

I. INTRODUCTION

This Final Environmental Impact Statement (“FEIS”) is submitted in compliance with Article 8 of the New York State Environmental Conservation Law governing State Environmental Quality Review (“SEQR”), Part 617 of Title 6 of the Rules and Regulations of the New York State Department of Environmental Conservation, and a DEIS Scope adopted by the Mamaroneck Town Board acting as SEQR Lead Agency (“Lead Agency”) for the proposed action, on June 20, 2002. The FEIS supports a petition for zoning amendments and other approvals related to a mixed-use development at Madison Avenue and Byron Place proposed by Forest City Daly Mamaroneck, LLC (“Forest City Daly” or “the Applicant”).

A. DESCRIPTION OF FEIS FORMAT

This FEIS is comprised of the following sections:

Section I is the Introduction which contains this description of the FEIS format, a discussion of the Draft Environmental Impact Statement (“DEIS”) and comments received during and following the DEIS public hearings, and a description of an alternative plan proposed by the Applicant after consideration of the DEIS comments.

Section II contains the Responses to the DEIS Comments listed in Section III. The responses to the comments are organized by DEIS Section Heading. Where applicable, sections have been further broken down into sub-headings that correspond to the content of the comments. Comments that are similar in content have been grouped together to allow for coordinated responses. The comments appear in a small, bold type with the corresponding comment number(s) identified in the left margin of the page. The responses appear in standard type.

Section III consists of the DEIS Comment Letter List, the DEIS Comment Log (which provides a listing of the individual comments), and copies of the transcripts of the DEIS Public Hearings and written comments received by the Lead Agency. Each speaker and comment letter or transcript have been assigned an “Item Number” and each comment by a particular speaker or author has been sequentially numbered. The Comment Log identifies the date of

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the comment letter or the public hearing comment; the name of the author or speaker; the assigned comment number; and the section of the FEIS in which the comment has been addressed. The copies of the hearing transcripts and comment letters have been labeled with Item Numbers corresponding to the DEIS Comment Log.

Section IV contains the Appendices to the FEIS. Relevant correspondence is also included in this section of the document.

B. DRAFT ENVIRONMENTAL IMPACT STATEMENT

The Draft Environmental Impact Statement for the Forest City Daly Mixed-Use Development, which was accepted as complete by the Lead Agency on November 19, 2003, and was the subject of public hearings on January 20, 2004 and February 12, 2004, is hereby incorporated into and made part of the Final Environmental Impact Statement by reference.

The “Proposed Action” presented in the DEIS consisted of a mixed-used development containing multi-family residential and retail uses with accessory parking on a 2.94-acre site south of Madison Avenue in the Town of Mamaroneck, New York. The Applicant sought zoning amendments, special permit and site plan approval for its project, and was also seeking to acquire 0.47 acres of Town-owned property as part of the project site. Existing land uses within the site include a small retail center, a restaurant, a tree service facility, several surface parking lots, three single-family houses, and a portion of a dead-end Town road. Surrounding land uses include multi-story apartment buildings, offices and retail stores to the north; Interstate 95 to the east; the Town Department of Public Works yard and Village of Larchmont water tanks to the south; and entry/exit ramps to I-95 to the west. The existing zoning for most of the site is B-MUB (Business-Mixed Use Business), with other nearby zones including B (Business), R-TA (Tower Residence) and LI (Light Industrial).

The Proposed Action (or “DEIS Plan”) included the construction of a 186-unit rental apartment building adjacent to the existing retail center, which would remain and receive

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façade improvements to match the new building. The proposed seven-story building would have 6 floors of one and two-bedroom apartments above a ground-floor lobby and parking level, with two additional parking levels below. The residential units were to include eight affordable workforce units. A total of 392 parking spaces were to be provided within the project, with 267 allocated to apartment residents, 68 for on-site retail uses, and 57 for employees of 200 Myrtle Boulevard (“Clocktower building”). See DEIS Rendered Site Plan, FEIS Figure No. I-0.

The DEIS also included discussions of potential impacts associated with the Proposed Action related to land use and zoning, natural resources, air quality and noise, traffic and transportation, utilities, cultural and aesthetic resources, socioeconomics, and community services, as well as measures the Applicant proposed to minimize or avoid such impacts. Further, the DEIS considered alternative proposals for the site, including developments conforming to existing zoning, alternative zoning changes, and project modifications related to different numbers and types of residential units as well as building design.

All the comments made during the DEIS public hearings and in correspondence received by the Lead Agency are included in Section III of the FEIS. They addressed issues such as existing traffic and parking conditions in the surrounding area; the number of proposed apartments and related impacts, including the number of parking spaces to serve those apartments; the parking spaces allotted to the Clocktower building and the proposed sharing of those spaces by project residents during non-office hours; the extent of rock removal proposed near the adjacent Larchmont water tanks; and potential impacts from the proposed development on area stormwater systems, schools and availability of affordable housing.

C. FINAL ENVIRONMENTAL IMPACT STATEMENT

In response to comments made during the DEIS public hearings, correspondence received during the DEIS comment period, and subsequent discussions with the Lead Agency, its consultants and other parties, the Applicant is proposing to modify its proposal for the mixed-

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use development at Madison Avenue and Byron Place. The modifications include reducing the size of the project site, reducing the amount of rock removal near the south boundary of the site, reducing the size of the building and the number of residential apartments, and increasing the ratio of parking spaces to be provided per apartment. The Applicant is also offering to work with the Town to fund the construction of a public parking deck on Town Lot 3 on Myrtle Avenue. In all instances, the modifications have been proposed to reduce potential impacts related to the project. Collectively the revisions will be referred to in this FEIS as the “Preferred Alternative Plan.”

The full-sized drawings submitted with the DEIS have been revised to reflect the modifications and are included as part of this FEIS. In addition, new FEIS figures have been prepared to graphically present the proposed revisions. The specific components of the Preferred Alternative Plan that differ from the original proposal (Proposed Action or DEIS Plan) presented in the DEIS are described below and in the comment responses in Section III.

1. Preferred Alternative Plan

PROJECT LOCATION

The project site has been reduced in size from 2.94 acres to 2.18 acres. As illustrated in FEIS Figure No. I-1, the T-shaped parking lot serving the Clocktower office building (Tax Lots 435 and 438), the southern portion of Byron Place, and the Town-owned triangular parcel on the east side of Byron Place (Tax Lot 300.2) are no longer part of the project site and will not be acquired by the Applicant. The project site continues to have frontage on Madison Avenue, Byron Place and Maxwell Avenue.

PROPOSED PROGRAM

The residential component of the mixed-use development has been reduced from 186 to 162 rental apartments, which will consist of 72 1-bedroom (“BR”), 84 2-BR, and six 3-BR units. Six of the apartments are proposed to be affordable workforce units, which would be

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rented to individuals or families whose household income does not exceed 80 percent of the Westchester County Area Median Income¹ as established by the U.S. Department of Housing and Urban Development (“HUD”).

The commercial component of the development will be as previously proposed under the DEIS Site Plan – the existing retail center housing the NYSC health club, liquor store and dry cleaner will remain, its façade will be renovated to complement the architecture of the new apartment building, and the capacity, circulation and visual appearance of its parking lot will be improved.

SITE ACCESS AND CIRCULATION

The main entry and drop-off area for the apartment building will continue to be off Byron Place, which remains a Town road under the Preferred Alternative Plan. The Applicant proposes to repave, curb, and landscape Byron Place as part of the Preferred Alternative Plan sitework. See Rendered Preferred Alternative Site Plan, FEIS Figure No. I-2. Cars can enter the gate-controlled parking garage from either Byron Place (1st floor level) or Maxwell Avenue (middle level). A second interior ramp has been added under the Preferred Alternative Plan so that drivers can circulate to all levels from either of the garage entries.

Access to the retail parking area will continue to be from Maxwell Avenue. The parking area will be extended to the east, incorporating the land currently occupied by the La Villetta restaurant. A “right-turn only” exit will be provided at the northeast corner of the lot, at approximately the same location as the La Villetta driveway. In order to provide a planting strip to soften views of the retail parking area from Madison Avenue, the Applicant proposes to narrow the overall paved width of the parking lot by approximately five feet, change the

¹ As of January 2004, the Westchester County Area Median Incomes were \$65,400 for a 1-person household, \$74,700 for a 2-person household, \$84,050 for a 3-person household, and \$93,400 for a 4-person household. Eighty percent of these income levels, or the qualifying limit for the affordable workforce units, would be \$52,300 for a 1-person household, \$59,800 for a 2-person household, \$67,250 for a 3-person household, and \$74,700 for a 4-person household.

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striping to 75 degree-angled spaces and make the aisles “one-way,” which would simplify the circulation pattern within the lot. See FEIS Figure No. I-2.

PARKING AND LOADING

Resident parking for the apartment building will continue to be located on three garage levels, with the main (1st floor) level entered from Byron Place and the middle level entered from Maxwell Avenue. Under the Preferred Alternative Plan, approximately 271 parking spaces are provided within the garage for residential use, while 13 visitor spaces are proposed to be located on the triangular parcel² on the east side of Byron Place opposite the building’s main entry. The 284 residential spaces for the 162 apartments represent an overall ratio of 1.75 spaces per apartment, as compared to the 1.44 spaces/unit ratio proposed under the DEIS Plan. Approximately 31 of the residential garage spaces will be two-deep or tandem spaces, which are located directly in front of another space. These spaces would be made available to residents with two cars. The Preferred Alternative parking supply is comparable to the 244 spaces for 142 units (1.72 spaces per unit) provided at the Carlton House condominium located at 35 North Chatsworth Avenue.

The existing 49-space parking lot at the front of the retail center will be renovated and expanded by 15 spaces as described above. All 64 spaces could be accommodated in this location by simply extending the existing bays eastward within the former La Villetta parcel. The proposed narrowing of the paved area to permit the addition of the planting strip along the Maxwell Avenue frontage would, however, reduce the count within the lot to 60 spaces. To increase the retail parking supply to 68 spaces as was presented in the Proposed Action, the Applicant proposes to locate 8 retail employee spaces (which will be so signed and reserved) within the middle level of the residential parking garage, with access from Maxwell Avenue.

² The operator of the NYSC health club currently leases this parcel for parking purposes from the Town of Mamaroneck, with approximately 15 spaces provided within an open gravel area. The Applicant proposes to relocate these 15 spaces to the enlarged on-grade parking area adjacent to the retail center and assume the (or execute a new) lease with the Town, and improve and landscape the parking area for use by apartment building visitors.

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The removal of the T-shaped parcel from the Preferred Alternative project site reduces the amount of land available to expand the retail parking area or to provide the pedestrian plaza and fountain previously proposed under the DEIS Plan. To improve the visual appearance of the parking area, the Applicant proposes installing an evergreen hedge along the northern edge of the parking to provide screening of the lot from Madison Avenue and the sidewalk, and to plant trees and groundcover in curbed islands within the parking area. See Preferred Alternative Conceptual Landscape Plan, FEIS Figure No. I-3.

A loading space for the apartment building will continue to be located between the Maxwell Avenue entrance to the garage and the existing loading area for the retail center.

WASHINGTON SQUARE AREA PARKING

Through reducing the number of apartments, increasing the number of residential and retail parking spaces, and improving the circulation within and appearance of the retail parking lot, the Applicant has sought to avoid, minimize and mitigate any potential impacts of the project on neighborhood traffic and parking conditions. In recognition of the existing parking shortage within the immediate area as described by numerous DEIS commenters and documented in several Town studies³, as part of the Preferred Alternative the Applicant commits to work with the Town to fund the construction of a public parking structure on Town Lot 3 as recommended in both the BFJ and Town Task Force studies. The structure would consist of a lower on-grade level and an upper decked level, generally as shown in Figure 9 of the BFJ Study (see FEIS Figure No. I-4). The Town's planning consultant, Buckhurst Fish and Jacquemart, estimated the construction cost of the structure in 2003 dollars to range from \$1.1 to \$1.3 million.

³ See discussion at DEIS Section III.A of 1999 Ferrandino & Associates Myrtle Boulevard Area Study, 2000 Buckhurst Fish & Jacquemart Washington Square Development and Parking Study ("BFJ Study"), and 2000 Report of the Town of Mamaroneck Washington Square Parking Task Force ("Town Task Force").

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The funding commitment would entail the Applicant making ongoing annual contributions, in combination with the net revenue that the Town will accrue from users of the structure, to retire the debt service from the municipal bond to be issued by the Town to cover the cost of construction of the parking structure. The net revenue would consist of the new structured parking permit or usage fees less the costs of maintaining the structure. This commitment is based upon a parking structure as described above and a 15 to 20 year bond term.

PROPOSED BUILDING

The overall design, height and architectural treatment of the Preferred Alternative apartment building is similar to that of the building proposed in the DEIS. See Artist's Rendering, View from Washington Square (Preferred Alternative), FEIS Figure No. I-5; Preferred Alternative Building Section, FEIS Figure No. I-6; Preferred Alternative Building Elevations, FEIS Figure Nos. I-7 and I-8. Due to the removal of the T-shaped parcel from the project site, however, the east wing of the apartment building will be set back approximately 60 feet from the front facade of the existing retail center or 180 feet from Madison Avenue. This setback will cause the Preferred Alternative apartment building to appear smaller than the DEIS building when viewed from Myrtle Avenue or Washington Square to the north. See FEIS Figure No. I-5.

The building floor plans have also been revised to reflect the Preferred Alternative site and the additional setback from Madison Avenue. The 1st floor and middle and lower parking level plans show how the southeast corner of the building has been pulled back and notched to reduce the amount of rock removal required in that area. See FEIS Figure Nos. I-9, I-10 and I-11. This notching is also reflected in the plan of the 2nd floor (FEIS Figure No. I-12), where the apartments and corridor will wrap around and sit above the rock. The arrangement of the apartments on the 3rd through 7th floors is shown in FEIS Figure Nos. I-13, I-14 and I-15. A landscaped courtyard and adjoining activity rooms are located on the 2nd floor for residents' use, and smaller resident terraces are also located on the 7th floor.

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As part of its energy conservation and stormwater management strategies, the Applicant proposes to incorporate a “green roof” system into the design of the building. A green roof generally refers to a layered roof system consisting of, at minimum, a waterproof protective membrane, a root barrier protective membrane, drainage material, plant growing medium and select plant material. The plant material may consist of ornamental shrubs and plantings adjoining roof terraces, or low-maintenance groundcover beds on rooftops that are not normally accessible to pedestrians. Benefits of a green roof include a reduction in the amount of off-site stormwater runoff, improved water quality, heat and cold insulation, extended roof longevity, sound insulation and an overall positive visual/aesthetic appearance. Subject to final building design, the Applicant anticipates being able to provide a green roof over between 40 to 50% of the projected roof area.

DRAINAGE AND STORMWATER MANAGEMENT

The stormwater management system for the Preferred Alternative Plan will provide both on-site detention and water quality treatment measures in accordance with the New York State Department of Environmental Conservation Stormwater Management Design Manual and applicable Town of Mamaroneck regulations. A subsurface sand filter and detention system will be located between the building and Byron Place. Although the impervious area will increase within the Preferred Alternative site by 0.4 acres (as compared to a 0.5 acre increase for the DEIS Plan), the post-development peak rate of runoff from the site with the proposed detention system has been calculated to be at or below existing levels for all storm events up to and including the 100-year design storm. The installation of the proposed sand filter along with other components of the treatment system will result in the post-development pollution loads being lower than the existing conditions for all modeled constituents, such that Total Suspended Sediments (TSS) will be reduced by 32%, Total Phosphorus (TP) will be reduced by 24%, Total Nitrogen (TN) will be reduced by 24%, Metals will be reduced by 3%, and bacterial levels will be reduced by 12%.

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Additionally, the Applicant proposes to construct a “green roof” system to both decrease the volume of stormwater runoff leaving the property and further reduce post-development pollutant loads expected to be attained by the stormwater management mitigation measures described above. As a result of the construction of the “green roof,” the Applicant expects an approximate 4 percent to 10 percent reduction in the estimated volume of off-site stormwater runoff.⁴

Rain water will be retained on the roofs and taken up by the select plant material used in the design of the “green roof.” In this instance, the “green roof” design will consist of both ornamental plantings on the terrace areas (also known as “intensive roof greening”) and low-maintenance groundcover on the normally inaccessible roof areas (also known as “extensive roof greening”). In both cases, rain water which falls on the roof system will be absorbed into the planting media through either pores in the substrate or the use of an absorbent material. Additional rain water will be taken up by the plant materials and either absorbed into the plant tissue or released back to the atmosphere through the natural evapo-transpiration process. The green roof system will also connect through building piping to the site drainage system.

CONSTRUCTION

The overall construction sequence and schedule for the Preferred Alternative Plan would be similar to the DEIS Plan, with minor adjustments related to the reduction in the size of the project site. Revised phasing diagrams have been prepared to show the demolition and construction sequence associated with the Preferred Alternative Plan. See FEIS Figure Nos. I-16, I-17 and I-18.

Major activities to occur during the anticipated construction phases include:

⁴ The described stormwater benefits associated with the green roof system are in addition to those provided by the in-ground sand-filter and detention system, and are not included in the calculations described on Page I-25 or in FEIS III.B.

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Phase 1 - Installation of erosion and sediment control measures, contractor mobilization, erection of construction fencing, demolition of buildings, and the establishment of material stockpile areas.

Phase 2 - Installation of base course paving on former restaurant lot.

Phase 3 - Extension of retail parking area to former restaurant lot; relocation of sports club parking from Byron Place parcel; construction fencing, trailers and parking on Byron Place parcel; installation of stormwater system and utilities; construction of apartment building to above 2nd floor.

Phase 4 - Protection of garage levels for parking use; continued construction and completion of apartment building.

Phase 5 - Renovate retail façade; reconfigure and landscape retail parking area; complete sitework and landscaping; repave and landscape Byron Place.