

**CITY ENVIRONMENTAL QUALITY REVIEW
NOTICE OF COMPLETION FOR
FINAL ENVIRONMENTAL IMPACT STATEMENT**

NEW STAPLETON WATERFRONT DEVELOPMENT PLAN

Lead Agency: Office of the Deputy Mayor for Economic Development and Rebuilding
100 Gold Street, 2nd Floor
New York, NY 10038

CEQR No. 06DME001R

SEQR Classification: Type I

Date Issued: September 14, 2006

Location: Area bounded generally by the U.S. Pierhead line to the east, the Staten Island Railway tracks and Bay Street to the west, Hannah Street to the north and the Front/Bay/Edgewater Street intersection to the south.

Pursuant to City Environmental Quality Review, Mayoral Executive Order 91 of 1977, as amended, and the City Environmental Quality Review Rules of Procedure found at Title 62, Chapter 5 of the Rules of the City of New York (CEQR), and the State Environmental Quality Review Act, Article 8 of the State Environmental Conservation Law and its implementing regulations found in Part 617 of 6 NYCRR (SEQRA), a Final Environmental Impact Statement (FEIS) has been prepared for the actions described below and is available for public inspection at the offices listed on the last page of this notice. A draft Scope of Work for the EIS was issued and distributed on October 31, 2005. A public scoping meeting was held on November 30, 2005 at the Homeport Site to accept oral comments, and written comments were accepted until December 12, 2005. The Final Scoping Document was issued on February 15, 2006. A public hearing on the Draft Environmental Impact Statement (DEIS) was held in conjunction with the City

Planning Commission's public hearing pursuant to the Uniform Land Use Review Procedure (ULURP) on August 23, 2006 at the New York City Department of City Planning's Spector Hall at 22 Reade Street. Written comments on the DEIS were accepted until the tenth calendar day following the close of the public hearing (September 5, 2006). A Statement of Findings (SOF) for the FEIS will be issued no sooner than September 24, 2006.

1. PROJECT DESCRIPTION

The proposed actions that are the subject of this DEIS, as required under CEQR, include the rezoning and the creation of the Special Stapleton Waterfront District (SSWD), street mapping/demapping, disposition of City-owned property, and related actions involving capital funding and environmental permitting.

2. PROPOSED ACTIONS

The Proposed Action consists of a number of public approvals, which are summarized below.

- Zoning map amendment to change the underlying zoning from M2-1 and M3-1 to C4-2A, and to map the SSWD.
- Zoning text amendment to establish the SSWD.
- City map amendments (mapping and demapping of streets).
- Disposition of City-owned property (business terms for sale or lease of development parcels to private entities).

In addition, the approval of City capital funds would be required to finance the construction of the public improvements associated with the Proposed Action. Permits from New York State Department of Environmental Conservation (NYSDEC) and the U.S. Army Corps of Engineers (USACE) would be required for work in or near tidal wetlands which may be located within the Project Area.

Approval of the Proposed Action would allow for development of the Homeport Site pursuant to the New Stapleton Waterfront Development Plan, and related public improvements, including the creation of 12 acres of new public open space, and the reconstruction of Front Street and other area roadway improvements.

3. PROBABLE IMPACTS OF THE PROPOSED PROJECT

Land Use, Zoning, and Public Policy

Land Use: The Project Area is currently occupied by vacant lots and marginal commercial and industrial/manufacturing uses. The Proposed Action would result in land use changes within the Project Area by allowing for new commercial uses, mixed-use residential and commercial buildings with neighborhood retail space and community facility space, and twelve acres of new waterfront open space, including an esplanade.

The redevelopment of underutilized parcels would be beneficial to the Stapleton community and cannot be deemed adverse or unfavorable. The new land uses would strengthen and enhance the existing Stapleton neighborhood located along Bay Street and west of Bay Street by linking the upland neighborhood with the waterfront. The street would be reactivated through the introduction of ground-floor retail activity, mixed-use development, and the creation of a substantial amount of open space and other amenities.

The new development would be compatible with existing residential, commercial and community facility uses found along Bay Street and in the areas adjacent to the Project Area. The Proposed Action also would provide recreational amenities, limited local retail, and local services that would support and benefit the surrounding Stapleton community. While the Proposed Action would substantially affect land use within the Project Area and study areas, it would not result in significant adverse land use impacts.

Zoning: The Proposed Action would result in the rezoning of a portion of the Project Area from M2-1 and M3-1 to C4-2A, and the creation of the SSWD. The rezoning action would encourage the construction of mixed-use development that would complement surrounding development in terms of use, bulk and scale, and would be consistent with existing trends. The establishment of the SSWD would eliminate the obsolete manufacturing zoning districts that are currently mapped for the Project Area. The proposed rezoning would be compatible with the surrounding zoning and special purpose districts: R1-2, R2, R3A, R3X, R3-1 R3-2, R4, R5, C1-1, C1-2, C2-1, C2-2, C3, C4-2, C8-1, M1-1, M2-1, M3-1 and the Special Hillside Preservation District. Thus the Proposed Action would not result in significant adverse zoning impacts.

Public Policy: The Proposed Action would be consistent with current and proposed public policy initiatives and plans. It would be consistent with the overall goals of both the Waterfront Revitalization Program (WRP) and the City Council-adopted lower density growth management zoning text amendments. It would also be consistent with the proposed Harbor Loop Ferry System for the Upper New York Bay, and would not conflict with the intent of the North Shore Empire Zone program. Thus, the Proposed Action would be consistent with existing public policy and plans, and would not result in significant adverse impacts to public policy.

Socioeconomic Conditions

The Proposed Action would not result in significant adverse socioeconomic impacts. The Proposed Action is not expected to generate significant adverse impacts relating to indirect or direct residential displacement or indirect or direct business displacement. The Proposed Action would not directly displace any residents.

With regard to direct business displacement, it is estimated that the Proposed Action would directly displace approximately ten businesses. Based on the guidelines set forth in the *CEQR Technical Manual*, the direct displacement of these businesses would not represent a significant adverse impact. The displacement of these businesses is dependent on market conditions and whether the property owners, who may or may not be the business owners, choose to redevelop the property. The number of businesses is

low and, as a result, they do not contribute substantially to the City's economy. Additionally, the ten businesses do not contribute to community character. Finally, the amount of building area and lot area of these businesses, which are all zoned M2-1, equals 0.9 percent and 0.1 percent, respectively, of vacant and improved space on Staten Island that is zoned for manufacturing.

The Proposed Action would introduce 638 new housing units and approximately 1,208 new residents to the Project Area. The new units would represent 7.6 percent of the total housing units in the area and the new residents would represent 4.4 percent of the total population in 2015. Neither the number of new units nor the size of the new population would be large enough to have an adverse effect on the residential population or cause indirect displacement.

Community Facilities and Services

The Proposed Action would increase the demand for school seats in study area intermediate schools and Community School District (CSD) 31 elementary schools where projected demand already exceeds estimated capacity. The Proposed Action also would have a negative effect on public elementary schools within the study area, as a deficit of elementary school seats is projected under the Build Condition. Since there are a substantial number of new intermediate school seats planned for CSD 31, intermediate school capacity is expected to be sufficient and no deficit is anticipated for the CSD. If constructed, study area and CSD schools would operate at substantially lower utilization levels, reflecting their increased capacity.

Under the *CEQR Technical Manual*, if an action results in a five percent or more increase in the shortfall of available public school seats within the study area, a significant impact may result and may warrant consideration of mitigation. The Proposed Action would not result in an increase in the deficiency of available study area elementary school seats. Relative to the No Build Condition, the utilization rate of study area intermediate schools is estimated to increase from 100 to 102 percent under the Build Condition, with a deficit of 24 seats. Technically, this increase in the deficit of seats that would result from the Proposed Action is greater than a five percent increase in deficiency, warranting consideration of mitigation. However, the actual deficit number of study area intermediate school seats is very low and would not be expected to cause serious overcrowding in the study area's Intermediate School (IS) 49. Serious overcrowding is generally considered to have occurred when the utilization rate is greater than 105 percent. In addition, the New York City Department of Education (DOE) has the ability to make adjustments to mitigate overcrowding, including relocating administrative functions to other sites and freeing space for classrooms, restructuring or reprogramming existing school space within a district, and adjusting school service area boundaries. Therefore, the Proposed Action is not expected to result in significant adverse impacts on public elementary and intermediate schools within the study area or CSD.

Open Space

The Proposed Action would result in the introduction of new residents and workers to the Project Area, thus placing additional demand on existing open space resources. However, 12 acres of new, publicly-accessible open space would be created as part of the Proposed Action. Therefore, no significant adverse impacts would result from the Proposed Action.

Shadows

The only resource within the area exposed to shadows due to structures included in the Proposed Action is the Upper New York Bay, situated east of the Homeport Site. The Upper New York Bay is considered an important natural resource. Exposure to shadows could cause a decrease in light intensity and could affect primary biological productivity within affected waters. Primary productivity within the study area is generated mainly from phytoplankton. However, light requirements for phytoplankton are low, and the reduction in light within the shadow footprint would have a negligible impact on phytoplankton populations. Additionally, the phytoplankton communities would be carried by tidal currents and would be exposed to the shadows for a relatively short period, moving through the area in shadow to areas outside the shadow exposure.

The shadow analysis indicates that water near the bulkhead would be in shadow for a length of time ranging from 15 to 158 minutes per day. However, as the distance from the bulkhead increases the duration of shadow exposure decreases. The maximum extent to which shadows would reach into the bay ranges from 20 to 137 feet. Shadows would enter the bay in the late afternoon when the sun is low on the horizon. At these times, the incident angle of sunlight on the surface is acute (approximately 20 degrees at maximum exposure) and a large percentage of available energy is reflected. Additionally, due to the distance from the buildings to the water, diffuse light is abundant and deep shadows are not anticipated. The Proposed Action would have no significant adverse impacts from shadows cast by buildings constructed; therefore, no mitigation is required.

Neighborhood Character

Neighborhood character is considered by the *CEQR Technical Manual* to be a combination of the various features that make up that the distinct character of a given neighborhood. These features include land use, urban design, visual resources, historic resources, socioeconomics, traffic and noise, as well as other physical or social characteristics that help to distinguish the community. Neighborhood character can be adversely affected if an action would exceed preliminary thresholds in any one of the technical study areas. On the whole, the Proposed Action would enhance the neighborhood character of Stapleton under the future Build Condition. The isolated Stapleton waterfront would be replaced with a strong sense of place. Increased opportunities for street-level activity and the availability of new waterfront open space, a sports complex, and retail space, would create an area that serves as a destination instead of a place to avoid. By allowing for better connections upland as well as toward the waterfront, the Proposed Action would invigorate not only the Project Area but the study

area as well. Visitors and residents alike would experience newfound amenities, open spaces and recreational opportunities in a neighborhood that presently lacks such amenities.

No significant adverse impacts on neighborhood character would result from the Proposed Action. Rather, many beneficial results of the Proposed Action to land use, urban design and visual resources are anticipated to significantly enhance the neighborhood.

Urban Design and Visual Resources

The Proposed Action would enhance the design and visual resources of both the Project and study areas, with the opening of view corridors and development of new buildings that are in context with both the waterfront and Stapleton neighborhood. The Proposed Action would encourage development that would complement the existing built environment of Stapleton. In addition to the creation of a new esplanade along the waterfront, the reconstruction of Front Street and neighboring streets would enhance the urban design and pedestrian experience while also reconnecting the Homeport Site with the Stapleton community.

Finally, the visual resources of the Proposed Action would be significantly enhanced both in the Project Area and throughout the study area. Blocked view corridors would be opened, creating impressive views toward the bay, and reconnecting the neighborhood with its historic waterfront. Public access to the waterfront would be provided by the Proposed Action, replacing the inaccessible conditions currently on the Homeport Site. Through the establishment of the SSWD, the Proposed Action would reconnect the Stapleton neighborhood to its historic waterfront, creating a unified design and enhanced visual experience.

Historic Resources

A total of seven historic properties, including one historic architectural resource and six locations of potential 19th century archaeological resources associated with the development of the Stapleton waterfront, have been identified within the Project Area that may be affected by the Proposed Action.

The parcels expected to be developed as a result of the Proposed Action are either too disturbed or lack the potential for initial deposits of residential archaeological resources and, therefore, are not sensitive for historical (related to residential occupation) or pre-contact archaeological resources. However, potential historical archaeological resources associated with the historic development of the Stapleton waterfront exist within the archaeological study area. The Proposed Action has the potential to affect the six identified locations with potential to contain 19th century archaeological resources related to the development of the Stapleton waterfront, specifically 19th century pier construction technology. The archaeological potential of the six pier locations is considered high and any in situ piers encountered would be considered eligible for listing on the National Register of Historic Places under criterion D. Criterion D applies to potential historic

resources that may yield archaeological information that is important in prehistory or history. Prior to any construction work, EDC will coordinate with LPC for further archaeological oversight to ensure adherence with CEQR and the LPC *Guidelines for Archaeological Work in New York City*.

The Proposed Action would not have a direct or indirect impact on the 14 previously recorded historic architectural resources situated near the historic architectural study area. However, the structures located at 144-150 Front Street have been determined eligible for listing on the State and National Registers of Historic Places and could be redeveloped under the RWCDs, thus resulting in a direct significant adverse impact. As the property would be rezoned and could be developed without further environmental/historic review, this significant adverse impact on historic resources would be unmitigated.

Natural Resources

The Proposed Action is not expected to result in significant adverse impacts to wetlands, floodplains, threatened and endangered species, coastal resources, geology or groundwater. The Proposed Action would add more pervious surface to the Project Area as a result of the creation of additional green space, use of pervious materials, and/or the potential use of bioswale and other sustainable design elements that might be incorporated into the development design guidelines. Stormwater that does not percolate into the newly provided pervious surfaces inherent in the design of the open space and parking areas would be captured and directed to new separate storm sewers to the Upper New York Bay via existing combined sewer overflow (CSO) outlets and one new storm outlet. The connection to the existing CSO outlets would be downstream of the regulating chamber, thus avoiding additional CSO.

The Proposed Action would be coordinated with Federal, State and City agencies as necessary, and would comply with all applicable rules and regulations relative to natural resources. Contaminated soil or groundwater encountered during construction would be handled according to all applicable laws and regulations. The development would not occur in critical natural habitat areas, nor would it displace rare or endangered species. As the Proposed Action is not expected to result in significant adverse impacts to wetlands, floodplains, threatened and endangered species, coastal resources, geology or groundwater, it would not result in significant adverse effects on natural resources.

Hazardous Materials

Potential hazardous materials present within the study area include volatile organic compounds, semi-volatile organic compounds, metals, pesticides, herbicides, cyanide, asbestos-containing material, lead-based paint, and polychlorinated biphenyl (PCB)-containing materials. Construction activities in the areas proposed for development could disturb hazardous materials and increase pathways for human and environmental exposure. Hazardous materials in soil, soil gas, groundwater, and building materials present on the Homeport Site will be managed, isolated, and/or removed during the construction phase in accordance with applicable NYSDEC and New York City Department of Environmental Protection (NYCDEP) requirements as discussed below.

As a result, no significant adverse impacts related to hazardous materials are anticipated from the Proposed Action. Contaminated groundwater will be treated on-site prior to discharge in accordance with requirements of the NYSDEC- and/or NYCDEP-issued permits. Contaminated soil will be removed through excavation or isolated through the use of impermeable materials (e.g., concrete, asphalt, geotextiles, etc.) as appropriate. Hazardous building materials will be abated or managed prior to demolition activities, thus preventing the release of hazardous materials during demolition activities.

Construction measures, including the implementation of site-specific construction health and safety plans (CHASPs), dust control measures, contaminated soil and groundwater management plans, and abatement of hazardous building materials prior to construction, will aid in the avoidance of adverse health impacts to workers and the general public. Because hazardous materials will be abated, managed, or remediated during construction, no significant adverse impacts are expected during either the construction or operational phases of the Proposed Action.

To avoid significant adverse impacts for the Project Area properties west of Front Street that would remain in private ownership, (E) Designations will be placed on the zoning map for Projected and Potential Development Sites. The (E) Designation will require that the fee owner of an (E)-Designated site conduct a testing and sampling protocol, and remediation where appropriate, to the satisfaction of NYCDEP before the issuance of a building permit by NYCDOB. The (E) Designation also includes mandatory construction-related health and safety plans which must also be approved by NYCDEP.

EDC has entered into a Memorandum of Understanding (MOU) with NYCDEP to bind its successors and assigns to performing the necessary remediation. Accordingly, the remediation will be prescribed after the reuse/development program is established and prior to renovation and construction activities. The MOU is an effective means for ensuring that any potential hazardous materials issues found on the disposition parcels will be adequately addressed in order to mitigate potential adverse health impacts from the reuse/development program. (E) Designations will be issued for the Projected and Potential Development Sites (Project Area properties west of Front Street and between Wave and Thomson Streets) as defined in Title 15, Rules of the City of New York, Chapter 24, Section 4.

The remedial measures specific to the Homeport Site that EDC will implement, as recommended by NYCDEP, include development and implementation of Remedial Action Plans, development of a CHASP, installation of appropriate vapor barriers and subsurface ventilation systems, appropriate handling and disposal of any buried tanks or stained soil, installation of a clean cap in non-paved areas, development of a Closure Report, placement of a Restrictive Declaration on properties to be sold or leased to assure that the appropriate remedial measures are implemented properly, and an agreement on property to be transferred to other City entities that will bind that City entity to the identified remediation measures discussed above. Implementation of these measures will ensure that the Proposed Action would not result in significant adverse impacts from hazardous materials.

Waterfront Revitalization Program/Coastal Zone Consistency

The project site is located within the City's coastal zone, and it is therefore subject to review under the New York City Local Waterfront Revitalization Program (WRP). The Proposed Action is found to be consistent and supportive of the State's Coastal Management Program and the City's WRP because it would facilitate the use of the City's public waterfront while promoting mixed-use development and economic growth. Furthermore, the Proposed Action would balance the interests of public and private water-dependent and water-enhancing uses along the Stapleton waterfront. The Proposed Action is also consistent with the long-range vision and practical strategies of the Comprehensive Waterfront Plan for the Staten Island waterfront.

Infrastructure

Water: The Proposed Action would increase water consumption within the Project Area by approximately 213,576 gpd (652 percent) over the No Build Condition. This amount of water is insignificant when compared to the overall supply for New York City or Staten Island. Thus, the Proposed Action would not result in any significant adverse impacts to the water supply available for the Project Area.

Sanitary Sewage: Relative to the No Build Condition, the Proposed Action would increase the amount of sanitary sewage generated within the Project Area by approximately 180,855 gpd (906 percent), and over the Existing Condition by approximately 132,864 gpd (196 percent); however this would not represent a significant adverse impact since the pipes and Water Pollution Control Plant (WPCP) would both have the capacity to handle this additional volume. Sanitary sewage from the Homeport Site and the properties west of Front Street would be directed to the interceptor sewer in the bed of Front Street via new sanitary sewers. Existing and proposed facilities would be able to accommodate these flows. Thus, the Proposed Action would not result in any significant adverse impacts to sanitary sewage facilities.

Stormwater: The Proposed Action would improve grading and drainage in Front Street to prevent ponding of stormwater. One new stormwater outfall would likely be necessary at a low point near the north side of the Project Area. A drainage system would be designed to convey stormwater from the Homeport Site, after treatment, utilizing the seven existing internal stormwater outfalls that are present along the Homeport Site waterfront. Stormwater from the Homeport Site is currently conveyed untreated to the Upper New York Bay. The design of the Homeport Site would incorporate the use of more pervious surfaces in the open spaces and parking areas. By use of features such as bioswales, the amount of stormwater requiring disposal from this site to the Upper New York Bay would decrease as a result of the Proposed Action.

Stormwater from the Project Area properties west of Front Street would be collected and transported to existing CSO outfalls downstream of the existing regulator chambers and into the Upper New York Bay. Tide gates would be installed or improved as needed so that water from the Upper New York Bay would not flood the storm sewer network. Thus, since there would be no increase in stormwater to the combined sewer and no

increase in CSO, and since the storm collection and disposal system would be developed in compliance with NYSDEC requirements, including water quality protection measures such as oil/water separators and grit collection chambers, the Proposed Action would not result in significant adverse impacts related to stormwater disposal.

Solid Waste and Sanitation

Development associated with the Proposed Action would increase the amount of solid waste that is generated in the Project Area, due to the introduction of additional employees and new residents and visitors. However, the New York City Department of Sanitation (DSNY) and private solid waste services are expected to have adequate capacity to meet the increases in demand. The incremental amount of waste that the Proposed Action would add to the Project Area, and the additional truck trips necessary to transport and dispose of the additional waste, would be relatively minor. Further, the Proposed Action would encourage the use of waste-minimization features beyond those required by law and would be consistent with the goals of the City's Solid Waste Management Plan. Therefore, no significant adverse impacts on solid waste and sanitation services are expected as a result of the Proposed Action.

Energy

Development under the Proposed Action would comply with the New York State Energy Conservation Construction Code, which sets minimum standards for the design and construction of all new buildings (and substantial renovation of existing buildings). Construction within the Project Area would incorporate all applicable energy conservation measures, including compliance with the Code's energy efficiency and combined thermal transmittance policies.

The Stapleton section of Staten Island would continue to receive electric and gas services from Con Ed and KeySpan, respectively. Relative to Existing Conditions, the annual operational energy consumption in the Project Area is projected to increase by approximately 3,063 percent (125,669 million BTUs). As this does not represent a substantial additional load in the context of total energy consumption for Staten Island the Proposed Action is not expected to result in any significant adverse impacts to energy providers services in the Project Area.

Traffic and Parking

Traffic: The Proposed Action would affect traffic by facilitating street system changes and by increasing traffic volumes. Proposed changes to the study area street network include the following:

- Front Street would be entirely redesigned and rebuilt to include traffic calming measures, proper signage, speed controls, and other streetscape improvements. Front Street would be restriped to accommodate two travel lanes with sidewalks, bike lanes, and parking on both sides of the street.
- The intersection of Bay Street and Edgewater/Front Streets would also be redesigned as part of the Proposed Action. This redesign would involve

elimination of certain movements by the creation of a traffic island, lane restriping, signal timing and phasing modifications, and parking prohibitions.

Of the 16 locations analyzed in the Build Condition for the weekday and Saturday midday peak hours, significant traffic impacts would occur at five intersections during the weekday AM and Saturday midday peak hours, six intersections during the weekday midday peak hour, and eight intersections during the weekday PM peak hour. All significant impacts could be fully mitigated by standard traffic engineering improvements such as the installation of traffic signals, signal phasing and timing modifications, parking prohibitions, and lane re-striping. These measures represent the standard range of traffic capacity improvements that have been proposed and implemented for numerous projects in the City. Mitigation measures would involve installing traffic signals at three unsignalized intersections along Bay Street. A preliminary signal warrant analysis indicated that vehicular and/or pedestrian warrants would be satisfied at all three intersections.

Parking: The Proposed Action would facilitate the development of new public and private parking facilities to accompany the proposed developments. At least 300 on-street parking spaces would be provided along Front Street between Edgewater and Hannah Streets. Approximately 100 additional on-street parking spaces would also be provided along the private road that would extend from Water Street to the north of Wave Street within the proposed development. The implementation of parking prohibitions to help mitigate significant traffic impacts would result in a loss of 24 curbside parking spaces within the study area during all peak hours analyzed. The analysis of parking conditions indicates that sufficient parking would be provided to accommodate the Proposed Action's expected parking demands, and that the Proposed Action would not result in any significant adverse parking impacts.

Transit and Pedestrians

Transit: The Project Area is served by three Staten Island Railway (SIR) stations (Tompkinsville Station, Stapleton Station, and Clifton Station) and eight New York City Transit (NYCT) bus routes (S51/S81, S52, S74/S84, S76/S86, and S78). The major pedestrian access connecting the Project Area (located on the east side of Bay Street) with the surrounding neighborhood is provided along Hannah Street, Wave Street, Prospect Street, Water Street, Canal Street and Thompson Street. Following is a discussion of potential impacts to these transit services.

- *Staten Island Railway Service:* The Proposed Action would generate SIR trips during the weekday AM, Midday, and PM peak periods and the Saturday Midday peak period. The stairway analysis shows that all of the stairways analyzed are projected to operate at LOS B or better during each peak period as a result of the Proposed Action; therefore, no significant adverse stairway impacts would occur at the SIR stations. In addition, the existing frequency of SIR service would be sufficient to accommodate the projected SIR ridership demand generated by the Proposed Action in 2015 during all peak periods. As a result, no significant adverse SIR capacity impact would be anticipated as a result of the Proposed Action.

- *Bus Service:* Bus ridership data indicates that all bus routes in the study area currently operate below capacity at their peak load points during the weekday AM, Midday, and PM peak periods and the Saturday Midday peak period. The bus service analysis indicates that the existing frequency of bus service would be sufficient to accommodate the projected demand generated by the Proposed Action in 2015 for all bus routes during the weekday AM and Midday peak periods, with the exception of the S51/S81 and S76 routes. The capacity shortfall projected for the northbound S51/S81 would be 31 passengers during the weekday PM peak hour. The capacity shortfalls projected for the northbound and southbound S51/S81 and S76 would range from 23 to 80 passengers during the Saturday Midday peak hour. A significant bus impact is defined in the *CEQR Technical Manual* when the projected bus load levels exceed the maximum capacity at the maximum load point. Thus, the Proposed Action would have a significant adverse impact on the S51/S81 and S76 routes.

To mitigate for significant adverse impacts on bus service, capacity shortfalls identified on the S51/S81 route could be met by adding one northbound bus trip during the weekday PM peak hour and adding two northbound and two southbound bus trips during the Saturday Midday peak period. Capacity shortfalls identified on the S76 route could be met by adding one northbound and one southbound bus trip during the Saturday Midday peak period.

Pedestrians: The major pedestrian access between Bay Street and the Project Area is provided along Hannah Street, Wave Street, Prospect Street, Water Street, Canal Street, and Thompson Street. The pedestrian analysis for the Proposed Action reveals that three unsignalized intersections evaluated along Bay Street are projected to have significant adverse impacts during all periods. All other intersections would operate at acceptable levels of service. It is anticipated that the three unsignalized intersections along Bay Street (Wave Street, Prospect Street, and Water Street) would have significant adverse impacts during all peak periods analyzed. The average delay per pedestrian for these crosswalks would increase substantially from the No Build Condition to the Build Condition during all peak periods. The impacts to these crosswalks could be mitigated by installing a traffic signal at each location. A preliminary signal warrant analysis indicated that signal warrants would be satisfied at these three impacted unsignalized intersections. The proposed traffic signals and crosswalks along Bay and Front Streets would provide improved pedestrian and bicycle linkages between the Stapleton community and shoreline to the north and south. With implementation of the proposed improvements, it is not anticipated that these intersections would become high accident locations as defined by CEQR.

Vehicular and pedestrian circulation would also be improved throughout the Project Area by the realignment of Front Street between Hannah and Bay Streets. In addition, several unmapped cross streets currently connecting Front Street to Bay Street would be officially mapped as part of the Proposed Action.

Air Quality

The air quality analysis shows that the maximum predicted carbon monoxide (CO) and particulate matter (PM₁₀ and PM_{2.5}) concentrations from mobile sources would be lower than the corresponding ambient air standards, with the projected development under the Proposed Action. The Proposed Action would not cause or contribute to new violations of the air quality standards; would not increase the frequency or severity of existing violations; and would not delay timely attainment of the standards. Therefore, the Proposed Action would not have a significant adverse impact from mobile source emissions. A stationary source screening analysis was performed, and it was determined that impacts from nearby stationary sources would be minor. In addition, there would be no significant adverse air quality impacts from industrial facilities on the proposed development sites.

Noise

Based on the noise analysis, future noise levels with the Proposed Action at all of the analysis receptor sites would increase by less than three dBA during all of the analysis periods compared to future noise levels without the Proposed Action. Consequently, the development of the projected development sites would not result in any significant increases in noise levels. In addition, train operations on the SIR are not anticipated to increase as a result of the Proposed Action.

The Proposed Action would create a mixed-use development in an area with existing moderate-to-high noise levels due to the presence of commercial, industrial and transportation land uses. Although the future noise levels associated with the Proposed Action would not exceed CEQR thresholds for significance, the Proposed Action would create new residential buildings and open spaces in locations with “marginally acceptable” noise levels, according to CEQR exterior noise standards. To avoid the potential for noise impacts, (E) Designations for noise will be placed on privately owned parcels (specified in Chapter 20 of the DEIS) on the New York City zoning map as part of the proposed rezoning. The (E) Designation text will state that in order to ensure an acceptable interior noise environment at the specified sites, future uses on the parcels must provide a minimum window/wall attenuation of either 30 or 35 dBA, depending on the particular site. Prior to development on these sites, the New York City Department of Buildings would receive an NYCDEP report stating that the environmental requirements related to the (E) Designation have been met. Therefore, the placement of (E) Designations for noise on the City’s zoning map for the parcels listed above would ensure that the Proposed Action would not result in significant adverse impacts due to noise.

Although ambient noise levels at the open spaces would be higher than those generally recommended for parks and places of outdoor activities, the ambient noise levels of the open spaces are comparable to noise levels at many existing City parks which are adjacent to roadways and transportation facilities. No new significant sources of noise would be generated by the Proposed Action.

Construction Impacts

The Proposed Action would include various construction activities over an approximate ten-year build-out period. It is assumed that all construction would be completed by 2015. Construction-related air quality impacts from the Proposed Action could occur as a result of emissions from construction activity, construction equipment, truck and other traffic, and diversion of non-construction related traffic to alternative routes. Construction activities such as site preparation, demolition, excavation, vehicle movement, and material transport release dust particles into the atmosphere. To minimize potential construction-related air quality impacts, the development of a construction plan is anticipated. The construction plan would incorporate sustainable design, and energy conservation elements. It is also anticipated that protocol would be developed for the construction phase of the Proposed Action in order to proactively reduce the potential for adverse effects on air quality.

Construction-related noise level increases would occur from the major components of construction, including: demolition, excavation, pile driving, sub-grade foundation work, construction of new buildings, and renovation of existing buildings. Construction activities would generate noise from mobile and stationary sources within the Project Area, but sensitive residential, open space and public facility uses are not concentrated near the Project Area. The increased construction traffic would not result in a perceptible increase in noise levels during the peak traffic hours. Blasting, which usually generates high levels of noise and vibration, would not be utilized during construction. Noise control measures which may be incorporated in project construction include the following:

- Source limits and performance standards to meet noise level thresholds for daytime, evening, and nighttime hours at sensitive land uses.
- Designated truck routes.
- Establishment of noise monitoring stations for measuring noise prior to and during construction.
- Implementing design considerations and project layout approaches.
- Sequencing of operations to combine especially noisy operations to occur in the same time period.
- Community Liaison and Complaint Hot Line.
- Use of alternative construction methods, using special low-noise equipment, and specifying and selecting quieter demolition methods.

Construction activities may require traffic diversions to accommodate construction staging, storage, and vehicle movements. Sidewalks may be temporarily closed to allow vehicles and materials to be brought onto or off of the site. The Proposed Action would generate approximately 25-50 truck trips on a given day, varying by the nature and phase of the construction in progress. Construction contracts would require a Maintenance and Protection of Traffic (MPT) Plan to ensure access and safety.

The construction assessment concludes that, for the most part, construction impacts of the development associated with the Proposed Action would be temporary and similar to those experienced elsewhere in the City's business districts.

Public Health

Based on the *CEQR Technical Manual* guidelines, it was determined that a full assessment of the Proposed Action's potential impacts on public health is not necessary and that no significant adverse impacts are expected as a result of the Proposed Action.

4. ALTERNATIVES

Alternatives Considered in Development of Proposed Action

A variety of options for reuse or redevelopment of the Homeport Site that meet the purpose and need for the Proposed Action were explored with the community through an extensive planning process. The Proposed Action is the result of that process, with a number of other alternatives previously explored and rejected.

Since the closure of the Homeport facility and its transfer to the City in 1994, there have been several unsuccessful plans and proposals for the redevelopment of the site. The Homeport Task Force (HTF), established by Mayor Bloomberg in April 2003, is comprised of key City officials, local elected representatives and community leaders. The HTF was charged with developing an economically sound plan for the Homeport Site and collaborated on a three-phase planning process that led to development of the New Stapleton Waterfront Development Plan.

In Phase II, three alternative development scenarios were examined; a harbor park concept, a cultural destination and a neighborhood scenario. There were common elements in each of these alternatives in terms of providing open space and waterfront access, offering economic opportunities and infrastructure improvements, and incorporating residential uses. The basic elements in the three alternative options include the following.

- Harbor Park –two residential buildings totaling 250 units, a banquet Hall/restaurant facility, an ice rink, indoor soccer, a 3.4 acre waterfront park and an economic development use, and parking.
- Cultural Destination –a sculpture garden, a major cultural use, hotel and banquet space, a destination waterfront restaurant, an economic development use and 100 units of senior citizen housing.
- Neighborhood Scenario –500 residential units in four separate locations on the site, an office building with ground floor retail, a 2-acre waterfront park, and farmers market and an economic development use.

These scenarios were presented to the public. None of these concepts was accepted as the proposed plan. However, a final mixed-use plan that harmonizes elements of the three alternatives was developed as the New Stapleton Waterfront Development Plan.

Alternatives previously explored and rejected, modified, or reconfigured by the community in developing the New Stapleton Waterfront Plan are not considered in this DEIS.

No Build Alternative

In the No Action Alternative the temporary uses now located on the Homeport Site would be removed and all upland buildings and structures demolished. The Site would be vacant and completely fenced; all current activities would cease. There would be essentially no change in land use anticipated for the affected properties west of Front Street and east of the SIR tracks, between Thompson and Wave Streets in the No Action Alternative.

The infrastructure improvements, including providing open space resources, sewer upgrades and reconstruction and realignment of Front Street, would not be provided in the No Action Alternative.

As discussed below, the many positive aspects related to the Proposed Action, such as the economic benefits, the improved neighborhood character and urban design, the provision of a significant open space resource and considerable infrastructure improvements, would not be present in the No Action Alternative. The negative effects such as those relating to the increase in traffic and the increase in the number of school aged children would also not occur.

Studio Use Alternative

Under the Studio Use Alternative, the 75,000 square foot commercial office building identified on Parcel B4 of the Proposed Action would be replaced by a working film/TV studio. The studio could be housed in the existing, approximately 60,000 square foot building near the end of Canal Street adjacent to the waterfront. This alternative would be similar to the Proposed Action, and would essentially meet the purpose and need for the Proposed Action.

It is anticipated that the studio would be multi-functional and could be used for filming movies, television shows and possibly for still photography. It would likely operate on an irregular schedule and could be open for some shoots at nighttime or early morning. Weekend work would also be possible. It is anticipated that a studio facility would require use of ancillary trailers to house sets, auxiliary power, lighting, etc., as well as support vehicles for meals and transportation. It is anticipated that this alternative would employ approximately 150-200 people for certain shoots and that the working day would often be 12 hours long.

5. UNAVOIDABLE ADVERSE IMPACTS

The privately held property located at 144-150 Front Street, is eligible for listing on the State and National Register of Historic Places. Under the Proposed Action, the property would be rezoned but would remain in private ownership. Once rezoned, it can be redeveloped by its owner and the facility could be demolished. There is currently no

practical mitigation available for this impact since the property is not in the ownership or control of the City of New York.

6. MITIGATION

While not strictly mitigation measures, (E) Designations for hazardous materials and noise will be placed on all relevant privately held parcels that are subject to the rezoning to ensure that adverse environmental impacts do not occur. For hazardous materials, the (E) Designations will ensure that the appropriate level of site investigation and clean-up is undertaken prior to development any of the 19 designated lots. For noise, the appropriate level of sound attenuation will need to be provided for any building constructed on the 19 designated lots. This process will ensure that proper measures are taken to avoid noise impacts from noise or hazardous materials. Specific mitigations are discussed below.

Hazardous Materials

Potential hazardous materials present at the Homeport Site include volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), metals, pesticides, herbicides, cyanide, asbestos-containing material (ACM), lead-based paint (LBP), and polychlorinated biphenyl (PCB)-containing equipment. During construction these materials would be managed or isolated to protect public health and the environment. Specifically, NYCDEP has developed recommendations based upon their review of the Phase II Environmental Site Investigation that was submitted for the Homeport Site. EDC will implement these recommendations, as discussed below, thus avoiding significant adverse impacts from hazardous materials as a result of the Proposed Action.

- Due to soil and groundwater contamination detected at the site as well as known impacts to the groundwater, Remedial Action Plans (RAPs) will be prepared for the development site and submitted to NYCDEP for review and approval. The RAPs will describe how all excavated soils and fill materials would be removed from the site and properly disposed of in accordance with all applicable NYSDEC regulations at an off-site disposal/recycling facility. Excavated soils, which will temporarily stockpiled on-site, will be covered with polyethylene sheeting (or protected by other means acceptable to NYCDEP) while disposal options are determined. The contractor retained to complete the work will maintain dust suppression during the excavation and grading activities at the site. Note that additional testing of the soils may be required by the disposal and/or recycling facility.
- As a result of elevated concentrations of VOCs, SVOCs, and heavy metals exceeding NYSDEC guidance levels, a site-specific Construction Health and Safety Plan (CHASP) will be prepared on the basis of worker exposure to these contaminants during construction. The CHASP will specify that the contractor must maintain dust suppression during the excavation and grading activities at the site. The CHASP will be submitted to NYCDEP for review and approval. Soil disturbance will not occur without NYCDEP's written approval of the site-specific CHASP.
- An appropriate vapor barrier (ranging in thickness from ten thousandths of one inch (ten mil) thick poly sheeting to a 60 mil thick spray application), which would sustain long-term exposure to petroleum constituents, will be incorporated into the design

plan for the proposed structures. In conjunction with the appropriate vapor barrier, an active sub-slab depressurization system (SSD system) will be used in buildings with a basement slab or slab-on-grade foundation. The conceptual design of the vapor barrier and SSD system, along with the manufacturers' specifications, will be submitted to NYCDEP for review and approval.

- If any tanks (USTs or ASTs including dispensers, piping, and fill-ports) are unearthed during excavation activities they will be removed/closed in accordance with all applicable NYSDEC regulations. If any petroleum-impacted soils (which display petroleum odors and/or staining) are encountered during the excavation/grading activities, the impacted soils will be removed and properly disposed of in accordance with all NYSDEC regulations.
- Two feet of clean fill/top soil will be imported from an approved facility/source and graded across all landscaped/grass-covered areas of the site that are not capped with concrete/asphalt. The clean fill/top soil will be segregated at the source/facility, and qualified environmental personnel will collect representative samples at a frequency of one sample for every 250 cubic yards, analyze the samples for TCL VOCs, SVOCs, Pesticides/PCBs and TAL metals by a NYSDOH Environmental Laboratory Approval Program-certified laboratory, compare to TAGM 4046 Recommended Soil Clean-up Objectives, and receive NYCDEP written approval to use the clean fill/top soil. Upon receipt of NYCDEP's written approval, the clean fill/top soil may be transported to the site for grading. The clean fill/top soil will not be comprised of any construction and demolition debris. Prior to importing and grading the two foot clean fill/top soil cap, a highly visible demarcation membrane/barrier (such as an orange plastic construction fence, etc.) will be installed beneath the two foot clean fill/top soil cap.
- Upon completion of the construction activities, a Closure Report certified by a professional engineer will be submitted to NYCDEP. This report will need to demonstrate that all remediation activities have been properly implemented. At a minimum, the report will include all transportation manifests, disposal/recycling certificates from the soil excavation process, proof of importing/grading two feet of certified clean fill/top soil that meets TAGM at any proposed landscaped or grass covered areas (uncapped) at the site, and proof of vapor barrier/active sub-slab depressurization system installation in accordance with manufacturers' specifications.
- In order to ensure that the Proposed Action would result in no significant adverse public health impacts from potential hazardous materials, at development parcels to be disposed of by the City, a Restrictive Declaration, or other NYCDEP-approved institutional control, will be required of the developer.

EDC has entered into an MOU with NYCDEP to bind its successors and assigns to performing the necessary remediation. Accordingly, the necessary remediation will be identified through RAPs after the reuse/development program is established and prior to renovation and construction activities. The MOU is an effective means for ensuring that any potential hazardous materials issues found on the disposition parcels will be adequately addressed in order to mitigate potential adverse health impacts from the reuse/development program. In addition to the above, any transfer of the Homeport

property, or portions thereof, to another City agency will bind that entity to the identified remediation measures discussed above.

Traffic

The detailed evaluation of mitigation measures indicated that all significant adverse traffic impacts could be fully mitigated by standard traffic engineering improvements such as the installation of traffic signals, signal phasing and timing modifications, parking prohibitions, and lane re-striping. Mitigation measures would involve installing traffic signals at three unsignalized intersections along Bay Street. A preliminary signal warrant analysis indicated that vehicular and/or pedestrian warrants would be satisfied at all three intersections. Of the 16 locations analyzed, five intersections would be significantly impacted during the weekday AM and Saturday midday peak hours, six during the weekday midday peak hour, and eight during the weekday PM peak hour. The impacted intersections and their respective mitigations are:

Signalized Intersections

Bay Street and Victory Boulevard: Mitigation measures during all peak hours analyzed would involve: 1) prohibiting parking northbound (one space would be lost along the east curb of Bay Street) and shifting the centerline of this approach one foot to the west to provide one ten-foot wide left turn lane, one 13-foot wide through lane, and one ten-foot wide and one 11-foot wide southbound receiving lane; 2) shifting the centerline of southbound Bay Street 2.5-feet to the east and re-striping southbound Bay Street to provide one 16-foot wide right turn lane, one 11-foot wide left-through lane, one 11-foot wide through lane, and two 10.5-foot wide northbound receiving lanes; and 3) shifting the centerline of eastbound Victory Boulevard three feet to the north to provide one 14-foot wide left turn lane and one ten-foot wide through-right lane. Mitigation measures during the weekday and Saturday midday peak hours would also involve signal timing modifications to provide a northbound lag phase.

Bay Street and Hannah Street: Mitigation measures needed during all four peak hours would include: 1) signal timing modifications to provide a southbound lead phase; 2) shifting the centerline of southbound Bay Street three feet to the east to provide two 14-foot wide left turn lanes, two ten-foot wide through lanes, one 10.5-foot wide right turn lane, and reducing the northbound receiving lane widths from 11 feet and 25 feet to ten feet and 23 feet, respectively; and 3) shifting the centerline of westbound Hannah Street four feet to the north to provide one 11-foot wide westbound lane and two ten-foot wide eastbound receiving lanes.

Bay Street and Canal Street: Mitigation measures needed during the weekday PM peak hour include: 1) signal timing modifications; and 2) shifting the centerline of northbound Bay Street three feet to the west to provide one 16-foot wide northbound through-right lane and two ten-foot wide southbound receiving lanes. These measures would remain in place during all periods since they include re-striping lanes.

Bay Street and Broad Street: Mitigation measures needed during the midday and PM peak hours would include: 1) signal timing modifications; and 2) shifting the centerline of northbound Bay Street one foot to the west to provide one 16-foot wide northbound

left-through lane and one 20-foot wide southbound receiving lane. These measures would remain in place during all periods since they include re-striping lanes.

Bay Street and Vanderbilt Avenue: Mitigation measures during the weekday PM peak hour would include: 1) prohibiting parking eastbound (along the south curb of Vanderbilt Avenue) and re-striping this approach to provide one 11-foot wide left turn lane and one ten-foot wide right turn lane; 2) shifting the centerline of northbound Bay Street six feet to the west to provide one 13-foot wide left-through lane and one 12-foot wide through lane; 3) shifting the centerline of southbound Bay Street three feet to the west to provide one ten-foot wide right turn lane, one ten-foot wide through lane, and two 11-foot wide northbound receiving lanes; and 4) signal timing modifications. The two centerline shifts can be accommodated with a smooth transition. These measures are needed to mitigate only PM peak hour impacts but would remain in place during all periods since they include re-striping lanes.

Bay Street and Hylan Boulevard: Mitigation measures during all four peak hours would involve: 1) prohibiting parking eastbound (along the south curb of Hylan Boulevard) and shifting the centerline of this approach 1.5 feet to the north to provide one 10.5-foot wide left turn lane and one 10.5-foot wide through-right lane; 2) re-striping the westbound receiving lane of Hylan Boulevard to 18 feet wide from its existing 19.5 foot width; and 3) signal timing modifications to eliminate the eastbound lead phase and allocating this time to other movements.

Unsignalized Intersections

Bay Street and Wave Street: Mitigation measures would include installing a traffic signal. A preliminary signal warrant analysis indicates that the peak hour warrant is satisfied at this intersection.

Bay Street and Water Street: Mitigation measures would include installing a traffic signal. A preliminary signal warrant analysis indicates that the peak hour warrant is satisfied at this intersection. During all peak hours analyzed, mitigation measures would also involve: 1) prohibiting parking southbound (along the west curb of Bay Street) to provide a 15-foot wide through-right lane; 2) shifting the centerline of northbound Bay Street nine feet to the west to provide one ten-foot wide left-through lane, one ten-foot wide through lane, and one 14-foot wide receiving lane in the southbound direction; and 3) shifting the centerline of southbound Bay Street eight feet to the west to provide two ten-foot wide receiving lanes in the northbound direction and one 15-foot wide through-right lane in the southbound direction.

Bay and Prospect Street: The pedestrian analysis presented in Chapter 18, “Transit and Pedestrians”, indicates that significant pedestrian impacts would occur at this intersection. Mitigation measures presented in Chapter 18 indicate that these significant pedestrian impacts would be mitigated by installing a traffic signal. A preliminary signal warrant analysis indicates that the pedestrian volume warrant is satisfied at this intersection.

Each of the traffic engineering improvements described above would require approval of the New York City Department of Transportation (NYCDOT). These improvements fall within the range of typical measures employed by NYCDOT in improving traffic conditions in all parts of the City.

Parking

The implementation of parking prohibitions to help mitigate significant traffic impacts would result in a loss of curbside parking spaces at the following locations:

- Northbound Bay Street (east curb) approaching Edgewater/Front Streets -- nine spaces, all peak hours analyzed.
- Southbound Bay Street (west curb) approaching Water Street -- seven spaces, all peak hours analyzed.
- Eastbound Vanderbilt Avenue (south curb) approaching Bay Street – three spaces, all peak hours analyzed.
- Eastbound Hylan Boulevard (south curb) approaching Bay Street – four spaces, all peak hours analyzed.
- Northbound Bay Street (east curb) approaching Victory Boulevard – one space, all peak hours analyzed.

Overall, 24 curb spaces would be lost within the study area corridor during all peak hours analyzed. Lost delivery spaces for trucks along Bay Street could be made up on the side streets if necessary. The loss of parking is not considered a significant adverse impact under CEQR.

Transit

The S51/S81 and S76 routes would have significant adverse impacts as a result of the Proposed Action during the weekday PM and Saturday Midday peak periods. According to the *CEQR Technical Manual* and NYCT guidelines, additional bus service is recommended along routes when passenger volumes are projected to exceed the maximum capacity at the maximum load point. The NYCT general policy is to provide additional bus service where demand warrants increased service, taking into account financial and operational constraints. Capacity shortfalls identified on the S51/S81 route could be met by adding one northbound bus trip during the weekday PM peak hour and adding two northbound and two southbound bus trips during the Saturday Midday peak period. Capacity shortfalls identified on the S76 route could be met by adding one northbound and one southbound bus trip during the Saturday Midday peak period. No other significant adverse bus impacts would occur as a result of the Proposed Action.

Pedestrians

The north and south crosswalks at the three unsignalized intersections on Bay Street are projected to have significant adverse impacts as a result of the Proposed Action during all periods. These crosswalks could be mitigated by installing a traffic signal at each location. A preliminary signal warrant analysis indicated that signal warrants would be satisfied at these three impacted unsignalized intersections.

For these three intersections, the signal timing used in the pedestrian analysis coincided with the traffic analysis (Chapter 17, "Traffic and Parking", Section 17.5, Traffic Mitigation). The results of the analyses indicate that with mitigation, all crosswalks at these five intersections would operate at LOS C or better during the weekday AM, Midday, and PM and the Saturday Midday peak period in 2015.


7. CONTACT OFFICE

Requests for copies of the FEIS and public comments and questions regarding the FEIS should be forwarded to the contact office, listed below, acting on behalf of the Office of the Deputy Mayor for Economic Development and Rebuilding.

Contact:

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The FEIS is also available on the web site of the New York City Office of Environmental Coordination (<http://www.nyc.gov/html/oec/html/home/home.shtml>).



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Assistant to the Mayor
On behalf of the Deputy Mayor
for Economic Development and Rebuilding

SEPTEMBER 14, 2006
Date