

My name is Joel Sachs. I am a member of the White Plains law firm of Keane & Beane PC. We represent numerous municipalities and applicants in Westchester County. We have been retained to represent Winchester Village, a 250 family residential community adjacent to East Grassy Road in regard to the UPS site plan application. We are coordinating our representation with Sprain Lake Knolls Civic Assn., Grassy Sprain Civic Assn, Bryn Mawr Ridge Coop and Grassy Sprain Village Coop. We have also reached out to Toll Bros Inc which is proposing a high-end residential development immediately north of Winchester Village. Over 1000 families would be adversely impacted by the UPS proposal.

The UPS site is surrounded on 3 sides by single family residential zoning. The adjacent CM Zone is an aberration in the neighborhood. Nevertheless, the prior uses of the proposed UPS site have always been indoor fully enclosed light manufacturers with warehousing, a rather benign use. A warehouse use is nothing like a truck terminal/distribution center. The proposed UPS use of the site is completely different. The UPS proposal will have significant adverse environmental and land use impacts on the surrounding residential communities. If approved the UPS proposal will lower residential property values and will negatively effect {affect?} the residential real estate market.

Both New York State and Yonkers have enacted laws which require the environmental and land use impacts of a proposed development proposal to be analyzed in depth, and if adverse impacts are disclosed, the developer must demonstrate how those impact will be successfully mitigated. If not, the development cannot proceed. See NYS Environmental Conservation Law, Art 8, known as SEQRA (State Environmental Quality Review Act and City of Yonkers Codes, Chapter 48, entitled "Environmental Quality Review Law"

Under Sec 48-5, if a development proposal may have a significant effect on the environment, a developer must prepare an Environmental Impact Statement (EIS) discussing all the potential impacts of a development proposal and each of those impacts will be mitigated.

**ChWe** not turn to a discussion of the serious adverse environmental and land use impacts of the proposed UPS site which must be addressed in an EIS and as part of site plan review. This list is not all inclusive and there may be other adverse impacts which must be examined by the Planning Board:

- A. Massive refueling facility- The EAF on p 8 indicates a massive truck refueling consisting of at least two 12,000 gal. tanks, located aboveground, containing both gasoline and diesel fuel which could be dispensed simultaneously from at least 4 separate dispensers. To begin with, The City Code, 43-37B prohibits aboveground fuel tanks. Further, a refueling facility is not a principal permitted use or accessory use within the CM Zoning District. Even if use were permitted City Code 43-37 A-L contains stringent requirements for fueling and refueling facilities, none of which have been met by UPS. The proposed UPS refueling facility is a safety disaster waiting to happen.

Also we believe that the two UPS truck facilities closest to 555 Tuckahoe Road are in the Bronx and Elmsford. These two UPS locations and possibly others have hundreds of additional trucks that will come to this Yonkers UPS site for refueling in addition to the alleged 225 UPS trucks housed at the site.

- B. Overwhelming truck traffic.- UPS claims a maximum of 225 vehicles on site. There is no way the City could ever verify this number and hundreds of additional trucks on site are possible. In addition to the so called package truck there will be massive 18 wheelers making deliveries to this site from airports and other major UPS distribution centers in the NYC metro area. Added to this would be massive tanker trucks making daily fuel deliveries to the site. This situation will

create a traffic nightmare on local roads and will severely impact the surrounding residential neighborhoods.

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- C. A 24-7 operation. The EAF admits a 24 hour operation on weekdays which will no doubt turn into a 24-7 operation. The negative environmental impacts of such operation are significant.
- D. Air Quality Impacts-see C above.
- E. Noise Impacts- see C above.
- F. Traffic Impacts-The proposed massive truck terminal facility will overwhelm local roads and lead to a traffic nightmare in residential areas. Hundreds of UPS vehicles on a dailybasis with utilize East Grassy Sprain Road as a shortcut to and from Jackson Ave and other major roadways north of the UPS site.
- G. Visual impact- almost no screening and landscaping are proposed. Members of the Planning Board should visit the UPS sites in Elmsford and the Bronx to see what a UPS truck pig sty looks like. All sizes and shapes of UPS and other vehicles parked on site. At least these sites are not surrounded by residential neighborhoods like the 555 Tuckahoe Road site is!

Chapter 43 of The City of Yonkers Code which addresses Site Plan approvals, in Sec 43-105, lists some of the issues which the Planning Board must review, such as compatibility of the proposed use with surrounding uses, traffic and circulation, parking and loading, landscaping and screening, noise, lighting and runoff from paved areas. Moreover, the City's Site Plan Law goes well beyond Sec 43-105 and indicates in Sec43-114 that in reviewing Site Plan applications, the Planning Board must comply with the provisions of SEQRA.

We will now proceed to address the serious environmental and land use impacts of the UPS proposal. If UPS cannot mitigation these impacts to the satisfaction of the Planning Board and the surrounding community, the Planning is obligated to deny site plan approval to UPS.

- H. Loss of open space and pervious surfaces- If the new proposed employee lot is constructed on the north side of the site, the last remaining green area of open space will be lost. Thus, almost the entire 22-acre site will consist of ugly rectangular buildings and paved areas. More like an industrial facility in an industrial park. The parcel is not zoned for Industrial uses and not within the I Zoning District!
- I. Storage and disposal of Hazardous Wastes—Page 13 of the EAF acknowledges hazardous wastes on the site from” leaking packages” whatever that means.

In summary, all of the above impacts and others raise serious quality of life issues. The Planning Board is obligated to protect the quality of life of the community and the densely populated residential neighborhoods. At the very least, if UPS still desires to proceed, the Planning Board must require the preparation of a full DEIS and compliance with the State and City SEQRA process.

A few more closing thoughts:

1. The UPS site is in the CM Zone. The Fed Express site on Tuckahoe Road is in the I (Industrial ) Zone with no residential neighborhoods anywhere near the Fed Express site.
2. Sec.43-39-C of the Zoning Code contains additional requirements for truck terminals and distribution centers. We do not believe that the proposed UPS site plan complies with such requirements.
3. Please see the accompanying report of Lowell Kachalsky, P.E., a prominent professional engineer, and local resident, which **report** further addresses the proposed refueling facility, traffic impacts, noise and other environmental issues.
4. The Planning Board has the right to retain its own outside consultants on issues such as noise, air quality and traffic-and make UPS pay the fees such consultants.
5. The attorney for UPS in a January 2020 letter to your Board admits that UPS has been operating at the site with 80 package trucks, Construction on the site is proceeding, This is all happening in the absence of site plan approval by your Board and in the absence of a C of O issued by the Building Commissioner.

Based upon all the above, we respectfully request that the Planning Board protect the interests of the community.

Very Truly Yours,

Keane& Beane, PC, White Plains, N.Y.

By Joel H. Sachs