

#### **IV. SIGNIFICANT ADVERSE IMPACTS THAT CANNOT BE AVOIDED**

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The development will result in some adverse environmental impacts that cannot be avoided. Some of these will be temporary or short-term impacts associated with the construction phases of the Project, while others will be long term impacts associated with the physical alteration and occupation of the Site. However, there are no significant impacts associated with the Proposed Action that have not been mitigated. Short and long term impacts associated with the Proposed Action are presented below.

##### **A. Short-Term Impacts (Construction)**

The construction of the proposed development will have short-term impacts on the Kensington Road area as well as surrounding portions of downtown Bronxville. The impacts can be broken into two categories, those that are directly associated with construction and those that are conditions that result from construction. The direct impacts construction include: noise, dust, vibration and congestion from such activities as blasting, excavation and removal of soil and rock, excavation and removal of contaminated materials, and delivery of materials.

The aforementioned activities cause indirect impacts such as: a loss of commuter parking, traffic disruption, alteration of pedestrian circulation, increased activity, visual distraction and a general disruption of the current lifestyle to which people in the area are accustomed. These short-term impacts as listed above are unavoidable but can be minimized or at least reduced through thorough analysis and proper planning.

A construction operations manual, developed in consultation with the Village of Bronxville, will be prepared prior to initiation of construction. The goals in preparing a construction/work plan are to establish priorities. The coordination of the work at the subject site will be fully articulated during detailed design development. The construction/work plan will focus on protection of the people and property as well establishing a legitimate duration of work. The manual will address the following:

##### **1. Village of Bronxville Noise Code**

The Code of the Village of Bronxville, v21, Part II General Legislation, Chapter 210 "Peace and Good Order" makes provisions regarding specifically prohibited noises, item 210-8.

Paragraph E in this section states that no person shall engage in:

"The erection (including excavation) or demolition or major alteration or repair of any building other than between 8:00 a.m. and 6:00 p.m. on Monday, Tuesday, Wednesday, Thursday or Friday, but not on any such day which is a state or national holiday."

Paragraph F in this section states that no person shall engage in:

“The excavation with power machinery of any plot of land within a residence district, as defined in the Village Zoning Law, as amended, except in accordance with an excavation permit theretofore issued for that plot of land by the Superintendent of Buildings, in addition to the usual building permit for the construction of a building or buildings on that plot of land. Such excavation permit may specify a limited number of consecutive working days for the use of power machinery, according to the circumstances on the particular case, and such permit may be renewed...”

Paragraph G in this section states that no person shall engage in:

“The creation of noise on any street adjacent to any school, institution of learning or church while the same is in session...”

In addition, Section 290 of the Village Code “Motor Vehicle Noise Levels” restricts noise above certain levels between the hours of 11PM and 7AM. The construction logistics plan will conform to these guidelines.

## 2. Easements

The Kensington development project will require four easement agreements as follows:

- Between MTA and United Water for the relocated water main on MTA property;
- Between MTA and the Village of Bronxville for the relocated storm drain;
- Between the Applicant and MTA for driveway and utility access to the sub-station, and
- Between the Applicant, MTA and Con Edison for an underground service line between Kensington Road and the sub-station, which was recently installed.

## 3. Schedule & Working Hours

A detailed “Primavera” timeline for the duration of the work will be coordinated during the finalization of the design of the development.

### a. Construction Phasing

The schedule will be broken into four construction phases, which will total approximately 21 months in duration.

- Phase 1 – Mobilization, demolition and foundation work; Approximate duration: seven months (depending on coordination with the MTA)
- Phase 2 - Superstructure, Façade and Roof; Approximate duration: seven months
- Phase 3 – Interiors; Approximate duration: seven months
- Phase 4- Sitework and landscaping; Approximate duration: two months, which overlaps with completion of interiors.

- b. **Construction Staging**  
Construction parking and staging areas will be pre-determined. The proposed staging plan would include locating work trailers on the portion of the property that is adjacent to the Metro-North Rail Road transformer building. Materials are proposed to be stored in the parking land adjacent to the site that would be closed and fenced for the duration of construction. The Applicant is currently investigating locations outside of Bronxville that can be used by the construction workers and managers that can be brought to the site via bus or train. Staging of parking will be limited on-site due to the extent of site excavation required to construct the garage.
- c. **Construction Working Hours**  
Typical working hours will be 8:00AM to 5:00 PM weekdays.
- d. **Construction Traffic**  
Truck movements will be made primarily during these hours and will be coordinated with the Village. Truck movements will be more frequent during Phase 1 to provide for the removal of materials from the site. During this phase, it is anticipated that during certain peak periods, up to six trucks per hour may be required to remove materials that are excavated from the site. The trucks would arrive and leave the site from Palmer Avenue.

4. **General Construction Guidelines**

- a. **Methods of Rock Removal**  
The Applicant has established a required volume (1500+/-cy) of rock that will need to be removed. It is unlikely that there would be any blasting as all rock would likely be removed via line drilling and chopping with a hoe ram machine or chemical injection method. Rock hardness will determine which rock removal process will be necessary. In the unlikely event that blasting rather than chipping is required; a licensed engineer will prepare a pre-blast survey of all properties within 100 feet of the site.

The Applicant and its contractors would be responsible for protecting adjacent structures, including any extraordinary protection that would be required to protect the stained glass windows in Christ Church.

In the unlikely event that blasting is necessary, a “blasting plan” will be submitted to the Village prior to work. The blasting plan will establish clear and concise guidelines for blasting and all associated activities. A licensed Geo-technical Engineer will work with a licensed blasting contractor to establish the rock removal criteria during the approval process.

b. Equipment Staging and Phasing

The proposed staging plan would include locating work trailers on the portion of the property that is adjacent to the Metro-North Rail Road transformer building. Materials are proposed to be stored in the parking land adjacent to the site that would be closed and fenced for the duration of construction. The Applicant is currently investigating locations outside of Bronxville that can be used by the construction workers and managers that can be brought to the site via bus or train. Staging of parking will be limited on-site due to the extent of site excavation required to construct the garage.

c. Construction Working Hours

Typical working hours will be 8:00AM to 5:00PM weekdays.

d. Construction Traffic

Truck movements will be made primarily during these hours and will be coordinated with the Village. Truck movements will be more frequent during Phase 1 to provide for the removal of materials from the site. During this phase, it is anticipated that during certain peak periods, up to six trucks per hour may be required to remove materials that are excavated from the site. The trucks would arrive and leave the site from Palmer Avenue.

5. Removal of Contaminated Material

As fully described in Section III.F of this DEIS, it will be necessary to remove 10,000 to 15,000 yards of soil materials that range in level of contamination. All material excavation, loading, trucking and ultimate disposal will be performed in accordance with NYSDEC standards and a specific "Closure Plan" protocol as well as OSHA standards. A detailed Remediation Action Plan is included in Section III.F. of this DEIS, Soils and Groundwater.

6. Construction Vehicle Access

Construction vehicles would arrive and leave the site from Palmer Avenue.

7. Safety Plan and Protection of Property

The sidewalk adjacent to the property is proposed to be closed during the first three phases of construction. The sidewalk and curbing will be completed during the 4<sup>th</sup> phase when it will be re- opened to public.

8. Description of Impacts to the MTA Metro North Railroad Property

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. Prior to the start of construction, the Applicant will obtain an Entry Permit from MTA Metro North.

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. 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.

All work will be performed in conformance with Metro-North’s “Construction Management Specifications” for work on or adjacent to Railroad Property and in conformance with Metro-North’s “General Procedures for Access to Railroad Property”. The Applicant will submit to Metro-North detailed plans for work to be performed adjacent to Metro-North property. Proposed protection work will include closing the northbound platform adjacent to the development site for the duration of the construction. Any required protective sheeting will be designed in conformance with Metro-North technical specifications and would require approval by the Metro-North Construction Management Department. The Applicant will also obtain an entry permit to perform the approved work. To the extent that work affects Metro-North tracks, railroad flag personnel and other protective measures would be put into place.

9. Noise Impacts.

As discussed in detail in Section III.K, temporary noise impacts may occur during construction of the Kensington. A noise mitigation plan, including noise monitoring, defined time periods of construction, will be formulated to minimize disruption to the surrounding land uses. Noise impacts due to construction are temporary in nature and are not considered to be significant given the large buffer areas between surrounding property and the actual construction sites.

In accordance with the Code of the Village of Bronxville (v.21, Part II, General Legislation, Chapter 210, §210-8) construction will be limited to between 8AM and 6PM weekdays. Project construction will not occur on state or national holidays. All mechanical construction equipment will be maintained in good working order to help limit noise levels.

10. Air Quality Impacts

Direct and indirect source emissions of the proposed project include temporary construction-related emissions (vehicle emissions and fugitive dust), dust from potentially contaminated soils, long-term residential automobile exhaust emissions, and emissions associated with the heating and cooling systems used in the residential units.

Impacts from construction vehicles are expected to be minimal for several reasons including: proper maintenance of construction equipment, controlling unnecessary idling of equipment, and providing sufficient parking for construction workers. Furthermore, according to the New York State Department of Transportation's (NYSDOT) Environmental Procedures Manual, the emissions from construction vehicles are "temporary" and "self-correcting once the project is completed."

Several measures may be employed during construction activities to ensure that dust suspension is kept low. These measure may include:

- Keeping construction vehicle speed low to reduce dust suspension;
- Covering trucks carrying soils and other dry materials;
- Temporarily seeding and/or covering exposed stockpiles of soil, covering exposed stockpiles of gravel to eliminate wind-driven dust suspension, or as an alternate, minimizing the height of these piles;
- Periodic washing of paved surfaces during dry periods as a means to suppress dust suspension; and
- The application of water on stockpiles and unpaved roads, and exposed soil areas during dry periods as a means to suppress dust suspension.
- Minimize open faces of all excavations to reduce working areas exposed to air;
- Liberally apply water to areas with spray nozzles and hoses where open excavations and loading/unloading operations are taking place.
- Place plastic tarps over open areas of excavations, especially at night and weekends when no work is taking place;
- Employ tire-cleaning procedures to reduce tracking of materials and potential dust emissions on city streets.

The NYSDOT states that such measures have proved effective in limiting fugitive dust during the construction period.

Based on low expected incidence of heavy construction activities, the good maintenance of the construction vehicles, and the use of previously stated measures to control dust suspension, construction-related air quality impacts associated with the proposed project will be minimized to ensure the health and safety of the construction workers and the surrounding community.

11. Temporary Displacement or Permanent Relocation of Existing 179 Parking Spaces.

At present, the proposed project site provides approximately 179 at-grade parking spaces in three lots. These lots are used for commuter and other Village parking. During construction of the proposed project, these spaces will be temporarily displaced. 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.

At project completion, however, the project will provide approximately 200 below-grade parking spaces for use by the Village.

12. Fiscal Impact

An additional short-term construction impact would be a temporary loss of revenue to the Village from parking permits issued for these three lots.

13. Description of Impacts to Christ Church

The limited sound barrier performance of glass, roughly 20 dB, will allow for transmission of construction noise to the main sanctuary, and any other Church areas with windows looking onto the construction site. Interior spaces within the church having partitions separating them other perimeter spaces, should therefore find construction noise non-intrusive due to the additional noise reduction afforded by the interior walls, etc. The construction activities generating the most impact will be any blasting (though unlikely), and pneumatic drills and equipment used to break pavement and/or rocks. These activities generate noise levels of approximately 90 dB(A) at distances of three feet. Considering distance to the Church, and noise reduction through the windows, blasting and pavement breaking would be expected to result in noise levels between 60 and 70 dB(A) inside the Church, at perimeter areas with windows. Interior spaces should find conditions at least 10 dB less. Levels of 70 dB(A) would be intrusive to, and likely disrupt, ongoing Church services. Any blasting (if required) and pavement breaking could be suspended during services such as the Wednesday 7:00 am and Thursday 11:00 a.m. and occasional events such as funerals. The Applicant will coordinate with the Church to understand their events calendar and manage construction activities accordingly.

In accordance with the Code of the Village of Bronxville (v.21, Part II, General Legislation, Chapter 210, §210-8) construction activities will not occur while church is in session.

In addition, the stained glass windows will be evaluated to determine their condition, and may be protected with insulation and/or foam between the glass panes and boards. If the windows are not sound within their frames, the windows could be temporarily removed as a further precaution. The Applicant and its contractors would be responsible for protecting adjacent structures, including any extraordinary protection that would be required to protect the stained glass windows in Christ Church.

At project completion, the Kensington should reduce intrusive train noise to the Christ Church, as it will provide a barrier between the Church and the trains.

**B. Long-Term Impacts**

1. Natural Environment

The proposed project provides an interior landscaped pedestrian courtyard. In addition, the existing wooded buffer at the north end of the project site will remain largely intact, though will be tended and maintained. There will be no increase in impervious surface on the site as it is currently an at-grade paved parking area.

2. Built Environment

The addition of approximately 126 new Village residents, representing an increase in the population of the Village of two percent, would have no significant impacts services such as police and fire protection, ambulance services, and local hospitals.

The addition of new traffic on the area roadways (estimated 37 AM peak hour trips, 43 PM peak hour trips) is unavoidable with the Proposed Action, but would not significantly affect the roadway system in the vicinity of the project site.

With the development of the site as proposed, the appearance of the site from some area roadways will change. However, the proposed Kensington buildings in designed in the Spanish Mission and Tudor styles of architecture would provide a significant visual benefit from the existing at-grade parking lot with scattered with deteriorating structures.

Again, note that none of the above listed impacts are considered significant. All significant adverse impacts have been mitigated or avoided.