

A. INTRODUCTION

This chapter of the FEIS summarizes and responds to the substantive oral and written comments received during the public comment period on the Draft Environmental Impact Statement (DEIS). The public hearing on the DEIS was held concurrent with the hearing on the project's Uniform Land Use Review Procedure (ULURP) applications. Public review under ULURP began on April 26, 2004, with the certification of the applications. Comments on the DEIS were received at the public hearing on the ULURP applications and DEIS held on November 2, 2005 at the City of New York Department of City Planning, Spector Hall, 22 Reade Street, and the record for written comments submitted to the New York City Planning Commission (the Commission) remained open through November 14, 2005, the close of the public comment period.

Section B identifies the elected officials, community board and organization members, and individuals who commented at the public hearing or in writing. Section C summarizes and responds to each substantive comment. The comments are organized by subject area. Where multiple comments were made on the same subject matter, a single comment combines and summarizes those individual comments. After each comment is a list of the people who made the comment, as referenced in Section B. Where no further elaboration is required to address a comment, or where comments do not relate to the analysis of the Proposed Project in the DEIS, the response provided is "comment noted."

B. ORGANIZATIONS AND INDIVIDUALS WHO COMMENTED ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS)

1. Metropolitan Transportation Authority, written submission dated September 29, 2005 (MTA)
2. Adolfo Carrion, Bronx Borough President, written submission dated November 2, 2005 read by Paul Luria Kaplan (Carrion)
3. Community Board 4, written recommendations accompanying community board vote dated September 15, 2005 (CB4)
4. Daniel Ahenkora, oral comments (Ahenkora)
5. Bronx Voices for Equal Inclusion, position paper submitted November 2, 2005 (Bronx Voices)
6. Nancy Christensen, Tri-State Transportation Campaign, written submission dated November 14, 2005 (Christensen)

¹ This entire chapter is new for the FEIS.

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7. Susan Fainstein, Professor of Urban Planning, Columbia University, written submission dated November 2, 2005 read by James Connolly (Fainstein)
8. Brian Ketcham, Community Consulting Services, oral comments and undated written submission (Ketcham)
9. Richard Lipsky, Neighborhood Retail Alliance, oral comments and written submission dated November 3, 2005 (Lipsky)
10. Stanley Mayer, President of the Bronx Terminal Market Preservation Association, Inc., oral comments and written submission dated November 2, 2005 (Mayer)
11. Menaka Mohan, Sustainable South Bronx, written submission dated November 14, 2005 (Mohan)
12. Patrick Purcell, Director of Organizing, United Food and Commercial Workers Union Local 1500, oral comments (Purcell)
13. Gilberto Rivera, Neighborhood Advisory Council, oral comments (Rivera)
14. John Romogosa, Jr., Bronx Terminal Market Preservation Association, oral comments (Romogosa)
15. Alex Savinon, oral comments (Savinon)
16. Lydia Sierra, Neighborhood Advisory Council/Bronx Voices for Equal Inclusion, oral comments and written submission dated November 14, 2005 (Sierra)
17. Lillian Smith, Neighborhood Advisory Council/Bronx Voices for Equal Inclusion, oral comments and undated written submission (Smith)
18. Dan Steinberg, Good Jobs New York, oral comments (Steinberg)
19. Andrew Tulloch, attorney representing the Bronx Terminal Market Preservation Association, oral comments (Tulloch)
20. Elizabeth Valentina, New York Jobs With Justice, oral comments and written submission dated November 2, 2005 (Valentina)

C. RESPONSE TO COMMENTS

GENERAL/PUBLIC REVIEW PROCESS

Comment 1: The Proposed Project is being rushed through the ULURP and environmental review processes and the community has not been given enough information and involvement. (Sierra, Valentina)

Response: Public review of the Proposed Project has been conducted in conformance with the City's Uniform Land Use Review Procedure (ULURP) and City Environmental Quality Review (CEQR). A public scoping meeting was held for the DEIS on September 9, 2004, and a final scope of work, reflecting comments made on the draft scope of analysis for the DEIS, was issued on October 8, 2004. In accordance with the final scope of work, a DEIS was prepared. The DEIS was certified as complete on July 7, 2005. The public has had a number of

opportunities to comment on the Proposed Project and the DEIS. Public hearings on the Proposed Project and DEIS were held by Community Board 4 on September 7, 2005, by the Bronx Borough President on October 6, 2005, and by the City Planning Commission on November 2, 2005, with the opportunity to submit written comments running through the close of business on November 14, 2005. In addition to these required opportunities for public participation, the project sponsor has met with local elected officials and interested community groups to present the project and address issues.

Comment 2: The Proposed Project demonstrates that the South Bronx has been revitalized and is now a highly desirable market rather than a national symbol of urban blight. (Carrion)

Response: Comment noted.

Comment 3: As a publicly subsidized development, the Proposed Project should be more accountable to the community. Affected residents and businesses need more information. The approval process should be more transparent and community impact reports should be presented at the outset of the political process. (Valentina)

Response: A Draft Scope of Work for the preparation of an environmental impact statement was issued on August 5, 2004. The public had the opportunity to comment on this scope of work at a public hearing on September 9, 2004 and during a ten day comment period following that meeting. The EIS fully describes the BTM development and discloses the potential significant adverse impacts of the Proposed Project. As described in the response to Comment 1, the ULURP and CEQR processes have provided the public with a number of opportunities to comment on the Proposed Project and the EIS.

Comment 4: The City should mandate good employment standards and local hiring. The City should enforce “clawbacks,” or repayment of subsidies, if the Proposed Project fails to reach job creation or community development goals and standards. (Valentina)

The Bronx Borough President has stated that in order for the Gateway Center to receive his full endorsement, Bronx residents should receive the majority of employment. Sustainable South Bronx is committed to ensuring that this vision becomes a reality and will be following Gateway Center employment statistics closely. (Mohan)

Response: Comment noted. Employment and hiring standards are outside the scope of a CEQR analysis.

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Comment 5: The Proposed Project should use sustainable design technology; should qualify for LEEDS ratings of silver or higher; should explore and, where feasible, pursue “green building” technology for the site; and should implement Local Law 86. (Carrion, CB4, Mohan)

Response: The project sponsor has agreed to use, where practicable, sustainable design technologies in the proposed buildings. Local Law 86 applies to entities that are not City agencies only when 50 percent or more of the estimated cost of the project, or \$10 million regardless of percentage, is to be paid for out of the City treasury.

Comment 6: The developer should participate in the BOEDC’s Buy Bronx and Bronx at Work campaigns. (Carrion)

Response: Comment noted.

Comment 7: The Proposed Project should be accessible to the handicapped and senior citizens. (Bronx Voices)

Response: The Proposed Project will conform to accessibility standards under the Americans with Disabilities Act.

Comment 8: The City and the developer must commit to constructing the parklands identified within the Proposed Project’s ULURP application simultaneously with the project’s construction regardless of the outcome of the Yankee Stadium redevelopment plan. (Carrion)

It is not clear when construction would begin. The City of New York must construct the park simultaneously with the Gateway Center to minimize the impacts of construction and to ensure the park is built in a timely manner. (Mohan)

Response: The City has committed to constructing the 2-acre public open space on the west side of Exterior Street by the Proposed Project’s 2009 Build year.

Comment 9: There is no discussion of creating a Metro-North station near the project, despite the fact that the rail lines are the northern boundary of the site. Creating regional public transit is a critical aspect to taking cars off the road. Direct shuttle buses to and from key subway stations should also be implemented. (Mohan)

Rather than constructing more parking facilities, both projects should include improvements to the mass transit infrastructure. DOT’s Bronx Arterial Needs study found that many people who usually take Metro North drive to Yankee games so they don’t have to return to Grand Central or 125th Street to catch a train. Unfortunately, proposals to build a Metro North station at Yankee Stadium have been languishing for years and are not part of the current project. (Christensen)

Response: The configuration of the Proposed Project does not preclude the potential to create a Metro-North station near the project site. The project sponsor will work with NYCT regarding the provision of bus service to the project site, including a proposed extension of the Bx13 bus route, as well as potential locations of bus stops on the streets surrounding the project site. The 149th Street-Grand Concourse subway station of the 2, 4, and 5 subway lines is located three blocks away from the project site, and thus a shuttle bus is not considered necessary.

Comment 10: The Gateway Center at Bronx Terminal Market and the Yankee Stadium project are literally right next to each other. The construction periods for the two projects overlap. It is assumed that Yankees fans will use Gateway Center parking. The construction, traffic, noise, and air quality impacts of the two projects will compound each other; however, both projects are being reviewed in separate environmental impact statements. The Gateway Center DEIS is required, but failed to study the cumulative impacts of the two projects. Given that the two projects will have cumulative environmental impacts, are located right next to each other, and are expected to share parking facilities, one environmental impact statement would have been appropriate. (Christensen)

Response: The Gateway Center at Bronx Terminal Market EIS and the Yankee Stadium EIS both consider a future condition in which both projects are developed. The two projects are not anticipated to share parking facilities; however, it is assumed that some Yankee fans may utilize Gateway Center parking facilities on game days, and that Gateway Center shoppers may also use available Yankee parking facilities.

SOCIOECONOMIC CONDITIONS

Comment 11: We are troubled by the possibility for gentrification and that the Gateway Mall will displace residents with rising property values. (Sierra)

Response: The analysis presented in Chapter 3, “Socioeconomic Conditions” of the EIS found that the Proposed Project would not result in significant adverse impacts due to indirect residential displacement. Following *CEQR Technical Manual* guidelines, the analysis considered whether the Proposed Project would increase residential property values and rents, making it difficult for some residents to afford their homes. A number of rent-influencing factors were considered, including: whether the Proposed Project would displace properties that have a blighting effect on property values; whether the project would introduce a critical mass of non-residential uses such that the surrounding area becomes more attractive as a residential complex; and the number of residents potentially vulnerable to indirect displacement. As described in Chapter 3 of the EIS, approximately 98 percent of the residential units located within the ¼-mile study area and roughly 95 percent of the residential units located north of the ½-

mile study area are protected against any unregulated or market-driven rental increases. The high percentage of protected units in these study areas makes it unlikely that local residents would be indirectly displaced.

Comment 12: The Bronx Terminal Market’s ethnic foods and jobs are needed in the community. The market provides goods essential to preparing our ethnic foods. (Sierra, Smith)

Response: As described in the direct business displacement analysis in Chapter 3, “Socioeconomic Conditions,” all of the products sold at the Bronx Terminal Market, including West African specialty food items, are available to ethnic communities and their bodegas and restaurants in the Bronx through other wholesale distributors and retailers in New York City. Based on online research and telephone surveys, AKRF confirmed that there are at least 16 African grocery stores located throughout the Bronx deal in both wholesale and retail of West African specialty food items, and two other wholesaler/retailers in Brooklyn and Queens sell African specialty foods. On a regional level, the Hunts Point Food Distribution Center and two wholesale distributors of African food products in New Jersey serve the tri-state region and beyond.

The approximately 287 Bronx Terminal Market wholesale workers that would be displaced represent approximately 4.4 percent of all wholesale food employees in the Bronx, and only 1.1 percent of wholesale food employees in New York City. There is suitable relocation space for the existing tenants such that the businesses and the associated employment could be relocated, and therefore no significant change (loss) in wholesale food employment is anticipated. In addition, the projected 1,921 permanent on-site jobs created by the Proposed Project would include management, sales and related positions, as well as positions in building and grounds cleaning and maintenance, food preparation and serving, and office and administrative support. Many of these employment categories could provide job opportunities for existing Bronx Terminal Market workers as well as for local residents generally.

Comment 13: A Community Benefits Agreement is needed to ensure that Bronx residents will benefit from the jobs created by the Proposed Project. (Carrion, CB4)

We have been told that these developments are supposed to help the South Bronx but without proper assurances, there will be no indigenous South Bronx left to reap these pledged benefits. The Bronx Borough President has approved the project under important stipulations and a Community Benefits Agreement taskforce has been developed by the Bronx Overall Economic Development Corporation to draft a CBA by the 15th of December. We strongly urge that you do not vote for the project until a CBA is negotiated with all of the community stakeholders and the Related Companies. We are all for economic development, but there must be accountability systems in place to ensure that our community truly does benefit. (Sierra)

Response: Community Benefits Agreements are outside of the scope of a CEQR analysis. However, the project sponsor is working through the Bronx Borough President to prepare a CBA that will address the community's concerns.

Comment 14: The DEIS did not fully consider the entrepreneurial needs of ethnic communities and their bodegas and restaurants. (Tulloch)

Response: As described in the analysis of direct business displacement in Chapter 3, "Socioeconomic Conditions," all of the products sold at the Bronx Terminal Market, including West African specialty food items, are available to ethnic communities and their bodegas and restaurants through other wholesale distributors and retailers located in the Bronx or in other parts of New York City. Online research and telephone interviews confirmed that there are at least 16 African grocery stores located in the Bronx that deal in both wholesale and retail of West African specialty food items, as well as two wholesale/retail purveyors of African foods and specialty products in Brooklyn and Queens. Although there are some restaurants and retailers of African foods that use the Bronx Terminal Market, it is not their only supply source. Face-to-face interviews conducted by AKRF of 10 West African restaurants and grocery stores along West 116th in Harlem revealed that only one of the restaurants and grocery stores used the Bronx Terminal Market as their primary supplier. Almost all of the grocery stores surveyed currently purchase most of their goods directly from West Africa or from other wholesale distributors. Existing food suppliers, including those within the Hunts Point Food Distribution Center, could supplement their inventory of West African and other ethnic foods if demand warrants it such that the needs of existing Bronx Terminal Market consumers could be met within New York City and the region.

Comment 15: The economic contribution of the Bronx Terminal Market to immigrant communities in the Bronx, the tri-state area, and beyond has been underestimated. Annual sales currently approach \$450 million. (Mayer)

This DEIS concludes that the products sold by the vendors can be found in other parts of New York City and New Jersey and therefore their removal does not impact on the South Bronx. The City cannot ignore that these vendors are of vital economic importance to the South Bronx community and must relocate them with that in mind. (Mohan)

Response: As described in the analysis of direct business displacement in Chapter 3, "Socioeconomic Conditions," the businesses at the Bronx Terminal Market currently represent approximately 4.4 percent of all wholesale food employees in the Bronx and only 1.1 percent of wholesale food employees in New York City. All of the products sold at the Bronx Terminal Market, including West African specialty food items, are available to ethnic communities in the Bronx through other wholesale distributors and retailers in New York City.

Approximately 16 African grocery stores located throughout the Bronx deal in both wholesale and retail of West African specialty food items, and two other wholesaler/retailers in Brooklyn and Queens sell African specialty foods. On a regional level, the Hunts Point Food Distribution Center and two wholesale distributors of African food products in New Jersey serve the tri-state region and beyond.

Although the EIS does not include sales by the Bronx Terminal Market tenants as a percentage of total wholesale food industry sales, the \$450 million sales figure cited by the commenter represents less than 10 percent of annual wholesale food industry sales in New York City (\$4.6 billion). Within the Bronx, annual sales generated by the Hunts Point Food Distribution Center alone are approximately \$3 billion, which represents roughly 65.2 percent of the \$4.6 billion in wholesale food industry sales in New York City.

It is also important to note that the direct business displacement analysis found that there is available industrial space in the Bronx and New York City such that the existing Bronx Terminal Market Tenants could relocate, which as noted in *CEQR Technical Manual*, is a condition that contributes to the finding of no significant adverse impact. EDC has hired a relocation consultant to provide assistance to the current market tenants of the project site. The details of the relocation assistance are provided in the response to Comment 18. This is being done independently of the Proposed Project and is not subject to any discretionary approvals. EDC, Bronx Empowerment Zone, and the project sponsor will provide various benefits to assist tenants in their relocation efforts.

Comment 16: The DEIS fails to consider the synergy between the businesses in the Bronx Terminal Market in the analysis of direct displacement. This synergy makes it necessary for the merchants to be kept together in any relocation plan. (Ahenkora, Fainstein, Lipsky, Mayer, Purcell, Rivera, Valentina, Savinon, Steinberg, Tulloch)

Response: The analysis of direct business displacement followed the guidelines outlined in the *CEQR Technical Manual* in examining the potential for significant impacts due to the displacement businesses at the Bronx Terminal Market. That analysis examined the employment and business value characteristics of the affected businesses to determine the significance of the potential impact. According to the *CEQR Technical Manual*, a significant direct displacement impact may occur if an action affects the operation and viability of a specific industry that has substantial economic value to the City's economy; if the businesses in question can only be relocated with great difficulty or not at all; if the businesses in question are the subject of regulations or publicly adopted plans to preserve, enhance, or otherwise protect them; or if the businesses in question substantially contribute to a defining element of the neighborhood character. The consideration of the economic value of a business is based on: (1) its products and services, (2) its location needs (particularly whether those needs

can be satisfied at other locations), and (3) the potential effects on business or consumers of losing the displaced business as a product or service.

The analysis in Chapter 3, "Socioeconomic Conditions" found that the Proposed Project would not significantly impact business conditions or the economic viability of the wholesale food industry in the Bronx or New York City as a whole. As discussed in the EIS, the Bronx Terminal Market tenants would be able to relocate to other locations within the Bronx or New York City without significantly reducing total employment in the wholesale food industry (see page 3-17 of the EIS for a detailed analysis on relocation options). With a total employment of approximately 297 workers, the displaced businesses represent about 4.4 percent of the wholesale food employment in the Bronx and only 1.1 percent of the wholesale food employment in New York City. In addition, all of the food products currently sold at the Bronx Terminal Market, including West African, Caribbean, and Hispanic specialty items, are available through other wholesale distributors and retailers in New York City, as well as in New Jersey, that do not depend solely on the Bronx Terminal Market for their supply. More important, the \$4 billion (includes \$1 billion expected to be generated by the Hunts Point Fish Market) annual sales from the Hunts Point Food Distribution Center represents approximately 87 percent of New York City's total wholesale food industry sales.

The impact on local businesses and consumers of displacing existing merchants in Bronx Terminal Market is also not expected to be significant. Many of the West African businesses and grocery stores in northern Manhattan and the South Bronx either directly import their goods from West Africa or use other wholesale distributors to stock their inventories. Online research and telephone interviews confirmed that there are at least 16 African grocery stores located in the Bronx that deal in both wholesale and retail of West African specialty food items, as well as the two wholesale/retail purveyors of African foods and specialty products in Brooklyn and Queens. Although there are some restaurants and retailers of African foods that use the Bronx Terminal Market, it is not their only supply source. Face-to-face interviews conducted by AKRF of 10 West African restaurants and grocery stores along West 116th in Harlem revealed that only one of the restaurants and grocery stores used the Bronx Terminal Market as their primary supplier. Almost all of the grocery stores surveyed currently purchase most of their goods directly from West Africa or from other wholesale distributors. In addition, other food suppliers could supplement their inventory of West African and other ethnic foods if demand warrants it such that the needs of existing Bronx Terminal Market consumers could be met within New York City and the region. Thus, the direct displacement of African food merchants in the Bronx Terminal Market will not completely eliminate sources of African food products in the Bronx and other parts of New York City.

Wholesale merchants at the Hunts Point Produce Market, the Hunts Point Cooperative Market (wholesale meat and meat products), and the recently-opened Hunts Point Fish Market provide almost all of the basic fruits, vegetables, meat and seafood that are currently sold at the Bronx Terminal Market. The Hunts Point Produce Market has over 50 merchants that sell a

variety of fruits and vegetables from all over the world. Similarly, the Hunts Point Cooperative Meat Market has about 47 independent wholesale businesses that offer a greater selection of meat and meat products than businesses at Bronx Terminal Market. Meat products that are sold at Bronx Terminal Market and can also be found at the Hunts Point Meat Market include beef, poultry, goat, lamb, pork, and organ meats (liver, heart, and tongue) and specialty cuts. For example, Latin American Distributors is a current tenant in the Hunts Point Meat Market that carries fresh and frozen Latin food products.

In addition to the above-mentioned everyday food items, some of the Bronx Terminal Market merchants also sell fruits and vegetable items that are unique to the cultures of West African, Caribbean, and Hispanic populations. Examples of common West African and Caribbean food products that are found in the Bronx Terminal Market include varieties of breadfruit, okra, yams, cassava, plantains, sweet potatoes, batatas, chayote, green bananas, and callaloo (some of the Caribbean fruits and vegetables are similar to West African fruits and vegetables). These products, as well as other Caribbean fruits and vegetables, can also be found at the Hunts Point Produce Market. For example, businesses such as Mendez International Fruits and Vegetables, Top Banana, C&J Produce, and HP Tropical are a few of the businesses located in the Hunts Point Produce Market that import products from Jamaica, Puerto Rico, Costa Rica, South America, and Central America. Existing food suppliers, including those within the Hunts Point Food Distribution Center, could supplement their inventory of West African and other ethnic foods if demand warrants it such that the needs of existing Bronx Terminal Market consumers could be met within New York City and the region.

All of the above factors, combined with the availability of ground-floor industrial space within the Bronx and New York City as a whole, show that the Bronx Terminal Market businesses do not have a unique or substantial economic value to the city or regional area and can be relocated without great difficulty.

As described in the response to Comment 18 below, as of November 2005, 6 of the 23 Bronx Terminal Market tenants, representing approximately 65,000 square feet of space, have accepted the relocation package and signed stipulations to vacate the Bronx Terminal Market by March 2006. These include: Latin 17; Latin Tropical; Trombetta & Sons; K&K African and Caribbean Products; and African Market.

In recognizing that many of the businesses want to be in generally close proximity to each other, EDC, in conjunction with Bronx Empowerment Zone, has recently compiled a list of properties that are within three geographic clusters: Hunts Point, Port Morris, and the general vicinity of the current Bronx Terminal Market. Some of these properties are of sufficient size to accommodate multiple tenants.

Comment 17: The DEIS should be rejected for its failure to consider the loss of jobs. (Mayer)

Response: The analysis of direct business displacement in Chapter 3, “Socioeconomic Conditions,” evaluates the displacement of the Bronx Terminal Market from its existing location, as well as the loss of its associated employment from the current location. Following *CEQR Technical Manual* guidelines, the analysis considers the economic value of the Bronx Terminal Market to the City and regional area and whether it can be relocated without great difficulty. The analysis finds that the approximately 287 Bronx Terminal Market wholesale workers who would be displaced represent approximately 4.4 percent of all wholesale food employees in the Bronx, and only 1.1 percent of wholesale food employees in New York City. In addition, the analysis finds that there is sufficient available industrial space such that the displaced businesses, and their employees, could relocate without great difficulty within the Bronx and other parts of New York City. There is approximately 13.5 million square feet of industrial space available within New York City, including approximately 851,000 square feet of industrial space available in the Bronx, of which 331,000 square feet is vacant ground floor space, 8.5 million square feet in Brooklyn and Queens, and 4.5 million square feet in Manhattan. The Proposed Project would also create approximately 1,921 permanent jobs on-site.

Comment 18: The City should work with the Bronx Terminal Market merchants to come up with a mutually acceptable plan to relocate them with adequate financial assistance. (Carrion, Fainstein, Mayer, Purcell, Savinon)

EDC and BOEDC have been unwilling to negotiate with the Bronx Terminal Market merchants and have not made a serious attempt to relocate them together as a market. (Fainstein, Mayer, Lipsky, Romogosa, Tulloch)

The Bronx Terminal Market merchants have endured harassment imposed by the Buntzman family for years. They must be properly compensated with an adequate relocation site where they can remain together. (Mohan)

The relocation money offered to the tenants would not cover the cost of relocation. (Romogosa)

Response: EDC, Bronx Empowerment Zone, and the project sponsor will provide various benefits to assist tenants in their relocation efforts. The relocation package includes the following benefits:

- EDC will provide Bronx Terminal Market tenants relocating in New York City cash payments of \$10 per square foot for any relocation expenses;
- Tenants who relocate to a building within or near the Bronx Empowerment Zone will be eligible to borrow up to \$500,000, at a 0 percent interest rate for a maximum of 10 years, for the purchase of fixtures, equipment, building improvements, or for working capital;

- The project sponsor will provide incentive payments equal to half of the net rental payments paid by each tenant and received by the project sponsor from the date the tenant accepts the relocation offer to the date the tenant vacates; and
- EDC's relocation consultant (Cornerstone Group) will provide relocation services at no cost to Bronx Terminal Market tenants. Services include identification of new spaces, accompanying tenants on tours of new spaces, and negotiation of terms.

In addition, tenants were provided with a manual of other government assistance programs that they could potentially qualify for, including:

- Commercial Expansion Program;
- Industrial and Commercial Incentive Program;
- Industrial Development Agency Small Industry Incentive Program (for companies that might acquire buildings);
- Energy Cost Savings Program;
- Energy Business Incentive Rate; and
- Empire Zone benefits, including wage tax credit.

As of November 2005, 6 of the 23 tenants, representing approximately 65,000 square feet of space in the Bronx Terminal Market, have accepted the relocation package and signed stipulations to vacate the Bronx Terminal Market by March 2006. These include: La Ruche Imports, Inc.; Latin 17 Meat & Provisions Corp.; Latin Tropicales, Inc.; Trombetta & Sons, Inc.; K&K African Market; and African Market.

The relocation package currently being offered to Bronx Terminal Market tenants exceeds standard guidelines offered through the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act). With regard to relocating the Bronx Terminal Market together as a market, please see the response to Comment 16.

Comment 19: The Bronx Terminal Market is compatible with the proposed retail center and should be accommodated on the Proposed Project site. We urge all those concerned to strongly consider allowing the merchants to remain residents at the historical Bronx Terminal Market. There is research that proves retail and wholesale can work together. (Sierra, Smith)

Response: As described in Chapter 3, "Socioeconomic Conditions" no significant adverse impacts related to the Proposed Project's displacement of the current market tenants were identified. However, in order to address comments made during the scoping of the Proposed Project, the DEIS considered an alternative (the "Retention of Expanded Market Alternative") in which the existing wholesale market uses are retained and expanded within a new facility on the west side of Exterior Street. As described in Chapter 24 of the FEIS, "Alternatives," the project sponsor no longer controls the Bronx Terminal Market area west of

Exterior Street. Therefore, this alternative would require use of an area not controlled by the applicant. In addition, as described in Chapter 22, “Future Conditions with a Relocated Yankee Stadium,” the Bronx Terminal Market area west of Exterior Street and north of the public open space to be developed by the City is planned for development as a new City park and a pedestrian esplanade to mitigate the loss of area from Macombs Dam Park with the proposed Yankee Stadium project. Given the planned future use of the area west of Exterior Street, the lead agency has determined that this alternative is no longer feasible for consideration, and therefore it is not analyzed in the FEIS.

Comment 20: The DEIS states that the businesses on the project site can easily be relocated within New York City. The DEIS claims that “the businesses currently located on the project site would not have any difficulty in finding alternate industrial space in the Bronx or New York City.” This claim cannot be justified with the data presented in the DEIS. On page 3-16 the DEIS indicates that the market currently occupies 407,180 sf of floor space. On page 3-17 (Table 3-4) it shows that in the entire Bronx, only 472,550 sf of space exist, scattered around, mostly on very small footprints, and not necessarily suitable for a market. Also, the market’s convenient vehicular access to customers in the Bronx and northern Manhattan would be lost. (Fainstein)

A report by urban planning students at Columbia University identified six potential sites on which the market could be relocated. These have not been given serious consideration. The report’s St. Ann’s Street and Alexander area sites would move the market to the Harlem River Yards. The Alexander site has a single private owner and has no permanent uses at this time. The St. Ann’s site is publicly owned and has no permanent uses. Another proposed strategy presented in the report is to relocate the market to the western edge of the project site across Exterior Street. Other strategies presented include relocating the market to the southern or eastern edges of the project site. (Fainstein, Tulloch)

Response: According to the *CEQR Technical Manual*, one of the criteria used to determine the potential for significant displacement impacts is if the business or businesses in question would be able to relocate in the study area or elsewhere in the City without great difficulty. The direct business displacement analysis in Chapter 3, “Socioeconomic Conditions,” finds that there is suitable relocation space for the existing tenants such that businesses that would be displaced could be relocated in the Bronx or elsewhere in New York City. There is more than 13.5 million square feet of available industrial space in New York City, including approximately 851,000 square feet of industrial space available in the Bronx (of which approximately 331,000 square feet is vacant ground-floor space)¹, 8.5

¹ Additional data on available industrial space in the Bronx was provided by another source, CoStar, in November 2005. The DEIS reported that as of March 2005 there was approximately 472,000 square feet

million square feet in Brooklyn and Queens, and 4.5 million square feet within Manhattan. However, some properties within this aggregate of available space may not be suitable relocation sites.

It is outside the scope of a CEQR analysis to identify specific sites for relocation of tenants, although a list of vacant ground-floor spaces identified in March 2005 is provided in the EIS. The analysis followed *CEQR Technical Manual* guidelines in considering the potential for relocation, focusing on available properties, rather than occupied space or publicly-owned sites for which the disposition of the property would require further discretionary action.

Of the six sites identified by the commenter as potential relocation sites for the Bronx Terminal Market, two (noted as the St. Ann's Area and the Alexander Area sites) are near the Harlem River Yards commercial waste transfer site and could create conflicts between waste-related and food-related uses, as well as potential traffic conflicts. A portion of the St. Ann's site is also under consideration as the potential location of a new power plant. The Alexander Area site, a site noted as Block 2349, and portion of the sites noted as Southern Edge and Eastern Edge are under private ownership, and thus would require additional discretionary actions for acquisition by the City. The Block 2349 and Southern Edge sites are also the subject of a zoning study to create opportunities for new housing and waterfront access, and thus their development for wholesale market uses could conflict with public policy goals. The Western Edge site includes the area west of Exterior Street that is proposed to be developed by the City as a public open space in the future with the Proposed Project and areas that are currently used for Yankee Stadium parking and are projected to be used by the Yankee Stadium project to create new parkland and a pedestrian esplanade. Similarly, the Eastern Edge site includes an area that is currently used for Yankee Stadium parking and is projected to be used by the Yankee Stadium project to create a new parking garage; it also includes a private, operating business. For the reasons listed above, these sites are not considered to be feasible relocation sites.

EDC has hired a relocation consultant to provide assistance to the current market tenants of the project site that would allow the merchants to re-establish themselves anywhere in New York City. This is being done independently of the Proposed Project and is not subject to any discretionary approvals. EDC, Bronx Empowerment Zone, and the project sponsor will provide various benefits to assist tenants in their relocation efforts. Please see the response to Comment 18 for specific details on the relocation package.

Comment 21: The jobs created by the Proposed Project would not replace the jobs lost from the loss of the market. Workers at the market are mostly immigrants with limited English skills and are not well-suited to work in retail. Retail jobs tend

of available ground-floor industrial space in the Bronx. Increases or declines in the availability of space are typical with revolving occupancy.

not to offer benefits or upward mobility. The City and the developer should ensure that the jobs created will be well-paying jobs with benefits and that they will go to local residents.(Fainstein, Mayer, Romogosa, Steinberg, Valentina)

We do not want to lose our wholesale food market. The market provides jobs to people who will not be qualified to work at the Gateway Mall. (Sierra)

Response: The direct business displacement analysis in Chapter 3, “Socioeconomic Conditions,” of the EIS found that there is suitable relocation space for the existing tenants such that the businesses and the associated employment could be relocated without great difficulty. As stated in the FEIS, there is more than 13.5 million square feet of available industrial space in New York City, including approximately 851,000 square feet of industrial space available in the Bronx (of which approximately 331,000 square feet is vacant ground-floor space)¹, 8.5 million square feet in Brooklyn and Queens, and 4.5 million square feet in Manhattan.

It is outside of the scope of the EIS to evaluate the hiring practices of future tenants of Gateway Center at Bronx Terminal Market. However, the approximately 1,921 permanent jobs projected to be created by the Proposed Project on-site would include management, sales and related positions, and positions in building and grounds cleaning and maintenance, food preparation and serving, and office and administrative support. Many of these employment categories could provide job opportunities for existing Bronx Terminal Market immigrant workers, including those with limited English proficiency, as well as for local residents generally.

Comment 22: On p. 3-23 the DEIS claims that employment in wholesale trade in the entire Bronx is only 258. This is less than the number employed in the BTM alone and far less than the number in the Hunt's Point Market, which exceeds 20,000. (Fainstein)

Response: The 258 workers statistic cited by the commenter is in reference to the total number of wholesale employees in the ¼-mile study area—not the entire Bronx—as reported by the New York State Department of Labor (NYSDOL) for the fourth quarter of 2003. Localized employment data from NYSDOL can underestimate actual employment because for some areas the data is suppressed (not publicly provided) to protect private business interests.

Comment 23: The DEIS states that there is a need for food clubs in the area but does not consider the fact that the Bronx Terminal Market is a food club that is unique in

¹ Updated data on available industrial space in the Bronx was provided by CoStar in November 2005. The DEIS reported that as of March 2005 there was approximately 472,000 square feet of available ground-floor industrial space in the Bronx.

catering to an ethnic market. The products they sell cannot be found at stores like Walmart and BJ's. (Mayer)

Response: The EIS does not take a position on whether there is a need for “food clubs” in the area. The indirect business displacement analysis in Chapter 3, “Socioeconomic Conditions,” evaluates the potential competitive effects of a wholesale club and a supermarket, which for the purposes of analysis are assumed to be part of the tenant mix of the Proposed Project. The direct business displacement analysis in Chapter 3 takes into consideration the unique qualities of the Bronx Terminal Market. The FEIS states on page 3-19 that “some of the Bronx Terminal Market merchants also sell fruits and vegetable items that are unique to the cultures of West African, Carribean, and Hispanic populations.” However, the EIS also identified other retailers and wholesalers in the Bronx and New York City that offer similar products. All of the products sold at the Bronx Terminal Market, including West African specialty food items, are available through other wholesale distributors and retailers in New York City. Based on online research and telephone surveys, AKRF confirmed that there are at least 16 African grocery stores located throughout the Bronx deal in both wholesale and retail of West African specialty food items, and two other wholesaler/retailers in Brooklyn and Queens sell African specialty foods. On a regional level, the Hunts Point Food Distribution Center and two wholesale distributors of African food products in New Jersey serve the tri-state region and beyond.

Comment 24: The socioeconomic analysis is inadequate. It implausibly argues that the largest food store ever built in the Bronx will have no impact on other retail stores or wholesalers in the area. The EIS does not demonstrate that the project would not take away business from existing stores. There was no analysis of aggregate food dollars in the neighborhood or the capture rate of existing markets. (Lipsky)

According to the EIS, small neighborhood food stores won't be impacted because these stores are “patronized by neighborhood residents who value the convenience ... the high quality of goods and personal service...” (3-78). This is nothing more than unconventional wisdom and should be treated as a testable hypothesis, something which isn't even considered by the consultants. In addition, while the assertion may be partially true it doesn't necessarily follow that it is true in its entirety. What this means is that a large club store or supermarket may have impacts and those impacts need to be analyzed, a process that the EIS doesn't feel is necessary. (Lipsky)

The consultants simply make a number of untested statements without providing hard data as evidence. For instance, they do not survey store owners or their customers. They also fail to interview wholesale suppliers to determine whether certain stores within the trade area may be more vulnerable to the pressure of competition. In addition, at no time do the consultants highlight the aggregate

potential sales volume of its club store. For instance, our estimates in our analysis of the Brush Avenue BJ's that went down to defeat this year predicted, based on industry estimates, that the store would do \$60 million a year in food sales. In an attempt to finesse this issue, using neighborhood character, the consultants try to show that the larger stores are not generally anchors to local shopping strips. (Lipsky)

Response: The analysis in Chapter 3, “Socioeconomic Conditions” follows the methodologies outlined in the *CEQR Technical Manual* and the Final Scope of Work for the EIS in assessing whether the Proposed Project would have significant adverse impacts. It includes a detailed competition analysis (see pages 3-25 through 3-85), which considers the potential for the Proposed Project to impact neighborhood character by affecting the viability of neighborhood shopping areas. That analysis begins by stating that the amount and type of retail that would be introduced by the Proposed Project—approximately 957,700 gross square feet of retail—could potentially result in indirect displacement due to competition. As described on page 3B-13 of the *CEQR Technical Manual*, competitive economic impacts do not necessarily generate significant environmental impacts, but they do become an area of environmental concern where they have the potential to affect neighborhood character by affecting the viability of neighborhood shopping centers. To that end, the competition analysis focuses on whether the potential indirect displacement from competition could result in significant adverse impacts by affecting the viability of existing neighborhood shopping areas. The analysis finds that the amount of indirect business displacement due to competition would be minimal, is not anticipated to jeopardize the viability of any neighborhood retail strips, is not expected to diminish the level of services provided, and therefore is not anticipated to result in significant adverse impacts due to competition.

The competition analysis in the EIS includes aggregate food sales for a 3-Mile Trade Area (\$1.1 billion) and a broader Primary Trade Area (\$1.5 billion, see Table 3-15 and pages 3-33 and 3-34), and estimates the aggregate food sales that would be generated by the Proposed Project (\$123.7 million, see Table 3-42). The analysis provides detailed retail inventories and descriptions of all major retail concentrations in the local area (see pages 3-39 through 3-66). It also includes capture rates for existing stores (see pages 3-35 through 3-39), as well as projections of the capture rates in the future without and with the Proposed Project (see pages 3-67 through 3-69 and 3-71 through 3-74). Capture rate analyses compare expenditure and sales data to determine how much of a trade area’s household expenditure potential is being captured by trade area retailers. For the EIS analysis, capture rates are provided for specific retail categories, including shopping goods, department stores, convenience goods, food stores, and eating and drinking places. The competition analysis goes beyond *CEQR Technical Manual* guidelines in evaluating the capture rates not only for the Primary Trade Area, but also for the more local 3-Mile Trade Area.

The capture rate analysis finds that in the future without the Proposed Project, growth in population and associated expenditure potential would outpace growth in retail sales, and retail expenditures would continue to leak out of the borough and New York City as a whole. The Proposed Project would divert a portion of trade area residents' retail sales dollars that might otherwise be spent outside the borough, and would enhance the retail selection available to residents. In addition, in recapturing sales outflows, the proposed actions would provide sales tax revenues to New York City and employment opportunities to the Bronx that might otherwise have been realized in another borough or outside New York City.

Interviews of food store owners and their customers, while at times informative, could not be considered "hard data" as suggested by the commenter given that responses would likely be without the support of underlying financial statements. Capture rate analyses are a commonly accepted, quantifiable method of estimating the potential competitive effects of a proposed retail project. However, as described in the *CEQR Technical Manual* and on page 3-74 of the DEIS, competitive effects on stores closest to a project site can occur even when there are still substantial unspent dollars within a trade area. For that reason, the competition analysis focuses on the potential effects on local shopping areas within the 3-Mile Trade Area, specifically addressing potential effects on local food stores (see pages 3-74 to 3-85). This analysis includes inventories of supermarkets in the 3-Mile Trade Area, as well as detailed consideration of individual food stores larger than 10,000 square feet.

Comment 25: It is necessary to widen the scope of the economic impact analysis. How much of the \$60 million will come from these unionized supermarkets? What will be the overall industry and employment impacts of the replacement of these unionized workers with a largely uninsured, non-union workforce? What will be the impact on the taxpayer when these workers must come to rely on the public health care system? (Lipsky)

Response: All of the analyses in Chapter 3, "Socioeconomic Conditions" follow the methodologies outlined in the *CEQR Technical Manual* and the Final Scope of Work for the EIS in assessing whether the Proposed Project would have significant adverse impacts. The competition analysis (pages 3-25 through 3-85) includes a detailed capture rate analysis that considers the projected food store sales generated by the Proposed Project in light of food store sales in the future without the Proposed Project for both a 3-Mile Trade Area and a Primary Trade Area. As shown in Tables 3-43 and 3-44, the capture rate analysis finds that in the future with the Proposed Project there would still be significant outflow of food store expenditures from residents of both the 3-Mile Trade Area (approximately 42 percent outflow) and the Primary Trade Area (approximately 51 percent outflow). Those rates are well below what would typically be expected of a trade area, i.e. 70 to 80 percent capture within a primary trade

area, as described in the Shopping Center Development Handbook, Urban Land Institute, Third Edition, 1999.

It is outside the scope of this analysis to evaluate the hiring practices and employment benefit packages to be provided by future tenants of the Gateway Center at Bronx Terminal Market.

Comment 26: An unsupported argument advanced in this section is that the areas where these other markets are located have enough local demand to withstand the competitive pressures of a box store at Gateway. The EIS refers back to the argument in this section that smaller local markets appealing to neighborhood needs, need not be negatively impacted. Have the consultants looked at the impact that larger supermarkets have had in other shopping center projects around the city? Are they aware that, in some cases, as many as five stores have closed when a regional, chain store has opened? (Lipsky)

Response: As stated in the *CEQR Technical Manual* (page 3B-13) and on page 3-25 of the FEIS, development activity such as shopping facilities may attract sales from existing stores, and while these competitive socioeconomic impacts do not necessarily generate environmental concerns, they can become an environmental concern if they have the potential to affect neighborhood character by affecting the viability of neighborhood shopping areas. The indirect displacement of local stores due to the addition of a regional store, as in the example cited by the commenter, would constitute a significant adverse impact only in cases where the displaced local stores were critical to the viability of a neighborhood shopping area.

Comment 27: A main argument the EIS makes is that local stores won't be hurt too drastically "because the project site is not immediately proximate to public transit and that approximately 76% of household members in the 3-mile trade area do not have a vehicle available to them..." (3-80). If this is true then Gateway Mall will be attracting the bulk of its customers from outside the local neighborhoods and whatever the shopping values that will exist will not be easily available to local residents who will, nevertheless, have to accommodate the intense increase of vehicle and truck traffic through their already overburdened streets. (Lipsky)

Response: As shown in Table 3-42 of Chapter 3, "Socioeconomic Conditions," an estimated \$54.2 million of the \$123.7 million (43.8 percent) of food store sales projected to be generated by the Proposed Project would come from residents within the 3-Mile Trade Area. The \$54.2 million in food sale expenditures would represent approximately 2.6 percent of the \$2.04 billion in total food store expenditures for residents within the 3-Mile Area. What these two statistics point out is that while local residents would make up a considerable portion (43.8 percent) of food sales at the Proposed Project, there would still be available food expenditures from that population (approximately \$1.99 billion)

for other area food stores. It is important to note that the capture rate analysis finds that in the future with the Proposed Project, residents within the 3-Mile Trade Area will still be making over 40 percent of their food store purchases outside of that area.

In reference to the DEIS statements cited by the commenter, the DEIS states that small- to medium-sized, independently-owned grocery stores, bodegas, and delis serve a retail function similar to specialty food stores, though they offer a wider variety of food items. In general, these smaller supermarkets tend to act as convenience stores, where customers make frequent trips and purchase fewer items that are in immediate demand, such as milk or bread, or housekeeping supplies. While shoppers may sometimes purchase these types of goods at wholesale clubs or large chain supermarkets, they typically do not make frequent trips for convenience goods to wholesale clubs or large supermarkets that are long distances from their homes. Instead, they are likely to continue to fulfill their more frequent convenience food and beverage needs at smaller, nearby grocery stores.

This tendency to make frequent convenience shopping trips to smaller stores would be reinforced by the fact that approximately 76 percent of household members in the 3-Mile Trade Area do not have a vehicle available to them (compared to 62 percent for Bronx County as a whole). The 24 percent automobile ownership rate indicates that while many local households may make trips to a wholesale club or supermarket that potentially could be part of the Proposed Project once in a while (in cars with friends or family, or by private car service), they are not likely to do their more frequent grocery shopping there. In general, smaller grocery stores would continue to meet the demand by local residents in the 3-Mile Trade Area for convenience food purchases, and these stores would not be affected by competition from a wholesale club or supermarket at the project site.

Comment 28: The EIS asserts that businesses in New Jersey can fill the need for ethnic food in New York City. The City typically tries to keep jobs and businesses, and it is bad policy to dismiss them to New Jersey. (Steinberg, Tulloch)

Response: The direct business displacement analysis in Chapter 3, "Socioeconomic Conditions," identified a number of existing businesses within New York City that provide both wholesale and retail ethnic African, Caribbean, and Hispanic specialty foods. As described on page 3-16 and 3-17, based on online research and telephone interviews, AKRF confirmed that there are at least 16 African grocery stores located throughout the Bronx and two wholesaler/retailers in Brooklyn and Queens that provide a selection of West African specialty food items similar to that currently available at the Bronx Terminal Market. In addition, African grocery stores along West 116th Street in northern Manhattan offer West African food products to the growing West African population in

Harlem and elsewhere in New York City. Specialty food items that are common to the Hispanic and Caribbean ethnic population can be found in the Hunts Point Food Distribution Center through merchants that import products directly from Jamaica, Puerto Rico, Costa Rica, and South and Central America.

Comment 29: The Bronx Terminal Market, if integrated into the Gateway site or relocated together as a single market, could constitute a significant attraction that could spark further revitalization of the South Bronx. Other markets, like the Chelsea Market, Seattle’s Pike’s Place Market, and Philadelphia’s Reading Terminal Market, serve as examples. (Fainstein)

Response: Comment noted. As described in Chapter 24, “Alternatives,” of the DEIS, the overlapping of truck traffic for the market uses and pedestrian traffic to the retail operations in close proximity could result in increased concerns for pedestrian safety. In addition, the markets noted by the commenter are located in downtown areas that are frequented by office workers and tourists. The tenants of such markets pay high rents that the Bronx Terminal Market tenants would not be able to afford.

Comment 30: The developer must identify the tenants being considered for the site. This is necessary in order to be able to examine potential impacts. (Purcell)

Response: As stated in the methodology section of Chapter 3, “Socioeconomic Conditions,” the analyses are based on assumptions derived from the project description provided by the project sponsor. According to the project sponsor, the approximately 957,700 square feet of retail space planned for the Proposed Project would include a mix of stores selling a variety of goods such as clothing, furniture, electronics, home improvement supplies, and groceries, as well as several restaurants and fast food establishments. As currently envisioned, the retail development would house approximately four large-scale retail stores totaling 576,137 gross square feet; five medium-scale retail stores totaling 324,717 gross square feet; and small-scale retail stores/restaurants totaling 56,857 gross square feet.

Specific tenants for the Proposed Project have not been identified, and the selection of tenants is outside the scope of a CEQR analysis. However, for the purposes of providing a conservative analysis it is assumed that one of the large-scale stores would be a home improvement store, another large-scale store would be a wholesale club, and a third large-scale store would be a department store, while one of the medium-scale stores would be a supermarket. This retail mix was selected for the purposes of analysis because it provides the greatest potential for significant adverse impacts due to competition.

Comment 31: Corporate businesses coming into the Bronx will eliminate family businesses. Family businesses like those in the existing market feed money back into the

community, while corporate businesses like those that would be tenants at Gateway Center will take their money out of the Bronx. (Rivera)

Response: As discussed in Appendix C, “Environmental Justice,” the Proposed Project would create new employment, convenient shopping and dining opportunities for local residents, and provide economic and fiscal benefits to the City in the form of economic revitalization and tax revenue. As described in Chapter 3, “Socioeconomic Conditions,” the Proposed Project is expected to create more than 1,920 permanent jobs in the buildings on the project site and 494 permanent jobs elsewhere in New York City. Additionally, the Proposed Project is expected to generate approximately \$48.25 million annually (in 2005 dollars) in non-property related tax revenues for New York City, the Metropolitan Transportation Authority, and New York State.

Comment 32: There should be a detailed plan showing how the 5,000 jobs created by the Proposed Project will benefit the community (e.g., how many jobs will go to neighborhood residents, how many to the disabled?). (Rivera)

The developer should provide a broad range of business opportunities for Bronx minority and women-owned businesses, including job apprenticeships, youth employment opportunities, and jobs for people with disabilities. (Bronx Voices)

Response: It is outside the scope of the EIS to evaluate the hiring practices of the future tenants of Gateway Center at Bronx Terminal Market. However, the project sponsor has committed to signing a Community Benefit Agreement for the Proposed Project, and will work through the Bronx Borough President to prepare a Community Benefit Agreement that will address the community’s concerns.

As described in Chapter 3, “Socioeconomic Conditions,” the Proposed Project is projected to create approximately 1,921 permanent jobs in the buildings on the project site and 494 permanent jobs elsewhere in New York City. The 1,921 jobs created on the project site would include management, sales and related positions, and positions in building and grounds cleaning and maintenance, food preparation and serving, and office and administrative support, all of which could provide job opportunities for community members.

Comment 33: The Proposed Project will help stem the leakage of retail sales to the suburbs. (Carrion)

Response: Comment noted.

HISTORIC RESOURCES

Comment 34: Respect for site history must be exhibited by incorporating the historical structure at 149th Street with its “Bronx Terminal Market” sign into the project

as well as a detailed plan for mitigating the adverse impacts on historic resources (market buildings and Bronx House of Detention). (Carrion)

Response: As described in the FEIS, the Proposed Project includes the retention and reutilization of Building D (the structure referred to in this comment) for retail development. Measures to mitigate the effect of the Proposed Project on the site’s historic resources—the Bronx Terminal Market buildings and the Bronx House of Detention—are being developed in consultation with OPRHP and are described in Chapter 7, “Historic Resources” of the FEIS.

URBAN DESIGN AND VISUAL RESOURCES

Comment 35: The developer should ensure that attractive architecture, building materials, and signage is used. The perimeter should incorporate visual enhancements including fenestration with actual windows and no blank walls, as well as tree planting. (Carrion)

Response: Comment noted.

Comment 36: The developer should incorporate access improvements on River Avenue and Exterior Street to render the project more pedestrian friendly and encourage street life. (Carrion)

Pedestrian access to the project site remains limited. Improvements to River Avenue and Exterior Street must be made to render the project more pedestrian-friendly. (Mohan)

The developer should seek to reconfigure the River Avenue side of the project area and add more public access egress areas and more retail space. (CB4)

Response: Comment noted. The proposed buildings on the project site would be accessible to pedestrians from 149th Street, River Avenue, and Exterior Street, and the proposed site plan provides several direct pedestrian routes through the project site, as noted in the response to Comment 37, below.

Comment 37: The developer should provide improved community access to the proposed hotel and direct pedestrian access from the proposed hotel to the community. (CB4)

Response: Comment noted.

Comment 38: It is not clear from walking on the site and looking at the proposed plans how a resident living on the east side of the project would have access to the park. There does not appear to be a direct pedestrian route through the Gateway Center that would allow this. Direct and easy access to the park must be provided. (Mohan)

Response: As shown in Figure 1-2 of the EIS, the Proposed Project's site plan would provide several direct pedestrian routes through the project site to the public open space on the west side of Exterior Street. There would be pedestrian walkways through the site between Retail Building B/F and the proposed parking garage, and access through the galleria spaces between the parking garage and Retail Building A. Although it would no longer be a mapped street, the former 150th Street roadway would also provide a direct route through the site that could be utilized by pedestrians.

NEIGHBORHOOD CHARACTER

Comment 39: The *CEQR Technical Manual* requires that if a business cannot be relocated within the study area, then an assessment of the effect of the loss on neighborhood character must be performed. The EIS fails to analyze the effect of the loss of the Bronx Terminal Market on neighborhood character. (Fainstein)

Response: The *CEQR Technical Manual* states that if a business or institution has been found to be a defining element of the character of the study area or neighborhood and is not likely to relocate in the study area, then an assessment of the effect of the loss on neighborhood character is performed. As described in Chapters 3 and 9 of the EIS, "Socioeconomic Conditions" and "Neighborhood Character," respectively, while the Bronx Terminal Market does contribute to the character of the neighborhood, it does not substantially contribute to defining the neighborhood. There are many large institutional and entertainment uses within the ¼-mile study area that make as much of an imprint on the character of the neighborhood as does the Bronx Terminal Market. For example, Yankee Stadium, Eugenia Maria de Hostos Community College, the Bronx General Post Office, and Cardinal Hayes High School are all located within a quarter mile of the Bronx Terminal Market. Therefore, the removal of the market would not result in a significant adverse impact to the neighborhood character of the area.

TRAFFIC AND PARKING

Comment 40: The Proposed Project and the Yankee Stadium project must coordinate with respect to traffic and parking. Shared parking should be considered to reduce the need for garages. (Carrion, Steinberg)

Response: The Proposed Project's traffic and parking analyses address conditions both with the existing Yankee Stadium and with a relocated stadium. The Yankee Stadium DEIS (September 2005) includes the Bronx Terminal Market development in its future No Build and Build conditions, so both proposed projects take into account the traffic and parking demands generated by each of them. Assuming both projects move forward, traffic planning, the implementation of mitigation measures, and game day traffic operations would be coordinated under the auspices of the New York City Department of

Transportation and/or the New York Police Department. On game days, parking facilities contained within the proposed Gateway Center at Bronx Terminal Market development would be available for Yankee fans. Although the Proposed Project would have sufficient parking spaces to accommodate its needs on typical shopping days, it appears likely that at least some of the proposed parking garages that would be built for the relocated stadium would also be available to shoppers. Shared parking opportunities would be available, but each of the projects must also be able to accommodate its own needs on its own peak days. This, for example, includes weekday afternoon games at the stadium concurrent with a typical weekday shopping day, or even more so on holidays.

Comment 41: It is difficult to establish the cumulative impacts that Yankee Stadium and the Gateway Center will have on the surrounding area if the projects do not have the same data. The City should require that the two projects work together to share parking facilities and mitigate the impact of increased traffic. (Mohan)

Response: The two projects have been sharing traffic and parking data within their respective planning and environmental impact analyses. As noted in the response to Comment 39 above, the parking facilities at the two projects would be available to support both projects when needed.

Comment 42: The increased number of parking spaces in the new Yankee Stadium will draw more car trips to the neighborhood. (Carrion)

Response: The DEIS prepared for the new Yankee Stadium does not indicate that it will draw more car trips to the area. According to that DEIS, traffic patterns would shift somewhat but, with fewer seats, the relocated stadium would not generate more traffic and with more dedicated parking it may reduce circulation on neighborhood streets that now occurs as Yankee fans driving to the stadium search for hard-to-find parking spaces.

Comment 43: The DEIS does not account for the increased traffic that will occur with additional parking spaces and does not require that the Gateway Center share spaces with Yankee Stadium. The DEIS for Yankee Stadium and the Gateway Center both state that because the new Yankee Stadium will have fewer seats than the old stadium, there will be no increase in game day traffic, despite the dramatic increase in parking. There is no attempt to account for the increased driving that will occur due to the construction of these new parking spaces. Parking will increase dramatically in the area with the Gateway Center, adding 3,216 spaces which will be available to Yankee fans. The DEIS for Yankee Stadium will add another 5,254 spaces to the area. (Mohan)

Both the Yankee Stadium DEIS and the Gateway Center DEIS fail to account for induced travel caused by a dramatic increase in the amount of parking in the

vicinity of these two projects. The Yankee Stadium DEIS cursorily asserts that because the new stadium will have fewer seats than the old stadium, there will be no increase in game-day traffic, despite the fact that the project involves a dramatic increase in the amount of parking. The Gateway Center project also involves a dramatic increase in parking, and the Gateway Center DEIS relies on the assertions made in the Yankee Stadium DEIS and actually claims that the Yankee Stadium project could improve game-day traffic. Failing to account for induced traffic caused by the construction of more parking spaces on the area's already congested roadways is a serious error. The new stadium and the new parking garages, together with the parking available at the Gateway Center site, will generate additional peak hour vehicle trips to those already coming to the area for the existing stadium. In order to get a truly conservative estimate of induced traffic impacts, it must be assumed that the additional parking facilities will be filled on game days. Even with the additional parking garages, it should also be assumed that cars will still "spill over" into the surrounding neighborhood to find parking spaces and park at the Gateway Center site. (Christensen)

Response: The issue of potential induced demand is addressed in the Yankee Stadium EIS. As stated in the Yankee Stadium EIS, the projection of projected auto demand is considered appropriate and reasonable, and the key difference would be a projected shift in some auto traffic from access routes south of the stadium to access routes closer to the stadium to the north. The Gateway Center at Bronx Terminal Market project has been slightly reduced in size since the DEIS, and is now planned to have 2,610 retail-oriented parking spaces in the 2009 Build year and 225 additional hotel-related parking spaces in the 2014 Build year, not 3,216 spaces as reported in the DEIS. The Yankee Stadium project would construct an estimated 5,254 parking spaces according to its DEIS (although the current plan is to build about 10 percent fewer spaces). However, it is important to note that both projects would displace several parking lots and garages in the area, including Lots 1, 2, 5, 6, 9, 11, 12, 13D, and 14, as well as a considerable additional amount of on-street parking spaces currently available and used by Yankee fans on game days. Therefore, the net increase in parking spaces to the overall area is substantially lower than the amounts suggested in the comment, and are documented within the two environmental impact statements. The analysis of projected impacts takes into account all of these factors: projected auto demand, available parking demand, available parking sites, and the resulting impact on local streets in the study area.

Comment 44: There is a discrepancy between the two EISs on the amount of parking available in the area. Yankee Stadium claims that there are 7,079 spaces serving the area, while the Gateway Center claims 8,072. (Christensen, Mohan)

Response: This will be resolved during the preparation of both projects' EISs.

Comment 45: The DEIS underestimates the auto share of trips generated by the Proposed Project, which should be 80-90 percent. The Proposed Project is twice the size of the Gateway Estates in Brooklyn. That project generates 2,500 auto trips in the evening peak hour, 28,000 auto trips on a typical weekday, and 34,000 auto trips on Saturdays. The proposed Bronx Terminal Market would generate nearly double the numbers reported in the DEIS. (Ketcham)

The trip generation rates used in the DEIS are only three-quarters of nationwide average rates and they are 15 percent lower than those used for the Gateway Estates project in Brooklyn. The Proposed Project would generate 250,000 trips per week—40,000 on weekdays, 50,000 on Saturdays, and 3,500 in a typical weekday evening peak hour—double what is reported in the DEIS. (Ketcham)

The DEIS for Gateway Center asserts that 59 percent of trips will arrive by car, based on its proximity to mass transit. While this may be true, it is also very close to the Major Deegan Expressway. There is no basis for the assumption that people will use the local bus routes or the subway system versus the Expressway. (Mohan)

Response: The Bronx Terminal Market site has superior bus service and better access to subways than the Gateway Estates development in Brooklyn. Furthermore, the market share for Gateway Estates has a higher automobile ownership than the population area served by the Bronx Terminal Market. Therefore, Gateway Estates was not considered a reasonable comparison for the development of travel demand estimates for Bronx Terminal Market.

A combination of data sources were used to project trips associated with the proposed project. Original surveys were conducted at Queens Place (88-01 Queens Boulevard, Elmhurst, New York) and these data were supplemented with analyses performed for other projects with similar characteristics in Harlem and Brooklyn. These sites were selected because they would be similar to the Proposed Project in terms of the type of retail, total floor area, access to transit, and population density in proximity to the facility.

Vehicle and pedestrian door counts were conducted at Queens Place in May 2004 on a weekday and a Saturday. These data were used to project the peak hours; peak hour trip rates; temporal and direction distributions; percent of vehicle travel; and vehicle occupancies for the Proposed Project. The trip rates recorded for Queens Place for the peak hours of analysis were compared to those previously used in studies conducted for other retail sites in New York City. The Queens Place rates were found to be similar (within 5 percent or less) to those used for other sites.

Furthermore, the trip rates were compared to national standards presented in the *Institute for Transportation Engineers (ITE) Trip Generation Manual*. Using the general rates presented in the *ITE Manual*, the project would have a trip rate of 5.8 trips per 1,000 square feet during the weekday PM peak hour and 7.9 trips per 1,000 square feet during the Saturday peak hour. The trips rates used for the Bronx Terminal Market were 6.8 and 9.2 trips per 1,000 square feet during the weekday PM and Saturday midday peak hours, respectively. Therefore, the trip

rates used to estimate the traffic, transit, and pedestrian trips associated with the proposed project are considered more conservative than rates presented in *ITE's Manual*.

Surveys conducted at Queens Place showed that roughly 60 percent of total trips were by auto. To project the mode of travel for the remaining 40 percent, a distribution was applied from surveys conducted at the Atlantic Center in Brooklyn with some adjustment to reflect local site conditions. The estimated modal distribution for the Bronx Terminal Market was compared to estimates for East River Plaza and Atlantic Center. The proposed East River Plaza project would be located on East 116th Street and the FDR Drive in Manhattan, which provides easy access for automobiles but is at some distance from subway service. Atlantic Center is located above the LIRR Flatbush Terminal in Brooklyn and has excellent subway, commuter rail, and bus service. East River Plaza was expected to have a higher propensity for automobile use and a lower transit use than Atlantic Center. Based on the comparative location and access of the Bronx Terminal Market to these other retail sites, it was determined that the project would likely generate a somewhat smaller number of autos and a greater number of transit riders than East River Plaza, but that the transit use would not be as high as was observed for Atlantic Center.

Comment 46: Gateway Estates in Brooklyn provides 3,500 parking spaces yet exhibits overflow traffic on Fridays and Saturdays. The Bronx Terminal Market plans on just 3,000 parking spaces for a project double the size of Gateway Estates. This will be inadequate. The inadequacy will be compounded by the use of some of these spaces by Yankee game attendees on game days. (Ketcham)

Response: The project site differs from the Gateway Estates site in Brooklyn, in that the BTM site has substantial public transit services located nearby (the 2, 4, 5, B, and D subway lines, and several bus routes) and a nearby residential community that would at least to some degree generate walk trips to it. The Gateway Estates site does not offer access by subway. As shown in the DEIS in Tables 16-19 and 16-20, the estimated parking demand for the Gateway Center at Bronx Terminal Market development can be readily accommodated on-site, including utilization by Yankee fans on game days. The Gateway Estates site offers approximately 2,891 parking spaces for a retail complex approximately 640,000 sf in size, or approximately 1 space per 221 sf of retail. The Gateway Center at Bronx Terminal Market would provide approximately 1 space per 367 sf of retail, but as described above, is expected to have a greater share of trips using mass transit.

Comment 47: 70-80 percent of trips will be by the Major Deegan Expressway, which is already overstressed and does not have the necessary capacity for the added trips. (Ketcham)

Response: The DEIS, on page 16-27, explains that 55-65 percent of retail-generated autos would be expected to use the Major Deegan Expressway. The analyses

documented within Chapter 16, “Traffic and Parking” of the DEIS evaluate conditions on the Major Deegan Expressway, identify locations with expected impacts, and outline the measures needed to mitigate those impacts.

Comment 48: The number of parking spaces in the Proposed Project should be reduced. (CB4)

Response: The number of parking spaces on the Gateway Center at Bronx Terminal Market site has decreased by 381 due to the reduction in the overall scope of the project with the elimination of the project area west of Exterior Street. The number of parking spaces in the parking garage is at a parking ratio less than the standard 3 spaces per 1,000 square feet for retail developments. According to the peak demand analyses, the garage is appropriately sized to accommodate parking demand during peak shopping hours and seasons as well as potential use by Yankee fans on game days.

Comment 49: The impacts at the Highbridge Interchange and the Cross Bronx Expressway were not examined, since they are considered outside the study area. However, the addition of a large retail complex will surely add traffic to these two major interchanges and analysis should be done regarding proper mitigation. (Mohan)

Because many Yankees fans are expected to utilize parking at the Gateway Center site, the study area boundary should be extended to address the impacts it will have on the greater road network. If home games are currently causing significant traffic congestion on the Major Deegan Expressway with effects spilling over onto the local streets in the vicinity, the Grand Concourse, East 161st Street, the bridges crossing over into the Bronx, and the FDR and Harlem River drives, then adding thousands of additional parking spaces will only increase congestion and extend the amount of gridlock on these roadways. In addition, if Yankee Stadium traffic is diverting commuter traffic, the study area must also be extended to include these impacts. Because the Gateway Center site is a destination for Yankee fans, the Gateway Center DEIS must also account for these impacts. (Christensen)

Response: The analyses of the potential impacts of the Proposed Project appropriately focus on the Major Deegan Expressway sections immediately north and south of the Gateway Center at Bronx Terminal Market site, since these are the locations where traffic to and from the project site would be most pronounced. The Highbridge Interchange is located approximately 1½ miles to the north and the Cross Bronx Expressway extends a further distance away primarily to the east, and these locations were not identified as additional study locations within the EIS’s public or agency scoping process. Both the Highbridge Interchange and the Cross Bronx Expressway have been the focus of considerable study by the New York State Department of Transportation’s Bronx and Northern Manhattan Arterials Improvement Project MIS over the past several years, and strategies have been developed to improve existing and future conditions on these roadways.

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Comment 50: The Major Deegan is already a severely congested road, something that the New York State Department of Transportation verifies on Yankee game days. Instead of creating alternatives to driving, the Gateway Center is encouraging auto trips with its location near the highway and the increased amount of available parking. (Mohan)

Response: The project site, which is located immediately adjacent to the Major Deegan Expressway, affords shoppers a direct route from the highway and would minimize potential effects on local streets. As a major urban retail center, with excellent highway access, the project is expected to draw the majority of its trips by auto and will provide sufficient on-site parking for these trips. However, given the transit services providing access to the area, other modes would play a major role in bringing shoppers to the site. Specifically, there is convenient bus and subway service and the project sponsor will be working with NYCT to provide improved bus access at the site. Overall, accounting for walk-in trips, more than a third of the shoppers are expected to come by modes other than private auto.

Comment 51: The traffic study, air quality, and noise analyses and mitigation measures in the Gateway Center DEIS must be redone to account for the cumulative impacts caused by the Gateway Center and the Yankee Stadium projects, the dramatic increase in parking caused by the two projects, and the parking-induced auto trips that are likely to occur as a result. The vehicle trip generation tables in Chapter 16 only account for vehicle trips generated by the proposed destination retail and the hotel, despite the fact that Yankees fans will use Gateway Center parking. By failing to study the impacts of parking-induced travel or the cumulative impacts of the two projects, EDC has fallen short of its obligation to take a “hard look” at the potential environmental impacts of the projects. (Christensen)

Response: The impacts of Yankee fans utilizing the parking facilities of the proposed Gateway Center at Bronx Terminal Market development were included in the DEIS analyses. Since the Proposed Project would be displacing several hundred parking spaces currently used by Yankee fans on game days, it has been assumed that displaced Yankee fans would be able and would indeed use the project’s parking facilities. The comment on parking-induced demand has been addressed in several responses to the commenter above.

Comment 52: Background growth assumptions in the Gateway Center DEIS are not conservative. Both the Future No Build and the Future with the Proposed Action traffic volumes were developed by applying a background traffic growth rate of .5 percent per year as stipulated in the CEQR Technical Manual. However, studies show that the amount of background traffic in the Bronx is likely increasing at a much higher rate. Total bridge traffic in the city increased by an

average rate of 1.4 percent per year during the ten year period of 1994-2004. Daily volume on the eight bridges in the Bronx increased 3.2 percent per year from 1994-2004. Further, the background traffic growth assumptions do not account for induced trips caused by the dramatic increase in parking. The amount of parking available to Yankee fans will greatly increase, and game attendance is also expected to increase. It should be noted that the Gateway Center DEIS presents parking occupancy as a percentage, rather than numbers of cars, making it difficult to ascertain the true parking impact. (Christensen)

Response: The *CEQR Technical Manual* serves as the guidebook for all environmental impact studies under City review citywide, and the annual background growth rate was appropriately established at 0.5 percent by the City agencies responsible for updating the manual in 2001. The City does possess additional bridge crossing data, but the daily volume statistics cited in the comment are misleading since they refer to a total volume for a full 24-hour day, while the *CEQR Technical Manual* stipulates the amounts to be used for peak hour analyses. The DEIS does provide parking totals for the Proposed Project.

TRANSIT AND PEDESTRIANS

Comment 53: The location of the eastern wall of Retail Building A is positioned in a way that does not allow sufficient clearance between it and the right-of-way of a potential future Metro North station serving Yankee Stadium. Modification of the design to provide an additional four feet in distance from the right-of-way would preserve the opportunity to site a new station in the future. (MTA)

Response: The location of the eastern wall of Retail Building A provides 27 feet of clearance at its narrowest point between the building and the right-of-way of a potential future Metro North station.

Comment 54: The Bx19 bus was analyzed in the DEIS as if the route's service were delivered by standard buses. However, NYCT uses articulated buses on this route. (MTA)

Response: During field surveys, the Bx19 was observed as a route operating with standard buses, which was reflected in the DEIS. The analysis for the FEIS reflects the change to articulated buses on the Bx19 route. As shown in the FEIS, the Proposed Project, as currently planned, would not result in significant adverse impacts to bus line haul.

Comment 55: The DEIS uses incorrect maximum guideline capacity values of 70 passengers for standard buses and 145 for articulated buses. The correct values are 65 passengers for a standard bus and 93 passengers for an articulated bus. (MTA)

Response: The *CEQR Technical Manual* provides guideline capacities of 70 passengers for standard buses and 145 passengers for articulated buses, which were used as the impact criteria for the DEIS. However, the FEIS considers both the CEQR and

revised MTA capacities for buses. As shown in the FEIS, the Proposed Project, as currently planned, would not result in significant adverse impacts under either the CEQR or MTA guidelines.

Comment 56: As mitigation for a significant adverse traffic impact at the intersection of Grand Concourse and E. 161st Street, the DEIS proposes creating an exclusive right turn lane on the northbound Grand Concourse approach. However, this would require relocating the nearby Bx1 bus stop to the far side of the intersection in front of the nursing home in the former Concourse Plaza Hotel. A stop of adequate length for articulated buses would need to be at least 140 feet long, which would displace the No Standing zone in front of the nursing home entrance as well as a No Standing zone for “NYP” vehicles, which has been observed to be occupied by Court employees. The nursing home and nearby courts would need to be contacted regarding this potential mitigation. Furthermore, moving the bus stop to the far side of 161st Street would increase the distance from the previous stop at 156th Street from approximately 1,100 feet to 1,400 feet. To bring the spacing closer to guideline, NYC Transit may need to add a stop at the far side of 158th Street. (MTA)

Response: For the FEIS, a new geometry of this intersection is used to account for the inclusion of the proposed Lou Gehrig Plaza project in both the No Build and Build conditions. As a result, the proposed mitigation would not require relocating the current bus stop.

Comment 57: As currently planned, the existing terminal of the Bx13 will have to be relocated for the new Yankee Stadium. Additionally, many of the streets on which the Bx13 currently operates may be demapped for the new stadium. Therefore, a Bx13 terminus at the new Gateway Center could be mutually beneficial. If the developers could provide approximately 120 feet of curb space somewhere in the project, New York City Transit would be able to provide Bx13 bus service into the project. (MTA)

Response: The applicant would work with MTA regarding the proposed extension of the Bx13 bus route to the project site. The proposed extension has been noted as a possibility in the FEIS.

Comment 58: The developer should provide an improved transit access plan and integrate public transportation (not limited to bus and rail) into the site itself. (CB4)

Response: The project sponsor will work with NYCT regarding the provision of bus service to the project site, including a proposed extension of the Bx13 bus route, as well as potential locations of bus stops on the streets surrounding the project site.

AIR QUALITY

Comment 59: The developer of the Proposed Project must commit to using construction technologies that use clean burning fuels to minimize particulate emissions. (Carrion, Mohan)

Response: Comment noted.

Comment 60: The Yankee Stadium and Gateway Center projects will result in thousands of additional parking spaces in the immediate vicinity of the projects. Induced traffic caused by such a large increase in the amount of parking likely could result in significant air quality impacts from mobile sources. In fact, according to the New York State Department of Transportation's Bronx Arterial Needs Major Investment Study, currently when the Yankees are playing in the Bronx, game-related traffic adds to congestion, and significant congestion occurs on the Major Deegan Expressway, the local streets, the bridges crossing into the Bronx, and the FDR and Harlem River drives. There are about 80 home games per year, and, according to the Yankee Stadium DEIS, average attendance is expected to increase. Traffic congestion results in diminished air quality. Emission rates for many pollutants follows a U-shaped curve, with emission rates declining as speed increases up to a certain level, and then climbing again. Vehicles in congestion stemming from the current stadium, current commuter traffic, and parking-induced travel caused by the Yankee Stadium and Gateway Center projects will clearly be at the upper end of the "U" curve—idling or traveling very slowly, and thus emitting maximum levels of pollutants. Similarly, transportation studies find that emissions from carbon monoxide and volatile organic compounds are generally highest in low-speed, congested driving conditions. Slower vehicle speeds also produce more toxic air pollutants, such as benzene. (Christensen)

Response: The Yankee Stadium project is not expected to generate additional traffic but would create some shift in traffic patterns. Conditions on the Major Deegan Expressway have been studied as part of the Gateway Center at Bronx Terminal Market EIS, and volumes and travel speeds on the Major Deegan are accounted for in this EIS's air quality studies.

Potential impacts on air quality from mobile sources associated with the project were evaluated in the EIS using the USEPA-approved CAL3QHC air dispersion model to perform a quantified analysis of carbon monoxide (CO) and particulate matter (PM₁₀ and PM_{2.5}) emissions. The weekday PM pre-Yankee game and weekend PM post-Yankee game peak periods were subjected to micro-scale intersection analyses and were selected because they produce the maximum anticipated project-generated traffic (particulate matter analyses are based on 24 hour average concentrations). The intersections selected for analysis were based on locations where the greatest air quality impacts and maximum changes in the concentrations would be expected. In addition to the roadway intersection

analyses, a separate analysis was performed to evaluate potential air quality impacts from traffic utilizing the Proposed Project's parking facilities. As noted in Chapter 18, "Air Quality," the results of these analyses indicated that there would be no significant adverse mobile source air quality impacts based on a comparison of predicted concentrations to ambient air quality standards and thresholds set by local regulatory agencies.

CONSTRUCTION IMPACTS

Comment 61: The developer should appoint a project coordinator in consultation with the Borough President to provide communications with the community and help mitigate construction impacts. (Carrion)

Response: The project sponsor has agreed to appoint a project coordinator for construction.

PUBLIC HEALTH

Comment 62: Increased traffic from the Proposed Project and the new Yankee Stadium will exacerbate asthma problems in an area that already has high asthma rates. (Sierra, Tulloch)

The South Bronx already bears much of the burden for the regional highway infrastructure, which negatively impacts the health and quality of life for its residents. One out of every four children has asthma in the South Bronx. With numbers that alarming, it is discouraging to see a project being built with a car-dependent society in mind. (Mohan)

Response: As described in Chapter 21, "Public Health," the Proposed Project does not meet the thresholds warranting a public health assessment. However, in order to address comments made during the scoping of the Proposed Project, the chapter includes a discussion of asthma, its prevalence in New York City and its possible causes and triggers, and then presented an assessment of the potential public health effects from the Proposed Project. This analysis concludes that the Proposed Project would not result in significant adverse air quality impacts and that potential PM_{2.5} emissions from mobile and stationary sources related to the Proposed Project are not expected to result in adverse public health impacts, including asthma.

Comment 63: The developer should provide an independent traffic flow analysis regarding conditions stemming from the Proposed Project that might cause asthma and related health problems. (CB4)

Response: Comment noted. Chapter 21, "Public Health," of the DEIS addresses the potential for the Proposed Project to result in adverse impacts to public health. As described above in the response to Comment 61, the analysis presented in Chapter 21 concludes that potential PM_{2.5} emissions from mobile and stationary sources related to the Proposed Project are not expected to result in adverse public health impacts, including asthma.

Comment 64: An independent analysis of the Proposed Project’s health implications should be required. This should include analysis of health care, air quality, and transportation. (Bronx Voices)

Response: The Proposed Project’s potential adverse impacts on public health are assessed in Chapter 21, “Public Health.” The potential adverse impacts on traffic, transit, and air quality are assessed in Chapters 16-18 of the EIS. An analysis of the Proposed Project’s impacts on health care is not required by the *CEQR Technical Manual*, which notes that a health care analysis is called for only when a project would introduce approximately 600 or more low-income residents into a community.

MITIGATION

Comment 65: All of the potentially constructive mitigations for the displacement of the Bronx Terminal Market are never considered because EDC had an a priori evaluation of the worthlessness of the businesses in the market. The rules of CEQR state that mitigation may include “helping to seek out and acquire replacement space” and/or a provision of “relocation assistance.” (Lipsky)

Response: As described above under “Socioeconomic Conditions,” the direct business displacement analysis presented in the EIS found that there is available industrial space in the Bronx and New York City such that the existing Bronx Terminal Market Tenants could relocate. EDC has hired a relocation consultant to provide assistance to the current market tenants of the project site. This is being done independently of the Proposed Project and is not subject to any discretionary approvals. EDC, Bronx Empowerment Zone, and the project sponsor will provide various benefits to assist tenants in their relocation efforts.

ENVIRONMENTAL JUSTICE

Comment 66: The Gateway Center DEIS does not address the environmental justice implications of the proposed action, which is likely to increase traffic on already congested roadways, and is likely to result in increased air pollution in an area that already suffers from poor air quality. Instead, the Gateway Center DEIS appendix that addresses environmental justice merely highlights the fact that the South Bronx is a low-income, minority community, and then asserts that the project “is not expected to result in adverse public health impacts.” The Gateway Center DEIS should have studied the cumulative impact of the proposed action and Yankee Stadium, as well as other mobile and stationary sources of air emissions, and address the health impacts on the area’s already sensitive population. (Christensen)

Response: The environmental justice analysis presented in Appendix C of the DEIS is consistent with the methodology set forth in the New York State Department of Environmental Conservation’s Policy CP-29, “Environmental Justice and

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Permitting,” as well as the federal Council on Environmental Quality’s (CEQ) “Environmental Justice Guidance Under the National Environmental Policy Act,” December 1997, which provides guidance for federal agencies regarding incorporating environmental justice concerns into their environmental justice analyses. The DEIS considers a future condition in which both the Gateway Center at Bronx Terminal Market project and the Yankee Stadium project are developed (see Chapter 22, “Future Conditions with a Relocated Yankee Stadium”) and provides an analysis of the potential public health impacts of the Proposed Project in Chapter 21. *