Cleanup Program is to encourage private-sector cleanups of brownfields and to promote their redevelopment as a means of revitalizing economically blighted communities.

Since site development will require off-site disposal of contaminated soil and the potential exists that additional contamination will be discovered during excavation, a Soil Management Plan addressing off-site disposal of excavated soil will be prepared. A Remedial Action Work Plan (RAWP) will also be needed. These documents will be prepared prior to the start of construction and will be included in the brownfield application. Irrespective of whether or not the Proposed Action is accepted into the Brownfield Cleanup Program, the site will be remediated according to the RAWP. Compliance with mitigation measures set forth above will ensure that adoption of the Proposed Action is not anticipated to result in any significant adverse impacts to public health and safety related to hazardous materials.

## 6.5 Infrastructure Impacts

**Water:** The Pointe will use an estimated average of 72,565 gallons of water per day (gpd)<sup>3</sup> which will have no significant adverse impact on the City's water supply and infrastructure. Based on a letter dated April 21, 2017 (see DEIS Appendix M) from Superintendent, John F. Arena, of the Board of Water Supply, the current 12 inch cement-lined pipe that serves the Project Site has adequate capacity to serve the proposed development. Therefore, the Proposed Action would not have any significant adverse impacts on water service.

**Sewer:** The Pointe will have a sanitary sewage discharge that is comparable to the water usage at a rate of 72,565 gpd. Sewer mapping for the 8 inch ductile iron pipe sewer main located in South Fourth Avenue was provided by the Mount Vernon Department of Public Works. The existing sewer main in South Fourth Avenue terminates at the intersection of West Fourth Street. This means that only the remaining developments on South Fourth Avenue to West Fourth Street will be contributing to sewer main upstream of the proposed development. Currently, these contributing developments<sup>4</sup> are estimated to generate approximately 10,700 gpd or 7 gpm. This is only about 1 percent of the sewer main capacity. A letter dated April 24, 2017 (see DEIS Appendix M and FEIS Appendix E) from (retired) Commissioner Ralph Uzzi of the Department of Public Works, confirms that based on the calculations, there exists adequate capacity for the sewer infrastructure to be serviced by the Mount Vernon Department of Public Works' Bureau of Sewers. Therefore, the additional flow generated by the proposed development will not have any adverse impact on the existing main. Prior to construction, the Applicant will determine the existing state of the existing sewer main and make any necessary repairs, as needed, to serve the Project Site. Therefore, the Proposed Action would not have any significant adverse impacts on the sanitary sewer system.

**Stormwater:** The Project Site which totals approximately 107,399 square feet is entirely comprised of impervious surfaces. The Proposed Action includes the development of a rooftop garden on all of the buildings. This garden area will create approximately 46,174 square feet (1.06 acres) of pervious surface. This is a 43% reduction in impervious surface cover. This new pervious area will replace the existing impervious cover and will promote water quality treatment through soil filtering media and water quantity reduction through evapotranspiration. Since The Pointe will reduce the water quantity leaving the Project Site and improve water quality, no significant adverse impacts are anticipated. A complete Stormwater Pollution Prevention Plan (SWPPP) was prepared and included in DEIS Appendix J. Pre and post development rates of stormwater were computed by the Applicant for comparison for the 1 year, 10 year and 100 year storm events using Type III, 24 hour rainfall events. Due to the reduction in impervious surface cover, all potential negative impacts due to stormwater runoff from this proposed

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<sup>3</sup> Per Chapter 10 of the "10 State Standards", the peaking factor for this size community is four (4) times the average flow. Therefore, the peak hourly flow is calculated as  $(71,445 \text{ gpd}/24 \text{ hr}/\text{day}/60 \text{ min}/\text{hr}) \times 4.0 = 50 \text{ gpm} \times 4.0 = 200 \text{ gpm}$ .

<sup>4</sup> West Fourth Street and 264, 260 and 258 South Fourth Avenue.

development have been eliminated. Therefore, the Proposed Action would not have any significant adverse impacts on stormwater.

**Solid Waste:** The Pointe will generate approximately 586.38 tons of solid waste per year – 537.83 tons of solid waste per year for the residential component and 48.55 tons of solid waste per year for the commercial component. Buildings A, B, and C will have compactor rooms in the cellar with refuse and recycling rooms directly above the compactor rooms on every residential floor. The City’s residents recycle approximately 29 percent of its waste, so the volume of solid waste would be reduced by approximately 156 tons per year to account for recycling, resulting in a net solid waste generation of 382 tons per year. According to a letter dated May 22, 2017 from Deputy Commissioner Frank Perone of the Department of Public Works (DEIS Appendix M), all residential waste generated by the proposed development will be collected by the Bureau of Sanitation. Retail/commercial tenants of The Pointe would employ a private carting company to dispose of the solid waste generated by their businesses. Therefore, the Proposed Action would not have any significant adverse impacts on solid waste.

**Gas and Electric:** The Pointe will have an estimated total annual electricity consumption of approximately 10.2 million kWh, while total annual gas consumption is estimated at approximately 33,457 Therms. This equals an approximate total annual energy consumption of 38.3 billion BTU per year, or a 6.3 percent reduction in energy use over the existing, primarily industrial, buildings. Therefore, the Proposed Action would not have any significant adverse impacts on energy.

**Telecommunications:** Telephone, internet, cable, and wireless services are available to the properties located within the Project Site and services to the buildings will be provided by Verizon and Spectrum (previously known as Time Warner Cable). As required by the City of Mount Vernon as part of the Urban Renewal Plan, telecommunication utility connections serving the Project Site will be undergrounded. Therefore, the Proposed Action would not have any significant adverse impacts on telecommunications.

## **6.6 Transportation, Traffic and Parking**

**Traffic:** According to the DEIS, the total build out of the Project Site would add approximately 212 to 355 peak hour automobile trips. According to the analysis contained in the DEIS, this would correspond to “Levels of Service” (LOS) for individual approaches as well as for intersections as a whole, computed at LOS C or better under total build out traffic volume conditions, assuming that minor impacts due to Project Site generated traffic would be mitigated by small adjustments to signal timing at the intersections of South Fifth Avenue at West Third Street, South Fifth Avenue at West Second Street and South Fourth Avenue at East/West Third Street. No further mitigation measures are required to off-set the minor traffic increases to be generated by The Pointe.

Other developments are planned in the City that could have the potential to impact traffic flowing through the Transportation Study Area analyzed as part of the DEIS. The timing and ultimate size and type of this other development in the City is unknown at this time. Development projects submitted to the City for consideration following completion of the EIS and SEQR Findings Statement should take into

account traffic generated by The Pointe in their traffic projections. Therefore, the Proposed Action would not have any significant adverse impacts on traffic.

**Parking:** The UR-PUD-S4 zone provides the parking requirements for the types of development that could be built under the Proposed Action – 1.0 space per dwelling unit (non-senior dwelling), 0.25 space per senior dwelling unit and 1.00 space per 1,000 square feet of office/retail/commercial space. This yields a total of 340 required parking spaces for The Pointe as proposed, not accounting for any shared parking between the residential and commercial components. Building A will provide 41 parking spaces in the cellar for residential tenants. A public/private parking garage, that will provide an estimated 544 spaces, is planned for Building D with an access on South Fourth Avenue. In total The Pointe will contain 585 on-site parking spaces, 245 more spaces than are required by code. A retail loading dock will be located in the cellar of Building A. Other loading spaces will be located in front of the buildings.

The FEIS contained additional analysis to support the conclusions contained in the DEIS (FEIS Appendix D), including a shared parking analysis and parking occupancy survey. The most critical stage of the proposed development in terms of parking is at the beginning of Stage I, when the garage on lot D and ancillary retail is under construction and only 98 parking spaces are available on-site (41 spaces under building A and 57 spaces on site C). The proposed project presents a unique opportunity for shared parking during this interim period because there is a relatively high residential parking demand and a small commercial demand. Since these two parking demand components don't peak at the same time, the entire commercial parking demand can be accommodated by the residential parking supply that is needed at each stage of the development. Shared parking requires that no residential or commercial user obtains reserved or assigned parking. Permits will be provided to various users that will allow them to park in certain parking facilities or areas. Based on the analysis in the FEIS it can be concluded that all project parking can be accommodated on-site or on the immediate street blocks and that there will not be a parking shortage in the immediate vicinity of the Project Site during Stage 1.

The beginning of Stage 3 will be the most restrictive in terms of parking conditions. To start construction of the garage and additional commercial floor area the 98 parkers on Lot D will need to shift to other locations, in addition to the 44-space shortage from Stage 1. The occupancy survey (see FEIS Appendix D) demonstrated that there are significant numbers of vacant spaces available in parking lots and the parking garages during the night hours. In addition, the City Clerk indicated that parking permits are available for Lot 1 and the City Hall garage. The other lots with permit parking (4, 11 and 12) have 75 vacant spaces after 10 pm, however, the City does not sell additional permits for these lots, because they are fully occupied during daytime hours. In addition, there are 375 metered spaces available in all facilities that allow 12-hour parking.

Based on the parking occupancy survey, the FEIS concluded that there is adequate parking capacity available in the area parking lots to accommodate the parking shortage (133 cars) of The Pointe project during Stage II of the project when the future parking garage is under construction. No mitigation

measures are required and the Proposed Action would not have any significant adverse impacts on parking.

**Transit:** Impacts on public transportation will not be significant, as both commuter train and bus and para transit facilities are proximate to the Project Site. Census data indicates that from 2013 to 2015 approximately 80% of commuter trips made by Mount Vernon residents were by private vehicles or taxis. Public transit accounted for less than 20% - walking and other modes made up the balance of trips. Applied to the estimated peak hour trips gives an estimate of between 20 and 86 peak hour transit trips and an equal reduction in the estimated vehicle trips. Assuming an even split between bus and train modes, each mode could see an increase in peak hour ridership of between 20 and 43 additional trips. During the peak commuting hours, there are four buses and four trains scheduled that serve the area. Therefore, each bus or train could see five (5) to eleven (11) additional riders. The bus and train routes were observed to have the capacity to accommodate this estimated additional demand that may be generated by The Pointe. Therefore, the Proposed Action would not have any significant adverse impacts on transit.

**Pedestrian Impacts:** Regarding potential pedestrian impacts, assuming an even split between bus and train modes, each mode could see an increase in peak hour ridership of between 20 and 40 additional trips. Each transit trip would have a walking component. Therefore, it is estimated that there could be as many as 40 additional pedestrian trips during the peak hours on the streets surrounding the Project Site. Those additional pedestrians were distributed to the streets adjacent to the Project, and in particular along the streets that also are served by the Bee Line bus system (Fourth and Fifth Avenues) and along the most direct route to the Metro North train station – Third Street and First Avenue. No significant adverse impacts are anticipated and no mitigation measures are required. The Pointe does, however, propose associated amenities on the blocks around the Project Site such as new street lights and new sidewalks with accessible ramps at the corners, new striped crosswalks at key intersections or municipal parking facility entrances and signs to direct drivers and pedestrians to available parking lots and certain components of the proposed Plan. Details of what amenities will be provided by The Pointe, locations and design will be determined as part of the Planning Board's Site Plan Approval process.

**Construction Traffic:** Impacts due to construction traffic will be temporary in nature, lasting for the duration of an on-going building program at the Project Site. Traffic would consist of heavy trucks delivering building materials to the Project Site and vehicles belonging to construction workers. Depending on the number of construction workers needed for various phases of The Pointe, their vehicles could be parked on-site or in an off-street municipal parking facility near the Project Site. The development team will work with the City to determine the best times to stage certain activities that may impact vehicular and pedestrian movements, including temporary street and sidewalk closings. Construction management plans, containing such items as project phasing, scheduling and coordination with municipal agencies, will be prepared and submitted for approval to the Planning Board as part of the Site Plan Approval process.

## 6.7 Socio-Economic Conditions

**Residential and Commercial Market:** The Pointe project proposes to develop a mix of affordable and workforce rental apartments targeted to enhance low and middle income households. The U.S. Department of Housing and Urban Development (HUD) defines affordable housing as housing that costs no more than 30 percent of a household’s annual income. In Mount Vernon, Westchester County’s median household income of \$107,800 is used to calculate income and rent limit thresholds for “affordable” housing in the City. For Mount Vernon, this translates to an income limit for a four-person household of \$53,900 and a rent limit of \$1,401 per month for a three-bedroom unit at 50 percent of area median income (AMI). However, Mount Vernon’s median annual household income is only \$49,268, which is less than half that of Westchester County as a whole.

Because 60% of AMI for Westchester County is similar to the median household income of Mount Vernon that means that the housing in The Pointe will be affordable to many residents in Mount Vernon. This housing will be affordable because residents will only have to pay 30% of their income towards rent. This lowers the cost burden of rental housing for those households that will live at The Pointe. Depending on the availability of financing from the Department of Housing and Community Renewal, The Pointe could potentially set aside units for lower income households as well.

New commercial space is also needed in downtown Mount Vernon. The existing commercial stock is older and often in deteriorated condition, particularly within the South Fourth Avenue-East Third Street Urban Renewal Area. The Proposed Action will provide more places for residents to shop and eat, as well as increase the availability of jobs in the area. Furthermore, the Project Site is a prime location for commercial space, as it is located in close proximity to numerous transit options including the Mount Vernon East train station. It is also at the intersection of two major commercial corridors, the Gramatan Avenue/South Fourth Avenue commercial corridor and the East/West Third Street commercial corridor.

Impacts resulting from to the residential and commercial market as a result of the Proposed Action are anticipated to be beneficial.

**Tax Revenues:** The Applicant has preliminarily proposed Payment in Lieu of Taxes (PILOT) terms, which are under review and subject to a public comment process followed by the Mount Vernon Industrial Development Agency (IDA), for Building A. A schedule of PILOT payments (DEIS Appendix N) has been assumed in order to analyze the fiscal benefits of the Proposed Action. This schedule assumes that the separate PILOTs to be negotiated for each of the four buildings is the same as the preliminary PILOT outlined for Building A. The Applicant anticipates that this will represent the minimum PILOT payments to be negotiated with the IDA for each building. Based upon the preliminary PILOT schedule, The Pointe will in total generate approximately \$12,216,148 in payments for the City (\$4,468,667) and School District (\$7,747,481). These payments are proposed over the course of some 39 years, with the building’s 30 year PILOTs phasing in and out during that period.

In addition to the property taxes accruing from The Pointe development, there would be fiscal benefits to the City in terms of retail sales taxes. Assuming a conservative \$250 in annual sales per square foot<sup>5</sup> of retail space, the Applicant expects that the potential retail development could generate approximately \$10.9 million in annual sales at full build-out resulting in over \$437,990, \$369,385 and \$109,448 in retail sales tax revenue to the State, County and City respectively. Therefore, the Proposed Action is anticipated to have a beneficial impact on tax revenues.

**Displacement and Relocation:** In accordance with the *South Fourth Avenue-East Third Street Urban Renewal Plan*, and the 1970 Uniform Relocation Assistance and Real Property Acquisition Policies Act, the City of Mount Vernon has prepared a Relocation Plan (DEIS Appendix M). The Plan was prepared by the City's Relocation Counsel and reviewed by the Applicant. In accordance with the Relocation Plan, relocation operations will be administered by the Mount Vernon Urban Renewal Agency ("URA"). The URA will relocate and, via escrow funds deposited by the Applicant, financially assist all qualified displaced individuals.

Based upon a survey undertaken by the City as part of the Relocation Plan, it has been determined that there are no residential units or tenants impacted by the undertaking of the Proposed Action. However, The Pointe will require the relocation of thirteen (13) businesses, heretofore all who have been properly noticed of the proceedings herein. Additionally, and with the City's consent, The Pointe will relocate the City of Mount Vernon Police Department Emergency Services Unit currently located at 236 South Fourth Avenue (BL 3089.16), which is within the Urban Renewal Area. All persons or businesses which may be displaced have received legal notice in accordance with the Uniform Relocation Act. The URA held a public informational meeting, notice of which was published in the official paper of the URA and in accordance with statutory requirements, and the City to which all persons and businesses were invited to participate. In addition, the URA has been in repeated contact with the various effected businesses fulfilling the requirements for personal interviews as required by the Act so as to determine such relocation needs. Therefore, the Proposed Action would not have any significant adverse impacts resulting from displacement and has not deviated from, or failed to adhere to any local, state or federal requirements.

**Jobs:** Approximately 30 jobs (earning \$847,500) will be displaced or relocated by the development of The Pointe. It is likely that an increased net number of a yet unknown number of these jobs will relocate elsewhere in the City of Mount Vernon with the assistance of the implementation of the Relocation Plan. The jobs relocated within the City are not counted as an adverse impact as jobs lost. The Pointe is estimated to create approximately 300 temporary full-time equivalent (FTE) construction jobs annually with \$16,716,000 in earnings during the construction phase. Once fully operational, The Pointe will create approximately 158 permanent full-time equivalent positions with earnings of approximately

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<sup>5</sup> The DGEIS for the *South Fourth Avenue-East Third Street Urban Renewal Plan* assumed \$250 per square foot as a conservative estimate. According to Mount Vernon's 2011 Citywide Marketing Study, the City is estimated to have unmet retail sales potential of \$205 million, which translates into 730,000 square feet of supportable retail space, at a rate of \$280 in annual sales tax potential per square foot.

\$4,921,420 annually. The 53,054 square feet of retail and office space are anticipated to generate approximately 114 FTE jobs with earnings of approximately \$3,582,208 annually. The senior citizen and/or enriched housing facility (Building B) is anticipated to generate 44 FTE jobs with earnings of approximately \$1,213,520 annually. Therefore, the Proposed Action is anticipated to have a beneficial impact on job creation in the City.

**Construction Expenditures:** The Pointe will represent a \$137,588,540 investment into the area and will generate 300 construction jobs (full-time equivalent) annually, earning \$16,716,000, during the construction phase. Indirect impacts include jobs, earnings and spending that are generated in the regional economy as a result of the direct on-site project activity. Indirect (secondary) impacts are typically generated elsewhere in the regional economy at off-site locations. Applying estimated construction costs of approximately \$137,588,540 for The Pointe, the proposed project will increase the total regional output of goods and services by approximately \$268,531,553. Factoring out the initial expenditure, results in a net increase to the regional economy of \$130,943,013, once construction is complete. The investment in on-site construction of The Pointe would also generate an estimated 2,022 secondary jobs and an increase of approximately \$92,404,463 in earnings for the regional economy. Therefore, the Proposed Action is anticipated to have a beneficial impact in terms of construction expenditures.

**Quality of Life Concerns:** The Applicant anticipates and the Lead Agency finds that the record supports that the City of Mount Vernon will benefit greatly from the implementation of the Proposed Action; therefore, no significant adverse impacts on quality of life concerns will occur as a result of the Proposed Action. The Proposed Action will improve the quality of life in the area, as it will create additional housing for residents as well as aid in constructing commercial/retail developments, and generating new jobs and tax revenues.

## **6.8 Municipal Services**

**Police:** Between 2009 to 2011 it was four (4) times more likely that crimes were reported in the Urban Renewal Area as compared to crimes reported Citywide. In 2015, there were six (6) reported incidents on South Fourth Avenue, with five (5) occurring within the Project Site, including two investigations, an attempted robbery, and one count each of petit larceny and a search warrant. However, the redevelopment of the Project Site will contribute to the reduction in the number of crimes reported in this area as the new influx of residents and workers repopulating the area will change the neglected character of the area to a vibrant and safe neighborhood. Despite this, given the large influx of new residents, the Mount Vernon Police Department (DEIS Appendix M) expects that the proposed project will add approximately four-hundred seventy-six (476) calls for service per year (1.3 per day) to the Departments' workload. Additional burdens would be generated by the general increase in traffic and the daytime population in relation to the retail/commercial portion of The Pointe. The elderly population of the proposed project may also generate additional calls for service as will the number of seniors with mental health issues. However, the Police Department's Captain claims that the Department is adequately equipped to handle the Proposed Project. The additional municipal police

expenses would be offset by the estimated annual revenue coming from the proposed PILOT, a portion of which the City could allocate to the Police Department. The Department's facility, located at 236 South Fourth Avenue, is proposed to be displaced by the Proposed Action. The Police Department has indicated that this building is in need of repair and efforts are already underway to locate a suitable replacement facility. The Applicant has proposed to provide the Department with 750 square feet of rent free ground floor space as a satellite precinct. Therefore, the Proposed Action would not have any significant adverse impacts on police protection services.

**Parks and Recreation:** The proposed public open space occupying the Project Site will include attractive landscaping and public seating areas in between Building B and Building C as well as a garden off of the north-west side of Building D. The Acting Commissioner of the Mount Vernon Recreation Department, Darren M. Morton (DEIS Appendix M), anticipates that a needs' assessment will have to be undertaken to evaluate staffing and programming changes once the Proposed Action is completed. This will likely affect budgetary considerations. Nevertheless, the Commissioner of the Department of Recreation welcomes the Proposed Action. Impacts from the Proposed Action on the City's park and recreation facilities and services will be generally beneficial in nature.

**Fire and Emergency Services:** Based on a letter from Ernest J. Richardson, the Acting Commissioner of the Fire Department (DEIS Appendix M), the addition of 350 new high-rise housing units will place a greater demand on the Fire Department's manpower and supplies, as well as substantially increase the demand for emergency medical services. The Department indicated that specialized training will be required to fight fires in the proposed parking garages. Impacts described in the Acting Commissioner's letter cannot all be solely attributed to The Pointe. As indicated in the letter, there are a number of new high-rise buildings and parking garages being proposed or under construction in the City. The demand for new specialized fire and emergency medical services equipment and training, and the funds to cover those demands, should be distributed among the proposed and potential projects. The City may set-aside a portion of The Pointe's proposed PILOT payments to address this demand. Therefore, the Proposed Action would not have any significant adverse impacts on fire protection services.

**Mount Vernon City School District:** In establishing school impacts, two separate scenarios were established: (1) A Worst Case Scenario and (2) A Realistic Scenario. The Worst Case Scenario assumes that all units in the Proposed Action will contribute public school children while the Realistic Scenario assumes that the 84 senior housing/independent living units do not contribute public school children. Utilizing the standard Rutgers multipliers, approximately 133 public school children would be generated by the Proposed Action in a realistic scenario. Of these 133 potential students, approximately 62 percent (83 students) would be enrolled in elementary school (Grades K – 6) while approximately 38 percent (50 students) would be enrolled in middle or high school (Grades 7 – 12). Applying the average generation rate (0.63) for other affordable housing developments in southern Westchester, The Pointe would potentially generate an estimated 168 school students.

As the Project Site is located in proximity to the Edward Williams Elementary School, it is anticipated that the majority of elementary students would attend this school; however, the School District is considering re-districting which may affect the distribution of students to local elementary schools. Currently at 397 students, the Edward Williams Elementary School is running at 59 percent capacity, with an operational capacity of 676 students. Despite the increase in anticipated enrollment, the projected enrollment for Edward Williams Elementary School is anticipated to remain well under a 100 percent enrollment capacity by 2022.

Based on School District correspondence dated May 19, 2016 and July 11, 2016 (DEIS Appendix M), the Mount Vernon City School District established its own, self-serving numbers in estimating future enrollment from the Proposed Action. Utilizing the worst case scenario estimates, the School District established that approximately 521 public school children would result from the Proposed Action. These estimates are based upon the School District's stale and anecdotal data from home visits and do not represent a rigorous analysis of all dwelling units in the City and have been weighted accordingly by the Lead Agency. It is unlikely that the School District's estimate of 521 students will be accurate as: (1) the School District assumptions are skewed assuming that every unit produces the maximum number of school children and does not average across all units, many of which may produce no school children; and (2) due to the nature of affordable housing financing, certification requirements in accordance with affordable housing law will be set in place to help monitor and prevent overcrowding, therefore negating the need to provide inflated numbers for school children estimates.

The DEIS reasonably included a hard-look at the range of annual costs for the "realistic scenario" outlined above. This estimate assumes that all school children generated by The Pointe are integrated into the School District in year one, with costs per student set at the 2014-2015 levels. More realistically, students will be phased in over a number of years as the different stages of The Pointe are completed and occupied, and as young children age into the School District. Based upon the assumptions above, it is estimated that education of the public school students to be generated by the Proposed Action would cost between \$1.7 million and \$4.4 million annually. The Applicant reasonably anticipates that the actual costs to educate the students generated by the Proposed Action will fall toward the lower end of this range. The higher cost estimates are based upon a cost per pupil of \$26,429, which includes a number of district wide expenses that would not necessarily increase with the new public school student enrollment. However, some expenses pertaining to transportation and administration may potentially increase with the additional students. The Applicant anticipates the Proposed Action to have the potential for the above described limited adverse impact on the Mount Vernon City School District. The fiscal burden of educating the public school children to be generated by The Pointe will not be fully offset by the PILOT payments generated by the development project.

In an effort to alleviate a reasonable portion of the financial burden that The Pointe may potentially have on the School District, the Applicant has proposed, as part of its PILOT, that 63.42 percent of all PILOT payments be allocated to the School District (this is in line with established precedent recognized by the Lead Agency to the proportion of total real estate taxes that are ordinarily paid to the school

district). Based upon the preliminary PILOT schedule, The Pointe will generate \$7,747,481 for the School District. These payments are proposed over the course of a projected term of 39 years, with the buildings' 30 year PILOTs phasing in and out during that period, to the incremental increasing financial benefit to the City and School District. In fiscal year 1, from Building A alone, the The Pointe will pay approximately \$106,701 to the School District. The PILOT payments will be phased in as the buildings are occupied. The school children to be generated by The Pointe will also be phased, with some school aged children moving into the building immediately enrolling in the Mount Vernon School District while other children will age into the system subsequently. At fiscal year 1, when only Building A is in occupancy, it is anticipated that The Pointe will be generating only a small portion of the total school children population total estimated above. By year 31 when the PILOT payments hit their peak, and then begin phasing out, it is anticipated that the school children population will have reached stability. With the PILOT provision outlined above, the Proposed Action will not result in a significant adverse impact to the Mount Vernon School District.

**Healthcare:** The Proposed Action is unlikely to create significant adverse impacts with regard to healthcare since the Hospital's annual budgeting process mandates having adequate staff and equipment to support the services it provides. Therefore, the Proposed Action would not have any significant adverse impacts on healthcare services.

## **6.9 Construction Impacts**

Construction related traffic will include delivery and export of construction related materials and debris and the related construction equipment entering and leaving the Project Site. The number of vehicles coming and leaving would depend on the phase of construction, within industry standards. During construction of the proposed project, future residents of Building A and Building B will temporarily utilize phased off-site parking during construction of Buildings C and D (see Section 6.6, Parking, above). Temporary and short term construction related impacts may include localized noise from machinery and construction traffic. Construction activities are not anticipated to have significant impacts on air quality as project construction will not contribute to any addition or elimination of substantial new emission sources. There will be some unavoidable dust related release borne from normal construction activities; however, adherence to local and state regulations will ensure that potential public health impacts will be minimal and properly managed through mandatory implementation of best management practices for dust control and related activities. Additional detail on construction related impacts for each phase of construction will be included in the final Construction Management Plan (CMP) submitted to the Planning Board as required by the Site Plan Approval process and the Mount Vernon Department of Building during the building permit process.

As part of the CMP, the Applicant will develop and implement a Maintenance and Protection of Traffic Plan ("MPTP") for the City to be reviewed and approved by the City and New York State Department of Transportation prior to construction, as specified in the LADA between the Applicant and the City. The CMP will include measures to minimize the adverse effects on nearby businesses, including provisions to ensure that at least one traffic lane and one side-walk or pedestrian walkway is open at all times on

streets where businesses are located, to maintain vehicular and pedestrian traffic flow. The CMP will also require coordination with the Westchester County Department of Transportation regarding temporary bus routes and service during construction as it relates to one way designations and temporary lane closures during construction. Temporary shutdowns (no more than a few minutes at any given time) may be required during rock removal or barrier relocations. With implementation of the measures set forth in the CMP, the Proposed Action would not result in any significant adverse impacts related to project construction.

#### **6.10 Air Quality and Noise**

The Proposed Action will have no significant or substantial impacts on regional or local air quality. The proposed project will have some emissions from gas fuel combustion for domestic hot water and heating boilers, but these emissions will not be any greater than the emissions from similar buildings in the area. Additionally, under the Proposed Action, the growth in vehicle miles traveled will be minimal, as will the impacts on traffic flows during critical time periods.

Roof-top mechanical noise will be limited to the vents that ventilate the residential unit kitchens and bathrooms. Exhaust fans for the individual units will be located inside the ceilings of the kitchens and bathrooms and release air through the vents on the roof. These fans are typical to multi-story residential buildings. The exhaust fans will be low powered due to the small rooms they exhaust and the use of multiple smaller fans as opposed to fewer high-powered fans to perform the same task. Because the fans will be located inside the building, they will not cause any significant external noise. The mechanical equipment on the roof will be enclosed to the extent required to mitigate any noise that could originate from the roof top equipment. The Applicant believes the roof-top mechanical room will have no noise impact. The room contains gas fired boilers for heating and hot water and the low level noise they generate when operating can only be heard within the room. Therefore, the Proposed Action would not result in any significant adverse impacts related to air quality and noise.

#### **6.11 Growth Inducing Impacts**

The DEIS examined the potential impacts of The Pointe development proposal as a continuation of the analysis and actions undertaken and completed by the City Council of the City of Mount Vernon and the City of Mount Vernon Urban Renewal Agency during the study and adoption of the *South Fourth Avenue-East Third Street Urban Renewal Plan* and Implementing Zoning Legislation. The Pointe project is located entirely within the above referenced Urban Renewal Plan and was made part of the analysis of that plan's draft and final generic environmental impact statements reviewed and validly adopted in 2014. The new commercial space and quality commercial tenants will supplement on-going public and private efforts to stabilize and revitalize the South Fourth Avenue commercial corridor. As previously examined in the DGEIS for the *South Fourth Avenue East-Third Street Urban Renewal Plan*, this renewed and reinvigorated commercial attraction with the increase of revenue resulting from the Project's projected economic benefit by the new shoppers and of the desirable added residential density brought to the corridor is anticipated to revitalize the existing commercial spaces north of the Project Site.

Based upon responses received from City and County agencies the infrastructure (water, sewer, solid waste, gas and electric) has excess capacity which could accommodate additional growth, although this would have to be reviewed for each site-specific development. While no significant adverse traffic impacts are anticipated with the build-out of the Proposed Action, additional development along South Fourth Avenue and East/West Third Street might add strain to certain travel corridors and intersections. Potential traffic and parking issues would both need to be reviewed for each site-specific development project in the area to determine its impacts. The City's Department of Public Safety (Police) and the Mount Vernon City School District are reportedly already overburdened; however, as the build-out of the Urban Renewal Area would occur over a period of time, it would allow the Department and School District to gradually increase capacity as needed.

Investment in The Pointe will also have indirect (off-site) impacts on jobs, earnings and spending in the regional economy. It is projected that The Pointe would increase the total regional output of goods and services by approximately \$130,943,013 (net) and an estimated 2,022 secondary jobs and an increase of \$92,404,463 in earnings for the regional economy, once construction is complete.

#### **6.12 Unavoidable and Irreversible Impacts**

For adverse impacts that cannot be avoided: see discussions on brownfields/hazardous waste remediation impacts, impacts to the Mount Vernon City School District and construction impacts above.

For irretrievable and irreversible commitment of resources: see construction impacts, municipal services impacts (particularly for police and fire and emergency services) and impacts to the Mount Vernon City School District above.

### **7. ALTERNATIVES CONSIDERED**

SEQR and its implementing regulations at 6 NYCRR Part 617.9(b)(5)(iii)(v) require the consideration and evaluation of a range of reasonable alternatives to a proposed action that are feasible, considering the objectives and capabilities of the project sponsor (Applicant). The DEIS evaluated the potential environmental impacts associated with the adoption of the Preliminary Development Concept Plan, proposed Zoning Text Amendments and Site Plan Approval of The Pointe. The DEIS alternatives section (DEIS Section 8.0) identified and addressed the potential impacts that would result from the following alternatives:

- 1) No Action Alternative, i.e., continuing the status quo at the Project Site.
- 2) Preferred Alternative: Removal of 10 West Third Street Property.
- 3) Alternative 3: Reduced Size.

The Preferred Alternative has been selected as the Proposed Action for purposes of this Findings Statement as it is, among the four options studied (DEIS Proposed Action, No Action Alternative, Preferred Alternative, and Alternative 3: Reduced Size), the one that best minimizes impacts to the environment, while providing beneficial impacts in terms of enhanced streetscape, continuous streetwall, provision of affordable, housing, senior housing, and commercial space, and significant real property and tax revenues, while also meeting both the City's and Applicant's goals and objectives for the project.

#### **8. FACTS AND CONCLUSIONS RELIED ON TO SUPPORT THE DECISION**

The DEIS and FEIS have fully disclosed all pertinent information in order to arrive at the conclusions presented above. Based upon the foregoing, having considered the relevant environmental impacts, facts and conclusions disclosed in the EIS, having weighed and balanced relevant environmental impacts with social, economic and other considerations; and having set forth the rationale for its decision in the foregoing Findings, the Lead Agency now certifies that the requirements of 6 NYCRR Part 617 have been met and further certifies that, consistent with social, economic and other essential considerations, from among the reasonable alternatives available, the Proposed Action avoids or minimizes adverse environmental impacts to the maximum extent practicable.

#### **9. CERTIFICATION TO APPROVE/FUND/UNDERTAKE**

Having considered the Draft and Final Environmental Impact Statement and having considered the preceding written facts and conclusions relied on to meet the requirements of 6 NYCRR Part 617.11, this Statement of Findings certifies that:

1. The requirements of 6 NYCRR Part 617 have been met; and
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is the one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.
3. (And if applicable) Consistent with the applicable policies of Article 42 of the Executive Law, as implemented by 19 NYCRR Part 600.5, this action will achieve a balance between the protection of the environment and the need to accommodate social and economic considerations.

**Name of Agency**  
City of Mount Vernon City Council

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Signature of Responsible Official

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Name of Responsible Official

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Title of Responsible Official

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Date

**Address of Agency**

City of Mount Vernon City Council  
City Hall  
One Roosevelt Square  
Mount Vernon, NY 10550

Copies of this Findings Statement have been filed with:

- Commissioner, NYSDEC
- NYSDEC, Region 3 Office, New Paltz
- Involved Agencies
- Parties of Interest