

CHAPTER 13: WATERFRONT REVITALIZATION PROGRAM

13.1 Overview

The Coastal Zone Management Act (CZMA) of 1972 (16 U.S.C. 1451 *et seq.*) was enacted by Congress to support and protect the distinctive character of the waterfront while balancing the competing demands of growth and development with the need to protect coastal resources, and set forth standard policies for reviewing proposed development in coastal areas. The CZMA responds to local, State and Federal concerns about the deterioration and inappropriate use of the waterfront; its primary means of achieving this balance are through coastal zone management programs adopted by the states that are designed to regulate land use activities that could affect coastal waters. The Act offers incentives to encourage the coastal states and territories to exercise their full authority over coastal areas through development of coastal zone management programs, consistent with the minimum Federal standards.

The State of New York currently administers its Federally-approved coastal zone management program through the Division of Coastal Resources of the New York State Department of State (NYSDOS). Pursuant to the CZMA, the State of New York has defined its coastal zone boundaries and the policies to be utilized to evaluate projects occurring within the designated zones. In 1981, the NYSDOS adopted the Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Article 42, §910 *et seq.* of the State Executive Law), and created the New York State Coastal Management Program (CMP) which established 44 policies designed to balance economic development and preservation by promoting waterfront revitalization and water-dependent uses while protecting fish and wildlife, open space and scenic areas, shoreline public access, and farmland; and minimizing adverse changes to ecological systems and erosion and flood hazards. The CMP also provides for local implementation when a municipality adopts a Local Waterfront Revitalization Program.

In turn, the City of New York has adopted its own coastal zone management program under the City's Waterfront Revitalization Program (WRP), originally adopted in 1982, and revised in 2002 in accordance with Section 197-a of the City Charter and in coordination with local, State, and Federal laws and regulations. The WRP, administered by NYCDCP, establishes the framework for supporting and protecting the distinctive character of City's waterfront resources in the public interest, and it sets forth ten policies applicable for development and land use actions within the City's Coastal Zone (NYCDCP, September 2002). The ten policies of the revised WRP replace the 56 City and State policies originally approved in 1982, with the aim of simplifying and clarifying the consistency review process.

As detailed below, the Proposed Action is found to be consistent and supportive of the State's CMP 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 CWP for the Staten Island Waterfront.

13.2 Methodology

According to the *CEQR Technical Manual*, a WRP assessment is warranted for all discretionary actions in a designated Coastal Zone. The Coastal Zone is delineated in Coastal Zone Boundary maps that are published by the NYCDCP. Criteria for inclusion within the Coastal Zone include base flood (100-year floodplain), erosion, erosion hazard areas, floodplains, bulkhead line, pierhead line, public access, visual corridor, water-dependent uses, and waterfront-enhancing uses.

The Proposed Action, as described in Chapter 1, “Project Description,” would be constructed in a neighborhood of the Staten Island North Shore, one of the City’s waterfront planning areas in need of revitalization according to the 1992 New York City Comprehensive Waterfront Plan (CWP) and the 1994 Plan for the Staten Island Waterfront. The Proposed Action would result in a change of activities within the designated Coastal Zone boundaries. As the Proposed Action requires City approvals (rezoning, street mapping/demapping and realignment, disposition of City property, and capital funding) and has no State/Federal funding, it is assessed according to the WRP as adopted by the City of New York in October 1999 and revised in September 2002. For the purposes of this DEIS, the ten new policies of the WRP are assessed to determine whether the Proposed Action is consistent with the goals of the Program. As part of the preliminary assessment for the screening of the applicable policies relevant to the Proposed Action, a completed City Consistency Assessment Form (CAF) is included in this DEIS as Appendix B. The Project Area, as defined in Chapter 1, “Project Description,” is not located within any of the City’s three Special Natural Waterfront Areas (SNWAs) or six Special Maritime and Industrial Areas (SMIAs). The analysis of the WRP policies, with their standards and criteria, is presented below.

The study area for the analysis of the waterfront includes all land within the Coastal Zone of the Project Area. The Coastal Zone and Project Area boundaries are illustrated in Figure 11-1.

13.3 New York City’s Coastal Policies

Policy 1: Support and facilitate commercial and residential redevelopment in areas well-suited to such development.

Under the Proposed Action, the existing M2-1 and M3-1 zoning districts would be changed to a proposed Special Stapleton Waterfront District (SSWD), with underlying contextual C4-2A special zoning district (with R6B residential equivalent) and special requirements for visual corridors and upland connections based on waterfront zoning requirements. The Proposed Action would be consistent with this policy as it would offer mixed-use development opportunities for water-enhanced residential, commercial and

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recreational uses that would revitalize and maximize the potential of vacant and underused waterfront while fostering and stabilizing economic growth for the Stapleton community and the Staten Island borough as a whole. The Proposed Action would also encourage non-industrial development while providing for the opportunity to reestablish the public's connection to the waterfront and attract the public to the waterfront from the upland communities by creating open space, visual access, and recreational and other water-enhanced uses. The disposition of the City's property to allow the redevelopment identified in the Plan and local infrastructure improvements (i.e., Front Street) would promote adequate housing and economic redevelopment in accordance with the City's Zoning Resolution, and ultimately enhance the City's tax base in Staten Island.

Policy 2: ***Support water-dependent and industrial uses in New York City coastal areas that are well suited to their continued operation.***

The Project Area is not located within any of the six City's SMIA's, although it has historically been an active port with light industrial activities through the mid-20th century and is predominantly zoned as M2-1 and M3-1 manufacturing zoning districts. Since the last attempt at its redevelopment in the 1990s and its early decommissioning and transfer back to the City in 1994 by the U.S. Navy, the Homeport Site has remained underused by non water-dependent commercial and administrative activities despite several plans and proposals. As a result, the Homeport Site has remained for many years devoid of any water-dependent industrial uses. Under the Proposed Action, the current zoning would be amended as a special C4-2A mid-density zoning district (with R6B residential equivalent) in order to accommodate mixed-use development pursuant to the Plan and ultimately to bolster the local economy and further facilitate new waterfront development. In addition, the 1,410-foot long concrete pier would remain dedicated to the U.S. Navy for occasional water-dependent uses. The Proposed Action also is expected to accommodate a beach access/Cove area which would be utilized for active recreational uses. Therefore, the Proposed Action would be consistent with this policy as it would not eliminate any existing maritime activity and would actually promote new water-dependent uses.

Policy 3: ***Promote use of New York City's waterways for commercial and recreational boating and water-dependent transportation centers.***

See responses to Policies 1 and 2 above. The Proposed Action would allow suitable and continued maritime operations along the 1,410 foot long pier for occasional use by the U.S. Navy. The Proposed Action would also include a Cove that may be used as an active area for small recreational vessels (kayaks/canoes). The Cove area would be accompanied by complementary open space that would ultimately attract visitors to the area, including those that would enjoy recreational boating activity. Recreational boating activities would be well suited for this area of the City's waterways as they would not conflict with commercial and ocean-going freight vessels, and would not be located in an area prone to strong currents or prone to heavy wave or wake action. Therefore, the Proposed Action would be consistent with this policy.

Policy 4: *Protect and restore the quality and function of ecological systems within the New York City coastal area.*

The Proposed Action is neither located within nor near any of the three City's SNWAs, Recognized Ecological Complexes, or Significant Coastal Fish and Wildlife Habitats. No dredging activities would be required to develop the Proposed Action, and there are no existing upland wetlands within the Project Area. The existing conditions at the Homeport Site would be improved and maintained, and an appropriately-designed stormwater management and drainage system would be put in place so that the Proposed Action would have no significant adverse impact on water quality and ecological function of the Upper New York Bay. Other infrastructure improvements to be implemented concurrently with the Proposed Action include shoreline stabilization, roadway and sidewalk reconstruction, site utility preparation, installation of new water/sewer mains, and rehabilitation, replacement, or relocation of existing water/sewer mains. Therefore, the Proposed Action would be consistent with this policy.

Policy 5: *Protect and improve water quality in the New York City coastal area.*

The Proposed Action would not require dredging activities or direct/indirect discharges to coastal waters. In addition, an appropriately designed stormwater management and drainage system (as explained in Policy 4), as well as erosion protection measures during construction, would be implemented so that runoff would not enter the harbor's water. Therefore, the Proposed Action would be consistent with this policy.

Policy 6: *Minimize loss of life, structures and natural resources caused by flooding and erosion.*

According to the FEMA Flood Insurance Rate Maps (FIRM), the Project Area is located within the 100-year floodplain (Zone A). It is further designated as being within Zone V, which may have hazards associated with storm waves. The Proposed Action would take place along a shoreline that is predominantly protected by hard structural measures (i.e., bulkhead and riprap). Under the WRP, it is recommended that areas with extensive use of hard structural measures be maintained and repaired in order to close gaps in the hardened shoreline and breaches for the protection of upland development and investment. The Proposed Action would include improvements to structures (i.e., roadways/pedestrian walkways) and shoreline stabilization, and would replace a section of deteriorating piers with a Cove area. All structures within the 100-year floodplain would be designed to meet the building codes established for such coastal areas. Overall, the proposed total footprint covered on the former Homeport Site would be similar to the existing conditions. Therefore, the Proposed Action would be consistent with this policy.

Policy 7: *Minimize environmental degradation from solid waste and hazardous substances.*

The Proposed Action would result in development of properties that may contain contaminated/hazardous materials or that have a history of underground storage tanks and industrial uses. All excavated and contaminated materials would be removed and disposed of in accordance with local, State, and Federal regulations. Specific

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management practices would be developed and implemented to test all potentially contaminated areas and to dispose of any materials of concern. In addition, the Proposed Action would result in the generation of mainly commercial and residential solid wastes that would be removed and treated in accordance with the City's Solid Waste Management Plan. Therefore, the Proposed Action would be consistent with this policy.

Policy 8: Provide public access to and along New York City's coastal waters.

The Proposed Action would incorporate new physical and visual public access (12 acres of public open space including a waterfront esplanade along the entire length of the Project Area's shoreline) in currently inaccessible waterfront areas in a manner that would balance the interests of public and private waterfront use. The 12 acres of proposed public open space would include both passive and active recreational uses. For example, the Proposed Action would also include a beach access/Cove area where active recreational uses (i.e., kayaks/canoes launch) would be accommodated. Shoreline protection structures would be maintained and repaired in order to ensure shoreline stabilization and public safety while enhancing the enjoyment of public access areas. Existing visual corridors provided by mapped streets terminating at the shoreline (i.e., Baltic, Wave, Prospect, Water, Canal, and Thompson Streets) would be improved and opened which would further invite and connect the upland communities to the waterfront. The landscaping improvements of Canal and Water Streets would actually enhance visual access and provide direct public access to the waterfront from the historic Tappen Park located further inland, which would also undergo some restoration under a simultaneous and coordinated NYCDPR project.

The Proposed Action would also support several recommendations identified in the New York City Plan for the Staten Island Waterfront (NYCDCP, 1994). For example, the Proposed Action would add a significant segment to the waterfront esplanade as envisioned in the 1988 North Shore Esplanade Plan and would, therefore, provide continuous waterfront access between St. George and Stapleton. The Plan also identified City-owned parcels adjacent to the Homeport Site (included in the Proposed Action) that would support the Esplanade as well as provide open space along the waterfront. In turn, the CWP expected the Esplanade to be a key factor in the residential and commercial revitalization efforts of the St. George, Tompkinsville and Stapleton communities and the area's cultural institutions. The CWP also identified several areas along the North Shore as potential Redeveloping Waterfront while recommending the reuse of industrially-zoned sites as transportation, residential, commercial and public spaces. When the Homeport Site was still used by the U.S. Navy, Front Street was anticipated to become a link to the North Shore Esplanade once it was realigned parallel to the rail line and enhanced with pedestrian streetscapes features. With the New Stapleton Waterfront Development Plan, the proposed open space and promenade along the waterfront would further this long-term vision of the CWP since it would provide a link to the North Shore Esplanade that is even closer to the water than originally planned.

As a result, the Proposed Action and its goals would clearly be supportive of the CWP's recommendations, which in turn would make the Proposed Action be consistent with this policy.

Policy 9: *Protect scenic resources that contribute to the visual quality of the New York City coastal area.*

The Proposed Action would clearly improve the currently degraded scenic quality of upland communities and waterfront by opening and aesthetically improving view corridors, adding numerous architectural and landscaping measures such as planters, open space and waterfront esplanade, and bulkhead renovations, etc. The new residential and commercial developments would be in accordance with the proposed SSWD (i.e., bulk size, height, etc.) which would help maintain views from upland areas. For example, under the proposed zoning change of the SSWD, commercial retail uses would be limited to the ground floor of developments, the maximum building height would be limited to 50 feet, and special requirements for visual corridors and upland connections based on waterfront zoning requirements would be implemented. Views to the shoreline from the water would also be enhanced by replacing the utilitarian structures currently on the Homeport Site with a combination of low-rise residential/commercial buildings and open space. Therefore, the Proposed Action would be consistent with this policy.

Policy 10: *Protect, preserve and enhance resources significant to the historical, archaeological, and cultural legacy of the New York City coastal area.*

There are no archaeological/historical resources or City-designated Historic Districts within the Project Area. Only a 1938 fire boat, called the “firefighter” and temporarily docked at Pier 14, is listed on the National Register of Historic Places, but this historic resource would be relocated prior to the build year independently of the Proposed Action. The proposed improvements in public access, open space, and visual quality (as described in Policies 8 and 9) would revitalize and revamp the cultural aspects of the SSWD. Therefore, the Proposed Action would be consistent with this policy.

13.4 Conclusion

Based on the above coastal zone consistency evaluation, the Proposed Action is found to be consistent and supportive of the State’s CMP 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 CWP for the Staten Island Waterfront.