

## **APPENDIX D**

### **Waterfront Revitalization Program Consistency Assessment Form**

For Internal Use Only:

WRP no. \_\_\_\_\_

Date Received: \_\_\_\_\_

DOS no. \_\_\_\_\_

## NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM Consistency Assessment Form

Proposed action subject to CEQR, ULURP, or other Local, State or Federal Agency Discretionary Actions that are situated within New York City's designated Coastal Zone Boundary must be reviewed and assessed for their consistency with the New York City Waterfront Revitalization Program (WRP). The WRP was adopted as a 197-a Plan by the Council of the City of New York on October 13, 1999, and approved in coordination with local, state and Federal laws and regulations, including the State's Coastal Management Program (Executive Law, Article 42) and the Federal Coastal Zone Management Act of 1972 (P.L. 92-583). As a result of these approvals, state and federal discretionary actions within the city's coastal zone must be consistent to the maximum extent practicable with the WRP policies and the city must be given the opportunity to comment on all state and federal projects within its coastal zone.

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, other State Agency or the New York City Department of City Planning in its review of the applicant's certification of consistency.

### A. APPLICANT

1. Name:

**BTM Development Partners, LLC, c/o Jesse Masyr, Wachtel & Masyr, LLP**

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4. Project site owner:

**New York City Economic Development Corporation**

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### B. PROPOSED ACTIVITY

1. Brief description of activity:

**The Gateway Center at Bronx Terminal Market is a proposal to redevelop a portion of the current Bronx Terminal Market site, along with the Bronx House of Detention, with a series of retail establishments, a multi-level parking garage and at-grade parking, and a hotel (the Proposed Project). On the eastern side of Exterior Street, beginning at 149th Street and moving north, the Proposed Project would include the renovation and reuse of existing Building D for retail (the first and second floors of the building would be combined, for a total of approximately 20,304 gsf), to be renamed Retail Building E.1; a 1-story, approximately 7,576 gsf retail building (Retail Building E.2) with an adjacent surface parking lot of approximately 12 spaces; a 4-story, approximately 542,218 gsf building with 434,272 gsf of retail and 256 parking spaces at the ground floor; a 6-level, approximately 915,065 gsf parking garage with a capacity of approximately 2,342 spaces and 20,739 gsf of retail on Exterior Street and 8,238 gsf of retail on River Avenue; a 3-story, approximately 474,409 gsf retail building; and a hotel approximately 247,500 gsf in size, with 250 rooms, a 30,000 gsf banquet facility, and approximately 225 parking spaces. At each level of the parking garage would be galleria spaces, totaling 45,706 gsf, leading to either Retail Building A or Retail Building B/F. A fee would be charged for parking in the proposed parking garage. In total, the project will comprise approximately 2,252,778 gsf of new development on the site.**

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The Proposed Project involves the disposition of City-owned property (a long-term lease) by the New York City Department of Citywide Administrative Services (NYDCAS) and the New York City Department of Small Business Services (NYCDSBS) to a private developer. In addition, a number of discretionary actions will be required, including: a zoning map amendment from M2-1 to C4-4; the declaration of a General Large-Scale District; and special permits pursuant to ZR Sections 74-743, 74-512, and 74-744(c). The project also will require the elimination of East 150th Street between River Avenue and Exterior Street, East 151st Street between River and Cromwell Avenues; and Cromwell Avenue between Exterior Street and the Metro North Rail Road tracks. As described in the Foreword, the project sponsor has returned its leasehold interest in the area west of Exterior Street. Therefore, the Proposed Project does not include the development of a public open space, waterfront esplanade, or retail building in this area. Instead, it is anticipated that the City, with contributions from the project sponsor, would develop a portion of this area with a 2-acre public open space. The City is committed to developing the off-site public open space by the Proposed Project's 2009 Build year. The programming of this open space and the actions required for its development are yet to be determined. The City would be responsible for developing the remainder of the Bronx Terminal Market area west of Exterior Street. The project sponsor retains the option to renew the leasehold interest in the portion of the Bronx Terminal Market area north of the proposed 2-acre open space in the future. Should the City determine that retail development of this area is in its best interest, the project sponsor could renew its leasehold interest and develop the western portion of the site.

The project sponsor will seek financing for the Proposed Project from the New York City Industrial Development Agency (NYCIDA). The project has applied for and been accepted into the Brownfield Cleanup Program (BCP) of the New York State Department of Environmental Conservation (NYSDEC). The project would require a NYSDEC State Pollution Discharge Elimination System (SPDES) permit for stormwater discharges associated with construction activities. One additional outfall for stormwater discharge into the Harlem River would need to be installed. (See Number 4, below, for a description of approvals attendant to constructing new outfalls.) The Proposed Project is within the boundaries of the coastal zone and may require a New York State Department of State (NYSDOS) determination of consistency with New York City's Local Waterfront Revitalization Program, and a Water Quality Certification from NYSDEC with regard to such Nationwide permit. The new outfall may also require an approval from the New York State Office of General Services (NYSOGS) for the use of land under water. The project may also involve a land transfer from NYSDOT to the City of New York, and a revocable consent for utility lines underneath Exterior Street. The potential widening of the 149th Street exit ramp from the Major Deegan Expressway may require approval from NYSDOT.

2. Purpose of activity:

The proposed actions would allow for the redevelopment of a portion of the current Bronx Terminal Market site, along with the Bronx House of Detention, with a series of retail establishments, a multi-level parking garage and at-grade parking, and a hotel.

3. Location of activity (street address/borough or site description):

The Proposed Project would be located in the West Haven neighborhood of the Bronx on Block 2356, Lot 20; Block 2357, Lots 1 and 86; and Block 2539, Lots 32, and 60 (part)—an approximately 18-acre parcel that is bordered by Metro North Rail Road tracks to the north, River Avenue to the east, 149th Street to the south, and Exterior Street to the west.

4. If a federal or state permit or license was issued or is required for the proposed activity, identify the permit type(s), the authorizing agency and provide the application or permit number(s), if known:

The project has applied for and been accepted into the Brownfield Cleanup Program (BCP) by the New York State Department of Environmental Conservation (NYSDEC). The project would require a NYSDEC State Pollution Discharge Elimination System (SPDES) permit for stormwater discharges associated with construction activities. An amendment of the City's SPDES permit, Tidal Wetlands and Protection of Waters permits from NYSDEC, a U.S. Army Corps of Engineers (USACOE) permit pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Appropriations Act of 1899, and an amendment to the City's drainage plan would be required for a new outfall for stormwater discharge into the Harlem River. This activity is expected to qualify for a Nationwide Permit from USACOE. The Proposed Project is within the boundaries of the coastal zone and may require a New York State Department of State (NYSDOS) determination of consistency with New York City's Local Waterfront Revitalization Program, and a Water Quality Certification from NYSDEC with regard to such Nationwide permit. The new outfall may also require an approval from the New York State Office of General Services (NYSOGS) for the use of land under water. The project may also involve a land transfer from NYSDOT to the City of New York, and a revocable consent for utility lines underneath Exterior Street. The potential widening of the 149th Street exit ramp from the Major Deegan Expressway may require approval from NYSDOT.

5. Is federal or state funding being used to finance the project? If so, please identify the funding source(s).  
**The project sponsor will seek financing for the Proposed Project from the New York City Industrial Development Agency (NYCIDA).**
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6. Will the proposed project result in any large physical change to a site within the coastal area that will require the preparation of an environmental impact statement? Yes      No  
 If yes, identify Lead Agency: ✓      \_\_\_\_\_  
**Office of the Deputy Mayor for Economic Development and Rebuilding**
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7. Identify City discretionary actions, such as **zoning amendment or adoption of an urban renewal plan**, required for the proposed project.
- Disposition of City-owned property (a long-term lease);
  - Zoning map amendment from M2-1 to C4-4;
  - Declaration of two General Large-Scale Districts;
  - Special permits pursuant to ZR Sections 74-743, 74-512, 74-744; and
  - Elimination of East 150th Street between River Avenue and Exterior Street, East 151st Street between River and Cromwell Avenues; and Cromwell Avenue between Exterior Street and the Metro North Rail Road Tracks.
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### C. COASTAL ASSESSMENT

The following questions represent, in a broad sense, the policy of the WRP. The number in the parentheses after each question indicated the policy or policies that are the focus of the question. A detailed explanation of the Waterfront Revitalization Program and its policies are contained in the publication the *New York City Waterfront Revitalization Program*.

Check either “Yes” or “No” for each of the following questions. Once the checklist is completed, assess how the proposed project affects the policy or standards indicated in "( )" after each question with a Yes response. Explain how the action is consistent with the goals of the policy or standard.

<b>Location Questions:</b>	<b>Yes</b>	<b>No</b>
1. Is the project site on the waterfront or at the water's edge?	_____	<u>✓</u>
2. Does the proposed project require a waterfront site?	_____	✓
3. Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land underwater, or coastal waters?	<u>✓</u>	_____
<b><u>A new stormwater outfall to the Harlem River would be constructed with the Proposed Project to serve a drainage area that includes the project site.</u></b>		

<b>Policy Questions:</b>	<b>Yes</b>	<b>No</b>
<p>The following questions represent, in a broad sense, the policies of the WRP. Numbers in parentheses after each questions indicate the policy or policies addressed by the question. The new <u>Waterfront Revitalization Program</u> offers detailed explanations of the policies, including criteria for consistency determinations.</p> <p>Check either “Yes” or “No” for each of the following questions. For all “yes” responses, provide an attachment assessing the effects of the proposed activity on the relevant policies or standards. Explain how the action would be consistent with the goals of those policies and standards.</p>		
4. Will the proposed project result in revitalization or redevelopment of a deteriorated or under- used waterfront site? (1) <b>The Proposed Project would result in the redevelopment of <u>an 18-acre site near the Harlem River waterfront that is currently underutilized and contains dilapidated buildings. <u>The project site is not located on the waterfront.</u></u></b>	_____	<u>✓</u>

Policy Questions cont'd:	Yes	No
<p>5. Is the project site appropriate for residential or commercial redevelopment? (1.1)  <b>The proposed development of a major retail center with parking <u>and</u> a hotel would be an appropriate coastal zone development. It would be compatible with the surrounding commercial, industrial, and residential lands uses, and support the economic revitalization of the West Haven neighborhood through new employment opportunities and convenient shopping and dining opportunities for local residents.</b></p>	✓	
<p>6. Will the action result in a change in scale or character of a neighborhood? (1.2)  <b>The Proposed Project will result in a change in the character of the West Haven neighborhood of the Bronx. The project site is currently underutilized, and the Proposed Project would bring a greater intensity of use to the project site. The project would <u>improve physical</u> access to the waterfront <u>and the off-site public open space to be created by the City on the west side of Exterior Street</u>. Views through the project site would be improved with the provision of landscaped passageways through the site. The proposed buildings would be in keeping with the height and bulk of some of the existing structures in the surrounding area. The Proposed Project would displace some existing businesses; however, the businesses on the project site are not dependent upon siting <u>near</u> the <u>Harlem</u> River waterfront. The project's destination retail would not compete with local shopping areas that are neighborhood-oriented and would not jeopardize the viability of any retail strips in the study area. Although there would be significant increases in traffic volumes in the surrounding neighborhood, including along the Major Deegan Expressway, street network and Expressway capacities would be sufficient to accommodate traffic from the Proposed Project with the proposed mitigation measures. The neighborhood's sidewalks, subways, and buses are expected to have sufficient capacity to accommodate these increases in demand with the mitigation measures proposed. Changes in noise levels would be barely perceptible and there would be no resulting noise-related neighborhood character impacts. <u>The off-site public open space to be created by the City with contributions from the project sponsor would have elevated noise levels because of its proximity to the elevated Major Deegan Expressway</u>. The Proposed Project would not significantly adversely affect the combined elements contributing to the neighborhood character of the area.</b></p>	✓	
<p>7. Will the proposed activity require provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (1.3)  <b>Community facilities and services in and around the project site are sufficient to meet any increased demand that would result from the Proposed Project. The New York City Police Department and New York City Fire Department will continue to evaluate the need for personnel and equipment and make any necessary adjustments to adequately serve the area. As part of the Proposed Project, new water lines would be installed both within the City's right-of-way and the project site to facilitate new service laterals to the retail development, public open space, and street hydrant system. All new water lines would be designed and built to meet New York City Department of Environmental Protection (NYCDEP) requirements. New sanitary sewer lines would also be constructed within Exterior Street. As part of the Proposed Project, a NYCDEP storm sewer would be constructed within Exterior Street in accordance with the City's amended drainage plan for the area. New storm sewers would be constructed on the site to collect runoff from buildings, parking areas, the public open space, Exterior Street, and the Major Deegan Expressway.</b></p>		✓
<p>8. Is the action located in one of the designated Significant Maritime and Industrial Areas (SMIA): South Bronx, Newtown Creek, Brooklyn Navy Yard, Red Hook, Sunset Park, or Staten Island? (2)</p>		✓
<p>9. Are there any waterfront structures, such as piers, docks, bulkheads or wharves, located on the project sites? (2)  <b>The project site <u>does not include any waterfront structures</u>.</b></p>		✓

Policy Questions cont'd:		Yes	No
10.	Would the action involve the siting or construction of a facility essential to the generation or transmission of energy, or a natural gas facility, or would it develop new energy resources? (2.1)	_____	_____ ✓
11.	Does the action involve the siting of a working waterfront use outside of a SMIA? (2.2)	_____	_____ ✓
12.	Does the proposed project involve infrastructure improvement, such as construction or repair of piers, docks, or bulkheads? (2.3, 3.2)	_____	_____ ✓
13.	Would the action involve mining, dredging, or dredge disposal, or placement of dredged or fill materials in coastal waters? (2.3, 3.1, 4, 5.3, 6.3) <b><u>A new outfall would be constructed to serve a drainage area that includes the project site, for which some removal and/or placement of fill would occur. No other in-water activities involving mining, dredging, or placement of dredged or fill materials would occur as a result of the Proposed Project.</u></b>	_____ ✓	_____
14.	Would the action be located in a commercial or recreational boating center, such as City Island, Sheepshead Bay or Great Kills or an area devoted to water-dependent transportation? (3)	_____	_____ ✓
15.	Would the proposed project have an adverse effect upon the land or water uses within a commercial or recreation boating center or water-dependent transportation center? (3.1)	_____	_____ ✓
16.	Would the proposed project create any conflicts between commercial and recreational boating? (3.2)	_____	_____ ✓
17.	Does the proposed project involve any boating activity that would have an impact on the aquatic environment or surrounding land and water uses? (3.3)	_____	_____ ✓
18.	Is the action located in one of the designated Special Natural Waterfront Areas (SNWA): Long Island Sound-East River, Jamaica Bay, or Northwest Staten Island? (4 and 9.2)	_____	_____ ✓
19.	Is the project site in or adjacent to a Significant Coastal Fish and Wildlife Habitats? (4.1)	_____	_____ ✓
20.	Is the site located within or adjacent to a Recognized Ecological Complex: South Shore of Staten Island or Riverdale Natural Area District? (4.1 and 9.2)	_____	_____ ✓
21.	Would the action involve any activity in or near a tidal or freshwater wetland? (4.2) <b><u>The project site is not located on the waterfront. There are no freshwater wetlands on or adjacent to the project site. The retail/hotel development would not result in filling of state-regulated tidal wetlands or waters of the U.S. The proposed construction of a new stormwater outfall to the Harlem River would not adversely impact wetland resources.</u></b>	_____	_____ ✓

Policy Questions cont'd:	Yes	No
<p>22. Does the project site contain a rare ecological community or would the proposed project affect a vulnerable plant, fish, or wildlife species? (4.3)</p> <p><b>Requests for information on rare, threatened, or endangered species within the immediate vicinity of project site were submitted to USFWS, the NYSDEC Natural Heritage Program (NYNHP), and National Marine Fisheries Service (NMFS). The NYNHP and USFWS have determined that there are no known occurrences of threatened or endangered species and there are no areas within the project area that are considered critical habitats. NMFS has determined that shortnose sturgeon may be present <u>within</u> the <u>Harlem River</u> as possible (likely rare) transients. As transients, the shortnose sturgeon would be unlikely to regularly occur <u>near</u> the project area. Given the responses from NYNHP, USFWS, and NMFS, and the current intensity of development on the project site, no significant adverse impacts to vulnerable plant, fish, or wildlife species would be expected.</b></p>	_____	✓
<p>23. Would the action have any effects on commercial or recreational use of fish resources? (4.4)</p>	_____	✓
<p>24. Would the proposed project in any way affect the water quality classification of nearby waters or be unable to be consistent with that classification? (5)</p>	_____	✓
<p>25. Would the action result in any direct or indirect discharges, including toxins, hazardous substances, or other pollutants, effluent, or waste, into any waterbody? (5.1)</p> <p><b>The majority of the stormwater runoff generated within the project site as a result of the Proposed Project (estimated at approximately <u>149</u> cfs) would be collected by a NYCDEP storm sewer to be constructed as part of the Proposed Project. Stormwater runoff collected through this system would be discharged to the Harlem River through the new outfall that would be constructed. <u>Pursuant to discussions with the NYCDEP, site areas from the Proposed Project that previously discharged into the combined sewer in River Avenue would be designed to discharge into a new, separate storm sewer to be constructed in Exterior Avenue. This is consistent with current NYCDEP policy to separate storm and sanitary discharges and would also serve to reduce storm flows presently routed to the Wards Island WPCP.</u></b></p>	✓	_____
<p>26. Would the action result in the draining of stormwater runoff or sewer overflows into coastal waters? (5.1)</p> <p><b>See response to Question 25, above.</b></p>	✓	_____
<p>27. Will any activity associated with the project generate nonpoint source pollution? (5.2)</p>	_____	✓
<p>28. Would the action cause violations of the National or State air quality standards? (5.2)</p>	_____	✓
<p>29. Would the action result in significant amounts of acid rain precursors (nitrates and sulfates)? (5.2C)</p>	_____	✓
<p>30. Will the project involve the excavation or placing of fill in or near navigable waters, marshes, estuaries, tidal marshes or other wetlands? (5.3)</p> <p><b><u>Some removal and/or placement of fill would occur for the construction of a new outfall. No other in-water activities involving excavation or placement of fill would occur as a result of the Proposed Project. The SWPPP implemented during construction would minimize adverse impacts to water quality resulting from stormwater runoff generated within the project site.</u></b></p>	✓	_____

Policy Questions cont'd:	Yes	No
31. Would the proposed action have any effects on surface or ground water supplies? (5.4) <b>The project site does not contain any potable groundwater, nor does it contain streams or the source of water for wetlands. At the project site, groundwater is typically found at between eight to 10 feet below the ground surface. Groundwater quantity would not be expected to be impacted as a result of the Proposed Project. Implementation of the RWP would minimize potential impacts to groundwater quality during construction of the Proposed Project.</b>		✓
32. Would the action result in any activities within a Federally designated flood hazard area or State designated erosion hazards area? (6) <b>Much of the project site west of Cromwell Avenue is identified by the Federal Emergency Management Agency (FEMA) as a Special Flood Hazard Area (SFHA). A SFHA is defined as an area of land that would be inundated by a flood having a one percent chance of occurring in any given year (previously referred to as the base flood or 100-year flood). The portions of the project site outside the SFHA include the location of former Building A, and the area east of Cromwell Avenue occupied by the Bronx House of Detention and Buildings C and D. Construction within such designated areas will comply with City and FEMA restrictions which require that the lowest floor of new or substantially improved buildings be elevated or floodproofed to or above the Base Flood Elevation (BFE). Therefore, the Proposed Project is consistent with New York City Waterfront Revitalization Program policies regarding flooding.</b>	✓	
33. Would the action result in any construction activities that would lead to erosion? (6)		✓
34. Would the action involve construction or reconstruction of flood or erosion control structure? (6.1)		✓
35. Would the action involve any new or increased activity on or near any beach, dune, barrier island, or bluff? (6.1)		✓
36. Does the proposed project involve use of public funds for flood prevention or erosion control? (6.2)		✓
37. Would the proposed project affect a non-renewable source of sand? (6.3)		✓
38. Would the action result in shipping, handling, or storing of solid wastes; hazardous materials, or other pollutants? (7) <b>The Proposed Project would result in a small increase in the volume of solid waste generation at the project site (about <u>five</u> truck loads per week). However, the Proposed Project would also be required to comply with the City's recycling regulations (source separation of paper, cardboard, metal, and certain plastics) and state solid waste laws that would reduce the solid waste stream. Solid waste and separated materials resulting from the Proposed Project would be collected and transported from the project site by licensed private carters for disposal at out-of-City locations, as is the practice for managing solid waste currently being generated within the project site. The project site has been <u>accepted into</u> the NYSDEC Brownfield Cleanup Program (BCP). Preparation and implementation of a RWP (including a Health and Safety Plan) required as part of the BCP will minimize environmental degradation from hazardous substances that may be identified on the project site. Any toxic or hazardous waste encountered during construction or remediation activities associated with the Proposed Project would be handled in accordance with NYCDEP, NYSDEC, Occupational Safety and Health Administration (OSHA), and Environmental Protection Agency (EPA) requirements.</b>	✓	
39. Would the action affect any sites that have been used as landfills? (7.1)		✓

Policy Questions cont'd:	Yes	No
<p>40. Would the action result in development of a site that may contain contamination or has a history of underground fuel tanks, oil spills, or other form or petroleum product use or storage? (7.2)  <b>Petroleum products encountered during construction activities associated with the Proposed Project would be managed and mitigated according to the RWP and pertinent NYCDEP, NYSDEC, OSHA, and EPA requirements. Any petroleum-contaminated soil found on the project site will be removed pursuant to applicable regulations, <u>with the exception of limited areas of contamination beneath former Building A and existing Building D. Exposure to petroleum or associated soil vapors from these areas would be prevented by the existence of building foundations and the use of vapor barriers and/or sub slab depressurization systems.</u> Storage and handling of petroleum products would follow applicable regulations.</b></p>	✓	
<p>41. Will the proposed activity result in any transport, storage, treatment, or disposal of solid wastes or hazardous materials, or the siting of a solid or hazardous waste facility? (7.3)  <b>See response to Question 38, above. <u>The proposed project would not result in the siting of a solid or hazardous waste facility.</u></b></p>		
<p>42. Would the action result in a reduction of existing or required access to or along coastal waters, public access areas, or public parks or open spaces? (8)</p>		✓
<p>43. Will the proposed project affect or be located in, on, or adjacent to any federal, state, or city park or other land in public ownership protected for open space preservation? (8)</p>		✓
<p>44. Would the action result in the provision of open space without the provision for its maintenance? (8.1)  <b><u>The Proposed Project does not include the development of public open space. However, it is anticipated that the City—with contributions from the project sponsor—would develop a portion of the Bronx Terminal Market area west of Exterior Street with a 2-acre public open space, which would be maintained by the New York City Department of Parks and Recreation.</u></b></p>		✓
<p>45. Would the action result in any development along the shoreline but NOT include new water enhanced or water dependent recreational space? (8.2)</p>		✓
<p>46. Will the proposed project impede visual access to coastal lands, waters and open space? (8.3)</p>		✓
<p>47. Does the proposed project involve publicly owned or acquired land that could accommodate waterfront open space or recreation? (8.4)  <b><u>The Proposed Project is located on a site owned by the City of New York that is not located on the waterfront. However, as described in the response to Question 44, it is anticipated that the City—with contributions from the project sponsor—would develop a 2-acre public open space on a portion of the Bronx Terminal Market area west of Exterior Street.</u></b></p>	✓	
<p>48. Does the project site involve lands or waters held in public trust by the state or city? (8.5)</p>		✓
<p>49. Would the action affect natural or built resources that contribute to the scenic quality of a coastal area? (9)</p>		✓
<p>50. Does the site currently include elements that degrade the area's scenic quality or block views to the water? (9.1)  <b><u>The visual character of the Harlem River waterfront consists of an urban landscape with manufacturing, industrial, and commercial buildings, and paved surfaces. The Proposed Project would enhance the project site by replacing the existing vacant or underutilized structures that have a neglected quality with buildings that have a more modern character that would complement the character of the surrounding areas. The landscaped passageways would provide clearer sightlines through the project site, improve pedestrian access to the waterfront and the off-site public open space to be created by the City on the west side of Exterior Street, and improve the visual appearance of the project site.</u></b></p>	✓	

Policy Questions cont'd:

Yes

No

51. Would the proposed action have a significant adverse impact on historic, archeological, or cultural resources? (10)

**The Bronx House of Detention and the Bronx Terminal Market have been determined to be eligible for listing on the State and National Registers of Historic Places. The Bronx House of Detention and Building B of the Bronx Terminal Market would be demolished as a result of the Proposed Project. Measures to mitigate for the loss of these historic resources are being developed in consultation with OPRHP. One mitigation measure will be the renovation of Building D and its reuse for retail as part of the project. The construction of the off-site open space to be developed by the City with contributions from the project sponsor would presumably require the demolition of Bronx Terminal Market Buildings F and G.**

✓

52. Will the proposed activity affect or be located in, on, or adjacent to an historic resource listed on the National or State Register of Historic Places, or designated as a landmark by the City of New York? (10)

**See response to Question 51, above. The remaining buildings of the Bronx Terminal Market (Buildings F, G, H, and J), which are located west of Exterior Street, have also been determined to be eligible for listing on the State and National Registers of Historic Places.**

✓

**D. CERTIFICATION**

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

"The proposed activity complies with New York State's 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 Name:

BTM Development Partners, LLC/Jesse Masyr

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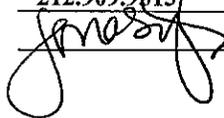
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Applicant/Agent Signature:



Date: 12/7/05