

III. EXISTING ENVIRONMENTAL CONDITIONS, ANTICIPATED IMPACTS AND MITIGATION

A. Land Use and Zoning

1. Land Use

a. Existing Conditions

(1) Review Relevant Documents

As previously noted, the proposed project site was the subject of a similar project and associated environmental review process approximately ten years ago. The complete text of the Kensington Manor DEIS, prepared by Henry George Greene, AIA, (May 2, 1994) is available at the Bronxville Public Library for review. The Draft Environmental Impact Statement for this project, the Kensington, did not use or reference any of the studies prepared in conjunction with the Henry George Greene DEIS. However, at the request of the Village of Bronxville Planning Board, a brief summary of relevant studies is included in [Appendix I](#) of this DEIS.

The Westchester County and the Village of Bronxville Comprehensive Plans were also reviewed and analyzed. Patterns for Westchester: The Land and the People, prepared in 1996 by Westchester County identifies principles for the development and preservation of communities throughout the County. The Village of Bronxville Comprehensive Plan, prepared in 2002 identified the Kensington Road site as being appropriate for potential redevelopment.

(2) Project Site

The 1.63 acre site is located northwest of the intersection of Kensington Road and Sagamore Road. The site is currently used for at-grade parking by the Village of Bronxville and is developed with three detached paved parking areas, designated as the south lot, the middle lot and the north lot. The parking lots consist of both metered and permit parking for approximately 179 vehicles.

A ramp structure and the remnants of a former two-story structure are located at the south end of the project property. The south lot is at street-grade and is surrounded by a concrete wall on its west side and a portion of its east side.

The middle lot is several feet below street grade and an access stairway is located at the southwest corner of the site adjacent to a

III.A. Land Use and Zoning

stone and concrete building, which is vacant and locked. A concrete wall and chain link fence surround the east side of the middle lot. A metal guardrail runs along the west side of the property.

The north lot is almost at street grade. There is a small four bay garage structure located in the southeast corner of the site. A low concrete wall surrounds the east and north sides of the site. A metal guardrail runs along the west side of this portion of the site.

The project site is sparsely landscaped. A small strip of bushes and trees separates the middle lot from the north lot.

(3) Existing Land Uses Within One-Quarter Mile of the Project Site

Land uses within one-quarter mile of the project site were surveyed and are presented in [Exhibit III.A-1, Study Area Land Use](#). The project area can generally be described as having multi-family residential uses to the north, east, and west of the project site, and mixed-uses characteristic of downtown Bronxville to the south.

To the west of the project site is the railroad right-of-way for Metro-North Railroad. This railroad right-of-way runs from north to south through the project study area, as well as the Village of Bronxville. South of the project site, at the junction of Kensington Road and Pondfield Road, is a three-story medical office building, One Pondfield Road. North of the project site is an area that is vacant, although a number of parking spaces have been created along the west side of Kensington Road, north of Beech Tree Lane. As it approaches Beverly Road, the west side of Kensington Road is characterized by a multi-family residential neighborhood.

Christ Church Episcopal Church and its garden are located adjacent to the project site on the east side of Kensington Road, between Kensington Road and Sagamore Road. This building was constructed in 1925, and was the last building designed and built by the noted architect Bertram Grosvenor Goodhue. The Church has a congregation of 450 members and provides a child center for pre-school age children (fourteen months to four years old), a music program, a spirituality center, and affiliated parking. A full discussion of the Christ Church Episcopal Church is included in Section III.D. Historic, Cultural and Archeological Resources, of this DEIS.

- Single-Family Residential
- Multi-Family Residential
- Retail/Services
- Office/Other Commercial
- Auto Use
- Institutional
- Recreation
- Parking
- V Vacant
- Project Site

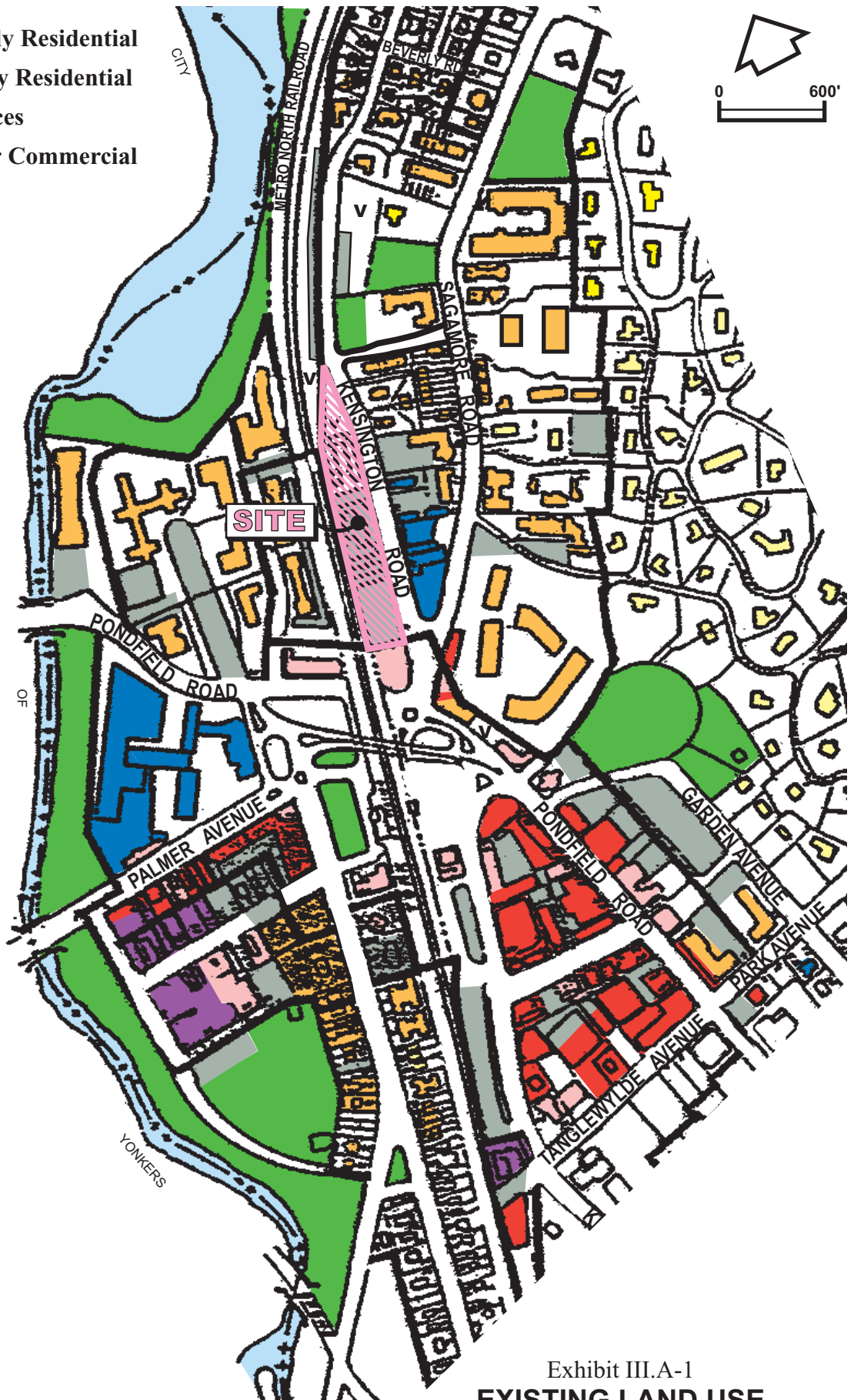


Exhibit III.A-1
EXISTING LAND USE

THE KENSINGTON
 Village of Bronxville, New York

III.A. Land Use and Zoning

North of Christ Church, between Kensington Road and Sagamore Road are a number of multi-family residential buildings. Across Beech Tree Lane are two small recreational areas, as well as an area that is vacant, with a small portion dedicated to parking. The rest of the area, up to Beverly Road, is multi-family residential, with the exception of one single-family home on Sagamore Road.

On the east side of Sagamore Road, directly opposite from Christ Church, is a mix of mostly multi-family residential uses, with a few single-family residences, and affiliated parking. Prescott Avenue leads to a neighborhood with primarily single-family residential uses. At the crossroads of Kensington Road, Sagamore Road, and Pondfield Road, on the east side of Pondfield Road is a cluster of mixed-use, retail, office, and second story multi-family residential uses. Between this mixed-use cluster and the offices that exist at the corner of Pondfield Road and Valley Road is a vacant parcel. Continuing south along Pondfield Road and Kraft Avenue, is downtown Bronxville, with its mix of offices, retail shops, parking, and second story multi-family residential uses.

On the west side of the Metro-North Railroad right-of way, north of West Pondfield Road, and south of Bronx River Parkway parklands, are a number of large multi-family residential structures with associated parking. The Lake Avenue Apartments are located to the west of the Metro North Railroad right of way along Alger Court. To the west of these apartments are similar large multi-family residences: the Eastbourne and Westbourne, Southgate, Northgate, and Stoneleigh Apartments. Offices occupy the frontage along Pondfield Road, between Lake Avenue and the railroad right-of-way. Another large multi-family residential structure, River House Apartments, is nestled to the west, between West Pondfield Road, Bronx River Parkway parklands, and the Bronx River.

Further south along the Bronx River, between West Pondfield Road and Palmer Avenue are the multi-story institutional uses of the Lawrence Hospital Center. In addition, there are at-grade parking lots and office uses affiliated with the Hospital. Continuing south along Parkway Road and Paxton Avenue is a mix of retail, office, parking, multi-family residential, and auto-related uses. This eventually leads to Maltby Park and a mixture of single-family and multi-family residences that border it to the west and across Parkway Road.

- (4) Previously Approved Future Development Projects within the Village of Bronxville

According to the Village of Bronxville Town Engineer, there are currently no pending or approved development applications within the Village of Bronxville.

b. Potential Impacts

(1) Analysis of Project Consistency with Local and Regional Planning Studies

As previously stated, the Westchester County and the Village of Bronxville Comprehensive Plans were analyzed. The proposed Project is consistent with the recommendations in each of these plans as described below.

Patterns for Westchester: The Land and the People

“Patterns for Westchester”, prepared in 1996 by Westchester County identifies principles for the development and preservation of communities throughout the County. “Patterns for Westchester” identified the majority of the Village of Bronxville as Medium Density Suburban (MDS 2-4), with Floor Area Ratios (FAR) ranging from 0.05 to 0.2 and Gross Residential Density (GRD; dwelling units/acre) of between 2 and 7. However, the area abutting the Metro-North Railroad is designated as HDS 4-6: High Density Urban, with FARs ranging from 0.2-0.8 and GRD of between 6 and 26.

At a density of 26 dwelling units per acre, the site could include 42 multi-family units. The County Plan does not specify age-targeted or age-restricted units.

The Village of Bronxville considered residential density guidelines set by “Patterns for Westchester” when preparing its 2002 Community Plan. Specifically, the Village of Bronxville adopted the goal of maintaining its historical development patterns including locating higher density residential development around the Metro North station. The proposed project is consistent with this goal.

The Village of Bronxville 2002 Community Plan

Both the 1997 and the 2002 Village of Bronxville Community Plans identified the Kensington Road site as being appropriate for potential redevelopment. To further this objective, in 2002, the Village studied ways to create additional parking on the site and concluded “*future development of the [Kensington] site should incorporate a Village parking component to alleviate commuter and shopper parking demand.*”

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In addition to recommending parking for the Kensington site, the Plan establishes a series of objectives to guide future development projects within the Village. The Plan specifically identifies *“development of appropriately scaled multi-family residential units adjacent to or within the CBD, including opportunities for mixed-income and senior citizen housing”*

The proposed project not only accommodates project generated parking demand, but also provides 200 spaces for use by the Village of Bronxville for commuters and shoppers. The proposed below-grade parking area will provide direct access to the Metro-North Railroad platform. The project also proposes higher density age-targeted housing directly adjacent to the downtown area, serving an existing and previously defined demand in a context sensitive manner.

The 2002 Community Plan notes the significant increase in property taxes in Bronxville over the past twenty years. In addition, Bronxville anticipates that the tax rates will continue to increase significantly over the next decade. To help offset these increases and add to the commercial tax base of the Village, the Community Plan identified the development of the Kensington Road property. The sale of the subject site will put the property back on the Village tax rolls and create an additional revenue generator.

School taxes comprise 49 percent of the total property taxes collected. In addition, because the proposed use is an age-targeted residential development, it will generate few, if any, school age children and will not create any additional demand for financial or physical school resources within the Village.

(2) Analysis of Project Consistency with Existing Study Area Land Uses

The Proposed Action will allow a modified, yet previously approved, land use on the subject site. The proposed age-targeted residential development is consistent with the higher density residential developments within the land use study area. In addition, the proposed project will replace and augment the existing municipal parking in a below-grade parking structure on the site.

The site was the subject of a similar application approximately ten years ago. The result of that proposal was a zone text amendment permitting an age-restricted residential development within the Six-Story Multiple Residence D zoning district. This application

seeks a zone text amendment to allow the same area and bulk requirements as are permitted for an age-restricted residential development for the proposed age-targeted residential development. In fact, the proposed project seeks modification to the existing area and bulk requirements, which changes have less land use impacts than those, which were approved for the age-restricted development project.

The proposed Kensington age-targeted residential development project reduces the density (number of permitted units from 90 to 61) and the maximum height of the proposed structure (from 72 feet/6 stories to 60 feet/5 stories or 50 feet/4 stories without the garage) from that which was previously approved. In addition, the proposed zoning amendment for the project requires larger minimum habitable dwelling areas (from 750 s.f. per dwelling unit to 1,000 s.f. per dwelling unit), more open space per dwelling unit (from 300 s.f. per dwelling unit to 500 s.f. per dwelling unit) and more parking spaces per unit (from 1.0 spaces per dwelling unit to 1.5 spaces per dwelling unit) thereby minimizing potential demand for on-street parking associated with the development.

(3) Building Coverage

Under current zoning, maximum building coverage in the Multiple Residence D zoning district is 25 percent. However, for the Age-Restricted use allowed by permit in this zoning district, maximum building coverage is 55 percent. The Kensington development proposes approximately 49.19 percent building coverage.

(4) Temporary Displacement of Municipal Parking

During construction of the Kensington, the existing 179 municipal parking spaces will be displaced until construction of the below grade parking structure is complete.

(5) Impact on Metro North Railroad Operations

It is not anticipated that the proposed zone text amendments will have any land use or zoning impacts on the operation of the Metro North Railroad service through the Bronxville Station. However, construction of the parking garage and residential buildings will require some blasting, chipping and excavating of material adjacent to the Metro North Railroad right of way.

(6) Impact on the Christ Church Episcopal Church

A full assessment of the impact of the proposed project on Christ Church was prepared and is discussed in detail in Section III.D. Historic, Cultural and Archeological Resources, of this DEIS. This

analysis concluded, as the proposed project will convert an unsightly parking lot into a lively residential community that will create a positive visual impact to the historic character of the Village. In addition, the design of the proposed Kensington development includes a large open courtyard between the two residential structures. This central courtyard is directly in line with Christ Church so as not to create a visual barrier to/from the Church from the west. Therefore, the Kensington will provide a positive land use benefit to the Village.

It should be noted, that Christ Church includes a series of very high quality stained-glass windows on its west facing façade and a 1948 Aeolian-Skinner organ. A noise and vibration analysis was undertaken to determine the potential impact to and the protective measures for these windows and the organ during construction. This analysis is included in Section III.K, Noise and Vibration, of this DEIS.

c. Proposed Mitigation

(1) Project Consistency with Local and Regional Planning Studies

Although the project density in terms of dwelling units per acre is greater than that suggested in the County's Patterns report, the population per acre is similar. The County's Patterns report does not discuss age-targeted housing. As such, no mitigation is required.

(2) Project Consistency with Study Area Land Uses

As noted above the Proposed Action is consistent with surrounding land uses. As such, no mitigation is required.

(3) Building Coverage

The proposed building coverage (49.19 percent) is less than the maximum permitted for the Age-Restricted use (allowed by special permit) in this zoning district. As such, no mitigation is required.

(4) Temporary Displacement of Municipal Parking

The Village of Bronxville has agreed in its contract with the Applicant to undertake the obligation to implement such measures as may be necessary to relocate the existing parking spaces. Village professional staff is currently reviewing several alternative locations which could accommodate temporary parking and will be in a better position to discuss these alternatives at the conclusion of their review in early fall.

(5) Impact on Metro North Railroad Operations

Due to the proximity of the subject site to the Metro-North Railroad right of way, the project will closely coordinate construction phasing and scheduling with the MTA. Metro-North Railroad has established standard specifications for construction protection and safeguards including flagging, pre-construction inspection and survey, shoring, materials storage, etc. The MTA Metro-North Railroad “General Procedure for Access to Railroad Property and Metro-North’s specifications for Individuals and Companies working on or adjacent to railroad property” manual is included in [Appendix J](#). The project will require an Entry Permit from MTA Metro North prior to starting construction.

Through discussions with representatives of the Metro-North Railroad, Kensington Bronxville Associates has established a construction protocol to assure that Metro-North service through the Bronxville Railroad station remains uninterrupted.

(6) Impact on Christ Church

As noted above, the proposed Kensington project will improve the visual character of the neighborhood by converting a deteriorated and unsightly parking lot into an active residential community. As such no mitigation for land use impacts is required.

Full discussion of impacts and proposed mitigation for potential impacts to the organ and stained glass windows during construction of the Kensington is included in Section III.K. Noise and Vibration and in Chapter IV. Significant Adverse Impacts That Cannot Be Avoided, of this DEIS.

2. Zoning

a. Existing Conditions

The Village of Bronxville adopted a new zoning code in 1997. This code is a “cumulative code”; that states “permitted uses in each district include all uses allowed in less intensive districts.”

The project site is located within the Six-Story Multiple Residence D (Residence D) zoning district, which is generally located west and south of the Metro-North Railroad station¹ and permits age-restricted residences. The Residence D zoning district permits the following uses: single family and multi-family dwellings; municipal parks and playgrounds; places of worship; home occupations; office or studio; municipally owned parking lot; hotel; and hospitals.

¹ Village of Bronxville 2002 Community Plan. July 8, 2002, page 22.

Table III.A-1 presents area and bulk regulations for the Residence D zoning district.

**Table III.A-1
Area and Bulk Regulations for Six-Story Multiple Residence D
Zoning District**

	Six-Story Multiple Residence D	Six-Story Multiple Residence D (Age Restricted)
Minimum Lot Area	12,000 s.f.	60,000 s.f.
Min. Lot Depth	100 feet	100 feet
Min. Street Frontage	-	600 feet
Maximum Units	-	90 units
Maximum Building Length	180 feet	180 feet ²
Minimum Front Yard	20 feet	5 feet
Minimum Rear Yard	30 feet	12 feet
Minimum Side Yard (one yard)	25 feet plus 1/6 ¹ height of structure	60 feet
Minimum Side Yard (two yards)	-	120 feet
Minimum Habitable Dwelling Area	1,500 s.f.	750 s.f.
Open Space	300 s.f.	300 s.f.
Maximum Building Coverage	25 percent ¹	55 percent ¹
Maximum Building Height	6 story/72 feet	6 story/72 feet
Off Street Parking	1.5 spaces/dwelling unit	1 space/dwelling unit

Source: Code of the Village of Bronxville, New York, v16. Updated 12-15-2003. Part II General Legislation. Chapter 310, Zoning. Article III. District Use and Bulk Regulations.

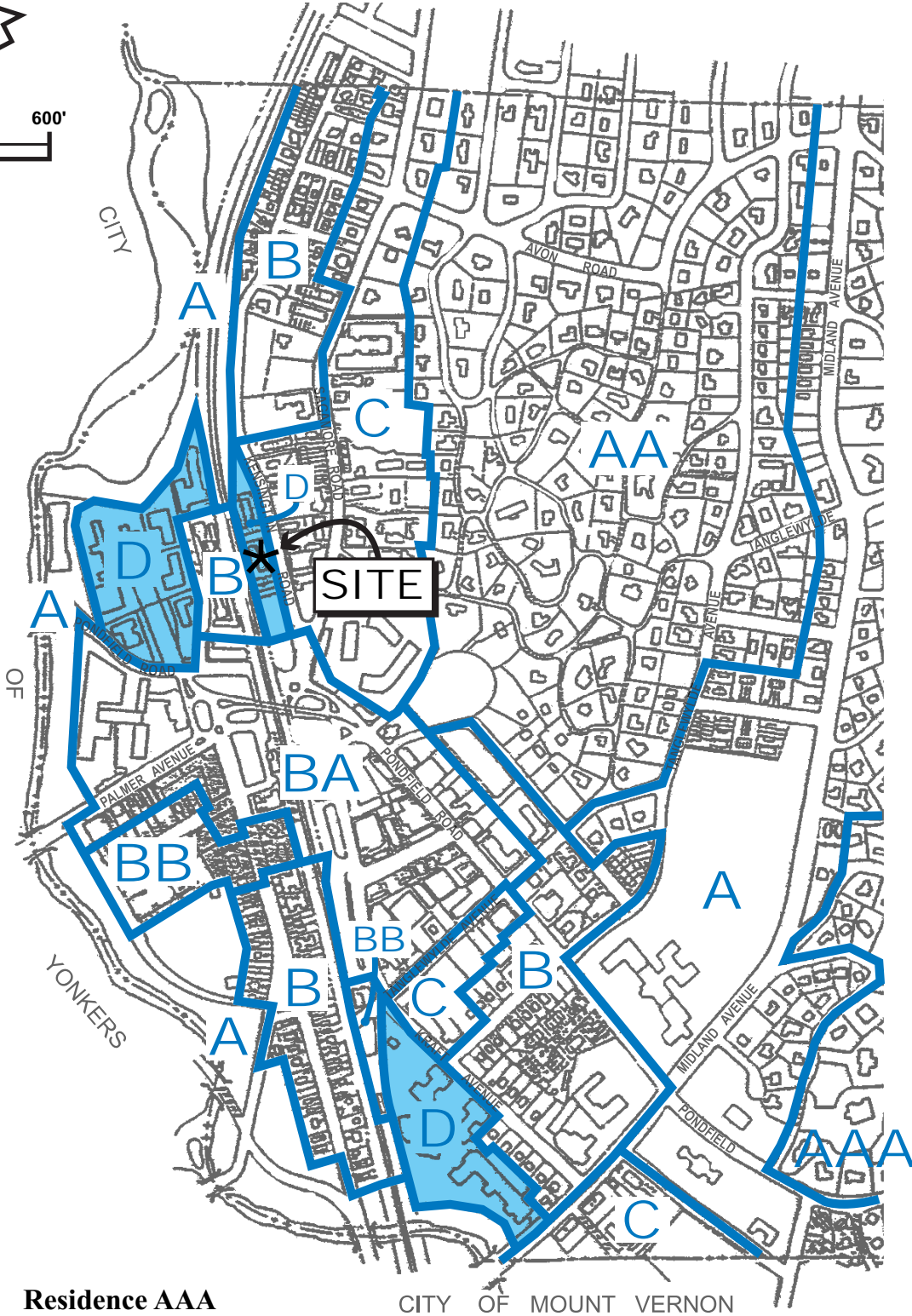
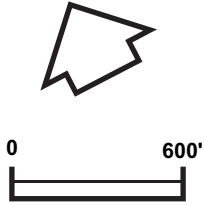
Notes:

¹ § 310-13.F.(1) Where the Planning Board finds that the provision of the required off-street parking space underneath the principal building or in such a way as to enable the roof thereof to be used as part of the grounds would be impractical, the Planning Board may authorize the issuance of a special permit allowing accessory garages to cover an additional 10 percent of the area of the lot. Garages designed to enable the roof thereof to be used as part of the grounds shall be exempt from any coverage limitation.

² Planning Board approval required to exceed 180 feet in length.

Zoning districts located within a quarter-mile of the project site are illustrated on **Exhibit III.A-2, Zoning Within the Land Use Study Area**. As shown, the northwestern corner of the project site abuts the One Family Residence A Zoning District. The Two-Story Multiple Residence B (Residence B) zoning district is located to the north and west of the project site. The Three-Story Multiple Residence C (Residence C) zoning district is located to the east of the site. These are the predominant districts located within the land use study area. The Residence A, Residence B and Residence C districts permit single and multi-family residences on lots, which are a minimum of 12,000 square

VILLAGE OF TUCKAHOE



- AAA Residence AAA
- AA Residence AA
- A Residence A
- B Residence B
- C Residence C
- D Residence D
- BA Business A
- BB Business B

CITY OF MOUNT VERNON

Exhibit III.A-2

**ZONING WITHIN THE
LAND USE STUDY AREA**

**THE KENSINGTON
Village of Bronxville, New York**

III.A. Land Use and Zoning

feet. Permitted uses in these districts include any use permitted by right in the One-Family Residence AA district, municipal parks and playgrounds, places of worship, and professional offices or studios. Hotels and hospitals are also permitted in the Residence C zoning district.

The Central Business A district (Business A) is located to the south of the subject property. Permitted uses in the Business A district include: retail stores and banks; personal service stories including barbershops, beauty parlors and tailors; business, professional, health or government offices; funeral parlors; theaters and restaurants; laundromats; hospitals; hotels and places of worship.

Table III.A-2 provides a summary of uses allowed by right and by special permit within the zoning districts surrounding the site.

**Table III.A-2
Uses Allowed by Right and by Special Permit
Within Zoning Districts Surrounding the Project Site**

Zone	Uses Allowed by Right	Uses Allowed by Special Permit by the Village Board of Trustees
One-Family Residence A (Minimum lot area: 12,000 s.f.)	- One-family dwelling - Municipal parks and playgrounds - Places of worship	-
Two-Story Multiple Residence B (Minimum lot area: 12,000 s.f.)	- One-family dwelling - Municipal parks and playgrounds - Dwelling for two or more families - Municipally owned and operated parking lots	Privately owned and operated parking lot
Three Story Multiple Residence C (Minimum lot area: 12,000 s.f.)	- Uses permitted in Two-Story Multiple Residence B zoning district - Hotels with not less than 20 rooms -Hospitals (for human beings)	Privately owned and operated parking lot
Central Business District A	- Retail stores and banks - Personal Service stores (barbershops, beauty parlors, tailors) - Business, professional or government offices - Funeral parlors - Service establishments furnishing services other than of a personal nature - Theaters, restaurants, and carry-out restaurants -Outlets and pick-up stations for laundries and cleaning establishments. -Newspaper printing -Manufacturing, assembling, converting, altering, finishing, cleaning or other processing. -Off-street parking lots and accessory garages	-

**Table III.A-2
Uses Allowed by Right and by Special Permit
Within Zoning Districts Surrounding the Project Site**

Zone	Uses Allowed by Right	Uses Allowed by Special Permit by the Village Board of Trustees
	-Hospitals for human beings Hotels and Places of Worship	

Source: Code of the Village of Bronxville, New York, v16. Updated 12-15-2003.

b. Potential Impacts

(1) Description of Proposed Zoning

In 1996, the Village of Bronxville adopted zone text amendments for the Six-Story Multiple Residence D zoning district (see section II.D.1 – Background and History for further description). These amendments were adopted in order to permit an age-restricted multiple residence facility to be constructed on the subject property.

The proposed project seeks similar bulk and area requirements as are permitted for an age-restricted use, though it is a proposed age-targeted residential development. The proposed zone text amendments seek to modify the current zoning to provide similar density and relaxed bulk and area requirements pursuant to a special permit for other facilities, which by design are intended for occupancy by families without children and which meet certain other criteria to demonstrate the need for additional density.

To accommodate the proposed facility, the proposed zone text amendments would establish a special permit use for age-targeted multiple residence facilities in the Residence D zoning district provided certain criteria are met and, if so, would provide bulk and area requirements for the proposed project use. The petition to the Village Board of Trustees requesting the zoning text amendments, as well as the proposed Zoning Code text amendments, are included in [Appendix A](#) of this DEIS.

As indicated in Exhibit III.A-2, Zoning Within the Land Use Study Area, there is one Residence D zoning district just beyond the western limit of the land use study area. An additional Residence D zoning district is located to the south of the study area on the other side of the central business district. These sites were evaluated to assess their potential for development under the proposed zoning.

III.A. Land Use and Zoning

The Residence D zoning district to the west of the project study area includes several six-story apartment buildings. Because this site is fully developed, it is not anticipated that the Proposed Action would impact this residential development.

South of the proposed project site, bordering the central business district, is another site within a Residence D zoning district. This zone is located on Kraft Avenue and Midland Avenue and includes Midland Gardens. It is not anticipated that the Proposed Action would impact this residential development.

Table III.A-3, Zoning Compliance presents a comparison of the Residence D (Age Restricted) zoning district regulations, and the proposed Residence D (Age Targeted) zoning district regulations. The proposed zoning will reduce the permitted maximum units from 90 to 61, reduce the permitted height and increase the amount of open space per dwelling unit and parking per dwelling unit. All project generated parking demand will be accommodated in the proposed below-grade parking garage.

**Table III.A-3
Zoning Compliance Analysis**

	Six-Story Multiple Residence D (Age Restricted)	Six-Story Multiple Residence D (Age Targeted)
Minimum Lot Area	60,000 s.f.	60,000 s.f.
Min. Lot Depth	100 feet	90 feet
Min. Street Frontage	600 feet	600 feet
Maximum Units	90 units	61 units
Maximum Building Length	180 feet ¹	635/325 feet ²
Minimum Front Yard	5 feet	0/5 feet ³
Minimum Rear Yard	12 feet	0/5 feet ³
Minimum Side Yard (one yard)	60 feet	0/225 feet 20 feet ⁴
Minimum Side Yard (two yards)	120 feet	225/175 feet ⁵
Minimum Habitable Dwelling Area	750 s.f.	1,000 s.f.
Open Space	300 s.f.	500 s.f.
Maximum Building Coverage	55 percent ⁶	80.88 percent/55 percent ⁷
Maximum Building Height	6 story/72 feet	60 feet/5 stories 50 feet/4 stories ⁸
Off Street Parking	1 space/dwelling unit	1.5 space/dwelling unit

Source of Existing Six-Story Multiple Residence D Zoning District Use and Bulk Requirements: Code of the Village of Bronxville, New York, v16. Updated 12-15-2003. Part II General Legislation. Chapter 310, Zoning. Article III. District Use and Bulk Regulations.

**Table III.A-3
Zoning Compliance Analysis**

	Six-Story Multiple Residence D (Age Restricted)	Six-Story Multiple Residence D (Age Targeted)
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Notes:

- ¹ Planning Board approval required to exceed 180 feet in length.
- ² 635 feet including the garage/325 feet not including the garage.
- ³ 0 feet including the garage/5 feet not including the garage.
- ⁴ 0/225 feet including the garage; 20 feet not including the garage.
- ⁵ 225 feet including the garage; 175 not including the garage.
- ⁶ § 310-13.F.(1) Where the Planning Board finds that the provision of the required off-street parking space underneath the principal building or in such a way as to enable the roof thereof to be used as part of the grounds would be impractical, the Planning Board may authorize the issuance of a special permit allowing accessory garages to cover an additional 10 percent of the area of the lot. Garages designed to enable the roof thereof to be used as part of the grounds shall be exempt from any coverage limitation.
- ⁷ 80.88 percent including the garage/55 percent not including the garage.
- ⁸ 60 feet/5 stories including the garage; 50 feet/4 stories not including the garage.

c. Proposed Mitigation

As proposed, the zone text amendments seek similar area and bulk requirements for an age-targeted use as are currently permitted for an age restricted in the Six-Story Multiple Residence D zoning district. As noted above, the proposed zoning reduces the permitted maximum units from 90 to 61, reduces the permitted height and increases the amount of open space and parking per dwelling unit. All project generated parking demand will be accommodated in the proposed below-grade parking garage. As such, the proposed zone text amendments mitigate several key land use impacts from what is currently allowed in an age-restricted project by special permit.

3. Land Transaction

a. Existing Conditions

(1) Current Ownership

The Village of Bronxville currently owns the property.

(2) Property Valuation

The purchase price of the property is \$1,000,000. Clean-up of existing site environmental contamination would increase the value of the property.

- (3) Asset and/or Liability to the Village of Current and Continued Ownership Issues.

If the Village of Bronxville were to continue to own and operate the existing 179-space at-grade parking lot, the Village would benefit from revenue generated by the sale of parking permits to residents. The property would remain in public ownership and would therefore not generate any tax revenue. In addition, the Village would continue to be responsible for maintenance on and insurance for the existing at-grade parking lot.

b. Description and History of the RFP Process

The Village of Bronxville has recognized the Kensington site as a potential and important redevelopment site. As such, the Village issued a Request for Proposals (RFP) on November 15, 2002. The RFP sought development proposals that would not only address the parking concerns described in their 2002 Comprehensive Plan (“*This Village owned site was formerly a garage and parking lot and currently serves as a parking lot for commuter and CBD merchants. Future development of the site should incorporated a Village parking component to alleviate commuter and shopper parking demand*”)² but also would provide additional and distinctive housing opportunities in the downtown central business district.

On January 20, 2003, WCI Communities (FKA Spectrum Communities) was one of several developers to submit a response to the RFP to the Village of Bronxville. The Village held numerous meetings to discuss and receive input regarding the proposals submitted by the various developers.

On October 14, 2003, at a regular meeting of the Village of Bronxville Board of Trustees, the Board adopted a resolution selecting WCI Spectrum Communities as the Preferred Developer to exclusively negotiate a Development Agreement with the Village in accordance with the RFP.

c. Description of the Property Transfer Process

The Village of Bronxville and the Applicant entered into a Purchase, Sale and Development Agreement dated as of June 21, 2004 whereby the Village agreed to sell the property, subject to certain terms and conditions. The purchase price of the property is \$1,000,000. Upon the signing of the Purchase Agreement, the Applicant deposited with the Village \$250,000, applicable towards the purchase price, with the balance of the purchase price to be paid at the closing on the property. In addition, as additional consideration for the purchase of the property, the Applicant agreed to construct a parking garage at the property with approximately three hundred (300) parking spaces and grant to the Village the right to use a

² Village of Bronxville Community Plan, 2002. p55.

portion thereof containing at least two hundred (200) parking spaces. The Applicant's obligation to close on the sale of the property is subject to, among other things, receipt of the following approvals and legislative action: (i) adoption of an "Environmental Findings Statement", or other final SEQRA determination, by the Lead Agency; (ii) adoption of zone text amendments and/or zone map amendments (or issuance of a special permit if required) by the Village Board so as to permit the proposed use(s) as a principal permitted use; (iii) granting of final site plan approval (or issuance of a special permit if required) by the Village Planning Board; (iv) granting of subdivision approval by the Village Planning Board, if necessary; (v) approval by the New York State Assembly, Senate, and Governor of legislation needed by the Village to authorize its sale of the property, if necessary; and (vi) receipt of a building permit for the construction of the project at the property. In addition, the transactions contemplated by the Purchase Agreement are subject to the issuance of a SEQRA findings statement. Subject to certain conditions, the closing on the property is to occur within 30 days of receipt of all of the foregoing approvals, with an outside closing date of June 20, 2007 (subject to extension for appeals).

After the closing on the property, the Applicant must commence construction of the project within 60 days of receipt of a building permit and any permits that may be required by the New York State Department of Environmental Conservation. The estimated completion date for the construction of the project is twenty-four (24) months after the closing.

d. Potential Impacts

(1) Potential Financial Loss or Gain to the Village of Existing Assets or Benefits Resulting from a Transfer of Ownership

In addition to a gain of \$1 million for the purchase price of the proposed project site, the Village of Bronxville will continue to collect revenue from the sale of parking permits in the newly constructed below-grade parking lot. The proposed below-grade parking structure contains 21 more parking spaces for use by Village residents than the existing at-grade parking lot. As such, the Village will gain revenue from additional parking permit sales.

(2) Potential Loss of Future Use of the Property by the Village
Parking for Village residents will be provided in a below-grade parking structure on the proposed project site. No loss of use of the site for Village parking will occur.

e. Proposed Mitigation

No mitigation is proposed.