

**Bronx Community Board No.8, Environment and Sanitation Committee Meeting of January 3, 2023**

**MINUTES**

**ATTENDING** (all on zoom, unless specified as 'in person' at the CB8 office, 5684 Riverdale Avenue):

E&S Committee members: Camelia Tepelus (Chair, in person), Robert Fanuzzi (Vice-Chair, in person) Rashida Hilliard, Debra Travis; Robert Spalter (community member, in person) and Karen Argenti (community member).

CB8 members: Laura Spalter (CB8 Chair); Scott Krompinger.

DEP speakers: Effie Ardizzone, Alex Santos, Robert Vargo, Will Melendez; John Milgrim (in person);

Elected officials: Jesse Lerer (Assemblyman Dinowitz's office); Jenna Klaus (Councilman Dinowitz's office).

Other participants: Jodie Colon, Jillian Baez, Gary Axelbank, Joe Pilla, Stacy Fich, Ann Rauch, phone number ending \*734.

**MINUTES**

Camelia Tepelus: conducted roll call – quorum confirmed. Presented briefly rules of the meeting and reviewed agenda, inviting DEP to present.

Effie Ardizzone (DEP) introduced all attending DEP representatives; Robert Vargas (engineer for the project) made the presentation of JRAQ-REH on behalf of DEP (included as Attachment 1): \$37.594 Million project, started 2021, completion expected 2026.

Robert Fanuzzi: shared perspective from his 12 years experience monitoring this project. Inquired if DEP intends to keep the north basin empty. DEP answered negatively, mentioning that after the east wall reconstruction, DEP will be switching over to the south basin and perform work there, filling again the north basin. DEP added that policies have changed since 2019, and it is foreseen that both basins will have water, at different levels depending on the operational needs. Written confirmation requested.

Laura Spalter (CB8 Chair) – referred to a letter from 2019 from the DEP Commissioner of Public Affairs Michael Deloach stating that a new internal policy was decided maintaining a minimum of 8 ft water depth in the north basin year-round.

Robert Spalter – inquired about the under-water tunnel referred to in the presentation. DEP indicated the reference concerns a project 60 miles north which is a bypass currently under construction to support the Delaware Aqueduct operation (50% of NYC water usage).

Debra Travis – inquired: 1) about the connector pipe from JPR to the Tibbets Brook project; DEP answered that no impact is to be expected; a diversion chamber will be constructed, but should not impact work at the reservoir. 2) regarding the Delaware Aqueduct work timeline; DEP answered the shutdown is expected for October. 3) regarding back-up power options in cases of power failure, and possible effects for filtration plants; DEP to follow up with additional information.

Karen Argenti – inquired: 1) regarding the work conducted in the North basin, regarding the water depth and what will be visible to the public; DEP – noted the work will reach 14 ft, meaning it will be visible from the outside; DEP will likely have to cover the upper portion visually exposed to the outside and to the elements. 2) if the cracks on the ground will be repaired; DEP confirmed the cracked slabs will be cleaned and fixed. 3) regarding the north basin existing ramp status; DEP informed that–additional support was added to handle heavy truck traffic; 4) regarding the DEP police department facility status (gate 5 booth); DEP – noted that the existing booth was demolished, and a new one is in the process of being installed. DEP was asked to notify CB8 if the street needs to be closed for the installation and any other significant work that would require road closures. DEP will follow up with CB8 and provide more info in a quarterly newsletter.

Jesse Lerer (Assemblyman Dinowitz's office): inquired when would public access to the area be possible. DEP was not able to provide an answer to the question; at this time the construction is expected to last until 2026; both basins will have water after 2026, but no information currently available on public access.

Gary Axelbank – observed that the community around the reservoir includes over 350,000 residents, and the reservoir is important for recreation and access to green space; indicated disappointment with the lack of agency answer to the question of public access for the community; advocated for the necessity of plans and further dialogue to this effect. Noted that the reservoir already has a flat road for its own vehicles, and it would be desired for the residents to be able to walk around the perimeter of the reservoir. By comparison, the Central Park Reservoir and the Mario Cuomo Bridge are accessible for the public to cross, walk around and enjoy. This feature would also contribute to the DEP agenda to educate people on the NYC water system. The security issues were acknowledged, along with the concerns regarding visibility of some technical features. Concluded that the community is very motivated to advocate for public access to the area, and will continue reaching out to elected representatives for support.

John Milgrim (DEP): offered that at the moment the DEP is focusing on the construction project, but the views of the community will be conveyed to the DEP management.

Debra Travis – noted the importance of the matter also in the context of the FY25 budget priorities for the E&S committee, to be followed up.

Jodie Colon – noted that this is the closest many people in the neighborhood will get close to the water; argued that the construction phase is when this public access matter needs to be addressed by DEP.

Karen Argenti – suggested that CB8 ask DEP for a Master Plan for the Jerome Park Reservoir, as DEP is planning for very long term projects (50 years at a time).

Robert Fanuzzi – supported the previously stated request, and invited community members to continue conveying to the CB8 office any other concerns regarding the Jerome Reservoir.

Camelia Tepelus – thanked all DEP speakers for their contribution and presence, and moved to address the agenda item of the NYNJHATS project. Asked committee members for confirming process towards a resolution (instead of correspondence) – members expressed unanimous agreement. Invited Karen Argenti to present to the E&S committee the work of Water Working Group.

Karen Argenti – presented the process and main points of the Water Working Group (Attachment 2).

Entire E&S Committee members and CB8 Chair Spalter: reviewed and edited collaboratively the draft resolution presented to the committee for referral to full Board – unanimously approved by the E&S Committee (Attachment 3).

Jodie Colon – underlined the importance of highlighting the special vulnerability of Spuyten Duyvil and adjacent Metro North tracks.

Entire E&S committee: reviewed the submission presented by the Chair, edited collaboratively the text and finalized the document – unanimously approved by the E&S committee (Attachment 4).

Robert Fanuzzi – asked for the original Water Working Committee submission to be added to the meeting minutes (Attachment 2). The submission to be voted up by the full Board at the January meeting will now be the product of the E&S Committee deliberations of January 3, 2023 (Attachments 3 and 4).

Chair Tepelus thanked all for the substantive work completed, and closed the meeting at 9:01 PM.

Respectfully submitted by E&S Chair, Camelia Tepelus. Attached: 1) DEP Power Point presentation link; 2) Water Working Committee submission to E&S; 3) Resolution adopted by E&S; 3) Submission to CB8 adopted by E&S.

Attachment 2: Water Working Committee submission to E&S Committee

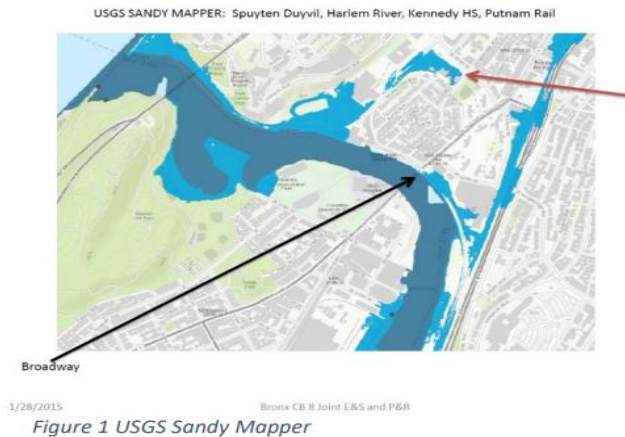
Bronx Community Board 8 comments on the NYNJHATS Tier 1 Feasibility Study

## Introduction

This is in response to the United States Army Corps of Engineers (ACE) New York New Jersey Harbor and Tributaries Study Tier 1 Feasibility Study (HATS) and its effects on the people of Bronx Community Board 8, Bronx County, NY.

The Tentatively Selected Plan (TSP) chosen, or “Alternative 3B, is a Multi-basin Storm Surge Barriers with Shore-Based Measures.” The TSP includes a combination of coastal storm risk management (CSRM) measures that function as a system to manage the risk of coastal storm damage in the New York Metropolitan Area, including a combination of shore-based and in-water measures. These measures, located within the Hackensack/Passaic, Upper Bay/Arthur Kill, Lower Hudson/East River, Long Island Sound and Jamaica Bay Planning Regions, neglect important low-lying area of the Bronx – a major part of which is home to many low-income disadvantaged persons. Despite the assertion that the TSP measures include complementary “Induced Flooding-Mitigation Features and Risk Reduction Features as well as nonstructural measures and natural and nature-based features”; it is not sufficient. Moreover, the study failure to take a watershed approach to the feasibility study, it misses the important unintended implications, that is additional pressure to and from the north.

*This report was a collaboration of the Water Working Group of the Environment and Sanitation Committee of Bronx Community Board 8 (CB8).*



## 2. CB 8 during Superstorm Sandy

During the 2012 Super Storm Sandy event along the Harlem River, the surge extended north to 238th Street on the land — specifically along the old Putnam Railroad bed; and, into a spot along the picnic area at the lower edge of the Van Cortlandt Park — near the lower wetlands. One could imagine that there was a reason that the surge did not turn left to the Hudson. We look to the Spuyten Duyvil Metro North station was under water, indicating the surge from the lower Hudson, which is many times deeper than the Harlem River, was stronger. Most likely, both rivers and the wind contributed to what happened. Thankfully the surge did not come at high tide! We cannot count on the low tide from the next storm surge.

## 3. CB8 Existing Conditions Today

In 2012, there was more parkland and undeveloped space south of us along the Bronx side of the Harlem River than there is now. The entire South Bronx waterfront from Lincoln Avenue to 152<sup>nd</sup>



## Bronx Community Board 8 comments on the NYNJHATS Tier 1 Feasibility Study

Street is completely developed; under Sandy it was under 8 inches of water. In CB8, there has also been a large increase of housing development adjacent to the area of the 2012 surge. The increase development with little or no additional infrastructure, may explain the severe flooding during 2021 Ida Remnant — cars were under water on the Major Deegan.

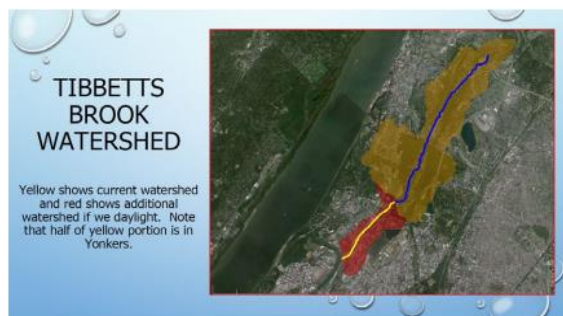


Figure 3 Friends of Van Cortlandt Park power point

### 4. Tibbetts Brook Watershed Project 2025 – Largest GI project in NYC

The Daylighting of Tibbetts Brook will be completed by the time of Tier 2. As mentioned above, we need this project to take care of the flooding that already exists along long both the west side of the Broadway Corridor and east toward the Major Deegan. One hundred years ago the area was all wetlands. As the city grew, those wetlands were filled in. Even then, the water was so high, they piped the excess water from the Van Cortlandt Park Lake into the sewer system. Since that time, there has been four major highways crossing the park including the Saw Mill River Parkway extending from Yonkers, NY.



Figure 2 NYS DEC Environmental Resource Mapper

Development did not only come from the south. The built-up areas of the Tibbetts Brook watershed in Westchester County added to the extremely high-water table within Van Cortlandt Park. From work of the NY City Department of Environmental Protection, that 65% of the water entering Van Cortlandt Park wetlands comes from Yonkers.

### 5. Combined Sewer Overflows (CSO)

We are concerned the changes you propose will direct more water north, directly at us, and increase pressure against the outbound water from CSO outfall, WI-056. This is the largest discharge in the city (and is half the discharge of the other 72+ Harlem River outfalls). Each day, there are new pipes discharging into the Harlem River with the new buildings going up. It seems like a modicum of softening of the shore through additional plant matter and recreating the wetland natural edge would be very useful.



## 6. Engineering with Nature / Nature Based Natural Features / Green Infrastructure (GI)

We heard you say that these problems are not manageable by Green Infrastructure. That depends on what you are imagining. One tree cannot help, but a forest can. We are not talking about a simple bioswale or bioretention garden. Just like you expand the power of a tree to a forest, you can build a continuous linear rain garden living shoreline.

Furthermore, we have lost shoreline over the years, and it would be great to make up at least some of that. It's also worth noting that the best way to get a walking/bike connection between the Harlem River Greenway and the Hudson River Greenway would be a walkway extension over the water with green infrastructure and plant matter underneath. We considered something similar to this tide deck in Manhattan: <https://hudsonriverpark.org/locations/pier-26/>

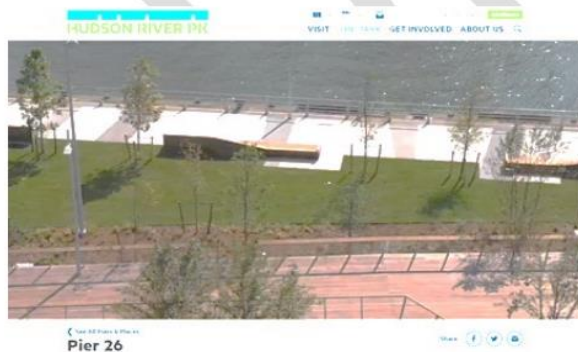


Figure 4 Tide Deck in Hudson River Park

## 7. How the water flows in CB8

The 56 acres of freshwater wetlands in Van Cortlandt Lake/Pond, wetlands and buffers are protected by NYS Department of Environmental Conservation. The Army Corp of Engineers is required under section 404 of the Clean Water Act to protect wetlands and our waterways. The mitigations proposed will have a direct impact on Van Cortlandt Lake once the daylighting project is completed due to blocking outfalls and increasing storm surge by directing more water north.

## RECOMMENDATIONS

We suggest a study of the impact of the additional volume on the northern bank of the Harlem River to mitigate against stormwater backups in the Northwest Bronx. This study should compare the impacts and costs of softening the impacts of the hard edge with a natural shoreline along our most southern waterfront along the Metro North. The study should also review the hydraulic pressure of a surge in the Hudson River to ascertain if it forces more water through the Spuyten Duyvil "Creek" and over to the Harlem River.

In addition, along the Hudson are outfall pipes at the western edge of CB8. By the time we get to Tier 2, there will be more large construction including building Continuing Care Residential Centers close to the shoreline although upland and inland. And, during Sandy the Westchester County Sewer

## Bronx Community Board 8 comments on the NYNJHATS Tier 1 Feasibility Study

Treatment Plant in Yonkers discharged contents into the Hudson.

The potential confluence of the increased volume and pressure to the northeast may result in greater flooding than would ever occur absent these forces. The concern is that every action has an equal and opposite reaction, and we do not want that to be pointed at us.

Finally, we urge you to review your plan and take the Watershed Approach to designing a risk management plan for NYC. We also urge you to seriously reconsider a hard look at using Engineering with Nature rather than concrete with increases greenhouse gases.

12/3/22, 7:33 PM

NYCityMap • DoITT • City-Wide GIS

Bronx Community Board 8



**Attachment 3: E&S finalized resolution for submission to CB8 Executive Committee on January 4, 2023 and to CB8 full Board for vote on January 10, 2023**

**BRONX COMMUNITY BOARD NO. 8 RESOLUTION**

Environment and Sanitation Committee for Submission to the US Army Corps of Engineers (USACE)  
New York New Jersey Harbor and Tributaries Study Tier 1 Feasibility Study (NYNJHATS)

**WHEREAS**, the CB8 Environment and Sanitation Committee (E&S) reviewed the United States Army Corps of Engineers (USACE) New York New Jersey Harbor and Tributaries Study Tier 1 Feasibility Study (NYNJHATS) available at <https://www.nan.usace.army.mil/Missions/Civil-Works/Projects-in-New-York/New-York-New-Jersey-Harbor-Tributaries-Focus-Area-Feasibility-Study/>, and its impacts on the Bronx Community Board 8 district;

**WHEREAS**, the CB8 E&S Committee “Water Working Group” submitted a report on the feasibility study to the E&S committee on January 3, 2023 for consideration by the committee;

**WHEREAS**, the main concerns of the CB8 E&S Committee relate to the possibility of the proposed changes in the Manhattan harbor area to direct more water north, impacting Bronx CB8 district, potentially increasing pressure against the outbound water from combined sewer overflow (CSO) outfalls and simultaneously exacerbating existing storm surge flooding patterns and conditions;

**WHEREAS**, the main recommendation from the Bronx CB8 E&S Committee is for USACE to study the impact of the additional water volume on the northern bank of the Harlem River, and to mitigate against stormwater backups in the Northwest Bronx;

**THEREFORE BE IT RESOLVED**, that Bronx CB8 approves the attached “*Bronx Community Board 8 Comments on the NYNJHATS Tier 1 Feasibility Study*”, as its comment on the study.

Unanimously approved by the E&S Committee on January 3, 2023.



**Attachment 4 – Attachment to the resolution for submission by the CB8 to USACE, as approved by E&S on January 3, 2023, pending Board vote on January 10, 2023: “Bronx Community Board 8 Comments on the NYNYHATS Tier 1 Feasibility Study”.**

## **Bronx Community Board 8 Comments on the NYNJHATS Tier 1 Feasibility Study, for Submission to the NYNHATS Project of the USACE**

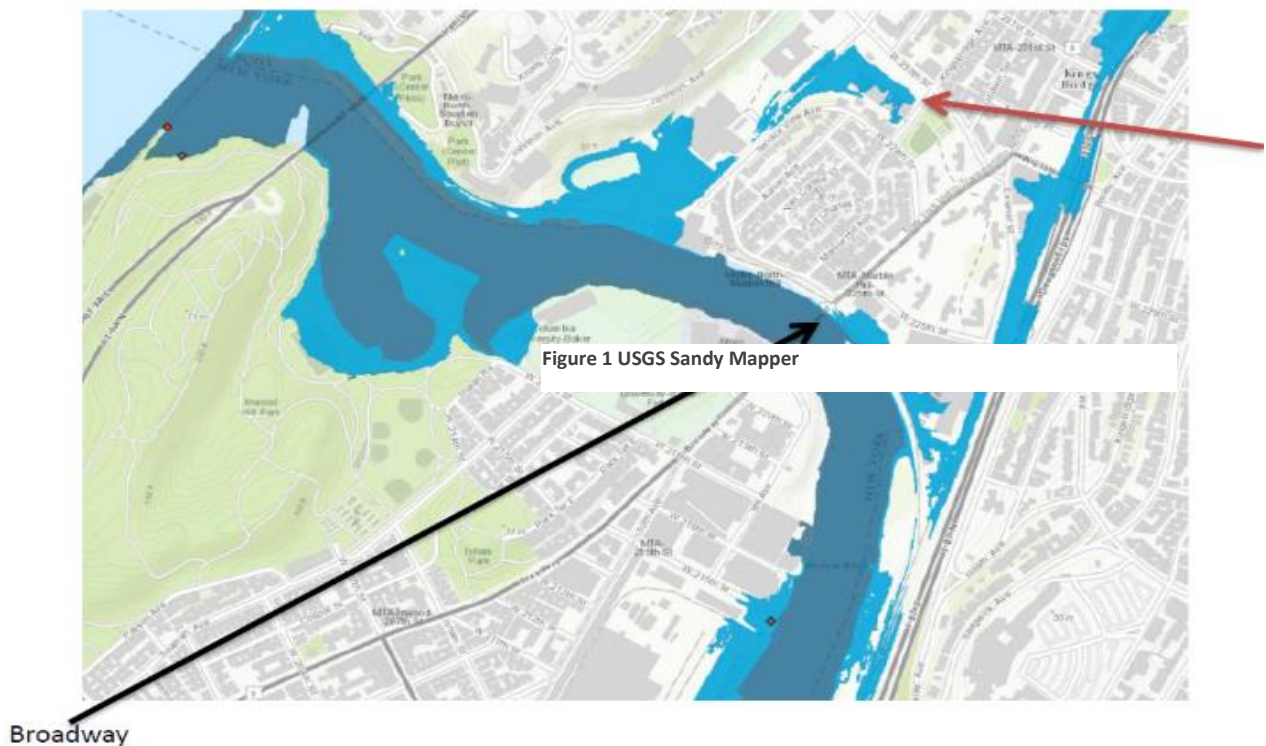
This report was drafted by the Water Working Group of the Environment and Sanitation Committee of Bronx Community Board 8 (CB8), and approved by the CB8 Environment and Sanitation Committee on January 3, 2023, to be provided as input to the NYNJHATS project of the US Army Corps of Engineers (ACE).

### **Summary**

This submission is in response to the United States Army Corps of Engineers (ACE) New York New Jersey Harbor and Tributaries Study Tier 1 Feasibility Study (HATS), and its impacts on the community within the Bronx Community Board 8 district, Bronx County, NY.

The Tentatively Selected Plan (TSP) chosen, or “Alternative 3B, is a Multi-basin Storm Surge Barriers with Shore-Based Measures.” The TSP includes a combination of coastal storm risk management (CSRM) measures that function as a system to manage the risk of coastal storm damage in the New York Metropolitan Area, including a combination of shore-based and in-water measures.

**USGS SANDY MAPPER: Spuyten Duyvil, Harlem River, Kennedy HS, Putnam Rail**



1/28/2015

Bronx CB 8 Joint E&S and P&R



These measures, located within the Hackensack/Passaic, Upper Bay/Arthur Kill, Lower Hudson/East River, Long Island Sound and Jamaica Bay Planning Regions, **appear to potentially neglect important low-lying areas of the Bronx** – a major part of which is home to many low-income and historically disadvantaged communities.

**Despite the assertion that the TSP measures include complementary “Induced Flooding-Mitigation Features and Risk Reduction Features as well as nonstructural measures and natural and nature-based features”, the Bronx CB8 finds these to likely be insufficient.**

**Moreover, the proposal does not sufficiently adopt a watershed approach to the feasibility study, missing important unintended impacts, such as additional pressure and water volume management to and from the north.**

### **1. Bronx CB 8 during Superstorm Sandy**

During the 2012 Super Storm Sandy event, the surge along the Harlem River extended north to 238th Street on the land — specifically along the old Putnam Railroad bed, and into a spot along the picnic area at the lower edge of the Van Cortlandt Park — near the lower wetlands. One could imagine that there was a reason that the surge did not turn left to the Hudson. The Spuyten Duyvil Metro North station was under water. The storm surge from the lower Hudson River was stronger than the surge from the Harlem River.

### **2. Bronx CB8 Current Conditions**

The 56 acres of freshwater wetlands in Van Cortlandt Lake/Pond, wetlands and buffers are protected by NYS Department of Environmental Conservation. The Army Corps of Engineers is required under section 404 of the Clean Water Act to protect wetlands and our waterways.

In 2012, there was more parkland and undeveloped permeable space south of CB8 along the Bronx side of the Harlem River, which has subsequently been developed and is now primarily impervious. The entire South Bronx waterfront from Lincoln Avenue to 152<sup>nd</sup> Street is currently completely developed. During Super Storm Sandy, this area was under 8 inches of water.

In CB8, there has also been a large increase of housing development adjacent to the area of the 2012 surge. The increased development with little or no additional infrastructure, may explain the severe flooding during 2021 Ida Remnant — with tens of cars blocked under water on the Major Deegan Highway.

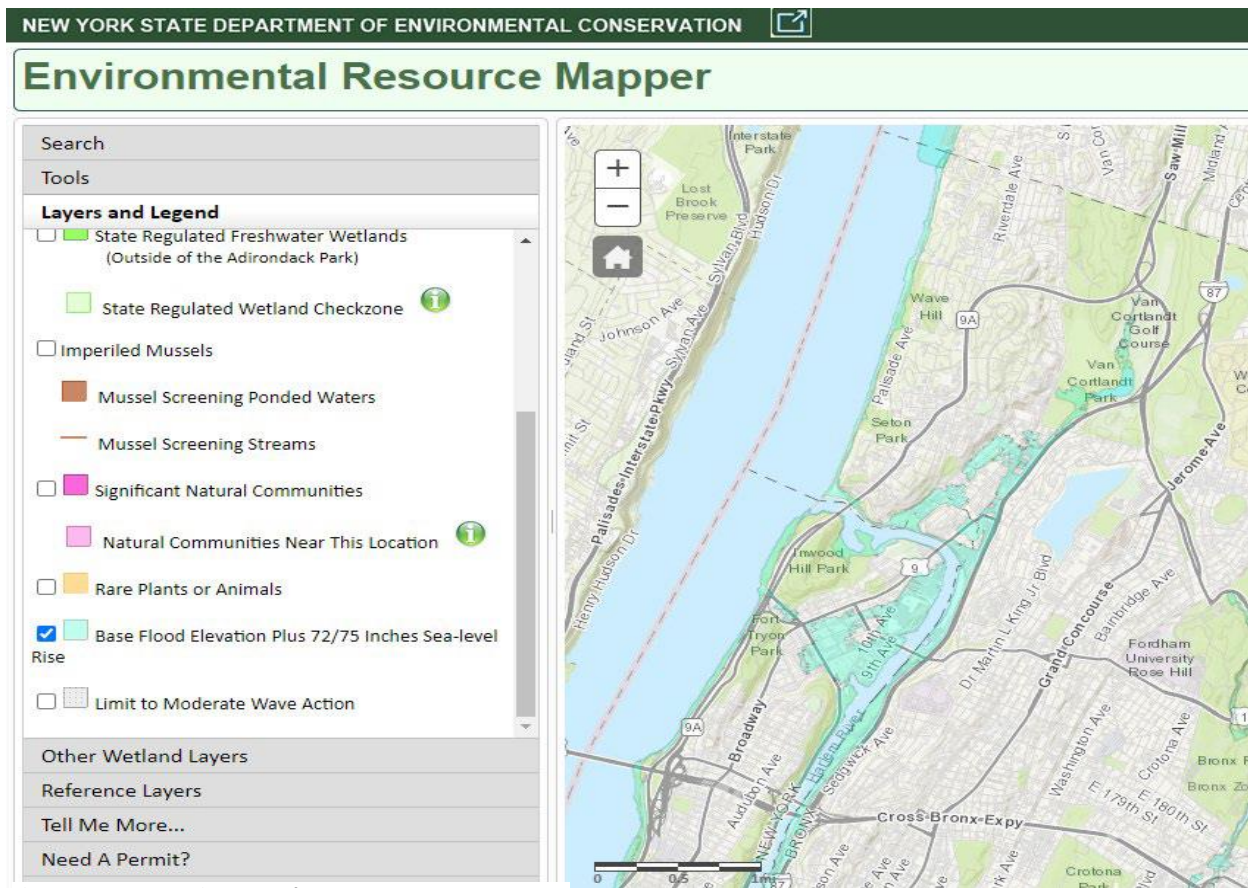


Figure 2 NYS DEC Environmental Resource Mapper

### 3. Tibbetts Brook Watershed Project, Largest Green Infrastructure Project in NYC

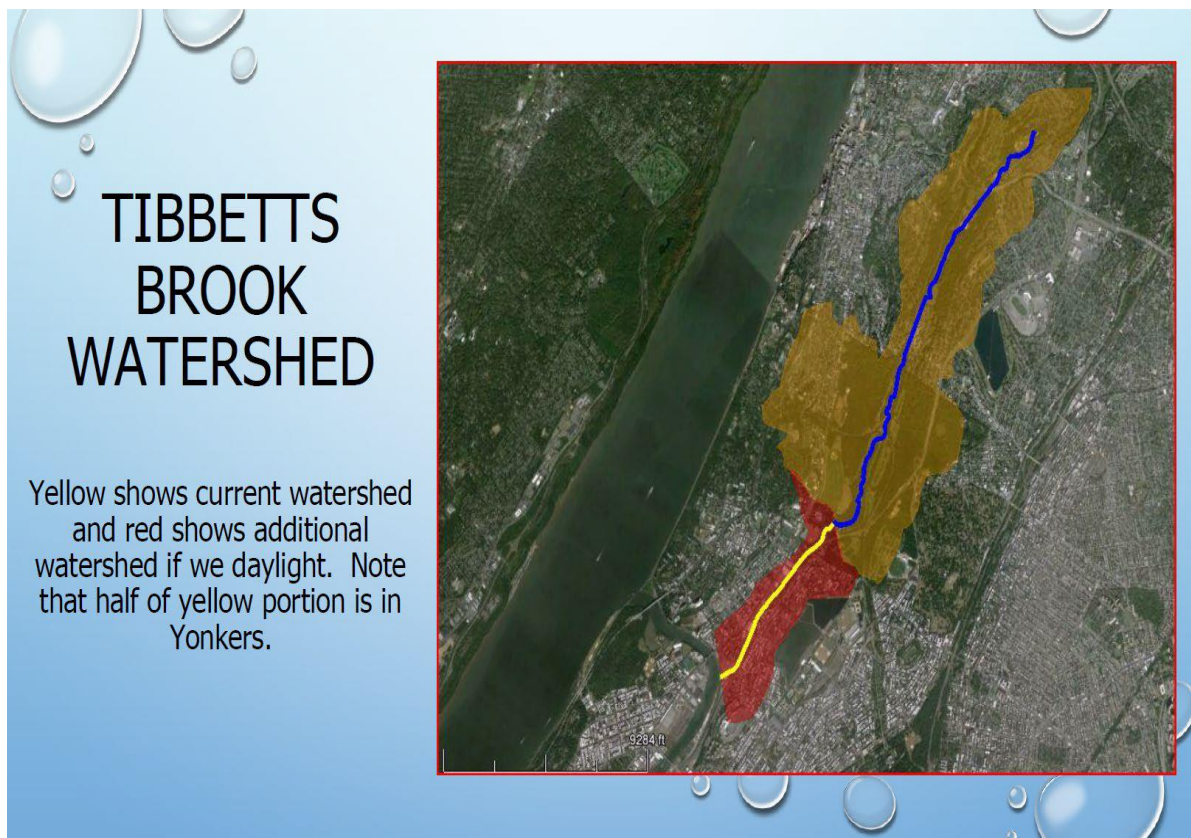
The Daylighting of Tibbetts Brook is a NYC DEP-led project aiming to daylight Tibbetts Brook currently diverted into the NYC sewer system. The project is anticipated to be completed in 2025, at a time when the Tier 2 of the NYNJHATS study may also be available. The main need for the Tibbetts Brook Daylighting is to partially alleviate chronic flooding that already exists along both the west side of the Broadway commercial corridor, and on the east side toward the Major Deegan Highway.

One hundred years ago the area was all wetlands. As the City grew, those wetlands were filled in. Even then, the water was so high, that excess water had to be drained from the Van Cortlandt Park Lake into the sewer system. Since that time, four major highways were developed to cross the park, including the Saw Mill River Parkway, Major Deegan Expressway, Moshulu Parkway, Henry Hudson Parkway. All of them are vulnerable to dangerous flooding.

Development did not only come from the south. The built-up areas of the Tibbetts Brook watershed in Westchester County added to the extremely high-water table within Van Cortlandt Park. From work of the NY City Department of Environmental Protection, 65% of the water entering Van Cortlandt Park wetlands comes from Yonkers.

We are concerned that the mitigations discussed in the current version of the study will have a direct impact on Van Cortlandt Lake (a DEC protected fresh water wetland) once the daylighting project is completed due to blocking outfalls and increasing storm surge by directing more water north.

Figure 3 Friends of Van Cortlandt Park power point



#### 4. Bronx CB8 Combined Sewer Overflows (CSO) Concerns

**We are concerned the changes you propose will direct more water north, directly at the area of Bronx CB8 district, and increase pressure against the outbound water from CSO outfall, WI-056.**

This is the largest discharge in the city (and is half the discharge of the other 72+ Harlem River outfalls). Each day, there are new pipes connected to discharge into the Harlem River with the new buildings going up. It seems like a modicum of softening of the shore through additional plant matter and recreating the wetland natural edge would be highly impactful, creating a natural absorption and drainage buffer to the water line.

#### 5. Engineering with Nature / Nature Based Natural Features / Green Infrastructure (GI)

We acknowledge that the risk of flooding is not manageable by Green Infrastructure alone. We understand that one tree alone cannot help, but a forest might. We are not talking about a simple bioswale or bioretention garden. Just like the power of a tree can be expanded to a forest, a continuous linear rain garden living shoreline can be envisioned and built.

Furthermore, the Bronx lost shoreline over the years. It's also worth noting that the best way to get a walking/bike connection between the Harlem River Greenway and the Hudson River Greenway would be a walkway extension over the water with green infrastructure and plant matter underneath.



A project similar to this tide deck in Manhattan could be considered:

<https://hudsonriverpark.org/locations/pier-26/>

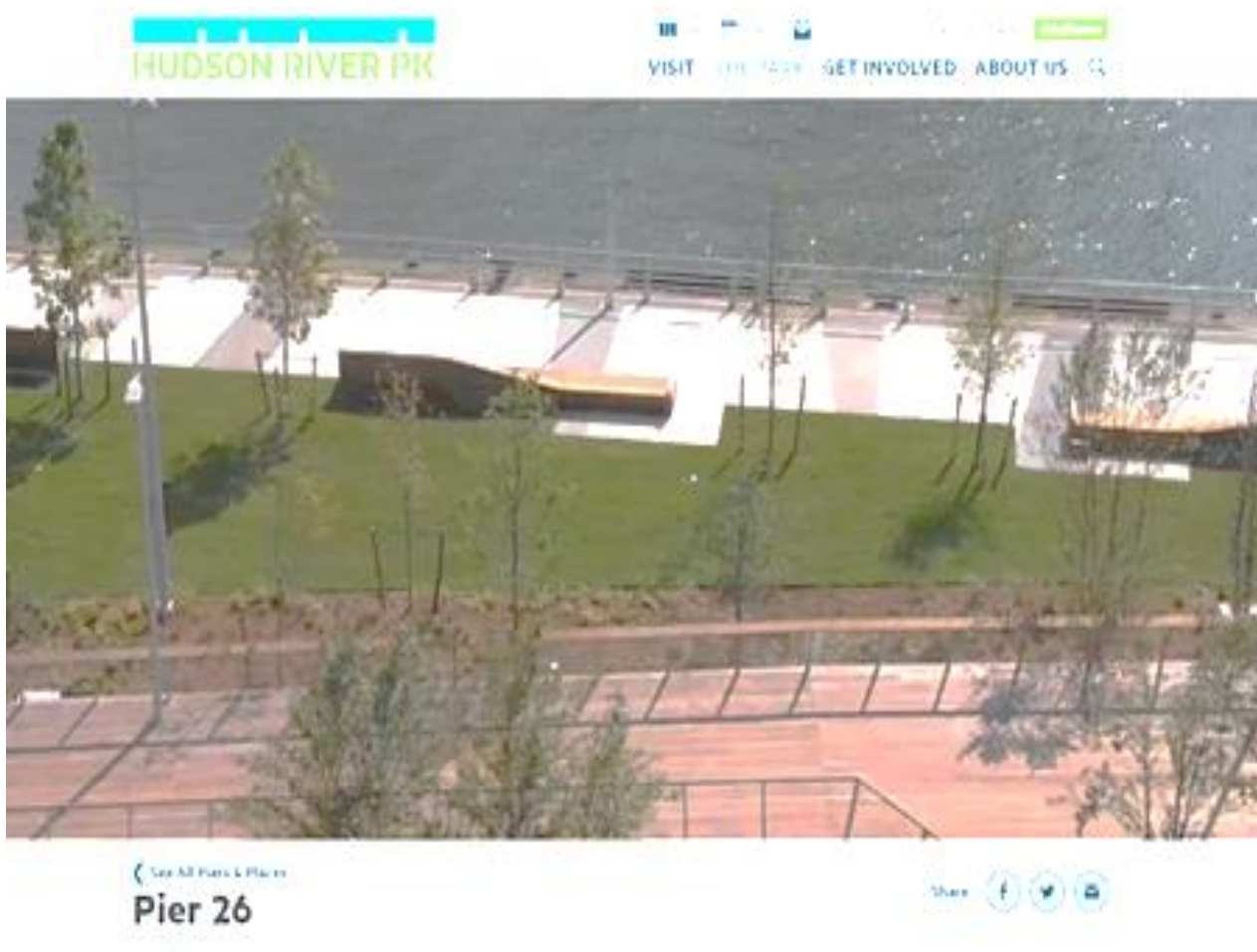


Figure 4 Tide Deck in Hudson River Park

## RECOMMENDATIONS

**The main recommendation of the Bronx CB8 is for US ACE to consider undertaking a study of the impact of the additional water volume on communities north of the project zone and to mitigate against storm surge backups in the Northwest Bronx.**

This study should compare the impacts and costs of softening the impacts of the hard edge with a natural shoreline along our most southern waterfront along the Metro North. The study should also review the hydraulic pressure of a surge in the Hudson River to ascertain if it forces more water through the Spuyten Duyvil "Creek" and over to the Harlem River.

In addition, along the Hudson are CSO outfall pipes at the western edge of CB8. We anticipate that by the time the Tier 2 study would take place, there will be additional large construction including building Continuing Care Residential Centers close to the Hudson River shoreline both upland and inland. It is also worth noting that, during Hurricane Sandy the Westchester County Sewer Treatment Plant in Yonkers discharged contents into the Hudson.

The potential confluence of the increased volume and pressure to the northeast may result in greater flooding than would ever occur, absent these forces. The concern here is that every action has an equal and opposite reaction, and communities such as the Bronx CB8 neighborhoods abutting both Hudson and Harlem Rivers will be impacted negatively.

Finally, we urge USACE to consider further reviewing the existing plan and incorporate an approach that is more watershed-based, to complement existing risk management plans for NYC. We also ask USACE to consider shoreline configurations that use 'engineering with nature' techniques rather than an excessive reliance on concrete barriers, impacting greenhouse gases.

We appreciate US ACE consideration to this submission of the Bronx CB8 Environment and Sanitation Committee.

CB8 Environment and Sanitation Committee is profoundly grateful and thanks to our "Water Working Group" (Karen Argenti - Lead, Dr. Robert Fanuzzi, Debra Travis, Robert Spalter) for the research on this topic.

Bronx Community Board 8

## DOT Truck Route

- Limited Local
- Local
- Through

## Best Usage Classification

- Bathing, Boating, Fishing, Shellfishing (SA)
- Bathing, Boating, Fishing (SB)
- Limited Bathing, Boating, Fishing (SC)
- Boating, Fishing (I)
- Fishing Only (SD)

## Community District