



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**

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| PROJECT: Charleston Mixed-Use Development Borough of Staten Island, Community District 3 CEQR No.: 13DME001R ULURP No. TBD | LEAD AGENCY: Office of the Deputy Mayor for Economic Development 100 Gold Street, 2 nd Floor New York, NY 10038 |
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DATE ISSUED: September 28, 2012

TYPE OF ACTION: Type 1

NAME, LOCATION, AND DESCRIPTION OF PROPOSAL:

Charleston Mixed-Use Development
Borough of Staten Island, Community District 3

PROPOSED PROJECT AND ACTIONS:

The New York City Economic Development Corporation (NYCEDC), on behalf of the City of New York, is proposing the development of an approximately 63.5-acre parcel (the “Development Area”), located in Charleston, Staten Island, with parkland, retail, residential, and community facility uses and the mapping and construction of new public streets. In addition, NYCEDC is seeking to map as parkland an existing 20-acre conservation area, which is located adjacent to the 63.5-acre Development Area and to map as public streets either 4.4 acres of the existing privately owned Mohr Street/Tyrellan Avenue or, alternatively, a new access road to Arthur Kill Road within the Development Area. The overall proposed project is referred to as the Charleston Mixed-Use Development. The 63.5-acre Development Area, plus the Conservation Area and existing private streets to be mapped constitute the “Project Area.” The Project Area encompasses just under 88 acres.

The Project Area is generally bounded to the north by the future northern limit of Englewood Avenue and by Clay Pit Ponds State Park Preserve, to the south and east by Veterans Road West, to the west by Arthur Kill Road, and to the south by the shopping center known as the Bricktown Centre at Charleston Mall (“Bricktown Centre”). The following table provides the Blocks and

Lots and Record Streets (areas intended to be streets and therefore not included in a tax block, but not subsequently added to the City Map or constructed) affected by the Proposed Project:

| Block/Lots and Record Streets in the Project Area Affected by Englewood Avenue Mapping and Construction | |
|--|---|
| <ul style="list-style-type: none"> • Block 7374: Lot 22 (part of) • Block 7375: Lot 22 (part of) • Block 7379: Lot 15 (part of) • Block 7380: Lots 40, 47 and 51 (part of each) | <ul style="list-style-type: none"> • Block 7459: Lot 1 (part of) • Block 7460: Lot 1 (part of) • Block 7464: Lots 1 and 6 (part of each) |
| <ul style="list-style-type: none"> • Goethals Avenue (part of) • Bayne Avenue (part of) • Pembine Street (part of) | <ul style="list-style-type: none"> • Third Street (part of) • Cosman Street (part of) • Gaton Street (part of) |
| Block/Lots and Record Streets in Remainder of the Development Area | |
| <ul style="list-style-type: none"> • Block 7370: Lots 1 (part of) and 22 • Block 7374: Lots 1 and 22 (part of) • Block 7375: Lots 1, 7, 9 and 22 (part of) • Block 7379: Lots 1 and 15 (part of) • Block 7446: Lot 75 • Block 7448: Lot 1 (part of) • Block 7452: Lots 1 (part of) and 75 | <ul style="list-style-type: none"> • Block 7453: Lot 1 • Block 7454: Lots 1, 3, and 5 • Block 7459: Lots 1, 101, 103, 106, 25 and 50 • Block 7460: Lots 1 (part of), 12, 18, 21, 23, 75, 79 and 81 • Block 7487: Lot 100 (part of) • Block 7494: Lots 8, 90, 95, 97 and 183 |
| <ul style="list-style-type: none"> • Claude Street (part of) • Burr Avenue • Goethals Avenue (part of) • Bayne Avenue (part of) • Pembine Street (part of) | <ul style="list-style-type: none"> • Third Street (part of) • Cosman Street (part of) • Cady Avenue (part of) • Mohr Street/Tyrellan Ave (part of) |
| Block/Lots and Record Streets in the Conservation Area | |
| <ul style="list-style-type: none"> • Block 7362: Lot 1 • Block 7363: Lot 1 • Block 7364: Lot 1 • Block 7368: Lot 1 • Block 7369: Lot 1 • Block 7370: Lot 1 • Block 7440: Lots 75 and 100 | <ul style="list-style-type: none"> • Block 7441: Lot 1 • Block 7442: Lot 1 • Block 7446: Lot 1 • Block 7447: Lot 1 • Block 7448: Lot 1 (part of) • Block 7452: Lot 1 (part of) |
| <ul style="list-style-type: none"> • Beaver Street • Baxter Street • Coke Street | <ul style="list-style-type: none"> • Alice Street • Claude Street (part of) • Cady Avenue (part of) |
| Block/Lots In Mohr Street /Tyrellan Avenue | |
| <ul style="list-style-type: none"> • Block 7446: Lot 75 | |

The Charleston Mixed-Use Development includes a number of discrete elements which would be undertaken by different entities. The overall Project Area is divided into five smaller sites with development components as detailed in the following table:

| COMPONENT | SIZE (approx.) | DETAILS |
|--|---------------------------|---|
| Retail Site A | 10 acres | <ul style="list-style-type: none"> • 185,000 sf of retail, including medium- to large-format retail • 675 parking spaces (includes shared parking for NYPL Branch and Fairview Park) • 15,000 sf New York Public Library Branch |
| Retail Site B | 6.5 acres | <ul style="list-style-type: none"> • 90,000 sf of neighborhood retail • 300 parking spaces |
| Park (Fairview Park) | 42 acres | <ul style="list-style-type: none"> • Mapping of existing 20-acre Conservation Area as parkland • Mapping of new 22-acre park, including of 7.5 acres of new active recreation and 14.5 acres of new passive recreation • Potential shared uses with proposed school • 60 parking spaces located on the park site |
| School | 7 acres | <ul style="list-style-type: none"> • 750 seat capacity • 40 parking spaces (estimated) • Kindergarten to 8th grades • Potential shared uses with proposed park |
| Senior Housing | 9.5 acres | <ul style="list-style-type: none"> • Up to 162 dwelling units: <ul style="list-style-type: none"> ○ 80 affordable multi-family rental units ○ 82 age-restricted for-sale detached units • 192 Parking spaces |
| Street Mapping and Construction | 12.9 acres | <ul style="list-style-type: none"> ○ Mapping of the Englewood Avenue east-west corridor <ul style="list-style-type: none"> ○ Map 80' wide corridor for a distance of approximately 1,800 feet. Full constructed length of Englewood Avenue would be approximately 3,265 feet and would include bicycle/pedestrian facilities (approximately 6 acres). ○ Retail Site A Access Alternatives: <ul style="list-style-type: none"> ○ Mapping and construction of access road to Arthur Kill Road (approximately 2.5 acres), or ○ Mapping of portions of Mohr Street/Tyrellan Avenue that are within Project Area (approximately 4.4 acres). |

The first phase of the Proposed Action would occur by a Build Year of 2015 and would include the development of Retail Site A and the development of Fairview Park as detailed in the preceding table. A developer has been identified for Retail Site A and is expected to begin construction within a year of obtaining all required approvals. The development on Site A would also include construction of the new library branch and site access. In addition, the NYC Department of Parks and Recreation (DPR) expects to proceed with the development of the 22-acre (non-conservation) portion of the proposed 42-acre mapped park.

Vehicular access to Retail Site A and to the proposed Fairview Park will be provided in one of two ways. Access to these sites is currently planned via a proposed access road connecting to Arthur Kill Road. Another scenario that may be considered is access from Mohr Street/Tyrellan Avenue, a private street which currently serves Bricktown Centre. Both alternatives will be analyzed and depending on the final selected access option, only one will be mapped as a City street.

The second phase of the Proposed Action would occur by a Build Year of 2020 and would include, in addition to the developments that would occur by the first Build Year, Retail Site B, the school, Englewood Avenue road construction, and the senior housing. These additional elements are anticipated to be completed and operational by 2020. The specific size and nature of these project elements as presented in the preceding table, represent a "Reasonable Worst Case Development Scenario" (RWCDS) that was created based on input from community consultation, zoning, site planning, the City's plan for the development of the sites, natural features such as wetlands, and programmatic constraints, such as inclusion of a play area and parking on the proposed school site. The placement of buildings, parking, circulation, and landscaping on each site, although preliminary, considered these constraints and, therefore, represents a reasonable projection of how future development may be organized on the site.

The proposed Charleston Mixed-Use Development project requires a number of public approvals in order to be implemented. Discretionary approvals under the purview of the NYC City Planning Commission ("CPC") are as described below. These actions are subject to the requirements of the Uniform Land Use Review Procedure (ULURP) except for the proposed Authorizations and Certifications.

- **Proposed Zoning Map changes.** The Project Area is currently located entirely within an M1-1 zoning district and the Special South Richmond Development District ("SRD"). In the future with the project, two new zoning districts would replace portions of the M1-1 district: an R4 district along the northern edge of the Project Area and two C4-1 districts including Retail Site A at the southeast corner of the Project Area and Retail Site B at the southwest corner of the Project Area along Arthur Kill Road. The proposed mapping of a new, approximately 42-acre park would remove all zoning designations from that portion of the Project Area.
- **Site Selection.** The project includes a proposed new branch of the New York Public Library (NYPL) and requires a Site Selection.
- **Authorizations and Certifications pursuant to SRD and Site Plan approvals and parking reductions within C4-1 zoning districts.** The Project Area is located within the boundaries of the Special South Richmond Special Development District (SRD) and is subject to its requirements. In addition, Authorizations and Certifications may be required relating to the proposed C4-1 zoning district including commercial site plan approval and reductions in the number of required parking spaces. Future Authorizations and Certifications may include:
 - CPC Chair Certification for:
 - The senior housing site stating that sufficient school capacity exists to accommodate the anticipated residents of the development per Zoning Resolution (ZR) Section 107-121.
 - Subdivision of zoning lots (ZR Section 107-08).

- Modification of access restrictions concerning special provisions for arterial highways (ZR Section 107-251) to allow curb cuts along Arthur Kill Road.
 - CPC Authorization:
 - Per ZR Section 107-30 for alterations to the existing topography of the Development Area, as well as the removal of trees.
 - Per ZR Section 107-68 to permit Group Parking Facilities with more than 30 spaces.
 - Per ZR Section 36-023 for parking lot approvals: Group parking facilities accessory to commercial uses on zoning lots larger than 4 acres in C4-1 districts require a CPC Authorization “to assure that the layout of such parking spaces is arranged and located in relation to the use or uses to which such spaces are accessory, so as to provide adequate ingress, egress, and circulation with respect to abutting streets or uses.” Furthermore, “the Commission shall find that such group parking facilities of any size comply with the maneuverability and landscaping provisions of ZR Sections 36-58 and 37-90 (PARKING LOTS), inclusive.”
 - Per ZR Section 36-21 for a reduction of up to 50% of required parking, provided that the Commission finds that the applicant has demonstrated that the proposed parking is sufficient for the use proposed.” Required parking without the reduction is 1 space per 150 square feet for general retail or services, 100 square feet for grocery stores, and 150 square feet for department stores or clothing stores.
 - Per ZR Section 107-68 for the modification of the size of an accessory group parking facility.
- **Mapping of Englewood Avenue, and mapping of either an Arthur Kill Road access road, or the existing privately-owned Mohr Street/Tyrellan Avenue; plus mapping of Fairview Park.**

The Proposed Action includes potential mapping of three streets and the proposed Fairview Park. The mapping action gives the City the authority to acquire all or portions of privately-owned property within the mapped bed of the proposed streets. Englewood Avenue is currently built near Arthur Kill Road, though it is neither mapped nor improved to the proposed maximum width of 80 feet. To the east, Englewood Avenue is currently mapped for approximately one-quarter mile extending westward from Veterans Road West, but this section is not built. The Proposed Action would map the remainder of the corridor west to Arthur Kill Road, a distance of approximately 1,800 feet. The full constructed length of Englewood Avenue would be approximately 3,265 feet and would include bicycle/pedestrian facilities. Portions of properties adjoining the proposed right of way of Englewood Avenue would need to be acquired. These are envisioned to include all or part of several lots at the western end of the proposed Englewood Avenue.

The specifics of other street mapping actions will depend on how access to Retail Site A is designed. If access is provided directly from the private Mohr Street/Tyrellan Avenue, then the portions of these roads that are within the Project Area would be mapped as part of the Proposed Action. Alternatively, access to Retail Site A may be provided by a new access road connecting Arthur Kill Road with the retail site. That new access road would be mapped at a width of 50 feet and Mohr Street/Tyrellan Avenue would remain as unmapped private streets.

Last, an approximately 42-acre area that would be designated as Fairview Park would be added to the City Map. This would include the existing 20-acre conservation area as well as the proposed new 22-acre portion of the park located within the Development Area. The proposed park mapping would ensure that a large expanse of the untouched, vegetated land is preserved. In addition, the park mapping would provide protection for the historic foundation remains of Fairview, Balthazar Kreisler's 19th century mansion, which are located on a portion of the proposed park.

- **Acquisition and disposition of city-owned property.**
 - Disposition of city-owned property for Retail Sites A and B and the Senior Housing Site. The NYC Department of Citywide Administrative Services (DCAS) intends to dispose of the properties to the New York City Land Development Corporation (NYCLDC), which will dispose of the two properties to the NYCEDC. NYCEDC intends to sell each property to developers to be identified for each development parcel.
 - Acquisition authorization for City acquisition of an approximately 4,000 square foot parcel located within the School Site.
- Potential disposition of the senior housing project site as an Urban Development Action Area and approval of the proposed project as UDAAP.
- **Approval of the business terms of the sale of city-owned properties.** Mayoral and Borough Board approval of the sale terms of the disposition parcels pursuant to Section 384(b)(4) of the New York City Charter.
- **New York State Department of Environmental Conservation (DEC)/ U.S. Army Corps of Engineers (ACOE) Permits.** In order to implement the proposed plan, DEC or ACOE permits may be required for building within jurisdictional wetlands and the regulated transition areas surrounding them.

Supporting Statement:

The above determination is based on an Environmental Assessment Statement prepared for the action that finds that:

- The proposed project would require a rezoning as well as several authorizations and certifications from the City Planning Commission (CPC). Thus, the potential effects on land use and land use trends, zoning and public policy will be further examined in an environmental impact statement;
- The proposed project would introduce new development of approximately 684,030 square feet plus associated on-site parking. Thus, the potential for a socioeconomic effects cannot be ruled out;
- The proposed project also includes residential and commercial development that is expected to generate over 200 residents and 500 employees. Thus, the potential for an open space impact cannot be ruled out;
- The proposed project is located within and adjacent to areas with designated and potentially eligible historic resources. Thus, the potential for a historic resource impact cannot be ruled out;
- The proposed project would potentially lead to a substantial physical alteration to the

streetscape or public space that is not currently allowed by existing zoning, or would result in obstruction of publicly accessible views to visual resources that is not currently allowed by existing zoning. Thus the potential for an urban design/visual resource impact cannot be ruled out;

- The proposed project is located adjacent to and across the street from sun-light sensitive resources. Thus, the potential for shadow impacts cannot be ruled out;
- The proposed project contains substantial areas of vegetation and wetlands. Thus the potential for a natural resource impact cannot be ruled out;
- The proposed project is in an area currently zoned for industrial use and there are commercial/industrial businesses present. Thus the potential for a hazardous materials impact cannot be ruled out;
- The proposed project would lead to a significant amount of stormwater runoff. Without proper management, there is a potential for significant water and sewer infrastructure adverse impacts and potential impacts cannot be ruled out;
- The proposed project would generate more than 50 vehicle trips at key intersections during several peak hours in the vicinity of the project site, as well as create a potentially large demand for parking spaces. The project thus has the potential to create significant adverse transportation impacts;
- The proposed project would introduce a number of new structures into relative proximity of each other creating the potential for building impacts from vents for HVAC systems. In addition, the proposed project would result in sensitive receptors including school and residences in areas adjacent to manufacturing uses. Therefore, the potential for air quality impacts cannot be ruled out;
- The proposed project would result in the development of greater than 350,000 square feet. Thus, a Greenhouse Gas emissions analysis for operational and construction activities will be included as part of the environmental impact statement;
- The proposed project is in the vicinity of major traffic arterials that act as noise sources, including the West Shore Expressway and the Outer Bridge Crossing approaches. In addition, the Colonial Rifle and Pistol Club directly adjoins the project area. Therefore, the potential for noise from these sources impacting future residents and park users cannot be ruled out;
- The proposed project area is predominantly vacant and covered with vegetation and wetlands that would be significantly transformed by the construction of new senior housing, retail shopping centers and a school. Thus, the potential for significant adverse neighborhood character impacts cannot be ruled out; and
- Construction activities resulting from the proposed project are expected to span in excess of two years. Thus, the potential for significant adverse impacts from construction activities cannot be ruled out.

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

Public Scoping

Public scoping is the process whereby the public is invited to comment on the scope of analysis planned for the Environmental Impact Statement. A Draft Scope of Work outlining the study areas and analysis methodologies proposed for use in the preparation of the EIS is available from the contacts listed below.

A public scoping meeting to accept comments on the Draft Scope of Work will be held at the following time and location:

Tuesday, October 30, 2012
Start Time: 6:00 P.M.

The Tides at Charleston Community Center
15 Tides Lane (off Arthur Kill Road just north of Veterans Road West),
Staten Island, NY 10309

A copy of the Environmental Assessment Statement (EAS), Positive Declaration, and Draft Scope of Work may be obtained by any member of the public from:

Mayor's Office of Environmental Coordination
100 Gold Street, 2nd Floor
New York, New York, 10038
Telephone: (212) 788-9956

These documents are also available on the website of the Mayor's Office of Environmental Coordination at: www.nyc.gov/oec.

Written comments will be accepted until 5:00 P.M. on November 14, 2012 and may be submitted at the public scoping meeting or to Robert Kulikowski at the above address.

The Positive Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law.



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

September 28, 2012
Date