



Metropolitan Transportation Authority

State of New York

September 29, 2005

Ms. Meenakshi Varadani
New York City Economic Development Corporation
110 William Street
New York, NY 10038

Dear Ms. Varadani:

As requested, below are comments on the Draft Environmental Impact Statement for the Gateway Center @ Bronx Terminal Market Project. Our focus is on matters affecting our commuter rail and transit facilities; and I have coordinated these comments with Metro-North and New York City Transit.

Overall we applaud the City's development initiative and the economic benefits forthcoming from this development. To insure that these benefits are maximized, we raise the following issues whose resolution will help us better serve the new development and the other neighborhoods and facilities in the immediate geographic area.

MTA Metro-North Railroad

The text of the DEIS states that the Proposed Project "would be compatible with and complement the proposed new Yankee Stadium." However, as currently planned, a feature of the new Retail Building A may preclude the future siting of a commuter rail station serving particularly, a new Yankee Stadium. To be clear, the station is not currently being implemented. However, we view "planning so as not preclude" as an important principle.

Specifically, the proposed location of the eastern wall of Retail Building A is positioned in the plans in a way that does not allow sufficient clearance between it and the potential location of the future Metro-North station right-of-way. A minor design modification providing an additional 4 feet in distance from the Metro-North right-of-way would preserve the opportunity to site a new station if it were advanced in the future.

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MTA New York City Transit

The DEIS analyzed the Bx19 as if the route service were delivered by standard buses, yet in fact, NYCT uses articulated buses to provide the service. In addition, overall, the DEIS uses incorrect maximum guideline capacity values of 70 passengers for standard buses and 145 for articulated buses. The correct values, as indicated in a February, 2004 letter to Robert Kulikowski, Director, New York City Office of Environmental Coordination from Keith Hom, Chief of NYC Transit Operations Planning, are 65 passengers for a standard bus and 93 passengers for an articulated bus.

The DEIS found that a significant impact would occur eastbound on non-game day Saturday midday peak periods. However, we believe that using the correct assumptions noted above will result in a different conclusion so that the suggested mitigation of an additional one bus per hour in the Saturday midday peak hour will not be necessary. This analysis, along with all other bus analyses, should be redone using the correct guideline values.

The project is expected to create a significant traffic impact at the intersection of the Grand Concourse and East 161st St. To mitigate the impact, the DEIS proposes creating an exclusive right turn lane on the northbound Grand Concourse approach. The designation of this lane would require relocating the near side Bx1 bus stop to the far side of the intersection, in front of the nursing home in the former Concourse Plaza Hotel.

A stop of adequate length for articulated buses would need to be at least 140 ft long, which would displace the existing No Standing zone in front of the nursing home entrance, as well as a No Standing zone for "NYP" vehicles, which has been observed to be occupied by Court employees. The nursing home and the nearby courts would need to be contacted regarding this potential mitigation.

Moving the bus stop from the near to the far side of 161st St would increase the distance from the previous stop at 156th St from approximately 1,100 ft to 1,400 ft. To bring the spacing closer to guideline, NYC Transit may need to add a stop at the far side of 158th St.

If the developers could provide approximately 120' of curbspace somewhere in the project, New York City Transit would be able to provide direct bus service into the development via the Bx13. As currently planned, the existing terminal of the Bx13 will have to be relocated for the new Yankee Stadium. In addition, many of the streets on which the Bx13 currently operates may be de-mapped for the new Stadium. Therefore, a Bx13 terminus within the project limits of Gateway Center could be mutually beneficial.

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Finally, on page 17-8, Table 17-6 is incorrectly labeled "NYCT Local Bus Routes Serving Lower Manhattan."

Thank you for requesting our input on this Draft EIS. If you have any questions, you can contact me by telephone at (212) 878-7207 or by email at eheleniu@mtahq.org.

Sincerely,

A handwritten signature in black ink that reads "Edward R. Helenius". The signature is written in a cursive style with a horizontal line at the end.

Edward R. Helenius
MTA Planning

OFFICE OF THE BRONX BOROUGH PRESIDENT

The Bronx County Building
851 Grand Concourse
Bronx, New York 10451
718-590-3500

Adolfo Carrión, Jr.
Borough President

**Comments of Bronx Borough President Adolfo Carrión, Jr.
New York City Planning Commission Public Hearing
Uniform Land Use Review Procedure
Proposed Bronx Terminal Market Redevelopment
November 2, 2005**

This application submitted by BTM Development Partners, LLC pertains to a series of discretionary land use actions to implement the development of Gateway Center at Bronx Terminal Market, a regional retail complex with parking, public open space and a future hotel. I welcome the proposal.

BTM Development Partners recognizes the area's strong market potential, with its un-served demand for restaurant, retail and service uses. The adjacent Bronx civic center, a central business district in its own right, hosts some 3,000 employees and another 15,000 daily who perform jury duty and participate in the government and legal functions centered in and around the courthouses. In recent years, the South Bronx has experienced major revitalization. Property values are rapidly increasing. New economic development projects have materialized in an area which just 30 years ago was a national symbol of urban blight and poverty.

The Gateway Center proposal reflects the Bronx's status as a highly desirable marketplace. I am confident that Gateway Center will indeed be a beautiful entrance to the Bronx, create job opportunities for borough residents, attract countless new visitors from throughout the region, and provide Bronxites the improved shopping experience and choices that they need and deserve.

Relationship to Yankee Stadium

Although Gateway Center and the Yankee Stadium redevelopment are separate projects, city planners cannot ignore their relationship. The much needed infrastructure, parks refurbishment and neighborhood amenities to be incorporated in Yankee Stadium's redevelopment, and the substantial economic activity to be generated by Gateway, will mutually affect each other and the surrounding area. The City must coordinate traffic planning for the two projects. Consideration should be given to shared parking to reduce the total number of parking garages. Yankee garages sit vacant most of the year, while ball games rarely coincide with prime shopping hours.

The redeveloped Harlem River waterfront will attract people year-round to spend time and money in the Bronx, to Gateway Center's benefit. The Bronx Terminal Market, with its excellent rail and road access and proximity to Manhattan, is ideally located to help stem the leakage of retail sales to the suburbs. The Yankee Stadium area presently lacks image and amenities. Fans arriving early for games find minimal entertainment and restaurant resources, and likewise no opportunity for post-game activities. Gateway Center will provide a vibrant venue for Yankee fans to shop and eat before and after games.

Bronx Terminal Market Merchants

This redevelopment cannot occur without relocating the 23 businesses that currently operate in the Bronx Terminal Market. It must be everyone's goal – BTM Development Partners, the City, and Bronx local officials – to insure that these entrepreneurs relocate to a place that will be cleaner, safer and more business friendly, where they can retain the advantages of proximity to each other and to their customers. I urge the City and the developer to give the Bronx Terminal Market tenants a feasible site and sufficient financial support for their relocation. The City must not abandon these businesses. Similarly, I encourage the merchants at the Terminal Market to continue working with my office and the City so that we can, together, create a mutually acceptable relocation plan.

Community Benefit Agreement and Partnership with Host Community

Host communities should partake in the benefits of major projects. Local residents and business endure increased vehicular and pedestrian traffic, environmental impacts of construction, and noise generated by facility operations. Bronx residents should share in the thousands of new jobs to be generated by Gateway. I will hold the developers to their assurance that Bronx businesses will fully participate in the construction of the complex and that permanent jobs will be offered to local residents on a priority basis. In addition, the developers must commit to construction technologies, including vehicles and equipment using clean fuels that minimize particulate emissions, with monitoring and enforcement by City agencies. My office will lead in negotiating a Community Benefit Agreement (CBA) among the developers, the City and appropriate community representatives. A Gateway Center CBA is essential to my endorsement of this project.

Bronx Terminal Market merchants, Gateway Center and residents of Bronx communities can all thrive and benefit from the new and exciting developments presently occurring in the Bronx.

Conclusion

Mindful of the significant economic opportunities to be generated by this development, the displacement of Bronx Terminal Market merchants, the importance of formalizing host community benefits and potential environmental concerns associated with construction and vehicular traffic, my support for this project is subject to the following stipulations:

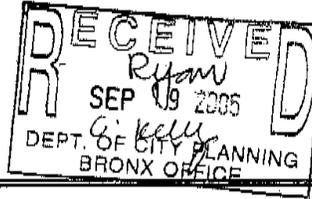
- 1) A Community Benefit Agreement must be formalized between BTM Development Partners, the NYC Economic Development Corporation and/or the City of New York, and community representatives, that ensures that Bronx residents will receive the majority of employment, and commits to construction technologies that minimize particulate emissions (including vehicles and equipment using clean fuels);

- 2) The Bronx Terminal Market merchants must be relocated to a site where their businesses may thrive, retaining the advantages of proximity to each other and to their customers, with an adequate level of financial relocation aid provided by the City of New York (or its agent) or the developer;
- 3) Resolution of traffic issues and coordination of traffic and parking with the Yankee Stadium development must occur;
- 4) The developer and all those involved in the project must participate in the Bronx Overall Economic Development Corporation's Buy Bronx and Bronx-at-Work campaigns;
- 5) The developer must appoint a project coordinator, in consultation with the Bronx Borough President, to provide communication with the community (ombudsman function) and help mitigate construction impacts;
- 6) The developer must incorporate sustainable design features including green building techniques with Leadership Energy and Environmental Design Standards (LEEDS) rating level of silver or higher throughout the project;
- 7) The developer must seek the input of the Bronx Borough President's office in ensuring that attractive architecture, building materials and signage are used;
- 8) The developer must incorporate visual enhancement along Gateway's perimeter, including fenestration with actual windows (not just display cases) and no blank walls on River Avenue, as well as tree planting, as components of project design;
- 9) The developer must incorporate access and design improvements on River Avenue and Exterior Street to render the project more pedestrian friendly and encourage street life;
- 10) Respect for site history must be exhibited by incorporating the historical structure at 149th Street with its "Bronx Terminal Market" sign into the project as well as a detailed plan for mitigating the adverse impacts on historic resources (market buildings and Bronx House of Detention).
- 11) The City and/or BTM Development Partners LLC must commit to constructing the parkland identified in this Gateway ULURP application, simultaneously with Gateway's construction, regardless of the outcome of the Yankee Stadium redevelopment plan.

With these conditions, I recommend approval of this application.



The City of New York
COMMUNITY BOARD 4
1650 Selwyn Avenue Suites 11A & 11B
The Bronx, New York, 10457
(718) 299-0800
FAX (718) 294-7870



ADE A. DASUL
Chairperson

DAVID MOJICA
District Manager

Re: **ULURP Application numbers #C050074 MMX; C050530 ZSX; C 050531 ZSX;
C0050532 ZSX; C 050533 ZSX; C 050534 ZSX; N 050535 ZAX; N 050536 ZAX;
N 050537 ZCX; N 050538 ZCX; C 050539 PPX; C 050529 ZMX**

Please be advised that Bronx Community Board 4 approved the above referenced ULURP Applications with conditions, following the Public Hearing at the September 14, 2005 General Board meeting.

The following six (6) conditions were stipulated:

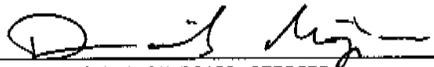
1. The elimination, discontinuance and closing of designated streets within the project area with the stipulation that the developer must seek to reconfigure the River Avenue side and add more public access egress areas and more retail space.
2. That Related Companies reduce the number of parking spaces and provide an independent traffic flow analysis regarding conditions stemming from the project that might cause asthma and related health problems.
3. That Related Companies provide in writing a Community Benefits Agreement regarding the promotion of construction jobs and retail jobs for the Bronx Community, including its disabled employees.
4. That Related Companies provide improved community access to the proposed Hotel, and defined, direct, pedestrian access from the proposed Hotel to the Community.
5. That Related Companies provide an improved transit access plan, and integrate public transportation (not limited to bus and rail) into the site itself.
6. That Related Companies explore, and where feasible, pursue 'green building' technology for the site.

Design-Bronx Museum of the Arts

VOTING :

IN FAVOR 21 AGAINST 2 ABSTAINING 1

TOTAL MEMBERS APPOINTED TO BOARD 39


COMMUNITY/BOROUGH BOARD OFFICER

September 15, 2005

District Manager
TITLE

DATE

Bronx Voices for Equal Inclusion,
A subcommittee of the Neighborhood Advisory Council
1125 Grand Concourse
Bronx, NY 10451

Public Testimony at City Planning Hearing
Re: Bronx Terminal Market/Gateway Mall

November 2nd, 2005

Department of City Planning
22 Reade Street, Spector Hall
New York, NY

Bronx Voices for Equal Inclusion (BVEI) is a sub-committee of the Neighborhood Advisory Council (NAC). NAC/BVEI is comprised of South Bronx organizations, residents, and local merchants who are concerned about the impacts of two major developments proposed for our neighborhood: The Gateway Mall which proposes to displace our Wholesale Food Market and a new Yankee Stadium that has already taken action to alienate 22 acres of parkland from our community.

We feel that both projects are being rushed through ULURP and Environmental Review and that the community is not being given all the information about the developments and their potential impacts. Furthermore, NAC/BVEI is concerned about expected traffic impacts and how the increase in vehicular congestion and truck traffic will affect our already devastating asthma rates. We are troubled by the possibility for gentrification and that the Gateway Mall will displace residents with rising property values. This threat of indirect displacement is also possible with the new Yankee Stadium. We have been told that these developments are supposed to help the South Bronx but without the proper assurances, there will be no indigenous South Bronx left to reap these pledged benefits.

In addition, we do not want to lose our Wholesale Food Market. The Market provides goods essential to preparing our ethnic foods, and they provide jobs to people who will not be qualified to work at the Gateway Mall. We urge all those concerned to strongly consider allowing them to remain residents at the historical Bronx Terminal Market/Gateway Mall. There is research that proves retail and wholesale can work together. All should be done to accommodate our Market. They are essential members of our community.

We appreciate you taking the time to listen to our concerns. Hopefully, we can work together to ensure an optimal and just outcome for the South Bronx. For more information call Community Organizer Lydia Sierra at 718 410-6735 ext. 1343.

Position Paper Attached.

Neighborhood Advisory Council and Bronx Voices for Equal Inclusion
Working Position Paper
 Revised October 2005

“Un-Addressed Concerns of the Community Regarding Pending Redevelopments in the Southwest Bronx”

Problem: Public hearings in the Southwest Bronx for the purpose of disclosing information to the community affected and receiving the views of the community affected with respect to the Bronx Terminal Market/Gateway Center, and Yankee Stadium development, and Waterfront projects have been insufficient, severely limited and frustrating.

Thesis: The proposed redevelopments can be and will be more greatly enhanced if authentic and welcoming opportunities are provided by the City of New York, Related Corporation and the New York Yankees to hear the vision, the thinking, and the constructive criticisms of the affected community.

Goal: To make the development process more participatory, inclusive, and transparent by providing community residents and stakeholders with more information and meaningful opportunities to share their views, influence design, and obtain community benefits.

Immediate Objectives

1. Broad Community participation; including residents, developers and relevant agencies in the structuring of the Community Benefits Agreement (CBA) regarding the new Yankee Stadium, Bronx Terminal Market/Gateway Center, and Waterfront Projects. Additionally, a mechanism should be established to provide periodic feedback to the community regarding the progress of the CBA and other relevant information
2. Preservation of parks including McCombs Dam and Mullaly Parks and recreational facilities. Support the position of the Community Board #4 that supports the Stadium moving southwest.
3. Assurances that Developers are able to provide a broad range of business opportunities for Bronx minority and women-owned businesses, including job apprenticeships, youth employment opportunities, and jobs for people with disabilities.
4. Maintain affordable rents for both residents and local businesses. All effort should be made to maintain current affordable housing.
5. Design a Yankee Stadium and Gateway Mall that insures the improvement and sustainability of the existing businesses impacted by the developments. (Enhance the goals of the 161st Street Business Improvement District.)
6. Require independent analysis that studies the impact the developments will have on:
 - Health Care, Comprehensive Air Quality, Transportation, overall environmental impact, including health implications.
7. Project to be handicap and senior citizen accessible as determined by those affected, and the de-mapping of the streets to accommodate these individuals.

Note: This document is a work-in-progress and was developed by community residents. For more information please call Lydia Sierra, Community Organizer at 718 410-6735.



Hardy Adasko
NYC Economic Development Corporation
110 William Street
New York, NY 10038

VIA FACSIMILE: (212) 312-3989

November 14, 2005

Re: Comments of the Tri-State Transportation Campaign on the Gateway Center at Bronx Terminal Market DEIS

Dear Mr. Adasko:

This letter constitutes the written comments of the Tri-State Transportation Campaign on the *Gateway Center at Bronx Terminal Market Draft Environmental Impact Statement* (“*Gateway Center DEIS*”). The Tri-State Transportation Campaign is a non-profit consortium of experts, planning organizations, activist and environmental groups concerned with transportation investments and projects. Our mission is to achieve an environmentally sound, economically efficient and socially just transportation network and system in the 32 counties in and surrounding New York City.

The Campaign has serious concerns about the dramatic increase in parking caused by both the Gateway Center and Yankee Stadium projects, and the *Gateway Center DEIS*'s cursory treatment of parking expansion impacts – particularly its assertion that a dramatic increase in the number of parking spaces in the vicinity of Yankee Stadium will lessen traffic impacts in the vicinity of both projects. The *Gateway Center DEIS* also contains no meaningful study of the cumulative impacts caused by the two projects, and, therefore, many sections of the DEIS must be redone.

I. The Gateway Center DEIS Does Not Study the Cumulative Impacts of Gateway Center and the Yankee Stadium Projects

The Gateway Center at Bronx Terminal Market and the Yankee Stadium Project, which includes the construction of a new Yankee Stadium and four new parking garages

containing approximately 5,254 spaces, are literally right next to each other. The construction periods for the two projects overlap – the new Yankee Stadium and all four parking garages will be completed by 2009, while the Build years for Gateway Center are 2009 and 2014. In fact, it is assumed that Yankees fans will use Gateway Center parking. “The Gateway Center at Bronx Terminal Market retail development ... would construct about 2,991 parking spaces as part of the development with about 1,200 spaces available during Yankees games.” *Yankee Stadium Project Draft Environmental Impact Statement (“Yankee Stadium DEIS”)*, at 15-21. The construction, traffic, noise, and air quality impacts of the two projects will compound each other; however, both projects are being reviewed in separate environmental impact statements.

The Gateway Center DEIS is required, but failed to study the cumulative impacts of the two projects. Cumulative impacts are “two or more individual effects on the environment which, when taken together, are significant or which compound or increase other environmental effects. The individual effects may be changes resulting from a single project or a number of separate projects.” 2 *E.C.L.* § 8-0109(2)(b). An agency “must consider reasonably related long-term, short-term and cumulative effects, including other simultaneous or subsequent actions which are: (1) included in any long-range plan of which the action under consideration is a part; (2) likely to be undertaken as a result thereof; or (3) dependent thereupon.” 6 *N.Y.C.R.R.* § 617.7(c)(2). In addition, segmentation is impermissible under the State Environmental Quality Review Act (SEQRA). Segmentation is “the division of the environmental review of an action such that various activities or stages are addressed ... as though they were independent, unrelated activities, needing individual determinations of significance.” 6 *N.Y.C.R.R.* § 617.2. Given that the two projects will have cumulative environmental impacts, are located right next to each other, and are expected to share parking facilities, one environmental impact statement would have been appropriate.

Instead of studying the cumulative impacts of the two projects in any meaningful way in its chapters on traffic and parking, transit and pedestrian, air quality, noise, and construction impacts, the Gateway Center DEIS has one seven-page chapter that addresses the Yankee Stadium Project, *Gateway Center DEIS, Chapter 22: Future Conditions with a Relocated Yankee Stadium*, at 22-1 to 22-7. Rather, remarkably, this chapter asserts that the Yankee Stadium project and the Gateway Center project will have no adverse cumulative impacts. According to this chapter, “the Yankee Stadium project is not expected to change the conclusions of the construction impacts analysis.” *Id.* at 22-7. The Yankee Stadium Project “is not expected to change the conclusions of the hazardous materials, air quality, or noise analyses. Therefore, the conclusion regarding the need for a public health analysis would not change with this new background growth project.” *Id.* at 22-7.

The *Gateway Center DEIS* also boldly asserts that the Yankee Stadium project, with its dramatic increase in parking, will actually improve the traffic in the vicinity of the two projects: “the relocation of Yankee Stadium could be expected to slightly shift traffic patterns to and from the stadium, which could, in turn, improve game day traffic conditions at some analysis locations. Therefore, the potential for the Proposed Project to

have mobile source air quality impacts could be less; however, the Proposed Project is not projected to have any significant adverse mobile source air quality impacts in any case.” *Id.* at 22-6.

A critical flaw of the *Yankee Stadium DEIS* is its failure to account for parking-induced auto trips. The *Yankee Stadium DEIS* claims that because the proposed project would create a new Yankee Stadium with a smaller seating capacity than the existing stadium, the new stadium would not generate more peak hour vehicle trips than those already coming to the area for the existing stadium, despite the fact that the amount of parking in the vicinity of the Yankee Stadium and Gateway Center projects is dramatically increasing.

The traffic study, air quality and noise analyses, and mitigation measures in the *Gateway Center DEIS* must be redone to account for the cumulative impacts caused by the Gateway Center and the Yankee Stadium projects, the dramatic increase in parking caused by the two projects, and the parking-induced auto trips that are likely to occur as a result. By failing to study the impacts of parking-induced travel or the cumulative impacts of the two projects, NYSED has fallen short of its obligation to take a “hard look” at the potential environmental impacts of the projects.

II. The Gateway Center DEIS Must Account for Induced Travel Caused by a Dramatic Increase in Parking in the Vicinity of Gateway Center and the Yankee Stadium Project

Both the *Yankee Stadium DEIS* and the *Gateway Center DEIS* fail to account for induced travel caused by a dramatic increase in the amount of parking in the vicinity of the two projects. The *Yankee Stadium DEIS* cursorily asserts that because the new stadium will have fewer seats than the old stadium, there will be no increase in game-day traffic, despite the fact that the project involves a dramatic increase in the amount of parking. The Gateway Center project also involves a dramatic increase in parking, and the *Gateway Center DEIS* relies on the assertions made in the *Yankee Stadium DEIS* and actually claims that the Yankee Stadium project could improve traffic game-day traffic conditions.

Failing to account for induced traffic caused by the construction of more parking spaces on the area’s already congested roadways is a serious error. Assumptions about traffic influence an environmental impacts statement’s findings on congestion, air quality, and noise – and any mitigation measures based on faulty traffic, air quality, and noise impacts will not be sufficient.

The Campaign and community residents raised these concerns in their comments on the Yankee Stadium draft scoping document. Unfortunately, the final scoping document and the *Yankee Stadium DEIS* failed to address these concerns in any meaningful way. The *Yankee Stadium DEIS* makes the same assertion as the scoping document that there will be no increase in peak hour trips, and instead of addressing the

impacts of parking-induced auto trips, it now claims that the project will result in fewer parking spaces than the scoping document originally predicted.

In fact, it is difficult to ascertain the cumulative impact of the Yankee Stadium and Gateway Center projects. There is a discrepancy between the two studies in the amount of parking that currently exists: The *Yankee Stadium DEIS* claims there are currently 7,079 spaces currently available in the vicinity of the stadium, and the *Gateway Center DEIS* claims there 8,072 spaces in the area around the stadium. The *Yankee Stadium DEIS* now claims that 2,232 spaces will be displaced by the projects; its scoping document originally claimed that 1,270 spaces will be displaced.

One thing is clear, though: The amount of parking will increase. Four new parking garages, with a total of 5,254 spaces, will be constructed for stadium patrons, while 3216 spaces will be added as part of the Gateway Center project. Parking at Gateway Center will be available for Yankees fans. The new stadium and the new parking garages, together with the parking available at the Gateway Center site, *will* generate additional peak hour vehicle trips than those already coming to the area for the existing stadium. The phenomenon of parking induced auto trips is well documented by transportation analysts. Study after study shows that the availability of parking has one of the most significant impacts on travelers' mode choice.

The *City Environmental Quality Review ("CEQR") Technical Manual* identifies "induced traffic" as an issue of concern for parking garages. *CEQR Technical Manual* at 3Q-3. Further, according to the *CEQR Technical Manual*, actions that would generate peak hour auto traffic or divert existing peak hour traffic, resulting in 100 or more auto trips in this part of the city may "result in significant adverse air quality impacts from mobile sources." *CEQR Technical Manual* at 3Q-9. The Yankee Stadium and Gateway Center projects will result in thousands of additional parking spaces in the immediate vicinity of the projects. Induced traffic caused by such a large increase in the amount of parking likely could result in significant air quality impacts from mobile sources.

In fact, according to the New York State Department of Transportation's *Bronx Arterial Needs Major Investment Study ("BAN MIS")*, currently, when the Yankees are playing in the Bronx, game-related traffic adds to congestion, and significant congestion occurs on the Major Deegan Expressway, the local streets, the bridges crossing into the Bronx, and the FDR and Harlem River drives. On the weekdays, most games are in the evening, and there is overlap with the evening peak commute traffic. There are about 80 home games per year, and, according to the *Yankee Stadium DEIS*, average attendance is expected to increase.

Traffic congestion results in diminished air quality. Emission rates for many pollutants follow a U-shaped curve, with emission rates declining as speed increases up to a certain level, and then climbing again. Vehicles in congestion stemming from the current stadium, current commuter traffic, and parking-induced travel caused by the Yankee Stadium and Gateway Center projects will clearly be at the upper end of the "U" curve – idling or traveling very slowly, and thus emitting maximum levels of pollutants.

Similarly, transportation studies find that emissions from carbon monoxide and volatile organic compounds are generally highest in low-speed, congested driving conditions. Slower vehicle speeds also produce more toxic air pollutants, such as benzene.

In order to get a truly conservative estimate of induced traffic impacts, it must be assumed that the additional parking facilities will be filled on game days. Even with the additional parking garages, it should also be assumed that cars will still “spill over” into the surrounding neighborhood to find parking spaces and park at the Gateway Center site. Interestingly, although the *Yankee Stadium DEIS* claims that the construction of four new parking garages will somehow lessen the traffic impacts that occur on game-days, it admits that “[t]he increased number of parking spaces that would result from the proposed project would still not accommodate the full parking demand, but it would represent a substantial improvement over existing conditions. A number of fans would still park on-street.” *Yankee Stadium DEIS* at 15-2. In fact, the four new parking garages will be leased by the State to private operators as a for-profit enterprise. In other words, incentive will exist to fill the garages. However, both availability and price of parking have significant impacts on auto users’ decisions to drive; therefore, it should be assumed that free parking in the vicinity of the stadium will continue to be used.

The *Gateway Center DEIS* did not adequately study the cumulative parking impacts caused by the Gateway Center and Yankee Stadium projects. The vehicle trip generation tables in Chapter 16 only account for vehicle trips generated by proposed destination retail and the hotel, despite the fact that Yankees fans will utilize Gateway Center parking. Consequently, the Traffic and Parking chapter must be redone to address these impacts.

III. Peak Hour Trips Associated with the Yankee Stadium and Gateway Center Projects Will Increase

The New York State Department of Transportation’s *Bronx Arterial Needs Major Investment Study (BAN MIS)* has identified Yankee Stadium as a major source of congestion. The BAN MIS was developed to address concerns with traffic operations and safety, transit services, goods movement, and bicycle and pedestrian mobility in the congested highway corridors of the Bronx. According to the study,

When the team is playing in town, significant traffic congestion can be observed on the MDE with effects spilling over onto the local streets in the vicinity, the Grand Concourse, East 161st Street, the bridges crossing into the Bronx, and the FDR and Harlem River drives. On weekdays, most games are in the evening and, thus, there is some overlap with the evening peak commute traffic.

Bronx Arterial Needs Major Investment Study, Existing Conditions and Problem Identification Report, Technical Memorandum #2, October 1999, at 2-3.

As a result of stadium-related congestion, commuter traffic that would have used the Major Deegan Expressway to return home may be using alternate routes, including the Bronx River Parkway and the Henry Hudson Parkway.

Because many Yankees fans are expected to utilize parking at the Gateway Center site, the study area boundary should be extended beyond study area to address the impacts it will have on the greater road network. *See*, "Study Area," *Gateway Center DEIS*, at 1-3. If home games are currently causing significant traffic congestion on the Major Deegan Expressway with effects spilling over onto the local streets in the vicinity, the Grand Concourse, East 161st Street, the bridges crossing into the Bronx, and the FDR and Harlem River drives, then adding thousands of additional parking spaces will only increase congestion and extend the amount of gridlock on these roadways. In addition, if Yankee Stadium traffic is diverting commuter traffic, the study area must also be extended to include these impacts. Because the Gateway Center site is a destination for Yankees fans, the *Gateway Center DEIS* must also account for these impacts.

VI. The Study Must Use Accurate Assumptions About Background Traffic Growth

Background traffic assumptions in the *Gateway Center DEIS* are not conservative. Both the Future No Build and the Future with the Proposed Action traffic volumes were developed by applying a background traffic growth rate of one-half percent per year as stipulated in the *City Environmental Quality Review (CEQR) Technical Manual*. However, studies show that the amount of background traffic in the Bronx is likely increasing at a much higher rate. Total bridge traffic in the city increased by an average rate of 1.4% per year during the ten-year period of 1994-2004, more than three times as fast as the 0.4% average annual growth rate during the preceding decade. Daily volume on the eight bridges in the Bronx increased 3.2% per year from 1994-2004, over six times the average growth rate of 0.5% per year. New York City Department of Transportation, *New York City Bridge Traffic Volumes 2004* (August 2005), at 11, available at <http://www.nyc.gov/html/dot/pdf/bridgetrafpt04.pdf>.

Further, the background traffic growth assumptions do not account for induced trips caused by the dramatic increase in parking. The *Gateway Center DEIS* does not even account for the project in its Traffic and Parking section, where it states, "After consulting the New York City Department of City Planning (NYCDCP), it was determined that no significant developments would be constructed in the vicinity of the project site; therefore, only the background traffic growth would increase traffic volumes at study locations." *Gateway Center DEIS*, at 16-17, 16-18. The *Gateway Center DEIS* also claims that its assumptions about parking are "very conservative" since they include "increases in Yankee fan parking, which are not really subject to annual increases." *Id.* at 16-21. In fact, the amount of parking available to fans will greatly increase, and game attendance is also expected to increase. (It should be noted that the *Gateway Center DEIS*

presents parking occupancy in a percentage, rather than numbers of cars, making it difficult to ascertain the true parking impact. *Id.*, at 16-20, 16-21.

IV. The Project Needs a Mass Transit Component

Congestion management in the area is sorely needed. According to the New York State Department of Transportation, Yankees games already result in significant congestion on the Major Deegan Expressway, the local streets, the bridges crossing into the Bronx, and the FDR and Harlem River drives. However, instead of utilizing planning methods that would discourage auto trips, both projects will greatly increase the amount of parking – and give auto users a greater incentive to drive.

Rather than constructing more parking facilities, both projects should include improvements to the mass transit infrastructure. Interestingly, DOT's Bronx Arterial Needs study also found that many people who usually take Metro North drive to Yankees games so they don't have to return to Grand Central or 125th Street to catch a train. Unfortunately, proposals to build a Metro North station at Yankee Stadium have been languishing for years and are not part of the current project. And since the *Yankee Stadium DEIS* admits that average game attendance will continue to increase, the impacts caused by traffic and congestion will only worsen.

VI. The DEIS Does Not Adequately Address Environmental Justice Issues

The *Gateway Center DEIS* does not address the environmental justice implications of the proposed action, which is likely to increase traffic on already congested roadways, and is likely to result in increased air pollution in an area that already suffers from poor air quality. Instead, the *Gateway Center DEIS* appendix that addresses environmental justice merely highlights the fact that the South Bronx is a low-income, minority community, and then asserts that the project “is not expected to result in adverse public health impacts.” *Gateway Center DEIS, Appendix C: Environmental Justice*, at C-7. The *Gateway Center DEIS* should have studied the cumulative impact of the proposed action and Yankee Stadium, as well as other mobile and stationary sources of air emissions, and address the health impacts on the area's already sensitive population.

VII. Conclusion

The South Bronx needs better urban planning. It is disheartening that economic development in this area will have to come at the expense of the health and quality of life of its residents. As Congressman Serrano has eloquently written, the South Bronx “bears the municipal burden” of much regional infrastructure that negatively impacts the health and quality of life of its residents. It has a disproportionate number of waste transfer stations and high levels of diesel truck traffic, and it has one of the highest asthma rates in

the city and the country. The environment of the South Bronx should not be further compromised to create car-dependent suburban-focused facilities.

In light of the failure of the *Gateway Center DEIS* to study cumulative impacts, and the lack of a mass transit component to the Yankee Stadium and Gateway Center projects, the impacts of this project must be reevaluated.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nancy Christensen', written in a cursive style.

Nancy Christensen
Staff Attorney

Testimony of Susan Fainstein regarding the relocation of the Bronx Terminal Market (November 2, 2005 New York City Planning Commission Hearing)

(Part I--to be read by James Connolly)

The Bronx Terminal Market, constructed in the 1920s, was originally located to take advantage of access to waterborne transportation on the Harlem River.

Subsequently it benefited from the construction of I-95 and the Major Deegan Expressway, which provided convenient access for large tractor trailer trucks.

Although currently the market structures are not fully occupied and are in a serious state of disrepair, the market continues to serve a large number of both wholesale and retail customers and to employ a substantial number of people. Improvement and consolidation of the market would enhance its appeal to customers, take advantage of the city's ethnic diversity, and make an important contribution to the Bronx economy.

The market's competitive advantage rests on the clustering of similar businesses, allowing patrons the convenience of one-stop shopping. Spatial proximity of similar businesses is now widely recognized in the economic development literature as a significant enhancement to revenues. Moreover, the Market's specialized products are sought by ethnic food outlets throughout the region, and its proximity to the bridges to Manhattan and to public transit provides its

customers with easy access. Any sacrifice of its locational advantages would prove severely injurious to the market merchants and to their employees. The EIS dismisses these arguments without serious investigation. The stark deficiencies in the EIS in failing to address these issues are as follows:

1. On p. 3-16 the DEIS indicates that the market currently occupies 407,180 s.f. of floor space. On p. 3-17 (Table 3-4) it shows that in the entire Bronx, only 472,550 s.f. of space exist, scattered around, mostly on very small footprints, and not necessarily suitable for a market.
 - The market merchants consider that they must cluster in order to survive. The DEIS itself notes (p. 3-15) that "the one-stop-shopping convenience provided by the clustering of wholesale food businesses is part of what continues to draw customers to the Bronx Terminal Market." The relocation option offered to the merchants, however, does not allow clustering.
 - Movement of the market businesses into the existing available space would absorb

almost all the vacant industrial space in the borough.

- If the businesses were forced to move far from their current location, they would lose most of their customer base. The DEIS notes "Another operating characteristic of businesses in the Bronx Terminal Market is convenient vehicular access from both the Bronx and Manhattan" (p. 3-15).

- Yet, the DEIS claims on p. 3-18 that "the businesses current [sic] located on the project site would not have any difficulty in finding alternate industrial space within the Bronx or New York City." This claim cannot be justified with the data presented in the DEIS.

- The *CEQR Technical Manual* requires that if a business cannot be relocated within the study area, then an assessment of the effect of the loss on neighborhood character is performed. This analysis was not performed.

2. Approximately 400 employees currently work in the Market. They are

4

predominantly male and frequently lack English language skills. The collapse of the market would mean the loss of their livelihood. The proposed mall would not provide replacement jobs for them. (Oddly on p. 3-23 the DEIS claims that employment in wholesale trade in the entire Bronx is only 258. This is less than the number employed in the BTM alone and far less than the number in the Hunt's Point Market, which exceeds 20,000).

The following facts indicate the importance of retaining the market in a configuration similar to what now exists:

1. Currently there are now 18 firms operating in the market, employing about 300-400 people. Approximately 50 percent of them live in the Bronx. The Market provides stable employment for individuals, mostly male, with relatively low levels of education, many of them immigrants lacking language skills. It serves over one million people in the metropolitan area and offers highly competitive pricing. A retail mall would not provide replacement employment for this work force.
2. Clustering of the various providers allows them to supplement each other. There is a high level of cooperation among the tenant firms—they share

customers and provide each other with assistance. Customers who do not find what they are looking for in one establishment can find the items nearby. Seventeen of the eighteen remaining firms feel they must remain together as a group.

3. The market offers customers both wholesale and bulk retail goods. Customers seek out the market for its specialty ethnic products and its convenience of access and scale as compared to the Hunt's Point Market. Although customers might be able to find replacement suppliers, traveling throughout the metro area to access them would be costly and inconvenient for them.

There is no reason why the Bronx Terminal market, if included in plans for redevelopment, would not continue to thrive as a market and be a positive driver of the South Bronx economy. There are two strategies, outlined in our report on alternative sites, for achieving these goals.

The first strategy, demonstrated by the sites referred to as *St. Ann's Area* and *Alexander Area*, would move the Market to the Harlem River Yards. The St. Ann's site is publicly owned, leased to a private corporation, and has no permanent uses on it. The Alexander site has a single private owner and also has no permanent uses on it at this time. They both are at the edge of the Port Morris special mixed-use district,

which allows for residential and commercial developments to mix with "existing light manufacturing uses as well as new ones." Both of these sites offer the potential for a mixed-use complex that would enhance the visual appearance of the waterfront. Acquisition of these sites would require assistance from the city.

The rest of our report addresses the second strategy; incorporating the Market into plans for the Mall. The site located on the *Western Edge* has, importantly, been removed from the proposed Gateway Mall development area and, thus, requires no modification of the current plan. For this site, trucks would be routed to loading areas at the rear of the existing buildings, and small retail stores (to be occupied by the vendors or any other occupant) would replace the current loading areas along the planned promenade. Such an upgraded market, offering exotic bulk retail foods from storefronts and cafes facing the Gateway Mall along its western edge would clearly complement the shopping district atmosphere that developers hope to create in this area, as displayed in the architectural renderings submitted. Further, this would be a substantive solution to the displacement impacts that are ignored in the current EIS, setting an excellent precedent for planning the redevelopment of the South Bronx in a way that balances competing interests.

Other options for achieving this second strategy include moving the market to the Southern or Eastern

Edge of the proposed Gateway Mall. The site located on the *Southern Edge* utilizes the two lots on either side of the 145th Street Bridge (one of which is a part of the current market). Truck access is routed through the interior of the lot and underneath the 145th Street Bridge to create a continuous market area. The northern portion of a new facility on this site could house retail and restaurant uses, presenting an attractive streetscape across from the shopping mall and adjacent to the planned riverfront open space. The same holds for the *Block 2349* site, which also includes the recycling center. Finally, the site located on the *Eastern Edge* includes The Bronx Detention Center lot and the existing market area that neighbors it. In addition, a number of surrounding parking lots, mostly city-owned, are developed as relocation areas for the Market. Here also there is the possibility of ground-floor retail and restaurants facing the street. As well, it would not impede the development of the planned open space.

Part II to be read by Susan Fainstein

The Bronx Terminal Market is an integral part of the local economy of the South Bronx. Placing it in a modern facility would allow the existing businesses to thrive and grow, providing important employment opportunities for Bronx residents. In addition, it could act as a stimulus for economic development and an attraction that would enhance the surrounding area.

Precedents such as the Pike's Place Market in Seattle (also originally targeted for demolition as a part of an urban renewal plan) and the Reading Terminal Market in Philadelphia illustrate the potential of wholesale food markets to make an area unique. The fact that much of the merchandise sold at the Bronx Market is exotic would add to its appeal.

Under the proposal for the Gateway Mall, to be located on the present site of the Bronx Terminal Market, the 18 viable businesses currently operating in the Market site have not been presented with a relocation plan that would keep them together. At the request of the Market merchants and the law firm representing them, we have examined alternative sites in the Bronx that would allow the companies now there to continue and expand their businesses, even while allowing for the proposed new Gateway mall development to be developed on its current site. These alternatives have been dismissed by the city's EDC as infeasible, either because they impinge on the Gateway site or because the property involved is not for sale. It is our belief that the city, if it had a genuine commitment to preserving the businesses currently operating in the market, could facilitate the availability of a nearby site. Alternatively, there is no reason why a wholesale food market could not be a compatible use, indeed a synergistic one, with the shopping mall. So far the Related Company has shown no interest in accommodating the Market as a neighbor to the mall. Again, we believe that

intervention by the city could assist in making what currently is off the table possible.

As currently framed, the present project represents a replication of the sorry history of urban renewal. Like the urban renewal projects of the past, it represents the heartless eviction of long-time tenants and the replacement of local businesses with branches of large corporations that export their profits. The fact that the city has agreed to indemnify the Related Companies if the project does not proceed points to a risk, as happened with many urban renewal projects, that after the eviction of the present occupants, the site could sit fallow. Even if built, it would resemble so many bland, uninteresting malls, filled with chain stores, that have filled empty spaces in inner cities without adding to their distinction.

In New York we have the example of the Chelsea Market; Seattle's Pike's Place Market and Philadelphia's Reading Terminal Market are other examples of markets sparking revitalization and proving unique and popular resources. By integrating the Bronx Terminal Market into the Gateway Center or by locating it on the southern waterfront of the Bronx, we could create a facility that is not simply a replication of a suburban shopping mall but would be a genuine attraction and contributor to revival.

Susan S. Fainstein is Professor and Acting Director of the Urban Planning Program in the Graduate School of Architecture, Planning and Preservation at Columbia University. She received her A.B. from Harvard University and her Ph.D. from MIT. Her teaching and research have focused on comparative urban public policy, planning theory, and urban redevelopment. Among her books are *The City Builders: Property, Politics, and Planning in London and New York* and two co-edited volumes on urban tourism: *The Tourist City* and *Cities and Visitors*. In addition, she has published extensively on a variety of subjects, including race and urban development in the United States, comparisons of urban policy in the United States and Western Europe, planning theory, and the effect of national policies on the activities of US state and local governments.

She has led evaluations of neighborhood redevelopment projects under grants from the US Dept. of Housing and Urban Development and the McKnight Foundation and has been a consultant to municipalities, community groups, universities, and the Cities Programme of the Economic and Social Research Council of the UK. She is the recipient of the 2004 Distinguished Educator Award of the Association of American Schools of Planning.

Statement – Traffic Impacts of the Proposed Bronx Terminal Market

My name is Brian Ketcham. I am president of Brian Ketcham Engineering and Executive Director of Community Consulting Services. I am a licensed professional engineer. I have been retained by the Neighborhood Retail Alliance to review and critique the traffic analysis prepared for this project. I will focus on just traffic for this statement.

- The proposed Bronx Terminal Market will generate huge numbers of vehicular trips at all time periods; it will clog local roads and, in particular, the Major Deegan; the DEIS does not begin to disclose the impact this project will have on nearby communities.
- The developer has significantly under estimated the amount of traffic this project will generate, assuming just 59% of shoppers will arrive and depart the Bronx Terminal Market by auto; based on its location and proximity to transit, versus its proximity to the Major Deegan, 80% to 90% of shoppers will access this site by auto.
- At more than 1.2 million sq. ft. of retail space, it is twice the size of the Gateway Estates in Brooklyn; that project generates 2,500 auto trips in the evening peak hour; 28,000 trips on a typical weekday (34,000 on Saturdays). The proposed Bronx Terminal Market should generate nearly double these numbers.
- Gateway Estates in Brooklyn provides 3,500 parking spaces yet exhibits overflow traffic on Fridays and Saturdays. The Bronx Terminal Market plans on just 3,000 parking spaces for a project double the size of Gateway Estates. Compounding this is that Yankee attendees will utilize some of this space on game days. The Bronx Terminal Market will suffer spill over traffic with backups on to the Major Deegan with disastrous effect.
- Trip generation is a very important element in estimating project impacts; however, the project's traffic engineer has assumed trip generation rates that are just three-quarters of the average rates reported by the Institute of Transportation Engineers; rates that are 15% lower than the low-balled rates used for Gateway Estates. Monster malls in NYC do spectacularly well and generate huge numbers of auto trips. It is unacceptable to assume rates that are well below national averages for this project.
- The result is that the Bronx Terminal Market can be expected to generate more than 250,000 vehicular trips a week, 40,000 on weekdays, 50,000 on Saturdays, and 3,500 trips on weekday evening peak hours—double what is reported in the DEIS.
- 70% to 85% of these trips are expected to arrive or depart the project via the Major Deegan; the Major Deegan is at capacity for much of the day; adding approximately 3,000 vehicles to the Major Deegan in the evening peak hour will bring the Major Deegan to a halt especially in proximity to the High Bridge connection to the Cross Bronx.
- In short, the DEIS traffic analysis is wrong; it low-balls project impacts; the project will place a huge traffic burden on nearby communities; it will clog the Major Deegan causing huge delays for other travelers severely impacting individuals and businesses.
- Concentrating so many trips in one area and relying on an already overstressed Major Deegan for most of its access and egress without full mitigation (costing hundreds of millions of dollars) is wrong and should be stopped.
- This is the wrong place to concentrate 40,000 to 50,000 daily car and truck trips. This project should not be approved.

Brian T. Ketcham, P.E.
Brian Ketcham Engineering, P.C.
175 Pacific Street
Brooklyn, NY 11201
718-330-0550

**Testimony on the proposed Gateway
Development**

November 3rd, 2005

**Department of City Planning
Public Hearing**

**Dr. Richard Lipsky
Neighborhood Retail Alliance**

Terminal Diagnosis

We've been taking a look at the EIS that was submitted on behalf of the Related Companies for its Gateway Mall at the Bronx Terminal Market. Just a cursory analysis of its purported socioeconomic impact section gives us a very good idea just why they are trying to bum rush the ULURP process. To put it kindly, the analysis is unadulterated crap and, if the traffic study is in any way like this section then God help the South Bronx.

Let's take a peak:

1) According to the EIS, small neighborhood food stores won't be impacted because these stores are "patronized by neighborhood residents who value the convenience ... the high quality of goods and personal service..." (3-78).

This is nothing more than conventional wisdom and should be treated as a testable hypothesis, something which isn't even considered by the consultants. In addition, while the assertion may be partially true it doesn't necessarily follow that it is true in its entirety. What this means is that a large club store or supermarket may have impacts and those impacts need to be analyzed, a process that the EIS doesn't feel is necessary.

It is also important to point out that many of the smaller specialty stores depend on the synergy created by the independent supermarkets who anchor local commercial strips. This brings us to the next assertion:

2) Larger supermarkets needn't worry even though these stores "are likely to experience competitive pressure from a wholesale club or large chain supermarket..." There are a number of alleged reasons for this:

a. Sales will be diverted from other club stores in the areas surrounding the Bronx: "Therefore, some portion of sales at the Proposed Project's wholesale club would represent sales that have been diverted from other wholesale clubs, not from local supermarkets" (3-80).

b. Local grocery stores are more convenient because the selection of goods would be greater and more varied than at a warehouse club: "Shoppers who prefer to have a wide assortment of items to choose from will continue to shop at area supermarkets" (3-82).

c. Local supermarkets are not critical to neighborhood shopping strips. In apparent response to the Alliance's advocacy on this issue the consultants make two points:

i. Local supermarkets will not lose business from the food store(s) in the project

ii. Even if they do they're not essential to neighborhood character

Consultants Provide no Empirical Data

In response to this section of the EIS we need to emphasize a number of points. First of all, the consultants simply make a number of untested statements without providing hard data as

evidence. For instance, they do not survey store owners or their customers. They also fail to interview wholesale suppliers to determine whether certain stores within the trade area may be more vulnerable to the pressure of competition.

In addition, at no time do the consultants highlight the aggregate potential sales volume of its club store. For instance, our estimates in our analysis of the Brush Avenue BJ's that went down to defeat this year predicted, based on industry estimates, that the store would do \$60 million a year in food sales. In an attempt to finesse this issue, using neighborhood character, the consultants try to show that the larger stores are not generally anchors to local shopping strips.

To the extent to which this is true, however, this merely points out the weakness of the CEQR and the need to widen the scope of economic impact analysis that we've highlighted in our discussion of accountable development. How much of the \$60 million will come from these unionized supermarkets? What will be the overall industry and employment impacts of the replacement of these unionized workers with a largely uninsured, non-union workforce. What will be the impact on the taxpayer when these workers must come to rely on the public health care system?

There's Enough Business for those Stores

The other unsupported argument advanced in this section is that the areas where those other markets are located have enough local demand to withstand the competitive pressures of a box store at Gateway.

Once again we refer back to the original argument in this section that smaller local markets, appealing to neighborhood needs, will not be negatively impacted. Have the consultants looked the impact that larger supermarkets have had in other shopping center projects around the city? Are they aware that, in some cases, as many as five stores have closed when a regional chain store has opened?

The consultants also adopt a breezy, cavalier attitude towards the potential of indirect displacement. At no time do they bother to even speculate on a worst case scenario and the absence of any larger economic impact analysis that focused on the quality of the employment transfer leaves us with little confidence that an honest evaluation has even taken place. The big unanswered question is where will the \$60 million in sales come from?

Traffic Issue Irony

One of the major defenses of Gateway on the traffic issue, made by Council member Arroyo, is that car and truck traffic will be less intrusive because the Gateway Mall is located near public transportation. Well, if that's true someone should have told the consultants since a main argument they make is that local stores won't be hurt too drastically "because the project site is not immediately proximate to public transit and that approximately 76% of household members in the 3 mile trade area do not have a vehicle available to them..." (3-80).

If this is true than then Gateway Mall will be attracting the bulk of its customers from outside the

local neighborhoods and whatever the shopping values that will exist at the will not be easily available to local residents who will, nevertheless, have to accommodate the intense increase of vehicle and truck traffic through their already overburdened streets.

Our feeling is mixed on this. We believe that enough business will leak out from the neighborhood, especially the bulk weekend business that is so vital to neighborhood supermarkets to lead to the closing of a number of local stores. At the same time, and especially when we consider the food stamp and membership policies of BJ's and Costco, we believe that the Gateway Mall will primarily exist as a destination for thousands of out-of-the-neighborhood shoppers so that, for the local community, the costs will greatly outweigh the benefits.

EDC's Bad Faith

It is instructive to read the DEIS that AKRF has prepared for its client Related alongside the communication from EDC to the lawyers from the Bronx Terminal Market merchants. Before you do, however, it is important to point out that these same accommodating consultants got millions of dollars to spew forth self-serving claptrap when Rudy Giuliani was proposing to rezone all the M1 and M2 space in the city for big box use. They remind us of Tom Lehrer's observation about Werner Von Braun: "A man whose allegiance is ruled by expedience."

Direct Displacement

Under the rules of CEQR a land use applicant must conduct a rigorous analysis if a proposed development will have a significant impact on the city's economy or businesses that may depend on the economic activity being displaced. Terms such as "uniquely dependent," "critical social or economic role" and "substantial economic value to the city" frequent the CEQR narrative on direct displacement.

If such a possibility of significant impact exists, the applicant must conduct a "detailed analysis" so that the lead agency can "understand the potential for and extent of a significant adverse impact to a level that will allow appropriate mitigation to occur."

Mitigation

Two points about mitigation should be made. First, it may include "helping to seek out and acquire replacement space" and/or a provision of "relocation assistance." Clearly, the City has refused to consider the first option. What is not being said, however, is that the relocation assistance is not mitigation at all because, as CEQR alludes to, the possibility that there may be "unusual difficult in relocation."

Ironically, the DEIS makes the merchants case very well. As Professor Fainstein has pointed out to us after reviewing the DEIS:

"The text on p. 3-15 indicates that shoppers at the market are drawn primarily from the Bronx and northern Manhattan and that access and one-stop shopping are the principal attractions." Additional irony inheres in the consultant's contention that the market merchants are currently utilizing 407,180 sq. ft. Once again Fainstein nails the hypocrisy:

"Finally it notes that altogether the Bronx affords only 472,500 sf of vacant space (scattered around and not necessarily suitable for a market) and finally concludes that the businesses on the project site "would not have any difficulty in finding alternate industrial space within the Bronx" (p.3-18). This is obviously contradictory and the analysis of the direct displacement effect is not fully included in the summary EIS."

Reconfigure the project

Finally, CEQR counsels that if direct displacement is to occur it might also be advisable to reconfigure the size and scope of the project:

"If those businesses occupy only a portion of the project site, a smaller project or an alternative configuration that avoided them could also be considered" (p3b - 1b).

Lying and Swearing to It

All of the potentially constructive mitigations are never considered because EDC had an a priori evaluation of the worthlessness of the businesses in the market, a view they have freely expressed throughout the controversy. Unsurprisingly, AKRF, trained in the abject aping of its master's whims, mirrors this view in their so-called analysis of the value of the BTM to the city's economy.

Elsewhere we have argued how insufficient this analysis is, saying that it underscores the need to remove the evaluation process from the sullied hands of those who would benefit from a falsely sanguine analysis of a project's impact. What's clear in this case is that all of the economic observations done by the consultants are simply made to rationalize EDC's originally held, jaundiced view of the BTM merchants.

W/loss 1/2

Good Morning my name is Stanley Mayer, I am a merchant at the BTM and I am also the President of the BTMPA, Inc. On behalf of myself and the other merchants at the BTM, I speak in opposition to the approval to the Gateway at BTM, Calendar Items 28 Thru 34 pursuant to the ULURP process and in opposition to the so-called Gateway Environmental Impact Statement (EIS) pursuant to City Environmental Quality Review (CEQR). Let me make our position very clear, the EIS fails to deal with the direct displacement of our businesses from the development site. Related Companies, the developer of this project has failed to take into account the synergy and relationships between the businesses in the current market. No real & sincere effort has been made to keep our businesses together even in a small portion of the foot print of the development site. We the merchants are not against development, we just want to be part of the new development.

No effort has been made to relocate us together despite the calls to do so by the elected officials in the Bronx. No effort, as a last resort, has been made to put real dollars on the table to compensate our businesses and their employees, both of whom face the loss of livelihoods. Because of the destruction of our businesses, permanent loss of our employee's jobs, and the failure to recommend alternatives, the EIS is defective on its face and should be rejected.

BTM has been in operation for over three quarters of a century. I think it is totally outrageous that we are being thrown out of our location, especially after keeping this market alive and surviving the Buntzman years. 42.5 million dollars has been used to buy out the Buntzmans because of the City's inability and legal failures to evict the Buntzmans, yet contrary to policy goals of City Environmental Quality Review, no real assistance is offered to us.

The Economic Impact Section of the EIS is without merit. We at the BTM make a tremendous contribution to the Bronx, the City, the Latino, West Indian, Caribbean, Asian and African communities in the Tri-State area and beyond. We presently have annual sales approaching 450 million dollars, these sales numbers are directly representative of the economic impact

11/2/05 2/3

we have on the area. We are the only wholesale and bulk retail distribution center of the unique ethnic foods and products for these communities. While the EIS says there is a need for food clubs, our market is already the very type of food club that EIS is looking to bring in. The EIS says these communities can go elsewhere, But where? to Wal-Mart or to BJ's? The bulk of what we sell can't be found there. I ask why we must be replaced by out of state businesses when we could easily be worked into their vision for project and for the neighborhood.

The only answer I can think of is that they wish to change the color of the neighborhood.

Our market today is a vibrant and viable market that serves many diverse ethnic peoples. If you allow the break up and destruction of our market you will create a void that no Wal-Mart or BJ's can ever fill. Our market can only flourish and grow, in a new and clean facility, creating more jobs. Real jobs that can support a family, not part-time, minimum wage, dead-end jobs selling T-shirts and jeans at Old Navy.

Short TIME FRAME, *PSYNETIC*

The City and the Economic Development Corporation should be working as hard on job preservation as it is on job creation. The City and EDC should be working hard to assist us in the development of a new market with the merchants to continue to serve these ethnically diverse communities in our city which we are an important and integral part of. Markets flourish where governments commit to their preservation and revitalization. When markets like ours at the BTM flourish, so does the City. When small business development is encouraged it provides opportunities for small individual business ownership, and then good jobs are developed, tax bases are increased and the need for City support services are reduced. Promoting Entrepreneurial America makes good business sense. The creation of more small business and therefore more jobs all contribute to a good and healthy economy, everyone benefits.

This plan which wipes us out is bad economics for the City and is a direct economic assault on the Bronx, the City, the Latino, West Indian, Caribbean, Asian and African communities.

11/2/05 3/3

We the merchants at the BTM are not against development, we just want to be part of the new development.

We need a real economic impact statement that comes up with real solutions that saves our businesses and their jobs.

Thank you

SUSTAINABLE SOUTH BRONX

890 Garrison Avenue, 4th Floor The Bronx, NY 10474
718.617.4668 Fax: 718.617.5228

FACSIMILE TRANSMISSION

TO: Hardy Adasko

FAX NUMBER: 212.312.3989

FROM: Menaka Mohan, Sustainable South Bronx

DATE: 11/14/2005

PAGES (including this page): 4

Dear Mr. Adasko,

Following is a statement from Sustainable South Bronx regarding the Draft Environmental Impact Statement on the proposed Gateway Center at Bronx Terminal Market.

Thank You,

Menaka Mohan
Sheridan Campaign and South Bronx Greenway Coordinator
Sustainable South Bronx

SUSTAINABLE SOUTH BRONX

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718.617.4668 Fax: 718.617.5228
www.ssbx.org

November 14, 2005

Mr. Hardy Adasko
NYC Economic Development Corporation
110 William Street
New York, NY 10038

Dear Mr. Adasko:

Re: Statements on the Draft Environmental Impact Statement on the proposed Gateway Center at Bronx Terminal Market

This letter constitutes Sustainable South Bronx's written comments on the draft Environmental Impact Statement for Bronx Terminal Market. Sustainable South Bronx (SSB) is a community organization dedicated to the implementation of sustainable development projects for the South Bronx that are informed by the needs of the community and the values of environmental justice.

SSB is pleased to be a part of the Community Benefits Agreement facilitated by the Bronx Borough President's Office, and we hope that the following concerns will be addressed.

1. The Draft Environmental Impact Statement does not account for the increased traffic that will occur with additional parking spaces and does not require that the Gateway Center share spaces with Yankee Stadium.

The DEIS for Yankee Stadium and the Gateway Center both state that because the new Yankee Stadium will have fewer seats than the old stadium, there will be no increase in game day traffic, despite the dramatic increase in parking. There is no attempt to account for the increased driving that will occur due to the construction of these new parking spaces.

Parking will increase dramatically in the area with the Gateway Center adding 3,216 spaces which will be available to Yankees fans. The DEIS for Yankee Stadium will add another 5,254 spaces to the area. There is also a discrepancy between the two EIS's on the amount of parking available in the area. Yankee Stadium claims that there are currently 7,079 spaces serving the area, while the Gateway Center claims 8,072.

This discrepancy highlights another serious problem. It is difficult to establish the cumulative impacts that Yankee Stadium and the Gateway Center will have on the surrounding area if the projects do not have the same data. The City should require that the two projects work together to share parking facilities and mitigate the impact of increased traffic.

2. The traffic impacts on the surrounding community and regional public transit are not addressed.

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

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

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

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

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

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

3. Local residents will have limited access to the new park site.

A new two-acre waterfront park is to be created by the Harlem River as part of this proposal. It is to be built and maintained by the New York City Parks Department. While the addition of open space is welcome, there are a number of problems regarding access.

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

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

4. Green building technologies should be implemented into this project.

The developer should implement sustainable design features, including green building techniques with Leadership Energy and Environmental Design Standards (LEEDS) rating silver or higher throughout the project and implement Local Law 86. Construction vehicles using clean fuels that minimize particulate emissions should also be used.

5. The Bronx Terminal Market vendors need to be relocated together.

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

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

6. The Gateway Center should ensure that jobs are given to local residents first.

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

7. Conclusion

The Gateway Center may provide economic growth for Bronx residents, however there are several issues that still need to be addressed. There will be an increase in the amount of cars traveling to the Gateway Center despite the claim that fewer seats in Yankee Stadium will prevent this. The two projects must be required to work together to address the coordination of parking, traffic, and public transit issues. The new waterfront park that is to be created must provide easy access for residents and must be built at the same time as the Gateway Center. Green building technologies should be implemented whenever possible.

The South Bronx already supports a disproportionate share of unwanted land uses with dire impacts for the community. Sustainable South Bronx urges leaders of the Gateway Center to listen to the community and implement the changes recommended here to prevent further degradation of the Bronx. Thank you.

Sincerely,



Menaka Mohan

Sheridan Campaign and South Bronx Greenway Coordinator

**Bronx Voices for Equal Inclusion,
A sub-committee of the Neighborhood Advisory Council
1125 Grand Concourse
Bronx, NY 10451
718 410-6735 Fax: 718 410-6750**

November 14th, 2005

Mr. Hardy Adasko
22 Reade Street
New York, NY 10007-1216

Dear Mr. Adasko,

Bronx Voices for Equal Inclusion (BVEI) is a sub-committee of the Neighborhood Advisory Council (NAC). NAC/BVEI is comprised of South Bronx residents, organizations, and local merchants who are concerned about the impacts of the Bronx Terminal Market/Gateway Mall, and while it is a separate development, the proposed new Yankee Stadium, which will stand adjacent to the Mall.

We feel that both projects are being rushed through ULURP and Environmental Review. NAC/BVEI is concerned about expected traffic impacts and how the increase in vehicular congestion and truck traffic will affect our already devastating asthma rates. We are troubled by the possibility for gentrification and that the Gateway Mall will displace residents with rising property values.

In addition, we do not want to lose our Wholesale Food Market. The Market provides goods essential to preparing our ethnic foods, and they provide jobs to people who will not be qualified to work at the Gateway Mall. We have been told that these developments are supposed to help the South Bronx but without proper assurances, there will be no indigenous South Bronx left to reap these pledged benefits. We urge all those concerned to strongly consider allowing the merchants to remain residents at the historical Bronx Terminal Market. There is research that proves retail and wholesale can work together.

The Bronx Borough President has approved the project under important stipulations and a Community Benefits Agreement Taskforce has been developed by the Bronx Overall Economic Development Corporation to draft a CBA by the 15th of December. We strongly urge that you do not vote for the project until a CBA is negotiated with all of the community stakeholders and the Related Companies. We are all for economic development, but there must be accountability systems in place to ensure that our community truly does benefit.

For questions or comments feel free to call Lydia Sierra at 718 410-6735 ext. 1343. Thank you for taking serious consideration of our concerns.

Sincerely,
Lydia Sierra
Community Organizer
NAC/BVEI

Lillian Smith, Community Activist
long-time Bronx resident, and
member of the Neighborhood
Advisory Council and
Bronx Voices for Equal Inclusion.
Tel: 718 992-2639

Public Testimony regarding approval of the Gateway Mall.

I am Lillian Smith. I have resided in the Bronx over 40 years, a great grandmother of four smart boys, a charter member of Morrisania Progress Center, now retired from the Department of Justice, Drug Enforcement.

I am here today because I am concerned about plans underway to move the Bronx Terminal Market. I have used this market since the early sixties buying Christmas trees for my kids, plants, and ethnic foods. The thought of removing the market is devastating. It's the largest ethnic and tropical produce market on the East Coast catering to the taste of growing members of immigrants from Africa, the Caribbean, and Central and South America.

The merchants should remain. The plan developed by the merchants should be incorporated into the development plans. Redevelopment can occur without relocating the businesses that currently operate in the Market. They must stay together where they can retain advantage of proximity to each other and their customers.

May the sensitivity of the issue give cause for it to be inclusive in your final determination. Thank you.

Lillian Smith.



Public Hearing Comments on the Bronx Terminal Market Redevelopment
 City Planning Commission, November 2, 2005
 Elizabeth Valentina, *New York Jobs with Justice Workers' Rights Fellow*

My name is Elizabeth Valentina and I am appearing on behalf of New York Jobs with Justice. New York Jobs with Justice is a permanent coalition of over 75 unions and community organizations that advocates to promote social, racial, and economic justice for all New Yorkers. Jobs with Justice coalitions exist in over 40 other cities in 29 states.

We believe that all commercial development subsidized by the City should be accountable to the community-at-large. Taxpayers have an interest in knowing how the City spends their money. Community residents have an interest in what is being built in their community and the type of jobs to be created. Local business owners have an interest in knowing how the development will impact their businesses. Everyone affected by the proposed development should have access to information about the development at its inception and the opportunity to voice their concerns before the deal is concluded.

We believe greater accountability, for this and other City-subsidized projects, can be achieved by:

1. mandating basic employment standards for the jobs to be created including living & prevailing wages and health benefits;
2. incorporating Local Hiring Policies;
3. transparency of the approval process, including preparing community impact reports at the outset of the negotiations, and incorporating community input appropriately at the beginning of the process; and
4. enforcing "clawbacks" or mandatory repayment of City subsidies for failure to reach job creation or community development goals and standards.

In structuring its economic development, the City has the obligation to take into account those directly affected by the development before the deal is final. In this case, there has to be a suitable and viable relocation plan for the displaced merchants. They thrive and function as a group and to date the City has not proposed an appropriate resolution. The employees who will lose their jobs must be assured that the new jobs that the development will create meet minimum employment standards, such as a living or prevailing wage and benefits. The City must take into account the interests of its constituents in negotiating subsidized development deals, and not just those of the developers.

Therefore, we urge the City Planning Commission to deny the Related Companies application, or in the alternative, require the Related Companies to agree not to include businesses in the development like Wal-Mart & BJ's whose record of low-road employment standards should not be tolerated in our city, and certainly not rewarded with our tax dollars.

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