

***State Environmental Quality Review Act (SEQRA)  
Findings Statement***

***DOWNTOWN TRANSIT ORIENTED  
ARTS DISTRICT (DTOAD)***

City of Mount Vernon, Westchester County, New York

**SEQRA Lead Agency:**

City of Mount Vernon City Council  
City Hall – One Roosevelt Square  
Mount Vernon, New York 10550

**Date:**

March 12, 2025

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## **1.0 PROJECT DESCRIPTION**

20 S. 2<sup>nd</sup> Square CMV, LLC (the “Applicant”) has filed an application for a zoning text and map amendment to create a new Downtown Transit Oriented Arts District (DTOAD) within the two square block area located between East 1<sup>st</sup> and East 2<sup>nd</sup> Streets and between South 1<sup>st</sup> and South 3<sup>rd</sup> Avenues (the “Rezoning Area”). The Rezoning Area is identified on the City of Mount Vernon Tax Map as Section 165.70, Block 3221, Lots 1, 4, 5, 6, 7, 8, 9, 10, 11, 13, 16, 17, 18, 19, 20, 21, 22, 23, 26, 28, 29, 30, 33, 34, 36, 37, 88, 39 and Section 165.70, Block 3123, Lots 1, 2, 5, 6, 7, 8, 9, 10, 11, 21, 23, 25, 26.

The DTOAD zoning amendment is intended to promote the reuse and redevelopment of sites for an array of uses that will increase economic activity within Downtown Mount Vernon in close proximity to the Mount Vernon East Metro North train station. The DTOAD utilizes the concept of a “form-based code” to establish guidelines for development.

In addition to advancing the petition to establish the DTOAD zoning provisions, the Applicant is proposing the development of a ± 1-acre parcel of land comprised of 4 separate tax lots identified on the City of Mount Vernon Tax Map as Section 165.70, Block 3221, Lots 11, 13, 37 and 39 (the “Development Site”). The Development Site is currently improved with a large asphalt parking lot, a vacant three-story former YMCA building and a community garden. The proposed development consists of a 12-story, approximately 307,932 square foot mixed residential development in 2 buildings, containing 272 mixed-income apartments (57 studios, 139 one-bedroom units and 76 two-bedroom units), ± 15,630 square feet of community space dedicated to youth and the arts (± 4,250 square feet within Building B dedicated to arts programming, ± 4,000 square feet of outdoor courtyard space dedicated to arts programming, ± 7,380 square feet of indoor community space dedicated to youth and community-oriented use, to be programmed in conjunction with the Environmental Leaders of Color (ELOC) within Building A). The building would include rooftop amenities, a fitness center, bicycle storage and lounges. The development would include various green building measures in accordance with Passive House Design and Enterprise Green Communities certification. 59 parking spaces would be provided on-site, and 40 dedicated off-site parking spaces are proposed to be leased from the City (the “Development Project”).

The proposed zoning amendments as well as the Development Project are hereinafter collectively referred to as the “Proposed Action.”

## **2.0 SEQRA REVIEW PROCEDURE**

On December 3, 2021, the Applicant filed the Zoning Petition for a Zoning Map and Text Amendment for the development of the Proposed Action as described herein. At the January 26, 2022 City Council meeting, the City Council declared its intent to serve as Lead Agency under the State Environmental Review Act (“SEQRA”) and to conduct a coordinated environmental review of the Proposed Action, which is classified as a Type I Action. The Notice of Intent to Serve as Lead Agency was circulated to all Involved Agencies in accordance with 6 NYCRR Section 617.6. No objections were received.

On March 9, 2022, the City Council confirmed its Lead Agency designation and adopted a Positive Declaration requiring the preparation of a Draft Generic Environmental Impact Statement (“DGEIS”), and scheduled a public Scoping Session.

The public Scoping Session was conducted on May 11, 2022, and a written comment period was extended to May 25, 2022. The DGEIS Scope was adopted by the City Council serving as Lead Agency on June 22, 2022.

The Applicant submitted a draft DGEIS, prepared in accordance with the adopted Scoping Document, which was the subject of a completeness review by City staff and consultants. The completeness review resulted in comments requiring revisions to the DGEIS. The Applicant then submitted a revised DGEIS, which was reviewed by City staff and consultants, and determined to have addressed all of the completeness comments, and was found to be in a form suitable for acceptance by the Lead Agency.

On June 28, 2023, the Lead Agency accepted the DGEIS as complete, and scheduled a public hearing for August 9, 2023. The DGEIS was circulated to all Involved Agencies and publication of notice of its acceptance by the Lead Agency was duly published in the Environmental Notice Bulletin (“ENB”).

The public hearing on the DGEIS was held on August 9, 2023, at which time all those wishing to comment on the Proposed Action were afforded an opportunity to be heard. The public hearing was continued to December 13, 2023 at which time the Lead Agency closed the verbal portion of the public hearing, and established a written comment period to December 27, 2023.

The Applicant submitted a draft FGEIS, which responded to all comments received during the public hearing, as well as all written comments received from the public and all Involved and Interested Agencies, which was the subject of a completeness review by City staff and consultants. A completeness review resulted in comments requiring revisions to the FGEIS. The Applicant subsequently revised and resubmitted the FGEIS, which was reviewed by City staff and consultants, and determined to have addressed all of the completeness comments, and was found to be in a form suitable for acceptance by the Lead Agency.

On January 8, 2025 the Lead Agency accepted the FGEIS as complete. The FGEIS was circulated to all Involved Agencies and publication of notice of its acceptance by the Planning Board was duly published in the ENB.

Even though SEQRA does not require a public hearing on the FGEIS, the City Council determined to hold a public hearing. The public hearing on the FGEIS was held on February 11, 2025, at which time all those wishing to comment on the Proposed Action were afforded an opportunity to be heard. The FGEIS public hearing was held jointly with the public hearing on the Zoning Petition.

### **3.0 REQUIRED PERMITS & APPROVALS**

The following lists all Involved and Interested Agencies, and the action required of each.

- Mount Vernon City Council – Adoption of DTOAD Zoning and Off-Site Parking Lease Agreement
- Mount Vernon Planning Board – Site Plan Approval
- Mount Vernon Architectural Review Board – Referral
- Mount Vernon Department of Buildings – Zoning Compliance Review
- Mount Vernon Department of Planning & Community Development – Consultation, including regarding the Comprehensive Plan
- Mount Vernon Corporation Counsel - Referral
- Mount Vernon Department of Public Works – Street Opening Permits
- Mount Vernon Police Department – Consultation
- Mount Vernon Fire Department – Consultation
- Mount Vernon Emergency Management Office – Consultation
- Mount Vernon School District – Consultation
- Mount Vernon Industrial Development Agency – Potential IDA Benefits
- Westchester County Planning Board – 239-l and 239 m referrals
- Westchester County Department of Health – Approval for sewer and water
- NYS Department of Environmental Conservation – SEQRA
- NYS Department of Transportation – Referral
- NYS Department of Parks Recreation and Historic Preservation – Review under SEQRA
- Metropolitan Transportation Authority, Metro-North - Referral

#### **4.0 FINDINGS CONCERNING ENVIRONMENTAL IMPACTS**

The DGEIS and FGEIS include an environmental evaluation of the following resource issues:

- Land Use, Zoning & Public Policy
- Urban Design and Visual Character
- Historic and Archaeological Resources
- Natural Resources
- Hazardous Materials
- Infrastructure
- Transportation, Traffic & Parking
- Air Quality & Noise
- Economic Development
- Municipal Services
- Green Building & Sustainability
- Construction

#### **4.1 LAND USE, ZONING & PUBLIC POLICY:**

##### ***Land Use:***

The 9.40± acre Rezoning Area contains a variety of uses including multifamily residential, municipal, commercial, and industrial. Community and institutional uses include the City of Mount Vernon Public Library, VFW Hall, and several churches. Commercial uses are mostly located along the frontage of East 1st Street. Specifically, these commercial uses consist of local retail such as hair and beauty salons, copy stores, banks, bakeries, locksmiths, dental offices, shoe repair stores, fuel companies, and a funeral home. Approximately 10%, of the uses in the Rezoning Area are vacant.

Multifamily residential uses within the Rezoning Area are located along both sides of South 2nd Avenue. Parking lots are a dominant use, supporting both private and public uses within the two-block area.

A Land Use Study Area extends ¼ mile around the Rezoning Area and includes institutional and public assembly; office and research; commercial and retail; residential; mixed use; manufacturing, industrial and warehousing; and vacant property.

The Proposed Action seeks to establish the Downtown Transit Oriented Arts District (DTOAD) to promote the reuse and redevelopment of sites for mixed uses that will increase the economic activity within downtown Mount Vernon, while increasing housing options. The DTOAD zoning district provides for a diverse array of uses (residential, institutional, commercial, community facilities) in a compatible manner, oriented around the Mount Vernon East Metro-North train station.

The Proposed Action would change the use on the Development Site from a vacant former community facility to a 12-story mixed-use residential development with community uses (dedicated to youth and the arts) and parking space on the ground floor. Although the Proposed Action would result in a change in use, the proposed development would maintain a community facility use on the Development Site and be compatible with mixed uses in the Land Use Study Area specifically to the north and west of the Development Site. Additionally, the Proposed Action would promote the City's goals of encouraging transit-oriented development and follows the trend towards higher density mixed-use development.

**Zoning:**

All parcels in the Development Site are currently zoned in the Downtown Business (DB) District. This district permits a wide variety of retail, office and service businesses. The larger two-block area within the Rezoning Area is split between the Downtown Business (DB) District to the north, and the Multi-Family RMF-10 District to the south, which primarily permits multi-family residential uses.

The Proposed Action replaces defined portions of the DB and RMF-10 zoning districts with the new DTOAD District. The DTOAD zone utilizes the concept of a form-based code to set guidelines for development. A form-based code creates a predictable public realm by establishing guidelines and regulations that focus primarily on the physical form of the environment, with a lesser focus on specific land-use requirements. The DTOAD addresses the relationships between building facades and the public realm, the form and mass of buildings in relation to one another and the pedestrian environment, and the scale and types of streets and blocks. This is in contrast to conventional zoning's focus on the management and segregation of land uses. The Proposed Action to establish the

DTOAD would have more beneficial impacts on zoning and the potential development that could occur than the traditional zoning that exists today which results in segregated land uses and a dependence on vehicles instead utilizing the public transit options that exist within the Rezoning Area. Furthermore, the Proposed Action would promote the City's goals of encouraging transit-oriented mixed development and follows the trend towards higher density mixed-use development.

The DTOAD permits a wider variety of uses than does the existing zoning regulations and includes an expanded array of zoning bulk, mass, height and dimensional controls are specifically designed to facilitate development that is consistent with the vision for the area as established in the Comprehensive Plan's Downtown Vision Report.

**Public Policy:**

The relevant public policy documents that relate to land use and zoning include the City of Mount Vernon Comprehensive Plan, *Envision Mount Vernon* which is currently underway, the *City of Mount Vernon 2011 Draft Comprehensive Plan*, the County's *Westchester 2025 Land Use in Westchester* and *Patterns for Westchester* reports and the Regional Plan Association (RPA)'s *Fourth Regional Plan*.

The first phase of the ongoing *Envision Mount Vernon Comprehensive Plan - Downtown Vision Report*, that was adopted in January of 2024, includes specific use and density guidelines, which the Proposed Action complies with. The Proposed Action also fulfills the themes outlined in the 2011 Draft Comprehensive Plan, including the principles of transit-oriented development, sustainable investments, employment generation and rezoning. The Proposed Action is also consistent with specific policies of *Patterns and Westchester 2025*. More broadly, the Proposed Action is also consistent with the RPA's *Fourth Regional Plan*.

***FINDING.*** *The Lead Agency finds that the Proposed Action is consistent with the land use character of the neighborhoods in the vicinity of the Rezoning Area. The Development Project fully complies with the applicable DTOAD regulations, including height, with the full three-story affordable housing height incentive, front, side and rear setbacks, FAR, and any other bulk regulation, which, because they are form-based, precisely embed the establishment of appropriate land use and community character features in the zoning requirements themselves. The Proposed Action is consistent with the applicable public policy documents, including the use and density guidelines adopted in Envision Mount Vernon's phase 1 Downtown Vision Report. ~~Petitioner shall cooperate and consult with the City with respect to programming the community space dedicated to youth and the arts within the Development Project, including, but not limited to, by informing the City periodically about such programming, and accommodating any City recommendations as reasonably appropriate, provided that Petitioner shall make the final determination with respect to such programming.~~*

~~*During the phased construction of the Project, Petitioner shall incorporate arts programming quarterly in the indoor community space in Building A on a temporary basis until the dedicated arts space in Building B and the outdoor courtyard space is completed. Petitioner shall maintain detailed records of such interim arts*~~

~~programming and submit quarterly reports to the Council, or at other such times as the Council reasonably requests, containing sufficient detail to demonstrate compliance with this condition. Such details shall include, without limitation, information about the nature of the arts program, when the arts programming was held, its duration, and the approximate number of artists and other participants. In the event the Council determines in writing that Petitioner is not in compliance with this condition, then Petitioner shall not be entitled to receive a Building Permit for Building B, or a Stop Work Order shall be issued if construction of Building B already commenced, until such non-compliance is remedied to the reasonable satisfaction of the City Council (and in each such instance, the City Council shall notify the Buildings Department accordingly).~~

During the phased construction of the Development Project, the Applicant, through the Building A community facility operator, shall incorporate interim arts programming in Building A, until such time that Building B is completed, as set forth in Article H(2)(c)[2] of the DTOAD Zoning Ordinance.

*The Lead Agency finds that subject to the conditions and mitigation measures described herein, no significant adverse zoning, land use or public policy impacts will result from the Proposed Action.*

## **4.2 URBAN DESIGN AND VISUAL CHARACTER**

The Development Site is currently improved with three-story brick former YMCA building which is setback from the street along South 2nd Avenue. Behind the former YMCA building is a vacant three-story addition with a brick facade and a flat roof located on South 3rd Avenue. The majority of the Development Site is a large asphalt parking area which can be accessed from South 2nd Street and from South 3rd Street via a walkway. A portion of the parking area contains a playground which is overgrown with vegetation. In front of the three-story building is a vacant lot that is used as a community garden that is accessible from the street.

The Development Site is located within the 9.40± acre Rezoning Area. Most of the streets within the Rezoning Area are aligned along a typical street grid, but the Metro-North Railroad interrupts this pattern and forms a transportation corridor along 1st Street directly north of the Study Area. This alignment produces irregularly shaped blocks on either side of the railroad tracks. Buildings within the Rezoning Area exhibit a diverse assortment of shapes and forms, which closely correlate to land use. Land uses within the Study Area are primarily commercial buildings (which include two-story mixed-use buildings with ground floor retail), institutional buildings, and multifamily apartments.

The DTOAD zoning provisions include required detailed design guidelines promulgated under the new form-based zoning. These guidelines range from building-specific details for building materials and ground floor facades to signage and awnings, site lighting, activation of the streetscape, open spaces and the use of green building design elements. These components aim to ensure that new development achieves the design goals of the City while improving the pedestrian experience and activating the public realm surrounding individual buildings. Development within the Rezoning Area facilitated by

the DTOAD zoning provisions would result in changes to visual character through increased height and bulk and the introduction of new building types. The composition of new buildings and their relationship to surrounding built context and site design will create an appropriate and engaging urban fabric that would provide significant improvements to the overall urban design character of the Rezoning Area.

The Development Project would consist of two 12-story mixed-use buildings, which are anticipated to be financed and constructed in two phases. The buildings feature light to medium grey-toned façades composed primarily of two-tone bricks. The buildings will have frontage along South 2nd Avenue and South 3rd Avenue. They will be built along the lot line to provide a continuous street wall in context with the surrounding buildings. The first floor of the buildings would feature large windows to create transparency and activation of street frontage along South 2nd Avenue. An exterior courtyard on the first floor could be accessed from within the 3rd Avenue (Phase 2) building and would be available to the public for arts-oriented and community uses.

The Development Project would be visible from aesthetic and historic resources including the United States Post Office, the Mount Vernon Public Library, Mount Vernon Calvary Apostolic Church, and 39 South 3rd Avenue. The Development Project would not adversely impact these resources, nor would it introduce a substantially new building type to the area or introduce building massing that is substantially taller in height than existing surrounding buildings or uncharacteristic in a TOD location in close proximity to a train station. Future development in accordance with the DTOAD zoning would create incremental shadows during various periods of the year and hours of the day, however all designated aesthetic and historic resources would receive periods uninterrupted sunlight during all days of the year.

***FINDING.*** *The Lead Agency finds that the Proposed Action will result in a change to the visual character of the Rezoning Area and Development Site, however, it will not result in any significant adverse impacts to public viewsheds or visual resources. Redevelopment in accordance with the DTOAD form-based design guidelines will activate and revitalize the Rezoning Area consistent with the Downtown Vision Report. Infill development would incorporate building forms and various design elements that would be consistent with and improve upon the design character in the Rezoning Area and create an improved urban fabric. The Lead Agency finds that the Proposed Action will not result in significant adverse visual or community character impacts.*

#### **4.3 HISTORIC AND ARCHAEOLOGICAL RESOURCES:**

Three designated historic resources are present within the Rezoning Area; 39 South 3rd Avenue, the Mount Vernon Calvary Apostolic Church and the Mount Vernon Public Library. The Rezoning Area is not located within a designated archaeologically sensitive area.

The only potential impact on the historic resources resulting from the Proposed Action are the incremental shadows cast from new buildings during various periods of the year and hours of the day. No publicly identified viewsheds would be obstructed by new development facilitated by the DTOAD. The New York State Historic Preservation Office (SHPO) stated in correspondence dated August 22, 2022 that “the proposed demolition

of 20 South 2nd Avenue and development of the new mixed-use residential building complex, as described, will have No Adverse Effect on historic or archeological resources”

***FINDING.*** *The Lead Agency finds that the Proposed Action will not result in any significant adverse impacts to historic or archaeological resources.*

#### **4.4 NATURAL RESOURCES**

The Rezoning Area is a developed urban neighborhood composed of buildings of various sizes and heights, paved parking areas and associated improvements that are characteristic of urban areas. There are no areas of open space, or large vegetated areas within the Rezoning Area. A few trees are present in isolated areas between individual lots and a small number of street trees exist along South 2<sup>nd</sup> and 3<sup>rd</sup> Avenues. The Development Site contains a small community garden.

The area is underlain by the Manhattan Prong physiographic province, Urban Land (Uf) soils and exhibits gently sloping topography, with slopes <10%. There are no surface waters, significant natural communities, or rare plants or animals located within the Rezoning Area.

Specific impacts to natural resources resulting from the Development Project include the excavation of approximately 14,000 cubic yards of material, the removal of 5 non-specimen trees, and the removal of the community garden.

***FINDING.*** *The Lead Agency finds that because there are no environmentally significant natural resources in the Rezoning Area, the Proposed Action will not result in any significant adverse impacts.*

#### **4.5 HAZARDOUS MATERIALS**

The land use within the Rezoning Area evolved from a predominantly residential area, to an area that supported more commercial, public and quasi-public uses. The Phase I Environmental Site Assessment (ESA) conducted for the Proposed Action revealed that the primary source of hazardous materials in the area are underground and aboveground fuel oil storage tanks. Several oil spills and remediation clean-ups have been identified in the database searches. A 40-gallon spill of No. 2 fuel oil was reported in the basement of the YMCA building on the Development Site in 2012. This spill was reportedly remediated and the aboveground storage tank was removed from the site, but the NYSDEC still identifies this spill as “active” so it remains identified as a Recognized Environmental Condition.

On development sites within the Rezoning Area identified with potential subsurface contamination from hazardous materials such as fuel oil, construction activity involving soil disturbance may create or increase pathways for exposure to potential subsurface impacts. In the case of hazardous building materials located within existing buildings that would be demolished to accommodate new development, materials such as asbestos, PCBs, and lead would be remediated as part of standard redevelopment practices. Therefore, development resulting from the Proposed Action would be largely mitigated or

avoided altogether. For all development, investigation, mitigation, and remediation of any hazardous materials under the Proposed Action would be completed in a safe, and comprehensive manner in accordance with all applicable Federal, State, County, and City regulations and requirements.

In addition to the Phase I ESA, a Phase II Site Subsurface Investigation was conducted for the Development Site. This investigation found that former building foundations, underground storage tanks, and a potential vapor encroachment condition resulting from a printing facility that formerly occupied the site, may be present. Further investigation of geophysical, soil, soil vapor, and groundwater concluded that environmental health screening thresholds were not exceeded and no further evaluation is necessary.

During project development, any contamination of the existing urban soil fill would be evaluated, and if found necessary, appropriately transported and disposed of/recycled in accordance with all applicable requirements. Regulatory requirements relating to hazardous building materials, such as asbestos and lead based paint would be followed as part of standard redevelopment practices.

***FINDING.*** *The Lead Agency finds that subject to the mitigation measures described above, the Proposed Action will not result in any significant adverse hazardous material impacts.*

#### **4.6 INFRASTRUCTURE**

##### ***Water Supply:***

The Rezoning Area is located within the City of Mount Vernon's Water District. 8" water lines are located in both S. 2<sup>nd</sup> and S. 3<sup>rd</sup> Avenues. The projected build-out of the Rezoning Area pursuant to the DTOAD zoning provisions is 1,224 residential units and 48,992 square feet of non-residential space. Based on this scenario the estimated daily water demand is 191,070 gpd for the residential units and 4,991 gpd for the retail/community facility space, for a total of 196,061 gpd. Additionally, the water flow to the fire pumps for the projected full-build out will be 1,000 gallons per minute (gpm) per building.

It is anticipated that adequate capacity exists to supply water to new development within the Rezoning Area. During the site plan review stage for each development project, the City's Water Department will review the water supply and availability and will address any required mitigation measures. Fire flow tests have been performed in the vicinity of the Development Site, and were found to have adequate pressure.

If the City finds there is insufficient water capacity, the required water system upgrades to support the development would be done at the cost to the developer. Additionally, to potentially reduce water consumption, the following mitigation measures shall be incorporated as appropriate by the Planning Board during site plan reviews for each development project, including, but not limited to:

- Installing low flow appliances and fixtures;
- Planting of native vegetation that demands less water in landscape design;
- Use of irrigation systems that automatically shut down during rain;
- Rainwater reuse for non-potable use.

***Sanitary Sewage:***

The Rezoning Area is located within the Hutchinson Sewer District and is served by the Westchester County Yonkers Joint Wastewater Treatment Plant facility. The City of Mount Vernon Bureau of Sewers Stormwater Management maintains and repairs the sewer system, which in the vicinity of the Rezoning Area consists of 8” sewer mains located in both S. 2<sup>nd</sup> and S. 3<sup>rd</sup> Avenues.

Sewer flow analysis was conducted to determine the capacity and durability of the 2nd and 3rd Avenue sewer mains, which included flow monitoring and video inspection. It was determined that existing sanitary sewer facilities appear to be in fair to poor condition in limited sections, with some partial blockages. In order for the existing sewer system to provide full capacity, the blockages will have to be cleared, in accordance with the requirements of with the Bureau of Sewers Stormwater Management.

The projected build-out for the Rezoning Area including four soft sites in addition to the Development Site, estimated a daily sewer demand of 191,070 gpd for the residential units and 4,991 gpd for the non-residential space, for a total of 196,061 gpd.

Subject to clearing the existing blockages in the sewer lines, it is anticipated that adequate capacity exists to accommodate the sewage generated from new development within the Rezoning Area. During the site plan review stage for each development project, the City will review the capability of the sewer system to accommodate the sewage volume generated and address any required mitigation measures.

As a required mitigation measure, development projects shall be required to utilize low-flow toilets and water fixtures.

Additionally, consistent with Westchester County guidelines, sanitary sewer discharge shall be mitigated by providing system improvements to mitigate inflow and infiltration (I&I) with a target ratio of 3:1 for market rate projects and 1:1 for affordable housing projects.

***Stormwater Management:***

The Rezoning Area lies within the Hutchinson River Drainage Basin. There does not appear to be any stormwater infrastructure located within South 1st Avenue, South 2nd Avenue, or South 3rd Avenue. There appears to be catch basins located at the intersections with East 1st Street and East 2nd Street.

The City of Mount Vernon is a regulated land use control Municipal Separate Stormwater Sewer System (MS4), which means the City is responsible for regulating stormwater runoff and monitoring stormwater outfalls within the municipality.

Based on FEMA mapping, the Rezoning Area has been identified as located in Zone X, identified as “areas determined to be outside of the 0.2% annual chance floodplain.” No flooding concerns exist. The land coverage within the Rezoning Area almost entirely consists of impervious surfaces, including parking areas and buildings, with limited or no pervious coverage and landscape areas.

Stormwater peak runoff rates from new development permitted pursuant to the DTOAD zoning must not exceed those in the existing condition, per local and state stormwater regulations. As a result, stormwater runoff rates following development of the Study Sites would have no adverse impacts on downstream properties or stormwater conveying systems. Similarly, considering the nature of the existing Rezoning Area conditions and the level of stormwater treatment that would be required in the post-development condition, it is anticipated that the Proposed Action would not have a negative impact on stormwater quantity or degradation in the quality to any reservoir, stream, wetlands or watercourses, and would in fact improve conditions.

**Gas and Electric:**

Con Edison provides the electric and gas service for the Rezoning Area. Overhead wires providing electric service are present on all streets within the Study Area, except East 1st Street. It is anticipated that there is underground electric service within East 1st Street.

It is anticipated that adequate capacity exists to supply gas and electric services to new development within the Rezoning Area. All future developments will need to go through the site plan approval process, which includes a review of gas and electric supply availability by Con Edison.

**Solid Waste:**

The City of Mount Vernon Bureau of Sanitation which operates under the Public Works Department (DPW) collects residential solid waste and recycling only. Commercial solid waste and recycling services are provided by private carting companies. Municipal solid waste is transported to the Charles Point Waste-to-Energy Facility in Peekskill, which is operated by Wheelabrator Westchester LP.

The projected build-out for the Rezoning Area will place an increased demand on solid waste removal and recycling services. A total of 22.59 tons per week would be generated by new redevelopment. New development that may occur in the Rezoning Area would involve the construction of already developed properties. Therefore, the 22.59 tons of solid waste would be proportionally reduced by the amount of existing solid waste already being generated. The net number is anticipated to be significantly lower. Furthermore, City-wide, Mount Vernon currently recycles 39 percent of its waste. Utilizing that same ratio in the Rezoning Area, the volume of solid waste would be reduced by 8.81 tons/week to account for recycling, resulting in a solid waste generation of 13.77 tons per week.

***FINDING.*** *The Lead Agency finds that the Proposed Action will result in increased demands on infrastructure resources. The Lead Agency concludes that adequate capacities exist within the existing utility networks to accommodate the Proposed Action, however, various upgrades, improvements and mitigation measures as identified above will be necessary to ensure that the cumulative impact of development related activities does not result in any significant adverse impacts.*

*The Planning Board shall require the appropriate measures needed for each development project during their individual site plan reviews.*

#### **4.7 TRANSPORTATION, TRAFFIC & PARKING**

The Traffic Study prepared for the Proposed Action evaluated traffic operating conditions on East 1<sup>st</sup> Street, East 2<sup>nd</sup> Street, South 2<sup>nd</sup> Avenue, South 3<sup>rd</sup> Avenue and their associated intersections. East 1<sup>st</sup> street carries an average daily weekday traffic volume of 8,309 vehicles, while East 2<sup>nd</sup> Street carries an average daily weekday traffic volume of 3,165 vehicles, and all associated intersections currently operate at levels-of-service A or B.

The Development Project is anticipated to generate a total of 67 AM peak hour vehicle trips and 82 PM peak hour vehicle trips (both entering and exiting). The vehicle trips generated from the four soft sites in the Rezoning Area are projected to generate 234 AM peak hour trips and 367 PM peak hour tips. The cumulative number of anticipated vehicle trips is 301 AM peak hour trips and 449 PM peak hour trips. The traffic study concluded that the Proposed Action would not result in any significant deterioration of intersection levels-of-service, which in all cases would continue to operate at LOS A or B. To further facilitate multimodal transportation options, the Development Project includes a spacious secure bike storage room.

A fundamental component of the DTOAD is its proximity to the Mount Vernon East Metro North train station and an existing robust public transit network. This proximity allows for the traffic analysis to utilize a 30% transit credit.

With respect to parking, the proposed DTOAD zoning text parking regulations require a parking ratio of 0.4 spaces/unit for studios, one-bedroom units, and two-bedroom units, and 0.7 spaces/unit for three-bedroom units. These ratios are consistent with the parking regulation recommendations in the City's Downtown Vision Report.

In addition, the off-street parking reduction options have also been streamlined to permit four methods for achieving a reduction in parking requirements, including the following: utilization of alternative off-site parking facilities; provision of shared vehicle parking such as Zipcar or similar shared vehicle program; utilization of a Payment in Lieu of Parking; and provision of live/work space.

The Development Site would provide 59 parking spaces on-site, 40 parking spaces off-site within the City-owned parking lot located at the corner of Prospect Avenue and North 3rd Avenue (leased from the City at a cost of \$1,000 per space per year), and 10 parking spaces through the Payment in Lieu of Parking (PILOP) provisions within the DTOAD zoning text. The \$200,000 generated through the PILOP (\$20,000/space) would be used to fund capital improvements at the City-owned parking lot located at the corner of Prospect Avenue and North 3rd Avenue.

Prior to the issuance of a Building Permit for the Development Project, the Applicant and City shall enter into an Off-Site Parking Lease Agreement governing the off-site spaces and PILOP. The lease payments for the off-site parking spaces shall commence upon the issuance of a Certificate of Occupancy for a residential unit(s) that needs such spaces to comply with the DTOAD parking requirements. The Agreement shall be consistent with the terms in the FGEIS and SEQRA Findings Statement, and subject to the satisfaction of Corporation Counsel and the City Council's special counsel.

***FINDING.*** *The Lead Agency finds that the Proposed Action will result in increased traffic generation. However, the transit-oriented nature of the DTOAD will reduce traffic attributable to individual vehicle trips. The existing roadway network surrounding the Rezoning Area handles a large volume of traffic and its intersections operate at good levels-of-service with limited delays. The addition of traffic generated from the Proposed Action will not appreciably deteriorate intersection levels-of-service or delay times. It can therefore be concluded that the Proposed Action will not result in significant adverse traffic impacts. The Lead Agency further finds that the parking requirements established for the DTOAD appropriately reflect the transit-oriented characteristics of the Rezoning Area, and that the parking program proposed at the Development Site satisfactorily meets the parking demand and DTOAD zoning requirement for the Development Project. No significant adverse parking impacts will result from the Proposed Action.*

#### **4.8 AIR QUALITY & NOISE**

##### ***Air Quality:***

The National Ambient Air Quality Standards (NAAQS) establish 6 criteria pollutants that are continuously monitored for each state. The Rezoning Area is located in Westchester County, which is designated as a moderate non-attainment area for the 2015 8-hour ozone standard and a serious non-attainment area for the 2008 ozone standard as part of the larger New York-Northern New Jersey-Long Island, NY-NJ-CT metropolitan area. The County has been designated a maintenance area for CO as of May 20, 2002, and PM<sub>2.5</sub> (for the 2006 standard) as of April 18, 2014, also as a part of the large metropolitan area. Westchester County is in attainment for all remaining criteria pollutants (PM<sub>10</sub>, Pb, NO<sub>2</sub>, and SO<sub>2</sub>).

Development in accordance with the DTOAD zoning provisions would result in potential emissions from HVAC and hot water systems, and potential emissions from generated vehicular trips. There is also a potential for the temporary construction emissions, emissions of greenhouse gases from the Proposed Action and potential impacts of the nearby railroad on the Proposed Action.

Reliance on electrical HVAC equipment, proximity to various transit facilities, the lack of traffic modelling exceedances (and associated CO emissions) will reduce potential air quality impacts.

While the Proposed Action will not result in significant air quality impacts, several features can reduce the air quality impacts even further, as proposed for the Development Project; including:

- The bike storage provided for 10 percent of the dwelling units would additionally reduce auto trips and therefore vehicular emissions.
- A car share facility would also reduce auto trips and their emissions.
- A car charging station(s) in the parking facility would allow residents to use electric vehicles, thereby reducing fossil fuel combustion emissions.

Construction within the Rezoning Area shall incorporate mitigation measures to reduce emissions during construction; including:

- Dust control. NY State Standards and Specifications for Erosion and Sediment Control for construction areas require stabilization of non-driving areas and sprinkling, covering, or/and installing barriers along driving areas during construction in order to prevent dust from becoming airborne.
- Clean Fuel. Ultra-low sulfur diesel (ULSD) would be used exclusively for diesel engines related to construction activities. This is a federal requirement since 2010 that enables the use of tailpipe reduction technologies that reduce diesel particulate matter and SO<sub>2</sub> emissions.
- Diesel Equipment Reduction. Hoists and small equipment, such as lifts, compressors, welders, and pumps are likely to use electric engines that operate on grid power instead of diesel power engines to the extent practical. This is a common practice that has been achieving wider use as technology improves.
- Restrictions on Vehicle Idling. 6 NYCRR 217-3 enforced by NYS DEC prohibits diesel and non-diesel vehicles of class two or heavier from idling for more than five minutes at a time. On-site vehicle idle time would be restricted for all equipment and vehicles that are not using their engines to operate a loading, unloading, or processing device (e.g., concrete mixing trucks) or otherwise required for the proper operation of the engine.
- Given the construction timeframe, equipment meeting Tier 4 standards for diesel engines (model years 2011/12 and beyond) would be expected to be in wide use and comprise the majority of contractors' fleet. If contractors choose to use older diesel equipment, it is expected that the use of diesel particulate filters (DPF) in Tier 3 emission standard for diesel engines (model years 2006-2011 for engine sizes between 100 and 600 hp) will be prevalent. Tier 3 with DPF achieves the same particulate matter emission reductions as a newer Tier 4 emission standard for diesel engines. The combination of Tier 4 and Tier 3 engines with DPF would achieve diesel particulate matter reductions of approximately 90 percent when compared to older uncontrolled engines.
- Construction demolition will be undertaken with a waste management program implemented.
- The proposed construction would likely have much smaller emissions from the employee trips because of the proximity to the public transportation.

In addition to the measures listed above construction traffic emissions can be further reduced by choosing to use local sources of construction materials and local area of waste disposal to reduce vehicle trips.

**Noise:**

The properties within the Rezoning Area include residences, a library, places of worship, and industrial land uses. Residential land uses within the Rezoning Area include multifamily residences along South 2nd Avenue and South 3rd Avenue. The New Life Baptist Church and the Mount Calvary CME Church are located to the north and south of the Development Site. The Mount Vernon Public Library is located approximately 50 feet south across South 2nd Avenue. These uses are considered sensitive receptors. Commercial and industrial uses generally operate during the daytime and are less sensitive to noise and vibration.

Noise measurements taken at representative noise-sensitive receptors surrounding the Rezoning Area indicate that Leq sound levels ranged from 58.5 to 66.7 dBA during the morning peak period, 58.8 to 68.0 dBA during the afternoon peak period. The loudest location was at the East 1st Street between South 1st Avenue and South 2nd Avenue and the intersection of South 3rd Avenue and East 2nd Street, both were primarily dominated by traffic noise, and existing noise levels at both of these two locations exceed the noise limitations presented in the City of Mount Vernon Noise Ordinance.

The Proposed Action would result in new sources of noise that may affect existing receptors in the study area. Operational sources of noise associated with the Proposed Action primarily include rooftop heating, ventilation, and air conditioning (HVAC) mechanical equipment. Details of the HVAC systems for the Proposed Action are still preliminary and would be developed throughout the design process of Proposed Action. However, the HVAC systems would need to comply with the City Noise Code (178-4.8) air-conditioning and air-handling devices.

The Proposed Action has the potential to increase mobile source noise associated with vehicle trips generated by the implementation of the Proposed Action. Changes in noise associated with roadway traffic is generally correlated to roadway volumes. At the four area intersections, traffic noise would increase by up to 0.1 dBA in the No-Action condition compared to the Existing condition, by up to 0.7 dBA in the With-Action condition compared to the No-Action condition, and by up to 0.8 dBA in the With-Action condition compared to the Existing condition. Since traffic noise levels would not increase by more than 10 dBA at any locations in With-Action condition compared to the No-Action condition, there would not be a significant adverse traffic noise impact at any existing receptors.

***FINDING.*** *The Lead Agency finds that the Proposed Action will not result in any long-term air quality or noise impacts. Short term, temporary construction related impacts shall be mitigated as described above, and will terminate upon completion of the construction of the Proposed Action. No significant adverse impacts will result.*

## **4.9 ECONOMIC DEVELOPMENT**

The Development Project would result in 272 new housing units, an increase of 0.89% housing units in the City of Mount Vernon. This would result in an increase in population of 479 or 0.67%.

The projected maximum build out of the soft sites in the Rezoning Area could add approximately 952 additional housing units with an estimated population of 1,554. Combined this results in 1,224 residential units, an increase of approximately 4.0% housing units in the City and a projected population of 2,033, which is an increase of 2.8% over the 2023 population.

These additional residential units in the Development Project would generate approximately 42 school-aged children, while the projected build out of the soft sites in the Rezoning Area would generate approximately 182 school-aged children. The total costs to educate students in the Mount Vernon City School District in academic year 2022.2023 was \$34,429. Deducting fixed costs, the actual educational costs were \$23,657.

Approximately 52 percent of the per pupil cost is paid by local tax levy; the remainder of the budget comes from the State and other sources. Therefore, the per pupil program costs paid by local tax levy is \$12,302. The cost to educate the 42 public school students projected from the Development Project would be an additional \$516,684 per year. Following this same methodology, the cost to educate the 182 public school students projected from the soft sites within the Rezoning Area would be an additional \$2,238,964 per year.

It is estimated that real property taxes for the Development Project without a PILOT would be approximately \$979,224. The actual property taxes to be generated by full build-out of the soft sites in the Rezoning Area would depend on the final rent structure for each site, but for purposes of this SEQR analysis, assumptions have been made that real property taxes would be approximately \$3.18/GSF/year for a total revenue of roughly \$4.1 million. The total estimated property taxes to be generated under the Proposed Action, including school district taxes, is \$4,933,628. Based on the cost to the taxing jurisdictions the net annual benefit to the taxing jurisdictions would be \$527,543.

Based on the net property tax levy and the total estimated population, the net property tax levy per capita is \$868.37, not including the tax levy for the Mount Vernon City School District. Applying the per capita net property tax levy to the projected Development Site population of 479, results in an estimated property tax levy to the City of Mount Vernon of \$415,949 annually. Applying the per capita net property tax levy to the projected site population from the soft sites in the rezoning Area of 1,554, results in an estimated property tax levy to the City of Mount Vernon as \$1,349,447 annually.

Solely for the purposes of recognizing additional financial investments into community benefits made by the Development Project and to achieve the tax certainty necessary to ensure the project's long-term feasibility, the Project Applicant will seek to enter into a payment in lieu of taxes (PILOT) agreement with the Mount Vernon Industrial Development Agency (IDA) for this project. While the granting of a PILOT or any other financial assistance is not within the City Council's purview, the Council, as Lead Agency,

required the Applicant to estimate for SEQRA purposes an estimated PILOT amount. The Applicant estimated \$500,000, adjusted annually as rents increase, subject to IDA review and approval.

It is anticipated that the Proposed Action would create secondary economic impacts including the increased use of local businesses from residents and workers on the site. Additionally, new neighborhood retail space in the soft sites within the rezoning Area will generate sales taxes for the City of Mount Vernon, estimated to be in the range of \$284,390 annually.

The Development Site currently contains a vacant City-owned building, and City-owned parking lot and a vacant lot being used as a community garden, and does not generate any property tax revenue to the City. Therefore, no business or residential displacement will result from its redevelopment. Business or residential displacement could occur on one or more of the soft sites evaluated within the Rezoning Area if they are redeveloped as a result of the proposed rezoning. This redevelopment would consist of a mix of higher density residential uses and retail or community facility space. This redevelopment would offset any displacement with a net increase in jobs from new business and retail space and a net increase in new housing stock in Downtown Mount Vernon.

Mitigation measures to address displacement caused by redevelopment require a multifaceted approach involving policies, community engagement, and urban planning. Specific mitigation measures may include:

- Encourage developers to include a certain percentage of affordable housing units in new developments. This can help maintain socioeconomic diversity.
- Encourage mixed-income and mixed-use developments that include affordable housing alongside market-rate units, as well as commercial and retail spaces that cater to existing residents.
- The City could require property owners or developers of sites that will displace residents to provide financial assistance to residents facing displacement, such as help with moving costs, rental assistance, or down payment assistance for purchasing a home in the neighborhood.
- The City could require property owners or developers of sites that will displace residents to coordinate with existing resources to identify alternative housing options within the City as further mitigation for displacement.
- Community Benefits Agreements (CBAs) could be negotiated between developers and community organizations to ensure that development projects include benefits for existing residents, such as job training programs, affordable housing, or funding for local youth services.
- Continue to involve neighborhood residents in the urban planning process to ensure that development projects reflect the needs and preferences of the local community, and to further identify strategies for mitigating displacement.

***FINDING.*** *The Lead Agency finds that the Proposed Action will result in positive economic benefits for the City of Mount Vernon. No significant adverse economic impacts will result from the Proposed action.*

#### **4.10 MUNICIPAL SERVICES**

**Police:**

The City of Mount Vernon Police Department (MVPD) serves the City of Mount Vernon, including the Rezoning Area and its surroundings. The Proposed Action will create the need for 4.6 additional police personnel, 1.4 police vehicles and 427 square feet of police facility space.

As individual site plans are developed within the Rezoning Area, property owners would be expected to supplement police protection with on-site private security protection measures, as appropriate. These measures could include a doorman, site lighting, controlled access and security cameras. Furthermore, mixed-use development creates “eyes-on-the-street” and reduced vacancies would be less attractive to criminal activity. The Development Project would incorporate several on-site security measures, including key card access to the proposed building, security cameras, and well-lit common areas.

**Fire and Emergency Services:**

The Rezoning Area is within the service area of the City of Mount Vernon Fire Department (MVFD), which provides fire protection services, life rescue, and emergency medical services (EMS). The Proposed Action will create the need for 3.82 additional fire personnel, 0.46 fire vehicles and 580 square feet of fire facility space as well as 0.31 additional EMS personnel and 0.08 EMS vehicles.

All new buildings shall be constructed to comply with all fire code requirements. Accessibility for Fire Department apparatus will be addressed during the site plan review phase. Fire flow tests have been performed in the vicinity of the Development Site, and were found to have adequate pressure.

**Health Care:**

Montefiore Mount Vernon Hospital located at 12 North Seventh Avenue is the only hospital in the City and services the Development Site and Rezoning Area. It is located approximately 2,100 feet northwest from the Development Site. The hospital provides emergency services, inpatient surgery, radiology, physical therapy, and wound care, and currently contains 121 staffed beds.

The projected increase in population from the Proposed Action or Development Project, estimated to be approximately three percent, will not have a significant adverse impact on the provision of health care services.

**Schools:**

The Rezoning Area is located within the Mount Vernon City School District (MVCSD), which encompasses the entire City of Mount Vernon. The MVCSD comprises 16 schools. The 2023-2024 district enrollment was 7,728 students. Over the past 10 years, the peak enrollment of 8,291 students occurred during the 2013 – 2014 academic year (563 more students than current enrollment).

The build-out analysis conducted for the Proposed Action projected the addition of approximately 1,397 new residential units on the Study Sites, including 272 units on the Development Site. An estimated 42 school-aged children are anticipated to be

generated by the Development Project with a total of 182 school-aged children for the projected build out of the Rezoning Area.

The 182 new students estimated from the Proposed Action would increase the total school district enrollment by approximately 2.4 percent. It should be noted that the additional students would be absorbed into the school district over an estimated ten-year period as development occurs within the Rezoning Area on a site by site basis, such that any year-to-year increases would be minimal and would not be expected to adversely impact school district capacity. In addition, the MVCSD has experienced a decline of 563 students in the past ten years, indicating that the existing school facilities could accommodate the addition of 182 students without reaching the peak enrollment during that timeframe.

The total costs to educate students in the Mount Vernon City School District in academic year 2022.2023 was \$34,429. Deducting fixed costs, the actual educational costs was \$23,657.

Approximately 52 percent of the per pupil cost is paid by local tax levy; the remainder of the budget comes from the State and other sources. Therefore, the per pupil program costs paid by local tax levy is \$12,302. The cost to educate the 42 public school students projected from the Development Project would be an additional \$516,684 per year. Following this same methodology, the cost to educate the 182 public school students projected from the soft sites within the Rezoning Area would be an additional \$2,238.964 per year.

***Recreational & Cultural Facilities:***

Public recreational facilities would be available to the residents of the Proposed Action through the City of Mount Vernon Recreation Department. In addition to the 11 City parks, the City also contains 3 County parks and one State park.

The parks and recreation resource closest to the Rezoning Area is City Hall Plaza, located to the northwest. The Development Project Site contains a small vacant lot, which is currently occupied by a community garden. The Mount Vernon Public Library is also located within the Rezoning Area. There are no other open space or cultural facilities on the Development Project Site or within the Rezoning Area.

Proposed Action would generate a future population increase of 2,033, or approximately 2.8 percent of the City's total 2020 population of 73,893.

A key component of the proposed DTOAD is the provision of a density bonus through the contribution of a significant provision, renovation, donation, and/or rehabilitation of a public open space amenity, community recreation facility, or community cultural facility such as a theater, museum, gallery, or performance center. In addition, each building type permitted by the proposed DTOAD requires a certain amount of usable open space on the site for use by the building occupants. Both of these components would lead to the provision or improvement of recreational facilities and/or cultural facilities in and around the Rezoning Area, which would support the additional demand for these facilities generated by the Proposed Action.

The Development Project would include a large central courtyard with landscaped green space, which would serve the future residents of the development and help to offset additional demand on nearby parks.

***FINDING.*** *The Lead Agency finds that the Proposed Action will result in a proportional increase in the demand for community services. However, the Development Project alone would result in \$1.5 million in revenues to the City of Mount Vernon, as well as estimated annual payments through a proposed PILOT agreement (or the otherwise applicable taxes without a PILOT). These revenues, along with those derived from the potential development of the other soft sites within the Rezoning Area, will offset the costs associated with the increase demand for community services. No significant adverse community service impacts will result from the Proposed Action.*

#### **4. 11 GREEN BUILDING & SUSTAINABILITY**

The DTOAD allows for the construction of new mixed-use development within the Rezoning Area. This new development would generate greenhouse gases (GHG) from its mobile and stationary sources and electricity demand.

Future development within the Rezoning Area will consume electricity and generate incremental mobile vehicle trips. New buildings will generate GHG emissions from HVAC and hot water systems, mobile sources, electricity demand, and construction. The combined GHG emissions from all proposed development sites are likely to be small compared to the City of Mount Vernon GHG emissions and insignificant compared to the Westchester County or NY State GHG budgets.

In support of New York State GHG reduction goals, the Proposed Action, and specifically the Development Project will comply with several NY State programs. The Development Project is a Transit Oriented Development and therefore, has lower share of project-generated auto trips. In addition, it is anticipated that an increasing percentage of resident-owned vehicles would be electric cars. The building is equipped with several charging stations. The Development Project plans to pursue Passive House certification and comply with Enterprise Green Communities and NYSEDRA New Construction – Housing requirements.

The Passive House standard requires reliable reduction in energy for HVAC of up to 70 percent and 30 percent overall reduction in energy use compared with the existing buildings. This is achieved by using design strategies in building construction such as insulation, airtightness, and heat recovery ventilation.

The Enterprise Green Communities is a platform for high quality affordable housing that allows for two levels of certification, Enterprise Green Communities certification and certification plus. The plus certification recognizes the projects that meet all criteria for the regular certification and invested in deeper levels of energy efficiency. The WELL Building standard as well as the Net Zero energy program are both recognized as a framework for achieving the Enterprise Green Communities certification.

NYSEDRA New Construction – Housing program supports design, development and construction of carbon neutral buildings that reduce consumption of per capita carbon emissions. NYSEDRA provides financial incentives to construct the use of photovoltaic and other renewable energy generation and other innovative technologies.

The Development Project would use the following measures:

- High standard insulation and air tightness to reduce the need for heating and cooling energy
- Aim to incorporate photovoltaic arrays on the roof
- Possibly pursue a geothermal heat pump system
- Attempt to use wastewater heat recovery
- Install electric vehicle charging stations in the parking garage
- Collect recyclables
- Implement waste management during demolition
- Use low emitting materials in the interior finishes

***FINDING.*** *The Lead Agency finds that the Proposed Action will incorporate an array of beneficial green building and sustainability measures. No adverse impacts will result from the Proposed Action.*

#### **4.12 CONSTRUCTION**

The construction of the Development Project is specifically addressed below. It is anticipated that any other development undertaken pursuant to the DTOAD zoning provisions would be similar.

Site demolition, infrastructure and construction of the building facing S 2<sup>nd</sup> Avenue (the 1<sup>st</sup> phase) is expected to last a total of approximately 30 months. The construction activities of the 1<sup>st</sup> phase are separated into two stages: the Demolition Stage and the Construction Stage. The following is a list of the phases of demolition and construction for the 1<sup>st</sup> phase of the Development Project and the anticipated duration for each activity.

- Demolition/Underpinning – 6 months
- Foundations – 6 months
- Superstructure – 10 months
- Elevators – 6 months
- Exterior Construction – 12 months
- Interior Fit-Out – 14 months

Phase 2 would include construction to erect the building on S 3<sup>rd</sup> Avenue and is expected to last up to 24 months.

Throughout the course of the construction, the number of construction workers on-site will vary from as few as nine to as many as 280 workers per day.

Construction traffic associated with redevelopment of properties within the Rezoning Area would include trucks for performing operations on the site, delivery and removal of

materials, and construction worker's vehicles. The number and types of construction vehicles will vary depending on the phase of construction. Construction vehicles will arrive and depart on Study Area roadways as needed. It is anticipated that deliveries to the Rezoning Area would occur throughout the workday, as allowed by Mount Vernon Code, and staging of materials would occur on-site to the extent practicable or negotiated for staging on adjacent parcels as needed.

Construction activities, including demolition, using the large diesel-powered machinery, dust-generating operations such as earth-moving, loading and unloading, travelling on unpaved surfaces, extended idling of concrete trucks, etc. could generate emissions and noise at the construction site. Construction truck deliveries, debris removal, and labor force vehicles could potentially create congestion, noise and air quality impacts at the local intersections off-site.

Construction management plans shall be provided for all redevelopment projects, filed in conjunction with the Building Permit application. The following mitigation measures shall be required.

#### Air Quality:

- Dust control. NY State Standards and Specifications for Erosion and Sediment Control for construction areas require stabilization of non-driving areas and sprinkling, covering, or/and installing barriers along driving areas during construction in order to prevent dust from becoming airborne.
- Clean Fuel. Ultra-low sulfur diesel (ULSD) would be used exclusively for diesel engines related to construction activities for the proposed project. This is a federal requirement since 2010 that enables the use of tailpipe reduction technologies that reduce diesel particulate matter and SO<sub>2</sub> emissions.
- Diesel Equipment Reduction. Hoists and small equipment, such as lifts, compressors, welders, and pumps are likely to use electric engines that operate on grid power instead of diesel power engines to the extent practical. This is a common practice that has been achieving wider use as technology improves.
- Restrictions on Vehicle Idling. 6 NYCRR 217-3 enforced by NYS DEC prohibits diesel and non-diesel vehicles of class two or heavier from idling for more than five minutes at a time. On-site vehicle idle time would be restricted for all equipment and vehicles that are not using their engines to operate a loading, unloading, or processing device (e.g., concrete mixing trucks) or otherwise required for the proper operation of the engine.
- Given the construction timeframe, equipment meeting Tier 4 standards for diesel engines (model years 2011/12 and beyond) would be expected to be in wide use and comprise the majority of contractors' fleet. If contractors choose to use older diesel equipment, it is expected that the use of diesel particulate filters (DPF) in Tier 3 emission standard for diesel engines (model years 2006-2011 for engine sizes between 100 and 600 hp)<sup>1</sup> will be prevalent. Tier 3 with DPF achieves the same particulate matter emission reductions as a newer Tier 4 emission standard for diesel engines. The combination of Tier 4 and Tier 3 engines with DPF would achieve diesel particulate matter reductions of approximately 90 percent when compared to older uncontrolled engines.
- Construction demolition will incorporate a waste management program.

- The proposed construction would likely have much smaller emissions from the employee trips because of the proximity to the public transportation.

Noise

- Construction noise shall comply with the City of Mount Vernon Noise Ordinance which states noise level from a construction site shall not exceed an L90 of 70 dBA when measured at a distance of 400 feet from the construction site during the hours of 8:00 AM to 8:00 PM, subject to building permit requirements.
- Replacing back-up alarms with strobes, as allowed within OSHA regulations, to eliminate the annoying impulsive sound.
- Assuring that equipment is functioning properly and is equipped with mufflers and other noise-reducing features.
- Locating especially noisy equipment as far from sensitive receptors as possible.
- Using quieter construction equipment and methods, as feasible, such as smaller backhoes and excavators.
- Maintaining equipment to avoid louder operation associated with mechanical issues.
- Using path noise control measures such as portable enclosures for small equipment (i.e. jackhammers and saws).
- Building portable noise walls around construction areas to reduce noise.
- Maintaining strong communication and public outreach with adjacent neighbors is a critical step in minimizing impact. Providing abutters information about the time and nature of construction activities can often minimize the effects of construction noise.

Potential impacts related to construction are temporary by their very nature and the aforementioned mitigation measures will reduce and minimize potential impacts to the greatest extent practicable.

***FINDING.*** *The Lead Agency finds that subject to the mitigation measures outlined above and the implementation of construction Best Management Practices, and the approved Construction Management Plan, no significant long-term adverse impacts will result from the construction of the Proposed Action.*

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**CERTIFICATION OF FINDINGS**

Having considered the Draft and Final GEIS, and having considered the preceding written facts and conclusions and specific findings relied upon to meet the requirements of 6 N.Y.C.R.R. Part 617, this Statement of Findings certifies that:

1. The requirements of 6 N.Y.C.R.R. Part 617 have been met;
2. Consistent with the social, economic and other essential considerations, from among the reasonable alternatives thereto, the action approved is one which minimizes or avoids adverse environmental effects to the maximum extent practicable; including the effects disclosed in the generic environmental impact statement; and

3. Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided by incorporating as conditions to the decision those mitigative measures which were identified as practicable.

City of Mount Vernon City Council

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Danielle Browne  
City Council President

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Date