

FINAL ENVIRONMENTAL IMPACT STATEMENT (FEIS)

The Kensington

Village of Bronxville, Westchester County, New York

Lead Agency:

Village of Bronxville Planning Board

Village of Bronxville - Village Hall

200 Pondfield Road

Bronxville, New York 10708

Contact: Donald Henderson, Planning Board Chairman

Applicant/Project Sponsor

Spectrum Kensington, LLC

c/o WCI Communities, Inc.

115 Stevens Avenue

Valhalla, New York 10595

Contact: Robert Paley

The Kensington

Village of Bronxville, New York

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Spectrum Kensington LLC
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Date Resubmitted: Monday 10, April 2006
Date Accepted: Wednesday 12, April 2006

The Kensington

Village of Bronxville, New York

FINAL ENVIRONMENTAL IMPACT STATEMENT

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FINAL ENVIRONMENTAL IMPACT STATEMENT

Involved Agencies

Village of Bronxville Board of Trustees
Village of Bronxville
200 Pondfield Road
Bronxville, New York 10708

Westchester County Department of Health
145 Huguenot Street, 8th Floor
New Rochelle, New York 10801

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Waterford, New York 12188-0189

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New York, New York 10017

Interested Agencies:

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177 Pondfield Road
Bronxville, New York 10708

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Village of Bronxville, New York

FINAL ENVIRONMENTAL IMPACT STATEMENT

Village of Bronxville
Design Review Committee
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Bronxville, New York 10708

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Bronxville, New York 10708

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2. Proposed Action – Two Mission Style Buildings; East and West Elevations
3. Alternative Design – One Mission and One Tudor Buildings; East and West Elevations
4. Proposed Action and Alternative Design; View Looking Northwest

MEMORANDA

1. The Kensington – Substantive Review of DEIS, Frederick P. Clark Associates, Inc., September 9, 2005.

PUBLIC HEARING TRANSCRIPTS

1. Public Hearing Transcript, September 14, 2005
2. Public Hearing Transcript, September 28, 2005
3. Public Hearing Transcript, October 12, 2005

LETTERS

1. Rene Atayan, 5 Oval Court, Bronxville NY 10708, Letter, July 12, 2005
2. Desiree Buenzle, 2 Kensington Terrace, Bronxville, NY 10708, Letter, September 23, 2005
3. MTA Metro North Railroad, Karen Timpko, Esq., Director, Environmental Compliance and Services, Letter, September 19, 2005
4. Westchester County Department of Health, Michael J. Sakala, Assistant Commissioner, Bureau of Environmental Quality, Letter, September 21, 2005
5. Alfred Lattimer II, Owner of 22 and 28 Sagamore Road, Letter, September 22, 2005
6. Westchester County Department of Health, Christopher J. Lalak, Radiological and Chemical Analyst, Letter, September 23, 2005
7. Cindi Callahan, Gramatan Court Apartments, Inc., Letter, September 30, 2005.
8. Fire Department of the Town of Eastchester, Dennis J. Winter, EFD, Chairman Budget and Finance Committee, Letter, October 15, 2005
9. Barbara Murray, 89 Kensington Road, Bronxville, NY 10708, Letter, October 23, 2005
10. Alice Neeld, 23 Sagamore Road, Apt. 1E, Letter, October 24, 2005
11. Fire Department of the Town of Eastchester, Michael P. Grogan, Chief of Department, Letter, October 24, 2005
12. Jerry Vaccaro, 25 Sagamore Road, Bronxville, New York, Letter, October 24, 2005

13. Thomas C. Hutton, 39 Homesdale Road, Bronxville, NY, 10708, Letter, October 24, 2005
14. Ercole Rosa, Southgate, Bronxville, NY 10708, Letter, October 25, 2005
15. Board of Directors, Gramatan Court Apartments, Letter, October 26, 2005
16. Sara S. Penella, President, Lake Avenue Owners, Inc. 1-28 Lake Avenue, Bronxville, NY 10708, Letter, October 27, 2005.
17. Email via Mayor Marvin to Bob Paley – Questions from Cindi Callahan, 11.3.05
18. Ellen and Charles Curtis, 36 Sagamore Road, Letter, October 30, 2005
19. Ercole Rosa, Southgate, Bronxville, NY 10708, Letter, October 31, 2005
20. David J. Portman, Frederick P. Clark Associates, Inc., Letter, October 31, 2005

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GENERAL OVERVIEW

GENERAL OVERVIEW

In accordance with the New York State Environmental Quality Review Act (SEQRA), this Final Environmental Impact Statement (FEIS) for The Kensington Bronxville project has been prepared in response to public comments on the Draft Environmental Impact Statement (DEIS). The DEIS was first submitted in April 2005, and accepted as complete on July 13, 2005 after extensive review by the Lead Agency, the Village of Bronxville Planning Board. Three public hearings on the DEIS were held on September 14, 2005, September 28, 2005 and October 12, 2005. Transcripts from those hearings are included in **Appendix C** of this FEIS, along with all written comments received by the Lead Agency during the DEIS comment period.

This FEIS incorporates the DEIS by reference and responds to all substantive comments received (either at the public hearings or in writing) on the DEIS. Comments were compiled, and organized by topic. Each comment is referenced as to its source, and responded to within Section 3 of the FEIS.

A. PROJECT DESCRIPTION

1. Description of the Proposed Development Plan

Based on comments offered by the Board and the residents of the Village of Bronxville in their review of the DEIS, the Proposed Action has been revised from that described in the DEIS. These revisions are summarized below and presented in **Exhibits 1 and 2**. Table G-1 presents a comparison of the Proposed Action as it was originally presented in the DEIS and the revised Proposed Action discussed herein.

The revised Proposed Action will consist of 54 for sale condominiums in approximately 110,000 gross square feet. The condominiums, by design and pricing, will be marketed to empty nesters from Bronxville and other surrounding Westchester towns. The condominium residences will range from 1,300 to approximately 2,000 square feet and will typically feature a large master bedroom suite and a small second bedroom.

Table G-1
Comparison of Original and Revised Proposed Action

	Original Proposal	Current Proposed Action
Gross Square Feet	110,000	110,000
Number of Units	61	54
Unit Size	1,200 –1,500 s.f.	1,300-2,000 s.f.
Open Space per unit	537 square feet	505 square feet
Parking Spaces	+/-300	+/- 300
Architectural Style	One Mission Style/One Tudor Style	Two Mission Style
Building Height	4 Story	4 Story



Exhibit 1
PROPOSED ACTION
TWO MISSION STYLE BUILDINGS
PLAZA AND FIRST FLOOR PLAN

THE KENSINGTON
Village of Bronxville, New York

Saccardi & Schiff, Inc. - Planning and Development Consultants



PROPOSED EAST ELEVATION



PROPOSED WEST ELEVATION

Exhibit 2
**PROPOSED ACTION
TWO MISSION STYLE BUILDINGS
EAST AND WEST ELEVATIONS**

**THE KENSINGTON
Village of Bronxville, New York**

Saccardi & Schiff, Inc. - Planning and Development Consultants

It should be noted that the DEIS included an analysis of potential for school-age children to be generated by the proposed project (see Chapter III.I of the DEIS). The analysis considers several scenarios: the likely scenario where 100 percent of the units at The Kensington would be occupied by empty-nesters and two scenarios where 25 and 50 percent of the units would be occupied by non-empty nesters. As discussed in the Accepted DEIS, an analysis of school-age children per dwelling unit was prepared using accepted national multipliers from the Urban Land Institute and the Center for Urban Policy Research. These rates provide an average of school age children typically generated per bedroom by different types of dwelling units determined from a national survey. The analysis for the Kensington assumed a two bedroom Northeast townhouse.

Because the number of units has been reduced to 54 (from 61), this analysis has been revised and is presented herein.¹

**Table G-2
Project Generated School Age Children**

Alternatives	Units	Empty Nester Households	Non-Empty Nester Households	School Age Children ¹					
				ULI ³ (0.1393)	CUPR ³ (0.164)	Avalon ⁴ (0.044)	WPI ⁵ (0.019)	WP2 ⁵ (0.024)	WP3 ⁵ (0.0327)
100 % Empty Nester	54	54	0	0	0	0	0	0	0
75 % Empty Nester 25 % Non-Empty Nester	54	40	14	2	2	1	0	0	1
50 % Empty Nester 50 % Non-Empty Nester	54	27	27	4	4	1	1	1	1

Notes:

¹Number of potential school-age children is rounded to the nearest whole number

²Based on 110,000 s.f. - 54 two- bedroom units – ranging from 1,300 to 2,000 S.F.

³ULI and CUPR school age children generation rates are for 2 BR units – Northeast Townhouse

⁴Based on 4.4 school age children/100 rental residential units.

⁵WP 1 (White Plains 1) – The Seasons Development; WP2 (White Plains 2) – Westgate Towers and WP3 (White Plains 3) – Stewart Place.

As shown in Table G-2, using the most conservative estimate, the maximum number of school-age children that would typically be generated by the proposed development if non-empty nesters occupied 50 percent (27 units) of the units at The Kensington, would be four school-age children. This analysis does not take into account that some percentage (approximately three percent)² of those school-age children would attend private or parochial school. For this highly conservative analysis, no adjustment was made. If there were four school-age children realized for this project, the effect on the

¹ For additional detail on methodology, see The Kensington DEIS, Volume 1, July 2005, Chapter III.I. Community Facilities, pps. III.I-6 – III.I-9.

² Westchester-Putnam School Boards Association. Facts and Figures 2003-2004, p.18.

school district in terms of overall enrollment would be minimal given the total enrollment of nearly 1,500 students.

A total of twelve units in the revised Proposed Action (four per floor) would have a den, measuring approximately 9 1/2 x 12 feet. The dens would not have doors or closets and would not be located near a bathroom. However, the analysis included in the DEIS with regard to project-generated school age children already accounted for the unlikely possibility that some units would be occupied by families with children.

The revised Proposed Action proposes two four-story buildings both designed in the Mission architectural style, reflective of the surrounding architectural context. A paved entry court/piazza is proposed between the two buildings. This entry court would allow vehicle pick up and drop off and its location across from Christ Church would permit uninterrupted light to flow from the west to the stained glass windows at the Church.

The buildings would be connected by a one-story structure set at the western portion of the entry court. This one-story building would house the concierge services and allow for a covered connection between the buildings. In addition, The Kensington residents would have access to the lower level of the proposed parking garage and to the Metro-North Railroad northbound platform via a gate from this one-story concierge building.

The new Proposed Action includes a private landscaped garden/open space located at the southeast corner of the project site adjacent to One Pondfield Road. This garden would be for the use of the residents of The Kensington.

Two private terraces for use by the residents of The Kensington will be provided on the west side of the building. These open spaces are an amenity to The Kensington residents and serve to break up the mass of the west façade of The Kensington. These setbacks create a more varied façade on the western side of the proposed building, a positive visual impact, and help minimize any sound absorption and reverberation produced by trains. The redesign of the western façade of the buildings was a direct result of comments offered by the residents located to the west of the proposed project site, on the west side of the Metro-North Railroad tracks.

The number and allocation of Village and project parking spaces in the below grade parking garage remains the same as in the original Proposed Action.

Public access to the northbound platform of the Metro-North Railroad Bronxville Station would be provided from the upper level of the parking garage at the southern end of the project site via an ADA-accessible ramp. A pedestrian access ramp (with guardrails) would be provided from the sidewalk (adjacent to but separate from the vehicular entrance) to the upper level (Village level) of the parking garage. A second ramp along the same dedicated pedestrian pathway would be constructed from the upper parking level up to the train platform. The pedestrian path would be lighted and would meet ADA accessibility requirements.

An Alternative Design, with one Mission style and One Tudor Style building has also been included for review. **Exhibit 3** presents the design of this Alternative. The size and configuration of this Alternative would be the same as for the Proposed Action. **Exhibit 4** presents a comparison of views looking northwest (east of One Pondfield Road) for the Proposed Action and the Alternative design.

1. Description of the Proposed Zoning

The proposed project is an age-targeted residential condominium development. At present the Village of Bronxville Code does not include a definition for an Age-Targeted Multiple Residence Facility. Age-targeted developments are typically defined as homes that, by their design and marketing, are aimed at attracting empty nesters.

As discussed above, during the processing of the Site Plan, several alternative designs were reviewed by the Planning Board and by the Bronxville community. As a result of these reviews, the Proposed Action has changed from that analyzed in the DEIS. As such, the proposed zoning was revised to reflect these design changes. The proposed zone text amendments seek to modify the current zoning to allow density increases for age targeted housing, similar to (but less than) those currently permitted for age – restricted housing pursuant to a special permit. The special permit would only be allowed for developments which, by design, are intended for occupancy by empty nesters and which meet certain other criteria to demonstrate the need for additional density.

The proposed amendments to the zoning text will formally define the proposed age-targeted use and modify the existing district regulations for the proposed use. The proposal to amend the zoning will enable the Village of Bronxville to use an existing zoning district rather than create a new district with new regulations. The proposed zoning will reduce the permitted maximum number of units from 90 to 55, reduce the permitted height and increase the amount of open space and parking per dwelling unit. All project-generated parking demand for residents of The Kensington and their guests will be accommodated in the proposed below-grade parking garage.



ALTERNATE EAST ELEVATION



ALTERNATE WEST ELEVATION

Exhibit 3
**ALTERNATIVE DESIGN
ONE MISSION AND
ONE TUDOR BUILDING
EAST AND WEST ELEVATIONS**

**THE KENSINGTON
Village of Bronxville, New York**

Saccardi & Schiff, Inc. - Planning and Development Consultants



PROPOSED ACTION
View Looking Northwest



ALTERNATE DESIGN
View Looking Northwest

Exhibit 4
**PROPOSED ACTION AND
ALTERNATE DESIGN
VIEW LOOKING NORTHWEST**

**THE KENSINGTON
Village of Bronxville, New York**

Saccardi & Schiff, Inc. - Planning and Development Consultants

I. INTRODUCTION/EXECUTIVE SUMMARY

I. INTRODUCTION/EXECUTIVE SUMMARY

Comment I.1:

The DEIS states that the project will generate approximately 126 residents, representing an increase in the Village population of 2 percent. However, Page I-8 Paragraph 2 refers to an increase of 1.9 percent in the Village population. Although the two numbers are very close, measurement of potential impacts, such as the increase in population, should be consistent throughout the document. The applicant should clarify the potential percent of increase. (F.P. Clark, Village Planning Consultant, Memo, 9/9/2005, pg. 2)

Response I.1:

According to the U.S. Bureau of the Census, the 2000 population of the Village of Bronxville was 6,543 persons. The addition of approximately 126 residents would increase the Village population to 6,669, an increase of 1.925 percent.

The Proposed Action, which now includes two four-story Mission Style buildings, would include 54 units. Using the ULI Multiplier of 2.0685¹, project-generated population would be 112 persons, representing an increase in the Village population of approximately 1.711 percent. Using the CUPR Multiplier of 2.037², project-generated population would be 110 persons, representing an increase in the Village population of approximately 1.681 percent.

Comment I.2:

The referenced paragraph states that a total of three sites in Bronxville are listed in the National Register of Historic Places. Actually, at least four sites in Bronxville are listed in the National Register – the Bronx River Parkway Reservation (#90002143), the Lawrence Park Historic District (#8002788), the Masterson-Dusenberry House (sic), 90 White Plains Road (#8002789) and the United States Post Office-Bronxville, Pondfield Road (#880002459). The Bronx River Parkway and the Lawrence Park District are in visual or physical proximity to the proposed action and therefore may be affected by it. Potential impacts to both sites should be discussed and mitigation measures should be proposed, if necessary.

In addition, six sites in Bronxville, including three of the four listed in the National Register are listed in the Westchester County Inventory of Historic Places. The properties listed in the County Inventory are the Lawrence Park Historic District, Masterson-Dusenberry (sic) House, the Bronxville Post Office, Abijah Morgan House – 339 Pondfield Road, the Bronxville Womans Club (sic)– 135 Midland Avenue, the Reformed Church of Bronxville – Pondfield and Midland Avenues. (F.P. Clark, Village Planning Consultant, Memo, 9/9/2005, pg. 2)

Response I.2:

The cultural resources technical report appended to the DEIS, notes as of 12/2004, there were only two individual Bronxville structures listed in the National Register: the Masterton-Dusenberry House at 90 White Plains Road on the extreme eastern side of the Village and the

¹ Urban Land Institute, Development Impact Assessment Handbook; Multiplier for Northeast Townhouse.

² Center for Urban Policy Research of Rutgers University, The New Practitioner's Guide to Fiscal Impact Analysis; Multiplier for Northeast Townhouse.

Colonial Revival style Bronxville Post Office on Pondfield Road. In addition to the two individual listings, the Lawrence Park Historic District (LPHD) is listed in the National Register. The LPHD includes the commercial Gramatan Arcade and the Christ Church and its garden, located on Sagamore Road.

The technical report further notes that the Bronx River Parkway, which runs along the western edge of Bronxville a few blocks west of the railroad tracks, is also listed in the National Register of Historic Places.

The Bronxville railroad station has officially been declared eligible for National Register listing, although it had not been formally listed as of 12/2004. In addition, a Meadowdale Historic District, along Kensington and Sagamore Roads and adjoining lanes, north of the proposed Kensington development, had also been declared eligible for National Register listing but not listed as of 12/2004.

As stated in the Chapter III.D of the DEIS, once construction management policies are in place to mitigate against any accidental damage to nearby buildings, The Kensington will have no negative impacts on historic resources, including the National Register individual properties, the National Register historic district, those Bronxville properties and districts that have been determined officially eligible for the National Register, and those properties that are considered potentially eligible for the National Register. Simply, as currently designed, the proposed development will convert an unsightly parking lot into a viable residential community that is in keeping with the design of other buildings in Bronxville. No mitigation, beyond construction management policies to ensure against accidental vibration impacts, is recommended.

Chapter III.C. Visual Resources includes photo simulations and viewshed analyses from the Bronx River Parkway and the Lawrence Park Historic District and concludes that no negative impacts would result on these properties as a result of the Proposed Action.

Comment I.3:

The plan shows a gated train platform entrance. The Applicant should explain why a public entrance to the train platform would be gated. (F.P. Clark, Village Planning Consultant, Memo, 9/9/2005, pg. 3)

Response I.3:

There would be three entrances to the Metro-North Railroad northbound platform. One entrance for use by Village residents would be located inside the parking garage, and would lead directly to the platform (see below for additional detail). The second entrance for use by residents of The Kensington would be located at the plaza level. Due to an elevation change, residents would walk down stairs to reach the northbound platform. The Kensington Homeowners' Association (HOA) would determine the operational details, hours and type of access (gated/controlled) of this entrance. MTA Metro-North Railroad would have an operating agreement with The Kensington HOA for maintenance of this entrance.

A third entrance would be provided from the lower level of the parking garage to the Metro-North northbound platform for use by residents of The Kensington.

Public pedestrian access to the Metro-North Railroad northbound platform would be via an entrance located within the proposed parking structure on the public (Village) parking level. . A pedestrian access ramp (with guardrails) would be provided from the sidewalk (adjacent to but separate from the vehicular entrance) to the upper level (Village level) of the parking garage. A second ramp along the same dedicated pedestrian pathway would be constructed from the upper parking level up to the train platform. The pedestrian path would be lighted and would meet ADA accessibility requirements. The Village of Bronxville will determine the operational details, hours and type of access (gated/controlled, etc.), and security measures within the Village-controlled parking area.

All proposed entrances would be subject to the approval of MTA Metro-North Railroad. The project has been and will continue to coordinate with MTA Metro-North Railroad regarding proposed access/egress to the northbound platform. Written agreement, in the form of an entry permit is required from MTA Metro-North Railroad, and would be coordinated during the Site Plan Approval process.

Comment I.4:

The rendering depicts a gated entrance to the parking area below the building. The Applicant should explain why a gate would be necessary and appropriate for a parking garage that also provides 200 parking spaces for commuters. If a gate is necessary how would a gated entrance for public parking operate? (F.P. Clark, Village Planning Consultant, Memo, 9/9/2005, pg. 3)

Response I.4:

The entrance to the proposed parking garage would have neither doors nor gates.

Comment I.5:

The DEIS refers to a construction management plan that would be developed to protect the stained-glass windows and pipe organ located in Christ Church. Details of such a plan should be provided. (F.P. Clark, Village Planning Consultant, Memo, 9/9/2005, pg. 3)

Response I.5:

A Construction Management Plan is included in Appendix D of this FEIS.

Comment I.6:

The DEIS states that the proposed action would provide three pocket parks totaling approximately 1,000 square feet and a 7,000 square-foot landscaped courtyard between the buildings that could be used as recreation space equivalent to a park. However, the plan view provided in Exhibit I-1 shows the courtyard to be paved and designed primarily for vehicular access rather than as a landscaped area for recreational use. It is our opinion that the courtyard,

even if landscaped, would not qualify as recreational open space and should not be characterized as such.

Description of this area as open space is also found on Page I-10, where this area is presumably included in the 500 square feet of open space per unit stated in the fourth paragraph. It is not clear that the proposed project provides significant public or private open space, making mitigation a possibility, contrary to the statement at the end of the paragraph that “No mitigation is required.” (F.P. Clark, Village Planning Consultant, Memo #1, 9/9/2005, pg. 3)

Response I.6:

Total open space for the *revised Proposed Action* is **27,277 s.f.** as follows:

- Southeast open space: **5,840 s.f.**
- Area of center courtyard: **647** square feet composed of landscaped open space. This courtyard has been redesigned from the original action plan and is now smaller.
- South bldg western court: **1,798 s.f.**
- North bldg western court: 4,064 s.f.
- Remaining podium open space: 14,928 s.f. (Note: does not include uncovered area of entry driveway to garage of 196 s.f.)

Total podium open space: **27,277 s.f.** (This area is larger than original action plan due to building plan changes and the podium extending over northern curved garage ramp)

Total open space (not including un-covered garage entry drive and north access road): **27,277 s.f.**

The revised Proposed Action includes 54 units. Total open space (**27,277 s.f.**)/54 units = **505** square feet per unit

Comment I.7:

The Applicant should clarify whether a private carting service or municipal waste pick-up would be utilized to provide solid waste removal for The Kensington. The third sentence states that workers will bring solid waste and recycling to the street for municipal pick-up, which is inconsistent with the following sentence, which states that the proposed project will use a carting service. It is unclear if a carting service will also handle recyclable materials, or if these will be picked up through the municipal system. (F.P. Clark, Village Planning Consultant, Memo, 9/9/2005, pg. 4)

Response I.7:

A private carter would be contracted to provide pick-up of both general household trash and recyclable materials. The material will be contained in trash rooms until the carter collects the material for disposal.

Comment I.8:

We note that the third sentence should read, “With the No Build Alternative, the Village would not receive revenue from the sale of land or the future taxes.” (F.P. Clark, Village Planning Consultant, Memo, 9/9/2005, pg. 4)

Response I.8:

Comment noted. DEIS is amended by reference.

Comment I.9:

The second paragraph of the section refers to an increase in the Village's population of approximately 145 residents. For comparison with the 2 percent population increase mentioned elsewhere in the document that would result from proposed age-targeted development, what would the percent of increase in population be for Alternative 2? (F.P. Clark, Village Planning Consultant, Memo #1, 9/9/2005, pg. 4)

Response I.9:

Alternative 2, No Zoning Change, the project-generated population would be approximately 145 new Village residents. The 2000 population of the Village of Bronxville, according to the U.S Bureau of the Census was 6,543. The addition of 145 new residents would increase the Village population to 6,688, or by 2.216 percent.

Comment I.10:

We note that the second paragraph states that "At 90 units (29 more than the Proposed Action), Alternative 3 would have ..." Since the Proposed Action has 61 units, Alternatives 3 would have 29 more units than the Proposed Action, not 25 as stated in the subject paragraph.

The number of parking spaces that would be required for Alternative 3 should be provided, along with the method used to calculate this number (e.g., the number of parking space per unit).

Regarding traffic impacts, the second paragraph states that "The increased unit count for Alternative 3 would result in 29 (13 in the AM Peak Hour and 16 in the PM Peak Hour) additional site generated trips. Since Alternative 3 actually has 29 more units, would the number of additional site generated trips be 29, or would the number of trips increase as well? (F.P. Clark, Village Planning Consultant, Memo #1, 9/9/2005, pg. 4)

Response I.10:

Comment noted. DEIS is amended by reference; Alternative 3 would have 29 more units than the Proposed Action, not 25 more units (90-61=29).

Under current zoning for an age-restricted residence in the Multiple Residence D zoning district, Alternative 3 would be required to provide 1 parking space per dwelling unit (See Table III.A-1 on page III.A-10). As such, Alternative 3 would be required to provide 90 parking spaces to accommodate project-generated demand.

As shown in Table V-7, on page V-9, the increased unit count for Alternative 3 would result in 50 Weekday AM Peak Hour trips and 59 Weekday PM Peak Hour trips, for a total of 109 trips. This accounts for 29 *additional* (more) trips than for the Proposed Action, which would generate 37 Weekday AM Peak Hour trips and 43 Weekday PM Peak Hour trips for a total of 80 trips.

Comment I.11:

Would Alternative 5 be age-targeted? What type of parking facilities are proposed for Alternative 5 and how many parking spaces would be provided? (F.P. Clark, Village Planning Consultant, Memo #1, 9/9/2005, pg. 5)

Response I.11:

Alternative 5 would be an age-targeted development. The parking facilities to be provided for Alternative 5 are the same as are provided in the Proposed Action. A subsurface parking garage would be constructed with 100 spaces set aside for The Kensington residents and 200 spaces for use by the Village. One hundred parking spaces would be provided for The Kensington residents yielding a rate of 1.85 parking spaces per dwelling unit.

Comment I.12:

On I-2, south is bordered by 1 Pondfield Road, not by Pondfield Road. I believe it is supported by the actual building, which is the medical building. On, page I-3, Demographics, it's not anticipated to contribute to any school-age children. I would suggest that it say minimal or something other than any. I don't think we know that for a fact. (Mr. Blessing, Public Hearing Transcript, 10/12/2005, pg. 17)

Response I.12:

Comment noted. DEIS is amended by reference.

As noted in the DEIS, because the proposed project is age-targeted, it is not anticipated to generate any school-age children. Chapter III.I. Community Facilities provides an analysis of various scenarios, the worst-case scenario being if non-empty nesters occupied 50 percent of the proposed units.

II. DESCRIPTION OF THE PROPOSED ACTION

II. DESCRIPTION OF PROPOSED ACTION

Comment II.1:

What are the heights (in terms of number of stories) of the multi-family buildings to the east and north of the project? (F.P. Clark, Village Planning Consultant, Memo, 9/9/2005, pg. 5)

Response II.1:

One Pondfield Road, the medical building to the south of the proposed project site is a three-story building. Across Kensington Road to the east, the existing Spanish Mission style building adjacent to Christ Church is four stories. Christ Church is approximately four stories in height not including the spire, which is significantly higher. The multi-family residential buildings to the north of the church, and across Kensington Road, vary from two, three and seven stories in height. The structures across the tracks vary in height from a one story long parking garage, two story residences on Lake Avenue and residential buildings from three to six stories in height.

Comment II.2:

The site plan (Exhibit II-5) and section/elevations (Exhibit II-6) show that windows of apartments in the south building would be very close to the railroad tracks. A review of the aerial photos use in Photograph Keys (Exhibit III.C-1 and Exhibit III.C-8) suggest that the south building of The Kensington would be closer to the railroad tracks than most other residential development in Bronxville. Unlike existing residential buildings that for the most part have deep landscape buffers along the railroad, very little room would be available for installation of a landscape buffer between the south building and the railroad. This proximity may increase vibration and noise in these apartments. We recommend that the west façade of the south building be set further back from the railroad right-of-way to move the windows further away from the railroad. (F.P. Clark, Village Planning Consultant, Memo, 9/9/2005, pg. 5)

Response II.2:

Chapter III.K. Noise and Vibration of the DEIS, describes the noise and vibration testing and analyses performed by Cerami Associates for the project site. Additional noise analyses have been prepared and are included in Appendix D of this FEIS. These analyses focus primarily on the noise and vibration impact to the adjacent property owners. The western facades of both buildings in the Proposed Action has been redesigned to be offset so as not to present a continuous, flat building fronting the right-of-way. This minimizes the noise and vibration impacts to the adjacent property owners.

To address noise and vibration impacts to apartments within the proposed development, the goal for the project is to reduce intrusive train noise (with windows closed) to less than 10 dB above ambient levels. The Proposed Action was redesigned to specifically address this comment and accomplish this goal. To reduce noise and vibration impacts to the apartments within the proposed development, the interiors of the buildings have been redesigned to relocate the majority of the residential units on the east side of the building. Other measures to reduce noise and vibration impacts to the proposed apartments are as follows: The proposed exterior wall and roof construction will be evaluated for sound transmission loss projections to ensure that they meet this requirement. In addition, windows (and sliding doors) will use heavier/thicker glass, at

least one light of laminated glass, and wider air spaces between spaces. At the common areas, acoustically rated window constructions (together with frame) will be provided. In terms of vibration, the parking garage in the Proposed Action would be a poured concrete non-combustible structure. The residential structures above would be constructed of steel framed structure with concrete floor slabs, which would help prevent sound and vibration transmission thru the structure. The proposed residential structures above the parking garage would be fully insulated for energy code requirements with additional acoustical materials to meet a proposed goal of 10db above ambient levels.

Comment II.3:

The paragraph states, “At least one elevator with card key access via permit would be provided from the Village/commuter parking level to the ground floor of The Kensington for handicapped accessibility.” If any public parking spaces are planned to be metered parking, then elevator or some other ADA-compliant access for handicapped non-permit holding public users of the facility must be provided. (F.P. Clark, Village Planning Consultant, Memo, 9/9/2005, pg. 5)

Response II.3:

The parking garage has an ADA-compliant ramp for pedestrian access to the sidewalk on Kensington Road adjacent to One Pondfield Road and access to the existing train platform from the upper level of the parking garage. These ramps, together with the elevators, meet handicapped accessibility requirements.

Comment II.4:

The narrative in this section describes open space and “pocket parks” that would be built on a plaza deck above the parking garage. Because of the topography of Kensington Road most of the parks and open space would be located well above street level, severely limiting the potential to make these open spaces visually and physically part of the public space of the street. Likewise, the close proximity of these parks to the buildings would tend to discourage community residents who do not live in The Kensington to use these areas as if they were public parks. We recommend design changes to make the “parks” and open space visually and physically part of the public space of Kensington Road. The use of stairs to access above street level should be minimized and all public space should be ADA-compliant. The use of ramps, rather than stairs, might create intermediate levels visible from the street, between street level and the top-of-garage plaza, that would visually link parks on the plaza level to the street.

While the plan calls for landscaping at street level along pedestrian walkways on Kensington Road, the front façade of the parking garage, set at or close to the property line, appears to leave no room for landscaping and a sidewalk of adequate width, especially in those areas where on-street parking spaces would be located. The Applicant should provide large-scale dimensioned sections through several points along Kensington Road to more clearly illustrate the heights of walls, widths of planting beds, landscape plants, sidewalks, street furniture and parking spaces. (F.P. Clark, Village Planning Consultant, Memo, 9/9/2005, pg. 5)

Response II.4:

The entry plaza court in the revised Proposed Action is fully ADA-compliant with direct access from Kensington Road sidewalks. The proposed open space located at the southeastern end of the project site would be for use by Kensington residents only. In addition, the landscaped terraces on the western façade of the buildings would also be for use by Kensington residents. Detailed landscaping plans for the project site and the adjacent sidewalk will be provided to the Village Planning Board for their review during the Site Plan Approval process.

Comment II.5:

I really like this last rendition. With regard to the loop that you put in a year or two ago to bring cars in on the north side, it seems to still be there but it is an entrance? The Metro North Railroad substation that is right next to it isn't shown, but it's there. Is that entrance still in there?

There are some concerns from particularly the [Kensington] Terrace people and others who are anticipating lights and everything else directly in their windows. (Bill Murphy, Public Hearing Transcript, 9/14/2005, pg. 50-51)

Response II.5:

In the initial project design, there was an exterior half-circle driveway that would allow vehicles to travel from the upper level of the parking garage to the lower level. This exterior driveway was located at the north end of the project site. Residents expressed concern that lights from vehicles using this exterior ramp, would shine into their apartments. As such, the project site plan was revised to cover over this ramp so that it is an interior space.

Comment II.6:

Where is the ingress and egress? (Mr. Westerfield, Public Hearing Transcript, 9/14/2005, pg. 52)

Response II.6:

The ingress and egress to the subsurface parking garage are located at the south end of the project site.

Comment II.7:

Is that below grade on the end? (Mr. Blessing, Public Hearing Transcript, 9/14/2005, pg. 53)

Response II.7:

The comment refers to the northern end of the project site. The north end of the project site is above grade. A deck will extend over the ramp to the lower level of the parking garage to shield lights as described in Response II.5.

Comment II.8:

Is it necessary, and that is probably more of a legal question than a design question, to provide that accessibility to the railroad substation that you are talking about for a second? (Bill Murphy, Public Hearing Transcript, 9/14/2005, pg. 53)

Response II.8:

Yes, access to the Metro North Railroad substation, located north of the project site will be provided with a new driveway, north of the proposed building.

Comment II.9:

These so-called parks are going to be hardscape. If located on top of a building, there will not be significant vegetation. I hope there is a real detail of that, a real explanation of what the landscape architect has in mind, because it is easy to say wow, green space, 230 feet, but is it green space? It's two stories up and I'm afraid it's going to be more like those open plazas in New York City -- to build their skyscrapers higher. Those are wind swept, desolate, really uninviting things. I'm sure that is not what you are really proposing. But it would be really nice to see a chapter or a verse on that. (Ms. Eloise Morgan, Hill Top, Public Hearing Transcript, 10/12/05, pg. 98-99)

Response II.9:

The proposed landscaped open space located at the south end of the project site, adjacent to One Pondfield Road would be for use by The Kensington residents and would be maintained by The Kensington Homeowners' Association. Detailed landscaping plans for the project site and the adjacent sidewalk will be provided to the Village Planning Board for their review during the Site Plan Approval process.

III. EXISTING ENVIRONMENTAL CONDITIONS, ANTICIPATED IMPACTS AND MITIGATION

A. Land Use and Zoning

III. COMMENTS AND RESPONSES

A. Land Use and Zoning

Comment A.1:

The paragraph compares age-targeted development with age-restricted development. How do the requirements of the Six-Story Multiple Residence D regulations compare to the proposed age-targeted development? A comparison similar to the discussion of building coverage in Page III.A-7 (3) should be provided.

The last sentence of the paragraph discusses a number of parking spaces per unit stating that the proposed age-targeted development would provide more parking spaces per unit compared to age-restricted development, increasing the number of required parking spaces from 1.0 per dwelling unit to 1.5. Although 1.5 spaces per dwelling unit would be the minimum required by the zoning code, it is our opinion that 1.5 spaces may not yield sufficient off-street parking spaces to limit an increase in the demand for on-street parking.

From our experience in other communities in Westchester and elsewhere, we believe that most families, who purchase market-rate housing, including empty-nester couples, own at least two cars. Since The Kensington would be located in an area in Bronxville that already experiences high demand for a limited number of parking spaces, we recommend providing parking for residents at 1.8 spaces per unit plus ten percent for visitors. (F.P. Clark, Village Planning Consultant, Memo, 9/9/2005, pg. 6)

Response A.1:

The Village of Bronxville Zoning code requires 1.5 parking spaces per dwelling unit in the Six-Story Multiple Residence D, zoning district, and 1.0 parking space per unit for an age-restricted residential development in this district. This ratio accounts for resident and visitor parking. The Kensington proposes an age-targeted development and is in compliance with the parking standard for Six Story Multiple Residence D zoning district.

The revised Proposed Action includes 54 residential units and 100 parking spaces within the subsurface garage to accommodate proposed residential demand. This yields 1.85 parking spaces per unit.

The Proposed Action also includes a 200 space parking garage for use by the Village of Bronxville to replace the existing 179 space at-grade parking lot. The Village of Bronxville will determine the number of metered and permitted spaces within the Village parking lot.

**Table III.A-1
Comparison of Area and Bulk Regulations
for Six-Story Multiple Residence D
Zoning District and Proposed Age-Targeted Development**

	Six-Story Multiple Residence D	Six-Story Multiple Residence D (Age Targeted)
Minimum Lot Area	12,000 s.f.	60,000 s.f.
Min. Lot Depth	100 feet	90 feet
Min. Street Frontage	-	600 feet
Maximum Units	-	55units
Maximum Building Length	180 feet ¹	675 feet
Minimum Front Yard	20 feet	0 feet
Minimum Rear Yard	30 feet	0 feet
Minimum Side Yard (one yard)	25 feet plus 1/6 height of structure	0 feet
Minimum Side Yard (two yards)	-	0 feet
Minimum Habitable Dwelling Area	1,500 s.f.	1,000 s.f.
Open Space	300 s.f.	500 s.f.
Maximum Building Coverage	25 percent ⁶	100 percent
Maximum Building Height	6 story/72 feet	5 Story//60 feet
Off Street Parking	1.5 spaces/dwelling unit	1.5 spaces/dwelling unit

Source: Code of the Village of Bronxville, New York, v16. Updated 12-15-2003. Part II General Legislation. Chapter 310, Zoning. Article III. District Use and Bulk Regulations.

Notes:

1. Planning Board approval required to exceed 180 feet in length
2. § 310-13.F. (1) Where the Planning Board finds that the provision of the required off-street parking space underneath the principal building or in such a way as to enable the roof thereof to be used as part of the grounds would be impractical, the Planning Board may authorize the issuance of a special permit allowing accessory garages to cover an additional 10 percent of the area of the lot. Garages designed to enable the roof thereof to be used as part of the grounds shall be exempt from any coverage limitation.

Comment A.2:

The DEIS states that during the construction of The Kensington, 179 existing municipal parking spaces will be relocated until construction of the below grade parking structure is complete. The feasibility and potential impact of relocation of these parking spaces are not discussed in the DEIS. Information regarding potential impacts and mitigation for loss of parking spaces should be provided, and it should include a plan and location for temporary parking in addition to allowing street parking mentioned in the DEIS. (F.P. Clark, Village Planning Consultant, Memo, 9/9/2005, pg. 7)

Response A.2:

The Village of Bronxville prepared a parking plan to accommodate the 179 existing site parking spaces during construction of the proposed project. A detailed Parking Plan is included in the Appendix to the FEIS. The plan includes the following:

Displaced Parkers

At present, there are approximately 180 spaces in the Kensington lots. In addition to these 180 spaces, an additional 40 on-street parking spaces (for a total of 220 parking spaces) would be displaced during the peak construction process¹.

Temporary parking will be addressed as follows:

- The Village of Bronxville is in the process of requesting the New York State Legislature to permit the use of up to 180 spaces on-street for “permit/reserved” parking. These spaces could be located along Sagamore Road, Valley Road, Paxton Avenue and Dewitt Avenue.
- The Village and the Applicant are working with Avalon Properties to utilize the existing Mobil lot. The lot will be repaved and the existing building on site would be razed. This lot will provide parking for approximately 90 vehicles.
- The Village and the Applicant have also considered the possibility of utilizing the Maltby Park lot. However, it is assumed that the combination of on-street parking and the Mobil lot, providing approximately 270 parking spaces, would provide sufficient parking to accommodate any temporary displacement.

Construction

During the construction process, there will be typically approximately 30-40 construction workers on-site. The number of construction workers will increase to some 100 workers during the “finished phase” of the project. In order to ensure that the construction workers will not utilize on-street parking spaces, the Applicant is in the process of entering into agreement with the Bronxville Women’s Club to use their parking lot during the week. This parking lot would allow for parking of approximately 40 vehicles. During the time of peak activity, the General Contractor would be required to obtain alternate sites for parking construction workers. The General Contractor would be required to provide documentation of proposed parking areas to the Village of Bronxville in advance of construction.

Any Site Plan Approval would contain conditions requiring that adequate replacement and construction working parking be in place prior to construction and throughout the construction period.

Comment A.3:

A blasting plan that fulfills MTA and Village requirements, including a timetable, should be provided. (F.P. Clark, Village Planning Consultant, Memo #1, 9/9/2005, pg. 7)

¹ Assuming parking on either side of Kensington Road would be prohibited.

Response A.3:

Chopping will be the most likely method utilized for rock removal. A seismic refraction survey may be required prior to excavation in order to determine if blasting is required. This test cannot be performed during months with a risk of frost, so it must wait until spring. This test will occur in Spring 2006. In addition, parked cars for the majority of the site would need to be removed for the three days of required testing. In the event that blasting is required, the Applicant will work with the Village and Metro-North to ensure all protective measures will be put in place. Any Site Plan Approval would contain conditions to this effect.

Comment A.4:

How much of a variation from the number of dwelling units per acre and population per acre recommended in *Patterns for Westchester* does the proposed action represent? The Applicant should include specific densities stated in *Patterns* and compare them to those of the proposed action. (F.P. Clark, Village Planning Consultant, Memo, 9/9/2005, pg. 7)

Response A.4:

Page III.A-5 of the DEIS provides a description of the residential densities described in *Patterns for Westchester* as well as a comparison of the Proposed Action with those densities. As described in this section, *Patterns for Westchester* classified the area abutting the railroad as High Density Urban, with a Gross Residential Density (GRD; dwelling units/acre) guideline of between 6 and 26. At a density of 26 dwelling units per acre, the site could include 42 multi-family units. The original Proposed Action included 61 units on a 1.63 acre site, which has a GRD of 37 units/acre. The revised Proposed Action includes 54 units on the 1.63 acre site, which has a GRD of 33 units/acre. The Village of Bronxville considered residential density guidelines set by *Patterns of Westchester* when preparing its 2002 Community Plan. Specifically, the Village of Bronxville adopted the goal of maintaining its historic development patterns including locating higher density residential development around the Metro North Railroad station. The Proposed Action is consistent with that goal.

Comment A.5:

This paragraph states that the Village professional staff is currently reviewing several locations for temporary relocation of existing parking spaces that would be affected by construction of The Kensington. Given the significant impact of loss of 179 parking spaces, the Applicant should provide a detailed plan regarding temporary parking to mitigate the loss of so many spaces for an extended period of time.

While it would make construction phasing and site security somewhat more complicated to plan, we suggest that the Applicant consider building all or part of the parking garage before beginning construction of the residential buildings so that all or part of the garage could be used while the buildings are being built. (F.P. Clark, Village Planning Consultant, Memo, 9/9/2005, pg. 7)

Response A.5:

See Response A.2 for parking plan.

Active construction would continue on-site through completion of the proposed residential buildings. As such, based on safety concerns, the proposed subsurface parking garage would not open until construction of the proposed residential buildings is substantially complete.

Comment A.6:

The property is owned by the Village, by the taxpayers of the Village, and when they tried to develop it before, they could not sell the property. That was not legally allowed. So they had to lease it and I wanted to know if they have done that this time? Are they leasing this property to the builder? (Dorothy Brennan, Kensington Road, Public Hearing Transcript, 9/14/2005, pg. 39)

Response A.6:

The Applicant is in contract to purchase the site. The contract will close upon grant of all final approvals and the building permit for the site.

Comment A.7:

Finally, it is unclear how Alternative 5 can achieve a building height of 63 feet with 6 stories, while Alternative 2 and 3 rise to 72 feet. (F.P. Clark, Village Planning Consultant, Memo #1, 9/9/2005, pg. 13)

Response A.7:

Alternative 5 proposes one six-story building, with 55 units and an approximate height of 55 feet. Alternative 2, No Zoning Text Change, could include a structure with the bulk and height requirements that are permitted under current site zoning. That is, in the Six-Story Multiple Residence D zoning district, maximum building height is 6 story/72 feet².

Comment A.8:

I would like you to find out the legal standing of the building, because I heard someone say we sold it to this gentleman. (Dorothy Brennan, Kensington Road, Public Hearing Transcript, 9/28/2005, pg. 57)

Response A.8:

See Response A.6.

Comment A.9:

Page III.A-4, offices occupied the frontage along Pondfield Road West between the avenue and the right of way. It's in the second full paragraph. Just to differentiate between Pondfield Road and Pondfield Road West, which is important. (Ms. Palermo, Public Hearing Transcript, 10/12/05 pg. 21)

² Source: Code of the Village of Bronxville, New York, v16. Updated 12-15-2003. Part II General Legislation. Chapter 310, Zoning. Article III. District Use and Bulk Regulations.

Response A.9:

Comment is incorporated by reference.

Comment A.10:

On III.A-9, there is a discussion about requirements of Metro-North and I know those comment letters have come in because we think we want an update on where the project stands with Metro-North. (Mr. Chairman, Public Hearing Transcript, 10/12/05 pg. 21)

Response A.10:

The project has been and will continue to coordinate with MTA Metro-North Railroad throughout the Site Plan Approval Process. As noted in the DEIS, the project would require an entry permit from MTA Metro-North Railroad, which would occur during the Site Plan Approval Process.

Comment A11:

I have a comment on III.A. I could be wrong on this, but the calculation of my own taxes that went on III.A-6; it says school taxes compromised 49 percent of the total property tax. I think it is much more significant than that. I think it is more like 75 percent or 80 percent. (Mr. Blessing, Public Hearing Transcript, 10/12/2005, pg. 26)

Response A.11:

Based on discussion with the Village of Bronxville Tax Assessor and the Town of Eastchester Tax Assessor, potential taxes to be generated by the proposed project were reevaluated. The methodology for this reevaluation is included in Section III.J of this FEIS.

Taxes payable to Bronxville (Village taxes and School District taxes) are estimated to total approximately \$703,000, of which \$595,899 would be allocated to the Village of Bronxville School District. This represents 85 percent of the tax revenue allocated to the Village and 66 percent of total tax revenue generated by the project. Taxes payable to other jurisdictions originally estimated to range from \$385,000 to \$560,000 have been revised downward to a total of \$196,000 due to the application of an equalization rate currently used by the Town of Eastchester, which is less than the Bronxville equalization rate.

Additional information on the fiscal impact analysis can be found in Response J.3 of this FEIS.

III. EXISTING ENVIRONMENTAL CONDITIONS, ANTICIPATED IMPACTS AND MITIGATION

B. Demographics

B. Demographics

No comments were received on this section of the DEIS.

III. EXISTING ENVIRONMENTAL CONDITIONS, ANTICIPATED IMPACTS AND MITIGATION

C. Visual Resources

C. Visual Resources

Comment C1:

Spectrum WCI contracted under Exhibit C to restrict the building height to no more than 46 feet of height from the plaza deck, which is a total of four stories. Village officials on Monday confirmed that there was no amendment that has been offered to that contract. (Ms. Callahan, Public Hearing Transcript, 10/12/05, pg. 59)

Response C1:

The Contract has not been amended. The proposed buildings will be four stories in height.

Comment C2:

This six-story plan is a really big building. What you removed in length, you doubled in height. Neighboring residents in a 360-degree radius from the site will be viewing this building from their living room windows at Northgate, their dining room windows at Lake Avenue Apartments, and the bedroom windows at Gramatan Court Apartments.

So this proposed, if it is accepted, a six-story building built on a parking garage will be in essence, approximately eight stories in height for our neighbors. Obliterating reciprocal views and dwarfing some of Bronxville's largest apartment building - - by the way, I had to go 100 feet back because I couldn't get it in my photo- - which included Northgate and Southgate. That is unacceptable.

The alternative plan is positioned on a hilly Kensington Road, such as Sagamore is hilly. It will be as tall as two Avalons. One stacked on top of the other and the height of the Gramatan Court Townhouse elevator shaft. I hope everybody realizes that. We all see this from the train station. The building that the shaft is on top of is two stories. The shaft itself is four. This alternate plan would be taller than Lawrence Hospital once placed on a parking lot platform, and that is by no definition a moderately scaled building. (Ms. Callahan, Public Hearing Transcript, 10/12/05, pg 60-63)

Response C2:

Comment noted. Alternative 5 is no longer being proposed. Therefore no additional design material or analyses will be provided.

Comment C3:

I understand that there is no model. That there are drawings or renderings, but I would suggest that there be a model, because I am a design student and a designer and the things that you learn - - while you are asked to render things like color and to show lights and shadows and nothing shows lights a model. And show mass in relation to other masses around it. And you want to see that and I think that will help you appreciate the differences between the four and six-story buildings. I don't know why there is resistance in making a model. In fact, I can do it. (Ms. Curtis, Sagamore, Public Hearing Transcript, 10/12/05, pg., 94)

Response C3:

Based on subsequent meetings and discussion with the residents of Bronxville, and the Planning Board, the Applicant will not be pursuing the six-story building Alternative (Alternative 5) presented in the DEIS. As such, because no comparison between the Proposed Action and Alternative 5 in terms of scale and massing would be required, no additional model, drawings or shadow analyses will be prepared for Alternative 5.

If required, the Applicant would prepare a massing model of the proposed project during the Site Plan Approval Process.

Comment C4:

I really think you ought to do model too. And I would include some of the surrounding buildings and I would do the two options. That is point one.

Point two is, it seems to me it's worth painting on the ground the footprints. Let's see physically what we are talking about. And on six-story building, you can even show the setback in a different color if you want.

Dorothy suggested balloons being extended up to the level of these various structures. Again, why not publicize a week, or a day, or an hour when the balloons are up, and the markings are there, and come to the meeting with the model and let us see what we are talking about, because I don't know which of these proposals I would even vote for if I were forced to vote. (Ms. Eloise Morgan, Hill Top, Public Hearing Transcript, 10/12/05, pg. 96-98)

Response C4:

See Response C3.

Comment C5:

It is understood that your office is in the process of preparing a graphic analysis, including possibly 3-D modeling, of the relationship of the proposed Kensington project to other properties and buildings in the neighborhood in which it will be located. This is being done as per the request of the Bronxville Planning Board which I transmitted to you. It is further understood that the purpose of this analysis will be to demonstrate the scale and form of your proposed project in relation to the scale and form of existing building in the surrounding neighborhood. This analysis should be incorporated as a part of the FEIS.

It is also understood that WCI will inform the Planning Board when this analysis is completed and you are prepared to present it to them.

If this confirms your understanding of our conversations and your agreement, you need do nothing further. If however, it does not, please let me know. (David J. Portman, FAICP, Letter, 10/31/05, pg. 1)

Response C5:

See Response C3.

III. EXISTING ENVIRONMENTAL CONDITIONS, ANTICIPATED IMPACTS AND MITIGATION

D. Historic, Cultural and Archeological Resources

D. Historic, Cultural and Archeological Resources

Comment D1:

The first paragraph states that in addition to the 25-foot wide landscaped open space located at the southern end of the project site, and the 7,000 square foot central courtyard, the proposed project also includes three landscaped “pocket parks” located along the eastern facades of the two buildings. Was this 25-foot wide landscaped open space included in the calculation of open space proposed?

Most of the landscaping proposed will be planted in movable containers located in the roof of the garage or in fixed containers engineered into the structure of the garage. The ability of these containers to afford a suitable environment are crucial to the success of the landscape plans for open spaces and parks designed for the proposed action.

More information regarding the size and construction of the containers and the plant species selected for installation will be required to review the feasibility of such an extensive roof-top landscape plan. Therefore, a complete set of plans detailing the size and construction of all containers that would be used as planting beds should be provided. The plans should include container dimensions, construction materials, composition of growing medium, provisions for watering and drainage, insulation materials, etc. A landscape plan with a complete plan schedule at a scale of one-inch equals ten feet should accompany the engineering plans.

An appropriate maintenance and replacement plan will be necessary to ensure that plantings installed reach the design expectations of the landscape plan. To aid in the review of the landscape plan, a maintenance and plant replacement plan should be provided. (F.P. Clark, Village Planning Consultant, Memo, 9/9/2005, pg. 7)

Response D1:

Total open space for the *revised Proposed Action* is **27,277 s.f.** is as follows:

- Southeast open space: **5,840 s.f.**
- Area of center courtyard: **647** square feet landscaped open space). This courtyard has been redesigned from the original action plan and is now smaller.
- South bldg western court: **1,798 s.f.**
- North bldg western court: **4,064 s.f.**
- Remaining podium open space: **14,928 s.f.** (Note: does not include uncovered area of entry driveway to garage of 196 s.f.)

Total podium open space: **27,277 s.f.** (This area is larger than original action plan due to building plan changes and the podium extending over northern curved garage ramp)

Total open space (not including un-covered garage entry drive and north access road): **27,277 s.f.**

The revised Proposed Action includes 54 units. Total open space (**27,277 s.f.**)/54 units = **505** square feet per unit

Detailed landscaping plans will be provided during site plan review. The Kensington Homeowners’ Association would be responsible for landscape maintenance and replacement as necessary.

Comment D2:

A photometric lighting plan and details showing site and lighting should be provided along with examples and specifications for potential lighting fixtures. (F.P. Clark, Village Planning Consultant, Memo #1, 9/9/2005, pg. 8)

Response D2:

A lighting plan will be submitted during the Site Plan Approval Process. The Planning Board will impose site plan conditions, if necessary, to ensure that lighting will not negatively impact neighbors.

Comment D3:

The first sentence of this section states that “The Kensington will be erected close to buildings that are already listed in the National Register of Historic Places (Christ Church and Gramatan Arcade) or are eligible for such listing (Gramatan Court). Research into sites in Bronxville on the National Register does not confirm that either Christ Church or the Gramatan Arcade is listed in the Register.

The DEIS refers to construction management policies for mitigation of any accidental damage to nearby buildings. A complete description of these construction management policies should be submitted.

The Traffic Impact Study assessed the traffic impacts created by a proposed development of 65 age-targeted condominium type units on the local roadways. Our preliminary findings indicate that the Applicant’s Traffic Study followed standard traffic engineering principles and procedures and the proposed development would not create a significant impact on local roadways. However, we require responses to the following comments and recommendations to finish our review. (F.P. Clark, Village Planning Consultant, Memo #1, 9/9/2005, pg. 8)

Response D3:

The cultural resources technical report appended to the DEIS states that, as of 12/2004, there were only two individual Bronxville structures listed in the National Register: the Masterton-Dusenberry House at 90 White Plains Road on the extreme eastern side of the Village and the Colonial Revival style Bronxville Post Office on Pondfield Road. In addition to the two **individual** listings, the Lawrence Park Historic District (LPHD) is listed in the National Register. The LPHD includes the commercial Gramatan Arcade and the Christ Church and its garden, located on Sagamore Road.

A Construction Management Plan is included in Appendix D of this FEIS.

Traffic comment noted.

III. EXISTING ENVIRONMENTAL CONDITIONS, ANTICIPATED IMPACTS AND MITIGATION

E. Traffic and Parking

E. Traffic and Parking

Comment E.1:

The Applicant should identify the day and date of the manual turning movement counts, submit copies of the field survey data and provide calculations of the peak hour factors. (F.P. Clark, Village Planning Consultant, Memo, 9/9/2005, pg. 9)

Response E.1:

The manual turning movement counts were taken on May 24, 2004 and May 25, 2004. Copies of the field survey data and calculations of the peak hour factors are included in [Appendix D of this FEIS](#).

Comment E.2:

The Applicant should identify the dates in June when the parking utilization study was conducted. (F.P. Clark, Village Planning Consultant, Memo, 9/9/2005, pg. 9)

Response E.2:

The parking utilization study was performed on Monday June 13, 2005; Tuesday June 14, 2005 and Wednesday June 15, 2005.

Comment E.3:

As identified in the Applicant's Traffic Impact Study and based on trip-generation rates published by the Institute of Transportation Engineers, the proposed development is projected to create 37 vehicle trips during the weekday morning peak hour and 43 vehicle trips during the weekday afternoon peak hour. It should be noted that the Applicant applied the trip-generation rates for a typical residential condominium/townhouse development and not the lesser rate available for age-restricted housing. The Applicant also did not reduce the volume of site-generated traffic due to the site's proximity to local shops and the Metro-North train station. Therefore, the Applicant's traffic projections are conservative and appropriate for this analysis. (F.P. Clark, Village Planning Consultant, Memo, 9/9/2005, pg. 9)

Response E.3:

Noted.

Comment E.4:

The Traffic Impact Study indicates that during the morning peak hour a total of 40 vehicles entered the three existing parking lots and 45 vehicles exited the parking lots during the afternoon peak hour. Since 179 parking spaces are available, the traffic count data could imply that 22 percent of the spaces are occupied during the weekday morning peak hour and 25 percent of the parking spaces are vacated during the weekday afternoon peak hour. The Applicant should identify if the Traffic Impact Study was conducted based on an analysis of the peak hour of traffic activity at the parking lots or the peak hour of activity along Pondfield Road. (F.P. Clark, Village Planning Consultant, Memo, 9/9/2005, pg. 9)

Response E.4:

The volume of traffic entering or leaving the parking area was recorded during the Peak AM and PM hour traffic surveys. The number of cars entering/exiting the parking areas is not an indicator of vehicles parked in the various lots.

Comment E.5:

The Applicant should include an update in the DEIS regarding the status of the temporary displacement of municipal parking experienced during the construction process. (F.P. Clark, Village Planning Consultant, Memo, 9/9/2005, pg. 9)

Response E.5:

The Applicant and the Village of Bronxville are working closely on a temporary parking plan to handle not only displaced parkers from the Kensington Lot but also those on-street parking spaces that may be disrupted during the construction process. Temporary parking for displaced municipal parking is described below:

Displaced Parkers

At present, there are approximately 180 spaces in the Kensington lots. In addition to these 180 spaces, an additional 40 on-street parking spaces (for a total of 220 parking spaces) would be displaced during the peak construction process¹.

Temporary parking will be addressed as follows:

- The Village of Bronxville is in the process of requesting the New York State Legislature to permit the use of up to 180 spaces on-street for “permit/reserved” parking. These spaces could be located along Sagamore Road, Valley Road, Paxton Avenue and Dewitt Avenue.
- The Village and the Applicant are working with Avalon Properties to utilize the existing Mobil lot. The lot will be repaved and the existing building on site razed. This lot will provide parking for approximately 90 vehicles.
- The Village and the Applicant have also considered the possibility of utilizing the Maltby Park lot. However, it is assumed that the combination of on-street parking and the Mobil lot (providing parking for approximately 270 vehicles) would provide sufficient parking to accommodate any temporary displacement. There will be a condition of Site Plan Approval, if granted, requiring alternate parking to be in place throughout construction.

¹ Assuming parking on either side of Kensington Road would be prohibited.

Comment E.6:

The Applicant should include an update in the DEIS regarding their investigation into off-site parking for construction workers and managers that can be brought to the site via bus or train. (F.P. Clark, Village Planning Consultant, Memo, 9/9/2005, pg. 10)

Response E.6:

During the construction process, there will be typically approximately 30-40 construction workers on-site. The number of construction workers will increase to some 100 workers during the “finished phase” of the project. In order to ensure that the construction workers will not utilize on-street parking spaces, the Applicant is in the process of entering into agreement with the Bronxville Women’s Club to use their parking lot during the week. This parking lot would allow for parking of approximately 40 vehicles. During the time of peak activity, the General Contractor would be required to obtain alternate sites for parking construction workers. The General Contractor would be required to provide documentation of proposed parking areas to the Village of Bronxville in advance of construction. There will be a condition of Site Plan approval, if granted, requiring that adequate construction working parking be in place throughout the construction period.

Comment E.7:

The Applicant has identified that construction vehicles would arrive and leave the site from Palmer Avenue. The Applicant should identify the types of construction vehicles to be used and verify that the necessary turning radii and vertical clearances are available. (F.P. Clark, Village Planning Consultant, Memo, 9/9/2005, pg. 10)

Response E.7:

The exact time, hours of operation, frequency and types of equipment cannot be identified until a hauling contractor has been hired. The contract with the hauling contractor will require the contractor to coordinate with the Village Police Department on times, routing, etc. to minimize the impact on Village residents. This provision will also apply to the general contractor in other areas, i.e., deliveries of equipment, materials etc. The Palmer Avenue overpass has a limited clearance, which will reduce truck traffic. Some haulers use trucks that can be accommodated within this height restriction. Trucks, which exceed this dimension, could be routed out of the Village primarily along Kraft Avenue to Midland Avenue, however other alternate routes will be examined. The Applicant has performed analyses of turning radii, and the proposed route would allow clearance for most construction vehicles.

The Applicant met with the Chief of Police on March 16, 2006 to advise him of the project and the steps proposed to handle traffic during construction. These steps included the requirement for the contractor to inform the Police Department of delivery times, hours of operation, etc. The Chief recognized the need for this coordination. The use of a roundabout at the intersection of Kensington and Sagamore Roads was also discussed. The Police Department recognized the traffic calming effect of the roundabout and indicated that they would work with the Applicant during final design.

Additional details on truck routes would continue to be discussed during the Site Plan Approval Process.

Site Plan Approval, if granted, will contain condition(s) to ensure that construction vehicles will not unreasonably impede traffic flow.

Comment E.8:

In addition to the projected truck traffic, the Applicant should identify the number of construction workers and construction-related vehicles anticipated during each construction stage. (F.P. Clark, Village Planning Consultant, Memo, 9/9/2005, pg. 10)

Response E.8:

The busiest truck traffic would occur during the excavation/foundation phase when up to 50 trucks per day could be transporting material away from the site. This is a “worst case” projection and it is likely that truck traffic would normally be below this level. The busiest period for onsite workers would occur during erection of the superstructure when it is estimated that approximately 100 workers could be onsite.

Comment E.9:

The Applicant should provide additional details to clarify the impact created by truck traffic during the construction process. As indicated in the DEIS, the highest level of construction traffic will be generated in Phase 1 during the removal of materials when up to six trucks per hour may be utilized. The Applicant has identified that it will be necessary to remove 10,000 to 15,000 yards of soil materials. Assuming the use of a tractor-trailer with a capacity of 40-yards, the removal of 10,000 to 15,000 yards of soil may require 250 to 375 truck trips. If the busiest peak hour will generate six trucks per hour, the duration of the total peak hour period may last 42 to 63 hours. The Applicant should identify how this level of peak hour activity will be distributed (duration and frequency) over the seven-month construction stage. (F.P. Clark, Village Planning Consultant, Memo, 9/9/2005, pg. 10)

Response E.9:

(See Response E.8) It is anticipated that the number of vehicles using area roadways will be set by the Village of Bronxville Police Department to meet roadway conditions. The Applicant met with the Chief of Police on March 16, 2006 to advise him of the project and the steps proposed to handle traffic during construction. These steps included the requirement for the contractor to inform the Police Department of delivery times, hours of operation, etc. The Chief recognized the need for this coordination. The use of a roundabout at the intersection of Kensington and Sagamore Roads was also discussed. The Police Department recognized the traffic calming effect of the roundabout and indicated that they would work with the Applicant during final design.

See Response E.7 regarding Site Plan conditions.

Comment E.10:

We have on-going traffic problems on Kensington Road. I want to see this building come, but I want to see that the traffic situation there is addressed. The parking underneath the property is great. The triangle is used as a drop off/ pick up for commuters, and by double-parked cars at the Blue Moon restaurant.

Beechtree, is not viewable when you try to take a left-hand turn from Beechtree on to Kensington Road, you have to go three quarters into the street to even see if you can make a left-hand turn on whether traffic is oncoming as well. (Cindi Callahan, 25 Sagamore Road, Public Hearing Transcript, 9/14/2005, pg. 47-49)

Response E.10:

Many of the issues presented in this comment are enforcement issues. The Applicant will work with the Village to review these issues. The entrance/exit to the proposed garage will be located west of Beechtree Lane and will not affect the current operations. The sight lines issue is a question to be addressed by the Village.

Comment E.11:

You are still talking 300 parking spaces all together; 200 on the upper level of parking, which is closer to the street and 100 below? (Bill Murphy, Public Hearing Transcript, 9/14/2005, pg. 49)

Response E11:

The Proposed Action includes a subsurface parking garage, which will include 100 spaces for the condominium units and 200 spaces for use by the Village to replace the existing 179 spaces. The parking structure would be two levels, located below grade. Parking for The Kensington residents would be provided on the lower level of the parking garage. Approximately 200 spaces for Village and commuter parking would be provided on the upper level of the parking structure.

Comment E.12:

The concern I have is safety. There is going to be a tremendous increase in traffic if this project proceeds, and right now, there is a lot of speeding up Sagamore Road and down Sagamore Road. Shouldn't the Village also install say a camera, which actually takes pictures of vehicles that exceed the speed limit? Shouldn't that be part of this project? There should be some plan in place to insure security in the park at night and that should be taken into consideration if you go ahead with this action. (Jim Lewis, Public Hearing Transcript, 9/14/2005, pg. 56-57)

Response E.12:

As noted in Response E10, this is a Village issue. Where appropriate, the Applicant will work with the Village, to address these issues

Comment E.13:

I really don't think the scope of the DEIS really talked about impact on the triangle. It talked about traffic - the trips in and out of the project. All of the ingress and egress is at the southern end of the property right around that circle and it really is pretty problematic right now. I think the DEIS really needs to address that and how best to mitigate that. (Mr. Westerfield, Public Hearing Transcript, 9/14/2005, pg. 58)

Response E.13:

The triangle has a significant amount of pavement. The circulation patterns at this intersection are an existing problem for the Village. The Applicant has recommended one option for controlling traffic movements in this area (see [Exhibit III.E-1 in Appendix A](#)). Turning radii analyses have been performed at this intersection to confirm that ample clearance would be provided for emergency vehicles. In addition, this option (and the recommended traffic circle) provides a traffic calming measure to slow traffic at this intersection.

The Applicant met with the Chief of Police on March 16, 2006 to advise him of the project and the steps proposed to handle traffic during construction. These steps included the requirement for the contractor to inform the Police Department of delivery times, hours of operation, etc. The Chief recognized the need for this coordination. The use of a roundabout at the intersection of Kensington and Sagamore Roads was also discussed. The Police Department recognized the traffic calming effect of the roundabout and indicated that they would work with the Applicant during final design.

The Applicant will continue to coordinate with the Village Police Department and the Town of Eastchester Fire Department to further discuss this option during the Site Plan Review process. The final circulation pattern will be jointly developed between the Village and Applicant.

Comment E.14:

Kensington is very wide at that end and Kensington into Sagamore permits cars going any which way as they come to that intersection – I think the traffic flow should be addressed. (Ms. Smith, Public Hearing Transcript, 9/14/2005, pg. 59)

Response E.14:

See Response E.13.

Comment E15:

Outlined below are recommended improvements to address some of the traffic concerns;

Reduce the speed of traffic from Avon to the Sagamore/Kensington merge. Currently there are no humps, pavers' breaks or stop signs that exist in this winding 5-6 block span.

Address double parking in front of Blue Moon restaurant, which is located at the Sagamore/Kensington merge, adjacent to the area in which traffic will be entering and exiting the proposed development.

Address standing traffic on Kensington Road during commuter rush hours where traffic will be entering and exiting the proposed development.

Regulate the span of the Sagamore/Kensington merge. At times, this space is used for illegal U-turns combined with standing traffic and double parked cars, the area where traffic will be entering and exiting the proposed development. I would hope that the ability to make those U – turns could be made difficult producing a reduction of turns in this heaviest pedestrian crossing.

Reduction of height to the existing landscape on the corner of Beechwood (sic) [assume that the writer means Beechtree] and Kensington, where safe left turns are visually blocked. Beechwood (sic) [assume that the writer means Beechtree] is an alternate street that residents of Kensington Road use to access their homes and parking when coming from the direction of Tuckahoe. Thank you for your attention on those very important matters. (Cindi Callahan, 25 Sagamore Road, Letter, 9/30/2005, pg. 1-2)

Response E15:

Recommendations have been noted.

The height of vegetation at Beechtree/Kensington is an existing Village issue.

See also Response E.13.

Comment E.16:

The major traffic areas are from Avon Road going to the merge of Kensington Road and Sagamore Roads. This area gets used as a speed area with nothing to break it in the middle, so my question is, what can you do between Avon Road and Sagamore and Kensington Road to slow down traffic? How do you regulate the merge intersection of Kensington and Sagamore Road, since this is high pedestrians area for the children that are going to school and people who are going on the train? Please address the double parking issue in front of Blue Moon? How do you regulate the U-turn? This wide-open space on a second plan into the six-story building certainly does open up the area. It also opens up so wide and it also encourages more U-turns in that area, so how does the second plan regulate that? (Ms. Cindi Callahan, 25 Sagamore Road, Public Hearing Transcript, 9/28/2005, pg. 86-87)

Response E.16:

See Response E.13.

Comment E.17:

It is going to be a nightmare for the people in the neighborhoods and children, cars—where are they going to park? (Ms. Dorothy Brennan, Kensington Road, Public Hearing Transcript, 9/28/2005, pg. 91)

Response E.17:

See Response E.11.

Comment E.18:

The original floor plans showed the two parking levels extending the full length and width of the platform. The most recent drawing especially the cross section that we saw in the last few meetings, the lower level was only half the width. So if one-and-a-half levels provide 300 parking spaces, 200 for the Village and 100 for Kensington, that extra half level that is currently shown unexcavated, I assume it would provide an extra 100 parking spots? As you know, parking is a big issue in the Village and an extra 100 parking spots would be a huge benefit. (Jeffrey Faville, Public Hearing Transcript, 10/12/05, pg. 22)

Response E.18:

In addition to the 200 Village parking spaces and 100 resident parking spaces, the proposed subsurface parking garage would contain the following building facilities: mechanical room, stormwater retention tanks, elevator cores, fire stairs, boiler room, trash room, etc. As plans advance and all the aforementioned facilities are designed and located within the garage envelope, it may be possible that the proposed project could provide additional parking to the Village of Bronxville in the subsurface parking garage.

Comment E.19:

On the parking issue, are you saying that it's just the way it is and that it will always be, or is it possible that it could be configured to produce more spaces in a rational way? I didn't hear you presenting it that way, but is that written in stone? (Ms. Smith, Public Hearing Transcript, 10/12/2005, pg. 26)

Response E.19:

The Applicant has a contractual agreement with the Village of Bronxville to provide 200 parking spaces. See additional discussion on this issue in the Public Hearing Transcript, 10/12/2005, pg. 26-27.

Comment E.20:

I have seen no master plan with all of the architectural stuff from 7 years ago. What is going on Kensington? We have a historical Church there by a well-known architect, Tiffany glass window; where are those parishioners going to park? First of all, the trucks cannot go underneath the underpass. Where are they going? We would like to know the master plan. We would like it to be spelled out. And we like to have it put in either the library or in the Village Hall. (Ms. Murray, Public Hearing Transcript, 10/12/2005, pg. 38-40)

Response E.20:

Copies of the DEIS are available for review at the Village of Bronxville Library and the entire DEIS is available for download at the Village of Bronxville's website.

Comment E.21:

Sagamore Road and Kensington Road are constantly getting the shorter end of the stick from the Village. The services that the Village provides us, snow plowing, snow removal, streetlights, police enforcement of speeding is abysmal at best. (Fred Bachman, 64 Sagamore Road, Public Hearing Transcript, 10/12/05, pg. 52-53)

Response E.21:

Noted.

Comment E.22:

We are not interested in having parking at the bottom of the hill for commuters unless our parking is taken care of first. No design is preferred, no building is preferred. (Fred Bachman, 64 Sagamore Road, Public Hearing Transcript, 10/12/05, pg. 53-55)

Response E.22:

See Response .E11.

Comment E.23:

According to Bill Murphy, the Village is 400 parking spaces short. I think that the best thing that I heard this evening was the possibility of an additional 100 parking spaces to be made available. I would hope that those would also be offered possibly to the merchants. (Ms. Callahan, Public Hearing Transcript, 10/12/05, pg. 57-58)

Response E.23:

Comment noted.

Comment E.24:

So I am very curious from Mr. McManus when he alluded about that same obligation that the builder is obligated by contract to provide 200 parking spaces to the Village. What is the difference between what he is obligated to provide for parking and by what he is obligated to build by height? I don't understand that. (Ms. Callahan, Public Hearing Transcript, 10/12/05, pg. 59)

Response E.24:

By contract, the parking garage can be no higher than the high point along Kensington. The height of the building is measured from that point and cannot exceed four stories.

Comment E.25:

Chairman Henderson stated the last time that we were here, that he wanted two things: One, Mr. Blessing asked that he would like to see apples against apples then he felt, or the Board felt they were prepared to move forward with the vote. Because those photographs are not available this

evening, I wouldn't expect that to be done. But you specifically said that you wanted to hear the preferences of the neighborhood. So as I have already presented to the Board of Trustees on Monday evening, I present to you 217 names and e-mails of those who also wanted their preferences to be known. (Ms. Callahan, Public Hearing Transcript, 10/12/05, pg. 63-64)

Response E.25:

Noted

Comment E.26:

I'm Carolyn LoGalbo and I live in Bacon Court (ph) and I'm primarily concerned about two things; congestion and parking. And I think that if there were 200 spaces, my question is how many spaces are already there that will be eliminated as a result of this project? And how many more incremental spaces are available to the Village? (Ms. Carolyn LoGalbo, Bacon Court, Public Hearing Transcript, 10/12/05, pg. 79)

Response E.26:

The site is currently developed with three detached paved parking areas. The parking lots consist of both metered and permit parking for approximately 179 vehicles. The Proposed Action would provide 200 below grade parking spaces for the Village, representing an increase of 21 spaces.

Comment E.27:

We are replacing the 179 spots that people here use and need and we are getting 200. This is woefully insufficient. Where are all these people going to park while you guys are doing construction during that period of time? What is the transition plan? Where is everybody going to go? Sagamore Road is extremely congested. I want to understand what the traffic flows are and I want to understand who else in the Village, what other roads in the Village are going to be taking on some of the burden of this increase congestion and traffic? Unless there is a transition plan, I don't really see why we are discussing anything else. (Ms. Carolyn Logalbo, Bacon Court, Public Hearing Transcript, 10/12/05, pg. 79-81)

Response E.27:

See Response E.5 and E.6.

Comment E.28:

Please remember that the 200 spaces that we are getting, of those spaces, some of those spaces belong to 1 Pondfield Road by law. Some of those spaces I also believe by law belong to Gramatan Hotel. This was all brought up in the last Kensington Road development, so we are not really going to have 200 spaces that we can use immediately. (Ms. Dorothy Brennan, Kensington Road, Public Hearing Transcript, 10/12/05, pg. 81-82)

Response E.28:

The Applicant is by contract providing 200 spaces to replace the existing 179 spaces. The assignment is a Village issue.

Comment E.29:

My concern is with the parking and how much access to Kensington Road do we have once they are done? And once they are done, who is going to redo the road with all the heavy machinery there? And they are going to be making the road worse; and the accessibility during the day is hard enough. Sometimes you can't find parking spots. I'm handicapped and I have a hard time getting from my car to my house sometimes and it is going to be even worse. That is all I have to say. (Steve Sessman, Kensington Terrace, Public Hearing Transcript, 10/12/05, pg. 92)

Response E.29:

See Response E5 and E6. Access to residential parking areas will remain during and after the construction. The condition of the road will be evaluated by the Village and the Applicant after construction and if required repairs will be made as needed. The Applicant will pay for these repairs. Site Plan Approval, if granted, will contain a condition to this effect.

Comment E.30:

Sagamore Road is a truck route in addition to it being a residential street. There should be speed bumps and a daily police officer stationed to catch people at this conflict at Kensington Road and Sagamore. (Ms. Curtis, Sagamore Road, Public Hearing Transcript, 10/12/05, pg. 95-96)

Response E.30:

The use of speed bumps, the stationing of police officers and information systems for area residents was discussed with the Police Department on March 16, 2006. The Applicant will continue to coordinate with the Police Department and the Fire Department through final design.

Also see Response E7 and E9.

Comment E.31:

The routes of the construction trucks should also be on the posting so that residents will know what to expect. The anticipated trucks cannot pass under the railroad bridge as it is not tall enough. Sagamore is a two-way street with an active children's park and the Blue Moon restaurant at its foot. Kensington has no sidewalks and commuters (a great deal) and children going to and from school use this road.

Response E.31:

See Response E.30.

Comment E.32:

I moved into an apartment at 23 Sagamore Road in September and realized while walking my dog that I am assaulted when trying to cross Sagamore. I do cross at the crosswalk, but the majority of cars (99%) neither slow down nor stop if I am in the cross walk. The bend in the road there makes it impossible for the cars to see anyone in the crosswalk. The only solution that I feel would work would be speed bumps.

Maybe a police radar gun for a few weeks might slow down some of the traffic. Also I cannot but think that situation will become more dire as we add more apartments on Kensington Road. (Alice Nuld (ph), 23 Sagamore Road, Letter, 10/24/05)

Response E.32:

The safety issue noted will be considered in any final decisions on the change in the “triangle area”. See Response E.13.

Comment E.33:

Traffic – Kensington Road is a heavily populated family, including elderly and children, as well as commuter traffic from the Metro-North Railroad station. We are concerned about the impact on traffic movement on Kensington Road, and getting in and out of our parking area during construction. Also, what provisions are being made so that Fire, Police and EVAC services may be obtained on Kensington Road?

Plus, these traffic issues will only be compounded by the existing traffic issues on Sagamore Road including speeding, standing traffic, double-parking, illegal u-turns and non-yield to pedestrians. (Board of Directors, Gramatan Court Apartments, Letter, 10/26/05, pg. 1)

Response E.33:

An approved Construction Management Plan will be in place. A draft of this plan is included in [Appendix D of this FEIS](#).

Comment E.34:

Parking – For residents who park in The Kensington Road Parking Lots, what are the plans to accommodate there parking needs during the day and night? Are they going to be parking on the street, which will only add to the traffic issues? (Board of Directors, Gramatan Court Apartments, Letter, 10/26/05, pg. 2)

Response E.34:

See Response E.5.

III. EXISTING ENVIRONMENTAL CONDITIONS, ANTICIPATED IMPACTS AND MITIGATION

F. Soils and Groundwater

F. Soils and Groundwater

Comment F.1:

The Health Department received the Draft Environmental Impact Statement regarding the Kensington Manor site (sic). This letter is the Health Department comments relating to the existing environmental conditions.

The DEIS states that the site is contaminated. The DEIS does not include enough detail to make specific comments. The following comments are general in nature.

The proposed use of a soil vapor extraction system must include a maintenance plan, sampling protocol including indoor air sampling, etc. The soil sample results were not included in the DEIS. A site with contamination soil must address the potential of individuals being exposed to contaminated soil. The DEIS states that the groundwater at the site is contaminated. A long term monitoring program may be necessary to track this contamination.

A more detailed report addressing all of these issues is required. Remediation prior to, or in conjunction with development of the site is the preferred course of action. (Christopher J. Lalak, Radiological and Chemical Analyst, Letter, 9/23/2005)

Response F.1:

The soil sample results are included in Galli's Phase II Environmental Site Assessment Report. The remaining issue will be addressed in the Remedial Action Plan, which will include a soil venting system to help remove the contamination in the soil that will be left behind. In addition to this system, the sub-grade garage will be two levels and will be naturally aerated to provide additional "venting" of the soils.

Once the Brownfield Cleanup Agreement for The Kensington site is executed, a Citizen Participation Plan must be submitted within 20 days and the appropriate work plan(s), with any associated reports, within 40 days of the effective date of the agreement. A work plan cannot be approved until the department has approved the Citizen Participation Plan. Once the work plan has been submitted and appropriately subject to public comment, the New York Department of Environmental Conservation (NYSDEC) will review the work plan in cooperation with the Department of Health (NYSDOH) and provide comment.

To date a work plan (Remedial Action Plan) has been prepared by Galli Engineering for the subject property; however, it has not been submitted for public comment, NYSDEC, or NYSDOH review/approval. As stated above, upon execution of the Brownfield Cleanup Agreement and submittal of the Citizen Participation Plan, the work plan will be submitted for required public comment and regulatory review.

If Site Plan Approval is to be granted, the Planning Board will consider a condition requiring coordination between the Village Building Department and the State Agencies to ensure that construction does not proceed without implementation of the Remedial Action Plan.

Comment F.2:

1. How many cubic feet of contaminated soil is to be removed?
 2. How much contaminated soil will be left behind?
 3. What are the remediation plans for The Kensington site?
 4. In the event of serious health issues involving the buildings occupants, what if any, would be the Village's liability?
 5. How much excavation can take place before it impacts Metro-North?
- (Jerry Vaccaro, 25 Sagamore Road, Bronxville, New York, Letter, October 24, 2005).

Response F.2:

The approximate amount and type of materials to be removed are as follows:

Uncontaminated soil: 10,500 cubic yards

Contaminated soil: 16,100 cubic yards¹

Rock: 14,100 cubic yards

The Remedial Action Plan has not yet been completed. However, the remediation plans will include a soil venting system to help remove the contamination in the soil that will be left behind. In addition to this system, the sub-grade garage will be two levels and will be naturally aerated to provide additional "venting" of the soils.

In terms of liability to the Village, this is a legal issue to be determined by the Village.

There will be a foundation/retaining wall for the building and garage, where the garage area will be excavated out, between the development and the railroad tracks. The excavation will be below the level of the railroad tracks. Any and all construction will be pre-approved by MTA Metro-North Railroad.

Comment F.3:

... is concerned about the mention of contaminated ground water and the runoff of it possibly into our aqua duct (sic) pipes and most importantly leeching into the soil and spreading the contamination (Cindi Callahan via Mayor Mary Marvin, Email, November 3, 2005).

Response F.3:

Groundwater is the part of precipitation that seeps down through the soil until it reaches rock material that is saturated with water. Water in the ground is stored in the spaces between rock particles. Ground water slowly moves underground, generally at a downward angle (because of gravity), and may eventually seep into streams, lakes, and oceans.

Groundwater was not encountered in deep structural soil borings performed at the site as part of a geotechnical investigation, although monitoring wells are located on site.

¹ It should be noted that it is impossible to estimate that amount of contaminated soil that would be left behind. The project would remove most of the contaminated soil, though the depth of the contamination may exceed the depth of excavation.

“Historical laboratory analysis of soil and groundwater samples collected from the south end of the subject property (former Gramatan Garage) have demonstrated the presence of elevated petroleum constituents. Laboratory analysis of soil samples collected from the area of the former heat, light and power plant have shown the presence of elevated total petroleum hydrocarbons. Both these areas of the subject property have been assigned spill numbers by the New York State Department of Environmental Conservation (NYSDEC).” (Galli Engineering, Phase II ESA – May 20, 2004).

As part of the remediation, most of the contaminated soil will be removed from the site, which in turn will stop the contamination from spreading to the groundwater. The remediation will ensure that the surface water does not leach through the contaminated soil, and spread into the groundwater.

Comment F.4:

One of the members of my Design Review Committee has asked a question about the mitigation of when the soils will be remediated and whether or not the original drawings showed a much wider parking area. (Ms. Longobardo, Public Hearing Transcript, 10/12/05, pg. 21-22)

Response F.4:

See Response F.1 and F.2

Comment F.5:

And the other consideration is later on in the DEIS under soil remediation, there is a very involved procedure for containing the contaminated soil with membranes and vents, annual testing and annual maintenance. So I am wondering if that unexcavated section, that half level on the lower level of parking, if that was excavated, would that eliminate either all of the need for the soil containment or most of it? (Jeffrey Faville, Public Hearing Transcript, 10/12/05, pg. 22-23)

Response F.5:

Three primary components were considered in the design of the garage, and the subsurface excavation. The proposed project will excavate to the extent practicable on-site contaminated soils. The current construction plan for the project proposes to contain some of the material that is currently there.

The first component addresses the Applicant’s contractual obligation to provide 200 parking spaces for the Village. The layout of the parking structure was conceptually designed so that all 200 Village parking spaces would be located on one level with immediate access to the Metro-North Railroad platform. This level of the parking garage would also have direct access onto Kensington Road. The second component involved the lower level of the parking garage, which provides parking spaces to accommodate Kensington residents. The public and private areas of the garage enable appropriate security between the Village’s designated spaces and Kensington’s designated spaces.

The final component, involved minimizing construction immediately adjacent to the Metro-North railroad tracks. In addition to the Village and resident parking, the proposed subsurface garage would also contain the following building facilities: mechanical room, stormwater retention tank, elevator cores, fire stairs, boiler room, trash room, etc. The garage design not only separates the public and private parking, but also limits the amount of excavation immediately adjacent to the train tracks.

Comment F.6:

On III.F-10, it talks about the venting with contaminated soil and it says it is done annually. I am wondering if that is done in - - supposed to do it annually, and who is in charge of making sure that it is done in perpetuity. (Mr. Chairman, Public Hearing Transcript, 10/12/2005, pg. 27)

Response F.6:

As is standard practice, a monitoring and maintenance plan would be developed and implemented as part of the Brownfields Program. In addition, copies of all documentation relevant to the venting systems operation, monitoring, and maintenance will be made available to the Village Engineer. Currently, the New York State Department of Environmental Conservation (NYSDEC) requires a routine system check every 18 months. Also, any system alterations/repairs would be submitted to the Village Engineer for review and/or approval prior to initiating the appropriate alterations/repairs.

The air leaving the vent will be sampled under the oversight of the New York State Department of Environmental Conservation by either the developer, the DEC, an independent third party, or any combination of these. The Kensington Homeowners' Association would pay for the monitoring.

Comment F.7:

On III.F-7, the last paragraph says that the following chart gives a break down of the estimated total amount of material needed to be excavated with respect to the contamination, but there is no chart. I don't have a chart of 7 in my copy. (Ms. Palermo, Public Hearing Transcript, 10/12/2005, pg. 27-28)

Response F.7:

**Table III.F-1
Excavated Material**

Type of Material	Amount of Material (cubic yards)
Uncontaminated Soil	10,500
Contaminated Soil	16,100
Rock	14,100
Total Material to be Removed	40,700

Source: Galli Engineering, P.C.
Note: Amounts are approximate

Comment F.8:

As far as the contaminated soil is concerned, why not just remove all of the contaminated soil? It seems to me that this a once in a lifetime opportunity once the building gets constructed, whatever contaminants are there and are covered up, are going to stay there. Why not just remove all of it? (Mr. Jeffrey Faville, Public Hearing Transcript, 10/12/2005, pg. 28)

Response F.8:

All material will be excavated to the foundation of the lower level of the parking garage. All remaining material below that point will be capped in place and the contaminants vented out according to the Remedial Action Plan.

Comment F.9:

Toxic Site – This is a toxic site so there are specific questions as to exactly what chemicals are present, how much toxic soil is to be removed, how much will remain, what will be the remediation process in the immediate and distant future maintenance? Who will monitor the future remediation treatments if needed? What are the potential health impacts to neighboring residents? (Board of Directors, Gramatan Court Apartments, Letter, 10/26/05, pg. 2)

Response F.9:

There is contamination in the soil that has resulted from past operations on parts of the site. The contaminants present include organic compounds left over from a coal gasification plant/powerhouse formerly associated with a hospital and a hotel, as well as a gas station and possibly a garage.

Because these compounds are organic, they are generally attenuated over time by natural biological action. As part of the proposed development, the vast majority of these contaminated soils will be removed from the site and properly treated or disposed, leaving only uncontaminated bedrock exposed. The proposed structure will effectively cap any remaining contaminants (please refer to Phase I and Phase 2 Environmental Site Assessments, Galli Engineering, PC – October 23, 2004 included in Appendix H of the DEIS for information regarding site contaminants), preventing any direct human exposure and preventing any potential infiltration into groundwater. Groundwater is not used as a potable source in this location.

As an additional precaution, engineering controls, in the form of an active venting system will be installed. This system will be made of a network of perforated pipes beneath the structure with a fan to actively vent out contaminants before they can accumulate at any significant concentration. The air leaving the vent will be sampled under the oversight of the New York State Department of Environmental Conservation by either the developer, the DEC, an independent third party, or any combination of these. In the unlikely event that contaminant readings are unsatisfactory, a carbon absorption unit could be easily added to virtually eliminate emissions. Periodic sampling (monitoring) would be conducted until such time when levels have decreased to, and remain at, safe limits.

By removing the source material as a first step, followed by implementation of suitable and simple engineering controls, potential health impacts can be all but eliminated.

III. EXISTING ENVIRONMENTAL CONDITIONS, ANTICIPATED IMPACTS AND MITIGATION

G. Water and Sanitary Sewage

G. Water and Sanitary Sewer

Comment G1:

We note that the first sentence incorrectly states, “The proposed 61-unit condo development is anticipated to have a population of 126 persons and an average estimated daily water usage of 6,450 gallons per day (126 residents x 75 gpd/resident = 9,450 gpd).” 6,450 gpd should read 9,450 gpd.

The last sentence of the paragraph states, “Adequate flow and pressure are available to service the project.” Written verification of adequate flow and pressure should be obtained from the United Water Company. (F.P. Clark, Village Planning Consultant, Memo, 9/9/2005, pg. 10)

Response G1:

The originally proposed 61-unit condo development is anticipated to have a population of 126 persons and an average estimated daily water usage of 9,450 gallons per day (126 residents x 75 gpd/resident = 9,450 gpd).

The revised Proposed Action of 54 units would have a population of 112 persons and an average estimated daily water usage of 8,400 gallons per day (112 residents x 75 gpd/resident = 8,400 gpd).

Verbal confirmation was obtained from United Water Company prior to the preparation of the DEIS. A request for written verification was submitted on November 23rd. This letter is included in Appendix D of this FEIS.

Comment G2:

The Westchester County Health Department has reviewed the Draft Environmental Impact Statement dated July 2005 for The Kensington and offers the following:

Section III G discusses proposed water supply and sanitary sewage usage for the project. The expected water demand is 6,450 gallons per day, and the expected sanitary sewage generation is 19,300 gallons per day, almost double the expected water demand. Please use consistent methodologies to develop these demands.

Comments relating to the existing environmental conditions at this site will be forwarded under separate cover. (Michael Sakala, P.E., Assistant Commissioner Bureau of Environmental Quality, 9/21/2005, pg. 1)

Response G2:

As noted above, the originally proposed 61-unit condo development is anticipated to have a population of 126 persons and an average estimated daily water usage of 9,450 gallons per day (126 persons x 75 gpd/person = 9,450 gpd). Peak daily water usage is anticipated to be 9,450 gpd x 1.8 or 17,010 gpd.

The revised Proposed Action of 54 units would have a population of 112 persons and an average estimated daily water usage of 8,400 gallons per day (112 residents x 75 gpd/resident = 8,400 gpd). Peak daily water usage is anticipated to be 8,400 gpd x 1.8 or 15,120 gpd.

Although actual sewage flow from the project shall be slightly less than water consumption, the "Recommended Standards for Sewage Flow" recommends new sewer systems be designed at a minimum per capita flow of 100 gallons per day. Average daily design flows for the original Proposed Action would have been 12,600 gpd (126 persons x 100 gpd/person = 12,600 gpd). NYSDEC regulations provide for a peak daily sewer flow of 300 gpd/2 bedroom condo or 18,300 gpd (61 condos x 300 gpd/condo = 18,300).

Average daily design flows for the revised Proposed Action would be 11,200 gpd (112 persons x 100 gpd/person = 11,200 gpd). Peak daily sewer flow would be 16,200 gpd (54 condos x 300/gpd/condo = 16,200 gpd).

III. EXISTING ENVIRONMENTAL CONDITIONS, ANTICIPATED IMPACTS AND MITIGATION

H. Stormwater Management

H. Stormwater Management

Comment H1:

On the west side of Kensington Road, at about the midpoint of the proposed development, there is a catch basin that conveys stormwater from Kensington Road westward beneath the existing parking lot and to an outfall on the east side of Metro-North's Harlem Line tracks. There is a single catch basin in the parking lot that is also tied into this line. Thus, this arrangement drains both Kensington Road and the parking lot to the opposite side of the railroad right of way.

In one of Metro-North's early meetings with the developer, the developer's engineers made it clear that they did not want this piping to run through or beneath the proposed structure. Metro-North appreciated this concern, and worked with the developer to find an alternative route with the understanding that Metro-North would not find a solution that resulted in discharge of Village stormwater onto the Metro-North right of way acceptable.

At a site meeting with the developer's engineers on August 6, 2004, a means for achieving both parties' ends was identified. This solution involved the construction of a subterranean retention basin. However, at a subsequent site meeting it was determined that this scheme was not feasible because the only available space for the retention basin is occupied by numerous electrical cables that tie into the adjacent tractium power substation. As an alternative, the developer proposed to route the storm line further north, around the north side of the substation, and terminate it adjacent to the tracks, connecting it to a long length of perforated pipe that would be buried in a rock-filled trench running northward along the east side of the tracks. The intent of such a swale is to allow storm water to pass from the pipe into the rock-lined trench and to further percolate into the surrounding soil. While we appreciate the developer's effort thus far to develop a feasible solution. Metro-North does not believe that this system will be effective installed in the proposed location. At this point on the railroad, the tracks pass through a cut with very little space on the east side of the most easterly track and a steep embankment rising up to the east. As such, there is nowhere to the water to flow to the east, leading to a concern is that the trench would fill with water, which would then inundate the track to the immediate west.

The storm drain in issue was installed by the Village of Bronxville or its predecessor. Although Metro-North and the developer intend to continue to work cooperatively in identifying a solution that is beneficial to all parties (Metro-North, the developer, the Village and the future occupants of The Kensington), it appears necessary to enlist the assistance of the Village in seeking an acceptable solution. As discussed in recent months with the developer's engineers and with the Village Engineer, Metro-North believes that the best approach would be to pipe the storm water beneath the railroad right of way and tie it into the storm drainage on the west site of the tracks that leads to the Bronx River. If such an option does not exist or is otherwise not feasible, then we believe that the only other means would be connecting the stormwater flow to the Village's storm drainage on the east side of the tracks at the vicinity of Kensington and Sagamore.

In summary, Metro-North questions whether the drainage scheme depicted in the DEIS will sufficiently protect the railroad right of way during storm events, and requests that the Village join with Metro-North and the developer to find a feasible means of connecting this storm

drainage to the Village of Bronxville's storm water system. (Karen L. Timpko, Esq., Director of Environmental Compliance and Services MTA, Letter, 9/19/2005 pg. 1-2)

Response H1:

Stormwater flows to the MTA property are expected to be reduced to approximately 75 percent of the flows, which presently drain to MTA. Future flows will be limited to runoff, which discharges from the Village drainage system within Kensington Road. On-site flows, which presently discharge to the MTA property, are proposed to be detained and filtered and then redirected to the Village drainage system. The applicant has proposed to achieve this with the construction of a 75,000 gallon below grade on-site stormwater storage tank in their efforts to mitigate the potential impact from the diversion of these storm flows. The net result will be a decrease in peak flows to both the MTA property and Village drainage system.

The present discharge to the MTA property provides little, if any, mitigation. The applicant's proposal of discharging to a below grade basin shall eliminate the present condition of flows spilling directly into the right-of-way. Furthermore, the proposed infiltration trench shall provide mitigation of initial flows from the system.

Alternate schemes, such as the diversion of flows to the Sagamore Road drainage system would increase flows within the Village system. Also, the applicant is not aware of any Village owned drainage system west of the MTA property where storm flows could be diverted. Site Plan Approval, if granted, would require the submission of a storm water management plan acceptable to the Village and the MTA.

III. EXISTING ENVIRONMENTAL CONDITIONS, ANTICIPATED IMPACTS AND MITIGATION

I. Community Facilities

I. Community Facilities

Comment I.1:

What potential impact would the proposed action have on emergency medical services? (F.P. Clark, Village Planning Consultant, Memo #1, 9/9/2005, pg. 10)

Response I.1:

Based on discussion with Jude Valerioti¹, President of Eastchester Volunteer Ambulance Corp. (EVAC) the Proposed Action would have an impact on EVAC. EVAC is a volunteer organization and as such, staff size fluctuates. The average staff size is comprised of twenty volunteers, responding to approximately 2,000 calls per year. EVAC maintains two ambulances, which are dispatched from 257 Main Street, Eastchester. The average response time to the project site is estimated at two to three minutes. The primary concerns in terms of project design with respect to emergency medical services are: (1) access and (2) that elevators should be sized to fit stretchers. Adequate access will be provided in the center courtyard. In addition, at least one elevator will be sized to accommodate a stretcher. The Applicant will continue to coordinate with the Eastchester Fire Department and EVAC if they are interested, throughout the design process.

Comment I.2:

This section does not discuss whether the private carting service will handle recyclables in addition to the garbage or potential impacts to other public work services, such as snow removal, road maintenance, sidewalk maintenance, and utility maintenance. The information should be provided. (F.P. Clark, Village Planning Consultant, Memo #1, 9/9/2005, pg. 11)

Response I.2:

A private carter would be contracted to provide pick-up of both general household trash and recyclable materials. The material will be contained in trash rooms until the carter collects the material for disposal. The Homeowners' Association would manage snow removal on site, on the adjacent sidewalk and on the stairs to the Metro-North platform. Road maintenance would be the responsibility of the Village. Utilities would be managed/maintained by the various utility providers.

Comment I.3:

I don't understand the private carting for your garbage. If you are paying taxes to the Village, I don't understand why you are going to pay for your garbage. Is that a definite thing or just to sweeten the pot? (Dorothy Brennan, Kensington Road, Public Hearing Transcript, 9/14/2005, pg. 42)

Response I.3:

See Response I.2.

¹ Telephone discussion with Jude Valerioti, President of the Eastchester Volunteer Ambulance Corp. November 15, 2005, 3:30 PM. Memo included in Appendix D of this FEIS.

Comment I.4:

I sent a letter regarding tax issues with respect to potential number of school children? (Rene Atayan, Kensington Road, Public Hearing Transcript, 9/28/2005, pg 70-71)

Response I.4:

Chapter III.I of the DEIS includes an analysis of potential impacts of the project on the Village of Bronxville School District. As The Kensington will be designed for and marketed to empty nesters, the impact to the school district is expected to be minimal. Despite this, a worst-case scenario assessment of impacts has been included in the DEIS. In addition, relevant project information has been forwarded to the former and current School Superintendent for their review and comments.

It should be noted that the DEIS included an analysis of potential for school-age children to be generated by the proposed project (see Chapter III.I of the DEIS). The analysis considers several scenarios: the likely scenario where 100 percent of the units at The Kensington would be occupied by empty-nesters and two scenarios where 25 and 50 percent of the units would be occupied by non-empty nesters. As discussed in the Accepted DEIS, an analysis of school-age children per dwelling unit was prepared using accepted national multipliers from the Urban Land Institute and the Center for Urban Policy Research. These rates provide an average of school age children typically generated per bedroom by different types of dwelling units determined from a national survey. The analysis for The Kensington assumed a two bedroom Northeast townhouse.

Because the number of units has been reduced to 54 (from 61), this analysis has been revised and is presented herein.²

**Table I-1
Project Generated School Age Children**

Alternatives	Units	Empty Nester Households	Non Empty Nester Households	School Age Children ¹					
				ULI ³ (0.1393)	CUPR ³ (0.164)	Avalon ⁴ (0.044)	WP1 ⁵ (0.019)	WP2 ⁵ (0.024)	WP3 ⁵ (0.0327)
100 % Empty Nester	54	54	0	0	0	0	0	0	0
75 % Empty Nester 25 % Non-Empty Nester	54	40	14	2	2	1	0	0	1
50 % Empty Nester 50 % Non-Empty Nester	54	27	27	4	4	1	1	1	1

² For additional detail on methodology, see The Kensington DEIS, Volume 1, July 2005, Chapter III.I. Community Facilities, pps III.I-6 – III.I-9.

**Table I-1
Project Generated School Age Children**

Alternatives	Units	Empty Nester Households	Non Empty Nester Households	School Age Children ¹					
				ULI ³ (0.1393)	CUPR ³ (0.164)	Avalon ⁴ (0.044)	WPI ⁵ (0.019)	WP2 ⁵ (0.024)	WP3 ⁵ (0.0327)

Notes:

¹Number of school-age children is rounded to the nearest whole number.

²Based on 110,000 s.f. - 54 two- bedroom units – ranging from 1,300 to 2,000 S.F.

³ULI and CUPR school age children generation rates are for 2 BR units – Northeast Townhouse

⁴Based on 4.4 school age children/100 rental residential units.

⁵WP 1 (White Plains 1) – The Seasons Development; WP2 (White Plains 2) – Westgate Towers and WP3 (White Plains 3) – Stewart Place.

As shown in Table I-1, using the most conservative estimate, the maximum number of school-age children that would typically be generated by the proposed development if non-empty nesters occupied 50 percent (27 units) of the units at The Kensington, would be four school-age children. This analysis does not take into account that some percentage (approximately three percent)³ of those school-age children would attend private or parochial school. For this highly conservative analysis, no adjustment was made. If there were four school-age children realized for this project, the effect on the school district in terms of overall enrollment would be minimal given the total enrollment of nearly 1,500 students.

A total of twelve units in the revised Proposed Action (four per floor) would have a den, measuring approximately 9 1/2 x 12 feet. The dens would not have doors or closets and would not be located near a bathroom. However, the analysis included in the DEIS with regard to project-generated school age children already accounted for the unlikely possibility that some units would be occupied by families with children.

If non-empty nesters occupied all 12 units with dens, the maximum number of additional school age children that would be generated would be four. Accounting for the unlikely scenario where 50 percent of the other units in The Kensington were occupied by non-empty-nesters, there would be a total of eight school age children in the worst-case scenario. Again, this analysis does not take into account that some percentage (approximately three percent)⁴ of those school-age children would attend private or parochial school. For this highly conservative analysis, no adjustment was made. Given overall school enrollment of 1,500 students, this represents an increase of 0.0026 percent.

Comment I.5:

To date the Eastchester Fire Department has not received a copy of said report, nor have we been offered significant opportunity to assess the impact of this project on the resources of the Fire Department.

³ Westchester-Putnam School Boards Association. Facts and Figures 2003-2004, p.18.

⁴ Westchester-Putnam School Boards Association. Facts and Figures 2003-2004, p.18.

The Eastchester Fire Department is of the strong opinion that, any new construction of this scope occurring within the boundaries of the District should be made subject to formal review by our fire prevention officer. This proposal is believed to be a residential complex, large in scale and complexity catering primarily to “empty nesters”. The very nature of this project only lends to the value of inviting the Fire Department to offer its expertise in an effort to enhance the life safety of the residents who will ultimately occupy the finished buildings.

I am of the opinion that by not including Fire Department scrutiny related to the FEIS that study itself may be termed to be inconclusive. Additionally, by not inviting Fire Department participation in this EIS our Inspector could not use the opportunity to identify safety issues, which may be contained within the proposal, so that they could be remedies prior to construction. An added benefit beyond the enhancement of the life safety of future occupants as well as the existing neighborhood is that through the early identification of safety issues, the possibility of later construction delays could be avoided.

The Eastchester Fire Department is requesting that the Planning Board extend the comment period so as to allow the Fire Department to offer comment regarding the Environmental Impact Study of The Kensington Road Project. (Michael P. Grogan, Chief of Department, Fire Department of the Town of Eastchester, Letter, Monday, October 24, 2005).

Response I.5:

The Town of Eastchester Fire Department was contacted by mail and by phone regarding potential impacts that The Kensington would have on the ability of the Fire Department to provide service to the project site. This information is included in Chapter III.I. Community Facilities of the DEIS. The DEIS addresses global issues with regard to overall impacts of the proposed project. Input from the Fire Department regarding access, construction, hydrant locations, etc. is integral during the site planning process of the project. As such, on November 2, 2005, the project team met with Chief Michael P. Grogan, Town of Eastchester FD, Captain John Santacroce, Fire Prevention Bureau, Town of Eastchester Fire Department and Vincent Pici, P.E., Village Engineer from the Village of Bronxville to discuss additional fire safety, access and construction issues. A summary of this meeting is included in **Appendix D of this FEIS**. The Applicant will continue to meet with and coordinate with the Town of Eastchester Fire Department throughout the Site Plan review process.

Comment I.6:

We get plowed in the wintertime. The snow across the street from this proposed project at the corner of where the Church corner is, it sometimes goes 14, 16, 18 feet high in the wintertime. How is this going to impact upon us when there is more houses, more cars, more people? Where is the snow going to go? We can't get snow plowed in front of 64 Sagamore Road sometimes for 6 or 7 days after a snowstorm. (Fred Bachman, 64 Sagamore Road, Public Hearing Transcript, 10/12/05, pg. 53)

Response I.6:

The Village of Bronxville provides snow removal services for public rights-of-way.

Comment I.7:

I checked with our fire inspector and he has not reviewed either structure; the six-story structure or the four-story structure. I don't have an opinion as to what structure you should be putting up. I do know you are backing up to a railroad track and the fire district needs access to that railroad track. So we would like to have in your SEQRA statement, either your request from the fire district and what concerns they might have - - one of the concerns they are going to have in a high traffic areas is parking for EMS, police and fire.

Well, your height of your garage if you are going to bring a vehicle in, the vehicle will have to go underneath. Fire trucks are tall. They have light structures, ladders, the ladder truck is 50 feet long, so I would like to have some communication between yourself and the fire district not be an obstructionist in any way at all, just to be practical. Because if you have a complex that is housing people over the age of 55 or 60, you are going to have higher siren activity. If they put the senior citizens housing in like Tuckahoe where they have senior citizen complexes, one of the things people don't realize is that has now turned into a paramedic center, because you are running there are all the time for ambulance calls and police calls.

So I think it is important that the fire district be brought in, in regards to what the project is. If it's a multi-family high structure or high-density project - - and just for comment, because our resources are somewhat limited. You know, there is only 14 or 16 men who are going to respond to a real serious incident at any given time. (Mr. Dennis Winter, Public Hearing Transcript, 10/12/05, pg. 55-57)

Response I.7:

As noted in Response I.5, the project team has coordinated with the Town of Eastchester Fire Department regarding the proposed project. A summary of issues discussed at that meeting is included in [Appendix D of this FEIS](#). As noted in the meeting summary, the plaza area between the proposed buildings will be large enough for fire trucks to enter and provide service to both the north and south buildings.

The Applicant met with the Chief of Police on March 16, 2006 to advise him of the project and the steps proposed to handle traffic during construction. These steps included the requirement for the contractor to inform the Department of delivery times, hours of operation, etc. The chief recognized the need for this coordination. The use of a roundabout at the intersection of Kensington and Sagamore Roads was also discussed. The Department recognized the traffic calming effect of the roundabout and indicated that they would work with the applicant during final design.

The project does not propose separate entrances to the units on the west side of the buildings. All units would be entered from The Kensington Road side of building. The Town of Eastchester Fire Department indicated that a fire would be approached from Kensington Road side of the development, supplemented by approaches from the plaza area where a dry standpipe could be provided on the west side of the plaza to allow fire hose hookups. In addition, at the north end of the project site – adjacent to the Metro-North Railroad access right of way, Fire Department personnel could gain access in an emergency to the rear of the proposed building.

Chief Grogan noted that fire trucks, ladders would not require access into the parking garage – but standpipes would be required at several locations within the parking garage, on each garage level. Hose packs are typically approximately 100-150 feet – and as such, standpipes would be located accordingly to assure adequate spacing. The project architect will work with the Town of Eastchester Fire Department to determine the locations of standpipes.

The Town of Eastchester EVAC has been contacted with regard to this project. See Response I.1 for additional information.

III. EXISTING ENVIRONMENTAL CONDITIONS, ANTICIPATED IMPACTS AND MITIGATION

J. Fiscal Impacts

J. Fiscal Impacts

Comment J.1:

I have reviewed several parts of the Proposed Kensington Development Environmental Impact Study that are on public display in the Bronxville Public Library and would like further information. Please provide the Eastchester Fire District with supporting work product used to produce the calculations shown on page II.I-11. The documents states... "A 61-unit development would generate between \$114,874 and \$143,592 in annual tax revenue to the Town of Eastchester Fire Department."

According to the Eastchester Town Tax Assessor the Avalon in Bronxville currently paid \$79,208.13 to the Eastchester Fire District for tax year 2005 and that payment is subject to an unsettled certiorari claim by the owners of the Avalon. The Village of Bronxville recently settled a certiorari claim with the same Avalon owners and reduced the Avalon's tax burden by approximately 40%. Just for argument sake, let's assume the Village was correct and the Town of Eastchester grants the same reduction as did the Village of Bronxville, than the Avalon would be paying less than \$50,000.00 to the Eastchester Fire District for 110 units of \$445,000 per unit. If my math is correct, The Kensington Road project with 61 units at \$445.00 would be paying roughly \$27,755.00.

My question is: does the Avalon enjoy an especially favorable tax advantage and The Kensington project is more typical compared to other housing units? Please supply comparisons.

I am also interested in knowing how the Village of Bronxville can fix or lock-in the tax rate by using a payment in lieu of taxes scheme" for this project when the property tax roll for the Eastchester Fire District is controlled by the Town of Eastchester and not the Village of Bronxville. (Dennis J. Winter, EFD, Fire Department of Eastchester, Letter, Public Hearing Transcript, 10/15/2005)

Response J.1:

A full reevaluation of the potential tax revenue to be generated by The Kensington was prepared by the Village of Bronxville Tax Assessor and is included in Response J.3. The Avalon challenged their tax assessment and the courts determined that the Avalon was overtaxed.

The contract between the Village and the Applicant requires that prior to the closing on the sale of any of the individual condominium units, the assessed value of real property, including the condominium units themselves, will be fixed by the assessor in accordance with law, and the Applicant will enter into an agreement with the Village of Bronxville prohibiting any challenge to these assessments (including the assessments on the units themselves) for a period of ten (10) years.

Comment J.2:

As far as taxes go, as you know Condos and Co-ops go into the commercial taxing end, and it is an entirely different payment. This is going to tilt the balance for apartments in Bronxville compared to private homes, so the taxes are going to be higher on the private homes in many

ways, because the apartments do not carry the taxes that they should carry and that is by state law and there is nothing we can do about that. (Ms. Dorothy Brennan, Kensington Road, Public Hearing Transcript, 9/28/2005, pg. 92-93)

Response J.2:

Developing the proposed project site will result in an increase in real estate taxes collected by the Village of Bronxville. If the Village of Bronxville expenditure budget remains the same, these additional taxes would result in a slight lowering of the overall tax rate as determined by dividing the expenditure budget by the taxable assessed value of all properties.

Comment J.3:

The estimated tax revenues in this Section seem to be based on assessments derived from the estimated market/sales value of the individual condominiums and not on the assessment of individual condominiums as “determined in a manner consistent with existing taxing procedures in the jurisdiction for residential condominiums.” [source notation]

It is my understanding for assessment purposes that the “market value” for a condominium is based on the rental value or the equivalent rental value of such a unit for the past ten years. Since The Kensington Spectrum units are not rental units, the EIS should look at comparable rental units in the community. Given their recent construction in 2000, the rental units in the Avalon apartments on Parkway road provide an excellent guidance. [Calculation included].

While the Avalon numbers may not exactly be comparable, I do believe they provide a closer approximation of what the assessed value will be for the units in The Kensington Spectrum Project, than the numbers in the EIS. At the very least, the EIS should spell out the rental assumptions that have been used in determining the assessed value for each unit. In addition, based on the rental assumptions, the EIS should spell out the estimated tax revenues for the other taxing jurisdictions, which include the Bronx Valley County Sewer District, County Refuse Disposal District #1, Eastchester Fire District, Westchester County, and the Town of Eastchester. (Mr. Thomas Hutton, 39 Homesdale Avenue, Bronxville, NY 10708, Letter #2, 10/24/2005, pg. 1-2)

Response J.3:

Based on discussion with the Village of Bronxville Tax Assessor and the Town of Eastchester Tax Assessor, potential taxes to be generated by the proposed project were reevaluated as follows:

- A revised evaluation of fair market value;
- The application of currently used equalization rates as provided by the assessors in the Town of Eastchester and the Village of Bronxville to determine an assessed value, and
- The application of currently used tax rates as applied to the assessed value to determine taxes that would be payable to each taxing jurisdiction.

Fair market value for new construction was determined in accordance with NY State law, looking at both comparables and the projected cost of new construction. Mr. Gerry Iagallo, the Bronxville Assessor, estimated the fair market value to be \$36,000,000 for 58 units, averaging

1,650 square feet each with a net rentable total of 95,700 for the entire residential development. According to Mr. Iagallo, in actual practice, the Assessor would determine taxes after inspecting the final as-built project. The assumption used in this evaluation is that the building would contain 95,700 square feet of net residential floor area and would contain a maximum of 58 units. If the number of units is decreased, overall taxes should stay generally the same because the overall building size is the same. Each unit would be proportionately larger and the value of each unit would rise as they become proportionally larger.

An equalization rate is then applied to the fair market value to determine the assessed value. The current (2005) Bronxville Village equalization rate for residential development is 3.65 percent. The current (2005) Town of Eastchester equalization rate for residential development is 1.62 percent. Applying these rates to the fair market value would yield an assessed value for The Kensington in the Village of Bronxville of \$1,314,000 and for the Town of Eastchester of \$583,200. These assessed values would change to the extent that the determination of fair market value changes in the future. In addition, the Village of Bronxville and the Town of Eastchester would make independent determinations of fair market value, so that these may vary. Also, taxes would vary from these estimates to the extent that the equalization rates in each municipality change in the future.

To estimate the taxes that would be paid, the current tax rates for each taxing jurisdiction are applied to the respective assessed value. These taxes would differ in the future to the extent that the tax rates change.

**Table III.J-1
Current Tax Rates**

Jurisdiction	Tax Rate (per \$1,000 of Assessed Value)
VILLAGE TAXES	
Village of Bronxville	81.7
Bronxville Central School District	453.5
TOWN OF EASTCHESTER TAXES	
Bronx Valley County Sewer District	21.7772
County Refuse Disposal District #1	22.6364
Eastchester Fire Department	87.0419
Westchester County	186.9405
Town of Eastchester	18.7024

Source: Village and School Tax Rates from the Village of Bronxville Tax Assessor's Office. All other tax rates from the Town of Eastchester Tax Assessor's Office.

**Table III.J-2
Tax Revenue Generated
by the Proposed Kensington Development***

		Village of Bronxville	Town of Eastchester ***	
Market Value	36,000,000			
Equalization Rate**		3.65%	1.62%	
Assessed Value		1,314,000	583,200	
Village of Bronxville	81.7	\$107,354		
Bronxville Central School District	453.5	\$595,899		
Total Tax Revenue to Village		\$703,899		
Bronx Valley County Sewer District	21.7772		\$12,700	
County Refuse Disposal District #1	22.6364		\$13,202	
Eastchester Fire Department	87.0419		\$50,763	
Westchester County	186.9405		\$109,024	
Town of Eastchester	18.7024		\$10,907	
Total Tax Revenue to Town			\$196,596	
TOTAL PROJECT GENERATED TAX REVENUE				\$899,849

Source: *For a 58 unit residential development. As determined by Mr. Gerry Iagallo, Village of Bronxville Assessor based upon a review of comparables and an evaluation of current construction cost

**Based upon currently used equalization rates and tax rates.

*** These are taxes collected by the Town, but used by the Town and other taxing jurisdictions (Westchester County and Sewer District).

Taxes payable to Bronxville (Village taxes and School District taxes) are estimated to total approximately \$703,000, which is within the range of \$644,000 and \$805,000 projected in the Draft EIS. Taxes payable to other jurisdictions originally estimated to range from \$385,000 to \$560,000 have been revised downward to a total of \$196,000 due to the application of an equalization rate currently used by the Town of Eastchester, which is less than the Bronxville equalization rate.

Comment J.4:

The EIS does not address the agreement between the Village and Spectrum to “lock-in” the assessed value of the new units for a period of ten years.

In addition, I think the EIS should state that the Offering Memorandum for these units shall clearly explain this provision to potential buyers. (Mr. Thomas Hutton, 39 Homesdale Avenue, Bronxville, NY 10708, Letter #2, 10/24/2005, pg. 2-3)

Response J.4:

The contract between the Village and the Applicant requires that prior to the closing on the sale of any of the individual condominium units, the assessed value of real property, including the condominium units themselves, will be fixed by the assessor in accordance with law, and the

Applicant will enter into an agreement with the Village of Bronxville prohibiting any challenge to these assessments (including the assessments on the units themselves) for a period of ten (10) years. The Offering Memorandum for The Kensington units will clearly explain this provision.

Comment J.5:

As presented, the Draft EIS has some inconsistent terms and/or omissions.

Section 3 “Proposed Mitigation” on page III.J-3 states “(a) 61 unit development would generate between \$1,092,350 and \$1,365,437 total tax revenue to the Village.” These numbers appear to be incorrect.

The lead paragraph to Table III.J-2 states that the table “provides the estimated tax revenues generated to each taxing jurisdiction assuming 65 units and 61 units. This is incorrect. The table only addresses a project with 61 units. This sentence should be corrected to eliminate the reference to the 65 units or a new table should be added to the EIS to address the impact of 65 units. (Mr. Thomas Hutton, 39 Homestead Avenue, Bronxville, NY 10708, Letter #2, 10/24/2005, pg. 3)

Response J.5:

The first sentence under Section III.J.3. Proposed Mitigation in the Accepted DEIS, should be revised as follows: A 61-unit development would generate between \$1,092,350 and \$1,365,437 total estimated tax revenue to all taxing jurisdiction.

The lead paragraph to Table III.J-2 should be revised as follows: Table III.J-2 provides the estimated tax revenue generated to each taxing jurisdiction for a 61-unit development.

Comment noted. DEIS is amended by reference.

Comment J.6:

The Issue: Maximizing Tax Revenue: WCI Spectrum claims it is “marketing” to empty-nesters. “Marketing” and actually guaranteeing are two entirely different things. A school-age child entering The Kensington would cost approx. \$24,000. If we do not age-restrict The Kensington, our tax revenue is eroded by approx. 31% per annum* (*assumes \$700,000 in taxes (figure provided), 9 students (last number WCI Spectrum conceded may move in). Goals are to limit students and provide for a “purer” revenue stream for Village, so as to ease the overall tax burden on its citizens.

The Request: As part of the SEQRA process, please include fully vetted comment on the legality of an AGE RESTRICTED building. This would probably have to cover both State and Federal ramifications to the Village. (Ms. Rene Atayan, 5 Oval Court, Letter #2, 7/12/2005, pg. 1)

Response J.6:

Chapter III.I of the DEIS includes a worst case assessment to estimate a range of potential impacts that could hypothetically occur if non-empty nesters move to The Kensington.

It should be noted that the DEIS included an analysis of potential for school-age children to be generated by the proposed project (see Chapter III.I of the DEIS). The analysis considers several scenarios: the scenario where 100 percent of the units at The Kensington would be occupied by empty-nesters and two scenarios where 25 and 50 percent of the units would be occupied by non-empty nesters. As discussed in the Accepted DEIS, an analysis of school-age children per dwelling unit was prepared using accepted national multipliers from the Urban Land Institute and the Center for Urban Policy Research. These rates provide an average of school age children typically generated per bedroom by different types of dwelling units determined from a national survey. The analysis for the Kensington assumed a two bedroom Northeast townhouse.

Because the number of units has been reduced to 54 (from 61), this analysis has been revised and is presented herein. ¹

**Table J-3
Project Generated School Age Children ⁽²⁾**

Alternatives	Units	Empty Nester Households	Non-Empty Nester Households	School Age Children ¹					
				ULI ³ (0.1393)	CUPR ³ (0.164)	Avalon ⁴ (0.044)	WP1 ⁵ (0.019)	WP2 ⁵ (0.024)	WP3 ⁵ (0.0327)
100 % Empty Nester	54	54	0	0	0	0	0	0	0
75 % Empty Nester 25 % Non-Empty Nester	54	40	14	2	2	1	0	0	1
50 % Empty Nester 50 % Non-Empty Nester	54	27	27	4	4	1	1	1	1

Notes:

¹Number of school-age children is rounded to the nearest whole number

²Based on 110,000 s.f. - 54 two- bedroom units – ranging from 1,300 to 2,000 S.F.

³ULI and CUPR school age children generation rates are for 2 BR units – Northeast Townhouse

⁴Based on 4.4 school age children/100 rental residential units.

⁵WP 1 (White Plains 1) – The Seasons Development; WP2 (White Plains 2) – Westgate Towers and WP3 (White Plains 3) – Stewart Place.

As shown in Table J-3, using the most conservative estimate, the maximum number of school-age children that would typically be generated by the proposed development if non-empty nesters occupied 50 percent (27 units) of the units at The Kensington, would be four school-age children. This analysis does not take into account that some percentage (approximately three percent)² of those school-age children would attend private or parochial school. For this highly conservative analysis, no adjustment was made. If there were four school-age children realized

¹ For additional detail on methodology, see The Kensington DEIS, Volume 1, July 2005, Chapter III.I. Community Facilities, pps III.I-6 – III.I-9.

² Westchester-Putnam School Boards Association. Facts and Figures 2003-2004, p.18.

for this project, the effect on the school district in terms of overall enrollment would be minimal given the total enrollment of nearly 1,500 students.

A total of twelve units in the revised Proposed Action (four per floor) would have a den, measuring approximately 9 1/2 x 12 feet. The dens would not have doors or closets and would not be located near a bathroom. However, the analysis included in the DEIS with regard to project-generated school age children already accounted for the unlikely possibility that some units would be occupied by families with children.

In this unlikely scenario, the additional cost to the Bronxville School District to educate project generated school-age children is estimated at \$73,240 (The Assistant Superintendent for Business of the Bronxville School District provided the per pupil cost for the 2003-2004 of \$20,767 of which \$18,310 was paid by local taxes; as such \$18,310 x four project generated school age children = \$73,240). As the project is projected to generate approximately \$595,899 annually to the Village of Bronxville School District, this would result in a surplus to the School District of approximately \$522,659 (\$595,899-\$73,240 = \$522,659).

The Village of Bronxville Zoning Code defines “Age Restricted Multiple Residence Facility” as follows: “A multiple residence for persons 62 years of age or older and their spouses, composed of individual dwelling units, having access to communal facilities through a common lobby. [Added 3-11-1996 by L.L. No. 1-116]. The proposed zoning for the project site includes a definition of “Age-Targeted Multiple Residence Facility” as follows: “A multiple residence facility, which is designed to appeal primarily to individuals and couples without children.”

Comment J.7:

I think we would like some analysis of how that number [tax revenue] was arrived at, but it is not quite clear from the statement. Keeping in mind that in Bronxville, I don't know if this is statewide or in Eastchester or Bronxville, private homes are assessed in a manner differently from condominiums. Make it clear that it is calculated the way that real estate taxes for condominiums are calculated in the Village. The point is that the basic condominiums typically pay a lower rate. (Chairman Donald Henderson, Public Hearing Transcript, 10/12/2005, pg. 18)

Response J.7:

See Response J.3.

Comment J.8:

There is a calculation, but I think if we can review it at least and make it clearer or more thorough- (Ms. Longobardo, Public Hearing Transcript, 10/12/2005, pg. 18)

Response J.9:

See Response J.3.

Comment J.9:

I believe that the Village's main motivation in selling the property and having it developed is to increase the revenue stream to the village in the form of taxes. The chart that is shown here in the description, don't adequately show how the developer calculated the projected estimated tax revenues. One of the problems is that Co-op buildings are assessed as though they were rental buildings. So the comparison has to be made to what the properties would rent for. The comparisons would probably be made to the Avalon. But that is an analysis that should be in there.

The range was given in the statement that the apartments would be valued at between \$600,000 and \$750,000 is supposed to be discounted number from the sales prices which are supposed to be \$800,000 to \$1,000,000, but I don't think that discount is large enough. In other words, I think they should be discounted considerably more than that and the revenue stream therefore, would also be lower. But I think that analysis should also be in the report.

I think it would be helpful if you segregated the Village school district taxes into separate total item, because I think some people on the Board of Trustees are a little confused about this. They think they are getting a whole million dollars, and it is very clear in this chart that they're not. I think since the Village's motivation is financial, this should be clear.

I wanted to point out that - - I just these numbers look optimistic to me. The Avalon apartment building, I think it has 110 units: am I right? They are currently on this year's tax role generated \$82,500 in Village taxes and \$458,000 in school taxes. So that is lower than the projection for this building, which is 65 units. Now obviously, it is not just straight units to units, but in terms of the scale of the building, the desirability of the building, I think that analysis has to be made. Because when the assessment on this building is set, it is going to be in comparison to other Village properties and it has to be done on what the rental value would be, not on the individual sales value of the individual units to consumers. And that is State Law for whatever it's worth. (Ms. Betsy Harding 39 Homesdale Road, Public Hearing Transcript, 10/12/05, pg. 67-70)

Response J.9:

See Response J.3.

Comment J.10:

Page III-J, 2&3, of the DEIS, where there is a presentation indicating that the proposed project will generate tax revenue in excess of one million dollars to the Village of Bronxville. Even a casual perusal of Table III-J-2 will reveal that only \$106,304, in tax payments, will accrue to the Village of Bronxville. This is misleading, and has the result of distorting the financial analysis of the impact of the proposed project.

At this level of tax contribution shown in Table III-J-2, there is no justification for imposing on the community the chaos and turmoil inherent in the construction of the proposed building.

I must assume that you are aware that there exist other meaningful alternatives for the use of The Kensington Property. The community, as a whole, will benefit from a decision on the part of the

Planning Board to re-open the RFP process for the purpose of allowing for more community input during the determination. This is, I hope you will agree, the whole and primary purpose of the RFP process. (Mr. Ercole Rosa, Southgate, Letter, 10/25/05)

Response J.10:

Noted.

III. EXISTING ENVIRONMENTAL CONDITIONS, ANTICIPATED IMPACTS AND MITIGATION

K. Noise and Vibration

K. Noise and Vibration

Comment K.1:

What is the reaction of Alger Court and the buildings along Alger Court? What would be the sound barrier from this building? Sound back and forth and that has to be tested with the new style building. (Dorothy Brennan, Kensington Road, Public Hearing Transcript, 9/28/2005, pg. 59)

Response K.1:

Chapter III.K of the DEIS, Noise and Vibration provides an analysis of the potential for noise and vibration impacts on adjacent properties, including Alger Court in particular. As noted therein, “Considering the Alger Court residences, if all sound energy from the trains reflected off Kensington façade and was incident to Northgate, Southgate and Rivermere, an increase of +3 dB is the most that could be expected, a change considered barely perceptible to the human ear. However, as the Alger Court residences are set farther back from the tracks, and the ground floor level of The Kensington will be several feet above a similar location at Rivermere, the increase would be more on the order of 1dB, which is imperceptible.”

The analysis included in the DEIS used noise data that was sampled on the east side of the Metro-North railroad tracks, which was assumed for purposes of the impact analysis to be equivalent to noise that would be heard on the west side of the tracks. Subsequently, at the request of the Lake Avenue Owners, Inc., additional samples were taken on the west side of the Metro-North railroad tracks. The resulting noise samples are consistent with those used previously and the conclusion of impacts remains the same – that most noise is reflected above the townhouses, and any reflected sound would be less than 3db which would not be perceptible to the residents of the townhouses. The additional report and analyses are included in [Appendix D of this FEIS](#).

In addition, the Proposed Action has been redesigned with additional variability particularly on the west facing façade. The redesign of the west-facing façade is offset with landscaped open spaces – that is the façade is not a flat surface. The undulation in the building façade serves to mitigate some sound reverberation. In addition, the exterior walls of The Kensington will be designed to minimize noise and vibration reverberation not only for the internal (inside The Kensington) environment, but also for the external environment. One of the primary construction goals is to minimize noise and vibration to both the potential residents of the development and the neighbors.

Comment K.2:

I am president of Lake Avenue Owners on Lake Avenue and Alger Court. And the first thing I would like to say is I don't believe anybody has approached our side of the tracks in this matter at all. We have not been consulted. We have not invited to be part of this planning at all, and yet, I don't know of anyone who is going to be impacted more seriously than our side of tracks. Not just aesthetically, but the sounds of the railroad when any buildings are put up. It is going to be a serious issue, and yet in spite of that fact, we are not questioning the building being built, we realize that the Village needs parking and that it makes sense to put up some residences.

What we are concerned with is what design would least impact the noise level on our side of the tracks. Now, to some degree, I think I speak for much of Alger Court because the buildings all along Lake Avenue are going to be affected by this. But our two buildings, which are the two lower garden apartments that are most closely above the tracks, are going to be affected most seriously because the height of the building will obviously cause - - the shadows of the buildings will obviously impact our little two buildings most seriously. (Sara Penella, Public Hearing Transcript, 10/12/2005, pg. 40-42)

Response K.2:

See Response K.1. As noted, in response to this comment, additional noise impact studies were prepared and are included in [Appendix D of this FEIS](#).

Additional noise analyses were prepared for Alternative 5, the six-story building to determine what the relative change in impact would be for this Alternative. Both the section sketches and sound reflection diagrams indicated that the single six-story building would result in no negative acoustical impact to the properties located west of the Metro-North Railroad tracks. In fact, this Alternative would result in a marginal decrease in the already imperceptible noise impact to properties on both the east and west side of the rail tracks. The taller structure would provide additional sound barrier to residences on the east side of the rail tracks (from train noise). The additional height would also provide no additional reflections of train noise to the residences on the opposite side, which are already somewhat set back from the tracks.

It should be noted that Alternative 5, the single six-story building Alternative, has been eliminated from further consideration.

Comment K.3:

When you consider the environmental issues and the impact environmental issues of each design, please think of the impact on the other side of the tracks. The third rail and the weight of the new trains [render] our noise level much greater. With any construction over there, it is going to act as a sounding board. So the plan of how those buildings are designed can impact on just how much of a sounding board it is going to be. (Sara Penella, Public Hearing Transcript, 10/12/2005, pg. 42-43)

Response K.3:

See Response K.1 and K.2.

Comment K.4:

I think the DEIS needs to address that rebound noise issue. I don't believe that it is the impact, in that document right now. (Mr. Westerfield, Public Hearing Transcript, 10/12/05, pg. 50-51)

Response K.4:

See Response K.1 and K.2.

Comment K.5:

The reason for my claim is that the buildings will create a sounding-board effect against which the noise of the trains will reverberate even more loudly back onto our side of the tracks. Further, a six-story building would create an even larger and therefore more effective sounding board than would two four-story structures with a plaza between them. This would be the case no matter what other points might be made for or against six and four story buildings on the site.

I would like here to make a strong case that the Planning Board now reconsider the environmental impact of the increased noise level that would unavoidably result for residents across the tracks from any structure built so close to the railroad tracks on The Kensington side, and further, that the Board not vote to approve any plan that does not incorporate those possible architectural features and materials into its design which are now available and which could at least help to reduce the sounding-board effect for Alger Court residents.

To cause Alger Court owners to suffer any loss of value to their property (because of a deteriorated sound environment) without having made any effort to address the issue is simply unthinkable, and I am certain that you will see that this environmental issue is dealt with. I and other members of the Alger Court community will be present at the meetings to see that our interests are indeed not misrepresented by other parties. (Sara S. Penella, President, Lake Avenue Owners, Inc., Letter, 10/27/05, pg. 1)

Response K.5;

See Response K.1 and K.2.

IV. SIGNIFICANT ADVERSE IMPACTS THAT CANNOT BE AVOIDED

IV. SIGNIFICANT ADVERSE IMPACTS THAT CANNOT BE AVOIDED

Comment IV.1:

Dust associated with construction activities on site poses a significant concern; every feasible method to reduce dust during construction should be utilized. Which methods among those listed would be used during construction of the proposed action? (F.P. Clark, Village Planning Consultant, Memo, 9/9/2005, pg. 11)

Response IV.1:

The contractor, with the oversight of the Applicant will be responsible for selecting the specific methods of dust control that conform to applicable standards. Additional information regarding dust control can be found in the Construction Management Plan included in Appendix D of this FEIS. Site Plan Approval, if granted, will be conditioned upon implementation of dust control measures.

Comment IV.2:

Temporary relocation of 179 parking spaces is a significant concern, as is any secondary impacts arising from temporary location of parking spaces to other areas in the Village. While we note that the Applicant is working with the Village to resolve this matter, the Applicant should provide a plan for relocation of spaces that includes analysis of potential impacts and development and implementation of any necessary mitigation associated with potential impacts. (F.P. Clark, Village Planning Consultant, Memo, 9/9/2005, pg. 11)

Response IV.2:

Approximately 40 spaces (20 on the east and 20 on the west side of Kensington Road) would be unavailable during construction. The Temporary Parking Plan (excerpted below) included in the Appendix of the FEIS accounts for these spaces. The Temporary Parking Plan also discusses potential costs to the Village for replacement parking. Also, as noted, construction of parking in Maltby Park is a worst-case scenario contingency option. If, during the Site Plan Approval Process, the Village determines that parking would be necessary in Maltby Park, additional analyses would be performed.

Displaced Parkers

At present, there are approximately 180 spaces in the three Kensington lots. In addition to these 180 spaces, an additional 40 on-street parking spaces (for a total of 220 parking spaces) would be displaced during the peak construction process¹.

Temporary parking will be addressed as follows:

- The Village of Bronxville is in the process of requesting the New York State Legislature to permit the use of up to 180 spaces on street for “permit/reserved”

¹ Assuming parking on either side of Kensington Road would be prohibited.

- parking. These spaces could be located along Sagamore Road, Valley Road, Paxton Avenue and Dewitt Avenue.
- The Village and the Applicant are working with Avalon Properties to utilize the existing Mobil lot. The lot will be repaved and the existing building on site razed. This lot will provide parking for approximately 90 vehicles.
- The Village and the Applicant have also considered the possibility of utilizing the Maltby Park lot. However, it is assumed that the combination of on-street parking and the Mobil lot would provide sufficient parking to accommodate any temporary displacement.

Construction

During the construction process there will be typically approximately 30-40 construction workers on-site. The number of construction workers will increase to some 100 workers during the “finished phase” of the project. In order to ensure that the construction workers will not utilize on-street parking spaces, the Applicant is in the process of entering into agreement with the Bronxville Women’s Club to use their parking lot during the week. This parking lot would allow for parking of approximately 40 vehicles. During the time of peak activity, the General Contractor would be required to obtain alternate sites for parking construction workers. The General Contractor would be required to provide documentation of proposed parking areas to the Village of Bronxville in advance of construction.

See Responses to Comments E.5 and E.6 regarding Site Plan conditions.

Comment IV.3:

A schedule of all Church events that would be affected by construction activities should be provided. Construction noise levels of 70 dBA would be expected if blasting and pavement breaking occurred at the same time, which would be intrusive while Church events occur. (F.P. Clark, Village Planning Consultant, Memo, 9/9/2005, pg. 11)

Response IV.3:

As the activities in question will not occur into the future it is likely that many Church events that could be affected have not yet been scheduled. The Applicant will work with Christ Church to determine the schedule of activities that will be in effect during specifically identified construction activity to ensure that any significant noise generating activities would not be scheduled during those periods.

Comment IV.4:

And what about the integrity of the railroad and the parking lot? (Ms. Dorothy Brennan, Kensington Road, Public Hearing Transcript, 9/14/2005, pg. 41)

Response IV.4:

The project has been and will continue to coordinate with MTA Metro-North Railroad to ensure that both the project design and plans for construction are compliant with MTA Metro-North policies and guidelines.

Comment IV.5:

If that park was available to them, I'm sure it would be and thrilling place and I'm sure they would enjoy it, but I don't think it would lend to the neighborhood. I am also very concerned about the parking while all the construction is going on, because I have twelve spaces that the Village rents to me for my tenants down on Kensington and that would be done away with. (Mr. Al Lattimer, 22 Sagamore Road, Public Hearing Transcript, 9/14/2005 pg. 56)

Response IV.5:

A public park is no longer being proposed. See Response IV.2 for discussion of parking during construction.

Comment IV.6:

If blasting is performed for construction of the development, it will be the closest blasting by the third party has ever taken place near the Metro-North railroad right of way. Metro-North will need to be given sufficient time to review the written blasting plan, and this plan will need to be developed in a manner that is well coordinated with Metro-North's train schedule. (Karen L. Timpko, Esq., Director of Environmental Compliance and Services MTA, Letter, 9/19/2005 pg. 2)

Response IV.6:

Chopping will be the most likely method utilized for rock removal. A seismic refraction survey may be required prior to excavation in order to determine if blasting is required. This test cannot be performed during months with a risk of frost, so it must wait until spring and will be performed. In addition, parked cars for the majority of the site would need to be removed for the three days of required testing. In the event that blasting is required, the Applicant will work with MTA Metro-North to ensure all protective measures will be in place to address Track Integrity as required. See Response to Comment A.3 regarding Site Plan conditions. If blasting is determined to be necessary, Site Plan Approval, if granted, would require the submission of a blasting plan that is acceptable to the Village and the MTA.

Comment IV.7:

There is a reference on Page IV-5 of the DEIS in the Significant Adverse Impacts That Cannot be Avoided section that states that "Proposed protection work will include closing the northbound platform adjacent to the development site for the duration of the construction". A full closure of the northbound platform is not possible. In addition, even a temporary closure of only a portion of the platform is not possible. In addition, even a temporary closure of only a portion of the platform cannot occur without Metro-North permission. Consultation with Metro-North must take place on this issue to assure that the construction results in no or only minor

impact on Metro-North users. (Karen L. Timpko, Esq., Director of Environmental Compliance and Services MTA, Letter, 9/19/2005 pg. 2-3)

Response IV.7:

The Applicant and its consultants have been meeting with MTA Metro-North Railroad to discuss issues during construction². For safety reasons, MTA Metro-North Railroad has agreed to close the portion of the northbound platform adjacent to the property during construction.

Comment IV.8:

... interested in the staging plans for the two building concept: Will they be built simultaneously? Will Kensington Road be closed? Will all the staging occur on the property itself? Will it require rerouting of the emergency service vehicles to people in that area? (Ms. Cindi Callahan via Mayor Mary Marvin, Email, November 3, 2005).

Response IV.8:

The buildings will be built simultaneously. Construction of the proposed project may require that portions of Kensington Road be closed temporarily (for a few hours), however, construction will not require the permanent closure of Kensington Road. The Applicant and its consultants have met with the Town of Eastchester Fire Department to discuss emergency vehicle access during construction. The Applicant will continue to coordinate with the Town of Eastchester Fire Department as the project progresses.

Comment IV.9:

On page 2, under 4, it says that four easements will be required. I would think in the Final, if there is an update on where those stand, we want something on that. (Mr. Donald Henderson, Planning Board Chairman, Public Hearing Transcript, 10/12/2005 pg. 24)

Response IV.9:

MTA Metro-North has conceptually agreed to the location of the rerouted water main, subject to approval of final engineering drawings. The other MTA Metro-North easements (driveway access to the substation, utility access to the substation and relocated storm drains) are being accommodated in the engineering, but approval by MTA Metro-North is contingent on review of more advanced engineering drawings.

Comment IV.10:

How was the issue resolved with Metro-North? I know that they had provided a letter expressing their concern about what the construction process will be, how do resolve that? (Mr. Westerfield, Public Hearing Transcript, 10/12/2005 pg. 30)

Response IV.10:

See Response IV.7.

² Most recent coordination meeting was held on November 10, 2005.

Comment IV.11:

In the environmental study, I want to know, were they any air quality samplings taken? I want to know it vis-à-vis the air quality on some other less trafficked street. (Ms. Curtis, Sagamore Road, Public Hearing Transcript, 10/12/05, pg. 94)

Response IV.11:

Air quality analyses were not required as part of the Scope of Work for this project.

Comment IV.12:

Impact on Building Infrastructure – we are concerned with the impact on our Buildings infrastructure resulting from the construction required (including blasting) in building such a large development and underground parking area. Some specific concerns include: impact on our foundation, building walls, and building systems (e.g., electrical, plumbing) during the construction work is performed nearby to our community, it causes the onset of brown water in our drinking and bath/shower water. (Board of Directors, Gramatan Court Apartments, Letter, 10/26/05, pg. 1)

Response IV.12:

A preconstruction consultant will be engaged to perform a preconstruction survey to identify particular areas of concern and to be able to identify and repair any accidental damage should it occur. Additional information on this phase of work can be found in the Construction Management Plan included in Appendix D of this FEIS.

Comment IV.13:

We are concerned with the heavy equipment, which will be needed to perform the construction. More than likely the heavy equipment will be parked on Kensington Road making it treacherous for our residents. (Board of Directors, Gramatan Court Apartments, Letter, 10/26/05, pg. 2)

Response IV.13:

A construction fence on Kensington Road will be placed on the roadway in order to maintain a safe barrier between the site and pedestrians. Two-way traffic will be maintained, however occasional service connections will cause temporary closing. Flagman will be provided at these times to maintain flow. See also the Construction Management Plan included in Appendix D of this FEIS for additional information and graphics illustration proposed fencing.

V. ALTERNATIVES TO THE PROPOSED PROJECT

V. ALTERNATIVES

Comment V.1:

As stated in the second paragraph of this section, Alternative 5 is substantially different from the proposed action. Since the proposed building is a taller single building that would be shifted to the north, a shadow analysis similar to those provided for the proposed action should be submitted to illustrate potential shadow impacts on surrounding buildings and Christ Church.

The design of open space in Alternative 5 should establish a visual and physical relationship between it and the public space of the street. Entrances to the park from the street should be easily identified as public entrances that are distinct from the entrance to The Kensington and should be designed to invite passersby into the park from the street. All open space and parks should be ADA-compliant. As we recommended for the proposed action, the use of stairs to access areas above street level should be minimized. The use of ramps, rather than stairs, might create intermediate levels visible from the street, between street level and the top-of-garage plaza that would visually link a park on the plaza level to the street.

How many parking spaces would be provided in Alternative 5? (F.P. Clark, Village Planning Consultant, Memo, 9/9/2005, pg. 11)

Response V.1:

For Alternative 5, the entrances to the park from the street would be easily identified as a public entrance. Open space and parks would be ADA compliant with ramps. Because the entrance to the park will be at the highpoint of Kensington Road, at-grade, stairs will not be necessary.

Alternative 5 would provide 1.8 parking spaces per dwelling unit, 100 spaces total.

It should be noted that Alternative 5 has been eliminated from further consideration.

Comment V.2:

The number of school-age children, following the 'worst case' scenario, as well as the no-children scenario, should be included in population analysis and the fiscal impact contained in the fifth paragraph. (F.P. Clark, Village Planning Consultant, Memo, 9/9/2005, pg. 11)

Response V.2:

It should be noted that the DEIS included an analysis of potential for school-age children to be generated by the proposed project (see Chapter III.I of the DEIS). The analysis considers several scenarios: the likely scenario where 100 percent of the units at The Kensington would be occupied by empty-nesters and two scenarios where 25 and 50 percent of the units would be occupied by non-empty nesters. As discussed in the Accepted DEIS, an analysis of school-age children per dwelling unit was prepared using accepted national multipliers from the Urban Land Institute and the Center for Urban Policy Research. These rates provide an average of school age children typically generated per bedroom by different types of dwelling units determined from a national survey. The analysis for the Kensington assumed a two bedroom Northeast townhouse.

Because the number of units has been reduced to 54 (from 61), this analysis has been revised and is presented herein. ¹

**Table V-1
Project Generated School Age Children**

Alternatives	Units	Empty Nester Households	Non Empty Nester Households	School Age Children ¹					
				ULI ³ (0.1393)	CUPR ³ (0.164)	Avalon ⁴ (0.044)	WP1 ⁵ (0.019)	WP2 ⁵ (0.024)	WP3 ⁵ (0.0327)
100 % Empty Nester	54	54	0	0	0	0	0	0	0
75 % Empty Nester 25 % Family	54	40	14	2	2	1	0	0	1
50 % Empty Nester 50 % Family	54	27	27	4	4	1	1	1	1

Notes:

¹Number of school-age children is rounded to the nearest whole number

²Based on 110,000 s.f. - 54 two- bedroom units – ranging from 1,300 to 2,000 S.F.

³ULI and CUPR school age children generation rates are for 2 BR units – Northeast Townhouse

⁴Based on 4.4 school age children/100 rental residential units.

⁵WP 1 (White Plains 1) – The Seasons Development; WP2 (White Plains 2) – Westgate Towers and WP3 (White Plains 3) – Stewart Place.

As shown in Table V-1, using the most conservative estimate, the maximum number of school-age children that would typically be generated by the proposed development if non-empty nesters occupied 50 percent (27 units) of the units at The Kensington, would be four school-age children. This analysis does not take into account that some percentage (approximately three percent)² of those school-age children would attend private or parochial school. For this highly conservative analysis, no adjustment was made. If there were four school-age children realized for this project, the effect on the school district in terms of overall enrollment would be minimal given the total enrollment of nearly 1,500 students.

A total of twelve units in the revised Proposed Action (four per floor) would have a den, measuring approximately 9 1/2 x 12 feet. The dens would not have doors or closets and would not be located near a bathroom. However, the analysis included in the DEIS with regard to project-generated school age children already accounted for the unlikely possibility that some units would be occupied by families with children.

In the worst-case scenario, where four school-age children would be generated, the education cost would be \$73,240 (assuming \$18,310 per child). Using the revised tax figures (see Response J.3 of the FEIS), the project would generate approximately \$595,899 to the Village of Bronxville School District, resulting in a surplus to the school district of approximately \$522,659 per year.

¹ For additional detail on methodology, see The Kensington DEIS, Volume 1, July 2005, Chapter III.I. Community Facilities, pps III.I-6 – III.I-9.

² Westchester-Putnam School Boards Association. Facts and Figures 2003-2004, p.18.

Comment V.3:

The Comparative Analysis of Project Alternatives Table should include “the minimum parking space per unit” requirement for each alternative.

In the last row under the column, “Number of Units,” the type of units (i.e. age-targeted) should be specified. An additional column should be added next to “Estimated School-Age Children,” showing the number of school-age children if only 50% of the units were occupied by empty nesters or families with grown children and other 50% were to be occupied by the full range of household types. An additional column should be added describing the net tax benefit (or loss) after school-related and any other costs have been deducted. (F.P. Clark, Village Planning Consultant, Memo, 9/9/2005, pg. 11-12)

Response V.3:

**Table V-2
Minimum Parking Spaces Per Unit**

	Number of Units	Minimum Parking Space Per Unit
Proposed Action	61	1.5
No Build Alternative	NA	NA
No Zoning Change – Alternative 2	71	1.5
No Zoning Change- Alternative 3	90	1.0
Two Buildings/One Architecture – Alternative 4	61	1.5
One Building - Alternative 5	55	1.8
Revised Proposed Action	54	1.85

Under Alternative 5, the 55 units would be age-targeted.

**Table V-3
Worst-Case Scenario Project Generated School Age Children
(50 percent of units occupied by families with school-age children)**

	Number of Units	Project Generated School Age Children	
		ULI 0.1393	CUPR 0.164
Proposed Action	61	4	5
No Build Alternative	NA	NA	NA
No Zoning Change – Alternative 2	71	5	6
No Zoning Change- Alternative 3	90	0	0
Two Buildings/One Architecture – Alternative 4	61	4	5
One Building - Alternative 5	55	4	5
Revised Proposed Action	54	4	4

See Response V.3, for net tax benefit/loss.

Comment V.4:

You might want to say how far back it steps. You told us during our Design Review meeting that there is an appreciable stepping back and I think that we need to understand it. (Ms. Longobardo, Public Hearing Transcript, 9/14/2005, pg. 32)

Response V.4:

The average set back is ten-feet per story.

Comment V.5:

Just to clarify on the park area, it is intended that it be open to the public? (Mr. Donald Henderson, Chairman of the Village Planning Board, Public Hearing Transcript, 9/14/2005, pg. 33-34)

Response V.5:

The park proposed in Alternative 5 would be a public park for use by residents of the Village and of The Kensington. The park will be ADA compliant.

This Alternative has been dropped from further consideration.

Comment V.6:

Is the number of parking spaces provided in the alternative the same? (Mr. Westerfield, Public Hearing Transcript, 9/14/2005, pg. 33)

Response V.6:

The proposed 300 space subsurface parking garage is the same in the Proposed Action, and the two other development Alternatives.

Comment V.7:

Is there still an entrance where taxis come in that are not in the center of the building - -(Mr. Blessing, Public Hearing Transcript, 9/14/2005, pg. 33)

Response V.7:

The center courtyard provides access and egress to pedestrians, private vehicles, taxis and delivery trucks. The entrance is in the same location in Alternative 5 as in the Proposed Action.

Comment V.8:

Would you discuss the terraces that you presented at the Design Review Committee? I know they are not final and they can be changed, but it's an interesting way of stepping down. (Ms. Longobardo, Public Hearing Transcript, 9/14/2005, pg. 36)

Response V.8:

Both the Proposed Action and Alternative 5 propose a series of Juliet balconies on many of the units.

Comment V.9:

I'm very concerned about the size, because you are talking 61-units at the highest point on Kensington Road, so I don't know what it looks like from Alger Court (ph), and from the townhouses that face this. (Ms. Dorothy Brennan, Kensington Road, Public Hearing Transcript, 9/14/2005, pg. 40-41)

Response V.9:

The Proposed Action includes two four-story buildings with an estimated building height of 50 feet. The Alger Court residences are six-story structures located on the west side of the Metro-North Railroad tracks.

As described in Chapter IV of the DEIS, Significant Adverse Impacts that Cannot be Avoided, due to the proximity of the subject site to the Metro-North Railroad right-of-way, the project will closely coordinate the construction phasing and scheduling with the MTA. Prior to the start of construction, the Applicant will obtain and Entry Permit from MTA Metro-North Railroad. All work will be performed in conformance with Metro-North's "Construction Management Specifications" for work on or adjacent to railroad property and in conformance with Metro-North's "General Procedures for Access to Railroad Property." Additional information regarding coordination with MTA can be found in Chapter IV of the DEIS.

Comment V.10:

The EIS should address the Fiscal Impacts of the alternative proposal of construction a single structure of 54 units. (Mr. Thomas Hutton, 39 Homesdale Avenue, Bronxville, NY 10708, Letter, October 24, 2005, pg. 3).

Response V.10

The Applicant is no longer proposing to construct a single six-story building with 55 units.

ARCHITECTURAL DESIGN PREFERENCE

ARCHITECTURAL DESIGN PREFERENCE

Comment 1:

I don't like the other one because the pseudo of the Avalon has really been not as good as we hoped it would be, but this looks not bad (Ms. Dorothy Brennan, Kensington Road, Public Hearing Transcript, 9/14/2005, pg. 40)

Response 1:

Noted.

Comment 2:

I do prefer the first design [two four-story buildings]. This looks very much like a hotel that is just kind of not connected to anything that flows like the first project. (Ms. Bonnie Carey, Kensington Terrace, Public Hearing Transcript, 9/14/2005, pg. 45)

Response 2:

Noted.

Comment 3:

I really appreciate the first plan [two four-story buildings] that you designed. I thought it was so thoughtful to the Church with the windows, and it was thoughtful for our building. (Ms. Cindi Callahan, 25 Sagamore Road, Public Hearing Transcript, 9/14/2005, pg. 46-47)

Response 3:

Noted.

Comment 4:

...I would like to say I like both of these designs. They look very sensitive to the environment, but I prefer the one with the first one you showed [two four-story buildings] for a couple of reasons. I believe that the taller building, even though it is set back, especially if you go up the hill, you will be able to see that it's taller than the surrounding buildings and I think the congruence with the rest of the environment is something that I would go for. And also, the thing about- - we have experienced over the last year is that the area around the Church, the gathering around on a Saturday night at two or three o'clock in the morning for the young people in Bronxville. (Mr. Jim Broker, Gramatan Court, Public Hearing Transcript, 9/14/2005, pg. 54-55)

Response 4:

Although Alternative 5 proposes a taller building than those in the Proposed Action, due to the topography of Kensington Road, it would be no more visible from the top of Kensington Road, than the buildings included in the Proposed Action.

Several people raised the issue of the Church area as a gathering spot for teenagers. The existing parking lots along road are currently not fully utilized, are dark and are open to the public during both the day and night, thereby providing opportunity for teens to freely gather.

The proposed park in this single-building alternative, which has since been eliminated from further consideration would have been owned and maintained by The Kensington Homeowners' Association. The park would have been fenced and treated as the "front yard" of the proposed six-story building to be built on the northern part of the property. The park would have been open to the public and to The Kensington residents during the day but would have been closed at night.

Comment 5:

I think the height of the building of that nature [one six-story building) across from 23-25 Sagamore would not be very good looking. I don't think the garden space or the green space would be too well used by people, except kids or people that would be there at night. We get a lot of kids or young people who come into the Blue Moon down there and as the gentleman before me just mentioned they make a lot of noise. If that park was available to them, I'm sure it would be and thrilling place and I'm sure they would enjoy it, but I don't think it would lend to the neighborhood. (Mr. Al Lattimer, 22 Sagamore Road, Public Hearing Transcript, 9/14/2005, pg. 55-56)

Response 5:

The single building proposed in Alternative would be approximately thirteen feet taller than those included in the Proposed Action.

The proposed park in this single-building alternative, which has since been eliminated from further consideration would have been owned and maintained by The Kensington Homeowners' Association. The park would have been fenced and treated as the "front yard" of the proposed six-story building to be built on the northern part of the property. The park would have been open to the public and to The Kensington residents during the day but would have been closed at night.

Comment 6:

I think one of the things that the residents have talked about tonight is that there does not appear to be a substantial amount of massing on the building scheme on the right. Additionally the park would present some interest in new challenges for the Village, security being one of them. I favor scheme number one [two four-story buildings] as it fits in with the context of the building in a better manner. (Mr. Charles Meade, 51 Avalon Road, Public Hearing Transcript, 9/14/2005, pg. 60)

Response 6:

Noted.

Comment 7:

Is the single building in Alternative 5, the same length as the northern building in the Proposed Action? (Ms. Longobardo, Public Hearing Transcript, 9/14/2005, pg. 61)

Response 7:

The Proposed Action described in the DEIS included two four-story buildings. The northern building, designed in the Spanish Mission style, is 55,481 square feet. The southern building, designed in the Tudor style, is 39,300 square feet. Alternative 5 proposed one six-story building, designed in the Spanish Mission style, is approximately 110,000 square feet. The top two stories of the single building proposed in Alternative 5 are stepped back approximately ten feet each.

As noted, based on comments offered by the Board and the residents of the Village of Bronxville, the Proposed Action has been revised from that described in the DEIS. The revisions are summarized on page G-1 of this FEIS.

Comment 8:

I would favor the scheme on the left [two four-story buildings] because the massing looks more in context with the landscape as opposed to the building on the right [Alternative 5], which accentuates the idea that this is flat park land. It makes little sense to have a park in that area and although they minimized the medical building at the end near the train tracks, the reality is you are looking at sort of an ugly façade from an old building that is out of context with anything else and the park tends to accentuate that. (Unidentified Speaker, Public Hearing Transcript, 9/14/2005, pg. 62)

Response 8:

Noted.

Comment 9:

An informal count for the two building complexes and I wondered if then the right alternative to look at is not the single building, but the two building proposal all mission style? (Mr. Westerfield, Public Hearing Transcript, 9/14/2005, pg. 63)

Response 9:

Alternative 4 included in the DEIS explored using one architectural style for both buildings. The buildings would be identical in size, shape, number and size of units, massing, landscaping and amenities as the Proposed Action. The only difference was the architectural style. Two options were developed, one option – explored two Tudor style buildings, and the other option explored two Mission style buildings.

Comment 10:

I like the one building alternative, but - - and you've done a lot to having it stepped like the townhouses as yet another apartment. I really like the idea of the park. The idea of green space is wonderful. On the other hand, we don't want young people around us that are making noise

and if I lived there, I wouldn't either I guess. I wondered if there is more of a variation that would be possible to the one building design? (Ms. Longobardo, Public Hearing Transcript, 9/14/2005, pg. 66-67)

Response 10:

Noted

Comment 11:

What I suggest if you want to do that, you should probably stick with either the Tudor or the Mission style. All those green spaces are clearly a wonderful thing and I think we need to look at the context of how they will be used, who will use them and when they will get used. I'm not sure of what elevation is on top of the garage - - more than likely, the trains runs by on a regular basis and it might become somewhat disadvantage for us to stay. (Mr. Charles Meade, 51 Avon Road, Public Hearing Transcript, 9/14/2005, pg. 67-69).

Further detail regarding the comments offered by Mr. Meade are included in the Public Hearing Transcript from 9/14/05, pgs 67-69 included in Appendix C of this FEIS.

Response 11:

Alternative 4 included in the DEIS explored using one architectural style for both buildings. The buildings would be identical in size, shape, number and size of units, massing, landscaping and amenities as the Proposed Action. The only difference would be the architectural style. Two options were developed, one option – explored two Tudor style buildings, and the other option explored two Mission style buildings.

The proposed park in this single-building alternative, which has since been eliminated from further consideration would have been owned and maintained by The Kensington Homeowners' Association. The park would have been fenced and treated as the "front yard" of the proposed six-story building to be built on the northern part of the property. The park would have been open to the public and to Kensington residents during the day but would have been closed at night.

Comment 12:

One building is thirteen feet taller than the other one? (Mr. Westerfield, Public Hearing Transcript, 9/14/2005, pg. 69-70)

Response 12:

The single-building design proposed in Alternative 5 includes one-six story building. In order to accommodate 110,000 square feet and 55 condominium units, the building will be six-stories. As such, the building height for Alternative 5 is thirteen feet taller than that in the Proposed Action. It is, however, shorter than what is allowed under current zoning requirements in the Six-Story Multiple Residence D district. This Alternative was eliminated from further consideration.

Comment 13:

Can you tier it to the extent of taking off a floor? Would you be able to get it down to five floors? (Ms. Longobardo, Public Hearing Transcript, 9/14/2005, pg. 70)

Response 13:

Alternative 5 proposes one six-story building instead of two four-story buildings on the project site. Although Alternative 5 proposes fewer units (55 versus 61) than the Proposed Action, the design requires the additional stories to accommodate condominium units.

Comment 14:

Can you possibly tell us what the difference in height would be? (Ms. Mildred McLearn, Public Hearing Transcript, 9/14/2005, pg. 70)

Response 14:

The height of the building proposed in Alternative 5 is 63 feet, approximately thirteen feet taller than the buildings included in the Proposed Action. Per the Multiple Residence D Zoning District requirements, the maximum building height could be 72 feet.

Comment 15:

The two building plan just leaves you nothing but concrete and masonry in that whole area. And it's sort of deadly. (Ms. Mildred McLearn, Public Hearing Transcript, 9/14/2005, pg. 72)

Response 15:

Comment noted.

Comment 16:

May I suggest what we did with Kensington Manor, in order to show the people what the length of the building is going to be and the height of the building is going to be, we use the yellow police tape to show the length of one building, very ugly. We used balloons on the ribbons to show how high up the building would go and my concern on these buildings, both of them is the height. (Ms. Dorothy Brennan, Kensington Road, Public Hearing Transcript, 9/14/2005, pg. 75)

Response 16:

It should be noted that based on subsequent meetings and discussion with the residents of Bronxville, and the Planning Board, the Applicant will not be pursuing the six-story building Alternative (Alternative 5) presented in the DEIS. As such, because no comparison between the Proposed Action and Alternative 5 in terms of scale and massing would be required, no additional model, drawings or shadow analyses will be prepared for Alternative 5.

Comment 17:

Is it practical within a short period of time to come up with additional drawings rendering what the building would look like in more detail? (Chairman Donald Henderson, Public Hearing Transcript, 9/14/2005, pg. 76)

Response 17:

Based on additional discussion with Village residents and the Planning Board, Alternative 5, will no longer be considered for further analysis. As such, no additional architectural drawings, shadow studies, models or photographic simulations for Alternative 5 will be prepared.

Comment 18:

Would it be possible to have a model of it? How about a massing model? ? (Mr. Westfield, Public Hearing Transcript, 9/14/2005, pg. 77)

Response 18:

See Response 17.

Comment 19:

Is it also important to talk to the Mayor and police about our park, and how successful they think it will be or if it will become an attractive nuisance? (Ms. Smith, Public Hearing Transcript, 9/14/2005, pg. 79)

Response 19:

Both the Applicant and the Chairman of the Village of Bronxville Planning Board discussed these issues with the Police.

The Applicant reviewed the park concepts with the Village Chief of Police. Discussion topics included: the design and monitoring of the proposed park to ensure public safety. The Police Chief recommended several design components including: lighting, line-of-sight to ensure proper surveillance, monitoring and controlling hours of operation and gating.

As previously noted, however, Alternative 5 will no longer be considered for further analysis.

Comment 20:

Is the consensus of the public because they're nervous about the park? (Ms. Longobardo, Public Hearing Transcript, 9/14/2005, pg. 79)

Response 20:

Bronxville residents expressed concern regarding both the height of the building proposed in Alternative 5 and issues regarding safety at the proposed park.

Comment 21:

When I look at the one on the left [two four-story buildings], it looks like Bronxville. When I look at the one on the right, I feel that I'm looking at a brochure for a resort or some kind of hotel-type thing. I'm also looking at the space and we talked about how narrow and long it is, so why aren't we using the space as it exists; long and narrow?

One of the advantages of the first scheme is that it will block the railroad noise and railroad activity from the residential areas. In terms of green space, some of the discussions that I had with Metro-North people who were putting up the substation, they have been telling us they were going to do some landscaping and we are hoping that in these tree areas, that we would get maybe some kind of a park-like area developed there. And the advantage there is that you have homes around it. If there are kids congregating, or there is anything going on, the people will call the police. (Unidentified Speaker, Public Hearing Transcript, 9/14/2005, pg. 80-81)

Response 21:

Chapter III.K on the DEIS presents an analysis of the potential for noise and vibration impacts, which may result from the Proposed Action. Additional analyses prepared by Cerami Associates have indicated that Alternative 5 would have no negative acoustical impacts and in fact would be marginally better than the Proposed Action. The taller structure would provide additional sound barrier to residences on the east side of the train tracks (from train noise). The additional height should provide no additional reflections of train noise to the residences on the opposite side, which are already set back from the tracks.

At this time, Metro-North Railroad has not indicated the provision of a park adjacent to their substation.

The provision of a 300 space parking garage (100 spaces for Kensington residents and 200 spaces for use by the Village of Bronxville) would not be impacted if Alternative 5 were selected as the Preferred Alternative. Both the Proposed Action and Alternative 5 would include the subsurface parking garage in the same layout and configuration.

The single-building alternative (Alternative 5) described in the DEIS, proposed a park on the southern portion of the project site, The Kensington Homeowners' Association would have owned and maintain the 20,000 square foot park. The park would have been fenced and treated as the "front yard" of the proposed six-story building to be built on the northern part of the property. The park would have been open to the public and to Kensington residents during the day but would have been closed at night.

As previously indicated, this Alternative has been eliminated from further consideration.

Comment 22:

Maybe you should consider putting more parking up there too. (Ms. Cindi Callahan, 25 Sagamore Road, Public Hearing Transcript, 9/14/2005, pg. 82)

Response 22:

The existing at-grade parking lot accommodates approximately 179 spaces. Parking utilization studies were performed as part of the DEIS and indicated a maximum utilization of 73 percent (131 vehicles) parking in the three lots on a Monday at 11:30 AM. Both the Proposed Action and Alternative 5 include provision for parking for Kensington residents and 200 parking spaces for use by the Village of Bronxville to replace and augment the existing 179 parking spaces.

Comment 23:

Even though it is six stories high, the topography of the area runs up hill from Kensington Road, up hill to Sagamore, so the surrounding buildings even though they might have fewer stories, they are actually higher up on the ground, because the ground slopes up. So if people are concerned that it's going to tower over the neighborhood buildings, I don't think that is actually the case. (Jeffrey Faville, Public Hearing Transcript, 9/14/2005, pg. 83-84)

Response 23:

Noted.

Comment 24:

On Friday September 16, I met with Bill Murphy, Parking Commissioner, and Robert Paley of WCI Communities; Inc. Mr. Paley clarified several questions concerning the proposed project on Kensington Road. At the Board meeting on September 14, I had voiced my preferences for the two building project. The primary reason for this was that I was opposed to a "park" at the south end of the project.

I was informed by Mr. Paley that the platform above the garage would be some ten feet or more above street level at the southern boundary of the development. The four-story building would be 45-50 feet above the street at the south end of the development and 20-30 feet taller than the present professional building. The so-called "park", or green space, would be on top of the platform, and several feet above curb level. It would be owned by the development completely fenced and maintained by the condo association. It would be treated as the "front yard" of the proposed six-story building to be built on the northern part of the property. (Although the "front yard" might be open to the people during the day, it would be closed at night. Since it is also above street level, I personally doubt that many people other than the development's residents would use this "front yard" during the day.) The tiered setbacks of the 5th and 6th floors of the six-story north building are a fine effort to soften the massive appearance of the proposed six-story building.

As the height of the platform was not clear to me at the meeting on September 14, and because the green space will be considered the "font yard" of the proposed six-story building and that it will be fenced and locked at night, I have changed my position. I now favor the construction of one building at the south end of the property. Furthermore, having the "Front Yard" of the development at the south end of Kensington Road will enhance the open look generated by the Christ Church near the foot of Sagamore Road. (Alfred F. Latimer, Owner of 22 and 28 Sagamore Road, 9/22/2005, pg. 1)

Response 24:

Noted

Comment 25:

The two building alternate, they were not equal in length; is that right? And the building we are looking at is about 250 feet for the one building alternative, is that also 250 feet? (Anna Longobardo, Public Hearing Transcript, 9/28/2005, pg. 14, 15-16)

Response 25:

The buildings of the Proposed Action are in fact two different sizes. The southerly Tudor style is 200 feet in length and the northerly Spanish mission style is 314 feet in length. The Proposed Action analyzed in the DEIS includes two buildings. At 55,481 square feet, the north building, designed in the Spanish Mission style, is the larger of the two proposed buildings. It is approximately 314 feet long. The south building, designed in the Tudor style is approximately 39,300 square feet and approximately 200 feet long. The single building proposed in Alternative 5 would be approximately 343 feet long, 29 feet longer than the north building included in the Proposed Action.

As noted, based on comments offered by the Board and the residents of the Village of Bronxville, the Proposed Action has been revised from that described in the DEIS. The revisions are summarized on page G-1 of this FEIS.

Comment 26:

Is it your view that even on the other side of the street, one would only perceive a four-story building? (Chairman Donald Henderson, Village of Bronxville Planning Board, Public Hearing Transcript, 9/28/2005, pg. 19)

Response 26:

Because the upper floors of the building are stepped back, they will not be visible from street level on Kensington Road.

Comment 27:

How high will this fence be along the road? (Donald Henderson, Village of Bronxville Planning Board, Public Hearing Transcript, 9/28/2005, pg. 26)

Response 27:

A three-foot high fence is proposed along the eastern edge of the length of the project site. Due to the sloping topography of Kensington Road, at the south end of the project site, the three-foot fence would sit atop the parking deck, at an average elevation of approximately eight feet from the plaza deck down to the sidewalk. Traveling north along Kensington Road, the fence would reach street grade at the center of the project side at the center entry.

Comment 28:

Where would the gate be to the entrance? (Chairman Donald Henderson, Village of Bronxville Planning Board, Public Hearing Transcript, 9/28/2005, pg. 27)

Response 28:

The gated entrance to the proposed development is located at the center of the project site, which is the high point of Kensington Road. Vehicles would pull off Kensington Road, encounter the gate (which is recessed so that turning vehicles would not block Kensington Road) and enter the project site via the center courtyard at grade level through the gate. Pedestrian access would be via the same gate. This is a completely handicapped accessible space.

Comment 29:

At 10 o'clock at night, what will prevent one from walking into that parking area? (Chairman, Donald Henderson, Village of Bronxville Planning Board Public Hearing Transcript, 9/28/2005, pg. 28)

Response 29:

The gate to the project side would be closed at night. In addition, The Kensington will have 24-hour concierge service that is part of this building. The concierge desk will be located to provide uninterrupted sight lines to the gate. The concierge would be able to monitor incoming and outgoing pedestrian and vehicular access to the project site.

Comment 30:

But the gate is to the entrance to the top of the plaza area? (Chairman, Donald Henderson, Village of Bronxville Planning Board, Public Hearing Transcript, 9/28/2005, pg. 28)

Response 30:

Yes.

Comment 31:

Then people coming by car won't have access to it after ten at night? (Chairman, Donald Henderson, Village of Bronxville Planning Board, Public Hearing Transcript, 9/28/2005, pg. 28)

Response 31:

Parking will not be permitted in the center courtyard. Vehicles dropping off passengers (passenger cars or taxis) arriving at The Kensington after ten-o'clock at night would approach the closed gate, which is set back off of Kensington Road. The Kensington will provide 24-hour concierge service. The concierge would have clear view of the entering vehicles and open the gate to allow vehicles entry to the drop-off area.

Comment 32:

What will the gate look like? (Chairman, Donald Henderson, Village of Bronxville Planning Board, Public Hearing Transcript, 9/28/2005, pg. 28-29)

Response 32:

The design for the gate has not yet been determined. It is assumed that the gate would be a simple retracting gate.

Comment 33:

I think it was a comment from the last meeting, that I think the question is, at 10 o'clock at night, what would stop three 16-year olds from getting into that area? (Chairman, Donald Henderson, Village of Bronxville Planning Board Public Hearing Transcript, 9/28/2005, pg. 29)

Response 33:

For both the Proposed Action and Alternative 5, the project site would be gated. This area would be a clearly controlled and maintained space.

At night, the gate would be locked and closed, so people would not have access to it. In addition, sight lines would be uninterrupted to make sure that the concierge, who will be on site 24-hours a day, has unobstructed visibility throughout the plaza area. Appropriate levels of lighting would be provided.

In addition, the fact that this is the front door to the building and the front yard of the building, as the developer of the building, there is clearly no way we will have in the building and also, you have to make sure that it is maintained so that it really is a cared-for space.

Comment 34:

About the preferred building being the initial one with the Tudor and the Mission and two buildings, and in justifying that, you talked about scale, size, design, neighborhood context and it seems to me now you are kind of reversing course here and I am a little curious about that. (Ms. Smith, Public Hearing Transcript, 9/28/2005, pg. 45)

Response 34:

Alternative 5, the single-building alternative, was developed in response to interest by Village residents and the Village Planning Board. While the Applicant intends to proceed with the Proposed Action as designed, the Applicant provided additional information and analyses for the single-building alternative in direct response to requests Village residents.

Comment 35:

But will pedestrians see a train going by when he or she is walking between the medical building and 1 Pondfield Road and your building? (Ms. Smith, Public Hearing Transcript, 9/28/2005, pg. 51)

Response 35:

The Metro-North Railroad train tracks are below grade and below the deck line of the park proposed as part of Alternative 5. As such the top of the train would not be visible from the proposed park.

Comment 36:

You are really producing an urban garden. It's a concrete garden with the pluses and the minuses and I suppose there are some minuses construction wise--, and I'm worried that this still may look harsh and not inviting - - because it is going to be built up on top of a platform. I'm just afraid that it is going to look artificial. (Ms. Smith, Public Hearing Transcript, 9/28/2005, pg 53)

Response 36:

The Kensington Homeowners' Association would maintain the proposed open space.

Comment 37:

At some point in time if the one building design was approved and done, what would prevent the park from ever being developed again and putting up additional buildings? (Mr. Blessing, Public Hearing Transcript, 9/28/2005, pg. 55-56)

Response 37:

The Special Permit issued by the Village of Bronxville Planning Board would include language to restrict future development on the project site.

Comment 38:

I have a letter from Desiree Buenzle and she said she supports the one building alternative. I also have a letter from Alfred Latimer who is the owner of 22 and 28 Sagamore Road. He appeared at the last meeting to say he favored the two building approach and he now says he has changed his position and favors the one building approach. (Chairman, Donald Henderson, Village of Bronxville Planning Board, Public Hearing Transcript, 9/28/2005, pg. 56)

Response 38:

Noted.

Comment 39:

What will be the setback for the six-story building? How many trees can the street support? (Ms. Dorothy Brennan, Kensington Road, Public Hearing Transcript, 9/28/2005, pg. 58)

Response 39:

For both the Proposed Action and Alternative 5, the proposed buildings would sit on top of the plaza. The buildings would be a minimum of 15 feet from the property line. As part of the project, the public right of way within the project boundary would be reconstructed. Several

existing parking spaces would be removed, and the sidewalk would be extended creating a planter bed, new streetscape, and street trees. A landscape plan, which would detail number and location of street trees, will be prepared and reviewed during the Site Plan Approval Process.

Comment 40:

What is the height of the building? (Chairman, Donald Henderson, Village of Bronxville Planning Board, Public Hearing Transcript, 9/28/2005, pg. 64)

Response 40:

The six-story building proposed in Alternative 5 would be approximately 63 feet – and approximately 68 feet to the highest point. This Alternative was eliminated from further consideration.

Comment 41:

We worked very closely with Kevin and with the people in his group, so this plan has really been a work in progress and has been an evolution; Plan A is two buildings and two football fields long. So, go down Kensington Road and look at the two buildings two footballs feet long. Or Plan B, with Plan B you get green space and one building one football field long, but 15 feet taller. Which one do you want? I sort of want plan B. With green space, we do get all of the increased values with that amenity. It also is in line with the village's philosophy of decreasing footprint size. The building would take on the security and monitor the security there, and it really doesn't make any sense to move them. It always concerned me that small constricted spaces in what I am terming Plan A, you want to have an open vista. Open vistas are much easier to patrol, or to see whether or not sneaky things are going on. It does accelerate the building process which was touched upon and that may seem like a small issue of some people, but for a lot of us who do live in that area, it is a big issue to us, because we still don't know where all of that parking does come down to us already. (Rene Atayan, Kensington Road, Public Hearing Transcript, 9/28/2005, pg. 67-70)

Response 41:

Noted

Comment 42:

I am here to speak in favor of the one building concept. I have a very strong feeling towards the need for open space, whether we are talking about Kensington or wherever. (Mr. Bill Murphy, Public Hearing Transcript, 9/28/2005, pg. 73-74)

Response 42:

Noted.

Comment 43:

Whatever the use, can it be deeded for a five to seven-year period, so this would be consistent over a period of time? The initial plan for me, I happen to like it better. I appreciate the architecture styles in both and taken into consideration the stone building and the Tudor style of the Church, as well as the Mediterranean style of Gramatan Court. To me the two landscaped tree lined streets of both buildings would take the lead in to a residential area. (Ms. Cindi Callahan, 25 Sagamore Road, Public Hearing Transcript, 9/28/2005, pg. 84-86)

Response 43:

In the Special Permit required for the project, the Village of Bronxville Planning Board would condition the special permit to prevent the approved site plan from change.

Comment 44:

I'm very affected by the thought of having the openness at the street corners and having a fairly large park even though it is mostly going to be used by the residents in that building and it is still an openness and so-on. (Ms. Longobardo, Public Hearing Transcript, 9/28/2005, pg. 94)

Response 44:

Noted.

Comment 45:

We should have duplicate drawings of each one we are comparing apples to apples. I was thinking merely the two designs. The two buildings with the Tudor and the Mission and the single Mission style building. (Mr. Blessing, Public Hearing Transcript, 9/28/2005, pg. 95-96)

Response 45:

Site plans and elevations for Alternative 4 (two buildings with one architectural design) are included in the DEIS. As previously noted, Alternative 5 is no longer being considered for further analysis.

Comment 46:

I want to express my support for the plaza plan that is being considered by the Planning Board for the parking lot site on Kensington Road. I live across the street from the site and I believe that the plaza could be a real amenity for the neighborhood and the village. (Desiree Buenzle, 2 Kensington Terrace, Bronxville, NY 10708, Letter, September 23, 2005, pg. 1).

Response 46

Noted

Comment 47:

It looks to me like a hands down first choice for the one building plan. We hope Cindy and her signers will come to discuss this with us and I believe they will end up in agreeing with us. (Unidentified Speaker, Public Hearing Transcript, 10/12/05, pg. 85-89)

Response 47:

Noted

Comment 48:

I make no qualms about preferring the four story. (Bonnie Carey, Public Hearing Transcript, 10/12/05, pg. 89-90)

Response 48:

Noted

Comment 49:

I was at the Trustee meeting on Monday night in the Village Hall. Again I can't get an answer about why a second proposal was even designed. My concern is that in all of the meetings that I've been to, it's becoming apparent to me that the builder wants the six-story one building design. (Bonnie Carey, Public Hearing Transcript, 10/12/05, pg. 90-91)

Response 49:

The Proposed Action in the DEIS is for the two four-story building alternative.

MISCELLANEOUS

MISCELLANEOUS

Comment M.1:

Who are directly impacted by this project? (Ms. Bonnie Carey, Kensington Terrace, Public Hearing Transcript, 9/14/2005, pg. 45)

Response M.1:

In addition to impacting the residents of Bronxville, the Proposed Action impacts a number of relevant agencies with interest in or involvement with the project. A list of these Interested and Involved Agencies is included in the DEIS.

Comment M.2:

Metro-North realizes that full-size drawings may not be available yet, but asks that they be promptly provided with such drawings as they are developed. (Karen L. Timpko, Esq., Director of Environmental Compliance and Services MTA, Letter, 9/19/2005 pg. 3)

Response M.2:

Full-size drawings were forwarded to John LaFond on December 12, 2005.

Comment M.3:

It says the northern boundary of the site is Kensington Road, and I think we need to make it clear that it is not Kensington Road; it is a line that runs east of the tracks to Kensington Road. We need to just identify it by the measurement. It is an exact road. (Ms. Palermo, Public Hearing Transcript, 9/14/2005, pg. 20)

Response M.3:

Clarification noted. DEIS is amended by reference

Comment M4:

That means that we at Alger Court are truly at the mercy of the Planning Commission to take our consideration very very seriously. Not anywhere along this process did anybody send anything to us. Not by e-mail, which would be absurd anyway, not by written letter through our agents, not individually. None of us have been approached at all. And it was a great shock to find this out that it had reached this stage without consulting us. (Ms. Sara Penella, Public Hearing Transcript, 10/12/2005, pg. 42)

Response M.4:

Public Hearings for The Kensington Project were held on September 14, 2005, September 28, 2005 and October 12, 2005. Notices for these hearings were posted in the local newspaper, and on the Village's website. These Public Hearings were televised. In addition, the Applicant has been meeting with the Village Planning Board on the project on and off for approximately one year. These meetings are open to the public and all Village residents are welcome.

Copies of the DEIS is available for review at the Village of Bronxville Library and the entire DEIS is available for download at the Village of Bronxville's website.

Several community outreach meetings were held with Village residents, the most recent meeting was held on November 12, 2005 at the Village of Bronxville Library.

Additional discussion on this topic is included in the Public Hearing Transcript (10/12/05) beginning on page 44.

Comment M.5:

I called City Hall and asked for information about what was going on because I have parking there. I was not given any information. (Unidentified Speaker, Public Hearing Transcript, 10/12/05, pg. 45)

Response M.5:

See Response M4.

Comment M.6:

I asked about a document and they said there was no document available - - (Unidentified Speaker, Public Hearing Transcript, 10/12/05, pg. 49)

Response M.6:

See Response M4.

Comment M.7:

Do you have a website or something where citizens could be directed? (Unidentified Speaker, Public Hearing Transcript, 10/12/05, pg. 49-50)

Response M.7:

See Response M4.

Comment M.8:

It is apparent that the due process to notify neighboring residents to The Kensington project was not done by the developer or the Design Committee. Instead of the standard notification in which both mail through US postage it distributed to the impacted areas, and an additional running of advertisements in local papers - such as the Review Press which comes out ten days after any meeting that we have, so the information is ten days old. A letter could have been sent to the various managing agents so that those notices would have been forward to the various building Board of Directors and a representative from each building could then be part of this discussion. (Ms. Cindi Callahan, Public Hearing Transcript, 10/12/05, pg. 58-59)

Response M.8:

See Response M.4.

Comment M.9:

I'm surprised that the Planning Board asked for a development proposal that specifically - - that is not in compliance with the contract the Village signed with the developer. I would have thought the contract that the Village signed, would sort of be the outer bounds, the guiding document for this whole project. So it seems to me, it may be unfair to the developer to ask for an expensive process of creating plans that would never be approved because they violate the contract. (Ms. Betsy Harding, 39 Homesdale Road, Public Hearing Transcript, 10/12/05, pg. 70-71)

Response M.9:

The Proposed Action analyzed in the DEIS and the revised Proposed Action are in concert with the contractual obligations between the Village and the Applicant, which provides that development shall be limited to four stories.

Comment M.10:

The problem I see facing us now is I don't know whether this developer was open to public bid to develop. They are only paying in my opinion, a very small amount for this property. I don't know of anybody anywhere that can pay only a million dollars for a piece of property this big. The townhouses in Bronxville sell for more than that. But in conjunction with the million dollars, they felt they are getting 200 parking space and they feel it balances out. I don't. I think we are giving this property away and I wonder what the Trustees are thinking about when they do this sort of thing. I don't know that I would go up to Albany and fight it because I just don't think we are getting a fair hand. I don't think we are getting enough money out of these properties. I don't think we are getting enough money out of the Avalon. Ms. Dorothy Brennan, Kensington Road, Public Hearing Transcript, 10/12/05, pg. 82-83)

Response M.10:

The Applicant participated in a competitive bidding process. The financial benefit to the Village includes the cost of the land, and the construction of a fully weather protected garage with 200 spaces at an estimated cost to the Applicant of \$7 million. In addition, the project will generate annual tax payments and other benefits to the Village.

Comment M.11:

So I think that there is a tremendous lack of communication and we've just got to do something about it. If it's necessary because something is important is going on in our Village, that we send our letters to the people in the neighborhood who are directly involved and maybe the Village should be spending that money. (Ms. Dorothy Brennan, Kensington Road, Public Hearing Transcript, 10/12/05, pg. 84)

Response M.11:

See Response M.4

Comment M.12:

The builder started out being Spectrum with Mitchell Hochberg. Shortly after the project was presented, he sold the company. I don't know how much that affects us, but as far as the builder or with the reputation or whatever, I just didn't think that was very nice because he wasn't upfront. (Ms. Bonnie Carey, Public Hearing Transcript, 10/12/05, pg. 90-91)

Response M.12:

Comment noted.

Comment M.13:

Why not put this up on the website. I put this in google, Kensington Road Project, and nothing came up. [How about posting] a PDF file with the study on [the Village's website] that anyone can access it and print it for himself or herself. I'd love to have a transcript available on-line. (Ms. Curtis, Sagamore Road, Public Hearing Transcript, 10/12/05, pg. 93)

Response M.13:

See Response M.4.

The FEIS will include copies of transcripts from all three Public Hearings held on this project. In addition, meeting minutes from all Village Planning Board meetings are available through the Village of Bronxville.

Comment M.14:

We should like to go on record as opposing any development plan for new housing on Kensington Road.

We would like to see an attractively designed parking structure, perhaps topped by landscaping, a park, or fenced-in playing field, constructed on this site. Such a structure would (1) bring revenue to the Village; (2) meet the parking needs; (3) respect the quality of life of those who live in this section of town. (Ellen and Charles Curtis, 36 Sagamore Road, Letter, 10/30/05, pg. 1)

Response M.14:

Noted.

Comment M.15:

I am writing, too, to suggest that the Village Parking Department be charged with the mission of developing an alternate development plan for the use of The Kensington Property: one that

would focus primarily on meeting the needs for additional parking. (Ercole Rosa, Southgate, Letter, 10/31/05, pg. 1)

Response M.15:

Noted.

Comment M.16:

For this reason and the fact that there is a busy circle where Kensington and Sagamore meet, let alone a packed parking lot and an historical church to be considered, it is vital that these plans take immediate attention. They should be printed out and posted in either Village Hall or the library so that the residents have some idea just what is going to occur when the actual building starts. (Barbara W. Murray, 89 Kensington Road, Letter, 10/23/05, pg. 1)

Response M.16:

The DEIS is available for review at Village Hall, the Village Library and is available for download from the Village's website.

Comment M.17:

The question we have been asking ourselves, which we are sure you are asking the same question – is it really worth it? Not from a monetary sense but from a quality of life perspective: disruption, noise, safety issues, etc. Does the Village really need a development of the size and scope. Since its inception this development has only provoked criticism and concerns from the Bronxville Community. Is there no other alternatives? We agree to the need for progress and growth in our Bronxville Community – but at what price?

The current developers will agree to everything in order to get the proper approval to build, but what happens afterwards? What is the discipline over the developers? Who will hold them accountable? Who will look after the best interests of our properties and residents – not monetary interests but more importantly safety and quality of life interest during the construction period?

Also, we would welcome your insight and that of the Planning Board on what measures we can take to prevent damage to our buildings and mitigate the impact to our residents during the construction period, and if we do incur damage what will be our recourse? (Board of Directors, Gramatan Court Apartments, 10/26/05, pg. 2)

Response M.17:

The DEIS includes five alternatives to the Proposed Action. These Alternatives were determined in conjunction with the Village of Bronxville and its consultants and were presented for public review at a Public Scoping Session held on October 13, 2004.

The SEQR process, and the Village of Bronxville Site Plan review process ensure that permits will not be issued for the project unless certain requirements are satisfied.

A Construction Management Plan will be prepared by the Applicant and reviewed by the Village to direct construction operations and maintain adequate safety and security to residents and neighbors. A draft of this plan is included in Appendix D of this FEIS.

Comment M.18:

First, from the beginning of the project, residents at Alger Court, and along Lake Avenue specifically, were never invited to be part of the neighborhood committee consulted for the project, and yet no one will be impacted more severely by any buildings, whatever the size, than those of us living on this side of the tracks. (Sara S. Penella, President, Lake Avenue Owners, Inc., Letter, 10/27/05, pg. 1)

Response M.18:

See Response M.4.