

Appendix M

Comments Received on the Draft Environmental Impact Statement¹

¹ Appendix M includes a copy of comments received from City, State, and Federal agencies and from organizations representing key stakeholders, and the July 31, 2019 City Planning Commission hearing transcript. Other public comments were also received. All comments have been addressed in Chapter 10.0 of the FEIS, “Responses to Comments on the DEIS.”

Application #: C190357 PQM	Project Name: East Side Coastal Resilience ACQs
CEQR Number: 15DPR013M	Borough(s): Manhattan Community District Number(s): 3, 6

Please use the above application number on all correspondence concerning this application

SUBMISSION INSTRUCTIONS

- Complete this form and return to the Department of City Planning by one of the following options:
 - EMAIL (recommended):** Send email to CalendarOffice@planning.nyc.gov and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C10000ZSQ" ~~XXXXXXXXXX~~
 - MAIL:** Calendar Information Office, City Planning Commission, 120 Broadway, 31st Floor, New York, NY 10271
 - FAX:** to (212) 720-3488 and note "Attention of the Calendar Office"
- Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

Docket Description:

IN THE MATTER OF an application submitted by the Department of Transportation, the Department of Environmental Protection and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at:

- The northeast corner of Montgomery Street and the FDR Drive, on the block bounded by Water Street, Gouverneur Slip, the FDR Drive, and Montgomery Street (Block 244, p/o Lot 19), Manhattan Community District 3;
- Approximately the center of the block bounded by Delancey Street, the FDR Drive, Grand Street, and Lewis Street (Block 321, p/o Lot 1), Manhattan Community District 3;
- The southeast corner of Columbia and East Houston Streets, on the block bounded by East Houston Street, the FDR Drive, Delancey Street, and Columbia Street (Block 323, p/o Lot 1), Manhattan Community District 3; and
- The west side of the FDR Drive between East 14th and East 10th Streets (Block 367, p/o Lot 1), Manhattan Community District 3;
- The west side of the FDR Drive between East 15th and East 14th Streets (Block 988, p/o Lot 1), Manhattan Community District 6;
- The west side of the FDR Drive between Avenue C and the FDR Drive (Block 990, p/o Lot 1), Manhattan Community District 6;
- The southwest corner East 25th Street and Asser Levy Place, on the block bounded by East 25th Street, Asser Levy Place, East 23rd Street, and First Avenue (Block 995, p/o Lot 5), Manhattan Community District 6; and
- Part of the east side of the FDR Drive Right of Way between Avenue C and East 15th Street, Manhattan Community District 6; for a flood protection system.

Applicant(s): Dept. of Transportation: 55 Water Street, 9th Floor, NY, NY 10041 Dept. of Environmental Protection: 96-05 Horace Harding Blvd., Corona, NY 11368 Dept. of Citywide Administrative Services: 1 Centre Street, 20th floor, NY, NY 10007	Applicant's Representative: Jean M. Jean-Louis, Asst. Commissioner NYC Department of Design & Construction 30-30 Thomson Avenue Long Island City, NY 11101 (718) 391-3134
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Recommendation submitted by: Manhattan Community Board 3
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Date of public hearing: June 11, 2019	Location: PS/MS 188, The Island School - 442 East Houston Street
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Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	<i>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</i>
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Date of Vote: June 25, 2019	Location: PS 20 - 166 Essex Street
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RECOMMENDATION	
<input type="checkbox"/> Approve	<input checked="" type="checkbox"/> Approve With Modifications/Conditions
<input type="checkbox"/> Disapprove	<input type="checkbox"/> Disapprove With Modifications/Conditions

Please attach any further explanation of the recommendation on additional sheets, as necessary.

Voting
In Favor: 33 # Against: 3 # Abstaining: 1 Total members appointed to the board: 50

Name of CB/BB officer completing this form	Title	Date
Jim Shelton	Assistant District Manager	6/26/2019



THE CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD 3
59 East 4th Street - New York, NY 10003
Phone (212) 533-5300
www.cb3manhattan.org – info@cb3manhattan.org

Alysha Lewis-Coleman, Board Chair

Susan Stetzer, District Manager

June 28, 2019

Marisa Lago, Director
Department of City Planning
120 Broadway, 31st Floor
New York, New York 10271

Dear Director Lago,

At its June 2019 monthly meeting, Community Board 3 passed the following resolution:

TITLE: To Approve With Conditions ULURP #C190357PQM to Facilitate the East Side Coastal Resiliency Project

WHEREAS, on April 29, 2019 ULURP application #C190357PQM, for an acquisition of real property to facilitate the development of the East Side Coastal Resiliency Project (ESCR), was referred to Community Board 3 Manhattan for review; and

WHEREAS, the ESCR project is a multi-agency initiative that was selected by HUD to receive disaster recovery grant funding through the Rebuild By Design competition, which was organized in response to the devastation of Hurricane Sandy in order to promote enhanced resiliency in impacted communities; and

WHEREAS, the ESCR project would create a comprehensive flood protection system intended to reduce flood risk for the East Side of lower Manhattan, while also providing improved access to the waterfront and enhancing the waterfront parkland from East 25th Street to Montgomery Street; and

WHEREAS, these flood protection systems would consist of a combination of floodwalls, 18 closure structures, additional parallel conveyance infrastructure to assist with drainage and flood mitigation at upland locations, and other supporting infrastructure to reduce the risk of coastal storm flooding; and

WHEREAS, in Community District 3, the ESCR project includes the significant redevelopment of John V. Lindsay East River Park (East River Park) as well as a portion of Corlears Hook Park; and

WHEREAS, since 2015, the City has regularly engaged the Community Board on design proposals for the ESCR; and

WHEREAS, in March 2018, CB 3 voted to not support the ESCR design that emerged from this process, which is identified in the Draft Environmental Impact Statement (DEIS) as "Alternative 3,"; and

WHEREAS, in October 2018, the City unveiled a significantly redesigned proposal for the ESCR project, identified in the DEIS as the "Preferred Alternative,"; and

WHEREAS, for many in the community, the ESCR process since Fall 2018 has frayed trust in government and public agencies because of the drastic change in plan design done without community consultation, despite the needs of the community who look to their government to supply desperately needed protection of their lives and homes, (and often both); and

WHEREAS, many members of the community stated a preference for the previous design iteration because it utilized a method of resiliency well-established in modern environmental thinking of using parkland as a natural buffer for protection of upland regions, and replicated a system of floodplains and floodwalls as a defense to protect the neighborhood; and

WHEREAS, many members of the community have also requested a study by outside experts of the feasibility of all approaches that have been discussed including the original plan, Alternative 3, the Preferred Plan as well as one that includes the decking over of the FDR to evaluate the feasibility of achieving the following goals: not permanently and negatively impacting the residents of the lower floors of the NYCHA residents and other waterfront homes, that meets the federal spending deadline, and considers the impact on the health and well-being of community residents; and

WHEREAS, there has not been consensus among the NYC Administration, City Council and State Legislature on whether the Preferred Alternative triggers the necessity of the public trust doctrine on dedicated parkland approval via alienation for this preferred park plan, although on June 11, 2019, Parks provided the Community Board with a letter clarifying their position on alienation, noting that the current plan, including construction within the park, will "further park purposes" and be consistent with New York State's public trust doctrine because it provides flood protection and integral infrastructure upgrades to the park itself, and therefore does not require alienation legislation; and

WHEREAS, the ULURP for the ESCR Preferred Alternative only authorizes the city to acquire property and does not preclude or limit any negotiations with any property owner; and

WHEREAS, the Preferred Alternative moved the line of flood protection from the west side of East River Park, abutting Franklin Delano Roosevelt Drive, further east toward the East River and located wholly within East River Park, in order to adhere, to the City's primary objective to protect both the residential neighborhood, people, and the park itself. The new plan intends to avoid needing to repair the new park after flooding and storm events, as well as to account for the likelihood of increased tidal inundation from anticipated sea level rise; and

WHEREAS, according to the City, a major reason for abandoning the original plan, Alternative 3, was that the Preferred Alternative could be more expeditiously constructed because it's construction was not adjacent to the FDR Drive and therefore there would be far less disruption to traffic and this would reduce the construction schedule from five to three and a half years.

WHEREAS, the Preferred Alternative would raise the majority of East River Park 8-9 feet above its current elevation and would locate the flood protection systems below grade, essentially raising the entire park above the current 100-year floodplain and the predicted year 2050 100-year floodplain; and

WHEREAS, the Preferred Alternative includes a full reconstruction and reconfiguration of East River Park's underground sewer and water infrastructure, some of which is reaching the end of its serviceable life, including outfalls, associated pipes, and tide gates within the park, as well as the addition of new parallel conveyance to assist with drainage and flood mitigation; and

WHEREAS, the Preferred Alternative has not had outside review by scientists, a blue ribbon-type panel nor an assessment process like Envision (which has been used on other large-scale NYC projects); and

WHEREAS, the Preferred Alternative features a number of new design elements in East River Park that differ from the previous design iteration, including:

- The reconstruction of an additional overpass bridge at Corlears Hook Park
- An additional connecting bridge to provide access at the northern end of East River Park
- The full reconstruction of the East River esplanade, including the aging bulkhead, which would include the addition of direct waterfront access and step-downs to the East River
- The rebuilding of all of the comfort stations
- The renovation and expansion of the 10th Street playground
- The location of basketball courts above Houston at 10th Street and south of Houston at Delancey
- The reconstruction of the East River Park amphitheater, which is a cultural institution for the Lower East Side
- The removal of approximately 200 more trees, including many mature trees, to be replaced by 1,442 new trees; and

WHEREAS, in the Preferred Alternative, pile driving related to floodwall construction is now proposed to happen within the park and closer to the waterfront, further away from residential units than in the previous design iteration; and

WHEREAS, in the Preferred Alternative, barge delivery and water-side construction will be necessary, and drainage and sewer construction is now proposed to happen largely within East River Park, limiting construction traffic on the residential side of the Park and minimizing the drainage repair work that would have to be done on active roadways that the previous design iteration would have required; and

WHEREAS, such water-based construction greatly increases the degree of scrutiny the project will be subject to from permitting agencies such as the US Army Corp of Engineers (USACE), the National

Oceanic and Atmospheric Administration (NOAA) and the NYS Department of Environmental Conservation (NYS DEC), given the impact that such construction will have on the marine ecology; and

WHEREAS, this project will be subject to a rigorous permitting process that will involve consultation with many federal and state agencies and the project must secure permits from USACE and NYS DEC, and the City has not fully discussed this process with the community or adequately advised them of steps and timeline involved in obtaining those permits and being able to commence construction because of them or the possible seasonal restrictions that the permits will place on the construction because of concerns about aquatic life; and

WHEREAS, despite these changes, during the construction period for the proposed project there will be the potential for significant adverse impacts in the immediate area and on the residents of the surrounding neighborhood as well as on the environment, including:

- Urban Design and Visual Resources, as the proposed project would block existing waterfront views from certain upland locations;
- Natural Resources, as the proposed project would destroy trees, plantings, insect habitats and adversely affect littoral zone tidal wetlands which will require compensatory mitigation and likely have an adverse impact on several vulnerable aquatic species including winter herring and striped bass as noted by NOAA;
- Hazardous Materials, as the proposed project would disturb the subsurface of hazardous materials, including at historical Manufactured Gas Plant sites, where contaminants could be disturbed during excavation;
- Transportation, as during construction of the proposed project, East 10th Street between the traffic circle and the FDR Drive service road would be converted from two-way to one-way eastbound and the service road in front of the BP Gas Station would be closed to vehicular traffic at East 23rd Street;
- Noise and Vibration, as the proposed project construction would generate noise and air pollutant emissions that could affect open public space and community member health;
- Greenhouse Gas Emissions, as total fossil fuel use in all forms associated with construction under the Preferred Alternative would result in up to approximately 48,889 metric tons of CO₂e emissions; and
- Open Space, as the proposed project construction would displace the open space resources at East River Park for at least 3 and a half years; and

WHEREAS, construction of the new park may generate significant pollutants as the park is razed, rebuilt and filled with imported soil that may affect the health of local residents; and

WHEREAS, many years of stewardship and composting have ensured that native plants and habitat for birds, insects and fish were thriving in the park they may now require moving the habitats that are able to be 'moved' in certain seasons; and

WHEREAS, East River Park is the largest park in the Community District and at the peak of construction, over 45 acres of open space would be temporarily lost; and

WHEREAS, this park is used extensively by elders, disabled persons, including sight and hearing impaired; and

WHEREAS, this loss will be disproportionately felt by lower-income communities of color living in the 1/2-mile area adjacent to the proposed project, including:

- Approximately 28,000 residents living in NYCHA developments¹;
- Approximately 101,000 minority residents (51% of all residents in the study area)²;
- Approximately 20% of all residents in the study area are living in poverty³; and

WHEREAS, these impacts will also be felt by all nearby residents, nearby CB3 members (including children, parents, elders), youth sports groups, all other sports groups; and

WHEREAS, the youth of the Lower East Side and their parents rely on East River Park for activities to keep children safe and active; and

WHEREAS, Title 1 schools do not have buses to move children to other parts of the city to access open space resources; and

WHEREAS, the DEIS cites the introduction of new publicly accessible ADA open space at Pier 42, Pier 35, and Phase IV of the East River Waterfront Esplanade project, and recreation improvements at the site of the to-be demolished LaGuardia Bathhouse as mitigating factors to offset the temporary loss of open space. While the LaGuardia Bathhouse site was targeted for active recreation as a direct response to the loss of open space incurred by the East River Park closure, the other projects were set to be completed regardless of the final design and construction plan for ESCR; and

WHEREAS, Parks has also promised a number of improvements to local parks for district wide mitigations and all of which taken together still do not provide full compensation for the tremendous loss of open space that the community will suffer, many of which are already in the pipeline, including:

- **Planting up to 1,000 trees and approximately 40 rain gardens throughout CB3 and CB6** – First plantings to begin this fall
- **Improving turf at seven locations**
 - o **Installing new synthetic turf at five sites by Spring 2020** – La Guardia Bathhouse/Little Flower Playground, St. Vartans, Tompkins Square, Tanahey, Robert Moses

¹ East Side Coastal Resiliency Project DEIS, pg. 5.11-7.

² East Side Coastal Resiliency Project DEIS, *Table 5.11-1*, pg. 5.11-6.

³ *Ibid.*

- o **Turf improvements at two sites** -Coleman (resod field), Baruch field (underway)
- **Installing new sports coating at seven sites by Spring 2020** – Tanahey, Sara D. Roosevelt, Al Smith Rec Center , St. Vartans, Columbus Park, Coleman, Al Smith Playground
- **Increasing play time at six fields through solar field lights by Spring 2020** - Columbus Park, Coleman Field, Sara D., Baruch Playground, Corlears Hook and Chelsea Park. These lights will extend field play in the spring and fall seasons
- **Prioritizing and accommodating youth league permittees** – Parks will accommodate all youth softball, baseball and soccer leagues in our existing system of fields. Parks will also accommodate as many adults as possible. Parks has reached out to all ballfield permit holders from last year
- **Painting playgrounds and park equipment at approximately 16 sites by Spring 2020** - Columbus Park, Coleman, Al Smith Playground, Al Smith Rec Center, Little Flower Playground, Tanahey Playground, Cherry Clinton, Hamilton Fish, Corlears Hook, Baruch Playground, Tompkins Square, Dry Dock, First Park, St. Vartan, Robert Moses Playground, John Jay.
- **Increasing barbecues sites by Spring 2020** – New grills and picnic tables at Coleman and replacements at Al Smith Recreation Center
- **Transforming Dry Dock Pool into a Cool Pool by Summer 2019**
- **Identifying alternative tennis locations**
 - o John Jay Park courts will be re-striped to formalize the tennis area by Spring 2020
 - o Queensboro Oval (in Manhattan) will be open to NYC Parks tennis permit holders Summer 2019, and for even more weeks (22) per summer starting 2020
 - o Randall's Island is opening a new facility with courts open to NYC Parks tennis permit holders
- **Increasing staffing for recreation, maintenance and operations by Summer 2020**
 - o New playground associates (9 new staff lines) will provide new programming and help organize events and activities for park users
 - o All existing M&O staff for East River Park will remain on the east side of Manhattan, below 34th Street
- **Providing new open spaces and recreational opportunities**
 - o LaGuardia Bathhouse asphalt-to-turf as noted in #2a)
 - o Baruch Bathhouse is the current focus of a community taskforce to transform this long-abandoned building into a community space. The taskforce is reviewing proposals and will discuss recommendations this summer
 - o Pier 42 Phase 1 Upland Park is anticipated to open in 2021 and will include a playground, passive landscapes, a picnic knoll, and a comfort station upland of Pier 42

o EDC is currently inspecting the Pier 42 deck to identify near term recreation feasibility and opportunities and EDC recently completed Pier 35

- **Solving the pinchpoint with the Flyover Bridge** –The project to improve connections between East River Park and Stuyvesant Cove Park has been funded with \$56M; and

WHEREAS, one mitigation that has been disclosed is the addition of BBQ pits at Coleman Playground, and the Knickerbocker Village Tenants Association has indicted that they do not think this is an appropriate area for these pits; and

WHEREAS, in the DEIS, a number of proposals for additional mitigations are currently described as being "explored," "investigated," or "assessed," by the City, it is clear that concrete plans for many of these impacts have not been fully identified and committed to at this time; and

THEREFORE BE IT RESOLVED, the City must work with the community and Community Board 3 to clearly and specifically identify these mitigations as they are identified, including clarifying the following:

- Where the DEIS states that "the City is working with other entities with open space resources to identify recreational resources that may be opened to the community during construction," (8.0-4) these other entities have since been identified as NYCHA, the Department of Education, and the Department of Transportation, and these agencies must come together in consultation with the Community Board to identify and disclose all locations and capacity of these other resources, particularly because many existing local area parks and open space resources are primarily turf and hard surfaces; and

- Where the DEIS states that "the City is assessing opportunities to open parts of East River Park as work is completed," (8.0-4) the exact construction phasing and re-opening proposal should be disclosed and the final plan decided on through engagement with the community and consultation with the Community Board;

- Where the DEIS states that the impact of the ESCR Preferred Alternative on the Essential Fish Habitat (EFH Assessment) has not been studied adequately, and the NOAA is requiring a revised assessment with alternatives that will minimize the effects on certain species like herring and striped bass (Appendix G), including the possibility that seasonal work restrictions will be one of the ways to address these effects. If such seasonal restrictions are likely to imposed, a situation which would adversely affect the construction schedule, the City must inform and consult the community about the likely effects of these restrictions as soon as possible and discuss at the earliest possible opportunity their plan to locate additional funds for mitigation, especially for solutions that provide recreation options in the immediate vicinity, such as barges and special play features; and

- Where the DEIS states that "NYC Parks is exploring providing alternative recreational opportunities throughout the Lower East Side neighborhoods through programs like Shape-Up classes, walking clubs, Arts, greening programs, etc.," (8.0-4) the locations and funding for such programs should be disclosed and discussed with the nearby residents of those proposals prior to enacting them to ensure their feasibility and value to the community;

- Where the DEIS states that "NYDOT is investigating supporting bicycle infrastructure upgrades along the alternate route, including new markings and signage," (8.0-5) it should specify where this re-rerouting and signage would be located and consider this plan as well as additional solutions including more dedicated bicycle lanes on additional routes in consultation with the Community Board. NYC Parks should also consult the Community board on viable solutions for the needs of joggers and walkers;

- Where the DEIS states that "NYC Parks is exploring a Lower East Side Greening program with the opportunity to plant up to 1,000 trees in parks and streets, and create up to 40 bioswales," (8.0-5), Parks should also work with local community organizations to spearhead such a program, as was suggested in a February 2019 Community Board 3 resolution supporting a proposed LES Community Tree Canopy Initiative. We understand the tree planting will start in Fall 2019 but the Parks Department must update the Community Board as soon as possible regarding the proposed schedule and locations. In addition, tree guards and concrete plans for the care of the trees (such as watering) should be included as part of the tree planting operation;

- Where the DEIS states that "the City is exploring purchasing lighting to be used at several Lower East Side parks to extend playing time at fields for permitted use during construction of the proposed project," (8.0-5), and the City has confirmed they will bring the solar lights to Columbus Park, Coleman Field, Sara D., Baruch Playground, Corlears Hook and Chelsea Park, adding an additional four to five hours of field time at some parks during the Fall, it must disclose *all* parks and fields these improvements would be located at, guarantee that the lighting would be funded, identify whether the improvements would remain at the end of the ESCR construction period, and evaluate the impact of new lighting and playing on any surrounding residential buildings and consult with those local communities and guarantee field priority for local youth leagues;

- Where the DEIS states that "the City is assessing opportunities for improvements to parks and playgrounds in the vicinity," (8.0-5), and the City has identified Columbus Park, Coleman, Al Smith Playground, Al Smith Rec Center, Little Flower Playground, Tanahey Playground, Cherry Clinton, Hamilton Fish, Corlears Hook, Baruch Playground, Tompkins Square, Dry Dock, First Park, St. Vartan, Robert Moses Playground, and John Jay as locations for improvements, it must explicitly identify *all* parks and playgrounds are under consideration, which projects are new and not necessarily already in the capital projects pipeline, what the improvements would be, guarantee that the improvements would be funded and disclose the timeline for said improvements;

- Where the DEIS states that "The City is also assessing the feasibility of utilizing quieter construction methods (i.e., press in pile)" (8.0-5) and considering "selecting quieter equipment models for cranes, generators, compressors, and lifts may result in up to a 10 dBA reduction in noise levels from construction," (8.0-8) it must guarantee the equipment would be actually be available for the duration of the construction period prior to application approvals, and make these methods a condition of any bid or RFP for ESCR construction;

- Where the DEIS states that mitigations are "under consideration" in order to achieve "cost effective reduction of greenhouse gas emissions from the construction of the proposed project" (6.11-16), it should be committed to prior to project approvals that when the construction contracts are put out for bid and/or RFPs are issued, they should require the use of biodiesel fuel

on-site, require targets be met for the volume of recycled steel and aluminum generated on-site, and commit contractors to divert as much construction waste as possible for recycling; and

THEREFORE BE IT FURTHER RESOLVED, the following additional mitigations must be included in the East Side Coastal Resiliency project:

- The City must explore immediate and temporary mitigation measures for present and future threats of destructive storms to protect local neighborhoods during the time the park is vulnerable; and
- To ensure neighborhood future protection and storm resilience, the Preferred Alternative plan for the ESCR should also include the ability to add protection for the predicted surge and sea level rise for 2100; and
- The City must provide a more comprehensive and robust explanation of the schedule advantages of the Preferred Alternative over Alternative 3 given that the possible seasonal construction restrictions were not factored into the timeline advantages stated in the rationale of choosing the Preferred Alternative, a solution that is more costly than Alternative 3 which was developed in consultation with the community; and
- As the ULURP, Environmental Review and permitting processes continue the City should work with CB3 and concerned community organizations to identify a panel of 3 to 5 mutually agreed upon environmentalists to expeditiously review and evaluate the alternatives in the DEIS and describe reasonable interim measures that could be taken to minimize any adverse impacts that the community might confront until the project is implemented and such review and the DEIS should not be finalized until such recommendations and review is presented; and
- The City must commit to seek Envision certification, a rating system for infrastructure, to help assess how the ESCR plan will meet or exceed sustainability goals across a range of social, economic, and environmental indicators. And such certification should be provided before the DEIS is finalized; and
- Temporary measures for immediate storm protection need to be implemented given that the hurricane season is on the horizon and the damages of a potential storm on a community that is still recovering from the aftermath of Hurricane Sandy would be disastrous and further delay the ESCR project; and
- The City must include social resiliency and community preparedness in its planning and funding including schools, community programming and local long term recovery groups such as LES Ready and CERT, which is recognized by the Office of Emergency Management (OEM)and provide a weekly update email on construction process, alternative spaces and recreation opportunities; and
- The City must agree to regular updates with the Community Board, hold timely community engagement meetings such as town halls, large group presentations, community open houses and other similar events that offer more opportunities for Q&A, information on progress, setbacks and any changes to agreements or Park plans; and

- The City must establish a Community Advisory Group of community and institutional stakeholders of the affected project area that will meet frequently with agencies both during design and construction until project completion with regular reports and meetings made available to community at large; and
- Alternative routes deemed safe for all, including pedestrians, micro mobility users, runners, commuting and recreational cyclists of all ages, must be developed in collaboration with the community and instituted before the Greenway is closed; and
- Every effort must be made to minimize raising dust both in disturbing the soil currently in East River Park and the laying in of imported soil to reduce the drift into residences, schools and public spaces; and
- Topsoil and salt resistant indigenous plants should be considered for reuse to re-establish natural passive areas in park; and
- The City must provide the community a finalized design and timeline for completion of the flyover bridge; and
- The Parks Department must ensure ADA compliant access to and within the park including braille signage, adequate water fountains and adequate lighting for safety and accessibility; and
- The Parks Department must commit to prioritizing permits for local neighborhood youth groups both during construction (except where that would conflict with other local park youth groups) and into the future of the East River Park; and
- The Parks Department should consider sport facilities such as Basketball City, as sites for open space for children and sports leagues; and
- The Parks Department must look at other open space sites in CD3 that have yet to be identified including the Allen Street Malls (CB3's #2 Parks priority), the vacant Allen Street building and the underused lots underneath the Williamsburg Bridge; and
- The Parks Department must work with park stewards to identify and protect biodiversity including identifying alternative habitat areas and transfer usable park materials and plants rescued from East River Park to other alternative open spaces and create new open green spaces near East River Park to help offset the loss of carbon sinks in CB3; and
- The City must undertake the immediate creation of bioswales, tree canopy plantings, and permeable pavers in CB3; and
- The Parks Department must use mature trees as replacements for lost trees in East River Park in areas where they are appropriate; and
- The City must provide temporary space for the LES Ecology Center to continue all environmental education and composting programming during construction and integrate the Ecology Center's

long-delayed Compost Yard upgrades into the ESCR project and plan and create a sustainable, resilient building in East River Park so that the LES Ecology Center can continue to offer education and stewardship programming; and

- The City must make available temporary water parks or water play features that are available before the first summer season of the Park's closure.
- The City must continue to work with the Amphitheater Task Force to create a design that is consistent with local needs;
- The City must continue discussions in good faith with Gouverneur Gardens and provide timely updates to the Community Board about any resolutions; and
- The Parks Department, DDC and all involved agencies must agree to regular updates with the Community Board to report on progress, setbacks and any changes to agreements or park plans; and
- The City must make a definitive commitment to ensure the phased construction and park reopening for the ESCR project, in a manner that does not impact the overall timetable for park closure and project completion, and the City must provide a complete timetable for the phased construction and park reopening plan, and outline any changes this would create for construction impacts; and
- Local residents should be provided assistance to access to other open areas, sports fields and city parks, in the form of Metrocards, shuttle buses, free ferry service or other types of transportation or financial support. As the current Preferred Alternative plan prioritizes access to the new ferry facilities that will remain open throughout the construction period, these especially should be made available at a reduced price or no cost to local residents
- There must be a protocol established before work begins to allow City agency oversight over decision making for contractors during the construction period, with clear avenues for community input established, in order to mitigate against contractor decision making that disregards the quality of life of area residents, and this must be a condition of any bid or RFP for ESCR construction; and

THEREFORE BE IT FURTHER RESOLVED, that Community Board 3 approves with conditions ULURP #C190357PQM to facilitate the East Side Coastal Resiliency project.

Please contact the community board office with any questions.

Sincerely,



Alysha Lewis-Coleman, Chair
Community Board 3



Trever Holland, Chair
Parks, Recreations, Waterfront,
& Resiliency Committee

cc: Jamie Torres Springer, Department of Design and Construction
Jeffrey Margolies, Department of Design and Construction
Fay Lee, Department of Design and Construction
Steve Simon, Department of Parks and Recreation
Carrie Grassi, Mayor's Office of Recovery and Resiliency
Gaby Dann-Allel, Mayor's Community Affairs Unit
Matthew Pietrus, Department of City Planning
Office of Councilmember Carlina Rivera
Office of Manhattan Borough President Gale Brewer
Office of NYS Assemblymember Yuh-Line Niou
Office of NYS Assemblymember Harvey Epstein
Office of NYS Senator Brian Kavanagh
Office of NYS Senator Brad Hoylman

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- Approximately the center of the block bounded by Delancey Street, the FDR Drive, Grand Street, and Lewis Street (Block 321, p/o Lot 1), Manhattan Community District 3;
- The southeast corner of Columbia and East Houston Streets, on the block bounded by East Houston Street, the FDR Drive, Delancey Street, and Columbia Street (Block 323, p/o Lot 1), Manhattan Community District 3; and
- The west side of the FDR Drive between East 14th and East 10th Streets (Block 367, p/o Lot 1), Manhattan Community District 3;
- The west side of the FDR Drive between East 15th and East 14th Streets (Block 988, p/o Lot 1), Manhattan Community District 6;
- The west side of the FDR Drive between Avenue C and the FDR Drive (Block 990, p/o Lot 1), Manhattan Community District 6;
- The southwest corner East 25th Street and Asser Levy Place, on the block bounded by East 25th Street, Asser Levy Place, East 23rd Street, and First Avenue (Block 995, p/o Lot 5), Manhattan Community District 6; and
- Part of the east side of the FDR Drive Right of Way between Avenue C and East 15th Street, Manhattan Community District 6; for a flood protection system.

Applicant(s): Dept. of Transportation: 55 Water Street, 9th Floor, NY, NY 10041 Dept. of Environmental Protection: 96-05 Horace Harding Blvd., Corona, NY 11368 Dept. of Citywide Administrative Services: 1 Centre Street, 20th floor, NY, NY 10007		Applicant's Representative: Jean M. Jean-Louis, Asst. Commissioner NYC Department of Design & Construction 30-30 Thomson Avenue Long Island City, NY 11101 (718) 391-3134
Recommendation submitted by: Manhattan Community Board 6		
Date of public hearing: 05/28/2014	Location: 433 1st Avenue, (NYU College of Dentistry)	
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> <p><small>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</small></p>		
Date of Vote: 06/12/19	Location: 433 1st Avenue (NYU College of Dentistry)	
RECOMMENDATION <input type="checkbox"/> Approve <input checked="" type="checkbox"/> Approve With Modifications/Conditions <input type="checkbox"/> Disapprove <input type="checkbox"/> Disapprove With Modifications/Conditions		
Please attach any further explanation of the recommendation on additional sheets, as necessary.		
Voting # In Favor: 43 # Against: 0 # Abstaining: 1 Total members appointed to the board: 50		
Name of CB/BB officer completing this form: Cody Osterman	Title: Assistant District Manager	Date: 06/26/19

MOLLY HOLLISTER
CHAIR

CLAUDE L. WINFIELD, FIRST VICE CHAIR
AHSIA BADI, SECOND VICE CHAIR



JESÚS PÉREZ
DISTRICT MANAGER

BRIAN VAN NIEUWENHOVEN, TREASURER
BEATRICE DISMAN, ASST. TREASURER
AMELIA ACOSTA, SECRETARY
SEEMA SHAH, ASST. SECRETARY

THE CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD SIX
211 EAST 43RD STREET, SUITE 1404
NEW YORK, NY 10017

VIA E-MAIL

June 26, 2019

Marisa Lago, Chair
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271

Resolution on ULURP applications N 190356 ZRM & N 190357 PQM by the City of New York for the necessary land acquisitions and zoning changes required for the East Side Coastal Resiliency Project in Community District Six

At the June 12, 2019 Full Board meeting of Manhattan Community Board Six, the Board adopted the following resolution:

WHEREAS, in late October of 2012 Superstorm Sandy caused widespread damage to the City of New York, disrupting service to critical transportation, power, communications and medical infrastructure which adversely affected tens of thousands of residents of Manhattan Community District 6 (CD 6);

WHEREAS, the City of New York was awarded \$335 million to evaluate and develop an integrated coastal protection for the 2.2 mile stretch from Montgomery Street to East 25th Street along the East River, which correspond to the 100 year floodplain boundaries through the East Side Coastal Resiliency Project (ESCR);

WHEREAS, the ESCR scope was divided into two separate project areas, with Project Area 2 extending from East 13th Street to East 23rd Street, which was later expanded to East 25th street after detailed analysis of the site conditions around Asser Levy Recreation Center;

WHEREAS, Superstorm Sandy's East River surge flooded or disabled power and services in a large area of CD 6 south of East 33rd Street and east of 3rd Avenue;

WHEREAS, studies and designs for remediating such "hundred-year" storms began soon after, with the US Department of Housing and Urban Development (HUD) providing \$335 million in seed money for a finished flood barrier between Montgomery Street and East 25th Street;

WHEREAS, Manhattan Community Board Six (CB6) recognizes that flood control is a paramount issue, and commends the Department of Design and Construction (DDC) for developing flood-mitigation designs that seem largely capable of addressing the problem;

WHEREAS, DDC plans to protect against future superstorms and flooding by; building a flood barrier along the entire length of the ESCR project areas, taking the form of raised open space, flood walls or deployable gates;

WHEREAS, DDC’s plans for construction and mitigation around the construction, now projected to take as long as five years, include restricting access to the waterfront in CD 6 in stages, except for the NYC Ferry landing at Stuyvesant Cove, for the duration of construction;

WHEREAS, CD 6 has the lowest amount of open space per capita of any community district in the City of New York, and of that open space a large portion—including Stuyvesant Cove Park, Murphy’s Brother’s Playground, and Asser Levy Park—will be affected and closed by construction lasting between two and five years;

WHEREAS, the Manhattan Waterfront Greenway (Greenway) from East 34th St south to Montgomery Street has become a major bicycle transit corridor, as well as a source of exercise and recreation for thousands of users;

WHEREAS, DDC improvements slated for the Greenway, after considerable feedback from the Board and the public at large, now includes a flyover bridge to address the perennially dangerous conditions at the Consolidated Edison (ConEd) plant’s waterfront “pinch point” between East 15th and East 13th Streets;

WHEREAS, remediating the perilous narrowing of the open space alongside the ConEd plant has been a top priority of CB6’s for over 20 years;

WHEREAS, members of CB6 have frequently and explicitly expressed concerns around preliminary construction staging plans for total closure to Stuyvesant Cove Park during construction of the surge barriers and the flyover bridge because of a reluctance of DDC to close any portion of the FDR Drive for any significant length of time;

WHEREAS, DDC plans to bisect Asser Levy Park with a flood-control wall and sliding gate, protecting the landmarked bath house but leaving the playing fields unprotected and East 25th Street susceptible to tidal surging and flooding;

WHEREAS, where the planned permanent and rolling flood barriers are aligned to cross the FDR Drive Exit 7 ramp connecting to the fixed flood barriers, is a perilous, multi-leg pedestrian pathway with inadequate signage to get from Avenue C to Stuyvesant Cove Park and the ferry landing;

WHEREAS, on the East 20th St median between the easternmost end of the 20th Street Loop into Stuyvesant Town and Avenue C, DDC plans to build a 10’ x 60’ x 10’ interceptor gate house, which will close storm drain pipes to reroute incoming waters during flooding into deeper culverts and thereby avoid turning areas behind the coastal protections into “bathtubs”;

WHEREAS, after months of negotiations, the ESCR design team has stated that this project’s large scope and long timeline requires that construction be phased to ensure that people can still access portions of the waterfront park throughout the duration of the project;

THEREFORE, BE IT RESOLVED that Manhattan Community Board Six, recognizing the overwhelming dangers posed by superstorm flooding, generally supports the ESCR Project plan for flood mitigation, but has serious concerns which are detailed below that should be fully addressed during the ongoing Uniform Land Use Review Procedure process:

- A detailed plan for noise and dust mitigation all along the construction area, which abuts Stuyvesant Town, Peter Cooper Village, and Waterside Plaza, home to tens of thousands of CD 6 residents;
- Presentation of an operational plan for ambulance access to the First Avenue “hospital row” corridor when barriers are deployed and water runs around the protected Asser Levy Bathhouse and west along East 25th Street and floods First Avenue as it did in 2012;

- A DOT plan addressing the recently narrowed lanes of traffic on East 20th Street that allows for passage along East 20th street during the construction of the interceptor gate house;
- A comprehensive plan on emergent and non-emergent access to Waterside Plaza and adjacent schools when ESCR barriers are fully deployed;

BE IT FURTHER RESOLVED that the Board, after years of discussions on the evolving ESCR plan and based on community comment at our public hearing, has further design commentary that would improve the quality of life for waterfront users during and after the projected construction timeline, including:

- The ESCR Project must institute a phased construction timeline for the good of all waterfront users, to prevent unexpected access delays such as those that occurred during the West Street Overpass;
- In addition to a phased construction schedule, the ESCR Project team should develop additional mitigation strategies that focus on providing access to amenities at existing locations in the district that should include both active uses like exercise or game areas, free for activity spaces for children, and passive elements like landscaping and places to sit and relax;
- Improved activation of Waterside Pier with active and passive recreational spaces; activating the parking area under the FDR from East 18th Street to East 23rd Street in ways similar to the current setup at Two Bridges; exploration of the creation of a temporary space on the top level of the Waterside Pier parking garage; the possible use of temporary barges, anchored off existing park areas like Slivka Park and Pier 36, to provide additional active or passive use space;
- Since the current waterfront is a major pathway for both pedestrians, runners and cyclists alike, and CB6's independent usage counts showed higher usage counts than what was listed in the Draft Environmental Impact Statement, any route detours should accommodate adequate space on the streets to ensure safe movement for the additional multimodality uses with the current sidewalk pedestrians;
- Traffic studies regarding expansion of the NYC Summer Streets program to explore the possible use of any underutilized streets, during summer weekends, when waterfront usage peaks;
- As the securing of funding for a flyover bridge at the pinch point and preparations for its construction are now guaranteed, the protraction of its schedule which isn't to begin until the other parts of the ESCR are in place is an unnecessary disruption to the use of the waterfront and we expect the ESCR revisit the staging plan and look at ways to begin the flyover bridge construction contemporaneously with its north and south improvements;
- Design consideration should be made for expanded capacity along Captain Patrick J. Brown walk to accommodate for increased walkway usage;
- CB6 strongly recommends that a feasibility study of "decking" portions of the FDR to provide added parkland for the area be included in the design review to better inform possible future projects;
- The installation of a comfort station at Murphy's Brothers's Playground rather than simply laying the groundwork for installation at a later date by exploring low cost design options implemented in other cities, such as the Portland Loo, which would allow for a faster implementation and provide immediate upgrades for the users of the park;
- CB6 supports the provision of a new crosswalk at the intersection of Avenue C and the north side of FDR Drive Exit 7 creating a more direct pedestrian access pathway across Avenue C to the waterfront and Stuyvesant Cove Ferry Landing, and that the exit ramp be modified to

provide a legal left turn onto Avenue C at the East 18th Street traffic signal; with appropriate signage and signaling to improve alignment with the flood barrier, improve pedestrian safety, and allow for a less circuitous route for westbound and southbound exiting traffic;

- CB6 recommends a comprehensive redesign of the East 20th St bike lane, which was originally designed around a now-obsolete L train mitigation plan, to facilitate faster construction of the interceptor gate house there, unless an alternative gate house site is found;
- That the East 20th Street interceptor gate house be designed with contextually appropriate materials to reflect the historical significance of Peter Cooper Village/Stuyvesant Town and the previous Gas House District;
- That the ESCR Project team should provide supporting data on the cost-benefit analysis done for the proposed Project Area 2 construction plan that would, as was presented, provide a more expedient construction completion than one that includes a partial closure of the FDR Drive;
- As the ESCR plan indicates the flood barrier is west of Stuyvesant Cove Park, sufficient funding should be put aside to rebuild the park after any subsequent destruction from flooding, further diminishing the very limited park space available in CD 6;
- Preservation of the East River Park Fire Boat House should be included so that the Lower East Side Ecology Center is able to continue its important initiatives on the very germane topic of environmental awareness;
- CB6 recommends that interpretive signage and public art installations be incorporated at various points to provide differentiation, historical context and maintain neighborhood identity along the waterfront;
- The inclusion of a robust social media strategy should also be implemented to communicate ongoing park closures and project status updates.

VOTE: 43 in Favor 0 Opposed 1 Abstention 0 Not Entitled

Best regards,



Jesús Pérez
District Manager

Cc: Hon. Gale Brewer, Manhattan Borough President
Hon. Carlina Rivera, Council Member
Hon. Keith Powers, Council Member
Sandro Sherrod, Chair, CB6 Land Use & Waterfront Committee
Bob Tuttle, City Planner, New York City Department of City Planning
Scott Williamson, City Planner, New York City Department of City Planning
Fay Lee, Borough Outreach Coordinator, NYC Department of Design and Construction
Gabrielle Dann-Allel, Manhattan Borough Director, Mayor's Community Affairs Unit



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Gale A. Brewer, Borough President

**MANHATTAN BOROUGH BOARD
RESOLUTION APPROVING WITH CONDITIONS
ULURP Nos. C190357PQM and N190356ZRM**

**FOR ACQUISITIONS OF REAL PROPERTY AND A ZONING RESOLUTION TEXT
AMENDMENT TO FACILITATE THE EAST SIDE COASTAL RESILIENCY
PROJECT IN COMMUNITY BOARDS 3 AND 6**

WHEREAS, On June 26, 2019 ULURP applications #C190357PQM and N190356ZRM were referred to the Manhattan Borough Board for review;

WHEREAS, the Proposed Project is a multi-agency initiative that was selected by the Department of Housing and Urban Development (HUD) to receive disaster recovery grant funding through the Rebuild By Design competition, which was organized in response to the devastation of Hurricane Sandy in order to promote enhanced resiliency in impacted communities;

WHEREAS, The New York City Departments of Transportation (DOT), Citywide Administrative Services (DCAS), Environmental Protection (DEP), and Small Business Services (SBS) (collectively the "Applicants") are seeking two ULURP approvals for (1) the acquisition of real property and (2) a text amendment to the New York City Zoning Resolution ("ZR") § 62-50 "General Requirements for Visual Corridors and Waterfront Public Access Areas" and § 62-60 "Design Requirements for Waterfront Public Access Areas" to facilitate the East Side Coastal Resiliency (ESCR) Project (the "Proposed Project");

WHEREAS, The Proposed Project aims to address coastal flooding vulnerability in lower Manhattan by implementing a system that reduces flood risk, improves access to the waterfront, and enhances waterfront parkland;

WHEREAS, the Proposed Project is bounded by Montgomery Street on the south and continues north along parcels of Montgomery and South Streets, Avenue C, East 23rd Street, and the Franklin Delano Roosevelt East River Drive (the FDR Drive) right-of-way. The Proposed Project is also aligned with City parkland that includes John V. Lindsay East River Park, Murphy Brothers Playground, Stuyvesant Cove Park, and Asser Levy Playground, including a segment with the Consolidated Edison Company of New York (Con Edison) East River Generating Station. In the north, the Proposed Project will connect to the existing U.S. Veterans Administration (VA) Medical Center flood protection system. In total, the Proposed Project extends through the Lower East Side, East Village, Alphabet City, Stuyvesant Town, Peter

Cooper Village, and Kips Bay neighborhoods and is within the areas overseen by Manhattan Community Boards 3 and 6 (CB3 and CB6);

WHEREAS, Project Area One of the Proposed Project extends from Montgomery Street on the south to the north end of East River Park at approximately East 13th Street. The primary land use in Project Area One is the East River Park. This area contains existing pedestrian bridges across the FDR Drive to the East River Park including: the Corlears Hook, Delancey Street, East 6th Street, East 10th Street, and the East Houston Street overpass. On the south end of this area, the Proposed Project is in the street right of way of Montgomery and South Streets including land under an elevated segment of the FDR Drive. Project Area One includes residential and highway uses with Pier 42 to the east and along the East River. The proposed acquisitions are located within the residential areas of the Gouverneur Gardens Housing Corporation, the East River Housing Corporation, and the New York City Housing Authority (NYCHA)'s Baruch and Riis Houses;

WHEREAS, Project Area Two of the Proposed Project extends from approximately East 13th Street to East 25th Street, with uses that are primarily highway, street right of way, utility, parks and open space, and community facility. This area includes the Con Edison East River Generating Station (Con Edison Acquisitions) and the FDR Drive between East 13th Street and Murphy Brothers Playground. Inclusive of park use, land uses further north along the alignment include street right of way (Avenue C and land beneath the elevated FDR Drive) through to the waterfront open space at Stuyvesant Cove Park. North of this park, the Project Area Two alignment includes street right of way (e.g. East 23rd Street), parkland at Asser Levy Playground, and a community facility at the existing VA Medical Center;

WHEREAS, since January 5, 2015, the City has regularly engaged CB3 and CB6 on design proposals for the ESCR project;

WHEREAS, on March 27, 2018, CB3's Full Board voted to not support the ESCR project design that emerged from this process without revisions;

WHEREAS, on April 11, 2018, CB6's Full Board voted to not support the ESCR project design that emerged from this process without revisions;

WHEREAS, in October 2018, the City unveiled a significantly redesigned proposal for the ESCR project, identified in the DEIS as "Alternative 4" or the "Preferred Alternative";

WHEREAS, according to the City, a major reason for abandoning the original plan was that the Preferred Alternative 4's construction would not have to be staged, thus reducing the construction schedule from five to three and a half years;

WHEREAS, the Preferred Alternative features a number of new design elements in East River Park that differ from the previous design iteration, including:

- The raising of the majority of East River Park 8-9 feet above its current elevation and locating the flood protection systems below grade;

- The reconstruction of an additional overpass bridge at Corlears Hook Park;
- A flyover bridge to address the perennially dangerous conditions at the Consolidated Edison (ConEd) plant’s waterfront “pinch point” between East 15th and East 13th Streets;
- The full reconstruction of the East River Esplanade, including the aging bulkhead, which would include the addition of direct waterfront access and step-downs to the East River;
- The rebuilding of all of the comfort stations;
- The renovation and expansion of the 10th Street Playground;
- The reconstruction of the East River Park amphitheater, which is a cultural institution for the Lower East Side;
- The re-introduction of basketball courts at the north end of East River Park that were lost in the previous design;
- The addition of a “nature play area” in East River Park near Delancey Street;
- The inclusion of additional barbecue pits at the south end of East River Park;
- The removal of approximately 981 trees, to be replaced by 1,442 new trees that are mature trees wherever feasible;
- Pile driving for the floodwall construction within the park and closer to the waterfront, and therefore further away from residential units than in the previous design iteration;
- The moving of the line of flood protection from the west side of East River Park, abutting the FDR Drive, further east toward the East River, located wholly within East River Park, in order to adhere to the City’s primary objective to protect both the residential neighborhood, people, and the park itself to avoid having to repair the new park after flooding and storm events, as well as to account for the likelihood of increased tidal inundation from anticipated sea level rise; and
- Providing for barge delivery, water-side construction, and drainage and sewer construction to occur largely within East River Park, limiting construction traffic on the residential side of the park and minimizing the drainage repair work that would have to be done on active roadways that the previous design iteration would have required.

WHEREAS, many members of the community stated a preference for the previous design iteration with additional revisions, because it utilized a system of floodwalls and berms (where feasible) as defenses to protect neighborhoods;

WHEREAS, for many in the community, the ESCR process since Fall 2018 has frayed trust in

government and public agencies because of the drastic change in plan design done without community consultation;

WHEREAS, on June 28, 2019, CB3's Full Board voted in a revised resolution (with the original vote held on June 25, 2019) to support with conditions the ESCR project design that emerged from this process as the Preferred Alternative 4;

WHEREAS, on June 12, 2019, CB6's Full Board voted to support with conditions the ESCR project design that emerged from this process as the Preferred Alternative 4;

WHEREAS, many members of the community have also requested a study by outside, independent experts of the feasibility of all the alternatives that have been proposed, including the "Preferred Alternative" as well as recommendations to ensure that construction does not negatively impact the residents of NYCHA and the environment while meeting the federal spending deadline;

WHEREAS, there has not been consensus among the City, City Council and State Legislature on whether the Preferred Alternative triggers the necessity of the public trust doctrine on dedicated parkland approval via alienation for this preferred park plan, although on June 11, 2019, Parks provided CB3 with a letter clarifying their position on alienation, noting that the current plan, including construction within the park, will "further park purposes" and be consistent with New York State's public trust doctrine because it provides flood protection and integral infrastructure upgrades to the park itself, and therefore does not require alienation legislation. However, some view this lack of a consensus is an additional risk;

WHEREAS, ULURP #C190357PQM for the ESCR Project Preferred Alternative 4 only authorizes the City to acquire property and does not preclude or limit any negotiations with any specified property owner as stated in the CB3 resolution;

WHEREAS, this project will be subject to a rigorous permitting process that will involve consultation with many federal and state agencies and the project must secure permits from the US Army Corp of Engineers (USACE), the National Oceanic and Atmospheric Administration (NOAA), and the NYS Department of Environmental Conservation (NYS DEC) given the impact that such construction may have on the marine ecology, and the City has not fully discussed this process with the community or adequately advised them of steps and timeline involved in obtaining those permits and being able to commence construction or the possible seasonal restrictions that the permits will place on construction because of aquatic life;

WHEREAS, many years of stewardship and composting have ensured that native plants and habitat for birds, insects and fish were thriving in the park, habitats for wildlife will be lost during the duration of the closure and may now have to be moved in certain seasons, thereby affecting the homes and migration patterns for wildlife;

WHEREAS, members of CB3 and CB6 have expressed concerns around preliminary construction staging plans, what DDC refers to as 'sequencing,' of sections of the East River Park, the Asser Levy Playground, the Murphy Brothers Playground, and Stuyvesant Cove Park

that has yet to be finalized in the Preferred Alternative;

WHEREAS, CB6 has the lowest amount of open space per capita of any community district in the City of New York, and of that open space a large portion, including Stuyvesant Cove Park, Murphy's Brother's Playground, and Asser Levy Park, will be closed by construction lasting between 6 months to 2 years;

WHEREAS, DDC plans to bisect Asser Levy Park with a flood-control wall and sliding gate, protecting the landmarked bath house, but leaving the playing fields and East 25th Street susceptible to tidal surging and flooding;

WHEREAS, on the East 20th Street median, between the easternmost end of the 20th Street Loop into Stuyvesant Town and Avenue C, DDC plans to build a 10' x 60' x 10' interceptor gate house, which will close storm drain pipes to reroute incoming waters during flooding into deeper culverts, and thereby mitigate flooding in areas behind the coastal protections; and

WHEREAS, the following are potential significant adverse impacts on the environment and residents of the surrounding neighborhood during the construction period for the Preferred Alternative 4:

- Urban Design and Visual Resources, as existing waterfront views from certain upland locations would be blocked;
- Natural Resources, as noted by the NOAA, the proposed project would destroy trees, plantings, insect habitats and adversely affect tidal wetlands which will have an adverse impact on several vulnerable aquatic species including winter herring and striped bass as well as birds' habitats and migrations;
- Hazardous Materials, contaminants could be disturbed during excavation as the proposed project would disturb the subsurface of hazardous materials, including at historical Manufactured Gas Plant sites;
- Transportation, as East 10th Street between the traffic circle and the FDR Drive service road would be converted from a two-way to a one-way eastbound road and the service road in front of the BP Gas Station would be closed to vehicular traffic at East 23rd Street;
- Noise and Vibration, noise and air pollutant emissions by the construction site could affect open public space and public health;
- Greenhouse Gas Emissions, Preferred Alternative 4 would result in up to approximately 48,889 metric tons of CO₂e emissions; and
- Open Space, as over 51 acres of combined open space of East River Park, Murphy Brothers Playground, Stuyvesant Cove Park, and Asser Levy Playground would be temporarily lost and displaced for 6 months to 2 years;

WHEREAS, these impacts will also be felt by all nearby CB3 and CB6 residents (including children, parents, elders, disabled persons, including sight and hearing impaired), youth sports groups, and all other sports groups;

WHEREAS, the youth of the Lower East Side and their parents rely on East River Park for activities to keep children safe and active and that Title 1 schools require additional resources to move children to other parts of the city to access open space resources;

WHEREAS, the adverse effects resulting from construction will be disproportionately felt by lower-income communities of color living in the 1/2-mile area adjacent to the proposed project, including:

- Approximately 28,000 residents living in neighboring NYCHA developments;
- Approximately 20% of all residents in the study area who live in poverty; and
- Approximately 51% of all residents that live in the study area who are minority residents (about 101,000 persons).

WHEREAS, the Proposed Project will create publicly accessible Americans with Disabilities Act (ADA) open spaces at Pier 42, Pier 35, and Phase IV of the East River Waterfront Esplanade project as mitigating factors to offset the temporary loss of open space;

WHEREAS, Parks has also promised a number of improvements to local parks and also proposes plans to mitigate temporary losses to open space assets and public facilities, all of which taken together still do not provide full compensation for the tremendous loss of open space; and

WHEREAS, a number of proposals for additional mitigation are currently described as being "explored," "investigated," or "assessed," by the City; concrete plans for many of these impacts have not been fully identified and committed to at this time.

THEREFORE BE IT RESOLVED that the City must to commit to the following before final approval:

- The City must work with concerned community organizations to identify a mutually agreed upon independent non-City based environmental consultant to expeditiously review and evaluate the alternatives in the DEIS and describe reasonable interim measures that could be taken to minimize any adverse impacts on the community until the project is implemented. As such, the DEIS must not be finalized until such recommendations and review are presented;
- The City must make a definitive commitment to a phased timetable of construction within the East River Park, as well as completion of Asser Levy Playground, the Murphy Brothers Playground, and Stuyvesant Cove Park, in a manner that does not impact the

overall timeline for project competition with necessary permit applications. This phased timetable shall be disclosed and the final plan decided on through engagement consultation with the community, CB3 and CB6;

- The City must commit to and release a new plan to replace the inadequate and dangerous re-routing of bike and pedestrian lanes on East 20th Street, First and Second Avenue; and
- The City must provide temporary space for the LES Ecology Center to continue all environmental education and composting programming during construction, integrate the LES Ecology Center's long-delayed Compost Yard upgrades into the ESCR project and create a sustainable, resilient building in East River Park so that the Ecology Center can continue to offer education and stewardship programming.

THEREFORE BE IT FURTHER RESOLVED that the following additional mitigations must be included in the East Side Coastal Resiliency project:

- Where the City is working with other entities to identify recreational resources that may be opened to the community during construction, these entities must disclose all locations and capacities of these other resources;
- The City must inform and consult the community about the likely effects of seasonal work restrictions and the approval timeline of permits by USACE, NOAA, and NYC DEC, and communicate these permit's impacts upon the construction timeline and mitigate accordingly;
- Where the impact of the ESCR Preferred Alternative 4 on wildlife has not been studied adequately, the City must release further impact construction studies upon marine ecology and wildlife in consultation with USACE, NOAA, and NYC DEC standards and mitigate for the return of birds, insects, and fish that would lose their habitat in the park during construction as well as mitigate the migration of rodents into residential areas during the period of construction;
- Where NYC Parks is exploring providing alternative recreational opportunities throughout the Lower East Side neighborhoods, the locations and funding for such programs must be disclosed and discussed with the nearby residents prior to enacting them;
- Where the City is assessing opportunities for improvements to parks and playgrounds in the vicinity, it must explicitly identify which projects are new and not necessarily already in the capital projects pipeline, and disclose the timeline for said improvements;
- The City must improve activation of Waterside Pier with active and passive recreational spaces and explore the creation of temporary spaces for active uses in CB3 and CB6 such as: Basketball City, a temporary space on the top level of the Skyport Marina parking garage, the possible use of temporary barges, anchored off existing park areas, or green decking underused lots such as the Allen Street Malls, the vacant Allen Street building

and the space underneath the Williamsburg Bridge;

- Provide local residents with access to other open areas, sports fields and city parks, in the form of Metrocards, shuttle buses, free ferry service or other types of transportation or financial support;
- Commit to prioritizing permits for local neighborhood youth groups both during construction (except where that would conflict with other local park youth groups) and into the future of the East River Park;
- Where Parks has committed to a Lower East Side Greening program and the separate opportunity to plant up to 1,000 trees beginning in Fall 2019 and create up to 40 bioswales, it must work with local community organizations to spearhead such a program and update CB3 and CB6 as soon as possible regarding the proposed schedule and locations. In addition, tree guards and plans for the care of the trees must be included as part of the tree planting operation;
- Where the City is exploring purchasing lighting to be used at several Lower East Side parks to extend playing time at fields for permitted use during construction of the proposed project, the City must evaluate the impact of new lighting and playing on any surrounding residential buildings and consult with those local communities, and guarantee field priority for local youth leagues;
- Where the funding for the flyover bridge at the pinch point and preparations for its construction are now guaranteed, the protraction of its schedule which isn't to begin until the other parts of the ESCR are in place is an unnecessary disruption to the use of the waterfront and that the ESCR revisits the staging plan and look at ways to begin the flyover bridge construction contemporaneously with its north and south improvements;
- Where the City is also assessing the feasibility of utilizing quieter construction methods and considering selecting quieter equipment models for cranes, generators, compressors, and lifts, it must guarantee the equipment would be available for the duration of the construction period prior to application approvals, make these methods a condition of any bids or Request for Proposals (RFPs) for ESCR construction, and work towards not necessitating night time construction; and
- Where mitigations are "under consideration" in order to achieve "cost effective reduction of greenhouse gas emissions from the construction of the proposed project, it must be committed to prior to project approvals that when the construction contracts are put out for bid and/or RFPs are issued, they must require the use of biodiesel fuel on-site, require targets be met for the volume of recycled steel and aluminum generated on-site, meet sustainability requirements by seeking an Envision certification, and commit contractors to divert as much construction waste as possible for recycling;
- The City must present a comprehensive plan on emergent and non-emergent access to Waterside Plaza and adjacent schools when ESCR barriers are fully deployed;

- The City must conduct additional traffic studies regarding expansion of the NYC Summer Streets program;
- Where NYC DOT is investigating supporting bicycle infrastructure upgrades along the alternate route, including new markings and signage, it must specify where this rerouting and signage would be located and consider additional solutions including more dedicated bicycle lanes on additional routes in consultation with CB3 and CB6;
- The City must develop alternative routes deemed safe for all, including pedestrians, runners, and recreational cyclists of all ages by curbing or prohibiting micro mobility (i.e. electric scooters) usage in the East River Park, in collaboration with CB3 and CB6 and institute them before the Greenway is closed;
- A comprehensive redesign of the East 20th Street bike lane, which was originally designed around a now-obsolete L train mitigation plan, to facilitate faster construction of the interceptor gate house there, unless an alternative site is found;
- The City must provide a legal left turn onto Avenue C at the East 18th Street traffic signal; with appropriate signage and signaling to improve alignment with the flood barrier and allow for a less circuitous route for westbound and southbound exiting traffic;
- DOT must develop a plan addressing the recently narrowed traffic lanes on East 20th Street that allows for passage along East 20th Street during the construction of the interceptor gate house and an operational plan for ambulance access to the First Avenue “hospital row” corridor when barriers are deployed;
- Design the East 20th Street interceptor gate house with contextually appropriate materials to reflect the historical significance of Peter Cooper Village/Stuyvesant Town, and the previous Gas House District;
- An installation of a comfort station at Murphy’s Brothers’ Playground;
- Ensure that all existing art pieces in the project area that would be affected by ESCR’s construction will not be demolished and will be included as permanent installations in ESCR’s new landscaping. Should their work not be included, they must be returned to each artist and the artist must be generously compensated for the removal of their invaluable pieces. All artists must be immediately contacted about the future of their work related to the construction of ESCR;
- Incorporate public art installations and signage with multiple language translations at various points to provide differentiation, historical context and maintain neighborhood identity along the waterfront;

- Provide a more comprehensive and robust explanation of the schedule advantages of the Preferred Alternative 4 over Alternative 3 given that the possible seasonal construction restrictions were not factored into the timeline advantages and provide a cost-benefit analysis for the Preferred Alternative 4 construction plan with the aim of expedient construction that does not include a full closure of the East River Park;
- Minimize dust and noise throughout the construction area;
- Consider topsoil and salt resistant indigenous plants for reuse to re-establish natural passive areas in park;
- Ensure ADA compliant access to and within the park including braille signage, adequate water fountains and adequate lighting for safety and accessibility;
- Work with park stewards to identify and protect biodiversity, identify alternative habitat areas, transfer usable park materials and plants rescued from East River Park to other alternative open spaces, and create new open green spaces near East River Park to help offset the loss of carbon sinks in CB3;
- Make available temporary water parks or water play features that are available before the first summer season of the Park's closure;
- Continue to work with the Amphitheater Task Force to create a design that is consistent with local needs such as materials that further noise mitigation for the surrounding community;
- Provide timely updates to CB3 about any resolutions and continue discussions with Gouvernuer Gardens;
- Immediately inform individual residents whose views to the waterfront would be blocked in certain upland locations;
- Include social resiliency and community preparedness programming and funding in schools and community groups and provide a weekly update email on construction process, alternative spaces and recreation opportunities;
- A construction hotline must be created and operated 24/7 during demolition and construction in order for community members to report unsafe conditions, activities, or other concerns. The hotline should be staffed during all hours of construction. The number for this hotline should be posted prominently on the construction site and on social media on the websites of all involved agencies;
- The Parks Department, DDC and all involved agencies must agree to issue social media updates and regular updates with CB3 and CB6 to report on progress, setbacks and any changes to agreements or park plans;

- Establish a Community Advisory Group of stakeholders in the affected project area that will meet regularly with agencies from design and construction until project completion, with regular reports and meetings made available to community at-large; and
- Establish a protocol before work begins to allow City agency oversight over decision making for contractors during the construction period, with clear avenues for community input established, in order to mitigate against contractor decision making that disregards the quality of life of area residents, and this must be a condition of any bids or RFPs for ESCR construction.

THEREFORE BE IT FURTHER RESOLVED, that the Manhattan Borough Board approves with conditions ULURP #N190357PQM, and #N190356ZRM for the Acquisitions of Real Property and a Zoning Resolution Text Amendment to Waterfront Regulations to Facilitate the East Side Coastal Resiliency Project in Community Boards Three and Six.

Adopted by the Manhattan Borough Board on the 23rd day of July 2019.



Gale A. Brewer
Manhattan Borough President
Chair of the Manhattan Borough Board



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Gale A. Brewer, Borough President

30 July 2019

**Recommendation on
ULURP Applications C190357PQM and N190356ZRM
East Side Coastal Resiliency (ESCR) Project by Applicants:
New York City Department of Transportation (DOT)
New York City Department of Citywide Administrative Services (DCAS)
New York City Department of Environmental Protection (DEP)
New York City Department of Small Business Services (SBS)**

I. PROPOSED ACTIONS

The New York City Departments of Transportation (DOT), Citywide Administrative Services (DCAS), Environmental Protection (DEP), and Small Business Services (SBS) (collectively the “Applicants” or the “City”) are seeking two Uniform Land Use Review Procedure (ULURP) approvals for (1) eight acquisitions of easements on non-City owned property and (2) a text amendment to the New York City Zoning Resolution (ZR) § 62-50 (“General Requirements for Visual Corridors and Waterfront Public Access Areas”) and § 62-60 (“Design Requirements for Waterfront Public Access Areas”) to facilitate the East Side Coastal Resiliency (ESCR) Project (the Proposed Project) in Manhattan Community Board 3 and 6 (CB3 and CB6). The Proposed Project is bounded by Montgomery Street on the south and continues north along parcels of Montgomery and South Streets, Avenue C, East 23rd Street, and the Franklin Delano Roosevelt East River Drive (the FDR Drive) right-of-way. In total, the Proposed Project extends through the Lower East Side, East Village, Alphabet City, Stuyvesant Town, Peter Cooper Village, and Kips Bay neighborhoods.

The Proposed Project aims to address coastal flooding vulnerability in lower Manhattan by implementing a system that includes floodwalls, underground sewer upgrades, an improved shared use path (bikeway/walkway), a new flyover bridge, open space improvements at nearby parks, and the raising of the John V. Lindsay East River Park (East River Park) out of the 100-year floodplain between Montgomery Street to approximately East 13th Street. The systematic and architectural elements coupled with the related park improvements do not require any ULURP approvals.

In addition to the floodwalls located along and under the elevated FDR Drive, the flood protection system includes closure structures (i.e. roller gates and swing gates) which would be recessed except under storm conditions when they are deployed to provide flood protection. The flood protection system also includes drainage system modifications through the installation of an underground parallel conveyance system that would prevent tidal flooding and minimize inland flooding associated with simultaneous tide and rain events. These measures consist of flood proofing regulators and manholes, installing parallel conveyance pipes and interceptors that reroute storm drainage and combined sewer outfalls, and placing an isolation gate valve in the regulator below Asser Levy Playground.

Action 1: Proposed Acquisitions of Easements on Non-City-Owned Property (C190357PQM)

According to the Department of Design and Construction (NYC DDC), these flood protection measures would require acquisition of easements by the City on eight parcels of non-City owned properties which constitute the first ULURP action. Acquisitions of interests in property of the New York City Housing Authority’s (NYCHA) Baruch Houses and the East River Housing Corporation would be for the access to and maintenance of parallel conveyance drainage systems. Acquisitions of interests in property of

Consolidated Edison and the U.S. Department of Veterans Affairs (VA) would be for watertight connections between the new ESCR floodwalls and existing floodwalls at the East River Generating Station and VA Medical Center, and allow the access to inspect, repair, and maintain these floodwalls. Acquisitions of interests in property of the Gouverneur Gardens Housing Corporation and NYCHA’s Riis Houses would be for access to operate, inspect, and maintain the ESCR flood protection system and floodwall. Finally, acquisitions of interests in property of New York State Department of Transportation that is a part of the FDR Drive would allow the City to site the north landing of a flyover bridge and allow the access to operate, inspect, and maintain the proposed bridge. The City does not plan to build structures on the sites on which these easements are acquired. The applications for easements are shown below in *Table 1: Proposed Acquisitions of Easements on Non-City-Owned Property* and are also shown in *Appendix Map 1: Area Aerial Map with Proposed Actions* on page 27.

Table 1: Proposed Acquisitions of Easements on Non-City-Owned Property

Tax Block	Tax Lot(s)	Property Owner	Bounding Streets or Cross Streets	Community Board (CB) and Project Area (PA)	Purpose
244	19	Gouverneur Gardens Housing Corporation	Montgomery Street, Water Street, Gouverneur Slip West, FDR Drive	CB3 PA1	Access to operate, inspect, and maintain the ESCR flood protection system and floodwall.
321	1	East River Housing Corporation	Lewis Street, Grand Street, Delancey Street, FDR Drive	CB3 PA1	Access to operate, inspect, and maintain the regulator M-29 parallel conveyance (drainage) system.
323	1	NYCHA (Baruch Houses)	Columbia Street, East Houston Street, Delancey Street, FDR Drive	CB3 PA1	Access to operate, inspect, and maintain the regulator M-31 parallel conveyance (drainage) system.
367	1	NYCHA (Riis Houses)	East 10 th Street, East 13 th Street, Avenue D, FDR Drive	CB3 PA1	Access to operate, inspect, and maintain the ESCR flood protection system and floodwall.
988	1	Con Edison Power Station	East 14 th Street, East 15 th Street, Avenue C, FDR Drive	CB6 PA2	Allow a watertight connection to the Con Edison Station and access to inspect, maintain, and repair the Con Ed flood protection system within the East River Generating Station.
990	1	Con Edison Office and Parking Lot	East 15 th Street, East 17 th Street, Avenue C, FDR Drive	CB6 PA2	Allow access to inspect, maintain, and repair the ESCR flood protection system and tide gate, and allow access to inspect, maintain, and repair the Con Ed flood protection system within the East River Generating Station.

955	5	U.S. Department of Veterans Affairs	East 23 rd Street, East 25 th Street, 1 st Avenue, Asser Levy Place	CB6 PA2	Allow a watertight connection to the VA Medical Center’s existing floodwall and the access to inspect, maintain, and repair the ESCR flood protection system.
FDR Drive		New York State Department of Transportation	Part of FDR Drive right-of-way from East 15 th Street to Avenue C	CB6 PA2	Allow the City to site the north landing for the proposed flyover bridge and allow the access to operate, inspect, and maintain the proposed bridge.

Action 2: Text Amendment to the Zoning Resolution (N190356ZRM)

The second ULURP action necessary for the project is a text amendment to the City's ZR outlined in Article VI, Chapter 2 (“Special Regulations Applying in Waterfront Areas”). These regulations encourage active water dependent uses and ensure physical and visual access to the City’s waterfront. Stuyvesant Cove Park is subject to these regulations and the proposed flood protection design elements slated for the park such as the floodwalls, the raising of the interior grade of the park and public paths do not comply with these regulations. Therefore, the regulations would be amended to deem these elements to be compliant with zoning.

Specifically, the Applicants seek a zoning text amendment to § 62-50 (“General Requirements for Visual Corridors and Waterfront Public Access Areas” and § 62-60 (“Design Requirements for Waterfront Public Access Areas”) on a segment of Stuyvesant Cove Park mapped as a “Marginal Street, Wharf, or Place”) that is under the jurisdiction of SBS and managed by the New York City Economic Development Corporation (NYCEDC). The segment is bounded by the FDR Drive, the East River, East 23rd Street, and Captain Patrick J. Brown Walk (see *Appendix Figure 9: Photographs of Stuyvesant Cove Park (Mapped “Marginal Street, Wharf, or Place”* on page 39). The proposed zoning text amendment allows for the regulations detailed in § 62-50 and § 62-60 to be considered satisfied as long as: (1) the park remains open and accessible to the public at a minimum from dawn to dusk, and (2) the maintenance and operation of the park is conducted by a City or State entity or its designee.

These elements that are currently not compliant with zoning are shown below and at *Appendix Map 4: Proposed Waterfront Access Connections* on page 30:

- ZR § 62-511 (“Location of Visual Corridors”): requiring that upland streets that terminate at a waterfront block shall be prolonged as visual corridors to the water if the prolonged street intersects the shoreline at an angle of 45 degrees or more and there are no existing obstructions blocking 50% or more of the width of the visual corridor.
 - The street grid along this waterfront segment is unusual with three wide mapped and built streets upland of the subject property that if prolonged would intersect the waterfront from different and less than right angles, where these upland streets include: Avenue C on the south (approximately 120 feet wide), East 20th Street (approximately 135 feet wide), and East 23rd Street (approximately 130 feet wide);
- ZR § 62-512 (“Dimensions of Visual Corridors”): requiring that visual corridors be no less than 50 feet in width:
 - Where the distance between Avenue C and East 20th Street is approximately 575 feet and the distance from East 20th to East 23rd Street is 850 feet;
- ZR § 62-53 (“Requirements for Shore Public Walkways”): requiring that waterfront walkways have a minimum width of 30 feet:
 - Where the paved walkway along the water’s edge at Stuyvesant Cove Park averages a width of 30 feet but is proposed to be narrowed due to the grading on the waterside of the

proposed flood protection system which will also include a raised landscape with a public path;

- ZR § 62-56 (“Requirements for Upland Connections”): requiring that the distance between upland connections do not exceed 600 feet with specific minimum widths of these connections:
 - Where there will be connections to the upland at Avenue C and East 20th Street, with an additional connection provide adjacent to the proposed Solar One Environmental Education Center (Solar One Center). The connections include a 45-foot-wide access at Avenue C, a 30-foot-wide access at East 20th Street, and a 35-foot-wide connection adjacent to the Solar One Center with a floodgate installed at each of these connections; and
- ZR § 62-651 (“Requirements for Guardrails, Gates, and Other Protective Barriers”): requiring specific design dimensions for fences and walls such as a maximum height of 36 inches and 21 inches, respectively:
 - Where the proposed floodwalls and gates would be solid structures about 8 feet above grade and would not meet the design requirements as defined.

II. PROJECT AREAS AND LAND USE

The Proposed Project consists of two Project Areas illustrated in *Appendix Map 1: Area Aerial Map with Proposed Actions* on page 27:

Project Area One extends from Montgomery Street on the south to the north end of East River Park at approximately East 13th Street. From the south, the proposed flood protection system begins inland at Montgomery Street, about 130 feet west of South Street. At the intersection with South Street, the system turns north for about 40 linear feet and then heads east again, crossing under the FDR Drive to the east side of the highway. Once on the east side of the highway, the system turns north running along East River Park and parallel to the FDR Drive. At approximately the existing Corlears Hook Bridge landing and the amphitheater, the system turns east towards the East River, and from this location continues further north to align with the East River Park bulkhead.

The primary land use in Project Area One is the East River Park. This area contains existing pedestrian bridges across the FDR Drive to the East River Park including Corlears Hook, Delancey Street, East 6th Street, East 10th Street, and the East Houston Street Overpasses, as well as the street right-of-way at Montgomery and South Streets under an elevated segment of the FDR Drive. Project Area One also includes transit and residential uses at Pier 42, the Gouverneur Gardens Housing Corporation, the East River Housing Corporation, the NYCHA Bernard M. Baruch (Baruch Houses) and Jacob Riis Houses (Riis Houses).

Project Area Two extends from approximately East 13th Street to East 25th Street, with uses that are primarily highway, street right-of-way, utility, parks, open space, and community facility. This area includes the Consolidated Edison Company of New York East River Generating Station (ConEd Station) and the FDR Drive between East 13th Street and Murphy Brothers Playground. Inclusive of park use, land uses further north along the alignment include street right-of-way (Avenue C and the land beneath the elevated FDR Drive) to the waterfront open space at Stuyvesant Cove Park. North of this park, Project Area Two includes a community facility at the existing VA Medical Center, street-right-of-way and parkland at Asser Levy Playground, Murphy Brother’s Playground and Stuyvesant Cove Park.

III. PROJECT BACKGROUND

ESCR is one of several, identified projects released by the City in April 2015 under “*One New York: The Plan for a Strong and Just City*,” (OneNYC) for a more resilient New York City that is prepared for the impacts of climate change. OneNYC emerged as a response to the aftermath of October 29, 2012’s Hurricane Sandy that flooded coastal neighborhoods. Along with record tidal flooding and damages to housing, businesses, waterfront parkland, transportation, energy, water supply, and drainage

infrastructure, the storm also caused multiple deaths and underscored the need for the City to design and implement coastal flood protection measures. The neighborhoods within the Proposed Project area have one of the largest concentrations of low- and moderate-income households in the City, with over 12,707 NYCHA housing units.

After Hurricane Sandy, the City formed the Special Initiative for Rebuilding and Resiliency team to examine the hurricane's impact on the City's buildings, infrastructure, and people, assess climate change risks in the near term (2020s) and long term (2050s), and outline strategies for increasing resiliency citywide. The report that was generated from this initiative, *PlaNYC – A Stronger, More Resilient New York* (June 2013), contains *Community Rebuilding and Resiliency Plans* (CRRP) for five particularly vulnerable neighborhoods throughout the city. The CRRP recommendations considered various coastal hazards and their likelihood of occurrence, their potential impacts on the built environment and critical infrastructure, and proposed protection measures to address coastal storm impacts. The CRRP recommendations were greatly influenced by the Department of City Planning's (DCP) *Urban Waterfront Adaptive Strategies* study from June 2013 which examined the underlying geomorphology of various stretches of the city's shoreline, categorized each coastal reach by geomorphic type, and provided an evaluation of coastal resiliency measures that would be appropriate for each reach. These reach areas of the Proposed Project are listed in *Appendix Map 2: Potential Night Work Construction Areas* on page 28.

In June 2013, the United States Department of Housing and Urban Development (HUD), in conjunction with the Rockefeller Foundation and other supporting organizations, launched the Rebuild by Design (RBD) global competition with the objective of developing more efficient and effective coastal flood protections in the New York City region. This competition solicited proposals from around the world with innovative coastal flood protection solutions that would respond to devastations equal to that of Hurricane Sandy through proposed mitigation measures for urban and coastal resiliency. In June 2014, HUD announced six winning RBD projects located in Long Island, New Jersey, the Bronx, Staten Island, and Manhattan. The winning proposal in Manhattan was the "BIG U," a flood protection system extending from Battery Place on the south to East 23rd Street on the north, and divided into three sub-areas or "compartments." HUD then allocated Community Development Block Grant-Damage Recovery (CDBG-DR) funds to advance the preliminary and final design and construction of Compartment 1 of the "BIG U," an area that covers the ESCR project area from Montgomery Street to East 23rd Street. As design for this compartment advanced, the project area was extended north to East 25th Street to include the historic Asser Levy Recreational Center, concluding to an approximately 2.2 mile stretch of area. This area corresponds to the Federal Emergency Management Agency's (FEMA) 100-year Special Flood Hazard Area (SFHA) floodplain and includes areas projected to be within the 100-year SFHA floodplain in the 2050s, taking into account the 90th percentile projection for sea level rise. In addition, the area houses critical city infrastructure such as the ConEd Station, subway stations, the Manhattan Pump Station (sewage pump station), and a stretch of the FDR Drive (a major regional arterial highway).

In late 2014, the City entered a grant agreement with HUD to disburse \$338 million of CDBG-DR funds through the New York City Office of Management and Budget (OMB) for the design and construction of a coastal flood protection system. Since January 5, 2015, the City regularly engaged both CB3 and CB6 on multiple proposals for ESCR. The formal public review process for the proposed project was initiated with the release of the Draft Scope of Work (DSOW) on October 30, 2015, a public scoping meeting that was held on December 3, 2015 and its comment period that remained open until December 21, 2015. At the closure of the comment period, NYC Parks and OMB reviewed and considered the comments received and prepared the Final Scope of Work (FSOW). During this early engagement process, the City put forth a design proposal identified as "Design Alternative 3" which was brought to CB3 and a CB6 for ULURP approval. On March 27, 2018, CB3's Full Board voted to disapprove with revisions the Design Alternative 3 proposal. Likewise, on April 11, 2018, CB6's Full Board voted to disapprove with revisions the Design Alternative 3 proposal.

In October 2018, the City unveiled a significantly redesigned proposal for ESCR, the Proposed Project, which is identified in its Draft Environmental Impact Statement (DEIS) released on April 5, 2019 as the “Design Alternative 4” or the “Preferred Alternative”. According to the City, a major reason for abandoning the original plan was that the Proposed Project’s construction would not have to be staged, thus reducing the construction schedule from 5 to 3.5 years. During this time, the City and its federal partners committed approximately \$1.45 billion in funding for the implementation of the Proposed Project which includes the original \$338 million CDBG-DR grant.

The principal objectives of the Proposed Project are as follows:

- Provide a reliable coastal flood protection system against a storm event for the protected area;
- Improve access to and enhance open space resources along the waterfront;
- Respond quickly to the urgent need for increased flood protection and resiliency, particularly for communities that have a large concentration of residents in affordable and public housing units along the proposed project area; and
- Achieve implementation milestones and comply with the conditions attached to funding allocations as established by HUD, including scheduling milestones.

Additionally, design considerations for the proposed project include:

- Installing a reliable coastal flood protection system;
- Ensuring urban design compatibility, enhancements, constructability, operational needs, and maintenance needs;
- Improving the ecology and long-term resiliency of the East River Park;
- Minimizing environmental effects, including construction-related effects, disruptions to public right-of-way, and the use of pre-storm event deployable structures;
- Ensuring FEMA accreditation; and
- Scheduling that meets HUD milestones and maximizes cost effectiveness.

IV. PROPOSED DEVELOPMENT

The Proposed Project includes a number of design elements such as floodwalls, levees, 18 closure structures (i.e. swing gates and roller gates), underground drainage isolation and management systems. Additionally, the Proposed Project will reconstruct East River Park 8 to 9 feet above its current elevation with open space improvements detailed below. The estimated capital cost is approximately \$1.45 billion. The proposed floodwalls and floodgates are shown in *Appendix Map 3: Proposed Floodwall and Floodgates* on page 29.

Project Area One: Proposed Flood Protection System and Park Improvements

Project Area One includes the following key design elements:

- Elevating the East River Park approximately 8 feet to be completed in 2023, beginning at the existing amphitheater and continuing northward to approximately East 13th Street, excluding the Fireboat House. East River Park is anticipated to be closed for the entire 3.5 year construction period with continued public access to the Corlears Hook and Stuyvesant Cove Park ferry landings;
- Installing a below-grade protection system (i.e., floodwall) running parallel to the existing East River Park bulkhead to soften the visual effects of the flood protection system;
- Reconstructing the Tennis House, Track and Field House, and all comfort stations;
- Reconstructing the East River Esplanade elevation to match the raised park and protect it from storms and sea level rise;
- Incorporating resilient landscaping and substantial tree replanting for a more diverse, resilient, and ecologically robust habitat;

- Constructing a new shared-use flyover bridge that connects the north end of East River Park with Captain Patrick J. Brown Walk to improve north/south access along the waterfront;
- Reconstructing Corlears Hook Bridge over the FDR Drive and replacing the existing Delancey Street and East 10th Street Bridges to be universally accessible;
- Creating an expanded and reconfigured, park-side East Houston Street landing and entryway to the waterfront;
- Filling the two existing embayments in the East River Park for recreational programming and relocating two new embayments to provide a net gain in water area;
- Relocating and reconstructing the amphitheater as an outdoor theater space; and
- Reconstructing all water and sewer infrastructure in the park, some of which is reaching the end of its serviceable life, including the outfalls and associated pipes that cross the East River Park to the East River bulkhead.

Project Area Two: Proposed Flood Protection System and Park Improvements

Project Area Two includes the following key design elements:

- The reconstruction of ball fields and active recreational spaces, new grading and landscaping, and a new maintenance area in the south corner;
- Floodwalls and two swing gate closure structures proposed under the elevated FDR Drive into Stuyvesant Cove at the southerly entrance (from Avenue C) and at the East 20th Street entrance to allow public access to the waterfront esplanade;
- The installation of floodwalls and closure structures (roller and swing gates) at the intersection under the FDR Drive at East 23rd Street that include vehicular ramp access and service roads to the FDR Drive, a shared-use path, a service station, Waterside Pier and the Skyport Marina parking garage. The closure structures would be recessed except under storm conditions when they are deployed to provide flood protection;
- Reconstruction of Stuyvesant Cove with new raised grades and landscaping. Design in this segment will be coordinated with the reconstruction of the Solar One Center. The waterfront walkway along the water's edge as well as the interior shared access path will be preserved;
- The installation of a floodwall at Murphy Brothers Playground;
- Placement of a roller floodgate at Asser Levy Playground (between the Asser Levy Recreation Center and the outdoor recreational space). Under non-storm conditions, access to these facilities will be maintained. When deployed, the roller floodgate would tie into the existing VA Medical Center flood protection system that runs north and then west along East 25th Street to First Avenue; and
- Construction of a pre-fabricated, shared-use flyover bridge to address the narrow waterfront public access near the ConEd Station (on the east side of the FDR Drive between East 13th and East 15th Streets) known as the "pinch point." The flyover bridge's foundations are to be completed in 2023 and its prefabricated bridge span to be installed and completed in 2025.

Drainage System Modifications

Modifications to the City's drainage system are proposed to prevent tidal flooding from entering the protected area through the sewer system and to minimize inland flooding associated with a simultaneous tide and rain event. These measures include flood proofing regulators and manholes, and installing tide gates, parallel conveyance pipes and interceptors that reroute storm drainage and combined sewer outfalls, and placing an isolation gate valve in the regulator below Asser Levy Playground.

- Interceptor Gates

The southern gate in Project Area One is proposed to be located on the existing sidewalk and lawn along the western edge of the FDR Drive right-of-way at a location south of the Corlears Hook Bridge. The northern gate in Project Area Two is proposed to be located in the median of East 20th Street, west of the intersection with Avenue C. During a storm event, these gates would

be manually deployed to prevent combined flow or storm surge floodwaters from entering the protected area through the sewer system. While mostly below grade, the above-grade elements of these systems include the equipment necessary to operate the interceptor gates which would be housed in a one-story “maintenance area” with designated parking for NYC Park employees.

- Parallel Conveyance Pipes

Parallel conveyance pipes will be installed at 9 locations to convey excess combined sewer flows to an interceptor and would require no above ground features. These pipes are located below grade and located in-street except for two locations where private acquisitions of easements on private property are needed (at the East River Houses Drainage Acquisition and the NYCHA Baruch Houses Drainage Acquisition). During a storm event, tide gates at the end of outfalls will deploy and would prevent outflow, potentially resulting in sewer system backups. Parallel conveyance pipes would enlarge the conveyance capacity of the system.

Operation and Maintenance of the System

An operations and maintenance manual will be prepared for the flood protection system and will identify procedures for deploying, inspecting, testing, and maintaining each element of the system to ensure that the floodwalls and closure structures remain in proper working order and are ready to perform in advance of a critical storm. Operation and maintenance of the proposed parallel conveyance and interceptor gates would require periodic inspection and maintenance of the piping and mechanical equipment.

Improvements to Existing Facilities, Amenities and Infrastructure

Several existing facilities, amenities, and infrastructure will be upgraded or improved by 2025:

- The reconstruction of Pier 42 as a publicly accessible open space by 2020:
 - Demolishing the pier shed and redeveloping the upland park with an entry garden, a playground, a comfort station, a grassy knoll, solar powered safety lighting throughout the park, and access from the shared use path along the FDR Drive or Montgomery Street that would introduce approximately 2.62 acres of new passive open space;
- The creation of the Lower East Side Ecology Center (LES Ecology Center) Compost Facility by 2023:
 - Improving the composting site by formalizing and containing the composting components and providing educational and public access opportunities;
- The renovation of the Fireboat House that houses the LES Ecology Center by 2019:
 - Adding an American with Disabilities Act (ADA) entrance ramp and installing solar panels to the building; and
- The reconstruction of new Solar One Center by 2019.

V. PROPOSED ULURP ACTIONS

Action 1: Acquisition by the City of Easements on Non-City Properties (C190357PQM)

While the Proposed Project would be developed primarily on City-owned property, its design includes the need to access infrastructure on non-City-owned property. Thus, the Applicants are seeking ULURP approval for eight easements. Otherwise stated, these acquisitions of easements will permit the access to operation, inspection, and maintenance of the proposed flood protection system as well as the construction of a new flyover bridge. The City does not intend to build structures upon these properties. The proposed easements are shown in *Appendix Map 1: Area Aerial Map with Proposed Actions* on page 27 and the proposed floodwalls and floodgates are shown in *Appendix Map 3: Proposed Floodwall and Floodgates* on page 29.

1. Gouverneur Gardens Access Acquisition of Easement

Gouverneur Gardens Housing Corporation, Manhattan Block 244, Lot 19 (CB3, PA1)

Photographs and aerial views of this acquisition can be viewed at *Appendix Figure 1: Gouverneur Gardens Access Acquisition* on page 31. This lot is zoned R7-2 and is occupied by a multi-story residential building. The proposed acquisition of easement is over the south and east yards of the lot. The area includes a fence at the property line, a side yard lawn and seven trees. The existing fence would have to be removed, however the acquisition area is a landscaped yard and the easement would prohibit the planting of any deep-rooted trees or the installation of permanent structures in the acquisition area. The proposed flood protection system is to be located within the northern mapped bed-of-street of Montgomery Street and western mapped bed-of-street of South Street. The acquisition would be used to allow the access to operate, inspect, and maintain the ESCR flood protection system and floodwall.

2. East River Houses Drainage Acquisition of Easement

East River Housing Corporation, Manhattan Block 321, Lot 1 (CB3, PA1)

Photographs and aerial views of this acquisition of easement can be viewed at *Appendix Figure 2: East River Houses Drainage Acquisition* on page 32. This lot is occupied by two multi-story residential buildings and is zoned R7-2. There are no structures within the proposed acquisition area. The proposed easement is within a parking lot that is an accessory to the housing complex. The acquisition would allow the access to maintain the regulator M-29 parallel conveyance (drainage) system.

3. NYCHA Baruch Houses Drainage Acquisition of Easement

NYCHA Baruch Houses, Manhattan Block 323, Lot 1 (CB3, PA1)

Photographs and aerial views of this acquisition of easement can be viewed at *Appendix Figure 3: NYCHA Baruch Houses Drainage Acquisition* on page 33. This lot is occupied by several multi-story residential buildings and is zoned R7-2. There are no structures within the proposed area and is primarily occupied by a side yard lawn that includes a fence and a sign for the housing complex. The acquisition would allow the access to maintain the regulator M-31 parallel conveyance (drainage) system.

4. NYCHA Riis Houses Access Acquisition of Easement

NYCHA Jacob Riis Houses, Manhattan Block 367, Lot 1 (CB3, PA1)

Photographs and aerial views of this acquisition of easement can be viewed at *Appendix Figure 4: Riis Houses Access Acquisition* on page 34. This lot is occupied by several multi-story residential buildings and is zoned R7-2. The proposed acquisition area does not include any structures or special landscaping features and the proposed acquisition area includes portions of the rear yard containing lawn areas, fences, a tree, and a section of sidewalk. There is an existing fence and one tree that would need to be removed. The proposed floodwalls would not be on the property but would be aligned along the westerly edge of the FDR Drive right-of-way. The acquisition would allow the access to operate, inspect, and maintain the ESCR flood protection system and floodwall.

5. Con Edison Power Station Acquisition of Easement

Con Edison, Manhattan Block 988, Lot 1 (CB6, PA2)

Photographs and aerial views of this acquisition of easement can be viewed at *Appendix Figure 5: Con Edison Power Station Acquisition* on page 35. This lot is occupied by the Con Ed Station and is zoned M3-2, a heavy manufacturing zoning district. The acquisition is located on the south side of the lot along the frontage of East 14th Street that would allow the watertight connection to the Con Ed Station and access to inspect, maintain, and repair, as needed, both the Con Ed and ESCR flood protection system and floodwalls.

6. Con Edison Office and Parking Lot Acquisition of Easement

Con Edison, Manhattan Block 990, Lot 1 (CB6, PA2)

Photographs and aerial views of this acquisition of easement can be viewed at *Appendix Figure 6: Con Edison Office and Parking Lot Acquisition* on page 36. This lot is occupied by a Con Ed office building, is adjacent to a parking lot, and is used for storing equipment and materials. The property is zoned M3-2,

a heavy manufacturing zoning district. The Con Ed property is bounded to the south by East 15th Street and is adjacent to the FDR Drive off-ramp to its east. The proposed easement would prohibit the planting of any deep-rooted trees or the installation of permanent structures within 15 feet of the area. The acquisition would allow access to inspect, maintain, and repair, as needed, the Con Ed flood protection system and floodwall.

7. U.S. Department of Veterans Affairs Medical Center Acquisition of Easement
Manhattan Block 955, Lot 5 (CB6, PA2)

Photographs and aerial views of this acquisition of easement can be viewed at *Appendix Figure 7: U.S. Department of Veterans Affairs (VA) Medical Center Acquisition* on page 37. This lot is zoned R8 and is occupied by the VA Medical Center complex. The proposed easement will allow a watertight connection to the existing VA Medical Center flood protection system and access to inspect, maintain, and operate both the ESCR and the VA Medical Center flood protection system and floodwall.

8. Captain Patrick J. Brown Walk Acquisition of Easement

New York State Department of Transportation, portion of the mapped FDR Drive (CB6, PA2)

Photographs and aerial views of this acquisition of easement can be viewed at *Appendix Figure 8: Captain Patrick J. Brown Walk Acquisition* on page 38. The proposed acquisition of easement area is owned by the New York State Department of Transportation and is currently part of the Captain Patrick J. Brown Walk, which is the public walkway situated between the FDR Drive and the East River. An easement for this portion of the mapped FDR Drive must be acquired to allow for the construction of the proposed flyover bridge.

Action 2: Text Amendment to the Zoning Resolution (N190356ZRM)

Photographs and aerial views of the Proposed Project segment of Stuyvesant Cove Park requiring a ZR text amendment can be viewed at *Appendix Figure 9: Photographs of Stuyvesant Cove Park (Mapped “Marginal Street, Wharf, or Place”)* on page 39. While a majority of the waterfront area within the study area consists of park space under the jurisdiction of NYC Parks, the proposed acquisition of Stuyvesant Cove Park is mapped “Marginal Street, Wharf, or Place,” and is located within the bounding streets of Montgomery Street (south), East 25th Street (north), and the FDR Drive/East River Park (east). This segment is a City-owned property under the jurisdiction of SBS and managed by NYCEDC. Under the Proposed Project, the property would remain a public open space.

The ZR includes special regulations applying to areas located along the waterfront, outlined in Article VI, Chapter 2 (“Special Regulations Applying in Waterfront Areas”). These regulations encourage active water dependent uses and ensure physical and visual access to the City’s waterfront. The proposed segment is subject to the waterfront regulations of ZR § 62-50 (“General Requirements for Visual Corridors and Waterfront Public Access Areas”) and ZR § 62-60 (“Design Requirements and Waterfront Public Access Areas”) and thus a zoning amendment is necessary to acknowledge compliance with the City’s waterfront zoning restrictions. Specifically, the proposed design elements of this segment such as floodwalls, raising the interior grade of Stuyvesant Cove Park, and public paths will not comply with the provisions shown below and on *Appendix Map 4: Proposed Waterfront Access Connections* on page 30:

- ZR § 62-511 (“Location of Visual Corridors”): requiring that upland streets that terminate at a waterfront block shall be prolonged as visual corridors to the water if the prolonged street would intersect the shoreline at an angle of 45 degrees or more and there are no existing obstructions blocking 50% or more of the width of the visual corridor.
 - The street grid along this waterfront segment is unusual with three wide mapped and built streets upland of the subject property that if prolonged would also intersect the waterfront from different and less than right angles, where these upland streets include: Avenue C on the south (approximately 120 feet wide), East 20th Street (approximately 135 feet wide), and East 23rd Street (approximately 130 feet wide);

- ZR § 62-512 (“Dimensions of Visual Corridors”): requiring that visual corridors be no less than 50 feet in width:
 - Where the distance between Avenue C and East 20th Street is approximately 575 feet and the distance from East 20th to East 23rd Street is 850 feet;
- ZR § 62-53 (“Requirements for Shore Public Walkways”): requiring that waterfront walkways have a minimum width of 30 feet:
 - Where the paved walkway along the water’s edge at Stuyvesant Cove Park averages a width of 30 feet but is proposed to be narrowed due to the grading on the waterside of the proposed flood protection system which will also include a raised landscape with a public path;
- ZR § 62-56 (“Requirements for Upland Connections”): requiring that the distance between upland connections do not exceed 600 feet with specific minimum widths of these connections:
 - Where there will be connections to the upland at Avenue C and East 20th Street, with an additional connection provide adjacent to the proposed Solar One Center. The connections include a 45-foot-wide access at Avenue C, a 30-foot-wide access at East 20th Street, and a 35-foot-wide connection adjacent to the Solar One Center with a floodgate installed at each of these connections; and
- ZR § 62-651 (“Requirements for Guardrails, Gates, and Other Protective Barriers”): requiring specific design dimensions for fences and walls such as a maximum height of 36 inches and 21 inches, respectively:
 - Where the proposed floodwalls and gates would be solid structures about 8 feet above grade and would not meet the design requirements as defined.

The proposed zoning text amendment allows the regulations detailed in ZR § 62-50 and ZR § 62-60 above to be considered satisfied as long as: (1) the park remains open and accessible to the public at a minimum from dawn to dusk, and (2) the maintenance and operation of the park is conducted by a City or State entity or its designee.

VI. FUTURE APPROVALS AND ACTIONS

According to the Applicants, future approvals and actions of the Federal, State, and City entities, and the City Planning Commission will be required and are listed in the *Appendix 1: “Future Approvals and Actions Required”* on page 26.

VII. AREA CONTEXT

The flood elevation used in the design of the Proposed Project is 16.5 feet North American Vertical Datum, which is generally 8 to 9 feet above the existing surface grade, but diminishes in above grade height as the system moves inland and the topography rises. This area corresponds to FEMA’s 100-year SFHA floodplain and includes areas projected to be within the 100-year SFHA floodplain in the 2050s, taking into account the 90th percentile projection for sea level rise.

East of the Proposed Project is the East River, north is the Kips Bay neighborhood, west are the neighborhoods of Lower East Side, East Village, Alphabet City, Stuyvesant Town, and Peter Cooper Village, and south is the Two Bridges neighborhood. These are primarily residential neighborhoods comprised of mid- and high-rise residential buildings, including multiple NYCHA-operated buildings, community facilities, local retail, and neighborhood parks. The majority of the project area is within built streets or parkland where zoning would not apply. The few locations outside of streets or parks where acquisitions are proposed are zoned R7-2, R8, and M3-2.

The major thoroughfares and principal streets provide access to the project area include the FDR Drive along the waterfront, Delancey Street, East Houston Street, East 14th Street, and East 23rd Street in the east and west orientation, First Avenue, and Avenues A, B, C, and D in a north and south orientation. Mass transit in the area includes the J, M, and Z subway lines with stops along Delancey Street, the L train

subway with stops along East 14th Street, and the M15 and M23 Select Bus Service with a number of other local bus lines.

VIII. ANTICIPATED ENVIRONMENTAL IMPACTS

Pursuant to City Environmental Quality Review (CEQR), the rules of the State Environmental Quality Review Act (SEQRA), and the National Environmental Policy Act (NEPA) Process, a DEIS was prepared for the Proposed Project. On October 28, 2015 and October 30, 2015, a Positive Declaration and DSOW were issued, respectively. The Positive Declaration determined that the proposed project may potentially have a significant impact on the environment in the following areas:

- Land use zoning and public policy: due to land disturbances and adherence to the New York City Waterfront Revitalization Program requirements;
- Open space resources: as the proposed project area encompasses both the East River Park and Stuyvesant Cove Park, and requires modifications of existing recreational facilities and street trees;
- Historical and cultural resources: due to the introduction of new structures and subsurface disturbances that could affect archaeological and architectural resources;
- Urban design and visual resources: due to the introduction of new structures that could affect the urban design setting of the project and waterfront view corridors;
- Natural resources: as there may be significant adverse impacts upon aquatic resources and water quality of the East River with regards to site disturbances and the modification of the project area's storm water management system;
- Hazardous materials: due to subsurface disturbances and the potential for new pathways of human exposure to contaminated materials; and
- Water and sewer infrastructure: due to potential effects upon the City's water supply infrastructure and sanitary sewage conveyance.

The DSOW was further refined following a public scoping meeting held on December 3, 2015, with written comments accepted until December 21, 2015. The FSOW, DEIS, and the Notice of Completion, issued on April 5, 2019, included the following areas for review:

- Land use, Zoning, and Public Policy;
- Socioeconomic Conditions;
- Open Space;
- Historical and Cultural Resources;
- Urban Design and Visual Resources;
- Natural Resources;
- Hazardous Materials;
- Water and Sewer Infrastructure;
- Transportation;
- Neighborhood Character; and
- Environmental Justice.

Furthermore, the analysis of construction related effects included the following technical areas for review:

- Construction – Socioeconomic Conditions;
- Construction – Open Space;
- Construction – Historic and Cultural Resources;
- Construction – Urban Design and Visual Resources;
- Construction – Natural Resources;
- Construction – Hazardous Materials;
- Construction – Water and Sewer Infrastructure;
- Construction – Energy;

- Construction – Transportation;
- Construction – Air Quality
- Construction – Greenhouse Gas Emissions;
- Construction – Noise and Vibration; and
- Construction – Public Health.

The DEIS concluded that there were four major areas of significant adverse effects:

1) Urban Design and Visual Resources: Views of the East River would be blocked on Grand Street in Project Area 1, CB3. These blockages of waterfront views are unavoidable.

2) Construction – Open Space: Over the 3.5-year construction period, there would be a temporary displacement of recreational facilities and open space amenities. Mitigation measures include identifying alternative recreational resources that can be available to the community, providing transportation to these new alternative areas, exploring options for activating underutilized spaces, implementing improvements (e.g. lighting) to parks and playgrounds in and near the study area, rerouting greenway users to alternative routes and supporting bicycle projects in and near the study area. In addition, the City is assessing opportunities to open parts of East River Park through a phased construction schedule.

3) Construction – Transportation: There will be significant adverse traffic effects in Project Area 2 at the intersections of East 23rd Street/First Avenue and East 23rd Street/Avenue C, as well as temporary significant adverse effects for users of the East River Park bikeway/walkway during the period of construction. Mitigation measures include standard traffic mitigation measures (e.g., signal timing changes) and pedestrian and bicyclist rerouting plans. Signs will be installed at points of the bike network to inform cyclists of the closure during the construction of East River Park. Signs on and off the greenway will direct cyclists and pedestrians to use 10th Street and Avenue C during the construction of the flyover bridge.

4) Construction – Noise and Vibration: There will be significant adverse noise effects near the flood protection alignment and the reconstructed pedestrian bridges. In Project Area 2, the construction at 20th Street/Gate House is anticipated to last for 1 year. Approximately 11 parking spaces could be lost on East 20th Street during the construction of the interceptor gate house. Mitigations include the usage of quieter hydraulic press-in pile installation methods, noise barriers around the pile driving head, enclosures on concrete operations, barges instead of trucks for material deliveries, and the selection of quieter equipment models. According to the DEIS, there are no significant adverse vibration effects.

IX. COMMUNITY BOARD RECOMMENDATIONS (CB3 and CB6)

Manhattan Community Board 3

On March 27, 2018, CB3's Full Board voted to not support the ESCR project with Design Alternative 3.

At its Full Board meeting on June 25, 2019, CB3 voted 33 in favor, 3 opposed, and 1 abstaining, for a resolution to approve with conditions, the proposed ESCR project with Design Alternative 4. The resolution was revised on June 28, 2019 with additional conditions that include:

- The immediate installation of temporary measures for storm protection, especially during the time of construction when the park is most vulnerable;
- Social resiliency and community preparedness training at schools and local long term recovery groups, and regular updates and community engagement meetings at town halls, open houses, and other similar events;
- Establishing a Community Advisory Group that works with Gouvernuer Gardens and the CBs to receive updates from the New York City Department of Parks and Recreation (NYC Parks) and the NYC DDC;

- The identification of a panel of 3 to 5 mutually agreed upon environmentalists by CB3, CB6, and the Community Advisory Group to review and evaluate the DEIS and the ESCR project’s alternatives to describe reasonable interim measures and methods to minimize any adverse impacts that the community might face before and during the construction of the project. The DEIS must not be finalized until such recommendations and review are presented to the CBs;
- A commitment to obtain Envision Certification, a rating system developed by the Institute of Sustainable Infrastructure, that would discern whether the ESCR project would succeed in either meeting or exceeding sustainability goals across a range of social, economic, and environmental indicators;
- The protection of biodiversity, the immediate creation of bioswales, new tree canopy plantings and new permeable planters, the planting of mature trees where appropriate, the minimization of dust emissions, and the use of topsoil and salt-resistant, indigenous plants to re-establish natural passive areas in the park;
- Permits must be issued to local neighborhood youth groups both for the duration of the construction of East River and for the redeveloped East River Park;
- Open spaces for children and sports leagues must be identified and made available during the construction phase;
- All temporary water parks and play features must be made available for children to use before the first summer period of the East River Park’s construction;
- A robust explanation must be released regarding the advantages of the Preferred Alternative over Alternative 3, particularly considering seasonal and weather-based limitations on construction and permit approvals;
- A temporary space for the LES Ecology Center and its composting program must be provided so that they can continue all of its environmental education and composting programming for the duration of construction or reconstruction;
- The Fireboat House must be raised above the 2050 floodplain to enable the LES Ecology Center to continue providing educational and environmental stewardship programming;
- Consultation with community stakeholders to identify alternative routes for pedestrians, micro-mobility users, runners, and commuting and recreational cyclists of all ages must be made well in advance of the East River Park’s closure;
- Assistance must be provided for community members to access nearby city parks, open spaces, sports fields, and new alternative spaces in the form of Metrocards, shuttle buses, free ferry service or other types of transportation or financial support;
- A commitment to ensure a phased construction plan that does not impact the overall timetable for park closure and project completion while allowing public access to sections of the East River Park; and
- An established protocol before work begins that has clear avenues for community input in order to mitigate against contractor decision making and oversight that may disregard the quality of life for area residents, including any bids or Request for Proposals (RFPs) for the project’s construction.

Manhattan Community Board 6

On April 11, 2018, CB6’s Full Board voted to not support the ESCR Project with Design Alternative 3.

At its Full Board meeting on June 12, 2019, CB6 voted 43 in favor, 0 opposed, and 1 abstaining for a resolution to approve with conditions, the proposed ESCR Project with Design Alternative 4. The specified conditions to be met are:

- The implementation of a phased construction timeline for the good of all waterfront users and to prevent unexpected access delays;
- The development of additional mitigation strategies that focus on providing access to amenities or activating existing locations in the district with both active uses and passive elements;

- The exploration of improving Waterside Pier with active and passive recreational spaces such as: Basketball City, a temporary space on the top level of the Skyport Marina parking garage, the possible use of temporary barges that are anchored off existing park areas, and green decking underused lots such as those at the Allen Street Malls, the vacant Allen Street building and the space underneath the Williamsburg Bridge;
- A feasibility study of “decking over” portions of the FDR Drive must be included in the design review since it would better inform future projects that could provide additional space for recreation;
- The DEIS must show higher usage counts of the East River’s bikeway/walkway and any route detours must accommodate multi-modality uses;
- Since funding for the flyover bridge at the pinch point are now guaranteed, the ESCR Project must revisit the staging plan and look at ways that the construction of the flyover bridge can occur contemporaneously with its north and south improvements;
- Design considerations must be made for an expanded capacity along Captain Patrick J. Brown Walk to accommodate for increased walkway usage;
- The installation of a comfort station at Murphy’s Brothers’ Playground must be considered as part of the ESCR Project itself instead of as a separate project to be commenced in the future;
- Construction of a new crosswalk at the intersection of Avenue C and the north side of the FDR Drive’s Exit 7 to create a more direct pedestrian access pathway across Avenue C to the waterfront and Stuyvesant Cove Ferry Landing. The exit ramp would be modified to provide a legal left turn onto Avenue C at the East 18th Street traffic signal with appropriate signage to improve alignment with the flood barrier;
- A comprehensive redesign of the East 20th Street bike lane (which was originally designed around a now-obsolete L train mitigation plan) must be carried out to enable more expedient construction of the interceptor gate house;
- The East 20th Street interceptor gate house must be designed with contextually appropriate materials to reflect the historical significance of Peter Cooper Village, Stuyvesant Town, and the previous Gas House District;
- The ESCR project team must provide supporting data from the cost benefit analysis that was performed for the proposed Design Alternative 4 plan and compare it to the Design Alternative 3 plan that included a partial closure of the FDR Drive;
- Sufficient funding must be put aside to rebuild Stuyvesant Cove Park after any subsequent destruction from flooding;
- The East River Park Fireboat House must be preserved so that the LES Ecology Center is able to continue its important initiatives to develop environmental awareness; and
- Interpretive signage and public art installations are to provide historical context and maintain neighborhood identity along the waterfront and a robust social media strategy is necessary to communicate ongoing park closures and project status updates.

X. MANHATTAN BOROUGH BOARD RESOLUTION

The Manhattan Borough Board meeting on the ESCR project occurred on June 18, 2019 and was recessed on June 23, 2019, when the Manhattan Borough Board adopted a resolution by a vote of 10 in the affirmative and 0 in the negative recommending approval of the ULURP applications with conditions.

XI. MANHATTAN BOROUGH PRESIDENT HEARING

The Manhattan Borough President’s public hearing to discuss the ESCR project occurred on July 17, 2019 at Beth Israel Mt. Sinai from 6 to 9 PM. There were approximately 150 public attendees, but even more residents were outside because the room was at capacity. The public hearing began with the NYC Park’s and NYC DDC’s presentation of the proposed ULURP actions and project scope. The presentation was followed by public testimony by 63 people. The Manhattan Borough President’s public comment period concluded on July 19, 2019. The overwhelming majority of those who testified spoke out in opposition to the ESCR project. Most called for wholesale rejection of the plan, in favor of temporary flood protection measures or a return to Design Alternative 3. Several people commented on the

deficiency of the DEIS and gaps of knowledge in the construction timeline and management, the lack of construction staging, and the need for an independent consultant review of the project. Residents of nearby NYCHA developments, some of whom could not access the hearing, have expressed support for the project because they want flood protection.

XII. MANHATTAN BOROUGH PRESIDENT’S COMMENTS

After careful review, the application in its current form does not answer the many key concerns that I and members of the community share. While I support the goal of coastal flood risk reduction and resiliency the application needs improvement. The devastation caused by Hurricane Sandy in 2012 cannot be ignored. Forty-three lives were lost in New York City, 6,500 patients were evacuated from hospitals and nursing homes, 1.1 million New York City children were unable to attend school for a week, and close to 2 million people went without power. Subway tunnels, streets, and basements were flooded. The storm caused over \$19 billion in economic losses in the city and the effects are still being felt in hard-hit neighborhoods.

Lower Manhattan was especially affected by Sandy. The storm surge overtopped bulkheads with the greatest extent of inland flooding experienced on the Lower East Side. Floodwaters extended 2,000 feet, nearly to Avenue B and reaching a depth of two feet at Avenue C. It has been reported that most of the damage caused by inland flooding was to critical systems located in basements or sub-basements. Even in areas where floodwaters reached only one to two feet, elevators, water pumps, fire- and life-safety systems, heating and cooling systems, and lighting were compromised, making conditions dangerous for residents, and requiring lengthy and expensive repairs.

The risk of extreme weather driven by global climate change requires swift and bold action. The New York City Panel on Climate Change projects that the frequency of intense storms will increase by the 2050s with Lower Manhattan’s east side at the most risk. In addition to the 200,000 Lower Manhattan residents, critical infrastructure, health facilities, and businesses are located within the floodplain. These include two Con Ed substations at the 13th Street complex; several hospitals such as the Bellevue Hospital (just north of the project’s boundaries) with the only State-designated regional trauma center in Lower Manhattan; the Veteran’s Affairs New York Harbor Hospital; and the New York Downtown Hospital which is the only hospital south of Canal Street. In addition, the area is home to approximately 21,000 businesses and nonprofits that employ nearly 300,000 people.

A plan developed to fit the 2050 floodplain will last us only the next 30 years. We must project into the future to ensure that all projects related to resiliency will last for future decades. I believe that resilient infrastructure projects must also improve the quality of life. I have serious concerns about the sudden transformation of the project in September 2018 from a plan that incorporated over four years of community input to a new plan unilaterally put forth by the City, known as the Preferred Alternative or the Design Alternative 4.

Open Space, Access and Phased Construction

The construction schedule for the different sections of the East River Park, which will be closed for 3.5 years, including the nearby parks of Murphy Brothers Playground, Stuyvesant Cove Park, and Asser Levy Playground, which will be closed for 6 months to 2 years, should be phased to allow continuous access during the ESCR project. The loss of park access is among my foremost concerns. For example, children in Title 1 schools do not have buses to move them to other parts of the city to access open space resources, and many community members in the city use the amphitheater, picnic areas, soccer fields, basketball courts, tennis courts and water play areas. CB6 has the lowest amount of open space per capita of any community district in the city. Removing these vital open spaces to thousands of families and children will significantly reduce their quality of life; and the many schools that depend on the park’s infrastructure for afterschool activities and recreation will also be impacted.

Instead, the Preferred Alternative design accelerates construction, but phased access to park and

recreational space is essential. To this end, the Applicants should work closely with the CBs and a community task force to plan and manage access for almost 30,000 residents. The task force should include residents, non-profits and business operators in addition to the CBs, and serve as a forum for community input through all phases of the project. The timing of the permit approvals, the time needed for the fill to settle, and the coordination with CB6 for construction of the flyover bridge to be simultaneous with work at adjacent areas must be closely monitored. At the end of the project's completion, all waterfront pier areas must be publicly accessible.

Independent Environmental Review

The ESCR team must work on an outreach plan for the surrounding community and communicate with residents prior to construction about the timeline related to the demolition and rebuilding of the park. Because the Preferred Alternative would be more expeditiously constructed even though there are drastic design changes, I recommend the hiring of an independent non-New York City based environmental consultant to be chosen by the task force group. The consultant's scope of work will include recommendations of design alternatives for improved coordination, timeline management and expert review of all matters pertaining to the project, including demolition, environmental protections, and structural standards. The task force and the consultants must work closely with the Applicants to incorporate the findings and recommendations from this study.

Process, Coordination and Public Participation

According to the Applicants, the agencies representing ESCR have reached out to the public and stakeholders through 45 community engagement meetings since 2015. They have used flyers, e-communications, open houses and websites to communicate with the public, and opened a 52-day comment period in 2015 to receive oral and written testimony that was then made available on the project website. Details of the proposed project were made available in 4 languages and representatives of NYC Parks and NYC DDC attended various CB3 and CB6 meetings to present changes to the project.

After the Design Alternative 3 was rejected by CB3 and CB6 in 2018, the Applicants and the City went ahead to make major design changes without community input, resulting in the Preferred Alternative or Design Alternative 4. I quote CB3's recommendation where, "for many in the community, the ESCR process since Fall 2018 has frayed trust in government and public agencies because of the drastic change in plan design done without community consultation, despite the needs of the community who look to their government to supply desperately needed protection of their lives and homes, (and often both)."

Residents and community members must be fully informed and active participants in oversight of the project. It is imperative that as this project moves forward, the ESCR team regularly consults with CB3 and CB6 in more collaborative processes that incorporate public feedback and recommendations on the project's construction and design. The Applicants must be transparent in their decision making processes and communicate about design and timeline changes through social media, community meetings, open houses and information sessions in several languages including Spanish, Mandarin, and Cantonese. The public has entrusted the ESCR partners to create a project that will improve the safety and quality of life.

There must be a strong emphasis on outreach to residents of the involved NYCHA campuses. There are approximately 28,000 residents living in NYCHA developments in the ½ mile area adjacent to the proposed project. There is an estimated total population of 198,549 persons in the study area of which 20.26% are designated low-income and 51.2% identify as people of color. The goal of the ESCR resiliency project is to benefit all members of the community. The project scope declares that no communities of color or low-income communities would be disproportionately affected. However, with huge active construction sites in view of the community, parents are worried that children will access them. I urge the Applicants to ensure that the construction areas are secure and that neighbors are given adequate notice about road and area closures.

The application does not mention specific negotiations with any property owners who would be affected

by the proposed acquisitions of easements. It is imperative that the Applicants conduct outreach to all property owners with detailed information concerning the proposed easements and respond to the questions, concerns, and rights of these owners. Furthermore, any and all businesses within the East River Park that are directly impacted or displaced by the construction of the ESCR project must be offered relocation assistance by the Applicants.

Alternative Locations for Active and Passive Uses

My office met with a number of local youth leagues that utilize East River Park sports facilities. Removing these facilities would create a financial and physical hardship for sports teams that will have to commute to sports fields outside of their neighborhood during the 3.5 years. The Applicants must work with all local youth sports leagues to identify alternative facilities and provide transportation to these sites. At the completion of the project, the Applicants are to guarantee field priority for local youth leagues.

The DEIS states that "NYC Parks is exploring providing alternative recreational opportunities throughout the Lower East Side neighborhood through programs like Shape-Up classes, walking clubs, Arts, greening programs, etc." (8.0-4). It is vital that the location and funding for these programs are disclosed and discussed with the CBs and the task force to ensure that their financial feasibility and value to residents. Suggestions for alternative public open space includes Basketball City; expanding the NYC Summer Streets program; activating the underutilized spaces of Waterside Pier; a temporary space on the top level of the Skyport Marina parking garage; the use of temporary barges anchored off of the existing park; and potentially "green decking" underused spaces such as the Allen Street Malls, the vacant Allen Street building, and beneath Williamsburg Bridge.

I support further research into options for "green decking," the installation of temporary, synthetic turf that can provide for more active and passive recreation, particularly at LaGuardia Bath House/Little Flower Playground; portions of the FDR Drive; St. Vartans; Tompkins Square; Tanahey; and Robert Moses Playground. I also support further research for renovations proposed by the Applicants at a number of alternative sites, such as installing new sports coating at Tanahey; Sara D. Roosevelt; Al Smith Recreational Center and Playground; St. Vartans; Columbus Park; and Coleman Playground; converting the Baruch Bathhouse to a community space; and painting playgrounds and park equipment at approximately 16 sites by Spring 2020. However, it is imperative that the installation of turf and other renovations be brought to their respective CBs for community input and approval. Recently, the replacement of an asphalt lot with synthetic turf in Tompkins Square Park's northwest corner ignited a dispute between NYC Parks and the skateboarders that regularly use that patch of asphalt. I ask that 1) the Applicants conduct robust community outreach to mitigate such disputes before finalizing design decisions for temporary, alternative spaces, and 2) that a finalized proposal, map, and timeline for the closure and opening of all proposed, alternative spaces be published for public comment.

Before the first summer season of the East River Park's closure, temporary water parks or water play features must be made available. Cooling centers and comfort stations in the project area- specifically, at Murphy Brother's Playground- must be included in the final design and not deferred to a later time.

Urban Design and Visual Resources

According to the Applicants, the raised East River Park and Stuyvesant Cove Park will potentially block existing views of the East River from multiple locations, including at Grand Street, Bernard Baruch, Lillian Ward, and Jacob Riis Houses. There are no mitigations for these blocked views to the water due to the raising of the East River Park by 8 feet and the installation of floodwalls. The application does not mention specific negotiations with any property owners who would be affected by the construction and raising of the East River Park; the flood gates; tie-backs; the north and south interceptor gate chambers; and other structures that would block sightlines to the water. It is imperative that the Applicants complete a study of all affected property owners who would lose their views or access to the water, and conduct outreach to those affected. In addition, the temporary construction walls and sections of the final

floodwalls should be beautified with paintings and mural work that is chosen by and is representative of the affected communities.

NYC Parks manages an “Art in the Parks” program that collaborates with a diverse group of arts organizations and artists to bring temporary installations to many park locations, including the East River Park. While I am confident that NYC Parks will maintain the same if not a similar program after final construction, I am concerned that art works not included in the “Art in the Parks” program will be demolished and excluded in the final plans for ESCR. One such example is the 27 animal sculptures in the John V. Lindsay Playground in the East River Park along the FDR Drive at Grand Street. The sculptures were commissioned in 2002 and include 18 larger-than-life size seals and 9 turtles and crabs that have brought visitors enjoyment for over 17 years. Up until June 20, 2019, the sculptor was unaware and was not notified by the Applicants that his sculptures were excluded from the new design of East River Park and would therefore be demolished.

I urge that NYC Parks, the NYC DDC, and the Applicants conduct a study of all existing art pieces in the project area that would be affected by ESCR’s construction and immediately contact all artists about the future of their works. NYC Parks, NYC DDC, and the Applicants must strive to include these permanent installations as part of ESCR’s new landscaping and design. Should an artists’ work be excluded from the ESCR design, each artist should either be commissioned for new work and/or generously compensated for the removal of their invaluable pieces. No pre-existing artworks are to be demolished during construction and instead must be moved off-site through consultation with the artist.

Historic and Cultural Resources

On April 3rd, 2019, I sent a letter to NYC Parks and NYC DDC regarding the East River Park Fireboat House, which serves as the headquarters for the LES Ecology Center. The LES Ecology Center has played an invaluable social and educational role in East River Park, the surrounding neighborhoods, and the Borough of Manhattan as a whole. Since 1998, when their headquarters moved to the Fireboat House, they have acted as key stewards for the park. Since our letter, there have been no commitments on the part of the City to reconstruct and raise the Fireboat House out of the 2050 floodplain. The City has cited that the age of the building’s pilings prevent re-construction above the floodplain. However, there has been no detailed rationale to the public for how the project team came to that conclusion.

By comparison, the Solar One Center is being completely rebuilt above the 2050 floodplain. I believe that the same could be done for the Fireboat House. The scale of construction for the rebuilding of East River Park must not exclude the opportunity to preserve the Fireboat House and the LES Ecology Center while providing new spaces for programming and sorely needed public restrooms. This new construction would also provide the opportunity to expand the existing NYC Parks’ storage space. NYC Parks and the NYC DDC must make commitments to provide displacement and relocation support to the LES Ecology Center in the run-up to and during the closure of East River Park.

Natural Resources

The Preferred Alternative has the potential to result in 650 square feet of permanent disturbance within the New York State Department of Environmental Conservation tidal wetlands due to the installation of support shafts and footings. In-water work and construction delivery barges would affect surface water resources as well as several aquatic species including winter herring and striped bass. The removal of as many as 981 trees (784 of which are located within East River Park) during construction represents a loss of habitat for insects and migratory birds. It is estimated that 600,000 cubic yards of fill will be required for the construction at an average of 3 barge trips per day throughout the construction period, and the excavation and grading of soils would disturb 82 acres of the existing landscape.

A more in-depth review should be conducted of the ESCR project’s impact upon wildlife and plant species, as well as bird and insect migration during and after construction; we cannot rely on the notion that species will naturally return to East River Park when the project is completed. The Applicants must

work with park stewards such as those from the LES Ecology Center and Solar One Center to identify and protect biodiversity during the time of construction, and include biodiversity within the scope of study conducted by the independent environmental consultant(s) chosen by the community task force group.

NYC Parks "is exploring a LES Greening program with the opportunity to plant up to 1,000 trees in parks and streets, and create up to 40 bioswales" (8.0-5). Through this program, NYC Parks must work with local community organizations, CB3 and CB6 to conduct tree planting and tree guard installation operations, including the creation of concrete plans for the care of the trees. In February 2019, CB3 passed a resolution to support the proposal of a LES Community Tree Canopy Initiative that would communicate with NYC Parks when and where the proposed trees will be installed and how they will be maintained. The Applicants must immediately create these additional bioswales, tree canopy plantings, and permeable pavers as temporary mitigations against dust and adverse weather conditions during construction.

While 981 trees will be temporarily removed during the project's construction, 1,442 new trees will be added into the new landscaped park for a net change of an additional 461 trees, all of which must be mature trees where appropriate. The use of a variety of topsoil and salt resistant indigenous plants in the re-establishment of passive areas in the park must be included in the project's mitigation efforts.

Construction

The Applicants must apply and qualify for an Envision Certification from the Institute of Sustainable Infrastructure to ensure sustainable construction standards, in addition to the following suggested mitigations:

- Hazardous Materials

The DEIS confirms that subsurface contamination and sources of petroleum waste consistent with historical Manufactured Gas Plants (MGPs) were found in the soil and the groundwater in the project area. Other hazardous materials found include asbestos and lead-based paint, byproducts of gas production (i.e. coal tar, fuel, and gasoline, Volatile Organic Compounds (VOCs), pesticides, herbicides, and rodenticides, and metals) from the auto repair shops, gas stations, and the Con Ed Station located in and near the project area. Flood protection must be provided for these existing facilities in and near the project area that may be impacted by storms.

In an effort to reduce the potential of MGP-related contamination, a series of MGP-related recovery wells are to be installed prior to the project's construction. Structural construction of the Pier 42 project, the flood protection system on the west and east side of the FDR Drive, and the reconstruction of the Solar One Center would involve demolition and excavation activities that have the potential to disturb the subsurface containing hazardous materials.

All VOCs, petroleum storage tanks, and other hazardous materials must be removed from affected sites in accordance with federal, state and local regulations prior to project construction. Further investigations in the form of an asbestos survey, Site Management Plans, a Mitigation Work Plan, a Remedial Action Plan and a Construction Health and Safety Plan shall be included in the FEIS. The subsurface investigation shall be conducted in conjunction with the DEP and any construction and occupancy permits would only be issued once DEP receives and approves a Remedial Closure Report that is certified by a New York licensed professional engineer and approved through DEP reviews.

- Energy

The Preferred Alternative will conduct excavation, pile driving, and other disruptive construction activities in and around existing energy transmission and generation infrastructural sites, such as the Con Ed Station. To avoid significant damages and service disruptions, construction plans must fully protect the existing water, electrical and high voltage electrical transmission lines that

extend beneath the entire length of East River Park. Construction must aim to minimize vibration and control excavation measures including the placement of fill and soil in order to not disrupt any vital infrastructure that serves the surrounding community.

- Air Quality

Construction equipment must use ultra-low-sulfur diesel exclusively for all diesel engines, and a dust control plan (including a watering program). Restrictions must be placed upon trucks' idling time to 3 minutes except for those vehicles not using their engines to load, unload, or process materials, and electrical equipment must be used in place of diesel equipment whenever possible. These regulations for the reduction of emissions from engines and idling vehicle use, as well the required use of recycled steel, aluminum, and efforts toward construction waste reduction, and heightened care during material extraction and production must be written into all agreements with contractors, bids, and RFPs.

- Noise

Where the DEIS states that "The City is also assessing the feasibility of utilizing quieter construction methods (i.e., press in pile)" (8.0-5) and is considering "selecting quieter equipment models for cranes, generators, compressors, and lifts [that] may result in up to a 10 decibels (dBA) reduction in noise levels from construction," (8.0-8) it must guarantee that prior to the start of work that the equipment would be available for the duration of the construction period, and that these models be a condition of any bids or RFPs for project construction. This includes the use of a hydraulic press in pile installation method, hanging noise barriers or curtains made from mass loaded vinyl around the pile driving to shield receptors from noise impacts, enclosing the concrete pump and mixer trucks whenever the mixer barrels are spinning in a shed or tunnel (including 2 or 3 walls and a roof with the opening or openings facing away from receptors) and using barging instead of trucks for deliveries of construction materials.

According to the Applicants, night work construction is potentially expected to take place in the areas of "Reach A, B, C, E, I, J, K L, M, N, O and Q (see *Appendix Map 2: Potential Night Work Construction Areas* on page 28). The Applicants must inform the effected communities and CBs well in advance of the dates of all night work, and must obtain the proper after-hour work variances from the New York City Department of Buildings (NYC DOB). All construction-related and scaffolding-related permits must be obtained from the NYC DOB and the CBs notified in a timely manner.

Before the start of construction, a noise impact study of the newly designed amphitheater must be disclosed and any significant noise levels from the amphitheater, especially at night time, must be mitigated. The FEIS must also include a further impact study of the noise levels of the opening and closing of the rolling gates during the event of a storm impact.

- Water and Sewage Infrastructure

All water and sewer infrastructure construction is to comply with all federal, state and city regulations such as the Clean Water Act and combined sewer overflow regulations. While the DEIS states that, "if a storm is forecast, the sewer system would be inspected and cleaned as needed," it is imperative that there be routine checks on the operating systems, not only when the risk of flooding is imminent.

While the new parallel conveyance system works to prevent flooding by coastal surge waters within the study area, the construction and design must seek to ensure that there is no increased flooding outside of the protected area ("bath tubs"), in particular at East 25th Street above where the proposed flood barrier ends. This includes the area of Asser Levy Park, where NYC DDC plans to build a flood-control wall and a sliding gate that would protect the landmarked Asser Levy Recreation Center, but would leave the playing fields unprotected, and East 25th Street

susceptible to tidal surge and flooding. Due to these design considerations, it is imperative that the Applicants agree to renovate and rehabilitate the unprotected playing fields at Asser Levy Park in the event of a disaster, since they have been excluded from benefits of the ESCR project.

Furthermore, temporary flood protection measures must be installed during construction to mitigate storm impacts that would damage the project.

Transportation

During the construction phase, East 10th Street between the traffic circle and the FDR Drive service road would be converted from a two-way to a one-way eastbound road, and the service road in front of the BP Gas Station east of East 23rd Street/Avenue C would be closed to vehicular traffic. The project would require a rerouting of the bikeway/walkway to inland routes, resulting in temporary significant adverse effects for bikers and pedestrians that frequently use the East River bikeway/walkway. According to the DOT, the East River bikeway/walkway “carried 2,077 cyclists on weekdays and 1,974 cyclists on weekends during daylight hours in 2018, numbers that were expected to rise by 5% annually.”¹ DOT and the Applicants must ensure that the closure of the bikeway/walkway will be replaced by equally safe passage for commuters.

Signal timing changes must be installed at the intersections of East 23rd Street/First Avenue and East 23rd Street/Second Avenue to mitigate any significant adverse traffic effects. A DOT plan addressing the narrow lanes of traffic on East 20th Street and its passage during the construction of the interceptor gate house must be submitted for CB6 approval. Alternate routes must be prominently marked by signage. In addition, a protected bike path must be implemented on Avenues A, B, C, or D by DOT in order to compensate for the years-long loss of major bike routes. A new crosswalk must be added at the intersection of Avenue C and the north side of the FDR Drive’s Exit 7 to create a more direct, pedestrian access pathway across Avenue C to the waterfront and Stuyvesant Cove Ferry Landing. Lastly, an exit ramp shall be modified to provide a legal left turn onto Avenue C at the East 8th street traffic signal, with appropriate signage for improved pedestrian safety.

Based on the latest available U.S. Census data (2000) for workers in the construction and excavation industries, it is expected that 48% of construction workers commute to their project sites by private vehicles at an average occupancy of approximately 1.30 persons per vehicle. The DEIS estimates the presence of a maximum of 250 average daily construction workers for Project Area One and a maximum of 140 average daily construction workers in Project Area Two. The additional demand of parking generated by construction workers and delivery trucks must remain as inconspicuous as possible to the surrounding residential community by opening up spaces within unused areas of the construction site or other off-street parking sites. Similarly, the 2000 Census states that approximately 46% of construction workers commute to work via mass transit. As the project area is well served by mass transit, including 6 subway lines (No. 6, and F, J, M, Z, and L) and numerous local and express bus routes, the Applicants must offer project workers a reduced transit fare on work days to limit car travel and the demand for parking spaces.

NYC DDC’s versions of their presentations state that pedestrian access to Corlears Hook Ferry Station in CB3 and the Stuyvesant Cove Ferry Station in CB6 will be maintained during the period of construction. However, this has not been confirmed. According to the NYC Ferry Quarterly Update (2019) for the first quarter, average weekday ridership for the Lower East Side route which stops at both the Corlears Hook and Stuyvesant Cove Ferry Stations include 748 persons and 326 persons on weekends.² NYC DDC and related agencies must verify that safe and convenient pedestrian access to both ferry stations is maintained during construction. If disruptions prove unavoidable, the CBs and ferry users must be notified well in advance.

¹ <http://www.nyc.gov/html/dot/downloads/pdf/cycling-in-the-city.pdf>

² <https://www.ferry.nyc/wp-content/uploads/2019/05/NYC-Ferry-2019-Q1-Quarterly-Update.pdf>

A study of traffic scenarios during a storm event must be approved by the CBs before the completion of the ESCR project. This study must include information on road closures, public transit, parking, and evacuation scenarios for residents and businesses in the vicinity.

Public Health and Safety

The Community Construction Liaisons managed and staffed by a Borough Outreach Coordinator from pre-construction through the project's completion are intended to serve as direct community contacts. They must be available 24/7 through a dedicated hotline and email to report unsafe conditions and log complaints and concerns. The information for this hotline and email must be posted prominently on the construction sites, on social media, the CBs, local elected officials, and on the websites of all involved agencies.

All workers who maintain and repair the floodwall infrastructure and parallel conveyance system must receive thorough training and be provided with a safety manual. As flood gates will be closed manually before storm events, I urge the Applicants to conduct a study on ways to ensure the proper training and safety of all workers involved in storm preparation and the operation of the flood control systems.

XIII. BOROUGH PRESIDENT'S RECOMMENDATION

Therefore, the Manhattan Borough President recommends approval with the following conditions of ULURP Applications N190356ZRM and N190357PQM:

- The construction timeline for the different sections of the East River Park must be phased in tandem with Murphy Brothers Playground, Stuyvesant Cove Park, and Asser Levy Playground to allow continued access and usage by the public during its construction. The timeline must include expected dates for permit approvals, information on the time it takes for the fill to settle, and be approved by CB3 and CB6. Since funding for the flyover bridge at the pinch point and preparations for it are now guaranteed, the ESCR Project must revisit the staging plan and look at ways that the construction of the flyover bridge can occur contemporaneously with its north and south improvements;
- A community task force group must be created that is comprised of non-profit leaders, residents and business owners in CB3 and CB6. The Applicants must develop an expedited mechanism for an independent, non-New York City-based consultant to review the ESCR project and consider other alternatives through a study that is based upon an agreed upon scope by the CBs and this community task force group;
- The Applicants must regularly consult with CB3 and CB6 in a more timely process and incorporate public feedback to the project's construction and design. Communication through social media, community meetings, open houses and information sessions must include materials in several languages, including Mandarin, Cantonese and Spanish. More emphasis must be placed upon conducting outreach to residents of the involved NYCHA campuses. Road closures and area closures must be promptly communicated and the deployment of extra law enforcement to secure the construction premises or traffic control is discouraged;
- The Applicants must conduct outreach to all property owners with detailed information concerning the proposed acquisitions for easement and respond to the questions and concerns of these owners. Any and all businesses within the East River Park that are displaced by the construction of ESCR must have relocation assistance by the Applicants;
- The Applicants must communicate with all local youth sports leagues about alternative facilities for playgrounds, ball fields, tennis courts, and other sports arenas during the construction of ESCR and accommodate for youth transportation to the alternative sites. At the completion of the project, the Applicants are to consult and guarantee field priority for these local youth leagues and all waterfront pier areas must be publicly accessible.;

- The Applicants must explore alternative recreational opportunities through programming and the activation of underutilized spaces. The location and funding for these alternative, recreational opportunities and programs, including green decking, must be disclosed and discussed with the CBs and the community prior to their installation and activation;
- Before the first summer season of the Park's closure, temporary water parks or water play features must be made available and any cooling centers and comfort stations throughout the project's area, more specifically at Murphy Brother's Playground, must be added to the final design plan as opposed to laying groundwork for later installation;
- Beautification of the temporary construction walls as well as sections of the final floodwalls must be made with painting and mural work that suitably represents and are chosen by the communities affected by the building of the construction walls or floodwalls;
- A study of all existing art pieces in the project area that would be affected by ESCR's construction must be completed and its artists must be immediately contacted about the future of their works. NYC Parks, NYC DDC, and all related agencies must strive to include these permanent installations as part of ESCR's new landscaping and design. Should their work be excluded from the ESCR design, each artist must either be commissioned for new work and/or generously compensated for the removal of their invaluable pieces. None of these art pieces are to be demolished during construction;
- The East River Park Fireboat House that is home to the LES Ecology Center must be lifted out of the 2050 floodplain or be completely rebuilt and made resilient to provide new spaces for programming;
- A study of the ESCR project's impact upon wildlife and plant species and the mitigation of animal migrations during and after construction must be completed while working in tandem with park stewards from the LES Ecology Center or the Solar One Center;
- NYC Park's LES Greening program must immediately work with local community organizations to conduct planting and guard installations for trees and bioswales. Trees that will be added to the new landscaped park must be mature trees where appropriate;
- The Applicants must apply and qualify for an Envision Certification from the Institute of Sustainable Infrastructure to ensure sustainable construction and project standards;
- A series of MGP-related recovery wells are to be installed prior to project construction and all VOCs, petroleum storage tanks, and other hazardous materials must be removed from affected sites in accordance with federal, state and local regulations. Flood protection must be provided for existing auto repair shops, gas stations, and the Con Ed Station located in and near the project area. Any construction and occupancy permits would only be issued once DEP receives and approves a Remedial Closure Report that is certified by a New York licensed professional engineer;
- Further investigations in the form of an asbestos survey, Site Management Plans, a Mitigation Work Plan, a Remedial Action Plan and a Construction Health and Safety Plan must be included in the FEIS. Construction, excavation measures, and the placement of fill and soil must aim to minimize vibration in order to not disrupt any underground energy, water, and electric infrastructure that serves the surrounding community. All agreements, RFPs and bids with contractors must include regulations that require the use of biodiesel, recycled steel, aluminum, and efforts toward construction waste reduction, heightened care during material extraction and production, and the reduction of emissions from engines and idling vehicle use;
- The City must guarantee that quieter equipment models for cranes, generators, compressors, and lifts would be available for the duration of the construction period prior to application approvals, and that these models are a condition of any bids, RFPs for construction. The Applicants must communicate in a timely manner any future permits and dates for night work construction with the CBs. Limited after hour work variances are to be requested from the NYC DOB as they are a community nuisance and all construction-related and scaffolding-related permits must be obtained by the NYC DOB and CBs in a timely manner. Before the start of construction, a noise impact study of the newly designed amphitheater must be disclosed;

- All water and sewer infrastructure constructions are to comply with the necessary federal, state and city regulations and have routine checks;
- The Applicants must agree to renovate and rehabilitate the unprotected playing fields at Asser Levy Park in the event of a disaster since they are excluded from the benefits of the ESCR project. Temporary flood protection measures must be installed during construction to mitigate storm impacts that would delay the construction timeline as the waterfront would be the most vulnerable to disaster while under construction;
- Timing changes must be installed at East 23rd Street/First Avenue and East 23rd Street/Second Avenue. A DOT plan addressing the narrow lanes of traffic on East 20th Street and its passage during the construction of the interceptor gate house must be submitted for CB6 approval. A protected bike path must be implemented on Avenues A, B, C, or D by the DOT in order to compensate for the years-long loss of a major bike facility as a result of this project. A new crosswalk must be added at the intersection of Avenue C and the north side of FDR Drive Exit 7 to create a more direct pedestrian access pathway across Avenue C to the waterfront and Stuyvesant Cove Ferry Landing. All new transportation signage must be clearly marked;
- All parking for construction must occur off-street and construction workers must be given the option of subsidized funds for public transit, thereby lowering single vehicle ridership and the demand for residential parking spaces. Pedestrian access to the Corlears Hook Ferry Station and the Stuyvesant Cove Ferry Station must be maintained during construction. A study of traffic scenarios during a storm event must be immediately conveyed to and approved by the CBs before the completion of the ESCR project that includes mapped road closures, public transit, parking, and evacuation scenarios for residents and businesses in the vicinity;
- The Community Construction Liaisons that are managed and staffed by a Borough Outreach Coordinator must be available 24/7 from pre-construction through the project's completion to serve as direct community contacts through a hotline and email address that are posted prominently on the construction site, on social media, and on the websites of all involved agencies; and
- A written guide and employee training manual must be created to convey technical and safety instructions to all workers whom maintain and repair the floodwall infrastructure and parallel conveyance system.



Gale A. Brewer
Manhattan Borough President

cc: Mitchell J. Silver, Commissioner, NYC Parks
William T. Castro, Manhattan Commissioner, NYC Parks
Alyssa Cobb Konon, Deputy Commissioner, Planning and Development, NYC Parks
Lorraine Grillo, Commissioner, NYC DDC
Jamie Torres Springer, First Deputy Commissioner, NYC DDC
Andrew Hollweck, Deputy Commissioner, NYC DDC

Appendix 1: Future Approval and Actions Required

According to the Applicant, the following Federal, State, City, Authority and Commission approvals and actions are necessary to implement the proposed project in the future:

FEDERAL

- U.S. Department of Housing and Urban Development (HUD)-Disbursement of Community Development Block Grant-Disaster Recovery (CDBG-DR) funds to the City of New York; review of the Action Plan Amendments; and, review of acquisition agreements on NYCHA property;
- U.S. Army Corps of Engineers (USACE)-Permits or authorizations for activities in waters of the United States (Section 404 of the Clean Water Act) or structures within navigable waters (Section 10 of the Rivers and Harbors Act);
- U.S. Environmental Protection Agency (USEPA), U.S. Fish and Wildlife Service (USFWS), National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS)-Advisory agencies to the environmental review process for activities that affect wetlands, water quality, protected plant and wildlife species, and essential fish habitat; and
- Federal Emergency Management Agency (FEMA)-Review of flood protection design and potential changes to Flood Insurance Rate Maps (FIRMs).

STATE OF NEW YORK

- Department of Environmental Conservation (NYSDEC)-Permits related to activities in tidal wetlands or adjacent areas (Article 25) or protection of waters (Article 15), Water Quality Certification (Section 401); endangered species protection; discharges to State waters pursuant to the State Pollutant Discharge Elimination System (SPDES) program; approvals related to the handling and transport of hazardous materials and soils;
- Department of State (NYSDOS)-Coastal Zone Consistency determination for federal permits;
- Office of Parks, Recreation and Historic Preservation (OPRHP)-Advisory role as the State Historic Preservation Office (SHPO) in federal review process pursuant to Section 106 of the National Historic Preservation Act (NHPA) with respect to designated and protected properties on the State and National Registers of Historic Places and properties determined eligible for such listing; and
- Department of Transportation (NYSDOT)-Review of flood protection and flyover bridge designs and related approvals to construction along and adjacent to segments of FDR Drive under NYSDOT jurisdiction.

CITY OF NEW YORK

- Department of Parks and Recreation (NYC Parks)-Review and issuance of permits and approvals for project design and construction in City parkland;
- Department of City Planning (DCP)-Amendments to the City map for changes related to existing and proposed pedestrian bridges;
- Public Design Commission (PDC)-Review and approval of art, architecture, and landscape features proposed for City property and capital projects; and
- Department of Housing Preservation & Development (HPD)-Review and approval for easements at NYCHA and Gouverneur Gardens.

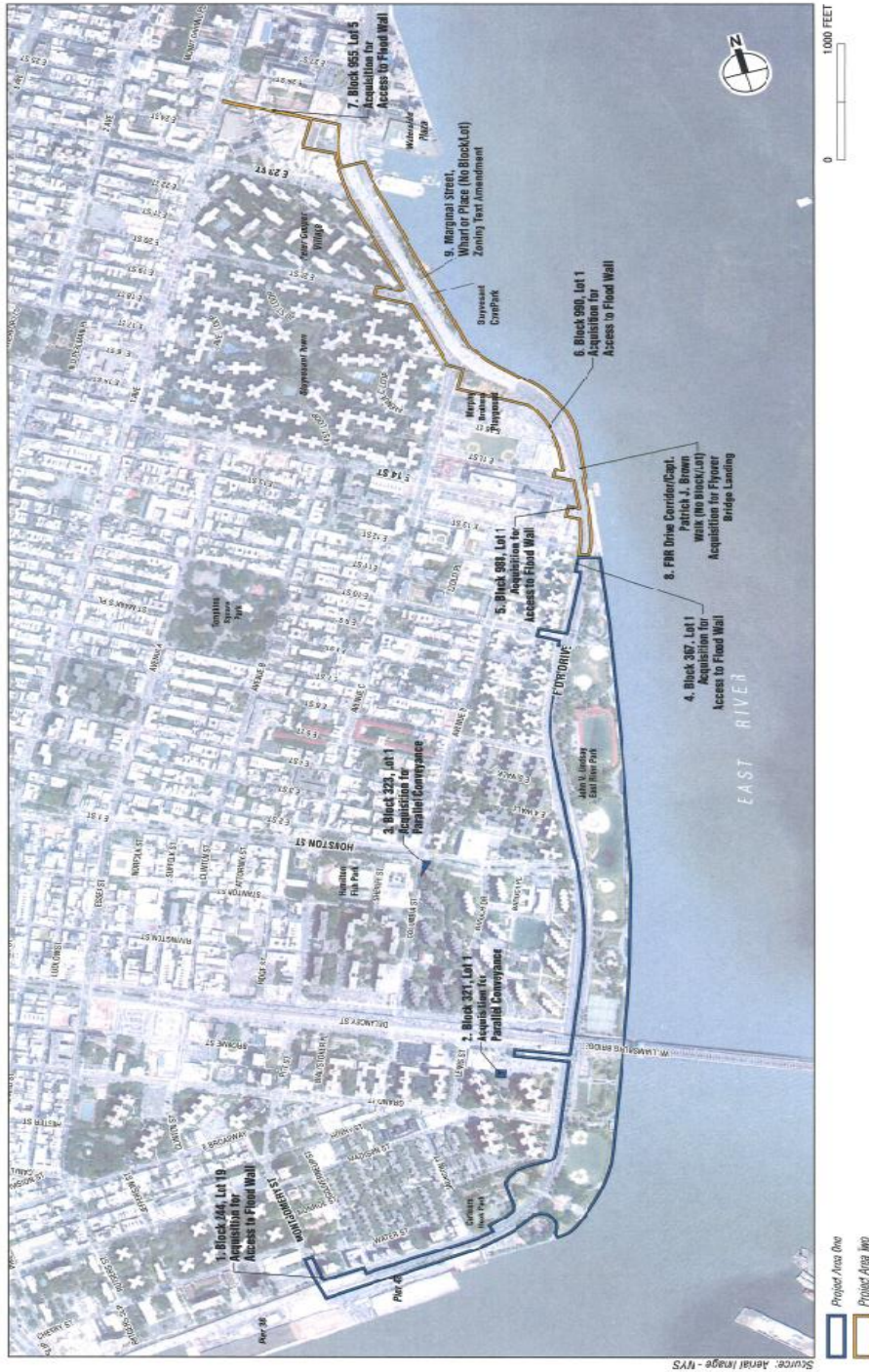
AUTHORITIES

- New York City Housing Authority (NYCHA)-Approval for acquisitions and activities on NYCHA property; and
- New York Power Authority (NYPA)-Approval for activities within NYPA easements.

COMMISSION

- New York Public Service Commission (PSC)-Approval for disposition involving public utility properties (Con Edison property).

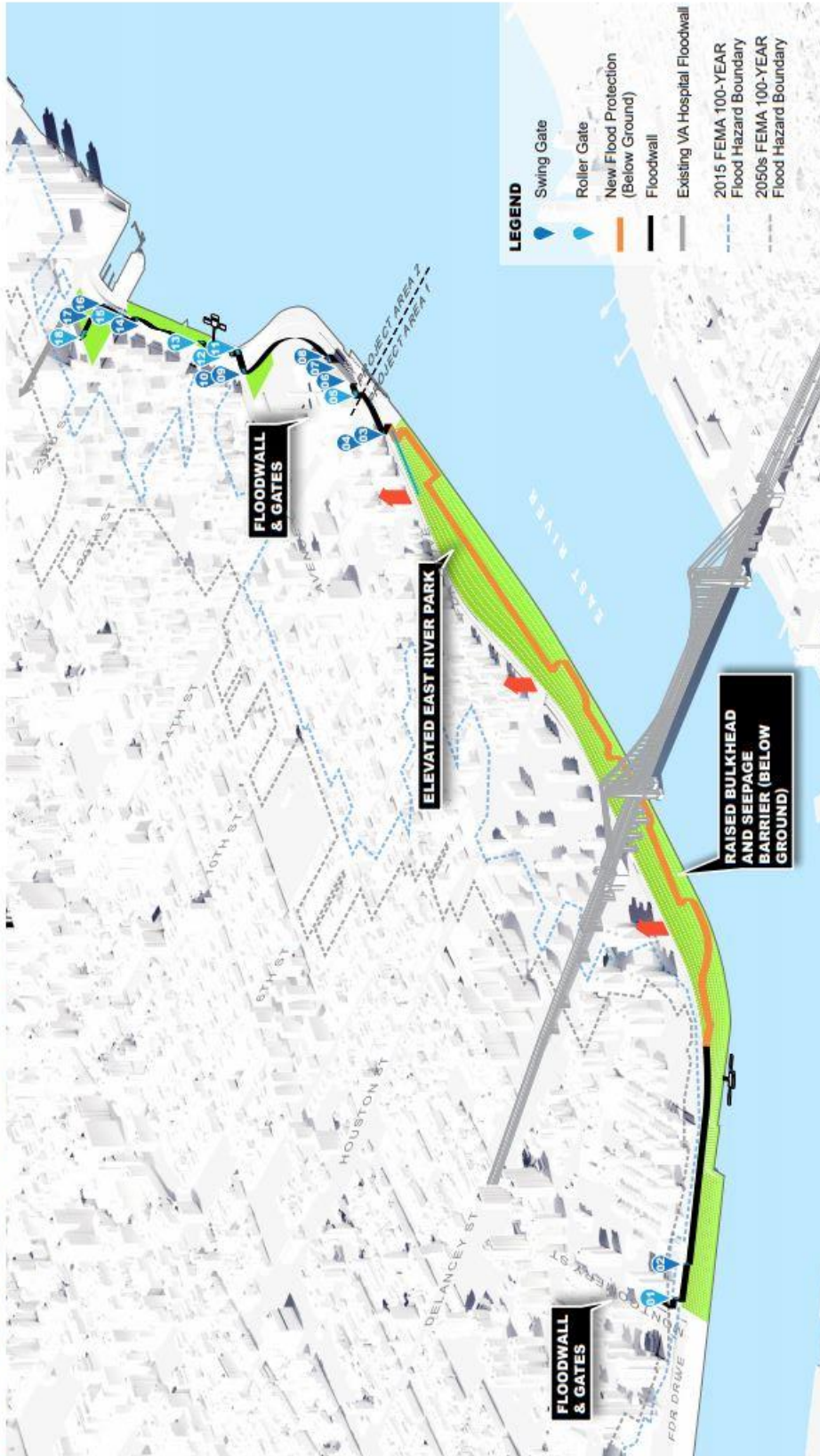
Appendix Map 1: Area Aerial Map with Proposed Actions



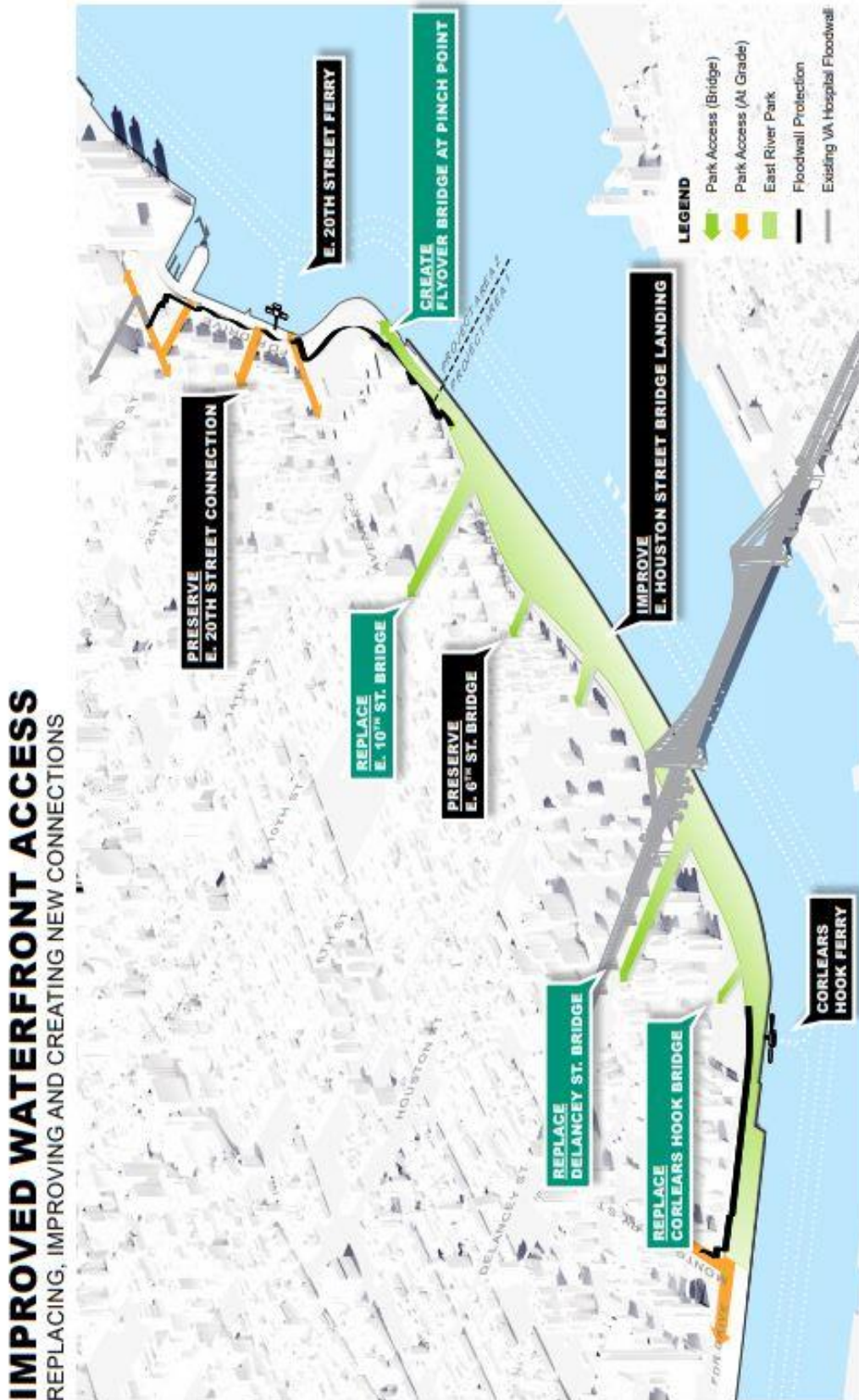
Map 1
 Area Aerial Map with Proposed Actions

Appendix Map 3: Proposed Floodwall and Floodgates

IMPROVED RESILIENCY FOR COMMUNITY
INTEGRATED FLOOD PROTECTION SYSTEM



Appendix Map 4: Proposed Waterfront Access Connections



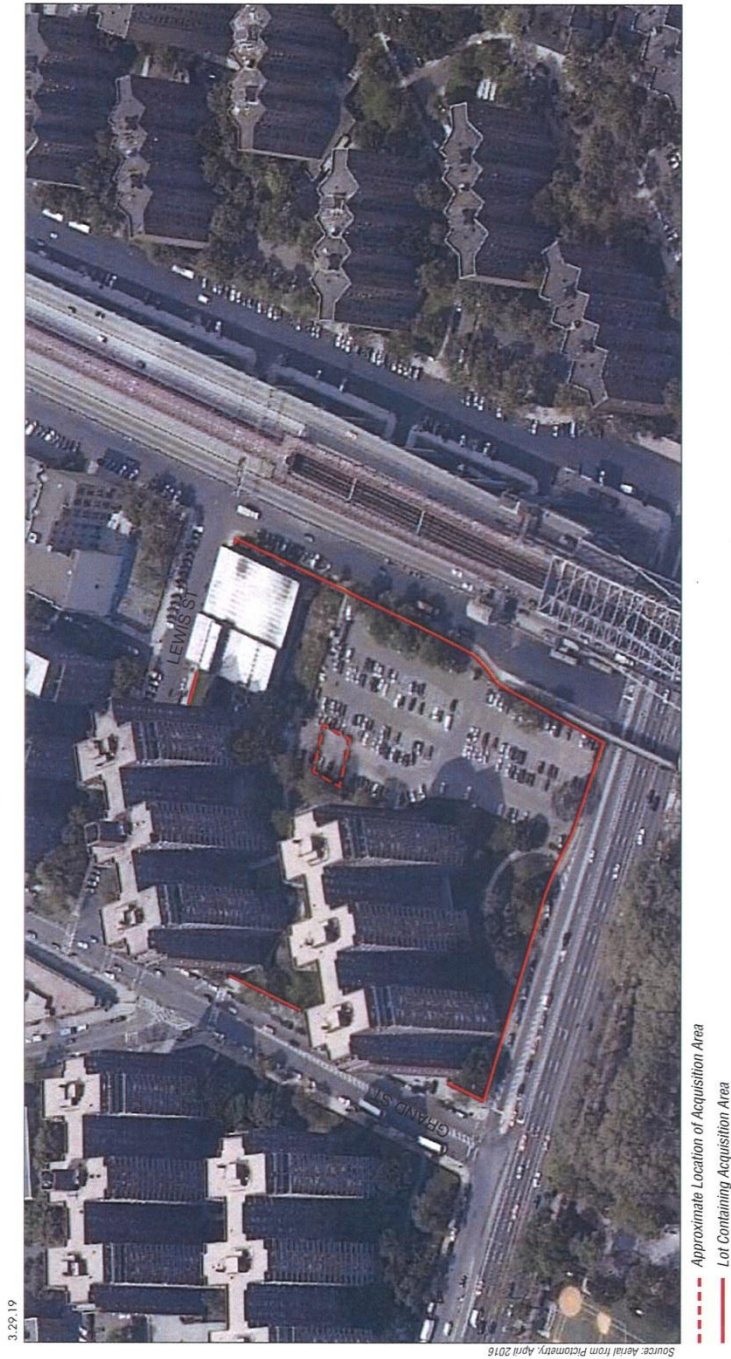
**Appendix Figure 1: Gouverneur Gardens Access Acquisition of Easement
Gouverneur Gardens Housing Corporation, Manhattan Block 244, Lot 19 (CB3)**



Aerial View: Gouverneur Gardens
Block 244, Lot 19
Figure 1

NYC DDC Capital Project: SANDRESM1
EAST SIDE COASTAL RESILIENCY PROJECT: ULURP APPLICATION

**Appendix Figure 2: East River Houses Drainage Acquisition of Easement
East River Housing Corporation, Manhattan Block 321, Lot 1 (CB3)**



Aerial View: East River Housing Corp
Block 321, Lot 1
Figure 2

NYC DDC Capital Project: SANDRESM1
EAST SIDE COASTAL RESILIENCY PROJECT: ULURP APPLICATION

**Appendix Figure 3: NYCHA Baruch Houses Drainage Acquisition of Easement
New York City Housing Authority (Baruch Houses), Manhattan Block 323, Lot 1 (CB3)**



Aerial View: Baruch Houses
Block 323, Lot 1
Figure 3

NYC DDC Capital Project: SANDRESM1
EAST SIDE COASTAL RESILIENCY PROJECT: ULURP APPLICATION

**Appendix Figure 4: NYCHA Riis Houses Access Acquisition of Easement
New York City Housing Authority (Jacob Riis Houses), Manhattan Block 367, Lot 1 (CB3)**



Aerial View: Riis Houses
Block 367, Lot 1
Figure 4

NYC DDC Capital Project: SANDRESM1
EAST SIDE COASTAL RESILIENCY PROJECT: ULURP APPLICATION

**Appendix Figure 5: Con Edison Power Station Acquisition of Easement
Con Edison, Manhattan Block 988, Lot 1 (CB6)**

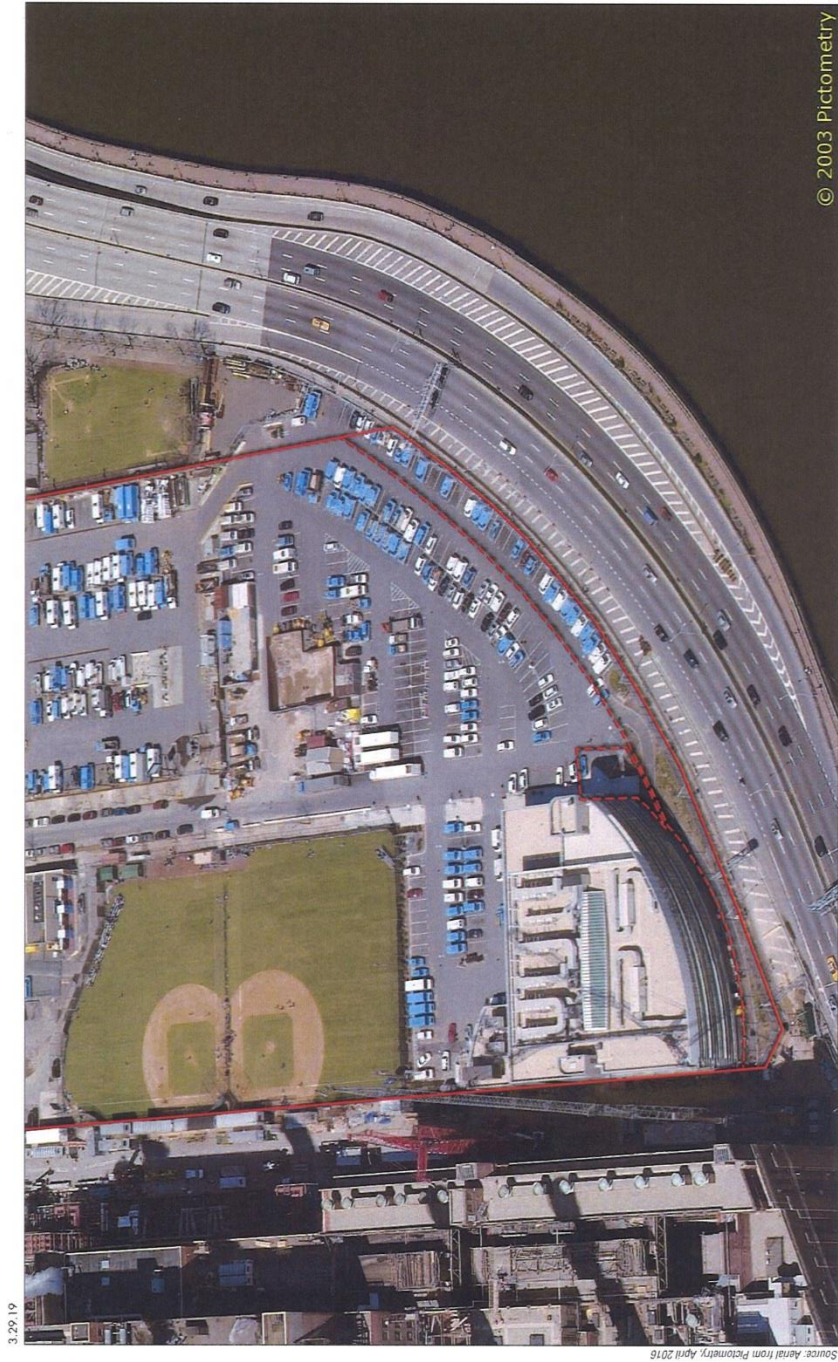
3.22.19



--- Approximate Location of Acquisition Area
— Lot Containing Acquisition Area

Aerial View: Con Edison Power Station
Block 988, Lot 1
Figure 5

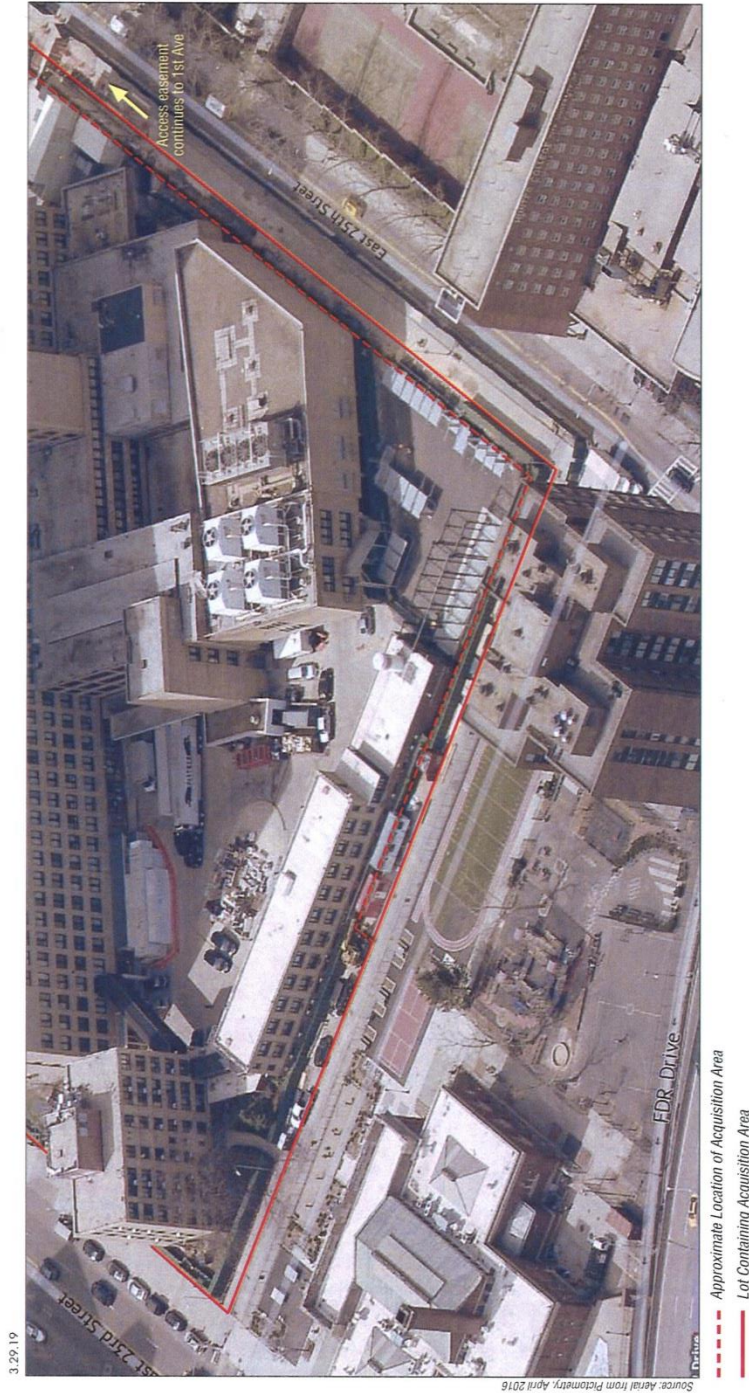
**Appendix Figure 6: Con Edison Office and Parking Lot Acquisition of Easement
Con Edison, Manhattan Block 990, Lot 1 (CB6)**



Aerial View: Con Edison Office and Parking Lot
Block 990, Lot 1
Figure 6

NYC DDC Capital Project: SANDRESM1
EAST SIDE COASTAL RESILIENCY PROJECT: ULURP APPLICATION

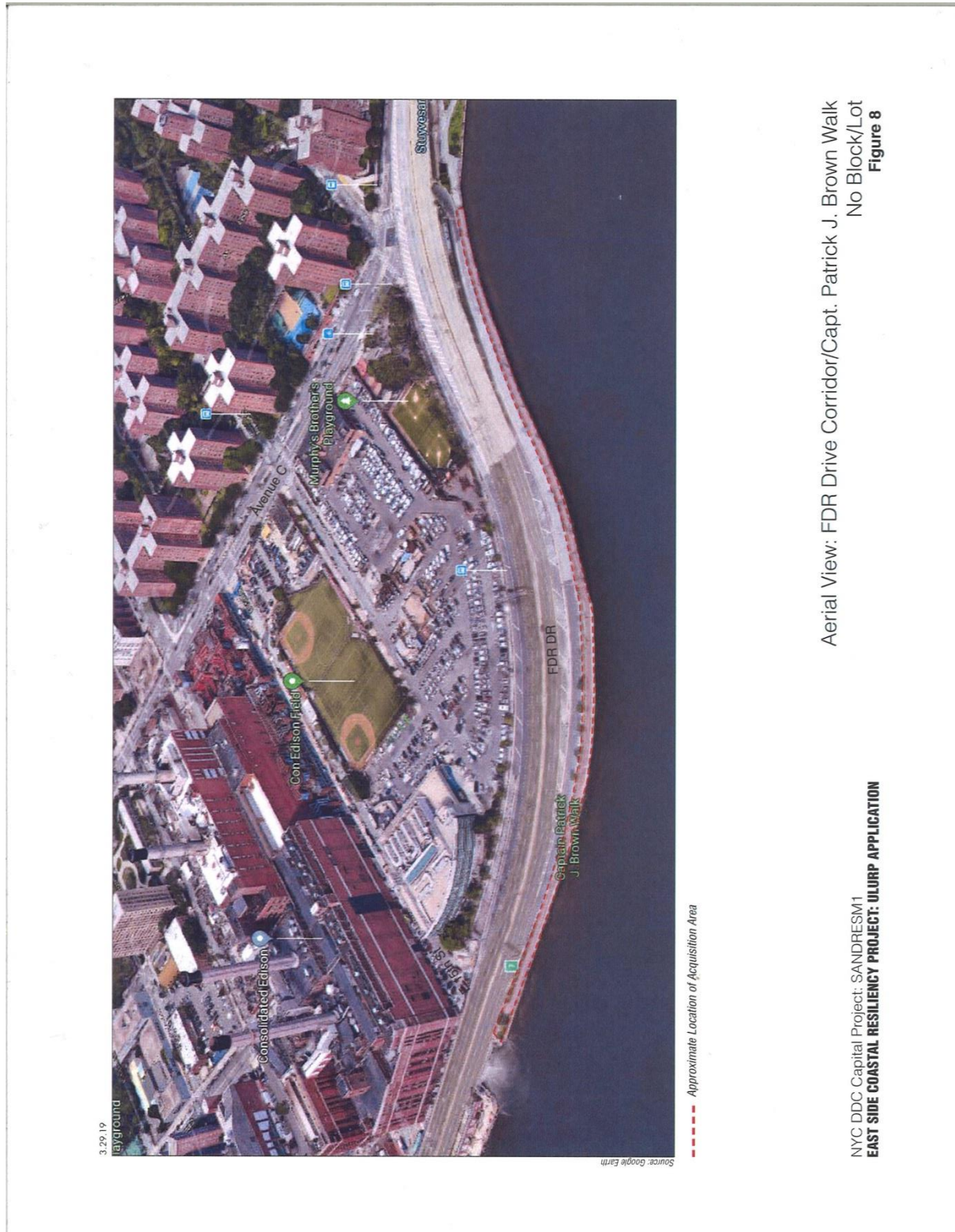
Appendix Figure 7: U.S. Department of Veterans Affairs (VA) Medical Center Acquisition of Easement | Manhattan Block 955, Lot 5 (CB6)



Aerial View: VA Hospital
Block 955, Lot 5
Figure 7

NYC DDC Capital Project: SANDRESM1
EAST SIDE COASTAL RESILIENCY PROJECT: ULURP APPLICATION

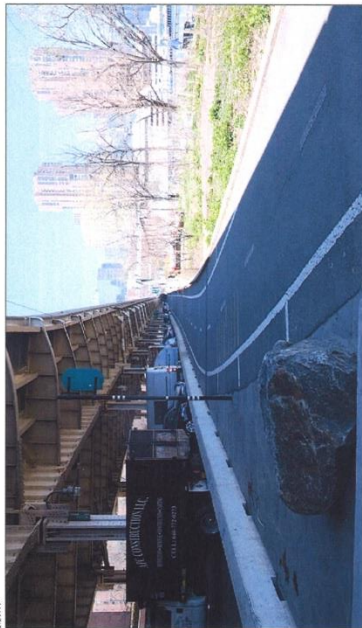
**Appendix Figure 8: Captain Patrick J. Brown Walk Acquisition of Easement
New York State Department of Transportation, portion of the mapped FDR Drive (CB6)**



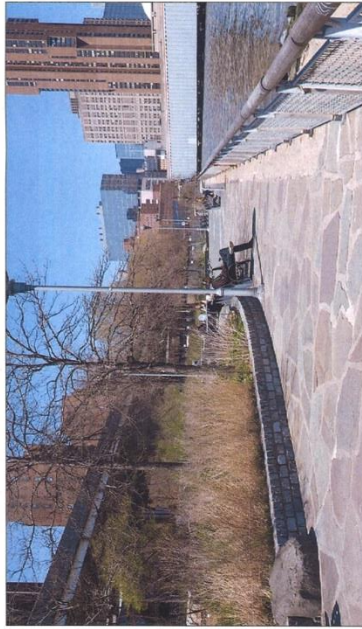
Aerial View: FDR Drive Corridor/Capt. Patrick J. Brown Walk
No Block/Lot
Figure 8

NYC DDC Capital Project: SANDRESM1
EAST SIDE COASTAL RESILIENCY PROJECT: ULURP APPLICATION

Appendix Figure 9:
Photographs of Stuyvesant Cove Park (Mapped “Marginal Street, Wharf, or Place”)
Re: Text Amendment to the Zoning Resolution (N190356ZRM)



Stuyvesant Cove Park bikeway, view north



Stuyvesant Cove Park esplanade, view north



Northern end of Stuyvesant Cove Park, view north



Photograph Key Map

Photographs:
Stuyvesant Cove Park
Figure 9

Photographs Taken on April 23, 2018

NYC DDIC Capital Project: SANDRESM1
EAST SIDE COASTAL RESILIENCY PROJECT: ULIRP APPLICATION

Prepared by AKRF

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THE CITY OF NEW YORK
DEPARTMENT OF CITY PLANNING

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ULURP PUBLIC HEARING

Nos. 42& 43

EAST SIDE COASTAL RESILIENCY

-----x

NYC DCP
120 Broadway
New York, New York

July 31, 2019

11:35 A.M.

B E F O R E :

MARISA LAGO, CHAIR
City Planning Commission

1

2 A P P E A R A N C E S:

3 **Members of the City Planning Commission**

4 Marisa Lago, Chair

5 Kenneth J. Knuckles, Esq., Vice Chair

6 David J. Burney

7 Allen P. Cappelli

8 Michele de la Uz

9 Hope Knight

10 Anna Hayes Levin

11 Orlando Main

12 Larisa Ortiz

13 Raj Rampershad

14

15 ALSO PRESENT:

16 The Public

17 The Press

18 Marc Russo, Stenographer

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P R O C E E D I N G S

MS. GRUEL: Borough of Manhattan,
Calendar Nos. 42 and 43.

Calendar No. 42, CDs 3 and 6,
C190357PQM;

Calendar No. 43, N190356ZRM.

A public hearing in the matter of
applications for acquisition of property and for
Zoning Text Amendment concerning the East Side
Coastal Resilience.

Notice: A public hearing is being
held by the City Planning Commission in conjunction
with the above ULURP hearings to receive comments
related to a Draft Environmental Impact Statement.

This hearing is being held
pursuant to the State Environmental Quality Review
Act and the City Environmental Quality Review.

CHAIR LAGO: We will have a
ten-minute presentation by an applicant team
comprised of:

Jamie Torres-Springer; and,
Alyssa Cobb-Konon.

And they will also be joined for
questions by other representatives of the

1

2 Department of Design and Construction, the Mayor's
3 Office of Resiliency and the City's Department of
4 Environmental Protection.

5

MR. TORRES-SPRINGER: Thank you,
6 Madam Chair.

7

Good morning, everyone.

8

I'll provide a brief overview --
9 sorry, Jamie Torres-Springer, First Deputy
10 Commissioner with the Department of Design and
11 Construction.

12

I'll provide a brief overview of
13 our project plan for this proposal and the
14 approvals we're seeking along with my colleague,
15 Deputy Commissioner Cobb-Konon from Parks, who will
16 give you a brief design overview.

17

East Side Coastal Resiliency is
18 the first major effort to provide flood protection
19 along Manhattan's East River edge, which is
20 particularly low lying and vulnerable to coastal
21 flooding. As we saw during Hurricane Sandy where
22 110,000 members of this neighborhood, residents
23 were impacted severely.

24

From the initial conception of the
25 project, the City has worked with community

1

2 stakeholders to develop a solution to this
3 difficult problem, working towards the goals you
4 see here.

5

6 First, to provide reliable
7 protection from flooding, minimizing the use of
8 structures that must be opened and closed and are
9 at greater risk of failure and more in need of
10 maintenance.

11

12 We need to do so while also
13 improving waterfront open spaces and access for a
14 neighborhood much in need of these resources and
15 have worked with the community on developing these
16 improvements.

17

18 The project received \$338 million
19 in federal funding through the Rebuilt By Design
20 competition and the City has subsequently added
21 over \$1 billion to the City's capital budget to
22 fully fund it. It is fully funded.

23

24 We are also trying to deliver the
25 project as quickly as possible to respond to the
26 urgent need for flood protection in this
27 neighborhood, which as I'll note shortly, led us to
28 recent modifications of the delivery approach.

29

30 There are 110,000 residents in the

1

2 future projected 100-year, or one percent annual
3 chance flood plain, who will be protected as a
4 result of ESCR's construction including, I would
5 emphasize, nearly 15,000 public housing residents
6 in NYCHA properties very close to the water's edge.

7 The proposed approach to achieving
8 these goals is to go from the condition you see at
9 the top with both East River Park and the
10 neighborhood behind it, subject to both hurricane
11 scale flooding, as in Sandy, and in the future also
12 more frequent tidal inundation, which we
13 anticipate, which impacts the ability, or will
14 impact the ability to use the Park on a monthly or
15 even a daily basis.

16 To go from that condition at the
17 top to the condition at the bottom where we're
18 proposing to raise East River Park eight feet from
19 its current condition on top of a structural flood
20 wall. You wouldn't know that the flood wall was
21 there. The Park would be on top of it for the
22 length of the East River Park. And this will
23 result in long-term protection of East River Park,
24 as well as the neighborhood behind it.

25 You can see here that East River

1

2 Park provides in this plan, the passive, or more
3 reliable, protection. And outside of East River
4 Park, to the north and to the south, where we don't
5 have the ability to raise the land edge, a series
6 of flood walls and gates will be used to provide
7 protection.

8 Now this overall reflects a change
9 in the approach from pervious iterations of the
10 project, where we were previously planning to build
11 a wall along the FDR Drive, adjacent to East River
12 Park and then raising only a portion of East River
13 Park to meet that wall. That would be sitting
14 between the community and the Park.

15 After extensive constructability
16 review last year, we concluded that we could not
17 deliver that previous approach in any reasonable
18 time frame and that it also, left East River Park
19 in the future vulnerable to flooding. And,
20 therefore, we took the decision to move to this
21 approach.

22 But the thing that I want to
23 emphasize about this approach is that it includes
24 the same program for rebuilding East River Park.
25 East River Park would have been rebuilt in a

1

2 previous approach as well. The same program for
3 rebuilding East River Park that was developed with
4 the community through engagement over many years,
5 it includes that same program but a different
6 engineering approach to deliver the project.

7 All of East River Park, as well as
8 three open spaces to the north, Murphy Brothers
9 Playground, Asser Levy Park and Stuyvesant Co-Park
10 will be fully reconstructed as part of this
11 project.

12 We've heard concerns from the
13 community about this new approach and have done an
14 in-depth assessment of these approaches in the EIS,
15 both the prior approach and the current approach,
16 and it accompanies this ULURP application.

17 The project, I would also note,
18 includes a parallel conveyance drainage system to
19 help detain stormwater in cases where heavy
20 rainfall coincides with the coastal flooding, as
21 well as interceptor gates at the top and the bottom
22 of the project to provide a water tight system.

23 The project will enable us to
24 rebuild the East River Park, as well as improve
25 access, rebuilding, replacing three bridges as you

1

2 see here, and adding a new fly over bridge at 14th
3 Street, next to the Con Edison plant and improving
4 other access points.

5

MS. COBB-KONON: Hi. I'm Alyssa
6 Cobb-Konon from New York City Parks, a Deputy
7 Commissioner.

8

The picture you see here is
9 existing condition in East River Park. East River
10 Park was built in 1939. It's a Robert Moses'
11 design. As you can see here, access from the
12 community into the Park is almost an afterthought.

13

Improved access from the community
14 into the Park is one of the primary goals of this
15 project. You can see in this image direct,
16 at-grade access into the elevated Park, out of
17 storm's way, out of the damage of sea level rise.
18 We're planting a diverse, resilient planting
19 palette, unlike the plantings that predominate the
20 Park today.

21

Jamie mentioned 19 gates. Here's
22 one of them at Montgomery Street, showing the tie
23 back into the community.

24

And here's an image of a gate
25 deployed in a storm.

1

2

3

4

Zooming out on our plan, you can see rooms -- or a bridge and its relationship to East River Park.

5

6

7

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10

We see in this rendering a needed reconstruction of Williams Park Bridge and the integration of the amphitheater at East River Park, a new playground, the provision of solar lights on a larger scale in New York City Parks for the first time.

11

12

13

14

15

One of the key things that we heard from the community was to replace all the active recreation and to improve access and passive informal spaces within the Park, which is reflected in this design.

16

17

18

19

20

Here's an example of enhanced sense of passive space and arrival at Houston Street with direct access into the Park at grade, a greeting and entrance lawn, followed by step-downs and embayments to look and touch the live water.

21

22

23

In the previous slide, I showed you an image in 2015 mean high water. This slide shows mean high water in 2015.

24

25

This project will reconstruct the bulkhead in East River Park, also a needed

1

2 investment in the Park.

3

4 Moving north to 10th Street, the
5 replacement of the existing program continues, plus
6 new modern Park buildings and sorely needed
7 reconstruction of the playground at 10th Street.

8

9 Here's an image of how the fly
10 over bridge, the Jamie mentioned, moves over East
11 River Park, over the Con Ed buildings, solving the
12 three-foot wide Con Ed pinch point that has long
13 been identified as key to making the Manhattan
14 Greenway complete.

15

16 Landing at the northern section of
17 the project, where the flood wall runs along the
18 Con Ed facility and the FDR, shelters -- Murphy
19 Brothers Playground and then moves under and behind
20 Stuyvesant Co-Park, effectively under the FDR, with
21 a focus on entrances at Stuy Cove and a back and
22 integrated into Asser Levy Rec Center and
23 Playground for its tie back and completion of the
24 flood protection compartment.

25

26 Here is a closer up image of
27 Stuyvesant Cove Park, which echoes much of the
28 current designs with emphasis on passive space and
29 native plantings.

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MR. TORRES-SPRINGER: Thank you.

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I'll just give you an update on status and the schedule. We're currently finalizing design and pending approval by the Commission and City Council, the ULURP actions would enter construction in March of 2020.

This would enable us to operationalize flood protection for the community by or prior to hurricane season of 2023 and complete the entire project, including all of the open space improvements by the end of 2023. It's a three-and-a-half year project schedule.

We have, and will continue to do extensive community engagement related to this very complex project. We've held nearly 60 meetings since last September and will continue to engage the community into construction.

In terms of the ULURP actions, they mainly consist of the authority to negotiate access easements adjacent to where we will be building flood protection structures. The structures themselves will be built in the City right away but we're required to show the federal government that we have access for maintenance and

1

2 inspection.

3

4 There's also a technical zoning
5 amendment required for Stuyvesant Cove Park since
6 it's not -- it's not City parkland.

6

7 We studied various project
8 alternatives in our Environmental Impact Statement.
9 In terms of significant impacts, the only ongoing
10 one is some minor impacts on views of the water
11 from the FDR or adjacent to the FDR.

11

12 During construction, we have a few
13 impacts that are serious that we're working to
14 mitigate. We took the decision, which was a
15 difficult one, to close East River Park as we
16 concluded that, during construction, as we
17 concluded that we could not deliver the project on
18 schedule while keeping users safe. However, we're
19 actively looking at opportunities to phase
20 construction to mitigate these closures and we
21 expect to have news on this as we complete design.

21

22 In addition, the Parks Department
23 is working with local leagues and deploying a
24 significant number of replacement resources and
25 improvements in surrounding neighborhoods to
26 mitigate the closure. This is something that the

1

2 City is taking very seriously and working very hard
3 on. And we're happy to talk about it further
4 during your questions.

5

We're also seeing some
6 transportation impacts from construction that can
7 be mitigated, particularly because in this project
8 approach, we're able to use barging for materials
9 that significantly limit truck activity.

10

And that takes me to the end of my
11 time.

12

Thank you very much.

13

And we're happy to respond to your
14 questions.

15

CHAIR LAGO: Vice Chair Knuckles.

16

VICE CHAIR KNUCKLES: Thank you.

17

Regarding water and sewer
18 infrastructure, what kinds of measures are being
19 taken to avoid some unintended consequence in terms
20 of the possible impact on substantial residential
21 presence?

22

MR. TORRES-SPRINGER: Right. As

23

to the --

24

VICE CHAIR KNUCKLES: West of

25

you.

1

2

MR. TORRES-SPRINGER: To the west

3

of here. Sure.

4

So -- so I think where you're

5

going with that is, one of the big concerns when we

6

provide the coastal edge protection, is that when

7

the edge is higher and our outfalls are higher but

8

still in the water in a hurricane coastal surge

9

condition, there's a concern that you can get back

10

flow because the water can't get back out into the

11

river. So people call it the bathtub effect.

12

So we actually found that we do

13

have capacity in our large sewers, our

14

interceptors, that take the flood waters to the

15

pump station and for a typical heavy rainfall

16

condition, what we were missing was some additional

17

smaller sewers that would detain and move water

18

into those interceptors in that condition. So

19

that's what this parallel conveyance system is.

20

It's essentially expanding the sewer system within

21

the neighborhood.

22

VICE CHAIR KNUCKLES: So you're

23

adding more capacity?

24

MR. TORRES-SPRINGER: We are

25

adding more capacity.

1

2

CHAIR LAGO: Commissioner De La

3

Uz.

4

COMM. DE LA UZ: I commend you for

5

giving all that presentation and in that period of

6

time. That was fast.

7

But a couple of questions for you.

8

The proposal as outlined, it protects from sea

9

level rise through 2050 or is it beyond 2050?

10

MR. TORRES-SPRINGER: I appreciate

11

the opportunity to clarify that.

12

So the -- the project is being

13

designed to a flood elevation that we have as a

14

projection from the New York City panel on climate

15

change, in the 2050s. But what we call the 90th

16

percentile projection, that is the most severe

17

projection that we have for the 2050s. And it's

18

equivalent to the mid point projection in the

19

2100s.

20

Having said that, the project

21

also, as I mentioned quickly, this is a structural

22

flood wall. That's really the key. And the

23

project has the capacity for us to add two feet to

24

it, which is consistent with the projection of what

25

a hundred-year flood would look like in the 2100s.

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So we are providing for a project that would have a useful life into the 2100s and, of course, just to be clear, the reason that you don't just, you know, raise it as high as you can possibly imagine is that, you know, you want to maintain some access and perspective that you can see the river

And, also, we don't know what the long-term future holds both in terms of climate risk and in terms of new technologies that may be useful.

COMM. DE LA UZ: If I might, I'm assuming that the group of folks behind you are going to speak a lot about the change and approach and what led to that.

And I'm wondering if you could detail a bit more. I think you said that the primary reason for the change was constructability concerns. If you could like unpack what that means exactly, that would be helpful.

And then, finally, if I may, with the 19 gates -- I believe you said 19. I just want to know like, who would deploy them? Who would maintain them? To me that just looks like space

1

2 that's there's going to be a lot of graffiti, much
3 less, you know, maintenance to make sure they
4 actually work. So if you could also speak to that.

5

Thanks.

6

MR. TORRES-SPRINGER: Great. I'm
7 going to ask Kerry Grassi from the Mayor's Office
8 of Resiliency to speak to that last question.

9

In terms of the change and
10 approach, I mean, I think sort of give you a couple
11 of points on that.

12

So the first is just sort of
13 outlining what the rationale is and there are a
14 number of different rationales.

15

The biggest concern that we had
16 from a constructability point of view at DDC was
17 that the previous approach required us to build a
18 structural flood wall, which means driving piles
19 down into the ground adjacent to the FDR
20 Expressway.

21

We would have had to do that at
22 night. We had planned for four years of night-time
23 lane closures and in order to get that done and
24 that is a very challenging proposition to think
25 that it will actually happen that fast. So we were

1

2 very concerned about whether we could maintain the
3 schedule.

4

There's also a lot of accompanying
5 noise, which is closer to the NYCHA housing that's
6 right on the other side of the FDR.

7

Another point that I tried to make
8 in the presentation is that passive flood
9 protection is always more reliable than active.
10 Something that you need to open and close. And so
11 it's much better to have raised the land edge for
12 East River Park in order for this to work.

13

The last point, which I think my
14 colleagues from Parks will always emphasize, is
15 East River Park previously remained subject to
16 flooding in both the 100-year flood and, also, what
17 we expect the sea level rise to be more frequent
18 tidal inundation.

19

And, you know, there are
20 provisions for designing and building a so-called
21 floodable Park, but the concern that we heard from
22 the Parks Department in particular is, this is a
23 Park that's relied on for a lot of active
24 recreation and it's much more difficult to bring an
25 active recreation park back on line quickly.

1

2

3

4

5

6

So the view is that this is an investment in the long-term future of East River Park, which really in many ways would have become more frequently unusable had we not made this intervention.

7

8

9

10

11

I do -- just to make a second point, we have acknowledged that in examining the constructability issues and re-thinking the approach to delivering the project, that we could have done better with community engagement.

12

(Audience participation.)

13

14

MR. TORRES-SPRINGER: We have certainly tried to do a lot better since.

15

(Audience participation.)

16

17

18

19

MR. TORRES-SPRINGER: As I've mentioned, we've now held almost 70 meetings with members of the community since September of last year.

20

(Audience participation.)

21

22

MR. TORRES-SPRINGER: And continue to be available to hold meetings and --

23

(Audience participation.)

24

25

CHAIR LAGO: Please allow the speakers to continue so that we can get to the many

1

2 members of the public who are interested in
3 testifying.

4

Thank you.

5

MR. TORRES-SPRINGER: Thank you.

6

7 And I want to ask Carrie to
8 respond on the gates.

8

9 MS. GRASSI: Hi there. My name is
10 Carrie Grassi, with the Mayor's Office of
11 Resiliency.

11

12 Thank you for your question about
13 operations and maintenance.

13

14 Our City Department of
15 Transportation will be responsible for the
16 operations and maintenance of the flood walls and
17 gates, while DEP will be responsible for the
18 operations and maintenance of all of the associated
19 drainage infrastructure.

19

20 We are actively working on both an
21 operations and maintenance plan manual, with sort
22 of regular inspection periods, in addition to an
23 emergency response plan. All of this in
24 coordination with the Office of Emergency
25 Management, FDNY and the Police Department.

25

So that is in -- in process right

1

2 now. We do have to submit those plans to FEMA for
3 system accreditation and we're working towards that
4 submittal this fall.

5 CHAIR LAGO: Commissioner Ortiz.

6 COMM. ORTIZ: Hi. This Park and
7 this neighborhood is -- is located quite a distance
8 from public transit. And, you know, the Park itself
9 has become really an important transportation
10 artery. You know, the bike lane is -- it's very
11 well used. People walk up and down and I do that
12 very frequently myself. And now the ferry, there
13 are two ferry stops.

14 We have been told that the ferry
15 would remain open. If that's still the case, could
16 you speak to the impact on sort of the
17 transportation element that this Park currently
18 provides.

19 MR. TORRES-SPRINGER: Sure.

20 Thank you, Commissioner.

21 So, correct, we will be retaining
22 both of those ferry stops through -- throughout
23 construction and access to them.

24 The East River Greenway, as you
25 note, in order for us to have an active

1

2 construction project here, the East River Greenway
3 will have to be closed for this duration. Our
4 colleagues at DOT are working on plans to address
5 that.

6

Certainly there are protected bike
7 lanes on 1st Avenue and 2nd Avenue. Those will be
8 a big part of that plan.

9

They're also discussing with
10 Councilmember Rivera other options. For instance,
11 on Avenue B and C, whether there's an opportunity
12 to expand protected bike lane capacity. And the
13 issue there as always is, the number, you know, the
14 short amount of on-street parking and the impact on
15 the traffic network. DOT is looking carefully at
16 those questions.

17

COMM. ORTIZ: I mean, I think that
18 that's got to be thought through because of the
19 importance of this as the north-south connector and
20 all of those options are fairly far removed from
21 the neighborhood that will be most affected.

22

(Applause.)

23

CHAIR LAGO: Other questions?

24

(No response.)

25

CHAIR LAGO: Okay.

1

2

Then I will thank the applicant

3

team.

4

We will now turn to speakers and

5

the way we'll conduct this is that we will have

6

five speakers in opposition, followed by five

7

speakers in support and going back and forth that

8

way.

9

Speakers will be limited to three

10

minutes. As always, we welcome the testimony from

11

our elected officials and we extend them the

12

courtesy of not limiting them to the three minutes.

13

And so I welcome Manhattan Borough

14

President Gale Brewer.

15

(Applause.)

16

BORO. PRES. BREWER: Thank you

17

very much, Chair Lago and Commissioners.

18

It's a -- it's a hard topic.

19

This is the East Side Coastal

20

Resiliency ULURP application. We have a 39-page

21

application, which hopefully by now you have a copy

22

of. We spent extra time putting it together and we

23

know that despite the opposition against the scale

24

and the time and the cost of alternatives for

25

proposed design, it is clear that the City would

1

2 have to invest in sustainable and resilient flood
3 protection measures.

4

We know that Sandy was a wake-up
5 call. It was tremendous devastation. In New York
6 City, 43 residents lost their lives, 1.1 million
7 children weren't able to attend school for a week
8 or longer. Two million people lost power. And 65
9 patients were evacuated from hospitals and nursing
10 homes in the flood zone. The economic losses were
11 \$90 billion or more.

12

And Lower Manhattan was
13 particularly impacted. Flooding, as everyone knows
14 who lives there, affected critical infrastructure,
15 200,000 residences and businesses employing 300,000
16 people. All the hospitals were impacted like
17 Bellevue, which it has the trauma center, as we
18 know, the Veterans Hospital and Downtown Hospital.
19 All had impacts.

20

Sandy made clear that we have to
21 be creative. We have to be effective. We have to
22 be resilient. And the plan before us is New York
23 City's largest undertaking to date and it raises
24 many, many, many serious concerns, including the
25 construction time line, environmental and social

1

2 impacts.

3

4 The East Side Coastal Resiliency
5 has been an ongoing effort since 2015. The
6 communities in Manhattan most directly impacted by
7 Sandy were involved in a robust outreach process to
8 create a plan called, Design Alternative 3. And
9 that was a very long process.

10

11 The community raised then
12 legitimate issues when the public engagement
13 centered on Design Alternative 3, when it was
14 replaced suddenly in late 2018 and when they say no
15 impact -- I think that's what they're talking about
16 in particular.

17

18 In contrast to Design Alternative
19 3, the current approach, known as Preferred Plan,
20 or Design Alternative 4, if you landed from Mars,
21 you wouldn't know what all this stuff was. But it
22 would raise the East River Park, as we know, eight
23 to nine feet above the 100-year flood plain and
24 would require the Park to be closed for 3.5 years.

25

26 We have serious concerns about 4,
27 Design Alternative 4, and about the City's decision
28 to disregard three years of community input. But
29 in my recommendation, I outline the ways that

1

2 Design Alternative 4 can be improved. And I just
3 want to highlight some of my concerns.

4 I just want to mention too that
5 we've had, in our office, we had a very robust
6 hearing with hundreds of hundreds of people, most
7 of whom were against it. But some people,
8 particularly those from the residents of NYCHA, do
9 want it to go forward. You'll hear from all of
10 them.

11 We had a borough board vote.
12 We've been to the hearings of the very active
13 Community Boards. I want to give them a lot of
14 credit because they put a great deal of time in.
15 And we're very concerned about two issues that I
16 will mention.

17 One, is the timing and how you
18 could break up the closing of the Park; and,

19 Secondly, we absolutely need --
20 and you'll hear about this outside, an outside
21 reviewer.

22 There has been no independent
23 Environmental Review. That's number one.

24 We're being asked to rely on the
25 single estimate of the time frame of construction

1

2 and its environmental impacts. At the same time,
3 there's been no evaluation of how this project
4 compares to the discarded alternatives.

5 Many residents have come to me
6 personally to express their distrust about the
7 process that led to the project and have demanded
8 that it be reviewed by an outside expert. To
9 address this issue, I have asked that an expedited,
10 independent review be undertaken by a non-New York
11 City based environmental consultant because there
12 are too many conflicts of interest when you're from
13 New York.

14 (Applause.)

15 BORO. PRES. BREWER: This will
16 provide -- this will provide reassurance of the
17 impact and the cost effectiveness of the project.

18 Number two, the construction as we
19 know, will displace many recreational and open
20 space amenities.

21 East River Park is beloved. It is
22 home to an amphitheater, picnic areas, sports
23 fields, public art. Don't forget about the public
24 art. We had forgotten about those sculptures.
25 Don't forget about that, and water play areas.

1

2

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4

5

Shutting the Park for 3.5 years would drastically impact children, seniors, residents who rely on these amenities for their physical and mental well being.

6

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9

In addition, this project would close surrounding green spaces, as we all know, like the Murphy Brothers playground, Stuyvesant Co-Park, Asa Levy playground and others.

10

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18

CB 6, one of the two, active, wonderful Community Boards, spending time on this, already has the lowest amount of open space per capita of any community district in the whole of New York City. It is unfair that in the name of resiliency, an estimated 28,200 residents who live within the project's radius would have no access to any green space while this project is being disrupted.

19

(Audience participation.)

20

21

22

23

24

BORO. PRES. BREWER: A phased time line must be established. I know there's a problem with the sewer and the length of it but I have a feeling that we could figure out how to do the phasing.

25

A phased time line must be

1

2 established that would allow for residents to
3 continuously use sections of the park during its
4 construction. This time line must accurately
5 account for permit approvals, settlement of fill
6 and the staging plan for the fly over bridge to
7 occur simultaneously for Park construction.

8 Regular updates must be provided
9 to the community and include information about the
10 phasing.

11 The Manhattan Borough Board, as I
12 mentioned earlier, voted on a resolution to approve
13 with conditions, the East Side Coastal Resiliency
14 project. My recommendation was a conditional
15 approval as well. Certain key conditions must be
16 addressed and included:

17 1. You must have established a
18 community taskforce for the project;

19 2. Create alternative, active and
20 passive sites and provide free transportation to
21 youth if needed;

22 3. Incorporate existing art cases
23 on the East River Park into the new Park design. I
24 mentioned those earlier.

25 4. This is important. We must

1

2 pay for reconstructing the fire boathouse out of
3 the flood plain and save the Lower East Side
4 Ecology Center, which is beloved.

5

(Applause.)

6

BORO. PRES. BREWER: 5. Use
7 quieter construction equipment and little to no
8 night work construction. And that is possible to
9 do in 2019, quieter construction equipment. But
10 you have to push the contractors to do it;

11

Qualify -- make sure we qualify
12 for a Envision Certificate, which is basically for
13 sustainability. It's like LEED or more;

14

Plant mature trees, not little
15 tiny ones that don't give you shade. Plant mature
16 trees and mitigate the huge loss of habitat for
17 wildlife;

18

Directly and promptly announce
19 road closures and area closures to the community;

20

Ensure transparency through public
21 engagement with NYCHA's community residents and
22 residents and everyone at CB3 and CB6.

23

In addition to these concerns, I
24 know that the community has others and you will
25 hear about them.

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ULURP is intended to ensure a robust outreach and proper public review. It is critical that we receive positive responses to our recommendations and concerns. These are no joke because this is a huge project.

The City must continue to engage with Community Board 3 and 6 to address their concerns, and there will be many, and with property owners. And you'll hear more about them to address their site specific issues.

Thank you very much.

And I say that every aspect of this project has to be transparent because it is huge and the community and myself and elected officials, if it goes forward, will be on like white on rice.

Thank you very much.

(Applause.)

CHAIR LAGO: Questions for the Borough President?

Vice Chair Knuckles.

VICE CHAIR KNUCKLES: Madam President, thank you for your input.

You mentioned the time frame of

1

2 three-and-a-half years. Do you think the measures
3 and the conditions that you just enumerated will
4 impact that time frame at all or what do you think
5 is a suitable time?

6 BORO. PRES. BREWER: Well, I mean,
7 I think the main issue is that if you have to phase
8 -- if you phase, which is necessary, it would take
9 a little bit longer, then I think that's what the
10 community wants.

11 What we don't want is three-and-a-
12 half years, absolutely no park. So I'm making this
13 up, if it takes four years and you have a phasing
14 aspect that's every aspect of what we listed here,
15 is accomplished, I think people would be more
16 supportive.

17 VICE CHAIR KNUCKLES: Thank you.

18 (Applause.)

19 CHAIR LAGO: Other questions?

20 Commissioner Ortiz.

21 BORO. PRES. BREWER: How likely
22 is our big issue.

23 COMM. ORTIZ: Yeah.

24 Have you gotten any feedback from
25 the City on -- on what those impacts might be or

1

2 has there been any exploration of a phased approach
3 and how much longer --

4

BORO. PRES. BREWER: The only
5 thing -- no, the only thing we've heard -- what
6 you've heard today -- to me it seemed like why is
7 so hard to phase. But they have to figure out how
8 to deal with the sewer line.

9

Somebody brought up the issue of,
10 I think you did, sir, about the issue of the sewer
11 and the water. So the sewer line is one line. So
12 I guess if you start phasing the sewer line, then
13 you might have a problem with the sewer. But I
14 can't believe it can't be done. I think it can be
15 done.

16

COMM. ORTIZ: Yeah. I mean, the
17 other thing I think we've heard loud and clear and
18 I think all of us are concerned about is -- is just
19 the continued risk that this neighborhood faces
20 from future storms.

21

BORO. PRES. BREWER: Right.

22

I mean that is a concern,
23 whether you're sitting here almost open to
24 construction/storm without anything until the
25 project is done. We bring that up constantly. I

1

2 don't know that I have the answer. Obviously in
3 other parts, South Street Seaport, Wall Street
4 we're using, I call them life jackets but they have
5 a fancy term. They're a buffer. And that was also
6 brought up. So we have some kind of a buffer
7 during this time period. It hasn't been answered.

8

COMM. ORTIZ: Thank you.

9

CHAIR LAGO: Other questions?

10

(No response.)

11

CHAIR LAGO: Thank you, Madam

12

Borough President.

13

BORO. PRES. BREWER: Thank you.

14

We will now turn to speakers in

15

opposition, beginning with Gary Altman;

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Who will be followed by Ellen

17

Gentaviso.

18

MR. ALTMAN: Hi. I'm Gary Altman,

19

Board President of East River Housing, a 1,672 unit

20

co-op on Grant Street and the FDR Drive.

21

Today I'm asking you to withdraw

22

the proposed easement application for the proposed

23

construction of a parallel conveyance on the East

24

River Housing's private property from the ULURP

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application for the following reasons.

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For the last four years, my board has worked cooperatively with the City to come up with a viable flood protection plan to ensure the safety of our neighborhood in case of a future Sandy type storm.

More than three years after these conversations began, the City notified us that it wanted to acquire a permanent, subterranean easement in the middle of our parking lot within which to install a sewer parallel conveyance. The location of this construction is within a few feet of our 21-story buildings, children's sprinklers and playgrounds, shaded benches for our seniors, many in their 80s and 90s, as we are a NORC, a power plant where you produce heat and hot water for almost 3,000 apartments in the area.

Post construction will not only displace over 50 cars from our private property for an unknown period, an impact which the City has yet to make any offer of relocation or mitigation, but would also totally cut off access to our maintenance garage and prevent access to all our garbage, recycling, heavy digging and snow removal trucks and equipment.

1

2

How do we pick up over 80 tons of
garbage a week from thousands of apartments?

4

5

6

7

Clear dozens of blocks of snow
or have our heavy equipment to fix underground
steam leaks in order to provide heat and hot water
to over 7,500 people?

8

9

10

Where do we park over 50 cars and
all our co-op service vehicles that are now parked
on private property?

11

12

13

14

For over a year, we've asked the
City for a practical solution to these significant
and negative adverse impacts but we've yet to
engage on a substantive basis.

15

16

17

18

19

20

The DEIS mentions almost nothing
at all about our environmental and health issues.
It references the East River Housing can plate its
issues with those of other sites where construction
will not occur in the middle of private property
but only along roadways and street blinds.

21

22

23

24

25

Other documents absurdly and
falsely assert that this proposed acquisition and
construction will have no adverse effect on our
co-op as no structures sit on that exact location.
Isn't that like saying that if the parallel

1

2 conveyance was to be constructed in the in field of
3 the Yankee Stadium, it would also have no adverse
4 effect, as no structure sits between first and
5 third base?

6 The sewer parallel conveyance may
7 not be a necessary part of the Coastal Flood
8 Protection and Surge Protection Plan designed to
9 keep water from overflowing from the river into our
10 community. It's to alleviate sewage overflow in
11 heavy rainfalls from going towards the river.
12 Thus, there's no immediate need for it to be
13 included in the ULURP application.

14 We ask the City -- that the City's
15 proposed acquisition of an East River -- of an
16 easement on the East River Housing parking lot be
17 withdrawn, that a new application be made only
18 after the City has satisfactorily considered in
19 detail the adverse impacts the proposed
20 construction will have on our co-op's operations
21 and residents and the concerns we have expressed.

22 And the alternative for CPC should
23 only approve it, only on the condition that the
24 City address all the East River's concerns in a
25 written agreement signed by both sides.

1

2

(Bell.)

3

CHAIR LAGO: Thank you, Mr.

4

Altman.

5

Just in under the bell.

6

Questions from the Commission?

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Commissioner De La Uz.

8

COMM. DE LA UZ: Mr. Altman, I

9 think you, I don't know if you quite finished your
10 last sentence.

11

MR. ALTMAN: I think I had one

12

more paragraph. Okay --

13

COMM. DE LA UZ: If you could

14

summarize that paragraph in a few seconds.

15

MR. ALTMAN: Sure.

16

We intend to submit formal written

17

comments on the DEIS proposal and we ask anyone

18

from the Commission to come down, look at the

19

property where we're talking about and see if the

20

lives of our seniors, children and families will

21

not be severely impacted.

22

And we do support flood protection

23

for our community. We just want a plan that's

24

liveable for the cooperative in our community.

25

And, again, we are in NORC, which is a naturally

1

2 occurring retirement community with thousands --
3 80s is young in our building. Nineties is -- on
4 our seniors, standard.

5

CHAIR LAGO: So you're the new kid
6 on the block.

7

(Laughter.)

8

MR. ALTMAN: Well, my mother will
9 turn 90 in four weeks and she has been in her
10 apartment since 1948 in our sister co-op.

11

CHAIR LAGO: And Mr. Altman, since
12 we are a Commission -- Commissioners very
13 frequently go out to look at sites. Could you give
14 us the address.

15

MR. ALTMAN: Yes. It would be 57
16 Grand Street, right -- the parking light is on
17 Delancey Street just off the service road of the
18 FDR Drive. And we'd be glad to have our chief
19 engineer, our maintenance director, just to show
20 you our backhoes and equipment that there's no
21 place to -- and no access to move a different ramp
22 off because we have our oil tanks on that side.

23

We burn gas always, clean, natural
24 gas. But in cold weather Con Ed calls and says,
25 switch to oil. And we're required to do that.

1

2

CHAIR LAGO: Commissioner

3

Rampershad.

4

COMM. RAMPERSHAD: Thanks for

5

your testimony.

6

7

I have a question with regards to this easement and the parking lot. Did they discuss

8

to you the size of the easement, the metes and

9

bounds of it?

10

MR. ALTMAN: Yes, there's a

11

proposed permanent easement location. But the

12

construction easement location being much greater

13

is what's going to totally cut off our access.

14

When we asked for another location

15

for parking, you know, we're still working on this

16

with them. When we asked perhaps under the

17

Williamsburg Bridge because there's streets there

18

and MTB and DOT have trucks there and others, we

19

were told at first, no. Yet Citibike, more than

20

two blocks away, had a huge parking lot given to

21

them for their trucks and excess bikes so they can

22

ferry them around. We would only be for the period

23

of construction, whether that's nine months to --

24

or, you know, that's undefined.

25

CHAIR LAGO: Other questions?

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2

(No response.)

3

CHAIR LAGO: Thank you, Mr.

4

Altman.

5

MR. ALTMAN: Thank you.

6

(Applause.)

7

CHAIR LAGO: Our next speaker will

8

be Ellen Gentaviso;

9

Who will be followed by Julie

10

Wolman.

11

MS. GENTAVISO: Hello. My name

12

is Ellen Gentaviso and I'm the Vice President of

13

the Board of Directors of East River Housing

14

Corporation, which is also commonly called the East

15

River and it's a private property owner of lot 321,

16

lot 1.

17

Piggybacking on what my Board

18

President, Gary Altman, just spoke on, specifically

19

we dispute the conclusions stated in section G of

20

the land use application that, "The proposed

21

acquisition would not significantly affect the use

22

of or access to any properties or any primary or

23

accessory structures."

24

We had an April meeting where the

25

City had told us that the previously agreed upon,

1

2 three-year-old plan, with a short disruption moving
3 the current entrance to East River's parking lot to
4 create a longer handicapped accessible to Delancey
5 Street foot bridge with no impact on our
6 infrastructure, had been abandoned as spoken at
7 this meeting.

8 Now the City wants to excavate a
9 portion of the East River Cooperative parking lot
10 and install interior drainage 30 to 40 feet, with
11 the disruption lasting approximately three to four
12 years, displacing, as Gary'd mentioned, at least 50
13 residential parking spots without an accommodation.

14 We voiced many concerns at the
15 meeting, one of which is that land is a landfill.
16 The lot sits on a landfill and we question
17 excavation and its impact on the foundations for
18 both the power plant and residential buildings 3
19 and 4.

20 In addition, it was asked that
21 cars abutting our buildings 3 and 4 be moved three
22 to four feet closer to the building line, which
23 would impact quality of life for residents
24 certainly.

25 Construction would be near a

1

2 playground. Replacement parking, as Gary mentioned,
3 was told that it was impossible.

4

5 No construction details have been
6 provided, including the exact area the City wants
7 to actually acquire and do the construction on.

8

9 So a promised return for another
10 meeting was made to us and it was abruptly canceled
11 on 7/24/19 and subsequent meetings were promised to
12 be held with the East River Cooperative community,
13 as well as -- which is the shareholders that has
14 not taken place.

15

16 Therefore, as Gary stated, we
17 request that the proposal be withdrawn until the
18 City and East River Housing Corporation reach an
19 agreement that addresses our concerns. And, as he
20 stated in the alternative, you can conditionally
21 approve subject to and at such time as which we
22 reach a written agreement with the City that
23 addresses these concerns that we've expressed.

24

CHAIR LAGO: Thank you.

25

Questions for Ms. Gentaviso?

26

(No response.)

27

CHAIR LAGO: Thank you for your

28 testimony.

1

2

MS. GENTAVISO: Thank you so much.

3

(Applause.)

4

CHAIR LAGO: Our next speaker will

5

be Julie Wolman;

6

To be followed by Karen Weiss.

7

MR. WOLMAN: My name is Julie

8

Wolman. I am the General Manager of two

9

residential co-ops; East River Housing Corporation,

10

which is 1,672 units and Ulman Housing, which is

11

807 units. Together, more than 7,500 people reside

12

in the two co-ops, making them an equivalent to a

13

small town.

14

All the co-op residents will be

15

directly affected by the City's proposed

16

acquisition of an easement in the East River

17

parking lot and subsequent construction on the

18

parallel conveyance.

19

East River's parking lot has 275

20

spaces. It's used by residents on a daily basis.

21

East River's maintenance facility and vehicles are

22

next to the parking lot. The parking lot is the

23

only means of ingress -- ingress and egress for the

24

East River's maintenance vehicles to provide daily

25

garbage collections, snow removal, maintenance to

1

2 the 24 separate addresses.

3

4 East River stores and -- East
5 River stores its snow plows and calcium snow melt
6 next to the parking lot, which is the only means to
7 access them during the winter.

8

9 East River owns and operated a
10 power plant next to the parking lot that provides
11 hot water and steam to almost 3,000 apartments in
12 the area. The parking lot is the power plant's
13 second means of egress in the event of an
14 emergency.

15

16 The proposed construction in the
17 easement acquisition area of the parking lot poses
18 a direct and immediate threat to the health, safety
19 and welfare of more than 7,500 people in the East
20 River and Ulman buildings and that will negatively
21 impact the entire surrounding community.

22

23 The construction, estimated to
24 take two-and-a-half years, will prevent vehicles
25 from collecting and disposing of almost 80 tons of
garbage, yes, 80 tons of garbage in each and every
week.

26

27 It will prevent East River from
28 accessing snow removal equipment in the winter,

1

2 thereby preventing residents, including the many
3 elderly, from entering and leaving the building.

4

5

It will impede emergency vehicular
access.

6

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9

It will displace at least 50 cars
requiring East River residents to find -- find
on-street parking where there are no parking spots
available.

10

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12

It will prevent East River's
vehicles from accessing or leaving the maintenance
facility.

13

14

It will obstruct the power plant's
second means of egress.

15

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The power plant -- the power plant
and parking lot are built on landfill but we are
not aware of any analysis that the City performed
for the easement area surface stability or
probabilities of substantive sink holes, which will
have an occurrence in the past.

21

22

23

The DEIS gives no consideration to
the severe and negative impact that the proposed
construction will have --

24

(Bell.)

25

MR. WOLMAN: -- on thousands of

1

2 residents who live in the properties.

3

CHAIR LAGO: Thank you, Mr.

4

Wolman.

5

Questions?

6

Commissioner Ortiz.

7

COMM. ORTIZ: Hi. Good morning.

8

And I'm not sure if you're the

9 best person to ask this question. You know, large
10 surface parking lots are rare in Manhattan. You
11 certainly -- you have an amenity.

12

You know, has there been any

13 exploration of stackers or other strategies that
14 would enable you to retain your parking? You know
15 there are obviously ways in which you could do
16 that.

17

MR. WOLMAN: Well, based on that

18 that we're on landfill, having stackable parking or
19 those type of things are -- the feasibility of that
20 is not there.

21

COMM. ORTIZ: But you have

22

buildings on the landfill?

23

MR. WOLMAN: Correct. But

24

they're on piles and the buildings were built 50,

25

60 years ago. So that I don't believe is a

1

2 possibility.

3

4 COMM. ORTIZ: Okay. It would
probably take a professional opinion on that.

5

CHAIR LAGO: Other questions?

6

(No response.)

7

CHAIR LAGO: Thank you, Mr.

8

Wolman.

9

Our next speaker will be Karen

10

Weiss;

11

Who will be followed by Adolfo

12

Morales.

13

MS. WEISS: All right.

14

15 On the principle of conclusion of
your report claims, "The construction of the
16 proposed project would not result in a significant
17 adverse public health effect."

18

I totally disagree.

19

Sandwiched between the two

20

overpasses, residents would be subject to sound

21

from pile drivers and jackhammers, et cetera, for

22

the duration of the project. You cannot use decibel

23

level as criteria. Just because New Yorkers are

24

used to tolerating the sounds of sirens and fire

25

trucks passing for 30 seconds, doesn't mean that

1

2 steady pile drivers and jackhammers, 24/7 can
3 compare in experience even if the decibel level is
4 the same.

5

I read the chapter and you will
6 see that decibels frequently go over City
7 Environmental Quality Review recommendations, even
8 at night and for periods of more than 19 months.
9 This is unacceptable.

10

And instead of counting on people
11 to have double-paned windows, which I can tell you
12 does very little to mitigate noise, they must
13 adhere to the CEQR's guidelines and it doesn't
14 matter how much it costs and they need to be
15 included in contracts with construction companies.
16 Specific language should guarantee this and make
17 them use pile drivers that make the least amount of
18 noise.

19

How about this? Anyone
20 responsible for approving anything regarding this
21 project, must have speakers that transmit the
22 construction noise in real time and real decibel
23 levels to their personal apartments or work places
24 and their wireless ear buds for the duration of the
25 project? Good idea? Yeah?

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Okay. Another problem that I have with the new design is there's a well documented gender gap in bicycling. City's tend to build bike lanes along direct commuting routes, pollution, the needs of workers, often young men, just to garner the needs of pleasure riders, often tourists and women, who want a network of safe, connected routes rather than a few isolated point A to B lines.

The new design should foster equity. The new design puts the bicycle path next to the FDR Drive, not by the river and favors commuters on electric bicycles and scooters going up to 39 miles per hour, over average cyclists going 8 miles per hour and parents with children, et cetera.

Another problem is the design for the amphitheater. It does nothing to mitigate the noise that plagues the residential neighborhoods relentless all summer long. The issue is the loudness, not the personal taste in music. The amphitheater is a beautiful venue for plays and other performances or gatherings that don't require amplification. It's not a concert arena.

This is not someone else's

1

2 problem. The architects need to make a design that
3 will totally contain the noise. Sensors that alert
4 the police that decibels have exceeded the limit do
5 very little because the police can't always be
6 there. You must design it. Not leave the problem
7 for others to regulate and enforce.

8

Other problems I have is -- I
9 would suggest things that are do the construction
10 in phases. I have a question. How long would it
11 take for the ten feet of landfill to settle?

12

We need to know this before you
13 start --

14

(Bell.)

15

CHAIR LAGO: Thank you, Ms.

16

Weiss.

17

And if you could submit your
18 written testimony, we would welcome that.

19

Questions for Ms. Weiss?

20

(No response.)

21

CHAIR LAGO: Thank you.

22

Our next speaker will be Adolfo

23

Morales;

24

Who will be followed by James

25

McCarthy.

1

2

MR. MORALES: Good afternoon.

3

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6

I'm Adolfo Morales. I represent the United Athletic Association, a group of athletic leagues, youth and adult throughout our City.

7

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13

I -- obviously, we agree with the building of this barrier. It's needed -- very much needed. We do not agree that the barrier, you know, it needs to be done -- the East River needs to be closed completely for a three-year span and can be done in stages. We believe strongly that that can be done.

14

15

16

There are many moving parts here that we're concerned about and many community activities are in jeopardy here.

17

18

19

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24

Our main concern is that the Parks Department is taking advantage of the situation, very much needed barrier to protect the folks who live in the lower east side to disrupt the community activities that have been going on there for -- for many years and that are very much needed and, obviously, that's exactly what's going to happen if, in fact, this goes through.

25

Our main concern is, for example,

1

2 there were three -- this -- on October of 2018, we
3 were notified that as of March 2019, three
4 ballfields, community fields, pretty much in a
5 20-mile radius area, were going to be closed for 18
6 months, the whole summer. Instead of closing in the
7 fall, they're going to close it in the summer.

8 After much push back on our part
9 and investigating, we actually found out that those
10 fields could have been done and were done.
11 Actually, we made sure because we got some of the
12 press involved and the fields were done in 30 days.
13 That 18-month project, was done in 30 days.

14 So I really question the timing,
15 the way they're doing it, the length of time.
16 There's just so many moving parts.

17 You need an independent
18 investigator, you know, investigation, basically.

19 And -- and it needs to be -- the
20 community needs to be involved. We need to part of
21 the -- the public hearings. There should be some
22 more public hearings about this and the community
23 needs to be very much involved. And members of the
24 community -- I've been doing this 41 years and I've
25 been organizing leagues in the Park and throughout

1

2 the City. No one -- nobody has contacted me at
3 all; any input, any suggestions, ideas on how, you
4 know, it's going to impact the community.

5

Give me a second here.

6

7 I was also a part of the committee
8 that got approval for the North Meadow
9 reconstruction -- of the North Meadow and the Great
10 Lawn in Central Park. One of the things that came
11 out of there, which I learned, was we were promised
12 quite a bit and --

12

(Bell.)

13

14 MR. MORALES: -- and what happened
15 was, at the end --

15

CHAIR LAGO: I'm afraid, Mr.

16

Morales --

17

18 MR. MORALES: -- we were
19 displaced. The community activities were
20 displaced.

20

21 CHAIR LAGO: Could you tell us
22 about your association?

22

23 MR. MORALES: United Athletic
24 Association. We've been around since '92. It's a
25 group of different sports leagues throughout the
City, youth and adult who use the parks.

1

2

CHAIR LAGO: Other questions for

3

Mr. Morales?

4

(No response.)

5

CHAIR LAGO: Thank you for your

6

testimony.

7

MR. MORALES: All right.

8

Thank you.

9

(Applause.)

10

CHAIR LAGO: Our next speaker is

11

James McCarthy;

12

Who will be followed by Emily

13

Walker.

14

MR. MC CARTHY: Good afternoon.

15

My name is James McCarthy. I'm

16

here to represent the Department of Veteran

17

Affairs, New York Harbor Health Care System, which

18

includes the Manhattan VA Hospital, which is

19

essentially on the far northern reach of the

20

proposed project at 23rd Street and 1st Avenue.

21

Many people probably know that our

22

hospital was significantly damaged during Hurricane

23

Sandy. We had about 4 to six feet of water in the

24

basement, which subsequently resulted in our

25

hospital being closed for about six months.

1

2

3

4

5

6

Our response to that was to build a physical flood wall, which is now complete, around our property. It's designed to a 500-year flood protection to ensure continuity of service to our patients.

7

8

9

10

So we certainly recognize the importance of protecting the City infrastructure against future flood and storm events. It's very important to us.

11

12

13

14

15

And, in fact, the preferred alternative of the ESCR involves a flood gate, which we'll have aligned with our existing flood wall. It would actually replace what is the eastern boundary of our property.

16

17

18

So we request that we be kept apprised of the status of that construction, you know, when it happens and schedule and so forth.

19

20

21

22

23

24

I also wanted to touch briefly on some aspects of the Draft EIS, which involves hazardous materials and air quality. This part of the City, from about 14th Street to 25th Street, east of 1st Avenue, was previously known as the Gas House District in the early 20th century.

25

And according to the EIS, there is

1

2 known contamination with the products of
3 manufactured gas plants, which are essentially the
4 waste products of coal combustion. They're very
5 persistent in the environment. They last there for
6 years. And I gather from the EIS that more
7 sampling is still being done to define the extent
8 of that.

9 And one thing that I'm concerned
10 with is that these products are notoriously
11 odorous, you know, they smell like creosote or
12 pavement when they become air borne. We did have a
13 part of our flood wall construction where we had
14 some significant odors we had to mitigate.

15 And that, I believe, will be
16 rolled up into a RAP, or a Remedial Action Plan,
17 which is talked about in the EIS that's going to be
18 reviewed and approved by DEP. So I wanted to ask
19 the status of the RAP and whether or not those
20 measures, before it being finalized, will that be
21 shared with the public, because it should have some
22 critical information about odor mitigation, soil
23 remediation and things of that nature.

24 So I think that that's important
25 as well. And I think my time is up.

1

2

(Bell.)

3

CHAIR LAGO: Thank you.

4

Questions for Mr. McCarthy?

5

Commissioner De La Uz.

6

COMM. DE LA UZ: Mr. McCarthy,

7

thanks for being here.

8

Going back to the wall that the VA

9

built, that you said to the 500-year flood. You

10

went the extra mile there. It's a hospital. I

11

guess, especially after closing for six months it

12

seems --

13

MR. MC CARTHY: We didn't want to

14

take a chance of that ever happening again -- so,

15

you know.

16

COMM. DE LA UZ: So has there been

17

meetings between whomever is appropriate, the VA

18

and the City to talk about potential technical

19

aspects of having the two walls work together to

20

protect both the hospital and the local area? Has

21

that happened?

22

MR. MC CARTHY: We -- I believe

23

our chief engineer has had some discussions with

24

the City regarding that. I don't know if he's had

25

any formal meetings but he did indicate that the

1

2 City has kept him in the loop with some of the
3 proposals.

4

And I do have -- I notice that the
5 EIS has design plans, which I also shared with our
6 leadership in our facilities department.

7

So we look forward though with
8 going over the details when it's finalized and has
9 been scheduled and so forth, to make sure that
10 we're all on the same page.

11

So I think, you know, I'm
12 optimistic that we can cooperate that way -- so,
13 yes.

14

CHAIR LAGO: Thank you.

15

Other questions?

16

(No response.)

17

CHAIR LAGO: Thank you, Mr.

18

McCarthy.

19

MR. MC CARTHY: Thank you.

20

CHAIR LAGO: Our next speaker is

21

Emily Walker;

22

Who will be followed by Valentina

23

Jones.

24

MS. WALKER: Good afternoon.

25

My name is Emily Walker and I'm

1

2 the Director of Outreach and Programs at New
3 Yorkers for Parks.

4

I would like to thank the City
5 Planning Commission for holding this hearing today
6 and for considering the public's testimony on this
7 important project.

8

I will be delivering condensed
9 remarks from our written testimony.

10

We believe that it is not a matter
11 of if the next Super Storm Sandy happens, but when.

12

The need to revitalize East River
13 Park as a public open space that can also offer
14 flood protection, is urgent and essential to the
15 protection of residents of the East Village and the
16 Lower East Side.

17

We believe there is ample room for
18 the City to consider the needs and feedback of
19 residents as this project moves through ULURP and
20 have the following concerns and recommendations to
21 share today:

22

While the City has committed
23 resources to provide for some level of mitigation
24 for the proposed temporary loss of the East River
25 Park for the East Village and Lower East Side

1

2 communities, we think more can be done to promote
3 and publicize the investments in open space
4 improvements.

5 We encourage strong interagency
6 coordination on these mitigation measures in
7 particular. And while we know physical
8 improvements to other NYC Parks' properties in the
9 community will happen and will be vital to
10 absorbing displaced park users during the period of
11 construction that is proposed, we recommend that
12 NYC Parks works closely with partners at NYCHA, the
13 Department of Education and the Department of
14 Transportation to find additional opportunities to
15 provide mitigation for the sizeable interruption to
16 the neighborhood park use.

17 Parks must be clear and
18 intentional partners with these agencies and plans
19 to improve spaces on school and public housing
20 grounds must be shared widely and should include
21 committed funding for physical improvements and
22 ongoing maintenance for these spaces.

23 I also want to add that the City
24 must work with existing permit holders that
25 currently rely on East River Park now, to ensure

1

2 that reasonable field space can be identified as
3 early as possible.

4

Additional coordination
5 consideration will be needed to accommodate people
6 on bicycles who currently rely on East River Park's
7 protected pathway and we urge DOT to work with
8 bicycle advocates and transit advocates to ensure
9 that there are safe accommodations made for this.

10

And to the extent that
11 construction can be phased, we would ask that the
12 City pursue this approach if possible.

13

Additionally, Parks has made clear
14 its commitment to neighborhood wide street tree
15 plantings and biosphere installations as mitigation
16 for the total loss of tree canopy proposed in East
17 River Park.

18

While we commend this plan as an
19 important infrastructure change and it will provide
20 improvements for the communities upland of the
21 Park, we urge the City to dedicate increased
22 maintenance, funds and resources specifically to
23 care for these new plantings, which are most
24 vulnerable when they are first planted.

25

And finally, one of our weightiest

1
2 concerns is an organization relating to parks and
3 open space, which will always be the question of
4 long-term maintenance. Simply put, maintenance is
5 a matter of protecting our capital investments and
6 we think any conversation about a \$1.4 billion
7 construction project is a non-starter without
8 appropriate, permanent commitment to more full-time
9 maintenance and operation staff, both during the
10 period of construction to care for parks within the
11 community but, also, after the project is reopened.

12 And we urge the City to remain
13 transparent and communicative with the residents as
14 this project moves forward to rebuild trust that
15 has been broken.

16 Thank you for the opportunity to
17 speak.

18 And I will answer any questions
19 you have.

20 (Bell.)

21 CHAIR LAGO: Perfect timing.

22 Questions for Emily Walker?

23 (No response.)

24 CHAIR LAGO: Thank you for your
25 testimony.

1

2

Our next speaker is Valentina

3

Jones;

4

Who will be followed by Nancy

5

Ortiz.

6

MS. JONES: Hi. My name is

7

Valentina Jones. I'm here on behalf of the Lower

8

East Side Partnership.

9

We are full flood protection for

10

the residents of Lower East Side. We have four

11

phased construction with a time line available to

12

residents.

13

We are for -- the Manhattan

14

Community Board 3 had a draft resolution that

15

refers to an assessment process like Envision. We

16

advocate utilization of Envision and the Institute

17

for Sustainable Infrastructure to evaluate this

18

process.

19

We are also similar to Community

20

Board 6, when their draft resolution asks for

21

robust social media strategy, we also ask for

22

community open houses. People said that they felt

23

that at the community open houses, there was

24

opportunity for one to one and for everybody's

25

questions to be answered.

1

2

3

So those are some of the things
that we advocate for.

4

5

6

7

8

9

10

As far as some of our other issues
that we have like stated over and over again, this
picture down here at the bottom, which shows
housing developments, which could be Lilian Wall,
Jacob Reiss, Baruch, they went out and did very
good community -- oh, did very good community
outreach.

11

12

13

14

15

16

And what you have here is a
picture of what could be their houses and them
being flooded (indicating.) How do you go out to
people and tell them this is your house. This is
your house being flooded and then not do something
and say that you have the money to do it.

17

18

19

So what we're saying is that
something needs to be done in terms of this is why
we are for this.

20

21

22

23

24

25

Up here you have the flood gate
over here at Montgomery Street and the Emergency
Management is who was supposed to manage these
gates. And so we advocate that anything that had
to be managed by human intervention that it be
Emergency Management because they're already set up

1

2 for that kind of thing. They're emergency
3 operations center, I think they do that kind of
4 thing.

5

6 So the reason we're putting this
7 in is that some things have changed and we think
8 that there's some things that don't need to change.

9

10 So the other thing is the Con
11 Edison wires. The other plan was this was where
12 they were working. This is the Con Edison wires.
13 This is the new plan. These are the Con Edison
14 wires. This is where they're working.

15

16 And one of the things I heard the
17 Borough President say, I'm a registered nurse and
18 so that's why I like the idea of outside
19 consultation. So before I have to say Cary Graffi
20 and her team did an excellent job of outreach. We
21 believe them. They're experts. And so that's why
22 we want another team of experts or something
23 outside to evaluate this.

24

25 And one of the issues to me with
26 Con Edison is that one of the things I think we
27 learn, and I think the Borough President hit on it
28 in part, when elderly people are disrupted this
29 way, I can remember one of the lessons that I

1

2 learned from Sandy was that elderly people can
3 be -- there were people admitted with altered
4 mental status --

5

(Bell.)

6

MS. JONES: -- during this time.

7

And so I'm just saying --

8

CHAIR LAGO: Thank you, Ms. Jones.

9

And I wonder if you would be able
10 to submit the pages of the presentation to us so
11 that the Commission could have them.

12

MS. JONES: Okay. Definitely will

13

do.

14

CHAIR LAGO: Questions for Ms.

15

Jones?

16

(No response.)

17

CHAIR LAGO: Thank you for your

18

testimony.

19

Our next speaker is Nancy Ortiz;

20

Who will be followed by Camille

21

Napoleon.

22

MS. ORTIZ: Good morning,

23

everyone.

24

My name is Nancy Ortiz and I am

25

the resident leader of Atlantic Houses. And I would

1

2 also like it noted that since the end of 2014, the
3 beginning of 2015, I was the co-chair of the
4 Waterfront Taskforce for both Community Board 3 and
5 Community Board 6. A lot of time, effort and
6 blood, sweat and tears went into many of these
7 meetings.

8 On the East River, you have over
9 15,000 New York City Housing Authority units. I
10 hear about the parks. I hear about the bicycles.
11 But what I'm not hearing is the protection of those
12 NYCHA developments who are the wall, they are first
13 barrier. They are the first ones hit when it comes
14 to flooding.

15 We were hit badly. We have
16 seniors in our developments. We have NORCs. We
17 have programs and services. They did not mention
18 the St. Rose's Nursing Home or Gouverneur Hospital
19 Nursing facility, who was impacted by Sandy as
20 well.

21 Atlantic Houses in and of itself,
22 is direct behind Corlears Park. We are impacted by
23 anything that happens in Corlears Park. Atlantic
24 Houses' boilers and -- and storage rooms and
25 protected barriers from compactors are underneath.

1

2 We get flooded. They flood immediately. We lose
3 all of those items that are critically needed for
4 our development.

5

Life over trees. I'm sorry. I
6 believe in protecting life and I believe in
7 protecting homes. That is important to me. That
8 is critical to me.

9

Don't forget the over 15,000
10 families, which is actually a population of over
11 50,000, just on the waterfront alone.

12

The amphitheater's finalized
13 renderings, I believe that they should include
14 the -- the input of the residents who live at that
15 cusp. A lot of things were placed into the East
16 River that was not inclusive of Atlantic Houses.
17 Because all of that impacts the pedestrian traffic,
18 the vehicle traffic, the bicycle traffic. It all
19 comes into Atlantic Houses.

20

The longer the project, the more
21 air quality, dust and particle come into the NYCHA
22 developments. That's something that also hasn't
23 been mentioned here. Anything that has to do with
24 the East River, all of that particle, all of that
25 air quality, all of that dust, all comes where? To

1

2 the NYCHA developments.

3

4 So I urge you, we are east of the
5 waterfront. We are protecting everyone west of the
6 waterfront. Please consider all of the families
7 that are impacted by the longer this project goes,
8 the longer we have to sustain our air quality. The
9 longer this project goes, the longer we have to
10 sustain --

10

(Bell.)

11

MS. ORTIZ: -- everything else.

12

Thank you.

13

CHAIR LAGO: Thank you.

14

Questions for Ms. Ortiz?

15

Commissioner De La Uz.

16

COMM. DE LA UZ: Thanks for being

17

here.

18

I just want to make sure I

19

understand the point about the amphitheater and how

20

the amphitheater design, in particular, you believe

21

impacts Atlantic Houses because you said both

22

pedestrian traffic and vehicle traffic. Can you

23

unpack that a little bit more because I want to --

24

MS. ORTIZ: The entrance and the

25

egress of Corlears Park directly go through

1

2 Atlantic Houses. We are literally that point there.

3 All entrances and exists come through Atlantic

4 Houses.

5 COMM. DE LA UZ: Okay.

6 MS. ORTIZ: Thank you.

7 CHAIR LAGO: Other questions?

8 Vice Chair Knuckles.

9 VICE CHAIR KNUCKLES: I just
10 wanted to thank you for your testimony first.

11 I wanted to just understand your
12 location. You said you were east of the --

13 MS. ORTIZ: We are on the eastern
14 side. Actually this is the East River Park.

15 VICE CHAIR KNUCKLES: Yes.

16 MS. ORTIZ: This is Atlantic
17 Houses.

18 We start literally -- actually
19 Hillman Houses Cooperative parking lot is adjacent
20 to Atlantic Houses. So we are in that entire cusp.

21 So when you leave Pier 42, you
22 enter parts of Atlantic Houses. When you leave
23 Corlears Park, you're going through Atlantic
24 Houses.

25 Jackson Street, Atlantic Houses,

1

2 Water Street. We are literally there. You can
3 even look at the map and you can see Corlears Park,
4 all their entrances, Atlantic Houses which is
5 directly across the street.

6

CHAIR LAGO: Other questions?

7

(Overlapping conversation.)

8

CHAIR LAGO: I believe Ms. Ortiz,
9 your point is that Atlantic Houses is the eastern
10 most point with other housing being located west of
11 it.

12

MS. ORTIZ: That is correct.

13

Thank you.

14

CHAIR LAGO: Thanks for the
15 clarification.

16

MS. ORTIZ: Thank you.

17

CHAIR LAGO: Thank you for your
18 testimony.

19

Our next speaker will be Camille
20 Napolian;

21

Who will be followed by Diane
22 Lake.

23

MS. NAPOLIAN: Good morning.

24

My name is Camille Napolian and I
25 am the tenants association vice president from

1

2 Baruch Houses.

3

4 I represent over 5,000 residents,
5 the largest NYCHA development in New York City and
6 have come today to testify in favor of the current
7 plan for our beloved East River Park.

8

9 For many when the waters receded,
10 their problems receded. Early this year my
11 development broke ground to finally start repairing
12 the damages caused by Super Storm Sandy, almost
13 seven years later.

14

15 Flood protection is our number one
16 priority at Baruch Houses. Yes, trees are important
17 but if I have to choose between losing a tree and
18 losing a life, I choose a life at Baruch Houses.

19

20 This new plan has made flood
21 protection its priority, while giving our community
22 a beautiful, and now protected Park, to enjoy for
23 years to come.

24

25 Thank you.

26

CHAIR LAGO: Thank you, Ms.

27

Napolian.

28

Questions?

29

(No response.)

30

CHAIR LAGO: Our next speaker will

1

2 be Diane Lake;

3

4

Who will be followed by Kenneth
Kolosky.

5

6

7

8

9

MS. LAKE: Hello. My name is
Diane Lake. I am a member of the steering
committee of the East River Alliance, which is
coalition of stakeholders in the Lower East Side
and East Village.

10

11

12

13

14

15

16

17

All of us want a resilience plan
that will protect us from storm surges and climate
change. However, we have talked to thousands of
members of the community about the East Side
Coastal Resiliency Project and many of them have
concerns about the City's preferred alternative
approach, preferred alternative No. 4, to solving
that problem.

18

19

20

21

22

Over 3,000 people have signed our
petition asking for changes to the plan but so far
no changes have been made. We, therefore, urge the
CPC to disapprove preferred alternative 4 on these
grounds:

23

24

1. There has been no independent
review of the City's plan;

25

2. There are no provisions for

1

2 interim flood protection before and during
3 construction;

4

5 3. There is no clear response or
6 commitment to the community's strong request to
7 phase construction, and not just reopen the Park in
8 stages, which is something that has been thrown
9 around as we talk about staging construction;

10

11 4. There is no clear plan for the
12 Lower East Side Ecology Center;

13

14 5. There is no sustainable plan
15 for the re-routing of the greenway; and,

16

17 6. The Draft Environmental Impact
18 Statement is inaccurate and incomplete on several
19 counts, including impacts on biodiversity and the
20 potential for resident displacement due to rising
21 land values.

22

23 We hope that our expression of the
24 community's concerns can be listened to. We
25 appreciate your listening to them today.

26

27 And thank you.

28

29 CHAIR LAGO: Thank you, Ms. Lake.

30

31 Questions?

32

33 (Applause.)

34

35 (No response.)

1

2

CHAIR LAGO: Thank you for your

3

testimony.

4

Oh, I'm sorry.

5

Commissioner De La Uz.

6

COMM. DE LA UZ: On your last

7

point -- thanks for being here.

8

On the DEIS, could you unpack a

9

little bit more about the concern around resident

10

displacement due to rising land values.

11

MS. LAKE: So the DEIS asserts

12

that, you know, there is not a risk of this.

13

However, we are aware that land values may be

14

increased by having this beautiful new Park.

15

It's -- it's a tricky situation. The Lower East

16

side deserves a beautiful park. East River Park is

17

old and even if flood protection were not an issue,

18

it would be great to have the Park renovated. The

19

ballfields are desperately in need of work and so

20

are other amenities within the Park.

21

However, the -- the beautiful new

22

bridges that are being proposed and the -- the

23

upgrades to the Park are going to make that Park a

24

more attractive destination and coupled with some

25

of the proposals that have been made by the City

1
2 to, you know, upgrade housing alternatives within
3 NYCHA campuses and in nearby locations, by building
4 mixed housing on those locations, has raised the
5 concern among a number of members of the community
6 that this upgrade to the Park is a double-edge
7 sword. On the one hand, it benefits those who
8 currently live in the community. But on the other
9 hand over the long term, it may jeopardize their
10 housing.

11 (Applause.)

12 CHAIR LAGO: Other questions?

13 (No response.)

14 CHAIR LAGO: Thank you again.

15 Our next speaker is Kenneth

16 Kolosky.

17 To be followed by Aaron Mumford.

18 MR. KOLOSKY: It's Kenneth

19 Kolosky.

20 CHAIR LAGO: I apologize. One of

21 the hardest parts of this job is reading

22 handwriting.

23 MR. KOLOSKY: No worries.

24 I'm wearing this helmet because

25 I'm a City cyclist and I hope you'll remember me.

1

2

3

4

5

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21

22

23

24

25

My name is Kenneth Kolosky. I'm a long-term, Lower East Side resident, cyclist and homeowner.

I am for alternative 3, which does provide flood protection. It was approved by the community. And I'm against alternative 4, which was snuck in there last December by the Mayor's office.

The environmental impact of the revised East Side Coastal Recovery Plan alternative 4 would be devastating because every single living thing in the Park will be killed.

A bio diverse ecosystem of organisms, large and small, which has been developed and been nurtured by the community for decades, will be murdered to keep a traffic lane open on the FDR Drive.

In particular, alternative 4 kills every tree in the entire Park. Over 980 trees will be killed, many large and over 30 years old, which create deep, cooling shade beneath.

Further, many of the trees surrounding the bandshell, which are healthy and saltwater resistant oak trees, are already ten feet

1

2 or more above the existing grade of the rest of the
3 Park. So why are they slated to be killed under
4 Alternative 4?

5

6 These trees are priceless because
7 they are irreplaceable. There is no way to replace
8 a 30-year old or a 50-year old tree.

9

10 The EIS natural resources section
11 glosses over this fact, citing, I quote, "Over time
12 the new tree canopy would fill in." However, if
13 all of these trees are killed, there will be no
14 shade in the Park for 20 to 30 years until newly
15 planted saplings mature.

16

17 The Park will cease to be the
18 cooling center. While summer temperatures continue
19 to rise, a heat island effect will be created and
20 exacerbated by the adjacent FDR Drive.

21

22 The increased surface height of
23 the new Park under Alternative 4, will also divert
24 wind from the East River, further worsening the
25 heat island effect.

26

27 Alternative 4 also increases the
28 amount of concrete and artificial turf in the Park,
29 all of which will even further increase
30 temperatures in the Park lasting for decades into

1

2 the future.

3

4 In addition, the bike bath, which
5 runs through the Park, is used by thousands of
6 cyclists every week. Many of whom use this vital
7 transportation artery as a means to commute to work
8 and school. Yet Alt 4 completely closes the bike
9 path and this is not even mentioned in the EIS
10 section titled transportation.

11

12 This is an injustice to all
13 cyclists in the City.

14

15 Mayor de Blasio has just recently
16 called for an increase in bike safety in light of
17 the deaths of 18 New York City cyclists this year.

18

19 (Bell.)

20

21 MR. KOWALSKI: Closing the bike
22 paths completely would be counter to this
23 initiative.

24

25 CHAIR LAGO: Thank you, Mr.
Kowalski.

26

27 And I also want to thank you for
28 modeling safe bicycling behavior of wearing the
29 helmet.

30

31 MR. KOLOSKY: Thank you.

32

33 (Applause.)

1

2

CHAIR LAGO: Questions for Mr.

3

Kolosky?

4

(No response.)

5

CHAIR LAGO: Thank you.

6

Our next speaker will be Erin

7

Mumford;

8

Who will be followed by Francisca

9

Benitez.

10

MS. MUMFORD: My name is Erin

11

Mumford. I am a high school teacher, a coach of

12

youth sports and a resident of the East Village.

13

Our community relies on East River

14

Park. It's where sports teams play and practice or

15

children hope to host birthday parties or families

16

meet for cookouts.

17

It's where people can exercise

18

free of cost, where they can walk their dogs. It's

19

where we learn to ride bikes, play tennis, where we

20

bird watch, shoot hoops and have picnics. And it's

21

where I go running every day.

22

In New York City we live in small

23

spaces without backyards. Our schools don't have

24

on-campus athletic fields. East River functions in

25

these capacities for our community. Outdoor play

1

2 and recreation is vital to our quality of life and
3 well being.

4

I urge the committee to consider
5 the incredible value this space brings to our
6 neighborhoods and to push for an alternative plan
7 that both protects Lower Manhattan from future
8 impacts of climate change and allows access to East
9 River Park.

10

Thank you.

11

(Applause.)

12

CHAIR LAGO: Thank you, Ms.

13

Mumford.

14

Questions?

15

(No response.)

16

CHAIR LAGO: Thank you for your

17

testimony.

18

Our next speaker is Francisca

19

Benitez;

20

To be followed by Ayn Byrd.

21

MS. BENITEZ: Hello.

22

Thank you for hearing my

23

testimony.

24

My name is Francisca Benitez and I

25

live in Chinatown, five blocks from the Park and

1

2 I'm here representing our tenants association in
3 our building, 62 East Broadway.

4

5 First of all, I wanted to say
6 that, yes, we endured Sandy and we know that we
7 need flood protection. But we think that the
8 committee needs to be involved in this process.

8

9 We seen so many times over and
10 over again that community concerns are ignored and
11 we see it once again with this appearance of this
12 Alternative 4, put in by the City at the last
13 minute. We see it in our neighborhood and we're
14 still waiting to see the enactment of the tenant
15 working group.

15

16 And the other thing I wanted to
17 mention is that we need to consider the community
18 effects, also losing the Park in the area. Right
19 now, for example, the best parts of Seward Park are
20 closed. Last year they were bursting with life and
21 beautiful trees and that's closed. And now we have
22 stuck in court this four luxury developments that
23 are going to put shadows on 30 little parks in the
24 area. So it's -- it's -- so we're closing this for
25 all these years.

25

We want to see phased construction

1

2 because this area is very dense. We need these
3 parks and we're losing them, not only in the edges
4 but, also, in the center of the neighborhood.

5

6 So we would like also to see an
7 independent review. We want to see the concern of
8 the displacement of residents also addressed
9 because that's something more difficult to assess.

9

And -- that will be it.

10

Thank you for listening.

11

CHAIR LAGO: Thank you, Ms.

12

Benitez.

13

Questions.

14

(Applause.)

15

(No response.)

16

CHAIR LAGO: Thank you for your

17

testimony.

18

MS. BENITEZ: Thanks.

19

CHAIR LAGO: Our next speaker is

20

Ayn Byrd;

21

Who will be followed by Talia

22

Crawford.

23

(No response.)

24

CHAIR LAGO: Is Ms. Byrd here?

25

(No response.)

1

2

CHAIR LAGO: Okay. Then we will

3

move to Talia Crawford;

4

Who will be followed by Thomas

5

Sellin.

6

MS. CRAWFORD: Hi, everyone.

7

I'm Talia Crawford. I'm here on

8

behalf of Assemblymember Harvey Epstein and Senator

9

Brad Hoylman.

10

Thank you, CPC, for organizing

11

this hearing.

12

And this is a summary of their

13

joint testimony.

14

The East River Park is a place for

15

relaxation, recreation and family gathering.

16

A multi-year closure caused by the

17

project will eliminate vital green space,

18

waterfront views, walkways, bike paths, which are

19

all integral to our community.

20

As CB3 noted in their ESCR

21

solution, the process has created distrust in our

22

government agencies. Our offices strongly urge the

23

City to work to rebuild that trust by providing

24

regular updates to Community Boards that cover the

25

project areas.

1

2

3

4

5

6

7

The City should also appoint an outside panel of experts to analyze the existing proposal and determine whether the plan is the best approach to provide long-term protections against flooding, while also preserving the public's access to the valuable green space.

8

9

10

11

12

13

14

Based on legal analysis presented to us by the Council for the State Legislature, it is our belief that a failure by the City to seek parkland alienation legislation leaves the City vulnerable to a lawsuit that could delay the implementation of flood protections and the overall plan.

15

16

17

To avoid a delay, the City should seek the State Legislature's approval for the project in the form of a Parkland Alienation Bill.

18

19

20

21

22

23

24

The unforeseen delays and unpredictability of hurricane season necessitate the implementation of interim protections, perhaps in the form of deployable barriers. This technology has already been installed by the Lower Manhattan Coastal Resiliency and should be put in place to protect the East Side communities as well.

25

The project could also disrupt the

1

2 daily operations of the Lower East Side Ecology
3 Center, a non-profit in the heart of the East
4 River.

5

6 It is critical that we support the
7 Lower East Side Ecology Center by either revising
8 the ESCR plan to mitigate negative effects on the
9 center or relocate them during the duration of
10 renovations and keep them in the district.

11

12 While the ESCR project has good
13 intentions, the proposed plan will have negative
14 effects on the availability of green space and
15 ecology in the community. The City has not taken
16 the appropriate steps to ensure that the project
17 can proceed uninhibited.

18

19 And our offices believe that an
20 expert panel should be appointed to offer an
21 outside perspective on the proposed project's
22 feasibility and goals in light of concerns raised
23 by the community.

24

25 CHAIR LAGO: Thank you, Ms.
Crawford.

26

Questions?

27

(No response.)

28

CHAIR LAGO: Thank you for the

1

2 testimony.

3

(Applause.)

4

CHAIR LAGO: Our next speaker --

5

if you could please give it to the secretary.

6

Thanks.

7

Our next speaker is Thomas Sellin;

8

Who will be followed by Jeremy

9

Unger.

10

(No response.)

11

CHAIR LAGO: Is Mr. Sellin

12

present?

13

(No response.)

14

CHAIR LAGO: Okay. We will then

15

move on to Jeremy Unger;

16

Who will be followed by Wendy

17

Ruben.

18

MR. UNGER: Hi. My name is Jeremy

19

Unger. I am here reading testimony on behalf of

20

Councilwoman Carlina Rivera.

21

Dear Members of the Commission:

22

Thank you for allowing me to

23

submit this testimony on item No. 42, the East

24

Coastal Resiliency Project, or ESCR, which I am

25

sure you understand involves impacts beyond just

1

2 the land use items under consideration in this
3 ULURP package.

4

5 While I know firsthand the
6 devastation that rising seas and storms like
7 Hurricane Sandy can cause, I, like many of my
8 elected colleagues, continue to have serious issues
9 with the number of unresolved questions outlined by
10 local Community Boards and advocates that must be
11 resolved as we move through this ULURP process.

12

13 I am particularly concerned
14 regarding the Mayor's offices lack of commitment
15 for a phased-in construction of the project so that
16 residents can still enjoy sections of the Park
17 while construction continues.

18

19 We also need a commitment for a
20 temporary site for the Ecology Center in the
21 surrounding neighborhood, as well as a commitment
22 for a rebuilt and updated center back in the Park
23 when it reopens.

24

25 In addition, the Department of
26 Transportation must share the results of their
27 preliminary study for sufficient detour options for
28 use -- for users of the East River Greenway, which
29 must include real community input before any final

1

2 decisions are made.

3

4 And we need an expansion of
5 current green space mitigation plans by identifying
6 additional opportunities on NYCHA, DOT and DOE
7 property. We seek immediate commitments from these
8 agencies on these efforts, just as we expect them
9 from DDC and Parks. These commitments are only as
10 good as the outreach that is done around them.

11

12 I implore City agencies to also
13 continue an open and clear communication with
14 impacted groups around any of the affected
15 mitigation areas, including the skateboarders at
16 Tompkins Square Park and local use sports
17 organizations for example.

18

19 I also call upon the Mayor's
20 office and appropriate agencies to provide more
21 accurate information to residents and owners of the
22 adjacent properties for which these land use
23 actions heard today directly apply.

24

25 To start, these are property
owners are seeking to time lines for all property
construction, a better understanding of
construction and staging parameters and whether
easements may affect their development's operating

1

2 costs, including insurance changes.

3

4 As the New Yorkers who will be
5 most impacted by these land use actions, it is
6 imperative that the City ensure that they fully
7 understand the impacts these actions will have and
8 that their questions are addressed.

8

9 But this can't be the end of our
10 discussions regarding the future of our East River
11 waterfront. We must have a serious conversation,
12 including a thorough study regarding the long-term
13 re-envisioning of the FDR Drive and a community
14 taskforce will be formed soon to oversee the
15 project as well, which we expect all agencies to
16 interact with and report back to frequently as a
17 real true partner throughout the pre-construction
18 and construction time line.

18

19 ESCR will be a test for the rest
20 of our City's unguarded coast line and we owe it to
21 ourselves and all New Yorkers to get this done
22 right, to get this done as soon as possible and to
23 get this done with the community foremost in mind.

23

Thank you.

24

(Bell.)

25

CHAIR LAGO: Thank you, Mr.

1

2 Unger.

3

Questions.

4

(No response.)

5

6 testimony.

CHAIR LAGO: Thank you for the

7

MR. UNGER: Thank you.

8

9 Wendy Rubin;

CHAIR LAGO: Our next speaker is

10

Who will be followed by Harriette

11

Hershorn.

12

MS. RUBIN: Hi. I'm Wendy Rubin.

13

Thank you all for listening to the

14

community.

15

I've lived in the East Village

16

since 1985. I'm the founder of two businesses and

17

I made enough to buy my apartment on East 3rd

18

Street.

19

I started running on the East

20

River in the '80s. I volunteered at the then Boys

21

Brotherhood Republic. I shot a commercial for

22

Converse in the houses on East 10th Street, filming

23

the neighborhood kids jumping rope.

24

I consider the East Village to be

25

the best place to live anywhere in the world. It

1

2 has been my home for over 30 years.

3

4 On summer nights, I walk along the
5 river with my friends. Three times a week, I run
6 at the track and once a week with hundreds of
7 others, I run to the South Street Seaport. I
8 breathe the fresh air and I run under the trees.

8

9 These are the things that keep me
10 sane in our crazy City. These -- that's how I
11 remember who I am in New York.

11

12 Obviously, something needs to be
13 done about the flooding. But I don't understand
14 why the plan the City made with the community was
15 unilaterally scraped. In what world does that
16 happen?

16

17 I can't imagine ripping out 1,000
18 mature trees that provide oxygen, shade and beauty
19 and destroying the habitat of countless creatures.
20 In what world does someone do that?

20

21 In what world does someone take
22 away the fields that the children go play?

22

23 These -- these things happen in a
24 world where your priority is money above concern
25 and the quality of life of others.

25

I was at the school meeting last

1

2 month. Out of the more than 80 people I heard
3 speak, only a couple were for the new project.
4 Everyone else forcefully against it.

5

I don't understand why the
6 Community Board voted for it. Obviously, they're
7 not the board representing our community.

8

I would like to know why the last
9 plan was unilaterally discarded and where this new
10 plan came from and who is benefiting. Because it
11 certainly is not our community.

12

I understand the need for flood
13 protection but this direction is unduly reckless
14 with nothing to justify the swooping damage to the
15 nature in the Park and our community's way of life.

16

I implore that this body slow down
17 the breakneck speed of a project that most of us
18 don't understand and find a solution where the
19 entirety of the East River Park is not closed for
20 years on end.

21

The damage to the air our children
22 and our quality of life needs to be reconsidered.

23

I would ask that an independent commission, not
24 from New York City, be engaged.

25

Thank you.

1

2

(Applause.)

3

VICE CHAIR KNUCKLES: Thank you.

4

Any questions for Ms. Rubin?

5

(No response.)

6

VICE CHAIR KNUCKLES: Thank you

7

very much.

8

Harriette Hershorn.

9

(Applause.)

10

VICE CHAIR KNUCKLES: Who will be

11

followed by Diane Casa Platt -- I believe it is.

12

Ms. Hershorn.

13

MS. HERSHORN: Hi.

14

I just want to -- I'll keep this

15

really brief. I'm not an expert. I think a lot of

16

what you're hearing people talk about is actually

17

comes into the category of public health. And I

18

think that this Draft of the Environmental Impact

19

Statement is really striking in all that it leaves

20

out.

21

For example, if you look for what

22

the adverse impacts on public health are, you will

23

find them in a little -- little section of the

24

construction chapter. And basically it says,

25

"Construction noise and vibration. The proposed

1

2 project may result in unmitigated construction
3 noise effects. No significant adverse effects are
4 anticipated for air quality, water quality or
5 hazardous materials. Therefore, this chapter
6 provides a public health assessment of construction
7 noise." That's it. That's the public health
8 assessment.

9 So -- so I guess all I really want
10 to say is that pretty much everything that you've
11 heard people talk about has to do with public
12 health and yet none of that is included in this
13 report.

14 So I just want to say that it is
15 beyond irresponsible for any Planning Commission to
16 approve a flood protection plan based on such a
17 dishonest and incomplete and unscientific
18 statement.

19 There are a lot of different
20 things that I think different people will itemize.
21 There are probably effects on respiratory effects
22 on -- on a post 9/11 community, we were pretty hard
23 hit by that. A first responder who lives in Baruch
24 Houses said that these trees make it possible for
25 him to breathe.

1

2

Everyone has talked about

3

exercising, how many people use this Park to stay

4

healthy. That includes people with Type I and Type

5

II diabetes. That includes people living with MS.

6

There are also mental health

7

consequences when you imagine that residents

8

describe this Park as a sanctuary and as a stress

9

reducer. Those same people are going to be

10

witnessing it being destroyed before their very

11

eyes for years and yeas.

12

We rarely talk about the

13

destruction and the scope of the destruction but

14

it's -- it's something that has no precedent. And

15

we don't know how people are going to feel and we

16

don't know how people's health will be impacted by

17

this.

18

So that's, you know, that's it.

19

VICE CHAIR KNUCKLES: Thank you.

20

Questions?

21

(No response.)

22

(Applause.)

23

VICE CHAIR KNUCKLES: Diane

24

Platt.

25

MS. PLATT: Yes.

1

2

3

4

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6

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12

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14

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18

19

20

21

22

23

24

25

I just really want to say something very simple, which is the people have said lives over trees but trees provide life.

(Applause.)

MS. PLATT: And, you know, they absorb carbon dioxide as basic biology and they provide oxygen. And we're going to knock down all of these trees. And people have been saying, well, they're all dead but they're really not dead.

All we need is -- is an outside group to come in to talk about the air quality, the projected air quality. You know, we were told post 9/11 that the air was safe. I'm not saying it's going to be on that scale but there is very little trust in what people tell us. And in terms of air quality, there's such a widespread of asthma in our community. Because, you know, because of 9/11, because of the FDR Drive.

We have those trees to help us. And now they're all going to be gone. It doesn't make any sense and nobody wants -- I mean, a lot of people do not know about this. When I went around with my flyers asking people, they're like, what?

So to say that the community's

1

2 been involved is ridiculous.

3

4 The last plan was much more
rational and so I would ask you to support that.

5

Thank you.

6

(Applause.)

7

VICE CHAIR KNUCKLES: Thank you.

8

Questions?

9

(No response.)

10

VICE CHAIR KNUCKLES: Myrna

11

Kasavis.

12

Myrna Kasavis;

13

Followed by Charles Kreselle.

14

MS. KASAVIS: Hi. My name is

15

Myrna and I'm a resident born and raised in the

16

Lower East Side so I basically spent my life as a

17

participant at the East River Park.

18

I was one of those kids that I

19

would self trained myself to ride my little tiny

20

bicycle. One day I was riding through the Park. I

21

self trained myself on roller blading and that's

22

the exercise that I grew up -- growing up.

23

I never liked contact sport. It

24

was never my thing; like basketball, baseball.

25

That was my thing and I need the East River Park to

1

2 continue. That's part of my exercise.

3

4 And one of the things that we've
5 having an epidemic now is overcrowding. The Lower
6 East Side is being overcrowded. The one epidemic
7 is -- 1 Manhattan Square. Once that building is
8 filled, we're going to be overcrowded. They want
9 to build like so much -- like four more buildings.
10 right. So once those are built, we don't have bus,
11 sunshine, less air quality, maybe -- remember, we
12 just had a blackout. So who knows if that's going
13 to be affected by all this construction.

13

14 Our water supply might be affected
15 as well. So that's a big concern.

15

16 All right.

16

17 So the East River Park provide us
18 that oxygen that we need. Without the East River
19 Park, that's going to be gone.

19

20 All right.

20

21 So it's a very, vital,
22 important -- it's not only for oxygen. I'm a low
23 income person and it's my vacation. My vacation,
24 I'm out there at the East River Park. And so does
25 a lot of kids on lower income. That's where we
26 need to go. That's where -- when we don't just

1

2 want to work for a living. That's what we do to
3 entertain ourselves, to keep ourselves healthy, not
4 only in mind but body.

5

6 So it's very important. We do
7 want protection but we want a protection that works
8 for all of us in our community.

8

Thank you.

9

VICE CHAIR KNUCKLES: Thank you.

10

Questions?

11

(No response.)

12

(Applause.)

13

VICE CHAIR KNUCKLES: Thank you.

14

Charles Kreselle.

15

MR. KRESELLE: Yeah, hi.

16

Thank you for listening to us

17

today.

18

19 One of my main concerns about this
20 is the Con Ed plant, which essentially blew up
21 during Hurricane Sandy. We were all out of
22 electricity for ten days or more.

22

23 This plan doesn't address the Con
24 Ed plant at all. What is happening with that? Con
25 Ed has not been to any public meeting so far that
has to do with this plan.

1

2

3

4

5

6

7

We have no idea what's going on with that. If the Con Ed plant blows, it doesn't matter whether we're flooded or not, we're still going to be out of electricity and people in NYCHA housing are going to be out of water, as they were during Sandy.

8

9

10

So that's a huge concern and it's never been addressed in this plan. It's not even mentioned.

11

12

13

14

There's a mention about fixing a Con Ed cable that runs underneath the Park but there's no connection as to what Con Ed is actually doing in the Park.

15

16

17

18

19

If you look at the EIS report, they say there's going to be 1,000 additional vehicle trips in our neighborhood daily. Daily, 1,000 extra trips. They're going to cut off the Park.

20

21

22

23

We have no public transportation from the first. We have no subways from 1st Avenue east. So we are really dependent upon our street traffic.

24

25

If we have no greenway and we have 1,000 additional trucks, or vehicles coming through

1

2 our neighborhood, we're really going to be in
3 trouble as far as the air pollution.

4

5 This plan also calls for 600,000
6 cubic yards of fill to be dumped in the Park.
7 That's going to raise huge amounts of dust and
8 that's going to affect all of us.

8

9 So the plan is very, very bad for
10 our neighborhood really.

10

11 Gale Brewer has asked you guys to
12 take 60 days to decide this. I hope you take the
13 entire time. We need as much time as possible to
14 figure out what is the best plan. We don't believe
15 this is the best plan for our neighborhood.

15

16 So thank you very much.

16

17 Questions? Questions?

17

18 VICE CHAIR KNUCKLES: Questions
19 for Mr. Kreselle. He's ready for questions.

19

20 (No response.)

20

21 (Laughter.)

21

22 MR. KRESELLE: Thanks a lot.

22

23 VICE CHAIR KNUCKLES:

23

24 Commissioner De La Uz.

24

25 COMM. DE LA UZ: Since you invited
it, what -- what kind of -- if Con Ed were here,

1
2 what kind of questions would you want to ask them
3 and what answers -- what are you seeking answers
4 to?

5 MR. KRESELLE: At the pinch
6 point in -- in this plant at the pinch point,
7 there's no -- there's no flood gate there. So if
8 they get flooded, what happens? I don't know
9 what's happened with Con Ed.

10 This plan ties in --

11 COMM. DE LA UZ: Along FDR and
12 that -- risk point.

13 It's my understanding that there
14 is flood protection, even if it's not a flood gate.

15 MR. KRESELLE: Where?

16 COMM. DE LA UZ: Inside. I believe
17 it's inside their actual property in the building.

18 MR. KRESELLE: This ties into the
19 flood -- it's not mentioned within this plan as to
20 how it's tied in.

21 COMM. DE LA UZ: I would just say
22 on Monday we had a review session where the
23 PowerPoint was presented, which I think is going to
24 be on the DCP website and it was highlighted in
25 that. So I would ask that you take a look at that

1

2 piece.

3

MR. KRESELLE: Okay.

4

COMM. DE LA UZ: It might answer

5

your question.

6

MR. KRESELLE: Yeah. I mean,

7

it's -- it's interesting we're building flood gates

8

along the FDR Drive, across the FDR Drive and we're

9

closing FDR Drive actually for three-and-a-half

10

years. In the night they're going to have --

11

there's night time construction there according to

12

their plan for three-and-a-half years and closing

13

part of the FDR Drive is a -- fill in the rest of

14

the Con Ed cable that runs along the FDR Drive.

15

But there's no mention as to what Con Ed is

16

actually going to do as part of that construction.

17

CHAIR LAGO: Thank you, Mr.

18

Kreselle.

19

Our next speaker will be Yvette

20

Mafesdes;

21

Followed by Shelby Burner.

22

MS. MAFESDES: Hi.

23

Thank you for taking the time and

24

listening to us.

25

My name is Yvette Mafesdes.

1

2

3

4

5

As you said it -- and I reside at NYCHA at the Lower East Side where Camille is the Baruch Houses, where Camille is the assistant president.

6

7

8

And I am not in favor of this plan for us because, first of all, we didn't know about this. Nobody knew about this.

9

10

11

12

I personally took it upon myself in April, one of the other ladies, Merlin, she's not here today, to go from floor to floor to all the apartments and not one person knew about this.

13

14

15

16

17

I have spoken to -- when I started seeing this, it was 1,000 people. I have spoken to over 2,000 people about this. And I want to say that maybe 90 of them knew about this happening. We were totally oblivious about this.

18

19

20

21

22

23

I live right in front of the FDR Drive. I saw that water come in. I was affected by it. I don't want to say that I don't want anything to be done. We need this. It's -- it's, you know, it affects me and it affects the residents.

24

25

However, there is a way of doing it without destroying the Park, without destroying

1

2 the trees. It's not about the trees. It's the
3 oxygen. I have had pneumonia twice this year. She
4 said that they were fixing the -- the Baruch
5 Houses. Here we have -- we have broken pipes.
6 People have no gas now. We have broken sewage
7 pipes. We've been inhaling that -- that sewage and
8 nothing is getting fixed.

9

I am so sad that the -- Mr.
10 Springer and the other lady left and I'm so sad
11 because we listened to them. They said 80 minutes.
12 We have been listening to all their meetings and
13 they don't sit and listen to us.

14

This is not fair to us. This is
15 disrespectful to us.

16

(Applause.)

17

MS. MAFESDES: And it's
18 disrespectful to our time because for three years
19 we spoke about something. They agreed upon it.
20 They said it was okay and then they scraped it. So
21 our time is valuable. Okay.

22

And we have been to 80 meetings,
23 and 80 meetings for what? They want to beat us and
24 beat us and beat us and no matter what they say, we
25 don't want this. We have children in the

1
2 neighborhood. What are they going to do? They're
3 going to get into trouble. They have nothing to do
4 if they take away their parks. They have closed
5 the Boys Club in my neighborhood. I mean, people
6 are sick there. Lung conditions, COPD, asthma.
7 Everything. We're being affected.

8 So we're being -- they're taking
9 away from us. They're not giving us anything. I
10 mean, yes, they want to give us a park here, a park
11 there. Randalls Island? We live in the Lower East
12 Side. They can't afford that.

13 I mean, you know, they're in
14 clubs, you know -- and some of them don't even --
15 maybe play but it's just something different for
16 them to do, not about being obsessed playing video
17 games or getting into mischief, getting into
18 trouble and going into other detention places. We
19 don't want that.

20 (Bell.)

21 CHAIR LAGO: Thank you, Ms.
22 Mafesdes.

23 (Applause.)

24 CHAIR LAGO: Questions.

25 (No response.)

1

2

CHAIR LAGO: Our next speaker is

3

Shelby Garner;

4

Who will be followed by Daniel

5

Meyers.

6

(No response.)

7

CHAIR LAGO: Is Shelby Garner

8

here?

9

(No response.)

10

CHAIR LAGO: Okay. Then we will

11

move on to Daniel Meyers;

12

To be followed by Fannie Ip.

13

MR. MEYERS: I will yield my time

14

to my brother, Joel Kuperman, who --

15

CHAIR LAGO: Actually, Mr,

16

Kuperman is signed up later on and you can use your

17

time as you wish for your testimony.

18

MR. MEYERS: He may have to leave

19

so I'm --

20

CHAIR LAGO: He would always be

21

able to submit written testimony.

22

Thank you.

23

MR. MEYERS: What's that?

24

(Overlapping conversation.)

25

MALE VOICE: I'm leaving too.

1

2 Right.

3

(Laughter.)

4

MR. MEYERS: But we'd consider it.

5

If the Commission allows to share

6 it --

7

CHAIR LAGO: It's not possible.

8

MR. MEYERS: -- as a semi team.

9

CHAIR LAGO: No, I'm afraid not.

10

Mr. Meyers, I would suggest

11 that --

12

MR. MEYERS: Okay. I'm going to

13

say quite clearly that the role of this Commission,

14

and any body that is trying to make a determination

15

cannot do so now. Why? Because it's absolutely

16

clear that you're basing any decision that you make

17

on less than tangible clear evidence.

18

And it's so clear that this is

19

what's happening that it's been written by

20

Community Board 3, for some reason who states

21

opposition to the plan and nonetheless approves.

22

I just don't understand how you

23

can approve with reservations when those

24

reservations are stated as issues that affect

25

health, well being, safety and communication and

1

2 all kinds of endeavors that we must engage in in
3 order to survive as people.

4

It's not just a question of
5 whether trees remain or not. The trees have to
6 remain or else we are engaged in acts of personal
7 harm.

8

The Community Board 3, any body
9 can approve a plan in which they talk about the
10 deficiency of the plan equaling such things. There
11 will be potential, significant adverse impacts in
12 the immediate area. And they still approved the
13 plan? I don't think this Commission should ever
14 approve a plan in which you doubt the efficacy of
15 the sanctity of those people that you're supposed
16 to be protecting.

17

You're not supposed to just be
18 protecting a form of investment that has adverse
19 impacts on people or habitats. What you're going
20 to do is state your reservations while our East
21 River Park becomes a desert, a wasteland. And if
22 there is going to be anything other than that
23 desert or wasteland, it's going to be based on
24 synthetic and artificial materials, including
25 landfill.

1

2

There is no such thing as clean

3

landfill --

4

(Bell.)

5

MR. MEYER: -- that's why it's

6

landfill.

7

Thank you.

8

CHAIR LAGO: Questions for Mr.

9

Meyer?

10

(Applause.)

11

(No response.)

12

CHAIR LAGO: Thank you for your

13

testimony.

14

Our next speaker will be Fannie

15

Ip;

16

Who will be followed by Dr. Amy

17

Berkhof.

18

MS. IP: Hi. My name is Fannie Ip

19

and I grew up in the Lower East Side and I

20

currently live in Gouverneur Gardens, just a few

21

blocks from the East River Park.

22

I have fond memories of East River

23

Park and I use the Park almost every day.

24

We need flood protection right now

25

but closing the Park in its entirety in March will

1

2 be detrimental to our health, both mentally and
3 physically.

4

The following is a summary of a
5 detailed and longer written statement that will be
6 sent to the Office of OMB.

7

In the DEIS for the ESCR project,
8 the assessment for the preferred alternatives
9 neighborhood character is inaccurate, which is
10 consistent with the rest of the DEIS due to the
11 following:

12

1. The DEIS has omitted many
13 relevant and historical aspects of the East River
14 Park and its surrounding areas. The East River
15 Park is the largest open space resource affected by
16 the ESCR project but not including such information
17 in the statement, it downplays the role the Park
18 plays in the neighborhood and drawing an inaccurate
19 picture of how the Park is utilized, as well as an
20 incomplete conclusion.

21

Missing information such as the
22 brand new \$2.8 million synthetic turf soccer field
23 and running track that was completed and opened
24 just last September, used by local residents as
25 well as local schools for track meets and races.

1

2

3

4

5

6

7

8

9

10

11

12

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14

15

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17

18

19

20

21

22

23

24

25

And, also, the fact that there's a water park with 27 seal, turtle and crab sculptures that were donated by the artist, G. Lioness, 17 years ago, where kids run through the sprinklers and families have picnics throughout the summer.

2. The DEIS does not take into consideration that the neighborhood character will be negatively affected during construction for however long and many years the project may take.

Once the current trees are removed, not only will there be no trees and greenery during construction but new tree plantings will not be as mature as the trees that were removed, thereby negatively changing the landscape with insufficient shade throughout the Park and its immediate adjacent areas, not to mention East River Park will be seen as one big slope when walking along the west side of the FDR.

Overall, the DEIS conclusion of not expected to result in substantial changes and neighborhood character is incorrect and incomplete.

Thank you.

And I urge you to vote no on this ESCR project.

1

2

(Applause.)

3

CHAIR LAGO: Thank you, Ms. Ip.

4

Questions?

5

(No response.)

6

CHAIR LAGO: Our next speaker will

7

be Dr. Amy Berkhof;

8

To be followed by Kristine

9

Datz-Romero.

10

DR. BERKHOF: So thanks to the

11

Commissioners for working through lunch.

12

I'm Amy Berkhof at the City

13

College of New York, Department of Biology and a

14

40-year resident of the East Village.

15

I was really curious as to how the

16

City could even produce an Environmental Impact

17

Statement for a project that is unprecedented in

18

its destruction. Because without precedent how do

19

you predict the impact?

20

And then I read through my area of

21

expertise, which is terrestrial biodiversity and I

22

thought, if my students submitted this document, I

23

would send them right back to the drawing board.

24

Because it is incomplete --

25

(Applause.)

1

2

DR. BERKHOF: -- it is inaccurate

3

and it makes assumptions that are not justified.

4

The inaccurate assessment of

5

terrestrial biodiversity is based on two, four-hour

6

walk-throughs, mid summer that noted about 18 bird

7

and insect species.

8

Citizen scientists have documented

9

a species list including over 180 bird and insect

10

species.

11

The DEIS notes that the endangered

12

peregrine falcon might nest on the Williamsburg

13

Bridge, although they didn't see it in their

14

walk-throughs. Citizen scientists have documented

15

ten species on the New York State Natural Heritage

16

Program list of rare animal species. Some of these

17

are critically imperiled. They all require

18

thoughtful mitigation.

19

The DEIS makes unjustified

20

assumptions about the temporary nature of negative

21

impacts when it proposed that urban wildlife will,

22

"relocate to other suitable areas."

23

This assumes that organisms can

24

disperse and available habitats can support an

25

influx of new wildlife and that organisms will

1

2 spontaneously return at some point in the future.

3

4 The DEIS claims that the negative
5 impact of losing 981 mature trees, to be replaced
6 by 1,442 saplings, will be temporary because, "the
7 new landscape will represent an improvement."

8

9 This assumes that the saplings
10 would actually mature. This cannot be assumed given
11 that many new trees would be reaching maturity just
12 as the eight-foot flood barrier designed to last
13 only through the 2050s reaches the end of its
14 usable life span, then setting us up for a
15 perpetual construction zone in the East River Park.

16

17 I don't believe for a minute that
18 they're putting together something that's going to
19 offer protection through 2100. Look at -- look at
20 the charts of predicted sea level rise if you don't
21 agree.

22

23 So of the many flaws in the City's
24 preferred Alternative 4, the failure to plan for
25 2100 is to me the worst because it condemns the
26 East River shoreline to be perpetual construction
27 zone with temporary Park use in between.

28

29 The DEIS does include a plan that
30 is much less destructive and offers the same flood

1

2 protection at one-third the price, baseline

3 Alternative 2.

4

(Bell.)

5

DR. BERKHOF: Please disapprove

6 the disastrous Alternative 4.

7

(Applause.)

8

DR. LAGO: Questions for Dr.

9

Berkhof?

10

Dr. Berkhof, if you would be

11

willing to take a question?

12

DR. BERKHOF: Oh, of course.

13

CHAIR LAGO: Commissioner Ortiz.

14

COMM. ORTIZ: Hi. You mentioned

15

that citizens and others have documented much more

16

bio diversity than is outlined in the DEIS. Would

17

you be able to share that information with us?

18

DR. BERKHOF: I would.

19

COMM. ORTIZ: Thank you.

20

CHAIR LAGO: Commissioner

21

Cappelli.

22

COMM. CAPPELLI: You had said --

23

CHAIR LAGO: If you could speak at

24

the microphone.

25

Thanks.

1

2 COMM. CAPPELLI: -- you had said
3 that the plan 2 was preferable?

4 DR. BERKHOF: Yeah, I would -- I
5 would actually go all the way back to plan 2, the
6 baseline plan 2.

7 COMM. CAPPELLI: And why that
8 over 3?

9 DR. BERKHOF: Well, one is that
10 it's lot less expensive and it destroys a lot less
11 of the East River Park. The trees that are
12 destroyed in the Alternative 4, are 981.
13 Seven-hundred some in Alternative 3 and it's 200
14 plus in Alternative 2.

15 So it allows the Park to continue
16 to act as a flood plain, which is a way of
17 protecting the area, just that. And it allows for
18 expansion of -- of wetlands there and these are
19 very consistent with New York City's goals to
20 decrease carbon emissions.

21 So I think that the least
22 destructive plan is environmentally the most sound
23 and offers the same -- I mean, I think all the
24 plans are offering inadequate flood protection but
25 they're all the same in the flood protection that

1

2 they offer.

3

COMM. CAPPELLI: Thank you.

4

CHAIR LAGO: Our next speaker is

5 Kristine Datz-Romero;

6

Who will be followed by Malinda

7

Billings.

8

MS. DATZ-ROMERO: Good afternoon

9

and thank you for allowing this meeting and to hear

10

from the community about our many concerns.

11

My name is Kristine Datz-Romero

12

and I'm the co-founder and executive director of

13

the Lower East Side Ecology Center.

14

And we have pioneered

15

sustainability programs here in New York City since

16

1987 and we have made East River Park our home

17

since 1998.

18

We offer a robust composting

19

program in East River Park, together with

20

environmental education and stewardship

21

programming.

22

The DEIS discusses the compost

23

yard as a project that would be built in

24

conjunction with -- with ESRC but it does not

25

really include any site drawings or anything like

1

2 that. Even so, they are being -- have been
3 developed.

4 And the DEIS also mentions that
5 the compost yard lacks terrestrial resources. I'd
6 like to point out that approximately to 150 to 200
7 cubic yards of compost are to be found in our
8 compost yard at any given day and it would be the
9 ultimate terrestrial resource because it's the
10 foundation for a healthy soil. And the lack of
11 recognition of the value of community composting
12 center in the overall sustainability of this Park
13 is just -- in the new Park is just striking.

14 The DEIS also doesn't seem to
15 grasp the vibrant Park stuffed with native shrubs
16 and perennials that exist today.

17 Since Super Storm Sandy, the
18 Ecology Center has rebuilt the Park bit by bit,
19 adding over 5,000 native shrubs and perennials and
20 creating a rich habitat that our citizen scientists
21 have so aptly also documented with bird species
22 that abound.

23 The DEIS also fails to point out
24 these resources and has, therefore, no mitigation
25 plan for either the plants or the displaced

1

2 wildlife once these resources are bulldozed.

3

4 This wholesale destruction will
5 have direct and cumulative effects on the health of
6 our community and we are demanding resources for
7 planning and moving these resources to neighboring
8 developments as a mitigation measure.

8

9 Lastly, the former Marine Engine
10 Company, No. 66, also known as the Fireboat House,
11 is identified as an architectural resource in -- in
12 the DEIS and has functioned as the hub for the
13 Ecology Center's environmental education and
14 stewardship programs.

14

15 Under the preferred plan, it would
16 be surrounded by eight feet of elevated Park. It's
17 not being able to be raised and the DEIS states
18 that in future storm conditions, the following two
19 architectural resources could experience adverse
20 direct effects from storm surge and flooding.

20

(Bell.)

21

CHAIR LAGO: Thank you, Ms.

22

Datz-Romero.

23

24 If you could submit your written
25 testimony so that we can see it.

25

MS. DATZ-ROMERO: Yes.

1

2

CHAIR LAGO: Thank you.

3

Questions.

4

(No response.)

5

CHAIR LAGO: Thank you for your

6

testimony.

7

MS. DATZ-ROMERO: All right.

8

CHAIR LAGO: Our next speaker is

9

Malinda Billings;

10

Who will be followed by Howard

11

Branstein.

12

MS. BILLINGS: Hi. Good

13

afternoon.

14

My name is Malinda Billings. I'm

15

the stewardship coordinator and gardener for the

16

Lower East Side Ecology Center. And I've lived in

17

the East Village for the last 43 years.

18

I'm going to read a statement from

19

Dan Conner, who could not be here today. He's a

20

New York City Park Ranger.

21

Thank you.

22

The whole DEIS should be

23

invalidated because even though it evaluates

24

several more plans than a DEIS usually evaluates,

25

it does not evaluate the option that five years of

1

2 community input produced.

3

4 Option 3 in the DEIS is not the
5 bridging berm that the community came to consensus
6 on over five years of resiliency planning.

6

7 Option 3 is a more destructive of
8 the Park, less innovative and is an obvious
9 downgrading of the community plan and effort of NYC
10 DDC to make their preferred plan more palatable.

10

11 Of the options in the DEIS that
12 are preferred -- presented, option 2, a wall in the
13 Park along the FDR is most preferable because it
14 offers the same level of protection, destroys less
15 of the community and Park, preserves the flood
16 plain in the Park, allows for continued community
17 stewardship to transition the plantings to be
18 resilient to saltwater, flooding and leaves plenty
19 of space in the budget to plan future resilient and
20 sustainable projects in the Park, such as improved
21 bridge access, decking over the FDR and/or wetland
22 restoration.

22

23 Moreover, a wall is a wall is a
24 wall. So New York City DDC's claim in the DEIS
25 that they're preferred option 4, below-grade wall
causes less of a visual obstruction of the river

1

2 from the streets and the highway front residences
3 than a wall along the FDR is bogus.

4

As the ULURP for the ESCR project
5 is actually only about acquiring the tie backs in
6 the community, my comment specifically for the
7 current ULURP are that it is unnecessary.

8

If we were to eliminate the FDR
9 Drive, or at least take away two lanes, we could
10 build a continuous berm to protect our
11 neighborhoods through the whole project area or the
12 whole east side if you want to be proactive.

13

This shrinking or eliminating of
14 the FDR would also contribute to eliminating many
15 other problems, including but not limited to,
16 vehicle caused air pollution flowing into NYCHA
17 campuses and other highway fronting residences.

18

Climate change causing emissions
19 contributing to sea level rise and extreme storms
20 like Sandy.

21

The transit desert of the east
22 side of Manhattan, if you include light rail in the
23 plan, congestion, pricing, being exempted on the
24 FDR --

25

(Bell.)

1

2

MS. BILLINGS: Thank you very

3

much.

4

CHAIR LAGO: And Ms. Billings, if

5

you could introduce -- give the record to the

6

secretary so we could have it as part of the record

7

and see the balance of it.

8

Thank you.

9

Our next speaker is Howard

10

Branstein;

11

Who will be followed by Marie

12

D'Cinama.

13

MR. BRANSTEIN: My name is Howard

14

Branstein. I'm the executive director of 6th

15

Street Community Center.

16

The City has spent \$150 million

17

over the past ten years -- actually more, to

18

renovate the Park. Now, as you've heard, they want

19

to bulldoze the Park and raise it eight to ten feet

20

for about \$1.5 billion to add flood protection.

21

However, this plan is wholly

22

inadequate because it fails to address the root

23

cause of why we're suffering from this kind of

24

flooding and why sea level is rising.

25

July -- this July is the hottest

1

2 month in recorded history. The intergovernmental
3 panel on climate change says that we have about ten
4 years to take action on the climate emergency or
5 face dire consequences.

6

We cannot divorce flood protection
7 from climate change and no amount of dirt can --
8 can be piled high enough if we fail to do so.

9

So what's driving climate change?
10 About 30 percent of greenhouse gases are from our
11 transportation sector. If we look at the FDR
12 Drive, as the previous speaker has mentioned, over
13 100,000 cars travel up and down the FDR Drive every
14 day, or about two occupants per vehicle are using
15 those -- are in those cars. That leaves at least
16 half of those cars unoccupied and yet we have six
17 lanes set aside for this extravagant car centric
18 transportation system initially envisioned by
19 Robert Moses.

20

At the same time, we have a
21 transit desert along the FDR Drive with residents
22 very far from subways and with inadequate bus
23 service.

24

The City's plan addresses none of
25 this and the community bears the entire burden of

1

2 the proposed Park rehab in terms of the air, water,
3 loss of trees, health and, of course, the
4 destruction of our Park.

5 The motorists on the FDR Drive pay
6 nothing. Con Ed gets a free ride. Of course, we
7 have to pay -- the City pays for the over -- the
8 bridge over their structure at the pinch point and
9 the fossil fuel industry pays nothing, even though
10 they've been aware of this problem for over 50
11 years. So what's to be done?

12 How can -- let's figure out how we
13 can save lives and save trees. Let's go back to
14 the community plan, which envisions the Park as a
15 flood plain and let's take it a step further.
16 Let's substitute dedicated bus lanes for cars on
17 the FDR Drive. These buses would be non-polluting,
18 quiet, electric buses that -- and this way we would
19 go far beyond the congestion pricing plan in order
20 to meet the City's climate goals.

21 We reduce the FDR from six to
22 three lanes. We move the Con Ed utility lines as
23 needed and we build the wall in or along the FDR
24 Drive.

25

(Bell.)

1

2

CHAIR LAGO: Thank you, Mr.

3

Branstein.

4

And if you could introduce your

5

testimony, that would be helpful.

6

Thank you.

7

Questions?

8

(No response.)

9

CHAIR LAGO: Thanks for your

10

testimony.

11

Our next speaker is Marie

12

D'Cinama;

13

Who will be followed by Danny

14

Ramirez.

15

(No response.)

16

CHAIR LAGO: I may be misreading

17

the handwriting. It looks like Marie D'Cinama.

18

VOICE: She's not here.

19

CHAIR LAGO: Thank you.

20

Then we will hear from Danny

21

Ramirez.

22

(No response.)

23

CHAIR LAGO: Okay.

24

Thank you.

25

Then Eric Rhinerman.

1

2

(No response.)

3

CHAIR LAGO: Okay. Juan Aloka.

4

(No response.)

5

CHAIR LAGO: Matt Schafer.

6

(No response.)

7

CHAIR LAGO: Petra Garrone.

8

(No response.)

9

CHAIR LAGO: Naomi Schiller.

10

VOICE: She's not in the room.

11

CHAIR LAGO: When she comes back,

12

we can move on to her.

13

Theodore Pender.

14

Thank you.

15

MR. PENDER: Hi. Good afternoon.

16

Thank you for listening to us.

17

My name is Theodore Pender. I'm a

18

resident of East River Co-op and vice president of

19

Friends of Corlears Park, which is located across

20

the FDR from the East River Park on the Lower East

21

Side.

22

Without a doubt, we need flood

23

protection in our neighborhood. However, my

24

greatest concern after searching through several

25

chapters of the DEIS is air quality our community

1

2 will be enduring during the deconstruction and
3 construction of the new Park.

4

5 Three barges a day of soil will be
6 off loaded onto dump trucks, which will in turn be
7 dumping their loads onto the surface of the current
8 Park to raise the entire 58 acres, eight to ten
9 feet high.

9

10 Mitigation measures to control
11 soil particles from blowing away in the wind will
12 include the use of tarps and a sprinkling system.
13 On windy days those measures will be useless when
14 loads of soil are being moved and poured.

14

15 Our community will be forced to
16 breathe these soil particles for the duration of
17 the construction period. Asthma rates and
18 residents living along the FDR Drive are already at
19 a high level. And if congestion pricing is
20 approved leaving the FDR a toll free highway, we'll
21 be jammed with cars, compounding our already
22 miserable air quality.

22

23 We deserve a safer plan and we do
24 not need another World Trade Center respiratory
25 event in our City.

25

In addition, I'm referring to a

1

2 letter that was in -- We Build By Designs book, the
3 Big You. A letter written by Demaris Rayes, who is
4 the chair of Lower East Side Ready on March 24th,
5 2014 to the Honorable Shawn Donovan, Secretary of
6 the U.S. Department of Housing and Urban
7 Development.

8 This paragraph states, "We are
9 pleased that Bit Team and Rebuilt By Design
10 sponsors have undertaken extensive community and
11 stakeholder engagement in the affected communities
12 of Manhattan during the research and planning
13 phases of the Rebuild By Design process, to ensure
14 that any infrastructural amenities created to
15 mitigate the effects of climate change will also
16 enhance residents' quality of life, create
17 employment and economic opportunities for long-time
18 residents and not lead to displacing of
19 long-standing neighborhood residents."

20 This paragraph would not be
21 able -- could not be written today with the current
22 plan and the lack of community engagement. I've
23 gone to over 60 meetings.

24 The one thing that I can think of
25 that they have actually agreed to is solar powered

1

2 lighting. Solar powered lighting. They have taken
3 nothing from us. They are not listening to us.
4 They keep saying this is community engagement. The
5 community has not been involved in this project at
6 all. They're basically stuffing it down our
7 throats.

8

(Bell.)

9

MR. PENDER: Thank you.

10

CHAIR LAGO: Thank you, Mr.

11

Pender.

12

Questions?

13

(Applause.)

14

(No response.)

15

CHAIR LAGO: Thank you.

16

Is Naomi Schiller now back?

17

VOICE: (Inaudible.)

18

CHAIR LAGO: Okay. We'll continue

19

with Dusty Rose Ryan;

20

Who will be followed by Jasmine

21

Meyer Ahib.

22

(No response.)

23

CHAIR LAGO: Okay. We will move

24

on to Ginger Lee Ryan;

25

Joanne Fink;

1

2

Ada McNally.

3

MR. MC NALLY: Hi. I'm a

4

long-time resident of the East Village and I'm here

5

to speak today specifically in opposition to the

6

tearing up of the Tompkins Square blacktop to

7

replace it with artificial turf field as part of

8

this plan that I guess would try to account for the

9

displacement of fields in that Park.

10

The blacktop as it is -- serves as

11

a surfer hub and public square for the

12

neighborhood, namely utilized by skateboarders. In

13

addition, it's utilized by street hockey players

14

and a softball team that has regularly -- and

15

there's nothing as it is that prevents it from

16

being used for a variety of purposes.

17

If it is -- if this blacktop is

18

torn up and replaced with turf, that expels most of

19

the people who currently use the blacktop and, you

20

know, pushes them -- just continues the cycle of

21

pushing people out of the East River Park and then

22

out of other parks already in the City and what

23

they're using it for.

24

You know, in addition, the Park

25

itself is used not just by residents but by people

1

2 from all over the wider City and specifically the
3 blacktop where people skateboard is a major
4 attraction for people who visit the City from the
5 rest of the country for skateboarding.

6 And I hope that the City will
7 consider removing this from the plan for the parks.

8 CHAIR LAGO: Thanks.

9 Thank you for introducing a new
10 issue to us.

11 Questions?

12 (No response.)

13 CHAIR LAGO: Thanks for your
14 testimony.

15 (Applause.)

16 CHAIR LAGO: Our next speaker is
17 Mitchell Hadid;

18 Who will be followed by Elizabeth
19 Broukamato.

20 MR. HADID: Hi. My name is
21 Mitchell Hadid. I'm an attorney. I represent East
22 River Housing Corporation and I'm speaking in
23 opposition to the Eastern acquisition to construct
24 a parallel conveyance in East River's parking lot.

25 The City and the DEIS gave no

1

2 consideration to the severe and negative impact
3 that the proposed construction will have on the
4 thousands of residents who live at East River and
5 Hillman Housing Corporation.

6 It also gives no consideration to
7 the severe impact on East River's housing
8 operations and the essential services that it
9 provides to almost 7,500 residents on a daily
10 basis.

11 Now one of the applicants got up
12 before you today and said, there's some serious
13 construction impacts that the City is looking to
14 mitigate and expects to have news as the design
15 process completes. Expects to have news. You're a
16 deliberative body. You're being asked to make a
17 decision based on facts, based on expert scientific
18 testimony and they have not given you the facts to
19 adequately consider, we believe he matter before
20 you.

21 They've given you absolutely no
22 facts with respects to the metes and bounds of this
23 particular proposed acquisition for the easement.
24 They've given you no facts with respect to the
25 construction, how they propose to dig six -- 40

1

2 feet into landfill to put in this parallel
3 conveyance. They've given you no facts with
4 respect to what it takes and what's going to come
5 up when they bring up this landfill.

6 There's a water table with an
7 active water running below, ten feet from this
8 landfill. You've gotten no facts whatsoever.

9 They took -- they've given you no
10 facts with respect to what type of construction.
11 They're going to have to bring a giant crane with
12 one of those -- I guess claws that you would see in
13 a machine where you put the quarter in and you get,
14 you know, the -- the prize. Some kids actually get
15 stuck in that.

16 They're going to have to bring in
17 heavy machinery to get this stuff out. They've
18 given you no mitigation, no environmental impact.
19 There is nothing in the DEIS statement that even
20 mentions East River.

21 There's been no testimony about
22 East River and we're talking a minimum of 7,500
23 people who are going to be affected.

24 Nothing about the air quality.
25 Nothing about the dust. Nothing about is are they

1

2 planning on having a simultaneous construction
3 project on the Delancey Bridge, which is adjoining
4 the Williamsburg Bridge on Delancey Street, which
5 joins this project.

6 Respectfully -- again, you're a
7 deliberate -- a deliberative body. The City must
8 address the harm to the health, safety and welfare
9 of East River housing and Hillman Houses
10 residences, as well as the people in Veradaka
11 (phonetic) just across the street.

12 Before the proposed easement
13 acquisition can be approved, we respectfully
14 request --

15 (Bell.)

16 CHAIR LAGO: Thank you, Mr.
17 Hadid.

18 Questions?

19 Commissioner De La Uz.

20 COMM. DE LA UZ: You brought up
21 points specific to the bridge -- I'm sorry, on
22 Delancey. I'm sorry, could you just repeat that
23 particular point because I don't think we've heard
24 that before.

25 MR. HADID: Yeah. So my client is

1
2 going to be disposed of -- they're going to have to
3 displace approximately 50 cars. And from the
4 parking lot to this construction. And my client
5 has asked the City, well, maybe we can park some of
6 these cars underneath the Williamsburg Bridge on
7 Delancey Street and they said, no, no, no. We're
8 planning on doing a simultaneous project on the
9 bridge and so we need that for -- that type of
10 bridge access and construction there.

11 You heard nothing about that here.
12 You're going to have work on the flood, which my
13 client supports. Work on this particular easement,
14 which is not necessary to -- for -- excuse me, for
15 flood protection. And then you're going to have
16 work right above on the Williamsburg Bridge and who
17 knows what comes down from that.

18 Nothing at all in this DEIS.

19 COMM. DE LA UZ: Thank you.

20 CHAIR LAGO: Commissioner Ortiz.

21 COMM. ORTIZ: I think the bell
22 rang just as you were respectfully requesting us to
23 do something. Was that a summary statement or a
24 new thought?

25 MR. HADID: It actually was just

1

2 telling you what we'd like to see you do. And if I
3 just may, it will take six seconds, which is that
4 we would request that the proposed easement
5 acquisition be withdrawn and they should submit a
6 new application.

7

Once you have all the facts so
8 that you can make an informed and intelligent
9 decision and --

10

CHAIR LAGO: Thank you, Mr.

11

Hadid.

12

Those were the six seconds.

13

(Laughter.)

14

CHAIR LAGO: Thank you.

15

Other questions?

16

(No response.)

17

(Applause.)

18

CHAIR LAGO: Thank you.

19

Our next speaker will be Elizabeth

20

Broukamato;

21

And followed by Jennifer

22

Santainez.

23

MS. BROUKAMATO: Hi.

24

And thank you for taking our

25

testimonies and thank you to the tireless activists

1

2 who gathered once again.

3

4 I'm a member of the Lower East
5 Side United Neighbor Gardens and the East River
6 Alliance, among other things.

6

7 I've lived in -- in the Lower East
8 Side for 40 years between Tompkins Park and East
9 River Park and I mean that literally. The East
10 River Park beyond serving as a recreation area is a
11 habitat and not only to wildlife and majestic
12 stands of trees but to lower and middle income
13 residents, who are bursting out of our tenement
14 buildings and housing in our area.

14

15 My neighbors and I live our daily
16 lives in East Rive Park. It's our kitchen, our
17 dining room. It's our library. It's our living
18 room and it's not only a recreation center. It's
19 where we gather. And this is important.

19

20 There are many strikes against the
21 proposed plan to bulldoze the Park, including the
22 groves of trees up to 80 years old and more.

22

23 I want to mention the London Plain
24 trees because I'm literally fascinated with these
25 trees and apparently they're a relatively new
26 hybrid in the last few hundred years but apparently

1

2 none has never died of old age so they're very
3 resilient and, also, they lend their leaf to the
4 pattern of the emblem of the Parks Department,
5 which is sort of ironic.

6 But it's -- so this plan is a
7 breach of faith. It flouts the joint plan developed
8 in conjunction with the community. As has been
9 mentioned, it doesn't sufficiently address the
10 environmental concerns that cause climate change
11 and I -- I would love to know where the dirt's
12 coming from, if anybody wants to tell me after I
13 speak, I would love to hear it.

14 It --it has a look of a McPark,
15 which would replace natural areas with plastic turf
16 and recently a lot of new plastic turf has been put
17 in. So when this plastic turf is torn out, I
18 don't -- we don't know where all that plastic is
19 going to go.

20 The three-year plan is
21 unrealistic. Oh, my gosh, I'm almost out of time.
22 The East River Park was closed for over a
23 decade-and-a-half until 2011 just to fix potholes
24 along the shoreline.

25 We need to keep in mind the

1

2 community impact. I know residents of housing are
3 immediately affected and flood mitigation is really
4 very important. But I haven't heard anybody, even
5 those in favor of the plan who are in favor of
6 closing the Park.

7 So we need, as Gale Brewer has
8 said, on transparency, we need education. We need
9 to ensure that taking the Lower East Side out of
10 the flood plain doesn't pave the way for luxury
11 construction on parkland and displacement of our
12 ethnically and culturally diverse and historic
13 community and please vote no.

14 Thank you.

15 (Bell.)

16 CHAIR LAGO: Thank you, Ms.
17 Broukamato.

18 (Applause.)

19 CHAIR LAGO: Questions from the
20 Commission?

21 (No response.)

22 CHAIR LAGO: Thank you for your
23 testimony.

24 MS. BROUKAMATO: Thank you.

25 CHAIR LAGO: Our next speaker will

1

2 be Jennifer Santainez;

3

Who will be followed by Sally

4

Lelong.

5

MS. SANTAINEZ: Good afternoon,

6

Chair Lago and Commissioners.

7

My name is Jennifer Santainez and

8

I'm the Manhattan Deputy Borough Commissioner for

9

the New York City Department of Transportation.

10

I'm here today to address an item

11

that has been raised as a community concern

12

throughout the public outreach process for the East

13

Side Coastal Resiliency Project, the cyclist

14

re-routing during East River Park construction.

15

The DOT understands the

16

significance of the plan's Park closure and the

17

impacts that it will have on the thousands of

18

cyclists who regularly use the East River Greenway.

19

As mentioned earlier, we believe that for many of

20

those who use this path as a transportation route,

21

the existing protected bicycle lanes along 1st and

22

2nd Avenues will serve as a reasonable alternative.

23

DOT is also currently upgrading a

24

number of intersections with offset crossings along

25

these corridors in the East Village to provide a

1

2 more comfortable riding experience for cyclists.

3

4 Last week, Mayor de Blasio,
5 alongside DOT Commissioner Polly Trottenberg,
6 announced the Green Wave, a plan for cycling in New
7 York City, our plan to improve cycling safety and
8 continue our expansion of the bicycle network.

8

9 With that said, DOT has heard
10 requests for additional north and southbound routes
11 in the neighborhood and we are actively evaluating
12 the potential of adding protected bicycle lanes on
13 one or more of the corridors along Avenues A
14 through D.

14

15 We are committed to expanding the
16 protected bicycle lane that work in Manhattan and
17 throughout the City.

17

18 I also did want to confirm that
19 the City team is here. We are listening and we are
20 taking notes for all of the public comments that
21 are being shared today.

21

22 I'm joined here today with other
23 colleagues from the Department of Transportation,
24 the Mayor's office, DDC, Parks, EDC, OMB. And I
25 have my colleagues that are still in the -- in the
audience today.

1

2

Thank you for your time and

3

consideration.

4

CHAIR LAGO: Thank you.

5

Questions for Ms. Santainez?

6

Commissioner De La Uz.

7

COMM. DE LA UZ: Thanks for being

8

here.

9

Earlier today, I think it was a

10

representative from Councilmember Rivera who

11

testified about DOT's detour study. Can you talk a

12

little bit about that and what the status of that

13

is?

14

MS. SANTANEZ: What I can share

15

is just general information, Commissioner.

16

We are currently actively looking

17

at alternate routes that we can provide for

18

re-routing during the construction and we're

19

looking forward to coming back to the Community

20

Boards once we have more updates.

21

COMM. DE LA UZ: Is the timing of

22

that study going to be within City Planning

23

Commission's review period or do you anticipate

24

that to be after?

25

MS. SANTANEZ: There's a lot of

1

2 different challenges that come with figuring out
3 alternate routes, Commissioner. And I will get
4 back to the Commission and -- and public as soon as
5 we can.

6

CHAIR LAGO: I think it would be
7 helpful as the Commission deliberates on this to
8 pass along information as you have it and as much
9 information as you can before the vote.

10

MS. SANTANEZ: Absolutely.

11

CHAIR LAGO: Commissioner Ortiz.

12

COMM. ORTIZ: Hi. Good morning.

13

The DEIS speaks to mitigation for
14 pedestrian bikes and says that the re-routing would
15 occur along existing and along the most direct
16 alternative routes within the existing bicycle
17 network, which is -- and as you've mentioned that
18 means primarily those protected bike lanes along
19 1st and 2nd Avenue.

20

1st and 2nd Avenue are really
21 quite far away from this area. And they do provide
22 north-south access but there is no other
23 north-south access. So even getting to those
24 protected lanes is very difficult.

25

You know, we were told that the

1
2 alternative options would mean taking out parking
3 and with parking sacrosanct. So, you know, we
4 certainly can't do that. But -- and I'm being
5 sarcastic because, you know, we're -- we're talking
6 about removing options for alternative transit
7 without providing adequate alternatives but we
8 haven't discussed, you know, anything that would
9 affect those who, you know, the parking, the other
10 ways in which we can maintain some of those access
11 points.

12 So the DEIS further says that they
13 would, you know, you'd like to invest supporting
14 bicycle infrastructure upgrades along those
15 alternative routes. Again, all existing bicycle
16 network routes, 1st and 2nd Avenue, which are
17 really quite a distance. I would very much like to
18 see information, as you've indicated, you're
19 looking at about what -- how we're going to
20 mitigate this significant impact?

21 There are between two and 3,000
22 pedestrians and bicycles daily that move and up
23 down this Park. That's not insignificant. It's
24 very significant, in fact. Given how -- how -- how
25 far removed this area is from other transportation

1

2 options.

3

4 So I just -- I personally feel
5 like I've seen very little consideration of this as
6 a transportation artery and I just really feel like
7 the responses have been inadequate to date.

8

(Applause.)

9

MS. SANTAINEZ: Thank you,
Commissioner.

10

(Applause.)

11

CHAIR LAGO: Other questions?

12

Commissioner Levin.

13

COMM. LEVIN: So I was forming the
14 same thought, I'm staring at the map -- at Google
15 Maps of the neighborhood on my little Ipad here. I
16 would point out that 1st and 2nd Avenues are five
17 and six long Manhattan blocks away. That's just
18 not going to cut it as an alternative.

19

But I also want to say I
20 appreciate your signing up to testify and
21 acknowledging that the City team remains here. I
22 think it's really crucially important that, you
23 know, the City Planning Commission has a
24 responsibility for a relatively tiny and very
25 detail oriented aspect of this plan. Nonetheless,

1

2 we're the body that holds the public hearing.

3

4 We are hearing testimony about
5 issues that are fundamentally the responsibility of
6 other City agencies. I think we have the
7 opportunity as we consider what we're doing here to
8 see what we can do to get coordination and -- and
9 commitments by those other City agencies. But I
10 think it -- we gotta get, this is a big complicated
11 project that's going to need the City to get much
12 more engaged in a more comprehensive way.

12

MS. SANTAINEZ: Thank you.

13

14 And I did want to add that we do
15 also have alternate routes along Avenues A, C and
16 Clinton Street and we are looking forward to
17 sharing more updates with the Community Boards once
18 our evaluation of Avenues A through D is complete.

18

Thank you.

19

20 CHAIR LAGO: Again, hearing the
21 questions from the Commission, I would urge that to
22 the extent that it can be done during our review
23 period, that would be quite helpful.

23

MS. SANTAINEZ: Thank you, Chair.

24

Other questions?

25

(No response.)

1

2

CHAIR LAGO: Thank you, Ms.

3

Santainez.

4

Our next speaker is Sally Lelong;

5

To be followed by Jorge Hernan.

6

MS. LELONG: Thank you.

7

My name is Sally Lelong. I'm a

8

long-time East Village resident.

9

I want to address the -- what I

10

see as the underlying philosophy behind our

11

choices, which places cars above people.

12

I think that there's -- first off,

13

I also want to say that lower and middle class

14

lifestyles are under attack. We are being displaced

15

by housing that goes for rich people and there

16

seems to be a time line coincidence that needs to

17

be questioned about the Extel Towers going up and

18

then all of a sudden the abandonment of the prior

19

plans for mitigating the floods.

20

The East River is like our Central

21

Park. It plays an important role. The Lower East

22

Side is famous because we are the melting pot. We

23

are the pot where everybody comes to know each

24

other. It changes strangers into friends. It

25

changes neighbors into friends. It turns friends

1

2 into community. It's what makes the City what it
3 is.

4 And we can't be constantly taking
5 for granted that we can give away the things that
6 make our life bearable for the sake of a car. I'm
7 sorry it's just like -- what does the East River do
8 for us? Robert Moses was all about getting people,
9 working in Manhattan, getting people out to the
10 bedroom communities.

11 We have to really, you know, the
12 car -- the City has outgrown cars. It has outgrown
13 the truck chassis. Why don't we just turn around
14 and prohibit SUVs from driving in New York.

15 We need to protect our air. We
16 need to be looking at the causes of our climate
17 change. And we need to not sacrifice what makes us
18 whole and what makes us happy.

19 That's all I have to say.

20 (Applause.)

21 CHAIR LAGO: Thank you, Ms.
22 Lelong.

23 Questions?

24 (No response.)

25 CHAIR LAGO: Thanks for your

1

2 testimony.

3

Our next speaker is Jorge Hernan;

4

Who will be followed by Laura

5

Shul.

6

MR. HERNAN: Hi. You can call me

7

George if you only speak English.

8

But that was beautifully done.

9

Anyway, I live on East 12th Street

10

and I am against this current plan. It's called

11

the East Side Coastal Resiliency. A lot of New

12

York City, Manhattan also, is part of a flood

13

plain. We build the berm along the FDR. We use

14

that as a flood plain.

15

I mean the Park is what, 50

16

some-odd acres. Yes.

17

VOICE: Fifty-eight.

18

MR. HERNAN: Fifty-eight. Yes.

19

So we'll just say 50 because we

20

use eight acres along the strip of the FDR to

21

create this berm. You build up eight, ten feet,

22

you have 400 acre feet of extra water for the river

23

to expand into without flooding out all the people

24

that live there and you don't have the 90-year olds

25

that are trapped in the apartments with no

1

2 electricity unless, of course, the flood is even
3 higher and I'm sure the floods are going to be even
4 higher.

5 The Parks person gave something
6 about the flood level for 2025 but she neglected to
7 say projected. All this stuff is projected. It's
8 very iffy. There are studies in which people think
9 that the UN climate forecasts of water level rises
10 are likely to be off and not in a good way.

11 The trees live when they get
12 flooded. The oaks are salt tolerant. There are
13 roses that are salt tolerant. The sumacs are salt
14 tolerant.

15 I like this idea of having a barge
16 to come in to bring the stuff for the berm. I
17 think the embayments should be made larger. The
18 barge is shallow draft hopper so that it contained
19 and you don't have crap blowing everywhere. Again,
20 you take it to little trucks. You don't need
21 ginormous things.

22 Strip, build it and that will be
23 phased so that you do this one part. That part of
24 the Park is open. There are a number of embayments
25 you use. You leave them there and later they

1

2 become wetlands. Maybe we'll even get terrapins in
3 Turtle Bay. It's called Turtle Bay because of the
4 terrapins that used to live there.

5 I don't know, I just think that
6 this whole raising of the Park and killing all the
7 trees. Supposedly one tree is the equivalent of 20
8 air conditioners running 20 hours a day. I don't
9 know. But I do know that if I'm going to be
10 outside in the City, I would rather be under a
11 bunch of trees that out on this dirt that's blowing
12 around.

13 Anyway. So that's about it. I'm
14 sorry if -- any questions?

15 CHAIR LAGO: We appreciate your
16 testimony, Mr. Henan.

17 Questions?

18 (No response.)

19 CHAIR LAGO: Thank you.

20 (Applause.)

21 MR. HERNAN: Thank you very much.

22 CHAIR LAGO: Our next speaker is
23 Laura Shul;

24 And she'll be followed by Sasha
25 Alcashed (phonetic), I think.

1

2

MS. SHUL: Good afternoon.

3

Appreciate the long day.

4

5

I'm the executive director of the East Village Community Coalition, Laura Shul.

6

7

And I've already turned in my written testimony. It really -- you've heard most of it before.

9

10

11

12

13

We have a desperate need for flood protection in our neighborhood. We all lived through Sandy. Some of us are still suffering from the consequences of it. It affected our businesses, our families.

14

15

16

17

18

19

20

We had a plan that we worked on with the community for a long time and I would say much of the programming from that plan reappears in the new plan but I think what you're experiencing today when you're asking particular questions, you think, oh, they're going to do this. What is it going to mean for that? There aren't any answers.

21

22

23

24

25

You're being asked to vote on a project that is barely out of design development -- still in design development, the way I look at it. And it's not fair to the Commission. It's not fair to the agencies who've had to scramble to respond

1

2 to try to come up with alternative transportation
3 plans, to try to come up with alternative green
4 space plans, which we absolutely need. It's the
5 biggest Park south of Central Park. People come
6 from all over the City to the Park, not just us.

7 So I just -- I don't know how the
8 Commission can vote on this plan the way it is
9 because without all of these answers, there isn't a
10 plan.

11 Thank you for hearing and thank
12 you for hearing all of us.

13 (Applause.)

14 CHAIR LAGO: Thank you, Ms. Shul.
15 Questions?

16 (No response.)

17 CHAIR LAGO: Our next speaker is
18 Sasha Alcashed;

19 To be followed by Sullivan Carmie.

20 (No response.)

21 CHAIR LAGO: Okay. We will move
22 on to Mimelli DeCoup;

23 MS. DE COUP: Good afternoon,
24 Chair and Commissioners.

25 Thank you so much for you time.

1

2

My name is Minelli DeCoup. I'm
with the Mayor's office.

4

I just wanted to reiterate the
point made by my colleagues that the City is here,
the project team is here and we are listening to
not just the comments that are being presented
today and the testimonies that our community
members have presented but have continued to do
this and will continue to engage not -- not only in
these structured forums but, also, as we do
regularly by meeting with community groups that ask
for meetings or with the Community Board and
providing regular updates.

15

We realize that there are a lot of
comments and that there are a lot of questions
remains on the -- on the Environmental Assessment
and which we are currently working to address. We
are working with not just our local partners but,
also, our State and federal partners to ensure that
our Environmental Review process and assessment is
done to the greatest extent, you know, practicable
with the information that we have currently
available.

25

And with that, I just wanted to

1

2 really offer that we're here to listen and I'm
3 happy to take any questions or concerns back to the
4 project team that you might have.

5

CHAIR LAGO: Thank you, Ms.

6

DeCoup.

7

Questions?

8

(No response.)

9

CHAIR LAGO: Thank you.

10

Oh, Commissioner De La Uz.

11

I apologize.

12

COMM. DE LA UZ: I guess one of

13

the questions that's going to come up in review

14

session, so I'll ask it now that way you can bring

15

it to the project team and, you know, obviously a

16

lot of the community's concerns are about what's

17

driving -- a lot of folks consider this plan not to

18

be fully baked, if you will. And so if there's

19

something else that's driving the timing of the

20

submission, I think it would be helpful for us to

21

know that.

22

MS. DE COUP: Great.

23

CHAIR LAGO: Commissioner

24

Cappelli.

25

COMM. CAPPELLI: Why did you

1

2 switch from plan 3 to plan 4?

3

(Applause.)

4

MS. DE COUP: I'm happy provide
5 just a top line response now. But I mean we're
6 happy to provide additional information.

7

But so -- the decision to change
8 approach really was not taken lightly. And it
9 really came out of an in-depth constructability
10 review by the City team, led by the Department of
11 Design and Construction and their new Commissioner
12 last year when -- and the first Deputy Commissioner
13 when they started.

14

I mean, we really were looking to
15 make sure that the City and that DDC can actually
16 deliver on the project that was being proposed.
17 And the challenges of building and installing a --
18 sheet piles and it just really, you know,
19 constructing the flood protection along the FDR,
20 not only with -- with the night-time closures but
21 also with Con Edison lines that are running along
22 that edge of the Park really presented a risk for
23 the delivery of the project.

24

And I think some of my colleagues
25 mentioned earlier. So the -- the project is funded

1

2 by the federal -- by HUD, a HUD grant which we
3 received \$338 million to implement this project and
4 that is -- comes with a -- a deadline. So we're
5 looking to spend the federal funds by September of
6 2022 and in order to do that, we wanted to make
7 sure that we were going to be moving forward to
8 final design with a project that can actually be
9 implemented.

10 And we looked at different ways
11 that this challenge can be addressed and really by
12 containing the construction in this area to East
13 River Park, it really offers us the best
14 opportunity to deliver the project on time, not
15 only to meet the federal spending milestones but,
16 also, to make sure that we can offer flood
17 protection to this community that continues to
18 be -- to be vulnerable in the years since Sandy.

19 CHAIR LAGO: I'll note that we
20 have representatives from DDC here and that we can
21 follow up with them to get more detail for the
22 Commission.

23 COMM. CAPPELLI: I would like to
24 get more detail because, I mean --

25 MS. DE COUP: No, that's okay.

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COMM. CAPPELLI: -- because, I mean, the process took three years. I mean, these questions could have been answered in the three years that you came up to develop option 3 and then to just kind of chuck it and go with option 4. And after all these people put all this work into it, it just seems to be odd.

MS. DE COUP: Yeah, definitely. We appreciate that.

COMM. CAPPELLI: Thank you.

CHAIR LAGO: Commissioner De La Uz.

COMM. DE LA UZ: Because one of the points you raised was specific to -- to the Con Ed piece and the Con Ed lines, it would -- it would be really helpful to hear from them directly about their concerns. If they share those concerns about constructability that the City has outlined or if they have different points that they would like to make, they're obviously a major player in all of this.

MS. DE COUP: Definitely.

COMM. DE LA UZ: So are these that are -- that are impacting the lines. So I

1

2 think it would be helpful to have that information.

3 Definitely.

4

CHAIR LAGO: Commissioner Levin.

5

COMM. LEVIN: And we've heard

6 about -- we've heard details about many individual

7 aspects of this plan. I'm sure someone from your

8 office is back there taking notes about what all

9 those are. But I think we're going to need to hear

10 about those in the followup discussion,

11 particularly the practicalities of the East River

12 Houses situation --

13

MS. DE COUP: Definitely.

14

COMM. LEVIN: -- we heard about

15 the design of the amphitheater, if that's going to

16 be a feature of the new Park --

17

MS. DE COUP: Definitely.

18

COMM. LEVIN: -- we need to have

19 an understanding of that.

20

We heard about competition for use

21 of the asphalt in Tompkins Square Park. I'm just

22 taking this off the top of my head. After four --

23 four hours of testimony, I'm sure there's much more

24 in there. But if you could pick through everything

25 that you've heard and come back to us with facts

1

2 that indicate that you've thought about these and
3 how we should, you know, consider those as we move
4 forward.

5

MS. DE COUP: Most definitely.

6

COMM. LEVIN: Thank you.

7

CHAIR LAGO: Commissioner Ortiz.

8

9 add some clarification around the agreed upon
10 mitigation measures. It seems like they're
11 exploring and continue to explore. So it's unclear
12 whether we'll have that information before. I
13 mean, we just ended up talking about bike lanes and
14 the mitigation on that issue.

15

MS. DE COUP: Most definitely.

16

17 impact of children not having a place to -- to plan
18 for a significant amount of time.

19

20 You know, if we could get a
21 summary of that, that would be helpful.

22

23 MS. DE COUP: We can definitely do
24 that.

25

CHAIR LAGO: Other questions.

26

COMM. DE LA UZ: Sorry.

27

CHAIR LAGO: Commissioner De La

1

2 Uz.

3 COMM. DE LA UZ: And then on the
4 \$338 million from the feds that -- that require
5 construction begin by September 2022, you were
6 about to -- go ahead.

7 MS. DE COUP: I was about to make
8 a slight correction. So we have to actually spend
9 the money and get reimbursed by the federal
10 government under that time line.

11 Seeking and extending that time
12 line will require Congressional action. We're not
13 very confident that that would happen under this
14 administration.

15 COMM. DE LA UZ: You've answered
16 my question.

17 Thanks.

18 CHAIR LAGO: Other questions?

19 (No response.)

20 CHAIR LAGO: Thank you, Ms.

21 DeCoup.

22 MS. DE COUP: Thank you.

23 CHAIR LAGO: We'll now continue
24 with King Abdul.

25 (No response.)

1

2

CHAIR LAGO: Emmanuel Vasquez.

3

(No response.)

4

CHAIR LAGO: Edwin Rios.

5

(No response.)

6

CHAIR LAGO: Barbara Paparelli.

7

Oh, I'm sorry.

8

Thank you.

9

And you are?

10

MR. VASQUEZ: Emanuel Vasquez.

11

CHAIR LAGO: Thank you.

12

MR. VASQUEZ: All right.

13

Thank you for the opportunity to

14

Speak.

15

I just want to start off by saying

16

that community is a beautiful thing. And one of

17

the only places in New York City where I, and many

18

other people, found that was in the asphalt

19

playground at the northwestern corner of Tompkins

20

Square Park.

21

As a native New Yorker, I believe

22

that it is imperative to preserve the culture of

23

our City, a culture that thrives in communal spaces

24

such as this one.

25

The asphalt at Tompkins Square

1

2 Park is a hub for skateboarding and the arts that
3 is recognized internationally and it would be a
4 tragic loss to the cultural landscape of our City
5 if we lost this little piece of asphalt.

6 I realize that the redevelopment
7 of said asphalt into an astro turf field is an
8 after thought lingering in the shadow of a massive
9 City project. But I plead the Commission to take
10 notice of the fact that the destruction of this
11 asphalt will have a lasting negative effect that
12 will resonate in the hearts of many of the members
13 of the East Village and downtown community, as well
14 as the international skateboarding and arts
15 communities.

16 I understand that from the outside
17 looking in, you all might see this as a trivial
18 matter but I speak for the 27,847 signatures on
19 change.org that oppose the destruction of our
20 little piece of asphalt.

21 Once again, thank you for the
22 opportunity to speak and thank you to Councilmember
23 Carlina Rivera for highlighting our community and
24 spaces such as this.

25 CHAIR LAGO: Thank you, Mr.

1

2 Vasquez.

3

Questions?

4

(Applause.)

5

(No response.)

6

CHAIR LAGO: Thanks for your

7

testimony.

8

Edwin Rios.

9

MR. RIOS: Yes.

10

CHAIR LAGO: To be followed by

11

Barbara Paparelli.

12

MR. RIOS: Hi.

13

Thank you for allowing me to

14

speak.

15

I'm Edwin Rios and I'm a life-long

16

resident of the East Village. I come from the

17

City, whatever you want to call it. I call it home

18

and I've been there -- I'm 60. So I've been there

19

all my life.

20

I'm a third generation member of a

21

five-generation family raised in the area.

22

All right.

23

I have yet to get a good response

24

as to what we are going to do to make sure our

25

children have a safe place to plan, interact and

1

2 grow for those three-and-a-half years.

3

4 Many of our children will live a
5 big portion of their teenage years without the
6 Park.

6

7 After the stress of Super Storm
8 Sandy, one of the first things we did was go to the
9 East River Park.

9

10 I'm also concerned with all the
11 noise that's going to go on. Right now we have
12 enough noise already sometimes. And I'm concerned
13 about that.

13

14 You know, I keep hearing a lot of
15 times about the bicycle lanes. I don't know what
16 age they're considering the bicycle lanes for but
17 my children aren't going to ride the bicycle lanes.
18 My grandchildren aren't going to ride the bicycle
19 lanes.

19

20 We hear a lot about all the
21 accidents that happen. So their place to go ride a
22 bike is in the East River Park. We can't do it
23 within the project grounds or within the
24 development, the housing development, you're not
25 allowed to. So that's their place. There is no
other place and the lanes will not help them.

1
2 Let's see. My other concern is
3 and I had gone to a few of these meetings and went
4 to the exhibit and starting 2020 when they want to
5 tear apart the East River Park they will also be
6 tearing apart Murphy Brothers Playground. So that
7 won't be accessible and then in mid 2020 or a
8 little later than that, Stuyvesant Co-Park will be
9 under construction. And then in mid 2021, Asa Levy
10 Playground will be under construction.

11 The only real park we have other
12 than the East River Park is Tompkins Square. And
13 that's heavily used. So I don't know what they're
14 going to do with all the 15,000 families, their
15 children -- whatever that use the East River Park.
16 Where are they going to put them at but I would
17 like to know what do we do with them.

18 Thank you.

19 CHAIR LAGO: Thank you, Mr. Rios.
20 Questions?

21 Commissioner De La Uz.

22 COMM. DE LA UZ: I would just ask
23 since you have a long list of parks and seem to
24 know exactly their time table, where did you -- I'm
25 not so sure that fully agrees with everything

1

2 that's in the DEIS. If you would mind submitting
3 that.

4

MR. RIOS: I got it off their
5 little plan.

6

COMM. DE LA UZ: I didn't know if
7 it was exactly the same.

8

MR. RIOS: Yeah.

9

COMM. DE LA UZ: Thank you.

10

MR. RIOS: Thank you.

11

CHAIR LAGO: Thank you, Mr. Rios.

12

(Applause.)

13

CHAIR LAGO: Our next speaker is
14 Barbara Paparelli;

15

Who will be followed by Allison
16 Ryan.

17

MS. PAPARELLI: Hi, everybody.

18

Thank you for taking the time to
19 hear us.

20

A lot of our comments you will see
21 in -- was recognized in the whereas, whereas,
22 whereas this is a problem, whereas that's a problem
23 in Community Board 3's resolution that they ended
24 up passing. They heard all the things that we
25 didn't like.

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25

I'm deeply rooted in this community. My father's side of the family came in the mid 1800s. My mother's side of the family was here since the turn of the century.

Our community, as you know, is very diverse. We're working class people. My mother was one of the first visiting nurses in the Lower East Side in public housing and up and down our tenement buildings and my father helped co-found the teachers union with Al Shanker.

You hear from the scientists and the educators and the sports directors and the other people who use this Park. Just like the Amazon belongs to our planet, the East River Park belongs to Lower Manhattan. It's our Club Med. It's really important that we slow this process down. That we are heard. That you do not become like the President of Brazil, who's deforesting the Amazon and going against the native people that live there. I mean, that's an exaggeration but to us it's not. This really affects us.

You know, we are in an area that was deeply impacted by 9/11. We're very concerned about what's going to come up in that landfill.

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The -- if you look at the British maps of the Revolutionary War, you will see that the East River reclaimed its original coastline. It went up to almost 1st Avenue by Stuyvesant Town and down by, you know, Avenue B and Avenue C. It's going to come, you know.

But the trees were resilient. We got through that. It's just the built environment that is threatened and I think that with the built environment of walls and even maybe putting solar panels on the walls to mitigate some climate change that might help.

We are very health compromised since 9/11. My daughter is a certified survivor with respiratory conditions. You know, our kids are sick and our community is more susceptible to illnesses and that's a documented fact. And the smoke alarms went off in Bellevue in 9/11. We have all witnessed our neighborhood cars being coated. I mean, it didn't stop at Canal Street. It didn't stop at 14th Street. Our kids playgrounds were coated.

The particulates will be re-suspended. We have no air monitoring guarantees

1

2 in this plan. The environmental impacts are not
3 deeply enough studied here. This plan is throwing
4 away what the community spent a lot of time putting
5 their time into.

6

And the participatory process is
7 important in America. After 9/11, I was a community
8 organizer for Rebuild Spotlight on the Poor. I
9 went to Europe to study the participatory process.

10

(Bell.)

11

MS. PAPARELLI: This is a slap in
12 the face of the participatory process.

13

CHAIR LAGO: Thank you.

14

And if you have longer testimony,
15 we would be glad to receive it.

16

Thank you.

17

(Applause.)

18

CHAIR LAGO: Questions?

19

(No response.)

20

CHAIR LAGO: Then our next
21 speaker will be Allison Ryan;

22

To be followed by Jasmine Sanchez.

23

VOICE: She's --

24

CHAIR LAGO: It appears Ms. Ryan
25 isn't here.

1

2

Jasmine Sanchez.

3

4

5

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7

MS. SANCHEZ: Okay. My name is Jasmine Sanchez and I'm a life-long resident of the Lower East Side of Manhattan at Baruch Houses where the VP, Camille Napoleon, spoke in favor of the plan.

8

9

10

11

I am opposed to this plan. I live in NYCHA's second largest development with over 9,000 tenants, which sit across from the East River Park.

12

13

14

15

16

17

18

19

I want to make very clear that I am for flood protection. I am here today to speak about the East River Park, not only how the design will affect our community -- oh, my gosh. Sorry. How the design will affect our community but about how the proposed time line will leave thousands with a poor quality of life, increase poor air quality and how community input is not valued.

20

21

22

23

24

25

Adjacent to the East River Park are about 172,000 residents; 62 percent of which are people of color, low income, elderly or disabled and the East River Park literally is in their backyard of over 50,000 residents of NYCHA, who use this Park to escape from the daily stresses

1

2 of living in the deplorable NYCHA conditions and
3 low income communities.

4

5 Currently most NYCHA developments
6 have received FEMA money for the Recovery To
7 Resiliency Program. Our community is already
8 planning or under construction to be more
9 resilient. My development is a recipient of that
and is currently under construction.

10

11 New York City is already over
12 developed. If you walk around NYCHA or other low
13 income pockets of the Lower East Side of Chinatown,
the communities look gloomy.

14

15 My non-profit started a community
16 garden, Baruch Houses and the NYCHA's garden unit.
17 We had input from community members, the local day
18 care centers and hands-on support from residents.
19 This provided a sense of ownership in our community
20 since everyone contributed to the success of
maintenance.

21

22 One day I was notified by the
23 community that our garden was gone. The kids were
24 crying. Families were upset and all we had left
25 was an empty plot and no sign of an existing
garden. This continual affirmation that we don't

1

2 matter is why there's little representation from
3 NYCHA at these meetings.

4

5 The East River Park has replaced
6 our little garden and has provided the community
7 with experiences from composting to planting to
8 research for the children in the community.

8

9 Can you imagine living in a
10 community deprived of plants, colorful flowers,
11 trees and birds? Well, we don't have to imagine
12 that. NYCHA tenants live in that environment every
13 single day.

13

14 We, as NYCHA residents, are closed
15 off by gates to several communities to our left and
16 our right because of the resiliency work currently
17 happening. Several buildings haven't had gas in
18 three months and we have exposure to sewer water
19 for three months and just last night a crane
20 snapped at a neighboring NYCHA development, rushing
21 to finish the work at the expense of us as
22 residents.

22

23 Our land can only sustain so much
24 digging, drilling simultaneously.

24

25 Communities of color are
26 constantly under attack. This is an equity issue

1

2 for me and my neighbors. Our community lacks
3 public parks. Current parks are under construction
4 for five plus years.

5 Due to many construction projects
6 and overdevelopment, our children have developed
7 asthma. Though air quality is improving in New
8 York City, it varies in my community. And the
9 Lower East Side and Chinatown levels of the most
10 harmful air pollutant, fine particulate matter, are
11 8.9 micrograms per cubic meter, while Manhattan has
12 a PM of 9 percent and New York City as a whole,
13 7.5.

14 We must shift it over to the
15 window. There has to be courage to say these
16 communities cannot continue to be in the middle of
17 a construction zone for most of their lives.

18 (Bell.)

19 CHAIR LAGO: Thank you.

20 Ms. Sanchez, we would welcome your
21 submitting the entirety of your testimony.

22 MS. SANCHEZ: I have two
23 sentences.

24 (Applause.)

25 CHAIR LAGO: Questions.

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(No response.)

CHAIR LAGO: Thank you.

And I will now -- the next speaker
will be Daniel Reilly;

To be followed by Joel Kuperman.

MR. REILLY: Good afternoon.

My name is Dan Reilly and I'm here
on behalf of Congresswoman, Nidya Velazquez.

The East Side Coastal Resiliency
project is a huge undertaking and we have one shot
to get it right for the long term.

As public servants, we have a
primary role to promote the public health, safety
and welfare of the communities we represent.

We have in front of us, a once in
a life-time opportunity to protect our community
against future floods and sea level rise. We must
get this right and ensure that all stakeholders'
concerns are engaged and carefully evaluated.

I'm aware that the City seeks to
mitigate the quality of life issues related to the
project that will greatly impact thousands of
residents who reside in the area of the 2.4 mile
stretch of the East Side Coastal Resiliency

1

2 project.

3

4 Since the new design, residents
5 and activists have expressed concerns with parts of
6 the plan such as the project's time line, the lack
7 of real community input on alternative ideas, the
8 lack of independent vetting on the project and the
9 impact of construction and access to public
10 recreation.

11

12 The project will completely change
13 the future of the East River Park and the life of
14 thousands of residents along the waterfront. The
15 development must be based on verified data and
16 science and reflect the input and collaboration of
17 our diverse community.

18

19 We must explore ways and best
20 practices to mitigate and protect residents from
21 future flooding, storm surge and disruptions.

22

23 Revitalizing the East River Park
24 should have real community input and create local
25 job opportunities.

26

27 I urge the City Planning
28 Commission to take into full consideration the
29 range of concerns being expressed by the community.

30

I believe there should be

1

2 construction phasing options to find ways to avoid
3 making all 2.4 miles of park inaccessible at once.

4 Additionally, the community has
5 been engaged in identifying projects and programs
6 to serve area needs during this construction.

7 I recognize that New York City
8 Parks has identified more open space but it must do
9 more to serve the thousands of residents that will
10 be impacted. The City needs to work closely with
11 organizations like the Lower East Side Ecology
12 Center, which has been a community steward of the
13 Park for over 20 years and needs to be incorporated
14 into the new Park design.

15 I further urge the City to find
16 ways to provide interim flood protection and
17 explore the appointment of an independent, expert
18 panel to consult with agencies and stakeholders as
19 being done with the BQE project --

20 (Bell.)

21 MR. REILLY: -- across the East
22 river.

23 CHAIR LAGO: Thank you, Mr.
24 Reilly.

25 MR. REILLY: And to conclude, I

1

2 urge the City --

3

CHAIR LAGO: Mr. Reilly. Mr.

4 Reilly, if you could please submit the balance of

5 the testimony.

6

MR. REILLY: Okay. She looks

7 forward to working with you.

8

CHAIR LAGO: Thank you very much.

9

Yes, a question.

10

Mr. Reilly, if you could wait for

11 a question.

12

COMM. DE LA UZ: You're not going

13 to get away that easy.

14

MR. REILLY: Yes, Michelle.

15

COMM. DE LA UZ: Hi, Dan.

16

Thank you for being here.

17

You heard earlier, I think, that

18 one of the City's considerations for moving this

19 forward at this time is the -- is the belief that

20 they wouldn't be granted an extension of beyond

21 September of 2022 by Congress.

22

I won't ask if whether or not you

23 believe Congresswoman Velasquez shares that

24 assessment. But has -- has the City been in touch

25 with the Congresswoman about a potential request to

1

2 Congress to extend. And if so, do you know if the
3 Congresswoman would support that?

4

MR. REILLY: I don't believe
5 they've proactively asked her that. I don't think
6 that they're really thinking about extending. I
7 think the Congresswoman would entertain. I think
8 it would probably require some legislative action.
9 I don't know if it's possible at this point.

10

And I note that there's some
11 opinion that perhaps the federal funding could be
12 front loaded so that it could be spent in more of
13 the design, as opposed to the later stages and
14 perhaps it wouldn't be an issue. I don't know.
15 You'd have to more research on that.

16

COMM. DE LA UZ: I think all of
17 that would be really helpful to this process and to
18 the extent that the Congresswoman could help the
19 City think through those options, I think it may
20 provide everyone a bit more time to have all of the
21 considerations that she's requesting.

22

MR. REILLY: Great.

23

Thank you.

24

COMM. DE LA UZ: Thank you.

25

CHAIR LAGO: Other questions?

1

2

(No response.)

3

4

CHAIR LAGO: Thanks for the
testimony.

5

MR. REILLY: Thank you.

6

CHAIR LAGO: Joel Kuperman.

7

8

MR. KUPERMAN: Thank you very
much.

9

I'd first make a request, a note
from you guys that I'm late seeing my client --
seeing that -- seeing I'm appearing here. It would
help.

13

(Laughter.)

14

15

16

17

MR. KUPERMAN: I re-wrote my talk
many, many times. I'm head of the Environmental
Justice Initiative. I represent the tenants at
Smith Houses.

18

19

20

21

22

23

24

25

This has got to be the perfect
storm of a bad plan. Okay. We represented the
people of New York after 9/11 and one thing I have
to say that keeps on coming back, that we were told
that the air was clean. Okay. That turned out to
be a false statement and that statement was made by
many of the agencies that testified before you
today.

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The fact that they also said that there's no health impact flies in the face of any type of reason. It's not just the toxics that are there that we don't know are in the soil, we also just know that's it's the PM 10 and the PM 2.5 that's a problem.

8

9

10

The last two or three days we've gotten heat warnings from DEC that there's a heat problem.

11

12

13

14

15

16

17

In 1998, over 800 people died in public housing in Chicago, from the heat. Heat gets worse when there's ozone involved and New York City is a non attainment zone for ozone. This project is going to increase the amount of particulate matter that's there, increasing those health effects.

18

19

20

21

22

23

I represented the tenants at Smith, \$56 million rebuild. We can't get the City to cover the soil that was impacted from the utility lines that were put in. There's people in Smith Houses that are getting sick from the cover -- from the lack of cover.

24

25

Part of the problem an all the risks is that the City does not come through in

1

2 terms of -- of the maintenance, not just the
3 maintenance of all the soil suppression that takes
4 place and to me the fact that they can't even get
5 the contractors to do that at Smith is a sign that
6 we're in real trouble with such a large
7 development. It's not the toxins alone, like I
8 mentioned before, it's the soil that's out there.

9 After 9/11, the health and safety
10 plan we worked on on behalf of the firefighters, we
11 were also told that the firehouses were clean and
12 when we did inspections, it turned out that it
13 wasn't clean. So there is no way that there's a
14 health and safety plan that's effective here. I
15 think it's up to you to realize that. Okay.

16 And also, that the Health
17 Department assessment was never there. I worry
18 about the NYCHA residents. When we tested the soil
19 at Smith, we found up 240 parts or arsenic and high
20 levels of lead. That -- those lead levels are
21 coming up and going into the air and going into
22 people's apartments.

23 NYCHA now is under federal
24 monitorship --

25

(Bell.)

1

2

MR. KUPERMAN: Can I just --

3

CHAIR LAGO: Thank you, Mr.

4

Kuperman.

5

We would --

6

MR. KUPERMAN: I just want to say

7

one more thing. Let me just say one more thing.

8

Let me just --

9

CHAIR LAGO: We have a Commissioner

10

who would like to ask you a question.

11

MR. KUPERMAN: Okay.

12

CHAIR LAGO: Commissioner De La

13

Uz.

14

COMM. DE LA UZ: Mr. Kuperman,

15

can you speak about the arsenic and lead levels in

16

the soil that you were mentioning?

17

MR. KUPERMAN: Yes. We found 240

18

parts for arsenic. We found 85 parts of arsenic in

19

the tree well in a day care center at Smith.

20

That's where the kids are putting their hands in.

21

Okay.

22

We brought this up to the Health

23

Department, New York City Health Department told us

24

that they do not have jurisdiction over NYCHA

25

residents. That's not their job. Okay.

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We tested further, we brought in an independent soil testing service, we found 240. Neither the City, the State or the feds came in and did further testing for that soil. Okay. And they didn't even enforce federal contract law to have that soil covered or to be, you know, to be suppressed. A year-and-a-half under one contract, of a federal FEMA funded contract, those people who were 9/11 victims were exposed to that soil.

Also, I just want to say --

CHAIR LAGO: No, Mr. Kuperman, at this point, you've answered questions from -- Commissioner De La Uz.

COMM. DE LA UZ: So I appreciate you raising a number of questions and concerns about -- about the safety of what's going on and in the number of NYCHA developments and the challenges that exist between the different levels of government.

Are you representing clients that are likely to sue if their issues aren't adequately addressed in the DEIS process?

MR. KUPERMAN: Possibly.

CHAIR LAGO: Other questions?

1

2

(No response.)

3

CHAIR LAGO: Thank you, Mr.

4

Kuperman.

5

MR. KUPERMAN: Thank you.

6

CHAIR LAGO: I'll now note that we

7

have heard from all people who have signed up. If

8

there are members of the public who have not been

9

heard before, they are welcome to come forward now.

10

Yes, sir.

11

MR. RIVERA: How you doing?

12

My name is Tonto Rivera. I'm the

13

public advocate, you know, in the neighborhood,

14

just the neighborhood.

15

I've been in that Park for years

16

and years and years. That Park gave us -- like the

17

Mayor John J. Lindsay to make the -- from -- from

18

us fighting together, you know, in 1980s and 1970s

19

to make this whole Park. What you're going to do

20

now is put all of us together into one little parks

21

and it's going to start rioting and it's going to

22

start crimes and everything like that's because

23

they want their territory.

24

And that Park is just like spread

25

out for everybody.

1

2

There's another thing too.

3

There's mental issues. Not too many people talking

4

about it. I don't know if anybody mentioned about

5

it, you know, but it's personal for the person and

6

not anybody else. That's not your problems but

7

won't admit it.

8

Because another thing is, I've

9

been coming to these meetings since the blue wave

10

project. And I don't know if you've heard about

11

it? It's since 19 -- 2003. Since -- after Sandy,

12

I've been coming to these meetings. They've been

13

feeding me at these meetings and, you know, the

14

meetings I've been going to, I gain like five

15

pounds just coming to the meetings because they're

16

trying to bribe us. They trying to tell us things

17

but, you know, information to it and in a couple of

18

months that they gonna change the plans.

19

I told -- I told the Park

20

Commissioner, he said he's going to be here. I

21

said, you're not going to be here because you going

22

to be called out because the Mayor's going to be

23

out too and you going to be out too. But you tell

24

me you're going to be here. It's not -- I don't

25

trust the the City at all.

1

2 That why my name is Tonto.

3 That's it.

4 (Bell.)

5 CHAIR LAGO: Thank you for coming
6 forward with your testimony.

7 Questions?

8 (No response.)

9 CHAIR LAGO: Thank you.

10 MR. RIVERA: Okay.

11 CHAIR LAGO: Are there other
12 members who have not yet spoken?

13 Yes, please.

14 MS. KELLY: Thank you very much.

15 My name is Rita Kelly.

16 I'm a long-term resident of the
17 Lower East Side.18 My concern, and it's a serious
19 one, is on the need to have an independent,
20 third-party evaluator. We've discussed it.21 The original rating system needs
22 to be used. It has to be used. This is an
23 international project -- our project is an
24 international project. Why do I say that? Because
25 the eyes of the world are upon us. Every engineer

1

2 knows that this is happening on this East Side
3 Coastal Resiliency project.

4 New York City is great. New York
5 City is not qualified just to listen to themselves.
6 They need to bring in an outside expert and they
7 need to do it and envision, rate this system that
8 they finally come up with it, they need to get a
9 premier evaluation, not nice, not good, premier.
10 That will certify that every design was looked at
11 for the 64 points on the envision rating system.

12 Sorry, I didn't bring this along
13 with you. I will give you a little copy of it.
14 It's about 268 pages, the envision rating system
15 but it's all on line.

16 Thank you very much.

17 CHAIR LAGO: Thank you for coming
18 forward.

19 Questions?

20 (No response.)

21 CHAIR LAGO: Thank you.

22 (Applause.)

23 CHAIR LAGO: And I will again ask
24 if there is anyone else who hasn't been heard and
25 who would like to.

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(No response.)

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CHAIR LAGO: Well, before closing the meeting, I want to thank the many, many members of the public who came and I don't know if I should apologize or be proud that we did not provide food, though we all I think share the hunger of a very long meeting and it's a testament to your caring for the community.

I know I speak for the Commission in saying that we learn from these public hearings.

I'll note that the record on this matter is going to remain open for ten days to receive comments on the DEIS. It will be open until Thursday, August 15th, 2019 at 5:00 p.m.

The additional thing that I will note is that the Borough President had written asking us to stop the ULURP clock. We've responding noting that that is not possible but what we will do, the ULURP clock ends on Tuesday, the 24th of September. We will schedule our vote at a special public meeting that is coincident with our review session on Monday, the 23rd of September to allow the maximum amount of time for our deliberation on this.

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MR. RYAN: Regarding the comment period for the DEIS, I just heard from the applicant and staff that it's going to be extended to the 30th of August.

6

CHAIR LAGO: Even better.

7

Thank you.

8

9

And with that the public hearing on this matter is closed.

10

11

And Mr. Secretary, any other business before the Commission?

12

SECRETARY MERANI: There is not.

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CHAIR LAGO: Okay. Then the meeting is adjourned.

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VOICES: Thank you.

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(At 2:43 p.m., the proceedings were concluded.)

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STATE OF NEW YORK)

SS.

COUNTY OF NEW YORK)

I, MARC RUSSO, a Shorthand
(Stenotype) Reporter and Notary Public within and
for the State of New York, do hereby certify that
the foregoing pages 1 through 200, taken at the
time and place aforesaid, is a true and correct
transcription of my shorthand notes.

IN WITNESS WHEREOF, I have
hereunto set my name this 5th day of August 2019.

Marc Russo

MARC RUSSO

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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Eram Qadri, AICP
Unit Head – Environmental Review, CDBG-DR
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255 Greenwich Street, 8th Floor
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Dear Mr. Qadri:

In accordance with the National Environmental Policy Act (NEPA), Section 309 of the Clean Air Act, and the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 CFR 1500-1508), the U.S. Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for the Rebuild by Design East Side Coastal Resiliency Project (ESCRP) (CEQ No. 20190048). The document was prepared by the City of New York, Office of Management and Budget (OMB) and the New York City Department of Parks and Recreation (NYC Parks) as the U.S. Department of Housing and Urban Development (HUD) responsible entities for the project. EPA is serving as a cooperating agency for the project.

The proposed project entails construction of a coastal flood protection system along a portion of the east side of Manhattan and related improvements to City infrastructure. The project area begins at Montgomery Street to the south and extends north along the waterfront to East 25th Street. The project was developed as a concept through the Rebuild by Design competition in response to Hurricane Sandy's devastation. The goal of the project is to address coastal flooding vulnerabilities in a manner that reduces the flooding risk while enhancing waterfront open spaces and access to the waterfront.

As a cooperating agency for this project, EPA has attended scoping meetings, interagency meetings, and has provided comments on preliminary draft chapters. EPA appreciates and acknowledges the numerous changes that have been made to the DEIS based on comments received. Many of our pre-draft comments have been addressed, however, this letter details areas that should be clarified and/or enhanced in the final EIS (FEIS).

Solid Waste and Sustainable Materials Management

Demolition and construction will take place over a 5-year period. The DEIS did not provide sufficient details regarding final disposition of construction and demolition (C&D) material for the project. Chapter 6 addresses details pertaining to the construction of the project; however, it did not address the fate of C&D debris that will be generated during the construction process. There are numerous large structures, such as the pedestrian bridge and esplanade, that will either be removed or reconstructed. Clarification is needed regarding the quantities of C&D debris that will be generated, what portion of the C&D debris will be recycled, and what portion will be sent to landfills.

The FEIS should evaluate recycling, reuse and disposal options for C&D waste associated with demolition and address what efforts are being made to maximize options to reduce the quantity of

materials being sent to landfills. You may find more detailed information about recycling of C&D waste at:

<https://www.epa.gov/smm/sustainable-management-construction-and-demolition-materials>.

The preferred alternative for the project entails the removal of up to 981 trees from the project area. The DEIS states that trees that measure 7 inches in diameter at breast height (dbh) or less were evaluated as potential transplant candidates; however, the intended fate of the trees to be removed is not stated in the document. The FEIS should discuss if the removed trees can be used for mulch or if they will be composted.

Children's Health

In light of the project having a potential to impact children's health, including temporary open space reduction, school impacts, and transportation impacts, EPA would like to emphasize Executive Order 13045 on Children's Health and Safety. The Order directs each Federal agency, to the extent permitted by law and appropriate, to make it a high priority to identify and assess environmental health and safety risks that may disproportionately affect children, and to ensure that its policies, programs, activities, and standards address these risks. Analysis and disclosure of these potential effects under NEPA are necessary because some physiological and behavioral traits of children render them more susceptible and vulnerable than adults to environmental health and safety risks. The DEIS did not include a dedicated section addressing Children's Health, nor was the relevant information sufficiently included throughout the document. A section dedicated to Children's Health should be included in the FEIS and the evaluation should be of greater scope and detail than that which was included in the DEIS.

The DEIS states that "during construction of the proposed project, the open space resources within the project area, including East River Park, Murphy Brothers Playground, Stuyvesant Cover Park, and Asser Levy Playground would be partially or fully closed for a portion of the 3.5 to five-year long construction duration." The document also states that when complete, the overall quality of the rebuilt portion of the open space resources would be enhanced. EPA agrees with that assertion, however, the impacts to children's health that could result from the closure are not sufficiently addressed. Impacts from significant adverse noise effects during construction, coupled with significant adverse direct effects of displacement of open space during construction/park closures, and transportation impacts should all be discussed in greater detail in a "Children's Health" section created in the FEIS. The document mentions alternative open spaces available in the city, but does not address increases in usage/crowding of those spaces as a result of the open space closure during construction.

The document references a school located at 84 Montgomery Street and one at 123 Mangin Street. The DEIS states that the building at 84 Montgomery "appears" to have insulated glass windows and air conditioning. Given the potential impacts to children during the build phase, it should be determined whether there is insulation and ventilation. If not, mitigation measures should be considered and presented in the FEIS. At both 84 Montgomery and 123 Mangin Street, potential impacts from noise, vibration and air quality that children are exposed to during outside periods, such as gym and/or recess, were not addressed and should be discussed in the FEIS. Additionally, there was no discussion of the presence and location of daycare facilities and nursery/pre-schools in the document. These locations should also be included in the recommended "Children's Health" section in the FEIS.

Additionally, the DEIS provides some suggested mitigation measures to address the closure of open space. There should be an increased emphasis on mitigation measure focused on meeting children's needs for open space in the FEIS.

Wetlands

According to the DEIS, the purpose of filling of approximately a 1/2 acre of littoral tidal wetlands is "...to provide adequate space to site heavily utilized active recreation facilities and to allow for an Americans with Disabilities Act (ADA) accessible path to improve accessibility to, and enjoyment of, the waterfront for all Park users." The ADA does not require the filling of this area to provide access for peoples with disabilities. This purpose is not consistent with the concept of the environmental minimization of impacts or of 404(b) Guidelines. An acceptable purpose for the fill is necessary for a proper 404(b)(1) Guidelines analysis to be completed. Additionally, the document does not demonstrate a need for the fill, which is also necessary to complete an analysis.

The compensatory mitigation proposal lacks ecological, scientifically based restoration methodology, details, and valuation and is therefore insufficient for evaluation. No assessed wetland values using qualitative methods and best professional judgement has been provided for either the existing or compensatory mitigation wetlands. Furthermore, the stated compensatory mitigation of the existing wetlands compared to the replacement embayment's is also insufficient and does not establish grounds for a fair compensatory replacement assessment.

ESA/EFH

The outcome of all Essential Fish Habitat (EFH) and Endangered Species Act (ESA) consultations should be stated in the document and should reference the date of the concurrence letter, as well as the determination in the FEIS. This will clarify the state of completed verses on-going consultations.

Cumulative Impacts

The cumulative impacts section focuses heavily on the Lower Manhattan Coastal Resiliency-Two Bridges project due to its proximity to the ESCR project area. The remainder of the projects listed in the cumulative effects Table 7.0-1 were discussed broadly and for the most part grouped together for analysis purposes. To better understand the potential cumulative effects, and to more clearly communicate potential mitigation options for those cumulative effects, this section should be expanded to include an assessment of how each project could impact resources in the project area. This could be done as a detailed chart or as a narrative; however, greater detail should be provided in the FEIS. Additionally, potential mitigation options for resource areas that are expected to experience significant cumulative effects, such as transportation, noise and open space, should be addressed in cumulative effects section of the FEIS.

Our comments on the DEIS contained in this letter are intended to help the OMB and NYC Parks by providing useful information that will ultimately inform local, state and federal reviewers and decision-makers regarding land use and impacts. Should you have any questions regarding the comments and concerns detailed in this letter, please feel free to contact Stephanie Lamster of my staff at 212-637-3465.

Sincerely,



David Kluesner, Acting Director
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August 1, 2019

By email (CDBGDR-Enviro@omb.nyc.gov) and hard copy

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Colleen Alderson
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Re: East Side Coastal Resiliency Project DEIS Comments

Dear Mr. Johnson and Ms. Alderson:

The East Side Coastal Resiliency (ESCR) Project addresses potential flooding from coastal storm surges and high-intensity rainfall—risks which will likely worsen in future years due to climate change. However, residents living in neighborhoods surrounding the Proposed Project deserve equitable access to quality open spaces and recreational opportunities. These residents already suffer from a lack of open space compared to other New Yorkers. None of the alternatives would significantly increase the amount of open space within the Study Area, and the construction necessary for the Preferred Alternative would drastically decrease the amount of open space available to residents over a period of at least three and a half years. The Trust for Public Land recommends mitigation in the form of phased construction of East River Park, funding for new parks and playgrounds in the Study Area, and funding for extended hours and increased programming at existing parks and playgrounds.

We write to suggest some specific examples of how the City can partner now with groups such as The Trust for Public Land and local community groups to fund the creation of new parkland and the activation of existing parkland in the Study Area, in order to get a head start on the mitigation that will be necessary before the start of any construction. These comments elaborate on such opportunities with The Trust for Public Land because we know those projects best, but these examples are meant to be illustrative rather than

exclusive, and we would encourage the funding of other, local grassroots efforts to create parkland as well.

Effects of the Preferred Alternative

A main component of the Preferred Alternative plan is elevating and reconstructing East River Park to increase resiliency to storms and sea level rise.¹ Under the Preferred Alternative, East River Park, the largest open space in the Lower East Side and East Village neighborhoods, is planned to be closed to the public for a three and a half year construction period.² Portions of Murphy Brothers Playground, Asser Levy Playground, Captain Patrick J. Brown Walk, and Stuyvesant Cove Park are also planned to be closed for multiple years during the construction period.³

East River Park covers approximately 45 acres⁴ and hosts a number of active sports fields, including baseball fields, basketball courts, football fields, soccer fields, volleyball courts, and tennis courts.⁵ The Park also includes two playgrounds with water fountains, picnic and grilling areas, shared pathways, a running track, and passive lawn areas.⁶ Notably, the track is the regulation-sized running track in Manhattan south of Harlem,⁷ and the athletic fields are some of the only fields on the East Side of Manhattan.⁸ Although other open spaces exist within the Study Area, all of these spaces are far smaller than East River Park, ranging from about four and a half acres at the largest (Corlears Hook Park) to less than a tenth of an acre,⁹ and therefore cannot accommodate the same number of visitors and do not offer the same range of recreational activities.

The Study Area for the Proposed Project was determined using the *CEQR Technical Manual*, and includes census tracts with at least 50% of the area within a 1/2 mile of the boundaries of the Project Areas.¹⁰ The Study Area includes 157,263 people (based on the 2010 Census),¹¹ including over 15,000 NYCHA residents at developments including Baruch, Wald, Riis, Vladeck, Rutgers, and LaGuardia Houses.¹² Currently, the overall open space ratio for the Study Area is

¹ Office of Mgmt. & Budget, *Draft Environmental Impact Statement: East Side Coastal Resiliency Project 2.0-16* (2019), <https://www1.nyc.gov/site/escr/progress/environmental-review.page>.

² *Id.* at 6.2-2, 6.2-13.

³ *Id.*

⁴ The DEIS lists the total acreage of East River Park as 45.88 acres. However, multiple sources, including an archived NYC Department of Parks & Recreation webpage (<https://web.archive.org/web/20180827003327/https://www.nycgovparks.org/parks/east-river-park>), claim that the park is 57 acres.

⁵ Office of Mgmt. & Budget, *Draft Environmental Impact Statement: East Side Coastal Resiliency Project 5.3-6-7* (2019), <https://www1.nyc.gov/site/escr/progress/environmental-review.page>.

⁶ *Id.*

⁷ *Running Tracks*, N.Y.C. Dep't of Parks & Recreation, <https://www.nycgovparks.org/facilities/runningtracks> (last visited August 1, 2019).

⁸ *Facilities*, N.Y.C. Dep't of Parks & Recreation, <https://www.nycgovparks.org/facilities> (last visited August 1, 2019).

⁹ Office of Mgmt. & Budget, *Draft Environmental Impact Statement: East Side Coastal Resiliency Project 5.3-6-7* (2019), <https://www1.nyc.gov/site/escr/progress/environmental-review.page>.

¹⁰ *Id.* at 5.3-1.

¹¹ *Id.* at 5.3-4.

¹² The Tr. for Pub. Land and James Lima Planning + Dev., *Building Bridges: A Community-Based Stewardship Study for an Equitable East River Park 5* (2018), https://www.tpl.org/sites/default/files/ESCR%20Stewardship%20Study_FINAL_12-18-18.pdf.

approximately 0.54 acres per 1,000 residents,¹³ much less than the City's median ratio of 1.5 acres per 1,000 residents and an order of magnitude less than the City's optimal planning ratio of 2.5 acres per 1,000 residents.¹⁴ The ratio of active open space (defined in the *CEQR Technical Manual* as open space "used for sports, exercise or active play"¹⁵) is only 0.34 acres per 1,000 residents, substantially less than the City's optimal active open space ratio of 2.0 acres per 1,000 residents.¹⁶

These numbers indicate that the Study Area currently suffers from a shortage of open space. This lack of open space is inequitable and exacerbates public health issues. According to the Department of Health and Mental Hygiene, one in six children in the Lower East Side and Chinatown is obese and eleven percent of adults in this area have diabetes.¹⁷ With fewer opportunities for physical activities, the health of children and adults living in the Study Area is at risk.

Unfortunately, during the construction period for the Preferred Alternative, the area's open space resources will be nearly halved for many years.¹⁸ Under the Preferred Alternative, open space ratios within the Study Area would decrease "by a minimum of 42.57 percent in 2023 and a maximum of 49.64 percent in 2020."¹⁹ For what is now planned to be three and a half years (2020–2023), and almost certainly will be longer, the open space ratio for residents in the Study Area will range from only 0.27 to 0.30 acres of open space per 1,000 residents.²⁰

Additionally, under the Preferred Alternative, nearly 1,000 trees would be removed from the Project Area, with 784 trees removed from East River Park alone.²¹ Although the Preferred Alternative plans a net increase of 399 trees within the Project Area once construction is complete,²² these new saplings would be small and immature compared to existing trees, if this increased number of trees could even be fit in the Project Area. The removal of trees during the construction period will result in the loss of habitat along with a degradation in air quality and carbon sequestration,²³ and a marked decrease in the shade that is necessary for comfort and to counter the urban heat island effect.²⁴ As noted in the DEIS, the new tree canopy would fill in slowly, over a period of "years to decades."²⁵ The newly-planted immature trees would likely

¹³ Office of Mgmt. & Budget, Draft Environmental Impact Statement: East Side Coastal Resiliency Project 5.3-12 (2019), <https://www1.nyc.gov/site/escr/progress/environmental-review.page>.

¹⁴ N.Y.C. Mayor's Office of Env'tl. Coordination, *City Environmental Quality Review Technical Manual* 7-6 (2014), https://www1.nyc.gov/assets/oec/technical-manual/2014_ceqr_technical_manual_rev_04_27_2016.pdf.

¹⁵ *Id.* at 7-2.

¹⁶ Office of Mgmt. & Budget, Draft Environmental Impact Statement: East Side Coastal Resiliency Project 5.3-12 (2019), <https://www1.nyc.gov/site/escr/progress/environmental-review.page>.

¹⁷ N.Y.C. Dep't of Health and Mental Hygiene, *Community Health Profiles 2018: Lower East Side and Chinatown* 12, 16 (2018), <https://www1.nyc.gov/assets/doh/downloads/pdf/data/2018chp-mn3.pdf>.

¹⁸ Office of Mgmt. & Budget, Draft Environmental Impact Statement: East Side Coastal Resiliency Project 6.2-3 (2019), <https://www1.nyc.gov/site/escr/progress/environmental-review.page>.

¹⁹ *Id.*

²⁰ *Id.* at 6.2-16.

²¹ *Id.* at 5.6-2.

²² *Id.*

²³ *Id.* at 5.6-51.

²⁴ *Using Trees and Vegetation to Reduce Heat Islands*, U.S. Env'tl. Prot. Agency, <https://www.epa.gov/heat-islands/using-trees-and-vegetation-reduce-heat-islands> (last visited July 31, 2019).

²⁵ Office of Mgmt. & Budget, Draft Environmental Impact Statement: East Side Coastal Resiliency Project 5.6-55 (2019), <https://www1.nyc.gov/site/escr/progress/environmental-review.page>

take years to provide the same benefits as the mature trees being replaced, making it even more critical to start mitigation measures now, giving replacement trees a chance to grow before construction.

Even using the most optimistic construction schedule, the Preferred Alternative will substantially decrease the amount of open space available to Lower East Side and East Village residents during the construction period for many years.

Potential Mitigation Measures

As noted in the DEIS, parkland will be added or enhanced through several, ongoing planned projects in the Study Area that are unrelated to the ESCR Project, including The Trust for Public Land's school playground projects at P.S. 184 and P.S. 2, Pier 42 Park, Pier 35, the East River Waterfront Esplanade, and any open space that might occur with regard to the Two Bridges Large Scale Residential Development.²⁶ These projects will modestly increase the open space resources within the Study Area by 2025.²⁷ However, to meet appropriate standards, mitigation efforts for the Proposed Project should do more to give residents additional open space access during and after the Project construction period. The Trust for Public Land recommends considering the creation of new public space (as recommended in the *CEQR Technical Manual*) at existing asphalt school lots and on blocks with low street traffic as a potential mitigation measure in addition to improving existing spaces to enhance utility, safety, and capacity.

The DEIS considers on-site improvements at existing open spaces such as East River Park a mitigation measure for the effects of construction.²⁸ But these improvements will mean little to Study Area residents during the years-long closure of East River Park and other city parks and playgrounds. Additionally, on-site improvements will not address the shockingly low open space ratios within the Study Area.

The DEIS also notes that the City is "assessing opportunities to open parts of East River Park as work is completed."²⁹ The Trust for Public Land urges the City to more fully develop and explain the phasing of construction in East River Park, which would allow for greater open space access throughout the construction period. If construction in Segments 1, 2, and 3 is staggered, baseball fields, a scarce resource in this area, could remain open throughout construction, as there are at least two baseball fields in each segment.³⁰ Phased construction would also give Study Area residents increased access to other park amenities such as sports fields and courts, pathways, and lawns. However, even with phased construction (or phased reopening), the Preferred Alternative will deprive Study Area residents of significant open space

²⁶ *Id.* at 5.3-14.

²⁷ *Id.*

²⁸ *Id.* at 6.2-20.

²⁹ *Id.* at 6.2-21.

³⁰ *Id.* at 6.2-9-10.

resources for a period of several years. The City needs to consider the creation of new open space as an additional mitigation measure.

As noted in the DEIS, The Trust for Public Land's school playground projects at P.S. 184 Shuang Wen School and P.S. 2 Meyer London will result in redesigned green playgrounds.³¹ These new public spaces will increase open space resources by 1.16 acres within the Study Area as these playgrounds will be open to the public during non-school hours.³² (The attached map indicates the location of these sites within the Study Area.) However, the playground project at P.S. 2 suffers from a funding shortage that threatens to delay its opening. If this new playground is to serve as a mitigation measure during the construction period for the ESCR Project, design and construction must begin as quickly as possible. Additional funding to close gaps in design costs for the playground project would enable The Trust for Public Land to move forward quickly, providing the surrounding community with a high-quality open space and partially mitigating for the temporary closure of other public spaces within the Study Area.

The Trust for Public Land also encourages the City of New York to explore additional sites for additional new public parks and playgrounds. Multiple public schools within the Project Study Area adjoin barren asphalt school lots that could be transformed into vibrant playgrounds to benefit the entire community.³³ Additionally, New York City Comptroller Scott M. Stringer's recently released report, *State of Play: A New Model for NYC Playgrounds*, provides a model for the construction of new playgrounds and parks mid-block on streets with low street traffic.³⁴ The City should use this "Pavement to Playgrounds" model to identify and develop potential playground sites in the Study Area, especially as there are many streets with little traffic volume in the Study Area.³⁵ New parks and playgrounds in the Study Area would include trees and green infrastructure, partially mitigating the temporary effects of the tree removal necessary for the Preferred Alternative. Trees planted prior to and during the Project construction period would mature throughout the construction period, providing a more extensive canopy earlier and better countering the urban heat island effect. By developing additional parks and playgrounds in the Study Area, the City could improve open space ratios for residents both during and after ESCR construction.

Additionally, the City could consider supporting The Trust for Public Land's Fitness Zone® program to increase useful open space by placing outdoor gyms in NYCHA developments. Fitness Zones® are a free and accessible way to exercise and create community. Fitness Zones® can be installed in undeveloped portions of NYCHA residences that are often closed to the public. The Project Study Area includes multiple NYCHA developments, including Baruch, Wald, Riis, Vladeck, Rutgers, and LaGuardia Houses, among others.³⁶ The installation of

³¹ *Id.* at 5.3-14.

³² *Id.*

³³ Including Orchard Collegiate Academy/University Neighborhood Middle School/Manhattan Charter School II at 220 Henry Street and M.S. 378 (School for Global Leaders) at 145 Stanton Street.

³⁴ Office of the N.Y.C. Comptroller Scott M. Stringer, *State of Play: A New Model for NYC Playgrounds* 16–17 (2019), https://comptroller.nyc.gov/wp-content/uploads/documents/State_of_Play_A_New_Model_for_NYC_Playgrounds.pdf.

³⁵ *Traffic Data Viewer*, N.Y. State Dep't of Transp., <https://www.dot.ny.gov/tdv> (last visited August 1, 2019).

³⁶ N.Y.C. Hous. Auth., *2019 Official Map of NYCHA Developments* (2019), <https://www1.nyc.gov/assets/nycha/downloads/pdf/officialmap-2019.pdf>.

Fitness Zones® within these NYCHA developments would provide residents with additional opportunities for exercise and outdoor activity, partially mitigating the effects of construction in East River Park and other open spaces.

The activation of existing playgrounds in the Study Area could also serve as a potential mitigation measure. The Trust for Public Land previously transformed two Study Area school lots into community playgrounds at P.S. 15M and P.S. 61M/361/Children's Workshop School/East Village Community School, and is in the process of building an additional community playground at P.S. 184 Shuang Wen School. (The attached map indicates the location of these sites within the Study Area.) With additional funding, these community playgrounds could remain open to the public for additional hours after school, and offer programs such as gardening and healthy foods curriculums, nature-based math learning classes, or outdoors movement sessions. Mitigation funds could also provide for repairs, maintenance, and enhanced stewardship, allowing the playgrounds to operate more fully as community parks and improving community health. These improvements meet *CEQR Technical Manual* guidance, as they would increase the utility, safety, and capacity of open spaces within the Study Area.³⁷ These improvements could be enacted quickly to partially mitigate for the temporary loss of open space during the construction period.

Conclusion

While the Preferred Alternative for the ESCR Project will result in improved open spaces and recreational facilities for New York residents, the necessary construction will also eliminate almost half of the open space available to surrounding residents for several years. The construction will overburden spaces and facilities remaining open in the Study Area, especially since residents in the Study Area already suffer from a notably lower open space ratio than the citywide median.

The DEIS presents a number of potential measures to mitigate for these construction effects, but The Trust for Public Land urges the City of New York to consider further measures to permanently increase the amount and quality of open space for residents in the Study Area. Study Area residents will lose at least 45 acres of parkland for several years, and the City must employ a range of solutions to mitigate for that immense loss. Although we are encouraged by the City's pledge to assess opportunities for improvements to parks and playgrounds as a potential mitigation measure, we urge the City to make specific commitments to Study Area residents, and to phase construction of East River Park.

By partnering with community groups and The Trust for Public Land, the City could create new parks and playgrounds, develop new Fitness Zone® areas at NYCHA developments, and support extended hours and increased programming at existing playgrounds. Other community organizations may have additional ideas for ESCR Project mitigation opportunities, and we

³⁷ N.Y.C. Mayor's Office of Env'tl. Coordination, *City Environmental Quality Review Technical Manual 7-17* (2014), https://www1.nyc.gov/assets/oec/technical-manual/2014_ceqr_technical_manual_rev_04_27_2016.pdf.

encourage the City to take these into consideration. Through these efforts, the City of New York can promote greater equity in the availability of open space for East Side residents.

Sincerely,

/s/ Carter Strickland

Carter Strickland
New York State Director
The Trust for Public Land



- Project Area One
- Open Space Study Area
- Project Area Two
- Census Tracts
- Park Area Improved with Land and Water Conservation Funds
- Recreational Fields
- Tracks, Courts, and other features
- Parks and Gardens
- 1 Open Space Resources

TPL Playgrounds Program

- ★ completed playground site
- ★ playground site in progress



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July 30, 2019

Re: Comments on the Draft Environmental Impact Statement for the East Side Coastal Resiliency Project, CEQR No. 15DPR013M, ULURP Applications C190357PQM and N190356ZRM

To Director Abinader,

I am pleased to submit these comments for the Draft Environmental Impact Statement (DEIS) for the East Side Coastal Resiliency Project. The New York City Departments of Transportation (DOT), Citywide Administrative Services (DCAS), Environmental Protection (DEP), and Small Business Services (SBS) (collectively the “Applicants” or the “City”) are seeking two ULURP approvals for (1) acquisitions of non-City owned property and (2) a text amendment to the New York City Zoning Resolution (“ZR”) § 62-50 “General Requirements for Visual Corridors and Waterfront Public Access Areas” and § 62-60 “Design Requirements for Waterfront Public Access Areas” to facilitate the East Side Coastal Resiliency (ESCR) Project (the “Proposed Project”). The Proposed Project aims to address coastal flooding vulnerability in lower Manhattan by implementing a system that includes floodwalls, underground sewer upgrades, and the raising of the John V. Lindsay East River Park (East River Park) out of the 100-year floodplain. These DEIS comments relate to the project plan for the Design Alternative 4.

Open Space, Access and Phased Construction

The construction schedule for the different sections of the East River Park, which will be closed for 3.5 years, including the nearby parks of Murphy Brothers Playground, Stuyvesant Cove Park, and Asser Levy Playground, which will be closed for 6 months to 2 years, should be phased to allow continuous access during the ESCR project. The loss of park access is among my foremost concerns. For example, children in Title 1 schools do not have buses to move them to other parts of the city to access open space resources, and many community members in the city use the amphitheater, picnic areas, soccer fields, basketball courts, tennis courts and water play areas. Community Board 6 (CB6) has the lowest amount of open space per capita of any community district in the city. Removing these vital open spaces to thousands of families and children will significantly reduce their quality of life; and the many schools that depend on the park’s infrastructure for afterschool activities and recreation will also be impacted.

Instead, the Preferred Alternative design accelerates construction, but phased access to park and recreational space is essential. To this end, the Applicants should work closely with Community Board 3 (CB3), CB6 and a community task force to plan and manage access for almost 30,000 residents. The task force should include residents, non-profits and business operators in addition to the CBs, and serve as a forum for community input through all phases of the project. The timing of the permit approvals, the time

needed for the fill to settle, and the coordination with CB6 for construction of the flyover bridge to be simultaneous with work at adjacent areas must be closely monitored. At the end of the project's completion, all waterfront pier areas must be publicly accessible.

Independent Environmental Review

The Applicants must work on an outreach plan for the surrounding community and communicate with residents prior to construction about the timeline related to the demolition and rebuilding of the park. Because the Preferred Alternative would be more expeditiously constructed even though there are drastic design changes, I recommend the hiring of an independent non-New York City based environmental consultant to be chosen by the task force group. The consultant's scope of work will include recommendations of design alternatives for improved coordination, timeline management and expert review of all matters pertaining to the project, including demolition, environmental protections, and structural standards. The task force and the consultants must work closely with the Applicants to incorporate the findings and recommendations from this study.

Process, Coordination and Public Participation

According to the Applicants, the agencies representing ESCR have reached out to the public and stakeholders through 45 community engagement meetings since 2015. They have used flyers, e-communications, open houses and websites to communicate with the public, and opened a 52-day comment period in 2015 to receive oral and written testimony that was then made available on the project website. Details of the proposed project were made available in 4 languages and representatives of New York City Department of Parks & Recreation (NYC Parks) and the New York City Department of Design and Construction (NYC DDC) attended various CB3 and CB6 meetings to present changes to the project.

After the Design Alternative 3 was rejected by CB3 and CB6 in 2018, the Applicants and the City went ahead to make major design changes without community input, resulting in the Preferred Alternative or Design Alternative 4. I quote CB3's recommendation where, "for many in the community, the ESCR process since Fall 2018 has frayed trust in government and public agencies because of the drastic change in plan design done without community consultation, despite the needs of the community who look to their government to supply desperately needed protection of their lives and homes, (and often both)."

Residents and community members must be fully informed and active participants in oversight of the project. It is imperative that as this project moves forward, the ESCR team regularly consults with CB3 and CB6 in more collaborative processes that incorporate public feedback and recommendations on the project's construction and design. The Applicants must be transparent in their decision making processes and communicate about design and timeline changes through social media, community meetings, open houses and information sessions in several languages including Spanish, Mandarin, and Cantonese. The public has entrusted the ESCR partners to create a project that will improve the safety and quality of life.

There must be a strong emphasis on outreach to residents of the involved NYCHA campuses. There are approximately 28,000 residents living in NYCHA developments in the ½ mile area adjacent to the proposed project. There is an estimated total population of 198,549 persons in the study area of which 20.26% are designated low-income and 51.2% identify as people of color. The goal of the ESCR resiliency project is to benefit all members of the community. The project scope declares that no communities of color or low-income communities would be disproportionately affected. However, with huge active construction sites in view of the community, parents are worried that children will access them. I urge the Applicants to ensure that the construction areas are secure and that neighbors are given adequate notice about road and area closures.

The application does not mention specific negotiations with any property owners who would be affected

by the proposed acquisitions of easements. It is imperative that the Applicants conduct outreach to all property owners with detailed information concerning the proposed easements and respond to the questions, concerns, and rights of these owners. Furthermore, any and all businesses within the East River Park that are directly impacted or displaced by the construction of the ESCR project must be offered relocation assistance by the Applicants.

Alternative Locations for Active and Passive Uses

My office met with a number of local youth leagues that utilize East River Park sports facilities. Removing these facilities would create a financial and physical hardship for sports teams that will have to commute to sports fields outside of their neighborhood during the 3.5 years. The Applicants must work with all local youth sports leagues to identify alternative facilities and provide transportation to these sites. At the completion of the project, the Applicants are to guarantee field priority for local youth leagues.

The DEIS states that "NYC Parks is exploring providing alternative recreational opportunities throughout the Lower East Side neighborhood through programs like Shape-Up classes, walking clubs, Arts, greening programs, etc." (8.0-4). It is vital that the location and funding for these programs are disclosed and discussed with the CBs and the task force to ensure that their financial feasibility and value to residents. Suggestions for alternative public open space includes Basketball City; expanding the NYC Summer Streets program; activating the underutilized spaces of Waterside Pier; a temporary space on the top level of the Skyport Marina parking garage; the use of temporary barges anchored off of the existing park; and potentially "green decking" underused spaces such as the Allen Street Malls, the vacant Allen Street building, and beneath Williamsburg Bridge.

I support further research into options for "green decking," the installation of temporary, synthetic turf that can provide for more active and passive recreation, particularly at LaGuardia Bath House/Little Flower Playground; portions of the FDR Drive; St. Vartans; Tompkins Square; Tanahey; and Robert Moses Playground. I also support further research for renovations proposed by the Applicants at a number of alternative sites, such as installing new sports coating at Tanahey; Sara D. Roosevelt; Al Smith Recreational Center and Playground; St. Vartans; Columbus Park; and Coleman Playground; converting the Baruch Bathhouse to a community space; and painting playgrounds and park equipment at approximately 16 sites by Spring 2020. However, it is imperative that the installation of turf and other renovations be brought to their respective CBs for community input and approval. Recently, the replacement of an asphalt lot with synthetic turf in Tompkins Square Park's northwest corner ignited a dispute between NYC Parks and the skateboarders that regularly use that patch of asphalt. I ask that 1) the Applicants conduct robust community outreach to mitigate such disputes before finalizing design decisions for temporary, alternative spaces, and 2) that a finalized proposal, map, and timeline for the closure and opening of all proposed, alternative spaces be published for public comment.

Before the first summer season of the East River Park's closure, temporary water parks or water play features must be made available. Cooling centers and comfort stations in the project area- specifically, at Murphy Brother's Playground- must be included in the final design and not deferred to a later time.

Urban Design and Visual Resources

According to the Applicants, the raised East River Park and Stuyvesant Cove Park will potentially block existing views of the East River from multiple locations, including at Grand Street, Bernard Baruch, Lillian Ward and Jacob Riis Houses. There are no mitigations for these blocked views to the water due to the raising of the East River Park by 8 feet and the installation of floodwalls. The application does not mention specific negotiations with any property owners who would be affected by the construction and raising of the East River Park; the flood gates; tie-backs; the north and south interceptor gate chambers; and other structures that would block sightlines to the water. It is imperative that the Applicants complete

a study of all affected property owners who would lose their views or access to the water, and conduct outreach to those affected. In addition, the temporary construction walls and sections of the final floodwalls should be beautified with paintings and mural work that is chosen by and is representative of the affected communities.

NYC Parks manages an “Art in the Parks” program that collaborates with a diverse group of arts organizations and artists to bring temporary installations to many park locations, including the East River Park. While I am confident that NYC Parks will maintain the same if not a similar program after final construction, I am concerned that art works not included in the “Art in the Parks” program will be demolished and excluded in the final plans for ESCR. One such example is the 27 animal sculptures in the John V. Lindsay Playground in the East River Park along the FDR Drive at Grand Street. The sculptures were commissioned in 2002 and include 18 larger-than-life size seals and 9 turtles and crabs that have brought visitors enjoyment for over 17 years. Up until June 20, 2019, the sculptor was unaware and was not notified by the Applicants that his sculptures were excluded from the new design of East River Park and would therefore be demolished.

I urge that NYC Parks, the NYC DDC, and the Applicants conduct a study of all existing art pieces in the project area that would be affected by ESCR’s construction and immediately contact all artists about the future of their works. NYC Parks, NYC DDC, and the Applicants must strive to include these permanent installations as part of ESCR’s new landscaping and design. Should an artists’ work be excluded from the ESCR design, each artist should either be commissioned for new work and/or generously compensated for the removal of their invaluable pieces. No pre-existing artworks are to be demolished during construction and instead must be moved off-site through consultation with the artist.

Historic and Cultural Resources

On April 3rd, 2019, I sent a letter to NYC Parks and NYC DDC regarding the East River Park Fireboat House, which serves as the headquarters for the LES Ecology Center. The LES Ecology Center has played an invaluable social and educational role in East River Park, the surrounding neighborhoods, and the Borough of Manhattan as a whole. Since 1998, when their headquarters moved to the Fireboat House, they have acted as key stewards for the park. Since our letter, there have been no commitments on the part of the City to reconstruct and raise the Fireboat House out of the 2050 floodplain. The City has cited that the age of the building’s pilings prevent re-construction above the floodplain. However, there has been no detailed rationale to the public for how the project team came to that conclusion.

By comparison, the Solar One Center is being completely rebuilt above the 2050 floodplain. I believe that the same could be done for the Fireboat House. The scale of construction for the rebuilding of East River Park must not exclude the opportunity to preserve the Fireboat House and the LES Ecology Center while providing new spaces for programming and sorely needed public restrooms. This new construction would also provide the opportunity to expand the existing NYC Parks’ storage space. NYC Parks and the NYC DDC must make commitments to provide displacement and relocation support to the LES Ecology Center in the run-up to and during the closure of East River Park.

Natural Resources

The Preferred Alternative has the potential to result in 650 square feet of permanent disturbance within the New York State Department of Environmental Conservation tidal wetlands due to the installation of support shafts and footings. In-water work and construction delivery barges would affect surface water resources as well as several aquatic species including winter herring and striped bass. The removal of as many as 981 trees (784 of which are located within East River Park) during construction represents a loss of habitat for insects and migratory birds. It is estimated that 600,000 cubic yards of fill will be required for the construction at an average of 3 barge trips per day throughout the construction period, and the excavation and grading of soils would disturb 82 acres of the existing landscape.

A more in-depth review should be conducted of the ESCR project's impact upon wildlife and plant species, as well as bird and insect migration during and after construction; we cannot rely on the notion that species will naturally return to East River Park when the project is completed. The Applicants must work with park stewards such as those from the LES Ecology Center and the Solar One Center to identify and protect biodiversity during the time of construction, and include biodiversity within the scope of study conducted by the independent environmental consultant(s) chosen by the community task force group.

NYC Parks "is exploring a LES Greening program with the opportunity to plant up to 1,000 trees in parks and streets, and create up to 40 bioswales" (8.0-5). Through this program, NYC Parks must work with local community organizations, CB3 and CB6 to conduct tree planting and tree guard installation operations, including the creation of concrete plans for the care of the trees. In February 2019, CB3 passed a resolution to support the proposal of a LES Community Tree Canopy Initiative that would communicate with NYC Parks when and where the proposed trees will be installed and how they will be maintained. The Applicants must immediately create these additional bioswales, tree canopy plantings, and permeable pavers as temporary mitigations against dust and adverse weather conditions during construction.

While 981 trees will be temporarily removed during the project's construction, 1,442 new trees will be added into the new landscaped park for a net change of an additional 461 trees, all of which must be mature trees where appropriate. The use of a variety of topsoil and salt resistant indigenous plants in the re-establishment of passive areas in the park must be included in the project's mitigation efforts.

Construction

The Applicants must apply and qualify for an Envision Certification from the Institute of Sustainable Infrastructure to ensure sustainable construction standards, in addition to the following suggested mitigations:

- Hazardous Materials

The DEIS confirms that subsurface contamination and sources of petroleum waste consistent with historical Manufactured Gas Plants (MGPs) were found in the soil and the groundwater in the project area. Other hazardous materials found include asbestos and lead-based paint, byproducts of gas production (i.e. coal tar, fuel, and gasoline, Volatile Organic Compounds (VOCs), pesticides, herbicides, and rodenticides, and metals) from the auto repair shops, gas stations, and the Con Ed Station located in and near the project area. Flood protection must be provided for these existing facilities in and near the project area that may be impacted by storms.

In an effort to reduce the potential of MGP-related contamination, a series of MGP-related recovery wells are to be installed prior to the project's construction. Structural construction of the Pier 42 project, the flood protection system on the west and east side of the FDR Drive, and the reconstruction of the Solar One Center would involve demolition and excavation activities that have the potential to disturb the subsurface containing hazardous materials.

All VOCs, petroleum storage tanks, and other hazardous materials must be removed from affected sites in accordance with federal, state and local regulations prior to project construction. Further investigations in the form of an asbestos survey, Site Management Plans, a Mitigation Work Plan, a Remedial Action Plan and a Construction Health and Safety Plan shall be included in the FEIS. The subsurface investigation shall be conducted in conjunction with the DEP and any construction and occupancy permits would only be issued once DEP receives and approves a Remedial Closure Report that is certified by a New York licensed professional engineer and

approved through DEP reviews.

- Energy

The Preferred Alternative will conduct excavation, pile driving, and other disruptive construction activities in and around existing energy transmission and generation infrastructural sites, such as the Con Ed Station. To avoid significant damages and service disruptions, construction plans must fully protect the existing water, electrical and high voltage electrical transmission lines that extend beneath the entire length of East River Park. Construction must aim to minimize vibration and control excavation measures including the placement of fill and soil in order to not disrupt any vital infrastructure that serves the surrounding community.

- Air Quality

Construction equipment must use ultra-low-sulfur diesel exclusively for all diesel engines, and a dust control plan (including a watering program). Restrictions must be placed upon trucks' idling time to 3 minutes except for those vehicles not using their engines to load, unload, or process materials, and electrical equipment must be used in place of diesel equipment whenever possible. These regulations for the reduction of emissions from engines and idling vehicle use, as well the required use of recycled steel, aluminum, and efforts toward construction waste reduction, and heightened care during material extraction and production must be written into all agreements with contractors, bids, and RFPs.

- Noise

Where the DEIS states that "The City is also assessing the feasibility of utilizing quieter construction methods (i.e., press in pile)" (8.0-5) and is considering "selecting quieter equipment models for cranes, generators, compressors, and lifts [that] may result in up to a 10 decibels (dBA) reduction in noise levels from construction," (8.0-8) it must guarantee that prior to the start of work that the equipment would be available for the duration of the construction period, and that these models be a condition of any bids or RFPs for project construction. This includes the use of a hydraulic press in pile installation method, hanging noise barriers or curtains made from mass loaded vinyl around the pile driving to shield receptors from noise impacts, enclosing the concrete pump and mixer trucks whenever the mixer barrels are spinning in a shed or tunnel (including 2 or 3 walls and a roof with the opening or openings facing away from receptors) and using barging instead of trucks for deliveries of construction materials.

According to the Applicants, night work construction is potentially expected to take place in the areas of "Reach A, B, C, E, I, J, K L, M, N, O and Q (see *Appendix Map 2: Potential Night Work Construction Areas* on page 28). The Applicants must inform the effected communities and CBs well in advance of the dates of all night work, and must obtain the proper after-hour work variances from the New York City Department of Buildings (NYC DOB). All construction-related and scaffolding-related permits must be obtained from the NYC DOB and the CBs notified in a timely manner.

Before the start of construction, a noise impact study of the newly designed amphitheater must be disclosed and any significant noise levels from the amphitheater, especially at night time, must be mitigated. The FEIS must also include a further impact study of the noise levels of the opening and closing of the rolling gates during the event of a storm impact.

- Water and Sewage Infrastructure

All water and sewer infrastructure construction is to comply with all federal, state and city regulations such as the Clean Water Act and combined sewer overflow regulations. While the DEIS states that, "if a storm is forecast, the sewer system would be inspected and cleaned as

needed,” it is imperative that there be routine checks on the operating systems, not only when the risk of flooding is imminent.

While the new parallel conveyance system works to prevent flooding by coastal surge waters within the study area, the construction and design must seek to ensure that there is no increased flooding outside of the protected area (“bath tubs”), in particular at East 25th Street above where the proposed flood barrier ends. This includes the area of Asser Levy Park, where NYC DDC plans to build a flood-control wall and a sliding gate that would protect the landmarked Asser Levy Recreation Center, but would leave the playing fields unprotected, and East 25th Street susceptible to tidal surge and flooding. Due to these design considerations, it is imperative that the Applicants agree to renovate and rehabilitate the unprotected playing fields at Asser Levy Park in the event of a disaster, since they have been excluded from benefits of the ESCR project.

Furthermore, temporary flood protection measures must be installed during construction to mitigate storm impacts that would damage the project.

Transportation

During the construction phase, East 10th Street between the traffic circle and the FDR Drive service road would be converted from a two-way to a one-way eastbound road, and the service road in front of the BP Gas Station east of East 23rd Street/Avenue C would be closed to vehicular traffic. The project would require a rerouting of the bikeway/walkway to inland routes, resulting in temporary significant adverse effects for bikers and pedestrians that frequently use the East River bikeway/walkway. According to the DOT, the East River bikeway/walkway “carried 2,077 cyclists on weekdays and 1,974 cyclists on weekends during daylight hours in 2018, numbers that were expected to rise by 5% annually.”¹ DOT and the Applicants must ensure that the closure of the bikeway/walkway will be replaced by equally safe passage for commuters.

Signal timing changes must be installed at the intersections of East 23rd Street/First Avenue and East 23rd Street/Second Avenue to mitigate any significant adverse traffic effects. A DOT plan addressing the narrow lanes of traffic on East 20th Street and its passage during the construction of the interceptor gate house must be submitted for CB6 approval. Alternate routes must be prominently marked by signage. In addition, a protected bike path must be implemented on Avenues A, B, C, or D by DOT in order to compensate for the years-long loss of major bike routes. A new crosswalk must be added at the intersection of Avenue C and the north side of the FDR Drive’s Exit 7 to create a more direct, pedestrian access pathway across Avenue C to the waterfront and Stuyvesant Cove Ferry Landing. Lastly, an exit ramp shall be modified to provide a legal left turn onto Avenue C at the East 8th street traffic signal, with appropriate signage for improved pedestrian safety.

Based on the latest available U.S. Census data (2000) for workers in the construction and excavation industries, it is expected that 48% of construction workers commute to their project sites by private vehicles at an average occupancy of approximately 1.30 persons per vehicle. The DEIS estimates the presence of a maximum of 250 average daily construction workers for Project Area One and a maximum of 140 average daily construction workers in Project Area Two. The additional demand of parking generated by construction workers and delivery trucks must remain as inconspicuous as possible to the surrounding residential community by opening up spaces within unused areas of the construction site or other off-street parking sites. Similarly, the 2000 Census states that approximately 46% of construction workers commute to work via mass transit. As the project area is well served by mass transit, including 6 subway lines (No. 6, and F, J, M, Z, and L) and numerous local and express bus routes, the Applicants must offer project workers a reduced transit fare on work days to limit car travel and the demand for

¹ <http://www.nyc.gov/html/dot/downloads/pdf/cycling-in-the-city.pdf>

parking spaces.

NYC DDC's versions of their presentations state that pedestrian access to Corlears Hook Ferry Station in CB3 and the Stuyvesant Cove Ferry Station in CB6 will be maintained during the period of construction. However, this has not been confirmed. According to the NYC Ferry Quarterly Update (2019) for the first quarter, average weekday ridership for the Lower East Side route which stops at both the Corlears Hook and Stuyvesant Cove Ferry Stations include 748 persons and 326 persons on weekends.² NYC DDC and related agencies must verify that safe and convenient pedestrian access to both ferry stations is maintained during construction. If disruptions prove unavoidable, the CBs and ferry users must be notified well in advance.

A study of traffic scenarios during a storm event must be approved by the CBs before the completion of the ESCR project. This study must include information on road closures, public transit, parking, and evacuation scenarios for residents and businesses in the vicinity.

Public Health and Safety

The Community Construction Liaisons managed and staffed by a Borough Outreach Coordinator from pre-construction through the project's completion are intended to serve as direct community contacts. They must be available 24/7 through a dedicated hotline and email to report unsafe conditions and log complaints and concerns. The information for this hotline and email must be posted prominently on the construction sites, on social media, the CBs, local elected officials, and on the websites of all involved agencies.

All workers who maintain and repair the floodwall infrastructure and parallel conveyance system must receive thorough training and be provided with a safety manual. As flood gates will be closed manually before storm events, I urge the Applicants to conduct a study on ways to ensure the proper training and safety of all workers involved in storm preparation and the operation of the flood control systems.

Should you have further inquiries regarding these comments to the DEIS, please contact Stephanie Chan, Urban Planner at schan@manhattanbp.nyc.gov or at 212-669-8168.

Thank you.



Gale A. Brewer
Manhattan Borough President

² <https://www.ferry.nyc/wp-content/uploads/2019/05/NYC-Ferry-2019-Q1-Quarterly-Update.pdf>



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Gale A. Brewer, Borough President

July 8, 2019

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Dear Director Lago, Commissioner Grillo, Commissioner Silver, Commissioner Trottenberg,
and Director Bavishi:

I write regarding the East Side Coastal Resiliency (ESCR) project and the City's rush to expedite its preferred alternative design through the Uniform Land Use Review Procedure (ULURP). I am concerned that ESCR has had an insufficient amount of time for meaningful community review, and that many core questions remain unresolved in the lead-up to the upcoming City Planning Commission's (CPC) hearing and vote that are scheduled for late September 2019.

We need to take bold action in response to the urgent risks of extreme weather driven by global climate change. While I have serious concerns about the sudden transformation of ESCR in September 2018 from a plan that incorporated over 4 years of community input to a new plan unilaterally put forth by the City, I support the primary objectives of the project. In particular, I share the goal of developing resilient infrastructure that also serves as social infrastructure – while simultaneously protecting vulnerable communities in the event of a storm and improving quality of life. However, for ESCR to achieve its goal of developing social infrastructure, the affected community must be a key partner in the project's development and implementation. Indeed, it is in recognition of the importance of community involvement surrounding questions of municipal land use that the City created the ULURP.

There are a number of concerns that remain unaddressed by the Department of City Planning (DCP), the Department of Design and Construction (DDC), the Department of Transportation (DOT) and the Department of Parks and Recreation (Parks) as this application accelerates towards the CPC vote. While these concerns will be further elaborated upon in the upcoming deliberations of Community Boards 3 and 6, as well as within my own recommendation and comment on the Draft Environmental Impact Statement (DEIS) in the ensuing weeks, I recognize the general community unease about the lack of clarity from the City regarding but not limited to the following concerns:

- The City's emergency management strategy and mitigation for a storm surge or heavy rainfall event during construction of ESCR;
- The immediate need to install temporary flood protection barriers to reduce the impacts of a devastating storm surge;
- The potential use of Pier 42 as a staging area during the ESCR construction period;
- A robust traffic study for adequate and safe, interim bike and pedestrian routes during the construction period;
- Further detail on the project's staged construction periods to provide for the continual use of East River Park, including active recreation fields and running paths;
- Missing text within the DEIS regarding mitigation and adverse impacts upon the area's biodiversity during the ESCR's construction period; and
- Preserving the history of and expanding services provided by the Lower East Side Ecology Center (LESEC), either by providing necessary environmental protections for the safeguarding of the Fire Boathouse by lifting its foundations out of the 2050 floodplain, or by providing for the construction of a new facility for the use of LESEC.

These comments and many more remain unaddressed in the fast-tracking of the ESCR proposal that aims to spend the allocated \$338 million in federal funding by the 2022 deadline. I urge that all agencies involved work with our Congressional representatives to extend the federal deadline for this spending in order to adequately evaluate the new plan for ESCR and any other alternatives to ensure that the City invests in the best plan for the community.

I further urge that the City agencies involved in ESCR provide set-aside funding within the \$1.45 billion budget for a panel of non-New York based independent experts chosen in consultation with local Community Based Organizations to evaluate the city's preferred alternative design, issues identified in the DEIS, and provide recommendations within a proposed timeframe.

The accelerated timeline and the sudden transformation of the plan forced Community Boards 3 and 6 to review a vast amount of documentation over an insufficient amount of time. **In light of the new plan set forth in September 2018, it is imperative that CPC provide a 60 day delay in their hearing and vote in order for further community outreach to answer the profusion of questions and consult with independent environmental experts.**

I look forward to working closely to address these issues. Please contact Brian Lewis, my office's liaison to Community Board 3 at blewis@manhattanbp.nyc.gov (212-669-8774) or Stephanie Chan, my office's land use urban planner to Community Board 6 at schan@manhattanbp.nyc.gov (212-669-8168) with any questions.

Sincerely,

Gale A. Brewer

cc: William T. Castro, Manhattan Commissioner, NYC Parks
Alyssa Cobb Konon, Deputy Commissioner, Planning and Development, NYC Parks
Jamie Torres-Springer, First Deputy Commissioner, NYC DDC
Andrew Hollweck, Deputy Commissioner, NYC DDC
Jeffrey A. Margolies, Intergovernmental and Community Affairs, NYC DDC
Alysha Lewis-Coleman, Chair, Manhattan Community Board 3
Susan Stetzer, District Manager, Manhattan Community Board 3
Molly Hollister, Chair, Manhattan Community Board 6
Jesus Perez, District Manager, Manhattan Community Board 6
Christine Datz-Romero, Executive Director, Lower East Side Ecology Center
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August 30, 2019

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Re: East River Housing Corporation's Comments on Draft Environmental Impact Statement
("DEIS") for East Side Coastal Resiliency Project (the "ESCRP"), CEQR No. 15
DPR013M

Dear Mr. Johnson and Ms. Alderson:

This firm represents East River Housing Corporation ("East River Housing"), a cooperative housing corporation whose four apartment and other buildings comprise 24 separate addresses. East River Housing is the target of one of the proposed actions allegedly studied in the DEIS for the implementation of the ESCRP, and, under cover of this letter, is submitting comments on the DEIS.

While East River Housing generally favors the ESCRP, insofar as it will affect the modification of East River Park and the associated bridges that connect the park to land west of the FDR Drive, in order to provide flood protection in a 100-year flood event, East River Housing opposes the proposed action to the extent it will result in the City's acquisition of a permanent easement and the construction of new subsurface facilities within East River Housing's property. The adverse environmental impacts of the proposed (and as-of-yet unspecified means and methods of) construction contemplated on East River Housing's land -- within feet of a playground, an open recreational space and several residential buildings -- are significant, and will likely be intolerable to the sensitive populations in the more than 1,600 apartments on its property. The proposed acquisition from East River Housing should be eliminated from the list of proposed actions until the requisite hard look has been taken of the necessity for the action, the means of accomplishing it and the actual impacts that will necessarily result from it.

The DEIS is not that study. Indeed, it is nearly impossible, from the content, organization and scope of the material presented in the DEIS to understand (1) why the acquisition at this location

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is necessary; (2) who the relevant governmental actors will be with respect to the actions to be taken on East River Housing's property; (2) what the scope of the required actions and resulting construction will be; (3) where and how it will be performed; and (4) what the resulting environmental impacts of that performance will be both temporarily and permanently on East River Housing's population, buildings, operations, and the more than 7,500 people who reside in East River Housing and neighboring buildings to which East River Housing provides essential services, such as heat and hot water. The DEIS speaks in vague generalities, fails to specifically identify and/or analyze the environmental impact of the proposed acquisition and subsequent excavation and construction on East River Housing's property, and makes no distinction between the action contemplated on East River Housing's property and the action contemplated on the other properties that the City proposes to acquire. Since the purpose and function of an environmental impact statement is to identify, analyze and disclose the likely environmental impacts of a governmental action so that the value of the contemplated action can be measured against the likely adverse environmental impacts, the DEIS is woefully deficient as to East River Housing in every respect.

Background Facts

East River Housing is a private cooperative apartment complex comprising 24 different addresses and containing 1672 apartment units, with associated open space, a commercial building, parking lots, and its own power plant (the "Plant"). The Plant provides heat and hot water to almost 3,000 dwelling units and more than 7,500 residents in not only the East River Housing buildings but also two neighboring cooperatives – Hillman Housing Corporation ("Hillman") and Amalgamated Housing Corporation ("Amalgamated"). Constructed in the mid-1950's as a Redevelopment Company organized pursuant to Article 5 of the Private Housing Financing Law and sponsored by the ILGWU, East River Housing was the first middle-income housing project built in New York City with federal subsidies. Many of East River Housing's current occupants were among the buildings' original occupants, and have aged in place, causing East River Housing to become one of the City's first naturally occurring retirement communities (a "NORC"). As the DEIS notes, the complex is eligible for listing on both the State and Federal Registers of Historic Places.

The portion of East River Housing affected by the proposed easement acquisition is in the block between Grand and Delancey Streets, bounded on the west by Lewis Street and on the east by the FDR Drive, and containing apartment buildings known as 568-570-572 Grand Street (on the west side of the block) and 473-475-477 FDR Drive (on the east) (collectively, Block 321, Lot 1. The area in which the easement is intended to be acquired (the "Easement Area") is within the open accessory parking lot used exclusively by East River Housing's residents, many of them elderly or families with young children, that occupies roughly the northern third of the block. This parking lot also contains all of the maintenance and operation facilities for the entirety of East River Housing, as well as the Plant, which also has an entrance at 26 Lewis Street.

The complex's maintenance facilities, housed in 568 Grand Street, are located on the western edge of the parking lot. All of East River Housing's service and maintenance vehicles, including its snow plows, backhoes, forklifts, front loaders, and other heavy equipment used to service East River Housing's and Hillman's residents and grounds and the Plant's underground steam pipes,

are accessed exclusively through the parking lot, which is the sole means of ingress and egress for these vehicles. East River Housing's maintenance repair facility and calcium melt storage (for winter snow removal) are also located in this area, and can only be accessed via the parking lot. The Plant's second means of egress for emergency use by personnel is located in the parking lot. East River Housing collects and disposes of *80 tons* of garbage generated *each week* by East River Housing's and Hillman's residents. Its garbage collection/disposal equipment's sole access for ingress and egress is through the parking lot. The parking lot is accessed through a controlled entrance and exit on Delancey Street.

Characteristic of the Lower East Side apartment complexes of East River Housing's era, the apartment buildings are surrounded by generous amounts of open space that contain mature trees, grassy lawns and landscaping, children's play areas (including, in the case of East River Housing, one immediately adjacent to the parking lot) and passive recreation facilities for residents, including the elderly. Although these facilities are not open to the public, due to their size and the density of the apartment complexes they serve, these open spaces perform important functions as substitutes for public open space in an otherwise densely built urban environment.

The Proposed Action

The ULURP Application with which the DEIS has been promulgated describes the proposed action as it affects East River Housing as the "acquisition" of a portion of Block 321, Lot 1 "to enable the City to have access to the property to operate, inspect, and maintain the regulator M-29 [sic]¹ parallel conveyance system proposed to be sited on this lot." Elsewhere in the materials (specifically, the DEIS), the interest to be acquired is described as an "easement." Several hundred pages into the DEIS, what is actually intended to be done is described, not with reference to the specific conditions on East River Housing's property, but generically as contemplated for the construction of all locations in the City's sewer infrastructure on the East Side at which the City proposes to install what it terms a parallel conveyance to divert water flows from the sewer line to the north-south interceptor that leads to the 13th Street pumping station. There is also reference to the provision of new manholes to be located at distances of 200' to 250' apart; however, the proposed locations of these manholes are not illustrated in the DEIS.

The DEIS does not identify the metes and bounds of the Easement Area or of the proposed excavation or construction area on East River Housing's property. It also does not identify the areas on East River Housing's property where the excavation and construction vehicles and equipment will be located, staged, parked or stored.

The DEIS does not effectively describe the diversion chamber that is shown in a set of conceptual engineering drawings prepared by Hazen Engineering in an appendix to the DEIS and that is proposed to be constructed to a depth of nearly 30' below grade within the parking lot. Further this drawing would seem to be inconsistent with information provided by City officials to the East River Housing Board of Directors on August 21, 2019, in which they stated that the

¹The reference appears to be incorrect, as, elsewhere, the location is described as the M-27 parallel conveyance. The diagrams in the DEIS show that the lateral sewer line that crosses the Easement area is the M-27. The M-29, for which no parallel conveyance will be provided, is several blocks north of East River Housing's property.

interceptor sewer line is 40' feet below grade, which will require excavating to depths below that level. The officials also stated in that meeting that no diversion chamber would be constructed. Reference is made in the DEIS to the support, replacement or relocation of utilities, but no information is provided as to what utilities, if any, are sited in the Easement Area, nor is there any analysis on how such utilities might be affected.

In sum, though the "action" is generally described in bits and pieces throughout the DEIS, the generic description on Page 10 of the ULURP application ("Actions Necessary to Facilitate the Project") provides no information as to exactly where the City proposes to acquire an easement from East River Housing, and the DEIS provides no details about the City's intended use of the proposed easement if it is acquired. Further, the proposed easement is not merely one for access to "operate, inspect, and maintain drainage improvements." It implicitly contemplates, but does not mention, the granting by East River Housing of a license to enter upon the parking lot to construct and install improvements over what is estimated to be a period of at least eighteen months, with all of the associated requirements for access and equipment and vehicle storage that such a project would dictate.

Comments on the DEIS

1. **Description of the Action:** somewhere in the Executive Summary a clear, complete and specific description of the full extent of the proposed acquisition and the associated construction work to be performed on the Property should have been made, but was not. All of the work proposed as "drainage management" is, for the most part, grouped and described together. Since the circumstances of each site where the work is to occur are different, the analyses must be unique to each site. The description of the action must also explain in detail the scope of the City's activities during construction and once the new infrastructure becomes operational. No such description was provided.

2. **Project Area:** The Easement Area must be specifically described by metes and bounds. The DEIS must explain why the areas in which the drainage management work will be performed are not included in the Project Area, since the construction on those sites is part of the Project.

3. **Discussion of No-Action Projects:** City officials have told the Board of East River Housing that areas under the Williamsburg Bridge could not be made available to park the cars of East River Housing residents who will be displaced from the parking lot during the excavation and construction therein, because a rehabilitation project of that bridge would be carried out simultaneously with the ESCRP. There is, however, no mention of any Williamsburg Bridge rehabilitation project in Appendix A1 to the DEIS, which lists all "no action projects" known to the preparers of the DEIS. Thus, the DEIS does not consider that the anticipated bridge rehabilitation project will occur simultaneously with the work proposed under the ESCRP, and categories of analysis such as hazardous materials, noise, air quality and construction are incomplete for failing to consider the impacts of such simultaneous performance.

4. **Discussion of Alternatives:** The DEIS provides no rationale for the City's selecting the particular locations it chose for installation of the parallel conveyances. Although

reference is made to a modeling analysis that identified the flooding risk throughout the drainage protected area and the hydraulic grade line in the sewers in that area, thereby identifying locations of surcharge, and, ultimately, the drainage management requirements that form the basis for the actions, no specifics are provided with respect to each individual site that would enable East River Housing to understand the alleged need for the installation of the parallel conveyance in the parking lot. No copy of the modeling analysis is provided as an appendix to the DEIS; thus, no independent engineering review of the conclusions reached in the analysis can be made. Since there are lateral sewer lines south of the Property, particularly in the bed of Grand Street (M26), and north of the Property (M29 and M30) some explanation should have been provided as to why these nearby alternatives could not be used to achieve the desired result while avoiding the disruption and construction impacts that will certainly result from implementation of construction in the middle of developed private property.

The absence of attention to the details of the proposed action affecting East River Housing appears to flow from the fact that the regulators have combined this action with a NEPA study of the alternatives proposed to provide flood protection by modifying the conditions along Manhattan's east coast line. All of the "alternatives" discussed in the DEIS refer solely to alternatives for such flood protection and not to alternatives to the site acquisitions proposed in the ULURP application, including the site at East River Housing.

5. Discussion of Impacts from Simultaneous Performance of Project and Non-Project Elements: There are several component parts of the Project or No-Action Projects (as detailed in Appendix A1 of the DEIS) the impacts of which on East River Housing should have been considered collectively, as it is likely that they will occur in whole or in part simultaneously with construction of the parallel conveyance. In particular, the construction of the new overpass from Delancey Street and the relocation of the existing controlled entrance/exit from the parking lot will create new traffic patterns; involve lane closures during construction; affect turning radii for the maintenance equipment and heavy vehicles used by East River Housing for its facilities and activities in and around the parking lot; generate noise and vibration from pile driving and result in the release of hazardous materials. Further, in addition to the 65 parking spaces that will be lost during construction of the parallel conveyance, 35 will likely become unavailable while the existing overpass is being demolished. Overhead protection required during construction of the new overpass could make parking spaces along the northern periphery of the parking lot unusable. Thus, the total number of displaced spaces from the lot could be as many as a hundred during certain periods of simultaneous construction.

Similarly, East River Housing was advised that temporary parking could not be provided for displaced parkers during the project under the adjacent Williamsburg Bridge (where, among other things, CitiBike has a facility), because there would be a simultaneous project to rehabilitate the Williamsburg Bridge while the ESCRP was underway. If that is true (there is no itemization of a Williamsburg Bridge rehabilitation project in the list of No-Action Projects in Appendix A1 of the DEIS), then possible hazardous materials, noise, air quality and construction impacts of the bridge project (and the overpass project) should have been analyzed in the DEIS.

6. Historic and Cultural Resources: The DEIS notes that East River Housing's property is likely eligible for the State and Federal Registers of Historic Places, based on its

social and political history and, perhaps for its architectural and planning history. The DEIS notes that, in the case of historic resources, the City will comply with the Department of Buildings' TPN # 10/88 as to the monitoring and protection of historic resources from vibration impacts resulting from the use of pile-driving and other construction equipment.² Yet, when the DEIS identifies the historic resources to which it will apply the TPN's requirements (DEIS at 6.3-2), it does not include East River Housing in the list of protected resources. Since, to the knowledge of the management of East River Housing, the City has never taken measurements in the parking lot or between the portion of the parking lot where the excavation is planned and the nearest adjacent building, and since there do not yet appear to be firm plans for the location of the construction or the full extent of the excavation, the basis for failing to provide such protections to the Property, which is built on landfill, is not evident.

7. **Hazardous Materials:** The work plan for analysis of hazardous materials provides for sampling solely to the east of the East River Drive (see Figures 5.7-1 and 5.7-2), even though excavation to significant depths is contemplated on East River Housing's property to the west of the FDR Drive. Since East River Housing was developed in the era prior to environmental quality review, and since, according to the management of the complex, it is built on land fill, and because there is no evidence in the DEIS that the development history of the parking lot area was studied or analyzed to determine whether any prior uses – such as coal yards, which did exist in the area – may have caused any contamination of the site, the hazardous materials analysis is deficient. Since the excavation will also likely result in the release of airborne materials immediately adjacent to a children's playground, to open space dedicated to passive recreation, and alongside East River Housing residential apartment units, the possibility of the presence of hazardous materials must be ruled out by appropriate investigation now. Yet, the DEIS punts the hazardous materials investigation of sites like East River Housing's to the actual construction phase in a process to be managed by DEP. The DEIS does not mandate or even contemplate any disclosure to East River Housing or the surrounding community of the results of testing or the formulation of the program for mitigation.

One practice of great concern that is contemplated by the DEIS -- the creation of stockpiles of excavated materials in the parking lot with the potential for run-off into the adjacent playground and open space -- could be very dangerous if those stockpiles contain hazardous materials. Another area of great concern would be procedures adopted to supervise dust control, to ensure that run-off from the washing of tires of trucks and other vehicles in the parking lot does not escape into areas that remain open to and actively used by residents. Such effluent from this practice, wet or dried, if not properly contained, could easily be tracked across the parking lot or recreational areas into adjacent buildings and residents' apartments on the residents' own footwear, since residents will be parking their cars and walking next to the edge of the construction area in order to get to and from their cars and homes. Again, the lack of analysis of the actual uses of the areas adjacent to the Easement Area, and the implications of the presence of such uses for potential impacts from hazardous materials, renders the DEIS materially unsound.

²The DEIS states that the Construction Protection Plan (CPP) it will prepare for the FDR (not East River Housing) will be prepared in accordance with LPC and National Park Service guidance documents regarding protection of historic resources during construction.

As noted above (page 5) the proposed rehabilitation of the Williamsburg Bridge simultaneously with the construction in the Easement Area (and, potentially, with the replacement of the pedestrian bridge on Delancey Street) only magnifies the likelihood that hazardous materials will be dispersed throughout the parking lot and tracked into residents' homes. The possible synergistic impacts of multiple on-going projects in and around the Easement Area are neither noted nor studied.

8. **Transportation:** The DEIS summarily concludes that, upon completion, the Project would not be anticipated to have any significant effect on vehicular traffic, transit or pedestrians. Thus, it also concludes that no quantified traffic analysis is required and, as a result, under CEQR Manual guidelines, no parking analysis is required. As to the impact on transportation or parking of the construction of the parallel conveyance and associated work on East River Housing's property, the DEIS is silent, since it considers only the construction vehicles and workers who would come to the Project Area (in which East River Housing is not located) and does not consider the impact on traffic around East River Housing's property resulting from the displacement of 65 vehicles from its parking lot during the 18 months or more that will likely be required to complete the portion of the Project on East River Housing's property. The resident-owners of the displaced vehicles from East River Housing's parking lot would have to find alternative parking locations, and would therefore be forced into the street network surrounding East River Housing to search for on-street parking or spots in public parking garages. Also, if pathways for the movement of the complex's heavy equipment and vehicles are not maintained in the parking lot, they may be forced to park on the street.

In or near all of Project Area One, which stretches for nearly a mile from south to north, the DEIS identifies only 70 available on-street parking spaces and 60 off-street spaces to absorb 92 passenger cars for ESCRIP workers. Because the DEIS references only on-street parking "near" (an undefined term) Project Area One, it is impossible to determine whether a study was made of parking in the immediate vicinity of East River Housing's property. Moreover, the 92 passenger cars for which parking is estimated to be required takes no account of the 65 cars or the maintenance vehicles and heavy equipment that will be in the street network around East River Housing's property looking for on-street parking because they have been displaced from the parking lot. The DEIS does not acknowledge, much less analyze this condition, which will affect the anticipated shortfall of parking, estimated by the DEIS to be only 35 spaces. The DEIS cavalierly and without any study or analysis concludes that East River Housing's elderly residents and young families with children who have lost their parking due to the project will walk more than ¼ mile to find alternative parking or "choose other modes of transportation."

The DEIS also gives no consideration to the impact on the traffic network at the intersections of the streets surrounding East River Housing's property of these additional cars and vehicles roaming the streets searching for parking spaces. No consideration is given to the impacts that will result from the potential simultaneous construction of the new FDR crossover on Delancey Street, and the associated relocation of the entrance/exit to the parking lot, all which could result in lane closures and congestion along Delancey Street between Lewis Street and the FDR Drive. Further, the DEIS takes no account of possible pedestrian, bicycle and vehicular conflicts on Delancey Street that may result from the multiple simultaneous projects contemplated on or near that block.

9. **Noise.** Although the DEIS is not clear as to the location of the noise receptors that were used to determine ambient noise levels in Reach E, near the proposed construction of the drain management system on East River Housing's property, it appears from the figures (DEIS Fig. 6.12-1) that measurements were taken in the vicinity of 473-475-477 FDR Drive in front of the building, adjacent to the highway. Since the construction area will actually be set back a significant distance from the highway and near East River Housing's (i) occupied residential apartment units; (ii) children's playground and recreational area; and (iii) passive recreational open space between the two buildings making up the eastern half of East River Housing, the receptor should have been located in or near the proposed easement and anticipated excavation area to obtain an accurate assessment of the actual noise impacts on the residents whose units face into the park and onto the parking lot, as well as the children and elderly who use the adjacent playground and open space.

Further, the DEIS makes the unsupported assumption that, not only do the windows in the Property provide substantial attenuation because they are double-glazed (providing 25 dBA window/wall attenuation), but also that a closed-window condition can be maintained with alternative sources of fresh air provided mechanically. (DEIS p. 6.12-28). There is no central air conditioning system in the property. Air conditioning, where it exists, is provided by individual window units that are purchased and maintained by the occupants of the dwelling units in which the air conditioning units are installed. Thus, given the anticipated 24-hour a day schedule contemplated by the DEIS and the significant levels of noise anticipated even during nighttime hours (up to high-70s dBA) (DEIS p. 6.12-29), the DEIS erroneously concludes that there will be no significant noise impacts from the construction. With open windows to provide fresh air from spring through fall, nighttime noise levels will be well above the 45 dBA threshold recommended, and, therefore, clearly unacceptable. It goes without saying that daytime levels will be even worse.

The DEIS does not treat the large open space between the two buildings at 570 Grand and 477 FDR Drive as an open space for purposes of noise analysis, even though it functions as passive recreation space for a community of thousands of people. The DEIS notes that noise levels in other open spaces along the FDR will exceed recommended levels, but states that many already do with background conditions; however, in many instances, those are open spaces in the East River Park, along and level with the highway, not areas set back from the highway and shielded from its noise by an intervening building. The noise analysis also assumes that the largest sources of noise will come from pile driving, which will certainly affect East River Housing, when it occurs in connection with reconstruction of the crossover bridge. However, no disclosure has yet been made of the equipment that will be used in the construction of the parallel conveyance (on August 21, 2019, NYC advised that it will be necessary to have pile drivers and other heavy equipment in East River Housing's parking lot), and, as a result, no analysis has been made of the duration or levels of the exceedances to be expected from such equipment. A noise analysis must therefore be done of the expected impacts of such equipment on East River Housing's residential apartment dwellers and its open spaces as a result of construction of the parallel conveyance, both alone and considered together with construction of the new crossover bridge and the Williamsburg Bridge, if these projects are to proceed simultaneously.

Vibration: We have already noted East River Housing's concern about the possible impact of vibration on its buildings, in view of the project's construction on landfill. Of particular concern are the smaller out-buildings that house the Plant and associated operational activities and that are adjacent to the construction site. While the main buildings in the East River Housing complex may be built on piles, we do not believe that the Plant is so constructed and special care may be required to assure that it suffers no damage from pile driving. No such analysis has been performed and no remediation steps, if any, have been considered or proposed.

10. **Air Quality.** Like many of the sections in the DEIS, the discussion of air quality is at a very general level and assumes that mitigation of potential air quality impacts, particularly from such things as fugitive dust emissions, will be achieved by use of best available technology and construction practices without providing any particulars. As to the air quality study allegedly performed, no information is provided as to the locations at which receptors may have been placed, and the results of the study are presented on a project area-wide basis. As we have noted above, however, East River Housing is not, technically, in Project Area One, which is almost entirely east of the FDR Drive, except for the proposed new cross-over bridge at Delancey Street. Thus, it is not clear whether and to what extent any part of the DEIS's air quality study considered impacts upon East River Housing from the proposed parallel conveyance excavation and construction work.

Despite assurances that best practices will be used to prevent exceedance of air quality standards during construction, no mechanism is provided to ensure that all vehicles use ULSD fuel, that wheels are washed, that loads are covered and wetted down, that trucks do not idle, that appropriate barriers are erected to prevent fugitive dust or other emissions from excavation sites, among other things. While the City's contracts should require compliance by bidders with these conditions, a contractor that is running behind on its schedule for completion will sacrifice safety and good housekeeping to speed every time.

Air quality is another area of analysis for which the effects of simultaneous construction of the crossover bridge, the Williamsburg Bridge work and the construction of the parallel conveyance should have been considered.

East River Housing therefore requests that in addition to performing a proper air quality study, in the event the ULURP is approved and the project ultimately proceeds on East River Housing's property, that the City engage an independent Environmental Monitor at its sole cost and expense, to oversee construction practices and ensure compliance with best available technology and construction practice requirements with respect to any portion of the construction that is on private property or within 100 feet of private property. The monitor should have the power to stop the job if best practices are not being followed and to keep it shut down until adequate corrective measures, in the sole opinion of the monitor, have been implemented.

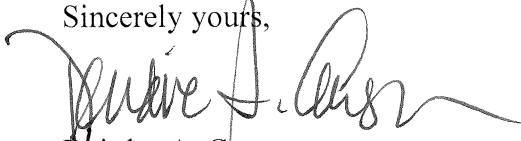
The City Planning Commission has required the use of such monitors in large or multi-building, multi-phase projects, such as Columbia's expansion in Harlem or Fordham's at Lincoln Center. These examples provide a useful precedent for a job like the ESCRP that will take many years and affect large areas of the borough's waterfront and associated upland areas.

11. **Operational Interference having Potential Environmental Consequence.** As noted in the preceding materials, the western end of the parking lot is the epicenter of the operational components of East River Housing, the source of essential services provided to a population the equivalent of a small town. The proposed project has the potential to materially interfere with the daily functions of those operational components, with significant environmental consequences for the resident population. For example, East River Housing manages its own garbage disposal; physical interference with access to the pick-up area could result in delays in disposal, and the accumulation of garbage inter alia adversely affecting quality of life and potentially resulting in increases in the rodent population. Steam pipes carrying steam to 7500 residents in part run under the surface of the parking lot. This is just one example. The DEIS shows no awareness of the possibility of such operational interference, the environmental effects of which should be thoroughly studied before any proposal for the development of the parallel conveyance is approved.

Conclusion

The foregoing constitute East River Housing's comments on the DEIS as of the date of this submission. East River Housing reserves the right to make further comments or to amend or supplement these comments on the basis of additional information contained in the Final Environmental Impact Statement, when it is released. In addition, East River Housing has testified and will testify at public hearings to the negative effects the proposed easement acquisition, excavation and construction will have on the health, safety, well-being and quality of life of East River Housing's residents and the surrounding community, as well as to the material operational interference that the proposed construction of the parallel conveyance would impose on East River Housing and the community. This submission is without prejudice to, and supplements, the expression by representatives of East River Housing of its concerns, objections and complaints in public fora and in meetings with agencies of the City of New York about those detrimental impacts and operational interferences.

Sincerely yours,



Deirdre A. Carson
Shareholder

DAC:

Cc: Gary Altman, President, Board of Directors, East River Housing
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August 29, 2019

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Re: *East Side Coastal Resiliency Project, CEQR No. 15DPR013M*

Dear Mr. Johnson and Ms. Alderson:

On behalf of New York State Attorney Letitia James, our office submits these comments on the draft environmental impact statement ("Draft EIS") for New York City's East Side Coastal Resiliency Project (the "Project"). The Project seeks to address enhanced risk of flooding and accompanying harm to people and property on the Lower East Side of Manhattan due to climate change. The preferred alternative for the Project would do so by taking a number of actions along the East River, including, among other things, elevating East River Park, reconstructing other parks and recreation areas, and installing floodwalls and other flood protection infrastructure. As climate change worsens, the probability of severe storms or other events creating such flooding and harm increases, and efforts like the Project to mitigate such harm are vitally important.

However, as explained in more detail below, based on review of the draft EIS, this office offers the following suggestions to improve the way in which the City carries out the preferred alternative or any other selected alternative and ensure that any decision regarding the Project complies with relevant law. First, the Draft EIS's conclusion that the project does not

disproportionately impact environmental justice communities appears to be erroneous. The area that the Draft EIS studied for environmental justice purposes is larger than the area that the Draft EIS considers to be affected by the Project and larger than the area near the Project that the State Department of Environmental Conservation designated as potential environmental justice areas. The City's use of this enlarged environmental justice study area appears to reduce the proportion of minority and low-income people who would experience the Project's impacts.

Second, the Draft EIS does not provide meaningful analysis or mitigation of the short-term impacts of the Project on recreation or other open-space uses during construction of the Project. While the City has divided the Project into multiple segments, it intends to proceed with work on all segments at the same time, effectively removing all of the Lower East Side's riverfront public parkland from community use for 3 ½ years. If possible, the City should instead phase the work so that at least some of the affected parkland is available at all times while the project is ongoing. In addition, the City should evaluate the addition of recreational spaces to affected neighborhoods at the beginning of the Project so as to compensate for the reduction or elimination of parkland during Project construction.

Third, the preferred alternative to the Project includes removing approximately 1,043 trees, some of which are decades old and mature, and replacing those trees with approximately 1,442 trees, all younger. The existing trees provide a wide variety of services to the community and beyond, including shade, summer cooling, improved air quality and carbon sequestration that can help reduce climate change. Given those services, the City should evaluate and use additional metrics, such as tree canopy volume, to develop an appropriate tree replacement plan, rather than simply looking at the number and trunk diameter of the existing and replacement trees. Additionally, while the City is planning to preserve and transplant certain smaller trees currently at the Project site, it should evaluate whether there are reasonable opportunities to preserve and transplant larger trees currently at the site, and should provide for planting new trees in nearby areas at the time construction starts to compensate for the loss of trees during construction. Lastly with respect to trees, the City should provide for the use of the wood in any large trees removed as part of the Project, if possible, in order to sequester for a significant period of time the carbon stored within them.

Fourth, the Draft EIS does not fully mitigate the increase in potential health impacts from air pollution during the Project. Specifically, to mitigate the emissions from Project construction activity, the Draft EIS should incorporate off-site reductions in emissions that would offset the Project's emissions.

I. The Preferred Alternative for the Project

Climate change affects New York City in a number of ways. As relevant to this Project, climate change increases the probability of catastrophic storms like Superstorm Sandy in 2012. Draft EIS at ES-2, 1.0-4; *see also* NYC Emergency Management, *NYC's Risk Landscape, A Guide to Hazard Mitigation* at 56 (May 2019), available at https://www1.nyc.gov/assets/em/downloads/pdf/hazard_mitigation/risklandscape2.0_2019_r2_di

gital_lowres.pdf. That storm inundated East River Park, resulting in damage including, among other things, the need to remove at least 258 trees due to salt water damage. Draft EIS at ES-7. In addition to increasing the risk of such extreme storms, climate change causes sea level to rise, increasing the threat of flooding from everyday storms or high tides moving from the East River into East River Park and adjacent areas. *Id.*

Among the goals the City set for the Project are:

- “provid[ing] a reliable coastal flood protection system against the design storm event for the protected area;”
- “improv[ing] access to, and enhance[ing] open space resources along, the waterfront, including East River Park and Stuyvesant Cove Park” and
- “respond[ing] quickly to the urgent need for increased flood protection and resiliency, particularly for the communities that have a large concentration of residents in affordable and public housing units along the proposed project area[.]”

Id. at ES-2. Each of these goals is important, and the City is to be commended for proposing and pursuing implementation of the Project.

The City considered five alternatives for the Project in the Draft EIS and eventually selected as the preferred alternative a plan to elevate East River Park an average of eight feet, *id.* at ES-31, and reconstruct other areas along the East River bordering the Lower East Side, including the Murphy Brothers Playground and the Asser Levy Playground, *id.* at ES-5. The preferred alternative also includes installation of floodwalls, floodgates and other infrastructure, in large part beneath the elevated park, and modifications to the existing sewer systems in the area, all with the goal of reducing risk of storm damage. *Id.* at ES-5, 6.0-2, 6.0-5 to -10. In addition, the preferred alternative incorporates a new bridge over the FDR Drive and improvements to existing bridges to provide better access to the waterfront parks for the community. *Id.* at ES-5

Although the comments in this letter address the preferred alternative for the Project, to the extent that comments made in this letter apply to any of the other alternatives, the City should apply these comments to those other alternatives as well.

II. The Draft EIS Does Not Adequately Address Important Issues

As explained below, the Draft EIS’s environmental justice analysis and its treatment of impacts to open-space uses, tree canopy and air quality do not meet the requirements of the federal, state and New York City law governing environmental review. Those treatments are also arbitrary and capricious in violation of federal and state administrative law requirements.

The City acknowledges that the EIS must meet the requirements of the federal National Environmental Policy Act (“NEPA”), the New York State Environmental Quality Review Act

“SEQRA”) and the New York City Environmental Quality Review process (“CEQR”), which implements the SEQRA statute within the City. Draft EIS at ES-2. NEPA, SEQRA and CEQR all require, among other things, that an EIS provide a detailed statement of both the environmental impacts of a proposed action and alternatives to that action. 42 U.S.C. § 4332(2)(C)(i) & (iii); Environmental Conservation Law §§ 8-0109(2)(b) & (d). SEQRA and CEQR specifically identify short-term impacts as needing evaluation. Environmental Conservation Law § 8-0109(2)(b). SEQRA and CEQR also require that an EIS provide a detailed statement regarding mitigation measures proposed to minimize the environmental impacts of the action. Environmental Conservation Law § 8-0109(2)(f).

In addition, the decision to undertake one of the alternatives for the Project must not be arbitrary or capricious as a matter of federal or state law. 5 U.S.C. § 706(2)(A); Civil Practice Law & Rules § 7803(3). An action is arbitrary and capricious if, for example, it entirely fails to consider an important aspect of the problem it is addressing. *Motor Vehicle Mfrs. Ass’n v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983). For the reasons set out below, the Draft EIS’s environmental justice analysis and treatment of issues relating to open space use, tree cover and air quality are not consistent with the requirements of NEPA, SEQRA and CEQR and are arbitrary and capricious.

A. The Draft EIS’s Environmental Justice Analysis Should Be Revised

The communities that the Project affects are in large part environmental justice communities. The Draft EIS states that 51.2 percent of the people living in the environmental justice study area the City evaluated are minority and 20.26 percent of those people have incomes beneath the poverty level. Draft EIS at 5.11-7. Moreover, the minority and low-income populations in that area are concentrated in the southernmost part of the area nearest East River Park, *id.*, where the vast majority of the Project work and Project impacts will occur.

These figures appear to understate the extent to which the Project would affect environmental justice communities. The Draft EIS does not explain why the environmental justice study area used in the Draft EIS extends well beyond both (a) the potential environmental justice areas designated by DEC and (b) the EIS’s own open-space impact area. *Compare* Draft EIS, Figure 5.11-1 (depicting environmental justice study area) *with* New York State Department of Environmental Conservation, Potential Environmental Justice Areas in New York County (Manhattan) at 5, *available at* https://www.dec.ny.gov/docs/permits_ej_operations_pdf/nycountyej.pdf, *with* Draft EIS, Figure 5.3-1 (depicting open space impact area).

This inclusion of additional areas in the environmental justice study area appears to reduce the percentages of minority and low-income individuals affected by the Project. In the final EIS, the City should evaluate and rectify this distortion by, for example, at a minimum, calculating the percentages of minority and low-income people in (a) the open-space impact area and (b) the area that is both in the open-space impact area and in the Department of Environmental Conservation’s potential environmental justice areas.

In any event, the Project will disproportionately impact minority and low-income people, and the City's repeated conclusion to the contrary, *see, e.g.*, Draft EIS at 5.11-10 to -13, is incorrect. Accordingly, consistent with the New York State Department of Environmental Conservation's Policy 29 on environmental justice and due concern for the communities that will bear the brunt of the Project's impacts, the City should mitigate any unavoidable impacts so that there is no net worsening of conditions due to the Project at any time, whether during construction or afterward. The comments below are meant to apply that approach to the specific issues addressed.

B. The Draft EIS Does Not Adequately Evaluate or Mitigate Impacts to Recreational and Other Open-Space Uses from the Project

The preferred alternative for the Project would close, for 3 ½ years, all of East River Park and other nearby parks that provide major, important open-space benefits to Lower East Side communities and others in the City. Yet the Draft EIS does not indicate that the City has considered impacts of that elimination of open-space opportunities in any detailed way. Nor does it indicate that the City has considered the full extent of possible mitigation for that loss, including phasing of the Project so that at least some parts of the affected parks would remain open throughout construction of the Project.

Each year, an estimated 1.5 million people visit East River Park. LES Ecology Center, "Stewardship," at <https://www.lesecologycenter.org/programs/stewardship/>. Recreational facilities in the Park used by these people include: lawn areas, two playgrounds with water fountains, picnic and barbequing areas, an amphitheater, eight baseball fields, two-and-one-half basketball courts, two volleyball courts, 12 tennis courts, three soccer fields, a recently-renovated track for running and walking, and other athletic fields. Draft EIS at 5.3-6; Adwait Patil, "East River Park Rebuild Plan is a 'Joke,' Say Lower East Siders," Gothamist (July 18, 2019), at https://gothamist.com/2019/07/18/east_river_park_rebuild_plan.php.

In addition, the Park includes a greenway for bicyclists who ride both for recreation and when travelling to work or school. *See, e.g.*, Eve Kessler, "Manhattan Beep Stalls Plans for Lower East Side 'Resiliency' Project," Streetsblog NYC (July 10, 2019), at <https://nyc.streetsblog.org/2019/07/10/manhattan-beep-stalls-plans-for-lower-east-side-resiliency-project/>. Approximately 2,000 cyclists are estimated to use the Park's greenway each day. Eve Kessler, "Lower East Side 'Resiliency' Plan Hits New Potholes," Streetsblog NYC (July 23, 2019), at <https://nyc.streetsblog.org/2019/07/23/lower-east-side-resiliency-plan-hits-new-potholes/>.

Under the preferred alternative, the City plans to close the entire East River Park and other nearby parks for 3 ½ years while it implements the Project. The Draft EIS notes that this closure would reduce the relevant open space ratios by more than five percent, constituting a significant negative effect under the standard set out in the City's CEQR Technical Manual. *See, e.g.*, Draft EIS at 5.11-9, 6.2-7.

For logistical purposes, the City has divided the Project into northern and southern project areas, and in turn the City divides each of those areas into 3 segments; there also appears to be a seventh segment for work on an esplanade. *Id.* at 6.0-1 and Figures 6.0-1 & 6.0-3.

But notwithstanding this division of the Project into distinct segments, the City has scheduled work on all of the segments to proceed in parallel, with work on each segment beginning in 2020 and ending in 2023. *Id.* at 6.0-15, Figure 6.0-3 & Table 6.0-1. Accordingly, the City currently anticipates that it would close all of East River Park and the other parks that the Project covers during the entire 3 ½ year duration of construction,¹ although the City does state that it is “identifying opportunities to open parts of [that park] as work is completed” and considering other mitigation measures, such as use of other, unspecified facilities. *Id.* at ES-10, 6.0-15, 6.2-4.

Nowhere in the Draft EIS, however, does the City discuss or analyze in a meaningful way the impacts on community residents of the loss of open-space opportunities during construction or make concrete proposals as to how to mitigate such losses. The Draft EIS acknowledges these losses, *id.* at 6.2-2 to -3 & 6.2-12 to -13, but does not evaluate what they would mean to the nearby communities. The Draft EIS notes that some alternative open-space resources would be available to affected communities, *id.* at 6.2-12 to -13, but the small size of these alternative spaces means that there would be large amounts of unmitigated loss of open-space resources. And while the Draft EIS has a list of possible mitigation measures that the City is “assessing” or “exploring,” *id.* at 6.2-21, it commits to none of these as part of the preferred alternative or other alternatives.

In particular, the Draft EIS does not consider whether to phase construction of the preferred alternative in a way that would limit construction at any given time to parts of the East River Park, so that people could still use other parts of that park. Having divided the Project into multiple segments, the City could, for example, first perform construction work on the two northernmost segments, then move to the next two segments to the south, and so forth until the work is completed. While, as noted above, the City says that it is trying to identify opportunities to open portions of East River Park during the course of construction, *see, e.g., id.* at ES-10, the City should not finalize the EIS and proceed with the Project until it has in fact developed a construction phasing plan or other approach that would leave portions of East River Park and other parks in the Project open for recreation or other uses during construction.

At a minimum, if the City has valid reasons for not phasing construction or, more generally, for closing all of the affected parks for 3 ½ years, it should set them out in the final EIS. For example, Alternative 2 for the Project, while involving less extensive work, would not require closing all of East River Park, Draft EIS at 6.0-16, and the City should address whether or not it would be possible to reconfigure the work on the preferred alternative so that it could be

¹ One segment, the Asher Levy Playground, would remain open during the first year of construction. Draft EIS at 6.2-13.

phased or otherwise reconfigured so that, as under Alternative 2, at least part of that park could remain open at all times during construction.

Independent of incorporating into the EIS an evaluation of phasing or other means to preserve at least partial use of East River Park and other affected parks, the City should include a more detailed analysis of, and specific plans for, mitigation measures, such as providing additional or enhanced opportunities for open-space uses in parks or other areas near the Project but not part of it. In particular, the City should examine to what extent it could create new parks or other public open-space areas on the Lower East Side near the Project.

Although the City says it is looking at mitigation possibilities, it should provide a detailed analysis of, and plan for, such mitigation measures in the EIS, and make that analysis and plan subject to public comment, before finalizing the EIS. For example, the Draft EIS suggests that the City is planning to reroute bicyclists and other greenway users to not-yet-decided alternative routes, perhaps as far west as First and Second Avenues, Draft EIS at 6.0-26, but the City should decide on and make available for public comment a specific, concrete proposal to address the loss of the Greenway before issuing the final EIS.

The City relies on the proposition that its CEQR Technical Manual excuses it from providing additional mitigation measures for construction impacts on open-space use on the ground that the manual allows it to treat permanent improvements to the parks *after* construction ends as mitigation for impacts *during* construction. *See, e.g.*, Draft EIS at 6.2-5, 6.2-20. However, while the manual does indicate that mitigation may “include” the restoration of the lost open-space resources, NYC Mayor’s Office of Env’tl. Coordination, *CEQR Technical Manual* at 22-14 (Mar. 2014), the manual does not excuse the City from using all available mitigation measures for such losses during construction. In fact, the manual suggests the same type of mitigation for temporary open-space losses as identified in this letter: “expansion and improvement of another nearby open space or the creation of an open space of similar characteristics at a nearby location.” *Id.*

Moreover, the City’s implementation of CEQR is subject to the requirements of SEQRA and its regulations. Nothing in SEQRA exempts temporary impacts of the type at issue here – years of parkland deprivation – from evaluation and mitigation on the grounds that benefits may accrue at some later time. *See, e.g., Develop Don’t Destroy (Brooklyn), Inc. v. Empire State Dev. Corp.*, 94 A.D.3d 508, 512 (1st Dept. 2012) (holding unlawful authority’s failure to consider (a) impacts from extension of project construction period and (b) the adequacy of mitigation measures for such impacts during that period). Indeed, the plain language of SEQRA requires evaluation of “short-term” impacts, and then requires mitigation of such impacts. Environmental Conservation Law §§ 8-0109(2)(b) & (f). While the SEQRA regulations exempt impacts caused by certain emergency actions and by “minor temporary uses of land having negligible or no permanent impact on the environment” from review and mitigation, 6 N.Y.C.R.R. §§ 617.5(c)(21) & (42), the 3 ½-year elimination of the use of a major park does not qualify for either of those exceptions. *See, e.g., Chatham Green, Inc. v. Bloomberg*, 1 Misc.3d 434, 440 (Supreme Ct., N.Y. Cty. 2003) (installation of barriers that denied public use of a street was not a

“minor” action subject to SEQRA exemption); *Harley Rendezvous, Inc. v. Town of Duanesburg Zoning Bd. of Appeals*, 131 Misc.2d 1060, 1065 (Supreme Ct., Schenectady Cty. 1986) (three-day motorcycle show involving up to 10,000 participants was not a “minor” action subject to SEQRA exemption). In any event, as a factual matter, permanent improvements after construction is complete do not in fact mitigate the loss of open-space opportunities while the construction is ongoing.

In addition, it is not sufficient for the City to state that “full mitigation . . . is not possible,” Draft EIS at 6.2-22, without a much more detailed and thorough analysis to determine the greatest extent of mitigation that might be possible. The law requires alternative and mitigation analyses, and in this circumstance evaluation of both on-site and off-site alternatives to, and mitigation of, loss of open-space opportunities *during 3 ½ years of construction*. Though we will not repeat it, this comment applies equally to all instances in which the Draft EIS invokes benefits that the Project would generate after construction is complete as mitigation for adverse impacts during construction.

C. The Draft EIS Does Not Adequately Address Tree Loss from the Project

The preferred alternative for the Project would remove 1,043 trees and replace them with 1,442 trees. *See, e.g.*, Draft EIS at 5.6-50². While this replacement constitutes a good start on long-term mitigation of the loss of tree cover, the City should do more to mitigate the short- and medium- term losses of tree cover for the nearby communities.

In the Draft EIS, the City states that it would replant trees removed as a result of the Project consistent with the requirements of the City tree removal regulations. *See, e.g.*, Draft EIS at 5.3-16 (citing 56 R.C.N.Y. § 5-01 & 5-02 and Local Law 3 of 2010). The regulations require that each removed tree be evaluated for size, condition, species, location and other factors before the City determines how many trees must be planted to replace it. 56 R.C.N.Y. §§ 5-02(a)(1)-(4). For each removed tree, the total diameter at breast height of replacement trees must be at least as great as the diameter of the removed tree. 56 R.C.N.Y. § 5-02(a)(5)(b). In addition, the replacement trees must have a diameter of 3 inches, unless otherwise authorized by the City Parks Department. 56 R.C.N.Y. § 5-02(a)(8).

The Draft EIS indicates that the City intends to prepare a landscape restoration plan that would govern the tree replacement, Draft EIS at 5.3-21, but does not indicate that the City has done so yet. While Appendix C10 to the Draft EIS depicts “conceptual” plans for replacing trees under the preferred alternative, it is not clear how closely the final tree plantings would correspond to such conceptual drawings, and the plans lack detail about, for example, the types of trees that would be planted in various locations and whether, in fact, trees larger than 3 inches in diameter would be planted.

² Figures include removal and replacement of 62 trees in bad condition that would be removed even in the absence of the Project.

While this represents a good start, the City needs to do more before finalizing the EIS and making a final decision regarding the Project. As a preliminary matter, the City should develop a specific landscape restoration plan describing the tree replacement for the Project in detail, make that plan available for public comment, and then incorporate the final plan as may be revised after consideration of the comments in the final EIS. The City may have voiced good intentions regarding tree replacement, but it is not possible to evaluate the merits of the replacement without seeing an actual, detailed plan.

The landscape restoration plan should address several issues. First, while the City intends, consistent with its regulations, to replace trees using a no-net-loss-of-trunk-diameter standard, the City should also evaluate and incorporate a similar standard protecting against loss of overall canopy extent at all times, from the short term while the project is under construction to the long-term after newly planted trees have matured.

The benefits that trees provide to community residents in terms of shade, cooling, absorption of carbon dioxide and other factors turn in large part not on the size of trunks but on the size of the leaf canopy. As noted above, the City's tree replacement regulations provide for replacement using smaller trees of 3-inch trunk diameter, unless otherwise approved by the Parks Department. The City acknowledges that these less-mature trees would reduce tree canopy in the affected parks in the short and medium term, but states that over time the canopy would fill in. Draft EIS at 5.6-2. The Draft EIS indicates that the City will also preserve and transplant trees taken from the site that are in "excellent" condition and have a diameter of 7 inches or less. *Id.* at 5.6-13.

To address this short-to-medium-term loss in canopy, the City should evaluate and include, as appropriate, in the landscape restoration plan the following measures: transplantation of trees with trunk diameters larger than 7 inches; planting new trees with trunk diameters greater than 3 inches; and restoring the existing extent of canopy in the affected parks starting as of the time the parks first reopen after completion of the Project, using an appropriate metric such as horizontal extent of canopy or overall canopy volume. This office knows of no reason why the City could not implement these measures; the regulations give the Parks Department authority to use of trees with diameters other than 3 inches, and nothing appears to preclude application of both a no-net-loss-in-diameter standard and a no-net-loss-of canopy standard.

Of course, during construction, tree canopy in the parks will necessarily be reduced. To address this significant short-term impact, the Draft EIS, through the landscape restoration plan or otherwise, should provide for compensatory new tree canopy by planting additional trees in the affected communities. Options for doing so include adding trees to existing parks, adding new street trees, and replacing pavement or other hard-surfaced areas with landscaped areas including trees. While the Draft EIS suggests relief along these lines by indicating that the City would make "off-site plantings [of trees] as necessary," *see, e.g., id.* at 5.3-21, the City should revised the Draft EIS to incorporate specific plans for such off-site plantings that would preserve the amount of tree canopy in the affected communities even while construction is ongoing. As

with the other suggested changes set out in this letter, the City should provide an opportunity for comment on the off-site tree planting plan before incorporating it in the final EIS.

D. The Draft EIS Does Not Adequately Mitigate Air Pollution from the Project

The Draft EIS notes that, during construction, there will be increases in emissions of several pollutants due to the operation of trucks, construction equipment and barges during the Project, but does not adequately mitigate these air quality impacts. The City should revise the EIS to incorporate emission reductions, from these or other sources, to prevent any increase in air pollution in the affected communities.

The Draft EIS acknowledges that construction of the project would produce increased air pollution from nonroad construction equipment, such as pile drivers and excavators, from construction trucks and construction worker vehicles, and for the preferred alternative, from tug boats moving barges to bring fill material to the Project site. Draft EIS at 6.10-10 to -11. The Draft EIS also notes that the construction will generate dust from activities such as transferring materials into dump trucks and vehicle travel on site. *Id.* at 6.10-11. The Draft EIS then identifies certain mitigation measures to reduce these emissions, including, for example, otherwise applicable City idling restrictions and a watering program to control dust. *Id.* at 6.10-13.

Notwithstanding these contemplated measures, the Draft EIS projects that the Project will increase emissions of harmful pollutants including nitrogen oxides, volatile organic compounds, and fine and coarse particulate matter, known as PM_{2.5} and PM₁₀. *Id.* at 6.10-15 to -19. Nitrogen oxides such as nitrogen dioxide act both directly, and indirectly through their contribution to the formation of ozone, to significant respiratory and other harm, including provoking asthma attacks. *See, e.g.*, Environmental Protection Agency (“EPA”), Basic Information about NO₂, at <https://www.epa.gov/no2-pollution/basic-information-about-no2>; EPA, Ground-level Ozone Basics, at <https://www.epa.gov/ground-level-ozone-pollution/ground-level-ozone-basics>; EPA, Health Effects of Ozone Pollution, at <https://www.epa.gov/ground-level-ozone-pollution/health-effects-ozone-pollution>. Volatile organic compounds also create such harm through their contribution to formation of ozone. *See, e.g.*, EPA, Ground-level Ozone Basics, at <https://www.epa.gov/ground-level-ozone-pollution/ground-level-ozone-basics>; EPA, Health Effects of Ozone Pollution, at <https://www.epa.gov/ground-level-ozone-pollution/health-effects-ozone-pollution>. Similarly, particulate matter can also cause respiratory illness, including provoking asthma attacks, and can cause cardiac problems, including premature death in persons with heart or lung disease. *See, e.g.*, EPA, Particulate Matter (PM) Basics, at <https://www.epa.gov/pm-pollution/particulate-matter-pm-basics>; EPA, Health and Environmental Effects of Particulate Matter (PM), at <https://www.epa.gov/pm-pollution/health-and-environmental-effects-particulate-matter-pm>. Although the Draft EIS identifies these pollutants, it does not adequately discuss how they harm human health, and the City should add more detailed descriptions of the harms from each identified pollutant to meet its duty to describe the Project’s environmental impacts adequately.

The Draft EIS provides estimates of the increases in ambient air concentrations and total annual amounts emitted of these pollutants due to Project construction. Draft EIS at 6.10-15 to -18. For example, for nitrogen oxide emissions from the preferred alternative, the Draft EIS calculates a 16 percent increase in maximum ambient concentration of nitrogen dioxide (from 38.9 to 45.1 $\mu\text{g}/\text{m}^3$) and between 13.9 and 31.1 annual tons of nitrogen oxide emissions during the construction period. *Id.* at 6.10-15 to -16 (Tables 6.10-3 & -4). While the Draft EIS notes that the calculated increases in concentrations and amounts do not exceed relevant regulatory criteria, the increased pollution nonetheless present the risk of worsening the health harms identified above, for example, by provoking additional asthma attacks.

To address these increases in pollution, the City should revise the Draft EIS in at least the following ways. First, it should further examine the use of polluting vehicles and equipment during construction of the Project and, if additional mitigation measures are feasible, should describe those measures and incorporate them into the Draft EIS. There may be further control measures available for gasoline and diesel-powered vehicles. Additionally, while the Draft EIS states that equipment with electric engines would be used “to the extent practicable,” the Draft EIS should more specifically evaluate whether and in what circumstances such use is practicable and if so, state that such use will be required.

Second, the Draft EIS should evaluate compensatory reductions in emissions of the relevant pollutants from other sources in the affected communities. For example, replacement of diesel-fueled boilers in New York City Housing Authority buildings with natural-gas-fueled ones might be one option for reducing particulate matter and nitrogen oxide emissions and their accompanying health problems. The goal would be to ensure that there is no net increase in pollution in the affected communities from the Project.

Finally, the Draft EIS declines to calculate or otherwise evaluate emissions of sulfur dioxide from construction vehicles and equipment, asserting that increases in such pollution would be minimal as a result of the required use of low-sulfur fuels. Draft EIS at 6.10-5. The City should revise the Draft EIS to include estimates of the increase in sulfur dioxide pollution to evaluate that conclusion. If contrary to the Draft EIS the estimates show that the increases would be significant, the City should include in the revised EIS a full emission analysis for sulfur dioxide, including its contribution to creation of fine particulate matter, as well as a full mitigation analysis, including the additional mitigation evaluations discussed above.

III. Conclusion

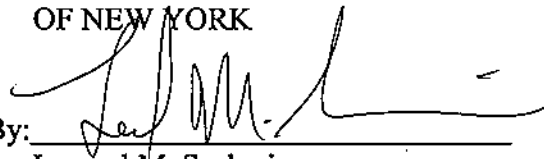
Mitigation of increasing flood risk in the City due the worsening threat of climate change, through an effort like the Project, is of great value. However, the City must comply with applicable law based on rational, nonarbitrary public policy by ensuring that its implementation of the Project minimizes loss of opportunities for open-space recreation and other uses during construction of the Project, avoids loss of valuable services that the tree canopy in the Project area provides, and does not worsen the public health by increasing air pollution. This is particularly true here because of the disproportionate impact on environmental justice

communities, which the Draft EIS should mitigate by ensuring that there is no net worsening of conditions for those communities from implementing the Project, both during construction and afterward.

Accordingly, Attorney General James respectfully asks that the City amend the EIS and revise the Project to properly address the issues raised in these comments before proceeding with Project implementation. We appreciate the City's consideration of these comments and are available to discuss them as may be helpful to the implementing agencies.

Sincerely,

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August 30, 2019

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**Re: Con Edison Comments on East Side Coastal Resiliency Project
Draft Environmental Impact Statement**

Dear Mr. Johnson:

Consolidated Edison Company of New York, Inc. (“Con Edison”) submits the following comments on the draft environmental impact statement (“EIS”) for the East Side Coastal Resiliency (“ESCR”) Project. Con Edison supports the overall purpose of and need for the project to improve the City’s storm resiliency.

As you are aware, major components of the ESCR Project are proposed to be located on Con Edison’s property or in close proximity to Con Edison’s utility transmission system. Disruption to these facilities, whether temporary or longer term, would have customer impacts. To avoid significant unintended negative impacts on the essential services provided to the public through these facilities, we request that the draft EIS be modified as set forth in this letter. In particular, we request that the EIS more accurately describe the affected Con Edison facilities and provide necessary information on the project’s design and construction that would allow the cooperating agencies to take the steps necessary to avoid negative impacts to public utilities and energy supply. Con Edison also offers comments on hazardous materials contamination management.

DESCRIPTION OF CON EDISON FACILITIES

Portions of the project are proposed to be constructed on property owned by Con Edison between Avenue C, the FDR Drive, East 13th Street, and the East 20th Street FDR Drive entrance (the “East River Complex”). The East River Complex is comprised of the East River Generating Station; two substations (the East 13th Street Substation and the East River Substation) that send

power through distribution networks to our customers in midtown and lower Manhattan; the East 15th Street Public Utility Regulating Station; the Workout Facility (defined below); and the East River Dock. These facilities are essential for providing electric and steam service to customers in major sections of Manhattan, including midtown and lower Manhattan.

In several places, the draft EIS refers to the generating facility where it would be more accurate to refer to the entire East River Complex.¹ In other places, the draft EIS incorrectly identifies the East 13th Street Substation as a “generating station.” Where use of this term is intended to refer to the substation, the EIS should refer specifically to the East 13th Street Substation. Where use of this term is intended to refer to the generating facility, it should be replaced with “East River Generating Station.”²

The description of a portion of the complex as “the Con Ed parking lot” on pages 6.0-20 and 6.0-22 of the draft EIS is also inaccurate and should be corrected. This portion of Con Edison’s property, located at Block 990, Lot 1, should be consistently identified as the “Workout Facility.” The Workout Facility is used to park, access, equip and dispatch Con Edison service vehicles for service calls and emergency response. The northeastern portion of the complex also contains a storage yard on property owned by Con Edison and on a small City-owned parcel (Lot 90).

The final EIS should also identify the following existing storm-hardening improvements implemented by Con Edison at the East River Complex:

- Critical equipment, such as the elevated East 13th Street Substation control room, that was raised or relocated;
- Submersible equipment that was installed to withstand flooding;
- Perimeter walls, flood walls and barriers that were constructed or upgraded around critical equipment in the electric substations and the East River Generating Station;
- Pumps that were installed with redundant power supply and backup generators; and
- Flood protection measures that safeguard utility tunnels.

PROJECT DESIGN

As discussed in more detail below, the draft EIS does not include sufficient information on the design of the following project components to enable Con Edison and the cooperating agencies to meaningfully evaluate potential adverse impacts on public utilities and energy supply:

1. The project’s proposed floodwall would physically attach to and incorporate the East River Generating Station’s storm-hardened eastern exterior wall. This would

¹ For example, the term “East River Generating Station” and “East River Generating Facility” on pages ES-4 and 5.10-4 of the draft EIS should be replaced with the term “East River Complex.”

² A non-exhaustive list of citations in the draft EIS that mention the “13th Street Generating Station” includes pages ES-4, 1.0-5, and 2.0-11.

necessitate invasive heavy construction under the station's foundation; cross an area already occupied by the station's water intake and discharge tunnels; and require City access through the station for periodic maintenance and inspection. As a result, there is a risk that the ESCR Project, if not properly designed and constructed, could undermine the structural stability of the station, severely impair its ability to operate, and even defeat the purpose of the flood-resiliency measures already installed by Con Edison to protect these critical facilities.

2. A block south, the ESCR Project's deep floodwall foundations are proposed to be located in close proximity to the East 13th Street Substation's outer wall—close enough to pose substantial risks to facility's structural stability and operational safety.
3. A “flyover bridge” is proposed to be located over Con Edison's existing underground transmission lines (“Transmission Lines”) that run along the east side of the FDR Drive and serve midtown and lower Manhattan. Construction of bridge foundations and excessive loads on top of the lines could severely damage the Transmission Lines and impact electric service to thousands of residents and businesses. The flyover bridge could also potentially interfere with a range of operations at the East River Complex, including the removal and installation of transformers at the substations.
4. The ESCR Project's work in the streets and public ways would be located in close proximity to Con Edison electric, gas and steam transmission facilities, and could therefore have serious negative impacts on these facilities.

Attachments to Con Edison's Storm-Hardening Improvements

The final EIS needs to evaluate specific floodwall design elements that will be implemented by the City to eliminate structural impacts to: (a) the East River Generating Station's eastern wall, in part by including sufficient consideration of the proposed attachment points to the wall; (b) the station's water intake/discharge structures; and (c) other storm-hardening improvements at the complex.

The final EIS should examine whether the design of the project would impact or damage Con Edison's existing storm-hardening improvements and whether the City will need to make further modifications to these improvements to meet the City's and Federal Emergency Management Agency (“FEMA”) floodwall specifications. In addition, an evaluation must be made to determine how the City's deployment of floodgates would best be coordinated with Con Edison to not interfere with Con Edison's deployment its own storm-hardening facilities that are necessary to seal the station's water intake/discharge structures.

The final EIS should discuss how the City would accommodate possible future changes in Con Edison's use of the East River Generating Station that could eliminate Con Edison's need for its storm-hardening improvements that the City has integrated into the City's floodwall, including without limitation the removal of the eastern wall of the generating station. The final EIS also

needs to specify the floodwall access, maintenance and inspection activities that the City would conduct on Con Edison's property, post-construction. This information will be required for the easements that the City contemplates receiving from Con Edison and for applications to the New York State Public Service Commission ("PSC") requesting approval of such easements.³

East 13th Street Substation Wall and Safety Buffers

At a minimum, the final EIS should state that all project designs will:

- maintain sufficient safety clearance from the East 13th Street Substation and all other electrical equipment at the East River Complex, including vertical clearance;
- maintain the structural integrity of Con Edison's foundations, walls and Transmission Lines; and
- provide sufficient setbacks to allow future public utility maintenance and construction in public rights-of-way.

Flyover Bridge

The proposed flyover bridge presents a number of potential risks to Con Edison's infrastructure and facilities. Excessive loads placed above Transmission Lines attributable to the flyover bridge could severely damage the Transmission Lines and force them out of service. To address this risk, the final EIS should specify flyover bridge foundation design measures that would reduce hydrostatic pressure on the Transmission Lines, and limit the movement of heavy construction equipment and material over this area.

Additionally, in designing the flyover bridge, the City should ensure that the bridge will not interfere with Con Edison's continued ability to offload equipment and materials, including critical equipment such as transformers, by barge from the East River for transport to the East River Complex. The flyover bridge also must not impede Con Edison's access to facilities within the East River Complex. Finally, the design must account for Con Edison's need to deploy the East River Generating Station's sluice gate, a critical storm-protection measure.

Transmission Lines

In addition to concerns related to the flyover bridge's potential negative impacts on Transmission Lines, the delivery of heavy materials via barge from the East River over the Lines presents a serious risk that the Transmission Lines could be severely damaged and forced out of service. To minimize this risk, the final EIS should provide, in the subsection of Section 6.0 entitled, "Con Edison Utility Fiber Wrapping," and in Section 6.8, "Construction – Energy," that

³ The Public Service Commission review process includes a public comment period, and the possibility of discovery. There is no set time limit by which the Commission is required to act. This review process should be included in the timeline for completion of the ESCR Project presented in the final EIS.

the City would obtain Con Edison approval, or would facilitate Con Edison's direct implementation, of protective measures where changes in grade are proposed during the design and construction of the project. One such example of a protective measure could be carbon fiber wrapping.

Finally, the City's proposed ESCR Project design will include considerable changes in elevation in East River Park. These elevation changes will require Con Edison manholes to be either redesigned and rebuilt or relocated. The final EIS should address this issue.

Utility Interference Work

Proposed City project work in the streets and public ways would impact parallel electric, gas, and steam infrastructure within these rights-of-way. New York Power Authority infrastructure in the proposed project area also needs to be addressed by the City. Where options are limited and work for the ESCR Project requires the relocation of Con Edison's in-street infrastructure, the City needs to account for and schedule sufficient time for the design, coordination and installation of relocated Con Edison transmission facilities/lines.

To minimize these impacts and delays in the construction of the ESCR Project, the City should continue to engage in a joint bid process with Con Edison so that there can be close collaboration among the City, Con Edison and contractors in project design, procurement and construction near electric, gas and steam infrastructure.

Control Measures in Construction Contracts

To ensure adherence by the City and its construction contractors, the final EIS should state that the following utility protection measures would be made enforceable conditions of the City's construction contract: (a) no installations other than as permitted by approved design documents; (b) the inclusion of vegetation restrictions in the approved design; (c) surface restrictions that follow standard roadway design; and (d) vibration monitoring along the Con Edison property line.⁴

The final EIS also needs to specify procedures for construction monitoring and mitigation near the East 13th Street Substation and the East River Generating Station. These procedures should be subject to Con Edison's review and approval before they are finalized. The final EIS should state that if the proposed project presents a threat to the reliability and integrity of Con Edison's systems, Con Edison may request a suspension of work, at no cost to Con Edison, until the potential system impacts are properly addressed.

⁴ On August 7, 2019, Con Edison provided the Department of Design and Construction with detailed drawings and specifications of construction measures that, if implemented by the City, would help avoid significant adverse impacts on the safety and operation of the East River Complex.

PROJECT CONSTRUCTION

The draft EIS (page 6.0-22) describes intensive construction activities that would occur on, under and through the East River Complex and the intervening City streets, potentially resulting in serious negative impacts to the safety and operation of public utilities. These potential negative impacts were not identified or evaluated in any detail in the draft EIS, and must be minimized through implementation of measures relating to site security, construction and staging, and sequencing of the work.

Site Access and Security

To maintain security of the East River Complex, vehicle and pedestrian access is currently required through security checkpoints on East 14th, 15th, and 16th Streets. Negative impacts on site security and congestion could be significantly reduced if the City demapped a small portion of East 16th Street (to the east of the existing gates leading to the refueling stations) and transferred that interest to Con Edison. This would eliminate the need for a second entry gate and provide additional room for circulation within the complex during construction.

The draft EIS contemplates construction vehicle access at new and potentially unsecured locations that could compromise existing security measures, cause congestion within secured areas, and make it easier for unauthorized personnel to penetrate the complex. To avoid compromising site security, the final EIS should require construction vehicles to access the complex only through security-controlled access points at the following locations, as may be approved by the New York Police Department (“NYPD”) and Maritime Security (“MARSEC”): the intersection of East 14th Street and Avenue D; the intersection of East 15th Street and Avenue C; and the FDR Drive access ramp for East 20th Street. If the FDR Drive access ramp cannot be used, the East 16th Street access point would need to be relocated and parking would need to be restricted on this street so that there is sufficient room for construction vehicle access to the work site and for Con Edison personnel to access the complex.

Construction On and Next to Utility Property

The draft EIS lacks sufficient information on how ESCR Project construction activities would be managed within the perimeter of the East River Complex to prevent breaches of security or adverse operational impacts on the East River Generating Station, the East 13th Street Substation and the Workout Facility. The final EIS should state that all project construction within or adjacent to Con Edison’s property be restricted to temporary work zones protected by security barriers.

For construction on East 14th Street, the work zones should be located east of Avenue D. For construction on East 15th Street, the work zones should be located near the FDR Drive. All construction on East 16th Street should be restricted to those portions of the lot closest to the FDR Drive to avoid disruption to utility operations on Con Edison’s property.

Construction Staging and Parking

The locations of staging areas identified in Figure 6.0-4 and Table 6.0-5 of the draft EIS are immediately adjacent to or within Con Edison's facilities. Staging in these areas would impede Con Edison access to utility assets needed to maintain safe facility operation and to respond to emergencies. Frequent use of these laydown areas by various contractors or for oversized deliveries, together with the risk of misuse by third parties in the midst of all of the construction activity, could impede or interrupt critical Con Edison operations.

To help prevent these negative operational impacts, the final EIS should prohibit construction vehicle parking and materials storage on Con Edison property. It should also prohibit staging and materials storage on the following streets within and around the East River Complex: East 14th Street between Avenues C and D; Avenue D between East 13th and East 14th Streets; East 14th Street west of the temporary work zone; East 15th Street outside of the temporary work zone; and East 16th Street.

The final EIS should also address the impact construction activities could have on the parking of necessary utility vehicles. To the extent that construction could impact ready accessibility to utility vehicles, the City's contractor must provide replacement parking close to the East River Complex at no charge to Con Edison. Any alternative parking must be at a secure location determined in consultation with Con Edison. The alternative parking arrangement must not impede operations, cause undue operational delays, or interfere with Con Edison's ability to address emergency situations.

Proposed Sequencing of Work to Reduce Impacts

Two proposed refinements to the sequencing of project construction would help reduce impacts on utility operations in and around the East River Complex. First, the final EIS should state that construction of the project would start in the southern reaches of the proposed project area and would progress north toward the East River Complex and the East 25th Street endpoint. This would reduce utility impacts by providing the City and Con Edison with additional time necessary to prepare the easement documents and applications requesting PSC approval of the easements; develop sufficient design and construction specifications; and adjust to any unavoidable displacement of utility operations before construction begins. Second, floodwall construction adjoining the Workout Facility should be sequenced so as to reduce the construction footprint and minimize the dislocation of utility vehicles required for utility service repair and emergency response.

HAZARDOUS MATERIALS CONTAMINATION

Based on sampling performed to date, Section 5.7 of the draft EIS indicates the presence of contamination within the project work areas from numerous current and past industrial sources

that had historically operated between East 11th and East 22nd Streets. The final EIS should make clear that sampling is ongoing. Sampling results indicating contamination (regardless of source) must be reviewed in consultation with the New York State Department of Environmental Conservation (“DEC”) and Con Edison before any determinations are made on how any such contaminated media should be addressed in developing the design or how such contaminated materials should be managed during construction.

The final EIS should also state that the new mitigation work plan for Manufactured Gas Plant (“MGP”) contamination would be prepared by the City in consultation with Con Edison, subject to review and approval by the DEC. On July 23, 2019, the City briefed the DEC and Con Edison on changes to the project design that were described as “preliminary/potential mitigation concepts” and promised to provide further details. However, as of this date, the City’s consultant has not provided a proposed mitigation plan for review that addresses the issues raised in the new design approach.

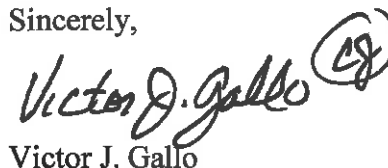
With respect to any proposed mitigation plan, Section 6.6 of the draft EIS states that mitigation for hazardous waste materials and contamination would entail two site management plans, one for MGP-related contamination and one for all other contamination. Requiring multiple plans for different contamination is unnecessary and would lead to confusion and inconsistent results. Given the multiple sources of contamination in the study area, only one plan is necessary to cover the management of all contaminated materials in connection with the project. To the extent any additional procedures related specifically to MGP contamination are necessary, they can easily be included in the plan.

CONCLUSION

Con Edison believes the above comments need to be addressed in the final EIS before the cooperating agencies can make the findings required by the National Environmental Policy Act (“NEPA”), the State Environmental Quality Review Act (“SEQRA”) and City Environmental Quality Review (“CEQR”).

By taking these comments into account in the final EIS, the City will be able to design and construct the ESCR Project in a manner that will achieve the project’s goals of protecting the City’s vulnerable populations, businesses and critical infrastructure from coastal storm damage without adversely affecting the public’s need for safe, reliable electric, gas and steam service.

Sincerely,

A handwritten signature in black ink that reads "Victor J. Gallo" with a circled initial "VG" to the right.

Victor J. Gallo



United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
15 State Street – 8th Floor
Boston, Massachusetts 02109-3572

August 29, 2019

9043.1
ER 19/0142

Eram Qadri
Mayor's Office of Management and Budget
255 Greenwich Street, 8th Floor
New York, NY 10007

**RE: Draft Environmental Impact Statement (DEIS)
East Side Coastal Resiliency (ESCR) Project
Manhattan, New York City, New York**

Dear Ms. Qadri:

The U.S. Department of the Interior (Department) has reviewed the DEIS for the East Side Coastal Resiliency Project. The Department has no comment on the DEIS.

Thank you for the opportunity to review and comment on this project. Please contact me at (617) 223-8565 if I can be of assistance.

Sincerely,

Andrew L. Raddant
Regional Environmental Officer



HARVEY EPSTEIN
NYS ASSEMBLY

BRAD HOYLMAN
NYS SENATE

**Joint Testimony of Assemblymember Harvey Epstein and Senator Brad Hoylman for the
Public Hearing on the East Side Coastal Resiliency Project
July 31st, 2019**

We are New York State Assemblymember Harvey Epstein and New York State Senator Brad Hoylman. Each of our respective districts includes a large portion of the area that would be affected by the City of New York's proposed East Side Coastal Resiliency (ESCR) Project, the subject of today's hearing. Thank you for the opportunity to testify before the City Planning Commission regarding our concerns with this project.

Our waterfront community must have protection from the threats of climate change and the disastrous effects of another Superstorm Sandy; equally important is ensuring the preservation and expansion of public open greenspace, which our community lacks. For the community, which includes over 17,000 NYCHA residents, East River Park is a place for recreation, relaxation, and family gatherings. A multi-year closure caused by the project will eliminate this vital greenspace, waterfront views, walkways, and bike paths, all integral to our community. Worse, the project could potentially stir up hazardous material left over from the manufactured gas plants in the area, creating health impacts for the community. The proposed project would also destroy much of the existing ecology in the area, including trees, insect habitats, and tidal wetlands. It also poses a risk to the wellbeing of certain species of fish in the area, including herring and striped bass.

We hope through this process that concerns raised by the community about the closure of the park will be addressed. As Community Board 3 (CB3) has noted in their resolution on ESCR, the process to date has created distrust in our government and agencies. Moving forward, we strongly urge the city to work to rebuild that trust by providing regular updates to the Community Boards that cover the project area and other discussion-based meetings on the project's progress that have been requested in CB3's resolution.

Given the \$1.45 billion dollar cost of the project, the importance of its goals, and the profound community impacts that the construction and closure of the park will have, the city should appoint an outside panel of experts to analyze the existing proposal and determine whether that plan is the best approach to provide long term protections against flooding while preserving the public's access to valuable greenspace. As noted in CB3's resolution, community members have sought the creation of an expert panel to study additional protective options including

decking over the FDR, the construction of a barrier to protect NYCHA residents on lower floors, and a phasing plan for construction that ensures the timely completion of any project while mitigating the amount of time that public space is taken out of service. A similar panel was appointed by the Mayor to review the Department of Transportation's plan for the rehabilitation of the Brooklyn Queens Expressway.

Not only do the costs and community impacts of the ESCR project merit the appointment of an expert panel, they also mean that project should be approached with prudence, ensuring that it can proceed without the threat of legal challenges. Based on legal analysis presented to us by counsel for the State Legislature, it is our belief that a failure by the city to seek parkland alienation legislation leaves the city vulnerable to a lawsuit that could delay the implementation of flood protections and the overall plan. To avoid the delays that a lawsuit would pose, the city should seek the State Legislature's approval for the project in the form of a parkland alienation bill, which is typically sought by "municipalities wishing to convey, sell, or lease municipal parkland or discontinue its use as a park," according to New York State Parks Recreation and Historic Preservation's Handbook on the Alienation and Conversion of Municipal Parkland.

The potential for unforeseen delays and the unpredictability of hurricane season necessitate the implementation of interim protections, perhaps in the form of deployable barriers. This technology is readily available and has already been adopted by the city for use as part of the Lower Manhattan Coastal Resiliency project. Similar measures must also be put into place to protect East Side communities.

Finally, any project that would interrupt the day to day of the park must mitigate disruptions to the daily operations of The Lower East Side Ecology Center, the 20-year-plus steward of the park is a non-profit organization located in the heart of the East River Park. It is critical that we support the Lower East Side Ecology Center by either revising the ESCR plan to mitigate the negative effects it would have on the Ecology Center, or relocate the Center to a new building within the community for the duration of the renovations.

While the ESCR project has the essential goal of making New York City's East Side more resilient to flooding, and includes laudable initiatives such as making the waterfront more accessible, adding more trees, and rebuilding the amphitheater, the proposed plan will have profound negative effects on the availability of greenspace, and ecology in the community. Further, we do not believe the city has taken all the appropriate steps to ensure the project can proceed uninhibited. As a result, we strongly believe an expert panel should be appointed to offer an outside perspective on the proposed project's feasibility and its goals in light of the concerns raised by the community.

Sincerely,



Harvey Epstein
Assemblymember



Brad Hoylman
State Senator

From: Frank Avila-Goldman <frankavilagoldman@gmail.com>
Sent: Wednesday, June 12, 2019 1:58 PM
To: info@cb3manhattan.org
Subject: CB3 Parks ULURP / written testimony

Hello and Thank you for your time with reviewing the below and for you consideration.

With respect to the ULURP I strongly urge you vote NO with the city's request. I am resident and board member of Gouverneur Gardens which will be directly impacted by your recommendation. Gouverneur Gardens is a limited equity co-op for people with low or moderate incomes. We have 782 apartments spanning six buildings, three buildings of which are directly facing the FDR and the East River. Currently we do not have a signed Easement Agreement with the city and we feel that they have been poorly responsive to our lawyer's negotiations and as such we are saddled with numerous outstanding questions about their proposed wall to be placed upon Block:244; Lot: 9, (<https://a856-cityrecord.nyc.gov/RequestDetail/20190523102>).

If community board 3 proceeds with a "Yes" recommendation or "Yes with changes", Gouverneur Gardens and all its residents will be tasked with a burdensome negotiation process which will greatly increase our liability risks, potential costs to shareholders and potentially negatively affect our standard of living. Once the city proceeds with the series of recommendations to acquire a portion of our land, we will have significantly less strength to hold the city accountable for our reasonable requests for indemnification. The potential costs with increases to our insurance premiums for the city's desired wall may drastically affect our monthly carrying charges as all increases are eventually passed onto our largely low-middle income shareholders many of which are seniors on fixed incomes.

We are asking you to strongly consider Gouverneur's expressed wishes as a directly affected stakeholder with this ULURP. Until Gouverneur has a satisfactory response and conclusive agreement we cannot in any good faith lend our approval to the community board, the Borough President, Councilpersons and the Mayor.

While we recognize the need for flood protection we feel this process has been disingenuous to the needs of those impacted with the the land acquisition presented.

Thank you for your time and we look forward to any outreach the Community Board would like to make with us.

Sincerely,

Frank Avila-Goldman

Legal Counsel: Scott M. Smiler / Gallet, Dreyer & Berkey, LLP / 212.935.3131



August 30, 2019

VIA E-MAIL (CDBGDR-Enviro@omb.nyc.gov) and (eser@parks.nyc.gov)
Mr. Calvin Johnson, Assistant Director CDBG-DR

Re: Comments for ESCR DEIS

Dear Mr. Johnson:

I represent Gouverneur Gardens Housing Corporation ("GGHC") (Block: 244; Lot: 9). I understand that as part of the East Side Coastal Resiliency Project ("ESCRP"), that the City's planned flood protection system will impact a portion of GGHC's property. More specifically, a segment of the planned flood wall will be installed within the mapped bed-of-street of Montgomery Street and the mapped bed-of-street of South Street. In connection therewith, the City is requesting that GGHC grant the City an access easement in a portion of GGHC's yard for the purpose of constructing, inspecting, operating and maintaining the flood wall.

In order to better advise my client as to whether to honor the City's request for an easement, I am hoping to have the following question categories addressed with respect to the City's Preferred Alternative #4 design.

1. What is the status of the tree plantings along Montgomery Street as outlined in the DEIS?
2. How does the interceptor gate prevent floodwaters from penetrating the protected area? GGHC has concerns that the corralled floodwaters will be re-directed to other unprotected areas of GGHC's property (i.e. above ground (playgrounds, parking lots, yards, sidewalks and entryways) and below grade (basement)).
3. Has this interceptor gate system been implemented at other locations? If so, what was the level of success? Was there any incidents of property damage? Was there any incidents of injuries or death?



4. Can speed bumps be installed along South Street between the exit ramp of the FDR and Montgomery Street? Once the wall is constructed, those vehicles making a right turn from South Street onto Montgomery Street will now have an obstructed view of the pedestrian traffic along the Montgomery Street sidewalk. The speed bumps will force those vehicles speeding to make the right turn before the light turns red, to slow down.

5. Per the DEIS, "Access to the Corlears Hook and Stuyvesant Cove ferry landings would be maintained during construction. Construction activities would require the use of barges and trucks for material deliveries. Approximately 600,000 cubic yards of fill is estimated to be required for the construction under the Preferred Alternative, and an average of 3 barge trips per day are anticipated throughout the 3.5 year construction period."

What is the anticipated monthly truck trips per the overall parks system construction that will be entering from Montgomery Street?

6. Per the DEIS, Chapter 6:

"Receptors along Reach A:

At Receptors 14 and 15, which represent 621 and 605 Water Street, respectively, daytime construction activity in Reach A occurring north of the FDR Drive near Montgomery Street and immediately adjacent to these buildings would produce noise levels in the low 80s dBA, which would result in noise level increases of up to approximately 9 dBA. These noise level increases would be noticeable, and noise levels in the low 80s are relatively high for this area.

At these receptors, daytime noise level increases exceeding the CEQR construction noise screening thresholds are predicted to occur only during the construction activity in Reach A near Montgomery Street immediately adjacent to these buildings, including construction of flood protection structures under the FDR Drive and north of the FDR Drive, which is anticipated to occur for approximately 11 months.

At Receptors 14 and 15, nighttime construction activity in Reaches A and B including pile installation, would produce noise levels in the low-80s dBA, which would result in noise level increases of up to approximately 17 dBA. These noise level increases would be noticeable, and nighttime noise levels in the low-80s are relatively high for this area.

The pile installation work at Reaches A and B is anticipated to occur for approximately 11 months. During the rest of the construction period, nighttime noise levels due to construction would not exceed CEQR construction noise screening thresholds.

Based on field observations, the buildings at 621 and 605 Water Street appear to have monolithic (i.e., non-insulated) glass windows and alternative means of ventilation (i.e., air conditioning), which would be expected to provide approximately 15 dBA window wall attenuation. Consequently, daytime and nighttime interior noise levels during construction in this area would be in the mid-40s to high 60s dBA, which is up to approximately 23 dBA higher than the 45 dBA threshold recommended for residential use according to CEQR noise exposure guidelines. These levels would occur while pile driving and excavation would be adjacent to each facade of these buildings over the course of an approximately 11 months of pile installation at Reaches A and B. Due to the high magnitude of the predicted construction noise and because it would occur during nighttime hours when residences are especially sensitive to noise, these receptors are predicted to experience a significant adverse noise effect as a result of construction of the Preferred Alternative.

Why was 675 Water Street, the closest GGHC building to East River Park, not included within the above considerations?

Additionally, was the increased volume of construction related traffic (including workers and emergency vehicles), considered into these findings? Montgomery Street will be the main thoroughfare for all vehicles going in and out of the East River Parks as well as the adjacent Pier 42 area, which will also undergo construction.

The enormous adverse effects to GGHC will actually be much higher especially when one considers that the Pier 42 area was not considered within this DEIS study.

7. Per the DEIS – Construction, “Any required temporary lane and road closures would be coordinated with NYCDOT to ensure compliance with applicable restrictions and employment of proper methods. The construction activities would involve the use of numerous types of equipment and vehicles. As applicable to each phase of construction, earthwork would necessitate the use of excavators, loaders, dump trucks, bulldozers, graders, and vacuum trucks. Cranes, vibratory or impact pile drivers, hydraulic press-in hammers, concrete mixers, and concrete pumps would support installation of project components. Delivery trucks would be utilized throughout the construction period to support a variety of construction activities. Barges are also expected to be used for delivery and removal of materials, and flaggers would assist with traffic control at entry and exit points.”

What is the City’s expectation of how many trucks will pass along a one block radius of all GGHC buildings during a monthly period of construction for the ESCR project, including the development of Pier 42?



Additionally, with respect to the City's own "Construction Emissions Profile" charts, Project Area 1, of which GGHC falls within, this area will see enormous increases in the amount of emissions.

While dust suppression and vehicular idling limitations of 3 minutes are purported to be enacted, how is this actually monitored? What oversight does the community itself have to guarantee that these emission reduction measures are adhered to? And what punitive measures would be implemented for any documented violations?

8. Per the DEIS – Parking, "An inventory of on- and off-street parking within a 1/4-mile radius of the project area showed approximately 70 on-street parking spaces available near Project Area One and 30 on-street parking spaces available near Project Area Two. The off-street survey showed approximately 60 spaces available near Project Area One and 800 spaces available near Project Area Two. Construction under the Preferred Alternative is anticipated to generate a maximum parking demand of 92 spaces for Project Area One and 52 spaces for Project Area Two. The Project Area Two parking demand would be fully accommodated by the large inventory of available on- and off-street parking spaces near the project area. The Project Area One demand would not be fully accommodated within [the] 1/4-mile [radius] and could result in a parking shortfall of up to approximately 35 spaces. It is expected that excess parking demand within Project Area One would need to be accommodated by on-street parking or off-street parking beyond a 1/4-mile walk from the project area. Alternatively, motorists could choose other modes of transportation. As stated in the CEQR Technical Manual, a parking shortfall resulting from a project located in Manhattan does not constitute a significant adverse parking impact, due to the magnitude of available alternative modes of transportation. Therefore, construction of the preferred Alternative would not result in any significant adverse parking effects."

In order to help my client better understand the various number of space counts in Project Area One, please describe the difference between on and off street parking and why there is a differentiation between "on-street parking spaces" and simply "spaces".

Additionally, with regards to the "maximum parking demand" shortfall, why would this occur?

Please supply the specific cited text and metrics from the CEQR Technical Manual which determines the parking impact not being adverse to Project Area One.

9. Per DEIS- Environmental Justice

"Based on the environmental analyses . . . no minority or low income communities or children would be disproportionately or adversely impacted for any of the analyzed



alternatives [and] that the proposed project would not result in adverse effects with respect to environmental justice.”


GGHC, a limited equity, low-to-middle income housing development with a large minority population has concerns for its residents who often may not have the ability to travel far for open recreational green spaces. Additionally, since the Preferred Alternative #4 design is to close the entire park for construction, there is an incredible burden upon pre-existing open spaces, none of which will be satisfactory in scale or amenities.

GGHC dwells within Community Board 3 which reportedly has 86.3 acres of open space. The ESCR project will remove approximately 67% of open space for the duration of construction and there exists no solid plan for how to make up for the tremendous loss of open space especially if the park isn't completed in the approximate 3.5 year projected timeline.

Of particular concern is where GGHC's large elderly and youth populations will go for their outdoor exercise, sports team affiliations or general open space interactions. In addition to the free open space afforded to GGHC's residents who do not have the economic means to go elsewhere, the East River Park provides a safe haven from vehicular traffic accidents (an important factor when considering the recent increase in pedestrian fatalities in NYC), as well as the fostering of an environment which brings more people out into the public realm. That in turn, can make for safer neighborhoods as the East River Park is a connecting thread for GGHC's community to engage and interact.

Therefore, to characterize the proposed project as not resulting “in adverse effects with respect to environmental justice” is glib, insensitive and incorrect. GGHC requests a better mitigation plan.

Thank you for your time and consideration and I look forward to receiving your response.

Very truly yours,

Scott M. Smiler

August 30, 2019

Eram Qadri, AICP
Unit Head - Environmental Review, CDBG-DR
NYC Office of Management and Budget
255 Greenwich Street, 8th Flr.
New York, NY 10007

Re: Manhattan East Side Coastal Resiliency Project

Dear Mr. Qadri:

Below are the Lower East Side Preservation Initiative's (LESPI) comments on the NYC Office of Management & Budget's and NYC Dept. of Park & Recreation's Draft Environmental Impact Statement for the East Side Coastal Resiliency Project:

Summary:

As an invited Section 106 Review Consulting Party for the ESCR, LESPI recommends the following:

With regard to the Marine Engine Co. 66 Fireboat House (#4, S/NR-eligible), currently occupied by the Lower East Side Ecology Center:

- Include Engine Co. 66 Fireboat House (#4, S/NR-eligible) on the list of architectural resources for which the City, in consultation with LPC and SHPO, would develop and implement CPPs (p. 5.4-40). The architectural resource is not listed in the section of the DEIS titled "Mitigation".
- Position the NYC Parks planned exterior (ADA) ramp on the **western** side of the Fireboat House to maintain the building's historic connection with the riverfront, and that every effort be made to preserve historical details while planning interior renovations. LESPI would appreciate the opportunity to comment when further details become available regarding NYC Parks planned exterior ramp addition and interior renovations.
- Propose options to what LESPI considers to be adverse contextual effects of the Preferred Alternative (Alternative 4) on Engine Co. 66 Fireboat House (#4, S/NR-eligible) as detailed below.
- Conduct a structural engineering study of the potential impact on the building's integrity should storm surge hit a nine-foot wall directly behind the Fireboat House (as described in the Preferred Alternative: Alternative 4), and be directed back at the architectural resource.

Lower East Side Preservation Initiative

- Option 1: Reinforce and renovate the architectural resource in place so that it can serve as a sustainability model able to withstand flooding as well as support additions to accommodate essential rooftop event space. Construct an entrance from the raised park (as described in the Preferred Alternative: Alternative 4) to the second floor of the building's western side.
- Option 2: Raise the architectural resource to the level of the new park (as described in the Preferred Alternative: Alternative 4) and create an adjacent embayment with direct waterfront access to be used by the Lower East Side Ecology Center for programming and events.

With regard to the Art Deco Comfort Stations located at the Brian Watkins Tennis Center (Broome St) and the East River Park Track (near 6th Street):

- In LESPI's considered opinion, these buildings should be identified as architectural resources in the EIS, although they are not included in the DEIS.
- Include the Art Deco Comfort Stations located at the Brian Watkins Tennis Center (Broome St) and the East River Park Track (near 6th Street) on the list of architectural resources for which the City, in consultation with LPC and SHPO, would develop and implement CPPs (p. 5.4-40).
- Because of the rarity of Art Deco buildings on the Lower East Side, LESPI recommends preservation and reuse or repurposing of the Art Deco Comfort Stations located at the Brian Watkins Tennis Center (Broome St) and the East River Park Track (near 6th Street).

The comfort stations are simple buildings that might easily be taken for granted, but a closer look reveals charming river motif deco details in the tilework decorating their facades, and in the metal ornamentation in the friezes beneath each building's slate roof (see photos 1-4). These details remain in remarkable condition, evoking the early phases of East River Park's history and demonstrating the craftsmanship used in creating even the most utilitarian structures. LESPI believes it is well worth the effort to preserve and keep these pieces of Lower East Side history from slipping away.

Detailed response to statements in the DEIS regarding the Marine Engine Co. 66 Fireboat House (#4, S/NR-eligible):

As stated on p. 5.4-18 of DEIS: "Located on the waterfront in the alignment of Grand Street, the former Marine Engine Co. 66 Fireboat House is a two-story brick Moderne-style building constructed around 1941. At the northern end of the building, there is a tall, square tower that was originally capped by a lantern, and a curved window bay is located at the southern end. Recessed courses and concrete coping provide some ornamentation (see Figure 5.4-6).

Marine Engine Co. 66 was placed in service in 1898 with one fireboat, the William L. Strong. Prior to the construction of East River Park, the marine engine company occupied a pier at the foot of Grand Street. The Fireboat House closed in the mid-1990s, at which point NYC Parks assumed ownership. The building now houses the Lower East Side Ecology Center. In a letter dated April 25, 2016, SHPO determined that the former Marine Engine Co. 66 Fireboat House appears eligible under Criterion A in the area of community planning and Criterion C in the area of architecture. Following that determination, SHPO requested additional information on the Fireboat House, which was provided. **In an evaluation dated February 8, 2017 SHPO affirmed that the Fireboat House meets eligibility Criteria A and C.**"

As stated on p. 5.4-3, during Construction of the Preferred Alternative (Alternative 4), **“construction of the drainage management components would occur within 90 feet of Engine Co. 66 Fireboat House (#4, S/NR-eligible)”** and as stated on p. 5.4-30, **“construction would occur within 90 feet of . . . Engine Co. 66 Fireboat House (#4) (see Figure 5.4-16).”**

Therefore, as will be stipulated in the PA, **the City, in consultation with LPC and SHPO, would develop and implement Construction Protection Plans (CPPs) for these architectural resources** to avoid inadvertent construction-period damage from ground-borne vibrations, falling debris, collapse, dewatering, subsidence, or construction equipment.

The DEIS states on p. 5.4-3: **“It is not expected that the Preferred Alternative would result in any contextual effects on architectural resources”**, yet on p. 5.4-31 it states: “Under the Preferred Alternative, raised areas would be constructed around the Engine Co. 66 Fireboat House (#4, S/NR-eligible). These raised areas would block limited eastward views of the Fireboat House from Grand Street west of the FDR Drive, but **this architectural resource is not considered a visual resource, these views are not significant**, and this resource would continue to be visually prominent from within the East River Park.”

LESPI and many in the Lower East Side community consider the simple but beloved Fireboat House a visual resource, value it as a community center and as a reminder of the City’s waterfront history. The City’s Fireboats, in service since 1877, served to protect the waterfront and fight fires in warehouses and on the wooden boats docked at the City’s piers. The Marine Co. 66 Fireboat House sits on the site which housed Marine Engine Co. 66 from 1898 until the Company was disbanded in 1955, at the site of the pier from which City Fireboat the William L. Strong operated (see photos 5-6). The site continued to be used until 1992 by Marine Co. 6 (which remains in operation) and City Fireboat the Alfred E. Smith.

The Fireboat House, uniquely situated in a public park on the Lower East Side, serves as a living connection to the history of fire-fighting, and a reminder of the importance of this part of the East River to the early development of the City’s commercial shipping and ship-building industries.

The DEIS continues: **“The planted raised areas would also change the immediate setting of the fireboat house**, but its setting would remain that of a waterfront park, **and there would not be an adverse contextual effect to the architectural resource.**”

In LESPI’s opinion, the planted raised area around the perimeter of the Marine Co. 66 Fireboat House (proposed in the Preferred Alternative) obliterates the connection to East River Park that it currently enjoys along its western side, effectively setting the first floor of the architectural resource in a hole.

Additionally, the Marine Co. 66 Fireboat House in its present setting has a direct connection to the waterfront along its eastern side. In the Preferred Alternative, a pedestrian and bicycle path occupies the patio area between the building and the water. This scenario effectively cuts the building off from the water and offers no alternate space for the Lower East Side Ecology Center to conduct education programs and host special events.

As none of the proposed design features would be greater than 50 feet tall, **the Preferred Alternative would not have the potential to result in shadow effects on architectural resources.**

In LESPI’s considered opinion, the Preferred Alternative would result in contextual effects on Marine Engine Co. 66 Fireboat House. The construction of raised areas around the Fireboat House’s perimeter in such close proximity would most certainly result in shadow effects on the ground floor of the architectural resource. Plantings on these raised areas would impact the second floor and green roof long before such plantings reach maturity.

On p. 5.4-27, the DEIS states: **“NYC Parks is proposing to construct an exterior entrance ramp to the former Marine Engine Co. 66 Fireboat House (#4, S/NR-eligible) that complies with the Americans with Disabilities Act. In addition, NYC Parks plans interior renovations to the building. As the former Fireboat House has undergone previous interior renovations to the house the Lower East Side Ecology Center and to provide public restrooms, it is not expected that the planned interior renovations would result in an adverse effect on the Fireboat House. However, depending on the plans for the exterior ramp, this project could adversely affect the integrity of the building’s materials, design and/or setting. This adjacent architectural resource would be offered some protection from accidental damage through Building Code Section: BC-3309: Protection of Adjoining Property.”**

With regard to the exterior ramp: LESPI concurs with the DEIS’ assessment that this project could adversely affect the integrity of the architectural resource’s materials, design and/or setting. Without any information beyond a rudimentary rendering on NYC Parks website, we unable to address this important question. LESPI would appreciate the opportunity to comment when any further details are available.

With regard to any interior renovation: despite some previous alteration, Marine Engine Co. 66 Fireboat House still maintains many original elements which recall its operational history, such as the bay window, tilework, interior arches, fire pole, roof ladder and historic lockers which evoke their heroic inhabitants. LESPI recommends that every effort be made to retain these elements.

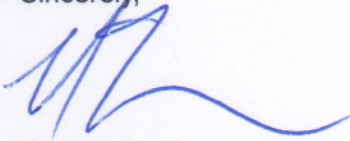
On p. 5.4-33 the DEIS states: “In a future storm condition . . . architectural resources could experience adverse direct effects from storm surge and flooding . . . The Engine Co. 66 Fireboat House (#4, S/NR-eligible) would not be raised with the rest of the park, but measures, such as the construction of raised areas around its perimeter, would serve to avoid or lessen effects to the architectural resource from storm surge and flooding in a future storm condition” and on p. 5.4-37: “Under the Preferred Alternative, design measures would serve to avoid or lessen effects to Engine Co. 66 Fireboat House (#4, S/NR-eligible) from storm surge and flooding in a future storm condition.”

LESPI has concerns that the vertical walls around the Fireboat House’s perimeter will intensify the effect of storm surge, when storm surge hits a nine-foot wall directly behind the Fireboat House, is unable to move past it and is directed back at the architectural resource. The “design measures” which “would serve to avoid or lessen effects” on the architectural resource have not been adequately described. LESPI recommends a structural engineering study of the potential impact of a storm event of this type on the building’s integrity.

LESPI was surprised to find the Engine Co. 66 Fireboat House (#4, S/NR-eligible) does not appear on the list of architectural resources for which the City, in consultation with LPC and SHPO, would develop and implement CPPs (p. 5.4-40). We request that this omission be corrected.

Thank you for the opportunity to provide comments.

Sincerely,

A handwritten signature in blue ink, appearing to be 'RM', with a long, sweeping underline that extends to the right.

Richard D. Moses
President

Cc: Calvin Johnson, NYC Office of Management & Budget
Colleen Alderson, NYC Dept. of Park & Recreation
Carolyn Ratcliffe, Lower East Side Preservation Initiative
Helena Andreyko, Lower East Side Preservation Initiative
Laura Sewell, Lower East Side Preservation Initiative



Photo 1: Brian Watkins Tennis Center Comfort Station



Photo 2: East River Park Track House Comfort Station

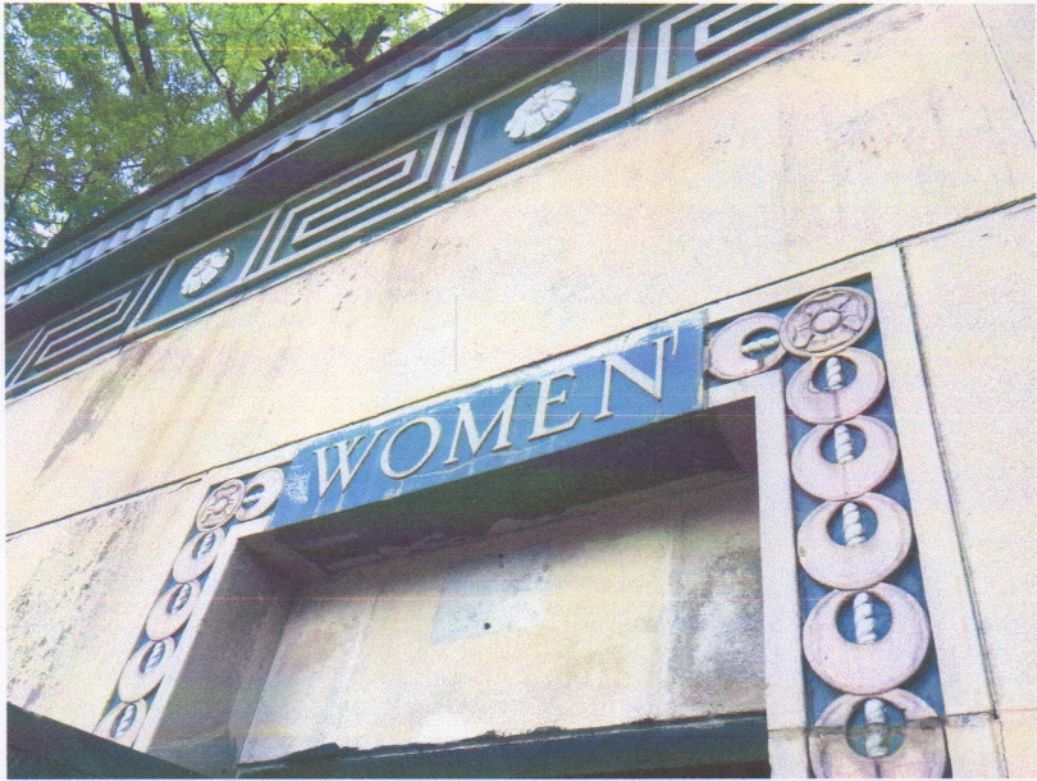


Photo 3: East River Park Track House Comfort Station tile and frieze detail



Photo 4: East River Park Track House Comfort Station river motif spandrel tile

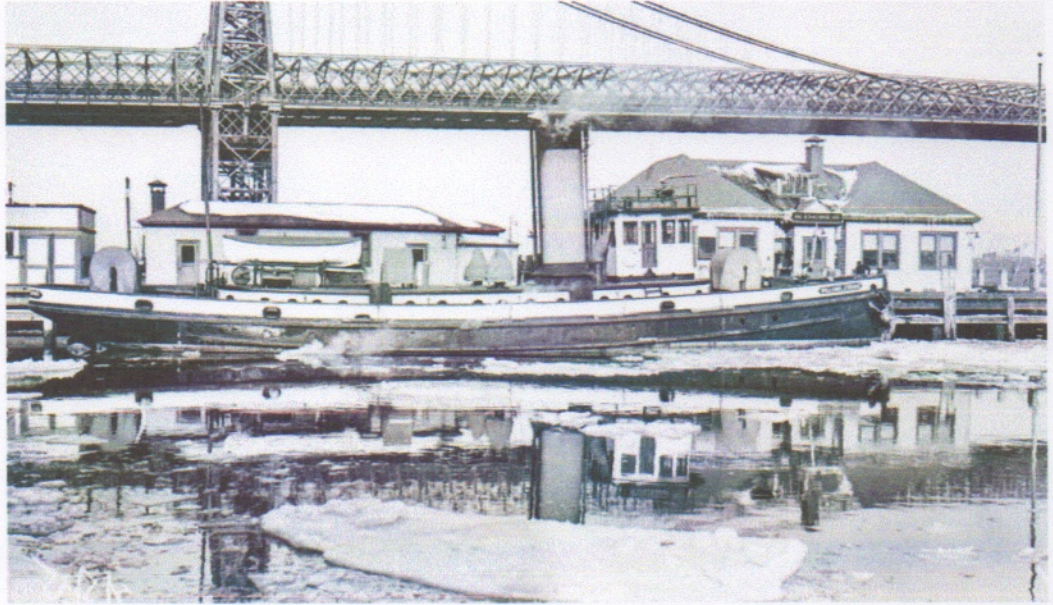


Photo 5: City Fireboat William L. Strong docked

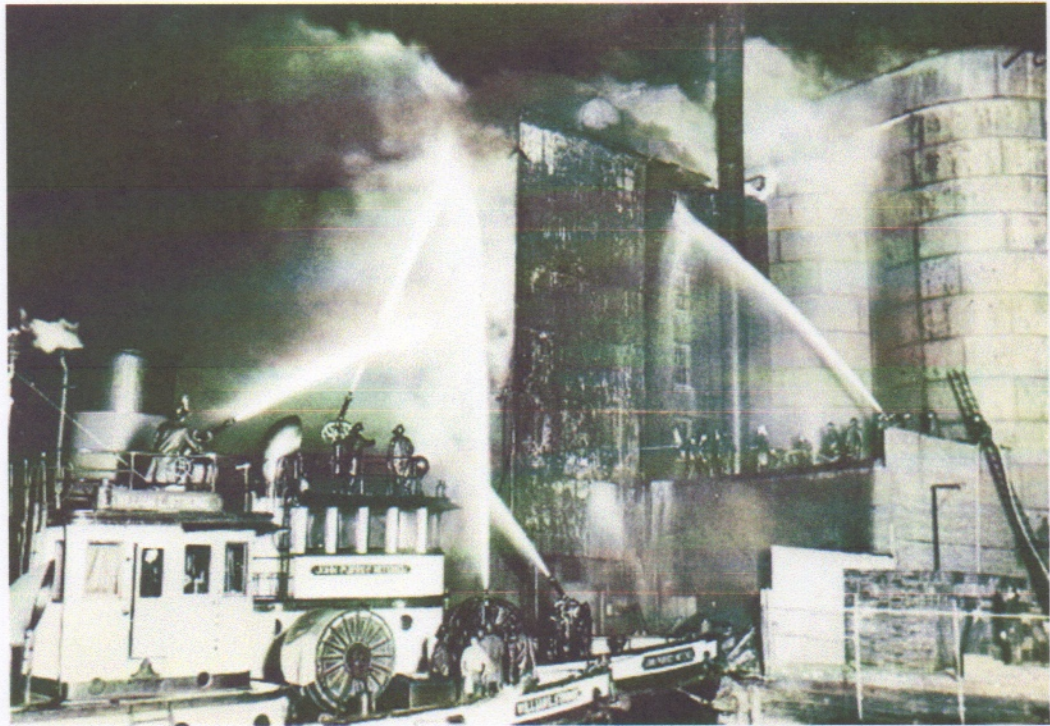


Photo 6: City Fireboat William L. Strong in action



**Parks, Recreation
and Historic Preservation**

ANDREW M. CUOMO
Governor

ERIK KULLESEID
Commissioner

August 22, 2019

VIA EMAIL AND REGULAR MAIL

New York City Department of Parks and Recreation
c/o Colleen Alderson, Chief, Parklands and Real Estate
The Arsenal, Central Park
830 Fifth Avenue, Room 401
New York, NY 10065

Re: East River Park – Land and Water Conservation Fund (LWCF) Grant #36-00238

Dear Ms. Alderson,

The NYS Office of Parks, Recreation and Historic Preservation (OPRHP) has reviewed the East Side Coastal Resiliency (ESCR) project DEIS (April 5, 2019) for compliance with the Land and Water Conservation Fund (LWCF) Act of 1965, as amended.

OPRHP is the State agency designated by the Governor as liaison to the National Park Service (NPS), within the Department of the Interior (DOI), for purposes of administration and compliance with the LWCF Act of 1965, as amended. This Act provides that lands developed with LWCF assistance shall be maintained in public outdoor recreation use in perpetuity, and shall not be converted to other than public outdoor recreation use, except with approval of the Secretary of the Interior (delegated to the Director of the NPS).

In 1973 the City of New York received LWCF Grant #36-00238 for development of recreation facilities at East River Park in Manhattan. Pursuant to LWCF regulation and policy, the area subject to LWCF compliance extends to the boundary of East River Park at the time of the grant. Based on documentation provided in the DEIS, outdoor recreation lands within the LWCF boundary will be impacted by the ESCR project.

The project will address coastal flooding vulnerability on Manhattan's Lower East Side while enhancing waterfront open spaces and access to the waterfront. The preferred alternative would raise East River Park as part of a continuous flood protection system from Montgomery Street to East 25th Street and temporarily remove East River Park from outdoor recreation use.

OPRHP has determined and NPS concurs that this ESCR project -- as defined in the DEIS released April 5, 2019 -- is for park operations and maintenance and necessary for the preservation of LWCF-funded outdoor recreation opportunities (LWCF State Assistance Program Federal Financial Assistance Manual, v69, Chapter 8-1 "Operation and Maintenance"). As such, formal LWCF review of the project is not necessary.

This determination was previously formalized in a May 16, 2019 letter from the NYS LWCF Alternate State Liaison Officer to you.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Rausch", with a long horizontal flourish extending to the right.

Ron Rausch
Director, Division of Environmental Stewardship and Planning

CC:

Leslie Wright, OPRHP, Regional Director
Diana Carter, OPRHP, LWCF Alternate State Liaison Officer

Winter, Annie

From: Qadri, Eram (OMB) <QadriE@omb.nyc.gov>
Sent: Friday, August 30, 2019 1:52 PM
To: Kenny Mui; Jacobs, Juliet (OMB); rwhite@akrf.com; Winter, Annie; Einhorn, Jessica
Cc: De Co, Minelly; Alderson, Colleen (Parks); Humes, Emily (Parks); Martin, Robert L (Law); Schikler, Peter A. (Law)
Subject: Fwd: East Side Coastal Resiliency (ESCR) - DEIS comments

External Email - think before you click

See response from the Coast Guard below.

Best,
Eram

Get [Outlook for iOS](#)

From: Yunker, Jeff M CIV · <@uscg.mil>
Sent: Friday, August 30, 2019 3:29 AM
To: Qadri, Eram (OMB)
Subject: RE: East Side Coastal Resiliency (ESCR) - DEIS comments

Hello Eram,

Comment letter attached. Comment text follows:

- a) DEIS, Chapter 6.9: The Coast Guard recommends the POTENTIAL BARGING OPERATIONS (Paragraph H, page 6.9-39) be revised from “USCG operates a harbor surveillance system to help provide separation between large vessels” to “USCG operates a Vessel Traffic Service that provides the mariner with information related to the safe navigation of a waterway.”

Jeff

V/r,
Jeff Yunker, Waterways Management Coordinator
USCG Sector NY
212 Coast Guard Drive, Staten Island, NY 10305

East River Alliance comments on ESCR DEIS

East River Alliance [community@eastriveralliance.org]

Sent: Friday, August 30, 2019 7:45 PM

To: Alderson, Colleen (Parks); CDBGDR-Enviro (OMB)

Attachments: East River Alliance DEIS C~1.pdf (212 KB)

Dear Mr. Johnson and Ms. Alderson:

We write to submit comments on the DEIS. Our community dedicated significant time to reviewing it. We collectively assembled a summary of our concerns (more detailed comments have been submitted by individual members and other members of the public).

Overall, we find the DEIS to be incomplete and, in some areas, woefully inaccurate.

Thank you for your time and attention --

Steering Committee
East River Alliance



East River Alliance DEIS Comments – Construction Period

6.0 Construction - Overview	
DDC	ERA
No significant adverse effects (NSAE)	<p>During deconstruction and reconstruction of East River Park, there will be no floodplain to absorb a Sandy-style storm surge. The DEIS contains no plans for protecting people and homes, or the construction in progress, during such an event. The DEIS does not take account of the significant adverse impacts of leaving the neighborhood even more vulnerable during construction.</p> <p>The Preliminary Draft Construction Schedule provides minimal detail. How can the community have confidence that the City will complete the work within 3.5 years if there is no detailed work plan? In particular, the Schedule does not address how long fill will take to settle before park reconstruction can begin, or the timelines for building a new amphitheater, ballfields, and track.</p>
6.1 Construction - Socioeconomic Conditions	
DDC	ERA
No significant adverse effects	<p>- The DEIS assessments of the direct economic effect of the ESCR project are misleading as it predicts the positive impacts of employment stemming from the project overall, overlooking whether or not these jobs are going to people who live in the study area. Will the community reap any direct benefit from the jobs produced by this project?</p> <p>The DEIS fails to consider the potential indirect displacement impacts of the residents of the study areas caused by the long-term (3.5+ years) noise and air pollution related to the de-construction and re-construction of the study areas. The DEIS should include mitigation measures to assist residents, especially low-income and elderly residents, in the study areas as a result from the adverse health effects.</p>

6.2 Construction - Open Space

DDC	ERA
<p>Significant adverse effects - Temporary displacement of recreational facilities and open space amenities, including East River Park, over the 3.5-year construction period; significant adverse noise effects at the Asser Levy Recreation Center</p> <p>Mitigation measures - Potential on-site or off-site measures to mitigate the effect to the greatest extent practicable are being explored by the city, including accommodating permit users at existing facilities; identify recreational resources that can be available to the community; providing alternative recreational opportunities; implementing improvements (e.g., lighting) to parks and playgrounds in the study area; rerouting greenway users to the most direct alternative route; supporting bicycle projects in the study area. In addition, the City is assessing opportunities to open parts of East River Park as work is completed. Refer to "Construction - Noise and Vibration" below for potential noise mitigation measures</p>	<p>The City's own Open Space guidelines state: "The first guideline is a City-wide median open space ratio of 1.5 acres per 1,000 residents. The second is the City's optimal planning goal of 2.5 acres per 1,000 residents—2.0 acres of active and 0.5 acres of passive open space per 1,000 residents." (5.3-4) We currently have only .54 acres total open space per 1,000 residents -- significantly under the guideline. A full closure of East River and Stuyvesant Cove parks during construction would remove HALF the available open space, squeezing us down to .28 (6.2-16)</p> <p>Proposed -- not confirmed -- mitigations offered by the City are incomplete and not comparable in quality or quantity to the current open space (6.2-4):</p> <ul style="list-style-type: none"> - Many of the parks offered as mitigation are currently under construction, including: Seward, Gulick, Baruch, and Little Flower - Re-routing cyclists onto crowded and far more dangerous First and Second Avenues (in a year where 20 cyclists have been killed to date) - Only half the number of interim ballfields needed - No interim BBQ/large social gathering spaces - No safe alternative to the track, esplanade, or shared-use path for runners and pedestrians <p>The City claims it is "assessing opportunities to reopen parts of East River Park as work is completed," but phased reopening isn't reflected in the construction timeline. The City must make opportunities to consistently have parts of East River Park open during construction.</p>

6.3 Construction - Historic and Cultural Resources

DDC	ERA
<p>No significant adverse effects</p> <p>Impact avoidance measures: Archaeological testing and Construction Protection; Plans (CPPs) to be stipulated in a Programmatic Agreement (PA)</p>	<p>The DEIS ignores most historical and cultural resources within East River Park, including The Seal Sculptures by G. Augustine Lynas, the track house (with decorative terracotta panels), the amphitheatre, lesser park buildings with mosaics, period iron work in the park fences, and the anchor at the north end of the park.</p> <p>The DEIS establishes that the former Marine Engine Co 66 Fire Boat</p>

	<p>House (FBH), the current headquarters of the Lower East Side Ecology Center, is eligible for listing on the State and National Registers of Historic Places (S/NR-eligible architectural resources). Nevertheless, the Fire Boat House is:</p> <ul style="list-style-type: none"> - Not given a Construction Protection Plan (CPP) to protect architectural resources (5.4-4) (5.4-39) - Ignored in conversation about future storm condition, despite the obvious impact of storm surge on a building situated 20 feet of the East River (5.4-3) (5.4-33) - Not given a Memorandum of Agreement for its preservation (5.4-5) - Ignored in analysis of floodwall, and said to be visually unaffected by the 8' levee to surround it (5.4-31) <p>The DEIS does not address proposed changes in the surrounding neighborhoods, particularly issues such as the displacement of skateboarders and hockey teams from Tompkins Square Park to make room for youth league teams during construction of Alternative 4.</p>
6.4 Construction - Urban Design and Visual Resources	
DDC	ERA
No significant adverse effects	<p>The DEIS conclusions are wholly insufficient, for the following reasons:</p> <ul style="list-style-type: none"> - It does not include the possibility that the pollution and the dust in the air from the de-construction and re-construction of the Project Areas would be visible, and would detract from the experience of pedestrians in the immediate vicinity and cause adverse effects on the urban visual context, including views of the East River from waterside residential areas. - It does not include the effects of lighting when nighttime construction work will be necessary in order to meet the timeline in the Project Areas. Construction lighting could detract from the pedestrian experience in the immediate vicinity and cause adverse effects on the urban visual context.

6.5 Construction - Natural Resources	
DDC	ERA
<p>No significant adverse effects</p> <p>Impact avoidance measures: Trees would be replaced or replanted in accordance with a NYC Parks-approved Tree Restoration Plan; a Stormwater Pollution Prevention Plan (SWPPP) and a Spill Prevention, Control, and Countermeasure Plan (SPCCP) would be implemented; cushion block, turbidity curtains employed; all conservation measures required by National Marine Fisheries Service would be used.</p>	<p>The DEIS makes unjustified assumptions about the temporary nature of negative impacts on terrestrial biodiversity, when they propose that urban wildlife will "relocate to other suitable areas" (6.5-13). This assumes that wildlife will be able to migrate, that suitable neighboring areas will be able to support additional wildlife, and that wildlife will return to East River Park and Stuyvesant Cove Park at some unspecified time in the future.</p>
6.6 Construction - Hazardous Materials	
DDC	ERA
<p>No significant adverse effects</p>	<p>Hazardous materials are expected to be found in the soil and groundwater from previous, industrial land uses. The methods the City plans to use to remediate these and prevent their contamination of the waterway are described as "best management practices". They acknowledge that they will need to obtain permits from NYS Department of Environmental Conservation in the process. These are weak and vague assurances, which also cast doubt on the City's ability to meet its deadlines (6.5-4).</p>
6.7 Construction - Water and Sewer Infrastructure	
DDC	ERA
<p>No significant adverse effects</p>	<p>The DEIS overlooks how the closure, reconstruction, and reconfiguration of the parks underground sewer outflows and tide gates, as described in chapter 5.8-3, would put the protected area at risk for combined sewer backups during a rain event.</p>
6.8 Construction - Energy	
DDC	ERA
<p>No significant adverse effects</p> <p>Impact avoidance measures: measures would be taken to minimize vibration, to carefully control excavation around existing infrastructure, and to manage the placement of fill and soil stockpiles.</p>	<p>The DEIS states that excavation of Con Ed lines will be done manually to avoid damage (6.8-3). There is no detail in the DEIS about length/size of these lines, protective measures, wrapping methods or other construction plans that demonstrate that this work can be completed within the 3.5-year timeline.</p>

	There is no backup plan in case power lines are damaged during excavation or wrapping.
6.9 Construction - Transportation	
DDC	ERA
<p>Significant adverse effects: Significant adverse traffic effects at the intersections of East 23rd Street and First Avenue and East 23rd Street and Avenue C during the 6:00 to 7:00 AM construction analysis peak traffic hour; temporary significant adverse effects for users of the East River bikeway/walkway</p> <p>Mitigation measures: Traffic effects could be fully mitigated with standard traffic mitigation measures (e.g., signal timing changes); pedestrian/bicyclist rerouting plan</p>	<p>The Stuyvesant Cove and Corlears Hook ferry docks, and the FDR Drive, are being shielded from construction closure, but:</p> <p>Figures 5.9-2a and 2-b show that thousands of pedestrians and cyclists enter the Greenway each day at one of 12 entry points. The Construction Transportation chapter acknowledges that 200 construction-related pedestrian trips will be generated daily in Project Area 1. Yet the City excuses itself from conducting a Level 2 Generated Trip Assignment Screening Assessment as recommended in the CEQR Technical Manual (16-12). The DEIS therefore oversimplifies Greenway and park users as "pedestrians" and "cyclists," ignoring that:</p> <ul style="list-style-type: none"> - Children, seniors, runners, skateboarders, commuter cyclists, bike-share riders, skateboarders, and walkers all need to be accommodated during construction, and that the First/Second Avenue rerouting is not appropriate for many of them; - The First/Second Avenue re-route is well outside the 1/2-mile study area, making it harder for the eastern most residents to access this route.
6.10 Construction - Air Quality	
DDC	ERA
<p>No significant adverse effects</p> <p>Impact avoidance measures: Measures would be taken to reduce pollutant emissions, including dust suppression measures, idling restriction, and the use of ultra-low sulfur diesel (ULSD) fuel and best available tailpipe reduction technologies</p>	<p>This section focuses on "construction emissions" and concludes that with some effort they will not adversely affect air quality under Alternative 4 (6.10-2). However, this doesn't account for the 1000+ trees that will be destroyed during construction. The "de minimis" concentrations of pollutants described in the table on 6.10-3 are not realistic, because total loss of 85 acres of tree canopy will greatly increase these levels.</p>

6.11 Construction - Greenhouse Gas Emission

DDC	ERA
<p>No significant adverse effects</p> <p>Impact avoidance measures: Potential measures for further reductions of emissions under consideration may include the use of biodiesel, expanded use of recycled steel and aluminum, and construction waste reduction.</p>	<p>The estimated 48,889 metric tons of CO2 emissions necessary to produce the Preferred Alternative amounts to 5.5 million gallons of gasoline, or 647 tankers (6.11-2) (epa.gov/energy). These numbers don't include the emissions produced by current proposals to leave the FDR exempt from congestion pricing.</p> <p>The City has not yet made plans for the 981 trees it plans to remove ("reuse or disposal"), and opts to simply not calculate the carbon footprint of such an action (6.11-9).</p>

6.12 Construction - Noise and Vibration

DDC	ERA
<p>Significant adverse noise effects: Predicted at sensitive receptor locations near the flood protection alignment and the reconstructed pedestrian bridges. Maximum construction noise levels at receptors nearest floodwall construction within East River Park for the Preferred Alternative would be slightly lower than Alternatives 2 and 3, because pile driving would occur further from the receptors.</p> <p>Mitigation measures: Potential to partially mitigate the effects to the greatest extent practicable are being explored by the City; measures being considered include the use of the quieter hydraulic press-in pile installation method, noise barriers around the pile driving head, enclosures on concrete operations, increases usage of barges of materials deliveries, and selection of quieter equipment models.</p> <p>No significant adverse vibration effects</p>	<p>Noise is anticipated to reach daytime levels in the mid-80s. (Sustained exposure in this range can potentially cause hearing loss, per Yale Decibel Level Chart). DEIS lists 8 buildings, totaling 1,759 units, which would experience at least 150% of the recommended indoor dba level. It is highly unlikely that these are the only buildings with monolithic (uninsulated) glass in the area (5.11-13).</p>

6.13 Construction - Public Health

DDC	ERA
<p>No significant adverse effects</p>	<p>The DEIS unjustifiably minimizes the effects of the following on public health:</p> <ul style="list-style-type: none"> - Safety of life and property, as well as this very expensive project, should a significant coastal storm event occur during construction

- Reduction of open space resources for the community to less than 20% of the City's own open-space guideline of 1.5 acres per 1,000 residents, for a period of well over three years
- Continuous exposure to construction emissions, hazardous materials, and dust along the nearly 3-mile stretch of Project Areas One and Two, without trees/plant life to sequester carbon and pollutants, and while FDR Drive traffic increases in 2021 with the introduction of congestion pricing
- The "urban heat island" effect on waterside residential areas when East River Park is stripped of trees and ground cover

East River Alliance Comments on DEIS – Operational Period

5.1 Land Use, Zoning and Public Policy	
DDC	ERA
No significant adverse effects	<p>The City argues, "Flood protection features that would be located within a public park owned by the City and under the jurisdiction (either partly or wholly) of NYC Parks are not governed by the New York City Zoning Resolution or subject to Waterfront Zoning regulations" (5.3-3).</p> <p>This does not seem logical, and provides more evidence ESCR requires NYS parkland alienation:</p> <p>"LWCFA funds were used for the improvement of an approximately 2.88-acre area on the northern edge of East River Park stretching from East 6th Street to East 10th Street as seen in Figure 5.3-1. The area received \$178,402 in LWCFA funds in 1973 for rehabilitation and improvement of existing facilities, including sport fields, site improvements, landscaping, sewer, water and electrical systems, and design and engineering. Under the LWCFA, this area cannot be converted to any non-recreational purpose for more than six months unless it undergoes a conversion."</p>
5.2 Socioeconomic Conditions	
DDC	ERA
No significant adverse effects	<p>The DEIS incorrectly concludes that there is no potential to "fundamentally alter real estate values" (5.2-2). This incorrect finding is based on outdated research and uniformed analysis of the potentiality for what leading scholars have identified as "resiliency gentrification;"</p> <p>New peer-reviewed research by sociologists Tammy Lewis and Kenneth Gould documents a direct correlation between heightened housing market pressures and the construction of resiliency infrastructure in New York City (Gould and Lewis 2016). The investment in structural mitigation to protect the neighborhood from flooding will increase surrounding land values. The DEIS wholly ignores this reality. The DEIS fails to include necessary mitigation to protect communities from displacement and defend against the encroaching privatization of NYCHA;</p> <p>The DEIS inaccurately concludes that there is "little existing and limited opportunity to develop additional market housing abutting the project area" (5.2-2). This finding overlooks Mayor de Blasio's NextGen initiative, which is actively considering creating new privately built market-rate apartments on publicly owned NYCHA property. Where are the mitigations to protect current NYCHA tenants from the impacts of making NYCHA land along the East River even more attractive to developers? Will NYCHA tenants eventually lose their views, light, and air to massive new luxury developments who are eager to build</p>

	alongside a brand new resilient green space? The DEIS is inaccurate and incomplete on the socioeconomic impacts of the City's proposed alternative.
5.3 Open Space	
DDC	ERA
No significant adverse effects Impact avoidance measures: NYC Parks Tree Restoration Plan	With a total of approximately 85.15 acres of open space, (53.66 for active use, 31.49 acres passive use), the finished parks will have an overall open space ratio of approximately 0.54 acres per 1,000 residents. This is lower than the City's planning goal (2.5 acres of combined active and passive open space ratio per 1,000 residents) and is lower than the citywide median (1.5 acres per 1,000 residents) (5.3-12). Nearly 3 acres of passive recreation space will be lost in the proposed new park.
5.4 Historic and Cultural Resource	
DDC	ERA
No significant adverse effects	The DEIS never discusses what the Fire Boat House is used for. The LES Ecology Center anchors its public environmental education and stewardship programs in the FBH. The DEIS never discusses how this project will affect the continuation of these programs. The DEIS says the "Ecology Center is currently used for composting and lacks terrestrial resources" (7.0-17). While this is one function of the work they do, the authors of the project are apparently unaware of the 20 years of environmental education and volunteer stewardship the Ecology Center has performed in the park, responsible for many of its plantings and wildlife habitats.
5.5 Urban Design and Visual Resources	
DDC	ERA
Significant adverse effects - Views of the East River would be blocked on Grand St Mitigation measures - Unmitigable and unavoidable visual context effects from blocked waterfront views	(No comment)

5.6 Natural Resources

DDC	ERA
<p>No significant adverse effects</p> <p>Impact avoidance measures: NYC Parks Tree Restoration Plan; wetland restoration design that meets all NYSDEC and USACE permit conditions</p>	<p>The NYS Natural Heritage Program points out that the assessment of terrestrial biodiversity is incomplete and inaccurate. It is based on two 4-hour walkthroughs and supplemented by existing, generalized data sources.</p> <p>The DEIS lists one endangered species, the peregrine falcon, that nests on the Williamsburg bridge. Citizen scientists have documented the presence of 10 species listed in the NYS Natural Heritage Program list of rare animal species.</p> <p>The DEIS makes unjustified assumptions about the temporary nature of the negative impact of losing 981 mature trees, because 1442 saplings, "once ... established, ... would represent an improvement" (5.6-2). Given ESCR only prepares the park through 2050, many of these trees will never mature. No mention is made of the urban heat island effect, which is already present in the LES, as it was not a recipient of the Million Trees NYC initiative. Saplings will not mitigate this the way the mature trees in the park currently do.</p> <p>Because the City has not adequately studied the impact on essential fish habitat (EFH), NOAA is doing an additional consultation, which is not yet complete. One possible outcome is NOAA mandating seasonal construction to protect fish breeding areas (https://www.permits.performance.gov/magnuson-stevens-fishery-conservation-and-management-act-section-305-essential-fish-habitat-efh-16). Seasonal construction, along with the need for many federal and state permits, would surely impact the proposed construction timeframe -- one of the main selling points of the preferred alternative.</p> <p>The DEIS provides an irrational rationale for wetlands destruction (and replacement). The preferred alternative 4 destroys two existing embayments with bridges (approximately "24,085 square feet of littoral zone tidal wetland habitat"), and replaces them with two embayments of similar size that include water access, but eliminate the bridges. Other mitigations for wetlands loss would be off-site. Water access is a good idea; it would make it easier to remove river-deposited trash from the embayments. However, the repositioning of the embayments and the loss of the bridges, which are beloved park features, are gratuitous and unnecessary. The bases of the bridges are grids, that cast dappled shade, making it unlikely that their loss would result in "improved habitat type". In general, increasing habitat heterogeneity is beneficial to diversity, and would not be expected to reduce biomass.</p>

5.7 Hazardous Materials	
DDC	ERA
<p>No significant adverse effects</p> <p>Impact avoidance measures: Implementation of Site Management Plans (SMPs), that address long-term management of residual hazardous materials</p>	<p>(No comment)</p>
5.8 Water and Sewer Infrastructure	
DDC	ERA
<p>No significant adverse effects</p>	<p>As relates to water and sewer infrastructure, Chapter 5.8 of the DEIS does not give any clarity as to why the City chose Alternative 4 as their preferred plan, as they promised the DEIS would in every community board meeting. On pages 5.8-3 and 5.8-17 the DEIS states that Alternatives 2 through 5 would all receive “the same modifications to the sewer system to isolate the drainage protected area and increase hydraulic capacity” and therefore “there would be no adverse effects to sewer infrastructure as a result of implementation” of any of the Alternatives.</p> <p>On page 5.8-3 the DEIS claims that Alternatives 2 and 3 “would not include reconstruction of the drainage infrastructure within East River Park and would require more flood proofing of existing sewer infrastructure within the Park compared to the Preferred Alternative.” This statement denies the community approved potential of Alternatives 2 and 3 to recreate the floodplain and eliminate any storm water or surge water that enters the park from entering the protected area or the sewage system. The intent of a wall or enhanced berm along the western edge of East River Park was and should continue to be to protect the community from storm surge and allow the park to absorb more of the storm water and surge water into its permeable surface and send whatever water it can’t absorb back into the river without connections to our overburdened combined sewer system.</p> <p>The first claim in Chapter 5.8-1 that “Implementation of the proposed project would not generate new water or sewer demand” is false. For direct impact, the alignment of the wall further east and the greater amount of impermeable surface in the Park in the City’s preferred Alternative 4 would put more stormwater into the combined sewer system during any rain event than under existing conditions. And for indirect impact, the preferred plan may lead to increased development in the protected area that would lead to greater water, storm sewer, and sanitary sewage demand (see Socioeconomic Impact comments).</p>

5.9 Transportation	
DDC	ERA
<p>No significant adverse effects</p> <p>Impact avoidance measures: Traffic Management Plans during the deployment, testing, and maintenance of the closure structures</p>	<p>We find it disingenuous to leave congestion pricing out of the public discussion, especially without trees in the park that can abate some of the added emissions. The NYC Health Department data shows the Lower East Side has more asthma cases than are the average in Manhattan.</p> <p>Pedestrian and bicycle counts were done in May 2015, and repeated at some point in 2017. They do not account for cyclists or family barbecues/gatherings, which raise unique needs and safety concerns (5.9-4).</p>
5.10 Neighborhood Character	
DDC	ERA
<p>No significant adverse effects</p>	<p>The City says that, "The Preferred Alternative is not expected to result in substantial changes in neighborhood character" (5.10-2). They arrive at this conclusion by excluding the following study areas from this chapter, which demonstrate clear impacts to neighborhood character:</p> <ul style="list-style-type: none"> - Historic and Cultural Resources - The destruction of period buildings in East River Park, including the original track house, the Fire Boat House, the amphitheatre, and lesser Park buildings with mosaics, period iron work in the Park's fences (beavers, crabs, etc) as well as the water park's 27 seal, turtle and crab sculptures, is an adverse effect on a historic and cultural resources regardless of what will be replacing them. -Natural Resources - This absolutely should be included in the neighborhood character analysis. The entire Park, a gigantic natural resource, will be lost for a period of years. Existing habitats cannot simply be replaced - species might not return to the completed park because the new saplings will not offer them the same shelter. Smaller, shorter trees in place of tall and full trees would be a huge negative impact on the neighborhood character. -Transportation - Congestion pricing is set to start some time before the end of 2020 and will have a huge environmental impact in both project areas, especially during the construction period since one can bypass the toll by taking the FDR Drive. This should have been included not only in the analysis of the neighborhood character, but also in the other impact areas such as air quality and public health.

5.11 Environmental Justice

DDC	ERA
NSAE	<p>This study area covered in this section of the DEIS combines Project Areas One and Two plus additional census tracts. This obscures the fact that Environmental Justice communities in Project Area One are likely to be disproportionately affected by the closure of and construction in East River Park.</p> <p>By CEQR guidelines, the reduction in open space with Alternative 4 exceeds the standard for "significant" losses of open space to EJ communities during construction (5.11-11 - 5.11-12).</p> <p>No mention of the EPA's current research on Environmental Justice is included. Per EJSCREEN, of the waterfront census tracts affected by the project, all are in at least the 75th percentile nationally for airborne particulate matter, the 80th for the air toxics respiratory hazard index, the 95th for traffic proximity, and the 80th for cancer risk from inhalation of air toxins. The construction phase of this project will severely aggravate all of these factors.</p> <p>The EPA defines EJ as "the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies". DDC's takeover of the community's plan erased our meaningful involvement. This is environmental injustice!</p>

Complex Coastal Resiliency Project Requires More Review and Input

POSITIONS + TESTIMONY

PLANNING

Comments to the City Planning Commission

AUGUST 28, 2019

Since our involvement with the Rebuild by Design global competition in 2013, the Municipal Art Society of New York (MAS) has advocated for implementable resiliency solutions through the combination of technical expertise and effective community engagement. Before we can support the proposal, the East Side Coastal Resiliency Project (ESCR) must include specific mitigation measures to effectively address environmental impacts during construction, provide sufficient details on how the project would be integrated with other coastal resilience plans, and demonstrate true community input in planning and design.

ESCR seeks to reduce coastal flooding vulnerability and risk while enhancing waterfront open spaces and waterfront access. It is the first of many planned, large-scale resiliency projects to be advanced in the wake of Hurricane Sandy. It was touted in *One New York: The Plan for a Strong and Just City* as a “new model

for integrating coastal protection into neighborhoods.” While we recognize the complexity of ESCR and the challenges in coordinating such a massive effort, we call on the City and its partners to address our comments and work towards garnering true support from the affected communities and arrive at long-term, comprehensive resiliency protection.

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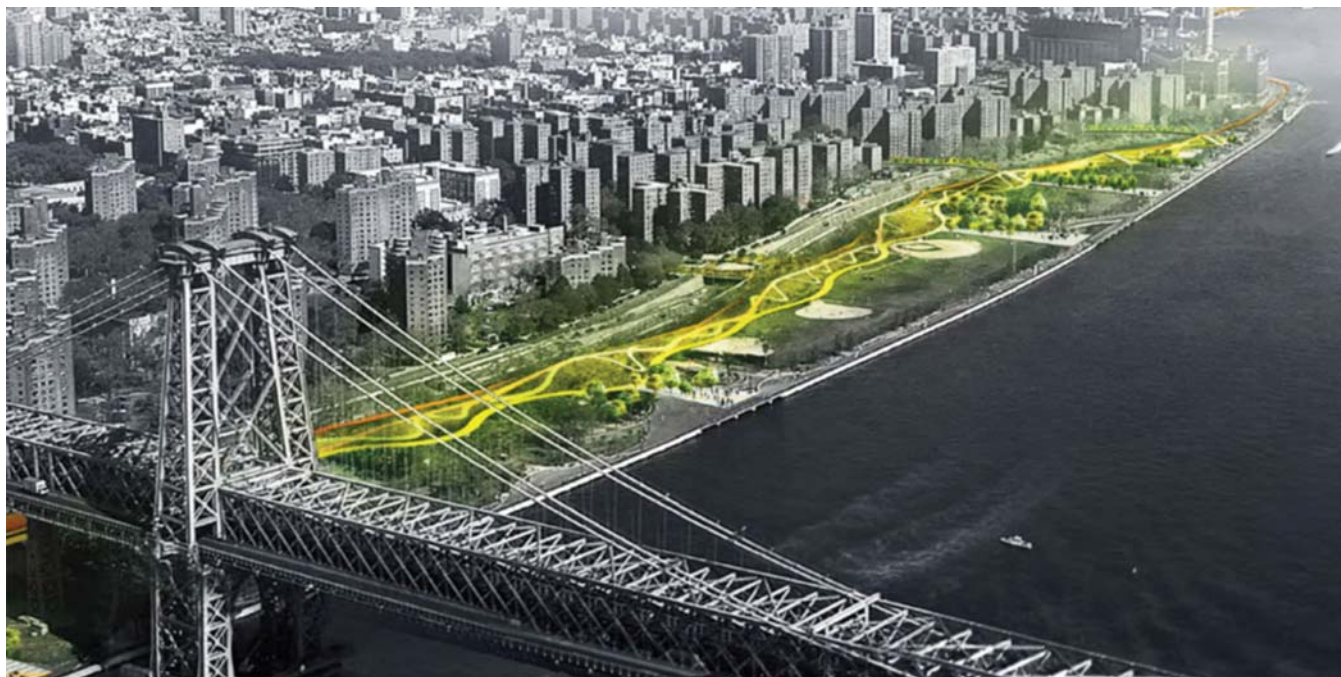


Photo: NYC Parks Department.

BACKGROUND

In Hurricane Sandy's aftermath, MAS joined a consortium of organizations on the Rebuild By Design taskforce that chose the original Big U project as an innovative solution to coastal flooding and resiliency in Lower Manhattan. ¹ The Big U focused on flood protection systems extending along the Hudson River from West 57th Street through Battery Park to East 42nd Street along the East River. Federal funds were allocated for the design and construction of the Montgomery Street to East 25th Street section, which is coterminous with the ESCR project area.

For four years, the East River communities, specifically those in Manhattan Community Boards 3 and 6, were engaged in the planning and design of the ESCR segment of the Big U. However, following Community Board review in the 2018 ULURP, the City abruptly changed course to avoid staging the construction process and presented the current ESCR plan without any public input. At the same time, project funding was increased to \$1.45 billion, including \$338 million in a United States Department of Housing and Urban Development (HUD) Community Development Block Grant-Damage Recovery grant (CDBG-DR).

In October 2018, the City released the ESCR Final Scope of Work, triggering the current environmental review process. On April 5, 2019 the City released the Draft Environmental Impact Statement (DEIS), which includes the ESCR as Design Alternative 4 or the Preferred Alternative, and the original plan as Alternative 3, and certified the project for ULURP.

MAS was not alone in asserting that the late-in-the-game project change undermined hard-fought community partnerships and bred substantial mistrust of City agencies and the planning proposal itself. We share concerns over the new design; the absence of a detailed mitigation plan for addressing the temporary but significant loss of East River Park, Murphy Brothers Playground, Stuyvesant Cove Park, and Asser Levy Playground, and access to the East River during the three-and-half-year construction period; the lack of clarity regarding interim flood protections during construction; and the level of long-term flood protection provided by ESCR once it is completed.

COMMENTS AND RECOMMENDATIONS

Project Site

The Project Site is divided into two areas: Project Area One and Project Area Two. Project Area One is approximately 61 acres and extends from Montgomery Street on the south to the East River Park on the north. At 46 acres, East River Park is the predominant feature in the area and is one of the city's most heavily used parks. It serves a population of approximately 160,000 residents and comprises 54 percent of the 85 acres of open space in the Project Area. The park includes the East River Promenade, the East River Bikeway, passive seating, lawn areas, two playgrounds, water fountains, picnic and barbeque areas, an amphitheater, eight baseball fields, two-and-one-half basketball courts, two volleyball courts, 12 tennis courts, three soccer fields, a track, and athletic fields.

Project Area One includes five pedestrian bridges across FDR Drive and four major housing developments (Gouverneur Gardens Housing Corporation, East River Housing Corporation, and the NYCHA Baruch Houses and Riis Houses). The area also includes the Lower East Side Ecology Center in the historic former Engine Co. 66 Fireboat House near the Williamsburg Bridge, used for administrative offices and programmed public activities.

Project Area Two is approximately 21 acres and extends generally from East 13th Street to East 25th Street. It is dominated primarily by highway, streets, utility uses, parks, open space, and community facility uses. The area contains Con Edison's New York East River Generating Station and several playgrounds and parks, including the 2.44-acre Asser Levy Playground at the northernmost area, Captain Patrick J. Brown Walk (1 acre), Stuyvesant Cove Park (1.9 acres), and Murphy Brothers Playground (1.27 acres).

THE PROPOSED PROJECT – “PREFERRED ALTERNATIVE”

The New York City Department of Transportation, Citywide Administrative Services, Department of Environmental Protection, and Small Business Services, collectively the City, seek ULURP approvals, the acquisition of eight easements on non-City owned properties (to access infrastructure), and a

number of Zoning Resolution text amendments to permit the Proposed Project. Overall, the Proposed Project would remove all existing structures, soil, and subsurface of East River Park, raise the majority of East River Park up to nine feet above its current height, move all coastal resilience infrastructure east to the water's edge; fully reconstruct East River Park and three other parks; and replace all trees (as many as 981) and vegetation in the park. The Proposed Project includes numerous design components and improvements, including but not limited to the construction of floodwalls, levees, closure structures, and substantial subsurface drainage and water management infrastructure.

Specific proposed infrastructural elements include constructing parallel sewer conveyance drainage pipes at nine locations, replacing three access bridges, and constructing a flyover bridge for much-needed enhanced bike and pedestrian access at the 13th Street/Con Edison station pinch point. Through these actions, the project would improve the city's greenway network and north-south connectivity. The project will also reduce potential for flooding, wave damage, and the resulting scouring and erosion.

Improvements to existing facilities, amenities and infrastructure under the proposal include the reconstruction of Pier 42 as a 2.6 acre-public space with gardens, playgrounds, a comfort station and shared path; the creation of the Lower East Side Ecology Center (LES Ecology Center) Compost Facility; and renovation of the existing Fireboat House where the LES Ecology Center administration offices are located.

Project construction will require 600,000 cubic yards of fill to be delivered at an average of three barge trips per day. Excavation and grading will disturb 82 acres. Construction is expected to begin in 2019. East River Park would be completed in 2023 and the Proposed Project would be fully operational by 2025. In comparison to the original plan, construction would be reduced from five years to three-and-one-half years.

PROCESS, COORDINATION, AND PUBLIC PARTICIPATION

As mentioned previously, the public had no direct input in the planning or final design of the proposal currently under review. Considering the magnitude of the

project, the importance of East River Park and other open space resources, and the expected environmental impacts, we find this unacceptable. Therefore, it is imperative that the City actively and comprehensively engage the local community in the project planning and design. To accomplish this, we agree with the recommendations from Manhattan Borough President Brewer and Community Boards 3 and 6 that a project community “Task Force” comprising stakeholders, civic leaders, area residents, and local business owners be formed to help coordinate the effort. To ensure better transparency and effective community input from project construction through operation, the group would coordinate with the City and Community Boards 3 and 6 on design, scheduling, timelines, construction, and post-construction maintenance.

PURPOSE AND NEED

The primary purpose of the ESCR is to increase resiliency along the East River to protect property, vulnerable populations, and critical infrastructure. The area that would be protected includes the current 100-year special flood hazard area and areas within the projected 100-year flood hazard area in 2050. This takes into account the 90th percentile projection of sea level rise and is consistent with the extent of inundation experienced during Hurricane Sandy.²

Although the 100-year flood is used as the current critical benchmark for addressing flood resiliency, “the record surge brought by Hurricane Sandy emphasized the need in follow-up research to look beyond the 100-year flood to assess more upper end future flood possibilities,” according to the *New York Panel on Climate Change 2019 Report*.³ In addition, at the July 31st City Planning Commission ESCR ULURP public hearing, a Department of Design and Construction representative stated that under the Preferred Alternative, there is capacity to raise projection measures an additional two feet, thus providing flood protection consistent with 2100 100-year-flood hazard predictions.

For a project of this scale, importance, and level of investment, protections should extend as far in the future as practicable. Therefore, MAS urges the City to adopt the 2100 100-year-flood estimations as the baseline height and level of flood protection for the ESCR design. Additional potential capacity to protect to

higher flood level predictions in the future should also be incorporated. The project scope and DEIS be must be revised to address this important change.

INDIRECT AND CUMULATIVE EFFECTS OR PROJECT ALTERNATIVES

In addition to the ESCR, the City is engaged in the planning for the Lower Manhattan Climate Resiliency Plan (LMCR), another significant resiliency infrastructure and protection project within the former Big U footprint. The LMCR, which is listed in the ESCR DEIS as a No-Build project, shares the southern boundary of the ESCR at Montgomery Street. According to New York City Economic Development Corporation (EDC), construction of the LMCR-Two Bridges project is estimated to begin in 2021, which coincides with the ESCR construction timeframe. ⁴ The DEIS also states that the LMCR-Two Bridges Project will be subject to its own separate environmental review.

From a comprehensive environmental planning standpoint, this is problematic. Because of the shared overall resiliency purpose, site proximity, and overlapping wetland permitting and construction timelines, we believe the impacts and benefits of both projects should be evaluated cumulatively. Therefore, the ESCR DEIS should in the very least evaluate how the two plans will interconnect on a planning and regulatory level, and most important, on improving resiliency and flood protection in the area for the long term. The evaluation should address connectivity of the waterfront esplanade, comparative levels of flood protection, infrastructural tie-in points, and interim protection measures before and during construction. The DEIS should also include a discussion on the potential cumulative environmental impacts and mitigation measures. Ideally, these plans should be coordinated into a singular, overlapping and integrated strategy that provides consistent levels of flood protection and creates economies of scale in terms of cost and regulatory approvals.

OPEN SPACE

The importance of East River Park, the surrounding playgrounds, and access to the East River to the 157,263 residents in the Study Area cannot be overstated. With a paltry 85 acres of open space, the ESCR community is already woefully underserved. The area has a mere third (0.54 acres per 1,000 residents) of the

citywide median of 1.5 acres per 1,000 residents, and falls far short of City's goal of 2.5 acres of open space per 1000 residents. For active open space, the ratio per 1,000 residents is even worse—a paltry 0.34 acres, slightly more than a fifth of the citywide average. Manhattan Community District 6 itself has the lowest amount of open space per capita of any community district in New York City (0.18 acres per 1,000 residents).⁵

The ESCR Project Area also has a substantial low-income and older population. According to the DEIS, 21.4 percent of area households are categorized as low-income. In comparison, 20.3 percent of the citywide population is living at or below the poverty level. There are over 28,000 residents—17.5 percent of the area's population—living in 26 New York City Housing Authority (NYCHA) developments in the Project Area. Demographically, 55 percent of the area's population identify as people of color.⁶ Based on these conditions, we find the DEIS claim that “no minority or low-income communities or children would be disproportionately or adversely impacted” by the project highly questionable. The area is also home to a number of retirement communities in co-ops and affordable housing apartment complexes. Nearly 26,000 residents, or 16.7 percent of the area population, are 65 years and over.⁷

During the project ULURP process, many community members expressed the need for increased parks and open space in the Project Area. Based on the lack of open space resources, and the disproportionate number of low-income, minority, and older residents, we believe the City must work with the community to find opportunities for additional open space after the ESCR is completed. To address this, we urge the Applicant team to coordinate closely with NYC Department of Parks and Recreation, Department of Education, NYCHA, community groups, and non-profits such as the Trust for Public Land and New Yorkers for Parks to work on plans for the creation and activation of new parks and open spaces.

Further, MAS questions the population estimates used to determine open space ratio projections. The DEIS states that Proposed Project would have a direct effect on East River Park, Stuyvesant Cove Park, Captain Patrick J. Brown Walk, Murphy Brothers Playground, and Asser Levy Playground, but would not introduce a significant new user population. It is not clear if the new population

from the proposed projects under the Two Bridges Large Scale Residential Development (Two Bridges LSRD), currently under environmental review, is included in the open space analysis. The projects under the Two Bridges LSRD, which are expected to be completed by 2021, are within Census Tracts 2.01 and 6, which are in the ESCR Study Area. The Two Bridges plan proposes four new high-rise residential towers, the closest of which (259 Clinton Street) would be approximately 500 feet from the southern boundary of the ESCR. It can be expected that a portion of the additional 6,000 new residents under the Two Bridges plan would utilize East River Park. Therefore, the revised DEIS must clarify if the additional population has been included in the analysis.

CONSTRUCTION IMPACTS

Open Space

With the closure of East River Park and the surrounding playgrounds the amount of publicly available open space in the Project Area would be reduced by as much as 50 percent during the three-and-one-half-year construction period. Without use of East River Park alone, area open space would be reduced to less than *one-fifth* of the citywide average. There are also no guarantees that the highly optimistic construction period would not be delayed. It is clear that project construction will have a tremendous negative impact on a community that is grossly underserved by open space and disproportionately lower-income and older.

As one of the city's most highly used parks and key link in the greenway system, the loss of ball fields, running track, pathways, picnic areas, playgrounds, amphitheater, and other components will have a drastic impact on recreational activities and overall quality of life of residents and park users. Therefore, it is paramount that the City minimize the disruption and mitigate the substantial construction impacts. To this point, the level of detail and commitment to specific mitigation for construction impacts, particularly regarding open space, is demonstrably insufficient. For the first step, with public safety and increased transparency in mind, the Applicants must coordinate with the project Task Force, property owners, residents, community stakeholders, and Community

Boards 3 and 6 regarding specific construction activities, affected areas, and schedules.

Phased Construction

We concur with those who have repeatedly called for the reconstruction of East River Park and other playgrounds to be phased or staggered, enabling partial public access during all stages of construction. We recognize that this effort will require substantial coordination and planning. To better facilitate construction phasing, we expect the City to be fully engaged with the Task Force and Community Boards 3 and 6. We also request that the DEIS be revised to include an evaluation of a “Phased Construction Alternative” that would potentially replace the “Preferred Alternative”.

With phased construction in mind, it is incumbent upon the City to effectively mitigate to the extent practicable the loss of recreational facilities (i.e., ballfields, running track, playgrounds, tennis courts etc.) and the East River greenway/shared-path during construction. The Applicants must conduct substantial outreach with affected sports leagues, organizations, and other park users to create a plan for the use of alternative facilities, sites, and pedestrian/bicycle path routes. As part of the outreach, we urge the City to coordinate with the Trust for Public Land to identify potential new open space as part of the mitigation measures. This effort should include identifying nearby public school grounds and mid-block spaces on area streets with relatively low traffic. The use of NYCHA property should also be considered to create new playgrounds and recreational facilities to off-set impacts. The overall mitigation plan should include, but not be limited to, information on scheduling, timelines, permitting requirements, transportation for specific youth groups and leagues, and a public wayfinding/signage plan. It is critical that this information be disclosed in the FEIS.

Noise

Construction noise will have severe impacts on area residents and community facilities (i.e., hospitals and schools). The DEIS predicts that noise would reach up to the mid-80s in decibels (dBA) during daytime construction. This is the equivalent of the noise generated by heavy trucking from a distance of

approximately 98 feet. We urge the City to use quieter equipment models for large noise-producing construction equipment (cranes, generators, compressors, and lifts) to reduce construction noise by 10 dBA, as described in the DEIS. Details on specific equipment and measures to reduce noise must be included in the project FEIS.

We agree with the Manhattan Borough President's recommendation that specific quieter construction methods (i.e., press in pile vs. standard pile drivers) and equipment must be incorporated into all Requests for Proposals associated with construction work bids. During the entire construction phase, we also request that the City make available all noise monitoring information regarding residential buildings and community facilities in the Project Area on the project website. This information should include construction timing and feedback systems (i.e., website, contact information) for community complaints.

TRANSPORTATION

The East River shared-use path not only serves local residents; it is also used by thousands of commuters and recreational enthusiasts as part of the East River Greenway that extends from the Battery in Lower Manhattan to East Harlem. According to NYC DOT, nearly 2,100 cyclists used the shared-path on weekdays and nearly 2,000 used it on weekends during daylight hours in 2018. Usage is expected to rise annually by 5 percent.⁸

As mentioned previously, construction of the Proposed Project will temporarily close this important thoroughfare and transportation route, severely hindering connections to other areas of the region for local residents and commuters. Because of the potential significant adverse impact on area connectivity, the City must work with DOT, project Task Force, and area stakeholders to come up with a detailed alternative passage plan for bikers and pedestrians during project construction and include the details in the FEIS.

HAZARDOUS MATERIALS

Due to historic industrial and manufacturing uses (i.e., gas stations, auto repair shops, and the ConEdison facility between East 13th and East 15th Street), the

study area contains high levels of contamination, particularly in the northern section. Former manufactured gas plants (MGP) left petroleum waste and gas production byproducts in the soil and groundwater, including coal tar, fuel, gasoline, and volatile organic compounds. The area also contains asbestos, lead-based paint, pesticides, herbicides, and heavy metals.

According to the DEIS, MGP recovery wells will be installed prior to project construction activities to reduce further contamination. A major concern is that demolition and excavation (i.e., Pier 42, the flood protection systems along FDR Drive, and other activities within close proximity to the East River) have the potential to disturb contaminated soil and other materials. Therefore, it is imperative that the highest level of protection is employed in these areas to prevent the migration of contaminants on land and within the East River.

Because of the critical nature of these procedures, for full disclosure, we request that the FEIS include all documentation related to the remediation of hazardous materials. This includes but is not limited to correspondence between the Applicants and all environmental oversight agencies (i.e., Environmental Protection Agency, New York State Department of Environmental Conservation, New York City Mayor's Office of Environmental Remediation), an asbestos-containing materials study, Remedial Action Plan, Site Management Plan, Soil Management Plan, and a Construction Health and Safety Plan.

HISTORIC AND CULTURAL RESOURCES

The Engine Co. 66th Fireboat House (Fireboat House), located at the south end of East River Park near the Williamsburg Bridge, is a historic property within East River Park. The Fireboat House is one of the last physical structures connecting the East Side of Manhattan to its maritime past. Since 1998, the Fireboat House has housed the LES Ecology Center, which hosts ecological stewardship-related programming and composting services on-site.

According to the DEIS, the Fireboat House will be renovated by NYC Parks. The work includes constructing an Americans With Disability Act-compliant entrance ramp. The DEIS also states that Fireboat House elevations would not be raised under the Proposed Project. The DEIS does not provide details on how the

Fireboat House would be protected and preserved during construction, whether it would be in use during construction, and how the new facility would be protected from flooding after the Proposed Project is completed. We expect all of these issues to be addressed in the FEIS.

The Proposed Project also involves the creation of a new LES Ecology Center Composting Facility. However, the DEIS does not include details about interim provisions for addressing administrative offices, programming, and composting services during ESCR construction. These issues need to be clarified in the FEIS.

In addition, the New York City Office of Management and Budget (OMB) is the lead agency responsible for compliance with NEPA and Section 106 of the National Historic Preservation Act. The MAS and New York Landmarks Conservancy are consulting parties in this process. There are 17 properties within the Study Area that are either listed on or eligible for the National Register of Historic Places. Eleven of these properties are within 90 feet of the Project Site and require protection during project construction. These include:

The FDR Drive (National Register-eligible)

Williamsburg Bridge (National Register-eligible)

Engine Co. 66 Fireboat House (National Register-eligible)

Gouverneur Hospital (National Register-listed)

Gouverneur Hospital Dispensary (National Register-eligible)

A portion of the Vladeck Houses within the Lower East Side Historic District (National Register)

Bernard Baruch Houses (National Register-eligible)

Asser Levy Public Baths (National Register-listed, New York City Landmark)

Jacob Riis Houses (National Register-eligible)

Stuyvesant Town (National Register-eligible)

Peter Cooper Village (National Register-eligible)

According to the DEIS, each property will be subject to a Construction Protection Plan (CPP) in consultation with Landmarks Preservation Commission (LPC) and

State Historic Preservation Officer (SHPO) and following Department of Buildings guidelines (TPPN #10/88). The CPPs will be designed to address inadvertent construction-related damage from ground-borne vibrations, falling debris, collapse, dewatering, subsidence, or construction equipment. They are also expected to include provisions for protective measures (i.e., monitoring) to be implemented during project construction to detect vibration or other physical impacts. For full disclosure and clarity, we request that the FEIS include the CPPs, details on the CPP public review process (i.e., timelines, plan requirements, standards for review and approval), and related correspondence with LPC and SHPO.

NATURAL RESOURCES

Construction of the Proposed Project will involve significant disturbance in the East River, a tidal wetland regulated by the New York State Department of Environmental Conservation (NYSDEC) and U.S. Army Corps of Engineers (USACE). In-water construction activities include the use of construction barges, installation of shafts and footings to support the proposed shared-use flyover bridge, reconstruction of sewer outfalls, demolition of the East River bulkhead, construction of a new cut-off wall, demolition of existing and creation of new embayments, and demolition of existing piles. In total, these activities are expected to affect 24,085 sf (0.55 acres) within the East River. The extent of the disturbance has the potential to adversely affect water quality and wildlife.

Despite the impact in the East River, the DEIS does not include commitments regarding mitigation measures. Instead, the Natural Resources assessment repeatedly states that “all adverse effects to NYCDEC and USACE regulated tidal wetlands would be subject to the regulatory permitting process” and would be mitigated in accordance with permit conditions. Therefore, for full disclosure, we request that the FEIS include the joint Federal and State wetland permit application, Essential Fish Habitat study, and other associated documentation related to mitigation. We also expect the FEIS to include details regarding City commitments in utilizing wetland mitigation credits from the EDC-operated Saw Mill Creek Wetland Mitigation Bank on Staten Island.

Overall, the Proposed Project would disturb an area of 82 acres. On-land construction activities include excavation and grading of soils, soil transportation and storage, tree and vegetation removal, reconstruction of shared-use bike and pedestrian path and various drainage components. With respect to full disclosure and effective public review, we request that the FEIS include a landscape restoration plan, including details (i.e., type, size, location etc.) of all trees and vegetation that will be restored. In addition, we request that the FEIS include the Stormwater Pollution Prevention Plan (SWPPP) permit application, agency correspondence regarding erosion and sediment control, and a Soil Management Plan that shows where soils will be excavated, stockpiled, and stored during construction.

INDEPENDENT THIRD PARTY REVIEW

Because of the technical complexity of the Proposed Project and the long-range impact it will have on flood protection and public safety, MAS concurs with the recommendation for an independent third party review of the Proposed Project. MAS wholly disagrees with the assertion made by a DDC representative at the June 13, 2019 Community Board 3 Parks, Recreation, Waterfront, & Resiliency Committee Meeting that independent review of the project had already been performed by the planning firm AKRF, a private consultant hired by the City to conduct the project environmental quality review. We agree that an expedited environmental review by a non-NYC based consultant is the most viable solution.

In light of scientific consensus regarding climate change, the third party evaluation would be better suited to evaluating protections for higher levels of inundation and flooding. The independent party could also fully evaluate the cumulative impacts and levels of flood protection provided by ESCR in tandem with the LMCR, and provide an objective estimate of construction timelines and impacts.

CONCLUSION

The ESCR is the first major comprehensive coastal resiliency and flood protection project to be advanced by the City. The overall purpose of protecting

the vulnerable East River community from the impacts of climate change and coastal flooding is of utmost importance. We recognize the incredible challenge the City faces in meeting its long-term resiliency goals and minimizing the environmental and quality of life impacts on the East River community.

The City has an opportunity to set a standard for how long-term, large-scale resiliency projects are planned, coordinated, and implemented. In the end, the success of ESCR will, at least in part, be assessed by how well the City engages with the community and responds to its concerns and needs. To that end, we urge the City to address our comments and truly create a new model for integrating coastal protection into urban neighborhoods.

NOTES

1. MAS is currently involved in the project NEPA environmental review process as a consulting party for National Historic Preservation Act Section 106 review.
2. [New York City Academy of Sciences](#)
3. *ibid*
4. [Lower Manhattan Coastal Resiliency](#)
5. CD6 Community District Statements of Community District Needs and Budget Requests for Fiscal Year 2019 (Accessed 8/13/19).
6. [NYC Planning – Population FactFinder](#)
7. [NYC Planning – Population FactFinder](#)
8. [NYC DOT – Cycling in the City](#)

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August 28, 2019

Mr. Calvin Johnson, Assistant Director CDBG-DR

Re: Comments for ESCR DEIS

Dear Mr. Johnson,

I provide these comments as the Executive Director of the Lower East Side Ecology Center, a community based organization that has pioneered urban sustainability since 1987 offering composting and e-waste collection programs as well as environmental education and stewardship programs. All of our programs, except for the citywide e-waste reuse and recycling program, are based in East River Park, which has been our home since 1998. We employ 14 full time staff people and work with a core group of 30 volunteers in East River Park, and depend on the park and the Fire Boat House to deliver our compost, education and stewardship program, the Fire Boat House also houses our administrative offices.

While reading different section of the DEIS, I did not recognize the vibrant park that I experience throughout the seasons. The DEIS fails to capture the contributions the Ecology Center has made to East River Park in the last two decades: offering free public programming to activate the park, adding over 5,000 native plants to rebuild East River Park and its ecosystem after Super Storm Sandy and raising awareness and engaging the community in the stewardship of the tremendous natural resources this park has to offer.

Here are comments grouped for the most part in order of chapters of the DEIS:

1. Open Space

In section 5.37 the DEIS characterizes the multiple uses of East River Park;

“East River Park is a heavily utilized park due to the number and variety of amenities available and its proximity to dense housing. East River Park contains a variety of passive and active recreation spaces, including the East River Promenade, a pedestrian walkway located directly adjacent to the East River extending the length of the park, and a shared-use path [and then mentions] [w]ithin East River Park, the Lower East Side Ecology Center Compost Facility is located at the southern end of the park, which also utilizes a former fireboat house (Fireboat House) for office space.”

but fails to accurately reflect the role the Ecology Center has played in the Park over the last 20 years. We provide science based environmental education programs to thousands of students; offer free public fishing clinics and other environmental workshops for the general public and provide internships for youth leadership development. In addition we participate in the Summer Youth Employment Program (SYEP) with local partner organizations.

We also host stewardship opportunities for over five thousand volunteers a year to contribute to the maintenance of the park. Since we arrived in East River Park, the park had only had 1 full time gardener dedicated to the maintenance of this 59.5acre park, compared to 8 full time gardeners in Battery Park City Park system, which has a comparable size of open space.

Our community based composting program is the longest running program of its kind in New York City, and has exposed New York City residents and policy makers to the possibilities of composting as a closed loop sustainability system since 1990. The compost program turns over 400 tons of organic waste/year,



collected from thousands of households in the area, into natural fertilizer. The finished compost is donated to local greening groups to use for street tree care and to improve public open spaces. At the Compost Yard we offer educational workshops and engagement opportunities for New Yorkers to learn about composting, which is on the cusp to become the next mandatory recycling program for New York City to reach its sustainability goals. Community based programs, such as ours are indispensable for education and raising awareness about composting.

As such the Ecology Center is greatly affected by the ESCR project and the DEIS lacks understanding of the scope of our programs and falls short assessing the impacts created through the proposed construction.

In 7.0-17 the DEIS states:

“Within East River Park, the construction of the Lower East Side Ecology Center would occur in conjunction with the construction of the flood protection system. The Lower East Side Ecology Center is currently used for composting and lacks terrestrial resources.”

The construction referred to in the DEIS are upgrades to the existing compost yard, which have been delayed for years because of ESCR. The Ecology Center has raised capital funding in FY 15 from the local City Council Member as well as funding from NY Rising, which was used to create a design for the site. The design was approved by the PDC and we are submitting it in Appendix 1.1.

In the many presentations that I have seen from DDC there is no mention of the Compost Yard, and their models show a green oval space without being labeled appropriately. So far no DDC team member has engaged in any meaningful discussion how to incorporate the developed design for the Compost Yard, paid for by HUD money, into ESCR. DDC needs to start engaging with the Ecology Center on this issue.

By stating “that the Ecology Center is lacking terrestrial resources” the DEIS makes one of its many casual and inaccurate statements while describing Project Area One. We refer you to Appendix 1.2 for documentation of the terrestrial resources that the Ecology Center has added to East River Park, utilizing private funding sources and volunteers for the planting and maintenance.

In particular, after Super Storm Sandy we purchased and planted over 5,000 native shrubs and perennials. We have focused our efforts towards the southern end of East River Park, from the Williamsburg Bridge to the Compost Yard, and there is a marked difference in the landscaped areas in that section of the Park to the rest of East River. The goal of these effects were to create a richer experience for park users, provide habitat for wildlife, and create an out door laboratory for our education programs. Citizen Scientists have recorded over 435 species in East River Park, in contrast to the DEIS assessment, conducted during 2 walkthroughs, were “low species richness” (Appendix F1) was noted for Project Area One.

2. A resilient Community Center for East River Park

The Fire Boat House has functioned as the hub for community programs offered in the Park, and it is essential that the building will continue to provide these services.

In section 5.4 the DEIS establishes that the former Marine Engine Co 66 Fire Boat House is a architectural resource and eligible for listing on the State and National Registers of Historic Places (S/NR-eligible architectural resources), but then continues throughout the study to omit the impacts of Alternative 4 on the building:

In 5.4-3 the DEIS states:

“It is not expected that the Preferred Alternative would result in any contextual effects on architectural resources”

and again in 5.4-31 the DEIS asserts that

“the raised park will not result in a change in scale, visual prominence or visual context of any architectural resources”.



Leaving the FBH at existing grade and surrounding it with an 8foot tall levee on its south/north/west side, would greatly alter the context of the building, submerging a large part of the first floor.

The DEIS, in 5.4-3 discusses Storm Conditions :

“In a future storm condition, the following two S/NR-eligible architectural resources could experience adverse direct effects from storm surge and flooding: the Williamsburg Bridge (#2) and East River Bulkhead (#3).

It is incomprehensible why a building situated 20 feet of the East River would not be mentioned as being negatively affected from storm surge and flooding! Alternative 4 will guarantee flooding and storm damage to be exacerbated since the storm surge will be stopped by the raised park rising 10 feet behind the building and surrounding it on 3 sides.

The DEIS goes on in 5.4-33 to directly contradict its previous assessment:

“In a future storm condition, the following two S/NR-eligible architectural resources could experience adverse direct effects from storm surge and flooding: the Williamsburg Bridge (#2) and East River Bulkhead (#3. The Engine Co. 66 Fireboat House (#4, S/NR-eligible) would not be raised with the rest of the park, but measures, such as the construction of raised areas around its perimeter, would serve to avoid or lessen effects to the architectural resource from storm surge and flooding in a future storm condition”.

Alternative 4 puts the raised areas behind a building that is facing the East River, and if anything these measures will amplify the storm surge, since the water would be stopped by the levee and will not flow into the surrounding park, as it did in Sandy. The DEIS contradicts itself in the assessment of the Fire Boat House and we are urging an engineering study that will assess the viability of the Fire Boat House as well as resources to create a resilient community center for East River Park during construction of ESCR.

DDC in its presentations always assures the community that the Park will be rebuild but totally fails to address the vulnerability Alternative 4 will create for the Fire Boat House, which functions as a community center in the park. The current plan offers no space how to conduct public programming or community engagement in the stewardship of the park in the future.

3. Community Impacts

In the principal conclusions of the Chapter 5.11-1 the DEIS states:

“Based on the environmental analyses ...no minority or low income communities or children would be disproportionately or adversely impacted for any of the analyzed alternatives [and] that the proposed project would not result in adverse effects with respect to environmental justice.”

However, Figs. 5.11-2 and 5.11-3 clearly show high concentrations of both low income and minority residents living in close proximity to the entire stretch of project area one. In project area two, dominated by Stuyvesant Town and Peter Cooper Village only the southern sliver of Tract 62, which qualifies as low income and minority, is in close proximity to the project area. By combining the two project areas, which are very different in terms of demographics and income distribution, the study fails to recognize the disproportionate environmental impact on the EJ community of the Lower East Side along project area one.

East River Park functions as the backyard for residents living along the FDR Drive by providing recreational opportunities as well as playgrounds and social gathering opportunities in the summer month for families who do not that have the resources to travel to open spaces outside of their community. The park brims with family picnics, birthday parties, and BBQ outings from early April through October. Its eight ball fields are utilized by Little Leagues, who often complain that they cannot get enough permits to accommodate all their players. Local high schools as well as NYU students utilize the recently renovated track. It is safe to say that NYU, who currently chauffeurs students to the track in a van, will go the extra mile to a different facility, however students from local high schools will most likely not be that lucky.



When East River Park will be closed for ESCR construction there are no open space alternative available to our community. In total Community Board 3 has 86.3 acres of open space, the ESCR project will remove 58.5 acres of open space for the duration of construction. Even before removing 67% of open space through the ESCR construction residents of Community Board 3 are underserved in terms of open space, with an open space/population ratio of 0.7 acres per 1,000 residents, compared with the recommended 1.2 acres/1,000 residents.

Additionally, the EJ communities along East River Park are already burdened with noise and exhaust from car traffic on the FDR, and will also receive disproportional construction impacts: from the dust due to excavation of old utility and sewer infrastructure, to air pollution from construction vehicles and noise from pile driving, not to mention the removal of 871 mature trees in East River Park for the construction. The loss of these 80 year + old trees will contribute to the heat island effect, affect air quality negatively, and has implications for the mental health of community residents.

The DEIS shows that there is a less destructive alternative that would provide protection from storms and flooding for our community, and we urge that Alternative 2 be considered as a plan to move forward.

In closing, we advocate the City include the creation of a resilient community center into the ESCR planning and construction. Climate change is the driver that makes this project necessary, it would indeed be mocking environmental forward thinking to not ensure the continuation of programs that address long term sustainability and stewardship of East River Park.

Sincerely,

A handwritten signature in black ink, appearing to be "CDR", written over a light blue horizontal line.

Christine Datz-Romero
Executive Director

CC
Councilmember Carlina Rivera
Councilmember Margaret Chin
Borough President Gale Brewer
Assembly Member Yuh-Line Niou
Assembly Member Harvey Epstein
NYS Senator Brian Kavanagh
NYS Senator Brad Hoylman
Alysha Lewis-Coleman, Board Chair CB #3
Molly Hollister, Board Chair CB #6

Appendix I

November 13, 2017

CERTIFICATE 26390

RESOLVED That the Design Commission, having considered designs for the construction of a composting facility and adjacent site work, Lower East Side Ecology Center, East River Park, Jackson Street, Cherry Street, and the FDR Drive, Manhattan, submitted by the Department of Parks & Recreation, represented by exhibits 2144-CO, CP & CQ of record in this matter, hereby gives to the same unanimous final approval. The Commission notes that coordination with the Eastside Coastal Resiliency project is critical to providing a seamless park experience and that DPR should be sure to address all adjacencies around this area, as grade changes will affect plantings and the stored compost. Per standard procedure, if any revisions to the project are necessary, DPR should notify the Commission immediately.

Final approval is conditioned upon commencement of work before November 13, 2019 and submission of comprehensive photographic documentation of the completed project consisting of 8" x 10" archival-quality color photographs.

A true copy of resolution adopted by
the Design Commission at its meeting
on November 13, 2017.



Justin Garrett Moore
Executive Director

**Philip Aarons, Laurie Hawkinson, Manuel Miranda, Richard Moore, Susan Morgenthau,
Signe Nielsen, Ethel Sheffer, Mary Valverde, Commissioners**

Appendix II

Outstanding Renewal Enterprises, Inc.

Transaction Detail by Account

January through December 2012								
Type	Date	Num	Name	Memo	Split	Amount		
Program Expense								
East River Park Stewardship								
				*				
Check	03/27/12		Fantastic Gardens of L. I.		Petty Cash	✓	59.00	
Check	05/04/12	3375	Bissett	plants & supplies	CITI EAB Checking	✓	775.00	
Check	05/18/12	3390	Bissett	plants & supplies	CITI EAB Checking	✓	1,353.50	
Check	06/18/12	3415	Bissett	plants & supplies	CITI EAB Checking	✓	616.50	
Check	06/27/12		Fantastic Gardens of L. I.		Petty Cash	✓	263.00	
Check	07/06/12	3441	Bissett	plants & supplies	CITI EAB Checking	✓	2,203.75	
Check	07/14/12		Van Houten Farms		Petty Cash	✓	90.00	
Check	07/18/12	3453	City of New York/Parks	7/18/12	CITI EAB Checking	✓	220.00	
Check	07/27/12	3465	Van Houten Farms	invoice dated 7/18/12	CITI EAB Checking	✓	330.00	
Credit C	08/14/12		Bissett	plants	American Express Corpor		441.00	
Check	10/06/12	3547	Bissett	plants & supplies	CITI EAB Checking	✓	638.50	
General	12/31/12		Van Engelen, Inc.	Greenacre pd Van Engelen for	Private Foundations		5,000.00	
Total East River Park Stewardship								11,990.25
Total Program Expense								11,990.25
TOTAL								11,990.25
January through December 2013								
Type	Date	Num	Name	Memo	Split	Amount		
Program Expense								
East River Park Stewardship								

	Check	04/01/13	3746	Bissett		plants & supplies	CITI EAB Checking	✓	1352.25
	Check	06/04/13	3815	Rare Find Nursery	invoice dated 6/4/13		CITI EAB Checking	✓	4044
	Check	06/10/13	3824	Bissett	invoice 781664		CITI EAB Checking	✓	1084.75
	Check	06/12/13		Van Houten Farms			Petty Cash	✓	90
	Check	06/15/13	3829	Bissett	Invoice 786513		CITI EAB Checking	✓	1640
	Check	06/15/13		Silver Heights Farm	*		Petty Cash	✓	15
	Check	06/16/13		Race Farm			Petty Cash	✓	70.2
	Check	06/17/13		Race Farm			Petty Cash	✓	54
	Check	06/19/13		Silver Heights Farm			Petty Cash	✓	20
	Check	06/29/13	3840	Bissett	VOID: Invoice 786513 paid previous		CITI EAB Checking	✓	0
	Check	07/06/13	3848	Pleasant Run Nursery	invoice 32497		CITI EAB Checking	✓	1968.75
	Check	07/27/13	3877	City of New York/Parks & Rec	7/18/12		CITI EAB Checking	✓	252
	Check	09/27/13	3929	Bissett			CITI EAB Checking	✓	616.5
	Check	11/11/13	3995	Van Engelen, Inc.	bulbs		CITI EAB Checking	✓	2512.79
									13720.24

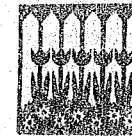
January through December 2014

Type	Date	Num	Name	Memo	Split	Amount
Program Expense						
East River Park Stewardship						
Check	04/10/14	4046	Pleasant Run Nursery	invoice 34449	CITI EAB Checking ^{LANE'S FUND}	3449.1
Check	04/21/14		Race Farm		Petty Cash	54
Check	04/23/14	4153	Pleasant Run Nursery	invoice 34610	CITI EAB Checking	1827.95
Check	05/01/14	4164	Bissett	Invoice 826118/830029/830032/8	CITI EAB Checking	5003
Check	05/05/14		Race Farm		Petty Cash	92.25
Check	05/05/14		Race Farm		Petty Cash	104.4
Check	05/26/14		Race Farm		Petty Cash	56

*couldn't find petty cash for 2015

Type	Date	Num	Name	Memo	Split	Amount
Check	06/02/14		Race Farm		Petty Cash	160
Check	06/11/14	4221	Pleasant Run Nursery	invoice 35576	CITI EAB Checking <input checked="" type="checkbox"/>	3810
Check	09/05/14	4302	Pleasant Run Nursery	invoice 36715	CITI EAB Checking <input checked="" type="checkbox"/>	3153.05
Check	09/29/14	4343	Bissett	Invoice 869023	CITI EAB Checking <input checked="" type="checkbox"/>	128
Check	10/24/14	4362	Pleasant Run Nursery	invoice 37371	CITI EAB Checking <input checked="" type="checkbox"/>	1221
General	12/31/14		Pleasant Run Nursery	PRN Invoice 35511	Private Foundations	2929.65
General	12/31/14		Bissett	Bissett Nursery Invoice 869021	Private Foundations	1766.1
General	12/31/14		Pleasant Run Nursery	PRN Invoice 37375	Private Foundations	288.9
General	12/31/14		Van Engelen, Inc.	Van Engelen bulbs 10/7/14	Private Foundations	4984.49
						29027.89
January through December 2015						
Program Expense						
East River Park Stewardship						
Check	04/06/15		Race Farm		Petty Cash	20
Check	04/08/15		Peta1		Petty Cash	97
Check	04/08/15		Fantastic Gardens of L. I.		Petty Cash	297
Check	04/23/15		Fantastic Gardens of L. I.		Petty Cash	162
Check	04/29/15		Race Farm		Petty Cash	628.5
Check	05/23/15		Fantastic Gardens of L. I.		Petty Cash	105
Check	05/25/15		Race Farm		Petty Cash	111.15
Check	06/04/15		Pleasant Run Nursery		Petty Cash	444.48
Check	06/11/15	4575	Pleasant Run Nursery	invoice 39170	CITI EAB Checking <input checked="" type="checkbox"/>	2359.75
Check	06/26/15	4588	Rare Find Nursery	invoice dated 6/4/15	CITI EAB Checking <input checked="" type="checkbox"/>	1059.3
Check	07/10/15		Fantastic Gardens of L. I.		Petty Cash	218.8
Check	09/08/15	4649	Bissett	plants	CITI EAB Checking <input checked="" type="checkbox"/>	690
Check	09/08/15	4649	Bissett	tools	CITI EAB Checking <input checked="" type="checkbox"/>	672.5

	General	12/31/15		Van Engelen, Inc.	Greenacre pd Van Engelen for bul	Private Foundations		4990.5
								11855.98
January through December 2016								
	Type	Date	Num	Name	Memo	Split	Amount	
	Program Expense							
	East River Park Stewardship							
	Check	05/16/16		Race Farm		Petty Cash	✓	82.5
	Check	05/20/16		Fantastic Gardens of L. I.		Petty Cash	✓	36
	Credit Ca	05/25/16		Sweetbrook Nursery & G	bio swale	American Express Corporat		203.5
	Check	05/26/16	4976	City of New York/Parks & 5/24/16	Bioswale	CITI EAB Checking	✓	272.75
	Check	05/28/16		Race Farm		Petty Cash	✓	32
	Check	06/09/16	4991	Pleasant Run Nursery	invoice 43069	CITI EAB Checking	✓	1619.98
	Check	06/15/16		Fantastic Gardens of L. I.		Petty Cash	✓	139
	Check	07/18/16	5024	Bissett	Invoice 984276/77	CITI EAB Checking	✓	1281.75
	Check	08/04/16	5043	Pleasant Run Nursery	invoice 43743	CITI EAB Checking	✓	1596.17
	General	12/31/16		Van Engelen, Inc.	Greenacre pd Van Engelen for bul	Private Foundations		3000
	General	12/31/16		Bissett	Greenacre pd Bissett Nursery invd	Private Foundations		1979.45
								10243.1
January through December 2017								
	Type	Date	Num	Name	Memo	Split	Amount	
	Program Expense							
	East River Park Stewardship							
	Check	05/01/17		Race Farm		Petty Cash	✓	70
	Check	05/29/17		Race Farm		Petty Cash	✓	11



FANTASTIC GARDENS OF L.I., INC.

Direct From The Grower To You

67 Avery Ave

PATCHOGUE, NY 11772

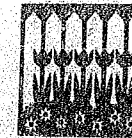
Phone: (631) 475-7118 Fax: (631) 730-1460

CUSTOMER'S ORDER NO.		PHONE		DATE <i>3/27/12</i>			
NAME <i>CRISTINA - O.R.E.</i>							
ADDRESS							
SOLD BY	CASH	C.O.D.	CHARGE	ON ACCT.	MDSE. RET'D.	PAID OUT	
QTY.	DESCRIPTION				PRICE	AMOUNT	
	<i>ASST QT.</i>					<i>59.00</i>	
	<i>PERENNIALS</i>						
<i>POD</i> <i>cash</i>							
						TAX	<i>1/8</i>
RECEIVED BY						TOTAL	<i>59.00</i>

C PRODUCT 610 All claims and returned goods must be accompanied by this bill.

2132

Thank You



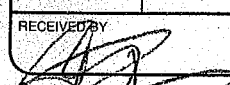
FANTASTIC GARDENS OF L.I., INC.

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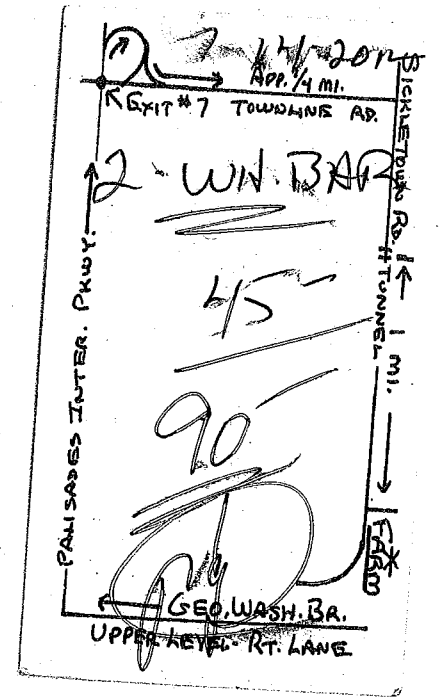
Phone: (631) 475-7118 Fax: (631) 730-1460

CUSTOMER'S ORDER NO.		PHONE		DATE		
				6-28-12		
NAME						
O.R.E.						
ADDRESS						
SOLD BY						
CASH						
C.O.D.						
CHARGE <input checked="" type="checkbox"/>						
ON ACCT.						
MDSE. RET'D.						
PAID OUT						
QTY.	DESCRIPTION				PRICE	AMOUNT
29	4	LAUBDORF			3	87 00
30	QT	GAIN			4	120 00
14	QT	PZORF			4	56 00
					TAX	78
RECEIVED BY					TOTAL	263 00
						

2635

All claims and returned goods must be accompanied by this bill.

Thank You





BISSETT NURSERY CORP.
 PO Box 386 - 323 Long Avenue
 Holtsville, NY 11742-0386
 Phone (631) 289-3500 Fax (631) 289-3521
 E-mail: info@bissettnursery.com
 Website: www.bissettnursery.com

INVOICE

Invoice #	704459
Invoice Date	4/24/12
Order #	602827-000

Rev# 1 Page # 1

Customer # 0011545
Sold To: Outstanding Renewal Enterprises Inc
 PO Box 20488
 New York, NY 10009-8972

Ship To / Outstanding Renewal Enterprises Inc
 Job Site: PO Box 20488
 New York, NY 10009-8972

Purchase Order #	Salesman#	Ship Date	Shipped Via	Terms
	99	4/24/12		Charge 30 Days

Notes:

Qty Ship	Qty B/O	U/M	Item#	Description	Unit Price	Extension
1		EA	60505	ANDROMEDA MOUNTAIN FIRE #3	23.000	23.00
1		EA	61004	HYD MOP BIG DADDY #3	24.500	24.50
2		EA	67732	WILLOW HAKURO NISHIKI #3	17.000	34.00
1		EA	60198	WEIGELA MINOR BLACK #2	15.000	15.00
2		EA	69266	CLETHRA ALN HUMM BIRD #3	17.500	35.00
1		EA	60912	SMOKETREE ROYAL PURPLE #10	60.000	60.00
1		EA	65651	RHODO CHINOIDES #5	46.000	46.00
1		EA	68633	RHODO ASSORTED #3	25.500	25.50
2		EA	62711	JUNIPER BLUE STAR #1	9.500	19.00
1		EA	68066	HYD PAN PINK DIAM TF #7/10	69.000	69.00
1		EA	68844	ANDROMEDA CAVATINE #2	20.000	20.00
2		EA	64552	MOUNTAIN LAUREL #2	17.500	35.00
1		EA	60765	EUONYMUS MANHATTAN #3	19.500	19.50
1		EA	21595	KNIFE SOG-FLASH I BERR FSA-97	40.750	40.75
2		EA	23508	HOSE 5/8" RUBBER-INDUSTRL 75'	85.000	170.00
1		EA	27828	KNIFE PRUNING-GARDEN 3" K-GP-1	24.250	24.25
1		PR	23104	GLOVES=DRIVER LEATHER MD 1132	15.000	15.00
1		PR	25184	GLOVES=DRIVER GOAT MD 1720	14.000	14.00
2		BG	20333	GRASS SEED/MIX-SHADY 25#	42.750	85.50

Payment(s)

Sales Total	775.00
Delivery / Misc	
Tax 000 4711	
Invoice Total	775.00
Total Paid	
Amount Due	775.00

TERMS: Our regularly stated terms are: 30 days NET. Past due accounts will be assessed a service charge of 2% per month or a rate not to exceed lawful limits. All claims for errors or unsatisfactory stock must be reported upon receipt and confirmed by written memorandum received by us within 5 days.
 In the event it becomes necessary for our firm to enforce payment, we shall be entitled to court costs, attorney's fees in the sum of 1/3 of the unpaid balance and interest at the rate of 2% per month on all amounts due and payable.
 "WARRANTY OF MERCHANTABILITY" is waived by the purchaser.

Signature:

Christina Datz

LISA
 14:59:37



BISSETT NURSERY CORP.
 PO Box 386 - 323 Long Island Avenue
 Holtsville, NY 11742-0386
 Phone (631) 289-3500 Fax (631) 289-3521
 E-mail: info@bissettnursery.com
 Website: www.bissettnursery.com

INVOICE

Invoice #	712638
Invoice Date	5/16/12
Order #	611643-000

Rev# 1 Page # 1

Customer # 0011545

Sold To: Outstanding Renewal Enterprises Inc
 PO Box 20488
 New York, NY 10009-8972

Ship To / Outstanding Renewal
Job Site: Map 4 Y-17
 E 7th St
 Between Aves B & C
 Manhattan, NY

\$ 20.50

Purchase Order #	Salesman#	Ship Date	Shipped Via	Terms
	33	5/16/12	Flatbed #33 - Nursery	Charge 30 Days

Notes: 1st Stop

Qty Ship	Qty B/O	U/M	Item#	Description	Unit Price	Extension
1		EA	62080	ARBORVITAE NIGRA 10-12' X	285.000	285.00

CHARGE

Payment(s)	Sales Total	285.00
	Delivery / Misc	
	Tax .000 8081	
	Invoice Total	285.00
	Total Paid	
	Amount Due	285.00

TERMS: Our regularly stated terms are: 30 days NET. Past due accounts will be assessed a service charge of 2% per month or a rate not to exceed lawful limits. All claims for errors or unsatisfactory stock must be reported upon receipt and confirmed by written memorandum received by us within 5 days. In the event it becomes necessary for our firm to enforce payment, we shall be entitled to court costs, attorney's fees in the sum of 1/3 of the unpaid balance and interest at the rate of 2% per month on all amounts due and payable. "WARRANTY OF MERCHANTABILITY" is waived by the purchaser.

Signature: _____

JUSTIN
14:32:32



BISSETT NURSERY CORP.
 PO Box 386 - 323 Long Island Avenue
 Holtsville, NY 11742-0386
 Phone (631) 289-3500 Fax (631) 289-3521
 E-mail: info@bissettnursery.com
 Website: www.bissettnursery.com

INVOICE

Invoice #	722024
Invoice Date	6/12/12
Order #	621662-000

Rev# 1 Page # 1

Customer # 0011545
Sold To: Outstanding Renewal Enterprises Inc
 PO Box 20488
 New York, NY 10009-8972

Ship To / Outstanding Renewal Enterprises Inc
 Job Site: PO Box 20488
 New York, NY 10009-8972

Purchase Order #	Salesman#	Ship Date	Shipped Via	Terms
	38	6/12/12		Charge 30 Days

Notes:

Qty Ship	Qty B/O	U/M	Item#	Description	Unit Price	Extension
1		EA	22937	PHC MYCOR PLANT SAV 4-7-4 10LB	25.500	25.50
1		PR	23100	GLOVES=DRIVER GOAT LG 1720	14.000	14.00
10		EA	21748	ROCK PHOSPHATE 0-3-0 28 LB	17.000	170.00
10		BG	20603	GREENSAND 0-0-1 36 LB	16.250	162.50
5		EA	12041	ROSE LNDSCP KNOCKOUT #3	16.500	82.50
15		EA	13017	NEPETA WALKER'S LOW #1	7.000	105.00
10		EA	12410	ASARUM SPLENDENS #1	9.250	92.50
12		EA	11894	ECHINACEA HOT PAPAYA #2	10.000	120.00
12		EA	11941	STOKESIA PEACHIE'S PICK #1	6.500	78.00
7		EA	11435	LAVANDULA GROSSO #1	6.300	44.10
3		EA	11849	GRASS FOUNTAIN KARLEY ROSE #3	* 13.750	41.25
1		EA	15656	GRASS MAIDEN VARIEGATA #3	13.750	13.75

Payment(s)	Sales Total	949.10
	Delivery / Misc	
	Tax .000 4711	
	Invoice Total	949.10
	Total Paid	
	Amount Due	949.10

TERMS: Our regularly stated terms are: 30 days NET. Past due accounts will be assessed a service charge of 2% per month or a rate not to exceed lawful limits. All claims for errors or unsatisfactory stock must be reported upon receipt and confirmed by written memorandum received by us within 5 days.
 In the event it becomes necessary for our firm to enforce payment, we shall be entitled to court costs, attorney's fees in the sum of 1/3 of the unpaid balance and interest at the rate of 2% per month on all amounts due and payable.
 "WARRANTY OF MERCHANTABILITY" is waived by the purchaser.

Signature: _____
 Christina Datz

JAMIE
 14:39:20



BISSETT NURSERY CORP.
 PO Box 386 - 323 Long Avenue
 Holtsville, NY 11742-0386
 Phone (631) 289-3500 Fax (631) 289-3521
 E-mail: info@bissettnursery.com
 Website: www.bissettnursery.com

INVOICE

Invoice #	710298
Invoice Date	5/10/12
Order #	609111-000

Rev# 1 Page # 1

Customer # 0011545
Sold To: Outstanding Renewal Enterprises Inc
 PO Box 20488
 New York, NY 10009-8972

Ship To / Outstanding Renewal Enterprises Inc
 Job Site: PO Box 20488
 New York, NY 10009-8972

Purchase Order #	Salesman#	Ship Date	Shipped Via	Terms
	99	5/10/12		Charge 30 Days

Notes:

Qty Ship	Qty B/O	U/M	Item#	Description	Unit Price	Extension
1		EA	67733	SPRUCE ALBERTA #3 30-36"	31.000	31.00
1		EA	62779	SPRUCE ALBERTA #7/10 3.5-4'	64.000	64.00
1		EA	60175	SPRUCE ALBERTA #1	8.500	8.50
3		EA	62518	ARONIA ARB BRILLIANTISSIMA #3	17.000	51.00
7		EA	72035	XSPIREA NEON FLASH #3	12.750	89.25
3		EA	65788	XGRAPE MYRTLE #5	27.000	81.00
2		EA	68347	XFOTHERGILLA GARD MT AIRY #3	26.000	52.00
1		EA	69023	PLUM BEACH #5	24.500	24.50
1		EA	62332	WEIGELA VARIEGATA #3	16.000	16.00
3		EA	61398	XVIBURNUM DENTATUM #3	19.750	59.25
7		EA	62630	XSPIREA MAGIC CARPET #3	16.750	117.25
2		EA	66221	PINE MUGO PUMILIO #3	19.500	39.00
1		EA	68570	AUCUBA GOLDSTRIKE #7	65.000	65.00
8		EA	12041	XROSE LNDSCP KNOCKOUT #3	16.500	132.00
7		EA	12410	ASARUM SPLENDENS #1	9.250	64.75
12		EA	11838	XHEUCHERA CARAMEL #1	8.500	102.00
12		EA	12028	XGERANIUM EXPRESSO #1	6.000	72.00

Payment(s)	Sales Total	1,068.50
	Delivery / Misc	
	Tax .000 4711	
	Invoice Total	1,068.50
	Total Paid	
	Amount Due	1,068.50

TERMS: Our regularly stated terms are: 30 days NET. Past due accounts will be assessed a service charge of 2% per month or a rate not to exceed lawful limits. All claims for errors or unsatisfactory stock must be reported upon receipt and confirmed by written memorandum received by us within 5 days.
 In the event it becomes necessary for our firm to enforce payment, we shall be entitled to court costs, attorney's fees in the sum of 1/3 of the unpaid balance and interest at the rate of 2% per month on all amounts due and payable.
 "WARRANTY OF MERCHANTABILITY" is waived by the purchaser.

Signature: _____
 Christina Datz

JAMIE
 15:07:26



BISSETT NURSERY CORP.
 PO Box 386 - 323 Long Island Avenue
 Holtsville, NY 11742-0386
 Phone (631) 289-3500 Fax (631) 289-3521
 E-mail: info@bissettnursery.com
 Website: www.bissettnursery.com

INVOICE

Invoice #	722370
Invoice Date	6/14/12
Order #	622051-000

Rev# 1 Page # 1

Customer # 0011545
Sold To: Outstanding Renewal Enterprises Inc
 PO Box 20488
 New York, NY 10009-8972

Ship To / Outstanding Renewal Enterprises Inc
Job Site: PO Box 20488
 New York, NY 10009-8972

Purchase Order #	Salesman#	Ship Date	Shipped Via	Terms
rebills 722024	99	6/14/12		Charge 30 Days

Notes: billed for PHC Mycor - wrong code should have been Mosquito Dunks

Qty Ship	Qty B/O	U/M	Item#	Description	Unit Price	Extension
1		EA	21007	PHC MOSQUITO DUNKS BTI 20 TABS EPA #: 6218-47	35.500	35.50

\$10. - left open

Payment(s)	Sales Total	35.50
	Delivery / Misc	
	Tax 000	4711
	Invoice Total	35.50
	Total Paid	

TERMS: Our regularly stated terms are: 30 days NET. Past due accounts will be assessed a service charge of 2% per month or a rate not to exceed lawful limits. All claims for errors or unsatisfactory stock must be reported upon receipt and confirmed by written memorandum received by us within 5 days.
 In the event it becomes necessary for our firm to enforce payment, we shall be entitled to court costs, attorney's fees in the sum of 1/3 of the unpaid balance and interest at the rate of 2% per month on all amounts due and payable.
 "WARRANTY OF MERCHANTABILITY" is waived by the purchaser.

Signature: _____

LAURAZW
6/17/12

Amount Due	35.50
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BISSETT NURSERY CORP.
 PO Box 386 - 323 Long Island Avenue
 Holtsville, NY 11742-0386
 Phone (631) 289-3500 Fax (631) 289-3521
 E-mail: info@bissettnursery.com
 Website: www.bissettnursery.com

INVOICE

CREDIT MEMO

Invoice #	722369
Invoice Date	6/14/12
Order #	622050-000

Rev# 1 Page # 1

Customer # 0011545
 Sold To: **Outstanding Renewal Enterprises Inc**
 PO Box 20488
 New York, NY 10009-8972

Ship To / Job Site: **Outstanding Renewal Enterprises Inc**
 PO Box 20488
 New York, NY 10009-8972

Base Order #	Salesman#	Ship Date	Shipped Via	Terms
Orders 722024	99	6/14/12		CREDIT MEMO

Notes: billed for PHC Mycor - wrong code should have been Mosquito Dunks

Qty Ship	Qty B/O	U/M	Item#	Description	Unit Price	Extension
1		EA	22937	PHC MYCOR PLANT SAV 4-7-4 10LB Credits Inv: 722024 ITC	25.500	25.50

Amount(s)	Sales Total	25.50-
	Delivery / Misc	
	Tax 000 4711	
	Invoice Total	25.50-
	Total Paid	

VS: Our regularly stated terms are: 30 days NET. Past due accounts will be assessed a service charge of 2% per month or a rate not to exceed lawful limits. All claims for errors or unsatisfactory stock must be reported upon receipt and confirmed by written memorandum received by us within 5 days. In the event it becomes necessary for our firm to enforce payment, we shall be entitled to court costs, attorney's fees in the sum of 25% of the unpaid balance and interest at the rate of 2% per month on all amounts due and payable. WARRANTY OF MERCHANTABILITY is waived by the purchaser.

BISSETT NURSERY CORP.
 PO Box 386 - 323 Long Island Avenue
 Holtsville, NY 11742-0386
 Phone (631) 289-3500 Fax (631) 289-3521
 E-mail: info@bissettnursery.com
 Website: www.bissettnursery.com

INVOICE

Invoice #	722024
Invoice Date	6/12/12
Order #	621662-000

* Reprint *

Rev # 1 Page # 1

Customer # 0011545
 Sold To: **Outstanding Renewal Enterprises Inc**
 PO Box 20488
 New York, NY 10009-8972

Ship To / **Outstanding Renewal Enterprises Inc**
 Job Site: **Enterprises Inc**
 PO Box 20488
 New York, NY 10009-8972

Purchase Order #	Salesman#	Ship Date	Shipped Via	Terms
	38	6/12/12		Charge 30 Days

Notes:

mossquito dunks 2/1007

Qty Ship	Qty B/O	U/M	Item#	Description	Unit Price	Extension
1		EA	22937	PHC-MYCOR PLANT SAV 4-7-4 10LB	25.500	25.50
1		PR	23100	GLOVES=DRIVER GOAT LG 1720	14.000	14.00
10		EA	21748	ROCK PHOSPHATE 0-3-0 28 LB	17.000	170.00
10		BG	20603	GREENSAND 0-0-1 36 LB	16.250	162.50
5		EA	12041	ROSE LINDSCP KNOCKOUT #3	16.500	82.50
15		EA	13017	NEPETA WALKER'S LOW #1	7.000	105.00
10		EA	12410	ASARUM SPLENDENS #1	9.250	92.50
12		EA	11894	ECHINACEA HOT PAPAYA #2	10.000	120.00
12		EA	11941	STOKESIA PEACHIE'S PICK #1	6.500	78.00
7		EA	11435	LAVANDULA GROSSO #1	6.300	44.10
3		EA	11849	GRASS FOUNTAIN KARLEY ROSE #3	13.750	41.25
1		EA	15656	GRASS MAIDEN VARIEGATA #3	13.750	13.75

Payment(s)	Sales Total	949.10
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TERMS: Our regularly stated terms are: 30 days NET. Past due accounts will be assessed a service charge of 2% per month or a rate not to exceed lawful limits. All claims for errors or unsatisfactory stock must be reported upon receipt and confirmed by written memorandum received by us within 5 days.
 In the event it becomes necessary for our firm to enforce payment, we shall be entitled to court costs, attorney's fees in the sum of 1/3 of the unpaid balance and interest at the rate of 2% per month on all amounts due and payable.
 WARRANTY OF MERCHANTABILITY is waived by the purchaser.

Delivery / Misc	
Tax .000 4711	
Invoice Total	949.10



BISSETT NURSERY CORP.
 PO Box 386 - 323 Long Island Avenue
 Holtsville, NY 11742-0386
 Phone (631) 289-3500 Fax (631) 289-3521
 E-mail: info@bissettnursery.com
 Website: www.bissettnursery.com

INVOICE

Invoice #	724254
Invoice Date	6/20/12
Order #	621697-000

Rev# 1 Page # 1

Customer # 0011545
Sold To: Outstanding Renewal Enterprises Inc
 PO Box 20488
 New York, NY 10009-8972

2
Ship To / Job Site: East River Park
 Map 5 Y-18
 Montgomery & South Street
 cell #917-405-0288 Christina
 Manhattan, NY

Purchase Order #	Salesman#	Ship Date	Shipped Via	Terms
	33	6/20/12	Tractor #52 - Nursery	Charge 30 Days

Notes:

Qty Ship	Qty B/O	U/M	Item#	Description	Unit Price	Extension
15		EA	12041	ROSE LNDSCP KNOCKOUT #3	16.500	247.50
40		EA	11169	DAYLILY BAMA MUSIC 400P	5.000	200.00
40		EA	15151	DAYLILY MARDI GRAS PARADE 400P	5.000	200.00
12		EA	10935	HOSTA HALCYON #1	6.750	81.00
15		EA	11030	SALVIA EAST FRIESLAND 600P	7.500	112.50
20		EA	11435	LAVANDULA GROSSO #1	6.300	126.00
10		EA	61407	HYPERICUM HIDCOTE #3	17.000	170.00
5		EA	67273	CARYOPTERIS DARK KNIGHT #5	26.250	131.25
5		EA	66691	CRAPE MYRTLE #3	22.500	112.50
3		EA	61642	BUDDLEIA LO & BEHOLD #2	15.000	45.00
5		EA	69744	VIBURNUM MARIESI #7	26.750	183.75
3		EA	62668	BAYBERRY #2	14.750	44.25
5		EA	61342	AZALEA FLAME 30-36"	47.000	235.00

CHARGE

Payment(s)	Sales Total	1,888.75
	Delivery / Misc	305.00
	Tax .000 8081	
	Invoice Total	2,193.75
	Total Paid	

ERMS: Our regularly stated terms are: 30 days NET. Past due accounts will be assessed a service charge of 2% per month or a rate not to exceed lawful limits. All claims for errors or unsatisfactory stock must be reported upon receipt and confirmed by written memorandum received by us within 5 days.
 In the event it becomes necessary for our firm to enforce payment, we shall be entitled to court costs, attorney's fees in the sum of 3 of the unpaid balance and interest at the rate of 2% per month on all amounts due and payable.
 WARRANTY OF MERCHANTABILITY is waived by the purchaser.

LAURAZW



3808 Victory Blvd. Staten Island, NY 10314
 Phone 718-370-9044 Fax 718-370-0932
WWW.Greenbeltnativeplantcenter.org

Quote for Plant Material

Quote #2012-29

Date: July 18, 2012
Company Name: Outstanding Renewal Enterprises, Inc.
Billing Address: P. O. Box 20488, New York, NY 10009
Contact person: Christine Datz-Romero **Phone:** 212-477-4022 **Fax:** 212-420-0621
Project name: Lower East Side Project **Project Location:** Manhattan, NY
Plant Date: Summer 2012 **Pick up date:** Summer 2012
Customer to pick up plants

To reserve plants for your project you must submit an order on your company letterhead referencing this quote number. Production space can only be guaranteed on that basis.

Plants needed for project Botanical name please	Amount Requested	Size Requested	Our size available	Unit Price
Actea alba	25	23/8" plugs	25 in 23/8"	\$1.00.....\$25.00
Asclepias incarnata	25	23/8" plugs	25 in 23/8"	\$1.00.....\$25.00
Lobelia cardinalis	30	23/8" plugs	30 in 23/8"	\$1.00.....\$30.00
Rudbeckia hirta	50	23/8" plugs	50 in 23/8"	\$1.00.....\$50.00
Vernonia noveboracensis	100	23/8" plugs	100 in 23/8"	\$0.90.....\$90.00
Total				\$220.00

**Checks payable to: City of New York Parks & Recreation
 Thank you for your business**



BISSETT NURSERY CORP.
 PO Box 386 - 323 Long Island Avenue
 Holtsville, NY 11742-0386
 Phone (631) 289-3500 Fax (631) 289-3521
 E-mail: info@bissettnursery.com
 Website: www.bissettnursery.com

INVOICE

Invoice #	740266
Invoice Date	9/20/12
Order #	641051-000

Rev# 1 Page # 1

Customer # 0011545
Sold To: Outstanding Renewal Enterprises Inc
 PO Box 20488
 New York, NY 10009-8972

Ship To / Outstanding Renewal Enterprises Inc
 Job Site: PO Box 20488
 New York, NY 10009-8972

Purchase Order #	Salesman#	Ship Date	Shipped Via	Terms
	99	9/20/12		Charge 30 Days

Notes:

Qty Ship	Qty B/O	U/M	Item#	Description	Unit Price	Extension
4		BG	28274	GRASS SEED/MIX-ATHLETC FLD 25#	34.500	138.00
2		EA	27239	18-0-3 ESPOMA LAWN FOOD 40LB	27.500	55.00
5		BG	20603	GREENSAND 0-0-1 36 LB	16.250	81.25
5		EA	21748	ROCK PHOSPHATE 0-3-0 28 LB	17.000	85.00
1		EA	22240	SPRINKLER-IMPLS SPIKE XL 999ZS	31.500	31.50
1		EA	27828	KNIFE PRUNING-GARDEN 3" K-GP-1	24.250	24.25
1		EA	20085	SPRINKLER-OSCLTNG METAL 7900MM	42.000	42.00
2		EA	21519	HOSE CONN.-Y BRASS HI-FLO 13HF	16.000	32.00
1		EA	23156	HOSE NOZZLE-POWER SWEEP 06BJ	4.500	4.50
3		EA	23508	HOSE 5/8" RUBBER-INDUSTRAL 75'	*79.750	239.25
1		EA	29134	SPRINKLER-ROTOR SLED ATR5D	14.500	14.50

Payment(s)	Sales Total	747.25
	Delivery / Misc	
	Tax .000 4711	

TERMS: Our regularly stated terms are: 30 days NET. Past due accounts will be assessed a service charge of 2% per month or a rate not to exceed lawful limits. All claims for errors or unsatisfactory stock must be reported upon receipt and confirmed by written memorandum received by us within 5 days.
 In the event it becomes necessary for our firm to enforce payment, we shall be entitled to court costs, attorney's fees in the sum of 1/3 of the unpaid balance and interest at the rate of 2% per month on all amounts due and payable.
 "WARRANTY OF MERCHANTABILITY" is waived by the purchaser.

Signature: _____

JAMIE

Invoice Total	747.25
Total Paid	
Amount Due	747.25



BISSETT NURSERY CORP.
 PO Box 386 - 323 Long Island Avenue
 Holtsville, NY 11742-0386
 Phone (631) 289-3500 Fax (631) 289-3521
 E-mail: info@bissettnursery.com
 Website: www.bissettnursery.com

INVOICE

Invoice #	740265
Invoice Date	9/20/12
Order #	641071-000

Rev# 1 Page # 1

Customer # 0011545
Sold To: Outstanding Renewal Enterprises Inc
 PO Box 20488
 New York, NY 10009-8972

Ship To / Job Site: Outstanding Renewal Enterprises Inc
 PO Box 20488
 New York, NY 10009-8972

Purchase Order #	Salesman#	Ship Date	Shipped Via	Terms
	47	9/20/12		Charge 30 Days

Notes:

Qty Ship	Qty B/O	U/M	Item#	Description	Unit Price	Extension
1		PR	20223	GLOVES=DRIV LTHR LINED MED 963	24.000	24.00
1		EA	22472	KNIFE S&W-HAWKBILL SS CKELE	9.750	9.75
1		EA	21746	KNIFE PRUNING 3" BLACK **19060	23.750	23.75

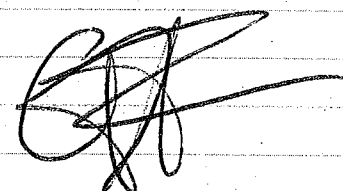
Payment(s)	Sales Total	57.50
	Delivery / Misc	
	Tax .000 4711	
	Invoice Total	57.50
	Total Paid	
	Amount Due	57.50

TERMS: Our regularly stated terms are: 30 days NET. Past due accounts will be assessed a service charge of 2% per month or a rate not to exceed lawful limits. All claims for errors or unsatisfactory stock must be reported upon receipt and confirmed by written memorandum received by us within 5 days.
 In the event it becomes necessary for our firm to enforce payment, we shall be entitled to court costs, attorney's fees in the sum of 1/3 of the unpaid balance and interest at the rate of 2% per month on all amounts due and payable.
 "WARRANTY OF MERCHANTABILITY" is waived by the purchaser.

Signature: _____ JAMIE
 11-16-31



VAN HOUTEN FARMS
 68 SICKLETOWN ROAD
 ORANGEBURG, NY 10962
 845-735-4689
GARDEN CENTER AND FARM MARKET

CUSTOMER'S ORDER NO.		PHONE		DATE 06/12/13		
NAME LES Ecology Center						
ADDRESS						
SOLD BY	CASH	C.O.D.	CHARGE	ON ACCT.	MDSE. RETD.	PAID OUT
QTY.	DESCRIPTION				PRICE	AMOUNT
	5 Flat Assorted flowers					
	5 X 22				110	
	Discount				20	
						
RECEIVED BY					TAX	
					TOTAL	90 ⁰⁰

All claims and returned goods MUST be accompanied by this bill.

29798

Thank You

Race Farm Date 6/17/13

M _____

Address _____

Reg. No.	Clerk	Account Forward
1		
2	(1) Gal pen	10.50
3		
4	(4) Flats @	12.50
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		

\$60.50

10%

\$54.00

0553-1

A-120035103530 T-452024620246203 Your Account Stated to Date - If Error is Found, Return at Once

Race Farm Date 6/16/13

M _____

Address _____

Reg. No.	Clerk	Account Forward
1		
2	12 @ 4.75 =	57.00
3		
4	2 @ 10.50	21.00
5		
6		
7		
8		
9	(57.00) - 10%	
10		
11		
12		
13		
14		
15		

78

\$70.20

Pd +

0553-1

A-120035103530 T-452024620246203 Your Account Stated to Date - If Error is Found, Return at Once

RECEIPT

Silver Heights Farm
 Nursery at 7381 St. Rt. 52
 Cochection Center, NY 12727

Mailing address:
 216 Egler Rd.
 Jeffersonville, NY 12748

nursery@silverheightsfarm.com
 www.silverheightsfarm.com
 845-482-3608

Plants \$ 15⁰⁰

Date: 6-15-13

By: *Tina P*

RECEIPT

Silver Heights Farm
 Nursery at 7381 St. Rt. 52
 Cochection Center, NY 12727

Mailing address:
 216 Egler Rd.
 Jeffersonville, NY 12748

nursery@silverheightsfarm.com
 www.silverheightsfarm.com

Plants \$ 20⁰⁰

Date: 6/19

By: *Erin B*



BISSETT NURSERY CORP.
 PO Box 386 - 323 Long Island Avenue
 Holtsville, NY 11742-0386
 Phone (631) 289-3500 Fax (631) 289-3521
 E-mail: info@bissettnursery.com
 Website: www.bissettnursery.com

INVOICE

Invoice #	757757
Invoice Date	3/26/13
Order #	662268-000

Rev# 1 Page # 1

Customer # 0011545

Sold To: Outstanding Renewal Enterprises Inc
 PO Box 20488
 New York, NY 10009-8972

Ship To / Outstanding Renewal Enterprises Inc
 Job Site: PO Box 20488
 New York, NY 10009-8972

Purchase Order #	Salesman#	Ship Date	Shipped Via	Terms
	47	3/26/13		Charge 30 Days

Notes:

Qty Ship	Qty B/O	U/M	Item#	Description	Unit Price	Extension
6		BG	20603	GREENSAND 0-0-1 36 LB	16.250	97.50
24		EA	21349	DANDELION-WEEDER HAND 19-838	5.250	126.00
1		PR	29185	GLOVES=DRIV LTHR LINED XL 963	24.000	24.00
1		EA	21595	KNIFE SOG-FLASH I SERR FSA-97	40.750	40.75
1		PR	29597	GLOVES=LADIES COWHIDE MED 1124	10.250	10.25
2		PR	25184	GLOVES=DRIVER GOAT MD 1720	14.000	28.00
1		BG	20333	GRASS SEED/MIX-SHADY 25#	39.750	39.75
3		BG	20330	GRASS SEED/MIX-FARMINGDALE 25#	39.750	119.25
1		EA	62983	BIRCH HERITAGE CLUMP #15	95.000	95.00
1		EA	65106	REDBUD LAVENDER TWIST #15	*125.000	125.00
1		EA	62499	MAGNOLIA SWEET BAY #15	*98.000	98.00
1		EA	60652	STEWARTIA PSEUDOCAMELL 7-8'	275.000	275.00
5		EA	15655	PANSY FLAT	11.250	56.25
20		EA	12792	HELLEBORUS IVORY PRINCE #1	15.750	315.00

Payment(s)	Sales Total	1,449.75
	Delivery / Misc	
	Tax .000 4711	

TERMS: Our regularly stated terms are: 30 days NET. Past due accounts will be assessed a service charge of 2% per month or a rate not to exceed lawful limits. All claims for errors or unsatisfactory stock must be reported upon receipt and confirmed by written memorandum received by us within 5 days.
 In the event it becomes necessary for our firm to enforce payment, we shall be entitled to court costs, attorney's fees in the sum of 1/3 of the unpaid balance and interest at the rate of 2% per month on all amounts due and payable.
 "WARRANTY OF MERCHANTABILITY" is waived by the purchaser.

Signature: *[Handwritten Signature]*

CAITLYN

Invoice Total	1,449.75
Total Paid	
Amount Due	1,449.75

Qty	Price	Amount		
25	\$ 15.00	\$ 375.00		
15	\$ 15.00	\$ 225.00		
4	\$ 15.00	\$ 60.00		
1	\$ 20.00	\$ 20.00		
7	\$ 10.00	\$ 70.00		
8	\$ 25.00	\$ 200.00		
36	\$ 15.00	\$ 540.00		
3	\$ 15.00	\$ 45.00		
1	\$ 45.00	\$ 45.00		
2	\$ 45.00	\$ 90.00		
1	\$ 25.00	\$ 25.00	\$ 1,695.00	page 1
2	\$ 30.00	\$ 60.00		
1	\$ 35.00	\$ 35.00		
1	\$ 30.00	\$ 30.00		
1	\$ 35.00	\$ 35.00		
2	\$ 35.00	\$ 70.00		
1	\$ 35.00	\$ 35.00		
1	\$ 95.00	\$ 95.00		
2	\$ 65.00	\$ 130.00		
1	\$ -	\$ -		
3	\$ 35.00	\$ 105.00		
3	\$ 30.00	\$ 90.00		
2	\$ 20.00	\$ 40.00		
3	\$ 25.00	\$ 75.00	\$ 800.00	page 2
4	\$ 25.00	\$ 100.00		
3	\$ 25.00	\$ 75.00		
5	\$ 20.00	\$ 100.00		
3	\$ 70.00	\$ 210.00		
5	\$ 60.00	\$ 300.00		
9	\$ 45.00	\$ 405.00		
2	\$ 25.00	\$ 50.00		
12	\$ 20.00	\$ 240.00		
3	\$ 50.00	\$ 150.00		
9	\$ 30.00	\$ 270.00		
5	\$ 25.00	\$ 125.00		
5	\$ 45.00	\$ 225.00		
2	\$ 35.00	\$ 70.00	\$ 2,320.00	page3
2	\$ 45.00	\$ 90.00		
3	\$ 50.00	\$ 150.00	\$ 240.00	page 4
		\$ 5,055.00	\$ (1,011.00)	\$ 4,044.00

RARE FIND NURSERY
 957 PATTERSON ROAD
 JACKSON, NJ 08527
 (732)833-0818
 www.rarefindnursery.com

P. 2

Customer's Order No.		Date	
Name		6/4/13	
Address			
Phone No.			
SOLD BY	CASH	C.O.D.	CHARGE
Quantity	DESCRIPTION	PRICE	AMOUNT
2	RH. ALBON	30 ⁰⁰	60 00
1	R. SANCTUM	35 ⁰⁰	35 00
1	R. PIERCE'S M. BEAUTY	1 GAL	30 00
1	CORALIS RUBY BALLS	2 GAL	35 00
2	PINUS ADCOCK'S DWARF	35 ⁰⁰	70 00
1	PICEA NIDUS PANDULA	1 GAL	35 00
1	SCIAEPODITIS JDEKOZY	2 GAL	95 00
2	ACAL PALM. SHAWA 65 ⁰⁰	3 GAL	130 00
1	CALYCANTHUS ALICASE	1 GAL	N/C
3	LAGERSTROEMIA VERA 35 ⁰⁰	1 GAL	105 00
3	PHILADELPHUS SNOWBELL 30 ⁰⁰	1 GAL	90 00
2	AESCULUS PAVIA 1 GAL	20 ⁰⁰	40 00
3	AESCULUS PARV. 1 GAL	25 ⁰⁰	75 00
		TOTAL	800 00
		TAX	800 00

ALL claims and returned goods MUST be accompanied by this bill.

18579 Rec'd by _____

THANK YOU

5	\$ 45.00	\$	70.00	\$ 2,320.00	pages
2	\$ 35.00	\$			
2	\$ 45.00	\$	90.00		
3	\$ 50.00	\$	150.00	\$ 240.00	page 4
		\$	5,055.00	\$ (1,011.00)	\$ 4,044.00

RARE FIND NURSERY
 967 PATTERSON ROAD
 JACKSON, NJ 08527
 (732)833-0613
 www.rarefindnursery.com

P. 1

attn: CHRISTINA

Customer's Order No.		Date	
Name		6/9/13	
Address			
Phone No.			
SOLD BY	CASH	C.O.D.	CHARGE
			RETURN
			PAID OUT
Quantity	DESCRIPTION	PRICE	AMOUNT
25	AMSONIA BLUE ICE PERENNIALS 15" ^{OD}	16AL	375.00
15	SPIGUEA 4"	15 ^{OD}	225.00
4	OPHIPOGON 4"	15 ^{OD}	60.00
1	R. DEC. AZALEA NOLA	16AL	20.00
7	PERENNIALS 4"	10 ^{OD}	70.00
8	MISAEEMA DRACONTUM 4"	25 ^{OD}	200.00
36	PERENNIALS *16AL	15 ^{OD}	540.00
3	ASARUM 16AL	15 ^{OD}	45.00
1	RITUS GOLD 3 GAL	45 ^{OD}	45.00
2	IMPATIENS 3 GAL	45 ^{OD}	90.00
1	PIERIS FLEMING SILVER 16AL		25.00
SUB TOTAL			1695.00
TAX			
TOTAL			

ALL claims and returned goods MUST be accompanied by this bill.

18578 Rec'd by _____

THANK YOU

5	\$ 45.00	\$ 225.00		
2	\$ 35.00	\$ 70.00	\$ 2,320.00	page 3
2	\$ 45.00	\$ 90.00		
3	\$ 50.00	\$ 150.00	\$ 240.00	page 4
		\$ 5,055.00	\$ (1,011.00)	\$ 4,044.00

RARE FIND NURSERY
 957 PATTERSON ROAD
 JACKSON, NJ 08627
 (732)833-0010
 www.rarefindnursery.com

P.3

Customer's Order No. _____ Date 6/4/13

Name _____

Address LOWER EAST SIDE ECOLOGY CENTER

Phone No. _____

SOLD BY	CASH	C.O.D.	CHARGE	RETURN	PAID OUT

Quantity	DESCRIPTION	PRICE	AMOUNT
4	CHIONANTHUS VIRGINICUS 1 GAL	25 ⁰⁰	100 00
3	MYRICA GALE 1 GAL	25 ⁰⁰	75 00
5	ROSA GLAUCA 1 GAL	20 ⁰⁰	100 00
3	R. PENNSYLVANIA 5 GAL	70 ⁰⁰	210 00
5	R. BALTIC AMBER 3 GAL	60 ⁰⁰	300 00
9	KALMIA 2 GAL	45 ⁰⁰	405 00
2	OSMANTHUS GOSHIKI 1 GAL	25 ⁰⁰	50 00
12	ROSA RUGOSA 1 GAL	20 ⁰⁰	240 00
3	R. SCHLIPPOBACHII 3 GAL (SITADE)	50 ⁰⁰	150 00
9	PHYSOCALPUS 1 GAL	30 ⁰⁰	270 00
5	AMORPHA FRUTESCENS 1 GAL	25 ⁰⁰	125 00
5	CORNUS ALTOBARNIFOLIA 2 GAL	25 ⁰⁰	125 00
2	VIBURNUM PLIC. TOM. PINK SENS	35 ⁰⁰	70 00
	SUB TOTAL		2320 00
	TAX		70 00
	SUP TOTAL		2390 00

ALL claims and returned goods MUST be accompanied by this bill.

18580 Rec'd by _____

THANK YOU

5	\$ 45.00	\$ 225.00		
2	\$ 35.00	\$ 70.00	\$ 2,320.00	page 3
2	\$ 45.00	\$ 90.00		
3	\$ 50.00	\$ 150.00	\$ 240.00	page 4
		\$ 5,055.00	\$ (1,011.00)	\$ 4,044.00

RARE FIND NURSERY
 967 PATTERSON ROAD
 JACKSON, NJ 08527
 (732)833-0616
 www.rarefindnursery.com

P.4

Customer's Order No.		Date	
		6/4/13	
Name			
LOW OR EAST SIDE ECOLGY CENTER			
Address			
Phone No.			
SOLD BY	CASH	C.O.D.	PAID OUT
Quantity	DESCRIPTION	PRICE	AMOUNT
2	CALYCAUTHUS ATHENS 3 GAL	45 ⁰⁰	90 00
3	CALYCANTH. HERITAGE WINE 3 GAL	50 ⁰⁰	150 00
			240 00
	PAGE 1		1695 00
	PAGE 2		800 00
	PAGE 3		2320 00
	PAGE 4		240 00
			5055 00
	- 20%		- 1011 00
			4044 00
	pd ch # 3815		
		SUB TOTAL	
		TAX	
		TOTAL	

ALL claims and returned goods MUST be accompanied by this bill.

18581 Rec'd by _____ THANK YOU

5	\$ 25.00	\$ 125.00		
5	\$ 45.00	\$ 225.00		
2	\$ 35.00	\$ 70.00	\$ 2,320.00	page3
2	\$ 45.00	\$ 90.00		
3	\$ 50.00	\$ 150.00	\$ 240.00	page 4
		\$ 5,055.00	\$ (1,011.00)	\$ 4,044.00



BISSETT NURSERY CORP.
 PO Box 386 - 323 Long Island Avenue
 Holtsville, NY 11742-0386
 Phone (631) 289-3500 Fax (631) 289-3521
 E-mail: info@bissettnursery.com
 Website: www.bissettnursery.com

INVOICE

Invoice #	781664
Invoice Date	5/30/13
Order #	689891-000

* Reprint *

Rev # 1 Page # 1

Customer # 0011545
Sold To: Outstanding Renewal Enterprises Inc
 PO Box 20488
 New York, NY 10009-8972

Ship To / Outstanding Renewal Enterprises Inc
 Job Site: PO Box 20488
 New York, NY 10009-8972

Purchase Order #	Salesman#	Ship Date	Shipped Via	Terms
	99	5/30/13		Charge 30 Days

Notes: Join Us on June 22nd for our 50th Anniversary Celebration! We're proud to unveil our brand new website - Visit bissettnursery.com today to see all the new features!

Qty Ship	Qty B/O	U/M	Item#	Description	Unit Price	Extension
2		RL	27223	BURLAP WINDBREAK-72" 100 YD	123.500	247.00
5		BG	20603	GREENSAND 0-0-1 36 LB	16.250	81.25
5		EA	21748	ROCK PHOSPHATE 0-3-0 28 LB	17.000	85.00
1		BG	20333	GRASS SEED/MIX-SHADY 25#	44.750	44.75
20		EA	11038	SEDUM KAMTSCHATICUM #1	6.750	135.00
16		EA	11030	SALVIA EAST FRIESLAND #2	7.500	120.00
48		EA	11872	ANNUALS ASSORTED 3.5"FP	1.250	60.00
2		EA	11879	CROCOSMIA LUCIFER #2	7.750	15.50
1		EA	61082	PINE BLACK THNDRHD 18-24"	79.000	79.00
3		EA	60709	BAYBERRY 3-4'	40.000	120.00
5		EA	73057	BLUEBERRY HIGHBUSH #5	28.000	140.00
1		EA	63333	WEIGELA JAVA RED #5	23.000	23.00
3		EA	60899	SPIREA GOLDMOUND #3	13.000	39.00
3		EA	66438	ARONIA MELANOCARPA #3	20.000	60.00
1		EA	60136	JUNIPER TORULOSA #5	38.000	38.00
1		EA	65917	ROSA RUGOSA #3	15.500	15.50
1		EA	60446	SPRUCE COLORADO BLUE PRO #10	195.000	195.00

Payment(s)		Sales Total	Continued *
<small>TERMS: Our regularly stated terms are: 30 days NET. Past due accounts will be assessed a service charge of 2% per month or a rate not to exceed lawful limits. All claims for errors or unsatisfactory stock must be reported upon receipt and confirmed by written memorandum received by us within 5 days. In the event it becomes necessary for our firm to enforce payment, we shall be entitled to court costs, attorney's fees in the sum of 1/3 of the unpaid balance and interest at the rate of 2% per month on all amounts due and payable. "WARRANTY OF MERCHANTABILITY" is waived by the purchaser.</small>		Delivery / Misc	
		Tax	
		Invoice Total	Continued *
		Amount Due	

Printed by:

Invoiced by:



BISSETT NURSERY CORP.
 PO Box 386 - 323 Long Island Avenue
 Holtsville, NY 11742-0386
 Phone (631) 289-3500 Fax (631) 289-3521
 E-mail: info@bissettnursery.com
 Website: www.bissettnursery.com

INVOICE

Invoice #	781664
Invoice Date	5/30/13
Order #	689891-000

** Reprint **

Rev # 1 Page # 2

Customer # 0011545

Sold To: Outstanding Renewal Enterprises Inc
 PO Box 20488
 New York, NY 10009-8972

Ship To / Outstanding Renewal Enterprises Inc
 Job Site: PO Box 20488
 New York, NY 10009-8972

Purchase Order #	Salesman#	Ship Date	Shipped Via	Terms
	99	5/30/13		Charge 30 Days

Notes: Join Us on June 22nd for our 50th Anniversary Celebration! We're proud to unveil our brand new website - Visit bissettnursery.com today to see all the new features!

Qty Ship	Qty B/O	U/M	Item#	Description	Unit Price	Extension

Payment(s)		Sales Total	1,498.00
<small>TERMS: Our regularly stated terms are: 30 days NET. Past due accounts will be assessed a service charge of 2% per month or a rate not to exceed lawful limits. All claims for errors or unsatisfactory stock must be reported upon receipt and confirmed by written memorandum received by us within 5 days. In the event it becomes necessary for our firm to enforce payment, we shall be entitled to court costs, attorney's fees in the sum of 1/3 of the unpaid balance and interest at the rate of 2% per month on all amounts due and payable. "WARRANTY OF MERCHANTABILITY" is waived by the purchaser.</small>		Delivery / Misc	
		Tax .000 4711	
		Invoice Total	1,498.00
		Amount Due	1,498.00

Christina Datz

Printed by: JENN 14:18:47

Invoiced by: LISA 15:52:37



BISSETT NURSERY CORP.
 PO Box 386 - 323 Long Island Avenue
 Holtsville, NY 11742-0386
 Phone (631) 289-3500 Fax (631) 289-3521
 E-mail: info@bissettnursery.com
 Website: www.bissettnursery.com

INVOICE

Invoice #	786513
Invoice Date	6/13/13
Order #	694017-000

Rev# 1 Page # 1

Customer # 0011545
Sold To: Outstanding Renewal Enterprises Inc
 PO Box 20488
 New York, NY 10009-8972

2
Ship To / Job Site: East River Park
 Map 5 Y-18
 Montgomery & South Street
 Manhattan, NY

Purchase Order #	Salesman#	Ship Date	Shipped Via	Terms
	33	6/14/13	Box #59 - Nursery	Charge 30 Days

Notes: Call Christine when there 917-405-0288 We're proud to unveil our brand new website -
 Join Us on June 22nd for our 50th Anniversary Celebration! Visit bissettnursery.com today to see all the new features!

Qty Ship	Qty B/O	U/M	Item#	Description	Unit Price	Extension
7		EA	61858	CEDAR RED EASTERN #7	45.000	315.00
5		EA	69413	BAYBERRY #3	15.000	75.00
50		EA	10011	SALVIA BLUE HILL #1	6.300	315.00
50		EA	10319	SALVIA EAST FRIESLAND #1	6.300	315.00
50		EA	11038	SEDUM KAMTSCHATICUM #1	6.300	315.00

CHARGE

Payment(s)	Sales Total	1,335.00
	Delivery / Misc	305.00
	Tax .000 8081	
	Invoice Total	1,640.00
	Total Paid	
	Amount Due	1,640.00

TERMS: Our regularly stated terms are: 30 days NET. Past due accounts will be assessed a service charge of 2% per month or a rate not to exceed lawful limits. All claims for errors or unsatisfactory stock must be reported upon receipt and confirmed by written memorandum received by us within 5 days.
 In the event it becomes necessary for our firm to enforce payment, we shall be entitled to court costs, attorney's fees in the sum of 1/3 of the unpaid balance and interest at the rate of 2% per month on all amounts due and payable.
 "WARRANTY OF MERCHANTABILITY" is waived by the purchaser. I agree to pay above amount according to card issuer agreement.

Signature: _____

CAITLYN
 16:50:51

WARNING: DO NOT CASH THIS INTUIT® CheckLock™ SECURE CHECK IF ANY FEATURES LISTED ON BACK INDICATE TAMPERING OR COPYING

OUTSTANDING RENEWAL ENTERPRISES, INC.
dba LOWER EAST SIDE ECOLOGY CENTER
P.O. BOX 20488
NEW YORK, NY 10009

CITIBANK, N.A.
NEW YORK CITY, NY 10010
1-148/210

3840

06/29/13

PAY TO THE ORDER OF Bissett

\$**1,335.00

One Thousand Three Hundred Thirty-Five and 00/100***** DOLLARS

Bissett Nursery Corporation
323 Long Island Avenue
P.O. Box 386
Holtsville, L.I., NY 11742-0386

MEMO Invoice 786513



1,335.00

OUTSTANDING RENEWAL ENTERPRISES, INC. / dba LOWER EAST SIDE ECOLOGY CENTER

3840

Bissett
Program Expense: East River Park Stew

06/29/13

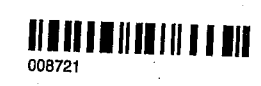
1,335.00

PAYMENT RECORD

CITI EAB Checking Invoice 786513

1,335.00

611691 (5/11)



Rev 10/10

CHANGE

Payment(s)	CHARGE
	Sales Total 1,335.00
	Delivery / Misc 305.00
	Tax 000 8081
	Invoice Total 1,640.00
	Total Paid
	Amount Due 1,640.00

TERMS: Our regularly stated terms are: 30 days NET. Past due accounts will be assessed a service charge of 2% per month or a rate not to exceed lawful limits. All claims for errors or unsatisfactory stock must be reported upon receipt and confirmed by written memorandum received by us within 5 days. In the event it becomes necessary for our firm to enforce payment, we shall be entitled to court costs, attorney's fees in the sum of 1/3 of the unpaid balance and interest at the rate of 2% per month on all amounts due and payable. "WARRANTY OF MERCHANTABILITY" is waived by the purchaser. I agree to pay above amount according to card issuer agreement.

Signature: _____

CAITLYN
16:50:51



BISSETT NURSERY CORP.
 PO Box 386 - 323 Long Island Avenue
 Holtsville, NY 11742-0386
 Phone (631) 289-3500 Fax (631) 289-3521
 E-mail: info@bissettnursery.com
 Website: www.bissettnursery.com

INVOICE

Invoice #	786513
Invoice Date	6/13/13
Order #	694017-000

Rev# 1 Page # 1

Customer # 0011545
Sold To: Outstanding Renewal Enterprises Inc
 PO Box 20488
 New York, NY 10009-8972

2
Ship To / Job Site: East River Park
 Map 5 Y-18
 Montgomery & South Street
 Manhattan, NY

Purchase Order #	Salesman#	Ship Date	Shipped Via	Terms
	33	6/14/13	Box #59 - Nursery	Charge 30 Days

Notes: Call Christine when there 917-405-0288. We're proud to unveil our brand new website -
 Join Us on June 22nd for our 50th Anniversary Celebration! Visit bissettnursery.com today to see all the new features!

Qty Ship	Qty B/O	U/M	Item#	Description	Unit Price	Extension
7		EA	61858	CEDAR RED EASTERN #7	45.000	315.00
5		EA	69413	BAYBERRY #3	15.000	75.00
50		EA	10011	SALVIA BLUE HILL #1	6.300	315.00
50		EA	10319	SALVIA EAST FRIESLAND #1	6.300	315.00
50		EA	11038	SEDUM KAMTSCHATICUM #1	6.300	315.00

CHARGE

Payment(s)	Sales Total	1,335.00
	Delivery / Misc	305.00
	Tax 000 8081	
	Invoice Total	1,640.00
	Total Paid	
	Amount Due	1,640.00

TERMS: Our regularly stated terms are: 30 days NET. Past due accounts will be assessed a service charge of 2% per month or a rate not to exceed lawful limits. All claims for errors or unsatisfactory stock must be reported upon receipt and confirmed by written memorandum received by us within 5 days.
 In the event it becomes necessary for our firm to enforce payment, we shall be entitled to court costs, attorney's fees in the sum of 1/3 of the unpaid balance and interest at the rate of 2% per month on all amounts due and payable.
 WARRANTY OF MERCHANTABILITY is waived by the purchaser. I agree to pay above amount according to card issuer agreement.

Signature: _____ CAITLYN 16:50:51



P.O. BOX 247
 ALLENTOWN, NJ 08501
 PHONE: (609) 259-8585
 FAX: (609) 259-6044

Invoice

DATE	INVOICE #
7/6/2013	32497

BILL TO
 Outstanding Renewal Enterprises, Inc.
 dba Lowes East Side Ecology Center
 PO Box 20488
 New York, NY 10009

SHIP TO
 Del: Sat July 6th @ 8:30 (WW)
 East River Park
 Montgomery St & South St. NY, NY
 Cell: 917-405-0288
 Phone: 212-477-4022

P.O. #	TERMS	SHIP	VIA	F.O.B.
Christina D.-...	Due on receipt	7/6/2013	Truck-NY	NJ

QUANTITY	ITEM CODE	DESCRIPTION	PRICE EACH	AMOUNT
2	MAGVZZ0745	Magnolia virginiana #7 4-5' (M.S.)	55.00	110.00
15	RHUGLA0534	Rhus glabra Laciniata #5 3-4'	40.00	600.00
7	RHUTTI0523	Rhus typhina Tiger Eyes #5 2-3	40.00	280.00
11	AGAXBA0200	Agastache x Black Adder #2 (deep blue)	6.25	68.75
30	HEMXRN0200	Hemerocallis Rocket City #2 (bicolor orange)	8.25	247.50
50	SALNCA0200	Salvia nemerosa Caradonna #2 (violet-blue)	6.25	312.50
		Subtotal		1,618.75
	delivery	Delivery charge-non taxable *Customer is responsible to meet truck and offload plant material.	350.00	350.00

Thank you for your business!
 Heidi & Richard Hesselein

Total \$1,968.75

PLEASE NOTE: Past due accounts will be charged a 1.5% per month service charge for payments received after terms stated on invoice.

Christina D...



City of New York Parks and Recreation

Greenbelt Native Plant Center

3808 Victory Boulevard, Staten Island, New York 10314-6720
Phone (718) 370-9044 Fax (718) 370-0932

INVOICE

BOL-546

4/23/2013

Page 1 of 1

Lower East Side Ecology Center

BOL #541

Ship To:

Christine Datz-Romero
P. O. Box 20488
New York, NY 10009

Bill To:

Lower East Side Ecology Center
P. O. Box 20488
New York, NY 10009

Species	Size	Ordered	Shipped	Unit Price	Amount
Aquilegia canadensis L.	2 3/8"	50	40	\$1.00	\$40.00
Asclepias tuberosa L.	2 3/8"	32	32	\$1.00	\$32.00
Vernonia noveboracensis (L.) Michx.	2 3/8"	200	200	\$0.90	\$180.00

Total Amount: \$252.00

Terms: 30 Days

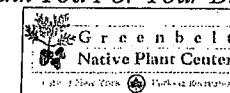


WWW.Greenbeltnativeplantcenter.org

45 Days past Due

Make Check Payable To: City of New York Parks and Recreation
3808 Victory Boulevard, Staten Island, New York 10314-6720

Thank You For Your Business





BISSETT NURSERY CORP.
 PO Box 386 - 323 Long Island Avenue
 Holtsville, NY 11742-0386
 Phone (631) 289-3500 Fax (631) 289-3521
 E-mail: info@bissettnursery.com
 Website: www.bissettnursery.com

INVOICE

Invoice #	806896
Invoice Date	9/24/13
Order #	718362-000

Rev# 1 Page # 1

Customer # 0011545

Sold To: Outstanding Renewal Enterprises Inc
 PO Box 20488
 New York, NY 10009-8972

Ship To / Job Site: Outstanding Renewal Enterprises Inc
 PO Box 20488
 New York, NY 10009-8972

Purchase Order #	Salesman#	Ship Date	Shipped Via	Terms
	99	9/24/13		Charge 30 Days

Notes: We're proud to unveil our brand new website - Visit bissettnursery.com today to see all the new features!

Qty Ship	Qty B/O	U/M	Item#	Description	Unit Price	Extension
5		EA	67370	BUILDER SHRUBS (ORANGE DOT)	6.000	30.00
2		EA	67402	BUILDER SHRUBS (LIME GRN)	40.000	80.00
2		EA	67378	BUILDER SHRUBS (BLUE DOT)	10.000	20.00
1		EA	67370	BUILDER SHRUBS (ORANGE DOT)	6.000	6.00
3		EA	60677	PLUM BEACH #3	17.500	52.50
12		EA	66527	ROSA RUGOSA #2	6.500	78.00
3		EA	69413	BAYBERRY #3	15.000	45.00
1		EA	62518	ARONIA ARB BRILLIANTISSIMA #3	16.000	16.00
10		EA	12233	HELIANTHUS FIRST LIGHT #1	7.000	70.00
6		EA	16942	AGASTACHE BLUE FORTUNE #1	6.000	36.00
7		EA	12843	SOLIDAGO GOLDEN FLEECE #1	6.250	43.75
5		EA	12544	ECHINACEA HOT SUMMER #1	11.500	57.50
1		EA	25806	SAW PRUNING- 6" FOLDING F-600	32.750	32.75
2		EA	23280	GLOVES=DRIV DEERSKIN LG 962	16.500	33.00
1		PR	23376	GLOVES=DRIVER LEATHER LG 1132	16.000	16.00

Payment(s)	Sales Total	616.50
	Delivery / Misc	
	Tax .000 4711	
	Invoice Total	616.50
	Total Paid	
	Amount Due	616.50

TERMS: Our regularly stated terms are: 30 days NET. Past due accounts will be assessed a service charge of 2% per month or a rate not to exceed lawful limits. All claims for errors or unsatisfactory stock must be reported upon receipt and confirmed by written memorandum received by us within 5 days.
 In the event it becomes necessary for our firm to enforce payment, we shall be entitled to court costs, attorney's fees in the sum of 1/3 of the unpaid balance and interest at the rate of 2% per month on all amounts due and payable.
 "WARRANTY OF MERCHANTABILITY" is waived by the purchaser. I agree to pay above amount according to card issuer agreement.

Signature: Christina Datz LISA 13:17:54

Van Engelen Flower
Bulbs<customerservice@vanengelen.com>
To: christine datz-romero <oreinc@earthlink.net>
Van Engelen Order Confirmation

November 11, 2013 9:50 AM

Thank you for your Van Engelen order! Please take a moment to double check your order. We will ship your flower bulb order to the shipping address below in time for proper fall planting.

The following items are confirmed on:

Date: November 1, 2013

Our order #: 10485353

Ship to: LOWER EASTSIDE ECOLOGY CENTER CHRISTINE DATZ-ROMERO
HZ:7b 469 PRESIDENT ST, BROOKLYN NY 11215-1016

Item	Description	Units	Bulbs	Amount
1134	ALLIUM AZUREUM	5x100	(500)	\$65.70
3049	CAMASSIA CUSICKII	20x10	(200)	\$169.00
3717	MUSCARI ARMENIACUM	50x100	(5000)*	\$533.00
3954	HYACINTHOIDES NON-SCRIPTA	100x50	(5000)*	\$1222.00
5071	TULIP BEAUTY QUEEN	5x50	(250)	\$128.75
5665	TULIP PRINCESS IRENE	5x100	(500)	\$165.90

*CANNOT SUPPLY 2 T BEAUTY QUEE

-- Subtotal: 2284.35

Sales Tax: 0.00 S&H: 228.44 Total: 2512.79

--
Please email with questions to customerservice@vanengelen.com?
subject=3DOrder:10485353
You can link to our website: www.vanengelen.com or call us at 860-567-8734

M Race Farm Date 3/5/14

Address _____

Reg. No.	Clerk	Account Forward
1		
2	5 Gallons	52.50
3		
4	5 Basket material	17
5		
6	6 Qt per.	33
7		
8		102.50
9	10.25	- 10%
10		
11		
12	Pd	\$92.25
13		
14	0904-24	
15		

A-1200/3510/3530 T-45202/46202/46203 Your Account Stated to Date - If Error is Found, Return at Once

M Race Farm Date 4/21/14

Address _____

Reg. No.	Clerk	Account Forward
1		
2	(8) 2 Qt	
3		
4	wild-flowers	\$54.00
5		
6		
7	\$60 - 10% off	
8		
9		
10		
11		
12		
13		
14	8986-20	
15		

A-1200/3510/3530 T-45202/46202/46203 Your Account Stated to Date - If Error is Found, Return at Once

M Race Farm Date 5/26/14

Address _____

Reg. No.	Clerk	Account Forward
1		
2		
3	Gaura 8 @ 4.75	
4		
5	2 Flats	25
6		
7		
8		
9	-10%	
10		
11	\$56	
12		
13		
14	7445-55	
15		

A-1200/3510/3530 T-45202/46202/46203 Your Account Stated to Date - If Error is Found, Return at Once

Race Farm
 16 x 4.75 = 76
 4 x 3 @ \$10 = 40
 \$116
 - 10% (\$11.60)
 \$104.40
 Pd
 (908) 362-8520

Date 6/2/14

M Race Farm

Address _____

Reg. No.	Clerk	Account Forward		
1				
2	Flowers		160	
3				
4				
5				
6				
7				
8	Pd			
9				
10				
11	DR			
12				
13				
14	7445-41			
15				



BISSETT NURSERY CORP.
 PO Box 386 - 323 Long Island Avenue
 Holtsville, NY 11742-0386
 Phone (631) 289-3500 Fax (631) 289-3521
 E-mail: info@bissettnursery.com
 Website: www.bissettnursery.com

INVOICE

Invoice #	826118
Invoice Date	4/11/14
Order #	744931-000

Rev# 1 Page # 1

Customer # 0011545
Sold To: Outstanding Renewal Enterprises Inc
 PO Box 20488
 New York, NY 10009-8972

Ship To / Outstanding Renewal
Job Site: 299 South St @ Montgomery St
 Call Christina for Directions
 (917-405-0288) (East River Pk)
 New York, NY 10009-8972

Purchase Order #	Salesman#	Ship Date	Shipped Via	Terms
	99	4/11/14	Flatbed #30 - HG	Charge 30 Days

Notes: Wants Sat 4/12 May add pansies from nora
 Visit bissettnursery.com today to see all the new features!
 We're proud to unveil our brand new website -

Qty Ship	Qty B/O	U/M	Item#	Description	Unit Price	Extension
5		EA	25768	BROOM-STREET 16" BASS 186B-16	16.250	81.25
5		BG	20330	GRASS SEED/MIX-FARMINGDALE 25#	45.750	228.75
1		EA	21028	DUCKBILL SYSTEM KIT 40-DTS	17.750	17.75
12		EA	28468	RAKE LEVEL-15" 66" HDL 18-861	29.500	354.00
1		EA	27681	HOSE REEL-CADDY/COMM 23-805	163.000	163.00
3		EA	23508	HOSE 5/8" RUBBER-INDUSTR 75'	79.750	239.25
3		EA	22913	WHEELBARROW-STEEL BLUE M6T22BB	134.500	403.50
3		EA	21395	WHEEL-REP TIRE (SOLID)	44.500	133.50
1		EA	20164	SPREADER-SPYKER 50# CAP 209010	220.000	220.00
5		BG	50186	SAND MASON 50 LB	3.500	17.50
1		EA	23493	DUCKBILL DRIVE RODS-2'-3/8" 40	* 6.500	6.50
18		EA	22117	ROUND POINT LH TRUPER BK 31207	17.500	315.00

CHANGE

Payment(s)	Sales Total	2,180.00
	Delivery / Misc	100.00
	Tax .000 8081	
	Invoice Total	2,280.00
	Total Paid	
	Amount Due	2,280.00

TERMS: Our regularly stated terms are: 30 days NET. Past due accounts will be assessed a service charge of 2% per month or a rate not to exceed lawful limits. All claims for errors or unsatisfactory stock must be reported upon receipt and confirmed by written memorandum received by us within 5 days.
 In the event it becomes necessary for our firm to enforce payment, we shall be entitled to court costs, attorney's fees in the sum of 1/3 of the unpaid balance and interest at the rate of 2% per month on all amounts due and payable.
 "WARRANTY OF MERCHANTABILITY" is waived by the purchaser. I agree to pay above amount according to card issuer agreement.

Signature: _____ JEN 16:39:11



P.O. BOX 247
 ALLENTOWN, NJ 08501
 PHONE: (609) 259-8585
 FAX: (609) 259-6044

Invoice

DATE	INVOICE #
4/24/2014	34610

BILL TO
Outstanding Renewal Enterprises, Inc. dba Lowes East Side Ecology Center PO Box 20488 New York, NY 10009

SHIP TO
Del: Thurs April 24th @ 10 (RE) East River Park Montgomery St & South St. NY, NY Olivia Cell: 504-520-9596 Phone: 212-477-4022

P.O. #	TERMS	SHIP	VIA	F.O.B.
Christine	Due on receipt	4/24/2014	Truck-NY	NJ

QUANTITY	ITEM CODE	DESCRIPTION	PRICE EACH	AMOUNT
5	BAPXPS0100	Baptisia x Purple Smoke #1 (purple-blue)	8.25	41.25
3	BUDDRR0315	Buddleia davidii Royal Red #3 (burgundy red)	16.95	50.85
50	ECHPMA0200	Echinacea purpurea Magnus #2 (pink)	6.25	312.50
15	HELLRH0100	Helleborus x Royal Heritage Strain #1 (white/pink/rose/burgundy)	10.50	157.50
3	MYRPZZ03189	Myrica pensylvanica #3 18-24"	17.95	53.85
5	ROSRHH03009	Rosa rugosa Hansa #3 (violet-red) sub for R. rugosa	16.95	84.75
50	SALNEF0200	Salvia nemerosa East Friesland #2 (blue-purple)	6.25	312.50
5	SPIJGO03159	Spiraea japonica Gold Mound #3 15-18" (pink)	16.95	84.75
5	VACAZZ01129	Vaccinium angustifolium #1	13.50	67.50
50	VERGZZ0200	Vernonia glauca #2 (purple)	6.25	312.50
		Subtotal		1,477.95
	delivery	Delivery charge-non taxable *Customer is responsible to meet truck and offload plant material.	350.00	350.00

Please review quantity, size and variety carefully. We thank you for your business.	Total	\$1,827.95
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PLEASE NOTE: Past due accounts will be charged a 1.5% per month service charge for payments received after terms stated on invoice.

- Customer Copy -



BISSETT NURSERY CORP.
 PO Box 386 - 323 Long Island Avenue
 Holtsville, NY 11742-0386
 Phone (631) 289-3500 Fax (631) 289-3521
 E-mail: info@bissettnursery.com
 Website: www.bissettnursery.com

INVOICE

Invoice #	830029
Invoice Date	4/24/14
Order #	750361-000

Rev# 1 Page # 1

Customer # 0011545

Sold To: Outstanding Renewal Enterprises Inc
 PO Box 20488
 New York, NY 10009-8972

Ship To / Job Site: Outstanding Renewal Enterprises Inc
 PO Box 20488
 New York, NY 10009-8972

Purchase Order #	Salesman#	Ship Date	Shipped Via	Terms
	47	4/24/14		Charge 30 Days

Notes: STAY CONNECTED with Bissett for info, tools & products that help your business. Follow Us on Social Media!

Qty Ship	Qty B/O	U/M	Item#	Description	Unit Price	Extension
5		EA	21748	ROCK PHOSPHATE 0-3-0 28 LB	17.500	87.50
5		BG	20603	GREENSAND 0-0-1 36 LB	17.500	87.50

Payment(s)	Sales Total	175.00
	Delivery / Misc	
	Tax .000 4711	
	Invoice Total	175.00
	Total Paid	
	Amount Due	175.00

TERMS: Our regularly stated terms are: 30 days NET. Past due accounts will be assessed a service charge of 2% per month or a rate not to exceed lawful limits. All claims for errors or unsatisfactory stock must be reported upon receipt and confirmed by written memorandum received by us within 5 days.
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 "WARRANTY OF MERCHANTABILITY" is waived by the purchaser. I agree to pay above amount according to card issuer agreement.

Signature: _____

LAURAZW
13:15:20



BISSETT NURSERY CORP.
 PO Box 386 - 323 Long Island Avenue
 Holtsville, NY 11742-0386
 Phone (631) 289-3500 Fax (631) 289-3521
 E-mail: info@bissettnursery.com
 Website: www.bissettnursery.com

INVOICE

Invoice #	830032
Invoice Date	4/24/14
Order #	750364-000

Rev# 1 Page # 1

Customer # 0011545

Sold To: Outstanding Renewal Enterprises Inc
 PO Box 20488
 New York, NY 10009-8972

Ship To / Outstanding Renewal Enterprises Inc
 Job Site: PO Box 20488
 New York, NY 10009-8972

Purchase Order #	Salesman#	Ship Date	Shipped Via	Terms
	34	4/24/14		Charge 30 Days

Notes: STAY CONNECTED with Bissett for info, tools & products that help your business. Follow Us on Social Media!

Qty Ship	Qty B/O	U/M	Item#	Description	Unit Price	Extension
3		EA	63642	BARBERRY ORANGE ROCKET #3	19.500	58.50
2		EA	62001	CAMELLIA #3	28.000	56.00
1		EA	68942	CEDAR DEODARA SNOW SPRITE #6	115.000	115.00
2		EA	62382	CRYPTOMERIA LTL CHAMPION #6	89.000	178.00
3		EA	63808	YUCCA COLOR GUARD #3	21.000	63.00
1		EA	66694	PINE BLACK THNDRHD 30-36" #5	95.000	95.00
3		EA	62421	PINE WHITE DWARF #5	69.000	207.00
1		EA	63413	MAPLE JAP-CRIMSON QUEEN 4-5'	220.000	220.00
12		EA	10860	CONVALLARIA MAJALIS #1	6.500	78.00
36		EA	12460	MERTENSIA VIRGINA 1Q	* 3.750	135.00

Payment(s)	Sales Total	1,205.50
	Delivery / Misc	
	Tax 000 4711	
	Invoice Total	1,205.50
	Total Paid	
	Amount Due	1,205.50

TERMS: Our regularly stated terms are: 30 days NET. Past due accounts will be assessed a service charge of 2% per month or a rate not to exceed lawful limits. All claims for errors or unsatisfactory stock must be reported upon receipt and confirmed by written memorandum received by us within 5 days.
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 WARRANTY OF MERCHANTABILITY is waived by the purchaser. I agree to pay above amount according to card issuer agreement.

Signature: Christina Datz

LAURAZW
13:17:18



BISSETT NURSERY CORP.
 PO Box 386 - 323 Long Island Avenue
 Holtsville, NY 11742-0386
 Phone (631) 289-3500 Fax (631) 289-3521
 E-mail: info@bissettnursery.com
 Website: www.bissettnursery.com

INVOICE

Invoice #	830031
Invoice Date	4/24/14
Order #	750363-000

Rev# 1 Page # 1

Customer # 0011545

Sold To: Outstanding Renewal Enterprises Inc
 PO Box 20488
 New York, NY 10009-8972

Ship To / Job Site: Outstanding Renewal Enterprises Inc
 PO Box 20488
 New York, NY 10009-8972

Purchase Order #	Salesman#	Ship Date	Shipped Via	Terms
	47	4/24/14		Charge 30 Days

Notes: STAY CONNECTED with Bissett for info, tools & products that help your business. Follow Us on Social Media!

Qty Ship	Qty B/O	U/M	Item#	Description	Unit Price	Extension
15		EA	29433	FENCE=SNOW {5 WIRE/NAT} 4'X50'	47.500	712.50
70		EA	21200	FENCE-POST STEEL 6' 13 GAUGE	7.000	490.00
6		BG	20330	GRASS SEED/MIX-FARMINGDALE 25#	49.750	298.50
1		EA	23286	GLOVES-DRIV DEERSKIN XL 962	16.500	16.50

Payment(s)	Sales Total	1,517.50
	Delivery / Misc	
	Tax .000 4711	
	Invoice Total	1,517.50

TERMS: Our regularly stated terms are: 30 days NET. Past due accounts will be assessed a service charge of 2% per month or a rate not to exceed lawful limits. All claims for errors or unsatisfactory stock must be reported upon receipt and confirmed by written memorandum received by us within 5 days.
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 "WARRANTY OF MERCHANTABILITY" is waived by the purchaser. I agree to pay above amount according to card issuer agreement.

Signature:

LAURAZW

Amount Due 1,517.50



BISSETT NURSERY CORP.
 PO Box 386 - 323 Long Island Avenue
 Holtsville, NY 11742-0386
 Phone (631) 289-3500 Fax (631) 289-3521
 E-mail: info@bissettnursery.com
 Website: www.bissettnursery.com

INVOICE

Invoice #	869023
Invoice Date	9/11/14
Order #	794654-000

Rev# 1 Page # 1

Customer # 0011545

Sold To: Outstanding Renewal Enterprises Inc
 PO Box 20488
 New York, NY 10009-8972

Ship To / Job Site: Outstanding Renewal Enterprises Inc
 PO Box 20488
 New York, NY 10009-8972

Purchase Order #	Salesman#	Ship Date	Shipped Via	Terms
	99	9/11/14		Charge 30 Days

Notes: Kick Off your Fall Season with a SALE and a PARTY
 Get all the details at Bissettnursery.com

Fall Kick Off Expo - Sat., Sept 13th - 11 am - 3 pm

Qty Ship	Qty B/O	U/M	Item#	Description	Unit Price	Disc	Extension
9		EA	21748	ROCK PHOSPHATE 0-3-0 28 LB	17.500		157.50
10		BG	20603	GREENSAND 0-0-1 36 LB	17.500		175.00
2		EA	22245	HOSE END FEMALE-5/8-3/4MET01FZ	4.500		9.00
2		EA	22242	HOSE END MALE-5/8-3/4"MET 01MZ	4.500		9.00
1		EA	21236	TAMPER-10"X 10"HICKORY 11-337	32.750		32.75
1		EA	21395	WHEEL-REP TIRE (SOLID)	49.000		49.00
1		EA	23975	HOSE NOZZLE EASY CLIK 50120	14.750		14.75
1		EA	21528	SPRINKLER-WHIRL H.D. MTL 50230	13.500		13.50

Payment(s)	Sales Total	460.50
	Delivery / Misc	
	Tax 4711	
	Invoice Total	460.50
	Total Paid	
	Amount Due	460.50

TERMS: Our regularly stated terms are: 30 days NET. Past due accounts will be assessed a service charge of 2% per month or a rate not to exceed lawful limits. All claims for errors or unsatisfactory stock must be reported upon receipt and confirmed by written memorandum received by us within 5 days.
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 "WARRANTY OF MERCHANTABILITY" is waived by the purchaser. I agree to pay above amount according to card issuer agreement.

Signature: _____
 Christina Datz

LISA
 16:41:57



P.O. BOX 247
 ALLENTOWN, NJ 08501
 PHONE: (609) 259-8585
 FAX: (609) 259-6044

Invoice

DATE	INVOICE #
10/23/2014	37371

BILL TO
Outstanding Renewal Enterprises, Inc. dba Lower East Side Ecology Center PO Box 20488 New York, NY 10009

SHIP TO
Customer Pick Up: Cell: 917-405-0288 Phone: 212-477-4022

P.O. #	TERMS	SHIP	VIA	F.O.B.
	Due on receipt	10/23/2014	Pick Up-CP	NJ

QUANTITY	ITEM CODE	DESCRIPTION	PRICE EACH	AMOUNT
5	CRAVWK1568	Crataegus viridis Winter King #15 6-8', 1.5-1.75", (white) **Tagged**	100.00	500.00T
3	JUNVZZ07349	Juniperus virginiana #7 3-4' **Tagged**	45.00	135.00T
15	PENOKR0300	Pennisetum orientale Karley Rose #3 (rose seedheads)	9.25	138.75T
5	RHUCLP0318	Rhus copallina Lanham's Purple #3 18-24" **Tagged** and pulled out	21.95	109.75T
7	RHUCGG0312	Rhus aromatica Green Globe #3 12-15" **Tagged** and pulled out	18.95	132.65T
10	AGAXPU0200	Agastache x Purple Haze #2 (smoky violet-blue)	6.25	62.50T
10	CHRXSP0200	Chrysanthemum Sheffield Pink #2 (shell-pink)	6.25	62.50T
		Subtotal		1,141.15
		NJ Sales Tax @ 7%	7.00%	79.88

Please review quantity, size and variety carefully. We thank you for your business.	Total	\$1,221.03
---	--------------	------------

PLEASE NOTE: Past due accounts will be charged a 1.5% per month service charge for payments received after terms stated on invoice.



P.O. BOX 247
 ALLENTOWN, NJ 08501
 PHONE: (609) 259-8585
 FAX: (609) 259-6044

Acknowledgment

DATE	INVOICE #
12/31/2014	36715

BILL TO
Outstanding Renewal Enterprises, Inc. dba Lower East Side Ecology Center PO Box 20488 New York, NY 10009

SHIP TO
Del: Mon Sept 8th @ 7 (RE?) East River Park 299 South St. NY, NY Cell: 917-405-0288 Phone: 212-477-4022

P.O. #	TERMS	SHIP	VIA	F.O.B.	Office	ORDER DATE
Christine	Due on receipt	9/8/2014	Truck-NY	NJ	LAS	9/4/14

QUANTITY	ITEM CODE	DESCRIPTION	PRICE EACH	AMOUNT
7	COPSWF0318	Cornus sanguinea Winter Flame #3 18-24"	22.95	160.65
12	INDAZZ0312	Indigofera amblyantha #3 (pink)	15.95	191.40
5	JUNVZZ07349	Juniperus virginiana #7 3-4' **Arriving Fri Sept 5th**	45.00	225.00
3	MYRPMO0315	Myrica pensylvanica Morton Male #3 15-18"	19.95	59.85
4	RHUTTI0523	Rhus typhina Tiger Eyes #5 2-3'	40.00	160.00
7	VACCJE0318	Vaccinium corymbosum Jersey #3 18-24" (mid-season/late)	17.95	125.65
30	ASRNP0200	Aster novae-angliae Purple Dome #2 (deep purple)	6.25 *	187.50
30	ASRNVB0200	Aster novae-angliae Vibrant Dome #2 (brilliant pink)	6.25	187.50
35	COOXCE0200	Coreopsis x Cosmic Eye #2 (gold w/ burgundy)	6.25	218.75
45	VERNZZ0200	Vernonia noveboracensis #2 (purple)	6.25	281.25
30	MISSML0300	Miscanthus sinensis Morning Light #3	9.25	277.50
40	PANVDB0300	Panicum virgatum Dallas Blues #3	9.25	370.00
40	SCHSTB0200	Schizachyrium scoparium The Blues #2	8.95	358.00
		Subtotal		2,803.05
	delivery	Delivery charge-non taxable *Customer is responsible to meet truck and offload plant material.	350.00	350.00

Please review quantity, size and variety carefully. We thank you for your business.	Total	\$3,153.05
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P.O. BOX 247
 ALLENTOWN, NJ 08501
 PHONE: (609) 259-8585
 FAX: (609) 259-6044

Invoice

DATE	INVOICE #
6/11/2015	39170

BILL TO
Outstanding Renewal Enterprises, Inc. dba Lower East Side Ecology Center PO Box 20488 New York, NY 10009

SHIP TO
Del: Thurs 6/11 (3rd Stop) RE East River Park 299 South St, NY 10002. Cell: 917-405-0288 Phone: 212-477-4022

P.O. #	TERMS	SHIP	VIA	F.O.B.
Christine	Due on receipt	6/11/2015	Truck-NY	NJ

QUANTITY	ITEM CODE	DESCRIPTION	PRICE EACH	AMOUNT
10	CEAAZZ0312	Ceanothus americanus #3 (white)	16.95	169.50
5	JUNVZZ07349	Juniperus virginiana #7 3-4'	45.00	225.00
10	VACCBE0318	Vaccinium corymbosum Berkeley #3 18-24" (mid-season)	17.95	179.50
26	GAULSP01009	Gaura linderheimeri Siskiyou Pink #1 (rose-pink)	6.25	162.50
38	GAULWB010...	Gaura linderheimeri Whirling Butterflies #1 (white)	6.25	237.50
50	GERXRO0100	Geranium x Rozanne #1 (blue-purple)	7.95	397.50
20	HEUXSO01009	Heuchera x Southern Comfort #1 (peachy-amber to copper-orange)	8.95	179.00
15	HEULST0100	Heucherella x Stoplight #1 (chartreuse-yellow w/ burgundy)	8.95	134.25
50	PEODDT0200	Penstemon digitalis Dark Towers #2 (pale pink)	6.25	312.50
30	SALPRB0200	Salvia pratensis Rhapsody in Blue #2 (deep blue-violet)	6.25	187.50
		Subtotal		2,184.75
	delivery	Delivery charge-non taxable (COMBO Reg Del \$350) *Customer is responsible to meet truck and offload plant material.	175.00	175.00

Thank you for your business! Heidi & Richard Hesselein	Total	\$2,359.75
---	--------------	-------------------

PLEASE NOTE: Past due accounts will be charged a 1.5% per month service charge for payments received after terms stated on invoice.



rareFINDnursery
 Purveyors of Fine Plants

Order # 120007443
 Order Date: Jun 4, 2015

Customer Email: oreinc@earthlink.net

Ship to:

Sold to:

Christine Datz-Romero
 Outstanding Renewal Enterprises, Inc./Lower
 Eastside Ecology Center
 P.O. Box 20488
 New York, NY, 10009
 T: 212-477-4022

Christine Datz-Romero
 Outstanding Renewal Enterprises, Inc./Lower
 Eastside Ecology Center
 P.O. Box 20488
 New York, NY, 10009
 T: 212-477-4022

Payment Method

Shipping Method:

Check / Money Order / Cash
 Make Check payable to: RareFind Nursery
 Send Check to:
 RareFind Nursery 957 Patterson Road Jackson, NJ 08527
 Do not send cash through the mail.
 Cash payments are accepted at the nursery only.

Shipping - Pick up + NJ Sales Tax (Indicate pick up date in comments field below)

(Total Shipping Charges \$50.40)

Approximate Ship Date (week of)

Ship Date: 06/08/2015
 Comments:

Products	Price	Qty	Tax	Subtotal
Pinus strobus 'Golden Candles' 10-15" 2 gal.	\$75.00	6	\$0.00	\$450.00
R. (azalea) Deciduous 'Lakeside' 10-15" plant 1 gal. pot	\$25.00	1	\$0.00	\$25.00
Acer shirasawanum 'Aureum' (Golden Full Moon Maple) 10-15" plant 1 gal pot	\$45.00	1	\$0.00	\$45.00
Sciadopitys verticillata 'Wintergreen' Japanese Umbrella Pine 18-24" plant 2 gal. pot	\$75.00	1	\$0.00	\$75.00
Taxodium distichum 'Peve Minaret' (Baldcypress) 24-30" plant 2 gal.	\$75.00	1	\$0.00	\$75.00
Magnolia grandiflora 'Kay Parris' 10-15" plant 1 gal. pot	\$25.00	1	\$0.00	\$25.00
Buxus sempervirens 'Aurea Pendula' Boxwood 10-15" plant 1 gal. pot	\$25.00	1	\$0.00	\$25.00

Subtotal: \$720.00
Shipping & Handling: \$50.40
Grand Total: \$770.40



rareFINDnursery
Purveyors of Fine Plants

RareFind Nursery
957 Patterson Road
Jackson, NJ 08527

Order # 120007442
Order Date: Jun 4, 2015

Customer Email: oreinc@earthlink.net

Ship to:

Sold to:

Christine Datz-Romero
Outstanding Renewal Enterprises, Inc./Lower
Eastside Ecology Center
P.O. Box 20488
New York, NY, 10009
T: 212-477-4022

Christine Datz-Romero
Outstanding Renewal Enterprises, Inc./Lower
Eastside Ecology Center
P.O. Box 20488
New York, NY, 10009
T: 212-477-4022

Payment Method

Shipping Method:

Check / Money Order / Cash
Make Check payable to: RareFind Nursery
Send Check to:
RareFind Nursery 957 Patterson Road Jackson, NJ 08527
Do not send cash through the mail.
Cash payments are accepted at the nursery only.

Shipping - Pick up + NJ Sales Tax (Indicate pick up date in comments field below)

(Total Shipping Charges \$18.90)

Approximate Ship Date (week of)

Ship Date: 06/08/2015
Comments: misc perennial is Marshallia grandiflora

Products	Price	Qty	Tax	Subtotal
Misc Perennial	\$10.00	9	\$0.00	\$90.00
Veronicastrum virginicum (Culver's Root) 1 gal. pot	\$15.00	12	\$0.00	\$180.00

Subtotal: \$270.00
Shipping & Handling: \$18.90
Grand Total: \$288.90



BISSETT NURSERY CORP.
 PO Box 386 - 323 Long Island Avenue
 Holtsville, NY 11742-0386
 Phone (631) 289-3500 Fax (631) 289-3521
 E-mail: info@bissettnursery.com
 Website: www.bissettnursery.com

INVOICE

Invoice #	928640
Invoice Date	8/28/15
Order #	863303-000

Rev# 1 Page # 1

Customer # 0011545
Sold To: Outstanding Renewal Enterprises Inc
 PO Box 20488
 New York, NY 10009-8972

Ship To / Outstanding Renewal Enterprises Inc
Job Site: PO Box 20488
 New York, NY 10009-8972

Purchase Order #	Salesman#	Ship Date	Shipped Via	Terms
	99	8/28/15		Charge 30 Days

Notes: Fast, Easy & Convenient! We're not talking about a Mower! We are talking about the New E-Commerce Website!
 Start Buying Online Now at BissettEquipment.com

Qty Ship	Qty B/O	U/M	Item#	Description	Unit Price	Disc	Extension
10		EA	50742	STONE-MEXICAN BEACH 1"-2" 75LB	38.500		385.00
1		EA	60429	SPRUCE GLOBE #5	65.000		65.00
1		EA	62044	SPRUCE COLORADO BLUE PRO #6	115.000		115.00
1		EA	61834	JUNIPER MINT JULEP POMPOM #2	60.000		60.00
4		EA	14550	FERN JAPANESE PAINTED #1	7.250		29.00
3		EA	10922	HIBISCUS ASSORTED #3	12.000		36.00

Payment(s)	Sales Total	690.00
	Delivery / Misc	
	Tax 4711	
	Invoice Total	690.00
	Total Paid	
	Amount Due	690.00

TERMS: Our regularly stated terms are: 30 days NET. Past due accounts will be assessed a service charge of 2% per month or a rate not to exceed lawful limits. All claims for errors or unsatisfactory stock must be reported upon receipt and confirmed by written memorandum received by us within 5 days.
 In the event it becomes necessary for our firm to enforce payment, we shall be entitled to court costs, attorney's fees in the sum of 1/3 of the unpaid balance and interest at the rate of 2% per month on all amounts due and payable.
 "WARRANTY OF MERCHANTABILITY" is waived by the purchaser. I agree to pay above amount according to card issuer agreement.

Signature: _____ JAMIE
 Christina Dotz 14:13:21



BISSETT NURSERY CORP.
 PO Box 386 - 323 Long Island Avenue
 Holtsville, NY 11742-0386
 Phone (631) 289-3500 Fax (631) 289-3521
 E-mail: info@bissettnursery.com
 Website: www.bissettnursery.com

INVOICE

Invoice #	928641
Invoice Date	8/28/15
Order #	863302-000

Rev# 1 Page # 1

Customer # 0011545

Sold To: Outstanding Renewal Enterprises Inc
 PO Box 20488
 New York, NY 10009-8972

Ship To / Job Site: Outstanding Renewal Enterprises Inc
 PO Box 20488
 New York, NY 10009-8972

Purchase Order #	Salesman#	Ship Date	Shipped Via	Terms
	99	8/28/15		Charge 30 Days

Notes: Fast, Easy & Convenient! We're not talking about a Mower! We are talking about the New E-Commerce Website!
 Start Buying Online Now at BissettEquipment.com

Qty Ship	Qty B/O	U/M	Item#	Description	Unit Price	Disc	Extension
10		BG	20603	GREENSAND 0-0-1 36 LB	25.500		255.00
10		EA	21748	ROCK PHOSPHATE 0-3-0 28 LB	17.500		175.00
1		BG	20770	HOLLY-TONE 4-3-4 50 LB	26.500		26.50
1		EA	27681	HOSE REEL-CADDY/COMM 23-805	172.000		172.00
24		EA	22117	TRUPER ROUND POINT LH BK 31207	17.500		420.00
2		EA	25768	BROOM-STREET 16" BASS 20604	16.250		32.50
12		EA	21349	DANDELION-WEEDER HAND 19-838	4.500		54.00

Payment(s)	Sales Total	1,135.00
	Delivery / Misc	
	Tax 4711	
	Invoice Total	1,135.00
	Total Paid	
	Amount Due	1,135.00

TERMS: Our regularly stated terms are: 30 days NET. Past due accounts will be assessed a service charge of 2% per month or a rate not to exceed lawful limits. All claims for errors or unsatisfactory stock must be reported upon receipt and confirmed by written memorandum received by us within 5 days.
 In the event it becomes necessary for our firm to enforce payment, we shall be entitled to court costs, attorney's fees in the sum of 1/3 of the unpaid balance and interest at the rate of 2% per month on all amounts due and payable.
 "WARRANTY OF MERCHANTABILITY" is waived by the purchaser. I agree to pay above amount according to card issuer agreement.

Signature: _____
 Christina Dotz

LISA
 14:13:30

CTK
Date 5/16/16

Address Race Farm

Reg. No.	Clerk	Account Forward	
1			
2	Annuals		
3	4" pots		
4			
5			
6	Vendor*		
7			
8			
9	Total =	\$82.50	
10			
11			
12			
13			
14	8972-3		
15			

A-1200/3510/3530 T-45202/46202/46203 Your Account Stated to Date - If Error is Found, Return at Once

stewardship

RECEIPT No. 007843
DATE 5/28/16 *
FROM BINDER FARM * \$32.00
DOLLARS
 FOR RENT
 FOR
ACCT. PAID DUE
 CASH
 CHECK
 MONEY ORDER
 CREDIT CARD
FROM TO
BY
A-1152 T-4161

slwardship



Fantastic Gardens of Long Island, Inc.

Direct From The Grower To You

67 Avery Ave

PATCHOGUE, NY 11772

Phone: (631) 475-7118 Email: fantasticgard@optonline.net

CUSTOMER'S ORDER NO.		PHONE	DATE	6/15/16		
NAME <i>ORE</i>						
ADDRESS						
SOLD BY	CASH	C.O.D.	CHARGE	ON ACCT.	MDSE. RET'D.	PAID OUT
QTY.	DESCRIPTION				PRICE	AMOUNT
31	<i>Perennials</i>				5.00	155.00
			<i>10%</i>			16.00
						139.00
<i>paid Cash</i>						
RECEIVED BY						TAX
						TOTAL

C PRODUCT 610 All claims and returned goods must be accompanied by this bill.

7908

Thank You



City of New York Parks & Recreation

Greenbelt Native Plant Center
www.greenbeltnativeplantcenter.org

INVOICE

PAGE NO. 1 of 1
INVOICE NO. 70467
DATE 24 MAY 2016

Ship To:
Lower East Side Ecology Center
PO Box 20488
New York, NY 10009

Bill To
Lower East Side Ecology Center
PO Box 20488
New York, NY 10009

Bus: (212) 477-4022

TERMS

Net 60 Days

Line #	Species	Ordered	Shipped	Unit Price	Amount
1)	Aceratina altissima - 2-3/8 Inch	6	6	1.30	7.80
2)	Asclepias incarnata - 2-3/8 Inch	12	12	1.30	15.60
3)	Carex comosa - 2 inch	6	6	0.85	5.10
4)	Carex comosa - 2 inch	12	12	0.85	10.20
5)	Elvmus virginicus - 2 inch	11	11	0.85	9.35
6)	Eupatorium hvssopifolium - 2-3/8 Inch	16	16	1.30	20.80
7)	Hibiscus moscheutos - 2-3/8 Inch	20	20	1.30	26.00
8)	Iris versicolor - Tube	10	10	1.30	13.00
9)	Juncus aerardi - 2 inch	30	30	0.85	25.50
10)	Monarda fistulosa - 2-3/8 Inch	12	12	1.30	15.60
11)	Penstemon diaitalis - 2-3/8 Inch	16	16	1.30	20.80
12)	Pvcnanthemum virainianum - 2-3/8 Inch	12	12	1.30	15.60
13)	Spartina alterniflora - 2 inch		48	0.85	40.80
14)	Symphotrichum cordifolium - 2-3/8 Inch	12	12	1.30	15.60
15)	Symphotrichum novae-analiae - 2-3/8 Inch	8	8	1.30	10.40
16)	Symphotrichum novae-analiae - 2-3/8 Inch	8	8	1.30	10.40
17)	Tripsacum dactyloides - Tube	12	12	0.85	10.20
Total Pieces		251			
				SUBTOTAL	272.75
				TOTAL	272.75

Make Check Payable To: City of New York Parks and Recreation
3808 Victory Boulevard, Staten Island, New York 10314-6720
Thank You For Your Business



City of New York Parks & Recreation

Greenbelt Native Plant Center
www.greenbeltnativeplantcenter.org

BILL OF LADING

PAGE NO. 1 of 1
INVOICE NO. 70467
DATE 24 MAY 2016

SHIP TO

Lower East Side Ecology Center
PO Box 20488
New York, NY 10009

SOLD TO

Lower East Side Ecology Center
PO Box 20488
New York, NY 10009

Bus: (212) 477-4022

Line #	Species	Ordered	Shipped	Units / Tray	Tray Qty
1)	Aceratina altissima - 2-3/8 Inch	6	6	32	
2)	Asclepias incarnata - 2-3/8 Inch	12	12	32	
3)	Carex comosa - 2 inch	6	6	48	
4)	Carex comosa - 2 inch	12	12	48	
5)	Elvmus virginicus - 2 inch	11	11	48	
6)	Eupatorium hvssopifolium - 2-3/8 Inch	16	16	32	1
7)	Hibiscus moscheutos - 2-3/8 Inch	20	20	32	1
8)	Iris versicolor - Tube	10	10	38	
9)	Juncus aerardi - 2 inch	30	30	48	1
10)	Monarda fistulosa - 2-3/8 Inch	12	12	32	
11)	Penstemon digitalis - 2-3/8 Inch	16	16	32	1
12)	Pvcnanthemum virginianum - 2-3/8 Inch	12	12	32	
13)	Spartina alterniflora - 2 inch		48	48	1
14)	Svmphvotrichum cordifolium - 2-3/8 Inch	12	12	32	
15)	Svmphvotrichum novae-analiae - 2-3/8 Inch	8	8	32	
16)	Svmphvotrichum novae-analiae - 2-3/8 Inch	8	8	32	
17)	Tripsacum dactvloides - Tube	12	12	38	

Total Pieces / Trays 251 5

Counted By: JPL

Picked Up By: [Signature]
Pick Up Date: 5/26/2016

Thank you for your business



PO BOX 247
 ALLENTOWN, NJ 08501
 PHONE: (609) 259-8585
 FAX: (609) 259-6044

Invoice

DATE	INVOICE #
6/9/2016	43069

BILL TO
Outstanding Renewal Enterprises, Inc. dba Lower East Side Ecology Center PO Box 20488 New York, NY 10009

SHIP TO
Customer Pick Up: Cell: 917-405-0288 Phone: 212-477-4022

P.O. #	TERMS	SHIP	VIA	F.O.B.
Christina	Due on receipt	6/9/2016	Pick Up-CP	NJ

QUANTITY	ITEM CODE	DESCRIPTION	PRICE EACH	AMOUNT
10	ACHMPA0200	Achillea millefolium Paprika #2 (red)	6.95	69.50T
15	ACHMSA0200	Achillea millefolium Saucy Seduction #2 (bright rose-pink)	6.95	104.25T
1	ACHMST01009	Achillea millefolium Strawberry Seduction #1 (red)	6.95	6.95T
2	ARTXPC01009	Artemisia x Powis Castle #1 (silver)	6.95	13.90T
12	BRUMAA0100	Brunnera macrophylla #1 (blue)	8.95	107.40T
11	COOVMO0200	Coreopsis verticillata Moonbeam #2 (pale yellow)	6.95	76.45T
11	COOVZA0200	Coreopsis verticillata Zagreb #2 (gold)	6.95	76.45T
2	DELDFI01009	Delosperma dyeri Fire Spinner #1 (orange to magenta)	6.95	13.90T
1	DIGXME01009	Digitalis x mertonensis #1 (strawberry pink)	6.95	6.95T
28	GERSMF0100	Geranium sanguineum Max Frei #1 (purple-pink)	7.95	222.60T
1	HELLOO0100	Helleborus x Onyx Odyssey #1 (dk purple/black)	13.50	13.50T
1	HELLSS0100	Helleborus x ericsmithii Shooting Star #1 (dusty-rose buds open white)	13.50	13.50T
2	HEULTA01009	Heucherella x Tapestry #1 (green w/ burgundy overlay)	8.95	17.90T
2	HEUXBL01009	Heuchera x villosa Blackout #1 (deep black-purple w/ creamy white flower)	8.95	17.90T

Please review quantity, size and variety carefully. We thank you for your business. **Total**

PLEASE NOTE: Past due accounts will be charged a 1.5% per month service charge for payments received after terms stated on invoice.

Pick # 4991



PO BOX 247
 ALLENTOWN, NJ 08501
 PHONE: (609) 259-8585
 FAX: (609) 259-6044

Invoice

DATE	INVOICE #
6/9/2016	43069

BILL TO
Outstanding Renewal Enterprises, Inc. dba Lower East Side Ecology Center PO Box 20488 New York, NY 10009

SHIP TO
Customer Pick Up: Cell: 917-405-0288 Phone: 212-477-4022

P.O. #	TERMS	SHIP	VIA	F.O.B.
Christina	Due on receipt	6/9/2016	Pick Up-CP	NJ

QUANTITY	ITEM CODE	DESCRIPTION	PRICE EACH	AMOUNT
2	IRIGHS01009	Iris germanica Hemstitched #1 (white w/ purple edges, rebloomer)	9.25	18.50T
5	LIASKO0200	Liatris spicata Kobold #2 (lavender-magenta)	6.95	34.75T
21	LOBCNM0100	Lobelia cardinalis New Moon Maroon #1 (deep maroon foliage, red flower)	7.25	152.25T
3	PAEXIJ01009	Paeonia x Itoh Julia Rose #1 (rose, apricot, yellow, sgl-semi-dbl)	35.00	105.00T
30	SALNMN0200	Salvia nemerosa May Night #2 (purple)	6.95	208.50T
1	SESDR01009	Sedum spurium Dragon's Blood #1 (rose-red)	6.95	6.95T
16	VERSRO01009	Veronica spicata Royal Candles #1 (violet-blue)	6.95	111.20T
3	CLTASI03159	Clethra alnifolia Sixteen Candles #3 15-18" (white)	17.95	53.85T
1	FOTMMA031...	Fothergilla x intermedia Mount Airy #3 15-18" (white)	21.95	21.95T
1	PHYOCO0312	Physocarpus opulifolius Coppertina ('Minda') #3 12-15" (light pink)	21.95	21.95T
1	SPITOG03159	Spiraea thunbergii Ogon #3 15-18" (white)	17.95	17.95T
		NJ Sales Tax @ 7%	7.00%	105.98
Please review quantity, size and variety carefully. We thank you for your business.			Total	\$1,619.98

PLEASE NOTE: Past due accounts will be charged a 1.5% per month service charge for payments received after terms stated on invoice.



BISSETT NURSERY CORP.
 PO Box 386 - 323 Long Island Avenue
 Holtsville, NY 11742-0386
 Phone (631) 289-3500 Fax (631) 289-3521
 E-mail: info@bissettnursery.com
 Website: www.bissettnursery.com

INVOICE

Invoice #	984276
Invoice Date	7/07/16
Order #	928564-000

Rev# 1 Page # 1

Customer # 0011545
Sold To: Outstanding Renewal Enterprises Inc
 PO Box 20488
 New York, NY 10009-8972

Ship To / Job Site: Outstanding Renewal Enterprises Inc
 PO Box 20488
 New York, NY 10009-8972

Purchase Order #	Salesman#	Ship Date	Shipped Via	Terms
	99	7/07/16		Charge 30 Days

Notes:

Qty Ship	Qty B/O	U/M	Item#	Description	Unit Price	Disc	Extension
5		EA	21748	ROCK PHOSPHATE 0-3-0 28 LB	17.500		87.50
2		BG	20330	GRASS SEED/MIX-FARMINGDALE 25#	49.750		99.50
22		EA	13499	VERNONIA NOVEBORACENSIS #1	6.500		143.00
24		EA	11941	STOKESIA PEACHIE'S PICK #1	6.500		156.00
18		EA	12104	SALVIA BLUE HILL #2	8.000		144.00
21		EA	11397	RUDBECKIA LITTLE GOLDSTAR #1	7.750		162.75
2		EA	11801	GAILLARDIA ARIZONA SUN #1	6.750		13.50
1		EA	12080	GERANIUM ROZANNE #2	9.000		9.00
1		EA	12880	CAMPANULA BLUE CLIPS #1	7.000		7.00
1		EA	14005	VERBENA BON. LOLLYPOP #1	6.500		6.50
1		EA	11416	PHLOX PAN ASSORTED #1	6.500		6.50
1		EA	16966	GAURA ASSORTED #1	6.500		6.50
1		EA	19618	HENS & CHICKS #1	6.500		6.50
1		EA	13399	LITHODORA WHITE STAR #1	6.500		6.50
1		EA	10705	SEDUM FULDA GLUT #1	6.500		6.50
2		EA	10458	DIANTHUS FIREWITCH #1	6.500		13.00
1		EA	15279	LILY ORIENTAL 4Q	10.250		10.25
1		EA	11026	PLATYCODON ASSORTED #1	6.750		6.75
1		EA	12253	CASTOR BEAN #2	10.000		10.00
12		EA	50742	STONE-MEXICAN BEACH 1"-2" 75LB	39.000		468.00

Payment(s)	Sales Total	1,369.25
	Delivery / Misc	
	Tax 4711	
	Invoice Total	1,369.25
	Total Paid	
	Amount Due	1,369.25

TERMS: Our regularly stated terms are: 30 days NET. Past due accounts will be assessed a service charge of 2% per month or a rate not to exceed lawful limits. All claims for errors or unsatisfactory stock must be reported upon receipt and confirmed by written memorandum received by us within 5 days.
 In the event it becomes necessary for our firm to enforce payment, we shall be entitled to court costs, attorney's fees in the sum of 1/3 of the unpaid balance and interest at the rate of 2% per month on all amounts due and payable.
 "WARRANTY OF MERCHANTABILITY" is waived by the purchaser. I agree to pay above amount according to card issuer agreement.

Signature: _____ LISA 15:07:50



BISSETT NURSERY CORP.
 PO Box 386 - 323 Long Island Avenue
 Holtsville, NY 11742-0386
 Phone (631) 289-3500 Fax (631) 289-3521
 E-mail: info@bissettnursery.com
 Website: www.bissettnursery.com

INVOICE

Invoice #	984277
Invoice Date	7/07/16
Order #	928605-000

Rev# 1 Page # 1

Customer # 0011545
Sold To: Outstanding Renewal Enterprises Inc
 PO Box 20488
 New York, NY 10009-8972

Ship To / Job Site: Outstanding Renewal Enterprises Inc
 PO Box 20488
 New York, NY 10009-8972

Purchase Order #	Salesman#	Ship Date	Shipped Via	Terms
	99	7/07/16		Charge 30 Days

Notes:

Qty Ship	Qty B/O	U/M	Item#	Description	Unit Price	Disc	Extension
6		EA	20066	SHEARS PRUNING-FELCO #2	51.500		309.00
6		EA	25584	SHEARS PRUNING-CASE/BELT F-919	9.500		57.00

Payment(s)	Sales Total	366.00
	Delivery / Misc	
	Tax 4711	
	Invoice Total	366.00

TERMS: Our regularly stated terms are: 30 days NET. Past due accounts will be assessed a service charge of 2% per month or a rate not to exceed lawful limits. All claims for errors or unsatisfactory stock must be reported upon receipt and confirmed by written memorandum received by us within 5 days.
 In the event it becomes necessary for our firm to enforce payment, we shall be entitled to court costs, attorney's fees in the sum of 1/3 of the unpaid balance and interest at the rate of 2% per month on all amounts due and payable.
 "WARRANTY OF MERCHANTABILITY" is waived by the purchaser. I agree to pay above amount according to card issuer agreement.

Signature: LISA
 Amount Due 366.00



PO BOX 247
 ALLENTOWN, NJ 08501
 PHONE: (609) 259-8585
 FAX: (609) 259-6044

Invoice

DATE	INVOICE #
8/4/2016	43743

BILL TO
Outstanding Renewal Enterprises, Inc. dba Lower East Side Ecology Center PO Box 20488 New York, NY 10009

SHIP TO
Customer Pick Up: NY Cares August 11th Cell: 917-405-0288 Phone: 212-477-4022

P.O. #	TERMS	SHIP	VIA	F.O.B.
Kaitlyn	Due on receipt	8/4/2016	Pick Up-E	NJ

QUANTITY	ITEM CODE	DESCRIPTION	PRICE EACH	AMOUNT
2	AROABR0723	Aronia arbutifolia Brilliantissima #7 2-3' (white)	50.00	100.00T
6	CALDEA0315	Callicarpa dichotoma Early Amethyst #3 15-18" (purple berry)	17.95	107.70T
2	CEAAZZ0312	Ceanothus americanus #3 (white)	17.95	35.90T
4	CEOOZZ0312	Cephalanthus occidentalis #3	17.95	71.80T
6	ITEVME0315	Itea virginica Merlot #3 15-18" (white)	18.95	113.70T
2	PHYOLD03159	Physocarpus opulifolius Little Devil #3 15-18"	21.95	43.90T
3	VIBDBM0723	Viburnum dentatum Blue Muffin #7 2-3' (white)	50.00	150.00T
20	AGAXPU0200	Agastache x Purple Haze #2 (smoky violet-blue)	6.95	139.00T
20	ASRLBL0200	Aster laevis Bluebird #2 (violet-blue)	6.95	139.00T
10	ASRNAP0200	Aster novae-angliae Alma Potschke #2 (deep rose-pink)	6.95	69.50T
20	PEODDT0200	Penstemon digitalis Dark Towers #2 (pale pink)	6.95	139.00T
20	RUDFGO0200	Rudbeckia fulgida Goldsturm #2 (yellow-gold)	6.95	139.00T
20	SOLSSC0200	Solidago shortii Solar Cascade #2 (bright yellow)	6.95	139.00T
15	VERNZZ0200	Vernonia noveboracensis #2 (purple)	6.95	104.25T
		Subtotal		1,491.75

Please review quantity, size and variety carefully. We thank you for your business.

Total

PLEASE NOTE: Past due accounts will be charged a 1.5% per month service charge for payments received after terms stated on invoice.

Pick #5013



PO BOX 247
 ALLENTOWN, NJ 08501
 PHONE: (609) 259-8585
 FAX: (609) 259-6044

Invoice

DATE	INVOICE #
8/4/2016	43743

BILL TO
Outstanding Renewal Enterprises, Inc. dba Lower East Side Ecology Center PO Box 20488 New York, NY 10009

SHIP TO
Customer Pick Up: NY Cares August 11th . Cell: 917-405-0288 Phone: 212-477-4022

P.O. #	TERMS	SHIP	VIA	F.O.B.
Kaitlyn	Due on receipt	8/4/2016	Pick Up-E	NJ

QUANTITY	ITEM CODE	DESCRIPTION	PRICE EACH	AMOUNT
		NJ Sales Tax @ 7%	7.00%	104.42
			*	
			*	

Please review quantity, size and variety carefully. We thank you for your business.	Total	\$1,596.17
---	--------------	------------

PLEASE NOTE: Past due accounts will be charged a 1.5% per month service charge for payments received after terms stated on invoice.

Date 5-29-17
 M Race Farm
 Address _____

Reg. No.	Clerk	Account Forward
1	1 gallon	
2	lavender	
3		
4		
5		
6		
7		
8		
9		
10		
11	\$11.00	
12		
13		
14	1460-32	
15		

A-1200/3510/3530 Your Account Stated to Date - If Error is Found, Return at Once
 T-45202/46202/46203

Date 5/11/17
 M Race Farm
 Address _____

Reg. No.	Clerk	Account Forward
1		
2	Asst.	
3		
4	Annuals	
5		
6		
7	Total =	\$70.00
8		
9		
10		
11	(p)	
12		
13	cash	
14	0457-32	WR
15		

A-1200/3510/3530 Your Account Stated to Date - If Error is Found, Return at Once
 T-45202/46202/46203



PO BOX 247
 ALLENTOWN, NJ 08501
 PHONE: (609) 259-8585
 FAX: (609) 259-6044

Acknowledgment

DATE	INVOICE #
6/30/2017	46078

BILL TO
Outstanding Renewal Enterprises, Inc. dba Lower East Side Ecology Center PO Box 20488 New York, NY 10009

SHIP TO
Del: Tues 6/13 @ 9:30-10am (RE) 299 South St New York, NY Cell: 917-405-0288 Phone: 212-477-4022

P.O. #	TERMS	SHIP	VIA	F.O.B.	OFFICE	ORDER DATE
Christine	Due on receipt	6/13/2017	Truck-NY	NJ	RD	5/30/2017

QUANTITY	ITEM CODE	DESCRIPTION	PRICE EACH	AMOUNT
		WOODIES		
1	AROABR0315	Aronia arbutifolia Brilliantissima #3 2-3' (white)	18.50	18.50
1	COPTCA0315	Cornus sericea (stolonifera) Cardinal #3 15-18"	18.50	18.50
1	COTOZZ0315	Cotinus obovatus #3 15-18" (greenish)	18.50	18.50
1	FOTMMA03189	Fothergilla x intermedia Mount Airy #3 15-18" (white)	22.50	22.50
1	ILEVSG0315	Ilex verticillata Southern Gentleman (Male) #3 15-18"	18.50	18.50
1	ILEVWR0315	Ilex verticillata Winter Red #3 15-18" (Male-Southern Gentleman)	18.50	18.50
1	ITEVHG0315	Itea virginica Henry's Garnet #3 15-18" (white)	19.50	19.50
2	JUNVGO03159	Juniperus virginiana Grey Owl #3 15-18"	18.50	37.00
2	RHOCAL07239	Rhododendron catawbiense Album #7 2-3'	52.00	104.00
1	ROSRHZ0300	Rosa rugosa #3 (single, magenta-pink)	18.50	18.50
1	SAMCAD0312	Sambucus canadensis Adams #3 12-15" (white)	18.50	18.50
2	SPITOG0312	Spiraea thunbergii Ogon #3 12-15" (white)	19.50	39.00
1	VACCBC0318	Vaccinium corymbosum Bluecrop #3 18-24" (mid-season)	18.50	18.50
2	VACCJE0315	Vaccinium corymbosum Jersey #3 15-18" (mid-season/late)	18.50	37.00
3	VACXSB03189	Vaccinium x Sunshine Blue #3 15-18" (self-pollinating)	22.50	67.50
1	VIBDCR0318	Viburnum dentatum Crimson Tide #3 2-3'	18.50	18.50
1	VIBNBR0315	Viburnum nudum Brandywine #3 15-18" (white)	22.50	22.50
1	VIBNWI0315	Viburnum nudum Winterthur #3 15-18" (white)	18.50	18.50
1	VIBPMA0723	Viburnum plicatum tomentosum Mariesii #7 2-3' (white lacecap)	52.00	52.00
2	VIBPZZ0315	Viburnum prunifolium #3 15-18" (white)	18.50	37.00
1	VIBTBC0515	Viburnum trilobum Bailey Compact #5 18-24" (white)	47.00	47.00

Please review quantity, size and variety carefully. We thank you for your business.

Total



PO BOX 247
 ALLENTOWN, NJ 08501
 PHONE: (609) 259-8585
 FAX: (609) 259-6044

Acknowledgment

DATE	INVOICE #
6/30/2017	46078

BILL TO
Outstanding Renewal Enterprises, Inc. dba Lower East Side Ecology Center PO Box 20488 New York, NY 10009

SHIP TO
Del: Tues 6/13 @ 9:30-10am (RE) 299 South St New York, NY Cell: 917-405-0288 Phone: 212-477-4022

P.O. #	TERMS	SHIP	VIA	F.O.B.	OFFICE	ORDER DATE
Christine	Due on receipt	6/13/2017	Truck-NY	NJ	RD	5/30/2017

QUANTITY	ITEM CODE	DESCRIPTION	PRICE EACH	AMOUNT
PERENNIALS				
6	AMSHZZ0100	Amsonia hubrichtii #1 (light blue)	7.00	42.00
12	ASCIZZ01009	Asclepias incarnata #1 (white-to-pink)	7.00	84.00
12	ASCTZZ0100	Asclepias tuberosa #1 (orange & yellow)	7.00	84.00
6	ASRORA0200	Aster oblongifolius Raydon's Favorite #2 (clear blue)	7.00	42.00
3	ASRXWU01009	Aster Wood's Purple #1 (magenta-purple)	7.00	21.00
1	BAP AUS0100	Baptisia australis #1 (blue)	8.50	8.50
6	COOGES01009	Coreopsis grandiflora Early Sunrise #1 (semi-dbl yellow w/ orange center)	7.00	42.00
6	COOVMO01009	Coreopsis verticillata Moonbeam #1 (pale yellow)	7.00	42.00
6	ERYZZ0100	Eryngium yuccifolium #1 (greenish-white)	8.25	49.50
12	GERSMF0100	Geranium sanguineum Max Frei #1 (purple-pink)	8.25	99.00
6	GERXRO0100	Geranium x Rozanne #1 (blue-purple)	8.25	49.50
12	HEJASB0200	Helenium autumnale Mariachi Sombrero #2 (crisp sunshine yellow)	7.50	90.00
3	HEUADS01009	Heuchera americana Dale's Strain #1 (green w/ silver/purple/grey)	9.25	27.75
2	HEUAGS0100	Heuchera americana Green Spice #1 (green/silver w/ purple-red veins) **Sorry, only 2 available**	9.25	18.50
6	HEUVCA01009	Heuchera villosa Caramel #1 (apricot w/ reddish undersides)	9.25	55.50
6	IRIVZZ0200	Iris versicolor #2 (blue-violet)	9.25	55.50
6	LIAMZZ0200	Liatris microcephala #2 (magenta-purple)	7.00	42.00
6	LIASKO0200	Liatris spicata Kobold #2 (lavender-magenta)	7.00	42.00
6	MONBZZ01009	Monarda bradburiana #1 (lavender-pink)	7.00	42.00
Please review quantity, size and variety carefully. We thank you for your business.			Total	



PO BOX 247
 ALLENTOWN, NJ 08501
 PHONE: (609) 259-8585
 FAX: (609) 259-6044

Acknowledgment

DATE	INVOICE #
6/30/2017	46078

BILL TO
Outstanding Renewal Enterprises, Inc. dba Lower East Side Ecology Center PO Box 20488 New York, NY 10009

SHIP TO
Del: Tues 6/13 @ 9:30-10am (RE) 299 South St New York, NY Cell: 917-405-0288 Phone: 212-477-4022

P.O. #	TERMS	SHIP	VIA	F.O.B.	OFFICE	ORDER DATE
Christine	Due on receipt	6/13/2017	Truck-NY	NJ	RD	5/30/2017

QUANTITY	ITEM CODE	DESCRIPTION	PRICE EACH	AMOUNT
13	PEODDT0200	Penstemon digitalis Dark Towers #2 (pale pink)	7.00	91.00
12	RUDFGO1009	Rudbeckia fulgida Goldsturm #1 (yellow-gold)	7.00	84.00
12	RUDFZZ0200	Rudbeckia fulgida var. fulgida #2 (yellow)	7.00	84.00
6	SALNCA01009	Salvia nemerosa Caradonna #1 (violet-blue)	7.00	42.00
6	SEDRAN01009	Sedum rupestre Angelina #1 (yellow)	7.00	42.00
6	SOLRFI0200	Solidago rugosa Fireworks #2 (bright yellow)	7.00	42.00
6	SOLSSC0200	Solidago shortii Solar Cascade #2 (bright yellow)	7.00	42.00
6	STAMHU0100	Stachys monieri Hummelo #1 (lavender-pink)	7.00	42.00
3	TRAXSK0200	Tradescantia x Sweet Kate #2 (blue)	7.00	21.00
2	VESVZZ0200	Veronicastrum virginicum #2 (white)	7.00	14.00
GRASSES				
3	SCHSSO01009	Schizachyrium scoparium Standing Ovation #1	9.25	27.75
3	SPOTHE0100	Sporobolus heterolepis #1	9.00	27.00
FERNS				
1	OSMCIN0100	Osmunda cinnamomea #1 (Cinnamon Fern)	9.75	9.75
Subtotal				2,175.25
delivery			300.00	300.00
Delivery charge-non taxable **Combo rate (reg delivery \$400)**				
*Customer is responsible to meet truck and offload plant material.				

Please review quantity, size and variety carefully. We thank you for your business.

Total	\$2,475.25
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Invoice

Gowanus Canal Conservancy Nursery

Please make checks payable to:
Gowanus Canal Conservancy
543 Union St #1E
Brooklyn, NY 11215

office: 718.541.4378
cell: 267.265.4619

Christine Datz-romero
Lower East Side Ecology Center
PO Box 20488
New York, NY 10009

Order Number: 279
Order Date: September 7, 2017
Payment Method: We accept cash, checks or credit cards.

Product	Quantity	Price
Penstemon digitalis 'Dark Towers' - Beardtongue 'Dark Towers' SKU: GCC10105	30	\$210.00
Agastache 'Purple Haze' - Giant or anise hyssop SKU: GCC10012	5	\$35.00
Solidago sempervirens - Seaside goldenrod SKU: GCC10044	1	\$7.00
Symphotrichum laeve - Smooth aster	5	\$35.00
Aronia melanocarpa - Black Chokeberry SKU: GCC10048	1	\$21.00
Verbena hastata - Blue vervain SKU: GCC10034	12	\$84.00
Symphotrichum nova-angliae - Aster 'Purple Dome' SKU: GCC10032	5	\$70.00
Subtotal		\$462.00
Total		\$462.00



Fantastic Gardens of Long Island, Inc.

Direct From The Grower To You

67 Avery Ave.

Patchogue, NY 11772

(631) 475-7118 Email: fantasticgard@optonline.net

CUSTOMER'S ORDER NO.		PHONE		DATE		
				5-9-18		
NAME						
O.R.T.						
ADDRESS						
SOLD BY	CASH	C.O.D.	CHARGE	ON ACCT.	MDSE. RET'D.	PAID OUT
QTY.	DESCRIPTION				PRICE	AMOUNT
1	BT PERENNIAL					5.00
Paid Cash						
RECEIVED BY						
TAX						
7/8						
TOTAL						
5.00						

C PRODUCT 610

All claims and returned goods must be accompanied by this bill.

11031

Thank You

871874

CUSTOMER'S ORDER NO.		DATE				
		5/28/18				
NAME						
Rice Farm						
ADDRESS						
CITY, STATE, ZIP						
SOLD BY	CASH	C.O.D.	CHARGE	ON. ACCT.	MDSE. RETD.	PAID OUT
QUAN.	DESCRIPTION		PRICE	AMOUNT		
1	plants			60	00	
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
				60	00	
RECEIVED BY						

A-4705
T-46528

KEEP THIS SLIP FOR REFERENCE

01-11



PO BOX 247
 ALLENTOWN, NJ 08501
 PHONE: (609) 259-8585
 FAX: (609) 259-6044

Invoice

DATE	INVOICE #
5/4/2018	48272

BILL TO
Outstanding Renewal Enterprises, Inc. dba Lower East Side Ecology Center PO Box 20488 New York, NY 10009

SHIP TO
Del: Fri 5/4 7 am (WW) East River Park, 299 South St NYC, NY Christine: 917-405-0288 Phone: 212-477-4022

P.O. #	TERMS	SHIP	VIA	F.O.B.
Christine Da...	Due on receipt	5/4/2018	Truck-NY	NJ

QUANTITY	ITEM CODE	DESCRIPTION	PRICE EACH	AMOUNT
12	ACHMSA0200	Achillea millefolium Saucy Seduction #2 (bright rose-pink)	7.00	84.00
12	ACHXMO0200	Achillea x Moonshine #2 (bright yellow)	7.00	84.00
3	ACTRZZ01009	Actaea (Cimicifuga) racemosa #1 (ivory-white)	11.50	34.50
6	AMSHZZ0100	Amsonia hubrichtii #1 (light blue)	7.00	42.00
12	AMSTBL0100	Amsonia x Blue Ice #1 (medium blue)	7.00	84.00
6	ARCUMA010...	Arctostaphylos uva-ursi Massachusetts #1 (pinkish-white)	9.25	55.50
1	AROMVI0312	Aronia melanocarpa Viking #3 12-15" (white)	18.50	18.50
2	AROMVI0723	Aronia melanocarpa Viking #7 2-3' (white)	52.00	104.00
12	ASCIZZ0100	Asclepias incarnata #1 (white-to-pink)	7.00	84.00
12	ASCTZZ0100	Asclepias tuberosa #1 (orange & yellow)	7.00	84.00
6	ASRNP0200	Aster novae-angliae Purple Dome #2 (deep purple)	7.00	42.00
6	ASRNVB0200	Aster novae-angliae Vibrant Dome #2 (brilliant pink)	7.00	42.00
6	ASROOS0200	Aster oblongifolius October Skies #2 (medium blue)	7.00	42.00
12	ASRORA0200	Aster oblongifolius Raydon's Favorite #2 (clear blue)	7.00	84.00
6	ASRXWL01009	Aster Wood's Light Blue #1 (soft blue)	7.00	42.00
3	BAPDLM400	Baptisia x Decadence Lemon Meringue #1 (lemon yellow)	9.50	28.50

Thank you for your business! Heidi & Richard Hesselein	Total
---	--------------



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 ALLENTOWN, NJ 08501
 PHONE: (609) 259-8585
 FAX: (609) 259-6044

Invoice

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Outstanding Renewal Enterprises, Inc. dba Lower East Side Ecology Center PO Box 20488 New York, NY 10009

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Del: Fri 5/4 7 am (WW) East River Park, 299 South St NYC, NY Christine: 917-405-0288 Phone: 212-477-4022

P.O. #	TERMS	SHIP	VIA	F.O.B.
Christine Da...	Due on receipt	5/4/2018	Truck-NY	NJ

QUANTITY	ITEM CODE	DESCRIPTION	PRICE EACH	AMOUNT
6	BAPXPS0100	Baptisia x Purple Smoke #1 (purple-blue)	8.50	51.00
6	BRUMSI0100	Brunnera macrophylla Silver Heart #1 (blue)	12.75	76.50
9	CALAKF0300	Calamagrostis x acutiflora Karl Foerster #3	10.25	92.25
3	CAREPE0100	Carex pensylvanica #1 (green) *sub*	9.00	27.00
4	CEAAZZ0312	Ceanothus americanus #3 9" (white)	18.50	74.00
6	COOVMO010...	Coreopsis verticillata Moonbeam #1 (pale yellow)	7.00	42.00
12	COOVZA01009	Coreopsis verticillata Zagreb #1 (gold)	7.00	84.00
6	ECHPMA0100	Echinacea purpurea Magnus #1 (pink)	7.00	42.00
6	ECHTRO0100	Echinacea tennesseensis Rocky Top #1 (pink)	9.50	57.00
3	FOTMMA031...	Fothergilla x intermedia Mount Airy #3 18-24" (white) *sub*	22.50	67.50
6	GERMZZ0100	Geranium maculatum #1 (lavender)	8.25	49.50
6	GERMES0100	Geranium maculatum Espresso #1 (lavender-pink)	8.25	49.50
12	GERSMF0100	Geranium sanguineum Max Frei #1 (purple-pink)	8.25	99.00
12	GERXRO0100	Geranium x Rozanne #1 (blue-purple)	8.25	99.00
5	HEJASA01009	Helenium autumnale Mariachi Salsa #1 (deep red w/ chocolate brown centers)	7.50	37.50
6	HEUVAU0200	Heuchera villosa Autumn Bride #2 (fuzzy green, chartreuse/ivory flowers)	10.00	60.00
6	HEUXFS0100	Heuchera x Frosted Violet #1 (purple)	9.25	55.50
6	HOSXHL0100	Hosta Halcyon #1 (silvery blue green)	9.25	55.50

Thank you for your business! Heidi & Richard Hesselein	Total
---	--------------



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Invoice

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5/4/2018	48272

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Outstanding Renewal Enterprises, Inc. dba Lower East Side Ecology Center PO Box 20488 New York, NY 10009

SHIP TO
Del: Fri 5/4 7 am (WW) East River Park, 299 South St NYC, NY Christine: 917-405-0288 Phone: 212-477-4022

P.O. #	TERMS	SHIP	VIA	F.O.B.
Christine Da...	Due on receipt	5/4/2018	Truck-NY	NJ

QUANTITY	ITEM CODE	DESCRIPTION	PRICE EACH	AMOUNT
3	I LEGDE03189	Ilex glabra Densa #3 15-18"	20.50	61.50
1	I LEVJD0312	Ilex verticillata Jim Dandy (Male) #3 12"	18.50	18.50
4	I LEVRS0312	Ilex verticillata Red Sprite #3 12-15" (Male-Jim Dandy)	18.50	74.00
1	K ALLNI03189	Kalmia latifolia Nipmuck #3 18-24" (red bud/dk pink & white)	28.75	28.75
6	L AVIPH0100	Lavandula x intermedia Phenomenal #1 (lavender)	9.00	54.00
6	M ONBZZ01009	Monarda bradburiana #1 (lavender-pink)	7.00	42.00
6	N EPXWL0200	Nepeta x Walker's Low #2 (blue)	7.00	42.00
6	P ANVHM0300	Panicum virgatum Heavy Metal #3 *sub*	10.25	61.50
6	P ANVSH0300	Panicum virgatum Shenandoah #3	10.25	61.50
12	P EODBB600	Penstemon digitalis Blackbeard #2 (lilac pink flower, dark foliage)	7.00	84.00
6	P ERALI0200	Perovskia atriplicifolia Little Spire #2 (blue)	8.50	51.00
12	P ERASU0200	Perovskia atriplicifolia Superba #2 (blue) *sub*	8.50	102.00
6	P HLDMB0100	Phlox divaricata Blue Moon #1 (violet-blue)	7.00	42.00
6	P HLSBL0100	Phlox stolonifera Blue Ridge #1 (light blue)	7.00	42.00
1	R HOPEZ0315	Rhododendron periclymenoides #3 12-15" (pink to white)	25.50	25.50
12	R UDFGO01009	Rudbeckia fulgida Goldsturm #1 (yellow-gold)	7.00	84.00
24	R UDFZZ01009	Rudbeckia fulgida var. fulgida #1 (yellow)	7.00	168.00
12	S ALNCA01009	Salvia nemerosa Caradonna #1 (violet-blue)	7.00	84.00

Thank you for your business! Heidi & Richard Hesselein	Total
---	--------------



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Invoice

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5/4/2018	48272

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Del: Fri 5/4 7 am (WW) East River Park, 299 South St NYC, NY Christine: 917-405-0288 Phone: 212-477-4022

P.O. #	TERMS	SHIP	VIA	F.O.B.
Christine Da...	Due on receipt	5/4/2018	Truck-NY	NJ

QUANTITY	ITEM CODE	DESCRIPTION	PRICE EACH	AMOUNT
12	SALNMN0200	Salvia nemerosa May Night #2 (purple)	7.00	84.00
1	SAMNBB0312	Sambucus nigra Black Beauty #3 09-12" (pale pink)	22.50	22.50
6	SCHSSO0200	Schizachyrium scoparium Standing Ovation #2	9.25	55.50
12	SEDRAN01009	Sedum rupestre Angelina #1 (yellow)	7.00	84.00
12	SEDXAJ0200	Sedum x Autumn Joy #2 (rose-pink)	7.00	84.00
3	SPITOG0312	Spiraea thunbergii Ogon #3 12-15" (white)	19.50	58.50
6	SPOTHE0100	Sporobolus heterolepis #1	9.00	54.00
6	VACAZZ01129	Vaccinium angustifolium #1	13.75	82.50
0	VERNZZ0200	Vernonia noveboracensis #2 (purple) **SORRY, 6, Winter Loss**	7.00	0.00
6	VERLEV0200	Veronica longifolia Eveline #2 (violet-pink)	7.00	42.00
2	VIBDCA0318	Viburnum dentatum Chicago Lustre #3 18-24" (white)	18.50	37.00
1	WEIFSP0312	Weigela florida Sonic Bloom Pink #3 12-15" (reblooming pink)	22.50	22.50
		Subtotal		3,826.50
	delivery	Delivery charge-non taxable **Reg Rate \$375, COMBO RATE* *Customer is responsible to meet truck and offload plant material.	250.00	250.00

Thank you for your business! Heidi & Richard Hesselein	Total \$4,076.50
---	-------------------------

PLEASE NOTE: Past due accounts will be charged a 1.5% per month service charge for payments received after terms stated on invoice.

Exchange Policy - Defective or unused
 Manufactured items may be returned
 within 30 days accompanied by the
 original sales slip or receipt for
 exchange or credit only. No cash refunds
 Ticket #147495 User: 95
 Station:1 Sales Rep 550
 5/13/2018 3:21:22 PM

Item Description	Qty	Price	Total
759834561200 Beneficial Bug House	1	28.75	28.75
715038006749 Aud Recycled Plas Wren Hous	1	37.95	37.95
9781604694093 Gardening For The Birds	1	24.95	24.95
9351 Husker's Red Beardtongue 1G	3	14.00	42.00
36190 DarkReiterMeadowGeranium1G	2	12.00	24.00
37892 Red Umbrellas Meadowsweet 2G	1	16.00	16.00
29762 Golden Elderberry 1G'	1	21.00	21.00
27889 Black Stocking Meadow Rue 1G	2	-15.00	30.00
31051 Solar Power Heucherella 1G	2	15.00	30.00
4850 Irish Moss 1G	2	12.00	24.00
28094 Mahogany Coralbells 1G	2	14.00	28.00
21078 Anne Greenway Dead Nettle 1G	1	12.00	12.00
11798 Herman's Bride Archangel 1G	2	12.00	24.00
29505 Fernleaf Full-Moon Maple 18"	1	95.00	95.00
101140 Houseplant 9.95	1	9.95	9.95
11979 Fuldaglut Stonecrop 1G	1	12.00	12.00
16853 Purple Beauty Hens & Chicks 1G	2	12.00	24.00
11850 Cobweb Hens & Chicks 1G	2	12.00	24.00
32539 Bradburiana Bee Balm 1G	1	15.00	15.00
6593 Whirling Butterflies Gaura 1G	1	12.00	12.00
36489 Belleza White Gaura 1G	1	12.00	12.00
40285 Alaskan Burnet 1G	1	15.00	15.00
5294 Zagreb Tickseed 1G	2	12.00	24.00
40038 Red Buckeye 3' /5g	1	95.00	95.00
Subtotal			680.60
Total			680.60

Invoice

Page: 1



Rosedale Nurseries
51 Saw Mill River Road (Route 9A)
Hawthorne, NY 10532-1598

Ticket #: 147495
Ticket date: 5/13/18
Station: 1

Sold to: Outstanding Renewal Enterprises
P.O. Box 20488
NY, NY 10009

Ship to: Outstanding Renewal Enterprises
P.O. Box 20488
NY, NY 10009

Customer #: 102181 Ship date: 05/13/2018 Ship-via code:
Sls rep: 550 Location: 1 Terms:

Quantity	Item #	Description	Ship-from location	Price	Selling unit	Ext prc
1	759834561200	Beneficial Bug House		28.75	Each	28.75
1	715038006749	Aud Recycled Plas Wren Hous		37.95	Each	37.95
1	9781604694093	Gardening For The Birds		24.95	Each	24.95
3	9351	Husker's Red Beardtongue 1G	1G	14.00	Each	42.00
2	36190	DarkReiterMeadowGeranium1G	1G	12.00	Each	24.00
1	37892	Red Umbrellas Meadowsweet 2G	2G	16.00	Each	16.00
1	29762	Golden Elderberry 1G'	1G'	21.00	Each	21.00
2	27889	Black Stocking Meadow Rue 1G	1G	15.00	Each	30.00
2	31051	Solar Power Heucherella 1G	1G	15.00	Each	30.00
2	4850	Irish Moss 1G	1G	12.00	Each	24.00
2	28094	Mahogany Coralbells 1G	1G	14.00	Each	28.00
1	21078	Anne Greenway Dead Nettle 1G	1G	12.00	Each	12.00
2	11798	Herman's Pride Archangel 1G	1G	12.00	Each	24.00
1	29505	Fernleaf Full-Moon Maple 18"	18"	95.00	Each	95.00
1	101140	Houseplant 9.95		9.95	Each	9.95
1	11979	Fuldaglut Stonecrop 1G	1G	12.00	Each	12.00
2	16853	Purple Beauty Hens & Chicks 1G	1G	12.00	Each	24.00
2	11850	Cobweb Hens & Chicks 1G	1G	12.00	Each	24.00
1	32539	Bradburiana Bee Balm 1G	1G	15.00	Each	15.00
1	6593	Whirling Butterflies Gaura 1G	1G	12.00	Each	12.00
1	36489	Belleza White Gaura 1G	1G	12.00	Each	12.00
1	40285	Alaskan Burnet 1G		15.00	Each	15.00
2	5294	Zagreb Tickseed 1G	1G	12.00	Each	24.00
1	40038	Red Buckeye 3'/5g	3'	95.00	Each	95.00



PO BOX 247
 ALLENTOWN, NJ 08501
 PHONE: (609) 259-8585
 FAX: (609) 259-6044

Invoice

DATE	INVOICE #
6/28/2018	48794

BILL TO
Outstanding Renewal Enterprises, Inc. dba Lower East Side Ecology Center PO Box 20488 New York, NY 10009

SHIP TO
Del: Thurs 6/28 @ 7 (RE) 299 South St, NYC East River Park. Cell: 917-405-0288 Phone: 212-477-4022

P.O. #	TERMS	SHIP	VIA	F.O.B.
Christine Da...	Due on receipt	6/28/2018	Truck-NY	NJ

QUANTITY	ITEM CODE	DESCRIPTION	PRICE EACH	AMOUNT
2	AESPZZ0315	Aesculus parviflora #3 15-18" (creamy-white)	19.50	39.00
12	ALLXMI0200	Allium x Millenium #2 (bright rosy-purple)	9.75	117.00
5	ARUCZZ01009	Aruncus dioicus #1 (white)	9.25	46.25
6	ASCIZZ0100	Asclepias incarnata #1 (white-to-pink)	7.00	42.00
6	ASCTZZ0100	Asclepias tuberosa #1 (orange & yellow)	7.00	42.00
12	ASRXWL0200	Aster Wood's Light Blue #2 (soft blue) **SUB for Woods Purple**	7.00	84.00
6	BAP AUS0100	Baptisia australis #1 (blue)	*8.50	51.00
3	BOUGBA0200	Bouteloua gracilis Blonde Ambition #2	9.25	27.75
3	CALFBS0300	Calycanthus floridus Burgundy Spice #3 12" (burgundy foliage, maroon)	32.00	96.00
3	CEOOZZ0312	Cephalanthus occidentalis #3 18-24"	18.50	55.50
6	CHEGZZ0100	Chelone glabra #1 (white)	7.00	42.00
3	CLTASI0312	Clethra alnifolia Sixteen Candles #3 12-15"+ (white) **SUB for Toms Compact**	18.50	55.50
6	COOVMO010...	Coreopsis verticillata Moonbeam #1 (pale yellow) **SUB for Full Moon**	7.00	42.00
6	DENPUN01009	Dennstaedtia punctilobula #1 (Hay-scented Fern)	10.75	64.50
6	GERMZZ0100	Geranium maculatum #1 (lavender)	8.25	49.50
6	IRICPO0100	Iris cristata Powder Blue Giant #1	9.25	55.50
3	IRISCB0200	Iris siberica Caesar's Brother #2 (purple-blue)	9.25	27.75
3	IRIVZZ0100	Iris versicolor #1 (blue-violet)	9.25	27.75

Thank you for your business! Heidi & Richard Hesselein	Total
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QUANTITY	ITEM CODE	DESCRIPTION	PRICE EACH	AMOUNT
6	MONDGP0100	Monarda didyma Grand Parade #1 (magenta-purple)	7.00	42.00
12	NEPXL0200	Nepeta x Walker's Low #2 (blue)	7.00	84.00
24	PEODBB600	Penstemon digitalis Blackbeard #2 (lilac pink flower, dark foliage)	7.00	168.00
5	RUDSHE01009	Rudbeckia subtom. Henry Eilers #1 (bright yellow)	7.00	35.00
3	RUDSLE0100	Rudbeckia subtomentosa Little Henry #1 **SORRY, 3, Not Available**	7.00	21.00
12	SALNCA0200	Salvia nemerosa Caradonna #2 (violet-blue)	7.00	84.00
12	SALNMN0200	Salvia nemerosa May Night #2 (purple)	7.00	84.00
0	SAMNBB0312	Sambucus nigra Black Beauty #3 09-12" (pale pink) **SORRY, 2, Not Available**	22.50	0.00
12	SCACBB01009	Scabiosa columbaria Butterfly Blue #1 (lavender-blue)	7.00	84.00
6	SEDRA01009	Sedum rupestre Angelina #1 (yellow)	7.00	42.00
6	SOLRFI01009	Solidago rugosa Fireworks #1 (bright yellow)	7.00	42.00
3	SPITOG0312	Spiraea thunbergii Ogon #3 15-18" (white)	19.50	58.50
12	STOLPP0100	Stokesia laevis Peachie's Pick #1 (compact, lavender blue)	7.00	84.00
		Subtotal		1,793.50

Thank you for your business! Heidi & Richard Hesselein	Total
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Christine Da...	Due on receipt	6/28/2018	Truck-NY	NJ

QUANTITY	ITEM CODE	DESCRIPTION	PRICE EACH	AMOUNT
	delivery	Delivery charge-non taxable **COMBO - Reg Del \$375.00** *Customer is responsible to meet truck and offload plant material.	300.00	300.00
			*	
			*	
Thank you for your business! Heidi & Richard Hesselein			Total	\$2,093.50

PLEASE NOTE: Past due accounts will be charged a 1.5% per month service charge for payments received after terms stated on invoice.