



**STATEMENT OF FINDINGS:  
NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION  
YANKEE STADIUM REDEVELOPMENT PROJECT**

Issuance Date: March 6, 2006

CEQR No.: 05DPR006X

SEQR Classification: Type I

Lead Agency: New York City Department of Parks and Recreation  
The Arsenal  
830 Fifth Avenue  
New York, New York 10021

Location: Bronx, New York  
Block 2499 Lots 1, 100, and 108; Block 2354 Lots 20 and 65; Block 2492 Lot 1, Block 2493 p/o Lot 9; Block 2357 Lot 100; Block 2490, Lot 1; Block 2539 p/o Lot 2; Block 2485 Lot 1; Block 2486 Lot 1; Block 2482 Lot 6; Block 2491 Lot 1; Block 2482 Lot 25; Block 2483 Lot 1; A portion of East 161<sup>st</sup> Street between the Macomb's Dam Bridge Approach; A portion of Jerome Avenue between the Macomb's Dam Bridge Approach and the south side of East 164<sup>th</sup> Street.

The project area is generally bounded by East 164<sup>th</sup> Street, East 151<sup>st</sup> Street, East 157<sup>th</sup> Street, River Avenue, and the Harlem River.

## INTRODUCTION

This Statement of Findings has been prepared in accordance with the environmental review requirements of Article 8 of the New York State Environmental Conservation Law, the State Environmental Quality Review Act (SEQRA), NYCRR Part 617, and the New York City Environmental Quality Review (CEQR) process as set forth in Executive Order 91 of 1977, as amended and the Rules of Procedure for City Environmental Quality Review. This Statement of Findings has been prepared to demonstrate that (1) the procedural requirements have been met; (2) the proposed action was selected from among reasonable alternatives; and (3) the potential for adverse environmental effects as disclosed in the New York City Department of Parks and Recreation's (NYCDPR) Yankee Stadium Redevelopment Environmental Impact Statement (EIS) and during the review process will be avoided or minimized to the maximum extent practicable by the incorporation of mitigation and other project components.

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Under CEQR, NYCDPR is the lead agency responsible for conducting the environmental review that determines whether the proposed action would have significant adverse impacts on the environment.

A Draft Scope for the EIS setting forth the analyses and methodologies proposed for the EIS was presented at a public scoping meeting on July 18, 2005 at the Bronx Museum of the Arts, 1040 Grand Concourse, Bronx, New York. The public, governmental agencies, community board, and elected officials were invited to comment on the Draft Scope either in writing or at the public meeting. The comment period on the Draft Scope remained open until August 17, 2005. Comments received during the comment period and responses thereto were incorporated into the Final Scope, which was issued on September 21, 2005.

The Draft EIS (DEIS) was certified as complete on September 23, 2005 and was distributed and made available for public review. The certification of the DEIS was followed by a public hearing held at the New York City Department of City Planning located at 22 Reade Street, New York, New York on January 11, 2006. Notices of the DEIS' availability as well as the date and location of the public hearing were advertised in the City Record, the Environmental Notice Bulletin, the Daily News, and El Diario. Copies of the DEIS documents, including information on the public hearing and comment period, were forwarded to elected officials including Bronx Borough President Adolfo Carrion and City Council Members Maria del Carmen Arroyo and Helen Foster, Bronx Community Board 4, and three local branches of the New York Public Library. Written comments on the DEIS were accepted by the NYCDPR through January 23, 2006, the close of the public comment period. NYCDPR prepared a Final Environmental Impact Statement (FEIS), which addressed all substantive comments made on the DEIS. The FEIS was certified as complete and a Notice of Completion was issued on February 10, 2006.

After considering the FEIS for 10 days after issuance of the Notice of Completion, NYCDPR has adopted this Statement of Findings.

**B. PROJECT OVERVIEW**

NYCDPR will allow the construction of a new Yankee Stadium one block north of its existing location at East 161st Street and River Avenue in The Bronx, the construction of four new parking garages containing approximately 4,735 spaces in the vicinity of the proposed stadium, and the development of new and replacement recreational park facilities for a net increase of approximately 2.14 acres of parkland within the vicinity of the proposed stadium.

The proposed stadium would be built on land currently in recreational use (portions of Macomb's Dam and John Mullaly Parks) and on one block of East 162nd Street, which would be closed and mapped as parkland. The Alternative Park Plan would also add to and better consolidate the off-street parking inventory in the area, by constructing four new parking garages, thus greatly relieving the overflow of parking scattered throughout the neighborhood in both legal and illegal parking spots. Three of the garages would occupy existing parkland in portions of Macomb's Dam and John Mullaly Parks. One garage, located on the north and south sides of East 151<sup>st</sup> Street and east of River Avenue, will be created on two existing surface parking lots that currently serve the existing Yankee Stadium. This garage would also offer retail space at street level.

The proposed stadium and three of the four proposed parking garages would occupy approximately 22.42 acres of parkland (this includes the portion of Macomb's Dam Park at the corner of East 157th Street and Ruppert Place that is currently used for accessory parking for Yankee Stadium—Lot 14) containing recreational facilities (13.5 acres for the stadium and 8.92 acres for the garages), but would replace the facilities and open space lost, and create a net increase of 2.14 acres in recreational acreage.

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A number of comments were received concerning the plan for replacing recreational facilities and adding parkland in conjunction with development of a new Yankee Stadium in Macomb's Dam and Mullaly Parks. Specifically, the comments expressed a strong desire for contiguous park area, a concentration of ballfields close to East 161st Street, and a construction schedule that would minimize the time that recreational facilities would be unavailable. The comments also indicated a concern about the visual effect of the cold-weather bubble at the elevated tennis concession atop proposed Garage C, located west of East 161st Street between Jerome Avenue, Macomb's Dam Bridge Approach, and the Major Deegan Expressway. In response to these comments, an alternative park plan was developed and considered as part of the FEIS in Chapter 22, "Alternatives." The alternative does not include any changes to the proposed stadium or parking facilities. This alternative is the preferred park plan and NYCDPR will implement it because it will locate three ballfields closer to neighborhood residents, lower the height of Garage C, and preserve Building J of the former Bronx Terminal Market which is eligible for listing on the National Register of Historic Places. This "Alternative Park Plan", the subject of this Findings Statement, would not have any significant adverse impacts greater than or qualitatively different from those anticipated for the proposed project and disclosed in the FEIS.

The Alternative Park Plan would result in the development of three ballfields at the site of the existing Yankee Stadium and locate the tennis concession at the proposed waterfront park. The Alternative Park Plan would create a unified and contiguous 17.36-acre park area south of East 161st Street containing most of the neighborhood-oriented active recreational amenities proposed as part of the project. The Alternative Park Plan would also more closely replicate the use and function of the existing Macomb's Dam Park.

The Alternative Park Plan is reflected in a modified ULURP application for approval of a major concession (Application No. C060148(A) MCX). The Alternative Park Plan would only modify the replacement recreational facilities as proposed by the project—this alternative does not include any changes to the proposed stadium or parking facilities. Specifically, the Alternative Park Plan includes the following elements:

- Three natural turf ballfields—a baseball field, a softball field, and a little league field—would be located in the proposed parkland to be created at the site of the existing stadium. Under the proposed project described in the EIS (hereinafter referred to as the "EIS" proposed project"), this park area would have contained only one baseball field—Heritage Field.
- The existing Yankee Stadium would be completely demolished and the field would be raised with fill to bring the area to an elevation that more closely matches Ruppert Place. Under the EIS' proposed project, the playing field, dugouts, some of the field seats (no more than 3,000 seats), and locker rooms under the field seats of the existing stadium would have been retained and adapted as a public baseball field. With the Alternative Park Plan, none of these features would remain. However, the Alternative Park Plan would include opportunities to "interpret" the former Yankee Stadium, such as retaining the foul poles of the existing stadium, preserving portions of the outfield (both the existing and 1923 stadium layouts), locating park entrances at the major stadium gate locations, and using informational markers to denote other elements of the former stadium (e.g., the location of home plate).
- Four basketball courts would be located in the park area west of Ruppert Place. Under the EIS' proposed project, this park area would have contained two basketball courts and two tennis courts, with an additional 14 tennis courts atop proposed parking Garage C. The Alternative Park Plan would accommodate all 16 tennis courts at a tennis concession along the waterfront, making room for four basketball courts in the unified central park.

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The other recreational facilities proposed for this park area remain unchanged from the EIS' proposed project (i.e., a full-size soccer field, a 400-meter athletic track, a little league field, nine handball courts, and a tot-lot with climbing and play equipment).

- The tennis concession would be located at the new waterfront park. Under the EIS' proposed project, the waterfront park area would have contained two artificial turf ballfields and the tennis courts would have been located atop proposed Garage C. The Alternative Park Plan would include 16 tennis courts at the waterfront park, consistent with the existing number of courts, and all or a portion of the courts would be covered by a bubble during the winter months (approximately 26 weeks).
- The existing Bronx Terminal Market Building J would be preserved and adapted for park uses, including a tennis house, which would provide a comfort station, administrative space for the concession, and lockers and other amenities for the tennis players. Space not used for the concession in Building J would be utilized by NYCDPR for maintenance and operation purposes. Building J is eligible for designation on the State and National Registers of Historic Places (S/NR-eligible) two-story former power house that is currently vacant. Under the EIS' proposed project, Building J would have been demolished, a small comfort station would have been constructed in the southern portion of the waterfront park, and surface parking would have been constructed at the former location of Building J. Through retaining Building J, the Alternative Park Plan would not include a separate comfort station in the southern portion of the waterfront park.
- Approximately 50 parking spaces would be available for tennis patrons during non-game times in Parking Lot 13A, which is located directly to the north of and adjacent to the proposed tennis concession. Under the EIS' proposed project, parking at this location was proposed to be available only for Yankees games.
- New passive park space and a pedestrian esplanade would surround the tennis courts along the waterfront. This is similar to the pedestrian esplanade and passive park space surrounding the ballfields proposed at the waterfront park under the EIS' proposed project.
- The height of proposed parking Garage C would be one level lower than under the EIS' proposed project since the tennis concession would no longer be located on its roof. As compared to the height of Garage C under the EIS' proposed project, this reduction would be approximately 11 feet in the summer, when the tennis courts on the roof would have been open air, and approximately 50 feet in the fall through spring months when the tennis bubble would have been inflated.
- By retaining and adapting Bronx Terminal Market Building J for park uses, as compared to demolishing the building and using the area for surface parking under the EIS' proposed project, the Alternative Park Plan would result in an increase of 0.4 acres of usable recreational facilities at the waterfront park. However, removing the tennis concession from the roof of Garage C would result in 2.89 fewer acres of replacement recreational facilities than under the EIS' proposed project at this location so that, overall, the Alternative Park Plan would result in a net increase of 2.14 acres of recreational facilities, as compared to a net increase of 4.63 acres under the EIS' proposed project.

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As with the EIS' proposed project, under the Alternative Park Plan, the recreational facilities to be displaced by construction of the proposed stadium and garages would be replaced with similar or improved facilities for active recreation (e.g., softball, baseball, tennis, basketball, handball, track) and for passive enjoyment of the park (e.g., seating, plantings, paths, food concessions, etc.). New parkland and public open space would be created along the Harlem River waterfront. The site of the existing Yankee Stadium would be a major feature of the recreation plan, providing three public ballfields. Ruppert Place would also be mapped as parkland and reconfigured as part of the parkland provided south of the proposed stadium. Two passive parks will be created on the north and south sides of East 157<sup>th</sup> Street, east of River Avenue

*EXISTING FACILITIES*

The proposed stadium and three of the four proposed parking garages would occupy approximately 22.42 acres of parkland (this includes the portion of Macomb's Dam Park at the corner of East 157th Street and Ruppert Place that is currently used for accessory parking for Yankee Stadium—Lot 14) containing recreational facilities (13.5 acres for the stadium and 8.92 acres for the garages), but would replace the facilities and open space lost, and create a net increase of 2.14 acres in recreational acreage, as described below.

The affected areas contain a substantial number of active recreational facilities, including 16 tennis courts and 8 handball courts in John Mullaly Park; and two baseball fields with 90-foot infields, one little league baseball field with a 60-foot infield, a softball field, a soccer field surrounded by a 400-meter track and bleachers, 24 handball courts, and two basketball courts in Macomb's Dam Park. There are two ballfields, each on the portions of Macomb's Dam Park located north and south of East 161st Street, which have overlapping outfields. Macomb's Dam Park also contains a NYCDPR District Office building, which also provides public restrooms and open areas, which are used for pick-up football games, ball tossing, etc.

Several of the facilities in the portion of Macomb's Dam Park bounded by East 161st Street to the south, Jerome Avenue to the west, East 162nd Street to the north, and River Avenue to the east, were improved and rehabilitated with funds from the Federal Land and Water Conservation Fund (LWCF). As a result, this portion of Macomb's Dam Park is subject to the provisions of Section 6(f) of the LWCF Act. Section 6(f) requires that property improved or developed with LWCF assistance shall not be converted to any use other than public outdoor recreation use without the approval of the Secretary of the Interior (delegated to the Director of the National Park Service [NPS]). Therefore, NPS approval is required for the conversion of this portion of Macomb's Dam Park for the proposed stadium.

In addition to the use of parkland described above, Garage C would be built in a portion of Macomb's Dam Park on 2.89 acres of mapped parkland currently containing a parking lot. Parking facilities are permitted on lands dedicated as parkland and are consistent with the park designation, and are authorized by State legislation.

*REPLACEMENT FACILITIES*

A total of 24.45 acres of replacement recreational facilities including new parkland would be provided as part of the Alternative Park Plan. As described below, these facilities would all be located within existing and new parkland and public open space. The replacement acreage includes: 16.11 acres of new mapped parkland, 7.33 acres on existing parkland, and 1.01 acres of new open space (not mapped as parkland). The Alternative Park Plan would create a unified 17.36-acre park area south of East 161st Street, which would be larger than the total park area (15.09) that would be displaced north of East 161st Street.

For purposes of the Federal LWCF conversion, the proposed Section 6(f) replacement parks would be developed on the existing stadium site, Ruppert Plaza, and along the Harlem River waterfront. As currently contemplated, NYCDPR would replace directly most of the existing

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facilities to be displaced by the Alternative Park Plan. However, NYCDPR may choose to vary the new facilities to provide replacements that are not exactly the same as those displaced, but are equal or greater in use and value. For example, NYCDPR may replace some of the existing handball courts with alternative recreational facilities that meet current community needs. To this end, NYCDPR would undertake a broad community outreach program before deciding on a final plan for the new parkland and recreational facilities.

The project site is owned by the City of New York, except for two parcels on the west side of the project site that are owned by the New York State Department of Transportation (NYSDOT), part of Lot 2 of Block 2539.

**C. PURPOSE AND NEED**

The project will replace the existing Yankee Stadium with a new stadium on land currently in recreational use (portions of Macomb's Dam and John Mullaly Parks) and on one block of East 162nd Street in order to support modern baseball and stadium operations. The existing Yankee Stadium exists on a constrained site. Space for entries and pedestrian walkways is very limited and many of the facility's service and staging functions must take place outside the stadium, in public areas, where they compete with fans and local residents. This project meets the City's and Yankees' goals by 1) providing a modern stadium to adequately support baseball and stadium operations, players and the media, 2) providing a location and design which closely reflects the traditional home and style of the New York Yankees, and 3) minimizing adverse impacts and improving conditions in the surrounding neighborhood by providing additional parking, and replacing displaced recreational facilities with equal and better facilities.

Options for improving or modernizing the stadium operations have been considered, including reconstruction of a stadium on the existing site and building a new stadium in a different location. Two different locations in other Bronx parks, Pelham Bay and Van Cortlandt Parks, were explored and found infeasible due to the unavailability of nearby mass transit, the lack of sufficient access to the highway system, the need of extensive parkland for parking requirements, and the loss of high-quality wetlands. The West Side rail yard in Manhattan was considered and eliminated due to the Yankees organization's decision to remain in its current neighborhood in the Bronx. Reconstruction on the existing site was determined to be infeasible due to the physical limitations of the site and the need to use portions of Macomb's Dam Park for parking, which would eliminate the opportunity to provide replacement facilities on the site of the existing stadium.

The transportation components of the Alternative Park Plan have been designed to ease access to the proposed stadium. Truck and bus loading and operation of service vehicles have been removed from public streets; entry areas have been designed with enough capacity to handle crowds entering and leaving the proposed stadium; a basic plan to manage traffic and pedestrian flows at game time has been developed; and parking capacity has been expanded to reduce overflow parking on local streets and help reduce the walk from parking facilities to the stadium.

**D. PROPOSED ACTION**

The Alternative Park Plan would develop a new Yankee Stadium one block north of its current site, across East 161st Street at River Avenue. The proposed stadium would be built on land currently in recreational use (portions of Macomb's Dam and John Mullaly Parks) and on one block of East 162nd Street, which would be closed and mapped as parkland. Ample space would be provided on site to accommodate all functions related to the team and game-day operations, including off-street loading, adequate areas for fans to congregate at entrances, which would be arranged along three sides of the building, and sufficient space for circulation within. State-of-



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the-art seating and amenities for fans and the media would be combined with modern facilities for the players, to make game-going a comfortable and exciting experience for all.

The Alternative Park Plan would also add to and better consolidate the off-street parking inventory in the area, by constructing four new parking garages, thus greatly relieving the overflow of parking scattered throughout the neighborhood in both legal and illegal parking spots. Three of the garages would occupy existing parkland in portions of Macomb's Dam and John Mullaly Parks, two of which would include open space on the roofs. A garage with frontage on River Avenue at East 151st Street would offer retail space at street level, as well. The garages, along with existing parking facilities in the area, would be operated under a long-term lease.

The recreational facilities to be displaced by the construction of the proposed stadium and garages would be replaced as part of the Alternative Park Plan—with similar or improved facilities for active recreation (e.g., softball, baseball, tennis, basketball, handball, track) and for passive enjoyment of the park (e.g., seating, plantings, paths, food concessions, etc.). New parkland and public open space would be created along the Harlem River waterfront, providing new public waterfront access, as well. The site of the existing Yankee Stadium would be a major feature of the recreation plan, providing three fields for the public's use. Ruppert Place would also be demapped and reconfigured as part of the parkland provided south of the proposed stadium. Additionally, two small passive parks will be created at 157<sup>th</sup> Street and River Avenue.

#### **E. REQUIRED APPROVALS**

The project requires approvals from the City, State, and Federal agencies. Several of these are discretionary actions requiring review under CEQR and SEQRA. Others are ministerial and do not require environmental review; nonetheless, they are subject to review under each relevant agency's public mandate, as discussed below.

New York State legislation enacted in June 2005 and part of Chapter 238 of the 2005 Laws of New York authorizes the alienation of certain areas of currently mapped parkland—portions of Macomb's Dam and John Mullaly Parks—to allow for its disposition by the City, through leases, for operation of the proposed stadium and several parking garages. Following that disposition, however, these areas would remain mapped parkland. The legislation allows the State to dispose of and the City to acquire two parcels of waterfront property owned by the State. The legislation also allows for the demapping of East 162nd Street and Ruppert Place as an administrative action by the Mayor and authorizes the disposition and use of a volume of air space over East 151st Street.

##### *New York City—ULURP Actions*

The following actions require approval through Uniform Land Use Review under City Charter Section 197(c). Approval, as necessary, would also be required pursuant to the City Charter Section 384(b)(4) for the approval of the business terms associated with the parking garages.

##### Disposition of City-Owned Property:

- Stadium/Stadium Site (Long-Term Lease).
- Parking Facilities/Parking Facilities Sites (Long-Term Lease).

##### Acquisition:

- Acquisition of property by the City to enable it to acquire leasehold and subleasehold interest in the new Yankee Stadium, and to assure clear title.

##### Amendments to City Map:

- Map as parkland: former East 162nd Street as part of John Mullaly Park.

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- Map as parkland: Ruppert Place as part of Macomb's Dam Park.
- Map as parkland: proposed waterfront tennis courts and open space on former Bronx Terminal Market property.
- Map as parkland: proposed passive recreational facilities at River Avenue and 157th Street.
- Map as parkland: existing Yankee Stadium, and adjacent City-owned property.
- Demap the portion of Jerome Avenue between the north side of East 161st Street and the south side of East 164th Street and the portion of East 161st Street between the east side of Jerome Avenue and the Macomb's Dam Bridge Approach and the west side of River Avenue.

The areas to be demapped would vary in width from approximately 10–20 feet, totaling approximately 0.3 acres. This area would be mapped as parkland and incorporated into the footprint of the proposed Yankee Stadium site.

**Concessions:**

- Approval of a major concession to operate a tennis facility.

**Special Permit:**

- A special permit pursuant to Zoning Resolution Section 74-512 to allow construction and operation of a public parking garage not located in parkland (Parking Garage D), to allow the parking garage to contain rooftop parking, and to permit the portion of the garage located above the adjusted base plane and below a height of 23 feet above curb level to be exempt from the definition of floor area.
- A special permit pursuant to Zoning Resolution Section 74-54 to allow for modification of rear yard requirements for Garage D.

***ADDITIONAL CITY AND STATE ACTIONS***

As described above, New York State legislation enacted in June 2005 authorizes the alienation of certain areas of currently mapped parkland, to allow for its disposition by the City, through leases, for operation of the proposed stadium and several parking garages, and the demapping of East 162nd Street and Ruppert Place as an administrative action. The State legislation also requires that the City dedicate the existing stadium site as parkland and acquire additional parklands and/or dedicate land for park and recreational purposes which are equal to or greater than the fair market value of the parkland being alienated.

***New York City***

- Administrative action to amend the City map to demap East 162nd Street, Ruppert Place, and a volume above East 151st Street as City streets.
- Possible New York City Department of Environmental Protection (NYCDEP) permits for de-watering activities associated with construction.
- Review and approval of the Art Commission of the City of New York for the design of landscaping and buildings/structures constructed on or over City Property.
- Coastal Zone consistency determination from the New York City Planning Commission.
- City funding and construction of the proposed park improvements.

***New York State***

- State funding of parking facilities within the Alternative Park Plan.
- Possible Tidal Wetlands permit from New York State Department of Environmental Conservation (NYSDEC).
- Possible Protection of Waters permit and water quality certification from NYSDEC.
- Possible NYSDEC State Pollution Discharge Elimination System (SPDES) permit for stormwater discharges associated with construction activities. SPDES permit for operations is not required, because all wastewater would be discharged through the NYCDEP permitted



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sewer system.

- Possible Coastal Zone consistency determination from the New York State Department of State.

*FEDERAL ACTIONS*

Several of the facilities in the portion of Macomb's Dam Park bounded by East 161st Street to the south, Jerome Avenue to the west, East 162nd Street to the north, and River Avenue to the east, were improved and rehabilitated with funds from the LWCF. As a result, this portion of Macomb's Dam Park is subject to the provisions of Section 6(f) of the LWCF Act. Section 6(f) requires that property improved or developed with LWCF assistance shall not be converted to any use other than public outdoor recreation use without the approval of the Secretary of the Interior (delegated to the Director of the National Park Service [NPS]). Therefore, NPS approval is required for the conversion of this portion of Macomb's Dam Park for the proposed stadium.

Under the LWCF, 16 U.S.C. § 4601-4 et seq., the National Park Service (NPS) provides matching grants to states, and through states to local governments, for the acquisition and development of public outdoor recreation areas and facilities. Section 6(f) of the LWCF requires that no property acquired or developed with LWCF assistance can be converted to other than public outdoor recreation use without the approval of the NPS and the substitution of other recreational properties of at least equal fair market value and of reasonably equivalent usefulness and location. Because prior improvements to a portion of Macomb's Dam Park within the project area were funded under the LWCF, approval of the NPS is required for the proposed conversion of that portion of Macomb's Dam Park to non-public recreational uses and the substitution of replacement facilities pursuant to Section 6(f). Consistent with the State's role under the LWCF, the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) must first provide the NPS with its recommendation concerning the proposed Section 6(f) conversion.

The Alternative Park Plan also requires authorization under Nationwide Permits from the U.S. Army Corps of Engineers (USACOE) for in- or above-water construction activities. In addition, as described below, the OPRHP recently determined that several buildings in the project area are eligible for listing on the State and National Registers of Historic Places. The buildings determined eligible for listing on the Registers are the Bronx Terminal Market Buildings G, H, and J.

Because elements of the Alternative Park Plan will involve discrete discretionary actions by Federal agencies (i.e., the NPS and the USACOE), a review of those elements under Section 106 of the National Historic Preservation Act of 1966 (NHPA), as implemented by Federal regulations appearing at 36 Code of Federal Regulations (CFR) Part 800, the National Environmental Policy Act (NEPA) and its implementing regulation, as well as any applicable executive orders (e.g., Executive Order 12898 [relating to environmental justice] and Executive Orders 11988 and 11990 [relating to the protection of floodplains and wetlands]) was undertaken.

**F. POTENTIAL SIGNIFICANT ADVERSE IMPACTS AND MITIGATION**

The EIS analyzes the potential effects of the project in the following environmental areas: land use, zoning and public policy; socioeconomic conditions; open space and recreation; shadows; historic resources; urban design and visual resources; neighborhood character; natural resources; waterfront revitalization program; infrastructure; solid waste and sanitation services; energy; traffic and parking; transit and pedestrians; air quality; noise; construction impacts; and public health. The EIS determined that the Alternative Park Plan would have no significant adverse impact on the following environmental areas of analysis: land use, zoning, and public policy; socioeconomic conditions; open space and recreation; shadow; urban design and visual

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resources; neighborhood character; natural resources; waterfront revitalization program; infrastructure; solid waste and sanitation services; energy; air quality; and public health. The EIS discloses that the proposed action may have potential significant adverse impacts on historic resources, traffic and parking, transit and pedestrians, noise, and construction impacts, which are discussed below. Mitigation measures for each of these environmental areas are also described.

**HISTORIC RESOURCES**

The Alternative Park Plan would result in the complete demolition of Yankee Stadium. Under the EIS' proposed project, the existing Yankee Stadium site would have retained certain features of the ballpark as described above. The Alternative Park Plan would include opportunities to "interpret" the former Yankee Stadium, such as retaining the foul poles of the existing stadium, preserving portions of the outfield (both the existing and 1923 stadium layouts), locating park entrances at the major stadium gate locations, and using informational markers to denote other elements of the former stadium (e.g., the location of home plate). Although Yankee Stadium has been located on its present site for more than 80 years the New York State Office of Parks, Recreation and Historic Preservation found that it has been so altered by its major renovation in 1973, that it is not eligible for listing on the State and National Registers of Historic Places, and the New York City Landmarks Preservation Commission has concurred in this conclusion. Therefore, like the EIS' proposed project, demolition of the existing Yankee Stadium under the Alternative Park Plan would not result in any significant adverse impacts to historic resources.

The Alternative Park Plan would retain and preserve Bronx Terminal Market Building J for park uses including a comfort station, administrative space for the concession, and lockers and other amenities for the tennis players. Building J is a historic (S/NR-eligible) two-story former power house that is currently vacant. Under the EIS' proposed project, Building J would have been demolished, along with Bronx Terminal Market Buildings G and H (S/NR-eligible). The Alternative Park Plan would also include the demolition of Bronx Terminal Market Buildings G and H. The Alternative Park Plan, like the EIS' proposed project, would result in significant adverse impacts to historic resources due to the demolition of Bronx Terminal Market Buildings G and H, but it would preserve Building J, a benefit compared to the EIS' proposed project. An alternatives analysis, prepared and submitted to the New York State Historic Preservation Officer (SHPO) to evaluate the potential for retaining and reusing Buildings G and H, concluded that there was no viable use for these structures under the Alternative Park Plan, since retaining Bronx Terminal Building J obviated the need for any other park structures. In a letter dated February 8, 2006, SHPO concurred that there was no prudent or feasible alternative to the demolition of these structures.

The analysis also found that the proposed stadium could result in adverse impacts to the Macomb's Dam Bridge Approach span between the Major Deegan Expressway and East 161st Street through the development of Parking Garages A and C. However, these impacts are not expected to be significantly adverse. As currently planned, these garages would be set back approximately 12 feet to the east and west of the Macomb's Dam Bridge Approach, essentially eliminating the visibility of this section of the landmarked structure within the project area. However, the most prominent features of the Macombs Dam Bridge roadway system—the Macombs Dam Bridge Pratt truss spanning the Harlem River and the camelback truss spanning the Metro-North Railroad right-of-way—would remain unaltered by proposed Parking Garages A and C. Changes to the approach structure itself include a widening at East 161st Street to provide a wider east crosswalk and constructing vehicular and pedestrian access between the approach and Parking Garages A and C. To avoid adverse impacts to these portions of the Macomb's Dam Bridge Approach resulting from the widening of the east crosswalk at East 161st Street, these new elements would be designed in consultation with SHPO, as well as the New York City Landmarks Preservation Commission (LPC).

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The mitigation measures described in the “Mitigation” chapter of the EIS for demolition of Bronx Terminal Market Buildings G and H would apply to the Alternative Park Plan. Measures to mitigate this impact have been developed in consultation with SHPO. The mitigation measures include HABS-level photographic documentation with an accompanying narrative, and interpretive design elements such as a fence and plaques/historic markers. The mitigation measures are set forth in a Memorandum of Agreement (MOA) to be entered into among NYCDPR, NPS, and SHPO. The MOA would also set forth the process by which NYCDPR would consult with SHPO regarding designs for the reuse of Bronx Terminal Market Building J and the proposed alterations to the Macomb’s Dam Bridge Approach.

**TRAFFIC AND PARKING**

Like the EIS’ proposed project, the Alternative Park Plan would result in significant adverse traffic impacts at local intersections within the traffic study area and along sections of the Major Deegan Expressway near the proposed stadium site. A total of 34 intersections were analyzed for Build conditions, including intersections analyzed under existing and No Build conditions plus additional intersections created at proposed garage entrances/exits. Significant impacts can be fully mitigated at the vast majority, but not all, of the locations analyzed. A comprehensive game day traffic management plan would seek to address all impacts in as effective a manner as possible. However, it is possible that not all significant adverse impact locations would be fully mitigated, just as occurs today with several congested locations resulting from traffic accessing and leaving the area before and after games. Mitigation measures would consist of signal phasing and timing changes, implementation of physical measures to better delineate travel lanes, parking regulation changes (“No Parking, Stadium Event” restrictions), lane signage changes, and the use of variable-message signs (VMS) to inform motorists about traffic conditions. To more fully mitigate significant adverse impacts, conventional traffic capacity improvements would need to be combined with other measures to reduce traffic volumes approaching key intersections, and have been evaluated comprehensively as part of an overall game day traffic management plan. Such measures are described later in this section, including diverting traffic away from problem locations.

Implementation of the standard traffic mitigation measures described above would result in all significant adverse traffic impacts being mitigated with the following exceptions: the Macomb’s Dam Bridge Approach/East 161st Street intersection would be partially mitigated in both the weeknight and weekend pre-game arrival peak hours and in both post-game analysis hours; the River Avenue/East 161st Street intersection would be partially mitigated in both peak hours; the Jerome Avenue/East 161st Street intersection would be partially mitigated in the weeknight post-game peak hour; the intersection of Macomb’s Dam Bridge Approach and the exit ramp from the southbound Major Deegan Expressway would be partially mitigated in the weekend pre- and post-game peak hours; and the intersection of Jerome Avenue/Ogden Avenue would be partially mitigated in the weeknight post-game peak hour. Mitigation with traffic diversion strategies (turn prohibitions, street closures, and VMS), in conjunction with standard traffic capacity improvements is addressed later in this section and would reduce the number of partially mitigated impact locations and reduce delays at locations that would not be fully mitigated.

It should also be noted that the determination of significant adverse traffic impacts, traffic improvements needed to mitigate those impacts, and the ability of those improvements to mitigate in full, have been determined for 54,000-person sellout games. Games with a significantly lower level of attendance would have a lesser level of impact, a lesser level of mitigation needs, and a lesser likelihood of having unmitigated impacts.

*Major Deegan Expressway*

Significant traffic impacts were identified for the following sections of the Major Deegan Expressway:

- During the weeknight pre-game arrival peak hour, northbound Major Deegan Expressway mainline south of the 138th Street on-ramp merge and between this on-ramp and the 149th Street off-ramp; and between the 157th Street exit that leads to the existing stadium and the Service Road on-ramp merge north. Southbound Major Deegan Expressway mainline north of Exit 6 (Bronx Terminal Market off-ramp diverge) and between Exit 6 and Exit 5 (Macombs Dam Bridge/East 161st Street), both of which would experience very substantial travel speed reductions.
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- During the weekend pre-game arrival peak hour, northbound Major Deegan Expressway mainline between the 157th Street exit and the Service Road on-ramp merge north; and immediately north of the Service Road on-ramp, north of Jerome Avenue.
- During the weekend pre-game arrival peak hour, northbound Major Deegan Expressway mainline between the 149th Street off-ramp and the 157th Street off-ramp. Southbound Major Deegan Expressway mainline north of Exit 6 (Bronx Terminal Market off-ramp diverge) and between Exit 6 and Exit 5 (Macombs Dam Bridge/East 161st Street), both of which would experience very substantial travel speed reductions, similar to the weeknight pre-game arrival peak hour.
- During the weekend post-game departure peak hour, northbound Major Deegan Expressway mainline immediately north of the Service Road on-ramp, north of Jerome Avenue.

To partially or fully mitigate projected impacts northbound approaching the exits at East 149th Street and East 157th Street, it would be necessary to use a variable message sign (VMS) to advise through traffic to stay to the left and minimize last-minute weaving movements near exit ramps. Partial mitigation of the southbound mainline would require re-striping of the Exit 5 ramp approach to the intersection with the Macomb's Dam Bridge Approach road. It should be noted that even under existing conditions, sections of the Major Deegan Expressway operate under congested conditions during the pre-game and post-game peak hours. It is the shifting of traffic within the corridor—shifts from existing conditions rather than increased traffic volumes—that contribute to these impacts and need for mitigation.

*Comprehensive Game-Day Traffic Management Plan*

To mitigate conditions where standard traffic capacity improvements applied at individual intersections would not be sufficient, a comprehensive game-day traffic management plan would need to be developed and implemented. Such measures are deployed for the existing stadium, under the cooperative efforts of NYCDOT and NYPD, seeking to optimize traffic conditions to the extent possible. Possible measures that could be considered as part of this plan were evaluated at an initial level in the DEIS, and were comprehensively evaluated between the DEIS and FEIS. They include:

- Close River Avenue, post-game only, from the north side of East 161st Street to East 162nd Street (just south of existing Parking Garage 3), and prohibit the southbound River Avenue through movement at 164th Street to keep the section of River Avenue alongside the

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proposed stadium free of vehicular traffic. Post-game traffic exiting from Parking Garage B and existing Parking Garage 3 onto River Avenue would need to proceed northbound on River Avenue. This measure would be similar to the closure of River Avenue between East 157th Street and East 161st Street that occurs today to allow for better pedestrian access to and from the stadium.

- Prohibit left turns from southbound Macomb’s Dam Bridge Approach onto the eastbound East 161st Street service road, to eliminate frictions between left-turning vehicles and oncoming traffic. Although the combination of these measures could potentially fully mitigate significant adverse traffic impacts at this location, other considerations have eliminated construction of the walkway as a practicable measure.
- Prohibit right turns from the westbound East 161st Street service road onto northbound Macomb’s Dam Bridge Approach/Jerome Avenue in order to eliminate conflicts between right-turning vehicular traffic and pedestrians crossing to and from the proposed stadium near the stadium’s main home plate area entrance.
- Prohibit left turns from proposed Parking Garage B onto Jerome Avenue post-game. Exiting traffic would either have to make right turns onto northbound Jerome Avenue, or make left turns from the garage onto northbound River Avenue on the other side of the garage. Prohibiting left turns onto southbound Jerome Avenue would reduce traffic flows and delays at the intersection of Jerome Avenue and East 161st Street near the exit from proposed Parking Garage C, and would reduce traffic demands on the northbound Major Deegan, as well. Traffic choosing to turn right onto northbound Jerome Avenue from the garage could be directed to continue north on Jerome Avenue and on Edward Grant Highway in order to access the Major Deegan Expressway and the George Washington Bridge. Traffic choosing to turn left onto northbound River Avenue from the garage could continue north and access the eastbound and westbound Cross Bronx Expressway—en route to the George Washington Bridge to the west and Queens, Long Island, Westchester and Connecticut to the east—in the vicinity of 176th Street.
- Utilize portable VMS on game-days to advise motorists of conditions at key highway locations and parking garage space availability near the stadium, and to direct motorists to alternate routes to the stadium and to garages with available capacity. Portable VMS could be deployed at the following locations:
  - Along the northbound Major Deegan between Exits 3 and 4, directing stadium-bound traffic to use Exit 4 rather than Exit 5 when traffic conditions along Exit 5 and the Jerome Avenue corridor have excessive delays and congestion. Greater use of northbound Exit 4 would lead motorists to proposed Garage D. VMS signage can also direct northbound Major Deegan traffic to exit at “138th Street/Grand Concourse” and use the Grand Concourse to approach the stadium area.
  - Along the eastbound George Washington Bridge and Trans Manhattan Expressway, advising stadium-bound traffic of an alternate route to the stadium using the exit to Amsterdam Avenue/University Avenue. This exit would allow motorists heading to the stadium to use the Washington Bridge (different than the George Washington Bridge) that connects the Washington Heights area of Upper Manhattan with University Avenue in the Bronx, and then southbound Edward Grant Highway and Jerome Avenue to access proposed Parking Garage B.

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- Along the westbound Cross Bronx Expressway advising stadium-bound traffic of an alternate route to the stadium using the exit to Jerome Avenue. This would allow motorists heading to the stadium to use this exit to approach proposed Garage B via southbound Jerome Avenue/River Avenue.

The detailed analyses for a comprehensive game-day traffic management plan that utilizes both standard traffic capacity improvements and traffic diversion strategies conducted for the FEIS indicate that these strategies would reduce the number of partially mitigated impact locations from two, three, four, and three in the weeknight pre-game peak hour, weekend pre-game peak hour, weeknight post-game peak hour, and weekend post-game peak hour, respectively, to two, one, three, and one locations with the degree of impact and vehicle delays significantly reduced at locations that would still remain partially mitigated.

#### **TRANSIT AND PEDESTRIANS**

Like the EIS' proposed project, the Alternative Park Plan is expected to result in similar overall transit use and pedestrian levels as currently exist in the surrounding area of the project site. However, localized significant adverse impacts on several subway and pedestrian elements are anticipated due to the change in terms of access patterns and the redistribution of pedestrian flow. In addition, the new crosswalk to be constructed at Ruppert Plaza was anticipated to be insufficient to provide adequate capacity.

The operating conditions of critical transit and pedestrian elements that would be most affected by the Alternative Park Plan were analyzed. As with vehicular traffic, the Alternative Park Plan would not result in a net increase in transit and pedestrian trips over existing conditions. Rather, these trips would be redistributed within the transportation network, largely due to the future location of the proposed stadium, the addition of nearby parking, and the provision of a dedicated pedestrian walkway along Ruppert Plaza.

Analysis results show that significant adverse transit and pedestrian impacts are anticipated for eight (8) stairways at the 161st Street-Yankee Stadium station and four (4) crosswalks along East 161st Street, including the two crosswalks at Ruppert Plaza, where congested levels are anticipated during critical game-day travel periods experienced in very large part almost entirely by persons traveling to and from a game.

#### *Bus Operations*

Transit service to the study area is expected to remain the same as currently exist. However, with the demapping of East 162nd Street between Jerome and River Avenues to accommodate proposed Parking Garage B, a portion of the Bx13 bus route would need to be rerouted northward to East 164th Street. In connection with this rerouting, several bus stops would also need to be relocated. New York City Transit (NYCT) would determine the specific requirements of this rerouting and the appropriate locations for the future new bus stops. It is expected that these minor changes to the Bx13 bus route would not significantly impact bus operations during game-day or non-game-day conditions. In addition, to the extent practicable, projected increases in bus travel time during peak game-day time periods would be minimized with measures contemplated in the comprehensive traffic management plan, such that the intermittent service disruptions would not constitute a significant adverse impact to bus operations. NYCT would evaluate the actual future conditions and determine whether to adjust its bus schedules.

#### *Pedestrian Circulation*

Significant adverse crosswalk impacts at the River Avenue and East 161st Street intersection would result for the following crosswalks:

- The north crosswalk during all four analysis time periods;



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- The south crosswalk during the weekday post-game time period; and
- The westbound service road east crosswalk during the weekend pre-game time period.

The game-day crosswalk extension incorporated at Babe Ruth Plaza on the west side of the River Avenue and East 161st Street intersection is expected to operate at acceptable levels. While several significant adverse crosswalk impacts have been identified at this intersection, some of the intersection's crosswalks, most noticeably the east crosswalks at the mainline and at the eastbound service road, would experience noticeable improvements in level of service. Furthermore, the proposed pedestrian bridge that would connect to Garage 8 and span East 157th Street would provide adequate capacity for projected pedestrian flow.

At the new 60-foot-wide Ruppert Plaza crossing under both weekday and weekend conditions, pre-game levels were projected at LOS C while post-game levels would be congested at marginally unacceptable LOS D, constituting a significant adverse pedestrian impact. Mitigation of significant crosswalk impacts would typically involve the temporary (on game days with coning or TEA controls) or permanent widening of painted areas to allow pedestrians additional crossing space. The additional crossing space could also be achieved by implementing partial roadway closures during peak game-day periods. At the River Avenue and East 161st Street intersection, minor widening would be needed for the intersection's east crosswalk at the westbound service road and south crosswalk at the eastbound service road. The mitigation of the north crosswalk impacts would contemplate a temporary set-back of the southbound vehicular traffic via coning and TEA control. This mitigation, however, would not be required during post-game peak periods because the portion of River Avenue north of East 161st Street would be closed to vehicular traffic under the game-day traffic management plan. At the Ruppert Plaza intersections with East 161st Street, projected significant adverse pedestrian impacts would be mitigated with set-back stop bars on the East 161st Street approaches or with game-day TEA override of the traffic signal. The above mitigation measures and game-day management of pedestrian flow were developed in consultation with and have received approval from the NYCDOT and MTA, such that with the implementation of these measures, the proposed project would not result in unmitigated significant adverse transit and pedestrian impacts.

#### *Subway Station Elements*

While the total demand could be met by the combined capacity of all stairways serving Yankees patrons at the 161st Street-Yankee Stadium Station, a shift in pedestrian flow would result in improved conditions at some stairways and deteriorations at others. Because of the magnitude of the total pedestrian demand at the station, reasonable stairway widenings could not be achieved to avoid significant adverse impacts. However, further dispersion of subway riders to less congested stairways would be achieved with the Traffic Enforcement Agents (TEA) management of pedestrian movements at the subway station to mitigate the projected impacts. The City and New York Yankees would coordinate with the Metropolitan Transportation Authority to ensure the effectiveness of the described measures, and, if necessary, based on actual operations, would provide such additional practicable measures as may be warranted.

The transit and pedestrian mitigation measures would be employed for the Alternative Park Plan. With these measures, significant adverse stairway impacts at the 161<sup>st</sup> Street-Yankee Stadium Station would be mitigated. Significant adverse pedestrian impacts would also be mitigated for the three existing crosswalks at River Avenue and East 161<sup>st</sup> Street and at the new Ruppert Plaza crossing. The Alternative Park Plan would not result in any unmitigatable significant adverse transit and pedestrian impacts.

#### **NOISE**

Noise levels within the new parks proposed at River Avenue and East 157th Street and within the new proposed Harlem River waterfront park located west of Exterior Street and the Major



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Deegan Expressway, would be above the 55 dBA  $L_{10(1)}$  noise level for outdoor areas requiring serenity and quiet contained in the CEQR noise exposure guidelines and, according to CEQR impact criteria, would represent an unmitigated significant noise impact from the Alternative Park Plan on users of these new parks. There are no practical and feasible mitigation measures that could be implemented to reduce noise levels within these parks to below the 55 dBA  $L_{10(1)}$  guideline noise level. Noise barriers and/or berms would not be practicable. Noise levels in these new parks would, however, be comparable to noise levels in a number of existing parks in New York City, including Macomb's Dam Park, currently. No other significant adverse noise impacts were identified in the EIS.

## CONSTRUCTION IMPACTS

The construction of the Alternative Park Plan is expected to begin in 2006 and be completed in 2010, with the opening of the proposed stadium anticipated in 2009, and all proposed garages operational at that time. Different construction techniques would be employed for the different elements of the Alternative Park Plan. The upland elements, including the stadium, parks, parking garages, and recreational facilities, are expected to use conventional construction techniques with cranes, earth movers, and other heavy equipment. The equipment and storage areas would be land based. The in-water elements associated with rehabilitation of the bulkhead would likely employ marine construction techniques. Materials would likely be transported and stored on waterborne barges. For certain waterfront areas that may be inaccessible to barges due to inadequate water depth, the equipment may have to be land based.

As with most construction projects, construction activities would cause increases in traffic, fugitive dust, emissions from equipment and vehicles, and noise. Construction activities could also result in temporary increases in potential exposure pathways to hazardous materials. A site-specific Health and Safety Plan and Construction Protection Plan would be developed for the site to protect construction workers and the public from adverse environmental conditions during construction. Construction activities for the Alternative Park Plan also have the potential to affect open space, economic conditions, air quality, water quality and natural resources, and infrastructure. However, it is not expected that any significant adverse impacts to these resources would result. In addition, during construction of the Alternative Park Plan, appropriate measures would be closely followed to minimize fugitive dust emissions, control noise and vibration levels, control the rodent population, and thus reduce impacts to the surrounding area. Mobile source  $PM_{2.5}$  impacts at intersection from construction activities were analyzed and determined to be insignificant.

It is anticipated that construction activities would have the potential for significant adverse noise impacts at one or more locations in the study area. In the time period between the DEIS and FEIS, detailed construction noise analyses were performed, which showed that there would be a significant unmitigated adverse noise impact due to construction activities at East 164th Street between Jerome Avenue and River Avenue, including within John Mullaly Park. A noise barrier at this location to address the adverse noise impact would have the potential for significantly affecting, and possibly killing, old growth trees along 164<sup>th</sup> Street, which are to be preserved. Therefore, the use of a noise barrier was rejected. At other locations adjacent to construction sites, noise from construction activities would be intrusive and discernible; however, these increased noise levels would be for limited periods of time and according to CEQR criteria, would not constitute a significant adverse noise impact. These significant adverse impacts would be temporary during the peak construction period. In addition, two or three intersections would experience significant adverse traffic impacts for a period of about two years. Jerome Avenue and East 161<sup>st</sup> Street could be mitigated via standard traffic engineering measures, in this case the removal of curbside parking on one approach to the intersection (southbound Jerome Avenue). River Avenue at East 161<sup>st</sup> Street could be partially mitigated via curb parking

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restrictions at this intersection along with signal timing changes. The third significant impact location, the southbound exit ramp from the Major Deegan at Exit 5 and Macomb's Dam Bridge Approach- could also be partially mitigated by the use of portable variable-message signs to advise traffic to use alternate routes on their way through the area for peak construction traffic hours during the busiest construction seasons. This would divert traffic away from key intersections and help reduce or eliminate significant adverse impacts. Conventional mitigation methods could not successfully mitigate completely the traffic impacts.

The Alternative Park Plan would have a different overall construction schedule as compared to the EIS' proposed project. The Alternative Park Plan would accelerate the construction of all the replacement recreational facilities with the exception of the ballfields, as compared to the EIS' proposed project. By moving the replacement ballfields to the site of the existing stadium in immediate proximity to East 161st Street and the surrounding community, the two ballfields that would have been constructed at the waterfront would be completed later. In addition, the Alternative Park Plan would also provide a temporary softball field during a part of the construction period. NYCDPR would work with displaced baseball and softball field user groups to find playing time at nearby recreational fields as close as possible to Macomb's Dam Park.

Under the Alternative Park Plan, construction would begin on the waterfront parkland in the summer of 2006, with the tennis center to be located at that location to be completed in January 2007, and the surrounding waterfront esplanade to be completed in April 2008. The construction of the proposed stadium would be phased to preserve portions of the tennis facilities at John Mullaly Park north of 162nd Street for recreational use for as long as possible. Because the northern portion of the existing tennis center (8 courts) in John Mullaly Park would remain open until March 2007 (the southern portion—8 courts—would be taken out of service in May 2006), tennis facilities would likely be available throughout most of the construction period. The Alternative Park Plan would also construct parking Garage A in two phases and certain replacement recreational facilities located atop Garage A (i.e., competitive track, basketball courts, soccer field) would be completed earlier than anticipated for the EIS' proposed project.

The three ballfields proposed at Heritage Park for the Alternative Park Plan would be completed in the fourth quarter of 2010. By building Garage A in two phases, the ballfield to be constructed above Garage A Phase 2 would also be completed in the fourth quarter of 2010. By moving the ballfields from the waterfront park (which would be completed early in the construction schedule) to the park area at the existing Yankee Stadium site (which would be completed late in the construction schedule), the ballfields under the Alternative Park Plan would be unavailable for the duration of construction. However, these ballfields would all be located in immediate proximity to East 161st Street and the location of existing ballfields, which was requested by the community.

Since the Alternative Park Plan would have a different overall construction schedule from that of the EIS' proposed project, the Alternative Park Plan would develop additional temporary recreational facilities to minimize to the maximum extent practicable, the duration of time that recreational facilities would be unavailable.

Prior to the construction of the new stadium, a temporary running course would be created around the two baseball fields in the portion of Macomb's Dam Park west of Ruppert Place. This running course would be available in the spring and summer of 2006. In the fall of 2006, the area for proposed parking Garage C (existing parking Lot No. 1) would be developed with a temporary running course (suitable for walking, jogging and recreational running, but not be suitable for competitive track meets) and an area that could accommodate a softball field or children's soccer fields (this area would accommodate either use but both not at the same time) at the end of 2008. Like the EIS' proposed project, when construction displaces these temporary facilities, the esplanade surrounding the new Harlem River waterfront park would serve as a

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running course and would be available until the permanent track is available. Therefore, throughout the construction period, an exercise or running course would always be available until the permanent track is completed.

Finally, there are a number of parks containing recreational facilities within close proximity to the project area (i.e., from 0.3 to 1.4 miles away) that would not be affected by the Alternative Park Plan and would remain available to the community throughout the project's construction. These include: (i) Franz Sigel Park; (ii) the northern portion of John Mullaly Park; (iii) Nelson Avenue Playground; (iv) Claremont Park; (v) St. Mary's Park; and (vi) Crotona Park. Although the construction phasing of the Alternative Park Plan would be different than that of the EIS' proposed project, the peak trip generation of construction workers and truck delivery materials and equipment would be the same. Some additional truck trips would be generated by raising the grade for the new ballfields at Heritage Field, but these truck trips would not occur during the peak construction period. The truck trips would occur after the proposed Yankee Stadium and the majority of the new recreational facilities are completed. The potential effect on air quality and noise during construction of the Alternative Park Plan would be similar to the EIS' proposed project. Like the EIS' proposed project, there would be a significant unmitigated adverse noise impact due to construction activities at East 164th Street between Jerome Avenue and River Avenue within John Mullaly Park associated with the Alternative Park Plan.

As described above, a site-specific HASP would be prepared for the Alternative Park Plan to minimize exposure to hazardous materials by workers and the public. Removal of any USTs encountered during construction of the Alternative Park Plan would be handled in accordance with all applicable Federal, State, and local regulations. Erosion and sediment control measures, and stormwater management measures as part of the SWPP would be implemented during construction of the proposed changes. With these measures in place, the Alternative Park Plan would not result in significant adverse impacts for hazardous materials.

## **G. ALTERNATIVES TO THE ALTERNATIVE PARK PLAN**

The FEIS analysis examined reasonable and practicable options to avoid or reduce project-related, significant adverse impacts and still meet the project's stated goals and objectives. These included: several alternative locations considered but discarded as infeasible or otherwise unsuitable for the new stadium; the No Action Alternative, in which the new stadium is not constructed as proposed; a stadium renovation alternative; a stadium rehabilitation alternative; and an alternative that adds a garage on the waterfront in an effort to reduce the Alternative Park Plan's identified significant adverse impacts, including those related to traffic. In response to comments on the DEIS indicating a desire for more ballfields and contiguous park area in immediate proximity to East 161st Street, a construction schedule that would minimize the duration of time that recreational facilities would be unavailable, and concern about the visual effect of the elevated tennis concession atop Garage C, the Alternative Park Plan was developed and analyzed in the FEIS, and is the preferred plan being approved by NYCDPR and forms the basis of this Findings Statement..

### *1. ALTERNATIVES CONSIDERED AND DISCARDED*

Over the past decade, as part of the current planning process, and in response to comments made at the scoping meeting for the DEIS, other options for the stadium were considered, including three locations outside the neighborhood (including Van Cortlandt Park and Pelham Bay Park, both in The Bronx, and the Caemmerer Yard (rail yard) on Midtown Manhattan's West Side) and several suggested locations near the existing Yankee Stadium, but south of East 161st Street. Also considered were additional renovations to the existing stadium and the possibility of demolishing the existing stadium and rebuilding using the current site, expanded by the inclusion

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of Ruppert Place and portions of Macomb's Dam Park adjacent to Ruppert Place. None of these alternatives proved feasible for a variety of reasons, as discussed below.

*a. Locations Outside the Local Neighborhood*

*Van Cortlandt Park.* The use of Van Cortlandt Park was not recommended because of inadequate highway access given the traffic expected and very poor transit access. Only a small percentage of fans could use public transportation to get to a stadium at this site. Large areas for parking would be required, so that, in the aggregate, a stadium at this location would displace substantially more landscaped parkland than the Alternative Park Plan, including 12 acres of high-quality wetlands. Since conducting the analysis, the City has begun clearing the site for the construction of a water filtration plant and the site is no longer available. The City will replace the driving range and clubhouse on top of the completed facility, and thus it would be unavailable for stadium use.

*Pelham Bay Park.* This site is also poorly served by public transit, and it is expected that only 5 percent of visitors would arrive by mass transit. Substantial parking would also therefore be required at this location. The existing vehicular transportation network would not be sufficient to accommodate the demand from a stadium use. Additional ramp connections to the Hutchinson River Parkway and the New England Thruway, new interchanges, and peripheral roads would be needed to access the site. As with Van Cortlandt Park, the much larger area required for the stadium and its parking (compared to the Alternative Park Plan) would result in greater displacement of recreational facilities and would involve the loss of 12 acres of wetlands.

*West Side Rail Yard.* This site was considered in the late 1990s, and was determined to be a feasible alternative, but was not pursued because of a lack of funding at the time. Subsequently, and during the Alternative Park Plan's planning process, the site was committed by the City and State for the development of a new multi-use facility, including a stadium to be used by the New York Jets football team and the 2012 Olympics. While these two projects are no longer under consideration, the City and State will likely continue to pursue development of the site that would not contemplate a new Yankee Stadium. Furthermore, the use of this site would not be consistent with the project objective of remaining in a location near the Yankees' traditional home in The Bronx.

*b. Other Sites Near the Existing Yankee Stadium*

The project sponsors also considered other sites near Yankee Stadium, particularly locations to the south of the stadium. Three areas were identified and assessed, as discussed below. These included the portion of Macomb's Dam Park adjacent to Ruppert Place (Site I), the site of existing Garage 8 and its surroundings, south of East 157th Street (Site II), and the Harlem River waterfront (Site III). Other locations south of Yankee Stadium, primarily in the Bronx Terminal Market area, are slated for other development and therefore would not be available as alternative stadium sites. All three sites were found to be too small (most of the recently constructed stadiums in the U.S. have an average footprint of 15.5 acres) to accommodate a new stadium, and two of them would require a reduction in the number of parking spaces available to Yankees fans. The waterfront site would also be too distant from parking and transit.

*c. Renovation*

Renovation of the existing stadium in its current location was determined to be infeasible because it would not achieve the project's goals and objectives. The renovation alternative would involve limited, primarily cosmetic changes and would not change the basic size, shape, or layout of the stadium. One of the project's major goals is to expand the stadium—i.e., to significantly change its size. There is insufficient space within the existing stadium to accommodate the extensive needs and requirements for transforming it into a modern-day

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stadium. As discussed above, all aspects of the current stadium are inadequate to support baseball and stadium operations, and to meet the needs of fans, players, Yankees management and the media. Many back-of-the-house functional areas are seriously out-of-date or simply do not exist and would have to be added. With intense competing demands for the very limited space in the stadium, it would not be possible to expand space for the players, which is currently badly constrained. Adequate practice space and batting cages are lacking, and there is only one weight room, which must be shared by both the Yankees and visiting teams. For the stadium to function properly and provide a comfortable experience for fans, players, and the press, a nearly 100 percent increase in public concourse and fan amenity areas would be required. This cannot be accomplished as a renovation, or with a few incremental changes. In fact, major demolition and reconstruction would be required for any meaningful expansion, because of the stadium's poured-in-place concrete structure. Moreover, although new seats could theoretically be provided as part of a renovation, the decks could not be reconstructed to orient the seats to the field properly, and with more than 41 percent now in the steeply raked upper deck, it would be impossible, as part of a renovation, to alter the location of this seating to provide better views and comfort. In addition to expanding and modernizing the stadium, another critical goal for the project is to provide adequate parking to meet the stadium's existing demand. Therefore, this alternative would involve creation of new parking garages. Similar to those proposed for the project, these garages would have to be built on other parkland or be built along the waterfront, which, as discussed in "Waterfront Garage Alternative," below, would be infeasible given the required height of the structure, and, further would conflict with public waterfront policies and would result in unmitigatable impacts that would not occur with the Alternative Park Plan.

### *d. Reconstruction*

Reconstruction of the stadium on the existing site was also considered. As noted above, the existing stadium has insufficient space to accommodate modern-day baseball and stadium operations, and the stadium site itself is not large enough to allow the needed expansion at the site. To modernize the stadium and provide adequate area for pedestrian concourses, back-of-the-house operations, and improved facilities for fans, players, Yankees management and the media, the footprint would need to be expanded by 3.9 acres, to a total of 13.3 acres. As indicated, the most recently constructed stadiums have an average stadium site footprint of 15.5 acres.) To expand the stadium structure while retaining the field in its current location, in a way that would allow the construction of a full concourse around the playing field, a 65-foot-wide ring around the existing stadium would have to be created. However, the stadium site is not large enough to accommodate this ring, because of the presence of East 161st Street, River Avenue (and the No. 4 elevated subway), and East 157th Street. Even without a full concourse encircling the playing field, an expansion of the stadium's seating areas would extend into Macomb's Dam Park and East 157th Street, and potentially into East 161st Street.

Thus, any "reconstruction" of the stadium on its current site would require shifting the playing field away from River Avenue so that the expanded stadium would not be constrained by the presence of that street and the elevated subway. Such reconstruction would therefore require complete demolition of the existing stadium and construction of a totally new stadium on a bigger site that would extend westward from the existing site across Ruppert Place and the portion of Macomb's Dam Park adjacent to Ruppert Place. This alternative was found unacceptable and infeasible, for the reasons presented below.

- A stadium on the south side of East 161st Street between River and Jerome Avenues might be large enough to meet stadium criteria, but the result would be sharply inferior to the Alternative Park Plan and would not meet several key project objectives. Construction on this site would displace the recreational facilities in the portion of Macomb's Dam Park west of Ruppert Place, but would not provide the opportunity for new parkland and replacement recreational facilities at the site of the existing stadium. In

light of community concerns with replacing public ballfields along the Harlem River waterfront—the only site that might be available as replacement parkland under the alternative—this would result in a significant adverse impact on parkland that would not occur with the Alternative Park Plan. Moreover, Garage A could not be built in the location proposed for the project. Therefore, this alternative would either fail to provide adequate off-street parking, which is one of the stated goals of the project; require that Garage A be built on other parkland; or necessitate that Garage A be built along the waterfront, which, as discussed below in “Waterfront Garage Alternative,” would be infeasible, given the required height of the structure, and, further, would conflict with public waterfront policies and result in unmitigatable impacts that would not occur with the Alternative Park Plan.

- The reconstruction alternative is also infeasible because demolition and reconstruction of the stadium in an area containing today’s Yankee Stadium site would require the relocation of the Yankees to another venue for approximately four years. Of the various sports venues in the City, only Shea Stadium could accommodate a major-league baseball team. Thirty years ago, when the Yankee Stadium was undergoing major reconstruction, the Yankees played for three seasons at Shea Stadium. This is not possible today. The Mets are poised to build a new Shea Stadium next to the existing facility, which is widely acknowledged to be out-of-date. Having the Yankees play along with the Mets during construction of the new stadium would greatly exacerbate the parking impacts of the Shea Stadium project during its construction. Instead of games on 81 days, there would be games on 162 days during the approximately six-month baseball season. The current plans for parking during Shea construction include use of grassy areas and parking lots in the park, use of land beneath the Van Wyck Expressway, and the parking area for the former Ederle Theater; all of these areas are distant enough from the stadium to require shuttle buses. The likelihood of games at Shea Stadium conflicting with the U.S. Open at the Tennis Center in Flushing Meadows-Corona Park would be substantially increased. Use of the park fields for parking would displace recreational uses in those areas. Given the addition of the Yankees’ schedule to that of the Mets and the U.S. Open, these areas would be effectively lost to park users during the warm weather seasons for as much as four years or more. In addition, the relocation would be particularly disruptive to the Yankees, and could be achieved only at a great cost—not only the cost of relocation, but also the costs related to loss of revenue from team sponsors who could not be accommodated at Shea. These cost penalties would likely be reflected in a substantial increase in public sector contributions to the project. For all of these reasons, any option requiring relocation of the team is completely unacceptable to the Yankees.

## *2. NO ACTION ALTERNATIVE*

With the No Action Alternative, a new stadium would not be constructed within portions of Macomb’s Dam and John Mullaly Parks, and the existing stadium would remain in its current location. Regular maintenance of the existing stadium would occur, but there would be no investment to expand or upgrade the facility. Furthermore, the City would not build new parking structures, and parking Lots 12 and 13D would be removed with the construction of Gateway Center at Bronx Terminal Market, resulting in a loss of parking as compared to today. Existing parkland would not be displaced, but most new and renovated parkland would not be provided.

### *Alternative Compared with the Alternative Park Plan*

Land Use, Zoning, and Public Policy: Similar to the Alternative Park Plan, the No Action Alternative would not result in significant adverse impacts on land use, zoning, or public policy,



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but would not result in an increase in parking facilities or parklands in the vicinity of Yankee Stadium.

*Socioeconomic Conditions.* Similar to the Alternative Park Plan, the No Action Alternative would not result in direct or indirect displacement of residents and businesses. With the No Action Alternative, New York City would continue to collect rent on the existing stadium, but would spend money for stadium upkeep, leading to a direct deficit of \$77 million over a 30 year period under the No Action Alternative. With the Alternative Park Plan, the City would not collect rent on the new stadium, but it would also not expend funds for stadium upkeep. The new stadium would generate approximately \$58 million more annually in direct expenditures than the existing stadium. In addition, annual operation of the new parking garages would result in an estimated 33 jobs, \$0.5 million in tax revenues, and a total of \$5.4 million in economic output within New York City. Construction of a new stadium, new garages, and new parks as planned with the Alternative Park Plan would produce 15,484 new construction jobs, \$2.05 billion in direct and indirect construction expenditures, and \$73.3 million in new tax revenues. Compared with the existing stadium, the Alternative Park Plan would result in 1,200 new jobs, \$14.3 million in new tax revenues, and a total of nearly \$116 million in new spending. Neither the Alternative Park Plan nor the No Action Alternative would result in significant adverse impacts on socioeconomic conditions. However, the No Action Alternative would not produce the fiscal benefits that would be realized with a new stadium.

*Open Space.* The No Action Alternative would not displace parkland, nor would it create a 2.14-acre net increase in parklands. Therefore, although the No Action Alternative would not result in significant adverse impacts on open space, it would not provide new and enhanced recreational facilities and would, therefore, not provide open space benefits that would be realized with the Alternative Park Plan.

*Shadows.* Because the No Action Alternative would not result in new parking structures, it would not increase shadows on parklands as compared to today, but the existing stadium would continue to cast shadows on surrounding parks. However, similar to the Alternative Park Plan, the No Action Alternative would not result in significant adverse impacts from stadium shadows.

*Historic Resources.* The No Action Alternative would not have significant adverse impacts on Buildings G and H of the Bronx Terminal Market as with the Alternative Park Plan. In the No Action Alternative, these buildings would remain. Since the No Action Alternative would not result in construction of Parking Garages A and C, it would not obstruct some views of the Macomb's Dam Bridge Approach that would be obscured with the Alternative Park Plan.

*Urban Design and Visual Resources.* Neither the No Action Alternative nor the Alternative Park Plan would result in significant adverse impacts on urban design or visual resources. Since the No Action Alternative would not result in the construction of Parking Garages A and C, it would not result in the contextual impacts on the Macomb's Dam Bridge Approach that would occur with the Alternative Park Plan. However, since the No Action Alternative would not provide new public open space along the Harlem River, it would not provide for the new visual resources that would be realized with the Alternative Park Plan.

*Neighborhood Character.* Although the No Action Alternative would not result in significant adverse impacts on neighborhood character on game days as compared to today, it would not provide for the same benefits to the overall neighborhood character that would be realized with the Alternative Park Plan.

*Natural Resources.* With the No Action Alternative, parking facilities along the waterfront would not be replaced with parkland. The No Action Alternative would not result in the removal of mature street trees or the alteration of existing parkland, both of which may serve as terrestrial



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habitats. However, the No Action Alternative would not result in an increase in parkland, which would increase natural habitats.

Waterfront Revitalization Program. The No Action Alternative would not provide new public waterfront access or recreational opportunities and, therefore, would not offer the same benefits to the coastal zone as the Alternative Park Plan.

Infrastructure, Solid Waste and Sanitation, and Energy. Neither the No Action nor the Alternative Park Plan would result in significant adverse impacts on the City's water supply, sanitary sewage systems or solid waste and sanitation services. Similarly, neither the No Action Alternative nor the Alternative Park Plan would result in significant adverse energy impacts.

Traffic and Parking. Under the No Action Alternative, new parking concentrated near the stadium would not be provided, and traffic would remain more dispersed throughout the area. The current shortage of parking spaces would remain and, on game days, Yankees fans driving to the stadium would continue to circulate excessively through the area in search of hard-to-find parking spaces on-street. Illegal parking would continue to occur at several locations including, for example, along the service road of the northbound Major Deegan Expressway.

Overall traffic volumes in the area would be the same under the No Action Alternative and the Alternative Park Plan since the Alternative Park Plan would not be expected to generate new traffic. There would be some shifting of traffic patterns to routes and intersections closer to the new stadium's proposed parking garages under the Alternative Park Plan, creating significant adverse traffic impacts. Many of these impacts could be mitigated by a range of measures. Under the No Action Alternative, adverse traffic levels of service in the area would remain even with traffic operations measures in place on game days. Significant adverse traffic impacts generated by the Alternative Park Plan however, resulting from the shifting of traffic patterns, would not occur.

With the No Action Alternative, the Major Deegan Expressway would continue to operate at unacceptable levels of service E and F during all four traffic analysis periods throughout the corridor adjacent to the existing stadium. With the Alternative Park Plan, nearly all levels of service would remain the same as with the No Action Alternative, but there would be significant impacts at a number of locations where traffic densities (i.e., the volume of traffic per mile per lane) would be expected to increase beyond CEQR thresholds.

Transit and Pedestrians. For the weekday and Saturday pre-game period, the No Action Alternative would produce a lower level of congestion on six of the stairways at the 161st Street-Yankee Stadium station than the Alternative Park Plan; however, three stairways would have a poorer level of service (LOS) compared to the Alternative Park Plan. In the post-game periods, under the No Action Alternative operation of six stairways would be substantially less constrained, compared to the Alternative Park Plan, but the operation of nine other stairways would be much worse. This variance in the operation of subway stairways results from the shifting of passengers between the north side and south side of East 161st Street, depending on the stadium's location.

With the No Action Alternative, pedestrian travel would be concentrated south of East 161st Street. With the Alternative Park Plan, pedestrian activities would shift north of East 161st Street near subway entrances and west and north of the proposed stadium where new parking facilities would be located. As a result, the Alternative Park Plan would result in substantially more pedestrians crossing East 161st Street; however, the Alternative Park Plan would include a widening of the west crosswalk at the intersection with River Avenue and new crosswalks at Ruppert Plaza and Macomb's Dam Bridge Approach. Generally, the Alternative Park Plan would result in substandard operation of the north and east crosswalks while the No Action Alternative

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would result in substandard operations on the east, west, and south crosswalks. At the River Avenue intersections with West 153rd and West 157th Streets, there would be a lower concentration of pedestrian traffic on game days with the Alternative Park Plan. With the No Action Alternative, there would be substandard operating levels at the River Avenue/West 153rd Street west crosswalk and at the River Avenue/West 157th Street north crosswalk during both weekday and weekend post-game peak periods—two crossings that would otherwise operate at acceptable levels with the Alternative Park Plan. With the No Action Alternative, there would be no significant adverse impacts at Ruppert Plaza, as are predicted for the Alternative Park Plan. In addition, the No Action Alternative would not require substantial widening of the north crosswalk at River Avenue and East 161st Street or closing a portion of River Avenue north of the intersection, additional reconfiguration of the new crossings at Ruppert Plaza and Macomb's Dam Bridge Approach, or replacing the existing waterfront pedestrian bridge with one that connects to Garage 8 and spans over East 157th Street. At other crosswalk locations, game-day congestion and widening requirements would be similar for the No Action Alternative and the Alternative Park Plan.

*Air Quality.* As described above, the No Action Alternative would disperse traffic and parking as compared to the Alternative Park Plan; therefore, it is anticipated that emissions would be less concentrated in the vicinity of the project area. However, these emissions would be dispersed elsewhere throughout the neighborhood since patrons would use other access routes and remote parking facilities. Furthermore, the heating ventilation, and air conditioning (HVAC) system of the existing system would not be modernized with the No Action Alternative; therefore, associated emissions could be greater than with a new, modern HVAC system, which would be constructed with the Alternative Park Plan. Overall, similar to the Alternative Park Plan, the No Action Alternative would not result in significant adverse air quality impacts.

*Noise.* Similar to the Alternative Park Plan, the No Action Alternative would not result in significant adverse impacts from increased noise levels at sensitive receptors. However, because the No Action Alternative would not result in increased vehicular traffic in the vicinity of Macomb's Dam Park and because the No Action Alternative would not locate a new stadium in closer proximity to residences, it would result in slightly improved noise levels at these locations as compared to the Alternative Park Plan.

*Construction.* No construction would occur on the site and at all other locations in the No Action Alternative, and the significant adverse noise and traffic impacts associated with the construction of the Alternative Park Plan would not occur.

*Public Health.* Neither the No Action Alternative nor the Alternative Park Plan is expected to result in significant adverse impacts to public health.

*Conclusion*

The No Action Alternative is inferior to the Alternative Park Plan because it would not meet the goals of the project by constructing a modern stadium to adequately support baseball and stadium operations, players and the media. The No Action Alternative would not provide the opportunity to create new public waterfront access along the Harlem River and would not create additional and improved park facilities.

*WATERFRONT GARAGE ALTERNATIVE*

The EIS impact analyses identified significant traffic and pedestrian impacts associated with the concentration of parking spaces in proposed Parking Garages A and C. Therefore, an alternative plan was considered that would reduce the capacity of proposed Parking Garages A and C and attempt to transfer the parking spaces to another site, specifically Parking Lots 13A and 13B on the waterfront.

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Similar to the Alternative Park Plan, the Waterfront Garage Alternative would include a new stadium in Macomb's Dam Park on the north side of East 161st Street. Parking Garage B would also be constructed in John Mullaly Park; however, Parking Garages A and C would be reduced in size and structured parking would be built on the waterfront in the location of Parking Lots 13A and 13B. Under the Waterfront Garage Alternative, it is estimated that 1,000 to 1,500 spaces would be removed from Parking Garages A and C as compared to the Alternative Park Plan. Thus, the waterfront garage would need to accommodate the 852 spaces currently available in Parking Lots 13A and 13B as well as the spaces that would be removed from Parking Garages A and C for a total of 1,852 to 2,352 spaces. The long, narrow shape of the waterfront site, which is confined by the Major Deegan Expressway and its ramps, the Macombs Dam Bridge, and the Oak Point rail link (which runs above the river parallel to the shoreline), would constrain the footprint of the garage and would require at least a four-story garage at this location to fully accommodate the 1,852 to 2,352 spaces. It would also require that the garage be built over a small inter-pier area at the southern end of the site. This would cover approximately 0.36 acres of littoral tidal wetlands, which would likely require mitigation. Additional approvals in the form of individual permits from the U.S. Army Corps of Engineers and NYSDEC would be necessary.

To avoid covering 0.36 acres of wetland and bridging over the Major Deegan Expressway exit ramp, two separate garages would have to be developed—a garage each on Lots 13A and 13B—separated by the Major Deegan Expressway exit ramp to Exterior Street (from Exit 5). To accommodate over 1,800 spaces, a single garage on either lot would range up to 16 stories in height; this is not considered feasible from a functional design perspective and therefore not a feasible or practicable alternative.

The special regulations relating to the waterfront area (Section 62 of the New York City Zoning Resolution) would apply to the design of these two garages. Specifically, the waterfront zoning requires (Section 62-341(7)) that the ground floor of the garage contain area that is not garage space, such as retail or other uses. The waterfront zoning regulations (Section 62-322) also require that a 40-foot yard be maintained along the farthest inboard point of the bulkhead line—parking is prohibited in this yard area. Waterfront zoning requirements also include upland connections to adjoining streets every 600 feet and a 40-foot walkway along the shore (Section 62-40). In addition, there are height and setback requirements under the waterfront regulations. Any wall facing the shoreline above a height of 60 feet may not be more than 100 feet tall (Section 62-341(6)). An additional 30-foot setback is required along the length of the waterfront yard above a height of 60 feet and 15-foot setbacks along any upland connections above the 60-foot height (Section 62-341(a)).

To accommodate more than 1,800 spaces in two garages and comply with the waterfront zoning requirements, a garage on Lot 13B would require at least eight levels and a garage on Lots 13A would require 11 levels. These heights would substantially exceed the height of the adjacent, elevated Major Deegan Expressway.

Like the Alternative Park Plan, under the Waterfront Garage Alternative, recreational facilities would be constructed atop Parking Garage A and a new waterfront park would be constructed south of the existing Parking Lots 13A and 13B (in addition, like the EIS' proposed project, recreational facilities would be constructed atop Parking Garage C). Furthermore, a publicly accessible ballfield would be constructed on the site of the existing Yankee Stadium. Therefore, all of the effects associated with the new stadium, reuse of portions of the existing stadium and replacement of recreational facilities would be essentially the same as with the Alternative Park Plan. The discussion below concentrates only on those elements that differ from the Alternative Park Plan.

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*Alternative Compared with the Alternative Park Plan*

Land Use, Zoning, and Public Policy. The New York City Zoning Resolution contains special regulations to guide development along the City's waterfront in order to, among other reasons, maintain and re-establish physical and visual public access to and along the waterfront; promote a greater mix of uses in waterfront developments to attract the public and enliven the waterfront; create a desirable relationship between waterfront development and the water's edge, public access areas, and adjoining upland communities; preserve historic resources along the City's waterfront; and protect natural resources in environmentally sensitive areas along the shore. The Waterfront Garage Alternative would not be consistent with several of the goals of the special waterfront regulations of the New York City Zoning Resolution. Parking structures at this location would not be considered a water dependent use. The Waterfront Garage Alternative would impede physical and visual public access to an approximately 1,700 linear feet portion of the Harlem River. The Waterfront Garage Alternative would block views of nearly all of the Macombs Dam Bridge camelback truss and obstruct views of the entire historic Macomb's Dam Bridge Approach from the south as well as half of the approach from the north. Development of one large garage would require covering approximately 0.36 acres of wetland and would also not be consistent with the waterfront zoning goals to be protective of natural resources. Therefore, unlike the Alternative Park Plan, the Waterfront Garage Alternative would not be consistent with the New York City Zoning Resolution special waterfront regulations.

Open Space. Both the Waterfront Garage Alternative and the Alternative Park Plan would result in benefits to parklands and recreational facilities. This alternative would have the same impact on open space, due to its loss of recreational facilities during construction, as the Alternative Park Plan.

Shadows. The construction of one or two new parking structures along the waterfront would create transient new shadows on the Harlem River and the Macombs Dam Bridge, which would not occur with the Alternative Park Plan. However, since neither resource is considered a sun sensitive receptor, these new shadows would not constitute a significant adverse impact.

Historic Resources and Urban Design and Visual Resources. The construction of Parking Garages A and C and one or two waterfront parking structures under the Waterfront Garage Alternative would obstruct views of the entire historic Macomb's Dam Bridge Approach from the south as well as half of the approach from the north. It would block views of nearly all of the bridge's camelback truss. This would constitute a significant adverse impact on the historic resource that could not be fully mitigated. Such an impact was not identified for the Alternative Park Plan, because although Parking Garages A and C would block views of half of the approach, the remaining half including the truss, would remain visible.

Neighborhood Character. As described above, the construction of a waterfront parking garage in combination with Parking Garages A and C would substantially obstruct views of the Macomb's Dam Bridge Approach and the bridge's camelback truss, which would result in a significant adverse impact, and would adversely affect views of the river from other locations, which would be detrimental to the visual quality of the Harlem River. These significant adverse impacts on visual resources would not occur with the Alternative Park Plan, and would be unmitigated under the Waterfront Garage Alternative.

Natural Resources. Development of one parking garage for the Waterfront Garage Alternative would cover approximately 0.36 acres of a small inter-pier basin, which, like the basins along the waterfront to the south, is probably classified as a NYSDEC littoral zone tidal wetland. Even though it would not be considered to be a high-quality wetland and the garage would deck over it rather than fill it, the permanent cover would constitute an adverse impact requiring mitigation in

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the form of a replacement wetland of higher quality. This impact and mitigation requirement would not occur with the Alternative Park Plan.

Waterfront Revitalization Program. Although, like the Alternative Park Plan, the Waterfront Garage Alternative would improve public access to the waterfront, it would significantly adversely impact views of the Macombs Dam Bridge structure and camelback truss from this new waterfront park and would block views of the river from other locations, which is detrimental to the visual quality of the Harlem River. Furthermore, although the Waterfront Garage Alternative would not change the use of this waterfront parcel, the bulk of the structure that would be needed to house the requisite number of parking spaces would result in significant new construction on the Harlem River that is inconsistent with the City's current policy for development of this waterfront area. Specifically, the Waterfront Garage Alternative would be inconsistent with Policies 8 and 9 of the WRP—to provide public access along New York City's coastal waters and protect scenic resources that contribute to the visual quality of the New York City coastal area, respectively. Overall, both the Alternative Park Plan and the Waterfront Garage Alternative would improve public access to the waterfront; however, the Waterfront Garage Alternative would diminish the historic and visual quality of the waterfront, would intensify a use on the waterfront that is neither water-dependent nor water-enhancing, and therefore would be inconsistent with the goals and objectives of the Waterfront Revitalization Program.

Traffic and Parking. The Waterfront Garage Alternative might have the potential to reduce significant traffic impacts at intersections along Jerome Avenue and the Macomb's Dam Bridge Approach that would be expected to occur under the Alternative Park Plan. Under this alternative, up to 2,352 cars would reach their parking spaces via southbound Exit 6 off the Major Deegan Expressway to "Bronx Terminal Market," and would not circulate on the local street network. Return trips to the northbound expressway would be made via a U-turn onto the ramp from Exterior Street that leads to the expressway, near East 157th Street, also avoiding the local street network. Thus, a substantial portion of stadium traffic that would have used Jerome Avenue and Macomb's Dam Bridge Approach with the Alternative Park Plan would not pass through these critical locations. Although this shift in parking may not fully mitigate the impacts of the Alternative Park Plan that were identified at these locations, it would decrease the anticipated vehicle delays, and would require, at most, a less stringent mitigation package than the Alternative Park Plan.

Transit and Pedestrians. Under the Waterfront Garage Alternative, transit service and usage would be similar to conditions under the Alternative Park Plan, but pedestrian routes to the proposed stadium would vary. More pedestrians would need to cross over to the east side of the Metro-North Railroad tracks via the enclosed pedestrian bridge, which currently accommodates patrons traveling via the Yankee Clipper Ferry or parking at Parking Lots 13A, 13B, 13C, and 13D. With a new parking garage constructed at existing Parking Lots 13A and 13B, an estimated 4,125 additional pedestrians during game-day peak hours could traverse this pedestrian bridge. This level of pedestrian volume increase could be accommodated by the proposed new pedestrian bridge, which would be made ADA compliant, connect with the second level of Garage 8, and span over East 157th Street onto Ruppert Plaza.

Under the Waterfront Garage Alternative, more pedestrians would need to travel the length of Ruppert Plaza and cross East 161st Street there than with the Alternative Park Plan. It is expected that Ruppert Plaza would be designed to meet the increased demand. However, at the proposed at-grade East 161st Street crossing at Ruppert Plaza on peak game days, which is projected to be congested under the Alternative Park Plan, would be further exacerbated. At the same time, conditions at the Macomb's Dam Bridge Approach, which were also identified as a critical vehicular and pedestrian location under the Alternative Park Plan, would realize a lower level of activity, with resulting improvements in both vehicular and pedestrian traffic flows as compared to the Alternative Park Plan.

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*Air Quality.* Like the Alternative Park Plan, the Waterfront Garage Alternative would not result in significant adverse air quality impacts.

*Noise.* Like the Alternative Park Plan, traffic from the Waterfront Garage Alternative would not result in significant increases in noise levels at sensitive receptors. The impact of ambient noise levels on the proposed new parkland would be the same for this alternative and the Alternative Park Plan.

*Construction.* The Waterfront Garage Alternative would result in the loss of Parking Lots 13A and 13B during construction, which would temporarily reduce the supply of Yankee Stadium parking. Construction at this location may also require restricted access or lane closures on the Major Deegan Expressway and its ramps at 161st Street. Therefore, the Waterfront Garage Alternative may have greater construction period impacts on traffic circulation and parking than the Alternative Park Plan. The potentially significant construction noise impacts identified with the Alternative Park Plan would be the same with this alternative.

*Conclusion*

The Waterfront Garage Alternative would be inferior to the Alternative Park Plan and was not selected for the following reasons:

- It would be inconsistent with the goals and objectives of the New York City Zoning Resolution Waterfront Regulations.
- It would result in significant adverse impacts on historic and visual resources that could not be mitigated.
- It would be inconsistent with the goals and objectives of the WRP.
- It would cover a littoral zone tidal wetland if one garage were constructed, constituting a significant adverse impact requiring mitigation, and requiring additional regulatory approvals.
- It would likely have greater traffic and parking impacts during construction than the Alternative Park Plan.
- Although it would relieve traffic congestion on Jerome Avenue and the Macomb's Dam Bridge Approach and reduce impacts at the intersections of those two streets and East 161st Street, some mitigation would still likely be required. This benefit would not outweigh the additional unmitigated impacts and the unacceptable contravention of current City policy regarding development of this waterfront that would result from the Waterfront Garage Alternative.

**UNAVOIDABLE SIGNIFICANT ADVERSE IMPACTS**

Accept for the significant adverse impacts identified immediately hereafter, all of the potential significant adverse impacts identified for the Alternative Park Plan could be fully mitigated.

**HISTORIC RESOURCES**

The Alternative Park Plan would result in the demolition of Bronx Terminal Market Buildings G and H (S/NR-eligible), resulting in a significant adverse impact on historic resources. In comments dated September 20, 2005, SHPO concurred with this finding. Therefore, measures to mitigate this impact have been developed in consultation with SHPO. The mitigation measures include HABS-level photographic documentation with an accompanying narrative, and



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interpretive design elements, such as fence and plaques/historic markers. The mitigation measures developed with SHPO are contained in an Memorandum of Agreement (MOA) to be entered into among the NYCDPR, and SHPO, and will be implemented to partially mitigate the effects of the Alternative Park Plan on historic resources. The impacts could not be completely eliminated, so it is considered an unavoidable significant adverse impact of the Alternative Park Plan.

**TRAFFIC**

The Alternative Park Plan would result in significant adverse traffic impacts at local intersections within the traffic study area and along sections of the Major Deegan Expressway near the proposed stadium site. Proposed traffic mitigation measures would be employed and would include standard traffic capacity improvements applied to individual intersections (e.g., signal retiming) combined with an overall game-day traffic management plan that was developed and fully analyzed during the period between the DEIS and FEIS, and which has been approved by the agencies responsible for its implementation. However, even with these strategies in place, the detailed traffic impact analyses conducted as part of the FEIS have indicated that there would be three local intersections where standard traffic capacity improvements applied in tandem with a game-day traffic management plan would likely not be sufficient to fully mitigate impacts. These locations are (1) River Avenue and East 161st Street; (2) Macomb's Dam Bridge Approach and East 161st Street; and (3) Jerome Avenue, Ogden Avenue, and the loop ramp to the Macomb's Dam Bridge. Impacts at these intersections would be unavoidable, significant, and adverse.

**NOISE**

The noise levels within the new parks proposed at River Avenue and at the Harlem River waterfront would result in potentially significant noise impacts on users of these new parks. Noise levels at these parks would be approximately 71.8 and 73-78 dBA, respectively, and above the 55 dBA  $L_{10(1)}$  noise level for outdoor areas requiring serenity and quiet contained in the CEQR noise exposure guidelines. These high predicted noise levels are primarily a result of the noise generated by the elevated subway trains and vehicles on the elevated Major Deegan Expressway. These noise sources are independent of the Alternative Park Plan, but based on CEQR criteria, the noise levels at these new parks would result in potentially significant noise impacts on users of these new parks. As there are no practical and feasible mitigation measures that could be implemented to reduce these noise levels to below the 55 dBA  $L_{10(1)}$  guideline noise level, this is an unavoidable significant adverse impact.

**CONSTRUCTION**

A scenario in which construction workers would be provided with parking at one of the Yankee Stadium garages was evaluated, as well as a scenario in which construction workers would instead park in on-street parking spaces. The analysis concludes that there would be significant adverse traffic impacts under both scenarios, for which only partial mitigation has been identified at this time. Construction-worker traffic therefore constitutes an unavoidable significant adverse impact.

In the time period between the Draft and Final EIS, detailed construction noise analyses were performed. It was determined that construction activities would result in significant adverse noise impacts at locations along 164th Street between Jerome Avenue and River Road, including in John Mullaly Park. There are no practicable measures that could be implemented to eliminate these significant adverse impacts at this location.



### IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

The resources that would be expended in the construction and operation of the Alternative Park Plan include the materials used in construction; energy in the form of gas and electricity consumed during construction and operation; and the human effort (time and labor) required to develop, construct, and operate various components of the Alternative Park Plan. They are considered irretrievably committed because their reuse for some purpose other than the Alternative Park Plan would be highly unlikely. Although the Alternative Park Plan would result in a net overall increase in open space and parkland, the land use changes associated with the development of the Alternative Park Plan may also be considered a resource loss. The Alternative Park Plan constitutes an irreversible and irretrievable commitment of the project area as a land resource, thereby rendering land use for other purposes infeasible.

### CERTIFICATION OF FINDINGS

Having considered the DEIS and the FEIS, including the comments on the DEIS and FEIS and responses thereto, and having considered the preceding written facts and conclusions, NYCDPR certifies that:

- (1) the requirements of SEQRA, and its implementing regulations, 6 NYCRR § 617.1 et seq., have been met and fully satisfied;
- (2) consistent with social, economic and other essential considerations from among the reasonable alternatives thereto, the proposed action, the Alternative Park Plan, is one which minimizes or avoids significant adverse environmental impacts to the maximum extent practicable, including the impacts disclosed in the FEIS and set forth in this Findings Statement; and
- (3) consistent with social, economic and other essential considerations, the significant adverse environmental impacts of the Alternative Park Plan revealed in the environmental impact statement process and set forth in this Findings Statement, have been minimized or avoided to the maximum extent practicable by incorporating the identified mitigative measures as conditions to this decision.



Joshua R. Laird  
Assistant Commissioner for Planning & Natural Resources  
New York City Department of Parks and Recreation

March 6, 2006  
Date