

FOR THE RECORD



The North Shore Waterfront Conservancy of Staten Island, Inc.
P.O. Box 140502
Staten Island, New York 10314

October 10, 2017

Chair, David Greenfield
NYC City Council Land Use Committee

Land Use Committee Members: Annabel Palma, Barry Grodenchik, Ben Kallos, Brad S. Lander, Daniel Garodnick, Darlene Mealy, Deborah Rose, Donovan Richards, Jumaane D. Williams, Peter A. Koo, Rosie Mendez, Steven L. Levin, Vincent J. Gentile, Ydanis A. Rodriguez, Andrew Cohen, Antino Reynoso, Inez D. Barron, Mark Tryger, Rafael Salamaca, Jr., Ritchie J. Torres

Reference: L.U. Nos 759 and 760 (C160174ZSR and C150359MMR) 534 South Avenue, Staten Island, NY. 10303, Block 1707, Lots 1 & 5.

On behalf of the North Shore Waterfront Conservancy of Staten Island, Inc., (NSWC or NSWCSI) and the Environmental Justice and Waterfront Communities on Staten Island's North Shore that we advocate on behalf of.

We are opposed to the applicant demapping and mapping streets at the above location also known as the Graniteville Tree Swamp by residents because his intent is to destroy this 27.8 acres and build Big Box Store, Parking Lot, etc.

In 2005, we watched as Hurricane Katrina devastated New Orleans, this hurricane had been one of several hurricanes that had hit the area. And based on that trend those of us at NSWC knew that it would not be long before a hurricane would make its way up the East Coast hitting Staten Island. It was never a matter of if ~ so much as when. Therefore, we have spent the past 12 years trying to get officials to recognize the vulnerabilities of Staten Island's North Shore (EJ) Environmental Justice Communities in relationship to manmade hazardous conditions combined with natural events.

We have worked tirelessly to get the waterfront remediated of toxins and much to our dismay officials are still not addressing this issue satisfactorily. We have also worked tirelessly to preserve fresh and tidal wetlands so that they can be buffers and protect the EJ communities.

And yet here we are 12 years after Katrina, 6 years after Irene and 5 years after Sandy and few months after Hurricanes, Harvey, Irma and Maria with absolutely no indication that officials have truly learned anything behind these storms.

So, here is the thing if we are wrong and the Graniteville Tree Swamp is preserved in its entirety and it becomes a NYC Park. And no hurricane every again hits Staten Island, there would be no harm and no foul. This Park would be beneficial to the EJ community and its thousands of residents that are in proximity of this wetlands and forest as it would continue to be a resiliency buffer combating Climate Change.

However, if the City Council and the developer are wrong and this wetland and forest are built on to the developers' specification and Staten Island is hit again with another hurricane or hurricanes. And nearby residents lose their homes, possessions and even their lives. Who do you think those survivors are going to remember and to hold accountable long after those officials are no longer in office?

For Example: Christine Todd Whitman.

<https://www.theguardian.com/us-news/2016/sep/10/epa-head-wrong-911-air-safe-new-york-christine-todd-whitman>

“Christine Todd Whitman, who as head of the Environmental Protection Agency (EPA) under George W Bush at the time of the 9/11 attacks told the public the air around Ground Zero in New York was safe to breathe, has admitted for the first time she was wrong.”

Severe storms and hurricanes are inevitable, therefore, how we prepare and what is included in our resiliency infrastructure is crucial.

Sincerely,

Beryl A. Thurman, Executive Director/President
NSWC

FLASH FLOODS - The #1 Weather Related Killer in the United States!

www.tucsonnewsnow.com |

[From The KOLD News 13 Newsroom](#)

Courtesy of National Weather Service Phoenix

How do flash floods occur?

Several factors contribute to flash flooding. The two key elements are rainfall intensity and duration. Intensity is the rate of rainfall, and duration is how long the rain lasts. Topography, soil conditions, and ground cover also play important roles.

Flash floods occur within a few minutes or hours of excessive rainfall, a dam or levee failure, or a sudden release of water held by an ice jam. Flash floods can roll boulders, tear out trees, destroy buildings and bridges, and scour out new channels. Rapidly rising water can reach heights of 30 feet or more. Furthermore, flash-flood producing rains can trigger catastrophic mud slides. You will not always have a warning that these deadly, sudden floods are coming.

Most flood deaths are due to FLASH FLOODS.

FLASH FLOODS / FLOODS:

- Are the #1 cause of deaths associated with thunderstorms...more than 140 fatalities each year
- Most flash flood deaths occur at night...and most victims are trapped in cars
- Six inches of fast-moving water can knock you off your feet - a depth of two feet will cause most vehicles to float!
- * photo by Warren Faidley, Weatherstock

Look out for WATER RISING RAPIDLY!

Nearly HALF of all flash flood deaths are auto-related

In your car, look out for...

- flooding at highway dips, bridges and low areas
- many flash floods occur at night...be prepared to take quick action!

FLASH FLOODING TAKES MULTIPLE FORMS

- **URBAN FLOOD** - As land is converted from fields, woodlands or deserts to roads and parking lots, it loses its ability to absorb rainfall. Urbanization increases runoff 2 to 6 times over what would occur on natural terrain. During periods of urban flooding, streets can become swiftly moving rivers, while basements can become death traps as they fill with water.

- **FLASH FLOODING IN ARROYOS/WASHES** - An arroyo is a water-carved gully or normally dry creek bed. Arroyos can fill with fast-moving water very quickly. Flash flooding at some arroyos can take less than one minute to develop!
- **ICE JAM** - Floating ice can accumulate at a natural or man-made obstruction and stop the flow of water. When the obstruction is quickly released, flash flooding can occur.

Stay informed about the storm by listening to NOAA Weather Radio, commercial radio and television for the latest flash flood watches, warnings and advisories! NOAA Weather Radio is the best means to receive warnings from the National Weather Service.

WHAT TO LISTEN FOR...

- **FLASH FLOOD WATCH:** Flash flooding is possible within the designated watch area - **BE ALERT!**
- **FLASH FLOOD WARNING:** Flash flooding has been reported or is imminent - take necessary precautions at once.
- **URBAN AND SMALL STREAM FLOOD ADVISORY:** Flooding of small streams, streets, and low-lying areas such as railroad underpasses and urban storm drains, is occurring.
- **FLOOD STATEMENT:** Follow up information regarding a flash flood event.

FLASH FLOOD SAFETY RULES

- When a flash flood **WATCH** is issued...be alert to signs of flash flooding and be prepared to evacuate on a moment's notice
 - When a flash flood **WARNING** is issued for your area, or the moment you realize that a flash flood is imminent, act quickly to save yourself. **YOU MAY HAVE ONLY SECONDS!**
 - **GO TO HIGHER GROUND - CLIMB TO SAFETY**
 - Get out of areas subject to flooding. This includes dips, low spots, canyons, washes, etc.
 - Avoid already flooded and high velocity flow areas. Do **NOT** attempt to cross flowing streams.
 - If driving, be aware that the road bed may not be intact under flood waters. Turn around and go another way. **DO NOT** drive through flooded roadways! The road bed may be washed out under the water and you could be stranded or trapped.
 - If the vehicle stalls, leave it immediately and seek higher ground. Rapidly rising water may engulf the vehicle and its occupants and sweep them away. Remember, it's better to be **WET** than **DEAD!**
 - Be especially cautious at night when it is harder to recognize flood dangers.
 - Do not camp or park your vehicle along streams and washes, particularly during threatening weather conditions.
 - Children should **NEVER** play around high water, storm drains, viaducts or arroyos.
- If you come upon a flowing stream where the water is above your ankles, **STOP!** Turn around and go another way. If water is moving swiftly, even water six inches deep can knock you off your feet.



With Death Toll at 30, Storm Makes 2nd Landfall

www.nytimes.com |

Photo

Juan Jaramillo, from Houston, went for a morning jog to survey the damage along Buffalo Bayou on Tuesday. Credit Andrew Burton for The New York Times

Emergency workers rescued many more soaked and frightened people in southeast Texas on Tuesday as floodwaters continued to rise and officials counseled patience, warning that conditions would not improve soon.

The slow-moving, record-shattering [tropical storm Harvey](#) battered the region for a sixth straight day and began to move into southwest Louisiana, where it made its second landfall early Wednesday morning. With hundreds of thousands of people under evacuation orders, shelters in Houston filled to bursting with people who craved some news about the safety of their loved ones and the state of their homes.

For now, the city's focus "will continue to be on rescue," and not on damage assessment — much less recovery — Houston's mayor, Sylvester Turner, said at a news conference.

Here is the latest:

- The storm made its second landfall just west of Cameron, La., the National Hurricane Center said at 4 a.m. Wednesday. Harvey was expected to move northeast, gradually weakening and becoming a tropical depression by Wednesday night.
- Local officials in Texas have reported at least 30 confirmed and suspected flood-related deaths.
- Mr. Turner imposed a curfew in Houston from midnight to 5 a.m. until further notice.
- Parts of the Houston area set a record for rainfall from a single storm anywhere in the continental United States, with a top reading on Tuesday afternoon, since the storm began, of 51.88 inches. Jeffrey Lindner, a meteorologist for the Harris County Flood Control District, said 25 to 30 percent of Harris County's 1,800 square miles of land was flooded.
- The Houston Police Department has rescued more than 3,500 people from flooding, Chief Art Acevedo said. The city fire chief, Samuel Peña, said his department had performed more than 400 rescues. The Harris County Sheriff's Office did not have an updated figure, but said it was considerably higher than the roughly 2,200 rescues it reported on Monday.
- President Trump [visited Texas](#), arriving in Corpus Christi before traveling to Austin.

Harvey Hits Texas By CHRIS CIRILLO Play Video 2:57
Texans Tell Stories of Heartbreak Caused by Harvey
Video

Texans Tell Stories of Heartbreak Caused by Harvey

Videos reveal the emotional and physical toll of the storm in Houston and the surrounding area.

By CHRIS CIRILLO on Publish Date August 29, 2017. Photo by Barbara Davidson for The New York Times. [Watch in Times Video »](#)

- [embed](#)

• Times journalists are chronicling the storm and its aftermath. Here is a collection of [the most powerful photographs](#), and [a guide to our coverage](#). Follow our reporter on Twitter: [Manny Fernandez](#), [Alan Blinder](#), [Julie Turkewitz](#), [Jack Healy](#), [Dave Philipps](#), [Annie Correal](#), [Rick Rojas](#), [Monica Davey](#), [Richard Fausset](#), [Richard Pérez-Peña](#) and [Audra Burch](#). Check out a [collection of their tweets](#).

• Are you in an affected area? **If you are safe**, and are able to, share your story by email to hurricane@nytimes.com. And here are [ways you can help](#).

[Continue reading the main story](#)

The storm returns to the mainland.

Harvey made landfall again early Wednesday on the Louisiana side of the border, west of the town of Cameron, according to the National Hurricane Center.

Donald Jones, a meteorologist with the National Weather Service office in Lake Charles, La., said Tuesday that parts of southeast Texas and southwest Louisiana, which have already been flooded by several inches of rain, could get another five to 10 inches when the storm arrived. Winds were expected to reach about 50 m.p.h., with gusts as high 60 m.p.h., he said.

Because the ground is already so saturated, "the big thing we're concerned about is trees being blown over," Mr. Jones said, adding that officials are less worried that the winds alone will be strong enough to damage homes.

The additional rain also means that widespread flash flooding will continue through Wednesday, Mr. Jones said, regardless of where exactly the center of the storm is.

The National Hurricane Center said the storm was expected to gradually weaken as it moved northeast, becoming a tropical depression by Wednesday night.

More rain is expected through Friday.

Parts of Houston have been inundated by more than 50 inches, and totals could exceed 20 inches in southern Louisiana, the National Weather Service reported. Over the past four days, more than a trillion gallons of rain have fallen in Harris County alone — enough to "run Niagara Falls for 15 days," Mr. Lindner said, or fill the Houston Astro dome 3,200 times.

As for the record rainfall, a weather station at Cedar Bayou about 25 miles east of downtown Houston reported 51.88 inches of rain, eclipsing the previous mark of 48.00 inches that was measured at Medina, Tex., during Amelia, a tropical storm in 1978. Two other weather stations exceeded the Amelia record as well.

Weather Service officials noted that the rain was still falling and that the numbers at Cedar Bayou and other stations may soon surpass the overall United States record for total rainfall from a single cyclone. In Hawaii during Hurricane Hiki in 1950, 52.00 inches of rain were recorded at a ranger station on Kauai.

How long does it take for that much rain to fall where you live? You can ask [The Upshot](#).

But in the Houston area, a sign of hope emerged Tuesday evening: The sun, not seen for days, broke through the clouds.

Houston's mayor imposed a curfew from midnight to 5 a.m. until further notice.

The Houston Police Department requested the curfew partly in response to reports of "small-scale looting" and other crimes, Chief Acevedo said at a news conference Tuesday evening.

He added that the curfew would help search and rescue teams get around without interference.

Mr. Turner, the mayor, warned that people had been impersonating law enforcement officers in some neighborhoods, going door to door and telling residents falsely that there was a mandatory evacuation order in place.

Earlier in the day, the district attorney for Harris County, which includes Houston, announced that looters would face harsher punishments under a Texas law governing crimes committed in disaster zones. For instance, according to a news release from the district attorney's office, home burglary will be punished by five years to life in prison, as opposed to the usual two to 20 years.

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The news release said 14 people had been arrested in the past two days on suspicion of looting. Mr. Turner said at Tuesday's news conference that the curfew was intended to stop looting "before it gets a foothold."

The president offered encouragement in a visit.

Mr. Trump arrived in Corpus Christi for a briefing on relief efforts, then headed to Austin for a tour of an emergency operations center and a briefing with state leaders.

"It's a real team, and we want to do it better than ever before," Mr. Trump said of the response effort during a meeting with officials from local, state and federal agencies in a Corpus Christi firehouse. "We want to be looked at in five years, in 10 years from now as, this is the way to do it." [Read more about his visit here.](#)

A Houston police officer died trying to get to work.

Officials confirmed that Sgt. Steve Perez, of the Houston Police Department, died in floodwaters Sunday on his way to work. Mr. Perez, 60, left his home around 4 a.m. on Sunday and spent at least two and a half hours trying to make his way to work, Chief Acevedo said. When he wasn't heard from, officials began a search. A dive team recovered his body Tuesday morning.

"Unfortunately, in the darkness, Sergeant Perez drove onto an underpass," Chief Acevedo said.

Mr. Perez's wife and father-in-law had urged him not to go to work that day, Chief Acevedo said. "His response was, 'I've got work to do.'" Mr. Perez, who worked in the department's division of traffic enforcement, was a "sweet, gentle public servant," the chief added.

Outside Houston's main shelter, lines formed.

As rain fell in the early afternoon, scores of people waited outside the George R. Brown Convention Center, where more than 9,000 people had already taken shelter. A pile of wet American Red Cross blankets sat near the end of one line.

On Sunday and Monday, evacuees were able to enter the sprawling complex without delay. But by Tuesday, while the convention center appeared to be organized, there were some signs of strain. Some people set up bedding in the main corridor, an area that had been mostly empty a day earlier, to get away from the increasingly crowded main dormitory.

Nathan Malbrue, who was sitting on the edge of an inflatable mattress, said he was not bothered by the growing crowd. He said he was in the hallway, near a medical station, because of a heart condition. "Just bring everybody in," he said. "This is a big building."

But Cora Watson, 58, feared that the convention center would be overwhelmed. "Move them to hotels or something," she said, her voice barely audible.

Reservoirs are above capacity in Houston.

Water began flowing over an emergency spillway at a major Houston flood-control reservoir on Tuesday, the Army Corps of Engineers said, adding to flooding in the area about 15 miles west of downtown.

So far the overflow at the Addicks reservoir dam is minor, about 100 cubic feet per second, Edmond Russo Jr., deputy district engineer for the Army Corps' Galveston district, said at a news conference. But it should rise to about 4,500 cubic feet per second — about 120 million gallons per hour — by Thursday, he said, as the reservoir levels peak.

The rate should decline to current levels two days after that, he said. But the large flow could bring up to 2 feet of water to the streets east of the reservoir. The water will eventually flow into Buffalo Bayou, which passes through downtown.

Dr. Russo said that dam safety operators were monitoring the structure and that it was in no danger.

Levels at a second reservoir nearby, Barker, are increasing as well and its two spillways are expected to overflow starting Saturday, he said.

Water in the two reservoirs, which are normally dry, has risen quickly since Harvey first began inundating the area. Efforts to reduce the levels by controlled releases through gates in both dams have not been sufficient.

In addition to the flooding over the spillway, both reservoirs have been spreading into nearby subdivisions as the water has risen. A spokesman for the Harris County Flood Control District said that about 2,500 homes near Addicks reservoir, and 670 near Barker, have flooded already.

The city also has to worry about having enough potable water. Houston's Northeast Water Purification Plant, one of three plants that supply water to the city, is flooded. While the system is still working, even with much of its equipment underwater, city officials are worried about their ability to keep it running.

A levee breach threatened a village near Houston.

A levee designed to protect the community of Columbia Lakes, 40 miles southwest of Houston, from the Brazos River was breached, Brazoria County officials said.

Columbia Lakes is a small resort village with a country club and golf course, and is surrounded by levees. Residents were ordered to "GET OUT NOW!!" according to a Twitter message, although many had already left after a mandatory evacuation order was issued Sunday.

Tom MacNeil, an owner of a real estate brokerage in the town, said residents told him that the breach had occurred in a levee alongside a creek that flows into the Brazos. Because the Brazos is rising, the creek backed up and poured through two low spots on the levee. The residents shored up the low spots and there was no water in the streets, Mr. MacNeil said.

The Brazos, currently just above flood stage at 30 feet, will rise another few feet by Wednesday and go over the levees, which are at 32 feet, the National Weather Service predicted. "That's the scary part we're watching for," Mr. MacNeil said.

Reporting was contributed by Richard Pérez-Peña, Niraj Chokshi, Henry Fountain and Maggie Astor from New York, Julie Turkewitz from Houston, and Glenn Thrush and Julie Hirschfeld Davis from Washington.

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FOR THE RECORD

Post Office Box 265
The Bronx, New York
10464-0265
www.bceq.org

October 10, 2017

New York City Council
City Hall
New York, NY 10007

An Open Letter to New York City Council Members:

The Lower Concourse North EDC proposal will soon be coming to a vote before the City Council. A crucial piece of the Bronx' economic development plan, the EDC Lower Concourse North proposal will bring MIH-required affordable housing to an area nominated for Downtown Revitalization Initiative designation. We applaud the Bronx economic boom.

But as longtime community activists and members of the Bronx's oldest environmental organization, Bronx Council for Environmental Quality, we decry the cost: the improper acquisition of an expanded Mill Pond Park on the site currently known as Pier 5. The park expansion was promised and passed by the City as part of the Yankee Stadium construction deal. To date, the community has not been made whole for this loss of parkland. Even worse, the property designated to replace that parkland is now being acquired to build Lower Concourse North. The attachment, which describes the importance of the public trust document to this proceeding, is a call for the Council to recognize the designation of the property in question and to hold the Lower Concourse North proposal accountable to past City Council actions.

Waterfront parks are great economic boons too. Even more, they provide essential public health benefits to a community struggling with the greatest environmental health threats in the United States. We hope and expect the Bronx delegation to make sure that the Bronx gets not only its fair share of waterfront parkland but the parkland it was promised over 10 years ago. Do not allow Lower Concourse North to be built on broken promises.

Sincerely,

Karen Argenti
Karen Argenti

Joyce Hogi
Joyce Hogi

Attachment (over)

*Extra Attached letters +
other documentation*

The Proposed Pier 5/Lower Concourse North/Bronx Point Project Contravenes the Public Trust Doctrine

The New York City Council is reviewing the Lower Concourse North project - an affordable housing mixed use development located on the Harlem River waterfront north of 149th Street in the Bronx. This same parcel is also referred to as Bronx Point. It is known in the community as Pier 5, has long been earmarked parkland, and is an integral part of the vision of an expanded Mill Pond Park. The New York City Economic Development Corp. (EDC), in their eagerness to push through the development project, has not done its due diligence in determining the legal status of the land. We believe it is important for the City to do so both to honor its commitments to the community and to avoid potential litigation.

The land between the Harlem River and Exterior Street, north of 149th Street and south of the Major Deegan Access Road is Mill Pond Park. The genesis of this new park was the Yankee Stadium development deal in 2006. At that time, a piece of Mill Pond Park was mapped parkland in exchange for the City's taking of part of Macomb's Dam Park to build Yankee Stadium. The Yankee Stadium ULURP states that the "entire of Lot 2" is mapped parkland, and dedicated \$60 million to create Mill Pond Park. The project was only partially built as the City lacked the funds to continue to the end as Pier 5. The original plan was well publicized, and the whole park is even still visible on a kiosk in Mill Pond Park.

Our interest in ensuring the City keeps its commitment to use the public land as park is consistent with New York State's longstanding public policy of protecting parkland for the use of people as open space. To protect this public interest, New York State forces municipalities to get legislative approval from the State before it can repurpose parkland for another use. "Once land has been dedicated to use as a park, it cannot be diverted for uses other than recreation, in whole or in part, temporarily or permanently, even for another public purpose, without legislative approval." *United States v. City of New York*, 96 F.Supp.2d 195, 202 (E.D.N.Y. 2000). This clear law has been applied consistently since 1871.

So far, the City has avoided this requirement by issuing self-serving statements claiming that while the land has been under the control of the Parks Department, it is not parkland subject to alienation. We disagree.

The judicially developed "Public Trust Doctrine" requires alienation of any land dedicated as parkland. A dedication can be formal, such as through an official act by the governing body of the municipality, or may be implied. The portion of Mill Pond Park that was designated as parkland in exchange for the portion of Macomb's Dam Park that was lost to the community is formally dedicated parkland. The proposed development overlaps with this land.

Implied dedication of parkland occurs through actions which demonstrate that the government considers the land to be parkland or the public used it as a park. Examples include: a municipality publicly announcing its intention to purchase the lands specifically for use as a park, "master planning" for recreational purposes, budgeting for park purposes, or "mapping" lands as parkland. *Kenny v. Board of Trustees of Village of Garden City*, 735 N.Y.S.2d 606, 607 (App. Div. 2nd 2001) (property acquired for recreational purposes and used for recreation was instilled with public trust even though never officially dedicated).

We have collected voluminous evidence that the remainder of Mill Pond Park, even if unbuilt, has clearly been dedicated parkland through multiple city actions over a period of over a decade. We hope that you will consider this evidence before acting on the Lower Concourse North development project, which improperly gives public parkland to private developers. This is a precedent we hope no public official would support.

The Bronx Council for Environmental Quality (www.bceq.org)

FOR THE RECORD



June 1, 2017

Hon. Borough President Ruben Diaz Jr.
Office of the Bronx Borough President
851 Grand Concourse, 3rd Floor
Bronx, NY 10451

Re: Draft Generic Environmental Impact Statement (CEQR 16DME012X) and
ULURP numbers: 170311ZMX, N170312ZRX, 170314PPX, 170315ZSX

Dear Borough President Diaz:

On behalf of the the Waterfront Alliance, I am writing to express our support for preserving the opportunity for future waterfront access to the Harlem River in the Bronx.

As you know, there is limited access to the waterways in Highbridge, and many other Bronx neighborhoods along the waterfront. Not only cut off from the waterfront by rail, highways, or other restricted uses, many Bronx residents do not share the benefits of access to in-water education, recreation, or transportation that other New Yorkers enjoy.

Today the Waterfront Alliance is releasing the Harbor Scorecard, a district-by-district guide to flood risk, water quality, and access to the water. As you might expect, Bronx Community Board 4, comprising Highbridge, Mt. Eden, West Concourse, East Concourse, and Concourse Village, fares most poorly in waterfront access, with no points to get down and touch the water, or launch or board a boat of any kind.

Over the years, several community organizations and residents have helped reimagine how Pier 5 could be used for true interaction and engagement with our waterways, from community boating to environmental restoration and much more. We hope that you will consider the restrictions on access described above, so that Bronxites can aspire to their fair share of access to, and use of, our shared waterways.

Thank you for your leadership and attention to this matter. If you have any questions about this letter or our Harbor Scorecard, please feel free to call me at (212) 935-9831 with any questions.

Sincerely,

Roland Lewis
President and CEO

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NEW YORK CITY SOIL AND WATER CONSERVATION DISTRICT

121 Sixth Avenue, Suite 501, New York, NY 10013 • 212.431.9676 Fax 212.431.9783 soilandwater.nyc

FOR THE RECORD

Hon. Ruben Diaz
Borough President of the Bronx
851 Grand Concourse
Bronx, NY 10451

Paul S. Mankiewicz
Chair
Bronx Representative

Hon. Melissa Mark-Viverito
Speaker of the New York City Council
250 Broadway Suite 1856
New York, NY 10007

Commissioner
NYC DEP
Mayoral Representative
Represented by
John McLaughlin

Re: Comments on the Pier 5 Park land aka Lower Concourse North: to the Draft Generic Environmental Impact Statement (CEQR 16DME012X) and the four ULURP numbers: 170311ZMX, N170312ZRX, 170314PPX, 170315ZSX

Commissioner
NYC DPR
Mayoral Representative
Represented by
Maric Larson

Dear Borough President Diaz and Speaker Mark-Viverito:

Allan Ludman
Queens Representative

On behalf of the NYC Soil & Water Conservation District, I am writing in regards to the draft generic environmental impact statement (DGEIS) and four ULURPs listed above.

Damian Griffin
Treasurer
City Council Representative

The NYC Soil & Water Conservation District, part of a nationwide system of 3,000 districts, assists New Yorkers and local decision-makers in making wise use of the City's soil, water, and related resources. It is our mission to preserve and protect natural resources.

The "proposed project" aims to use waterfront property owned by the NYC Department of Parks and Recreation for residential development, disregarding decades of community-based planning for a continuous greenway along the Harlem River aimed to create public open space for surrounding neighborhoods in the South Bronx, -all with disproportionately high rates of asthma and air pollution. Access to green space and vegetation that filters the air of pollutants needs priority here, especially since waterfront open space, properly designed, enhances the built environment and the health of the river.

Additionally, developing dense housing on the waterfront is unwise with impacts of climate change imminent. Coastal storms, sea level rise, and frequent flooding events should lead us to dedicate waterfront space to buffer communities from future storm events, -new housing cannot do this.

Underutilized lots around malls (such as Bronx Terminal Market, just across the road) provide enormous affordable housing opportunities, with the added advantage of being further inland and upland, closer to transit, schools, and residential amenities that give housing a better return on investment. We strongly support any such efforts, and most especially those coupled with green roofs, green walls, and street-side green infrastructure that not only diminish or eliminate combined sewer discharge locally, but also drop local temperature and reverse urban heat island: win, win, win

So due to flaws in the proposed project and other more suitable opportunities, we respectfully urge you to vote against using these parcels for non-park use.

Sincerely,

Dr. Paul S. Mankiewicz
Chair of the Board



Sam Goodman
Office of the Bronx Borough President
851 Grand Concourse, 3rd Floor
Bronx, New York 10451

June 19th, 2017

Dear Mr. Goodman:

I am writing today on behalf of the Friends of Van Cortlandt Park to express our concerns about the City building affordable housing on the Pier 5 location in the Bronx.

Since winning the landmark court case on alienation of parkland in 2000, Friends of Van Cortlandt Park v. City of New York, our organization has been extremely watchful about projects in our park, borough and City that might similarly violate the public trust doctrine. The development of Pier 5 raises questions about commitments the City made to the public over the past decade. Namely,

- 1.) Did the City include Pier 5 as part of its mitigation for the alienation for the new Yankee Stadium in the 2004 EIS; and
- 2.) Separately, did NYC Parks make statements and commitments to dedicate the land as parkland over the past decade.

The City of New York and the NYC Economic Development Council must formally address these questions before proceeding with this project or the RFP process.

The Friends of Van Cortlandt Park are requesting that request the above information from the NYC EDC and that you do not make a decision on this project until the NYC EDC has formally addressed these concerns. If the answers to both questions are not No then this project requires alienation of parkland.

Sincerely,

Christina A. Taylor
Christina Taylor
Executive Director

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1236 Virginia Ave #3D, Bronx, NY 10472 (347) 992-2860

June 7, 2017

FOR THE RECORD

Via Email

Hon. Ruben Diaz
Borough President of the Bronx
851 Grand Concourse
Bronx, NY 10451
sgoodman@bronxbp.nyc.gov

Hon. Melissa Mark-Viverito
Speaker of the New York City Council
250 Broadway Suite 1856
New York, NY 10007
mviverito@council.nyc.gov

Via First Class Mail

Hon. Marisa Lago
Director of the Department of City Planning and
Chair of the City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271

Re: **Comments on the Pier 5 Parkland aka Lower Concourse North: to the Draft Generic Environmental Impact Statement (CEQR 16DME012X) and ULURP numbers: 170311ZMX, N170312ZRX, 170314PPX, 170315ZSX**

Dear Borough President Ruben Diaz, Chair of the City Planning Commission Marisa Lago, and Speaker of the New York City Council Melissa Mark-Viverito:

We write in the matter of applications listed above for the proposed development to replace two unimproved New York City parks with private housing -- Pier 5 and Mill Pond Parks. These parks, located on the Harlem River Waterfront, are city owned property under the jurisdiction of the Parks Department. The Parkland is at risk of being taken without following the Alienation process. Please accept these comments to the draft generic environmental impact statement (DGEIS) and four ULURPs listed above. Specifically, the following Block 2356, Lot 2 is Pier 5, and Block 2539, Lot 2 is Mill Pond Park (including the unmapped street as well as assorted small irregular lots on both Blocks).

Loving the Bronx is a grass root organization that formed in 2011 as G.I.V.E. (Getting Involved, Virginia Ave Efforts, Inc.) Our mission is to create a new culture of environmentally conscious people in the Bronx through block beautification projects, tree stewardship opportunities, park and river cleans ups and art and cultural events.

Recent studies, including comments from the Borough President's Office, the City Planning Department and Bronx Community Board 4, described the need for keeping this waterfront open and accessible to the public. Taking parkland for non-park purpose requires alienating it through the New York State Legislature. The Court of Appeals, the state's highest court, found in Friends of Van Cortlandt Park v.



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FOR THE RECORD

City of New York, 2001 NY Int. 3 February 8, 2001, that the "use for other than park purposes, requires the direct and specific approval of the State Legislature" In the present case, the City's response to the community's argument that the land is park land is both confusing and contradicted by its own records.

The present proposal enhanced the size of the parcel by adding part of Mill Pond Park -- the unimproved area south west of the park including the land underwater. Mill Pond Park's entire Block 2539 Lot 2 was mapped under the Yankee Stadium EIS Alienation process. It was traded, under the review of the National Park Service, in exchange for the remaining 6.42 acres in the conversion of the 10.67-acre section of Macomb's Dam Park taken for the new Yankee Stadium. Funds from the Land and Water Conservation Fund (LWCF) grant program required the section improved would remain in public outdoor recreation use in perpetuity and placed under Section 6(f) protection. Unfortunately, the city's plan is to use this same land to meet the requirements for the 20% public lands give back.

Since the entire lot 2 of Block 2539 is ALREADY mapped parkland, it therefore cannot be used to meet the 20% public waterfront access requirement. The complete ULURP Text Amendment establishing the Waterfront Access Plan including the Share Public Walkway and the Special Access Area is flawed. This is wrong because the 2 acres has to come off of Pier 5, and not Mill Pond Park. This causes the Text amendment, the DGEIS and maybe other ULURPs to fail and be withdrawn.

Please vote against using parkland for a non-park use.

Finally, the DGEIS is flawed as it only offers the no build or the less adverse impact alternatives, and does not review alternative sites to measure whether there is a project with less impact to the proposed site (such as the underutilized parking areas like surface lots, or alternative plans to housing and mixed use to measure whether there is a better use for this site, including the use as parkland with a boathouse and dock, restrooms, and other water uses including a refreshment vendor/restaurant for those walking, biking or boating along the 35 year planned Harlem River Greenway and Mill Pond and Pier 5 Parks. Making the project smaller is not an acceptable alternative; it is too big to begin with. The proposed Reasonable Worst-Case Development Scenario (RWCDS) must be smaller as there are still unmitigated impacts. Compared to an alternative site or an alternative program will prove which is the least impact alternative. Mitigation must happen and the funding must be delineated in the EIS, not taken from Community Board 1.

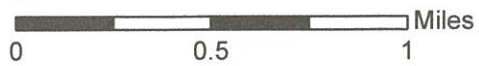
Please vote against using parkland for a non-park use. A more reasonable plan would put the new residential location coupled with the mall, and fund waterfront parkland in the Bronx in Brooklyn and Manhattan. Spur revitalization by saving the waterfront pier parkland corridors for those future citizens, and all the rest of us.

Thank you.

Sincerely,

Nilka Martell
Loving the Bronx

Harlem River BOA



 Community Participation Area
1,589 Acres

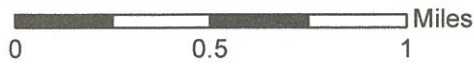
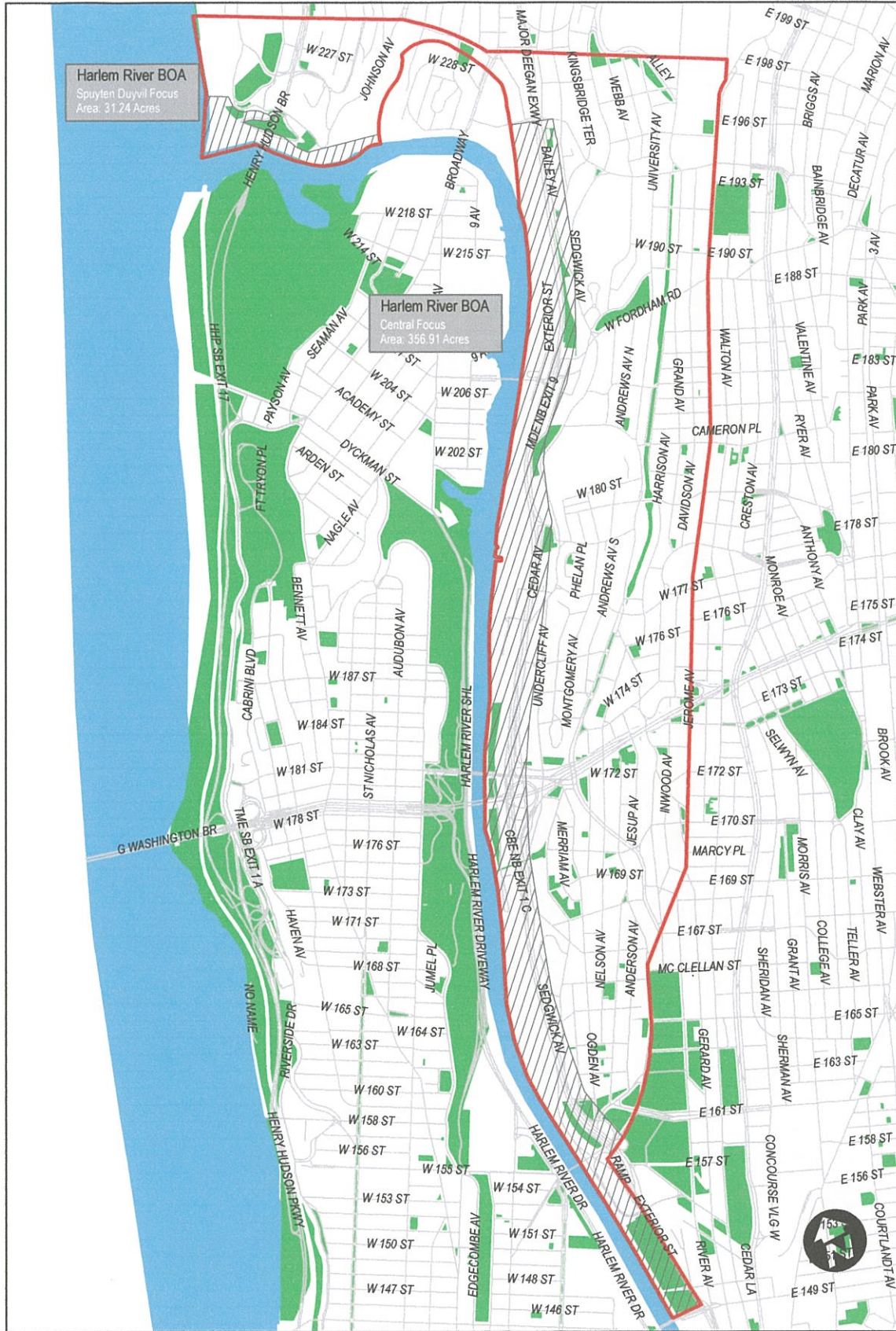


**City of New York
Parks and Recreation
Planning & Parklands**

Michael R. Bloomberg, Mayor
Adrian Benepe, Commissioner
Joshua Laird, Assistant Commissioner
Colleen Alderson, Director of Parklands

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Harlem River BOA



 Community Participation Area
1,589 Acres



City of New York Parks and Recreation Planning & Parklands

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REACH 7-SOUTH BRONX

Location: Harlem River, Bronx Kill, East River and Bronx River from the Bronx Terminal Market to the Bruckner Boulevard Bridge

Upland Neighborhoods: Mott Haven, Port Morris, Hunts Point

Neighborhood Strategies

Harlem River

- Explore opportunities to reduce wave action to promote recreational boating and limit shoreline erosion.

Lower Concourse / Harlem River WAP

1

- Support the development of Lower Concourse Mixed Use Area and Special Waterfront District with required waterfront access, open space, and brownfield remediation.

Pier V (Former Velodrome Site)

1.a

- Develop land for public use and open space.

144th St.

1.b

- Fund acquisition and construction of proposed 2-acre park dependant on the redevelopment of the site north of the proposed park.

138th St. Bridge (Padded Wagon Site)

1.c

- Plan for residential and commercial development of site (lease comes up in 2014).

Expansion of Harlem River WAP

2

- Support waterfront redevelopment to increase public waterfront access and maximize economic development potential.
- Explore opportunity for public waterfront access and non-motorized boat launch at Park Ave. street end, based on the criteria described in the Citywide Strategy.

Bronx Kill

3

- Explore improvements to support habitat restoration and, where feasible, the navigability of the Bronx Kill for kayaks and canoes.

North and South Brother Islands

4

- Pursue additional funding for a comprehensive plan to integrate cultural, historical, and natural resource management on both islands.

Hunts Point / Port Morris

5

- Complete improvements to the South Bronx Greenway.
- Identify opportunities to attract tall ships and other educational programming to the waterfront at Barretto Point Park and other recreational areas.
- Promote redevelopment of vacant land within the Significant Maritime and Industrial Area (SMIA) for industrial uses with preference for water-dependent maritime industries.
- Where feasible, preserve waterfront access to industrial properties and intermodal connections to facilitate waterborne movement of goods.
- Evaluate feasibility of developing a Hunts Point boat launch/docking facility that services recreational or freight vessels.
- Complete improvements at Hunts Point Waste Water Treatment Plant to reduce nitrogen discharge into the East River.

132nd St. / 134th St.

5.a

- Study street ends for recreational or industrial purposes, including potential preservation of gantry cranes.

Hunts Point South

5.b

- Study corrections site for potential redevelopment opportunities.

Farragut St. End & Marine Transfer Station

5.c

- Support improvements at Farragut Street end.
- Balance needs of city's waste management with those of the community.
- Explore redevelopment of the Marine Transfer Station as a maritime use.

Hunts Point Market

5.d

- Explore waterborne transportation modes for the movement of goods to and from the Food Distribution Center, as well as supporting infrastructure, such as a pier for fishing vessels and freight ferries.

Hunts Point-Riverside Park

6

- Complete expansion of launch platform for canoes and small boats, consistent with the criteria described in the Citywide Strategy.

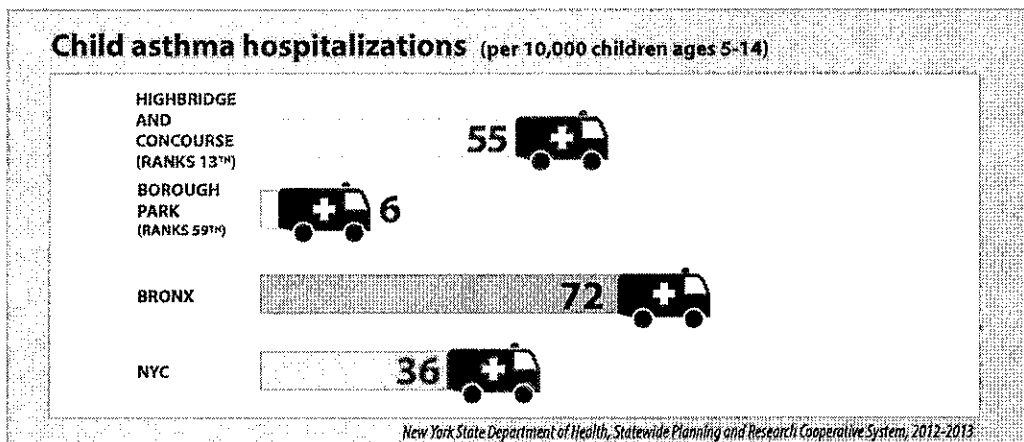


HEALTH OUTCOMES

Certain hospitalizations for asthma and diabetes can be prevented by high-quality outpatient care and are known as “avoidable hospitalizations.”

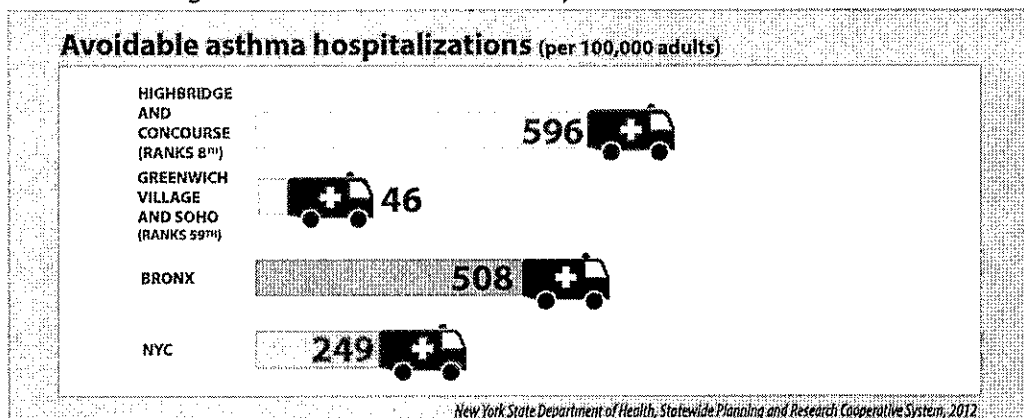
Child asthma

Many hospitalizations for asthma among children could be prevented by addressing housing-related exposures to asthma triggers, including cockroaches, mice and secondhand smoke. Good medical management can prevent asthma symptoms. The asthma hospitalization rate among children ages 5 to 14 in **Highbridge and Concourse** is over one and a half times the citywide rate.



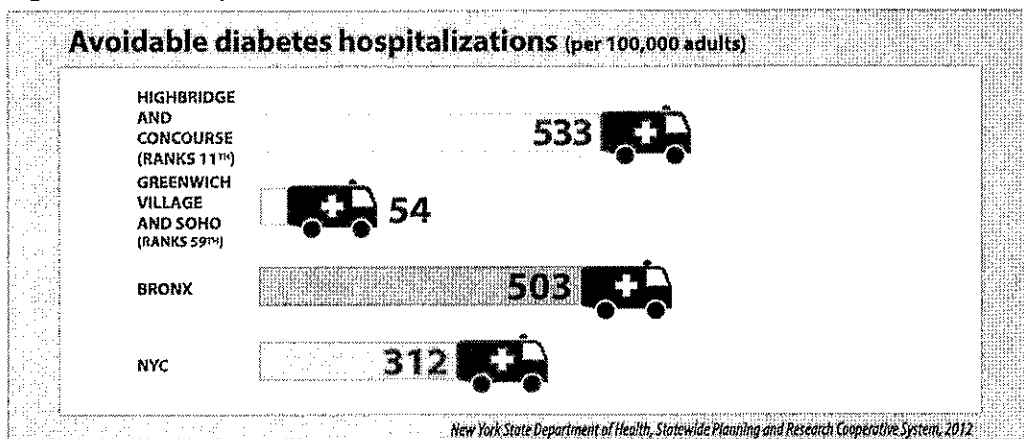
Adult hospitalizations for asthma

The rate of avoidable asthma hospitalizations among adults in **Highbridge and Concourse** is higher than both the Bronx and citywide rates.



Adult hospitalizations for diabetes

The rate of avoidable adult diabetes hospitalizations in **Highbridge and Concourse** is higher than the citywide rate.



FOR THE RECORD

**Testimony of Bronx Legal Services Before the
New York City Council Land Use Committee
Hearing on October 11 2017
Regarding Pier 5 Parkland and Lower
Concourse North Project
Draft Generic EIS Number: CEQR 16DME012Z
ULURP Numbers: 170311ZMX, N170312ZRX,
170314PPX, 170315ZSX**

Bronx

Legal
Services NYC

Bronx Legal Services is a non-profit law firm that is part of Legal Services NYC, the largest provider of civil legal services for the poor in the nation. Bronx Legal Services has been working with Bronx residents on land use issues in the South Bronx, one of the poorest, most marginalized communities in the nation. The community, which has long fought to increase its sparse access to green space and the surrounding waterfront, has a clear interest in having meaningful participation in land use projects the City undertakes in the neighborhood.

The Land Use Committee should consider the impact of the ULURP proposals listed above on these residents. The City has not yet properly reviewed the legality of transferring land long slated as parkland to private developers. The proposed project would insert a private development north of the 145th Street Bridge that would break up the ribbon of park that the Bronx has been working towards along the Harlem River. It is important that the City honor its longstanding commitments to the local community and act consistently with its obligations under the public trust doctrine, which requires municipalities to alienate parkland before changing its use.

The land the City is now considering developing is the southern portion of a parcel of land and piers between the Harlem River and Exterior Street, north of the 145th Street Bridge and south of the Major Deegan Access Road. That whole area has long been slated as the site for a riverfront park, and so has been under the jurisdiction of the Department of Parks and Recreation. Since the new Yankee Stadium Project in 2006, the City has dedicated the northern portion of the parcel as replacement parkland for the partial loss of Macombs Dam Park and the City has committed to additional parkland as part of the Bronx Terminal Market project. The existing Mill Pond Park contains maps showing the expanded park the community envisioned, and the City agreed to build. Additionally, New York City agencies, including the Parks Department, have repeatedly and publicly released maps showing the whole parcel as parkland, and worked with community groups on projects for which those groups successfully raised significant amounts of funding on the basis that the area was dedicated parkland.

New York City seems to be attempting to sidestep its obligation to address this issue in recent statements declaring that while the land has been under the control of the Department of Parks and Recreation, it is not parkland subject to alienation. Despite repeated requests for proof of that claim from engaged citizens and local environmental rights groups, the City has been unable to provide it.

Testimony submitted by Anne Nacinovich (718) 928-3739 anacinovich@lsnyc.org

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Review of South Avenue Retail Development FEIS from a Traffic Perspective

Rev. October 10, 2017

Prepared by: Gordon Meth, PE, PTOE, PTP

Summary of Traffic Issues:

- **Trip Generation Under-estimated** (pg. 2-3) – inappropriate sources of data and lack of consideration of gasoline component mean trips could be 15% or higher than presented in the FEIS
- **Existing safety deficiencies not appropriately reviewed** (pg. 4) – several locations, including one 150 feet away from the site, have vehicle-pedestrian related crash problems, as well as high crash rates in some instances
- **Traffic Mitigations Inadequate** (pg. 5) – Forest Avenue and South Avenue, 150 feet from site, was not evaluated. Other mitigations are not real changes but tweaks of factors in analysis such as 1-2 seconds of green time or widening left turn lanes by 1-2 feet at the expense of medians and through lanes.

Conclusion

Before the proposed South Avenue Retail Development is approved, the traffic analysis contained within the FEIS for the project should be revisited, taking into account better studies of the potential traffic generated by the wholesale club use, including gasoline component, and restaurant use. Traffic safety, particularly for pedestrians, should be revisited. Lastly, appropriate, tangible mitigation strategies should be developed.

Trip Generation Under-estimated

FEIS Estimate

Table 7-3 of the South Avenue Retail Development FEIS summarizes travel demand assumptions. The proposed project is split into four components. Below are those components and the source for the travel demand estimates:

1. 92,000 square foot Wholesale Club – trip estimate based on *Brooklyn Bay Center FEIS (2011)* and *Gateway Estates II FEIS (2009)*.
2. 51,000 square foot Destination Retail – trip estimate based on *2014 CEQR Technical Manual*
3. 67,000 square foot Supermarket – trip estimate based on *2014 CEQR Technical Manual*
4. 15,000 square foot “Quality Restaurant” - trip estimate based on *St George Waterfront Redevelopment FEIS (2013)*.

Wholesale Club

Wholesale club trip generation estimate was based on the “Destination Retail” trip generation estimates contained within the *Brooklyn Bay Center FEIS (2011)*. Those trip generation rates were in turn obtained from the *Gateway II Center FEIS (2009)*. The Gateway II Center FEIS estimated “Destination Retail” trip generation rates based on a count of the driveways for the Gateway Center complex in Brooklyn (which was a key part of the background growth for that study). This center contains a **wholesale club**, but that component comprises less than 10% of the total 640,000 square feet of the center. As well, that particular wholesale club does not have a gasoline component.

The gasoline component of the wholesale club is an entirely separate element. It is physically separated from the rest of the facility. Based on the size of the canopy, it will have 12 fueling positions. Based on the Institute of Transportation Engineers Trip Generation Manual, 10th Edition, as 12 fueling position gas station can be expected to generate 2,064-2,186 trips per day, and up to 173 trips per hour. Whereas ordinary gas stations draw heavily from pass-by traffic, the proposed gas station is a member-only facility. Consequently, this gasoline fueling facility will generate destination trips primarily rather than pass-by traffic.

Studies of gas-station/convenience stores indicate that only 20-25% of gasoline customers will also use the convenience store. This factor for wholesale clubs would be intuitively less, due to the longer shopping times involved than convenience stores.

Given the unique nature of member-based gas-stations, it would be appropriate to conduct new surveys of similar facilities before acting favorably on this project

“Quality Restaurant”

The restaurant component of the project was described as a “Quality Restaurant”. From a traffic engineering perspective, “Quality Restaurant” implies that the restaurant is not usually part of a chain, typically requires reservations, and has an average stay generally greater than one hour. Most chain restaurants that are found in retail plazas are “High Turnover Sit-Down Restaurants”, and these have higher trip generations than “Quality Restaurants”.

The restaurant trip generation rates were taken from the *St. George Waterfront Redevelopment FEIS (2013)*. The trip generation rates in said FEIS were taken from the publication *Urban Space for Pedestrians (Pushkarev & Zupan, 1975)*. This data in turn was obtained from a single 12,000 square foot restaurant in Times Square, counted in the early 1970’s. Surely, New York City Planning could look to collect restaurant trip generation data that is more current and relevant, rather than accept such dated information.

Conclusion

Given the above information, we expect trip generation for the site could be **at least** 15% higher, and maybe even more. That could translate into far greater impacts at already impacted locations, and could trigger the need to study additional locations. Most notably, the intersection of South Avenue and Forest Avenue was not studied in the FEIS, despite the fact that it has known problems and is most proximate to the site. It was not required to be analyzed due to the intersection being found to have less total traffic than a no action scenario. The higher trip generation could change this factor.

Existing safety deficiencies not adequately reviewed

The FEIS for this project summarized 3 years of crash data at all locations in the area in Table 7-19. The data covers the period of August 1, 2013 to July 31st, 2016. The table itself is misleading, as the columns for 2013 and 2016, which are partial year data, are presented next to 2014 and 2015 data. If someone did not read the text closely, they could mistakenly assume that the data is full year data for all four years, and form the mistaken opinion that crashes are going down in 2016. Table 7-19 identified 210 crashes, with 35 pedestrian/bicyclist-related crashes and a total of 224 injuries. The FEIS concluded that no location was a high crash location, based on a rolling average (given the organization of the data, I don't see how that conclusion can be reached – the data should have been organized into three complete years to perform this analysis). We disagree. Generally, any intersection with 3 or more pedestrian crashes in 3 years warrants specific attention. Also, any club with one crash per million entering vehicles or higher deserves attention. Below are locations that should be of concern:

- Forest Avenue and South Avenue had 20 crashes in 3 years, which is about 0.85 crashes per million entering vehicles. Three of them were pedestrian-related crashes. This intersection is close to the proposed site, and it can be anticipated that many of the pedestrians generated by the site will traverse this intersection. Incidentally, this intersection was excluded from analysis contained in the FEIS study.
- Forest Avenue and Richmond Avenue-Morningstar Road had 41 crashes in 3 years, which is about 1.15 crashes per million entering vehicles. Ten of them were pedestrian-related crashes. This intersection is the key location identified in the FEIS for mitigation measures, including physical intersection changes.
- Forest Avenue and Grandview Avenue had three pedestrian-related crashes in 3 years. This intersection is close to the proposed site, and it can be anticipated that many of the pedestrians generated by the site will traverse this intersection.
- Forest Avenue and Maple Avenue had four pedestrian-related crashes in 3 years.
- South Avenue and Brabant Street had three pedestrian-related crashes in 3 years.

Traffic Mitigations Inadequate

The FEIS studied 10 intersections, and found that 7 of them needed mitigations under the process outlined in the *2014 CEQR Technical Manual*. With higher trip generation, more locations could warrant analysis.

Six of the seven proposed mitigations consisted of adjusting traffic signal timing by 1-3 seconds. The final one consisted of increasing left turn lane widths by 1-2 feet (by narrowing through lanes and medians) and adjusting traffic signal timing by 1 second. **These are not real solutions.** Each through vehicle at an intersection uses 2-2.5 seconds, so a 1 second change effectively means nothing to traffic operations. Changing left turn lane widths changes one factor of analysis. In reality, the operations of these lanes depend more on finding gaps in opposing traffic. These solutions may work on paper, as they are based on tweaking factors in an analysis program, but they are not likely to make any changes in actual operation.

Given our previous point regarding traffic volumes, the impacts can be greater.

Traffic volumes on South Avenue in particular will change substantially. Even with the traffic volumes in the FEIS, PM and Saturday peak hour volumes on South Avenue will increase by 50-70% over existing traffic volumes.

The intersection of South Avenue and Forest Avenue wasn't studied in the FEIS. This intersection has operational problems, based on my observations. This intersection is very proximate to the site (the frontage starts within 150 feet of said intersection), and problems at it may spill back and impact traffic operations at driveways and other locations. The driveways are proposed to be approximately 200 and 500 feet from this intersection. Accordingly, this location could impact traffic safety at driveways through traffic stacking. There is a newly proposed traffic signal located 200 feet from the intersection of Forest Avenue and South Avenue, and this is within the area of influence of it. Consequently, having no analysis of the intersection of Forest Avenue and South Avenue is a significant fatal flaw of the FEIS. As noted earlier, this location has both a crash problem and a pedestrian safety problem. For this reason, it needs to be studied.

The intersection of Forest Avenue and Richmond Avenue-Morningstar Road was found to have significant traffic problems that could be exacerbated by the aforementioned trip generation shortcomings. Backups at this location could impact the entire Forest Avenue corridor. As noted earlier, this location has both a crash problem and a pedestrian safety problem. A higher order solution for this location needs to be investigated, since simply restriping a few lanes to make them one foot wider is unlikely to improve traffic operations.

The intersection of South Avenue and Goethals Road North was found to have traffic problems that could be exacerbated by the aforementioned trip generation shortcomings. A higher order solution for this location needs to be investigated.

FOR THE RECORD

Key Challenges of the South Ave Development the BJ's Retail Project

October 10, 2017

Testimony Prepared by an Alliance of Small Business Owners in Mariner's Harbor

Amrik Chawla

South Ave Retail Alliance

Staten Island, NY

Summary of South Ave Development Challenges

Overlooked Challenges

Traffic Load Underestimated w/ Ineffective Safety Mitigations

- FEIS Traffic underestimated by at least 15% given that trip generation for a member only gasoline facility was not estimated
- Several key intersections have major pedestrian crash risk, Forest and South, Forest and Richmond/Morningstar, Forest and Grandview, Forest and Maple, Forest and Barbrant. This will only be exacerbated with traffic increases
- The FEIS incorrectly measures these risks and provides basically ineffective traffic and safety mitigations that nominally restripe lanes or change traffic light timing by one second
- See Fournier Robson Traffic Study and Testimony for additional details

Extensive Environmental Risk to the Community has Been Overlooked

- Storm water management and Flood Risk has increased since super storm sandy by extensive development across Mariner's Harbor
- Regal and City homeowners associations estimates for flood insurance signal certain bankruptcy
- Given proximity to wetlands, how can the DEC, City Planning, and City Council approve the underground storage of approximately 100,000 gallons of gas especially with nearby spill numbers causing contamination of the willow brook aquifer
- Mariner's Harbor residents have a challenging history of Environmental issues, including lead and industrial contamination
- See testimonies by the North Shore Waterfront Conservancy of Staten Island (NSWCSI) and the National Resources Defense Council (NRDC) for more details

This will unleash economic havoc and at best be job neutral while creating more retail vacancies

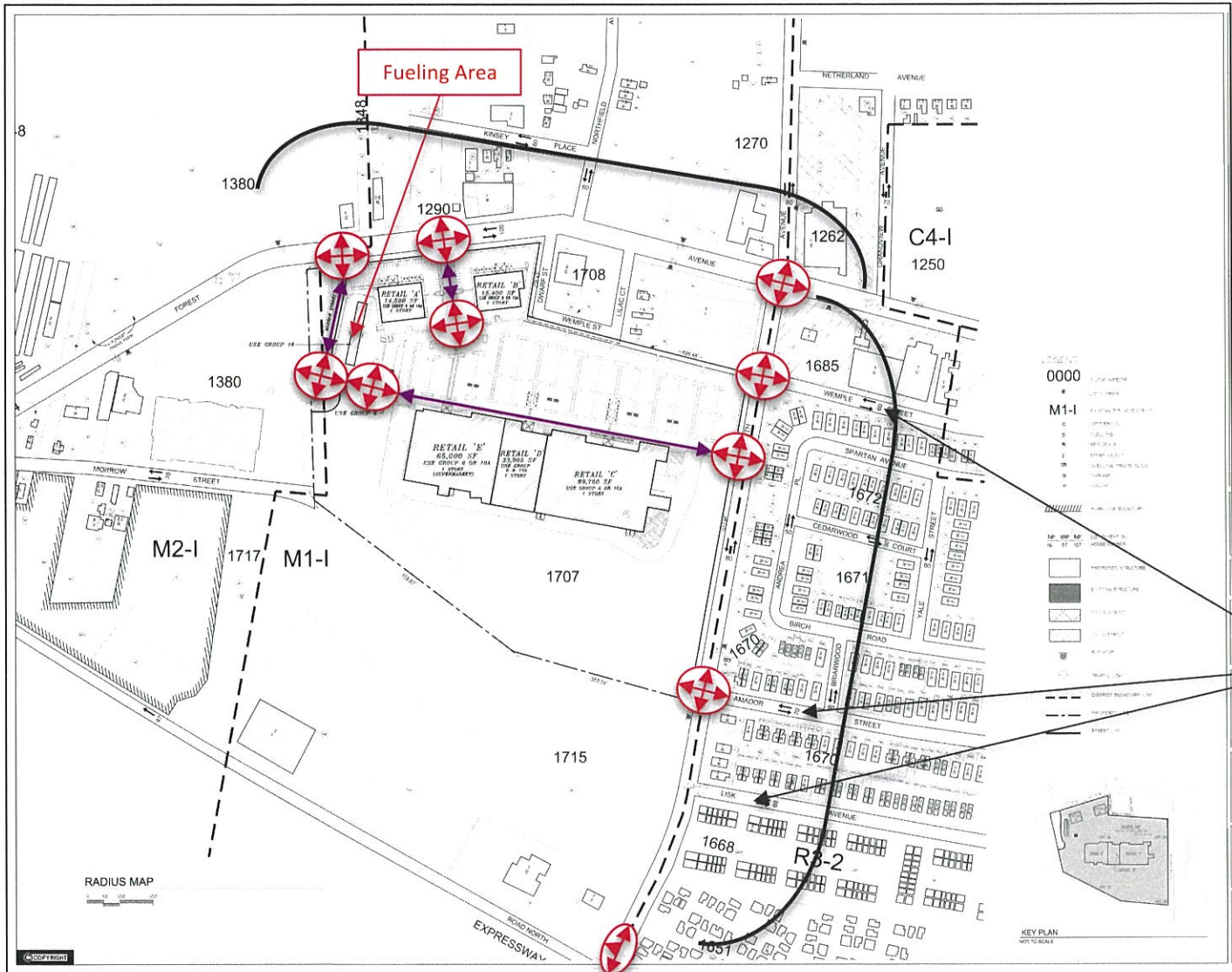
- Existing vacancies on Forest Ave. face vandalism and tenancy challenges (8 current large vacancies between South Ave and Richmond/Morningtar
- *Several well publicized studies and reports have shown that large discount centers such as Walmart and BJs drive local small businesses out and hurt the local community via monopolistic pricing power*
- *BJ's gas alone will uproot 10-12 local gas stations operated by small business owners, sacrificing approx. 100 jobs and increase vacancies*
- *As a corollary, Costco gas on Richmond Ave has driven all of the three local small business gas operators to sell their businesses for pennies on the dollar after being unable to compete with Costco; including the Gulf on Richmond Ave, Mobil on Richmond and Arthur Kill, and the Sunoco on Arthur Kill which is currently up for sale due to a 35-40% drop in business*
- *Other Forest Ave businesses will suffer as well, the 2 existing supermarkets (Western Beef and Shop Rite) and multiple small businesses on Forest Ave at risk for another 100 jobs*

We request that City Council help facilitate a better Win Win for Everyone . . .

- In numerous attempts with councilwoman Rose's office and via the Staten Island borough president's office the community has not been able to establish any material mitigations to the challenges listed above
- The local Community board and Land Use Committees did not approve of this project either, meanwhile both the Councilwoman and Borough President's offices have supported the developer without facilitating any material compromises on behalf of the local community
- We humbly request that If City Council is unwilling to disapprove of this project in its entirety, that City Council allow for the detailed study of these overlooked challenges as well as facilitate working sessions between the community and the developer to achieve a middle ground

FEIS Underestimates Traffic and Provides Basically Ineffective Risk Mitigations

- FEIS traffic underestimated by at least 15% given that trip generation for a member only gasoline facility was not estimated
- Several key intersections have major pedestrian crash risk, including: Forest and South, Forest and Richmond/Morningstar, Forest and Grandview, Forest and Maple, Forest and Barbrant.
 - This will only be exacerbated with traffic increases
- The FEIS incorrectly measures these risks and provides basically ineffective traffic and safety mitigations
- See testimony and traffic study by Fournier Robson for additional details



Map Key / Legend

- ↔ Proposed site access / egress roadways
- ⊕ (with arrows) Projected locations where traffic load will severely intensify

Can Forest & South Ave. Safely Handle approximately 300,000 more cars per month?

What about Wemple, Amador and Lisk Streets? Will these residential neighborhoods become overrun by road raged drivers stuck on South and Forest Avenue?

Are we Doing the Right Thing for Our Community and the Environment?

Storing 100,000 Gallons of Fuel Underground Risks Environmental Contamination

Overdeveloping Nature's Sponge for Storm Water May Increase Flood Risk

Contamination Risk

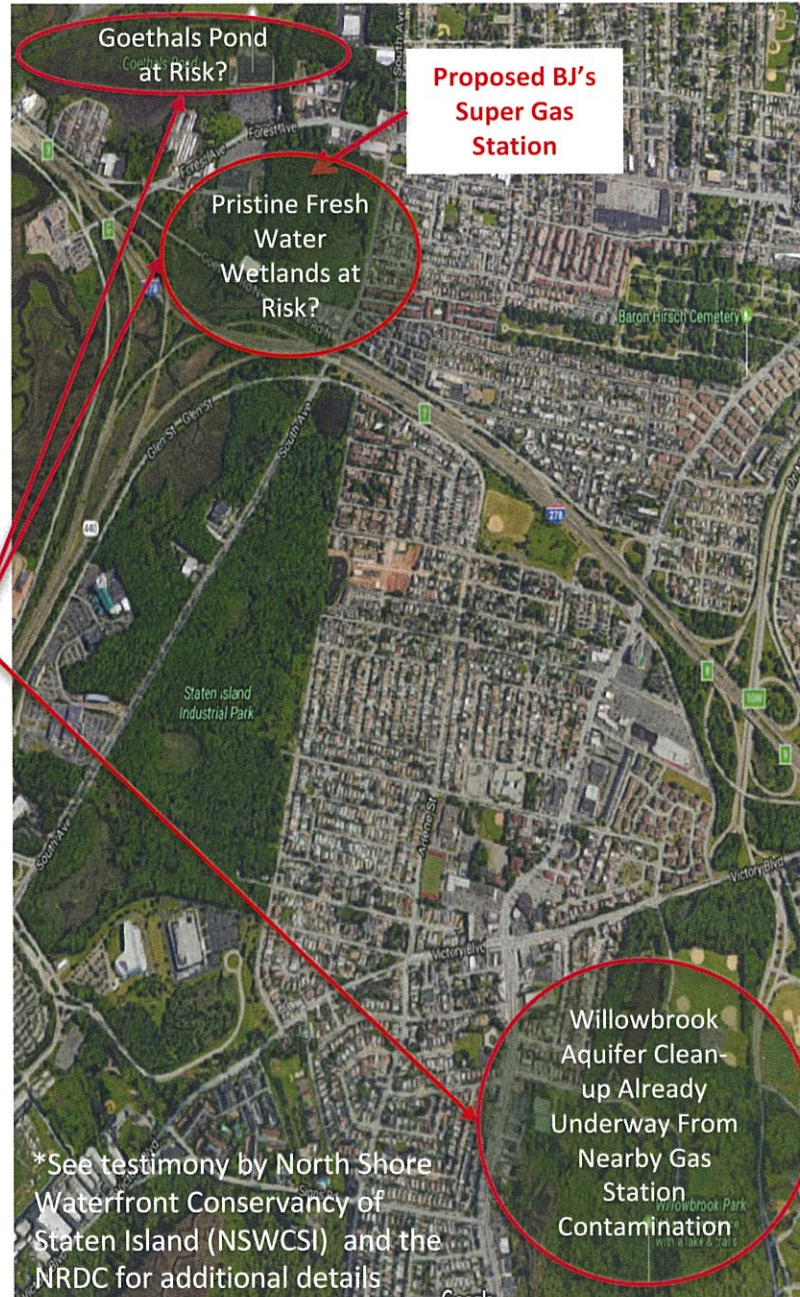
The **New Super Gas Station Location** will have approximately **100,000 gallons of fuel stored underground**

This amount of **fuel storage is adjacent to the Goethals Pond** and is **on top of the Pristine Fresh Water Wetlands**

Historical DEC Spill Numbers nearby **Willowbrook Park** suggest an **active cleanup for Aquifer contamination** that has been ongoing for **over 5 years**

DEC was forced to approve this development by a judge ruling even though they were opposed to any development

Do we need really need an 11th Super Gas Station among Mariner's Harbor residents?



Storm Water Management

During Hurricane Sandy and other less severe storms, the **Fresh Water Wetlands, Goethals Pond** act as a sponge to prevent flooding

Overdevelopment of these natural preserves, which take over 300 years to evolve, substantially increases flood risk even from lighter storms than Sandy.





Neighboring housing (incl. City West and Regal Walk Condos) are economically fragile. Flood insurance requirements would bankrupt their associations.

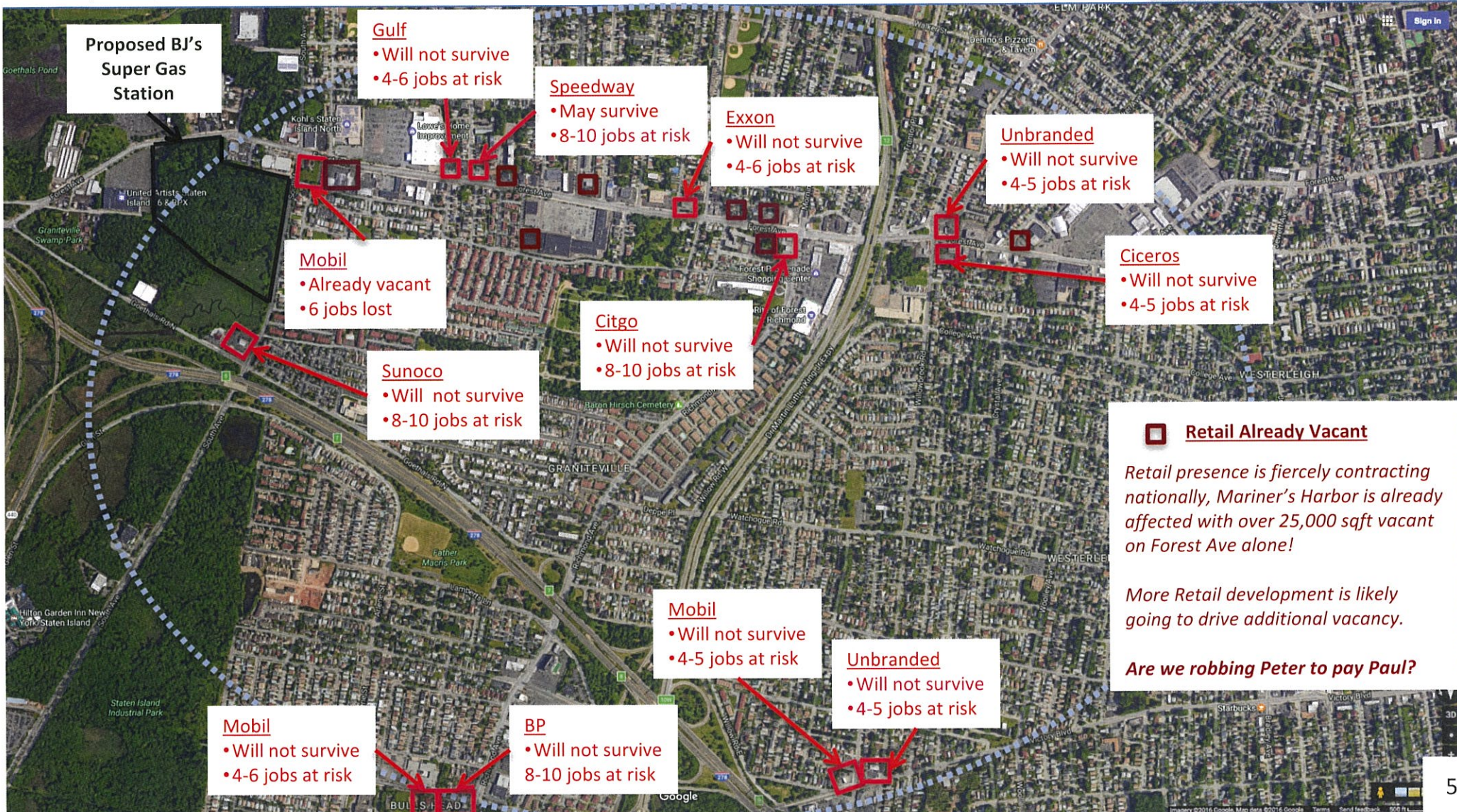
How has the City protected the interest of existing residents?

BJ's Will Unleash Economic Havoc Upon Local Businesses

- BJ's prices gasoline 10-20 cents-per-gallon below independent small businesses
- BJ's competitive approach is to initially open with even more aggressive pricing in order to train local competition and customers
- Of the 10 local gas station operators, 9 are independent small business operators that will not survive, eliminating approx. 100 jobs
- Other local and major businesses will be affected as well, including Western Beef and Shoprite which employ well over 100 employees
- In the very best case, this will be job neutral, moving employees from one location to another while creating more retail vacancies
- Mariners Harbor economics are fragile; already existing vacancies on Forest Ave. will become worse – increasing crime and vandalism
- We are pleading with City Council members that they protect the interest of small businesses

Map Key / Legend

-  Proposed BJ's Gas - **Zero new jobs from BJ's Gas**
-  **Independently operated gas stations at risk - Est. 75-90 jobs lost**
-  Retail Already Vacant
-  1.5 mile to 2.0 mile range



The Vast Majority of Wholesale Warehouses in the NY Metro Area* Operate Without Gas For Good Reason

Wholesaler locations in metro areas are highly profitable even without gas given population densities:

- Out of 12 NY Costco Locations in the Metro Area, Only 3 have gas
- Out of 22 NY BJ's locations in the Metro Area, Only 3 have gas
- Out of 2 NY Sam's Club locations in the Metro Area, neither have gas

A Majority of Locations Such as Flushing, Rego Park, Coney Island, Pelham, Riverdale, the Bronx, Canarsie, Lawrenceville, Westbury, Levittown, Melville, and others do not have gas operations for similar reasons, including:

- Severe traffic congestion
- Environmental protection and Tidal/Flood Zone issues
- Environmental proximity risk to parks and waterways
- Balancing negative economic Impact on local businesses and saving jobs

Mariner's Harbor has many of the same issues facing our community, do we really need an 11th Gas Station in the neighborhood that would create significant traffic stacking, sacrifice approximately 100 jobs, and potentially risk the environment?

* Defined as the 5 boroughs, Nassau, Suffolk, and Westchester counties

Thank you

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Testimony Prepared by an Alliance of Small Business Owners in Mariner's Harbor

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Staten Island, NY