

April 23, 2020

VIA FEDERAL EXPRESS

Hon. Vincent Pici
City of Yonkers
Commissioner Department of Housing and Development
87 Nepperhan Avenue
Yonkers, New York 10701

Re: 555 Tuckahoe Road - Proposed UPS Facility

Dear Commissioner Pici:

Our law firm has been retained by Winchester Village and we are coordinating our representation with Sprain Lake Knolls Civic Association, Grassy Sprain Civic Association, Bryn Mawr Ridge Coop and Grassy Sprain Village Coop. We have also reached out to Toll Brothers Inc. which is proposing a high-end residential development immediately north of Winchester Village. Over one thousand families would be adversely impacted by the UPS proposal.

Our clients have a number of homeowner associations, civic associations, condos and coops in regard to the proposed UPS facility at 555 Tuckahoe Road. Our clients have a number of major legal, land use, environmental and legal issues concerning the proposed facility. As the initial interpreter of the City's Zoning Code, we request a written interpretation as to the following three issues:

1. UPS seeks to install two 12,000 gal fuel storage tanks aboveground on the premises. Under the Zoning Code, are aboveground fuel storage tanks permitted? OUR CLIENTS BELIEVE THEY ARE NOT.
2. The subject property is located in the CM Zoning District where a Distribution Center such as being proposed by UPS is a permitted use. Is a major refueling facility consisting of at the very least of 24,000 gallons of fuel and 4 to 6 fuel pumps a permitted use in the CM Zoning District? OUR CLIENTS BELIEVE IT IS NOT.
3. In January 2020, the attorney for UPS advised the Planning Board that it has been operating the facility with approximately 80 package trucks on the site. This statement was repeated to the Planning Board at its March 2020 meeting. Moreover, active construction is proceeding on the site, both inside the

Hon. Vincent Pici
April 23, 2020
Page 2

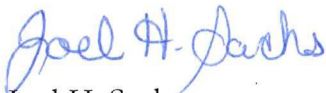
building and outside. Has a C of O been issued by your Department to allow UPS to operate a Distribution Center on the site?. If, not, has there been or will there be a Notice of Violation issued by your Department.? OUR CLIENTS BELIEVE THAT NO C of O HAS BEEN ISSUED FOR THIS USE AND NO NOTICE OF VIOLATION HAS BEEN ISSUED.

Our clients request you respond to the above questions with your interpretation of the applicable provisions of the Yonkers Zoning Code no later than May 1, 2020. Should you fail to respond to these three questions, we will assume that you agree with positions of our clients on these three questions.

If you do respond and our clients do not agree with your interpretation on these three questions, our clients reserve their right to pursue appropriate legal remedies against the City of Yonkers and UPS.

P.S. Due to the pandemic, please respond to this letter by email to jsachs@kblaw.com. Thank you.

Very truly yours,



Joel H. Sachs

JHS/sb

cc: Mayor Michael Spano
Councilman Anthony Merante
Clients