



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, NY 10007

POSITIVE DECLARATION

NOTICE OF INTENT TO PREPARE A DRAFT ENVIRONMENTAL IMPACT STATEMENT

<u>PROJECT:</u> Four Sparrows Retail Center at Mill Basin Block 8591, Lots 100, 125, 175 Community District 18 Borough of the Brooklyn CEQR Number: 10DME005K	<u>LEAD AGENCY:</u> Office of the Deputy Mayor for Economic Development 253 Broadway—14th Floor New York, NY 10007
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DATE ISSUED: December 10, 2010

SEQR CLASSIFICATION: Type I

NAME, LOCATION, AND DESCRIPTION OF PROPOSAL:

Four Sparrows Retail Center at Mill Basin
Community District 18, Borough of Brooklyn

The proposed project is the development of a retail center of approximately 15 acres that would contain a mix of commercial uses. The project site currently is underutilized city-owned land fronting Flatbush Avenue between the Belt Parkway interchange and about 0.5 mile south of Avenue U. It is part of a larger 61 acre parcel that includes the 46 acre Four Sparrows Marsh natural area complex which is under the jurisdiction of the Department of Parks and Recreation. The three components of the retail center are an automotive sales and service facility of about 110,000 gross square feet (gsf); an existing 46,000 gsf Toys 'R' Us toy store located in the center of the project site; and either a two building retail complex totaling 137,967 gsf or a one-story commercial structure totaling 127,340 gsf on the southeastern end of the development site which would be known as the Four Sparrows Retail Center at Mill Basin ("Four Sparrows Retail"). The project would include up to 820 total accessory parking spaces.

The project also would include the mapping of the 46-acre Four Sparrows Marsh as City parkland and the creation of an approximately 400 foot public trail. This would protect natural features and connect the natural area with a high quality retail center. The project would demap and dispose to the site developers an unbuilt segment of Flatbush Avenue adjacent to the project site. The Project build year is 2014.

The project requires a number of discretionary approvals from the City:

- The rezoning of the project site from C3 to C8-1.
- Demapping and disposition of the unbuilt portions of Flatbush Avenue and Marginal Street, Wharf, or Place that cross the site, and remapping of the easterly Flatbush Avenue right-of-way line to reflect the limits of the existing built street;
- Disposition of the project site to the New York City Economic Development Corporation for further disposition to three private entities, and Mayoral and Borough Board approval of the business terms of such disposition pursuant to Section 384(b)(4) of the New York City Charter;
- Special permit pursuant to ZR Section 62-836 to modify height and setback regulations on a waterfront block for the Kristal Auto Mall and the Four Sparrows Retail Center sites;
- Certification of the site plan on a waterfront block pursuant to ZR Section 62-811; and
- Certification of a zoning lot subdivision pursuant to ZR Section 62-812; and mapping of the Four Sparrows Marsh as parkland.

Additional related actions would include approval from the New York City Department of Transportation (NYCDOT) for proposed signal and roadway improvements and the New York State Department of Environmental Conservation (NYSDEC) for activities on a site that contains tidal wetlands and for storm water management during construction and operation. In addition, the proposed project requires an amended drainage plan which is subject to the approval of the New York City Department of Environmental Protection (NYCDEP). Approvals would also be required from NYCDEP for the extension of sanitary sewer lines and storm sewers. Depending on the design of the storm water disposal systems, federal permits may also be necessary for structures in navigable waters as well as activities in wetlands.

STATEMENT OF SIGNIFICANT EFFECT:

In accordance with Executive Order 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review, found at Title 62, Chapter 5 of the Rules of the City of New York (CEQR), the Office of the Deputy Mayor for Economic Development, lead agency for the referenced project, and the New York City Economic Development Corporation, as sponsoring agency, have reviewed information regarding the proposed actions contained in an Environmental Assessment Statement (EAS), dated December 10, 2010 pursuant to Article 8 of the New York State Environmental Conservation Law and 6 NYCRR, Part 617, and has determined that the proposed action may have a significant effect on the quality of the human environment. Accordingly, an Environmental Impact Statement is required to evaluate and disclose the extent to which impacts may occur. The actions, as proposed, may result in significant adverse impacts related to the following:

- Land Use, Zoning, and Public Policy;
- Socioeconomic Conditions;
- Urban Design and Visual Resources;

- Natural Resources;
- Hazardous Materials;
- Water and Sewer Infrastructure;
- Transportation;
- Air quality (mobile sources);
- Noise;
- Public Health;
- Neighborhood Character; and
- Construction Impacts.

Statement in Support of Determination:

The above determination is based on a review of the EAS prepared for the action that finds that:

- 1) The proposed actions would result in the construction of approximately 248,000 square feet (S.F.) of commercial development on currently vacant land and an existing parking lot. To accommodate these uses the project site would be rezoned from C3 to C8-1. In addition, the C3 zoning would be eliminated from the 46 acre Four Sparrows Marsh that would be mapped as City parkland. These actions may result in significant land use and zoning modifications that warrant a detailed analysis.
- 2) The proposed actions would introduce 248,000 S.F. of local or regional serving retail uses on a single development site, and therefore requires an assessment of potential indirect business displacement due to potential market saturation.
- 3) The proposed actions would result in the construction of structures that are substantially different in height, bulk, form, setbacks and size than the existing Toys ‘R’ Us and could modify existing street walls, curb cuts and pedestrian flows and alter existing view corridors. Therefore a detailed urban design and visual resources analysis is warranted.
- 4) The proposed actions would result in approximately 248,000 S.F. of new uses and based on preliminary analysis is expected to result in approximately 924 vehicle trips in the Saturday midday peak hour. Therefore, it is anticipated that potential adverse impacts may occur. Therefore a detailed traffic analysis is warranted.
- 5) The proposed actions would result in new construction and substantial additional hard surface for a total of 820 parking spaces in close proximity to tidal wetlands and the Four Sparrows Marsh natural area and may result in indirect impacts to tidal wetlands and wildlife habitats of the marsh. Therefore a detailed analysis of potential impacts to natural resources is warranted.
- 6) Due in part to the number of vehicular trips anticipated to be generated by the proposed project, significant mobile source air quality and noise impacts could result, warranting detailed analyses.

- 7) Given the number of trips generated by the project and the potential for impacts related to transportation, noise, proposed new land uses and increased density, the effects on visual resources and the potential for an impact in these analysis areas, the proposed actions could result in significant impacts to neighborhood character, warranting detailed analyses.
- 8) The need to revise the area drainage plan, lack of sanitary sewers and limited storm water runoff infrastructure serving the development site could result in significant water and sewer infrastructure impacts, warranting detailed analyses.
- 9) Prior Phase I site assessments of the project site have identified prior uses that included a gas station, light maritime uses, the existence of underground storage tanks and urban fill of unknown origin. Based on these findings a detailed analysis of potential significant hazardous materials impacts is warranted.
- 10) Due to the potential for significant impacts from traffic congestion, noise and air emissions, and hazardous materials an analysis of the effects of the project on public health is warranted.
- 11) The development of a mostly vacant site as a retail center with 248,000 gsf of new development would result in changes to the project site that would potentially affect land use, urban design, visual resources, traffic and noise, and may result in a significant adverse impact on the character of the site and surrounding neighborhood. Therefore, a detailed assessment of neighborhood character is warranted.
- 12) The potential for increased traffic, noise, dust, storm water runoff, and exposure of contaminated soils during construction may result in significant construction impacts on the adjacent wetlands and Four Sparrows Marsh natural area.
- 13) Based on the screening assessments outlined in the 2010 *CEQR Technical Manual*, the following environmental areas would not require detailed analysis: community facilities and services; open space; shadows, solid waste and sanitation services, energy, stationary source air quality and green house gas analysis.

Accordingly, the Office of the Deputy Mayor for Economic Development directs that a Draft Environmental Impact Statement be prepared in accordance with 6 NYCRR 617.9(b) and Sections 6-08 and 6-09 of Executive Order No. 91 of 1977, as amended.

Public Scoping:

Public Scoping is a process whereby the public is invited to comment on the proposed scope of analysis planned for the EIS. A Draft Scope of Work has been prepared outlining the study areas and analysis methodologies proposed for use in the EIS.

The Public Scoping meeting will be held on Tuesday, January 11, 2011 at 7:00 P.M. at the King's Plaza Community Room, 5100 King's Plaza (Avenue U at Flatbush Avenue), Brooklyn,

New York. A copy of the EAS, Positive Declaration, and Draft Scope of Work for the project may be obtained by any member of the public from:

Mayor's Office of Environmental Coordination
253 Broadway – 14th Floor
New York, New York 10007
(212) 788-9956

A copy of these documents may also be downloaded from: www.nyc.gov/oec and www.nycedc.com.

Requests for additional information may be directed to:

New York City Economic Development Corporation
Attn: Douglas Rice, Vice President
110 William Street
New York, New York 10038
(212) 312-3750
drice@nycedc.com

Written comments on the Draft Scope of Work will be accepted until 5:00 P.M. on Friday, January 21, 2011 and may be submitted at the public scoping meeting or to Mr. Douglas Rice at the above address.

This Positive Declaration has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law.



Robert R. Kulikowski, Ph.D.
Assistant to the Mayor

December 10, 2010
Date