

N. MISCELLANEOUS

Comment N-1

As Mr. DelBello before, he didn't say what kind of abatement are the owners of this development getting from Yonkers? Not only the jobs, can you answer that now?

(Statement at 09/28/2005 Public Hearing by Mr. Joseph Michael)

Response N-1

As discussed in the DEIS, the applicant is seeking financial assistance from the Yonkers Industrial Development Agency (YIDA) in the form of sales and tax exemption during the construction period. The sales and use tax exemption would only apply to materials purchased to be used in the construction of the project. Currently, project costs are estimated to be approximately \$242 Million, of which approximately \$63 Million is attributable to cost of construction materials. Based on the current tax rate of 8.25%, the sales and use tax exemption for the construction materials is estimated to be \$5.2 Million. It is expected that sales tax will resume in full during the operational period of the Cross County Shopping Center.

Although an application has been made to the YIDA seeking its assistance, no formal actions have been taken by the YIDA to date.

At this point, the applicant anticipates no PILOTs (Payment in Lieu of Taxes) or additional tax abatements during either construction or operational periods. It is assumed that the Cross County Shopping Center will pay the full amount of real property taxes to the City of Yonkers during both construction and operational periods.

Comment N-2

I would like a clarification on the sewer renovation that's going to be on Kimball Avenue. Is that going to affect the traffic also?

(Statement at 09/28/2005 Public Hearing by Ms. Laura Dinella)

Response N-2

Any work conducted within the Kimball Avenue right-of way will be conducted in accordance with Maintenance and Protection of Traffic (MPT) Plan developed in accordance with City of Yonkers requirements and regulations. The MPT Plan will be reviewed and approved by the City of Yonkers prior to commencement of any work in the right-of-way. It is anticipated that certified flagmen and maintenance and protection of traffic controls such as flashing arrows, barrels, cones, etc. will be utilized to clearly define the work area and allow traffic to safely pass by.

Comment N-3

Nobody has addressed the control of the rodents, and I know there are plenty of rodents in Cross County.

Stop and Shop, when they are doing the renovation at Stop and Shop, they have dead rats all over Xavier Drive.

(Statement at 09/28/2005 Public Hearing by Ms. Laura Dinella)

Response N-3

Prior to the commencement of demolition and construction work, a rodent control program based on a field investigation by a New York State licensed exterminator will be established by the applicant. Prior to the demolition of any structure, the structure

will be fumigated and rodent bait will be placed throughout the structure and the immediate site area. Bait stations will also be placed at regular pre-determined intervals around the perimeter of the site. The rodent control program will be monitored and maintained during the demolition, construction and post construction phases of work.

Comment N-4

I especially am concerned about the multi-story garages. I think that those are safety concerns, and I think we were promised that one would not be built in the section that is directly near Kimball Avenue, and now I see it on the planning stage right up there.

I think the indoor garage is a very dangerous thing. I know what happened in White Plains to that poor innocent woman, and I hope that does not happen here.

(Statement at 09/28/2005 Public Hearing by Ms. Diana Widerkehr)

Response N-4

The parking garages will be built with clean bright materials (typically concrete) to maximize the “light” feeling. The garages will also have increased height between each level to permit additional natural light and air to penetrate to the middle.

As indicated in the DEIS, a variance for the 41 foot height of the proposed 5-story parking structure will be requested. Five levels are proposed in conformance with Zoning, however a variance is required because a greater floor to ceiling height is proposed to allow a more open, less confining and more patron-friendly experience, and to allow additional height on the lower level to allow greater access to the structure for emergency vehicles.

Comment N-5

I think that this project is scaled too big and should be scaled back.

(Statement at 09/28/2005 Public Hearing by Ms. Diana Widerkehr)

Response N-5

Comment noted.

Comment N-6

We are in receipt of and have completed a cursory review of the Draft Environmental Impact Report (DEIR) prepared by EIC Consultants on behalf of Midwood Associates and or/Brook Shopping Centers LLC relating to the proposed rezoning and redevelopment of Cross County Shopping Center. Please be advised that the extensive package of information sent to us on August 25, 2005 by John Meyer Consulting, PC provided critical details that Federated was not advised of previously. This was also the first time we had an opportunity to review the DEIS.

Similarly, the most recent site plan(s) dated 5/18/05 and sent to Federated on 8/12/05, were never formally submitted to us previously and continue to not reflect our comments dating back to 2004. Please refer to Chuck DiGiovanna's letters to you dated 6/14/04 and 8/3/05, among perhaps others.

As owner of our store and parcel, and as a party to the Shopping Center Operating Agreement(s), this will again advise you that neither Macy's nor Federated has approved either the site plan(s) or the DEIS as submitted to the City of Yonkers.

(Letter from Federated Department Stores, Inc., dated 09/12/2005)

Response N-6

The applicant has been in close contact with Federated Department Stores, Inc., the owner of the on-site Macy's store. The applicant is keeping Federated apprised of the SEQRA process.

Comment N-7

p.42 — para. 1 — A “new anchor of 89,900 square feet” is identified. Is this to be built a single building to house one store or is it intended to house two more stores as indicated on the site plan as Buildings E-I and E-2?

(Memorandum from Saccardi & Schiff, Inc., dated 11/01/2005)

Response N-7

At the time of the Applicant's DEIS submission Building E is anticipated to be two separate mid-sized tenants (E1 and E2). This may change to become one tenant as retail market forces typically dictate leasing. The type of tenant is also unknown, however, it is envisioned that the tenant(s) will be dry good, electronic, clothes and the like.

Comment N-8

This writing is in regard to the renovation of Cross County Center. As we all know, this will be an asset to the Community, if it is done with consideration to all involved.

(Letter from Patricia Devlin, dated 11/12/2005)

The Community Associations are in favor of the modernization and expansion of the Center. The project represents both another example of the City's renewed vibrancy and an opportunity for the Applicant, the Board and the neighborhood residents to collaborate on solutions to longstanding traffic problems. In addition, the concurrent development of Ridge Hill, the Center and the Raceway provide a unique opportunity for the City to

coordinate the design and funding of highway improvements which will benefit the entire region and allow the revitalization of the City to continue.

(Memorandum from Smith, Buss and Jacobs, LLP, dated 11/19/2005)

Conclusion

Thank you for the opportunity to submit my comments. I sincerely believe that in the long run the Cross County mall expansion will be the right thing for the City of Yonkers as well as for the residents who live nearby. However, failure of the developers to accommodate (or of the City of Yonkers Planning Board to recognize) the legitimate issues and concerns people like me are expressing could ultimately lead to a traffic nightmare that would cast a dim light on this historic mall in the years ahead.

Furthermore, it goes without saying that many of us are concerned over the possibility that the valuations of our homes (these are mostly cooperative, owner-occupied units at my complex) will be negatively affected by a poorly planned approach to handling traffic, one that would lead to this area (our buildings in particular) having the reputation of being right in the heart of "Gridlock Central." It is hoped the developers and the Yonkers Planning Board would take steps to modify the current proposal so this kind of economic hardship does not befall local residents like me.

(Letter from Mr. Robert Schweikert, dated 10/06/2005)

Response N-8

Comments noted. This FEIS has responded to many of the concerns of the Planning Board, City of Yonkers officials, and area residents by making additional improvements based upon comments made on the DEIS.

Comment N-9

Fig. 1 A.-3

Date shows “5/18/05”. Is this published date or date of photo?

Cross County Square, the mall immediately to the south of CCSC is mis-labeled.

(Memorandum from City of Yonkers Planning Bureau, dated 11/18/2005)

Response N-9

The "05-18-05" is the published date of the figure.

Comment N-10

So noted with respect to the mis-labelling of Cross County square.

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Bullet # 5 — “Customer parking structure” — will it be limited to customers or will employees also be permitted to park there?

(Memorandum from City of Yonkers Planning Bureau, dated 11/18/2005)

Response N-10

Employees are permitted to park in this structure.

Comment N-11

Please refer to “Sterns” driveway as “Macy’s” driveway.

Response N-11

Comment noted.

Comment N-12

Where is the consideration for the residents in this area? The expansion will only bring more traffic noise, pollution, crime if the plans are not fixed.

(Letter from Ms. Marion Reinhertz, dated 10/10/2005)

The residents on Kimball & Midland Avenue will only suffer more traffic, noise, pollution, if the problem is not remedied.

(Letter from M & MR, dated 10/07/2005)

Response N-12

Section II of this FEIS summarizes the changes made in response to comments on the DEIS made by the City of Yonkers and area residents.

Comment N-13

As a Yonkers resident, homeowner, and taxpayer I certainly deserve more respect than this! As an attorney, I am appalled that no one has taken safety concerns into consideration. This situation is a lawsuit waiting to happen. It is shameful that no one considers the concerns *and* safety of the citizens of Yonkers. Once again, money will come before the safety of our citizens. This is an outrage!

(Letter from Mary Beth Macina, Esq., dated 10/25/2005)

Response N-13

Section II of this FEIS summarizes the changes made in response to comments on the DEIS made by the City of Yonkers and area residents.