

RESOLUTION ISSUING A FINDINGS STATEMENT FOR THE
DESIGN, ENVIRONMENTAL REMEDIATION, AND
CONSTRUCTION OF THE PROPOSED NEW CITY MAINTENANCE
YARD ON BEECHWOOD AVENUE.

WHEREAS, on May 18, 2004, the City Council of the City of New Rochelle by Resolution No. 106, declared its Intent to act as the Lead Agency in connection with all processing, procedures, determinations and findings to be made or conducted with respect to the following for the proposed new City Maintenance Yard on Beechwood Avenue: (1) Design; (2) Environmental Remediation; and (3) Construction (collectively the "Proposed Action" and herein defined as the "Proposed Action" under Section 8-0101, *et. seq.*, of the Environmental Conservation Act ("SEQRA") and the regulations promulgated by the New York State Environmental Conservation thereunder at 6 N.Y.C.R.R. Part 617 "(SEQRA Regulations)"); and

WHEREAS, on May 18, 2004, by Resolution No. 106, the City Council made the following determinations:

1. That the Proposed Action required SEQRA review;
2. That the Proposed Action required the preparation of an EIS and a coordinated review under SEQRA;
3. That the involved and interested agencies included:
The New Rochelle Planning Board;
The New Rochelle Bureau of Buildings;
The Westchester County Planning Department;
The New York State Department of Environmental Conservation; and
New York State Thruway Authority; and
4. That the City Council wished to assume Lead Agency status in connection with the SEQRA review for the Proposed Action described above; and,

WHEREAS, the City Council by Resolution No. 106 of 2004, directed that a Lead Agency coordination letter be circulated among the various interested and involved agencies together with the Long Form Environmental Assessment Form prepared for the Proposed Action, which coordination letter was mailed to all interested and involved agencies; and

WHEREAS, interested and involved agencies submitted letters indicating that they had no objection to the City Council taking Lead Agency of the Proposed Action; and

WHEREAS, the City Council by Resolution No. 213 of 2004, took Lead Agency of the Proposed Action, issued a Positive Declaration, and directed that a Draft Environmental Impact Statement (“DEIS”) be prepared for the Proposed Action; and

WHEREAS, the Commissioner of Public Works and City consultants held a public scoping session to determine the Scope for the DEIS; and

WHEREAS, the City Council by Resolution No. 270 of 2007, reaffirmed the City Council as Lead Agency, issued a Notice of Completion, and scheduled a public hearing on the DEIS for January 8, 2008; and

WHEREAS, the City Council received and heard public comment on the DEIS at the public hearing held on January 8, 2008, and written public comment thereon up to ten (10) days following such public hearing; and

WHEREAS, the Commissioner of Public Works and City consultants reviewed the Final Environmental Impact Statement (“FEIS”), containing responses to the comments received and heard on the DEIS, for completeness and recommended that this Council issue a Notice of Completion and schedule a public hearing to hear public comment on the FEIS; and

WHEREAS, the City Council by Resolution No. 62 of 2008, issued a Notice of Completion, and scheduled a public hearing on the FEIS for April 15, 2008; and

WHEREAS, the City Council received and heard public comment on the FEIS at the public hearing held on April 15, 2008, and written public comment thereon up to ten (10) days following such public hearing; now, therefore

BE IT RESOLVED, that the City Council of the City of New Rochelle hereby issues a Findings Statement under SEQRA for the design, environmental remediation, and construction of the proposed new City Maintenance Yard on Beechwood Avenue.

**CITY OF NEW ROCHELLE
RELOCATION OF THE CITY MAINTENANCE AND OPERATIONS CENTER
(CITY YARD)**

STATE ENVIRONMENTAL QUALITY REVIEW ACT

FINDINGS STATEMENT

Pursuant to the State Environmental Quality Review Act, (“SEQRA”) codified at Article 8 of the New York Environmental Conservation Law (ECL), and its implementing regulations, promulgated at Part 617 of Title 6 of the New York Code, Rules and Regulations (6 NYCRR Part 617), which collectively contain the requirements for the State Environmental Quality Review (“SEQR”) process, the City of New Rochelle City Council (“City Council”), as lead agency, makes the following findings:

Date: June 17, 2008

Title of Action: Relocation of the City Maintenance and Operations Center (City Yard)

Location of Project:

The site for the proposed City Maintenance and Operations Center is located off the north side of Beechwood Avenue east of Second Street (“Proposed Site”). The Proposed Site is approximately 4.93 acres and consists of City-owned property and property under contract of sale to be purchased by the City, as well as an adjacent parcel of land underneath the I-95 thruway viaduct to be leased from the New York State Thruway Authority (NYSTA).

Lead Agency: New Rochelle City Council
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Date Final EIS Filed: March 25, 2008

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Description of Proposed Action:

The City of New Rochelle (“City”) proposes to relocate and consolidate its existing Department of Public Works (“DPW”) Maintenance and Operations Centers to a new, upgraded location (“Proposed Action”). The City’s existing DPW facilities are located at 235 East Main Street and at 40 Pelham Road. The main DPW facility on East Main Street is located within the Echo Bay Area.

The Proposed Action includes relocating both the East Main Street and Pelham Road DPW locations to the Proposed Site on Beechwood Avenue approximately 1,000 feet north of the intersection with Main Street (US Route 1). The Proposed Action would move the DPW from a location on Echo Bay zoned for planned waterfront development and surrounded by general commercial areas to a location zoned for light industry that is surrounded by other commercial/industrial buildings and partially beneath the New York State Thruway (I-95).

The Proposed Action will include leasing a portion of the site from the NYSTA. The City has been conferring with the NYSTA for several years on the development of the proposed action, and the City Council recognizes that the Proposed Action, as currently designed, is contingent upon entering this lease with the NYSTA. The City Council is confident that this lease will be executed and fully expects that such action will occur. The City Council does recognize, however, that should such lease not be executed, then the SEQRA review process will be reinitiated as required under 6 NYCRR Section 617.9.

The Proposed Action would include construction of a building on the Proposed Site with an approximately 38,450 square foot footprint as well as a salt dome structure with a footprint 80 feet in diameter or approximately 5,000 square feet. In addition, there would be a new fueling facility, a recyclables storage area and sufficient parking spaces for City-owned vehicles as well as parking for employees.

The new Maintenance and Operations Center would allow the DPW to continue to provide services to the City from a centralized location. The City’s DPW provides a vast array of services to the community that take place mostly off-site including: municipal and traffic engineering; sewer/drain maintenance repair and construction; street and highway cleaning; refuse collection and disposal; recyclable collection and disposal; street maintenance, repair, construction, reconstruction and resurfacing; traffic device maintenance; street light installation and maintenance; maintenance of City-owned trees; snow/ice removal from public thoroughfares; leaf/yard waste removal and disposal; maintenance of City-owned buildings, structures and properties; and maintenance of City vehicles. In addition, the Department plays a vital role in the City’s emergency management response effort.

The new Maintenance and Operations Center would provide a location for storage of the vehicles and equipment necessary to provide these off-site services. The facility would have areas for maintenance of vehicles including service, repair and washing. Storage areas for equipment, parts and materials would be incorporated into the Proposed Site. In addition, the building would have office areas for the administrative activities associated with the operation of the DPW.

Evaluation of the Proposed Action’s Potential Impacts and Mitigation Measures

The City Council recognizes that, as a public project, the level of detail contained in the plans for the Proposed Action prepared to date is less than the level of detail normally submitted by private applicants. This is due to SEQRA’s mandate that a municipality conduct its environmental review prior to committing to a definite course of action, which prohibits the City from approving the funding of the comprehensive design steps necessary to prepare final site plans. As such, the City Council finds that the conceptual plans contained in the Draft EIS, were prepared in compliance with the City’s ability to engage in preliminary planning and budgetary processes necessary to the formulation of the Proposed Action prior to commencing SEQRA review pursuant to 6 NYCRR Section 617.5(c)(21). Although such plans are preliminary, they contain sufficient detail to permit the City Council to conduct a “hard look” analysis and identify all areas of environmental concern implicated by the Proposed Action, make a reasonable determination of the potential significant adverse impacts it may create, and ascertain the available mitigation measures to avoid such impacts to the maximum extent practicable.

The City Council acknowledges that before the final design is completed, the City has a continuing duty under SEQRA to examine whether any changes in design present potential significant adverse impacts not analyzed in the Draft and Final EIS, and may require the preparation of a supplemental EIS under 6 NYCRR Section 617.9.

The City Council has reviewed the analyses performed in the Draft and Final EIS, the comments received during public hearings and separate meetings held with the community representatives, as well as the City’s consultants’ responses to such comments, and considered the Proposed Action, and its alternatives, in light of SEQRA’s “rule of reason.” Such rule establishes that the degree of detail with which each environmental factor must be considered and discussed by an agency will necessarily vary and depend on the nature of the action under consideration. Pursuant to this rule, the City Council recognizes that its analysis should be tailored to potential significant adverse impacts that the Proposed Action might cause, and weighing such impacts against the anticipated social, economic and functional benefits of consolidating the City’s DPW operations into a centralized facility. Accordingly, where it was clear that an area of environmental concern would not produce significant adverse impacts, the City Council determined that these areas did not require the same level of scrutiny as issues that appear potentially more relevant to the Proposed Action.

The areas identified as those where potential significant adverse impacts and an analysis of mitigation measures required closer scrutiny were: existing and proposed operations; geology, topography and soils; site remediation; traffic; noise; air quality and odor; water resources; land use, zoning, and socioeconomic impacts; community services; visual/scenic resources; and project alternatives. In addition, as a result of the comments submitted during the EIS process, the City Council examined whether during the review of the Proposed Action any improper segmentation under SEQRA has occurred. Discussion of these areas and their possible long-term impacts and associated mitigation measures are summarized in the following paragraphs.

Existing and Proposed Operations

The City Council finds that the Proposed Action is expected to have a considerable positive impacts with regard to the existing and proposed operations. The relocation and consolidation of the separate DPW locations to the one facility is expected to allow for better

management of the Department as a whole. The Department reports that many of the DPW staff assigned to the individual programs may be reassigned depending upon the overall needs of the Department at a particular moment, and having all staff reporting to one location would facilitate this practice. In addition, the Proposed Action would provide for new and improved facilities including the fueling facility, vehicle storage and maintenance areas, and indoor vehicle washing areas. The City Council finds that these improvements have the potential to increase productivity, improve safety, better protect the environment, and allow the DPW to more efficiently service the needs of the City.

During the public comment period members of the community raised concerns regarding the ability of the Proposed Site to accommodate future expansion of the DPW vehicle fleet in response to population growth. The City Council has conferred with the Department on this issue and the Department reports that, based upon its experience, population and infrastructure are not directly proportionate, and the Department primarily services infrastructure, not population directly. The City Council does not anticipate adding significant additional miles of roadway, drainage or sewer, or any other infrastructure systems in response to future population growth that would necessitate a substantial increased workforce, materials or rolling stock. Refuse collection and recycling in the most recent residential developments are being serviced by private carting companies, and will continue to be collected in this manner. The City Council has reviewed empirical data showing the City has reduced the fleet size over the last several years (340 vehicles in 1999 to 296 in 2007). The new vehicles purchased have merely replaced other vehicles, with few exceptions. Based upon this data, the City Council finds that the Proposed Site will sufficiently accommodate any limited future expansion of the DPW vehicle fleet.

The City Council acknowledges that although significant expansion of the DPW fleet is not anticipated, the Proposed Site should include space for future storage of equipment or vehicles should it become necessary. The City Council has conferred with the Department and reviewed the proposed layout plan contained in the Draft EIS, and finds that there is approximately a quarter acre of space not allocated for use located underneath the I-95 Viaduct that could accommodate any future expansion of the DPW fleet or equipment if ever necessary.

The City Council finds, therefore, that the Proposed Action will provide numerous economic and operational benefits to the City, and will not result in any significant adverse impacts to the existing or future operations being performed by the Department of Public Works.

Geology, Topography and Soils

The Proposed Site is located in an urban area on property with topography that has been previously developed and no longer reflects the natural topography. The City Council has conferred with the Department and the City's consultants and finds that impacts to geology, topography and soils are not expected as a result of the Proposed Action. Site grading would be limited to small areas in order to facilitate drainage and construction of the proposed structures on site. The change in elevation would be limited to a few feet and would not impact the overall topography of the property.

The City Council finds that the Proposed Action will not have a significant adverse impact upon the site's geology, topography or soils.

Site Remediation

According to the results of several environmental site assessments for areas on the Proposed Site to be excavated, including Phase I, Phase II, and Supplemental Phase II site assessments, the presence of asbestos-containing material in the existing building was identified. The City Council finds that it is necessary to require the removal of such material in conjunction with the demolition of the existing building as part of the site remediation measures to be implemented during construction.

The results of these site assessments also detected several hazardous materials at low amounts at the Proposed Site. The City Council has reviewed the comparison of results from the Phase II and Supplemental Phase II sampling programs to the guidelines promulgated by the New York State Department of Environmental Conservation ("NYSDEC"). The City Council notes that over the course of the EIS process the NYSDEC amended its thresholds for Soil Cleanup Objectives ("SCO") for industrial properties as compiled in 6 NYCRR Section 375-6.8(b). After conferring with its consultants and staff, the City Council finds that these amended thresholds are the most appropriate standards to apply to the Proposed Site, as the property is zoned for, and will be used for, industrial purposes. The City Council further finds that pursuant to the NYSDEC's guidelines, implementing a remediation plan is not warranted as the levels of materials present on the Proposed Site are well below industrial standards requiring site remediation.

The City Council has reviewed comments submitted by the public and the response to said comments by the Department and the City's consultants, and recognizes the importance of continued site sampling during construction, as well as site remediation during construction if such samples reveal substances at or above NYSDEC threshold levels. The City Council finds that sampling and analysis of soils shall be required as part of the minor excavation activities that will be performed by the selected contractor during construction. Any contamination that is encountered on any area of the project, including the NYSTA-leased property, that meets or exceeds the NYDEC's thresholds for industrial properties shall be remediated in accordance with the applicable federal, state, and/or local regulations.

The City Council further finds that installation of above-ground storage tanks associated with the Proposed Action shall be undertaken in accordance with applicable regulations and would address the appropriate secondary containment, leak detection and spill/overflow prevention requirements. Appropriate maintenance and inspection procedures will also be employed to limit the potential for future spills. The City Council has reviewed the initial layout plans for the Proposed Site included in the Draft EIS, which show the construction of buildings on concrete foundations and paving the rest of the site with asphalt or concrete, and finds that such measures will significantly minimize the potential for future soil contamination on the site.

The City Council finds that, with the implementation of these measures, the construction activities contemplated for the Proposed Site will not exacerbate existing conditions or create significant adverse environmental impacts, and that

Site remediation has been adequately analyzed and addressed in the Draft and Final EIS.

Traffic

Based upon a thorough review of the traffic analyses included in the Draft and Final EIS, as well as public comments received during this process and the responses to such comments by the City's consultants, the City Council finds that the Proposed Action is not expected to generate a significant increase in traffic in the area of the Proposed Site. According to the Traffic Impact Assessment, contained in the Draft EIS, the proposed facility is expected to create a minimal increase in traffic volume in the immediate vicinity of the Proposed Site. The Traffic Assessment identified three intersections as areas that will accommodate most of the traffic created by the Proposed Action: i) Main Street at Beechwood Avenue/Woodland Avenue, ii) Main Street at Webster Avenue, and iii) Kings Highway at Rockdale Avenue.

At the Main Street at Beechwood Avenue/Woodland Avenue, a minimal increase in the average delay will occur, but according to the traffic analyses performed, such increase will not change the level of service ("LOS") for this intersection, as defined by the Transportation Research Board's Highway Capacity Manual. In addition, the maximum vehicle queues in both the morning and midday peak hours are anticipated to increase by only one vehicle. Based upon a review of this information, the City Council finds that the Proposed Action will not create a significant adverse impact upon traffic conditions at this intersection.

At the Main Street and Webster Avenue intersection, the LOS for the AM peak period degrades from a LOS B (minor delay) to a LOS C (acceptable delay), accounting for an average delay increase of four seconds. There is a change in LOS at this intersection due to the average delay increase from 18.4 to 22.6 seconds, which spans the 20 second threshold between a LOS B and LOS C. For the midday peak period, this intersection will remain operating at a LOS B.

The City Council finds, after consultation with the City's consultants, that an adjustment to the timing of the intersection signals at Main Street at Beechwood Avenue/Woodland Avenue and Main Street at Webster Avenue will adequately mitigate the impact of increased delay and the LOS decreases at these intersections. At the Webster Avenue intersection, the installation of a signal face for vehicles leaving the property on the east side of Main Street opposite Webster Avenue is also required to reduce intersection congestion and improve safety. The City Council is committed to implementing such measures as part of the project's final design.

At the Kings Highway and Rockdale Avenue intersection, the analysis indicates that the AM peak period will remain at a LOS F level with the anticipated increase in traffic created by the Proposed Action, as the increased delay will be less than one second. The Assessment reports that although the midday peak conditions at this intersection will decrease the LOS from C to D (below acceptable as congestion becomes noticeable due to longer delays), the average increase in delay throughout the day will be 0.2 seconds. The City Council finds that an average delay increase of 0.2 seconds is not a significant adverse impact on traffic conditions at this intersection, and does not warrant the implementation of mitigation measures.

In light of public comments submitted to the City Council concerning the adequacy of the Proposed Site to accommodate employee parking, representatives from the City met with representatives of the community residing in the vicinity of the Proposed Site. As part of said

meeting, the Department and its consultants reviewed the Proposed Site's ability to adequately handle the projected parking demand and the potential of Department employees being forced to utilize off-Site street parking. The Department reports that the Proposed Site will be able to accommodate the anticipated 79 parking spaces. This is due, in part, to the ability of employee vehicles to utilize spaces being vacated by DPW vehicles exiting the facility every morning. The City Council finds that the Proposed Site has sufficient space to accommodate all employee vehicles on-Site, and the Proposed Action will not result in parking of employee vehicles on the streets surrounding the Proposed Site.

The City Council finds that, as mitigated, the potential impacts upon traffic created by the Proposed Action will be minimized or avoided to the maximum extent practicable, and that the Proposed Action will not result in a significant adverse impacts upon area parking.

Noise

The potential for noise impacts from the Proposed Action was assessed with respect to the anticipated increase in traffic volume identified in the Traffic Impact Assessment. According to the qualitative Noise Assessment, provided in the Draft EIS, the expected increase in noise from the relatively low travel speeds of DPW vehicles will result in a negligible increase from existing conditions, and will not be perceptible to the human ear. The Assessment also identified the existing noise emanating from high-volume, high-speed car and truck traffic on the I-95 viaduct as a significant source of existing background noise in the project area. The Department reports that in general, the noise from the Proposed Site, including idling vehicles and any proposed HVAC equipment on the Site will be consistent with its previous use and with that of the general surrounding area. The majority of Site related noise will be limited to normal working hours (Monday – Friday, 7:00 a.m. to 3:30 p.m.). In addition, noise created by idling trucks will be generally contained by the proposed building on the Proposed Site, as vehicles will be stored and started inside. Furthermore, significant noise attenuation will be provided by neighboring industrial facilities, the adjacent railroad line and the overhead thruway.

The City Council finds that the negligible increase in noise levels created by the increase in vehicular traffic from the Proposed Site will not present a significant adverse impact, and any additional increase in noise levels emanating from idling vehicles on the Site will be avoided to the maximum extent practicable through the above measures.

Air Quality and Odor

According to the Air Quality Assessment contained in the Draft EIS, the potential increase in vehicular traffic was not identified as a potential significant source of air pollution.

The site is located within an "Interstate Air Quality Control Region" designated by the United States Environmental Protection Agency. As such, responsibility to monitor ambient air quality in the New York section of the Interstate Region has been delegated to the NYSDEC. The NYSDEC maintains numerous ambient air monitors throughout the region, which were utilized for the assessment performed in the Draft EIS. The nearest area monitoring stations are: i) Mamaroneck (four miles northeast from the Proposed Site), ii) Bronx Botanical Gardens (six miles southwest from the Proposed Site), iii) White Plains (eight miles north from the Proposed

Site), iv) IS 52 in Bronx County (nine miles southwest from the Proposed Site), and v) Mt. Ninham in Putnam County (thirty six miles north of the Proposed Site). Data was obtained from all five of these monitoring stations, which are representative of the site, and indicated acceptable levels of ambient air quality in the project area.

The potential emission of carbon monoxide (“CO”) produced by traffic at the Site was identified as a potential air quality concern, as high concentrations of CO are typically noted within a short distance along roadways in heavy traffic, especially at major intersections, and in enclosed areas such as garages and poorly ventilated tunnels. Using the steps outlined by the New York State Department of Transportation’s (“NYSDOT”) air quality screening procedures, the Assessment determined whether the current levels of CO in the area triggered the need for a detailed computer Carbon Monoxide Microscale Air Quality Analysis to assess the impacts to the Site. This analysis indicated that the heaviest approach volumes created by the project were less than 70% of the comparative peak hour volume threshold requiring further Microscale Air Quality Analyses. The City Council finds that based on the empirical data contained in the CO screening evaluation, The Proposed Action will not significantly increase traffic volumes, reduce source-receptor distances or change other existing conditions to such a degree as to jeopardize attainment of National Ambient Air Quality standards, and further study of CO impacts through a microscale air quality analysis was not required.

Despite the projected low levels of air pollution, the City Council has conferred with its consultants in response to the public concerns addressed at various meetings and by written comments, and finds that several measures are required to minimize exhaust emissions to the surrounding neighborhood. By being housed in an enclosed structure, emissions from DPW vehicles will be able to be controlled. In addition, utilization of engine block heaters will reduce idling warm-up time. In conjunction with the use of engine block heaters, the City Council will require the installation of a modern ventilation system, to be designed in accordance with federal requirements, which will have sufficient capacity to filter and significantly reduce exhaust emissions emanating from idling vehicles. In response to comments submitted by members of the community, the City Council has conferred with its staff regarding the type of system to be used in the final design. The Department reports that the use of a “Plymovent” system or a system of equal or superior quality is contemplated, but the ultimate design of any system must be made at the final design stage. The City is committed to implementing these procedures as part of the final project design.

Several comments were submitted to the City by the public expressing concerns relating to the potential impacts of odor created at the Proposed Site. The City Council has conferred with the Department, which reports that municipal garbage, leaf/yard waste, and most other odor-causing waste will not be brought to the Site, and will be stored in other locations. The only waste items to be stored at the Proposed Site will be recyclable material. The Department further reports that over the last ten years, they have not received any complaints regarding the odor of garbage from vehicles stored at the existing East Main Street facility, where residential buildings are located in closer proximity than any residences near the Proposed Site. Accordingly, the City Council finds that it is necessary to continue odor control measures currently utilized at the Main Street facility, as well as incorporating a drive-through wash bay to wash DPW vehicles parked at the proposed facility. The frequency of vehicle washing currently used at the existing site will be continued at the Proposed Site. In addition to these continued measures, the installation of the ventilation system will further mitigate odors emanating from

the building. The City Council is committed to implementing such measures as part of the Proposed Action's final design.

The City Council finds that the Proposed Action, as mitigated, will minimize any potential significant adverse impact on air quality and odor to the fullest extent practicable.

Water Resources

According to the analyses contained in the Draft EIS, significant adverse impacts to the City's existing water supply and wastewater treatment facilities are not anticipated. Using the NYSDEC's "Design Standards for Wastewater Treatment Works," the City's consultants and staff estimated the Proposed Site's anticipated water supply requirements and wastewater generation in order to assess whether it would impact the existing water supply services to City Residents by United Water of New Rochelle, and the City's wastewater treatment system. These estimates included, among other sources, the anticipated water demand created by employee sanitary uses as well as vehicle washing. The Proposed Action is not expected to exceed the capacity of the existing DPW facility. After reviewing these estimates and consulting with its consultants and staff, the City Council finds that the expected water supply needs of the Proposed Action will not result in significant adverse impacts upon the ability of United Water of New Rochelle to service its existing customers. The City Council further finds that the expected wastewater generated by the Proposed Action will not exceed the capacity of the City's wastewater treatment operations.

The City Council has also conferred with its consultants and staff regarding potential significant adverse impacts upon groundwater as a result of the Proposed Action. The City's consultants report that due to the capping of the Proposed Site with asphalt, surface water is not expected to percolate into the groundwater, and therefore, the City Council finds that the Proposed Action will not have a significant adverse impact upon groundwater.

The City Council has conferred with its consultants and staff and does find that there are potential adverse impacts associated with the Proposed Action in relation to stormwater and drainage on the Proposed Site. The City Council has reviewed the stormwater and drainage analysis in the Draft and Final EIS, which included a proposed Site Utility Plan, and in consultation with its consultants and staff finds that certain mitigation measures are required. The City Council is committed to implementing the stormwater management practices contained in the Draft EIS, which include: i) installing three catch basins along the northern portion of the Proposed Site to catch runoff from roof leaders in this area, ii) installing two catch basins on the southwestern portion of the Proposed Site, iii) connecting the drainage from the northern and southwestern catch basins to a stormwater treatment device, which will then convey the stormwater to an existing 4 foot by 5 foot box culvert on Second Street, iv) installing a second stormwater treatment device on the southeastern corner of the City-owned portion of the Proposed Site to treat water collected by three catch basins in this area, and v) discharging this second stormwater treatment device into a series of additional catch basins on the southern portion of the Proposed Site, which in turn will be connected to a 4 foot by 5 foot box culvert located on Beechwood Avenue.

The City Council recognizes that although the above plans are preliminary, they contain sufficient detail to permit the City Council to conduct a "hard look" analysis and make a

reasonable determination of the potential significant adverse stormwater and drainage impacts the Proposed Action may create, and ascertain the available mitigation measures to avoid such impacts to the maximum extent practicable. The City Council also recognizes that once SEQRA review is complete, the City will be able to commit to a definite course of action as it relates to the Proposed Site and authorize the City's consultants to proceed with designing a final stormwater management plan. The City Council is committed to requiring its consultants to implement a permanent storm water management designed in accordance with the "New York State Stormwater Management Design Manual" to ensure that post-construction runoff rates are equal to or less than pre-construction runoff rates.

In addition, the City Council is committed to requiring the City's consultants to design construction controls that would include the use of an erosion and sediment control plan consistent with the NYSDEC Phase II storm water regulations and the required preparation of a Storm Water Pollution Prevention Plan (SWPPP) and permit coverage under New York's General Permit for Stormwater Discharge from Construction Activity.

The City Council finds that the Proposed Action will not create significant adverse impacts upon water supply, wastewater or groundwater on the Proposed Site. The City Council further finds that the stormwater and drainage management plan contained in the Draft and Final EIS contains sufficient detail to make a reasoned determination on the mitigation measures required to adequately mitigate any anticipated impacts, and that with the above measures, such impacts will be mitigated to the fullest extent practicable.

Land Use, Zoning, and Socioeconomic Impacts

Impacts on land use, zoning and demographics are not expected from the Proposed Action. The previous land use for the Beechwood Avenue site, which included the parking and storage of vehicles in connection with industrial and commercial uses, is consistent with the Proposed Action. Zoning for the Proposed Site, and a large portion of the area surrounding it, is categorized as light industry, which is also consistent with the Proposed Action. As such, the City Council finds that the addition of the DPW Facility to the neighborhood will not significantly alter the existing community character. The City Council further finds that since the industrial nature of the Proposed Action will be consistent with the neighborhood's predominant light industrial character, the Proposed Action will not cause an adverse impact upon population and development patterns in the community.

The City Council has reviewed comments submitted by Media Loft Condominiums, a residential condominium property close to the Proposed Site, regarding concerns over the proposed project's inconsistency with a the City's purported "policy" of encouraging residential development in the area. The City Council has not engaged in, and does not plan to engage in, the consideration of a change from the existing light industrial zoning to residential zoning in the area surrounding the Proposed Site. The City Council notes that Media Loft Condominiums is located in the Light Industrial District, and is allowed to operate a residential building on their property through a use variance granted by the City's Zoning Board of Appeals. The City Council rejects the notion that is must somehow encourage residential development in the immediate area of the Proposed Site.

The City Council has reviewed comments submitted by Media Loft Condominiums regarding concerns with the Proposed Action's economic impact upon neighboring businesses, and in particular the potential impact upon Almstead Tree and Shrub Care. To the extent that SEQRA requires an analysis of the economic impacts upon neighboring business, the City Council finds that the proposed project will not create significant adverse impacts to neighboring businesses. There is no plan to displace Almstead Tree and Shrub Company, or any other business, as a result of the Proposed Action. The City Council does not anticipate the operations conducted by the Department on the Proposed Site will compete with the operations currently conducted by neighboring businesses, and the negligible increase in traffic caused by the Proposed Project will not create significant adverse impacts upon vehicular activity currently serving these businesses.

The City Council finds that the Proposed Action will not have a significant adverse impact on land use, zoning and the socioeconomic conditions in the surrounding neighborhood.

Community Services

As stated above, the consolidation and upgrading of the DPW is expected to have a positive impact upon the Department's operations. Educational facilities, police and fire protection, healthcare facilities, social service facilities and recreational facilities are not expected to be adversely impacted from the Proposed Action. Public utility services are anticipated to be provided by those that serve the remainder of the City such as water by United Water of New Rochelle, electricity and natural gas by Consolidated Edison, telephone by Verizon, cable by Cablevision of Westchester and Verizon, and sanitation by the City of New Rochelle.

The City Council finds that the Proposed Action will not have a significant adverse impact on community services.

Visual/Scenic Resources

The City Council has reviewed the visual analyses in the Draft and Final EIS, and finds that no significant adverse impacts upon the area's visual/scenic resources in the vicinity of the Proposed Site will occur. The proposed facility is of similar magnitude to the existing building on the Proposed Site. The view of the majority of the Proposed Site, including the proposed building and salt dome, will be shielded by the surrounding commercial buildings and the overhead I-95 Viaduct. These factors support a finding that the existing visual resources of the neighborhood will not be significantly obstructed.

While commercial buildings immediately surround the Proposed Site, the neighborhood does include several residential buildings in the vicinity. These buildings include Media Loft Condominiums, who submitted numerous comments regarding the aesthetic design of the proposed DPW building during the EIS process. As a result of these comments, representatives of the City met with representatives of Media Loft Condominiums on three occasions to understand these concerns. The comments submitted addressing visual impacts related to the proposed architecture and design elements of the DPW building on the Proposed Site. The City Council has thoroughly reviewed the comments submitted, and has conferred with the City's consultants and staff regarding whether an analysis of such aesthetic design concerns is required

during the SEQRA review process. The City's consultants and staff have confirmed that the NYSDEC's guidance documents on visual impact assessments, as well as the SEQRA Handbook state that visual impact analyses generally address site visibility, and anticipated impacts upon the ability to observe existing visual resources when the project is completed, rather than the architectural qualities of proposed buildings. As such, the City Council finds that a thorough review of the Proposed Action's aesthetic elements is not required under SEQRA.

Although it is not required of municipal projects, however, the review of building aesthetics will continue through the City's formal Site Plan Approval process. The City Council finds that such process is the appropriate venue to address the concerns raised by Media Loft Condominiums and other residential property owners in the vicinity, and will enable sufficient public scrutiny of the proposed design of the DPW building. This public process will include peer review of building aesthetics and design elements by the City's Professional Architectural Review Committee, which will ensure the site's compatibility with the general character of the neighborhood.

As stated above, the City Council is aware and acknowledges it has a continuing duty under SEQRA to examine changes in a project's design that does not end with the issuance of its Findings. The City Council understands that should project modifications having significant adverse impacts occur during the Site Plan Approval process, the preparation of a supplemental EIS may be required under 6 NYCRR Section 617.9.

The City Council finds that the Proposed Action will not have a significant adverse impact on visual and scenic resources, and the proper measures will be utilized to ensure project design will be compatible with neighborhood character.

Project Alternatives

In anticipation of the consolidation and relocation of the City Yard, studies were performed as early as 1998 by the City's consultants to evaluate and identify sites within the City with the space and appropriate access needed to accommodate a combined DPW center. It was determined that the DPW required a site of 4.5 to 5.0 acres in order to be able to accommodate a consolidation of services. Numerous sites were evaluated using these requirements. Three sites were determined large enough to accommodate the DPW: i) the proposed Beechwood Avenue site, ii) the "Fifth Avenue" or City Park" site off of Valley Place and I-95, and iii) the "Costco / Price Club" site on Palmer Avenue.

The City Council has reviewed comments submitted during the public comment process suggesting numerous alternative sites, and has applied the "rule of reason" to its analysis of potential alternatives to the Proposed Action. The City Council finds that under the circumstances of this project (i.e., the minimum acreage required, the benefits of a reasonably economical relocation, and necessity of choosing a site with minimal potential adverse impacts to the surrounding neighborhood) the existing information contained in the 1998 analysis provided a reasonable range of alternatives to examine, and was sufficiently detailed to allow a comparable assessment of the alternative sites and the Proposed Site.

The City Park alternative would be time and cost prohibitive, as developing the site would involve condemnation proceedings for an estimated 56 private properties. An analysis of

this alternative revealed it would cost approximately \$15,000,000.00 (without considering inflation) to acquire these properties and three to five years to complete the relocation process.

The Costco / Price Club alternative is a highly visible site in a retail corridor, and would be attractive to other retailers. It was determined that placing a DPW site in this location would not be compatible with the surrounding neighborhood. The estimated cost of acquisition for this site would be \$11,000,000.00 (without considering inflation).

In addition to the above alternatives, a “No Action” alternative was evaluated, which would include continuing the DPW operations in the existing locations. Under this alternative, the separate DPW facilities would remain on the waterfront and have increasing operation and maintenance costs due to the aging of the facilities. Based upon the economic and public service benefits associated with consolidating the DPW sites into a centralized facility, the City Council finds this alternative was determined to be significantly less desirable than the Proposed Action.

The City Council finds that based upon the existing studies and projections founded on supportable contentions, the Council is able to make a reasonable comparable assessment of the alternatives, and make an informed decision as to which site best minimizes or avoids adverse environmental effects while providing the greatest benefits to the City. The City Council finds that out of all the alternatives assessed, the Proposed Site would allow the City to derive the maximum amount of benefits with the minimum amount of adverse impacts.

Segmentation of the SEQRA Process

The City Council has received and reviewed the comments from the public regarding concerns over improper segmentation of the SEQRA review process, and in particular the environmental reviews of the City Yard consolidation project and the proposed Echo Bay redevelopment project. The City Council has conferred with its consultants and staff regarding the relevant statutory and case law, as well as the SEQRA Handbook, and finds that the City has made no effort, and finds no evidence of any intent, to dilute the identified impacts of the Proposed Action by segmenting review of the overall project into smaller divisions so as to make it appear as though any identified impacts are insignificant.

The City has been contemplating the relocation and consolidation of the DPW since the 1990's, and the Proposed Action has an entirely different and separate purpose from the proposed Echo Bay redevelopment. The two projects will be located over a mile apart, do not share a common design, and have unique sources of funding. The City Council finds that the two projects are not interdependent, and will not be geographically or environmentally interrelated. As such, it is not only unnecessary, but it would be improper to combine the unique projects into one review. As the Lead Agency for both projects, the City Council is confident that all potentially significant adverse impacts and feasible mitigation measures of the Echo Bay redevelopment project will be adequately addressed during the subsequent SEQRA review of that separate project.

The City Council has also reviewed public comments expressing concerns that the City has improperly segmented its SEQRA review of the City Yard project by authorizing bonds for due diligence and site acquisition prior to initiating its review. The City Council has conferred

with its counsel and reviewed the above-referenced sources and finds that such actions are considered preliminary planning and budgetary processes under 6 NYCRR Section 617.5(c)(21). At the time of these actions the City had not committed to actually developing the Proposed Site, and they were necessary to the formulation of a proposal to relocate and consolidate the DPW. Such actions are not subject to SEQRA review pursuant to 6 NYCRR Section 617.5(c)(21). The City Council recognized that once these preliminary planning activities were completed and the preliminary design activities commenced, it was necessary to undertake the environmental review under SEQRA as approval of such measures would be committing the City to a definite course of action. The resulting Draft and Final EIS have thoroughly analyzed the set of activities and steps that must be taken as part of the consolidation and relocation of the City Yard.

The City has also received comments from the public regarding homeland security concerns over the placement of these storage tanks in proximity to the I-95 Viaduct. The City Council has conferred with its legal counsel, who confirms that based upon the New York Supreme Court decision in Municipal Arts Society of New York, Inc. v. New York State Convention Center Development Corp., 841 N.Y.S.2d 821 (N.Y. Co. 2007) such concerns are separate from the potential environmental impacts analyzed by the City as required by 6 NYCRR Section 617.9, and is therefore, not a required element of a SEQRA analysis.

Although the City Council does not reasonably foresee potential homeland security or catastrophic impacts at the Proposed Site that would require a special discussion, security is an important consideration in City planning, and should homeland security become a reasonably anticipated concern at the Site, the City Council is committed to addressing such concerns in the appropriate forum.

The City Council finds that the Draft and Final EIS contain sufficiently detailed analyses of the potential environmental impacts associated with all steps and activities connected to and dependent upon the Proposed Action, pursuant to its responsibility as lead agency to conduct a coordinated environmental review of all interdependent aspects of a project that would commit the City a definite course of action.

The SEQRA Process

In March 2003, the City Council determined that it is in the City's best interests to relocate the City Department of Public Work's Maintenance Yard from its current location on East Main Street to a site near the intersection of Beechwood Avenue and Interstate 95. Subsequently, on May 18, 2004, the City Council, by Resolution No. 106, made the following determinations:

- The Proposed Action would require review under SEQRA
- The Proposed Action is a Type I action, that would involve the preparation of a Draft EIS
- Involved Agencies would include the New Rochelle Planning Board, the New Rochelle Bureau of Buildings, the Westchester County Planning Department, the New York State Department of Environmental Conservation, and the New York State Thruway Authority

- The City Council would assume Lead Agency Status.

The City distributed a Lead Agency coordination letter among the various interested and involved agencies. Included with the Lead Agency coordination letter was a long Environmental Assessment Form (Long Form). A 30-day comment period was provided to allow any involved or interested agency to review the EAF and raise any objections to the City taking on Lead Agency status. There were no objections from involved or interested agencies to the City Council taking on Lead Agency Status. Based on the information presented in the EAF, it was determined that the key potential environmental impact categories to be evaluated for the proposed action are the following:

- *Air Quality:* Given the industrial nature of the Proposed Site and surrounding area, the impact would be expected to be minimal. Nevertheless, an evaluation would be conducted to determine whether the expected vehicle traffic would impact air quality.
- *Transportation:* The potential impact of vehicle traffic on the Proposed Site and adjacent intersections resulting from the Proposed Action would be evaluated.
- *Noise:* The potential impact of vehicle activity on ambient noise levels would be evaluated.

As Lead Agency, the City issued a Positive Declaration of Environmental Significance and directed that a Draft EIS be prepared in relation to the environmental remediation at the Proposed Site at Beechwood Avenue, and the design and construction of the proposed new City Maintenance Yard.

Subsequent to the issuance of the EAF and Positive Declaration, a public scoping meeting was held on December 8, 2005 in Conference Room B1 at City Hall to obtain public input on the Draft EIS outline. Notice of such hearing was published on November 30, 2007 in The Journal News. In addition to soliciting comments from individuals attending the scoping meeting, the City also accepted written comments until December 18, 2005.

The City issued the Draft EIS on December 5, 2007. The public comment period for the Draft EIS, required under the State Environmental Quality Review process, began with the issuance of the Draft EIS and continued until January 18, 2008. During the 45-day public comment period, written comments, faxed comments and e-mailed comments were accepted. In addition, the City held a public hearing on January 8, 2008 during which citizens, and involved and interested parties were invited to attend and submit verbal and/or written comments on the Draft EIS. Notice of such hearing was published on December 20, 2007 in The Journal News. After the close of the comment period, the City continued to accept written comments, and also met with members of the community, including representatives of Media Loft Condominiums, on three occasions to hear additional comments regarding the project.

The City issued the Final EIS on March 25, 2008. The Final EIS included, by reference, the Draft EIS and included responses to all substantive and relevant comments on the Draft EIS submitted by involved agencies, interested parties, and the public. A public hearing on the Final EIS was held on April 15, 2008 with the record remaining open for comments until April 25, 2008. Notice of such hearing was published on April 1, 2008 in The Journal News.

CERTIFICATION OF FINDINGS TO APPROVE/FUND/UNDERTAKE

Having fully considered the Draft and Final EIS, including all oral and written comments submitted through the SEQR process, and responses thereto, and having considered the preceding written facts and conclusions relied upon to meet the requirements of SEQRA codified at Article 8 of the New York ECL, and its implementing regulations, promulgated at 6 NYCRR Part 617, including Section 617.11 Statement of Findings, the City Council certifies that:

1. The requirements of the State Environmental Quality Review Act, and its implementing regulations, 6 NYCRR Part 617, have been met and fully satisfied; and
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, including the impacts disclosed in the Final EIS and set forth in this Findings Statement; and
3. Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided by incorporating as conditions to the decision those mitigative measures that were identified as practicable; and
4. Consistent with the applicable policies of SEQRA, as implemented by 6 N.Y.C.R.R. Section 617.1, the Proposed Action will achieve a balance between the protection of the environment and the need to accommodate social and economic considerations.

New Rochelle City Council
Name of Agency

Signature of Responsible Official

Name of Responsible Official

Title of Responsible Official

Date

Address of Agency:
515 North Avenue
New Rochelle, NY 10801