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**Technical Memorandum**  
**CEQR No. 80-044X (ULURP No. C800366ZSX)**  
**Delafield Estates**  
**Revised August 22, 2019**

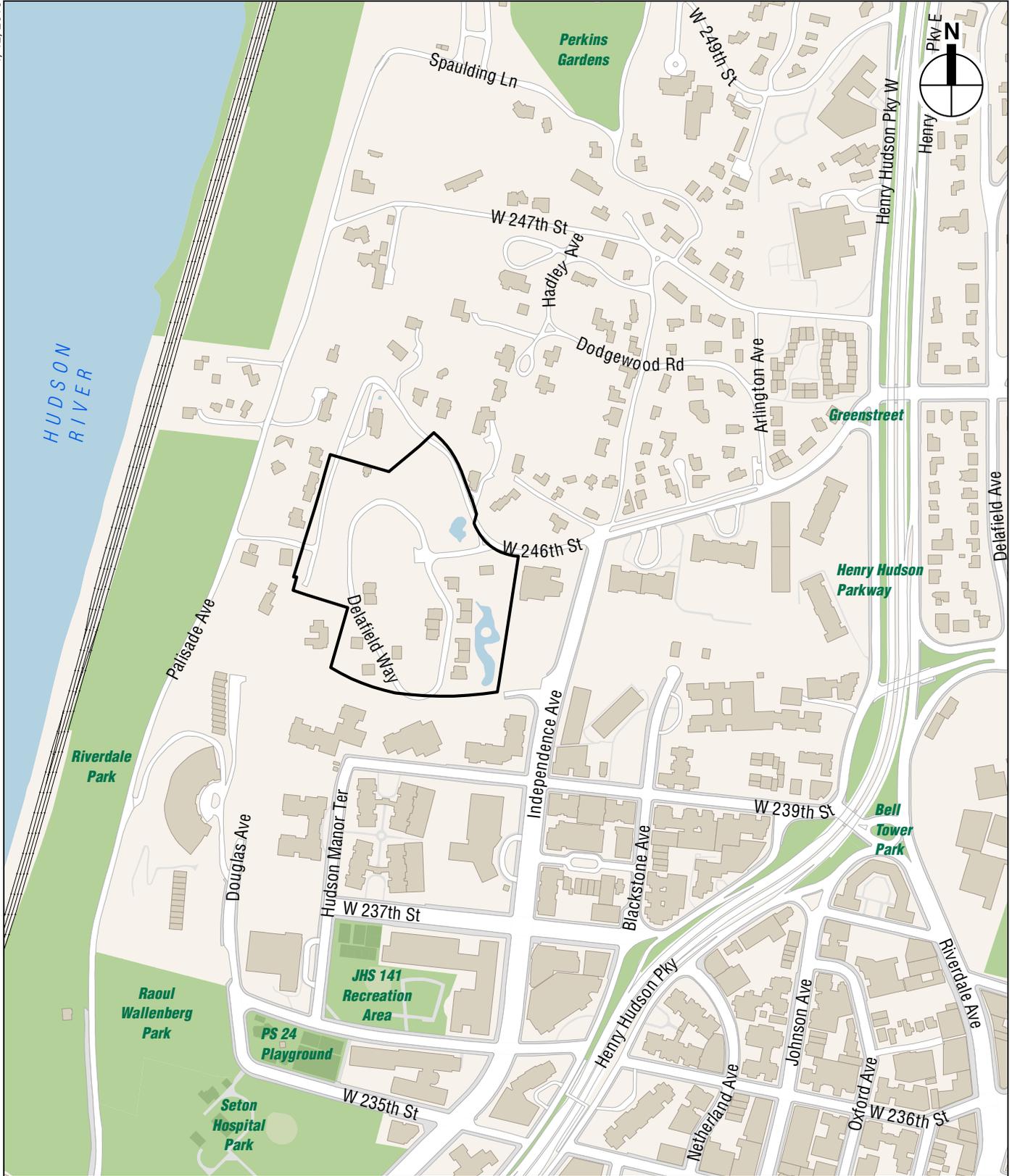
**A. INTRODUCTION**

This memorandum summarizes the potential environmental effects of the proposed modification to the Restrictive Declaration associated with the approval of the original Delafield Estates project as identified in the 1980 Delafield Estates Final Environmental Impact Statement (FEIS) and subsequent approvals. The proposed development on the project site—a 10.5-acre parcel in the Riverdale neighborhood of the Bronx—required authorizations and approvals from the New York City Planning Commission (CPC) to permit the modification of natural features on the project site, which is located in a Special Natural Area District (NA-2) and the demapping of portions of Hadley Avenue and West 240th Street on the project site. These actions were approved in 1980 and permitted the development of 33 housing units (3 of which were to be within the Delafield House building previously on the project site) and one caretaker’s unit (for a total of 34 units), accessory parking, and preservation of most of the natural areas on the project site. To date, 15 of these units have been constructed. The proposed modifications would permit the construction of the 19 remaining dwelling units—including the relocation of development footprints without regard to zoning lot lines and yard regulations such that all units would be freestanding, while keeping the overall floor area ratio (FAR), lot coverage, and unit count virtually unchanged. The modified project, if approved, is expected to be complete by 2020. Overall, this memorandum concludes that the proposed modifications to the previously approved project would not result in any new significant adverse impacts.

**B. BACKGROUND/OVERVIEW**

The project site is a 10.5-acre parcel in Riverdale, the Bronx (Block 5920). It is bounded by West 246th Street to the north, the Riverdale Temple on Independence Avenue to the east, West 240th Street to the south, and single-family residential properties fronting on Douglas Avenue to the west (see **Figure 1**). The project site is located in a R1-2 residential district within a Special Natural Area District (NA-2) in Bronx Community District 8.

The development planned for the project site, “Delafield Estates,” was analyzed in a 1980 FEIS, which considered a project consisting of 34 residential units (30 single-family houses, three apartment units in an existing structure on the site, and one caretaker’s unit) and 99 accessory parking spaces including 33 spaces in an underground garage (see **Figure 2**). A Special Permit was granted by CPC to allow this development as a “large-scale residential development” within a Special Natural Area District (NA-2). In issuing this Special Permit, CPC granted authorizations for the modification of existing topography, the alteration of botanic environments, the alteration of natural features other than topography and botanic environments, the modification of use regulations to allow semi-detached or attached single-family residents, and for the development to be concentrated in clusters in a substantially steep sloped area.



 Project Site

0 400 FEET  




Conditions associated with the previously approved project were reflected in a Restrictive Declaration adopted for the site when the Special Permit was issued in 1980. The Restrictive Declaration included requirements to minimize changes to the natural features on the site through implementation of a Construction Management Plan and a long-term landscape maintenance plan. It also included obligations to restore disturbed areas on the project site if project elements were not completed in a specified timeframe or if protected natural features were damaged or destroyed.

Since the issuance of the 1980 FEIS, the project was amended in 1985 when CPC approved an application for an authorization involving the location of buildings without regard for side lot lines, modification of topography, and the alternation of botanic environment. Subsequently in 1987, CPC approved an application for an authorization involving the location of buildings without regard for the yard regulations and the modification of topography. In addition, a technical memorandum was prepared for the project in October 2011 (referred to herein as the 2011 Technical Memorandum). The 2011 Technical Memorandum permitted the construction of the then-remaining 22 dwelling units—including the construction of a new three-unit residential building on the site of the former Delafield House, changes to grading; a reduction in the amount of parking from 99 to 66 spaces by eliminating a below-grade parking garage; and additional landscaping changes (see **Figure 3**).

### **C. PROJECT PURPOSE AND NEED**

The purpose of the approved project and subsequent modifications was to implement development planned for the project site, while responding to the special qualities of the property as a natural, historic and aesthetic landscape. CPC granted authorizations to modify topography, botanic environments, and natural features other than topography and botanic environments. The site plan minimizes disturbance of trees and other natural resources and respects the internal organization of the site in terms of open space. The large-scale residential development regulates the size, location and use of the buildings and plots, the placement, bulk and height of the buildings.

The proposed modifications described in this technical memorandum are also intended to further these purposes. However, as described below, the proposed modifications would permit the construction of the 19 remaining dwelling units—including the relocation of plots and development footprints without regard to zoning lot lines and yard regulations such that all units would be freestanding, while keeping the overall floor area ratio (FAR), lot coverage, and unit count virtually unchanged. Since all previously granted approvals were tied to a specific site plan, the proposed modifications, while asking for no new waivers, seeks to apply most of the earlier authorizations to the modified plans. In the applicant's opinion, these changes would result in a layout with several critical advantages, including compliance with zoning setbacks from the perimeter, compliance with minimum distance between windows and walls, compliance with full-detached houses pursuant to Zoning Resolution 22-00, and preservation of views for current homeowners.

### **D. PROPOSED MODIFICATIONS**

The applicant proposes to construct the development adopted in the Restrictive Declaration with a number of modifications. The 19 unbuilt dwelling units (15 units have been erected to date) would be constructed in a manner different than outlined in the Restrictive Declaration. See **Figure 4** for the proposed site plan for the proposed modifications. As compared to the 2011 Technical Memorandum site plan (see **Figure 3**), each unbuilt dwelling unit would be detached.

At the entrance of the site, the gatehouse remains in the same location; however, an in-ground swimming pool and patio would be located behind the gatehouse instead of a gravel parking area. Continuing clockwise around Delafield Way, houses one through nine are existing. Houses 11 and 13, located along the southern end of the loop, would be shifted so that they would be freestanding with a shared driveway. In addition, Delafield Way would be reconfigured to eliminate guest parking inset from immediately at the entry to a smaller inset at the south end of the loop. Houses 12, 14, and 15 have recently been built as envisioned in the Restrictive Declaration; however, under the proposed modifications there would not be a

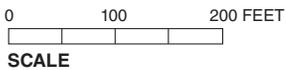
DOUGLAS AVENUE



- Legend**
-  Existing Trees
  -  Proposed Trees
  -  Rain Gardens
  -  Paved Driveways

- Notes**
- SEE ZRP016.3 FOR MATERIALS PLAN
  - SEE ZRP017 FOR PLANTING PLAN
  - SEE ZRP020 FOR GRADING PLAN

Source: Lee Weintraub Landscape Architecture LLC.

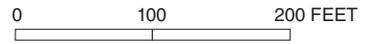


DELAFIELD ESTATES

2011 Technical Memorandum Site Plan  
**Figure 3**

LEGEND

-  ZONING DISTRICT BOUNDARY
-  LARGE SCALE RESIDENTIAL DEVELOPMENT PLAN BOUNDARY
-  ZONING LOT LINE
-  MAX DEVELOPMENT ENVELOPE
-  ILLUSTRATIVE BUILDING LINE
-  FINAL MAP LINE
- R1-1** ZONING DISTRICT
-  NUMBER OF STORES BUILDING HEIGHT
-  BUILDING NUMBER
-  EXISTING BUILDING
-  NEW BUILDING
-  RESIDENTIAL BUILDING ENTRANCE
-  VEHICULAR ACCESS / EGRESS
-  TRAFFIC DIRECTION
-  EXISTING TREE
-  PROPOSED TREE
-  TOPOGRAPHY AND ELEVATION POINT
-  TREE CRITICAL ROOT ZONE



dwelling unit between houses 12 and 14, which instead would be used as a shared driveway. Houses 16 and 17 would be shifted under the proposed modifications so that they would be detached. Houses 19 and 20 are existing and were completed as envisioned under the Restrictive Declaration. The remaining unbuilt houses (10, 18, and 21 through 33) would also be repositioned as freestanding.

All parking would be in private garages within the individual homes or in associated semi-private driveways. The number of parking spaces would remain unchanged from that analyzed in the 2011 Technical Memorandum. Driveways would be sited to minimize impervious ground coverage, usually with shared driveways (see **Figure 5**). In this fashion, impervious coverage would not increase. In fact, it is anticipated that the proposed modifications would result in a slight decrease in impervious areas (149,364 square feet [sf] as compared to 153,548 sf in the previously approved site plan). Under the proposed modifications, houses 10, 18, 21 through 23, 30, and 33 would no longer be accessed from Delafield Way. Therefore, the proposed modifications would require two new single curb cuts along Douglas Avenue in order to serve houses 18, 21, 22, and 23. In addition, a new single curb cut along West 246th Street would be required north of the current site entrance to Delafield Way in order to serve houses 10, 30, and 32 under the proposed modifications.

The reconfiguration of the site plan would also result in changes to slope, the number of trees, and the common space and natural path as compared to the previously approved site plan (see **Figures 6, 7, and 8**). There would only be minor alterations to the existing topography of the site associated with development of the proposed pond and stream, and some grading of steep slopes. In total, installation of construction fences would result in temporary impacts to 20.6 percent of the steep slope and buffer areas at the project site, and construction of buildings and driveways would result in permanent grading of 13.8 percent of the steep slope and buffer areas. With the proposed modifications, a total of 99 trees would be removed, and 95 trees would be planted. Including new plantings, a total of approximately 463 trees out of the original 467 would remain onsite. Comparatively, the previously approved site plan would retain 215 of 256 trees larger than 6 inches and new trees will be planted to replace the total caliper of trees removed. The proposed modifications would result in approximately 127,306 sf of disturbed area.

In order to facilitate these modifications, the applicant is seeking a minor modification to the previously approved special permit for Large Scale Residential Development. The proposed actions include modification of topographic features to Tier I sites pursuant to Zoning Resolution Section 105-421; authorization of a development, enlargement or site alternation on a Tier II site or portion of a zoning lot having a steep slope or steep slope buffer pursuant to Zoning Resolution Section 105-422; and modification of botanic environment and tree preservation and planting requirements pursuant to Zoning Resolution Section 105-425. Unlike the actions under the 2011 Technical Memorandum, the proposed modifications would comply with R1-1 zoning setbacks, would comply with Zoning Resolution Section 23-80, and would be fully detached, as required in R1-2 zoning per Zoning Resolution Section 22-00.

## **E. ENVIRONMENTAL ISSUES**

The following analysis considers whether the proposed minor modifications have the potential to introduce significant adverse impacts different from or greater than those of the previously approved Delafield Estates project. This technical memorandum addresses the updated guidance and analysis methodologies provided in the 2014 *City Environmental Quality Review (CEQR) Technical Manual*.

### **LAND USE, ZONING, AND PUBLIC POLICY**

Like the previously approved project, the project with the proposed modifications would not result in significant adverse land use, zoning, or public policy impacts.

#### *LAND USE*

Since the 2011 Technical Memorandum, four additional housing units have been built on the project site for a total of 15 out of the 34 proposed housing units (see **Figure 9**). In addition, the entire loop of Delafield Way has been constructed on the project site. The two proposed ponds and their adjacent landscaping along



Source: Building Studio Architects



Source: Building Studio Architects



### 1987 Plan

**LEGEND**

- PROPOSED BUILDING LOCATIONS
- EXISTING BUILDINGS TO REMAIN
- APPROVED BUILDING LOCATIONS TO REMAIN
- PROPOSED WALKWAYS / DRIVEWAYS
- PROPOSED DECKS
- EXISTING DECKS TO REMAIN
- OVER LAP OF CRZ AND PROPOSED BUILDINGS
- X EXISTING TREE TO BE REMOVED
- + EXISTING TREE TO REMAIN - NO CREDIT
- CRITICAL ROOT ZONE
- NEW TREE



### Proposed Plan

**LEGEND**

- OVER-LAP OF CRZ + PROPOSED BUILDINGS
- OVER-LAP OF CRZ + CONSTRUCTION FENCE
- TREE CRITICAL ROOT ZONE
- X EXISTING TREE TO BE REMOVED
- + EXISTING TREE TO REMAIN - NO CREDIT
- CONSTRUCTION FENCE

Source: Building Studio Architects



1987 Plan



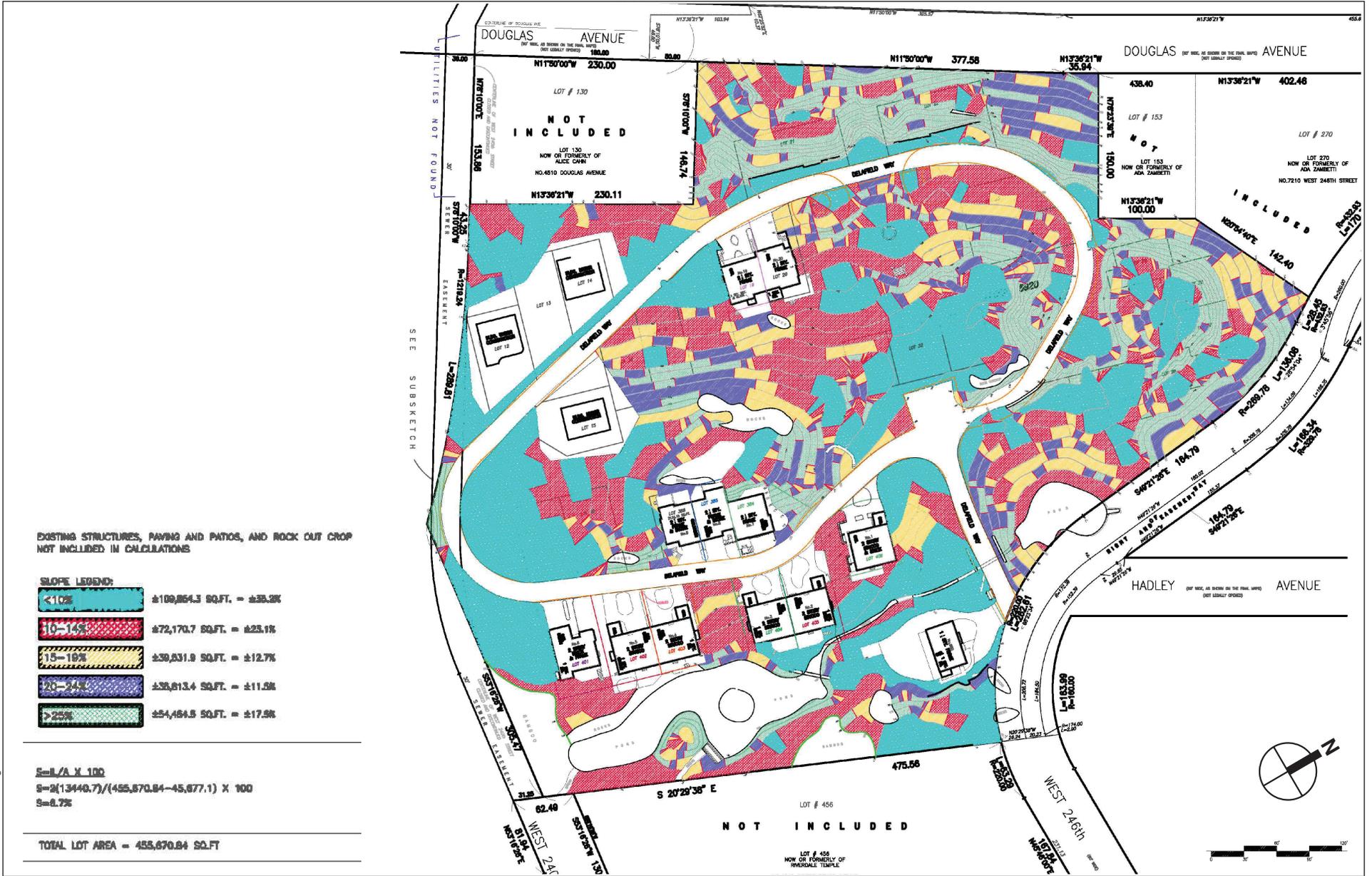
Proposed Plan

Source: Building Studio Architects

**LEGEND**

COMMON SPACE AREA

CONTIGUOUS NATURAL PATH



the eastern edge of the project site have also been completed. The northern half and much of the western half of the project site remain undeveloped.

As analyzed in the 2011 Technical Memorandum, the land use study area is generally bounded by West 247th Street to the north, the Henry Hudson Parkway (New York State Route 9A) to the east, West 236th Street to the south, and Palisade Avenue to the west (see **Figure 10**). As compared to the 1980 FEIS and the 2011 Technical Memorandum, the land use study area remains predominantly residential, with higher density uses—typically in the form of multi-building campus-style developments with on-site parking garages—to the east, south, and west of the project site and lower density single-family detached homes to the north. A number of undeveloped residential parcels are interspersed among the low-density areas north of the project site. Community facilities in the study area are located to the south and east of the project site and include the Riverdale Temple at 4545 Independence Avenue, Riverdale/Kingsbridge Academy (M.S./H.S. 141) at 660 West 237th Street, and the Riverdale Jewish Center at 3700 Independence Avenue. Overall, uses in the study area have remained largely the same.

The proposed modifications would not result in a change in land use as compared to the 2011 Technical memorandum. With both the approved project and the proposed modifications, the proposed development would be compatible and consistent with land uses surrounding the project site. Therefore, the proposed modifications would not change the conclusion of the 2011 Technical Memorandum and would not result in significant adverse impacts to land use.

#### *ZONING AND PUBLIC POLICY*

The project site is located in a R1-2 residential district within a Special Natural Area District (NA-2) (see **Figure 11**). R1 districts are low-density neighborhoods of large, single-family detached homes on spacious lots. R1-2 zoning districts allow a maximum floor area ratio of 0.5 for residential uses (Use Groups 1 and 2) and community facility uses. Pursuant to zoning, within the approved Large Scale Residential Development, the R1-2 zoning would have a permitted maximum of 227,835 square feet of zoning floor area on the 455,670 square-foot site. The proposed final FAR will leave 118,083 square feet of unbuilt compared to R1-2 zoning. The study area includes R1-1, R2, and R4 low-density residential zoning districts. The southeast portion of the study area is also zoned R7A, which is a medium density zoning district that allows for high lot coverage and seven- to nine-story apartment buildings.

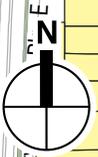
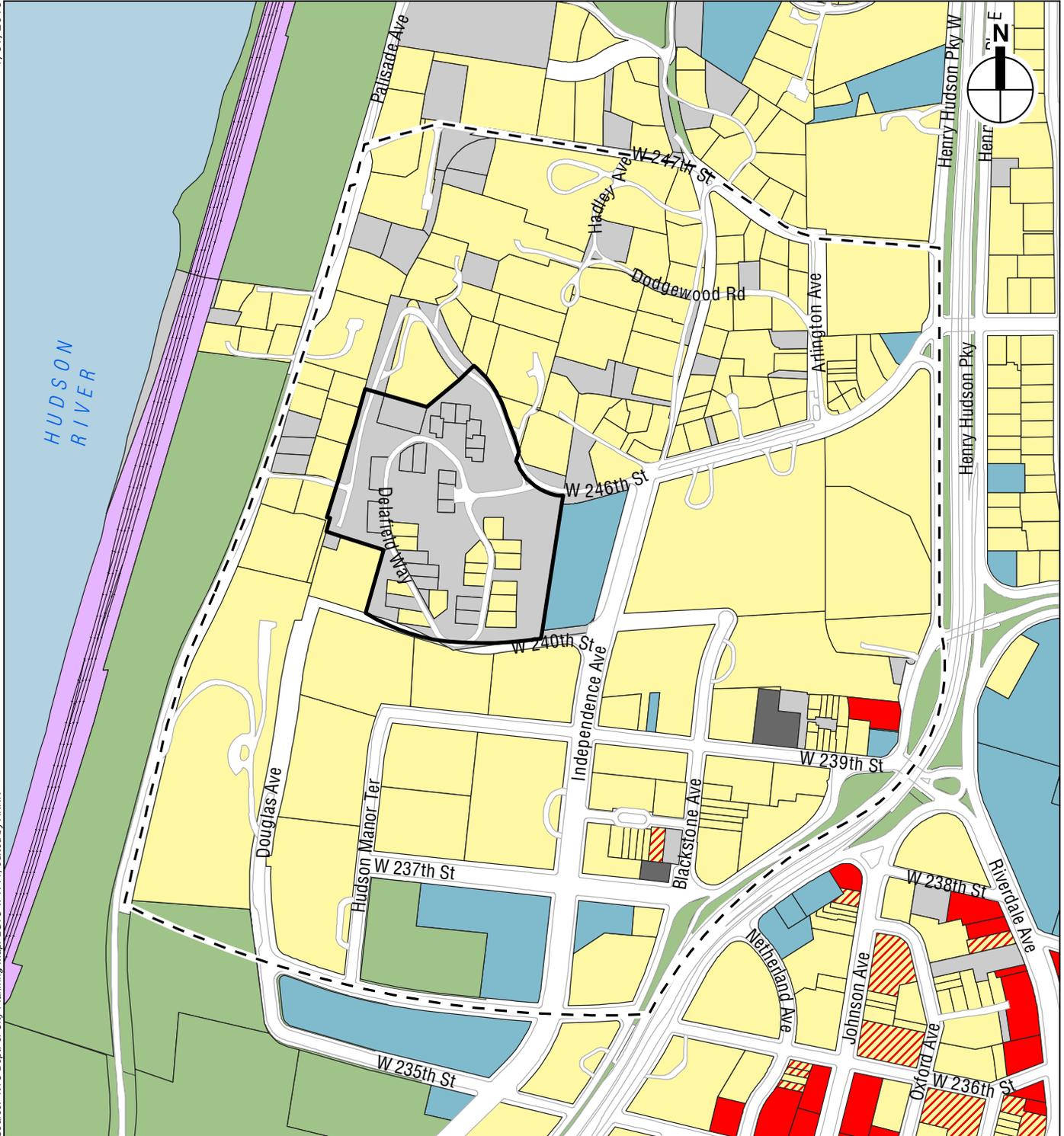
As described in the 2011 Technical Memorandum, the Riverdale-on-Hudson Rezoning and the Special Natural Area District Rezoning were adopted in the study area. The Riverdale-on-Hudson Rezoning is intended to better reflect the character of the neighborhood and ensure that future development will fit the prevailing neighborhood context. The project site is not within the rezoning area but is directly adjacent to the south along West 240th Street and east along Douglas Avenue.

The purpose of the Special Natural Area District, created in 1975, is to guide development to preserve unique natural features by requiring CPC review of new developments and site alteration on primarily vacant land.<sup>1</sup> In September 2004, New York City Department of City Planning (DCP) proposed changes to the Special Natural Area District as a means to focus preservation efforts on significant natural features. Overall, these proposed changes, which were adopted by the City Council in February 2005: add stronger preservation measures, including lot coverage controls and private road design standards; replace the grandfather provision with regulations that apply equally to developed and vacant lots to preserve significant natural features; and permit as-of-right development guided by performance standards on small lots with no significant natural features. As discussed above, the project site is located in the Special Natural Area District [NA-2].

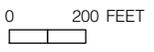
In addition, the Waterfront Revitalization Program (WRP) was originally adopted in 1982 and revised in 2016. It establishes the City's policies for development and use of the waterfront. All proposed actions subject to CEQR, Uniform Land Use Review Procedure (ULURP), or other local, state, or federal agency

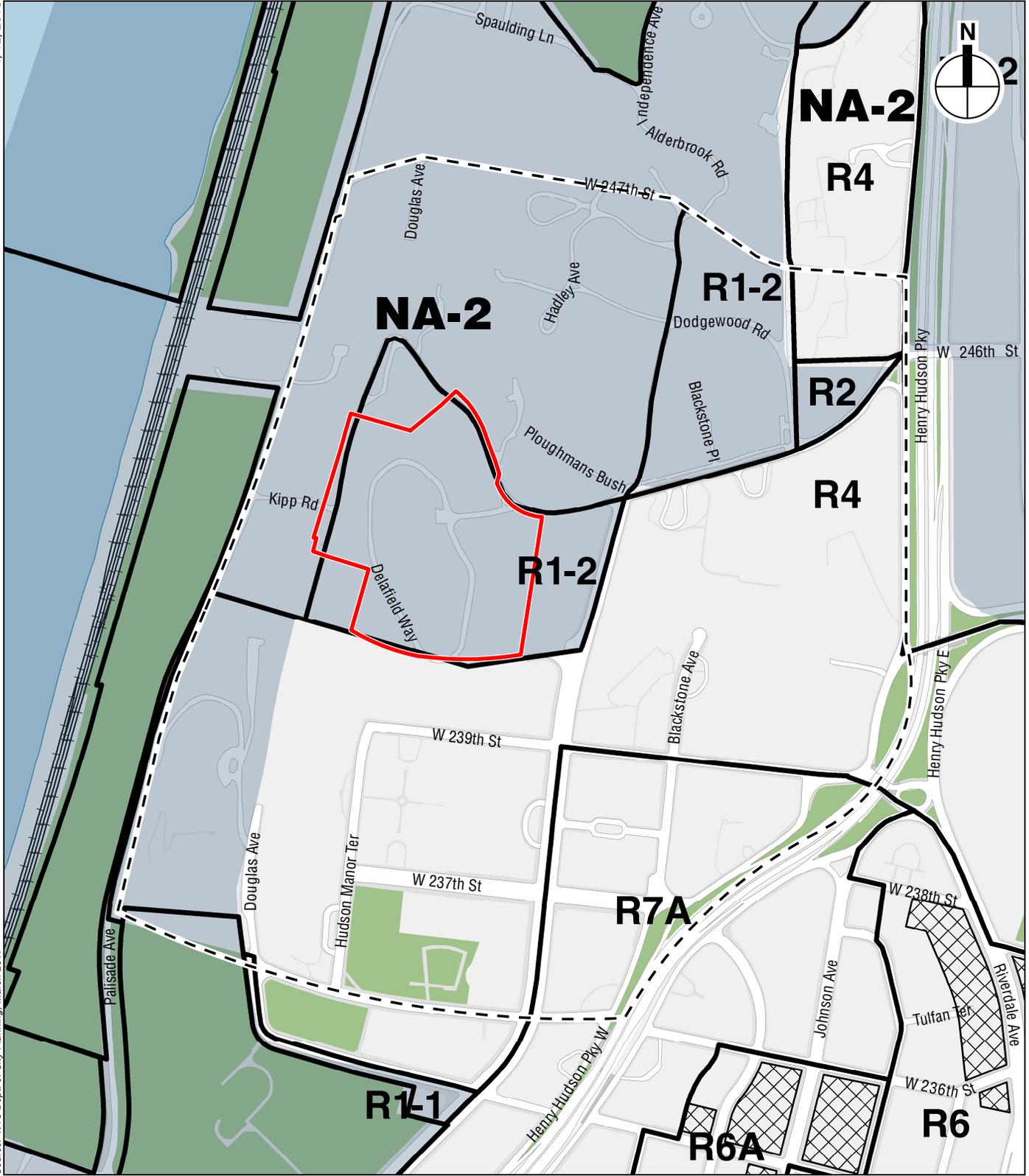
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<sup>1</sup> <http://home2.nyc.gov/html/dcp/html/snad/index.shtml>



- Project Site
- Study Area
- Commercial and Office Buildings
- Open Space and Outdoor Recreation
- Parking Facilities
- Public Facilities and Institutions
- Residential
- Residential with Commercial Below
- Transportation and Utility
- Vacant Land





-  Project Site
-  Study Area
-  Zoning Districts
-  Special Purpose District
-  C1-2 Commercial Overlay District

discretionary actions that are situated within New York City's designated Coastal Zone Boundary must be reviewed and assessed for their consistency with the WRP. The project site is within the coastal zone (see **Figure 12**). The WRP contains 10 major policies, each with several objectives, focused on improving public access to the waterfront; reducing damage from flooding and other water-related disasters; protecting water quality, sensitive habitats (such as wetlands), and the aquatic ecosystem; reusing abandoned waterfront structures; and promoting development with appropriate land uses.

An assessment of the proposed modifications' consistency with the most recent New York City Waterfront Revitalization Program is provided below.

#### *Waterfront Revitalization Program*

The project site is located within the City's Coastal Zone and therefore, the proposed modifications are subject to review for consistency with the policies of the WRP. The WRP includes policies designed to maximize the benefits derived from economic development, environmental preservation, and public use of the waterfront, while minimizing the conflicts among those objectives. The WRP Consistency Assessment Form (CAF) lists the WRP policies and indicates whether the proposed actions would promote or hinder a particular policy, or if that policy would not be applicable (see Appendix A). This section provides additional information for the policies that have been checked "promote" or "hinder" in the WRP Consistency Assessment Form.

**Policy 1:** Support and facilitate commercial and residential development in areas well-suited to such development.

##### *Policy 1.1: Encourage commercial and residential redevelopment in appropriate Coastal Zone areas.*

The proposed modifications would complete the remaining unbuilt residential dwelling units envisioned as part of the 1980 FEIS. The proposed modifications would be consistent with existing land uses and development trends in the surrounding area, which is predominantly residential. The proposed modifications are not located in Special Natural Waterfront Areas, the Arthur Kill Ecologically Sensitive Maritime and Industrial Area, or Significant Maritime and Industrial Areas. As approved as part of the 1980 FEIS, the purpose of the proposed project was to implement residential development planned for the project site, while responding to the special qualities of the property as a natural and aesthetic landscape. Therefore, the proposed modifications would be consistent with this policy.

##### *Policy 1.3: Encourage redevelopment in the Coastal Zone where public facilities and infrastructure are adequate or will be developed.*

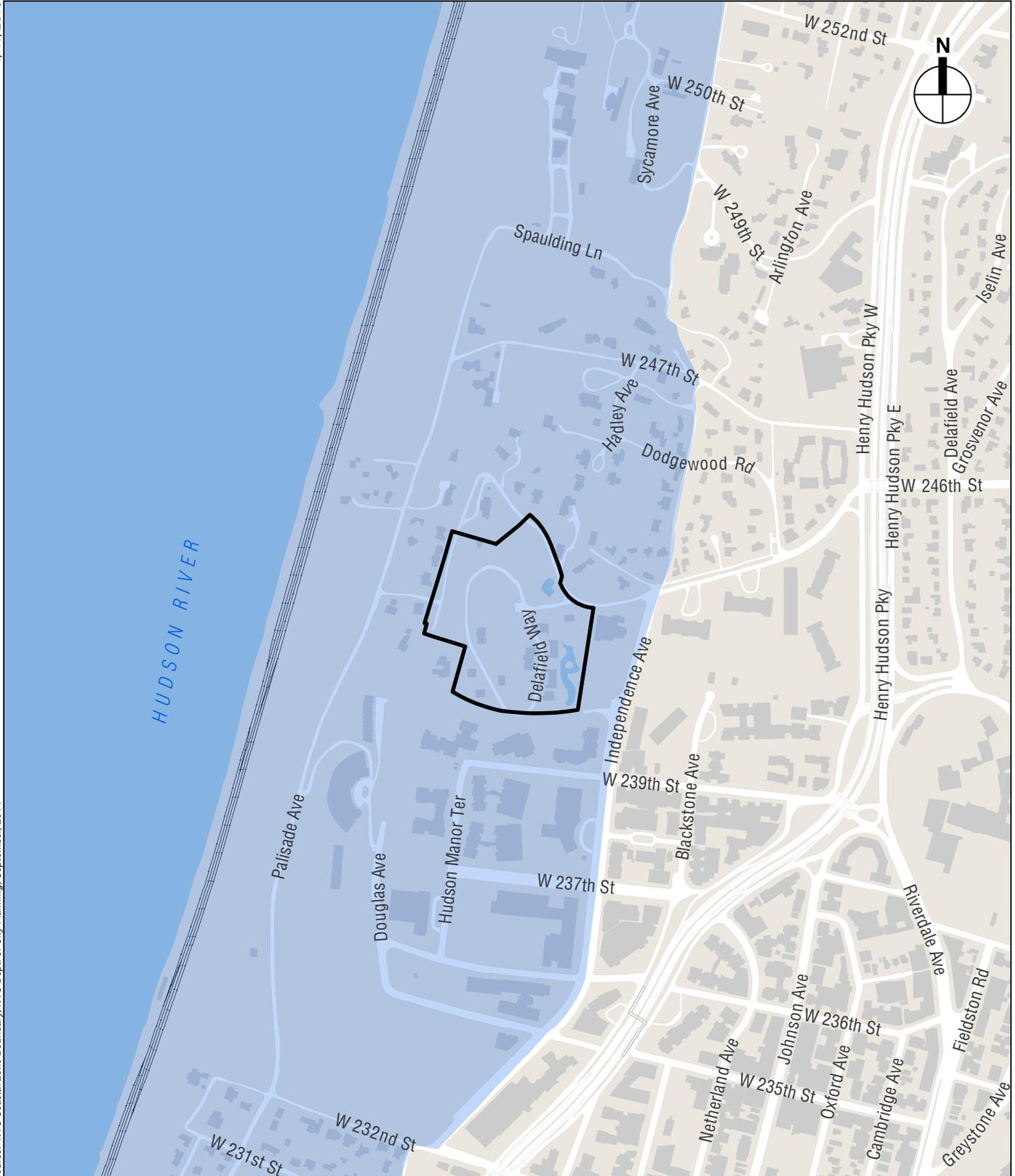
The proposed modifications would be built where public facilities and infrastructure have already been developed. As under the previously approved project, the modifications included a new street (Delafield Way) that connected to existing streets in the surrounding neighborhood. The proposed modifications will tie into the existing infrastructure and would not result in significant adverse impacts to the public facilities or existing infrastructure. Therefore, the proposed modifications would be consistent with this policy.

##### *Policy 1.5: Integrate consideration of climate change and sea level rise into the planning and design of waterfront residential and commercial development, pursuant to WRP Policy 6.2.*

As described further below under Policy 6.2, the proposed modifications would be consistent with Policy 6.2; therefore, the proposed modifications would be consistent with Policy 1.5.

**Policy 4:** Protect and restore the quality and function of ecological systems within the New York City coastal area.

##### *Policy 4.7: Protect vulnerable plant, fish and wildlife species, and rare ecological communities. Design and develop land and water uses to maximize their integration or compatibility with the identified ecological community.*



- Project Site
- Coastal Zone Boundary

0 500 FEET

According to the U.S. Fish and Wildlife Service's IPaC database, the federally endangered piping plover (*Charadrius melodus*) can occur in the vicinity. However, this species requires sandy beach habitat for foraging and nesting, which is not available at or near the project site. Therefore, the proposed modifications to the site plan would have no effect on piping plover.

The project site is located in Special Natural Area District (SNAD) NA-2, which seeks to preserve unique natural features such as rock outcroppings, trees and forests, wetlands and water features, and steep slopes. As with the approved project, the project with the proposed modifications minimizes disturbance of trees and other natural resources, and maximizes preservation of the natural elements at the project site. There would only be minor alterations to the existing topography of the site associated with development of the proposed pond and stream, and some grading of steep slopes. Elimination of the below-grade parking garage from the development program would result in preservation of a number of rock outcroppings that otherwise would have been removed to construct the garage, and would minimize the amount of steep slopes that would be graded. In total, installation of construction fences would result in temporary impacts to 20.6 percent of the steep slope and buffer areas at the project site, and construction of buildings and driveways would result in permanent grading of 13.8 percent of the steep slope and buffer areas. The overall floor area, lot coverage, and unit count for new development would be unchanged and, added to the existing lot coverage, would amount to approximately 13.8 percent of the total site area, minimizing the potential impact on existing vegetation. While the reconfiguration of the development would result in a minor change to the number of trees removed and planted compared to the approved project, this change would not have a significant adverse impact on natural resources. The development would preserve the majority of the 467 trees that currently exist onsite, and would replace most of the trees set for removal. With the proposed modifications, a total of 99 trees would be removed, and 95 trees would be planted. Including new plantings, a total of approximately 463 trees out of the original 467 would remain onsite.

Therefore, the proposed modifications would promote this policy.

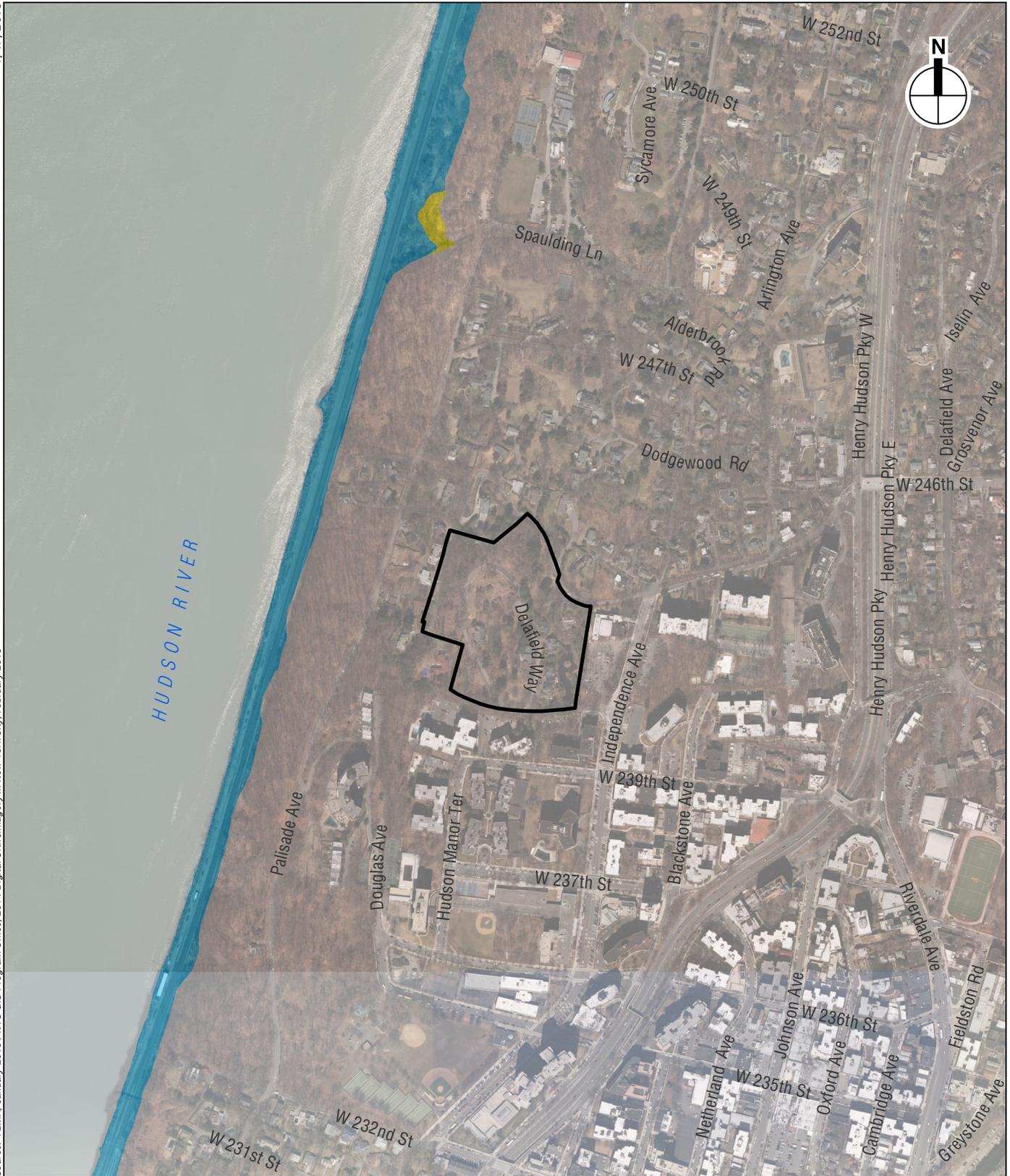
**Policy 6:** Minimize loss of life, structures, infrastructure, and natural resources caused by flooding and erosion, and increase resilience to future conditions created by climate change.

*Policy 6.1: Minimize losses from flooding and erosion by employing non-structural and structural management measures appropriate to the site, the use of the property to be protected, and the surrounding area.*

The project site is not located within the 1 percent annual chance floodplain. Under Policy 6, the primary goal for projects in coastal areas is to reduce risks posed by current and future coastal hazards, particularly major storms that are likely to increase due to climate change and sea level rise. The project site is not within the FEMA 1 percent or 0.2 percent annual chance floodplains and would not be susceptible to flooding under current conditions. The proposed modifications would meet the requirements of the applicable regulations intended to reduce risks of damage from current and future coastal hazards, and would promote Policy 6.1.

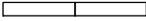
*Policy 6.2: Integrate consideration of the latest New York City projections of climate change and sea level rise (as published in the New York City Panel on Climate Change 2015 Report, Chapter 2: Sea Level Rise and Coastal Storms) into planning and design of projects in the city's Coastal Zone.*

The project site is not located in the current Preliminary FIRM (2015) or the Effective FIRM (2007) 1 percent or 0.2 percent annual chance floodplains (see **Figure 13**). Based on NPCC projections, the base flood elevations for New York City may rise between 1 foot (low projection) and 5 feet (high projection) by 2080. According to DCP's Flood Hazard Mapper, the project site would not be within either floodplain under any projections for sea level rise through 2080, or even through 2100 (see **Figure 14**). As such, the proposed modifications would not be susceptible to flooding in the future and would not require wet or dry flood proofing measures. The project would be evaluated in the future, as necessary, should the project be determined to be susceptible to flooding.



-  Project Site
-  100-Year Floodplain
-  500-Year Floodplain

0 500 FEET





-  Project Site
-  1% Annual Chance Floodplain
-  0.2% Annual Chance Floodplain

0 500 FEET



Therefore, the proposed modifications would promote Policy 6.2.

**Policy 7:** Minimize environmental degradation and negative impacts on public health from solid waste, toxic pollutants, hazardous materials, and industrial materials that may pose risks to the environment and public health and safety.

*Policy 7.1: Manage solid waste material, hazardous wastes, toxic pollutants, and substances hazardous to the environment to protect public health, control pollution and prevent degradation of coastal ecosystems.*

As discussed under “Hazardous Materials” below, there is no evidence of hazardous materials concerns associated with the project site. However, standard environmental procedures would be followed (including compliance with applicable regulations) to avoid the potential for impacts (e.g., properly reusing or disposing of any excess excavated material, properly disposing of any contaminated soil should such be encountered, and managing stockpiles of soil to avoid unacceptable runoff).

*Policy 7.2: Prevent and remediate discharge of petroleum products.*

As discussed under “Hazardous Materials” below, there is no evidence of current or historical petroleum use or storage at or near the project site. In the event that petroleum tanks or petroleum contaminated soil were to be encountered during excavation for the proposed project, remediation would be conducted in accordance with applicable regulatory requirements (including New York State Department of Environmental Conservation’s [NYSDEC] tank registration and spill reporting requirements).

*Policy 7.3: Transport solid waste and hazardous materials and site solid and hazardous waste facilities in a manner that minimizes potential degradation of coastal resources.*

All excess materials removed from the project site would be recycled or disposed of in accordance with applicable regulatory requirements. Procedures would be implemented to prevent release of this material prior to, during or after loading (e.g., to prevent soil being released onto surrounding roadways). Similarly transportation of materials would be in accordance with applicable regulatory requirements including those relating to idling and truck routes.

Therefore, the proposed modifications would be consistent with the New York City Waterfront Revitalization Program and the other public policies discussed above. The proposed modifications would not change conclusion of the 2011 Technical Memorandum that the project would not result in any significant adverse impacts on public policy.

Overall, no significant adverse impacts to land use, zoning, or public policy are expected to result from the proposed modifications and no further analysis is required.

## **SOCIOECONOMIC CONDITIONS**

As described in the *CEQR Technical Manual*, a socioeconomic assessment should be conducted if a project may be reasonably expected to create socioeconomic changes within the area affected by the project that would not be expected to occur without the project. However, the proposed modifications would result in the same number of residential units and type of development, and therefore the proposed modifications would not result in direct displacement of residents or employees, would not generate an increase of more than 200 residential units or 200,000 square feet of commercial space, and would not result in substantial new development that is markedly different from existing uses, development, and activities within the neighborhood. Therefore, the proposed modifications would not change the conclusion of the 2011 Technical Memorandum and would not result in significant adverse impacts to socioeconomic conditions.

## **COMMUNITY FACILITIES AND SERVICES**

As stated in the *CEQR Technical Manual*, a community facilities analysis is needed if there would be potential direct or indirect effects on a facility. If a project would physically alter a community facility, whether by displacement of the facility or other physical change, this “direct” effect triggers the need to

assess the service delivery of the facility and the potential effect that the physical change may have on that service delivery. New population added to an area as a result of the project would use existing services, which may result in potential “indirect” effects on service delivery. Depending on the size, income characteristics, and age distribution of the new population, there may be effects on public schools, libraries, or child care centers.

The proposed modifications would result in the construction of the same number of residential units as the previously approved project. Since these modifications would not physically alter or displace any existing community facilities and no new residential uses would be introduced (when compared to the previously approved project), the proposed modifications do not require analyses of public schools, libraries, or child care centers. In addition, the proposed modifications would not result in the creation of a sizable new neighborhood where none existed before, and therefore, would not require analyses of police and fire protection services or health care facilities. Therefore, the proposed modifications would not change the conclusion of the 2011 Technical Memorandum and would not result in significant adverse impacts to community facilities.

### **OPEN SPACE**

An analysis of open space is conducted to determine whether or not a proposed project would have a direct impact resulting from the elimination or alteration of open space and/or an indirect impact resulting from overtaxing available open space. Open space is defined as publicly or privately owned land that is publicly accessible and operates, functions, or is available for leisure, play, or sport, or set aside for the protection and/or enhancement of the natural environment. An open space analysis focuses on officially designated existing or planned public open space. The *CEQR Technical Manual* recommends performing an open space assessment for projects that either physically displace an open space or generate enough new residents or workers to noticeably diminish the ability of an area’s open spaces to serve existing or future populations. As per the *CEQR Technical Manual*, the project site is not located within an underserved or well-served area. Thus, the threshold for a detailed analysis is an expected population increase of 200 or more residents or 500 or more employees.

The proposed modifications would not result in any direct adverse impact on open space, as it would not cause physical loss, change of use, public access limitations, or shadows that would diminish the usefulness of open spaces. Further, the proposed modifications would not introduce new residents or enough new employees to surpass *CEQR Technical Manual* thresholds when compared to the previously approved project. Thus, no significant increase in demand for open space is anticipated and a detailed open space assessment is not necessary. Therefore, the proposed modifications would not change the conclusion of the 2011 Technical Memorandum and would not result in significant adverse impacts on open spaces.

### **SHADOWS**

Sunlight and shadows affect people and their use of open space all day long and throughout the year, although the effects vary by season. Sunlight can entice outdoor activities, support vegetation, and enhance architectural features, such as stained glass windows and carved detail on historic structures. Conversely, shadows can affect the growth cycle and sustainability of natural features, and the architectural significance of built features. The purpose of a shadows analysis is to examine whether a proposed structure would cast new shadows on any sunlight-sensitive publicly accessible resources or other resources of concern, and to assess the potential effects of any such new shadows. Public open spaces, historic and cultural resources, and natural resources are all potentially sunlight-sensitive resources.

According to the *CEQR Technical Manual*, a shadows assessment is required only if the project would result in structures (or additions to existing structures) of 50 feet or more, or would be located adjacent to, or across the street from, a sunlight-sensitive resource. Although the proposed modifications would result in a different site plan than studied in the 1980 FEIS and 2011 Technical Memorandum, the proposed modifications would include the construction of the remaining 19 dwelling units of the project in structures no taller than two stories in height, which is the same height as previously analyzed. As such, since the

dwelling units would be less than 50 feet tall, the proposed modifications would not change the conclusion of the 2011 Technical Memorandum and no significant shadow impacts are anticipated.

## **HISTORIC AND CULTURAL RESOURCES**

As stated in the *CEQR Technical Manual*, historic and cultural resources include both architectural and archaeological resources. Architectural resources generally include historically important buildings, structures, objects, sites, and districts. They also may include bridges, canals, piers, wharves, and railroad transfer bridges that may be wholly or partially visible above ground. Archaeological resources include material culture and other physical remnants of past human activities on a site. They can include archaeological resources associated with Native American populations that used or occupied a site, and can include stone tools or refuse from tool-making activities, remnants of habitation sites, evidence of quarrying, and similar items. These resources are also referred to as “precontact,” since they were deposited before Native Americans’ contact with European settlers. Archaeological resources can also include remains from activities that occurred during the historic period, which began with the European colonization of New York City in the 17th century. Such resources can include remains associated with European contact with Native Americans, battle sites, landfill deposits, structural foundations, and domestic shaft features such as cisterns, wells, and privies.

### *ARCHAEOLOGICAL RESOURCES*

The 1980 FEIS did not include a specific discussion of archaeological resources. Furthermore, the 2011 Technical Memorandum determined that the project as then proposed would not result in impacts on archaeological resources because the only subsurface disturbance proposed at that time involved the in-kind replacement of the former Delafield House that was destroyed by a fire in 1994. As currently proposed, the project would require subsurface disturbance for the construction of houses with cellars and driveways as well as grading associated with landscaping and road construction. The *CEQR Technical Manual* states that an assessment of impacts on archaeological resources is required for any project that will involve in-ground disturbance, defined as, “any disturbance to an area not previously excavated, including new excavation that is deeper and/or wider than previous excavation on the same site.”<sup>2</sup>

Pursuant to CEQR, consultation was initiated with the New York City Landmarks Preservation Commission (LPC). In a comment letter issued on August 16, 2019 (see **Appendix D**), LPC determined that the nineteen lots included within the project site possess archaeological significance. Specifically, the lots were determined to be potentially sensitive for archaeological resources associated with the precontact (Native American) occupation of the region and requested that an Archaeological Documentary Study be prepared to further clarify the project site’s archaeological sensitivity.

The Phase 1A study would assess the archaeological sensitivity of the site with respect to both precontact and historic period archaeological resources. The Phase 1A study would outline the site’s precontact and historic contexts, environmental setting, and development history and past disturbance in great detail in order to identify any potential resource types that may be present on the site. The Phase 1A will also make a determination as to whether or not an additional archaeological investigation (i.e., Phase 1B archaeological testing) is necessary. The Phase 1A and any subsequent levels of archaeological analysis (e.g., Phase 1B testing; a Phase 2 site investigation; or a Phase 3 Data Recovery) would be conducted in consultation with LPC pursuant to CEQR. With the completion of the initial consultation with LPC and any subsequent archaeological analyses required by LPC, there would be no significant adverse impacts on archaeological resources. The applicant has committed to enter into a Restrictive Declaration requiring that this additional archaeological investigation and any subsequent archaeological assessments that are determined necessary would be undertaken in consultation with LPC prior to construction of the proposed project (see **Appendix D**).

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<sup>2</sup> *CEQR Technical Manual* (2014): Page 9-7, Section 201.

## ARCHITECTURAL RESOURCES

The discussion of historic resources in the 1980 FEIS was limited to the identification of landmarks in the Riverdale neighborhood (none were identified on the project site or in the immediate study area), including: Greystone Conference Center at 690 West 247th Street; Riverdale Presbyterian Church and Duff House at Henry Hudson Parkway and West 249th Street; Wave Hill (mansion) at 675 West 252nd Street; and Colgate House at 5225 Sycamore Avenue. Although the loss of the Delafield House removed one of the project site's key elements, this building—destroyed by a fire in 1994—was neither proposed to be nor designated as a landmark.<sup>3</sup>

Given the absence of on-site or nearby resources, the proposed modifications would not change the conclusion of the 2011 Technical Memorandum and are not expected to result in significant adverse impacts to architectural resources.

## URBAN DESIGN AND VISUAL RESOURCES

As stated in the *CEQR Technical Manual*, an urban design assessment considers whether and how a project may change the experience of a pedestrian in the project area. The assessment focuses on the components of a proposed project that may have the potential to alter the arrangement, appearance, and functionality of the built environment. Based on the *CEQR Technical Manual*, a preliminary assessment of urban design and visual resources is appropriate when there is the potential for a pedestrian to observe, from the street level, a physical alteration beyond that allowed by existing zoning. Examples include projects that permit the modification of yard, height, and setback requirements, and projects that result in an increase in built floor area beyond what would be allowed “as-of-right” or in the future without the proposed project. There is no need to conduct an urban design analysis if a proposed project would be constructed within existing zoning envelopes, and would not result in physical changes beyond the bulk and form permitted “as-of-right.”

Although the proposed modifications would result in a change in site plan, development as a result of the proposed modifications would be compatible with existing residential uses on the project site and in the study area; in addition, the development as a result of the proposed modifications would conform to existing on-site zoning regulations. Therefore, the proposed modifications would not have the potential to result in significant adverse impacts to urban design and visual resources, and no further analysis is required.

## NATURAL RESOURCES

Under CEQR, a natural resources assessment considers species in the context of the surrounding environment, habitat or ecosystem and examines a project's potential to impact those resources. As discussed in the 1980 FEIS, the previously approved plan sought to maximize preservation of the natural elements on the project site. The project site is located in Special Natural Area District (SNAD) NA-2, which seeks to preserve unique natural features such as rock outcroppings, trees and forests, wetlands and water features, and steep slopes. As with the previously approved project, the project with the proposed modifications minimizes disturbance of trees and other natural resources, and maximizes preservation of the natural elements at the project site.

The 1980 FEIS identified the following mitigation measures (see also page 15, “Mitigation,” of this Technical Memo):

1. “The plan itself, which develops only 34 units on a site now zoned for 100 units. This will minimize tree removal, rock ledge removal, and removal of natural cover for building sites and access driveways.”
2. “Careful siting of building and access driveways would result in the loss of only 41 trees. New trees will be planted to replace the total caliper of trees removed.”

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<sup>3</sup> *The Architectural and Historical Resources of Riverdale, The Bronx, New York: A Preliminary Survey*, commissioned by The Riverdale Nature Preservancy, October 1998, p. 52.

3. "Careful siting of buildings would preserve almost all the rock ledge on the property."
4. "Placing parking for the units in would result in a more attractive appearance of the property and avoid environmental damage that would result from placing open parking lots on the site."
5. "The development of a double retention system will insure that the peak storm drainage flow off the site after completion of development is no greater than it is at present."
6. "Development of the western drainage system will greatly reduce present flooding problems west of the estate on Douglas Avenue."
7. "Environmental diversity has been fostered by preservation of the wet area in the southeast part of the site, and by using part of this area to create a double pond drainage system in the site's eastern draining district. This system will help eliminate sediment and will help precipitate out pollutants now found in the stream crossing the property."
8. "Construction of the underground parking in the area north of the mansion will enable the sweep of lawn around the main building to continue undisturbed."
9. "It is proposed to slightly widen West 246th Street in order to permit two cars to pass safely. This improvement would be useful whether or not Delafield Estates is developed. It is proposed to leave West 246th Street (west of the estate entrance) at its present width and to demap two streets (West 240th Street and Hadley Avenue) which now pass through the site, in order to insure that no through traffic is attracted to the area."
10. "A detailed program for construction management and for maintenance of the estate landscaping has been developed, in order to minimize construction period impacts and to assure that the quality of the botanic environments is preserved over time."

As with the previously proposed project, the proposed modifications would result in minor alterations to the existing topography of the site associated with development of the proposed pond and stream, and some grading of steep slopes. As with the previously proposed project, the elimination of the below-grade parking garage from the development program would result in preservation of a number of rock outcroppings that otherwise would have been removed to construct the garage, and would minimize the amount of steep slopes that would be graded. In total, installation of construction fences would result in temporary impacts to 20.6 percent of the steep slope and buffer areas at the project site, and construction of buildings and driveways would result in permanent grading of 13.8 percent of the steep slope and buffer areas. The overall floor area, lot coverage, and unit count for new development would be unchanged and, added to the existing lot coverage, would amount to approximately 13.8 percent of the total site area, minimizing the potential impact on existing vegetation. While the reconfiguration of the development would result in a minor change to the number of trees removed and planted compared to the approved project, this change would not have a significant adverse impact on natural resources. The development would preserve the majority of the 467 trees that currently exist onsite, and would replace most of the trees set for removal. With the proposed modifications, a total of 99 trees would be removed, and 95 trees would be planted. Including new plantings, a total of approximately 463 trees out of the original 467 would remain onsite.

## **HAZARDOUS MATERIALS**

For hazardous materials, the goal for CEQR is to determine whether the proposed project may increase the exposure of people or the environment to hazardous materials, and, if so, whether this increased exposure would result in potential significant public health or environmental impacts. The potential for significant impacts related to hazardous materials can occur when: a) elevated levels of hazardous materials exist on a site and the project would increase pathways to human or environmental exposure; b) a project would introduce new activities or processes using hazardous materials and the risk of human or environmental exposure is increased; or c) the project would introduce a population to potential human or environmental exposure from off-site sources. If all these elements can be ruled out, then no further analysis is necessary.

The proposed modifications would result in changes to the site plan as well as a new in-ground swimming pool. However, overall, in-ground disturbance would be similar to that associated with the previously approved project. As such, the proposed modifications would not be anticipated to result in an increased

risk of exposure to hazardous materials should any exist and this is in itself highly unlikely there are now and have not been historically any manufacturing uses at or within close proximity to the project site. Therefore, the proposed modifications would not change the conclusion of the 2011 Technical Memorandum (i.e., that there would be no significant adverse hazardous materials impacts and no further analysis is necessary).

## **WATER AND SEWER INFRASTRUCTURE**

The proposed modifications would include the construction of the remaining 19 dwelling units of the project. Further, the project site is not located in an area that experiences low water pressure; therefore, the proposed modifications do not meet any of the thresholds identified above and no further analysis of water supply is needed. As stated in the *CEQR Technical Manual*, a preliminary infrastructure assessment of wastewater and stormwater conveyance and treatment would be needed if a project is located in a combined sewer area and would exceed the following incremental development of residential units or commercial space above the predicted No Action scenario:

- 1,000 residential units or 250,000 sq. ft. of commercial space or more in Manhattan; or
- 400 residential units or 150,000 sq. ft. of commercial space or more in the Bronx, Brooklyn, Staten Island or Queens.

As the proposed modifications do not meet any of these thresholds identified above, these modifications would not result in significant adverse infrastructure impacts and no further analysis of wastewater and stormwater conveyance and treatment is necessary.

Independent of the proposed modifications and consistent with any new construction, prior to construction of the remaining 19 residential units, as part of the stormwater permitting process for discharge to the city sewers, DEP will review detailed drainage plans and stormwater detention sizing calculations. Each new home will require a Site Connection Permit in which the stormwater for the lot will be handled by drywells or a detention system per DOB/DEP regulations. If a drywell is installed it shall meet the percolation requirements specified in the Building Code. If detention is used, the entire property will be evaluated to determine how much stormwater is allowed to be released into the storm sewer fronting the property.

## **SOLID WASTE AND SANITATION SERVICES**

As stated in the *CEQR Technical Manual*, a solid waste assessment determines whether a proposed project would cause a substantial increase in solid waste production that would overburden available waste management capacity or otherwise be inconsistent with the City's Solid Waste Management Plan (SWMP) or with state policy related to the City's integrated solid waste management system. Few projects have the potential to generate substantial amounts of solid waste (50 tons per week or more) and, therefore, would not result in a significant adverse impact. The proposed modifications would not substantially increase the demand for solid waste and sanitation services compared to the 2011 Technical Memorandum. As discussed above, the proposed modifications would result in the same number of dwelling units and therefore would not result in significant adverse impacts to solid waste and sanitation services.

## **ENERGY**

As described in the *CEQR Technical Manual*, all new structures requiring heating and cooling are subject to the New York State Energy Conservation Code and the incremental demand caused by most projects results in incremental supply, and consequently, an individual project's energy consumption often would not create a significant impact on energy supply. Consequently, a detailed assessment of energy impacts would be limited to projects that may significantly affect the transmission or generation of energy. Since the new dwelling units are subject to the 2016 energy code, houses will perform better than the 1980 planned structures. Overall, since the proposed modifications would result in a negligible increase in demand for electricity and gas compared to the approved project, the project would not result in any significant adverse impacts on the supplies of electricity and gas in the region or the City as a whole.

## TRANSPORTATION

According to the *CEQR Technical Manual*, it is possible that detailed transportation analyses may not be needed for projects that would create low- or low- to moderate-density development in particular sections of the City. According to Table 16-1 of the *CEQR Technical Manual*, the minimum development density potentially requiring transportation analyses for the zone in which the project site is located—Zone 5—is 100 residential units. As discussed above, the proposed modifications would result in the same number of dwelling units as the 1980 FEIS and 2011 Technical Memorandum; therefore, detailed transportation analyses are not required and the proposed modifications would not result in significant adverse transportation impacts.

In terms of parking, the previously approved plan outlined in the 1980 FEIS included 99 on-site garaged parking spaces total. The actions associated with the 2011 Technical Memorandum permitted a reduction in the amount of parking from 99 spaces to 66 spaces. The number of parking spaces remains unchanged from 66 spaces under the proposed modifications. Therefore, as with the conclusions of the 2011 Technical Memorandum, the proposed modifications would not result in a significant adverse impact to parking.

## AIR QUALITY

According to the *CEQR Technical Manual*, projects—whether site-specific or generic—may result in significant mobile source air quality impacts when they increase or cause a redistribution of traffic, create any other mobile sources of pollutants (such as diesel trains, helicopters, etc.), or add new uses near mobile sources (roadways, garages, parking lots, etc.). The proposed modifications would result in the same number of dwelling units as the previously approved project and is not expected to notably alter traffic conditions when compared to the previously approved project. As such, the maximum hourly incremental traffic from the proposed modifications would not exceed the *CEQR Technical Manual* air quality screening threshold of 170 peak-hour vehicle trips. Since the proposed modification would result in fewer than 170 new peak-hour vehicle trips at intersections in the study area, a quantified assessment of vehicle emissions is not warranted.

Projects may result in stationary source air quality impacts when they would (1) create new stationary sources of pollutants—such as emission stacks for industrial plants, hospitals, other large institutional uses, or even a building’s boilers—that may affect surrounding uses; (2) introduce certain new uses near existing (or planned future) emissions stacks that may affect the use; or (3) introduce structures near such stacks so that the structures may change the dispersion of emissions from the stacks so that surrounding uses are affected. Since the proposed modifications do not meet any of these thresholds and the proposed modifications would not result in any new emissions sources that would not occur as a result of the previously approved project, an assessment of the potential effects of stationary air emission sources is not required.

## GREENHOUSE GAS EMISSIONS

As stated in the *CEQR Technical Manual*, a quantified greenhouse gas (GHG) emissions analysis is not warranted for most projects that do not require preparation of an EIS. Consideration of the project’s GHG emissions even where preparation of an EIS is not required may be warranted for City capital projects subject to environmental review, projects that propose power generation, or actions that would fundamentally change the City’s solid waste management system. The proposed modifications do not meet the conditions mentioned above warranting a quantitative assessment of GHG emissions and would not deter the attainment of the City’s goals to reduce GHG emissions.

## NOISE

As discussed in the *CEQR Technical Manual*, the goal of an environmental noise assessment is to determine both (1) a proposed project’s potential effects on sensitive noise receptors, including the effects on the level of noise inside residential, commercial, and institutional facilities (if applicable) and at open spaces, and (2) the effects of ambient noise levels on new sensitive uses introduced by a proposed project. For CEQR

purposes, the three principal types of noise sources that affect the New York City environment are mobile, stationary, and construction sources.

In many instances, it is possible to determine that a project would not have the potential for a significant noise impact simply from its proposed physical characteristics and, therefore, no further analysis is necessary. As discussed above, the proposed modifications would result in the same number of dwelling units as the previously approved project and would therefore not result in noise conditions differing from the previously approved project. Therefore, the proposed modifications would not result in significant adverse noise impacts and no further analysis is necessary.

## **PUBLIC HEALTH**

As defined in the *CEQR Technical Manual*, public health is the organized effort of society to protect and improve the health and well-being of the population through monitoring; assessment and surveillance; health promotion; prevention of disease, injury, disorder, disability and premature death; and reducing inequalities in health status. The goal of CEQR with respect to public health is to determine whether adverse impacts on public health may occur as a result of a proposed project, and if so, to identify measures to mitigate such effects.

For most proposed projects, a public health analysis is not necessary. Where no significant unmitigated adverse impact is found in other CEQR analysis areas, such as air quality, water quality, hazardous materials, or noise, no public health analysis is warranted. As discussed above, the proposed modifications would not result in significant adverse impacts on air quality, water quality, hazardous materials, solid waste and sanitation services, or noise. Therefore, the proposed modifications would not result in any significant adverse impacts to public health, and no further analysis is warranted.

## **NEIGHBORHOOD CHARACTER**

Neighborhood character is considered to be a cumulative assessment of the various elements that define a community's distinct personality. A neighborhood character assessment is required under CEQR if a proposed action would affect any of the following attributes within the vicinity of a project site: land use, socioeconomic conditions, open space, historic and cultural resources, urban design and visual resources, transportation, or noise.

As discussed above, the proposed modifications would not result in any significant adverse impacts on any of these neighborhood elements. Although the proposed modifications would result in a change to the site plan, the overall floor area, lot coverage, and unit count will be unchanged. In addition, the proposed modifications would have a minimal impact on the overall character and natural features of the site. Overall, the proposed modifications would not change the conclusion of the 2011 Technical Memorandum and would be consistent with the existing uses in the surrounding neighborhood, and is not expected to result in any significant adverse impacts on the quality or character of the neighborhood.

## **CONSTRUCTION IMPACTS**

As discussed above, the proposed modifications would result in the same number of dwelling units as the previously approved project (although the proposed modifications include an in-ground pool). As such, construction activities related to the proposed modifications would be substantially similar to those for the previously approved project. In addition, construction is anticipated to last less than two years. Therefore, the proposed modifications would not result in significant adverse construction impacts.

## **MITIGATION**

The 1980 FEIS included 10 "Mitigative Actions." These actions (in bold text below), and their current status, are discussed below.

1. "The plan itself, which develops only 34 units on a site now zoned for 100 units. This will minimize tree removal, rock ledge removal, and removal of natural cover for building sites and access driveways."

The proposed development on the project site would result in a total of 34 units (33 housing units plus one caretaker's unit) as previously proposed and analyzed in the 1980 FEIS and the 2011 Technical Memorandum. Fifteen of the originally proposed 34 residential units have been constructed to date. The majority of the site would remain in its natural state with little disturbance, and minimal tree removal, rock ledge removal and removal of natural coverage for construction of the buildings and access driveways would occur. Therefore, the proposed modifications would be consistent with this mitigative action.

2. "Careful siting of building and access driveways would result in the loss of only 41 trees. New trees will be planted to replace the total caliper of trees removed."

As identified in the 2011 Technical Memorandum, the project would have resulted in the removal of approximately 99 existing trees. Although the configuration of the lots has changed, the proposed modification would continue to result in the removal of 99 trees (21 percent of the 467 existing trees on site). Ninety-five new trees will be planted, resulting in a total tree count of 463. Replacing the trees based on the total caliper will minimize the potential for significant adverse impact; therefore, the proposed modifications are consistent with this mitigative action.

3. "Careful siting of buildings would preserve almost all the rock ledge on the property."

The proposed modifications would result in the development of the project site with the same in-ground disturbance that would have been expected to occur with the previously approved project. The building foundations would be shallow and require little disturbance. The previously approved lot coverage was 62,316 sf; the proposed lot coverage would be approximately 62,672 sf, an increase of 356 sf. This small increase in lot coverage would minimize the potential impact to the rock ledge. Therefore, the proposed modifications are consistent with this mitigative action.

4. "Placing parking for the units in garages would result in a more attractive appearance of the property and avoid environmental damage that would result from placing open parking lots on the site."

As described on page 3, section D, "Proposed Modifications" of this Technical Memorandum, with the proposed modifications, the parking would be in garages adjacent to the homes, the below-grade parking garage would no longer be constructed, and the proposed modifications would result in less ground disturbance when compared to the project as described in the Restrictive Declaration and analyzed in the 1980 FEIS. As such, the proposed modifications would preserve the existing character and limit the environmental damage of the project site to a greater extent—when compared to the previously approved project—and are consistent with this mitigative action.

5. "The development of a double retention system will insure that the peak storm drainage flow off the site after completion of development is no greater than it is at present."

The double retention system proposed as part of the FEIS has been constructed in coordination with DEP-approved plans. The eastern detention pond was designed to accommodate a 100-year storm event, and has a storage capacity of 16,700 cubic feet, based on a discharge flow rate of 12.0 cubic feet per second. The western detention pond was also be designed to accommodate a 100-year storm event, with a storage capacity of approximately 15,000 cubic feet, based on a discharge flow rate of 8.15 cubic feet per second. The existing storm drainage system already in place was designed to receive this discharge and convey it to the City's storm system through existing pipes. This system was designed to include stormwater discharge for the entire site including all 33 homes. The 19 new homes would now handle stormwater on each individual site through retention not relying on the original pond storage system. Therefore, the proposed modifications would leave the existing system under-utilized.

In addition, the proposed modifications to the Restrictive Declaration would permit restoration work in connection with the development of the remaining unbuilt lots on the project site per the Landscape Restoration Plans. The proposed Restoration Work includes the following elements: (i) sediment control throughout the project site, (ii) temporary vegetation protection along the northern edge of

Delafield Way by erecting a temporary construction fence to protect existing vegetation, (iii) work on portions of Delafield Way to make the road passable, including reopening the existing land, removing all accumulated trash and landscape growth, blading material to the surface of the existing road and patch as required, cleaning debris from existing catch basins and other drainage of accumulated debris and testing and making operable existing fire hydrants, (iv) seeding, slope and surface stabilization north of Delafield Way, in the two turnarounds off of Delafield Way and at the southern edge of the project site, including regrading to existing topography in areas where there is construction disturbance and reseeding, and (v) protecting the existing foundations of Lots 18, 21, and 22 by installing chain link fences and reseeding in any disturbed areas. Therefore, upon completion of the proposed development and the proposed Restoration Work (most notably sediment control and the cleaning of debris from existing catch basins) on the project site, the proposed modifications are consistent with this mitigative action.

6. “Development of the western drainage system will greatly reduce present flooding problems west of the estate on Douglas Avenue.”

As discussed above, the double retention system was constructed in the 1980’s, as proposed in the FEIS and in coordination with DEP-approved plans. The proposed Restoration Work includes new retention for the 19 proposed homes and sediment control throughout the project site, where there currently is not any retention or detention. The installation of these structures would greatly reduce the present flooding problems we of the estate on Douglas Avenue therefore, the proposed modifications are consistent with this mitigative action.

7. “Environmental diversity has been fostered by preservation of the wet area in the southeast part of the site, and by using part of this area to create a double pond drainage system in the site’s eastern drainage district. This system will help eliminate sediment and will help precipitate out pollutants now found in the stream crossing the property.”

The ponds on the southeast part of the project site has been preserved (see **Figures 5 and 6**). In addition, the double retention system was constructed in the 1980’s, as proposed in the FEIS and in coordination with DEP-approved plans. The proposed Restoration Work includes sediment control throughout the project site, which will help precipitate out pollutants now found in the stream crossing the property. Therefore, the proposed modifications are consistent with this mitigative action.

8. “Construction of the underground parking in the area north of the mansion will enable the sweep of lawn around the main building to continue undisturbed.”

The below-grade parking garage has not and will not be constructed. Therefore, this mitigative action no longer applies.

9. “It is proposed to slightly widen West 246th Street in order to permit two cars to pass safely. This improvement would be useful whether or not Delafield Estates is developed. It is proposed to leave West 246th Street (west of the estate entrance) at its present width and to demap two streets (West 240th Street and Hadley Avenue) which now pass through the site, in order to insure that no through traffic is attracted to the area.”

West 240th Street and Hadley Avenue have been demapped as previously proposed. The FEIS recommended a 6 to 7 foot widening of West 246th Street for a distance of approximately 230 feet, from the intersection of Independence Avenue to the rear of the Riverdale Temple. The widening was completed in the 1980’s in accordance with a Builder’s Pavement Plan; see Eberlin & Eberlin report dated August 4, 2011 and NYCDOT correspondence dated September 2, 2011 (see Appendix B). In accordance with the RD and BPP, a two-inch surface course will be installed over the entire 20-foot roadway in the improved portion of the street.

10. “A detailed program for construction management and for maintenance of the estate landscaping has been developed, in order to minimize construction period impacts and to assure that the quality of the botanic environments is preserved over time.”

The Landscape Restoration Plans as part of the proposed Restoration Work discussed in Mitigation #5 incorporate ongoing maintenance plans for the project site, including: (i) areas to be mowed on a biweekly basis, (ii) areas that are to be left in their natural condition, which will be mowed once a year where covered with mowable ground cover, and (iii) private lots to be maintained on a regular basis by private owners. Furthermore, all the trees on the project site will be maintained on a regular basis and all bodies of water on the project site will be kept in a healthy ecological state and free of debris.

On August 26, 2013, the applicant informed DCP of the completion of the restoration work as per drawings dated October 5, 2011 (see Appendix C). The restoration plans were approved and certified by DCP in a letter dated December 3, 2013. As noted in the letter, the specific components of the Restoration Plans include:

1. Restore and complete loop road (Delafield Way)—Restoration work will involve removal of all accumulated trash and landscape growth, removal of all debris from existing catch basins and other drainage of accumulated debris, with the goal of restoring access to future development sites.
2. Secure partially completed foundations—There are partly completed foundations that were left exposed resulting in several steep drops which pose safety hazards. The applicant will protect the existing unfinished building sites by constructing appropriate fencing and providing planting in disturbed areas.
3. Reseed disturbed areas—Disturbed areas will be reseeded with a mixture of grasses. This includes areas disturbed by construction work as well as formerly paved areas such as abandoned turnarounds.
4. Temporary Vegetation Protection—In areas noted, erect a temporary construction fence to protect existing vegetation. Protection shall match construction fence.

All maintenance protocols must be installed prior to construction and must be maintained up to and through an issuance of temporary certificate of occupancy and must be maintained through all work on site.

In summary, no new or additional mitigation measures are required as a result of the proposed modifications and the measures (with the exception of mitigation measure #8) detailed in the FEIS continue to apply. Therefore, the proposed modifications are consistent with this mitigative action.

## **F. CONCLUSION**

The proposed modifications are not expected to result in any impacts different from or substantially greater than those disclosed in the previous environmental review. In addition, no new or additional mitigation measures are required as a result of the proposed modifications and the measures detailed in the FEIS continue to apply. As such, this memorandum concludes that the proposed modifications to the previously approved project would not result in any new significant adverse impacts. \*

**APPENDIX A**  
**WATERFRONT REVITALIZATION PROGRAM CONSISTENCY**  
**ASSESSMENT FORM**

## NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM Consistency Assessment Form

Proposed actions that are subject to CEQR, ULURP or other local, state or federal discretionary review procedures, and that are within New York City's Coastal Zone, must be reviewed and assessed for their consistency with the [New York City Waterfront Revitalization Program](#) (WRP) which has been approved as part of the State's Coastal Management Program.

This form is intended to assist an applicant in certifying that the proposed activity is consistent with the WRP. It should be completed when the local, state, or federal application is prepared. The completed form and accompanying information will be used by the New York State Department of State, the New York City Department of City Planning, or other city or state agencies in their review of the applicant's certification of consistency.

### A. APPLICANT INFORMATION

Name of Applicant: AYY 26 LLC

Name of Applicant Representative: Michael Goldblum, Building Studio Architects LLP

Address: 307 West 38th Street

Telephone: (212) 279-1507 Email: mgoldblum@buildingstudio.com

Project site owner (if different than above): \_\_\_\_\_

### B. PROPOSED ACTIVITY

*If more space is needed, include as an attachment.*

#### 1. Brief description of activity

The applicant is seeking modifications to the Restrictive Declaration associated with the approval of the original Delafield Estate project as identified in the 1980 Delafield Estate Final Environmental Impact Statement (FEIS) and subsequent approvals. The proposed development on the project site—a 10.5-acre parcel in the Riverdale neighborhood of the Bronx—required authorizations and approvals from the New York City Planning Commission (CPC) to permit the modification of natural features on the project site, which is located in a Special Natural Area District (NA-2) and the demapping of portions of Hadley Avenue and West 240th Street on the project site. These actions were approved in 1980 and permitted the development of 33 housing units (3 of which were to be within the Delafield House building previously on the project site), one caretaker's unit, accessory parking, and preservation of most of the natural areas on the project site. To date, 15 of these units have been constructed. The proposed modifications would permit the construction of the 19 remaining dwelling units—including the relocation of development footprints without regard to zoning lot lines and yard regulations such that all units would be freestanding, while keeping the overall floor area ratio (FAR), lot coverage, and unit count virtually unchanged. The modified project, if approved, is expected to be complete by 2020.

#### 2. Purpose of activity

The purpose of the approved project and subsequent modifications was to implement development planned for the project site, while responding to the special qualities of the property as a natural, historic and aesthetic landscape.

**C. PROJECT LOCATION**

Borough: Bronx Tax Block/Lot(s): B 5920, L 368,369,371,373-378,380-382,384-395,397-407

Street Address: 680 West 246th Street, Bronx, NY

Name of water body (if located on the waterfront): N/A

**D. REQUIRED ACTIONS OR APPROVALS**

Check all that apply.

**City Actions/Approvals/Funding**

**City Planning Commission**

Yes  No

- City Map Amendment
  - Zoning Map Amendment
  - Zoning Text Amendment
  - Site Selection – Public Facility
  - Housing Plan & Project
  - Special Permit
- (if appropriate, specify type:  Modification  Renewal  other) Expiration Date: \_\_\_\_\_
- Zoning Certification
  - Zoning Authorizations
  - Acquisition – Real Property
  - Disposition – Real Property
  - Other, explain: \_\_\_\_\_
- Concession
  - UDAAP
  - Revocable Consent
  - Franchise

**Board of Standards and Appeals**

Yes  No

- Variance (use)
  - Variance (bulk)
  - Special Permit
- (if appropriate, specify type:  Modification  Renewal  other) Expiration Date: \_\_\_\_\_

**Other City Approvals**

- Legislation
  - Rulemaking
  - Construction of Public Facilities
  - 384 (b) (4) Approval
  - Other, explain: \_\_\_\_\_
- Funding for Construction, specify: \_\_\_\_\_
  - Policy or Plan, specify: \_\_\_\_\_
  - Funding of Program, specify: \_\_\_\_\_
  - Permits, specify: \_\_\_\_\_

**State Actions/Approvals/Funding**

- State permit or license, specify Agency: \_\_\_\_\_ Permit type and number: \_\_\_\_\_
- Funding for Construction, specify: \_\_\_\_\_
- Funding of a Program, specify: \_\_\_\_\_
- Other, explain: \_\_\_\_\_

**Federal Actions/Approvals/Funding**

- Federal permit or license, specify Agency: \_\_\_\_\_ Permit type and number: \_\_\_\_\_
- Funding for Construction, specify: \_\_\_\_\_
- Funding of a Program, specify: \_\_\_\_\_
- Other, explain: \_\_\_\_\_

Is this being reviewed in conjunction with a [Joint Application for Permits?](#)  Yes  No

## E. LOCATION QUESTIONS

1. Does the project require a waterfront site?  Yes  No
2. Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land under water or coastal waters?  Yes  No
3. Is the project located on publicly owned land or receiving public assistance?  Yes  No
4. Is the project located within a FEMA 1% annual chance floodplain? (6.2)  Yes  No
5. Is the project located within a FEMA 0.2% annual chance floodplain? (6.2)  Yes  No
6. Is the project located adjacent to or within a special area designation? See [Maps – Part III](#) of the NYC WRP. If so, check appropriate boxes below and evaluate policies noted in parentheses as part of WRP Policy Assessment (Section F).
  - Significant Maritime and Industrial Area (SMIA) (2.1)
  - Special Natural Waterfront Area (SNWA) (4.1)
  - Priority Maritime Activity Zone (PMAZ) (3.5)
  - Recognized Ecological Complex (REC) (4.4)
  - West Shore Ecologically Sensitive Maritime and Industrial Area (ESMIA) (2.2, 4.2)

## F. WRP POLICY ASSESSMENT

Review the project or action for consistency with the WRP policies. For each policy, check Promote, Hinder or Not Applicable (N/A). For more information about consistency review process and determination, see **Part I** of the [NYC Waterfront Revitalization Program](#). When assessing each policy, review the full policy language, including all sub-policies, contained within **Part II** of the WRP. The relevance of each applicable policy may vary depending upon the project type and where it is located (i.e. if it is located within one of the special area designations).

For those policies checked Promote or Hinder, provide a written statement on a separate page that assesses the effects of the proposed activity on the relevant policies or standards. If the project or action promotes a policy, explain how the action would be consistent with the goals of the policy. If it hinders a policy, consideration should be given toward any practical means of altering or modifying the project to eliminate the hindrance. Policies that would be advanced by the project should be balanced against those that would be hindered by the project. If reasonable modifications to eliminate the hindrance are not possible, consideration should be given as to whether the hindrance is of such a degree as to be substantial, and if so, those adverse effects should be mitigated to the extent practicable.

		Promote	Hinder	N/A
<b>I</b>	<b>Support and facilitate commercial and residential redevelopment in areas well-suited to such development.</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I.1	Encourage commercial and residential redevelopment in appropriate Coastal Zone areas.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I.2	Encourage non-industrial development with uses and design features that enliven the waterfront and attract the public.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I.3	Encourage redevelopment in the Coastal Zone where public facilities and infrastructure are adequate or will be developed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I.4	In areas adjacent to SMIA's, ensure new residential development maximizes compatibility with existing adjacent maritime and industrial uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I.5	Integrate consideration of climate change and sea level rise into the planning and design of waterfront residential and commercial development, pursuant to WRP Policy 6.2.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

		Promote	Hinder	N/A
<b>2</b>	<b>Support water-dependent and industrial uses in New York City coastal areas that are well-suited to their continued operation.</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.1	Promote water-dependent and industrial uses in Significant Maritime and Industrial Areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.2	Encourage a compatible relationship between working waterfront uses, upland development and natural resources within the Ecologically Sensitive Maritime and Industrial Area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.3	Encourage working waterfront uses at appropriate sites outside the Significant Maritime and Industrial Areas or Ecologically Sensitive Maritime Industrial Area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.4	Provide infrastructure improvements necessary to support working waterfront uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.5	Incorporate consideration of climate change and sea level rise into the planning and design of waterfront industrial development and infrastructure, pursuant to WRP Policy 6.2.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>3</b>	<b>Promote use of New York City's waterways for commercial and recreational boating and water-dependent transportation.</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.1.	Support and encourage in-water recreational activities in suitable locations.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.2	Support and encourage recreational, educational and commercial boating in New York City's maritime centers.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.3	Minimize conflicts between recreational boating and commercial ship operations.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.4	Minimize impact of commercial and recreational boating activities on the aquatic environment and surrounding land and water uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.5	In Priority Marine Activity Zones, support the ongoing maintenance of maritime infrastructure for water-dependent uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>4</b>	<b>Protect and restore the quality and function of ecological systems within the New York City coastal area.</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.1	Protect and restore the ecological quality and component habitats and resources within the Special Natural Waterfront Areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.2	Protect and restore the ecological quality and component habitats and resources within the Ecologically Sensitive Maritime and Industrial Area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.3	Protect designated Significant Coastal Fish and Wildlife Habitats.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.4	Identify, remediate and restore ecological functions within Recognized Ecological Complexes.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.5	Protect and restore tidal and freshwater wetlands.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.6	In addition to wetlands, seek opportunities to create a mosaic of habitats with high ecological value and function that provide environmental and societal benefits. Restoration should strive to incorporate multiple habitat characteristics to achieve the greatest ecological benefit at a single location.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.7	Protect vulnerable plant, fish and wildlife species, and rare ecological communities. Design and develop land and water uses to maximize their integration or compatibility with the identified ecological community.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.8	Maintain and protect living aquatic resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

		Promote	Hinder	N/A
<b>5</b>	<b>Protect and improve water quality in the New York City coastal area.</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.1	Manage direct or indirect discharges to waterbodies.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.2	Protect the quality of New York City's waters by managing activities that generate nonpoint source pollution.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.3	Protect water quality when excavating or placing fill in navigable waters and in or near marshes, estuaries, tidal marshes, and wetlands.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.4	Protect the quality and quantity of groundwater, streams, and the sources of water for wetlands.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.5	Protect and improve water quality through cost-effective grey-infrastructure and in-water ecological strategies.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>6</b>	<b>Minimize loss of life, structures, infrastructure, and natural resources caused by flooding and erosion, and increase resilience to future conditions created by climate change.</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.1	Minimize losses from flooding and erosion by employing non-structural and structural management measures appropriate to the site, the use of the property to be protected, and the surrounding area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.2	Integrate consideration of the latest New York City projections of climate change and sea level rise (as published in <i>New York City Panel on Climate Change 2015 Report, Chapter 2: Sea Level Rise and Coastal Storms</i> ) into the planning and design of projects in the city's Coastal Zone.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.3	Direct public funding for flood prevention or erosion control measures to those locations where the investment will yield significant public benefit.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.4	Protect and preserve non-renewable sources of sand for beach nourishment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>7</b>	<b>Minimize environmental degradation and negative impacts on public health from solid waste, toxic pollutants, hazardous materials, and industrial materials that may pose risks to the environment and public health and safety.</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.1	Manage solid waste material, hazardous wastes, toxic pollutants, substances hazardous to the environment, and the unenclosed storage of industrial materials to protect public health, control pollution and prevent degradation of coastal ecosystems.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.2	Prevent and remediate discharge of petroleum products.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.3	Transport solid waste and hazardous materials and site solid and hazardous waste facilities in a manner that minimizes potential degradation of coastal resources.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>8</b>	<b>Provide public access to, from, and along New York City's coastal waters.</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8.1	Preserve, protect, maintain, and enhance physical, visual and recreational access to the waterfront.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8.2	Incorporate public access into new public and private development where compatible with proposed land use and coastal location.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8.3	Provide visual access to the waterfront where physically practical.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8.4	Preserve and develop waterfront open space and recreation on publicly owned land at suitable locations.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

		Promote	Hinder	N/A
8.5	Preserve the public interest in and use of lands and waters held in public trust by the State and City.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8.6	Design waterfront public spaces to encourage the waterfront's identity and encourage stewardship.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>9</b>	<b>Protect scenic resources that contribute to the visual quality of the New York City coastal area.</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9.1	Protect and improve visual quality associated with New York City's urban context and the historic and working waterfront.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9.2	Protect and enhance scenic values associated with natural resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>10</b>	<b>Protect, preserve, and enhance resources significant to the historical, archaeological, architectural, and cultural legacy of the New York City coastal area.</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10.1	Retain and preserve historic resources, and enhance resources significant to the coastal culture of New York City.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10.2	Protect and preserve archaeological resources and artifacts.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## G. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program. If this certification cannot be made, the proposed activity shall not be undertaken. If this certification can be made, complete this Section.

"The proposed activity complies with New York State's approved Coastal Management Program as expressed in New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program, and will be conducted in a manner consistent with such program."

Applicant/Agent's Name: Lisa M. Lau, AICP - AKRF, Inc. (Preparer)

Address: 440 Park Avenue South, 7th Floor, New York, NY 10016

Telephone: 212-696-0670 Email: llau@akrf.com

Applicant/Agent's Signature: 

Date: 4/3/18

## Submission Requirements

For all actions requiring City Planning Commission approval, materials should be submitted to the Department of City Planning.

For local actions not requiring City Planning Commission review, the applicant or agent shall submit materials to the Lead Agency responsible for environmental review. A copy should also be sent to the Department of City Planning.

For State actions or funding, the Lead Agency responsible for environmental review should transmit its WRP consistency assessment to the Department of City Planning.

For Federal direct actions, funding, or permits applications, including Joint Applicants for Permits, the applicant or agent shall also submit a copy of this completed form along with his/her application to the [NYS Department of State Office of Planning and Development](#) and other relevant state and federal agencies. A copy of the application should be provided to the NYC Department of City Planning.

The Department of City Planning is also available for consultation and advisement regarding WRP consistency procedural matters.

### **New York City Department of City Planning**

Waterfront and Open Space Division  
120 Broadway, 31<sup>st</sup> Floor  
New York, New York 10271  
212-720-3696  
[wrp@planning.nyc.gov](mailto:wrp@planning.nyc.gov)  
[www.nyc.gov/wrp](http://www.nyc.gov/wrp)

### **New York State Department of State**

Office of Planning and Development  
Suite 1010  
One Commerce Place, 99 Washington Avenue  
Albany, New York 12231-0001  
518-474-6000  
[www.dos.ny.gov/opd/programs/consistency](http://www.dos.ny.gov/opd/programs/consistency)

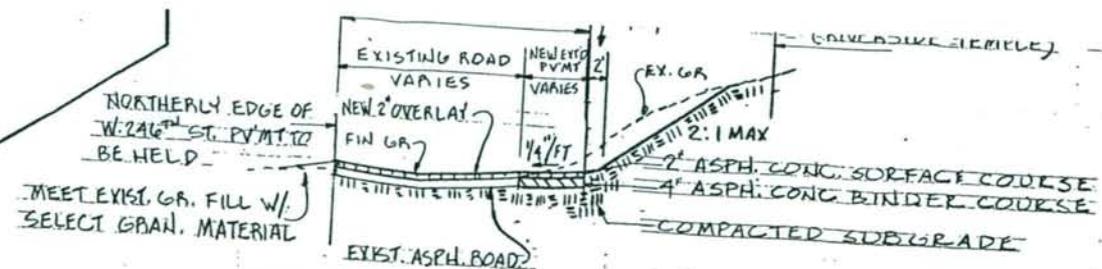
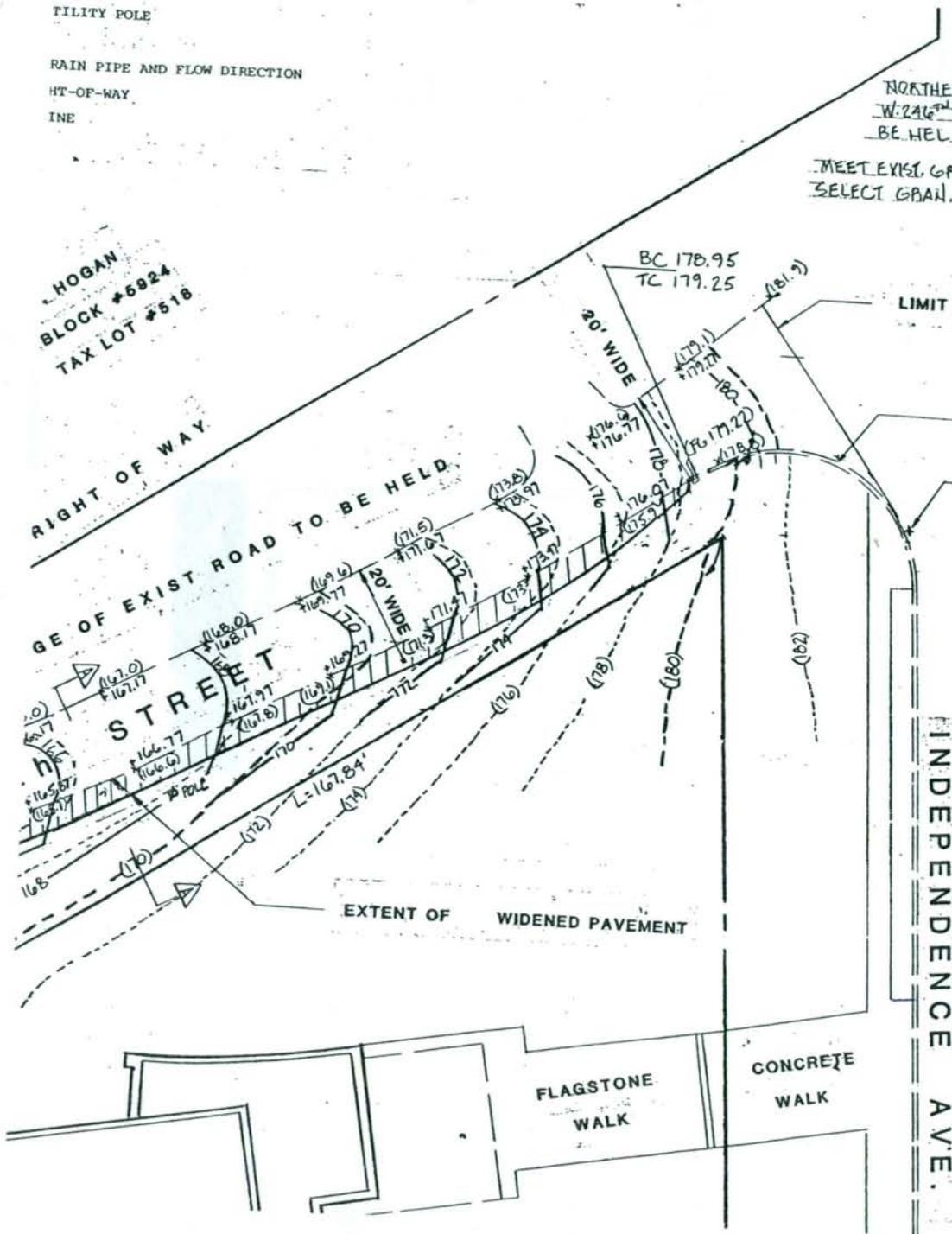
## Applicant Checklist

- Copy of original signed NYC Consistency Assessment Form
- Attachment with consistency assessment statements for all relevant policies
- For Joint Applications for Permits, one (1) copy of the complete application package
- Environmental Review documents
- Drawings (plans, sections, elevations), surveys, photographs, maps, or other information or materials which would support the certification of consistency and are not included in other documents submitted. All drawings should be clearly labeled and at a scale that is legible.
- Policy 6.2 Flood Elevation worksheet, if applicable. For guidance on applicability, refer to the WRP Policy 6.2 Guidance document available at [www.nyc.gov/wrp](http://www.nyc.gov/wrp)

**APPENDIX B**  
**DELAFIELD ESTATES BUILDER'S PAVEMENT PLAN**

URB LINE  
 UTILITY POLE  
 RAIN PIPE AND FLOW DIRECTION  
 HT-OF-WAY  
 LINE

HOGAN  
 BLOCK #5924  
 TAX LOT #518



APP. NO. \_\_\_\_\_ DATE \_\_\_\_\_

**BUILDER'S PAVEMENT PLAN**  
 IMPROVEMENT AT EXISTING GRADE  
 FOR CURBING AND PAVING IN  
 W. 246th STREET BETWEEN INDEPENDENCE AVE. AND HADLEY J  
 BOROUGH OF THE BRONX CITY OF NEW YO  
 IN CONNECTION WITH THE FOLLOWING BUILDING UNDER CONSTRU

DELAFIELD ESTATES

MAP STATUS: \_\_\_\_\_  
 BUILDING DEPT. NO.: \_\_\_\_\_  
 BLOCK NO.: NB17483  
 LOT NO.: 5920  
 ZONE: 406  
 OWNER: NA - 2

DELAFIELD ESTATE LIMITED  
 680 W. 246th ST.  
 THE BRONX, NEW YORK 10471  
 COLIN NEAL, PRESIDENT

APPROXIMATE QUANTITIES :  
 2" ASPHALTIC CONCRETE OVERLAY — 740 SQUARE YARDS  
 ASPHALTIC CONCRETE BINDER COURSE — 1480 SQUARE YARDS



August 4, 2011

**RE: Report of Findings on Work Done on Builders' Pavement Plan – W 246<sup>th</sup> Street**

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On July 28, 2011 Eberlin & Eberlin went out to the Delafield site to investigate whether or not the improvements indicated on drawing entitled "Builder's Pavement Plan (BPP) – Improvements at Existing grade for Curbing and Paving in W. 246<sup>th</sup> Street between Independence Avenue and Hadley Avenue" were actually completed in the early 1980's.

**The following was observed:**

The roadway appears to have been constructed to a full paved surface width of 20' as measured in the field and as depicted in the photographs below.

The BPP calls for a limited widening of the street to a full 20' wide by widening only the southerly portion of the street in widths ranging from about 12" to about 60". The plan also indicates that two courses of asphaltic pavement (binder and surface courses) were to be installed for the widening portion and a 2" surface course for the remaining existing roadway.

What was not observed was the 2" surface course which was to be installed over the entire 20' roadway in the improved portion of the street indicated on the BPP.



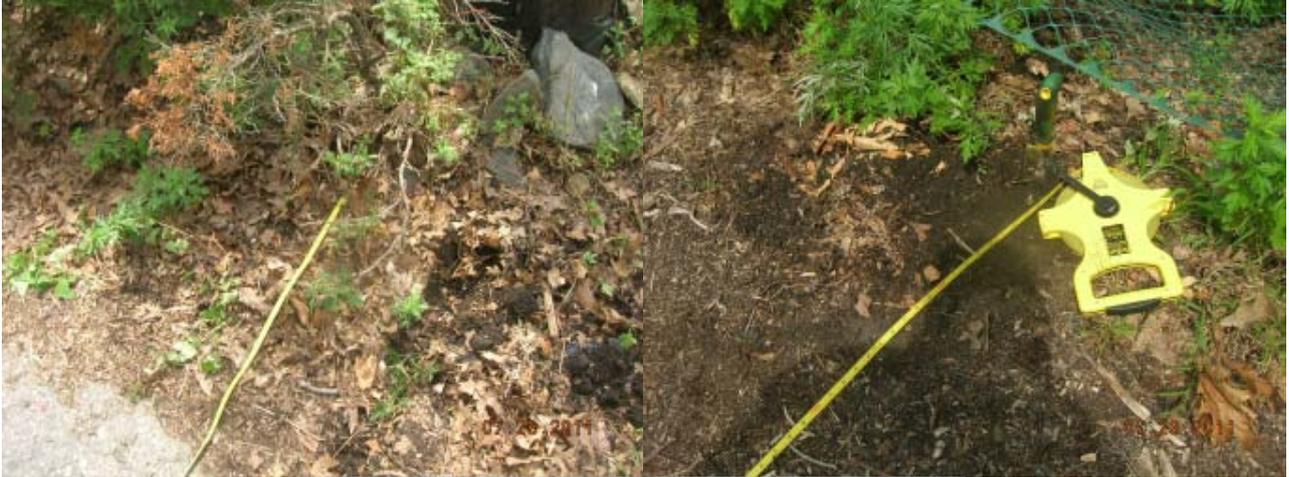
**THESE PHOTOS ARE TAKEN AT EXISTING UTILITY POLE #13419 AND INDICATE ACCUMULATED DEBRIS ALONG THE NORTHERLY SHOULDER OF THE ROAD TO THE EXISTING EDGE OF PAVEMENT**



**THIS PHOTO IS THE SOUTHERLY SIDE OF THE STREET INDICATING ANOTHER 24" OF DEBRIS AND THEN THE PAVEMENT EDGE. A FULL 20' PAVED WIDTH WAS OBSERVED.**



**THESE PHOTOS WERE TAKEN ABOUT 100 FEET CLOSER TO INDEPENDENCE AVENUE INDICATING THE SHOULDER DEBRIS AND FULL 20' PAVED WIDTH.**



**THESE PHOTOS WERE TAKEN ABOUT 100 FEET CLOSER TO INDEPENDENCE AVENUE INDICATING THE SHOULDER DEBRIS AND FULL 20' PAVED WIDTH.**



**VIEW OF W. 246<sup>TH</sup> STREET LOOKING TOWARDS THE ENTRANCE TO THE DELAFIELD SITE**

247 Route 100, Suite 1003 • Somers, New York 10589

914-232-9431 • 914-232-6827 (fax) • url: [www.eberlin.com](http://www.eberlin.com) • e-mail: [info@eberlin.com](mailto:info@eberlin.com)



**VIEW OF W. 246<sup>TH</sup> STREET MOVING CLOSER TO INDEPENDENCE AVE. LOOKING TOWARDS THE DELAFIELD SITE**



**VIEW OF W. 246<sup>TH</sup> STREET MOVING CLOSER TO INDEPENDENCE AVE. LOOKING TOWARDS THE DELAFIELD SITE**



**VIEW OF W. 246<sup>TH</sup> STREET MOVING CLOSER TO INDEPENDENCE AVE. LOOKING AT ENTRANCE TO DELAFIELD SITE**



**VIEW OF W. 246<sup>TH</sup> STREET LOOKING AT INDEPENDENCE AVE.**

If there are any questions with regards to this report, please give me a call.

Very truly yours,

*Ronald Tetelman*

Ronald C. Tetelman, R.L.A.  
President



To: Robert Dobruskin, Director  
NYC Department of City Planning  
Environmental Assessment and Review Division

From: Naim Rasheed, Director   
Traffic Planning

Re: Delafield Estate  
CEQR No: 80-044X

Date: September 2, 2011

The above referenced action is being reviewed by the Office of Project Analysis/CEQR in the Division of Traffic Planning under the City Environmental Quality Review (CEQR) process as stipulated by the City Charter.

In 1980, the City Planning Commission issued a Restrictive Declaration (RD) for the Delafield Estate Final Environmental Impact Statement which assessed the environmental effects of the construction of 30 single-family houses and 3 apartment units in an existing structure on a 10.5 acre site within a Special Natural Area District (NA-2) in the Riverdale section of the Bronx. The project also included the construction of 99 accessory parking spaces of which 33 spaces would be in an underground garage. To date, 11 housing units have been constructed. The developer is proposing to construct the remaining 22 units and eliminate the underground parking so that 66 accessory spaces would be constructed. The RD included a widening of W. 246<sup>th</sup> Street (west of Independence Avenue) to 20 feet to permit two cars to pass safely. The project, located in Community District 8, is bounded by W. 246<sup>th</sup> Street to the north, the Riverdale Temple on Independence Avenue to the east, the mapped but unbuilt W. 240<sup>th</sup> Street to the south and Douglas Avenue to the west. The Build year is 2013.

We have reviewed the proposal to construct the remaining 22 units and eliminate the underground parking so that 66 accessory spaces would be constructed and have determined that the proposed modification would not result in any adverse transportation-related impacts.

The roadway appears to have been constructed to a full paved surface width of 20 feet as required by the RD. The Builders Pavement Plan (BPP) calls for a limited widening of the street to a full 20-foot width by widening only the southerly portion of the street in widths ranging from 12 inches to about 60 inches. The plan also indicates that two courses of asphaltic pavement (binder and surface course) were to be installed for the widening portion and a 2-inch surface course for the remaining existing roadway. Based on the site visit by the applicant's consultant as well as NYCDOT staff, it was observed that the 2-inch surface course which was to be installed over the entire 20-foot roadway in the improved portion of the street indicated on the BPP, was not observed/installed. As a result, the applicant should install the surface course over the entire 20-foot wide W. 246<sup>th</sup> Street between Independence Avenue and the entrance to the Delafield property to comply with the requirements of the RD and BPP.

Robert Dobruskin, Director  
NYC Department of City Planning  
Environmental Assessment and Review Division  
Re: Delafield Estate  
CEQR No: 80-044X  
September 2, 2011

Page 2 of 2

In addition, the Department of City Planning in its Negative Declaration should identify who will be responsible for the maintenance of W. 246<sup>th</sup> Street/Douglas Avenue west of Independence Avenue which is a private street.

Should you have any questions or need additional information, please call me at (212) 839-7710 or Henry Colon at (212) 839-7749.

c: A/C R. Russo, B/C C. Moran, R. Kulikowski (OEC) S. Barkho, K. Mulcahy (RRM),  
D. Doobay (DCP), Y. Minevitch, T. Gurung, S. Ahmed, H. Colon, File

e:\docs\Henry C\Delafield Estate sign-off

**APPENDIX C**  
**DELAFIELD ESTATES LANDSCAPE RESTORATION PLANS**



DEPARTMENT OF CITY PLANNING  
CITY OF NEW YORK

OFFICE OF THE CHAIR

December 3, 2013

Werner Defoe  
Borough Commissioner  
Department of Buildings  
1932 Arthur Ave., 5th Fl.  
Bronx, NY 10457

Re: Application No. M800366(C) ZSX  
Delafield Estates Restoration Plan and Restoration Declaration  
Block 5920, Lots 368, 369, 371, 373-378, 380-382, 387-395, 398-400, and 407  
R1-1 and R1-2 Districts  
Special Natural Area District (NA-2)  
Borough of the Bronx  
Community District 8

Dear Commissioner Defoe:

On August 18, 1980 (Cal. No. 4), the City Planning Commission approved an application (**C800366ZSX**), submitted by Delafield Estates, pursuant to various provisions of Article X, Chapter 5 (Special Natural Area District) and Article VII, Chapter 8 (Special Regulations Applying to Large-Scale Residential Developments) of the Zoning Resolution involving 33-unit development on property at the above referenced location.

In connection with the special permits, the applicant recorded a restrictive declaration which included requirements that the site be developed in size and arrangement substantially as proposed and indicated on plans filed with the application, that the development conform with a construction management plan, and that the development include a series of project components, including construction of dwelling units and certain project infrastructure requirements.

Several subsequent revisions were granted. The first, **N850721ZAX**, an application for an authorization to modify the location of buildings without regard for side lot lines, was approved by the City Planning Commission on July 8, 1985 (Cal. No. 1). A second, **N870977ZAX**, an application for an authorization and a modification of the special permit was granted on September 30, 1987. A third, **M800366(C) ZSX**, an application for modification of the Restrictive Declaration, to accommodate the performance of

Amanda M. Burden, FAICP, Chair  
22 Reade Street, New York, NY 10007-1216  
(212) 720-3200 FAX (212) 720-3219  
[www.nyc.gov/planning](http://www.nyc.gov/planning)

restoration work for any future development on the project site and to require ongoing maintenance obligations was approved by the City Planning Commission on February 6, 2012.

In connection with this application the applicant executed the Restoration Declaration as of February 15, 2012 which was recorded and filed on February 21, 2012. The specific components of the Restoration Plans (as defined below) include:

- (1) **Restore and complete loop road (Delafield Way)** – Restoration work will involve removal of all accumulated trash and landscape growth, removal of all debris from existing catch basins and other drainage of accumulated debris, with the goal of restoring access to future development sites.
- (2) **Secure partially completed foundations** – There are partly completed foundations that were left exposed resulting in several steep drops which pose safety hazards. The applicant will protect the existing unfinished building sites by constructing appropriate fencing and providing planting in disturbed areas.
- (3) **Reseed disturbed areas** – Disturbed areas will be reseeded with a mixture of grasses. This includes areas disturbed by construction work as well as formerly paved areas such as abandoned turnarounds.
- (4) **Temporary Vegetation Protection** – In areas noted, erect a temporary construction fence to protect existing vegetation. Protection shall match construction fence.

On August 26, 2013 the applicant informed Department of City Planning of the completion of the restoration work as per the drawings dated October 5, 2011 ("Restoration Plans"), and the Restoration Declaration dated February 15, 2012. The applicant requested a site visit, which was conducted by the Department of City Planning on October 4, 2013. This letter hereby certifies that the restoration work has been completed as per the Restoration Plans dated October 5, 2011.

In connection with the Restoration Declaration, Declarants covenanted to develop the Property substantially in accordance with other approved drawings (see attached) and pursuant to the current Special Natural Area District's "Controls During Construction" set forth in Zoning Resolution Section 105-36.

Sincerely,



Amanda M. Burden, FAICP,  
Chair, Department of City Planning

cc: Carol Samol  
Ryan Singer

Munmun Parmar  
Julie Lubin

Asher Benshar  
Michael Goldblum

**OWNER**

**DELAFIELD 246 CORP**  
680 W. 246th &  
Independence Ave.  
Riversdale, New York

**CONSULTANTS**

**Landscape Architect**  
**Lee Weintraub**  
Landscape Architecture LLC.  
59 Edge Cliff Terrace  
Yonkers, NY 10705  
T: 914-965-6540  
F: 914-965-6546  
E: lwa@mindspring.com

**Consulting Engineers**

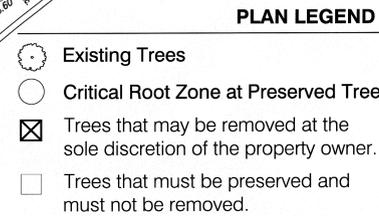
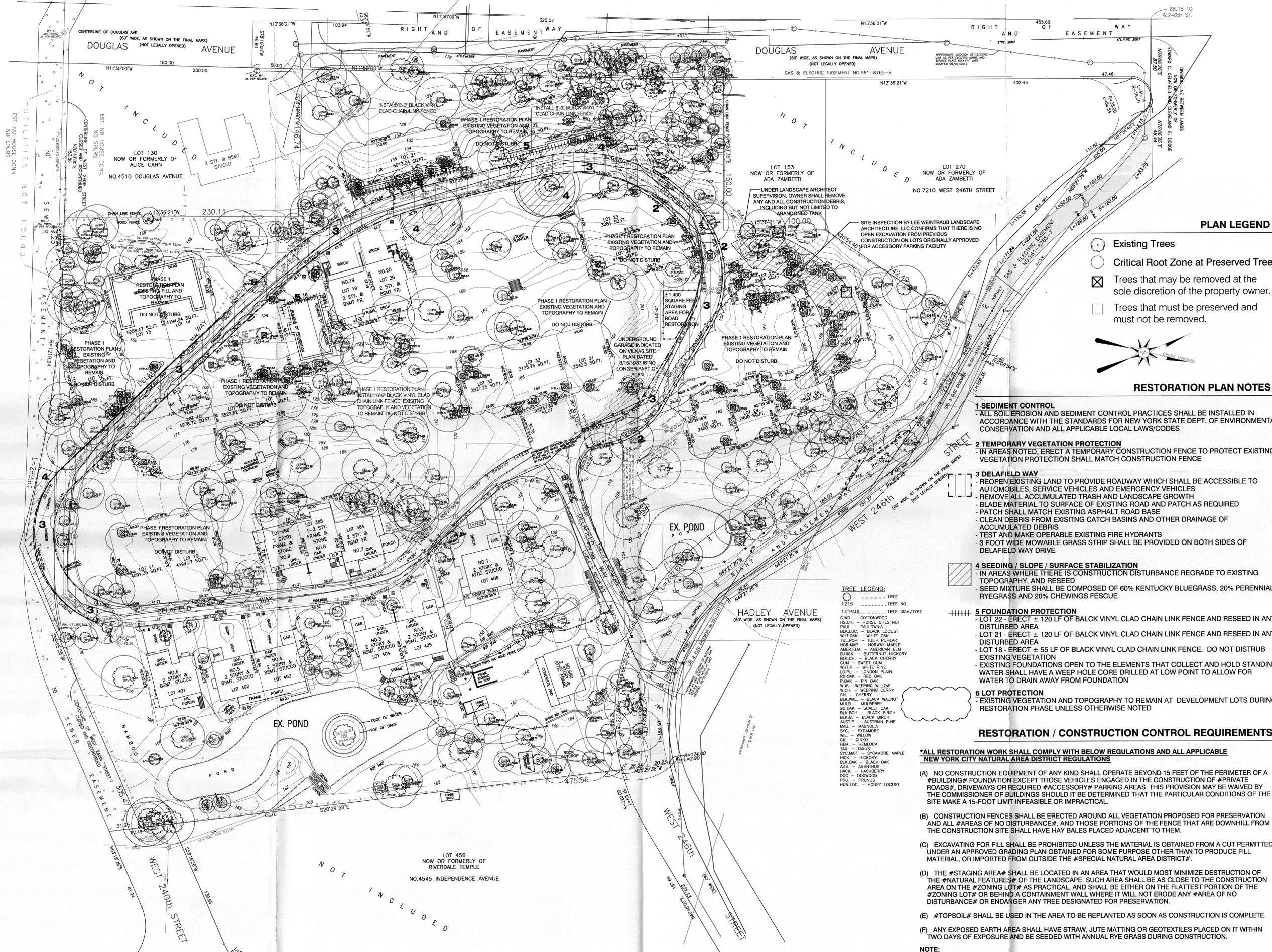
**Eberlin and Eberlin, PC**  
247 Route 100  
Somers, NY 10589  
T: 914-232-9431  
F: 914-232-6827  
E: info@eberlin.com

**Site Survey**

**Joseph Nicoletti Associates**  
Professional Landscape  
Surveyors, PC  
499 Jericho Turnpike, Suite 201  
Mineola, NY 11501  
T: 516-873-7278

**Tree Survey**

**Almstead Tree and  
Shrub Care Co.**  
58 Beechwood Avenue  
New Rochelle, NY 10801  
T: 914-576-1933  
F: 914-576-5448  
E: info@almstead.com



**RESTORATION PLAN NOTES**

- 1 SEDIMENT CONTROL**  
- ALL SOIL EROSION AND SEDIMENT CONTROL PRACTICES SHALL BE INSTALLED IN ACCORDANCE WITH THE STANDARDS FOR NEW YORK STATE DEPT. OF ENVIRONMENTAL CONSERVATION AND ALL APPLICABLE LOCAL LAWS/CODES
- 2 TEMPORARY VEGETATION PROTECTION**  
- IN AREAS NOTED, ERECT A TEMPORARY CONSTRUCTION FENCE TO PROTECT EXISTING VEGETATION PROTECTION SHALL MATCH CONSTRUCTION FENCE
- 3 DELAFIELD WAY**  
- REOPEN EXISTING LAND TO PROVIDE ROADWAY WHICH SHALL BE ACCESSIBLE TO AUTOMOBILES, SERVICE VEHICLES AND EMERGENCY VEHICLES  
- REMOVE ALL ACCUMULATED TRASH AND LANDSCAPE GROWTH  
- BLADE MATERIAL TO SURFACE OF EXISTING ROAD AND PATCH AS REQUIRED  
- PATCH SHALL MATCH EXISTING ASPHALT ROAD BASE  
- CLEAN DEBRIS FROM EXISTING CATCH BASINS AND OTHER DRAINAGE OF ACCUMULATED DEBRIS  
- TEST AND MAKE OPERABLE EXISTING FIRE HYDRANTS  
- 3 FOOT WIDE MOWABLE GRASS STRIP SHALL BE PROVIDED ON BOTH SIDES OF DELAFIELD WAY DRIVE
- 4 SEEDING / SLOPE / SURFACE STABILIZATION**  
- IN AREAS WHERE THERE IS CONSTRUCTION DISTURBANCE REGRADE TO EXISTING TOPOGRAPHY, AND RESEED  
- SEED MIXTURE SHALL BE COMPOSED OF 60% KENTUCKY BLUEGRASS, 20% PERENNIAL RYEGRASS AND 20% CHEWINGS FESCUE
- 5 FOUNDATION PROTECTION**  
- LOT 22 - ERECT ± 120 LF OF BLACK VINYL CLAD CHAIN LINK FENCE AND RESEED IN ANY DISTURBED AREA  
- LOT 21 - ERECT ± 120 LF OF BLACK VINYL CLAD CHAIN LINK FENCE AND RESEED IN ANY DISTURBED AREA  
- LOT 18 - ERECT ± 55 LF OF BLACK VINYL CLAD CHAIN LINK FENCE. DO NOT DISTURB EXISTING VEGETATION  
- EXISTING FOUNDATIONS OPEN TO THE ELEMENTS THAT COLLECT AND HOLD STANDING WATER SHALL HAVE A WEEP HOLE CORE DRILLED AT LOW POINT TO ALLOW FOR WATER TO DRAIN AWAY FROM FOUNDATION
- 6 LOT PROTECTION**  
- EXISTING VEGETATION AND TOPOGRAPHY TO REMAIN AT DEVELOPMENT LOTS DURING RESTORATION PHASE UNLESS OTHERWISE NOTED

**TREE LEGEND:**

- ..... TREE
- ..... TREE NO.
- 14"PAUL..... TREE DIAM/TYPE
- C.W.D. - COTTONWOOD
- H.C.H. - HORSE CHESTNUT
- PAUL. - PAULOWNIA
- BLK.LOC. - BLACK LOCUST
- WIT.OAK - WHITE OAK
- TUL.POP. - TULIP POPLAR
- NOR.MAP. - NORWAY MAPLE
- AMER.ELM. - AMERICAN ELM
- BLK.CH. - BLACK CHERRY
- BLK.WAL. - BLACK WALNUT
- MULB. - MULBERRY
- SC.OAK - SCARLET OAK
- BLK.BIRCH - BLACK BIRCH
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- BLK.WAL. - BLACK WALNUT
- MULB. - MULBERRY
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- BLK.BIRCH - BLACK BIRCH
- BLK.B. - BLACK BIRCH
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- SYC. - SYCAMORE
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**APPENDIX D**  
**CULTURAL RESOURCES**

## **ENVIRONMENTAL REVIEW**

**Project number:** DEPARTMENT OF CITY PLANNING / 77DCP368X

**Project:** DELAFIELD ESTATES

**Date Received:** 8/12/2019

**Comments:** as indicated below. Properties that are individually LPC designated or in LPC historic districts require permits from the LPC Preservation department. Properties that are S/NR listed or S/NR eligible require consultation with SHPO if there are State or Federal permits or funding required as part of the action.

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**Properties with no Architectural significance:**

- 1) WEST 246 STREET, BBL: 2059200368
- 2) WEST 246 STREET, BBL: 2059200369
- 3) WEST 246 STREET, BBL: 2059200371
- 4) WEST 246 STREET, BBL: 2059200373
- 5) WEST 246 STREET, BBL: 2059200374
- 6) WEST 246 STREET, BBL: 2059200375
- 7) WEST 246 STREET, BBL: 2059200376
- 8) WEST 246 STREET, BBL: 2059200377
- 9) WEST 246 STREET, BBL: 2059200378
- 10) WEST 246 STREET, BBL: 2059200380
- 11) WEST 246 STREET, BBL: 2059200381
- 12) WEST 246 STREET, BBL: 2059200382
- 13) WEST 246 STREET, BBL: 2059200388
- 14) WEST 246 STREET, BBL: 2059200391
- 15) WEST 246 STREET, BBL: 2059200392
- 16) WEST 246 STREET, BBL: 2059200393
- 17) WEST 246 STREET, BBL: 2059200397
- 18) WEST 246 STREET, BBL: 2059200399
- 19) 680 WEST 246 STREET, BBL: 2059200407

**Properties with Archaeological significance:**

- 1) WEST 246 STREET, BBL: 2059200368
- 2) WEST 246 STREET, BBL: 2059200369
- 3) WEST 246 STREET, BBL: 2059200371
- 4) WEST 246 STREET, BBL: 2059200373
- 5) WEST 246 STREET, BBL: 2059200374
- 6) WEST 246 STREET, BBL: 2059200375
- 7) WEST 246 STREET, BBL: 2059200376
- 8) WEST 246 STREET, BBL: 2059200377
- 9) WEST 246 STREET, BBL: 2059200378
- 10) WEST 246 STREET, BBL: 2059200380
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- 17) WEST 246 STREET, BBL: 2059200397
- 18) WEST 246 STREET, BBL: 2059200399
- 19) 680 WEST 246 STREET, BBL: 2059200407

**Comments:**

LPC review of archaeological sensitivity models and historic maps indicates that there is potential for the recovery of remains from Native American occupation on the project site. Accordingly, the Commission recommends that an archaeological documentary study be performed for this site to clarify these initial findings and provide the threshold for the next level of review, if such review is necessary (see CEQR Technical Manual 2014).



8/16/2019

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SIGNATURE

DATE

Gina Santucci, Environmental Review Coordinator

**File Name:** 34048\_FSO\_DNP\_08142019.docx

# AYY 26 LLC

August 22, 2019

Re: Delafield Estates  
CEQR No. 80-044X  
Application No. M 870977(A) ZAX  
Related Action Nos.: N 200042 ZAX; N 200043 ZAX; N 200044 ZAX  
Bronx, Community District 8

Dear Ms. Amron and Ms. Abinader:

We, **Abraham Talassazan, Managing Member** of AYY26 LLC and Michael Davis, **President** of Delafield Estates Homeowners Association, the fee owners of properties known as Delafield Estates, Block 5290, Lots 368, 369, 371, 373-378, 380-382, 387-395, 397, 398, 400-407, Bronx, Community District 8 (the "Subject Property"), which property is the subject of the above-referenced land use application (the "Minor Modification Application") submitted by AYY26 LLC (the "Applicant") to the City Planning Commission ("CPC").

I understand that in connection with the environmental review for the Minor Modification Application (CEQR No. 80-044X, the "CEQR Application"), the Landmarks Preservation Commission ("LPC") has determined that archeological work must be performed prior to construction and excavation activities on the Subject Property. I agree to provide such assurance through a restrictive declaration (the "Restrictive Declaration"), prepared by the Department of City Planning ("DCP") in consultation with the LPC. The Restrictive Declaration will ensure that a mitigation plan will be developed in conjunction with LPC for any identified archeological resources at the Subject Property.

I understand that, after obtaining approval from DCP and LPC as to the content and form of the final draft and executed Restrictive Declaration, I will cause the Restrictive Declaration to be recorded against the Subject Property, with proof of recording submitted to both DCP and LPC. I acknowledge that DCP will not schedule the Minor Modification Application for vote by the CPC unless and until DCP and LPC have received and approved of such proof of recording. Within three business days of receipt of such proof of recording, DCP and LPC will jointly review the submitted materials for completeness, identify any problems with the proof of recording that warrant correction, and communicate said problems to the Applicant to correct prior to scheduling the application for vote.

Respectfully,

By:   
Name: Abraham Talassazan  
Title: Managing Member  
Entity: AYY 26 LLC

By:   
Name: MICHAEL DAVIS  
Title: PRESIDENT  
Entity: Delafield Estates Homeowner Assn

cc: Amanda Sutphin, LPC