

A. INTRODUCTION

This document summarizes and responds to comments on the Draft Generic Environmental Impact Statement (“DGEIS”), issued on April 21, 2008, for the Willets Point Development Plan. Oral and written comments were received during the public hearing held by the City Planning Commission on August 13, 2008. Written comments were accepted from issuance of the Draft EIS through the public comment period which ended August 25, 2008.

Section B lists the elected officials, organizations, and individuals that provided relevant comments on the DGEIS. Section C contains a summary of these relevant comments and a response to each. These summaries convey the substance of the comments made, but do not necessarily quote the comments verbatim. Comments are organized by subject matter and generally parallel the chapter structure of the DGEIS. Where more than one commenter expressed similar views, those comments have been grouped and addressed together. A number of commenters submitted general comments about the proposed project. These comments were given due consideration but are not itemized below.

Some commenters did not make specific comments related to the proposed approach or methodology for the impact assessments. Where relevant and appropriate these edits, as well as other substantive changes to the Draft GEIS, have been incorporated into the Final Generic Environmental Impact Statement (“FGEIS”).

B. LIST OF ELECTED OFFICIALS, ORGANIZATIONS, AND INDIVIDUALS WHO COMMENTED ON THE DGEIS**ELECTED OFFICIALS**

1. Betsy Gotbaum, Public Advocate for the City of New York, oral comments and written submission dated 8/13/08
2. Helen M. Marshall, Queens Borough President, oral comments and written submission dated 8/13/08
3. Nettie Mayersohn, Member of the New York State Assembly, 27th Assembly District, oral comments and written submission dated 8/13/08
4. Hiram Monserrate, Member of the New York City Council, 21st District, oral comments and written submission dated 8/13/08
5. Toby Ann Stavisky, Member of the New York State Senate, 16th Senate District, oral comments and written submission dated 8/13/08

¹ This chapter is new to the FGEIS.

COMMUNITY BOARD

6. Queens Community Board 7, oral comments and written submission by Eugene T. Kelty dated 8/13/08; oral comments and written submission by Chuck Apelian dated 6/30/08

ORGANIZATIONS

7. ACORN, oral comments and written submission by Marilyn Mays dated 8/13/08
8. American Institute of Architects, Queens Chapter, oral comments by Alan Weinstein
9. Asian American Elderly Housing Development Corporation, oral comments by Charles Wang
10. Asian Americans for Equality, oral comments and written submission by Richard Lee dated 8/13/08
11. City University of New York-Institute for Sustainable Cities, oral comments and written submission by Carina Molnar dated August 13, 2008
12. Environmental Defense Fund, oral comments and written submission by Eddie Burgess dated 8/13/08
13. Flushing\Willets Point\Corona Local Development Corporation, oral comments by Joseph Farber, Peter Magnani, and Joel Miele; oral comments and written submission by Claire Shulman dated 8/13/08
14. Habitat for Humanity, written submission dated 8/13/08
15. Jamaica Business Resource Center, oral comments by Timothy Marshall
16. Local 32 BJSEIU, oral comments by Camille Rivera
17. Mason Tenders' District Council, oral comments and written submission by Michael McGuire dated 8/13/08
18. Municipal Art Society of New York City, oral comments and written submission dated 8/13/08; written submission dated 8/26/08
19. New York Building Congress, written submission by Richard Anderson dated 8/19/08
20. New York City Building Construction and Trades Council, oral comments by Edward J. Malloy
21. New York City Central Labor Council, oral comments and written submission by Heather Beaudoin dated 8/13/08
22. New York Hall of Science, oral comments and written submission by Dan Wempa dated 8/13/08
23. New York Hotel and Motel Trades Council, oral comments and written submission by Peter Ward dated 8/13/08
24. New York League of Conservative Voters, oral comments by Dan Hendrick
25. New Yorkers for Parks, oral comments and written submission by Okenfe Aigbe Lebarty dated 6/30/08

26. Partnership for New York City, oral comments and written submission by Kathryn Wyldre dated 8/13/08
27. Queens Chamber of Commerce, oral comments and written submissions by Jack Friedman and Albert Pennisi dated 8/13/08
28. Real Estate Board of New York, written submission dated 8/13/08
29. Regional Plan Association, oral comments and written submission by L. Nicolas Ronderos dated 8/13/08
30. Retail, Wholesale and Department Store Union, oral comments and written submission by Jane Thompson dated 8/13/08
31. U.S. Green Building Council (USGBC New York), written submission by Yetsuh Frank dated 8/19/08
32. Willets Point Defense Committee of Small Businesses and Workers, oral comments by Arturo Olaya and Blass Olivarez; written submission dated 8/13/08
33. Willets Point Industry and Realty Association, oral comments and written submission by Michael B. Gerrard dated 8/13/08; oral comments and written submissions by Bernard Adler and Michael O'Rourke of Adler Consulting dated 8/13/08; written submission by Kevin Loyst of FPM Group dated 8/13/08; written submission by Michael B. Gerrard and Nelson D. Johnson of Arnold & Porter, Bernard Adler and Michael O'Rourke of Adler Consulting, Linda Sohl, Ph.D. and Mark Chandler, Ph.D of Svante Scientific, Inc., and Kevin Loyst and Kevin J. Phillips of FPM Group, Ltd. dated 8/25/08
34. Women Builders Council, oral comments and written submission by Sandra Wilkin dated 8/13/08

INTERESTED PUBLIC

35. Joseph Ardizzone, oral comments and written submission dated 8/13/08
36. Jim Conway, oral comments
37. Dan Feinstein, Feinstein Ironworks-affected property owner, oral comments
38. Anthony Fodera, Fodera Foods-affected property owner, oral comments and written submission dated 8/13/08
39. Benjamin M. Haber, written submission dated 8/25/08
40. Robert W. LoScalzo, written submission dated 8/25/08
41. Michael Meyer, TDC Development International, LLC, oral comments and written submission dated 8/13/08
42. Irene Presti, affected property owner, oral comments and written submission dated 5/10/08
43. Daniel Scully, Tully Environmental-affected property owner, oral comments and written submission dated 8/13/08

C. COMMENTS AND RESPONSES

PROJECT REVIEW PROCESS AND PUBLIC PARTICIPATION

Comment 1: The needs of the local property and business owners and workers, as well as stakeholders in the two neighborhoods adjacent to the site, must be carefully considered as the City seeks to declare an Urban Renewal area. (18)

No one wants Willets Point to remain as it is today, with potholed streets resembling dirt trails, no sewers, and frequent flooding. We all want viable jobs, affordable housing, more schools, and the opportunity for economic growth. All of this can be realized in Willets Point, but only if everyone involved has a voice in the process. (1)

Since the first community meetings of the Flushing redevelopment process, when community residents expressed a desire to include the Iron Triangle in any long-term development plans, the details of the plan have been determined not by residents, but by the Economic Development Corporation. (4)

The FEIS should describe the process through which property owners, tenant businesses, and workers within the District were included in the planning process and demonstrate how their needs were incorporated into the final plan. (18)

The acrimonious atmosphere surrounding the development of Willets Point must be replaced by an honest, cooperative spirit that focuses first and foremost on meeting the needs of the community, the business/property owners, and the development goals, rather than individual and political agendas. (38)

Response 1: The proposed Willets Point Development Plan seeks to fulfill many of the goals established by the broader community. As noted in Chapter 1, “Project Description”, the proposed Plan is an outgrowth of the Downtown Flushing Development Framework, a land use and economic planning strategy for the growth of Downtown Flushing, the Flushing River waterfront, and the Willets Point peninsula. The Framework was developed by the Downtown Flushing Task Force, a group of city and state technical agencies, local developers and business owners, community board members, and local elected officials that the City requested to identify opportunities for growth and improvement in the area.

Additionally, the local community board would continue to have the opportunity after the Uniform Land Use Review Procedure (ULURP) process to provide input on the developer selection and final

development plan as part of the Willets Point Advisory Committee. After the developer selection process, the Committee would continue to meet with the selected developer during project planning and implementation. The City is working with the City Council to arrive at a process for post-ULURP-oversight involving the City Council and Community Board 7. The City would mandate quarterly meetings with the developer, the City, Community Board 7, and the Willets Point Advisory Committee through completion of the project.

With respect to the affected businesses and property owners in the District, it is the City's goal to work one-on-one with all interested Willets Point business or land owner to negotiate property acquisition and/or relocation agreements that meet their specific needs. The City is also working with LaGuardia Community College to establish a comprehensive workforce assistance and retraining program to help displaced Willets Point workers transition to new jobs.

Comment 2: Willets Point is located in Community Board #4 Corona. Why were decisions made by Community Board #7 Flushing? (35)

Response 2: The District is located within Community District 7. In accordance with ULURP process, Community Board 7 provided advisory recommendations on the proposed Plan to the Queens Borough President.

Comment 3: The Federal Highway Administration has not been consulted on this project even though it must approve any changes in access to the Interstate Highway. (33)

Response 3: As indicated in Chapter 2, "Procedural and Analytical Framework," modification of access to and from the Van Wyck Expressway requires the preparation of a Freeway Access Modification Report (AMR), and review and approval by NYSDOT, in the first instance, and the Federal Highway Administration (FHWA). To date, several conceptual ramp access alternatives have been presented to NYSDOT, and that agency has reviewed and commented on them and the proposed AMR process. Once the draft AMR is completed, in accordance with established procedure, NYSDOT will review the draft report. NYSDOT's comments will be incorporated before NYSDOT presents the AMR to FHWA for review and approval.

Comment 4: Why didn't the Mayor or his agencies contact the property owners when they were meeting with their potential new tenants for our property? (42)

Response 4: The City sent out letters to all property owners and tenants in September 2004 inviting them to attend one of several open information sessions

held at the Queens Borough President's office in October 2004. Over 40 businesses and/or owners attended. These meetings served to provide information on the Downtown Flushing Framework and its recommendations regarding Willets Point, and to discuss the City's process for issuing a Request for Expressions of Interest (RFEI) to the development community.

Comment 5: The ULURP process has the following deficiencies: the Development Plan has not been finalized and a Developer(s) has not been chosen, nor has a Budget and Funding been confirmed. (6)

The NYCEDC has attempted to short circuit the ULURP process, which is designed to give the community and the City Council input over land use in the City. It is a means to get commitments from the developer and to set guidelines for the project. To do this, a final plan, not a concept, should be presented to the Commission. But the NYCEDC has decided that it will negotiate with a developer and it will have the final approval of what will be built in Willets Point. (43)

Response 5: The City has chosen to pursue the Urban Renewal Plan and rezoning prior to developer selection in order to ensure that the resultant plan fits the City's vision for best planning practices on the site.

The City has complied with all applicable rules and regulations on the ULURP process. Numerous City agencies and local officials will have the opportunity to provide input on the developer selection and final development plan. NYCEDC has committed to including Community Board 7 on the Willets Point Advisory Committee, which would help guide selection of a developer for the District. After the selection process, the Committee would continue to meet with the selected developer during project planning and implementation. The City is working with the City Council to arrive at a process for post-ULURP-oversight involving the City Council and Community Board 7. In addition, the developer would be required to coordinate with agencies such as the New York City Department of Parks and Recreation (DPR) on open space design, the New York City Fire Department (FDNY) on site planning to ensure adequate emergency service access, and the New York City Department of Environmental Protection (DEP) on infrastructure design and hazardous materials remediation.

Comment 6: Community Board 7 and the Borough President have given their approvals to this proposal. However, those proposals come with heavy conditions that must be met by NYCEDC; so far, NYCEDC has not been able to do so with any conviction. (43)

Response 6:

NYCEDC is working to advance a number of recommendations that Community Board 7 expressed as conditions to their approval of the proposed Plan. Specifically:

- The City will exhaust every reasonable means of negotiation before considering using eminent domain to acquire the properties necessary to facilitate the implementation of the Willets Point Development Plan.
- The City is currently working with LaGuardia Community College to develop a comprehensive workforce assistance and retraining program to help displaced Willets Point workers transition to new jobs.
- The City would require the developer to establish a Traffic Mitigation and Infrastructure Fund, with an initial \$5 million escrow deposit. This fund would be utilized for any currently unforeseen traffic mitigation and infrastructure improvements; all mitigation measures and infrastructure improvements disclosed in the GEIS would be required to be implemented through other developer or City funding. Any additional contributions to the Traffic Mitigation and Infrastructure Fund would be negotiated after developer selection.
- In accordance with the Urban Renewal Plan, the developer's Request for Proposals (RFP) will require a new public school of a size based on the new residential population to be generated by the project, with a minimum of 650 students for a K-8 school.
- The future developer would be required to attain LEED-ND certification. The project has already been designated a LEED-ND Pilot Project by the National Green Buildings Council.
- The Willets Point Advisory Committee would be continued for the duration of the project. The City anticipates mandating quarterly meetings between the developer, the City, Community Board 7, and the Willets Point Advisory Committee through completion of the project. For any scheduled meeting that the developer misses, the developer would be required to contribute \$100,000 to the Traffic Mitigation and Infrastructure Fund.
- The City is currently exploring the feasibility of increasing the amount of affordable housing to be required as part of the proposed Plan, as well as the feasibility of dedicating some amount as senior housing.

Comment 7:

Community Board 7 intended its conditional approval to be considered a negative declaration for purposes of Charter §197-d(b)(2), if the conditions that the Board established are not adopted by the Commission; however, the Board neglected to so state within its written recommendation and the Queens Borough President and City Planning Commission were not informed of the Board's intention. (40)

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- Response 7:** As indicated above, the City has been working to advance a number of recommendations that Community Board 7 expressed as conditions to their approval of the proposed Plan.
- Comment 8:** The City agencies have failed to respond to Freedom of Information Law (FOIL) requests in a timely manner, thereby withholding information from WPIRA. Accordingly, WPIRA has not yet had a full and fair opportunity to review information relevant to the Proposed Project. (33)
- Response 8:** City agencies have responded to FOIL requests on the Willets Point Development Plan in a timely manner. The Willets Point Industry and Realty Association's (33) first FOIL request was written to NYCEDC in February 2008, prior to issuance of the DGEIS. This letter was never received by NYCEDC and was returned to the sender as undeliverable because only NYCEDC's address and not the company name or floor was written on the delivery airbill, and the listed phone number on the airbill was not NYCEDC's. A FOIL request was submitted to the Deputy Mayor for Economic Development and Rebuilding in February as well, and documents were provided to WPIRA in response to that request in June. WPIRA submitted additional FOIL requests to NYCEDC, the New York City Department of City Planning (DCP) and the Metropolitan Transportation Authority (MTA) in June, several weeks after the issuance of the DGEIS on April 21, 2008. Because these requests were very broad in scope, the City's search for responsive records yielded a large number of documents and correspondence. A number of responsive materials have been sent to WPIRA. The City is continuing to review other documents and correspondence to determine whether or not they are responsive to WPIRA's request and if they are within the purview of FOIL.
- Comment 9:** Under SEQRA, the lead agency must be an agency that has jurisdiction by law to fund, approve, or directly undertake an action. The Office of the Deputy Mayor has no jurisdiction to do any of these things; consequently, it cannot be lead agency for this action. (33)
- Response 9:** The Office of the Deputy Mayor for Economic Development is representing the City, which is undertaking this initiative, issuing the developer RFP, selecting the developer, and providing funding, and thus is the appropriate lead agency for this project.
- Comment 10:** The Proposed Project requires a new interchange with the Van Wyck Expressway, which is part of the federal interstate highway system and requires approval by NYSDOT and FHWA. FHWA will have to

prepare its own assessment of the environmental impacts of the Proposed Project under NEPA. FHWA approval is highly doubtful, in view of the FHWA policy that approval of new access points to the existing Interstate System should meet the requirement that “the proposed access point does not have a significant adverse impact on the safety and operation of the Interstate facility based on an analysis of current and future traffic.” The DGEIS states that the proposed Van Wyck access points would ruin the operation of the Van Wyck and impair its safety, therefore they cannot be approved. It would be both unconscionable and unlawful for the City to start condemnation before completing FHWA and NYSDOT processes. (33)

Response 10: FHWA’s environmental and design review will relate to the proposed ramps and their effect on the regional interstate highway system. The GEIS, on the other hand, analyzes the environmental impacts of traffic generated by the Willets Point Development Plan, and does not conclude that the new access points would ruin the operation of the Van Wyck Expressway or impair its safety. Rather, the proposed ramps are an integral part of the Plan because they would make traffic flow to and from the District much more efficient and reduce demand and congestion on local streets. If the Plan is approved, the City would not take possession of any property acquired by eminent domain until the ramps have been approved by NYSDOT and FHWA.

CHAPTER 1: PROJECT DESCRIPTION

GENERAL

Comment 1-1: It is appropriate that the plan emphasizes open space and pedestrian friendliness. (12)

Response 1-1: Comment noted.

Comment 1-2: At a time when families face a dire shortage of housing, redevelopment of Willets Point will create 5,500 units of housing in an area that currently has zero. (13)

Response 1-2: Comment noted.

Comment 1-3: Willets Point’s accessibility and unlimited potential will guarantee its success, providing billions in revenue for the City, vastly enhancing the standard of living for New York residents who work in the area, and add much-needed parks and open spaces that will be available to all New Yorkers. These sustainability plans will also establish Queens as a

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borough ready to support a green community in the City, instilling in its residents an added source of pride. (5)

Response 1-3: Comment noted.

Comment 1-4: The project will provide for good paying construction jobs, and will result in new hotel and convention space and on-site services. We are particularly pleased by the inclusion of new employment for women and minorities in its construction. (34)

We encourage the City to stand behind the full implementation of its commitment to hire minorities and women. (15)

Response 1-4: Comment noted.

Comment 1-5: This project will clean up one of the most contaminated areas in the region and turn it into New York City's first green neighborhood. The environmental benefit of this project—to our City and to the families living in the surrounding neighborhoods—is undeniable. (13)

Response 1-5: Comment noted.

Comment 1-6: We support the Willets Point Redevelopment Project. Willets Point is a huge brownfield site that should have been cleaned up years ago. We all know about the lack of sewers. More troubling is the widespread contamination from petroleum and automotive fluids and a number of other issues. (24)

Response 1-6: Comment noted.

Comment 1-7: The Regional Plan Association supports this project. Without clearing the site and starting over, not only will we be left with an area that is underperforming in its economic potential, but also we will be shirking our responsibility to protect public health and the urban environment. (29)

Response 1-7: Comment noted.

Comment 1-8: Major infrastructure improvements, such as a new sewer system, street network, and subway station access, will transform an area mostly known for its illegal dumping and constant flooding into a safe, clean neighborhood with new parks and playgrounds. (26)

Response 1-8: Comment noted.

Comment 1-9: The potential to bring tourists, conventions, meetings and trade shows to Queens builds on the presence of two international airports and promises to contribute to the City’s tax revenues and job base. The plan under consideration will stimulate significant private investment, as well as commercial and residential development activity. (26)

An influx of tourism means more economic development, more investment in cultural institutions, and more benefits for Queens. (22)

This project will provide an extremely important financial benefit to the business of Queens and the City of New York in these economic times. (27)

The Willets Point development will become a major engine for economic growth for Willets Point and permanent local jobs and business opportunities. (16, 21)

We hope that Willets Point will add to the opportunities for our young New Yorkers and a great career in the building construction trade. (20)

The Willets Point RFP will include language that favors developers that maximize the number of permanent jobs that meet the City’s living wage and health benefits standards, giant steps forward for our retail working force. (30)

Response 1-9: Comments noted.

Comment 1-10: The retail and commercial mix in the Willets Point district should be complementary to the neighboring commercial centers in downtown Flushing and Corona. (2)

Response 1-10: Comment noted. As described in Chapter 4, “Socioeconomic Conditions,” the amount of indirect business displacement due to competition from the proposed Plan and Lot B would be minimal, is not expected to jeopardize the viability of any neighborhood retail strips, and is not expected to diminish the level of services provided.

Comment 1-11: New developers will conduct their business for twenty-five years tax-free. Who will pay for their services? (35)

No one knows exactly how much taxpayer money will be spent to acquire all of the property, to be given the developer free of charge. (39)

Is NYCEDC properly considering the factor of costly environmental remediation costs in negotiation for the provision of infrastructure by the developer? (18)

Since the proposed Plan includes an urban renewal plan, it is crucial to disclose the costs to be borne by the public to redevelop Willets Point.

The FEIS should examine and make public the projected costs of the environmental remediation required for the site, site preparation, include infrastructure costs and the costs to raise the site out of the 100-year flood zone as well as the proposed sources of funding, including subsidy and incentive packages. (18)

The FEIS has to clearly spell out and quantify the public benefits derived from the proposed Plan and secure a timeline for when these benefits will be delivered. (18)

Response 1-11:

As noted in Chapter 4, “Socioeconomic Conditions” of the GEIS, the developer of the proposed Plan would fund all site preparation, infrastructure improvements, and construction within the District, with the exception of the new pump station if constructed within District boundaries. It is anticipated that the City would fund certain infrastructure improvements that are necessary to support the proposed Plan, including the pump station and modified access to and from the Van Wyck Expressway. Costs associated with these City-funded improvements are preliminarily estimated at approximately \$150 million.

Economic benefits of the proposed project are also quantified in Chapter 4 of the GEIS. Section H of that chapter estimates direct, indirect, and induced employment, wages and salaries, and economic output associated with the proposed Plan and No Convention Center Scenario, as well as the non-property-tax fiscal effects of the two scenarios. These benefits would be realized incrementally, as the ultimate development plan is built out and occupied. In addition, the City would receive annual property tax revenues. These revenues would be expected to change from year to year, and in any year would be based on the taxable assessed value and the applicable tax rate.

Comment 1-12:

We question whether the Willets Point site is appropriately suited for the proposed development. The site is bounded by major highways that would effectively hem in this new neighborhood and at the same time interrupt pedestrian access to the waterfront. The lack of connectivity to surrounding neighborhoods would isolate potential future residents in the District from Downtown Flushing and Corona. (18)

The New York City Planning Commission and NYCEDC must work to develop direct connections between Willets Point, Downtown Flushing, Corona, and East Elmhurst. (2)

Response 1-12:

Currently, there is little physical or functional connection between the District and surrounding areas. As described in the GEIS, the proposed Plan would improve connections between Willets Point and surrounding

communities by enhancing street and highway access and by creating new bike paths and open spaces that would connect to existing and planned bike paths, walkways, and recreational areas. As noted in the GEIS, bicycle lanes would be required on connector streets within the redeveloped District. In addition, the City is currently pursuing opportunities to improve bicycle and pedestrian connections between Willets Point and surrounding destinations, such as Flushing Bay Promenade and Flushing Meadows-Corona Park, as well as Downtown Flushing. A number of bicycle and pedestrian access improvement measures have been identified throughout the area, and NYCEDC is currently seeking funding and approvals to implement these improvements. The bicycle lanes in the District would connect to this area-wide bicycle and greenway network, and indoor accessory bicycle parking would be required for all new residential, office, and retail uses developed in the District. Together, these measures will improve connectivity between Willets Point and surrounding areas. Moreover, the proposed Plan calls for large commercial anchor blocks to be located at Northern Boulevard and Roosevelt Avenue along 126th Street, with retail uses concentrated in proximity to the new Citi Field. The proposed commercial and entertainment center would create a synergy between the new Citi Field and the District, and would function as a new regional attraction.

Comment 1-13: The FEIS must include a clear feasibility study, given the current downturn in the market. (18)

The public should be advised as to whether market analysis data exists that supports the plan and the feasibility of creating a significant proportion of affordable housing. (18)

The DGEIS analyzes a maximum development envelope. The GEIS should conduct and release a feasibility analysis of each of the proposed combination of land uses in the project area that may potentially be developed. (18)

Response 1-13: As described in Chapter 2, “Procedural and Analytical Framework” of the GEIS, the maximum development envelope is used as a framework to assess potential impacts, which allows the lead agency to make its CEQR findings. A market feasibility study is outside the scope of this GEIS and not required by CEQR. However, as indicated in Chapter 1, “Project Description,” there is a substantial need for new housing, retail, and office development and strong demand for a convention center in Queens. Residential vacancy rates in Queens are lower than the citywide average, and the most recent DCP demographic study estimates that the population in Queens will increase by 15.1 percent

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between 2000 and 2030. Queens residents are underserved by retail, with retail and food and drink stores in the borough capturing only 55 percent of the demand generated for those goods by Queens households. The office vacancy rate in Queens is lower than the vacancy rates for adjacent counties of Brooklyn and Nassau Counties. And a 2004 study conducted by the Queens Chamber of Commerce showed a strong demand for a convention center in Queens. The feasibility of the proposed Plan, if approved, will be further tested through the developer request for proposals (RFP) process.

Comment 1-14: The FEIS should include a full description of how the Willets Point development plan will ensure that the project will meet transit-oriented development criteria, given that the GEIS already acknowledges that the proposed plan will have significant adverse impacts with regard to automobile traffic patterns and congestion. (18)

How does the plan propose to “optimize use of the existing highway, public transit, and parking infrastructure to minimize local traffic impacts,” given that the GEIS already acknowledges the adverse impacts the proposed Plan will have on traffic patterns and congestion? (18)

Response 1-14: The proposed Plan would be located next to existing subway and commuter rail lines, and the City is in consultation with MTA and New York City Transit (NYCT) on plans to extend and/or create new bus lines to serve the District and on extending regular LIRR service to the LIRR station when the actual demand shows that such service improvement is warranted. The proposed Van Wyck access ramps, which would offer a direct connection between the Willets Point Development District and the Van Wyck Expressway, optimize the ability of the Van Wyck Expressway to serve the District. The new ramps would help to minimize traffic volumes on nearby local streets and alleviate congestion on the local roadway network. Further, the proposed Plan would reserve up to five percent of off-street parking spaces for vehicles being shared by multiple households (e.g., car-sharing vehicles). Measures such as these are intended to reduce vehicular dependence and promote a more transit-oriented development.

PURPOSE AND NEED

Comment 1-15: The Willets Point plan fails to address long-term economic sustainability. It must address the economic imperative to preserve and provide good jobs with decent wages and benefits for New Yorkers in potential industrial growth sectors. The proposed plan facilitates the

Response 1-15: The proposed Plan represents an economically and socially sustainable project. The Plan would result in the development of a mix of uses including residential, retail, hotel, convention center, entertainment, commercial office, community facility, and open space, all in close proximity to public transit. The preservation of manufacturing firms is one of a number of priorities for the City. The City has strived to preserve and encourage manufacturing uses within designated Industrial Business Zones (IBZs) and Industrial Ombudsmen Areas, and as described in the GEIS, the City is making every effort to relocate District firms within the City. Other City goals include the provision of affordable housing and new commercial office space, encouraging sustainable design, and developing areas in a way that capitalizes on mass transit. The proposed Plan meets these goals.

Comment 1-16: Since the City is seeking to designate Willets Point as an Urban Renewal area in order to be able to acquire private properties on the site through eminent domain, affordable housing must make up a significant portion of new development on the site should the land use change be approved. (18)

Response 1-16: As indicated in Chapter 1, “Project Description,” under the proposed Plan, 20 percent of the proposed housing units would be reserved for low- to moderate-income households. The FGEIS has been amended to indicate that these affordable units would be reserved for families earning between 60 percent and 130 percent of the U.S. Department of Housing and Urban Development (HUD) income limit for New York City. As is typical for units developed under New York City’s affordable housing program, approximately half of the affordable units developed under the proposed Plan would likely be two- and three-bedroom units.

Comment 1-17: The City claims that the area needs to be leveled because it resides in the 100-year floodplain and must be raised. Many communities in New York City reside in the 100-year floodplain, yet do not need to be raised sacrificing livelihoods in the process to mitigate the situation. (38)

Response 1-17: Raising the floodplain within the District is only one of the goals of the proposed Willets Point Development Plan, as it seeks to fulfill many of the objectives established by the broader community as part of the Downtown Flushing Framework. Other City goals include the remediation of District, provision of affordable housing and new

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commercial office space, encouraging sustainable design, and development that capitalizes on the District's proximity to mass transit. The proposed Plan would result in the development of a mix of uses including residential, retail, hotel, convention center, entertainment, commercial office, community facility, and open space, all in close proximity to public transit. It represents an economically and socially sustainable project. The proposed Plan meets these goals.

PROPOSED REDEVELOPMENT PLAN

Comment 1-18: To address the dire need for housing, the development should include a substantial opportunity for home ownership, possibly co-ops, that would add stability to the new Willets Point community. (2)

Response 1-18: As described in Chapter 1, "Project Description," the District would offer rental and homeownership opportunities for a range of incomes.

Comment 1-19: EDC should consider the ability of a developer to successfully market the potential residential units given the proximity of the airport and the potential for noise. (18, 40)

Response 1-19: A market study is outside the scope of analysis for this GEIS and not required under CEQR. However, as indicated in Chapter 1, "Project Description," there is a strong demand for housing in Queens; residential vacancy rates in Queens are lower than the citywide average, and the most recent DCP demographic study estimates that the population in Queens will increase by 15.1 percent between 2000 and 2030. NYCEDC has solicited input from developers on uses that would be appropriate and viable for the District and those elements have been included as part of the proposed Plan. Developers have expressed strong interest in developing residential units in the District, which indicates that there would be a market for such development. As described in Chapter 20, "Noise," noise attenuation measures prescribed for residential buildings in the District would maintain interior noise levels of 45 dBA or lower, as per DEP standards.

Comment 1-20: Due to the potential heavy contamination on the site, NYCEDC must do further studies as to the extent of the potential pollution on the site. Unexpected environmental remediation could increase projected costs, which may force a developer to cut costs in other ways. These may include a lower standard of design, less environmental sensitive materials or processes, or the reduction of affordable housing or other public amenities on the site. The analysis should include a reasonable

worst-case development scenario (RWCDs) due to the increased cost of remediation. (18)

If costs for remediation exceed what is predicted for the site, affordable housing will likely be the first casualty of a modified plan. (18)

Response 1-20:

As detailed in Chapter 12, “Hazardous Materials,” limited sampling was performed in areas where access was available (i.e., City-owned streets). A review of available New York Department of Environmental Conservation (DEC) files were undertaken, which indicated that through recent property transactions and due diligence work, several investigations and cleanups on individual sites were performed. These cleanups indicated that soil and groundwater contamination was present on sites that required remediation to meet industrial standards. It is reasonable to assume that there may be additional remediation necessary to meet the more restrictive residential clean up criteria. Based on the body of remedial knowledge available for specific land uses and the knowledge of the specific site uses, soil and groundwater conditions in the District, reasonable assumptions can be made for both soil removal and groundwater treatment options and projected costs. The proposed Plan would include 20 percent affordable housing units. This would be required as part of the developer’s agreement with the City regardless of the cost of remediation.

Comment 1-21:

The Affordable Housing Component should be increased to a minimum of 30 percent. Eligibility requirements should be less than \$45,000 per year. Half of this component must be designated for senior affordable housing. As per HPD regulations, half of the Affordable Housing Component should be allocated to residents of CB7Q. The remaining half should be allocated to residents of CB3Q and CB4Q, which are located directly adjacent to the Willets Point Redevelopment. (6)

The City is proposing to create 5,500 new residential units at Willets Point, but it must be affordable to residents of the surrounding neighborhoods. We urge the City to make two-thirds of the housing units included in the Willets Point development in Community Board 7 affordable to working families in Queens, with special focus on affordability for the residents with greatest needs. We recommend that:

- At least one-third of the units should be affordable to very low-income families (households earning less than \$25,000 a year).
- At least one-third of the units should be affordable to low-to-moderate- and middle-income families, using multiple income tiers to insure affordability at a range of incomes.

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- Most of the units should be affordable to residents of the surrounding neighborhoods, at a range of low-, moderate-, and middle-incomes. (10, 14)

The meager 20 percent of so-called “affordable housing” that NYCEDC mentions is not guaranteed and won’t be affordable to our members, the Willets workers, or to most of the residents of Queens. A significant percentage of the affordable housing should be affordable to families making less than \$25,000 a year, as well as families making less than \$45,000 a year. (7)

To increase affordability the development should be 50 percent market rate, 30 percent moderate income, and 20 percent affordable. (2)

While the NYCEDC claims to be allocating affordable housing, the development plans units only for households making greater than \$55,000 a year (for a household of four). 35 percent of Queens residents earn less than \$35,000 a year; in the surrounding communities this percentage is much higher. The community needs real affordable housing and the Willets Point Plan is a unique opportunity for Queens to receive a fair share of the City’s affordable housing stock. (10)

Response 1-21:

Under the proposed Plan, 20 percent of the proposed units would be reserved for households earning between 60 percent and 130 percent of HUD’s income limit for New York City. As is typical for units developed under New York City’s affordable housing program, approximately half of the affordable units developed under the proposed Plan would likely be two- and three-bedroom units. Income levels are based on HUD Income Limits, which are set annually for metropolitan areas and non-metropolitan counties by HUD. As of 2008 the HUD income limit for New York City was \$76,800 for a family of four. Therefore, a family of four would need to earn between approximately \$46,080 and \$99,840 in order to qualify for an affordable housing unit in the District. Additionally, residents of Community Board 7 would be given preference for 50 percent of these affordable units.

Based on 2000 Public Use Microdata Samples (PUMS) data from the U.S. Census Bureau (adjusted to 2008 dollars), approximately 40 percent of all four person households in the Public Use Microdata Area (PUMA) that captures the District and the study area have incomes that are within the income bracket proposed for affordable units within the District.

Fair Housing laws prevent the City from providing a community preference for more than 50 percent of affordable housing units created; however, the City will work with Community Board 7 to determine the preferred split within that 50 percent.

- Comment 1-22:** Ten percent of the proposed residential development should be set aside for senior housing, in addition to the twenty percent already set aside for affordable housing. (9)
- Response 1-22:** The City is currently exploring the potential for increasing the amount of affordable housing to be required as part of the proposed Plan, as well as the feasibility of dedicating some amount as senior housing.
- Comment 1-23:** In order to discourage the use of cars and encourage mass transit use, there should not be any increases in the number of planned parking spaces within the Willets Point development. If Willets Point residents were to be given desirable mass transit options, they may choose to leave their cars at home. (12)
- Response 1-23:** The reasonable worst case development scenario for the proposed Plan anticipates that 6,700 parking spaces would be developed with the proposed Plan, or 6,000 spaces with the No Convention Center Scenario—a sufficient number to meet the demand generated by the redeveloped District’s residents, workers, and visitors. The proposed Plan seeks to provide adequate parking while encouraging non-automobile means of transportation. As described in Chapter 1, “Project Description,” of the GEIS, indoor accessory bicycle parking would be required in all buildings within the District and up to five percent of off-street parking spaces would be reserved for vehicles being shared by multiple households (e.g., car-sharing vehicles). Measures such as these are intended to reduce vehicular dependence and promote a more transit-oriented development.
- Comment 1-24:** Will the proposed Green Roof be public or privately accessible? (25)
- Response 1-24:** Green roofs developed as part of the proposed Plan could be public or private, depending on the ultimate development program. It is anticipated that any rooftop open spaces would be primarily intended for users of those buildings. However, the Urban Renewal Plan would require a minimum of eight acres of publicly accessible open space regardless of whether rooftop open space is provided.
- Comment 1-25:** The FEIS should study moving the convention center towards the Northern Boulevard/Van Wyck interchange. (18)
- Response 1-25:** The GEIS considers two potential locations for the convention center—one in the northeastern portion of the District and another in the southeastern portion of the District. Since issuance of the GEIS, the illustrative site plan has been modified to maintain the current alignment of Willets Point Boulevard and the 72-inch water main, thus

eliminating the potential for the convention center to be located in the southern location and limiting the convention center to the northern location, closer to Northern Boulevard and the proposed Van Wyck access ramps.

Comment 1-26: The parking requirement for the residential units should be increased to 100 percent. (6)

Response 1-26: The parking requirement for the residential units was determined based on a review of the 2000 U.S. Census data on car ownership in adjacent Flushing and Corona. Because of the types of residential development anticipated for the District, the variety of uses and services that would be available to the District's residents, and the District's proximity to transit, it was believed that car ownership levels would more closely resemble those in Flushing.

Van Wyck Access

Comment 1-27: The GEIS fails to explain how the proposed Van Wyck access ramps will meet the State's specific requirements for approval, as outlined in NYSDOT's *Project Development Manual* (PDM). There are numerous PDM requirements with which the Proposed Project fails to comply, including special geometries (i.e., the Proposed Project does not provide for all movements), safety considerations (i.e., the proposed project will require access from the left lane), and traffic considerations (i.e., the Proposed Project will devastate the regional traffic network). (33)

Response 1-27: The AMR, and the design of the ramps, will be prepared in accordance with the *NYSDOT Project Development Manual Appendix 8 - Freeway Access Modifications*. This is an iterative process that will be performed in coordination with NYSDOT and FHWA. The ultimate design of the ramps, developed in consultation with these agencies, will conform to applicable PDM requirements.

Comment 1-28: The American Association of State Highway and Transportation Officials' 2005 document *A Policy on Design Standards: Interstate System* states that each section of interstate highway should be designed to safely and efficiently accommodate the volumes of passenger vehicles, buses, trucks—including tractor-trailer and semi-trailer combinations, and corresponding military equipment estimated for the design year. The proposed ramps to and from the Van Wyck would violate this policy. (33)

Response 1-28: The preliminary design will be prepared in compliance with the *NYSDOT Project Development Manual*, which references standards. As

described above, the ultimate ramp design will be developed in consultation with NYSDOT and FHWA and will conform to applicable PDM requirements.

Comment 1-29: Indications are that New York City plans to fund the proposed ramp construction activity for \$50,000,000 using only City funding sources and not by including this budget cost within the Transportation Improvement Program (TIP). This results in a startling lack of transparency concerning budgetary issues and required consultations with the Federal Highway Administration. (33)

Response 1-29: The project will be submitted to New York Metropolitan Transportation Council (NYMTC), the region’s Metropolitan Planning Organization, this upcoming November to be included in the next TIP update. Thus, the project will be included in the TIP analysis in order to comply with state and federal regulations associated with the AMR process.

Comment 1-30: The proposed development would necessitate highway upgrades, which would cost hundred of millions, or billions, of dollars and accounting for them (as the GEIS fails to do) would fundamentally change the overall economics of this project and probably reverse the cost-benefit ratio. The costs of these inevitable highway upgrades should be built into the financial structure of the current project. (33)

Response 1-30: While cost is not a consideration under CEQR, the GEIS provides a preliminary estimate for the proposed Van Wyck access ramp and other off-site improvements that are necessary to support the proposed Plan (a total of approximately \$150 million).

Sustainable Design

Comment 1-31: We support the concept of making Willets Point a model sustainable community. (11)

New York’s next great neighborhood is also poised to make history as our City’s first “green” community. (26)

We are excited about the potential of creating architectural statements that will propel the Borough of Queens to the forefront of sustainable design. (8)

The plan for Willets Point epitomizes smart growth because people can take the train to work instead of driving all over the place. (24)

NYCEDC has committed to a LEED-ND Certification for the Willets Point Development. This commitment ensures that the redevelopment will be a compact, open community of diverse uses with significant

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public transportation options. As a result the proposed community will be far healthier, have a much lower environmental impact, and will be more likely to foster a vibrant, walkable neighborhood. (31)

Response 1-31: Comments noted.

Comment 1-32: We are pleased with the City's commitment to promote green building and sustainable design practices in the plan's implementation. No matter what plan is developed for Willets Point, we strongly urge the City to ensure that these commitments are fulfilled. (12)

The overall site must conform to LEED-ND Certification standards. (6)

The development should conform with the highest LEED-ND standards possible. (2)

Response 1-32: The future developer would be required to meet LEED-ND certification.

Comment 1-33: The FEIS should include a full description of what the LEED-ND designation will entail with the potential point categories on which the site development is slated to receive most of its points. This means a specific breakdown of the measures needed to achieve the different LEED-ND designations should follow in an appendix, with possible points achieved given various potential design requirements. This appendix should also include various scenarios of the different levels of the LEED-ND designation that are possible for the site to achieve (Silver, Gold, and Platinum). (18)

Response 1-33: There are numerous ways to achieve certification under the LEED-ND program. The GEIS lists a number of sustainable measures that would be required or encouraged of the future developer. NYCEDC is in the process of determining which level of LEED-ND would be required. However, in accordance with LEED-ND certification requirements, the proposed Plan may incorporate a number of sustainable practices from the following LEED categories: Smart Location and Linkage; Neighborhood Pattern and Design; Green Construction and Technology; and Innovation and Design Process. A project checklist for the LEED-ND pilot program has been appended to the FGEIS.

PROJECT IMPLEMENTATION AND ENFORCEMENT MECHANISMS

Comment 1-34: The DGEIS states that the Special District would allow the development of a power plant and electrical utility substation within the District. This is a significant piece of infrastructure that must be studied in the GEIS in detail. What are the potential sites for the power plant? What is the size of the potential power plant? What landscaping treatments will be

used to screen the potential power plant? How will the power plant affect the final design of the site? What impact will it have in terms of noise and air quality? (18)

The FEIS should examine the potential for co-generation on the site as well as other potential sources of power, such as solar and wind. Would the inclusion of these sources have the potential to reduce the overall footprint of the power plant needed for the site? (18)

Response 1-34:

The inclusion of cogeneration and renewable energy sources would reduce the overall non-renewable energy demand for the site. As described in Chapter 1, “Project Description” of the GEIS, the Special District text would allow a cogeneration facility and/or substation to be constructed in the District, provided they would primarily serve the District. If proposed, these uses would be subject to separate environmental and public review processes. The cogeneration facility would require approval by the New York City Board of Standards and Appeals, as well as air quality permits from DEP and DEC. The substation would require authorization by the City Planning Commission (CPC). For either facility, the Special District text requires that the reviewing agencies prescribe appropriate conditions to minimize adverse effects on the character of the surrounding area, including emissions limits, as well as the concealment of such uses with building enclosures, landscaping, buffer zones, or other methods.

Comment 1-35:

Incentive FAR bonuses are not adequate as they do not guarantee construction of affordable housing on the site. (18)

Should the rezoning be approved before a final RFP for a single developer is selected, a defined amount of affordable housing responding to the needs of the surrounding neighborhoods should be guaranteed for the site. (18)

Response 1-35:

Under the proposed Plan, the affordable housing would not be encouraged through FAR bonuses, but rather required through the developer’s contract. As described in Chapter 1, “Project Description,” 20 percent of the proposed housing units would be reserved for households earning between 60 percent and 130 percent of the HUD income limit for New York City.

Comment 1-36:

The affordable housing units created should be affordable in perpetuity. (10, 14)

Response 1-36:

The terms for affordable housing units would depend on the affordable housing subsidy program(s) that are available at the time of implementation of the proposed Plan.

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The Willets Point Development Plan, which relies on a single developer for site preparation as well as build-out, is a redevelopment model that has not proven to be successful, as demonstrated by the Atlantic Yards and Hudson Yards projects. By eschewing the public sectors' responsibility to prepare the site and provide the public infrastructure necessary for redevelopment, the City is running the risk that the development at Willets Point, as at Atlantic Yards, will stall indefinitely. The FEIS must present a thorough analysis of the financial feasibility of such a single developer model, and should examine any potential revenue streams that a phased model might bring the City. (18)

The FEIS must present in detail an alternate model that would require disposition of properties to multiple owners and multiple developers. (18)

Given the current economic climate, structuring the plan around a single developer risks long delays at the cost of promised public benefits. In addition, leaving the site preparation and infrastructure investment on the site to one developer could cause serious delay in the completion of the project. (18)

Response 1-37:

The City has determined that a master plan, rather than piecemeal development, would be the best way to achieve the multiple goals laid out for the District. These goals include District-wide site grading, remediation, and infrastructure provision as well as 20 percent affordable housing, a new school, and a minimum of 8 acres of open space. Based on expressions of interest from developers, it is anticipated that any proposals received in response to the RFP would propose an approach that includes a master developer working with a team of architects, engineers, urban and landscape designers, and construction firms.

Comment 1-37:

A convention center with an adjoining hotel must be included in any RFP responses to be eligible for consideration. (2)

Response 1-38:

The City's vision for the District includes a convention center and a hotel. All RFP responses would be evaluated accordingly.

Comment 1-38:

The Economic Development Corporation should open up the RFP process and share information with all affected parties. For the surrounding community to not know who will be responsible for the implementation of this project is unacceptable. (1)

Despite a two-year, two-tiered RFP process to determine a developer, the community has yet to be informed of who will be responsible for the project's implementation. (4)

- Response 1-39:** The City, through NYCEDC, has not yet issued the RFP to select a developer for the Willets Point Development Plan. NYCEDC issued a request for expressions of interest (RFEI) in 2004 and a targeted RFP in 2006. Responses to the RFEI and RFP were used to inform the mix of uses and maximum development program to be analyzed in the GEIS. Should the proposed Plan be approved, it is anticipated that NYCEDC would issue an RFP in the first quarter of 2009 and select a developer in Fall 2009. Developer selection would take place in consultation with the Willets Point Advisory Committee, which would include representation from Queens Community Board 7.
- Comment 1-39:** The Willets Point Advisory Committee should be continued for the duration of the project, including during developer selection, construction, implementation, and all other phases of Willets Point development. Upon selection of the developer, NYCEDC must provide project updates to the Willets Point Advisory Committee on the progress of the project on a quarterly basis. (2)
- Response 1-40:** The Willets Point Advisory Committee would be continued for the duration of the project. The City would mandate quarterly meetings with the developer, the City, Community Board 7, and the Willets Point Advisory Committee through completion of the project. For any scheduled meeting that the developer misses, the developer would be required to contribute \$100,000 to the Traffic Mitigation and Infrastructure Fund.
- Comment 1-40:** Moving forward, the proposed benefits for the existing communities must be guaranteed by binding agreements and delivered according to an agreed upon, reasonable and predictable timeline. The plan should include a governance structure to ensure stakeholder participation in the monitoring of the development and design review process. (18)
- Response 1-41:** As indicated above, the Willets Point Advisory Committee would be continued for the duration of the project and would participate in developer selection and project oversight. Public benefits provided by the proposed Plan, including 20 percent affordable housing, a K-8 public school, and a minimum of 8 acres of publicly accessible open space would be required through the Urban Renewal Plan and/or agreements between the City and the developer.
- Comment 1-41:** The land has not been acquired, yet permission for conveyance is requested. The disposition of property the City acquires should be postponed until a final plan and developer are chosen to allow CB7Q and the Queens Borough Board input and final approval. (6)

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Response 1-42: A developer and a detailed development program for the District would be identified before the City takes possession of any property acquired by eminent domain.

Comment 1-42: For the first five years of the development process, beginning with selection of a developer, \$500,000 per year should be dedicated to a capacity building program that would allow local MWBEs to respond to requests for proposals to provide goods or services during and after construction; and for an ongoing outreach effort that will inform and promote opportunities available to the community and MWBE firms for the provision of goods and services for the project. (2)

Response 1-43: The City is committed to providing multiple opportunities for MWBE engagement in the project, both during and after construction. NYCEDC is currently working with LaGuardia Community College and the Borough President's office to formulate an MWBE program. The District's future developer would be required to set aside \$2.5 million across the first five years of the proposed Plan to implement programs designed to strengthen the ability of eligible MWBEs, particularly those doing business in the surrounding areas of Queens, to compete successfully for District contracting opportunities.

CHAPTER 3: LAND USE, ZONING, AND PUBLIC POLICY

Comment 3-1: The FEIS should disclose possible future uses of the MTA site. (18)

Response 3-1: As described in Chapter 2, "Land Use, Zoning, and Public Policy," it is expected that by the 2017 Build year, the adjacent MTA property would continue to contain industrial uses that are the same as or similar to the construction and demolition debris recycling operation that exists there today.

Comment 3-2: The DEIS states that barging activity at College Point is poised to increase in the future at the North Shore Marine Transfer (MTS) Facility in College Point; how does this increase affect other potential recreational uses in the area? Does the proposed Plan represent an opportunity to increase water-borne and intermodal freight transportation? (18)

Response 3-2: The District does not have any direct waterfront access and therefore does not present an opportunity to increase water-born freight transportation. While it is likely that recreational uses on the Flushing River waterfront will expand as a result of the Waterfront Access Plan that is part of the existing zoning, this would occur independent of the proposed Plan.

Comment 3-3: The GEIS states that the proposed Plan would not be consistent with current industrial uses along the waterfront, but that those uses are separated from the District by the Whitestone Expressway, Northern Boulevard, and Flushing River. How can the Willets Point site be both isolated from existing industrial uses in the College Point area and connected to retail and residential developments in Flushing when similar infrastructure (highways and industrial uses, such as the MTA yard), separate the site from both areas? The FEIS needs to address this inconsistency in the analysis. (18)

Response 3-3: The GEIS did not state that the District would be connected to the retail and residential developments in Flushing, but rather states that the proposed Plan would be consistent with ongoing land use and development trends expected to continue in close proximity to the District, particularly along the Flushing River waterfront, as higher-density mixed-use development is expected to replace some older industrial uses along the waterfront.

CHAPTER 4: SOCIOECONOMIC CONDITIONS

DIRECT DISPLACEMENT

Comment 4-1: No businesses from the Willets Point area should be relocated in the College Point area. (6)

Response 4-1: Existing zoning in portions of College Point, Queens permits many of the types of uses now located in Willets Point. In addition, as with Willets Point, the area has appealing characteristics such as close proximity to highways and bridges.

Since publication of the GEIS, NYCEDC has identified viable relocation properties in College Point for some of the businesses that would be displaced from the District. As the College Point Corporate Park is largely occupied, it is anticipated that only a handful of the approximately 260 businesses would be relocated there, and only if they comply with the applicable zoning regulations of the area. The GEIS also identifies a number of other areas where the displaced businesses could relocate. Areas identified for auto-related businesses include Jamaica, Elmhurst, South Ozone Park, Hollis, and Queens Village in Queens; Hunts Point, Eastchester, and Jerome Avenue in the Bronx; Bay Ridge, Atlantic Avenue; and Flatlands Avenue in Brooklyn; and Port Richmond/West New Brighton in Staten Island. Areas identified for non auto-related businesses include Jamaica, Maspeth, Long Island City, and Ridgewood.

Comment 4-2: Relocating existing businesses would irreparably damage their long-standing relationship with clients based on their geographic location. (42)

Response 4-2: As described in the detailed analysis of direct business displacement, most of the displaced businesses could relocate without great difficulty and remain viable in other locations. Furthermore, although the cluster of auto uses in Willets Point contributes to the success of some auto-related businesses, Willets Point is not the only cluster of such uses within Queens or the City as a whole, and auto business owners could experience similar benefits by locating in other auto industry clusters. Therefore, the displacement of the Willets Point auto cluster would not constitute a significant adverse impact under *CEQR* because many of the businesses could remain in Queens or New York City, with relocation possible in other auto clusters with appropriate manufacturing and commercial zoning.

Comment 4-3: A large number of businesses can only function in an M-3 Zone. (35)

Response 4-3: As discussed in Chapter 4, “Socioeconomic Conditions,” certain businesses that would be displaced do require M3 zones and special permits to operate. These include waste transfer stations (Crown Container, Tully Environmental, and Evergreen Recycling), iron works (Feinstein Ironworks and QC Iron Works), sawdust operations (Bono Sawdust), and automobile wrecking and salvage operations. The GEIS identifies potential M3-zoned vacant land or buildings in Queens and New York City as a whole where these businesses could relocate. Therefore, although relocation would likely be difficult due to limited availability of M3 zoned parcels within the City, with proper permits, the potential for relocation does exist.

Other businesses in the District do not require M3 zones to operate. For instance, auto-related businesses within New York City can be located in various commercial and manufacturing zoning districts, depending on the use. Auto repair and maintenance establishments can be located in all manufacturing zones and in C8 commercial zones. Retail supply stores (without repair service) operate in commercial districts (C1, C2, C4, C5, C6, C8) and all manufacturing zones. The GEIS identifies a number of areas where these businesses could relocate. Areas identified for auto-related businesses include Jamaica, Elmhurst, South Ozone Park, Hollis, and Queens Village in Queens; Hunts Point, Eastchester, and Jerome Avenue in the Bronx; Bay Ridge, Atlantic Avenue; and Flatlands Avenue in Brooklyn; and Port Richmond/West New Brighton in Staten Island. Areas identified for non auto-related businesses include Jamaica, Maspeth, Long Island City, and Ridgewood.

Comment 4-4: The employees of Willets Point are skilled professionals who earn excellent, middle-income wages. These employees neither need nor want retraining. They are specialized professionals who want the opportunities that the Willets Point businesses provide. They do not need or want minimum wage retail or hospitality jobs. (38)

Response 4-4: As discussed in the GEIS, the City is committed to relocating the displaced businesses. NYCEDC is actively working with the owner-occupied businesses in the District to identify viable relocation properties. Although NYCEDC is not permitted to negotiate with tenant businesses at this time (to do so would interfere with tenant/landlord relationships), they have retained a tenant outreach consultant which has been providing information to tenant businesses and gathering information on their relocation needs since January 2008. In addition, the City has selected a business relocation consultant to supplement the relocation assistance that NYCEDC is providing. Should the proposed Plan be approved, the relocation consultant would provide real estate and relocation services to the impacted businesses in the District. These services would include outreach, site research, presenting sites to participating businesses, facilitating negotiations, and providing logistical relocation support including moving and storage. It is reasonable to expect that employees of relocated businesses would be able to retain their jobs.

Furthermore, as discussed in the GEIS, businesses throughout Queens and New York City provide similar products and services compared to those offered in the District. As noted in the analysis, within New York City there are approximately 3,642 auto-related businesses, 11,800 construction firms, 53 metal manufacturers, 110 sign manufacturers, and 300 institutional furniture manufacturers. With the help of the Workforce Assistance Plan developed by LaGuardia Community College (LAGCC), affected District employees could seek employment at these similar businesses. As noted in the GEIS, the Workforce Assistance Plan would offer both job training and job placement for eligible participants. LAGCC would screen candidates to match qualified job seekers with jobs from employers in the auto, industrial and manufacturing sectors. LAGCC would conduct extensive outreach efforts to allow eligible District workers to gain access to their services. In addition, NYCEDC is offering financial incentives to encourage participation by District workers in the program, such as stipends and transportation support (i.e., Metrocards).

Comment 4-5: Was there a needs analysis performed to assess the needs and the impact of this plan on the employees of Willets Point? (38)

Over 1,500 immigrants, predominantly of Latino descent, will suffer due to the forceful displacement that will take place in Willets Point. (32)

Forceful displacement will make victims of 225 shops with over 1,500 workers and heads of households. These victims will be out of work and left without a source of income along with their families. (32)

Response 4-5:

The detailed analysis of direct business and institutional displacement follows the methodology prescribed by CEQR and the final scope of work in assessing the effects of displacement on businesses and employees. Although the proposed Plan would displace businesses that employ many workers and offer products and services valued by certain consumers, the analysis finds that the displacement of these businesses would not meet the *CEQR Technical Manual* criteria for a significant direct displacement impact. The businesses and institutions that would be displaced were determined not to have a unique or substantial economic value to the City as defined under CEQR. As set forth in the *CEQR Technical Manual*, the consideration of a business or institution's economic value is based on the following criteria: (1) its products and services; (2) its location needs and whether those needs can be satisfied at other locations; and (3) the potential effects on businesses or on consumers of losing the displaced business or institution as a product or service. The District's businesses are not unique; similar services and products are provided throughout Queens, the City, and the region. Further, the businesses would be able to relocate within Queens or the City as a whole; they are not subject to regulations or publicly adopted plans to preserve, enhance, or protect them; and they are not a defining element of the study area's neighborhood character.

As described above, the City is committed to relocating the displaced businesses, and is already working with business outreach, business relocation, and job training consultants to provide assistance to displaced businesses and employees. It is reasonable to expect that employees of relocated businesses would be able to retain their jobs. Furthermore, as discussed in the analysis, business relocation would not significantly affect the District workforce in terms of its ability to travel to work.

The proposed Plan would maintain the availability of local jobs by providing project-generated employment opportunities. Although it would be speculative at this time to break down project-generated employment by job type (i.e., full-time, part-time, managerial, etc.), based on typical ratios of employees psf for the proposed uses (office, retail, hotel, etc.), the direct on-site employment in the completed development with the proposed Plan is estimated at approximately

7,251 permanent jobs. This would represent an increase of 5,540 over the area's existing employment figure of 1,711. As noted in the analysis, not all of this employment, however, would necessarily be new to New York City; some of this employment might represent jobs that relocate to the Willets Point Development District from elsewhere in the City. However, this employment would represent jobs either new or retained in New York City, which might have gone outside the City if the District were not redeveloped.

Comment 4-6:

Relocating displaced industrial jobs must be done as completely and effectively as possible. (29)

The Economic Development Corporation must provide relocation, financial, and technical assistance to ensure the shortest possible and least disruptive business relocations. (27)

Existing businesses in the Willets Point community should be treated fairly, and the City must do everything possible to ensure their relocation in as smooth and painless a transition as possible. (3)

EDC must make every effort to help tenant businesses relocate and reestablish themselves as ongoing entities. (2, 19)

CPC should ensure that businesses and workers receive fair compensation and relocation. (10)

If eminent domain is used, the relocation process of current businesses would be best served by a detailed disposition of the businesses on-site and their needs for space. (18)

If businesses must move to make way for redevelopment, every courtesy must be extended to them, and they must be absolutely indemnified against any and all losses that may occur before, during and after the relocation. (40)

Response 4-6:

As discussed in the GEIS, NYCEDC is committed to relocating the displaced businesses. NYCEDC is actively working with the owner-occupied businesses in the District to identify viable relocation properties, and since publication of the DGEIS, NYCEDC has identified viable relocation properties for three businesses. Should the proposed Plan be approved, all businesses currently located in the District would be offered a relocation package, which would likely include financial coverage for certain moving costs, re-establishment fees, and use of brokerage services to find alternative locations. NYCEDC is currently working with owner-occupied businesses in the District to identify viable relocation properties within New York City. Although NYCEDC is not permitted to negotiate with tenant businesses at this time (to do so

would interfere with tenant/landlord relationships) they have retained a tenant outreach consultant which has been providing information to tenant businesses and gathering information on their relocation needs since January 2008. In addition, the City has selected a business relocation consultant to supplement the relocation assistance that NYCEDC is providing. Should the proposed Plan be approved, the relocation consultant would provide real estate and relocation services to the impacted businesses in the District. These services would include outreach, site research, presenting sites to participating businesses, facilitating negotiations, and providing logistical relocation support including moving and storage.

Comment 4-7: The efforts by the City to work with business owners, retrain workers, and not reflexively rely on eminent domain demonstrates the commitment of the City to mitigate that displacement and achieve the project in the most responsible manner. (41)

Response 4-7: Comment noted.

Comment 4-8: EDC must keep their promises of unconditional effort for business relocation, worker relocation, and job retraining. (6)

EDC must make every effort to contact and help the current Willets Point workers with enhancement of their employment skills, finding new employment, and provide career counseling and other supportive services to assure that they are not adversely impacted by new development at Willets Point. (2)

Response 4-8: As discussed above, the City is committed to relocating the displaced businesses.

As described in the GEIS, business relocation would not significantly affect the District workforce. According to surveys conducted by Howard/Stein-Hudson, many employees in non auto-related businesses and auto-related wholesale businesses drive to work and, therefore, would not be significantly affected by business relocations. For employees who walk, bike, or take public transportation to their place of work, many of the relocation areas identified in the GEIS are in close proximity to subway and bus routes. Therefore, these employees would also not be significantly affected by business relocation.

As noted in the GEIS, the City would offer assistance to individual employees working at businesses that are subject to direct displacement. In partnership with the New York City Department of Small Business Services (SBS), NYCEDC has retained LAGCC to develop a Workforce Assistance Plan for District workers who would be displaced

by the proposed Plan. The workforce assistance program would include job training to prepare workers for job opportunities, and job placement for eligible participants. Job training would include vocational, soft skill training, GED coursework, and ESL where necessary. LAGCC plans to use existing career centers to provide educational, job placement, and career counseling services. LAGCC would conduct extensive outreach efforts to allow eligible District workers to gain access to their services. In addition, LAGCC would screen candidates to match qualified job seekers with jobs from employers in the auto, industrial and manufacturing sectors. NYCEDC is offering financial incentives to encourage participation by District workers in the program, such as stipends and transportation support (i.e., Metrocards).

Comment 4-9: Willets Point has been misrepresented. Willets Point is not a haven for the automotive industry. As a matter of fact, more than fifty percent of the land that's occupied by Willets Point is occupied by companies that are not related to the automotive industry. (37)

There is no truth to the popular myth that the area consists only of "junkyards," and the Commission should not be fooled by any such claims. (40)

Response 4-9: According to field surveys conducted by Howard/Stein-Hudson and AKRF, Inc., there are 260 businesses and institutions within the District. The majority of the 260 businesses that would be displaced by the proposed Plan are involved in automotive trades (227 businesses or 87 percent). These auto-related businesses employ an estimated 1,057 workers, accounting for 62 percent of all employment within the District.

The detailed analysis of direct business and institutional displacement was conducted according to *CEQR Technical Manual* methodology. Under *CEQR*, economic activity in a study area is measured by the number of businesses within an industry and the number of employees at those businesses. The amount of land occupied by a business is not considered a measure of economic activity under *CEQR*.

The GEIS does not characterize the District as consisting only of junkyards. The GEIS states that of the 227 auto-related businesses, 72 percent (163 of 227) are in the repair and maintenance services sector, 54 are auto-related retail establishments, five are towing companies, and only five are auto-related wholesalers (including scrap or junkyards).

Comment 4-10: The FEIS should substantiate the claim that the businesses in Willets Point were determined not to be of substantial economic value to the

region or the City by disclosing a thorough analysis of businesses that are to be displaced and their economic contribution to the City as well as their position in the market and their intra- as well as their inter-industry business relationships. (18)

Response 4-10:

The detailed analysis of direct business displacement assessed the economic value of the displaced businesses according to the methodology set forth in the *CEQR Technical Manual*. As set forth in the *CEQR Technical Manual*, the consideration of a business' economic value is based on: (1) its products and services; (2) its locational needs, particularly whether those needs can be satisfied at other locations; and (3) the potential effects on business or consumers of losing the displaced business as a product or service. None of the products or services provided by the displaced businesses is unique to the District, City, or the region, and similar products and services are offered at other locations borough- and citywide. Their business operations do not require that they remain in the District and there would not be a significant adverse effect on businesses or consumers in losing any of the displaced businesses. Therefore, the displaced businesses would not be classified as having substantial economic value to the City or region.

In business surveys conducted by Howard/Stein-Hudson, many auto-related business owners stated that the cluster of auto-uses in Willets Point contributed substantially to the success of their businesses. While these cluster businesses consider the concentration beneficial to their operations, proximity to one another is not essential for their viability, as evidenced by the numerous auto repair, maintenance, wholesale and retail businesses operating successfully outside the most substantial clusters in the city. These businesses serve local clients, and order parts and supplies that they either pick up from local salvage yards, or have delivered to their establishments. Further, as discussed in the analysis, phone book research and conversations with real estate brokers indicate that there are other areas of the Queens and the City where similar businesses are clustered and where District businesses could relocate in close proximity to substantial numbers of other auto businesses.

Comment 4-11:

The GEIS provides an inadequate analysis of determining the possible advantages represented by maintaining auto-related industry as a cluster. Simply citing the fact that 3,642 auto-related businesses are available throughout the rest of the City is inadequate analysis, given that this cluster is located in an isolated site and not scattered along commercial corridors nor immediately adjacent to residential neighborhoods. (18)

Response 4-11: The detailed analysis of direct business and institutional displacement contained in Chapter 4, “Socioeconomic Conditions,” follows the methodology prescribed by the *CEQR Technical Manual* and the final scope of work. As noted in the analysis, many of the auto-related business owners stated that the cluster of auto uses in Willets Point contributed substantially to the success of their business. However, Willets Point is not the only cluster of such uses within Queens or the City as a whole, and auto business owners could experience similar benefits by locating in other auto industry clusters. Furthermore, while these cluster businesses consider the concentration beneficial to their operations, proximity to one another is not essential for their viability, as evidenced by the numerous auto repair, maintenance, wholesale and retail businesses operating successfully outside the most substantial clusters. Therefore, the displacement of the Willets Point auto cluster would not constitute a significant adverse impact under CEQR because many of the businesses could remain in Queens or New York City, with relocation possible in other auto clusters with appropriate manufacturing and commercial zoning.

Comment 4-12: The FEIS should substantiate the claim that the Willets Point cluster is not unique and that other auto-related businesses in the City are a suitable substitute for consumers of auto repair services that use Willets Point. (18)

The automotive businesses of Willets Point are undeservedly much maligned. That they have survived for decades despite the area’s ridiculously pitiful infrastructure proves that their services are very much in demand. (40)

Response 4-12: As set forth in the *CEQR Technical Manual*, the consideration of a business’ economic value is based on: (1) its products and services; (2) its locational needs, particularly whether those needs can be satisfied at other locations; and (3) the potential effects on business or consumers of losing the displaced business as a product or service. The purpose of identifying other clusters of auto-related businesses throughout the City is to demonstrate that consumers would still be able to obtain the products and services offered by District businesses. As discussed in the detailed analysis of direct business and institutional displacement, auto business clusters were identified in Jamaica, Elmhurst, South Ozone Park, Hollis, and Queens Village in Queens; Hunts Point, Eastchester, and Jerome Avenue in the Bronx; Bay Ridge, Atlantic Avenue; and Flatlands Avenue in Brooklyn; and Port Richmond/West New Brighton in Staten Island. Therefore, although there is a large cluster of auto-related uses within the District, the products and services these businesses provide

are not unique to the area and can be found in other neighborhoods in Queens and New York City.

The analysis of direct business displacement does not assert that the products and services offered by the displaced businesses are not in demand. Rather, the analysis shows that demand for these products and services could be fulfilled at a number of other locations throughout Queens and the City, by businesses in the auto clusters noted above, by other stand-alone auto businesses, or by relocated District businesses.

Comment 4-13:

The GEIS should thoroughly examine the impact of breaking up the auto-related business cluster at Willets Point. Is the cluster's market localized or does it serve a regional market? What will be the cost to consumers locally and within the region? What is the effect on other communities where these businesses might relocate? (18)

Response 4-13:

The detailed analysis of direct business and institutional displacement in Chapter 4 follows *CEQR Technical Manual* guidelines in assessing the potential for impacts. One consideration in the analysis is the potential effects on business or consumers of losing the displaced business as a product or service. As discussed on pg. 4-40, consumers would not be adversely impacted by the displacement of auto-related businesses from the District. Consumers who utilize the automotive repair, maintenance, wholesale and retail businesses that are located within the District have numerous opportunities to obtain similar services throughout Queens and the City, even locally in Flushing and along Northern Boulevard in Corona and Elmhurst. The District may have some regional draw for auto repair and maintenance, but substantial auto centers are also located just outside the City, in Deer Park on Long Island, and Hillside and Harrison, New Jersey, indicating that customers outside of the City do not rely on District businesses for their automotive repair and supply needs.

For businesses where NYCEDC has identified viable relocation properties, the GEIS assesses the potential for their relocations to result in significant adverse impacts in Chapter 28, "Potential Effects of Acquisition and Relocation." However, for other businesses, it is not possible to predict exactly where they would relocate if they were displaced by the proposed Plan. It can be assumed that they would relocate to other parts of the City that are zoned to permit auto-related and other industrial uses. None of the auto-related businesses located in the District are large emitters of air pollutants (none require a State Facility or Title 5 permit), and none have unique operational characteristics that might cause them to have particular potential for effects on the environment. Therefore, it is unlikely that individual District businesses would have the potential to result in significant

adverse impacts in the areas to which they would relocate. As most District businesses would relocate individually, it is not expected that particular neighborhoods would experience an influx of new industrial uses. However, for the businesses with no specific relocations plans available, any definitive assessment of the potential for significant adverse impacts would be speculative. Consequently, it is not possible to make site-specific conclusions about the potential for significant adverse impacts due to business relocation activity.

Comment 4-14: The GEIS states that there would be no net loss from the displacement of the auto-related businesses, given the availability of commercial space. NYCEDC should analyze the customer base of these businesses to more explicitly investigate this hypothesis. (18)

Response 4-14: The GEIS states that many of the displaced auto-related businesses could remain within Queens or the City. As discussed in the detailed analysis of direct business displacement, many businesses could relocate without great difficulty to available spaces for automotive repair and service establishments and wholesale businesses, most likely in Jamaica, along Northern Boulevard in Elmhurst, in portions of Long Island City, and in areas of the Bronx and Brooklyn. These areas have existing clusters of auto businesses, appropriate manufacturing and commercial zoning, and competitive rents. Rents may be higher in available commercial and industrial spaces outside of the District, but these locations offer better infrastructure and higher quality space than what is currently available in the District.

Comment 4-15: EDC has asserted that at present, it cannot relocate tenant businesses, for fear of committing tortious interference. Meanwhile, the Willets Point businesses now operate under heightened anxieties, because no one has made their survival the top priority if the redevelopment proceeds. (40)

Response 4-15: At this time, tenant businesses can not be offered relocation sites. To do so would interfere with the tenant/landlord relationship and could be alleged to constitute tortious interference with a business relationship. However, NYCEDC has retained a tenant outreach consultant, which has been providing information to tenant businesses and gathering information on their relocation needs since January 2008. NYCEDC has also selected a relocation consultant. Should the proposed Plan be approved, the relocation consultant would provide real estate and relocation services to all impacted businesses in the District. These services would include outreach, site research, presenting sites to

participating businesses, facilitating negotiations, and providing logistical relocation support including moving and storage.

INDIRECT RESIDENTIAL DISPLACEMENT

Comment 4-16: EDC must expand the study area for indirect residential displacement into a greater portion of the Corona neighborhood. The ¾-mile perimeter distance proscribed by the *CEQR Technical Manual* does not take into account the impact of the plan on the residential base and commercial activity in the Corona neighborhood across the Grand Central Parkway. We recommend the perimeter of the study area definition be expanded ¾-mile west from 114th Street. (18)

In addition to expanding the study area, MAS also recommends expanding the “Indirect Residential Displacement” study to include the place of residence of the workers in Willets Point. (18)

Response 4-16: Following the guidelines of the *CEQR Technical Manual*, the socioeconomic study area boundaries are typically similar to those of the land use study area. The boundary should encompass the District and adjacent area within 400 feet, a quarter-mile, or a half-mile, depending on the project size and characteristics. Because of the scale of the proposed plan, both the land use analysis and the socioeconomic conditions analysis considered ¾-mile study areas. This is the area most likely to be affected by the proposed Plan.

The detailed analysis of indirect residential displacement was conducted according to the methodology prescribed by the *CEQR Technical Manual* and the final scope of work. The detailed analysis of indirect residential displacement did not find the potential for significant adverse impacts within the ¾-mile study area. Therefore, an investigation of potential impacts further out from the District is not warranted, as these areas would be subject to other influences, such as existing land uses and planned development projects, that would be greater than those of the proposed Plan in creating residential and commercial pressures for indirect displacement.

ECONOMIC AND FISCAL BENEFITS AND PUBLIC COSTS

Comment 4-17: The FEIS must construct a comparative table of the median annual income of employees on the site resulting from the current and projected economic activities on the site. (18)

Response 4-17: The median annual income for existing and future employees in the District is unknown. A detailed analysis of income levels for future District employees would be speculative because it would rely on

assumptions about the exact types of businesses that would locate in the new development. In addition, such an analysis is outside the scope of the GEIS.

The analysis of economic and fiscal benefits and costs provides estimates of the total number of jobs and total wages and salaries currently in the District and that would result from the development under the proposed Plan, based on Citywide data for broad categories of businesses. Based on typical ratios of employees per square foot for the proposed uses (office, retail, hotel, etc.), the direct on-site employment in the completed development with the proposed Plan is estimated at approximately 7,251 permanent jobs. Of the total 7,251 jobs, approximately 4,250 would come from the retail development, 2,000 from the office development, 259 from the hotel, 220 from the operation and maintenance of the residential development, 160 from the convention center, and the remainder from the community facility space, parking, and the school (see Table 4-39). As shown in Table 4-40, the GEIS estimates that the direct on-site wages and salaries from the annual operation of the completed proposed Plan would be \$317.69 million in 2007 dollars.

Comment 4-18: The FEIS must spell out the break-down of jobs that are projected to be created as a result of the plan by full-time and part-time, managerial, professional and low-skilled retail and customer service positions, and attach average wages to each categories in order understand the distribution of income across different categories. (18)

Response 4-18: At this time, a breakdown of the jobs created by the proposed Plan by type of job and income level cannot be determined. Any discussion of the types of jobs created would be speculative because it would rely on assumptions about the exact types of businesses that would locate in the new development. Furthermore, the analysis of socioeconomic conditions does not consider the types of jobs and income levels created by a proposed project in its assessment of significant adverse impacts. In addition, an analysis of the types of jobs and income levels created under the proposed Plan is outside the scope of the GEIS.

As discussed above and in the analysis of economic and fiscal benefits and costs, based on typical ratios of employees per square foot for the proposed uses (office, retail, hotel, etc.), the proposed Plan would result in approximately 7,251 permanent jobs and direct on-site wages and salaries of approximately \$317.69 million in 2007 dollars.

Comment 4-19: The FEIS should include a clearly delineated fiscal impact analysis. (18)

Response 4-19: The analysis of economic and fiscal benefits and costs follows the scope of work in providing information on the public sector fiscal benefits and costs associated with the proposed Plan.

As detailed in that section, the developer of the proposed Plan would fund all site preparation, infrastructure improvements, and construction within the District, with the exception of the new pump station if constructed within District boundaries. It is anticipated that the City would fund certain infrastructure improvements that are necessary to support the proposed Plan, including the pump station and modified access to and from the Van Wyck Expressway. Costs associated with these City-funded improvements are preliminarily estimated at approximately \$150 million.

ADVERSE EFFECTS ON SPECIFIC INDUSTRIES

Comment 4-20: The City must assess the areas of the City that are zoned for light industrial and auto-related uses to ensure that adequate space exists for these uses as well. (28)

Response 4-20: As discussed in the analysis of adverse effects on specific industries, auto-related businesses within New York City can be located in various manufacturing and commercial zoning districts, depending on the use. Auto repair and maintenance establishments can be located in all manufacturing zones and in C8 commercial zones. Retail supply stores (without repair service) operate in commercial districts (C1, C2, C4, C5, C6, C8) and all manufacturing zones. Automobile wrecking and salvage operations are limited to M3 zones. The detailed analysis of direct business and institutional displacement identified auto business clusters where these businesses could relocate in Jamaica, Elmhurst, South Ozone Park, Hollis, and Queens Village in Queens; Hunts Point, Eastchester, and Jerome Avenue in the Bronx; Bay Ridge, Atlantic Avenue; and Flatlands Avenue in Brooklyn; and Port Richmond/West New Brighton in Staten Island. As discussed on pg. 4-37, research and conversations with brokers indicated that space is available for automotive repair and service establishments, as well as the wholesale businesses, in these clusters and elsewhere in Queens and New York City as a whole.

Other light industrial businesses from the District could relocate to a number of areas throughout the city with the appropriate zoning. As noted in the detailed analysis of direct business and institutional displacement, available spaces for these types of businesses were identified in Long Island City, Jamaica, Maspeth, and Ridgewood.

Comment 4-21: The automotive industry already has a black eye, and residents of other areas—who presumably already have local facilities—will be opposed to their relocation. (43)

Response 4-21: As noted in the detailed analysis of direct business and institutional displacement, it can be assumed that auto-related businesses displaced from the District would relocate to other parts of the City that are zoned to permit auto-related and other industrial uses. The detailed analysis of direct business and institutional displacement identified a number of areas throughout the city that have existing clusters of auto-related businesses and appropriate manufacturing and commercial zoning. Zoning that allows auto-related uses indicates that those uses are acceptable under existing City land use policy. Furthermore, most District businesses would relocate individually; it is not expected that particular neighborhoods would experience an influx of new industrial uses.

Comment 4-22: Our waste transfer station is one of the few in Northern Queens that provides a uniquely valuable service due to its geographical location. If they take this facility, where is all that fill going to go? That's a major impact on the construction industry in New York City. (43)

Response 4-22: Evergreen Recycling of Corona is a waste transfer station permitted to handle fill. It is located on the MTA parcel, which is outside of the District. While the GEIS conservatively assumes that this use would be displaced because it is currently accessed from a street within the District, it would not necessarily be displaced as part of the proposed Plan because it is anticipated that access would be maintained. Even if Evergreen were displaced, there are other M3 zoning districts that this use could relocate to. In addition, other facilities in the City and surrounding and the surrounding area could process the fill currently handled by Evergreen.

CHAPTER 5: COMMUNITY FACILITIES

Comment 5-1: The 850-seat K-8 public school must be provided on site and included in the Urban Renewal Plan. (6)

Response 5-1: Since issuance of the GEIS, the Urban Renewal Plan has been amended to include the provision of a public school. The URP would require a new public school of a size based on the new residential population to be generated by the project, with a minimum of 650 students for a K-8 school. The school would be located within the Willets Point Development District.

The school would meet the projected shortfall in elementary school seats that could result from the proposed project. Overall, the analysis concluded that neither the proposed Plan nor the No Convention Center Scenario would result in any significant adverse impacts on public schools within the one-mile study area, Zone 2 of Community School District (CSD) 25, or within CSD 25 as a whole.

Comment 5-2:

Not only are the average response times of the FDNY to either fire or medical emergencies in Queens approximately 120 seconds more than the response time contained in the National Fire Protection Association (NFPA) Standard, it also takes between 60 and 90 seconds longer to respond to fire or medical emergencies in the Willets Point area than it does in Queens generally. This is a matter of significant concern, since, if developed as currently proposed, the Willets Point District will add almost 9,000,000 square feet of mixed residential, office, and retail development, which will generally lengthen the Willets Point and other local response times even further. It is also expected that between 850 and 900 school children would attend the school proposed for the neighborhood. The GEIS did not look at this matter at all, but the traffic analysis clearly shows that emergency vehicles will not be able to respond in a timely manner. Thus, both the need for emergency services and the City's inability to provide them will markedly worsen as a consequence of the proposed development. (33)

Response 5-2:

The GEIS's analysis of fire protection services relied on *CEQR Technical Manual* methodologies. A detailed assessment of fire protection services is necessary only for projects that would affect the physical operations of, or access to and from, a station. The proposed project would not displace or physically alter a fire station. Therefore, in accordance with *CEQR Technical Manual* methodologies, the proposed project did not require detailed assessment of potential fire protection.

According to the *CEQR Technical Manual*, the "Fire Department does not allocate resources based on proposed or projected developments, but continually evaluates the need for changes in personnel, equipment or locations of fire stations and makes any adjustments necessary." Throughout the development of the proposed Plan, FDNY has evaluated the proposed Plan to ensure that the District would receive adequate emergency service coverage. If the proposed plan is approved, the City will ensure that the proposed Plan meets all relevant New York City fire safety standards.

Four fire stations are currently located in the area surrounding the Willets Point Development District. As noted in the GEIS analysis, FDNY units responding to a fire are not limited to the ones closest to it.

The FDNY has indicated that there will continue to be adequate fire protection and provision of emergency services in the area surrounding the District. The Department is well experienced with the logistical issues of the Willets Point area since it provides support for single and simultaneous events occurring at Shea Stadium, Flushing-Meadows Corona Park, and the USTA National Tennis Center, in particular the U.S. Open Tennis Tournament.

The commenter's comparison of the National Fire Protection Association's (NFPA's) 4-minute response time to the current response times for the Willets Point area and the borough of Queens is misleading. According to the FDNY, NFPA's 4-minute response time is a goal for a responder travel time that does not take into account the time for the initial call dispatch (e.g., 911 or call-box to the appropriate firehouse) and the turnout time for the firefighting team to head out, which could add between 60 to 90 seconds to total response time.¹ Overall, average FDNY response times to all emergencies decreased citywide and boroughwide from 2006 to 2007. During this time, FDNY response times in Queens to structural fires have decreased from 4 minutes and 59 seconds to 4 minutes and 56 seconds. During this same period, city-wide EMS response times decreased from 6 minutes and 42 seconds to 6 minutes and 36 seconds.²

Additionally, the proposed plan includes significant infrastructure improvements for the District, including road grading and paving, as well as improvements to city water service including enough fire hydrants to adequately serve the higher density development program. The District is currently characterized by unpaved, potholed roads. As such, the proposed project would result in significant improvements to on-site infrastructure that would bolster FDNY's fire fighting ability within the District. Chapter 5 of the FGEIS, "Community Facilities," has been updated to reflect a discussion of local emergency response.

Comment 5-3: A child care center should be designed early on to accommodate workers and residents. (9)

Response 5-3: The proposed redevelopment of the District could generate a significant number of children under age 12 that would be eligible for publicly financed child care. The proposed Plan would generate an additional 198 children eligible for subsidized day care. The No Convention Scenario could generate an additional 211 children eligible for

¹ Phone conversation with Patrick McNally, FDNY Chief of Operations, September 8, 2008.

² Mayor's Management Report, NYPD, Fiscal 2008.

subsidized day care. These additional children could result in an increase of more than 5 percent in the deficiency of day care slots over the No Build condition, which is the *CEQR Technical Manual* threshold for an adverse impact.

As described in the GEIS, if a shortfall in day care slots occurred, possible mitigation measures include adding capacity to existing facilities or providing a new day care facility within or near the area surrounding the Willets Point Development District. However, it is not possible to know exactly which type of mitigation would be most appropriate and when, because several factors may limit the number of children in need of publicly funded day care slots. For example, families in the one-mile study area could make use of alternatives to publicly funded day care facilities, and parents of eligible children may use New York City Administration for Children's Services (ACS) vouchers to finance care at private day care centers either within the one-mile study area or could utilize facilities outside of study area. To mitigate the potential impact on day care facilities, the City would require, as part of the developer's agreement, that a future developer consult with ACS to determine the appropriate way to meet demand for day care services generated by development in the District.

CHAPTER 6: OPEN SPACE

Comment 6-1: We applaud the administration's efforts to increase parks and open space in Queens through the Willets Point Redevelopment by about eight acres of open space. We support their plan to have maintenance of the open space covered by the developers, since maintenance funds are very difficult to obtain, especially in light of the current fiscal situation facing the City's economy. (25)

This project will revitalize the Flushing Waterfront and create a place where families can enjoy open space and recreation in what is now a blighted and polluted area. The creation of open space, parks, trees, a bicycle/pedestrian connection to Flushing Bay, will have a direct and profound impact on the daily lives of the people living in and around the area. This will be an enormous accomplishment and set a standard for others to follow throughout the City. (13)

Response 6-1: Comment noted.

Comment 6-2: What are the design standards for the implementation of the open space? (25)

Response 6-2: As described in Chapter 6, the Special District regulations would require pedestrian amenity areas or open landscaped areas, and specify

minimum dimensions of these public access areas including the two-acre park with primarily active recreational uses as well as other areas at various locations along the perimeter of the District. The Special District would encourage high-quality design of these publicly accessible areas by prescribing design standards largely based on those for public plazas set forth in the Zoning Resolution. The Special District standards would govern such elements as tree and groundcover plantings, seating, moveable chairs and tables, bicycle parking, and water fountains. Furthermore, the design and programming, as well as operation and maintenance plans of the future open spaces in the District would be subject to further review by DPR once a developer is designated.

Comment 6-3: What is the total acreage devoted to open space? (25)

Response 6-3: The URP would require the development to include a minimum of eight acres of privately-owned, publicly accessible open space. Of these eight acres, an approximately two-acre park would be developed with primarily active recreational uses. It is anticipated that the remaining six acres of open space would be programmed primarily for passive use. The GEIS also notes that the City would encourage the future developer to incorporate other recreational resources, such as rooftop amenities, into the project design as part of its RFP process. While these recreational amenities may be available only to tenants and residents of the site, they would help offset the burden on public active and passive resources resulting from the introduction of new users to the District.

Comment 6-4: EDC and the Parks Department must develop additional green space on the Flushing River and extend the Flushing Bay Promenade to the DOT facility. (2)

The existing Flushing Bay promenade, serving East Elmhurst and Corona now, should be positively linked to the Willets Point development and not just stop at the DOT vehicular maintenance facility on the Flushing Bay. (13)

Response 6-4: As described in the GEIS, the City is currently pursuing opportunities to improve bicycle and pedestrian connections between Willets Point and surrounding destinations. A number of bicycle and pedestrian access improvement measures have been identified throughout the area, including creating connections between the Flushing Bay Promenade and 126th Street, and between the Flushing Bay Promenade and Downtown Flushing. NYCEDC is currently seeking funding and approvals to implement these improvements. In addition, the City will

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explore opportunities to develop additional green space along Flushing Bay and Flushing River.

Comment 6-5: Will the proposed public space and park be managed by the developer or by the Department of Parks and Recreation? If the developer will manage the park, safeguards should be included to ensure that the development maintains an open feel, and public spaces be truly accessible to the public and welcoming to residents from surrounding neighborhoods. (18)

Response 6-5: All of the open space provided under the proposed Plan would be privately-owned, but publicly-accessible open space. As such, the open space would be maintained by the developer and not DPR. As described in the analysis, in order to maintain programming and design flexibility, the open space planning is currently only conceptual. Details of the open space elements will be dependent on the developers' response to the City's RFP process. The design and programming of those future open spaces would be subject to further review by DPR once a developer is designated. In addition, the developer would be required to submit their operation and maintenance plans to DPR for review and approval.

Comment 6-6: EDC must mandate ground-level retail at the park's edge in order to guarantee activity and make the park lively. (18)

Response 6-6: The Special District requires that the two-acre park be centrally located within the District, located along a connector street, and bounded on all sides by streets or a school use. It is anticipated that this park will be widely used by the numerous residents, workers, and visitors to the District.

Comment 6-7: The noise impact of the project on the World's Fair Marina Park has section 4(f) consequences, which should have been addressed in the GEIS. (33)

Response 6-7: The GEIS discloses the potential for a significant noise impact at the World's Fair Marina Park during the Saturday midday time period as a result of the proposed Plan and the potential future development on Lots B and D. Under the CEQR impact criteria, a noise increase of 3dBA would be perceptible and would be considered a significant adverse impact. As noted in Chapter 20, "Noise", this location is projected to experience an increase of 3.5 dBA due to the additional project-generated traffic passing by this park to access the existing westbound Grand Central Parkway.

A Section 4(f) evaluation is not warranted since the projected noise impact would not be a result of the construction and operation of the proposed Van Wyck Expressway ramps, for which the FHWA would have approval jurisdiction. Further, construction of these ramps would neither encroach on this parkland nor result in the substantial impairment of its enjoyment, which would constitute a constructive use. The World's Fair Marina Park is a paved waterfront esplanade surrounded by the Grand Central Parkway, Northern Boulevard, parking fields and LaGuardia Airport, which is already subject to high levels of noise.

Further, it is not uncommon for a park in New York City that is adjacent to heavily trafficked roadways to experience elevated noise levels. The GEIS noise analysis excluded noise from aircraft operations at LaGuardia Airport, which is adjacent to the District. If the noise from aircraft operations were included in the baseline noise levels, it is unlikely that the CEQR impact identified at the World's Fair Marina Park would occur.

CHAPTER 7: SHADOWS

Comment 7-1: What is the shade impact on the courtyard? (25)

Response 7-1: According to the standard CEQR methodology used to conduct the shadows analysis, shadows cast on open spaces that are part of a proposed project are not considered impacts of a project, because without the project, the open space would not exist. Additionally, the shadows analysis conservatively analyzed the maximum building envelope allowed under the Federal Aviation Administration (FAA) limits throughout the District, to see whether shadow would affect nearby existing open spaces and natural resources such as the Flushing Bay Promenade and the Flushing River. Therefore, shadow effects involving individual buildings and open spaces within the illustrative site plan were not considered. However, given that some proposed structures in the District would be adjacent to the proposed open space, while also limited in height by the FAA limits, it is likely that any publicly-accessible open spaces in the District would experience areas of both direct sunlight and shade at different times of day and season.

CHAPTER 8: HISTORIC RESOURCES

Comment 8-1: The GEIS fails to address the procedures for evaluating impacts on historic property. The GEIS states that a building on the site that is eligible for listing on the State and National Registers of Historic Places would be demolished as part of the Proposed Project. It is apparent from

the maps in the GEIS that this demolition is necessary for the construction of the new ramps on and off the Van Wyck Expressway, which will require approval of both the NYSDOT and the FHWA. Consequently, demolition of the historic property on the District presents serious implications under Section 4(f) of the Department of Transportation Act. The demolition will trigger the consultation process under Section 106 of the National Historic Preservation Act, in which the FHWA affords the Advisory Council on Historic Preservation and other agencies, organizations and individuals an opportunity to comment on the demolition of the historic building. This process has not begun and can be very time-consuming. The GEIS should have discussed the Section 4(f) and Section 106 processes. (33)

Response 8-1:

The GEIS discloses that the development of the proposed Plan—not the construction of the Van Wyck Expressway ramps—may require the demolition of the Former Empire Millwork Corporation Building, which has been found eligible for listing on the State and National Registers of Historic Places. As stated in the GEIS, demolition of this building would constitute a significant adverse impact on historic resources. Measures to mitigate this impact would be developed in consultation with the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) and could include recording the building through a Historic American Buildings Survey (HABS)-level photographic documentation and accompanying narrative.

However, the Freeway Access Modification Report will examine design alternatives, which will include a configuration that would require demolition of this building. If the specific development plan proposed by a developer would not require demolition of the building but the design preferred by NYSDOT and FHWA for the ramps would require such demolition, FHWA would undertake the required Section 106 and Section 4(f) analyses.

CHAPTER 9: URBAN DESIGN AND VISUAL RESOURCES

Comment 9-1:

The urban design, as well as design of open spaces and parks, should promote a public, open feeling and ensure public access. It is imperative that safeguards are included to ensure that the development maintains an open feel and is truly accessible to the public and welcoming to residents from surrounding neighborhoods. (18)

Response 9-1:

The proposed Plan would include at least four entrances, plus a pedestrian entrance, on 126th Street to provide access to the site. The retail spaces, located in the area closest to 126th Street, would draw people into the site, and the two main connector streets would carry

pedestrians to the smaller retail areas and to the large, central open space. The two connector streets would converge near the large open space and the open spaces located on the northeastern section of the site.

Comment 9-2: The Van Wyck Expressway and other major highways create a boundary around the site, and would effectively hem in this new neighborhood and interrupt pedestrian access to the waterfront. (18)

Response 9-2: The City is currently studying ways to improve bicycle and pedestrian connections between Willets Point and surrounding destinations, such as Flushing Bay Promenade, Flushing Meadows-Corona Park, and Downtown Flushing. As part of this study, a number of bicycle and pedestrian access improvement measures have been identified throughout the area, and NYCEDC is currently seeking the necessary funding and approvals to implement these improvements. While the area-wide bicycle and greenway network is not part of the proposed Plan, new bicycle lanes would be required on the connector streets as part of the proposed Plan, which would supplement the area-wide bicycle and greenway network. Moreover, the proposed Plan calls for pedestrian-friendly widened sidewalks along 126th Street corridor with retail uses concentrated in proximity to the new Citi Field. This proposed commercial and entertainment center would create a synergy between the new Citi Field and the District.

Comment 9-3: What urban design solutions will effectively integrate the Willets Point site and the Flushing area? (18)

Response 9-3: The proposed Plan would create a walkable, urban streetscape by establishing dimensions and design parameters to address sidewalk width, travel lanes, parking lanes, bicycle lanes, street trees, and other pedestrian amenities. The District is separated from the Flushing area by the Flushing River; however, as described above the City is currently investigating ways to improve pedestrian and bicycle access to the site from a number of surrounding locations including the Flushing area.

CHAPTER 10: NEIGHBORHOOD CHARACTER

Comment 10-1: The DEIS acknowledges that the proposed plan will generate significant vehicular traffic increases. Given the emissions and noise pollution to which residents would be exposed (due to increased vehicular traffic) the site's condition and the plan's impacts will negate the goals of creating a residential, pedestrian-friendly streetscape and sustainable neighborhood. The bleak assessment regarding traffic and parking begs

the question: what makes this a sustainable and transit-oriented neighborhood development plan? (18)

Response 10-1:

The traffic, air quality, and noise assessments performed for the GEIS represents a conservative analysis as it accounts for over 90 background development projects and an additional 11.5 percent background growth rate, plus the traffic generated the by proposed Plan. The analysis in the GEIS also represents the maximum envelope of development envisioned for the District. As a result, the volume generated by the development, impacts identified, and mitigation measures proposed in the GEIS represent a worst-case scenario. The proposed Plan would still be a sustainable and transit-oriented neighborhood development plan because the District is located next to existing subway and commuter rail lines. The City is in consultation with MTA and NYCT on plans to extend and/or create new bus lines to serve the District and to extend regular LIRR service to the LIRR station when the actual demand shows that such service improvement is warranted. The proposed Van Wyck access ramps, which would offer a direct connection between the Development District and the Van Wyck Expressway, optimize the ability of the Van Wyck Expressway to serve the District. The new ramps would help to minimize traffic volumes on nearby local streets and alleviate congestion on the local roadway network. Further, the proposed Plan would reserve up to five percent of off-street parking spaces for vehicles being shared by multiple households (e.g., car-sharing vehicles). A number of bicycle and pedestrian access improvement measures have been identified throughout the area, and NYCEDC is currently seeking funding and approvals to implement these improvements. The bicycle lanes in the District would connect to this area-wide bicycle and greenway network, and indoor accessory bicycle parking would be required for all new residential, office, and retail uses developed in the District. Measures such as these are intended to reduce vehicular dependence and promote a more transit-oriented development.

CHAPTER 11: NATURAL RESOURCES

Comment 11-1:

Impacts to the surrounding area from site soil erosion need to be assessed. In particular, sediment transport to nearby water bodies and appropriate mitigation measures need to be further discussed in the GEIS. (33)

Response 11-1:

Best management practices implemented during construction and project operation would include erosion and sediment control measures as part of a stormwater pollution prevention plan (SWPPP). Implementation of the SWPPP will minimize potential impacts

associated with sediment transport, particularly through surface water and stormwater runoff that could flow into the adjacent wetland and/or Flushing Bay and River. The SWPPP would comply with the New York Guidelines for Urban Erosion and Sediment Control and the New York State Management Design Manual. Furthermore, geotechnical investigations have determined that placement of fill in the District will not result in lateral instability along Flushing Bay and Flushing River.

CHAPTER 12: HAZARDOUS MATERIALS

Comment 12-1: In its efforts to justify the need to level the community, the City has been waging a campaign to portray Willets Point as highly contaminated. The City has yet to show data that supports this. Representatives from the NYCEDC and their consultant to us that they did *not* find widespread contamination. On the contrary, they found localized “pockets” of contamination that could be remediated without removing existing businesses. It is difficult to accept that in 2008, we don’t have the technology to identify and remediate the environment without leveling an entire community. (38)

Soil and groundwater contamination squeezed out from the consolidated soils (see also Comment 12-3) can also migrate to the nearby Flushing River and Flushing Bay affecting aquatic resources. The water quality as well as habitat for aquatic species could be compromised. The effects of this contamination and potential impacts on tidal marshes, wetland habitat, fish, and benthic resources is not evaluated in the GEIS. (33)

Response 12-1: The scope of the studies completed to date were limited by property access; as access becomes available, site-specific Phase I ESAs would be performed. If found warranted in site-specific Phase I ESAs, Phase II ESAs would be performed to further investigate specific areas of concern and assess the extent of contamination.

The initial limited Phase II investigation, consisting only of samples collected from the public streets, found groundwater contamination consistent with suspected releases from private properties within the District. Historic land uses identified in the Phase One investigation included: automotive repair, automotive scrap yards, automotive painting, paint striping facilities, engine repair shops, automotive battery recycling, metals fabrication, metals recycling, scrap metals, waste transfer stations, waste handling facilities, equipment storage, equipment cleaning, and heavy equipment maintenance. These historic uses, along with the history of multiple documented petroleum spills, strongly suggest the presence of widespread contamination with

petroleum and potentially other hazardous materials throughout the District.

Although some remediation could take place on a site by site basis while leaving existing businesses in place, the GEIS notes that the extent of remediation on affected properties would likely be less than with the proposed Plan, as soil removal underneath roadways and adjacent properties that might have been affected by the spills is not usually required as part of site cleanups. The remediation of contamination at other sites would likely take place only if such sites were to be redeveloped, though little or no redevelopment is anticipated without the proposed Plan. In addition, many of the parcels currently contain septic systems that may have contributed to soil and groundwater contamination within the District. At many of these locations, above ground structures cover most of the site footprint, making removal of these underground systems and impacted soils extremely difficult without the removal of the structures.

DEC spill files indicate that there has been contamination migration between properties. It would be extremely costly and inefficient to install groundwater remediation systems on a parcel by parcel basis without hydraulically influencing adjacent properties. The remediation of shallow groundwater would inherently influence groundwater flow direction and the installation of soil vapor extraction and/or air sparging systems may result in vapor intrusion issues migrating to properties where the appropriate systems are not in place.

Comment 12-2:

The redevelopment plan proposes adding up to six feet of fill to the site to raise the grade above the 100-year floodplain. If the City has underestimated the amount of fill necessary to do this, it will require that much more fill. The weight from fill used to raise the grade of the District will cause the subsurface compressible layers under the site to consolidate, squeezing contamination from the subsurface soil and groundwater into the surrounding portions of the aquifer. There is a hydraulic connection between the Brooklyn Queens Aquifers and active or potentially active existing DEP water supply wells. Additional water supply wells are also being proposed/implemented as part of the Brooklyn Queens Aquifer Study, which is seeking ways to utilize the Brooklyn Queens Aquifer during droughts and other water emergencies. If significant contamination is present, it could negatively impact the aquifers and water supply wells which utilize them. (33)

The EIS states that parts of the site are heavily contaminated. These areas are linked to an aquifer that is pumped as part of the New York City water system. The fill that will be brought in to build up the grade

will press down and squeeze the pollutants into the aquifer. The EIS ignores this effect, which violates the federal Safe Drinking Water Act. (33)

In WPIRA's comments on the Draft Scope of Work, we called for an analysis of how the proposed fill would surcharge the underlying areas. The City's Response to Comments document indicated that this issue would be discussed in the GEIS chapter on construction impacts, but it was not. (33)

The Access Modification report that NYSDOT will have to submit to the FHWA will be guided by FHWA's Technical Advisory T6640.8A, which requires information on whether any of the alternatives of a proposed project will affect a sole-source aquifer or any of the critical protection areas within the affected sole-source aquifer. (33)

Response 12-2:

The estimate used to determine the amount of fill required to fill the site to the 100-year floodplain was calculated using a recent survey of the development parcel and boring results from a series of geotechnical borings. The fill heights noted in the GEIS account for 25 years of settlement based on the boring results and average soil densities. The fill material that was used for purposes of the geotechnical evaluation included a low density material that is available and is designed to minimize settlement. Additionally, the compressible layer beneath the District has already been put under pressure and settlement has occurred, which minimizes further settlement of that layer. Finally, the fill importation estimates only place fill on the roadbed portions and areas not occupied by structures. All building structures would be built on piles to raise them above floodplain elevation.

Deep geotechnical borings indicate that there are two aquitards (an impermeable layer that restricts the flow of groundwater from one aquifer to another) located beneath the District, an upper organic clay layer, and a varved silt and clay layer. Migration of contaminants through these aquitards to the sole source aquifer, located 200 feet below the surface, is highly unlikely. Based on geotechnical investigations of the area, it is unlikely that the filling of the District will have any significant effect on the groundwater table. In addition, the vast majority of chemical compounds considered to be of concern in the Willets Point area are petroleum based and less dense than water; therefore migration of these contaminants, even in soluble form, would require a significant downward gradient without the presence of aquitards.

Historically, Flushing Meadows-Corona Park was filled with approximately 50 million cubic yards of incinerator ash over the pre-1900 marshlands. The filling of the marshlands is not known to have

impacted the sole source aquifer with any of the contaminants found in the ash.

Comment 12-3: It is likely that the site will require substantial additional fill to raise it out of the floodplain. The addition of fill and the resulting differential settlement and potential lateral movement will impact current and future subsurface utilities (e.g., gas, sanitary sewer, electric, and oil lines), underground storage tanks, parking lots, and structures in the area. This fill will settle unevenly, causing utilities and surrounding pavements to settle independently of one another and buildings, potentially causing leaks from known and unknown underground storage tanks and gas, oil, and sewer lines and further soil and groundwater contamination. An engineering analysis of differential settlement on utility lines and the buildings themselves needs to be performed. (33)

Response 12-3: The amount of fill estimated by NYCEDC to fill the District to the 100-year floodplain was calculated using a recent survey of the development parcel and boring results from a series of geotechnical borings. The fill heights noted in the GEIS account for 25 years of settlement based on the boring results and average fill densities.

During demolition activities and prior to any filling, all existing underground utilities to be replaced would be demolished or abandoned in accordance with applicable regulations. A geophysical survey is planned to be conducted prior to any filling in order to locate the presence of any currently unidentified underground storage tanks or utilities. Any underground storage tanks within the District would be removed or abandoned in place in accordance with applicable regulations.

All utilities, tanks and underground structures to be installed in the new development will be pile supported or designed to ensure that such structures would not be adversely impacted by the settlement anticipated in the area.

Comment 12-4: Even the most responsible business owner cannot help having some spills of oil, gasoline, transmission fluids, and other carcinogenic materials. If businesses of this type remain in the area, the land can never be reclaimed to the point where it's safe for human occupation. (17)

Response 12-4: Comment noted.

Comment 12-5: Sampling undertaken as part of the Phase II ESA included only sampling locations under sidewalks and streets, and shows only minor

contamination is present. The only conclusion that can be drawn from the sampling data collected is that it is not representative of the site. By its own admission, the GEIS does not describe the environmental conditions representative of the area and therefore the project should not be allowed to continue without a complete characterization of the site. (33)

Response 12-5: Sampling was performed in areas where access was available (i.e., City-owned streets). Data was collected to determine if the overall areas of individual sites that are small and assumed to have isolated contamination would have spread and merged to larger areas. This data is representative of the roadway corridor given the distance between the borings. A review of available DEC files indicated that through recent property transactions and due diligence work, several investigations and cleanups on individual sites were performed. These cleanups indicated that soil and groundwater contamination was present on sites that required remediation to industrial standards. It is reasonable to assume that there may be additional remediation necessary to meet the more restrictive residential clean up criteria. Furthermore, as discussed in Chapter 12, "Hazardous Materials," as access to sites become available, site-specific Phase I ESAs would be performed. If found warranted in site-specific Phase I ESAs, Phase II ESAs would be performed to further investigate specific areas of concern and to assess the extent of contamination. A Remedial Action Plan (RAP) and Construction Health and Safety Plan (CHASP) would be developed to address handling and disposal of all materials requiring off-site disposal, including historic fill materials and any unexpectedly encountered contaminated materials. The RAP/CHASP would also include provisions for air monitoring (for volatile organics, methane, and particulates) during construction and the installation of appropriate systems to prevent the migration of vapors into any newly constructed buildings. The RAP would be reviewed and approved at a minimum by DEP and, if required by applicable laws and regulations, by DEC.

Comment 12-6: If significant contamination is present in the soils, significant soil removal or other treatment options would be required, which should be provided in the GEIS. In addition, if significant groundwater contamination is identified, groundwater treatment would be required to prevent contaminant migration, which will greatly impact project costs. This needs to be further evaluated in the GEIS. (33)

Response 12-6: Presumptive remedial actions were considered based upon known historic and existing land uses and site assessments that could be performed given available access. Based on the body of remedial knowledge available for specific land uses and the knowledge of the

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specific site uses, soil and groundwater conditions in the District, reasonable assumptions can be made for both soil removal and groundwater treatment options and projected costs.

Comment 12-7: Additional sampling for methane across the District needs to be performed to determine the impacts, and what health and safety measures need to be employed during construction and engineering controls employed post construction. (33)

Response 12-7: District-wide methane sampling may be appropriate. Current mitigation for various contaminants that could be present in the District's subsurface is assumed to be necessary. These types of engineering mitigation controls would also be valid in addressing potential methane issues in the District. As described in Chapter 12, "Hazardous Materials," a RAP and CHASP would be developed to address handling and disposal of all materials requiring off-site disposal and include provisions for air monitoring (for volatile organics, methane, and particulates) during construction and the installation of appropriate systems to prevent the migration of vapors into any newly constructed buildings. The RAP would be reviewed and approved at a minimum by DEP and, if required by applicable laws and regulations, by DEC.

Comment 12-8: EDC must conduct a rigorous environmental remediation program if a school is to be sited in Willets Point. (18)

Response 12-8: One of the goals of the proposed Plan is to implement a District-wide remediation program that meets all the applicable City and State regulations. With respect to the remediation measures to be conducted for the siting of the school, in addition to the site meeting all the clean up thresholds required by DEP and DEC, the New York City School Construction Authority (SCA) will also conduct a due diligence review prior to the construction of the facility. Documentation would be submitted for SCA's review when a location and setting have been determined and access is granted to allow for a site-specific sampling program. Remediation, if required, would be implemented based on the findings of that site-specific sampling program.

CHAPTER 13: WATERFRONT REVITALIZATION PROGRAM

Comment 13-1: Pedestrian access to the waterfront and to adjoining neighborhoods, a desire of local communities, has not been solved. (29)

The current use of Willets Point means that the waterfront is really off-limits. (24)

Response 13-1: The District and Lot B are located inland from Flushing Bay and the Flushing River and are separated from the shoreline by several elevated roadways including Northern Boulevard and the Whitestone Expressway to the north, the Van Wyck Expressway to the east, and Roosevelt Avenue, with the elevated No. 7 subway line, to the south.

Both the proposed Plan and the No Convention Center Scenario recommend a change to the underlying zoning creating a mix of uses, including residential, retail, hotel, entertainment, office, community facility, and open space uses, and possibly a convention center. The proposed Plan also includes new pedestrian and bicycle connections to adjacent neighborhoods, Flushing Promenade, and the waterfront. These uses would result in substantially greater numbers of people coming to the area, would attract the public, and would enliven this area of land near the waterfront.

Comment 13-2: The waterfront property on the east side of the Flushing River should be developed into a mixed-use residential development with retail waterfront uses along the promenade that extend from Northern Boulevard to a development south of Roosevelt Avenue and to eventually create a new pedestrian biking link to Flushing Meadow-Corona Park. (13)

The site plan as presented does not advance Policy 1.2 of the New York City Waterfront Revitalization Program. This is no fault of the designers of the site plan—the site is simply ringed by major highways that do not allow access to the waterfront. NYCEDC should study various scenarios which will allow for legitimate waterfront access. (18)

Response 13-2: Comment noted. As stated above, with implementation of the proposed Plan, new pedestrian and bicycle connections would be created. Specifically, the new pedestrian and bicycle network intends to improve access from the District and Lot B to locations in adjacent neighborhoods, including areas east of the Flushing River via the Northern Boulevard Bridge and Roosevelt Avenue Bridge.

CHAPTER 14: INFRASTRUCTURE

Comment 14-1: The GEIS fails to address the permits necessary to construct a new stormwater outfall. While it mentions in passing that a new stormwater outfall may be needed, it fails to address the requirement for an DEC permit under the State Pollutant Discharge Elimination System to construct the outfall, together with the applicable standards, procedures, and time delays. (33)

Response 14-1: As described in Chapter 14, “Infrastructure,” the proposed Plan would include implementation of various stormwater management features. If stormwater flow could be controlled to meet the allowable flow to the two existing outfalls, no new outfalls would be required.

If, notwithstanding the stormwater management features selected for a detailed development plan, runoff would exceed the allowable flow to the existing outfalls, a new outfall would be proposed to augment the discharge capacity of the existing system. This new outfall would require DEC and Army Corps of Engineers permits.

Comment 14-2: The FEIS must delineate the costs to the public projected over a reasonable number of years should the current activity be erased and no developer be capable of remediating the environmental issues and developing the site. (18)

Response 14-2: The GEIS makes a reasonable assumption as to the existence of contamination throughout the District. It is speculative and unsupported to assume that the contamination levels in the District are so severe that site remediation and development could not occur. Although site access to the private properties in the District is not available and site-specific sampling has not yet been undertaken, sampling was performed in areas where access was available (i.e., City-owned streets), allowing for a general assessment of groundwater conditions within the District. Soil and groundwater data as well as other information were used to determine whether contamination from individual sites may have migrated. Presumptive remedial actions were considered based upon known historic and existing land uses and site assessments that could be performed given available access. Based on the body of remedial knowledge available for specific land uses and the knowledge of the specific site uses, soil and groundwater conditions in the District, reasonable assumptions can be made for both soil removal and groundwater treatment options and projected costs.

CHAPTER 17: TRAFFIC AND PARKING

Comment 17-1: The Traffic and Transit mitigations are very inadequate. (6)

Response 17-1: The GEIS considers and identifies a comprehensive list of traffic mitigation measures for significantly impacted locations during seven traffic analysis peak hours – four non-game day peak hours and three game-day peak hours. The mitigation measures include traffic signal timing modifications, installation of computerized traffic signal controllers, parking prohibitions to allow for daylighted right-turn lanes and additional moving lanes at select locations, and turning prohibitions

to allow for better through movement operations. These measures are standard traffic capacity improvements that are implemented by the New York City Department of Transportation (NYCDOT) citywide. In addition to these mitigation measures, the proposed Plan also includes the construction of a new interchange at a cost of tens of millions of dollars directly connecting the Van Wyck Expressway with the District to allow for highway traffic to directly access the project area without relying on local streets in the area. These new ramps to and from the Van Wyck Expressway represent access improvements that significantly transcend and augment the more localized intersection improvements that typically constitute traffic improvements identified for mitigation under CEQR. Transit-related mitigation measures identified in the GEIS include stairway widening at the Willets Point–Shea Stadium No. 7 line subway station and increases in bus service. These measures were evaluated in coordination with the MTA and NYCT and would fully mitigate all projected transit-related significant adverse impacts. The MTA and NYCT routinely monitor changes in transit ridership and would make the necessary service adjustments where warranted, subject to the agencies’ fiscal and operational constraints.

It is also important to note that the mitigation measures as proposed in the Willets Point DGEIS were developed using conservative traffic volume projections. The mitigation measures were developed for traffic volume conditions which included not only traffic generated by the proposed Build condition, but also background traffic from over 90 other area development sites (adding up to about 3,845 vehicles to the roadway network during a single peak hour), as well as an additional 11.5 percent background traffic growth, representing a highly conservative traffic projection. Furthermore, as stated in the GEIS, a detailed traffic monitoring program would be implemented in the future when the proposed Plan is built and occupied. This monitoring program will seek to verify and evaluate the need and effectiveness of the mitigation measures proposed in the GEIS.

Comment 17-2:

The project will have a catastrophic effect on the Van Wyck Expressway. (33)

Traffic speeds will be cut in half; the congestion caused by these extremely low speeds will spill back both onto the highway network and the local streets, increasing the potential of accidents. (33)

Significant impacts will occur on the highway network, resulting in much slower speeds and bumper-to-bumper congestion in both directions on the Van Wyck Expressway and Grand Central Parkway, as

well as the southbound Whitestone Expressway. Traffic on the ramps will be intolerable as well; the congestion caused by extremely low speeds on the ramps will spill back onto the highway network and the local streets, which will already be overloaded. (33)

These adverse impacts will occur despite the ramp improvements that the City has proposed. (33).

Response 17-2:

The GEIS analysis fully documents the level of operations on the highway network. The analysis performed for the GEIS represents a conservative analysis as it accounts for over 90 background development projects and an additional 11.5 percent background growth rate, plus the traffic generated by the proposed Plan.

The proposed new interchange ramps connecting the Van Wyck Expressway and the District have been developed at the concept level for illustrative purposes only in the GEIS and are subject to further refinement upon preliminary and final design in coordination with reviews by NYSDOT and FHWA. The design process, which will include long-term regional traffic modeling, will identify design elements that would enable the Van Wyck Expressway to process traffic most efficiently with the ramps in place. For example, the analysis in the GEIS does not assume that the ramps would have acceleration and deceleration lanes within their current conceptual plans. The addition of acceleration and deceleration lanes would likely improve traffic conditions on the highway network, and minimize queues and spillback, as vehicles would decelerate or accelerate outside of the expressway mainline through lanes, thereby resulting in conditions better than those projected in the GEIS as well as optimizing safety conditions. Other design improvements may also be incorporated as preliminary and final design development proceeds. During the design process, these considerations would be addressed in detail and, to the extent possible, further improvements added.

Comment 17-3:

The GEIS indicates that the proposed development would cause severe congestion at most of the intersections studied, and much of this congestion could not be mitigated. It would be an unprecedented overload for the local road system. The GEIS clearly shows that residents will not be able to drive to and from work, businesses will not be able to receive shipments or customers, and travelers will not be able to reach airports or simply drive through; this degradation of the road and highway system would create an unprecedented daily transportation overload. (33, 35)

Response 17-3:

In addition to the conservative traffic analysis that is presented in the GEIS, including a background growth rate of 11.5 percent and volume

from over 90 other area developments, the program analyzed in the GEIS represents the maximum envelope of development envisioned for the District. As a result, the volume generated by the development, impacts identified, and mitigation measures proposed in the GEIS represent a worst-case scenario. If the eventual plan to be built is less than the maximum development envelope analyzed in the GEIS, the volume of projected vehicle trips would be lower during all seven analysis peak hours, and the number and degree of significant adverse impacts would be reduced, and local intersection mitigation measures identified in the GEIS would be more effective. The GEIS does not conclude that residents would be unable to drive to work, that businesses would be unable to receive shipments or customers, or that travelers would be unable to reach airports. Additionally, the Willets Point Development District is located convenient to the # 7 subway station, the LIRR, and MTA bus service, offering District patrons transit options to access the site.

Comment 17-4:

In Chapter 10 (Grade Separations and Interchanges) of A Policy on Geometric Design of Streets and Highways, American Association of State Highway and Transportation Officials (AASHTO) states: “Left-hand entrances and exits are contrary to the concept of driver expectancy when intermixed with right-hand entrances and exits. Therefore, extreme care should be exercised to avoid left-hand entrances and exits in the design of interchanges.” AASHTO goes on to state that “Left-side ramp terminals break up the uniformity of interchange patterns and generally create uncertain operation on through roadways.” Left-hand exit ramps are not expected by drivers, which can lead to confusion, delays, and the increased potential for accidents. There is a potential safety issue with the proposed exit ramp, which is a left-side exit from the existing ramp system. (33)

Response 17-4:

The proposed exit ramp from the Van Wyck Expressway mainline would be located on the right-hand side of the roadway, thus, does not violate the AASHTO standard. It is only after vehicles exit the mainline that they are presented with a split in the ramp – either to the left or to the right. Vehicles seeking to access the Willets Point Development District would follow the ramp split to the left, while all other vehicles would follow the split to the right. There is no left-side exit from the expressway itself. The preliminary and final designs will be prepared in compliance with the NYSDOT PDM, which references AASHTO design standards, including ramp design.

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Comment 17-5: Attention should be paid to auto access from Roosevelt Avenue and Northern Boulevard to ensure that there will be efficient traffic flow at the site. (28)

Response 17-5: Vehicular access would be provided from Northern Boulevard and Roosevelt Avenue into the District via 126th Street (existing) and a proposed north-south roadway along the eastern border of the District. In addition to 126th Street and the proposed north-south roadway which offer two points of access from Roosevelt Avenue and Northern Boulevard, a third access point from Northern Boulevard would be provided via a new local roadway.

Comment 17-6: Given the uncertainty of the necessary State and federal approvals, there should be an extensive analysis of how over 6,000 new peak vehicles would be able to enter or exit the District if the proposed ramps are not approved and cannot be constructed. (33)

Response 17-6: The City has maintained communication and close coordination with NYSDOT from the inception of the project, outlining a range of conceptual design options and working with options that NYSDOT determined were preferable. It is fully expected that such approvals will be obtained and the design will be progressed in light of design suggestions to be made by both NYSDOT and the FHWA. Furthermore, the proposed ramps are an integral part of the Willets Point Development Plan. The developer's agreement would stipulate that following approval of the Van Wyck Expressway ramps but prior to completion of ramp construction, no buildings could be occupied unless the developer demonstrates that earlier occupancy of such buildings would not result in significant adverse impacts that have not already been described in this GEIS.

Comment 17-7: The transportation component of the GEIS, as provided to the public, is not transparent because it does not provide the technical analyses upon which the transportation section of the GEIS is based, such as the worksheets for the intersection capacity analyses and the capacity analyses of the highways and ramps. (33)

Response 17-7: The technical analyses, including highway capacity software (HCS) analysis printouts on which the transportation section of the GEIS is based, were submitted to NYCDOT. NYCDOT thoroughly reviewed and approved these analyses and the results of the HCS analyses have been summarized in tabular format and included in the GEIS. This is typical for New York City EISs, as over 3,000 pages of highway capacity software analysis printouts would otherwise be appended to the

GEIS. This information is available from the lead agency through the Freedom of Information Law.

Comment 17-8: There is no identification of any intersections that are high accident locations for vehicular accidents, nor is any analysis provided. In the three-year period analyzed, there were a total of 52 reportable accidents at the intersection of 126th Street and Northern Boulevard, which is a major access/egress location for the Willets Point District. There were also 34 accidents at the intersection of Prince Street with Northern Boulevard, 30 reportable accidents at the intersection of Main Street and 25 accidents at the intersection of College Point Boulevard and Roosevelt Avenue in the three-year study period. There was a non-pedestrian related fatal accident at the intersection of 108th Street at Astoria Boulevard and another fatal accident, at the intersection of Prince Street and Northern Boulevard. (33)

Response 17-8: The evaluation of high vehicular accident locations is not required under *CEQR Technical Manual* guidelines, nor is it required by NYCDOT, the agency charged with maintaining the safety of the City's roadways. NYCDOT maintains accident data and implements safety improvements as warranted.

Comment 17-9: While it is not anticipated that the accident rates in terms of accidents per vehicle miles traveled would increase, there will be an increase in both vehicular and pedestrian volumes, including the number of school children. Accordingly, there will also be a concurrent increase in the opportunities for vehicular and pedestrian conflicts in the study area and, therefore, a significant increase in the number and severity of the accidents in the area should be anticipated. The safety analysis in the GEIS should acknowledge the increase in the accident potential and identify the corridors in the development where mitigation measures may be required. (33)

Response 17-9: There is no direct correlation between increased traffic volumes and increased potential for pedestrian accidents. For study area intersections that have a high pedestrian accident history, improvement recommendations are provided in the GEIS. The Special District Text design guidelines incorporate pedestrian facility requirements that well exceed those typically required in New York City, such as wide sidewalks and designated pedestrian zones. Furthermore, many pedestrian safety requirements have been, or are, in the process of being implemented, including numerous intersections in downtown Flushing, as part of NYCDOT's initiative of improving pedestrian safety. These changes have been incorporated into the GEIS analysis.

Comment 17-10: The Scope of Services for the GEIS states that travel speed and delay time runs were to be performed for portions of Northern Boulevard, Roosevelt Avenue, 126th Street, and along the Grand Central Parkway and the Van Wyck Expressway. No travel time information is contained within the GEIS; while the summary information discussed for the highway sections indicate travel speeds, it appears that these data are the output of the CORSIM modeling effort and not based on time and delay studies, which consist of actual data collected. (33)

Response 17-10: Travel speed and delay runs for local streets, which consist of actual field data collected, were conducted and incorporated into the GEIS traffic and environmental studies. Speed data are not typically included within the GEIS document itself as traffic analyses are based on a comparison of No Build and Build delays and levels of service which are developed using Highway Capacity Manual methodologies. Local street travel speed and delay runs are typically one of several sets of inputs into the detailed studies. Detailed travel speed and delay run studies on the highway network were also conducted and these data used to calibrate the existing CORSIM highway network model. The calibrated CORSIM model was then used as the basis for modeling future conditions both with and without the proposed plan. The observed speed run data for the highway network are included in Chapter 17 of the GEIS.

Comment 17-11: The Highway Capacity Software used for this analysis generates a value for intersection delay. However, when an intersection reaches a level of severe congestion, as encountered at many of the intersections in the study area, the analysis displays a value of 120+ seconds; it does not display the actual calculated delay value. To be able to assess the true change in the delay value from the No Build condition to the Build condition, and therefore understand the extent of the impacts, it is necessary that the actual delay values be calculated and reported. (33)

Response 17-11: Highway Capacity Software was used to calculate vehicular delay at study locations and NYCDOT was provided these delay values at study intersections, including actual values for those delays in excess of 120 seconds and mitigation measures were developed with regard to the actual delay projections. NYCDOT has thoroughly reviewed the analysis findings and has concurred with the findings and results of the traffic analysis, including the development of approved mitigation measures.

Comment 17-12: What are specific measures the plan introduces to reduce parking? (18)

Response 17-12: The proposed Plan was based on an assessment of likely car ownership and projected parking demand and accumulation for all proposed land uses comprising the Plan. Shared parking strategies within the District are proposed. For example, since designated parking areas for the retail, hotel, and convention center could be underutilized during weekdays, these parking facilities could also be used to accommodate office, community, and primary school demands. In addition, off-street parking garages within the District would include a combination of traditional, valet, and stacked parking which would reduce the overall floor area needed to accommodate parking within the District. Designated off-street parking spaces would also be provided for vehicles being shared by multiple households (i.e., car-sharing vehicles) in order to reduce vehicular dependence.

Comment 17-13: We applaud the City for proposing a lower ratio of parking required for the residential development than Community Board 7 requested. However, NYCEDC must ensure that the stricter residential parking requirements are not off-set by additional provision of parking for the commercial enterprises located at the site. (18)

Response 17-13: The amount of parking proposed under the Plan for commercial uses was based on a detailed parking demand and accumulation analysis using traffic generation factors reviewed and approved by NYCDOT. The projected parking accumulation was based on projections of hour-by-hour vehicular arrivals and departures using typical CEQR rates approved for the project by NYCDOT.

Comment 17-14: Car traffic should be minimized as much as possible on 126th Street, with diversions of parking traffic to garages and the parking lots that surround the stadium and the site. (18)

Response 17-14: All parking needs for the District would be contained within the District, close to the land uses which generate the parking demands. Access routes to the District and its parking areas include the new Van Wyck Expressway ramp connections, as well as direct access from Northern Boulevard, Roosevelt Avenue, and 126th Street. To the extent that projected traffic patterns would need to use 126th Street to reach on-site garages, these patterns are reflected in the GEIS analyses. It is not anticipated that diversions would occur to garages and/or parking areas outside the District.

Comment 17-15: If the development were truly transit-oriented, it would provide less parking for the commercial areas, based on accepted square footage/parking ratios. (18)

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- Response 17-15:** The development is transit-oriented as it is located adjacent to a key subway line as well as LIRR service, and it is anticipated that MTA and NYCT would extend bus routes and/or create new bus routes to serve the site. The amount of parking being proposed is based on a detailed assessment of expected trip generation and hourly parking accumulation projections, based on accepted ratios of auto trips per square foot of development.
- Comment 17-16:** Parking strategies for the District should attempt to utilize the existing parking infrastructure as much as possible; parking and massing for large retail should take into account current parking opportunities in municipal lots, such as the ones used for game days. Amenities should be added to these lots to encourage walkability from these lots to the District. (18)
- Response 17-16:** To the extent possible, there will be some shared parking opportunities, but given the 81-plus ballgames played by the Mets annually, special events, and the needs of the U. S. Open, the parking facilities associated with those sports venues would not be available to the tens of thousands of residents, employees, shoppers and visitors expected to inhabit or visit the District on a daily basis, 365 days per year. Adequate parking needs to be provided within the District to ensure that the proposed Plan as well as the two sports venues have sufficient parking available when needed. The design of the District, including connections to and from proposed parking facilities, can and will encourage walkability and appropriate urban amenities.
- Comment 17-17:** One of the sources used for the transportation analysis—*Motor Trucks in the Metropolis* (Wilbur Smith Associates, 1969, 17-40)—is seemingly out of date and needs to be defended given changes in lifestyle and services since the publication of this book. Does this source account for the current trends of online commerce that relies on truck transportation (e.g., Fresh Direct)? (18)
- Response 17-17:** The source cited was approved for use by NYCDOT and is widely considered as one of the pre-eminent sources, if not the pre-eminent source, for projecting delivery vehicle trips in New York City. It has been approved for use on dozens of development project EISs by both NYCDOT and the DCP.
- Comment 17-18:** Based on NYSDOT responses to FOIL requests, NYSDOT appears quite uncomfortable with all of the proposed interchange configurations. (33)

- Response 17-18:** NYSDOT is not uncomfortable with all of the proposed interchange configurations. To date, several conceptual ramp access alternatives have been presented to NYSDOT, and that agency has reviewed and commented on them and the proposed AMR process. Once the draft AMR is completed, in accordance with established procedure, NYSDOT will review the draft report. NYSDOT's comments will be incorporated before NYSDOT presents the AMR to FHWA for review and approval.
- Comment 17-19:** NYSDOT has concerns as to whether adequate sight distance on the new ramp could be provided. (33)
- Response 17-19:** The preliminary design will be prepared in compliance with the *NYSDOT Project Development Manual* (PDM), which references standards, including adequate sight distance. The ultimate ramp design will be developed in consultation with NYSDOT and FHWA and will conform to applicable PDM requirements.
- Comment 17-20:** In preparation for the 1964 World's Fair and the opening the same year of Shea Stadium, new highway segments were built and what is now the Willets Point-Shea Stadium subway station was created. The current project requires no less of a radical reconfiguration of the transportation network there. (33)
- Response 17-20:** The proposed Plan includes a major transportation improvement – the construction of a new highway interchange directly connecting the Van Wyck Expressway to the Willets Point Development District. An improvement of this magnitude is one which goes beyond improvement measures typically recommended in EIS studies. This improvement further recognizes that many of the Willets Point District Development site generated trips will use the highway network and accommodates for this need by providing direct highway access to and from the District.
- Comment 17-21:** While the GEIS suggests that the Project generates the greatest number during the peak Saturday Highway Hour, a very significant number of trips are anticipated during the morning and afternoon commute time frames and during which time significant congestion is indicated to result as a function of the proposed development. (33)
- Response 17-21:** The GEIS provides a comprehensive analysis which reviews traffic conditions and findings not only during the Saturday peak hour, but also fully discusses traffic conditions and findings during a total of seven analysis peak hours, including the weekday non-game AM, midday, PM, and Saturday midday peak hours, and the weekday pre-game PM, Saturday pre-game, and Saturday post-game peak hours. The analysis

presented in the GEIS summarizes and fully documents the magnitude of site traffic generated by the proposed Plan, the number of impacts, the needed mitigation measures, and intersections which were found to be unmitigatable, and these detailed analyses were completed for all seven study peak hours described above.

CHAPTER 18: TRANSIT AND PEDESTRIANS

Comment 18-1: The Willets Point EIS predicts a significant increase in automobile traffic surrounding the development. The City must think creatively about how Willets Point can mitigate that traffic burden by becoming a less car-dependent community. This could mean creating easy mass transit access by making sure the MTA opens up the nearby LIRR stop not just on game days, or working with MTA to add inter- and intra-borough bus lines, depending on where it is people in Willets Point are actually working. We call on the City to make sure Willets Point has desirable mass transit options for its residents. (12)

How will the City ensure that the proposed plan is linked to adequate public transit options? (18)

Response 18-1: The MTA and NYCT routinely monitors changes in transit ridership and would make the necessary service adjustments where warranted, subject to the agencies' fiscal and operational constraints. As discussed in the DEIS, the MTA and NYCT already has plans to schedule two more trains on the No. 7 subway line during peak hours in the peak direction. In addition, the City is in consultation with MTA and NYCT on plans to extend and/or create new bus lines to serve the District and on extending regular LIRR service to the LIRR station when the actual demand shows that such service improvement is warranted. To accommodate potential bus service improvements, new bus stops and layover areas would be needed in and around the District. The City will collaborate with the MTA and NYCT during and after this environmental review process to establish development guidelines and provisions to ensure that adequate bus service improvements would be implemented.

Comment 18-2: The commercial and convention center aspects to the development are unlikely to fulfill the intention of transit-oriented development and sustainable development as potential visitors to the commercial areas are more likely to drive there than take public transit. (18)

Response 18-2: While potential visitors to the commercial and convention center uses are typically more likely to drive than commuters traveling to and from the District, the proximity and convenience of the District to transit

access and the overall mixed-use nature of the District would only enhance the development's sustainability with regard to transportation. Furthermore, as stated above, the City and the MTA will collaborate in planning for improved transit services as part of the proposed development. Therefore, contrary to what the comment implies, the proposed development is expected to fulfill its sustainability goals, whereas, a development containing commercial and convention center uses that situates far from transit access would not be as transit-oriented and sustainable.

Comment 18-3: How does the City propose to link bicycle and pedestrian paths to larger networks to encourage alternate transport? (18)

EDC must be more aggressive in planning transportation routes to and from the No. 7 train and the LIRR. This should include a neighborhood bike and pedestrian plan, as well as the installment of infrastructure that will support and encourage these modes. (18)

Response 18-3: As the GEIS states, new bicycle lanes would be required on the connector streets as part of the proposed Plan. In addition, the City is currently pursuing additional bikeways and greenway connections between the Flushing Bay Promenade to the north and Flushing Meadows-Corona Park, as well as other areas surrounding the District. This ongoing effort will continue after the completion of this environmental review to integrate what would be included in this project into the area-wide bicycle and pedestrian network.

Comment 18-4: What are other specific design proposals, besides a potential pedestrian bridge, to integrate the two sides of the Flushing River across the MTA site? (18)

Response 18-4: As stated above, there is a plan to incorporate an extensive bicycle and pedestrian network across neighborhoods, including new/improved paths along Roosevelt Avenue and Northern Boulevard over the Flushing River.

Comment 18-5: The width of the streets would not achieve the goal of creating a pedestrian-oriented development. The FEIS should study narrower streets. (18)

Response 18-5: The design of the street network within and surrounding the District has been carefully planned to accommodate both vehicular and pedestrian space. In addition to typical sidewalk space, there would be delineated pedestrian space along many streets adjacent to various buildings to further provide a buffering effect between vehicles and pedestrians.

Nonetheless, adequate roadway space is needed to facilitate vehicular access, commercial services, and street vitality.

Comment 18-6: Trip generation statistics used in the GEIS should be more significantly based around transit. A study of the transit trip generation rates should be included in the FEIS with recommendations as to amendments to the design to maximize the number of transit users of the site (residential or commercial). (18)

Response 18-6: The trip generation estimates were based on census data, standard references, and other approved studies. These estimates underwent a rigorous review with the NYCDOT and were deemed appropriate for analysis.

Comment 18-7: EDC must make public the study that shows the site’s potential for generating a population that will create consistent and commuter-based LIRR service, in contrast to the current baseball-game-based schedule. This study shows that the future population of the area will have the potential of being served by regularized LIRR service. (18)

Response 18-7: There is no study examining the future population’s demand for regular LIRR service. However, the City is in consultation with MTA and NYCT on plans to extend and/or create new bus lines to serve the District and on extending regular LIRR service to the LIRR station when the actual demand shows that such service improvement is warranted.

Comment 18-8: The transportation components of the project, “Transit and Pedestrians” and “Traffic and Parking” should not be separated into two different chapters, given the “transit-orientation” emphasis of the project. The interplay between these two modes of transportation should be analyzed in tandem, with justifications for the balance (threshold limit of parking needed for commercial/retail viability vs. other uses of space) to be struck between the two. This is not currently mandated by CEQR, yet should be done in order to explain how the site is transit-oriented and to make the project a potential “model” project, placing New York at the cutting edge for this type of development. (18)

Response 18-8: The analyses presented in the GEIS were prepared in accordance with CEQR guidelines and reviewed/approved by the transportation agencies. The two analysis components referenced in the comments were analyzed collaboratively, as assumptions and findings on one would affect the other and vice versa. However, while planning and design focuses could ultimately affect how travel behaviors may transform in the future, the objectives of the CEQR analyses are to

present a reasonable worst-case scenario, identify potential significant adverse impacts, and recommend viable mitigation measures. Often, these findings are considered by policy makers and planners in their efforts to foster future improvement strategies.

CHAPTER 19: AIR QUALITY

Comment 19-1: What are you doing about the exhaust from the planes at takeoff? How will this new development be affected by exhaust? (35)

Response 19-1: The District is located approximately one mile from the nearest runway at LaGuardia Airport. For a proposed Plan with sensitive uses, the *CEQR Technical Manual* recommends an analysis of existing sources of emissions that are considered to have a potential significant impact. The largest sources of stationary sources emissions, including power plants, are required to be analyzed when a proposed project is within 1,000 feet of such source(s).

Although not classified as a large source, airports can produce emissions from planes, ground support operations, stationary sources such as building heating systems and mobile sources traveling to and from the airport. However, while LaGuardia Airport is a major regional airport, it would not result in a significant adverse impact on air quality at the District, based on measurements conducted on air quality in the area.

DEC maintains a network of ambient monitoring stations throughout New York City. While there are no monitoring stations currently operating in the area around the District, DEC previously operated two monitoring stations – at the College Point Post Office and at PS 214 in Flushing – which are similar in distance from the airport as compared to the District. These stations were reviewed to characterize air quality conditions nearer to the airport, and to determine whether conditions are worse near the airport than at other locations where monitoring is conducted.

The DEC monitoring site at the College Point Post Office measured background concentrations of nitric oxide (NO), NO₂ and ozone. This site is located slightly less than a mile from the airport, to the northeast. For the latest three-year period for which monitoring data is available (2003-2005), NO₂ and ozone concentrations were well below standards (ozone is considered a regional pollutant and therefore concentrations at this location would be less influenced by airport activities). Concentrations of monitored pollutants were comparable to levels measured at other monitoring sites in Queens, and lower than other sites in the Bronx and Manhattan, which are further distant from the airport.

The DEC PS 214 site in Flushing was used for measurement of PM_{2.5}. This site is located approximately 1.5 miles from the airport, to the east of the District. For the latest three-year period for which data are available (2000-2002), annual average PM_{2.5} concentrations were below the PM_{2.5} national ambient air quality standard (NAAQS) of 15 µg/m³, and the 24-hour concentrations were below the NAAQS that was in effect at the time (65 µg/m³). Measured PM_{2.5} concentrations were comparable to maximum concentrations measured at other sites in Queens over the same time period, and lower than measurements at other locations such as in Manhattan.

While the airport and its related traffic does have some effect on the District's air quality, overall, emissions from operations at the airport are not anticipated to be significant. The District's distance from the airport is not considered to be a concern relative to emissions of PM_{2.5} or other pollutants. As evidenced from previous monitoring conducted in the area by DEC, emissions of PM_{2.5} and other pollutants from the airport would not result in violations of NAAQS at the District, and therefore air quality at the District is not considered to be adversely affected by the airport's operations.

Comment 19-2:

The FEIS should include a detailed analysis of whether residential and school uses close to a heavy industrial area and adjacent to major highways as well as an airport are recommendable, which should consider whether existing air pollution at the site is suitable for residential and school uses. (18)

Response 19-2:

The comment refers to three types of emission sources: industrial sources, highways and airports. Each of the first two source types is addressed in the GEIS. For emissions from industrial activities, the GEIS examines emission sources within 400 feet and larger emissions sources within 1,000 feet of the District boundaries, as recommended in the *CEQR Technical Manual*. No industrial emission sources were found within 400 feet of the District. Maximum predicted short-term and annual concentrations of pollutants emitted by industrial sources within 1,000 feet of the District were determined to be below the DEC guideline concentrations. Therefore no significant adverse air quality impacts from industrial sources on the development that would be introduced under the proposed Plan are anticipated. The GEIS also evaluates the impact of elevated roadways on sensitive uses within the District. Northern Boulevard, which borders the northern portion of the site, was selected for analysis based on the high volumes of traffic along this corridor, and its proximity to the District. The Whitestone Expressway, which borders the eastern boundary of the District, was not analyzed since it is significantly further from the proposed sensitive uses within the District

than Northern Boulevard. The results of the analysis determined that the vehicular traffic along the elevated portion of Northern Boulevard closest to the District would not result in any significant adverse air quality impacts. Regarding impacts from operations at LaGuardia Airport, please refer to the response to Comment 19-1.

Comment 19-3: The site chosen for background contamination, the Queens College campus, is insufficient due to the unique traffic confluence at the Willets Point site. (18)

Response 19-3: The closest and most representative air monitoring stations were selected in establishing ambient or background concentrations of criteria pollutants. The influence of traffic at the Willets Point site was assessed through mobile source modeling. Modeled concentrations were added to the measured background values, where appropriate, following the *CEQR Technical Manual* and DEP guidance, to assess the potential for significant impact. Overall pollutant concentrations at modeled intersections were found to be in compliance with applicable standards or thresholds.

Comment 19-4: The FEIS should include a potential point source pollution monitor placed near the intersection of Willets Point Boulevard and 34th Avenue in order to properly assess air quality impacts. This background measurement should then be considered in tandem with the potential traffic impacts of the proposed plan and the LOS designations of “E” or worse, because the locations selected for Modeled Existing and Future 8-hour Average CO Concentrations are insufficient in regards to prediction of pollutants. (18)

Response 19-4: The intersection of Willets Point Boulevard and 34th Avenue was included in the assessment of air quality impacts. Measured background concentrations from the nearest and most representative monitoring station were considered together with the results of the modeling analysis in predicting future potential concentrations. Four different locations were selected for the modeling analysis, based on the project-generated traffic, overall future projected traffic, LOS, and the intersection geometry – proximity of traffic to sensitive receptors. The locations were selected in accordance with the procedures recommended in the *CEQR Technical Manual*. The selection was approved by DEP.

Comment 19-5: Air pollutant impacts due to the site’s proximity to LaGuardia Airport should be studied, as airplanes are major sources of PM_{2.5}. Airport

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traffic at one of the busiest airports in the nation is at an all-time high and projected to increase. (18)

Response 19-5: Please refer to the response to Comment 19-1.

Comment 19-6: Given that the Van Wyck is a major commercial route, the effects of pollutants from diesel engines not involved in the project (i.e., from the proximate highways and streets) must also be considered. The study sites for PM (particulate matter) are away from major traffic and airport influences and are therefore questionable sources for this information. (18)

Response 19-6: The study site selected for analysis, at Roosevelt Avenue and 126th Street, examined potential air quality impacts at sidewalk receptors, located only a few feet from roadways. The analysis determined that there would be no significant adverse air quality impacts from sources of CO, PM₁₀ and PM_{2.5} emissions. The Van Wyck Expressway, while near the District, is much further away from sensitive receptor locations than are roadways located adjacent to at-grade sidewalks, and therefore, concentrations of pollutants would not be expected to result in any violations of standards.

CHAPTER 20: NOISE

Comment 20-1: Highway noise notably reduces the quality life of nearby residents with particularly detrimental effects on children. In the case of Willets Point, current measures of noise levels are fairly high to begin with and with the proposed project, according to the DEIS, would have to be attenuated. The DEIS states that “the noise levels and the impacts predicted exclude noise from aircraft operations at LaGuardia Airport, which is adjacent to the district” (23-14). As a result, the livability analysis is flawed and does not adequately address whether existing noise-level conditions should preclude outright residential and particularly school uses on the site. (18)

Response 20-1: The analysis at Sites 1, 2, and 3 excludes aircraft noise because using the lower baseline noise level that results from exclusion of aircraft noise from the analysis is conservative and maximizes potential project impacts. The locations that were analyzed as part of the building attenuation analysis (Sites 4 through 8) did not exclude noise due to aircraft operations and consequently were conservative and maximized building attenuation requirements.

Comment 20-2: The analysis only takes into consideration the incremental change in noise pollution due to its plan and does not assess whether the existing

conditions are appropriate for residential living and schooling. How will the current site conditions that cannot be altered impact adults and children mentally and physically? (18)

Response 20-2: The incremental change is examined only at existing noise-sensitive receptors outside of the District. The building attenuation analysis conservatively predicts the loudest noise levels that would occur in the District under the proposed Plan and recommends the necessary measures to provide acceptable interior noise levels for residential and/or educational uses. To meet CEQR interior noise level requirements, the analysis prescribes between 30 and 37 dB of building attenuation for buildings within the District, which would be ensured through E-designations and/or subsequent Restrictive Declarations on the District. With these measures in place, no significant adverse noise or public health impacts would occur.

Comment 20-3: The FEIS should include a detailed analysis of whether residential and school uses close to a heavy industrial area and adjacent to major highways as well as an airport are recommendable, which should consider whether existing noise pollution at the site is suitable for residential and school uses. (18)

The impacts of airport noise must be considered given the proximity to the airport. The justification given for exclusion is not adequate. (18)

An element of the proposed Willets Point redevelopment plan is the construction of housing units, to be situated directly beneath the well-worn flight path to LaGuardia's runway. Understand that Willets Point is at the closest possible location to this very active runway. (40)

Response 20-3: The analysis determines the building attenuation measures necessary to meet CEQR interior noise level criteria, and provides a means by which such measures can be required by future developers. Aircraft noise was included in the attenuation analyses.

Comment 20-4: It is unlikely that affordable housing development is feasible due to the high cost of noise attenuation at the site. Additional building attenuation (the highest building attenuation, 37 dBA) should be required for all residential buildings, irrespective of the market segment served (affordable or market-rate). The FEIS should provide a cost analysis of the highest noise attenuation possible for the proposed residential units. (18, 40)

Response 20-4: The analysis makes no differentiation between affordable and market-rate buildings. The amount of attenuation required at a given location is determined by its use (residential, commercial, etc.) and the nearby

noise sources only. Cost is not a factor in the determination of noise attenuation requirements.

CHAPTER 21: CONSTRUCTION IMPACTS

Comment 21-1: Environmental Defense Fund is pleased that the current plan for Willets Point calls for a thorough clean-up of the highly contaminated lands that are the result of years of neglect. Ensure complete clean up of the contaminated land in Willets Point and minimal runoff into nearby waterways. (12)

Response 21-1: Comment noted. As described in Chapter 12, “Hazardous Materials,” of the GEIS, to prevent exposure to contaminants, the proposed Plan would include appropriate health and safety and investigative/remedial measures that would precede or govern both demolition and soil disturbance activities. These measures include procedures for pre-demolition removal of asbestos and appropriate management of lead-based paint, and PCB-containing equipment; additional subsurface investigation to better characterize soils to be removed for excavation; development of a Site Management Plan for site remediation, excavation, and redevelopment that would include procedures for managing both known contamination issues (e.g., tank removal, and soil and groundwater remediation of existing petroleum spills, excavation, and removal of existing septic tanks or fields, floor drains, and historic fill) and any unexpectedly encountered contamination issues. A CHASP would also be developed to include procedures for avoiding the generation of dust that could affect the surrounding community, as well as the monitoring necessary to ensure that no such impacts occur. Following completion of remediation and implementation of engineering and institutional controls as needed, the District would be safe for all uses anticipated by the Plan.

Comment 21-2: If significant chemical contamination is present, impacts to worker health and safety during construction as well as engineering/institutional controls for mitigating contaminant exposure to occupants of the new buildings need to be further evaluated in the GEIS. (33)

Response 21-2: There has not been any testing on any individual sites because access has not been granted; thus, specific contamination levels cannot yet be determined. However, given the level of experience in the development community, as well as within DEC and DEP, there are many cases where remediation and development have taken place in tandem without adverse impacts on worker health and safety. Final engineering and institutional controls are also readily available, and discussions of

specific mitigation are premature given the lack of specificity in the final plan. Routes of exposure include inhalation, ingestion, and dermal contact. The final remedy and redevelopment will eliminate these, and during remediation contractors will be required under either the E-designation, CEQR, or DEC Brownfield Cleanup Program (BCP) to use appropriate health and safety precautions and plans for specific work being performed.

Comment 21-3: The enormous amount of fill required would result in nearly 20,000 truck trips even if large capacity trucks are used. (33)

Response 21-3: The GEIS details the estimated numbers of daily worker and truck activities through different stages of construction, including site grading. The site grading was estimated to take about 7,200 truck trips. These estimates were subsequently used for the relevant construction impact analyses, the findings of which were also detailed in the GEIS.

Comment 21-4: The GEIS fails to address the impacts of placing fill in Willets Point; it will take an enormous amount of fill to raise the project area above even the current 100-year flood plain, much less the flood plain expected within the Proposed Project lifetime. The GEIS does not even estimate the quantities of this fill, much less where the fill will come from, how its cleanliness will be assured, the safety, environmental and energy impacts of the tens of thousands of truck trips required to haul the fill to Willets Point, the impacts of excavating the fill, and the impacts of the compression that the fill will both undergo and cause. (33)

Response 21-4: As stated in response to Comment 12-2, the estimate used to determine the amount of fill required to fill the site to the 100-year floodplain was calculated using a recent survey of the development parcel and boring results from a series of geotechnical borings. The compressible layer beneath the District has already been put under pressure and settlement has occurred, which minimizes further settlement of that layer. The fill material that was used for purposes of the geotechnical evaluation included a low density material that is available and is designed to minimize settlement. The fill material estimated to be imported was for the roadbeds and other areas not occupied by building structure. Specific procedures on the importation of the fill such as its cleanliness and handling procedures will be employed in accordance with 6NYCRR Part 360. Lastly, it should be noted that the GEIS details the estimated numbers of daily worker and truck activities through different stages of construction, including site grading. It is not tens of thousands of trips but is estimated to generate about 7,200 truck trips.

CHAPTER 22: PUBLIC HEALTH

Comment 22-1: The public health methodology proposed does not include the possible source of traffic as a source of the cause of asthma. The remark on page 22-9 regarding the potential of the effects of exhaust is not substantive:

The relationship between diesel exhaust and asthma has been studied experimentally and epidemiologically with inconclusive results.

The FEIS must give further justification for dismissing this relationship, including sources and research that shows evidence to the contrary. This is warranted, given the site's overwhelming similarities (proximity to major highways) with other areas of the City that have experienced increased asthma rates. (18)

Response 22-1: The GEIS has been revised to include an expanded discussion of the relationship of asthma to traffic and construction sources of air pollution.

Comment 22-2: The FEIS should include a more rigorous study of the effects of air pollution on public health, given the proximity to two major sources of pollution (abundant vehicle and airport traffic). This study should be done with the inclusion of a different air quality monitoring station than in Chapter 19, "Air Quality." This study should also consider cumulative impacts of these point sources of pollution on livability. (18)

Response 22-2: Please refer to the response to Comment 19-2. As discussed in the response, while the airport and its related traffic does have some effect on the District's air quality, overall, emissions from operations at the airport are not anticipated to be significant. The District's distance from the airport is not considered to be a concern relative to emissions of PM_{2.5} or other pollutants. As evidenced from previous monitoring conducted in the area by DEC, emissions of PM_{2.5} and other pollutants from the airport would not result in violations of National Ambient Air Quality Standards (NAAQS) at the District, and therefore air quality and public health at the District is not considered to be adversely affected by the airport's operations.

Comment 22-3: A more rigorous analysis of airport noise must be done before it is accepted that the impact of LaGuardia Airport will not create any public health issues. (18)

Response 22-3: Please refer to the responses to Comments 20-1 and 20-2.

Comment 22-4: The use of the Bronx Botanical Garden is particularly questionable, given its abundance of old-growth CO-fixing trees. It is understood that these study sites are more for regional air quality analysis. (18)

Response 22-4: Monitoring data from the Bronx Botanical Garden has not been used in the assessment of CO impacts in the GEIS, as the Queens College monitoring station is closer to the District and therefore considered more representative. As discussed in the Public Health Chapter, the Bronx Botanical Garden is one of a number of sites where the DEC analyzed the components of PM_{2.5} to understand their origin. Since PM_{2.5} is a regional pollutant, this data is relevant to New York City, not just air quality on a local basis.

CHAPTER 23: MITIGATION

Comment 23-1: An initial \$5 million traffic and infrastructure mitigation fund should be established and increased if necessary. The City should monitor the potential impacts on area traffic and infrastructure related to the development and implement appropriate mitigation measures in a timely manner. (2)

Response 23-1: The City would require the developer to establish a Traffic Mitigation and Infrastructure Fund with an initial \$5 million escrow deposit. This fund would be utilized for any currently unforeseen traffic mitigation and infrastructure improvements; all mitigation measures and infrastructure improvements disclosed in the GEIS would be required to be implemented through other developer or City funding. Any additional contributions to the Traffic Mitigation and Infrastructure Fund would be negotiated after developer selection.

Comment 23-2: The mitigation fund is extremely small; a Mitigation Fund equal to ten percent of the development costs should be established. (6)

In view of the magnitude of the expected traffic impacts, no meaningful mitigation could be accomplished with the \$5 million fund that would be established for additional mitigation measures. (33)

Response 23-2: As indicated above, the Traffic Mitigation and Infrastructure Fund would be utilized for any currently unforeseen traffic and infrastructure improvements; all mitigation measures disclosed in the GEIS would be required to be implemented through other developer funding. Any additional contributions to the Traffic Mitigation and Infrastructure Fund would be negotiated after developer selection.

Comment 23-3: The analysis of the proposed traffic mitigation measures indicates that no attempt was made to take a “hard look” at any and all of the available measures that could be used to mitigate the traffic impacts of the development. None of the mitigation measures include the construction of additional travel lanes on any intersection approaches. (33)

Almost half of the intersections analyzed for game-day conditions would remain unmitigated. Leaving half of the intersections in the study area unmitigated is completely unprecedented, and the decision to attempt to mitigate using only low-cost operational changes is a serious omission. (33)

The City is severely shortchanging the transportation upgrades that are essential for a development of this magnitude, thus imposing massive costs on motorists in the form of delays that, upon completion of the development, they will find intolerable, leading inevitably to demands for highway upgrades. (33)

The only mitigation that would be feasible to accommodate the 6,000 new vehicles that will be generated in the peak hour will require the construction of additional travel lanes at intersections throughout the study area. Constructing these additional travel lanes at the beginning of the development process, when land is available, is the logical approach. (33)

Despite the “clean slate” that would be provided by the changes in grade for the District, the City has chosen not to construct the appropriate number of roadway lanes necessary to mitigate the impacts of the project and the approximately 6,090 vehicles that would be generated during a non-game-day weekday PM Peak Hour but has instead chosen to leave unmitigated traffic impacts throughout the development and surrounding area. (33)

Response 23-3: In the process of developing mitigation measures for the GEIS, extensive consideration was given to the type and extent of feasible and realistic mitigation measures which could be proposed at each location projected to experience significant adverse impacts. Due to the high density of the downtown Flushing area and many physical constraints including existing highway ramps, bridge support foundations, subway support columns, and the proximity of the Citi Field stadium adjacent to 126th Street, opportunities to widen existing roadways and provide additional travel lanes outside of the District are limited. Adjacent to the District, the widening of 126th Street was evaluated and it was determined that widening of the roadway would not serve the project goals to create a pedestrian and bicycle friendly zone. Similarly, widening streets within the District would also not meet the goals of the

project, nor would it help to alleviate congestion on the surrounding local street network.

A range of mitigation measures were identified during the course of the GEIS traffic studies and were reviewed in detail with several divisions of NYCDOT. Potential measures were often deemed infeasible by NYCDOT, including the addition of travel lanes at some locations. While the addition of increased travel lanes would have been helpful at some locations, it would be irresponsible to propose such lane additions in the GEIS analyses when such lanes could not feasibly be built.

The GEIS considers a comprehensive list of mitigation measures including traffic signal modifications, upgraded computerized controllers at select signalized intersections, parking prohibitions to allow for daylighted right-turn lanes and additional moving lanes at select locations, and turn prohibitions.

The proposed mitigation measures have been developed using conservative volume projections which included traffic from 90 No Build soft site developments, as well as an addition 11.5 percent of general traffic background growth. The GEIS also presents a worst-case analysis as it evaluates the maximum envelope of development. If the eventual development program is less intensive than the maximum development envelope analyzed in the GEIS, thereby lessening the number of projected vehicle trips, the level of significant adverse impacts would be lower and the identified mitigation measures would be more effective, or potentially not needed. Upon completion and occupancy of the District, a traffic monitoring program would be conducted to determine whether actual future conditions have resulted in significant impacts and would verify the need and effectiveness of those mitigation measures identified in the GEIS.

Comment 23-4: If there is to be additional mitigation of the numerous traffic impacts, identified as part of the traffic monitoring program, that mitigation must be identified and evaluated now as part of the CEQR process. (33)

Response 23-4: The intent of the monitoring program is not to identify additional mitigation measures beyond those disclosed in the GEIS upon completion and occupancy of the Willets Point Development District, but rather to evaluate the effectiveness and/or verify the need for the mitigation measures as proposed in the GEIS. The GEIS evaluates the maximum development scenario for the Willets Point Development District which is the basis on which impacts and proposed mitigation measures have been developed. It is possible that a less intensive development program may be constructed for which the monitoring program could serve as a tool to re-evaluate mitigation measures a

proposed in the GEIS. After any development project is built, should additional improvements be warranted, they could still be implemented just as is done citywide.

CHAPTER 24: ALTERNATIVES

Comment 24-1: A new pedestrian bridge between Flushing and Willets Point should be built in order to further integrate Flushing and Corona. (13)

Response 24-1: While a pedestrian bridge is not part of the proposed Plan, its construction is not precluded. Chapter 24, “Alternatives,” of the GEIS includes an analysis of a Flushing Bridge Alternative, which assesses the proposed Plan with a new pedestrian bridge connecting the District and Downtown Flushing.

Comment 24-2: What have studies shown in terms of the use of pedestrian bridges spanning highways? Do people actually cross these bridges? Do they provide the required sense of connectivity the plan champions, creating an integrating factor? (18)

Response 24-2: The proposed Plan did not assess the demand for pedestrian bridges as they are not part of the Willets Point Development Plan. However, a pedestrian bridge linking Downtown Flushing and the District was included in the GEIS as an alternative because there is community support for this concept. As discussed in Chapter 24, “Alternatives,” the Flushing Bridge Alternative would improve pedestrian access to the District, increase access to proposed open space, and help integrate new development in the District with surrounding amenities.

Comment 24-3: The entire Willets Point development project must proceed comprehensively and not be phased. (2, 6)

Response 24-3: As described in the GEIS, the City intends to undertake all necessary environmental remediation, site grading, and infrastructure improvements in a comprehensive manner, with the proposed Plan built out by 2017. Chapter 24, “Alternatives,” includes an analysis of a Staged Acquisition Alternative, in which properties in the District would be acquired and infrastructure developed over time. Under this alternative, the western portion of the District would be acquired and developed first, allowing the City additional time to find suitable relocation sites for the District’s larger businesses which are concentrated in the eastern portion of the District and which have more specific relocation needs than the District’s smaller businesses. However, like the proposed Plan, development under the Staged Acquisition Alternative would be completed by 2017, and the

development would take place continuously throughout the 2009 to 2017 time period.

Comment 24-4: The City has not seriously considered alternative development scenarios for land use and it is not clear that Willets Point is at all suitable for residential living. (18)

Response 24-4: The District is a suitable location for residential use. It is located near mass transit, public open space and waterfront esplanade, and is surrounded by other residential neighborhoods. As discussed in response to Comment 1-19, there is a strong demand for housing in Queens with residential vacancy rates in the borough being lower than the citywide average, and projections of a 15 percent population increase by 2030. Developers have expressed strong interest in developing residential units in the District, as evident in their response to NYCEDC's RFEI for the District, which indicates that there would be a market for such development. Finally, as described in Chapter 1, "Project Description," the proposed Plan would include a District-wide site clean up including remediation necessary to meet the more restrictive residential clean up criteria; regrading the site to be above the 100-year floodplain; and installation of basic infrastructure and utilities to support a mixed-use development program, all of which makes this site suitable for residential living.

In addition, the GEIS considers the Municipal Services Alternative, which assumes the continuation of industrial uses in the District. Appendix I of the FGEIS includes a detailed engineering report evaluating a conceptual plan for infrastructure improvements.

Comment 24-5: Given its adjacency to other industrial sites, its relative proximity to the College Point Industrial Park, and its accessibility to major transportation routes as well as the airport, the site may be more appropriate for strategic investment in industrial uses. The City should seriously examine the Municipal Services alternative the NYCEDC has proposed in the EIS for its potential to catalyze industrial reinvestment in the area. (18)

Response 24-5: The proposed Plan represents an economically and socially sustainable project. The Plan would result in the development of a mix of uses including residential, retail, hotel, convention center, entertainment, commercial office, community facility, and open space, all in close proximity to public transit. The preservation of manufacturing and industrial sectors is one of a number of priorities for the City, which it has strived to preserve and encourage those uses within designated IBZs

Willets Point Development Plan

and Industrial Ombudsmen Areas. Other City goals include the provision of affordable housing and new commercial office space, encouraging sustainable design, and developing areas in a way that capitalizes on mass transit. The proposed Plan meets these goals and objectives. See response to Comment 24-4.

Comment 24-6: In 1993, a study authorized by then Borough President Claire Shulman concluded that the best use for the area was industrial/manufacturing. It was recommended that the infrastructure be implemented and the area would develop on its own. The infrastructure was never implemented. (38)

Response 24-6: The commenter seems to have confused two studies. In the early 1990s, two major redevelopment studies were prepared for the Willets Point area. While the 1991 study favored the redevelopment of the area with industrial and industry-related uses, the 1993 study was a direct response to the earlier analysis and provided alternative redevelopment schemes that took the changing nature of the City's workforce and economy into consideration.

"The Willets Point Planning Study", commissioned in 1991 by the New York City Public Development Corporation, analyzed three distinct development scenarios for Willets Points based on various degrees of public intervention. The study concluded that minimal intervention "will do less to help realize new development and the jobs and tax revenues associated with it"¹ while the greatest public intervention (e.g., rezoning and land acquisition) could help to remove blight and create new development sites.

Although the study found "Willets Points [to be] most suitable for industry and industry-related commercial uses", it also recognized that "its size is too small to provide adequate space to buffer office and other commercial development from noise, smells and unsightliness of industrial development. Commercial development would require more support restaurants and convenience stores, which, in turn, would be reluctant to establish themselves at Willets Point."²

Within the last three decades demand for industrial space has significantly shifted due to a general decline in the industrial sector. But even when the Willets Point Planning Study was first released it was

¹ New York City Public Development Corporation. "Willet Point Planning Study," October 1991, page 10.

² New York City Public Development Corporation. "Willet Point Planning Study," October 1991, page 35.

considered “disappointingly short-sighted” by the Queens Borough Office. In response the Borough President Claire Shulman authorized a study: “Willets Point: A new direction”, which was published in 1993. The study prepared a plan that would “advance a broader approach to enable the City to capitalize on the full potential of the Willets Point area.”¹ The study analyzed two distinct schemes, which would introduce new, non-industrial uses based on the realization that “it is not in the best interest of this area and the City to promote the continued industrial use of Willets Point.”¹

The study came to the conclusion that both recommended schemes would realize three to four times the projected revenues of a redevelopment plan that would entirely focus on industrial uses. The study further concluded that the Willets Point area would have to be developed with uses similar to uses recommended in the two non-industrial schemes in order to “justify the substantial infrastructure investment needed in the area ... and ... generate higher employment and taxes and transform the site’s appearance to one which benefits its location.”²

Comment 24-7: The GEIS fails to provide an adequate analysis of the Municipal Service Alternative, which would allow the continuation of industrial uses in the area. The GEIS should state that the Municipal Services Alternative will materially improve the socioeconomic conditions and neighborhood character of Willets Point, and remove the indicia of urban blight that the Lead Agency has alleged may be present. It should also state the Municipal Services Alternatives’ effect on property values and hence on property tax revenues, as well as its effect on the economic benefits and revenues of the existing businesses. (33)

Response 24-7: The discussion of the Municipal Service Alternative has been expanded in the FGEIS and now includes as Appendix I, an assessment of the engineering issues and costs associated with the infrastructure reconstruction under this alternative. As the improvements would largely be limited to public property, and existing private properties would remain developed with buildings at their current grade, this alternative presents more serious complications with respect to the feasibility of effectively upgrading the area’s infrastructure than would wholesale redevelopment of the District as would occur under the

¹ Claire Shulman, President. “Willets Point: A New Direction.” Office of the Queens Borough President, May 1993, Page 1.

² Claire Shulman, President. “Willets Point: A New Direction.” Office of the Queens Borough President, May 1993, Introduction.

proposed Plan. Besides not meeting the infrastructure upgrade that would be achieved by the proposed Plan, the Municipal Services Alternative would not create the Willets Point Special District and would not result in a dynamic, sustainable community that integrates regional attractions and residential, retail, and other uses. Because it would allow for the ongoing industrial use of the District, the Municipal Services Alternative would not advance a number of the Downtown Flushing Development Framework's fundamental goals, including the creation of a regional destination that would enhance economic growth in Downtown Flushing and integration of new development in the District with surrounding amenities. The Municipal Services Alternative would also not provide for new affordable housing units, community facilities, or open space within the District.

Comment 24-8: No reason exists why the repairs cannot be made at this time and the current businesses remain. (39)

Response 24-8: As explained in Chapter 24, "Alternatives," given the inadequate existing services, and the grade changes that would be required to bring adequate utilities to the District, limiting improvements to the existing streets while not altering the private lots would fail to achieve the level of improvements provided by the proposed Plan. Moreover, to the extent that significant repairs can be made they would likely entail the temporary relocation of some of the existing businesses during construction of the streets and related infrastructure, and would temporarily affect access to most businesses. Temporary relocation would be necessary to provide access to contractors to the work areas, as well as to protect residents and employees from construction-related activities and noise. Due to the extensive sewer reconstruction that would be required, some temporary displacement and access impacts may be relatively long-term.

Comment 24-9: The FEIS should spell out in detail the potential for creating a manufacturing or industrial zone in the Willets Point area, taking into account superior access to transportation and freight transport routes. The FEIS should conduct an analysis of possible growth industries that could be located in Willets Point given the current zoning. (18, 40)

The FEIS should assess the synergies that might exist or could be developed between the Willets Point site, College Point, and adjacent industrial activities. (18)

Response 24-9: Industrial activity has decreased in the City over the past three decades. Market forces in the past and present have done little to eliminate the underutilized conditions in the District or capitalize on nearby industrial

synergies, as very little redevelopment has taken place in the District over the past several decades. Furthermore, even if there was sufficient market demand, as a substantial part of the District is occupied by established businesses, there would not be a substantial likelihood for large scale expansion or development. As explained above, continued manufacturing use in the District would fail to meet the City's land use and economic goals for Downtown Flushing.

Comment 24-10: A cost benefit analysis must be done to show that the proposed plan will provide the most benefits for the amount of City investment, rather than maintaining Willets Point as an industrial economic driver. The FEIS should include a sector analysis of growth potential industries for the City's economy, their infrastructure requirements, and the potential economic growth this might generate for the City. (18)

The FEIS should compare potential jobs created under an industrial/manufacturing scenario with the proposed plan in terms of median wages, benefits, career paths, skill acquisition, and upward mobility. (18)

The FEIS' analysis of how the proposed service enhancements would allow for an improvement in the real estate market in the discrete area of Willets Point must be completed and compared to the benefits of the investment for the proposed plan. (18)

Response 24-10: A cost benefit analysis is outside the scope of CEQR.

Comment 24-11: The FEIS should provide an analysis for other creative uses of the site, including the creation of a unique "eco-industrial park" that could be an incubator for green manufacturing uses. (18)

The FEIS should include a feasibility study of a potential "green" auto repair cluster; given the skills of the current workforce in the repair of older automobiles, the area could become a center of green retrofit for these automobiles. (18)

Response 24-11: The GEIS includes an assessment of a range of alternatives, including continued use of the site for manufacturing. Such a plan would not meet the goals and objectives of the project sponsors.

Comment 24-12: The GEIS should state that the stormwater and sewage services can be provided using pumps regardless of the elevation of the streets, and without razing and regrading the site. (33)

Response 24-12: Chapter 24 and Appendix I (Municipal Services Alternative Infrastructure Analysis) describe the potential for stormwater and sewer infrastructure to be provided to the District without regrading the non-street portions of the site. As indicated in Chapter 24 and Appendix I, sanitary waste could be removed from within the District without raising the street elevations back to legal grade. In order to install a new stormwater conveyance system, streets in a substantial portion of the District would need to be raised between approximately 1 and 3 feet. Such changes would create differences in elevation between the new streets and the existing lots that abut them, which would create a serious complication with respect to successfully engineering an effective drainage plan. Each lot would have to install pumps to convey stormwater from that lot into the new stormwater system, which would exist at a higher grade than the lot. Any private parcel requiring a pump and hook up to the stormwater system would be required to meet DEP pretreatment requirements. Pretreatment on certain lots may not be feasible due to lack of adequate space to install and operate the necessary equipment.

Comment 24-13: Given the fact that Willets Point is such a large area, ideal for both business and residential development, and that many of the existing businesses in the Iron Triangle have been in that same location for decades, the City's lack of an informed and all-encompassing plan should signal a return of sorts back to the drawing board for a sensible compromise, and not a headlong rush into the approval process. (1)

Willets Point is a large industrial park, encompassing 61 acres, more than enough acreage to build a proper industrial park with sewers, water supply, sidewalks, bathrooms, etc., to house relocated businesses. It could be located on one side of that beautiful park shown in the plans for the area for all to share. The area can be redeveloped and accommodate all interested parties. (42)

Response 24-13: The continuation of industrial uses in the District would fail to meet the City's land use and economic goals for the Willets Point area; it would not advance a number of the Downtown Flushing Development Framework's fundamental goals, including the creation of a regional destination that would enhance economic growth in Downtown Flushing and Corona and integration of new development in the District with surrounding amenities. The provision of industrial uses alongside residential, open space, and other new uses in the District would not fulfill all of the objectives of the Willets Point Development Plan, including the creation of a dynamic, sustainable community that provides a substantial number of new housing units that would be affordable at a mix of incomes. The City does not typically promote the

development of new residential uses in M3 manufacturing districts, so as to insulate residential uses from potentially noxious uses, as well as to shield industry from nuisance-generated complaints.

CHAPTER 27: IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

Comment 27-1: The FEIS should address the irreversible change of zoning from industrial to residential/commercial. The site's rezoning should be placed in the larger context for the citywide initiative to rezone former manufacturing areas and the vision that City Planning has for the area. (18)

Response 27-1: For the last three decades, demand for industrial space has significantly shifted due to a general decline in the industrial sector. While the preservation of manufacturing firms is one of a number of priorities for the City, there are other City goals that include the provision of affordable housing and new commercial office space, encouraging sustainable design, and developing areas in a way that capitalizes on mass transit. The proposed Plan meets these goals. The City has strived to preserve and encourage manufacturing and industrial uses within the city boundaries and as such the City has established IIBZs and Industrial Ombudsmen Areas to help facilitate the growth of manufacturing and industrial businesses.

GENERAL COMMENTS

Comment G-1: College Point Boulevard should be rehabilitated with a pedestrian scale and amenities, as well as serving vehicular access. (13)

Response G-1: College Point Boulevard is not located within the Willets Point District. Within the District, the proposed Plan would improve connections between Willets Point and surrounding communities by enhancing street and highway access and by creating new bike paths and open spaces that would connect to existing and planned bike paths, walkways, and recreational areas. As noted in the GEIS, bicycle lanes would be required on connector streets within the redeveloped District. In addition, the City is currently pursuing opportunities to improve bicycle and pedestrian connections between Willets Point and surrounding destinations, such as Flushing Bay Promenade and Flushing Meadows-Corona Park, as well as Downtown Flushing.

CLIMATE CHANGE

Comment G-2: The Lead Agency has expressly refused to address the impacts of climate change on the District, though WPIRA requested such a discussion in our scoping comments. The Lead Agency’s explanation for this refusal is that climate change impacts “are City-wide issues and are not addressed through CEQR on a project-specific level.” This explanation explains nothing, however, since the Lead Agency cannot sensibly ignore prudent mitigation measures at Willets Point simply because similar measures may be necessary elsewhere. (33)

Raising the existing grade is helpful as a precaution to address climate change only if the grade is raised enough to be effective. The grade will have to be raised at least ten feet (not the proposed six feet) in order to avoid the 100-year flood plain. (33)

The projected increase in global mean sea level would be expected to raise both the stillwater height and the elevation of the 100-year flood level within the Willets Point area, as well as increase the impacts of storm surges produced by East Coast winter storms (nor’easters) and hurricanes. The planned new local elevation of 14 feet above stillwater height will be inadequate to protect the Willets Point Development District from 100-year flood events in the coming decades.

The new development should be approximately 18 to 24 feet above the current Stillwater height to adequately protect the planned Willets Point Development District from 100-year flood events over the coming decades.

We recommend that a reanalysis of the flood hazard at Willets Point be undertaken, using a current generation state-of-the-art Global Climate Model in combination with a downscaled regional climate model, which can factor in the most up-to-date climatological data with projected sea level increases and coastal flooding models.

The general flood hazard being used as a guideline for the minimum elevation of new construction at Willets Point is likely an underestimate that will prevent the community from maintaining National Flood Insurance Program eligibility in the coming decades. (33)

Response G-2: The commenter has provided a report pertaining to possible future flood vulnerability for the District in the years 2050 and 2090 due to global climate change, suggesting that “a minimum base elevation of approximately 18 to 24 feet above the current stillwater height is advisable” to protect the District from flooding in mid- and end-century years. This suggestion incorporates potential increments of varying types and degrees of certainty based on the existing scientific

knowledge: increased sea level due to warming and some ice cap, sea ice, and glacial melting; increased storm surge; increased frequency of severe storms; and additional sea level increase due to catastrophic acceleration of ice cap melting.

Although a large range of sea level rise is possible depending on the precise emissions and response scenarios used for global modeling, there is sufficient information to suggest an increment of approximately 1.6 feet by the end of the century based on warming and some ice cap, sea ice, and glacial melting. Note that the District's elevation of 14 feet is well above that stillwater level, so an increase of 1.6 feet would not impact the District under normal conditions.

The main components that inform infrastructure planning are storm surge and the frequency of severe storms. These components are much more uncertain at this time. Although catastrophic acceleration of ice cap melting is a possibility still being investigated by the scientific community, it is not considered sufficiently likely to be used for planning purposes, and the Intergovernmental Panel on Climate Change (IPCC)¹ did not include that component in its quantitative projections.² This component represents 9.8 feet of the commenter's predicted 11.4-foot sea level increase (excluding storm surge). Note that this predicted sea level increase is outside of the generally supported scientific consensus.

The current 100-year floodplain, defined as the level which storm waters may reach with a 1-percent chance in any given year, is based on historical data. This level is currently the only regulatory standard relating to elevation of new development. Under the proposed Plan, the District would be raised above the floodplain, reducing the District's vulnerability to storm surges as compared to existing conditions. The City has established an interagency group to work with the Federal Emergency Management Agency (FEMA) to revise the Flood Insurance Rate Maps for the City. These maps establish flood elevations, which are the triggers for the City building code's flood protection requirements. The City is working with FEMA to reflect current

¹ The IPCC is the internationally recognized organization tasked with providing decision-makers and others interested in climate change with an objective source of information about climate change. Its role is to assess on a comprehensive, objective, open and transparent basis the latest scientific, technical and socio-economic literature produced worldwide relevant to the understanding of the risk of human-induced climate change, its observed and projected impacts and options for adaptation and mitigation. IPCC reports are neutral with respect to policy, are of high scientific and technical standards, and aim to reflect a range of views, expertise and wide geographical coverage.

² IPCC. "Climate Change 2007 - The Physical Science Basis, Contribution of Working Group I to the Fourth Assessment Report of the IPCC", chapter 10. www.ipcc.ch. 2007.

shoreline and elevations, and technological changes that allow for more accurate map-making. It is anticipated that the map revisions will be completed in 2010. Subsequent development within the District will reflect any changes to the floodplain elevations.

The City is also engaged in several initiatives related to better assessing potential local impacts of global climate change and developing City-wide strategies to adapt to projected effects of climate change:

1. The City recently launched the Climate Change Adaptation Task Force, which is working to secure the city's critical infrastructure against rising seas, higher temperatures, and increasing precipitation projected to result from climate change. The Task Force is composed of over 35 city and state agencies, public authorities and companies that operate, regulate, or maintain critical infrastructure in New York City.

The task force will be assisted by the New York City Panel on Climate Change (NPCC), which is modeled on the IPCC and includes leading climatologists, sea-level rise specialists, adaptation experts, and engineers, as well as representatives from the insurance and legal sectors. The NPCC will provide the city and task force members with information about climate risks (including climate change projections), adaptation, and risk assessment. The NPCC is expected to issue preliminary climate change projections in late 2008/early 2009.

2. The City is convening a task force to amend the building code to incorporate climate change adaptation measures on a City-wide basis. This task force will evaluate the need for new structural requirements.
3. DEP is in the process of evaluating adaptive strategies for City infrastructure. DEP has issued a preliminary report on future climate change predictions relating to sea levels in the New York City area. At this time, much of the data generated by scientific studies is not yet sufficiently detailed for site-specific infrastructure planning.¹ DEP will be undertaking a long-term planning and conceptual engineering effort, beginning in May 2009. The goal of this effort is to ensure that future design criteria and infrastructure sizing meet future population demands and minimize the risks posed by climate change to the drainage and wastewater management systems in the City.

¹ DEP, Assessment and Action Plan—Report 1: A Report Based on the Ongoing Work of the DEP Climate Change Task Force, May 2008.

As described in Chapter 14, “Infrastructure”, the development would include a number of features, in addition to the requirements of the building code and current DEP drainage standards, designed to absorb or retain stormwater and reduce the potential for flooding. These features would form part of a site stormwater management plan that would be reviewed by DEP in light of its developing understanding of the effects of climate change on infrastructure. Furthermore, the developer would be required to submit to the City, prior to the placement of fill, an assessment of the appropriate grade for the District in light of all available information concerning potential sea level and other changes due to climate change. If appropriate and if warranted by data available at that time, the City would have the authority to require an increase in the proposed grade of the District at that time, but other measures could be used if more appropriate, as further delineated below.

However, as detailed below, the commenter’s suggestion of raising grade to a level between 18 and 24 feet above stillwater would likely not be practicable. Furthermore, since wider solutions are available and would be necessary under such circumstances, and since raising the grade would not help solve the problem, it would not be recommended.

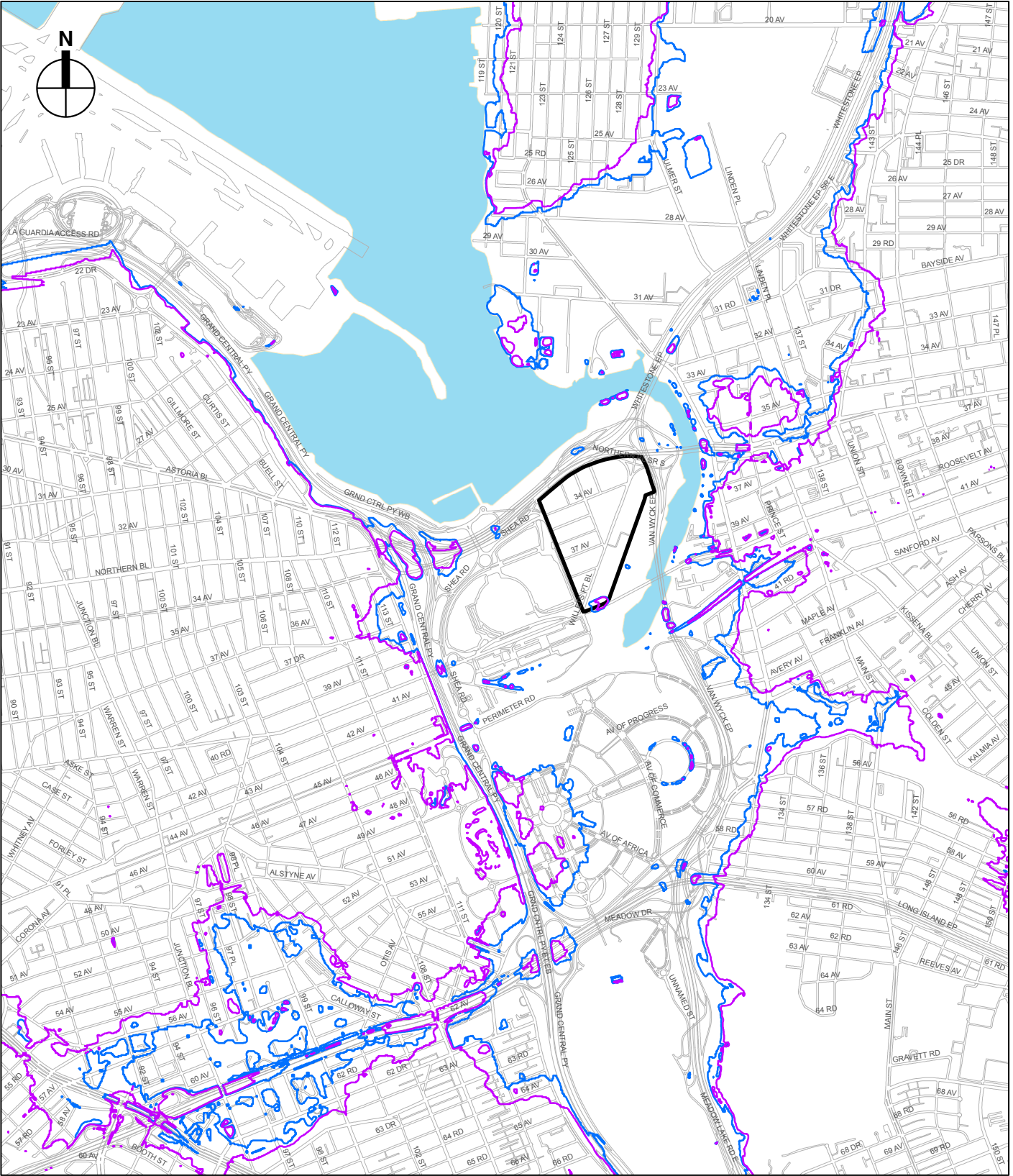
Figure 29-1 presents the District and the topographic elevations of 18 and 24 feet, suggested by the commenter as base flood elevations for planning purposes. This suggestion is based on projections of sea level rise which, as noted above, are outside of the general scientific consensus. As reflected in the figure, if the grade were raised to this level in the area of the District alone, storm events to such levels would inundate the entire surrounding area, including the basic infrastructure such as roadways, drainage, and sewers. In such an event, the proposed Plan would remain as an isolated island surrounded by water. Raising the grade in the entire area outside the District is not a viable solution for existing uses, and is impracticable.

Figure 29-2 presents those same topographic elevations on the City level. Clearly this magnitude of sea level and storm surge would present a city-wide challenge, not a local one. Examples of solutions to sea level rise broader than regrading are presented in the first report of the DEP Action Plan.¹ Those may include local protective barriers such as dunes, riprap, or seawalls, or city-wide strategies. Depending on the magnitude of predicted events, local protection strategies may be more appropriate, including measures such as raising key infrastructure,

¹ DEP, Assessment and Action Plan—Report 1: A Report Based on the Ongoing Work of the DEP Climate Change Task Force, May 2008.



Source: NYC Dept. of Information Technology and Telecommunications (DoITT)



-  Willets Point Development District Boundary
-  24 ft
-  18 ft

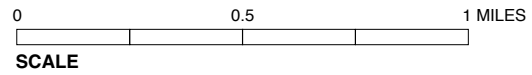
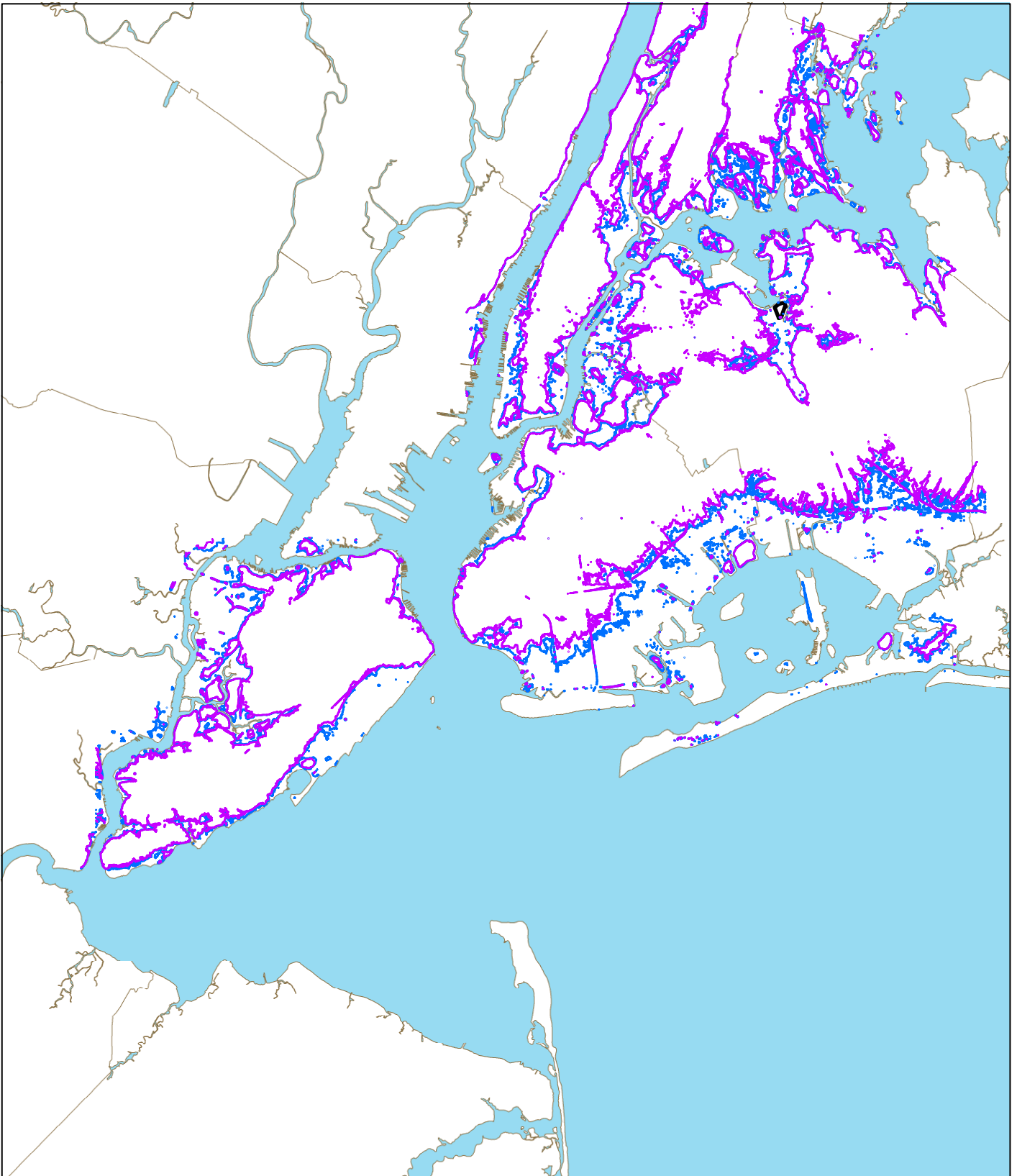


Figure 29-1
18- and 24-foot Topographic Elevations in the Willets Point Area



-  Willets Point Development District Boundary
-  24 ft
-  18 ft

0 5 10 MILES
SCALE

Figure 29-2
**18- and 24-foot Topographic Elevations
in New York City**

watertight areas to protect equipment, the use of submersible pumps, and other measures.

As detailed projections of the local impacts of global climate change become available and are adopted into the City's infrastructure design criteria, such criteria would be incorporated into the development program. In addition, the City's agreement with the developer would require the preparation of an engineering study prior to commencement of construction that would assess the feasibility of implementing adaptation strategies for climate change impacts into the design of the development program in light of the most current climate change projections. Based on that engineering study, the City would require the developer to implement the adaptation strategies that it determines are practicable.

PROPERTY ACQUISITION/EMINENT DOMAIN

Comment G-3: It's been intimated that local property owners don't cooperate, but that's really not the case. We've not been dealt with in an open and honest basis by the NYCEDC. (43)

We are concerned about the potential abuse of Eminent Domain, and insist NYCEDC diligently exhaust every means of negotiation prior to any action for Eminent Domain. (6, 32, 39, 40)

EDC must continue its good faith efforts with the property owners to come to a fair and equitable agreement for the purchase of their land in the Willets Point project area and exhaust every means of negotiations before considering the use of eminent domain. (2)

The "gun" of eminent domain remains on the table and as long as it is there, the commitment to fair and equitable negotiations is simply not believable. (38)

The City must negotiate in good faith with local property owners. The City needs to be responsive to their needs and treat them fairly. (27)

Response G-3: NYCEDC will exhaust every reasonable means of negotiation before considering using eminent domain to acquire the properties necessary to facilitate the Willets Point Redevelopment Plan.

NYCEDC's goal is to continue to work one-on-one with all interested Willets Point business or land owner to negotiate property acquisition and/or relocation agreements that meet their specific needs. NYCEDC began meeting with businesses and land owners in January 2008 to discuss potential property acquisition and relocation. Over the past year, NYCEDC has held over 500 meetings, phone calls, and emails to discuss potential property acquisition and business relocation plans with

District businesses and property owners. In addition, NYCEDC's outreach consultants from Howard Stein-Hudson have met with approximately 95 percent of all businesses currently located in the District to discuss their business characteristics and relocation needs.

Comment G-4: For the City, state, or federal government to take property from a person to sell it to a developer is an abuse of eminent domain. (35)

To my knowledge, this is the third attempt by the City to take this property from its rightful and legal owners and give it to big business and the politically connected few. To do so by Eminent Domain is shameful and, in reality, illegal. (42)

Response G-4: The use of eminent domain to facilitate the City's plan for redevelopment of the District will be in accordance with all applicable federal and state laws and constitutional requirements. In New York, property can only be taken for a "public use." However, New York courts have adopted a broad definition of the term "public use," which encompasses any use which contributes to the health safety, general welfare, convenience or prosperity of the community. It is well settled that urban renewal is a valid public use for purposes of eminent domain, since the primary aim of urban renewal is to remedy blight.

Comment G-5: Not only has the City's neglect resulted in a public perception of "blight," but it also prevented us from investing in and expanding our business, resulting in being designated as "underutilized." This "plan" is an egregious assault on our livelihoods and property rights. (38)

The media and the City of New York depict Willets Point property owners and businesses as the villains who have created the squalor, blight, and environmentally hazardous conditions that exist in parts of the area. The finger of blame for these conditions has to be pointed at the true villains: the City of New York, its agencies, and the developers working with them to steal this property. (42)

Willets Point is not blighted; it has been neglected by New York City for over 30 years. (32, 43)

The FEIS should delineate how the existing site conditions came about, given the long history of disinvestment in the area's infrastructure. (18)

Response G-5: The District has long been characterized by environmental concerns, underutilization, and physical degradation of buildings and lots. Market forces have done little to eradicate the blighted conditions in the District, as very little redevelopment has taken place there over the past several decades.

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Comment G-6: If the City acquires control over the entire site—if necessary through the use of eminent domain—local property owners will have relinquished their stake in the area. This creates the possibility that the site will remain vacant and/or underutilized for years to come. (18)

Response G-6: A developer and detailed development program for the District will be identified before the City takes possession of any property acquired by eminent domain.

Comment G-7: The ability of government to take control of land in the public interest has been absolutely essential for the renewal and growth of our city. The Housing Partnership participated with government in development activities that were absolutely essential for neighborhood revitalization and were only possible because the city was able to clear title and assemble land through condemnation or the threat of condemnation. Private owners are not always rational – in other words, they will not always act in their own best financial interests, let alone the public interest. Willets Point represents a responsible and necessary application of eminent domain. (26)

I applaud the administration and NYCEDC is making an unprecedented effort to handle property acquisitions and business relocations in a fair and responsible way. (23)

Response G-7: Comments noted.

Comment G-8: For actions subject to NEPA, actions that could have an adverse environmental impact are prohibited before the NEPA process has been completed. NEPA is concerned with the “human environment”, which it defines broadly. The institution of eminent domain proceedings would have an adverse impact on the human environment of Willets Point by forcing the closure of several businesses that are significant sources of employment, that provide important services, and that as a practical matter cannot be relocated. Thus any and all condemnation actions should await completion of the NEPA process for the Van Wyck ramps. (33)

Response G-8: The City will not take possession of property acquired by eminent domain before the NEPA process is complete and the ramps are approved.

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