

SEPTEMBER 2025
MTA REAL ESTATE
FINANCE COMMITTEE AGENDA ITEMS

1. ADMINISTRATIVE ACTION ITEMS

Metropolitan Transportation Authority

- a. Modification to the existing policy to award telecommunication and utility franchise licenses along any MTA Agency right-of-way

MTA Metro-North Railroad

- b. Eminent Domain Procedure Law Determination and Findings related to the acquisition of property interests for the Penn Station Access Project in Westchester and Bronx, NY

2. TRANSACTIONAL ACTION ITEMS

MTA New York City Transit

- c. Authorization to acquire property interests by negotiated settlement or eminent domain for the Nostrand Avenue ADA Project in Brooklyn, NY
- d. Lease modification and extension agreement with 29-76 Realty Co., LLC for office space at 29-76 Northern Blvd in Queens, NY

MTA Metro-North Railroad

- e. Lease with The Saw Pit at Port Chester Station LLC for a restaurant in the Port Station Building
- f. License Agreement with Gateway Foods Holding LLC for a Tim Horton's coffee concession in the White Plains Station

MTA Long Island Rail Road

- g. Easement with AIREF Station Road Logistics Center II for two subsurface utility connections along the Main Line in Yaphank, NY
- h. License with Eagle Scaffolding Services, Inc. for property to be used for storage and parking at the Babylon Branch in Amityville, NY

3. INFORMATION ITEMS

- a. Report on agreements entered into directly by the Real Estate Department pursuant to board policy

<u>Legal Name</u>	<u>Popular Name</u>	<u>Abbreviation</u>
<u>New York City Transit Authority</u>	<u>MTA New York City Transit</u>	<u>NYC Transit</u>
<u>The Long Island Rail Road Company</u>	<u>MTA Long Island Rail Road</u>	<u>LIRR</u>
<u>Metro-North Commuter Railroad Company</u>	<u>MTA Metro-North Railroad</u>	<u>MNR</u>
<u>Triborough Bridge and Tunnel Authority</u>	<u>MTA Bridges and Tunnels</u>	<u>MTA B&T</u>
<u>MTA Construction and Development Company</u>	<u>MTA Construction and Development</u>	<u>MTA C&D</u>
<u>MTA Bus Company</u>	<u>MTA Bus Company</u>	<u>MTA Bus</u>
<u>MTA Grand Central Madison Operating Company</u>	<u>Grand Central Madison</u>	<u>GCMC</u>

Staten Island Rapid Transit Operating Authority is a subsidiary of the Metropolitan Transportation Authority. Its popular name is MTA Staten Island Railway (abbreviated as SIR).

Manhattan and Bronx Surface Transit Operating Authority is a subsidiary of the New York City Transit Authority (abbreviated as MaBSTOA).

**METROPOLITAN
TRANSPORTATION
AUTHORITY**

Staff Summary

Subject MODIFICATION OF POLICY TO AWARD TELECOMMUNICATION AND UTILITY FRANCHISE LICENSES
Department REAL ESTATE
Department Head Name DAVID FLORIO
Department Head Signature
Project Manager Name JASON ORTIZ

Date SEPTEMBER 30, 2025
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	09/29/25	X		
2	Board	09/30/25	X		

Internal Approvals			
Order	Approval	Order	Approval
1	Legal		
2	Chief Administrative Officer		
3	Chief Financial Officer		

AGENCY: All Agencies ("MTA Agencies")

FRANCHISE LICENSEES: Telecommunications and utility companies constructing and maintaining in-ground or above ground occupancies along the MTA Agencies' rights-of-way

LOCATION: Any MTA Agency right-of-way

USE: Installation, operation, and maintenance of an enhanced wireless communications network.

ACTION REQUESTED: Authorization to modify the Franchise License term from thirty (30) years to forty-nine (49) years.

COMMENTS:

On February 18, 2021 the Metropolitan Transportation Authority ("MTA") Board approved the attached Franchise License policy authorizing license terms of up to thirty (30) year to establish reliable, seamless wireless communications coverage through the creation of a comprehensive communications infrastructure, using state-of-the-art technology which can support multiple carriers' commercial cellular services.

The MTA issued an RFP on November 8, 2024, and closed on June 6, 2025, for the aforementioned establishment of a wireless communications network. Proposals were non-compliant, as none of the Proposers could accommodate the thirty (30) year maximum Franchise License term of the existing MTA Franchise License policy. After further discussion with the Proposers and other industry experts, it was determined that a forty-nine (49) year term is aligned with the industry standard for similar installation and maintenance of broadband infrastructure and sublicense to telecom vendors. The term of the licensee is being increased to 49 years because that is the longest term that may be granted without any risk that the license may be deemed a transfer of an interest in real property. All other terms and conditions of the existing Franchise License policy shall remain the same.

Based on the foregoing, MTA Real Estate requests authorization to modify the Franchise License policy to forty-nine (49) years for the comprehensive installation and maintenance of a broadband network along MTA Agencies rights-of-way.

Staff Summary

Subject POLICY TO AWARD TELECOMMUNICATIONS AND UTILITY FRANCHISE LICENSES
Department REAL ESTATE
Department Head Name JOHN N. LIEBER
Department Head Signature
Project Manager Name DAVID FLORIO

Date FEBRUARY 18, 2021
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	2/18/21	X		
2	Board	2/18/21	X		

Internal Approvals			
Order	Approval	Order	Approval
1	Legal		
2	Chief Development Officer		
3	Chief Financial Officer		

AGENCY: All-agencies ("MTA Agencies")

FRANCHISE LICENSEES: Telecommunications and utility companies constructing and maintaining in-ground or above ground occupancies along MTA Agencies' rights of way

LOCATION: Any MTA Agency right of way

ACTION REQUESTED: Approval of the new policy

COMMENTS:

As the MTA Agencies seek more comprehensive telecommunications services for our customers, the traditional real estate license or lease models are not the appropriate vehicles. In the case of wireless telecommunications, entities known as "neutral host providers" which build the infrastructure and sub-license to the carriers, have become a means to facilitate telecommunications service. As our upcoming RFPs involve more broader right of way offerings, such neutral host providers will be committing to greater capital investments, in addition to compensation payable to MTA agencies in the form of fixed and percentage-based structures. Given these financial commitments, traditional real estate licenses, which are terminable for convenience within 30 to 60 days, are simply inappropriate and have made marketing our opportunities challenging. As we endeavor to look forward to comprehensive offerings along the rights of way across all agencies, a new mechanism is needed to meet marketplace conditions.

As the proposed mechanism by which this can be accomplished is neither (a) a procurement under the procurement guidelines (since it is not a General Contract for the purchase of materials or services), nor (b) a disposition of real estate under Section 2897 of the Public Authorities Law, MTA Real Estate seeks to adopt a new policy covering such transactions. No current policy of MTA Real Estate expressly permits the same.

Under PAL 1266 (2), the MTA may franchise out to a franchise licensee the non-exclusive right to enter upon, within and/or around MTA Agency property in order to install, operate, maintain, repair and replace a telecommunications infrastructure.

Under this statute, the MTA will facilitate the installation, operation, maintenance, repair and replacement of certain telecommunications and other utility occupancies that run longitudinally along the rights of way, parallel with the rail. This does not apply to right of way crossings which are administered by the railroads themselves.

Staff Summary

FINANCE COMMITTEE MEETING NEW POLICY FOR FRANCHISE LICENSES (Cont'd.)

Page 2 of 2

Each franchise license agreement will be entered into upon the following conditions:

- a. The term of the agreement shall be for no more than thirty (30) years, including all renewal options and extensions.
- b. The agreement shall be competitively offered as an exclusive through MTA Real Estate's RFP process; or non-exclusively, without an RFP, in those instances where multiple franchise licensees are able to occupy by the same right of way
- c. The installation of any such occupancy, as well as all operation and maintenance cost throughout the term, shall be at no cost to the respective MTA Agency except to the extent of any termination fees payable by the MTA for termination for corporate or transportation purposes
- d. The franchise licensee shall provide to the MTA, at no cost, the services and benefits to the MTA Agency and its customers of the telecommunications infrastructure element installed.
- e. The franchise licensee will be required to propose a compensation structure that includes recurring base compensation, percentage rent based upon gross income from permitted sub-licensing, and/or in-kind services for the benefit of the MTA Agencies and their customers.

MTA Real Estate recommends adoption of this addition to its leasing and licensing policies under the terms and conditions set forth above.

FOR REFERENCE PURPOSES ONLY

MTA METRO-NORTH RAILROAD

Staff Summary

Subject EMINENT DOMAIN PROCEDURE LAW DETERMINATION AND FINDINGS RELATED TO THE ACQUISITION OF PROPERTY INTERESTS FOR THE PENN STATION ACCESS PROJECT
Department REAL ESTATE
Department Head Name DAVID FLORIO
Department Head Signature
Project Manager Name ANGELA SZU

Date SEPTEMBER 30, 2025
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	MNR	09/29/25		X	
2	Finance Committee	09/29/25	X		
3	Board	09/30/25	X		

Internal Approvals			
Order	Approval	Order	Approval
1	Legal		
2	Chief Administrative Officer		
3	Chief Financial Officer		

AGENCY: Metropolitan Transportation Authority ("MTA")

PROJECT: Penn Station Access Project (the "Project")

ACTIVITY: Acquisition of Fee Interest and Permanent Easements in Properties Listed on the Attached Determination and Findings for the Project

ACTION REQUESTED: Approval of Determination and Findings Under the New York Eminent Domain Procedure Law

COMMENTS:

In connection with the construction of the Project, a number of real property interest acquisitions will be required for stations (including platforms, stairways, walkways and Americans with Disabilities Act compliance), electrical substations, right-of-way augmentations along Amtrak's Hell Gate Line, and New Rochelle Yard improvements. On May 28, 2025, the MTA Board authorized the acquisition of required property interests through negotiated agreements or eminent domain (see attached Staff Summary for reference).

The various required property interests in the Bronx and Westchester are set forth in a chart on the attached Determination and Findings. The MTA will seek to acquire these property interests by negotiated agreements. In those instances where the MTA cannot reach agreements with the affected property owners, legal proceedings will be commenced under Article 2 of the New York State Eminent Domain Procedure Law ("EDPL").

On July 24, 2025, the MTA held an EDPL public hearing to describe the public uses, benefits, purposes and location of the work elements covered by the Project, the property interests to be acquired, and the Project's general impact on the environment. Notices of this public hearing were published in newspapers, as required under the EDPL. Property owners, affected tenants, and other interested parties were also given advance notice of the hearing by certified mail. MTA Construction and Development ("MTA C&D") personnel attended this hearing.

Following a presentation by the MTA's hearing officer, speakers made statements about the Project and the proposed property acquisitions. In addition, written submissions with comments about the Project and the proposed property acquisitions were received by the MTA prior to the end of the written submission period at the close of business on July 31, 2025, at 5:30 p.m. A summary of the statements and written comments is contained in the attached Determination and Findings.

FINANCE COMMITTEE MEETING

EMINENT DOMAIN PROCEDURE LAW DETERMINATION AND FINDINGS; ACQUISITION OF PROPERTY INTERESTS FOR THE PENN STATION ACCESS PROJECT (Cont'd.)

Page 2 of 2

After due consideration of all statements made during the EDPL public hearing and comments period, MTA Real Estate recommends Board approval of the acquisitions, by eminent domain, if necessary, of the property interests described in the attached Determination and Findings. All comments have been given careful, extensive, and due consideration by the MTA. Moreover, MTA Real Estate, MTA C&D and project staff will continue to work with property owners, tenants, and other potentially affected parties as the Project moves forward to mitigate project related impacts as much as possible.

A copy of the Determination and Findings under the EDPL is attached for the Board's consideration and approval.

MTA Real Estate hereby requests Board approval of the attached Determination and Findings. This action will authorize MTA Real Estate and its Legal Counsel to continue with the Eminent Domain proceedings to acquire the required property interests by eminent domain, if necessary.

Staff Summary

Subject ACQUISITION OF PROPERTY INTERESTS FOR THE PENN STATION ACCESS PROJECT
Department REAL ESTATE
Department Head Name DAVID FLORIO
Department Head Signature
Project Manager Name ANGELA SZU

Date MAY 28, 2025
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	MNR	05/28/25		X	
2	Finance Committee	05/28/25	X		
3	Board	05/28/25	X		

Internal Approvals			
Order	Approval	Order	Approval
1	Legal		
2	Chief Administrative Officer		
3	Chief Financial Officer		

AGENCY: Metropolitan Transportation Authority ("MTA") and MTA Metro-North Railroad ("MNR")

GRANTORS: Various grantors per attached schedule

LOCATIONS: Various locations per attached schedule

ACTIVITY: Acquisition of real property interests in connection with the Penn Station Access Project ("PSA")

ACTION REQUESTED: Authorization to acquire various real property interests through negotiated agreements or eminent domain

COMPENSATION: To be determined separately for each property interest via negotiation or condemnation

COMMENTS:

In connection with the construction of PSA, a number of real property interest acquisitions will be required for stations (including platforms, stairways, walkways and Americans with Disabilities Act compliance), electrical substations, right-of-way ("ROW") augmentations along Amtrak's Hell Gate Line, and New Rochelle Yard improvements. The properties are listed on the attached schedule.

The MTA will endeavor to acquire all property interests for the project through negotiated agreements, but for a project of this magnitude, the MTA may not be able to reach agreements with all property owners and will be compelled to acquire some property interests through eminent domain. Thus, Board approval is being sought for the MTA to begin taking steps to satisfy the requirements of the Eminent Domain Procedure Law in order to preserve the MTA's rights, lessen the potential for delays to PSA and ensure the timely acquisition of the necessary property interests. If a negotiated agreement to acquire any of the property interests is reached prior to the filing of condemnation papers with the court, the terms of any such agreements will be presented to the Finance Committee and the MTA Board for further approval.

Based on the foregoing, MTA Real Estate requests authorization to proceed with the acquisition, by negotiated agreement or condemnation on the above-described terms and conditions.

FINANCE COMMITTEE MEETING

ACQUISITION OF PROPERTY INTERESTS FOR THE PENN STATION ACCESS PROJECT

(Cont'd.)

Page 2 of 3

BOARD RESOLUTION

WHEREAS, the MTA is undertaking the construction of the MTA MNR Penn Station Access Project ("PSA");

WHEREAS, in connection with PSA a number of real property interest acquisitions will be required for stations (including platforms, stairways, walkways and Americans with Disabilities Act compliance), electrical substations, Right-of-Way ("ROW") augmentations along Amtrak's Hell Gate Line, and New Rochelle Yard improvements;

WHEREAS, the MTA will endeavor to acquire the real property interests through negotiated voluntary agreements with the affected property owners, in order to preserve the MTA's rights and lessen the potential for future delays to the project if agreements cannot be negotiated in a timely manner, the MTA must take preliminary steps under the Eminent Domain Procedure Law to secure the property interest needed for PSA.

WHEREAS, if a negotiated agreement to acquire any of the property interests is reached prior to the filing of condemnation papers with the court, the terms of any such agreements will be presented to the Finance Committee and the MTA Board for further approval.

NOW THEREFORE, BE IT RESOLVED that in accordance with the Eminent Domain Procedure Law and Section 1267 of the Public Authorities Law, the Chairman or designated staff member of the MTA is authorized to proceed with the acquisition of real property interests in the properties described above by negotiated agreements or eminent domain and to schedule and undertake such preliminary steps, including holding a public hearing, as may be required under the Eminent Domain Procedure Law, in connection with these acquisitions.

BE IT FURTHER RESOLVED that the proposed acquisitions will be subject to prior, satisfactory completion of any required environmental reviews and that the terms of any negotiated agreements will be presented to the Finance Committee and the MTA Board for further approval.

See attachment for list of properties.

This resolution shall take effect immediately upon its adoption.

FINANCE COMMITTEE MEETING

ACQUISITION OF PROPERTY INTERESTS FOR THE PENN STATION ACCESS PROJECT

(Cont'd.)

Page 3 of 3

Acquisition of Various Real Property Interests in Support of the MTA Metro-North Penn Station Access Project by Negotiated Purchase or Condemnation

<u>Borough</u>	<u>Block</u>	<u>Lot</u>	<u>Property Address</u>	<u>Reputed Owner</u>	<u>Type of Interest</u>
Bronx	2599	1	Southern Boulevard	Bruckner RR, LLC	Perm & Temp Easements
Bronx	2599	62	Bruckner Boulevard	980 BLC Owner LLC	Perm & Temp Easements
Bronx	2599	87	980 East 149 th Street	980 BLC Owner LLC	Perm & Temp Easements
Bronx	2599	175	East 141 st Street	980 BLC Owner LLC	Perm & Temp Easements
Bronx	2599	269	380 Bruckner Boulevard	Bruckner, LLC	Full Fee Simple
Bronx	4018	121	Van Buren Street	1601 Van Buren LLC	Permanent Easement
Bronx	4085	4	1140 Sacket Avenue	Y Properties Holdings II, LLC	Permanent Easement
Bronx	4411	300	1770 Stillwell Avenue	United Cerebral Palsy of New York City, Inc.	Permanent Easements
Westchester	238	10	171 Huguenot Street	SILWIS LLC	Perm & Temp Easements
Westchester	238	5 p/o (F/K/A 21)	12 Commerce Drive	BRP 10 Commerce LLC	Perm & Temp Easements
Westchester	238	20	8 Commerce Drive	Cedar Plaza Associates, LLC	Perm & Temp Easements
Westchester	250	1	8 Joyce Road	Agree Eastern LLC	Perm & Temp Easements
Westchester	267	30	2533 Palmer Avenue	2533 Premium Realty LTD.	Perm & Temp Easements
Westchester	267	15	2525 Palmer Avenue	2525 Palmer Associates LLC	Perm & Temp Easements
Westchester	267	3	Oak Street	Aldanso Realty LLC	Perm & Temp Easements
Westchester	308	29	186 Lisenard Avenue	AMD Realty, Inc.	Perm & Temp Easements
Westchester	308	30	Oak Street	AMD Realty, Inc.	Perm & Temp Easements
Westchester	310	20	2425 Palmer Avenue	Palmer-Petersville Leopold LP	Perm & Temp Easements

DETERMINATION AND FINDINGS PURSUANT TO ARTICLE 2 OF THE NEW YORK EMINENT DOMAIN PROCEDURE LAW

PENN STATION ACCESS PROJECT

In accordance with Section 204 of the New York Eminent Domain Procedure Law ("EDPL"), the Board of the Metropolitan Transportation Authority ("MTA") hereby approves the acquisition of property interests described below by eminent domain, if necessary, and adopts the following statutory findings:

1. EDPL Public Hearing. On July 24, 2025, MTA held an EDPL public hearing to inform the public and to receive the public's comments on proposed property acquisitions for the Penn Station Access Project (the "Project"). All oral comments received at the hearing and all written comments received by the end of the written submission period following the hearing have been reviewed, made part of the record, and given due consideration.

2. Location of Property Required for the Project. The location and nature of the property interests required for the Project, and hereby approved for acquisition, are as described on the chart below.

At the July 24, 2025 public hearing and in letters and maps mailed to property owners and interested parties prior to the public hearing, MTA provided more detailed descriptions of the required property interests and estimated time frames when the property interests would be needed for the Project, currently scheduled to occur in Q1 2026.

MTA reserves the right to acquire a lesser interest in any of the properties described below, or to refrain from acquiring any of such property interests, as dictated by the needs of the Project.

3. Public Use, Purpose and Benefits. With respect to the Project in general, the Project will provide direct rail access to Penn Station-New York and Manhattan's west side from southern Connecticut, Westchester County, and the east Bronx by providing direct service to New Haven Line customers and introducing convenient, direct rail service to communities in the eastern Bronx currently underserved by mass transit. The Project will make various infrastructure improvements to Amtrak's existing Hell Gate Line and will construct four (4) new Metro-North stations along the line in the East Bronx at Hunts Point, Parkchester-Van Nest, Morris Park, and Co-op City.

More specifically, the Project's area of construction will begin at Shell Interlocking, which is just west of Metro-North's New Rochelle yard and the location where the Hell Gate Line and the New Haven Line diverge. The Project will then continue west along the length of the Hell Gate Line in the Bronx, entering Queens via the Hell Gate Bridge and meeting the LIRR Mainline at Harold Interlocking.

The Project will greatly improve transit access for communities in the East Bronx, including low-income and minority communities, saving riders traveling to Penn Station New York approximately 50 minutes. East Bronx passengers traveling to Connecticut could save up to

approximately 75 minutes. Additionally, the new Metro-North stations will provide better access to employment opportunities, shopping and entertainment, the enhancement of transportation options for residents, workers and visitors as well as create a more attractive environment for residential and commercial development.

4. Reasons for Selecting the Project Locations: MTA the Federal Transit Administration (“FTA”) and the Federal Railroad Administration (“FRA”) fully evaluated alternatives during the environmental assessment process, as set forth in detail in the Environmental Assessment (“EA”) issued in May 2021. On September 24, 2021 FTA issued a Finding of No Significant Impact (“FONSI”). Additionally, on November 16, 2021 the FRA issued a FONSI for the Project. Thereafter, the FTA and/or FRA issued Supplemental Environmental Assessment Re-Evaluations in September 2022, January 2023, May 2023, April 2024 and April 2025, concluding the environmental review for the Project by recommending the Project as the alternative that best satisfies the goal and objectives of the National Environmental Policy Act.

5. General Effect of the Project on the Environment and Residents of the Locality. The environmental impacts of the Project as a whole are thoroughly covered in the EA. The Project will take place along the existing railroad right-of-way and will result in adverse impacts to only a select number of environmental technical areas, none of which will be significant and all of which will be temporary or which MTA will mitigate. The general environmental impacts are summarized as follows:

The following six environmental technical areas could have potential adverse impacts:

- Historic Resources
- Archaeological Resources
- Department of Transportation Act, Section 4(f)
- Transportation
- Noise and Vibration and
- Contaminated Materials

Historic Resources:

The Amtrak Hell Gate Line bascule bridge over the Bronx River will be rehabilitated, and a new two-span bridge will be constructed adjacent to it. The work will not alter the significant features of the bascule bridge, but will preserve and protect this historic resource by conducting the necessary upgrades that will allow it to continue to function, albeit in a modified form.

The Project could have visual effects on the Parkchester Apartment Complex due to the nearby Parkchester-Van Nest Station. The station and the façade for the Van Nest AC Substation will incorporate contextually sensitive design elements into the architecture. A construction monitoring plan will be implemented to ensure there will be no adverse effect to the complex during construction.

The Project will expand the New Rochelle Yard in the vicinity of the Kaufman Building but will have no adverse effect, and a monitoring plan will ensure the protection of the resource.

The Pelham Lane Pathway Bridge in Pelham Bay Park was recently determined to be eligible for listing on the National Register of Historic Places. The bridge is proposed to be rehabilitated or replaced. Replacement would have an adverse effect. However, MTA will explore alternatives to demolition and consult with the NYS State Historic Preservation Office ("SHPO"), as described in the Programmatic Agreement, which is included as an Appendix to the EA.

Archeological Resources:

The Project could have an impact on potential archaeological resources in the corridor beneath 22 inches of ballast in areas where tracks are at grade elevation, including the Co-op City and Morris Park Station sites. Should design indicate that the identified archaeologically sensitive deposits may be disturbed by the Project, testing work plans will be developed and submitted to SHPO. Future steps to be taken to protect archaeological resources are set forth in the Programmatic Agreement for the Project that has been executed by FTA, the State Historic Preservation Office, and the MTA. A copy of the Programmatic Agreement is included as an Appendix to the EA.

Department of Transportation Act, Section 4(f)

Section 4(f) of the USDOT Act of 1966, as amended (23 CFR Part § 774, codified in 49 U.S.C. 303 and generally referred to as "Section 4(f)"), prohibits the Secretary of Transportation from approving any program or project that requires the "use" of the following:

- Any publicly owned parkland, recreation area, or wildlife and waterfowl refuge of national, state, or local significance; or
- Any land from a historic site of national, state, or local significance, unless there is no feasible and prudent alternative to the use of such land and such program or project includes all possible planning to minimize harm to the Section 4(f) properties.

The EA for the Project identifies Section 4(f) properties within the study area, including 33 publicly owned parkland and recreational areas, one wildlife refuge, and 10 historic architectural resources, and describes the effect of the Project on those properties. Because the proposed easements within NYC parklands will not adversely change the activities, features or properties of the resource, FTA has made a de minimis finding. However, the rehabilitation or replacement of the Pelham Lane Pathway Bridge will result in a permanent use of a Section 4(f) resource. As outlined in the FONSI and the Programmatic Agreement MTA will follow the process for resolution of adverse effects. MTA will consult with SHPO regarding minimization or mitigation measures with regard to the rehabilitation or replacement of the Pelham Lane Pathway Bridge.

Transportation

Traffic: While the Project would result in an increase of more than 10 seconds of delay at two locations (Eighth Avenue at West 33rd Street in the PM, and Morris Park Avenue at Eastchester Road in the AM), the Project's overall traffic increases would not result in adverse traffic impacts.

Parking: Consistent with Metro-North policy for urban stations, the Project will not include new parking spaces. No parking impacts are expected in the Penn Station New York ("PSNY") area or in the vicinity of the new Bronx stations. At stations north of the Bronx, any increased parking demand will be addressed by local municipalities through additional parking structures or by encouraging alternative modes of transportation to the stations.

Transit: Ridership is forecast to increase on the Seventh Avenue and Eighth Avenue subway lines in PSNY and on the five bus routes serving the PSNY area. However, existing subway and bus services would adequately accommodate Metro-North passengers making connections via transit with no adverse impact to such services. At the proposed Bronx stations, current bus and subway services would adequately accommodate increased ridership. NYCT will address any future capacity or service deficiencies in its systemwide planning and programming.

Rail Operations: The Project will not result in any adverse impacts to Amtrak's operations along the Hell Gate Line ("HGL") or at PSNY. Overall commuter and intercity passenger rail operations for the area will largely be improved by the additional track flexibility.

Pedestrians: MTA expects no pedestrian-related impacts for sidewalks surrounding the proposed stations, because the additional pedestrian trips to/from the proposed stations will be dispersed over multiple blocks at each location.

MTA will employ an extensive community outreach program throughout construction to keep the affected neighborhoods informed about construction activities taking place. MTA will use the outreach program to work closely with business organizations, community groups, schools, houses of worship, and other organizations to share information about Project-related construction activities.

Noise and Vibration

The Project will increase ambient noise levels by one to four decibels over existing levels and create severe (i.e., significant) noise impacts at 17 buildings (34 dwelling units) and moderate impacts at 270 buildings (765 dwelling units) along the HGL Corridor. Severe impacts will be abated by a noise barrier (noise wall) at 7 buildings where space is available for installation. At the remaining 10 buildings with severe impacts, all existing windows on building facades that have visual exposure to the tracks will be offered replacement windows. The Project will create vibration impacts at 40 buildings (84 dwelling units) along the HGL Corridor. Vibration impacts will be abated by using under-rail pads and resilient fasteners in track construction.

Contaminated Materials

During construction some contaminated materials may be encountered in the station areas and HGL Corridor, caused by historic rail operations, spills, and historical site uses. Discovery of existing groundwater contamination caused by petroleum products and chlorinated solvents is possible based on the historical use of the subject sites and neighboring properties. Lead-based paint, asbestos-containing material, and mold may be present on existing structures (including bridges undergoing rehabilitation). Appropriate measures will be taken to protect human health during construction activities. The results of the subsurface investigation, and any additional investigations performed by the design-builder during final design, will be used to prepare a site-specific Health and Safety Plan and Hazardous Materials Management Plan. Overall, MTA anticipates environmental contamination to be low to moderate, but some remediation may be necessary.

General Disruption Associated with Construction

Construction of the Project would result in temporary effects along the railroad right-of-way and in areas adjacent to sections of the right-of-way where passenger stations, bridge modifications, and other Project elements are proposed. The HGL was originally designed to hold six railroad tracks and is now occupied by two Amtrak passenger tracks and one CSX freight track. Therefore, the right-of-way has sufficient space for the majority of the Project elements. Based on conceptual plans and schedule, construction would last approximately five years. There would be approximately 24 to 36 months of consistent station work at each station and up to 36 months of work at each new substation, with shorter durations of work along the HGL Corridor which could occur simultaneously. Access points and staging areas could be active for the duration of the Project. To minimize any potential adverse effects during construction, the design-builder will implement specific measures to minimize community impacts.

To help minimize potential impacts, MTA will make every reasonable effort to maintain access; control dust, noise and vibration; screen construction activities; control rodents and pests; and minimize other disruptions, where practicable. MTA's goal here is to create an active program of construction security and quality of life controls to ensure community safety.

COMMENTS

At the public hearing, oral comments were received from the public, and it was stated that written comments would be accepted until the close of business on July 31, 2025.

The following summarizes the comments received:

- (a) concerns about the taking of property without providing replacement property as opposed to monetary compensation; (b) impacts to parking, access, safety and functionality on impacted parcels; (c) questions regarding project delay risk due to Amtrak; (d) questioning the need for the project and the location of the venue where the Public Hearing was held and (e) requesting clarity on the project construction schedule.

All comments have been given careful, extensive and due consideration by MTA.

DETERMINATION

Based on due consideration of the record and the foregoing findings, it is determined that the MTA should exercise its power of eminent domain to acquire the property interests set forth in the chart below in order to promote and permit the purposes of the Project to be achieved.

Copies of this Determination and Findings are available and will be forwarded without cost and upon request, by writing to:

Joseph O'Donnell, Director of Public Affairs
MTA Construction & Development
2 Broadway, D8135
New York, N.Y. 10004

ANYONE SEEKING JUDICIAL REVIEW OF THE ABOVE DETERMINATION AND FINDINGS MUST COMMENCE A LEGAL PROCEEDING IN ACCORDANCE WITH EDPL § 207 NO LATER THAN 30 DAYS AFTER MTA COMPLETES ITS TWO-DAY PUBLICATION OF THIS DOCUMENT, OR A SYNOPSIS THEREOF. UNDER EDPL § 207 AND § 208, THE EXCLUSIVE VENUE FOR SUCH PROCEEDING FOR PROPERTY IN THE BRONX IS THE APPELLATE DIVISION, FIRST JUDICIAL DEPARTMENT, 27 MADISON AVENUE, NEW YORK, NEW YORK 10010. THE EXCLUSIVE VENUE FOR SUCH PROCEEDING FOR PROPERTY IN WESTCHESTER IS THE APPELLATE DIVISION, SECOND JUDICIAL DEPARTMENT, 45 MONROE PLACE, BROOKLYN, NEW YORK 11201.

Acquisition of fee interests, permanent and temporary easements for the Penn Station Access Project

<u>Borough</u>	<u>Block</u>	<u>Lot</u>	<u>Property Address</u>	<u>Type of Interest</u>
Bronx	2599	1	Southern Boulevard	Permanent & Temporary Easements
Bronx	2599	62	Bruckner Boulevard	Permanent & Temporary Easements
Bronx	2599	87	980 East 149 th Street	Permanent & Temporary Easements
Bronx	2599	175	East 141 st Street	Permanent & Temporary Easements
Bronx	2599	269	380 Bruckner Boulevard	Full Fee Taking
Bronx	4018	121	Van Buren Street	Permanent Easement
Bronx	4085	4	1140 Sacket Avenue	Permanent Easement
Bronx	4411	300	1770 Stillwell Avenue	Permanent Easements
Westchester	238	10	171 Huguenot Street	Permanent & Temporary Easements
Westchester	238	5	12 Commerce Drive	Permanent & Temporary Easements
Westchester	238	20	8 Commerce Drive	Permanent & Temporary Easements
Westchester	250	1	8 Joyce Road	Permanent & Temporary Easements
Westchester	267	30	2533 Palmer Avenue	Permanent & Temporary Easements
Westchester	267	15	2525 Palmer Avenue	Permanent & Temporary Easements
Westchester	267	3	Oak Street	Permanent & Temporary Easements
Westchester	308	29	186 Lispenard Avenue	Permanent & Temporary Easements
Westchester	308	30	Oak Street	Permanent & Temporary Easements
Westchester	310	20	2425 Palmer Avenue	Permanent & Temporary Easements

MTA NEW YORK CITY TRANSIT

Staff Summary

Subject AUTHORIZATION TO ACQUIRE PROPERTY INTERESTS BY NEGOTIATED SETTLEMENT OR EMINENT DOMAIN FOR THE NYCT NOSTRAND AVENUE ADA PROJECT IN BROOKLYN, NY
Department REAL ESTATE
Department Head Name DAVID FLORIO
Department Head Signature
Project Manager Name RAYMOND SMYTH

Date SEPTEMBER 30, 2025
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	09/29/25	X		
2	Board	09/30/25	X		

Internal Approvals			
Order	Approval	Order	Approval
1	Legal		
2	Chief Administrative Officer		
3	Chief Financial Officer		

AGENCY: MTA New York City Transit ("NYCT")

SELLER: 1242 Fulton Associates

LOCATION: 1242 Fulton Street, Brooklyn, NY

ACTIVITY: Fee acquisition of property to facilitate construction of an ADA elevator at the Nostrand Avenue subway station

ACTION REQUESTED: Authorization to acquire property through negotiated agreement or eminent domain

COMPENSATION: To be determined via negotiation or condemnation

COMMENTS:

In connection with the Nostrand Avenue station ADA project, the MTA Real Estate is seeking to acquire a property located at 1242 Fulton Street, Brooklyn, NY (the "Property"). The Property is approximately 5,000 square feet in size and currently contains a one-story retail building. Once acquired, the MTA will demolish the existing building and utilize the lot to construct a new ADA elevator servicing customers at Nostrand Avenue station. After a review of alternative properties in the vicinity of Nostrand Avenue station, it was determined that the Property is the only viable location that satisfies the location and size requirements for the construction of the elevator.

The MTA will endeavor to acquire the Property through a negotiated agreement. However, the MTA Real Estate may not be able to reach agreement with the Seller and may be compelled to acquire the Property by eminent domain as no viable alternative sites have been identified. Thus, MTA Board approval is being sought for the MTA Real Estate to begin taking steps to satisfy the requirements of Eminent Domain Procedure Law in order to preserve the MTA's rights and lessen the potential for future delays to the Project and ensure the timely acquisition of the Property. If a negotiated agreement to acquire the Property is reached prior to the filing of condemnation papers with the court, the terms of any such agreement will be presented to the Finance Committee and MTA Board for further approval.

Based on the foregoing, MTA Real Estate requests authorization to proceed with the acquisition, by negotiated agreement or condemnation on the above-described terms and conditions.

Staff Summary

FINANCE COMMITTEE MEETING

AUTHORIZATION TO ACQUIRE PROPERTY INTERESTS BY NEGOTIATED SETTLEMENT OR EMINENT DOMAIN FOR THE NYCT NOSTRAND AVENUE ADA PROJECT IN BROOKLYN, NY (Cont'd.)

BOARD RESOLUTION

WHEREAS, the MTA is undertaking the construction ADA improvements at Nostrand Avenue Station (the "Project:).

WHEREAS, in connection with the Project the 1242 Fulton Street, Brooklyn, NY is required for improvements (including elevators, stairways, and Americans with Disabilities Act compliance).

WHEREAS, the MTA will endeavor to acquire the real property interests through negotiated voluntary agreements with the affected property owner, in order to preserve the MTA's rights and lessen the potential for future delays to the project if agreements cannot be negotiated in a timely manner, the MTA must take preliminary steps under the Eminent Domain Procedure Law to secure the property interest needed for the Project.

WHEREAS, if a negotiated agreement to acquire the property interests is reached prior to the filing of condemnation papers with the court, the terms of any such agreements will be presented to the Finance Committee and the MTA Board for further approval.

NOW THEREFORE, BE IT RESOLVED that in accordance with the Eminent Domain Procedure Law and Section 1267 of the Public Authorities Law, the Chairman or designated staff member of the MTA is authorized to proceed with the acquisition of real property interests in the Property described above by negotiated agreements or eminent domain and to schedule and undertake such preliminary steps, including holding a public hearing, as may be required under the Eminent Domain Procedure Law, in connection with this acquisition.

BE IT FURTHER RESOLVED that the proposed acquisitions will be subject to prior, satisfactory completion of any required environmental reviews and that the terms of any negotiated agreements will be presented to the Finance Committee and the MTA Board for further approval.

This resolution shall take effect immediately upon its adoption.

Staff Summary

Subject LEASE MODIFICATION AND EXTENSION WITH 29-76 REALTY CO., LLC FOR OFFICE SPACE AT 29-76 NORTHERN BLVD IN QUEENS, NY
Department REAL ESTATE
Department Head Name DAVID FLORIO
Department Head Signature
Project Manager Name JEAN PAUL

Date SEPTEMBER 30, 2025
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	09/29/25	X		
2	Board	09/30/25	X		

Internal Approvals			
Order	Approval	Order	Approval
1	Legal		
2	Chief Administrative Officer		
3	Chief Financial Officer		

AGENCY: MTA New York City Transit ("NYCT")
Occupant: MTA Construction and Development ("C&D")

LESSOR: 29-76 Realty Co., LLC

LOCATION: 29-76 Northern Boulevard, Long Island City, NY

PREMISES: 17,201 rentable square feet ("RSF") on the 5th floor

USE: Offices

ACTION REQUESTED: Authorization to enter into a lease extension and modification

TERM: 3 years

REAL ESTATE TAXES: 7% proportionate share of any increase in the location's taxes above the 2008/2009 base tax year

UTILITIES: Separately metered with independent utility services.

RENT COMMENCEMENT: 11/01/25

BASE RENT: Lease Year 1: \$633,340.82 per annum
Lease Year 2: \$652,341.04 per annum
Lease Year 3: \$671,911.28 per annum

COMMENTS:

C&D currently occupies office space at 29-76 Northern Boulevard, Long Island City, pursuant to a lease between New York City Transit and 29-76 Realty Co LLC, dated May 12, 1994 (the "Lease"). The Lease has been extended several times and will expire on October 31, 2025.

The Lease currently comprises the entire 5th floor of the Location, which is 34,500 rentable square feet. To better meet its current and future space requirements, C&D will reduce its occupancy to 17,201 rentable square feet effective November 1, 2025. The Premises is already legally separated and built out to accommodate the future reduction with its own sub-metering and independent utility services.

FINANCE COMMITTEE MEETING

LEASE MODIFICATION AND EXTENSION AGREEMENT WITH 29-76 REALTY CO., LLC FOR OFFICE SPACE AT 29-76 NORTHERN BLVD IN QUEENS, NY (Cont'd.)

Page 2 of 2

The proposed extension and modification provide for a three-year lease term, commencing November 1, 2025, and expiring October 31, 2028, and includes an early termination option permitting NYCT to terminate the lease and C&D to vacate and surrender the space effective at any time from and after October 1, 2026 upon six months' prior written notice.

Based on the foregoing, MTA Real Estate requests authorization to extend and modify the Lease on behalf of NYCT with 29-76 Realty Co., LLC under the terms and conditions described above.

MTA METRO-NORTH RAILROAD

Staff Summary

Subject LEASE WITH THE SAW PIT AT PORT CHESTER STATION LLC. FOR THE PORT CHESTER STATION BUILDING	Date SEPTEMBER 30, 2025
Department REAL ESTATE	Vendor Name
Department Head Name DAVID FLORIO	Contract Number
Department Head Signature	Contract Manager Name
Project Manager Name JASON ORTIZ	Table of Contents Ref. #

Board Action						Internal Approvals			
Order	To	Date	Approval	Info	Other	Order	Approval	Order	Approval
1	Metro-North	09/29/25		X		1	Legal		
2	Finance Committee	09/29/25	X			2	Chief Administrative Officer		
3	Board	09/30/25	X			3	Chief Financial Officer		

AGENCY: MTA Metro-North Railroad ("MNR")

LESSEE: The Saw Pit at Port Chester Station LLC. ("TSP")

LOCATION: Port Chester Station Building ("Station Building")

PREMISES: Station Building totaling approximately 5,632 sf with adjacent outdoor area of 3,600 sf, plus seven (7) parking spaces

USE: Railroad-compatible retail or restaurant operation with brewery/brewpub operations and ancillary and incidental uses thereto.

ACTION REQUESTED: Authorization to enter into a lease agreement

TERM: Ten (10) years and two (2) five (5) year extension options plus a (9) month construction period

COMPENSATION: Years 1-10: \$120,000.00 per annum with three percent (3%) escalations
Each 5-year extension option is subject to a fair market value determination

COMMENTS:

MTA Real Estate issued a Request for Proposals ("RFP") dated June 3, 2024, for the Station Building which is currently vacant and was previously occupied by One Track Mind who vacated on July 1, 2022. Three (3) proposals were received, and the proposals are summarized below:

Proposer Name	Present Value at 6%
Ray's Pizza	\$998,256.45
TSP	\$913,350.79
Famous Greek Kitchen ("FGK")	\$885,048.91

Each of the three proposers proposed an annual rent of \$120,000 with 3% annual increases over a 10-year lease term. The Net Present Value (NPV) calculations take into account varying requests for initial free rent periods: Rays Pizza requested none, TSP requested 9 months, while FGK requested 12 months. While FGK's total effective term is 9 years, TSP has proposed a 9-month construction period following the lease execution date, after which they will commence rent payment for the full lease term of 120 months.

FINANCE COMMITTEE MEETING

LEASE AGREEMENT WITH THE SAW PIT AT PORT CHESTER STATION LLC. FOR THE PORT CHESTER STATION BUILDING (Cont'd)

Page 2 of 2

Ray's Pizza submitted an incomplete proposal and did not provide the required documentation and submissions after several requests. FGK provided a complete proposal but was not selected due to a lower overall net rental value.

TSP is majority owned by The Redner Group ("Redner") who possesses the creditworthiness and financial strength necessary to independently fund the required improvements, which are estimated to cost \$1,000,000. In addition to its existing financial resources, TSP has secured a revolving working capital loan of \$1,000,000. The principals of Redner/TSP have also committed to guaranteeing the performance and payment obligations of the tenant under the lease, which will be backed by either a letter of credit or a security deposit.

TSP principals have collectively over 75 years' experience in the alcohol beverage industry and more than 50 years in the restaurant sector. TSP was granted a lease by the Hillsborough County Aviation Authority at Tampa International Airport for food and beverage use. The group's assets include approximately 20,000 square foot production facilities in Largo, Florida, and Carlstadt, New Jersey. Operations span across several states, including California, Connecticut, Florida, Georgia, New Jersey, New York, North Carolina, and Tennessee.

The business plan outlines "The Saw Pit Station House" as a quick service beverage and food hall designed to be a central hub for the community, catering to commuters at all times of the day. The concept is to create a unique brand that resonates with the location's heritage as a train station, preserving and accentuating historical features like the ticket booth and communal seating, while also incorporating modern elements such as displaying train schedules on TV screens.

The beverage selection will include a range of TSP branded craft beers, liquors, meads, wines, and other drinks along with seasonal and rotational offerings to encourage repeat visits. The food hall will feature a diverse menu developed by experienced chefs, with offerings ranging from Nashville Hot Chicken and vegan cuisine to artisanal pizza and pit smoked BBQ. Breakfast will include fast, pre-wrapped items and made-to-order dishes, while lunch and dinner will offer full menus, with a focus on convenience for evening commuters.

Redner/TSP proposed refurbishment project aims to allocate up to \$1,000,000 towards enhancing the Station Building's facilities, equipment, and aesthetic appeal. Key improvements include restoring original architectural features, replacing broken equipment, and integrating sustainable design elements where feasible. These efforts will ensure that the Station Building maintains its historical character while meeting contemporary operational needs.

On May 12, 2024, MTA Real Estate obtained an appraisal from Goodman-Marks regarding the market rental value of the Station Building, which was determined to be \$282,000 annually. However, during an open market Request for Proposals, all three bidders proposed an annual rent of \$120,000, which constitutes concrete evidence of fair market value. Although TSP is not the highest bidder, it is the highest complete bidder and was deemed the best overall proposal, taking into account the concept, experience, and financial capability of the bidder.

Credit and background investigations performed on TSP discovered no evidence of criminal conviction history, or other disagreement or reputation issues connected with the aforementioned company. TSP has good credit and sufficient financial resources to successfully complete the required improvements and compensation obligations.

Based on the foregoing, it is recommended to proceed with the award of a lease agreement to The Saw Pit at Port Chester Station LLC. for the operation of their "Saw Pit Station House" at the Port Chester Station Building.

Staff Summary

Subject LICENSE WITH GATEWAY FOODS HOLDING LLC FOR THE RETAIL CONCESSION AND STORAGE SPACE AT WHITE PLAINS STATION, WHITE PLAINS, NY	Date SEPTEMBER 30, 2025
Department REAL ESTATE	Vendor Name
Department Head Name DAVID FLORIO	Contract Number
Department Head Signature	Contract Manager Name
Project Manager Name JASON ORTIZ	Table of Contents Ref. #

Board Action						Internal Approvals			
Order	To	Date	Approval	Info	Other	Order	Approval	Order	Approval
1	MNR	09/29/25		X		1	Legal		
2	Finance Committee	09/29/25	X			2	Chief Administrative Officer		
3	Board	09/30/25	X			3	Chief Financial Officer		

AGENCY: MTA Metro-North Railroad ("MNR")

LICENSEE: Gateway Foods Holding LLC ("Gateway Foods")

LOCATION: White Plains Station – 16 Ferris Avenue, White Plains NY ("Station")

LICENSED AREA: Approximately 420 sq. ft. retail concession space and up to 550 sq. ft. storage space both located within the White Plains Station.

USE: Operation of a Tim Horton's coffee concession

ACTION REQUESTED: Approval to enter into a license agreement

TERM: Five (5) years and one (1), five (5) year option term, subject to at will revocation on 60 days' notice, at no cost to MNR

COMPENSATION: \$112,500.00 per annum with three percent (3%) annual escalations plus eight and half percent (8.5%) of gross sales over \$1,139,724.13 through the Term and extension thereof.

COMMENTS:

MTA Real Estate issued a Request for Proposals ("RFP") on February 3, 2025, seeking qualified proposals to license a 420 square feet retail concession located on the inbound platform side of the Station.

Two (2) proposals were received and are summarized below:

Staff Summary

FINANCE COMMITTEE MEETING

LICENSE AGREEMENT BETWEEN WITH GATEWAY FOODS HOLDING LLC FOR THE RETAIL CONCESSION AND STORAGE SPACE AT WHITE PLAINS STATION, WHITE PLAINS, NY (Cont'd)

Page 2 of 2

Proposer	Term	Use/Concept	Yr 1 MAG/ % Rent	NPV w/o Improv (5 Year Term)
Winfield Street Croton LLC	5 years + 5 year extension option	Operate a Coffee Concession	\$111,000.00 10% of gross sales above \$1,139,724.13	\$1,033,387.22
Gateway Foods Holding LLC	5 years + 5 year extension option	Tim Horton's coffee concession	\$112,500.00 8.5% of gross sales above \$1,139,724.13	\$1,035,865.42

Upon review of the submitted proposals, MTA Real Estate determined that the most favorable proposal was submitted by Gateway Foods. Gateway Foods is the highest bidder and has been operating in the Licensed Area since May, 2014. The Licensee is under a holdover agreement dated June 5, 2025, as their license agreement expired on May 31, 2025. Gateway Foods has proposed to continue to operate the Licensed Area as a Tim Horton's coffee concession.

Throughout the Term, Gateway Foods will be responsible for ongoing maintenance and necessary repairs to the Licensed Area, its components and all related systems including fixtures, equipment, and any alterations made by Gateway Foods. Gateway Foods will ensure quality merchandise, compliance with safety, sanitation and business practices.

The proposed annual MAG compensation is listed in the table above, with eight and half (8.5%) percent revenue share on total gross sales over \$1,139,724.13.

A credit and background investigation was performed and indicates that Gateway Foods and its principals have no open civil or criminal records and possesses adequate financial resources to pay the proposed license compensation, maintain the required insurance, make the required improvements and carry out the required property maintenance at the Licensed Area.

The form of the agreement will be drafted by MTA Legal and will require Gateway Foods to provide appropriate insurance coverage and indemnification and comply with MNR's operating requirements.

Based on the foregoing, MTA Real Estate hereby requests authorization for MNR to enter into a license agreement with Gateway Foods under the above-described terms and conditions.

MTA LONG ISLAND RAIL ROAD

Staff Summary

Subject EASEMENT WITH AIREF STATION ROAD LOGISTICS CENTER II LLC FOR TWO SUBSURFACE EASEMENTS ALONG LIRR'S MAIN LINE BRANCH NEAR YAPHANK, NY
Department REAL ESTATE
Department Head Name DAVID FLORIO
Department Head Signature
Project Manager Name XAVIER CARRERA

Date SEPTEMBER 29, 2025
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	09/29/25	X		
2	Board	09/30/25	X		

Internal Approvals			
Order	Approval	Order	Approval
1	Legal		
2	Chief Administrative Officer		
3	Chief Financial Officer		

AGENCY: MTA Long Island Rail Road ("LIRR")

GRANTEE: AIREF Station Road Logistic Center II LLC

LOCATION: Between the LIRR Medford Station and Yaphank Station, two subsurface utility easements at locations: (1) Bellport Ave crossing in Yaphank, NY; and (2) Manor Rd and Munsell Rd crossing in Medford, NY

EASEMENT AREA: Location (1) approximately, 1,350 square feet, and Location (2) approximately, 1,000 square feet (the "Easements")

USE: Subsurface utility easements for the installation of a sewer force main pipe to connect to the Suffolk County Sewer District

ACTION REQUESTED: Authorization to grant easements

TERM: Permanent

COMPENSATION: \$40,000

COMMENTS:

Grantee owns property adjacent to the LIRR ROW, and Grantee requested two (2) underground sewer pipe easements from the LIRR. Due to legal and policy constraints, the LIRR could not grant the easements as requested. However, MTA Real Estate issued a Request for Proposals for the above locations on August 12, 2025, and Grantee was the sole proposer. Use of the Easements will allow the Grantee to connect sewer force main pipes to the Suffolk County Sewer District. The LIRR has approved the Easements and Use at these Locations.

Grantee submitted a complete, detailed proposal demonstrating that they have the financial capability to complete the transaction along with wire confirmation of the required 10% down payment of \$4,000 of proposed compensation of \$40,000, which is in line with the fair market value as determined by an MTA Real Estate's independent appraisal.

Based on the foregoing, the MTA Real Estate requests authorization to grant the Easements on behalf of the LIRR under the above-described terms and conditions.

Staff Summary

Subject LICENSE WITH EAGLE SCAFFOLDING SERVICES, INC. FOR THE USE PROPERTY AT 67 MILL STREET, AMITYVILLE, NY	Date SEPTEMBER 30, 2025
Department REAL ESTATE	Vendor Name
Department Head Name DAVID FLORIO	Contract Number
Department Head Signature	Contract Manager Name
Project Manager Name SELINA STORZ	Table of Contents Ref. #

Board Action						Internal Approvals			
Order	To	Date	Approval	Info	Other	Order	Approval	Order	Approval
1	Finance Committee	09/29/25	X			1	Legal		
2	Board	09/30/25	X			2	Chief Administrative Officer		
						3	Chief Financial Officer		

AGENCY: MTA Long Island Rail Road ("LIRR")

LICENSEE: Eagle Scaffolding Services, Inc. ("Eagle Scaffolding")

LOCATION: Adjacent to 67 Mill Street, Amityville, Town of Babylon, Suffolk County, NY

PREMISES: Two parcels of land consisting collectively of approximately 26,625 sq. ft. with the following breakdown:
Parcel 1 – Approx. 21,000 square feet for equipment storage ("Parcel 1")
Parcel 2 – Approx. 5,625 square feet for vehicle parking ("Parcel 2")

USE: Storage of non-hazardous materials and vehicle parking

ACTION REQUESTED: Approval to enter into a license agreement

TERM: Five (5) Years

COMPENSATION: \$4.00 per square foot for 26,625 square feet for an initial license fee of \$106,500.00 per annum, with 3% annual increases

COMMENTS:

Eagle Scaffolding entered into a license agreement with the MTA Real Estate on August 21, 2003, for the use of Parcel 1 located at the rear of 67 Mill Street in Amityville, Town of Babylon, Suffolk County, New York 11701 for the storage of materials related to their business. Eagle Scaffolding entered into a second license agreement with the LIRR dated July 1, 2019, in response to a Request for Proposals, for the use of Parcel 2 located adjacent to 67 Mill Street, on the southside of Mill Street, for parking. Both agreements have expired, and Eagle Scaffolding continues to occupy both parcels under two separate month-to-month holdover agreements. Therefore, Eagle Scaffolding has requested a renewal of their license agreements and has agreed to the above financial terms.

FINANCE COMMITTEE MEETING

LICENSE AGREEMENT WITH EAGLE SCAFFOLDING SERVICES, INC. FOR THE USE OF LONG ISLAND RAIL ROAD'S PROPERTY AT 67 MILL STREET, AMITYVILLE, NY (Cont'd)

Page 2 of 2

A new license agreement was drafted by MTA Legal, and Eagle Scaffolding will provide an "at will" termination by LIRR on 60 days' notice, appropriate insurance coverage and indemnification and comply with LIRR's operating requirements. Furthermore, Eagle Scaffolding will be responsible, at its sole cost and expense, for maintenance and improvements made to the Licensed Area.

Pursuant to the MTA Real Estate's Policy and Procedures for Licensing of Real Property, Circumstance 2, no RFP is required if the market rental value of the space in question, using standard practices for determining such market value, is considered less than \$5,000 per year or less than \$10.00 per square foot, whichever is greater. Here, the per square foot amount is \$4.00 per square foot per annum based on market comps.

A credit and background investigation was performed and indicates that Eagle Scaffolding and its principal has no open civil or criminal records and possesses adequate financial resources to pay the proposed license compensation, maintain the required insurance, make the required improvements and carry out the required property maintenance on the Premises.

Based on the foregoing, MTA Real Estate hereby requests authorization to enter into a license agreement on behalf of the LIRR with Eagle Scaffolding under the above-described terms and conditions.