

June 23, 2021, Mount Vernon City Council Public Hearing regarding the re-zoning of One Bradford Road for commercial/industrial use. One Bradford sits within Wilson Woods Park, part of the Westchester County Parks System. One Bradford is owned by the Stagg Group, a Bronx-based builder of “affordable homes and apartments, in the Bronx and Westchester County.” <https://www.stagggroup.com/about/> Stagg intends to use One Bradford as an office building.

The video is here: <https://www.facebook.com/mountvernonny/videos/498405174771503>

The following letter from Norah Drummond, Westchester County Planning Board Commissioner, was read into the record by the County Clerk.

Minute 27:55

“The Westchester County Planning Board has received a revised amendment to the Mount Vernon Zoning Ordinance and Zoning Map with respect to One Bradford Road, a site that is surrounded by the Wilson Woods County Park, and accessible only via the park’s roadway. The amendment would create a new PUCD slash Park Planned Unit Cluster Development [PUCD], the park district, and re-zone One Bradford Road to this new district. One Bradford Road is currently zoned for an RMF-15 [a residential zoning designation], and prior to 2015, zoned for LI7.5 [a “light” industrial zoning designation]

*The proposed PUCD Park Regulations are designated to ensure and encourage flexibility of design and the development that is also sensitive to the unique qualities of One Bradford Road **which is surrounded by County Park land**. While the PUCD Park District would allow a variety of uses, it is our understanding that it would also permit a currently **proposed construction related office building** subject to certain conditions that involve layout, clustering of development, setbacks, and buffers.” [emphasis added]*

It is important to remember that what is being discussed is a 1) “construction related office building” that will be 2) “surrounded by County Park land.” In my view, these two things seem incompatible and, therefore, the re-zoning itself seems to rest upon a false premise. In other words, paraphrasing a bit from the draft PAP legislation, any industrial use is inappropriate within Wilson Woods Park, prima facie.

“The County Planning Board provided preliminary comments on the proposal in a letter dated May 8, 2020, as well as additional comments on earlier versions of the PUCD Park Regulations in a letter dated June 12, 2020. We have no objections to the Mount Vernon City Council assuming lead agency status for this review.

We have received and reviewed zoning amendments under the provisions of Section 239(l)(m)(n), the general municipal law, and Section 277.61 of the County Administrative Code, and we continue to be supportive of the proposed changes.

We agree that the site is better suited for the context-sensitive regulations contained within the PUCD Park Regulations, than the previous LI7.5 regulations.”

The problem is, as residents speaking against this re-zoning will point out, the PUCD re-zoning amendment has been replaced with a new re-zoning amendment called a “Planned Adjacent Park” Zoning Amendment or PAP. This letter from the Westchester County Planning Board appears to be outdated, but it is hard to tell since the Clerk did not read into the record the date on the letter.

“If the proposed zoning is adopted, we look forward to continuing our review of the site plan proposal for One Bradford Road. We also note that provisions to the proposed PUCD Park Regulations now require the outdoor storage of materials and equipment, pallets and supplies to be in the rear of the property and not along the property line with the park. The applicant must also work with the County staff to ensure that suitable buffer is implemented between the site and Wilson Woods Park.”

If the premise that a “Construction Related” office building is “suitable” for existence within a public park is false, then so is the notion that a “suitable buffer” can exist between the two.

“Please inform us of the City’s decision so that we can make it part of the record. Thank you for calling this matter to our attention.

Respectfully,

Westchester County Planning Board

Norma Drummond, Commissioner”

Public Comments in Support of the planned re-zoning

2 Residents spoke in support of the re-zoning.

The first was a letter from a resident read into the record by the City Clerk. The resident spoke to the need for services to help enrich the lives of our fellow citizens with disabilities. Specifically, she spoke about the needs of her adolescent child and her understanding that the Stagg Group (presumably) is proposing to build affordable daycare for children with disabilities at One Bradford Road.

The second resident also spoke about the possibility for daycare and associated jobs for City residents, as well as the possibility of a community meeting space.

The uses discussed by these residents would be completely acceptable to me and I imagine the residents who spoke in opposition to the PAP re-zoning legislation. The PAP permits these uses among many others that would be appropriate within a public park (e.g., culture center, day camp, arboretum, aviary, botanical garden, plant nursery).

Michael Zarin, an attorney retained by the City to help in re-zoning matters gave the following statement:

Minute 34:15

"I thought the county letter gave a good summary of some of the background and the genesis of this proposal. People may recall this site was zoned and is zoned "Industrial Office". In 2020 I believe One Bradford Road proposed a zoning text amendment to create a cluster development, Park Planned Cluster Development [PUCD] pursuant to a stipulation settlement between the applicant and the city, related to a proposed project, corporate office campus, at One Bradford Road. With that application, the City's consultants, our firm, the City Planning Department, and Cleary Consulting (another entity that works, has been retained by the City Council to help on these zoning applications), worked on this proposed zoning in connection with this application."

It is not clear why Mr. Zarin is talking about the PUCD and not the PAP. The Public Notice for this Hearing does not mention the PUCD it mentions the PAP.

"Again, it's important to make clear that this is a public hearing only on the zoning, not the particular application. This application, if the zoning is passed, will then have to go to planning board, that will review the site plan application pursuant to the regulations and the zoning."

The zoning has become a sort of 25-page document. In May of this year the Planning Board, after a number of hearings and meetings, made a positive recommendation to the Council as part of their review powers, with respect to the zoning positive recommendation, subject to various of the changes that were made. As the County pointed out, other changes were made pursuant to some of the feedback from this Council, as well as the County Letters.

The key provisions, again, I think the County summarized it nicely- all activities on the site must be screened, landscaped, buffered, from the park, and the neighborhood residences. No reselling, fabricating, any type of assembly packaging, or re-sale materials may be conducted outdoors. There's a limit on outdoor storage materials and pallets, that it's allowed under the zoning, but it must be screened and must be adjacent to the back of the property to the train tracks. No light from the site can travel off site or lighting must be turned down and special apparatus used to maintain that no lighting emerges or discharges from the site.

The Planning Board may in its discretion include stricter procedures than some of the conditions in the zoning, with respect to making sure that all activity is screened and buffered and that any adverse or negative environmental impacts on the surrounding residential area or park land are avoided and mitigated.

There are detailed development standards in the zoning – for landscaping, for lighting, for types of fencing, and other activities at the site. All starboard [an industrial polymer material?] at the site must be treated on the site and treated for quality and quantity and controlled. There are details, thirty of them, conditions with respect to any buildings and structures on the site, to ensure they're in harmony with the neighborhood, with respect to design, windows, materials and the like."

The things noted by Mr. Zarin might be characterized as "red herrings". In other words, these things are fine as far as they go, but they direct public attention away from the heart of the matter which is mentioned by one of the residents in opposition to this use of land: why are we even talking about locating a "construction related office building" within a public park? That an industrial office building existed at One Bradford in the past just makes this worse.

“The Planning Board also had before it Traffic Studies, visuals, site analysis, and other things when they made the recommendation, and when we reviewed it. So that’s just a quick overview of the zoning and unless there’s any questions, I’ll defer to you and the Public Hearing.”

Public Comments in Opposition to the planned re-zoning

I counted fifteen residents who spoke in opposition to the planned re-zoning. Concerns included the following:

1. Traffic. Many residents living adjacent to the park worried that their already overburdened, narrow streets, simply cannot accommodate the additional traffic. The proposed Stagg Group project calls for about 130 parking spots on site, plus there are worries about a significant increase in truck traffic. Of greatest concern is the safety of children who frequent Wilson Woods Park.
2. Is this what the community wants? If we had a “Comprehensive Plan” would locating a “construction related office building” within Wilson Woods Park be a part of that Comprehensive Plan? And if not, why are we considering this?
3. Lack of transparency. One resident noted that he had to file a Freedom of Information Act request (FOIA) to get detailed information about the re-zoning proposal.

Below is the complete statement given by one resident, Jane Curtis. I think this captures the spirit of resident opposition to this planned development quite well.

Minute 1:31:56

“In my mind, there is one overriding question this evening- Why was the PUCD Zoning replaced with the PAP Zoning? The PAP [Planned Adjacent Park] Zoning Amendment is a pale imitation of the robust PUCD Zoning that it replaces. It has far fewer protections for the park; it allows 90% ‘impervious surface’ coverage, which is totally unacceptable; it allows pallet storage, it does not prohibit a repair facility for trucks and heavy equipment. Heavy equipment will either have to travel through the park or through the narrow, nearby residential streets south of the park- both options are unacceptable.

A number of us sat through the City Council and Planning Board Meetings for the PUCD. Why was the PUCD replaced with the PAP? How is this related to the Stipulation Settlement? Where are the referral responses from the Planning Board and the County to this new amendment? The letter from the County read at the beginning of the hearing is for the PUCD, not the PAP, as is the letter from the Planning Board referenced in Mr. Zarin’s comments.

We would appreciate some insight into this baffling new turn of events. We want our Park to be protected, we want our community to be protected. Thank you.”

Stagg Group Comments

Speaking on behalf of the Stagg Group was Stagg Senior Vice President, Jay Martino, and Cathleen Bradshaw.

Mr. Martino stated that Stagg does not “intend” to use One Bradford as a “contractor’s yard” and that “We don’t intend to use it as a transfer station, so the truck traffic is in fact minimal”.

Ms. Bradshaw talked about the planting and landscaping work Stagg has already done and how Stagg has worked diligently to meet requirements placed upon them by the MV Planning Board. She stated that Stagg will “probably be the best neighbors that Mount Vernon has” and that Stagg is “very conscious of the fact that we are located in one of the nicest parts in the county and that people are coming and going using the park, children, families, and we do not plan on interfering with the use of the park.”

I do not doubt Stagg’s good intentions and plans. After all, who wouldn’t want to have their office located within a beautiful park? However, what is relevant is the language in Article V-Section 7 of the draft legislation, not what Stagg currently intends to do or not to do at the site. For example, based on the language in that draft legislation, Stagg could use the One Bradford site for “Research, experimental, testing and/or development activities where manufacturing, fabrication, production, testing, repair, indoor storage, sale or resale of materials, goods, and products which are purchased and reassembled are incidental to the principal use, and take place indoors.” (Article V Section 7 E.1(c)). The term “incidental” is not defined in Article II Section 3 of the draft legislation. Could “incidental use” involve trucks bringing raw materials to the site and taking fabricated products from the site? I do not see why not.

Stagg and One Bradford Road are just the latest iteration of a culture that appears to place the needs of developers, lawyers, and consultants, ahead of the needs and wishes of Mount Vernon residents. Instead of a clear, well-developed plan that is easily available for residents to evaluate and discuss, we get a Rube Goldberg style system of planning and development, ham-handedly thrust upon us. This is why residents are fed up.