

Macquesten Takeover Partners, LLC Brownfield Cleanup Program Application Repetti's Service Station Site 22 South West Street Mt. Vernon, NY



Legal & Consulting Team: Knauf Shaw LLP & SESI Consulting Engineers

September 25, 2014



NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
BROWNFIELD CLEANUP PROGRAM (BCP)



ECL ARTICLE 27 / TITLE 14

DEPARTMENT USE ONLY
BCP SITE #:

08/2013

Section I. Requestor Information

NAME Macquesten Takeover Partners, LLC

ADDRESS 438 Fifth Avenue, Suite 100

CITY/TOWN Pelham, New York

ZIP CODE 10803

PHONE (914) 769-6500

FAX (914) 747-9268

E-MAIL joseph.apicella@gmail.com

Is the requestor authorized to conduct business in New York State (NYS)?

☒ Yes ☐ No

-If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the [NYS Department of State's Corporation & Business Entity Database](#). A print-out of entity information from the database must be submitted to DEC with the application, to document that the applicant is authorized to do business in NYS.

-Individuals that will be certifying BCP documents, as well as their employers, meet the requirements of Section 1.5 of [DER-10: Technical Guidance for Site Investigation and Remediation](#) and New York State Education Law. Documents that are not properly certified will not be approved under the BCP.

☒ Yes ☐ No

NAME OF REQUESTOR'S REPRESENTATIVE Joseph V. Apicella

ADDRESS 438 Fifth Avenue, Suite 100

CITY/TOWN Pelham, New York

ZIP CODE 10803

PHONE (914) 769-6500 ex.1110

FAX (914) 747-9268

E-MAIL joseph.apicella@gmail.com

NAME OF REQUESTOR'S CONSULTANT SESI Consulting Engineers, Michael St. Pierre, P.E.

ADDRESS 12A Maple Avenue

CITY/TOWN Pine Brook, New Jersey

ZIP CODE 07058

PHONE (973) 808-9050

FAX (973) 808-9099

E-MAIL msp@sesi.org

NAME OF REQUESTOR'S ATTORNEY Linda R. Shaw, Knauf Shaw LLP

ADDRESS 1400 Crossroads Building

CITY/TOWN Rochester, New York

ZIP CODE 14614

PHONE (585) 546-8430

FAX (585) 546-4324

E-MAIL lshaw@nyenvlaw.com

THE REQUESTOR MUST CERTIFY THAT HE/SHE IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL 27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:

☐ PARTICIPANT

A requestor who either 1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

☒ VOLUNTEER

A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

NOTE: By checking this box, the requestor certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; and iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.

Requestor Relationship to Property (check one):

☐ Previous Owner

☐ Current Owner

☒ Potential /Future Purchaser

☐ Other

If requestor is not the site owner, requestor will have access to the property throughout the BCP project. ☒ Yes ☐ No

-Proof of site access must be submitted for non-owners

Section II. Property Information**Check here if this application is to request significant changes to property set forth in an existing BCA:** ☐

Existing BCP site number: _____

PROPERTY NAME Repetti Service Station Site

ADDRESS/LOCATION 22 South West Street CTTY/TOWN Mt. Vernon, NY ZIP CODE 10550

MUNICIPALITY(If MORE THAN ONE, LIST ALL): City of Mount Vernon

COUNTY Westchester SITE SIZE (ACRES) 0.75

LATITUDE (degrees/minutes/seconds) 40 ° 54 ' 45 " LONGITUDE (degrees/minutes/seconds) 73 ° 51 ' 1 "

HORIZONTAL COLLECTION METHOD: ☐ SURVEY ☐ GPS ☒ MAP HORIZONTAL REFERENCE DATUM: WGS 84

COMPLETE TAX MAP INFORMATION FOR ALL TAX PARCELS INCLUDED WITHIN THE PROPERTY BOUNDARIES. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
22 South West Street		164.67	1057	13	0.75

1. Do the property boundaries correspond to tax map metes and bounds? ☒ Yes ☐ No
If no, please attach a metes and bounds description of the property.
2. Is the required property map attached to the application? (application will not be processed without map) ☒ Yes ☐ No
3. Is the property part of a designated En-zone pursuant to Tax Law § 21(b)(6)? ☒ Yes ☐ No
For more information please see Empire State Development's [website](#).
If yes, identify area (name) County En Zone - Census Tract 35
Percentage of property in En-zone (check one): ☐ 0-49% ☐ 50-99% ☒ 100%
4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? If yes, identify name of properties in related BCP applications: ☐ Yes ☒ No

5. Property Description Narrative:

See property description in support document

6. List of Existing Easements (type here or attach information)

<u>Easement Holder</u>	<u>Description</u>
Mt. Vernon	Drainage Pipe Maintenance Easement
MTA	Ingress and Egress Easement
MTA	Retaining Wall Maintenance Easement

7. List of Permits issued by the NYSDEC or USEPA Relating to the Proposed Site (type here or attach information)

<u>Type</u>	<u>Issuing Agency</u>	<u>Description</u>
UST	NYSDEC	Underground Storage Tank Permit

If any changes to Section II are required prior to application approval, a new page, initialed by each requestor, must be submitted.

Initials of each Requestor: _____

Section III. Current Property Owner/Operator Information

OWNER'S NAME Repetti Service Station

ADDRESS 22 South West Street

CITY/TOWN Mt. Vernon, NY

ZIP CODE 10550

PHONE (914) 664-1100

FAX

E-MAIL

OPERATOR'S NAME Repetti Service Station

ADDRESS 22 South West Street

CITY/TOWN Mt. Vernon, NY

ZIP CODE 10550

PHONE (914) 664-1100

FAX

E-MAIL

Section IV. Requestor Eligibility Information (Please refer to ECL § 27-1407)

If answering "yes" to any of the following questions, please provide an explanation as an attachment.

- | | | |
|--|------------------------------|--|
| 1. Are any enforcement actions pending against the requestor regarding this site? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 2. Is the requestor subject to an existing order relating to contamination at the site? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 4. Has the requestor been determined to have violated any provision of ECL Article 27? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 5. Has the requestor previously been denied entry to the BCP? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving contaminants? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 7. Has the requestor been convicted of a criminal offense that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 8. Has the requestor knowingly falsified or concealed material facts or knowingly submitted or made use of a false statement in a matter before the Department? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

Section V. Property Eligibility Information (Please refer to ECL § 27-1405)

- | | | |
|--|------------------------------|--|
| 1. Is the property, or was any portion of the property, listed on the National Priorities List?
If yes, please provide relevant information as an attachment. | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 2. Is the property, or was any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites?
If yes, please provide: Site # _____ Class # _____ | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 3. Is the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility?
If yes, please provide: Permit type: _____ EPA ID Number: _____
Date permit issued: _____ Permit expiration date: _____ | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 4. Is the property subject to a cleanup order under navigation law Article 12 or ECL Article 17 Title 10?
If yes, please provide: Order # _____ | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 5. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum?
If yes, please provide explanation as an attachment. | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

Section VI. Project Description

What stage is the project starting at?

☒ Investigation☐ Remediation

Please attach a description of the project which includes the following components:

- Purpose and scope of the project
- Estimated project schedule

Section VII. Property's Environmental History

To the extent that existing information/studies/reports are available to the requestor, please attach the following:

1. Environmental Reports

A Phase I environmental site assessment report prepared in accordance with ASTM E 1527 (American Society for Testing and Materials: Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process), and all environmental reports related to contaminants on or emanating from the site.

If a final investigation report is included, indicate whether it meets the requirements of ECL Article 27-1415(2): ☐ Yes ☐ No

2. SAMPLING DATA: INDICATE KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. LABORATORY REPORTS SHOULD BE REFERENCED AND COPIES INCLUDED.

Contaminant Category	Soil	Groundwater	Surface Water	Sediment	Soil Gas
Petroleum	x	x			
Chlorinated Solvents					
Other VOCs	x	x			
SVOCs	x	x			
Metals	x	x			
Pesticides					
PCBs					
Other*					

*Please describe:

3. SUSPECTED CONTAMINANTS: INDICATE SUSPECTED CONTAMINANTS AND THE MEDIA WHICH MAY HAVE BEEN AFFECTED. PROVIDE BASIS FOR ANSWER AS AN ATTACHMENT.

Contaminant Category	Soil	Groundwater	Surface Water	Sediment	Soil Gas
Petroleum	x	x			
Chlorinated Solvents					
Other VOCs	x	x			
SVOCs	x	x			
Metals	x	x			
Pesticides					
PCBs					
Other*					

*Please describe:

4. INDICATE KNOWN OR SUSPECTED SOURCES OF CONTAMINANTS (CHECK ALL THAT APPLY). PROVIDE BASIS FOR ANSWER AS AN ATTACHMENT.

- ☐ Above Ground Pipeline or Tank ☐ Lagoons or Ponds ☒ Underground Pipeline or Tank ☐ Surface Spill or Discharge
☒ Routine Industrial Operations ☐ Dumping or Burial of Wastes ☐ Septic tank/lateral field ☐ Adjacent Property
☐ Drums or Storage Containers ☐ Seepage Pit or Dry Well ☐ Foundry Sand ☐ Electroplating
☐ Coal Gas Manufacture ☐ Industrial Accident ☐ Unknown

Other:

5. INDICATE PAST LAND USES (CHECK ALL THAT APPLY):

- ☐ Coal Gas Manufacturing ☐ Manufacturing ☐ Agricultural Co-op ☐ Dry Cleaner ☐ Salvage Yard ☐ Bulk Plant
☐ Pipeline ☒ Service Station ☐ Landfill ☐ Tannery ☐ Electroplating ☐ Unknown

Other:

6. PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, IF ANY, TO EACH PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE".

Section VIII. Contact List Information

Please attach, at a minimum, the names and addresses of the following:

1. The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
2. Residents, owners, and occupants of the property and properties adjacent to the property.
3. Local news media from which the community typically obtains information.
4. The public water supplier which services the area in which the property is located.
5. Any person who has requested to be placed on the contact list.
6. The administrator of any school or day care facility located on or near the property.
7. In cities with a population of one million or more, the local community board if the proposed site is located within such community board's boundaries (*note: per the 2010 census, New York City is the only city in NY with a population over one million).
8. The location of a document repository for the project (e.g., local library). In addition, attach a copy of a letter sent to the repository acknowledging that it agrees to act as the document repository for the property.

Section IX. Land Use Factors (Please refer to ECL § 27-1415(3))

1. Current Use: ☐ Residential ☒ Commercial ☒ Industrial ☐ Vacant ☐ Recreational (check all that apply)
Provide summary of business operations as an attachment.

2. Intended Use Post Remediation: ☐ Unrestricted ☒ Residential ☒ Commercial ☐ Industrial (check all that apply)
Provide specifics as an attachment.

3. Do current historical and/or recent development patterns support the proposed use? (See #14 below re: discussion of area land uses) ☒ Yes ☐ No

4. Is the proposed use consistent with applicable zoning laws/maps? ☐ Yes ☒ No

5. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, designated Brownfield Opportunity Area plans, other adopted land use plans? ☒ Yes ☐ No

6. Are there any Environmental Justice Concerns? (See §27-1415(3)(p)). ☐ Yes ☒ No

7. Are there any federal or state land use designations relating to this site? ☐ Yes ☒ No

8. Do the population growth patterns and projections support the proposed use? ☒ Yes ☐ No

9. Is the property accessible to existing infrastructure? ☒ Yes ☐ No

10. Are there important cultural resources, including federal or state historic or heritage sites or Native American religious sites within ½ mile? ☐ Yes ☒ No

11. Are there important federal, state or local natural resources, including waterways, wildlife refuges, wetlands, or critical habitats of endangered or threatened species within ½ mile? ☒ Yes ☐ No

12. Are there floodplains within ½ mile? ☒ Yes ☐ No

13. Are there any institutional controls currently applicable to the property? ☒ Yes ☐ No

14. Describe the proximity to real property currently used for residential use, and to urban, commercial, industrial, agricultural, and recreational areas in an attachment.

15. Describe the potential vulnerability of groundwater to contamination that might migrate from the property, including proximity to wellhead protection and groundwater recharge areas in an attachment.

16. Describe the geography and geology of the site in an attachment.

Section X. Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I acknowledge and agree to the general terms and conditions set forth in DER-32 *Brownfield Cleanup Program Applications and Agreements* and to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter. I also agree that in the event of a conflict between the general terms and conditions of participation set forth in DER-32 and the terms contained in a site-specific BCA, the terms in the BCA shall control. I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: _____ Signature: _____ Print Name: _____

(By an requestor other than an individual)

I hereby affirm that I am **Manager** (title) of **Macquisten Inkooover Partners LLC** (entity); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction. If this application is approved, I acknowledge and agree to the general terms and conditions set forth in DER-32 *Brownfield Cleanup Program Applications and Agreements* and to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter. I also agree that in the event of a conflict between the general terms and conditions of participation set forth in DER-32 and the terms contained in a site-specific BCA, the terms in the BCA shall control. I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Date: **09/23/14** Signature:  Print Name: **Rella Fogliano**

SUBMITTAL INFORMATION:

Three (3) complete copies are required.

- Two (2) copies, one paper copy with original signatures and one electronic copy in Portable Document Format (PDF) on a CD, must be sent to:

Chief, Site Control Section
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, NY 12233-7020

- One (1) paper copy must be sent to the DEC regional contact in the regional office covering the county in which the site is located. Please check our [website](#) for the address of our regional offices.

FOR DEPARTMENT USE ONLY

BCP SITE T&A CODE: _____ LEAD OFFICE: _____

BCP APPLICATION SUPPORT INFORMATION

BCP APPLICATION SUPPORT

Exhibit List

- Exhibit A - DOS Form for Requestor's LLC**
- Exhibit B - Site Location Map**
- Exhibit C - Tax Parcel Map**
- Exhibit D - Survey Map**
- Exhibit E - Adjacent Use Site Map**
- Exhibit F - Deed**
- Exhibit G - Soil and Groundwater Exceedances Map**
- Exhibit H - Previous Owners and Operators Chart**
- Exhibit I - Carlin-Simpson Groundwater Investigation Data Chart**
- Exhibit J - Site Contact List**
- Exhibit K - Library Letter**
- Exhibit L - Site Access Agreement**
- Exhibit M - En-zone Map**
- Exhibit N - Spill Files**
- Exhibit O - January 2011 Master Plan Update**

The following Environmental Reports are Separately Attached:

- August 2005 UST Closure Report**
- July 2013 Phase II Environmental Site Investigation**
- November 2013 Supplemental Groundwater Investigation Data**
- December 2013 Limited Asbestos Inspection Report**
- September 2014 Combined Phase I & Phase II Review Environmental Site Assessment**

SECTION I - REQUESTOR INFORMATION

The Requestor, Macquesten Takeover Partners, LLC, is a New York domestic limited liability company doing business in New York. *See* Exhibit A, DOS listing. The Requestor's relationship to the property at 22 South West St. (the "Site") is that of a prospective purchaser. The Requestor had no role in the Site's contamination. The Site to be remediated is located at 22 South West Street, Mount Vernon, NY 10550. The remediation and redevelopment of this Site will provide the City of Mount Vernon with a mixed use residential affordable housing project with some retail/commercial space, and will eliminate an under utilized and contaminated automobile service station. Access to the Site has been provided to the Requestor pursuant to a site access agreement. *See* Exhibit L.

SECTION II - PROPERTY INFORMATION

II.5: PROPERTY DESCRIPTION NARRATIVE:

The Site subject of this application is 32,646 square feet or 0.75 acres. The tax parcel ID number is 164.67-1057-13, and the property address is 22 S. West Street, Mount Vernon, NY 10550. The Site is depicted on a United States Geological Survey (USGS) Topographic Map, (*see* Exhibit B), Tax Parcel (*see* Exhibit C); and Survey Map (*see* Exhibit D).

Section	Block	Lot	Official Address	Acreage
164.67	1057	13	22 S. West St.	.75

The Site is located southeast of the Bronx River and the Mt. Vernon West train line, and northwest of S. West Street. Adjacent properties include:

Compass Direction	Adjacent Properties
West	Bronx River, Mt. Vernon West railroad, H. Molina Furniture Co.
North	Bronx River, Mt. Vernon West railroad, Mt. Vernon West Plaza, a commercial building that includes Chase Bank, Baxter Karate Dojo, Matrix Limousines, Millennium Drugs, Inc., and Artcraft Silversmiths.
East	22 S. West St., Metropolitan Transportation Authority Police Department, a parking garage, Charlie's Antiques and Used Furniture, Hyperlink USA
South	22 S. West St., H. Molina Furniture Co.

As depicted above in the chart, land uses within a quarter-mile of the Site are predominantly commercial. *See* Exhibit E, Adjacent Use Site Map.

Historically, the Site has been used as a service station since 1946. The existing on-Site building was constructed at that time. It has been operated by Repetti's Service Station since 1970. The on-Site building (the "Garage"), which is a small, one-story, white masonry

office/vehicle service building sits in the northeast corner. Next to the Garage is a pump island, with four underground storage tanks (“USTs”) (the “Current USTs”), underground piping, and three fuel pumps. The remainder of the Site is occupied by a parking lot, with a grassy strip extending behind several adjacent small buildings at the southwest corner. There were formerly additional USTs that have since been removed (the “Former USTs”). The portion of the property that abuts the railroad is at the bottom of a small incline. *See* Exhibit G Soil and Groundwater Exceedances Map, which also depicts structures and USTs.

SECTION III - CURRENT PROPERTY OWNER/OPERATOR INFORMATION

The Site is currently owned by Repetti Service Station, Inc., which entity has been operating it as an automobile service station and gas station since 1970. The legal description for the Site is present in the deed in Exhibit F. The current Site use is as a Citgo Gas station, vehicle repair shop, and outdoor parking lot. The redevelopment of the Site is for a mixed use residential affordable housing project with some retail/commercial space.

SECTION IV – REQUESTOR ELIGIBILITY INFORMATION

The information provided in the application confirms the Requestor is an eligible requestor in compliance with ECL§27-1407. The Requestor is a volunteer and prospective purchaser, which had no role in the contamination of the site and no prior relationship with the existing or prior owners and operators.

SECTION V – PROPERTY ELIGIBILITY INFORMATION

In addition to the responses on the application form, which clarify the Site is not ineligible pursuant to the brownfield site exceptions in ECL§27-1405, the following information further demonstrates this Site’s eligibility for the BCP. First, the Site meets the definition of an eligible “brownfield site”, defined by statute as “real property, the redevelopment or reuse of which may be complicated by the presence or potential presence of a contaminant”. Environmental investigation results show evidence of impact from petroleum spills and metal contamination from the Site’s long use as an automobile service station. The Site’s former service station and auto repair use has caused petroleum, heavy metal, volatile organic compound (“VOC”), and semi-volatile organic compound (“SVOC”) soil and groundwater contamination.

Contamination, which has been linked primarily to petroleum spills and the past service station use of the Site, as well as the presence of historic fill, has been documented to be present in on-Site soil and groundwater pursuant to a Phase II Environmental Site Assessment. *See* Exhibit G Soil and Groundwater Exceedances Map; *see also* separately attached Environmental Report Documents. Since such documented soil and groundwater contamination on the Site will complicate redevelopment, the Site meets the brownfield site statutory definition in Environmental Conservation Law §27-1405(2), and the regulatory eligibility definition in 6 NYCRR §375-3.3(a)(1), as collectively demonstrated by:

- Site Description above, which demonstrates the Site must be remediated for the planned residential/commercial/retail development project;
- Site's Environmental History Section VII below, and the Phase I and II and UST closure reports separately attached, which summarizes the environmental history of the Site; and
- Actual Site contamination data documented in Site investigation reports, which has been linked to the former use of the Site and the petroleum spill, and which data is summarized on the Exceedances Map in Exhibit G and Exhibit M spill records.

This Site, while in a prime location in a commercial and retail area, adjacent to a major transportation line to New York City, has remained under-utilized for the better part of a century. Even during the extended period of operation of a service station on the Site, the vast majority of the land was merely a parking lot, despite the presence of a parking garage directly across the street. While some environmental investigation has been performed, additional investigation is needed to more fully delineate the contamination on the Site, particularly for purposes of a residential Site redevelopment. *See* separately attached environmental reports.

The purpose of this project is to develop an underutilized portion of Mt. Vernon into a transit-oriented mixed use residential affordable housing development and commercial/retail space. The site is adjacent to the Mt. Vernon West train station. The proposed residential reuse for the Site will provide new downtown living options for working families in the Mt. Vernon metro area. With its location adjacent to the Mt. Vernon West Railroad, this affordable housing community is a transit oriented development project, which is consistent with the City's evolving Master Plan. The Site is situated in an area with retail and commercial presence. This project will assist Westchester in meeting its goals to facilitate the construction of affordable housing in the County.

Overall, the State of New York, the County of Westchester, and the City of Mt. Vernon stand to substantially gain from the remediation and redevelopment of this under-utilized contaminated property. The Site is severely challenged in a former County Environmental Zone, and needs to be deemed an eligible brownfield in order to proceed with any planned reuse. *See* Exhibit M. The repeated discovery of petroleum, SVOCs, VOCs, and metals in on-Site groundwater will make the project even more challenging.

Since the Site soils and groundwater contain hazardous substances in excess of the unrestricted residential cleanup standards promulgated in 6 NYCRR Part 375-6.8(a), the Site is a brownfield, particularly given that the intended use of the Site is residential, and such use is consistent with the County and City's obligations and development plans for the community.

The current data documenting actual contamination discovered to date, coupled with the history of petroleum and auto repair use, make it reasonable to believe additional contamination is present, and will be further uncovered throughout the entire Site requiring remediation. *See* Exhibit G, Soil and Groundwater Exceedances Map. Therefore, the Site meets the first contamination element:

- (i) there must be confirmed contamination on the property or a reasonable basis to believe that contamination is likely to be present on the property;

See 6 NYCRR §375-3.3(a)(1)(i).

In addition to confirmed and suspected contamination:

- (ii) there must be a reasonable basis to believe that the contamination or potential presence of contamination may be complicating the development, use or re-use of the property.

See 6 NYCRR §375-3.3(a)(1)(ii).

According to the Department's March 3, 2005 Revised Eligibility Guidance document:

3. In determining whether there is a reasonable basis to believe that the contamination or potential presence of contamination may be complicating the development, use or re-use of the property, the Department will consider the following factors, to the extent such factors are relevant to the proposed site:

- (A) whether the proposed site is idled, abandoned or underutilized;
- (B) whether the proposed site is unattractive for redevelopment or reuse due to the presence or reasonable perception of contamination;
- (C) whether properties in the immediate vicinity of the proposed site show indicators of economic distress such as high commercial vacancy rates or depressed property values; and/or
- (D) whether the estimated cost of any necessary remedial program is likely to be significant in comparison to the anticipated value of the proposed site as redeveloped or reused.

The Site at issue meets these eligibility factors as follows:

(A) Idled, abandoned and underutilized –

The Site has been operated as an automobile service station since 1946. Since the highest and best use of this land is not being realized given its location adjacent to the Mt. Vernon West Railroad, the Site meets the first brownfield site complication eligibility factor as it is under utilized.

(B) Unattractive for redevelopment or reuse due to the presence or reasonable perception of contamination –

The Site has been operated as an automobile service station over many years and was original owned by the railroad, which likely placed the historic fill on the Site. The Site appears to have various types of contamination resulting from petroleum spills on the property from the Former USTs, which makes the Site unattractive for redevelopment. *See* Exhibit H, Previous Owners and Operators Chart.

(C) Whether properties in the immediate vicinity of the proposed site show indicators of economic distress –

The Site is located in a former County Environmental Zone. While the County En-Zones have expired, the Site is still located in a high economic distress area. In addition, many of the properties in the immediate vicinity of the Site are visibly dilapidated, evincing some degree of economic distress. Additionally, the entire County of Westchester has been mandated to facilitate the construction of affordable housing. The planned development for this Site is ideal for aiding in this goal without diminishing the values of adjacent properties, as it would involve turning an under utilized, contaminated lot into the needed affordable housing.

(D) Estimated cost of any necessary remedial program is likely to be significant in comparison to the anticipated value of the proposed site as redeveloped or reused –

With respect to the fourth cost factor, while final costs are not yet available since Site investigation will continue under the BCP and samples will be taken during the remediation process to determine the areas to excavate, the cost of remediation will likely be significant based on the known soil and groundwater contamination. This Site remediation will be complicated due to the presence of groundwater contamination, and because the planned use for the Site is multi-family residences, it will likely require extensive Site work and remediation since contamination has been found in multiple areas and extensive excavation will be required to prepare the Site for the redevelopment project.

It is difficult to accurately anticipate the future value of the land, particularly before the remediation work is accomplished. The site will remain located in a distress area even after it is redeveloped. To date, groundwater contamination has been discovered, which will make the investigation and remediation more expensive. The Requestor will perform a comprehensive remediation with the goal of achieving the highest level of residential standards feasible in order to assure the safety of future residential users. However, at this time, the Requestor can only predict that the remedial cost will be significant, and is an upfront cost that will have to be expended in order to even minimally enhance the future value of the Site.

In sum, there is a reasonable basis to believe that the currently known contamination and suspect potential contamination is complicating development, and as such the fourth complication element of the State's current eligibility test in its Eligibility Guidance document has been met.

SECTION VI: PROJECT DESCRIPTION

A. PURPOSE AND SCOPE OF THE PROJECT

The project is a proposed mixed-use residential, commercial, and retail property. The project will involve 200 residential units and 20,000 square feet of commercial and retail space. The project will provide the County of Westchester with mandated fair and affordable housing.

B. ESTIMATED PROJECT SCHEDULE

Integration of the construction and BCP Site investigation and remediation timeline for the project appears below:

<u>Preconstruction Site Investigation / Zoning Phase</u>	9/26/14 - 11/1/14
- Submit BCP App. and Commence Rezoning	9/26/14 - 11/1/14
- Prepare Remedial Investigation Work Plan (RIWP)	11/8/14 - 11/28/14
- Submit applications to Mt. Vernon for Local Approvals	12/1/14 – 1/2/15
- Thirty (30) Day Public Comment Period	12/15/14 - 1/15/15
- Implement Remedial Investigation	2/3/15 – 3/3/15
- Prepare Remedial Investigation Report (RIR), Remedial Action Work Plan (RAWP) and Final Site Plan Approval	3/5/15 – 4/15/15
- Rezoning and Site Plan Approval	4/20/15 – 6/26/15
- Forty-five (45) Day Comment Period	4/15/15 – 5/30/15
<u>Remediation / Construction Phase</u>	5/1/15 – 12/20/15
- Mobilize on Site Survey and Layout Erosion Control & Site Clearing	5/30/15 – 6/15/15
- RAWP Approval and Commencement of Excavation work for Remediation & Cap Foundation/Parking Lot Cover System	6/15/15 – 6/30/15
- Remediation/Excavation/Building Cast in Place Foundations and Site Utilities	7/1/15 – 8/1/15
- Prepare Environmental Easement Package	6/1/15
- Clean Backfill Foundations	8/1/15 – 9/1/15
- Prepare Site Management Plan	8/1/15 – 9/30/15
- Prepare Final Engineering Report	9/1/15 – 10/15/15
- Certificate of Completion	12/7/15 – 12/20/15
- Construction Completion/Certification of Occupancy	6/16/16
Project Completion	
<u>Environmental COC</u>	12/20/15
<u>Project Completion</u>	6/16/16

SECTION VII - PROPERTY ENVIRONMENTAL HISTORY

1. SUMMARY OF ENVIRONMENTAL REPORTS

The following environmental reports are attached and summarized below:

- UST Closure Report. Prepared by Performer Compliance LLC for Repetti's Service Station. Dated August 10, 2005 ("2005 UST Closure Report").

- Phase II Environmental Site Investigation (“ESI”). Prepared by Carlin-Simpson & Associates. Dated July 18, 2013 (“July 2013 Phase II ESI”).
- Supplemental Groundwater Investigation Data Investigation. Maps and data charts prepared by Carlin-Simpson & Associates. Dated November 8, 2013 (“November 2013 Groundwater Investigation Data”).
- Limited Asbestos Inspection Report. Prepared by Environmental Maintenance Contractors, Inc. Dated December 9, 2013 (“December 2013 Limited Asbestos Inspection Report”).
- Combined Phase I & Phase II Environmental Site Assessment (“ESA”). Prepared by JM Associates, Inc. for Macquesten Takeover Partners, LLC. Dated September 5, 2014 (“September 2014 Combined Phase I and Phase II Review ESA”).

A. 2005 UST Closure Report

A spill was reported on the Site on May 18, 2005 in relation to the Site; Spill No. 0501989. [NOTE: This spill number is still open; *see* Exhibit N]. This report was prepared for Repetti’s Service Station by Performer Compliance LLC (“PC”) on August 10, 2005 after some underground storage tank (UST) removal work was performed. The purpose was to provide documentation in relation to the removal of three USTs, and identify and document removal of associated contamination, if found. The report was limited to issues relating to the UST removal. Barrier Motor Fuels, Inc. of Tarrytown, NY was hired to remove three historic USTs. Two of the USTs were 1000-gallon abandoned tanks, and one was a still-in-use 550-gallon waste oil tank. After excavation of the first tank, soils below the tank were observed to have a slight petroleum odor and some discoloration. Similar soil was encountered under the second tank, and along the corner of the third tank. Excavation was continued in the areas of affected soil, as far as practicable, to a depth of about 12 feet, but was stopped by the presence of remaining active USTs and the active pump island.

After excavation was completed, eleven post-excavation samples were taken from the UST pit and transferred, according to NYSDEC guidelines, to York Laboratories of Stamford, Connecticut for analysis. The laboratory analysis discovered concentrations of VOCs well above NYSDEC TAGM maximum guidance values. Specific VOCs encountered were 1,2,4 trimethylbenzene, 1,3,5, trimethylbenzene, naphthalene, toluene, and xylenes. SVOC concentrations were also discovered above NYSDEC TAGM guidance values. These were specifically benzo[a]anthracene, benzo[a]pyrene, benzo[b]fluoranthene, benzo[k]fluoranthene, and chrysene. These SVOCs were discovered primarily in the same area as the VOCs.

[NOTE: It is important to note that there was another spill reported on June 10, 2011 in relation to another tank test failure. However, there was no discussion of this spill in any of the environmental documents. The 2013 Phase II report discussed below suggests that some groundwater sampling was performed in 2011, which showed the site was still contaminated, but this data could not be located. *See* Exhibit N].

B. July 2013 Phase II ESI

This investigation performed for the Site was prepared by Carlin-Simpson & Associates (“CSA”). The purpose of the investigation was to investigate RECs identified during a recent Phase I ESA at the Site.

For the soil testing, hollow stem auger drilling methods were used to perform 18 test borings (SB-1-18) in various areas of environmental concern that were identified during the Phase I. Soil samples were obtained from each location, visually inspected, screened using a photoionization detector (PID), and sent for laboratory analytical testing.

The soil investigation determined that there was no PCB contamination related to the hydraulic lift in the Garage. However, the investigation revealed there is still contamination in the soil at the groundwater table in portions of the Site, which has caused groundwater contamination. Further, the ash and cinders historic fill encountered throughout the Site contains SVOCs and metals at concentrations exceeding unrestricted SCOs. A few of the metals (lead and mercury) also exceed the Commercial Use SCOs. Additionally, in Boring B-8, near the southeast edge of the previously excavated tank area, VOC and SVOC contamination was identified, which CSA believed to extend below one of the remaining USTs. CSA indicated that this soil will require soil remediation.

For the groundwater testing, one new two-inch groundwater monitoring well was installed at the Site, and two previously existing 4-inch groundwater monitoring wells were sampled (MW-1-3). Groundwater samples were obtained from each of the wells, and each sample was submitted for laboratory analytical testing for full TCL/TAL analysis. Prior to laboratory testing, groundwater elevation was measured at each well, and the well casing was scanned for VOC not SVOC vapors using a PID.

The groundwater investigation determined that MW-1 and MW-2 contained elevated concentrations of gasoline related VOCs, specifically: ethylbenzene, isopropylbenzene, toluene, and xylenes, all in excess of NYSDEC Class GA Groundwater Criteria. All three monitoring wells contained elevated concentrations of metals, at levels exceeding NYSDEC Class GA Groundwater Criteria. MW-1, which was closest to the leaking tank, contained concentrations of lead. The remaining metals were iron, magnesium, manganese, and sodium. The groundwater investigation also revealed that there was a contamination plume that was migrating to the southwest.

In sum, the following contamination issues were identified in this report:

- **Soil contamination caused Site-wide groundwater contamination** – The subsurface investigation identified contamination at several test boring locations, which were advanced throughout the Site down to the groundwater table, which revealed groundwater contamination impacts.
- **Area of VOC impacted soil (west corner of the Site)** – The subsurface investigation identified VOC contamination at soil boring B-8 in the western corner of the Property, along the southeast edge of the previously excavated tank area, which likely extended

below the remaining USTs. Specifically, the VOCs found in excess of the NYSDEC Unrestricted Use SCOs were Benzene and Xylene.

- **Area of SVOC impacted soil (west corner of the Site)** – The subsurface investigation identified SVOC contamination at soil boring B-8 in the western corner of the Property, along the southeast edge of the previously excavated tank area, which likely extended below the remaining USTs. Specifically, benzo(a)pyrene was found in excess of the NYSDEC Restricted Use SCOs. Additionally, benzo(a)anthracene, benzo(b)fluoranthene, chrysene, and indeno[1,2,3-cd]pyrene were found in excess of the NYSDEC Unrestricted Use SCOs. Ethylbenzene and dibenz(a,h)anthracene were found in concentrations only slightly below the Unrestricted Use SCOs.
- **Metal and SVOC Site-wide Contaminated Historic Fill** – The subsurface investigation revealed that the wood, ash, cinders, asphalt, brick, coal, glass, and concrete-containing fill contained SVOCs and metals at concentrations exceeding the Unrestricted Use SCOs. Lead and Mercury were also found in the fill at concentrations exceeding the Restricted Use SCOs.
- **Area of SVOC impacted groundwater (west corner of the Site)** – The subsurface investigation identified SVOC contamination at monitoring wells MW-1 and MW-3 in the western corner of the property, near the excavated tank area. Additionally, because there is a contamination plume, it is possible that the contamination has migrated to other portions of the Site. The specific SVOCs discovered at concentrations above the NYSDEC Class GA Groundwater Criteria were ethylbenzene, isopropylbenzene, toluene, and xylenes.
- **Area of VOC impacted groundwater (west corner of the Site)** – The subsurface investigation identified VOC contamination at monitoring wells MW-1 and MW-3 in the western corner of the property, near the excavated tank area. Additionally, because there is a contamination plume, it is possible that the contamination has migrated to other portions of the Site. The specific VOC discovered at concentrations above the NYSDEC Class GA Groundwater Criteria was naphthalene.
- **Area of metal impacted groundwater (throughout)** – The subsurface investigation identified several metals at concentrations in excess of the NYSDEC Class GA Groundwater Criteria. Metal contamination was found at all three monitoring wells so it is possible that this contamination extends throughout the entire Site, especially because of the contamination plume. Specifically, the metals discovered in excess of the Criteria at all three wells were iron, magnesium, manganese, and sodium. MW-1, the well nearest the excavated tank area, also had concentrations of lead in excess of the criteria.

The report recommended soil remediation at the western corner of the Site near the tank excavation area, as well as removal of the remaining USTs and continued groundwater monitoring to confirm that the soil remediation was sufficient. It also noted that, because of the contaminated fill, any of the fill that is excavated during the remediation will need to be disposed of if it cannot be managed on the Site.

C. November 2013 Supplemental Groundwater Investigation Data

CSA performed an additional round of testing on the Site groundwater in November of 2013. No report was generated in conjunction with this supplementation investigation. Only a

map revealing the results of this investigation was provided as attached Carlin-Simpson Groundwater Investigation Data Chart, Exhibit I. The investigation involved the installation of six additional monitoring wells (MW-4-9) in addition to the three that were already in place for previous investigations. This investigation found naphthalene at concentrations exceeding the NYSDEC GA Groundwater standards at MW-1, 2, 3, and 9. Additionally, the VOCs 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, benzene, ethylbenzene, isopropylbenzene, n-butylbenzene, n-propylbenzene, toluene, and xylenes were found at MW-1, 2, 3, 5, 7, and 9 in excess of NYSDEC GA Groundwater Standards. The combined results of the initial Phase II ESI and this supplemental groundwater investigation are depicted on the Soil and Groundwater Exceedance Map in Exhibit G.

D. December 2013 Limited Asbestos Inspection Report

This report was prepared by Environmental Maintenance Contractors, Inc. (“EMC”) and dated December 9, 2013. EMC was hired to perform a pre-demolition inspection of the Garage to determine if any Asbestos Containing Materials (“ACMs”) would be disturbed during demolition activities. ACMs were found in the entire main roof and canopy of the garage, as well as in the flooring of the reception/office area.

E. September 2014 Combined Phase I and Phase II Review ESA

This assessment was prepared by JM Associates, Inc. (“JM”) for Requestor Macquesten Takeover Partners, LLC. The report was conducted in accordance with the guidance of the American Society for Testing and Materials (ASTM) Standard Practice E-1527 for conducting environmental site assessment for commercial and industrial real estate. The purpose of the assessment was to render an opinion as to whether superficial or historical evidence indicated the presence of recognized environmental conditions (“RECs”), which could result in hazardous materials in the environment, as defined in the ASTM Standard Practice E1527-97 for Phase I ESAs. Maps, aerial photographs, interviews, property records, and visual inspections were all utilized to establish the following Site history:

The Site is currently being operated and has been operated as an automobile service station ever since the present operator, Mr. Repetti, began operating the Garage in 1946. The Service Station includes an automobile repair shop and a Citgo Gas Station. The Site is also used as outdoor parking. The Phase I portion of the report identified several RECs.

In relation to its operation as a gas station and auto repair facility since 1946, the Site has housed seven (7) 2000-gallon USTs. In 2005, three (3) USTs that had a petroleum release, which were removed. This release caused at least some of the contamination on the Site. The tank removal effort removed some of the contamination, but residual contamination remained in both the soil and the groundwater. Four (4) USTs that date back to 1925 still remain on the Site. An old hydraulic lift dating back to 1946 is still present in the garage. Also present in the garage is an abandoned grease pit.

The report also found that the Site was originally filled with historic fill. This fill was likely placed on the Site by the former New York Central Railroad owner, and contains various

SVOC and metals contaminants. The Phase I noted that the age of the Garage suggests asbestos containing material may be present. The Site is 483 feet away from the Red Devil Paint Site, which is a NYSDEC Inactive Hazardous Waste Site, Hazardous Waste Transporter, is on the Civil and Administrative Enforcement Docket List, and is listed as a Toxic Brownfield Site. In addition, 863 feet away is another Brownfield Site. This Site had confirmed VOC, arsenic, barium, chromium, copper, lead, and zinc contaminants in excess of Restricted-residential Soil Cleanup Objectives (“SCOs”), as well as tetrachloroethylene, trichloroethylene, and petroleum related VOC contamination in its soil vapor.

The Phase II portion of the report was a summary of the prior 2013 Phase II ESI and Groundwater data summarized above. JM concluded that the Site will require complete remediation of the petroleum and metal contaminated soils, as well as removal or proper management of the contaminated historic fill, with NYSDEC approval.

2. **Sampling Data** – *See* Soil and Groundwater Exceedances Map in Exhibit G and the chart depicting the groundwater data in Exhibit I. It is important to note that the raw data is not attached because the sampling work was performed by a prospective purchaser and not the owner. The Requestor called Carlin-Simpson for the raw data but was told that the data was subject to a confidentiality agreement and the prospective purchaser would not release the data.
3. **Suspected Contaminants** – *See* Chart in the Application, the summary of contaminants above in Section VII.1, and the Soil and Groundwater Exceedances Map in Exhibit G and the chart depicting the groundwater data in Exhibit I.
4. **Suspect Sources** – *See* Chart in Application and summary of historic sites uses and spills throughout this application, which caused the Site-wide contamination.
5. **Past Land Uses** – *See* Application and Narrative Section II above.
6. **Previous Owners and Operators** - *See* Exhibit F for a list of past owners and operators.

The Requestor has no relationship with any of these past owners and/or operators.

SECTION VIII: CONTACT LIST INFORMATION

1. The Chief Executive Officers:

City of Mt. Vernon
Mayor Ernest D. Davis
City Hall
1 Roosevelt Square
Mt. Vernon, NY 10550

Phone: (914) 665-2300

Westchester County
County Executive Rob Astorino
900 Michaelian Building
148 Martine Ave.
White Plains, NY 10601
Phone: (914) 995-2900
ce@westchestergov.com

2. a. The City Department of Planning and Community Development:

Mt. Vernon Department of Planning and Community Development
Jaime A. Martinez, Commissioner
City Hall
1 Roosevelt Square
Mt. Vernon, NY 10550
Phone: (914) 665-2300

b. The County Department of Planning:

Jeremiah Lynch, Chair
Westchester County Department of Planning
148 Martine Ave. Room 432
White Plains, NY 10601
Phone: (914) 995-4400

3. Residents, owners, and occupants of the Site and properties adjacent to the Site:

See Brownfield Site Contact List attached hereto in Exhibit J.

4. Local news media from which the community typically obtains information:

The Journal News
1 Gannet Drive
White Plains, New York 10604
(914) 694-9300

5. The public water supplier that services the area where the Site is located:

Mt. Vernon Board of Water Supply
Anthony Bove, Commissioner
1 Roosevelt Square
Mt. Vernon, NY 10550
(914) 668-7820

6. Any person who has requested to be placed on the Site contact list:

No one has requested to be put on the list to date. However, we intend to voluntarily send information regarding this project to the adjacent property owners listed in Exhibit J.

7. The administrator of any school or day care facility located on or near the Site:

Hamilton Elementary School
Dr. Jackielyn Manning Campbell, Principal
20 Oak Street
Mt. Vernon, NY 10550
Phone: (914) 665-5050

8. The location of a document repository for the project (e.g., local library) (See Exhibit K):

Carolyn Karwoski, Director
Mount Vernon Public Library
28 South First Avenue
Mt. Vernon, NY 10550
(914) 668-1840
Hours: Monday-Thursday: (10AM-8:30PM)
Friday: (10AM-6PM)
Saturday: (10AM-5PM)

SECTION IX: LAND USE FACTORS

1. Current Use:

The Site is currently used as an automobile service station. This use will cease upon acquisition of the Site by the Requestor if deemed eligible for this program. The Site is bordered to the north and west by the Mount Vernon West Railroad and a multi-use commercial building, and to the South and East by H. Molina Furniture Co. and S. West Street. The Site is currently in an Industrial or "I" zone.

2. Intended Use Post Remediation:

The Site is intended to be developed as a mixed-use residential, commercial, and retail space. The residential development would be affordable housing and would help Westchester County satisfy its mandated fair and affordable housing requirement. The development will consist of 200 residential units and approximately 20,000 square feet of retail and commercial space.

3. Do current historical and/or recent development patterns support the proposed use?

Yes. The Site is consistent with historic and recent development patterns, which support increased affordable living on an under utilized parcel in an under-utilized area of the City and will help Mt. Vernon and Westchester meet its mandated fair and affordable housing requirement. This is consistent with the City of Mt. Vernon's evolving Master Plan. *See* Exhibit O.

4. Is the proposed use consistent with applicable zoning laws/maps?

No. However, even though the Site is currently in an "I" zone, all of the surrounding businesses in this same zone are municipal, retail, or commercial. Mt. Vernon has adopted a Transit Oriented Development Zone (see second document in Exhibit O, which provides property owners in this area with flexible, higher density zoning approvals to use sites in the industrial zone for higher level uses. There are also several nearby existing residences within this zoning district, which make the proposed project compatible with the planned residential reuse. *See* Exhibit C, Tax Parcel and Zoning District Map; Exhibit E, Adjacent Use Map. Finally, the proposed project is consistent with the City's evolving Master Plan, which encourages residential transit-oriented development near train stations. *See* Exhibit O and response below to Question 5.

5. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, designated Brownfield Opportunity Area plans, or other adopted land use plans?

Yes. Even though the City has not yet adopted a Master Plan, it commenced Master Plan development efforts in 2009. *See* Exhibit O. The Update on the Master Plan to date prepared in January 2011 indicates that transit orient development is a priority in the Mt. Vernon West area in which this Site is located and calls for higher density mixed use development for this area, which is consistent with the proposed project. Additionally, the development will help satisfy the County's mandated affordable housing requirements.

6. Are there any Environmental Justice Concerns (See §27-1415(3)(p))?

Based on the most recent 2010 Census data available at <http://quickfacts.census.gov/qfd/states/36/3649121.html>, the City of Mount Vernon has a high minority population (75.7%, compared to the statewide average of 34.3%). Additionally, the Mount Vernon median household income is below the statewide average (\$50,122, compared to \$57,683). Therefore, this project is located in an environmental justice area and in a County En Zone. *See* Exhibit M.

However, this project will not cause or increase a disproportionate burden on low-income or minority communities, but rather will assuredly decrease such a burden by

providing affordable multi-family housing to help ease the burden on those looking for fair housing options within the city near numerous forms of municipal transportation. The remediation will also help prevent the existing contamination from spreading to adjacent properties. All that will be lost in the process is a largely unused, contaminated parking lot, auto repair facility and gas station.

7. Are there any federal or state land use designations relating to the Site?

No.

8. Do the population growth patterns and projections support the proposed use?

Yes. The Site is in an area that was historically industrial, but is becoming increasingly commercial and residential. All the surrounding properties are residential, commercial, or retail. The redevelopment of transit-orient development, mixed-use affordable housing project is also being encouraged by the evolving Master Plan. Additionally, the development will help satisfy the County's mandated affordable housing requirements.

9. Is the property accessible to existing infrastructure?

Yes.

10. Are there important cultural resources, including federal or state historic or heritage sites or Native American religious sites within ½ mile?

No.

11. Are there important federal, state or local natural resources, including waterways, wildlife refuges, wetlands or critical habitats of endangered or threatened species proximate to the Site?

Yes, the Site is near the Bronx River.

12. Are there floodplains within ½ mile of the Site?

Yes, the Site is within ½ mile of a floodplain extending from the Bronx River.

13. Are there any institutional controls currently applicable to the Site?

The City of Mt. Vernon holds an easement over the southern corner of the Property for access to a 15-inch cast iron drainage pipe for repairs, maintenance, renewal, use and removal.

The successors to the New York Central Railroad and the New York and Harlem Railroad Company, here the MTA, hold an easement of ingress and egress over an unspecified route from West Street to the railroad, though such an access route has likely become obsolete as there is no longer a nearby station.

The successors to the New York Central Railroad and the New York and Harlem Railroad Company, here the MTA, hold an easement for construction, reconstruction, maintenance, repair, replacement, renewal, and use of the embankments and retaining wall between the railroad and the Property.

14. Describe on attachment the proximity to real property currently used for residential use, and to urban, commercial, industrial, agricultural, and recreational areas.

The Site is in an urban area within the City of Mt. Vernon, adjacent to the Bronx River Parkway, the Mt. Vernon West Railroad, S. West Street, and several commercial buildings. It is within ½ mile from other uses, such as municipal uses (Metropolitan Transportation Authority Police Department) an elementary school, and some residences. There are no industrial sites immediately proximate to the site, but there are other brownfields and a Superfund site in the vicinity of the Site. There are no agricultural and recreational uses in proximity to the Site.

15. Describe on attachment the potential vulnerability of groundwater to contamination that might migrate from the Site, including proximity to wellhead protection and groundwater recharge areas.

The Site is situated in a developed area of Mt. Vernon that is serviced by a municipal water supply system. Therefore, it is not possible contamination may migrate to a wellhead protection or groundwater recharge area.

16. Describe the geography and geology of the Site.

The Site is mostly paved and used as an automobile service station. Most of the Site is used as a parking lot, but there is one structure, a pump island, and a strip of grassy land that extends behind several adjacent properties. Site soils consists of a surface layer of either concrete or asphalt followed by existing fill that extends to depths ranging from 1'6" to 15'6" below the existing ground surface. The existing fill generally consists of loose to medium dense sand or silty sand, with varying amounts of gravel, and contains varying amounts of debris such as wood, ash, cinders, asphalt, brick, coal, glass, and concrete. In some locations, there is a layer of ash and cinder fill. Below the existing fill is loose to medium dense virgin soil that primarily consists of sand with traces of silt and gravel. Gravelly sand cobbles are present within the sand stratum in portions of the site. Therefore the geology is an urban fill environment.

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through August 26, 2014.

Selected Entity Name: MACQUESTEN TAKEOVER PARTNERS, LLC
Selected Entity Status Information

Current Entity Name: MACQUESTEN TAKEOVER PARTNERS, LLC

DOS ID #: 4602062

Initial DOS Filing Date: JULY 03, 2014

County: WESTCHESTER

Jurisdiction: NEW YORK

Entity Type: DOMESTIC LIMITED LIABILITY COMPANY

Current Entity Status: ACTIVE

Selected Entity Address Information

DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)

C/O THE MACQUESTEN COMPANIES

438 FIFTH AVENUE, SUITE 100

PELHAM, NEW YORK, 10803

Registered Agent

NONE

This office does not require or maintain information regarding the names and addresses of members or managers of nonprofessional limited liability companies. Professional limited liability companies must include the name(s) and address(es) of the original members, however this information is not recorded and only available by [viewing the certificate.](#)

*Stock Information

# of Shares	Type of Stock	\$ Value per Share
-------------	---------------	--------------------

No Information Available

*Stock information is applicable to domestic business corporations.

Name History

Filing Date	Name Type	Entity Name
JUL 03, 2014	Actual	MACQUESTEN TAKEOVER PARTNERS, LLC

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

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U.S. DEPARTMENT OF THE INTERIOR
U. S. GEOLOGICAL SURVEY

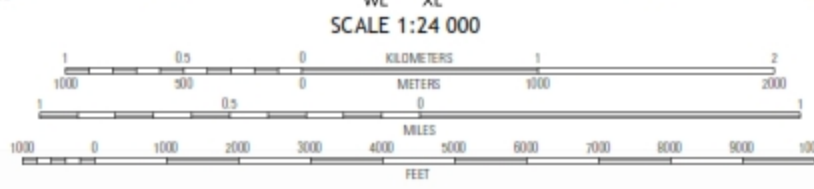
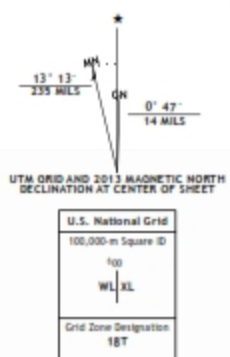


MOUNT VERNON QUADRANGLE
NEW YORK
7.5-MINUTE SERIES

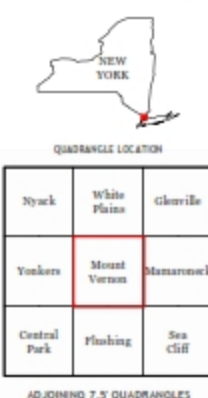


Produced by the United States Geological Survey
North American Datum of 1983 (NAD83)
World Geodetic System of 1984 (WGS84). Projection and
1:000,000 scale: Universal Transverse Mercator, Zone 18T
10,000-foot ticks: New York Coordinate System of 1983 (east
and long island zones)

Imagery.....NAIP, July 2011
Roads.....©2006-2012 TomTom
Names.....©2012
Hydrography.....National Hydrography Dataset, 2011
Contours.....National Elevation Dataset, 2012
Boundaries.....Census, BWC, ISC, USGS, 1972-2012



CONTOUR INTERVAL 10 FEET
NORTH AMERICAN DATUM OF 1988
This map was produced to conform with the
National Geospatial Program US Topo Product Standard, 2011.
A metadata file associated with this product is draft version 0.6.7



ROAD CLASSIFICATION	
Interstate Route	State Route
US Route	Local Road
Ramp	4WD
Interstate Route	US Route
	State Route

MOUNT VERNON, NY
2013

Repetti Service Station Site Tax Parcel Map Excerpt From City of Mount Vernon Tax Map



TAX MAP
CITY OF MOUNT VERNON
WESTCHESTER COUNTY, NEW YORK

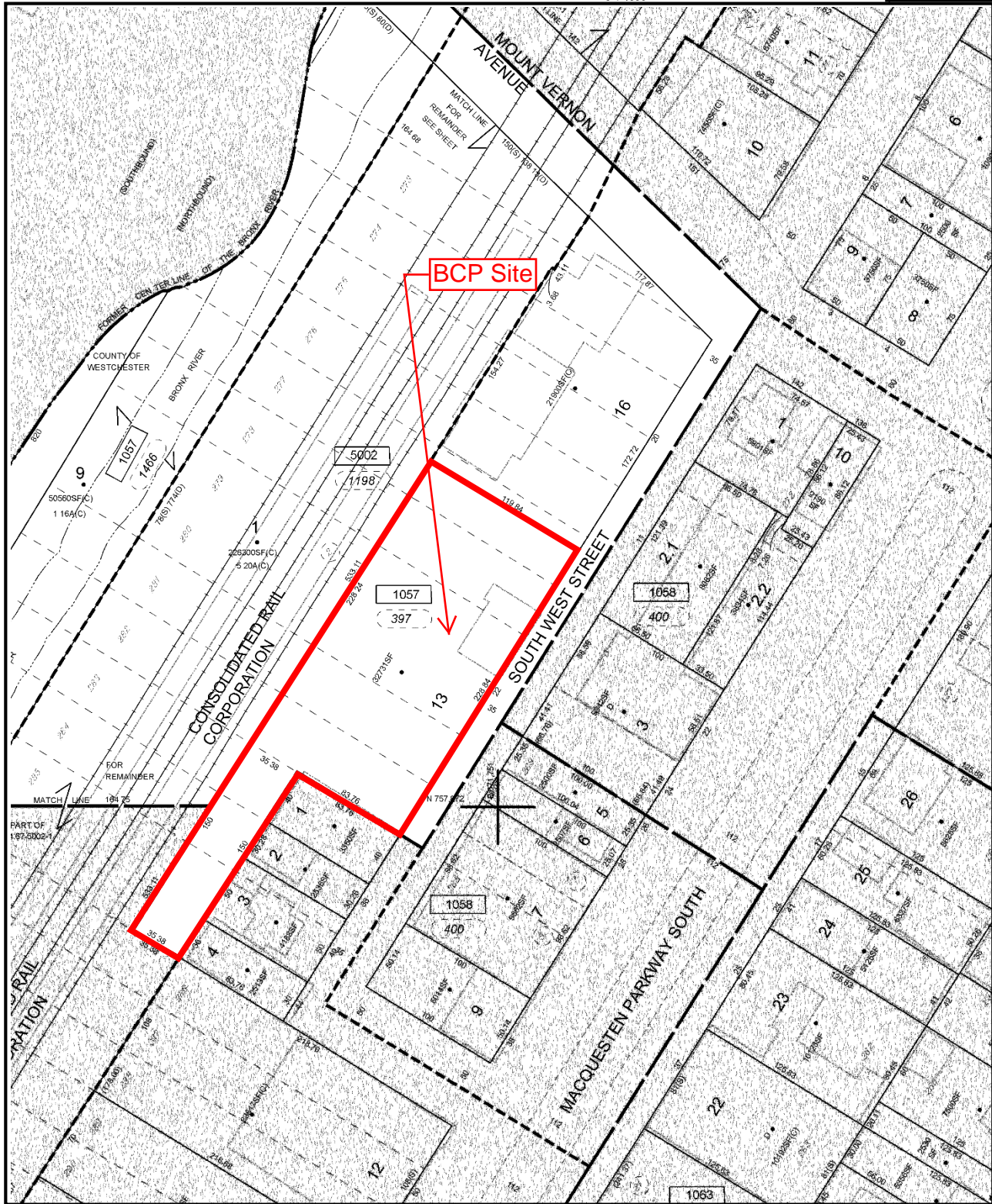
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THRU
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by MRB Group P.C.



MAP DATE 9-1-1990

164.67



LEGEND

PROPERTY LINE	---	BLOCK LIMIT	---	TAX MAP PARCEL NO	7	HISTORIC SUBDIVISION LOT NO	8
FORMER TAX MAP LOT LINE	---	WATER DISTRICT LINE	W	FORMER TAX MAP PARCEL NO	5	COORDINATE VALUES NAD83E FEET	
HISTORIC SUBDIVISION LINE	---	FIRE DISTRICT LINE	F			COORDINATE LOCATOR	.
ROAD/RAILROAD R.O.W	---	SEWER DISTRICT LINE	S	CALCULATED ACREAGE	5600 SF(C)	TAX MAP BLOCK NO	1030
UTILITIES R.O.W	---	DENOTES COMMON OWNER	1	DEED ACREAGE	5600 SF		
SCHOOL DISTRICT	SCH	CITY LINE	---	SCALED DIMENSION	150(S)	WESTCHESTER CO. BLOCK NO	12345
RAILROAD TRACK	+++++	WATER COURSE	---	DEED DIMENSION	150		

Possession NOT indicated

This is to certify that this map and the survey on which it is based were made in accordance with the "Minimum Standard" Detail Requirements for New York State Association of Land Surveyors. This Survey is a representation of the property as surveyed on August 19, 2014, the date that the field work was performed. Subsequent revision dates do not constitute an updated survey.

Eliot Senior, L.S. New York State Lic. No. 049822

Copies of the survey map not bearing the land surveyor's original blue signature and embossed seal shall not be considered to be a true and valid copy. Copyright Gabriel E. Senior, P.C., 2014. ALL RIGHTS RESERVED.

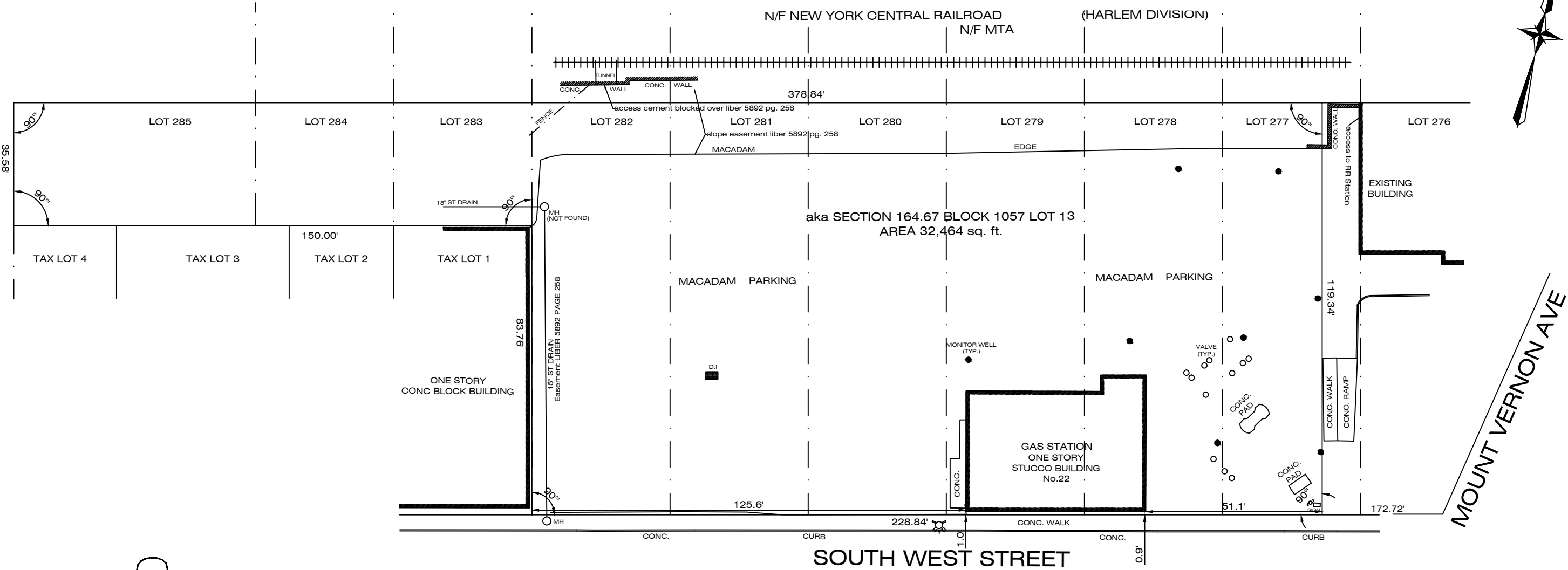
Certifications indicated are limited only to the entity for which this survey was prepared and on its behalf to the title company, governmental agency and lending institution for the policy numbers listed hereon. These certifications are not transferable.

A Title report lists easements and restrictions if the report was not provided these easements and or restrictions may not be shown . A copy of the title report was not provided. A copy of the deed was provided. Survey may be subject to easements not shown.

Surface elevations and underground appurtenances, if any, whether or not shown are not certified. Fences or possession lines generally do not follow a straight line. The survey shows straight lines between located points. Any dimensions shown are to the surveyed point only. Labeled dimensions cannot be used for any other point along the line.

Unauthorized alteration or additions to the survey map is a violation of Section 7209 sub-section 2 of the New York State Education Law

Certified to: Macquesten Takeover Partners, LLC, Title Vest, Old Republic National Title Insurance Company for Title No. ORW416121 only.



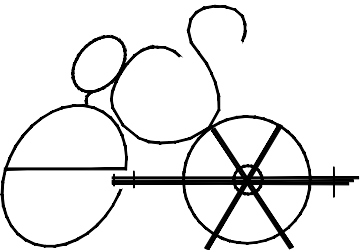
SURVEY OF
PART OF LOT Nos. 277-285
AS SHOWN ON MAP OF
WEST MOUNT VERNON
LOCATED IN THE
CITY OF MOUNT VERNON
WESTCHESTER COUNTY, NEW YORK.

SCALE: 1" = 30'

DATE: AUGUST 19, 2014

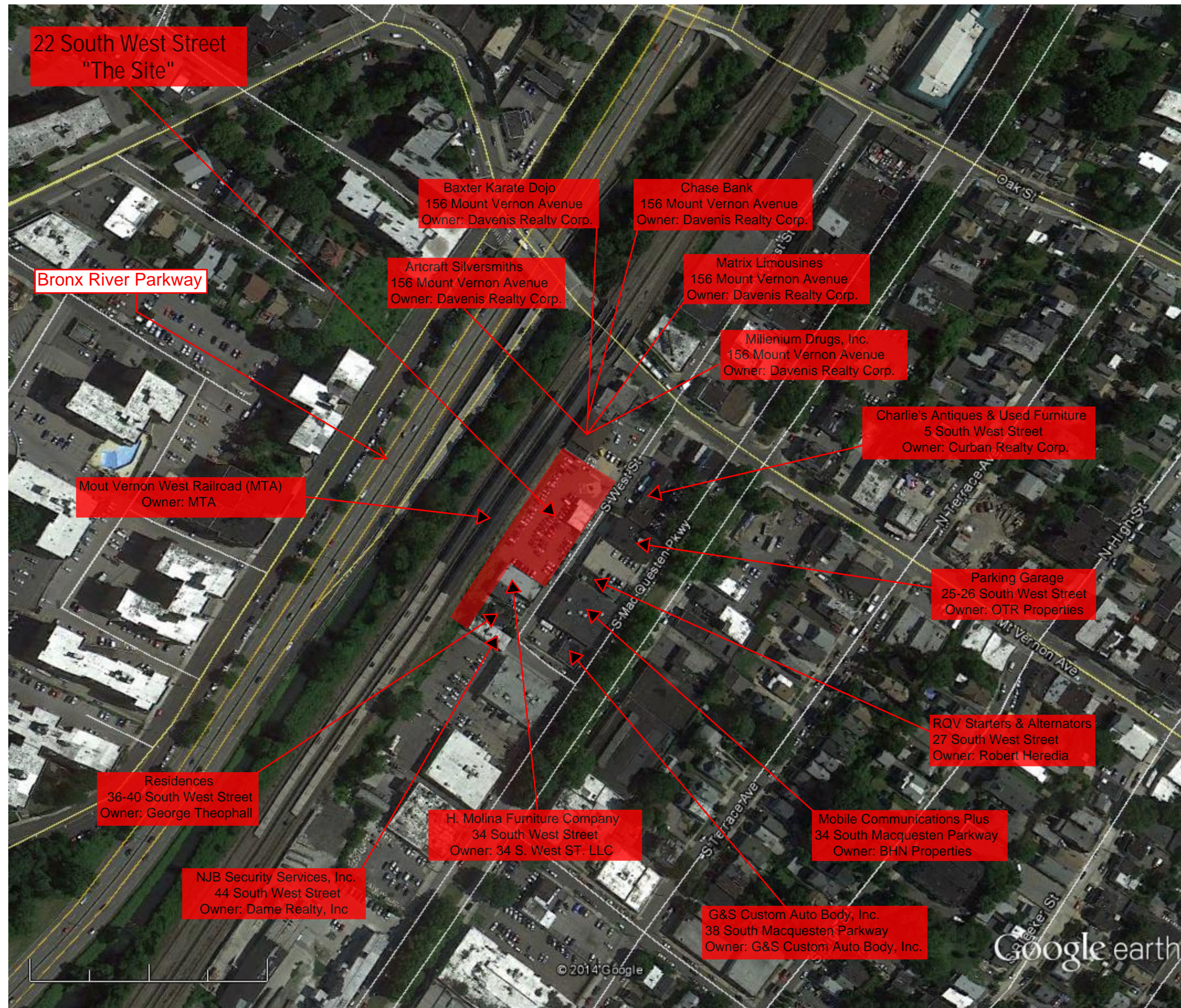
Note: Property subject to easements in Liber 5892 Pg 258

Said "Map" is filed in the Westchester County Clerk's office, Division of Land Records, on July 12, 1890 as R.O. Map number 151.



GABRIEL E. SENOR, P.C.
CONSULTING ENGINEER • LAND SURVEYORS
90 NORTH CENTRAL AVE., HARTSDALE, NEW YORK, 10530
(914) 422-0070 FAX 422-3009

Property Base Map with Adjacent Uses - 22 South West Street Mount Vernon, NY



Beginning at a point on the division line between land now or formerly of Davenis Realty Corp. as described in Liber 5892 cp 258 and land now or formerly of Sarah Soloff, said point being distant 22 feet westerly, as measured along said division line from the westerly side of West Street;

running thence westerly along said division line a distance of 24 feet;

thence northerly at right angles to the last described course through land of Davenis Realty Corp., a distance of 31 feet;

thence easterly at right angles to the last described course and continuing through land of Davenis Realty Corp., a distance of 46 feet to the westerly side of West Street;

thence southerly along the westerly side of West Street, a distance of 21 feet;

thence westerly at right angles to the westerly side of West Street, through land of Davenis Realty Corp., a distance of 22 feet;

thence southerly at right angles to the last described course, continuing through land of Davenis Realty Corp., a distance of 10 feet to the point and place of beginning.

PARCEL II

All that certain plot, piece or parcel of land, situate, lying and being in the City of Mount Vernon, County of Westchester and State of New York, bounded and described as follows:

Beginning at a point on the northwesterly side of West Street, distant 401.56 feet from the intersection of the northwesterly side of West Street with the southwesterly side of Mount Vernon Avenue and northwesterly, at right angles to the northwesterly side of West Street 83.76 feet to a point;

running thence northwesterly at right angles to the northwesterly side of West Street 35.58 feet to a point;

thence southwesterly parallel to the northeasterly side of West Street, 150 feet to a point;

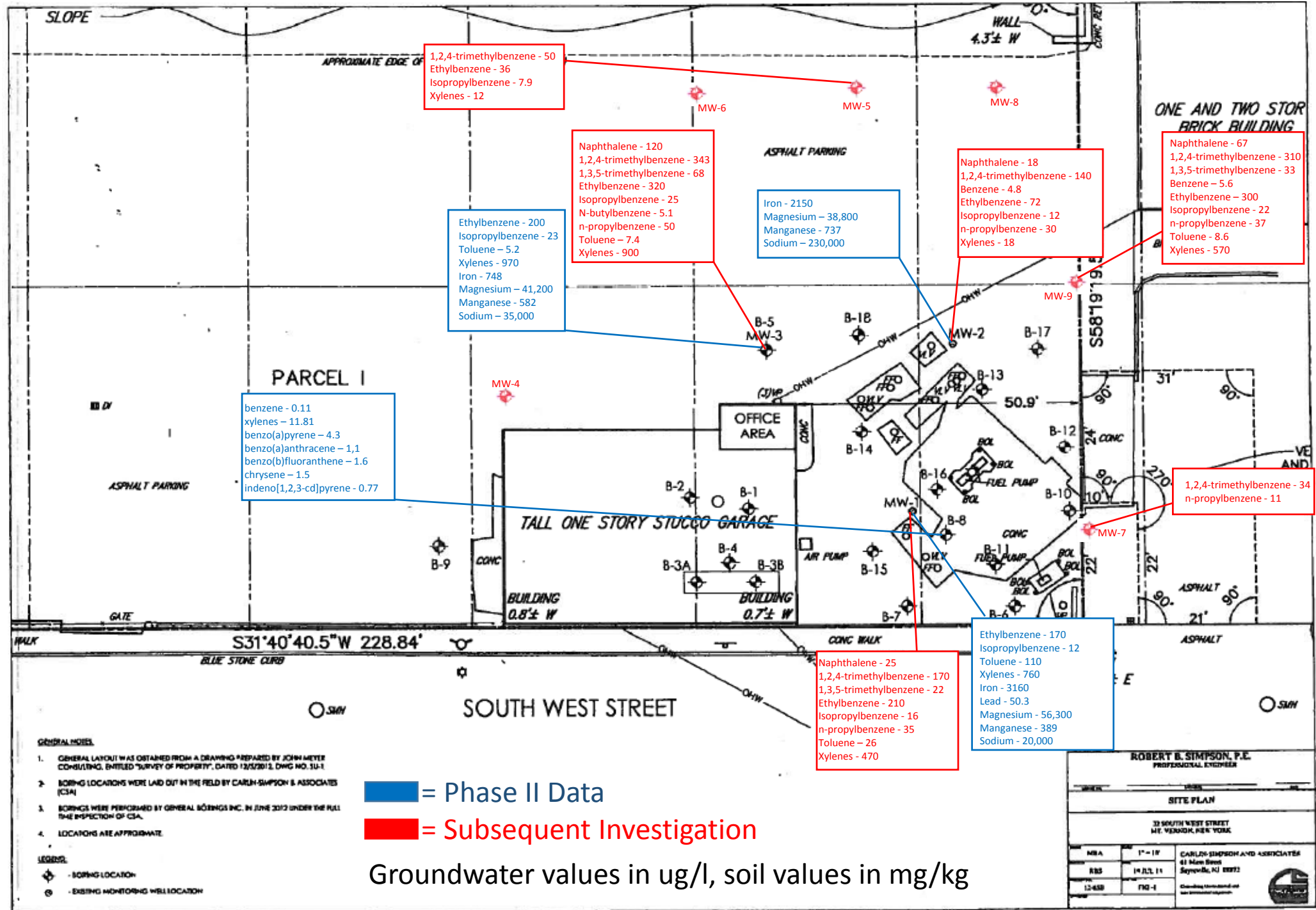
thence southeasterly at right angles with the northwesterly side of West Street 35.58 feet to a point;

thence northeasterly parallel to the northwesterly side of West Street, 150 feet to the point or place of beginning.

The above-described premises comprising portions of Lots 283 through 285 on a certain map entitled, "Map of West Mount Vernon", dated June 27, 1851 and filed in the Office of the County Clerk, Division of Land Records, formerly Register's Office of Westchester County on May 1, 1852 by G. A. Sacchi, for the Teutonia Homestead Association, as Map Number 151.

SAID PREMISES also known as Section I, Block 1057, Lot 13 and part of Lot 16.

Soil and
Groundwater
Exceedance
Map



■ = Phase II Data
■ = Subsequent Investigation

Groundwater values in ug/l, soil values in mg/kg

PREVIOUS OWNERS

Lot	Year	Owner	Address/Number	Relationship to Applicant
22 South West Street Tax ID Parcel 164.67-1057-13	???-1954	New York Central Railroad	Dissolved	None
22 South West Street Tax ID Parcel 164.67-1057-13	1954-1982	Davenis Realty Corp., Inc.	155 Mt. Vernon Ave Mt. Vernon, NY 10550	None
22 South West Street Tax ID Parcel 164.67-1057-13	1982-Present	Repetti Service Station, Inc.	22 South West Street Mt. Vernon, NY 10550	None

PREVIOUS OPERATORS

Lot	Year	Operator	Address/Number	Relationship to Applicant
22 South West Street Tax ID Parcel 164.67-1057-13	1946-1970	Repetti's Service Station	Dissolved, successor is Repetti Service Station, Inc., below.	None
22 South West Street Tax ID Parcel 164.67-1057-13	1970-Present	Repetti Service Station, Inc.	22 South West Street Mt. Vernon, NY 10550	None

2013 Carlin-Simpson and Associates Groundwater Investigation Data (ug/l)							
	NYSDEC Class GA Groundwater Quality Standards	MW-1	MW-2	MW-3	MW-5	MW-7	MW-9
SVOCs							
Naphthalene	10	25	18	120	ND	ND	67
VOCs							
1,2,4-Trimethylbenzene	5	170	140	343	50	34	310
1,3,5-Trimethylbenzene	5	22	ND	68	ND	ND	33
Benzene	1	ND	4.8	ND	ND	ND	5.6
Ethylbenzene	5	210	72	320	36	ND	300
Isopropylbenzene	5	16	12	25	7.9	ND	22
n-Butylbenzene	5	ND	ND	5.1	ND	ND	ND
n-Propylbenzene	5	35	30	50	Illegible	11	37
Toluene	5	26	ND	7.4	Illegible	ND	8.6
Xylenes	5	470	18	900	12	ND	570

*MW = Monitoring Well

**SVOC = Semi-volatile Organic Compound

***VOC = Volatile Organic Compound

****ND = Not detected at level exceeding relevant standard

Excel Mailing List Template (Site Contact List)

[illegible]



KNAUF

SHAW

LLP

September 15, 2014

Carolyn Karwoski, Director
Mount Vernon Public Library
28 South First Avenue
Mt. Vernon, NY 10550

VIA ELECTRONIC MAIL:
ckarwoski@wlsmail.org

RE: Site: Repetti Service Station Site
Official Site Address: 22 S. West St., Mt. Vernon, New York
Requestor: Macquesten Takeover Partners, LLC
Brownfield Cleanup Program Application

We represent Macquesten Takeover Partners, LLC in its anticipated Brownfield Cleanup Program application for the above-referenced site located at 22 S. West St., Mt. Vernon, New York 10550. It is a requirement of the NYS Department of Environmental Conservation that we supply them with a letter certifying that the local library is willing and able to serve as a public repository for all documents pertaining to the cleanup of this property. Please sign below if you are able to certify that your library would be willing and able to act as the temporary public repository for the Brownfield Cleanup Program project documents. Once the site is remediated, the documents will be removed. We shall supply all large documents on CD to avoid unnecessary use of shelf space. Thank You.

Sincerely,

KNAUF SHAW LLP

Linda R. Shaw

Yes, the Mount Vernon Public Library is willing and able to act as a public repository for documents related to the cleanup of the Repetti Service Station Site under the NYS Brownfield Cleanup Program.

Carolyn Karwoski
(name)

9/19/14
(date)

Carolyn Karwoski Library Director
(print and title)

Macquesten Takeover Partners, LLC
438 Fifth Avenue, Suite 100
Pelham, NY 10803

September 23, 2014

John Repetti
Repetti Service Station Inc.
22 S. West Street
Mt. Vernon, New York 10550

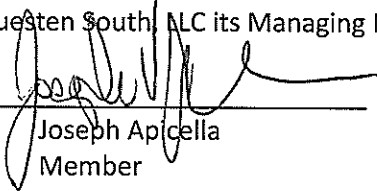
Re: Site Access to Perform Brownfield Cleanup Program Work
22 S. West Street, Section 164.67, Block 1057/Lot 13, Mt. Vernon, New York

Dear Mr. Repetti:

As you know, Macquesten Takeover Partners, LLC will be submitting an application to the Brownfield Cleanup Program ("BCP") to further investigate and remediate the 22 S. West Street site you currently own. As the BCP applicant, Macquesten Takeover Partners LLC is required to seek access from the current owner of land that makes up the brownfield "development site" (i.e. Lot 13) for the purpose of performing environmental investigation and remediation work as a criteria for acceptance into the BCP. As a result, we need written permission from you as owner of the site to satisfy the BCP requirements.

Sincerely,
Macquesten Takeover Partners, LLC

By: 22 Macquesten South, LLC its Managing Member

By: 
Joseph Apicella
Member

As site owner, I agree to allow Macquesten Takeover Partners, LLC and its contractors, to enter Lot 13 a/k/a 22 S. West Street, the development site currently owned by the Repetti Service Station Inc. to perform BCP investigation and/or remediation work required. As the owner of the site and Repetti Service Station Inc., I am authorized to sign this access agreement. This access agreement will be released upon receipt of a Certificate of Liability Insurance naming as Certificate Holders Repetti Service Station Inc. and John Repetti.

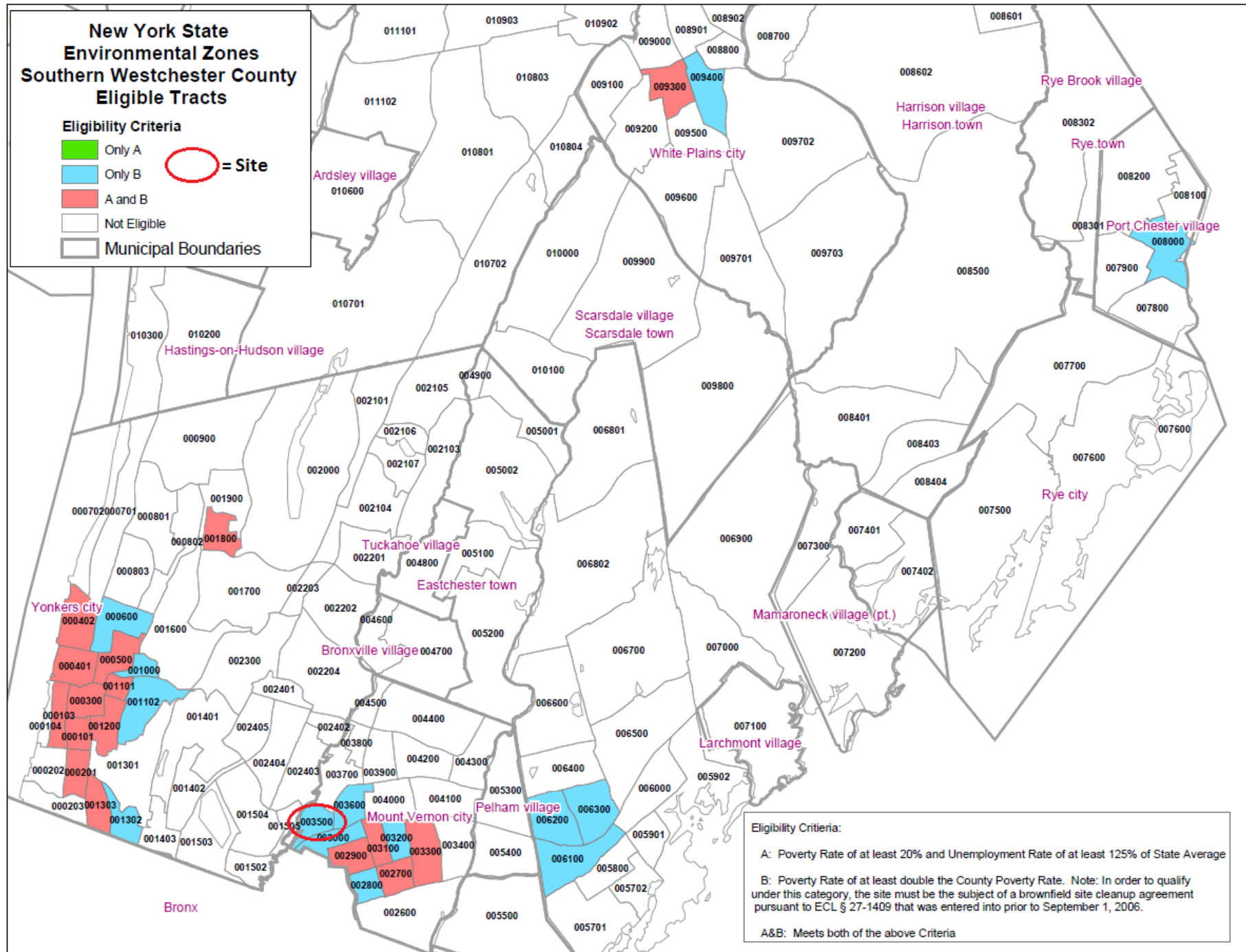
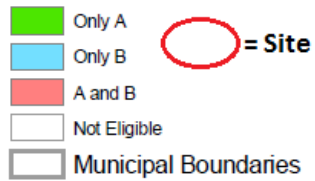
Certificate of Insurance received September 23, 2014

Repetti Service Station Inc.

By: 
John Repetti

New York State Environmental Zones Southern Westchester County Eligible Tracts

Eligibility Criteria



Eligibility Criteria:

A: Poverty Rate of at least 20% and Unemployment Rate of at least 125% of State Average

B: Poverty Rate of at least double the County Poverty Rate. Note: In order to qualify under this category, the site must be the subject of a brownfield site cleanup agreement pursuant to ECL § 27-1409 that was entered into prior to September 1, 2006.

A&B: Meets both of the above Criteria



NEW YORK STATE
DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

Spill Incidents Database Search Details

Spill Record

Administrative Information

DEC Region: 3

Spill Number: 0501989

Spill Date/Time

Spill Date: 05/18/2005 **Spill Time:** 04:30:00 PM

Call Received Date: 05/18/2005 **Call Received Time:** 06:24:00 PM

Location

Spill Name: REPETTI SERVICE STATION

Address: 22 SOUTH WEST STREET

City: MOUNT VERNON **County:** WESTCHESTER

Spill Description

Material Spilled	Amount Spilled	Resource Affected
------------------	----------------	-------------------

UNKNOWN PETROLEUM	UNKNOWN	Soil
-------------------	---------	------

Cause: Unknown

Source: Commercial/Industrial

Waterbody:

Record Close

Date Spill Closed: Not closed

If you have questions about this reported incident, please contact the [Regional Office](#) where the incident occurred.

[Refine Current Search](#)

[Back to Search Results](#)



NEW YORK STATE
DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

Spill Incidents Database Search Details

Spill Record

Administrative Information

DEC Region: 3

Spill Number: 1102791

Spill Date/Time

Spill Date: 06/10/2011 **Spill Time:** 02:00:00 PM

Call Received Date: 06/10/2011 **Call Received Time:** 03:55:00 PM

Location

Spill Name: REPETTI S/S

Address: 22 SOUTH WEST STREET

City: MOUNT VERNON **County:** WESTCHESTER

Spill Description

Material Spilled Amount Spilled Resource Affected

Diesel UNKNOWN Unknown

Cause: Tank Test Failure

Source: Commercial/Industrial

Waterbody:

PBS #: [3-172359](#)

Record Close

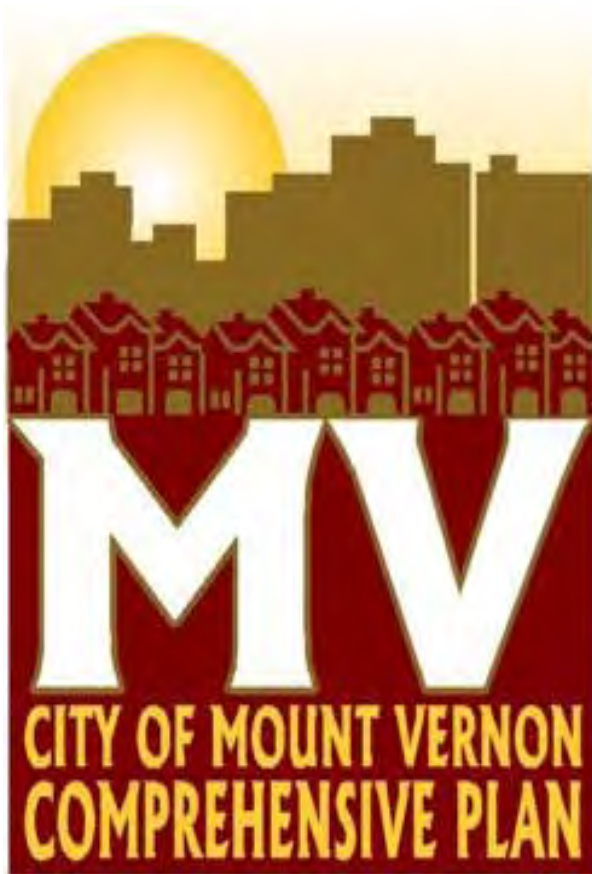
Date Spill Closed: 08/19/2011

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either; a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.

If you have questions about this reported incident, please contact the [Regional Office](#) where the incident occurred.

[Back to Search Results](#)

[Refine Current Search](#)



Clinton I. Young, Jr,
Mayor

Preparing a New Comprehensive Plan for the Physical Development of the City



Status Report
January 2011

Jeffrey Williams, AICP
Commissioner of Planning and Community Development

Contents

2	A Note from the Mayor
3	Acknowledgements
4	Proposed Comprehensive Plan Outline
5	Comprehensive Plan and Timeline for its Development
	Proposed Comprehensive Plan Components
6	Introduction
11	Overview of Mount Vernon
13	Issues to Actions
28	Planning Themes
35	Applying Actions
36	High Intensity Planning Areas
42	Limited Intensity Planning Areas
44	Character Enhancement Areas
45	Summary
46	Time and Cost Assessment for Plan Components
47	Contact Information

A Note from the Mayor



guidelines and recommendations for the future development and growth of this great city.

Mount Vernon's new comprehensive plan will be a reflection of the city's comprehensive planning process to date: shaped by public comment, guided by staff and validated by planning professionals to create policies,

The Mount Vernon Comprehensive Plan Status Report has been prepared to highlight the progress and accomplishments of the process in preparing a new comprehensive plan since the official start of this initiative in February 2009.

Through the efforts of the City's Department of Planning and Community Development in conjunction with the City's Comprehensive Plan Steering Committee and community volunteers, opportunities were provided for public participation to help shape the contents of a new comprehensive plan for the city. This document imparts the insights and desires on the future growth and development of Mount Vernon as expressed during public meetings, at focused stakeholder sessions, and in the results of a communitywide survey.

These comments have guided the Department of Planning and Community Development in determining a number of strategies for the creation of a new comprehensive plan for Mount Vernon including the:

Selection of planning themes for the city;

Identification of planning intensity areas with the city;

Creation of specific actions to guide future development;

Organization of the components of the plan; and

Seeking of financial resources to complete the plan.

The ultimate goal in preparing this status report is to provide a guide for drafting the City's new comprehensive plan by validating and expanding upon the range of physical planning goals and objectives which were identified by community at large to date in the most efficient and fiscally responsible manner.

This report is organized using the proposed outline for the contents of the City's new comprehensive plan. Each item will be explained through statements on their purpose, conclusions reached, proposed actions identified, associated planning document references.

I look forward to continue working with all the citizens and stakeholders of Mount Vernon to complete a new comprehensive plan for this great city.

Mayor Clinton I. Young, Jr.

Acknowledgements

It is with extreme gratitude that I thank all those individuals and organizations that have participated in the City's comprehensive planning process to date. Our continued mission is to create a guide for Mount Vernon's future growth and development based upon the needs and desires of each city resident, business owner and service provider. Through collective efforts, the City's new comprehensive plan will reflect the motto of this mission - **Many Voices...One Mount Vernon.**

Jeffrey Williams, AICP

Department of Planning and Community Development Comprehensive Planning Team

<i>Jeffrey Williams</i>	<i>Commissioner</i>
<i>Carmen Sylvester</i>	<i>Executive Director— Urban Renewal Agency</i>
<i>William Long</i>	<i>Planning Administrator</i>
<i>Jaime Martinez</i>	<i>GIS Administrator</i>
<i>Hernan Guerrero</i>	<i>former GIS Administrator</i>
<i>Terry Lowens</i>	<i>Graphics Administrator</i>

Comprehensive Plan Steering Committee

Judge Helen Blackwood -former Corp. Counsel*

Brian Bochow, Jr. -Mayor's Office Rep.*

*Edward D'Amore, RA -Chamber of Commerce
Rep.*

Irwin Davison -Zoning Board Chair

*Robin Douglas -African American Chamber of
Commerce Rep.*

Yuhanna Edwards -City Councilmember*

Desiree Grand –Board of Education Rep.

Marcus Griffith –former City Councilmember*

Steven Horton -City Councilmember

Terrence Horton –Public Works Commissioner

Loretta Hottinger - Corporation Counsel

Hank Miller -Mayor's Office Rep.*

Rev. W. Darin Moore -United Black Clergy Rep.

William Randolph -former City Councilmember*

Yolanda Robinson -City's Chief of Staff

Janet Snyder -Planning Board Member

Carmen Sylvester– Urban Renewal Agency Rep.

Ralph Tedesco –former Planning Board Chair*

Karen Watts -City Councilmember

** Former Committee Member*

Public Outreach Coordinators Pace University Land Use Law Center

John R. Nolon *Founder & Counsel*

Tiffany B. Zezula *Senior Managing Attorney*

Jennie C. Nolan *Staff Attorney*

Buck Moorehead *Consultant*

Public Meeting Facilitators and Recorders

Lauren Carter

Irwin Davison

Edward D'Amore

Marlene Dandridge

Robin Douglas

Beretha Elkins

Bethany Elkins

Larry Fair

Frank Fraley

Desiree Grand

Hernan Guerrero

Michelle Harris—Dixon

Daniella Jackson

Donna Jackson

William Long

Deborah Norman

Trevor Payne

Danielle Scholar

Maria Smith

Melinda Williamson

Proposed Comprehensive Plan Outline

Introduction

Introductory Letters
Acknowledgements
Table of Contents
What is a Comprehensive Plan?
Historical Perspective
Methodology of Plan Preparation
Understanding a Comprehensive Plan
Illustration and Document Guide /

Overview of Mount Vernon

Mount Vernon at a Glance (One page summaries of City statistics)
City Demographics, Socio-Economics and Infrastructure

Issues to Actions

Community Comp Plan Survey and Results
Discussion Issues and Proposed Actions
Housing
Transportation / Transit / Parking
Open Space
Neighborhood Character
Sustainable Community / Energy Use

Commercial / Industrial / Economic Development
Other Issues

Planning Themes

Transit Oriented Development
Rezoning
Adaptive Reuse
Mobility / Access
Sustainable Investments
Employment Generation

Applying Actions

High Intensity Planning Areas

Downtown Mount Vernon
Mount Vernon West
Mount Vernon East Station Area
Canal Village
Corridors
Sandford Boulevard (Outside Canal Village Area), First Street, Martin Luther King Jr. Boulevard (Third Street)

Limited Intensity Planning Areas

Gramatan Avenue (North of Downtown)
Broad Street
Lincoln Avenue
Columbus Avenue / NY 22
Fulton Avenue (First Street to Sandford Boulevard)
Fifth Avenue
Washington Street
City Gateways
Metro-North Right of Way
Bronx River / Cross County / Hutchinson River Parkways Right of Ways

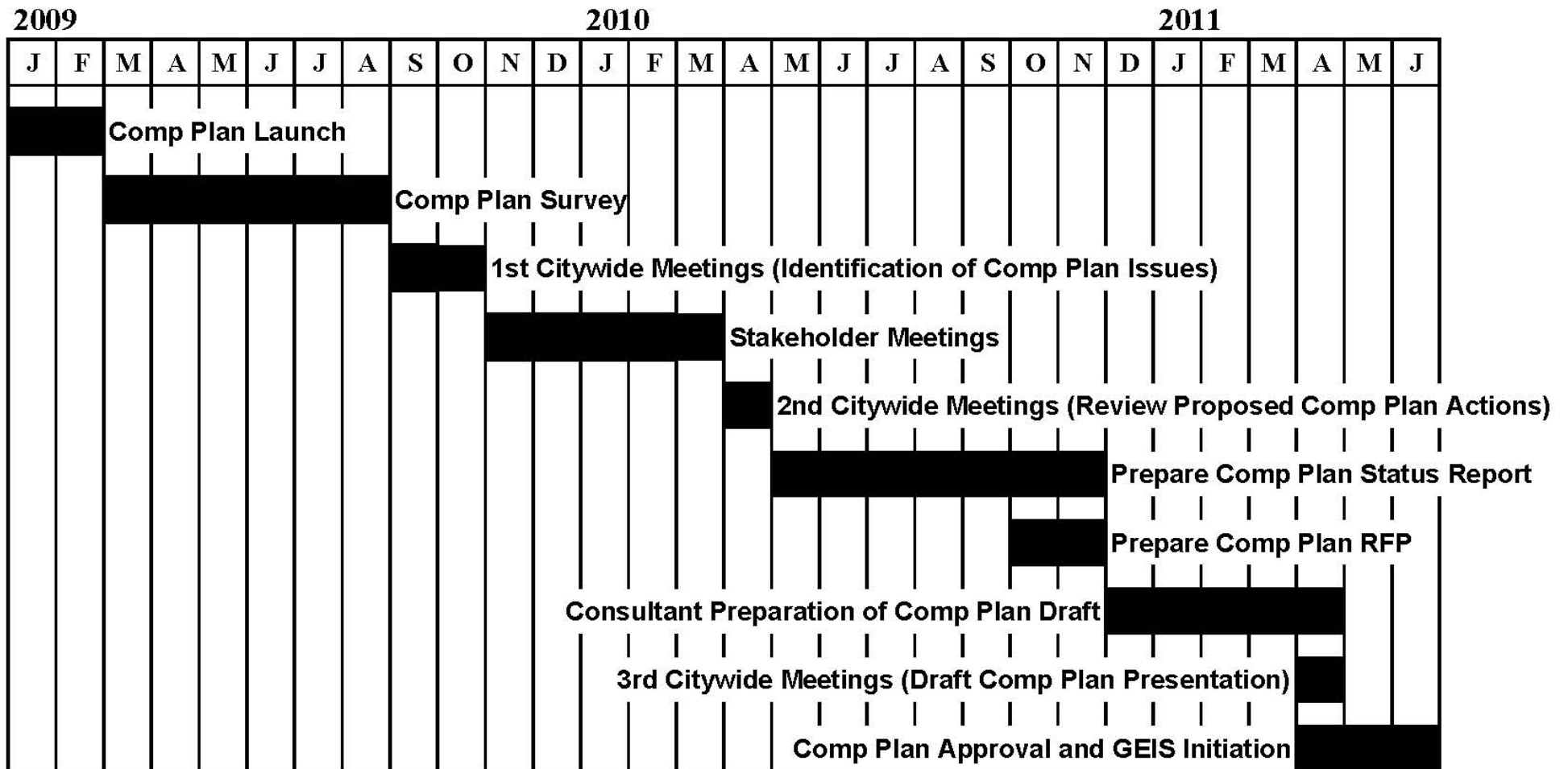
Community Enhancement Areas

Summary

Charting of Proposed Actions
Related Planning Documents
References



Comprehensive Plan Development Timeline



Comprehensive Plan Component—Introduction

Introductory Letters

Work to Date:

Identified Mayor and City Council as elected officials to provide a statement on the importance of the city's Comprehensive Plan and their endorsement of its components.

Steps to Completion:

Work with Mayoral and City Council staffs to provide statements as part of the comprehensive plan draft.

Acknowledgements

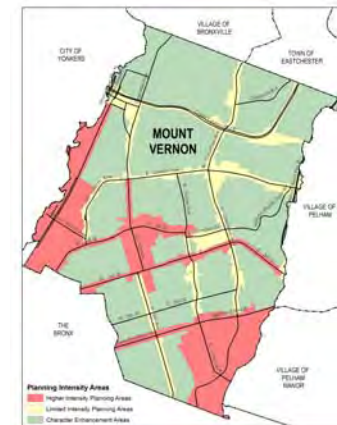
The Department of Planning and Community Development (PCD) is maintaining a record of all those who have served on the Comprehensive Plan Steering Committee and those who have volunteered to facilitate public meetings as part of the plan's development process.

Development of an acknowledgement statement by the PCD Commissioner to be followed by a list of participants organized by staff / steering committee members / stakeholder meeting organizers / volunteers.

Table of Contents

Development of the Comprehensive Plan's outline that serves as the framework for organizing the document and developing the document's table of contents

Consultant creation of a comprehensive table of contents that enumerates text sections, maps and data tables.



Comprehensive Plan Component—Introduction

What is a Comprehensive Plan?

- ***What is a comprehensive plan?***

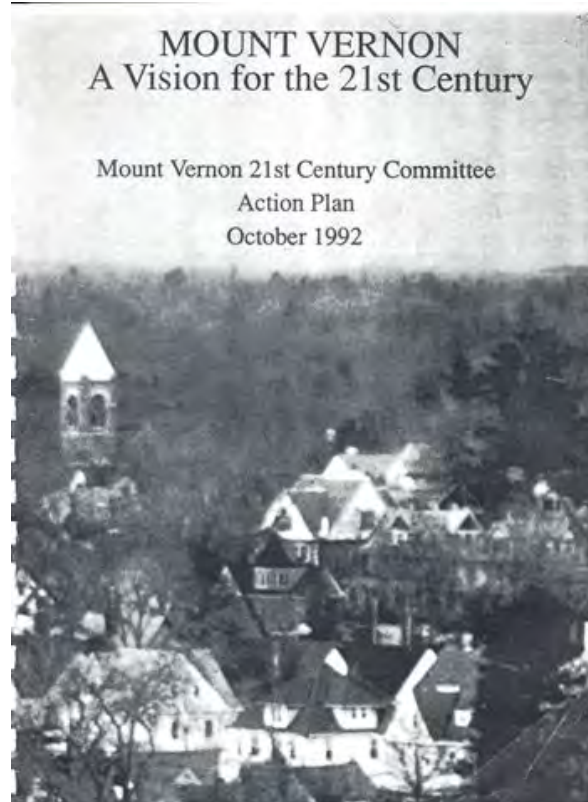
A series of policies, guidelines, and recommendations for the orderly development and growth of Mount Vernon.

- ***Why are we doing a comprehensive plan?***

To better direct the continued evolution of Mount Vernon and define its unique character within the greater New York metropolitan area.

- ***Who are we planning for?***

The stakeholders of Mount Vernon (anyone who lives in, works in, owns property in or provides services in the city).



Work to Date:

Prepared statements and headings to illustrate key points to help define a comprehensive plan, its components and the document's audience.

Steps to Completion:

Consultant creation of text (500 word maximum) to fully describe a comprehensive plan based upon the headings previously defined.

Comprehensive Plan Component—Introduction

Historical Perspective



Work to Date:

Identification of primary sources and materials related to the development of Mount Vernon as a city.

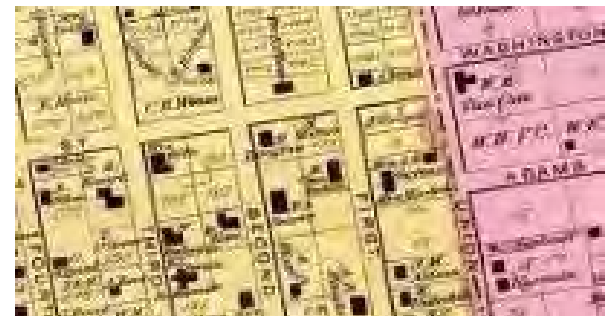
References Identified:

Portrait of America: Mount Vernon

Westchester County African American Heritage Trail Booklet

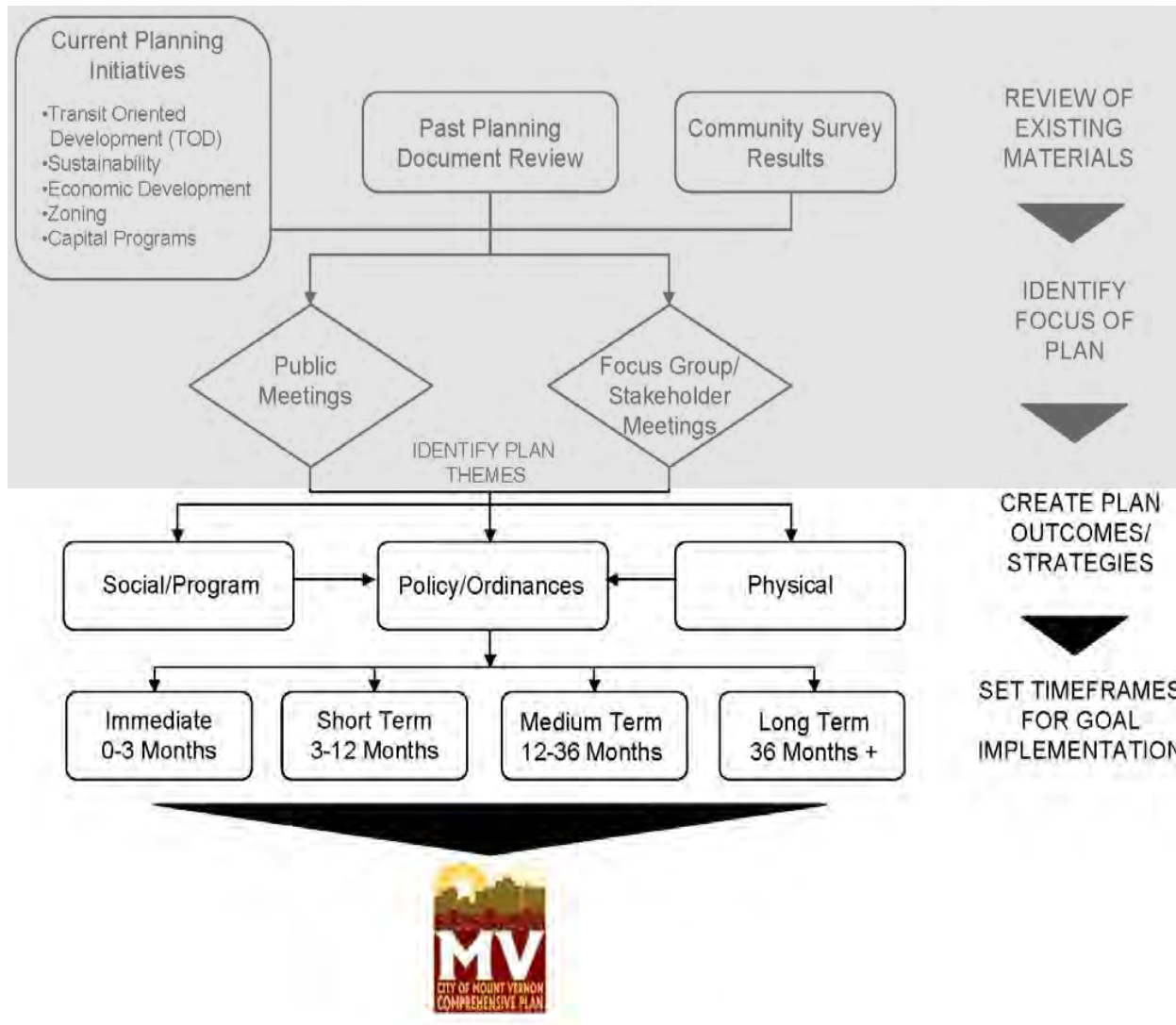
Steps to Completion:

Hire a consultant to create a written synopsis (500 word maximum) that relates the future development of the city to core principals of its original plan and founding.



Comprehensive Plan Component—Introduction

Methodology of Plan Preparation



Work to Date:

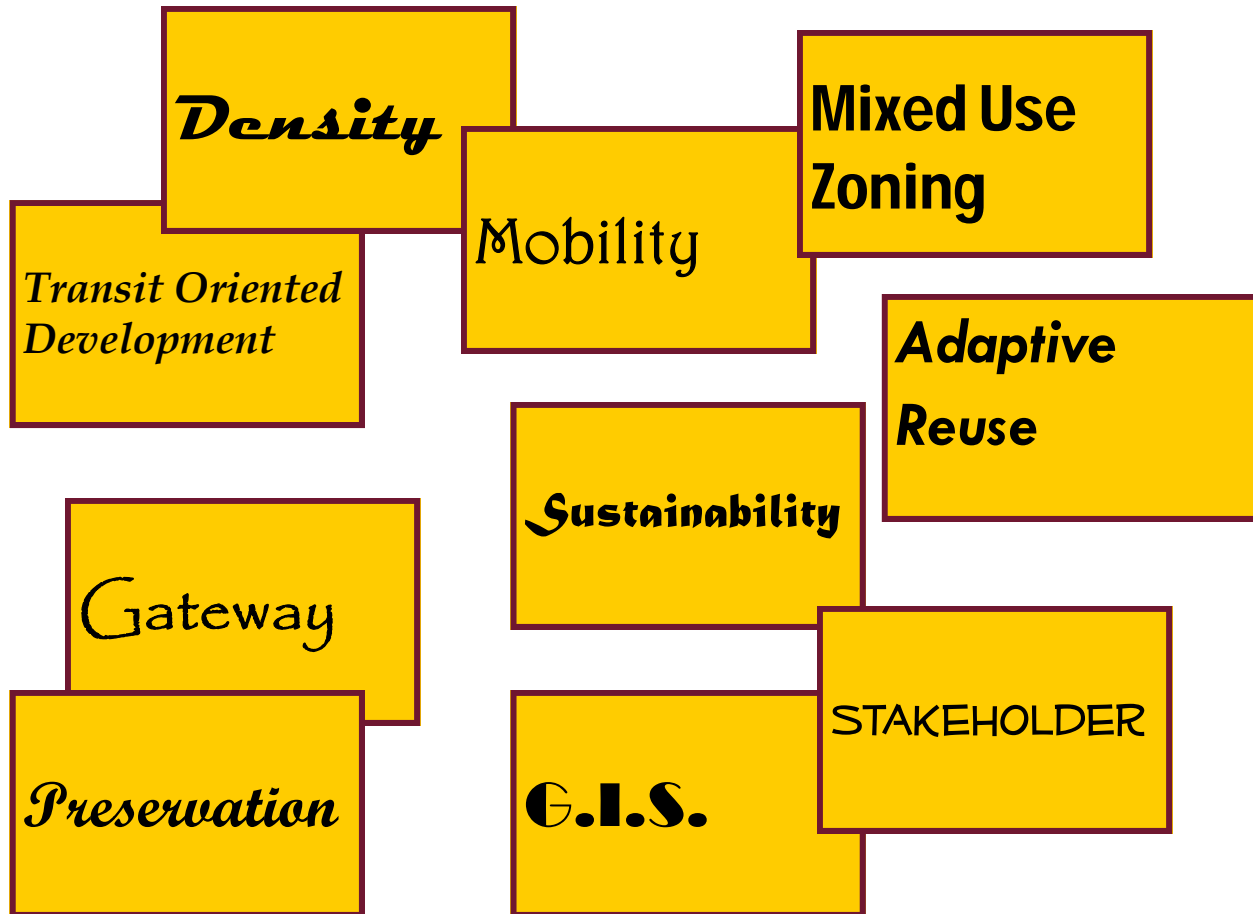
Creation and implementation of actions to produce a new comprehensive plan for the city. The flow chart (shown at left) illustrates the process that has been followed, with the areas in gray representing those steps with have been implemented thus far.

Steps to Completion:

Consultant creation of a written synopsis of the process based upon PCD staff interviews and the process flow chart. The consultant will also review and modify flow chart graphics for their ease of interpretation.

Comprehensive Plan Component—Introduction

Illustration and Document Guide / Comprehending a Comprehensive Plan



Work to Date:

Identification of need to provide definitions for planning terms, graphic components, and map contents to allow for greater readability and use of the comprehensive plan document.

Steps to Completion:

Consultant creation of written and illustrated glossary for the comprehensive plan.



Comprehensive Plan Component—Overview of Mount Vernon

Mount Vernon at a Glance

The City of Mount Vernon is a New York City inner ring suburb just north of The Bronx and also bordered by Pelham and Pelham Manor to the East, Bronxville and Eastchester to the North and Yonkers to the West.

Mount Vernon has a population of approximately 70,000 people in its 4.4 square miles and is the 8th largest city in New York State, the 3rd most densely populated city in New York State and the 7th most densely populated municipality in the United States. Land use in Mount Vernon breaks down to 1% of undeveloped/open space, 29% commercial/industrial and 70% residential.

The City of Mount Vernon has ideal location for transportation and commutation....the city is bordered by the Hutchinson River Parkway to its east, the Bronx River Parkway to the west, I-95 to the South, and the Cross County Parkway bisects the city. The City is also served by Metro North's Harlem and New Haven Railroad lines with a total of three train stations and two subway stops are within a ten minute walk from The Bronx / Mount Vernon border. Westchester County has Bee Line bus service throughout the City.



Mount Vernon City

CENSUS 2000 PROFILE FOR MUNICIPALITIES IN WESTCHESTER COUNTY

POPULATION DATA			EMPLOYMENT DATA			HOUSING DATA		
Total population:	68,381	100%	Employment			Total Housing units	27,048	100%
Group quarters population:	751	1%	Total civilian labor force:	33,409	100%	Housing Occupancy and Tenure		
Population by race and Hispanic origin			Employed persons:	30,980	92.7%	Occupied housing units:	25,729	95.1%
White:	33,389	28%	Unemployed persons:	2,429	7.3%	Vacant units:	1,319	4.9%
Black:	4,481	5%	Occupation of residents			Owner-occupied:	9,402	37%
American Indian:	294	0%	Total employed residents:	30,980	100%	Vacant for sale:	261	2.7%
Asian:	1,680	2%	Management:	10,604	34%	Renter-occupied:	16,327	63%
Other:	3,176	5%	Sales and office:	8,785	28%	Vacant for rent:	718	4.2%
Two or more races:	3,401	5%	Construction:	2,548	8%	Housing units in structure		
			Production and transport:	2,720	9%	Total housing units:	27,048	100%

Work to Date:

Preparation of an "At a Glance" one page description of Mount Vernon. (a sample of which is shown at left)

References Identified:

US Census Bureau Data

Westchester County Planning Department

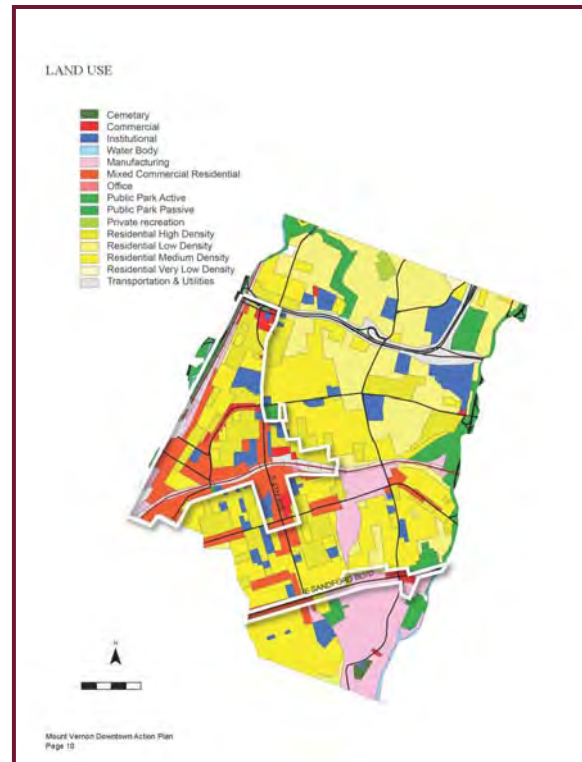
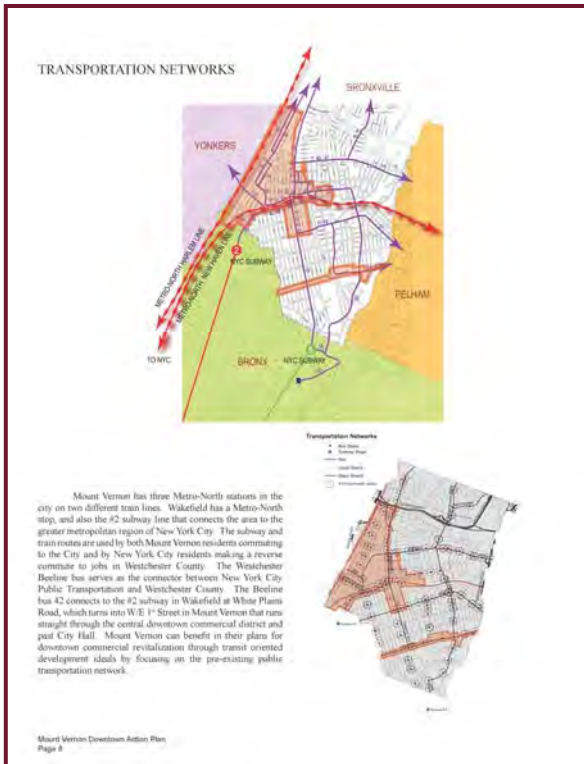
Steps to Completion:

Consultant creation of a written synopsis (500 word maximum) on the location, population, land use, and transportation network of Mount Vernon based upon descriptions previously prepared by PCD along with creation of a limited list of statistical information on Mount Vernon.

Comprehensive Plan Component—Overview of Mount Vernon

Demographics and Infrastructure

Tables and maps describing Mount Vernon's population, land use, infrastructure, facilities, and socio-economics.



Work to Date:

Preparation of a Mount Vernon Map Atlas with includes maps highlighting city features, facilities, transit services and infrastructure

References Identified:

The City of Mount Vernon Downtown Vision and Action Plan (June 2008)

Westchester 2025—the County's new comprehensive planning document (in development)

US Census Bureau Data

Steps to Completion:

Consultant creation of social-economic data tables for the city based upon PCD staff guidance along with formatting and incorporation of map atlas graphics into the comprehensive plan document.

Comprehensive Plan Component—Issues to Actions

Community Comprehensive Plan Survey and Results

The purpose of the Comprehensive Plan Community Survey was to assess which issues residents identified as most important to the physical development of the City. The surveys that were filled out online were tabulated electronically and the hand-written responses were entered by City staff, with the assistance of a graduate student intern. Both results were then compiled into tables and charts.

The written comments submitted in response to the open-ended final question of the survey were reviewed, and the general ideas that were expressed were extracted and used to define major themes that would become part of the Comprehensive Plan.

A report of the Community Survey process has been issued and included a narrative description of the results of both the online and print surveys, survey results displayed in data tables and ranked in highest to lowest order of priority based on the total amount of responses to each subject matter. Pie charts and bar charts have also been used to illustrate the results graphically.

MV COMMUNITY SURVEY February 2009

As you may have heard, the City of Mount Vernon is gathering information to prepare a Comprehensive Plan that will guide the future development of our city. We would like to know your thoughts about Mount Vernon's physical development. Your completion of this survey, and the opinions you provide about Mount Vernon, will be crucial to the creation of the Comprehensive Plan. Your answers are strictly confidential and anonymous and will not be used for any other purposes.

What is a Comprehensive Plan?
The Comprehensive Plan is a compilation of policies, guidelines, and suggestions for the orderly development and growth of Mount Vernon.

Although the traditional scope of a comprehensive plan is the examination of the entirety of the municipality and to make significant if not sweeping changes, the purpose of this Mount Vernon Comprehensive Plan is to reaffirm the value and attractiveness of our City.

Why are we doing a Comprehensive Plan?
It will help to better direct the continued evolution of Mount Vernon and define its unique character within the greater New York metropolitan area.

Who is the Comprehensive Plan for?
The stakeholders of Mount Vernon, persons or entities that live in, own property in, work in, or provide services in Mount Vernon.

When will the plan be completed?
The anticipated completion date for this plan is Summer 2010. The process is ongoing.

Please take a few minutes to complete the survey below. If you can not answer a question, feel free to skip it and move to the next question.

1.) How important are the following items as they pertain to the quality of life in Mount Vernon:

	Very Important	Important	Not Important
a. Diversity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. City Services (DPW, Fire, Police)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Parking Availability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Affordable Housing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Safety and Security	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Recreational Resources	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Open Space	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Job Opportunities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. Transportation Options	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j. Walkability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k. Shopping Convenience	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l. Cultural Activities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
m. Youth Programs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
n. Other factors pertaining to quality of life	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Work to Date:

Completion of a communitywide Comprehensive Plan Survey

References Identified:

City of Mount Vernon Community Survey Report (Fall 2009)

Steps to Completion:

Consultant incorporation of survey results into the comprehensive plan document through aligning survey responses to selected comprehensive plan actions.

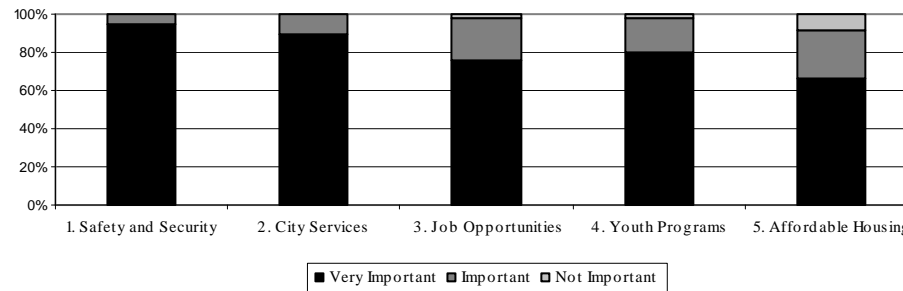
Comprehensive Plan Component—Issues to Actions

Community Comprehensive Plan Survey and Results

1. How important are the following items as they pertain to quality of life in Mount Vernon?

Safety, City Services, Job Opportunities, Youth Programs and Affordable Housing were identified as the top 5 items that are very important to quality of life as seen in the bar chart below.

Additionally, see how other issues ranked in the adjacent table.

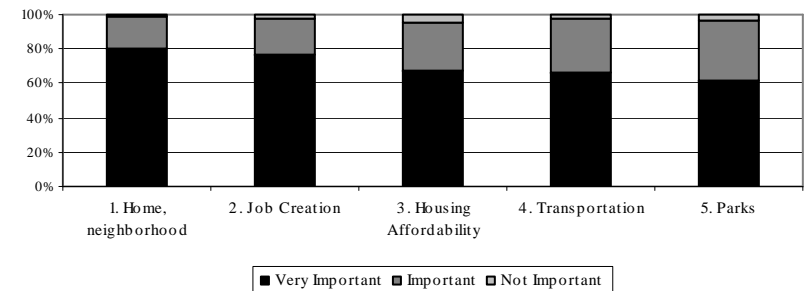


Type	Very Important
1. Safety and Security	95%
2. City Services	89%
3. Youth Programs	80%
4. Job Opportunities	76%
5. Affordable Housing	67%
6. Recreational Resources	63%
7. Parking Availability	55%
8. Diversity	54%
9. Open Space	45%
10. Transportation*	63%
11. Cultural Activities*	55%
12. Shopping Convenience*	54%
13. Walkability*	45%

2. How important are the following items in terms of future development?

Type	Very Important
1. Home/ Neighborhood	80%
2. Job Creation	77%
3. Housing Affordability	68%
4. Transportation	67%
5. Parks	61%
6. Business mix	59%
7. Walkability	58%
8. Smart Technology	52%
9. Parking Availability	48%
10. Sustainability/Energy Efficiency*	72%
11. Availability of Cultural Activities*	60%
12. Historical Preservation*	59%

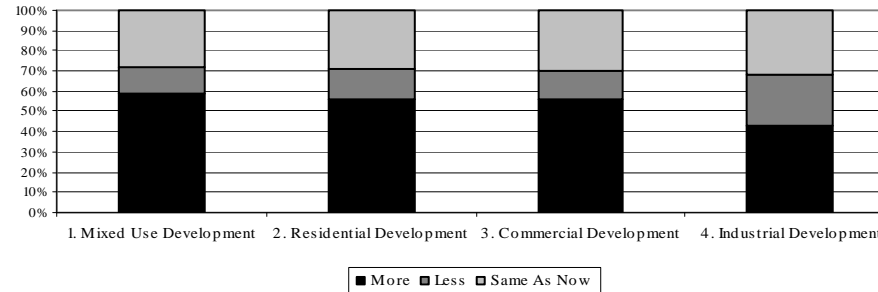
Home/ Neighborhoods, Job Creation, Housing Affordability, Transportation and Parks ranked highest as very important items in terms of future development.



Comprehensive Plan Component—Issues to Actions

3. What type of development do you feel that Mount Vernon needs more or less of?

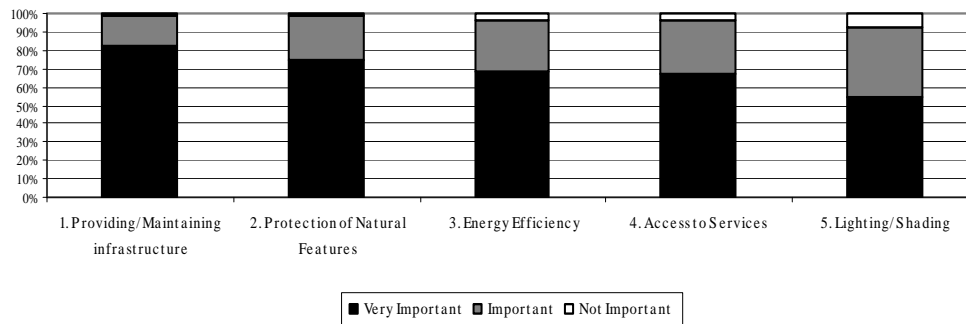
Residents felt that industry is the least type of development that Mount Vernon needs more of. The other categories ranked fairly evenly, however respondents identified mixed use as the biggest priority, followed by residential and commercial development.



Community Comprehensive Plan Survey and Results

4. How important is it for the City of Mount Vernon to guide development with regard to:

The provision and maintenance of infrastructure was identified as the most important factor that should influence development, followed by the protection of natural features, energy efficiency, access to services and lighting/shading. See the adjacent table for a ranking of additional factors.



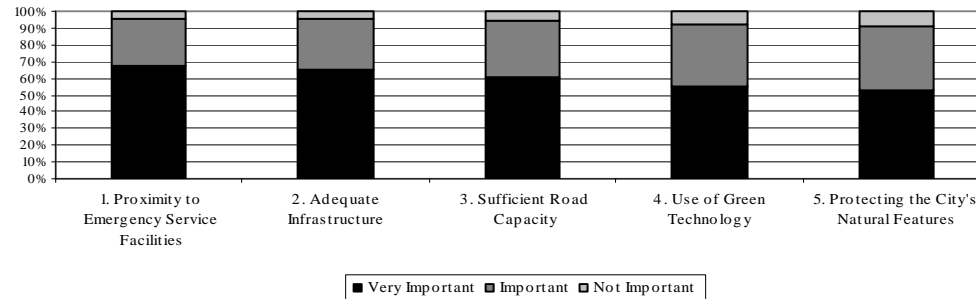
Factors	Very Important
1. Providing/Maintaining infrastructure	82%
2. Protection of Natural Features	75%
3. Energy Efficiency	69%
4. Access to Services	68%
5. Lighting/Shading	55%
6. Height of Buildings	51%
7. Parking Availability	50%
8. Existing Development	49%
9. Access to Open Space	47%

Comprehensive Plan Component—Issues to Actions

Community Comprehensive Plan Survey and Results

5. Would you prefer to see future development in the city conditioned upon:

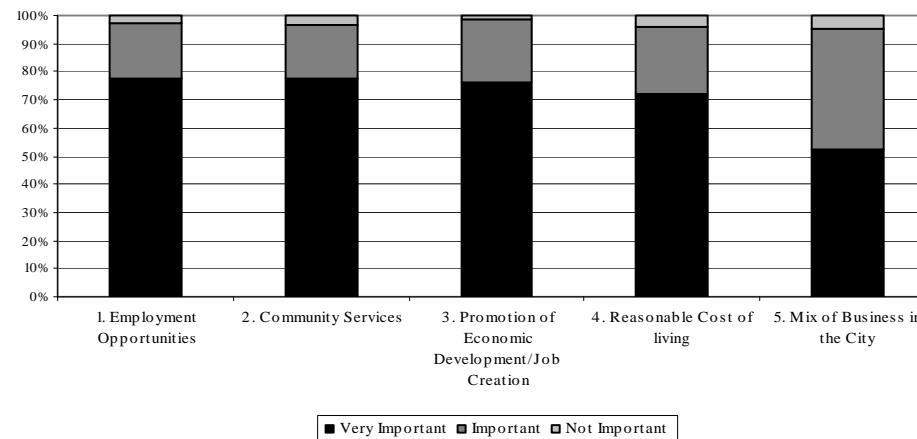
The results indicate that Mount Vernon should condition future development most importantly according to proximity to emergency service facilities, adequate infrastructure second, then sufficient road capacity, the use of Green Technology and the protection of the City's natural features. The maintenance of scenic views and surrounding existing development density ranked lowest.



Type	Very Important
1. Proximity to Emergency Service Facilities	67%
2. Adequate Infrastructure	65%
3. Sufficient Road Capacity	60%
4. Use of Green Technology	55%
5. Protecting the City's Natural Features	53%
6. Maintaining Scenic Views	42%
7. Existing Development Density of Surrounding Area	40%

6. Do you think commercial/industrial development should be dependent upon:

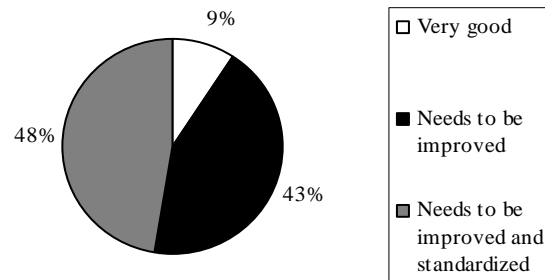
The top three factors that should influence commercial/industrial development were narrowly split between Employment opportunities, Community Services and the Promotion of Economic Development/Job Creation, in that order as illustrated in the bar chart below. Reasonable Cost of living came in as a close fourth, followed by Mix of Business in the City. Additional factors are listed in the table.



Factors	Very Important
1. Employment Opportunities	78%
2. Community Services	77%
3. Promotion of Economic Development/Job Creation	76%
4. Reasonable Cost of living	72%
5. Mix of Business in the City	52%
6. Proximity to Work	44%
7. Commercial/industrial Appearance of the City	43%
8. Existing Mix of Building Styles	42%

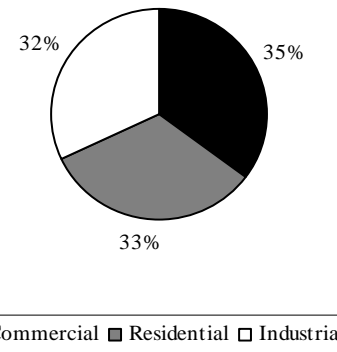
Comprehensive Plan Component—Issues to Actions

7. How would you characterize the current design of commercial storefronts?



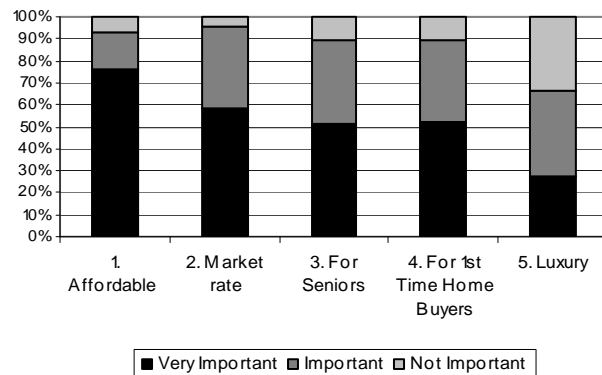
8. Is it important for the city to establish architectural design standards for future construction?

The majority of respondents thought that the current design of commercial storefronts needs to be improved and standardized as seen in the pie chart on the left. Additionally architectural design standards for the future construction of buildings, primarily Commercial types, then Residential and Industrial buildings, need to be established, as illustrated by the pie chart on the right.



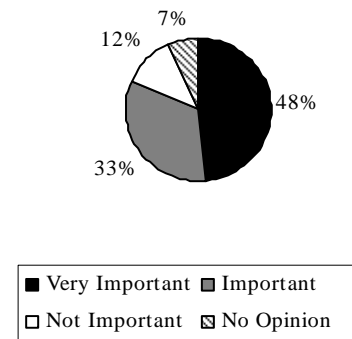
Community Comprehensive Plan Survey and Results

9. Is it important for the city to have housing that is:



10. How important is it for residents to have access to the Hutch & Bronx Rivers or Eastchester Creek for recreation?

Overwhelmingly residents believe access to riverbanks for outdoor recreation was very important or important as shown in the pie chart.

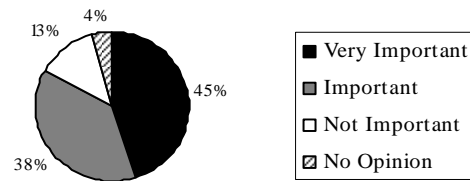


The bar chart above shows that the top concerns for housing in the city should be affordability, followed by Market Rate, Senior, 1st Time Home Buying opportunities and luxury developments.

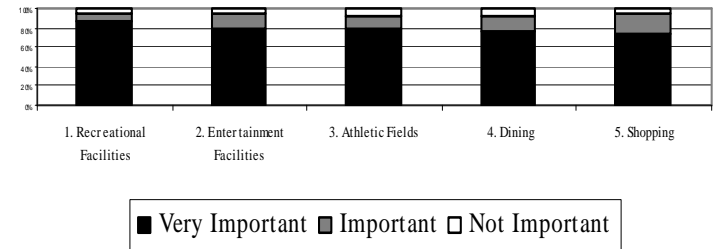
Comprehensive Plan Component—Issues to Actions

Community Comprehensive Plan Survey and Results

11. How important is it to provide areas exclusively for walking and bicycling throughout the city?



12. Do you feel that there is a need for more:



Based upon survey respondent prioritization and comments on comprehensive planning issues in Mount Vernon, the following categories were used in further discussions regarding the plan:

Housing

Transportation / Transit Services / Parking

Open Space and Recreation

Neighborhood Character

Sustainable Community / Energy Use

Commercial / Industrial / Economic Development

Comprehensive Plan Component—Issues to Actions

Discussion Issues and Proposed Actions

To develop the city's new comprehensive plan, a series of citywide public meetings and discussion sessions were held to help identify action items for the plan. Initial meetings consisted of an introduction to the comprehensive planning process, facilitated group discussions on topics related to the physical development of the city, and posting of individual comments. The second round of meetings had participants prioritize proposed action items to be included in the plan. At all comprehensive plan public meetings, participants were asked...

What issues are of particular concern to you as the City plans for the future?

For each issue, consider the following:

What's good now?

What do you like?

What should be maintained?

What's not working?

What do you dislike?

What needs to be changed?

What opportunities are there?

What new things can we do to make it better?

What do you hope to see in Mount Vernon's future?



Public Meetings Held:

Initial Comprehensive Plan Meetings

Stakeholder Meetings with:

- Neighborhood Associations Leaders
- Elected Officials
- Youth Service Providers
- Senior Service Providers
- Business Leaders
- Artists & Cultural Event Organizers
- Open Space and Recreation Advocates
- Planning, Zoning and Architectural Review Boards Members
- Real Estate Developers

Comprehensive Plan Priorities Review

Meeting Organizers:

- Edward D'Amore
- Donna Jackson
- Councilmember Steven Horton
- Loretta Hottinger
- Mount Vernon Chamber of Commerce
- Mount Vernon Youth Bureau
- The Wartburg
- The Westchester Land Trust
- Darryl Selsey

Comprehensive Plan Component—Issues to Actions

Issues Discussed	Proposed Action Examples
<i>(Discussion Topic at Comprehensive Plan Meetings)</i>	<i>(Strategies to be included in the Comprehensive Plan)</i>
Housing	Permitting Semi-Attached Housing
Transportation / Transit Services / Parking	More Shared Parking Garages in Downtown
Open Space and Recreation	Using Rooftops for Active Recreation
Neighborhood Character	Creating New Standards for Infill Development
Sustainable Community / Energy Use	Establishing Local Regulations for Energy Efficiency in Existing and New Construction.
Commercial / Industrial / Economic Development	Creating a Business Incubator focused on Green Technology and Industries
All Other Issues	Referral to Appropriate City Agencies and Organizations

Steps to Completion:

Consultant review of meeting data to validate, consolidate and enhance the actions selected by PCD staff and the Comprehensive Plan Steering Committee. In addition, consultant identification of additional action items for each planning theme, planning intensity area and the city's character preservation strategy for incorporation into the comprehensive plan document.

Comprehensive Plan Component—Issues to Actions

Housing

- *Create and enforce design guidelines (height limits, design buildings at a human scale, building materials)*
- *Explore historic preservation ordinances and policies (maintaining building quality and character)*
- *Explore mixed income housing and minimum requirements for affordable units in new construction*
- *Better use of Code Enforcement (demolish burnt out housing, impose tax liens, illegal improvements made on weekends and after City business hours)*
- *Identify illegal rooming houses (illegally converted housing)*
- *Create moderate income housing*
- *Explore character preservation policies*
- *New housing should incorporate "green" standards and designs*
- *Impose minimum construction standards to improve quality of housing stock*
- *Evaluate new housing before it is built for effects on transportation, aesthetics and schools.*
- *Modify zoning regulations to allow mixed-use commercial residential development as of right.*



Work to Date:

Topic discussed at citywide public meetings to gain insight as to what actions should be emphasized in the city's new comprehensive plan.

References Identified:

Notes from the public meetings (see list of higher prioritized actions at left)

The 2010—2014 Consolidated Plan for Mount Vernon (Fall 2009)

Steps to Completion:

Consultant review of meeting data to validate, consolidate and enhance the actions selected by PCD staff and the Comprehensive Plan Steering Committee. In addition, consultant identification of additional action items for this issue.

Comprehensive Plan Component—Issues to Actions

Transportation / Transit Services / Parking

- *Take advantage of Transit Oriented Development opportunities throughout the City*
- *Create greater amenities at train stations, mixed use development*
- *Implement streetscape improvements to enhance safety for pedestrians and people with disabilities*
- *Implement placemaking / gateway improvements*
- *Create an In-Town shuttle to provide a link between Mt. Vernon West and Mt. Vernon East train stations and from train stations to 241st Street subway station*
- *Encourage multi-modal transportation of freight using rail and barge over trucks*
- *Consider creating commercial loading zones and times to reduce congestion at peak hours*
- *Enhance infrastructure at bus stops to encourage use of mass transit*
- *Examine pedestrian and vehicular safety (cross-walks, pedestrian audible signals, sidewalks, school children safety)*
- *Examine timing of traffic signals*
- *Restrict truck movements (trucks using local streets)/develop truck routes*



- *Analyze current parking capacities and consider developing new parking lots near commercial areas*
- *Implement bike lanes*
- *Create bike storage facilities at train stations, schools and city facilities to encourage bike usage*

Work to Date:

Topic discussed at citywide public meetings to gain insight as to what actions should be emphasized in the city's new comprehensive plan.

References Identified:

Notes from the citywide public meetings (see list of higher prioritized actions at left)

City of Mount Vernon Parking Management Workshop (July 2009)

Steps to Completion:

Consultant review of meeting data to validate, consolidate and enhance the actions selected by PCD staff and the Comprehensive Plan Steering Committee. In addition, consultant identification of additional action items for this issue for incorporation into the comprehensive plan document.



Comprehensive Plan Component—Issues to Actions

Open Space and Recreation

- *Update City's inventory of historic resources utilizing NYS OPRHP protocols*
- *Consider allowing individual gardening plots along right-of-ways and have designated planting spots and locations at City parks*
- *Establish a green streets program like NYC*
- *Establish standards for consistent way finding and identification at city parks*
- *Develop inventory of all resources within City parks*
- *Work with the School District to encourage greater use of school facilities after school hours and during the summer*
- *Establish an adopt-a-park program for fund-raising and to solicit community involvement in maintenance*
- *Develop cyclical maintenance standards for parks facilities*
- *Perform capital projects planning for park facilities*
- *Identify locations for public art; provide incentives for inclusion of public art in new developments; percentage for public arts requirement for city facilities and new developments*
- *Develop railway plan to provide connections to trail networks outside the City borders; identify trail/bikeway railway networks North/South and East/West within the City*



Work to Date:

Conducted a stakeholder meeting to gain insight as to what actions should be emphasized in the city's new comprehensive plan regarding open space and recreation.

References Identified:

Notes from the stakeholder session.

(see list of higher prioritized actions at left)

Steps to Completion:

Consultant review of meeting data to validate, consolidate and enhance the actions selected by PCD staff and the Comprehensive Plan Steering Committee. In addition, consultant identification of additional action items for this issue for incorporation into the comprehensive plan document.



Comprehensive Plan Component—Issues to Actions

Neighborhood Character Preservation

- *Institute contextual zoning to retain existing character*
- *Institute tree preservation ordinance*
- *Explore local historic preservation ordinance*
- *Mandate a registration of maintenance for foreclosed properties*
- *Better use of Code Enforcement*
- *Widen the sidewalks to encourage greater pedestrian use*
- *Identify locations for neighborhood beautification initiatives*
- *Improve the current system for reporting maintenance issues*
- *Encourage participation of neighborhood associations and other civic groups located within the City*
- *Create a Conservation Advisory Committee to encourage preservation of open space*
- *The City's capital improvement plan should include upgrade of existing streetscape infrastructure such as trees, lights and benches*
- *Establish design guidelines to preserve current aesthetics and to ensure that new development fits in with the existing character*
- *Educate the land use boards on the impacts and effects of their decisions*



Work to Date:

Topic discussed at citywide public meetings to gain insight as to what actions should be emphasized in the city's new comprehensive plan.

References Identified:

Notes from the citywide public meetings (see list of higher prioritized actions at left)

Steps to Completion:

Consultant review of meeting data to validate, consolidate and enhance the actions selected by PCD staff and the Comprehensive Plan Steering Committee. In addition, consultant identification of additional action items for this issue for incorporation into the comprehensive plan document along with development of subcategories for neighborhood character actions.



Comprehensive Plan Component—Issues to Actions

Sustainable Community / Energy Use

- *Establish standards/incentives for the creation of green roofs on city-owned buildings, new and existing structures where appropriate; inventory buildings with potential for green roof adaptation*
- *Establish new policies and ordinances that focus on creating/preserving sustainable infrastructure for Mount Vernon*
- *Institute "green" technology and sustainable practices into the City's capital improvement plan*
- *Identify locations in Mount Vernon to consider for creating green (G) zones that will provide incentives for green manufacturers to operate*
- *Combine smart growth and conservation with industrial development by taking advantage of the City's excellent location, strong and available local work force and an excellent transportation network*
- *Encourage the use of recycled/reclaimed materials in construction.*
- *Provide incentives for workers throughout the City to use mass transit*



- *Educate students in Mount Vernon schools about using "green" practices*
- *Inventory City's existing infrastructure to determine where "green" technology can be instituted*
- *Encourage redevelopment of existing sites recycling existing infrastructures and reducing consumption of newer materials.*
- *Implement recycling and conservation methods*
- *Update the City's Building Code and zoning ordinance to allow for more "green" technology*
- *Establish incentives and policies for implementation of new vehicle technologies in City fleet.*

Work to Date:

Topic discussed at citywide public meetings to gain insight as to what actions should be emphasized in the city's new comprehensive plan.

References Identified:

Notes from the public meetings

(see list of higher prioritized actions at left)

Written materials from the city's sustainability initiatives

Steps to Completion:

Consultant review of meeting data to validate, consolidate and enhance the actions selected by PCD staff and the Comprehensive Plan Steering Committee. In addition, consultant identification of additional action items for this issue through conversations with the City's Sustainability Coordinator for incorporation into the comprehensive plan document.



Comprehensive Plan Component—Issues to Actions

Commercial / Industrial / Economic Development

- *Determine commercial niches that exist within the City*
- *Create business attraction & retention incentives*
- *Explore the creation of City Office of Small Business Services*
- *Create greater entertainment and commercial offerings within the City*
- *Establish a partnership between local businesses & the school system for training programs; City create job training program*
- *Create Business Improvement Districts*
- *Streetscape improvements in business areas*
- *Enforce site plan regulations*
- *Establish design guidelines for commercial storefronts*
- *Allow mixed-use commercial/residential buildings as-of-right by zoning*
- *Create special development district for Transit Oriented Development implementation purposes*
- *Create business incentives to attract green businesses*
- *Promote the City through a business marketing campaign*

- *Evaluate parking requirements to remove burden on developers to provide parking on development sites*
- *Encourage a diverse mix of retail establishments within walking distance of neighborhoods*



Work to Date:

Topic discussed at citywide public meetings to gain insight as to what actions should be emphasized in the city's new comprehensive plan.

References Identified:

Notes from the stakeholder session.

Steps to Completion:

Consultant review of meeting data to validate, consolidate and enhance the actions selected by PCD staff and the Comprehensive Plan Steering Committee. In addition, consultant identification of additional action items for this issue for incorporation into the comprehensive plan document.



Comprehensive Plan Component—Issues to Actions

Other Issues

Microsoft Excel - Copy of Comp Plan Comments Matrix first round of Public Meetings (Sept 24 29 and Oct 24 2009)

File Edit View Insert Format Tools Data Window Help Adobe PDF

100% Calibri 11

X3 Issue Valid but action not recommended

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	AA
1	City of Mount Vernon Comprehensive Plan Update																										
2	"Economic Development" Issues and Actions Matrix																					Blue	Action under way				
3	Subject Name																					Orange	Issue Valid but action not recommended				
4	Meeting Date																					Yellow	Issue identified is an action				
5																						Green	Good comment but n/a				
6																						Purple	Transfer to appropriate Dept				
7																						Red	N/A				
8	Issues	Mount Vernon West	Downtown	Mount Vernon East	Freight Village	Washington Street	Sandford Blvd	Third Street	First Street	Gramatan Avenue in Downtown (South of Circle)	Broad Street	Lincoln Avenue	Columbis Avenue/NY 22	Fulton Avenue (3rd Street to Sandford)	Fifth Avenue	Cross County/Hutch Parkways R.O.W.	City Gateways as identified on Signage Report	Metro North R.O.W.	Remaining areas of the City (Character Preservation)	Citywide	Actions						
9	Encouragement transportation gubs to encourage people to visit the City of Mount Vernon																			X	Encourage Tourism						
10	Set standards and decide who we are as a commercial community																			X	Determine commercial niches that exist within the City						
11	Have a diverse load of commercial business. (conduct a merchant and consumer survey).																			X	Conduct a marketing study						
12	Retrofitting old industrial uses (possible green industry)				X																						
	Create zones for service oriented programs that may																										

Draw AutoShapes

Ready

Work to Date:

Notation of all public meeting and stakeholder session comments that do not have a direct relationship to the preparation of the Comprehensive Plan.

References Identified:

Notes from the public meetings and stakeholder sessions

Steps to Completion:

Consultant review of meeting data to validate scope of the Comprehensive Plan.

Comprehensive Plan Component—Planning Themes

Planning Themes At a Glance

- *What is a planning theme?*

A well established planning strategy to improve the quality and economic benefit of physical development in the city.

- *How were the planning themes for Mount Vernon selected?*

Through analyzing the city's natural, physical, and social aspects to identify the city's unique qualities to be further expanded upon in a sustainable manner for the character preservation and enhancement of Mount Vernon.

- *How will the planning themes be implemented?*

The fundamental principals of each planning theme will be stated in the comprehensive plan as specific action with specific planning areas.

Based upon discussions with city stakeholders, public meeting participants and city officials, the following have emerged as themes around which specific comprehensive planning actions will be based:



Transit Oriented Development



Rezoning



Adaptive Reuse



Mobility / Access



Sustainable Investments



Employment Generation

Comprehensive Plan Component—Planning Themes

Transit Oriented Development



Mount Vernon's mass transit stations, nodes of transit activity and transit transfer points should be considered as locations to develop new commercial, shopping, living, entertainment and cultural facilities for the city. This new transit oriented development (also known as TOD) should encourage both daytime and nighttime activities and consist of structures designed to emphasize access to and between these new developments by walking, biking, bus use and train ridership. Encouraging the growth of Mount Vernon's TOD locations would be provided through incentives such as zoning to permit residential and commercial development within the same building and /or on the same site, establishing ratios between the amount of new commercial and living spaces to appropriately balance economic and residential growth, allowing increased building square footages for developments that create public spaces for recreational and cultural use, and parking requirements being achieved through building shared parking structures in centralized locations jointly funded by project developers and the City.



Work to Date:

Drafting of theme overview

Consideration of TOD strategy at Mount Vernon East and Mount Vernon West Stations

References Identified:

Mount Vernon Action Plan (March 2009)

RPA Mayor's Institute Report (July 2009)

Steps to Completion:

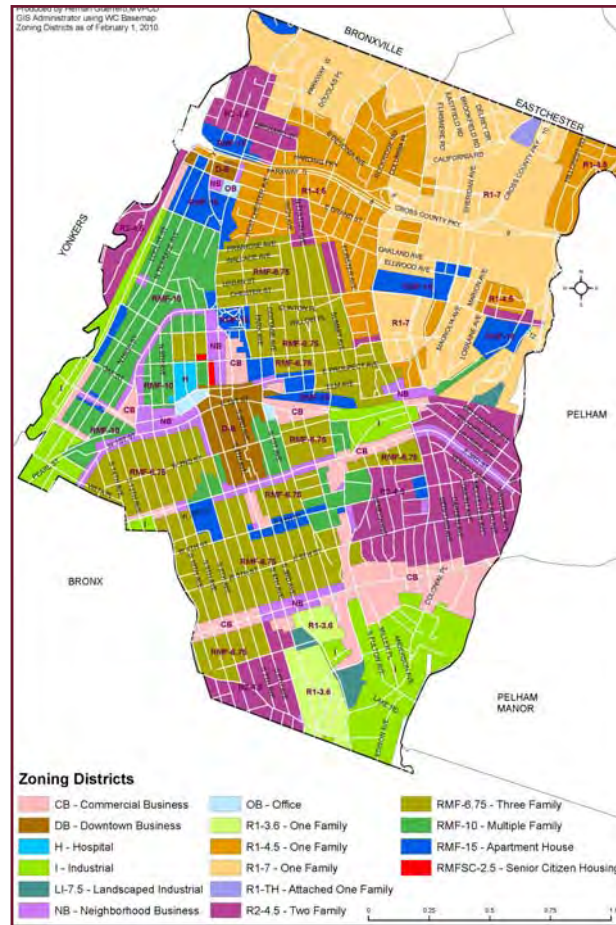
Consultant identification of model ordinances and comprehensive plan actions associated with theme. In addition, consultant identification of actions selected by PCD staff and the Comprehensive Plan Steering Committee that relate to this issue for incorporation into the comprehensive plan document.



Comprehensive Plan Component—Planning Themes

Rezoning

Mount Vernon's zoning regulations must be revised to both reflect the city's existing land uses and encourage a pattern of redevelopment that creates a sound economic and tax base to provide and maintain city infrastructure and services at a level desired by city stakeholders. From a citywide perspective, rezoning must result in preserving Mount Vernon's variety of building forms, capitalize on the city's mass transit infrastructure, establish an appropriate level of residential density and city population, and allow for the city's continual physical changes in an environmentally sustainable manner. The zoning districts covering the city's downtown, transit activity centers, and commercial corridors must allow for new commercial and residential uses to be developed adjacent to each other (or on the same property) to positively reinforce the current development patterns of these areas. For Mount Vernon's residential neighborhoods, the zoning regulations must be modified to preserve the city range of affordability, architectural character and ownership options of its housing supply by establishing appropriate requirements for minimum lot sizes, number of dwelling units per site and minimum distances between structures.



Work to Date:

Drafting of theme overview

Creation of outline for new “G” zone to accommodate sustainable industries, business and services within the City.

Identification of specific rezoning actions (see below)

References Identified:

Mount Vernon Action Plan (March 2009)

Steps to Completion:

Consultant identification of model ordinances and comprehensive plan actions associated with theme. In addition, consultant identification of actions selected by PCD staff and the Comprehensive Plan Steering Committee that relate to this issue for incorporation into the comprehensive plan document.

SUGGESTED REZONING CONSIDERATIONS

Analysis of Allowable Uses

Review of Uses Requiring Special Permits

Permit Mixed Use Overlay Zones

NB/CB District Merging

Permit Industrial Uses to Have Associated Retailing

G Zone Focused on Encouraging Sustainable Industries

TOD Zones with Parking Requirements Set By Radial Distance from Train Station

Expand DB Zone to cover Downtown

Review of Lot area requirements with Residential zones – Lot size/Setbacks/Heights

Semi-Attached Housing Regulations

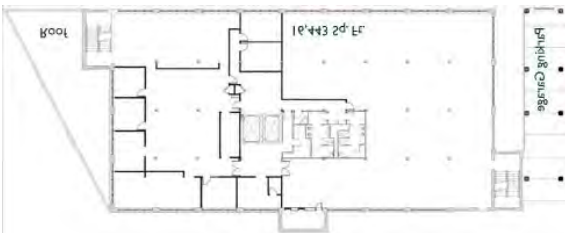
Parking Regulations

Elimination of RMFSC25 Zone

Comprehensive Plan Component—Planning Themes

Adaptive Reuse

As a municipality with only one percent of its land area vacant and available for new construction, the accommodation of new land uses and types of physical development for Mount Vernon must be done through evaluating the reuse of previously developed buildings and structures. Planning strategies, building ordinances and density bonuses must be adopted to prioritize the reuse of the city's existing building stock as opposed to building demolition to accommodate new construction. Adaptive reuse of the city's existing building inventory integrates with the sustainable redevelopment for Mount Vernon by accommodating a greater variety of commercial and residential offerings taking place within previously built structures retrofitted for contemporary needs. The promotion and protection of Mount Vernon's current physical form, scale and character will enhance the city's unique districts and neighborhood while strengthening the city's unique cultural identity with the region.



Work to Date:

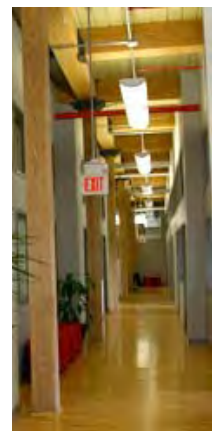
Drafting of theme overview

References Identified:

Mount Vernon Action Plan (March 2009)

Steps to Completion:

Consultant identification of model ordinances and comprehensive plan actions associated with theme. In addition, consultant identification of actions selected by PCD staff and the Comprehensive Plan Steering Committee that relate to this issue for incorporation into the comprehensive plan document.

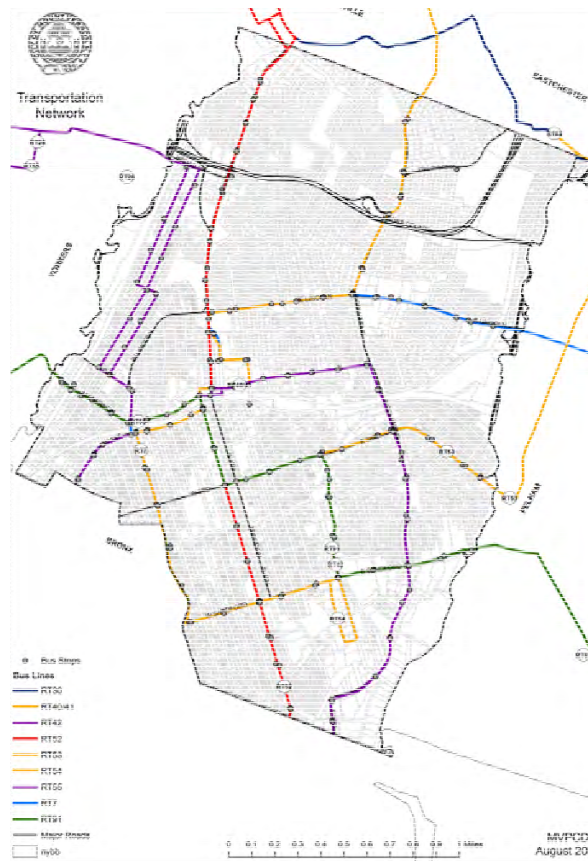


Comprehensive Plan Component—Planning Themes

Mobility / Access



Mount Vernon's density of development, pattern of land use, vehicular corridor arrangement and plentiful mass transit options require analysis to understand how people and goods arrive at, move within, and travel through the city. The study of the city's corridors to accommodate the current amount of walkers, drivers, bikers, mass transit users and commercial traffic is necessary to sustain the city's ability to accommodate new physical development, future increases in volumes of movement and better accommodate a shift from one type of transit to another. While motorized vehicles are currently the dominant mode of transport within the city, redevelopment goals and mobility strategies should be geared to reducing the percentage and duration of motorized trips, providing vehicle parking in a manner that minimizes their consumption of land area and impact on the environment.



Work to Date:

Drafting of theme overview

References Identified:

Mount Vernon Action Plan (March 2009)

Steps to Completion:

Consultant identification of model ordinances and comprehensive plan actions associated with theme. In addition, consultant identification of actions selected by PCD staff and the Comprehensive Plan Steering Committee that relate to this issue for incorporation into the comprehensive plan document.

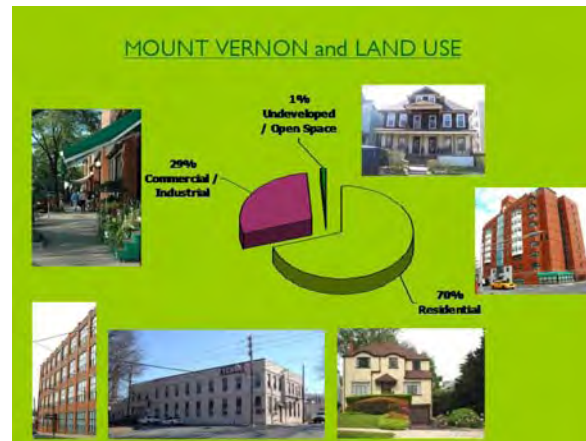


Comprehensive Plan Component—Planning Themes

Sustainable Investments



Mount Vernon is a city based upon a sustainable development pattern due to its close proximity to a major metropolitan center, its diverse land uses in a compact geographic area, multitude of public transit options, and residential units of a wide range of unit types, affordability and architectural styles. These physical attributes allow the potential for the city to efficiently use energy and environmental resources in a responsible manner to accommodate future development that exemplifies best practices in protecting the environment. The redevelopment of Mount Vernon in a sustainable manner will be accomplished through establishing policies, ordinances, and guidelines related to new structures, adaptive reuse of existing buildings, and historic sites and resources. Additional sustainability concepts related to the physical growth of the city should also include embracing green education, green manufacturing, green transportation, and green zones that offer incentives for instituting environmentally beneficial technologies.



Work to Date:

Drafting of theme overview

Development of sustainability principles as part of the city's development of a sustainability plan.

References Identified:

Mount Vernon Action Plan (March 2009)

Steps to Completion:

Consultant identification of model ordinances and comprehensive plan actions associated with theme. In addition, consultant identification of actions selected by PCD staff and the Comprehensive Plan Steering Committee that relate to this issue for incorporation into the comprehensive plan document.

Comprehensive Plan Component—Planning Themes

Employment Generation



The inevitable physical changes that will take place in Mount Vernon should happen based on strategies, goals and regulations that seek to maximize local employment opportunities and provide a diverse offering of work experiences through the city's growth and redevelopment. Since the city's physical base is a model of sustainable development, new economic opportunities should be geared around supporting the creators, providers and maintainers of green technology, products, and practices. As the home to a diverse range of businesses and industries that produce custom and specialized goods, strategies to promote and attract more businesses of this type should be pursued through branding of the city's distinct industrial areas and their business resources. The creation of incentives for the city's existing wholesale operators and custom manufacturers to establish limited retail operations and showrooms for their establishments would lead to additional business volumes, increased number of customers visiting the city and the generation of additional employment opportunities. For city infrastructure maintenance and expansion projects initiated by the City, the inclusion of city residents, local businesses and local material suppliers for the project should be used as criteria for selecting entities to perform the necessary work.



Work to Date:

Drafting of theme overview

References Identified:

Mount Vernon Action Plan (March 2009)

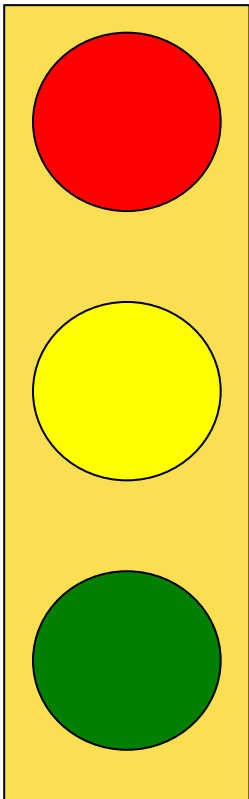
US Census Bureau Economic Census

Steps to Completion:

Consultant identification of model ordinances and comprehensive plan actions associated with theme. In addition, consultant identification of actions selected by PCD staff and the Comprehensive Plan Steering Committee that relate to this issue for incorporation into the comprehensive plan document.

Consultant performance of a marketing study for the City to identify commercial potential for the city and the buying power of its residents.

Planning Intensity Areas



Higher Intensity Planning Areas

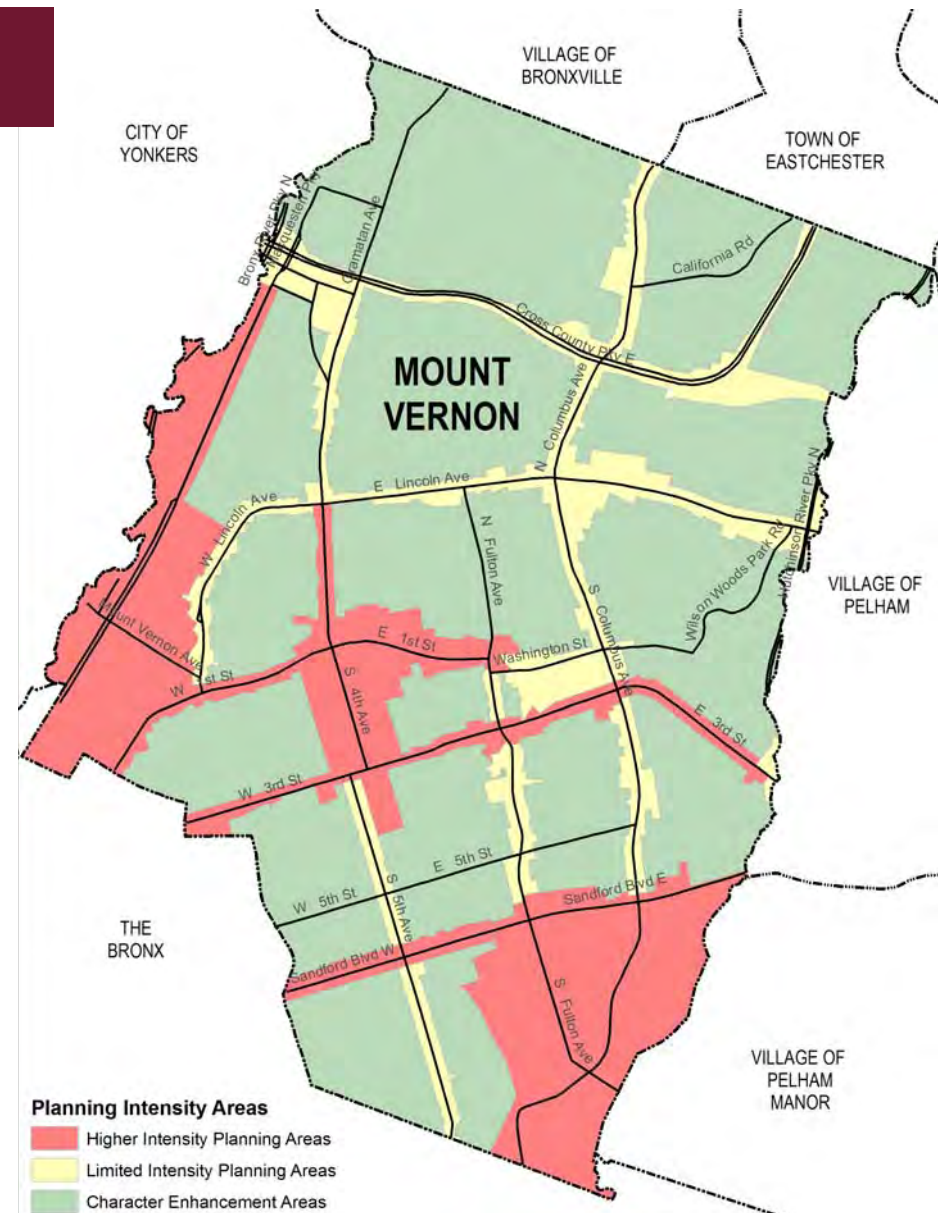
Sections of the city where permitted land uses are to be modified to promote higher / greater development potential and quality of life

Limited Intensity Planning Areas

Sections of the city where the existing land uses are encouraged while planning strategies are implemented to improve their visual quality and functionality

Character Enhancement Areas

Sections of the city where the existing land uses are encouraged and should be protected through implementing new quality of life ordinances and policies



Comprehensive Plan Component

High Intensity Planning Areas

Downtown Mount Vernon

Mount Vernon West

Mount Vernon East

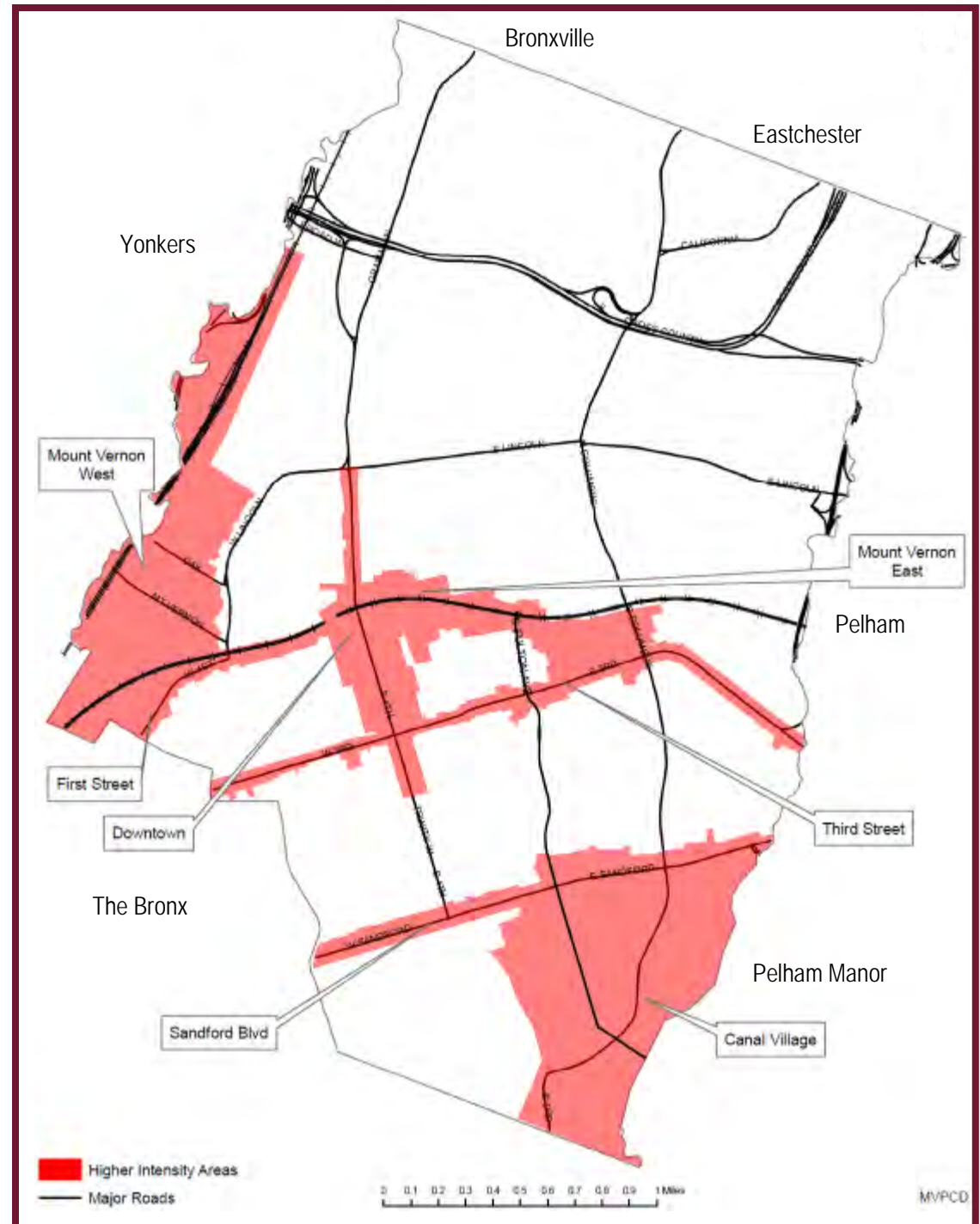
Canal Village

City Corridors:

**Sandford Boulevard
(Outside Canal Village Area)**

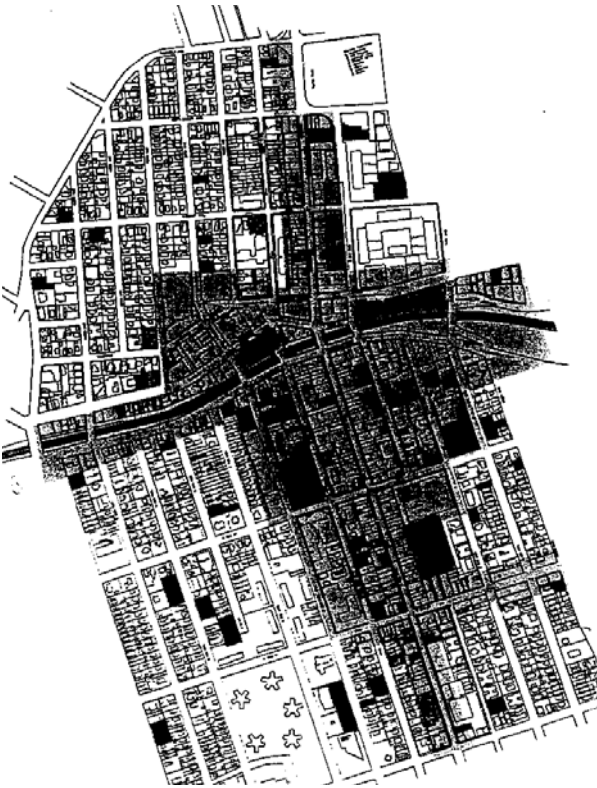
First Street

**Martin Luther King Jr.
Boulevard (Third Street)**



Comprehensive Plan Component—High Intensity Planning Areas

Downtown Mount Vernon



STOREFRONT AND FACADE IMPROVEMENTS: BUSINESS RECRUITMENT

Begin small business recruitment

An effective business recruitment program requires the efforts of an active business recruitment committee, backed by the support of the community and economic development professionals, and equipped with a professional package of recruitment materials. The business recruitment package should include information about the local and regional market base, a clear communication of the vision for the area, and descriptions of incentives such as facade grants and local and state tax incentive programs. With this package in hand, the Third Street Task Force business committee members can personally invite businesses to relocate, expand or start new operations in downtown Mt. Vernon.

Along with the music industry businesses that Mt. Vernon has identified with its Vision Plan and proposed Hip Hop center, a range of other art-related businesses would complement the arts district concept. These might include:

- bookstores
- art galleries
- musical instruments
- audio/video equipment
- costume rental
- home furnishings/gifts
- flaming shops
- house and garden
- specialty food stores
- sidewalk cafes and entertainment
- theater (art films & plays)
- artisans and craft sellers
- arts and crafts supplies
- graphic design services...

Support services catering to neighborhood residents and visitors, such as banks and hair salons, are also an important part of a healthy business mix, helping to draw foot traffic into the area.

While businesses are being recruited for the cultural district, year-round activities can help stimulate visitor and investor interest. These activities can be staged even in very informal, temporary, or outdoor spaces:

- Film series—Week or month long film festivals focusing on a specific genre or director
- Gallery night—Several openings or events in one night establishing the Arts District as a destination area. Visitors can attend openings and stay for dinner.
- Plays/readings/poetry slams—Plays or poetry readings by local and invited artists
- Concerts and street music...and more....



Fourth Avenue at Third Street has potential for increased retail activity; consider opening new ground-floor frontage



Work to Date:

Identification of area boundary

References Identified:

Analysis and Recommendations for Mount Vernon's Central Business District (October 2003)

Walkable Community Workshop Summary (October 2004)

Petrillo Plaza Intermodal Conceptual Planning Study (January 2006)

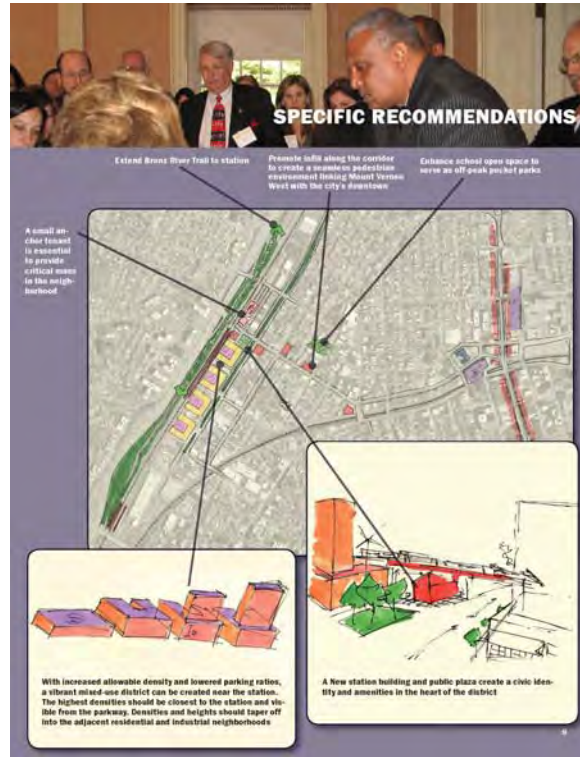
Mount Vernon Action Plan (March 2009)

Steps to Completion:

Consultant identification of physical improvements, model ordinances and comprehensive plan actions for the area. In addition, consultant identification of actions selected by PCD staff and the Comprehensive Plan Steering Committee that relate to this area for incorporation into the comprehensive plan document.

Comprehensive Plan Component—High Intensity Planning Areas

Mount Vernon West



Work to Date:

Drafting of theme overview

Consideration of TOD strategy at Mount Vernon West Station

References Identified:

Transit-Centered Development: The Connecticut & Westchester RPA Institute - held October 2008 (July 2009)

Mount Vernon Action Plan (March 2009)

Mount Vernon West TOD Zoning Options (June 2010—Draft)

Steps to Completion:

Consultant identification of model ordinances and comprehensive plan actions associated with theme. In addition, consultant identification of actions selected by PCD staff and the Comprehensive Plan Steering Committee that relate to this issue for incorporation into the comprehensive plan document.



Comprehensive Plan Component—High Intensity Planning Areas

Mount Vernon East Station Area



Work to Date:

Identification of area boundary

Consultation with Metro-North about redevelopment of station area

Consideration of TOD strategy at Mount Vernon East Station

References Identified:

Walkable Community Workshop Summary (October 2004)

Petrillo Plaza Intermodal Conceptual Planning Study (January 2006)

Mount Vernon Action Plan (March 2009)

Mount Vernon East BOA Pre-Nomination Study (September 2010)

Example of TOD Mixed Use Retail - Before



Example of TOD Mixed Use Retail - After



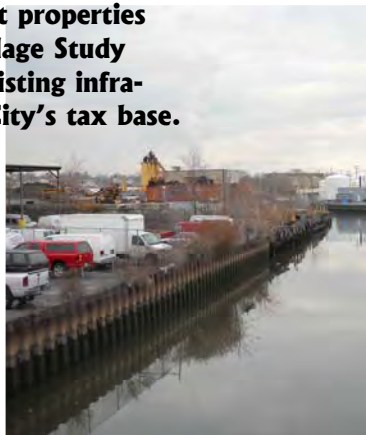
Steps to Completion:

Consultant identification of physical improvements, model ordinances and comprehensive plan actions for the area. In addition, consultant identification of actions selected by PCD staff and the Comprehensive Plan Steering Committee that relate to this area for incorporation into the comprehensive plan document.

Comprehensive Plan Component—High Intensity Planning Areas

Canal Village

The City of Mount Vernon has completed a **Nomination Study** for an approximate 231 acre area characterized with 20 potential brownfield sites that are located in the Southeastern section of Mount Vernon in an area locally known as “Canal Village”. The primary community revitalization objectives to be achieved by this project include: the revitalization of the entire Canal Village Study Area by identifying potential brownfield sites for remediation, the re-occupancy of vacant space and sites with commercial enterprises and maximizing the utilization of existing resources. Anticipated community benefits resulting from this project include an increase in the use of the City’s waterway resources, additional commercial offerings within the City of Mount Vernon, more employment opportunities for City residents, decrease the amount of vacant properties and sites within the Canal Village Study Area, upgrading the area’s existing infrastructure and increasing the City’s tax base.



Work to Date:

Identification of area boundary

Consultation with Westchester County Department of Transportation and MYMTC about redevelopment of area

Prepared a NYS Brownfield Opportunity Area application for planning studies, zoning modifications and build out analysis

References Identified:

Mount Vernon Action Plan (March 2009)

Mount Vernon Canal Village BOA Pre-Nomination Study (December 2009)

Steps to Completion:

Consultant identification of physical improvements, model ordinances and comprehensive plan actions for the area. In addition, consultant identification of actions selected by PCD staff and the Comprehensive Plan Steering Committee that relate to this area for incorporation into the comprehensive plan document.

Comprehensive Plan Component—High Intensity Planning Areas

City Corridors



First Street



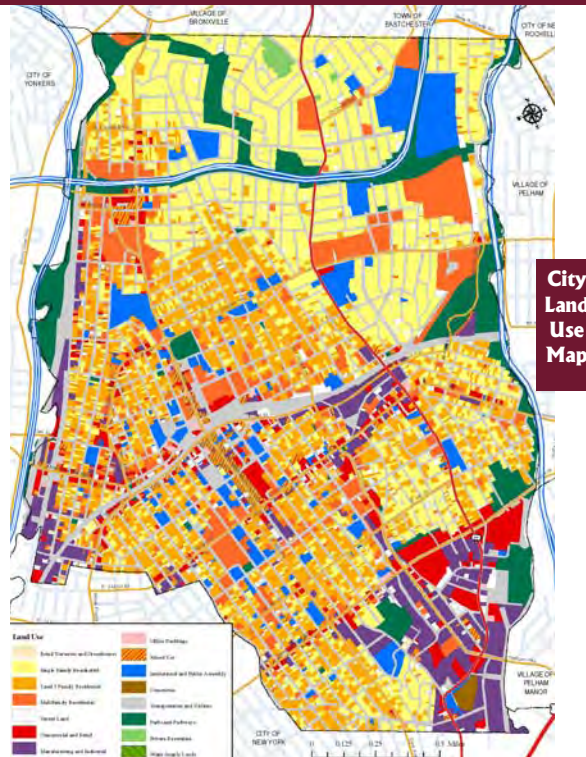
Suggested Streetscape Improvements



Martin Luther King Jr. Boulevard (Third Street)



Sandford Boulevard (West of Canal Village area)



Work to Date:

Identification of corridors

References Identified:

Mount Vernon Action Plan (March 2009)

Steps to Completion:

Consultant identification of physical improvements, model ordinances and comprehensive plan actions for the area. In addition, consultant identification of actions selected by PCD staff and the Comprehensive Plan Steering Committee that relate to this area for incorporation into the comprehensive plan document.

Comprehensive Plan Component

Limited Intensity Planning Areas

Gramatan Avenue

(north of Downtown)

Broad Street

Lincoln Avenue

Columbus Avenue / NY 22

Fulton Avenue

(First Street to Sanford Boulevard)

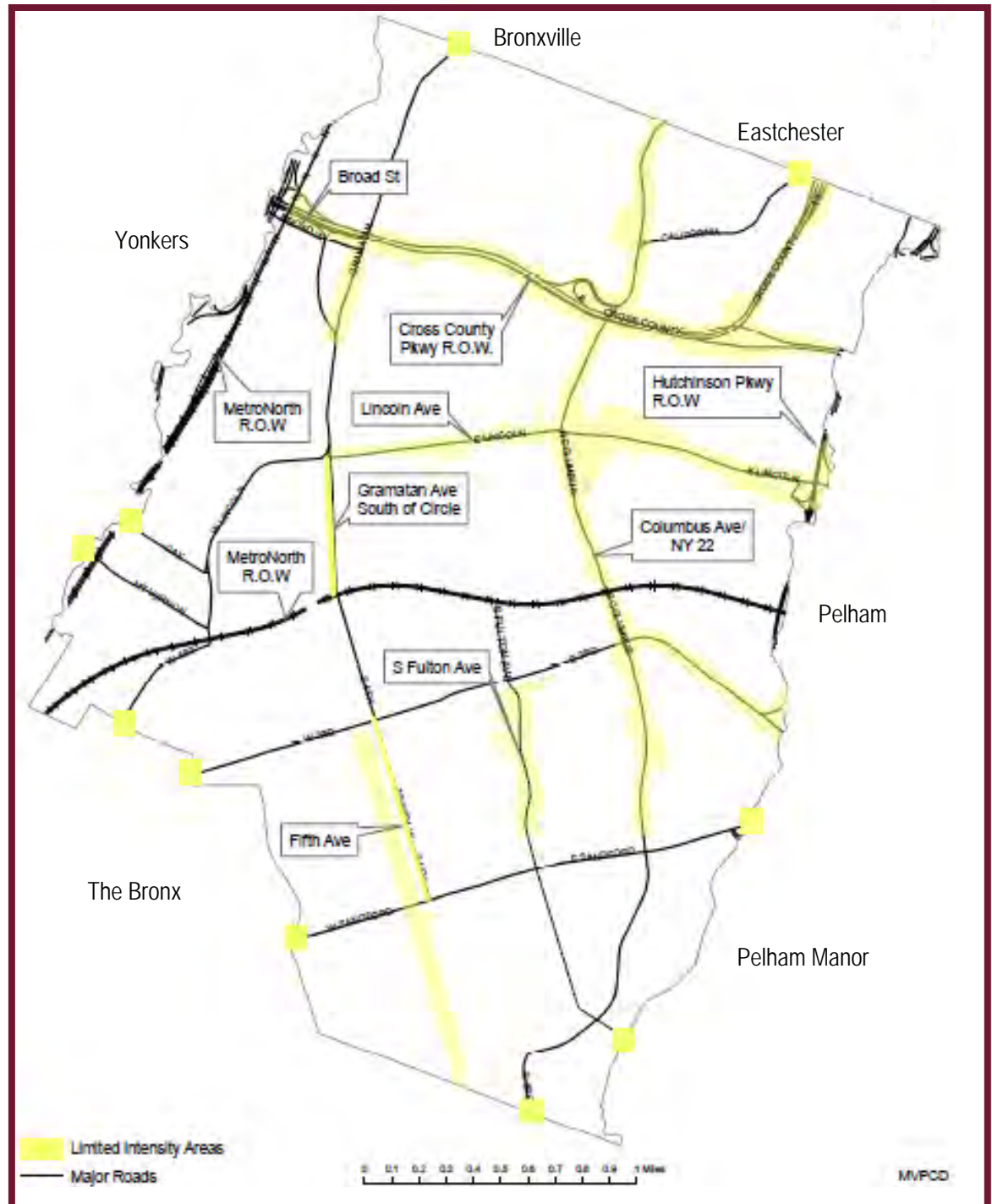
Fifth Avenue

Washington Street

City Gateways

Metro-North Right of Way

Bronx River / Cross County / Hutchinson River Parkways Right of Ways



Comprehensive Plan Component—Limited Intensity Planning Areas



Work to Date:

Identification of corridors

References Identified:

Walkable Community Workshop Summary
(October 2004)

Petrillo Plaza Intermodal Conceptual Plan-
ning Study (January 2006)

Westchester County Signal Re-Timing
Study (May 2006)

Mount Vernon Gateway Report (2008)

Steps to Completion:

Consultant identification of physical im-
provements, model ordinances and compre-
hensive plan actions for the area. In addi-
tion, consultant identification of actions se-
lected by PCD staff and the Comprehensive
Plan Steering Committee that relate to this
area for incorporation into the comprehen-
sive plan document.

Comprehensive Plan Component—Community Enhancement Areas



Work to Date:

Identification of area boundary

Preparation of a Conservation Advisory Council Ordinance for City Council Consideration

Adoption of modifications to the City's Architectural Review Board ordinance

References Identified:

Notes from Stakeholder Meetings with:

Neighborhood Associations Leaders

Elected Officials

Youth Service Providers

Senior Service Providers

Business Leaders

Artists & Cultural Event Organizers

Open Space and Recreation Advocates

Planning, Zoning and Architectural Review Boards

Real Estate Developers

Walkable Community Workshop Summary (October 2004)

Petrillo Plaza Intermodal Conceptual Planning Study (January 2006)

Mount Vernon Action Plan (March 2009)

Steps to Completion:

Consultant identification of physical improvements, model ordinances and comprehensive plan actions for the area. In addition, consultant identification of actions selected by PCD staff and the Comprehensive Plan Steering Committee that relate to this area for incorporation into the comprehensive plan document.



Comprehensive Plan Component—Summary

Charting of Proposed Actions

Work to Date:

PCD staff charting of proposed actions emanating from Comprehensive Plan public meetings and stakeholder sessions.

Steps to Completion:

Consultant creation of charts indicating final actions selected for inclusion in comprehensive plan along with timeframes for their completion and estimate of their cost indicated by range.

Related Planning Documents

PCD staff has assembled past Mount Vernon planning documents for reference in the new Comprehensive Plan.

Consultant creation of a list of related planning documents based upon the final list of proposed actions and model ordinances identified within the Comprehensive Plan.

References

Identification of initial list of reference materials for actions being proposed in the new Comprehensive Plan.

Consultant creation of a list of references based upon the final list of proposed actions and model ordinances identified within the Comprehensive Plan.



Time and Cost Assessment for Plan Components

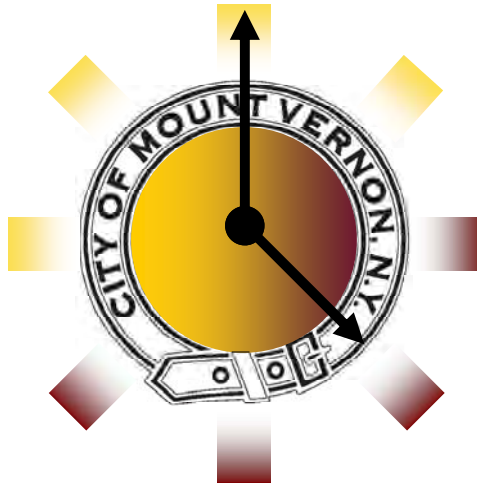
Each action proposed within the comprehensive plan document will be categorized the action in terms of both estimated period of completion and estimated cost for execution.

From the completion perspective, actions are to be categorized as one of the following:

- **Immediate** – To be completed by three months of its start date.
- **Short Term** – To be completed within three to twelve months of its start date.
- **Medium Term** - To be completed within twelve to thirty six months of its start date.
- **Long Term** – To be completed after thirty six months of its start date.

From the cost perspective, actions are to be categorized as one of the following:

- **No Cost** – Completed with existing city staffing and requiring no outlay of funds.
- **Low Cost** – Completed with existing city staffing and a minimum outlay of funds.
- **Mid Range Cost** - Completed with an outlay of funds greater than \$20,000 but less than \$100,000.
- **Higher Cost** - Completed with an outlay of funds greater than \$100,000.



Work to Date:

Identification of timeframe ranges for the implementation of suggested actions and strategies by the Comprehensive Plan.

Steps to Completion:

Consultant identification of timeframes and range of cost for all proposed actions and implementation of model ordinances.



Contact Information

To Reach Us . . .

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Department of Planning and Community Development
City Hall
One Roosevelt Square
Second Floor
Mount Vernon, NY 10550
(914) 699-7230

To Find Out More . . .

www.cmvny.com

www.planmv.com

City of Mount Vernon Comprehensive Plan Line
(914) 665-2358

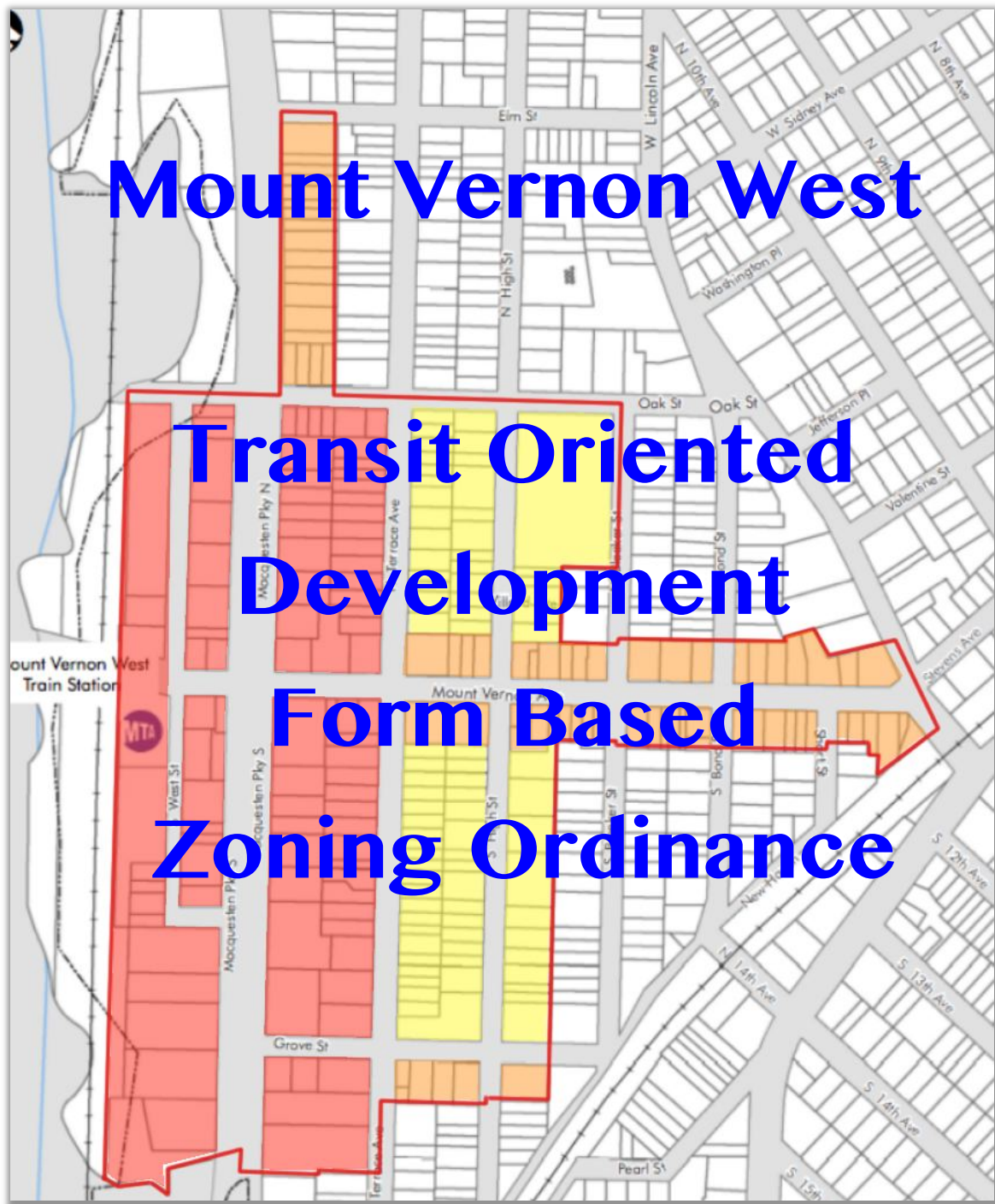


Preparing a New
Comprehensive Plan
for the Physical
Development of the City



CITY OF MOUNT VERNON
COMPREHENSIVE PLAN

Status Report
January 2011



City of Mount Vernon
Department of Planning & Community Development

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1. GENERAL PROVISIONS

a. Overview:

The Mount Vernon West Transit Oriented Development Zone (designated as TODW) has been established to implement the vision for the area realized during the development of the Mount Vernon Comprehensive Plan, and through the efforts of the Technical Committee for Mount Vernon West and the Vision Plan process facilitated by the Pace University Law School, Land Use Law Center.

b. Applicability:

The Mount Vernon West Transit Oriented Development Zone applies to property designated as TODW on the City of Mount Vernon Zoning Map, which is on file in the Office of the City Clerk. Parcels located in the zone are more specifically known and designated as (insert tax map designations)

c. Purpose & Intent:

The TODW zoning district provides for a diverse array of uses (industrial, commercial and residential) in a compatible manner, oriented around the Mount Vernon West train station. Specifically, the TODW zone provides for:

- i. Higher density residential development in close proximity to the Mount Vernon West train station and other modes of public transit.
- ii. The physical integration and coordination of diverse land uses.
- iii. Development that is maximally transit supportive.
- iv. The creation of a pedestrian-friendly environment.
- v. The provision of an alternative to traditional development that emphasizes mixed-uses.
- vi. Reduction of auto dependency and roadway congestion by locating multiple destinations and trip ends within walking distance of one another.

- vii. Reduce total vehicle miles traveled and regional greenhouse gas emissions.
- viii. Repair, stabilize and revitalize the areas urban fabric.
- ix. Facilitate new development and redevelopment that will create new jobs.
- x. Position the area as a concentrated investment area.
- xi. Strengthen the Mount Vernon gateway to Mount Vernon from Yonkers.
- xii. Emphasize, support and facilitate high quality building design, streetscape and public realm improvements.

d. Organization:

The TODW zone utilizes the concept of a *Form Based Code* to set guidelines for development. A Form Based Code creates a predictable public realm by establishing guidelines and regulations that focus primarily on the physical form of the environment, with a lesser focus on specific land-use requirements.

Form based codes address the relationships between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks. The guidelines and standards in this form based code are presented in the narrative language of the code, but also graphically, to describe the character of anticipated development. This is in contrast to conventional zoning's focus on the management and segregation of land uses.

Section 2 presents the *Regulating Plan*, which defines development areas within the TODW boundaries, Section 3 identifies the 8 allowable building types in the TODW district and Section 4 indicates where the building types are and are not permitted. Section 5 identifies the standards for building design, configuration and placement. Section 6 presents the table of permitted uses. Section 7

identifies the parking requirements for the TODW district. Section 8 presents design guidelines, which all projects are expected to comply with. Finally, Section 9 sets forth the administrative procedures that must be complied with for all projects in the TODW district.

e. Relationship to Comprehensive Plan

The **draft** City of Mount Vernon Comprehensive Plan has identified the Mount Vernon West area as a “Higher Intensity Planning Area.” This designation signifies a district where higher development density is targeted and encouraged. Through the efforts of the Technical Committee for Mount Vernon West, a Vision Plan was developed that provided the foundation upon which the Mount Vernon West TOD Zoning Ordinance is constructed.

The Mount Vernon West TOD Zoning Ordinance is therefore fully consistent with vision for the Mount Vernon West area, and represents the implementation of that vision as articulated in the **draft** Comprehensive Plan.

f. Planning Principles

The Mount Vernon West TOD Zoning Ordinance establishes an efficient, effective and equitable regulatory and procedural code for the use of land in the Mount Vernon West area, subject to the following policies:

- i. The area should include a framework of transit, pedestrian and bicycle systems that provide alternatives to the automobile.
- ii. Development in the area should be compact, pedestrian oriented and contain a mix of uses.
- iii. The development of isolated, single-use buildings and sites should be avoided.
- iv. The ordinary activities of daily living should be provided within walking distance of residential uses, allowing for independence from the automobile.

- v. The layout and configuration of development should be designed to disperse traffic and reduce the length of automobile trips.
- vi. Within the area, a range of housing types and price levels should be provided to accommodate diverse ages and incomes.
- vii. Appropriate land uses and densities should be provided within walking distance to the train station.
- viii. Civic, institutional and commercial activity should be embedded throughout the area, and not isolated into remote single-use complexes.
- ix. A range of open space, including parks, squares, plazas, and playgrounds, should be distributed throughout the area.
- x. Buildings, landscaping and other amenities should contribute to the physical definition of thoroughfares as public places.
- xi. Development should adequately accommodate automobiles while respecting pedestrians and the spatial form of public areas.
- xii. The design of buildings and sites should reinforce safe environments, but not at the expense of accessibility.
- xiii. Architecture and landscape design should reflect the history and traditions, topography, climate and building practices of the City of Mount Vernon.
- xiv. Public gathering places should be provided as locations that reinforce community identity and support self-government.
- xv. The preservation and renewal of historic buildings, or the incorporation of historical architectural elements characteristic of the City of Mount

Vernon, should be facilitated, to affirm the continuity and evolution of society.

g. Non-Conforming Uses and Buildings

The TODW district replaces zoning that was predominantly industrial. While many of the industrial uses have left the area, and a number of properties in the area are underutilized, viable industrial uses do remain in places.

The TODW zoning provides for the addition of a broad array of uses, including high-density residential uses. Facilitating the coexistence of diverse land uses represents one of the challenges in the TODW district.

The regulations governing non-conforming uses set forth in Section 267-10 remain applicable to uses and buildings in the TODW district. However, all legal pre-existing, non-conforming uses are encouraged to comply with the design guidelines established herein, to assure that the area evolves in a manner that is consistent with the goals and objectives of the City.

2. REGULATING PLAN

The Regulating Plan divides the TODW zone into three separate areas of development intensity. This approach differs from conventional zoning that typically divides a city into zones that rigidly segregate residential, commercial, industrial and institutional uses, thereby emphasizing a dependence on automobiles to functionally connect uses. The use of zones based on development intensity (instead of land uses) provides a new spatial basis for regulating development that recognizes the interrelationships between uses. The three zones also provide an effective vehicle to implement the City’s urban design objectives while fostering attractive and sympathetic interfaces between zones.

The following zones are established within the TODW district:

TOD-H	TOD Hub
TOD-C	TOD Corridor
TOD-T	TOD Transition

a. TOD Hub (TOD-H)

The TOD Hub zone is designed to accommodate the highest intensity of development within the TODW district. Development in this zone shall be located within 1,000 feet of the Mount Vernon West train station, and shall rely on the public transit opportunities available at the station, to minimize reliance on individual passenger vehicles, parking demands and associated traffic impacts. The TOD-H zone also allows for the greatest diversity of land uses. As a result, building design and architectural quality is a priority. Integrating diverse land uses requires careful attention to the interface between buildings and uses, pedestrian connections, the provision of parking, building services and the operational requirements of various uses.

b. TOD Corridor (TOD-C)

The TOD Corridor zone provides the physical link between the TOD Hub and the downtown. This corridor provides the gateway into the Mount Vernon from Yonkers and anchors the western edge of the downtown at West Lincoln

Avenue. The emphasis in this area is on retail, retail service and restaurant uses along the ground floor of the buildings lining the corridor, to create an economically vibrant and bustling commercial and mixed-use area that will unite the TOD Hub with the downtown.


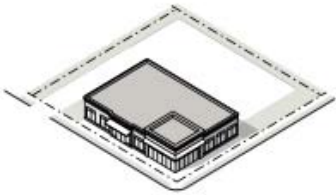



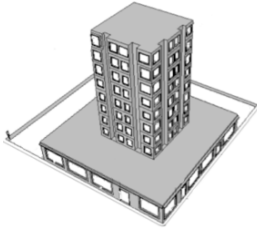
c. TOD Transition (TOD-T)

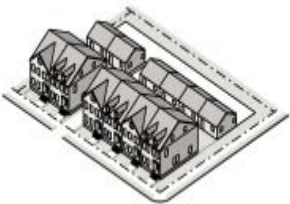
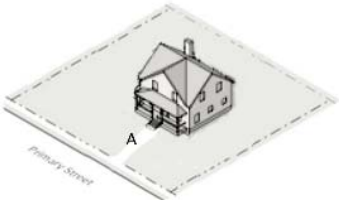
The TOD Transition zone lies to the west of the TOD Hub and flanks the TOD Corridor zones. This area offers the potential for residential redevelopment at increased densities. Redevelopment will likely require the assembly of parcels. The TOD-T zone will provide for a logical and gradual transition from the higher densities of development permitted in the TOD Hub, and the existing lower density development situated to the east.



3. ALLOWABLE BUILDING TYPES





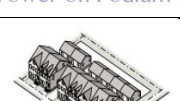

This section establishes and defines the building types permitted in the TODW Zoning District to ensure that proposed development is consistent with the goals for building form, physical character, land use and aesthetic quality.

 <p>Mixed-Use Building A building that supports ground floor commercial use, with upper story residential or office uses.</p>	 <p>One-Story Commercial A one -story, large format building that accommodates a variety of commercial uses</p>	 <p>General Commercial A building type that accommodates retail, office or other commercial uses.</p>
 <p>Civic Building A building that accommodates civic, institutional or public uses</p>	 <p>Multi-Family Apartment Three or more dwelling units vertically and horizontally integrated</p>	 <p>Tower on Podium Multi-story apartment building constructed atop a podium containing off-street parking wrapped by ground level commercial uses</p>

 <p>Townhouse Three or more dwelling units where each unit is separated vertically by a party wall</p>	 <p>Detached Dwelling Single or two-family dwelling units on an individual lot with yards on all sides</p>	
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4. PERMITTED BUILDING TYPES BY DISTRICT

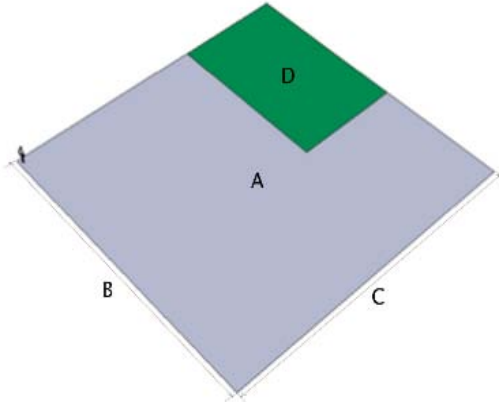
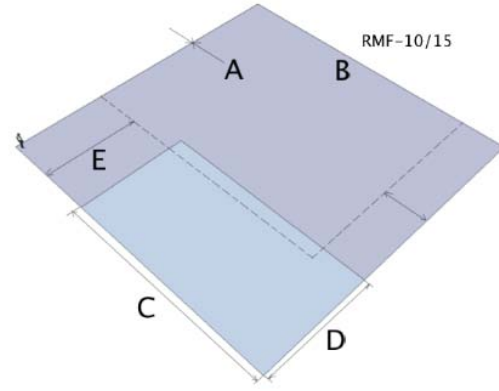
Building types are allowed by district, as set forth below:

Building Type	TOD – Hub TOD-H	TOD – Corridor TOD - C	TOD – Transition TOD - T
 Mixed Use Building	P	P	N
 One Story Commercial	P	P	N
 General Commercial	P	P	N
 Civic Building	P	P	N
 Multi-Family Apartment	P	P	P
 Tower on Podium	P	N	N
 Townhouse	N	N	P
 Detached Dwelling	N	N	P

Section 5 – Building Type Regulations

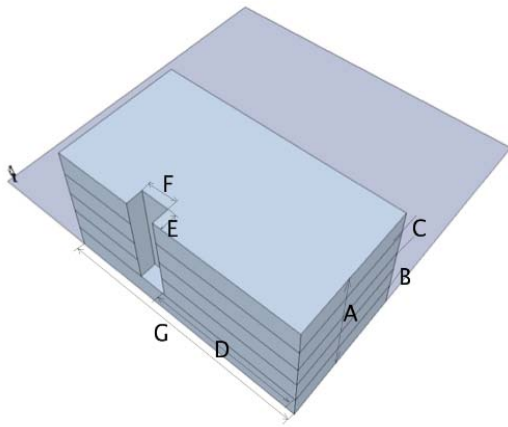
5. BUILDING TYPE REGULATIONS

A. Mixed-Use Building

A. Lot		B. Building Placement	
			
Lot Dimensions		Building Setbacks	
A - Lot area (min)	5,000 SF	A - Common lot line	0' or 10' (if provided)
B - Lot width (min)	50'	B - Lot line abutting RMF-10/15	30'
C - Lot depth (min)	50'	Build To Line	
Usable Open Space		C - Building along primary street (min % of lot width)	70%
D - Usable open space	200 SF/DU	D - Building along side street (min % of lot depth)	35%
		Parking Setbacks	
		E - Primary street	30'
		F - Side street	10'
		G - Parking location	Behind building
		Coverage	
		H - Building (max)	60%
		I - Impervious surface (max)	75%

Section 5 – Building Type Regulations

C. Height and Mass



Building Height

A – Building height 5 stories/60'

Story Height

B – Ground story height 13'
floor to ceiling (min)

C – Upper story height 9'
floor to ceiling (min)

Building Mass

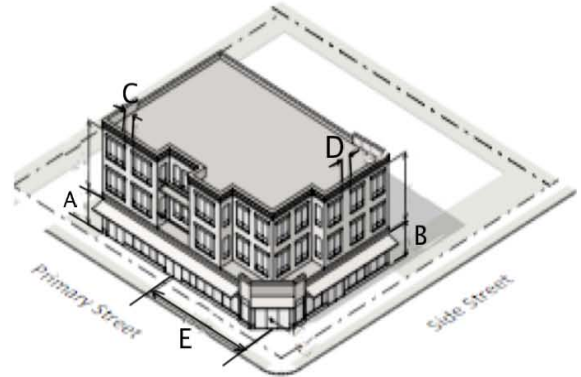
D – Max length of upper story 75'
street-facing wall without offset

E – Upper story street-facing wall 4'
offset depth (min)

F – Upper story street facing wall 8'
offset length (min)

G – Building length, street facing 175'
façade (max)

D. Activation



Transparency

A – Ground story, primary street 60%
façade (min)

B – Ground story, side street 40%
façade (min)

C – Blank wall length, 30'
primary street (max)

D – Blank wall length, 40'
side street (max)

Functional Entries

E – Functional entries (min) 70'

F – Area of garage or service bay 20%
openings along street-wall (max)

Permitted Building Elements

Porch No

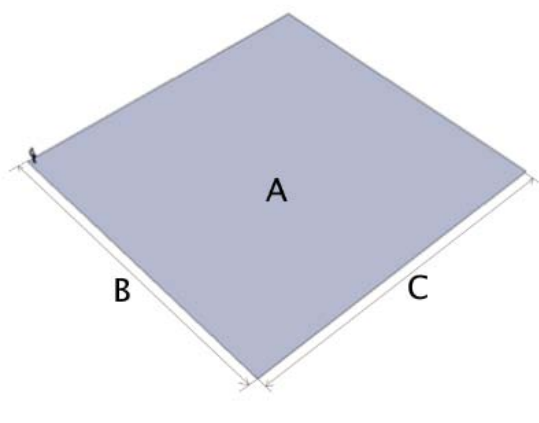
Stoop No

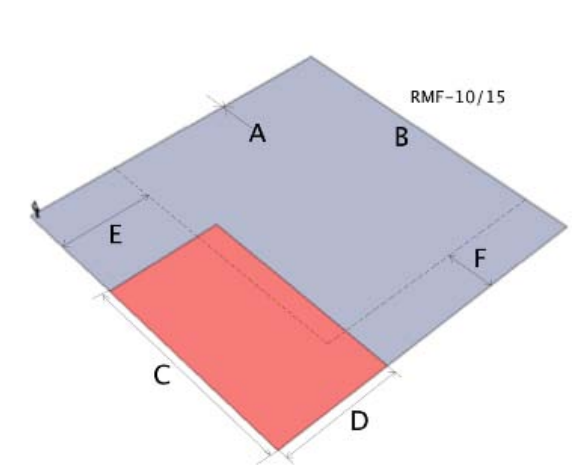
Balcony Yes

Awning/Canopy Yes

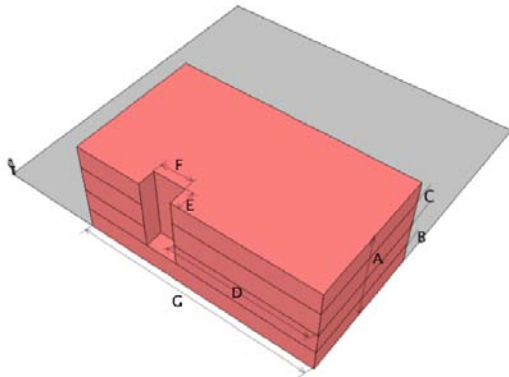
Forecourt Yes

B. General Commercial

A. Lot	
	
Lot Dimensions	
A - Lot area (min)	5,000 SF
B - Lot width (min)	50'
C - Lot depth (min)	50'

B. Building Placement	
	
Building Setbacks	
A - Common lot line	0' or 10' (if provided)
B - Lot line abutting RMF-10/15	30'
Build To Line	
C - Building along primary street (min % of lot width)	70%
D - Building along side street (min % of lot depth)	35%
Parking Setbacks	
E - Primary street	30'
F - Side street	10'
G - Parking location	Behind building
Coverage	
H - Building (max)	60%
I - Impervious surface (max)	80%

C. Height and Mass



Building Height

A – Building height stories/50'	4
---------------------------------	---

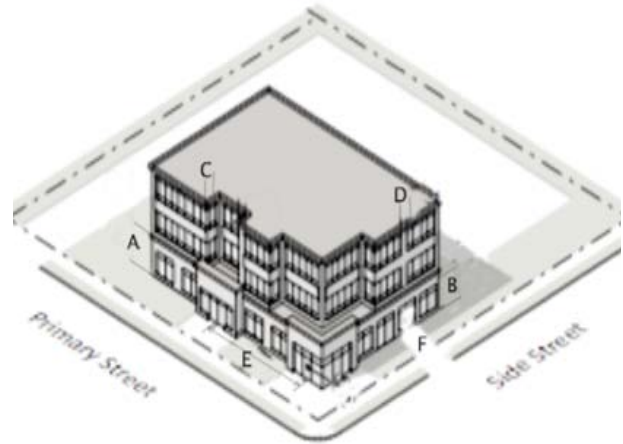
Story Height

B – Ground story height floor to ceiling (min)	10'
C – Upper story height floor to ceiling (min)	9'

Building Mass

D – Max length of upper story street-facing wall without offset	75'
E – Upper story street-facing wall offset depth (min)	4'
F – Upper story street facing wall offset length (min)	8'
G – Building length, street facing façade (max)	175'

D. Activation



Transparency

A – Ground story, primary street façade (min)	60%
B – Ground story, side street façade (min)	20%
C – Blank wall length, primary street (max)	35'
D – Blank wall length, side street (max)	40'

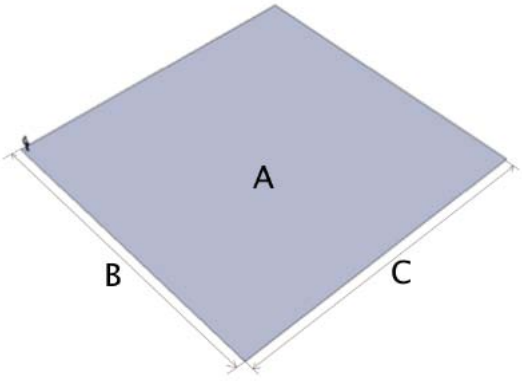
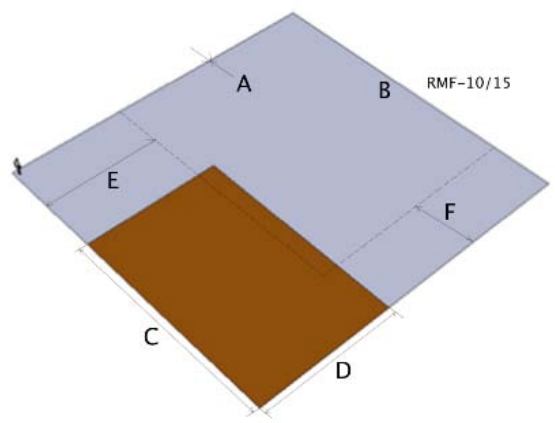
Functional Entries

E – Functional entries (min)	80'
F – Area of garage or service bay openings along street-wall (max)	20%

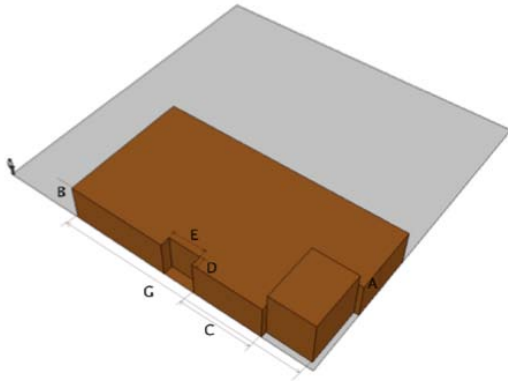
Permitted Building Elements

Porch	No
Stoop	No
Balcony	Yes
Gallery	No
Awning/Canopy	Yes
Forecourt	Yes

C. One-Story Commercial

A. Lot		B. Building Placement	
			
Lot Dimensions		Building Setbacks	
A - Lot area (min)	5,000 SF	A - Common lot line	0' or 10' (if provided)
B - Lot width (min)	50'	B - Lot line abutting RMF-10/15	20'
C - Lot depth (min)	50'	Build To Line	
		C - Building along primary street (min % of lot width)	70%
		D - Building along side street (min % of lot depth)	35%
		Parking Setbacks	
		E - Primary street	30'
		F - Side street	10'
		G - Parking location	Behind building
		Coverage	
		H - Building (max)	75%
		I - Impervious surface (max)	90%

C. Height and Mass



Building Height

A – Building height 1 story/25'

Story Height

B – Ground story height 13'
floor to ceiling (min)

Building Mass

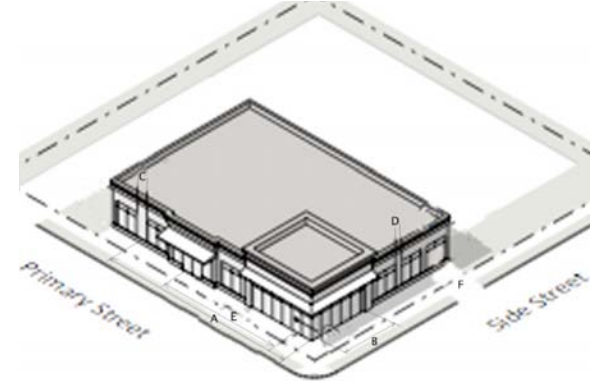
C – Max length of street-facing wall without offset 65'

D – Street-facing wall offset depth (min) 4'

F – Street facing wall offset length (min) 8'

G – Building length, street facing façade (max) 175'

D. Activation



Transparency

A – Primary street façade (min) 60%

B – Side street façade (min) 20%

C – Blank wall length, primary street (max) 30'

D – Blank wall length, side street (max) 40'

Functional Entries

E – Functional entries (min) 70'

F – Area of garage or service bay openings along street-wall (max) 20%

Permitted Building Elements

Porch No

Stoop No

Balcony No

Gallery Yes

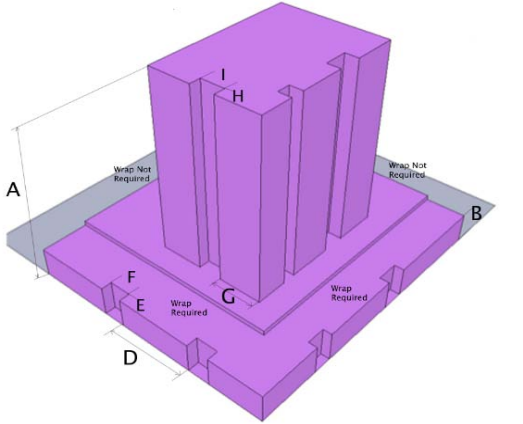
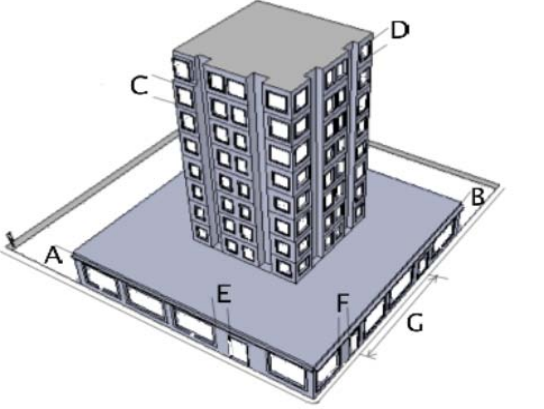
Awning/Canopy Yes

Forecourt Yes

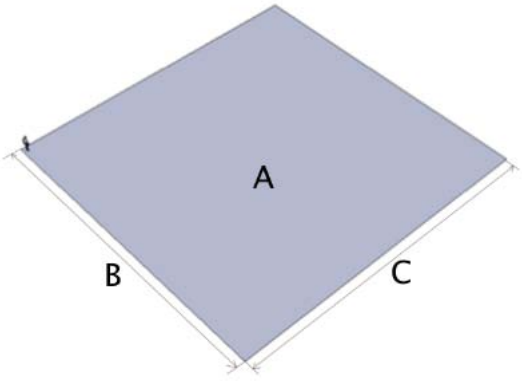
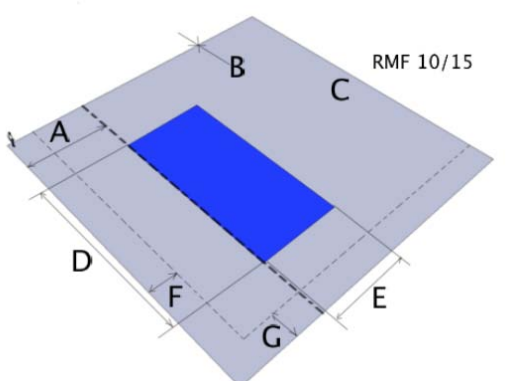
D. Tower on Podium

A. Lot	
Lot Dimensions	
A - Lot area (min)	15,000 SF
B - Lot width (min)	100'
C - Lot depth (min)	50'
Usable Open Space	
D - Usable open space	130 SF/DU

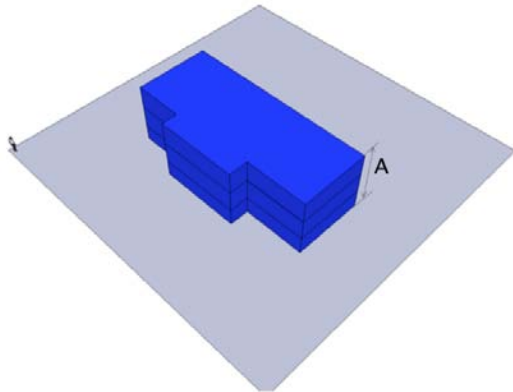
B. Building Placement	
Building Setbacks	
A - Common lot line	0' or 10' (if provided)
B - Lot line abutting RMF-10/15	20'
Build To Line	
C - Podium along primary street (min % of lot width)	70%
D - Podium along side street (min % of lot depth)	35%
Parking Setbacks	
E - Primary street	30'
F - Side street	10'
G - Surface parking location	Behind building
H - Parking Garage	Same as podium
Coverage	
H - Principal Building (max)	85%
I - Impervious surface (max) (provided open space is provided on podium)	100 %

C. Height and Mass	D. Activation
	
Building Height	Transparency
A – Building height (+ podium) 15 stories/150’	A – Ground story, primary street façade (min length) 60%
Story Height	B – Ground story, side street façade (min) 20%
B – Ground story height floor to ceiling (min) 11’	E – Podium blank wall length, primary street (max) 30’
C – Upper story height floor to ceiling (min) 7’6”	F – Podium blank wall length, side street (max) 40’
Building Mass	Functional Entries
D – Max length of ground floor street-facing wall without offset 75’	G – Functional entries (min) 90’
E – Ground floor street-facing wall Offset depth (min) 5’	H – Area of garage or service bay openings along street-wall (max) 20%
F – Ground floor street-facing wall offset width 10’	Permitted Building Elements
G – Max length of upper floor Street-facing wall without offset 45’ or J	Porch Yes
H – Upper story street-facing wall offset depth (min) 4’	Stoop Yes
I – Upper story street facing wall offset width (min) 8’	Balcony Yes
J – If G is not met, provide an architectural element that changes the façade plane, a minimum of 10’ in width.	Gallery Yes
Parking Garage Storefront Wrap	Awning/Canopy Yes
K – Ground floor primary street Required	Forecourt Yes

E. Civic Building

A. Lot		B. Building Placement	
			
Lot Dimensions		Building Setbacks	
A - Lot area (min)	5,000 SF	A - Front yard	25'
B - Lot width (min)	50'	B - Common lot line	0' or 10' (if provided)
C - Lot depth (min)	50'	C - Lot line abutting RMF-10/15	30'
		Build To Line	
		D - Building along primary street (min % of lot width)	50%
		E - Building along side street (min % of lot depth)	30%
		Parking Setbacks	
		F - Primary street	10'
		G - Side street	10'
		H - Parking location	Behind building
		Coverage	
		I - Building (max)	60%
		J - Impervious surface (max)	80%

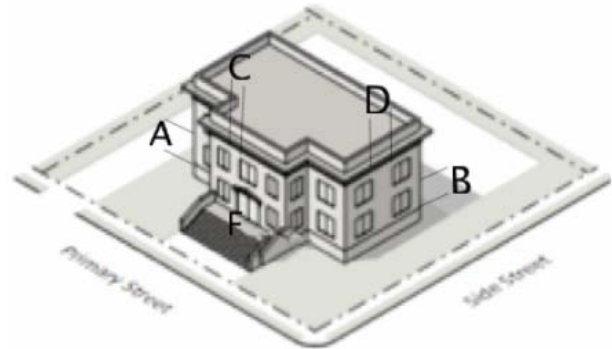
C. Height and Mass



Building Height

A – Building height 3 stories/40'

D. Activation



Transparency

A – Ground story, primary street façade (min) 60%

B – Ground story, side street façade (min) 40%

C – Blank wall length, primary street (max) 30'

D – Blank wall length, side street (max) 40'

Functional Entries

E – Functional entries (min) 70'

F – Area of garage or service bay openings along street-wall (max) 20%

Permitted Building Elements

Porch Yes

Stoop Yes

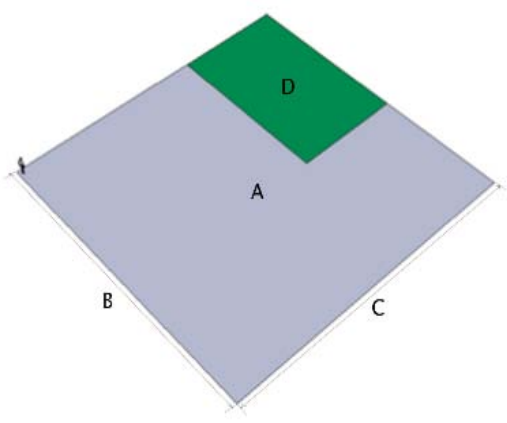
Balcony Yes

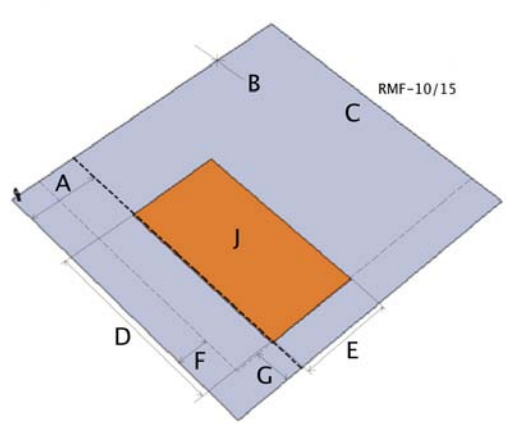
Gallery Yes

Awning/Canopy Yes

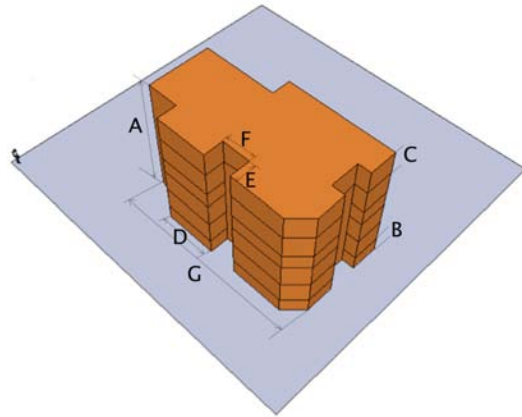
Forecourt Yes

F. Multi-Family Apartment

A. Lot	
	
Lot Dimensions	
A - Lot area (min)	7,500 SF
B - Lot width (min)	75'
C - Lot depth (min)	50'
Usable Open Space	
D - Usable open space	200 SF/DU

B. Building Placement	
	
Building Setbacks	
A - Front yard	20'
B - Common lot line	0' or 10' (if provided)
C - Lot line abutting RMF-10/15	30'
Build To Line	
D - Building along primary street (min % of lot width)	70%
E - Building along side street (min % of lot depth)	35%
Parking Setbacks	
F - Primary street	30'
G - Side street	10'
H - Surface parking location	Behind building
I - Parking Garage	Same as principal bldg
Coverage	
J - Building (max)	60%
K - Impervious surface (max)	70%

C. Height and Mass



Building Height

A – Building height 6 stories/70'

Story Height

B – Ground story height 10'
floor to ceiling (min)

C – Upper story height 9'
floor to ceiling (min)

Building Mass

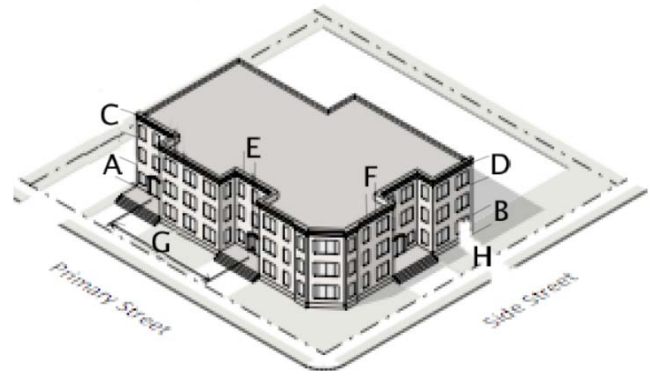
D – Max length of upper story 75'
street-facing wall without offset

E – Upper story street-facing wall 4'
offset depth (min)

F – Upper story street facing wall 8'
offset length (min)

G – Building length, street facing 175'
façade (max)

D. Activation



Transparency

A – Ground story, primary street 20%
façade (min)

B – Ground story, side street 20%
façade (min)

C – Upper story, primary street 35%
façade (min)

D – Upper story, side street 45%
façade (min)

E – Blank wall length, 40'
primary street (max)

F – Blank wall length, 50'
side street (max)

Functional Entries

G – Functional entries (min) 100'

H – Area of garage or service bay 20%
openings along street-wall (max)

Permitted Building Elements

Porch Yes

Stoop Yes

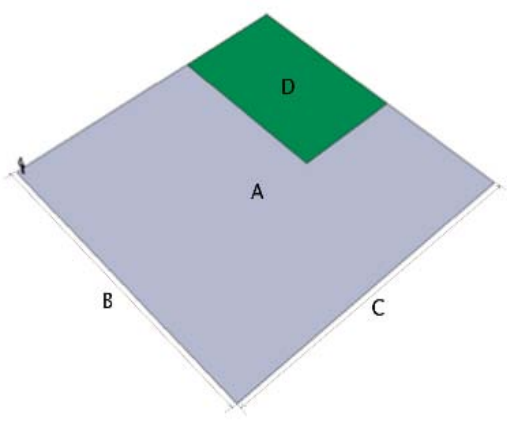
Balcony Yes

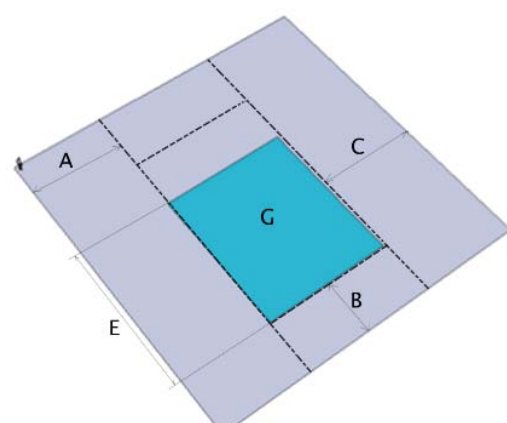
Gallery No

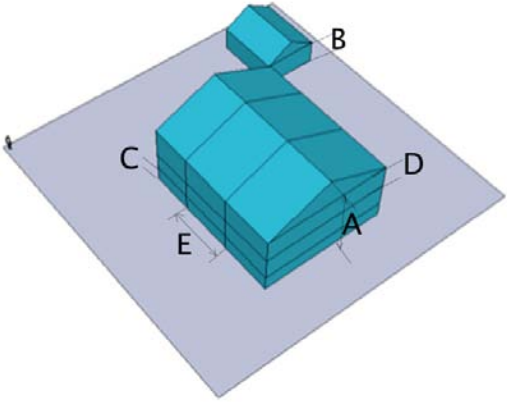
Awning/Canopy Yes

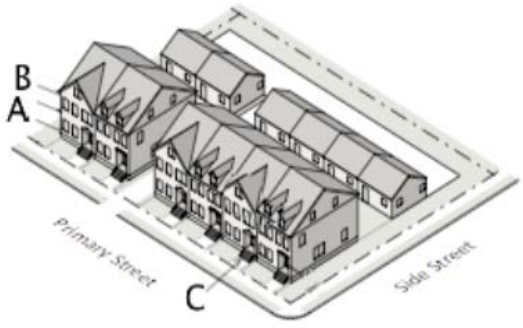
Forecourt Yes

G. Townhouse

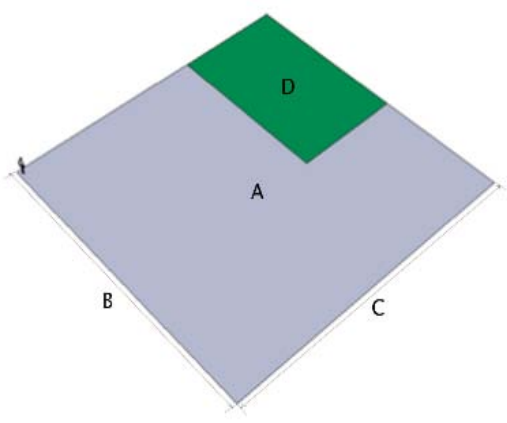
A. Lot	
	
Lot Dimensions	
A - Lot area (min)	40,000 SF
B - Lot width (min)	150'
C - Lot depth (min)	75'
Usable Open Space	
D - Usable open space	200 SF/DU

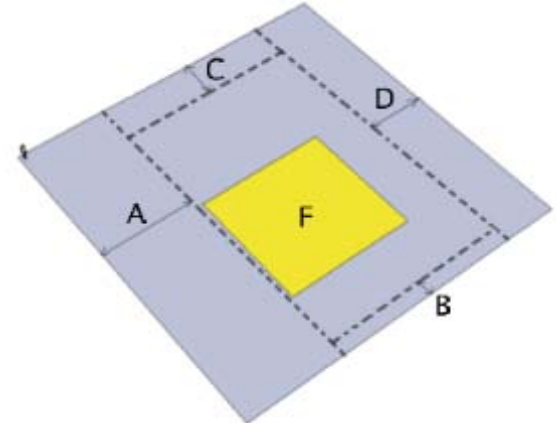
B. Building Placement	
	
Building Setbacks	
A - Front yard	25'
B - Side yard	15'
C - Rear yard	30'
D - Spacing between buildings	½ height of end wall
Build To Line	
E - Building along primary street (min % of lot width)	70%
Parking Setbacks	
F - Parking location	Behind building and garages.
Coverage	
G - Building (max)	40%
H - Impervious surface (max)	60%

C. Height and Mass	
	
Building Height	
A – Principal building height	3 stories/40'
B – Accessory building height	1 story/15'
Story Height	
C – Ground story height floor to ceiling (min)	9'
D – Upper story height floor to ceiling (min)	9'
Unit Size	
E – Width (min.)	30'

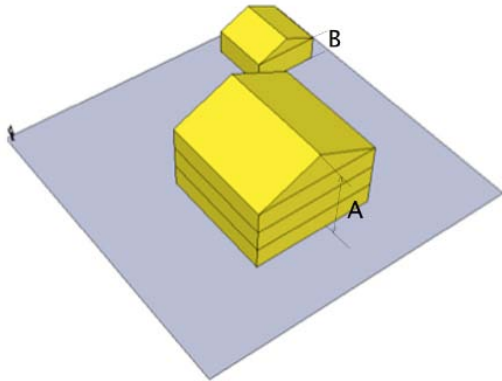
D. Activation	
	
Transparency	
A – Ground story, primary street façade (min)	20%
B – Blank wall length, primary street (max)	35'
Functional Entries	
C – Functional entries	On primary street
Permitted Building Elements	
Porch	Yes
Stoop	Yes
Balcony	Yes
Gallery	No
Awning/Canopy	No
Forecourt	No

H. Detached Dwelling

A. Lot	
	
Lot Dimensions	
A - Lot area (min)	4,500 SF
B - Lot width (min)	50'
C - Lot depth (min)	50'
Usable Open Space	
D - Usable open space	500 SF/DU

B. Building Placement	
	
Building Setbacks	
A - Front yard	25'
B - Side yard (one)	2'
C - Side yard (both)	5'
D - Rear yard	20'
Parking Setbacks	
E - Parking location	Driveway or garage
Coverage	
F - Building (max)	40%
G - Impervious surface (max)	70%

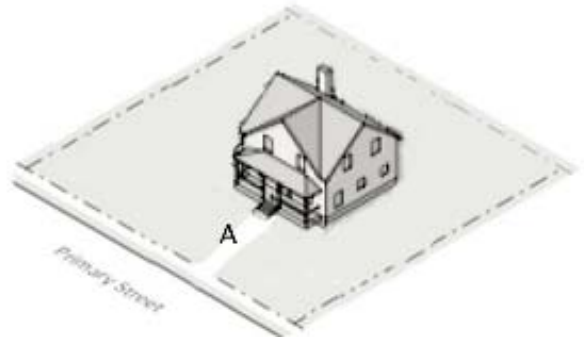
C. Height and Mass



Building Height

A – Principal building height	3 stories/35'
B – Accessory building height	1 story/15'

D. Activation



Functional Entries

A – Functional entries	On primary street
------------------------	-------------------

Permitted Building Elements

Porch	Yes
Stoop	Yes
Balcony	Yes
Gallery	No
Awning/Canopy	No
Forecourt	No

6. PERMITTED USE TABLE

Use	TOD-H	TOD-C	TOD-T
Residential Uses			
One Family Dwelling	X	P	P
Attached Dwelling & 2-Family Dwellings	X	P	P
Multi-Family Dwellings	P	P	P
Public/Civic Uses			
Public Schools	P	P	P
Community Purpose Building	P	P	P
Municipal Uses for Mt Vernon	P	P	P
Places of Worship	SP	SP	SP
Public Utility	SP	SP	SP
Use of Government Agencies	P	P	P
Commercial Uses			
Day Care Center	P	P	SP
Nursery School	P	P	SP
Domiciliary Care Facility	P	P	SP
University, College & Private School	SP	SP	SP
Off-Street Parking Facility	SP	SP	X
Business, Professional Offices	P	P	X
Retail	P	P	X
Personal Services	P	P	X
Museums & Art Galleries	P	P	X
Medical & Dental Offices	P	P	X
Medical Laboratories	P	P	X
Business & Trade Schools	P	P	X
Retail Laundries & Dry Cleaners	P	P	X
Hotels & Motels	P	P	X
Motor Vehicle Dealerships	SP	P	X
Bars, Nightclubs, Catering Halls	SP	SP	X
Bakeries, Retail	P	P	X
Restaurants	P	P	X
Restaurants, Carry-Out	P	P	X

Section 6 – Permitted Use Table

Use	TOD-H	TOD-C	TOD-T
Restaurants, Fast Food	P	P	X
Funeral Parlor	X	SP	X
Banks	P	P	X
Motor Vehicle Service Stations	X	SP	X
Motor Vehicle Rental Agencies	X	SP	X
Social Clubs	SP	SP	X
Storage of Commercial Vehicles	SP	SP	X
Theater & Concert Halls	P	P	X
Animal Hospital	P	P	X
Wholesale Business	SP	X	X
Accessory Uses			
Incidental Customary Accessory Uses	P	P	P

7. PARKING REGULATIONS

The TODW district is designed as a “park once” area, wherein people driving to the district are encouraged to park in one location, and then travel by foot within the area to various other destinations, rather than driving from one location to another. Design emphasis and priority is given to pedestrian circulation. As a result, the required parking in the TODW district reflects reduced off-street parking ratios for certain uses. The use of shared parking is also permitted and encouraged.

The off-street parking requirements established in the Table of Off-Street Parking and Loading Requirements, set forth in Section 267 – Attachment 3, shall apply, unless modified below, in which case the requirements of this section shall apply.

a. Off-Street Parking Requirements

Use	Required Parking
<i>Residential Uses</i>	
Attached One Family Dwelling Units	1.75 per dwelling unit
Multifamily Dwellings in TOD-C	0.7 per dwelling unit containing no more than 2 bedrooms. 0.9 per dwelling unit containing more than 2 bedrooms
Multifamily Dwellings in TOD-C	1.0 per dwelling unit containing no more than 2 bedrooms. 1.25 per dwelling unit containing more than 2 bedrooms
Multifamily Dwellings in TOD-T	1.5 per dwelling unit containing no more than 2 bedrooms. 2.0 per dwelling unit containing more than 2 bedrooms
<i>Non-Residential Uses</i>	
Business, professional or governmental offices	1 per 650 square feet GFA
Retail stores, shops and personal service establishments	1 per 450 square feet GFA
Restaurants	1 per 5 seats or 1 per 300 square feet of GFA, whichever is greater

b. Shared Parking

The concept of shared parking, whereby land uses that have different parking demand patterns are able to use the same parking spaces throughout the day, is particularly useful in a transit oriented development district, where a large percentage of trips are accommodated via public transit. Public transit reduces the overall demand for individual passenger vehicle trips and the related demand for parking.

Shared parking is permitted and encouraged in the TODW district. The **City Council** or Commissioner of Planning and Community Development may consider the use of shared parking, according to the following provisions:

- The uses proposing to share parking spaces are different land uses as set forth in the Permitted Use Table.
- All new development that relies on shared parking must demonstrate the adequacy of the proposed parking based on established standards/methodology.
- In cases where shared parking is proposed between neighboring parcels under separate ownership, irrevocable cross-easements shall be required, to assure the perpetual right to share the parking spaces.
- No more than 50% of the required parking for a particular use shall be provided in a shared parking arrangement.

c. Design and Layout

The design and layout of off-street parking spaces shall comply with the provisions of Section 267-38, except as modified herein:

- To minimize curb cuts on the roadways in the TODW district, the use of shared driveways are encouraged, where feasible.

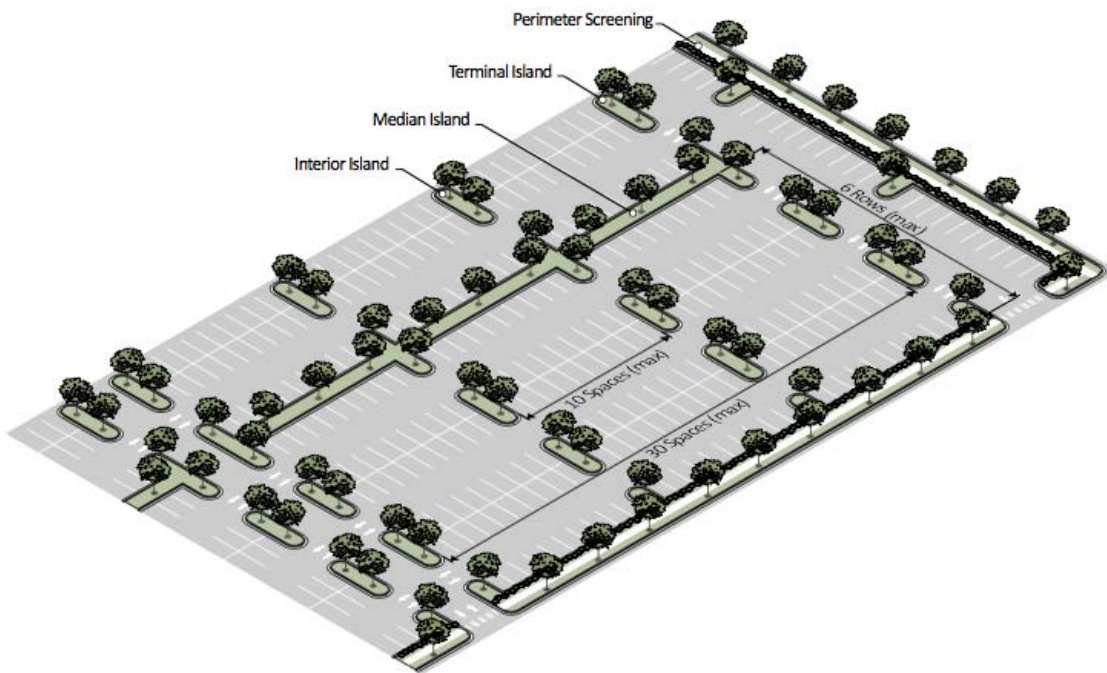
Section 7 – Parking Regulations

- Where feasible, driveways shall front on streets that are less pedestrian intensive.
- Off-street parking is encouraged to be as inconspicuous as possible and to incorporate landscaping and screening to the greatest extent possible to minimize its physical and visual impact.
- Off-street parking and loading areas shall be coordinated with the public street system serving the TODW district in order to avoid conflicts with through-traffic, obstruction to pedestrian walks and vehicular thoroughfares.
- All parking structures shall be designed using compatible or complementary materials to the principal buildings so that they blend in architecturally. All voids in the structures shall be architecturally treated or screened, so that lights and vehicles are not individually visible.
- Parking structures fronting on MacQuisten Avenue and Mount Vernon Avenue shall be wrapped by first floor non-residential uses.
- Surface parking shall include street lighting that adequately provides for safe vehicle circulation and public safety, but shall not be excessive. Light poles shall be as low as possible to achieve the desired purpose, and fixtures shall be shielded and downward directed. The use of energy efficient luminaries is encouraged.
- All pedestrian pathways across and along parking areas shall be appropriately lit with pedestrian scaled lighting fixtures.
- Vehicular access to internal parking structures shall be designed so as not to negatively impact upon major pedestrian routes. If necessary, provide “fish eye” mirrors or alarms to manage the interaction between pedestrians and vehicles.

- The potential conflicts between truck delivery, vehicular traffic, and pedestrian circulation shall be considered when designing service entries, roadways, walkways, and pedestrian entrances.
- To the extent possible, service entrances and loading areas between adjacent buildings shall be consolidated. Such service entrances shall be separated from walkways and pedestrian entrances.
- In each parking lot containing over 150 parking spaces, at least one of the parking spaces must be provided with an electric vehicle charging station.
- Spaces for handicapped car and van parking must be provided as required by State law.
- Within a structured parking garage, up to 30% of the total parking spaces provided may be compact spaces. No more than six compact parking spaces may abut each other. Compact spaces may be reduced to 7.5 feet in width. All compact parking spaces must be clearly and visibly striped and labeled for compact car use only.
- All surface parking lots with frontage on a street, shall be screened as follows:
 - A minimum 10-foot wide landscaped area with a continuous row of shrubs must be provided between the street and the parking lot.
 - Shrubs must be a minimum of 18 inches in height when planted and must reach a minimum size of 36 inches in height within three years of planting.
 - A 36-inch wall within a minimum five-foot planting strip may be substituted for a continuous row of shrubs.

Section 7 – Parking Regulations

- Breaks for pedestrian and vehicle access are allowed.
- To minimize the extent of impervious surfaces and the “heat-island” effect, and to enhance the aesthetic appearance of surface parking lots, the following landscaping requirements shall apply:



Interior Islands:

- A landscaped interior island shall be provided every 10 parking spaces. Interior islands shall be distributed evenly throughout the parking area.
- An interior or terminal island shall be a minimum of 8.5 feet in width and 300 square feet in area.
- All rows of parking must terminate with a landscaped terminal island. No more than 30 parking spaces may be located between drive aisles.
- Interior islands may be consolidated or intervals may be expanded in order to preserve existing trees.

Section 7 – Parking Regulations

- Interior islands must be installed below the level of the parking lot surface to allow for runoff capture.

Median Islands:

- A landscape median island shall be provided between every six single parking rows.
- A landscape median island shall be a minimum of five feet wide.
- A median island may also serve as the location for a sidewalk. In such case, the sidewalk shall be a minimum of six feet wide, and the remaining planting area shall be no less than five feet wide.
- Median islands may be consolidated or intervals may be expanded in order to preserve existing trees.
- Median islands must be installed below the level of the parking lot surface to allow for runoff capture.

Tree Coverage:

- Each interior island (and terminal interior island) must include at least one shade tree.
- In no case can there be less than one tree for every 3,000 square feet of parking area.
- Off-street parking areas shall be surfaced with asphalt bituminous, concrete or other type of dustless material approved by the City Council or Commissioner of Planning and Community Development, and maintained in a smooth, well-graded condition.
- Pervious or semi-pervious parking area surfacing materials may be approved by the City Council or Commissioner of Planning and Community Development. Permitted materials may include but are

Section 7 – Parking Regulations

not limited to “grasscrete”, ring and grid systems used in porous or grid pavers, or recycled materials such as glass, rubber, used asphalt, brick, block and concrete.

8. DESIGN GUIDELINES

This section of the TODW form based code describes recommended design practices that have been established to create a high-quality, pedestrian friendly urban environment oriented around the Mount Vernon West train station. The principles described in this section are not considered mandatory development standards. However, all projects are strongly encouraged to utilize this section to design projects that meet the purpose and intent of these guidelines. The ultimate approval of projects will be judged in accordance with these design practices.

Architectural Details

Building architecture creates an interesting visual environment and provides a basis for the overall character of an area.

Architectural details are those elements that do not contribute structurally to a building's construction, but add visual interest, identify building styles, and often display superior craftsmanship. They should not be used however, as a substitute for genuine building massing and articulation.

New construction should emphasize the use and application of a high degree of architectural detailing. Building renovations should strive to preserve unique or native vernacular details.



Ground Floor Facades

In the context of a transit oriented district where pedestrian activity is emphasized, the design and activation of the ground floor base is imperative.

The concept of “build-to-lines” assures that new buildings will front on the public streetscape. Creating visual interest along the base of the building, by assuring a high percentage of transparency in storefront windows is a design goal. Façade details are encouraged to vary the building texture, highlight façade articulation and break-up the building mass.

The provision of security grates, air conditioning units or other similar fixtures on the principal façade must be avoided.



Corner Building Wraps

Structures located on corner lots should be designed with multiple front facades to create a continuous pedestrian friendly and attractive public realm.

While one side of the building may support the primary entrance, both sides of the building on a corner lot must be functionally activated.

Service areas and building mechanical equipment should not be located along either building frontage on a corner lot.

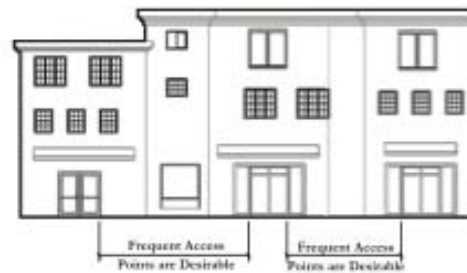


Functional Entries

To improve the pedestrian experience and to facilitate the activation of the public realm surrounding individual buildings, pedestrian access points (functional entries) should be easily identifiable, inviting and accessible and located along the public frontage as often as practical. Maximizing the number of functional entries also helps to create interesting and diverse street level architecture.

Access ways into the buildings may be into lobbies, commercial spaces or common areas.

All functional entries should meet ADA requirements, and be adequately lit.

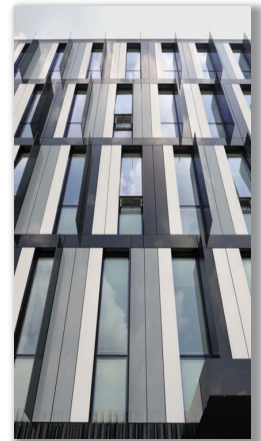
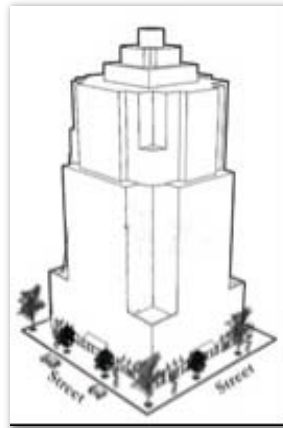


Building Off-Sets

Building off-sets serve to break-up large monotonous building facades and increase the amount of light and openness at the street level.

The TODW Building Type Regulations establish specific building mass requirements, which include building off-set provisions. These are established as minimum requirements. Further variations to facades are encouraged.

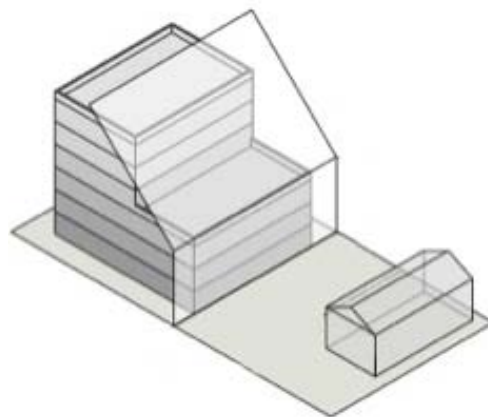
In instances when physical off-sets are impractical, an architectural element that alters the buildings façade plane can be utilized



Building Transitions

The transitional edge of the TODW district requires careful attention to assure appropriate bulk and height of structures adjacent to lower density residential neighborhoods.

The massing of taller structures should be organized in a way that minimizes the apparent bulk and height of new buildings. This can be accomplished in three ways – by careful selection of building types at the zone’s edges, providing landscape buffers or setbacks and providing off-sets in taller buildings.



Building Materials

The choice of materials used for construction or renovating buildings affects the way a building relates to its neighborhood context. When designed well, a building can contribute to the continuity of street elevation, as well as emphasize a site's unique characteristics. Buildings constructed with complementary materials contribute to the interest of a streetscape. Consequently, a building's design – particularly the façade – and exterior materials can have a significant impact on how the structure is perceived.

Exterior walls shall be clad in materials that are durable and are appropriate to the visual environment and climate. Design flexibility and creativity is encouraged using ornamentation that is consistent with the overall character of the City of Mount Vernon. The use of materials such as stone, brick and wood is preferred.



Windows & Doors

Building windows and doors are not only simply utilitarian elements, but also provide ornament, adding materially to the regularity and elegance of the building.

The dimensions and style of windows and doors and patterns of fenestration should have a relationship to the surrounding neighborhood to create a visual rhythm along the street and a sense of continuity among structures.



Awnings

Awnings over pedestrian walkways and sidewalks are encouraged to provide shade and rain protection while adding interest to a facade with shape and color. They are also effective in identifying a business.

Long expanses of awnings are discouraged. Awnings should have a pedestrian scale and be placed so as to provide weather protection and/or business identification to potential patrons of a business.

Awnings should be an enhancement to the building façade and should not obscure ornamental features of a building and should be proportional with and complimentary to nearby buildings and awnings.

Awnings are preferred to be a solid color. If stripes are used, subtle or muted colors are preferred. Striped awnings with highly contrasting, bright colors may be construed as visually blaring and inappropriate.



Signs

The provision of high quality signage, both as a communication tool and as a component of building form is a goal in the TODW district. Creative and unique sign designs are encouraged while cluttered and unattractive streetscapes must be prevented.

In general, effectively designed signs should respond to the site, landscape, and architectural design context within which they are located. Signs should be compatible in scale, proportion, and design with the building's facade and its surroundings. Painted window signs should not be too large or obscure transparency. Internally illuminated "sign boxes" should be avoided, as should excessive lighting of all varieties. Projecting signs, perpendicular to the sidewalk are effective when properly scaled for pedestrian use. Graphics should be well-designed and legible. The use of neon can be acceptable, when employed properly.

The signage requirements established in Article XIII shall apply.



Site Lighting

Effective exterior site lighting is an important element in the overall appearance and operation of a project.

The quality of light, level of light as measured in footcandles, and the type of bulb or source should be carefully addressed. Lighting levels should not be so intense as to draw attention to the glow or glare of the project site. The lighting plan should incorporate current energy-efficient fixtures and technology.

Spotlighting or glare from any site lighting should be shielded from adjacent properties and directed at a specific object or target area to prevent light trespass. Exposed bulbs should not be used.

Building light fixtures should be designed or selected to be architecturally compatible with the main structure. The height of light poles should be appropriately scaled to the project.



Building Services

To create a more attractive pedestrian friendly environment, utilitarian features, such as trash facilities, loading docks, HVAC equipment and above ground utility infrastructure, should be out of the public's view. Ground level services should be located at the rear of the building, if possible. A screen wall should be used to camouflage the service features if optimal placement does not adequately screen the features from the public realm. Landscape treatments may be appropriate to soften the interface of the equipment.

The location, design and visibility of vehicular drive-thru facilities should respect the pedestrian environment, the desired urban density and the aesthetics of the facility. Drive-thru entrance and exit lanes should not be located on the primary pedestrian thoroughfares of MacQuesten Parkway or Mount Vernon Avenue. Drive-thru bays, stacking areas and queues should be screened from the public realm.



Project Open Spaces

Residential developments and mixed-use projects require the provision of usable open space for residents. These amenities increase light and air to dwelling units, enhance the aesthetics of projects and the environmental quality of neighborhoods, promote physical activity, afford stormwater management opportunities, increase social interaction opportunities with neighbors and increase safety by providing “eyes on the space.”

Usable open space can be provided in outdoor spaces such as courtyards, walkways, rooftops, balconies and terraces and garden plots. Indoor facilities such as fitness centers or swimming pools can also be used to meet the usable open space requirements of a project.

Unique features such as green roofs and green or “living” walls are also beneficial open space amenities.

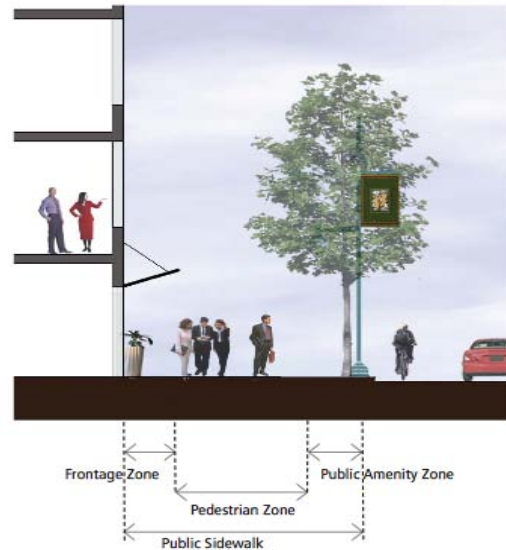


Streetscape

Great streetscapes are the center of public life. They brand a neighborhood, giving it a cultural identity and shaping the perceptions of the area. The elements of the streetscape can create a place of vitality and activity.

The streetscape is composed of 3 zones; the *Pedestrian Zone*, *Public Amenity Zone* and *Frontage Zone*

Sidewalks, a minimum of 15' wide are required throughout the district. Curb cuts should be minimized and clearly marked. Street trees with grates should be provided at 30' intervals. Planters are encouraged containing seasonal plantings and flowers. Wayfinding signage should be provided to assist pedestrian navigation through the area. Banners and flags can be used to announce special events and to help brand the district, as can public art. Street and pedestrian lighting should illuminate at a level consistent with pedestrian activity. Benches, seating and other street furniture should be selectively sited to take advantage of sunshine in winter and shade in summer. The provision of bus stops is an essential component to the TODW district, as are bicycle racks that should be located at regular intervals.



Traffic Calming

The safety of pedestrians and cyclists in a transit oriented district is imperative. Traffic calming is an effective method to minimize conflicts between motorists and pedestrians.

Traffic calming involves changes in street alignment, installation of barriers, and other physical measures to reduce traffic speeds and/or cut-through volumes, in the interest of street safety, livability, and other public purposes.

Traffic calming measures include speed humps, speed tables, raised crosswalks, raised intersections, textured pavement, traffic circles, roandabouts, chicanes, neck-downs, chokers among other measures.



Pedestrian & Bicycle Circulation

In order to facilitate pedestrian movement throughout the district, Sidewalks, a minimum of 15' wide are required.

Pedestrian crosswalks across streets should have pedestrian controls (walk/don't walk signals) and improved with a different pavement treatment to differentiate it from the street paving. Corner clearances should be minimized (neck-downs) so that the distance a pedestrian must cross the road is reduced. Larger surface parking lots should provide separate pedestrian connects through the parking lot.

Bicycle circulation should be accommodated via the provision of defined bike lanes (4' in width) and signed bike routes. Short-term bike parking (bike racks) in retail areas and long-term bike parking (lockers, covered corrals, etc) at commutation points and businesses, are necessary. Businesses should provide on-site shower and changing facilities for employees.



Landscaping

Landscaping enhances the visual image of the City, preserves natural features, improves property values, and alleviates the impact of noise, traffic, and visual distraction associated with certain uses. It aids in energy conservation and promotes urban wildlife habitats.

Trees and shrubs should be located and spaced to allow for long-term growth. Evergreen and deciduous or flowering trees should be used in combination to create visual interest and to create a dynamic landscape. Accent planting should be used around entries and key activity hubs.

Screening should be used to protect less intensive uses from the impacts of more intrusive uses and to block views of less desirable features from public view (trash enclosures, etc.)

The use of native plants is preferred. Xeriscaping is encouraged to promote water conservation, reduce maintenance requirements, and decrease flooding. Recycled grey water should be used for irrigation.



Sustainability & Green Building

Sustainability and green building refers to the practice of creating structures using a process that is environmentally responsible and resource-efficient throughout a building's life-cycle: from siting to design, construction, operation, maintenance, renovation, and demolition.

Elements include the construction of buildings that are energy efficient (high levels of insulation, high-performance windows) and that use renewable resources (passive solar heating, daylighting), are designed for durability, future reuse and adaptability, use low maintenance building materials with low embodied energy. Building materials should be locally sourced, with a high percentage of salvaged and recycled materials. Install high efficiency heating and cooling equipment, high efficient lights and appliances and water efficient equipment.



9. Administration

The form based zoning standards and requirements set forth herein are designed to provide specific guidance for the development of property within the TODW district while allowing for flexibility and creativity in project design in order to meet the City's goals for the area.

Two approval tracks are available in the TODW district:

◆ ***Expedited Site Plan Review***

Expedited Site Plan Review consists of an administrative staff review and the issuance of an approval letter from the City of Mount Vernon Commissioner of Planning & Development. Board approval is not required for an Expedited Site Plan Review.

Under this review track, the Commissioner of Planning and Community Development is authorized to issue waivers as described below.

1. In order for a project to be eligible of Expedited Site Plan Review, the following conditions must be met:
 - a. The development must be wholly located within the TOD-H, TOD-C or TOD-T zones.
 - b. In instances where waivers are required, and in the determination of the Commissioner of Planning & Development, the waivers are determined to be de minimis, or reflect a variation from the standard of no more than 15%, a project can be determined to be eligible for Expedited Site Plan Review.
 - c. The applicant must document that the project complies with all Findings of the SEQRA Generic Environmental Impact Statement adopted for the TODW rezoning, and

will not result in any impacts that exceed the thresholds established therein.

- d. The proposed action is classified as either a Type II or Unlisted Action pursuant to SEQRA, 6 NYCRR, Part 617. Type I Actions are not eligible for Expedited Site Plan Review.
 - e. The project does not exceed 250 dwelling units or 75,000 square feet of non-residential gross floor area.
 - f. The project is not eligible for Expedited Site Plan Review if the site abuts, or is located across the street from a parcel in the RMF-10 or RMF-15 zoning district.
2. Upon acceptance of a completed application, the Commissioner of Planning and Community Development must review the application for consistency with the requirements of this Code.
 3. In instances where the application requires review and/or approval from other agencies or departments, the application shall be promptly transmitted to the appropriate agency or department.
 4. Within 45 calendar days after acceptance of a completed application, the Commissioner of Planning and Community Development must approve, approve with conditions or disapprove the application, and state the reasons for such action in writing.
 5. Any request for a waiver from a required regulation or standard of the TODW district shall be made in writing to the Commissioner of Planning and Community Development. The Commissioner may consider the approval of a waiver if it is determined to be consistent with the goals of the Mount Vernon West area as set forth in the draft Comprehensive Plan, and is

determined to be in the best interests of the City of Mount Vernon.

6. The Commissioner of Planning and Community Development's decision may be appealed to the City Council within 30 calendar days of the decision. The City Council may dismiss the appeal; affirm, reverse or modify the Commissioner of Planning and Community Development's action; or remand the appeal to the Commissioner of Planning and Community Development for further consideration.

◆ Full Site Plan Review

1. Full Site Plan Review shall be required for all projects that are not eligible for Expedited Site Plan Review.
2. Projects following the Full Site Plan Review track shall comply with the requirements of Article VII – *Site Plan Approval*, with the exception of Section 261-32 C.
3. In instances where a project that is located within the TODW district fails to meet any of the requirements, standards or regulations of this chapter, the **City Council** is hereby charged with hearing requests for variances (herein identified as “waivers”) and not the Zoning Board of Appeals. The **City Council** shall approve, approve with conditions or deny waiver requests.

In all instances, applications for site plan approval in the TODW district, shall follow the following process:

a. Pre-Application Conference

1. Prior to completion of project design and formal submittal of the required application, an applicant must schedule a pre-application conference with the City of Mount Vernon Department of

Planning & Community Development, to discuss the procedures, standards and regulations.

2. A request for a pre-application conference by a potential applicant must be accompanied by preliminary project plans and designs and the required filing fee.
3. The Commissioner of Planning & Community Development will inform the applicant of the requirements as they apply to the proposed project, provide a preliminary list of issues that will likely be of concern during formal application review, suggest possible modifications to the project, and identify any technical studies that may be necessary for the review process when a formal application is submitted.
4. The Commissioner of Planning & Community Development shall determine which of the two project review tracks the project must follow, Expedited Site Plan Review or Full Site Plan Review.

b. Application Requirements

1. All site plan applications shall be prepared in accordance with the requirements of Section 267-33.
2. In addition to the requirement to submit an Environmental Assessment Form with the application (whether a short of full EAF is required shall be determined at the pre-application conference), the applicant shall also submit a report documenting that the project complies with all Findings of the SEQRA Generic Environmental Impact Statement adopted for the TODW rezoning, and will not result in any impacts that exceed the thresholds established therein, or in the alternative, shall specifically identify areas where the project is inconsistent or non-conforming.

c. Completeness Review

1. All applications must be sufficient for processing before the Commissioner of Planning and Community Development is required to accept the application for review.
2. Within 15 calendar days of the receipt of the application, the Commissioner of Planning and Community Development must notify the applicant in writing whether or not the application is complete or whether additional information is required.
3. An application for site plan approval shall be sufficient for processing when it contains all of the information necessary to decide whether or not the development as proposed will comply with all of the requirements of the Code.
4. If the Commissioner of Planning and Community Development determines that the application is not complete and additional information is required, then the applicant must provide any and all additional information requested.
5. If the applicant does not submit the additional requested information in a form deemed to be satisfactory or otherwise complete the application within 45 days after the Commissioner of Planning and Development has notified the applicant in writing that additional information is required, the application will be deemed to be denied and the application fee and any other fee submitted shall be forfeited.
6. This does not prevent any applicant from resubmitting an application if the same has been denied, so long as all of the above-steps are completed.

d. Required Public Hearing

1. A duly noticed public hearing shall be held for all applications processed under the Full Site Plan Review track.
2. The Commissioner of Planning and Community development may require that a public hearing be held for a site plan processed under the Expedited Site Plan Review track, if community input is determined to be necessary to allow for a well-informed approval decision to be rendered.

RESOLUTION OF LIMITED LIABILITY COMPANY

The undersigned, being a member of 22 Macquesten South, LLC, the Managing Member of Macquesten Takeover Partners, LLC, a New York limited liability company (the "Company"), does hereby resolve that:

1. Rella Fogliano is the Manager of the Company and has the full power and authority on behalf of the Company to:

(a) Execute documents in connection with the application of the Company for participation in the New York State Brownfield Cleanup Program (the "BCP");

(b) Enter into agreements with the New York State Department of Environmental Protection (the "DEC") in connection with the Company's participation in the BCP;

(c) Execute any and all documents in connection with the Company's participation in the BCP, including but not limited to applications, agreements, and tax returns;

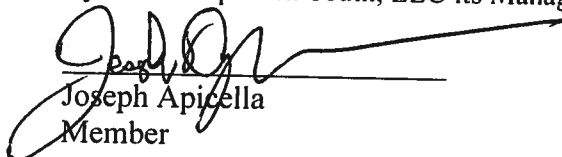
(d) Take any action necessary to the furtherance of the Company's participation in the BCP, including but not limited to conducting negotiations on behalf of the Company.

2. The authority hereby conferred shall be deemed retroactive, and any and all acts authorized herein which were performed prior to the passage of this unanimous consent are hereby approved and ratified. The authority hereby conferred is in addition to that conferred by any other consent heretofore or hereafter delivered to the DEC and shall continue in full force and effect until the DEC shall have received notice in writing, certified by the sole member of this company, of the revocation hereof by a resolution duly adopted by the sole member of this company. Any such revocation shall be effective only as to actions taken by this company subsequent to DEC's receipt of such notice.

3. The undersigned hereby represents and warrants that (i) the undersigned is a member of the Managing Member of the Company; and (ii) the consent of any member and manager is sufficient to authorize the Company to take the aforementioned actions.

Macquesten Takeover Partners, LLC

By: 22 Macquesten South, LLC its Managing Member


Joseph Apicella
Member

Dated: September 24, 2014
New York, NY