

Affordable Housing for the Bronx RFP Addendum I

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Contents of the Addendum

- A. Amendments to the RFP
- B. Questions and answers
- C. List of maps available for download
- D. Draft Executive Summaries of Phase I Environmental Site Assessments – Highbridge and Forest Sites
- E. Attendees at 9/24 RFP Pre-submission Conference (only those who elected to share their contact information)

A. Amendments to the RFP

1) Exhibit C.2. – HPD Design Guidelines for Substantial Rehabilitation

These guidelines do NOT apply to moderate rehabilitations and therefore do not pertain to this RFP.

2) Architectural Submission for UAC Site

The Architectural Submission for the moderate rehabilitations at the University Avenue Consolidation site must only consist of the following items:

- o A description of the proposed rehabilitation in the Design Narrative
- o A comprehensive scope of work including work that may be needed to remove existing violations
- o Estimated costs and the trade payment breakdown in the financing proposal

3) Section III E.2. is revised as follows:

2. Eligible Homebuyers

Homebuyers must agree to occupy the unit they purchase as a primary residence for up to fifteen (15) years following the initial purchase of the home. In the case of Soundview, the homebuyer of the two-family home must agree to occupy one unit in the building as permanent residence. ~~In addition, any resale of the home or unit within fifteen (15) years following the initial purchase of the home from the Developer must be to buyers who will be owner-occupants. Where subsidies are used to enhance Project affordability, there will be income restrictions on some or all of the purchasers. Homebuyers must meet the affordability criteria set forth in Section III (A) (Development Site Descriptions and Property Use) of this RFP and proposed by the Developer in response to the RFP.~~

4) Subordinated Debt – The following language was inadvertently omitted from Section III E. of the RFP, and is hereby added as Section III E. 4.

In addition to a note(s) and mortgage(s) to HPD and other funding sources for any City, State or Federal construction and homeownership subsidies, NYCHA requires each homeownership unit to be sold subject to a subordinate lien in favor of the Authority representing the value of the Authority's land contribution to the transaction. The purpose of this lien is to discourage "flipping" or realization of windfall profits in the event of a resale by the subsidized homebuyer during the initial years of occupancy. It is a separate requirement from the acquisition price to be paid at closing by the developer. These liens are collectively referred to as "Subordinated Debt."

Subordinated Debt is defined as:

The amount equal to the sum of:

- 1) the difference between the acquisition price payable to NYCHA at closing for the homeownership portion of the development site and the appraised value of the homeownership portion of the unimproved development site; plus
- 2) the aggregate amount of any City, State, or Federal construction subsidies for the construction of the homes less the amount required to be repaid from proceeds from the sale of the homes; plus
- 3) any appreciation of home value at the time of purchase by the homebuyer as represented by the difference between the home sales price and the as-built market value of the site and improvements.

Resale, Refinancing and Recapture Restrictions

The Subordinated Debt assumed by the developer at conveyance will be converted into an obligation on the purchasers who acquire the homes.

The Subordinated Debt will be apportioned pro rata to each home and may be unsecured at the time of sale based on the home's post-construction appraised value. Purchasers repay the Debt attributable to their homes by delivering a note(s) and mortgage(s) and/or conditional grant agreement(s) to HPD and NYCHA, as appropriate. The Subordinated Debt, with the exception of State and Federal subsidies, in the sum evidenced by the note(s) and secured by the mortgage(s), remains constant for the first 5 years of a 15-year period and declines by 1/10th in years six (6) through fifteen (15), but will be forgiven after the 15th year of owner occupancy. The use and recapture of any State and Federal funds subsidizing the Site will be guided by the specific State and Federal program requirements for such funds.

Upon resale or refinancing, initial purchasers and subsequent owners are required to make payments to HPD and NYCHA out of resale profits and refinancing

proceeds, where applicable. During years 1 to 5, 100% of the resale or refinancing profits from the sale of the home must be paid up to the amount of the Subordinated Debt. During years 6 through 15, 50% of the resale or refinancing profits must be paid up to the amount of the outstanding Subordinated Debt.

B. Questions and Answers

General

- 1. If a developer applies for multiple sites, should a separate binder be submitted for each site?**

Yes, separate binders are required for each site.

- 2. Is ULURP or another public review process required for any of the sites?**

ULURP is not required on these sites. The only zoning action which may be required is at Soundview. See page 7 of the RFP for details.

NYCHA is coordinating the Section 18 disposition process which is required by HUD. See “Disposition” on page 11 of the RFP for details. Public outreach requirements are described in **Section III. B. (Obligations of the Selected Developer)** of the RFP.

- 3. Do all sites currently have sewer and water service?**

Survey maps with details on existing infrastructure are included as part of this addendum. The maps provided in Exhibit A of the RFP also include some detail.

- 4. Are there minimum square footage requirements for new units?**

Minimum room size requirements for new units are given in Exhibits C.1. (HPD Design Guidelines for New Construction). Lenders may also have their own unit size requirements.

- 5. Is a Resident Service Plan required for each site?**

Yes. See page 11 of the RFP for more information.

- 6. Is there a chance that HUD won't approve the disposition of any of the sites?**

NYCHA has successfully completed the Section 18 process for four previous sites in New York City and anticipates the same result for these sites. NYCHA has already begun the Section 18 process on these sites, including extensive outreach to public officials and tenants.

- 7. For the NYCHA preference units, can we assume that tenants would have Section 8 vouchers for underwriting purposes?**

Applicants may assume receipt of FMR rents on the Section 8 units, but that lenders will require the units to be underwritten at Tax Credit rents (60% AMI).

- 8. Will there be an allocation of project-based Section 8 vouchers for any of the sites?**

No, these will be tenant based vouchers from NYCHA.

- 9. Will tenants with Section 8 vouchers be in possession of the vouchers at the time they move in?**

Yes.

- 10. If a tenant with a Section 8 voucher moves out of a unit, is it required that the next tenant also possess a NYCHA-provided Section 8 voucher?**

No, though the owner, at their option, may ask NYCHA to refer another tenant with voucher. The re-rental process is described on page 12 of the RFP.

- 11. When will survey drawings be available?**

They are included in this addendum.

- 12. Will the designated developer be responsible for the cost of the site's Phase I environmental report?**

Yes. See Page 17 of the RFP, Section M: Environmental Review Requirements.

- 13. If the zoning on any of the new construction sites allows us to construct more than the total units specified in the RFP, should we propose the higher number of units and base our budget projections on this higher number?**

Applicants may propose up to 10 percent more units than what is stated in the RFP for new construction sites, yet Applicants are expected to submit proposals which meet as-of-right zoning. At Soundview, HPD and NYCHA will assist the Developer in obtaining any necessary approvals related to achieving a building height of up to eight (8) stories or a maximum of eighty (80) feet.

Financing proposals should reflect the number of units actually proposed by the Applicant.

- 14. Competitive Selection Criteria “I. Least Subsidy” states that “Proposals that require the least City subsidy will be ranked higher.” Does “City subsidy” also include State subsidy?**

No, this refers only to City subsidy.

- 15. In the competitive scoring process, do HPD & NYCHA prefer a low subsidy request more than deeper affordability of the units?**

Both affordability and subsidy are given weight in the competitive scoring. Affordability preferences for each site are described in Section III.A. of the RFP.

- 16. Will applicants be able to apply for low income housing tax credits through HPD's annual application process?**

Applicants interested in applying for 9% competitive low income housing tax credits through HPD should familiarize themselves with the threshold criteria for that program. The HPD tax credit award process is independent of this RFP process.

As explained on page 14 of the RFP: “Any proposal that assumes competitive financing must submit an alternate scenario using non-competitive financing sources, and must provide appropriate letters of interest from the alternate sources.”

- 17. In rental buildings, 60% of the total project must be at or below 60% of AMI. Is this by total units in project site or by building?**

60% of all units refers to total units at the site, not units per building. The RFP further stipulates that for the remaining units, preference will be given to those Applicants who provide a greater mix of income levels at one or more additional affordability tiers above 60% AMI. In the case of rental buildings at Highbridge and Soundview, preference will be given to proposals that achieve a mix of incomes within individual buildings.

18. Can one entity be part of multiple development teams that submit proposals for the same site?

This is only permitted if the entity does not have an ownership stake in multiple development teams.

University Avenue Consolidation

19. Can NYCHA provide details of the leases for the three commercial tenants at UAC?

This information is provided in the RFP in Exhibit B: “Commercial Tenants Information-1601 University Avenue”.

20. How did NYCHA decide on the phasing of the UAC buildings?

This determination was based on the occupancy levels at the respective buildings.

21. Is the current property manager for the UAC buildings permitted to be on a development team that submits a proposal?

Yes.

22. Does the building on Popham Avenue at UAC (to be converted to an affordable cooperative or condominium building) require gut or moderate rehabilitation? Will HPD & NYCHA accept a submission for the UAC buildings that proposes substantial rehabilitation of the units? Will buildings be required to be fully sprinklered?

The UAC buildings require moderate rehabilitation with no (or minimal) change in layouts. Proposals that propose gut rehabilitations must justify this choice.

Local Law 10/99 requires all new multiple dwellings be sprinkled entirely. The law is only retroactive to existing buildings if the cost of the alteration in a twelve month period exceeds fifty percent of the aggregate value of the building.

23. Are there lead-based paint or asbestos tests available for the UAC buildings?

This topic is being researched and any relevant information will be made available at a later date.

24. What is the expectation for the Architectural Submission (Tab I) for the UAC moderate rehabilitations? Does it differ from what is required for a new construction Architectural Submission?

The architectural submission (Tab I) for the UAC buildings does not require the same level of detail as a new construction architectural submission. At a minimum, the following is required for UAC:

- A description of the proposed rehabilitation in the Design Narrative
- A comprehensive scope of work including work that may be needed to remove existing violations
- Include estimated costs and the trade payment breakdown in the financing proposal

Please note that, contrary to the statement in Section III. J. of the RFP, the HPD Design Guidelines for Substantial Rehabilitation (Exhibit C.2) **do not** apply to moderate rehabilitations.

25. Do you have the unit distribution or a typical floor plan for the building at 120 West 176th Street? It looks as though it's on the same lot as 1665 Andrews, but it's a separate building, right?

Drawings for 120 West 176th Street (which is the same as 1695 Andrews Avenue) have been attached as part of this addendum. 1665 Andrews Avenue is a different building.

26. Please provide confirmation on the unit count and bedroom distribution for each of the buildings included in the UAC site.

	Address	Block	Lot	Total Units	0 BR	1 BR	2 BR	3 BR	4 BR	Phase
74	WEST 174TH STREET	2876	25	26	0	11	4	9	2	I
1472	MONTGOMERY AVENUE	2878	5	40	0	11	20	9	0	I
1705	ANDREWS AVENUE SOUTH	2878	169	66	0	6	33	22	5	I
1473	POPHAM AVENUE	2877	202	41	0	6	34	1	0	I
1475	POPHAM AVENUE	2877	202	28	0	1	20	6	1	I
1660	ANDREWS AVENUE	2878	83	59	0	15	43	1	0	I
135	WEST 175TH STREET	2878	23	39	0	10	13	10	6	I
65	FEATHERBED LANE	2876	31	31	0	5	10	11	5	II
120	WEST 176TH STREET	2878	44	38	0	0	13	20	5	II
1665	ANDREWS AVENUE	2878	44	59	0	18	34	6	1	II
1601	UNIVERSITY AVENUE	2878	1	36	0	9	23	4	0	II
Total				463	0	92	247	99	25	

Soundview

- 27. Would the designated developer work directly with the Department of Transportation on constructing the extension of Bronx River Avenue? How much information on the design of the street will developers need to submit in their proposals?**

The selected Developer will work directly with NYC Department's of Transportation (DOT), Buildings (DOB) and Environmental Protection (DEP) while continuing to coordinate with NYCHA and HPD. Applicants must provide their own estimate of the road construction cost in the Trade Payment Breakdown (Form 7.8) of their Financing Proposal. The approximate length of the road is 1,400 feet (instead of 1,300 as indicated in **Section III.A.3.** of the RFP). The estimated width of the road remains at 80 feet. For further information, see the Alteration Map and Record Map which have been attached as part of this addendum.

- 28. Is the cost of road construction at Soundview an eligible expense for the use of LAMP and MIRP funds?**

For the purposes of this proposal, Applicants should assume that neither LAMP nor MIRP funds may be used towards the cost of road construction. This cost must be separately financed, for example with developer equity.

Highbridge

- 29. At the Highbridge site, will NYCHA grant construction and/or permanent access to the new development from their interior roadway at the top of the hill at the north end of the current Highbridge Garden complex? Alternatively, does NYCHA intend for the new development to be accessed from Sedgewick Avenue or West 167th Street?**

The interior roadway cannot be used for access during construction nor for permanent access to the development. Applicants should propose how the new development will be accessed based on the site plans provided.

C. List of maps available for download

Go to: <http://www.nyc.gov/html/hpd/html/developers/rfp.shtml>

Please note that some maps may appear with additional lines in some older versions of Adobe Acrobat. Nonetheless, the maps will print correctly.

Forest Maps

- General Site Plan
- Net Area Map
- Electric Site Plan
- Heating Site Plan
- Plumbing Site Plan – New and Existing Utilities

Highbridge Maps

- General Site Plan
- Building Location Plan
- Net Area Map
- Composite Utility Site Plan 1
- Composite Utility Site Plan 2
- Electric Utility Site Plan
- Heating Site Utility Plan
- Plumbing Site Utility Plan

Soundview Maps

- General Site Plan
- Detailed Site Plan
- Net Area Map
- Electric Site Plan
- Heating Site Plan
- Plumbing Site Plan
- Plumbing Utilities Plan
- Alteration Map
- Record Map

UAC Maps

- **Revision:** Floor plans with addresses labeled
- 120 West 176th Street (aka 1695 Andrews Avenue) –floor plans
- Unit types per building

EXECUTIVE SUMMARY

Introduction

The New York City Housing Authority (NYCHA) retained PB Americas, Inc. (PB) to perform a Phase I Environmental Site Assessment (ESA) of two properties owned by the NYCHA: a vacant lot within the Highbridge Gardens property (Highbridge Gardens Site) and a vacant area within the Forest Houses (Forest Houses Site), located in the Bronx, New York (See Figure 2-1). The study was completed in accordance with the American Society for Testing and Materials (ASTM) Standard E1527-05 "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process". This standard describes the protocol for "*site assessment practices that satisfy the due diligence responsibilities of participants in a commercial real estate transaction.*" Any additions to, exceptions to, or deletions from this practice are described in Section 1.3 of this report. No significant data gaps were identified during the preparation of this Phase I ESA.

THE HIGHBRIDGE GARDENS SITE

Site Description

The Highbridge Gardens Site is a two-acre triangular-shaped vacant parcel that adjoins the Highbridge Gardens development at 1165 University Avenue, in the High Bridge section of the Bronx, New York 10452 (Block 2527, Lot 32). West 167th Street borders the Highbridge Gardens Site to the east; a six-story apartment building, a basketball court, and the Highbridge Gardens to the south; Sedgwick Avenue and then the Major Deegan Expressway to the west; and the intersection of Sedgwick Avenue and West 167th Street to the north. Across from the northern perimeter of the Highbridge Gardens Site are a playground owned by the Stadium Family Center; a small construction site with a trailer; a vacant grassed lot; and residential apartments along West 167th Street. In addition, a vacant property owned by the MTA-Bridge, Tunnel and Highway Authority is located on Sedgwick Avenue.

Site Vicinity Description

The Highbridge Gardens Site is situated in an urban setting with surrounding property usage consisting primarily of low-rise residential apartment buildings. Elementary School No. 126, high-rise apartment buildings, and local business establishments can be found along University Avenue, across from the Highbridge Gardens Site. A gas station (1165 Gas Corp.) is located at the intersection of West 167th Street and Ogden Avenue. A railroad line and the Harlem River are

located west of the Highbridge Gardens Site and run parallel along the Major Deegan Expressway. The presence of a gas station at an assumed hydraulically upgradient position relative to the Highbridge Gardens Site is a REC because any contamination originating from this property has the potential to impact the subsurface environment (i.e. groundwater, soils, and soil vapors) beneath the Highbridge Gardens Site.

Historical Resource Review

The historical use of the Highbridge Gardens Site was evaluated using available Sanborn fire insurance maps and historical aerial photographs. The Highbridge Gardens Site was vacant in 1891, and by 1909, much of the Highbridge Gardens Site remained vacant with the exception of a dwelling developed in the southeastern corner. In 1951, the northern tip of the Highbridge Gardens Site was occupied by 11 auto houses and the southeastern corner by four dwellings. Lawrence Avenue and Graham Square transverse the remainder of the Highbridge Garden Site. Since the construction of the Highbridge Gardens development in 1951, the Highbridge Gardens Site has been vacant and vegetated. Prior to its construction, the Highbridge Gardens was occupied by two vacant blocks, Lawrence Avenue, Graham Square, several dwellings and parking auto houses.

The surrounding area has been primarily residential with mostly low- and some high-rise apartment buildings, along with a few commercial properties along University and Ogden Avenues. The former presence of four large repair garages with eight buried gasoline tanks at the intersection of Summit Avenue and West 166th Street and a filling station at the intersection of Ogden Avenue and West 167th Street (same location as the existing gas station owned by the 1165 Gas Corp.) each represents an REC, due to their close proximity and assumed hydraulically upgradient position relative to the Highbridge Gardens Site. Any spillage or leakage from these facilities has the potential of impacting the subsurface environment beneath the Highbridge Gardens Site.

Regulatory Database and Record Review Evaluation

The regulatory database search report prepared for the Highbridge Gardens Site identified 133 listings within the ASTM-specified search ranges. Three closed and two open spill listings occurred at the Highbridge Gardens development and are RECs due to the magnitude of the releases, documented impact to the subsurface environment, and their assumed hydraulically upgradient locations relative to the Highbridge Gardens Site.

For the closed spill incidents, the first of the three closed spills (Spill No. 8804567) was reported in August 1988 after approximately 1,100 gallons of No. 6 fuel oil were spilled onto the ground and into the storm sewers. The second closed spill listing (Spill No. 8912487) was initially reported on August 22, 1989 following the release of approximately 1,000 gallons of No. 6 fuel oil through a breach in the tank shell. This spill is documented to have affected groundwater. The third closed spill incident (Spill No. 9709664) was reported after a 25,000-gallon tank failed a tightness test in November 1997.

For the open spill listings, the first of the two open spill incidents (Spill No. 9708949) was reported in October 1977 when a 25,000-gallon No. 2 fuel oil tank at the Highbridge Gardens development failed a tank tightness test. Subsequently, seven monitoring wells were installed at the development. Bailing of groundwater from these wells yielded an oil/water mixture. The second open spill listing (Spill No. 9314158) is associated with a former Getty gas station at 1165 Ogden Avenue (now occupied by a gas station owned by 1165 Gas Corp). Subsurface investigations performed at this property between 1994 and 2006 revealed the presence of a groundwater contamination plume migrating downgradient to the west. In addition, both the Highbridge Gardens development and the former Getty gas station are identified in the Petroleum Bulk Storage (PBS) Facilities database.

Site Reconnaissance

PB performed a site reconnaissance and interviewed Mr. Dwarka Rupnarain of the Highbridge Gardens on July 31, 2007. The Highbridge Gardens Site is currently fenced-in and occupied by a curved path with concrete steps, a dumpster, vegetation, and trees. During the reconnaissance, the gate adjacent to the dumpster was locked and therefore the Highbridge Gardens Site was inaccessible. Visual observations from West 167th Street showed the presence of a washer, cardboards, and household trash next to the dumpster. According to Mr. Rupnarain, garbage and trash are placed in the dumpster, which is hauled off site for disposal by a garbage collection company. Mr. Rupnarain also stated that there was a leaking underground storage tank (UST) at the Highbridge Gardens development. The tank has been replaced by two 15,000-gallon USTs.

Conclusion and Recommendations

Based on the findings of this Phase I ESA, PB recommends a Phase II Environmental Site Investigation (ESI) to determine whether the subsurface soil and groundwater at the Highbridge Gardens Site have been impacted environmentally. Prior to conducting the subsurface investigation,

it is recommended that a site-specific Work Plan and an Investigative Health and Safety Plan (HASP) be developed for the proposed Phase II ESI.

THE FOREST HOUSES SITE

Site Description

The Forest Houses Site is an irregularly shaped area occupying approximately 9,300 square feet of paved land. It is part of the Forest Houses development and located at the southwestern corner of Tinton Avenue and East 166th Street, in the Morrisania section of the Bronx, New York 10456 (Block 2640, Lot 1). The Forest Houses Site is bordered by Tinton Avenue to the east, the Forest Houses development to the south and west, and East 166th Street to the north. Across from the Forest Houses Site, a baseball field and a playground can be found along Tinton Avenue and several low-rise apartment buildings and a church are built along East 166th Street.

Site Vicinity Description

The Forest Houses Site is located in an urban setting with surrounding property usage consisting primarily of low-rise residential apartment buildings. Many schools, churches, and a park can be found in the vicinity.

Historical Resource Review

Based on review of the available Sanborn fire insurance maps and historical aerial photographs, the Forest Houses Site was occupied by several two-story dwellings from 1891 to 1951. After the Forest Houses development was constructed in 1954, the Forest Houses Site has become one of the entry ways for the development. The current Forest Houses development was occupied by two- to five-story dwellings, as well as Jackson and Forest Avenues before its construction. In 1951, a garage repair shop with a buried gasoline tank was also located within the footprint of the current development. PB considers the former presence of a garage repair shop and the current presence of the coal boiler in one of the Forest Houses buildings as RECs, because of the storage and handling of petroleum products near the Forest Houses Site. The surrounding area has been primarily residential with many low-rise apartment buildings. However, a few industrial facilities, including a cosmetic manufacturer, woodworking shop, and a garage with a buried gasoline tank, were found in areas east of the Forest Houses Site. Due to their downgradient locations relative to the Forest Houses Site, PB does not consider their current or former presence as RECs.

Regulatory Database and Record Review Evaluation

The regulatory database search report prepared for the Forest Houses Site identified 114 listings within the ASTM-specified search ranges. The Forest Houses development, adjacent to the Forest Houses Site, is associated with three open spill listings and one closed spill listing. Due to the amount of material released, the confirmed impact to groundwater, as well as their proximity and assumed hydraulically upgradient positions relative to the Forest Houses Site, these listings are considered RECs.

For the open spill incidents, the first open spill case (Spill No. 9416142) is related to a No. 4 fuel oil tank test failure in March 1995, which was due to a leak from the manhole gasket. This spill is likely associated with the same 30,000-gallon No. 4 fuel oil UST at the Forest Houses development referenced in the two other open spill listings. The second open spill case (Spill No. 9700337) was reported after an oil sheen, caused by a release from the 30,000-gallon No. 4 fuel oil UST, was discovered during excavation in an old basement coal bunker in April 1997. The third open spill listing (Spill No. 9803882) was reported after the same 30,000-gallon No. 4 fuel oil UST failed a tank test in June 1998. Both the 30,000-gallon No. 4 fuel oil UST and a second 30,000-gallon No. 6 fuel oil UST located at the Forest Houses Development are also part of a NYCHA Order on Consent with the New York State Department of Environmental Conservation (NYSDEC). The database indicates that the both tanks were taken out of service in 2000.

The closed spill incident (Spill No. 9414977) was closed after it was transferred into the open spill case (Spill No. 9803822) referenced above. This spill apparently was reported after this 30,000-gallon UST failed a previous tightness test in 1995.

The last four open spills (Spill Nos. 0609880, 0612849, 0302008, and 0406005) occurred at different locations approximately one-half mile from and upgradient of the Forest Houses Site.

Site Reconnaissance

PB performed a site reconnaissance on July 31, 2007 and interviewed Mr. Raymond LaSalle on September 6, 2007. The Forest Houses Site is currently used as one of the entry ways to the Forest Houses development and is occupied by a sitting area with two benches, a fenced-in water and BBQ station, a concrete path, and grassed area. During the reconnaissance of the Forest Houses Site, some minor household trash, such as paper cups, napkins, plastic bags, etc., were scattered on the grassed area. The presence of trash is not anticipated to be a REC.

Conclusion and Recommendations

Based on the findings of this Phase I ESA, PB recommends a Phase II ESI to determine whether the subsurface soil and groundwater at the Forest Houses Site have been impacted environmentally. Prior to conducting the subsurface investigation, it would be recommended that a site-specific Work Plan and an Investigative HASP be developed for the proposed Phase II ESI.

Affordable Housing for the Bronx RFP
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