



## **AGENDA**

### **REAL ESTATE COMMITTEE MEETING**

**John Rubbo, Chair  
Tuesday, December 13, 2022  
6:00 p.m.  
In Chambers**

1. LOCAL LAW AUTHORIZING THE SALE OF CITY-OWNED PROPERTY AT 66 PIER STREET TO THE CITY OF YONKERS INDUSTRIAL AGENCY FOR THE DEVELOPMENT OF HOUSING, OPEN SPACE AND PUBLIC PARKING IMPROVEMENTS.
2. A RESOLUTION TO ISSUE A DETERMINATION OF SIGNIFICANCE PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT ("SEQRA") FOR A PETITION FOR AN AMENDMENT OF THE ZONING MAP FOR THE PREMISES KNOWN AS 21 SCARSDALE ROAD AND MORE PARTICULARLY DESCRIBED AS SECTION 4, BLOCK 4544, LOT 1 TO CHANGE THE CURRENT "I" INDUSTRIAL ZONE CLASSIFICATION TO THE "A" APARTMENTS AND OTHER USES ZONE CLASSIFICATION TO ALLOW THE CONSTRUCTION OF TWO RESIDENTIAL APARTMENT BUILDINGS WITH A TOTAL OF 150 UNITS.
3. ANY ADDITIONAL ITEMS THAT MAY PROPERLY COME BEFORE THIS COMMITTEE.

**Committee Members:**

Lakisha Collins-Bellamy, Council President  
Tasha Diaz, Majority Leader, District 3  
Mike Breen, Minority Leader, District 5  
Shanae Williams, District 1

LOCAL LAW NO. \_\_\_ - 2022

BY

LOCAL LAW AUTHORIZING THE SALE OF CITY-OWNED PROPERTY AT 66  
PIER STREET TO THE CITY OF YONKERS INDUSTRIAL DEVELOPMENT  
AGENCY FOR THE DEVELOPMENT OF HOUSING, OPEN SPACE, AND  
PUBLIC PARKING IMPROVEMENTS

Be it enacted by the City Council of the City of Yonkers, as follows:

Section 1. General City Law, Section 23 and Second Class Cities Law, Section 37 are hereby superseded to the extent herein, provided as follows:

the City Council of the City of Yonkers hereby authorizes transfer by deed, in a form acceptable to the Corporation Counsel, of the property located at 66 Pier Street, identified on the Official Tax Map of the City of Yonkers (the "City") as Section 1, Block 146, Lot 5 (the "Property"), noting that said property is not currently being used, nor has it been designated for specific use in the future, nor can it be utilized by the City for its intended municipal purpose and is thereby considered surplus, to the City of Yonkers Industrial Development Agency (the "Agency") in accordance herewith.

Section 2. The City shall receive the fair market value of the Property in the amount of \$375,000, in addition to the value of any Municipal Improvements (defined below), valued at approximately \$655,680.

Section 3. It is acknowledged and agreed that the Agency contemplates a further transfer of the Property to Ginsberg Development Companies LLC or an affiliated entity (collectively "GDC"). The Agency shall consider the below terms in connection with any land disposition agreement ("LDA") entered into in furtherance of such transfer:

Improvements. GDC will construct certain improvements which shall include the following principal elements which are more particularly described in GDC's conceptual development plan to be attached to the LDA: (A) Restoration, renovation or demolition of existing structures; (B) the construction of 36 unit apartment building over ground floor amenities, which may be converted to retail, and 35 indoor interior parking

spaces on the ground floor devoted to the building's residential use; and (C) certain municipal traffic and pedestrian improvements (the "Municipal Improvements"), which shall include (i) the renovation and revitalization of Abe Cohen with new landscape paving elements, plantings, benches, fountain, flagpole, public structure, public sculpture; and (ii) the replacement of the existing fourteen (14) municipal parking spaces on the Property with construction of thirty four (34) municipal parking spaces, to be operated by the Yonkers Parking Authority. The Municipal Improvements shall comply with New York Labor Law 224-a (prevailing wage requirements).

Environmental Remediation: GDC shall be responsible for all costs in connection with any environmental pollution or hazardous substances on the Property. GDC will provide to the Agency and/or City at closing of the sale environmental insurance in the amount of \$5,000,000.

SEQRA. GDC shall be responsible for preparing all materials and studies required for compliance with SEQRA of the Project and Municipal Improvements at GDC's sole cost and expense.

Indemnification. GDC shall indemnify, defend and hold harmless the Agency and the City from any and all liabilities, losses, damages, penalties, judgments, awards, claims, demands, costs and/or expenses arising from the LDA.

Section 3. The Mayor, or his authorized designee is hereby empowered to execute all instruments and take all actions reasonable and necessary to effectuate the purposes hereof.

Section 4. This local law shall take effect as provided by law.

**INTRODUCER'S MEMORANDUM  
SUBMITTED IN ACCORDANCE WITH SECTION §C4-6 OF THE CHARTER**

**SPONSOR:** Administration

**TITLE OF BILL:** LOCAL LAW AUTHORIZING THE SALE OF CITY-OWNED PROPERTY AT 66 PIER STREET TO THE CITY OF YONKERS INDUSTRIAL DEVELOPMENT AGENCY FOR THE DEVELOPMENT OF HOUSING, OPEN SPACE, AND PUBLIC PARKING IMPROVEMENTS

**PURPOSE:** The resolution would authorize the Mayor to sell 66 Pier Street to City of Yonkers Industrial Development Agency ("Agency"), noting that the YIDA intends to enter into an agreement with Ginsberg Development Companies, LLC or an affiliate ("GDC") for the development of housing, open space and public parking spaces on the site.

**SUMMARY OF SPECIFIC PROVISIONS:**

Authorizes the sale of 66 Pier Street (Section 1, Block 146, Lot 5) to the YIDA for fair market value of \$375,000, in addition to the value of certain municipal improvements anticipated to exceed \$655,680..

**JUSTIFICATION:**

**IMPACT OF REGULATION ON BUSINESS AND INDIVIDUALS:** Positive, based on the municipal improvements to be made to the property.

**CRIMINAL SANCTION IMPACT:** There will be no criminal consequences.

**LEGISLATIVE HISTORY:** Not applicable.

**FISCAL IMPLICATIONS:** Positive.

**EFFECTIVE DATE:** In accordance with Law.

**SUBJECT: LOCAL LAW AUTHORIZING THE SALE OF CITY-OWNED PROPERTY AT 66 PIER STREET TO THE CITY OF YONKERS INDUSTRIAL DEVELOPMENT AGENCY FOR THE DEVELOPMENT OF HOUSING, OPEN SPACE, AND PUBLIC PARKING IMPROVEMENTS**

**POSITIVE FISCAL IMPACT PROJECTED**

**BUDGET IMPACT**

(Completed by operating department and reviewed by Finance Department or Council Staff)

A) N/A General Fund  Board of Education  Special Revenue fund or District

B) EXPENSES AND REVENUES

Total Current Year Cost: N/A

Total Current Year Revenue: N/A

Source of Funds (Check one):  Current Appropriations  Additional Appropriations

Transfer of Existing Appropriations X Fee/Fine/Tax/Other (Explain)

<u>Transfer From:</u>	<u>Account #</u>	<u>Amount</u>
-----------------------	------------------	---------------

<u>Transfer To:</u>	<u>Account #</u>	<u>Amount</u>
---------------------	------------------	---------------

Identify Accounts:

Potential Related Operating Budget Expenses: Annual Amount: \$ N/A

Describe:

Potential Related Revenues: Annual Amount: \$ N/A

Current Year:

Next 5 years:

Anticipated Savings: Annual Amount: \$ N/A

Current Year:

Next 5 years:

C) FISCAL IMPACT

**The consideration for the transfer of 66 Pier Street shall be the market value of the property appraised at \$375,000, in addition to any proposed municipal improvements, valued at over \$650,000.**

RESOLUTION \_\_\_ – 2022

BY: MINORITY LEADER BREEN

**A RESOLUTION TO ISSUE A DETERMINATION OF SIGNIFICANCE PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (“SEQRA”) FOR A PETITION FOR AN AMENDMENT OF THE ZONING MAP FOR THE PREMISES KNOWN AS 21 SCARSDALE ROAD AND MORE PARTICULARLY DESCRIBED AS SECTION 4, BLOCK 4544, LOT 1 TO CHANGE THE CURRENT “I” INDUSTRIAL ZONE CLASSIFICATION TO THE “A” APARTMENTS AND OTHER USES ZONE CLASSIFICATION TO ALLOW THE CONSTRUCTION OF TWO RESIDENTIAL APARTMENT BUILDINGS WITH A TOTAL OF 150 UNITS**

WHEREAS, ON JULY 13, 2022 THE PETITIONER, UNO, LLC, FILED A PETITION FOR AN AMENDMENT OF THE ZONING MAP FOR THE PREMISES KNOWN AS 21 SCARSDALE ROAD AND MORE PARTICULARLY DESCRIBED AS SECTION 4, BLOCK 4544, LOT 1 TO CHANGE THE CURRENT “I” INDUSTRIAL ZONE CLASSIFICATION TO THE “A” APARTMENTS AND OTHER USES ZONE CLASSIFICATION TO ALLOW THE CONSTRUCTION OF TWO RESIDENTIAL APARTMENT BUILDINGS WITH A TOTAL OF 150 UNITS

WHEREAS, on September 27, 2022, in accordance with section 239-m of the General Municipal Law, the City Council referred the Petition to the Westchester County Planning Board for its review; and

WHEREAS, the Petition contains a full Environmental Assessment Form (the “EAF”); and

WHEREAS, the Proposed Action has been classified as Type I Action under the State Environmental Quality Review Act, §8-0101 et. seq of the Environmental Conservation Law and the regulations promulgated thereunder (“SEQRA”); and

WHEREAS, on September 27, 2022, the City Council: 1) declared its intent to act as Lead Agency for review of the Petition and all related actions (the “Proposed Action”) under the SEQRA; 2) directed the circulation of the Petition and the EAF among all potentially involved agencies (“Involved Agencies”) together with a notice indicating the City Council’s intent to be lead agency, and advising that unless written objection to such designation is received by the City Council within thirty (30) days after the date that the Petition and EAF were transmitted that the City Council will become lead agency for review of the Proposed Action under SEQRA; 3) referred the Petition to the Yonkers Planning Board for the Planning Board’s review and report in accordance with the requirements of Section 43-164 of the Zoning Ordinance of the City of Yonkers (the “Zoning Ordinance”); and 4) referred the Petition to the Westchester County Planning Board for the Planning Board’s review and report in accordance with the requirements of Section 239-m of the General Municipal Law of the State of New York (the “General Municipal Law”)

WHEREAS, on October 27, 2022 the Petitioner filed a supplement to the Petition originally filed on July 13, 2022. The Supplement elaborates on the history of the subject premises, the current neighboring land uses and how this proposal is consistent with the Yonkers Comprehensive Plan "Connections"; and

WHEREAS, on November 15, 2022 the Yonkers City Council adopted a resolution Declaring itself Lead Agency as more than thirty (30) days had elapsed since the date the Petition and EAF were transmitted to the Involved Agencies, and the City Council did not receive any written objection from any other Involved Agencies regarding the City Council's intent to act as lead agency for review of the Proposed Action; and

WHEREAS, the City Council, as Lead Agency, has reviewed and considered the entire record, including Parts 1, 2 and 3 of the full environmental assessment form ("EAF"), the recommendations of the Yonkers Planning Board and the Westchester County Department of Planning, together with the criteria set forth in Section 617.7(c) of the SEQRA regulations; and

WHEREAS, The City Council has identified and carefully considered the relevant areas of environmental concern to determine whether the Amendments and all related actions will result in any significant adverse environmental impacts in light of the criteria set forth in Section 617.7(c) of the SEQRA regulations;

NOW, THEREFORE, BE IT RESOLVED, by the Yonkers City Council that based upon the City Council's review of the EAF and supplemental materials and for the reasons set forth therein, the City Council hereby adopts a Negative Declaration under SEQRA, that the Amendments will not result in any significant adverse impact on the environment, and that the preparation of an Environmental Impact Statement is not required; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

**SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YONKERS ISSUING A NEGATIVE DECLARATION UNDER SEQRA FOR AN AMENDMENT OF THE ZONING MAP FOR THE PREMISES KNOWN AS 21 SCARSDALE ROAD AND MORE PARTICULARLY DESCRIBED AS SECTION 4, BLOCK 4544, LOT 1 TO CHANGE THE CURRENT "I" INDUSTRIAL ZONE CLASSIFICATION TO THE "A" APARTMENTS AND OTHER USES ZONE CLASSIFICATION TO ALLOW THE CONSTRUCTION OF TWO RESIDENTIAL APARTMENT BUILDINGS WITH A TOTAL OF 150 UNITS**

NO FISCAL IMPACT PROJECTED

**BUDGET IMPACT**

(Completed by operating department and reviewed by Finance Department or Council Staff)

A)  General Fund  Board of Education  Special Revenue fund or District

B) EXPENSES AND REVENUES

Total Current Year Cost: \_\_\_\_\_

Total Current Year Revenue: \_\_\_\_\_

Source of Funds (Check one):  Current Appropriations  Additional Appropriations

Transfer of Existing Appropriations  Fee/Fine/Tax/Other (Explain)

Identify Accounts: \_\_\_\_\_

Potential Related Operating Budget Expenses: Annual Amount: \$ \_\_\_\_\_

Describe:

Potential Related Revenues: Annual Amount: \$ \_\_\_\_\_

Current Year:

Next 5 years:

Anticipated Savings: Annual Amount: \$ \_\_\_\_\_

Current Year:

Next 5 years:

C) FISCAL IMPACT

Potential for additional personnel:

Prepared By: Hon. Breen

Title: Councilmember

Department: City Council

Signature: \_\_\_\_\_

Reviewed By: \_\_\_\_\_

FINANCE DEPARTMENT

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

If you need more space, attach additional sheets.



## **SPONSOR'S MEMORANDUM**

**SPONSOR:** MINORITY LEADER BREEN

**TITLE OF BILL:** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YONKERS ISSUING A NEGATIVE DECLARATION UNDER SEQRA FOR AN AMENDMENT OF THE ZONING MAP FOR THE PREMISES KNOWN AS 21 SCARSDALE ROAD AND MORE PARTICULARLY DESCRIBED AS SECTION 4, BLOCK 4544, LOT 1 TO CHANGE THE CURRENT "I" INDUSTRIAL ZONE CLASSIFICATION TO THE "A" APARTMENTS AND OTHER USES ZONE CLASSIFICATION TO ALLOW THE CONSTRUCTION OF TWO RESIDENTIAL APARTMENT BUILDINGS WITH A TOTAL OF 150 UNITS

**PURPOSE:** To issue a Negative Declaration under SEQRA in regards to the Petition to amend the zoning map from an "I" to an "A" Zone.

**SUMMARY OF SPECIFIC PROVISIONS:** All provisions relate to issuing a Negative Declaration under SEQRA in regards to the Petition to amend the zoning map.

**JUSTIFICATION:** To issue a Negative Declaration declare under SEQRA in regards to the Petition to amend the zoning map.

**IMPACT OF REGULATION ON BUSINESS AND INDIVIDUALS:** N/A.

**CRIMINAL SANCTION IMPACT:** N/A.

**LEGISLATIVE HISTORY:** N/A.

**FISCAL IMPLICATIONS:** Neutral

**EFFECTIVE DATE:** This act shall take effect IMMEDIATELY