

**MINUTES OF THE DECEMBER 2019 MEETING OF THE ENVIRONMENT AND SANITATION COMMITTEE OF BRONX
COMMUNITY BOARD 8**

(PENDING COMMITTEE APPROVAL)

December 16, 2019

Vladek Hall, Amalgamated Houses

Present: K. Argenti, B. Bender M. Della, R. Fanuzzi, E. Garcia, M. Gluck, L. Spalter, R. Spalter, D. Travis
(committee members)

Assemblyman J. Dinowtiz; F. Klein (Assemblyman Office); J. Hill (CB7), D. Padernacht (CB8); P. Hill (CM Cohen); B. R. Resto, H. Kamirez, S. Pasarell, P. Waylones, B. Resnither; E. Yaker, N. Shaw; L. Chenven; M. Leffler; F. Sohlesnser; M. Katz; D. Martinez; M. Groarke; L Ryan; M. D’Alessandro; M. Meiszner; C. Correa; L. Schoenstein; G. Wilson, J. Warman, K. Armstrong; C. Ganberg; A. Pasarell; P. Peterson; M. Cintron; E. Geddes; P. Mackey

The meeting was called to order at 7:05.

I. Acceptance of Minutes

An amendment was made to the November 20, 2019 minutes, changing DEP “rate abatement” to DEP “rat abatement.” Minutes were accepted as amended.

II. Chair’s report

- A. E and S committee sent letter, co-signed by Community Board 8 Chair Rosemary Ginty, to DEP asking agency to require contractors to provide rat abatement within construction zone of Jerome Park Reservoir. Chair thanked DM Gannon, Health and Hospitals Committee Chair Omar Murray for outreach to NYC DOH and thanked community members of Fort Independence neighborhood for 311 calls.
- B. E and S Committee submitted comment to DEP on its Citywide/Open Waters Long Term Control Plan on December 2. Comment endorses DEP plan to daylight Tibbetts Brook via “Option 2,” which redirects base flow down natural bottom stream on future Putnam Trail south, currently owned by CSX. Committee recommended recycling and other measures to redirect stream out of WI056, Tier 1 outfall site.
- C. E and S Committee thanks FedCap, supported by Councilman Andrew Cohen, for clean-up and beautification efforts in the CM district and sent list of step streets and other high litter areas to be added to FedCap employee rotation.

III. Jerome Reservoir Rehabilitation Project/JRAQ-REH Modified Negative Declaration

DEP representatives did not attend meeting to discuss the Modified Negative Declaration for JRAQ-REH, issued to Bronx Community Board 8 on October 22. Environment and Sanitation Committee reviewed document at its November meeting and invited DEP to attend to explain its “Determination of Non-Significance” at its December meeting. This finding states that the new DEP policy that will keep the north basin permanently empty and

leave exposed new sprayed concrete construction along the east wall does not have an environment impact.

F. Klein, representing the office of Assemblyman Jeffrey Dinowitz, shared letter signed by Congressman Eliot Engel, Congressman Adriano Espaillat, State Senator Alessandro Biaggi, Assemblyman Jeffrey Dinowitz, and Council Member Andrew Cohen in opposition to DEP's Modified Negative Declaration on the grounds that the new north basin policy will impact the environment, open space, historic and archeological resources, urban design and visual resources, and neighborhood character.

Anne Marie Garti made presentation describing the historical significance of the inner wall of Jerome Park Reservoir, constructed with stone block to in the manner of Roman aqueduct construction. For its construction methods, materials, design, and contribution to the neighborhood, the Jerome Park Reservoir is listed on the National and State Register of Historical Places. The Modified Negative Declaration states that DEP will now spray concrete instead of replacing the stone block along the east wall of the reservoir. Leaving the north basin permanently empty will expose this "spraycrete", deface the reservoir, and change its historic character. A. Garti concludes that east wall should be reconstructed in its original form to comport with historic designation.

Chair invited residents to state environmental impacts of leaving the east wall exposed and the north basin permanently empty. The following impacts were noted:

- Disturbance of wildlife
- Alteration to flight patterns of birds and bird habitat
- Invitation to mosquitoes
- New sightline: exposed concrete
- Degradation of historic character of reservoir
- Loss of environmental educational resource
- Degradation of natural environment
- Alteration of neighborhood character

Residents also noted the need for advocates for Jerome Park Reservoir to subject DEP decision to utmost scrutiny and oversight; to reach out to Community Boards 7 and 12; to engage community organizations, schools, and other institutions on the perimeter of the reservoir. Attendees expressed interest in organizing local opposition to DEP policy.

E and S Committee adopted the following resolution "in principle" subject to changes by the committee members after the meeting:

DRAFT Resolution

Whereas the Modified Negative Declaration of October 22, 2019 for the Jerome Park Reservoir and Aqueduct Rehabilitation (JRAQ-REH) reaches a *“Determination of Non-Significance”* for changes to the plans for the rehabilitation of the reservoir’s east wall that will leave the north basin permanently empty and render new construction *“routinely exposed . . . instead of . . . below the water line”*

Whereas the Modified Negative Declaration concludes that leaving the north basin of the Jerome Park empty and modified construction plans “below the water line” will not have “adverse impacts . . . on historic and archeological resources; urban design and visual resources,” though the reservoir, as fully filled, is listed under the National Register of Historic Places

Whereas the Modified Negative Declaration statement that the *“north basin has been typically drained as a failsafe measure in the event of an unplanned emergency shutdown of the CFP [Croton Filtration Plant],”* reflects a new decision and is not based on any plans, modifications of plans, or alternative analyses for JRAQ-REH, and is included in modifications for planned east wall reconstruction that are not related to that decision

Whereas the Modified Negative Declaration does not present an explanation, legal requirement, or data as to the need or reason for this decision with regard to the Croton Filtration Plant, and does not provide an alternative analysis that establishes the site--Jerome Park Reservoir north basin--and method chosen to manage the “unplanned or emergency shutdown of the plant” as the least impacted action.

Whereas DEP has not provided to Bronx Community Boards or the Croton Filtration Monitoring Committee a full and complete presentation and review of the operational expediency or requirement to keep the north basin of Jerome Park Reservoir empty, and has not made public any alterations to the original plans and environmental reviews for the Croton Filtration Plant or the 2017 JRAQ-REH environmental reviews,

Whereas the communities surrounding the Jerome Park Reservoir will be deprived of the beauty of the fully filled Jerome Park Reservoir in perpetuity because of the stated plans for the Croton Filtration Plant,

Therefore be it resolved that Bronx Community Board 8 rejects the Modified Negative Declaration for CEQR No. 17DEP022X as an incorrect measure of environmental impact insofar as it fails to measure the impact of the fully filled Jerome Park Reservoir on the surrounding community, introduces a modification—keeping the north basin “typically unfilled”—not related to the subject modifications for the east wall, and is an improper protocol for establishing operational changes to the Croton Filtration, Plant,

Be it further resolved, that the DEP undertake an alternative analysis of its new operational policy for the Croton Filtration Plant and make all required changes to its original environmental impact statements,

Be it further resolved, that Bronx Community Board calls upon the Public Design Commission review and reconsider its prior approval of JRAQ-REH in light of stated

modifications to the construction plan for the east wall and new operational policies for the Croton Filtration Plant in the October 22, 2019 Modified Negative Declaration

In favor: K. Argenti, B. Bender M. Della, R. Fanuzzi, E. Garcia, M. Gluck, L. Spalter, R. Spalter, D. Travis

E and S Committee also agreed to send a letter to New York State Office of State Historic Preservation asking the agency to explain and review its decision, dated July 7, 2019, that the agency has no concerns with changes to the construction materials and plans for the east wall and their exposure above the water line.

IV. DDC Water Main Replacement/DEP

DDC Director of Outreach Maria Centeno and Community Construction Liaison Tara Figueroa reported on HEDA-003, a DEP water main replacement projects that DDC is managing in Fort Independence. Areas covered by the project include Sedgwick Avenue between W 238th Street and Heath Avenue; Giles Pl between Heath Ave and Sedgwick; Canon Pl between Giles Pl and W 238th St; Heath Ave between Ft Independence and Sedgwick. In addition, HEDA-001 replaces the water main between W 238th St between Sedgwick Ave and Canon Place. Residents are to expect water shutdowns and partial street closures. Project will commence in January 15 is expected to take 6 weeks. Work on each street is expected to last 7 to 10 days, except Sedgwick. DOT issues permits for all work on streets. Most streets will have one side closed, preventing parking; Giles may be completely closed due to narrow width. DDC will close work on one street before proceeding to next.

Residents expressed concern about lead in pipes and replacement pipes and connections. DDC explained testing procedure for lead levels, which is submitted to outside laboratory.

DDC urges residents to email HEDA3ccl@gmail.com for monthly newsletter, biweekly "look aheads" for upcoming work on HEDA 003 and 001. In addition, DM Gannon places DDC newsletter and materials on Community Board Facebook page..

Community Committee member K. Argenti submitted proposed protocols for DDC and CB8 to ensure updates, community notice, and public meetings; respect for holidays and schools; rat abatement; and staggering of street construction. DDC noted its required updates with Community Board, and construction hours, 8-4. E and S committee recommended additional measures to ameliorate impact of construction on Fort Independence Community:

- *No storage or staging on streets.* DDC said they are seeking DOT roadway not used for driving or parking. Committee recommends off-road city property for storage.
- All DOT permits must be scrupulously updated
- CB should review DOT weekend permit applications
- DDC observe all contractor requirements for rat abatement
- Extra outreach effort for schools
- DSNY can propose to DOT to suspend ASP in vicinity of street work; *E and S committee will follow up and make request to DSNY
- Keep DOT permits up to date

- A Color Coded Map--pending; completed; open construction—to track progress of projects

In addition, E and S committee agreed to ask DSNY to suspend ASP fines on streets contiguous to construction to allow residents to park without penalty.

V. Department of Finance Proposed Rule Change for Standardization of ASP Fines throughout the City of New York.

NYC DOF holds a public comment on January 3, 2020 for citizens to comment on proposed rule change for ASP fines. If adopted, rule change will raise penalty from \$30 to \$50 to conform with penalty below 96th Street in Manhattan. DSNY requests rule change to encourage compliance and make streets cleaner. With NYS fine included, ASP fine will rise from \$45 to \$60.

E and S committee will submit letter to DOF opposing the rule change on the following grounds: the rule change is not accompanied by evidence that streets are not clean; DSNY has not reported any difficulty with street enforcement in CD8 to Bronx Community Board 8; the rule change will hurt Bronx Community District, where the poverty rate is three times that of Manhattan below 96th street; the rule change is a regressive tax.

VI. Committee Protocol for Agency Approvals
Proposal to require city agencies to submit to E and S committee requests for vote in advance was tabled at request of K. Argenti.

VII. Adjournment
The meeting was adjourned at 8:48 pm.

Respectfully submitted,

Robert Fanuzzi
Chair