

V. SUMMARY AND ANALYSIS OF COMMENTS RECEIVED

A. Summary and Analysis of Public Hearing Comments

On May 19, 2005 an Eminent Domain Procedure Law Public Hearing was held at Public School 195/196/197's auditorium located at 1250 Ward Avenue, Bronx. The purpose of the meeting was to obtain input from the property owners affected by the Bronx River Greenway project as well as from the general public.

Approximately 50 people attended the hearing. In addition to recording oral statements, the New York State Department of Transportation (NYSDOT) provided all attendees with comment cards, which were distributed and collected. At the hearing it was stated that a NYSDOT Real Estate representative will be available during the hearing, after the hearing and throughout the design process to answer any questions they have regarding their property. A stenographer was present to officially record the oral presentation and public statements. Copies of the stenographer's transcript can be found in the Appendix.

The presentation to the public included the use of digital orthoimages of the project area in which there are right-of-way easements or acquisitions. There were also graphic visualizations of what the proposed project will look like after it is completed. The oral presentation included a speech from the Administrative Law Judge, a Powerpoint slide presentation from the NYSDOT design team and a speech from the NYSDOT Real Estate representative. The presentation outline included:

1. Detailed description of how the hearing will proceed.
2. Project background and scope
3. Structural needs of the project
4. Needs of the Right-Of-Way Easements and Acquisitions
5. Existing Conditions
6. Proposed Improvements
7. Existing park land Conditions
8. Proposed project park land
9. Project schedule
10. Cost Estimate
11. New York State's Property Acquisition process
12. Public Oral Statements

The most common concerns noted were security of the multi-use path and its surroundings as well as its hours of operation. Below is a paraphrased summary of specific comments received during the hearing followed by the Department's response.

Specific Comments and Concerns:

1. *Comment:* The retaining wall should be higher.
Response: The height of the retaining wall will be modified during Final Design to address the adjacent residences concerns over safety and aesthetics.
2. *Comment:* The multi-use path needs proper lighting.
Response: The Bikeway will contain lighting that has been designed to meet the standards and requirements of the NYC Department of Parks and Recreation.
3. *Comment:* There needs to be security cameras.
Response: Once completed the Greenway will be maintained and operated by the Parks Department. Security measures and the use of cameras will be discussed with the Parks Department during Final Design.
4. *Comment:* The path should not be open 24 hours a day. Implement a curfew.
Response: The Parks Department will operate the park and will establish the hours of operation. Discussions with the Parks Department on the hours of operation and the appropriate security measures will be held during Final Design.
5. *Comment:* There needs to be 24 hour a day security.
Response: See responses 3 and 4 above.
6. *Comment:* There needs to be police patrol.
Response: Please refer to responses 3 and 4 above.
7. *Comment:* What will happen to the vegetation/trees in the affected easements?
Response: Measures will be taken to preserve existing vegetation wherever possible. In the easement areas where vegetation must be removed for construction purposes, new vegetation will be established at the completion of construction.
8. *Comment:* The security gate needs to have a certain height.
Response: The height of the fencing and gates will be modified during Final Design to address the adjacent residences concerns over safety.
9. *Comment:* Will there be another number besides 911 posted to report and encourage people to report vandalism, garbage dumping, fights, etc.?
Response: Evidence of vandalism or dumping can be reported to either the Police or the Parks Department. The Police should be notified of illegal activities through normal communication procedures. No special number will be established to report these incidents.
10. *Comment:* How fast will help come in case of an accident or emergency in the Greenway?
Response: The path and bridges have been designed to accommodate emergency vehicles so that response times for incidents on the Greenway can be similar to those in the adjacent neighborhood.

11. *Comment:* There needs to be community access to the river.
Response: The Greenway will contain overlooks and walking paths that provide public access to the banks of the Bronx River.
12. *Comment:* There needs to be more greenway in the South Bronx.
Response: The Bronx River Greenway will add over 14 acres of green space and provide connections to the other green space areas in the South Bronx.
13. *Comment:* There should be a continuation of engaging the local community residents, business owners and other stakeholders at all stages of the greenway development process.
Response: NYSDOT plans to hold other meetings with the public at various stages of Final Design. The purpose of these meetings will be to discuss the project progress and adjust the design to incorporate the community's concerns.
14. *Comment:* The Bronx River Greenway promises to be a magnificent contribution by the NYSDOT to the community.
Response: No response required.
15. *Comment:* By maintaining a transparent process that works with community and is attentive to potential public safety or environmental concerns, the NYSDOT will continue to have community support. The NYSDOT should be applauded for holding this meeting and for thus far being open to working with the Bronx River Alliance and other community stakeholders in designing and planning the Greenway.
Response: As discussed in the response to comment 13, NYSDOT plans to hold meetings throughout the Final Design process to discuss issues with the community.
16. *Comment:* The Youth Ministries for Peace and Justice would like to thank all community members, organizations (especially the Bronx River Alliance and its members), and the NYSDOT for your roll in getting the Bronx River Greenway as far as it is today. Thanks to these efforts, our South Bronx community has the promise of a more beautiful and healthy future.
Response: No response required.
17. *Comment:* The more green space and less amount of cars, the better the chance that Asthma will decrease in the Bronx community.
Response: Please refer to the response to comment 12.
18. *Comment:* The South Bronx community needs more open spaces that are safe for the children to play.
Response: Please refer to the response to comment 12.
19. *Comment:* The park land of the Greenway will provide a place for children to play besides the streets.
Response: No response required.

20. *Comment:* The Greenway will promote a cleaner Bronx River that residents will no longer be embarrassed about.

Response: No response required.

B. Analysis of Comments Received on the DR/EA

Written comments were received on the DR/EA from the United States Environmental Protection Agency (EPA). In a June 10, 2005 letter to NYSDOT the EPA commented on the presence of endangered species or habitats in the project area and requested back up on the field studies completed for the project. The EPA is particularly concerned with the Department's program of invasive plant removal, which is being progressed independent of the Bronx River Greenway project. The EPA letter also suggests the use of alternative/green building materials for the project. A copy of the EPA letter along with an itemized response to their comments can be found on the following pages.

The New York City Department of Parks and Recreation gave comments on the DR/EA via an email from Ms. Colleen Alderson on April 13, 2005. A copy of the email along with a table itemizing the responses to their comments is presented on the following pages.

In an email dated April 13, 2005, Ms. Colleen Alderson of the New York City Department of Parks and Recreation wrote:

>>> "Colleen Alderson" <Colleen.Alderson@parks.nyc.gov> 04/13/05 4:10 PM >>> >>>

Roger,

Attached are comments on the draft environmental assessment for the Bronx River greenway project.

I. Introduction

Page I-2

Through the MOU we are assuming maintenance jurisdiction. You should be aware that as per an agreement with NYCDOT, the new pedestrian bridges will become part of the City's Bridge inspection program. In addition, CDOT will perform any future capital work after the bridges are constructed, including painting. Parks will then reimburse CDOT for any relevant expenses. Parks will perform all day-to-day maintenance and cleaning of the bridges, including garbage and snow removal.

II. Project Identification, Evolution, Conditions and Needs, and Objectives

B. Project Evolution

Page II-2

NYSDEC did acquire two properties with the Enhancements grant funds. A property within Soundview Park (Block 3452 Lot 60) and the privately owned lot within Concrete Plant Park.(Block 2759 Lot 350) are the acquisitions. The Soundview Park parcel transaction is completed; the parcel within the Concrete Plant may not be 100% complete.

Page II-3, last bullet

Our understanding is that the CSO relocation and storage tank concept is not part of DEP's current capital plan.

Page II-5, Fifth paragraph, 3rd line

The sentence should change "my" to "by" NYCDPR or by NYSDOT..."

Page II-12

For Table II-5, can a map or diagram illustrate the greenway path and its relation to the identified bridge structures?

Page II-16

The Melrose Commons Urban Renewal Plan is not stalled. The plan was approved by the Department of City Planning in 1994. Significant housing development has already taken place in the project area as a result of the designation of the urban renewal area. As of last August, new construction residential projects which are either completed, in construction, or have had funding approved and developers designated, have a combined total of more than 1500 dwelling units.

Page II-17, Community District 9

An existing building on the LORAL site was rehabilitated as a public school last year.

III. Alternatives

Page III-8

Parks will be constructing a boathouse in Starlight Park upon NYSDOT's completion of park reconstruction, which follows Con Edison's remediation.

Page III-13

g. Maintenance Responsibility

Please see page I-2 comment above.

III. Social, Economic and Environmental Considerations

Will there be any impacts to the Bronx River Art Center during construction? I am not sure what is involved with the north side of East Tremont when the new crossing is constructed. I think what would be needed, if necessary, is notification to the Bronx River Art Center upon any changes to the adjacent sidewalk and assurances that access would be maintained.

C. List of Permits

New York City Department of Parks and Recreation should be added to the list of agencies for anticipated permits. This will be necessary for construction in Starlight Park and for any tree removals and tree protection.

No.	SECTION	COMMENT	RESPONSE	COMPLIANCE
1	I. Introduction	<p>Page I-2:</p> <p>Through the MOU we are assuming maintenance jurisdiction. You should be aware that as per an agreement with NYCDOT, the new pedestrian bridges will become part of the City’s Bridge inspection program. In addition, CDOT will perform any future capital work after the bridges are constructed, including painting. Parks will then reimburse CDOT for any relevant expenses. Parks will perform all day-to-day maintenance and cleaning of the bridges, including garbage and snow removal.</p>	<p>The text in the Introduction has been revised as noted in the comment.</p>	<p>We have complied</p>
2	II. Project Identification	<p>Page II-2:</p> <p>NYSDEC did acquire two properties with the Enhancements grant funds. A property within Soundview Park (Block 3452 Lot 60) and the privately owned lot within Concrete Plant Park.(Block 2759 Lot 350) are the acquisitions. The Soundview Park parcel transaction is completed; the parcel within the Concrete Plant may not be 100% complete.</p>	<p>The text in the Project Identification section has been revised to note the status of the listed property acquisitions.</p>	<p>We have complied</p>
3	II. Project Identification	<p>Page III-3:</p> <p>Our understanding is that the CSO relocation and storage tank concept is not part of DEP’s current capital plan.</p>	<p>The CSO and storage tanks are not at this time being progressed by NYCDEP. The text in this section describes</p>	<p>We have complied</p>

No.	SECTION	COMMENT	RESPONSE	COMPLIANCE
			the project evolution.	
4	II. Project Identification	Page II-5: The sentence should change “my” to “by” NYCDPR or by NYSDOT...”	The word "my" has been changed to "by"	We have complied
5	II. Project Identification	Page II-12: For Table II-5, can a map or diagram illustrate the greenway path and its relation to the identified bridge structures?	Figure II-3 has been added to the report and shows the locations of the new bridges and park features.	We have complied
6	II. Project Identification	Page II-16: The Melrose Commons Urban Renewal Plan is not stalled. The plan was approved by the Department of City Planning in 1994. Significant housing development has already taken place in the project area as a result of the designation of the urban renewal area. As of last August, new construction residential projects which are either completed, in construction, or have had funding approved and developers designated, have a combined total of more than 1500 dwelling units.	The text has been revised to include the progress of the noted plans and developments.	We have complied
7	II. Project Identification	Page II-17: An existing building on the LORAL site was rehabilitated as a public school last year.	The text has been revised to include this rehabilitation project.	We have complied
8	III. Alternatives	Page III-8:		We have complied

No.	SECTION	COMMENT	RESPONSE	COMPLIANCE
		Parks will be constructing a boathouse in Starlight Park upon NYSDOT's completion of park reconstruction, which follows Con Edison's remediation.	The text has been revised to include the Parks Department plans to construct the boathouse in Starlight Park.	
9	III. Alternatives	Page III-13: g. Maintenance Responsibility: Please see page I-2 comment above.	The text has been revised.	We have complied
10	III. Social, Economic and Environmental Considerations	Will there be any impacts to the Bronx River Art Center during construction? I am not sure what is involved with the north side of East Tremont when the new crossing is constructed. I think what would be needed, if necessary, is notification to the Bronx River Art Center upon any changes to the adjacent sidewalk and assurances that access would be maintained.	Improvements to the West Farms Square intersection and the new crossing of East Tremont Avenue will maintain and protect motorized and non-motorized traffic throughout construction, including access to the Bronx River Art Center	
11	List of Permits	New York City Department of Parks and Recreation should be added to the list of agencies for anticipated permits. This will be necessary for construction in Starlight Park and for any tree removals and tree protection.	NYCDPR Parks and Forestry Permits have been added to the list of permits	We have complied