

Responses to Public Comments on the Draft Environmental Impact Statement

Introduction

This chapter summarizes and responds to all substantive comments on the Draft Environmental Impact Statement (“DEIS”) for the proposed Charleston Mixed-Use Development (the “Proposed Action”) made during the public review period.

The Notice of Completion for the DEIS was issued by the Office of the Deputy Mayor for Economic Development on May 2nd, 2013, which marked the beginning of the public comment period for the DEIS. Public comments on the DEIS also were solicited at the required public hearing on the DEIS held at 10:00 AM on July 24th, 2013, and during the public comment period, which closed at 5:00 P.M. on August 5th, 2013.

The public hearing on the DEIS was noticed in the New York City Record from July 10 - 24, 2013, in the Staten Island Advance on July 3, 2013, and on the website of the New York City Mayor’s Office of Environmental Coordination (“MOEC”).

Draft Environmental Impact Statement Comments and Responses

This section lists and responds to comments on the DEIS. The comments include those made during the public hearing, as well as written comments received through the close of the comment period noted above. The individual who made the comment is noted next to each comment. The list below represents the order of appearance of the public speakers at the public hearing on the DEIS, followed by written comments on the Proposed Project that were received.

The comments, which are summarized and responded to below, are organized by subject area. Where there are multiple comments on a similar subject, a single comment combines and summarizes those individual comments. The individuals who commented are identified after each comment.

Comments were received from the following public individuals and organizations:

1. John Sinclair (oral statement at public hearing)
2. Borough President James Molinaro (oral statement at public hearing)
3. Jim Scarcella (written statement)
4. Charles Place, New York State Office of Parks, Recreation and Historic Preservation (written statement)

Public Comments on the Draft Environmental Impact Statement

1. Comments from John Sinclair, on behalf of the Tides at Charleston

- **We think the proposed project involving a 93-acre parcel of mostly undeveloped land being developed for mixed use is a good one. The area of concern is currently a hodgepodge of brush and foliage that, while not detrimental, can be put to better use.**

Comment noted.

- **We appreciate being included in some of the planning, which includes some senior amenities, which were just spoken about, and pedestrian access, which will be useful to us. It will be a change, but mostly for the better, and make good use of some scarce undeveloped real estate in the City.**

Comment noted.

2. Comments from Staten Island Borough President James Molinaro

- **I want to take those two to three minutes to thank the City Planning Commission for what you have done for Staten Island over the last twelve years. You have created a community there that no one else would have done, no one else wanted to do.**

Comment noted.

- **Three months prior to me becoming borough president, Community Board 3 voted it down unanimously. Unanimously. Within five months after I became borough president, the same board members, practically all the same members, voted unanimously for it. That's where we are today. And out of that agreement, which we made an agreement with the people that were opposed to it because they wanted the land put aside for a school.**

Comment noted.

- **I want some land put aside for a senior development, a senior citizen development. Because Staten Island has the highest percentage of senior citizens, through population, in New York City. And our seniors are moving over to Jersey...So I said I wanted some acreage put aside. So we started out with fifteen acres, I'm now down to nine. But I'm satisfied, it's okay.**

Comment noted.

- **But then we moved forward to develop this other additional ten acre piece. It was not easy because we had to satisfy the Parks Department, and rightfully so, the environmentalists, and everyone else. But we also had to give the developers the opportunity to make a living with it. And we negotiated.**

Comment noted.

- **So what you have today in front of you is a terrific project that's going to be developed by two terrific developers, which the community wants and the community needs. We are still one of the fastest growing areas in New York City. We need this, we need it desperately. It will create jobs, permanent jobs, and temporary jobs in the construction. The recreation we need. The additional recreation for children. The senior center we definitely -- the seniors' housing, we definitely, definitely need that. Definitely need that.**

Comment noted.

- **And just to respond to Englewood. Englewood was my -- my push on that, why I wanted it open. And very simply, I wanted it open.**

Comment noted.

- **So what we have here is a perfect picture. A picture of the cooperation of a lot of people who put a lot of time, a lot of effort in.**

Comment noted.

3. Comments from Jim Scarcella, Natural Resources Protective Association of SI, Inc.

- **While we understand the complexity of the required actions are multi-faceted, some actions are required to improve the community. However we are not happy that EDC is requesting exemption for New York State Department of Environmental Conservation Wetlands Permits. This sets a bad precedent in terms of proper storm water drainage, wildlife habitat, flooding of future city-owned property like the school and the library to be constructed, the ‘senior citizen housing’ of 162 units.**

Development in any New York State Department of Environmental Conservation (NYSDEC)-regulated and Army Corps of Engineers (USACE)-jurisdictional wetlands and NYSDEC-regulated wetland buffer areas by law require permits from these agencies. No exemptions for such permits have been or will be requested from the regulating authorities.

Please see **Section 2.8.3.4** in the Natural Resources chapter for additional information regarding potential impacts to wetlands resulting from the Proposed Project and **Chapter 4, Mitigation** for proposed mitigation actions. Minimizing impacts to natural resources will be explored in greater detail with the applicable agencies as part of the design process for Englewood Avenue and the permitting process with all involved agencies. Please see **Chapter 3**, Alternatives for Englewood Avenue that would result in fewer impacts to wetland areas. An updated natural resources survey would be required by the applicable agencies during the actual planning, design and permitting process for Englewood Avenue.

- **What happens when the first severe rainstorms saturate and then floods the structures, because of callous filling in of water absorbing wetlands? Does the Exemptions from DEC filing mean elimination of vegetated wetland buffer?**

As noted above, no exemptions for such permits have been requested. All of the proposed methods of handling stormwater would require sewer connection permits from NYCDEP, which require demonstrations that the existing stormwater system, after accounting for required on-site detention, could handle the increased flows. NYCDEP would require a formal connection permit approval for each site. If it is determined that the system could not handle these loads, changes to the stormwater system sufficient to meet those demands would be included within the amended Drainage Plan.

- **We request that the exemptions from DEC filing be removed.**

See above responses.

- **Also, the action states that you are granting development rights to Bricktown Pass, LLC. What is the sale price of the city-owned property per square foot?**

Business terms are outside the scope of this environmental review.

- **The last time City owned property in this area was sold to developers it was undervalued by 40 percent.**

Comment noted.

4. Comments from Charles Place, New York State Office of Parks, Recreation and Historic Preservation

- **Having raised substantive concerns regarding the potential impacts of the proposed action on Clay Pit Ponds State Park Preserve during the scoping session, State Parks was**

gratified to see those concerns more thoroughly addressed in the Charleston project DEIS. Most specifically, the DEIS very clearly points out the natural value of Englewood Avenue right of way and the significant impacts of extending Englewood Avenue out to Veterans Road West. It would appear that none of the impacts on Englewood are readily mitigated and that the only way to minimize the impacts of the proposed development to the maximum extent practicable would be to stop Englewood at the proposed paper Kent Street, as described in the Shortened Englewood Avenue Alternative contained in Section 3.0 of the DEIS with further consideration required of the proposed emergency access. The specific impacts include:

- Bifurcation of fauna habitat from the Preserve to the conservation area.
- A previously unidentified significant archaeological site adjoining Englewood to the south which may spill over to the right of way itself.
- The destruction of 319 trees over 6 inches in diameter, including State-listed rare red-maple sweetgum swamp habitat.
- The destruction of 0.7 acres of state and federally regulated wetlands.
- The loss of a bucolic State Park recreation trail.

The above impacts are not just specific to the area destroyed by the road construction but are cumulative to the function of the rapidly dissipating forest ecosystem on Staten Island.

The Proposed Project includes the full build-out of Englewood Avenue from Kent Street to Veterans Road West to its previously mapped 80-foot right of way, thus meeting the goal of providing improved east-west traffic in the area, along with a pedestrian and bicycle pathway. The DEIS and FEIS disclose impacts that could result from the already mapped portion of Englewood Avenue and describe several alternatives (see Chapter 3 of the FEIS) that would reduce or eliminate those adverse impacts and mitigation measures (see Chapter 4 of the FEIS) where impacts are unavoidable.

- All alternatives discussed in Chapter 3 would require some bifurcation of habitat other than the No-Action Alternative. At a minimum, the emergency access requirement from Veterans Road West is necessary to achieve construction of the school and senior housing components of the Proposed Project.
- It should be noted that the areas of prehistoric archaeological sensitivity that may exist were identified in a study from 1999 in the Conservation Area, south of the proposed corridor of the Englewood Avenue extension. This previous survey did not include the proposed right of way for the roadway and the DEIS acknowledges the potential adverse impacts to prehistoric resources. Additional surveys will be conducted to determine the exact location of these resources and their proximity to Englewood Avenue under the Proposed Project. If additional resources are identified, further study and consultation with the New York City Landmarks Preservation Commission would be required.

The development of Englewood Avenue under the Proposed Project would impact approximately **0.07** acres of NYSDEC-regulated wetlands and USACE jurisdictional wetlands, not **0.7** acres as noted in the above comment. The estimated acreage of state and federally regulated wetlands is reduced under all analyzed alternatives – to 0.008 acres for the 40-Foot Wide Englewood Alternative, to .049 acres for the Shortened Englewood Avenue Alternative and to zero acres for the No-Action Alternative. The Proposed Project and all alternatives would require a permit from NYSDEC and the USACE which would provide for required mitigation measures. This information is discussed in greater detail in **Chapter 3, Alternatives** of the FEIS.

- Between the DEIS and FEIS there has been a clarification that the Red Maple-Sweetgum Swamp is not a State-listed rare plant, but instead a Significant Natural Community. A variant of Red Maple-Sweetgum Swamp, a New York State-listed Significant Plant

Community, is present within the proposed Englewood Avenue's build footprint. The street construction would remove approximately 0.3 acres of this habitat type. Removal would result in further encroachment to this community but would not result in a significant adverse impact.

- With the Proposed Project, Englewood Avenue would have pedestrian and bicycle facilities along the roadway from Arthur Kill Road to Veterans Road West. With the Shortened Englewood Avenue Alternative, this portion of Englewood Avenue would be as accessible to pedestrians and bicyclists as it is in its current condition.
- **More broadly, the DEIS makes clear that the proposed development will have adverse environmental impacts on the Preserve ecosystem generally, especially in locating the school and housing adjacent to the Preserve. State Parks had asked that the DEIS consider a redesign alternative that instead locates the proposed Fairview Park adjacent to the Preserve as had been proposed in the EAS CEQR # 04DPR005R. It remains unclear why such an alternative is not viable with the more intensive uses accessed from the loop road surrounding the Bricktown development. In addition, the DEIS points out real impacts to archaeological sites and natural resources on the main development site that are not mitigated or avoided through efforts to redesign the project.**

The proposal locating the Fairview Park site in the northern portion of the Development Area was studied in 2004. Construction on this park plan was halted pursuant to a court injunction that required the plan for Fairview Park more fully consider other City projects contemplated for the larger site. The remaining publicly-owned portions of the larger site were further considered and the earlier plan for Fairview Park was eventually abandoned as priorities and project-related goals and objectives changed with time, development trends and new information.

The Charleston Mixed-Use Development project is intended to achieve the following goals:(i) accommodate community needs including recreational, housing, cultural, educational, and commercial facilities; (ii) preserve and link open space; (iii) expand local employment options; and (iv) improve east-west connections in the surrounding traffic network, including pedestrian and bicycle facilities. The revised plan retains the community-oriented elements of the previous plan and adds a new public library branch and a retail site to create new local jobs, to complement the thriving surrounding retail, and to facilitate funding, from the land sale, of the comprehensive master planning required to advance the Proposed Project through the approvals process.

To achieve the above-stated goals and accommodate the new uses, the site plan was adjusted and the proposed park site was moved southward. The new location for the proposed park provides considerable protection for a wetland, vegetation, trees and sensitive historic and archaeological resources, including Balthasar Kreischer's 19th century estate ruins and prehistoric remains, all of which would be preserved in the park's passive areas. A network of trails avidly used by equestrians would be preserved by siting the park in this new location. Additionally, the active areas of the proposed park were placed, to the extent practicable, on areas that were previously cleared and/or graded to minimize topographic changes within the park. In order to achieve the 2015 build year projects - Fairview Park, Retail Site "A" and the public library – access to an existing roadway is necessary. Therefore, these sites have been located along Bricktown Way, which would be a mapped street. Additionally, the traffic generated to and from Retail Site "A" and the proposed Fairview Park would occur on Bricktown Way, near other high transit areas, instead of through the natural areas located on the eastern portion of Englewood Avenue, where sensitive natural resources have been identified.

Englewood Avenue is a critical component for the Proposed Project's 2020 development sites. Additionally, in connecting Arthur Kill Road and Veterans Road West, Englewood Avenue would improve traffic networks serving the surrounding community. As the roadway's design plans advance in the future, full reconsideration of avoidance and reduced-impact design options would be required

by the permitting agencies, and there would be opportunities to minimize impacts on these wetland and other natural and archaeological resources. Measures during the design, construction, and long-term operation of this roadway will be required to avoid or minimize significant impacts to the maximum extent practicable.