

**II. RESPONSES TO DEIS COMMENTS**  
**DEIS Sec. IV.A · Land Use, Zoning and Planning Consistency**

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COMMENT NUMBER	COMMENT/RESPONSE
	<b><u>NEW ROCHELLE COMPREHENSIVE PLAN</u></b>
501 PH2701	<p>Amendments to the zoning code are clearly a troublesome part of the report. How can anyone say these changes are part of the comprehensive plan? I went to those meetings and have not seen any report which reflects the sentiments of the people I heard speak at the meetings. Is this a reference to an earlier comprehensive plan? Please specify which plan is being referenced and the date of that plan.</p> <p>The current Comprehensive Plan for the City of New Rochelle was adopted in 1996, and was amended in 2006. The zoning changes related to the Project Site proposed in the Comprehensive Plan resulted in the current PWD-5 District zoning for the Site.</p>
	<b><u>PROPOSED ZONING AMENDMENTS</u></b>
502 PH2702	<p>What zoning changes are needed? People living in the east end of the City deserve to have reasonable assurances that their neighborhood will be stable. Constantly changing zoning for developers creates a climate of distrust of government because it destroys neighborhood integrity. What zoning changes are expected and does the Council feel these zoning changes will not impact the east end.</p> <p>The proposed Project would not comply with the following requirements of the PWD-5 District: building height; floor area ratio; building coverage; and lot area per dwelling unit/dwelling units per acre. The following amendments to the Zoning Code are requested:</p> <ul style="list-style-type: none"><li>• Amend Section 331-52C(2) of the Zoning Ordinance to increase maximum: (i) floor area ratio for residential uses from .75 to 1.15; and (ii) number of dwelling units per acre from 30 to 45;</li><li>• Amend Section 331-67A(1) and (2) of the Zoning Ordinance to increase maximum building height allowed within 310 feet of East Main Street from 50 feet to 65 feet, and beyond 310 feet of East Main Street, from 3 to 4 stories, and from 30 to 60 feet;</li><li>• Amend Section 331-6B to delete subsection 1 (the minimum lot area per dwelling unit requirement);</li><li>• Amend the Schedule of Dimensional Regulations of Mixed-Use Districts (Section 331-29; 331 Attachment 2 to the Zoning Ordinance) in the PWD-5 District: (i) increase maximum floor area ratio for all uses other than water-dependent use from .75 to 1.25, and maximum aggregate floor area ratio from 1.0 to 1.25; (ii) increase maximum building coverage from 40% to 45%; and (iii) change the</li></ul>

## II. RESPONSES TO DEIS COMMENTS

### DEIS Sec. IV.A · Land Use, Zoning and Planning Consistency

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building height requirement (footnote 6) to conform to Section 331-67A, as amended; and

- Amend Section 331-67D(1) to include in lot area parcels of City owned land on which the owner of the contiguous land will make public improvements pursuant to an agreement with the City.

1602

While the project appears to be consistent with local planning policies and documents, the fact that zoning amendments are being requested may indicate the size of the project may not be as consistent with the City's original vision.

The Project is consistent with the City's long standing redevelopment vision for the Echo Bay area. The Project advances many of the goals and objectives in the Comprehensive Plan related to the Echo Bay area, as well as other general City-wide objectives and policies.

The City's original vision for the Echo Bay area, as described in the 1983 (revised in 1994) Main/Echo Urban Renewal Plan (URP), was for uses with much higher densities and building heights for the Project Site, than the proposed Project. The original vision for the site was for a maximum density of 85 dwelling units per acre and a maximum of 12 stories for building height. Over the years since the URP was last revised, the City updated the Comprehensive Plan and Zoning Ordinance, to reflect development plans for the area, and reduce the maximum permitted building heights and densities.

As described in DEIS Section V, *Alternatives*, Alternative C-2 illustrates and analyzes a site plan for the City Yard parcel that complies with the current PWD-5 District zoning regulations, which results in a mixed-use building with 22,360 square feet of retail facing East Main Street, three floors of residential apartments above the retail, and a total of 81 dwelling units. These current zoning regulations permit a density of only 12.5 units per acre in a three story building along East Main Street. The Applicant requests the zoning amendments because the construction of 81 dwelling units is neither economically feasible nor consistent with the overall vision the City has outlined for the Echo Bay area.

In addition to the applicable lot, bulk and dimensional requirements, the PWD-5 District also includes general design concepts and guidelines. Although the Project would require zoning amendments related to height and density, the Project is consistent with all of the general design concepts and guidelines for the PWD-5 District.

1619

We note that the City zoning code does not currently permit the density proposed in the project. The applicant is seeking a number of zoning text amendments to increase

## II. RESPONSES TO DEIS COMMENTS

### DEIS Sec. IV.A · Land Use, Zoning and Planning Consistency

---

the density and size of the proposed building. In particular, the applicant is seeking to increase the maximum allowable building height to 65 feet within 300 feet of Main Street (currently 50). Allowable building height beyond 300 feet of Main Street would be increased to four stories (currently three) with a maximum height of 55 feet (currently 30). Floor-area-ratio (FAR) is proposed to be increased to 1.25 (currently 0.75) and the minimum lot area per dwelling requirement would be deleted. The resulting changes would allow a structure that is taller, more massive and denser than would be permitted in the PWD-5 – Planned Waterfront (5 story) District.

The Project is consistent with the City's long standing redevelopment vision for the Echo Bay area and is consistent with most of the recommendations of local and regional land use planning documents. The Project advances many of the goals and objectives in the City's Comprehensive Plan related to the Echo Bay area, as well as other general City-wide objectives and is generally consistent with the Main/Echo Bay Urban Renewal Plan.

The Applicant needs to be able to develop sufficient density to make the public amenities of the Project economically feasible. To permit the required density, the maximum floor area ratio (FAR) for residential uses, maximum building height, maximum total FAR, minimum lot size, minimum lot area per dwelling unit, and maximum building coverage in the PWD-5 District must be amended.

1620

We encourage the City to consider the scale of proposed zoning changes in the context of surrounding development and potential future development. As now presented, the large and tall Echo Bay building will be developed in relative isolation, since none of the other surrounding parcels appear to have viable projects at this time.

The Project is intended to be a catalyst, along with the renovation and re-use by others of the Armory, for the redevelopment of the overall Main/Echo URP area. The designation of the Project Site as part of the Echo/Main URP area in 1983, along with the planning initiatives in the years that followed, laid the framework for the City's vision of redevelopment of City Yard and the Armory parcel as a catalyst to waterfront revitalization.

The PWD-5 District zoning regulations for the Project Site currently provide for a building that's five stories (50 feet) along East Main Street and three stories (30 feet) 300 feet beyond East Main Street. The scale of the building permitted under existing zoning is larger than surrounding areas and consistent with the City's goal to increase density of development in order to create a critical mass of new development and increase access to the waterfront. The proposed zoning amendments

## II. RESPONSES TO DEIS COMMENTS

### DEIS Sec. IV.A · Land Use, Zoning and Planning Consistency

---

would increase the permitted height of the building on the Project Site. Along Main Street, the building would be 15 taller than permitted by the zoning regulations, and beyond Main Street, the building would be 30 feet taller than permitted by the zoning regulations.

These proposed building heights would not be dramatically different than some buildings in the general area of the Project Site. According to Pictometry<sup>1</sup>, the more recent Huguenot Hills development just northeast of the Project Site is 4 stories with a variable height along Main Street of approximately 45 feet. The Armory drill hall, adjacent to the proposed Project, is approximately 40 feet tall. Salesian High School, approximately 1 block northeast of the Site, is 4 stories and approximately 50 feet tall. The New Rochelle WWTP, across the inlet and to the southeast of the Site, is under renovation and will be between approximately 50 and 80 feet tall. The height of the proposed Project would be perceived within the context of the general area.

PH2503

I also object to the height of the building and the various zoning variances you are going to give, for height, and the number of apartments per square acre. Is that going to increase?

See Response 502.

#### CONSISTENCY WITH PLANNING DOCUMENTS

1002

Forrest City should be thanked for having modified some original proposals made to City officials that would have built much taller buildings, which would have provided sweeping panoramic waterfront views to potential tenants and greater financial returns to the developer in leasing those units. As a developer sensitive to community concerns, Forrest City can be credited with embracing and accepting the policies of the Local Waterfront Revitalization Plan and other regulatory documents.

Comment noted.

1210  
1513

Does NR know how this development fits in with a larger vision of the waterfront?  
Is there a long term plan to have a continuous public walkway along the waterfront?

As noted above and in the DEIS, the Project is consistent with the City's long standing redevelopment vision for the Echo Bay area, including the goals and objectives in the Comprehensive Plan related to the Echo Bay area. Goals of the Comprehensive Plan include coordination of development and improved access to the waterfront through the creation of a planned waterfront development district, which was subsequently

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<sup>1</sup> Pictometry: <https://pol.pictometry.com>

## II. RESPONSES TO DEIS COMMENTS

### DEIS Sec. IV.A · Land Use, Zoning and Planning Consistency

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created and in which the Site is located, and development of a pedestrian esplanade from the Municipal Marina to Five Islands Park. The Comprehensive Plan indicates that relocation of City Yard and acquisition of the Armory could serve as key catalysts for redevelopment of the waterfront and allow the pedestrian link to be created.

1618

The proposed mixed-use building and associated open space appear to be consistent with planning documents that the City has produced over the years, including the City's Comprehensive Plan, the Local Waterfront Revitalization Program and the City Harbor Management Plan. In addition, the Main/Echo Urban Renewal Plan calls for high-density residential development on the site. According to the draft EIS, the Urban Renewal Plan is the only local document that requires amending to permit the project, since the project calls for mixed use featuring retail; the Urban Renewal Plan does not call for retail and restaurant uses on the site. We support the proposed amendment as we believe the site would benefit from a mix of uses.

Comment noted.

PH1902

If this project follows New Rochelle's Green NR Sustainability Plan that encourages the undertaking of capital improvements, and encourages best practices to improve the Long Island Sound ecosystem, and restore the health, beauty, retention capacity, and recreational value of the Sound, we believe this project could have numerous environmental benefits over the existing property, to New Rochelle and Long Island Sound.

Comment noted. The Project will be designed to generally meet LEED Silver Certification standards and incorporate a number of sustainable initiatives. The energy conservation measures, green building practices and site plan design sustainability discussed in Section IX of the DEIS are consistent with the recently adopted (2011) *GreenNR: The New Rochelle Sustainability Plan 2010-2030*. The Project will reclaim the contaminated City Yard property and a portion of the Armory property for public use in the form of publically accessible waterfront open space and the Echo Bay Walk, while also serving to increase shoreline access. The proposed landscape will enhance the protection of freshwater and coastal wetlands and provide for increased trees along the waterfront and in the right-of-way. The stormwater management plan, in tandem with the nature of the proposed change in land use, will greatly increase permeable surface area of the Project Site through use of green infrastructure including new lawn and planting areas and low gradient slopes to reduce runoff. The Project includes restoration of a portion of the shoreline along the southern portion of the Project Site.

#### CONSISTENCY WITH WESTCHESTER 2025

1603

While there are aspects of the project that have consistency with *Westchester 2025*, the

## II. RESPONSES TO DEIS COMMENTS

### DEIS Sec. IV.A · Land Use, Zoning and Planning Consistency

---

location of a residential development adjacent to a vital wastewater treatment plant is not consistent with County policies.

It is unclear which County policies are referenced. The County's *Westchester 2025* identifies 15 policies, all of which support "sustainable development which balances economic and environmental concerns and serves the needs of a changing population in Westchester County." The proposed Project advances at least 11 of the County policies as described below:

#### **1 Channel development to centers**

*Channel development whenever possible to centers where infrastructure can support growth, where public transportation can be provided efficiently and where redevelopment can enhance economic vitality. Development should be consistent with defined community character and be designed to facilitate or enhance a smart growth urban fabric.*

The Project is located just outside the downtown along the East Main Street commercial corridor. The Project is within walking distance of the downtown and the New Rochelle transit center. The Project is consistent with City planning documents and policies developed specifically for the Echo Bay area and represents "smart growth" development of a site (City Yard) that is currently underutilized and does not enhance public access to the waterfront.

#### **2 Enhance transportation corridors**

*Enhance the appropriate functions of the county's transportation corridors. The quality of scenic routes should be protected. Traffic management, transit improvements and systematic maintenance should be implemented on travel routes to reduce congestion, ease movement, increase mobility options and ensure public safety. Sections of corridors that have been developed should be evaluated for steps needed to make these areas into efficient and attractive multi-use places.*

The Project is located along East Main Street at the eastern entrance to downtown New Rochelle. The existing improvements on the Site include single story maintenance buildings and the New Rochelle DPW yard, with no physical public access to the waterfront. The existing buildings do not contribute to the architectural character of the surrounding neighborhoods. The proposed Project would replace a semi-industrial use at the east gateway to New Rochelle, while complementing adjacent commercial and mixed uses, as well as be a visual improvement to the neighborhood.

#### **3 Assure interconnected open space**

*Assure a diverse and interconnected system of open space to shape development, to provide contrast in the texture of the landscape, to separate developed areas and to provide linkages among open space systems of the region.*

The Project would provide the critical first step in redevelopment of the Echo Bay area and make available waterfront land for public use and

## II. RESPONSES TO DEIS COMMENTS

### DEIS Sec. IV.A · Land Use, Zoning and Planning Consistency

---

activity through a physical connection to the bay via the proposed pedestrian esplanade around the perimeter of the Project Site. The esplanade has been designed to connect to future development to the west of the Armory site. The Project also includes, if permitted by Westchester County, the construction of a pedestrian bridge to connect to a walkway along the northern edge of the Westchester County Wastewater Treatment Plant site connecting to LeFevre Avenue and Five Islands Park.

#### **4 Nurture economic climate**

*Nurture the economic climate of the county with use of municipal, county, state and federal resources to improve infrastructure, housing and programs that attract and support business enterprise, with consideration of intermunicipal impacts.*

The Project would be developed on land that is currently municipally-owned and tax-exempt. The Project would spur economic development in the Echo Bay area, with market rate and affordable housing, commercial, retail and public waterfront uses.

#### **5 Preserve natural resources**

*Preserve and protect the county's natural resources and environment, both physical and biotic. Potential impacts on water resources (water bodies, wetlands, coastal zones and groundwater), significant land resources (unique natural areas, steep slopes, ridgelines and prime agricultural land) and biotic resources (critical habitat, plant communities and biotic corridors) require careful consideration as part of land management and development review and approval.*

The Project would improve the tidal wetland and coastal zone area along the shoreline of the City Yard, as well as improve significantly upon the existing stormwater management conditions of the City Yard parcel. In order to prevent further deterioration from soil loss due to existing tidal erosion and stormwater runoff, the Project includes permanent stabilization of the shoreline and reconstruction of the deteriorated seawalls. In addition, inter-tidal planting shelves are proposed to provide an enhanced environment for ecological communities to become established.

#### **6 Support development and preservation of permanently affordable housing**

*Encourage a range of housing types that are permanently affordable to renters and home buyers, with the County working with each municipality to address its needs for fair and affordable housing as well as a share of the regional need.*

Of the 285 proposed dwelling units, 29 units (10%) would be designated "Moderate-Income Housing Units" affordable for households with annual incomes not exceeding 80% of the Westchester County median annual income.

## II. RESPONSES TO DEIS COMMENTS

### DEIS Sec. IV.A · Land Use, Zoning and Planning Consistency

---

#### **7 Support transportation alternatives**

*Support transportation alternatives that improve the mobility choices of workers, consumers and residents and that improve air quality by enhancing the efficiency and effectiveness of public transportation and reducing solo-driving.*

The Project is located on the BeeLine bus system and there is a bus stop in front of the Site. Additionally, the Project Site is within walking distance of the New Rochelle transit center.

#### **8 Provide recreational opportunities to serve residents**

*Enhance use of Westchester's parks, beaches and recreation facilities by improving public access and by providing a variety of settings for passive and active use. New recreational opportunities should take into account the recreational needs of higher density population areas and the needs and interests of the county's changing population.*

The Project would include new public access to the waterfront via the Echo Bay esplanade, a small, non-motorized boat launch dock, and a pedestrian bridge connecting Echo Bay to Five Islands Park in the future, if permitted by Westchester County.

#### **10 Maintain utility infrastructure**

*Maintain safe and environmentally sound systems and policies for waste removal, collection and treatment as well as the treatment and distribution of drinking water consistent with the county's land use policies. Programs to reduce and recycle the waste stream, protect water quality, control and treat storm water and mitigate or reduce the impacts of flooding must be strengthened.*

Since stormwater runoff from the Project Site is currently neither detained nor treated on-site, the reduction in stormwater runoff volumes and peak flows from the Project Site, as well as improved water quality of the runoff would provide benefits to Echo Bay. The Project would result in the overall reduction in impervious cover through the introduction of new lawn and planting areas and the reduction in the peak rates of runoff from the Project Site.

#### **13 Define and protect community character**

*Encourage efforts to define the desired character of each municipality and neighborhoods within the broader, diverse palate of Westchester County. Support initiatives to adapt and establish land use policies and regulations that enhance that character through focus on location, setting, aesthetic design and scale of development as well as the public context of street life, tree canopy and utility placement.*

The Project would anchor Main Street and extend its retail frontage, while opening up both a visual corridor to the bay via the proposed new "Armory Place" and a physical connection to the bay via the proposed esplanade around the perimeter of the Project Site. The Project is consistent with adopted land use plans and zoning regulations related to the Echo Bay area and the City Yard parcel.

## II. RESPONSES TO DEIS COMMENTS

### DEIS Sec. IV.A · Land Use, Zoning and Planning Consistency

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#### 14 Promote sustainable technology

*Promote reliable, sustainable energy and conservation practices while fostering green technology in all areas of land use and building to create a sustainable Westchester County which reduces the carbon footprint and is adaptable to globalization and technological change.*

All buildings would be designed to comply with the 2010 New York State Energy Conservation Code and the 2010 New York State Building Code. The Project will be designed to generally meet LEED Silver Certification standards and incorporate a number of sustainable initiatives.

1621

The draft EIS correctly points out that the proposed development is consistent with a number of the policies of *Westchester 2025*, particularly with respect to providing affordable housing and increasing access to open space. The proposed building design, which will contribute to the pedestrian streetscape on Main Street, with parking screened from view inside the building, is also consistent with *Westchester 2025*.

Comment noted.

1622

The policies of *Westchester 2025* also call for the support of vital facilities. In this case, the County owned New Rochelle Wastewater Treatment Plan (NRWWTP) is immediately adjacent to the project site and is undergoing a capital improvement to expand the facility. While the draft EIS states that “the project would not be incompatible with the facility,” we caution that residential uses may not be a complimentary use to the plant.

Comment noted. The area surrounding the Project Site is a true mix of urban uses. The existing land uses within ¼ mile of the Project Site are quite varied with commercial, mixed-use, institutional, and industrial uses located along the East Main Street and Huguenot Street corridor and single- and multi-family residential uses located in the neighborhoods north and southwest of the Project Site. To the southeast of the site is the Westchester County Wastewater Treatment Plant (WWTP), a municipal land use, located across an inlet to the east of the Project Site. Like the Sutton Manor residential neighborhood southwest of the Site and Salesian High School adjacent to the WWTP, the Project will have views of the WWTP from some vantage points.