

The Public Trust Document

**Pier 5 Parkland aka
Lower Concourse North:**

Excerpts of BCEQ
Research and Construction Permits from Parks

DOCUMENTS

**Submitted by Karen Argenti, Secretary on behalf of the
Bronx Council for Environmental Quality**



City of New York Parks & Recreation Natural Resources Group

Permit to Conduct Research in Parks

The following individuals are authorized to conduct scientific research at the location(s) and dates listed below:

Personnel: Dart Westphal, Karen Argenti,

Locations: Harlem River Waterfront from just North of the 149th Street bridge South to Mill Pond Park in the Bronx.

Dates: May 1, 2012 - December 31, 2013

The following types and numbers of samples may be collected:

Taxon/Artifact/Material: Install Green Infrastructure Modular prototype of bioremediation cell to filter runoff from Maj. Deegan Expwy (I-87). Collect *scopariu Schizachyrium, Panicum virgatum, Festuca rubra, Achillea millefolium, Carex Pendula, Brassica juncea, Elymus canadensis.*

Number: Removal of Bioremediation modules containing selected herbaceous materials.

Permittees must contact the Park Administrator or Manager 48 hours prior to conducting the permitted activities. You may obtain contact information for Administrators and Managers by calling 646-613-1200.

Permittees must have the permit, or a photocopy, in their possession when conducting the above-referenced research activities, as well as any required Federal or State permits.

Permittees shall be held liable for any and all damages or injuries to persons or property that may occur or be caused by the use of the permit. By accepting a permit, permittees agree to indemnify and hold harmless the City and the Department from any and all claims whatsoever that may result from such use.

As a condition of this permit, Parks requires an annual report, due 90 days after completion of research activities, which includes the following information:

- Dates when research occurred
- Number of samples collected
- Disposition of samples:
- Summary of research results, including all data generated:
- This information will be used internally only and will not be distributed to any outside person or group, except with written permission of the permittee. Send reports via e-mail to research.permits@parks.nyc.gov or to the following address:

**Research Permits c/o Nate McVay
New York City Urban Field Station
431 Walter Reed Road
Fort Totten Park
Bayside, NY 11360**

For additional information about Parks' research permits, please call: (718) 225-3061,
e-mail: research.permits@parks.nyc.gov,
or write: New York City Department of Parks & Recreation, Natural Resources Group, NYC Urban Field
Station, 431 Walter Reed Road, Fort Totten Park, Bayside, NY 11360

Permittees shall be held liable for any and all damages or injuries to persons or property that may occur or be caused by the use of the permit. By accepting a permit, permittees agree to indemnify and hold harmless the City and the Department from any and all claims whatsoever that may result from such use.



NYC Parks

Permit No. X-9-13NF
John Natoli, P.E.
Chief Engineer
Capital Projects

T 718.760.6725
F 718.760.6722

E john.natoli@parks.nyc.gov

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City of New York
Parks & Recreation

Olmsted Center
Flushing Meadows
Corona Park
Flushing, NY 11368
www.nyc.gov/parks

**THIS PERMIT IS
NOT VALID UNLESS
BOTH PARTIES
HAVE SIGNED THIS
PERMIT**

Tams Green Material Inc,
838 Cleveland Street
Brooklyn, NY 11208

**FORESTRY PERMIT IS REQUIRED
PERMIT TO PERFORM WORK ON PARK PROPERTY**

Permit No: X-9-13NF

Start:

6/27/13 *AK*

Expiration: August 1, 2014

PERMISSION AS REQUESTED IS GRANTED TO YOU AND/OR YOUR ASSIGNEE AS PERMITTEE TO PERFORM WORK ON PARK PROPERTY SUBJECT TO THE TERMS AND CONDITIONS AS SET FORTH HEREIN:

LOCATION: Harlem River Water From (Pier 5)/ Mill Pond Park - Bronx

FOR THE PURPOSE OF: (Pier 5) Ecological methods to capture and filter currently piped storm water runoff from the Major Deegan (I-87) before it enters the river.

- **Anyone who is accessing the site is responsible for securing it.**

PERMIT TO PERFORM WORK ON PARK PROPERTY

This document constitutes a construction and maintenance permit ("Permit") issued by the New York City ("City") Department of Parks & Recreation ("Parks") to Tams Green Material Inc ("Permittee") to perform certain construction work and periodic equipment maintenance ("the Work") in Harlem River Water From (Pier 5)/ Mill Pond Park - Bronx (more particularly on the attached map hereinafter referred to as the "Permitted Premises," and shown on Exhibit A).

1. Grant

This permit is granted solely for the purposes of:

- (Ecological methods to capture and clean the currently piped)
Construction shall begin on _____ and shall be completed no later than August 1, 2014 from the start of construction. ("Construction Term"). The start date of construction must be approved in advance by Parks.
- Permittee must restore the Permitted Premises by performing certain restoration work ("the Restoration Work") and must comply with the specifications attached as in Exhibit B approved by Park and to a condition acceptable to Parks.
- This Permit grants Permittee a license to enter the Permitted Premises for the purposes described above; it is understood that Permittee has no ownership interest in the Permitted Premises and shall have no rights with respect to the Permitted Premises except as set forth herein.

2. Notifications

The Chief of Operations of the Borough of Bronx, Larry Scoones at, 718-430-1856 or designee, shall be notified by the Permittee at least forty-eight (48) hours before construction work is started under this Permit.

3. Site Photographs and Scope

Permittee shall take a complete and thorough set of photographs showing the existing condition of the Permitted Premises and access areas, and shall submit same to Parks' Construction Permit office, prior to the commencement of the Work at the Permitted Premises. Photographs will be used to determine the scope of restoration requirements.

All the Work shall be performed in the areas shown on Exhibit A.

4. Conditions and Terms of Issuance

- A. "City" shall mean the City of New York.
- B. "Commissioner of Parks" shall mean the Commissioner of the New York City Department of Parks & Recreation or his designee.
- C. "Parks" shall mean the New York City Department of Parks & Recreation.
- D. Permittee shall strictly adhere to all City, state and federal laws, rules and regulations, including but not limited to the Rules and Regulations of Parks.
- E. The Permittee shall, at its sole cost and expense, restore and improve the Permitted Premises that are disrupted or disturbed by the Work. The restoration and improvement work must be in accordance with the restoration plan (Exhibit B) and be approved by Parks' Construction and Forestry Divisions.

5. Expiration, Termination and Extension of Permit

- A. This Permit is terminable at will at the discretion of the Commissioner upon twenty-five (25) days notice. Unless previously terminated at the discretion of the Commissioner, this Permit will terminate August 1, 2014 from the start of construction. Extension requests must be made thirty (30) days prior to expiration.
- B. Parks reserves the right to amend this Permit to cover new conditions and to cancel this Permit at any time and for any reason.

6. Coordination

- A. This Permit does not grant the Permittee exclusive right to use the Permitted Premises. The Permittee shall coordinate the Work and the Restoration Work with any other work being performed in the area by Parks, its contractors, or sub-contractors, utility companies, other City or state agencies, or any other authorized permittees.
- B. This Permit is issued for construction and maintenance work on lands under the jurisdiction of Parks. Permittee shall be responsible for securing any permits required to perform any of the Work or Restoration Work. .
- C. Upon the completion of the Work and the Restoration Work, Permittee shall furnish to Parks and to any other agency involved in the permitting process for the Work and the Restoration Work plans of such character as may be directed, showing accurately and distinctly the location, size and type of construction, and complete dimensions of the Work and Restoration Work erected or installed

under this Permit, as well as the location and dimensions of all substructures encountered during the progress of the Work and the Restoration Work.

- D. The Work and the Restoration Work shall be open at all times to the reasonable inspection of all agencies involved in the permitting process for the Work and the Restoration Work as well as all agencies with applicable oversight authority over any portion of the Work and/or the Restoration Work.

7. Forestry Requirements

- A. Prior to the commencement of construction work at the Permitted Premises, Permittee shall contact the Bronx Director of Forestry, James LeMyre at, 718-430-1820.
- B. Permittee shall not stockpile any construction material within the dripline of trees.
- C. Permittee shall perform at its sole cost and expense compensatory pruning of trees adversely affected by the Work or the Restoration Work. Pruning shall be done by a Parks approved licensed arborist when and where directed by Parks.
- D. Permittee shall install wooden tree guards as directed by Parks.
- E. Permittee shall circumvent trees by trenching outside the dripline of the trees.
- F. Permittee shall remove all dead plant material resulting from Permittee's activities under this Permit determined by Parks, from the Permitted Premises.
- G. Tree Replacements.
 - i) Permittee shall not remove any trees from the Permitted Premises in the absence of written authorization from the Commissioner.
 - ii) Tree replacements are to be determined on a square inch for square inch basis; i.e., the basal area calculated at a point 4'-6" above finished grade of the replacement trees must equal at least the basal surface area of the existing trees.
 - iii) Replacement trees must be 3"-3 1/2" caliper trees in species acceptable to Parks.
 - iv) All trees killed or severely damaged by Permittee shall be replaced as per the basal area replacement formula described in 7(G)(ii) above.
- H. During the term of this Permit all grass areas disturbed by Permittee shall be restored with seed in strict accordance with Parks' specifications.
- I. During the term of this Permit all areas graded by Permittee shall have a minimum depth of 6 inches of topsoil prior to sodding. Sodding shall be in accordance with Parks' Standards, and shall be installed during the proper planting season. Vegetation must be watered and otherwise cared for by Permittee until the root system is established and verified by Parks.

CITY OF NEW YORK / PARKS & RECREATION

By: [Signature] BO KIM, PE
FOR John J. Natoli, P.E.
Chief of Construction

Cc: FILE/R. Dimond, D. Shanks-Brown, A. Oliveri, Commissioner, A. Aponte, L. Scoones,
J. Meyre, D. Howe, D. Grulich

Contact Information:

NYCDPR-Larry Scoones-718-430-1856
NYCDPR-Forestry-James LeMyre-718-430-1820

Permit No.: X-9-13NF / **For the purpose of:** Ecological methods to capture and clean
the currently piped runoff

Accepted and Agreed
(Tams Green Material Inc.)

Print Name: Soon K. Hong (AKA Sunny Hong)

Signature: [Signature]

Title: Executive V.P.

Dated: 6/26/2013

preclude the City from exercising any rights or taking such other actions as are available to it under any other provisions of this Permit or as otherwise provided by law.

G. Insurance Schedule

Types of Insurance	Minimum Limits and Special Conditions
Workers' Compensation, Employer's Liability, and Disability Insurance	Per Statutory Limits as required by the laws of the State of New York
Commercial General Liability	\$1,000,000 per occurrence, \$2,000,000 aggregate. Additional Insureds: 1) City of New York, including its officials and employees, with coverage at least as broad as ISO Form CG 2026
Comprehensive Business Auto Coverage	\$1,000,000 per accident

H. The Certificate by Broker must be in the following form:

CERTIFICATION BY BROKER

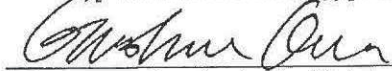
The undersigned insurance broker represents to the City of New York that the attached Certificate of Insurance, dated _____, is accurate in all material respects, and that the described insurance is effective as of the date of this Certification.

SOLOMON AGENCY CORP

[Name of broker (typewritten)]

217-04 NORTHERN BLVD, BAYSIDE NY 11361

[Address of broker (typewritten)]

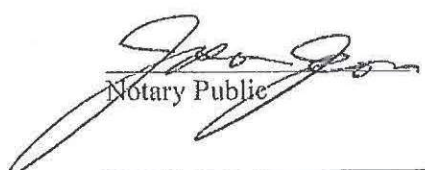


[Signature of authorized official or broker]

GUOHUA QUAN

[Name of authorized official or broker (typewritten)]

Sworn to before me this 28th day of June, 2013


Notary Public

JINSOO JEON
Notary Public State of New York
No. 02JE6070942
Qualified in Nassau County
Commission Expires May 6, 2014



Post Office Box 265
The Bronx, New York
10464-0265
www.bceq.org

MEMORANDUM

FROM: Bronx Council for Environmental Quality (BCEQ)
Karen Argenti (646-529-1990) and Dart Westphal, Project Managers
BCEQ Water Committee Co-Chairs

TO: Denise Shanks-Brown, Construction Permits Department
New York City Department of Parks & Recreation
Denise.Shanks-Brown@parks.nyc.gov
718-760-6713 or 6737/Fax 718-760-6730

PAGES: 3 pps, including this cover

DATE: June 19, 2013

RE: Memo to get the Parks Construction Permit for Pier 5 Construction Bronx NY,
Scope of Work and Contact Information

I Contact Information – BRONX COUNCIL FOR ENVIRONMENTAL QUALITY

Project Directors: Karen Argenti and Dart Westphal (BCEQ)
Address: Karen Argenti, PO Box 346, Bronx, NY 10471 or
Dart Westphal, 3805 Orloff Avenue, Bronx, NY 10463

Phone Number: 646-529-1990 Karen Argenti, 917-805-9566 Dart Westphal
Web Page: www.bceq.org
Email address: kabx101@gmail.com, dartwestphal@gmail.com

II Project Information

Project Title: Creating a Stormwater Capture Park at the Harlem River Waterfront
Land Owner: New York City Department of Parks and Recreation

Start Date: June 2013
End Date: June 2014

III Project Summary (100 words maximum):

The location of this project is Pier 5 on the Bronx side of the Harlem River from the 149th Street Bridge to Mill Pond Park. The proposal will use ecological methods to capture and filter currently piped storm water runoff from the Major Deegan (I-87) to help clean the water before it enters the river. As both the parkland and the elevated highway are future major capital projects, this project will be temporary, and will not disturb the potential brownfield. The community education and training will empower stakeholders, as will the community-based maintenance program for the pilot facilities.

Other Contact Information

Contractor:

Tam Green Materials Inc.
836 Cleveland Street - Brooklyn, NY 11208
Sunny Hong, Contractor
sunnykhong02@yahoo.com
947.273.4136

Landscape Architect:

Dlandstudio architecture + landscape architecture pllc.
137 Clinton Street - Brooklyn NY 11201
Susannah Drake, Principal
sdrake@dlandstudio.com
718.624.0244

Soil Scientist:

The Gaia Institute
99 Bay Street - Bronx, NY 10464
Paul Mankiewicz, Executive Director
paul@thegaia institute.org
718.885.1906

Myrvin Garnett, Corporate Director
myrnett@gmail.com

Monitoring:

United States Geological Survey (USGS)
New York Water Science Center
2045 Route 112, Building 4
Coram, NY 11727
Shawn C. Fisher, PhD, Hydrologist (chemistry)
scfisher@usgs.gov
w: [631-736-0783](tel:631-736-0783) ext. 133 c: [631-678-7682](tel:631-678-7682)

Community Participation and Planning:

Highbridge Community Life Center:
979 Ogden Ave, Bronx, NY 10452
(718) 681-2222
Chauncy Young, Coordinator
chauncyyoung@gmail.com
212.203.1171

Community Maintenance, Shadowing, Training:

SmartRoofs, LLC.
1231 Lafayette Ave., 4th floor
Bronx, NY 10474
www.ssbx.org
Michael Brotnier, Executive Director
Sustainable South Bronx
mbrotnier@ssbx.org
phone: 646-400-5429

Annette Williams, Deputy Director
Sustainable South Bronx
p 646.400.5438 (direct) 646.400.5430 (office)
awilliams@ssbx.org

Agencies involved:

New York State Department of Transportation
Leonid Bruk
Leonid.Bruk@dot.ny.gov

BEFORE WORK IS STARTED AND
UPON ITS COMPLETION, THE PERMITTEE
ABSOLUTELY MUST NOTIFY:
Brian Carter, Resident Engineer 718-409-6526

New York City Department of Parks and Recreation
Ellen Macnow
Ellen.Macnow@parks.nyc.gov
718.760.6777

NYC Parks - Ranaqua
1 Bronx River Parkway, Bronx, NY 10462
nyc.gov/parks
Shawn Cargil, Park & Recreation Manager
718.430.1885
Shawn.Cargil@parks.nyc.gov

City of New York Parks & Recreation
Capital Projects - Olmsted Center
Flushing Meadows-Corona Park
Flushing, New York 11368
Denise Shanks-Brown, Construction Permits Department
Denise.Shanks-Brown@parks.nyc.gov / 718-760-6713 or 6737

Conclusion: Construction is set to begin in the summer of 2013, planting will take place before the end of the spring planting season in mid-June, or after the start of fall planting in September or October 2013.

This project is temporary, and will remain active for a year after completion. At the end of its lifespan, the HOLD System will be evaluated for continued existence, or removed and salvaged following discussions with all involved groups and agencies.

June 19, 2013

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