

City of Mount Vernon, New York

1 ROOSEVELT SQ. RM. 104
CITY HALL, MOUNT VERNON, NEW YORK 10550
& VIA FACEBOOK.COM/MOUNTVERNONNY



Referral Packet - Final

Wednesday, March 26, 2025

7:00 PM

**CITY COUNCIL CHAMBERS
CITY HALL**

City Council

NICOLE BONILLA, M.B.A.
City Clerk

**A REGULAR MEETING OF THE CITY OF THE MOUNT VERNON CITY COUNCIL
HELD ON WEDNESDAY, WEDNESDAY 26, 2025
Scheduled for 7:00 pm in the City Council Chambers, City Hall, Mount Vernon, New York.**

**** This meeting was held in the City Council Chambers, with virtual participation via ZOOM and CMVNY Facebook. The meeting was not closed to the public.****

PRESIDING: Edward Poteat, Acting President

OTHERS: Nicole Bonilla, City Clerk; Antoinette Anderson, Legislative Aide; Johan Powell, Deputy Corporation Counsel.

CALL TO ORDER / PLEDGE OF ALLEGIANCE

Acting Council President Edward Poteat called the meeting to order and provided general house-keeping rules, including encouraging citizens to share the meeting on social media and what to do “in case of emergency”. Acting Council President Poteat explained the 3-minute-plus-1 public comment rule. He then asked a Councilperson to lead the council in the Pledge of Allegiance. Acting Council President then proceeded to the Public Speakers session of the evening (listed below as public comment).

PUBLIC COMMENT

REFERRAL SESSION

Roll Call administered by City Clerk Nicole Bonilla

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

To the Council:

LEGISLATION AND PUBLIC WORKS

1. Office of the Mayor: A Resolution Authorizing the Hiring of Joel R. Dichter of Dichter Law LLC as Special Counsel to Represent Participating Westchester Municipalities in Con Edison's Electric and Gas Rate Case Before the Public Service Commission

Code: LPW

Attachments: [REFERRAL LETTER - Retaining Special Counsel for Con Edison Rate Case 1](#)
[J Dichter - Con Ed rate case](#)
[Resolution - PSC Con Ed Special Counsel](#)

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2. Office of the Mayor: A Resolution Appointing Members to the Cable Television Advisory Committee - (Jahi Lafayette and George McClendon Jr.)

Code: LPW

Attachments: [Cable TV Advisory Appointment Letter - Jahi Lafayette and George McClendon Jr -](#)

3. Department of Public Works: An Ordinance Establishing a Standardized Policy for Tree Planting in the Municipal Right-of-Way

Code: LPW

Attachments: [Policy for Tree Planting in the Municipal Right of Way Standard for Tree Planting in the Municipal Right-of-Way Policy](#)

4. Department of Public Works: An Ordinance Authorizing the Mayor to Enter into a Contractual Agreement with Bonanza Contracting LLC for Renovations to the Mount Vernon Police Department's A.W.A.R.E. Room Areas

Code: LPW

Attachments: [Bonanza Contracting Letter](#)

5. Department of Public Works: An Ordinance Authorizing the Release of a Request for Proposals (RFP) for Pest Management and Pest Control Services for Various Municipal Facilities

Code: LPW

Attachments: [Municipal Buildings- Pest Control](#)

6. Department of Public Works: An Ordinance Authorizing the Mayor to Enter into an Agreement with Signify North America Corporation to Upgrade the Current Street Lighting Management Software System from CityTouch to Interact City

Code: LPW

Attachments: [Permission for Mayor to Enter into agreement with Signify](#)

7. Department of Public Works: An Ordinance Authorizing the advertisement of Bids for a Year 2 - Sewer System Cleaning and Investigation (Outfall 15,30, 31, 43, 48, 53 and 34 Drainage Areas)

Code: LPW

Attachments: [Bid - Year 2- Sewer System Cleaning and Investigation \(Outfall 15, 30, 31,43, 48,53 and 34 Drainage Areas\)](#)

8. Department of Recreation: An Ordinance Authorizing the Department of Recreation to Co-Sponsor the Latin Cultural Festival with Miztili LLC, May 18, 2025 at Hartley Park.

Code: LPW

Attachments: [Latin Cultrual Festival](#)

To the Council:

HUMAN RESOURCES

9. Department of Recreation: An Ordinance Authorizing the Mayor to Enter into a Three-Year Agreement with Turf Tank for the Leasing and Utilization of Field-Marketing Equipment

Code: HR

Attachments: [turf tank leg letter](#)

To the Council:

PUBLIC SAFETY AND CODES

10. Department of Public Safety: An Ordinance Authorizing the Mayor to Enter into An Agreement with the New York State Department of Criminal Justice Services for the Gun Involved Violence Elimination (2024-2025) Grant

Code: PSC

Attachments: [Give Grant Acceptance Award Notice](#)

11. Department of Public Safety: An Ordinance Authorizing the Mayor to Enter into a Software-as-a-Service Agreement with Simsi, Inc. for CAD and RMS Software for Three Years

Code: PSC

Attachments: [SIMSI Sole or Single Source Exemption Request Form](#)

12. Department of Public Safety: An Ordinance Authorizing the Mayor to Enter into a Memorandum of Understanding (MOU) with the County of Westchester, the City of Yonkers, and the City of New Rochelle for Participation in the Edward Byrne Memorial Justice Assistance Grant (JAG) Program and to Utilize JAG Funds for the Purchase and Installation of Motorola APX8500 Radios

Code: PSC

Attachments: [JAG Referral Letter](#)

13. Department of Public Safety: An Ordinance Authorizing the Transfer of Funds from the Training Budget to the Equipment Budget for the Purchase of Guns and Ammunition for the Police Department

Code: PSC

Attachments: [Request to Transfer Funds](#)

14. Department of Public Safety: An Ordinance Authorizing the Allocation of Funds for the Full Circle Health Training and Counseling Workshop for Members of Service of the Police Department

Code: PSC

Attachments: [Full of Circle Health Referral Letter](#)

15. Department of Public Safety: An Ordinance Authorizing the Mayor to Enter into an Agreement with the Westchester County Department of Correction for Reimbursement of Prisoner Transportation Services for the Years 2023 and 2024

Code: PSC

Attachments: [Prisoner Transportation Referral Letter](#)

To the Council:

FINANCE AND PLANNING

16. Office of the Comptroller: An Ordinance Amending Ordinance No. 3 adopted on December 11, 2024, to Authorize the Issuance of Serial Bonds of the City of Mount Vernon to Finance the Costs of Certain Equipment for the Department of Public Works

Code: FP

Attachments: [Comp2025-03 - Bond Ordinance to Finance Cost of Equipment](#)

17. Office of the Comptroller: An Ordinance Authorizing the Acceptance and Adoption of the 2019 Final Annual Audit Independent Audit Prepared by PKF O'Connor Davies
- Code:** FP
- Attachments:** [COMP2025-02 - Acceptance of the 2019 Annual Independent Audit](#)
18. Office of the Mayor: A Resolution of the City Council of the City of Mount Vernon Appointing Members to the Mount Vernon Economic Task Force - (Kyle Munoz, Dan Casterella, Robert Potack, Pamela Tarlow and Onolder Yizar)
- Code:** FP
- Attachments:** [Appointments for Economic Development Task Force](#)
19. City Council: An Ordinance Amending No. 19 adopted on December 27, 2023 - Economic Development Task Force
- Code:** FP
- Attachments:** [Amendment to Ordinance 19 adopted 12.27.23 EDTF Membership](#)
[EDTF Ordinance Membership Description](#)
[AMENDED 3.2025aa](#)
20. City Council: An Ordinance Amending Chapter 267 of the Code of the City of Mount Vernon, New York, Entitled "Zoning"
- Code:** FP
- Attachments:** [AN ORDINANCE AMENDING CHAPTER 267 OF THE CODE OF THE CITY OF MOUNT VERNON, NEW YORK, ENTITLED ZONING \(.3.6.25\)](#)
21. City Council: A Resolution of the City Council of the City of Mount Vernon Adopting a Findings Statement Pursuant to SEQRA for the Downtown Transit-Oriented Arts District (DTOAD)
- Code:** FP
- Attachments:** [SEQRA Statement of Findings](#)

ADD-ON

LEGISLATION AND PUBLIC WORKS

22. City Council: A Resolution of the City Council of the City of Mount Vernon to Re-Appoint Leslie Alpert to the Board of Ethics - (for a two (2) year term from March 26, 2025 - March 25, 2027)

Code: LPW

Attachments: [Leslie Alpert Board of Ethics](#)

FINANCE AND PLANNING

23. Office of the Comptroller: An Ordinance Fixing the County and Special District Tax Rate, Levying Said Tax and Confirming the County and Special District Taxes for the Year 2025 and Ordering the Issuance of a Warrant Therefore

Code: FP

Attachments: [County Taxes](#)

OTHER BUSINESS/CLOSING COMMENTS



City of Mount Vernon, New York

Staff Report

1 ROOSEVELT SQ. RM.
104
CITY HALL, MOUNT
VERNON, NEW YORK
10550
& VIA
FACEBOOK.
COM/MOUNTVERNONNY

File #: TMP -1250

Agenda Date: 3/26/2025

Agenda #: 1.

City Council:

**A RESOLUTION AUTHORIZING THE HIRING
OF JOEL R. DICHTER OF DICHTER LAW LLC
AS SPECIAL COUNSEL TO REPRESENT
PARTICIPATING WESTCHESTER MUNICIPALITIES
IN CON EDISON'S ELECTRIC AND GAS RATE
CASE BEFORE THE PUBLIC SERVICE COMMISSION**

WHEREAS, on January 31, 2025, Con Edison filed a petition with the New York Public Service Commission to increase electric and gas rates as of January 1, 2026; and

WHEREAS, under this petition, electric rates would rise by 18% with residential delivery charges increasing by 25.1%, and natural gas delivery rates rising by 19.1%; and

WHEREAS, this Con Edison rate hike proposal comes after an increase of 20% in rates over the past three (3) years and any further significant increases would have negative financial impacts on residents and businesses within Westchester County; and

WHEREAS, the Public Service Commission is currently reviewing Con Edison's petition for an electric and gas rate increase; and

WHEREAS, it is in the best interest of the CITY OF MOUNT VERNON to be represented in this matter to ensure the concerns of local governments and its residents are adequately addressed; and

WHEREAS, Joel R. Dichter of Dichter Law LLC has the necessary experience and expertise to represent the interests of the participating Westchester County municipalities in this case and has submitted a proposal dated February 13, 2025, to represent participating municipalities; and

WHEREAS, the proposal includes intervening in the rate case, conducting discovery, retaining expert witnesses, preparing briefs, and attending all hearings and any settlement negotiations at a total cost that shall not exceed One Hundred Thousand Dollars (\$100,000) which would be split equally among all of the participating municipalities that accept to his representation in this rate case; and

WHEREAS, such representation will only proceed if at least twenty (20) municipalities agree to be represented by Joel R. Dichter of Dichter Law LLC; **NOW, THEREFORE BE IT**

RESOLVED by the CITY COUNCIL of the CITY OF MOUNT VERNON as follows:

1. The Municipality hereby authorizes the hiring of Joel R. Dichter of Dichter Law LLC as

special counsel to represent participating Westchester municipalities in Con Edison's Electric and Gas Rate Case before the Public Service Commission; and

2. The Municipality's share of the legal fees shall be determined based on an equal division among all participating municipalities, with the total amount of such representation not to exceed \$100,000 (example: (\$100,000 / 20 municipalities = \$5,000 each); and

3. This authorization shall only take effect if at least twenty (20) municipalities agree to be represented by Joel R. Dichter of Dichter Law LLC in this matter.

4. The MAYOR OF MOUNT VERNON, SHAWYN PATTERSON-HOWARD is hereby authorized to take all necessary actions to execute agreements and related documents and make payments in furtherance of this resolution.

AND BE IT FURTHER

RESOLVED, that the Village of Rye Brook shall coordinate the payment to Joel R. Dichter of Dichter Law LLC on behalf of the participating municipalities for representation in this Con Edison electric and gas rate case.

5. This resolution shall take effect immediately upon its adoption by the City Council.



CITY OF MOUNT VERNON, N.Y.

Mayor Office

SHAWYN PATTERSON-HOWARD, MPA
Mayor

City Hall, One Roosevelt Square
Mount Vernon, NY, 10550
(914) 665-2362 – Fax: (914) 665-6173

MALCOLM CLARK
Chief of Staff
KHENDRA DAVID
Deputy Chief of Staff

March 20, 2025

City Council
City Hall
1 Roosevelt Square
Mount Vernon, NY 10552

Retaining Special Counsel for Con Edison Rate Case

Dear Honorable City Council Members,

As you are aware, Con Ed's rates have climbed considerably in the past three years and many residents are being surprised by the amount of their recent bills arriving in the mail. Unfortunately, this may be just the beginning. Con Edison is currently in the last year of a three-year settlement, to increase rates annually for gas and electric rates in the NYC and Westchester region. Con Ed has recently submitted a petition to the Public Service Commission (PSC) to begin the approx. 11-month process to have the PSC increase their gas and electric rates by around 20% as January 1, 2026.

Earlier this month, my Chief of Staff met with the Westchester Municipal Offices Association which highlighted the work that Rye City, Port Chester and Rye Brook have done with special counsel Joel Dichter who has jointly worked with all three of our municipalities for decades on water utility rate increase matters before the PSC. The understanding about this Con Edison rate hike is that is a specialty area and Joel has extensive experience working on Con Ed, water, and many other utilities rate cases.

As Mayor, it's my belief that at this stage it is essential to engage local government officials to establish a unified and strategic legal approach in advocating for a reduction in the proposed rate increases. While we acknowledge that many of our state representatives and municipal colleagues have been vocal in opposition of the Con Ed rate increases, a coordinated effort among a coalition of municipalities before the PSC will strengthen our position.

It is worth noting that so far Westchester municipalities have **not** been at the table as part of the current Con Ed rate request discussions. We have missed a key date already and don't want to continue to stay behind the ball on this issue as public and evidentiary hearings are soon to begin. Often the PSC pauses the evidentiary hearing process to allow for potential settlement discussions. We will only have a seat at the table for those settlement discussions if we are represented and actively participate in the proceeding.

I have received an overview of the rate case process and attached it to this letter, emphasizing the need for a deep dive into the following three key component areas: how much revenue Con Ed can collect, how it is allocated among the classes and customers and how the rates are designed in each class. For example, Con Ed is asking for an 18% electric rate increase, but residential delivery customers would see a 25% hike.

"The Jewel of Westchester"



CITY OF MOUNT VERNON, N.Y.

Mayor Office

SHAWYN PATTERSON-HOWARD, MPA
Mayor

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Mount Vernon, NY, 10550
(914) 665-2362 – Fax: (914) 665-6173

MALCOLM CLARK
Chief of Staff
KHENDRA DAVID
Deputy Chief of Staff

Based on discussion with other municipalities there is a growing coalition to utilize Mr. Dichter services. He has agreed to cap the charges for his services and an expert witness retained to address the unfair increase and allocation to Westchester residential customers to no more than \$100,000 which would be split equally among all the participating municipalities. His summary memorandum and proposal are attached.

We would proceed in this manner if at least 20 municipalities agree to be represented by his firm (example: \$100,000 max cost / 20 municipalities = \$5,000 each) with the cost to be expensed from the Office of the Mayor's Budget "Contract Outside Expense" A1210.405. Individual municipal costs will drop further if more than 20 municipalities participate. Please note that this is **not civil litigation**- Mr. Dichter would be representing the participating municipalities at the administrative rate case and any settlement discussions to strengthen the challenge against the rate increase before the PSC and allow us to be part of active settlement discussions.

If you have any questions, I am available to discuss this critical issue as we must fight to keep Con Edison rates lower for our constituents who are already burdened by rising inflation and cost of living increases in our community.

In Service,

Shawyn Patterson-Howard, MPA
Mayor, City of Mount Vernon

DICHTER LAW LLC
ATTORNEYS AT LAW
118 N. BEDFORD ROAD
SUITE 300
MOUNT KISCO, N.Y. 10549

TELEPHONE: (212) 593-4202
FAX: (212) 994-5394
Website: www.dichterlaw.com

JOEL R. DICHTER
Dichter@dichterlaw.com

M E M O

TO: Chris Bradbury, Stuart Rabin and Greg Usry
FROM: Joel R. Dichter
RE: Con Edison Electric and Gas Rate Case
DATE: February 13, 2025

Overview

On January 31, 2025, Con Edison filed a petition with the New York Public Service Commission to increase rates as of January 1, 2026. Electric rates would rise by 18% under this proposal. Residential delivery charges by a whopping 25.1%. Natural Gas delivery rates would be hiked by 19.1%. This proposal comes on the heels of an increase of 20% over the last three years.

PSC Process

The Public Service Commission engages in a litigation-type review of rates. The amount of revenues that Con Edison is able to collect from its customers in total is based upon a detailed review of the cost of providing service plus a reasonable return on its investments in facilities. With its submission, Con Edison has pre-filed the written testimony of its witnesses in support of the increase. Discovery is then undertaken by the parties, who in turn may file their own expert witness testimony in opposition to Con Ed's request. An evidentiary hearing is then held for cross-examination of witnesses. Traditionally, the parties will engage in settlement discussions following the submission of all testimony. Briefs will be submitted by all parties in support of their respective positions. Ultimately, the Commission will review and render a final decision on any increase.

Role of Westchester County and its Municipalities

Con Edison serves New York City and Westchester County. New York City is well represented during the proceedings described above to review Con Edison's rate request. In the last Con Ed rate case, no representative of Westchester County or of any of its municipalities participated in the rate cases. Thus, there was no voice to advocate for the interests of Westchester residents.

The setting of rates by the PSC is comprised of three parts. First, a determination of the overall increase in revenues which Con Edison will be authorized to collect based upon its cost of providing service is determined (the "revenue requirement"). Second, the allocation of the revenue requirement to the various customer classes such as residential, commercial, industrial, public authority is made based upon a cost-of-service study. Third, the rate design for the amounts allocated to each class is determined. For example, if Con Ed is authorized to collect \$10 billion and \$5 billion is assigned to the residential class, the PSC will then decide how much of that should be recovered from NYC residents and how much from Westchester residents.

Without the participation of Westchester County and its municipalities, there is no one to protect against an unfair share of the costs being allocated to Con Edison's Westchester district or to its residents. Rest assured, the NYC advocates will be seeking to reduce the share allocated to NYC residents and thereby potentially transferring the cost to Westchester residents. Westchester residents also have a much greater interest in a number of issues such as storm preparedness, outage response, plant siting, and the impact of climate change. Thus, it is vital for Westchester to participate in the process of developing rates and services.

Proposal

We have represented municipalities before the Public Service Commission for decades in electric, gas and water rate cases. We represented Rockland County and its municipalities in the recent Orange and Rockland rate cases. Orange and Rockland is owned by Con Edison and thus many of the same players and issues will be present in the pending Con Edison cases. To intervene, conduct discovery, retain expert witnesses, prepare briefs, and attend all hearings and settlement negotiations, over the course of the eleven-month or longer proceeding will require considerable dedication of resources. We would propose a flat fee of \$80,000 for legal fees and estimated expert fees of \$25,000-\$35,000. Please let me know if you have any questions.

RESOLUTION

A RESOLUTION AUTHORIZING THE HIRING OF JOEL R. DICHTER OF DICHTER LAW LLC AS SPECIAL COUNSEL TO REPRESENT PARTICIPATING WESTCHESTER MUNICIPALITIES IN CON EDISON'S ELECTRIC AND GAS RATE CASE BEFORE THE PUBLIC SERVICE COMMISSION

WHEREAS, on January 31, 2025, Con Edison filed a petition with the New York Public Service Commission to increase electric and gas rates as of January 1, 2026; and

WHEREAS, under this petition, electric rates would rise by 18% with residential delivery charges increasing by 25.1%, and natural gas delivery rates rising by 19.1%; and

WHEREAS, this Con Edison rate hike proposal comes after an increase of 20% in rates over the past three (3) years and any further significant increases would have negative financial impacts on residents and businesses within Westchester County; and

WHEREAS, the Public Service Commission is currently reviewing Con Edison's petition for an electric and gas rate increase; and

WHEREAS, it is in the best interest of the [Municipality's Name] be represented in this matter to ensure the concerns of local governments and its residents are adequately addressed; and

WHEREAS, Joel R. Dichter of Dichter Law LLC has the necessary experience and expertise to represent the interests of the participating municipalities in this case and has submitted a proposal dated February 13, 2025 to represent participating municipalities; and

WHEREAS, the proposal includes intervening in the rate case, conducting discovery, retaining expert witnesses, preparing briefs, and attending all hearings and any settlement negotiations at a total cost that shall not exceed One Hundred Thousand Dollars (\$100,000) which would be split equally among all of the participating municipalities that accept to his representation in this rate case; and

WHEREAS, such representation will only proceed if at least twenty (20) municipalities agree to be represented by Joel R. Dichter of Dichter Law LLC;

NOW, THEREFORE BE IT RESOLVED by the [Municipality's Governing Body] of the [Municipality's Name], as follows:

1. The Municipality hereby authorizes the hiring of Joel R. Dichter of Dichter Law LLC as special counsel to represent participating Westchester municipalities in Con Edison's Electric and Gas Rate Case before the Public Service Commission; and

2. The Municipality's share of the legal fees shall be determined based on an equal division among all participating municipalities, with the total amount of such representation not to exceed \$100,000 (example: (\$100,000 / 20 municipalities = \$5,000 each); and
3. This authorization shall only take effect if at least twenty (20) municipalities agree to be represented by Joel R. Dichter of Dichter Law LLC in this matter.
4. The **[Municipality's Authorized Official]** is hereby authorized to take all necessary actions to execute agreements and related documents and make payments in furtherance of this resolution.
5. This resolution shall take effect immediately.

AND BE IT FURTHER RESOLVED, that the Village of Rye Brook shall coordinate the payment to Joel R. Dichter of Dichter Law LLC on behalf of the participating municipalities for representation in this Con Edison electric and gas rate case.

Adopted this [Day] of [Month], [Year], by the [Municipality's Governing Body].

DRAFT



City of Mount Vernon, New York

Staff Report

1 ROOSEVELT SQ. RM.
104
CITY HALL, MOUNT
VERNON, NEW YORK
10550
& VIA
FACEBOOK.
COM/MOUNTVERNONNY

File #: TMP -1255

Agenda Date: 3/26/2025

Agenda #: 2.

City Council:

**A RESOLUTION APPOINTING MEMBERS TO
THE CABLE TELEVISION ADVISORY COMMITTEE**

Whereas, Chapter 12, Section 12-4 of the Mount Vernon City Code provides for the appointment of members to the Cable Television Advisory Committee by the Mayor; and

Whereas, the Mayor has recommended the appointment of Jahi Lafayette and George McClendon Jr. to serve as members of the Cable Television Advisory Committee; and

Whereas, the appointment of these individuals will assist the Committee in fulfilling its duties and responsibilities in advising on matters related to cable television services within the City of Mount Vernon; Now, Therefore, Be It

Resolved, by the City Council of the City of Mount Vernon, that:

1. Jahi Lafayette and George McClendon Jr. are hereby appointed as members of the Cable Television Advisory Committee.
2. The term of appointment for both individuals shall be for one (1) year, commencing on Wednesday, March 26, 2025, and concluding on March 25, 2026.
3. The appointees shall serve in accordance with the duties and responsibilities outlined in the Mount Vernon City Code, Chapter 12, Section 12-4.
4. This Resolution shall take effect immediately upon passage and approval by the City Council.



CITY OF MOUNT VERNON, N.Y.

Mayor Office

SHAWYN PATTERSON-HOWARD, MPA
Mayor

City Hall, One Roosevelt Square
Mount Vernon, NY, 10550
(914) 665-2362 – Fax: (914) 665-6173

MALCOLM CLARK
Chief of Staff
KHENDRA DAVID
Deputy Chief of Staff

March 7, 2025

City Council
City Hall
1 Roosevelt Square
Mount Vernon, NY 10552

Appointments for the Cable Television Advisory Committee

Honorable City Councilmembers:

In accordance with Chapter 12, section 12-4 of the Mount Vernon City Code, which provides for the appointment of members to the Cable Television Advisory Committee by the Mayor; this letter requests the enactment of legislation to appoint the following:

1. **Jahi Lafeyette**
2. **George McClendon Jr.**

The appointment of Jahi Lafeyette and George McClendon Jr. shall last for **one (1) year** beginning on **Wednesday March 26, 2025**.

In Service,

Shawyn Patterson-Howard, MPA
Mayor, City of Mount Vernon



City of Mount Vernon, New York

Staff Report

1 ROOSEVELT SQ. RM.
104
CITY HALL, MOUNT
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File #: TMP -1247
A

Agenda Date: 3/26/2025

Agenda #: 3 -

City Council:

AN ORDINANCE ESTABLISHING A STANDARDIZED POLICY FOR TREE PLANTING IN THE MUNICIPAL RIGHT-OF-WAY

Whereas, in a letter dated February 24, 2025, the Director of Sustainability and the Commissioner of the Department of Public Works requested legislation to establish a mandatory policy for tree planting within the municipal right-of-way, offering clear guidelines for developers to promote consistency and sustainability in urban forestry initiatives; and

Whereas, urban trees provide significant environmental and community benefits, including improving air quality, reducing urban heat, enhancing stormwater management, and increasing overall community well-being; and

Whereas, there is currently no standardized guide governing the planting, species selection, maintenance, or spacing requirements for trees planted in the municipal right-of-way by private developers; and

Whereas, the City of Mount Vernon seeks to ensure consistency and sustainability in urban forestry efforts by adopting a comprehensive Tree Planting Guide as municipal policy; and

Whereas, the Department of Public Works recommends the adoption of a mandatory policy that will regulate tree planting by developers within the municipal right-of-way to enhance tree survival rates, provide clear expectations, and improve environmental quality in public spaces; **Now, Therefore, Be It Resolved That**

The City of Mount Vernon, in City Council convened, does hereby ordain and enact:

Section 1. Purpose. The purpose of this ordinance is to provide comprehensive guidelines ensuring the proper planting, growth, and sustainability of trees within the municipal right-of-way, thereby promoting environmental health, enhancing aesthetic value, and ensuring public safety and accessibility.

Section 2. Tree Selection.

(a) Native Species Requirement:

• Trees planted within the municipal right-of-way must be native species suitable for urban environments. Approved species include but are not limited to:

- Red Maple (*Acer rubrum*)
- Northern Red Oak (*Quercus rubra*)

- American Linden (*Tilia americana*)
- Honeylocust (*Gleditsia triacanthos* - thornless varieties only)
- Eastern Redbud (*Cercis canadensis*)
- Approval of species not listed above must be obtained from the Parks Supervisor.

(b) Caliper Size:

- All newly planted trees must have a minimum caliper of 2.5 - 3 inches measured at 6 inches above the root ball.

Section 3. Tree Well Dimensions.

(a) Standard Size:

- Tree wells shall be a minimum of 5 feet by 5 feet (25 square feet) to ensure adequate soil volume, root growth, and water infiltration.

(b) Depth:

- Tree wells must have a minimum depth of 3 feet to accommodate root growth and proper soil amendments.

Section 4. Tree Planting Tree Planting Specifications.

(a) Planting Depth:

- Trees must be planted with the root flare visible at or slightly above ground level.
- The planting hole depth should be equal to the height of the root ball, and the width should be at least twice the diameter of the root ball.

(b) Spacing Requirements:

- Large trees (mature height over 60 feet): 45 - 60 feet apart.
- Medium trees (mature height between 30 and 60 feet): 35 - 50 feet apart.
- Small trees (mature height under 30 feet): 25 - 40 feet apart.
- Additional restrictions apply to intersections, driveways, alleys, utility poles, and hydrants as outlined in the Tree Planting Guide.

(c) Soil Requirements:

- Existing soil should be amended with organic matter such as compost (minimum 25% by volume) to ensure healthy growth. Backfill soil should be thoroughly tamped and watered to eliminate air pockets.

(d) Mulching:

- Apply a 3-inch layer of organic mulch (shredded bark or wood chips), extending to the edge of the tree well but leaving a 3-inch clear radius around the trunk to prevent decay.

(e) Staking and Protection:

- Trees must be staked using biodegradable tree ties and wooden stakes only if necessary for stability. Stakes must be removed within one year.

Section 5. Environmentally Friendly Tree Grate Options.

(a) Tree Grates:

- If tree grates are necessary, they must be ADA-compliant, allow for expansion, and be made from environmentally friendly materials.
- Grates must allow water infiltration and air exchange, featuring a minimum opening area of 40%.

(b) Alternative Ground Cover:

- Developers are encouraged to use permeable paving materials or ground covers (such as low-growing native plants, permeable resin-bound aggregate, or decomposed granite) to facilitate natural irrigation, reduce the heat island effect, and improve tree health.

Section 6. Maintenance and Warranty.

(a) Initial Care:

- Developers must provide watering using gator bags, pruning, and general maintenance for 24 months after planting.

(b) Replacement Guarantee:

- Trees that fail within two years of planting must be replaced by the developer at no additional cost to the City.

Section 7. Compliance and Enforcement.

(a) Inspections:

- Tree installations will be inspected by the City Parks Supervisor or an authorized representative before project approval.

(b) Penalties:

- Non-compliance with these standards may result in fines, withholding of project approvals, or other enforcement actions as determined by the City.

Section 8. Documentation.

(a) Submission Requirements:

- Developers must submit a tree planting plan, including species selection, tree well dimensions, grate materials, and maintenance schedule for approval before permit issuance.

Section 9. Effective Date. This ordinance shall take effect immediately upon passage and approval by the City Council.



CITY OF MOUNT VERNON, N.Y.
DEPARTMENT OF PUBLIC WORKS

SHAWYN PATTERSON-HOWARD
Mayor

City Hall, One Roosevelt Square
Mount Vernon, NY. 10550
(914) 914-665-2339
email:dpwconcerns@mountvernonny.gov

DAMANI L. BUSH
Commissioner

JOHN NUCULOVIC
Deputy Commissioner

February 24, 2025

Honorable City Council Members
Of the City of Mount Vernon
City Hall, Mount Vernon, New York
(Through the Office of the Mayor)

Re: Policy for Tree Planting in the Municipal Right-of-Way

Dear Honorable City Council Members:

The Department of Public Works seeks approval from the City Council to adopt a standardized Tree Planting Guide that will serve as a mandatory policy for developers who undertake projects involving tree planting within the municipal right-of-way.

Urban trees provide significant benefits, including improving air quality, reducing urban heat, enhancing stormwater management, and increasing overall community wellbeing. Currently, there is no standardized guide governing the planting, species selection, maintenance, or spacing requirements for trees planted in the municipal right-of-way by private developers.

Adoption of a comprehensive Tree Planting Guide as municipal policy to be enforced on all future development projects that include tree planting in the municipal right-of-way. This guide includes:

- Recommended tree species suitable for local climate and soil conditions.
- Standardized planting techniques and spacing requirements.
- Maintenance and watering guidelines.
- Replacement requirements if trees fail to establish within a specified timeframe.

Adopting this guide will:

- Ensure consistency and sustainability in urban forestry efforts.
- Improve tree survival rates and long-term health.
- Provide clear expectations to developers, simplifying compliance.
- Enhance the aesthetic appeal and environmental quality of public spaces.

"The Jewel of Westchester"



CITY OF MOUNT VERNON, N.Y.
DEPARTMENT OF PUBLIC WORKS

SHAWYN PATTERSON-HOWARD
Mayor

City Hall, One Roosevelt Square
Mount Vernon, NY, 10550
(914) 914-665-2339
email:dpwconcerns@mountvernonny.gov

DAMANI L. BUSH
Commissioner

JOHN NUCULOVIC
Deputy Commissioner

It is respectfully recommended that the City Council approve the adoption of the proposed Tree Planting Guide as municipal policy, ensuring a healthier, greener, and more resilient Mount Vernon.

Warm regards,

A handwritten signature in blue ink that reads "Shayne Brooks".

Shayne Brooks
Director of Sustainability
City of Mount Vernon, NY
Sbrooks@mountvernonny.gov
914-840-4040

A handwritten signature in green ink that reads "Damani Bush".

Damani Bush
Commissioner of Public Works
City of Mount Vernon, NY
Dbush@mountvernonny.gov
914-665-2492

Attachments: Standard for Tree Planting in the Municipal Right-of-Way

Cc: Mayor's Office
Corporation Council
Comptroller
Planning & Community Development
Buildings Department

"The Jewel of Westchester"

City of Mount Vernon, NY
Standard for Tree Planting in the Municipal Right-of-Way

Purpose:

To provide comprehensive guidelines ensuring the proper planting, growth, and sustainability of trees within the municipal right-of-way. This standard promotes environmental health, enhances aesthetic value, and ensures public safety and accessibility.

1. Tree Selection

- **Native Species Requirement:**
 - Trees planted within the municipal right-of-way must be native species suitable for urban environments. Approved species include but are not limited to:
 - Red Maple (*Acer rubrum*)
 - Northern Red Oak (*Quercus rubra*)
 - American Linden (*Tilia americana*)
 - Honeylocust (*Gleditsia triacanthos* - thornless varieties only)
 - Eastern Redbud (*Cercis canadensis*)
 - Approval of species not listed above must be obtained from the Parks Supervisor.
- **Caliper Size:**
 - All newly planted trees must have a minimum caliper of 2.5 - 3 inches measured at 6 inches above the root ball.

2. Tree Well Dimensions

- **Standard Size:**
 - Tree wells shall be a minimum of 5 feet by 5 feet (25 square feet) to ensure adequate soil volume, root growth, and water infiltration.
- **Depth:**
 - Tree wells must have a minimum depth of 3 feet to accommodate root growth and proper soil amendments.

3. Tree Planting Specifications

- **Planting Depth:**
 - Trees must be planted with the root flare visible at or slightly above ground level. Do not bury the root flare.
 - Planting hole depth should be equal to the height of the root ball, and the width should be at least twice the diameter of the root ball.

- **Spacing Requirements:**

- **Large trees** (mature height over 60 feet): 45 - 60 feet apart.
- **Medium trees** (mature height between 30 and 60 feet): 35 -50 feet apart.
- **Small trees** (mature height under 30 feet): 25 – 40 feet apart.

Additionally, trees should not be planted within 30 feet of an intersection, 15 feet of driveways and alleys, or 10 feet of utility poles or hydrants. A planting space of at least 50 square feet is recommended, and for tree lawns less than 3 feet wide, trees with a mature trunk diameter exceeding 12 inches are not suitable.

- **Soil Requirements:**

- Existing soil should be amended with organic matter such as compost (minimum 25% by volume) to ensure healthy growth. Backfill soil should be thoroughly tamped and watered to eliminate air pockets.

- **Mulching:**

- Apply a 3-inch layer of organic mulch (shredded bark or wood chips), extending to the edge of the tree well but leaving a 3-inch clear radius around the trunk to prevent decay.

Staking and Protection:

- Trees must be staked using biodegradable tree ties and wooden stakes only if necessary for stability. Stakes must be removed within one year.

4. Environmentally Friendly Tree Grate Options

Tree Grates:

- If tree grates are necessary, they must be ADA compliant, allow for expansion, and be made from environmentally friendly materials.
- Grates must allow water infiltration and air exchange, featuring a minimum opening area of 40%.

- **Alternative Ground Cover:**

- Developers are encouraged to use permeable paving materials or ground covers (such as low-growing native plants, permeable resin-bound aggregate, or decomposed granite) to facilitate natural irrigation, reduce heat island effect, and improve tree health.

5. Maintenance and Warranty

- **Initial Care:**

- Developers must provide watering using gator bags, pruning, and general maintenance for a period of 24 months after planting.

- **Replacement Guarantee:**
 - Trees that fail within two years of planting must be replaced by the developer at no additional cost to the City.

6. Compliance and Enforcement

- **Inspections:**
 - Tree installations will be inspected by the City Parks Supervisor or an authorized representative prior to project approval.
- **Penalties:**
 - Non-compliance with these standards may result in fines, withholding of project approvals, or other enforcement actions as determined by the City.

7. Documentation

- **Submission Requirements:**
 - Developers must submit a tree planting plan, including species selection, tree well dimensions, grate materials, and maintenance schedule for approval prior to permit issuance.



City of Mount Vernon, New York

Staff Report

1 ROOSEVELT SQ. RM.
104
CITY HALL, MOUNT
VERNON, NEW YORK
10550
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File #: TMP -1251

Agenda Date: 3/26/2025

Agenda #: 4.

City Council:

**AN ORDINANCE AUTHORIZING THE MAYOR
TO ENTER INTO A CONTRACTUAL AGREEMENT
WITH BONANZA CONTRACTING LLC FOR
RENOVATIONS TO THE MOUNT VERNON
POLICE DEPARTMENT'S A.W.A.R.E. ROOM AREAS**

Whereas, in a letter dated March 6, 2025, the Commissioner of the Department of Public Works requested legislation authorizing the Mayor of the City of Mount Vernon to enter into a contractual agreement with Bonanza Contracting LLC for the completion of renovations and alterations to the Mount Vernon Police Department's A.W.A.R.E. room areas; and

Whereas, the Mount Vernon Police Department requires necessary renovations and alterations to its A.W.A.R.E. room areas to enhance functionality and safety; and

Whereas, the scope of work includes the demolition of walls, relocation of several doors, and the installation of new framing, insulation, and drywall; and

Whereas, Bonanza Contracting LLC has been selected for these services after a careful evaluation of several qualified MWBE General Contractors; and

Whereas, the total cost associated with these renovations is \$29,458.00; and

Whereas, funding for these renovations and repairs is available via general budget code A1 620.414 (Building Maintenance: Repairs to Plant & Equipment); and

Whereas, it is in the best interest of the City of Mount Vernon to proceed with these renovations to ensure the efficient operation and structural integrity of the Mount Vernon Police Department facilities; **Now, Therefore, Be It Resolved That**

The City of Mount Vernon, in City Council convened, does hereby ordain and enact:

Section 1. Authorization to Enter into Contract. The Mayor of the City of Mount Vernon is hereby authorized and directed to enter into a contractual agreement with Bonanza Contracting LLC for the completion of renovations and alterations to the Mount Vernon Police Department's A.W.A.R.E. room areas.

Section 2. Contract Amount. The total cost for the renovations and repairs shall not exceed \$29,458.00, which shall be funded from general Budget Code A1 620.414 (Building Maintenance: Repairs to Plant & Equipment).

Section 3. Scope of Work. The renovations shall include but are not limited to:

1. Demolition of existing walls.
2. Relocation of several doors.
3. Installation of new framing, insulation, and drywall.

Section 4. Implementation. The Mayor, or her designee, shall take all necessary steps to execute the agreement and ensure the timely completion of the renovations.

Section 5. Effective Date. This Ordinance shall take effect immediately upon its adoption by the Board of Estimate & Contract.



CITY OF MOUNT VERNON, N.Y.
DEPARTMENT of PUBLIC WORKS

SHAWYN PATTERSON-HOWARD
Mayor

City Hall, One Roosevelt Square
Mount Vernon, NY. 10550
(914) 914-665-2343
email:dpwconcerns@mountvernonny.gov

DAMANI L. BUSH
Commissioner

ROBERT L. HACKETT
Deputy Commissioner

JOHN NUCULOVIC
Deputy Commissioner

March 6, 2025

Honorable City Council Members
The City of Mount Vernon
Mount Vernon, New York
(Through the Office of the Mayor)

Re: Request for Mayor to Enter into Contract with Bonanza Contracting

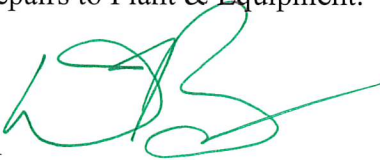
Dear Honorable City Council Members,

I am writing to respectfully request that the Honorable City Council enact legislation that will enable the Mayor to enter into a contractual; agreement with Bonanza Contracting LLC for the necessary renovations and alterations to the Mount Vernon Police Department's A.W.A.R.E. room areas. These renovations included the demolition of walls, relocation of several doors, and installation of new framing, insulation, and drywall. Bonanza Contracting was contacted for these services after the careful evaluation of several qualified MWBE General Contractors.

The total associated cost for these services is \$29,458.00.

Funding for these renovations and repairs is available via general budget code A1620.414 – Building Maintenance: Repairs to Plant & Equipment.

Respectfully,


Damani L. Bush
Commissioner of Public Works
DB/lp
Cc: Building Maintenance Supervisor
Bonanza Contracting LLC

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City of Mount Vernon, New York

Staff Report

1 ROOSEVELT SQ. RM.
104
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VERNON, NEW YORK
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File #: TMP -1267

Agenda Date: 3/26/2025

Agenda #: 5.

City Council:

AN ORDINANCE AUTHORIZING THE RELEASE OF A REQUEST FOR PROPOSALS (RFP) FOR PEST MANAGEMENT AND CONTROL SERVICES FOR VARIOUS MUNICIPAL FACILITIES

Whereas, in a letter dated March 14, 2025, the Commissioner of the Department of Public Works requested legislation authorizing said Department to issue and release a Request for Proposals (RFP) to secure pest management and control services for the municipal facilities listed below; and

Whereas, the City of Mount Vernon is committed to maintaining safe, clean, and sanitary municipal facilities for its employees and constituents; and

Whereas, the presence of pests in City facilities has become a growing concern, posing health risks to employees and visitors, as well as affecting the aesthetic quality and public perception of these spaces; and

Whereas, the Department of Public Works (DPW) is responsible for the maintenance and cleanliness of all municipal buildings and has identified the need for a comprehensive pest management and control service; and

Whereas, the City of Mount Vernon seeks to secure the most effective pest control services through a competitive bidding process to ensure cost efficiency and quality service; and

Whereas, the issuance of a Request for Proposals (RFP) is necessary to identify and engage a qualified pest control service provider that can address the City's needs in a professional and timely manner; **Now, Therefore, Be It Resolved That**

The City of Mount Vernon, in City Council convened, does hereby ordain and enact:

Section 1. Authorization. The Department of Public Works is hereby authorized to issue and release a Request for Proposals (RFP) to secure pest management and control services for the following municipal facilities:

Facility	Address
City Hall	1 Roosevelt Square, Mount Vernon, NY 10550
Police Station	2 Roosevelt Square, Mount Vernon, NY 10550
Armory	144 North 5 th Avenue, Mount Vernon, NY 10550
Doles Center	250 South 6 th Avenue, Mount Vernon, NY 10550
DPW Garage	33 Canal Street, Mount Vernon, NY 10550
Fire Station #1	470 East Lincoln Avenue, Mount Vernon, NY 10550
Fire Station #2	435 South Fulton Avenue, Mount Vernon, NY 10550

Fire Station #3	50 West 3 rd Street, Mount Vernon, NY 10550
Fire Station #4	9-11 Oak Street, Mount Vernon, NY 10550

Section 2. Scope of Services. The selected contractor shall provide comprehensive pest management and control services, which shall include but not be limited to:

1. Inspection and Assessment - Conducting thorough inspections of all identified facilities to determine the extent of any infestation.

2. Treatment and Eradication - Implementing appropriate pest control measures to eliminate existing pests using industry-approved methods.

3. Prevention and Maintenance - Establishing ongoing monitoring and preventive measures to ensure long-term pest control effectiveness.

4. Compliance and Safety - Adhering to all applicable federal, state, and local regulations regarding pesticide use and environmental safety.

5. Reporting and Documentation - Providing regular reports to the Department of Public Works on pest control measures undertaken and any recommendations for continued maintenance.

Section 3. Funding. The cost associated with the procurement of pest management and control services shall be appropriated from the City’s general maintenance budget or such other funds as may be deemed appropriate by the City Council.

Section 4. Implementation. The Department of Public Works shall oversee the RFP process, review submitted proposals, and recommend the most qualified provider for contract approval by the City Council.

Section 5. Effective Date. This Ordinance shall take effect immediately upon its passage and approval by the City Council.



CITY OF MOUNT VERNON, N.Y.
DEPARTMENT of PUBLIC WORKS

SHAWYN PATTERSON-HOWARD
Mayor

City Hall, One Roosevelt Square
Mount Vernon, NY. 10550
(914) 914-665-2343
email:dpwconcerns@mountvernonny.gov

DAMANI L. BUSH
Commissioner

JOHN NUCULOVIC
Deputy Commissioner

March 14, 2025

Honorable City Council Members
The City of Mount Vernon
Mount Vernon, New York
(Through the Office of the Mayor)

RE: Request for Proposals (RFP) Pest Control for Multiple Municipal Buildings in the City of Mount Vernon

Dear Honorable City Council Members,

The Department of Public Works is writing this letter to formally request the City Council's authorization to release a Request for Proposals (RFP) to secure the most effective pest management and control services for its various municipal facilities. These services should include the following:

Facility	Address
City Hall	1 Roosevelt Square Mount Vernon, NY 10550
Police Station	2 Roosevelt Square Mount Vernon, NY 10550
Armory	144 North 5 th Avenue Mount Vernon, NY 10550
Doles Center	250 South 6 th Avenue Mount Vernon, NY 10550
DPW Garage	33 Canal Street Mount Vernon, NY 10550
Fire Station #1	470 East Lincoln Avenue Mount Vernon, NY 10550
Fire Station #2	435 South Fulton Avenue Mount Vernon, NY 10550
Fire Station #3	50 West 3 rd Street Mount Vernon, NY 10550
Fire Station #4	9-11 Oak Street Mount Vernon, NY 10550

The issue of pests has become a growing concern in our municipal facilities. The presence of these pests not only poses health risk for the employees and constituents that frequent these buildings, but it also has a negative impact on the aesthetics of these public spaces. The Department of Public Works has a duty to uphold the cleanliness of all our municipal buildings.

Respectfully,

Damani L. Bush
Commissioner of Public Works

CC: Building Maintenance Law Department Contract File

"The Jewel of Westchester"



City of Mount Vernon, New York

Staff Report

1 ROOSEVELT SQ. RM.
104
CITY HALL, MOUNT
VERNON, NEW YORK
10550
& VIA
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File #: TMP -1279

Agenda Date: 3/26/2025

Agenda #: 6.

City Council:

**AN ORDINANCE AUTHORIZING THE MAYOR TO
ENTER INTO AN AGREEMENT WITH SIGNIFY NORTH
AMERICA CORPORATION TO UPGRADE THE CURRENT
STREET LIGHTING MANAGEMENT SOFTWARE
SYSTEM FROM CITYTOUCH TO INTERACT CITY**

Whereas, in a letter dated March 17, 2025, the Commissioner of the Department of Public Works requested legislation authorizing the Mayor to enter into an agreement with Signify North America Corporation to upgrade the City's current street lighting management software system from CityTouch Software to Interact City Software; and

Whereas, the City of Mount Vernon currently operates and monitors its streetlight infrastructure using the CityTouch Software Service ("CityTouch Software"); and

Whereas, Signify North America Corporation ("Signify") has developed an upgraded street lighting management software system known as Interact City Software ("Interact City Software"); and

Whereas, upgrading to Interact City Software will provide numerous benefits to the City of Mount Vernon, including but not limited to enhanced energy efficiency, crime reduction, improved public safety, and faster response times for maintenance by the Department of Public Works; and

Whereas, the upgrade to Interact City Software is being provided at no cost to the City of Mount Vernon; and

Whereas, the City Council finds that the execution of an agreement with Signify to facilitate this upgrade is in the best interest of the City and its residents; **Now, Therefore, Be It Resolved That**

The City of Mount Vernon, in City Council convened, does hereby ordain and enact:

Section 1. Authorization to Enter into Agreement. The Mayor of the City of Mount Vernon, Shawyn Patterson-Howard, is hereby authorized to enter into an agreement with Signify North America Corporation to upgrade the City's current street lighting management software system from CityTouch Software to Interact City Software.

Section 2. Implementation and Management. The Department of Public Works, in coordination with any necessary City departments, shall oversee the implementation of the Interact City Software and ensure that all necessary measures are taken to transition from CityTouch Software without disruption.

Section 3. Cost and Funding. The upgrade to Interact City Software shall be implemented at *no cost* to the City of Mount Vernon.

Section 4. Effective Date. This Ordinance shall take effect immediately upon adoption by the City Council.



CITY OF MOUNT VERNON, N.Y.
DEPARTMENT OF PUBLIC WORKS

SHAWYN PATTERSON-HOWARD
Mayor

City Hall, One Roosevelt Square
Mount Vernon, NY. 10550
(914) 914-665-2339
email: dpwconcerns@mountvernonny.gov

DAMANI L. BUSH
Commissioner

JOHN NUCULOVIC
Deputy Commissioner

March 17, 2025

Honorable City Council Members
The City of Mount Vernon
Mount Vernon, New York
(Through the Office of the Mayor)

RE: Permission for Mayor Enter to Into Agreement with Signify North American Corporation to upgrade Our Current Street Lighting Management Software system from City Touch to Interact City

Dear Honorable City Council Members,

I respectfully request that the Mount Vernon City Council authorize Mayor Shawyn Patterson-Howard authorization to execute an agreement with Signify North America Corporation ("Signify") to upgrade the current street lighting management software system from CityTouch Software Service ("The CityTouch Software Service") to the Interact City Software ("The Interact City Software").

The City of Mount Vernon's current streetlight infrastructure is currently being monitored/operated using CityTouch Software. Upgrading to Interact City Software upgrades will allow for savings in energy costs incurred by the city, reduction in crime, and allows for Public Works personnel to have faster response times to streetlights that may require maintenance. Providing the residents in the City of Mount Vernon with this free upgrade will have a positive impact on the overall quality of life and provide the Department of Public Works hard data that will impact the sustainable needs of the city.

This upgrade is at no cost to the City of Mount Vernon.

Respectfully,

Damani Bush
Commissioner of Public Works
DB/dg

"The Jewel of Westchester"



City of Mount Vernon, New York

Staff Report

1 ROOSEVELT SQ. RM.
104
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File #: TMP -1280

Agenda Date: 3/26/2025

Agenda #: 7.

City Council:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF A REQUEST FOR BIDS (RFB) FOR YEAR 2 - SEWER SYSTEM CLEANING AND INVESTIGATION (OUTFALL 15, 30, 31, 43, 48, 53, AND 34 DRAINAGE AREAS)

Whereas, in a letter dated March 17, 2025, the Commissioner of the Department of Public Works requested legislation authorizing the issuance of a Request for Bids (RFB) for Year 2 - Sewer System Cleaning and Investigation, covering Outfall 15, 30, 31, 43, 48, 53, and 34 Drainage Areas; and

Whereas, the City of Mount Vernon is committed to maintaining and improving its sanitary and storm sewer infrastructure to ensure public health, safety, and environmental compliance; and

Whereas, the City is currently under a Consent Order requiring the systematic cleaning, inspection, and remediation of its sewer system; and

Whereas, this project represents Year 2 of a 5-year program designed to clean and inspect all City sewers, following established protocols for sewer maintenance and illicit discharge detection and elimination; and

Whereas, the scope of work for this project includes cleaning and CCTV inspection of approximately 200,000 linear feet of sanitary and storm sewers, as well as follow-up CCTV inspections, smoke testing, and dye testing as part of an illicit discharge detection and elimination program; and

Whereas, this project will be fully funded by the New York State Department of Environmental Conservation (NYSDEC) Water Quality Improvement Program Grant and a New York State Environmental Facilities Corporation Grant; and

Whereas, it is in the best interest of the City of Mount Vernon to issue a Request for Bids (RFB) to procure qualified contractors to complete this essential infrastructure project; **Now, Therefore, Be It Resolved That**

The City of Mount Vernon, in City Council convened, does hereby ordain and enact:

Section 1. Authorization to Issue a Request for Bids. The City Council authorizes issuing a Request for Bids (RFB) for Year 2 - Sewer System Cleaning and Investigation, covering Outfall 15, 30, 31, 43, 48, 53, and 34 Drainage Areas.

Section 2. Project Scope. The scope of work shall include, but is not limited to:

1. Cleaning and CCTV inspection of approximately 200,000 linear feet of sanitary

and storm sewers.

2. Follow-up CCTV inspections as required.
3. Smoke testing and dye testing as part of an illicit discharge detection and elimination program.
4. Compliance with all local, state, and federal regulations governing sewer maintenance and environmental protection.

Section 3A. Contract Duration. The awarded contract shall have a duration of one (1) year, with an option to extend for an additional year at the City's discretion.

Section 4. Funding. This project shall be fully funded by the NYSDEC Water Quality Improvement Program Grant and a New York State Environmental Facilities Corporation Grant, with no additional burden on City taxpayers.

Section 5. Effective Date. This Ordinance shall take effect immediately upon passage by the City Council.



CITY OF MOUNT VERNON, N.Y.
DEPARTMENT of PUBLIC WORKS

SHAWYN PATTERSON-HOWARD
Mayor

City Hall, One Roosevelt Square
Mount Vernon, NY, 10550
(914) 665-2300 – Fax: (914) 665-2476

DAMANI L. BUSH
Commissioner
John Nuculovic
Deputy Commissioner

March 17, 2025

Honorable City Council Members
The City of Mount Vernon
Mount Vernon, New York
(Through the Office of the Mayor)

**Re: Request for Bids – YEAR 2 – SEWER SYSTEM CLEANING AND INVESTIGATION,
(Outfall 15, 30, 31, 43, 48, 53, and 34 Drainage Areas)**

Dear Honorable City Council Members,

I am writing to formally request the City Council's authorization to advertise for bids for a YEAR 2 – SEWER SYSTEM CLEANING AND INVESTIGATION, (Outfall 15, 30, 31, 43, 48, 53, and 34 Drainage Areas).

This project includes the cleaning and CCTV inspection of approximately 200,000 linear feet of sanitary and storm sewers. Work also includes follow-up CCTV inspections, smoke testing, and dye testing as part of an illicit discharge detection and elimination program. The Contract will have a duration of 1 year with an option to extend the contract for an additional year. This work is being completed to comply with the City's Consent Order and is year 2 of a 5-year program to clean and inspect all City sewers.

This project will be fully funded by NYSDEC Water Quality Improvement Program Grant and a New York State Environmental Facilities Corporation Grant.

I urge the City Council to approve this request so we can promptly move forward with this essential infrastructure project. Your support is vital to ensuring the safety and functionality of our City's sewer systems network and compliance with the Consent Order.

Thank you for your consideration of this request. Please feel free to contact me if you require any additional information.

Respectfully,

Damani L. Bush
Commissioner of Public Works

DLB/db

Cc: City Engineer, Grants Department, Contract File

"The Jewel of Westchester"



City of Mount Vernon, New York

Staff Report

1 ROOSEVELT SQ. RM.
104
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VERNON, NEW YORK
10550
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File #: TMP -1282

Agenda Date: 3/26/2025

Agenda #: 8.

City Council:

AN ORDINANCE AUTHORIZING THE DEPARTMENT OF RECREATION TO CO-SPONSOR THE LATIN CULTURAL FESTIVAL IN PARTNERSHIP WITH MIZTILI LLC

Whereas, by letter dated March 14, 2025, the Commissioner of the Department of Recreation has requested legislation authorizing said Department to co-sponsor the Latin Cultural Festival in partnership with Miztili LLC on May 18, 2025, at Hartley Park; and

Whereas, the City of Mount Vernon recognizes the importance of cultural events that promote diversity, unity, and community engagement; and

Whereas, the Latin Cultural Festival has a successful history of celebrating Latin heritage through music, dance, cuisine, and artistic expression, previously held in New Rochelle and last year in Mount Vernon; and

Whereas, the Department of Recreation has proposed that the City co-sponsor the event in partnership with Miztili LLC to facilitate its success and ensure community participation; and

Whereas, the Latin Cultural Festival is scheduled to take place on Sunday, May 18, 2025, from 10:00 AM to 7:00 PM at Hartley Park, providing a vibrant and accessible venue for residents and visitors to celebrate cultural heritage; and

Whereas, the Department of Recreation will assist in coordinating the event by providing the necessary support, including the use of Hartley Park, tables, chairs, and staff for setup, cleanup, and waste management; and

Whereas, it is in the best interest of the City of Mount Vernon to support this cultural initiative, as it aligns with the City's commitment to fostering inclusive and diverse community events; **Now, Therefore, Be It Resolved That**

The City of Mount Vernon, in City Council convened, does hereby ordain and enact:

Section 1. Authorization. The City of Mount Vernon, through its Department of Recreation, is hereby authorized to co-sponsor the Latin Cultural Festival in partnership with Miztili LLC on May 18, 2025, at Hartley Park.

Section 2. Support and Assistance. The Department of Recreation shall provide the necessary logistical support for the event, including but not limited to the use of Hartley Park, provision of tables and chairs, and assignment of staff to assist with event setup, cleanup, and waste management.

Section 3. Permitting and Regulatory Compliance. Miztili LLC shall be responsible for obtaining any necessary permits, ensuring compliance with city ordinances, and adhering to all safety and environmental regulations for the event.

Section 4. Liability and Insurance. Miztili LLC shall provide proof of adequate insurance

coverage, naming the City of Mount Vernon as an additional insured, to protect against any liabilities arising from the event.

Section 5. Effective Date. This Ordinance shall take effect immediately upon its adoption by the City Council.



CITY OF MOUNT VERNON, NEW YORK
DEPARTMENT of RECREATION

Shawyn Patterson-Howard
Mayor

City Hall
One Roosevelt Square – Room 11
Mount Vernon, NY, 10550
(914) 665-2420 – Fax: (914) 665-2421

Kathleen Walker-Pinckney
Commissioner

André G. Early
Deputy Commissioner

March 14, 2025

Honorable City Council Members
City of Mount Vernon
1 Roosevelt Square
Mount Vernon, New York 10550

Re: Latin Cultural Festival

Honorable City Councilmembers:

The Department of Recreation, in partnership with Miztli LLC, requests that the City Council adopt an ordinance allowing us to Co-sponsor the Latin Cultural Festival. This event, scheduled for Sunday, May 18, 2025, from 10:00 am to 7:00 pm, will be held in Hartley Park.

The Latin Festival, which is seeking to be hosted in Hartley Park, promises to be a vibrant celebration of diversity and community spirit. Its successful history in New Rochelle, two years ago and last year here in Mount Vernon, brings a rich tapestry of traditions, art, music, and cuisine worldwide. From vibrant dance performances to engaging workshops that highlight various cultural practices, the event fosters a deeper understanding and appreciation among attendees. With Hartley Park as its backdrop, the event aims to transform the green space into a lively hub where people of all ages and backgrounds can come and share experiences, forge connections, and celebrate the mosaic of cultures that enrich our society.

The Department of Recreation will assist in using Hartley Park and provide tables and chairs. Recreation staff scheduled to be on-site will help with cleanup and garbage collection.

We appreciate your consideration in this matter.

Respectfully submitted,

Kathleen Walker- Pinckney
Commissioner



City of Mount Vernon, New York

Staff Report

1 ROOSEVELT SQ. RM.
104
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VERNON, NEW YORK
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File #: TMP -1208

Agenda Date: 3/26/2025

Agenda #: 9.

City Council:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A THREE-YEAR AGREEMENT WITH TURF TANK FOR THE LEASING AND UTILIZATION OF FIELD-MARKING EQUIPMENT

Whereas, in a letter dated February 7, 2025, the Deputy Commissioner of the Department of Recreation requested legislation authorizing the Mayor to enter into a three-year agreement with Turf Tank for the leasing and utilization of field-marking equipment, as described in this Ordinance; and

Whereas, the City of Mount Vernon is committed to enhancing the operational efficiency of its sports facilities, including Memorial Field, Brush Park, and Hutchinson Field; and

Whereas, the acquisition of advanced field-marking equipment will significantly improve the City's ability to transition between multiple sporting events in a timely and efficient manner, reducing the time required to line fields to as little as 30 minutes; and

Whereas, Memorial Field serves as a premier multi-sport venue accommodating high-demand athletic programming, and the implementation of this technology will facilitate seamless transitions between events, improving service quality and schedule adherence; and

Whereas, the use of Turf Tank's field-marking equipment will reduce labor-intensive field marking efforts, thereby generating cost savings and increasing the City's ability to schedule additional rentals, tournaments, and special events, ultimately driving increased revenue; and

Whereas, the total cost for the Turf Tank system is \$22,700, which includes an annual fee of \$9,000 and an initial setup cost of \$1,700, with funding available in the approved 2025 Budget under Code A 7021.458; and

Whereas, it is in the best interest of the City of Mount Vernon to enter into this agreement to maximize field utilization and increase revenue-generating opportunities for the City; **Now, Therefore, Be It Resolved That**

The City of Mount Vernon, in City Council convened, does hereby ordain and enact:

Section 1. Authorization. The Mayor is hereby authorized to enter into a three-year agreement with Turf Tank for the leasing and utilization of field-marking equipment, as described in this Ordinance.

Section 2. Funding. The cost of the agreement, totaling \$22,700, shall be allocated from the approved 2025 Budget under Code A 7021.458.

Section 3. Implementation. The Department of Parks and Recreation, or its designee, shall be responsible for overseeing the execution and implementation of this agreement and ensuring compliance with its terms and conditions.

Section 4. Effective Date. This Ordinance shall take effect immediately upon its adoption by the Board of Estimate & Contract.



CITY OF MOUNT VERNON, NY
DEPARTMENT OF RECREATION

SHAWYN PATTERSON-HOWARD
Mayor

City Hall, One Roosevelt Square
Mount Vernon, NY, 10550
(914) 665-2420 – Fax: (914) 665-2421

KATHLEEN WALKER- PINCKNEY
Commissioner
ANDRÉ G. EARLY
Deputy Commissioner

February 7, 2025

Honorable City Council
Of the City of Mount Vernon
City Hall
Mount Vernon, NY 10550

Dear Council Members:

The purpose of this letter is to formally request legislation permitting the City of Mount Vernon to enter into a three-year agreement with Turf Tank. This agreement is essential to enhancing operational efficiency at Memorial Field and other city-owned sports facilities, including Brush Park and Hutchinson Field.

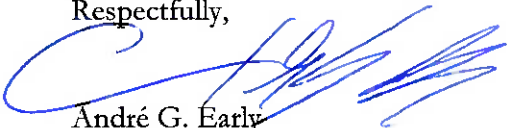
The acquisition of this advanced field-marking equipment will significantly improve our ability to transition between multiple sporting events, reducing the time required to line fields to as little as 30 minutes. Memorial Field serves as a premier multi-sport venue, accommodating high-demand athletic programming. With this technology, we can seamlessly host a rugby game in the morning and a soccer game in the evening without compromising service quality or delaying schedules.

From a financial standpoint, the use of this equipment will result in cost savings by reducing labor-intensive field marking efforts. More importantly, this efficiency will increase our capacity to schedule additional rentals, tournaments, and special events; ultimately driving increased revenue for the City.

The total cost for the Turf Tank is \$22,700, which includes an annual fee of \$9,000 and an initial setup cost of \$1,700. Funding is available in the approved 2025 Budget under Code A7021.458.

I respectfully request your support in approving this agreement, which will further enhance the City's ability to maximize field utilization and increase revenue-generating opportunities. Thank you for your time and consideration.

Respectfully,


André G. Early
Deputy Commissioner

cc: Office of the Mayor
Office of the Comptroller
Corporation Council
File



City of Mount Vernon, New York

Staff Report

1 ROOSEVELT SQ. RM.
104
CITY HALL, MOUNT
VERNON, NEW YORK
10550
& VIA
FACEBOOK.
COM/MOUNTVERNONNY

File #: TMP -1249

Agenda Date: 3/26/2025

Agenda #: 10.

City Council:

**AN ORDINANCE AUTHORIZING THE MAYOR
TO ENTER INTO AN AGREEMENT WITH
THE NEW YORK STATE DEPARTMENT OF
CRIMINAL JUSTICE SERVICES FOR THE GUN
INVOLVED VIOLENCE ELIMINATION (2024-2025) GRANT**

Whereas, in a letter dated March 4, 2025, the Commissioner of the Department of Public Safety requested legislation authorizing the Mayor to enter into an agreement with the New York State Department of Criminal Justice Services to accept and administer the Gun Involved Violence Elimination (2024-2025) Grant, in accordance with the terms outlined by DCJS; and

Whereas, the City of Mount Vernon is committed to reducing gun-related violence and enhancing public safety through strategic law enforcement initiatives; and

Whereas, the New York State Department of Criminal Justice Services (DCJS) has awarded the City of Mount Vernon a grant under the Gun Involved Violence Elimination (GIVE) program for the period of July 1, 2024, through June 30, 2025; and

Whereas, the grant, identified as DCJS Project ID GV24-1089-DOO with Contract Number C485111, provides a maximum amount payable of \$270,000.00 to support various law enforcement initiatives aimed at preventing and reducing gun violence; and

Whereas, it is in the best interest of the City of Mount Vernon to accept these funds and utilize them for the designated purposes to improve law enforcement capabilities and enhance public safety;
Now, Therefore, Be It Resolved That

The City of Mount Vernon, in City Council convened, does hereby ordain and enact:

Section 1. Authorization. The Mayor of the City of Mount Vernon is hereby authorized to enter into an agreement with the New York State Department of Criminal Justice Services to accept and administer the Gun Involved Violence Elimination (2024-2025) Grant, in accordance with the terms outlined by DCJS.

Section 2. Grant Funding Allocation. The grant funds shall be allocated as follows:

- \$72,450 for a Field Intelligence Officer
- \$45,750 for a Violence Assessment Officer
- \$27,060 for Overtime for 'Focused Deterrence'
- \$60,000 for a Non-Fatal Shootings Investigator

- \$15,740 for Non-Fatal Shooting Investigations Overtime
- \$27,000 for Overtime for 'Hot Spot' Patrols
- \$4,000 for Overtime for CPTED (Community Policing Through Environmental Design)
- \$1,000 for Public Safety Pamphlets (CPTED)
- \$1,000 for DCJS authorized GIVE-related Travel and Training
- \$16,000 for SIMSI software (subject to separate legislation for contract approval)

Section 3. Revenue Deposit. The funds received under this grant shall be deposited into Revenue Line-A3389.3.

Section 4. Implementation. The Mayor, or her designee, is authorized to take all necessary steps to effectuate the terms of the grant and ensure proper utilization of the funds in accordance with DCJS requirements.

Section 5. Effective Date. This ordinance shall take effect immediately upon its adoption by the Board of Estimate & Contract.



DEPARTMENT OF PUBLIC SAFETY

BUREAU OF POLICE
ROOSEVELT SQUARE
MOUNT VERNON, NY 10550
(914) 665-2500

DAVID GIBSON
COMMISSIONER

JENNIFER LACKARD
DEPUTY COMMISSIONER OF REFORM

MARCEL OLIFIERS
CHIEF OF OPERATIONS

SHAWYN PATTERSON - HOWARD
MAYOR

March 4, 2025

Honorable Members of the City Council
Through the Office of the Mayor
City Hall- Roosevelt Square
Mount Vernon, NY 10550

Dear City Council Members:

This letter comes to request that the City Council enact legislation that will enable the Mayor to enter into an agreement with the Division of Criminal Justice Services to participate in the New York State Department of Criminal Justice Services Gun Involved Violence Elimination (2024-2025) Grant. Said grant is titled 'Gun Involved Violence Elimination (2024-2025) Grant', with a DCJS Project ID number of GV24-1089-D00 and a Contract Number of C485111. Attached please find the award letter and draft award contract.

The project and budget period for this grant is July 1, 2024, until June 30, 2025.

The maximum amount payable under this Agreement is **\$270,000.00** as follows:

\$72,450	Field Intelligence Officer
\$45,750	Violence Assessment Officer
\$27,060	Overtime for 'Focused Deterrence'
\$60,000	Non-Fatal Shootings Investigator
\$15,740	Non-Fatal Shooting Investigations Overtime
\$27,000	Overtime for 'Hot Spot' Patrols
\$4,000	Overtime for CPTED (Comm. Policing Thru Environmental Design)
\$1,000	Public Safety Pamphlets (CPTED)
\$1,000	DCJS authorized GIVE related Travel and Training
\$16,000	SIMSI software (contract to be requested through separate legislation)

If there are any questions, please feel free to contact me. Funds are to be deposited into Revenue Line-A3389.3.

Sincerely,

David Gibson, Commissioner of Public Safety
Commissioner of Public Safety



Division of Criminal Justice Services

KATHY HOCHUL
Governor

ROSSANA ROSADO
Commissioner

CILLIAN FLAVIN
Deputy Commissioner

Grant Award Notice

Grantee/Contractor: Mount Vernon City Police Department	Date: June 10, 2024
Program Name: GIVE (2024-25)	Award Amount: \$270,000 ¹
Signatory Name and Title: Chief Marcel Olifiers	Term Dates: 7/1/2024-6/30/2025
Email: molifiers@pd.cmvny.com	Contract Number: C485111
Program Description:2024-25 DCJS Gun Involved Violence Elimination (GIVE) Initiative	
New York State Division of Criminal Justice Services (DCJS) Commissioner Rossana Rosado is pleased to provide funding to your county and agency to support the Gun Involved Violence Elimination (GIVE) initiative. The GIVE initiative is a critical component of the State's violence prevention and reduction strategy. Thank you for your partnership to help keep New Yorkers safe. Please find attached the approved budget for the funded agencies within your county. If you have any programmatic questions, please contact the DCJS Office of Public Safety (OPS) at LESAU@dcjs.ny.gov	
Grant Questions	
PRIMARY CONTACT Rob Frost Public Safety Grants Representative NYS Division of Criminal Justice Services Office of Program Development and Funding Phone:518 485-2979 Email: Robert.Frost@dcjs.ny.gov	SECONDARY CONTACT Dave Martin Public Safety Grants Representative NYS Division of Criminal Justice Services Office of Program Development and Funding Phone:518 485-9607 Email: David.Martin@dcjs.ny.gov

We look forward to working with you in our continued efforts to safeguard the health and safety of all New York residents and visitors.

^[1] The award amount listed above is contingent upon the completion and submission (as applicable) of all contractual obligations as well as approval by the NYS Division of Budget and execution of the grant contract by the NYS Office of the State Comptroller.



City of Mount Vernon, New York

Staff Report

1 ROOSEVELT SQ. RM.
104
CITY HALL, MOUNT
VERNON, NEW YORK
10550
& VIA
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File #: TMP -1260

Agenda Date: 3/26/2025

Agenda #: 11.

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A SOFTWARE-AS-A-SERVICE AGREEMENT WITH SIMSI, INC. FOR CAD AND RMS SOFTWARE FOR THREE YEARS

Whereas, by letter dated March 10, 2025, the Commissioner of the Department of Public Safety has requested legislation authorizing the Mayor is hereby authorized to enter into a Software-as-a-Service Agreement with Simsi, Inc. for the use of Simsi RTMDx software for a period of three (3) years, commencing April 1, 2025, and ending March 31, 2028; and

Whereas, the Department of Public Safety has identified a need for specialized software to enhance crime prevention and operational efficiency within the City of Mount Vernon; and

Whereas, Simsi, Inc. provides Simsi RTMDx, a crime prevention and operational tool utilizing Risk Terrain Modeling (RTM) to analyze crime patterns, identify environmental conditions contributing to crime problems, and assist law enforcement in data-driven decision-making; and

Whereas, Simsi RTMDx is uniquely suited to support the City's GIVE Grant firearms-related crime reduction initiative and the upcoming AWARE Room citywide video surveillance project; and

Whereas, the New York State Department of Criminal Justice Services Office of Program Development and Funding has determined that Simsi RTMDx qualifies as a "Sole Source" software service due to its specialized capabilities, as defined in Section 6 of the City's Procurement Procedures; and

Whereas, the total cost of the three-year agreement shall be \$48,000, with an annual payment of \$16,000 to be funded through the GIVE Grant program (Revenue code A 3389.3), with the appropriation code to be determined by the Finance Department; and

Whereas, the period of coverage for this contract shall be from April 1, 2025, to March 31, 2028; and

Whereas, it is in the best interest of public safety and the citizens of Mount Vernon to authorize the Mayor to enter into the agreement with Simsi, Inc. to procure this essential software service; **Now, Therefore, Be It Resolved That**

The City of Mount Vernon, in City Council convened, does hereby ordain and enact:

Section 1. Authorization. The Mayor is hereby authorized to enter into a Software-as-a-Service Agreement with Simsi, Inc. for the use of Simsi RTMDx software for a period of three (3) years, commencing April 1, 2025, and ending March 31, 2028.

Section 2. Cost and Funding. The annual cost of the agreement shall be \$16,000 per year, for a total contract cost of \$48,000 over three years. This expenditure shall be funded through the

GIVE Grant program (Revenue code A 3389.3), with the appropriation code to be determined by the Finance Department.

Section 3. Procurement Compliance. The agreement with Simsi, Inc. is designated as a “Sole Source” procurement in accordance with Section 6 of the City's Procurement Procedures, as determined by the New York State Department of Criminal Justice Services.

Section 4. Effective Date. This Ordinance shall take effect immediately upon its adoption by the Board of Estimate & Contract.



DEPARTMENT OF PUBLIC SAFETY
BUREAU OF POLICE
ROOSEVELT SQUARE
MOUNT VERNON, NY 10550
(914) 665-2500

DAVID GIBSON
POLICE COMMISSIONER

JENNIFER LACKARD
DEPUTY COMMISSIONER

MARCEL OLIFIERS
CHIEF OF OPERATIONS

SHAWYN PATTERSON - HOWARD
MAYOR

March 17, 2025

Honorable City Council Members
City of Mount Vernon
1 Roosevelt Square
Mount Vernon, New York 10550

RE: Request Authorizing the Mayor to enter into a Software-as-a-Service Agreement with Simsi, Inc. for CAD and RMS Software for a Three Year period for approval at the March 26, 2025 City Council Meeting

Honorable Councilmembers:

This Department of Public Safety requests the Honorable Members of the City Council to approve legislation authorizing the Mayor to enter into a three-year agreement with **Simsi, Inc.** for software licensing.

Simsi software, specifically Simsi RTMDx, is a crime prevention and operational tool for law enforcement that uses Risk Terrain Modeling (RTM) to analyze crime patterns and identify environmental conditions contributing to crime problems, focusing on places rather than people. Simsi identifies spatial patterns in public safety issues, determines why problems emerge or persist, and engages in who is best prepared to address them. This software is highly adaptable for both our current GIVE Grant firearms related crime reduction initiative as well as our upcoming AWARE Room Citywide video surveillance room.

The period of coverage of this **36-month contract is April 1, 2025, to March 31, 2028**. The annual cost for the software will be **\$16,000 a year for each of the 3 years**, coming to a total of **\$48,000**. The annual payments will be made utilizing funds from the GIVE Grant. The GIVE XI Grant is on for approval by the City Council on March 26, 2025, and future versions of the GIVE Grant are expected to continue in the years of 2026, 2027 and 2028. The Department will ensure that the budget for SIMSI is in the future GIVE Grants.

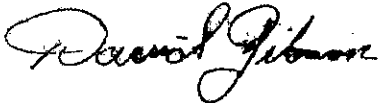
On April 24, 2024, the Honorable Council did approve an ordinance updating the City of Mount Vernon's Procurement procedures. Section 6, titled 'Sole Source', defines 'sole source' as 'a procurement in which only one offeror is capable of supplying the required commodities or service and no substantial equivalent exists. This software service is in the public's interest and is available

from only one source, for which there is no equivalent. The New York State Department of Criminal Justice Services' Office of Program Development and Funding has determined that the requested Simsi Inc. software does qualify as 'Sole Source' due to the specialization of the software's capabilities. As a result, the customized software that the Department is requesting is only available from Simsi, Inc.

The cost for this contract renewal will be **\$16,000.00 for each of the three years/ 36 months of the contract** and will be funded utilizing funds from the GIVE Grant program (Revenue code A 3389.3) from an appropriation code to be determined by the Finance Department.

If this request meets the approval of your Honorable Body, please enact legislation granting this approval.

Sincerely,



David Gibson
Commissioner of Public Safety

Attachments:

- NYS DCJS ODPF Sole Source Exemption Request
- SIMSI Inc. Software-as-a-Service Agreement (draft)
- NYS Office of the State Comptroller-Bureau of Contracts Vendor Responsibility Profile

CC: Mayor
Comptroller
Law Department



OPDF Sole Source or Single Source Exemption Request Form

- 1. Applicant/Grantee Name: City of Mount Vernon Police Department
- 2. Applicant/Grantee Address: 2 Roosevelt Square North, Mount Vernon, NY, 10550
- 3. Subcontractor/Supplier/Vendor Name: SIMSI
- 4. Date of Request: 5. Contract Number: C485111 6. Project ID Number: GV24-1089
- 7. Contract Amount: \$16000 8. Contract Period: 3 years 9. Exemption Amount:
- 10. Contact Name/Title: Sgt. Subryan
- 11. E-mail Address: csubryan@mountvernonnypd.gov 12. Phone Number: 914-665-2510
- 13. Exemption Requested (check the appropriate box) : Sole Source Single Source

Note: Sole source is defined as a procurement in which only one Subcontractor/Supplier is capable of supplying the required product or service. Single source is defined as a procurement in which although two or more Subcontractors/Suppliers can supply the required commodity or service, the Applicant/Grantee can provide substantial justification to award to a Subcontractor/Supplier over the other(s).

Complete the following fields below as succinctly as possible.

14. Provide a brief description of the program, including the contracted purpose and objective:

SIMSI software provides a powerful suite of easy-to-use tools for analysts to diagnose crime patterns, prioritize places in need, and coordinate resources for prevention. It would provide the ability to develop strategies surround hot spot policing model.

15. Explain the circumstances detailing why it is necessary to contract non-competitively, including the expertise, experience, and knowledge of the subcontractor/supplier, including alternatives considered:

Simsi produces clear reports and maps that we will use for actionable decision-making and effective public safety programming.

16. Detail any time constraints anticipated with selecting another subcontractor/supplier, including the impact on the program, both programmatically and fiscally:

There are not any time constraints at this time.

OPDF Sole Source or Single Source Exemption Request Form

17. Detail the uniqueness of the subcontractor/supplier and how its services and/or commodities will benefit the contracted program:

Simsi software is simple to use and provide resources on maps that establish environmental contributing factors to geographical analysis.

18. Provide a justification detailing reasonableness of cost (i.e. similar costs for similar services in the region, continuation of current services at not increase in cost, etc.):

Simsi cost is reasonable when taking into consideration the simplicity and uniqueness of their software.

19. Provide any other details deemed necessary to substantiate this request:

N/A

Certification

20. I certify to the best of my knowledge that the utilization of this subcontractor/supplier is in the best interests of my organization.

21. Certified by: Sgt. C. Subryan

22. Date: 1/15/25

Note: Sole Source or Single Source Exemption will not be approved without a grantee certification.

PSGR: Chris Lammerts

Date: 16 January 2025

Approved Denied

Reviewer Comments:

**** PSGR please attach a copy of the approved form in the shared drive P:\DCJS\OPDF\AllShared\Sole-Single Source Exemption Requests****



City of Mount Vernon, New York

Staff Report

1 ROOSEVELT SQ. RM.
104
CITY HALL, MOUNT
VERNON, NEW YORK
10550
& VIA
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File #: TMP -1262

Agenda Date: 3/26/2025

Agenda #: 12.

City Council:

**AN ORDINANCE AUTHORIZING THE MAYOR TO
ENTER INTO A MEMORANDUM OF UNDERSTANDING
(MOU) WITH THE COUNTY OF WESTCHESTER, THE
CITY OF YONKERS, AND THE CITY OF NEW ROCHELLE
FOR PARTICIPATION IN THE EDWARD BYRNE MEMORIAL
JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AND TO
UTILIZE JAG FUNDS FOR THE PURCHASE AND
INSTALLATION OF MOTOROLA APX8500 RADIOS**

Whereas, in a letter dated March 11, 2025, the Commissioner of the Department of Public Safety requested legislation authorizing the Mayor to enter into a Memorandum of Understanding (MOU) with the County of Westchester, the City of Yonkers, and the City of New Rochelle to participate in the Edward Byrne Memorial Justice Assistance Grant (JAG) Program; and

Whereas, the Edward Byrne Memorial Justice Assistance Grant (JAG) Program provides federal funding to assist state and local law enforcement in crime prevention and public safety efforts; and

Whereas, the County of Westchester has been designated as the pass-through entity for the administration of JAG funds for the term of October 1, 2022, through September 30, 2026; and

Whereas, the City of Mount Vernon, as a participating municipality, is eligible for reimbursement of up to \$27,443 for authorized expenses under the JAG program; and

Whereas, the Department of Public Safety has identified a critical need to purchase and install three (3) Motorola APX8500 ‘tri-band’ mobile radios to enhance police communications and interoperability; and

Whereas, the purchase of the Motorola APX8500 radios and the installation thereof will be conducted through government contracts, specifically NYS Office of General Services Contract PT68715 (Group 77200, Award 23141) and Westchester County Contract 5846BPS, with Electronic Systems Solutions (ESS), Inc. as the vendor; and

Whereas, the total cost of the three (3) Motorola APX8500 ‘tri-band’ mobile radios, including installation, is \$24,743.76, which will be expended from the Department of Public Safety’s Budget line A3120.203 (Equipment) and reimbursed upon submission of proof of payment through Revenue Line A3389.9 (NYS-Other); and

Whereas, the procurement of the radios and their installation falls under existing governmental contracts, thereby warranting an exemption from the competitive bidding process as outlined in the City of Mount Vernon’s procurement policy adopted on April 24, 2024; **Now**,

Therefore, Be It Resolved That

The City of Mount Vernon, in City Council convened, does hereby ordain and enact:

Section 1. Authorization. The Mayor is hereby authorized to enter into a Memorandum of Understanding (MOU) with the County of Westchester, the City of Yonkers, and the City of New Rochelle to participate in the Edward Byrne Memorial Justice Assistance Grant (JAG) Program.

Section 2. Procurement and Expenditure. The Department of Public Safety is authorized to purchase three (3) Motorola APX8500 ‘tri-band’ mobile radios from Motorola Solutions through Electronic Systems Solutions, Inc. under NYS Office of General Services Contract PT68715, Group 77200, Award 23141, at a total cost of \$23,043.51.

Section 3. Installation. The Department of Public Safety is further authorized to utilize Westchester County Contract 5846BPS for the installation of said radios by Electronic Systems Solutions, Inc., at a total cost of \$1,700.25.

Section 4. Funding and Reimbursement. The total expenditure of \$24,743.76 shall be allocated from Budget Line A3120.203 (Equipment). Reimbursement of said expense shall be processed through the JAG Program and recorded in Revenue Line A3389.9 (NYS-Other) upon submission of proof of payment.

Section 5. Waiver of Competitive Bidding. As the procurement of the Motorola APX8500 radios and the installation thereof are conducted under existing governmental contracts, the City of Mount Vernon waives the competitive bidding process in accordance with the City’s procurement policy adopted on April 24, 2024.

Section 6. Effective Date. This Ordinance shall take effect immediately upon its adoption by the Board of Estimate & Contract.



DEPARTMENT OF PUBLIC SAFETY
BUREAU OF POLICE
ROOSEVELT SQUARE
MOUNT VERNON, NY 10550
(914) 665-2500

DAVID GIBSON
POLICE COMMISSIONER

JENNIFER LACKARD
DEPUTY COMMISSIONER

MARCEL OLIFIERS
CHIEF OF OPERATIONS

SHAWYN PATTERSON - HOWARD
MAYOR

March 11, 2025

Honorable City Council Members
City of Mount Vernon
1 Roosevelt Square
Mount Vernon, New York 10550
(through the Office of the Mayor)

RE: Request to enter into a MOU between Westchester County, the City of New Rochelle, the City of Yonkers and the City of Mount Vernon to participate in the **Edward Byrne Memorial Justice Assistance Grant (JAG) Program**, as well as utilizing JAG funds to purchase and install Motorola APX8500 radios

Honorable Members of the City Council Members,

This letter comes to request that the City Council enact legislation that will enable the Mayor to enter into an agreement, via a Memorandum of Understanding, with the City of Mount Vernon with the County of Westchester, City of Yonkers, and City of New Rochelle to participate in the **Edward Byrne Memorial Justice Assistance Grant (JAG) Program**. Said grant is titled '**Edward Byrne Memorial Justice Assistance Grant**.' The County of Westchester shall act as the 'pass-through' agent for the JAG Program for the term of the grant, which shall be between October 1, 2022, and September 30, 2026. The City of Mount Vernon is allowed reimbursement for authorized expenses up to **\$27,443** for this application period. The Department of Public Safety has decided to utilize said funds to purchase **three (3) Motorola APX8500 'tri-band' Mobile radios, along with the installation of said radios.**

Additionally, we ask that we be allowed to purchase **three (3) Motorola APX8500 'tri-band' Mobile radios, along with the installation of said radios.** The vendor that we intend to utilize to purchase the mobile radios is **Motorola Solutions** and their contracted vendor, **Electronic Systems Solutions (ESS), Inc**, utilizing NYS Office of General Services Contract PT68715, Group 77200, Award 23141. We ask that we be allowed to utilize Westchester County Contract 5846BPS for the installation of said radios, by ESS, Inc.

The Motorola APX8500 mobile radios will be installed in our police cars and allow for two-way communication between the Officer and Police Department Headquarters. They will work with our existing Motorola radio communications system.

Since both the purchase of the radios and the installation of the radios are through existing governmental contracts of which the City of Mount Vernon is an authorized participant, we ask that the regular procurement process of competitive bidding, as written in the City of Mount Vernon's procurement policy, adopted on April 24, 2024, be forgone.

The price of the three APX8500 'tri-band' mobile radios is **\$23,043.51**. The price for the installation of the radios into Police Department vehicles will be **\$1,700.25**, for a total cost of **\$24,743.76**.

After payment to the vendor, the City of Mount Vernon will be reimbursed for said expense by the County of Westchester, upon submission of proof of payment. Funds are available for this expense in the Department of Public Safety's Budget line for **Equipment (A3120.203)**. The grant funds will be received in **Revenue Line A3389.9 (NYS-Other)**.

Attached please find the Grant Agreement/ Draft Memorandum of Understanding between the County of Westchester and the City of Mount Vernon.

If there are any questions, please feel free to contact me.

Sincerely,



David Gibson
Deputy Commissioner of Public Safety

Attachments:

-Draft agreement between the County of Westchester and the City of Mount Vernon for the Edward Byrne Memorial Justice Assistance Grant Program, FY 2023

CC: Mayor
Comptroller
Law Department



City of Mount Vernon, New York

Staff Report

1 ROOSEVELT SQ. RM.
104
CITY HALL, MOUNT
VERNON, NEW YORK
10550
& VIA
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File #: TMP -1263

Agenda Date: 3/26/2025

Agenda #: 13.

City Council:

AN ORDINANCE AUTHORIZING THE TRANSFER OF FUNDS FROM THE TRAINING BUDGET TO THE EQUIPMENT BUDGET FOR THE PURCHASE OF GUNS AND AMMUNITION FOR THE POLICE DEPARTMENT

Whereas, in a letter dated March 13, 2025, the Commissioner of the Department of Public Safety requested legislation authorizing the Comptroller to transfer the sum of Seventy-Five Thousand Dollars (\$75,000) from Budget Code A3120.451 (Training) to Budget Code A3120.203 (Equipment) to purchase guns and ammunition for the Police Department; and

Whereas, the Mount Vernon Police Department requires firearms, ammunition, and related training equipment to ensure that officers are properly equipped to carry out their duties and protect public safety; and

Whereas, such purchases were previously allocated under budget line A3120.451 (Training); and

Whereas, auditors have determined that the appropriate budget line for such expenditures is A3120.203 (Equipment); and

Whereas, in compliance with the auditors' findings, it is necessary to transfer funds from A3120.451 (Training) to A3120.203 (Equipment) to properly account for the purchase of guns and ammunition; and

Whereas, the amount required for transfer is Seventy-Five Thousand Dollars (\$75,000), which will ensure that the Police Department has the necessary resources to maintain safety and readiness; and

Whereas, the City Council finds that this reallocation of funds is in the best interest of the City of Mount Vernon and its residents; **Now, Therefore, Be It Resolved That**

The City of Mount Vernon, in City Council convened, does hereby ordain and enact:

Section 1. Authorization to Transfer Funds. The City Comptroller is hereby authorized and directed to transfer the sum of Seventy-Five Thousand Dollars (\$75,000) from Budget Code A3120.451 (Training) to Budget Code A3120.203 (Equipment) to purchase guns and ammunition for the Police Department.

Section 2. Compliance with Audit Requirements. This transfer of funds is made in accordance with the findings of the auditors to ensure proper budgetary accounting for the acquisition of law enforcement equipment.

Section 3. Effective Date. This Ordinance shall take effect immediately upon its adoption by the Board of Estimate & Contract.



DEPARTMENT OF PUBLIC SAFETY

BUREAU OF POLICE
ROOSEVELT SQUARE
MOUNT VERNON, NY 10550
(914) 665-2500

DAVID GIBSON
COMMISSIONER

JENNIFER LACKARD
DEPUTY COMMISSIONER of Reform

MARCEL OLIFIERS
CHIEF OF OPERATIONS

SHAWYN PATTERSON - HOWARD
MAYOR

March 13, 2025

Honorable City Council Members
City of Mount Vernon
1 Roosevelt Square
Mount Vernon, NY 10550

Subject: Request to transfer funds from one budget to another

Dear Honorable City Councilmembers,

I am writing to respectfully request your approval of legislation authorizing the **transfer of funds from budget line A3120.451 (Training) to A3120.203 (Equipment)** to cover the expenses of purchasing guns and ammunition for the Police Department. Guns, ammunition, and related training equipment were previously purchased from the Training budget (A3120.451). In order to comply with the findings of the auditors, we must now transfer funds to the appropriate budget line to properly account for these purchases.

The purchase of guns and ammunition is critical for ensuring that our officers are properly equipped to defend themselves and others in the performance of their duties. These items play a key role in maintaining public safety, reducing crime, and ensuring the ability of our officers to protect the citizens of Mount Vernon.

The amount requested for transfer is \$75,000, which will be moved from Budget Code **A3120.451 (Training) to A3120.203 (Equipment)**. If this request meets your approval, we respectfully ask that you enact legislation granting this approval.

Sincerely,

David Gibson
Commissioner of Public Safety

Cc: Mayor
Comptroller
Law Department



City of Mount Vernon, New York

Staff Report

1 ROOSEVELT SQ. RM.
104
CITY HALL, MOUNT
VERNON, NEW YORK
10550
& VIA
FACEBOOK.
COM/MOUNTVERNONNY

File #: TMP -1281

Agenda Date: 3/26/2025

Agenda #: 14.

City Council:

AN ORDINANCE AUTHORIZING THE ALLOCATION OF FUNDS FOR THE FULL CIRCLE HEALTH TRAINING AND COUNSELING WORKSHOP FOR MEMBERS OF SERVICE OF THE POLICE DEPARTMENT

Whereas, in a letter dated March 14, 2025, the Commissioner of the Department of Public Safety requested legislation authorizing the allocation of \$28,500.00 from budget line A3120.451 (training) to fund the Full Circle Health Two-Day Workshop, conflict and communication assessment review, final report and summary meeting, and post-workshop virtual coaching for the Members of Service of the police department; and

Whereas, the City of Mount Vernon is committed to ensuring that its police officers receive ongoing training and professional development to enhance their skills and effectiveness in serving the community; and

Whereas, the Full Circle Health Two-Day Workshop is designed to provide Members of Service (MOS) with training in conflict resolution, police culture, communication, team dynamics, and leadership development; and

Whereas, the workshop will include a conflict and communication assessment review, the findings of which will be shared with department leadership to improve overall departmental performance; and

Whereas, Full Circle Health will also provide two months of post-workshop virtual coaching and leadership development for twelve (12) identified leaders within the department, focusing on crisis management and trauma-informed coaching; and

Whereas, the recent Department of Justice investigation has emphasized the need for enhanced training programs within the police department, and this initiative aligns with those recommendations show below:

Service	Price
Two-Day Workshop	\$12,000
Conflict & Communication Assessment Review	\$1,500
Final Report & Summary Meeting with Leadership	\$2,000
Post Virtual Coaching & Leadership Development	\$13,000 (\$6,500 per month for two (2) months)
Total:	\$28,500

; and

Whereas, the total cost for the workshop, assessment review, final report, and post-workshop virtual coaching is \$28,500.00, and such funds shall be allocated from budget line A3120.451 (training); **Now, Therefore, Be It Resolved That**

The City of Mount Vernon, in City Council convened, does hereby ordain and enact:

Section 1. Approval of Training Workshop. The City Council hereby authorizes the allocation of \$28,500.00 from Budget Line A3120.451 (training) to fund the Full Circle Health Two-Day Workshop, conflict and communication assessment review, final report and summary meeting, and post-workshop virtual coaching for the Members of Service of the police department.

Section 2. Authorization of Expenditure. The City Comptroller is hereby authorized and directed to process the payment of \$28,500.00 to Full Circle Health for the services provided in connection with the training and counseling workshop.

Section 3. Transportation Authorization. Members of Service attending the workshop are hereby authorized to utilize department vehicles for transportation to and from the training location at Wartburg, 1 Station Place, Mount Vernon, NY 10552, on March 29, 2025, and March 31, 2025.

Section 4. Effective Date. This Ordinance shall take effect immediately upon its adoption by the Board of Estimate & Contract.



DEPARTMENT OF PUBLIC SAFETY

BUREAU OF POLICE
ROOSEVELT SQUARE
MOUNT VERNON, NY 10550
(914) 665-2500

DAVID GIBSON
COMMISSIONER

JENNIFER LACKARD
DEPUTY COMMISSIONER of Reform

MARCEL OLIFIERS
CHIEF OF OPERATIONS

SHAWYN PATTERSON - HOWARD
MAYOR

March 14, 2025

Honorable Members of the City Council
Through the Office of the Mayor
City Hall- Roosevelt Square
Mount Vernon, New York 10550

**Subject: Request for Funding to Support Full Circle Health Training and Counseling
Workshop for Officers**

Dear Honorable Council Members,

I am writing to request legislative approval for the funding of a training and counseling workshop for fifty-one (51) Members of Service (MOS) within the police department. The proposed training, the **Full Circle Health Two-Day Workshop**, is scheduled to take place at the following location:

Wartburg
1 Station Place
Mount Vernon, NY 10552

Workshop Dates:

March 29, 2025 and March 31, 2025

The Full Circle Health workshop will focus on several key aspects of officer development, including group training sessions on conflict resolution, police culture, communication, team dynamics, and leadership development. Full Circle will also complete a conflict and communication assessment review after the workshop. The findings of this review will be shared with the leadership of the department.

In order to maximize the effectiveness of this workshop, Full Circle Health will also provide monthly virtual coaching and leadership development sessions for twelve (12) identified leaders within the department, extending over a period of two months. These virtual sessions will help

ensure long-term leadership sustainability and will focus on crisis management and trauma-informed coaching, which will be vital for improving leadership capacity in our department.

The recent Department of Justice investigation highlighted the need for specific training requirements to be fulfilled, and this workshop directly aligns with those recommendations.

Service	Price
Two Day Workshop	\$12,000
Conflict & Communication Assessment Review	\$1,500
Final Report & Summary Meeting with Leadership	\$2,000
Post Virtual Coaching & Leadership Development	\$13,000 (\$6,500 per month for 2 months)
Total:	\$28,500

The **total cost for the workshop, including the virtual coaching sessions, is \$28,500.00**. We request that these funds be allocated from budget line **A3120.451 (Training)**. Additionally, the Members of Service attending the workshop are authorized to utilize department vehicles for transportation to and from the workshop.

If this meets with the approval of Your Honorable Body, kindly have the necessary legislation enacted.

Sincerely,



David Gibson
Commissioner of Public Safety



City of Mount Vernon, New York

Staff Report

1 ROOSEVELT SQ. RM.
104
CITY HALL, MOUNT
VERNON, NEW YORK
10550
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File #: TMP -1284

Agenda Date: 3/26/2025

Agenda #: 15.

City Council:

**AN ORDINANCE AUTHORIZING THE MAYOR
TO ENTER INTO AN AGREEMENT WITH THE
WESTCHESTER COUNTY DEPARTMENT OF
CORRECTION FOR REIMBURSEMENT OF
PRISONER TRANSPORTATION SERVICES
FOR THE YEARS 2023 AND 2024**

Whereas, in a letter dated March 18, 2025, the Commissioner of the Department of Public Safety requested legislation authorizing the Mayor to enter into an agreement with the Westchester County Department of Correction for the reimbursement of prisoner transportation services provided by the Mount Vernon Police Department for the years 2023 and 2024; and

Whereas, the City of Mount Vernon provides round-trip prisoner transportation services between the Mount Vernon Police Department and the Westchester County Department of Correction for individuals remanded by court order to the Westchester County Jail who are required to appear before the local Court; and

Whereas, the Mount Vernon Police Department (MVPD) utilizes its personnel and vehicles for the provision of these transportation services; and

Whereas, the Westchester County Department of Correction has agreed to reimburse the City of Mount Vernon for the costs associated with the transportation of prisoners for the years 2023 and 2024; and

Whereas, it is in the best interest of the City of Mount Vernon to enter into an agreement with the Westchester County Department of Correction to ensure proper reimbursement of transportation costs; **Now, Therefore, Be It Resolved That**

The City of Mount Vernon, in City Council convened, does hereby ordain and enact:

Section 1. Authorization. The Mayor is hereby authorized and directed to enter into an agreement with the Westchester County Department of Correction for the reimbursement of prisoner transportation services provided by the Mount Vernon Police Department for the years 2023 and 2024.

Section 2. Payment Structure. Under the terms of the agreement, the reimbursement rates for prisoner transportation shall be as follows:

For 2023:

- \$230.73 per round trip with two police officers
- \$346.10 per round trip with three police officers

For 2024:

- \$237.65 per round trip with two police officers
- \$356.49 per round trip with three police officers

Section 3. Vehicle Usage Reimbursement. In addition to personnel costs, the City of Mount Vernon shall be reimbursed for vehicle usage at a rate of \$0.67 per mile, based on an estimated distance of 16 miles each way between the City of Mount Vernon and the Westchester County Jail.

Section 4. Deposit of Funds. All funds received from the Westchester County Department of Correction according to this agreement shall be deposited into Budget Line A2229.5 (County Transport for Prisoners).

Section 5. Effective Date. This Ordinance shall take effect immediately upon its adoption by the Board of Estimate & Contract.



DEPARTMENT OF PUBLIC SAFETY

BUREAU OF POLICE
ROOSEVELT SQUARE
MOUNT VERNON, NY 10550
(914) 665-2500

DAVID GIBSON
COMMISSIONER

JENNIFER LACKARD
DEPUTY COMMISSIONER of Reform

MARCEL OLIFIERS
CHIEF OF OPERATIONS

SHAWYN PATTERSON - HOWARD
MAYOR

March 18, 2025

Honorable Members of the City Council
Through the Office of the Mayor
City Hall-Roosevelt Square
Mount Vernon, NY 10550

Subject: Request to Enter into Agreement to receive Reimbursement of Prisoner Transportation from Westchester County Department of Correction

Dear Council Members,

This letter comes to request that legislation be enacted enabling the Mayor to enter into an agreement with the Westchester County Department of Correction for the reimbursement of prisoner transportation services for the years 2023 and 2024. Under the terms of this proposed agreement, the payment structure for prisoner transportation is as follows:

For 2023:

- \$230.73 per round trip with two police officers
- \$346.10 per round trip with three police officers

For 2024:

- \$237.65 per round trip with two police officers
- \$356.49 per round trip with three police officers

These payments would be deposited into Budget Line A2229.5 (**County Transport for Prisoners**).

The Mount Vernon Police Department (MVPD) currently provides round-trip prisoner transportation between the Police Department and the Westchester County Department of Correction for prisoners remanded by court order to the Westchester County Jail, who are required to appear before the local Court. This service utilizes MVPD's own personnel and vehicles.

Cc: Mayor

Comptroller
Law Department

In addition, the Police Department should receive reimbursement for vehicle usage, which is estimated at **16 miles each way** between the City of Mount Vernon and the Westchester County Jail, at a rate of **\$0.67 per mile**.

We respectfully request that legislation be passed to authorize the Mayor to enter into this agreement, ensuring the reimbursement of these transportation costs for 2023 and 2024.

Sincerely,

A handwritten signature in cursive script that reads "David Gibson".

David Gibson
Commissioner of Public Safety



City of Mount Vernon, New York

Staff Report

1 ROOSEVELT SQ. RM.
104
CITY HALL, MOUNT
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10550
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File #: TMP -1288

Agenda Date: 3/26/2025

Agenda #: 16.

City Council:

**AN ORDINANCE AMENDING ORDINANCE
NO. 3 ADOPTED ON DECEMBER 11, 2024, TO
AUTHORIZE THE ISSUANCE OF SERIAL BONDS
OF THE CITY OF MOUNT VERNON TO FINANCE
THE COSTS OF CERTAIN EQUIPMENT FOR
THE DEPARTMENT OF PUBLIC WORKS**

Whereas, in a letter dated March 21, 2025, the Comptroller has requested legislation authorizing the amendment of Ordinance No. 3, adopted on December 11, 2024, which provided for the financing of equipment and to allow for the issuance of serial bonds according to the Local Finance Law; and

Whereas, the Department of Public Works of the City of Mount Vernon (the “City”) has identified a critical need for the replacement of various pieces of equipment necessary for municipal operations; and

Whereas, Ordinance No. 3, adopted on December 11, 2024, provided for the financing of such equipment; and

Whereas, the lease agreement previously considered requires a guarantee against the leased equipment through a bond ordinance; and

Whereas, the City's Comptroller has presented a referral letter requesting the issuance of serial bonds to finance the costs of the necessary equipment; and

Whereas, the City Council has determined that it is in the best interests of the residents of the City to amend Ordinance No. 3 to allow for the issuance of serial bonds pursuant to the Local Finance Law; **Now, Therefore, Be It Resolved That**

The City of Mount Vernon, in City Council convened, does hereby ordain and enact:

Section 1. Authorization of Bond Issuance. The Comptroller of the City is hereby authorized to issue serial bonds of the City in the aggregate principal amount of \$3,195,326.00 to finance the costs of the following equipment for the Department of Public Works:

- \$600,317.00 for a Truck Mounted Jetter and a Bucket Truck
- \$647,712.00 for two (2) Sweeper Trucks
- \$617,803.00 for two (2) Garbage Trucks and a Pickup Truck
- \$703,675.00 for a Grapple Truck, a 624 Loader, and an LT40 Bucket Truck
- \$625,819.00 for two (2) Garbage Trucks and a Chipper

Section 2. Terms of the Bonds. The terms, issuance, and repayment schedule of the bonds shall be determined in accordance with the Local Finance Law and subject to approval by an authorized financial institution. The final amount of debt, type of bond issuance, and term shall depend on financial institution

approval and the City's financial capacity.

Section 3. Debt Service Obligation. The City shall undertake to appropriate the necessary funds annually for the repayment of the principal and interest on the bonds issued pursuant to this Ordinance. An estimated debt service schedule shall be maintained and updated based on prevailing market conditions.

Section 4. Effective Date. This Ordinance shall take effect immediately upon its adoption by the Board of Estimate & Contract.



CITY OF MOUNT VERNON, N.Y.
OFFICE OF THE COMPTROLLER

Darren M. Morton, Ed.D., CPRP, CMFO
Comptroller

City Hall, One Roosevelt Square
Mount Vernon, NY, 10550
(914) 665-2304

March 21, 2025

Honorable Members of the City Council
1 Roosevelt Square – City Hall
Mount Vernon, NY 10550

**Re: Comp2025–03 – Bond Ordinance to Finance the Cost of Equipment
Amending Ordinance No. 3 Adopted December 11, 2024**

Honorable City Council Members:

I write to respectfully request legislation amending Ordinance No. 3 presented by the Commissioner of Public Works and adopted December 11, 2024, for the financing of equipment. I ask that the Mount Vernon City Council ("the Council") enact legislation granting permission for the Comptroller to issue serial bonds of the City pursuant to the Local Finance Law, in order to finance the costs of certain equipment in the aggregate principal amount of:

600,317.00	Truck Mounted Jetter
	Bucket Truck
647,712.00	Two (2) Sweeper Trucks
617,803.00	Two (2) Garbage Trucks
	Pickup Truck
703,675.00	Grapple Truck
	624 Loader
	LT40 Bucket Truck
625,819.00	Two (2) Garbage Trucks
	Chipper

As presented to you previously, the Department of Public Works equipment is in dire condition requiring the replacement of multiple equipment. However, this purchase must be done through bonding rather than a direct finance agreement. The Leasor has required guarantee against the lease equipment through bond ordinance. As per the Charter, the Comptroller is required to present a referral letter requesting a Bond Ordinance.

Attached you will find a resolution for your consideration, along with an estimated debt service schedule, based on the market as of date. Please note the final amount of the debt, type of bond issuance and term depends on our ability to be approved by a financial institution. If approved by your honorable body, the City will commence the process for issuance of debt, subject to our financial capacity and financial institution approval.



CITY OF MOUNT VERNON, N.Y.
OFFICE OF THE COMPTROLLER

Thanking you in advance for your assistance in this matter

Respectfully,

A handwritten signature in black ink, appearing to read "Darren M. Morton".

Darren M. Morton, Ed.D., CPRP, CMFO
Comptroller

Cc: Mayor Shawyn Patterson-Howard
Corporation Counsel
File



City of Mount Vernon, New York

Staff Report

1 ROOSEVELT SQ. RM.
104
CITY HALL, MOUNT
VERNON, NEW YORK
10550
& VIA
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COM/MOUNTVERNONNY

File #: TMP -1289

Agenda Date: 3/26/2025

Agenda #: 17.

City Council:

AN ORDINANCE AUTHORIZING THE ACCEPTANCE AND ADOPTION OF THE 2019 FINAL ANNUAL INDEPENDENT AUDIT PREPARED BY PKF O'CONNOR DAVIES

Whereas, in a letter dated March 20, 2025, the Comptroller has requested legislation authorizing the City Council of the City of Mount Vernon to formally accept and adopt the 2019 Annual Independent Audit as prepared and submitted by PKF O'Connor Davies; and

Whereas, pursuant to General Municipal Finance Law and Section 98 of the Mount Vernon City Charter, the City of Mount Vernon is required to conduct an annual independent audit; and

Whereas, the independent audit for the fiscal year 2019 has been duly conducted by PKF O'Connor Davies and submitted to the City Council, the Mayor, and the Comptroller; and

Whereas, the audit has been reviewed and copies of the final audit documents have been made accessible to the public, including publication on the City website; and

Whereas, it is in the best interest of the City of Mount Vernon to formally accept the findings of the audit and to implement any necessary corrective action measures; **Now, Therefore, Be It Resolved That**

The City of Mount Vernon, in City Council convened, does hereby ordain and enact:

Section 1. Acceptance of the 2019 Annual Independent Audit. The City Council of the City of Mount Vernon hereby formally accepts and adopts the 2019 Annual Independent Audit as prepared and submitted by PKF O'Connor Davies.

Section 2. Public Accessibility. The final audit documents shall remain available to the public and posted on the City's official website in accordance with transparency and accountability requirements.

Section 3. Corrective Action Measures. The City Comptroller, in consultation with the Mayor and City Council, shall review the audit's findings and implement any necessary corrective actions to ensure compliance with financial regulations and best practices.

Section 4. Effective Date. This Ordinance shall take effect immediately upon adoption.



CITY OF MOUNT VERNON, N.Y.
OFFICE OF THE COMPTROLLER

Darren M. Morton, Ed.D., CPRP, CMFO
Comptroller

City Hall, One Roosevelt Square
Mount Vernon, NY, 10550
(914) 665-2303

March 20, 2025

The Honorable City Council
City Hall
1 Roosevelt Square
Mount Vernon, NY 10550

RE: COMP2025 – 02 – Acceptance of the 2019 Annual Independent Audit prepared by PKF O’Connor Davies

Honorable City Council Members:

I am pleased to announce and submit the 2019 City Audit for acceptance by your Honorable Body. Pursuant to General Municipal Finance Law and the Mount Vernon City Charter Section 98 – Independent Audit, the annual independent audit shall be submitted to the City Council, the Mayor and the Comptroller. Additionally, copies are to be made accessible to the public.

Therefore, enclosed you will find copies of the final audit documents for the 2019 fiscal year, which will also be available on the City website. It is my request for the City Council to adopt this audit and any corrective action measures. If there are any questions, please do not hesitate to contact me.

Thanking you in advance for your assistance in this matter.

Respectfully,

Darren M. Morton, Ed.D., CPRP, CMFO
Comptroller
City of Mount Vernon
1 Roosevelt Sq.
Mount Vernon, NY 10550
dmorton@cmvny.com
914-665-2304

cc: Mayor Shawyn Patterson-Howard
Corporation Counsel
File



City of Mount Vernon, New York

Staff Report

1 ROOSEVELT SQ. RM.
104
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VERNON, NEW YORK
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File #: TMP -1256

Agenda Date: 3/26/2025

Agenda #: 18.

City Council:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOUNT VERNON APPOINTING MEMBERS TO THE MOUNT VERNON ECONOMIC DEVELOPMENT TASK FORCE

Whereas, on December 27, 2023, legislation was enacted providing for the appointment of members to the Economic Development Task Force by the Mayor; and

Whereas, the Economic Development Task Force is established to promote economic growth, attract investment, and enhance workforce development within the City of Mount Vernon; and

Whereas, the following individuals have been recommended for appointment to the Economic Development Task Force based on their expertise, experience, and commitment to the community; and

Whereas, the City of Mount Vernon recognizes the importance of an inclusive and well-represented Task Force to foster effective economic strategies; **Now, Therefore, Be It Resolved That**

The City of Mount Vernon, in City Council convened, does hereby ordain and enact:

Section 1. Appointment of Members. The following individuals are hereby appointed to serve on the Mount Vernon Economic Development Task Force for the terms specified:

1. **Kyle Munoz** - Resident (Appointed by the Mayor - 2 Years)

o Previously appointed under the title “Manufacturing and Industrial,” Kyle Munoz shall now serve under the title “Resident.”

2. **Dan Casterella** - American Christmas - Manufacturing/Industrial (Appointed by the Mayor - 3 Years)

3. **Robert Potack** - Unitex/Med-Apparel Services - Manufacturing/Industrial (Appointed by the Mayor - 2 Years)

4. **Pamela Tarlow** - Urban Renewal Agency Director (Appointed by the Mayor - 3 Years)

5. **Onolder “OJ” Yizar** - Westchester/Putnam Workforce Development Board - Educational/Workforce (Appointed by the Mayor - 2 Years)

Section 2. Responsibilities and Objectives. The appointed members shall:

1. Advise the City on strategies to enhance economic development initiatives.

2. Work collaboratively with local businesses, organizations, and government entities to promote growth.

3. Provide recommendations on workforce development programs to support job creation and skill development.

4. Assist in the review and implementation of policies that support sustainable economic progress.

Section 3. Term of Service. Each appointed member shall serve for the term specified above, with eligibility for reappointment upon expiration of their term, subject to the approval of the Mayor and City Council.

Section 4. Effective Date. This Resolution shall take effect immediately upon passage and approval by the City Council.



CITY OF MOUNT VERNON, N.Y.

Mayor Office

SHAWYN PATTERSON-HOWARD, MPA
Mayor

City Hall, One Roosevelt Square
Mount Vernon, NY. 10550
(914) 665-2362 – Fax: (914) 665-6173

MALCOLM CLARK
Chief of Staff
KHENDRA DAVID
Deputy Chief of Staff

March 19, 2025

Honorable City Council
City Hall, 1 Roosevelt Square
Mount Vernon, NY 10552

Appointments for Economic Development Task Force

Honorable City Councilmembers:

In accordance with legislation passed on December 27, 2023, which provides for the appointment of members to the Economic Development Task Force by the Mayor; this letter requests the enactment of legislation to appoint the following to the Mount Vernon Economic Development Task Force.

1. **Kyle Munoz** – *Resident* - (Mayor -2 Years)
 - a. Kyle Munoz who was initially appointed under the title “*Manufacturing and Industrial*” will be appointed under the title “*Resident*” instead.
2. **Dan Casterella** – American Christmas – *Manufacturing/Industrial* - (Mayor - 3 Years)
3. **Robert Potack** – Unitex/Med-Apparel Services – *Manufacturing/Industrial* - (Mayor- 2 Years)
4. **Pamela Tarlow** – **Urban Renewal Agency Director** - (Mayor – 3 Years)
5. **Onolder “OJ” Yizar** – Westchester/Putnam Workforce Development Board – *Educational/Workforce* - (Mayor - 2 Years)

In Service,

Shawyn Patterson-Howard, MPA
City of Mount Vernon



City of Mount Vernon, New York

Staff Report

1 ROOSEVELT SQ. RM.
104
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File #: TMP -1285

Agenda Date: 3/26/2025

Agenda #: 19.

City Council:

**AN ORDINANCE AMENDING ORDINANCE
NO. 19 ADOPTED BY THE CITY COUNCIL ON
DECEMBER 27, 2023, ENTITLED “AN ORDINANCE
AUTHORIZING THE CITY COUNCIL TO ADOPT
AND ESTABLISH THE MOUNT VERNON ECONOMIC
DEVELOPMENT TASK FORCE”**

The City of Mount Vernon, in City Council convened, does hereby ordain, and enact:

Section 1. The first decretal paragraph, and Section 2 of Ordinance No. 19, adopted by the City Council on December 27, 2023, entitled “**AN ORDINANCE AUTHORIZING THE CITY COUNCIL TO ADOPT AND ESTABLISH THE MOUNT VERNON ECONOMIC DEVELOPMENT TASK FORCE**” is hereby amended as follows:

Whereas, by letter dated [December 22, 2023] March 19, 2025, the City Council President has requested legislation to amend Ordinance No. 19, adopted by the City Council on December 27, 2023, authorizing the City Council to adopt and establish the Mount Vernon Economic Development Task Force, and

Whereas, the City of Mount Vernon recognizes the need for proactive economic diversification to alleviate financial pressure on residents and ensure a stable economic future; and

Whereas, the current reliance on property taxes as the primary source of municipal revenue is becoming increasingly unsustainable and burdensome for the residents; and

Whereas, the establishment of the Mount Vernon Economic Development Task Force is proposed to unite the collective expertise of City Council members, the Mayor’s office, local business leaders, educational representatives, non-profit organizations, and citizens to advise on economic policies, develop strategic plans, promote business growth, and identify new revenue opportunities; and

Whereas, the Task Force is intentionally structured with staggered appointments to foster continuity and sustained progress; **Now, Therefore, Be It Resolved That:**

The City of Mount Vernon, in City Council convened, does hereby ordain, and enact:

Section 1. Establishment of the Mount Vernon Economic Development Task Force. There is hereby established the Mount Vernon Economic Development Task Force (“**Task Force**”).

Section 2. Composition of the Task Force. The Task Force shall consist of members

appointed by City Council members, the Mayor's office, local business leaders, educational representatives, non-profit organizations, and our citizens. This ordinance expands the Task Force membership to include the following additional seats:

1. One additional resident of the City of Mount Vernon, appointed by the Mayor for a term of three (3) years, increasing the total number of Mayoral appointees from the community to two (2).
2. The Director of the Urban Renewal Agency (URA) or their designated representative.
3. The City Comptroller or their designated representative.

The composition is intentionally structured with staggered appointments to foster continuity and sustained progress.

(a) The Task Force shall advise on economic policies, develop strategic plans, promote business growth, and identify new revenue opportunities to diminish the reliance on property taxes.

Section 4. Effective Date. (a) This ordinance shall take effect immediately upon its passage and approval.

New matter underlined
Deleted matter in brackets []



CITY COUNCIL
CITY OF MOUNT VERNON
ONE ROOSEVELT SQUARE
MOUNT VERNON, NY 10550
(914) 665-2352 · FAX (914) 668-6044

CITY COUNCIL MEMBERS

Danielle Browne, Esq., President
Jaevon Boxhill
Cathlin B. Gleason
Edward Poteat
Derrick Thompson

Nicole J. Bonilla, M.B.A.
CITY CLERK

March 19, 2025

Honorable City Councilmembers
City Hall
1 Roosevelt Square
Mount Vernon, NY 10550

RE: Amendment to Ordinance No. 19 adopted on December 27, 2023 - Economic Development Task Force

Dear City Council President Danielle Browne and Esteemed Members of the City Council:

I respectfully submit this letter to request an amendment to Ordinance No. 19, adopted on December 27, 2023, as referenced in the correspondence dated December 23, 2023, in which City Council President Danielle Browne proposed the acceptance of the Mount Vernon Economic Development Task Force Establishment Ordinance.

This request seeks to expand the membership of the Task Force through the addition of the following seats:

- One additional resident of the City of Mount Vernon, to be appointed by the Mayor for a term of three (3) years—bringing the total to two Mayoral appointees from the community.
- The Director of the Urban Renewal Agency (URA) or their designated representative.
- The City Comptroller or their designated representative.

Should this request meet with the Council's approval, I respectfully ask that the necessary legislative action be taken to amend the ordinance accordingly.

Thank you for your time and consideration of this matter.

Sincerely,

Antoinette Anderson
Legislative Assistant to
The City Council

An Ordinance to Establish the Mount Vernon Economic Development Task Force
(Amended 3/26/2025)

Section 1: Title

This ordinance shall be known as the "Mount Vernon Economic Development Task Force Establishment Ordinance."

Section 2: Purpose

The purpose of this ordinance is to establish the Mount Vernon Economic Development Task Force (MV-EDTF), aimed at promoting economic growth, creating job opportunities, attracting and retaining businesses, and improving the overall economic quality of life in the City of Mount Vernon.

Section 3: Definitions

For the purposes of this ordinance, the following terms shall be defined as follows:

- "Task Force": Refers to the Mount Vernon Economic Development Task Force.
- "Member": An appointed individual serving on the Task Force.

Section 4: Composition

The Task Force shall consist of the following members, with staggered terms to ensure continuity:

1. Two members of the City Council, appointed by the City Council for terms of two years; one member's term will expire on even years, and the other on odd years.
2. The Mayor or a designated representative, appointed by the Mayor for a term of two years.
3. One Board Member of the Mount Vernon Chamber of Commerce, appointed by the City Council for a term of three years.
4. Four business leaders from the Mount Vernon business community, with two appointed by the Mayor for terms of three years, one of whom must be an owner of a manufacturing or industrial business. The remaining two business leaders will be appointed by the City Council for terms of two years each.
5. Two representatives from local educational institutions or workforce development organizations, appointed by the Mayor for terms of two years.
6. One representative from a local non-profit organization with economic development expertise, appointed by the Mayor for a term of three years.
7. Three residents of the City of Mount Vernon, with two appointed by the Mayor for a term of three years; one member's term will expire on even years, and the other on odd years, and one appointed by the City Council for a term of two years.
8. The Director of the Urban Renewal Agency (URA) or their designated representative.
9. The City Comptroller or their designated representative.

The initial appointments may be of shorter duration to establish a staggered schedule. Thereafter, appointments shall be for the full term as specified or until successors are appointed.

Section 5: Responsibilities

The Task Force shall:

1. Advise the City Council on economic development policies and strategies.
2. Develop and recommend a strategic plan for economic development.
3. Foster partnerships with local businesses, educational institutions, and community organizations.
4. Promote business development and retention.
5. Identify and recommend potential funding sources for economic development projects.
6. Provide an annual report to the City Council on its activities and progress.

Section 6: Meetings

The Task Force shall meet at least quarterly or as needed. Meetings shall be open to the public in accordance with local government transparency guidelines.

Section 7: Duration

The Task Force shall exist for a period of 5 years from the date of its establishment, after which its continuation will be reviewed by the City Council.

Section 8: Effective Date

This ordinance shall take effect immediately upon passage and approval.

Section 9: Severability If any part of this ordinance is declared invalid or unconstitutional, such declaration shall not affect the validity of the remaining portions.



City of Mount Vernon, New York

Staff Report

1 ROOSEVELT SQ. RM.
104
CITY HALL, MOUNT
VERNON, NEW YORK
10550
& VIA
FACEBOOK.
COM/MOUNTVERNONNY

File #: TMP -1259

Agenda Date: 3/12/2025

Agenda #: 20.

City Council:
**AN ORDINANCE AMENDING CHAPTER 267 OF THE CODE OF THE
CITY OF MOUNT VERNON, NEW YORK, ENTITLED “ZONING”.**

WHEREAS, the City Council of the City of Mount Vernon is in receipt of a Zoning Petition submitted by 20 S. 2nd Square CMV, LLC, dated December 3, 2021, to amend the Zoning Ordinance of the City of Mount Vernon to create a new transit oriented district to be called the Downtown Transit Oriented Arts District (“DTOAD”), and to amend the Zoning Map to apply DTOAD to an area of land comprising approximately forty-one (41) tax parcels of property between East 1st and East 2nd Street and between South 1st and South 3rd Avenue, including certain City-owned parcels (“Zoning Petition”); and

WHEREAS, the Zoning Petition would facilitate a development project comprising approximately 307,932 s.f. of mixed residential development and other amenities in two, 2-story buildings, including 272 mixed-income residential apartments, approximately 15,630 s.f. of community facility space (including outdoor courtyard space for the arts), and 109 parking spaces (“Development Project”); and

WHEREAS, on or about January 29, 2025, the City Council referred the Zoning Petition again to the City of Mount Vernon Planning Board and Corporation Counsel, as well as the Westchester County Planning Board, for their respective reviews and reports as required by law, given certain changes to the Development Project during the City Council’s review process; and

WHEREAS, the City Council duly published notice of a Public Hearing for the Zoning Petition in three issues of the official newspaper for the City on January 23, 2025, January 30, 2025, and February 6, 2025; and

WHEREAS, the City Council conducted a Public Hearing on the Zoning Petition on February 11, 2025 at 7:00 P.M. at City Hall, at which time those wishing to comment were afforded an opportunity to be heard; and

WHEREAS, by letter dated February 19, 2025, the Westchester County Planning Department issued its recommendations with respect to the Zoning Petition and Development Project pursuant to Section 239-l, m, and n of the General Municipal Law; and

WHEREAS, by letter dated March 6, 2025, the Planning Board issued its recommendation with respect to the Zoning Petition and Development Project pursuant to City Code Section 267-59; and

WHEREAS, on March 12, 2025, the City Council adopted a Findings Statement under the State Environmental Quality Review Act and its implementing regulations at 6 N.Y.C.R.R. Part 617 (collectively, “SEQRA”), determining that the Zoning Petition and Development Project minimizes or avoids environmental impacts to the maximum extent possible; and

WHEREAS, having completed the SEQRA process and all applicable requirements under the City Code, the City Council desires to amend the Zoning Ordinance and Zoning Map as requested in the Zoning Petition to establish a new DTOAD and apply it to the area of land referenced above; and

NOW, THEREFORE, the City Council, as convened, does hereby ordain and enact:

Section 1. Section 267-4, Definitions, of the City of Mount Vernon Zoning Ordinance shall be amended to revise the definition of “Usable Open Space” and add definitions including “Build to Line,” “Primary Street,” “Side Street,” “Building Legal Grade,” “Bulkhead,” and “Transparency,” as follows:

USABLE OPEN SPACE

Usable open space is the portion of a lot which is unoccupied by driveways, drive aisles, service drives, off-street parking spaces and/or loading berths, principal buildings, and accessory buildings. This area of usable open space shall be available and accessible to all occupants of the building for use for recreation and other leisure activities normally carried on outdoors. Usable open space can be provided in outdoor spaces such as courtyards, walkways, rooftops, balconies and terraces and garden plots. In the DTOAD mixed use and residential buildings, indoor facilities like lounges, artists’ studios, theater space, dance studios, galleries, meeting rooms, maker spaces, music rooms, community facility space, and other programmed non- living areas may count toward open space requirements at the discretion of the Department of Planning and Community Development.

BUILD TO LINE

The line at which construction of a building façade is to occur on a lot, running parallel to the front property line without setback, and thus ensuring a uniform (or more or less even) building façade line on the street.

PRIMARY STREET

The street along which the main frontage of a building is located (the frontage designated to bear the address and principal entrance to the building).

SIDE STREET

The street along which the secondary frontages of a building are located.

BUILDING LEGAL GRADE

The average elevation of the finished ground at the exterior walls of the main building. Building height is measured from the building legal grade.

BULKHEAD

A bulkhead is an enclosed structure on the roof of a building that may include mechanical equipment, water tanks, bathrooms and storage rooms for roof amenities, and roof access from interior stairwells and elevators. It is not counted as floor area and is permitted to exceed zoning height and setback requirements, within limits specified in the Zoning Resolution.

TRANSPARENCY

Transparency requirements shall apply to the percentage of linear feet of a ground floor level street wall, between a height of 2 feet and 12 feet, or the height of the ground floor ceiling, whichever is lower, as measured from the adjoining sidewalk. Transparent, or translucent, materials provided to satisfy the percent requirements shall not begin higher than 2 feet, 6 inches above the level of the adjoining sidewalk, or 1 foot, 8 inches above the interior finished floor, whichever is higher, with the exception of transom windows, or portions of windows separated by mullions or other structural dividers, and shall have a minimum width of two feet.

However, such transparency requirements shall not apply to portions of the ground floor level occupied by entrances or exits to accessory off-street parking facilities and public parking garages, where permitted, entryways to required loading berths, where permitted, or doors accessing emergency egress stairwells and passageways.

Section 2. Section 267-5, District classification, of the City of Mount Vernon Zoning Ordinance shall be amended by adding a new Downtown Transit Oriented Arts District (Designated as DTOAD) to subsection D., as follows:

D. Special zoning districts.

DTOAD	Downtown Transit Oriented Arts District
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Section 3. Section 267-15, Purposes, of the City of Mount Vernon Zoning Ordinance shall be amended by adding a new subsection D.(8), as follows:

§ 267-15. Purposes.

In addition to the general purposes of this chapter as set forth in Chapter 267, Article I, the following specific purposes are set forth for residence and nonresidence districts:

D. Special zoning districts.

(8) For the Mount Vernon DTOAD Downtown Transit Oriented Arts District, to promote mixed use (residential and retail) with a focus on the arts that will transform this area of the city’s downtown with increased economic activity, attractive placemaking, cultural amenities and a range of housing options within walking distance of the train station and the rest of downtown.

Section 4. Article V, Districts, of the City of Mount Vernon Zoning Ordinance is hereby amended to add a new Section 267-27.3 entitled “DTOAD District” to read as follows:

§ 267-27.3. DTOAD District.

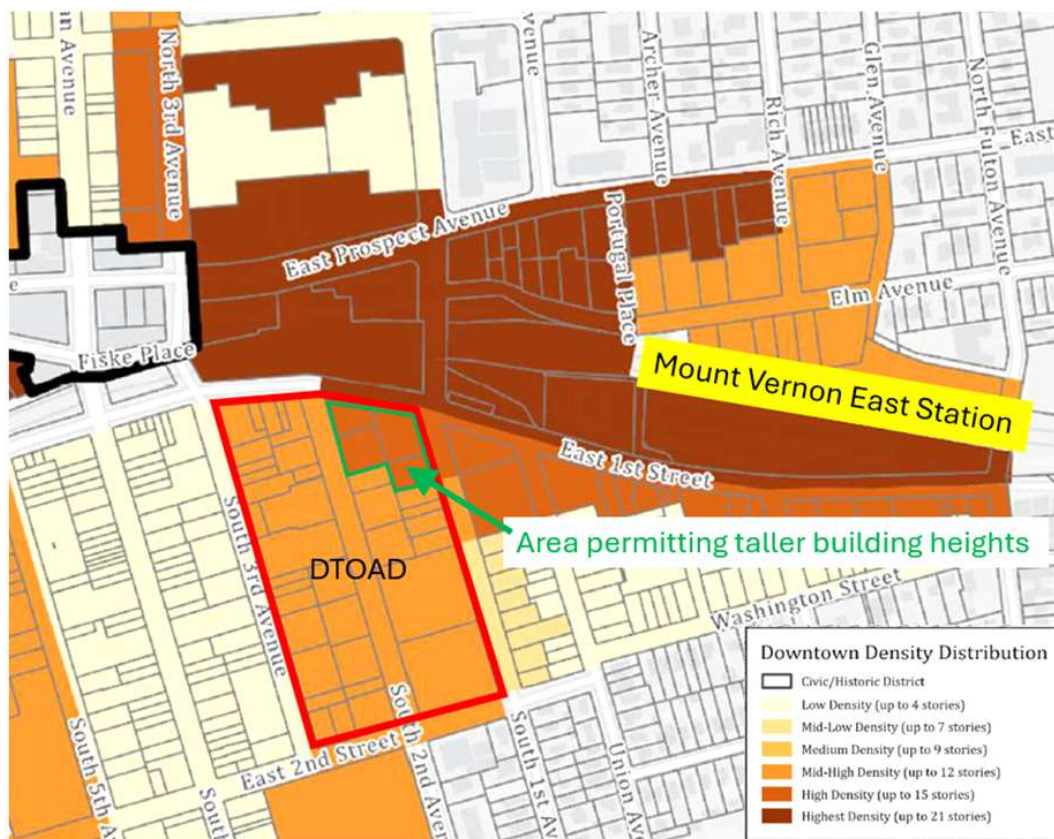
A. General Provisions

(1) Overview. The Downtown Transit Oriented Arts District (Designated as DTOAD) has been established to promote the reuse and redevelopment of a key area between the Mount Vernon East train station and the south side of downtown. The DTOAD district is envisioned to provide sites for mixed use (residential and retail) with a focus on the arts that will transform this area of the city’s downtown with increased economic activity, attractive placemaking, cultural amenities and a range of housing options within walking distance of the train station and the rest of downtown.

(2) Applicability. The Downtown Transit Oriented Arts District applies to property Designated as DTOAD on the City of Mount Vernon Zoning Map, which is on file in the Office of the City Clerk. Parcels located in the zone are included on the table below. Four of these parcels (noted with *) are designated to allow for taller building heights at 15 stories, as called for in the City’s Downtown Vision Report.

a. Address	b. Tax Section	c. Tax Block	d. Tax Lot
e. n/a	f. 165.70	g. 3112	h. 39
i. 23 S. 3rd Avenue	j. 165.70	k. 3112	l. 37
m. 20 S. 2nd Avenue	n. 165.70	o. 3112	p. 11
q. n/a	r. 165.70	s. 3112	t. 13
u. 22 E. 1st Street	v. 165.70	w. 3112	x. 1
y. 28 E. 1st Street	z. 165.70	aa. 3112	bb. 4
cc. 30 E. 1st Street	dd. 165.70	ee. 3112	ff. 5
gg. 34 E. 1st Street	hh. 165.70	ii. 3112	jj. 6
kk. 38 E. 1st Street	ll. 165.70	mm. 3112	nn. 7
oo. 10 S. 2nd Avenue	pp. 165.70	qq. 3112	rr. 8
ss. 19 S. 3rd Avenue	tt. 165.70	uu. 3112	vv. 9
ww. 16 S. 2nd Avenue	xx. 165.70	yy. 3112	zz. 10
aaa. 38 S. 2nd Avenue	bbb. 165.70	ccc. 3112	ddd. 16
eee. 48 S. 2nd Avenue	fff. 165.70	ggg. 3112	hhh. 17
iii. 54 S. 2nd Avenue	jjj. 165.70	kkk. 3112	lll. 18
mmm. 29 E. 2nd Street	nnn. 165.70	ooo. 3112	ppp. 19
qqq. 23 E. 2nd Street	rrr. 165.70	sss. 3112	ttt. 20
uuu. 67 S. 3rd Avenue	vvv. 165.70	www. 3112	xxx. 21
yyy. 65 S. 3rd Avenue	zzz. 165.70	aaaa. 3112	bbbb. 22
cccc. 61 S. 3rd Avenue	dddd. 165.70	eeee. 3112	ffff. 23
gggg. 47 S. 3rd Avenue	hhhh. 165.70	iiii. 3112	jjjj. 26
kkkk. 45 S. 3rd Avenue	llll. 165.70	mmmm. 3112	nnnn. 28

oooo. 41 S. 3rd Avenue	pppp. 165.70	qqqq. 3112	rrrr. 29
ssss. 39 S. 3rd Avenue	tttt. 165.70	uuuu. 3112	vvvv. 30
www. 15 S. 3rd Avenue	xxxx. 165.70	yyyy. 3112	zzzz. 33
aaaaa. 11 S. 3rd Avenue	bbbbb. 165.70	ccccc. 3112	dddd. 34
eeee. 62 S. 2nd Avenue	ffff. 165.70	ggggg. 3112	hhhhh. 36
iiii. 17 S. 3rd Avenue	jjjj. 165.70	kkkk. 3112	llll. 38
mmmm. 40 E. 1st Street	nnnn. 165.70	oooo. 3123	pppp. 1*
qqqq. 50 E. 1st Street	rrrr. 165.70	ssss. 3123	tttt. 2*
uuuu. 8 S. 1st Avenue	vvvv. 165.70	wwww. 3123	xxxx. 5*
yyyy. 14 S. 1st Avenue	zzzz. 165.70	aaaaa. 3123	bbbbb. 6
ccccc. 16 S. 1st Avenue	dddd. 165.70	eeee. 3123	ffff. 7
ggggg. 18 S. 1st Avenue	hhhhh. 165.70	iiii. 3123	jjjj. 8
kkkkk. 22 S. 1st Avenue	llll. 165.70	mmmm. 3123	nnnn. 9
ooooo. 49 S. 2nd Avenue	ppppp. 165.70	qqqqq. 3123	rrrrr. 10
sssss. 28 S. 1st Avenue	ttttt. 165.70	uuuuu. 3123	vvvvv. 11
wwwww. 29 S. 2nd Avenue	xxxxx. 165.70	yyyyy. 3123	zzzzz. 21
aaaaaaa. n/a	bbbbbbb. 165.70	cccccc. 3123	dddddd. 23
eeeeee. 17 S. 2nd Avenue	ffffff. 165.70	gggggg. 3123	hhhhhh. 25
iiiiii. n/a	jjjjjj. 165.70	kkkkkk. 3123	llllll. 26* **



(3) Purpose and Intent. The DTOAD zone is positioned between the Mount Vernon East train station and East 2nd Street going from north to south, and South 1st and 3rd Avenues going east to west. Its intent is to provide for a compatible range of uses (including residential, institutional, commercial and community facilities) with a focus on the arts to provide a welcoming entrance to the south side of the City’s downtown when approached from the Mount Vernon East train station and Petrillo Plaza. Specifically, the DTOAD provides for:

- (a) Higher density residential development near the Mount Vernon East train station with additional building heights permitted on the four parcels that are the closest to the station.
- (b) Encourage the development of an arts focused cultural district near the Mount Vernon East train station that includes visible and accessible public art, new arts/cultural institutions and retail opportunities
- (c) Promotion of live/work opportunities for members of the creative community including artists, makers and others engaged in the creative economy.

- (d) Growing the creative economy and creating new job opportunities in Mount Vernon for cultural and creative entrepreneurs, and workers.
 - (e) The physical integration, improvement and coordination of diverse land uses.
 - (f) Development that is maximally transit supportive.
 - (g) The establishment of a pedestrian-friendly environment.
 - (h) Reduction of auto dependency and roadway congestion.
 - (i) Reduce total vehicle miles traveled and greenhouse gas emissions within the city and region.
 - (j) Emphasize, restore and preserve the areas urban fabric.
 - (k) Facilitate redevelopment that will create new jobs.
 - (l) Emphasize, support and facilitate high quality building design, streetscape and public realm improvements.
 - (m) Encourage the development of high performance green buildings and other investments that reduce dependance on fossil fuels, decrease greenhouse gas emissions and support the goals and objectives of the New York State Climate Leadership and Community Protection Act and the City of Mount Vernon.
 - (n) Encourage the development of children and youth focused community facilities.
- (4) Organization. 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.

Form-based codes address 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.

Subsection B identifies the allowable building types in the DTOAD and Subsection C identifies the standards for building design, configuration and placement. Subsection D presents the table of permitted uses. Subsection E presents the incentives available in the DTOAD and subsection F identifies the parking requirements for the DTOAD. Subsection G presents design guidelines, which all

projects are expected to comply with. Finally, Subsection H sets forth the administrative procedures that must be complied with for all projects in the DTOAD.

(5) Relationship to Comprehensive Plan. The Downtown Vision Report was adopted by the City of Mount Vernon in January 2024 as the first phase of its comprehensive plan update. The Downtown Vision Report specifies a higher density setting for the DTOAD, with additional density prescribed for the four parcels closest to the Mount Vernon East train station.

(6) Planning Principles. The Downtown Transit Oriented Arts District Zoning Ordinance establishes an efficient, effective and equitable regulatory and procedural code for the use of land in the Downtown Transit Oriented Arts area, subject to the following policies:

(a) The area should include a framework of transit, pedestrian and bicycle systems that provide alternatives to the automobile.

(b) Development in the area should be of appropriate density, pedestrian oriented and contain a mix of uses.

(c) The ordinary activities of daily living should be provided within walking distance of residential uses, allowing for independence from the automobile.

(d) Within the area, a range of higher density multi-family housing types and price levels should be provided to accommodate diverse ages, incomes and family sizes.

(e) Appropriate land uses and densities should be provided within walking distance to the train station.

(f) Civic, institutional and commercial activity should be embedded throughout the area, and not isolated into remote single-use complexes.

(g) Encourage equitable place-based development with a focus on the arts.

(h) Development in the area should feature live/work space for the creative community of artists and makers and commercial and community space curated to support artists, residents and the larger Mount Vernon community.

(i) Buildings, landscaping and other amenities should contribute to the physical definition of thoroughfares as public places.

(j) The design of buildings and sites should reinforce safe environments, but not at the expense of

accessibility.

- (k) Public/semipublic gathering places should be provided as locations that reinforce community identity and support youth and families.
- (l) Development in the area should employ sustainable and green building practices.

(7) Non-Conforming Uses and Buildings. The DTOAD replaces defined portions of the Downtown Business (DB) and Residential Multi-Family (RMF-10) zones by expanding parameters to provide for the addition of a broad array of uses including innovative high-density residential uses. The DTOAD accommodates the comprehensive redevelopment of vacant or underutilized sites with transit-oriented mixed-use development of affordable and market rate housing along with neighborhood commercial or retail space and community space with a focus on the arts.

The regulations governing non-conforming uses set forth in Section 267-10 remain applicable to uses and buildings in the DTOAD. However, all legal pre-existing, non-conforming uses are encouraged to comply with the design guidelines established herein, to assure that the area evolves in a manner that is consistent with the goals and objectives of the City.

B. Allowable Building Types

- (1) Mixed-Use Building. A building that supports ground floor commercial and/or public use or community facility, with upper story residential. Commercial uses are permitted on East First Street and East Second Street. Public uses or community facility uses are permitted throughout the district.
- (2) General Commercial - Retail. A building type that accommodates retail, office or other commercial uses. Buildings of this type must contain frontage on East First Street or East Second Street.
- (3) Multi-Family Apartment. A residential building that does not include ground floor commercial uses. Buildings of this type may not contain frontage on First Street.
- (4) Tower on Podium. Multi-story apartment building constructed atop a podium containing off-street parking wrapped by ground level commercial uses. Buildings of this type must contain commercial

frontage on First Street

- (5) Community Purpose Building/Office Building: A building type that accommodates office, public or institutional uses, or community facilities.

C. Building Type Regulations.

A. High Density Mixed Use		
Building: - APPLIES ONLY TO DESIGNATED PARCELS CLOSEST TO MOUNT VERNON EAST TRAIN STATION		
LOT		
	<i>Lot Dimensions</i>	
	Lot Area (min)	5,000 SF
	Lot Width (min)	50'
	<i>Usable Open Space</i>	
	Usable Open Space	75 SF/DU
BUILDING PLACEMENT		
	<i>Building Setbacks</i>	
	a. Common lot line (if provided)	0'
	b. Lot line (except rear yard) c. Rear yard	0' 20'
	<i>Build to Line</i>	
	d. Building along primary street (min % of lot width)	100%
	e. Building along side street (min % of lot width)	100%
	<i>Coverage</i>	
	f. Building (max)	80%
	g. Building (max)	100%
	h. Impervious surface (max)	100%*

HEIGHT AND MASS		
	<i>Building Height</i>	
	a. Maximum building height from legal grade	the greater of 12 stories/130'
	b. Height bonus (with compliance with bonus provis	3 additional stories up to 15 stories
	c. Floor Area Ratio	8.0
	<i>Floor Setbacks</i>	
	d. First setback (at least 50% of lot frontage)	10' min by the 9 th Floor
	e. Second setback (at least 50% of remaining lot front	8' min by the 12 th Floor
ACTIVATION		
	<i>Transparency</i>	
	mmmmmm. Ground story, primary street façade (70%
	nnnnnnn. Ground story, side street façade (min)	50%
	oooooooo. Blank wall length, primary street (max)	25'
	ppppppp. Blank wall length, side street (max)	30'
	<i>Functional Entries</i>	
	qqqqqqq. Area of garage or service bay openings al	20%
	<i>Permitted Building Elements (yes or no)</i>	
	Porch	No
	Stoop	No
	Balcony	Yes
	Awning/Canopy	Yes

*Max 100% impervious surface contingent upon providing on-site stormwater detention, retention and/or reuse. Otherwise 80%.

‡ The City Council, may at its discretion, modify the allowable height and floor area ratio

B. Medium-High Density Mixed Use Building:		
LOT		
	<i>Lot Dimensions</i>	
	Lot Area (min)	5,000 SF
	Lot Width (min)	50'
	<i>Usable Open Space</i>	

	Usable Open Space	75 SF/DU
BUILDING G PLACEMENT		
	<i>Building Setbacks</i>	
	i. Common lot line (if provided)	0'
	j. Lot line (except rear yard) k. Rear	0' 20'
	<i>Build to Line</i>	
	l. Building along primary street (min)	100%
	m. Building along side street (min)	100%
	<i>Coverage</i>	
	n. Building (max)	80%
	o. Building (corner lot max)	100%
	p. Impervious surface (max)	100%*
HEIGHT AND MASS ‡		
	<i>Building Height</i>	
	a. Maximum building height from lot	the greater of 9 stories/100'
	b. Height bonus (with compliance)	3 additional stories up to 12 stories
	c. Floor Area Ratio	7.5
	<i>Floor Setbacks</i>	
	d. First setback (at least 50% of lot)	10' min at the 9 th Floor
	e. Second setback (at least 50% of lot)	8' min at the 11 th Floor
ACTIVATION		
	<i>Transparency</i>	
	rrrrrr. Ground story, primary street	70%
	ssssss. Ground story, side street facade	50%
	tttttt. Blank wall length, primary street	25'
	uuuuuu. Blank wall length, side street	30'
	<i>Functional Entries</i>	
	vvvvvv. Area of garage or service	20%
	<i>Permitted Building Elements (yes or no)</i>	

	Porch	No
	Stoop	No
	Balcony	Yes
	Awning/Canopy	Yes

*Max 100% impervious surface contingent upon providing on-site stormwater detention, retention and/or reuse. Otherwise 80%.

‡ The City Council, may at its discretion, modify the allowable height and floor area ratio

B. General		
Commercial-Retail		
LOT		
	<i>Lot Dimensions</i>	
	a. Lot Area (min)	5,000 SF
	b. Lot Width (min)	50'
	<i>Usable Open Space</i>	
	c. Usable Open Space	n/a
BUILDING PLACEMENT		
	<i>Building Setbacks</i>	
	d. Common lot line (if provided)	0'
	e. Lot line	0'
	f. Rear Yard	20'
	<i>Build to Line</i>	
	g. Building along primary street (min %)	100%
	h. Building along side street (min %)	100%
	<i>Coverage</i>	
	i. Building (max)	80%
	j. Impervious surface (max)	100%*
HEIGHT AND MASS ‡		
	<i>Building Height</i>	
	a. Maximum building height from	4 stories/50'
	b. Floor area ratio	2.8

ACTIVATION		
	<i>Transparency</i>	
	a. Ground story, primary street façade	70%
	b. Ground story, side street façade	50%
	c. Blank wall length, primary street	25'
	d. Blank wall length, side street (min)	30'
	<i>Functional Entries</i>	
	e. Area of garage or service bay open	20%
	<i>Permitted Building Elements (yes or no)</i>	
	Porch	No
	Stoop	No
	Balcony	Yes
	Awning/Canopy	Yes

*Max 100% impervious surface contingent upon providing on-site stormwater detention, retention and/or reuse. Otherwise 80%.

‡ The City Council, may at its discretion, modify the allowable height and floor area ratio

C. Multi-Family Apartments		
LOT		
	<i>Lot Dimensions</i>	
	Lot Area (min)	7,500 SF
	Lot Width (min)	75'
	<i>Usable Open Space</i>	
	Usable Open Space	75 SF/DU
BUILDING PLACEMENT		
	<i>Building Setbacks</i>	
	a. Common lot line (if provided)	0'
	b. Lot line	0'
	<i>Build to Line</i>	
	c. Building along primary street (min %)	100%
	d. Building along side street (min %)	100%

	<i>Coverage</i>	
	e. Building (max)	80%
	f. Building (corner lot max)	100%
	g. Impervious surface (max)	100%*
HEIGHT AND MASS ‡		
	<i>Building Height</i>	
	a. Maximum building height from	the greater of 9 stories/100'
	b. Height bonus (with compliance	3 additional stories up to 12 stories
	c. Floor area ratio	7.5
ACTIVATION		
	<i>Transparency</i>	
	a. Ground story, primary street façade	20%
	b. Ground story, side street façade	20%
	c. Blank wall length, primary street	40'
	d. Blank wall length, side street (max)	50'
	<i>Functional Entries</i>	
	e. Area of garage or service bay open	20%
	<i>Permitted Building Elements (yes or no)</i>	
	Porch	No
	Stoop	No
	Balcony	Yes
	Awning/Canopy	Yes

*Max 100% impervious surface contingent upon providing on-site stormwater detention, retention and/or reuse. Otherwise 80%.

‡ The City Council, may at its discretion, modify the allowable height and floor area ratio

D. Tower on Podium		
LOT		
	<i>Lot Dimensions</i>	
	a. Lot Area (min)	15,000 SF
	b. Lot Width (min)	100'

	<i>Usable Open Space</i>	
	c. Usable Open Space	75 SF/DU
BUILDING PLACEMENT		
	<i>Building Setbacks</i>	
	a. Common lot line (if provided)	0'
	b. Lot line	0'
	<i>Build to Line</i>	
	c. Podium along primary street (min %)	100%
	d. Podium along side street (min %)	100%
	<i>Coverage</i>	
	e. Building (max)	80%
	f. Impervious surface (max) (provided)	100%*
HEIGHT AND MASS ‡		
	<i>Building Height</i>	
	a. Maximum building height from lot line	the greater of 15 stories/160'
	b. Floor area ratio	8.0
	<i>Story Height</i>	
	c. Ground story height floor to ceiling	11'
	d. Upper story height floor to ceiling	7'6"
ACTIVATION		
	<i>Transparency</i>	
	a. Ground story, primary street façade	60%
	b. Ground story, side street façade	20%
	c. Podium blank wall length, primary street	30'
	d. Podium blank wall length, side street	40'
	<i>Functional Entries</i>	
	e. Area of garage or service bay open to street	20%
	<i>Permitted Building Elements (yes or no)</i>	
	Porch	No
	Stoop	No

	Balcony	Yes
	Awning/Canopy	Yes

*Max 100% impervious surface contingent upon providing on-site stormwater detention, retention and/or reuse. Otherwise 80%.

‡ The City Council, may at its discretion, modify the allowable height and floor area ratio

E. Community Purpose/Office Building		
LOT		
	<i>Lot Dimensions</i>	
	a. Lot Area (min)	5,000 SF
	b. Lot Width (min)	50'
	<i>Usable Open Space</i>	
	c. Usable Open Space	n/a
BUILDING PLACEMENT		
	<i>Building Setbacks</i>	
	a. Common lot line (if provided)	0'
	b. Lot line	0'
	<i>Build to Line</i>	
	c. Building along primary street (min %)	100%
	d. Building along side street (min %)	100%
	<i>Coverage</i>	
	e. Building (max)	80%
	f. Impervious surface (max)	100%*
HEIGHT AND MASS ‡		
	<i>Building Height</i>	
	a. Maximum building height from	6 stories/70'
	b. Floor area ratio	4.2
ACTIVATION		
	<i>Transparency</i>	
	a. Ground story, primary street facade	70%

	b. Ground story, side street façade	50%
	c. Blank wall length, primary street	25'
	d. Blank wall length, side street (max)	30'
	<i>Functional Entries</i>	
	e. Area of garage or service bay open	20%
	<i>Permitted Building Elements (yes or no)</i>	
	Porch	No
	Stoop	No
	Balcony	Yes
	Awning/Canopy	Yes

*Max 100% impervious surface contingent upon providing on-site stormwater detention, retention and/or reuse. Otherwise 80%.

‡ The City Council, may at its discretion, modify the allowable height and floor area ratio

D. Permitted Uses

PERMITTED USES	
Residential Uses	
One and 2-Family Dwelling	X
Attached Dwelling Units and Townhouses	P
Multi-Family Dwellings	P
Institutional Uses	
Universities, Colleges & Private Schools	SP
Commercial Uses	
Business, Professional Offices	P
Retail	P
Personal Services	P
Hotels	P
Bakeries, Retail	P
Restaurants	P
Restaurants, Carry-Out	P
Restaurants, Fast-Food (excluding drive-up windows)	P
Bars, Nightclubs, Catering Halls	P
Medical and Dental Offices	P
Theaters & Concert Halls	P
Museums & Art Galleries	P

Maker spaces for artisans and craftsmen	P
Art Gallery & Exhibition Space	P
Artisanal/Micro Manufacturing	P
Artist-in-Residence	P
Artist & Resident Production	P
Artist Studio as a working space for use by a fine arts collective, hand crafter, designer, or digital media production, which may be used for auxiliary instruction of items produced on-site	P
Co-Working Facility	P
Creative Office	P
Private or public multipurpose arts space (for multiple administration, community space, studio space, information arts production, publication, classes, gallery space, and	P
Retail Laundries and Dry Cleaners	P
Motor Vehicle Rental Agencies	SP
Day-Care Centers	SP
Nursery Schools	SP
Banks	P
Funeral Parlors	SP
Medical Laboratories	P
Radio Towers for Licensed Radio Stations	P
Satellite Earth Stations or Dish Antennas (when accepted)	SP
Accessory Uses	
Incidental Customary Accessory Uses	P
Parking Garage	P
Community Purpose Use/Building	
Public Schools	P
Community Purpose Use/Building	P
Municipal Uses for Mount Vernon	P
Use of Other Governmental Agencies	SP
Places of Worship	SP
Public Utility	SP
Standalone Parking Garage	SP

P = Permitted

SP = Special Permit

X = Prohibited

E. Incentives

- (1) Height Bonus. The City Council may, at its discretion and subject to the standards and considerations set forth below, grant a height bonus for buildings located in the DTOAD. A height bonus may be granted in exchange for an applicant providing one or more of the following off-site civic improvements, amenities or development actions as documented by the applicant, that are in addition to those that are directly or indirectly necessitated by the proposed project itself.
- (a) Provision, Renovation or Rehabilitation of a Public Open Space Amenity. By contributing a significant provision, renovation donation and/or or rehabilitation of a public open space amenity, to include but not limited to a public park and/or other public open space, a density bonus may be granted. The minimum usable open space required for a development shall not count towards this amenity.
 - (b) Historic Preservation. Preserving a significant portion of a building(s) or structure(s) identified by the Commissioner of Planning & Community Development and agreed to by the City Council as having historical, cultural and/or architectural significance.
 - (c) Brownfield or Derelict Property Remediation. Applicants may apply for a height bonus for providing brownfield or derelict property (as defined in the City Code) within the DTOAD, to prepare the property(ies) for either dedication for public use or for redevelopment by a public or private owner. The Building Department shall provide a list of preferred properties for rehabilitation.
 - (d) Contribution to Non-Site Related Infrastructure Improvements. Non-site related improvements are considered significant improvements that are not directly needed, required or related to the subject site development, but may indirectly improve the area. Infrastructure improvements may include, but are not limited to significant provisions, renovations, creation, donation, installation and/or rehabilitation of public solid waste and recycling receptacles, traffic calming measures, sidewalks, specialty pavers or utility covers as part of district “branding”, repaving of a street(s), intersection upgrades (including street lights and crosswalks), bus shelters, and storm or sanitary sewer improvements. To the extent the proposed infrastructure improvements are related to sanitary sewage improvements, in order to be eligible for the height bonus the applicant shall reduce

inflow/infiltration (I&I) at a ratio of six to one. The City Department of Public Works may provide recommendations to the City Council.

- (e) Streetscape Improvements. Improving and enhancing the streetscape is a priority. Streetscape improvements may include decorative streetlighting, enhanced street landscaping, street trees, street furniture, wide sidewalks, bicycling infrastructure, pedestrian connectivity and safety improvements, wayfinding and district branding signage, bus stop enhancements
- (f) Sustainability and Resiliency. Projects that demonstrate a commitment to sustainable development and are resilient to climate change are eligible for a height bonus. This commitment can be demonstrated through participation in a green building certification program such as LEED, BREEAM, Green Globes, SITES, Energy Star, Passive House, Enterprise Green Communities, NYSERDA, or through demonstratable design and construction practices resulting in buildings that reduce their carbon footprint, exhibit energy efficiency, utilize renewable energy technologies, utilize sustainable building materials, with the goal of achieving net zero energy demands.
- (g) Provision of Publicly Accessible Space for Display or Creation of Art. Incorporation of publicly accessible space for display or creation of art reflecting the culture and heritage of the City of Mount Vernon, including but not limited to mural(s), sculpture(s), monument(s), or other permanent aesthetic structure(s) on a site or at a designated off-site location as deemed appropriate by the City Council, upon advice and recommendation of the Department of Planning and Community Development.
- (h) Provision of Housing for Persons with Disabilities. For developments with public financing the provision of housing for persons with disabilities must go above and beyond the requirements set forth in the applicable public financing source, setting aside a minimum of 10 percent of units for persons with physical disabilities with 2 percent for persons with sight or hearing disabilities inclusive. Developments with no public financing shall make its best effort to meet the United States Housing and Urban Development Section 504 minimum requirements for accessibility or demonstrate to the satisfaction of the City Council the inability to do so.
- (i) Provision of Affordable or Workforce Housing. For developments of 10 units or more, setting aside a minimum of 10% of the total number of units as affordable are eligible for the height bonus. Affordability is defined for these units as income-averaging at 80% of Area Median Income or less.

- (2) In granting the height bonus for one or more of the amenities listed above, the City Council shall consider the following standards and considerations, as applicable:
- (a) The incentives being proposed and the degree to which the proposed amenity(ies) is compatible with and in furtherance of the goals and objectives for the DTOAD, including its focus on the arts, the goals of Envision Mount Vernon, and how they preserve and enhance the aesthetic, environmental and/or historical qualities and features of this district for the benefit and enjoyment of the entire community and otherwise promote the public health, safety and welfare of the community.
 - (b) The associated maintenance schedule and ownership of the proposed amenity(ies).
 - (c) The height bonus can be successfully integrated into the overall building/site design without negatively impacting, detracting and/or severely departing from an appropriate height, scale, mass, size, and shape of the proposed structure(s).
 - (d) The height bonus can be successfully integrated into the overall building/site design without negatively impacting, detracting and/or severely departing from an appropriate height, scale, mass and/or size of the surrounding area.
 - (e) The public benefit improvements provided shall be proportional in nature and extent to the bonus requested.
- (3) On-Site Parking Reduction Options. For properties located in the DTOAD, a reduction in the number of required off-street parking spaces provided on-site may be applied. The City Council may, at its discretion and subject to the standards and considerations set forth below, grant a reduction in the number of required off-street parking spaces on-site of up to 50% in exchange for an applicant providing one or more of the following off-site civic improvements, amenities or development actions. As applicable, an appropriate agreement shall be entered into between the applicant and the City of Mount Vernon prior to issuance of a building permit.
- (a) Provision of Utilizing Alternative Off-Site Parking Facilities. To meet the minimum parking

requirement, a proposed development may utilize an off-site parking facility, which shall be documented in an agreement between the applicant and the operator/owner of the off-site parking facility. No more than -50% of the required parking spaces may be provided off-site.

- (b) Provision of Shared Vehicle Parking. Parking requirement shall be reduced by 5 vehicles for each space reserved for car sharing vehicles located on the site for a contracted period of no less than 3 years. Annual reporting is required. If car sharing spaces are removed, the applicant is responsible for providing the required spaces or providing a payment in lieu of parking.
- (c) Provision of Utilizing a Payment in Lieu of Parking. To meet the minimum parking requirement, a proposed development may contribute a Payment in Lieu of Parking consistent with the fees established in the City’s fee schedule for this purpose, or such other amount as permitted by the City Council.
- (d) Provision of live/work space for members of the creative class of artists and makers working in the creative economy. Applicants shall receive as of right a 50% reduction for the parking requirement for each dwelling unit permanently reserved for live/work space for resident artists and makers working in the creative economy.

F. Parking Regulations

Required parking in the DTOAD reflects reduced off-street parking ratios for certain uses. The use of shared parking is also permitted and encouraged.

- (1) Off-Street Parking Requirement. The off-street parking requirements established in the Table of Off-Street Parking and Loading Requirements, set forth in Section 267 - Attachment 3, shall apply, unless modified below, in which case the requirements of this section shall apply.

q. Use		r. Required Parking
s. Residential Uses		
t.	u. Multifamily Dwelling Units North station	Dv. 0.4 cars per dwelling unit w.
	x. Multifamily Dwelling Units from Metro North	Dy. 0.4 cars per dwelling unit
	z. Multifamily Dwelling Units from Metro North	Daa. 0.4 car per dwelling unit
bb.	cc. Multifamily Dwelling Units from Metro North	dd. 0.7 cars per dwelling unit

ee. Non-Residential Uses	
ff. Business, professional or governmental gg. offices	hh. 1 per 650 square feet GFA
ii. Retail stores, shops and personal jj. service establishments	kk. 1 per 500 square feet GFA
ll. Restaurants	mm. 1 per 5 seats or 1 per 500 square feet of GFA, whichever is less
nn. Community indoor recreation facilities for neighborhood youth*	oo. 1 per 2,000 square feet of GFA
pp. * Facilities 20,000 square feet or less are exempt from this parking requirement	

(2) Shared Parking. The concept of shared parking, whereby land uses that have different parking demand patterns can use the same parking spaces throughout the day, is particularly useful in districts nearby public transportation, where a large percentage of trips are accommodated via public transit. Public transit reduces the overall demand for individual passenger vehicle trips and the related demand for parking.

Shared parking is permitted and encouraged in the DTOAD. The City Council, will consider the use of shared parking, according to the following provisions:

- (a) The uses proposing to share parking spaces are different land uses as set forth in the Permitted Use Table.
- (b) All new development that relies on shared parking must demonstrate the adequacy of the proposed parking as a result of a capacity being provided that will substantially meet the intent of the parking requirements by reason of variation in the probable time of maximum use by residents, patrons, visitors or employees among residences and establishments sharing such parking, and

provided that said approval of such joint use shall be automatically terminated upon the termination of the operation of any use on which the shared parking analysis has been based. The analysis of shared parking must be based on established standards/methodology.

- (c) In cases where shared parking is proposed between adjacent parcels under separate ownership, irrevocable cross-easements shall be required, to assure the perpetual right to share the parking spaces.
- (d) No more than 50% of the required parking for a particular use shall be provided in a shared parking arrangement.
- (e) Up to 50% of the parking requirement may be met by an offsite parking garage facility contingent on the operator's commitment to issue at market price monthly parking permits for the specified number of parking spaces for no less than 5 years.

(3) Design and Layout. The design and layout of off-street parking spaces shall comply with the provisions of Section 267-38, except as modified herein:

- (a) To minimize curb cuts on the roadways in the DTOAD, the use of shared driveways is encouraged, where feasible.
- (b) Where feasible, driveways shall front on streets that are less pedestrian intensive.
- (c) Off-street parking is encouraged to be as inconspicuous as possible and to incorporate landscaping and screening to the greatest extent possible to minimize its physical and visual impact.
- (d) Off-street parking and loading areas shall be coordinated with the public street system serving the DTOAD in order to avoid conflicts with through-traffic, obstruction to pedestrian walks and vehicular thoroughfares.
- (e) All parking structures shall be designed using compatible or complementary materials to the principal buildings so that they blend in architecturally. All voids in the structures shall be architecturally treated or screened, so that lights and vehicles are not individually visible.
- (f) Parking structures fronting on East First Street and East Second Street shall be wrapped by first floor non-residential uses.
- (g) Surface parking shall include street lighting that adequately provides for safe vehicle circulation and public safety, but shall not be excessive. Light poles shall be as low as possible to achieve the desired purpose, and fixtures shall be shielded and downward directed. The use of energy efficient luminaries is encouraged.

- (h) All surface parking shall be interior to a site and not front any public street or sidewalk. Surface parking must be placed behind buildings, confined to rear yards, or otherwise screened from the public right-of-way, as approved by the Department of Buildings.
- (i) All pedestrian pathways across and along parking areas shall be appropriately lit with pedestrian scaled lighting fixtures.
- (j) Vehicular access to internal parking structures shall be designed so as not to negatively impact upon major pedestrian routes. If necessary, provide “fish eye” mirrors or alarms to manage the interaction between pedestrians and vehicles.
- (k) The potential conflicts between truck delivery, vehicular traffic, and pedestrian circulation shall be considered when designing service entries, roadways, walkways, and pedestrian entrances.
- (l) To the extent possible, service entrances and loading areas between adjacent buildings shall be consolidated. Such service entrances shall be separated from walkways and pedestrian entrances.
- (m) In each parking lot containing over 150 parking spaces, at least two of the parking spaces must be provided with an electric vehicle charging station.
- (n) Spaces for handicapped car and van parking must be provided as required by law.
- (o) Within a structured parking garage, up to 20% of the total parking spaces provided may be compact spaces. No more than six compact parking spaces may abut each other. Compact spaces may be reduced to 7.5 feet in width. All compact parking spaces must be clearly and visibly striped and labeled for compact car use only.
- (p) To minimize the extent of impervious surfaces and the “heat-island” effect, and to enhance the aesthetic appearance of surface parking lots, the following landscaping requirements shall apply:

Interior Islands:

- i. A landscaped interior island shall be provided every 10 parking spaces. Interior islands shall be distributed evenly throughout the parking area.
- ii. An interior or terminal island shall be a minimum of 8.5 feet in width and 300 square feet in area.
- iii. All rows of parking must terminate with a landscaped terminal island. No more than 30 parking spaces may be located between drive aisles.
- iv. Interior islands may be consolidated or intervals may be expanded in order to preserve existing trees.
- v. Interior islands must be installed below the level of the parking lot surface to allow for runoff capture.

Median Islands:

- vi. A landscape median island shall be provided between every six single parking rows.
- vii. A landscape median island shall be a minimum of five feet wide.
- viii. A median island may also serve as the location for a sidewalk. In such case, the sidewalk shall be a minimum of six feet wide, and the remaining planting area shall be no less than five feet wide.
- ix. Median islands may be consolidated or intervals may be expanded in order to preserve existing trees.
- x. Median islands must be installed below the level of the parking lot surface to allow for runoff capture.

Tree Coverage:

- xi. Each interior island (and terminal interior island) must include at least one shade tree.
 - xii. In no case can there be less than one tree for every 3,000 square feet of parking area.
- (q) Off-street parking areas shall be surfaced with asphalt, bituminous concrete or other type of dustless material in accordance with the City of Mount Vernon standards and specifications and maintained in a smooth, well-graded condition.
- (r) Pervious or semi-pervious parking area surfacing materials may be provided in accordance with the City of Mount Vernon standards and specifications. Permitted materials may include but are not limited to “grasscrete”, ring and grid systems used in porous or grid pavers, or recycled materials such as glass, rubber, used asphalt, brick, block and concrete. Once installed, all pervious or semi-pervious parking areas shall be maintained in accordance with the manufacturer’s specifications.

(4) Bicycle Parking Spaces or Bicycle Lockers Required

- (a) For Multifamily Dwellings containing ten (10) or more dwelling units on a Building Lot, a minimum of one bicycle parking space or bicycle locker shall be provided for each ten (10) dwelling units except that in no event shall less than two (2) bicycle parking spaces or bicycle lockers be provided on such Lot.
- (b) For mixed-uses and all non-residential uses requiring ten (10) or more motor vehicle parking spaces on a Building Lot, one (1) bicycle parking space or bicycle locker shall be provided for each ten (10) required automobile parking spaces except that in no event shall less than two (2) bicycle parking spaces or bicycle lockers be provided on such Lot.

- (c) Where not more than two (2) bicycle parking spaces or bicycle lockers are provided, a single inverted U frame rack shall be acceptable, provided adequate parking and access space is provided to be able to easily secure such two (2) bicycles.

(5) Design Criteria for Bicycle Parking Facilities

- (a) Off-street parking for bicycles shall include provision for secure storage of bicycles. Such facilities shall provide bicycle lockers or racks or equivalent structures in or upon which the user may lock a bicycle.
- (b) Each bicycle space shall adjoin a rack or similar system for securing the bicycle. Fifteen square feet of area shall be provided for each bicycle space. However, the area for each bicycle space may be reduced by up to nine square feet per bicycle if the Department of Planning and Community Development certifies that a layout has been submitted to adequately accommodate the specified number of bicycles.
- (c) A minimum four and a half foot (4'-6") wide access aisle shall be provided to enable bicyclists to enter and leave the bicycle parking area. In high traffic areas, the aisle width shall be greater.
- (d) Bicycle parking facilities shall be located in well-lighted areas and in close proximity to the building's entrance, within fifty (50) feet whenever possible, and clustered in groups not to exceed sixteen (16) spaces each. If the parking facility is not highly visible, a sign shall be placed at the building's entrance indicating the location of bicycle parking.
- (e) Bicycle parking facilities shall be securely anchored so they cannot be easily removed and shall be of sufficient strength to resist theft and vandalism.
- (f) The surfacing of such facilities shall be designed and maintained to be mud and dust free. The use of rock or gravel areas for bicycle parking is permitted, provided that edging materials, such as landscape timbers are used so that the bicycle parking area is clearly demarcated and the rock material is contained. In all cases the facility shall be maintained to allow for easy access and use.
- (g) Bicycle parking facilities shall be sufficiently separated from off street parking areas to protect parked bicycles from damage by motor vehicles. The separation may be accomplished through grade separation, distance or physical barrier, such as curbs, wheel stops, poles or other similar features.
- (h) Bicycle parking facilities shall not impede pedestrian or vehicular circulation and should be harmonious with their environment. Bicycle parking facilities shall complement, whenever possible, building design or street furniture.

G. Design Guidelines

This section of the DTOAD form-based code describes recommended design practices that have been established to create a high-quality, pedestrian friendly, urban environment. In addition, where noted below, certain requirements are set forth for specific design elements when that design element is included in the development project. All projects are strongly encouraged to utilize this section to design projects that meet the purpose and intent of these guidelines. The ultimate approval of projects will be judged in accordance with these design practices and requirements as applicable.

(1) Architectural Details

Building architecture creates an interesting visual environment and provides a basis for the overall character of an area. Architectural details are those elements that do not contribute structurally to a building's construction, but add visual interest, identify building styles, and often display superior craftsmanship. They should not be used however, as a substitute for genuine building massing and articulation. New construction should emphasize the use and application of a high degree of architectural detailing. Building renovations should strive to preserve unique or native vernacular details.

(2) Public Art and Art Space.

To be consistent with the arts-focused nature of the DTOAD district, public art components shall be visible from the exterior of the building and/or accessible by the public.

(3) Ground Floor Facades

In the context of a transit-oriented district where pedestrian activity is emphasized, the design and activation of the ground floor base is imperative. The concept of “build-to-lines” assures that new buildings will front on the public streetscape. Creating visual interest along the base of the building, by assuring a high percentage of transparency in storefront windows is a design goal. Façade details are encouraged to vary the building texture, highlight façade articulation and break-up the building mass. The provision of security gates, air conditioning units or other similar fixtures on the principal façade shall be avoided.

(4) Functional Entries

To improve the pedestrian experience and to facilitate the activation of the public realm surrounding individual buildings, pedestrian access points (functional entries) should be easily identifiable, inviting and accessible and located along the public frontage as often as practical. Maximizing the number of functional entries also helps to create interesting and diverse street level architecture. Access ways into the buildings may be into lobbies, commercial spaces or common areas. All functional entries shall meet ADA requirements, and be adequately lit.

(5) Building Materials

The choice of materials used for construction or renovating buildings affects the way a building relates to its neighborhood context. When designed well, a building can contribute to the continuity of street elevation, as well as emphasize a site's unique characteristics. Buildings constructed with

complementary materials contribute to the interest of a streetscape. Consequently, a building's design - particularly the façade - and exterior materials can have a significant impact on how the structure is perceived.

(6) Awnings

Awnings over pedestrian walkways and sidewalks are encouraged to provide shade and rain protection while adding interest to a facade with shape and color. They are also effective in identifying a business. Long expanses of awnings are discouraged. Awnings should have a pedestrian scale and be placed so as to provide weather protection and/or business identification to potential patrons of a business.

(7) Signs

The provision of high quality signage, both as a communication tool and as a component of building form is a goal in the DTOAD. Creative and unique sign designs are encouraged while cluttered and unattractive streetscapes must be prevented. In general, effectively designed signs should respond to the site, landscape, and architectural design context within which they are located. Signs should be compatible in scale, proportion, and design with the building's facade and its surroundings. Painted window signs should not be too large or obscure transparency. Internally illuminated "sign boxes" as well as neon signs should be avoided, as should excessive lighting of all varieties. Projecting signs, perpendicular to the sidewalk are effective when properly scaled for pedestrian use. Graphics should be well-designed and legible. The signage requirements established in Article XIII shall apply.

(8) Site Lighting

Effective exterior site lighting is an important element in the overall appearance and operation of a project. The quality of light, level of light as measured in footcandles, and the type of bulb or source should be carefully addressed. Lighting levels should not be so intense as to draw attention to the glow or glare of the project site. The lighting plan should incorporate current energy-efficient fixtures such as LED and similar technologies. Spotlighting or glare from any site lighting should be shielded from adjacent properties and directed at a specific object or target area to prevent light trespass. Exposed bulbs should not be used. Building light fixtures should be designed or selected to be architecturally compatible with the main structure. The height of light poles should be appropriately scaled to the project.

(9) Building Services

To create a more attractive pedestrian friendly environment, utilitarian features, such as trash facilities, loading docks, HVAC equipment and above ground utility infrastructure, should be out of the public's view. Ground level services should be located at the rear of the building, if possible. A screen wall should be used to camouflage the service features if optimal placement does not adequately screen the features from the public realm. Landscape treatments may be appropriate to soften the interface of the equipment.

(10) Project Open Spaces

Residential developments and mixed-use projects require the provision of usable open space for residents. These amenities increase light and air to dwelling units, enhance the aesthetics of projects and the environmental quality of neighborhoods, promote physical activity, afford stormwater management opportunities, increase social interaction opportunities with neighbors and increase safety by providing “eyes on the space.”

Usable open space can be provided in outdoor spaces such as courtyards, walkways, rooftops, balconies and terraces and garden plots. Indoor facilities such as fitness centers or swimming pools can also be used to meet the usable open space requirements of a project. In the DTOAD mixed use residential buildings, indoor facilities like lounges, artists’ studios, theater space, dance studios, galleries, meeting rooms, maker spaces, music rooms, community facility space, and other programmed non-living areas may count toward open space requirements at the discretion of the Department of Planning and Community Development.

Unique features such as green roofs and green or “living” walls are also beneficial open space amenities.

(11) Streetscapes

Great streetscapes are the center of public life. They brand a neighborhood, giving it a cultural identity and shaping the perceptions of the area. The elements of the streetscape can create a place of vitality and activity.

The streetscape is composed of 3 zones; the Pedestrian Zone, Public Amenity Zone and Frontage Zone.

Sidewalks shall be required throughout the district. Curb cuts should be minimized and clearly marked. Street trees with grates should be provided at 30’ intervals. Planters are encouraged containing seasonal plantings and flowers. Wayfinding signage should be provided to assist pedestrian navigation through the area. Banners and flags can be used to announce special events and to help brand the district, as can public art. Street and pedestrian lighting should illuminate at a level consistent with pedestrian activity. Benches, seating and other street furniture should be selectively sited to take advantage of sunshine in winter and shade in summer. The provision of bus stops is an essential component to the DTOAD, as are bicycle racks that should be located at regular intervals.

(12) Pedestrian and Bicycle Circulation

In order to facilitate pedestrian movement throughout the district, Sidewalks, a minimum of 8’ wide are encouraged. Larger surface parking lots should provide separate pedestrian connects through the parking lot.

Bicycle circulation should be encouraged via the provision of defined bike lanes or signed Class III “share-the-road” bike routes where appropriate. Short-term bike parking (bike racks) must be provided in front of all retail areas. Long-term bike parking (bike storage rooms, lockers, covered corrals, etc.)

must be provided for residential uses and must include charging capabilities for e-bikes and other e-mobility devices.

(13) Landscaping

Landscaping enhances the visual image of the City, preserves natural features, improves property values, and alleviates the impact of noise, traffic, and visual distraction associated with certain uses. It aids in energy conservation and promotes urban wildlife habitats.

Trees and shrubs should be located and spaced to allow for long-term growth. Evergreen and deciduous or flowering trees should be used in combination to create visual interest and to create a dynamic landscape.

Accent planting should be used around entries and key activity hubs. Screening should be used to protect less intensive uses from the impacts of more intrusive uses and to block views of less desirable features from public view (trash enclosures, etc.).

The use of a minimum of 70% native plants is recommended. The use of plants considered invasive is prohibited. Xeriscaping is encouraged to promote water conservation, reduce maintenance requirements, and decrease flooding. Recycled grey water should be used for irrigation.

(14) Sustainability and Green Building Design

Sustainability and green building refers to the practice of creating structures using a process that is environmentally responsible, resilient, and resource-efficient throughout a building's life-cycle: from siting to design, construction, operation, maintenance, renovation, and demolition.

Participation in a green building certification program such as LEED, BREEAM, Green Globes, SITES, Energy Star, Passive House, Enterprise Green Communities, or NYSERDA is encouraged. Elements include design and construction practices resulting in buildings that reduce their carbon footprint, exhibit energy efficiency, utilize renewable energy technologies, and/or utilize sustainable building materials, with the goal of achieving net zero energy demands.

H. Administration

(1) Project Review and Approval

(a) Application Requirements

[1] All site plan applications shall be prepared in accordance with the requirements of Section 267-33.

[2] In addition to the requirement to submit an Environmental Assessment Form with the application (whether a short or full EAF is required shall be determined at the pre-application conference), the applicant shall also submit a report documenting whether the project complies with all Findings of the SEQRA Generic Environmental Impact Statement adopted for the DTOAD rezoning, and will not result in any significant adverse impacts that exceed the

thresholds established therein, or in the alternative, shall specifically identify areas where the project is inconsistent or non-conforming.

(2) Supplemental Standards

- (a) **Utility Location.** Utilities shall be installed underground and any above ground equipment shall be located away from pedestrian street corners. Equipment boxes and vaults should be placed in back of the sidewalk and where landscaping can minimize or screen their impact. Relocation of provisions for private and public underground utility systems shall be made, as needed. These requirements may be waived by the Planning Board in situations where it is determined that the underground installation of utilities is not appropriate and/or that adjoining land uses, topographic features or existing vegetation satisfy the same purpose in terms of minimizing or screening equipment boxes and/or vaults. The costs of relocating the underground utility lines shall, where appropriate, be borne by the utility companies and/or private developers, pursuant to the appropriate laws, regulations and ordinances.
- (b) **Affordable Housing Unit Location.** In instances where a development includes affordable or workforce housing units, said units shall be fully integrated into and dispersed throughout the project so as to be indistinguishable from other market rate units. Affordable or workforce units shall not be isolated, clustered or grouped. Additionally, access to affordable and workforce housing units shall be provided in a manner similar to all other market rate units, and shall not be physically segregated. Affordable and workforce housing units shall be designed, constructed and finished in a manner similar to the other market rate units within the project.
- (c) **Arts Programming.** In instances where a development includes a public art component, the project shall comply with the following standards:

- [1] The project developer shall cooperate and consult with the Department of Planning and Community Development with respect to the project's arts programming. This shall include, but not be limited to, informing the Department periodically about such programming, and reasonably accommodating any Department recommendations for a qualified partner(s) for arts programming. The project developer shall make the final determination with respect to such programming.
- [2] In multi-phase projects that include space(s) dedicated for arts programming in phases other than the initial phase, the project developer shall incorporate arts programming in the initial phase (s) on an interim basis until the dedicated space has received a Certificate of Occupancy. During this interim period, such programming shall occur a minimum of three hours per quarter, which time shall be spread over a minimum of two programs per quarter. The project developer shall notify the Buildings Department at least two business days prior to each such interim arts program. The project developer shall also maintain detailed records of such interim arts programming and submit quarterly reports to the City Council, the Department of Planning and Community Development, and the Buildings Department, containing sufficient detail to demonstrate compliance with this standard. 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.

Section 5. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Section 6. Effective Date. This ordinance shall take effect upon review and acceptance from the City Council.

**AN ORDINANCE AMENDING CHAPTER 267 OF
THE CODE OF THE CITY OF MOUNT VERNON,
NEW YORK, ENTITLED “ZONING”**

WHEREAS, the City Council of the City of Mount Vernon is in receipt of a Zoning Petition submitted by 20 S. 2nd Square CMV, LLC, dated December 3, 2021, to amend the Zoning Ordinance of the City of Mount Vernon to create a new transit oriented district to be called the Downtown Transit Oriented Arts District (“DTOAD”), and to amend the Zoning Map to apply DTOAD to an area of land comprising approximately forty-one (41) tax parcels of property between East 1st and East 2nd Street and between South 1st and South 3rd Avenue, including certain City-owned parcels (“Zoning Petition”); and

WHEREAS, the Zoning Petition would facilitate a development project comprising approximately 307,932 s.f. of mixed residential development and other amenities in two, 2-story buildings, including 272 mixed-income residential apartments, approximately 15,630 s.f. of community facility space (including outdoor courtyard space for the arts), and 109 parking spaces (“Development Project”); and

WHEREAS, on or about January 29, 2025, the City Council referred the Zoning Petition again to the City of Mount Vernon Planning Board and Corporation Counsel, as well as the Westchester County Planning Board, for their respective reviews and reports as required by law, given certain changes to the Development Project during the City Council’s review process; and

WHEREAS, the City Council duly published notice of a Public Hearing for the Zoning Petition in three issues of the official newspaper for the City on January 23, 2025, January 30, 2025, and February 6, 2025; and

WHEREAS, the City Council conducted a Public Hearing on the Zoning Petition on February 11, 2025 at 7:00 P.M. at City Hall, at which time those wishing to comment were afforded an opportunity to be heard; and

WHEREAS, by letter dated February 19, 2025, the Westchester County Planning Department issued its recommendations with respect to the Zoning Petition and Development Project pursuant to Section 239-l, m, and n of the General Municipal Law; and

WHEREAS, by letter dated March 6, 2025, the Planning Board issued its recommendation with respect to the Zoning Petition and Development Project pursuant to City Code Section 267-59; and

WHEREAS, on March 12, 2025, the City Council adopted a Findings Statement under the State Environmental Quality Review Act and its implementing regulations at 6 N.Y.C.R.R. Part 617 (collectively, “SEQRA”), determining that the Zoning Petition and Development Project minimizes or avoids environmental impacts to the maximum extent possible; and

WHEREAS, having completed the SEQRA process and all applicable requirements under the City Code, the City Council desires to amend the Zoning Ordinance and Zoning Map as requested in the Zoning Petition to establish a new DTOAD and apply it to the area of land referenced above; and

NOW, THEREFORE, the City Council, as convened, does hereby ordain and enact:

Section 1. Section 267-4, Definitions, of the City of Mount Vernon Zoning Ordinance shall be amended to revise the definition of “Usable Open Space” and add definitions including “Build to Line,” “Primary Street,” “Side Street,” “Building Legal Grade,” “Bulkhead,” and “Transparency,” as follows:

USABLE OPEN SPACE

Usable open space is the portion of a lot which is unoccupied by driveways, drive aisles, service drives, off-street parking spaces and/or loading berths, principal buildings, and accessory buildings. This area of usable open space shall be available and accessible to all occupants of the building for use for recreation and other leisure activities normally carried on outdoors. Usable open space can be provided in outdoor spaces such as courtyards, walkways, rooftops, balconies and terraces and garden plots. In the DTOAD mixed use and residential buildings, indoor facilities like lounges, artists’ studios, theater space, dance studios, galleries, meeting rooms, maker spaces, music rooms, community facility space, and other programmed non- living areas may count toward open space requirements at the discretion of the Department of Planning and Community Development.

BUILD TO LINE

The line at which construction of a building façade is to occur on a lot, running parallel to the front property line without setback, and thus ensuring a uniform (or more or less even) building façade line on the street.

PRIMARY STREET

The street along which the main frontage of a building is located (the frontage designated to bear the address and principal entrance to the building).

SIDE STREET

The street along which the secondary frontages of a building are located.

BUILDING LEGAL GRADE

The average elevation of the finished ground at the exterior walls of the main building. Building height is measured from the building legal grade.

BULKHEAD

A bulkhead is an enclosed structure on the roof of a building that may include mechanical equipment, water tanks, bathrooms and storage rooms for roof amenities, and roof access from interior stairwells and elevators. It is not counted as floor area and is permitted to exceed zoning height and setback requirements, within limits specified in the Zoning Resolution.

TRANSPARENCY

Transparency requirements shall apply to the percentage of linear feet of a ground floor level street wall, between a height of 2 feet and 12 feet, or the height of the ground floor ceiling, whichever is lower, as measured from the adjoining sidewalk. Transparent, or translucent, materials provided to satisfy the percent requirements shall not begin higher than 2 feet, 6 inches above the level of the adjoining sidewalk, or 1 foot, 8 inches above the interior finished floor, whichever is higher, with the exception of transom windows, or portions of windows separated by mullions or other structural dividers, and shall have a minimum width of two feet.

However, such transparency requirements shall not apply to portions of the ground floor level occupied by entrances or exits to accessory off-street parking facilities and public parking garages, where permitted, entryways to required loading berths, where permitted, or doors accessing emergency egress stairwells and passageways.

Section 2. Section 267-5, District classification, of the City of Mount Vernon Zoning Ordinance shall be amended by adding a new Downtown Transit Oriented Arts District (Designated as DTOAD) to subsection D., as follows:

D. Special zoning districts.

DTOAD Downtown Transit Oriented Arts District

Section 3. Section 267-15, Purposes, of the City of Mount Vernon Zoning Ordinance shall be amended by adding a new subsection D.(8), as follows:

§ 267-15. Purposes.

In addition to the general purposes of this chapter as set forth in Chapter 267, Article I, the following specific purposes are set forth for residence and nonresidence districts:

D. Special zoning districts.

(8) For the Mount Vernon DTOAD Downtown Transit Oriented Arts District, to promote mixed use (residential and retail) with a focus on the arts that will transform this area of the city's downtown with increased economic activity, attractive placemaking, cultural amenities and a range of housing options within walking distance of the train station and the rest of downtown.

Section 4. Article V, Districts, of the City of Mount Vernon Zoning Ordinance is hereby amended to add a new Section 267-27.3 entitled "DTOAD District" to read as follows:

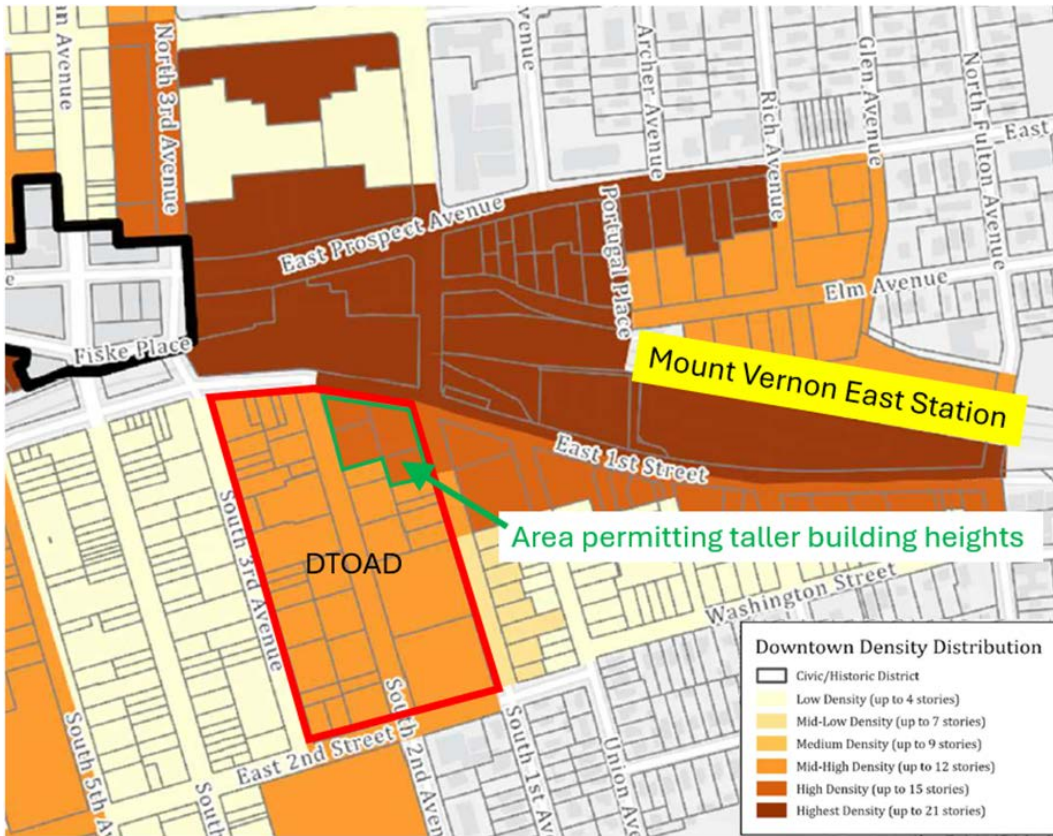
§ 267-27.3. DTOAD District.

A. General Provisions

(1) Overview. The Downtown Transit Oriented Arts District (Designated as DTOAD) has been established to promote the reuse and redevelopment of a key area between the Mount Vernon East train station and the south side of downtown. The DTOAD district is envisioned to provide sites for mixed use (residential and retail) with a focus on the arts that will transform this area of the city's downtown with increased economic activity, attractive placemaking, cultural amenities and a range of housing options within walking distance of the train station and the rest of downtown.

(2) Applicability. The Downtown Transit Oriented Arts District applies to property Designated as DTOAD on the City of Mount Vernon Zoning Map, which is on file in the Office of the City Clerk. Parcels located in the zone are included on the table below. Four of these parcels (noted with *) are designated to allow for taller building heights at 15 stories, as called for in the City's Downtown Vision Report.

Address	T	T	Ta
n/a	1	3	39
23 S. 3rd	1	3	37
20 S. 2nd	1	3	11
n/a	1	3	13
22 E. 1st	1	3	1
28 E. 1st	1	3	4
30 E. 1st	1	3	5
34 E. 1st	1	3	6
38 E. 1st	1	3	7
10 S. 2nd	1	3	8
19 S. 3rd	1	3	9
16 S. 2nd	1	3	10
38 S. 2nd	1	3	16
48 S. 2nd	1	3	17
54 S. 2nd	1	3	18
29 E. 2nd	1	3	19
23 E. 2nd	1	3	20
67 S. 3rd	1	3	21
65 S. 3rd	1	3	22
61 S. 3rd	1	3	23
47 S. 3rd	1	3	26
45 S. 3rd	1	3	28
41 S. 3rd	1	3	29
39 S. 3rd	1	3	30
15 S. 3rd	1	3	33
11 S. 3rd	1	3	34
62 S. 2nd	1	3	36
17 S. 3rd	1	3	38
40 E. 1st	1	3	1*
50 E. 1st	1	3	2*
8 S. 1st	1	3	5*
14 S. 1st	1	3	6
16 S. 1st	1	3	7
18 S. 1st	1	3	8
22 S. 1st	1	3	9
49 S. 2nd	1	3	10
28 S. 1st	1	3	11
29 S. 2nd	1	3	21
n/a	1	3	23
17 S. 2nd	1	3	25
n/a	1	3	26



(3) Purpose and Intent. The DTOAD zone is positioned between the Mount Vernon East train station and East 2nd Street going from north to south, and South 1st and 3rd Avenues going east to west. Its intent is to provide for a compatible range of uses (including residential, institutional, commercial and community facilities) with a focus on the arts to provide a welcoming entrance to the south side of the City’s downtown when approached from the Mount Vernon East train station and Petrillo Plaza. Specifically, the DTOAD provides for:

- (a) Higher density residential development near the Mount Vernon East train station with additional building heights permitted on the four parcels that are the closest to the station.
- (b) Encourage the development of an arts focused cultural district near the Mount Vernon East train station that includes visible and accessible public art, new arts/cultural institutions and retail opportunities
- (c) Promotion of live/work opportunities for members of the creative community including artists, makers and others engaged in the creative economy.
- (d) Growing the creative economy and creating new job opportunities in Mount Vernon for cultural and creative entrepreneurs, and workers.
- (e) The physical integration, improvement and coordination of diverse land uses.
- (f) Development that is maximally transit supportive.
- (g) The establishment of a pedestrian-friendly environment.
- (h) Reduction of auto dependency and roadway congestion.
- (i) Reduce total vehicle miles traveled and greenhouse gas emissions within the city and region.
- (j) Emphasize, restore and preserve the areas urban fabric.
- (k) Facilitate redevelopment that will create new jobs.
- (l) Emphasize, support and facilitate high quality building design, streetscape and public realm improvements.
- (m) Encourage the development of high performance green buildings and other investments that reduce dependance on fossil fuels, decrease greenhouse gas emissions and support the goals and objectives of the New York State Climate Leadership and Community Protection Act and the City of Mount Vernon.
- (n) Encourage the development of children and youth focused community facilities.

(4) Organization. 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.

Form-based codes address 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.

Subsection B identifies the allowable building types in the DTOAD and Subsection C identifies the standards for building design, configuration and placement. Subsection D presents the table of permitted uses. Subsection E presents the incentives available in the DTOAD and subsection F identifies the parking requirements for the DTOAD. Subsection G presents design guidelines, which all projects are expected to comply with. Finally, Subsection H sets forth the administrative procedures that must be complied with for all projects in the DTOAD.

(5) Relationship to Comprehensive Plan. The Downtown Vision Report was adopted by the City of Mount Vernon in January 2024 as the first phase of its comprehensive plan update. The Downtown Vision Report specifies a higher density setting for the DTOAD, with additional density prescribed for the four parcels closest to the Mount Vernon East train station.

(6) Planning Principles. The Downtown Transit Oriented Arts District Zoning Ordinance establishes an efficient, effective and equitable regulatory and procedural code for the use of land in the Downtown Transit Oriented Arts area, subject to the following policies:

- (a) The area should include a framework of transit, pedestrian and bicycle systems that provide alternatives to the automobile.
- (b) Development in the area should be of appropriate density, pedestrian oriented and contain a mix of uses.
- (c) The ordinary activities of daily living should be provided within walking distance of residential uses, allowing for independence from the automobile.
- (d) Within the area, a range of higher density multi-family housing types and price levels should be provided to accommodate diverse ages, incomes and family sizes.
- (e) Appropriate land uses and densities should be provided within walking distance to the train station.
- (f) Civic, institutional and commercial activity should be embedded throughout the area, and not isolated into remote single-use complexes.
- (g) Encourage equitable place-based development with a focus on the arts.
- (h) Development in the area should feature live/work space for the creative community of artists and makers and commercial and community space curated to support artists, residents and the larger Mount Vernon community.
- (i) Buildings, landscaping and other amenities should contribute to the physical definition of thoroughfares as public places.
- (j) The design of buildings and sites should reinforce safe environments, but not at the expense of accessibility.
- (k) Public/semipublic gathering places should be provided as locations that reinforce community identity and support youth and families.
- (l) Development in the area should employ sustainable and green building practices.

(7) Non-Conforming Uses and Buildings. The DTOAD replaces defined portions of the Downtown Business (DB) and Residential Multi-Family (RMF-10) zones by expanding parameters to provide for the addition of a broad array of uses including innovative high-density residential uses. The DTOAD accommodates the comprehensive redevelopment of

vacant or underutilized sites with transit-oriented mixed-use development of affordable and market rate housing along with neighborhood commercial or retail space and community space with a focus on the arts.

The regulations governing non-conforming uses set forth in Section 267-10 remain applicable to uses and buildings in the DTOAD. However, all legal pre-existing, non-conforming uses are encouraged to comply with the design guidelines established herein, to assure that the area evolves in a manner that is consistent with the goals and objectives of the City.

B. Allowable Building Types

- (1) **Mixed-Use Building.** A building that supports ground floor commercial and/or public use or community facility, with upper story residential. Commercial uses are permitted on East First Street and East Second Street. Public uses or community facility uses are permitted throughout the district.
- (2) **General Commercial – Retail.** A building type that accommodates retail, office or other commercial uses. Buildings of this type must contain frontage on East First Street or East Second Street.
- (3) **Multi-Family Apartment.** A residential building that does not include ground floor commercial uses. Buildings of this type may not contain frontage on First Street.
- (4) **Tower on Podium.** Multi-story apartment building constructed atop a podium containing off-street parking wrapped by ground level commercial uses. Buildings of this type must contain commercial frontage on First Street
- (5) **Community Purpose Building/Office Building:** A building type that accommodates office, public or institutional uses, or community facilities.

C. Building Type Regulations.

A. High-Density Mixed-Use Building: - APPLIES ONLY TO DESIGNATED PARCELS CLOSEST TO MOUNT VERNON EAST TRAIN STATION		
LOT		
<i>Lot Dimensions</i>		
a.	Lot Area (min)	5,000 SF
b.	Lot Width (min)	50'
<i>Usable Open Space</i>		
c.	Usable Open Space	75 SF/DU
BUILDING PLACEMENT		
<i>Building Setbacks</i>		
a.	Common lot line (if provided)	0'
b.	Lot line (except rear yard)	0'
c.	Rear yard	20'
<i>Build to Line</i>		
d.	Building along primary street (min % of lot width)	100%
e.	Building along side street (min % of lot width)	100%
<i>Coverage</i>		
f.	Building (max)	80%
g.	Building (max)	100%
h.	Impervious surface (max)	100%*
HEIGHT AND MASS		
<i>Building Height</i>		
a.	Maximum building height from legal grade	the greater of 12 stories/130'
b.	Height bonus (with compliance with bonus provisions)	3 additional stories up to 15 stories
c.	Floor Area Ratio	8.0
<i>Floor Setbacks</i>		
d.	First setback (at least 50% of lot frontage)	10' min by the 9 th Floor
e.	Second setback (at least 50% of remaining lot frontage)	8' min by the 12 th Floor
ACTIVATION		
<i>Transparency</i>		
a.	Ground story, primary street façade (min)	70%
b.	Ground story, side street façade (min)	50%
c.	Blank wall length, primary street (max)	25'
d.	Blank wall length, side street (max)	30'
<i>Functional Entries</i>		
e.	Area of garage or service bay openings along street-wall (max)	20%
<i>Permitted Building Elements (yes or no)</i>		
	Porch	No
	Stoop	No
	Balcony	Yes
	Awning/Canopy	Yes

*Max 100% impervious surface contingent upon providing on-site stormwater detention, retention and/or reuse. Otherwise 80%.

‡ The City Council, may at its discretion, modify the allowable height and floor area ratio

B. Medium-High Density Mixed Use Building:		
LOT		
<i>Lot Dimensions</i>		
d.	Lot Area (min)	5,000 SF
e.	Lot Width (min)	50'
<i>Usable Open Space</i>		
f.	Usable Open Space	75 SF/DU
BUILDING PLACEMENT		
<i>Building Setbacks</i>		
i.	Common lot line (if provided)	0'
j.	Lot line (except rear yard)	0'
k.	Rear yard	20'
<i>Build to Line</i>		
l.	Building along primary street (min % of lot width)	100%
m.	Building alongside street (min % of lot width)	100%
<i>Coverage</i>		
n.	Building (max)	80%
o.	Building (corner lot max)	100%
p.	Impervious surface (max)	100% *
HEIGHT AND MASS ‡		
<i>Building Height</i>		
a.	Maximum building height from legal grade	the greater of 9 stories/100'
b.	Height bonus (with compliance with bonus provisions)	3 additional stories up to 12 stories
c.	Floor Area Ratio	7.5
<i>Floor Setbacks</i>		
d.	First setback (at least 50% of lot frontage)	10' min at the 9 th Floor
e.	Second setback (at least 50% of remaining lot frontage)	8' min at the 11 th Floor
ACTIVATION		
<i>Transparency</i>		
f.	Ground story, primary street façade (min)	70%
g.	Ground story, side street façade (min)	50%
h.	Blank wall length, primary street (max)	25'
i.	Blank wall length, side street (max)	30'
<i>Functional Entries</i>		
j.	Area of garage or service bay openings along street-wall (max)	20%
<i>Permitted Building Elements (yes or no)</i>		
	Porch	No
	Stoop	No
	Balcony	Yes
	Awning/Canopy	Yes

*Max 100% impervious surface contingent upon providing on-site stormwater detention, retention and/or reuse. Otherwise, 80%.

‡ The City Council, may at its discretion, modify the allowable height and floor area ratio

B. General Commercial- Retail		
LOT		
	<i>Lot Dimensions</i>	
	a. Lot Area (min)	5,000 SF
	b. Lot Width (min)	50'
	<i>Usable Open Space</i>	
	c. Usable Open Space	n/a
BUILDING PLACEMENT		
	<i>Building Setbacks</i>	
	d. Common lot line (if provided)	0'
	e. Lot line	0'
	f. Rear Yard	20'
	<i>Build to Line</i>	
	g. Building along primary street (min % of lot width)	100%
	h. Building along side street (min % of lot width)	100%
	<i>Coverage</i>	
	i. Building (max)	80%
	j. Impervious surface (max)	100%*
HEIGHT AND MASS ‡		
	<i>Building Height</i>	
	a. Maximum building height from legal grade	4 stories/ 50'
	b. Floor area ratio	2.8
ACTIVATION		
	<i>Transparency</i>	
	a. Ground story, primary street façade (min)	70%
	b. Ground story, side street façade (min)	50%
	c. Blank wall length, primary street (max)	25'
	d. Blank wall length, side street (max)	30'
	<i>Functional Entries</i>	
	e. Area of garage or service bay openings along street-wall (max)	20%
	<i>Permitted Building Elements (yes or no)</i>	
	Porch	No
	Stoop	No
	Balcony	Yes
	Awning/Canopy	Yes

*Max 100% impervious surface contingent upon providing on-site stormwater detention, retention and/or reuse. Otherwise 80%.

‡ The City Council, may at its discretion, modify the allowable height and floor area ratio

C. Multi-Family Apartments		
LOT		
	<i>Lot Dimensions</i>	
	a. Lot Area (min)	7,500 SF
	b. Lot Width (min)	75'
	<i>Usable Open Space</i>	
	c. Usable Open Space	75 SF/DU
BUILDING PLACEMENT		
	<i>Building Setbacks</i>	
	a. Common lot line (if provided)	0'
	b. Lot line	0'
	<i>Build to Line</i>	
	c. Building along primary street (min % of lot width)	100%
	d. Building along side street (min % of lot width)	100%
	<i>Coverage</i>	
	e. Building (max)	80%
	f. Building (corner lot max)	100%
	g. Impervious surface (max)	100%*

HEIGHT AND MASS ‡		
	<i>Building Height</i>	
	a. Maximum building height from legal grade	the greater of 9 stories/100'
	b. Height bonus (with compliance with bonus provisions)	3 additional stories up to 12 stories
	c. Floor area ratio	7.5
ACTIVATION		
	<i>Transparency</i>	
	a. Ground story, primary street façade (min)	20%
	b. Ground story, side street façade (min)	20%
	c. Blank wall length, primary street (max)	40'
	d. Blank wall length, side street (max)	50'
	<i>Functional Entries</i>	
	e. Area of garage or service bay openings along street-wall (max)	20%
	<i>Permitted Building Elements (yes or no)</i>	
	Porch	No
	Stoop	No
	Balcony	Yes
	Awning/Canopy	Yes

*Max 100% impervious surface contingent upon providing on-site stormwater detention, retention and/or reuse. Otherwise 80%.

‡ The City Council, may at its discretion, modify the allowable height and floor area ratio

D. Tower on Podium		
LOT		
	<i>Lot Dimensions</i>	
	a. Lot Area (min)	15,000 SF
	b. Lot Width (min)	100'
	<i>Usable Open Space</i>	
	c. Usable Open Space	75 SF/DU
BUILDING PLACEMENT		
	<i>Building Setbacks</i>	
	a. Common lot line (if provided)	0'
	b. Lot line	0'
	<i>Build to Line</i>	
	c. Podium along primary street (min % of lot width)	100%
	d. Podium along side street (min % of lot depth)	100%
	<i>Coverage</i>	
	e. Building (max)	80%
	f. Impervious surface (max) (provided open space is provided on podium)	100%*
HEIGHT AND MASS ‡		
	<i>Building Height</i>	
	a. Maximum building height from legal grade	the greater of 15 stories/160'
	b. Floor area ratio	8.0
	<i>Story Height</i>	
	c. Ground story height floor to ceiling (min)	11'
	d. Upper story height floor to ceiling (min)	7'6"
ACTIVATION		
	<i>Transparency</i>	
	a. Ground story, primary street façade (min length)	60%
	b. Ground story, side street façade (min)	20%
	c. Podium blank wall length, primary street (max)	30'
	d. Podium blank wall length, side street (max)	40'
	<i>Functional Entries</i>	

	e. Area of garage or service bay openings along street-wall (max)	20%
	<i>Permitted Building Elements (yes or no)</i>	
	Porch	No
	Stoop	No
	Balcony	Yes
	Awning/Canopy	Yes

*Max 100% impervious surface contingent upon providing on-site stormwater detention, retention and/or reuse. Otherwise 80%.

‡ The City Council, may at its discretion, modify the allowable height and floor area ratio

E. Community Purpose/Office Building		
LOT		
	<i>Lot Dimensions</i>	
	a. Lot Area (min)	5,000 SF
	b. Lot Width (min)	50'
	<i>Usable Open Space</i>	
	c. Usable Open Space	n/a
BUILDING PLACEMENT		
	<i>Building Setbacks</i>	
	a. Common lot line (if provided)	0'
	b. Lot line	0'
	<i>Build to Line</i>	
	c. Building along primary street (min % of lot width)	100%
	d. Building along side street (min % of lot width)	100%
	<i>Coverage</i>	
	e. Building (max)	80%
	f. Impervious surface (max)	100%*
HEIGHT AND MASS ‡		
	<i>Building Height</i>	
	a. Maximum building height from legal grade	6 stories/70'
	b. Floor area ratio	4.2
ACTIVATION		
	<i>Transparency</i>	
	a. Ground story, primary street façade (min)	70%
	b. Ground story, side street façade (min)	50%
	c. Blank wall length, primary street (max)	25'
	d. Blank wall length, side street (max)	30'
	<i>Functional Entries</i>	
	e. Area of garage or service bay openings along street-wall (max)	20%
	<i>Permitted Building Elements (yes or no)</i>	
	Porch	No
	Stoop	No
	Balcony	Yes
	Awning/Canopy	Yes

*Max 100% impervious surface contingent upon providing on-site stormwater detention, retention and/or reuse. Otherwise 80%.

‡ The City Council, may at its discretion, modify the allowable height and floor area ratio

D. Permitted Uses

PERMITTED USES	
Residential Uses	
One and 2-Family Dwelling	X
Attached Dwelling Units and Townhouses	P
Multi-Family Dwellings	P
Institutional Uses	

Universities, Colleges & Private Schools	SP
Commercial Uses	
Business, Professional Offices	P
Retail	P
Personal Services	P
Hotels	P
Bakeries, Retail	P
Restaurants	P
Restaurants, Carry-Out	P
Restaurants, Fast-Food (excluding drive-up window service)	P
Bars, Nightclubs, Catering Halls	P
Medical and Dental Offices	P
Theaters & Concert Halls	P
Museums & Art Galleries	P
Maker spaces for artisans and craftsmen	P
Art Gallery & Exhibition Space	P
Artisanal/Micro Manufacturing	P
Artist-in-Residence	P
Artist & Resident Production	P
Artist Studio as a working space for use by a fine arts artist or artist collective, hand crafter, designer, or digital media producer in day to day production, which may be used for auxiliary instruction and auxiliary sales of items produced on-site	P
Co-Working Facility	P
Creative Office	P
Private or public multipurpose arts space (for multiple uses including administration, community space, studio space, information dissemination, arts production, publication, classes, gallery space, and events)	P
Retail Laundries and Dry Cleaners	P
Motor Vehicle Rental Agencies	SP
Day-Care Centers	SP
Nursery Schools	SP
Banks	P
Funeral Parlors	SP
Medical Laboratories	P
Radio Towers for Licensed Radio Stations	P
Satellite Earth Stations or Dish Antennas (when accessory to principal use)	SP
Accessory Uses	
Incidental Customary Accessory Uses	P
Parking Garage	P
Community Purpose Use/Building	
Public Schools	P
Community Purpose Use/Building	P
Municipal Uses for Mount Vernon	P
Use of Other Governmental Agencies	SP
Places of Worship	SP
Public Utility	SP
Standalone Parking Garage	SP

P = Permitted
SP = Special Permit
X = Prohibited

E. Incentives

- (1) Height Bonus. The City Council will, at its discretion and subject to the standards and considerations set forth below, grant a height bonus for buildings located in the DTOAD. A height bonus may be granted in exchange for an applicant providing one or more of the following off-site civic improvements, amenities or development actions as documented

by the applicant, that are in addition to those that are directly or indirectly necessitated by the proposed project itself.

- (a) Provision, Renovation or Rehabilitation of a Public Open Space Amenity. By contributing a significant provision, renovation donation and/or or rehabilitation of a public open space amenity, to include but not limited to a public park and/or other public open space, a density bonus may be granted. The minimum usable open space required for a development shall not count towards this amenity.
- (b) Historic Preservation. Preserving a significant portion of a building(s) or structure(s) identified by the Commissioner of Planning & Community Development and agreed to by the City Council as having historical, cultural and/or architectural significance.
- (c) Brownfield or Derelict Property Remediation. Applicants may apply for a height bonus for providing brownfield or derelict property (as defined in the City Code) within the DTOAD, to prepare the property(ies) for either dedication for public use or for redevelopment by a public or private owner. The Building Department shall provide a list of preferred properties for rehabilitation.
- (d) Contribution to Non-Site Related Infrastructure Improvements. Non-site related improvements are considered significant improvements that are not directly needed, required or related to the subject site development, but may indirectly improve the area. Infrastructure improvements may include, but are not limited to significant provisions, renovations, creation, donation, installation and/or rehabilitation of public solid waste and recycling receptacles, traffic calming measures, sidewalks, specialty pavers or utility covers as part of district “branding”, repaving of a street(s), intersection upgrades (including street lights and crosswalks), bus shelters, and storm or sanitary sewer improvements. To the extent the proposed infrastructure improvements are related to sanitary sewage improvements, in order to be eligible for the height bonus the applicant shall reduce inflow/infiltration (I&I) at a ratio of six to one. The City Department of Public Works may provide recommendations to the City Council.
- (e) Streetscape Improvements. Improving and enhancing the streetscape is a priority. Streetscape improvements may include decorative streetlighting, enhanced street landscaping, street trees, street furniture, wide sidewalks, bicycling infrastructure, pedestrian connectivity and safety improvements, wayfinding and district branding signage, bus stop enhancements
- (f) Sustainability and Resiliency. Projects that demonstrate a commitment to sustainable development and are resilient to climate change are eligible for a height bonus. This commitment can be demonstrated through participation in a green building certification program such as LEED, BREEAM, Green Globes, SITES, Energy Star, Passive House, Enterprise Green Communities, NYSERDA, or through demonstratable design and construction practices resulting in buildings that reduce their carbon footprint, exhibit energy efficiency, utilize renewable energy technologies, utilize sustainable building materials, with the goal of achieving net zero energy demands.
- (g) Provision of Publicly Accessible Space for Display or Creation of Art. Incorporation of publicly accessible space for display or creation of art reflecting the culture and heritage of the City of Mount Vernon, including but not limited to mural(s), sculpture(s), monument(s), or other permanent aesthetic structure(s) on a site or at a designated off-site location as deemed appropriate by the City Council, upon advice and recommendation of the Department of Planning and Community Development.

- (h) Provision of Housing for Persons with Disabilities. For developments with public financing the provision of housing for persons with disabilities must go above and beyond the requirements set forth in the applicable public financing source, setting aside a minimum of 10 percent of units for persons with physical disabilities with 2 percent for persons with sight or hearing disabilities inclusive. Developments with no public financing shall make its best effort to meet the United States Housing and Urban Development Section 504 minimum requirements for accessibility or demonstrate to the satisfaction of the City Council the inability to do so.
 - (i) Provision of Affordable or Workforce Housing. For developments of 10 units or more, setting aside a minimum of 10% of the total number of units as affordable are eligible for the height bonus. Affordability is defined for these units as income-averaging at 80% of Area Median Income or less.
- (2) In granting the height bonus for the amenities listed above, the City Council shall consider the following criteria, as applicable:
- (a) The incentives being proposed and the degree to which the proposed amenity(ies) is compatible with the goals and objectives for the DTOAD, the goals of Envision Mount Vernon, and how they preserve and enhance the aesthetic, environmental and/or historical qualities and features of this district for the benefit and enjoyment of the entire community and otherwise promote the public health, safety and welfare of the community.
 - (b) The associated maintenance schedule and ownership of the proposed amenity(ies).
 - (c) The height bonus can be successfully integrated into the overall building/site design without negatively impacting, detracting and/or severely departing from an appropriate height, scale, mass, size, and shape of the proposed structure(s).
 - (d) The height bonus can be successfully integrated into the overall building/site design without negatively impacting, detracting and/or severely departing from an appropriate height, scale, mass and/or size of the surrounding area.
 - (e) The public benefit improvements provided shall be proportional in nature and extent to the bonus requested.
- (3) On-Site Parking Reduction Options. For properties located in the DTOAD, a reduction in the number of required off-street parking spaces provided on-site may be applied. The City Council may, at its discretion and subject to the standards and considerations set forth below, grant a reduction in the number of required off-street parking spaces on-site of up to 50% in exchange for an applicant providing one or more of the following off-site civic improvements, amenities or development actions. As applicable, an appropriate agreement shall be entered into between the applicant and the City of Mount Vernon prior to issuance of a building permit.
- (a) Provision of Utilizing Alternative Off-Site Parking Facilities. To meet the minimum parking requirement, a proposed development may utilize an off-site parking facility, which shall be documented in an agreement between the applicant and the operator/owner of the off-site parking facility. No more than -50% of the required parking spaces may be provided off-site.
 - (b) Provision of Shared Vehicle Parking. Parking requirement shall be reduced by 5 vehicles for each space reserved for car sharing vehicles located on the site for a contracted period of no less than 3 years. Annual reporting is required. If car sharing spaces are removed, the applicant is responsible for providing the required spaces or providing a payment in lieu of parking.

- (c) Provision of Utilizing a Payment in Lieu of Parking. To meet the minimum parking requirement, a proposed development may contribute a Payment in Lieu of Parking consistent with the fees established in the City’s fee schedule for this purpose, or such other amount as permitted by the City Council.
- (d) Provision of live/work space for members of the creative class of artists and makers working in the creative economy. Applicants shall receive as of right a 50% reduction for the parking requirement for each dwelling unit permanently reserved for live/work space for resident artists and makers working in the creative economy.

F. Parking Regulations

Required parking in the DTOAD reflects reduced off-street parking ratios for certain uses. The use of shared parking is also permitted and encouraged.

- (1) Off-Street Parking Requirement. The off-street parking requirements established in the Table of Off-Street Parking and Loading Requirements, set forth in Section 267 – Attachment 3, shall apply, unless modified below, in which case the requirements of this section shall apply.

Use	Required Parking
Residential Uses	
Multifamily Dwelling Studio within ¼ mile of Metro North station	0.4 cars per dwelling unit
Multifamily Dwelling One Bedroom within ¼ mile from Metro North station	0.4 cars per dwelling unit
Multifamily Dwelling Two Bedroom within ¼ mile from Metro North station	0.4 car per dwelling unit
Multifamily Dwelling Three Bedroom within ¼ mile from Metro North station	0.7 cars per dwelling unit
Non-Residential Uses	
Business, professional or governmental offices	1 per 650 square feet GFA
Retail stores, shops and personal service establishments	1 per 500 square feet GFA
Restaurants	1 per 5 seats or 1 per 500 square feet of GFA, whichever is less
Community indoor recreation facilities for neighborhood youth*	1 per 2,000 square feet of GFA
* Facilities 20,000 square feet or less are exempt from this parking requirement	

- (2) Shared Parking. The concept of shared parking, whereby land uses that have different parking demand patterns can use the same parking spaces throughout the day, is particularly useful in districts nearby public transportation, where a large percentage of trips are accommodated via public transit. Public transit reduces the overall demand for individual passenger vehicle trips and the related demand for parking.

Shared parking is permitted and encouraged in the DTOAD. The City Council, will consider the use of shared parking, according to the following provisions:

- (a) The uses proposing to share parking spaces are different land uses as set forth in the Permitted Use Table.
- (b) All new development that relies on shared parking must demonstrate the adequacy of the proposed parking as a result of a capacity being provided that will substantially meet the intent of the parking requirements by reason of variation in the probable time of

maximum use by residents, patrons, visitors or employees among residences and establishments sharing such parking, and provided that said approval of such joint use shall be automatically terminated upon the termination of the operation of any use on which the shared parking analysis has been based. The analysis of shared parking must be based on established standards/methodology.

- (c) In cases where shared parking is proposed between adjacent parcels under separate ownership, irrevocable cross-easements shall be required, to assure the perpetual right to share the parking spaces.
- (d) No more than 50% of the required parking for a particular use shall be provided in a shared parking arrangement.
- (e) Up to 50% of the parking requirement may be met by an offsite parking garage facility contingent on the operator's commitment to issue at market price monthly parking permits for the specified number of parking spaces for no less than 5 years.

(3) Design and Layout. The design and layout of off-street parking spaces shall comply with the provisions of Section 267-38, except as modified herein:

- (a) To minimize curb cuts on the roadways in the DTOAD, the use of shared driveways is encouraged, where feasible.
- (b) Where feasible, driveways shall front on streets that are less pedestrian intensive.
- (c) Off-street parking is encouraged to be as inconspicuous as possible and to incorporate landscaping and screening to the greatest extent possible to minimize its physical and visual impact.
- (d) Off-street parking and loading areas shall be coordinated with the public street system serving the DTOAD in order to avoid conflicts with through-traffic, obstruction to pedestrian walks and vehicular thoroughfares.
- (e) All parking structures shall be designed using compatible or complementary materials to the principal buildings so that they blend in architecturally. All voids in the structures shall be architecturally treated or screened, so that lights and vehicles are not individually visible.
- (f) Parking structures fronting on East First Street and East Second Street shall be wrapped by first floor non-residential uses.
- (g) Surface parking shall include street lighting that adequately provides for safe vehicle circulation and public safety, but shall not be excessive. Light poles shall be as low as possible to achieve the desired purpose, and fixtures shall be shielded and downward directed. The use of energy efficient luminaries is encouraged.
- (h) All surface parking shall be interior to a site and not front any public street or sidewalk. Surface parking must be placed behind buildings, confined to rear yards, or otherwise screened from the public right-of-way, as approved by the Department of Buildings.
- (i) All pedestrian pathways across and along parking areas shall be appropriately lit with pedestrian scaled lighting fixtures.
- (j) Vehicular access to internal parking structures shall be designed so as not to negatively impact upon major pedestrian routes. If necessary, provide "fish eye" mirrors or alarms to manage the interaction between pedestrians and vehicles.
- (k) The potential conflicts between truck delivery, vehicular traffic, and pedestrian circulation shall be considered when designing service entries, roadways, walkways, and pedestrian entrances.
- (l) To the extent possible, service entrances and loading areas between adjacent buildings shall be consolidated. Such service entrances shall be separated from walkways and pedestrian entrances.
- (m) In each parking lot containing over 150 parking spaces, at least two of the parking spaces must be provided with an electric vehicle charging station.
- (n) Spaces for handicapped car and van parking must be provided as required by law.

(o) Within a structured parking garage, up to 20% of the total parking spaces provided may be compact spaces. No more than six compact parking spaces may abut each other. Compact spaces may be reduced to 7.5 feet in width. All compact parking spaces must be clearly and visibly striped and labeled for compact car use only.

(p) To minimize the extent of impervious surfaces and the “heat-island” effect, and to enhance the aesthetic appearance of surface parking lots, the following landscaping requirements shall apply:

Interior Islands:

- i. A landscaped interior island shall be provided every 10 parking spaces. Interior islands shall be distributed evenly throughout the parking area.
- ii. An interior or terminal island shall be a minimum of 8.5 feet in width and 300 square feet in area.
- iii. All rows of parking must terminate with a landscaped terminal island. No more than 30 parking spaces may be located between drive aisles.
- iv. Interior islands may be consolidated or intervals may be expanded in order to preserve existing trees.
- v. Interior islands must be installed below the level of the parking lot surface to allow for runoff capture.

Median Islands:

- vi. A landscape median island shall be provided between every six single parking rows.
- vii. A landscape median island shall be a minimum of five feet wide.
- viii. A median island may also serve as the location for a sidewalk. In such case, the sidewalk shall be a minimum of six feet wide, and the remaining planting area shall be no less than five feet wide.
- ix. Median islands may be consolidated, or intervals may be expanded in order to preserve existing trees.
- x. Median islands must be installed below the level of the parking lot surface to allow for runoff capture.

Tree Coverage:

- xi. Each interior island (and terminal interior island) must include at least one shade tree.
- xii. In no case can there be less than one tree for every 3,000 square feet of parking area.

(q) Off-street parking areas shall be surfaced with asphalt, bituminous concrete or other type of dustless material in accordance with the City of Mount Vernon standards and specifications and maintained in a smooth, well-graded condition.

(r) Pervious or semi-pervious parking area surfacing materials may be provided in accordance with the City of Mount Vernon standards and specifications. Permitted materials may include but are not limited to “grasscrete”, ring and grid systems used in porous or grid pavers, or recycled materials such as glass, rubber, used asphalt, brick, block and concrete. Once installed, all pervious or semi-pervious parking areas shall be maintained in accordance with the manufacturer’s specifications.

(4) Bicycle Parking Spaces or Bicycle Lockers Required

(a) For Multifamily Dwellings containing ten (10) or more dwelling units on a Building Lot, a minimum of one bicycle parking space or bicycle locker shall be provided for each ten (10) dwelling units except that in no event shall less than two (2) bicycle parking spaces or bicycle lockers be provided on such Lot.

(b) For mixed-uses and all non-residential uses requiring ten (10) or more motor vehicle parking spaces on a Building Lot, one (1) bicycle parking space or bicycle locker shall be provided for each ten (10) required automobile parking spaces except that in no event shall less than two (2) bicycle parking spaces or bicycle lockers be provided on such Lot.

- (c) Where not more than two (2) bicycle parking spaces or bicycle lockers are provided, a single inverted U frame rack shall be acceptable, provided adequate parking and access space is provided to be able to easily secure such two (2) bicycles.

(5) Design Criteria for Bicycle Parking Facilities

- (a) Off-street parking for bicycles shall include provision for secure storage of bicycles. Such facilities shall provide bicycle lockers or racks or equivalent structures in or upon which the user may lock a bicycle.
- (b) Each bicycle space shall adjoin a rack or similar system for securing the bicycle. Fifteen square feet of area shall be provided for each bicycle space. However, the area for each bicycle space may be reduced by up to nine square feet per bicycle if the Department of Planning and Community Development certifies that a layout has been submitted to adequately accommodate the specified number of bicycles.
- (c) A minimum four and a half foot (4'-6") wide access aisle shall be provided to enable bicyclists to enter and leave the bicycle parking area. In high traffic areas, the aisle width shall be greater.
- (d) Bicycle parking facilities shall be located in well-lighted areas and in close proximity to the building's entrance, within fifty (50) feet whenever possible, and clustered in groups not to exceed sixteen (16) spaces each. If the parking facility is not highly visible, a sign shall be placed at the building's entrance indicating the location of bicycle parking.
- (e) Bicycle parking facilities shall be securely anchored so they cannot be easily removed and shall be of sufficient strength to resist theft and vandalism.
- (f) The surfacing of such facilities shall be designed and maintained to be mud and dust free. The use of rock or gravel areas for bicycle parking is permitted, provided that edging materials, such as landscape timbers are used so that the bicycle parking area is clearly demarcated and the rock material is contained. In all cases the facility shall be maintained to allow for easy access and use.
- (g) Bicycle parking facilities shall be sufficiently separated from off street parking areas to protect parked bicycles from damage by motor vehicles. The separation may be accomplished through grade separation, distance or physical barrier, such as curbs, wheel stops, poles or other similar features.
- (h) Bicycle parking facilities shall not impede pedestrian or vehicular circulation and should be harmonious with their environment. Bicycle parking facilities shall complement, whenever possible, building design or street furniture.

G. Design Guidelines

This section of the DTOAD form-based code describes recommended design practices that have been established to create a high-quality, pedestrian friendly, urban environment. In addition, where noted below, certain requirements are set forth for specific design elements when that design element is included in the development project. All projects are strongly encouraged to utilize this section to design projects that meet the purpose and intent of these guidelines. The ultimate approval of projects will be judged in accordance with these design practices and requirements as applicable.

(1) Architectural Details

Building architecture creates an interesting visual environment and provides a basis for the overall character of an area. Architectural details are those elements that do not contribute structurally to a building's construction, but add visual interest, identify building styles, and often display superior craftsmanship. They should not be used however, as a substitute for genuine building massing and articulation. New construction should emphasize the use and application of a high degree of architectural detailing. Building renovations should strive to preserve unique or native vernacular details.

(2) Public Art and Art Space.

To be consistent with the arts-focused nature of the DTOAD district, public art components shall be visible from the exterior of the building and/or accessible by the public.

(3) Ground Floor Facades

In the context of a transit-oriented district where pedestrian activity is emphasized, the design and activation of the ground floor base is imperative. The concept of “build-to-lines” assures that new buildings will front on the public streetscape. Creating visual interest along the base of the building, by assuring a high percentage of transparency in storefront windows is a design goal. Façade details are encouraged to vary the building texture, highlight façade articulation and break-up the building mass. The provision of security gates, air conditioning units or other similar fixtures on the principal façade shall be avoided.

(4) Functional Entries

To improve the pedestrian experience and to facilitate the activation of the public realm surrounding individual buildings, pedestrian access points (functional entries) should be easily identifiable, inviting and accessible and located along the public frontage as often as practical. Maximizing the number of functional entries also helps to create interesting and diverse street level architecture. Access ways into the buildings may be into lobbies, commercial spaces or common areas. All functional entries shall meet ADA requirements, and be adequately lit.

(5) Building Materials

The choice of materials used for construction or renovating buildings affects the way a building relates to its neighborhood context. When designed well, a building can contribute to the continuity of street elevation, as well as emphasize a site’s unique characteristics. Buildings constructed with complementary materials contribute to the interest of a streetscape. Consequently, a building’s design – particularly the façade – and exterior materials can have a significant impact on how the structure is perceived.

(6) Awnings

Awnings over pedestrian walkways and sidewalks are encouraged to provide shade and rain protection while adding interest to a facade with shape and color. They are also effective in identifying a business. Long expanses of awnings are discouraged. Awnings should have a pedestrian scale and be placed so as to provide weather protection and/or business identification to potential patrons of a business.

(7) Signs

The provision of high-quality signage, both as a communication tool and as a component of building form is a goal in the DTOAD. Creative and unique sign designs are encouraged while cluttered and unattractive streetscapes must be prevented. In general, effectively designed signs should respond to the site, landscape, and architectural design context within which they are located. Signs should be compatible in scale, proportion, and design with the building’s facade and its surroundings. Painted window signs should not be too large or obscure transparency. Internally illuminated “sign boxes” as well as neon signs should be avoided, as should excessive lighting of all varieties. Projecting signs, perpendicular to the sidewalk are effective when properly scaled for pedestrian use. Graphics should be well-designed and legible. The signage requirements established in Article XIII shall apply.

(8) Site Lighting

Effective exterior site lighting is an important element in the overall appearance and operation of a project. The quality of light, level of light as measured in footcandles, and the type of bulb or source should be carefully addressed. Lighting levels should not be so intense as to draw attention to the glow or glare of the project site. The lighting plan should incorporate current energy-efficient fixtures such as LED and similar technologies. Spot lighting or glare from any site lighting should be shielded from adjacent properties and directed at a specific object or target area to prevent light trespass. Exposed bulbs should not be used. Building light fixtures should be designed or selected to be architecturally compatible with the main structure. The height of light poles should be appropriately scaled to the project.

(9) Building Services

To create a more attractive pedestrian friendly environment, utilitarian features, such as trash facilities, loading docks, HVAC equipment and above ground utility infrastructure, should be out of the public's view. Ground level services should be located at the rear of the building, if possible. A screen wall should be used to camouflage the service features if optimal placement does not adequately screen the features from the public realm. Landscape treatments may be appropriate to soften the interface of the equipment.

(10) Project Open Spaces

Residential developments and mixed-use projects require the provision of usable open space for residents. These amenities increase light and air to dwelling units, enhance the aesthetics of projects and the environmental quality of neighborhoods, promote physical activity, afford stormwater management opportunities, increase social interaction opportunities with neighbors and increase safety by providing "eyes on the space."

Usable open space can be provided in outdoor spaces such as courtyards, walkways, rooftops, balconies and terraces and garden plots. Indoor facilities such as fitness centers or swimming pools can also be used to meet the usable open space requirements of a project. In the DTOAD mixed use residential buildings, indoor facilities like lounges, artists' studios, theater space, dance studios, galleries, meeting rooms, maker spaces, music rooms, community facility space, and other programmed non-living areas may count toward open space requirements at the discretion of the Department of Planning and Community Development.

Unique features such as green roofs and green or "living" walls are also beneficial open space amenities.

(11) Streetscapes

Great streetscapes are the center of public life. They brand a neighborhood, giving it a cultural identity and shaping the perceptions of the area. The elements of the streetscape can create a place of vitality and activity.

The streetscape is composed of 3 zones; the Pedestrian Zone, Public Amenity Zone and Frontage Zone.

Sidewalks shall be required throughout the district. Curb cuts should be minimized and clearly marked. Street trees with grates should be provided at 30' intervals. Planters are encouraged containing seasonal plantings and flowers. Wayfinding signage should be provided to assist pedestrian navigation through the area. Banners and flags can be used to announce special events and to help brand the district, as can public art. Street and pedestrian lighting should illuminate at a level consistent with pedestrian activity. Benches, seating and other street furniture should be selectively sited to take advantage of sunshine

in winter and shade in summer. The provision of bus stops is an essential component to the DTOAD, as are bicycle racks that should be located at regular intervals.

(12) Pedestrian and Bicycle Circulation

In order to facilitate pedestrian movement throughout the district, Sidewalks, a minimum of 8' wide are encouraged. Larger surface parking lots should provide separate pedestrian connects through the parking lot.

Bicycle circulation should be encouraged via the provision of defined bike lanes or signed Class III "share-the-road" bike routes where appropriate. Short-term bike parking (bike racks) must be provided in front of all retail areas. Long-term bike parking (bike storage rooms, lockers, covered corrals, etc.) must be provided for residential uses and must include charging capabilities for e-bikes and other e-mobility devices.

(13) Landscaping

Landscaping enhances the visual image of the City, preserves natural features, improves property values, and alleviates the impact of noise, traffic, and visual distraction associated with certain uses. It aids in energy conservation and promotes urban wildlife habitats.

Trees and shrubs should be located and spaced to allow for long-term growth. Evergreen and deciduous or flowering trees should be used in combination to create visual interest and to create a dynamic landscape.

Accent planting should be used around entries and key activity hubs. Screening should be used to protect less intensive uses from the impacts of more intrusive uses and to block views of less desirable features from public view (trash enclosures, etc.).

The use of a minimum of 70% native plants is recommended. The use of plants considered invasive is prohibited. Xeriscaping is encouraged to promote water conservation, reduce maintenance requirements, and decrease flooding. Recycled grey water should be used for irrigation.

(14) Sustainability and Green Building Design

Sustainability and green building refers to the practice of creating structures using a process that is environmentally responsible, resilient, and resource-efficient throughout a building's life-cycle: from siting to design, construction, operation, maintenance, renovation, and demolition.

Participation in a green building certification program such as LEED, BREEAM, Green Globes, SITES, Energy Star, Passive House, Enterprise Green Communities, or NYSERDA is encouraged. Elements include design and construction practices resulting in buildings that reduce their carbon footprint, exhibit energy efficiency, utilize renewable energy technologies, and/or utilize sustainable building materials, with the goal of achieving net zero energy demands.

H. Administration

(1) Project Review and Approval

(a) Application Requirements

- [1] All site plan applications shall be prepared in accordance with the requirements of Section 267-33.
- [2] In addition to the requirement to submit an Environmental Assessment Form with the application (whether a short or full EAF is required shall be determined at the pre-application conference), the applicant shall also submit a report documenting whether the project complies with all Findings of the SEQRA Generic Environmental Impact Statement adopted for the DTOAD rezoning, and will not result in any significant adverse impacts

that exceed the thresholds established therein, or in the alternative, shall specifically identify areas where the project is inconsistent or non-conforming.

(2) Supplemental Standards

- (a) Utility Location. Utilities shall be installed underground, and any above ground equipment shall be located away from pedestrian street corners. Equipment boxes and vaults should be placed in back of the sidewalk and where landscaping can minimize or screen their impact. Relocation of provisions for private and public underground utility systems shall be made, as needed. These requirements may be waived by the Planning Board in situations where it is determined that the underground installation of utilities is not appropriate and/or that adjoining land uses, topographic features or existing vegetation satisfy the same purpose in terms of minimizing or screening equipment boxes and/or vaults. The costs of relocating the underground utility lines shall, where appropriate, be borne by the utility companies and/or private developers, pursuant to the appropriate laws, regulations and ordinances.
- (b) Affordable Housing Unit Location. In instances where a development includes affordable or workforce housing units, said units shall be fully integrated into and dispersed throughout the project so as to be indistinguishable from other market rate units. Affordable or workforce units shall not be isolated, clustered or grouped. Additionally, access to affordable and workforce housing units shall be provided in a manner similar to all other market rate units, and shall not be physically segregated. Affordable and workforce housing units shall be designed, constructed and finished in a manner similar to the other market rate units within the project.

Section 5. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Section 6. Effective Date. This ordinance shall take effect upon review and acceptance from the City Council.



City of Mount Vernon, New York

Staff Report

1 ROOSEVELT SQ. RM.
104
CITY HALL, MOUNT
VERNON, NEW YORK
10550
& VIA
FACEBOOK.
COM/MOUNTVERNONNY

File #: TMP -1210

Agenda Date: 3/12/2025

Agenda #: 21.

City Council:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOUNT VERNON ADOPTING A FINDINGS STATEMENT PURSUANT TO SEQRA FOR THE DOWNTOWN TRANSIT ORIENTED ARTS DISTRICT (DTOAD)

WHEREAS, the City of Mount Vernon (“City”) and 20 S. 2nd Square CMV, LLC (“Petitioner”) entered into a Land Disposition Agreement, dated July 2, 2021, as amended (“Agreement”), in connection with the development of approximately 340,000 square feet of mixed residential development and other amenities, approximately 320 mixed-income residential apartments, and up to 18,000 square feet of non-residential community space (“Development Project”); and

WHEREAS, to facilitate the Development Project, Petitioner submitted a Zoning Petition for Zoning Map and Text Amendment, dated December 3, 2021, seeking to rezone approximately forty-one (41) tax parcels of property between East 1st and East 2nd Streets and between South 1st and South 3rd Avenue (“Property”), including certain City-owned parcels, as a new transit oriented district to be called the Downtown Transit Oriented Arts District (“DTOAD”) (“Zoning Petition,” together with the Development Project, the “Proposed Action”); and

WHEREAS, the Property is currently located in the Downtown Business (DB) and Multifamily Residence (RMF-10) zoning districts; and

WHEREAS, Petitioner is the owner of four separate tax lots identified on the City of Mount Vernon Tax Map as Section 165.70, Block 3221, Lots 11, 13, 37 and 39 (“Development Site”); and

WHEREAS, the Development Site is located within the Property proposed to be rezoned to DTOAD; and

WHEREAS, the Proposed Action is a Type I Action, and Petitioner, pursuant to the Agreement, agreed to conduct a full environmental review pursuant to SEQRA and its implementing regulations; and

WHEREAS, the City Council is embarking on a study to create a Comprehensive Plan for the Mount Vernon East Downtown Area; and

WHEREAS, pursuant to the Comprehensive Plan process, on January 24, 2024, the City Council adopted a Downtown Vision Report; and

WHEREAS, the Proposed Action is consistent with the Downtown Vision Report, which recommends medium (up to 12 stories) to high density (up to 15 stories) for the area of the City in

which the Property is located; and

WHEREAS, the City Council adopted a Resolution on January 26, 2022, declaring its intent to act as Lead Agency under SEQRA for the Proposed Action; and

WHEREAS, the City Council adopted a Resolution on June 28, 2023, issuing a Notice of Completion and scheduling a public hearing on the Draft Generic Environmental Impact Statement (“DGEIS”) for the Proposed Action in accordance with SEQRA (6 N.Y.C.R.R. Section 617.9(a)(2)); and

WHEREAS, the DGEIS examined the potential significant adverse environmental impacts of the Proposed Action; and

WHEREAS, the City Council held public hearings on the DGEIS on August 9, 2023, and December 13, 2023, and accepted written comments on the DGEIS through December 27, 2023; and

WHEREAS, Petitioner has reduced the scale and footprint of the Development Project in response to public comments on the DGEIS, which modifications are described and studied in a Final Generic Environmental Impact Statement (“FGEIS”) that was submitted to the City Council on August 13, 2024; and

WHEREAS, as modified, the Development Project currently consists of approximately 307,932 s.f. of mixed residential development and other amenities in two, 12-story buildings, including 272 mixed-income residential apartments, approximately 15,630 s.f. of community facility space (including outdoor courtyard space for the arts), and 109 parking spaces; and

WHEREAS, the FGEIS examined the potential significant adverse environmental impacts of the Proposed Action, including the proposed DTOAD zoning code and zoning map amendments, as well as the proposed site-specific Development Project; and

WHEREAS, even though SEQRA does not require a public hearing on the FGEIS, the City Council determined to hold a public hearing given the interest regarding the Proposed Action and the Project modifications following the DGEIS, as well as that a public hearing is otherwise required for the Zoning Petition; and

WHEREAS, the City Council adopted a Resolution on January 8, 2025, determining that the FGEIS was complete for the purpose of holding a joint Public Hearing on the FGEIS and Zoning Petition; and

WHEREAS, the City Council duly published a Notice of Completion on the FGEIS and Notice of Public Hearing in the official newspaper for the City on January 23, 2024, January 30, 2024, and February 6, 2025, and distributed the notices in accordance with 6 N.Y.C.R.R. Section 617.12; and

WHEREAS, the City Council conducted a joint Public Hearing on the FGEIS and Zoning Petition on February 11, 2025, at 7:00 P.M. at City Hall, at which time those wishing to

comment were afforded an opportunity to be heard; and

WHEREAS, by letter dated February 19, 2025, the Westchester County Planning Department issued its recommendations with respect to the Proposed Action pursuant to Section 239-l, m, and n of the General Municipal Law; and

WHEREAS, on March 4, 2025, Petitioner submitted a Memorandum to the City Council, prepared by VHB, which addressed certain comments raised during the Public Hearing; and

WHEREAS, by letter dated March 6, 2025, the Planning Board issued its recommendations with respect to the Proposed Action pursuant to City Code Section 267-59; and

WHEREAS, the City Council, together with its professional consultants and special counsel, has conducted a review of the entire record with respect to the Proposed Action, including testimony at the public hearings held on August 9, 2023, December 13, 2023, and February 11, 2025, and written comments on the DGEIS and FGEIS, and gave consideration to the potential for significant adverse impacts based on the criteria set forth in the SEQRA regulations; and

WHEREAS, the City Council has prepared a written statement of environmental findings (“SEQRA Findings Statement”) pursuant to 6 N.Y.C.R.R. Section 617.11(c); and

WHEREAS, the SEQRA Findings Statement, which is annexed to this Resolution, sets forth the City Council’s reasoned elaboration as to the facts and conclusions as developed in the DGEIS, FGEIS, and in response to public and agency comments received as part of the review process relating to the potential environmental impacts of the Proposed Action; and

WHEREAS, the SEQRA Findings Statement also sets forth the City Council’s requirements, conditions and/or mitigation measures related to the Proposed Action pursuant to 6 N.Y.C.R.R. Section 617.11(d); **NOW, THEREFORE, BE IT**

RESOLVED, that the City Council finds that the Proposed Action avoids or minimizes adverse environmental impacts to the maximum extent practicable for the reasons set forth in the attached SEQRA Findings Statement; **BE IT FURTHER**

RESOLVED, that the City Council adopts the attached SEQRA Findings Statement for the Proposed Action as the City Council’s official written findings statement pursuant to 6 N.Y.C.R.R. Section 617.11; **BE IT FURTHER**

RESOLVED, that the City Council of the City of Mount Vernon, as Lead Agency for the SEQRA review of the Proposed Action, hereby determines that all procedural steps of SEQRA and its implementing regulations have been fully satisfied in connection with the Proposed Action; **BE IT FURTHER**

RESOLVED, that the City Clerk shall arrange to fulfill the filing and distribution

requirements for the Findings Statement as required by the SEQRA regulations in 6 N.Y.C.R.R. Section 617.12, and to make all other filings required by law; **BE IT FURTHER**

RESOLVED, that, 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; **BE IT FURTHER**

RESOLVED, that this Resolution shall take effect immediately.

***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. 2nd 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 1st and East 2nd Streets and between South 1st and South 3rd 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 2nd and 3rd 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. 2nd and S. 3rd 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. 2nd and S. 3rd 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 1st Street, East 2nd Street, South 2nd Avenue, South 3rd Avenue and their associated intersections. East 1st street carries an average daily weekday traffic volume of 8,309 vehicles, while East 2nd 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_{2.5} (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 (PM₁₀, Pb, NO₂, and SO₂).

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 SO₂ 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 2nd Avenue (the 1st phase) is expected to last a total of approximately 30 months. The construction activities of the 1st 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 1st 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 3rd 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 SO₂ 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)¹ 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.*

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

Danielle Browne
City Council President

Date



City of Mount Vernon, New York

Staff Report

1 ROOSEVELT SQ. RM.
104
CITY HALL, MOUNT
VERNON, NEW YORK
10550
& VIA
FACEBOOK.
COM/MOUNTVERNONNY

File #: TMP -1294

Agenda Date: 3/26/2025

Agenda #: 22.

City Council:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOUNT VERNON TO RE-APPOINT LESLIE ALPERT TO THE BOARD OF ETHICS

Whereas, the City of Mount Vernon has established a Board of Ethics pursuant to Chapter 24, Section 24-7 of the Mount Vernon City Code; and

Whereas, Chapter 24, Section 24-7 of the Mount Vernon City Code provides for the appointment of members to the Board of Ethics by the City Council; and

Whereas, Leslie Alpert has dutifully served as a member of the Board of Ethics and has demonstrated a commitment to upholding the ethical standards of the City of Mount Vernon; and

Whereas, the City Council finds that Leslie Alpert's continued service on the Board of Ethics will be beneficial to the City and its residents; and

Whereas, it is in the best interest of the City of Mount Vernon to re-appoint Leslie Alpert to the Board of Ethics for an additional term; **Now, Therefore, Be it**

RESOLVED by the City Council of the City of Mount Vernon, as follows:

Section 1. Re-Appointment. The City Council hereby re-appoints Leslie Alpert to the Board of Ethics for two (2) years, commencing on March 26, 2025, and expiring on March 25, 2027.

Section 2. Authorization. The City Clerk is authorized and directed to record this resolution and take all necessary actions to effectuate the re-appointment.

Section 3. Effective Date. This resolution shall take effect immediately upon adoption by the City Council.



OFFICE OF THE CITY CLERK
ONE ROOSEVELT SQUARE NORTH
MOUNT VERNON, NEW YORK 10550
(914) 668-2351 * WWW.CMVNY.COM

NICOLE BONILLA, MBA
City Clerk

March 25, 2025

Re: Board of Ethics Re-Appointment – Leslie Alpert

Honorable City Council Members,

Under chapter 24, section 24-7 of the Mount Vernon City Code, which provides for the appointment of members to the Board of Ethics by the City Council, this letter requests that the City Council enact legislation to re-appoint Leslie Alpert for a term of two (2) years, commencing on March 26, 2025, and expiring on March 25, 2027.

Sincerely,

Nicole Bonilla, MBA
City Clerk



City of Mount Vernon, New York

Staff Report

1 ROOSEVELT SQ. RM.
104
CITY HALL, MOUNT
VERNON, NEW YORK
10550
& VIA
FACEBOOK.
COM/MOUNTVERNONNY

File #: TMP -1295

Agenda Date: 3/26/2025

Agenda #: 23.

City Council:

**AN ORDINANCE FIXING THE COUNTY AND
SPECIAL DISTRICT TAX RATE, LEVYING SAID TAX
AND CONFIRMING THE COUNTY AND SPECIAL
DISTRICT TAXES FOR THE YEAR 2025 AND ORDERING
THE ISSUANCE OF A WARRANT THEREFORE**

Whereas, by letter dated March 25, 2025, the Comptroller has requested legislation fixing the tax rates for the County and Special District taxes for the year 2025; and

Whereas, pursuant to Section 239 of the Charter of the City of Mount Vernon, as amended by Local Law No. 5 of 1976, the City Council of the City of Mount Vernon is required to levy and cause to be raised a tax for the County and Special District taxes for the year 2025; and

Whereas, pursuant to Section 239 of the Charter of the City of Mount Vernon, as amended by Local Law No. 5 of 1976, the City of Mount Vernon is required to confirm said County and Special District taxes and issue a warrant therefor; **Now, Therefore, Be It Resolved That**

The City of Mount Vernon, in City Council convened, does hereby ordain and enact:

Section 1. There shall be levied and caused to be raised by tax upon property subject to taxation in the City of Mount Vernon the sum of \$26,701,584.

Section 2. That the tax rate for the year 2025 on all taxable property in the City of Mount Vernon is hereby fixed at twelve and eight hundred seven thousandths cents (.12807) upon each dollar of assessed valuation of real or personal property valued at \$145,883,636 within the City of Mount Vernon, to be collected from the several owners thereof, and taxable for County and Special District tax purposes pursuant to law, and at thirty hundred forty-one thousandths cents (.03041) upon each dollar of assessed valuation of exempt real and personal property valued at \$41,086,990 assessed for Sewer District purposes only, and at one and five hundred fifty thousandths cents (.01550) upon each dollar of assessed valuation of exempt real and personal property valued at \$9,282,929 assessed for

Refuse Disposal District No. 1 only.

Section 3. The taxes for the year 2025 for County and Special District purposes as provided in Section 2 hereof as apportioned and extended by the Comptroller against the respective assessments are the same as set forth in the assessment roll, be and each of them are, in all respects confirmed, and a warrant shall thereupon issue to be signed by the President of the City Council and the Mayor directing the Comptroller to collect the amount of said taxes as provided by law, and said assessment roll, together with the taxes so apportioned and extended, together with the said warrant, shall be the County and Special District Tax Roll for the year 2025, and the City Clerk is directed to deliver the same forthwith to the Comptroller.

Section 4. The said warrant shall be returned to the City Council on or before December 31, 2025, unless extended.

Section 5. Pursuant to Section 245 of the Charter of the City of Mount Vernon, the Comptroller shall, within 15 days from the return of said warrant, make and deliver to the City Council a return of all taxes and assessments mentioned in the County and Special District Tax Roll for the year 2025 remaining unpaid at the time of the making of said return.

Section 6. This ordinance shall take effect immediately upon its adoption by the City Council.

TO: HONORABLE COMPTROLLER OF THE CITY
OF MOUNT VERNON, NEW YORK

YOU ARE HEREBY COMMANDED TO COLLECT
THE AMOUNT OF ASSESSMENTS SET OPPOSITE
THE SEVERAL LOTS, PIECES OF PARCELS OF
LAND, AS ENUMERATED ON THE WITHIN
ROLL, TOGETHER WITH INTEREST AS PROVIDED
BY LAW, AND TO MAKE RETURN THEREOF WITHIN
ONE MONTH AFTER YOUR RECEIPT OF THIS
WARRANT.

GIVEN UNDER OUR HANDS AND SEAL OF THE CITY

OF MOUNT VERNON AND BY DIRECTION OF AN
ORDINANCE OF THE CITY COUNCIL OF SAID CITY,
THIS THIRTY-FIRST DAY OF MARCH, 2017.

CITY COUNCIL PRESIDENT

MAYOR

(SEAL)

GEORGE W. BROWN
CITY CLERK



CITY OF MOUNT VERNON, N.Y.
OFFICE OF THE COMPTROLLER

Darren M. Morton, Ed.D., CPRP, CMFO
Comptroller

City Hall, One Roosevelt Square
Mount Vernon, NY, 10550
(914) 665-2304

March 25, 2025

City Council Members
City of Mount Vernon
Mount Vernon, NY 10550

Honorable Body,

Please enact legislation to fix the tax rates for the County and Special District taxes for the year 2025. The assessment was provided and certified by the Assessor's Office. The rates to be fixed in cents are as follows:

.12807 upon each dollar of assessed valuation of real or personal property valued at \$145,883,636.

.03041 upon each dollar of assessed valuation of real or personal property valued at \$41,086,990
for Sewer District purposes only.

.01550 upon each dollar of assessed valuation of real or personal property valued at \$9,282,929
District #1 purposes only.

Since the tax bills are normally in the possession of the taxpayers by April 1st, I respectfully request you enact the appropriate legislation at a special meeting as soon as possible.

Your kind cooperation is appreciated.

Very truly yours,

Darren M. Morton, Ed.D., CPRP, CMFO
Comptroller