

I would like to thank the powers that be to finally schedule this public meeting being held tonight.

Staten Island has long been considered the forgotten borough....unless it was to dump the city's garbage. Our elected officials fought successfully to stop Staten Island from continuing to be New York City's dumping ground. Once the legislation closing the landfill had passed and was signed into law, many of us wondered what the fate of the landfill was. When the decision to transform this former blight into the largest park in NY, many of us were dreaming of the day it would become a reality.

During many of the subsequent public meetings about Fresh Kills, the members of this community asked for a park with active recreation (i.e. – ball fields, soccer fields, boating, kayaking, etc.). And now the members of this community are AGAIN being denied a say in something that WE have all dealt with for many, many years. The Parks Department EIS calls for Passive Open Space. Translation.....We know what you want. Newsflash.....Stop telling us what we want and listen.....Not what Staten Islanders want. Parks EIS has failed the Staten Island Community by not addressing what the members of this community have stated many times before. We need places of recreation. We need to have ball fields, kayaking, soccer fields, etc. Central Park has 26 ball fields, 13 miles of bikeways, 28 tennis courts, & 21 playgrounds. As part of the Parks plan, we have nothing. Fresh Kills 'Park' is 2 ½ time the size of Central Park.

Let me tell you what else we need. A way to get to this tremendous park and get through it. I've seen the Parks proposal regarding the roads of the landfill. Something stinks here and thankfully it's no longer the landfill. You expect the people of this community to accept that you will build a road adjacent to Richmond Avenue that goes through a wetland? Any one with an IQ over 2 can see these 'roads' are doomed to fail. I've also seen the BP's road plan. Here's why I'm for it.....IT'S COMMON SENSE. I know that's unheard of in city government, but it's normally the best way to solve a problem. There are roads in the landfill. Why build brand new roads, when you can extend the current one's? I forgot why spend \$5 million for something when you can spend \$20 million to do the same thing.

Staten Island needs new roads. Opening the roads through Fresh Kills is a common sense way to ease traffic congestion.

The EIS fails to consider this, which is a grave mistake on the part of the Parks Department. Why shouldn't Staten Islanders have relief from endless traffic and pollution from idling vehicles? Has anyone considered the positive impact that new roads would have on our environment?

The potential is here for us to improve the quality of life for 500,000 Staten Islanders, and to give them what they so desperately want—more roads. How can the EIS omit this most important part of the Fresh Kills plan?

I support Borough President Molinaro's plan to open the existing roads through Fresh Kills over the next few years. Commissioner Benepe, why aren't you on board with this plan? The infrastructure is already in place

I do have a drastic idea.....How about the city agencies that work for the members of this community actually listen to the members of this community and the people we elected into office and get this done so we can get the shovels in the ground and start enjoying this park.

Thank you for the opportunity to speak today.



New York State Office of Parks, Recreation and Historic Preservation

Historic Preservation Field Services • Peebles Island, PO Box 189, Waterford, New York 12188-0189

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David A. Paterson
Governor

Carol Ash
Commissioner

April 18, 2008

Joshua Laird
New York City Department of Parks and Recreation
The Arsenal, Central Park
830 Fifth Avenue, Rm 403
New York, NY 10065

Dear Mr. Laird

Re: DEC
Fresh Kills Park
Draft Generic Impact Statement
Staten Island, Richmond County, NY
06PR2278

Thank you for requesting the comments of the Field Services Bureau of the NYS Office of Parks, Recreation and Historic Preservation (OPRHP) as part of your SEQRA process. These comments are those of the Field Services Bureau and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6 NYCRR Part 617). We have reviewed the Draft Generic Environmental Impact Statement (DGEIS, dated March 19, 2008), which arrived at our office on March 20, 2008, in accordance with Section 14.09 of the New State Historic Preservation Act of 1980.

Based on that review, our National Register staff has determined that the Sleight Cemetery on Arthur Kill Road, Mohlenhoff Farm at 3808 Victory Blvd., the Trolley Barn at 721 Arthur Kill Road, the house at 2285 Arthur Kill Road and the Rossville Hook & Ladder at 2355 all meet the criteria for inclusion in the New York State and National Registers of Historic Places. The Resource Evaluations for these properties are attached to this letter. It was further determined that the properties identified as numbers 1566, 1931, 1919, 2341 and 2365 Arthur Kill Road are Not Eligible for inclusion in the registers. Lastly, it was determined that Section 1/9 of the Fresh Kills site does not qualify as a "Traditional Cultural Property," and as such cannot at this time be determined eligible for inclusion in the registers.

We have reviewed the potential impacts associated with the park development on the above noted eligible resources and have determined that the undertaking will not have a negative impact upon them.

With regard to archaeological issues – OPRHP concurs with the final assessment that areas of potential concerns should be addressed individually as they are proposed for development. However we have several concerns with specific portions of the Phase I Archaeological report. The report discusses the

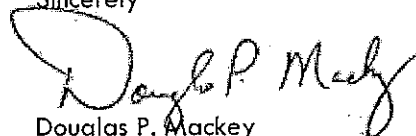
geography of Staten Island through prehistory, but does not address the effects of post glacial isostatic rebound and how that might affect archaeological potential.

The documents identify a sensitivity rating system for historic deposits that seems confusing and misleading. The terminology employed – low sensitivity, low to moderate sensitivity, etc. utilizes the same terms in different ways. Additionally, this terminology suggests that sensitivity of areas to contain sites is being addressed, which is incorrect. The system employed is actually considering the potential for this project to impact sites. In many cases identified as low sensitivity, there might well be deposits present, however they are so deeply buried that the current project will not impact them. It would be more appropriate to represent this accurately. OPRHP suggests modifying the terminology utilized along the lines of Categories I-V, with each category identified as the probability that the current project would impact possible resources.

An additional map should be added which clearly identifies how these category areas are distributed across the project area. Also, while the report identifies that there is a potential to impact prehistoric resources, it does not include a map identifying where those areas might be. It is possible to make estimations based on Figure 22, however it would be helpful if a map that specifically identifies areas of concern for prehistoric deposits that are likely to be impacted.

Please contact me at extension 3291, or by e-mail at douglas.mackey@oprhp.state.ny.us, if you have any questions regarding these comments.

Sincerely



Douglas P. Mackey
Historic Preservation Program Analyst
Archaeology

enc.: Resource Evaluations



**New York State Office of Parks,
Recreation and Historic Preservation**

Historic Preservation Field Services Bureau, Peckles Island, P.O. Box 189, Waterford, New York 12188-0189

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David A. Paterson
Governor

Carol Ash
Commissioner

RESOURCE EVALUATION

DATE: April 9, 2008

STAFF: Kathy Howe

PROPERTY: Mohlenhoff Farm

MCD: Staten Island

(present Greenbelt Native Plant Center)

ADDRESS: 3808 Victory Blvd.

COUNTY: Richmond

PROJECT REF: 06 PR 02278

USN: 08501.002883

- I. Property is individually listed on SR/NR:
name of listing:
- Property is a contributing component of a SR/NR district:
name of district:
- II. Property meets eligibility criteria.
- Property contributes to a district which appears to meet eligibility criteria.
- Pre SRB: Post SRB: SRB date

Criteria for Inclusion in the National Register:

- A. Associated with events that have made a significant contribution to the broad patterns of our history;
- B. Associated with the lives of persons significant in our past;
- C. Embodies the distinctive characteristics of a type, period or method of construction; or represents the work of a master; or possess high artistic values; or represents a significant and distinguishable entity whose components may lack individual distinction;
- D. Have yielded, or may be likely to yield information important in prehistory or history.

STATEMENT OF SIGNIFICANCE:

The former Mohlenhoff Farm (present Greenbelt Native Plant Farm) is located in the Travis section of Staten Island on Victory Blvd. The property includes an 1890s wood-frame farmhouse (now offices), an early-20th century frame barn, three historic (pre-1937) greenhouses, three modern greenhouses, and a historic brick building with smokestack (labeled 'Heater' on the 1937 Sanborn map). Originally owned by J. Ridgeway, the property was sold to the Mohlenhoff family prior to 1917 who owned it through much of the 20th century. The Mohlenhoff Farm is a rare surviving farm on Staten Island that meets Criterion A in the area of agricultural history.

If you have any questions concerning this Determination of Eligibility, please call Kathy Howe at (518) 237-8643, ext. 3266.



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David A. Paterson
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Commissioner

RESOURCE EVALUATION

DATE: April 9, 2008

STAFF: Kathy Howe

PROPERTY: Sleight Family Cemetery

MCD: Staten Island

(a.k.a. Blazing Star Burial Ground)

ADDRESS: Arthur Kill Rd. (at Rossville Avenue)

COUNTY: Richmond

PROJECT REF: 06 PR 02278

USN: 08501.000965

- I. Property is individually listed on SR/NR:
name of listing:
- Property is a contributing component of a SR/NR district:
name of district:
- II. Property meets eligibility criteria.
- Property contributes to a district which appears to meet eligibility criteria.
- Pre SRB: Post SRB: SRB date

Criteria for Inclusion in the National Register:

- A. Associated with events that have made a significant contribution to the broad patterns of our history;
- B. Associated with the lives of persons significant in our past;
- C. Embodies the distinctive characteristics of a type, period or method of construction; or represents the work of a master; or possess high artistic values; or represents a significant and distinguishable entity whose components may lack individual distinction;
- D. Have yielded, or may be likely to yield information important in prehistory or history.

STATEMENT OF SIGNIFICANCE:

The Sleight Family Graveyard, also known as the Rossville or Blazing Star Burial Ground, is located just east of Rossville, on the north side of Arthur Kill Road. This small graveyard, which served the village of Rossville, is one of the earliest community cemeteries on Staten Island. The earliest gravestones in the cemetery date from 1750. Interred here are the remains of some of the earliest settlers of Staten Island and their descendents including, among others, the following notable families: Winant, Sleight, Seguine, Oakley, Parlee, Cole, La Forge, Marshall, Perine, and Poillon. The cemetery meets Criterion A for its association with the early settlement and development of Staten Island.

If you have any questions concerning this Determination of Eligibility, please call Kathy Howe at (518) 237-8643, ext. 3266.



**New York State Office of Parks,
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David A. Paterson
Governor

Carol Ash
Commissioner

RESOURCE EVALUATION

DATE: April 14, 2008

STAFF: Kathy Howe

PROPERTY: House at 2285 Arthur Kill Road

MCD: Staten Island

COUNTY: Richmond

PROJECT REF: 06 PR 02278

USN: 08501.002885

- I. Property is individually listed on SR/NR:
name of listing:
- Property is a contributing component of a SR/NR district:
name of district:
- II. Property meets eligibility criteria.
- Property contributes to a district which appears to meet eligibility criteria.

Pre SRB: Post SRB: SRB date

Criteria for Inclusion in the National Register:

- A. Associated with events that have made a significant contribution to the broad patterns of our history;
- B. Associated with the lives of persons significant in our past;
- C. Embodies the distinctive characteristics of a type, period or method of construction; or represents the work of a master; or possess high artistic values; or represents a significant and distinguishable entity whose components may lack individual distinction;
- D. Have yielded, or may be likely to yield information important in prehistory or history.

STATEMENT OF SIGNIFICANCE:

This ca. 1860 two-and-one-half-story frame house on the south side of Arthur Kill Road in the Rossville section of Staten Island meets Criterion C as a representative local example of Second Empire-style residential design.

If you have any questions concerning this Determination of Eligibility, please call Kathy Howe at (518) 237-8643, ext. 3266.



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David A. Paterson
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RESOURCE EVALUATION

DATE: April 14, 2008

STAFF: Kathy Howe

PROPERTY: Trolley barn

MCD: Staten Island

ADDRESS: 721 Arthur Kill Road

COUNTY: Richmond

PROJECT REF: 06 PR 02278

USN: 08501.002811

- I. Property is individually listed on SR/NR:
name of listing:
- Property is a contributing component of a SR/NR district:
name of district:
- II. Property meets eligibility criteria.
- Property contributes to a district which appears to meet eligibility criteria.
- Pre SRB: Post SRB: SRB date

Criteria for Inclusion in the National Register:

- A. Associated with events that have made a significant contribution to the broad patterns of our history;
- B. Associated with the lives of persons significant in our past;
- C. Embodies the distinctive characteristics of a type, period or method of construction; or represents the work of a master; or possess high artistic values; or represents a significant and distinguishable entity whose components may lack individual distinction;
- D. Have yielded, or may be likely to yield information important in prehistory or history.

STATEMENT OF SIGNIFICANCE:

This front-gabled frame building with wood shingles originally served as a trolley barn for the Tottenville and Richmond Trolley which ran along Arthur Kill Road in the Greenridge and Rossville sections of Staten Island. Built ca. 1922 the trolley barn stands as a reminder of the local transportation system on Staten Island prior to the introduction of buses. The building meets Criterion A in the area of transportation history.

If you have any questions concerning this Determination of Eligibility, please call Kathy Howe at (518) 237-8643, ext. 3266.



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David A. Paterson
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RESOURCE EVALUATION

DATE: April 14, 2008

STAFF: Kathy Howe

PROPERTY: Rossville Hook & Ladder

MCD: Staten Island

ADDRESS: 2355 Arthur Kill Road

COUNTY: Richmond

PROJECT REF: 06 PR 02278

USN: 08501.000955

- I. Property is individually listed on SR/NR:
name of listing:
- Property is a contributing component of a SR/NR district:
name of district:
- II. Property meets eligibility criteria.
- Property contributes to a district which appears to meet eligibility criteria.

Pre SRB: Post SRB: SRB date

Criteria for Inclusion in the National Register:

- A. Associated with events that have made a significant contribution to the broad patterns of our history;
- B. Associated with the lives of persons significant in our past;
- C. Embodies the distinctive characteristics of a type, period or method of construction; or represents the work of a master; or possess high artistic values; or represents a significant and distinguishable entity whose components may lack individual distinction;
- D. Have yielded, or may be likely to yield information important in prehistory or history.

STATEMENT OF SIGNIFICANCE:

The former firehouse of the Rossville Hook & Ladder is located on the north side of Rossville Avenue. The two-story hipped roof frame building has two large door openings with pairs of swinging doors to accommodate fire vehicles. The roof is crowned by a hipped roof bell tower. Changes to the building include stucco pargeting and replacement windows. Built ca. 1900 the structure is locally significant to Rossville under Criterion A in the area of social history for illustrating the period of local volunteer fire companies on Staten Island prior to their replacement by the City Fire Department by the 1930s.

If you have any questions concerning this Determination of Eligibility, please call Kathy Howe at (518) 237-8643, ext. 3266.

Date: May 19, 2008
To: Mini Varghese
Copy: James Van Sickels, File 85264-15
From: Ashley Richey
Subject: **Review of Fresh Kills Park Draft Chapter 16 (printed from CD received 4/14/08) and revised Section F (received by e-mail from AKRF on 4/29/08)**
Project: D015174, PIN X096.18 West Shore Expressway Access Improvements

This memo has been prepared to document Earth Tech's review of Draft Chapter 16 dated April 2008 and Section F, which was revised following the 4/23/08 meeting to include the CORSIM analysis for the WSE mainline segments in the vicinity of park entrances/exits and new on/off ramps. Our comments are as follows:

A. Northbound West Shore Expressway Analyses:

1. Revised Section F, Page 2, Northbound WSE Existing Conditions, Table 16-22:
 - a) The densities for the off-ramp south of Victory Boulevard and the off-ramp south of Arthur Kill Road are significantly lower than the NYSDOT DAD traffic data, resulting in significantly higher level of service (LOS) than the NYSDOT DAD traffic data indicated for these ramps.
 - b) The on-ramp north of Victory Boulevard and the off-ramp south of South Avenue, as well as the weaving segment on the mainline between these ramps, should be included in the CORSIM analysis for comparison once park traffic is added. Additional mainline merge/diverge analysis related to these ramps should also be performed and the results documented.
 - c) Regarding the mainline analysis of the "North of Arthur Kill Road off-ramp diverge" and the "South of Arthur Kill Road on-ramp merge", it seems that this would be the same mainline analysis, as no cars would get on or off between these locations. Perhaps the "North of Arthur Kill Road off-ramp diverge" is supposed to be "SOUTH of the Arthur Kill Road off-ramp diverge". Please confirm.
 - d) We recommend adding "Mainline" in front of the descriptions for the mainline segments between merge/diverge locations. For example, "Mainline South of Victory Boulevard off-ramp diverge".
 - e) We recommend renaming the "Approach" heading in the first column of Table 16-22 to "Location". It would also be helpful for the analysis locations to be numbered and shown on a location map.

- f) Once the additional analysis locations are added as noted above in 2a, we recommend presenting them in the table so that they correspond to the direction of traffic flow from south to north. For example, starting with the mainline south of Arthur Kill Road off-ramp diverge, then the off-ramp south of Arthur Kill Road, then the mainline north of Arthur Kill Road off-ramp diverge, then the on-ramp south of Arden Avenue, and so on until the analysis concludes with the mainline north of South Avenue off-ramp diverge.
2. Revised Section F, Page 3, Northbound WSE 2016 No Build Conditions, Table 16-23:
 - a) Comments 1a through 1f above also apply to Table 16-23.
 - b) Page 16-20 of Chapter 16 indicates that the future No Build analysis does not include NYSDOT improvements to the West Shore Expressway at or north of Victory Boulevard (VB-2B).
 - c) Page 16-20 of Chapter 16 indicates that the NYSDOT park-and-ride is included in the No Build. Please provide the CORSIM input data used for the AASHTO-vehicle classifications, particularly the percentage of buses, at the on-ramp north of Arthur Kill Road. (All CORSIM input data and output analyses results should be included in an Appendix and referenced from the appropriate report sections.)
 3. Revised Section F, Page 4, Northbound WSE 2016 Build Conditions, Table 16-24:
 - a) Comments 1a through 1f above also apply to Table 16-24.
 - b) Please provide the geometric length of weave that the analysis is based on for the weave "Between on-ramp merge at Arthur Kill Road and proposed off-ramp diverge at Northbound West Shore Expressway Service Road" and confirm the percentage of buses from the NYSDOT park-and-ride that are included in the weave analysis input.
 - c) We recommend renaming "Between on-ramp merge at Arthur Kill Road and proposed off-ramp diverge at Northbound West Shore Expressway Service Road" to "Weave between on-ramp merge north of Arthur Kill Road and proposed off-ramp diverge north of Arden Avenue". We also recommend renaming "South of proposed on-ramp merge at Northbound West Shore Expressway Service Road" to "Mainline south of proposed on-ramp merge south of Fresh Kills Entrance". This naming convention will be more consistent with the ramp analysis location descriptions used in the table.
 4. Revised Section F, Page 5, Northbound WSE 2036 No Build Conditions, Table 16-25:
Comments 2a through 2c above also apply to Table 16-25.
 5. Revised Section F, Page 6, Northbound WSE 2036 Build Conditions, Table 16-26:
Comments 3a through 3c above also apply to Table 16-26.

B. Southbound West Shore Expressway Analyses:

6. Revised Section F, Pages 7-11, Southbound WSE Tables 16-27 through 16-31:
 - a) The densities for all of the ramps, including the on-ramp south of Victory Boulevard, off-ramp north of Muldoon Avenue, off-ramp south of Arden Avenue, and on-ramp

south of Arthur Kill Road, are significantly lower than the NYSDOT DAD traffic data, resulting in significantly higher level of service (LOS) than the NYSDOT DAD traffic data indicated for these ramps.

- b) Comments 1d through 1f regarding naming conventions and the order in which the data are reported in the Northbound WSE Tables applies to all Southbound WSE Tables 16-27 through 16-31.

ENVIRONMENTAL REVIEW

NYC DEPT. OF PARKS AND RECREAT/06DPR002R

5/27/2008

Project number

Date received

Project: Fresh Kills Park

Comments: The LPC is in receipt of the Draft Generic Environmental Impact Statement for Fresh Kills Park dated May 16, 2008. Pertaining to archaeological resources, the LPC notes that the text on page 23-24 still needs to be revised as per LPC's 3/27/08 comments.

6/2/2008

SIGNATURE

DATE

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THE CITY OF NEW YORK LANDMARKS PRESERVATION COMMISSION
1 Centre Street, 9N, New York, NY 10007 (212) 669-7700 www.nyc.gov/landmarks

ENVIRONMENTAL REVIEW

NYC DEPT. OF PARKS AND RECREAT/06DPR002R

5/27/2008

Project number

Date received

Project: FRESH KILLS PARK

Comments: Architectural comments only. The LPC is in receipt of the DGEIS of 5/16/08. The text is acceptable for architectural resources.

5/29/2008

SIGNATURE

DATE



7112_FSO_GS_05292008.doc

New York State Department of Environmental Conservation

Division of Environmental Permits, Region 2

47-40 21ST Street, Long Island City, NY 11101-5407

Phone: (718) 482-4997 • FAX: (718) 482-4975

Website: www.dec.state.ny.us



Alexander B.
Grannis
Commissioner

June 20, 2008

Joshua Laird
Assistant Commissioner for Planning & Natural Resources
NYC Dept. of Parks and Recreation
The Arsenal, Central Park
830 Fifth Avenue
New York, NY 10065

Re: Fresh Kills Park Draft Generic Environmental Impact Statement CEQR No. 06DPR002R

Dear Mr. Laird:

Department staff has completed a review of the above-referenced document, dated May 16, 2008 and has the following comments as an involved Agency:

General Comments:

1. The DGEIS does not address how the various proposal will be in compliance with the approved Post Closure Care Plan (PCCP) for the Fresh Kills Landfill. This item is of utmost importance since this plan dictates the requirements to properly maintain and upkeep all of the landfill systems for thirty plus years. Without a demonstration of the technical compatibility of the proposals with the PCCP, the viability of the proposals has not yet been determined and therefore an environmental review can not be completed until its viability has been proven. Given the critical nature of this issue, this must be resolved at this stage rather than in a Supplementary EIS.
2. The acceptable chemical levels for cover materials was not addressed at any level of detail and when it was mentioned, it did not correctly represent the regulations and situation. The Brownfield Cleanup Program regulations, 6 NYCRR Part 375, does not directly apply to the Fresh Kills Landfill. Rather, the science of those regulations provide important information for NYSDEC staffs' exercise of agency discretion. Specifically, the EIS should be modified such that the acceptable chemical levels for the cover layers shall be the lower of Part 375-6.8(b) residential and groundwater protection SCOs, with ecological SCO when there are potential impacts to ecological resources. DER TAGM 4046 will be considered if Part 375 has no SCO for a contaminant. Please note, materials meeting unrestricted use Part 375-6.8(a) SCOs are preferred unless there is site-specific justification for using materials meeting the above "residential/groundwater with ecological" criteria. For aspects of the Fresh Kills park project NYSDEC may deem restricted residential acceptable in the Fresh Kills End Use, but Commercial and Industrial Levels will not be allowed. Also, areas that will be in fact

ecological areas even though they are not called ecological areas must be protected as ecological resources. This issue must be fully and completely addressed before the completion of the EIS rather than in a Supplementary EIS. Also, the thickness of the cover layer was not fully addressed and must be done so to complete the environmental impact of the cover layer; it should be noted that a minimum of two feet is required except in very special industrial cases which most likely will not apply at the Fresh Kills Landfill.

3. Remove all references to “potential amendments to the Order of Consent between NYSDEC and the City of New York, April 24, 1990, as modified (DEC Case #D2-9001-89-03) governing closure of Fresh Kills Landfill.” The End Use Plan is subject to SEQRA and can not be authorized under a modification of the Consent Order.
4. SPDES Permitting (Please refer to DGEIS’s Natural Resources, Infrastructure, and Construction Chapters): Based on Part VII, subparagraph K of the SPDES General Permit (GP-0-08-001) for Stormwater Discharges from Construction Activity, it is recommended that stormwater discharges for the Fresh Kills Park development project be permitted under a SPDES Individual Permit rather than be covered by multiple SPDES General Permits for the various stages of construction or for the different contiguous units. The SPDES Individual Permit is more effective for this Park development project due to the following considerations: extent and volume of soil disturbance activities (i.e. clearing, grading, filling and excavating), steep slopes to be encountered during construction activity and their proximity to environmentally sensitive areas, such as, wetlands and waterbodies, and better monitoring of stormwater discharges from the construction project which is being built on a former landfill. Therefore, the Department requests that the related chapters/sections that describe the SPDES permitting process (e.g., Natural Resources, Infrastructure, and Construction chapters) be revised. The SPDES Individual Permit must include site-specific erosion and sediment control plans and post-construction stormwater controls for each stage/phase of construction.

Specific Comments:

5. Chapter 1 - Proposal Description:
 - a. Page 1-6 - Site History: Please provide complete and detailed list of the consent orders, permitting efforts, closure efforts, past, current and future infrastructure and its installation/decommissioning with timelines.
 - b. Page 1-7 - Project Purpose and Need: Please provide complete and detailed description of each of the project listed and their size, age and end uses with plans. Also, include a chart of the similarities and differences to the Fresh Kills Landfill.
 - c. Page 1-7 - Project Purpose and Need: Please include in this chapter a justification for the need of the roads through the landfill since the surface review of the traffic data does not provide same. Clear explanation and detailed numbers must be included.
 - d. Page 1-11 and 1-12 - Current Land Uses, Structures and Operations at the Project Site: Please provide a far more detailed history as mentioned above.

- e. Page 1-17 - Current Land Uses, Structures and Operations at the Project Site: Please provide significantly more details of the deficiencies of the nature clay liner with maps and drawings for the leachate hole under Section 1/9 and broken rock under parts of Section 6/7 with estimates of the lost leachate per day. Also, please supply a chart of the actual leachate collected per year per section and an explanation of the changes especially to the model collection rates. Additionally, please detail the past and current leachate mounds for each section, the reason for the changes, what will be done to reduce them and what will be the consequences of same.
- f. Page 1-17 - Current Land Uses, Structures and Operations at the Project Site: Please include in the reasons for gas control is the odor control of the landfill gas which was a significant issue in Staten Island until the Flare Stations were installed. Also, provide a detailed discussion of the gas collections system affect on Greenhouse Gases and percentage of collected gases out of the total landfill gas generated with justifications for same.
- g. Table 1-12 - Involved and Interested Agencies: Please correct NYSDEC regulatory role.
- h. Figure 1-11 and several other locations: Why is Owl Hollow included in this DGEIS when the City has determined to exclude it from same?
- i. Figure 1-13: Please include a complete and detailed description of the tree root depths and its compliance with the PCCP regarding protection of the landfill cover systems.
- j. Figure 1-23: Please describe the parking plan on top of Section 1.9 and its compliance with the PCCP.

6. Chapter 10 - Natural Resources:

General Comments:

- a. The document does not consistently discuss the use of an alternatives analysis for all aspects of the project(s). The process of how the various projects were chosen, how any proposed mitigation was determined and also timing of construction of various components and development of habitats and established is not discussed in the context of the SEQRA principle of avoidance, minimization and mitigation. Project reasonableness in light of alternatives is also not discussed. For example, the roadway analysis on pages 10-74, 10-75 and 10-102 does not discuss alignment alternatives, attempt to minimize footprints or mitigate the loss of habitat or fully discuss possible impacts, Page 10-78 does not discuss over water structure alternatives analysis, reduction of footprint, water dependence of structures, etc, page 10-89 and 10-96 discussion of impacts to wetland do not include possible alternatives or avoidance, page 10-98, 10-116 and 10-120 also do not include alternatives discussion.
- b. The level of detail of impact analysis and discussion in some areas is detailed and in other areas it is lacking. For example, lighting seems to give detailed information and provide references, whereas habitat loss impacts and fishery impacts sections are not as detailed. Page 10-106 paragraph 3 and page 10-124 do not discuss fill potential impact of bisecting the wetland with roads, pages 10-117 and 10-118 do not a fully developed discussion of pier effects on continuity of habitat and increase in boat

usage effects on habitat and wildlife and page 10-123 states there is no impact to signature bridge south shoreline. Please correct.

- c. This chapter did not discuss the possible negative impacts on natural resources by the construction of the roads. Please correct in detail.

Specific Comments:

- a. Page 10-12, 10-13 and 10-17: Unmapped freshwater wetlands and associated streams and water bodies within the park may be regulated under Article 15 Protection of Waters. Site specific assessment will need to be made as to applicability of Article 15 Protection of Waters on the unmapped freshwater wetlands and water bodies within the park/landfill areas.
- b. There are a number of conclusory statements that are not supported by facts. Statements should be substantiated and referenced. For example:
 - i) Page 10-27 - Fish, first paragraph: The statement that the Arthur Kill has a low value as residential fish habitat. How was this conclusion drawn? There is a need to provide sources for the conclusions drawn in this document.
 - ii) Page 10-60, first paragraph: The statement that phragmites has the potential to invade portions of the spartina dominated salt marsh as the site matures. Provide the appropriate reference.
 - iii) Page 10-64: The statement that Owl Hollow Park will not result in significant adverse impacts to natural resources. How was this conclusion drawn? There is likely some impact as the site is currently unused. Provide information from any environmental analysis that was prepared.
 - iv) Page 10-71: The permanent loss of benthic macro invertebrates within the structure footprints would not have significant impact the food supply for foraging fish. Does impact usable habitat for appropriate species. Please provide information to substantiate this, e.g., number of square footage possibly impacted, wildlife possibly impacted, etc.
 - v) Page 10-98: Not enough detail to know that proposed plant enhancement will off set impacts.
- c. Page 10-40 - Wildlife, opening paragraph: It is stated that species known to occur within the secondary study area would have the potential to occur within the project site should similar habitat be present. This should also be made clearer within the various tables listing bird species, wildlife, etc.
- d. Page 10-66 - Land Disturbing Activities: The bullet that defines direct and indirect loss of habitat is confusing. Perhaps direct loss of habitat and wildlife should have a separate bullet from indirect loss of habitat and wildlife.
- e. Page 10-68 - Construction Monitoring: Need to include discussion of storm water control monitoring.
- f. Page 10-69: Within the section that discusses activities that have the potential to impact aquatic resources and wetlands through direct loss of wetland bottom habitat, etc. Fishery impacts need to be listed.
- g. Page 10-70: In water work impact minimization needs to discuss the possibility of appropriate fishery seasonal restrictions and other alternatives to impact minimization.

- h. Page 10-82 - Table 10-12: Areas and acreage impacted should be added to this table.
 - i. Page 10-84: The last paragraph discusses in water fill as enhancement. This should be expanded on as in water fill can be considered habitat exchange and not necessarily recognized as habitat enhancement.
 - j. Page 10-97 - Terrestrial Resources: The final cover planting usually includes establishing beneficial grassland habitat. There is no discussion of impact to established and final cover not yet established.
 - k. Page 10-99: Threatened or Endangered species may be impacted by the loss of usable habitat and displacement.
7. Chapter 11 - Hazardous Materials: This chapter is significantly deficient in its lack of discussion of the justification of the solid waste nature of the four sections when similar landfills that accepted the same nature of waste from the same source at the same time are being closed as inactive hazardous sites. Also, page 11-19 must be rewritten to incorporate the above Comment #2 (General Comments).
8. Chapter 19 - Noise: An analysis of the noise impacts of the proposed wind turbine was not included. Also, please provide complete and detailed plans on how the wind turbine will be constructed such that there will be no potential negative impact to the landfill cover system. Please note, DEC has previously written to you that placing piling into the waste mound is unacceptable.
9. Chapter 20 - Construction: This chapter states that the closure of the Fresh Kills Landfill is scheduled for 2012 while in other places of the DGEIS it is stated as 2016. Please explain.

If you have any questions regarding these comments, please contact me at (718) 482-4077.

Sincerely,



Stephen A. Watts III
Environmental Program Specialist II

cc: Kenneth Brezner, DSHM
Steve Zahn, Natural Resources
Joe Pane, Natural Resources
Imdad Islam, DOW
John Cryan, Permits
Suzanne Mattei, Regional Director
Eloise Hirsh, NYCDPR
Phillip Gleason, DSNY
File

July 30, 2008

Mayor Michael R. Bloomberg
City Hall
New York, NY 10007

Dear Mayor Bloomberg:

Staten Island needs your help. We have a once-in-a-lifetime opportunity to reduce traffic congestion by opening the roads at the former Fresh Kills landfill for public use.

The Staten Island Board of Realtors® more than 2,700 members are concerned about the "Quality of Life" in our community. Quality of Life is what we sell.

I strongly support Borough President Molinaro's position that the future location of roads in Fresh Kills Park should follow the route of the existing landfill roads. Certainly, one of Staten Island's greatest needs is traffic relief, and the existing landfill roads offer the best chance to help manage local traffic in our Borough as soon as possible.

Obviously, the existing roads that the Borough President wants to utilize will survive any environmental test. These roads could be put to use expeditiously and would face little or no opposition from the State Department of Environmental Conservation.

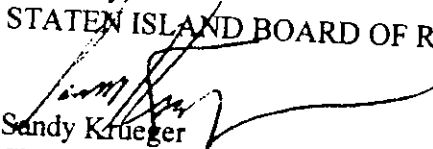
It is not clear that the City Parks Department's proposal to build new landfill roads through wetlands, streams, and over garbage mounds would be able to pass the various environmental standards, and would cost at least \$360 million to build.

Under the Borough President's plan, only \$25-\$30 million would be needed to straighten the sharp curves in the existing roads, and they could be opened to traffic almost immediately.

As a strong proponent of parks and the environment, and someone who has allocated more than \$80 million to Staten Island's parks, the Borough President has made it very clear that he is not opposed to the remaining 2,000 acres of the landfill being used as a park.

I urge you to work with Borough President Molinaro to implement his plan, which is the most timely and cost-effective means to utilize the landfill roads. The roads exist. They are ready to open to the public. Staten Island needs traffic relief NOW!

Sincerely,
STATEN ISLAND BOARD OF REALTORS®


Sandy Krueger
Chief Executive Officer

cc: Staten Island Borough President's Office

President, Dawn M. Carpenter • Chief Executive Officer, Sandy Krueger • Counsel, Mordecai Jacobi, Esq.
President-Elect, John Vemazza • Secretary-Treasurer, George S. Wonica
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Mr Joshua Laird
Chief of Planning
New York City
Department of Parks & Recreation
The Arsenal, Central Park
New York, N.Y. 10021

4 August 2008

Dear Mr Laird,

We have read the Draft Generic Environmental Impact Statement (DGEIS) released on May 16, 2008 by the New York City Department of Parks and Recreation regarding the redevelopment of the Fresh Kills facility in western Staten Island. We applaud the inclusion of the potential for wind energy in the redevelopment plans. Fresh Kills likely houses the only land in the 5 boroughs that could be utilized in the near term to produce significant quantities of renewable energy. Such a wind energy redevelopment can be accomplished in complete harmony with the other plans for park space. However, we are concerned by some comments of your extensive document which seem to present reasons for not pursuing wind energy as a portion of the redevelopment plans. We disagree with those sentiments and the rationale behind them. The New York City Parks Department has an opportunity to facilitate a landmark renewable energy project at Fresh Kills, without degradation in the long term use of the park land. A wind farm at Fresh Kills would become an iconic symbol of the redevelopment of Staten Island's west side and would contribute greatly to the enhancement of NYC's green image. It would be a large step forward in reaching the PlaNYC goal of a 30% reduction in city-wide greenhouse gas emissions by 2017. We implore you to immediately seize this opportunity.

BQ Energy is a developer of wind energy facilities. Our offices are located in Putnam County NY. In August 2007, we submitted an "Evaluation of the Feasibility of Installing a Commercial Scale Wind Energy Facility in Fresh Kills" to the New York State Energy Research and Development Authority (NYSERDA). Copies of our report were provided to NYC Planning, NYC Parks, NYS DEC, NYC Sanitation, the Staten Island Borough President's Office and other stakeholders. The report studied all aspects of the idea of installing wind turbines at the Fresh Kills site and concluded that such a facility is feasible.

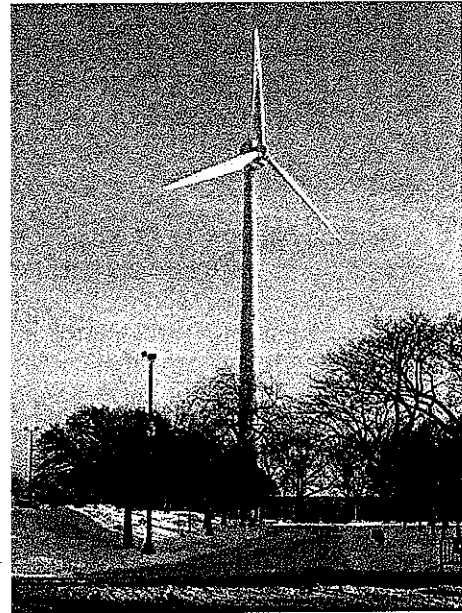
Our overall comments are summarized in this letter. In addition, we have attached specific detailed comments to your DGEIS document.

1. The DGEIS is obviously a review of potential environmental impacts associated with the Fresh Kills redevelopment. We find that the document is not complete in that regard as pertains to the potential use of wind energy at the site. Such an installation would have a significant positive impact on Staten Island and NYC by generating electricity from renewable resources. The use of renewable resources for electric power generation has a direct and quantifiable positive benefit to the environment, to the people who live in this environment, and to all species that live in the environment. The greater use of renewable energy is also consistent with NYC Policy (Executive Order 109), NYS Policy (Executive Order 111 and the NYS Renewable

www.bqenergy.com

Portfolio Standard), and numerous federal energy and environmental policies. The economic benefits of renewable energy have become even more pronounced as energy prices have spiked in recent months. Indeed we submit that in 2008, the standard must be rather rigorous for any public entity to dismiss an opportunity to allow renewable energy to be pursued. We think that the negative arguments put forth in the DGEIS fail to meet any such standard.

2. A significant argument against the use of wind energy presented in the DGEIS is the opinion that large wind turbines installed on top of the mounds would be inconsistent with the "feel" of a park. We disagree. We reported last year that a wind turbine has operated in a downtown Toronto park for many years (see photo on right). The residents enjoy both its operation and the actual benefits brought to that City. They also enjoy the message it sends with respect to how Toronto wants to generate electricity. Modern wind turbines are quiet. Borough President James Molinaro of Staten Island has opined that he finds their operation to be "pleasant and soothing". These words are wholly consistent with the purposes of a park. A typical wind turbine tower uses up 15 feet of surface ground space; an insignificant amount compared to the Fresh Kills park. Furthermore, Fresh Kills is a unique location. From the top of the mounds, several commercial and industrial neighbors are plainly visible. The wind turbines on these mounds will be far more natural and consistent with the park motif than these visible neighbors. Wind turbines would be compatible with this world class park redevelopment.



3. Our report recommends that large modern wind turbines (we suggest 7) be installed on top of the waste mounds at Fresh Kills. We suggested large turbines to increase the positive project impact, both environmentally and economically. We suggested that the turbines be on top of the mounds for efficiency. Thousands of residents fly kites in NYC Parks each year, and all of those individuals will agree that winds are stronger at higher elevations. Despite this, the DGEIS offers the suggestion that smaller turbines would be better and that they should be installed in valleys. We see no data supporting this preference and we conclude that it is simply that- an "aesthetic preference" of a DGEIS author. We strongly disagree with the preference and many others in the environmental movement would share our view.
4. As noted earlier, NYC Policy dictates that NYC Government will reduce its carbon footprint in the coming 10 years. The DGEIS proposes 20 percent of the Fresh Kills park power demand to be met by installations of solar and wind power technologies, but suggests that this be done with small turbines installed at low levels. Our report presented a wind-based renewable energy plan that not only meets all yearly internal Fresh Kills Project power needs, but allows the park to supply energy to the public grid and other consumers throughout New York City. In essence, this proposed project enables the Fresh Kills Project to become a global leader by helping the New York metropolitan area become a "greener" city and represents concrete steps towards meeting the PlaNYC goal of a 30% reduction in New York City greenhouse gas emissions

5. The DGEIS states Fresh Kills is not an ideal location for wind power. The justification for this statement is largely due to the scheme that the DGEIS authors concocted with small turbines sited at low locations (effectively blocked by the mounds). However, BQ Energy recommends placing commercial wind turbines on the tops of Fresh Kills mounds where the wind resource is superior. In cooperation with NYC Planning, Dept of Sanitation, and NYSERDA, we erected a meteorological tower on top of the mounds and collected a year of onsite weather data. By our measurements, it is established that the site at the indicated elevation (on top of mounds) has enough wind resource to allow a wind project to be economically feasible. As the low off-mound capacity factor expressed in the DGEIS indicates, wind resources are significantly less at ground level compared to the mounds, largely due to obstructions and turbulence, making off-mound wind turbines uneconomic. Wind energy remains the most cost effective renewable energy option, and the Fresh Kills mound-tops remains the optimal wind resource within New York City limits.
6. The DGEIS comments on wind turbines needing to be adjacent to high energy demand centers, such as restaurants or sports field lighting in order to reduce power cable infrastructure cost. While this is clearly preferable when considering small wind turbines that supply a fraction of the on-site power, it ignores the reality that most power plants serving the 5 boroughs are hundreds of miles away. The Fresh Kills wind farm would be the first significant renewable resource to be within the NYC electrical load zone. This will reduce the global amount of transmission lines. With respect to power lines within the park, our report recommends all Fresh Kills wind farm power be transmitted by an underground power cable network. This will be better for the wind farm and for the kite flying park users.
7. The DGEIS comments that turbine foundations are more stable in off-mound locations. Our report shows several foundation models that were evaluated using geotechnical data supplied by the New York City Department of Sanitation. All foundation models were analyzed for their technical performance under the specifications required to build on a capped landfill medium, as well as their construction viability and economics. In our study, we retained Geosyntec Consultants who have worked for many years at Fresh Kills on geotechnical and landfill analysis. We concluded that some of the designs were not only feasible, but had in fact already been built both in the US and abroad in similar municipal land fill parameters.
8. The DGEIS indicates that a commercial wind farm such as was described in our August 2007 report could not be fully evaluated because there was not sufficient data available for a full analysis. We are confused by that observation since our report was submitted immediately to all stakeholders in the DGEIS process and we followed up with repeated calls over the past 10 months to City Planning and Parks to ascertain if any further information, meetings, or communication would be helpful. At all times we were advised that no further information was required. We do note that as part of our stakeholder program, we worked with NYSERDA and the Staten Island Borough President's office to broadly publicize this concept to the Staten Island community. His office has broadly publicized this concept and sought out public comment. The response has been overwhelmingly positive from all stakeholders, including the local media.

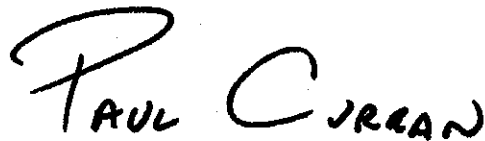
As our report highlights, a commercial wind park merged into the world-class Fresh Kills Park Project would be one of the first full-scale wind energy facilities inside an American metropolitan area. Staten Island and New York City would emerge as true global leaders by integrating renewable energy into their city's energy plan in this capacity. We propose that

the wind farm be privately owned, with the City's role being limited to a landlord of small plots and optionally a buyer of electric power.

NYC Parks has a clear and well defined choice- it can promote the greater protection of the environment by allowing this unique NYC resource to be developed in harmony with the proposed park, or it can avoid the question in the hope that the question will go away. We have asked to be allowed to develop this wind farm in this fashion at this location at this time. We think it very important, and we have been supported by many stakeholders and now by the energy trends of the past few months. We again repeat our request to be allowed to move forward.

We are grateful for having the opportunity to offer our comments to this DGIS and welcome opportunities for more discussion on the topic of renewable wind energy at Fresh Kills Park.

Yours Sincerely,

A handwritten signature in black ink that reads "PAUL C. MORAN". The letters are cursive and somewhat stylized, with a large initial "P" and "M".

Cc: Governor David Patterson
NYSERDA President Paul Tonko
Mayor Michael Bloomberg – New York City
Borough President James Molinaro – Staten Island

Eloise Hirsch – NYC Parks
Jeffrey Sugarman - NYC Planning
Michael Marrella- NYC Planning

Detailed Comments of BQ Energy on Draft Generic Environmental Impact Statement (DGEIS) released on May 16, 2008 by the New York City Department of Parks and Recreation regarding the redevelopment of the Fresh Kills



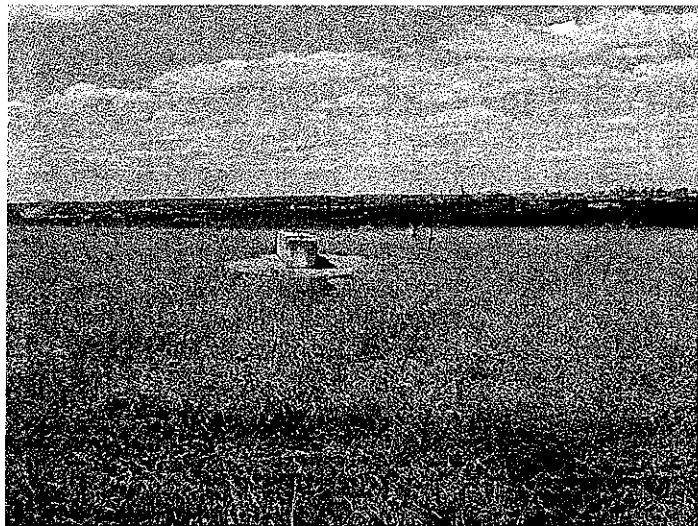
1. In the executive summary (pg. S-33), the DGEIS references the consideration of 6 wind turbines in the Fresh Kills park. In September 2007 BQ Energy provided a report titled "*Evaluation of the Feasibility of Installing a Commercial Scale Wind Energy Facility in Fresh Kills, Staten Island, New York*" to The New York State Energy Research and Development Authority (NYSERDA) and a number of other State of New York and City of New York agencies, including the Department of Parks and Recreation. That report discusses seven (7) wind turbines in the Fresh Kills Park. As that report is the basis of the DGEIS discussion of commercial wind energy, the DGEIS should reflect the proposed 7 structures as part of its environmental review. This should be corrected on pages S-33, 1-79, 5-12, 6-1, 8-11, 10-79, 10-127,
2. In the executive summary (pg. S-33), the DGEIS states that any environmental review of a wind turbine project should meet the requirements of the NYSDEC draft '*Guidelines for Conducting Bird and Bat Studies at Commercial Wind Energy Projects*'. This document was

issued for public comment to determine what type of guidelines should be adopted, and we anticipate that the draft will undergo significant changes. To our knowledge, no wind project has ever utilized that draft as a basis for development. It is appropriate that a wind farm at Fresh Kills will agree on a site specific development plan, reflecting the unique characteristic of the site and environs.

3. In the executive summary (pg. S-33, S-58), the DGEIS indicates a wind project should consider alternative locations to avoid wildlife collision risk. It is inappropriate to prejudge the impact of a project by implying that Fresh Kills would have a greater impact on avian species than another site in metropolitan New York City. The report, "*Evaluation of the Feasibility of Installing a Commercial Scale Wind Energy Facility in Fresh Kills, Staten Island, New York*," established that Fresh Kills is unique in its ability to be developed as a wind farm. It is misleading to imply that other locations could be preferred for other undefined potential reasons.
4. In the executive summary (pg. S-33, S-58) the DGEIS discusses reducing the overall height of a proposed wind turbine to avoid avian impacts. The DGEIS is introducing implied conclusions which are not supported by data and are in fact erroneous. Modern and taller turbines have a documented quantified data record regarding avian impacts based on several years of operation at many sites worldwide. This data was referenced in the BQ Energy report. The impact of the wind turbines at Fresh Kills would be a very small percentage of the existing impact created by the existence of the West Shore Expressway, or the Outer Bridge Crossing or the Goethals Bridge. BQ Energy is unaware of any scientific studies that show a correlation or causation between turbine height differences and avian impacts. Indeed taller wind turbine structures yield an increased environmental benefit to the City of New York in the form of increased clean energy output and wind collection efficiency. Furthermore, the energy from a wind turbine comes with a stable price (as opposed to natural gas, oil, and coal) and does not release toxic pollutants into the environment. This benefit should be considered when evaluating the environmental impacts.
5. In Chapter 1 – Project Description (pg. 1-66), the DGEIS discusses the possibility of wind energy providing 10% of the proposed park's energy demand. This assumes two 100 ft. wind turbines placed in the vicinity of "the point". The chapter states that park conditions are not ideal for wind power and that "the point" has a greater potential for wind energy. This last statement does not appear to be factual, and the Department of Parks and Recreation should reference scientific data that supports this conclusion. Data collected by BQ Energy is clear that the greatest wind energy potential in the Fresh Kills Park is at the top of each of the landfill mounds. The report to the State and City of New York titled "*Evaluation of the Feasibility of Installing a Commercial Scale Wind Energy Facility in Fresh Kills, Staten Island, New York*" includes a scientific study that shows the highest potential for wind energy atop the landfill mounds.

6. Chapter 5 – Open Space and Recreational Facilities (pg. 5-12) discusses the potential of wind turbines compromising passive and quasi-passive open space experiences (hiking, picnicking, enjoyment of scenic vistas). BQ Energy is unaware of any scientific studies that show wind turbines to prevent hiking, picnicking, reading, napping, or any other passive and quasi-passive open space experiences. In fact many of our employees and stakeholders (including the Staten Island Borough President) report that they find the rotation of wind turbines to be soothing and consistent with natural phenomena.

With specific reference to scenic vistas that the DGEIS claims could be disturbed by the presence of wind turbines, no reasonable person could consider the current view from the top of the landfill mounds to be naturally “scenic.” The landfill land can and should be converted to parkland, but we are not aware of plans to change the adjacent power plant, shopping mall, or chemical storage facilities nearby. Clearly visible from the top of the landfill mounds (as evidenced in the photos on this page) are the Port of New York and New Jersey, the Goethals Bridge, Manhattan Island, a fossil-fueled electric power generating station, a housing sub-division, and a shopping mall.



As the current “scenic” vista represents a view of the built-environment, it is doubtful that wind turbines (often also considered scenic) could be considered a negative impact on the view. The Chapter also indicates that wind energy is discussed in Chapter 19 – Noise. This is not a factual statement. Wind energy is not discussed in Chapter 19. If wind turbines were discussed in any chapter discussing “Noise”, it would report that

modern wind turbines are designed to operate in an unobtrusive noise mode. As they are located near the existing West Shore Expressway, the turbines would be largely inaudible throughout the park.

7. Chapter 8 – Urban Design and Visual Resources (pg. 8-11) states that wind turbines are “likely” to be an attraction for some park visitors, akin to a sculpture or other art installation. This is, in fact, a certainty. The Urban Windmill Project in Toronto, Ontario, Canada is a case in point. Another project that BQ Energy developed near Buffalo NY receives numerous requests for visitors. Numerous other case studies on wind turbines at European municipal landfill sites draw the same conclusion. The Fenner Windfarm near Syracuse, NY, and the Wethersfield Windfarm in Wyoming County, NY, are other examples from our own State. The Atlantic City Wind Farm also attracts many visitors. The chapter also discusses the possibility that wind turbines would be “perceived as a visual intrusion upon the natural landscape.” This statement implies a level of naiveté among the citizens of the City of New York and other park visitors. While beauty is certainly in the eye of the beholder, the Fresh Kills Park was clearly the site of one of the world’s largest landfills, and is situated in the midst of one of the largest built-environments in the United States (the New York Metropolitan area). Visitors to the park will welcome it as an oasis within the City and find the wind turbines to be compatible with that oasis.
8. Chapter 8 – Urban Design and Visual Resources (pg. 8-13) assumes that local residents will be sensitive to the change in viewshed due to the introduction of wind turbines into the park. BQ Energy, in its developing wind energy projects, has found that the introduction of wind turbines into industrial sites, brownfields, and landfills is viewed favorably by neighboring residents who have a view of the turbines. Western Staten Island residents have seen locations such as oil refineries, chemical plants, garbage trucks and other industry on this site (and adjacent land) for many decades. Wind energy as a clean energy source will be viewed as having either no impact or a beneficial impact on the area viewshed. The chapter additionally asserts that wind turbines may be a distraction to passing motorists “leading to increased likelihood of accidents.” The author of such a statement may never have driven around New York City, which has an abundance of landmarks, tall structures, gorgeous parks and scenic views. Any structure, entity, event near a roadway can serve as a distraction, including exit signs, automobile accidents, shopping malls, advertising billboards, etc... Although we think wind turbines will add to the Staten Island skyline, it would not be credible to claim that wind turbines would be a permanent driver distraction and as such a potential safety hazard. BQ Energy is unaware of any scientific studies linking wind turbines near roadways to an increased number of accidents.
9. Chapter 10 – Natural Resources (pg. 10-79) incorrectly states that this would “represent the first attempt at constructing a wind power project on a former landfill...” This statement is not factual. A wind turbine has been

constructed on a closed portion of a landfill in Hull, MA. A number of other wind turbines have been sited at closed landfills in Europe, including Karlsruhe and Munich in Germany. Evidence of these were provided in our 2007 report to the State and City of New York titled, "*Evaluation of the Feasibility of Installing a Commercial Scale Wind Energy Facility in Fresh Kills, Staten Island, New York.*"

10. Chapter 10 – Natural Resources (pg. 10-80) references a 1992 study relating local wind disturbances from wind turbines to bird behavior. A large number of studies of wind turbines and birds have been conducted in the past 16 years and the technology of wind turbines has changed drastically in that period. Studies relating to those older wind turbines may not be relevant to modern machines. In 1992, there was a bit over 2,000 MW of wind power installed in the US, with virtually all of that in California. Today there is 8 times that amount, with wind turbines installed in most US States. The avian impact data from the significant increase in the number of wind turbines demonstrates the fact that between 2 and 7 birds will generally collide with each wind turbine each year. For a 7 turbine facility such as proposed at Fresh Kills, that would result in between 14 and 49 birds flying into turbines each year. While this amount is regrettable it is much smaller than the number of birds impacted by vehicles and buildings in Staten Island. We also believe it to be much smaller than the direct and indirect avian impact caused by any other form of power generation used today.
11. Chapter 10 – Natural Resources (pg. 10-80) further discusses the need for improved guidelines for the assessment of wind turbine impacts on wildlife. The chapter states that "significant adverse impacts to bird and bats are reasonably expected as a result of the proposed project at Fresh Kills..." This is a statement of opinion, and not based on any data or study. Many wind energy generation facilities have been located within known migratory flyways and in close proximity to breeding birds at risk of collision. Including these sites, there is a national average of 2 – 7 avian collisions per wind turbine per year. This is not statistically significant, given the larger impacts from roadways, buildings, direct habitat destruction (deforestation for farms and housing sub-divisions), guyed structures (radio towers, bridges, etc...), hunting, pets, etc... BQ Energy is unaware of any scientific study that shows wind energy as a contributing factor to a species being endangered or threatened. The same may not be true for the fossil-fueled electric generation that wind energy will displace in the City of New York. The chapter further states that a wind energy project should perform an empirical analysis of potential collision risks based on the NYSDEC draft '*Guidelines for conducting bird and bat studies at commercial wind energy projects*'. BQ Energy is unaware of any methodology that can quantitatively assess avian impact risk from pre-construction studies, including the draft guidelines from NYSDEC. The best resource for this is analysis of NEXRAD WSR-88D weather radar historical records, as it provides long-term historical data on the number of

birds flying and the height of flight over the site. This type of quantitative analysis is not included in the draft NYSDEC guidelines, although it has been recommended by DEC for wind projects and it yields a clearer and more comprehensive analysis. It also can be accomplished far more quickly since it relies on actual historical data. Furthermore, the referenced draft NYSDEC guidelines are still in a draft condition and have not been finalized. The draft guidelines were put together with no input from stakeholders other than the NYSDEC. While the NYSDEC requested comments from stakeholders (by February of 2008) following the issuance of the draft guidelines, it is not known whether the NYSDEC has reviewed the stakeholder comments or begun the process of incorporating the comments into a final set of guidelines. It is not known when or if these draft guidelines might be reviewed by DEC senior staff and officially issued. As the guidelines are still in a draft state and were constructed with no outside input, it is altogether inappropriate to require an environmental review with these guidelines as the basis. Finally, the level of detail provided in the DGEIS indicates the City and State of New York have a significant body of data on the use of the Fresh Kills Park by migrating and local species. As this data already exists, it would be inappropriate and redundant to require a wind energy project to duplicate this data with extensive pre-construction monitoring.

12. Chapter 10 – Natural Resources (pgs. 10-94, 10-99) indicate that wind turbines in the North Park and South Park could have an adverse impact on wildlife and habitat. Our previous comments address this in detail, though BQ Energy would agree with that statement on Page 10-99 that the overall habitat would be improved over the existing conditions.
13. Chapter 10 – Natural Resources (pg. 10-127) states that the proposed operation of six turbines (the actual proposed number is seven) at the highest elevations in the park has the potential for adverse impacts on wildlife. The chapter further states that mitigation measures should include wildlife studies documenting use of the project site before and after installation. Previous portions of Chapter 10 indicate a significant amount of data in this respect already exists. It would be inappropriate and redundant to require a wind energy project to duplicate this data. The best resource for evaluating potential impacts is analysis of NEXRAD WSR-88D Radar historical records.
14. Chapter 15 – Energy (pg. 15-6) discusses the possibility of two 100 ft. wind turbines generating approximately 10% of the total site electrical demand. The chapter states that locations for wind technology are not ideal. This is not a factual statement. In its report to the City and State of New York, titled "*Evaluation of the Feasibility of Installing a Commercial Scale Wind Energy Facility in Fresh Kills, Staten Island, New York*", BQ Energy identified seven (7) ideal locations for wind energy at Fresh Kills. The chapter further states that there is a compromise between generating a significant amount of energy without being overly imposing. This language is highly imprecise, subjective, and should be omitted. Wind

energy would impose upon what? The DGEIS in this respect should refer to potential impacts discussed in the DGEIS rather than use vague language that connotes an overall negative impact from renewable energy.

15. Chapter 15 – Energy (pg. 15-6) outlines the reasoning behind the use of two (2) mid-sized wind turbines instead of ten (10) smaller-sized wind turbines. BQ Energy agrees with the analysis that fewer, larger wind turbines are more effective at meeting the goal of providing renewable energy to the park, but disagrees with the conclusion that mid-sized turbines in a location with an uneconomic wind resource are the best option. To that end the appropriate conclusion is that larger, commercial-scale wind turbines are best solution for providing the park's energy needs and the energy needs to the City of New York. The chapter further states that infrastructure costs would be reduced by placing turbines in off-mound areas. While this is correct, the wind resource and wholesale power price at Fresh Kills is more than sufficient to support an economic commercial-scale wind energy project at the Fresh Kills landfill mounds. The chapter incorrectly assumes that placing wind turbines at the Point area of the Confluence will increase exposure to prevailing winds. This is not a factual statement. The way to increase exposure to prevailing winds is to place the wind turbines at a higher elevation and use taller towers. A comparison of the expected wind turbine capacity factor in the DGEIS (15%) and the capacity factor quoted in "*Evaluation of the Feasibility of Installing a Commercial Scale Wind Energy Facility in Fresh Kills, Staten Island, New York*" illustrates this. A commercial-scale wind turbine on a landfill mound will yield a capacity factor far in excess of what is estimated in the DGEIS. Finally, Chapter 15 states that more stable wind turbine foundations may be constructed in the off-landfill areas. This is not a factual statement. The report referenced above discusses a number of wind turbine foundations that have already been proven on landfill sites both domestically and abroad. These foundation designs were provided to BQ Energy by Geosyntec, a contractor that consulted with the Department of Parks and Recreation on the drafting of this DGEIS. We concur that more engineering analysis is required to evaluate the preferred specific foundation design, but we have clearly documented that such foundation designs are feasible.
16. Chapter 15 – Energy (pgs. 15-5, 15-6) discuss the potential for renewable energy to provide 20% of the energy needs at Fresh Kills. The chapter states that any excess energy could be sold into the power grid. In light of the recently expanded net metering law in New York State, this would be an unwise course of action for the City of New York. Assuming the City only constructed two very small wind turbines in an area with an uneconomic wind resource (as suggested in the DGEIS), the City would receive a much greater benefit if it were to net meter its renewable energy facilities. In a net metered case, excess energy will offset future energy use, thereby reducing the amount of power purchased at retail rates. Sale

of energy to the power grid would be at the avoided cost rate of the utility, which is often far less than the retail rate. Furthermore, the DGEIS estimates the Fresh Kills Project electric power demand base-line to be approximately 11,000 MWh per year by 2036. In the study "*Evaluation of the Feasibility of Installing a Commercial Scale Wind Energy Facility in Fresh Kills, Staten Island, New York*" BQ Energy determined that a commercial-scale wind energy facility at Fresh Kills could generate electrical energy in quantities double or triple the projected power demand of the Fresh Kills park, thereby eliminating the need for the park to purchase energy at retail rates.

17. Chapter 23 – Mitigation (pg. 23-7) discusses potential impacts of wind energy on natural resources. The chapter correctly states that a wind energy project would require an empirical analysis of potential collision risks. The chapter further states that a wind energy project should meet the requirements of the NYSDEC draft '*Guidelines for Conducting Bird and Bat Studies at Commercial Wind Energy Projects*'. The guidelines do not provide an empirical method for analyzing potential collision risks. In fact, BQ Energy is unaware of any scientific method of quantitatively analyzing collision risk from pre-construction studies. The referenced preconstruction studies are to take a census of bird populations, nothing more. The only method that comes close to quantifying collision risk is analysis of NEXRAD WSR-88D Radar historical records, which the NYSDEC draft guidelines do not include, but which the DEC in actual practice recommends on wind projects. As, these guidelines are still in a draft condition and have not been finalized, we anticipate that this and many other aspects will be made more precise as the normal drafting process progresses. The draft guidelines were drafted with no input from stakeholders other than the NYSDEC. While the NYSDEC requested comments six months ago from stakeholders following the issuance of the draft guidelines, it is not known whether the NYSDEC has reviewed the stakeholder comments or begun the process of incorporating the comments into a final set of guidelines, or whether any such actual guidelines will ever be issued. As the guidelines are still in a draft state and were constructed with no outside input, it is altogether inappropriate to require an environmental review with these guidelines as the basis.
18. An initial public comment (pg. B-22) supports the development of commercial scale wind energy at the Fresh Kills Park. The response to this states that wind energy will be examined in the DGEIS with respect to environmental impacts. A number of potential impacts of wind energy were listed, and we assume that this level of assessment of potential impacts is thereby deemed sufficient.



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Robert P. Sisti, CMFC
Certified Financial Planner

George A. Dougherty, MBA, ChFC
Certified Financial Planner

August 4, 2008

The Honorable Michael R. Bloomberg
Mayor of New York City
City Hall
New York, NY 10007

Dear Mayor Bloomberg:

Staten Island needs your help. We have a once-in-a-lifetime opportunity to reduce traffic congestion by opening the roads at the former Fresh Kills landfill for public use.

I strongly support Borough President Molinaro's position that the future location of roads in Fresh Kills Park should follow the route of the existing landfill roads. Staten Island's greatest need is traffic relief, and the existing landfill roads offer the best chance to help manage local traffic in our Borough as soon as possible.

Obviously, the existing roads that the Borough President wants to utilize will survive any environmental test. These roads could be put to use expeditiously and would face little or no opposition from the State Department of Environmental Conservation.

It is clear that the City Parks Department's proposal to build new landfill roads through wetlands, streams, and over garbage mounds would never pass the various environmental standards, and would cost at least \$360 million to build.

Under the Borough President's plan, only \$25-\$30 million would be needed to straighten the sharp curves in the existing roads, and they could be opened to traffic almost immediately.

As a strong proponent of parks and the environment, and someone who has allocated more than \$80 million to Staten Island's parks, the Borough President has made it very clear that he is not opposed to the remaining 2,000 acres of the landfill being used as a park.

I urge you to work with Borough President Molinaro to implement his plan, which is the most timely and cost-effective means to utilize the landfill roads. The roads exist. They are ready to open to the public. Staten Island needs traffic relief NOW!

Sincerely,

Robert P. Sisti, CFP, CMFC

To Mayor Bloomberg

PARKS

August, 2008

Name: Concetta Pepenella
Street Address: 218 Butler Ave
City/State/Zip: Staten Island, NY 10307
Email Address:

Dear Mayor Bloomberg:

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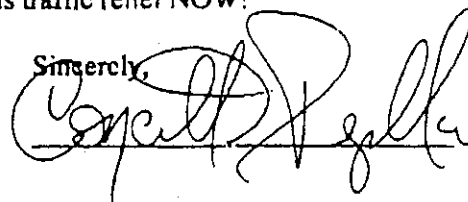
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Sincerely,



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Frank Scillo
New York Container Terminal, Inc

Cesar J. Claro
President & CEO

PARKS

August 5, 2008

The Honorable Michael R. Bloomberg
Mayor of New York City
City Hall
New York, NY 10007

Dear Mayor Bloomberg:

Staten Island needs your help. We have a once-in-a-lifetime opportunity to reduce traffic congestion by opening the roads at the former Fresh Kills landfill for public use.

I strongly support Borough President Molinaro's position that the future location of roads in Fresh Kills Park should follow the route of the existing landfill roads. Staten Island's greatest need is traffic relief, and the existing landfill roads offer the best chance to help manage local traffic in our Borough as soon as possible.

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I urge you to work with Borough President Molinaro to implement his plan, which is the most timely and cost-effective means to utilize the landfill roads. The roads exist. They are ready to open to the public. Staten Island needs traffic relief NOW!

Sincerely,


Cesar J. Claro
President & CEO



900 South Avenue, Suite 402
Staten Island, NY 10314
Tel: 718-477-1400 / Fax: 718-477-0681

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Josephine Savastano
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Frank Scollo
New York Container Terminal, Inc.

Cesar J. Claro
President & CEO

September 4, 2008

Joshua Laird

Assistant Commissioner for Planning and Natural Resources
New York City Department of Parks & Recreation
The Arsenal - Central Park
830 5th Avenue, Room 403
New York, NY 10065

Dear Mr. Laird,

The Staten Island Economic Development Corporation and its Board of Directors supports the Staten Island Borough President's efforts to have the Fresh Kills EIS address the use of existing roads for access through and within Fresh Kills Park and to withhold mapping the existing roads as parkland before a sufficient analysis of their conditions are made. At the least, the EIS should address the opportunities for relieving traffic and reducing the cumulative emissions of vehicles that opening the existing roads would yield. The omission of any analysis in the EIS on how an east/west corridor through Fresh Kills could positively alleviate traffic congestion along Richmond Avenue as well as the Victory Boulevard, Travis and Arthur Kill Road corridors is simply a gross oversight of a possible option that could potentially mitigate what many residents consider the foremost problem on Staten Island - traffic and its related adverse economic, environmental and community impacts.

The Staten Island Economic Development Corporation requests that the EIS consider utilizing the existing road network through a careful analysis and comparison with other road options and that this be done so that the Staten Island community is assured that their need for traffic and roadway improvements are being considered and addressed through an open and accessible public process.

Sincerely,



Cesar J. Claro,
President & CEO



900 South Avenue, Suite 402
Staten Island, NY 10314
Tel: 718-477-1400 / Fax: 718-477-0681
email: info@siedc.net / website: www.siedc.org



August 22, 2008

Mayor Michael R. Bloomberg
City Hall
New York, NY 10007

Dear Mayor Bloomberg,

On behalf of the Staten Island Chamber of Commerce (SICC), our Board of Director's, and 900 member businesses which employ approximately 20,000 people, I would like to take this opportunity to address the opening of the roads in Fresh Kills Park for vehicular traffic. Our Board of Director's has recently seen proposals from both Borough President James P. Molinaro and representatives from New York City Parks Department (NYC Parks). We would like to express our strong support for Borough President Molinaro's plan and request that you adopt this concept into the Fresh Kills Park Environmental Impact Statement (EIS) immediately.

Borough President Molinaro's plan has garnered the support of the Chamber for several reasons. That being said, there were two stark differences that influenced our decision:

- 1.) **Timeline** – The Borough President roads could potentially be constructed in four years. NYC Parks stated their road plan would be built in 2016 at the earliest. You know the traffic conditions on this borough as well as anyone. We simply can not afford to wait for a decade to open roads on 2,300 available acres (8% of Staten Island's land area). These east-west connections will alleviate traffic on key roadways (i.e. – Richmond Avenue, Arthur Kill Road, etc.) right in the heart of our borough.
- 2.) **Cost** – NYC Parks design is currently under-funded by approximately \$275 million. Borough President Molinaro believes his roads could be built for the money already budgeted for the roads (\$32 million). As you are well aware, securing federal and state dollars for transportation and infrastructure these days is an arduous task. Naturally, we were not thrilled to hear that the completion of these roadways several years down the road would be contingent upon the receipt of significant funding. That is a pretty big leap of faith that NYC Parks is asking the Staten Island community to take.

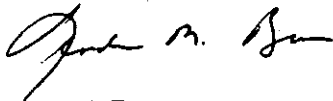
We acknowledge that any and all infrastructure upgrades within this park are going to require Department of Environmental Conservation (DEC) oversight and approval. Based upon everything we have heard, this is not going to be easy regardless of what is mapped in the EIS. The Borough President's staff assures us they have deeply examined the regulations in these areas and that the permits are attainable. Therefore, we must request that the plan with the shorter time frame and less expensive budget be adopted by NYC Parks.

As an active participant on your transportation task force, I applaud the commitment your administration has made to alleviate traffic congestion on Staten Island. Commissioners Amanda Burden and Janette Sadik-Khan have allocated significant resources on Staten Island and the results are evident. That being said, I think all members of the task force would readily admit that we still have a long way to go. Our business community is predominantly comprised of small businesses (1-20 employees) that need to traverse our saturated roadways to do business with one another and serve the community. The congestion they face every day costs them revenue, drives up energy/fuel expenses, and pollutes the environment. These roads are one of several potential remedies and I propose that they be placed on the task force's agenda as soon as the EIS is finalized. It is imperative that these roads fall under the jurisdiction of New York City Department of Transportation (NYC DOT) so that they are engineered and maintained properly.

There is one more additional factor that led us to our decision and it can not be captured in years or dollar figures. Our organization simply trusts that Borough President Molinaro and his staff have come to the proper conclusions. I have worked closely with him for the past five years and have always known him to be both truthful and rational. He has a common sense approach and he carries this communities best interest's with him into Borough Hall. I hope that your administration recognizes the due diligence that Borough Hall has put forth on this issue and implements their vision into the master plan for Fresh Kills Park.

Thank you for your consideration on this matter and please feel free to contact me directly if you would like to discuss the development of Fresh Kills and/or Staten Island further.

Sincerely,



Linda M. Baran
President & CEO

CC: Borough President James P. Molinaro
Councilman Michael E. McMahon
Councilman James S. Oddo
Councilman Vincent Ignizio
NYC Parks Commissioner Adrian Benepe

PACICS

Mayor Mike Bloomberg
City Hall
New York, NY 10007

August 8, 2008
7 Poller Avenue
S. I. NY 10312

Honorable Mr. Bloomberg,

I am writing on behalf of myself and my husband to let you know that we STRONGLY support our Borough President's (James Molinaro) plan to erect a wind farm at Fresh Kills!

They have been using wind energy for many years in California and we both feel it is an excellent idea and one whose time is now!. Fresh Kills is a perfect place to start and I'm sure if a poll is taken all of Staten Island would support this great idea!

Thank you for your time,

Sincerely,

Sally Robusto and
Leonard Robusto

LETTER SUBMITTED FOR PUBLIC RECORD
NYC PARKS DEPARTMENT PUBLIC HEARING ON FRESH KILLS PARK
SEPTEMBER 4, 2008
P.S. 58



August 8, 2008

Honorable Michael Bloomberg, Mayor - City of New York
City Hall
New York, New York 10007

Dear Mayor Bloomberg:

I am a business person, former Chairman of the Staten Island Chamber of Commerce, member of the Staten Island Economic Development Corporation, and Realtors® on Staten Island. I and many other Staten Islanders are concerned about the "Quality of Life" in our community and the wasteful hours my clients and I have to spend sitting in Staten Island traffic. *It diminishes productivity, wastes precious fuel, and increases stress.*

I strongly support Borough President Molinaro's position that the future location of roads in Fresh Kills Park should follow the route of the existing landfill roads. Certainly, one of Staten Island's greatest needs is traffic relief, and the existing landfill roads offer a "golden opportunity" to help manage local traffic in our Borough as soon as possible. These roads could be put to use expeditiously and, I am told, would face little or no opposition from the State Department of Environmental Conservation.

It is not clear that the City Parks Department's proposal to build new landfill roads through wetlands, streams, and over garbage mounds would be able to pass the various environmental standards, and, I am told, would cost at least \$360 million to build, *if they could be built in my lifetime!*

Under the plan that Borough President Molinaro has presented to various business organizations, only \$25-\$30 million would be needed to straighten the sharp curves in the existing roads, and they could be opened to traffic almost immediately.

I respectfully urge you to work with Borough President Molinaro to implement his plan,

which is the most timely and cost-effective means to utilize the landfill roads. The roads exist. They are ready to open to the public. *We have a once-in-a-lifetime opportunity to reduce traffic congestion by opening the roads at the former Fresh Kills landfill for public use. Staten Island needs traffic relief NOW!*

Most respectfully,

Henry Arlin Salmon, President

cc: Staten Island Borough President's Office
Staten Island Chamber of Commerce
Staten Island Economic Development Corporation
Staten Island Board of Realtors

Workflow Related Mail Incoming Attachment 499591 2615886 08121811361 (2).txt

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<APP>CUSTOM
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<MSG>August 12, 2008

Honorable Michael Bloomberg
Mayor, City of New York
City Hall
New York, New York 10007

Dear Mayor Bloomberg:

Staten Island needs your help. We have a once-in-a-lifetime opportunity to reduce traffic congestion by opening the roads at the former Fresh Kills landfill for public use.

I am a Realtors® on Staten Island. I, and the more than 2,700 other Staten Island are concerned about the "Quality of Life" in our community. Quality of Life is what we sell.

I strongly support Borough President Molinaro's position that the future location of roads in Fresh Kills Park should follow the route of the existing landfill roads.

Certainly, one of Staten Island's greatest needs is traffic relief, and the existing landfill roads offer the best chance to help manage local traffic in our Borough as soon as possible.

Obviously, the existing roads that the Borough President wants to utilize will survive any environmental test. These roads could be put to use expeditiously and would face little or no opposition from the State Department of Environmental Conservation.

It is not clear that the City Parks Department's proposal to build new landfill roads through wetlands, streams, and over garbage mounds would be able to pass the various environmental standards, and would cost at least 360 million to build.

Under the Borough President's plan, only 25-30 million would be needed to straighten the sharp curves in the existing roads, and they could be opened to traffic almost immediately.

As a strong proponent of parks and the environment, and someone who has allocated more than 80 million to Staten Island's parks, the Borough President has made it very clear that he is not opposed to the remaining 2,000 acres of the landfill being used as a park.

I urge you to work with Borough President Molinaro to implement his plan, which is the most timely and cost-effective means to utilize the landfill roads. The roads exist. They are ready to open to the public. Staten Island needs traffic relief NOW!

Sincerely,

Hank Edwards SRES, e-Pro
Licensed Real Estate salesperson

STATEN ISLAND BOARD OF REALTORS®

Workflow Related Mail Incoming Attachment 498188 2614107 08051215171.txt

This form resides at
<http://www1.nyc.gov/html/mail/html/mayor.html>

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<MSG>Please support BP Molinaro's plan for roadways in Fresh Kills landfill. The
Parks Dept. plan will not work, Staten Islanders need a common sense plan that will
use existing roads and that can be done ASAP. thank you.</MSG>
<PREFIX>MR.</PREFIX>
<FIRST>robert</FIRST>
<LAST>stern</LAST>
<ADDR1>90 bancroft ave</ADDR1>
<CITY>staten island</CITY>
<STATE>NY</STATE>
<ZIP>10306</ZIP>
<COUNTRY>United States</COUNTRY>
<PHONE_B>7184967429</PHONE_B>
<EMAIL>bobbostern@aol.com</EMAIL>
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Good evening, my name is Robert Englert. I am a Registered Architect and Land Use Director for Borough President Molinaro.

The Draft Generic Environmental Impact Statement for Fresh Kills Park failed to consider a reasonable assessment of local land use, zoning and public policy regulations.

The EIS proposes to:

- Vacate the NA-1 -Special Natural Area District designation on the site, and;
- Remove Fresh Kills Park from the NA-1 listing of the Zoning Resolution

In 1975, the Department of City Planning established the Special Natural Area District to guide development and protect areas endowed with unique natural characteristics.

All of the creeks at Fresh Kills are mapped within the Special Natural Area District.

While mapped parkland has no zoning designation, the Special District has specific text that protects the natural features of land designated as public parkland. What's more, any application proposed within this area today, requires a City Planning Commission approval.

So, why would Parks seek to reduce the current level of zoning protection?

What's the impact to the property and the surrounding wetlands, if this designation is haphazardly removed?

Why would this application seek to lower the current zoning controls on Fresh Kills Park from what currently regulates the Davis Wildlife Refuge, LaTourette Park, Farm Colony, Willowbrook Park and High Rock Park?

And, how would these regulations affect the development of "the Confluence" if the natural features had to meet strict City Planning Commission oversight?

These amendments represent a complete change in the level of zoning protections afforded by the Special District.

While the EIS claims that, *“the mapping of the site as a park... would complement the goals of the Natural Area District...”* it fails to demonstrate why that should require the removal of the NA-1 designation

The EIS goes on to say, *“While mapping the site as parkland would remove the Special Natural Area District from the project site, the objectives would be achieved by the implementation of the plan, rendering the zoning unnecessary.”*

This assessment is completely flawed.

The mapping of the site as parkland does not arbitrarily remove the NA-1 designation and has no relationship to the zoning controls. As a matter of fact, the Special District specifically addresses NA mappings in public parks.

These amendments are also a clear change in public policy. While the EIS cites some unrelated public policies which do not apply to parks, they seek to abandon the zoning controls of the Special District which were implemented in accordance with a well-considered plan to promote the character of the District.....that character includes the NA mappings within public parks.

Lastly, the existing NA-1 designation is the only connection between the Special South Richmond Development Zoning District to the south, and the larger NA-1 designations to the northeast. From a planning standpoint, the existing NA-1 district is critical to achieving the goals of both special districts and serving the public interest.

It is clear that the EIS study area was isolated from its context, existing zoning was arbitrarily dismissed, and existing public policies, have been misinterpreted.

Thank you.

Comments by Assembly Member Matthew J. Titone
on the New York City Department of Parks & Recreation
Draft Generic Environmental Impact Statement for Fresh Kills Park
September 4, 2008, PS 58, 77 Marsh Avenue, Staten Island

I welcome this opportunity to comment on the New York City Department of Parks & Recreation's Draft Generic Environmental Impact Statement for Fresh Kills Park. It is a very lengthy and thorough report and an important milestone marking progress towards turning an environmental disaster into a potential jewel and asset for the people of Staten Island and New York City.

The last thing I want to do is delay the implementation of the park, but I have some concerns about this report and possible negative consequences that could result if my concerns are not addressed. I will limit my comments to two aspects, the roads and the wind turbines.

ROADS

Much press has already been given to two competing proposals, that of the Staten Island Borough President to upgrade existing roads and that of building new roads. My concern is that short shrift is being given to the Borough President's proposal. Common sense would seem to dictate incorporating the current road system as the least costly and invasive

WIND TURBINES

I have to commend the Borough President on his foresight in proposing wind turbines for this site long before the current energy crunch and attention being paid to clean renewable sources of energy, and following up his proposal with studies. Again, I feel this report has given short shrift to the Borough President's work in this area.

I also feel that the report underestimates the benefits of the wind turbines and grossly overestimates the negative impact, especially as it pertains to their supposed visual intrusion. Fresh Kills is not a remote wilderness but sits in the heart of one of the most densely populated areas of the United States. I can remember driving up the New Jersey Turnpike and being able to see the Twin Towers of the World Trade Center long before any other landmark of New York City became visible and the joy that it gave me that I was approaching home. I believe these wind turbines will have a similar effect with their stately silhouettes. I can state without equivocation that I am sure that once they are built they will become a symbol of immense pride for all of Staten Island.

Once again, I commend the Borough President for his initiative on both of the above issues. He is truly concerned about making Staten Island a better place. Thank you for the opportunity to express my views on these important matters.



**City of New York Department of Parks
Public Hearing of the Fresh Kills Park
Draft Generic Environmental Impact Statement (DGEIS)**

**New Yorkers for Parks Testimony
September 4, 2008**

My name is Catherine Morrison Golden, and I am a former resident of Staten Island now living in Manhattan. I am a Board Member of New Yorkers for Parks, which represents a coalition of over forty parks organizations and is the only independent advocate for all the City's parks, beaches and playgrounds. For nearly 100 years, New Yorkers for Parks has worked to ensure greener, safer, cleaner parks for all New Yorkers. I am here tonight to express our strong support for Fresh Kills Park.

We applaud the innovative proposal to reclaim the Fresh Kills landfill for reuse as public open space. This ambitious plan will transform what was once the largest landfill in the world into a vital natural resource for our city's expanding population. The proposed 2,163 acres of new parkland—three times the size of Central Park-- would become New York City's second largest park and provide residents of Staten Island with a critical environmental and recreational asset. Among New York City's five boroughs, Staten Island is expected to experience the highest rate of population increase over the next 25 years. The existing supply of green space, recreational opportunities, and

waterfront access in the borough will be insufficient to serve its predicted 24.4% growth over the next two decades. Fresh Kills Park provides all New Yorkers --and particularly Staten Islanders-- with an extraordinary opportunity to bequeath future generations with a grand, historic park. The proposed natural areas, habitat restoration program, and freshwater and tidal wetlands are resources that offer long-term environmental and health benefits to the area. New waterfront access, active and passive recreational spaces, and connections to existing nearby parks and fields will enhance the vitality and quality of life on Staten Island.

The Parks Department has proposed creating seven miles of new roadways through Fresh Kills Park. As in other large scale parks in New York City, roads are essential to allow users to access the park. New Yorkers for Parks supports the two lane highway option in the alignments proposed in the DGEIS which were determined by traffic engineers to be the safest and most practical of numerous alternatives. Extensive road placement studies considered safety, habitat sustainability, views, and the long-term maintenance of the landfill. These proposed roads will improve traffic circulation on Staten Island. They will provide east-west connection between West Shore Expressway and Richmond Avenue at two entry points, providing drivers with new route choices and relieving congestion throughout the mid-island area.

We are happy to join the Staten Island Greenbelt Conservancy in giving our full support to the creation of a world class park on the site of the Fresh Kills landfill. As our region's population continues to grow, parkland becomes increasingly valuable, and

Fresh Kills offers our city a once-in-a-lifetime opportunity to remedy an environmental wasteland and create, in its place, a world class park available to our diverse population. We commend the Parks Department's leadership on this complex project and urge elected officials to expedite the transformation of the Fresh Kills landfill into a much needed public open space for our all New Yorkers.

FRESH KILLS ROADS PUBLIC HEARING, September 4, 2008
RJS TESTIMONY

Good Evening,

MY NAME IS RICHARD SHEIRER I AM THE FORMER
COMMISSIONER OF EMERGENCY MANAGEMENT FOR NEW
YORK CITY AND A STATEN ISLAND RESIDENT.

IT WAS WITH GREAT INTEREST THAT I READ THE PROPOSAL
FOR FRESH KILLS PARK. THE PROJECT PLANS TO PROVIDE A
WELCOMED RECREATION AREA UNLIKE ANY ON STATEN
ISLAND TODAY. HOWEVER, THE ^GEIS FLAW IS THAT IT MISSES
THE OPPORTUNITY, AND THE NECESSITY, TO OPEN ROADS IN
THE NEAR TERM TO IMPROVE THE EVERYDAY QUALITY OF
LIFE AND SAFETY FOR STATEN ISLANDERS AS WELL AS NEW
YORKERS FROM OTHER BOROUGHES.

WHILE OF COURSE THE ROADS WOULD PROVIDE TRAFFIC
RELIEF TO RESIDENTS, THE ROADS WOULD ALSO ALLOW
EMERGENCY RESPONDERS TO QUICKLY GET TO WHEREVER
THEY NEED TO BE WITHOUT HAVING TO TRAVEL AROUND
THE PERIMETER OF FRESH KILLS, WHICH ^{as the EIS notes} AT 2,200 ACRES, IS
THREE TIMES THE SIZE OF CENTRAL PARK.

FRESH KILLS ROADS PUBLIC HEARING, September 4, 2008
RJS TESTIMONY

THE LANDFILL ROADS CAN PROVIDE EMERGENCY
RESPONDERS WITH A QUICK ROUTE BETWEEN RICHMOND
AVENUE AND THE WEST SHORE EXPRESSWAY, WHICH IS A
CRUCIAL CONDUIT FOR THOSE RESPONDING TO A PROBLEM
ON STATEN ISLAND OR FOR UNITS THAT MUST QUICKLY
TRAVEL TO ANOTHER BOROUGH, ^{OR FROM} ~~OF NEW YORK CITY~~. YOU
NEED TO RECOGNIZE THAT THE NYPD PRECINCTS, 122 AND
123, WHICH WILL COVER THE PARK, ARE TODAY THE
LARGEST GEOGRAPHIC AREA POLICE PRECINCTS IN ~~THE~~ ^{THE} ~~CITY~~ ^{N.Y.}
CITY.

All you need to do is look at last week's mandatory evacuation of New Orleans to understand how important this new infra structure can be.

DURING MY TENURE AS OEM COMMISSIONER AND PRIOR TO
THAT AS DEPUTY POLICE COMMISSIONER AND DEPUTY FIRE
COMMISSIONER UNDER FORMER MAYOR GIULIANI, I CAN

Before that
HAVE SEEN

FIRST HAND

~~ASSURE YOU~~ THAT FIRST RESPONDERS MUST HAVE THE
ABILITY TO MOVE QUICKLY THROUGHOUT OUR CITY. IT IS AS
CRUCIAL TODAY AS IT WAS IN 1967 WHEN I STARTED MY
CAREER DISPATCHING FIRE TRUCKS.

**FRESH KILLS ROADS PUBLIC HEARING, September 4, 2008
RJS TESTIMONY**

**WE HAVE THE OPPORTUNITY TO TAKE ACTION AND HELP
IMPROVE RESPONSE TIME IN THE EVENT OF EMERGENCIES.
WHY HAS THIS NOT BEEN TAKEN INTO ACCOUNT IN THE
DRAFT EIS?**

**NEW YORK HAS SHOWN TIME AND TIME AGAIN IT'S THE CITY
WHERE THINGS CAN BE DONE WHEN THE RIGHT PRIORITIES
ARE SET AND THE EFFORT IS FOCUSED. IN THIS INSTANCE
THE EIS MISSED THE MARK. IT DOESN'T REFLECT THE
PRIORITIES OF STATEN ISLANDERS AND THE NEED TO HAVE
EFFICIENT, POTENTIALLY LIFE-SAVING ROAD CORRIDORS
SERVING THE PEOPLE. WE NEED TO HAVE THE ROADS
OPENED. I AGREE WITH BOROUGH PRESIDENT MOLINARO'S
PLAN, WHICH WOULD HAVE THE ROADS AVAILABLE AS
EARLY AS THE NEXT 3-4 YEARS. WE WOULD BE FOOLISH TO
WAIT FOR THE PLAN THAT THE PARKS DEPARTMENT HAS
PROPOSED, WHICH WOULD HAVE ALL THE ROADS OPEN BY
2036.**

My name is Marie DiResta. I am 1st Vice Chair of CB#2. I am also Pres. Of the Bd. Of Managers of Chestnut Hill at Essex a four building, four story condo, which is located on the other side of this school complex. I live in the neighborhood.

I am a great supporter of the construction of wind turbines at Fresh Kills.

I was hoping that the ENVIRONMENTAL IMPACT STUDY, called the EIS, would reflect the recent 14 month long study conducted through the Boro Pres. Office, which stated that Fresh Kills was the only location in the City of New York suitable for a wind farm, and outlined the exact locations where the wind turbines should be placed to reap the most benefit.

Instead, the EIS has failed to recognize the efforts made by the Boro Pres. The EIS gives no credit to the study that was conducted. In fact, the EIS states that it may need to conduct a study in the future to review the wind energy proposal. Why waste more time and money?

The study was already conducted.

Continuing through the document, the EIS makes all sorts of assumptions regarding the negative impact on both wildlife and people.

It predicts that wind turbines would be a source of distraction for motorists, who would be so engrossed in observing the windmills that they would crash their vehicles.

Come on now - How is a windmill more distracting than a roadside billboard?

More importantly, where are the studies that show that the situation of wind turbines near roadways cause accidents?

They don't cite a single one.

An Environmental Impact Study can not be written around baseless assumptions.

The document is flawed . It must be corrected. The wishes of Staten Islanders expressed by the Boro Pres. Should be ^{CONSIDERED +} honored.

HALLE

Good evening. My name is Witt Haley, I am here on behalf of Councilman Michael E. McMahon, representing the 49th district of Staten Island.

The development of the Fresh Kills Park is one of the most significant planning opportunities that we will have in the near future, and this development will affect the quality of life for Staten Islanders for 100 years and beyond.

The Environmental Impact Statement completed by the NYC Department of Parks and Recreation is flawed on the issue of landfill roads.

- The EIS calls for certain roads to be built over a 50-foot mounds of garbage without studying the costs and environmental impact. This proposal does not compare those costs with the costs of using the existing landfill roads.
- The EIS is flawed because it proposes to build new roads over existing wetlands, a clear violation of New York State DEC regulations.
- The EIS fails to consider how Staten Islanders are going to travel to and around the future Fresh Kills Park without efficient roads.
- In the “expected benefits” section of the EIS, there is no mention of opening the existing roads. Therefore, the EIS fails to consider the positive environmental effects of the Fresh Kills Roads on relieving traffic by reducing the emissions of vehicles, reducing congestion, and improving the quality of life for Staten Islanders in a measurable way.
- Why is there no discussion on long-term adverse conditions due to air pollution from idling cars stuck in traffic? Opening the Fresh Kills roads would reduce traffic congestion on Richmond Avenue and West Shore Expressway. The EIS does not quantify the positive impact of opening the roads for traffic relief.

The EIS is also flawed on its analysis of the development of Wind Energy.

- It fails to consider the positive impact of wind turbines on our environment through reduced oil consumption and CO2 production.

- The EIS is flawed because it fails to consider the positive economic impact of wind turbines to the City through reduced power production costs.
- The EIS is flawed because it mentions a “likely effect’ and “increased potential” that is based on assumptions and not actual studies.
- The EIS is flawed because it is selective on its comments on wind turbines and the impact on birds and bats. The EIS does not quantify impacts in other wind turbine facilities in the United States, some of which are in more populated wildlife areas.

Finally, The EIS fails to consider the active recreation needs of Staten Islanders and how those needs can be met using the 2,200 acres of Fresh Kills, which is 2 ½ times the size of Central Park.

The Department of Parks has failed to fully and reasonably examine alternatives to passive recreation in the form of active: Baseball, Soccer, Tennis, Horseback Riding, Bicycle paths – Which are required in Parks by the Administrative Code.

The EIS focuses predominantly on passive activities, It does not provide sufficient information on active recreation activities which the people of Staten Island desperately need,

I urge the NYC Department of Parks and Recreation to go back to the drawing board and do a thorough analysis on active activities. An Environmental Impact Study needs to look at both sides of the issue.

The planning of Fresh Kills Park is a once in a lifetime opportunity, lets get it right.

Thank you

PROTECTORS OF PINE OAK WOODS



**STATEN ISLAND'S
LAND CONSERVATION
ORGANIZATION**

www.siprotectors.org

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September 4, 2008

Re: Comments to the Generic Environmental Impact Statement of the proposed Fresh Kills Park

Thank you for this opportunity to comment.

Protectors does not see the need to have four lane roads (two lanes in each direction) traversing the new Fresh Kills Park. The data shown in the study prepared by URS, Fresh Kills Landfill Traffic Planning Study does not indicate much benefit from the proposed roads through the park. Additions to the West shore Expressway and the connection of the Korean War Memorial Highway to Richmond Avenue would improve traffic flow and keep it away from the park.

Park roads should be under the control of the NYC Parks to facilitate closing of such roads for special use or events that would warrant such closings. We know New Yorkers for Parks is advocating a car free summer for Central Park and Prospect Parks. If Fresh Kills Park is to be a world class park the roadways traversing it should be under the control of New York City Parks and Recreation.

We favor new park drive alternate B as shown in figure 6- Draft Master Plan , Proposed Circulation Plan.. This drive keeps the traffic close to Richmond Avenue and proposed parking lots. East Park and Davis Wildlife Refuge would benefit by keeping a large undisturbed area open for habitat restoration, improved wetlands and new forested areas. This area could be accessed by hiking and walking trails that would have a minimal impact on the flora and fauna.

Windmills at first blush seem like a great idea to supply power to the park. More study to see how such windmills would impact the parks environment is needed. Noise levels, shadow effects, air space restrictions, safety concerns and roads to service such complex structures all have to be considered.

Bike and pedestrian access to the park must be looked at from an island wide and even a regional aspect. Parks has a great opportunity to connect Fresh Kills Park to The Gateway Recreational Area using an already funded and planned route using Old Mill Road and the Amundsen Trailway to connect with the Great Kills Gateway area. A pathway from this area is mostly completed connecting along the waterfront down to Fort Wadsworth. Bike and pedestrian access from other areas should also be looked at as a way into the park without using cars.

Protectors is also concerned about the stated intention of using a Generic Environmental Impact Statement "to provide flexibility for detailed programmatic decisions to be made in the future." To us that usually means that public review is short-changed. We are formally asking that there be allowed opportunities for public review and comment on each major phase of the project as it comes online as a matter of course.

Lastly, Protectors would like to call attention to the fact the Fresh Kills is not yet a park, that is to say, it is not mapped as parkland because the Uniform Land Use Review Procedure or ULURP has ~~not~~ been held up by the signatories. It is incumbent on our elected officials to do the People's will and transfer this long-abused marsh to Parkland without delay.

Sincerely,

A handwritten signature in cursive script that reads "Hillel Lofaso".

Hillel Lofaso
President

A handwritten signature in cursive script that reads "Charles Perry".

Charles Perry
First Vice President

PROTECTORS OF PINE OAK WOODS



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Hillel Lofaso
President

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Charles Perry
First Vice President



Testimony of
Staten Island Chamber of Commerce President & CEO – Linda M. Baran
NYC Parks Department Public Hearing on Fresh Kills Park
September 4, 2008
P.S. 58

Good evening. My name is Linda Baran and I am the President and Chief Executive Officer of the Staten Island Chamber of Commerce. On behalf of the Chamber, our 900 members, and their 20,000 employees I would like to thank you for allowing us the opportunity to publicly comment on the future of Fresh Kills Park.

In the interest of time, I am going to be brief in my comments this evening. What I am stating publicly tonight in this auditorium will sound very similar to letters and testimony the Chamber has amplified previously.

We believe the number one issue adversely affecting the day-to-day quality-of-life for the business and residential communities on Staten Island is traffic. I am a member of the Mayor's Transportation Task Force and our organization has taken an active role over the past several years in advocating for expanding transit here on Staten Island. I truly believe that if we do not continue to aggressively pursue solutions then we will never be able to sufficiently recruit or retain businesses and jobs here on our own borough.

Along those lines, the Chamber believes that opening the roads in Fresh Kills Park for public usage is one of these potential solutions I just mentioned. We began advocating for these roads 3 years ago and we sent a letter to Mayor Bloomberg just 13 days ago echoing these sentiments once again. I am sure that everyone in attendance has read about the different proposals that are being considered...one set forth by New York City Parks and one by Borough President James Molinaro. The Chamber has reviewed and considered both of these proposals.

Our Board has chosen to support the plan that can be constructed the quickest, costs the least, and will receive environmental approvals. This plan is Borough President Molinaro's. Borough President Molinaro and his staff have proposed a roadway which is approximately one tenth the price of the Parks plan and can be constructed in half the time; which would be in 2012. The timeline is critical! We simply can not afford to wait for a decade to open roads on 2,300 available acres...which is 8% of Staten Island's land area. These east-west connections will alleviate traffic on key roadways such as Richmond Avenue, Arthur Kill Road, etc. right in the heart of our borough. I am not standing here pontificating that these roads will cure our transportation ills. But they can be a part of the solution and that needs to happen sooner rather than later.

As we all know, this park is going to be developed in four phases over the next 25-30 years. There are still many decisions left to be made in regards to the vast potential for this historic park. But these decisions should not be made until the road network has been established. I urge you to adopt the Borough President's vision so that we can begin to focus on other aspects of the park.

I would like to thank you once again for allowing us the opportunity and for the work that has been done to bring us to this point. The closing of Fresh Kills was an important day in the history of this borough and the completion of this park will bring closure and officially define Staten Island as the borough of Parks!

Thank You.

Hearing on Fresh Kills Landfill EIS
September 4, 2008

Good evening. My name is Leticia Remauro and I am the Second Vice Chair of Community Board #1 in Staten Island.

On June 10, 2008 Community Board #1 voted 35-0-0 (2 ineligible) to support the position of Borough President Molinaro in opposition of the current mapping plan submitted by the Parks Department for Fresh Kills Park specifically the plans dealing with the proposed roadway placement and construction in the park.

The Board urges you to review the Borough President's Environmental Impact Statement regarding the mapping of the roads at Fresh Kills Park and incorporate his plan into the ULURP application.

I volunteer to serve on the Community Board because I love my community. Tonight I am here to offer my personal testimony regarding the EIS because I love Staten Island and I don't want to see the potential for Fresh Kills sabotaged by short sightedness.

The Draft EIS is flawed because it fails to offer specific information on the things that matter most to Staten Islanders: easing traffic congestion by opening landfill roads, reducing our dependency on foreign oil through the utilization of wind farms placed within the landfill and providing recreational resources for our children by developing areas of the landfill for active recreation.

Anyone who lives, works or has driven through Staten Island knows that traffic congestion is our most severe problem. Our Borough President, Jim Molinaro, has rightly proposed the opening of the existing roads in Fresh Kills landfill to ease some of that traffic congestion. Frankly, anyone with an ounce of common sense has no choice but to agree with him.

We are only asking for a little over 3 miles of roads out of a 2,200-acre park to assist thousands of Islanders who are forced to sit in traffic everyday - traffic that generates carbon monoxide and other volatile chemical compounds into our air.

Yet, the EIS is one-sided about the roads and paints them in a negative light. Why?

How can an EIS that was supposedly thoroughly conducted only raise CONCERNS about roads and wildlife, roads and topography, roads and pollution? Where is the positive data about traffic relief? Why doesn't the EIS investigate how the reduction of traffic with landfill roads can reduce idling cars and human frustration? What about people? Aren't they supposed to count for something?

Even our National Parks have roads through them. The Adirondacks has thousands of miles of roads. Yet, the EIS seems to be saying that roads are not compatible with parks.

The EIS needs to address the positive difference these existing roads can make in our quality of life and our ability to get to and from and through this park.

Perhaps more insulting than the negative light the EIS sheds on the roads is its failure to address the positive impact the landfill could have on our environment if we dedicate a portion of it to wind farms. One would think that an environmentally conscious agency like the Parks Department would jump at the chance to "go green."

Yet, the EIS frets only about the impact the turbines may have on sight, sound, and migratory species.

Nothing in the EIS cites data about the reduction in the use of oil, the reduction of our carbon footprint, the opportunity to use clean energy to power the future park. One has to wonder how much consideration is really being given to the quality of life for Staten Islanders. After decades of living in the shadow of this environmentally toxic behemoth, haven't Islanders earned the right to ask the city to dedicate a portion of this mountain to environmentally conscious energy production?

Finally, while our children struggle to find places to play sports on Staten Island, the EIS can find no room for soccer, baseball, football, tennis, track, bicycling and skateboarding on any of its two thousand acres.

Oh - there are spurious mentions of athletic fields in the future. However, there are no details cited that would allow the EIS to pass regulatory scrutiny.

Let's face facts. The EIS is prejudiced in favor of a massive - PASSIVE park, which fails to serve the pressing needs of Staten Island residents. The EIS fails to show balance or an evenhanded examination of these issues.

I urge you to amend the Study, and to give us the details we need to get these roads, wind turbines and recreation facilities built in OUR park.

Judy Dahl

silive.com
Statens Island Live

Windmills split upstate NY town and families

8/16/2008, 1:09 p.m. ET

By HELEN O'NEILL
The Associated Press

LOWVILLE, N.Y. (AP) — "Listen," John Yancey says, leaning against his truck in a field outside his home. The rhythmic whoosh, whoosh, whoosh of wind turbines echoes through the air. Sleek and white, their long propeller blades rotate in formation, like some otherworldly dance of spindly-armed aliens swaying across the land.

Yancey stares at them, his face contorted in anger and pain.

He knows the futuristic towers are pumping clean electricity into the grid, knows they have been largely embraced by his community.

But Yancey hates them.

He hates the sight and he hates the sound. He says they disrupt his sleep, invade his house, his consciousness. He can't stand the gigantic flickering shadows the blades cast at certain points in the day.

But what this brawny 48-year-old farmer's son hates most about the windmills is that his father, who owns much of the property, signed a deal with the wind company to allow seven turbines on Yancey land.

"I was sold out by my own father," he sputters.

Yancey lives in a pine-studded home on Yancey Road, which he shares with his wife, Marilyn, and three children. The house is perched on the edge of the Tug Hill plateau, half a mile from the old white farmhouse in which Yancey and his seven siblings were raised.

Signs for fresh raspberries are propped against a fence. Horses graze in a lower field. Amish buggies clatter down a nearby road. From the back porch are sweeping views of the distant Adirondacks.

But the view changed dramatically in 2006. Now Yancey Road is surrounded by windmills.

Yancey and some of his brothers begged Ed Yancey to leave the family land untouched. But the elder Yancey pointed to the money — a minimum of \$6,600 a year for every turbine. This is your legacy, he told them.

Yancey doesn't want the money or the legacy or the view.

"I just want to be able to get a good night's sleep and to live in my home without these monstrosities hovering over me," he says.

For a long time he didn't speak to his father. The rift took a toll on his marriage. He thought about leaving Yancey Road for good.

The Tug Hill plateau sits high above this village of about 4,000, a remote North Country wilderness of several thousand acres, where steady winds whip down from Lake Ontario and winter snowfalls are the heaviest in the state.

For decades dairy farmers, Irish and German and Polish immigrants, and lately the Amish, have wrested a living from the Tug — accepting lives of wind-swept hardship with little prospect of much change.

Then, a few years ago, change came to Tug Hill, and it arrived with such breathtaking speed that locals still marvel at the way their land and lives were utterly transformed.

Overnight, it seemed, caravans of trucks trundled onto the plateau, laden with giant white towers. Concrete foundations were poured. Roads were built and for a couple of years the village was ablaze with activity.

Today, 195 turbines soar above Tug Hill, 400 feet high, their 130-foot long blades spinning at 14 revolutions per minute.

The \$400 million Maple Ridge wind project, the largest in New York state, brought money and jobs and a wondrous sense of prosperity to a place that had long given up on any. Lately, it has also brought a sense of importance. Lowville and the neighboring hamlets of Martinsburg and Harrisburg, which also host turbines, are at the forefront of a wind energy boom that T. Boone Pickens and Al Gore have hailed as the wave of the future.

But for all the benefits of clean, renewable energy, the windmills come with a price — and not just the visual impact.

"Is it worth destroying families, pitting neighbor against neighbor, father against son?" asks John Yancey, whose family have farmed Tug Hill for generations. "Is it worth destroying a whole way of life?"

Similar questions are being asked across the state and the country as more and more small towns grapple with big money and big wind. For many, the changes are worth it. With rising oil and gas prices and growing concerns about global warming, wind is becoming an attractive alternative. The U.S. Department of Energy recently released a report that examines the feasibility of harnessing wind power to provide up to 20 percent of the nation's total electricity by 2030. U.S. wind power plants now produce less than 1 percent.

The Maple Ridge project produces enough electricity to power about 100,000 homes. Other wind projects are going up all over the state. Pickens is talking about building a \$10 billion wind project — the world's largest — in the Texas panhandle. Everyone, it seems, is talking about wind.

Yancey understands its seduction. An electrician, he knows as much about the turbines as anyone. He helped build and install the ones on Tug Hill. He can rattle off statistics about the bus-sized nacelle at the top of the tower which houses the generator and the sophisticated computer system that allows the blades to yaw into the wind. He talks about the 1.65 mw Vestas with authority and respect.

Turbines have their place, Yancey says, just not where people live.

And he accuses the wind company of preying on vulnerable old-timers like his father.

Ed Yancey sits in the front room of the little house on Trinity Avenue where he moved after retiring from farming. His eyes are bright and his handshake is strong and the only concession to his 92 years seems to be his poor hearing.

He says doesn't feel preyed upon. He feels lucky. He feels proud to be part of a change he thinks is inevitable.

"It's better than a nuclear plant," Ed Yancey says. "And it brings in good money."

Next to him, daughter Virginia Yancey Lyndaker, a real estate agent who infuriated her brothers by siding with her father, nods in agreement. You can't stop progress, she says.

Ben Byer, a 75-year-old retired dairy farmer, feels the same way. Like Ed Yancey, Byer felt lucky when the wind salesman knocked at his door. He was one of the first to sign up.

Now he can count 22 windmills from his Rector Road home. Seven are on his land.

"The sound don't bother me," he says. "And it sure beats milking cows."

But Byer, who is John Yancey's uncle, understands the lingering resentments the windmills fuel. The wind company signed lease agreements with just 74 landowners over a 12-mile stretch and "good neighbor" agreements with several dozen more, offering \$500 to \$1,000 for the inconvenience of living close to the turbines. In a small community, that kind of money can cause tensions between those who profit and those who don't.

Byer also understands the strain windmills can place on a family. His 47-year-old son, Rick, lives higher up on the plateau in a small white ranch house with a two-seat glider parked in a shed. The glider is Rick Byer's passion. He flies on weekends when he's not working at the pallet-making company.

In order to launch, the glider has to be towed by truck down a long rolling meadow across the road. When the wind company began negotiating with his father to put turbines on his "runway," Rick Byer delivered a furious ultimatum.

"I told him if he allowed turbines in that field he would lose a son."

The son's rage won out over the father's desire for easy cash, but Rick Byer still seethes at the forest of turbines that sprouted across from his home. Now he speaks out in other area towns where windmills are proposed.

"I tell people it's not a wind farm, it's an industrial development," he says as he mends wooden pallets in a barn one warm summer night. Rock music crackles from a radio propped crookedly on a pile of wood. Every now and then, Byer adjusts the set for a better reception. The windmills interfere with the signal, he says. They interfere with television too.

And they transform the night. As dusk falls, red strobe lights appear on every third windmill, glowing eerily atop the blades spinning ghostlike in the moonlight.

Like most of their neighbors, the Yanceys and Byers had a hard time believing the wind salesman when he first rolled into town in 1999. Years earlier there had been talk of natural gas on Tug Hill, but nothing ever came of it. People assumed the wind project would go the same way.

"No one thought it would happen," John Yancey says.

But Bill Moore, a Maryland-based energy consultant and investor who worked on Wall Street before going out on his own, was persistent. And persuasive. For several years he drove all over Tug Hill in his Land Rover, knocking on doors, talking to farmers in fields, hosting meetings at the Elks Lodge, preaching the gospel of wind.

At first local officials were skeptical, too. But they listened, and learned, and they started hammering out agreements with Moore's company, Atlantic Renewable Corp., and its partner company, Zilka Renewable Energy. (The companies have changed names and ownership several times and the Maple Ridge Wind project is now jointly owned by PPM Energy of Portland, Ore., which is part of the Spanish company Iberdrola SA, and Houston-based Horizon Wind Energy LLC, which is owned by the Portuguese conglomerate Energias de Portugal.)

Eventually officials from Lowville, Martinsburg and Harrisburg, along with Lewis County legislators, negotiated a 15-year payment-in-lieu-of-taxes agreement that gave the three jurisdictions \$8.1 million in the first year.

"We knew we were going to change the landscape, maybe forever," says Martinsburg supervisor Terry Thiesse. "We knew some people would be unhappy. But the benefits far outweighed the objections of a few."

Martinsburg, with a population of 1,249, got the biggest municipal cut because it hosts the largest number of windmills — a total of 102. Thiesse, who receives payments for a windmill on his own land, says Martinsburg's budget went from just under \$400,000 to more than \$1.2 million with the first wind payment in 2006. The municipality is currently negotiating a deal with another wind company for an additional 39 turbines.

In Lowville, school Superintendent Ken McAuliffe is thrilled to be buying new computers, expanding school buildings and planning new athletic fields. The school district, which serves all jurisdictions, received \$2.8 million in 2006 and \$3.5 million in 2007.

Still, McAuliffe said, negotiating the deal was the most demanding experience of his professional life.

"I'm an educator, not a wind expert or an investor," McAuliffe said. The hardest part, he said, was understanding the amounts of money involved, trusting that the community would get it, and "the great unknown, which is how much the wind company is making."

Wind finances are a source of great confusion for many locals, who assumed they would get free electricity once the turbines were installed. In fact, the energy is sold to utility companies and then piped into the grid.

Though the wind itself is free, companies have enormous startup costs: a single industrial wind turbine costs about \$3 million. In New York, companies benefit from the fact that the state requires 25 percent of all electricity to be supplied from renewable sources by 2013. They also get federal production tax credits in addition to "green" renewable energy credits, which can be sold in the energy market.

In this context, the annual payments of about \$6,600 per turbine are relatively small. But for some cash-strapped farmers, they amount to a retirement supplement.

"It's the best cash cow we ever had," booms retired dairy farmer Bill Burke, who has six turbines on his land. "This cow doesn't need to be fed, doesn't need a vet, doesn't need a place to lie down."

Burke, a blustery 60-year-old, is proud of his credentials as the wind company's biggest local cheerleader. A school board member and county legislator, he also works part-time for the company, giving lectures and tours. His son, Bobby, works for it full-time.

Burke sold the last of his herd in 2004. Without the income from the turbines, he says, he might have had to sell his 100-year-old farm too. He has no regrets about grabbing his "once in a lifetime chance at prosperity."

"This project was happening, like it or not, and you would have to be a fool not to participate, to be excited and take advantage of it," Burke says.

Not everyone agrees.

For many, the realities of living with windmills are more complicated than clean energy and easy money. People have mixed feelings about the enormous scale of the project and the speed at which it went up. They question what will happen when the 15-year agreements expire. There are concerns about the impact of turbines on bird and bat populations. Some accuse lawmakers of getting too cozy with wind developers in order to profit from turbines on their land — allegations that prompted New York Attorney General Andrew Cuomo to launch an investigation into two wind companies and their dealings with upstate municipalities. (The investigation does not involve Maple Ridge.)

Such concerns have ignited furious debates in upstate towns where more than a dozen wind power projects are being considered — in Cape Vincent, Clayton, Prattsburgh. Some towns passed moratoria on industrial turbines in order to learn more. Malone and Brandon recently banned them completely.

"It seemed like the cost, in terms of how it changed the community, was too high," Malone supervisor Howard Maneely, said after visiting Lowville.

Pat Leviker, 60, who grew up on Tug Hill, thinks so too. Leviker cried the day the first turbine went up, "like a giant praying mantis peering at my home." Now she and her husband Richard, who both work for the state Department of Environmental Conservation, plan to sell their home and move off the plateau when they retire.

"We want clean energy as much as anyone," says Leviker, who rejected a \$1,500 payment from the wind company for the disruption of her view. "But we also want quality of life."

Over on Nefsey Road, which runs parallel to Yancey Road, Dawn Swenedoski, a sixth-grade teacher, finds a certain beauty in the windmills.

But she is sympathetic to her neighbors' concerns. The Amish farmer across the road, who bought her husband's farm seven years ago, rejected the wind company's offer of two turbines. He hates how the towers have changed the scenery and disrupted the sense of tradition and tranquility that lured his family from Maryland in the first place.

Swenedoski, whose house has magnificent views of the valley, sees the windmills only in the distance. She understands John Yancey's annoyance at living with them up close.

"It's hard when change is for the common good but some people suffer more than others," she says.

No one understands that better than the Yanceys, struggling to patch fractured family relationships, even as they struggle to come to terms with the turbines.

High on Tug Hill sits the Flat Rock Inn, a popular gathering point for snowmobilers and all-terrain vehicle riders. Twenty years ago, Gordon Yancey carved out this chunk of land with the help of his father, creating miles of forest trails and camping areas, set around a six-acre, man-made pond.

"People come for the scenery, the serenity," says Yancey, 49, proudly driving through his property, describing the "jungle" that he and his father cleared. He rolls to a halt in front of the inn, a rustic wooden structure with a bar, restaurant, a few rooms and a large wraparound porch.

All around stretch windmills, miles and miles of them. Yancey chokes up just looking at them. They have hurt his business, he says. And, like his brother, he hates the view and the noise.

"Dad taught us such respect for the land. For my father to be part of this..." His voice trails off and he shakes his head and walks away, too angry to continue.

This particular weekend is a busy one for Yancey's inn, which is hosting a huge watercross event — in which snowmobiles roar across the pond, their speed keeping them from sinking. Campers roll in to watch. There are campfires and barbecues and squealing children darting about. The atmosphere is festive and carefree and very noisy as racers' engines scream and a helicopter whirs overhead giving 10-minute joyrides for \$25.

In the distance, Rick Byer's glider floats above the turbines. On the ground John Yancey works an enormous homemade gas grill turning 50 sizzling chickens on spits. Gordon Yancey is down by the pond, bellowing race results through a loudspeaker. Another brother, Tim Yancey, wanders by with his girlfriend, anti-wind activist Anne Britton. Patriarch Ed Yancey is there too, cooling off in a storage shed near the grill, talking about the old days — before snowmobiles and turbines.

All around the windmills spin. John Yancey looks up from the grill occasionally and grimaces at them. Right now, no one else seems to care.

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8/6/2008, 8:00 p.m. ET

John Yancey stands on his property with a wind turbine from the Maple Ridge Wind Farm in background on Thursday, August 7, 2008, in Harrisburg, N.Y. The \$400 million Maple Ridge wind project, the largest in New York state, brought money and jobs and a wondrous sense of prosperity to a place that had long given up on any. (AP Photo/Heather Ainsworth)



SiLive.com

324 Wilson Ave.
Staten Island, NY 10312
Sept. 4 2008

Joshua Laird
Assistant Commissioner for
Planning and Natural resources
New York City Department of
Parks and Recreation
the Arsenal Central park
830 5th Ave. Rm 403
New York, NY 10065

Dear Mr. Laird,

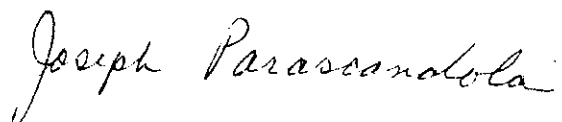
I am writing on behave of the Wilson Ave. Civic Association. We have been attending meetings for the Fresh Kills landfill for a number of years now. We have been pleased with the vision of the planners, till now. We have always been under the impression that the planners were incorporating the communities needs and wishes into the parks design.

However, we have learned that the much needed roads and the proposed windmill farm is not being considered as part of the parks design. Our association is disappointed with this. We were hoping to have much active areas as well as passive areas. We were hoping for many sport fields including hockey, skate and bike ramps, archery and rifle ranges and an area for car enthusiast to show off their collector cars.

We stand with the Borough President Molinaro's plan for the roads and windmills, and we are also suggesting cell phone towers to be place within the landfill as well. We believe that the size of the landfill should allow us to have it all, the practical, the active, and the passive natural areas.

The Fresh kills landfill has the potential to become a wonderful area for all people to enjoy as well as satisfy the needs of the community. We hope that the parks department planning commission will work with our borough officials to make this the best park in the city.

Sincerely,

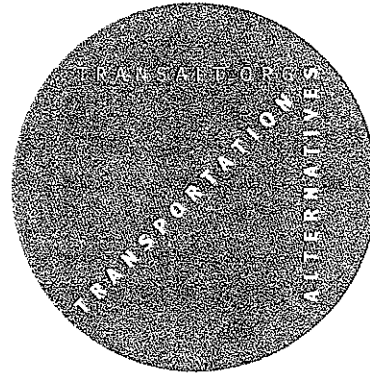


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Your advocate for bicycling,
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Thursday, September 4, 2008
7:00 pm, P.S. 58 in New Springville

Testimony of Transportation Alternatives

Transportation Alternatives, or T.A., is a 7,000 member non-profit organization. T.A. has worked over the years to provide safer conditions for cyclists and pedestrians on New York City streets, as well as to improve public transit and reduce automobile use throughout the city.

According to the New York City Department of Parks and Recreation, the proposed plan for Fresh Kills Park includes mountain bike trails and greenways for pedestrians and cyclists. In addition to within the park, there are many proposed bike paths and greenways in the area surrounding Fresh Kills. Roads that already have proposed bike lanes include:

- Chelsea/Bloomfield Road
- South Travis Avenue
- South Street
- Signs Street
- Mulberry Avenue/Park Drive
- Sleepy Hollow
- Richmond Avenue
- Drumgoole Road East and West
- Arthur Kill Road
- Richmond Hill
- Forest Hill
- Arden Avenue

With the bike routes surrounding the park, there is huge potential to connect the proposed routes inside the park with the routes of the surrounding community. Building the bike routes, however, is not enough. In order to ensure the safety of cyclists, bike paths leading to and from the park should be physically protected from traffic, similar to the bike lanes of 9th Avenue in Manhattan. By providing safe and direct bike lanes to and from the park, the accessibility to cyclists would promote cycling and help avoid the need to drive to use the paths within the park.

Fresh Kills Park could potentially play an even bigger role in the cycling community, by connecting the greenways all around Staten Island. The North, West and South Shore Greenways, as well as the Staten Island Greenbelt, could be connected to the bike routes in Fresh Kills, allowing even more biking options for cyclists than just Fresh Kills and the immediate surrounding communities.

In conclusion, T.A. strongly supports the plans for Fresh Kills Park. Not only do the existing plans allow better biking, they also provide an abundance of opportunities to connect the cycling community all over Staten Island. By simply increasing accessibility to cyclists through improved and safer bike routes to, from and surrounding the park, Fresh Kills Park and Staten Island could be a leading example in providing cyclists with the safety and space that they deserve.

CITY OF NEW YORK
PRESIDENT
OF THE
BOROUGH OF STATEN ISLAND



JAMES P. MOLINARO
PRESIDENT

BOROUGH HALL, STATEN ISLAND, N.Y. 10301

September 15, 2008

Mr. Joshua Laird
Assistant Commissioner
New York City Parks and Recreation
Planning and Natural Resources Division
The Arsenal - Central Park
830 5th Avenue
Room 403
New York, New York 10065

Dear Commissioner Laird:

My staff and I have reviewed the document ***Fresh Kills Park Draft Generic Environmental Impact Statement - GEQR #06DPR0024***. This letter contains the compilation of comments from my staff and is to serve as the formal response from my office.

Before the comments are presented, I must make a statement. At the end of the September 4th public hearing on the DGEIS, my environmental engineer asked for clarification on when comments were due, seeing how the tenth day fell on a Sunday. In response, you agreed that comments would be due on the following day, Monday, September 15th. I am thus submitting my comments today even though, during a discussion at the September 12th landfill roads meeting I and my staff attended at the Department of Design and Construction, Parks informed me (and to all present) that the comment period had been extended until the end of September as per a **Parks Department memo**. I was surprised at this since no one in my office had received such a notice - and, as I sign this letter, none has been found. I therefore do not want to take any chances on expending more time to compile my comments when, in reality, no such time extension was ever granted. But if an extension does in fact exist, then I will certainly add, as I see fit, any additional information during the extension period.

General comments

Earlier this month, my office submitted an alternative proposal to the landfill roads designs in the present DGEIS. That submittal has instituted design discussions and meetings with the Mayor's office, New York City Parks and Recreation, New York

City Design and Construction (DDC), and New York City Department of Sanitation to such a degree that URS, a consulting firm, is presently reviewing for DDC the borough president's proposal. With this information in hand, the Parks Department is to understand that the alternative proposal from this office is part of my official comments to the present DGEIS and it is expected that the final EIS will both reflect and include this office's proposal and the ongoing engineering reviews.

Specific Comments

Executive Summary

- Page S-2: ... *Park implementation in North Park and South Park is expected in the earlier phases of the project (through 2016), along with the proposed park roads to provide access...*

Comment: The primary purpose of the proposed park roads is not to provide access to the park but to first provide access through the landfill from Richmond Avenue to the West Shore Expressway for the people of Staten Island. This is not mentioned at all in this very early page of the Executive Summary. Access, via the roads, into the park – ***which will not be completed as a park for almost 40 years*** – is of secondary concern to Staten Islanders. Therefore, if the authors of the DGEIS have as their mandate that the primary purpose of the Fresh Kills roads is to provide access to the park, then the document should state this.

- Page S-2: **Site History**

Comment: This section does no justice to the history of the landfill, and to non-residents reading this document, it appears as if closing the landfill was a planned event instead of the will of the people of Staten Island.

For example, the statement ... *To enable Fresh Kills to come into compliance with the Part 360 regulations for solid waste management facilities, NYSDEC entered into a consent order that allowed DSNY to continue to operate the Fresh Kills Landfill while the City made environmental and operational improvements at the landfill...* This is an inaccurate and incorrect statement. By 1990, Fresh Kills was on its third Consent Order in ten years from the DEC because the City had failed to comply with each preceding Consent Order – that is, providing the environmental studies needed to apply for a permit to legally operate as a landfill. It was only with the third Consent Order that the DEC finally included deadline dates/milestones for environmental studies to be completed so that a permit application would be filed before 1995. Yet these facts are nowhere to be found in this section.

As another example of the myopic view of Fresh Kills history in the DGEIS, this section states that a state law passed in 1996 required the landfill to cease accepting solid waste by December 31, 2001, thus also terminating the permit application review. This is a half-truth. It is more appropriate to state

that the law was a direct result of four Staten Islanders filing a federal lawsuit against the City and State because the landfill violated both the federal Clean Air Act and the City's Fair Share provisions of the City Charter. It was thus the success of this lawsuit that the City and State accepted the demise of the landfill on December 31, 2001 – as requested by the plaintiffs in the lawsuit. It was only then that a State law was introduced and passed – even though the Fresh Kills permit application stated that the landfill would continue to operate until the year 2017.

- **Page S-4, Planning and Design Assumptions for the DEIS Impact Analysis:** ...*The DMP (Draft Master Plan) considers diversity of cultural, athletic, and educational programming, as well as a landscaping plan that includes new landscapes that would offer wildlife habitat, as well as natural open spaces for park visitors...* and **Page S-12, DMP Conceptual Plan:** ...*Within the Confluence is the 50 acre Point, a large waterfront area that would provide sports fields, event spaces, lawns, art works, and other cultural and commercial facilities serving park users such as restaurants and market roofs. The Point is also the proposed location ...and would offer active recreational programs, multi-use sports facilities and fields with the ability to host athletic events...*
Comments: The DGEIS fails to consider the framework required to define the public's aspirations for the long-term use of the site. The DGEIS fails to strike a balance between the City's programmed vision for the park and the facilities, features and activities requested by Staten Islanders through many public meetings.

Fresh Kills Park will be defined by five designated planning areas: the Confluence (175 acres), North Park (280 acres), South Park (415 acres), East Park (530 acres) and West Park (560 acres). These areas do not include an additional 700 acres that include wetlands, waterways and natural areas such as the Isle of Meadows. The Point, a 50 acre parcel located within the Confluence will contain (1) multi-use sporting/event area. The other planned area within the Confluence, to be called "Creek Landing" (20 acres), will contain no additional "athletic" facilities. There is no other "athletic" programming included in the conceptual plan for the Confluence. The remaining parks that comprise the totality of Fresh Kills Park (2,200 acres) are programmed for a total of 4.68 acres of much needed active open space facilities for the people of Staten Island. (See Chapter 5 – Open Space and Recreational Facilities – Table 5-7, (p.5-11).

Lastly, it should be noted that Owl Hollow Park (located northwest of Arden Heights Woods Park is situated southwest of Fresh Kills Park) and has been studied under a separate Environmental Assessment Statement.

- **Page S-10: Future Conditions at the Project Site Without the Proposed Park**

Comment: The section states ... *No public access would be provided at the site...* Is it Parks' opinion that if there is no park then the landfill roads would never be realized? And if so, where is the justification for this statement?

- Page S-11, **Framework For Environmental Impact Analysis:** ...*It is the objective of this GEIS to provide a comprehensive and cumulative examination of the potential environmental impacts of the proposed project, with an emphasis on the short-term projects and those elements that require permits and approvals from City, State and Federal agencies...*

Comment: The DGEIS fails to consider the establishment of adequate and realistic design guidelines to strengthen the use, and overall organization and future programming, of the park. In Chapter 5, specifically, Open Space and Recreational Facilities – Table 5-5 (p.5-8) and 5-7 (p 5-11), only 44.1 acres of the 197.5 programmed active acres will be part of the short term projects. This represents 22.32% of the active acres to be developed at Fresh Kills Park, through 2036. It is apparent that the emphasis for the environmental impact analysis is not the potential environmental impacts of the park elements but instead an emphasis on moving almost 78% of the active programming to the year 2036 or beyond.

- Page S-13, **DMP Conceptual Plan :** ...*North Park is one of the early phases of implementation.....and is proposed for simple recreational facilities, vast natural settings, meadows, wetlands, and creeks, and is envisioned as a lightly programmed natural area connecting with Schmul Park... South Park is also one of the early phases of implementation.....and is proposed to have active recreational uses, an equestrian facility, a mountain biking venue, and a neighborhood park in a large natural setting... Here there would be tennis courts; an indoor aquatic and /or track and field facility; and an equestrian center."*

Comment: The DGEIS provides no explanation as to the following contradiction: if South Park is one of the early phases of implementation, then why are there are no active recreational uses in South Park scheduled for completion by 2016, pursuant to Table 5-5?

- Page S-17: ... *In the spirit of the US National Parks & Scenic Byways, Fresh Kills park roads are proposed to be an integral feature of the parks experience...*

Comment: The report does not document whether this policy is in place for all NYC parks that have roads through them. For example, is this the case for Central Park? And if not, why not?

- Page S-26, **Probable Impacts of the Proposed Project – Socioeconomic Conditions:** ... *In addition, no private employment currently on the project site would be displaced. The proposed project will not displace neighborhood businesses or special or unique manufacturing operations.....In addition, no indirect displacements impacts are expected with the proposed project...*

Comment: The DGEIS fails to discuss the adverse socioeconomic impact for businesses operating on City-owned parcels surrounding the subject site. Existing businesses on City owned parcels have been indirectly displaced without examination of the characteristics of the proposed action. The businesses were located on parcels **not programmed for future use**. These uses were also located in an area where adjoining uses were consistent with the displaced uses. The indirect displacement of these businesses will now make it difficult for said business categories to remain in the area. Most other adjoining parcels are inconsistent with required zoning for the intended uses. These actions have directly displaced uses that directly support businesses in the area and bring people to the area that form a unique customer base for these local businesses. Lastly, the action also directly displaced workers who form the base of the existing businesses.

- Page S-55: ... *No advantage to the 2-lane or the 4-lane design from a park perspective ...*

Comment: There is no discussion to the advantages of either a 2-lane or 4-lane design from a **Staten Island driving perspective**. Is it the primary mandate of the Parks Department that the proposed roads serve the Fresh Kills Park first, and then the public? If this is so, the report does not state where or when this mandate was discussed, reviewed, and adopted. The agency, during several public meetings concerning the end-use of Fresh Kills, did not, at any time, state this as a Parks Department mandate.

- Page S-55: it states that the two-lane road proposal is more consistent with park design intention, prioritizing bike, pedestrian and boating experience.

Comment: The report does not state where or when the Parks Department made the decision that the roads are not a priority to Staten Islanders and that roads through the landfill are of secondary importance to bicycle, pedestrian, and boating experiences.

- Page S-55: It states that the Fresh Kills Park goal is to leave the northern area of Section 6 as pristine and natural.

Comment: The report does not document where or when the Parks Department made this decision, and whether it was a departmental decision or a result of the public meetings/discussions. If it was a result of public meetings, the report does not document at which public meeting this was discussed and finalized.

- Page S-56: **Lesser Impact Alternative** - ... *the roadways proposed with the proposed project would also not be constructed...*

Comment: The report does not cite when, where, or who made the decision that if there is no Fresh Kills Park there will be no landfill roads. In addition, such a statement ignores the fact that there are, indeed, roads that already exist within the landfill.

Chapter 1 – Project Description

- Page 1-57, **Vehicular Circulation – 2016:** This section describes the road construction schedule moving from west to east: first beginning with the connection from West Shore Expressway into the park by Arden Avenue, then continuing into the two bridges area, and then going to the proposed Forest Hill Road connection.
Comment: The DGEIS does not provide information as to why – and what are the benefits of - the Department choosing to start the road work at the West Shore Expressway instead of, for example, starting at the Forest Hill Road end first.
- Page 1-57, **Vehicular Circulation – 2016:** This section describes that at the bend of the road (In the southern section of present landfill section 6/7) there would be an overlook parking for 30 vehicles that would provide a viewing area to Richmond Creek.
Comment: The report does not provide information as to why this design feature is being specified and who specified it. There was no discussion at public scoping and/or park design meetings for such an overlook and parking for 30 cars.
- Page 1-65, **Public Transit Plan:** ... *It is expected that with the proposed Forest Hill Road connection operational in 2016...*
Comment: The report does not discuss why it will take eight years to have the Forest Hill Road connection operational.
- Page 1-65, **Public Transit Plan:** ...*By the year 2036, the second park road connection with Richmond Avenue would be completed at Richmond Hill Road...*
Comment: The report does not discuss why it will take 28 years to have the Richmond Hill Road connection operational.
- Page 1-79, **Park Roads and West Shore Expressway Connections:** ...*It is anticipated that the phasing of road construction would begin with the connections to the West Shore Expressway, the southern leg of the Confluence Loop Park Road, and then the connections connecting to Forest Hill Road.....*
Comment: The DGEIS does not provide information as to why – and what are the benefits of - the Department choosing to start the road work at the West Shore Expressway.

Chapter 2 – Land Use, Zoning, and Public Policy

- **General comments:** The DGEIS fails to consider a reasonable assessment of local land use, zoning and public policy regulations. The DGEIS proposes

to vacate the NA-1 Special Natural Area District designation on the site, and, remove Fresh Kills Park from the NA-1 listing of the Zoning Resolution.

In 1975, the NYC Department of City Planning established the Special Natural Area District to guide development and protect areas endowed with unique natural characteristics. All of the creeks at Fresh Kills are mapped within the Special Natural Area District. While mapped parkland has no zoning designation, the Special District has specific text (**105-91 ZR - Special District Designation on Public Parks**) that protects the natural features of land designated as public parkland. In addition, any application proposed within this area today requires a **City Planning Commission approval**.

The DGEIS provides no explanation as to why this application is proposing to reduce the current level of zoning protection. What are the potential impacts to the property and the surrounding wetlands, if this designation is haphazardly removed? Is this application seeking to lower the current zoning controls on Fresh Kills Park from what currently regulates the Davis Wildlife Refuge, LaTourette Park, Farm Colony, Willowbrook Park and High Rock Park? How would these regulations affect the development of "the Confluence" if the natural features had to meet strict City Planning Commission oversight?

Furthermore, why was the current City Planning Commission approval required by 105-91 ZR, not disclosed in the DGEIS? These amendments represent a complete change in the level of zoning protections afforded by the Special District. While the DGEIS claims that ... *the mapping of the site as a park... would complement the goals of the Natural Area District...* (see Chapter 2 - Land Use, Zoning and Public Policy - E: The Future With The Proposed Project: 2016 And 2036 - Zoning - Project Site - Page 2-24), it fails to demonstrate why that should require the removal of the NA-1 designation.

The DGEIS also states ... *While mapping the site as parkland would remove the Special Natural Area District from the project site, the objectives would be achieved by the implementation of the plan, rendering the zoning unnecessary...* [emphasis added]. This assessment is completely flawed. The mapping of the site as parkland **does not** arbitrarily remove the NA-1 designation and has no relationship to the zoning controls. Indeed, the Special District **specifically addresses** NA mappings in public parks.

These amendments are also a clear change in public policy. While the DGEIS cites some unrelated public policies which do not apply to parks (such as Lower Density Growth Management), they seek to abandon the zoning controls of the Special District which were implemented in accordance with a

well-considered plan to promote the character of the District – and that character includes the NA mappings within public parks.

Lastly, the existing NA-1 designation is the only connection between the Special South Richmond Development Zoning District to the south, and the larger NA-1 designations to the northeast. From a planning standpoint, the existing NA-1 district is critical to achieving the goals of both special districts and serving the public interest. It is thus clear that the DGEIS study area was isolated from its context, existing zoning was arbitrarily dismissed, and existing public policies have been misinterpreted.

- Page 2-1, Introduction: ... A zoning map amendment to vacate the NA-1 zoning where it currently exists on the site...

Comment: The DGEIS fails to consider a reasonable assessment of local land use regulations proposed through zoning changes for the subject property. This map amendment will remove the now required discretionary approval pursuant to Section 105-91 of the NYC Zoning Resolution by the NYC City Planning Commission. The intent of Section 105-91 ZR is to protect natural features of a public park by mandating the least alteration required to achieve the intended purpose. Removal of the Natural Area District may have a significant adverse impact on existing low wetlands of Fresh Kills Park.

- Page 2-19

Comment: In the second paragraph from the bottom - "Richmond Roadway Improvement Study" – the fourth line refers to the Snake Hill Road portion of Richmond Hill Road. No such place exists.

- Page 2-24, ... the associated zoning actions would have no adverse zoning or land use impacts...

Comment: Refer to the general comments stated above.

- Page 2-26, Zoning, Project Site: ... thus the proposed mapping action would be a positive impact on the proposed project. The mapping of public place and the associated zoning actions would have no adverse zoning or land use impacts...

Comment: The DGEIS provides no basis for this statement.

Chapter 3 – Socioeconomic Conditions

- Page 3-17, Indirect Business and Institutional Displacement, Item #4 - Would the Proposed Actions directly dispose uses of any type that directly support businesses in the Study Area or bring people to the area that form a customer base for local businesses? ... Therefore, the proposed project would not displace uses that would directly support existing local businesses, or displace uses that draw customers to area businesses.

Comment: The Parks Department provides no information as to why one "indirect" business has been forced to vacate and another has been served notice that their lease will not be renewed. Such actions negate this statement.

- Page 3-17, **Socioeconomic Conditions - Indirect Business and Institutional Displacement, Item #5 - Would the Proposed Actions directly or indirectly displace residents, workers or visitors who form the customer base of existing businesses in the study area? ...**
Therefore, the proposed project would not displace residents, workers, or visitors who form the customer base of existing businesses in the study area...

Comment: The Parks Department provides no information as to why one "indirect" business has been forced to vacate and another has been served notice that their lease will not be renewed. Such actions negate this statement.

- Page 3-20, **Conclusions:** ... *For all these reasons it is concluded that the proposed project would not adversely impact socioeconomic conditions...*
Comment: The Parks Department provides no information as to why one "indirect" business has been forced to vacate and another has been served notice that their lease will not be renewed. Such actions negate this statement.

Chapter 5 - Open Space and Recreational Facilities

- Page 5-4, **Open Spaces and Recreational Facilities**
Comment: Regarding the *Open Space Inventory*, there is no basis to include the South Shore Golf Course, a contracted facility that allows only paid access by select visitors for a single use.
- Page 5-4, **Open Spaces and Recreational Facilities**
Comment: There is no basis to include Sleight Cemetery, a private facility, in calculating open space.
- Page 5-12, **Open Space and Recreational Facilities, Qualitative Analysis:**
... While exact locations for the proposed wind turbines are yet to be determined in order to be effective, it is anticipated that they would be on the higher elevations of the landfill sections in each of the parks...
Comment: The DGEIS does not explain why the 14-month long Fresh Kills wind farm meteorological study performed and reported by BQ Energy for NYSERDA and the Borough President's office is not referenced in this section. BQ Energy mailed their report to the Parks Department and City Planning last year (2007) for consideration, and both agencies indicated to the Borough President's office that the report's findings would be part of the DGEIS discussion. Clearly this is not the case, or else the DGEIS would have

noted that the BQ Energy report concludes that a 7-turbine, 17.5 Mw wind farm is very feasible, that the turbines can be located on the top of the mounds to take advantage of where most of the wind is available, and that in New York City Fresh Kills is the only location for realizing a wind farm physically and economically.

- Pp.5-12 to 5-13, **Qualitative Analysis:** ... *If approved, the wind turbines as assumed in the DGEIS would be the largest structures in the park. Given that the higher elevations of the parks are proposed for passive or quasi-passive open space experiences (e.g., hiking, picnicking, enjoyment of scenic vistas), the wind turbines would have the potential to compromise these experiences, particularly if sited in locations that are intended to have public access...*

Comment: The DGEIS provides no documentation or study undertaken to justify these statements. For example: Are these statements based on feelings? What does it mean to "compromise" an experience? And how is this quantified?

- Page 5-13, **Qualitative Analysis:** ... *If sited [wind turbines] in locations that are intended to provide habitat, the impact on the open space user experience would be reduced, although it is expected that the impact on visual resources would be the same in either location...*

Comment: The DGEIS provides no documentation or study undertaken to justify this conclusion. How did the DGEIS quantify the impact reduction of an open space user? How much of a reduction would it be?

- Page 5-13, **Qualitative Analysis:** ... *Given the large size of the proposed North, South, and East parks, selection of a location with the least impact would be a major factor in the assessment of impacts for these wind turbines...*

Comment: The DGEIS does not define or quantify what an "impact" is. In addition, the DGEIS does not discuss why a location with the least impact would be a major factor in windmill assessment as opposed to: where on the landfill the best wind locations are, how much wind is available, and does this all translate into an economic benefit.

- Page 5-13, **Qualitative Analysis:** ... *Other considerations would be potential shadow, visual, natural resources, and noise impacts...*

Comment: The DGEIS does not document the source for these considerations.

Chapter 6 - Shadows

- Page 6-2, **Conclusions:** ... *they would be sited on the higher elevations of the three landfills in the parks, with the exception of landfill section 1/9 and West Park...*

Comment: The DGEIS does not document why landfill section 1/9 and West Park are to be omitted as a wind turbine location.

Chapter 8 – Urban Design and Visual Resources

- “ Page 8-5, **Study Area – Streetscape:** ... *For example, Arthur Kill Road does not have shoulders or sidewalks and has few crosswalks... There are few traffic lights, and thus drivers tend to move quickly along Arthur Kill Road...*
Comment: The DGEIS does not document where this observation about drivers along Arthur Kill Road comes from. In addition, there is no definition what “tend to” means. Lastly, there is no clarification given as to the relevancy of this statement.
- “ Page 8-12, **Future with the proposed project: 2016:** ... *Visual quality is typically an important feature for park visitors, but it is not clear whether the turbines would be considered aesthetically pleasing or displeasing...*
Comment: The DGEIS does not document what is meant by “visual quality”. The DGEIS also does not document where the statement about aesthetics comes from. In addition, it is unclear if a survey will determine aesthetic pleasure and who will be the ultimate arbiter.
- “ Page 8-12, **Future with the proposed project: 2016:** ... *It is also possible that the turbines would be perceived as a visual intrusion upon the natural landscape...*
Comment: The DGEIS does not explain how and why wind turbines would be perceived as a visual intrusion upon the natural landscape when for the most part the park itself, with average mound heights of 150 feet above sea level, was created from the dumping of billion of tons of New York City garbage for over 50 years. The DGEIS thus does not explain why this man-made disaster is itself not the most egregious example of a visual intrusion upon the natural landscape of Staten Island.
- “ Page 8-13, **Future with the proposed project: 2016:** ... *Commuters and through travelers are typically moving, have a relatively narrow field of view, and are destination oriented. Drivers would generally be focused on the road and traffic conditions, but do have the opportunity to observe roadside scenery, and the turbines would be a potential source of distraction, possibly leading to increased likelihood of accidents...*
Comment: The DGEIS does not explain the origin of this statement. In addition, the DGEIS does not discuss why, if the turbines are a source of distraction that could potentially lead to the increased likelihood of accidents for motorists, the new Signature Bridge would not also be such a potentially lethal distraction

Chapter 10 – Natural Resources

- Page 10-73, **Fresh Kills Park Roads:** ... *an Operations and Maintenance Plan developed to ensure that operation and maintenance of the Park Roads minimizes the potential for impacting terrestrial and aquatic resources...*

Comment: The DGEIS does not provide a reference for such an Operations and Maintenance Plan, i.e., do any of the other New York City parks that have roads through them, such as Central Park, have such a plan?
- Page 10-73, **Fresh Kills Park Roads:** ... *Operation of the park roads has the potential to result in long term adverse impact to terrestrial biota where the roadway cuts through proposed landscape enhancement areas, or areas where existing plant communities would be retained...*

Comment: With this statement, it appears that the DGEIS is more concerned with long term adverse impacts to terrestrial biota than to the long term impacts to Staten Islanders from traffic jams and the accompanying air pollution because the roads through the landfill are not utilized.
- Page 10-74, **Fresh Kills Park Roads:** ... *These roadway corridors have the potential to result in long-term adverse impacts to wildlife due to direct loss of wildlife individuals due to impact with vehicles...*

Comment: With this statement, it appears that the DGEIS is more concerned with long term adverse impacts to wildlife than the long term impacts to Staten Islanders from traffic jams and the accompanying air pollution because the roads through the landfill are not utilized. In addition, the DGEIS does not document, for comparison purposes, what are the present annual road kills on Staten Island.
- Page 10-75, **Fresh Kills Park Roads:** ... *Measures that would minimize the potential for roadways to result in significant adverse impacts to terrestrial wildlife include monitoring wildlife/vehicle collisions to identify the need for additional measures (e.g., speed reduction) to minimize wildlife losses and adverse effects to motorist safety due to collisions...*

Comment: With this statement, it appears that the DGEIS is more concerned with long term adverse impacts to wildlife than the long term impacts to Staten Islanders from traffic jams and the accompanying air pollution because the roads through the landfill are not utilized. In addition, the DGEIS does not document, for comparison purposes, what are the present annual road kills on Staten Island.
- Page 10-79, **Wind Turbines:** ... *Beyond the feasibility and cost of constructing such a project on landfill slopes, an important and likely effect of the proposed utility-scale wind energy project would be the increased potential for wildlife mortality, specifically for migrating and resident wildlife (e.g., birds, bats, and insects)...*

Comment: The DGEIS does not document the origin for why the wind turbines are to be constructed on the landfill slopes since there are no wind energy studies that are referenced that stipulate such a location. The DGEIS

likewise does not cite where the issue of an increase in the potential for wildlife mortality, especially insects, due to wind turbines comes from. The DGEIS also does not define what is meant by "an important... effect" when discussing the potential for wildlife mortality. Is there a number when it is not "an important... effect"? Lastly, if a citation is presented, the DGEIS should also include references to such wildlife mortalities from any and all high-rise construction and bridge projects in New York City.

- **Page 10-80, Wind Turbines:** ... *The proposed wind energy project should meet the requirements of recent NYSDEC draft "Guidelines for conducting bird and bat studies at commercial wind energy projects". These guidelines offer a protocol for both planning pre- and post-construction studies, including a thorough site and project description, designs of potential studies to detect and quantify bird and bat presence before, and actual impacts after a proposed wind energy project is constructed. ...*

Comment: The DGEIS does not explain why a DEC document that remains in a draft stage and is only a guideline has the weight of a regulation.

- **Page 10-81, Wind Turbines:** ... *Potential mitigation for the proposed wind energy project would include an evaluation of alternative locations to avoid wildlife collision risk by reducing the elevation of turbines, reducing the overall height of turbine structures or rotor heights, determining whether the proposed project could cease to operate at times (daily and seasonal) when birds and bats are placed at highest collision risks, and the consideration of locating fewer turbines within the Fresh Kills Park...*

Comment: The DGEIS provides no documentation proving the validity of these statements. For example, the DGEIS does not indicate that a wind energy study was performed at Fresh Kills supporting any of these statements. Indeed, it certainly does not reference the 2007 BQ Energy report because if it did, then the above statements would be shown to be incorrect. Parks also does not provide documentation for why a reduction in height for wind turbines translates into an economically viable energy project. The DGEIS clearly cites no literature that ceasing wind energy turbines – daily or seasonal – to prevent the highest daily and/or seasonal collision risks to birds and bats translates into an economically viable wind energy program. Furthermore, and without referencing a wind energy investigation at Fresh Kills, there is no documentation as to what are the number of wind turbines that would meet with Parks' approval and be economically feasible. Finally, a most important observation is that Parks is all negative with turbines and cannot see any positive impact from a proposed wind turbine project.

- **Page 10-127, Conclusions:** ... *For the proposed operation of six wind turbines... the design of the wildlife studies, submission of monitoring reports, and mitigation measures would require approval by NYSDEC...*

Comment: The DGEIS provides no documentation for why six turbines is the optimum number of units at the landfill. Additionally, there is no

documentation as to why a NYSDEC draft guideline that is not a regulation is to be used for designing wildlife studies, monitoring reports, and mitigation measures. Indeed, the DGEIS should document, at a minimum, other NYSDEC draft guidelines that have carried the weight of a regulation.

Chapter 15 - Energy

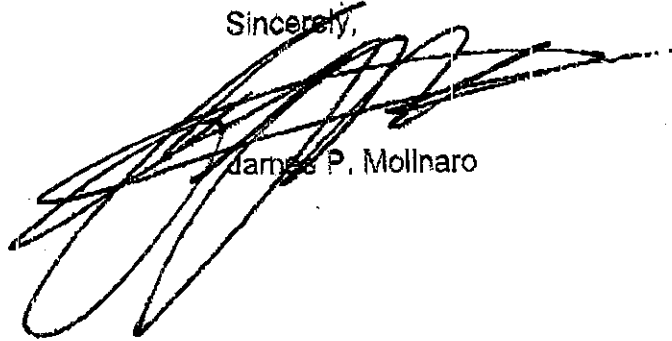
- Page 15-6, **Wind Power**: ... *There is a potential for wind technology on the site, however, the locations are not ideal...*
Comment: The DGEIS provides no documentation as to why there is a potential for wind technology on the site. Additionally, the DGEIS provides no definition as to what is an ideal location for a wind turbine at the landfill or the basis for this statement.
- Page 15-6, **Wind Power**: ... *Mid-sized turbines offer a compromise between generating a significant amount of energy without being overly imposing...*
Comment: The DGEIS provides no definition for what is meant by "mid-sized turbines". The Department provides no information or studies as to how mid-sized turbines could "offer" a compromise. In fact, what does "offer" mean? The Department offers no definition of "a significant amount of energy". The Department also does not provide a definition for what is meant by "overly imposing". Is this a technical term? And lastly, there is no documentation provided where mid-sized turbines projects that have been built were able to balance an economically feasible wind farm without being overly imposing.
- Page 15-6, **Wind Power**: ... *The wind turbines would be located in off-mound areas with high energy demand to reduce infrastructure costs from cabling. A potential site for the turbines would be the Point area... there is a high energy demand in this area from restaurant uses and sports field lighting. This location is also more exposed to prevailing winds and less obstructed than other areas...*
Comment: The DGEIS provides no documentation for why locating turbines off-mound would produce more energy than on the mounds. There is no documentation provided that proves that there is any wind available at the Point. Indeed, given that park amenities at the Point would not be available until the year 2036, is it the Department's mandate that wind energy at Fresh Kills cannot occur until 2036? In addition, the DGEIS provides no information as to why the Point is more exposed to winds and has less obstructed areas. The DGEIS clearly does not examine why this location is technically and economically more favorable than a location on top of one of the mounds. The statement gives the impression that a meteorological study on the Point performed, yet no report is cited.
- Page 15-6, **Wind Power**
Comment: The DGEIS fails to provide a basis for the statement ... *10 percent of total demand would come from wind energy...* There is also no

documentation provided for the statement *...each turbine could generate approximately 360 kWh/day...* and no documentation for the determination of *... conservative conditions (15 percent capacity)...*

Chapter 26 – Irreversible and Irretrievable Commitment of Resources

- **Comment:** The DGEIS fails to address the effects of zoning changes described in preceding parts of the DGEIS. The DGEIS also fails to discuss loss of natural areas resulting from proposed zoning change. In addition, the DGEIS does not discuss the Irretrievable and Irreversible commitment of resources when designating public spaces before the determination of future park projects and the accompanying potential for producing one or several supplemental Impact statements.

Sincerely,



James P. Mollnaro



CITY OF NEW YORK
PRESIDENT
OF THE
BOROUGH OF STATEN ISLAND

JAMES P. MOLINARO
PRESIDENT

BOROUGH HALL, STATEN ISLAND, N.Y. 10301

September 30, 2008

Mr. Joshua Laird
Assistant Commissioner
New York City Parks and Recreation
Planning and Natural Resources Division
The Arsenal - Central Park
830 5th Avenue
Room 403
New York, New York 10065

**Re: CEQR #06DPR0024 – Fresh Kills Park Draft Generic Environmental
Impact Statement**

Dear Commissioner Laird:

Below are additional comments that my office has prepared with regards to the Fresh Kills end-use draft Generic Environmental Impact Statement. Please be advised that there are several graphic attachments that are also to be considered as part of my final commentary.

General Comments - Fresh Kills Roadway proposals:

The DGEIS fails to consider less environmentally intrusive alternatives to the preferred roadway alignment. Specifically, dismissing the use of the existing perimeter haul road around the north side of section 6/7 is based on the unsubstantiated conclusion that an on-landfill road alignment within this area would conflict with views from North Park and the William T. Davis Wildlife Refuge, which, according to the Parks Department, is counter to the Park goal of leaving this northern section pristine and natural. Throughout the document, this conclusion is merely asserted and is based on no documentation to either define or identify why this northern section is being chosen to remain pristine and natural. In essence, this "goal" is arbitrary, unsubstantiated, and materially and negatively directs the roadway alternatives assessment to become invalid. The goal should thus be clearly substantiated or else removed.

Specific Comments

The DGEIS' preferred roadway alignments require extensive fill within freshwater wetland and open water areas. The preferred routes also traverse the capped mound, specifically, on the southern portion of Section 6/7. Failure to adequately analyze the utilization of the existing Section 6/7 perimeter roads creates a fatal flaw in the required analysis of alternatives. Since the existing haul roads are there and legally permitted pursuant to consent decree, their utilization generates an alternative alignment with the least environmental and socio-economic impact when weighed and balanced against the preferred alternative routes. Moreover, the socio-economic impact of constructing new roads *in the future* versus the *utilization of existing roads now*, weighs overwhelmingly against the preferred routes.

Furthermore, if the preferred routes are to be sustained in the final EIS, then an analysis must be presented justifying, among other factors: (a) the additional cost, (b) additional pollution associated with programmed construction in the 2036 build year, (c) projected economic losses propagated by lack of efficient transportation routes through the site – analyzed over three decades, and, of course, (d) loss of environmental resource from extensive filling.

The assumption that all roadway segments should be 4 lanes or 60 ft. in width is the fatally incorrect assumption which nullifies the development and ultimate selection of the preferred roadway routes. In absence of that assumption, the Borough President's office has developed an alternative which is far less costly, carries less environment impact, and is far easier and faster to implement than the preferred routes.

The Borough President's office is thus submitting a roadway alignment plan that meets all the roadway design criteria enumerated in the DGEIS.

Briefly, the synopsis of this plan is exemplified by the attachments: a site plan showing the proposed utilization of the existing Section 6/7 perimeter roads and several power point slides. In essence, the Borough President's plan utilizes the existing perimeter roads essentially as-is, in a one-way, two-lane counterclockwise pattern around the perimeter of Section 6/7, with connections to Richmond Avenue at Richmond Hill Road, Yukon Avenue and Forest Hill Road.

These attachments are representative of the ongoing discussions and analyses being conducted by and with all the affected DGEIS agencies, a process that began early this month. Indeed, over the last several weeks this plan has been presented and discussed at length with the Mayor's Office, DPR, DDC and the FK Design team. Analysis is proceeding concurrently with the processing of this DGEIS.

Given this level of review, the Borough President's office is requesting that all correspondence, submissions, discussions, analysis and conclusions pertaining to this plan **be incorporated as comments from the Borough President's Office in**

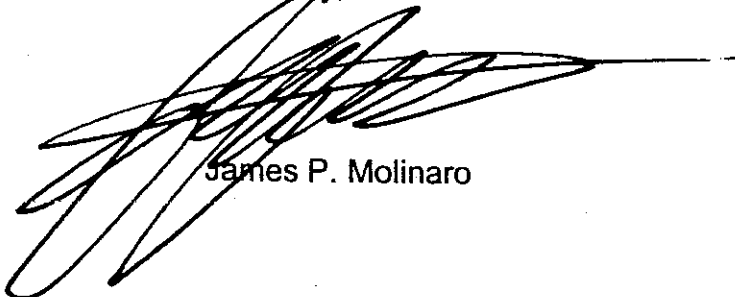
this DGEIS finalization. It may be sufficient to simply incorporate by reference as opposed to voluminous inclusion of specific technical design work.

Finally, at the westerly end of the roadway plan are the West Shore Expressway connections. As stated in the DGEIS, plans are to construct the roadway plan from west to east, beginning with the West Shore expressway service roads and connectors into and out of the site. This office is opposed to this "starting point". To start at this westerly end will effectively consume all the funding currently earmarked for road construction. **This is unacceptable.** Most of that City funding is directed to NYS Rt. 440 service roads – a State responsibility. The State contribution is about 50% of the City's contribution. If this "starting point" is thus completed during the initial phases of the Park, then a service road to nowhere will have been constructed since a Fresh Kills Park utilization would still be decades away from realization.

Inasmuch as consumption of all currently available funding for a marginally effective portion of the roadway network gains Staten Islanders very little in the way of transportation improvement, it is therefore requested that **an analysis be performed to assess the wisdom of the current phasing of the transportation roadway overall plan.** This office requests that simple low cost, low impact off-ramps be constructed on Rt. 440 northbound into the site just south of the Fresh Kills Bridge, and a simple low cost, low impact connection be made to the existing Rt. 440 southbound service road entrance just north of Muldoon Avenue. Doing so will thus free up scarce funding for implementation of this office's proposed roadway plan for Section 6/7 once it has been deemed the preferable alternative.

The analysis is clearly necessary to achieve the required reasoned elaboration showing environmental, economic, and socio-economic balances. This re-tuning of the phased implementation can then produce a complete working transportation network for the site **decades earlier that currently proposed.**

Sincerely,



James P. Molinaro

Attachments included

RED ROUTE # 1

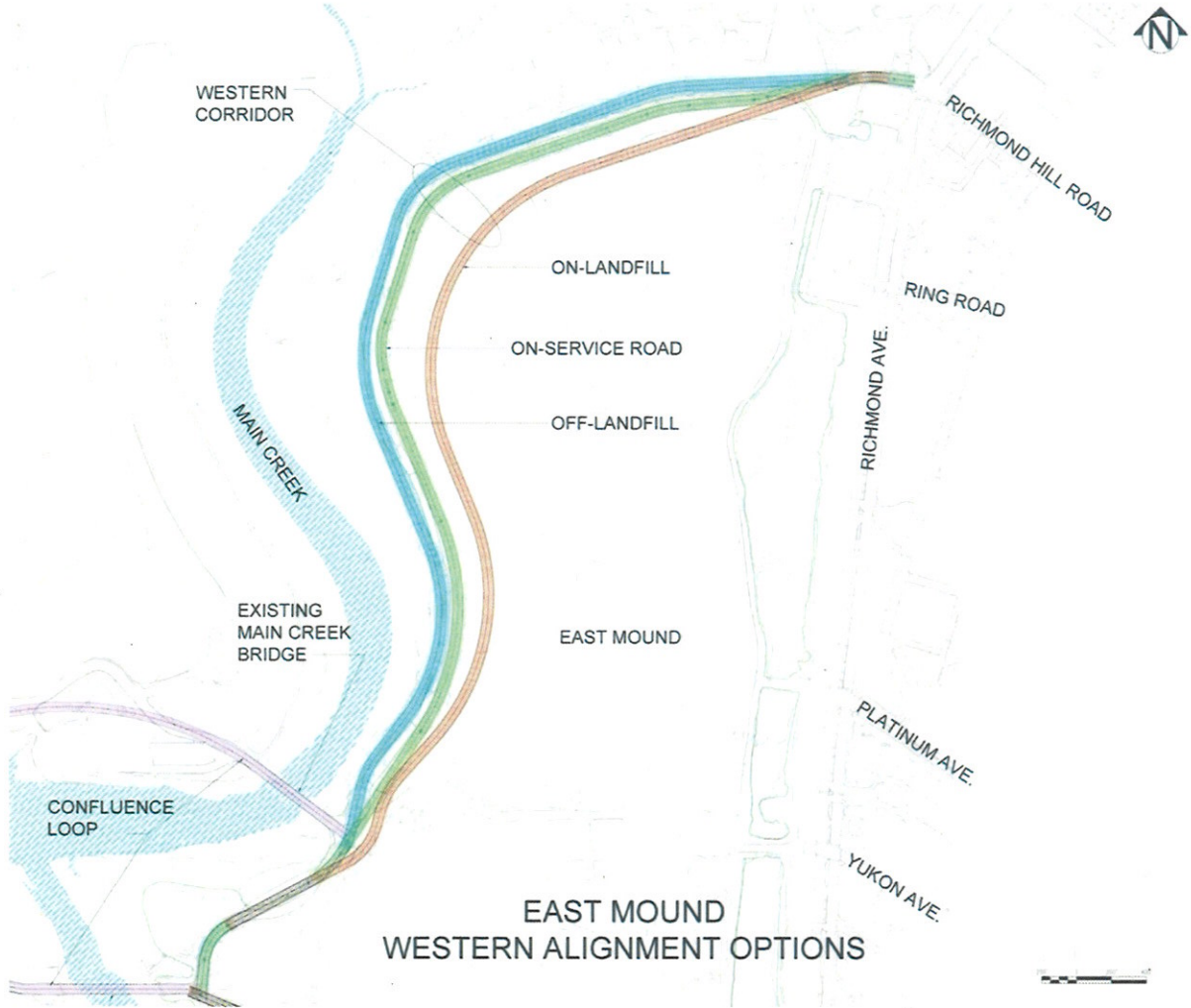
**NYC DPR PROPOSED
PUBLIC PLACE
ROADWAY ROUTES**

RED ROUTE # 2



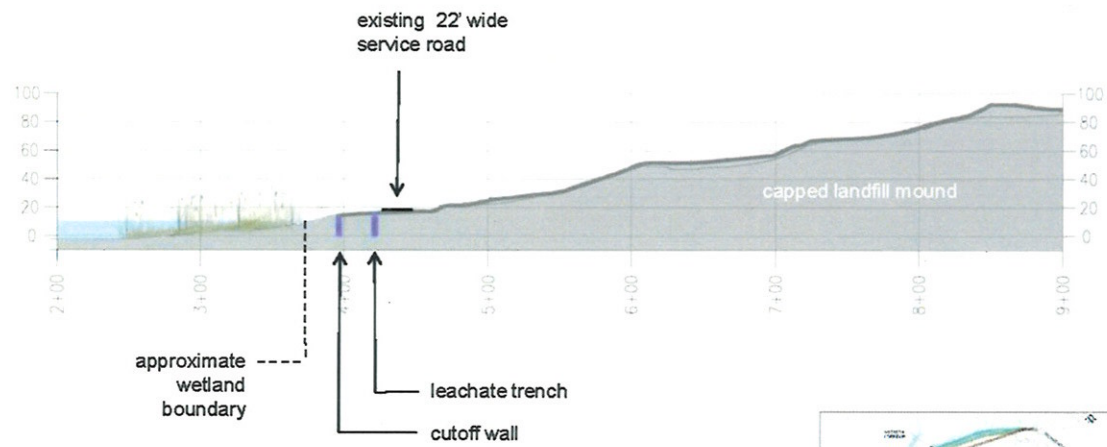
**FRESH KILLS LANDFILL AERIAL VIEW WITH DEPARTMENT OF PARKS ALTERATION
MAP PUBLIC PLACE ROADWAY ROUTES HIGHLIGHTED IN RED**

Western Corridor



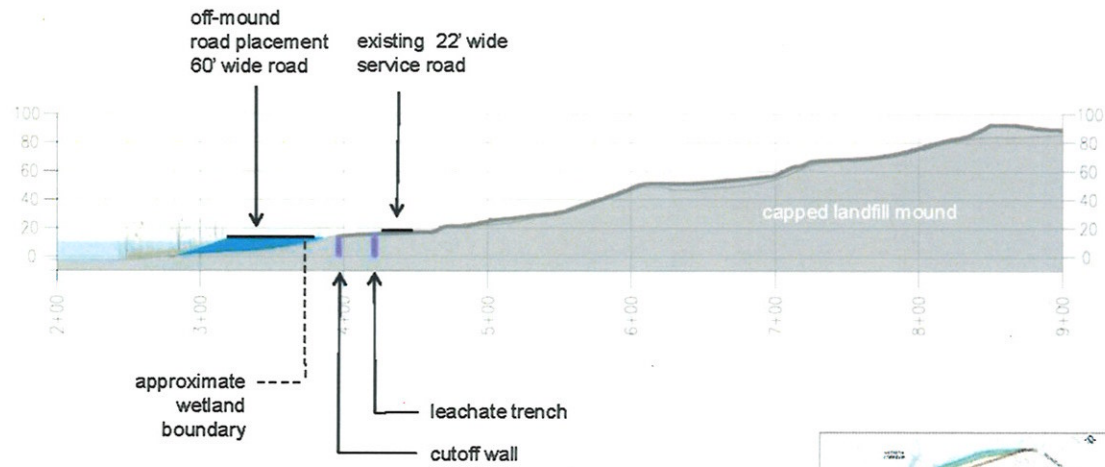
Western Corridor

Existing condition



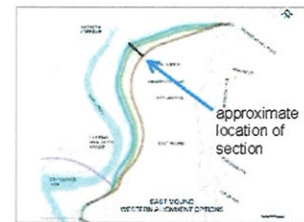
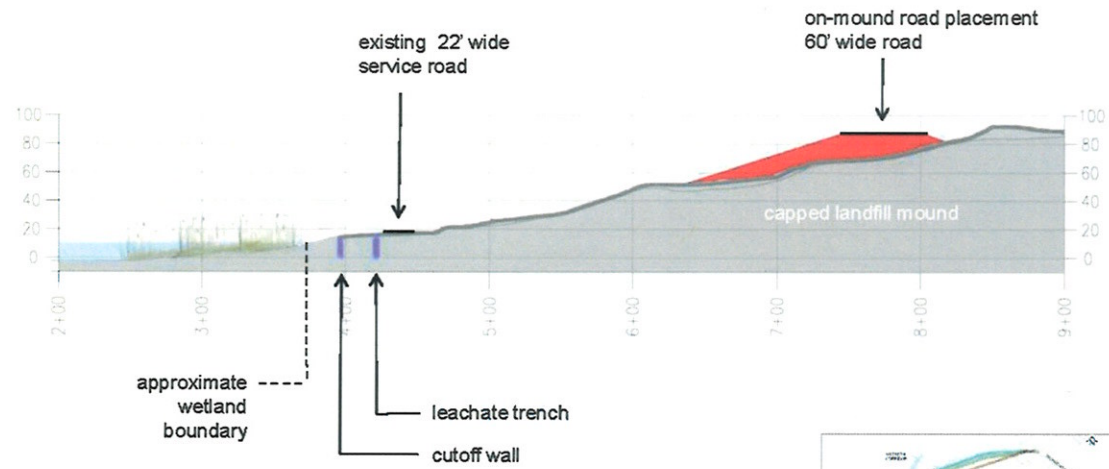
Western Corridor

Off-mound road placement

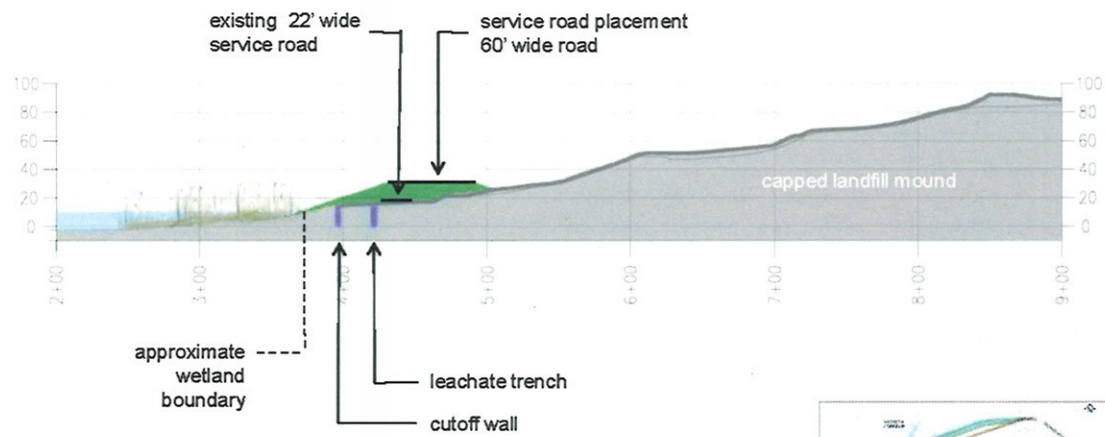


Western Corridor

On-mound road placement

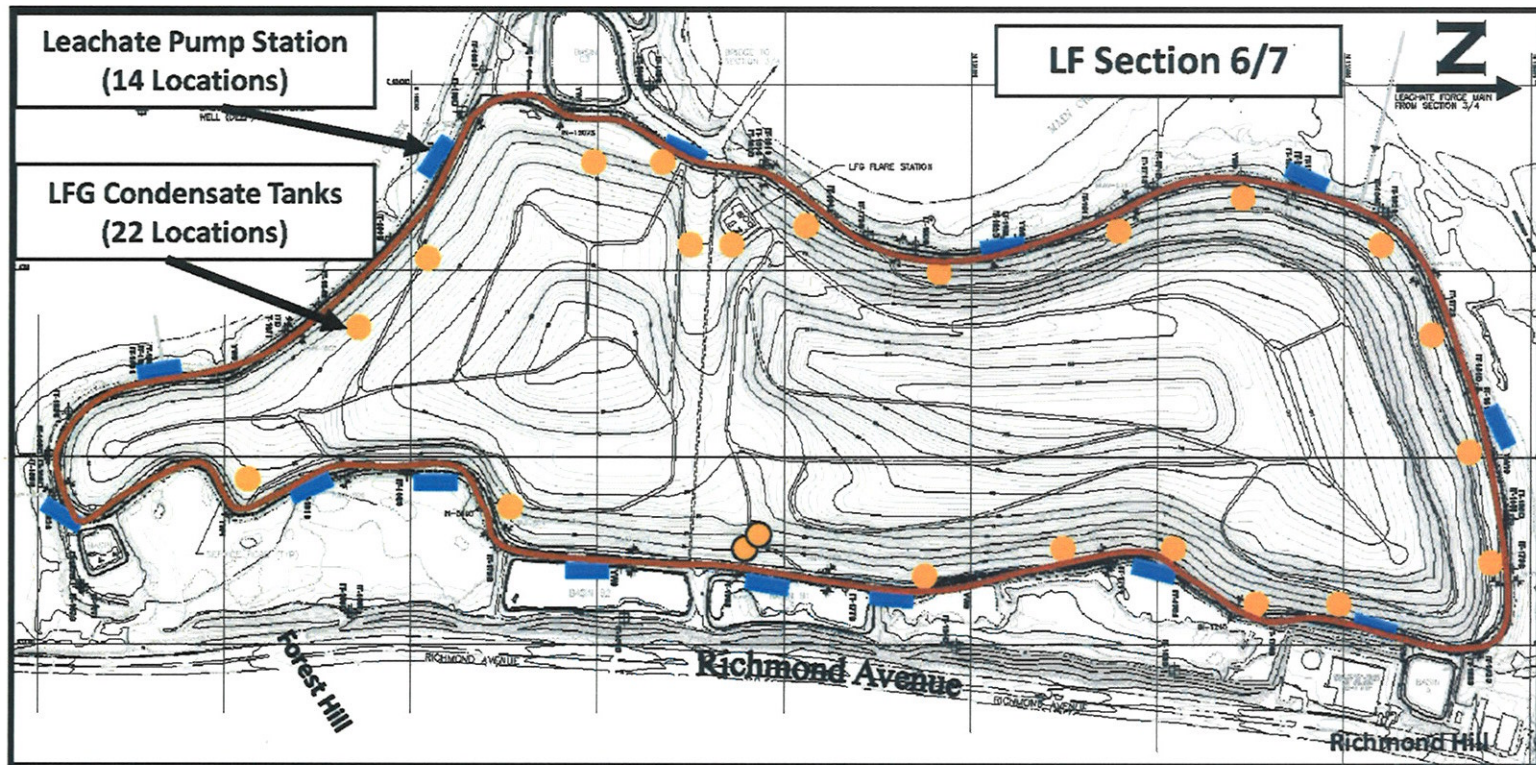


Western Corridor Service road placement



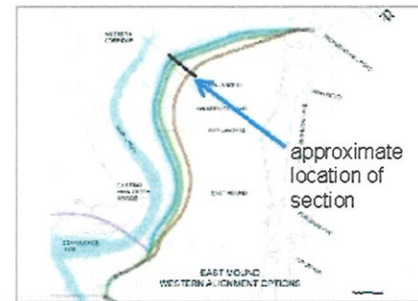
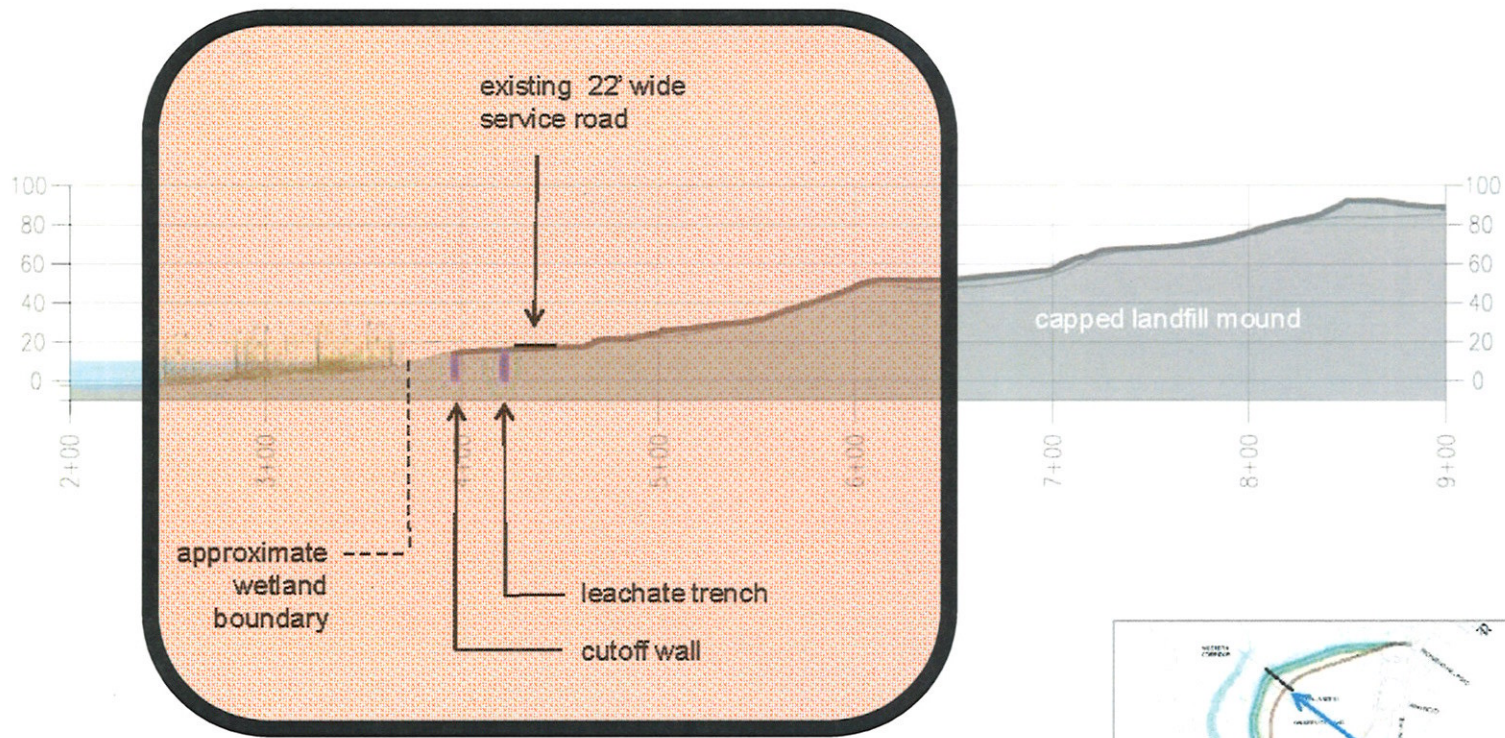
Operational Constraints

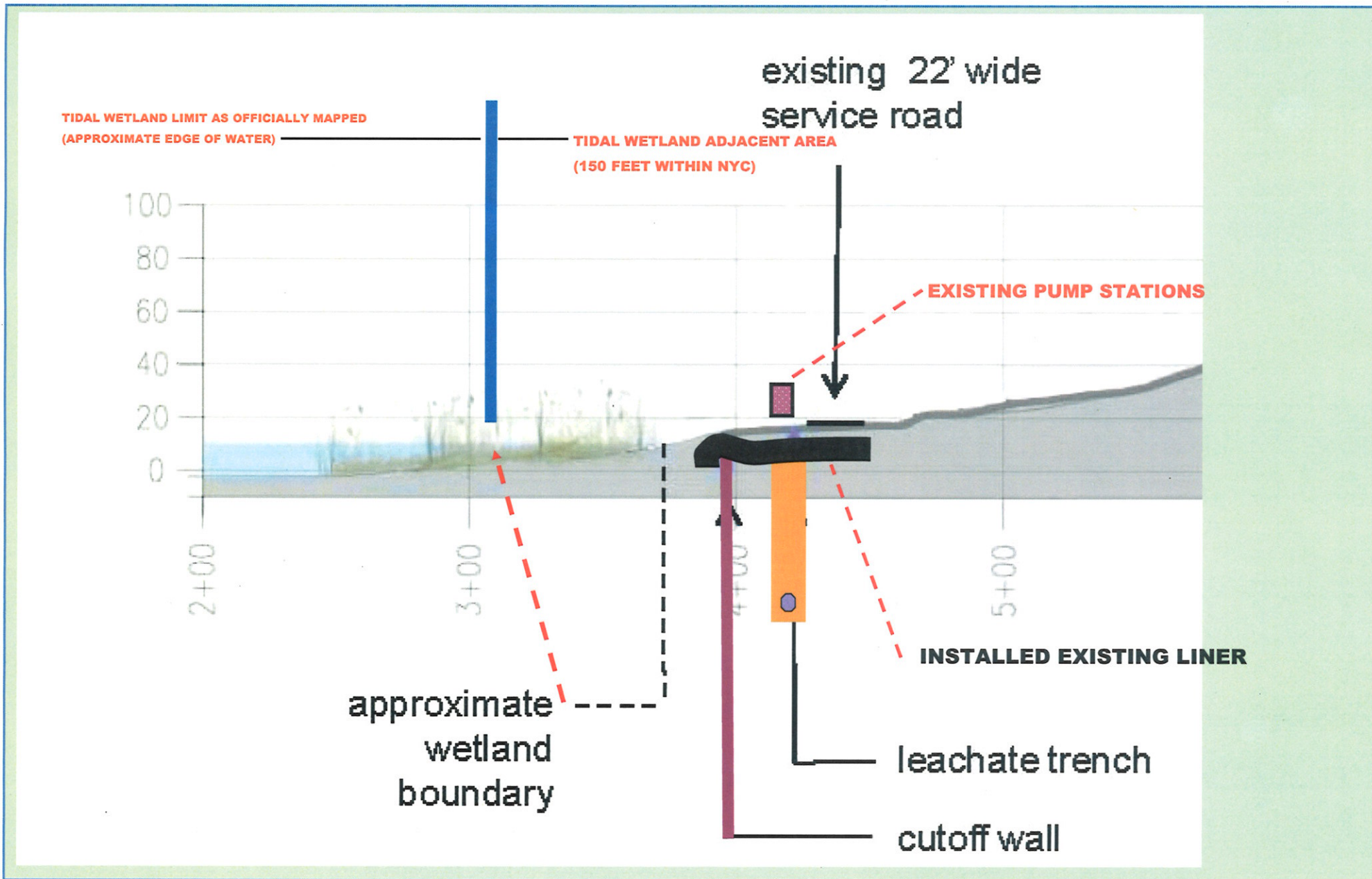
- **Access required** to permanent landfill infrastructure
- Leachate Pump Stations (14) **require routine maintenance**;
Support vehicles, equipment and personnel need room to work
- Landfill Condensate Tanks (22) **require regular cleanout** by large tanker trucks;
Occurs approximately every other day
- Public use of the roads cannot impede the scheduling of road closures for maintenance



Western Corridor

Existing condition





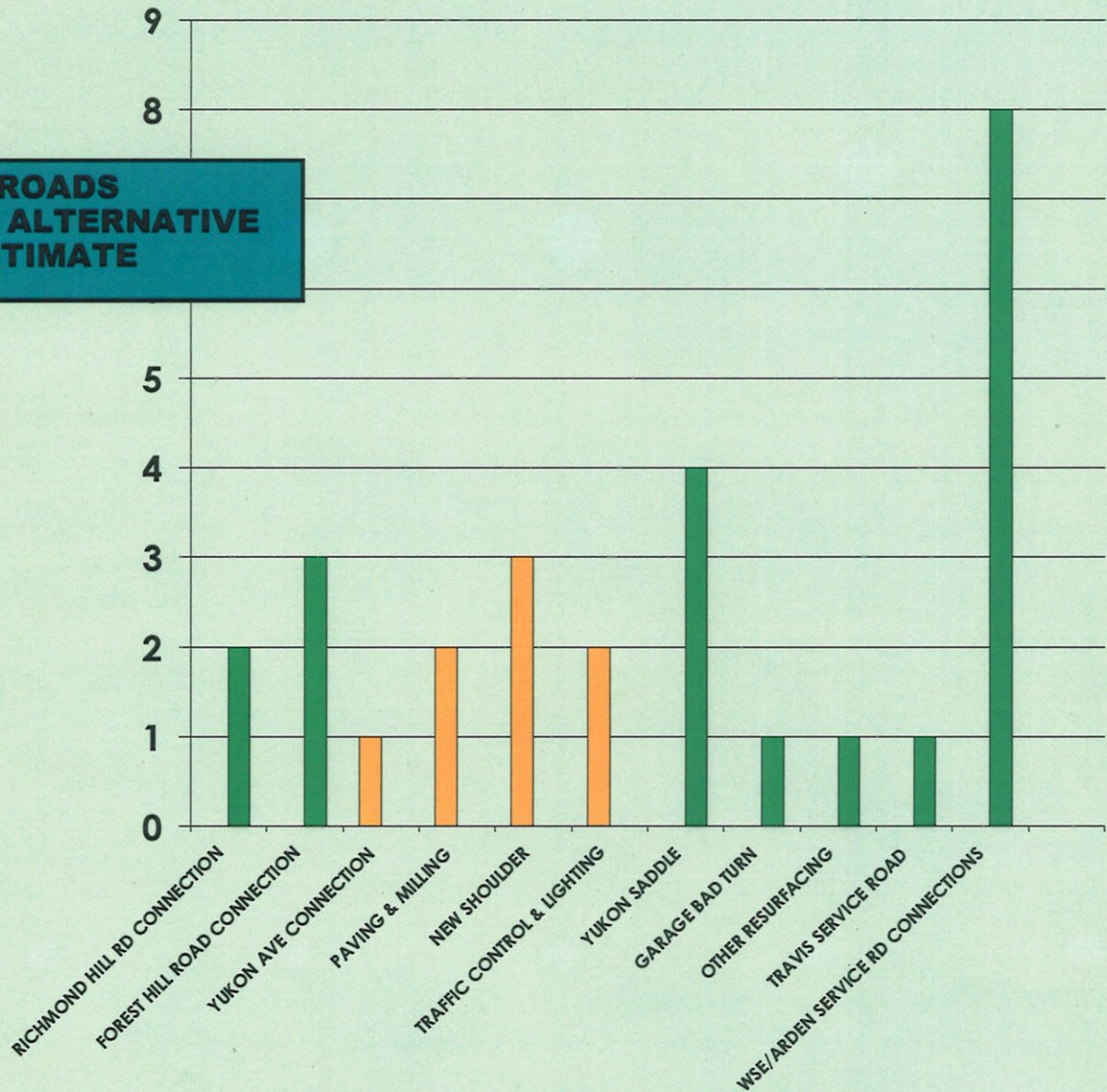




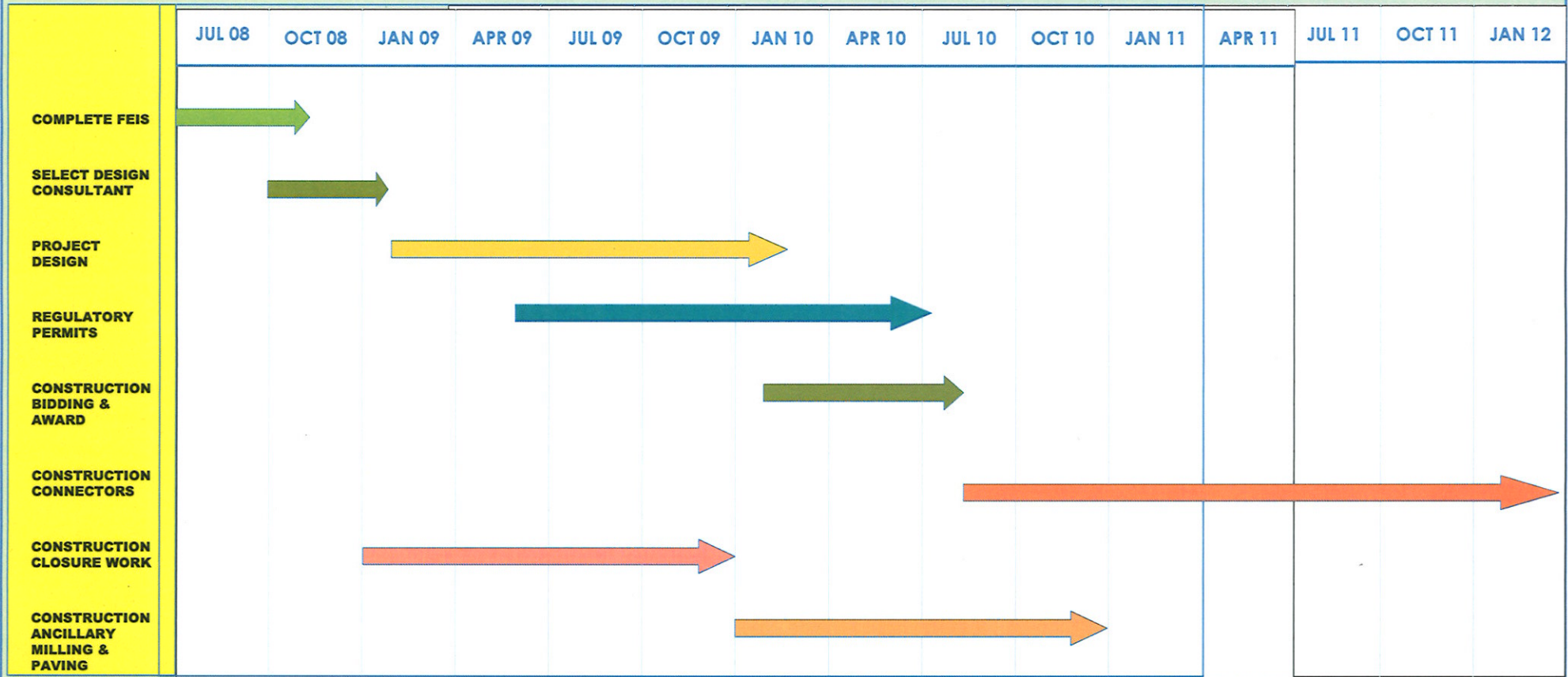
**FRESH KILLS LANDFILL ROADS
ONE WAY PATTERN PREFERRED ALTERNATIVE
CONSTRUCTION COST ESTIMATE**

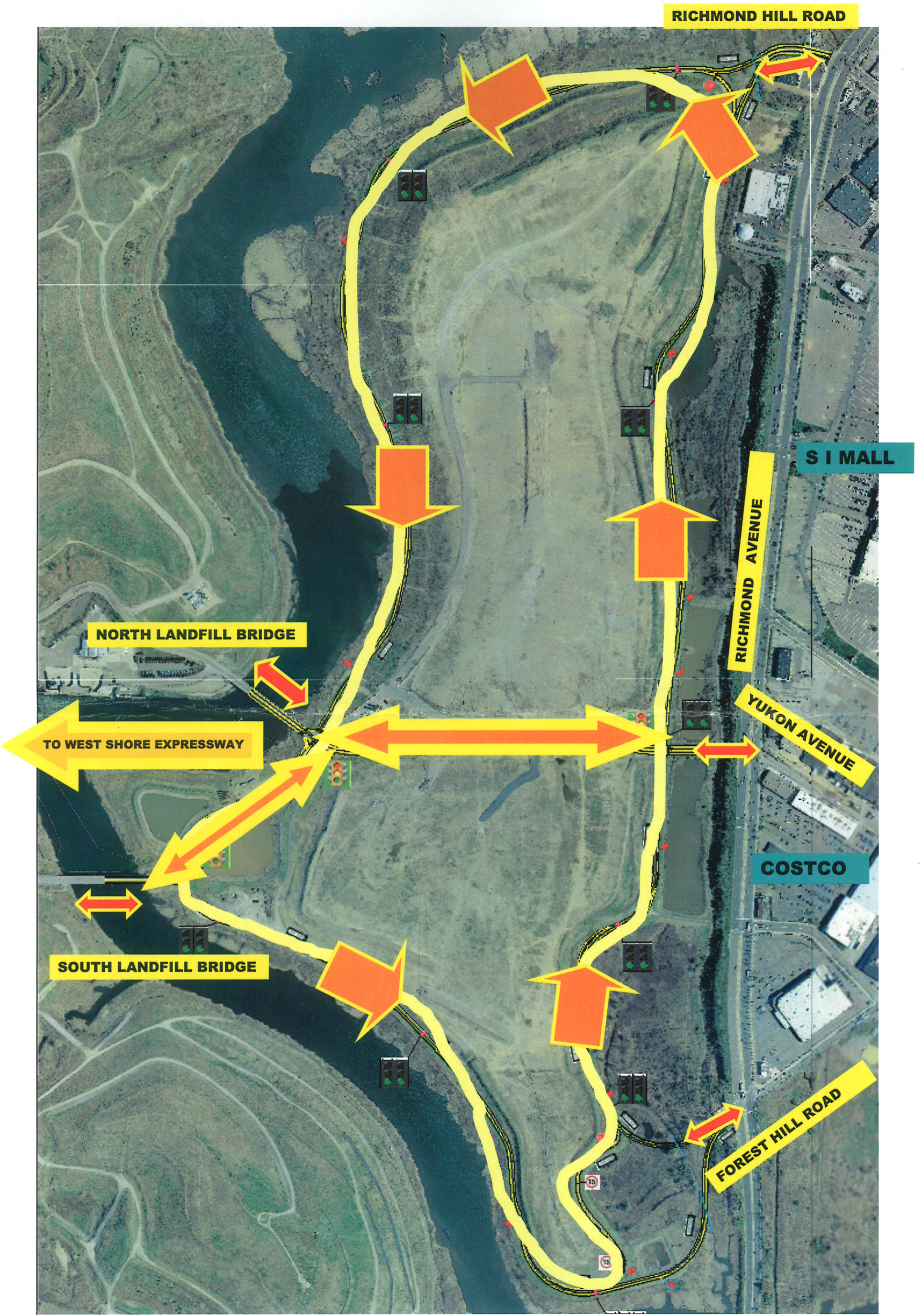
■ ONE WAY PATTERN
■ COMMON EXPENDITURES

TOTAL COST = \$28 MILLION

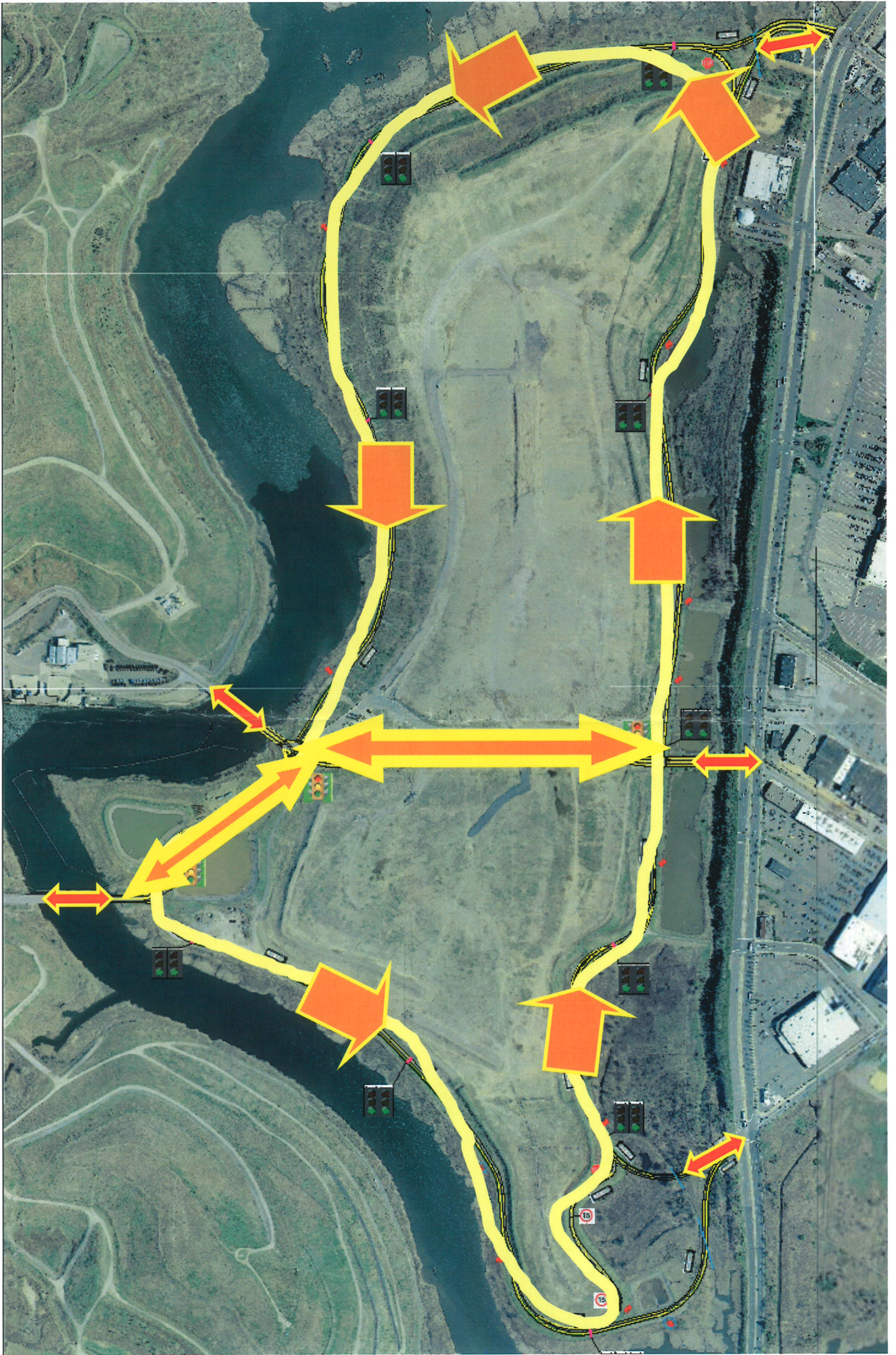


FRESH KILLS LANDFILL ROADS ONE WAY PATTERN PREFERRED ALTERNATIVE COMPLETION TIMELINE



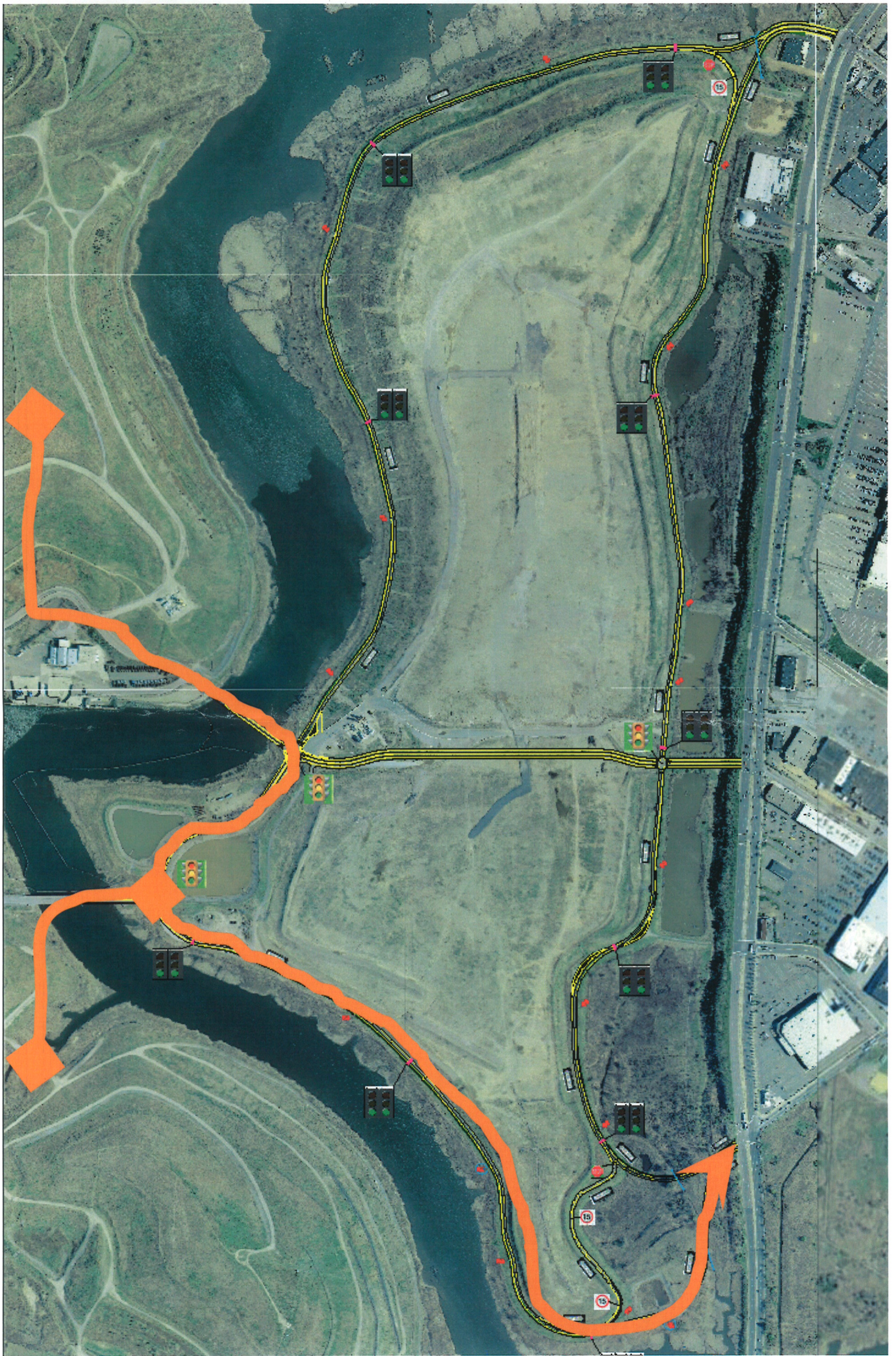


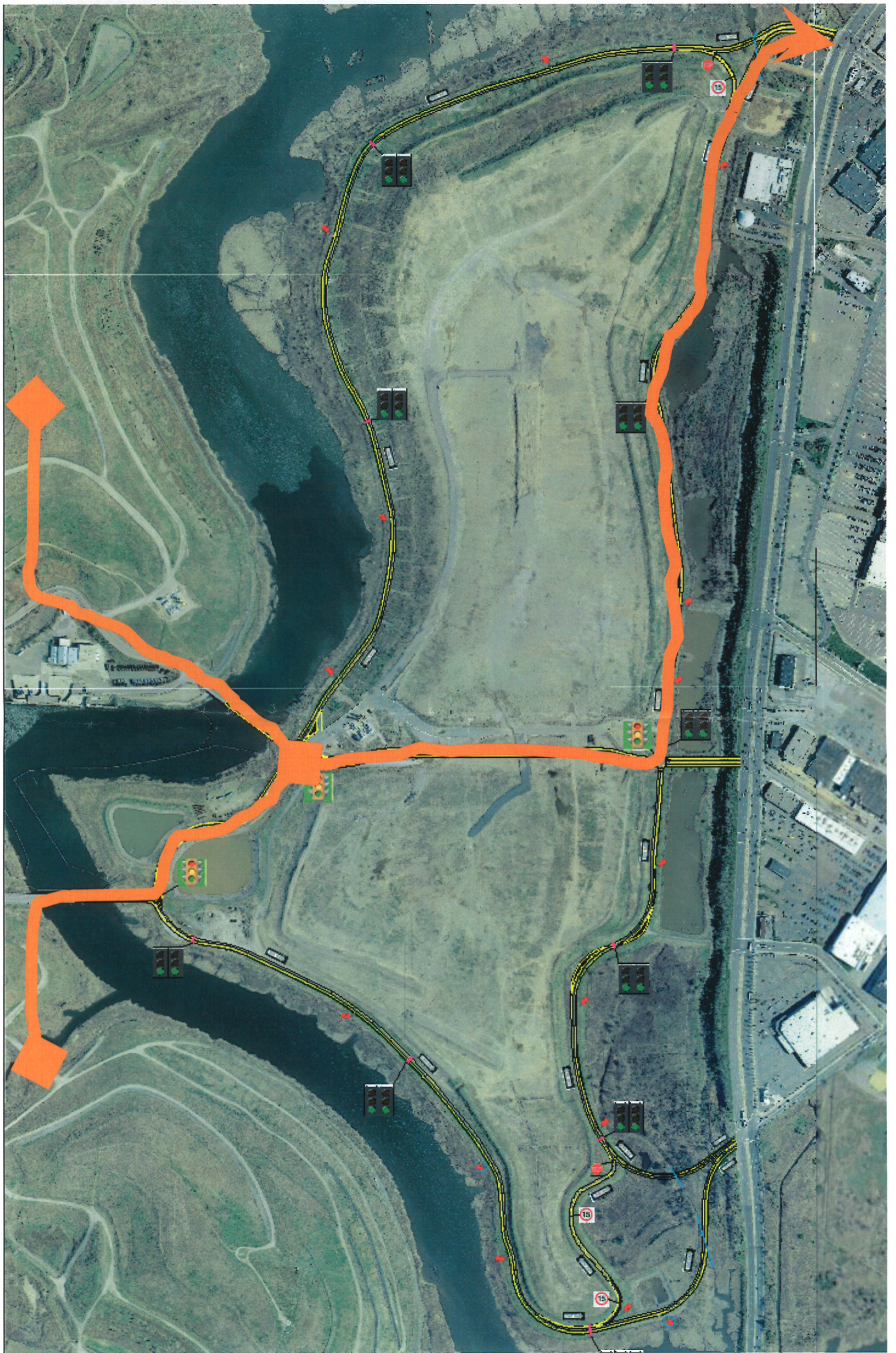
BOROUGH PRESIDENT'S PLAN TO UTILIZE EXISTING LANDFILL ROADS

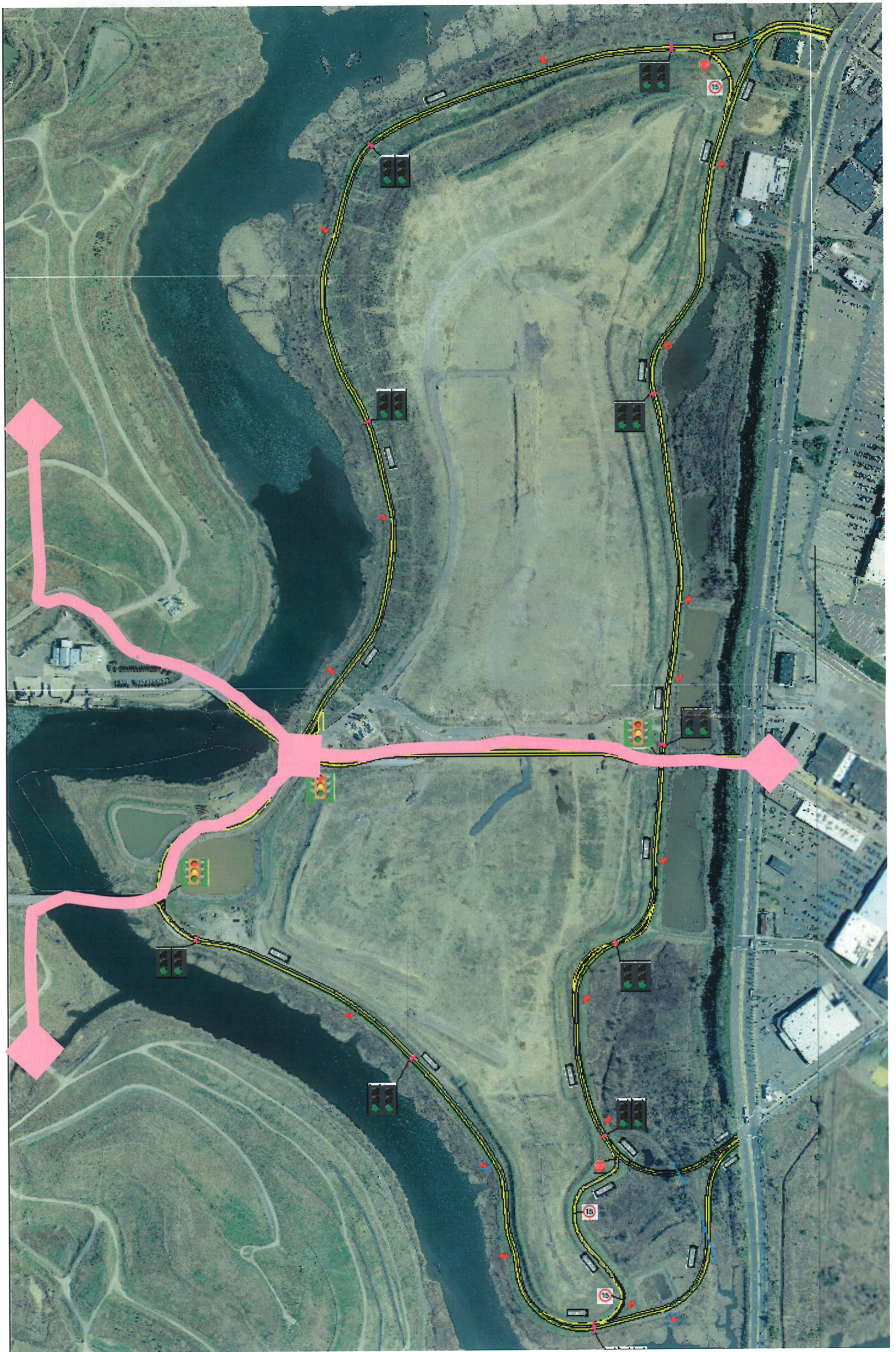


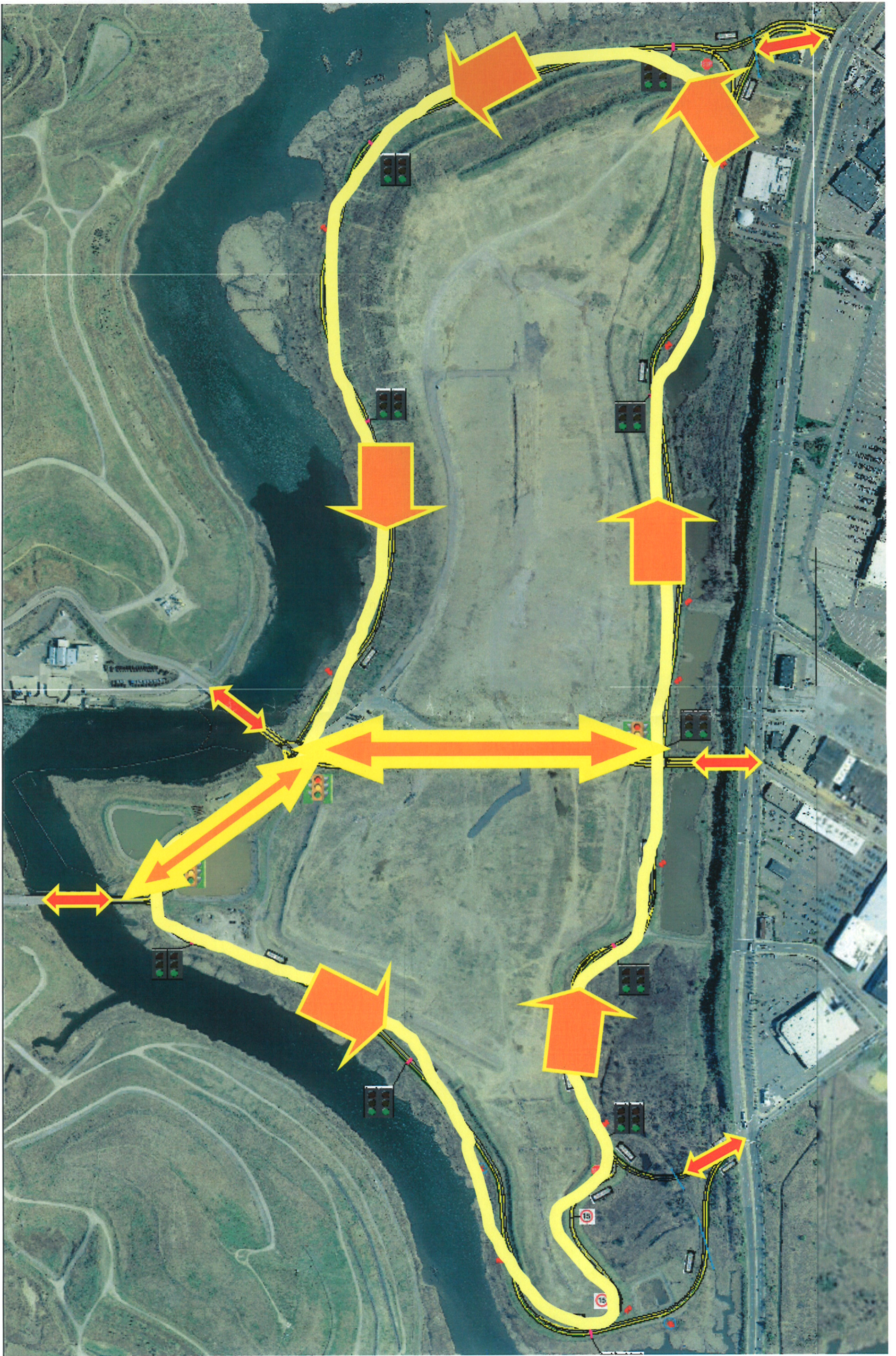














**FRESH KILLS LANDFILL AERIAL VIEW WITH BOROUGH PRESIDENT'S DESIGN
UTILIZING EXISTING HAUL ROADS ADJUSTED TO TRAVEL STANDARDS (SECTION 6/7)**