

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

----- x

EAST HARLEM ALLIANCE OF RESPONSIBLE
MERCHANTS, UPTOWN HOLDINGS, LLC, HERON
REAL ESTATE CORP., YORY, LLC, and HEE NAM
BAE,

Plaintiffs-Petitioners,

For a Judgment Pursuant to CPLR Article 78 and an Action

-against-

CITY OF NEW YORK, CITY COUNCIL OF THE CITY
OF NEW YORK, CITY PLANNING COMMISSION OF
THE CITY OF NEW YORK, CITY OF NEW YORK
DEPARTMENT OF HOUSING PRESERVATION AND
DEVELOPMENT, NEW YORK CITY ECONOMIC
DEVELOPMENT CORP., and DEPARTMENT OF
SANITATION OF THE CITY OF NEW YORK,

Defendants-Respondents.

----- x

**AFFIRMATION OF
STEVEN N. BRAUTIGAM**

INDEX NOS.
08-117242
08-603829

Assigned Judge:
(Lobis, J.)

STATE OF NEW YORK)
 : SS.:
COUNTY OF NEW YORK)

I, Steven N. Brautigam, an attorney duly admitted to practice before the Courts of the State of New York, hereby affirm the following, under the penalties of perjury, pursuant to Civil Practice Law and Rules section 2106:

1. I am the Assistant Commissioner for Environmental Affairs in the Department of Sanitation Bureau of Legal Affairs and was the DSNY official responsible for the environmental review of DSNY's temporary location of rock salt for winter emergencies for the 2008-2009 winter season at Block 1791, Lot 1.

2. I submit this Affidavit in support of City Respondents' motion to dismiss the Verified Answer, and in opposition to Petitioner's Article 78 proceeding.

A. Petitioners' Allegations

3. I understand that Plaintiffs-Petitioners ("Petitioners") make a number of claims regarding the temporary storage of rock salt by the New York City Department of Sanitation ("DSNY") at an unoccupied City-owned site assigned to the New York City Department of Housing Development ("HPD") located at 208 East 127th Street, Manhattan, Block 1791, Lot 1 ("the Temporary Site" or "Site"). As a preliminary matter, I want to make clear that DSNY only intended to use the Temporary Site for the current 2008-09 winter season, that DSNY committed in writing to HPD that DSNY would remove this salt pile by April 30, 2009, and that DSNY, in fact, fully expects to remove the salt pile by April 11, 2009. I understand that as of March 26, 2009, approximately 300 tons of salt were on the site.

4. It is my understanding that Petitioners allege that DSNY was required, but failed, to undertake an environmental review of this action under New York State Environmental Quality Review Act ("SEQRA") Article 8 of the Environmental Conservation Law and its City counterpart, the City Environmental Quality Review ("CEQR") (62 RCNY Chapter 5 and Mayoral Executive Order No. 91 of 1977), prior to the storage of salt at the Temporary Site. Pet. ¶¶ 111-112.

5. Petitioners also allege that the salt pile at the Site constitutes a "public nuisance" and is a danger to the public health, safety, and welfare. Pet. ¶¶ 261, 262.

6. Both of these claims are without merit, as DSNY met all of its legal obligations under SEQRA/CEQR and the salt pile at the Temporary Site does not, in any way, endanger the public health, safety, or welfare.

B. DSNY Removal of Ice and Snow From the Streets

7. DSNY has an affirmative obligation under the New York City Charter to remove ice and snow from NYC streets immediately after a snowfall. NYC Charter § 753. *See also* NYC Administrative Code § 16-124, “The commissioner [of DSNY], immediately after every snowfall or the formation of ice on the streets, shall forthwith cause the removal of the same, and shall keep all streets clean and free from obstruction.”

8. Rock salt, or NaCl, is an ideal material for the removal of snow and ice from the streets, as it is readily available and inexpensive, non-hazardous, and effective in depressing the freezing point of water to melt and/or avoid the development of ice on roadways. Therefore, it is the material most relied throughout the U.S. northeast region for snow and ice melting on roadways and is routinely applied by DSNY to City streets to meet DSNY’s snow and ice removal duties.

9. To comply with this obligation – and thereby ensure public safety and welfare and indeed help keep New York City functioning during and after snow emergencies – DSNY maintains 26 permanent and 10 seasonal salt storage facilities throughout the City. These facilities have a combined capacity of approximately 235,000 tons of rock salt and 330,000 gallons of calcium chloride deicing solution. Prior to the start of any snowfall, DSNY’s 365 salt spreaders are dispatched to salt arterial highways and bus routes. In addition, once snow begins to accumulate on City streets and highways, approximately 2,000 plow-mounted Sanitation trucks are deployed to clear snow from the City’s more than 6,000 street curb miles.

C. Construction of Permanent Salt Storage Facility at E. 125th Street

10. For roughly 40 years, until 2008, Manhattan Community Districts 8, 10, and 11 were served by an uncovered salt storage facility located on the Harlem River waterfront, between the Triborough and Willis Avenue Bridges. This East Harlem salt storage facility was taken out of operation prior to the 2008/2009 winter season because the New York City Department of Transportation (“NYCDOT”) needed to use the site for the reconstruction of the Willis Avenue Bridge, which is currently underway. Part of the site is needed for a reconfigured ramp, and the rest is being used as a construction staging area. Following the reconstruction project, much of this waterfront site is to become public open space maintained by the Department of Parks and Recreation.

11. Accordingly, DSNY received City Planning Commission and Triborough Bridge and Tunnel Authority approval in 2007 to construct a new permanent covered salt storage facility to serve Manhattan Community Districts 8, 10, and 11 at 2590 First Avenue, New York, New York, adjacent to the Triborough Bridge, known as the “E. 125th Street Salt Shed.” See ULURP application C 070236 PSM, and C 070235 ZMM, attached to this Affirmation as Exhibit A.

12. The design for the permanent E.125th Street Salt Shed includes an open-air loading area on a paved apron, and a salt pile for approximately 10,000 tons of salt covered by a tent, with vent openings around the entire facility and a permanent opening at one end for access.

13. The plan for the new permanent facility underwent an environmental review pursuant to SEQRA and CEQR. DSNY, which served as the lead agency for the environmental review process, found that the permanent facility would not result in any significant adverse environmental impacts, including adverse impacts resulting from leaching,

stormwater runoff, air quality, or other impact categories. Accordingly, pursuant to 6 NYCRR § 617.7, DSNY issued a Negative Declaration on November 13, 2006 for the new facility. A copy of the Negative Declaration is attached as Exhibit B.

14. This new facility, which is under construction, was expected to be operational by Fall 2008 for the current winter season. However, due to unforeseen delays, construction completion is now expected by Fall 2009 so that it will be used starting in the 2009/2010 winter season.

D. DSNY Temporary Salt Storage at 208 East 127th Street

15. During the gap period between DSNY's needing to vacate the Harlem River Waterfront site and the completion of the E. 125th Street salt facility, DSNY required a temporary site to store rock salt for use during the November 2008 to April 6, 2009 winter season so that proper ice and snow removal could continue through the season. DSNY determined that a site that could store up to 2500 tons would be sufficient for this single season.

16. DSNY requires salt storage facilities for winter emergencies to be located in reasonable proximity to the community districts served by the facility and to priority and arterial roadways in order to ensure that all districts and roads receive adequate and efficient services, particularly when vehicular travel is limited by snow or ice. Other existing salt storage facilities are too distant to adequately serve Manhattan Community Districts 8, 10 and 11. DSNY's other salt piles closest to E. 125th Street are at W. 216th Street and the Harlem River (over 5 miles away) and South and Pike Streets under the Manhattan Bridge (7.75 miles away).

17. DSNY's recent search for a permanent salt site had made DSNY familiar with the available options for such a facility. For the interim period, DSNY duly considered sites within a half-mile radius of the permanent 125th Street Salt Shed site.

18. In the summer of 2008, DSNY identified a vacant City-owned site assigned to the New York City Department of Housing Preservation and Development ("HPD") at 208 East 127th Street, Manhattan, Block 1791, Lot 1 ("the Temporary Site") as suitable for the temporary storage of up to 2500 tons of salt.

19. DSNY entered into a Memorandum of Understanding ("MOU") with HPD granting DSNY use of the Temporary Site, starting on October 20, 2008, as a temporary salt storage facility for the November 2008 to April 2009 winter season. Attached as Exhibit C. The agreement explicitly requires DSNY to vacate the site by April 30, 2009, as development of the site for other purposes is anticipated soon thereafter. Exhibit C at 1.

20. The 17,500 square foot Temporary Site had existing pavement and a fence. DSNY installed a temporary gate and procured tarps to cover the salt when not in use. DSNY also installed removable concrete blocks to contain the salt pile. The work did not involve any significant disturbance to the Site's pavement.

21. This Temporary Site was loaded on or about November 10, 2008 and enabled DSNY to continue its winter road salting operations in upper Manhattan during the 2008-2009 winter season. As agreed, DSNY will vacate the site by April 30, 2009, and in fact plans to clear the salt as soon as practicable following the end of the snow season, which terminates April 6, 2009. At this time, DSNY anticipates vacating the site by April 11, 2009.

E. Petitioners' Claims Concerning the Environmental Review of the Temporary Salt Storage Are Without Merit

22. DSNY fully complied with its obligations under SEQRA/CEQR to consider the potential environmental impacts that could result from the temporary salt storage at the Site. Moreover, the storage did not create a public nuisance.

23. SEQRA requires government agencies to prepare environmental impact statements “on any action they propose or approve which may have a significant effect on the environment.” ECL § 8-0109(2). However, the Environmental Conservation Law (“ECL”) and its implementing regulations provide that certain agency actions or classes of actions, known as Type II actions, are not subject to review under the SEQRA/CEQR environmental review requirements. ECL § 8-0105(5)(ii); 6 N.Y.C.R.R. § 617.5. In particular, two classes of Type II actions not subject to environmental review are “routine or continuing agency administration and management”, 6 N.Y.C.R.R. § 617.5(c)(20), and “minor temporary uses of land having negligible or no permanent impact on the environment”, 6 N.Y.C.R.R. § 617.5(c)(15).

24. I reviewed with DSNY staff the applicable regulations and inquired about the scope of activity for the temporary salt pile relocation and about agency routine practices concerning temporary salt storage sites.

25. In general, every winter season, DSNY locates a number of relatively small temporary salt storage piles under tarps on paved surfaces in various locations in New York City in order to support DSNY operations to adequately clear ice and snow from city streets during winter emergencies. DSNY would not be able to meet its obligations under the City Charter to immediately remove ice and snow from city streets without these temporary storage

sites, and their placement is a recurring, routine agency activity. Furthermore, DSNY does not typically conduct environmental reviews for these seasonal minor uses of land.

F. The Temporary Salt Pile Does Not Result in Significant Adverse Environmental Impacts or Cause a Public Nuisance.

26. I considered whether storing up to 2500 tons of salt at 206 East 127th Street for one season would be expected to have a significant adverse impact to the environment, in order to qualify as a Type II action. Rock salt is not considered a hazardous substance. I duly considered the storage conditions at the Temporary Site, which was being used as a parking lot

27. Accordingly, based on consultation with DSNY Assistant Chief Michael Murphy who inspected the site, a review of a site photo with DSNY's Division of Real Estate staff and a review of State Wetlands Maps, I determined there are no wetlands or significant vegetation on site or in the immediate proximity, which is an industrial area; that the salt would be stored under cover on a paved, impervious surface with runoff to a paved street and public sewer system with ultimate discharge to saline marine waters; and that groundwater in the vicinity is not a drinking water source. This facility would be important to DSNY's ability to ameliorate traffic conditions in the East Harlem neighborhood during winter storm conditions for the short time it would be in use. Air and noise impacts from storage and from occasional delivery and loading of salt for the season would be trivial and/or below applicable CEQR review screening thresholds. The storage would be limited to one season, and any potential leaching and stormwater runoff of salt would be avoided and minimized, respectively, through storage on an impervious surface and covering of the pile. Even if, despite protection provided by the tarps, some salt-laden stormwater were to flow off the site to the street and sewers, this would merely be comparable to what happens when DSNY routinely applies salt directly to City streets during snow events, and would not cause a significant impact to the environment.

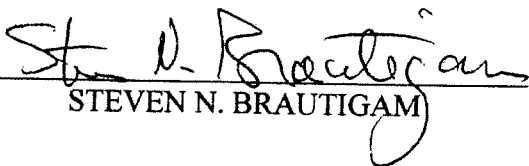
Therefore, I concluded the temporary use of the paved site for salt storage would have negligible or no permanent environmental impact and would not constitute a public nuisance.

28. Accordingly, as the DSNY official responsible for environmental review on or about October 8, 2008, I made the reasoned determination that the use of this site for one season as a temporary salt pile under cover would not have a significant adverse impact to the environment and would be exempt from a formal environmental review as a Type II action as either "minor temporary use of land having negligible or no permanent impact on the environment" within the meaning of 6 N.Y.C.R.R. § 617.5(c)(15) or "routine or continuing agency administration and management" pursuant to 6 N.Y.C.R.R. § 617.5(c)(20).

G. Conclusion

29. As set forth above, DSNY is required under the terms of its MOU to remove the temporary salt pile located at the Site by April 30, 2009. Regardless, DSNY met all of its legal obligations in the temporary relocation of the winter salt pile pending completion of the permanent facility, and the temporary pile does not constitute a public nuisance, as it is not a threat to the public health or welfare.

Dated: March 27, 2009
New York, New York


STEVEN N. BRAUTIGAM

Ex. A

CITY PLANNING COMMISSION

May 9, 2007/Calendar No. 19

C 070235 ZMM

IN THE MATTER OF an application submitted by the Department of Sanitation pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6b:

changing from an R7-2 District to an M1-1 District property bounded by First Avenue, the easterly centerline prolongation of East 125th Street/Dr. Martin Luther King Jr. Boulevard, Franklin D. Roosevelt Drive, and Paladino Avenue and its easterly centerline prolongation (at its straight line portion);

Borough of Manhattan, Community District 11, as shown on a diagram (for illustrative purposes only) dated December 18, 2006.

The application for an amendment of the Zoning Map was filed by the Department of Sanitation on December 11, 2006, to rezone a site located at 2590 First Avenue (Block 1811, Lots 21 and 209), from an R7-2 to an M1-1 zoning district. The requested action, in conjunction with the related action, would facilitate the relocation, siting and construction of a new salt storage facility in East Harlem.

RELATED ACTION

In addition to an amendment to the Zoning Map, which is the subject of this report, implementation of the applicant's proposal also requires action by the City Planning Commission on the following application which is being considered concurrently with this application:

C 070236 PSM: Site Selection of property located at 2590 First Avenue (Block 1811, Lots 21 and 209) for use as a salt storage facility.

BACKGROUND

The Department of Sanitation is seeking approval of a zoning map amendment, from R7-2 to M1-1, in conjunction with the related site selection action, to facilitate the siting and construction of a new salt storage facility. The area to be rezoned, which comprises the new salt storage

facility site, is located on a block bounded by East 125th Street, Paladino Avenue, the FDR Drive and First Avenue.

A more detailed description of this application, the surrounding area and the proposed project are included in the report on the related application for the proposed site selection of property located at 2590 First Avenue (Block 1811, Lots 21 and 209), C 070236 PSM.

ENVIRONMENTAL REVIEW

This application (C 070235 ZMM), in conjunction with the application for the related action (C 070236 PSM), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 *et seq.* and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 007-DOS-001M. The lead agency is the Department of Sanitation.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on November 13, 2006.

UNIFORM LAND USE REVIEW

This application (C 070235 ZMM), in conjunction with the application for the related action (C 070236 PSM), was certified as complete by the Department of City Planning on December 18, 2006, and was duly referred to Community Board 11 and the Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Community Board 11 held a public hearing on this application on February 20, 2007, and on that day, by a vote of 24 in favor, 5 opposed with one abstention, adopted a resolution recommending disapproval of the application with conditions.

A summary of the vote and recommendation of Community Board 11 appears in the report on the related application for the proposed site selection of property located at 2590 First Avenue (Block 1811, Lots 21 and 209), C 070236 PSM.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application on March 28, 2007, with conditions.

A summary of the Borough President's recommendation appears in the report on the related application for the proposed site selection of property located at 2590 First Avenue (Block 1811, Lots 21 and 209), C 070236 PSM.

City Planning Commission Public Hearing

On March 28, 2007 (Calendar No. 6), the City Planning Commission scheduled April 11, 2007, for a public hearing on this application (C 070235 ZMM). The hearing was duly held on April 11, 2007 (Calendar No. 27), in conjunction with the public hearing on the application for the related action (C 070236 PSM).

There were two speakers in favor of the application and no speakers in opposition, as described in the report on the related application for the proposed site selection of property located at 2590 First Avenue (Block 1811, Lots 21 and 209) C 070236 PSM, and the hearing was closed.

CONSIDERATION

The Commission believes that this amendment of the Zoning Map, in conjunction with the related action, is appropriate.

A full consideration and analysis of the issues, and reasons for approving this application, appears in the report on the related application for the proposed site selection of property located at 2590 First Avenue (Block 1811, Lots 21 and 209), C 070236 PSM.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 6b:

changing from an R7-2 District to an M1-1 District property bounded by First Avenue, the easterly centerline prolongation of East 125th Street/Dr. Martin Luther King Jr. Boulevard, Franklin D. Roosevelt Drive, and Paladino Avenue and its easterly centerline prolongation (at its straight line portion);

Borough of Manhattan, Community District 11, as shown on a diagram (for illustrative purposes only) dated December 18, 2006.

The above resolution (C 070235 ZMM), duly adopted by the City Planning Commission on May 9, 2007 (Calendar No. 19), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, AICP, Chair
ANGELA BATTAGLIA, IRWIN G. CANTOR, P.E.,
ANGELA R. CAVALUZZI, R.A., ALFRED C. CERULLO, III,
BETTY Y. CHEN, RICHARD W. EADDY, LISA A. GOMEZ,
NATHAN LEVENTHAL, JOHN MEROLO,
KAREN A. PHILLIPS, DOLLY WILLIAMS, Commissioners

22.0 Generic Analysis of Impacts from Salt Pile Relocation

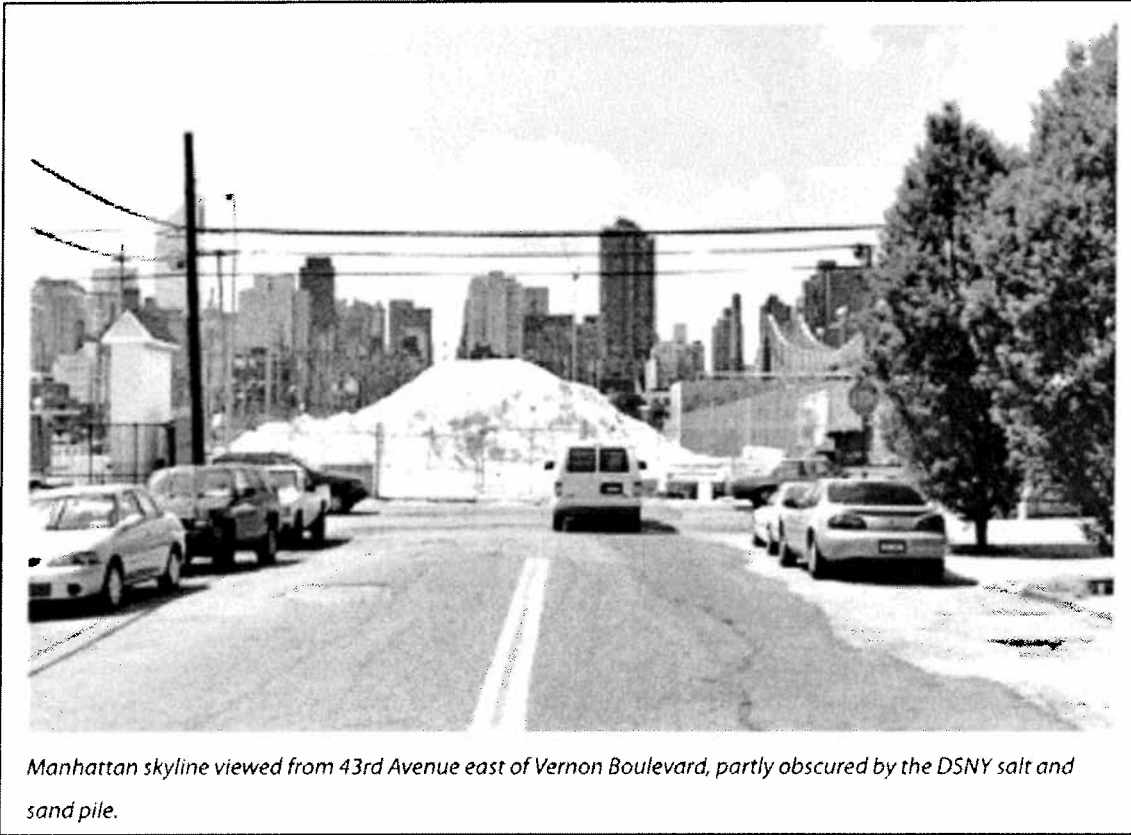
A. INTRODUCTION

The mapped but unopened segment of 43rd Avenue at the southern boundary of the Project Site is currently used by the DSNY for the open storage of rock salt, which is applied to roadways as deicing material during winter storm events in Queens Community Districts Numbers 1 and 2 (Figure 22-1). Rock salt, or NaCl, is readily available and inexpensive, and effectively depresses the freezing point of water to melt and/or avoid the development of ice on roadways. The maximum capacity of the storage pile is approximately 10,000 tons of rock salt and covers approximately 30,000 square feet of land. At peak usage during a major storm event, a maximum of 12 DSNY salt-spreading trucks use the facility. The salt pile is replenished each fall and, depending on the number and severity of winter storm events, is also replenished once or twice more during the winter season. Parking needed at a relocated site would be limited to a few spaces required for operating the facility.

Development of Silvercup West would require the relocation of the storage pile to an alternative site, the location of which is currently unknown. In conformance with the City ULURP, relocating the storage pile would require the completion of a site selection study to identify the alternative site, environmental review in accordance with CEQR, and public review. DSNY indicates that to continue to serve Queens Community Districts Numbers 1 and 2, a new site would need to be approximately ½ acre in size and be located north of the Long Island Expressway (LIE) and west of the Brooklyn-Queens Expressway (BQE). In accordance with DSNY requirements, the relocated facility would likely include a waterproof enclosure (e.g., shed) to cover the salt pile and truck loading operations, an impervious pad or surface on which the salt pile would be located, and curbing to prevent runoff from the site to infiltrate into ground- and surface-waters. Likely criteria that would be applied in identifying and evaluating alternative sites for the relocation of the salt storage facility would include adequate site size, convenient access to the regional roadway network, ground conditions and topography, avoidance of nearby sensitive land uses, avoidance of the 100-year flood plain, nearby water bodies or other ecologically sensitive areas, site ownership, a preference for vacant land, appropriate zoning designation, and cost.

Provided in this chapter is an assessment of the potential impacts of relocating the salt pile. Since the precise site of the relocated facility is currently unknown, a generic qualitative assessment will be provided based on the likely criteria for siting, designing and operating a storage facility for deicing materials. In completing the analysis it is assumed that the facility would be approximately the same size, serve the same area (i.e., Queens Community Districts Numbers 1 and 2), and result in approximately the same number of truck operations as the existing facility. Included are assessments of the potential impact of the relocated facility on each of the impact categories for which assessments of the Proposed Action are provided in this FEIS.

Based on this generic analysis, no significant adverse impacts would result from the relocation of the salt storage facility. In particular, its relocation to an industrial zone and its limited scale of operations would virtually ensure that no sensitive uses would be proximate or affected. Therefore, the relocation of the proposed salt storage facility would result in no significant adverse impacts to land use, zoning, or public policy; socioeconomic conditions; community facilities, open space,



**Figure 22-1:
View of Salt Storage Facility**

historic resources, urban design or neighborhood character. There would be no significant adverse impacts to traffic and parking, transit and pedestrians, air quality, or noise. The salt storage facility would be a use consistent with an industrial zone, and its likely enclosure at the new site would serve to improve the effect salt storage has on natural resources in this DSNY service area and be consistent with waterfront revitalization policy.

B. ASSESSMENT

Provided below is a generic analysis of the impacts resulting from relocating the DSNY deicing salt storage pile currently located in the mapped but unopened segment of 43rd Avenue at the southern boundary of the Project Site. To the extent possible given the unknown location to which the facility would be located, assessments are included of potential construction- and operational-related impacts on land use, zoning and public policy, socioeconomic conditions, neighborhood character, community facilities and services, open space, historic resources, traffic and parking, transit and pedestrians, air quality, noise, infrastructure and energy, natural resources, hazardous materials, urban design and visual quality, waterfront revitalization, and public health. As detailed below, relocating the salt storage facility would not result in any significant adverse environmental impacts, but, conversely, would improve environmental conditions within the designated coastal zone along the East River.

1. Land Use, Zoning & Public Policy

The facility would be classified as part of Use Group 17 (“Yards, for sales, storage, or handling, open or enclosed, unlimited as to lot area...”). In accordance with the New York City Zoning Resolution, uses included in Use Group 17 cannot be sited within residential or commercial districts, but are permitted, as-of-right, in any manufacturing district, provided they meet performance standards established for the district in which they would be located. It is, therefore, assumed that the salt storage facility would be relocated to a manufacturing zone. It is unlikely that siting the facility in a manufacturing zone would significantly affect surrounding land use patterns, since manufacturing zoning districts have defined environmental performance standards and are mapped with the intent to provide for compatible land use. Therefore, the relocation of the salt storage facility would result in no significant adverse impacts to land use, zoning, or public policy.

2. Socioeconomic Conditions

Since a basic siting criterion would be land use and ownership with a preference given to vacant land, it is assumed that no business or residence would be displaced by the siting of the new salt storage facility, and therefore no direct impacts would result to the housing stock or businesses. Since this municipal facility is neither a residential nor commercial use, it would not introduce resident or worker population or compete with existing businesses. Further, it is unlikely that residences would be located near the site, due to zoning restrictions on residential land use. Therefore, a socioeconomic analysis is not warranted, and the relocation of the salt storage facility would result in no significant adverse impacts to socioeconomic conditions.

3. Neighborhood Character

The relocation of the salt pile to a manufacturing zone amid industrial uses would not affect neighborhood character to a significant degree. The salt pile is an industrial use which would be consistent with the industrial area in which it would be located. The limited scale of operations associated with the relocated salt storage facility would preclude significant adverse impacts on

sensitive uses (e.g., residences, public open spaces, and historic resources) in surrounding areas, since a maximum of 12 trucks would access the salt pile when responding to winter storm events. It is also unlikely that sensitive resources would exist in an industrial zone near the site of the relocated salt storage facility. Moreover, the introduction of the facility would not be expected to affect a visual resource in a significant way. Therefore, the relocation of the salt storage facility would result in no significant adverse effects to neighborhood character.

4. Community Facilities and Services

The relocation of the salt pile would not increase demand on community facilities and services. Siting criteria applied during the relocation process would prevent direct displacement of community facilities. It is also unlikely the site would be adjacent to such facilities in a manufacturing zone. Moreover, the operations would not result in conditions that could affect community facilities as sensitive receptors, due to the relatively few trucks and limited activity (a maximum of 12 trucks accessing the salt pile during a winter storm event). Therefore, the relocation of the salt storage facility would not result in significant adverse impacts to community facilities and services.

5. Open Space

The use of public open space for the relocation of the salt pile is not likely to occur, based on siting criteria for the salt pile relocation. Furthermore, it is unlikely that designated parkland or other public open space would be present near the prospective site, if the site were to be located within a manufacturing zone. In addition, the scale and operations of the facility (particularly since it would be actively used only during winter storm events), make it unlikely that it would interfere with any public parklands or open space that may be in the vicinity of the site. Therefore, the relocation of the salt storage facility would not result in significant impacts to open space resources.

6. Historic Resources

During the course of CEQR environmental review, the proposed site for the relocation of the facility would be reviewed by the NYCLPC and/or NYSHPO. The location of the facility and its operations would be assessed to determine whether the new facility could potentially affect any listed or eligible New York City landmark, or State or National Register-listed or eligible resource; likewise, the review would determine whether the site may be sensitive for archaeological resources. If such resources are identified, appropriate mitigation would be required and implemented to avoid significant adverse impacts to historic architectural or archaeological resources.

7. Traffic & Parking

Consistent with current operations, a maximum of 12 DSNY salt-spreading trucks would use the facility during a winter storm event. Replenishment of the salt pile by trucks would occur each fall and, depending on the number and severity of winter storm events, the salt pile also could be replenished once or twice more during the winter season. Parking at the facility would be limited to a few spaces required for operating the facility. As a consequence, the relocated facility would not have a significant adverse impact on traffic operations. Conversely, the facility would serve to provide safe roadway conditions during winter storm events, thereby maintaining reliable year-round roadway operations in Queens Community Districts Numbers 1 and 2 at a level consistent with Future Conditions without the Proposed Action.

8. Transit & Pedestrians

Relocating the salt pile would not displace or have any effect on transit facilities or operations, or pedestrian flows except to improve roadway conditions during winter storms for the safe passage of buses along the roadway network in Queens Community Districts Numbers 1 and 2. Therefore, the relocation of the salt storage facility would not result in significant adverse impacts on transit and pedestrians.

9. Air Quality

The limited number of DSNY salt-spreading trucks that would infrequently use the relocated facility would not result in a significant adverse impact on air quality.

10. Noise

Replenishment of the relocated facility with salt and loading salt onto DSNY salt-spreading trucks would result in infrequent localized short-term increases in noise levels in the vicinity of the facility. These very infrequent operations would not result in a significant adverse noise impact in the community.

11. Infrastructure & Energy

The relocated facility would require an insignificant amount of electricity for its operation and would not result in the generation of any significant quantity of solid waste. If the facility were to remain uncovered, runoff from the facility would be directed to the municipal waste water system resulting in conditions similar to the Future without the Proposed Action. Covering of the salt pile, placing the salt pile on an impermeable base or ground, and providing curbing around the facility would safeguard against chlorides or other contaminants entering into the East River or other receiving water bodies. Therefore, the relocation of the salt storage facility would result in no significant adverse impacts related to water supply, sanitary sewers, or stormwater.

12. Natural Resources

It is assumed that the site selection process would result in the identification of a site without significant natural features. Furthermore, it is anticipated that the relocated salt pile would be stored within a waterproof enclosure, placed on an impervious pad or surface, and provided with appropriate curbing to prevent salt pile erosion, runoff, and infiltration into ground- and surface waters. Relocation of the salt pile from its current location would also eliminate the potential for drainage of chloride-laden runoff from the Project Site into the East River, thereby resulting in a net benefit to water quality and aquatic life. Therefore, there would be no significant adverse impact to natural resources.

13. Hazardous Materials

The relocated facility would not generate any hazardous materials requiring treatment or other forms of management. Contamination of any property under consideration would be addressed during the site selection process. Therefore, the relocation of the salt storage facility would not result in significant impacts related to hazardous materials.

14. Urban Design & Visual Quality

A facility with a storage capacity equivalent to the existing facility (i.e., approximately 10,000 tons of rock salt) would require an approximately ½-acre area. The impact of the relocated facility would depend on the precise site to which it would be relocated. No significant adverse impacts on urban design or visual quality would be anticipated, however, given the relatively small size of the facility, and that it would be located in a manufacturing zone. Unlike the existing facility, it is anticipated that the salt storage pile would be located within a shed or similar structure, and that it would not be situated within a designated visual corridor near the waterfront. Therefore, the relocation of the salt storage facility would not result in significant adverse impacts to urban design and visual quality.

15. Waterfront Revitalization

Since the site to which the salt pile would be located is unknown, it is uncertain whether it would be located within the designated Coastal Zone. However, relocating the facility from its current location would support the goals of the Local Waterfront Revitalization Program by removing a possible source of contamination within the designated coastal zone, thereby protecting and restoring the quality and function of ecological systems, and improving water quality within the New York City coastal area. Siting the facility within the designated Coastal Zone would be consistent with established policies since it would provide necessary services during winter storm events to support and facilitate the operation of commercial, residential, water-dependent, and industrial uses located within the coastal area. Siting would not prohibit the use of New York City's waterways for commercial or recreational boating or interfere with water-dependent transportation centers. Application of a waterproof enclosure, impervious surface or pad, and appropriate curbing would also serve to protect and restore the quality and function of ecological systems and water quality in the New York City coastal area. The relocated facility would also not cause flooding or erosion, nor, as a consequence, result in any loss of life, structures or natural resources, nor would it result in the release of any solid waste or hazardous substance and, as a consequence, environmental degradation. Relocation of the facility would also require review under CEQR, including development of measures to protect significant historic and visual resources. Relocation of the facility from its current waterfront location would also serve to improve public access to and along the Queens coastal waters. As a consequence, it is anticipated that relocation of the facility would be consistent with all established policies of the Local Waterfront Revitalization Program.

CITY PLANNING COMMISSION

May 9, 2007/Calendar No.20

C 070236 PSM

IN THE MATTER OF an application submitted by the Department of Citywide Administrative Services and the Department of Sanitation, pursuant to Section 197-c of the New York City Charter for site selection of property located at 2590 First Avenue (Block 1811, Lots 21 and 209) for use as a salt storage facility, Borough of Manhattan, Community District 11.

The application for site selection was filed by New York City Department of Sanitation (DOS) and the Department of Citywide Administrative Services (DCAS) on December 11, 2006, in order to facilitate the construction of new salt storage facility at 2590 First Avenue, in Manhattan, Community District 11.

RELATED ACTION

In addition to the site selection application, which is the subject of this report, implementation of the proposed project also requires action by the City Planning Commission on the following application which is being considered concurrently with this application:

C 070235 ZMM: Zoning Map Amendment to rezone Cuvillier Park from an R7-2 District to an M1-1 District.

BACKGROUND

The Department of Sanitation and the Department of Citywide Administrative Services request approval of a site selection application and zoning map amendment to facilitate the construction of a new salt storage facility in East Harlem. The new facility would be placed in Cuvillier Park, to replace an existing salt storage facility, located on the west bank of the Harlem River between the Willis Avenue and Triborough bridges.

The Department of Sanitation (DOS) stores road salt on the Harlem River waterfront, between the Triborough and Willis Avenue bridges. The existing salt storage facility, which is unenclosed, comprises a portion of a larger city-owned wharf that extends from East 125th to East 142nd streets.

The Department of Sanitation has operated the existing salt storage facility from its current waterfront location for thirty -years. The stored salt is used for DOS' winter salting operations along the Harlem River Drive and several neighboring streets in upper Manhattan. DOS must relocate this facility because the site will be used by the Department of Transportation as a construction staging area for the reconstruction of the Willis Avenue Bridge.

Site Description

Cuvillier Park is generally bounded by Paladino Avenue and East 125th street, First Avenue and the East River (FDR) Drive. The park, which is not a city-mapped park, comprises two tax lots (Block 1811, Lots 21 and 209) that total 165,749 square feet (approximately 3.8 acres). The Triborough Bridge and Tunnel Authority (TBTA) owns Lot 21, which comprises most of the site; Lot 209 is city-owned and currently assigned to the Department of Parks and Recreation. The city will require a permit from the TBTA to use the property for the new salt storage facility. Portions of the park are also used by the Parks and Police departments for vehicle storage. For many years, the park had been used as a play area. The Triborough Bridge access ramps are located above Cuvillier Park, blocking sunlight and casting shadows on large portions of the park's play area. The park is in poor condition and is now not heavily utilized by area residents. Neighboring uses include the Senator Robert F. Wagner Houses, a 2,162-unit, Housing

Authority-managed complex, bounded by East 120th and East 124th streets, Second and Paladino avenues. The Senator Robert F. Wagner Houses are located one block south of Cuvillier Park, on First Avenue between East 124th and East 125th streets. Triboro Bridge Park, a city playground, is located opposite Cuvillier Park on First Avenue and East 124th Street.

Proposed Salt Storage Facility

The new salt storage facility would be an oval-shaped, one-story structure comprising white tented fabric that would be stretched over an aluminum frame. The structure would be 227 feet long, 98 feet wide and rise to a height of 58 feet. Approximately twenty-two trees would need to be cleared from Cuvillier Park to accommodate the proposed facility. The facility would also have two above-ground calcium chloride storage tanks (for deicing purposes) to be placed on nine-foot diameter concrete pads, and a sand storage bin.

Primary vehicle access would be provided from First Avenue, a major Manhattan truck route, with additional points of access/egress on East 125th Street and Paladino Avenue. The site also has direct access to and from the FDR Drive. The site would continue to provide parking for police vehicles (approximately 65 cars).

Salt spreaders from DOS garages in Manhattan Community Districts 8, 10 and 11 would load salt at the site. During the facility's peak operation period, two DOS employees would be assigned on-site; no DOS vehicles would be stored here.

Zoning Map Amendment

In addition to the requested site selection action, the applicants seek approval of a zoning map amendment to rezone Cuvillier Park from an R7-2 to a M1-1 zoning district. R7-2 districts allow residential development up to 3.44 FAR (4.0 FAR with the Quality Housing option) and community facility uses up to 6.5 FAR. Commercial and manufacturing uses are not allowed. Moreover, enclosed storage uses, such as the proposed salt storage facility, are not permitted.

M1-1 districts allow local retail, commercial and manufacturing uses up to 1.0 FAR. Certain community facility uses, such as houses of worship are permitted up to 4.8 FAR. M1-1 districts also allow enclosed storage uses such as the proposed salt storage facility. The requested rezoning action, from R7-2 to M1-1, would enable the Department of Sanitation to relocate the existing facility from the waterfront and build the new salt storage facility at Cuvillier Park.

ENVIRONMENTAL REVIEW

This application (C 0703236 PSM), in conjunction with the application for the related action (C 070235 ZMM), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 *et seq.* and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 07-DOS-001M. The lead agency is the New York City Department of Sanitation.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on November 13, 2006.

UNIFORM LAND USE REVIEW

This application (C 070236 PSM), in conjunction with the application for the related action (C 070235 ZMM), was certified as complete by the Department of City Planning on December 18, 2006, and was duly referred to Community Board 11 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 11 held a public hearing on this application on March 20, 2007, and on that date, by a vote of 24 to 5 with one abstention, adopted a resolution recommending disapproval of the application with the following conditions:

The Department of Parks and Recreation must provide a detailed plan to replant the trees cut during the construction of the Salt Pile, including specific funding allocations and time table. The Department of Transportation must explain how their plans to replace the Willis Avenue Bridge will impact the area around the site.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation on March 28, 2007 approving the application with the following conditions:

Therefore, the Manhattan Borough President recommends conditional approval of Application No. C 070235 ZMM and C 070236 PSM provided that the Department of Parks and Recreation provide a street tree replanting plan that details the amount of money required to replace the trees, the expected timetable, the placement of trees, and all other necessary implementation details. This plan should be generated with further input from the community, the Borough President's Office, and other local stakeholders. Any money from this project should be used to augment funds and efforts already targeted for implementing the Greening East Harlem Plan.

City Planning Commission Public Hearing

On March 28, 2007 (Calendar No. 6), the City Planning Commission scheduled April 11, 2007, for a public hearing on this application (C 070236 PSM). The hearing was duly held on April 11, 2007 (Calendar No. 28) in conjunction with the application for the related action (C 070235 ZMM). There were two speakers in favor of the application, and none in opposition.

The Director of Land Use for the Manhattan Borough President spoke in favor. He reiterated the Borough President's concern regarding landscaping plans for the site. He further stated that the Borough President requests that the Department of Parks and Recreation and the Department of Sanitation should provide additional funds to advance the existing DPR greening plan for East Harlem, and that they provide specifics on how the money would be spent.

The Department of Sanitation's director of real estate spoke in favor. He stated that the existing salt storage facility in East Harlem is the largest unenclosed salt storage facility in Manhattan, providing storage for approximately 6,000 tons of salt at any given time. He described the new facility, the advantages of citing the facility in Cuvillier Park and the benefits of storing the salt within an enclosed facility. He further mentioned that the relocation of the existing salt storage facility from the waterfront would also facilitate future pedestrian improvements along the waterfront.

There were no other speakers and the hearing was closed.

Waterfront Revitalization Program Consistency Review

This application was reviewed by the Department of City Planning for consistency with the

policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 13, 1999 and by the New York State Department of State on May 28, 2002, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is WRP 06-074.

This action was determined to be consistent with the policies of the New York City Revitalization Program.

CONSIDERATION

The Commission believes that the requested site selection application, with the related zoning map amendment, is appropriate.

The requested actions would facilitate the construction of a new Department of Sanitation salt storage facility in East Harlem. The new facility, would be placed in Cuvillier Park, located on the east side of First Avenue between East 125th Street and Paladino Avenue. Cuvillier Park is not a city-mapped park and is not heavily used by area residents.

The Commission believes that the requested site selection application is appropriate. At present, the Department of Sanitation stores road salt on the Harlem River waterfront, between the Triborough and Willis Avenue bridges. The existing salt storage facility, which is unenclosed, comprises a portion of a larger city-owned wharf that extends from East 125th to East 142nd streets. DOS must relocate this facility because it will be used by the Department of Transportation as a construction staging area for the reconstruction of the Willis Avenue Bridge.

The new facility would be an enclosed facility that has excellent access to the areas that would be served by the salt spreaders.

The Commission believes that the requested zoning map amendment, to rezone Cuvillier Park from R7-2 to M1-1, is appropriate. The existing R7-2 zoning district does not allow the proposed facility and the subject site, beneath the access ramps to the Triborough Bridge is not appropriate for residential use.

The Commission shares the concerns of the Community Board and Borough President with respect to landscaping and greening of the project site. Approximately 22 trees would need to be removed to accommodate the new salt storage facility. The Commission encourages the Sanitation, Parks and Police departments to jointly work toward an appropriate landscaping plan and to keep the Borough President and Community Board apprised of those plans. In addition, the Commission strongly urges the city agencies to locate any proposed fencing along Paladino and 1st Avenues away from the perimeter of the site. This would serve the dual purpose of allowing the proposed green area at the northeast corner of Paladino and 1st avenues to function as a buffer and visual amenity, as well as complementing the Greenplan for East Harlem, one of whose goals is a greener neighborhood for East Harlem residents.

The Commission notes that the new salt storage facility would enable the Department of Sanitation to continue its winter road salting operations in upper Manhattan and therefore believes that the requested site selection and zoning map amendment, are appropriate.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination, and the consideration described in this report, the application (C 070236 PSM) submitted by the New York City Department of Citywide Administrative Services and the Department of Sanitation , pursuant to Section 197-c of the New York City Charter, for site selection of property located at 2590 First Avenue (Block 1811, Lots 21 and 209) for use as a enclosed salt pile facility , Borough of Manhattan, Community District 11, is approved.

The above resolution (C 070236 PSM), duly adopted by the City Planning Commission on May 9, 2007 (Calendar No. 20), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

AMANDA M. BURDEN, AICP, Chair
IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, RA., ALFRED C. CERULLO, III,
BETTY CHEN, RICHARD W. EADDY, LISA A. GOMEZ, NATHAN LEVENTHAL
JOHN MEROLO, KAREN A. PHILLIPS, DOLLY WILLIAMS, Commissioners

Ex. B

State Environmental Quality Review/City Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

CEQR # 07-DOS-001M

November 27, 2006

Pursuant to the New York State Environmental Quality Review Act (SEQRA), Article 8 of the Environmental Conservation Law, the State Environmental Quality Review regulations (Part 617 of Title 6 of the New York Codes, Rules and Regulations), New York City Executive Order No. 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review (CEQR), 43 RCNY §6.01 et seq., and 62 RCNY Chapter 5, the New York City Department of Sanitation (DSNY), as lead agency, has determined that the proposed action described below will not have a significant adverse impact or effect on the environment, and that a Draft Environmental Impact Statement will not be prepared.

Name of Action: Relocation of East Harlem Salt Storage Facility

Borough: Manhattan

Community District(s): 11

Tax Block(s) and Lot(s): Block 1811, Lots 21 and 209

Street Address: 2590 1st Avenue, New York, NY 10035

Action Type: Unlisted

Lead Agency: New York City Department of Sanitation, 125 Worth Street, New York, NY 10013.

Contact Person: Abas O. Braimah, DSNY Bureau of Legal Affairs, Room 708, 125 Worth Street, New York, NY 10013. Tel: (646) 885-4993

Description of Proposed Action:

The New York City Department of Sanitation (DSNY) is proposing to relocate its East Harlem Salt Storage Facility from its Marginal Street waterfront location immediately north of the Triborough Bridge (Block 1813, Lot 9999) to a site approximately 500 feet to the southwest, Block 1811, Lots 21 & 209 (the Site). DSNY would obtain a permit from the Triborough Bridge and Tunnel Authority (TBTA) to construct and operate a fully enclosed salt storage facility to serve the street winter emergency snow removal needs of Manhattan Community Districts 8, 10, and 11. The proposed action also entails a rezoning of the two lots to M1-1. (The vacated waterfront facility location on Marginal Street is slated to be used in part for a reconfigured connector ramp from the FDR Drive to the new Willis Avenue Bridge, with the waterfront portion to be enhanced for public access with a recreational walkway and bikeway to extend Bobby Wagner Walk from East 125th Street to East 127th Street.) The proposed facility Site is bounded by East 125th Street on the north, Paladino Avenue on the south, the FDR Drive on the east, and First Avenue on the west. The two lots total approximately 165,749 square feet (sf) -

129,900 sf for lot 21 and 35,849 sf for lot 209. TBTA owns the major portion of the site (Lot 21) and approves structures on the City's Lot 209. The proposed Site is mostly paved with a mix of uses, including parking for New York City Police Department (NYPD) personnel, open space and Department of Parks and Recreation (DPR) storage areas (there are no active or passive recreation facilities or amenities on site).

The proposed one-story facility would be approximately 18,344 sf in size and approximately 65 feet in height. It would consist of an oval-shaped white tented fabric structure approximately 217 feet long and 98 feet wide on an aluminum frame, with concrete push walls, piling supports, a chain link gate, two above-ground calcium chloride storage tanks on concrete pads (for deicer), and a three-sided open sand bin approximately 88 feet long and 27 feet wide with concrete push walls. The perimeter of the facility would be secured with chain link fencing 8 feet high. The total area of the Site to be used for the salt storage facility is approximately 52,556 sf. The project includes minor regrading and drainage, replacing pavement on the facility portion of the site, and lighting relocation and installation. Salt storage use will be limited to operations for winter storms, approximately 12 events per year, with replenishment as needed.

The remainder of the Site (31,917 sf) would continue to include space for parking 65 NYPD personnel vehicles. In addition, 48,838 sf of the Site would remain available for open space planting and/or landscaping, with TBTA permission. Thus the area for which a TBTA permit is sought totals 147,484 sf (salt storage facility, continuation of NYPD parking, and areas for DPR open space planting and landscaping).

The project will have the benefit of enclosing a currently uncovered salt storage facility. Covered salt is less likely to cake up and harden, making it both easier to load onto salt spreaders and easier to dispense at finer spreader settings requiring less salt. Covered salt storage also avoids loss and potential environmental impacts due to dissolution and stormwater runoff. DSNY has occupied and used the current waterfront property at Marginal Street as an uncovered salt storage facility for over three decades. After DSNY vacates the site and upon completion of this bridge project by the City Department of Transportation (CDOT) in 2013, open space along the Harlem River will be available to connect the waterfront greenbelts along the East and Harlem Rivers for the first time, as per existing community and DPR plans.

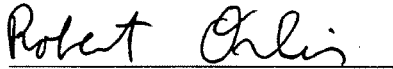
Discretionary approvals required for the East Harlem Salt Storage Facility relocation and construction include Mayoral and TBTA approval of a permit for City uses of site (TBTA permit); City Planning Commission approval of site selection for a capital project, a zoning map amendment, and award of a DSNY construction contract. DSNY will surrender its current waterfront salt storage site to the Department of Citywide Administrative Services (DCAS) for reassignment to the CDOT and DPR for the construction of a ramp to the Willis Avenue Bridge and waterfront open space. Art Commission review of the salt storage facility design is required, and certain ministerial approvals (Department of Buildings permits, general permit for stormwater discharges associated with construction). The construction period is anticipated to be approximately 15 months.

Supporting Statements:

The reasons supporting this negative declaration are set forth in more detail in the Environmental Assessment Statement (EAS) entitled *East Harlem Salt Storage Facility* dated November 2006 which DSNY prepared for this action and is incorporated by reference herein. The EAS supports the following determinations:

- The proposed action would not result in a significant adverse impact to land use, zoning or public policy. The Site is suitably located for the proposed East Harlem Salt Storage Facility. It is sufficiently large to permit all associated loading and unloading activity off-street. The proposed rezoning of the Site from R7-2 to M1-1 is compatible with certain current storage uses under the bridge ramps and the industrial zoning north of East 125th Street. The vacating of the Marginal Street site is consistent with City (CDOT and DPR) plans to make that parcel available for bridge connector ramp construction and open space and recreation uses. Manhattan Community Board 11 has strongly advocated the relocation of the salt facility from its present location and supports the connecting of the waterfront parklands that would be made possible by such relocation.
- The relocation of the East Harlem Salt Storage Facility from Marginal Street to the proposed Site would not have a significant adverse impact on open space resources. The proposed action would eliminate approximately 11,000 sf of paved and little utilized open space on the Site (not a mapped park), while freeing up a greater area of more useful and beneficial open space between East 125th and East 127th Streets along the Harlem River waterfront, eventually allowing pedestrians, bikers and skaters the ability to connect Bobby Wagner Walk and Harlem River Park, as per announced City plans. Site area for open space landscaping is proposed for up to 48,838 sf, by permit with the TBTA.
- DSNY's vacating of the existing salt pile location between the Triborough and Willis Avenue Bridges will open up a significant stretch of the waterfront to the public and remove an impediment to waterfront views, while advancing the City's urban design plans for linking the Harlem River Park and the Bobby Wagner Walk/East River Esplanade. The proposed relocation of the salt storage facility would thus enhance the availability of public view corridors to the Harlem River, and would not have a significant adverse impact upon urban design or visual resources.
- The proposed action would not result in significant adverse impacts to natural resources. The project site is currently mostly paved with asphalt. Construction of the proposed salt storage facility will require the removal of up to twenty-two trees. DSNY will provide for replacement tree planting in the community and vicinity to be done in coordination with DPR.
- The proposed action will not result in any adverse hazardous materials impacts. No hazardous materials will be stored on site. Use of the site would not entail significant public exposure to soils or hazardous materials. A limited subsurface investigation was performed. Minor excavation will be required for pile construction, installation of drainage and electrical lines, and replacement of pavement. Lightly contaminated subsurface soils required to be excavated will be disposed of in accordance with applicable regulations, with appropriate worker protections taken.
- The proposed salt storage facility will be located within New York City's designated coastal zone. The project was assessed for consistency with the City's Waterfront Revitalization Program and was found to be consistent. The proposed project would not significantly impact: (1) residential and commercial redevelopment; (2) water-dependent and industrial uses; (3) commercial and recreational boating; (4) coastal ecological systems; (5) water quality; (6) flooding and erosion; (7) solid waste and hazardous substances; (8) public access; (9) scenic resources; and (10) historical and cultural resources.

- The proposed project will have no significant adverse impacts on area parking or traffic. The facility would only operate during winter snow storm emergencies, and is intended to facilitate the safe use of area roadways by supplying DSNY salt spreaders to melt snow and ice. A maximum of ten to twelve DSNY salt spreaders per hour would use the facility during a winter storm event. The proposed reduction in onsite parking for NYPD personnel vehicles from 88 to 65 spaces would have no significant adverse impact on area parking.
- Potential impacts related to community facilities, socioeconomic conditions, infrastructure, neighborhood character, shadows, solid waste and sanitation, energy, transit and pedestrians, historic resources, air quality, noise, public health, and construction were also considered, and no significant adverse impact concerning any of these categories is reasonably foreseeable.



Robert Orlin
Deputy Commissioner
New York City Department of Sanitation

Date: November 27, 2006

Ex.C

**Memorandum of Understanding between
New York City Department of Sanitation and
New York City Department of Housing Preservation and Development
Re: Use of 208 East 127th Street for Temporary Salt Storage**

This Memorandum of Understanding ("MOU"), dated as of October 15, 2008, by and between the New York City Department of Sanitation ("DSNY") and the New York City Department of Housing Preservation and Development ("HPD") records the following understanding of the parties:

WHEREAS, DSNY requires a temporary site to store rock salt for use during winter emergencies over the 2008-2009 winter season pending the completion of its salt shed at East 125th Street in Manhattan; and

WHEREAS, DSNY has identified a nearby, unoccupied HPD site known as 208 East 127th Street, Manhattan, Block 1791, Lot 1 ("the Site") as suitable for the temporary storage of rock salt, with certain improvements referenced below; and

WHEREAS, HPD expects to convey the Site to a developer ("Site Developer") sometime after May 1, 2009 for a project to be administered by the New York City Economic Development Corporation;

WHEREAS, HPD is willing to make the Site available for DSNY's proposed temporary salt storage use subject to the terms and understandings set forth herein.

NOW, THEREFORE, the parties hereto have reached the following understanding:

Responsibilities of the Parties

1. HPD will allow DSNY to use the Site for temporary salt storage and grant DSNY full access at the earliest opportunity and no later than October 20, 2008, so that salt may be stored before the onset of winter weather.
2. DSNY will pave and fence the Site and use tarps or other suitable cover over the salt when not in use.
3. If HPD enters into a License Agreement with the Site Developer to provide access for the purpose of conducting site borings or for any other purpose, DSNY will allow the Site Developer access to the Site, with at least 48 hours prior notice, provided that such access is not immediately preceding or during a winter weather emergency. DSNY will move salt on the Site if necessary to accommodate the Site Developer.
4. DSNY will vacate the site by April 30, 2009.

Effect of MOU

This MOU is intended to set forth the understanding of the parties concerning the subject matter stated herein and is not intended to be a legally binding instrument or to create any legally enforceable rights or obligations.

Termination

This MOU shall terminate on April 30, 2009.

Amendment

This MOU cannot be modified or amended except by a written instrument signed by both parties hereto.

Notices

All notices or correspondence in connection with this MOU shall be addressed and sent by regular mail, as follows:

TO DSNY: New York City Department of Sanitation
125 Worth Street, Room 710
New York, New York 10007
Attn: Deputy Commissioner for Legal Affairs

TO HPD: New York City Department of Housing Preservation and
Development
100 Gold Street
New York, New York 10038
Attn: ~~Deputy Commissioner/General Counsel~~
Assistant Commissioner / Planning

IN WITNESS WHEREOF, the parties hereto have caused this MOU to be executed in their names and on their behalf by their duly authorized officers or commissioners, all as of the date first above written.

NEW YORK CITY DEPARTMENT
OF SANITATION

By: *Robert Orlin*
Name: Robert Orlin
Title: Deputy Commissioner, Legal Affairs

NEW YORK CITY DEPARTMENT OF
HOUSING PRESERVATION AND
DEVELOPMENT

By: *[Signature]*
Name: ~~Matthew Shann~~ *Shampa Chanda*
Title: ~~Deputy Commissioner/General Counsel~~
Assistant Planning