

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CITY OF YONKERS

-----x

Minutes of  
The City of Yonkers Zoning Board  
WORKING SCOPING SESSION  
OF  
143-151 WOODWORTH AVENUE  
Held at  
Yonkers Riverfront Library  
September 27, 2023 - 6:00 p.m.

-----x

B E F O R E:

WILSON KIMBALL, Chairperson

P R E S E N T:

SAM BORELLI, Building Commissioner

LEE ELLMAN, Deputy Commissioner

A L S O P R E S E N T:

VALERIE MONASTRA, Nelson, Pope, Voorhis

WILLIAM BRADY, Nelson, Pope, Voorhis

MEMBERS OF THE PUBLIC

1 THE CHAIRPERSON: Okay. So we are going  
2 to get started. It's about 6:14. And I'm  
3 Wilson Kimball. We have with us tonight Lee  
4 Ellman, Deputy Commissioner of the Planning and  
5 Economic Development Department, Sam Borelli,  
6 Building Commissioner. And two representatives  
7 from Nelson, Pope, Voorhis who will introduce  
8 themselves as they will be doing the  
9 presentation.

10 MS. MONASTRA: Thank you. Good evening.  
11 My name is Valerie Monastra, I'm a Principal  
12 Planner at Nelson, Pope, Voorhis. I'm here with  
13 Bill Brady who's also a Principal Planner at the  
14 firm.

15 So I think tonight, the purpose of  
16 tonight's meeting is really to look at the draft  
17 scope. And this is -- so I just wanted to  
18 probably provide the public a little bit of  
19 information in terms of the SEQRA process.

20 But so far this application has gone  
21 through the initial submissions of an  
22 Environmental Assessment Form Parts 1, 2 and 3.  
23 And basically the Environmental Assessment Form  
24 identifies your impact, the potential impacts to  
25 any particular project. Based off of impacts

1 that are identified, a draft scope is developed.  
2 And the scope itself is basically an outline for  
3 the Draft Environmental Impact Statement. So  
4 basically identifies all the environmental topic  
5 areas that the applicant is going to analyze.  
6 It also identifies any studies that are  
7 anticipated to be developed by the applicant to  
8 also help support the Draft Environmental Impact  
9 Statement. And the Draft Environmental Impact  
10 Statement will go through and look at the  
11 existing conditions, the proposed conditions  
12 based upon the potential impacts of the project  
13 and then identify mitigation measures for each  
14 and every environmental impacts.

15 But the first step is to develop the  
16 draft scope. So, as part of the SEQRA  
17 regulations, there will be, there needs be to a  
18 public vetting of the draft scope. And that's  
19 where you're going to have a draft scoping  
20 session, I believe on October 16th.

21 THE CHAIRPERSON: Yes.

22 MS. MONASTRA: And at that point the  
23 public will have the ability to provide input  
24 into the draft scope and then there will also be  
25 a little bit more of a public comment period in

1 which traditional written comments can be  
2 provided on the draft scope.

3 THE CHAIRPERSON: To ZBApublic.

4 MS. MONASTRA: That's correct.

5 THE CHAIRPERSON: Okay.

6 MS. MONASTRA: And then from there, once  
7 those comments are in, we will be looking at  
8 those comments and include any other additional  
9 edits on substantiative comments that are  
10 submitted and that are relevant to the actual  
11 project itself. And then we will be send a  
12 final draft scope for the ZBA to review and then  
13 at point the ZBA can adopt the scope as the  
14 final scope. And at which point the applicant  
15 will need to develop their Draft Environmental  
16 Impact Statement based upon the outline of the  
17 scoping document.

18 THE CHAIRPERSON: And when do we, what's  
19 the schedule for public comment ending?

20 MS. MONASTRA: Yes. So do we want to,  
21 Lee, I have, I have -- my phone had has a  
22 calendar. So we can talk about a little about  
23 that. So I think we were anticipating having  
24 the scoping session on Monday, October 16th.  
25 So, one suggestion would be having final public

1 comments submitted on Friday, October 20th?

2 Does that work?

3 THE CHAIRPERSON: Lee, does that work for  
4 you?

5 MR. ELLMAN: That works for me, but, you  
6 know, more typically more standard is a ten-day  
7 after the public hearing.

8 MS. MONASTRA: Sure. We can do that as  
9 well, if you prefer.

10 THE CHAIRPERSON: We can extend it to the  
11 27th, then we have two full weeks.

12 MS. MONASTRA: Yup. Right.

13 MR. ELLMAN: Then there's basically two  
14 weeks before.

15 THE CHAIRPERSON: Right. I think that's  
16 fine, right? Two weeks for comment? Plus they  
17 can comment on the 16th at the event, at the  
18 session.

19 MR. BORELLI: Right.

20 MS. MONASTRA: Yes. And then we'll be  
21 working with Lee over the next couple of days to  
22 get the, get everything together for posting to  
23 the website so that the public will be able to  
24 view the draft scope. And then we will also  
25 send out the, work with Lee to send out the

1 draft scope to the involved agencies.

2 THE CHAIRPERSON: Okay. Do you want to  
3 go through some of the topics covered in the  
4 scope that the City worked on today?

5 MS. MONASTRA: Sure. I'm going to turn  
6 it over to Bill.

7 MR. BRADY: Great. Great. Thank you  
8 very much. As Valerie said --

9 THE CHAIRPERSON: Introduce yourself.

10 MR. BRADY: Bill Brady, Nelson, Pope,  
11 Voorhis, consultant working with the City. And  
12 as Valerie mentioned, a draft scope had been  
13 developed by the applicant. We've been taking a  
14 look with City staff and even this morning had a  
15 meeting to kind of review, edit the potential  
16 draft scope. And so that, that draft scope is  
17 going to be released to the public as we just  
18 mentioned soon for review and comment on the  
19 16th.

20 What the scope is, as Valerie mentioned,  
21 is kind of the list of issues and themes and  
22 topics that are going to be looked at in depth  
23 during the EIS process, Environmental Impact  
24 Statement. And in there, there are traditional  
25 topics that get reviewed. I'm going to talk

1 through, through with those. In addition to  
2 just, the EIS will have to kind of give a  
3 broader understanding about what the project is.  
4 It'll include maps, it'll include narrative on  
5 what the project is. And then it goes into  
6 existing conditions. For existing conditions  
7 and potential impact and mitigation measures for  
8 each of these topic areas.

9 So the first one, first topic area is  
10 when taking a look at generally land use, zoning  
11 and public policy. So, Environmental Impact  
12 Statement will look at existing land use. What  
13 land use how it will impacted by the project.  
14 And also what mitigation measures will be done  
15 for land use. Same thing with Zoning, what the  
16 existing zoning is for the site and the area  
17 within a quarter mile. And then we say public  
18 policy. It's going to take a look at all the  
19 different plans that exist in the City of  
20 Yonkers for the immediate area. There's been  
21 some areas, area studies for the Ravine area and  
22 impacting Woodworth Avenue and the county-wide  
23 plans Westchester 2025 which is the County's  
24 land use policies. And it even goes further out  
25 for the Regional Plan Association for the

1 tri-state area.

2 So the applicant and EIS is going to be  
3 looking at those topics. How it relates to the  
4 site, existing conditions, potential impacts and  
5 mitigation measures relating to land use, zoning  
6 and those policy documents.

7 Then it goes into the whole line of  
8 different types of impacts. The first one is  
9 visual resources and community character.  
10 That's where the applicant develops an analysis  
11 and provides photos of existing site photos of  
12 what the development is going to look like from  
13 different angles from different public spots  
14 around in that area of city. And, again,  
15 existing conditions, future conditions,  
16 potential impacts and they're going to discuss  
17 mitigation measures in the EIS.

18 MS. MONASTRA: Right. And we also added  
19 additional comments including shadow analysis  
20 taking a look at that. As well as potential  
21 wind impacts and also lighting and those other  
22 elements.

23 MR. BRADY: Right. So these are, these  
24 are things that the applicant pulled together  
25 the draft scoping document. We have, we have



1 put in additional items into this draft scope  
2 to, additional items for them to a look at,  
3 analyses for them to perform in the EIS.

4 Next topic, geology, soils and  
5 topography. One of the items that we've added  
6 is there, we put in the draft scope that they're  
7 going to be taking a look at the amount of earth  
8 materials that get taken off the site. So as  
9 they excavate into the site, how much is going  
10 to be going, how much will be trucked off site.  
11 Those kinds of things. They're going to be  
12 looking at the existing site, site conditions,  
13 what's there now, what's underground. And then  
14 also mitigation measures related to the site,  
15 things going off the site and the conditions on  
16 the site.

17 The next section is traffic and  
18 transportation. This is where the applicant  
19 will develop their traffic analysis. They will  
20 work off this scope. Again, what the existing  
21 conditions are. And they're going to do a  
22 detailed analysis about baseline what's existing  
23 out there on many intersections in the area and  
24 how traffic will be coming to and from the  
25 property. We've added that they're going to be,

1 we're requesting that they provide more three  
2 years of available crash data. Sorry.

3 THE CHAIRPERSON: Actually five years.

4 MR. BRADY: Actually five years of  
5 additional crash data.

6 THE CHAIRPERSON: Yup.

7 MR. BRADY: So we just made that change  
8 today, due to the impacts of the COVID and we  
9 want to make sure we get a better time frame in  
10 there for crash data. And again looking at the  
11 potential impacts of the development on traffic  
12 on these intersections. And then mitigation  
13 measures. They're going to present what they  
14 feel are mitigation measures in the EIS.

15 Then we go into socio economic and fiscal  
16 conditions. This is the section of the EIS that  
17 talks about the existing conditions in the, in  
18 the neighborhood. It's going to talk about  
19 impacts on the residents in the neighborhood.  
20 Potential impacts on displacement in the  
21 immediate area. And we provided some more  
22 language on that. They're going to have to do a  
23 little bit of a, not a little bit, but a  
24 substantial impact analysis on tax generation  
25 and how it impacts taxes. Fiscal impact

1 analysis. And, again, that's going to be  
2 providing more detail in the scope about what  
3 we're going to require, what the City is going  
4 to require them to look at for in terms of those  
5 kind of fiscal tax impacts.

6 The next category is community facilities  
7 and services. Those are an analysis of existing  
8 conditions and impacts on police, fire, public  
9 schools, solid waste and recycling. So,  
10 conversation with the different city departments  
11 understanding about their existing facilities  
12 and how this how this development may impact all  
13 those different community services and  
14 facilities in the City. And in the immediate  
15 area too.

16 Next category is utilities and  
17 infrastructure. This is where the EIS gets into  
18 a discussion on all utilities; water, sewer,  
19 stormwater, gas and electric. Existing  
20 conditions. How the project is going to impact  
21 the supply for the -- supply in the area and the  
22 City. And then what are the impacts on those  
23 utilities and what the mitigation measures may  
24 be as a result to take care of the project.

25 The next one is detailed analysis on

1 stormwater management. And the, the applicant  
2 will develop detailed studies on that. How it  
3 impacts on this the City stormwater system.

4 Next topic is going to be energy usage.  
5 And, again, how much energy is going to be used.  
6 How, again, the project's design and how much  
7 energy it's going to be using and how they're  
8 going to discuss the potential impacts of the  
9 development and what those mitigation measures  
10 may be.

11 The next topic is air quality. We've  
12 added some language in there for them to take a  
13 closer look and provide analyses about the  
14 existing conditions, air quality, take monitor  
15 air quality existing and then do an analysis on  
16 what the projected impact on air quality is.  
17 Everything from the building itself to the  
18 traffic created by this development on the area  
19 and the road surrounding the area. Everything  
20 from the air quality of particular matter. And  
21 then also mitigation measures associated with  
22 air quality.

23 The next to topic that the EIS will look  
24 at will be noise. It's going to have, it's  
25 going to discuss the existing conditions of

1 noise what's there now, so you have a baseline  
2 of what the conditions are everything from  
3 traffic to trains to aircraft. Noise will be  
4 monitored and then there will be an analysis of  
5 the noise impacts of the development. It's  
6 going to -- we provided some language in there  
7 about the type of analysis and the monitoring  
8 that are going to be done for the existing and  
9 then the proposed conditions.

10 Next topic is hazardous materials. It's  
11 a small site, but the applicant will be taking a  
12 closer look about what's on the site, what's in  
13 the ground on the site. As the project gets  
14 developed, if anything needs to be removed from  
15 the site from the ground underneath the site,  
16 that kind of analysis. Again, a detailed  
17 understanding of how that's going to go.

18 The next topic is construction. How  
19 existing conditions around the site, but  
20 particularly as the project gets developed, if  
21 the project gets developed, what kind of impacts  
22 are going to happen in the area from the  
23 construction. Construction vehicles, how long  
24 it's going to take. Again, back to that, how  
25 much material may be removed from the site.

1 Hours of operation. Things like that.  
2 Blasting. And, again, looking at what's  
3 underground subsurface underneath the site.

4 And then the EIS is going to look into  
5 alternatives for this development. And  
6 traditionally you look at, the EIS is required  
7 to look at a no-build alternative. What would  
8 happen if this project didn't happen but in a  
9 few years out as in the time frame that the  
10 project would have happened, what's going to be  
11 happening in the area in Yonkers regardless of  
12 the development of this project.

13 We've added some discussion about what  
14 the alternatives may be. The alternatives will  
15 also include what, how the project may happen if  
16 it were to be developed under current Zoning.  
17 And then another alternative to look at it if  
18 under current zoning if no variances were to be  
19 given, how the site may be developed under  
20 current zoning. So those are kind of the  
21 discussions about alternatives to be analyzed as  
22 part of the EIS.

23 The EIS also gets into discussion about  
24 irreversible and irretrievable commitment of  
25 resources. They need to present an unavoidable

1 -- a discussion on unavoidable adverse impacts.  
2 They need to discuss growth-inducing aspects of  
3 the proposed action. Again growth-inducing  
4 aspects means what are the immediate and other  
5 aspects of if this development were to be  
6 constructed, how it would impact the area, a  
7 cumulative impacts of the action, energy use in  
8 conservation. And, again, identifying measure  
9 to avoid or reduce impacts on climate change.  
10 And reducing the development's carbon footprint  
11 and associated impacts.

12 And, again, the EIS will include a lot of  
13 content, a lot of narrative, maps, tables, and  
14 figures. And, again, as Valerie said, that's  
15 going to be after the public has its comments  
16 are developed and given on the scope. The City  
17 will release the draft scope and then again that  
18 the Zoning Board will adopt the scope.

19 THE CHAIRPERSON: So this will be posted  
20 on the website, the City website by 10/2, right,  
21 Monday the 2nd of October?

22 MS. MONASTRA: Yes, that's correct.

23 THE CHAIRPERSON: For public comment to,  
24 you know. And then the Board will have until  
25 the meeting on the 14th to respond, or sorry the

1 16th.

2 MR. BRADY: 16th, right.

3 THE CHAIRPERSON: To respond, to get  
4 their comments in by writing. Lee Ellman will  
5 be the person accepting the comments, or  
6 comments can be sent to ZBApublic and, Sam,  
7 Shannon will forward those to Lee?

8 MR. BORELLI: Uh-uh.

9 THE CHAIRPERSON: Yes?

10 MR. BORELLI: That's right.

11 THE CHAIRPERSON: Okay. And then the  
12 public can attend and comment on the 10/16  
13 meeting. And then they'll have until October  
14 27th to submit written comments.

15 MS. MONASTRA: That's correct.

16 THE CHAIRPERSON: Okay. One of the  
17 issues that came up at the City staff meeting  
18 today was when the applicant submits something  
19 like a shadow study or whatnot whether or not we  
20 verify or you verify their findings. Can you  
21 talk a little bit about that?

22 MS. MONASTRA: Sure, I can. So, there's  
23 two different types of reviews that go through,  
24 when we review an EIS. The first is called  
25 completeness review. So the completeness review



1 is actually making sure that the applicant  
2 addressed each and every one of the topic areas  
3 and submitted all the studies that are required  
4 as based upon the scope. Then the second is the  
5 substantiative review. So the completeness  
6 review really just says did they check the boxes  
7 more or less. Then the substantiative review  
8 then becomes a review of we will go into the  
9 actual analyses themselves and what they stated  
10 and then we'll raise questions that need to be  
11 either further analyses or they need to make  
12 revisions to, to particular studies. That's  
13 where you have the subsistence review. And that  
14 would be something that will also work very  
15 closely with the ZBA to get their comments or  
16 concerns. Then once those reviews are done and  
17 the EIS is then again is updated, then at that  
18 point the ZBA can determine whether they feel  
19 that the EIS is ready for public review and then  
20 you would hold a public hearing on the EIS.

21 THE CHAIRPERSON: So correct me if I'm  
22 wrong, Bill, I think we talked about maybe  
23 having that in spring because of the amount of  
24 time it's going to take to collect.

25 MR. ELLMAN: Right. There's, you know,

1 there is no time frame for the City in this. It  
2 all depends on how fast the applicant can do  
3 their work. And then how long it takes for the  
4 City to do its two reviews and get comments, get  
5 a revised DEIS back from the applicant.

6 THE CHAIRPERSON: So but my point is it's  
7 not it's something that's going to happen --

8 MR. ELLMAN: That's right.

9 THE CHAIRPERSON: Before 2024. We're not  
10 in any rush.

11 MS. MONASTRA: No.

12 THE CHAIRPERSON: We're going to go  
13 through this, right?

14 MS. MONASTRA: Correct.

15 THE CHAIRPERSON: Okay. Is there any  
16 other comments, questions, things we haven't  
17 covered that we should cover?

18 MR. ELLMAN: Let's just take it out  
19 through just to talk over very briefly take it  
20 out through the rest of the process.

21 THE CHAIRPERSON: Okay.

22 MR. ELLMAN: So once, once the DEIS is  
23 filed, as Valerie was saying, and it goes out to  
24 the public. The public gets to make comments.  
25 That includes all of the other agencies which

1 could be everything from Metro North, that is  
2 right next door to the site, to the Palisades  
3 Interstate Park Commission across the river.  
4 And they all get access to the document. That,  
5 all of those comments are collected and given to  
6 the applicant who then produces a draft Final  
7 Environmental Impact Statement. And that, that  
8 document is generally answers to questions that  
9 came up because of from the DEIS. Again, that  
10 gets reviewed for completeness. And is accepted  
11 by the, the Lead Agency by the Zoning Board of  
12 Appeals.

13 The level of scrutiny that the FEIS gets  
14 is, I don't want to say greater, but it's in a  
15 way different because the theory within SEQRA is  
16 that the Draft EIS is the applicant's document,  
17 and the Final EIS is the Lead Agency's document.  
18 So, the acceptability of the Final EIS is at a  
19 kind of finer level. So all of that takes the  
20 time that it takes. After that the FEIS is out  
21 for public review, but not necessarily formal  
22 comments. And then the final action that the  
23 Lead Agency has to take before they can have, do  
24 any decision-making is what's called a Finding  
25 Statement. And it is a summary and explanation

1 of the Board's or the ZBA's understanding and  
2 thinking about the project decisions about  
3 alternatives and decisions about mitigation to  
4 final impacts. Once the, once the Finding  
5 Statement is complete and filed, then the Board  
6 can, can make decisions from there. And then  
7 other agencies going forward, and that could be,  
8 that could be the IDA. It's common in projects  
9 of this size that the IDA might be involved in  
10 financing, the Planning Board for site plan  
11 review. And those agencies also have to file  
12 their own set of findings. So this is a  
13 involved process. There is fairly, I think,  
14 it's understandable information in the New York  
15 State DEC websites. It takes a little bit of  
16 work to read it, only because it might be  
17 slightly unfamiliar to people who haven't worked  
18 with it. But it is written in plain language.  
19 It's not in legalese. So, if you care to, it's  
20 New York State DEC. And you would be looking  
21 for information about SEQRA, S-E-Q-R-A. And  
22 that will help you understand the process and  
23 give you a chance to work through the  
24 information.

25 THE CHAIRPERSON: And you've done these

1 before, Lee, on Chicken Island with FFC and AMS.  
2 How long, you know, how long have they taken  
3 before?

4 MR. ELLMAN: It's, it's rare nearly  
5 impossible for an EIS to take less than a year.  
6 And that's because there are mandated, there are  
7 mandated public review periods. And there's  
8 timing needed for the review by the staff and  
9 consultants. You know. This is, this is a  
10 fairly complicated proposal as the AMS downtown  
11 site was because of the tall buildings and the  
12 requirement that wind studies be done. So, you  
13 know, I would be surprised if it was any less  
14 than six months before the ZBA sees a first  
15 draft from the applicant.

16 THE CHAIRPERSON: Is there anything else,  
17 Sam, or Nelson Pope?

18 MR. BORELLI: No, I'm good. Thank you.

19 THE CHAIRPERSON: Anything else?

20 MS. MONASTRA: I think that pretty much  
21 summarizes the process.

22 THE CHAIRPERSON: All right. So let's  
23 just run through the dates again, right?

24 MS. MONASTRA: Sure.

25 THE CHAIRPERSON: So we have the draft

1 scoping will be posted on the City website by  
2 October 2nd, which is a Monday.

3 MS. MONASTRA: Yup.

4 THE CHAIRPERSON: The public hearing  
5 session, where the public speaks is October 16,  
6 here in this auditorium. It will be taken down.  
7 So all the comments will be preserved. And that  
8 will be from six to eight. And then the public  
9 written comments will be open until the 27th of  
10 October.

11 MS. MONASTRA: Did you want, do we want,  
12 when we advise it, do we want to put like a time  
13 frame or a time limit on each comment to allow  
14 for all comments to be --

15 THE CHAIRPERSON: Yes, traditionally at  
16 the ZBA it's two minutes per person.

17 AUDIENCE MEMBER BERA: That's not enough.  
18 It should be five minutes. Be reasonable. Five  
19 minutes.

20 MS. MONASTRA: Well, and then you'll  
21 still have the basically you'll have then  
22 anybody else that wants to expand on their  
23 comments after the two minutes, they can submit  
24 it in writing until October 27th.

25 THE CHAIRPERSON: Yes, they can send to

1 the ZBApublic or to Lee Ellman who will be the  
2 contact for this which is posted in the  
3 document, right?

4 MR. BRADY: Yes, it's right in there.

5 THE CHAIRPERSON: Yes, his contact  
6 information. Okay. Anything else?

7 MS. MONASTRA: Thank you.

8 THE CHAIRPERSON: Thanks, everyone.

9 MR. BRADY: Thank you.

10 (Time Noted: 6:41 p.m.)

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1 CERTIFICATION

2

3 STATE OF NEW YORK )

4 ) ss.

5 COUNTY OF WESTCHESTER )

6

7 I, LYNNETTE MAZZA, a Court Reporter and  
8 Notary Public within and for the State of New  
9 York, do hereby certify:

10 That I reported the proceedings that are  
11 hereinbefore set forth, and that such transcript  
12 is a true and accurate record of said  
13 proceedings.

14 I further certify that I am not related  
15 to any of the parties to this action by blood or  
16 marriage, and that I am no way interested in the  
17 outcome of this matter.

18 IN WITNESS WHEREOF, I have hereunto set my  
19 hand.

20

21

22

23

24

25

---

LYNNETTE MAZZA,  
COURT REPORTER