
FINAL

**ENVIRONMENTAL ASSESSMENT
FOR BRAC 2005
CLOSURE, DISPOSAL, AND REUSE OF THE SGT JOSEPH E. MULLER
UNITED STATES ARMY RESERVE CENTER
BRONX, NEW YORK**



**Prepared for:
U.S. Army Reserve 99th Regional Support Command**

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December 2012

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FINDING OF NO SIGNIFICANT IMPACT
ENVIRONMENTAL ASSESSMENT FOR
BRAC 2005 RECOMMENDATIONS
CLOSURE, DISPOSAL, AND REUSE OF THE
SGT JOSEPH E. MULLER UNITED STATES ARMY RESERVE CENTER
BRONX, NEW YORK

On September 8, 2005, the Defense Base Closure and Realignment (BRAC) Commission recommended that the Department of Defense (DoD) close the SGT Joseph E. Muller United States Army Reserve Center (Muller USARC or the Property) in the Bronx, New York and relocate units to Fort Totten, New York. The deactivated USARC property is excess to Army need and will be disposed of according to applicable laws and regulations.

Pursuant to the Council on Environmental Quality (CEQ) Regulations (40 CFR Parts 1500-1508) for implementing the procedural provisions of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 et seq.) and Environmental Analysis of Army Actions (32 CFR 651), the U.S. Army Corps of Engineers, Mobile District has prepared an Environmental Assessment (EA) for the United States Army Reserve, 99th Regional Support Command (RSC) of the potential environmental and socioeconomic effects associated with the closure, disposal, and reuse of the Muller USARC. The EA is incorporated by reference to this Finding of No Significant Impact (FNSI).

PROPOSED ACTION

The proposed action is the disposal of the Muller USARC. Redevelopment and reuse of the surplus property made available by the closure of the Muller USARC would occur as a secondary action resulting from disposal.

Under BRAC law, the Army was required to close the Muller USARC no later than September 15, 2011. The Muller USARC was closed on September 14, 2011 and the Army will dispose of the Property (USAR 2011). As a part of the disposal process, the Army screened the Property for reuse with the Department of Defense and other federal agencies. No federal agency expressed an interest in reusing this property for another purpose.

ALTERNATIVES CONSIDERED

Alternative 1 – No Action Alternative

Under the No Action Alternative, the Army would continue operations at the Muller USARC at levels similar to those that occurred prior to the BRAC Commission's recommendations for closure becoming final. The inclusion of the No Action Alternative is prescribed by the CEQ regulations for implementing NEPA and serves as a benchmark against which the environmental impacts of the action alternatives may be evaluated. The Reserve mission at the USARC has ended and it is unlikely that it would ever resume, given the recommendation of the BRAC Commission. Nevertheless, this No Action Alternative allows comparison of impacts between

the prior mission, the caretaker alternative, and the action alternative. Therefore, the No Action Alternative is evaluated in the EA.

Alternative 2 – Caretaker Status

The Army secured the Muller USARC after the military mission ended on September 14, 2011 to ensure public safety and the security of remaining government property and allow completion of any required environmental remediation actions. From the time of operational closure until conveyance of the Property, the Army will provide sufficient maintenance to preserve and protect the site for reuse in an economical manner that facilitates redevelopment. If the Muller USARC is not transferred, the Army will reduce maintenance levels to the minimum level for surplus government property as specified in 41 CFR 101-47.402, 41 CFR 101-47-4913, and Army Regulation 420-1 (Army Facilities Management).

Alternative 3 – Traditional Army Disposal and Reuse of the Muller USARC as a Homeless Shelter

For Alternative 3, the Army would close the Muller USARC by September 15, 2011 and transfer the Property via public benefit conveyance to a homeless provider. The Property's single building would be redeveloped into a shelter that would serve up to 200 homeless individual adult men as recommended by the Muller Local Redevelopment Authority in the Final Redevelopment Plan (Muller LRA 2011). Space would be developed into the following categories: program space, food services, general and administrative space, and living quarters.

FACTORS CONSIDERED IN DETERMINING THAT NO ENVIRONMENTAL IMPACT STATEMENT IS REQUIRED

The EA examined potential effects of Alternatives 1, 2, and 3 on 12 resource categories including a detailed analysis of two resource categories: land use (installation land, current and future development in the region of influence, and surrounding land) and socioeconomics (demographics, economic development, environmental justice, housing, protection of children, and public services).

CONCLUSION

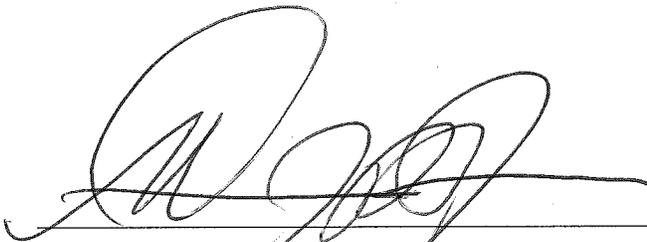
Based on the analysis in the EA, it has been determined that implementation of any of the Proposed Action's alternatives will have no significant direct, indirect, or cumulative impacts on the quality of the natural or human environment. Because no significant environmental impacts will result from implementation of the proposed action or any of the alternatives, issuance of a Finding of No Significant Impact (FNSI) is warranted, and preparation of an Environmental Impact Statement is not required.

During the 40-day public comment period, the 99th RSC did not receive comments on the Final EA and Draft FNSI. Therefore, no changes in the analysis in the EA were necessary and the conclusion that there will be no significant adverse impacts or significant beneficial impacts resulting from implementing the proposed action remains unchanged.

PUBLIC AVAILABILITY

The public review period for EAs is typically 30 days; however, the 99th RSC extended this period for an additional 10 days due to the holiday season. Comments on the EA and FNSI were therefore accepted during a 40-day public comment period that began on December 16, 2012 and ended on January 25, 2013 in accordance with requirements specified in 32 CFR Part 651.

The 40-day public review period was initiated by placing a Notice of Availability of the Final EA and a draft FNSI in the *Bronx Times Reporter* and the *New York Times* (Sunday Metropolitan – Bronx Zone) on December 16, 2012. The EA and draft FNSI were available at the Woodlawn Heights Public Library (4355 Katonah Avenue, Bronx, New York 10470), the Wakefield Branch Library (4100 Lowerre Place, Bronx, New York 10466), and on the Army's BRAC website at http://www.hqda.army.mil/acsim/brac/env_ea_review.htm. On December 13, 2012, EA Notice of Availability letters were mailed to all individuals and government agencies that commented during the EA public scoping period that occurred June 3 through July 3, 2012. The December 13, 2012 letter informed interested parties of the 40-day public review period for the Final EA and Draft FNSI.



Date 20 JAN 2013

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Regional Engineer
U.S. Army Reserve, 99th Regional Support Command

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FOR BRAC 2005
CLOSURE, DISPOSAL, AND REUSE OF THE
SGT JOSEPH E. MULLER UNITED STATES ARMY RESERVE CENTER
BRONX, NEW YORK

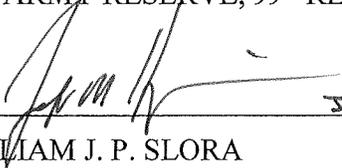
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For


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U.S. Army Reserve, 99th Regional Support Command

Setting a Hazardous Waste
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EXECUTIVE SUMMARY

ES 1 INTRODUCTION

On September 8, 2005, the Defense Base Closure and Realignment Commission (BRAC Commission) recommended closure of the SGT Joseph E. Muller United States Army Reserve Center (USARC) and realignment of essential missions to other installations. The deactivated USARC property is excess to Army need and will be disposed of according to applicable laws and regulations.

This Environmental Assessment (EA) analyzes the environmental impacts of the proposed closure, disposal, and reuse of the SGT Joseph E. Muller United States Army Reserve Center (Muller USARC or the Property), Bronx, New York. This EA was developed in accordance with the National Environmental Policy Act (NEPA) [42 United States Code (U.S.C.) § 4321 et seq.]; implementing regulations issued by the President's Council on Environmental Quality (CEQ), 40 *Code of Federal Regulations* (CFR) Parts 1500-1508; and *Environmental Analysis of Army Actions*, 32 CFR Part 651. Its purpose is to inform decision makers and the public of the likely environmental consequences of the Proposed Action and alternatives.

This EA addresses the potential environmental, cultural, and socioeconomic effects of the Muller USARC closure, disposal, and reuse. The potential environmental effects from relocating the Muller USARC units to the Fort Totten, New York Armed Forces Reserve Center have been analyzed in accordance with NEPA and documented in a separate Record of Environmental Consideration (REC) (99th RSC 2009).

ES 2 PROPOSED ACTION

The proposed action is the disposal of surplus property made available by the realignment of Muller USARC. Redevelopment and reuse of the surplus Muller USARC property (the Property) would occur as a secondary action under disposal.

Under BRAC law, the Army was required to close the Muller USARC not later than September 15, 2011. The Muller USARC was closed on September 14, 2011 and the Army will dispose of the Property (USAR 2011). As a part of the disposal process, the Army screened the Property for reuse with the Department of Defense and other federal agencies. No federal agency expressed an interest in reusing this property for another purpose.

ES 3 ALTERNATIVES CONSIDERED

ES 3.1 Alternative 1 - No Action Alternative

Under the No Action Alternative, the Army would continue operations at the Muller USARC at levels similar to those that occurred prior to the BRAC Commission's recommendations for closure becoming final. The inclusion of the No Action Alternative is prescribed by the CEQ regulations implementing NEPA and serves as a benchmark against which the environmental impacts of the action alternatives may be evaluated. The Reserve mission at the USARC has ended and it is unlikely that it would ever resume, given the recommendation of the BRAC Commission. Nevertheless, this No Action Alternative allows comparison of impacts between the prior mission, the current caretaker status, and the proposed reuses. Therefore, the No Action Alternative is evaluated in the EA.

ES 3.2 Alternative 2 - Caretaker Status Alternative

The Army secured the Muller USARC after the military mission ended on September 14, 2011 to ensure public safety and the security of remaining government property and allow completion of any required environmental remediation actions. From the time of closure until conveyance of the Property, the Army will provide sufficient maintenance to preserve and protect the site for reuse in an economical manner that facilitates redevelopment. If the Muller USARC is not transferred, the Army will reduce maintenance levels to the minimum level for surplus government property as specified in 41 CFR 101-47.402, 41 CFR 101-47-4913, and Army Regulation 420-1 (Army Facilities Management).

ES 3.3 Alternative 3 – Traditional Army Disposal and Reuse of the Muller USARC as a Homeless Shelter

For Alternative 3, the Army would close the Muller USARC by September 15, 2011 and transfer the Property via public benefit conveyance to a homeless provider. The Property’s single building would be redeveloped into a shelter that would serve up to 200 homeless individual adult men as recommended by the Muller Local Redevelopment Authority in the Final Redevelopment Plan (Muller LRA 2011). Space would be developed into the following categories: program space, food services, general and administrative space, and living quarters.

ES 4 ENVIRONMENTAL CONSEQUENCES

Table ES-1 lists each of the environmental resource categories and subcategories, and it documents which resources are present and the potential environmental consequences:

- Not present;
- Present, but not impacted;
- Present, not significant, negligible or minor impacts; or
- Present, not significant, moderate impacts.

Table ES-1 Summary of Resource Category Impact Analysis for the Muller USARC.		
Resource Category (Alphabetical)	Document Section	Analysis
AESTHETICS AND VISUAL RESOURCES	4.1.3	Present, not significant, negligible/minor impacts
AIR QUALITY	4.1.3	Present, not significant, negligible/minor impacts
BIOLOGICAL RESOURCES		
Critical Habitat	4.1.1	Not present, no impacts
Threatened and Endangered Species (State and Federal)	4.1.1	Not present, no impacts
Vegetation	4.1.2	Present, no impacts
Wildlife	4.1.2	Present, no impacts
Wilderness Areas and Wildlife Refuges	4.1.1	Not present, no impacts
CULTURAL RESOURCES		
Archaeological Resources	4.1.1	Not present, no impacts
Historic Buildings	4.1.1	Not present, no impacts
Historic Properties of Religious or Cultural Significance to Native Americans and Tribes	4.1.1	Not present, no impacts
GEOLOGY AND SOIL	4.1.2	Present, no impacts

Table ES-1 Summary of Resource Category Impact Analysis for the Muller USARC.		
Resource Category (Alphabetical)	Document Section	Analysis
HAZARDOUS AND TOXIC SUBSTANCES		
Asbestos Containing Material	4.1.1	Not present, no impacts
Lead Based Paint (LBP)	4.1.3	Present, not significant, negligible/minor impacts
Munitions and Explosives of Concern	4.1.1	Not present, no impacts
Past Uses and Operations	4.1.2	Present, no impacts
Pits, Sumps, Drywells, and Catch Basins	4.1.2	Present, no impacts
Polychlorinated Biphenyls (PCBs)	4.1.1	Not present, no impacts
Radioactive Materials	4.1.1	Not present, no impacts
Radon	4.1.1	Not present, no impacts
Storage, Use, Release of Chemicals/Hazardous Substances	4.1.2	Present, no impacts
UST/ASTs	4.1.1	Not present, no impacts
Waste Disposal Sites	4.1.1	Not present, no impacts
LAND USE		
Current and Future Development in the Region of Influence Alternative 1 – No Action Alternative Alternative 2 – Caretaker Status Alternative 3 – Traditional Disposal and Reuse as a Homeless Shelter	4.2.1	Present, no impacts Present, no impacts Present, not significant, moderate impacts
Installation Land/Airspace Alternative 1 – No Action Alternative Alternative 2 – Caretaker Status Alternative 3 – Traditional Disposal and Reuse as a Homeless Shelter	4.2.1	Present, no impacts Present, not significant, moderate impacts Present, not significant, moderate impacts
National and State Parks	4.1.1	Not present, no impacts
Prime and Unique Farmland	4.1.1	Not present, no impacts
Surrounding Land Alternative 1 – No Action Alternative Alternative 2 – Caretaker Status Alternative 3 – Traditional Disposal and Reuse as a Homeless Shelter	4.2.1	Present, no impacts Present, not significant, moderate impacts Present, not significant, moderate impacts
NOISE	4.1.3	Present, negligible/minor impacts
SOCIOECONOMICS		
Demographics Alternative 1 – No Action Alternative Alternative 2 – Caretaker Status Alternative 3 – Traditional Disposal and Reuse as a Homeless Shelter	4.2.2	Present, no impacts Present, no impacts Present, not significant, negligible/minor impacts
Economic Development Alternative 1 – No Action Alternative Alternative 2 – Caretaker Status Alternative 3 – Traditional Disposal and Reuse as a Homeless Shelter	4.2.2	Present, no impacts Present, not significant, negligible/minor impacts Present, not significant, negligible/minor impacts
Environmental Justice Alternative 1 – No Action Alternative Alternative 2 – Caretaker Status Alternative 3 – Traditional Disposal and Reuse as a Homeless Shelter	4.2.2	Present, no impacts Present, no impacts Present, not significant, negligible/minor impacts
Housing Alternative 1 – No Action Alternative Alternative 2 – Caretaker Status Alternative 3 – Traditional Disposal and Reuse as a Homeless Shelter	4.2.2	Present, no impacts Present, no impacts Present, not significant, negligible/minor impacts

Table ES-1 Summary of Resource Category Impact Analysis for the Muller USARC.		
Resource Category (Alphabetical)	Document Section	Analysis
Protection of Children Alternative 1 – No Action Alternative Alternative 2 – Caretaker Status Alternative 3 – Traditional Disposal and Reuse as a Homeless Shelter	4.2.2	Present, no impacts Present, no impacts Present, not significant, negligible/minor impacts
Public Services Alternative 1 – No Action Alternative Alternative 2 – Caretaker Status Alternative 3 – Traditional Disposal and Reuse as a Homeless Shelter	4.2.2	Present, no impacts Present, no impacts Present, not significant, negligible/minor impacts
TRANSPORTATION		
Roadways and Traffic	4.1.3	Present, not significant, negligible/minor impacts
Public Transportation	4.1.3	Present, not significant, negligible/minor impacts
UTILITIES		
Communications	4.1.2	Present, no impacts
Energy Sources (Electrical, Gas, etc)	4.1.2	Present, no impacts
Potable Water Supply	4.1.2	Present, no impacts
Solid Waste	4.1.2	Present, no impacts
Storm Water System	4.1.2	Present, no impacts
Wastewater System	4.1.2	Present, no impacts
WATER RESOURCES		
Floodplains/Coastal Barriers and Zones	4.1.1	Not present, no impacts
Hydrology/Groundwater	4.1.3	Present, not significant, negligible/minor impacts
National Wild and Scenic Rivers	4.1.1	Not present, no impacts
Surface Water (Streams, Ponds, etc.)	4.1.1	Not present, no impacts
Wetlands	4.1.1	Not present, no impacts
CUMULATIVE IMPACTS	4.3	Cumulative impacts are not significant

ES 5 CONCLUSIONS

This Environmental Assessment was conducted in accordance with the requirements of the National Environmental Policy Act, the Council on Environmental Quality regulations implementing NEPA (40 CFR 1500), and Environmental Analysis of Army Actions (32 CFR 651). As analyzed and discussed in the EA, direct, indirect, and cumulative impacts of Alternative 1, 2, and 3 have been considered and no significant impacts (either beneficial or adverse) have been identified. Therefore, issuance of a Finding of No Significant Impact is warranted and preparation of an Environmental Impact Statement is not required.

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SECTION 1.0 INTRODUCTION

This Environmental Assessment (EA) analyzes the environmental impacts of the proposed action of closure, disposal, and reuse of the SGT Joseph E. Muller United States Army Reserve Center (USARC), 555 East 238th Street (Nereid Avenue) Bronx, New York (Figure 1-1). This EA was developed in accordance with the *National Environmental Policy Act* (NEPA) [42 United States Code (U.S.C.) § 4321 et seq.]; implementing regulations issued by the President's Council on Environmental Quality (CEQ), 40 Code of Federal Regulations (CFR) Parts 1500-1508; and *Environmental Analysis of Army Actions*, 32 CFR Part 651. Its purpose is to inform decision makers and the public of the likely environmental and socioeconomic consequences of the Proposed Action and reasonably foreseeable reuse alternatives.

1.1 Purpose and Need of the Proposed Action

On September 8, 2005, the Defense Base Closure and Realignment Commission (BRAC Commission) recommended closure of the Muller USARC (Figure 1-2) and realignment of essential missions to other installations. The deactivated USARC property is excess to Army needs and will be disposed of according to applicable laws and regulations.

1.2 Public Involvement

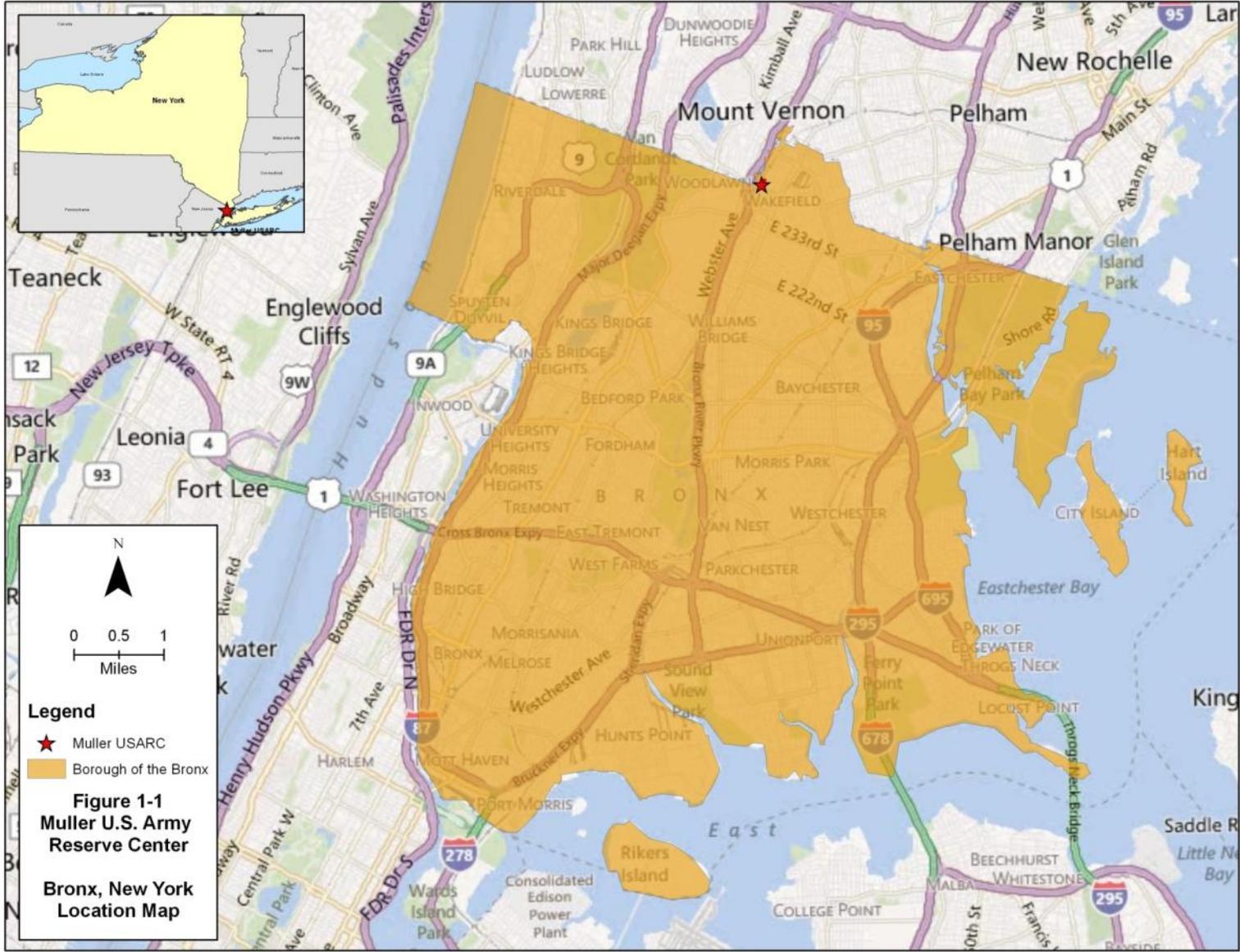
The Army is committed to open decision-making. For a period of 30 days during the preparation of this EA, the Army accepted comments from the public. The collaborative involvement of other agencies, organizations, and individuals in the NEPA process enhances issue identification and problem solving. In preparing this EA, the Army consulted or coordinated with the United States (U.S.) Environmental Protection Agency (USEPA), U.S. Department Of Housing And Urban Development, New York State Department of Environmental Conservation, the New York State Historic Preservation Office (NY SHPO), the New York State Division of Military and Naval Affairs, the Muller Local Redevelopment Authority, the City of New York, appropriate Native American tribes, U.S. Fish and Wildlife Service, and others as appropriate.

The 30-day public review period of this EA begins by publishing a Notice of Availability of the final EA and a draft Finding of No Significant Impact (FNSI) in a local newspaper, the *Bronx Times-Reporter*, and a regional newspaper, *New York Times*. The EA and draft FNSI are made available during the public review period at the Woodlawn Heights Public Library (4355 Katonah Avenue, Bronx, New York 10470) and the Wakefield Branch Library (4100 Lowerre Place, Bronx, New York 10466), and on the BRAC website at http://www.hqda.army.mil/acsim/brac/env_ea_review.htm.

The Army invites the public and all interested and affected parties to review and comment on this final EA and the draft FNSI. Written comments and requests for information should be submitted to the NEPA Coordinator of the 99th Regional Support Command (RSC), Amanda Murphy (DPW-ENV) at 5231 South Scott Plaza, Fort Dix, New Jersey, 08640 or amanda.w.murphy.ctr@us.army.mil.

At the end of the public review period, the Army will review all comments received; compare environmental impacts associated with reasonable alternatives; revise the FNSI or the EA, if necessary; supplement the EA, if needed; and make a decision. If the impacts of the Proposed Action are not significant, the Army will sign and execute the FNSI and the action may proceed immediately. If potential impacts are found to be significant, the Army can decide to (1) not

proceed with the proposed action, (2) proceed with the proposed action after committing to mitigation reducing the anticipated impact to a less than significant impact in the revised Final FNSI, or (3) publish a Notice of Intent to prepare an Environmental Impact Statement (EIS) in the Federal Register.





SECTION 2.0 DESCRIPTION OF THE PROPOSED ACTION

The proposed action is the disposal of surplus property made available by the realignment of the Muller USARC. Redevelopment and reuse of the surplus Muller USARC property (the Property) by a non-Federal entity would occur as a secondary action under disposal.

Under BRAC law, the Army was required to close the Muller USARC not later than September 15, 2011. The Muller USARC was closed on September 14, 2011 and the Army will dispose of the Property (USAR 2011). As a part of the disposal process, the Army screened the Property for reuse with the Department of Defense and other federal agencies. No federal agency expressed an interest in reusing this property for another purpose.

2.1 BRAC Commission's Recommendation

The BRAC Commission's recommendation is to:

“Close Muller USARC, Bronx, NY, and relocate units to a new Armed Forces Reserve Center at Fort Totten, NY.”

A Record of Environmental Consideration (REC) has documented the NEPA review of the relocation of units and the renovation of the Ernie Pyle USARC at Fort Totten, New York (99th RSC 2009).

2.2 Muller Local Redevelopment Authority's Reuse Plan

On November 17, 2008, the Muller Local Redevelopment Authority was officially recognized by the U.S. Office of Economic Adjustment as the planning entity for the purpose of formulating a recommendation for the reuse of the Muller USARC. On December 2, 2008, the Department of Defense published recognition of the Muller Local Redevelopment Authority in the Federal Register. According to the Federal Property Administrative Services Act of 1949 and the Base Closure Community Redevelopment and Homeless Assistance Act of 1994, the Muller Local Redevelopment Authority screened this Federal Government surplus property by soliciting notices of interest (NOIs) from state and local governments, representatives of the homeless, and other interested parties. The Muller Local Redevelopment Authority published a request for NOIs in the New York Post on March 5, 2009 and in the Daily News on March 17, 2009. The deadline for receiving NOIs was June 23, 2009. In addition, the Muller Local Redevelopment Authority hosted tours of the Muller USARC facility for the purpose of granting individuals from interested organizations an opportunity to view the property.

Prior to the June 23, 2009 deadline, the Muller Local Redevelopment Authority received NOIs from the following three organizations:

- The Doe Fund, Inc. – Residential homeless shelter program and comprehensive provision of required social and support services for up to 200 individual adult men;
- United Church of Jesus Christ – Expand educational programs to include early head start, kindergarten through sixth grade, and after school programs;
- South Bronx Overall Economic Development Corporation – Transitional and permanent housing for homeless veterans and homeless elderly individuals (30 to 40 units); and

The New York State Division of Military and Naval Affairs submitted a letter of intent seeking to use the Property to house New York Army National Guard (NYARNG) units currently stationed in the annex building at the Kingsbridge Armory.

After reviewing the four reuse proposals, recommendations, and all public comments, the Muller Local Redevelopment Authority prepared a *Final Sgt. Joseph A. Muller Army Reserve Center Redevelopment Master Plan* (Final Redevelopment Plan) that determined the Property be transferred to a homeless provider for a residential homeless shelter program for up to 200 individual adult men. The Final Redevelopment Plan, dated June 29, 2011, along with supplemental information dated February 16, May 29, and June 8, 2012, was submitted by New York City Mayor Michael R. Bloomberg to the U.S. Department of Housing and Urban Development (HUD). The plan was approved by HUD on June 20, 2012 (Appendix D).

2.3 Description of the Muller USARC

The Property is located at 555 East 238th Street (Nereid Avenue) in the Borough of the Bronx, New York and was originally acquired to serve as a Navy Industrial Reserve Aircraft Plant. The U.S. Government acquired the Property through three separate real estate transactions: 0.57 acres acquired in 1943, 0.7 acres acquired in 1959, and 0.26 acres acquired in 1960. In 1960, the main building was renovated for conversion from an aircraft plant to a 1,400-man USARC. In 1991, the windows were replaced and the building was re-clad in stucco (USACE 2007).

Figure 1-2 shows the Muller USARC site plan. The USARC is located on an approximately 0.9-acre parcel and contains one permanent structure, a military equipment parking (MEP) area, and a privately owned vehicle (POV) parking area. The 55,000 square-foot main building was constructed in 1954. It is a concrete block structure with stucco veneer and a flat, tar and gravel roof. The rectangular shaped main building is a four-level, northeast-southwest oriented building. The building's interior consists of office space, classrooms, a kitchen area, a mess hall, storage, a former Organizational Maintenance Shop (OMS), and a boiler room. The northeast end of the main building's basement is the boiler room. The first level contains the former OMS at the north end and caged storage the remainder of the first level. Levels two, three, and four contain primarily classrooms, offices, and storage areas. The kitchen and mess hall are located on the second level (USACE 2007).

The MEP and POV parking are combined in one parking area that is located in the northeast corner of the Property. A small area designated for POV parking is located on the eastern side of the main building. The USARC is surrounded by a fence that is locked at night. Access to the parking area during the day is through a single gate located on Bronx Boulevard, while entrance to the main building is through a single gate located on East 238th Street (USACE 2010).

The former OMS on the first floor of the main building was originally used for light vehicle maintenance and was most recently used for storage. A former concrete vehicle wash rack is located in the parking area to the northeast of the main building. Impervious surface features such as asphalt parking areas, driveways, concrete walkways, and the main building cover most of the Property. There is only a small patch of lawn south of the main building in front of the entrance on East 238th Street, and a wooded area exists along the west side of the Property.

The Muller USARC was most recently occupied by the 3rd Brigade, 2nd Battalion Military Police, 867th Detachment, and 325th Military Intelligence Battalion. Immediately before closure, the Muller USARC consisted of 15 full time staff and approximately 400 reservists that trained at the Muller USARC on weekends.



Photograph 1. Muller USARC, front entrance.



Photograph 2. Muller USARC, south end of main building.



Photograph 3. Muller USARC former OMS, north end of main building.



Photograph 4. Muller USARC, privately owned vehicle parking area.



Photograph 5. Muller USARC, second floor drill hall.

SECTION 3.0 ALTERNATIVES

A key principle of NEPA is that agencies are to give full consideration to a range of reasonable alternatives to a proposed action. Considering alternatives helps to avoid unnecessary impacts and allows analysis of reasonable ways to achieve the stated purpose and need. To warrant detailed evaluation, an alternative must be reasonable. To be considered reasonable, an alternative must be affordable, capable of implementation, and satisfactory with respect to meeting the purpose of and need for the action. The following discussion identifies alternatives considered and whether they are reasonable and, hence, subject to detailed evaluation in this EA. Alternatives 1, 2, and 3 were analyzed and that analysis and its conclusions are discussed in this document.

3.1 Alternative 1 – No Action Alternative

Under the No Action Alternative, the Army would continue operations at the Muller USARC at levels similar to those that occurred prior to the BRAC Commission's recommendations for closure becoming final. The inclusion of the No Action Alternative is prescribed by the CEQ regulations implementing NEPA and serves as a benchmark against which the environmental impacts of the action alternatives may be evaluated. The Reserve mission at the USARC has ended and it is unlikely that it would ever resume, given the recommendation of the BRAC Commission. Nevertheless, this no action alternative allows comparison of impacts between the prior mission, the current caretaker status, and the proposed reuses. Therefore, the No Action Alternative is evaluated in the EA.

3.2 Alternative 2 – Caretaker Status Alternative

The Army secured the Muller USARC after the military mission ended on September 14, 2011 to ensure public safety and the security of remaining government property and to allow completion of any required environmental remediation actions. From the time of operational closure until conveyance of the Property, the Army will provide sufficient maintenance to preserve and protect the site for reuse in an economical manner that facilitates redevelopment. If the Muller USARC is not transferred, the Army will reduce maintenance levels to the minimum level for surplus government property as specified in 41 CFR 101-47.402, 41 CFR 101-47-4913, and Army Regulation 420-1 (Army Facilities Management).

3.3 Alternative 3 – Traditional Army Disposal and Reuse of the Muller USARC as a Homeless Shelter

For Alternative 3, the Army would close the Muller USARC by September 15, 2011 and transfer the Property via public benefit conveyance to a homeless provider. The Property's single building would be redeveloped into a shelter that would serve up to 200 homeless individual adult men as recommended by the Muller Local Redevelopment Authority in the Final Redevelopment Plan (Muller LRA 2011). Space would be developed into the following categories: program space, food services, general and administrative space, and living quarters.

3.4 Alternatives Considered and Eliminated From Further Analysis

3.4.1 Early Transfer and Reuse

Under this alternative, the Army would take advantage of various property transfer and disposal methods that allow the reuse of contaminated property to occur before all remedial actions have

been completed. One method is to transfer the property to a new owner who agrees to perform, or to allow the Army to perform, all remedial actions required under applicable Federal and state requirements. Allowing the property to be transferred before cleanup is complete requires concurrence of environmental regulatory authorities and the governor of the affected state. The property must be suitable for the new owner's intended use and the intended use must be consistent with protection of human health and the environment.

This alternative was not carried forward for further analysis because the Environmental Condition of Property (ECP) Update Report classifies the Property as Type 1, one of seven U.S. Department of Defense (DoD) Environmental ECP categories (USACE 2010). A Type 1 classification is defined as an area or parcel of real property where no release or disposal of hazardous substances or petroleum products or their derivatives has occurred (including no migration of these substances from adjacent properties). Because the Property is uncontaminated and no remedial action is required, the Muller USARC does not meet the criteria for the early transfer prior to cleanup alternative. A copy of the 2010 ECP Update is available for reference at the following website (http://www.hqda.army.mil/acsim/brac/env_ecp.htm).

3.4.2 Other Disposal Options

Upon conclusion of the federal screening process, the Muller Local Redevelopment Authority was recognized by the Office of Economic Adjustment as the authority responsible for planning the reuse of the Muller USARC, and they solicited proposals for reuse of the property.

The Muller Local Redevelopment Authority screened this Federal Government surplus property by soliciting NOIs in 2009 from state and local governments, representatives of the homeless, and other interested parties, as required by the Federal Property Administrative Services Act of 1949, the Base Closure Community Redevelopment and Homeless Assistance Act of 1994, and Redevelopment and Homeless Assistance Act of 1994. Three applications were received in response to the request for NOIs: a 200-person homeless shelter, a 40-person homeless shelter, and a school. The New York State Division of Military and Naval Affairs responded to the solicitation with a "letter of intent" for reuse as a training facility for New York Army National Guard (NYARNG) units.

3.4.2.1 NYARNG and School Reuse Alternatives

The first step in the BRAC property transfer process begins when the military service in possession of a BRAC property notifies other DoD branches that property has become available. If another branch of DoD determines that it requires the property, intra-agency transfer may occur. If no DoD branch requires the property, it is deemed "excess" and a notice of its availability is sent to all other federal agencies. If no federal agency pursues acquisition within the specified time frame, the property is determined to be "surplus" and the disposal process begins (Flynn 2005; Department of the Army 2006). No DoD branches or other federal agencies expressed interest in acquiring the Muller USARC property during the federal screening process.

In response to the Muller Local Redevelopment Authority solicitation of Notices of Interest in 2009, the New York State Division of Military and Naval Affairs submitted a "letter of intent" seeking to use the Muller USARC property to house the NYARNG unit currently stationed in the annex building at the Kingsbridge Armory. While this letter was considered by the Muller Local Redevelopment Authority, they concluded that the most appropriate use for the USARC property

would be for a homeless shelter (Muller LRA 2011). It also took into consideration that this NYARNG unit already had quarters in the existing Kingsbridge Armory, and such a move would not create additional economic activity in the Bronx.

The NYARNG reuse alternative and the proposed school alternative were not carried forward for analysis because they were not selected by the Muller Local Redevelopment Authority in the Final Redevelopment Plan. The NYARNG has no plans to acquire the site (see scoping letter from the Division of Naval and Military Affairs in Appendix A.1.2), and no other entity has volunteered to acquire the site for the NYARNG. The school proposal was considered by the Muller Local Redevelopment Authority, however, the Authority concluded that the most appropriate use for the USARC property would be for a homeless shelter (Muller LRA 2011).

Qualified homeless providers were given priority consideration for reuse of the surplus military property in order to help meet “continuum of care” goals and objectives of the City of New York. The Muller Local Redevelopment Authority concluded that the most appropriate use for the USARC property would be for a homeless shelter (Muller LRA 2011).

3.4.2.2 Homeless Provider Reuse Alternative

The Muller Local Redevelopment Authority concluded that because the proposed homeless shelter for 200 individual homeless adult men (including veterans) would serve more homeless individuals than the proposed shelter for 40 individual homeless seniors and veterans, the 200-person shelter would allow the City to better meet the needs of the homeless by serving more individuals. Also important to the Muller Local Redevelopment Authority in making its decision was the superiority of the 200-person shelter proposal in meeting the goals outlined in New York City’s Continuum of Care (Muller LRA 2011). Since the NOI for a 40-person homeless shelter was not selected by the Muller Local Redevelopment Authority in the Final Redevelopment Plan, that proposed reuse was not carried forward for analysis in this EA.

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SECTION 4.0 AFFECTED ENVIRONMENT AND CONSEQUENCES

The affected environment is a description of the existing environment potentially affected by the proposed action (40 CFR 1502.15). This section analyzes the significance of direct, indirect, and cumulative impacts of the proposed action and alternatives on the affected environment.

Impact

An environmental consequence or impact (referred to in this document as an impact) is defined as a noticeable change in a resource from the existing environmental baseline conditions caused by or resulting from the proposed action. As noted in Section 3, the baseline is the operations level at the Muller USARC and existing environment present immediately prior to the BRAC Commission's recommendations for closure becoming final. The terms "impact" and "effect" are synonymous as used in this EA. Impacts may be determined to be beneficial or adverse and may apply to the full range of natural, aesthetic, cultural, and economic resources of the installation and its surrounding environment.

Direct Versus Indirect Impacts

Where applicable, analysis of impacts associated with each course of action has been further divided into direct and indirect impacts. Definitions and examples of direct and indirect impacts as used in this document are as follows:

- **Direct Impacts.** Direct impacts are caused by the action and occur at the same time and place. Both short-term and long-term direct impacts can be applicable.
- **Indirect Impacts.** Indirect impacts are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.
- **Application of Direct Versus Indirect Impacts.** For direct impacts to occur, a resource must be present in a particular area. For example, if highly erodible soil were disturbed due to construction, there would be a direct impact to soil from erosion at the development site. Sediment-laden runoff might indirectly affect surface water quality in adjacent areas downstream from the development site.

Indirect impacts are described for the resource category in which indirect impacts are anticipated to occur. For those resource categories with no anticipated indirect impacts, no further discussion on indirect impacts will be included in the Consequences sections.

Long-Term versus Short-Term Impacts

Impacts to resources may occur in a relatively short period of time or may be permanent. In this EA, the estimated time durations during which impacts may be perceived or measured are described as short-term or long-term.

Short-term impacts are generally realized just after or as a result of implementation of the alternative. Short term impacts are temporary. For instance, short-term impacts may result from preparation of the site for construction, actual construction, and renovation of existing facilities. Some resources may exhibit short-term impacts as they recover from any disturbances.

Long-term impacts are realized later in time after implementation of the alternative. The longer duration may be resource specific (e.g., soil impacts from increased impervious surfaces) or may be a result of the persistence of the cause of the impact (e.g., increased traffic during weekdays without traffic calming measures).

Significance

The term “significant,” as defined in Section 1508.27 of the Regulations for Implementing NEPA (40 CFR 1500), <http://ceq.hss.doe.gov/nepa/regs/ceq/1508.htm#1508.27>, requires consideration of both the context and intensity of the impact evaluated.

Context. Significance can vary in relation to the context of the action. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend on the effects in the locale rather than in the world as a whole. Both short-term and long-term effects may be relevant.

Intensity. In accordance with the CEQ implementing guidance, impacts are also evaluated in terms of their intensity or severity. Factors contributing to the evaluation of the intensity of an impact are listed in Section 1508.27 of the Regulations for Implementing NEPA.

The range of intensity of potential impacts discussed in this EA are characterized as follows:

- No Impact - a resource is not present;
- No Impact - a resource is present, but is not affected;
- Negligible - the impact is not measurable at the lowest level of detection;
- Minor - the impact is slight, but detectable;
- Moderate - the impact is readily apparent and appreciable; and
- Significant - the impact is severely adverse, major, and highly noticeable.

Resource Categories Analyzed

Twelve resource areas were considered for potential impacts resulting from the Proposed Action and alternatives including aesthetics and visual resources, air quality, biological resources, cultural resources, geology and soils, hazardous and toxic substances, land use, noise, socioeconomics, transportation, utilities, and water resources. Some resources were eliminated from detailed analysis as described below. Table 4-1 lists each of the environmental resource categories and subcategories, it documents which resources are present and the environmental consequences, and it references the document section containing each discussion.

As noted in the following analysis, none of the potential impacts identified in this EA are significant.

Table 4-1 Summary of Resource Category Impact Analysis for the Muller USARC.		
Resource Category (Alphabetical)	Document Section	Analysis
AESTHETICS AND VISUAL RESOURCES	4.1.3	Present, not significant, negligible/minor impacts
AIR QUALITY	4.1.3	Present, not significant, negligible/minor impacts
BIOLOGICAL RESOURCES		
Critical Habitat	4.1.1	Not present, no impacts
Threatened and Endangered Species (State and Federal)	4.1.1	Not present, no impacts
Vegetation	4.1.2	Present, no impacts
Wildlife	4.1.2	Present, no impacts
Wilderness Areas and Wildlife Refuges	4.1.1	Not present, no impacts
CULTURAL RESOURCES		
Archaeological Resources	4.1.1	Not present, no impacts
Historic Buildings	4.1.1	Not present, no impacts
Historic Properties of Religious or Cultural Significance to Native Americans and Tribes	4.1.1	Not present, no impacts
GEOLOGY AND SOIL	4.1.2	Present, no impacts
HAZARDOUS AND TOXIC SUBSTANCES		
Asbestos Containing Material	4.1.1	Not present, no impacts
Lead Based Paint (LBP)	4.1.3	Present, not significant, negligible/minor impacts
Munitions and Explosives of Concern	4.1.1	Not present, no impacts
Past Uses and Operations	4.1.2	Present, no impacts
Pits, Sumps, Drywells, and Catch Basins	4.1.2	Present, no impacts
Polychlorinated Biphenyls (PCBs)	4.1.1	Not present, no impacts
Radioactive Materials	4.1.1	Not present, no impacts
Radon	4.1.1	Not present, no impacts
Storage, Use, Release of Chemicals/Hazardous Substances	4.1.2	Present, no impacts
UST/ASTs	4.1.1	Not present, no impacts
Waste Disposal Sites	4.1.1	Not present, no impacts
LAND USE		
Current and Future Development in the Region of Influence Alternative 1 – No Action Alternative Alternative 2 – Caretaker Status Alternative 3 – Traditional Disposal and Reuse as a Homeless Shelter	4.2.1	Present, no impacts Present, no impacts Present, not significant, moderate impacts
Installation Land/Airspace Alternative 1 – No Action Alternative Alternative 2 – Caretaker Status Alternative 3 – Traditional Disposal and Reuse as a Homeless Shelter	4.2.1	Present, no impacts Present, not significant, moderate impacts Present, not significant, moderate impacts
National and State Parks	4.1.1	Not present, no impacts
Prime and Unique Farmland	4.1.1	Not present, no impacts
Surrounding Land Alternative 1 – No Action Alternative Alternative 2 – Caretaker Status Alternative 3 – Traditional Disposal and Reuse as a Homeless Shelter	4.2.1	Present, no impacts Present, not significant, moderate impacts Present, not significant, moderate impacts
NOISE	4.1.3	Present, negligible/minor impacts
SOCIOECONOMICS		
Demographics Alternative 1 – No Action Alternative Alternative 2 – Caretaker Status Alternative 3 – Traditional Disposal and Reuse as a Homeless Shelter	4.2.2	Present, no impacts Present, no impacts Present, not significant, negligible/minor impacts

Table 4-1 Summary of Resource Category Impact Analysis for the Muller USARC.		
Resource Category (Alphabetical)	Document Section	Analysis
Economic Development Alternative 1 – No Action Alternative Alternative 2 – Caretaker Status Alternative 3 – Traditional Disposal and Reuse as a Homeless Shelter	4.2.2	Present, no impacts Present, not significant, negligible/minor impacts Present, not significant, negligible/minor impacts
Environmental Justice Alternative 1 – No Action Alternative Alternative 2 – Caretaker Status Alternative 3 – Traditional Disposal and Reuse as a Homeless Shelter	4.2.2	Present, no impacts Present, no impacts Present, not significant, negligible/minor impacts
Housing Alternative 1 – No Action Alternative Alternative 2 – Caretaker Status Alternative 3 – Traditional Disposal and Reuse as a Homeless Shelter	4.2.2	Present, no impacts Present, no impacts Present, not significant, negligible/minor impacts
Protection of Children Alternative 1 – No Action Alternative Alternative 2 – Caretaker Status Alternative 3 – Traditional Disposal and Reuse as a Homeless Shelter	4.2.2	Present, no impacts Present, no impacts Present, not significant, negligible/minor impacts
Public Services Alternative 1 – No Action Alternative Alternative 2 – Caretaker Status Alternative 3 – Traditional Disposal and Reuse as a Homeless Shelter	4.2.2	Present, no impacts Present, no impacts Present, not significant, negligible/minor impacts
TRANSPORTATION		
Roadways and Traffic	4.1.3	Present, not significant, negligible/minor impacts
Public Transportation	4.1.3	Present, not significant, negligible/minor impacts
UTILITIES		
Communications	4.1.2	Present, no impacts
Energy Sources (Electrical, Gas, etc)	4.1.2	Present, no impacts
Potable Water Supply	4.1.2	Present, no impacts
Solid Waste	4.1.2	Present, no impacts
Storm Water System	4.1.2	Present, no impacts
Wastewater System	4.1.2	Present, no impacts
WATER RESOURCES		
Floodplains/Coastal Barriers and Zones	4.1.1	Not present, no impacts
Hydrology/Groundwater	4.1.3	Present, not significant, negligible/minor impacts
National Wild and Scenic Rivers	4.1.1	Not present, no impacts
Surface Water (Streams, Ponds, etc.)	4.1.1	Not present, no impacts
Wetlands	4.1.1	Not present, no impacts
CUMULATIVE IMPACTS	4.3	Cumulative impacts are not significant

4.1 Environmental Resources Eliminated from Further Considerations

Army NEPA Regulations (32 CFR § 651.14) state analysis should reduce or eliminate discussion of minor issues to help focus analysis. This approach minimizes unnecessary analysis and discussion during the NEPA process. CEQ Regulations for implementing NEPA (40 CFR § 1500.4(g)) emphasizes the use of the scoping process, not only to identify significant environmental issues deserving of study, but also to deemphasize insignificant issues, narrowing the scope of the environmental assessment process.

Resource categories with more than one component (e.g., Hazardous and Toxic Substances), may have certain subcategories that can be deemphasized due to insignificance and other subcategories that should be analyzed in more detail. These resource categories will, therefore, be discussed in multiple subsections throughout Section 4.

4.1.1 Environmental Resource Categories That Are Not Present

None of the alternatives would have direct, indirect, or cumulative impacts on certain subcategories of the resource categories, because these subcategories do not exist on or near the Property:

- **Critical Habitat** - The Property is in an urban setting, is highly disturbed, lacks natural habitat and the U.S. Fish and Wildlife Service (USFWS) has not designated critical habitat on or in the vicinity of the Property (Appendix A).
- **Threatened and Endangered Species (State and Federal)** - Coordination was conducted with the U.S. Fish and Wildlife Service and the New York State Department of Environmental Conservation (Appendix A). No species protected under Federal or state laws are known to exist on the Property.
- **Wilderness Areas and Wildlife Refuges** - The nearest national wilderness areas are Great Swamp National Wildlife Refuge Wilderness and the Otis Pike Fire Island High Dune Wilderness Area, which are located approximately 34 and 50 miles from the Property, respectively. The nearest national wildlife refuges (NWR) are Oyster Bay NWR, Target Rock NWR, and Seatuck NWR, which are located 18, 23, and 36 miles from the Property, respectively. These resources would not be affected by the proposed action.
- **Archeological Resources** - The Muller USARC was considered to have low potential for either prehistoric or historic archaeological resources due to prior disturbance as identified in a Phase I Archeological Survey. No further archaeological investigation was recommended (USACE 2009; PARS Environmental, Inc. and the Louis Berger Group, Inc. 2007). In accordance with the Advisory Council on Historic Preservation regulations, "the Protection of Historic Properties" (36 CFR Part 800), the Army determined that no historic properties would be affected by the proposed action. The NY SHPO concurred with the determination on September 13, 2012 (Appendix A).
- **Historic Buildings** - The Muller USARC contains one building that is more than 50 years old and was recommended for survey and evaluation in the 99th RSC Integrated Cultural Resources Management Plan (2009). The facility was evaluated for inclusion in the National Register of Historic Places (NRHP); no structures eligible for listing in the NRHP under Criterion A, B, and C were identified. In accordance with 36 CFR Part 800, the Army determined that the Proposed Action would have no effect on historic properties. The NY SHPO concurred with the determination on September 13, 2012 (Appendix A). No NRHP-eligible cultural resources have been identified at the Muller USARC, and no further analysis is required.
- **Historic Properties of Religious or Cultural Significance to Native Americans and Tribes** - No historic properties of religious or cultural significance to the Delaware Tribe of Indians, Delaware Nation, Stockbridge Munsee Community of Wisconsin Mohican Nation, Shinnecock Indian Nation, or Unkechaug Nation have been identified

through consultation. Native American coordination is presented in Appendix A. Responses were received from the Delaware Nation and the Delaware Tribe of Indians. No responses were received from the remaining Native American tribes.

- **Asbestos Containing Material (ACM)** - A 1997 survey evaluation of ACM at the Muller USARC found that previously identified ACM located in the main building had already been removed, with the exception of breeching on the boiler. The boiler breeching material had been repaired and was found to be in good condition (ANL 1997). However, sample results indicated that this breeching material was friable and contained 5 percent chrysotile. Another survey evaluation of ACM at this facility in 2004 identified four distinct areas with suspected ACM. Eight samples were collected and analyzed, and asbestos was not found (EEG 2004). According to the Regional Facility Operations Specialist, there is currently no ACM on the boiler of the facility. Although there is no record of ACM on the Property, the homeless provider would covenant and agree that its use and occupancy of the Property would be in compliance with all applicable laws relating to asbestos. The homeless provider would agree to be responsible for any future remediation or abatement of ACM in or on buried pipelines on the Property that may be required under applicable law or regulation.
- **Historic Munitions and Explosives of Concern** - No evidence was found during the ECP site reconnaissance or records review process of the past presence of munitions and explosives of concern (USACE 2007). There are no firing ranges on the Property, and there is no evidence that a firing range occurred on the Property historically.
- **Polychlorinated Biphenyls (PCBs)** - According to a 1994 SPCC Plan, visual observations made during the site reconnaissance, and U.S. Army Reserve (USAR) personnel interviews, there are no PCB-containing transformers located on the Property (CH2M Hill 1994; USACE 2007). There is one pad-mounted transformer located on the Property, but it has been determined that this transformer is PCB-free (Linker Personal Communication, 2012a).
- **Radioactive Materials** - Based on interviews with USAR personnel, meters used to monitor nuclear, biological, and/or chemical hazards were previously stored in the main building on the Property. These meters contained small quantities of radioactive material in sealed containers and were not regulated (USACE 2007). The Muller USARC radiological clearance survey report was completed on June 15, 2012. The report provides an evaluation of radiological materials used and the summary of findings and results. The report concludes that no further action is required with respect to radioactive devices or materials identified, and there are no radiological concerns (USAR 2012).
- **Radon** - A site-specific radon survey was conducted at the USARC in 1998 (USACE 2007). The radon survey results indicated that radon concentrations were below the USEPA-recommended action level of 4 pCi/L.
- **Underground Storage Tanks (USTs)/Aboveground Storage Tanks (ASTs)** - Available records do not indicate any underground storage tanks (USTs) currently or formerly located at the Muller USARC facility. One 10,000-gallon aboveground storage tank (AST) containing No. 2 fuel oil for heating purposes was located at this

property and was removed in 2003 in order to convert the building to natural gas heating. Prior to removal, the tank was reportedly inspected monthly (USACE 2007; USACE 2010).

In the 2007 ECP Report, the Hess gas station, adjacent to the USARC property, was identified as exhibiting environmental conditions that had the potential to adversely affect the Muller USARC because of a petroleum release (USACE 2007). However, remediation activities and NYSDEC groundwater monitoring records were reviewed in the 2010 ECP Update Report, and there is no documentation that the petroleum release from the Hess gas station has affected conditions at the USARC (USACE 2010). The St. Anthony Complex, also near the Property, was found to have had an historical leaking UST incident that was closed by NYSDEC in 1995. These sites require no further action and are unlikely to affect the Muller USARC property.

- **Waste Disposal Sites** - The alternatives would have little or no direct, indirect, or cumulative impact on waste disposal sites. The Muller USARC was previously listed as a Resource Conservation and Recovery Act (RCRA) registered small quantity generator (SQG). An RCRA-SQG is defined as a facility generating between 100 and 1,000 kilograms of hazardous waste per month. No RCRA violations were identified for the Muller USARC (USACE 2007). The USARC is no longer listed as an RCRA-SQG because paperwork to terminate the RCRA-SQG permit was filed in January 2007 (USACE 2010). Disposal activities have been conducted in accordance with federal, state, local, and DoD requirements.
- **National and State Parks** - The Property does not contain and is not near any national or state parks. The nearest national parks are the St. Paul's Church National Historic Site and the General Grant National Memorial, which are located approximately 2 and 8 miles from the Property, respectively. The nearest state parks are the Roberto Clemente State Park and Philipse Manor Hall State Historic Site, which are both located approximately 4.5 miles from the Property. These resources would not be affected by the proposed action.
- **Prime and Unique Farmlands** - The property is not prime or unique farmland as defined by 7 CFR 658.2(a), because the definition of farmland does not include land already in or committed to urban development.
- **Floodplains/Coastal Barriers and Zones** - The Property is not located within a 100-year or 500-year flood prone area (Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map, Community Panels 36119C0338F and 3604970038F). The New York State Department of State (NYSDOS) administers the New York Coastal Zone Management Program at the state level. The New York City Department of Planning administers the New York City Waterfront Revitalization Program in the city. The Property is not considered to be in a coastal zone (USACE 2007).
- **National Wild and Scenic Rivers** - One designated wild and scenic river occurs within the State of New York. The Delaware River is located more than 50 miles west of the Property. This resource would not be affected by the proposed action.

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- **Surface Water (Streams, Ponds, etc.)** - The site reconnaissance revealed that no streams, ponds, or other surface water features are present on the Property.
 - **Wetlands** - A site reconnaissance was conducted by a qualified wetland biologist. No evidence of wetlands was observed on the Property including wetland vegetation, hydric soils, or wetland hydrology.

4.1.2 Environmental Resources that are Present, but Not Impacted

The alternatives would have no significant direct, indirect, or cumulative impacts on certain subcategories of the environmental categories, because no demolition or new construction activities are planned that would alter or affect these resources:

- **Vegetation** - The alternatives would have no direct, indirect, or cumulative impact on the vegetation present at the Muller USARC because the Property is developed and urbanized. Over 90 percent of the Property is covered by impervious features such as asphalt parking areas, driveways, concrete walkways, and buildings. The remaining land is covered by a small patch of well-kept lawn south of the main building in front of the entrance on East 238th Street, and a wooded area exists along the west side of the Property. None of the existing vegetation would be affected by proposed renovation activities.
- **Wildlife** - The alternatives would have no direct, indirect, or cumulative impact on wildlife present at the Muller USARC. Existing wildlife consists of few species found in typical urban environments such as songbirds, small mammals, and invertebrates. Renovation activities would not displace any individuals utilizing the area for habitat.
- **Geology and Soil** - The alternatives would have no direct, indirect, or cumulative impact on the geology or soil on the Property because there would be no demolition or construction activities. Geological hazards such as sinkholes, caves, mines, or quarries do not exist on or adjacent to the Property. Seismic risk is relatively small.
- **Past Uses and Operations (Hazardous and Toxic Substances)** - The alternatives would have no direct, indirect, or cumulative impact on hazardous and toxic substances from the past uses and operations of the Property. According to USAR personnel, the Property was originally a U.S. Navy Industrial Reserve Aircraft Plant. The building was renovated in 1960 for use as a 1,400-man USARC. As a USARC, the Property primarily functioned as an administrative, logistical, and educational facility, with an OMS on the first floor of the main building. The OMS was used to perform limited preventive maintenance on military equipment such as vehicle fluid, brake, and electrical checks. Any equipment requiring heavier maintenance activities was sent to an Area Maintenance Support Activity (AMSA).

Vehicle maintenance activities ceased after the building's renovation in the early 1990s (USACE 2007). Drains from the OMS connect to a structure located in the basement that is either a sanitary sewer cleanout access or a small oil-water separator (OWS). However, the as-built drawings for the main building do not indicate an OWS in the basement (USACE 2007). This basement structure is connected to the city's sanitary sewer. Prior to closure of the USARC, the OMS contained a flammable materials cabinet that contained potentially hazardous substances and POL products. There also is a battery room located within the OMS that drains to a neutralization tank, which

discharges to the city's sanitary sewer system. However, this battery room has not been used for many years (USACE 2007). Vehicle washing would have historically occurred on the wash rack located in the MEP/POV parking area. Rinse water would drain into a dedicated OWS, which ultimately discharged to the municipal sanitary sewer. Washing activities have not occurred for many years, and the drain is currently overgrown with weeds (USACE 2007).

- **Pits, Sumps, Drywells, and Catch Basins** - The alternatives would have no direct, indirect, or cumulative impact on pits, sumps, drywells, and catch basins. Available records, interviews, and site observations did not indicate the existence or past existence of any pits, sumps, or drywells. The only catch basins on the Property are those relating to stormwater runoff. Drains from the OMS on the first floor of the main building connect to a structure located in the basement that is either a sanitary sewer cleanout access or a small OWS. However, the as-built drawings for the main building do not indicate an OWS in the basement (USACE 2007). This basement structure is connected to the city's sanitary sewer. Vehicle washing would have occurred on a wash rack located in the MEP/POV parking area. Rinse water would drain into a dedicated OWS, which ultimately discharged to the municipal sanitary sewer. The OMS and washing activities in the parking area wash rack have not been used for many years (USACE 2007). Impacts could be present from historical use if water and drippings were able to leak from the OWS into the surrounding soil. However, based on reported infrequent use of the wash area and no obvious stains on the surface of the wash area, the risk of environmental impact is low.
- **Utilities** - The alternatives would have no direct, indirect, or cumulative impact on utilities, because the utilities have the capacity to provide service for any of the alternatives and any changes in demand and usage would be non-significant. The utilities include communications, natural gas and electric service (Con Edison), potable water supply, wastewater treatment system, and sanitary sewer service (The City of New York Department of Environmental Protection, New York City Water Board), solid waste disposal, and a storm water system. There have been no major sewage backups at the facility (Linker personal communication 2012b). The USARC building's sanitary sewers connect to a 30-inch combined main sewer pipe on 238th Street (Spektor personal communication 2012). Combined sewer overflows are typically caused by major rain events and not by excessive wastewater entering the system (USEPA 2001). As part of building renovations under Alternative 3, there would be appropriate compliance with building codes for utilities and there would be appropriate coordination with the New York City Building Department.

4.1.3 Environmental Resources are Present, but Not Significant, Negligible/Minor Environmental Impacts

The resources listed and discussed below are present at the Muller USARC and impacts may occur to these resources as a result of implementing the proposed action. Because these impacts would have little to no measureable environmental effect (negligible/minor) on the resource, the impacts will not be discussed in detail.

- **Aesthetic and Visual Resources** - The alternatives would have little or no direct, indirect, or cumulative impact to aesthetics and visual resources. Short-term minor

adverse impacts would occur from renovation activities under Alternative 3. However, these impacts would be temporary and once renovation is complete, the reclamation of the site would remove these visual impacts. Long-term impacts would be negligible because any minor building façade repairs or grounds maintenance would be consistent with surrounding mixed property uses in an urbanized area. Minor building facade repairs could result in an improvement of the visual resource.

- **Air Quality** - The alternatives would have little or no direct, indirect, or cumulative impact to air quality. The primary emission sources under Alternative 3 would be those associated with renovation activities. Cumulative air emissions were calculated for various types of diesel engine vehicles and related equipment that are commonly used during renovation projects. Other emissions calculated were for building heating, painting, and hauling debris to a nearby landfill. The results of these calculations are located in Appendix B. The construction renovation activity associated with this modification would result in a negligible short-term increase in air emissions as demonstrated in the calculations shown in Appendix B.

Before closure, the USARC most recently had approximately 15 employee vehicles on site on a daily basis and additional vehicles for up to 400 soldiers one weekend per month. The proposed reuse would potentially have approximately 52 people employed at the Property working various shifts including weekdays, overnights, and weekends. It was assumed that most residents of the shelter would use public transportation. The mobile emissions associated with the reuse would not be significant as demonstrated in the calculations shown in Appendix B. Because there would be no significant increase in emissions from existing sources, NAAQS criteria pollutants would not be affected.

- **Lead-based Paint (LBP)** - An LBP survey was not found during the records search for the ECP (USACE 2007). The Main Building on the Property was constructed before 1978 and has the potential to have LBP present. At the time of the 2011 site survey, painted surfaces were in good condition, having no chipped or peeling paint observed. LBP would not present an unacceptable risk to human health and the environment because the homeless provider would covenant and agree that it would not permit the occupancy or use of any buildings or structures on the Property as Residential Property, as defined under 24 Code of Federal Regulations Part 35, without complying with this section and all applicable federal, state, and local laws and regulations pertaining to LBP and/or LBP hazards. Prior to permitting the occupancy of the Property where its use subsequent to sale is intended for residential habitation, the homeless provider specifically agrees to perform abatement requirements under Title X of the Housing and Community Development Act of 1992 (Residential Lead-Based Paint Hazard Reduction Act of 1992).
- **Noise** - The alternatives would have little or no direct, indirect, or cumulative impact on noise levels, because noise levels would be negligible. The major source of noise would continue to be from vehicle traffic. Under the No Action Alternative these noise sources would remain unchanged. Under the Caretaker Status Alternative these noise sources would be reduced. Under Alternative 3, the noise sources would be privately owned vehicles, service vehicles, and heating, ventilation, and air conditioning (HVAC). The noise levels associated with each of the alternatives are equal to or less than the current use and would be compatible with surrounding noise levels. The Army

classifies areas with noise levels from these sources as Zone 1, compatible with all land uses, including residential. The nearest sensitive noise receptor is a medical center annex approximately 40 feet east of the Property. The noise levels associated with each of the alternatives would be compatible with the USARC's current noise levels.

- **Storage, Use, Release of Chemicals/Hazardous Substances** - Activities associated with past uses made it necessary to store and use paint, antifreeze, and petroleum, oils, and lubricants (POL). In addition, an OWS that discharges to the sanitary sewer is present, adjacent to the wash rack in the parking area. However, the ECP Update Report (USACE 2010) classified the Property as a Type 1, an area or parcel of real property where no release or disposal of hazardous substances or petroleum products or their derivatives has occurred. A copy of the 2010 ECP Update is available for reference at the following website (http://www.hqda.army.mil/acsim/brac/env_ecp.htm).

Any remaining small quantities of hazardous and toxic substances would be disposed of in accordance with federal, state, local, and DoD requirements after closure of the Muller USARC. The reduction in the use of these hazardous and toxic substances would result in a negligible short-term beneficial impact.

- **Roadways and Traffic** - The alternatives would have little or no direct, indirect, or cumulative impact on roadways and traffic because the roadways and signage present are adequate to provide service. Alternative 3 would change the times of higher traffic volume, but these impacts would not be significant. The types of vehicles used at the Property under each alternative would differ, but the overall impact to transportation would not be significant. Because training activities would cease under Alternatives 2 and 3, traffic congestion and street parking would decrease on weekends, resulting in a beneficial impact to roadways and traffic.
- **Public Transportation** - The alternatives would have little or no direct, indirect, or cumulative impact on public transportation because the current public transportation capacity is adequate to provide service. The Muller USARC is located just 0.25 mile west of the Nereid Avenue - 238th Street elevated rail station, which is part of the New York City Subway system. The station not only serves subway trains, but also provides connections to the Bee-Line passenger bus system operated by the Westchester County Department of Transportation as well as a bus route operated by the Metropolitan Transportation Authority (MTA). Alternative 3 would increase usage of public transportation services near the USARC, but these impacts would be minor.
- **Hydrology/Groundwater** - These resources are present on or underneath the Property, but would not be affected by the proposed reuse because the renovation activities that are planned would not occur deep enough to affect these resources. Groundwater contaminated with benzene, toluene, ethylbenzene, and xylenes (BTEX) and methyl tertiary-butyl ether (MTBE) exists in the vicinity of the Property. This contamination is related to a release from a Hess gas station located approximately 285 feet southeast of the USARC property. A soil vapor extraction system was installed in 2010 and a groundwater pump and treat system was installed in 2011. As of April 2011, the multiphase remediation system is active and the site is being further investigated (Muller LRA 2011).

The 2010 ECP Update Report states that groundwater flow direction has been well documented to the northwest (parallel to Nereid Avenue). Review of the latest groundwater data available (October 2009) in the report indicates groundwater flows in a westerly direction. Remediation activities and NYSDEC groundwater monitoring records were reviewed in the 2010 ECP Update Report, and there is no documentation that the petroleum release from the Hess gas station has impacted conditions at the USARC. In addition, there does not appear to be an immediate health risk to the occupants of the USARC because the Property is serviced by public water and sewer systems. Furthermore, because the groundwater in the vicinity of the Property is approximately 35 feet below ground surface, the potential for vapor intrusion is considered low (USACE 2010).

4.2 Environmental Resources Analyzed in Detail

Two resource areas, land use and socioeconomics, were identified for detailed analysis. The focus of detailed analysis is on those environmental resource areas that have the potential to be adversely impacted, could require new or revised permits, or have the potential for public concern.

4.2.1 Land Use

4.2.1.1 Affected Environment

The Muller USARC is located in the Wakefield neighborhood of the Borough of the Bronx, New York. The Property occupies approximately 0.9 acre in an urban setting, and it is located in a mixed use area that blends a variety of land uses together, including homes, apartments, retail stores, restaurants, office buildings, light manufacturing, and services.

4.2.1.1.1 Current and Future Development in the Region of Influence

The Muller USARC is situated in a highly urbanized, mixed-use setting with a moderate amount of redevelopment and revitalization activities. The property is zoned as M1-1, Light Manufacturing, according to the City of New York Zoning Map (New York City Planning Commission 2011). The area surrounding this M1-1 zone consists of R-6, R-5, and R-4A, all of which are residential zones. The nearest major commercial street is located along White Plains Road, about 1/4 mile to the east. However, there is another minor commercial C8-1 zone adjacent to the Muller USARC along the eastern side of Bronx Boulevard south of 239th Street that contains several automotive service shops.

The manufacturing district allows for light industrial uses, retail, and commercial uses with some exceptions, but generally prohibits residential and community facility uses in order to minimize the number of complaints and issues generated from residents experiencing industrial traffic, noise, and other nuisances. Nevertheless, the M1 district is the lightest of the three major categories of manufacturing districts in New York City, and is generally designed to be compatible with residential areas, often being used to provide buffer areas between residential areas and heavier industrial areas such as M2 or M3 (Muller LRA 2011).

While performance standards are more restrictive in the M1 zone in order to make it more compatible with nearby residential zones, the variety of permitted uses is more extensive than in other manufacturing districts. A summary of permitted uses is as follows:

-
- Open uses – Greenhouses, plant nurseries, agriculture, golf courses, parks, and playgrounds;
 - Hotels for transient occupancy – Homeless shelters could be included in this category;
 - Convenience stores, personal services establishments, and professional offices – Markets, delicatessens, barber shops, beauty parlors, drug stores, hardware stores, liquor stores, post offices, and numerous other retail establishments;
 - Maintenance and repair services – Bike rental, home services, wholesale, auto services;
 - Large amusement and entertainment facilities – Bowling lanes, billiard rooms, eating establishments with entertainment, and arenas and stadiums designed to seat less than 2,500;
 - Custom manufacturing – High value-added manufacturing such as textiles, bookmaking, ceramics, clothing manufacturing, hair product manufacturing, medical instrument manufacturing, musical instrument manufacturing, and watchmaking;
 - Public service establishments – Police stations, fire stations, court houses, prisons, trade schools, business schools, electrical substations, and water/sewer pumping stations;
 - Boating services; and
 - Semi-industrial uses – Facilities with a minor potential to be a nuisance, such as animal hospitals, kennels, crematoriums, appliance repair shops, glass shops, and poultry or rabbit slaughterhouses.

In New York City, floor area ratios are the primary method for regulating building height and building bulk in manufacturing districts. In the M1-1 district, floor area ratios are set at 1.0, meaning that any new structure may not have a total square footage exceeding the total size of the lot it is constructed upon. Additionally, one parking space must be provided for every 1,000 square feet of floor space within the building, or one space for every 2,000 square feet of floor area for certain types of uses such as warehousing.

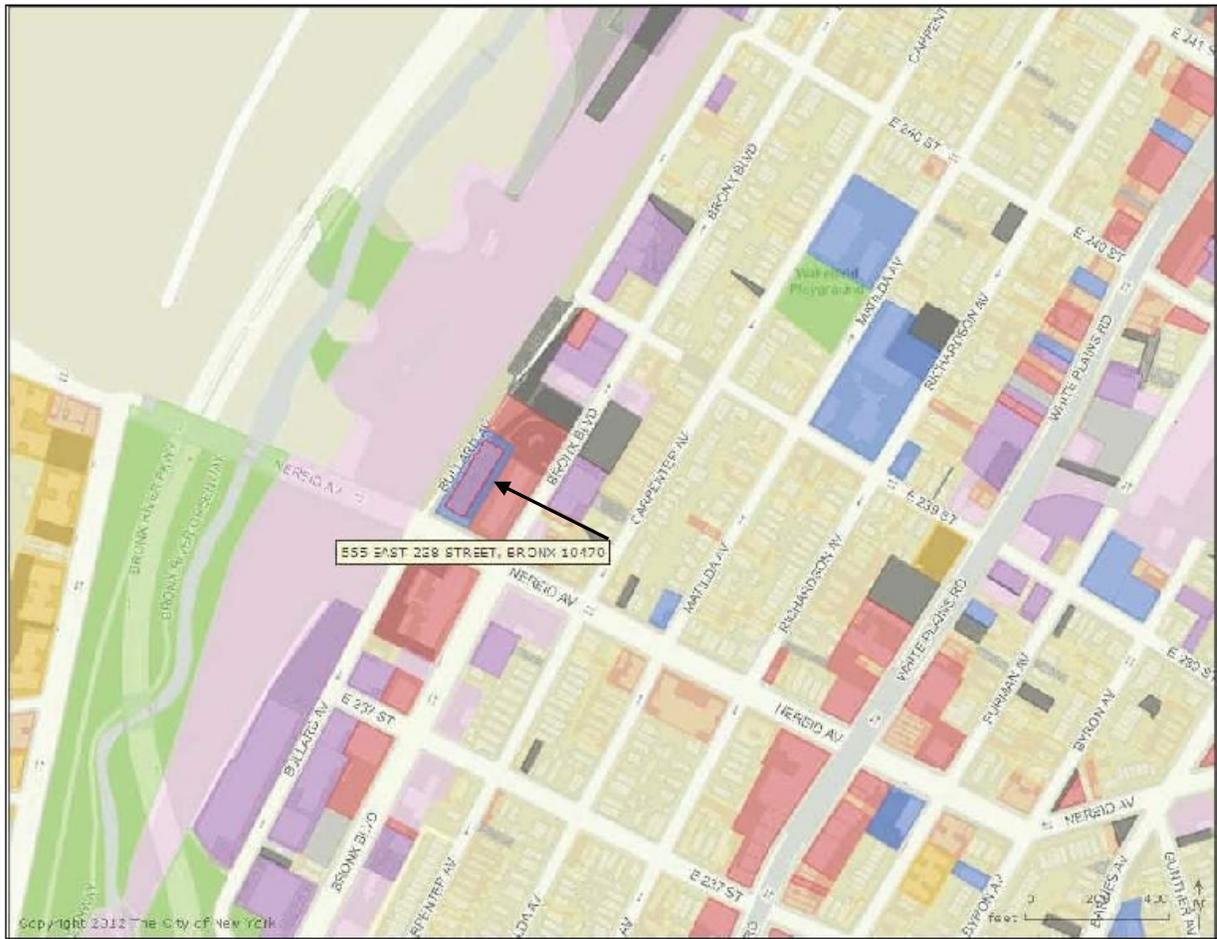
4.2.1.1.2 Installation Land

The 0.9-acre project site is largely developed. Approximately 90 percent of the site is covered by impervious surfaces such as asphalt parking, driveways, concrete walkways, and a building. Permeable surface on-site includes a small lawn. On-site parking uses include a MEP area and a POV parking area combined into one parking area located on the northeast corner of the Property. The project site includes one permanent building that is approximately 55,000 square feet. The main building was most recently occupied by the 3rd Brigade, 2nd Battalion Military Police, 867th Detachment, and 325th Military Intelligence Battalion for mostly educational and administrative office uses. The entire site is enclosed by chain link security fencing.

4.2.1.1.3 Surrounding Land

Land use south of the Muller USARC is a heavily traveled road (East 238th Street, also known as Nereid Avenue). A Hess gas station and a large multilevel skills training center (and associated parking lot) are to the south-southeast of the USARC on the south side of East 238th Street. To the west of the Property are multiple railroad tracks, industrial land, and the Bronx River. Directly to the north is a small auto repair shop and residences. To the east of the Property is the Montefiore Medical Center - The North Division: Alcoholism Outpatient Clinic and Mental Health Clinic and Bronx Boulevard. On the other side of Bronx Boulevard is an automobile radiator repair shop and residences, with the nearest residence being approximately

180 feet from the USARC property. However, most nearby residences are no less than 0.5 mile from the Property. Surrounding land use is shown on Figure 4-1 (ZOLA 2012).



**Figure 4-1
Muller U.S. Army
Reserve Center

Bronx, New York
Surrounding Land Use**

Source: New York City Zola (Zoning and Land Use)

4.2.1.2 Consequences

Potential impacts to land use are considered significant if the Proposed Action would:

- Conflict with applicable ordinances and/or permit requirements;
- Cause nonconformance with the current general plans and land use plans, or preclude adjacent or nearby properties from being used for existing activities; or
- Conflict with established uses of an area requiring mitigation.

After performing an analysis of land use, it was determined that no significant impacts would occur under any alternative. Detailed analysis of each alternative is described in the subsections below.

4.2.1.2.1 Alternative 1 – No Action Alternative

Direct Impacts. No changes to the existing baseline conditions of land use are anticipated. Because the Muller USARC would not close and personnel would not be realigned; no direct impacts to land use are anticipated.

Indirect Impacts. No changes to the existing baseline conditions of land use are anticipated. Because the Muller USARC would not close and personnel would not be realigned; no indirect impacts to land use are anticipated.

4.2.1.2.2 Alternative 2 – Caretaker Status Alternative

Direct Impacts. The Muller USARC property would continue to contain parking areas, a permanent structure, and maintained lawns under this alternative. However, the current occupants of the USARC property would be relocated. Minor adverse direct impacts to the community would result from the change in land use from an operating USARC to a vacant facility, including a potential decline in property values and decreased consumer base.

Indirect Impacts. No indirect impacts on land use are anticipated as maintenance activities are expected to continue for the current facilities. There would be no changes to land use under this alternative.

4.2.1.2.3 Alternative 3 – Traditional Army Disposal and Reuse of the Muller USARC as a Homeless Shelter

Direct Impacts. There would be moderate direct impacts to land use under this alternative. The zoning designation for the 0.9 acres used by the USARC would not change from M1-1, Light Manufacturing because this use includes hotels for transient occupancy, and a homeless shelter could qualify under this category as a permitted use. Consultation with the City's Department of City Planning and Development has demonstrated that no additional parking is required for reuse as a homeless shelter (Goodman, personal communication 2012). Per Zoning Regulation Section 44-20, "developments" and "enlargements" trigger the parking requirement. However, the proposed reuse of the Muller USARC as a homeless shelter is defined as a conversion and change of use.

Land use would change from the training and administrative activities associated with national defense to temporary housing for homeless in the local area. The intensity of day-to-day land use would be higher than current conditions because up to 200 residents and associated

employees would be using the facility daily as compared to 15 employees using the facility daily under current conditions. The peak intensity of land use will be less than the baseline under Alternative 3 considering that approximately 400 reservists trained at the Muller USARC one weekend per month.

The nearest residential buildings are located approximately 180 feet from the Property. Moderate adverse direct impacts to the community could result from the change in land use from an operating USARC to a homeless shelter, including a potential decline in property values. In addition, as shown on Figure 4-1, the immediate surrounding area is dominated by light industrial/manufacturing and commercial land use, rather than residential use.

Indirect Impacts. No indirect impacts on land use are anticipated as there would be no changes to land use on adjacent properties as a result of this action.

4.2.2 Socioeconomics

4.2.2.1 Affected Environment

The following sections discuss the existing economic and social conditions of the Region of Influence (ROI):

- Local and regional economic activity,
- Demographics,
- Housing,
- Public services,
- Environmental justice in minority and low-income populations, and
- Protection of children from environmental health risks and safety risks.

The Muller USARC is located in the New York-Wayne-White Plains, New York-New Jersey Metropolitan Division, which is the socioeconomic ROI for this EA. The term Metropolitan Division is defined by the U.S. Office of Management and Budget (OMB) and is used to refer to a county or group of counties within a larger metropolitan statistical area. While the Metropolitan Division is part of a larger region, it often functions as a distinct social, economic, and cultural area (OMB 2009). The New York-Wayne-White Plains, New York-New Jersey Metropolitan Division includes the following counties: Bergen, Hudson, and Passaic Counties in New Jersey and Bronx, Kings, New York, Putnam, Queens, Richmond, Rockland, and Westchester Counties in New York.

4.2.2.1.1 Economic Development

Local Economic Activity

The Muller USARC was most recently occupied with 15 full-time employees. One weekend per month, up to 400 additional personnel would also report to the facility. Expenditures by employees, such as gas and food, were spent in the local economy.

Regional Economic Activity

Both the state of New York and New Jersey experienced a small increase in their labor force since 2005. During the same time period, as shown on Table 4-2, the unemployment rate in New York jumped to 8 percent in 2011 from approximately 5 percent in 2006, and New Jersey's rate jumped from 5 to 9 percent.

The 2007-2009 recession affected unemployment in the Borough of the Bronx to a greater degree than in the state as a whole. Unemployment grew from 7 percent in 2006 to 12 percent in 2011. The Stella D'Oro Factory closed in 2009, and Old London Food followed less than a year later (Lee 2009, Massey 2010). Both factories closing eliminated approximately 400 jobs. In July 2011, the U.S. Postal Service announced the closing of 17 post offices in the Bronx (Milosheff 2011).

Despite businesses closing, the Bronx added approximately 10,000 jobs since the start of the recession mostly in the health and education sectors. According to the Federal Reserve Bank, New York City commuting patterns and low levels of education by borough residents may explain the disconnect between job creation and high unemployment. Many Bronx workers commute to Manhattan where job trends have been less favorable. In addition, not all jobs in the Bronx are filled by Bronx residents, as some workers commute from other boroughs in the city (Dudley 2011). Nearly 28 percent of the residents in the Borough of the Bronx live in poverty (USCB 2006-2010).

Jurisdiction	2011 Labor Force (persons)	2011 Unemployment Rate (%)	2006 Labor Force (persons)	2006 Unemployment Rate (%)
Borough of the Bronx, New York	545,178	12.3	505,874	6.7
New York-Wayne-White Plains, New York-New Jersey Metropolitan Division	5,666,083	8.6	5,515,214	4.7
New York	9,504,239	8.2	9,499,872	4.6
New Jersey	4,556,186	9.3	4,465,067	4.6
United States	153,617,000	8.9	144,427,000	4.5

Source: U.S. Department of Labor, Bureau of Labor Statistics, 2011 (BLS 2011a)

In the ROI, most industry sectors saw a small increase in non-agricultural wage and salary employment between 2010 and 2011 except for the government and manufacturing sectors, as shown on Table 4-3.

Industry	2011 Annual Average (persons)	2010 Annual Average (persons)	2010-2011 Percent Change
Mining, Logging, and Construction	168,200	163,300	3.0
Manufacturing	161,800	163,300	(1.0)
Trade, Transportation and Utilities	881,800	862,900	2.2
Information	203,000	199,400	1.8
Financial Activities	544,600	533,100	2.2
Professional and Business Services	805,500	773,400	4.2
Education and Health Services	1,024,500	1,009,100	1.5
Leisure and Hospitality	452,500	430,600	5.1
Other Services	221,700	217,800	1.8
Government	754,900	772,100	(2.2)
Total	5,218,600	5,128,800	1.8

Source: Bureau of Labor Statistics, Current Employment Statistics. 2010 and 2011b.
() Indicates a Decrease

4.2.2.1.2 Demographics

The ROI has a very high population density. The area has an average density of 17,260 people per square mile. Within the ROI, the county with the highest population density is New York County with approximately 70,940 people per square mile, while Putnam County has the lowest population density with approximately 429 people per square mile.

New York, New Jersey, the Metropolitan Division, and the Borough of the Bronx all experienced smaller population growth than the nation between 2000 and 2010. However, the Bronx has become the top destination for people moving out of Manhattan. Nearly 17,000 people left Manhattan for the Bronx from 2005-2009. In addition, there is also a growing trend of minority households from Harlem, the Heights, and Inwood relocating to the Bronx for larger, less expensive apartments (Beekman 2012).

Jurisdiction	2020 Projected Population¹	Percent Change 2000-2010	2010 Population	2000 Population
Borough of the Bronx	1,451,672	3.9	1,385,108	1,332,650
New York-Wayne-White Plains, New York-New Jersey Metropolitan Division (ROI)	12,188,168	2.5	11,576,251	11,296,377
New York	20,028,063	2.1	19,378,102	18,976,457

Table 4-4 Regional and Local Population Projections Trends, Muller USARC Region and Larger Regions, 2000-2020.

Jurisdiction	2020 Projected Population ¹	Percent Change 2000-2010	2010 Population	2000 Population
New Jersey	9,197,902	4.5	8,791,102	8,414,350
United States	337,084,113	9.7	308,745,538	281,421,906

¹ Proximity 2012
 Source: U.S. Department of Commerce, U.S. Census Bureau, 1990, 2000, and 2010 U.S. Census

4.2.2.1.3 Housing

The ROI, which includes New York City, contains 11 counties. New York City is the most populated city in the nation, serves as the headquarters of many companies, and offers many cultural amenities to residents, but it also has a very high cost of living of 162 (the U.S. average is 100) (City Data 2012).

The majority of the households in the Bronx are renters. According to the U.S. Census only 20.7 percent of the housing units in the borough are owner-occupied, which is far less than the ROI, state, and nation. In addition, median household income in the Borough of the Bronx is nearly 48 percent lower than the Metropolitan Division while housing costs differ by only 22 percent. Vacancy rates (approximately 7 percent) are lower in both the borough and the ROI compared to the state (approximately 8 percent) and the nation (approximately 12 percent). Housing information for the region is shown on Table 4-5.

Table 4-5 Housing Characteristics, Muller USARC Region and Larger Regions, 2010.

Jurisdiction	Total Housing Units 2010	Percent Vacant 2010	Percent Owner Occupied 2010	Median Value Owner Occupied 2009	Median Gross Rent 2010	Median Household Income 2010
Borough of the Bronx	509,655	7.3	20.7	\$386,200	\$923	\$34,264
New York-Wayne-White Plains, New York-New Jersey Metropolitan Division (ROI)	4,643,515	7.6	52.0	\$492,318	\$1,137	\$65,718
New York	8,050,835	10.5	55.2	\$303,900	\$977	\$55,603
New Jersey	3,529,033	10.0	66.9	\$357,000	\$1,092	\$69,811
United States	1,038,080	12.2	66.6	\$188,400	\$841	\$51,914

Source: U.S. Department of Commerce, Bureau of the Census, American Community Survey 5-year Estimates 2006-2010.

There are approximately 579 single family homes listed for sale in the Borough of the Bronx Metropolitan Division. However, nearly 73 percent of the houses listed are in the \$250,000 and above price range (see Table 4-6).

Listed Price Range	Number of Homes Listed
\$0-\$100,000	53
\$101,000 - \$150,000	38
\$151,000 - \$200,000	23
\$201,000 - \$250,000	37
\$251,000 - \$300,000	66
\$301,000-\$350,000	71
\$351,000 - \$400,000	65
Over \$400,000	226
TOTAL	579
<i>Source: Weichert Realty, 2011</i>	

4.2.2.1.4 Public Services

Education

Each of the counties within the ROI has multiple independent school districts in addition to private schools. The ROI has approximately 1,928 public schools and 1,109 private schools. There are approximately 665 public schools in the Borough of the Bronx with a total student enrollment of 188,081. The borough also has 88 private schools that serve approximately 26,646 students. The Borough employs approximately 15,521 teachers, 963 principals and assistant principals, and 1,761 professional staff (New York Schools 2012 and State of New Jersey Department of Education 2012).

Health

Residents in the ROI have access to a variety of hospitals and medical centers. Within the ten-county Metropolitan Division, there are 89 hospitals, which include university hospitals and specialized hospitals for cancer, mental health, and rehabilitation (New Jersey Hospital Association and New York State Department of Health 2012). Adjacent to the Muller USARC is the Montefiore Medical Center - The North Division: Alcoholism Outpatient Clinic and Mental Health Clinic. In addition, Mt. Vernon Hospital is located approximately 1.3 miles to the northeast. Delaney Sisters Medical Center, a free medical clinic, is also within 0.5 mile to the southeast of the USARC.

Law Enforcement

Law enforcement within the ROI is provided by county and municipal police departments. The Bronx is the northernmost of the five boroughs of New York City, so law enforcement is

provided by the City of New York Police Department (NYPD). The NYPD has 123 precincts, a housing bureau with 9 police service areas, and a transit bureau of 12 districts. The Borough of the Bronx has 12 precincts that serve the area, and the Bronx 47th Precinct is located 1.1 miles southeast of the USARC.

Fire Protection

Fire protection and emergency medical services are provided by municipal fire departments throughout the ROI. The New York City Fire Department provides fire protection service to the Borough of the Bronx. It is the largest municipal fire department in the United States with 11,350 firefighters and fire officers and 118 fire marshals. The department has 198 engine companies, 143 ladder companies, 37 specialized units, and 67 field command offices. In 1996, emergency medical services (EMS) were integrated into the fire department's core service mission when NYC EMS merged with the Fire Department City of New York (FDNY) (FDNY 2008-2009). The nearest FDNY firehouse to the USARC is Engine 63/Ladder 39, which is located approximately 1 mile to the southeast.

Recreation

New York City Parks and Recreation manages more than 5,000 properties that include community gardens, greenstreets, athletic fields, playgrounds, tennis courts, nature centers, golf courses, and beaches (City of New York Parks and Recreation 2012). The Borough of the Bronx Parks system includes over 250 parks. Despite the dense population in the Bronx, open space accounts for nearly 25 percent of the borough. Major park facilities include the 718-acre Bronx Park, the 1,150-acre Van Cortlandt Park, and the 2,750-acre Pelham Bay Park. The Bronx is also the location of the Bronx Zoo and New York Botanical Garden.

4.2.2.1.5 Environmental Justice

On February 11, 1994, President Clinton issued EO 12898, Federal Actions to Address Environmental Justice in Minority and Low-Income Populations. The purpose of this EO is to avoid the disproportionate placement of adverse environmental, economic, social, or health impacts from federal actions and policies on minority and low-income populations or communities.

For environmental justice considerations, these populations are defined as minority or low-income individuals or groups of individuals subject to an actual or potential health, economic, or environmental threat arising from existing or proposed federal actions and policies. Low-income, i.e., at or below the poverty threshold, is defined as the aggregate annual mean income, which for a family of four was \$22,314 in 2010.

Table 4-7 summarizes minority and low income population for the area. The Muller ROI has approximately 14 percent of individuals at or below the poverty level, a percentage which is similar to the State of New York but slightly higher than the nation (USCB 2010). The Borough of the Bronx has nearly twice as many in poverty (approximately 28 percent) than the nation and the state.

The Borough of the Bronx has much higher concentrations of minority populations (78 percent) than the Metropolitan Division (40 percent). The borough also has higher concentrations of Hispanic populations (53 percent) compared to the Metropolitan Division (25 percent).

Table 4-7 Minority and Low-Income Populations: Muller USARC Region and Larger Regions, 2010.

Jurisdiction	Total Population	Median Household Income	All People Whose Income is Below Poverty Level (%)
Borough of the Bronx	1,365,725	\$34,264	28.4
New York-Wayne-White Plains, New York-New Jersey Metropolitan Division (ROI)	11,437,692	\$66,127	14.0
New York	19,229,752	\$55,603	14.2
New Jersey	8,721,577	\$69,811	9.1
United States	303,965,272	\$51,914	13.8

Source: U.S. Department of Commerce, U.S. Census Bureau – American Community Survey 5-year Estimates, 2006-2010.

Table 4-8 Minority and Low-Income Populations: Muller USARC Region and Larger Regions, 2010.

Jurisdiction	Percent Minority	Percent Black or African American	Percent American Indian/ Alaska Native	Percent Asian	Percent Native Hawaiian or Other Pacific Islander	Percent Some Other Race	Two or More Races	Percent Ethnicity Hispanic/Latino
Borough of the Bronx	78.1	34.4	0.5	3.6	0.0	36.5	3.1	52.6
New York-Wayne-White Plains, New York-New Jersey Metropolitan Division (ROI)	39.5	15.7	0.2	9.2	0.0	12.2	2.1	25.4
New York	33.6	15.6	0.3	7.2	0.0	8.4	2.1	17.1
New Jersey	30.4	13.5	0.2	8.0	0.0	2.0	2.0	16.8
United States	23.9	13.4	1.6	5.3	0.3	6.0	2.4	15.7

Source: U.S. Department of Commerce, U.S. Census Bureau – American Community Survey 5-year Estimates, 2006-2010.

4.2.2.1.6 Protection of Children

On April 21, 1997, President Clinton issued *EO 13045, Protection of Children from Environmental Health Risks and Safety Risks*. This EO recognizes that a growing body of scientific knowledge demonstrates that children may suffer disproportionately from environmental health risks and safety risks.

It is Army policy to fully comply with EO 13045 by incorporating these concerns in decision-making processes supporting Army policies, programs, projects, and activities. In this regard, the Army ensures that it would identify, disclose, and respond to potential adverse social and environmental impacts on children within the area affected by a proposed Army action.

Within 0.5 mile of the Muller USARC, there are two elementary schools, two high schools, Woodlawn Heights library, Van Cortlandt Park, a karate school, a dance school, and four daycare facilities.

4.2.2.2 Consequences

Potential socioeconomic impacts are considered significant if the proposed action would cause:

- Substantial gains or losses in population and/or employment; or
- Disequilibrium in the housing market, such as severe housing shortages or surpluses, resulting in substantial property value changes.

Potential environmental justice impacts are considered significant if the proposed action would cause disproportionate effects on low-income and/or minority populations. Potential impacts of environmental health and safety risks to protection of children are considered significant if the proposed action would cause disproportionate effects on children.

After performing an analysis of socioeconomics, it was determined that no significant impacts would occur under any alternative. Detailed analysis of each alternative is described in the subsections below.

4.2.2.2.1 Alternative 1 – No Action Alternative

Direct Impacts. No changes to the existing baseline conditions for socioeconomic resources are anticipated. Because the Muller USARC would not close and personnel would not be realigned, no direct impacts to these resources are anticipated.

Indirect Impacts. No changes to the existing baseline conditions for socioeconomic resources are anticipated. Because the Muller USARC would not close and personnel would not be realigned, no indirect impacts to these resources are anticipated.

4.2.2.2.2 Alternative 2 – Caretaker Status Alternative

Direct Impacts. The Muller USARC would close and relocate its operations to Fort Totten. Both of the installations are located within the New York-Wayne-White Plains, New York-New Jersey Metropolitan Division; therefore, the impacts on the ROI and regional economy would not differ from baseline conditions. The potential exists for non-significant, negligible adverse impacts to businesses immediately surrounding the current facility that were used by Muller USARC personnel.

Indirect Impacts. Under this alternative, there would be a non-significant short-term adverse indirect impact from the delayed reuse of the property. The Borough of the Bronx would lose potential immediate economic benefits from possible employment and sales from the reuse of the Property. Potential private developers of the Property would lose the immediate redevelopment opportunity. Residents of the surrounding community would lose any potential immediate employment that may be created through the renovation phase of the property.

4.2.2.2.3 Alternative 3 – Traditional Army Disposal and Reuse of the Muller USARC as a Homeless Shelter

Direct Impacts. Under Alternative 3, minor short-term beneficial direct economic impacts would be realized by the regional and local economy during the renovation phase of the

proposed reuse. Employment generated by renovation activities would result in wages paid; an increase in sales (business) volume; and expenditures for local and regional services, materials, and supplies.

The Economic Impact Forecast System (EIFS) model, developed by the USACE Construction Engineering Research Laboratory, was used to assess the impacts of this alternative on the economy of the ROI. The estimated cost of materials and supplies for the renovation under Alternative 3 is approximately \$15 million (2012 dollars). The estimated renovation period for the new facilities is 1 year. The EIFS employment and income multiplier for the ROI is 3.58.

Table 4-9 provides the estimated direct, indirect, and total annual economic impacts of renovation activities on business volume, income, and employment, as estimated by the EIFS model. These impacts would be realized over the length of the construction period. The increase in business volume, income, and employment includes capital expenditures, income, and labor directly associated with the renovation activity. Table 4-9 also provides the indirect impacts on business volume, income, and employment because of the initial direct impacts of the renovation activities. Note that local construction workers are expected to be utilized and non-local workers would not relocate. Appendix C contains a description of the EIFS model and the EIFS reports on impacts.

Table 4-9 Estimated Annual Economic Impacts: Alternative 3.				
Variable	Direct Impacts	Indirect Impacts	Total	RTV¹
Annual Construction Impacts²				
Sales (Business) Volume	\$10,085,700	\$26,021,110	\$36,106,810	0.0
Income	\$5,581,613	\$4,430,758	\$10,012,370	0.0
Employment	102	84	186	0.0
¹ Rational Threshold Value. ² 2012 Dollars. <i>Source: Economic Impact Forecast System, U.S. Army Corps of Engineers, Construction Engineering Research Laboratory.</i>				

The EIFS model also includes a Rational Threshold Value (RTV) profile used in conjunction with the forecast models to assess the degree of the impacts of an activity for a specific geographic area. Appendix C contains a description of the RTV. Table 4-9 provides the RTV associated with each of the economic impacts resulting from the renovation activity. If the RTV for a variable is less than the historic maximum annual deviation for that variable, then the regional economic impacts are not considered significant. The regional positive RTVs for each economic variable are as follows: sales volume (12.14%) income (10.99%); employment (2.47%); and population (0.93%). Thus, the RTV for each of the variables was found to be considerably less than the respective regional RTV. For this reason, impacts associated with the construction would not result in non-significant annual beneficial impacts.

There would be negligible short-term and long-term beneficial benefits to the economy and labor market of the ROI through additional employment opportunities during the construction phase of the reuse. There would be an estimated 102 temporary construction jobs. There would also be

approximately 52 additional permanent job opportunities from the reuse of the USARC as a homeless shelter. The new shelter would need intake counselors, security guards, kitchen staff, maintenance, and janitorial staff. A positive impact of Alternative 3 would include a higher number of consumers than under Alternative 2, due to shelter employees and residents patronizing neighboring businesses.

There are no anticipated impacts to population or housing from the closure of the USARC and during the renovation phase of the homeless shelter. The realignment of personnel to Fort Totten is within the same ROI as the Muller USARC. It would not require the personnel to relocate out of the area. Furthermore, it is anticipated that construction workers would come from the surrounding community. They would not relocate from outside the ROI or require temporary housing during the renovation phase.

There would be a minor long-term beneficial impact to population and housing resources in the ROI from the reuse as a homeless shelter. New York City has a legal mandate to provide temporary emergency housing to all who seek it. From February 2010 to February 2011, 98 percent of city shelter beds were occupied every night. There is a need for temporary shelter for homeless Bronx residents. Although only about 17 percent of the city's population resides in the Bronx, approximately 29 percent of the entrants into the city's individual adult shelter system and 40 percent of entrants into the family system are from the Borough of the Bronx (Muller LRA 2011). The reuse as a shelter would require a staff of approximately 52 people. More than likely, these jobs would be filled by people already residing in the Metropolitan Division. However, it is possible that a few individuals or families may relocate from outside the ROI. This may cause impacts to neighborhood population if an individual or a family moves in, but there are no anticipated impacts to regional population. There is adequate housing for sale in the area to accommodate any potential relocation.

There are potential impacts to public services (i.e. police and fire protection, hospital services) from the residential portion of the reuse. The site is already served by the NYPD 47th Precinct and the NYFD Engine 63/Ladder 39, so the reuse would not require the extension or addition of services. Because the residents of the shelter would be from within the surrounding community already served by the NYPD and NYFD, there would be no population increases that would require additional staff on a regional level. Because the reuse would be residential and would potentially house up to 200 homeless individuals in the neighborhood, there may be negligible impacts to the local response teams if the reuse changes the demand for police, fire, and EMS services. Beneficial impacts of the reuse could include less demand on police, fire, and EMS services based on fewer unsheltered homeless persons, fewer crimes against homeless persons, fewer camps and associated fires, less trash, less criminal trespassing, building exterior and grounds would be well lit with security lighting, and loitering and public intoxication would be prohibited around the property.

There are no anticipated impacts to schools and parks from the reuse of the facility. The shelter would house individual adult men, so there would be no increased demand on schools. Because there would be an insignificant population change in the context of the ROI, there are no anticipated impacts to the need for community park services.

Although obtaining an accurate count is difficult, the Substance Abuse and Mental Health Services Administration (2003) estimates that 38 percent of homeless people are dependent on alcohol and 26 percent abuse other drugs. The adjacent Montefiore Medical Center - The North

Division: Alcoholism Outpatient Clinic and Mental Health Clinic could potentially have beneficial impacts on homeless shelter residents who would require alcohol and drug abuse treatment or mental health services.

The reuse includes the provision of temporary and emergency housing and services to at-risk and homeless individuals. The introduction of a homeless shelter in the area would have long-term benefits to individuals in poverty by providing resources for housing, counseling, crisis intervention, and vocational services.

There would be negligible short-term adverse impacts to minority and/or low-income populations during the renovation and reuse of the site. Except for potential exterior painting and landscaping, nearly all of the renovations would occur inside the building. There would be minimal noise and construction standards would be in place to minimize dust. Any impacts to minority and/or low-income populations would be negligible and temporary. Any adverse impacts would be during the renovation phase of the project. Beneficial impacts to low-income populations would outweigh adverse impacts because additional shelter would be provided for up to 200 individual adult men under this alternative.

During the reuse, the homeless provider would keep the property well-maintained, and the property would be designed and landscaped in a way to blend with the surrounding community. The homeless provider would provide security guards to monitor and protect the individuals at the shelter and minimize impacts around the shelter. Their program would offer a variety of services to get and keep their homeless clients off the street. This homeless provider (the Doe Fund, Inc.) successfully operates three other shelters on behalf of New York City. It is not anticipated that the reuse would have any adverse impacts on surrounding minority and/or low-income populations.

There are no anticipated impacts to the safety of children. There is no evidence that the development of supportive housing generally increases rates of serious crime nearby (Galster et al 1999). During construction, appropriate federal and state safety measures and health regulations would be followed to protect the health and safety of all residents as well as workers. Safety measures, barriers, and “no trespassing” signs would be placed around the perimeter of construction sites to deter children from playing in these areas, and construction vehicles and equipment would be secured when not in use.

Indirect Impacts. Employment generated by construction activities would result in additional indirect wages paid; an increase in indirect business volume; and indirect expenditures for local and regional services, materials, and supplies as indicated in Table 4-9. The indirect economic impacts of the proposed construction activities on business volume, income, and employment are also provided in Table 4-9. As a result of construction expenditures for materials, supplies, and services, in addition to construction labor wages, the EIFS model estimates an approximately \$26 million increase in indirect business volume; a \$4 million increase in indirect or induced personal income; and an increase of 84 indirect jobs created in the construction, retail trade, service, and industrial sectors. These impacts would be realized on an annual basis during the length of the construction period, and would have non-significant short-term impacts on the regional economy.

4.3 Cumulative Effects

The cumulative impact analysis evaluates the incremental effects of implementing any of the alternatives when added to past, present, and reasonably foreseeable future USAR actions at the Muller USARC and the actions of other parties in the surrounding area, where applicable. The cumulative impact analysis has been prepared at a level of detail that is reasonable and appropriate to support an informed decision by the USAR. The cumulative impact discussion is presented according to each of the implementation alternatives listed.

The key components of the cumulative impact analysis include the following categories.

Cumulative Impact Analysis Area. The cumulative impact analysis area includes the area that has the potential to be affected by implementation of the proposed action at the Muller USARC. This includes the installation and the area proximate to the installation boundary and varies by resource category being considered. Analysis areas are defined in Section 4.3.2 for each resource category analyzed in detail.

Past and Present Actions. Past and present actions, other than the proposed action, are defined as actions within the cumulative analysis area under consideration that occurred before or during September 2011. These include past and present actions at the Property and past and present demographic, land use, and development trends in the surrounding area. In most cases, the characteristics and results of these past and present actions are described in the Affected Environment sections under each of the resource categories covered in this EA.

Impacts could be present from historical use if water and drippings were able to leak from the OWS into the surrounding soil. However, based on reported infrequent use of the wash area and no obvious stains on the surface of the wash area, the risk of environmental impact is low.

The Muller USARC is located in the Wakefield neighborhood of the Borough of the Bronx, New York. The Wakefield neighborhood lies within the Bronx Community District 12. The Property is located in a highly urbanized mixed-use area that combines commercial, industrial, and residential land uses.

Wakefield, like the rest of the Bronx, was once woods and farmland. That began to change in 1840 when the New York and Harlem Railroad arrived. At the turn of the century, the quiet suburban streets and farms of the Bronx began to yield to rapidly expanding factories and urban neighborhoods. The area surrounding the Muller USARC has been highly developed since before the 1940s based on a 1947 aerial photograph. A 1994 aerial photograph shows the Property and adjacent properties relatively unchanged from a 1954 aerial photograph. The only difference is the area just north of the parking area became occupied by an automotive garage (USACE 2007).

The area surrounding the Muller USARC property is historically a middle-class neighborhood, primarily filled with one- and two-family houses, with a sprinkling of three- and four-family homes, as well as some apartment houses along the main roads. Commercial enterprises are generally located at major intersections and along specific corridors such as White Plains Road. There are 47 retail properties within a ½-mile radius of the Muller USARC, totaling about 400,000 square feet.

Major recent development projects in the vicinity of the Muller USARC are discussed below.

-
- Although the White Plains Road corridor is highly competitive and well-trafficked, only one significant new retail property has been recently constructed in the area (ERA 2009). Built in 2008, 4736 White Plains Road (approximately ½ mile from the USARC) consists of 8,000 square feet of retail space. There has been no recent development of new office space in the Wakefield neighborhood. However, a 20,000-square-foot medical office space located at 4234 Bronx Boulevard (at 233rd Street) was renovated in 2003 (ERA 2009).
 - Within a ½-mile radius of the Muller USARC, there are 11 industrial properties containing about 111,000 square feet. There has not been any recent industrial property development or renovation in Wakefield or the surrounding area (ERA 2009).
 - During the 2000s, Community District 12 (which includes the Wakefield neighborhood) attracted noteworthy residential construction activity. On average, there were 293 units permitted annually from 2005 through 2007, six percent of the total number of new units receiving permits in the Bronx. While residential permitting dropped off in the Bronx in 2007, permitting in Community District 12 did not decrease (ERA 2009)
 - One recent residential condominium development project near the Muller USARC has been identified, a 15-unit project at 654 East 232nd Street (approximately ½ mile from the USARC property). Sales opened in 2008 (ERA 2009).
 - On July 25, 2007 the City Council adopted the Wakefield/Eastchester zoning proposal. The Department of City Planning rezoned 134 blocks in the northeastern Bronx neighborhoods of Wakefield and Eastchester in Bronx Community District 12 in an area generally bounded by Carpenter Avenue on the west, East 233rd Street to the south, the Dyre Avenue subway right-of-way/Provost Avenue to the east, and the boundary line between New York and Mount Vernon on the north. This project area is less than 400 feet from the USARC property. The rezoning addresses out-of-character development in the Wakefield and Eastchester neighborhoods in order to protect existing neighborhood character and to allow for new development along White Plains Road.
 - The Department of City Planning has amended zoning in several neighborhoods in the Bronx and other areas of the City of New York. The rezoning seeks to protect and preserve residential areas while fostering “inviting and walkable residential and commercial corridors”. The rezoning addresses out-of-character development in order to protect existing neighborhood character and to allow for new development. Examples of these rezoning projects within ½ mile of the Muller USARC include the Wakefield/Eastchester rezoning (approximately 400 feet from the USARC), Woodlawn rezoning (approximately 0.2 mile from the USARC), and Williamsbridge/Baychester rezoning (approximately 0.4 mile from the USARC).

Reasonably Foreseeable Future Actions. Reasonably foreseeable future actions are generally limited to those that have been approved and that can be identified and defined with respect to timeframe and location. The area surrounding the Property is a highly dynamic urban setting within New York City. As noted above, the Muller USARC is located in Bronx Community District 12 and within the Wakefield neighborhood. At any given time, numerous residential, commercial and/or industrial construction, renovation, and/or demolition projects are ongoing in the area. Reasonably foreseeable future actions that have been identified and considered in the

analysis of cumulative impacts, both on the USARC property and off the USARC property, are listed below:

- Relocation of units from the Muller USARC in the Bronx, New York to a new Armed Forces Reserve Center (Ernie Pyle USARC) at Fort Totten, New York.
- Close Carpenter USARC, Poughkeepsie, New York, close McDonald USARC, Jamaica, New York, close Fort Tilden USARC, Far Rockaway, New York and relocate units to a new Armed Forces Reserve Center at Fort Totten, NY.
- Military operations in the New York City area will continue in order to provide New York and the United States with ready and deployable forces for missions at home and abroad. This includes military training activities at Fort Hamilton, in Brooklyn, New York, which provides the New York metropolitan area with military installation support for the Army National Guard and the United States Army Reserve. Military training at New York Air National Guard and NYARNG facilities will also continue in the area.
- Potential future homeless shelter development projects in the Community District 12 area that are within ½ mile from the Muller USARC include:
 - 108-bed homeless shelter serving chronically homeless men with mental illness and substance abuse addiction at 4380 Bronx Boulevard planned by Project Renewal (approximately 300 feet from the Muller USARC).
 - 63-bed permanent supportive housing facility at 4339 White Plains Road planned by Praxis Housing Initiatives (approximately 0.25 mile from the Muller USARC).
- A potential future affordable housing development project in the Community District 12 area that is within ½ mile from the Muller USARC is the:
 - PROMESA affordable housing development on 232nd Street (approximately ½ mile from the Muller USARC).

4.3.1 Potential Cumulative Impacts

4.3.1.1 No Impacts to Resources

As documented in Section 4.1 of this EA, there are several resource categories that that will not be discussed in the cumulative impacts section because they are:

- Not present;
- Present, but not affected; or
- Negligible, the impact is not measurable at the lowest level of detection.

The resource categories that are not discussed in detail include:

- Aesthetics and Visual Resources
- Air Quality;
- Biological Resources;
- Cultural Resources;
- Geology and Soil;
- Hazardous and Toxic Substances;
- Noise;

-
- Transportation;
 - Utilities; and
 - Water Resources.

4.3.1.2 Alternative 1 – No Action Alternative

Under Alternative 1 it is anticipated that past and present development trends on the Muller USARC and in the surrounding civilian community would continue. However, for the closure action directed by the BRAC Commission, it is noted that for the No Action Alternative, maintenance of current conditions is not feasible because the BRAC actions are Congressionally mandated actions.

4.3.1.3 Alternative 2 – Caretaker Status Alternative

Cumulative impacts under Alternative 2 by resource category are as follows:

- **Land Use.** The cumulative impact analysis area for land use includes a ½ mile radius around the Muller USARC property. Non-significant adverse direct impacts to the community resulting from the change in land use from an operating USARC to a vacant facility would combine with the effects from vacant retail buildings in the area. This would contribute to a potential decline in property values and decreased consumer base in the vicinity of the Property.
- **Socioeconomics.** The cumulative impact analysis area for socioeconomics includes the New York-Wayne-White Plains, New York-New Jersey Metropolitan Division. Under this alternative, the Muller USARC would close and relocate the units to a new Armed Forces Reserve Center located Fort Totten, New York. Both of the facility sites are located within the New York-Wayne-White Plains, New York-New Jersey Metropolitan Division; therefore, the impacts on the ROI and regional economy would not differ from baseline conditions. There are no anticipated cumulative impacts.

4.3.1.4 Alternative 3 – Traditional Army Disposal and Reuse of the Muller USARC as a Homeless Shelter

Cumulative impacts under Alternative 3 by resource category are as follows:

- **Land Use.** The cumulative impact analysis area for land use includes a ½ mile radius around the Muller USARC property. Moderate cumulative impacts associated with this project in combination with other past, present, and reasonably foreseeable future projects would include potential land use changes such as new housing, homeless shelters, affordable housing, and retail facilities.

Moderate adverse and minor beneficial direct impacts to the community could result from the change in land use from development of a homeless shelter at the Muller USARC property and potential development of other homeless shelters and affordable housing with ½ mile of the Property. However, numerous studies have shown that affordable housing projects managed by non-profit and for-profit organizations do not have negative impacts on property values (Agnew 2012; Furman Center for Real Estate and Urban Policy 2008; Skid Row Housing Trust 2012). A positive cumulative impact of Alternative 3 would include a higher consumer base than under Alternative 2, due to

shelter employees and proposed shelter and affordable housing residents patronizing neighboring businesses.

Although there are three proposed shelter/affordable housing developments in the Muller USARC neighborhood, the majority of homeless shelters in New York City are in the South Bronx (Saul 2008). Transitional housing facilities placed in areas with more resources, such as the Wakefield neighborhood, could help integrate the homeless into the workforce so that they may lead productive lives (Simundza 2002).

- **Socioeconomics.** The cumulative impact analysis area for socioeconomics includes the New York-Wayne-White Plains, New York-New Jersey Metropolitan Division. Employment generated by the reuse of the Muller USARC property would result in wages paid; an increase in sales (business) volume; and expenditures for local and regional services, materials, and supplies. These beneficial impacts combined with the employment and economic opportunities of the future development that is expected throughout the region would have non-significant short-term and long-term beneficial impacts to the local and regional community.

There would be a minor long-term beneficial impact to population and housing resources in the ROI from the proposed development of several homeless shelters/supportive housing in the area. There is a need for temporary shelter for homeless Bronx residents. Although only about 17 percent of the city's population resides in the Bronx, approximately 29 percent of the entrants into the city's individual adult shelter system and 40 percent of entrants into the family system are from the Borough of the Bronx (Muller LRA 2011). The proposed homeless shelter/supportive housing developments would contribute to providing shelter for the homeless who are currently underserved, and residents of these shelters could receive treatment, counseling, and job placement assistance that could help them become active working members of the community. The shelters could also increase the economy in the region as well, due to the staffing needs that the new facility would face.

Beneficial impacts of the proposed shelters/affordable housing could include less demand on police, fire, and EMS services based on fewer unsheltered homeless persons, fewer crimes against homeless persons, fewer camps and associated fires, less trash, less criminal trespassing, building exteriors and grounds would be well lit with security lighting, and loitering and public intoxication would be prevented by shelter security guards outside of the properties.

Although obtaining an accurate count is difficult, the Substance Abuse and Mental Health Services Administration (2003) estimates that 38 percent of homeless people are dependent on alcohol and 26 percent abuse other drugs. The adjacent Montefiore Medical Center - The North Division: Alcoholism Outpatient Clinic and Mental Health Clinic could potentially have beneficial impacts on proposed homeless shelter residents of the Wakefield area that would require alcohol and drug abuse treatment or mental health services. In addition, there is no evidence that the development of supportive housing generally increases rates of serious crime nearby (Galster et al 1999). The majority of crimes that are perpetrated by individuals experiencing homelessness are petty crimes such as shoplifting, loitering, and trespassing.

4.4 Best Management Practices

As discussed in Sections 4.1 through 4.6 above, no significant adverse impacts have been identified or are anticipated as a result of implementing any of the proposed action alternatives or the No Action Alternative.

Local, state, and federal regulations for noise, air, water, and soil resources will be adhered to during all phases of demolition and renovation/construction, as appropriate, to minimize impacts associated with implementing the proposed action.

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SECTION 5.0 FINDINGS AND CONCLUSIONS

This Environmental Assessment was conducted in accordance with the requirements of the National Environmental Policy Act, the Council on Environmental Quality regulations implementing NEPA (40 CFR 1500), and Environmental Analysis of Army Actions (32 CFR 651). As analyzed and discussed in the EA, direct, indirect, and cumulative impacts of the each of the implementation alternatives (Alternatives 2 and 3) and the No Action Alternative (Alternative 1) have been considered.

The EA performed an analysis of 12 resource categories including a detailed analysis of two resource categories for each alternative: land use (installation land, current and future development in the region of influence, and surrounding land) and socioeconomics (demographics, economic development, environmental justice, housing, protection of children, and public services). The analyses in the EA concluded there would be no significant environmental impacts resulting from any of the Proposed Action's alternatives. Therefore, issuance of a Finding of No Significant Impact (FNSI) is warranted, and preparation of an Environmental Impact Statement (EIS) is not required.

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SECTION 6.0 LIST OF PREPARERS

This EA was prepared under the direction of the 99th RSC and USACE. Individuals who assisted in issue resolution and provided agency guidance for this document are:

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SECTION 8.0 REFERENCES

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SECTION 9.0 PERSONS CONSULTED

Information was solicited and collected from the following individuals or organizations in preparation of this document:

- USARC installation personnel
- Members of the Muller Local Redevelopment Authority
- USEPA, Region 2
- US Fish and Wildlife Service, Long Island Field Office
- NYDEC Region 2
- New York State Division of Military and Naval Affairs
- Department of Housing and Urban Development, Office of Special Needs Assistance Programs
- City of New York
- New York State Historic Preservation Office
- Delaware Tribe of Indians
- Delaware Nation
- Stockbridge Munsee Community of Wisconsin
- Shinnecock Indian Nation
- Unkechaug Nation

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SECTION 10.0 ACRONYMS

A		FNSI	Finding of No Significant Impact
ACM	Asbestos-Containing Material	G	
AMSA	Area Maintenance Support Activity	H	
AST	Aboveground Storage Tank	HVAC	Heating, Ventilation, and Air Conditioning
B			
BRAC Commission	Base Closure and Realignment Commission	I	
BTEX	Benzene, Toluene, Ethylbenzene, and Xylenes	J	
C		K	
CEQ	Council on Environmental Quality	L	
CFR	Code of Federal Regulations	LBA	Legally Binding Agreement
		LBP	Lead-Based Paint
		LRA	Local Redevelopment Authority
D			
DoD	Department of Defense	M	
E		MEP	Military Equipment Parking
EA	Environmental Assessment	MTA	Metropolitan Transportation Authority
ECP	Environmental Condition of Property	MTBE	Methyl Tertiary-Butyl Ether
EF	Emissions Factor	N	
EIFS	Economic Impact Forecast System	NAAQS	National Ambient Air Quality Standards
EIS	Environmental Impact Statement	NEPA	National Environmental Policy Act
EO	Executive Order	NOI	Notice of Interest
F		NOx	Nitrogen Oxides
FEMA	Federal Emergency Management Agency	NRHP	National Register of Historic Places
		NWR	National Wildlife Refuge

NYARNG	New York Army National Guard	SQG	Small Quantity Generator
NYSDEC	New York State Department of Environmental Conservation	T TSCA	Toxic Substances Control Act
NY SHPO	New York State Historic Preservation Office	TPY	Tons Per Year
O		U	
OMB	Office of Management and Budget	US	United States
OMS	Organizational Maintenance Shop	USACE	United States Army Corps of Engineers
OWS	Oil-Water Separator	USAR USARC	United States Army Reserve United States Army Reserve Center
P		USC	United States Code
PCB	Polychlorinated biphenyls	USEPA	United States Environmental Protection Agency
POL	Petroleum, Oils, and Lubricants	USFWS	United States Fish and Wildlife Service
POV	Privately Owned Vehicle	UST	Underground Storage Tank
Q			
R		V	
RCRA	Resource Conservation and Recovery Act	VOC	Volatile Organic Compounds
REC	Record of Environmental Consideration	W	
ROI	Region of Influence	X	
RSC	Regional Support Command	Y	
RTV	Rational Threshold Values	Z	
S			
SIP	State Implementation Plan		
SHPO	State Historic Preservation Officer		

APPENDIX A – PUBLIC AND AGENCY COORDINATION

A.1 Scoping Coordination	A-3
A.1.1 Request for Scoping Comments	A-3
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Environmental Assessment Public and Agency Scoping

Agencies and organizations having a potential interest in the Proposed Action are provided the opportunity to participate in the decision making process. The Army invites public participation in the NEPA process. Consideration of the views and information provided by all interested persons promotes open communication and enables better decision making. Initial scoping letters were sent to federal, state, and local agencies as well as other interested parties to request comments on the proposed scope of the Muller USARC EA. A 30-day comment period was initiated from the date of the letters. Information obtained during the scoping process could be used to develop the scope of the EA. All of the comment responses that were received within the 30-day public comment period are included in Section A.1.2 and are summarized in Section A.1.3.

Public and Agency Comments on the Final Environmental Assessment and Draft FNSI

As noted in Section 1.2, public involvement includes public comment on the final EA and draft FNSI. Agencies, organizations, Native American groups, and members of the public having a potential interest in the Proposed Action, including minority, low-income, and disadvantaged persons, are urged to participate in the NEPA process.

Per requirements specified in 40 CFR 1500-1508, the final EA was available for public and agency comment for a 30-calendar-day review period (starting with the publication of the NOA) to provide agencies, organizations, and individuals with the opportunity to comment on the EA and draft FNSI. Public notices were published in local newspapers to inform the public that the EA and draft FNSI were available for review. The notices identified a point of contact to obtain more information regarding the NEPA process, identified means of obtaining a copy of the EA and draft FNSI for review, listed public libraries where paper copies of the EA and draft FNSI could be reviewed, and advised the public that an electronic version of the EA and draft FNSI were available for download at the following Web site:

http://www.hqda.army.mil/acsim/brac/env_ea_review.htm.

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A.1 Scoping Coordination

Appendix A.1 contains the following correspondence associated with the preparation of the Environmental Assessment

A.1.1 Request for Scoping Comments

<u>Agency</u>	<u>Date</u>
Ms. Grace Musumeci, US EPA, Region 2	June 4, 2012
Ms. Venetia Lannon, NYDEC Region 2	June 4, 2012
Linda R. Charest, BRAC Coordinator, U.S. Dept. of Housing and Urban Development	June 4, 2012
DJ Evans, Director, New York Natural Heritage Program	June 4, 2012
Muller Local Redevelopment Authority, Ernesto Padron, New York City Economic Development Corporation	June 4, 2012
Bronx Borough President Ruben Diaz, Jr.	June 4, 2012
Mayor Michael R. Bloomberg, City of New York	June 4, 2012
Robert K. Steel, New York City Deputy Mayor for Economic Development	June 4, 2012
Linda I. Gibbs, New York City Deputy Mayor for Health and Human Services	June 4, 2012
Mr. George McDonald, Founder and President, The Doe Fund, Inc.	June 4, 2012
Major General Patrick A. Murphy, State of New York, Division of Military and Naval Affairs	June 4, 2012



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JUN 04 2012

Ms. Grace Musumeci
NEPA Coordinator
US EPA, Region 2
290 Broadway, 25th Floor
New York, NY 10007

Reference: National Environmental Policy Act Environmental Assessment for the Closure, Disposal, and Reuse of the SGT Joseph E. Muller U.S. Army Reserve Center, Borough of the Bronx, New York.

Ms. Musumeci,

The United States Army Reserve 99th Regional Support Command is preparing an Environmental Assessment (EA) for the proposed action of closure, disposal, and reuse of the SGT Joseph E. Muller U.S. Army Reserve Center (Muller USARC). The EA is being prepared in accordance with Council on Environmental Quality regulations (40 *Code of Federal Regulations* [CFR] Parts 1500-1508) for implementing the National Environmental Policy Act of 1969 (NEPA) and *Environmental Analysis of Army Actions*, 32 CFR Part 651.

NEPA requires a Federal agency to provide the public and other stakeholders with an opportunity to participate in the process of analyzing Federal actions that could impact the natural and man-made environment. The purpose of this letter is to inform your agency of an opportunity to assist the Army in identifying potential impacts that may occur as a result of the proposed action and its alternatives. Your participation in this process is greatly appreciated.

The purpose and need of the closure, disposal, and reuse of the Muller USARC is to meet the requirements of the Base Closure and Realignment Act. The Muller USARC is located at 555 East 238th Street (Nereid Avenue) in the Borough of the Bronx, New York. The site is approximately 0.9 acre in size and contains one permanent structure. The majority of the site is covered in pavement or building area. The remainder is covered by landscaped areas.

NEPA requires that alternatives to the proposed action are analyzed. Four alternatives are being considered for the proposed action and all would occur at the current location of the Muller USARC. The No Action Alternative (Alternative 1) represents baseline conditions at the property. No change from the current activities would occur under this alternative. Under the Caretaker Status Alternative (Alternative 2), the Army secured the Muller USARC after the military mission ended to ensure public safety and the security of remaining government property. From the time of operational closure until conveyance of the property, the Army will provide for maintenance procedures to preserve and protect the site for reuse in an economical manner that facilitates redevelopment. Alternative 3 involves the disposal and reuse of the Muller USARC by a local organization for a homeless shelter. Under Alternative 4, the Muller USARC would be utilized by National Guard and New York Guard units relocated from the annex adjacent to the Kingsbridge Armory in the Borough of the Bronx, New York.



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JUN 04 2012

Ms. Venetia Lannon
Regional Director
NYDEC Region 2
1 Hunter's Point Plaza
47-40 21st Street
Long Island City, NY 11101-5407

Reference: National Environmental Policy Act Environmental Assessment for the Closure, Disposal, and Reuse of the SGT Joseph E. Muller U.S. Army Reserve Center, Borough of the Bronx, New York.

Ms. Lannon,

The United States Army Reserve 99th Regional Support Command is preparing an Environmental Assessment (EA) for the proposed action of closure, disposal, and reuse of the SGT Joseph E. Muller U.S. Army Reserve Center (Muller USARC). The EA is being prepared in accordance with Council on Environmental Quality regulations (40 *Code of Federal Regulations* [CFR] Parts 1500-1508) for implementing the National Environmental Policy Act of 1969 (NEPA) and *Environmental Analysis of Army Actions*, 32 CFR Part 651.

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The purpose and need of the closure, disposal, and reuse of the Muller USARC is to meet the requirements of the Base Closure and Realignment Act. The Muller USARC is located at 555 East 238th Street (Nereid Avenue) in the Borough of the Bronx, New York. The site is approximately 0.9 acre in size and contains one permanent structure. The majority of the site is covered in pavement or building area. The remainder is covered by landscaped areas.

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JUN 04 2012

Linda R. Charest, BRAC Coordinator
Office of Special Needs Assistance Programs
Dept. of Housing and Urban Development
451 7th Street, SW., Room #7266
Washington, DC 20410

Reference: National Environmental Policy Act Environmental Assessment for the Closure, Disposal, and Reuse of the SGT Joseph E. Muller U.S. Army Reserve Center, Borough of the Bronx, New York.

Ms. Charest,

The United States Army Reserve 99th Regional Support Command is preparing an Environmental Assessment (EA) for the proposed action of closure, disposal, and reuse of the SGT Joseph E. Muller U.S. Army Reserve Center (Muller USARC). The EA is being prepared in accordance with Council on Environmental Quality regulations (40 *Code of Federal Regulations* [CFR] Parts 1500-1508) for implementing the National Environmental Policy Act of 1969 (NEPA) and *Environmental Analysis of Army Actions*, 32 CFR Part 651.

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The purpose and need of the closure, disposal, and reuse of the Muller USARC is to meet the requirements of the Base Closure and Realignment Act. The Muller USARC is located at 555 East 238th Street (Nereid Avenue) in the Borough of the Bronx, New York. The site is approximately 0.9 acre in size and contains one permanent structure. The majority of the site is covered in pavement or building area. The remainder is covered by landscaped areas.

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DJ Evans
Director
New York Natural Heritage Program
625 Broadway, 5th Floor
Albany, NY 12233-4757

Reference: National Environmental Policy Act Environmental Assessment for the Closure, Disposal, and Reuse of the SGT Joseph E. Muller U.S. Army Reserve Center, Borough of the Bronx, New York.

Director Evans,

The United States Army Reserve 99th Regional Support Command is preparing an Environmental Assessment (EA) for the proposed action of closure, disposal, and reuse of the SGT Joseph E. Muller U.S. Army Reserve Center (Muller USARC). The EA is being prepared in accordance with Council on Environmental Quality regulations (40 *Code of Federal Regulations* [CFR] Parts 1500-1508) for implementing the National Environmental Policy Act of 1969 (NEPA) and *Environmental Analysis of Army Actions*, 32 CFR Part 651.

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The purpose and need of the closure, disposal, and reuse of the Muller USARC is to meet the requirements of the Base Closure and Realignment Act. The Muller USARC is located at 555 East 238th Street (Nereid Avenue) in the Borough of the Bronx, New York. The site is approximately 0.9 acre in size and contains one permanent structure. The majority of the site is covered in pavement or building area. The remainder is covered by landscaped areas.

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JUN 04 2012

Muller Local Redevelopment Authority
Ernesto Padron
Assistant Vice President
New York City Economic Development Corporation
110 William Street
New York, NY 10038

Reference: National Environmental Policy Act Environmental Assessment for the Closure, Disposal, and Reuse of the SGT Joseph E. Muller U.S. Army Reserve Center, Borough of the Bronx, New York.

Mr. Padron,

The United States Army Reserve 99th Regional Support Command is preparing an Environmental Assessment (EA) for the proposed action of closure, disposal, and reuse of the SGT Joseph E. Muller U.S. Army Reserve Center (Muller USARC). The EA is being prepared in accordance with Council on Environmental Quality regulations (40 *Code of Federal Regulations* [CFR] Parts 1500-1508) for implementing the National Environmental Policy Act of 1969 (NEPA) and *Environmental Analysis of Army Actions*, 32 CFR Part 651.

NEPA requires a Federal agency to provide the public and other stakeholders with an opportunity to participate in the process of analyzing Federal actions that could impact the natural and man-made environment. The purpose of this letter is to inform your agency of an opportunity to assist the Army in identifying potential impacts that may occur as a result of the proposed action and its alternatives. Your participation in this process is greatly appreciated.

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NEPA requires that alternatives to the proposed action are analyzed. Four alternatives are being considered for the proposed action and all would occur at the current location of the Muller USARC. The No Action Alternative (Alternative 1) represents baseline conditions at the property. No change from the current activities would occur under this alternative. Under the Caretaker Status Alternative (Alternative 2), the Army secured the Muller USARC after the military mission ended to ensure public safety and the security of remaining government property. From the time of operational closure until conveyance of the property, the Army will provide for maintenance procedures to preserve and protect the site for reuse in an economical manner that facilitates redevelopment. Alternative 3 involves the disposal and reuse of the Muller USARC by a local organization for a homeless shelter. Under Alternative 4, the Muller USARC would be utilized by National Guard and New York Guard units relocated from the annex adjacent to the Kingsbridge Armory in the Borough of the Bronx, New York.



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JUN 04 2012

Mr. Ruben Diaz, Jr.
President
Office of the Bronx Borough
851 Grand Concourse, 3rd Floor
Bronx, New York 10451

Reference: National Environmental Policy Act Environmental Assessment for the Closure, Disposal, and Reuse of the SGT Joseph E. Muller U.S. Army Reserve Center, Borough of the Bronx, New York.

Mr. Diaz,

The United States Army Reserve 99th Regional Support Command is preparing an Environmental Assessment (EA) for the proposed action of closure, disposal, and reuse of the SGT Joseph E. Muller U.S. Army Reserve Center (Muller USARC). The EA is being prepared in accordance with Council on Environmental Quality regulations (40 *Code of Federal Regulations* [CFR] Parts 1500-1508) for implementing the National Environmental Policy Act of 1969 (NEPA) and *Environmental Analysis of Army Actions*, 32 CFR Part 651.

NEPA requires a Federal agency to provide the public and other stakeholders with an opportunity to participate in the process of analyzing Federal actions that could impact the natural and man-made environment. The purpose of this letter is to inform your agency of an opportunity to assist the Army in identifying potential impacts that may occur as a result of the proposed action and its alternatives. Your participation in this process is greatly appreciated.

The purpose and need of the closure, disposal, and reuse of the Muller USARC is to meet the requirements of the Base Closure and Realignment Act. The Muller USARC is located at 555 East 238th Street (Nereid Avenue) in the Borough of the Bronx, New York. The site is approximately 0.9 acre in size and contains one permanent structure. The majority of the site is covered in pavement or building area. The remainder is covered by landscaped areas.

NEPA requires that alternatives to the proposed action are analyzed. Four alternatives are being considered for the proposed action and all would occur at the current location of the Muller USARC. The No Action Alternative (Alternative 1) represents baseline conditions at the property. No change from the current activities would occur under this alternative. Under the Caretaker Status Alternative (Alternative 2), the Army secured the Muller USARC after the military mission ended to ensure public safety and the security of remaining government property. From the time of operational closure until conveyance of the property, the Army will provide for maintenance procedures to preserve and protect the site for reuse in an economical manner that facilitates redevelopment. Alternative 3 involves the disposal and reuse of the Muller USARC by a local organization for a homeless shelter. Under Alternative 4, the Muller USARC would be utilized by National Guard and New York Guard units relocated from the annex adjacent to the Kingsbridge Armory in the Borough of the Bronx, New York.



DEPARTMENT OF THE ARMY
HEADQUARTERS, 99TH REGIONAL SUPPORT COMMAND
5231 SOUTH SCOTT PLAZA
FORT DIX, NJ 08640-5000

JUN 04 2012

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

Reference: National Environmental Policy Act Environmental Assessment for the Closure, Disposal, and Reuse of the SGT Joseph E. Muller U.S. Army Reserve Center, Borough of the Bronx, New York.

Mayor Bloomberg,

The United States Army Reserve 99th Regional Support Command is preparing an Environmental Assessment (EA) for the proposed action of closure, disposal, and reuse of the SGT Joseph E. Muller U.S. Army Reserve Center (Muller USARC). The EA is being prepared in accordance with Council on Environmental Quality regulations (40 *Code of Federal Regulations* [CFR] Parts 1500-1508) for implementing the National Environmental Policy Act of 1969 (NEPA) and *Environmental Analysis of Army Actions*, 32 CFR Part 651.

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The purpose and need of the closure, disposal, and reuse of the Muller USARC is to meet the requirements of the Base Closure and Realignment Act. The Muller USARC is located at 555 East 238th Street (Nereid Avenue) in the Borough of the Bronx, New York. The site is approximately 0.9 acre in size and contains one permanent structure. The majority of the site is covered in pavement or building area. The remainder is covered by landscaped areas.

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DEPARTMENT OF THE ARMY
HEADQUARTERS, 99TH REGIONAL SUPPORT COMMAND
5231 SOUTH SCOTT PLAZA
FORT DIX, NJ 08640-5000

JUN 04 2012

Robert K. Steel
Deputy Mayor for Economic Development
City Hall
New York, NY 10007

Reference: National Environmental Policy Act Environmental Assessment for the Closure, Disposal, and Reuse of the SGT Joseph E. Muller U.S. Army Reserve Center, Borough of the Bronx, New York.

Deputy Mayor Steel,

The United States Army Reserve 99th Regional Support Command is preparing an Environmental Assessment (EA) for the proposed action of closure, disposal, and reuse of the SGT Joseph E. Muller U.S. Army Reserve Center (Muller USARC). The EA is being prepared in accordance with Council on Environmental Quality regulations (40 *Code of Federal Regulations* [CFR] Parts 1500-1508) for implementing the National Environmental Policy Act of 1969 (NEPA) and *Environmental Analysis of Army Actions*, 32 CFR Part 651.

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DEPARTMENT OF THE ARMY
HEADQUARTERS, 99TH REGIONAL SUPPORT COMMAND
5231 SOUTH SCOTT PLAZA
FORT DIX, NJ 08640-5000

JUN 04 2012

Ms. Linda I. Gibbs
Deputy Mayor for Health and Human Services
City Hall
New York, NY 10007

Reference: National Environmental Policy Act Environmental Assessment for the Closure, Disposal, and Reuse of the SGT Joseph E. Muller U.S. Army Reserve Center, Borough of the Bronx, New York.

Deputy Mayor Gibbs,

The United States Army Reserve 99th Regional Support Command is preparing an Environmental Assessment (EA) for the proposed action of closure, disposal, and reuse of the SGT Joseph E. Muller U.S. Army Reserve Center (Muller USARC). The EA is being prepared in accordance with Council on Environmental Quality regulations (40 *Code of Federal Regulations* [CFR] Parts 1500-1508) for implementing the National Environmental Policy Act of 1969 (NEPA) and *Environmental Analysis of Army Actions*, 32 CFR Part 651.

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DEPARTMENT OF THE ARMY
HEADQUARTERS, 99TH REGIONAL SUPPORT COMMAND
5231 SOUTH SCOTT PLAZA
FORT DIX, NJ 08640-5000

JUN 04 2012

Mr. George McDonald
Founder and President
The Doe Fund, Inc.
232 East 84th Street
New York, NY 10028

Reference: National Environmental Policy Act Environmental Assessment for the Closure, Disposal, and Reuse of the SGT Joseph E. Muller U.S. Army Reserve Center, Borough of the Bronx, New York.

Mr. McDonald,

The United States Army Reserve 99th Regional Support Command is preparing an Environmental Assessment (EA) for the proposed action of closure, disposal, and reuse of the SGT Joseph E. Muller U.S. Army Reserve Center (Muller USARC). The EA is being prepared in accordance with Council on Environmental Quality regulations (40 *Code of Federal Regulations* [CFR] Parts 1500-1508) for implementing the National Environmental Policy Act of 1969 (NEPA) and *Environmental Analysis of Army Actions*, 32 CFR Part 651.

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DEPARTMENT OF THE ARMY
HEADQUARTERS, 99TH REGIONAL SUPPORT COMMAND
5231 SOUTH SCOTT PLAZA
FORT DIX, NJ 08640-5000

JUN 04 2012

Major General Patrick A. Murphy
State of New York
Division of Military and Naval Affairs
330 Old Niskayuna Road
Latham, NY 12110-3514

Reference: National Environmental Policy Act Environmental Assessment for the Closure, Disposal, and Reuse of the SGT Joseph E. Muller U.S. Army Reserve Center, Borough of the Bronx, New York.

Major General Murphy,

The United States Army Reserve 99th Regional Support Command is preparing an Environmental Assessment (EA) for the proposed action of closure, disposal, and reuse of the SGT Joseph E. Muller U.S. Army Reserve Center (Muller USARC). The EA is being prepared in accordance with Council on Environmental Quality regulations (40 *Code of Federal Regulations* [CFR] Parts 1500-1508) for implementing the National Environmental Policy Act of 1969 (NEPA) and *Environmental Analysis of Army Actions*, 32 CFR Part 651.

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NEPA requires that alternatives to the proposed action are analyzed. Four alternatives are being considered for the proposed action and all would occur at the current location of the Muller USARC. The No Action Alternative (Alternative 1) represents baseline conditions at the property. No change from the current activities would occur under this alternative. Under the Caretaker Status Alternative (Alternative 2), the Army secured the Muller USARC after the military mission ended to ensure public safety and the security of remaining government property. From the time of operational closure until conveyance of the property, the Army will provide for maintenance procedures to preserve and protect the site for reuse in an economical manner that facilitates redevelopment. Alternative 3 involves the disposal and reuse of the Muller USARC by a local organization for a homeless shelter. Under Alternative 4, the Muller USARC would be utilized by National Guard and New York Guard units relocated from the annex adjacent to the Kingsbridge Armory in the Borough of the Bronx, New York.

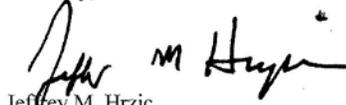
Page 2

The Army has identified five environmental resource areas for detailed analysis (Air Quality, Asbestos, Lead Based Paint, Land Use, and Socioeconomics). Nine other environmental resource areas will be addressed in the EA; however, because the resource is either not present, not impacted, or the proposed action's impact would have little to no measurable effect, it will not be carried forward for detailed analysis in the EA (Transportation, Water Resources, Utilities, Cultural Resources, Noise, Hazardous and Toxic Substances, Geology/Soil, Visual Resources, and Biological Resources). As part of the early project coordination and NEPA scoping process, we are requesting that stakeholders identify key issues that should be addressed as part of this evaluation. Please provide your comments relative to the following:

- Issues of concern within your regulatory jurisdiction
- Available technical information regarding these issues
- Mitigation or permitting requirements that may be necessary for project implementation.

Comments on the proposed action and the alternatives will be accepted for 30 calendar days from the date on this letter. Comments received during this time will be used in preparation of the EA. Written comments should be submitted to: Amanda Murphy, 99th RSC, Department of Public Works at 5231 South Scott Plaza, Fort Dix, New Jersey, 08640 or amanda.w.murphy.ctr@us.army.mil.

Sincerely,



Jeffrey M. Hrzic
Chief, Environmental Division

Enclosures:
Site Location Map
Current Site Plan

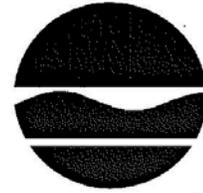


A.1.2 Scoping Letters Received

This section contains written responses to the public EA scoping period. A summary of these responses are located in Section A.1.3.

<u>Agency/Individual</u>	<u>Date</u>
Letter from NYSDEC Natural Heritage Program	June 18, 2012
Letter from Larry Wilson, Hyatt Association	June 24, 2012
Letter from the State of New York Division of Military and Naval Affairs	June 25, 2012
Letter from Community Board #7, City of New York, Borough of the Bronx	June 25, 2012
Wakefield Taxpayers & Civic League, Inc.	June 25, 2012
Letter from Christopher Coyne	June 25, 2012
Letter from Representative Eliot Engel, U.S. Congress, 17 th District, New York	June 28, 2012
Letter from Ruben Diaz, Jr., Bronx Borough President	June 29, 2012
Letter from John Hradsky, Hyatt Association	June 29, 2012
Letter from Judy Hradsky, Hyatt Association	June 29, 2012
Letter from Camille Cullen, Yonkers Resident	June 29, 2012
Letter from Michael Cullen, Yonkers Resident	June 29, 2012
Letter from Mike Spano, Mayor of Yonkers, New York	July 2, 2012
Letter from G. Oliver Koppell, Council Member, 11th District, Bronx, Council of the City of New York	July 2, 2012
Letter from Father Richard F. Gorman, Esq., Community Board #12, City of New York, Borough of the Bronx	July 3, 2012
Letter from State Senator Jeffery Klein, State of New York, 34 th District	July 3, 2012

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Division of Fish, Wildlife & Marine Resources
625 Broadway, 5th Floor, Albany, New York 12233-4757
Phone: (518) 402-8935 • **Fax:** (518) 402-8925
Website: www.dec.ny.gov



Joe Martens
Commissioner

June 18, 2012

Jeffrey Hrzic
U S Army, 99th Reg. Support Command
5231 S. Scott Plaza
Fort Dix, NJ 08640-5000

Dear Mr. Hrzic:

In response to your recent request, we have reviewed the New York Natural Heritage Program database, with respect to an Environmental Assessment for the proposed Closure – Disposal – Reuse of Jos. Muller Reserve Center, site as indicated on map you provided, located in the Borough of the Bronx, New York City.

We have no records of rare or state listed animals or plants, significant natural communities or other significant habitats, on or in the immediate vicinity of your sites.

The absence of data does not necessarily mean that rare or state-listed species, natural communities or other significant habitats do not exist on or adjacent to the proposed site. Rather, our files currently do not contain information which indicates their presence. For most sites, comprehensive field surveys have not been conducted. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. This information should not be substituted for on-site surveys that may be required for environmental assessment.

Our databases are continually growing as records are added and updated. If this proposed project is still under development one year from now, we recommend that you contact us again so that we may update this response with the most current information.

This response applies only to known occurrences of rare or state-listed animals and plants, significant natural communities and other significant habitats maintained in the Natural Heritage Data bases. Your project may require additional review or permits; for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the appropriate NYS DEC Regional Office, Division of Environmental Permits, as listed at www.dec.ny.gov/about/39381.html.

Sincerely,

Jean Pietrusiak, Information Services
NYS Department Environmental Conservation

Enc.
cc: Reg. 2, Wildlife Mgr.

555

Hyatt Association



Community Builds Safety

Larry Wilson - President P.O BOX 55, Yonkers, New York 10704
HyattCommunity@optonline.net 914-588-5500

June 24th, 2012

Mr. Jeffrey M. Hrzic
Chief, Environmental Division
Department of the Army
Headquarters, 99th Regional Support Command
5231 South Scott Plaza
Fort Dix, New Jersey 08640-5000

Dear Mr. Hrzic,

I am writing to you today in response to your letter of June 4th, 2012 seeking comments regarding the transfer of the Muller Army Reserve Center, at 555 East 238th Street in the Bronx, New York. While the Base Closure Act will allow for bases to be converted to Homeless Shelters under certain circumstances, this property should not be used for that purpose.

The issues raised in the Environmental Assessment are significant, especially because of the potential for harm considering a fairly dense residential use. The Report on the Environmental Condition of the Property prepared for the Army by the Environmental Consulting firm CH2M HILL in June 2007 was cursory at best. It was described as a "visual, non-intrusive reconnaissance of the property" and left many unanswered questions. Failure to perform a full environmental Impact statement would be a liability to future residents, especially in light of the proposed use.

The Environmental Condition report contained a certification page. There were two signatures that could have appeared on that form. Only one signature appeared. The missing signature of the Acting Facility Management Officer, John Wohrle would have certified "that all information/documentation provided accurately reflects the environmental Condition of the property". Mr. Wohrle never signed. The official that did sign, Lenard Gunnell, Project Geologist could only certify that "the contents of this report are in general accordance with Department of Defense policies for the completion of an ECP Report" This is a far cry from any meaningful certification of the environmental condition of the property.

The Environmental Consulting Firm, CH2M HILL also takes no responsibility for its findings. From the Introduction of the Environmental Condition Report; " In preparing this ECP Report, CH2M HILL gathered information from the available records and previous work from others, interviews with individuals purporting to be familiar with the property, and observations from a site reconnaissance. The accuracy of the information obtained from these sources was not verified by CH2M HILL. As such, CH2M HILL will make no warranty, expressed or implied, relative to the accuracy, completeness or reliability of the information used to create the records and reports prepared by others".

So, the big consulting firm interviews people that they do not know to be reliable, completes a report that the Army cannot certify as “accurately reflecting the environmental condition of the property” and now we contemplate turning it into a residence housing hundreds of residents, some with fragile medical conditions. This is simply wrong and will certainly constitute grounds for liability for the Army and the City of New York if this transfer for use as a homeless shelter goes forward.

Of particular concern in the Environmental Condition Report is the classification of the property by the Department of Defense. There are 7 possible Environmental Condition Report Categories defined by The Department of Defense to describe this property.

ECP AREA TYPE 1: An area or parcel of real property where NO release or disposal of hazardous substances or petroleum products or their derivatives has occurred (including no migration of these substances from adjacent properties).

ECP AREA TYPE 2: An area or parcel of real property where only the release or disposal of petroleum products or their derivatives has occurred.

ECP AREA TYPE 3: An area or parcel of real property where the release, disposal or migration, or some combination thereof, of hazardous substances has occurred, but at concentrations that do not require a removal or remedial action.

ECP AREA TYPE 4: An area or parcel of real property where the release, disposal or migration, or some combination thereof, of hazardous substances has occurred, and all remedial actions necessary to protect human health and the environment have been taken.

ECP AREA TYPE 5: An area or parcel of real property where the release, disposal or migration, or some combination thereof, of hazardous substances has occurred, and removal or remedial actions, or both are underway, but all required actions have not yet been taken.

EPA AREA TYPE 6: An area or parcel of real property where the release, disposal or migration, or some combination thereof, of hazardous substances has occurred, but required response actions have not yet been initiated.

EPA AREA TYPE 7: An area or parcel of real property that is unevaluated or requires additional evaluation.

The Muller center was assigned an EPA AREA TYPE 7. The New York State Department of Environmental Conservation has documented migration of hazardous materials underground since 2006. This is referenced in the Environmental Condition Reports Executive Summary: “Areas of potential environmental concern were reviewed, and CH2M HILL identified Benzene, toluene, ethylbenzene, xylenes (BTEX), and methyl tertiary butyl ether (MTBE) contaminated ground water migrating toward the property from an adjacent property. The extent of the ground water plume has not yet been determined” Further, section 5.4 of the Environmental condition Report states relative to the contaminated adjacent property: “one of the facilities evaluated exhibit significant environmental conditions that have the *probability of adversely affecting the environmental conditions at another site*”

Section 5.2.4 goes further" Due to ground water flow direction, documented extensive ground water contamination, lack of ground water plume delineation, and close proximity of this site to the Property, contaminated ground water could be migrating to the property".

How much more evidence is necessary that a full environmental impact review be sought and a full impact report be compiled? Failure to do so would certainly implicate The Department of The Army in potential future responsibility for any related health problems tied to the migrating hazardous chemicals outlined in the Environmental Condition Report.

I hope that you will seriously consider taking necessary action here on the side of caution, and not deliver a ticking time bomb to future inhabitants.

Respectfully yours,



Larry Wilson
HYATT ASSOCIATION



STATE OF NEW YORK
DIVISION OF MILITARY AND NAVAL AFFAIRS
330 OLD NISKAYUNA ROAD
LATHAM, NEW YORK 12110-3514

ANDREW M. CUOMO
GOVERNOR
COMMANDER IN CHIEF

PATRICK A. MURPHY
MAJOR GENERAL
THE ADJUTANT GENERAL

June 25, 2012

Environmental Compliance

Ms. Amanda Murphy
99th Regional Support Command
Department of Public Works
5231 South Scott Plaza
Fort Dix, NJ 08640-5000

Dear Ms. Murphy:

This is in response to a letter of June 4, 2012, that was sent from Mr. Jeffrey Hrzic, Chief, Environmental Division of the 99th Regional Support Command, in which he requested comments on the Environmental Assessment (EA) for the SGT Joseph E. Muller U.S. Army Reserve Center (Muller USARC) located in the Bronx, NY.

Currently, the Division of Military and Naval Affairs has no plans to acquire the Muller USARC. If the City of New York or other entity were to acquire the Muller USARC and provide an offer to the New York National Guard to occupy the Muller USARC, we would examine and review such a proposal. Specific environmental programs should be directed toward an entity interested in acquiring the site from the Department of Defense.

If you have any questions, please contact Mr. Peter Jensen our Environmental Branch Chief at (518) 786-4548 or e-mail peter.jensen1@us.army.mil.

Sincerely,



Mark R. Warnecke
Acting Director of Facilities Management
and Engineering



THE CITY OF NEW YORK
BOROUGH OF THE BRONX
COMMUNITY BOARD 7



RUBEN DIAZ, JR., BOROUGH PRESIDENT

PAUL FOSTER, CHAIRMAN

FERNANDO P. TIRADO, DISTRICT MANAGER

June 25, 2012

Amanda Murphy
99th Regional Support Command
Department of Public Works
Department of the Army
5231 South Scott Plaza
Fort Dix, NJ 08640

Re: Reuse of the SGT. Joseph E. Muller U.S. Army Reserve Center, Bronx, NY

Ms. Murphy,

In response to the United States Army's preparation for the environmental assessment for the proposed action of closure, disposal, and reuse of the SGT. Joseph E. Muller U.S. Army Reserve Center, the members of the Board wish to express their concerns for proposed uses and offer an alternative that best serve the needs of the community and the Department of Defense.

The Board asks that the Defense Base Closure and Realignment Commission (BRAC) should reexamine the disposal of the Muller Armory property, considering current and new developments at the Kingsbridge Armory. As per the Under Secretary of Defense's January 2005 memorandum on selection criteria, it is the opinion of the Board that the relocation of the National Guard from the Kingsbridge Armory to the Muller Armory is a preferable alternative to current proposals for the following reasons:

- The Muller Armory's location can better accommodate operational readiness for the National Guard due to the significantly lower population density in the surrounding neighborhood than the neighborhood of Kingsbridge Heights'. There are over 200 hundred businesses and thousands of residents, school-age children, and visitors along Kingsbridge Road on any given day. With density expected to rise due to proposed commercial developments, it is important to consider the economic impact of maintaining the National Guard in such a heavily populated area. The Board believes that at some point in the near future, BRAC will have no choice but to address this issue and that it would be prudent to do so before having to expend additional resources to find an alternative site for the National Guard.
- The Muller Armory's close proximity to major highways and roads provides a better receiving location for accommodating contingency, mobilization, surge, and future total force requirements than the Kingsbridge Armory. The Board asks that BRAC and the Department of the Army consider current vehicular traffic conditions on highways and major arterial roads near the Kingsbridge Armory to determine if they in fact hamper the National Guard's ability to respond to issues and the advantages of deployment from the Muller Armory instead.
- The infrastructure of the National Guard's facilities near the Kingsbridge Armory is in need of significant capital improvement and the Board opines that the long-term cost of modernizing this facility to support future forces, missions, and personnel is greater than the cost of relocating to the Muller Armory to support operations and training.

229-A EAST 204TH STREET ♦ BRONX, NY 10458 ♦ PHONE: (718) 933-5650 ♦ FAX: (718) 933-1829
E-MAIL: INFO@BRONXCB7.INFO ♦ WEBSITE: WWW.BRONXCB7.INFO



THE CITY OF NEW YORK
BOROUGH OF THE BRONX
COMMUNITY BOARD 7



RUBEN DIAZ, JR., BOROUGH PRESIDENT

PAUL FOSTER, CHAIRMAN

FERNANDO P. TIRADO, DISTRICT MANAGER

- While sympathetic to the needs of the homeless, the Board stands with Community Board 12 and is strongly opposed to the clustering of homeless shelters in one location so as to overwhelm any one neighborhood as per the City's Fair Share requirements. While not the role of the Army to become involved in disputes in local government, we believe that it is the responsibility of the Army to consider the economic impact its decisions may have on communities regarding the use or disposal of its properties. The Board believes that reusing the Muller Armory for the National Guard will have a greater economic impact on the Wakefield community than the Doe Fund proposal for another facility for the homeless.
- In line with current economic development initiative near the Kingsbridge Armory, the Board is in favor of the disposal of the adjacent National Guard facilities for the purposes of developing schools to address the severe overcrowding in the district. The Board believes that the disposition of this facility to the School Construction Authority will have a positive economic impact for both the community and the Army and ask that BRAC conduct a cost-benefit analysis to weigh the pros and cons of the disposal of this property.

On the behalf of the Board, we would like to thank you for taking this opportunity to express our concerns and suggestions regarding this matter. Please reach out to our office if you have any questions regarding this matter. Thank you.

Sincerely,

Paul Foster
Chairman, BxCB7

Fernando P. Tirado
District Manager, BxCB7

229-A EAST 204TH STREET ♦ BRONX, NY 10458 ♦ PHONE: (718) 933-5650 ♦ FAX: (718) 933-1829
E-MAIL: INFO@BRONXCB7.INFO ♦ WEBSITE: WWW.BRONXCB7.INFO

Wakefield Taxpayers & Civic League, Inc.

Founded 1913

Incorporated 1931

MEETINGS: THIRD THURSDAY OF: FEBRUARY, APRIL, JUNE, SEPTEMBER, AND NOVEMBER

website address--www.neighborhoodlink.com/bronx/wtcl e-mail address-- wtcl913@yahoo.com

June 25, 2012

4330 Matilda Avenue
Bronx, New York 10466

TEL 718 324 8564
FAX 718 324 6395

Mary V. Lauro
President

Andy Lalchandani
1st Vice-president

Charles Bartolotta
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Trustee

Virginia Sanders
Trustee

Mr. Jeffrey M. Hrzic
Chief, Environmental Division
99th RSC, Dept. of Public Works
5231 South Scott Plaza
Fort Dix, New Jersey 08640

Reference: Letter of June 4th to Bronx Borough President, Ruben Diaz, asking for comments regarding the National Environmental Assessment for the Closure, Disposal, and Reuse of the Joseph E. Muller Army Reserve Center in the Borough of the Bronx, New York (555 Nereid Avenue).

Dear Mr. Hrzic:

We understand that your division is assessing the Muller ARC for two possible uses: as a shelter for homeless males and as a base for the National Guard unit currently stationed at an annex of the Kingsbridge Armory in the Bronx.

We do not recommend, indeed oppose, use of the Muller ARC as a shelter for a variety of reasons amongst which is the strong potential of harmful health effects on individuals who would be living and sleeping in a possibly carcinogenic environment.

Although there is evidence that whatever testing has been done is insufficient, there is nonetheless evidence that leakage from the Hess station (approximately 265 ft. from the ARC facility) has infiltrated ground water in a toxic "plume" consisting of benzene, toluene, ethyl benzene, xylenes and methyl tertiary butyl ether. All of these are highly volatile materials which could easily infiltrate the structure.

Some of these solvents have been identified as carcinogens and teratogens. The toxicity of benzene is well known. Compounds containing the benzene ring have been looked upon with suspicion in neurological illnesses such as Parkinson

Remediation of the plume would require extensive soil removal. But there is no guarantee that Hess storage tanks will not develop leaks in the future to restore the plume or to enhance it. Barriers to such accidents are untested.

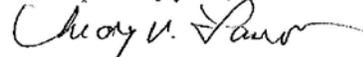
We look upon the foregoing as well as the possible presence of lead paint, asbestos, radioactive residues, etc. already mentioned in your report as well as the presence, neglected in your report, of PCBs, plasticizers commonly used in vinyl products identified as a carcinogens, as creating an unhealthy environment for shelters in which people live, eat and sleep. With or without remediation, should illness be experienced, there will be cause for litigation and adjudication by the vagaries of our judicial system

Further, we feel that, while remediation is possible, the COST exceeds necessity when the second possible use, at a fraction of cost, is available: moving the National Guard stationed at an annex of the Kingsbridge Armory into the Facility. Two assessment/reports sponsored by NYC Mayor Bloomberg both reported that best use of the facility would be a "similar use." While we understand that some remediation of hazardous material would be required, the main problem, the underground plume would not pose as much of a threat since no one using the facility would be required to spend the major part of a day in its confines. We estimate that any threat to health would be minimal.

WE BRING TO YOUR ATTENTION that less than 300 ft. from the Muller Army reserve Center under consideration, NYC is contracting to build a 100 bed facility for homeless men. This building is directly adjacent to the Hess Station. Should the Muller ARC also be utilized as a homeless shelter, it would mean the influx of a troubled population of 300 males in less than one block adjacent to streets of one and two family houses. Socioeconomic factors would be dismally impacted for the Wakefield and Woodlawn communities in the Bronx and the Hyatt community in Yonkers. Furthermore, a 70 unit supportive housing facility for the same type of troubled population is slated to be constructed less than four blocks away!

We thank you for the opportunity to voice our concerns.

Respectfully yours,



Mary V. Lauro
President

From: Christopher Coyne [mailto:chris1862@optimum.net]
Sent: Mon 25-Jun-12 19:03
To: amanda.w.murphy.ctr@us.army.mil; wronda@bronxbp.nyc.gov; Gorman, Richard
Subject: Muller Army Reserve Center Concerns

June 25, 2012

Mr. Jeffrey M. Hrzic
Chief, Environmental Division
Department of the Army
Headquarters, 99th Regional Support Command
5231 South Scott Plaza
Fort Dix, New Jersey 08640-5000

Dear Mr. Hrzic,

I am writing to you today in response to your letter of June 4th, 2012 seeking comments regarding the transfer of the Muller Army Reserve Center, at 555 East 238th Street in the Bronx, New York. While the Base Closure Act will allow for bases to be converted to Homeless Shelters under certain circumstances, this property should not be used for that purpose.

The issues raised in the Environmental Assessment are significant, especially because of the potential for harm considering a fairly dense residential use. The Report on the Environmental Condition of the Property prepared for the Army by the Environmental Consulting firm CH2M HILL in June 2007 was cursory at best. It was described as a "visual, non-intrusive reconnaissance of the property" and left many unanswered questions. Failure to perform a full environmental Impact statement would be a liability to future residents, especially in light of the proposed use.

The Environmental Condition report contained a certification page. There were two signatures that could have appeared on that form. Only one signature appeared. The missing signature of the Acting Facility Management Officer, John Wohrle would have certified "that all information/documentation provided accurately reflects the environmental Condition of the property". Mr. Wohrle never signed. The official that did sign, Lenard Gunnell, Project Geologist could only certify that "the contents of this report are in general accordance with Department of Defense policies for the completion of an ECP Report" This is a far cry from any meaningful certification of the environmental condition of the property.

The Environmental Consulting Firm, CH2M HILL also takes no responsibility for its findings. From the Introduction of the Environmental Condition Report; "In preparing this ECP Report, CH2M HILL gathered information from the available records and previous work from others, interviews with individuals purporting to be familiar with the property, and observations from a site reconnaissance. The accuracy of the information obtained from these sources was not verified by CH2M HILL. As such, CH2M HILL will make no warranty, expressed or implied, relative to the accuracy, completeness or reliability of the information used to create the records and reports prepared by others".

So, the big consulting firm interviews people that they do not know to be reliable, completes a report that the Army cannot certify as "accurately reflecting the environmental condition of the property" and now we contemplate turning it into a residence housing hundreds of residents, some with fragile medical conditions. This is simply wrong and will certainly constitute grounds for liability for the Army and the City of New York if this transfer for use as a homeless shelter goes forward.

Of particular concern in the Environmental Condition Report is the classification of the property by the Department of Defense. There are 7 possible Environmental Condition Report Categories defined by The Department of Defense to describe this property.

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EPA AREA TYPE 7: An area or parcel of real property that is unevaluated or requires additional evaluation.

The Muller center was assigned an EPA AREA TYPE 7. The New York State Department of Environmental Conservation has documented migration of hazardous materials underground since 2006. This is referenced in the Environmental Condition Reports Executive Summary: "Areas of potential environmental concern were reviewed, and CH2M HILL identified Benzene, toluene, ethylbenzene, xylenes (BTEX), and methyl tertiary butyl ether (MTBE) contaminated ground water migrating toward the property from an

adjacent property. The extent of the ground water plume has not yet been determined" Further, section 5.4 of the Environmental condition Report states relative to the contaminated adjacent property: "one of the facilities evaluated exhibit significant environmental conditions that have the probability of adversely affecting the environmental conditions at another site"

Section 5.2.4 goes further" Due to ground water flow direction, documented extensive ground water contamination, lack of ground water plume delineation, and close proximity of this site to the Property, contaminated ground water could be migrating to the property".

How much more evidence is necessary that a full environmental impact review be sought and a full impact report be compiled? Failure to do so would certainly implicate The Department of The Army in potential future responsibility for any related health problems tied to the migrating hazardous chemicals outlined in the Environmental Condition Report.

I hope that you will seriously consider taking necessary action here on the side of caution, and not deliver a ticking time bomb to future inhabitants.

Respectfully yours,

Christopher Coyne
96 Cox Avenue Yonkers, NY 10704



Bronx Borough President Ruben Diaz Jr.

June 29, 2012

Via Email and U.S. Post

Ms. Amanda Murphy
99th RSC
Department of Public Works
5231 South Scott Plaza
Fort Dix, NJ 08640-5000
Amanda.w.murphy.ctr@us.army.mil

Re: NEPA Environmental Assessment
SGT Joseph E. Muller U.S. Army Reserve Center
Borough of the Bronx, New York

Dear Ms. Murphy:

This is in response to a letter dated June 4, 2012 from Mr. Jeffrey Hrzic, the Chief of the Environmental Division of the 99th Regional Support Command, requesting comments on the environmental review the Department of the Army is currently conducting pursuant to the National Environmental Policy Act ("NEPA") in connection with the "closure, disposal and reuse of the SGT. Joseph E. Muller U.S. Army Reserve Center, Borough of the Bronx, New York" (referred to herein as the "Muller ARC").

First, and foremost, as described in my letter of July 13, 2011, attached hereto, the submission for the reuse of the Muller ARC delivered by the City of New York on June 29, 2011 to the Department of Housing and Urban Development ("HUD") did not, and does not, conform to the requirements of the Defense Base Closure and Realignment Act ("BRAC") nor BRAC regulations. The submission made to HUD by the City of New York (the "City") was not a proper or legal submission of the Muller Local Redevelopment Authority (the "LRA"). Moreover, the supplemental information dated February 16, 2012, May 29, 2012 and June 8, 2012 that was provided by the City to HUD with respect to the Muller ARC was neither prepared nor approved by the LRA. Consequently, the Department of the Army has no legal basis for conducting an environmental assessment of the facility and we urge the Department of the Army to postpone the NEPA process until HUD has been given a legal and proper submission from the LRA.

Office of the Bronx Borough President . 851 Grand Concourse, Suite 301. Bronx, New York 10451 . 718.590.3500

If the Department of the Army insists on continuing the NEPA process, we believe the environmental issues presented in connection with the "closure, disposal and reuse" of this former Army Reserve Center facility are "significant" as that term is used in NEPA. Accordingly, the Department of the Army is legally required to undertake an Environmental Impact Statement ("EIS") in connection with this proposed decision.

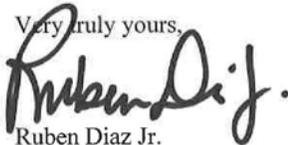
Specifically, there is substantial evidence that the property has been the subject of environmental contamination both from onsite and offsite sources. The continued existence of this contamination or the residue therefrom, and the proposed use of this property as a site for housing poor, indigent or otherwise disadvantaged constituents of mine, creates the basis for substantial concern with respect to the disposal and reuse of this property.

The existence of this contamination, and the historic use of this and adjacent properties clearly classifies the substantial environmental concern which this Office and a large number of citizens of the Bronx have about this proposed action.

As it is your office's responsibility to thoroughly undertake the environmental review consistent with NEPA procedures, your decision is significant, as it affects the quality of the human environment and the required EIS. Please confirm to us when the Draft EIS is available for review and comment. We will, and between many other knowledgeable and concerned Bronx residents will, participate in the public review of this document.

Your serious attention to this matter is warranted and respectfully requested. Furthermore, we respectfully request a phone meeting with your office to discuss these important matters and will contact you soon in that regard.

Very truly yours,



Ruben Diaz Jr.

cc: Hon. Eliot L. Engel, Congressman – 17th District
Hon. Jeffrey D. Klein, State Senator – 34th District
Hon. Jeffrey Dinowitz, Assemblyman – 81st District
Hon. G. Oliver Koppell, Councilman – 11th District
Jeffrey M. Hrzic, Chief of Environmental Division
Dan Glasson, OEA

Attachment to Bronx Borough President
Ruben Diaz Jr. Scoping Letter - 29 June 2012

Page 2

requirements of the agreement that formed the Muller LRA. Due to this failure to conform to the most basic requirements of the BRAC statute and LRA agreement, I respectfully urge you to reject the Homeless Assistance Submission delivered to HUD by the mayor's office on June 30, 2011, and to convene a meeting amongst the parties to determine how, if possible, a conforming submission could still be provided.

As stated in my prior correspondence to Mr. O'Brien, dated January 4, 2011 (attached hereto), my counterparts on the Muller LRA have undertaken a long series of actions that have compromised the integrity of the process. These actions have included misrepresentations made in a letter from the City to the Office of Economic Adjustment (OEA), dated December 14, 2010, which stated that "significant progress" had been made in determining the reuse of the Muller facility despite a total impasse at that point on how to proceed with Muller's disposition. Additionally, there have been gross omissions in the City's Homeless Assistance Submission, each iteration of which has omitted the consideration of the City's homeless families, which comprise 75 percent of the City's homeless population, in assessing the need for a new homeless facility at the Muller site. As the Bronx already houses 40 percent of the City's homeless families, the failure to include this measure in the LRA's analysis creates a seriously flawed document that ignores how Bronx County already addresses the continuum of care needs of its homeless population. There has also been a failure to seriously consider the Notice of Interest submitted by the New York State Division of Military and Naval Affairs on June 12, 2009, pursuant to which the New York National Guard would acquire and relocate its units and offices currently stationed in the Kingsbridge section of the Bronx to the Muller facility.

Most importantly, the Homeless Assistance Submission provided to HUD on June 30, 2011, was not approved by a vote of the LRA representatives in a formal meeting as required by both BRAC regulations and the Muller LRA agreement. The Muller LRA agreement, which expired for the second time on December 31, 2010, was extended for a second time until June 30, 2011, only in response to the excellent efforts of OEA staff, who hosted a site meeting at the Muller facility on March 4, 2011, to help mediate the dispute. At that meeting, I was assured by my LRA counterparts from the Mayor's Office that the people of the Bronx would be heard at a public hearing, after which a vote would be taken. Assured of both a public hearing and a formal vote I agreed in good faith to reengage in the LRA process, despite our disagreements, and executed an extension of the LRA agreement on April 27, 2011.

A public hearing on the possible reuse of the Muller facility was conducted, without incident, on June 22, 2011. Three hundred and thirty three persons attended this hearing, with 30 testifying and another 20 submitting written comments. With the exception of a statement read on behalf of Deputy Mayor Linda Gibbs, all spoken and written comments put forward at the hearing were unanimous in their opposition to the use of the Muller facility as a homeless shelter.

It has since become obvious that the mayor's office had no intention of considering public input from that hearing, which is an integral part of the BRAC process, particularly the Homeless

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Assistance Submission or Redevelopment Plan. On June 27, 2011, my office called the City attorney in the mayor's office working on the final submission to request a copy of the document for our review in preparation for the upcoming LRA meeting and vote on the submission. We were told the submission was not ready and would be delivered for our review shortly. By June 29, 2011, we had not received anything from the Mayor's Office. On the afternoon of June 29, 2011, my office called the City attorney working on the final submission to make a second request for a copy of the final submission for our review. We were informed that the final submission had already been sent to HUD and that it was the City's position that a vote had already been taken to approve the Homeless Assistance Submission at a meeting at City Hall, held on November 23, 2010. On that date, I met with my counterparts on the LRA to informally discuss how we might move forward with the BRAC process. Prior to that meeting's start, it was acknowledged by everyone in the room that the meeting was not an official meeting of the LRA

Despite a number of facts indicating otherwise, such as the aforementioned acknowledgment of the informal nature of the November 23, 2010, meeting, the fact that a LRA meeting was not formally called for November 23, 2010, the fact that a homeless assistance submission was not presented for consideration at the November 23 meeting, that a roll call vote was not taken at the meeting, all of which is required by the LRA agreement; and despite the fact the City's representatives admitted in the December 14, 2010, correspondence to OEA (attached hereto) that the final submission had not been prepared and a vote to approve the final submission would be held sometime after April 22, 2011, the City has created a brazen fiction that the Homeless Assistance Submission provided on June 30, 2011, was approved on November 23, 2010, at a LRA meeting that never happened.

The contention that the mayor's office has invented a November 2010 vote is backed up by both their own actions and those of the LRA. As far back as April, OEA staff produced documents that created milestones for a public hearing and a formal vote, which the mayor's office was both aware of and agreed to. My staff also discussed the hearing and the vote directly with the mayor's office as early as May 16, 2011. During a discussion on the next steps for completing the process between my staff and that of the mayor's office, it was specifically stated that there would be a public hearing on June 22, 2011, and a vote within seven days of the hearing, no later than June 30, 2011. These milestones were discussed again on June 7, 2011.

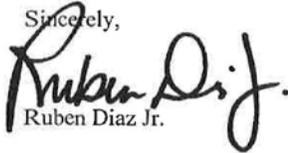
Despite all the prior assurances of a formal vote, the mayor's office waited until June 29, 2011, to inform my office that it believed a vote had already taken place on November 23, 2010, and that no other vote would take place. On June 29, 2011, the City issued the final Homeless Assistance Submission to HUD without providing it to my office for review, despite my standing as one-third of the LRA.

Page 4

Aside from the failure of the mayor's office to provide the plan to my staff for adequate review, the mayor's office has also failed to explain why they would hold a public hearing to comment on the submission in June 2011 and then claim that a vote on that same submission took place seven months earlier. I, my staff, and most importantly my constituents remain flabbergasted at this twisted logic, which at best represents a misunderstanding of the LRA process or, at worst, is an outright lie.

I am hoping that you can assist us in redressing this severely flawed process. If this matter cannot be resolved civilly, however, I will have no choice but to pursue legal action.

Sincerely,



Ruben Diaz Jr.

RDJr./p&d/wr

cc:

Lynn Morgan, HUD
Winston Sale, HUD
Dan Glasson, OEA

COMMITTEE ON
FOREIGN AFFAIRS
RANKING MEMBER
WESTERN HEMISPHERE SUBCOMMITTEE
EUROPE AND EURASIA SUBCOMMITTEE

COMMITTEE ON
ENERGY AND COMMERCE
HEALTH SUBCOMMITTEE
ENERGY AND POWER SUBCOMMITTEE
ASSISTANT DEMOCRATIC WHIP



Congress of the United States
House of Representatives
ELIOT L. ENGEL

17th DISTRICT, NEW YORK

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(914) 699-4100

261 WEST NYACK ROAD
WEST NYACK, NY 10994
(845) 735-1000

WEBSITE: <http://engel.house.gov>

June 28, 2012

Jeffrey M. Hrzic
Chief, Environmental Division
99th Regional Support Command
Department of Public Works
5231 South Scott Plaza
Fort Dix, NJ 08640

Dear Chief Hrzic:

I submit these comments on the National Environmental Policy Act Environmental Assessment for the Closure, Disposal, and Reuse of the SGT Joseph E. Muller U.S. Army Reserve Center ("Muller Center"), Borough of the Bronx, New York. My submission focuses exclusively on socioeconomic, the fifth of five environmental resource areas detailed by the Army for analysis, and concludes that the optimal use for the Muller Center is to relocate the National Guard and New York Guard units from the annex adjacent to the Kingsbridge Armory.

The Muller Center is a large, four-story building on the corner of 238th Street and Nereid Avenue in the Wakefield neighborhood of the Bronx. Wakefield, and its neighbor Williamsbridge, are close-knit family-centric neighborhoods where children walk to school and parents walk to work or to the two nearby Metro-North train stations.

The Local Redevelopment Authority's (LRA) preferred alternative is an expensive and misguided plan to convert the Muller Center to a 200 bed men's homeless shelter. The LRA is required by law to consider "the interests in the use to assist the homeless" in preparing its redevelopment plan, but it is not required to select that alternative – especially in the face of overwhelming evidence that it should select another plan. Conversion to a homeless shelter would cost taxpayers in excess of \$10 to \$15 million, and it would add yet another homeless shelter to a community that already accommodates multiple shelters. Besides the Muller Center, a 108 bed chemical dependency transitional shelter is scheduled to be built across the street at 4380 Bronx Boulevard, and a 64 unit homeless shelter for people with HIV/AIDS is planned for 4339 White Plains Road. The addition of the Muller Center would make three new homeless facilities within five blocks.

A better and cheaper alternative is to use the Muller Center to house the National Guard units currently occupying the Kingsbridge Armory annex buildings. On June 1, 2009, the New York State Division of Military and Naval Affairs submitted a Notice of Intent to secure occupancy rights to the Muller Center. The reuse of the building by the National Guard would require a minimal taxpayer expense of about \$750,000, and have no negative impact on the surrounding neighborhoods. In addition, housing the National Guard in the Muller Center would clear space in the Kingsbridge Armory annex for the construction of two sorely needed public schools and other economic development projects.

In short, the LRA's plan to add another homeless shelter to an area already saturated with homeless shelters is an ill-advised and unfair plan that makes little sense from a socioeconomic perspective. I encourage the Department of the Army to set aside the LRA's recommendation, and reassign the Muller Center for use by the National Guard and New York Guard units.

Sincerely,



Eliot L. Engel
Member of Congress

June 29, 2012

Chief Jeffery Hrzic
Environmental Division
Department of the Army
Headquarters, 99th Regional Support Command
5231 South Scott Plaza
Fort Dix, NJ 08640-5000

Dear Chief Hrzic,

I am writing to you today in response to your letter of June 4th, 2012 seeking comments regarding the transfer of the Muller Army Reserve Center, at 555 East 238th Street in the Bronx, New York. While the Base Closure Act will allow for bases to be converted to Homeless Shelters under certain circumstances, this property should not be used for that purpose.

The issues raised in the Environmental Assessment are significant, especially because of the potential for harm considering a fairly dense residential use. The Report on the Environmental Condition of the Property prepared for the Army by the Environmental Consulting firm CH2M HILL in June 2007 was cursory at best. It was described as a "visual, non-intrusive reconnaissance of the property" and left many unanswered questions. Failure to perform a full environmental Impact statement would be a liability to future residents, especially in light of the proposed use.

The Environmental Condition report contained a certification page. There were two signatures that could have appeared on that form. Only one signature appeared. The missing signature of the Acting Facility Management Officer, John Wohrle would have certified "that all information/documentation provided accurately reflects the environmental Condition of the property". Mr. Wohrle never signed. The official that did sign, Lenard Gunnell, Project Geologist could only certify that "the contents of this report are in general accordance with Department of Defense policies for the completion of an ECP Report" This is a far cry from any meaningful certification of the environmental condition of the property.

The Environmental Consulting Firm, CH2M HILL also takes no responsibility for its findings. From the Introduction of the Environmental Condition Report; " In preparing this ECP Report, CH2M HILL gathered information from the available records and previous work from others, interviews with individuals purporting to be familiar with the property, and observations from a site reconnaissance. The accuracy of the information obtained from these sources was not verified by CH2M HILL. As such, CH2M HILL will make no warranty, expressed or implied, relative to the accuracy, completeness or reliability of the information used to create the records and reports prepared by others".

So, the big consulting firm interviews people that they do not know to be reliable, completes a report that the Army cannot certify as "accurately reflecting the environmental condition of the property" and now we contemplate turning it into a residence housing hundreds of residents, some with fragile medical conditions. This is simply wrong and will certainly constitute grounds for liability for the Army and the City of New York if this transfer for use as a homeless shelter goes forward.

Of particular concern in the Environmental Condition Report is the classification of the property by the Department of Defense. There are 7 possible Environmental Condition Report Categories defined by The Department of Defense to describe this property.

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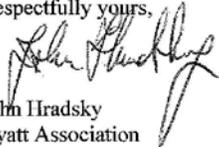
The Muller center was assigned an EPA AREA TYPE 7. The New York State Department of Environmental Conservation has documented migration of hazardous materials underground since 2006. This is referenced in the Environmental Condition Reports Executive Summary: "Areas of potential environmental concern were reviewed, and CH2M HILL identified Benzene, toluene, ethylbenzene, xylenes (BTEX), and methyl tertiary butyl ether (MTBE) contaminated ground water migrating toward the property from an adjacent property. The extent of the ground water plume has not yet been determined" Further, section 5.4 of the Environmental condition Report states relative to the contaminated adjacent property: "one of the facilities evaluated exhibit significant environmental conditions that have the probability of adversely affecting the environmental conditions at another site"

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I hope that you will seriously consider taking necessary action here on the side of caution, and not deliver a ticking time bomb to future inhabitants.

Respectfully yours,


John Hradsky
Hyatt Association

June 29, 2012

Chief Jeffery Hrzic
Environmental Division
Department of the Army
Headquarters, 99th Regional Support Command
5231 South Scott Plaza
Fort Dix, NJ 08640-5000

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ECP AREA TYPE 5: An area or parcel of real property where the release, disposal or migration, or some combination thereof, of hazardous substances has occurred, and removal or remedial actions, or both are underway, but all required actions have not yet been taken.

EPA AREA TYPE 6: An area or parcel of real property where the release, disposal or migration, or some combination thereof, of hazardous substances has occurred, but required response actions have not yet been initiated.

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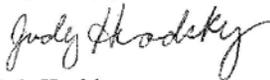
The Muller center was assigned an EPA AREA TYPE 7. The New York State Department of Environmental Conservation has documented migration of hazardous materials underground since 2006. This is referenced in the Environmental Condition Reports Executive Summary: "Areas of potential environmental concern were reviewed, and CH2M HILL identified Benzene, toluene, ethylbenzene, xylenes (BTEX), and methyl tertiary butyl ether (MTBE) contaminated ground water migrating toward the property from an adjacent property. The extent of the ground water plume has not yet been determined" Further, section 5.4 of the Environmental condition Report states relative to the contaminated adjacent property: "one of the facilities evaluated exhibit significant environmental conditions that have the probability of adversely affecting the environmental conditions at another site"

Section 5.2.4 goes further" Due to ground water flow direction, documented extensive ground water contamination, lack of ground water plume delineation, and close proximity of this site to the Property, contaminated ground water could be migrating to the property".

How much more evidence is necessary that a full environmental impact review be sought and a full impact report be compiled? Failure to do so would certainly implicate The Department of The Army in potential future responsibility for any related health problems tied to the migrating hazardous chemicals outlined in the Environmental Condition Report.

I hope that you will seriously consider taking necessary action here on the side of caution, and not deliver a ticking time bomb to future inhabitants.

Respectfully yours,



Judy Hradsky
Hyatt Association

Mr. Jeffrey M. Hrzic
Chief, Environmental Division
Department of the Army
Headquarters, 99th Regional Support Command
5231 South Scott Plaza
Fort Dix, New Jersey 08640-5000

Dear Mr. Hrzic,

I am writing to you today in response to your letter of June 4th, 2012 seeking comments regarding the transfer of the Muller Army Reserve Center, at 555 East 238th Street in the Bronx, New York. While the Base Closure Act will allow for bases to be converted to Homeless Shelters under certain circumstances, this property should not be used for that purpose.

The issues raised in the Environmental Assessment are significant, especially because of the potential for harm considering a fairly dense residential use. The Report on the Environmental Condition of the Property prepared for the Army by the Environmental Consulting firm CH2M HILL in June 2007 was cursory at best. It was described as a "visual, non-intrusive reconnaissance of the property" and left many unanswered questions. Failure to perform a full environmental impact statement would be a liability to future residents, especially in light of the proposed use.

The Environmental Condition report contained a certification page. There were two signatures that could have appeared on that form. Only one signature appeared. The missing signature of the Acting Facility Management Officer, John Wohrle would have certified "that all information/documentation provided accurately reflects the environmental Condition of the property". Mr. Wohrle never signed. The official that did sign, Lenard Gunnell, Project Geologist could only certify that "the contents of this report are in general accordance with Department of Defense policies for the completion of an ECP Report" This is a far cry from any meaningful certification of the environmental condition of the property.

The Environmental Consulting Firm, CH2M HILL also takes no responsibility for its findings. From the Introduction of the Environmental Condition Report; "In preparing this ECP Report, CH2M HILL gathered information from the available records and previous work from others, interviews with individuals purporting to be familiar with the property, and observations from a site reconnaissance. The accuracy of the information obtained from these sources was not verified by CH2M HILL. As such, CH2M HILL will make no warranty, expressed or implied, relative to the accuracy, completeness or reliability of the information used to create the records and reports prepared by others".

So, the big consulting firm interviews people that they do not know to be reliable, completes a report that the Army cannot certify as "accurately reflecting the environmental condition of the property" and now we contemplate turning it into a residence housing hundreds of residents, some with fragile medical conditions. This is simply wrong and will certainly constitute grounds for liability for the Army and the City of New York if

this transfer for use as a homeless shelter goes forward.

Of particular concern in the Environmental Condition Report is the classification of the property by the Department of Defense. There are 7 possible Environmental Condition Report Categories defined by The Department of Defense to describe this property.

ECP AREA TYPE 1: An area or parcel of real property where NO release or disposal of hazardous substances or petroleum products or their derivatives has occurred (including no migration of these substances from adjacent properties).

ECP AREA TYPE 2: An area or parcel of real property where only the release or disposal of petroleum products or their derivatives has occurred.

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Mr. Jeffrey M. Hrzic
Chief, Environmental Division
Department of the Army
Headquarters, 99th Regional Support Command
5231 South Scott Plaza
Fort Dix, New Jersey 08640-5000

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Respectfully yours,

Arnold Cullen
Yonkers Residents



OFFICE OF THE MAYOR
MIKE SPANO

July 2, 2012

Jeffrey M. Hrzic
Chief, Environmental Division
Department of the Army
Headquarters, 99th Regional Support Command
5231 South Scott Plaza
Fort Dix, NJ 08640

Chief Jeffrey M. Hrzic,

I am writing this letter to formally request that environmental issues at the Joseph E. Muller U.S. Reserve Center, located at 555 East 238th Street in the Bronx, be the subject of a full Environmental Impact Statement. As Mayor of the City of Yonkers, it is my duty to ensure that the health and safety of the residents are protected from any foreseeable harm, especially harm that can be mitigated through a proper environmental review.

The June 2007 Environmental Condition report, as prepared by the Environmental Consulting Firm CH2M, identifies the chemical elements of the contaminated groundwater that have serious health hazard consequences for the residents of Yonkers. This report speaks volumes as to the serious health risks that should not go unevaluated. The chemical cocktail of benzene, toluene, ethylbenzene, xylenes (BTEX), and methyl tertiary butyl ether (MTBE) in the ground water requires immediate action and responsible review, especially since the reach of the contamination is not fully understood at this time.

Please consider the adverse effects that this situation poses for the residents of Yonkers and our neighbors in the Bronx. With that in mind, I respectfully request that you consider undergoing a full Environmental Impact Statement for this property prior to determining how this property will be utilized.

Sincerely,

MIKE SPANO
Mayor

CITY HALL • 40 SOUTH BROADWAY • YONKERS, NY 10701 • TEL. 914.377.6300 / FAX 914.377.6048 • EMAIL: MIKE.SPANO@YONKERSNY.GOV
WWW.YONKERSNY.GOV

MJS/csl

Cc: Hon. Ruben Diaz, Jr., Bronx Borough President
Hon. Dennis Shepherd, Yonkers City Council 4th District
Mr. Larry Wilson, Hyatt Association
Father Richard F. Gorman, Community Board #12

Enc.



OFFICE OF THE MAYOR
MIKE SPANO

June 25, 2012

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

Dear Mayor ~~Bloomberg~~,

It is with urgency that I write on behalf of the residents of the City of Yonkers in continuing my strong opposition to the proposed homeless shelter at the Muller Army Reserve Center in the Wakefield section of the Bronx. I share the concern of many residents in Southeast Yonkers, those in the Bronx, as well as Bronx Borough President Ruben Diaz, Jr. that the proposed site, located less than 250 feet from the Bronx-Yonkers border, would have a negative impact on the public safety, health and overall quality of life of those who reside in the area.

Southeast Yonkers is comprised of family-centric, residential neighborhoods where children walk to school and play in nearby parks, and where many residents walk to local Mclean Avenue businesses or to the two nearby Metro-North train stations. Within a half mile of the proposed site are three Yonkers schools, four houses of worship, two community centers and a vibrant small business community. While I understand the importance of offering vital support services to those without shelter, the introduction of a sizeable homeless population to this largely residential area is inappropriate and inconsiderate of the quality of life our residents expect and deserve.

Of additional concern are the hazardous environmental issues raised in the 2007 Environmental Condition Report which includes the classification of the site as an ECP Area Type 7 – an area or parcel of real property that is unevaluated or requires additional evaluation. It is critically important that these safety concerns be considered and that public health is always protected.

As Mayor of the City of Yonkers, it is always my intention to ensure that decisions made within our borders do not adversely impact our neighbors next door. In that respect, it is my hope that your administration will take into consideration the adverse impact this proposal may have on our city and the very strong opposition from thousands of residents, business owners, community leaders and elected officials in the area.

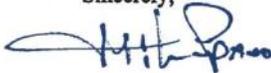
[continued]

CITY HALL • 40 SOUTH BROADWAY • YONKERS, NY 10701 • TEL. 914.377.6300 / FAX 914.377.6048 • EMAIL: MIKE.SPANO@YONKERSNY.GOV
WWW.YONKERSNY.GOV

Page 2: Hon. Michael R. Bloomberg, June 25, 2012

In working to resolve all issues and concerns on behalf of both our cities, my administration and I are readily available to meet with you and your administration in regard to this proposal. As always, thank you for your attention to this important matter. I am confident we may reach an agreement that provides for the best interests of residents both here in the City of Yonkers and the City of New York.

Sincerely,



MIKE SPANO
Mayor

MJS/jb

Cc: Hon. Ruben Diaz, Jr., Bronx Borough President
Hon. Dennis Shepherd, Yonkers City Council 4th District
Mr. Larry Wilson, Hyatt Association
Father Richard F. Gorman, Community Board #12



DISTRICT OFFICE
3636 WALDO AVENUE
BRONX, NY 10463
(718) 549-7300
FAX: (718) 549-8945

CITY HALL OFFICE
250 BROADWAY, SUITE 1877
NEW YORK, NY 10007
(212) 788-7080
FAX: (212) 442-7827

okoppell@council.nyc.gov

THE COUNCIL OF
THE CITY OF NEW YORK
G. OLIVER KOPPELL
COUNCIL MEMBER
11TH DISTRICT, BRONX

CHAIR
COMMITTEE ON MENTAL HEALTH,
MENTAL RETARDATION, ALCOHOLISM, DRUG
ABUSE AND DISABILITY SERVICES

COMMITTEES
COMMUNITY DEVELOPMENT
CONSUMER AFFAIRS
EDUCATION
ENVIRONMENTAL PROTECTION
FINANCE
TECHNOLOGY
TRANSPORTATION

July 2, 2012

Ms. Amanda Murphy
Department of the Army
99th Regional Support Command
Department of Public Works
5231 South Scott Plaza
Fort Dix, New Jersey 08640

RE: Sgt. Joseph A. Muller Army Reserve Center

Dear Ms. Murphy:

I am writing regarding the Sgt. Joseph A. Muller Army Reserve Center which is located in my Council District.

The Sgt. Joseph A. Muller Army Reserve Center Redevelopment Master Plan notes a number of problems related to developing the site for residential or retail purposes, including mitigation of various toxins, such as asbestos, lead paint and contaminated groundwater, which may have affected indoor air quality. According to the Conclusions section of the Environmental Conditions and/or Concerns section of the report, "[b]ased on the information reviewed for this environmental assessment, a similar institutional/administrative use would likely be appropriate for the Sgt Joseph E. Muller US Army Reserve Center." (Plan, p. 31).

Re-deploying the remaining regiment of New York Guard troops, 1st Battalion 8th Regiment, which continue to utilize two small buildings adjacent to the Kingsbridge Armory to the Muller Army Reserve Center site, is the best use for this facility. There is interest on the part of the State Division of Military and Naval Affairs (DMNA) in relocating the remaining Guard units at the Kingsbridge Armory to the Muller site (see enclosed letter of June 12, 2009 from Paul McDonald, Director of Facilities Management and Engineering of the DMNA).

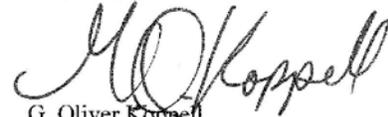
Ms. Amanda Murphy, Department of the Army
July 2, 2012
Page 2 of 2

Moving the Guard from Kingsbridge Armory to the Muller Building is in the interest of community and is supported by all of the elected officials representing the area. The residents of Wakefield and Woodlawn ardently oppose the proposal for an additional homeless shelter in their community and have collected petitions with 13,551 signatures which were submitted to the Local Redevelopment Authority on May 18, 2010. The residents of this area support bringing the National Guard to the Muller site.

There is great need for additional sites for housing homeless families and individuals and I have consistently defended shelters, transitional and supportive housing within my district, however, the Wakefield community has borne its share of such facilities. There are already 160 homeless units planned within a three block radius of the Muller Army Reserve Center. Adding a 300 bed shelter will have a tremendous impact on the middle-class homeowner community surrounding this site.

I strongly urge you to consider the wishes of the elected officials and the residents of the surrounding community.

Very truly yours,



G. Oliver Koppell
Council Member



THE CITY OF NEW YORK Borough Of The Bronx

COMMUNITY BOARD #12

FATHER RICHARD F. GORMAN, *CHAIRMAN*
CARMEN ROSA, *DISTRICT MANAGER*

4101 WHITE PLAINS ROAD
BRONX, NEW YORK 10466
TELEPHONE: (718) 881-4455/6
FAX: (718) 231-0635

3 July 2012

VIA E-MAIL

Ms. Amanda W. Murphy
Headquarters, 99TH Regional Support Command
Department of Public Works
United States Department of the Army
5231 South Scott Plaza
Fort Dix, New Jersey 08640-5000
amanda.w.murphyctr@us.army.mil

RE: National Environmental Policy Act Environmental Assessment for the Closure, Disposal, and Re-use of the Sgt. Joseph E. Muller United States Army Reserve Center (MULLER U.S.A.R.C.) in the Borough of The Bronx, New York

Dear Ms. Murphy:

I write with respect to the above-captioned matter in order to urge, at the very least, that a full-scale environmental review of THE SERGEANT JOSEPH E. MULLER UNITED STATES ARMY RESERVE CENTER (MULLER U.S.A.R.C.) be conducted prior to any transfer of the site to the City of New York for its re-use as a homeless facility by the NEW YORK CITY DEPARTMENT OF HOMELESS SERVICES (N.Y.C.D.H.S.). MULLER U.S.A.R.C. lies entirely within the territorial boundaries of Bronx Community District #12 and, *ergo*, falls within the jurisdiction and area of interest of Community Board #12 (The Bronx). Community Board #12 (The Bronx), like all fifty-nine (59) Community Boards established throughout the five (5) Boroughs of the City of New York, is empowered by Chapter LXX, §2700(d)(1)(2)(9) of THE CHARTER OF THE CITY OF NEW YORK to consider the welfare of its residents and the needs of its District, in particular its growth, improvement, and development. It is, accordingly, not only appropriate, but imperative that the UNITED STATES DEPARTMENT OF THE ARMY (U.S. ARMY) wholeheartedly take into account and, hopefully, comply with the ensuing observations and opinions of Community Board #12 (The Bronx).

If in true justice and adherence to the letter of the law, the prescriptions of THE DEFENSE BASE CLOSURE AND REALIGNMENT ACT (DEFENSE B.R.A.C.) are to be respected and obeyed, U.S. ARMY should not even be contemplating the undertaking

BAYCHESTER, EDENWALD, FISHBAY, OLINVILLE, WAKEFIELD, WILLIAMSBRIDGE, WOODLAWN



Ms. Amanda W. Murphy
Headquarters, 99TH Regional Support Command
Department of Public Works
United States Department of the Army
3 July 2012
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of an **ENVIRONMENTAL ASSESSMENT (E.A.)** of the aforesaid site. The presentation one (1) year ago of a **HOMELESS ASSISTANCE SUBMISSION** dated 29 June 2011 by the City of New York to the UNITED STATES DEPARTMENT OF URBAN DEVELOPMENT (U.S.H.U.D.) is in violation of the prerequisites of DEFENSE B.R.A.C. and the regulations established pursuant thereto. Said document was not authorized by a legally valid vote of THE MULLER LOCAL REDEVELOPMENT AUTHORITY (MULLER L.R.A.) because, in the specific refusal of The Honorable Ruben Diaz, Jr., the President of the Borough of The Bronx and one (1) of the three (3) designated members of MULLER L.R.A., to be present or to participate in a formal meeting of MULLER L.R.A., the necessary quorum of three (3) was not in attendance in order to conduct business. Moreover, in light of this incontrovertible fact, subsequent submissions made in this present year on 16 February 2012, 29 May 2012, and 8 June 2012 by the Administration of New York City Mayor Michael R. Bloomberg to U.S.H.U.D. relative to the disposal and the re-use of MULLER U.S.A.R.C. are neither validly devised nor sanctioned by MULLER L.R.A., the body authorized by law to so act. Consequently, it logically follows that U.S. ARMY has no legal standing to embark upon an **ENVIRONMENTAL ASSESSMENT (E.A.)** with respect to MULLER U.S.A.R.C. Community Board #12 (The Bronx) strongly recommends and must insist that U.S. ARMY immediately desist from any preparation of an **E.A.** of the facility until such time as officially authorized and lawful documentation is received from MULLER L.R.A. pursuant to a meeting legally convoked with the mandated presence of the necessary quorum.

Prior to tendering any specific comments and concerns on the matter of MULLER U.S.A.R.C.'s environmental suitability previous to transfer to the City of New York for re-use as a homeless shelter, I initially wish to question the underlying premise and supposition of **THE FINAL ENVIRONMENTAL CONDITION OF PROPERTY REPORT** for MULLER U.S.A.R.C. issued in June 2007 and "**certified**" [*cf., comments below*] by Lenard Gunnell, P.G., a Project Geologist for the Louisville, Kentucky District of the UNITED STATES ARMY CORPS OF ENGINEERS (U.S.A.C.E.) -- *viz.*, that said report could be conducted essentially on the basis of "**available records**" and "**previous reports**" along with a "**non-intrusive reconnaissance**" of the site [*cf., p.1-1*]. The aforementioned study readily attests that "**areas of potential environmental concern**" exist at the facility [*cf., p.III, Executive Summary*] and that, in some instances, were ascertained in "**contaminated groundwater migrating towards the Property**" [*ibid.*] as well as in "**the boiler breeching material,**" which was determined to be "**friable**" [*cf.,*

Ms. Amanda W. Murphy
Headquarters, 99TH Regional Support Command
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p.3-4, §3.5.2], even though a prior survey averred that all asbestos-containing material (A.C.M.) had been removed from the main building of the facility [*Ibid.*]. In light of this admission, should not THE FINAL ENVIRONMENTAL CONDITION OF PROPERTY REPORT (F.E.C.P.) of 2007 have been more thorough and intrusive, making greater use of current and on-site evaluations? Does the intention of N.Y.C.D.H.S. to house some two hundred (200) military veterans with chemical-dependency and/or mental health issues not impel U.S. ARMY, which once counted these men as its own and in whose service the predicament of these veterans may well have been triggered, to engage in a more methodical and meticulous study to verify the safety of their living quarters?

At this point, I should like to highlight specific concerns and objectionable issues contained in THE FINAL ENVIRONMENTAL CONDITION OF PROPERTY REPORT (F.E.C.P.) for MULLER U.S.A.R.C. issued in June 2007:

1. *p.I, Certification:* While Project Geologist Lenard Gunnell, P.G. affixes his signature to *F.E.C.P.*, thereby affirming that *"the contents of this report are in general accordance with DoD [UNITED STATES DEPARTMENT OF DEFENSE] policies for the completion of an E.C.P. [Environmental Condition of Property] Report,"* the signature of a "Mr. John Wohrle," an Acting Facility Management Officer with the 77TH Regional Readiness Command, A.R.I.M., who can declare that *"all information/documentation provided accurately reflects the environmental condition of the property"* is missing. Firstly, why is this signature omitted, but, secondly -- and much more importantly -- what significance does this omission foreshadow regarding the safety of the site at MULLER U.S.A.R.M.C.?
2. *p.1-1, Introduction:* The contractor preparing this report for the Louisville, Kentucky District Engineering Division of the UNITED STATES ARMY CORPS OF ENGINEERS (U.S.A.C.E.), *GH2M HILL*, predicates its findings, as noted previously, on information gleaned from *"available records," "the previous work of others," "interviews with individuals 'purporting' to be familiar with the Property, and observations from a [non-intrusive] site reconnaissance."* It does not *"verify"* the *"accuracy"* of the information received from its various sources and neither does it make any *"warranty, expressed or implied, relative to the accuracy, completeness, or reliability of the information used*

Ms. Amanda W. Murphy
Headquarters, 99TH Regional Support Command
Department of Public Works
United States Department of the Army
3 July 2012
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to create the records and reports prepared by others.” For that reason, what can be discerned concerning the actual ecological conditions prevalent at MULLER U.S.A.R.C. and any potential environmental hazards that might be lurking on-site?

3. ***p.2-2, Main Building:** In the caged storage area on the first floor of the Main Building, “nuclear, biological, and/or chemical (N.B.C.) monitors containing small amounts of radioactive materials that are not regulated” were located.*
4. ***p.2-2, Vehicle Parking Area:** Due to a lack of evidence indicating that it was removed, an oil/water separator (O.W.S.), into which flowed wash water and various sorts of discharges from vehicles that were being cleaned, may possibly display traces of water and/or other liquid substances containing hazardous waste products.*
5. ***p.3-1, §3.2 - Past Uses and Operations:** On the first floor of the Main Building of MULLER U.S.A.R.C., an O.M.S. (Organizational Maintenance Shop) was located, in which “limited maintenance activities on military equipment” was performed. Said “limited” maintenance functions primarily consisted of “preventative maintenance checks” that included inspecting vehicle fluids, such as motor oil, water, and anti-freeze, as well as making light repairs. Contamination may have resulted from such activities in this locale.*
6. ***p.3-2, §3.2 - Past Uses and Operations:** In the Organizational Maintenance Shop (O.M.S.) on the first floor of the facility's Main Building, flammable materials were stored.*
7. ***p.3-3, §3.31 - Past Use and Storage of Hazardous Substances:** MULLER U.S.A.R.C. personnel indicated that chemicals employed in maintaining military vehicles and in building maintenance/janitorial services were, at one time, stored at the facility. Vehicle maintenance products included such items as “petroleum, oil, and lubricants.”*
8. ***p.3-3, §3.3.2 - Past Disposal and Release of Hazardous Substances:** Hazardous substances were present on the MULLER U.S.A.R.C. site as a licensed contractor was engaged throughout the years in order to dispose of*

Ms. Amanda W. Murphy
Headquarters, 99TH Regional Support Command
Department of Public Works
United States Department of the Army
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them along with non-hazardous and universal waste products. Although the authors of **THE FINAL ENVIRONMENTAL CONDITION OF PROPERTY REPORT (F.E.C.P.)** detected no indications of it, the limitations of the **F.E.C.P.'s** compilation -- *viz.*, the reliance upon the prior reports and studies assembled by others along with a cursory survey of the site -- leaves open the possibility to the reasonable person that some contamination at MULLER U.S.A.R.C. may exist.

9. **p.3-3, §3.4 - Past Presence of Bulk Petroleum Storage Tanks:** An above-ground storage tank (A.S.T.) with a capacity of seven thousand five hundred (7,500) gallons holding No. 2 fuel oil for heating purposes was formerly located in the basement of the facility. Removed in July of 2003, *"no maintenance, inspection, or removal reports were available"* at the time of the **F.E.C.P.** A careful and comprehensive study should be conducted in order to determine with sureness whether or not contamination due to leakage occurred.

10. **p.4-2, §4.2 - Findings:** The Church of Saint Anthony located at 4505 Richardson Avenue in The Bronx, one thousand one hundred sixty-seven (1,167) feet from MULLER U.S.A.R.C. is listed as a *"L.U.S.T." -- i.e., "Leaking Underground Storage Tank"* -- site. An incident of past leakage at Saint Anthony resulted in No. 2 fuel oil being released into the groundwater. Of even greater concern is the AMERADA HESS Gas Station situated less than three hundred (300) feet from MULLER U.S.A.R.C. at 610 Nereid Avenue/East 238TH Street in The Bronx. It has been conclusively demonstrated that *"benzene, toluene, ethylbenzene, xylenes (B.T.E.X.) and methyl tertiary butyl ether (M.T.B.E.)"* contaminate the groundwater in the area of this site. Various groundwater monitoring wells installed in the vicinity of the gas station exhibit significant degrees of contagion. The flow of the groundwater is in a northwestern direction directly towards MULLER U.S.A.R.C. The maximum extent of this pollution is yet to be ascertained. The potential environmental risks of the aforesaid sites are evaluated in TABLE 6 [*cf.*, p.5-8].

11. **p.5-2, §5.1.5 - Federal R.C.R.A. Small and Large Quantity Generators List within 0.25 Mile:** Eleven (11) property owners adjacent to MULLER U. S.A.R.C. are *"R.C.R.A.-registered [RESOURCE CONSERVATION AND RECOVERY ACT] small quantity generators (S.Q.G.'s)."* Four (4) of these property owners are

Ms. Amanda W. Murphy
Headquarters, 99TH Regional Support Command
Department of Public Works
United States Department of the Army
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located in “either an assumed upgradient or crossgradient direction from the Property” -- *viz.*, the AMERADA HESS Gas Station, New York City Department of Education (N.Y.C.D.O.E.) Public School #16 (P.S. #16), the IMPACT BODY REPAIR SHOP, and AVANT MODES, INCORPORATED. Two (2) large quantity generators (L.Q.G.'s) -- *viz.*, BRONX RIVER HYUNDAI and the NEW YORK CITY TRANSIT AUTHORITY (N.Y.C.T.A.) #2 SUBWAY LINE EAST 238TH STREET/NEREID AVENUE STATION -- are located within a quarter mile of MULLER U.S.A.R.C. Each of these facilities generates hazardous waste to a greater or lesser extent.

12. p.5-3, §5.2.1 - State Lists of Hazardous Waste Sites within One (1) Mile: SIGNO TRADING INTERNATIONAL LT located at 200-298 South 14TH Avenue in the City of Mount Vernon, New York abutting the New York City Line with the Borough of The Bronx is a little more than four thousand (4,000) feet from MULLER U.S.A.R.C. The structure formerly housed “substantial amounts of toxic, flammable, and hazardous materials stored in compressed gas cylinders, 55-gallon drums, 50-pound bags, numerous 5-gallon containers, boxes, jars, and other containers.” The chemicals once present on this site included “flammable liquids and solids, poisonous liquids and solids, oxidizers, strong reducing agents, peroxide forming materials (shock-sensitive explosive), and corrosives.” A spill requiring an emergency response occurred in 1983, after which all wastes in the abandoned warehouse were removed.
13. p.5-3, §5.2.3 - State-Registered Leaking U.S.T. Sites within 0.5 Miles: With one-half (½) of Muller U.S.A.R.C. are some thirty-four (34) “L.U.S.T.,” or “Leaking Underground Storage Tanks,” eight (8) of which are either upgradient or crossgradient to the site [*cf.*, p5-4, TABLE 2].
14. p.5-4, §5.2.4 - State-Registered U.S.T. Sites within 0.5 Miles: There are a dozen Underground Storage Tank (U.S.T.) sites with one-half (½) of MULLER U.S.A.R.C. of which seven (7) are either upgradient or crossgradient to the site [*cf.*, p.5-6, TABLE 3].

From the “BAKER'S DOZEN + 1” observations enumerated above, one essential message should be apparently evident -- *viz.*, that prior to placing two hundred (200) disadvantaged human beings on the site of the now-shuttered MULLER U.S.A.R.C., a

Ms. Amanda W. Murphy
Headquarters, 99TH Regional Support Command
Department of Public Works
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much more extensive and comprehensive environmental study must be conducted. The City of New York and its DEPARTMENT OF HOMELESS SERVICES (N.Y.C.D.H.S.) owes no less to the less fortunate entrusted to its care. The UNITED STATES DEPARTMENT OF THE ARMY (U.S.ARMY) owes at least as much to those who at one time proudly wore the uniform of and served in the Armed Forces of the United States. Both agencies of Government should endorse the conclusion of THE FINAL ENVIRONMENTAL CONDITION OF PROPERTY REPORT (F.E.C.P.) identifying MULLER U.S.A.R.C. as an E.C.P. AREA TYPE #7, which is *“an area or parcel of land that is under-evaluated or requires additional evaluation.”* [cf., p.1-3, Scope of Services].

Two (2) concluding observations are in order:

- It is highly objectionable that the final date for responses relative to THE NATIONAL ENVIRONMENTAL POLICY ACT ENVIRONMENTAL ASSESSMENT (N.E.P.A.E.A.) for MULLER U.S.A.R.C. is Wednesday, 4 July 2012, a national holiday when Government offices are closed and do not receive ordinary postal deliveries. Indeed, the whole process involving the closure, transfer, and re-use of MULLER U.S.A.R.C. is not only impertinent and unacceptable, but suspicious, too, since it was initially undertaken some years ago at the commencement of the Summer, a time many local residents are out-of-town on vacation and Community Boards are in recess. Certainly, the masterminds in the Federal Government, entrusted with the welfare of the American people, had to be cognizant of this as are, no doubt, the plutocrats at City Hall. If what Government proposes to do is wholesome and noble, ruses such as this should not be concocted in an endeavor to hoodwink a concerned citizenry.
- Both U.S.H.U.D. and U.S. ARMY should indefinitely defer the transfer of MULLER U.S.A.R.C. to N.Y.C.D.H.S. until such time as it can be discovered that no untoward or unseemly interests are entailed in such. If U.S. ARMY transfers MULLER U.S.A.R.C. to N.Y.C.D.H.S. for re-use as a homeless shelter for two (200) veterans with chemical dependencies and/or mental health challenges, said facility will be operated by THE DOE FUND, INCORPORATED, whose Founder and President, George McDonald, is a close personal Friend of Mayor Michael R. Bloomberg. THE DOE FUND has received millions upon millions of dollars in municipal contracts for its programs throughout the years of the Bloomberg Administration. Furthermore, individuals connected to THE DOE FUND were rounded up and ushered into a public hearing of a Standing

**Ms. Amanda W. Murphy
Headquarters, 99TH Regional Support Command
Department of Public Works
United States Department of the Army
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Committee of the Council of the City of New York that was weighing whether or not to overturn term limits, thus affording Mayor Bloomberg and other officials of Municipal Government the opportunity to seek a third consecutive term of office. A painstaking and exhaustive investigation must be instigated in order to guarantee that nothing in the transfer and the re-use of MULLER U.S.A.R.C. is amiss.

The decision to be made by U.S.H.U.D. and U.S. ARMY relative to the future utilization of MULLER U.S.A.R.C. is crucial to the life of the Wakefield neighborhood and to the taxpayers of Bronx Community District #12. It is critical to the welfare of two hundred (200) men who find themselves disadvantaged and in need of our assistance because of their service in defense of our freedom. In the wake of Independence Day 2012, I strongly urge you and your colleagues to honor their sacrifice by resolving to commence a far-reaching and all-embracing environmental appraisal of THE SERGEANT JOSEPH E. MULLER UNITED STATES ARMY RESERVE CENTER (MULLER U.S.A.R.C.).

Very truly yours,


**FATHER RICHARD F. GORMAN, ESQ.
Chairman**

***pc* The Honorable Ruben Diaz, Jr., Borough President of The Bronx
The Honorable Eliot L. Engel, Member of Congress
The Honorable Jeffrey D. Klein, State Senator
The Honorable Jeffrey Dinowitz, Member of Assembly
The Honorable G. Oliver Koppell, Council Member
Mr. Paul Foster, Chairman of Community Board #7 (The Bronx)
Concerned Community-based Organizations and Civic Associations
Mr. Jeffrey M. Hrzic, Environmental Division Chief, Army 99TH Regional Support Command**

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THE SENATE
STATE OF NEW YORK



JEFFREY D. KLEIN
NEW YORK STATE SENATOR
34TH DISTRICT

1250 WATERS PLACE, SUITE 1202
BRONX, NY 10461
PHONE (718) 822-2049
FAX (718) 822-2321
JDKLEIN@NYSENATE.GOV

July 3rd 2012

Amanda Murphy
Department of the Army
Headquarters, 99th Regional Support Command
5231 South Scott Plaza
Fort Dix, New Jersey 08640-5000

**RE: Sgt. Joseph E. Muller, U.S. Army Reserve Center – 555 East 238th Street
Bronx, NY, 10470**

Dear Ms. Murphy:

I am writing to you about the above mentioned facility that is currently under review by the United States Army for an Environmental Assessment. I have received hundreds of communications from my constituents in the Woodlawn and Wakefield neighborhoods of Bronx County as well as the City of Yonkers opposed to the use of this site as a homeless shelter. I have also spoken out against this proposal and instead have supported a proposal advocated by Bronx Borough President Ruben Diaz Jr. to have this site used for the National Guard currently stationed at the Kingsbridge Armory.

The proposal of a homeless shelter at this location is in addition to the development of three other shelters within a radius of approximately one mile surrounding this location, leading many to view these events collectively as the City of New York oversaturating the Wakefield community with homeless services when a need for such services does not exist in the area. Further aggravating this delicate situation is the fact the this homeless shelter, in addition to one other is being cited within two square blocks of Public School 16 at 4550 Carpenter Avenue New York, NY 10470.

I realize that the purpose of your review is with respect to possible contamination and other environmental dangers. Indeed your report includes some causes for concern including groundwater contamination on a neighboring property. According to your report: "the groundwater flow direction is towards the Property" (under 4-2 Findings). According to the United States Environmental Protection Agency, groundwater "can hurt animals, plants, or humans only if it is first removed from the ground by manmade or natural processes". If there is any possibility that this groundwater could be disturbed and thus pose a danger to the health of my constituents, it must be thoroughly examined beforehand so such a disaster can be prevented. I would then respectfully ask that full and thorough environmental examination and testing be undertaken before any possible conversion or construction be approved.

Thank you for your attention to this matter. Should you require any additional information, please contact John Doyle in my Bronx District Office at (718) 822-2049 or at jdoyle@nysenate.gov.

Sincerely,



Senator Jeffrey D. Klein
New York State Senator
34th District (Bronx/Westchester)

JDK:jcd

CC: The Honorable Eliot Engel, United States Representative for New York
The Honorable Ruben Diaz Jr., Bronx Borough President
Fr. Richard Gorman, Chairman of Community Board 12
Ms. Christine Sheridan, President of the Woodlawn Taxpayers Association
Mr. Mitch Rose, President of the Woodlawn Merchants Association
Mr. Larry Wilson, President of the Hyatt Civic Association
Ms. Mary Lauro, President of the Wakefield Taxpayers Civic League

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A.2 SHPO – Section 106 Consultation

Appendix A.2 contains the following correspondence associated with the preparation of the Environmental Assessment and coordination with the State Historic Preservation Officer (SHPO) and Native American tribes

<u>Agency/Tribe</u>	<u>Date</u>
Mr. Mark Peckham, New York State Historic Preservation Office	June 4, 2012
SHPO Concurrence Letter	September 13, 2012
Randy King, Chairperson, Shinnecock Indian Nation	June 4, 2012
Mr. Matthew Carroll, Chief, Unkechaug Nation	June 4, 2012
Ms. Paula Pechonick, Chief, Delaware Tribe of Indians	June 4, 2012
Letter from Delaware Tribe of Indians (Response)	July 3, 2012
Ms. Kimberly Vele, President, Stockbridge Munsee Community of Wisconsin	June 4, 2012
Kerry Holton, President, Delaware Nation	June 4, 2012
Email from Delaware Nation (Response)	June 19, 2012

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DEPARTMENT OF THE ARMY
HEADQUARTERS, 99TH REGIONAL SUPPORT COMMAND
5231 SOUTH SCOTT PLAZA
FORT DIX, NJ 08640-5000

JUN 04 2012

Mr. Mark Peckham
Director, Bureau of Community Preservation Services
New York State Historic Preservation Office
Peebles Island Resource Center
P.O. Box 189
Waterford, NY 12188-0189

Reference: National Environmental Policy Act Environmental Assessment for the Closure, Disposal, and Reuse of the SGT Joseph E. Muller U.S. Army Reserve Center, Borough of the Bronx, New York.

Mr. Peckham,

The United States Army Reserve 99th Regional Support Command is preparing an Environmental Assessment (EA) for the proposed action of closure, disposal, and reuse of the SGT Joseph E. Muller U.S. Army Reserve Center (Muller USARC). The EA is being prepared in accordance with Council on Environmental Quality regulations (40 *Code of Federal Regulations* [CFR] Parts 1500-1508) for implementing the National Environmental Policy Act of 1969 (NEPA) and *Environmental Analysis of Army Actions*, 32 CFR Part 651.

NEPA requires a Federal agency to provide the public and other stakeholders with an opportunity to participate in the process of analyzing Federal actions that could impact the natural and man-made environment. The purpose of this letter is to inform your agency of an opportunity to assist the Army in identifying potential impacts that may occur as a result of the proposed action and its alternatives. Your participation in this process is greatly appreciated.

The purpose and need of the closure, disposal, and reuse of the Muller USARC is to meet the requirements of the Base Closure and Realignment Act. The Muller USARC is located at 555 East 238th Street (Nereid Avenue) in the Borough of the Bronx, New York. The site is approximately 0.9 acre in size and contains one permanent structure. The majority of the site is covered in pavement or building area. The remainder is covered by landscaped areas.

NEPA requires that alternatives to the proposed action are analyzed. Four alternatives are being considered for the proposed action and all would occur at the current location of the Muller USARC. The No Action Alternative (Alternative 1) represents baseline conditions at the property. No change from the current activities would occur under this alternative. Under the Caretaker Status Alternative (Alternative 2), the Army secured the Muller USARC after the military mission ended to ensure public safety and the security of remaining government property. From the time of operational closure until conveyance of the property, the Army will provide for maintenance procedures to preserve and protect the site for reuse in an economical manner that facilitates redevelopment. Alternative 3 involves the disposal and reuse of the Muller USARC by a local organization for a homeless shelter. Under Alternative 4, the Muller USARC would be utilized by National Guard and New York Guard units relocated from the annex adjacent to the Kingsbridge Armory in the Borough of the Bronx, New York.



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

Historic Preservation Field Services Bureau • Peebles Island, PO Box 189, Waterford, New York 12188-0189
518-237-8643
www.nysparks.com

Andrew M. Cuomo
Governor

Rose Harvey
Commissioner

September 13, 2012

Amanda Murphy
99th RSC DPW
Environmental Division
Fort Dix, New Jersey 08640-5000

Re: ARMY
Closure, Disposal, and Reuse of Muller U.S.
Army Reserve Ctr.
555 East 238th St/BRONX, Bronx County
12PR03817

Dear Ms. Murphy:

Thank you for requesting the comments of the State Historic Preservation Office (SHPO). We have reviewed the project in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO 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 National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8).

Based upon this review, it is the SHPO's opinion that your project will have No Effect upon cultural resources in or eligible for inclusion in the National Registers of Historic Places.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

Ruth L. Pierpont
Deputy Commissioner for Historic Preservation



DEPARTMENT OF THE ARMY
HEADQUARTERS, 99TH REGIONAL SUPPORT COMMAND
5231 SOUTH SCOTT PLAZA
FORT DIX, NJ 08640-5000

JUN 04 2012

Mr. Randy King
Chairperson
Shinnecock Indian Nation
P.O. Box 5006
Southampton, NY 11969

Reference: National Environmental Policy Act Environmental Assessment for the Closure, Disposal, and Reuse of the SGT Joseph E. Muller U.S. Army Reserve Center, Borough of the Bronx, New York.

Chairperson King,

The United States Army Reserve 99th Regional Support Command is preparing an Environmental Assessment (EA) for the proposed action of closure, disposal, and reuse of the SGT Joseph E. Muller U.S. Army Reserve Center (Muller USARC). The EA is being prepared in accordance with Council on Environmental Quality regulations (40 *Code of Federal Regulations* [CFR] Parts 1500-1508) for implementing the National Environmental Policy Act of 1969 (NEPA) and *Environmental Analysis of Army Actions*, 32 CFR Part 651.

NEPA requires a Federal agency to provide the public and other stakeholders with an opportunity to participate in the process of analyzing Federal actions that could impact the natural and man-made environment. The purpose of this letter is to inform your agency of an opportunity to assist the Army in identifying potential impacts that may occur as a result of the proposed action and its alternatives. Your participation in this process is greatly appreciated.

The purpose and need of the closure, disposal, and reuse of the Muller USARC is to meet the requirements of the Base Closure and Realignment Act. The Muller USARC is located at 555 East 238th Street (Nercid Avenue) in the Borough of the Bronx, New York. The site is approximately 0.9 acre in size and contains one permanent structure. The majority of the site is covered in pavement or building area. The remainder is covered by landscaped areas.

NEPA requires that alternatives to the proposed action are analyzed. Four alternatives are being considered for the proposed action and all would occur at the current location of the Muller USARC. The No Action Alternative (Alternative 1) represents baseline conditions at the property. No change from the current activities would occur under this alternative. Under the Caretaker Status Alternative (Alternative 2), the Army secured the Muller USARC after the military mission ended to ensure public safety and the security of remaining government property. From the time of operational closure until conveyance of the property, the Army will provide for maintenance procedures to preserve and protect the site for reuse in an economical manner that facilitates redevelopment. Alternative 3 involves the disposal and reuse of the Muller USARC by a local organization for a homeless shelter. Under Alternative 4, the Muller USARC would be utilized by National Guard and New York Guard units relocated from the annex adjacent to the Kingsbridge Armory in the Borough of the Bronx, New York.



DEPARTMENT OF THE ARMY
HEADQUARTERS, 99TH REGIONAL SUPPORT COMMAND
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FORT DIX, NJ 08640-5000

JUN 04 2012

Mr. Matthew Carroll, Chief
Unkechaug Nation
P.O. Box 86
Mastic, Long Island, NY 11950

Reference: National Environmental Policy Act Environmental Assessment for the Closure, Disposal, and Reuse of the SGT Joseph E. Muller U.S. Army Reserve Center, Borough of the Bronx, New York.

Chief Carroll,

The United States Army Reserve 99th Regional Support Command is preparing an Environmental Assessment (EA) for the proposed action of closure, disposal, and reuse of the SGT Joseph E. Muller U.S. Army Reserve Center (Muller USARC). The EA is being prepared in accordance with Council on Environmental Quality regulations (40 *Code of Federal Regulations* [CFR] Parts 1500-1508) for implementing the National Environmental Policy Act of 1969 (NEPA) and *Environmental Analysis of Army Actions*, 32 CFR Part 651.

NEPA requires a Federal agency to provide the public and other stakeholders with an opportunity to participate in the process of analyzing Federal actions that could impact the natural and man-made environment. The purpose of this letter is to inform your agency of an opportunity to assist the Army in identifying potential impacts that may occur as a result of the proposed action and its alternatives. Your participation in this process is greatly appreciated.

The purpose and need of the closure, disposal, and reuse of the Muller USARC is to meet the requirements of the Base Closure and Realignment Act. The Muller USARC is located at 555 East 238th Street (Nereid Avenue) in the Borough of the Bronx, New York. The site is approximately 0.9 acre in size and contains one permanent structure. The majority of the site is covered in pavement or building area. The remainder is covered by landscaped areas.

NEPA requires that alternatives to the proposed action are analyzed. Four alternatives are being considered for the proposed action and all would occur at the current location of the Muller USARC. The No Action Alternative (Alternative 1) represents baseline conditions at the property. No change from the current activities would occur under this alternative. Under the Caretaker Status Alternative (Alternative 2), the Army secured the Muller USARC after the military mission ended to ensure public safety and the security of remaining government property. From the time of operational closure until conveyance of the property, the Army will provide for maintenance procedures to preserve and protect the site for reuse in an economical manner that facilitates redevelopment. Alternative 3 involves the disposal and reuse of the Muller USARC by a local organization for a homeless shelter. Under Alternative 4, the Muller USARC would be utilized by National Guard and New York Guard units relocated from the annex adjacent to the Kingsbridge Armory in the Borough of the Bronx, New York.



DEPARTMENT OF THE ARMY
HEADQUARTERS, 99TH REGIONAL SUPPORT COMMAND
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FORT DIX, NJ 08640-5000

JUN 04 2012

Paula Pechonick, Chief
Delaware Tribe of Indians
170 N.E. Barbara
Bartlesville, OK 74003

Reference: National Environmental Policy Act Environmental Assessment for the Closure, Disposal, and Reuse of the SGT Joseph E. Muller U.S. Army Reserve Center, Borough of the Bronx, New York.

Chief Pechonick,

The United States Army Reserve 99th Regional Support Command is preparing an Environmental Assessment (EA) for the proposed action of closure, disposal, and reuse of the SGT Joseph E. Muller U.S. Army Reserve Center (Muller USARC). The EA is being prepared in accordance with Council on Environmental Quality regulations (40 *Code of Federal Regulations* [CFR] Parts 1500-1508) for implementing the National Environmental Policy Act of 1969 (NEPA) and *Environmental Analysis of Army Actions*, 32 CFR Part 651.

NEPA requires a Federal agency to provide the public and other stakeholders with an opportunity to participate in the process of analyzing Federal actions that could impact the natural and man-made environment. The purpose of this letter is to inform your agency of an opportunity to assist the Army in identifying potential impacts that may occur as a result of the proposed action and its alternatives. Your participation in this process is greatly appreciated.

The purpose and need of the closure, disposal, and reuse of the Muller USARC is to meet the requirements of the Base Closure and Realignment Act. The Muller USARC is located at 555 East 238th Street (Nereid Avenue) in the Borough of the Bronx, New York. The site is approximately 0.9 acre in size and contains one permanent structure. The majority of the site is covered in pavement or building area. The remainder is covered by landscaped areas.

NEPA requires that alternatives to the proposed action are analyzed. Four alternatives are being considered for the proposed action and all would occur at the current location of the Muller USARC. The No Action Alternative (Alternative 1) represents baseline conditions at the property. No change from the current activities would occur under this alternative. Under the Caretaker Status Alternative (Alternative 2), the Army secured the Muller USARC after the military mission ended to ensure public safety and the security of remaining government property. From the time of operational closure until conveyance of the property, the Army will provide for maintenance procedures to preserve and protect the site for reuse in an economical manner that facilitates redevelopment. Alternative 3 involves the disposal and reuse of the Muller USARC by a local organization for a homeless shelter. Under Alternative 4, the Muller USARC would be utilized by National Guard and New York Guard units relocated from the annex adjacent to the Kingsbridge Armory in the Borough of the Bronx, New York.



Delaware Tribe Historic Preservation Office

1420 C of E Drive, Suite 190

Emporia, KS 66801

(620) 340-0111

bobermeyer@delawaretribe.org

July 3, 2012

Amanda Murphy
99th RSC DPW
Environmental Division
5231 South Scott Plaza
Fort Dix, NJ 08640

Re: National Environmental Policy Act Environmental Assessment for the Closure, Disposal, and Reuse of the SGT Joseph E. Muller U.S. Army Reserve Center, Borough of the Bronx, New York

Dear Amanda Murphy:

Thank you for informing the Delaware Tribe on the proposed construction associated with the above referenced project. Our review indicates that there are no religious or culturally significant sites in the project area. As such, we defer comment to your office as well as to the State Historic Preservation Office and/or the State Archaeologist.

We wish to continue as a consulting party on this project and look forward to receiving a copy of the cultural resources survey report if one is performed. We also ask that if any human remains are accidentally unearthed during the course of the survey and/or the construction project that you cease development immediately and inform the Delaware Tribe of Indians of the inadvertent discovery.

If you have any questions, please feel free to contact this office by phone at (620) 340-0111 or by e-mail at bobermeyer@delawaretribe.org

Sincerely,

Brice Obermeyer
Delaware Tribe Historic Preservation Office
1420 C of E Drive, Suite 190
Emporia, KS 66801



DEPARTMENT OF THE ARMY
HEADQUARTERS, 99TH REGIONAL SUPPORT COMMAND
5231 SOUTH SCOTT PLAZA
FORT DIX, NJ 08640-5000

JUN 04 2012

Ms. Kimberly Vele, President
Stockbridge Munsee Community of Wisconsin
N8476 Mo He Con Nuck Road
Bowler, WI 54416

Reference: National Environmental Policy Act Environmental Assessment for the Closure, Disposal, and Reuse of the SGT Joseph E. Muller U.S. Army Reserve Center, Borough of the Bronx, New York.

President Vele,

The United States Army Reserve 99th Regional Support Command is preparing an Environmental Assessment (EA) for the proposed action of closure, disposal, and reuse of the SGT Joseph E. Muller U.S. Army Reserve Center (Muller USARC). The EA is being prepared in accordance with Council on Environmental Quality regulations (40 *Code of Federal Regulations* [CFR] Parts 1500-1508) for implementing the National Environmental Policy Act of 1969 (NEPA) and *Environmental Analysis of Army Actions*, 32 CFR Part 651.

NEPA requires a Federal agency to provide the public and other stakeholders with an opportunity to participate in the process of analyzing Federal actions that could impact the natural and man-made environment. The purpose of this letter is to inform your agency of an opportunity to assist the Army in identifying potential impacts that may occur as a result of the proposed action and its alternatives. Your participation in this process is greatly appreciated.

The purpose and need of the closure, disposal, and reuse of the Muller USARC is to meet the requirements of the Base Closure and Realignment Act. The Muller USARC is located at 555 East 238th Street (Nereid Avenue) in the Borough of the Bronx, New York. The site is approximately 0.9 acre in size and contains one permanent structure. The majority of the site is covered in pavement or building area. The remainder is covered by landscaped areas.

NEPA requires that alternatives to the proposed action are analyzed. Four alternatives are being considered for the proposed action and all would occur at the current location of the Muller USARC. The No Action Alternative (Alternative 1) represents baseline conditions at the property. No change from the current activities would occur under this alternative. Under the Caretaker Status Alternative (Alternative 2), the Army secured the Muller USARC after the military mission ended to ensure public safety and the security of remaining government property. From the time of operational closure until conveyance of the property, the Army will provide for maintenance procedures to preserve and protect the site for reuse in an economical manner that facilitates redevelopment. Alternative 3 involves the disposal and reuse of the Muller USARC by a local organization for a homeless shelter. Under Alternative 4, the Muller USARC would be utilized by National Guard and New York Guard units relocated from the annex adjacent to the Kingsbridge Armory in the Borough of the Bronx, New York.



DEPARTMENT OF THE ARMY
HEADQUARTERS, 99TH REGIONAL SUPPORT COMMAND
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FORT DIX, NJ 08640-5000

JUN 04 2012

Kerry Holton, President
Delaware Nation
P.O. Box 825
31064 State Hwy 281
Main Office Building 100
Anadarko, OK 73005

Reference: National Environmental Policy Act Environmental Assessment for the Closure, Disposal, and Reuse of the SGT Joseph E. Muller U.S. Army Reserve Center, Borough of the Bronx, New York.

President Holton,

The United States Army Reserve 99th Regional Support Command is preparing an Environmental Assessment (EA) for the proposed action of closure, disposal, and reuse of the SGT Joseph E. Muller U.S. Army Reserve Center (Muller USARC). The EA is being prepared in accordance with Council on Environmental Quality regulations (40 *Code of Federal Regulations* [CFR] Parts 1500-1508) for implementing the National Environmental Policy Act of 1969 (NEPA) and *Environmental Analysis of Army Actions*, 32 CFR Part 651.

NEPA requires a Federal agency to provide the public and other stakeholders with an opportunity to participate in the process of analyzing Federal actions that could impact the natural and man-made environment. The purpose of this letter is to inform your agency of an opportunity to assist the Army in identifying potential impacts that may occur as a result of the proposed action and its alternatives. Your participation in this process is greatly appreciated.

The purpose and need of the closure, disposal, and reuse of the Muller USARC is to meet the requirements of the Base Closure and Realignment Act. The Muller USARC is located at 555 East 238th Street (Nereid Avenue) in the Borough of the Bronx, New York. The site is approximately 0.9 acre in size and contains one permanent structure. The majority of the site is covered in pavement or building area. The remainder is covered by landscaped areas.

NEPA requires that alternatives to the proposed action are analyzed. Four alternatives are being considered for the proposed action and all would occur at the current location of the Muller USARC. The No Action Alternative (Alternative 1) represents baseline conditions at the property. No change from the current activities would occur under this alternative. Under the Caretaker Status Alternative (Alternative 2), the Army secured the Muller USARC after the military mission ended to ensure public safety and the security of remaining government property. From the time of operational closure until conveyance of the property, the Army will provide for maintenance procedures to preserve and protect the site for reuse in an economical manner that facilitates redevelopment. Alternative 3 involves the disposal and reuse of the Muller USARC by a local organization for a homeless shelter. Under Alternative 4, the Muller USARC would be utilized by National Guard and New York Guard units relocated from the annex adjacent to the Kingsbridge Armory in the Borough of the Bronx, New York.

-----Original Message-----

From: Murphy, Amanda W Ms CTR 99TH RSC ARIM [<mailto:amanda.w.murphy@usar.army.mil>]
Sent: Wednesday, June 20, 2012 8:00 AM
To: Hall, Richard E
Subject: FW: Muller USARC, EA, Bronx, NY (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Amanda Murphy
Program Coordinator
NEPA and Cultural Resources
USAR 99th RSC DPW
609-562-7666 (desk)
202-236-8192 (cell)

-----Original Message-----

From: Anthony Bert [<mailto:ABert@delawarenation.com>]
Sent: Tuesday, June 19, 2012 5:08 PM
To: amanda.w.murphy.ctr@us.army.mil
Cc: Tamara Francis
Subject: ALERT from the USAR AntiSpam Administrator: Suspected image SPAM, please verify and delete as necessary.:Muller USARC, EA, Bronx, NY

DELAWARE NATION

Anthony Bert

Cultural Preservation Department Assistant

To: Amanda Murphy

Date: June 19, 2012

From: Tamara Francis-Fourkiller, Cultural Preservation Director

Re: Muller USARC EA, Bronx, New York

Dear Ms. Murphy,

The Delaware Nation received the letter regarding the United States Army Reserve 99th Regional Support Command preparation of the Environmental Assessment for the proposed action of closure, disposal, and reuse of the Sgt. Joseph E. Muller U.S. Army Reserve Center (Muller) in Bronx, New York. The Delaware Nation is requesting the cultural resource survey and copies of all archaeological site reports.

We appreciate your consideration and wish you the best in your endeavor.

Sincerely,

Anthony Bert
Assistant to Tamara Francis-Fourkiller
Cultural Preservation Department
Delaware Nation
31064 State Highway 281
Anadarko, OK 73005
(405) 247-8901
abert@delawarenation.com

Classification: UNCLASSIFIED
Caveats: NONE

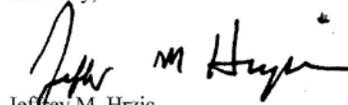
Page 2

The Army has identified five environmental resource areas for detailed analysis (Air Quality, Asbestos, Lead Based Paint, Land Use, and Socioeconomics). Nine other environmental resource areas will be addressed in the EA; however, because the resource is either not present, not impacted, or the proposed action's impact would have little to no measurable effect, it will not be carried forward for detailed analysis in the EA (Transportation, Water Resources, Utilities, Cultural Resources, Noise, Hazardous and Toxic Substances, Geology/Soil, Visual Resources, and Biological Resources). As part of the early project coordination and NEPA scoping process, we are requesting that stakeholders identify key issues that should be addressed as part of this evaluation. Please provide your comments relative to the following:

- Issues of concern within your regulatory jurisdiction
- Available technical information regarding these issues
- Mitigation or permitting requirements that may be necessary for project implementation.

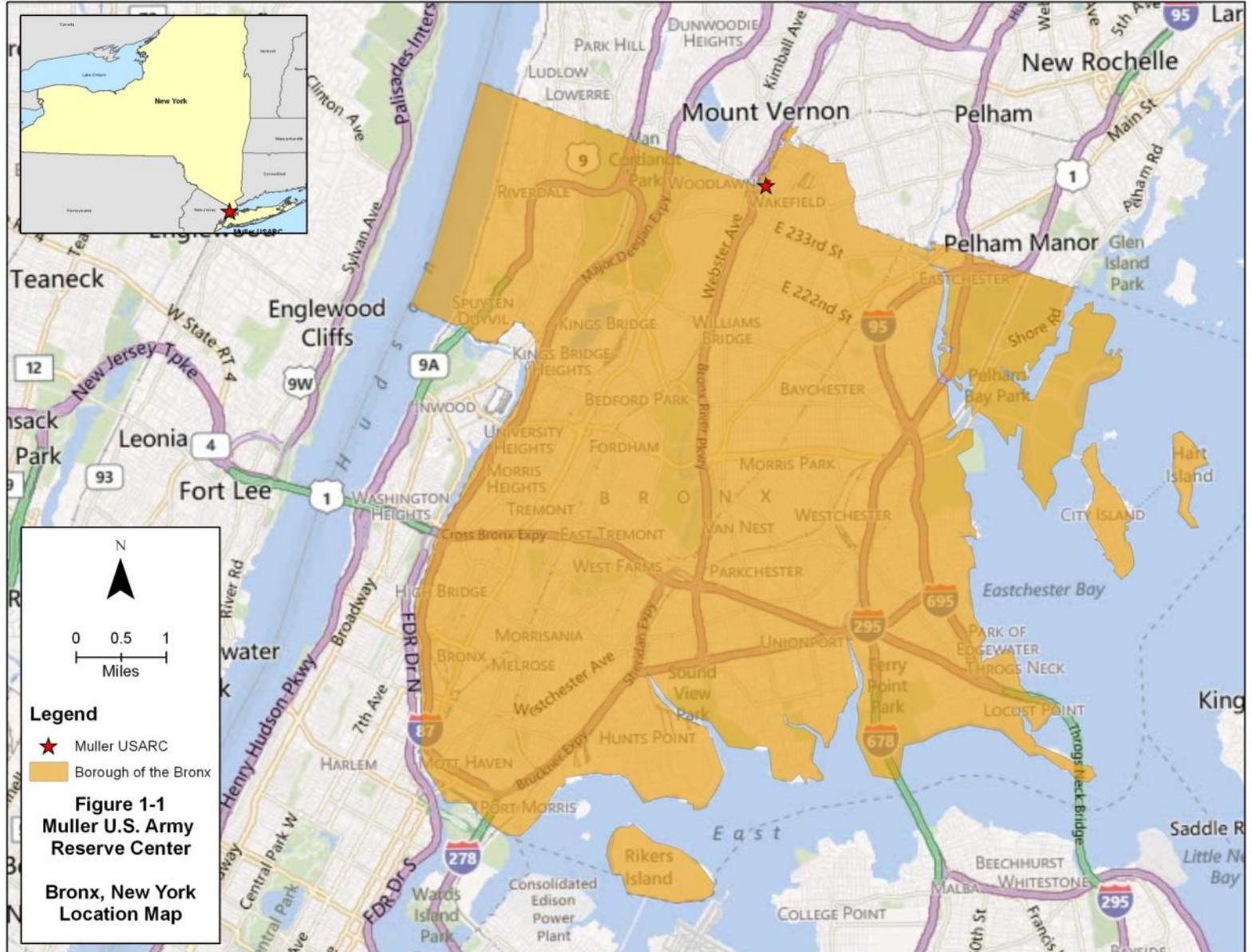
Comments on the proposed action and the alternatives will be accepted for 30 calendar days from the date on this letter. Comments received during this time will be used in preparation of the EA. Written comments should be submitted to: Amanda Murphy, 99th RSC, Department of Public Works at 5231 South Scott Plaza, Fort Dix, New Jersey, 08640 or amanda.w.murphy.ctr@us.army.mil.

Sincerely,



Jeffrey M. Hrzic
Chief, Environmental Division

Enclosures:
Site Location Map
Current Site Plan





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A.3 USFWS Consultation

Appendix A.3 contains the following correspondence with USFWS associated with the preparation of the Environmental Assessment

Agency

Date

Mr. Steve Sinkevich, US Fish and Wildlife Service, Long Island Field
Office (Region 5)

July 13, 2012



DEPARTMENT OF THE ARMY
HEADQUARTERS, 99TH REGIONAL SUPPORT COMMAND
5231 SOUTH SCOTT PLAZA
FORT DIX, NJ 08640-5000

JUL 13 2012

Mr. Steve Sinkevich
Fish and Wildlife Biologist
US Fish and Wildlife Service
Long Island Field Office (Region 5)
340 Smith Road
Shirley, NY 11967

Reference: National Environmental Policy Act Environmental Assessment for the Closure, Disposal, and Reuse of the SGT Joseph E. Muller U.S. Army Reserve Center, Borough of the Bronx, New York.

Mr. Sinkevich,

The United States Army Reserve 99th Regional Support Command is preparing an Environmental Assessment (EA) for the proposed action of closure, disposal and reuse of the SGT Joseph E. Muller U.S. Army Reserve Center (Muller USARC). The EA is being prepared in accordance with Council on Environmental Quality regulations (40 *Code of Federal Regulations* [CFR] Parts 1500-1508) for implementing the National Environmental Policy Act of 1969 (NEPA) and *Environmental Analysis of Army Actions*, 32 CFR Part 651.

NEPA requires a Federal agency to provide the public and other stakeholders with an opportunity to participate in the process of analyzing Federal actions that could impact the natural and man-made environment. The purpose of this letter is to inform your agency of an opportunity to assist the Army in identifying potential impacts that may occur as a result of the proposed action and its alternatives. Your participation in this process is greatly appreciated.

The purpose and need of the closure, disposal and reuse of the Muller USARC is to meet the requirements of the Base Closure and Realignment Act. The Muller USARC is located at 555 East 238th Street (Nereid Avenue) in the Borough of the Bronx, New York. The site is approximately 0.9 acre in size and contains one permanent structure. The majority of the site is covered in pavement and buildings. The remainder of the site is covered by landscaped areas.

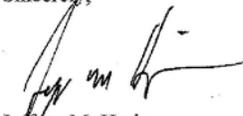
NEPA requires that alternatives to the proposed action are analyzed. Four alternatives are being considered for the proposed action and all would occur at the current location of the Muller USARC. The No Action Alternative (Alternative 1) represents baseline conditions at the property. No change from the current activities would occur under this alternative. Under the Caretaker Status Alternative (Alternative 2), the Army secured the Muller USARC after the military mission ended to ensure public safety and the security of remaining government property. From the time of operational closure until conveyance of the property, the Army will provide for maintenance procedures to preserve and protect the site for reuse in an economical manner that facilitates redevelopment. Alternative 3 involves the disposal and reuse of the Muller USARC by a local organization for a homeless shelter. Under Alternative 4, the Muller USARC would be utilized by National Guard and New York Guard units relocated from the annex adjacent to the Kingsbridge Armory in the Borough of the Bronx, New York.

Page 2

As part of the early project coordination and NEPA scoping process, we are requesting that stakeholders identify key issues that should be addressed as part of this evaluation. A Bronx County Federally Listed Endangered and Threatened Species and Candidate list of species was obtained from the New York Field Office Section 7 Consultation webpage and has been enclosed. Except for occasional transient individuals, no Federally-listed or proposed endangered or threatened species, or candidate species are known to exist in Bronx County. The NYSDEC Environmental Resources Mapper was queried, and no threatened or endangered (T&E) species habitat was identified through this system. We have concluded that there is no habitat present on the site for federal T&E species. If you concur with this conclusion, your written concurrence would be greatly appreciated.

Comments on the proposed action and the alternatives will be accepted for 30 calendar days from the date on this letter. Comments received during this time will be used in preparation of the EA. Written comments should be submitted to: Amanda Murphy, 99th RSC, Department of Public Works at 5231 South Scott Plaza, Fort Dix, New Jersey, 08640 or amanda.w.murphy.ctr@us.army.mil.

Sincerely,



Jeffrey M. Hrzic
Chief, Environmental Division

Enclosures:

Site Location Map

Current Site Plan

Bronx County Federally Listed Endangered and Threatened Species and Candidate List



Bronx County

Federally Listed Endangered and Threatened Species and Candidate Species

Except for occasional transient individuals, no Federally-listed or proposed endangered or threatened species, or candidate species under our jurisdiction are known to exist in this county.

Information current as of: 5/16/2012

A.4 Agency and Public Notices

Per requirements specified in 32 CFR Part 651.4, a 30-calendar-day review period (starting with the publication of the NOA) was established to provide all agencies, organizations, and individuals with the opportunity to comment on the EA and FNSI. A NOA was published in local and regional newspapers to inform the public that the EA and FNSI were available for review. The newspapers were:

- Bronx Times-Reporter
- New York Times.

The notices identified a point of contact to obtain more information regarding the NEPA process, identified means of obtaining a copy of the EA and FNSI for review, listed where paper copies of the EA and FNSI could be reviewed, and advised the public that an electronic version of the EA and FNSI were available for download at the following Web site:

http://www.hqda.army.mil/acsim/brac/env_ea_review.htm.

The EA was available for public review and comment at the following libraries:

- Woodlawn Heights Public Library
- Wakefield Branch Library.

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APPENDIX B – AIR CONFORMITY APPLICABILITY ANALYSIS

Introduction

A General Air Conformity Applicability Analysis was conducted to determine if increases in air pollution from the construction project associated with the Environmental Assessment for BRAC 2005 Recommendations for Closure, Disposal, and Reuse of the Muller USARC, New York would affect National Ambient Air Quality Standards (NAAQS). The project will occur within a US Environmental Protection Agency (USEPA) designated moderate non-attainment area for 8-hour ozone, non-attainment for PM 2.5, and is in a maintenance area for carbon monoxide (CO) and is therefore subject to 40 CFR, Part 93 Federal General Conformity Rule regulations.

The 1990 amendments to the Federal CAA, Section 176 required the USEPA to promulgate rules to ensure that federal actions that produce emissions of any criteria air pollutants for which an area is not in attainment conform to the appropriate State Implementation Plan (SIP). These resulting rules, known together as the General Conformity Rule (40 CFR 51.850-860 and CFR 93.150-160), require any federal agency responsible for an action in a non-attainment area to determine that the action is either exempt from the General Conformity Rule's requirements or positively determine that the action conforms to the provisions and objectives of the applicable SIP. Any mitigation deemed necessary as a result of the conclusions reached in the conformity analysis would be implemented and integrated into the NYDEC SIP.

The General Conformity Rule requires an assessment of the potential magnitude of potential total emissions of non-attainment criteria pollutants, including their precursors, associated with a proposed federal action when determining conformity of that action. The rule does not apply to certain "exempt" actions or to actions where the total emissions of criteria pollutants are at or below specified *de minimis* levels. In addition, ongoing activities currently being conducted are exempt from the rule as long as there is no net increase in emissions above the specified *de minimis* levels. If the predicted emissions exceed the *de minimis* levels, a formal air conformity determination is necessary. If the *de minimis* levels are not exceeded, and if the predicted emissions do not exceed 10 percent of a non-attainment area's total emission budget for a given pollutant, a record of non-applicability must be prepared.

For purposes of determining a project's emissions, emissions are those directly associated with project activities at the time and location of the project. For the proposed action, emissions include those from routine operational activities and operation of permitted emission sources, as well as actual construction activities, construction vehicles and equipment, and any ancillary emissions sources.

Site Description

The Muller USARC is located on an approximately 0.9 acre parcel of developed land with one permanent structure, the Main Administration building (approximately 55,000 square feet). There is also a military equipment parking (MEP) area and a privately owned vehicle (POV) parking area.

The main USARC building, constructed in 1954, is a concrete block structure with stucco veneer and a flat, tar and gravel roof. The rectangular shaped main building is a four-level, northeast-southwest oriented building. The building's interior consists of office space, classrooms, a kitchen area, a mess hall, storage, a former Organizational Maintenance Shop (OMS), and a

boiler room. The northeast end of the main building's basement is the boiler room. The first level contains the former OMS at the north end and caged storage the remainder of the first level. Levels two, three, and four contain primarily classrooms, offices, and storage areas. The kitchen and mess hall are located on the second level. The MEP and POV parking are combined in one parking area that is located in the northeast corner of the Property. A small area designated for POV parking is located on the eastern side of the main building.

ATTACHMENT 1 – RECORD OF NON-APPLICABILITY

Current Ambient Air Quality Considerations

Emissions Evaluation

The primary emission sources for this project will be those associated with interior renovation. Cumulative air emissions were calculated for various types of diesel engine construction vehicles and related equipment. The project qualifies for the 40CFR 93.153 (c)(1) and (c) (2) (x) exemptions because the replacement activity emissions are clearly *de minimis* and below applicable threshold levels as shown in the calculations below.

The reuse activity at the USARC administration building is anticipated to operate the boiler at a higher level than the current use since there would be overnight use as a homeless shelter. The construction activity associated with this modification would cause a temporary, non-significant increase in air emissions as demonstrated in the calculations below. The calculations are included solely to demonstrate the non-significant impact. The renovation would all be interior fixes and painting. A Regional Significance Review was not conducted as part of this evaluation due to the exemption clauses stated above.

Emission Factors

Emission factors (EF) were obtained from a variety of resources. These include MOVES2010a, AP-42, NONROAD 2005, and the South Coast Air Quality Management District Air Quality Handbook. Where feasible, the most conservative, i.e. protective of human health, EFs were incorporated.

The current administration building has two gas-fired Weil McLain boilers. Both are reported to be in good condition, so the analysis was conducted using the assumption that heat will be provided by natural gas boilers. The average energy intensity buildings using natural gas in the Northeast is 45.4 cubic feet (CF) of gas annually per square foot, so approximately 2.5 million CF of natural gas is needed to heat the 55,000 square feet. Assumptions for operational heating estimates were based on the most recent Commercial Energy Consumption Survey (CBECS) in 2003 conducted by the Department of Energy Information Administration.

Emission factors were obtained from the USEPA's AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors Volume 1: Chapter 1: Stationary Sources, Supplement D. Criteria pollutants emitted from natural gas-fired boilers include NO_x, VOCs, CO, and trace amounts of SO₂, Pb, and particulate matter.

Alternative 3 Calculations

Heating Source Emissions

10.1.1.1 Activity	10.1.1.2 Annual Emissions (TPY)		
	NO _x	Ozone	PM 2.5
Building Heating	0.12	0.007	0.009

- TPY – Tons Per Year
- All PM is assumed to be 1.0 micrometer in diameter; therefore, the PM emission factor can be used for both 2.5 and 10 (AP-42, Supplement D)

Renovation Emissions

Activity	Annual Emissions (TPY)		
	NO _x	Ozone	PM _{2.5}
Renovation and Painting	0.42	0.37	1.02

Vehicle Emissions

There would be a negligible increase in mobile emissions from commuter traffic during the renovation. Under its most recent use, the USARC had approximately 15 full-time employees commuting weekdays and 400 additional personnel one weekend per month for training. Under the reuse, the homeless shelter would staff approximately 50 personnel on weekdays and 10 on weekends. There would be an addition of 35 commuter vehicles per weekday.

Activity	Annual Emissions (TPY)	
	NO _x	Ozone
Commuter Traffic	0.14	0.02
Construction Traffic	2.1	1.6

Assumes 14 more commuter vehicles per day for 365 days
Assumes 35 pieces of construction equipment at 32 miles/day

Haul Road Emissions

Activity	Annual Emissions (TPY)
	PM _{2.5}
Haul Road Emissions	0.0

Alternative 3 - Summary of Emissions

All Activities Combined	Annual Emissions (TPY)		
	NO _x	10.1.1.3 Ozone	10.1.1.4 PM _{2.5}
	2.78	2.0	1.03

TPY – Tons Per Year

APPENDIX C – EIFS REPORT

Introduction

The Economic Impact Forecast System (EIFS) model provides a systematic method for evaluating the regional socioeconomic effects of government actions, particularly military actions. Using employment and income multipliers developed with a comprehensive regional/local database combined with economic export base techniques, the EIFS model estimates the regional economic impacts in terms of changes in employment generated, changes in population, and expenditures directly and indirectly resulting from project construction. The EIFS model evaluates economic impacts in terms of regional change in business volume, employment and personal income, and expenditures for local and regional services, materials, and supplies. Although the EIFS model does not provide an exact measure of actual dollar amounts, it does offer an accurate relative comparison of alternatives.

Alternative 3

The total construction costs for this project are approximately \$15 million over 1 year. It is assumed that 60 percent of total annual construction costs reflect materials and supplies (\$9 million), 30 percent of total annual construction costs reflect labor costs (\$4.5 million), and 10 percent of total annual construction costs reflect profit/overhead (\$1.5 million). The annual construction cost (\$9 million) was used for the changes in local expenditures forecast input below. The change in civilian employment forecast input below was determined by dividing the annual labor costs (\$4.5 million) by the wages for construction and extraction workers located in the New York-Wayne-White Plain New York-New Jersey Metropolitan Division (\$63,960 [Bureau of Labor Statistics]). This resulted in an input of 70.

EIFS REPORT

PROJECT NAME

BRAC EA Muller Alternative 3

STUDY AREA

34003 Bergen, NJ	36079 Putnam, NY
34017 Hudson, NJ	36081 Queens, NY
34031 Passaic, NJ	36085 Richmond, NY
36005 Bronx, NY	36087 Rockland, NY
36047 Kings, NY	36119 Westchester, NY
36061 New York, NY	

FORECAST INPUT

Change In Local Expenditures	\$9,000,000
Change In Civilian Employment	70
Average Income of Affected Civilian	\$63,960
Percent Expected to Relocate	0
Change In Military Employment	0
Average Income of Affected Military	\$0
Percent of Military Living On-post	0

FORECAST OUTPUT

Employment Multiplier	3.58	
Income Multiplier	3.58	
Sales Volume - Direct	\$10,085,700	
Sales Volume - Induced	\$26,021,110	
Sales Volume - Total	\$36,106,810	0%
Income - Direct	\$5,581,613	
Income - Induced)	\$4,430,758	
Income - Total(place of work)	\$10,012,370	0%
Employment - Direct	102	
Employment - Induced	84	
Employment - Total	186	0%
Local Population	0	
Local Off-base Population	0	0%

RTV SUMMARY

	Sales Volume	Income	Employment	Population
Positive RTV	12.14 %	10.99 %	2.47 %	0.93 %
Negative RTV	-5.72 %	-3.92 %	-2.81 %	-0.82 %

APPENDIX D – LEGAL AND REGULATORY FRAMEWORK FOR BRAC CLOSURE, DISPOSAL, AND REUSE PROCESS

On September 8, 2005, the Defense BRAC Commission recommended closure of the Muller USARC in the Bronx, New York. This recommendation was approved by the President on September 23, 2005, and forwarded to Congress. The Congress did not alter any of the BRAC Commission’s recommendations, and on November 9, 2005, the recommendations became law. The BRAC Commission recommendations must now be implemented as provided for in the Defense BRAC of 1990 (Public Law 101-510), as amended.

The BRAC Commission made the following recommendations concerning the Muller USARC:

“Close Muller USARC, Bronx, NY, and relocate units to a new Armed Forces Reserve Center at Fort Totten, NY.”

To implement these recommendations, the Army proposes to close the Muller USARC.

The law that governs real property disposal is the Federal Property and Administrative Services Act of 1949 (40 U.S.C., Sections 471 and following, as amended). This law is implemented by the Federal Property Management Regulations at Title 41 CFR Subpart 101-47. The disposal process is also governed by 32 CFR Part 174 (Revitalizing Base Closure Communities) and 32 CFR Part 175 (Revitalizing Base Closure Communities—Base Closure Community Assistance), regulations issued by DoD to implement BRAC law, and matters known as the Pryor Amendment and the President’s Program to Revitalize Base Closure Communities.

Relevant Statutes and Executive Orders

A decision on how to proceed with the Proposed Action rests on numerous factors such as mission requirements, schedule, availability of funding, and environmental considerations. In addressing environmental considerations, the Army is guided by relevant statutes (and their implementing regulations) and Executive Orders (EO) that establish standards and provide guidance on environmental and natural resources management and planning. These include the Clean Air Act, Clean Water Act, Noise Control Act, Endangered Species Act, National Historic Preservation Act, Archaeological Resources Protection Act, Resource Conservation and Recovery Act, and Toxic Substances Control Act. EOs bearing on the Proposed Action include:

EO 11988 (Floodplain Management)

EO 11990 (Protection of Wetlands)

EO 12088 (Federal Compliance with Pollution Control Standards)

EO 12580 (Superfund Implementation)

EO 12873 (Federal Acquisition, Recycling and Waste Prevention)

EO 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations)

EO 13045 (Protection of Children from Environmental Health Risks and Safety Risks)

EO 13175 (Consultation and Coordination with Indian Tribal Governments)

EO 13186 (Responsibilities of Federal Agencies to Protect Migratory Birds)

EO 13423 (Strengthening Federal Environmental, Energy, and Transportation Management)

These authorities are addressed in various sections throughout this EA when relevant to particular environmental resources and conditions. The full texts of the laws, regulations, and EOs are available on the Defense Environmental Network & Information Exchange website at <http://www.denix.osd.mil>.

Other Reuse Regulations and Guidance

DoD's Office of Economic Adjustment published its Community Guide to Base Reuse in May 1995. The guide describes the base closure and reuse processes that have been designed to help with local economic recovery and summarizes the many assistance programs administered by DoD and other agencies. DoD published its DoD Base Reuse Implementation Manual to serve as a handbook for the successful execution of reuse plans. DoD and the U.S. Department of Housing and Urban Development have published guidance (32 CFR Part 175) required by Title XXIX of the National Defense Authorization Act for Fiscal Year 1994. The guidance establishes policy and procedures, assigns responsibilities, and delegates authority to implement the President's Program to Revitalize Base Closure Communities (July 2, 1993), as endorsed through Congressional enactment of the Pryor Amendment.

APPENDIX E – SELECTED COMPONENTS OF THE MULLER USARC REUSE PLAN

Appendix E contains the following components associated with reuse of the Muller USARC. Only the Homeless Assistant Submission and the Executive Summary of the Reuse Plan are located in this appendix. The Reuse Plan, in its entirety, can be requested from the following agency/individual:

Mr. Ernesto Padron
New York City Development Corporation
110 William Street
New York, NY 10038
Phone: (212) 312-4219

<u>Document</u>	<u>Date</u>
U.S. Department of Housing and Urban Development approval letter	June 20, 2012
SGT Joseph A. Muller Army Reserve Center Redevelopment Master Plan	June 2011
Legally Binding Agreement between the City of New York and the Doe Fund, Inc.	February 16, 2012
Modification Agreement between the City of New York and the Doe Fund, Inc.	May 29, 2012

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ASSISTANT SECRETARY FOR
COMMUNITY PLANNING AND DEVELOPMENT

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-7000

JUN 20 2012

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

Dear Mayor Bloomberg:

I am pleased to inform you of the Department of Housing and Urban Development's final determination that the *Redevelopment Plan for the Muller U. S. Army Reserve Center* dated June 29, 2011, with supplemental information dated February 16, 2012, May 29, 2012, and June 8, 2012, complies with the requirements of the Base Closure Community Redevelopment and Homeless Assistance Act of 1994, 10 U.S.C. 2687, as amended, and its implementing regulations found at 24 CFR Part 586. The Local Redevelopment Authority (LRA) may move forward with implementing the plan by pursuing a homeless assistance conveyance of real property for homeless assistance use. The basis for HUD's determination is discussed below.

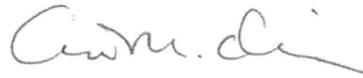
HUD determined that the Plan appropriately balances the needs of New York City for economic redevelopment and other development with the needs of the homeless in the community. The basis for that determination was that HUD's review of base closure plans is subject to the expressed interest and requests of representatives of the homeless. In this case, the LRA received two Notices of Interest in using the property for homeless assistance, selecting one proposal simply due to the larger scope of services provided. Where there is a substantial need for homeless assistance housing and services and where expressed needs of the representatives of the homeless are accommodated, HUD will conclude that a base reuse plan balances in the appropriate manner the needs of the community for economic and other redevelopment with the needs of the homeless in the community.

www.hud.gov

espanol.hud.gov

Congratulations on your success in effectively carrying out the military base reuse planning process. I wish you continued success in implementing the Muller U.S. Army Reserve Center reuse plan. HUD stands ready to assist you in your efforts. If the Department can provide any further service please contact Mr. Vincent Hom, Community Planning and Development Director, U.S. Department of Housing and Urban Development, 26 Federal Plaza, Suite 3513, New York, NY 10278. Mr. Hom may also be reached at (212) 542-7428 or vincent.hom@hud.gov.

Sincerely,



Ann Marie Oliva
Acting Deputy Assistant Secretary
for Special Needs

cc:
Mr. Paul Cramer, Acting DASA (I&H)
Mr. Patrick O'Brien, OEA



June 29, 2011

Linda Charest
BRAC Coordinator
U.S. Department of Housing and Urban Development
451 Seventh Street SW, Room 7266
Washington, DC 20410

Dear Ms. Charest:

On behalf of the Muller Local Redevelopment Authority (LRA), I am submitting the enclosed Homeless Assistance Submission and Redevelopment Plan for the Sgt. Joseph A. Muller Army Reserve Center located at 555 East 238th Street in the Borough of the Bronx, New York City, New York. Please do not hesitate to contact me at (212) 312-4219 if you have any questions or are in need of additional information. Thank you for your consideration of the LRA's submission.

Sincerely,

A handwritten signature in blue ink that reads "E. Padron".

Ernesto Padron

cc: Hon. Ruben Diaz, Bronx Borough President
Linda I. Gibbs, Deputy Mayor for Health and Human Services
Tokumbo Shobowale, Chief of Staff to the Deputy Mayor for Economic Development
Miriam J. Allen, CPD Representative, New York Regional HUD Office
Mark M. Jones, Assistant for BRAC, US Army
Patrick O'Brien, Director, Office of Economic Adjustment

MULLER LOCAL REDEVELOPMENT AUTHORITY
LRA APPLICATION (32 CFR PART 176.30)

HOMELESS ASSISTANCE SUBMISSION
AND REDEVELOPMENT MASTER PLAN



JUNE 29, 2011

MULLER ARMY RESERVE CENTER – BOROUGH OF THE BRONX
NEW YORK CITY, NEW YORK

HOMELESS ASSISTANCE SUBMISSION

June 29, 2011

SECTION A: REDEVELOPMENT PLAN

The Redevelopment Plan for the Sgt. Joseph A. Muller Army Reserve Center ("Muller USARC") is attached hereto as **Exhibit A**.

SECTION B: HOMELESS ASSISTANCE SUBMISSION

(1) Homelessness in the Communities in the Vicinity of the Muller USARC

(i) Political Jurisdictions that comprise the Muller Local Redevelopment Authority ("LRA")

The Muller USARC is located entirely in the Borough of the Bronx. The City of New York, New York ("NYC"), therefore, is the political jurisdiction that comprises the Local Redevelopment Authority. The Muller LRA, which includes the following members, was officially recognized by the Office of Economic Adjustment (OEA) on November 17, 2008:

- Bronx Borough President Ruben Diaz Jr.
- Deputy Mayor for Health and Human Services Linda Gibbs
- Chief of Staff to the Deputy Mayor for Economic Development Tokumbo Shobowale.

(ii) Gaps in the Continuum of Care System in NYC

The City's long-term strategy for addressing the needs of homeless people and those at-risk of homelessness is centered on three over-arching themes:

- Investing in proven strategies to reduce the number of homeless individuals on the streets.
- Preventing those families and individuals at-risk of homelessness from entering shelters.
- Ensuring that shelter is a short-term solution to a housing crisis by rapidly re-housing families and individuals.

The City's efforts in these areas are encompassed in a continuum of care which includes the following: outreach to the unsheltered homeless; diversion programs to prevent homelessness; assessment centers to determine clients' needs and make appropriate referrals for services; emergency shelters with supportive services to stabilize individuals and families so that they are able to live independently; permanent long-term housing options—both supported and non-supported—to rapidly re-house families and individuals; and aftercare services to maintain stability in the community and prevent recidivism to shelter.

Pursuant to a 1981 consent decree entered in *Callahan v. Carey*, the City of New York is mandated to provide temporary emergency housing to all homeless men and women who seek it. The City provides shelter to homeless men and women on the same day that they apply at one of DHS' intake centers for single adults; the City's intake centers and homeless shelters are open 24 hours a day,

MULLER LOCAL REDEVELOPMENT AUTHORITY
LRA APPLICATION (32 CFR PART 176.30)

seven days a week, 365 days a year. Second, DHS must balance its legal mandate with its fiscal responsibility to bring on additional shelter capacity only when circumstances are likely to require it. DHS balances these two fundamental concerns through daily tracking and analysis of the shelter system census.

a. Unmet Needs Analysis

Unanticipated Surge in Shelter Demand

The recent surge in shelter demand must be viewed in the context of historical trends, which in recent years have reflected a steady decline in the census of the City's shelter system for single adults. For example, between FY 2004 and FY 2009, the average daily census of the single adult shelter system declined from 8,473 to 6,525—a decrease of 23%. The recent economic recession is widely acknowledged to have begun in the last quarter of 2008. In January 2009, demand for shelter was higher than predicted, but the system was able to accommodate the increase and still maintain a nearly 5% vacancy rate, since the average census for the month was still lower relative to January 2008. After this initial increase in 2009, demand essentially leveled off, with the shelter system increasing by only 0.5% during the first six months of the year.

The second half of 2009, from July to December, saw a 5% rise in the average daily census—a much steeper increase in demand than in the previous six months. DHS first identified these trends in July 2009, when the agency began analyzing potential capacity increases in the shelter system. Therefore, the economic crisis did not trigger a steady increase in demand for single adult shelter capacity until long after it began. For these reasons, notwithstanding DHS' careful monitoring of the census as compared to its projections for changes in historical trends, DHS did not foresee, nor could it have foreseen, the need for increased capacity prior to that time. Unfortunately, even though the economy is recovering, the demand for shelter has seen no signs of dissipating. In 2010, DHS saw a 16% increase in the average daily census of the single adult shelter system. At the same time, over the past 9 months, the average vacancy rate for the shelter system has been 2%—or stated another way, 98% of available shelter beds have been occupied each night. This unprecedented demand has put immense pressure on DHS to build or procure additional shelter capacity to meet its legal mandate to provide shelter.

b. Homeless Adults and Families in the Bronx

The NYC Department of Homeless Services' most recent counts of sheltered (as of May 2011) and unsheltered homeless adults and families (as of January 2011) in the Bronx are set forth below. These numbers include information derived from HOPE 2011, New York City's annual census of unsheltered individuals living on the streets and in other public spaces (a summary of the findings of the HOPE 2011 census is attached as **Exhibit B**).

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Sheltered Homeless Population:

	Single Adults	Families
Total Shelter Capacity Citywide (May 2011)	9,136 beds	10,463 units
Number of Shelter Beds/Units in the Bronx (May 2011)	1,021 beds	3,913 units
Percent of All Shelter Beds/Units Citywide in the Bronx	11%	37%
Total Number of Shelter Entrants Citywide (July to December 2010)	4,278	5,981
Total Number of Shelter Entrants from the Bronx (July to December 2010)	1,259	2,384
Percent of All Shelter Entrants Citywide from the Bronx	29%	40%
Percent of NYC Residents Residing in the Bronx	17%	

Unsheltered Homeless Population:

HOPE Count Total in 2009:	2,328 individuals
HOPE Count Total in 2010:	3,111 individuals
HOPE Count Total in 2011:	2,648 individuals
Unsheltered individuals (street homeless) in Bronx as of 2011 HOPE COUNT:	115 individuals

(2) Notices of Interest

(i) Proposal Specifics

The LRA received three (3) Notices of Interest ("NOIs"):

a. United Church of Jesus Christ, Inc.

Proposal Summary

Use of the Muller USARC to (i) expand educational programs to include early head start, kindergarten through sixth grade, and operation of an after school program; and (ii) establish skills training programs for older students.

b. The Doe Fund, Inc.

Proposal Summary

Use of the Muller USARC to operate a residential shelter program for up to 200 homeless individuals, including comprehensive provision of required social and support services.

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c. South Bronx Overall Economic Development Corporation

Proposal Summary

Use of the Muller USARC for the development of 30 to 40 units of transitional and permanent housing for homeless veterans and homeless elderly individuals in an assisted living environment.

After review of the NOI Applications, a majority of the LRA determined that the Application of the United Church of Christ did not meet the NOI requirements, since the proposal did not address the needs of the homeless. The LRA majority members then held meetings with the Doe Fund, Inc. (TDF) and the South Bronx Overall Economic Development Corporation (SOBRO) during the week of September 24, 2010, at which time both of the qualified NOI Applicants provided additional information for consideration.

Also, the New York State Division of Military and Naval Affairs (DMNA) submitted a “letter of intent” seeking to use the Muller USARC property to house National Guard and New York Guard units currently stationed in the annex building at the Kingsbridge Armory. While this letter was considered by the LRA, a majority of the LRA concluded—after weighing economic and other development needs against those of the homeless as is described in more detail in the balance statement in Section B(4)—that the most appropriate use for the Muller property would be for the on-site accommodation of a homeless service, such as the shelter proposal received from TDF.

(ii) Relationship of NOIs to Homeless Needs in NYC

The LRA thoughtfully evaluated the three NOIs that were submitted. The submission from the United Church of Jesus Christ was rejected by a majority of the LRA for unresponsiveness—it did not address how the proposed provider would assist the homeless through its proposal. Of the two remaining proposals, a majority of the LRA concluded that the proposal submitted by TDF would best meet the needs of the homeless in New York City and the Bronx, and should therefore be selected over the proposal submitted by SOBRO. A key reason was the scope of services proposed: because TDF proposed redeveloping the Muller site into a shelter for 200 single homeless adults (including veterans) while SOBRO proposed housing 40 homeless seniors and veterans, TDF’s proposal would allow the City to better meet the needs of the homeless by serving more individuals. Also important to the LRA majority members in making their decision was the superiority of TDF’s proposal in meeting the goals outlined in New York City’s continuum of care (COC).

New York City’s COC (in which TDF is an active participant) recognizes that homelessness is not an isolated problem and that housing is not always the single solution. Rather, NYC seeks to enlist homeless service providers that offer a variety of services designed to help shelter residents live independently, including: employment training, educational counseling and services, mental health rehabilitation, specialized services for veterans, substance abuse treatment, intensive counseling and case management, and other transitional services. To ensure that people can move successfully

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through this continuum of care, services are flexible and client-based; clients are expected to be full participants in programs to help them become independent.

TDF has a history of providing homeless services that are seamlessly aligned with the City's COC goals. For example, their flagship initiative, Ready, Willing & Able, is an award-winning transitional work and housing program founded in 1990 that provides comprehensive services to homeless adult men that allow them to reenter the economic mainstream. In addition, the services which TDF has proposed to provide at the new shelter to be developed at the Muller site focus on promoting self-sufficiency and are ones which TDF has a rich history of successfully providing at other shelters that the organization operates. These programs and services include: (a) case management; (b) paid transitional employment; (c) weekly, onsite, random drug testing, coupled with drug relapse prevention services; (d) advanced occupational training in one of TDF's social entrepreneurial enterprises; (e) computer training and educational assistance (literacy, pre-GED, GED, and college prep); (f) life skills and financial management courses, including a mandatory savings program; (g) child support services including garnishment of training incentives; (h) career development and job placement services, and (i) graduate services, which are available for life to those who complete TDF's program.

Though provider experience was not a formal part of the LRA's evaluation process in choosing a homeless services provider, TDF's experience in providing homeless services—including its experience in serving homeless veterans in particular—supports the majority of voting LRA members' selection of TDF to operate a shelter at the redeveloped Muller site. TDF successfully operates 3 shelters on behalf of the City with a combined total of 638 beds, 138 of which are exclusively designated for and provide special services (including training, counseling, referrals to medical/psychiatric services, and linkages to community support networks, supportive housing, and employment) to homeless veterans. In addition, TDF's experience in transitioning homeless individuals to permanent housing is demonstrated by the fact that the organization operates several permanent affordable and supportive housing programs throughout New York City.

(iii) Proposed Homeless Accommodation

A majority of the Muller LRA determined that the most appropriate use for the property would be an on-site homeless service accommodation providing short-term / transitional housing to serve a portion of the City's homeless population—and that TDF's NOI Application represented the most viable and financially sound, as well as the most responsive, of the proposals received through the NOI outreach process. The TDF program proposed for the property includes the redesign and transformation of approximately 40,000 square feet of the property's single building into residential accommodations to serve 200 clients, with the adapted space to be developed into the following categories:

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- *Common Areas and Programs* will include the reception area, intake, the program director's office, social services, conference rooms, medical / nurse station, library, conference / multi-function rooms, computer labs, dispatch and other program space.
- *Food Services* will transform the existing kitchen facilities into a commercial kitchen for preparation of all meals and training staff, and include a dining room for all residents and day program participants, a small food service office, and storage and refrigeration space.
- *General and Administrative* will include areas for security, storage, office space, IT offices and server room, custodial office, staff bathrooms, public bathrooms, and the maintenance office and storage area.
- *Living Quarters* will include sleeping rooms based on DHS requirements of 80 square feet per client and a minimum of two (2) beds per room; lounge / day rooms; shared bathrooms and showers; laundry facilities; and house manager space. TDF plans to have security on each sleeping floor, as well as a lounge and bathroom on each floor.
- *Outdoor Grounds and Facilities* will be utilized for passive recreation, storage and parking; basketball courts will be provided if space is available. TDF operates a large fleet of vehicles, some of which will be assigned to the Muller USARC facility to provide necessary transportation for clients. The outdoor area will also accommodate sanitation disposal needs for the property.

Common areas, programs, food services, and general and administrative spaces will be consolidated on the main floor of the building, while living quarters will be restricted to upper floors. This type of layout will allow for separation of regular and day program operations from the residential component of the remodeled facility.

(iv) Copies of Notices of Interest

Please see **Exhibit C**.

(v) Community Impact

Minimal impact will result from demands that would be placed by a new 200-bed homeless shelter on available social services, police, fire protection, and infrastructure in the area surrounding the Muller USARC. Given the close proximity of fire/EMS stations, police stations, and city social service/job centers to the Muller USARC, it is highly unlikely that the presence of a shelter at the site would unduly tax any of these services in the area. With regard to infrastructure, the Muller site is within walking distance to several bus and subway lines. There is likewise no reason to believe that opening

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a shelter at the site would unduly strain the City's sewer system; the Hunts Point Wastewater Treatment Plant serves the northeast Bronx and is currently undergoing upgrades.

(3) Legally Binding Agreement

Please see **Exhibit D**.

(4) Balance Statement

In balancing the economic and other development needs of the Wakefield community (as well as the greater communities of the borough of the Bronx and the City of New York as a whole) against the needs of the homeless, members of the Muller LRA carefully considered information from a variety of sources, including community feedback, data provided by the NYC Economic Development Corporation (EDC has been a close partner with the LRA on this project) and the NYC Department of Homeless Services, as well as a detailed "real estate conditions" study prepared by Economic Research Associates (ERA) for the LRA. Much of this information is summarized in the Evaluation Matrix (included as part of the Redevelopment Plan attached as Exhibit A), which details the numerous economic development and related uses—including office/industrial, residential, professional services/retail, community, and educational—that the LRA considered for the Muller USARC site.

Economic Development Needs

According to the ERA study based on data from the U.S. Census Bureau, Wakefield has about 10,600 households with an average household income of \$65,300—30% higher than the average household income in the Bronx. Population growth in the Wakefield neighborhood has exceeded the rates observed in the Bronx and City since 1990. In addition, Wakefield has a relatively well-educated population. About 73% of the population over the age of 25 has a high school degree or better, compared to 62% in the Bronx and 72% in the City overall. The growing and relatively well-educated population has, unfortunately, been affected by the economic downturn. According to the EDC, unemployment in the Bronx stood at 7.4% in 2008, the highest among all boroughs in the City. However, during the last economic upturn, the Bronx experienced the largest percentage point drop in the unemployment rate of any of the boroughs. In fact, according to the ERA study, the largest employment sector in the Bronx (and the one expected to enjoy the greatest growth in the next decade) is health services, with retail trade being the next largest sector.

While this data demonstrates that the Bronx and the Wakefield neighborhood in particular present the possibility for economic growth and demand for increased job opportunities, the LRA nonetheless had to carefully consider whether redeveloping the Muller USARC site would have a demonstrated potential to contribute to these economic development needs. A review of the market study by a majority of the LRA members and their own research and analysis (in particular, the Evaluation Matrix) concluded that the site could not.

With respect to exploring potential office uses for the property to meet growing demand in the health services sector, there is a sluggish local market for office leases, with vacancy in the Bronx approaching 15%. In addition, unlike competitive medical offices nearby, the Muller site is not adjacent to the Montefiore North Division hospital complex. Also, the demand in the area for non-medical office space is limited.

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Redeveloping the property for retail use—the Bronx’s next largest employer—is not viable as well. The Muller site is not within the area’s primary retail corridor (White Plains Road, which is a quarter mile away) and retail space outside of this corridor exhibits a relatively high vacancy rate of 10%. In addition, the site is not adjacent to other retail uses and its configuration presents severe challenges to making ample parking available. Finally, there is limited demand for new industrial projects in the vicinity of the Muller USARC, as evidenced by the lack of new industrial development in the vicinity and the fact that employment in manufacturing has declined in the Bronx by nearly 5% annually since 1990—not to mention that incentive (Empire) zones are located elsewhere in the Bronx and the Muller site lacks convenient truck accessibility or loading areas. Therefore, based on these findings and site characteristics, the potential for economic development from reuse of the Muller USARC is minimal, if at all.

Homeless Needs

With respect to the needs of the homeless population in the Bronx (and in New York City as a whole), the situation is an acute one. According to DHS, there were over 37,000 individuals housed in the City’s single adult and family shelter systems as of the end of March 2011, a figure that by far represents the largest municipal homeless shelter population in the country and is larger than the population of many small cities. New York City is also unique in that it is (to the LRA’s knowledge) the only city in the country which has a legal mandate (pursuant to a 1981 consent decree in *Callahan v. Carey*) to provide temporary emergency housing to all homeless individuals who seek it. This means that DHS must shelter homeless men and women the day they apply at one of DHS’ intake centers for homeless adults and must do so 24 hours a day, seven days a week, 365 days a year. Meeting this mandate—and also the ever-increasing demand for shelter by families with children—has proven to be exceptionally challenging in recent times in the wake of the economic downturn.

Census numbers and vacancy rates for the DHS shelter system tell the story. From February 2010 to February 2011, there was a 19% increase in the average daily census of New York City’s single adult shelter population, rising from 6,953 to 8,300. At the same time, over the past 9 months, the average vacancy rate for the single adult shelter system has been 2%—or stated another way, 98% of available shelter beds have been occupied each night. This unprecedented demand for shelter, particularly from residents of the Bronx, has put immense pressure on DHS to build or procure additional capacity to meet its legal mandate to provide shelter. With regard to the Bronx specifically, it should be noted that while about 17% of the City’s population resides in the Bronx, 29% of entrants into the City’s single adult shelter system and 40% of entrants into the family shelter system are from the borough.

Community Feedback

In their deliberations, LRA members carefully considered public feedback provided through public hearings, as well as through correspondence sent to the LRA. It should be noted that the LRA received public feedback in the form of concern about the redevelopment of the Muller USARC as a homeless shelter, while others expressed support for relocating National and New York Guard units to the Muller USARC. In addition, some members of the public expressed support for redeveloping the site as an intergenerational community center, while still others thought it might be well-suited for a school.

Consideration of Other Uses; Decision of the LRA

After carefully weighing the economic and related development needs of the Wakefield, Bronx, and greater New York communities alongside the homeless needs of the same areas, a majority of the members of the LRA—as discussed and deliberated at a meeting of all three members of the LRA held on November 23,

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2010—determined that the best use of the Muller USARC property would be an on-site homeless service accommodation providing short-term/transitional housing. While the Bronx and the area around Muller have demonstrated economic growth and a need for further development, the majority determined that the extraordinary demand for homeless shelter in New York City—especially from the Bronx—outweighed the property’s limited potential for economic development. The majority further based their decision on research which demonstrated that the redevelopment of the property for economic development uses such as retail, manufacturing, and office space is not viable due to the nature of the property and current economic conditions in the area.

Furthermore, as part of this calculus, the LRA examined related uses for the site. Specifically, the LRA reviewed and thoughtfully considered a “letter of intent” from the New York State Division of Military and Naval Affairs (DMNA) seeking to use the property to house National Guard and New York Guard units currently stationed in the annex building adjoining the Kingsbridge Armory. The LRA also considered potential community and educational uses for the site based on feedback received during the public comment process. (It should be noted that beyond the letter from the DMNA, no other public agency expressed formal interest in using the site for a school or for any other public purpose.) However, a majority of the LRA did not recommend a potential reuse to house Guard units, a school, or another community-based facility. The majority concluded that the need for shelter and the benefits to be derived from that use are far greater than any benefits that can be derived from redeveloping the Muller USARC for other educational/community uses or from relocating Guard units to the site. It should also be noted that the Guard units which the DMNA proposed to move already have quarters in the existing armory at Kingsbridge and that such a move would not create any additional economic activity in the Bronx.

(5) Outreach Summary

The outreach effort to homeless providers, governmental bodies, non-profit organizations and other interested parties in New York City was extensive. A workshop was held on April 29, 2009 at the Muller USARC to discuss the project and the federal process for interested and qualifying agencies. Notices of the availability of federal surplus property at the Muller USARC and information on this workshop to familiarize interested parties with the land, buildings and facilities at the Muller USARC and with the entire base closure process were published in the New York Post on March 5, 2009 and in the New York Daily News on March 17, 2009. The Daily News and the Post are newspapers of general circulation in New York City. **Exhibit E** includes proof of publication of the NOI Workshop in those publications and a list of homeless providers that received specific meeting notification, as well as copies of workshop handouts, sign-in sheets, and a meeting summary.

In addition to the NOI workshop, a community public meeting was held in the Bronx on June 23, 2009 to receive public input on the preparation of the Redevelopment Plan. This general public meeting was advertised in the New York Daily News on June 17, 2009, and the Bronx Times on June 18, 2009. Proof of publication is provided in **Exhibit F**, along with: materials presented at this public meeting, a summary of issues and concerns expressed at this meeting, and letters received regarding future redevelopment for the facility.

Prior to this public meeting, key community stakeholders and elected officials were interviewed by the planning consultant to obtain focused input on reuse issues related to the Muller USARC. These stakeholders included:

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- Carmen Rosa, District Manager of Community Board #12
- Father Richard Gorman, Chairperson of Community Board #12
- Carl Sticker, Second Vice Chairperson of Community Board #12
- Mary Lauro, President of the Wakefield Taxpayers Association
- Doris Bradsher, Retired Community Resident of Wakefield
- Kathleen Sheridan, President of the Woodlawn Taxpayers Association
- Carla Borsetti, CB #12 Member and Woodlawn Resident
- Alonso DeCastro, Veteran and President of the East of Laconia Community Association
- Council Member G. Oliver Koppell
- John Doyle, Office of Jeffrey D. Klein, State Senator – 34th District

The First Draft LRA Application, Second Draft LRA Application, and Draft Final LRA Application (in each case, including the Draft Homeless Assistance Submission and Draft Redevelopment Plan) were made available for a 30 day public comment period beginning on September 15, 2009, August 31, 2010, and May 26, 2011, respectively through posting on the NYC Economic Development Corporation website. The comment periods were publicized through the website; email notification to community stakeholders and others who had expressed interest in the redevelopment process; and, in the case of the Second Draft and Draft Final Applications, advertisements in the Daily News. In addition, a public hearing to receive comments on the Draft Final LRA Application was held on June 22, 2011. The hearing was publicized through advertisements in the Daily News on May 26, 2011 and June 9, 2011. Public comments received on the First Draft and Second Draft LRA Applications, as well as a copy of the newspaper notice regarding the comment period for the Second Draft LRA Application, are provided in **Exhibit G**. Proof of publication advertising the comment period for the Draft Final LRA Application and final public hearing is provided in **Exhibit H**, along with: sign in sheets for the hearing, a summary of issues and concerns expressed at the hearing, and written comments/testimony received at the hearing, as well as letters and emails received by the LRA during the final public comment period.

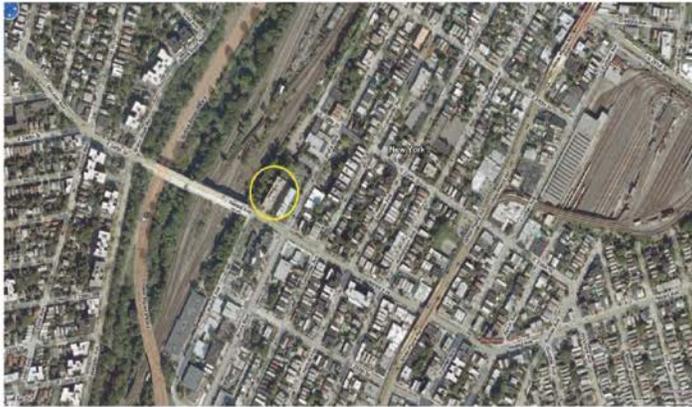
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EXHIBIT A

MULLER ARMY RESERVE CENTER
REDEVELOPMENT PLAN

SGT. JOSEPH A. MULLER ARMY RESERVE CENTER – BOROUGH OF THE BRONX
NEW YORK CITY, NEW YORK

SGT. JOSEPH A. MULLER ARMY RESERVE CENTER
REDEVELOPMENT MASTER PLAN



555 East 238th Street, Borough of the Bronx
New York City, New York

JUNE 2011

Sgt. Joseph E. Muller USARC
Borough of the Bronx, New York City, New York
Redevelopment Master Plan

This study was prepared under contract with the New York City Department of Small Business Services, New York, with financial support from the Office of Economic Adjustment, Department of Defense. The content reflects the views of the New York City Department of Small Business Services and does not necessarily reflect the views of the Office of Economic Adjustment.

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Appendix A: Existing Real Estate Conditions

Appendix B: OEA Letter of Authorization

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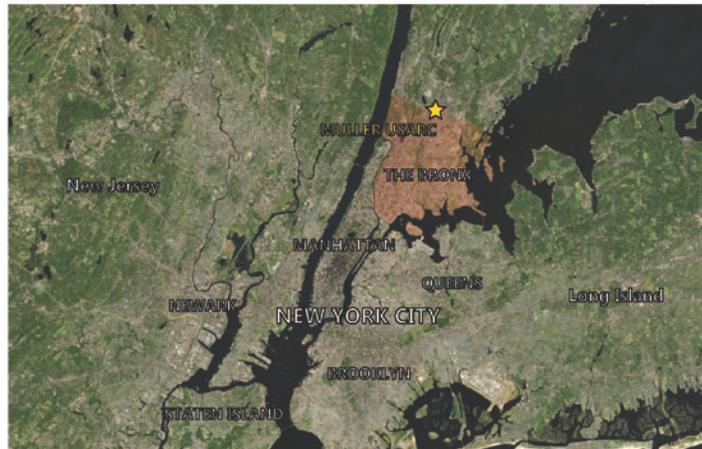
Executive Summary

The Sgt. Joseph E. Muller USARC Reuse Master Plan, as presented and described in the following Sections, reflects the significant involvement of the Muller Local Redevelopment Authority (Muller LRA) and the consultant team since the planning process was initiated in the Spring of 2009. While public interaction and comment played a key role in the development of the Plan, the Muller LRA's overarching vision for redevelopment and its community-driven principles focused the effort and the results described herein.

Background and Overview

After initial recommendations were issued by the Secretary of Defense, the 2005 Base Realignment and Closure (BRAC) Commission prepared a list of recommended base closures for the President on September 8, 2005. On September 15, the President approved a final list, which included the Sgt. Joseph Muller USARC, and transmitted it to Congress. By law, the facility must close by September 15, 2011.

The Muller Army Reserve Center is located at 555 East 238th Street (Nereid Avenue) in the Wakefield neighborhood of the Borough of the Bronx, in the City of New York.



Given the property's location, the City of New York is the only political jurisdiction that comprises the LRA, which was officially designated as such by the Office of Economic Adjustment (OEA).

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The federal Base Closure Community Redevelopment and Homeless Assistance Act governs the process of how federal defense facilities are disposed, and directs the local redevelopment authority to engage in a community-based planning process that balances economic development with the needs of the homeless. Accordingly, the LRA published its initial Notice of Interest for distribution to state and local governments and other interested parties in the *New York Daily News* and the *New York Post*, which solicited proposals from homeless providers for use of the property.

The planning process included the assistance of a private planning consultant. After soliciting proposals nationwide, the Muller LRA selected Matrix Design Group, Inc. The scope of work to be provided included a public engagement process, an existing conditions assessment, and a reuse planning process aimed at the development of a preferred reuse plan for the Muller USARC property.

The Public Engagement Process

The public participation program for the reuse planning effort for the transfer and redevelopment of the Muller Army Reserve Center was focused around a series of public meetings, stakeholder interviews, and from information provided via the New York City Economic Corporation web site, <http://www.nycedc.com>.

Approach to Public Participation

▶ **Stakeholder Interviews**

As part of initial inventories and investigation of site conditions and characteristics, the Planning Consultant Team met with key community stakeholders within the community and adjacent neighborhoods as well as elected officials and community representatives to discuss the impacts from the facilities current use and to obtain specific input on potential reuse issues related to redevelopment Muller USARC.

▶ **Public Meetings and Workshops**

The outreach effort to community members, homeless providers, governmental bodies, non-profit organizations and other interested parties in New York City was extensive. A workshop was held on April 29, 2009 at the Muller USARC to discuss the project and the federal process for interested and qualifying agencies. Notices of the availability of federal surplus property at the Muller USARC and information on this workshop were published in the *New York Daily News* and the *New York Post*. A public meeting was held on June 23, 2009 at Community Board 12 in the Borough of the Bronx to receive public input on the preparation of the Redevelopment Plan. The meeting was advertised in both the *Daily News* and the *Bronx Times*. The First Draft LRA Application, Second Draft LRA Application, and

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**Sgt. Joseph E. Muller USARC
Borough of the Bronx, New York City, New York
Redevelopment Master Plan**

Draft Final LRA Application (in each case, including the Draft Homeless Assistance Submission and Draft Redevelopment Plan) were made available for a 30 day public comment period beginning on September 15, 2009, August 31, 2010, and May 26, 2011 respectively through posting on the NYC Economic Development Corporation website. The comment periods were publicized through the website; email notification to community stakeholders and others who had expressed interest in the redevelopment process; and, in the case of the Second Draft and Draft Final Applications, advertisements in the *Daily News*.

In addition, a public hearing to receive comments on the Draft Final LRA Application was held on June 22, 2011. The hearing was advertised in the *Daily News*.

Existing Conditions

Community Character

The Sgt. Joseph Muller USARC is situated in a highly urbanized setting. The Bronx is one of five boroughs that make up New York City, containing nearly 1.4 million residents¹ in an area of only 42 square miles, giving it a population density of over 33,000 people per square mile.

Within the vicinity of the Muller USARC, the ethnic background of the population is mixed: 65% African American, 18% Hispanic, and 10% White, with the remainder being Asian or multiracial. Two-thirds of the population lives in rental units, and the per capita income is roughly \$21,000.

The dense, highly urbanized character of the neighborhoods surrounding the Muller USARC site allows for a great number of community facilities and amenities within close proximity, including numerous schools, libraries, major parks, and open space areas.

Land Use and Zoning

A variety of factors impact future use potential of the Muller USARC property, not the least of which is its zoning designation and associated restrictions. The property is zoned M1-1, which falls under the broad zoning classification of manufacturing. The manufacturing district allows for light industrial uses, retail and commercial uses with some exceptions, but generally prohibits residential and community facility uses.

In New York City, floor area ratios are the primary method for regulating building height and building bulk in manufacturing districts. In the M1-1 district, floor area ratios are set at 1.0, meaning that any new structure may not have a total square footage exceeding the total size of the lot it is constructed upon. Additionally, one parking space must be provided for every 1,000 square feet of floor space within the building, or one space for

¹ US Census Bureau, 1 July 2008

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every 2,000 square feet of floor area for certain types of uses such as warehousing. This requirement is rigid and is not influenced by proximity to transit or any other similar factor. The adjacent property used for parking, discussed in more detail later in this section, currently provides significantly fewer spaces than needed for the size of the main facility, given a parking ratio of 1 space for every 1,000 square feet of floor area.

The Muller USARC's location in a highly urbanized area makes local transportation options numerous and redundant. Rail, road, highway, pedestrian, and cycling infrastructure are all present in the area to provide transportation to the millions living in New York City.

Site Characteristics

The main Muller USARC site is more or less rectangular, measuring approximately 23,400 square feet in size, and a nearby (but not adjacent) lot measuring about 11,200 square feet provides parking for the main site. Access between the two parcels is provided by a roadway constructed on a permanent easement on the intermediate lot. Together, the parcels add up to just under 35,000 square feet, making the 55,000 square foot USARC building noncompliant with the current zoning code, as its floor area ratio exceeds 1.0.

The northeastern portion of the site is dominated by a parking lot that combines spaces for privately owned vehicles (POV) as well as military equipment parking (MEP). Access to the lot is provided by a gate on Bronx Boulevard, while pedestrian access to the main building is off of East 238th Street. The parking area has space for roughly 20 vehicles in addition to dumpsters and other equipment.

The main building is a four story structure with a footprint that roughly follows the shape of the rectangular parcel it is constructed upon. Its approximately 55,000 square feet of interior space consist of office space, classrooms, a cafeteria and associated kitchen, storage, a boiler room, and the maintenance shop.

The maintenance shop is no longer in use, but instead functions as a storage area, much like the remainder of the first floor. The cafeteria and kitchen are located on the second floor.

ES:4

Market and Economic Conditions and Influences

An analysis of demographic, economic, and real estate conditions and regional economic impacts from reuse was included as part of the planning process for the redevelopment of the Muller USARC property.

Wakefield has about 10,600 households with an average household income of \$65,300, 30 percent higher than the average household income in the Bronx. The population growth rate in the Wakefield neighborhood exceeded the rates observed in the Bronx and City since 1990. More recently, population growth has slowed to rates below the Bronx and City. While household incomes have kept pace with inflation, the Bronx and City have enjoyed more significant average household income growth rates.

The Bronx currently supports employment of 231,000 part-time and full-time employees. The largest sector in the Borough is health services with 79,700 employees. The next largest sectors are retail trade (24,000 employees) and government (23,400 employees). Employment in the Bronx has increased at a slow, steady pace since 1990. Relatively high-growth employment sectors include education, health services, and leisure/hospitality. Conversely, employment in manufacturing has declined significantly: nearly five percent annually since 1990. In the future, employment growth forecasting indicates relatively strong growth in the health services employment sector in the Bronx.

The findings of the Existing Real Estate Conditions report indicate the development potential for retail, office, industrial, and residential redevelopment based on market conditions and locational attributes. The analysis does not consider the potential cost or financial feasibility of redevelopment.

Retail Uses: The Muller USARC site is located ¼-mile off the primary local retail corridor, White Plains Road. Retail space outside of the White Plains Road corridor exhibits a relatively high vacancy rate of ten percent. Although the site is visible from vehicular traffic on Nereid Avenue, it is not adjacent to other retail uses. In addition, the frontage on Nereid Avenue, a well-used cross street, is limited. Site configuration and size may prevent ample and visible off-street parking.

Conclusion: Retail development potential is very limited.

Office Uses: There are fully-leased medical office properties proximate to the site, but property brokers indicate a sluggish local market for office leases. Vacancy in the Bronx is approaching 15 percent. Further, unlike competitive medical offices nearby, the Muller USARC site is not adjacent to the Montefiore North Division hospital complex. There is limited demand for non-medical office space, though there are a number of non-profit organizations looking for space.

Conclusion: Office development potential is limited.

ES:5

Industrial Uses: There are some traditional manufacturing and construction-trade tenants near the Muller USARC site, along Bronx Boulevard and Bullard Avenue. Though vacancy is relatively low, there is limited demand for new industrial projects, as evidenced by the lack of new industrial development nearby. In general industrial development has clustered within Empire Zones (i.e., incentive zones) located on the Bronx waterfront at Hunt's Point and Port Morris. In addition, the Muller USARC site does not offer convenient truck accessibility or loading areas.

Conclusion: Industrial development potential is very limited.

Residential Uses: The Wakefield neighborhood is a desirable residential community with favorable demographic characteristics. While there has been relatively little new construction, a recently-developed residential condominium project exhibited strong sales. The Muller USARC site offers good access to transit, including the NYC subway and bus system. The site is also near convenience retailers on White Plains Road and other retail destinations in the Bronx and Westchester County.

Conclusion: Residential development potential is moderate.

Community / Educational Uses: While no specific inventory or demand analysis for community-based social, recreational, educational, and/or cultural uses was conducted as part of this process, some members of the public expressed informal support for consideration of these types of non-revenue generating uses as part of the LRA's overall outreach process. Though use of the Muller USARC for these types of community uses is not considered an economic development opportunity (nor does it qualify for meeting the needs of the homeless), community uses and educational uses were discussed in the Evaluation Matrix, provided at the end of **Section 3**. This matrix summarizes the building conditions/characteristics of the Muller site that could influence the suitability of such uses. In general, the deficiencies cited and summarized on the Evaluation Matrix for revenue-generating uses (office and industrial; private-sector residential; and professional and retail services) also apply to non-revenue-generating community uses.

Buildings and Facilities

As a major part of the study's inventory and analysis of existing conditions, a Building and Facilities Assessment was conducted for the building resources on the Muller USARC property. The purpose of the study was threefold: (1) to identify and document significant buildings and facilities that might be considered for similar or adaptive reuse in the future; (2) to determine the extent of conditions and characteristics that might impact a building's cost-effective utilization or adaptive reuse; and, (3) to provide a standard method and format to document the data for use during this planning study, and for future marketing of the building and facility resources.

ES:6

During the data collection and building and site inventory process, consultant team members obtained digital information comprising record documents (drawings, databases, environmental reports) associated with the study area. The review of the data and resulting summaries was based in large part on data and information provided by the U.S. Army, as well as information obtained during on-site reconnaissance and walkthroughs of the main building. The building assessment is included in the body of this document.

Environmental Assessment

An environmental assessment of the Muller USARC property was conducted. If reuse of the property for residential, primary education, or retail purposes is contemplated, further environmental evaluation may be warranted to determine the extent of asbestos containing materials and lead-based paint present in or on building materials at the site, and whether vapor intrusion from the Hess gas station contaminated groundwater has affected indoor air quality in the building at the site. Asbestos containing materials and lead-based paint are frequently present in buildings of this age and care should be taken to prevent disturbance of these materials during redevelopment activities as abatement and disposal costs can be significant.

Matrix has not completed sampling of environmental media of any kind. The potential exists for unreported and unknown environmental issues associated with the Site or surrounding areas that are not identified herein. No warranties, expressed or implied, are presented herein. However, Matrix has provided its best professional opinion regarding the environmental opportunities and constraints that exist at the Site.

Reuse Alternatives and Plan Selection

Given the Muller USARC's location, small size, single building characteristics, and site configuration, potential redevelopment options are more limited than what might be possible on much larger BRAC properties with more diverse assets. In order to better understand potential opportunities within those limitations, the Planning Consultant Team identified five (5) broad land use categories considered appropriate for potential reuse of the property. Within each of these land use categories, specific or potential impacts, observations, and/or conclusions were made by the Planning Consultant Team in order to provide the Muller USARC LRA with an overall understanding of the facility that would enable it to make a decision on the redevelopment strategy and the facilities long-term use.

Land use types considered potentially viable for redevelopment of the property included the following:

- ▶ Office and industrial uses
- ▶ Educational facilities

ES:7

- ▶ Community uses
- ▶ Residential uses
- ▶ Professional and retail services

Property Conveyance Mechanisms and Other Plan Implementation Considerations

There are a number of property transfer mechanisms that could be used to convey all or portions of the Muller USARC property to new owners; the most suitable property transfer mechanisms for consideration include the following:

- ▶ **Public Benefit Conveyances** . . . *“the transfer of surplus military property for a specified public purpose at up to a 100 percent discount.” Surplus military property may be conveyed to public agencies and/or not-for-profit organizations to provide public goods and services. Use categories within in this type of property transfer include uses related to parks and recreation, health, education, correctional facilities, self-help housing, and emergency management.*

There were no Notice of Interest Applications received from qualifying state or local public agencies for use of the property. A letter of intent was received on June 12, 2009 from the State of New York Division of Military and Naval Affairs.

- ▶ **Transfers to Homeless Providers** . . . *As part of the federal legislation that sets the policies and regulations for the BRAC process, qualified homeless providers within the vicinity of the property are given priority consideration for reuse of surplus military property in order to help meet “continuum of care” goals and objectives of the City of New York. Any property transferred through this process is provided at 100% discount, and therefore at no cost to homeless providers.*

Three Notice of Interest Applications were received by the Muller USARC LRA from organizations within the designated vicinity of the property, as listed below:

- United Church of Jesus Christ, Inc. for the expansion of educational programs that would include early head start, kindergarten through sixth grade, and operations of an after school program; as well as to establish a skills training program for older students;
- The Doe Fund, Inc. for the operation of a shelter program, including comprehensive provision of required social and support services for up to 200 homeless clients; and,
- South Bronx Overall Economic Development Corporation for the development of 30 to 40 units of transitional and permanent housing for homeless veterans and homeless elderly individuals in an assisted living environment.

ES:8

Other property transfer mechanisms could include:

- ▶ **Negotiated Sale** . . . a sale of the property from the federal government to a recognized redevelopment authority or other qualified government entity for a specific public purpose, requiring payment based on fair market value;
- ▶ **Public Sale** . . . a sale by the Army that would restrict future redevelopment to those land uses approved by the LRA as a result of the reuse planning process; and
- ▶ **Economic Development Conveyance** . . . a transfer mechanism available to the LRA for job creation.

Preferred Reuse Master Plan

The LRA based its recommendation of a “preferred” reuse for the Muller USARC property on several key factors, including the Evaluation Matrix, public comment, guidelines within the BRAC legislation, considerations of viable economic development and/or revenue-generating opportunities, and the needs of the homeless.

Within the parameters of the above-stated considerations, the LRA determined that the most appropriate use for the property would be **housing for the homeless** to serve a portion of the City’s homeless population; and, that the NOI Application of the Doe Fund (TDF) represented the most viable and financially sound, as well as the most responsive of the proposals received as part of the NOI process.

Community Impact

It is anticipated that the location of a new, 200-person homeless shelter in the Wakefield neighborhood of the Bronx will have minimal impact on the available social services, police, fire protection, and infrastructure in the community. Given the close proximity of several fire stations, police stations, and social service centers to the Muller USARC, it is highly unlikely that the presence of a shelter at the site would unduly tax any of these services in the area.

With regard to infrastructure, the Muller USARC is within walking distance to several bus and subway lines. There is likewise no reason to believe that the opening of a homeless shelter at the site will have an undue strain on the City’s sewer system; the Hunts Point Wastewater Treatment Plant serves the northeast Bronx and is currently undergoing upgrades.

ES:9

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ES:10

Execution Copy

Legally Binding Agreement for Homeless Provider Services

This Legally Binding Agreement (the "**Agreement**") is entered into as of the 16th day of February, 2012, by and between THE CITY OF NEW YORK (the "**City**"), a municipal corporation, by and through its Department of Homeless Services ("**DHS**") and THE DOE FUND, INC. (or, subject to the approval of the City, a wholly owned or a wholly controlled subsidiary on behalf of The Doe Fund, Inc., either, "**Homeless Provider**" or "**Doe Fund**") for the redevelopment of the Sgt. Joseph A. Muller Army Reserve Center (the "**Muller ARC**") under the Defense Base Closure and Realignment Act of 1990, Pub. L. 101-510, 10 U.S.C. Sec. 2687 and the Base Closure Community Redevelopment and Homeless Assistance Act of 1994, Pub.L. 103-421 (collectively, the "**Enabling Acts**"). DHS and the Homeless Provider may be collectively referred to herein as the "Parties", and individually referred to as a "Party".

WITNESSETH:

WHEREAS, the Muller ARC has been designated as surplus property pursuant to the 2005 Base Closure and Realignment Act;

WHEREAS, the Muller Local Redevelopment Authority in Bronx County, New York (the "**LRA**") was recognized by the Office of Economic Adjustment of the Department of Defense ("**DOD**") as the local redevelopment authority for the Muller ARC;

WHEREAS, pursuant to the requirements of the Enabling Acts, the "communities in the vicinity" of the Muller ARC have been defined as the City of New York;

WHEREAS, the LRA published Notices of Surplus Federal Property to state and local governments, homeless service providers and other interested parties in the New York Daily News and the New York Post on March 5, 2009 and March 17, 2009;

WHEREAS, the LRA published notices of a community public meeting in the New York Daily News on June 17, 2009 and in the Bronx Times on June 18, 2009 and a public meeting was held on June 23, 2009;

WHEREAS, the LRA received Notices of Interest (each, an "**NOI**") from three (3) homeless service providers, indicating their desire to establish programs to provide assistance and services to homeless persons from the communities in the vicinity of the Muller ARC;

WHEREAS, the LRA determined that the NOI received from the Doe Fund dated June 23, 2009, complied with the requirements of the Enabling

Acts, the regulations governing the closure and reuse planning for the Muller ARC and the provisions dealing with notices of interest by homeless service providers, as more particularly described at 32 C.F.R. Part 176;

WHEREAS, the LRA, in its capacity as the LRA for the Muller ARC, approved a reuse and redevelopment plan for Muller ARC dated June 29, 2011 ("**Redevelopment Plan**");

WHEREAS, the Homeless Provider is a New York non-profit corporation that was organized to end homelessness by providing, in collaboration with others, shelter, housing and services to homeless persons; and

WHEREAS, the Homeless Provider shall seek to obtain financing on the Designated Homeless Services Facility (defined below) in order to complete the improvements described herein and provide the Homeless Housing and Support Services (defined below); and

WHEREAS, this Agreement is submitted as a "legally binding agreement" pursuant to 32 C.F.R. Part 176.30 (b) (3), and is a component of the homeless assistance submission ("**Homeless Assistance Submission**") for the redevelopment of the Muller ARC, as required by the Enabling Acts, and as more specifically required by 32 C.F.R. Part 176.

TERMS AND CONDITIONS

Section One: The terms and conditions contained herein are, upon execution by the authorized representatives of the Parties, intended to be binding on the Parties hereto, except as otherwise stated herein, and with the express understanding that the implementation of the terms hereof are subject to the completion of the following federal actions: (i) the United States Department of Housing and Urban Development ("**HUD**") must review and make a determination as to whether the Homeless Assistance Submission and Redevelopment Plan are in compliance with the provisions of the Enabling Acts and applicable federal regulations, and (ii) DOD, acting by and through the Department of the Army ("**Army**"), is responsible for completion of environmental review pursuant to the National Environmental Protection Act ("**NEPA**"), for the issuance of a Record of Decision or other decision document ("**NEPA Decision Document**"), for completion of the environmental cleanup of the Muller ARC under applicable provisions of federal law, and for conveyance of fee title to the land located at 555 East 238th Street, Bronx, New York and the improvements thereon (together, the "**Property**" or the "**Designated Homeless Services Facility**"), as more specifically described in the deed ("**Deed**") between the Army and the Homeless Provider, consistent with the approved Redevelopment Plan, the Enabling Acts and the terms of this Agreement.

Section Two: DHS and the Homeless Provider have entered into a separate operating agreement dated as of February 16, 2012 (the "**DHS Contract**"). Pursuant to the terms of this Agreement and the DHS Contract, the Homeless Provider will be responsible for (a) renovating the Designated Homeless Services Facility into a transitional residence for at least 200 homeless adults, and (b) once the renovation is complete, operating and maintaining the transitional residence, which will include providing transitional housing and support services (together, the "**Homeless Housing and Support Services**") for such adults that will conform to the requirements contained in Part 491 of the New York State Office of Temporary and Disability Assistance's regulations and include the following eligible services: assessment and orientation, transitional housing, education and independent living skills preparation, permanency services, substance abuse treatment, financial management, personal responsibility training, health care, and recreation.

The Homeless Provider covenants and agrees that the Designated Homeless Services Facility and the Homeless Housing and Support Services will exclusively serve homeless persons ("**Homeless Persons**") who meet the definition of "homeless persons" as set forth in the McKinney-Vento Act (42 U.S.C. Sec. 11301 et seq.).

Section Three: Upon HUD's approval of the Homeless Assistance Submission and Redevelopment Plan, completion by the Army of the NEPA Decision Document, the issuance by the Army of a Finding of Suitability for Transfer or Finding of Suitability for Early Transfer, as applicable, and completion of all other actions under the Enabling Acts and applicable federal regulations necessary for the Army's conveyance of the Designated Homeless Services Facility to the Homeless Provider, the City shall request that the Army convey the Designated Homeless Services Facility to the Homeless Provider by quitclaim deed at no cost to the Homeless Provider. The City shall also request that the Army execute any and all NYC and NYS transfer tax forms and any other documents required by the City Register to record the deed.

Section Four: The Homeless Provider shall deliver the Homeless Housing and Support Services in accordance with this Agreement and the DHS Contract. The Homeless Provider may not change the scope of the Homeless Housing and Support Services without the express written consent of the City, which consent shall not be unreasonably withheld or delayed if the proposed changes are in compliance with the provisions of 32 C.F.R. Part 176 and the implementation, intent and requirements of the Redevelopment Plan.

Section Five: If, at any time following the conveyance of the Designated Homeless Services Facility to the Homeless Provider, (i) the Homeless Provider fails to perform the improvements to the Designated

Homeless Services Facility in accordance with the requirements of and the timeframes set forth in the DHS Contract, including completion of the improvements to the Designated Homeless Services Facility and commencement of the Homeless Housing and Support Services within twenty-six (26) months of the date that the DHS Contract is registered by the Comptroller of the City of New York, (ii) all or substantially all of the Designated Homeless Services Facility so conveyed are abandoned, or not being used to service Homeless Persons and to provide the Homeless Housing and Support Services in accordance with this Agreement and the DHS Contract, (iii) the Homeless Provider fails to initiate and diligently prosecute the delivery of the Homeless Housing and Support Services in accordance with provisions of the Agreement and the DHS Contract, (iv) the Homeless Provider is not delivering the Homeless Housing and Support Services in accordance with this Agreement and the DHS Contract, (v) the Homeless Provider is dissolved or otherwise ceases to function, or (vi) the Homeless Provider is otherwise in default of this Agreement and/or the DHS Contract, the City shall provide the Homeless Provider with written notice of such occurrence. If the Homeless Provider fails to cure or if said default is of such a nature that it can not be cured in thirty (30) days, initiate a cure of the noticed deficiency and diligently proceed to cure, within thirty (30) days of the receipt of said notice, DHS may terminate both this Agreement and the DHS Contract and the terms of both the DHS Contract and Section Seven hereof shall apply.

Section Six: Simultaneously with execution of the Deed, the Homeless Provider shall execute and deliver and cause to be recorded with the Office of the City Register of the City of New York for the county where the Designated Homeless Services Facility is located a Declaration of Restrictive Covenant ("**Declaration**") against the property records of the Designated Homeless Services Facility in favor of the City, in recordable form, pursuant to which, among other things, Homeless Provider agrees to restrict the future use or disposition of the Designated Homeless Services Facility to: (i) a facility to be used to provide services for homeless adults, or (ii) such other related Homeless Assistance (defined below) use as reasonably determined by the City for a period of thirty (30) years from the date of execution of the Deed. The Homeless Provider represents and warrants to the City that the Declaration constitutes a first priority interest on the Designated Homeless Services Facility prior and superior to each and every other Lien (defined below) on the Designated Homeless Services Facility. All costs and expenses incurred in connection with the recordation of the Declaration shall be paid solely at Homeless Provider's expense. In the event the DHS contract is terminated and DHS is not able to find a replacement for the Homeless Services Provider (as described in Section Seven hereof) then DHS may subordinate the Declaration to the Lien of a Recognized Mortgagee (defined below).

For the purposes of this Agreement, "**Homeless Assistance**" means any eligible activity, program or service that has been delineated or defined by the following laws and regulations: 24 C.F.R. §§ 576.21, 583.100, 582.100, 582.325 (Emergency Shelters Grants, Supportive Housing and Shelter Plus Care Programs); Section IV.A. of the Notice of Allocations, Application Procedures, and Requirements for the Homelessness Prevention and Rapid Re-Housing Program Grantees under the American Recovery and Reinvestment Act of 2009, or any other federal, state or local law program designed to prevent homelessness or transition those who are homeless into permanent housing.

For the purposes of this Agreement, "**Lien**" means any lien (statutory or otherwise), encumbrance, lease, easement, option, restriction, estate or other interest including, but not limited to, mechanic's, laborer's, materialman's and public improvement liens, restrictive covenant, security interest, mortgage, deed of trust, priority, pledge, charge, conditional sale, title retention agreement, financing lease or other encumbrance, interest or similar right of others, or any other agreement to give any of the foregoing.

For the purposes of this Agreement "**Recognized Mortgagee**" means a "Lending Institution" meaning (A) a savings bank, savings and loan association, commercial bank or trust company (whether acting individually or in a fiduciary capacity) or a Control Affiliate of the foregoing, (B) an insurance company, (C) a real estate investment trust, a trustee or issuer of collateralized mortgage obligations, a loan conduit, or other similar investment entity which is listed on the New York, American Stock Exchange or other regional exchange (or their respective successors), (D) a federal, state, municipal or secular employee's welfare, benefit, pension or retirement fund, a religious, educational or eleemosynary institution, any Governmental Authority or entity insured by a Governmental Authority, a credit union, trust or endowment, (E) any combination of the foregoing entities, and (F) any other Person approved by the City in its sole discretion; provided that each of the above entities shall qualify as a Lending Institution within the provisions of this definition only if it (1) shall be subject to the jurisdiction of the courts of the State of New York, (2) shall be subject to the supervision of the Comptroller of the Currency of the United States, the federal Securities and Exchange Commission, the Insurance Department or the Banking Department or the Comptroller of the State of New York, the Board of Regents of the University of the State of New York, or the Comptroller of the City or any federal, state or municipal agency or public benefit corporation or public authority advancing or assuring mortgage loans or making payments which, in any manner, assist in the financing, development, operation and maintenance of improvements or in the case of a commercial bank, organized under the laws of any other country which is a member of the Organization for Economic Cooperation and Development (the "**OECD**"), or a political subdivision of any such country provided that

such bank is acting through a branch or agency located in the country in which it is organized or another country in which it is organized or another country which is also a member of the OECD, (3) shall have a net worth of not less than One Hundred Million Dollars (\$100,000,000) (Adjusted for Inflation) provided in the case of any fund, the loan shall be administered by a Qualified Agent at the time of the initial determination of its status as a Lending Institution, and (4) is not a Related Entity of the Homeless Provider, and (5) is not a Unqualified Person.

For the purposes of this Agreement, “**Related Entity**” means, as to any Person, any other Person that controls, is controlled by, or is under common control with, such Person, and “control” (and its correlative meanings, “controlled by” and “under common control with”), for purposes of “Related Entity”, means (A) direct or indirect ownership of more than fifty percent (50%) of the outstanding voting capital stock of a corporation or more than fifty percent (50%) of the beneficial interests of any other entity or (B) the possession, directly or indirectly, of the power to direct or cause the direction of the business decisions of such corporation or other entity.

For the purposes of this Agreement, “**Person**” means an individual, corporation, partnership, joint venture, estate, trust, unincorporated association; any federal, state, county or municipal government or any bureau, department or agency thereof; and any fiduciary acting in such capacity on behalf of any of the foregoing.

For the purposes of this Agreement, “**Unqualified Person**” means:

(a) Any Person (1) that is in default or in breach, beyond any applicable grace period, of its obligations under any material written agreement with the City, or (2) that directly or indirectly controls, is controlled by, or is under common control with a Person that is in default or in breach, beyond any applicable grace period, of its obligation under any material written agreement with the City in each case unless such default or breach has been waived in writing by the entity with which such agreement was made; or

(b) Any Person (1) that has been convicted of a misdemeanor related to truthfulness and/or business conduct, or (2) that directly or indirectly controls, is controlled by, or is under common control with a Person that has been convicted of a misdemeanor related to truthfulness; or

(c) Any person that has been convicted of a felony; or

(d) Any Person that has received formal written notice from a federal, state or local governmental agency or body that such Person is currently under investigation for a felony; or

(e) Any Person that is in default in the payment to the City of any real estate taxes, sewer rents or water charges totaling more than Ten Thousand Dollars (\$10,000) and has been given written notice of such default (or any Person that directly controls, is controlled by, or is under common control with a Person in such default), unless such default is then being contested in good faith in accordance with the law.

Section Seven: If this Agreement and/or the DHS Contract is terminated, the City shall take appropriate steps to solicit another homeless provider to provide the Homeless Housing and Support Services at the Designated Homeless Services Facility. The term "appropriate steps" shall mean providing reasonable public notice of at least ninety (90) days to homeless providers in the vicinity of the Muller ARC that operate the types of programs that may qualify as Homeless Housing and Support Services, and negotiating in good faith with homeless providers that respond to said notice. If the City is unable to reach agreement with a successor homeless provider or providers following good faith negotiations, the City shall have no further obligations hereunder.

Section Eight: The rights and obligations of the Homeless Provider hereunder may not be transferred or assigned without the prior written consent of the City.

Section Nine: The terms of this Agreement shall be governed by the laws of the State of New York and federal law, as applicable.

Section Ten: This Agreement may only be amended by the Parties by written agreement executed by both Parties. Unless otherwise terminated or extended pursuant to the provisions hereof, this Agreement shall terminate without recourse to either Party on such date that the DHS Contract shall expire, provided, however, that the provisions of Section Six and Section Seven hereof shall survive termination.

Section Eleven: This Agreement supersedes all agreements and understandings between the Parties with respect to the Muller ARC, written or oral, except the DHS Contract. No claim of waiver, modification, consent or acquiescence with respect to any terms hereof shall be made against a Party by the other Party, except on the basis of a written instrument executed by the Parties.

Section Twelve: All notices hereunder shall be in writing and shall be deemed to have been sent if personally delivered, sent by fax with proof of transmission or sent by certified mail, return receipt requested and postage paid, addressed to:

If to Doe Fund:

The Doe Fund, Inc.
345 East 102nd Street, 3rd Floor
New York, NY 10029
Attention: Managing Director

If to the City:
Department of Homeless Services
33 Beaver Street
New York, NY 10004-2736
Attention: General Counsel

With a copy to:

NYC Law Department
100 Church Street
New York, NY 10007
Attention: Chief, Economic Development

Section Thirteen: This Agreement may be executed in any number of counterparts, each of which, when so executed and delivered, shall be an original; but such counterparts shall together constitute but one and the same instrument.

Section Fourteen: The Doe Fund shall accept good and valid title to the Property.

Section Fifteen: During the term of this Agreement, the City shall use good faith efforts to cause the Army to allow the Doe Fund to access the Property, upon reasonable prior notice and during normal working hours.

NO FURTHER TEXT – SIGNATURE PAGES FOLLOW

IN WITNESS WHEREOF, and intending to be legally bound hereby, each of the undersigned parties has executed or caused this Agreement to be executed as of the date first above written.

THE DOE FUND, INC.

By 
Name: *Dennis Pierricenti*
Title: *Vice President*

THE CITY OF NEW YORK

By 
Commissioner
Department of Homeless Services

Approved as to Form

Acting Corporation Counsel

IN WITNESS WHEREOF, and intending to be legally bound hereby,
each of the undersigned parties has executed or caused this Agreement to
be executed as of the date first above written.

THE DOE FUND, INC.

By _____
Name:
Title:

THE CITY OF NEW YORK

By _____
Commissioner
Department of Homeless Services

Approved as to Form


Acting Corporation Counsel



JEFFREY D. FRIEDLANDER
First Assistant Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, N.Y. 10007-2601

(212) 788-0700
FAX (212) 227-5641
jfriedla@law.nyc.gov

February 16, 2012

Assistant Secretary for Community Planning and Development
U.S. Department of Housing and Urban Development
451 Seventh Street SW, Room 7266
Washington, DC 20410
Attention: BRAC Coordinator

Re: Legally Binding Agreement between
The City of New York and The Doe Fund, Inc.

Dear Ladies and Gentlemen:

In connection with the redevelopment of the Sgt. Joseph A. Muller Army Reserve Center ("Muller ARC") located at 555 East 238th Street (Nereid Avenue) Bronx, New York, which is scheduled for closure under the Defense Base Closure and Realignment Act (10 USCS § 2687, *et. seq.*) ("BRAC") reference is made to the "Legally Binding Agreement for Homeless Provider Services" (the "LBA") between The City of New York (the "City") and The Doe Fund, Inc.

Reference is also made to that certain opinion letter from this office, dated June 24, 2011, delivered to you in connection with the original homeless assistance submission. This opinion letter is intended to update that earlier opinion letter and reflects that the LBA has now been executed.

This opinion letter is delivered to you as a component of the homeless assistance submission to the U.S. Department of Housing and Urban Development ("HUD") for the redevelopment of real estate and other assets comprising the Muller ARC. For purposes of this opinion letter, we have reviewed the LBA, a copy of which is attached hereto as Exhibit A. In addition to the LBA, we have examined such portions of the statutes of the State of New York (the "State") and the Charter of The City of New York (the "City"), and such other applicable laws and court decisions and such documents and other materials as we have deemed necessary or relevant for the purposes of the opinions set forth below.

Based upon such examination, I advise you that in our opinion under existing law:

1. The City is validly existing as a municipal corporation under the laws of the State with full power and authority to enter into and perform its obligations under the LBA.

2. Assuming due authorization, execution and delivery by, and validity against The Doe Fund, the LBA is a legal, valid and binding obligation of the City, enforceable against the City in accordance with its terms, except to the extent that the enforceability thereof is subject to the overriding State interest in promoting the health, safety and welfare of the people of the State, and may be limited by bankruptcy, insolvency, reorganization, moratorium or other similar laws now or hereafter in effect relating to creditors' rights generally, and to general principles of equity (regardless of whether the enforcement of such remedies is considered in a proceeding in law or at equity).

3. The City has the right and lawful authority and power to execute and deliver the LBA and to perform the obligations and covenants contained therein.

We have rendered this opinion solely for your use in connection with the Homeless Assistance Submission and closing contemplated by the aforementioned instruments. This opinion is not to be employed, relied upon, referred to or quoted by any other person or for any other purpose.

Sincerely,



JEFFREY D. FRIEDLANDER

MODIFICATION AGREEMENT dated this 29th day of May, 2012, between the City of New York, acting through the Department of Homeless Services ("Department"), with offices at 33 Beaver Street, New York, New York 10004 and The DOE Fund, Inc. ("Contractor"), with offices at 232 East 84th Street, New York, New York 10028.

WITNESSETH

WHEREAS, the parties entered into an agreement dated February 16, 2012 for the Contractor to renovate and operate a transitional residence for homeless adults located at 555 East 238th Street, Bronx, New York (hereinafter referred to as the "Agreement"); and

WHEREAS, the parties desire to modify the Agreement;

NOW THEREFORE, the parties agree to the following:

1. Except as modified herein all of the terms, conditions and covenants of the Agreement shall remain in full force and effect.
2. Article 1 of Appendix B to the Agreement is deleted and replaced with a new Article 1 to read as follows:

"The purpose of this Agreement is for the Contractor to renovate and operate a transitional residence for homeless adults. The building shall be located at 555 East 238th Street, Bronx, New York (hereinafter referred to as the "Building")."

3. In Article 4, Section A of Appendix B to the Agreement, the paragraph preceding Subsection 1 is deleted and replaced with a new paragraph to read as follows:

"After the completion by the Contractor of Articles 2 and 3 of Part I above, and such acceptance by the Department, the Contractor shall operate and manage the Building to provide directly or through a third party transitional housing for homeless adults and to provide ancillary services related thereto (hereinafter referred to as the "Residence" or "Shelter"). The Residence shall have a capacity of 200 adults."

Notwithstanding the foregoing, all other parts of Article 4, Section A—including Subsections 1 through 5—shall remain in full force and effect.

4. Article 13 of Appendix B to the Agreement is deleted and replaced with a new Article 13 to read as follows:

"The parties acknowledge that the needs of the City and the purposes, for which the Building shall be used, may change over the twenty one (21) year and six (6) month term of this Agreement. In the event the Department determines that the type of program(s) being operated at the Building should be changed, the parties may amend this Agreement to reflect the change in program(s), provided, however, that all payments of Debt Service shall continue to be made in accordance with the provisions of Article 10 (D) above. Any such amendment(s) shall be subject to all required approvals and the Contractor's ability to

provide the new services. Notwithstanding the foregoing, the Building shall remain subject to the declaration described in Article 18, Section A of Appendix B to this Agreement for the duration of the Agreement.”

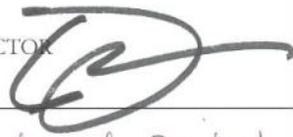
5. This Modification Agreement shall not become effective or binding unless:
- A. Authorized by the Mayor; approved pursuant to the New York City Charter and Procurement Policy Board Rules for contracts not subject to public letting; and the Comptroller shall have endorsed his or her certificate that there remains unexpended and unapplied a balance of the appropriation of funds applicable hereto sufficient to pay the estimated expense of executing this Modification Agreement; and
 - B. Registered by the Comptroller of the City of New York pursuant to Section 328 of the New York City Charter.

The requirements of this Article shall be in addition to, and not in lieu of, any approval or authorization otherwise required for this Modification Agreement to be effective and for the expenditure of City funds.

IN WITNESS WHEREOF, the parties have duly executed this Agreement on the date first written above.

CITY OF NEW YORK
DEPARTMENT OF HOMELESS SERVICES
By  _____
Commissioner

Corporate Contractor
Affix Corporate Seal

CONTRACTOR
By  _____
Title Founder and President
Fed. Employer I.D. No. 13-3412540

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

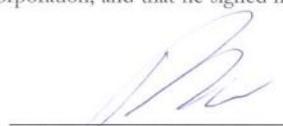
On this 29th day of May 2012, before me personally came Seth Diamond, to me known and known to me to be Commissioner of the DEPARTMENT OF HOMELESS SERVICES of the CITY OF NEW YORK, the person described in and who is duly authorized to execute the foregoing instrument, and he acknowledged to me that he executed the same for the purpose therein mentioned.

MARTA ZMOIRA
Notary Public, State of New York
No. 01ZM6211210
Qualified in New York County
Commission Expires December 14, 2013


NOTARY PUBLIC

STATE OF New York)
:SS:
COUNTY OF New York)

On this 29th day of May 2012, before me personally came George McDonald, to me known, who, being by me duly sworn, did depose and say that he resides at 232 East 84th St + NY 10028, that he is the President of The Doc Fund, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation, and that he signed his name thereto by like order.


NOTARY PUBLIC

