



80 Van Cortlandt Park South,
Suite E1
Bronx NY 10463
www.bceq.org

May 31, 2018

Robert Dobruskin

NYC Department of City Planning

Email: RDOBRUS@planning.nyc.gov, SSHELLOOE@planning.nyc.gov,
JHORSTMAN@planning.nyc.gov

Dear Mr. Dobruskin, Ms. Shellooe, and Mr. Horstman:

As Lead Agency, please accept the attached comments on the Conditional Negative Declaration on the Environmental Assessment Statement issued on Project Identification CEQR No. 18DCP134X; SEQRA Classification: Unlisted; Project Name: Hebrew Home for the Aged – Expansion, as signed and issued April 20, 2018.

The Bronx Council for Environmental Quality (BCEQ) was formed in 1971, to establish — as an Inherent Human Right — a sound, forward-looking environmental policy regarding an aesthetic, unpolluted, environment protecting a natural and historic heritage. Toward that end, we find that transparency in government to be very important in decision making such as the proposal before you.

For the past couple of years, we have been working with Bronx Community Board 8 on Water related issues concerning the NYC DEP's Long Term Control Plan and have gathered much material concerning that LTCP. It is strange that it is not mentioned in your review. You should be aware of these impacts in this watershed.

Please review our report and respond with your comments. It will help our communities and will provide valuable environmental, social and ecological improvements along with critical flood protection, water quality enhancements, and recreational opportunities. If you have any questions, we can be reached at 646-529-1990 or karen@bceq.org.

Sincerely,

Karen Argenti

Karen Argenti, Secretary

c: Joyce Hogi, President

INTRODUCTION

Under 6 CRR-NY 617.7, we request that the New York City Department of City Planning (“DPC”), as lead agency, rescind the April 20, 2018 Conditional Negative Declaration (“CND”) prepared in response to the April 20, 2018 Environmental Assessment Statement for the Hebrew Home for the Aged – Expansion (“Home”) identified as CEQR No. 18DCP134X, and immediately issue a positive declaration requiring the preparation of the Draft Environmental Impact Statement (DEIS) Scope of Work, the DEIS and appropriate notice and notifications as required to produce a Final Environmental Impact Statement.

The listed proposed actions have a number of potentially significant irreversible and irretrievable adverse environmental impacts that (I) exceed the SEQRA impact thresholds, (II) were not previously identified and assessed, (III) were inadequately assessed, and (IV) have substantial deficiencies in the proposed mitigation measures.

Accordingly, the SEQRA Classification of “Unlisted” should be changed back² to the Type I Action³ as listed in the Lead Agency Letters. These “actions” are not what the Applicant is building but the permission to change the as-of-right zoning protections, impact the landscape and steep slopes, and changing the essential character of the neighborhood.⁴ These impacts and deficiencies require additional investigation⁵ due to the likely significant adverse impact on the environment, and on the community’s quality of life.⁶

¹ **6 CRR-NY 617.7 Determining significance. (d) Conditioned negative declarations** (2) A lead agency must rescind the CND and issue a positive declaration requiring the preparation of a draft EIS if it receives substantive comments that identify: (i) potentially significant adverse environmental impacts that were not previously identified and assessed or were inadequately assessed in the review; or (ii) a substantial deficiency in the proposed mitigation measures.

² See footnote 1 on the CND

³ **6 CRR-NY 617.4 Type I actions.** (a) The purpose of the list of Type I actions in this section is to identify, for agencies, project sponsors and the public, those actions and projects that are more likely to require the preparation of an EIS than Unlisted actions. (1) For all individual actions which are Type I or Unlisted, the determination of significance must be made by comparing the impacts which may be reasonably expected to result from the proposed action with the criteria listed in section 617.7(c) of this Part.

⁴ **6 CRR-NY 617.7 Determining significance. (c) Criteria for determining significance:** (1) To determine whether a proposed Type I or Unlisted action may have a significant adverse impact on the environment, the impacts that may be reasonably expected to result from the proposed action must be compared against the criteria in this subdivision. The following list is illustrative, not exhaustive. These criteria are considered indicators of significant adverse impacts on the environment: (i) a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems; (ii) the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources; (iii) the impairment of the environmental characteristics of a critical environmental area as designated pursuant to section 617.14(g) of this Part; (iv) the creation of a material conflict with a community’s current plans or goals as officially approved or adopted; (v) the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character; (vi) a major change in the use of either the quantity or type of energy; (vii) the creation of a hazard to human health; (viii) a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses; (ix) the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action; (x) the creation of a material demand for other actions that would result in one of the above consequences; (xi) changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or (xii) two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.

⁵ **6 CRR-NY 617.4 Type I actions.** (a) (1)

⁶ **617.7 (c) Criteria for determining significance**

I. EXCEED THE SEQRA IMPACT THRESHOLDS.

The Zoning and Public Policy Impact.

The EAS erroneously designates the project's SEQRA Action Classification Type as Unlisted when it meets criteria for designation as Type 1. Here the applicant is seeking a zoning change⁷ as the special permit pursuant to ZR Section 74-901 (Long-term care facilities) is to allow for the development of a LTCF in the R1-1 district on the south site -- not as-of-right in that district.⁸ The proposed action is not the CCRC, but is the environmental action that includes the disturbance of more than an acre.⁹ Part 7 of the EAS shows a temporary disturbance of 398,963 sq.ft. and permanent disturbance of 87,850 sq. ft.¹⁰ Even the permanent disturbance exceeds that threshold by 50%.

<small>Does the proposed project involve in-ground excavation or subsurface disturbance, including, but not limited to foundation work, pilings, utility lines, or grading?</small> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
<small>If "yes," indicate the estimated area and volume dimensions of subsurface disturbance (if known):</small>	
<small>AREA OF TEMPORARY DISTURBANCE: 398,963 sq. ft. (width x length)</small>	<small>VOLUME OF DISTURBANCE: approximately 1,054,200 cubic ft. (width x length x depth)</small>
<small>AREA OF PERMANENT DISTURBANCE: 87,850 sq. ft. (width x length)</small>	

This zoning change will have irretrievable and irreversible impacts to natural resources in the Special Natural Area District (SNAD), and it will impact the Hudson River. The project area is substantially contiguous to the Hudson River, an open space and recreational area. It is contiguous because: Stormwater discharges directly into the Hudson River, a NYS DEC Significant Natural Community.¹¹ The project area is mapped as a NYS DEC Natural Community Vicinity.¹²

⁷ EAS page 1-3 (PDF page 25)

⁸ **6 CRR-NY 617.4 Type I actions.** (b) The following actions are Type I if they are to be directly undertaken, funded or approved by an agency: (3) the granting of a zoning change, at the request of an applicant, for an action that meets or exceeds one or more of the thresholds given elsewhere in this list;(6) activities, other than the construction of residential facilities, that meet or exceed any of the following thresholds; or the expansion of existing nonresidential facilities by more than 50 percent of any of the following thresholds: (i) a project or action that involves the physical alteration of 10 acres; (v) in a city, town or village having a population of more than 150,000 persons, a facility with more than 240,000 square feet of gross floor area;

⁹ **6 CRR-NY 617.4 (b) (6) ibid.**

¹⁰ **EAS Full Form Page 2, Number 7. Physical Dimensions and Scale of Project.**

¹¹ **6 CRR-NY 617.4 Type I actions.** (b)(10) any Unlisted action, that exceeds 25 percent of any threshold in this section, occurring wholly or partially within or substantially contiguous to any publicly owned or operated parkland, recreation area or designated open space, including any site on the Register of National Natural Landmarks pursuant to 36 CFR part 62, 1994 (see section 617.17 of this Part); ...

¹² Environmental Resource Mapper, <http://www.dec.ny.gov/gis/erm/>. This (Natural Community Vicinity) data layer shows areas within 1/2 mile of the significant natural communities shown in the layer above. If natural resources or potential project impacts are being assessed at a location within this vicinity layer, the nearby significant natural communities should be considered in the assessment.

Wastewater and Stormwater Conveyance and Treatment: The potential for erosion, flooding, leaching or drainage problems exceeds the SEQRA threshold by more than 50%.

STORMWATER, CSO, FLOODING

As stated in the EAS, page 27-2, the proposed project will exceed the water and stormwater thresholds by more than 50% indicating that more than an assessment is needed. The threshold for a preliminary infrastructure analysis would be required if the project:

- is more than 150,000 sq. ft – it is more than 4 times that at 633,890 gross sq. ft. (see EAS No. 7 Physical Dimensions and Scale of the Project)
- is more than 25 residential units or 50,000 sq. ft. – it is 12 times that if you use the same gsf above.
- is more than 5 acres



- Is located in a combined sewer area and would exceed the following incremental development of residential units or commercial, public facility, and institution and/or community facility space above the predicted No-Action scenario:
 - 1,000 residential units or 250,000 sq. ft. of commercial, public facility, and institution and/or community facility space or more in Manhattan; or,
 - ✓ ● 400 residential units or 150,000 sq. ft. of commercial, public facility, and institution and/or community facility space or more in the Bronx, Brooklyn, Staten Island, or Queens.
- Is located in a separately sewer area and would exceed the following incremental development (above the predicted No-Action scenario) of residential units or commercial, public facility, and institution and/or community facility space per site. The site's existing zoning designation below indicates the level of development needed on that site to warrant analysis:

Existing Zoning District	Number of Residential Units or Commercial/Public and Institution/Community Facility Use
R1, R2, or R3	25 residential units or 50,000 sq. ft. of commercial/public and institution/community facility use
R4, R5	50 residential units or 100,000 sq. ft. of commercial/public and institution/community facility use

The Applicant's description of the existing conditions is seems arbitrary and capricious. For a project like this, the applicant should provide an Existing Conditions Master Plan for the past 40 plus years. All other Bronx Community Board 8 community facilities have to show their Master Plan. This Master Plan, located in the SNAD, should include an updated Stormwater Management Plan, the Stormwater Pollution Prevention Plan (for Construction and Maintenance), and the Integrated Pest Management Plan. It should NOT indicate flow into the Hudson River.

The Hudson River is a United States Environmental Protection Agency (EPA) designated Historic American Heritage Rivers¹³ and a New York State Critical Area. As such, careful consideration should be followed by the landowners near or in close proximity to the River. Hopefully, the Master Plan would be presented at part of the DEIS so the impacts that may be reasonably expected to result from the proposed action can be compared against CEQR criteria.

¹³ en.m.wikipedia.org/wiki/American_Heritage_Rivers

It is most doubtful that the applicant's statement is true: "and a portion in which stormwater flows directly into the Hudson River" since that is not allowed. More than likely, extra runoff may meander to the outfall at 254th Street – which frequently overflows onto the street flooding that area, then is piped to the Wards Island system. These outfalls overflow into the Harlem River on heavy rainfall events – adding to the pollution of that River impacting Environmental Justice (EJ) areas located there. At the upper part of the Harlem River is the largest outfall in the City of New York – a Tier 1 which means it is half of the total outfall. In a wet or dry event, the system is already overloaded, so any new runoff is a problem. The fact that it is a small amount compared to the treatment plant size is not important, as it may not get there if the applicant increases the amount of stormwater going into the pipe causing both sewage and stormwater to go together into the Harlem River.

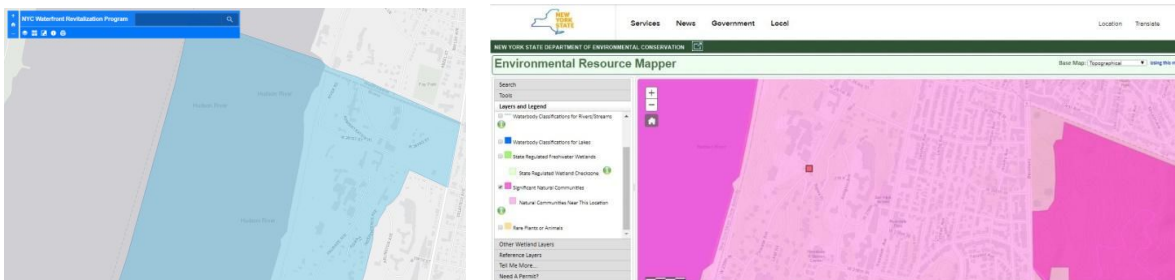
Furthermore, the applicant states and the Lead Agency did not review the info used in this section. Applicant mentions data from the "Open Sewer Atlas NYC" (EAS page 27-3), but this information should be retrieved from the New York City Department of Environmental Protection (DEP). The DEP would have been clear that WI-053 on West 254th Street does not go to the Hudson River. Applicant should know this as it part of the Master Plan and Stormwater Management Plans. The Open Sewer Atlas is part of the NYC Soil and Water Conservation District programming and that web page and the maps clearly state: "This map is intended for illustrative purposes only. Drainage areas and infrastructure may not be accurately depicted and should not be used for planning purposes."

We note there is no mention of the NYC DEP's Long Term Control Plan for the Open Waters Section which includes the Harlem and Hudson Rivers.

This is an opportunity for the Home to extend their excellent reputation for caring to reflect upon the natural environment and to begin working on the "gold standard" of zero discharge with a series of natural basins or rain gardens to capture the runoff, hold it in rain barrels to water the plantings, and allow the water to remain *insitu*.

WATERFRONT REVITALIZATION PROGRAM

These maps indicate that the project site is in the Hudson River Critical Area and the Waterfront Revitalization Program (WRP).



The WRP Consistency Assessment Form agrees and since the total property is within the zone, we urge that the Applicant review the policy, including Policy 5.The discharge of wastewater into surface or groundwater is regulated by the NYS Dept. of Environmental Conservation under the

State Pollutant Discharge Elimination System (SPDES). As part of the SPDES permitting process, a Stormwater Pollution Prevention Plan (SWPPP) must be developed for construction areas greater than one acre in separate sewer or direct discharge areas, which are common along the waterfront. The SWPPP must outline and describe stormwater controls for during and post-construction. This is from the WRP:

5.2 Protect the quality of New York City's waters by managing activities that generate nonpoint source pollution.

A. Use sustainable stormwater management strategies, such as green infrastructure, use of permeable surfaces, on-site detention, and the preservation and enhancement of vegetation, wetlands, and ecosystems to minimize nonpoint discharge into coastal waters of excess nutrients, organics, eroded soils, and pollutants, and to control stormwater runoff from roadways and other developed areas.

B. Minimize nonpoint source pollution of coastal waters using the following approaches listed in order of priority: (1) avoid pollution by limiting sources; or (2) reduce pollutant loads to recipient waters by managing unavoidable sources.

TRANSPORTATION

An assessment of transportation will be provided in the DEIS, as described in the Draft Scope. Based on preliminary estimates, the Proposed Actions are expected to generate more than 50 additional vehicular trips in the weekday AM, midday, and PM peak hours, as well as in the Saturday midday peak hour. The Proposed Actions are expected to generate 50 or more vehicles per hour during each of the peak hours through one or more intersection. Therefore, a detailed traffic analysis is warranted, not just an assessment. The area has underserved mass transit and vehicular transportation is the most utilized method of travel. This should be described and mitigated in the Scope and DEIS. A detailed safety assessment at the study locations should also be included.

Based on preliminary estimates, there are expected to be more than 200 project-generated pedestrian trips in all peak hours, which include walk-only trips as well as the pedestrian component associated with walking between the Project Site and other modes of travel, such as subway stations and bus stops. Although these pedestrian trips would also be dispersed throughout the surrounding area, concentrations of new pedestrian trips exceeding the 200-trip *CEQR Technical Manual* threshold may occur during one or more peak hours along corridors in the immediate vicinity of the Project Site and along corridors connecting the site to area transit services. A detailed pedestrian analysis is warranted and will be provided in the Scope and DEIS.

AIR QUALITY

Under CEQR, an air quality analysis determines whether a proposed project would result in stationary or mobile sources of pollutant emissions that could have a significant adverse impact on ambient air quality, and also considers the potential of existing sources of air pollution to impact the proposed uses. The Proposed Actions would require an air quality analysis including

both mobile and stationary sources. The Proposed Actions would result in the conditions outlined in Sections 210 and 220 of Chapter 17 of the *CEQR Technical Manual*. Therefore, consistent with the guidelines of the *CEQR Technical Manual*, an assessment of air quality should be provided in the Scope and DEIS. The air quality assessment will consider the potential impacts on air quality from project-generated vehicle trips and parking facilities, as well as heat and hot water systems, and from existing industrial uses in the surrounding area on the Proposed Project. It should also describe the impact on the Yonkers community to the north of the project site -- which may also qualify for an EJ examination.

II. NOT PREVIOUSLY IDENTIFIED AND ASSESSED.

The Lead Agency failed to identify other serious impacts as required by SEQRA.¹⁴ This will be examined in the next two sections II and III.

According to SEQRA, the lead agency should review other serious impacts, such as to ... the removal or destruction of large quantities of vegetation or fauna; interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or impacts to natural resources; impairment of the environmental characteristics of a critical environmental area¹⁵; material conflict with a community's current plans or goals as officially approved or adopted; impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character; substantial change in the use, or intensity of use, of land including open space or recreational resources, or in its capacity to support existing uses;” These criteria are considered indicators of significant adverse impacts on the environment.

NEIGHBORHOOD CHARACTER

A neighborhood character assessment considers how elements on the environment combine to create the context and feeling of a neighborhood and how a project may affect that context and feeling. To determine a project’s effects on neighborhood character, a neighborhood’s contributing elements are considered together.

An assessment of neighborhood character is generally needed when a proposed project has the potential to result in significant adverse impacts in the areas of land use, socioeconomic conditions, open space, urban design and visual resources, historic and cultural resources, transportation, and noise, or when the project may have moderate effects on several of these elements that define a neighborhood’s character. In particular, when institutions and community facilities start to overtake the population, the change in neighborhood character is eminent. This not as of right Proposed Actions would affect one or more of the constituent elements of the Project Site’s neighborhood character, including land use patterns, urban design, historic and cultural resources, and levels of traffic and noise. Therefore, an analysis of the Proposed Actions’ effects on neighborhood character should be provided in the SCOPE and DEIS.

¹⁴ 6 CRR-NY 617.7 Determining significance. **(c) Criteria for determining significance:**

¹⁵**617.14 Individual agency procedures to implement SEQR.** (g) A local agency may designate a specific geographic area within its boundaries as a critical environmental area (CEA). A state agency may also designate as a CEA a specific geographic area that is owned or managed by the state or is under its regulatory authority. (4) Following designation, the potential impact of any Type I or Unlisted Action on the environmental characteristics of the CEA is a relevant area of environmental concern and must be evaluated in the determination of significance prepared pursuant to section 617.7 of this Part.

OPEN SPACE

An open space assessment is typically warranted if an action would directly affect an open space or if it would increase the population by more than:

- 350 residents or 750 workers in areas classified as “well-served areas;”
- 50 residents or 125 workers in areas classified as “underserved areas;”
- 200 residents or 500 workers in areas that are not within “well-served” or “underserved areas.”

Since the Project Site does not have open space and the population will be increased by more than 200 residents, the preliminary assessment was conducted. In the past, the south Site had private open space, which in the past was available for local residents. Therefore, the Proposed Project will have a direct adverse effect on the loss of private open spaces and scenic views of the Hudson River and the Palisades. Furthermore, the Proposed Project does not provide open space that would be publicly accessible to the scenic views, at this time. The proposed project is expected to introduce approximately 585 new residents to the project site (greater than 200 residents), and would create additional demand for open space.

The Project Site is located in an area that is underserved by open space. The CEQR Technical Manual states that for a project located in areas that are not within well-served or underserved areas, an open space assessment should be conducted if it would generate more than 200 residents or 500 workers. Since the Proposed Actions would generate a net increase of approximately 500 residents over the No-Action condition, as calculated in the EAS form, residential and day-time populations open space assessments should be provided in the Draft Scope and DEIS.

III. INADEQUATELY ASSESSED IMPACTS.

Traffic or noise levels were inadequately assessed. There is not enough information concerning the route that the trucks will take to the project site. The streets are narrow and winding and not made for large commercial vehicles. The applicant should describe the manner of travel to and from the site. Will they exit the Major Deegan I-87 at Yonkers Avenue to Nepperhand to 261st Street? Will the return trip follow the same path and what will the impact of the left turn do to the rush hour traffic? What time of day will the trucks arrive? Will they be asking for extra time to start and work on the weekends? How will this be handled by the local precinct? Will the trucks exit at Van Cortlandt Avenue to Broadway and make a left turn on Mosholu to get to Riverdale Avenue? Solid waste was not adequately assessed. Will there be an increase in solid waste production? Will that be by private carter or will the DSNY pick up?

HAZARDOUS MATERIALS

The potential for significant impacts from hazardous materials can occur when: (a) hazardous materials exist on a site; and (b) a project would increase pathways to their exposure; or (c) a project would introduce new activities or processes using hazardous materials, thereby increasing the risk of human or environmental exposure. An analysis should be conducted for any site with the potential to contain hazardous materials or if any future redevelopment is anticipated. Given the land use history of the Project Site and/or parcels in close proximity, potential exposure to hazardous materials could occur as the result of the Proposed Actions. Therefore, an assessment of hazardous materials on the Project Site (as referenced by the April 3, 2018 DEP letter from Wei Yu, Deputy Director, Hazardous Materials, EAS page 160) will be in the Draft Scope and DEIS.

CONSTRUCTION

Construction impacts, although temporary, can include disruptive and noticeable effects of a project. Determination of their significance and need for mitigation is generally based on the duration and magnitude of the impacts. Construction impacts are considered when construction activity could affect traffic conditions, archaeological resources, the integrity of historic resources, community noise levels, and air quality conditions. In addition, because soils and slopes are disturbed during construction, any project proposed for a site that has been found to have the potential to contain hazardous materials should also consider the possible construction impacts that could result from contamination.

A construction assessment is typically warranted if construction activities lasting longer than two years; ... involving the closing, narrowing, or otherwise impeding of traffic, transit, or pedestrian elements; ..involving multiple buildings; ...involving the operation of several pieces of diesel equipment in a single location; ... resulting in the closure or disruption of a community facility service; disturbing a site containing or adjacent to a natural resources; and/or ... occurring on multiple sites in the same geographic area. Construction of the Proposed Project is expected to occur from through 2024. As construction would take place over a period greater than two years, it is therefore considered long-term the Scope and DEIS should be undertaken. The preliminary assessment evaluated the duration and severity of the disruption or inconvenience to nearby sensitive receptors, in consideration of the potential for combined effects from construction on

the Project Site and in the surrounding area. Given the multiple buildings that would be developed on the Project Site and the anticipated construction period, a detailed construction impact analysis should be prepared for one or more technical areas and reported as listed in Scope and DEIS.

SHADOWS

A shadow assessment is required for a proposed project that would result in a new structure(s), or addition(s) to existing structure(s) that are greater than 50 feet in height and/or adjacent to an existing sunlight-sensitive resource. The Proposed Actions would facilitate the development of a 12-story building and community facility development on the Project Site. Building heights of the proposed 12-story CCRC North building would be constructed to a height of 138 feet, which, in comparison to the existing Goldfine Pavilion (to be demolished), would be approximately 84 feet taller. In comparison to Resnick Pavilion, the tallest existing building on the project site, CCRC North would be approximately 11 feet taller. Therefore, the 12-story CCRC North building (to the right in the figures) would be the most prominent of the proposed project's buildings within the study area. We disagree with Applicants assumption that the shadows cast on the Hudson River, a sunlight-sensitive resource, from the development of the buildings would not pose a threat to the aquatic habitat because the shadows would be of short duration. As the Proposed Actions would result in structures greater than 50 feet in height, consistent with *CEQR Technical Manual* guidelines, an analysis of the Proposed Actions' potential to result in shadow impacts on sunlight-sensitive resources is warranted and should be provided in the Draft Scope and the DEIS.

URBAN DESIGN AND VISUAL RESOURCES

An urban design assessment is needed when a project may have effects on one or more of the elements that contribute to a pedestrian's experience of public space. These elements include streets, buildings, visual resources, open spaces, natural resources, wind, and sunlight. A preliminary analysis of urban design and visual resources is considered appropriate when there is the potential for a pedestrian to observe, from the street level, a physical alteration beyond that allowed by existing zoning, including the following: (1) projects that permit the modification of yard, height, and setback requirements; and (2) 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. A detailed analysis is stipulated for projects that would result in substantial alterations to the streetscape of the neighborhood by noticeably changing the scale of buildings.

The Proposed Actions would result in physical changes to the Project Site beyond the bulk and form currently permitted as-of-right. These changes could affect a pedestrian's experience of public space, thereby requiring an urban design assessment. Therefore, an assessment of urban design and visual resources will be provided in the Draft Scope of Work and the Draft Environmental Impact Statement.

NATURAL RESOURCES

The *CEQR Technical Manual* defines a natural resource as the City's biodiversity (plants, wildlife and other organisms); any aquatic or terrestrial areas capable of providing suitable habitat to sustain the life processes of plants, wildlife, and other organisms; and any areas capable of functioning in support of the ecological systems that maintain the City's environmental stability. Such resources include ground water, soils and geologic features; numerous types of natural and human-created

aquatic and terrestrial habitats (including wetlands, dunes, beaches, grasslands, woodlands, landscaped areas, gardens, parks, and built structures); as well as any areas used by wildlife.

A natural resources assessment is appropriate if a natural resource is present on or near a project site, and the project would, either directly or indirectly, cause a disturbance of that resource. The Project Site is in the Special Natural Area District, is surrounded by natural resources, including the Hudson River and views of the Palisades. Therefore, a natural resources assessment is warranted, as a significant adverse impact related to natural resources would occur.

IV. SUBSTANTIAL DEFICIENCIES IN THE PROPOSED MITIGATION MEASURES.

The applicant track record on protecting the natural resources for the environment and the community is questionable. One can easily review the New York City Department of Buildings online BIS files and check the Environmental Control Bureau (“ECB”) violations over the years. See below. In addition, the existence of the list of Restrictive Declarations for passed zoning inaccuracies would indicate that the (E) designations for the property should not have been given. Together, we find the proposed mitigations measures to be deficient.

This Applicant has proven the need for extensive oversight. We suggest a Citizens Advisory Committee or a Facilities Management Committee to manage the construction and later the operation of the facilities. We note that the facility is larger than the 400 beds of most large hospitals in New York State upstate towns outside of NYC. We also note that the community area that surrounds it is more like upstate areas. CB8 would be a good partner on this.

We also suggest that the mitigation be put into one document and become part of the Restrictive Declaration. The fact that there are restoration programs that CPC has added to this proposal only proves the point that this Applicant is not serious in protection the natural environment or following the rules and standard operating procedures.

See the chart below of their DOB record. You already know about the list of restrictive declarations.

HEBREW HOME ECB VIOLATIONS – QUICK LIST

5933 Lot 230:

<http://a810-bisweb.nyc.gov/bisweb/ECBQueryByLocationServlet?requestid=8&allbin=2098565>

2010.03.18

EXCAVATION OF SOIL FROM CROWN OF CLIFF

Section 9 of this permit says it was filed to address violations (Was there a SNAD approval?):

<http://a810-bisweb.nyc.gov/bisweb/WorkPermitDataServlet?allisn=0002076089&callisn2=0001748531&allbin=2098565&requestid=6>

2010.03.23:

FAIL TO SAFEGUARD ALL PERSONS/PROPERTY AFFECTED BY CONST OPERATIONS.THE FILL THAT WAS ADDED TO THE EARTH SLOPE FACING THE MTA RAILROAD TRACKS CREATED AN UNSAFE CONDITION & THE STRUCTURAL STABILITY OF THE EARTH

<http://a810-bisweb.nyc.gov/bisweb/ECBQueryByNumberServlet?requestid=6&ecbin=34845603P>

2010.04.10

FAILURE TO PROVIDE PROTECTION AT SIDES OF EXCAVATION. NOTED: FAILURE TO PROVIDE SHEET, SHORING, BRACING OR STABLE 45 DEGREE ANGLE OF REPOSEON EARTH CUTS IN EXCESS OF 5 FT. REM: PROV. STABLE ANGLE OF REPOSE 45

<http://a810-bisweb.nyc.gov/bisweb/ECBQueryByNumberServlet?requestid=6&ecbin=34832998X>

2015.05.22, listed as OPEN:

ALTERED/CHANGED BLDG W/O A VALID C/O.

<http://a810-bisweb.nyc.gov/bisweb/ECBQueryByNumberServlet?requestid=6&ecbin=35015256N>

5933 Lot 55

DOB violations list (mostly boilers & elevators with many active or noted as failure to remedy)

<http://a810-bisweb.nyc.gov/bisweb/ActionsByLocationServlet?requestid=1&allbin=2086132&allinquirytype=BXS4OCV3&stypocv3=V>

ECB: <http://a810-bisweb.nyc.gov/bisweb/ECBQueryByLocationServlet?requestid=1&allbin=2086132>

2012.11.21 FAILURE TO MAINTAIN BUILDING IN CODE-COMPLAINT MANNER:SERVICE EQUIPMEN T-ELEVATOR PER BC3001.2;27-987

<http://a810-bisweb.nyc.gov/bisweb/ECBQueryByNumberServlet?requestid=2&ecbin=38223895P>

5933 Lot 210 - elevators

5933 Lot 224

<http://a810-bisweb.nyc.gov/bisweb/ECBQueryByLocationServlet?requestid=1&allbin=2116428>

2001.07.27 ALTERED BUILDING OCCUPIED WITHOUT A VALID CERTIFICATE OF OCCUPANCY C OF O #200301048T-7 EXPIRED 02/17/2001 REMEDY OBTAIN A VALID C OF O

<http://a810-bisweb.nyc.gov/bisweb/ECBQueryByNumberServlet?requestid=2&ecbin=34289244H>

2001.11.09 ALTERED BUILDING OCCUPIED W/O A VALID CERTIFICATE OF OCCUPANCY : ALT # 206301048 REMEDY : OBTAIN A VALID C OF O

<http://a810-bisweb.nyc.gov/bisweb/ECBQueryByNumberServlet?requestid=2&ecbin=34305975Z>

5933 Lot 225 - elevators

CONCLUSION

In accordance with 6CRR-NY617.7, the lead agency must rescind the CND and issue a positive declaration requiring a draft scope of work and draft EIS if it receives substantive comments that identify potentially significant adverse environmental impact that were not previously identified and assessed or were inadequately assessed in the review; or a substantial deficiency in the proposed mitigation measures.

For the past couple of years, the Bronx Council for Environmental Quality has been working with local Bronx community boards, including Community Board 8 on clean water related issues concerning the NYC DEP's Long Term Control Plan (LTCP) and have gathered much material concerning those issues. It is strange that it is not mentioned in your review. You should be aware of these impacts in this watershed.

We offer impacts in the following areas: zoning, stormwater, waterfront revitalization, transportation, air quality, hazardous materials, neighborhood character, open space, shadows, urban design and visual resources, natural resources, construction and deficiencies in mitigation.

These impacts and deficiencies indicate that this project and the proposed not as of right actions will have a deleterious, irretrievable and irreversible effect on the environment of the surrounding community, the Hudson River and its habitat, as well as unintended consequences of ignoring the LTCP. We urge the Lead Agency not to risk an arbitrary and capricious decision, but take due diligence and take the "hard look."

We regret that we did not have more time to make a better more detailed presentation, but we had only 30 days.

Thank you for reading this.