



Memorandum

To: Mount Vernon City Council
City Hall – One Roosevelt Square
Mount Vernon, NY 10018

Date: March 4, 2025

Project #: 20789.01

From: Gina Martini, AICP

Re: DTOAD Rezoning/Library Square FGEIS

We are in receipt of comment letters from Vince Ferrandino, AICP and Stephan A. Maffia, PE, both dated February 11, 2025, regarding the Final Generic Environmental Impact Statement (FGEIS) which was accepted by the City Council on January 17, 2025. We hereby offer our response. Although the comments were broken down by FGEIS section, we have grouped them into eight recurring themes.

1. Fiscal Impacts

Mr. Ferrandino states that the projected tax revenues from the proposed project will be insufficient to cover municipal expenses resulting the project.

This point was fully addressed in Responses PD31 and PD33. PD31 states, in part:

In preparing the tax revenue and expense analysis included, the Applicant utilized two distinct methodologies. First, the Applicant obtained a preliminary real estate tax estimate from the City of Mount Vernon for the originally proposed project. Additionally, the Applicant included an estimate derived from collecting the amount of real estate taxes paid by several existing projects comparable in size and use. The associated comp set was included for review as an exhibit and resulted in the \$3.18/GSF figure referenced elsewhere in this FGEIS. These figures are evidence-backed calculations used to estimate potential tax revenue for the Amended Development Project. It is expected that the property taxes generated by the project will be used to offset the costs for municipal services. Additionally, the project will contribute to repairs and improvements to certain municipal infrastructure assets and provide ongoing community benefits through its community facility and green building technology investments.

PD33 states, in part:

Based on the Amended Development Project, the estimated annual property taxes to all taxing jurisdictions without a PILOT would be \$979,244. The payment in lieu of taxes (PILOT) is estimated to be approximately \$500,000, adjusted annually as rents increase, pursuant to a PILOT agreement to be approved by and negotiated with the IDA.

An estimated \$18,000 to \$36,000 in sales tax revenues for the City, generated by the new residents of the Amended Development Project who will be spending a portion of their income utilizing Mount Vernon based retailers and businesses (assuming that 10% to 20% of disposable income is spent locally). These residents will also be supporting local retailers and businesses with approximately \$7.2 million annually in total disposable income that would be spent on retail, services, and entertainment, a portion of which would be captured locally. \$1.5 million in revenues to the City of Mount Vernon with the sale of the Development Project Site.

2. Unit Composition

Mr. Ferrandino states the project has an insufficient number of market-rate units to be accurately described as a mixed-income development.

This comment was fully addressed in Response PD12 of the FGEIS:

The proposed income mix for 20 South 2nd Avenue will allow for a range of income earners to benefit from this new, high-quality housing in downtown Mount Vernon. Based on current market conditions, 80 percent AMI approximately equates to the market-rate level in the area. Additionally, the AMI spread is limited by the available project funding. The unit mix that the Applicant has proposed allows the 20 South 2nd Ave project to be eligible for Federal and State LIHTCs, as well as a variety of other State and Westchester County funding sources, without which the project would not be feasible. It is also worth noting that the range of rents for the proposed income mix at 20 South 2nd Avenue is similar to what is being achieved at comparable properties in the market. Finally, a key goal of the Applicant is to provide units priced to serve and benefit the existing community. All of these factors contributed to the proposed AMI spread of the Development Project. The Westchester County rent and income limits for 2024 are provided in the table below.

3. Traffic & Parking

Mr. Maffia cites a number of alleged deficiencies in the Traffic & Transportation section of the FGEIS. These include: the 2017 traffic counts were outdated, not enough intersections were studied, the applied background growth factor was too low and the actual parking demand will exceed the proposed number of on-site parking spaces.

Responses to these and similar comments are found in TR1, TR6, TR8 and TR23 of the FGEIS, respectively.

Response TR1 states, in part:

The traffic counts conducted in July 2022 were reflective of existing conditions at that time and likely include changes associated with remote work. The data from 2022 was significantly lower than traffic counts conducted in 2017. The traffic analysis completed for the Development Project was based on the higher 2017 traffic volumes. Updated traffic counts were conducted in June 2024 when school was in session. Review of the traffic counts shows that the 2024 peak hour traffic volumes range from 11 percent lower to 2 percent higher when comparable to the 2017 peak hour traffic volumes. It is typical for traffic volumes to fluctuate up to ten percent so the differences between the 2017 and 2024 traffic volumes are consistent with day-to-day fluctuations and no additional analyses are needed.

Response TR6 states:

The threshold for requiring off-site analysis is 100 new site-generated vehicle trips on a single intersection approach during a single peak hour, which the Amended Development Project is not close to meeting. The highest number of trips that the Development Project would generate at an intersection outside of the study area is 23 trips. East of the E 1st Street at S 2nd Avenue intersection, the project would generate 6 eastbound trips and

17 westbound trips during the PM peak hour. As vehicles disperse away from the Development Project Site, the number of trips at any one intersection would continue to be reduced.

Response TR8 states:

Coordination with the City of Mount Vernon did not identify any other planned development that would increase traffic volumes at the study intersections beyond background traffic growth. The background growth rate was determined using growth rate information published by the New York Metropolitan Transportation Council (NYMTC), the regional Metropolitan Planning Organization (MPO).

Response TR23 states, in part:

The Amended Proposed Action Rezoning incorporates edits to the proposed parking regulations. In order to bring the Proposed Action Rezoning more into alignment with the parking recommendations associated with the Downtown Vision Report, the proposed DTOAD zoning text parking regulations have been amended to 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.

The revised parking provisions associated with the Amended Development Project would provide 59 parking spaces on-site, 40 spaces off-site within the City-owned parking lot located at the corner of Prospect Avenue and North 3rd Avenue, and 10 parking spaces through the Payment in Lieu of Parking (PILOP) provisions within the amended DTOAD zoning district. The funds generated through the PILOP set forth in Table 9 would be used to fund capital improvements at the City-owned parking lot located at the corner of Prospect Avenue and North 3rd Avenue.

4. Height, Bulk & Density

Mr. Ferrandino states that the size and scale of the project are out of character with the surrounding neighborhood and will cast shadows.

This point was fully addressed in Responses PD19 and PD 20 of the FGEIS:

PD19: *In response to community comments, the Applicant has modified the Development Project bulk. Upper story setbacks have been incorporated at the 9th and 11th floor of each street frontage. More than half of the street façade facing South 2nd Avenue sets back 10 feet at the 9th floor and the rest of the street façade sets back the same distance at the 11th floor, with the top two floors being setback this distance along the entire South 2nd Avenue frontage. Similarly, more than half of the street façade facing South 3rd Avenue sets back 10 feet at the 9th floor and the rest of the street façade sets back the same distance at the 11th floor, with the top two floors being setback this distance along the entire South 3rd Avenue frontage.*

PD20: *The FGEIS Amended Development Project reflects a reduced overall density compared to the DGEIS Development Project. The number of units proposed has been reduced from 317 to 272. In addition to the reduction in the number of units proposed, the Applicant has modified the building footprint to best accommodate the reduced density and improve the overall architectural design of the site. The modified*

building footprint includes the building fronting on South 3rd Avenue and the building fronting on South 2nd Avenue, but the portion of the building along the northern property line has been eliminated. Rather than a C-shaped building with a center courtyard, there are now two buildings oriented along the two street frontages. This increases the daylight availability to the northern neighbors' rear yards which was blocked by the prior building configuration. In addition, the building has been stepped back at the 9th and 11th stories to provide reduced overall massing and increase visual interest. Finally, in response to community comments, the Amended Proposed Action reduces the overall permitted height within the Rezoning Area from 19 to 15 stories for the four parcels closest to the Mount Vernon East train station and 12 stories for the remainder of the DTOAD area.

Shadows analyses were performed by Perkins Eastman and summarized in Chapter 2B of the DGEIS and Appendix F of the FGEIS. These studies found there would be minimal impact compared to existing conditions and no impacts to public or publicly accessible properties. The New York State Department of Environmental Conservation publication "Assessing and Mitigating Visual and Aesthetic Impacts" lists 16 types of aesthetic resources to be considered in an impact analysis. The list does not include views from privately-owned properties.

5. Comprehensive Plan

Mr. Ferrandino suggests the adoption of the Findings for the proposed DTOAD would be premature because the City's Comprehensive Plan has yet to be completed.

This comment was fully addressed in Response PR5 of the FGEIS:

The Downtown Vision Report was adopted by the Mount Vernon City Council on January 24, 2024. The Proposed Action has been reviewed for its consistency with the Phase I Downtown Vision Report findings and recommendations (see Response ZL15). The City Council determined that pausing all development in the City through a moratorium while the multi-year Comprehensive Plan process was completed, was unnecessary and that individual projects that are consistent with the Phase I Downtown Vision Report, could be advanced. The City Council remains empowered to adopt interim or final approvals related to the Project.

6. Elimination of Artist/Live-work units

Mr. Ferrandino questions why live/work loft units were eliminated from the amended development plans. This comment was addressed in Response PR6 of the FGEIS:

The Development Project has been amended and no longer incorporates live/work artist units. However, the building design integrates co-working areas, creative common space, and distinct amenity spaces dedicated to collaborative art creation and display, both internally and within the community.

7. Cumulative Analysis

Mr. Ferrandino states the FGEIS analysis does not include the cumulative impacts of other projects in the vicinity of the DTOAD, specifically the *Mount Vernon East TOD-1* rezoning and *The Sentinel on Third Street* proposal.

This comment was addressed in Response ZL16 of the FGEIS:

The Applicant understands that a SEQRA process was initiated in February 2021 for the proposed Mount Vernon East TOD rezoning, at which time the Mount Vernon City Council declared its intent to be Lead Agency. The Applicant is not aware that the project has progressed beyond 2021. Details of this project have not yet been made publicly available.

The East TOD rezoning has since been approved, subsequent to the completion of the FGEIS. The DGEIS included analyses of all projects required for inclusion in the adopted Scoping Document. Under the SEQRA statute, SEQRA analyses are often required to include cumulative impact analyses of projects that were previously proposed or otherwise foreseen at the time of scoping. As the approval of the DTOAD was in process well in advance of the East TOD rezoning, the potential impacts of the former action should more appropriately be included in the SEQRA analysis for the latter project.

8. Supplemental FGEIS

Mr. Ferrandino states that a Supplemental EIS should be required to address the issues he raises. According to the statutory language of 6 NYCRR Part 617, supplemental impact statements are required under the following circumstances:

§617.9(a)(7) Supplemental EISs.

(i) The lead agency may require a supplemental EIS, limited to the specific significant adverse environmental impacts not addressed or inadequately addressed in the EIS that arise from:

- (a) changes proposed for the project;*
- (b) newly discovered information; or*
- (c) a change in circumstances related to the project.*

(ii) The decision to require preparation of a supplemental EIS, in the case of newly discovered information, must be based upon the following criteria:

- (a) the importance and relevance of the information; and*
- (b) the present state of the information in the EIS.*

(iii) If a supplement is required, it will be subject to the full procedural requirements of this subdivision except that scoping is not required.

Mr. Ferrandino has not identified any changes in the project scope, new information, nor changes in project-related circumstances. He has only cited what he claims are deficiencies in the methodologies and conclusions of the FGEIS. Thus, the thresholds for requiring a supplemental FGEIS have not been met.

In conclusion, all of the comments in the February letters reiterate issues that had been previously raised during the comment period for the DGEIS. All of which have been satisfactorily addressed in the FGEIS. The City's professional

planning staff and planning consultant team have reviewed all SEQRA documentation and advised the City Council as to the acceptability of the analysis and methods employed in the SEQRA process. No further amendments, revisions or supplements to the FGEIS are warranted and the City Council may now proceed to issue a Findings Statement.