

**APPENDIX J**  
**Public Hearing Transcript**



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STATE OF NEW YORK  
DEPARTMENT OF TRANSPORTATION

NOTICE OF PUBLIC HEARING AND  
AVAILABILITY OF AN  
ENVIRONMENTAL ASSESSMENT  
NEW YORK STATE DEPARTMENT OF  
TRANSPORTATION PROJECT  
IDENTIFICATION NUMBER X027.05.122  
BRONX RIVER GREENWAY WESTCHESTER  
AVENUE TO EAST TREMONT AVENUE  
BRONX COUNTY, NEW YORK

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MEETING

Bronx, New York

Thursday, May 19, 2005

Reported by:

Shanasia Ilgner

Job No. 173513

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May 19, 2005

7:30 p.m.

Meeting, held at Public Schools  
195/196/197, 1250 Ward Avenue, Bronx, New  
York, before Shanasia Ilgner, a Notary  
Public of the State of New York.

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

DEPARTMENT OF TRANSPORTATION

STATE OF NEW YORK

50 Wolf Road

Albany, New York 12232

BY: DAVID S. NEALON,  
Administrative Law Judge

ALSO PRESENT:

Roger Weld, Engineer

LeRoy White, Regional Real Estate Officer

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MR. NEALON: If everyone could take a seat we'll be beginning this public hearing. Good evening, everyone my name is David Nealon and I am an Administrative Law Judge with the New York State Department of Transportation. This is a public hearing conducted by the New York State Department of Transportation pursuant to the provisions of Article 2 of the Eminent Domain Procedure Law in order to inform the public and to review the public use to be served by the proposed public project in the impact on the environment and residents of the area where the project will be constructed. The project is known as the Bronx River Greenway Project is for the construction of a multi-use path and recreational facility between Westchester Avenue and East Tremont Avenue in the Bronx. The project is approximately one mile in length and is located entirely within the Bronx.

On behalf of the Honorable Joseph H. Boardman the commissioner of the Department

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of Transportation of the State of New York,

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I welcome you to and open this public

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hearing.

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The intent of this hearing is to

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afford an opportunity for public statements

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and position on the real estate

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right-of-way acquisitions. The comments

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received during this hearing will be

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evaluated by the department to determine

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the general effect of the proposed project

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on the environment in the residence of the

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area. It will give you the approximate

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location for the proposed project and the

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reasons for the selection. The selection

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will be made, the alternatives will be

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selected, a final environmental document

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will be prepared and design approval will

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be requested from the regional director of

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the Department of Transportation. Upon

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reviewing design approval, detailed design

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and the right-of-way acquisition process

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will begin.

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The proceedings of this hearing are

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being recorded by a stenographer and a

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written transcript will be prepared.

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Comments may be accepted until May 29,

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2005.

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We ask that all persons sign in at the registration table located in the entrance lobby so that we can make a record of all those who participated in this hearing. After these opening remarks, you will have the opportunity to provide written and/or oral statements. We have a public address system and it will be available down in the front for persons making oral statements. We also have a translator available for oral statements for anyone who wishes to speak where English is a second language. This gentleman will also be available at the back of the room to summarize what's happening for any of those who would need, would need those services. So the gentleman is right here. If there's anyone that needs a translator, one is available. Persons here may make oral statements or they may file written statements or do

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both. Written statements may be submitted at this hearing at the registration desk in the entrance lobby or mail post marked by May 29, 2005 at the following address, Randolph B. Hunt P.E., Design Supervisor, New York State Department of Transportation, 47-40 21st Street, Long Island City, New York, 11101.

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Written statements will be given the same weight in consideration as oral statements made at this hearing. If you wish to make an oral statement that will be made part of the official record you must fill out one of the cards at the registration desk if you have not already done so. So that everyone who desires to speak may be heard and their statements may be made part of the official record. We will not entertain any questions from the floor in this hearing room. If you have questions there are representatives from the department and there are engineers from Charles H. Sells available outside the auditorium to answer your questions. The

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intent of this hearing is to afford an opportunity for formal statements by the public before any project decision making.

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After the New York State Department of Transportation has reviewed and analyzed the public comments subsequent to the close of the comment period a recommended alternative will be selected. All comments will be given careful consideration and weighed in the selection of the alternative. We're now ready to hear from those of you who wish to make statements. I remind you that anyone who wishes to speak at this hearing must fill out a speaker's card at the registration desk in the lobby. Elected officials will be given the first opportunity to speak, followed by appointed officials having executive responsibilities and appointed officials having advisory responsibilities. Representatives of organizations and individual citizens will then be called to make their statement in the order in which they are registered. In order to allow as

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2 many persons as possible to be heard, it is  
3 necessary that we restrict individual  
4 comments to three minutes. If your  
5 comments are in writing, you can simply  
6 hand them to a department representative at  
7 the registration desk in the entrance  
8 lobby. If you have already submitted  
9 comments in response to the department's  
10 publication of the environmental assessment  
11 you do not have to resubmit them because  
12 they are already part of the record.  
13 Written comments, again, will be accepted  
14 by the department up to May 29, 2005.  
15 Comments can be sent to Randolph Hunt.  
16 Before I call speakers from the floor, New  
17 York State Department of Transportation  
18 staff will present a brief description of  
19 the project and of the real property  
20 acquisition process. You will hear from  
21 Mr. Roger Weld, Project Engineer, he will  
22 speak first describing the project and he  
23 is to my immediate left. Followed by Real  
24 Estate Officer LeRoy White describing the  
25 real property acquisition process. At the

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completion of the speakers from the  
Department of Transportation we'll take a  
brief recess and then I will begin to call  
members of the public from their  
statements. Mr. Weld, please begin.

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MR. WELD: Good evening. My name is  
Roger Weld. I'm a professional engineer  
were New York State Department of  
Transportation in New York City. I'm the  
job manager for this project, the Bronx  
River Greenway from Westchester Avenue to  
East Tremont Avenue. This Eminent Domain  
Procedure Law is held to solicit citizen  
input regarding the right-of-way  
acquisition for this project. And we also  
accept input on our environmental  
assessment for this project and on the  
project itself.

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I'll take five minutes to describe  
some administrative issues, and then take  
about 20 minutes to give you a technical  
presentation describing the project's goals  
and objectives and scope of our work.

Following my presentation, our

1  
2 regional real estate officer, Mr. LeRoy  
3 White will talk about New York State's real  
4 property acquisition process for five to  
5 ten minutes and there will be a 15-minute  
6 break and then we'll take oral statements  
7 from those who have filled out the yellow  
8 cards. For those wishing to speak who have  
9 not yet filled out those cards and turned  
10 them in, the cards will be available at the  
11 table near the back in the entrance of the  
12 auditorium. Any staff with these  
13 identification badges hanging over them  
14 either from the New York State Department  
15 of Transportation or the consulting firm,  
16 Charles H. Wells will be happy to assist  
17 you in that. Before we continue with this  
18 formal procedure there are a few  
19 administrative issues: Please note the  
20 location of all exits in this auditorium  
21 in case of an emergency. Assuming there is  
22 no emergency, we ask that you exit through  
23 the same way you came, through the back of  
24 the auditorium. This is a public school.  
25 There will be no smoking or drinking of

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alcoholic beverages on the school grounds.

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Restrooms are available near the front

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entrance of the school. When you exit the

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rear of the auditorium go to your right, go

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straight down the hall and you will see

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them to the left side. Because this is an

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elementary school, the restroom furniture

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is smaller than normal furniture. So if

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anyone has a problem with this, a single

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adult-size restroom is also available in

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the nurse's office on the way to the other

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restrooms. And if Spanish is your first

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language, you are welcome to use the

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translator provided by the state to make

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your statement about the project after the

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break. Indicate to us this service is

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desired when your name is called.

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I will start with some background

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information on the project so you can

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understand this project, what it's for and

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how it will fit into larger New York city

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bicycle and green way networks, then

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discuss the specific project scope and how

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it affects the property needs of the

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project. I'll then end my presentation

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discussing the schedule and cost of the

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project.

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The Bronx river flows about 20 miles

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from the Kensico Dam in Westchester County

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to the East River between Soundview and

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Hunts Point in the Bronx. Seven miles of

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the Bronx river is within Bronx County.

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The Bronx River Greenway multi-use path is

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for people to use as a place to bicycle to

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skate, run and walk, for transportation,

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exercise and recreation. This path will

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provide links between parks, provide

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connections between neighborhoods and

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become part of the larger Bronx Borough,

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New York City and national bike networks.

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This includes our project area likely to

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become a link in the East Coast Greenway

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bicycle touring group that extends from

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Florida to Maine. So we're going to become

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part of a much larger network.

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You may have seen news articles about

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this and many other projects currently

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under way along the Bronx River. They

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range in scope from improving walking and

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cycling to restoring the Bronx River's

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natural environment. New York State

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Department of Transportation is proud to be

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involved in several of these projects along

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the Bronx River corridor either as part of

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our highway projects that we have near the

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Bronx corridor or through appropriating

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funding to New York City parks or other

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City agencies for path improvements.

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This is the New York City bicycle

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map. You can pick up copies of this map in

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the room just outside the entrance to the

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auditorium. As the Bronx River Greenway

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multi-use path is completed, its segments

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will show up in future editions of this map

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and become part of a larger bicycle network

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that connects into other paths and other

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destinations. Here is the Bronx portion of

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the New York City bicycle map. The Bronx

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River Greenway will provide a great way

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for people to travel by bicycle or skates

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from Westchester County to Manhattan. It

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will provide access to many parks, the



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Bronx Zoo, Bronx Botanical Gardens,  
3 transit, business centers, neighborhoods  
4 and schools along the way. The.

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The project we're discussing here  
tonight is the construction of the  
multi-use path for people to walk, run,  
bicycle and skate from Westchester Avenue  
to East Tremont Avenue adjacent to the  
river. This project is to be constructed  
by New York State Department of  
Transportation but it is to be maintained  
by New York City parks for all path and  
green space areas and by New York City  
Department of Transportation for city  
street areas.

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This project is a critical link in  
the southern part of the Bronx River  
Greenway and in the New York City Bicycle  
Network, but also stands on its own as a  
great link from the surrounding communities  
to Starlight Park in the Bronx River.

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From a transportation perspective,  
let me show you this, what I'm doing here,  
this shows you a detailed view of the

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project from the north area now rotated to the right. This is the same you were looking at before now we're tilting it sideways so that we can blowup the picture for you.

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From a transportation perspective this project will provide a link between local neighborhoods, schools and transit. The multi-use path will be fully lit for its entire length within the project limits, as this path is to be usable for the public as a transportation resource, 24 hours a day, 7 days a week. It is understood that the path and the park would likely be closed for recreation and some nighttime hours, but it is the intent of New York State Department of Transportation that people walking and cycling on the multi-use path should be able to rely on this path as a transportation resource at all times of the day and night all year long.

To enhance recreation and exercise opportunities for the surrounding

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neighborhoods, the State will reconstruct the four acres of this Starlight park which is currently torn up four bridges -- I'm sorry -- and will provide adjacent communities with 14 acres of newly accessible public open space, and it will provide environmental restoration along some of the banks of the Bronx River. This environmental restoration will include getting rid of bulkhead walls right on the river and re-establishing wetlands. These wetlands will provide habitat for native plants and animals and beautify the river.

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To make this multi-use path connect seamlessly into paths being developed to the north and the south of our project limits and provide good neighborhood access to Starlight Park, four bridges are required. Bridge one is across the Bronx River between Westchester Avenue and East 172nd Street. Bridge two is across Amtrak and CSX tracks. Bridge three is across the Bronx River at the south end of Starlight Park and bridge four is across the Bronx

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River the north end of Starlight Park.

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Bridge one is across the Bronx River to

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connect Westchester Avenue and East 172nd

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Street. The camera image shows the

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perspective of the next slide. The top

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photo is what the site has looked like

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fairly recently and the bottom image is a

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rendering of what the bridge and the sites

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will look like when the work is completed.

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To make this connection with the

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multi-use path in a way that is both

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constructible and will provide a desirable

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link for path users, complete acquisition

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is necessary of the industrial properties

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currently occupied above. New York City

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Marshall and an acquisition is necessary

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also of part of Amtrak's property on the

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west bank of the Bronx River. Complete

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acquisition is also necessary for the used

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park reseller Apex Auto. Bridge number two

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crosses Amtrak and CSX railroad tracks at

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the dead end of East 172nd Street is

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adjacent to Bronx River Avenue. A ramp

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will be provided and half of this dead-end

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street to provide access from the local neighborhood and emergency vehicles to the second bridge. The other half of the dead-end street will be retained so that the auto body shop and the rim and tire store can be accessed by the public.

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Several years ago, there was already a bridge at this site but due to modern railroad clearance standards, the old bridge was removed. Its replacement bridge will be higher above the tracks to meet necessary minimum clearance requirements.

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Bridge number three will go over the Bronx River will connect people coming from East 172nd Street entrance and south of that into Starlight Park. This bridge will be the center piece of the multi-use path and provide open views on a wider point in the Bronx River.

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Bridge number four over the Bronx River will connect people coming from East 174th Street viaduct ramps into Starlight Park to the multi-use path heading north and it also serves people coming from West

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Farms Square to the north end of Starlight

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Park. This bridge will also create a one

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kilometer multi-use path with the third

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bridge creating a recreational loop along

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both sides of the Bronx River. This bridge

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is the shortest span over the Bronx River.

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This bridge is the shorter span over the

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river of the three river crossings

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currently being constructed.

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Retaining walls are used throughout

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the project limits. The use is needed to

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reshape the land so that the path can be

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set to provide good experience for all path

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users to provide quality approaches into

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the new bridges and connections to local

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streets. Property acquisitions will result

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from the construction and maintenance of

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these walls at several locations.

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The first location where the walls

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are required will require the acquisition

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of the property rights is along Amtrak's

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railroad and right of way. The

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construction of new walls and extension in

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height of existing walls will require fee

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acquisition of the property where the walls are modified or newly constructed.

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Another area where construction and maintenance of such walls will result in the acquisition of property rights is the backyard of the property owners adjacent to Apex Auto.

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There will be a Permanent Easement for the construction and future maintenance of a wall and a fence installed to replace the current boundary created by the buildings of Apex Auto. Designers are currently do all they can do to minimize direct construction work within these backyard areas for construction of the wall, but there are several yards that will likely have direct construction impacts. The wall and fence will be fully out of these properties when completed, but the Permanent Easement rights must be obtained to address future maintenance needs. We will be happy to discuss your individual property more in depth after the hearing if you did not get a chance to talk to any of

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the engineers before the hearing.

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Just below the 174th Street viaduct, property will be acquired from MTA for a fee. This property is necessary for the continuity of the bike way path, walking path proposed for the east bank of the Bronx River at this location. Next I'll describe the resulting property rights acquisitions at West Farms Square. New York State Department of Transportation will be reconstructing two major street intersections with funding provided by New York City Department of Transportation. The purpose of this is to improve safety for everyone including those driving cars, trucks, walking, running, skating and cycling.

The intersection will be completely resigned from its current V form that creates two intersections. With East Tremont Avenue it will consolidate at least 177th Street and Devoe Avenue to just one intersection on East Tremont. The multi-use path will cross the Sheridan



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Expressway terminus at an improved crossing and then cross East Tremont Avenue at a signalized mid-block crossing, and meet up with a path continuing north that Parks is currently designing between the parking garage and Bronx River Art Center near the Bronx River.

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During construction, traffic lanes and sidewalks will be temporarily added and moved around to allow construction while the intersections are under full travel so the cars and trucks will not be substantially delayed and residents will be able to continue walking to school and transit in the surrounding neighborhood. This may require temporary construction affecting McDonald's and the car wash on East Tremont Avenue next to Devoe Avenue. Temporary Easements will be acquired on both these properties to allow the completion of this work.

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The main benefits of the final plan for these intersections to path users is that they will have shorter and more

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protected crossings from the local

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neighborhood and the Bronx River Greenway

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multi-use path will have a quality crossing

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to continue north. This plan also makes

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more space along the Bronx River at the

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southwest corner of East Tremont And DeVoe

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Avenue for recreational space and create a

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nice neighborhood interface to the Bronx

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River.

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Now going back to the center of the

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project site I'll describe the future

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Starlight Park and what it will look like.

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Starlight Park was originally supposed to

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be restored during the rehabilitation of

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Interstate 895 also known as the Arthur

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Sheridan Expressway. Due to the finding of

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a Con Edison contaminated waste site under

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Starlight Park, Con Edison has been

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developing a plan to remediate the site and

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should be completed prior to the beginning

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of construction of the New York State DOT

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Bronx River Greenway Project. The upgraded

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Starlight Park will offer some great

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amenities to adjacent neighborhoods: The

1  
2 park will feature a multi-use field that  
3 can be permitted by Parks Department for  
4 two baseball diamonds or a soccer field or  
5 as an area to view performances with the  
6 use of Parks' temporary performance stages.  
7 It will have parking for more than 25 cars  
8 accommodating more than the number of  
9 vehicles that used to park within the park  
10 and on the highway during baseball games  
11 before the park was closed. It'll have a  
12 basketball court, playground equipment and  
13 picnicking areas. Two rest room areas will  
14 be constructed by Parks Department. At the  
15 north end of the park near East 174th  
16 Street and add a boat storage facility near  
17 East 174th Street. And finally, the  
18 floating dock is being developed if funding  
19 is increased for this project that will  
20 provide access to the Bronx River for  
21 people using canoes and kayaks. The  
22 project schedule is as follows: Design  
23 approval for the environmental assessment  
24 will be completed this summer, advanced  
25 detail plans for agency review will be

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completed in the spring of 2006, the final

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plans, specifications and estimate

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otherwise known as construction plans will

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be completed in the fall of 2006.

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Construction will begin in the spring of

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2007 and this project should be completed

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in the spring of 2009. The total project

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cost is currently 33 million dollars. Of

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this amount 6 million is a fiscal share of

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New York State Department of Transportation

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for the reconstruction of the intersections

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in West Farms Square. Of the remaining 27

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million 80 percent is expected to come from

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federal funding and the remainder from

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state funding.

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This now concludes my presentation.

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Our Regional Real Estate Officer LeRoy

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White will now talk New York State's real

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property acquisition process. After Mr.

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White's presentation, there will be a

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15-minute break prior to public statements

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being spoken.

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MR. WHITE: Good evening, ladies and

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gentlemen. My name is LeRoy white. I am

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2 the regional real estate officer and I'm in  
3 charge of real estate operations regarding  
4 state highways within the City of New York.

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6 Now that the engineers have discussed  
7 the need and the design for the project, I  
8 will describe how the project will affect  
9 property owners in the area and discuss the  
10 property acquisition proceeding used by New  
11 York State Department of Transportation.

12

13 It is anticipated that approximately 40  
14 properties will be affected. No  
15 residential and two business displacements  
16 are anticipated at this time. The  
17 acquisition process begins with a map based  
18 on the geometry of the trail way. Maps are  
19 prepared for both private and other  
20 governmental agencies property owners. An  
21 appraisal of the property is then prepared  
22 by a qualified real estate appraiser.

23

24 Appraisal may be prepared by either  
25 department staff or by consultants. It is  
26 anticipated that the appraisals for these  
27 properties will be completed by consultant  
28 appraisers who have been certified by the

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State of New York.

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As part of the appraisal process the property owners or their representatives will be contacted to secure relevant information regarding the affected property. The owner or the representative will be offered the opportunity to accompany the appraiser when the property is appraised, inspected.

Once our appraisal process is completed, and an amount representing the determination of just compensation is approved, an offer of fair market value is extended to each property owner.

An owner may accept the offer as full settlement or they may take the offer as an advance payment and reserve the right to continue negotiations. Regardless of choice, the offered amount remains the same.

In cases where the department is acquiring only a portion of the owner's property, the offer will include an estimate of the value of the property

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acquired plus an estimate of any damages which may accrue to the remainder as a result of the acquisition.

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As I have just stated it is anticipated that there will be no residential moves. And two businesses will have to move. The department's research has determined that there are sufficient parcels of real property available into which the businesses could be moved.

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Our surveys have indicated that there are approximately 31 properties which will have garages or storage buildings located within the proposed acquisitions. The personal property which is located in this building will need to be moved. The department will provide direct assistance both personal and financial to all those qualified people required to move their personal property.

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The department's research has also determined that there is sufficient storage space available near the project neighborhood into which personal property

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could be moved.

A real estate agent has been or will be in contact with all of the affected residences to determine their needs and to develop a plan to assist them with their move. The specialists and agents will make themselves available to the people affected at the resident's or business owner's convenience. If you're a resident or owner not satisfied with the offer of moving expense reimbursement they may appeal the amount to the regional real estate officer and by following a step-by-step procedure, they may appeal to the Commissioner of Transportation. If the person contests the final determination of the commissioner they may seek appropriate judicial review. Property acquisitions will not commence until the Department of Transportation has received authorization to acquire from the Federal Highway Administration. We have available at our table in the other room a booklet entitled "How Your State Acquires Property for Public Purposes." This



1

2

booklet answers the questions most

3

frequently asked by owners of property

4

affected by our acquisitions. We also have

5

a booklet entitled "If You Must Move... WE

6

CAN HELP," which provides more details of

7

the moving assistance benefits available.

8

We will be available for the

9

remainder of the public hearing at our

10

table out in the other room to answer any

11

inquiries you may have regarding the

12

property acquisition and relocation

13

process. We will also be available to

14

answer any inquiries you may have over the

15

coming weeks and months as the project

16

progresses. Thank you.

17

MR. NEALON: Right now we have 14

18

speakers lined up. We'll take a short

19

break and then we'll hear from the speakers

20

who wish to make statements so right now

21

we'll take a short break.

22

(Recess taken.)

23

MR. NEALON: If everyone could come

24

to order. We're now ready to hear from

25

those of you who have filled out speakers

1

2

cards and who wish to make statements.

3

When you step up to speak, please come to

4

this podium, please give your name and

5

address and any affiliation you have with

6

the group that is interested in the

7

project. And I'm going to ask you to spell

8

your name for the reporter. Please spell

9

your name since these proceedings are being

10

recorded by a stenographer and speak

11

loudly, slowly and clearly. We have a

12

microphone here for the PA system if you

13

care to use it. I will call two names at

14

one time so that the second person is ready

15

to speak once the first person is finished.

16

If we're ready to begin. The first in line

17

and I apologize if I have difficulty

18

pronouncing names, Ajamu Kitwana and next

19

in line is Amzad. Right here, sir. Please

20

state your name, spell it.

21

AJAMU KITWANA: My name is Ajamu,

22

A-j-a-m-u, second Kitwana, K-i-t-w-a-n-a.

23

I work with Youth Ministry for Peace and

24

Justice, a youth serving community

25

organization in the Bronx River community.

1

2

We're located at 174th Street and Stratford

3

Avenue. I offer testimony on behalf of

4

Youth Ministry For Peace and Justice,

5

basically completion of this southern

6

portion of the Bronx River Greenway is

7

extremely important to our community. All

8

Bronx River communities from the Bronx Zoo

9

North have a beautiful greenway along the

10

river but here in the South Bronx there's

11

no Greenway and we are blocked off from our

12

river by industrial facilities, concrete

13

plants, all the junk yards, waste

14

facilities, et cetera, and transportation

15

corridors, highways, railroads, things like

16

that.

17

We recognize that the business owners

18

and residents whose property runs along the

19

Bronx River are also part of our community.

20

We hope that they are justly consulted and

21

were necessarily compensated for their role

22

and in some cases sacrifice in creating the

23

Bronx River Greenway that we will all

24

benefit from. We encourage that the State

25

Department of Transportation to continue to

1  
2 engage the local community residents,  
3 business owners and other stake holders at  
4 all stages of the greenway development  
5 process. The Bronx River Greenway promises  
6 to be a magnificent contribution to the New  
7 York State -- I'm sorry -- a magnificent  
8 contribution by the New York State DOT to  
9 our community. By maintaining a  
10 transparent process that works with  
11 community and is attentive to potential  
12 public safety and environmental concerns  
13 the Department of Transportation will  
14 continue to have community support on the  
15 greenway. The Department of Transportation  
16 should be applauded for holding this  
17 meeting and for thus far being open to  
18 working with the Bronx River Alliance and  
19 other community stake holders in designing  
20 and planning the greenway. Finally, Youth  
21 Ministry for Peace and Justice would like  
22 to thank all community members,  
23 organizations, residents, especially the  
24 Bronx River Alliance and its members and  
25 the Department of Transportation for your

1

2           role in getting the Bronx River Greenway as  
3           far as it is today. Thanks to these  
4           efforts and -- thanks to these efforts our  
5           South Bronx community has the promise of a  
6           more beautiful and healthy future.

7

          MR. NEALON: State your name and  
8           spell it and give your address.

9

          MERSALIN AMZAD: My name is Mersalin  
10          Amzado. I live by 172nd and Bronx River  
11          Avenue.

12

          MR. NEALON: If you want to pick up  
13          the mic and speak into it that will help  
14          you.

15

          MERSALIN AMZAD: It's a good  
16          structure that you guys designed and you,  
17          most of us read paper and look at news and  
18          everything like that, you see improvement  
19          in Manhattan, everybody worried about Jets  
20          Stadium. You see they are going to build  
21          Olympic venue in Queens and so, but this is  
22          good for the Bronx. But we also have a few  
23          issues with the park. I know most park are  
24          being closed.

25

          Why should this one be 24 hours?

1

2

Along the walkway people houses are there,

3

they go to work, they need to rest. I

4

don't know of any park open 24 hours in New

5

York City. Take for example, they have

6

Washington Square Park, it was a lot of

7

issue with Giuliani time and the Hudson

8

River Park that they have by Westside

9

Highway is being closed -- why should this

10

be 24 hours? I don't see why. We need

11

curfew to be there too. We need light. We

12

need cameras for security reason, someone

13

jump in our backyard, no one give me a

14

direct answer how high the fence going to

15

be, how we're going to be protecting us.

16

And security and safety that's our concern.

17

Thank you. And may it come through well.

18

MR. NEALON: Thank you, sir. Next

19

Mr. Stanley Schlein. And number two in

20

line will be Joan Byron.

21

STANLEY SCHLEIN: Good evening.

22

Stanley Schlein, S-c-h-l-e-i-n. I am the

23

attorney on behalf of Apex court of records

24

and accompanies -- entities which is

25

subject of the Eminent Domain Procedure

1  
2 whose property will be taken. The Apex  
3 Auto family of companies has been a  
4 commercial resident of this community in  
5 excess of 40 years through father and now  
6 son Robert Bailey. The company employs in  
7 excess of 20 individuals who are  
8 contributing to the economy of this  
9 community on a daily basis. Their property  
10 is in excess of an acre and a half, both of  
11 ownership and lease hold. In addition,  
12 they serve the community very effectively  
13 by maintaining an inventory in excess of  
14 several hundred thousand auto parts which  
15 have thrived in terms of many, many years  
16 of service from all segments of our  
17 community. Notwithstanding, his business  
18 structure, his livelihood and 40 years in  
19 this community I'm here on behalf Mr. Mayo  
20 to articulate support for this greenway and  
21 support -- by the Department of  
22 Transportation. We have been working over  
23 the last several years, in enabling DOT to  
24 take -- and other measurements leading up  
25 to today's public hearing. We support the

1

2 project vigorously and look forward to its  
3 completion in the near future.

4

MR. NEALON: Thank you.

5

6 JOAN BYRON: My name is Joan Byron,  
7 J-o-a-n, B-y-r-o-n and I am here testifying  
8 as the co chair of the Bronx River Greenway  
9 team of the Bronx River Alliance. You will  
10 here later from the professional staff of  
11 the alliance but the alliance is also made  
12 up of over 70 agencies and community  
13 organizations that have worked together in  
14 partnerships since the mid 1990's to dream  
15 up the Bronx River Greenway and make it a  
16 reality. So the greenway team is, you  
17 know, is made up of members of the alliance  
18 that have worked together including Youth  
19 Ministries for Peace and Justice, including  
20 other community organizations like Rocking  
21 the Boat, like sustainable South Bronx,  
22 like the Point Community -- Corporation,  
23 the Bronx River Art Center and many, many  
24 others to mobilize political support for  
25 the greenway to get elected officials to  
commit to funding that will make this



1

2

greenway project happen, from the federal

3

government, the city government and the

4

state government and now works together

5

with New York City Parks Department and New

6

York State Department of Transportation

7

this exciting phase of moving the greenway

8

from a design to a reality.

9

So mainly I would like to express on

10

behalf of the greenway team our

11

appreciation of the understanding and

12

vision of people in the community

13

especially the residential community and

14

the business community whose properties are

15

immediately affected by this project we're

16

describing here and your willingness to go

17

with someone new and different. It's hard

18

to imagine how much this greenway will

19

transform the neighborhood and I think we

20

all feel the transformation will be

21

overwhelmingly positive. This neighborhood

22

is so desperately underserved by green

23

space, there is so little park and open

24

space, the neighborhood is slashed up by

25

highways that were constructed really

1

2

without such a consultative process as this

3

one here and this greenway represents, if

4

you will, the first installment of what we

5

hope will be many, many more installments

6

of pay back on the environmental justice

7

account by the State of New York to the

8

people of the South Bronx.

9

So the Bronx River alliance is ready

10

and eager to work with especially the

11

neighbors of the greenway to make sure that

12

your concerns about how it will be designed

13

and how it will be maintained and managed

14

are answered. So, please, as you meet the

15

members of the alliance staff and the rest

16

of us please feel free to continue talking

17

with us as long as well as with State DOT

18

and we're anxious to work with you and make

19

sure that this greenway ends up being

20

something that is an asset to everyone in

21

the neighborhood. Thank you.

22

MR. NEALON: Rodrigo Venegas and

23

Victor Padro. So Rodrigo goes first and

24

then Victor will be second. State your

25

name and spell your name for the record.

1  
2  
3  
4  
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18  
19  
20  
21  
22  
23  
24  
25

RODRIGO VENEGAS: My name is Rodrigo Venegas, R-o-d-r-i-g-o, V-e-n-e-g-a-s. I'm the youth organizer for Youth Ministry for Peace and Justice and I think more than anything my personal testimony or statement is, I work with this group of kids over here and I work with about 40 other youths on a daily basis at the after school program and more than anything it's what we see is the lack of green space that our children have in this area. And due to that lack of green space, how that also affects our health when you're working around asthma the Bronx has double the national average of people, of young people with asthma. You look at the Bronx River and how its polluted and I look at the greenway as one of the first real steps in actually getting this area cleaned up and really having it be a place where young people can hangout and enjoy the river and enjoy this beautiful natural resource that we have running down the middle of our borough and at the same time more than

1

2

anything be able to live a life with

3

environmental justice in which we don't

4

have high levels of asthma and kids playing

5

out in the streets and getting cut with

6

glass because they're playing on dirt roads

7

and basically the street. So for that I

8

think this is a big step that they're

9

taking in the greenway, we support it

10

fully.

11

MR. NEALON: Please state your name

12

and spell it.

13

VICTOR PADRO: Victor Padro,

14

V-i-c-t-o-r, P-a-d-r-o. My name is Victor

15

Padro. I'm a youth organizer at Youth

16

Ministry and Justice which is located on

17

Stratford Avenue in the basement of the

18

church of St. Joan of Arc. And the

19

community we live in lacks a lot of green

20

space and we need to do something about it

21

this. Our community is also the asthma

22

capital of the nation. There are more 18

23

wheelers passing through this neighborhood

24

than there should be. And that's causing a

25

lot of pollution in keeping the asthma rate

1

2

as high as it is now. We need to have a

3

nice park so that your sons, daughters,

4

nieces or nephews won't have to play on the

5

streets. I personally think that car lots

6

have no use in this neighborhood and they

7

could be changed into something beautiful

8

like a park or picnic area, a greenway for

9

bike riding and a rest area. If this

10

happens, this can also keep the Bronx River

11

clean and we need to have a river in this

12

neighborhood that we don't have to be

13

embarrassed about. My family, my friends

14

and I support this project and you should

15

too. Thank you for your time.

16

MR. NEALON: Xiomayra Lopez.

17

XIOMAYRA LOPEZ: Xiomayra Lopez.

18

X-i-o-m-a-y-r-a Lopez. I am the youth

19

organizer for this Bronx River community.

20

I feel that this is a big issue in our

21

community. We lack the open space in our

22

neighborhoods, we need parks for our little

23

brothers and sisters to play in. The

24

industries along the river do no good for

25

the neighborhood. All there is are cars.

1

2

Cars are one of the main sources -- it's bad enough that we have four major highways boxing us in this community. As a community member and youth organizer, I would like to see this community become a better place to live.

3

4

5

6

7

8

AJAMU KITWANA: She was here and she left earlier she actually submitted her testimony in writing so she won't --

10

11

12

MR. NEALON: She has put hers in writing?

13

AJAMU KITWANA: Yes.

14

MR. NEALON: Who are you, sir?

15

AJAMU KITWANA: Ajamu Kitwana.

16

17

MR. NEALON: Next up is Maggie Greenfield and Morgan Powell.

18

19

20

21

22

23

24

25

MAGGIE GREENFIELD: Maggie Greenfield, M-a-g-g-i-e, G-r-e-e-n-f-i-e-l-d. Good evening, everyone. I just want to say it's really exciting to be out here tonight and see so many people coming out to take an interest in the greenway. It's really quite thrilling. I am from the Bronx River

1

2

alliance and I'm the greenway coordinator

3

there and our mission is to serve as a

4

coordinator -- for the river and work in

5

harmonious partnership to protect, improve

6

and restore the Bronx River corridor in

7

greenway so they can be healthy,

8

ecological, recreational, educational

9

resources for the communities through which

10

the river flows. So I'm here tonight to

11

express our strong support for the Bronx

12

River Alliance for the state DOT's segment

13

and plan for the greenway. Like Roger

14

noted earlier this is just one segment in a

15

much larger picture of an eight-mile

16

greenway that will stretch in New York City

17

from the mouth of the river up to the

18

boarder of Westchester County and then go

19

north about 15 more miles up to the source

20

of the river in Kensico Reservoir.

21

So this is, it's a small part of a

22

much bigger plan and even more than that

23

it's going to be part of a whole network of

24

green space in the city that will

25

eventually connect to Manhattan, via

1

2

Randall's Island and like Roger said be  
apart of the east coast greenway which will

3

4

be this amazing amount of greenway from

5

stretching from Maine down to Florida. So

6

thousands of miles of green space

7

stretching through our -- sort of a counter

8

point to the -- through cities. So it's

9

really exciting to be apart of it. But

10

more than that I think it is really what

11

the youth from YMCJ were saying earlier,

12

it's more important for the people who live

13

in this area is the access to green space.

14

That's really an important part of this

15

part of the project especially connecting

16

this neighborhood, Bronx River as its

17

called to the Bronx River very important.

18

Giving access to Starlight Park which will

19

be reopened, to the Bronx Zoo, this is

20

going to create all kinds of new

21

connections to the community which are very

22

important. So we understand that, we

23

understand people's concerns especially the

24

people who live along Bronx River Avenue

25

and we'd like to see that we welcome



1

2

participation in the planning and  
maintenance especially around safety  
concerns for the park.

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

So if you would like to get in touch  
with us, I welcome you to contact me,  
Maggie Greenfield at the Bronx River  
alliance. We're going to be very involved  
in the maintenance operation of this park  
and we welcome all of your input and -- in  
how we can do a good job and address your  
concerns. We do believe that acquisition  
of these properties is essential to  
creating a continuous and successful park  
so we do support the plan here and we  
appreciate the willingness of both the  
community residents who probably are going  
to affected and businesses like Apex Auto  
who have proven to be willing partners in  
this process. Thank you.

21

22

MR. NEALON: Morgan. Next state your  
name for the record. Please spell it.

23

24

MORGAN POWELL: M-o-r-g-a-n,  
P-o-w-e-l-l.

25

MR. NEALON: If you would, would you

1

2

use the mic so people can hear you.

3

4

5

6

7

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25

MORGAN POWELL: Good evening. Hello, neighbors. I'm a Bronx resident and I live in the North Bronx. I am affected by this. I'm a history buff and I get around the Bronx and I have the good fortune of living in the Bronx where much of a continuous walk along the Bronx River already exists and it's exciting that that opportunity will be available to us for you who live further south where there isn't a continuous walkway yet. In terms of trying to say something germane to these proceedings, I'm glad that the earlier lawyer representing one of the businesses that had to be relocated, if I heard correctly, express support for the greenway. And that I basically want to say that I'm a supporter of the greenway as a continuous walkway because those of us who have been at the North Bronx, enjoy it. It's an incredible amenity for us. And had it been built continuously all the way up to Soundview Park from the beginning, the

1

2

businesses that are going to be moved would have just found other sites that would have been perfect for what they do. So let's just correct a historical mistake, the mistake -- so build the greenway.

7

MR. NEALON: Next up, Richard Gans and then Edmundo Martinez.

8

9

RICHARD GANS: G-a-n-s.

10

MR. NEALON: If you would, Mr. Gans, would you use the mic.

11

12

RICHARD GANS: My name is Richard Gans and I'm a Bronx resident. I live a couple of miles from here and I'm also a volunteer with the organization transportational alternatives which is the city wide advocate for bicycles and pedestrians and a more livable city through among other things, fewer cars. I'm actually the chair of the Bronx chapter so in some sense I, you know, claim to speak on behalf of all the bicyclists in the Bronx but speaking on behalf of transportational alternatives we are, you know, strongly supportive of this project

13

14

15

16

17

18

19

20

21

22

23

24

25

1  
2 and we look forward to its completion and,  
3 you know, it's very refreshing to be at a  
4 public hearing where there really is,  
5 everyone is in support of it and I think  
6 that is a credit to all the work that has  
7 been done to all the people to get to this  
8 point and I think I especially should  
9 commend the State DOT for the work they've  
10 done on this project. I'll just respond a  
11 little bit to the comment that was made  
12 about the 24 hours. Now, this is, you  
13 know, as was pointed out by Roger -- from  
14 State DOT, this is a means of getting from  
15 one place to another. So bicycle paths of  
16 green ways throughout the Bronx and  
17 throughout the city are, generally  
18 speaking, open 24 hours -- now, I also  
19 understand and I am a homeowner as well but  
20 this is not exactly the same thing, this is  
21 right in your backyard, but I am confident  
22 that the work that, you know, you're  
23 working with State DOT and other people who  
24 result in something where this park and  
25 path will be a great asset to your house

1

2

and not be, you know, a danger for security

3

in any way. And I just, you know, the

4

connections, of course, are very important.

5

I just want to put in a plug for one

6

connection that the -- right now there is a

7

pedestrian bridge over the Bruckner

8

Expressway and the elder of Boynton

9

(phonetic) Avenue that goes to Boynton

10

Avenue and one of the problems of getting

11

in this area is actually crossing the

12

Bruckner Expressway. This is one of the

13

things that has been talked about and the

14

crossing at Bronx River Avenue is actually

15

exceptionally dangerous because cars are

16

coming off the highway and they are still

17

in highway mode and plenty of them are

18

going through that light at 50 miles an

19

hour and a couple of them go through after

20

it turns red as well.

21

So on a, you know, sort of really

22

maybe by the time this piece was done if we

23

can get the light at Bruckner Expressway

24

and Boynton Avenue to be made useful for

25

bicycling that would enable an alternative

1

2

route that would be a lot safer and more pleasant. But again, that's

3

4

transportational terms is the strongest

5

supporter of that of this project together

6

with the Bronx River president's office we

7

also organize the annual tour of the Bronx

8

bike ride and last year we had our largest

9

ride ever. It was about 3,000 riders. So

10

whether it's summer of 2010, it should be

11

fall October, this year it's like October

12

23 -- put in a plug -- but if we do it in

13

2009 and worse case 2010 that will be

14

something that people in the Bronx will be

15

able to show case as a spectacular, truly

16

spectacular new facility and amenity and

17

it's show casing it to people outside the

18

Bronx but also for people in the Bronx.

19

A lot of people in the Bronx don't

20

realize how much beautiful stuff we have

21

here when we go on the bike ride. That's

22

it. Thank you.

23

MR. NEALON: Thank you, Mr. Gans.

24

State your name for the record.

25

EDMUNDO MARTINEZ: Edmundo,

1

2

E-d-m-u-n-d-o, Martinez, M-a-r-t-i-n-e-z.

3

Good evening. My name is Edmundo Martinez.

4

Basically my statement is more about

5

security concerns. It's a park that is

6

going to have access to our backyards.

7

It's mostly a working community. Most of

8

the people are not home. If there are

9

people home, it's very few, it's elderly,

10

it might be children with baby-sitters.

11

Security concerns during the day and the

12

evening and it's going to have 24 access to

13

the park and it's 24 access to strangers

14

and people from other communities who might

15

not always have the most best of concerns

16

for our neighborhood. So it's all about

17

security. I'm more for the park, I have a

18

child, I have family but we got to worry

19

about security.

20

MR. NEALON: Thank you, sir. William

21

Curry. Please state your name and spell

22

it.

23

WILLIAM CURRY: 1245 Bronx River

24

Avenue. William Curry. Honor and respect

25

to everyone here and in particular the

1

2

homeowners -- I hope you can hear me better

3

than I can hear everybody else -- but with

4

the young people and sacrifices our future

5

leaders that we respect and the bikers and

6

all the other things that were being

7

presented to us, the main thing to realize

8

is the people who are making this sacrifice

9

and in this case it's a large business with

10

20 or more employees that won't be there

11

any longer that does serve this community.

12

The homeowners who pay the taxes that

13

are everly increasing have a security that

14

was there when Mr. Mayo had that whole back

15

covered. I have been in the neighborhood

16

over 20 years and I own a home there more

17

than 20 years. That's going to be moved

18

now. So a seven-foot fence or some of the

19

other things that were mentioned before

20

about our security, it's mandatory. In New

21

York City they ask us to depend on the

22

police department for our security, okay,

23

in that case, they can't be every where at

24

one time. So it's important to us who live

25

on Bronx River Avenue and pay the taxes on



1  
2 Bronx River Avenue as we enjoy bike paths  
3 and we enjoy our youth that will be our  
4 youth leaders and we enjoy every other part  
5 of the park. Our security is mandatory to  
6 us, the homeowners, and nobody else is  
7 paying for it except the businesses that  
8 feed the people in the community. You got  
9 20 workers that won't have jobs there  
10 anymore and not just boosted Apex because  
11 Apex has been good in the community. Many  
12 of us got our car parts there and have been  
13 working there. We don't want to lose jobs,  
14 lose security just for a bike path because  
15 the bike path can also be secured and the  
16 park can also be open without us  
17 sacrificing that. So in building it's  
18 mandatory that the surveillance is there  
19 because when they start cutting and it  
20 shall come and what the first thing they  
21 cut is a park, nobody lives in the park,  
22 they're going to cut the park security.  
23 The Bronx alliance with that has been going  
24 on for sometime, you're doing a wonderful  
25 job and some of the youth that spoke this

1

2

evening they should be ever active in those

3

Sunday projects and those activities in

4

order to produce it. But we need the

5

security, without the security, me,

6

personally I'm not for it but we have to

7

have that. 24-hour park means 24 hour full

8

time security and not just for this

9

administration, straight on through.

10

That's what we need as homeowners and the

11

business owners. So stay goodbye to come

12

money coming into your community and some

13

of the things that we need is not always

14

wise. So I'm just saying we're looking for

15

security but at the same time we're making

16

a sacrifice and that's coming from the

17

homeowners. It's not coming from anybody

18

who is passing through, riding through or

19

standing up, young folks that are growing

20

up. It's coming from the homeowners.

21

Thank you.

22

MR. NEALON: Ernie Orive. Please

23

state your name and spell it for this young

24

lady.

25

ERNIE ORIVE: Ernie O-r-i-v-e. Good

1

2

evening. My name is Ernie Orive. I live

3

on lot 38 and one of my concerns is also

4

security. I have always had security and

5

the security has always been Apex and their

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dogs. So I don't worry about anybody at

7

night. Now I'm going to have to put bars

8

on my windows because the park is nice, I

9

know the kids need it, the kids have asthma

10

but 80 percent of the kids that have asthma

11

in the Bronx live in the Hunts Point area

12

because of the all the diesel trucks. This

13

is where most of the kids have asthma.

14

Maybe we should get rid of the industrial

15

park and not worry about Apex. Another

16

concern of mine is the Department of

17

Transportation willing to make Bronx River

18

Avenue alternate side parking, abolish it

19

because these so-called sheds in the back

20

of these lots are, I call it a garage and

21

there's about 25 houses on Bronx River

22

Avenue on 172nd to Westchester Avenue

23

average two cars per house.

24

Where are we going to park these cars

25

at night? The streets are already full and

1

2

there's alternate side parking in the morning and people got to scramble to move their cars to one side.

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5

6

Where are we going to put an extra 50 cars during the day or at night? That's my concern and the security. Thank you.

7

8

MR. NEALON: Thank you, sir.

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Is there anyone else present who'd like to make a statement regarding the project? If there is anyone else present who would like to make a statement regarding the project I'd ask you to fill out a yellow card and you will be given an opportunity to speak. In order to enable anyone who wants to speak to give them that opportunity we'll take a five-minute break. If there is anyone in the room that wants to make a public statement please fill out a card and we'll call you.

21

(Recess taken.)

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MR. NEALON: Ladies and gentlemen, is there anyone else present who would like to make a statement regarding the project? The time is now 9:00 p.m. We have just had

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a brief recess.

And before we close the hearing is there anyone else here that would like to make a statement regarding the project? This hearing is now concluded. Thank you and good evening.

(Time noted: 9:01 p.m.)

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C E R T I F I C A T E

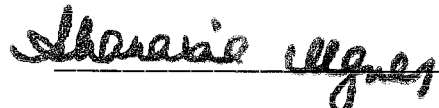
STATE OF NEW YORK)

: ss.

COUNTY OF NASSAU)

I, SHANASIA ILGNER, a Notary Public within and for the State of New York, do hereby certify that the foregoing record of proceedings is a full and correct transcript of the stenographic notes taken by me therein.

IN WITNESS THEREOF, I have hereunto set my hand this 15th day of June, 2005.



SHANASIA ILGNER

<p style="text-align: center;"><b>A</b></p> <p><b>able</b> 16:20 23:15 42:2 52:15</p> <p><b>abolish</b> 57:18</p> <p><b>accept</b> 10:17 28:16</p> <p><b>accepted</b> 6:3 9:13</p> <p><b>access</b> 14:25 17:18 19:2 25:20 46:13 46:18 53:6,12,13</p> <p><b>accessed</b> 19:7</p> <p><b>accessible</b> 17:7</p> <p><b>accommodating</b> 25:8</p> <p><b>accompanies</b> 36:24</p> <p><b>accompany</b> 28:9</p> <p><b>account</b> 40:7</p> <p><b>accrue</b> 29:3</p> <p><b>acquire</b> 30:21</p> <p><b>acquired</b> 22:4 23:20 29:2</p> <p><b>Acquires</b> 30:24</p> <p><b>acquiring</b> 28:23</p> <p><b>acquisition</b> 5:22 9:20,25 10:16 11:4 18:14,17,20 20:21 21:2,6 26:20 27:9,15 29:4 31:12 47:12</p> <p><b>acquisitions</b> 5:8 20:17 22:10 29:15 30:19 31:4</p> <p><b>acre</b> 37:10</p> <p><b>acres</b> 17:3,6</p> <p><b>active</b> 56:2</p> <p><b>activities</b> 56:3</p> <p><b>add</b> 25:16</p> <p><b>added</b> 23:10</p> <p><b>addition</b> 37:11</p> <p><b>address</b> 6:12 7:5 21:22 32:5 35:8 47:11</p> 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