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October 31, 2017

Via Electronic Mail and Hand Delivery

Hon. Deborah Rose
New York City Council
130 Stuyvesant Place
Staten Island, New York 10301

Re: South Avenue Retail Development
534 South Avenue, Block 1707, Lots 1 and 5 (the "Site")
ULURP No. 160174 ZSR & 150359 MMR (the "ULURP Applications")

Dear Council Member Rose:

Thank you for your consideration of the South Avenue Retail Development project. We write to follow-up on the October 10, 2017 public hearing before the Zoning and Franchises Subcommittee for our ULURP Applications, as well as our conversations with you and your staff throughout this process.

As you know, our proposed retail center along Forest Avenue in the Mariner's Harbor section of Staten Island is expected to include a BJ's Wholesale Club, our largest tenant, and other tenants designed to meet the needs of the surrounding community (the "Project").

As you are also aware, our consultants and experts have worked for over two decades with the NYS Department of Environmental Conservation ("DEC"), as well as the Army Corp of Engineers to develop a Site plan that achieved two very important goals, namely, the preservation, enhancement and buffering of the regulated wetlands located on the Site, together with compatible natural resource-sensitive economic development for this underutilized Site. Through these efforts, along with working with you and other stakeholders throughout this public process, we believe we have achieved a Site plan that meets both of these goals.

The scope of the Special Permit before you is very limited in that it will to allow tenant store sizes to be more than 10,000 square feet. We believe this will result in a superior site plan and a better mix of tenants for the neighborhood and its retail demands. The Project otherwise complies with all height, bulk, and parking requirements of the Zoning Resolution. We propose to develop only 18% of the otherwise permitted 1.0 FAR for the Site's M1-1 district. The Applications will allow for improving Morrow Street by widening its northern end to form a properly aligned intersection of the existing traffic light at the Home Depot, and installing a new traffic light at the Project's South Avenue entrance, with a dedicated left turn lane - two improvements which we believe will significantly enhance the Project Site and immediate area.

No development whatsoever will occur within the Site's NYSDEC-regulated wetlands. Pursuant to our work with the NYSDEC, the Site's wetlands preservation/enhancement and stormwater management plans, will result in (i) 10.77 acres - constituting almost 40% of the Site area - of preserved, buffered and enhanced wetland and adjacent areas that, by deed restriction, will be maintained in perpetuity by the Site owner; and (ii) stormwater management and practice that will maintain the pre-development drainage condition of the Site.

As approved by NYSDEC and the City Planning Commission, to compensate for the removal of existing trees within the proposed development footprint, the Project will result in the planting of 2,207 new trees and 9,267 native shrubs within a 10.77 acre preservation, enhancement and buffer area on the Site which, along with landscape plantings within the proposed development results in 550+ net new trees to the Site.

Through our discussions with your office and in support of your desire to further improve the resiliency and sustainability of the Site, and to ensure the Project fits within this Mariner's Harbor community, we have agreed to a wide range of additional Project improvements and commitments including additional bioswales, increased surface permeability, more tree and shrub plantings, the creation of a natural screen wall, energy conservation measures, traffic controls and analyses, job opportunities, and educational opportunities, each of which is further outlined in greater detail below.

We thank you for your time, engagement and thoughtful insights as this input and these additional commitments has made this an even better Project for the community. We are pleased to confirm the following commitments we have made to you during the course of our discussions:

Sustainability Measures

One of the most significant sustainability achievements of the Project is of course the on-Site 10.77 acres of preserved, enhanced and buffered wetlands. By deed restriction, this area will remain undeveloped and maintained by the Site owner in perpetuity. The Project will also include sustainability measures to achieve energy efficiency and water conservation that meet or, at your urging, exceed the requirements of the 2016 New York City Energy Code, these measures include:

Energy Efficiency

- Installation of LED (Light Emitting Diode) lighting in the parking area, which uses approximately 60% less electricity than standard lighting;
- All parking area LED lighting will be installed and directed at angles away from any adjacent residences;
- Upon closing of the retail center each night, only a limited percentage of parking area lighting will remain on for security purposes (approximately 25%);
- Installation of LED light fixtures within the interiors of the buildings;

- Installation of daylighting controls near the front of the buildings where the show windows are located, whereby the interior light fixtures dim in relation to the natural light entering the building;
- Installation of automatic light sensors in storage areas and bathrooms of all buildings.
- Installation of increased insulation in the roof of the building.
- Installation of Energy Efficient Heating and Air Conditioning systems.

Solar Panels and Sky Lights

BJ's, our largest tenant, has committed to the installation of solar panels on its roof. BJs will also install on its roof skylights of a size sufficient to allow natural daylight to enter its store to achieve further energy conservation.

Water Conservation

All indoor water fixtures will meet EPA WaterSense requirements, this will include, for example, low flow water fixtures in all bathrooms.

Cool Roofs

The roofs of all buildings within the Site will be treated with white or other comparable reflective coatings or materials, such that they will be "cool" roofs, designed to reflect heat from the buildings, thereby reducing energy consumption.

Increased Permeability within the Development Footprint

In addition to the 10.77 acre wetland preservation, enhancement and buffer areas, the approved Site plan has significant plantings, trees and bioswale areas to increase permeability within the development footprint for our stormwater management plan. These areas presently amount to approximately 1.5 acres. This includes, as shown on the ULURP Site plan, the Applicant's commitment to install bioswales throughout the parking area, including the construction two (2), sixteen (16)-foot wide aisles buttressed with bioswales that will provide safe pedestrian connections between the main retail building and the mid-point Forest Avenue and Lilac Court access points.

In response to your request that the Applicant further increase the permeable areas of the development footprint to further increase stormwater infiltration capacity on the Site, the Applicant commits to the following additional sustainability measures to achieve this:

Additional Bioswale

The installation of an additional bioswale within the area located along the western edge of the improvement North Morrow Street (in the "tear drop" shaped area). This area is approximately 14,119 square feet, which is slightly more than 1/3 of an acre in size.

Addition of Permeable Pavers

Permeable pavers, totaling approximately 2,740 square feet will be added in the following areas of the development foot print:

- the 16-foot wide pedestrian walkway which connects the main building to the pedestrian access point onto Lilac Court;
- the 16-foot wide pedestrian walkway which connects the main building to the seating area located at the southern end of the Forest Avenue right-turn, right-turn-out only drive aisle; and
- the seating area connected to this at this 16-foot wide walkway.

This additional bioswale and pavers, which you have requested, will result in an additional 16,859 square feet of permeable surface within the development footprint (approximately 4/10^{ths} of acre) which will further improve the Site stormwater management capacity and operation. With these additions, almost 2 acres of the Site's development footprint will contain bioswales, trees, plantings, shrubs and permeable surfaces.

South Avenue Landscaping

As shown on the ULURP Site plan, the Applicant is committed to installing significant landscape buffers and tree plantings both within the parking area and along the entire perimeter of the Project Site.

In response to your request that extra attention be paid to the South Avenue frontage of the Project and that a natural screen wall be provided between the Project Site and the adjacent residential district, in addition to the landscaping, plantings and trees indicated on the ULURP Site plan, the applicant commits to install additional trees and shrubs between the proposed South Avenue traffic signal and the northeast corner of the property to form this natural barrier. This will include approximately three additional trees to be planted within the seven foot buffer area at the perimeter of the Site (within the intervals between the Parks Department street trees located on the public sidewalk), along with the installation of Arborvitae bushes between the intervals of the three additional trees in the buffer area. Arborvitae bushes are year-round evergreen trees, which are typically installed at a height of 3 feet, and have a very quick growth rate. The Applicant commits to maintain these bushes at a height of approximately six (6) feet.

We note that the South Avenue frontage which is south of the proposed South Avenue traffic light/entrance will be screened by the shrubs and trees, including existing mature trees, that are part of 10.77 acre wetland enhancement and preservation area. The proposed plantings and existing vegetation will mask the side wall of the main building from view across South Avenue.

Addition of bioswales to street trees

Pursuant to your request, the Applicant will install bioswales within all street tree locations within the sidewalks which will surround the Site perimeter.

Viewing Area

Pursuant to our discussions and your request, the Applicant commits to install bench seating (approximately 6 benches) within our development footprint in the sidewalk area located immediately to the east of the southern terminus of North Morrow Street. This benched area will enable public viewing of the wetland preservation area and will be open to the public during the hours the retail center is open. Each bench would be approximately 6 feet long and backless, with intermediate arm rests, for a total of approximately 36 linear feet of seating. The Applicant also commits to install appropriate plaques/signs within this benched area that provides educational information about the regulated wetland areas in and around the Site. We will work with your office to formulate the information that will be placed on these educational plaques. A minimum of two such plaques will be installed at either end of this area. The Applicant will be responsible for the maintenance and repair of the benches, signage and landscaping within this area.

Bench Seating

In addition to the bench seating in the “Viewing Area” described above, the Applicant commits to install backless bench seating, each 6-feet long: (a) at appropriately spaced intervals along the front of the main building: totaling 14 benches, with an aggregate of 84 linear feet of seating, and (b) within the seating area located at the northern end of the 16-foot wide pedestrian walkway that connects the main building to the Forest Avenue right-turn, right-turn-out only drive aisle: totaling 7 benches, with an aggregate of 42 linear feet of seating.

Retention Pond

We appreciate the concern you have raised in relation to the avoidance of stagnant water within the retention pond located in the wetland buffer area. This pond is designed to avoid stagnation, including frequent flushing from rain fall, and should not be a fertile ground for mosquitoes. However, in order to further ensure that there will be no standing water and to reduce breeding opportunities for mosquitoes, at your request, we commit to working with DEC to install an aerator in the retention pond. If the installation of an aerator is not feasible, the Applicant commits to develop an alternative mosquito control plan.

DEC Reporting Requirements

As you know, under our DEC approvals, we are required to provide periodic reports to DEC concerning the growth and survival of the plantings we are required to establish and maintain within the wetlands and adjacent buffer areas. Pursuant to your request, the Applicant will provide, concurrently with its submission to DEC, copies of these reports to your office concerning the growth management of these plantings. We are also required to demonstrate that all post-construction stormwater practices identified in the Site’s stormwater pollution prevention

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plan are inspected to confirm they are functioning as designed and properly maintained. Typically, drywells and catch basins are inspected quarterly; the stormwater retention pond and the bioswale basins are typically inspected annually. Pursuant to your request, concurrently with our submissions to DEC, we will send you copies of the operation maintenance and management inspection checklists when these inspections are performed, for the life of the Project. We additionally commit to inspect, concurrently with our stormwater feature inspections, the catch basins which will be located along the entire perimeter of the Site within the street area of Forest Avenue, South Avenue, Dwarf Street and Wemple Street and to identify any issues with these catch basins and will likewise report our findings to you and, as necessary, to the appropriate City agency.

Building Facades

The Applicant shares your goal that the design of the building façades be aesthetically pleasing. To that end, the building facades will be articulated in depth to create breaks in the wall massings. In addition, different complimentary colored exterior finishes - which will include glass, metal and textured masonry- will be utilized, together with exterior soffits and sunscreens to create visually pleasing building designs.

Employment

The Applicant supports your goal of maximizing contracting and employment opportunities for local residents, along with local and minority and women-owned businesses (M/WBE). We believe this Project, which will create approximately 800-1000 construction jobs and approximately 440 permanent jobs, provides an excellent opportunity for local residents and local and M/WBE businesses.

Construction

The Applicant commits to soliciting bids for construction contracts and subcontracts from local and M/WBE businesses, to maximize their participation in the Project, with a goal to reach, through commercially reasonable efforts, up to 30 percent participation by local, and M/WBE businesses for its construction (sub)contractors. We further commit that the Project will be open to and we will seek bidding from union contractors. As discussed with you, we can confirm that BJ's will use union-only (sub)contractors for the completion of its interior fit out of its store, which is the largest tenant of the site at approximately 89,760 square feet.

Permanent Jobs

The Applicant's proposed largest tenant for the Site, BJ's, which expects to have approximately 150 employees, has made the following commitments to you in connection with BJ's goal to maximize employment opportunities for local residents:

- o to host a least one job fair at a time and place designated by you within the community for local residents and local organizations to allow BJ's representatives

- to provide information about positions available and how and when to apply for those positions;
- o to provide early notification (of not less than 2 weeks) to your office and Community Board 1 of the opening of the application period for the BJ's positions at the club;
- o to provide to your office with a report of the number of locally hired residents in the club within 3 months of opening and, upon request by you, to update this information with similar reports to your office, annually;

The Applicant supports BJs goal to maximize local hiring within the Project and commits to encourage similar outreach efforts to maximize local hiring by its other anticipated large-sized tenants, when these tenants are identified.

Traffic Studies and Commitments

Post-Construction Traffic Monitoring Plan

The Applicant (and its tenants) and surrounding community have a shared mutual interest in ensuring the traffic in the area functions well. As you know the Applicant has committed to perform a post-opening traffic monitoring program, the purpose of which is to confirm that the DCP/DOT approved traffic mitigation measures that will be implemented in connection with the Project are working to address actual traffic conditions after it is operational. The Applicant will perform this study in consultation with DOT. While DOT will typically requires this type of study to be performed approximately 6 months after the Project is open and fully occupied , we understand your desire to have this study performed earlier to ensure traffic is working well within the area. Therefore, the Applicant commits to working with DOT to allow us to perform the study within 3 to 4 months of the Project's opening. This post-construction monitoring program will include study of the residential area across South Avenue to determine if any traffic diversion into that area is occurring.

Further to our extensive discussions with you on how to ensure traffic performs well in the area and to identify not only any concerns raised by the Project traffic, but also other area-wide projects of note, including the proposed Matrix site Amazon distribution facility in the Bloomfield section of Staten Island, the Applicant makes the following additional commitments:

Additional Study of Area Intersections in relation to the Matrix Site

We recognize your concern about potential traffic issues related to developments beyond our Project, most notably the Matrix site's development with Amazon. Pursuant to your request the Applicant commits to perform an additional, separate study of the following area intersections after (i) our Project is built and operational; (ii) the Amazon distribution center is built and operational; and (iii) the DOT has installed its traffic

improvement measures in relation to the development of the Matrix site (including the conversion of a portion of Gulf Avenue to a two-way roadway):

- i. North Goethals Road and Forest Avenue;
- ii. Western Ave and North Goethals Avenue; and
- iii. Forest Avenue and Gulf Avenue

We will collect post occupancy peak hour volumes during the same peak hours as our FEIS (weekday midday, PM, and Saturday). At those locations and during those peak hours, we will report the existing condition level of service, which can be used to approach and inform DOT of the traffic conditions, which may need to be addressed by DOT.

Study of Level of Service of the Intersection of North Goethals Road and Forest Avenue

In order to assist you as you engage with DOT and others regarding potential impacts of the Matrix site for the larger area, the Applicant commits to perform a “Level of Service” (LOS) analysis of the intersection of North Goethals Road and Forest Avenue in January 2018 (after the holiday season period during which DOT prohibits data collection), which will include traffic counts, and automated traffic reader strips (24 hours a day over a 7 day period). Our traffic engineers will provide your office within two to three weeks after the completion of the data collection with a report of the LOS of this intersection for your information and use as you continue to engage DOT and others on the Matrix site.

Quarterly Meetings

After the Project is constructed and operational (anticipated in the Fall of 2019), the Applicant commits to attend with its traffic engineers quarterly meetings with your office, as requested, to discuss and seek to address traffic concerns within the Project area.

BJs Tractor Trailer Truck Routing

In response to the concern regarding truck traffic along South Avenue, pursuant to the discussions between the Applicant, our largest tenant BJ’s and you, BJ’s is committed to instruct its tractor trailer trucks utilize Forest Avenue to access the Site and will not use South Avenue for these trucks. The vast majority of such deliveries will be made during off-peak hours.

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Thank you again to you and your staff for your thoughtful consideration and attention to our application. We look forward to continuing our work with you and your staff on implementing the Project.

Very truly yours,

JOSIF A LLC

By:



Ori D. Alpert

cc: Hon. David Greenfield, Chair, Land Use Committee
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