

II. RESPONSES TO DEIS COMMENTS
DEIS Sec. IV.I · Community Facilities and Services

COMMENT NUMBER	COMMENT/RESPONSE
	<u>SCHOOL CHILDREN GENERATION</u>
401 PH801	First, without debating the methodology or reliability of the Rutgers model, or whether it might be the best model for determining the number of school-age children in a housing complex, the figure that emerges is just an estimate. As a duty to our community, we respectfully maintain that the school district must be kept whole in any agreement reached with the developer of this project. By the end of the proposed 20-year tax abatement period, the number of children living at Echo Bay could exceed the number projected in the DEIS.
PH2006	<p>And with the schools, whatever metrics were utilized to define the magic number of “22” students is purely speculation. It’s a guide and nothing more. The pram of this can fluctuate greatly as the project unfolds towards its final iteration. Proper funding for the children of this city is essential to the quality of life for generations to come, and the numbers must reflect the final reality of the burdens to the school system. Anything less is stealing from our future.</p> <p>In a Draft Environmental Impact Statement, the projected number of public school children is necessarily an estimate based on industry accepted methodologies. In this instance, industry standard demographic multipliers for generation of public school children¹ (private school children are not included in the calculation), are used to estimate approximately 22 public school students generated by the Project.</p> <p>The Project is intended to be assisted by the New Rochelle Industrial Development Agency, and approval of the PILOT is subject to a separate public review process by the IDA. See FEIS Section I: Introduction, <i>Review by New Rochelle Industrial Development Agency</i> for a description of the IDA process for review of a “PILOT Agreement”. The FEIS Project would include a PILOT agreement that has been structured so that the payments-in-lieu-of-taxes would cover the annual projected cost impact on the School District. The PILOT Agreement would cover the marginal cost to educate the children projected to attend New Rochelle public schools, as well as the cost to provide transportation to children that would attend area private schools (a cost borne by the School District). The projected per pupil costs for public and private school children used in the analyses have been agreed to by the School District. The school child generation projections are based on the widely used and accepted Rutgers model. In order to provide further accountability to the City, the Applicant has agreed to a “look back” provision, so that in the tenth year an audit would be undertaken of the actual school child generation for the</p>

¹ Rutgers University, Center for Urban Policy Research, "Residential Demographic Multipliers," June 2006.

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preceding five years, and the PILOT payment for the remaining ten years would be subject to adjustment based on the findings.

The payments-in-lieu-of-taxes would be distributed to the City, School District, and County, in the same proportions as real property taxes are distributed. To ensure long-term positive impact of the PILOT, the annual amount of the payments-in-lieu-of-taxes will increase at the same rate that conventional taxes increase.

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PH802

We believe that some studio and one-bedroom units could be inhabited by a single parent or a family with a young school-age child, and that the number of two-bedroom units that will be inhabited by one or more school-age children could be greater than projected in the DEIS. We urge the City Council to structure the school tax payments for this particular development with this variable in mind.

PH3401

And in particular, I think they said there were going to be 69 two-bedroom or master-bedroom apartments, you know, big apartments. Only 9 students projected for those two-bedroom.

The proposed Project described and analyzed in the DEIS includes 71 studio apartments, 137 one-bedroom apartments, and 77 two-bedroom apartments. Using industry standard demographic multipliers for public school children from the Rutgers University model (private school children are not included in the calculation), 22 public school students in total would be generated by the Project, with 12 children attributed to the two-bedroom units.

The FEIS Project has been modified to reduce the number of studios and one-bedroom units and increase the number of two-bedroom units. The unit breakdown for the FEIS Project is 55 studio apartments, 130 one-bedroom apartments and 100 two-bedroom apartments, for a total of 25 public school children with 16 children attributed to the two-bedroom units. The modifications would increase the projected number of public school children generated by the Project by three.

As noted above, the FEIS Project's proposed PILOT agreement has been structured so that the Project would cover the annual projected cost impact on the School District. In order to provide further accountability to the City, the Applicant has agreed to a "look back" provision. Under this agreement, in the tenth year of the Project an audit would be undertaken of the actual school child generation for the preceding five years, and the PILOT payment for the last ten years would be subject to adjustment based on the findings.

902

I am concerned, however, about the impact on the school budget. There seem to be 2 themes from the opposition that I suggest could be dealt with as follows:
1. Estimate of 22 additional children: while the estimate seems unrealistically low to me, I

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am not an expert, nor were any of the speakers that I saw. The "experts" who drafted the DEIS seem to merely rely on the Rutgers formula. Why not test the Rutgers formula by applying it to Avalon, Trump and other large buildings in New Rochelle and compare the "Rutgers" estimate to the reality of how many children are actually enrolled from that location?

PH205 It is a fact that Avalon today has 90 students more than originally forecasted, the forecast that Councilman Bramson, up until recently, has vigorously defended is accurate.

PH3402 You know, we already have an Avalon. I think there's a hundred and something kids in there now. And, what was it? Nine, or eight, or some ridiculous low number?

The Avalon on the Sound project currently has a total of 1,000 dwelling units, with 588 units in Avalon on the Sound East and 412 units in Avalon on the Sound. Using the same Rutgers University demographic multipliers for public school children as were used for the proposed Project, the projected number of school children from the Avalon facility is compared to the actual number of school children for the current year based on information from the Board of Education in the table below:

Avalon on the Sound Projected School Children Using Rutgers Multipliers Compared to Actual School Children (2012-13):

	<i>Avalon on the Sound</i>	<i>Avalon on the Sound East</i>	<i>Totals for Avalon 1&2</i>		<i>Rutgers Multipliers- Public School Age Children (PSAC)</i>	<i>Actual Number of Children from Avalon on the Sound²</i>
	# of Units	# of Units			Projected Multiplier PSAC	
Studio	0	90	90	DUs	0	0
1br	206	208	414	DUs	0.07	28.98
2br	181	162	343	DUs	0.16	54.88
3br	25	128	153	DUs	0.63	96.39
	412	588	1000	DUs		181
						125 students

As the table above illustrates, using the Rutgers multipliers for public school aged children, the estimated number of children generated by the Avalon on the Sound project (1,000 housing units) would be 181 students. In February, 2013, the Board of Education indicated that the actual enrollment of students from the Avalon facility is 125 students, 56 students fewer than projected by the Rutgers model.

1201 Out of the 524 new residents 22 kids seems too low.

² New Rochelle Board of Education. February, 2013.

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PH101 This plan all sounds good. It sounds good on the pictures we just saw, but, 200-plus homes, they're only going to have 22 kids? I don't think so. We were promised that with the Avalon buildings. We got more kids in there than we ever had. Our school district is going to suffer. We're going to have to pay more as citizens, pay more taxes, to support this project. I cannot be in support of that, for that reasonable.

PH3802 How many children are actually going to be coming into this school system with the development of this project?

As noted above, the proposed Project described and analyzed in the DEIS is expected to generate approximately 22 public school students.

The FEIS Project would include a unit count slightly revised from the DEIS Project, with the number of studios and one-bedroom units reduced by 23 and the number of two-bedroom units increased by 23 for the same total number of units of 285. The modifications would increase the projected number of public school children generated by the Project by three, for a total of 25 public school children.

PER PUPIL EXPENDITURE

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PH803 Second, while the stated figure of \$17,500 per pupil for the amount of school tax recapture on this project might be adequate for the earliest years of this development, we respectfully suggest that the School District's costs will not remain fixed over the course of time. We urge that the final per-pupil figure be indexed to reflect proportional increases in the actual per-pupil expenditure number, adjusted accordingly over time.

903 2. The annual per student payment: no matter how many students is the right number to base the payment on, it makes no sense to cap the payment at a fixed sum per student at \$17,500 for 2 decades. Some escalator needs to be built in. I would suggest that the same escalation rate of school taxes paid by other citizens be applied to whatever base sum is used.

PH204 It is a fact that, under the current deal structure, the district will bear the full cost of every student above 22. Forest City will seek a 20-year tax abatement. The deal is predicated on a per-pupil cost of \$17,005. It is simple math then, that for every 10 students above 22, the school district will be deprived of \$175,000 a year, for 20 years, or \$3½ million.

In consultation with the School District³, a marginal cost figure per new student equal to \$17,500⁴ was provided to the Applicant's consultant for the 2012-13 school year, resulting in estimated education costs for the 22 DEIS Project-generated public school children of \$385,000.

³ Meeting with School District representatives on August 22, 2012.

⁴ \$17,500 is the marginal cost provided by the City and School District for the 2012-2013 school year and utilized for the DEIS and FEIS analyses. In future years, the marginal cost per child would increase (or decrease) based upon the school budget and the payments would rise (or fall) with the actual increase (or decrease) in taxes imposed by the School District.

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As noted above, the FEIS Project has been modified to include a bedroom count slightly revised from the DEIS Project, and is expected to generate a total of 25 public school children. Using the marginal cost figure per new student (\$17,500), the education costs for the estimated 25 project-generated public school children would be \$437,500 for the FEIS Project. In addition, school district staff have calculated that the average annual transportation cost for non-public school students borne by the school district is \$5,197 per non-public school student. The transportation cost for the 8 non-public school students from the FEIS Project is \$41,576, for a total cost of \$479,076 to the school district.

The PILOT for the three taxing jurisdictions (School District, City, Westchester County) is set off of a “base year” so that the revenue to the School District covers the marginal cost (for public school education and private school transportation) of the projected school child generation. The revenue to the City and Westchester County is then allocated in the same proportion as taxes would be allocated. The base year is the 2012-2013 school year. In subsequent years, the PILOT payment for each jurisdiction will then rise (or fall) at the same rate as the increase (or decrease) in the tax rate of the jurisdiction. For example, the table below shows that the PILOT payment for the School District in the first year would be \$18,846, assuming a 2.5% increase in 2014, 2015 and 2016:

Calculation of PILOT Payment to the School District Assuming 2.5% Growth Rate		
Year	Tax Rate Change	Payment
2013	-	\$17,500 (Base Amount)
2014	2.50%	\$17,938
2015	2.50%	\$18,386
<i>2016 (First PILOT year)</i>	<i>2.50%</i>	<i>\$18,846</i>

In the 11th year, the payment to the School District would be re-calculated using the actual school child generation experienced in years 6-10. Utilizing the 11th year marginal cost (based on the tax increases from the previous 10 years), the new School District payment would be set.

The PILOT revenue would be allocated to the City and Westchester County in the same proportion as real property taxes, as required by State law.

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EDUCATIONAL INFRASTRUCTURE

**404
PH804** Third, we would be remiss if we did not express our concern about the Trinity Elementary School and the Isaac Young Middle School, which are the neighborhood school zones for the Echo Bay development. We urge the City Council to be mindful of what our education infrastructure is able to absorb, in the same way that it considers the impacts of new development on our public works and emergency responder infrastructure.

PH3602 And as far as having children in that building, the south-end schools are not going to be the only schools that suffer. These children will be applying to Barnard, they will be applying to Webster, and then they will be going to Albert Leonard, because, unfortunately, the real estate agents in New Rochelle do not push the east end.

PH3801 As a parent of two young boys in the New Rochelle school system, I'm exceedingly concerned about the overcrowding in our schools. It would be directly impacted by an Echo Bay project.

Comment noted. In a meeting between the Applicant and School District representatives on August 22, 2012, general overall capacities were provided: Trinity Elementary, 800 students; Isaac E. Young, 1,100-1,200 students; and New Rochelle High School, 3,500-3,600 students. Additionally, total District enrollment for the 2012-13 was estimated to be 10,800 students, which is approximately 269 students less than the 11,069 projected in the 2012-13 Proposed Budget. The School District representatives indicated that Trinity Elementary is currently at its maximum capacity.

The demographic projections for residents age 0-19 in Census Tract 59.02 show a reduction of 121 children (997 in 2011 and 876 in 2016) and in Block Group 1 a reduction of 65 children (529 in 2011 and 464 in 2016). These projections show a trend that the population of school age children (5-17) in the Project Site area is declining over the next few years.

Overall, the addition of 25 total public school students from the FEIS Project would have minimal impact on the District. With a School District enrollment of 11,069, 25 additional students would increase overall enrollment by approximately 0.22%. Based on consultation with the School District representatives, it was estimated that 2/3 of the students would likely be in elementary school and 1/3 of the students in the middle and high schools. Therefore, approximately 17 students would attend Trinity Elementary's six grades (K-5), with approximately 2.75 students spread across each grade level. Approximately eight students would attend grades 6-12, with approximately one new student per grade level.

PH1404 Any proposal to bring population into New Rochelle should really be done with an eye towards raising sufficient revenue to build another school building. In that sense, we should demand a significantly higher tax figure for any proposed residential development,

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perhaps one that even exceeds our standard tax rates.

Comment noted. As noted above, the demographic projections show a trend that the population of school age children (5-17) in the Project Site area is declining over the next few years.

As noted above, the FEIS Project would include a revised tax payment structure. The proposed PILOT agreement has been structured with a “look back” provision. Under this agreement, in the tenth year of the Project an audit would be undertaken of the actual school child generation for the preceding five years, and the PILOT payment for the last ten years would be subject to adjustment based on the findings.

The PILOT revenue to the City and County are then determined to match the ratio between School District, City and County currently paid by all property owners. To ensure long-term positive impact of the PILOT, the rate of payment will reset annually as the applicable taxing entities adjust their tax rates.

**SCHOOL TAXES – BASED ON ACTUAL NUMBER OF CHILDREN
IN PROJECT**

PH201 I contend that Forest City should agree to pay taxes based on the actual number of students from the development enrolled in the New Rochelle public schools, because the school district will incur the costs of these students for decades, regardless of any projections, predictions or forecasts made today.

PH202 Forest City has projected there will be 22 public-school students residing in their Echo Bay development. The issue for New Rochelle is not whether there will or won't be 22 students at Echo Bay, but, rather, the number should be fixed; fixed at 22, or at any other level.

The PILOT for the three taxing jurisdictions (School District, City, Westchester County) is set off of a “base year” so that the revenue to the School District covers the marginal cost (for public school education and private school transportation) of the projected school child generation. The revenue to the City and Westchester County is then allocated in the same proportion as taxes would be allocated. The base year is the 2012-2013 school year. In subsequent years, the PILOT payment for each jurisdiction would then rise (or fall) at the same rate as the increase (or decrease) in the tax rate of the jurisdiction (see example above in Response PH 204).

In the 11th year, the payment to the School District would be re-calculated using the actual school child generation experienced in years 6-10. Utilizing the 11th year marginal cost (based on the tax increases from the previous 10 years), the new School District payment would be set.

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The PILOT revenue would be allocated to the City and Westchester County in the same proportion as real property taxes, as required by State law.

SCHOOL IMPACTS - GENERAL

PH203 That I believe many in the school community want to know why the City Council is writing a rather large check today that the New Rochelle Board of Education will have to cash tomorrow?

PH501 We're writing to ask the New Rochelle City Council to vote no on the DEIS as structured, and demand that Forest City, rather, come back with a modified plan that better reflects the value of how their project will impact the public schools.

Comment noted. The FEIS Project would generate an estimated 25 school children, with a 20-year PILOT scenario. The proposed PILOT agreement has been structured so that the payments-in-lieu-of-taxes would cover the annual projected cost impact on the School District. The payments-in-lieu-of-taxes would cover the marginal cost to educate the children projected to attend New Rochelle public schools, as well as the cost to provide transportation to children that would attend area private schools (a cost borne by the School District). The payments-in-lieu-of-taxes would first be due when the FEIS Project comes on-line in 2016 and general government and education costs begin to be incurred by the City and School District. It is important to note that the \$437,500 payment covering the costs for the estimated 25 project-generated public school children and the \$41,576 payment covering transportation costs for non-public school students (for a total of \$479,076) would be paid to the City regardless of the number of students actually generated during the first ten years of the PILOT period. Under the proposed PILOT, in the tenth year an audit would be undertaken of the actual school child generation for the preceding five years, and the PILOT payment for the remaining ten years would be subject to adjustment based on the findings, as described in Response PH 204 above.

COMMUNITY SERVICE PROVIDERS

508 When I went through the DEIS I found questions directed to City officials. I found the response from the Fire Chief but could find no response from the Police Commissioner or the Parks and Recreation Commissioner. Can you supply the pages of their replies?

The New Rochelle Police Department responded in a telecommunication on August 23, 2012 with Capt. Kevin Kealy, Staff Services. The Department of Parks and Recreation did not respond, but the Department maintains a comprehensive website, with information on existing services, staff members and the 2012 adopted budget.

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FIRE AND EMERGENCY SERVICES

PH601 Currently, the call volume at Station 1 is maximum. And while another hundred calls does not sound like much, it will have an impact on our State-mandated training and City Council-mandated fire inspections. It will reduce the availability to respond to existing buildings in its district, which will require surrounding districts to be stripped to cover it.

PH602 The study fails to mention that close to half the calls will require a minimum of two engines and two ladders to respond. That means Station 2 in the west end will pick up additional calls.

As described in the DEIS, Station 1 is currently expected to respond to approximately 3,000 calls this year prior. It is estimated that the addition of new commercial and residential uses on the Project Site would include 100 new calls for service, which is just over 1% of the total calls in the City and just over 3% of the total calls for Station 1 (the response from the Fire Department in the DEIS did not indicate that half the calls would require two engines and two ladders to respond). Although the Project would only increase the calls at Station 1 by just over 3%, the Fire Department indicates that the cumulative impact of overall development in the Station 1 area would increase the need for increased Department resources. The Fire Department identified the potential need for increased Department resources, but did not indicate that the additional calls would specifically reduce the availability to respond to existing buildings in the district. As indicated in the DEIS, the Fire Department notes that Station 1 must be bolstered or would have a low availability rate. Station 2, the next closest firehouse at 170 Webster Avenue, would respond when needed, but its response time would be longer.

As noted in the DEIS, given the proximity of the nearest firehouse and the code safety requirements included in the building design and the relatively small number of calls estimated for the Project as a percentage of overall City calls and Station 1 calls, significant adverse impacts on emergency services are not expected as a result of the Project. In addition, the Project would generate property and sales tax revenue for the City from a currently tax exempt property, which could be utilized to offset any increased emergency service staffing or equipment required as a result of cumulative development in the area.

PH603 Last fall, the City Council was debating over closing the ladder at Station 2, and the year before that it had been browned out. If this were to occur, the north-end coverage would regularly be affected by this development.

Comment noted.

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PH604

We are not against this development, but as new projects are added, the need for services increases.

Comment noted.

OPEN SPACE RESOURCES

PH2603

We need to know what the community is going to get out of it; whether it's the taxes, whether it's the waterfront use of it. Are we going to need passes to use the waterfront, just like Glenn Island? We walk Glenn Island every day. During the summertime, we can't get in there as local residents. If you don't have a park pass, you're shut off from going into Glenn Island, if even if you live here. So I think we need to support the project, but we need to make sure that it benefits us.

The Project includes the creation of the Echo Bay pedestrian esplanade and adjoining landscaped open space areas. These areas would represent new publically accessible waterfront open space that currently does not exist on the Project Site. Public amenities along the publically accessible waterfront open space include: pedestrian bridge connection to the north side of the County WWTP parcel (if permitted by Westchester County) for a future pedestrian path connection to LeFevre Lane and Five Islands Park, public seating areas, walkway connections to public parking area to be constructed on the Armory parcel, and a small non-motorized boat launch dock. It is expected that the publically accessible waterfront open space and esplanade, along with associated lighting, parking and other amenities would be built by the Applicant as part of the Project on land retained by the City and not transferred to the Applicant.