

Appendices

Appendix A

Waterfront Revitalization Form

Date Received: _____

DOS no.

Proposed Activity Cont'd

4. If a federal or state permit or license was issued or is required for the proposed activity, identify the permit type(s), the authorizing agency and provide the application or permit number(s), if known:
5. Is federal or state funding being used to finance the project? If so, please identify the funding source(s).
6. Will the proposed project require the preparation of an environmental impact statement?
Yes _____ No _____ If yes, identify Lead Agency:
7. Identify **city** discretionary actions, such as a zoning amendment or adoption of an urban renewal plan, required for the proposed project.

C. COASTAL ASSESSMENT

Location Questions:

Yes**No**

1. Is the project site on the waterfront or at the water's edge? _____
2. Does the proposed project require a waterfront site? _____
3. Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land underwater, or coastal waters? _____

Policy Questions

Yes**No**

The following questions represent, in a broad sense, the policies of the WRP. Numbers in parentheses after each question indicate the policy or policies addressed by the question. The new Waterfront Revitalization Program offers detailed explanations of the policies, including criteria for consistency determinations.

Check either "Yes" or "No" for each of the following questions. For all "yes" responses, provide an attachment assessing the effects of the proposed activity on the relevant policies or standards. Explain how the action would be consistent with the goals of those policies and standards.

4. Will the proposed project result in revitalization or redevelopment of a deteriorated or under-used waterfront site? (1) _____
5. Is the project site appropriate for residential or commercial redevelopment? (1.1) _____
6. Will the action result in a change in scale or character of a neighborhood? (1.2) _____

Policy Questions cont'd
Yes No

7. Will the proposed activity require provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (1.3)

8. Is the action located in one of the designated Significant Maritime and Industrial Areas (SMIA): South Bronx, Newtown Creek, Brooklyn Navy Yard, Red Hook, Sunset Park, or Staten Island? (2)

9. Are there any waterfront structures, such as piers, docks, bulkheads or wharves, located on the project sites? (2)

10. Would the action involve the siting or construction of a facility essential to the generation or transmission of energy, or a natural gas facility, or would it develop new energy resources? (2.1)

11. Does the action involve the siting of a working waterfront use outside of a SMIA? (2.2)

12. Does the proposed project involve infrastructure improvement, such as construction or repair of piers, docks, or bulkheads? (2.3, 3.2)

13. Would the action involve mining, dredging, or dredge disposal, or placement of dredged or fill materials in coastal waters? (2.3, 3.1, 4, 5.3, 6.3)

14. Would the action be located in a commercial or recreational boating center, such as City Island, Sheepshead Bay or Great Kills or an area devoted to water-dependent transportation? (3)

15. Would the proposed project have an adverse effect upon the land or water uses within a commercial or recreation boating center or water-dependent transportation center? (3.1)

16. Would the proposed project create any conflicts between commercial and recreational boating? (3.2)

17. Does the proposed project involve any boating activity that would have an impact on the aquatic environment or surrounding land and water uses? (3.3)

18. Is the action located in one of the designated Special Natural Waterfront Areas (SNWA): Long Island Sound- East River, Jamaica Bay, or Northwest Staten Island? (4 and 9.2)

19. Is the project site in or adjacent to a Significant Coastal Fish and Wildlife Habitat? (4.1)

20. Is the site located within or adjacent to a Recognized Ecological Complex: South Shore of Staten Island or Riverdale Natural Area District? (4.1and 9.2)

21. Would the action involve any activity in or near a tidal or freshwater wetland? (4.2)

22. Does the project site contain a rare ecological community or would the proposed project affect a vulnerable plant, fish, or wildlife species? (4.3)

23. Would the action have any effects on commercial or recreational use of fish resources? (4.4)

24. Would the proposed project in any way affect the water quality classification of nearby waters or be unable to be consistent with that classification? (5)

25. Would the action result in any direct or indirect discharges, including toxins, hazardous substances, or other pollutants, effluent, or waste, into any waterbody? (5.1)

26. Would the action result in the draining of stormwater runoff or sewer overflows into coastal waters? (5.1)

27. Will any activity associated with the project generate nonpoint source pollution? (5.2)

28. Would the action cause violations of the National or State air quality standards? (5.2)

Policy Questions cont'd**Yes No**

29. Would the action result in significant amounts of acid rain precursors (nitrates and sulfates)? (5.2C)

30. Will the project involve the excavation or placing of fill in or near navigable waters, marshes, estuaries, tidal marshes or other wetlands? (5.3)

31. Would the proposed action have any effects on surface or ground water supplies? (5.4)

32. Would the action result in any activities within a federally designated flood hazard area or state-designated erosion hazards area? (6)

33. Would the action result in any construction activities that would lead to erosion? (6)

34. Would the action involve construction or reconstruction of a flood or erosion control structure? (6.1)

35. Would the action involve any new or increased activity on or near any beach, dune, barrier island, or bluff? (6.1)

36. Does the proposed project involve use of public funds for flood prevention or erosion control? (6.2)

37. Would the proposed project affect a non-renewable source of sand ? (6.3)

38. Would the action result in shipping, handling, or storing of solid wastes, hazardous materials, or other pollutants? (7)

39. Would the action affect any sites that have been used as landfills? (7.1)

40. Would the action result in development of a site that may contain contamination or that has a history of underground fuel tanks, oil spills, or other form or petroleum product use or storage? (7.2)

41. Will the proposed activity result in any transport, storage, treatment, or disposal of solid wastes or hazardous materials, or the siting of a solid or hazardous waste facility? (7.3)

42. Would the action result in a reduction of existing or required access to or along coastal waters, public access areas, or public parks or open spaces? (8)

43. Will the proposed project affect or be located in, on, or adjacent to any federal, state, or city park or other land in public ownership protected for open space preservation? (8)

44. Would the action result in the provision of open space without provision for its maintenance? (8.1)

45. Would the action result in any development along the shoreline but NOT include new water-enhanced or water-dependent recreational space? (8.2)

46. Will the proposed project impede visual access to coastal lands, waters and open space? (8.3)

47. Does the proposed project involve publicly owned or acquired land that could accommodate waterfront open space or recreation? (8.4)

48. Does the project site involve lands or waters held in public trust by the state or city? (8.5)

49. Would the action affect natural or built resources that contribute to the scenic quality of a coastal area? (9)

50. Does the site currently include elements that degrade the area's scenic quality or block views to the water? (9.1)

Policy Questions cont'd**Yes No**

51. Would the proposed action have a significant adverse impact on historic, archeological, or cultural resources? (10)

✓

52. Will the proposed activity affect or be located in, on, or adjacent to an historic resource listed on the National or State Register of Historic Places, or designated as a landmark by the City of New York? (10)

✓**D. CERTIFICATION**

The applicant or agent must certify that the proposed activity is consistent with New York City's Waterfront Revitalization Program, pursuant to the New York State Coastal Management Program. If this certification cannot be made, the proposed activity shall not be undertaken. If the certification can be made, complete this section.

"The proposed activity complies with New York State's Coastal Management Program as expressed in New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program, and will be conducted in a manner consistent with such program."

Applicant/Agent Name: Rob Holbrook/ New York City Economic Development Cooperation

Address: 110 William St, 4th Fl

New York, NY 10038

Telephone 212-312-3706

Applicant/Agent Signature: 

Date: 5/2/2013

Waterfront Revitalization Program / Coastal Zone Management

The Federal Coastal Zone Management Act of 1972, established to support and protect the nation's coastal areas, set forth standard policies for the review of proposed projects along coastlines. As part of the Federal Coastal Zone Management Program, New York State has adopted a state Coastal Zone Management Program, designed to achieve a balance between economic development and preservation that will promote waterfront revitalization and water-dependent uses, and protect fish, wildlife, open space, scenic areas, public access to the shoreline, and farmland. The program is also designed to minimize adverse changes to ecological systems, erosion, and flood hazards.

The state program contains provisions for local governments to develop their own local waterfront revitalization programs (WRPs). New York City has adopted such a program (New York City Waterfront Revitalization Program, New York City Department of City Planning, revised 1999). The Local WRP establishes the City's Coastal Zone, and includes policies that address the waterfront's economic development, environmental preservation, and public use of the waterfront, while minimizing the conflicts among those objectives. There are ten policy areas of the WRP, as follows:

1. Residential and Commercial Redevelopment
2. Maritime and Industrial Development
3. Waterways Usage
4. Ecological Resources Protection
5. Water Quality
6. Flooding and Erosion
7. Solid and Hazardous Wastes
8. Public Access
9. Visual Quality
10. Historic, Archaeological, and Cultural Resources

As the location of the Development Area fall within the City's designated coastal zone, the Proposed Project must be assessed for its consistency with the policies of the City's Local WRP.

Actions located within New York City's Coastal Management Zone generally require submission of the New York City Waterfront Revitalization Program Consistency Assessment Form. This form is intended to assist an applicant in certifying that a proposed project is consistent with the LWRP. The completed form and accompanying information is used by New York City and State agencies to review the applicant's certification of consistency. A copy of the completed form has been provided.

Based on the answers to questions on the Consistency Assessment Form, the Proposed Project warrants further assessment of policies 1.1, 1.2, 4.2, 4.3, 7, 7.3, 8, and 10. Therefore, an assessment of the project's consistency with these policies is listed below. The remaining policies are not applicable to the Proposed Project.

WRP Policy 1.1: *Encourage commercial and residential redevelopment in appropriate coastal zone areas.*

The Proposed Project would include the construction of both commercial and residential development on a currently-underused property. The residential portion would consist of senior housing, currently envisioned to include no more than 162 units. The housing would be part of a comprehensive development plan including retail stores which, upon full development, would occupy approximately 340,000 square feet. Thus, the Proposed Project would be consistent with, and support, WRP Policy 1.1.

WRP Policy 1.2: *Encourage non-industrial development that enlivens the waterfront and attracts the public.*

Although not along the waterfront, the Proposed Project includes the mapping and development of 23 acres of new parkland and the additional mapping of an existing 20-acre Conservation Area

as parkland. The new recreational opportunities afforded by the park would attract the public to an area that was previously vacant and inaccessible. The Proposed Project would therefore be consistent with this policy.

WRP Policy 4.2: *Protect and restore tidal and freshwater wetlands.*

The Development Area contains several freshwater wetlands. The proposed site plan has been created in a manner which will protect wetlands to the maximum extent possible.

Implementation of the Proposed Project by the year 2015 would impact approximately 0.107 acres of wetland habitats. Many of these wetlands are less than 0.01 acres in size and consist of sparsely vegetated depressions within onsite trails. One of the larger wetlands (of just over one acre), mapped within the Development Area, would be preserved within the proposed Fairview Park. No impacts to NYSDEC regulated wetlands or USACE jurisdictional wetlands would occur by the 2015 build year.

Full Implementation of the Proposed Project by the 2020 year, including those project elements completed by 2015 (Fairview Park and Retail Site "A") and those completed by 2020 (Retail Site "B," the Senior Housing site and the School site) would impact approximately 0.3 additional acres of wetland habitats, for a total of approximately 4 acres. None of these wetland areas has been determined to be NYSDEC regulated.

The construction of Englewood Avenue by the year 2020, and specifically the segment between CPPSPP and the Conservation Area under the proposed 80-foot wide conceptual roadway design, would impact about 0.07 acres of USACE jurisdictional wetlands and NYSDEC-regulated wetlands, included in the total above. The roadway's construction footprint would end several feet from the delineated boundary of one wetland area that is also regulated by the NYSDEC. Approximately 0.89 acres of NYSDEC-regulated Adjacent Areas would be impacted. Actions to mitigate the impacts to these regulated and jurisdictional wetlands would be required by the two regulatory agencies. Representatives of the USACE noted during a field visit in January 2013, that impacts to these types of jurisdictional forested wetlands should be reduced to the greatest extent practicable and that unavoidable impacts would require mitigation.

Construction activities in the vicinity of wetlands could cause short-term impacts, such as siltation due to increased erosion from clearing and grading activities. Erosion and siltation would be minimized through implementation of best management practices (BMPs), such as use of silt fences and stormwater management structures, in accordance with an NYCDEP-approved Erosion and Sedimentation Control Plan.

Therefore, although the Proposed Project would impact wetland areas, the proposed site plan has been created in a manner which will protect wetlands to the maximum extent possible, and thus the Proposed Project would be consistent with this policy.

WRP Policy 4.3: *Protect vulnerable plant, fish and wildlife species, and rare ecological communities. Design and develop land and water uses to maximize their integration or compatibility with the identified ecological community.*

The developments from the 2015 analysis year would remove or alter approximately 20.5 acres of habitat for flora and fauna on site. Conversely, establishment of the park would preserve 13.7 acres of vegetated habitats in perpetuity. These habitats are largely successional woodlands and fields. None of the habitats are rare or unique and are common in southern New York State.

Development by the year 2015 would impact 538 of the surveyed trees within the Development Area. Where applicable, Local Law 3 (*Local Laws of the City of New York For The Year 2010*), requires trees in public property under the jurisdiction of the New York City Parks Department (NYCDPR) to be mitigated (replacement) if removed. The amount of mitigation (number of trees

needed to replace each tree approved for removal) is determined by calculating the size, condition, species and location rating of the tree proposed for removal. Mitigation may be accomplished by replanting trees or monetary compensation.

Two endangered and one threatened plant species were observed within the proposed footprints of the 2015 year developments. Two species, the bonesets (one threatened and one endangered), were observed in open areas (e.g., successional old fields Variants I and II, and unpaved paths) throughout the Development Area. On site, there are approximately 22 acres of habitat that can support the bonesets. Implementation of the 2015 developments would remove approximately 2.1 acres or 9.4 percent of potential boneset habitat. As such, the removal and/or disturbance of open areas would impact the bonesets through habitat loss and direct removal of individual plants. Conversely, the establishment of the parkland would permanently preserve approximately 2.3 acres or 10.4 percent of the available habitat. Torrey's Mountain Mint, an endangered species, occurs in one discreet location on the southern border of Retail Site "A." The removal of any areas of this species would be viewed as a significant adverse impact by regulatory agencies.

Construction by the 2020 year analysis would remove additional habitat within the Development Area, consisting of approximately 27 acres of additional habitat to the existing 20.5 acres by the 2015 year, for a sub-total of approximately 47.5 acres. Approximately 1,156 of the surveyed trees would be impacted by the developments of the school, senior housing, and Retail Site "B," which are in addition to the 538 of the surveyed trees that would be impacted under the 2015 year analysis. In addition, the construction of Englewood Avenue would impact an additional 319 trees, as well as 2.6 acres of additional habitats. In total, approximately 2,013 surveyed trees and 50.1 acres of habitats would be impacted by the Proposed Project.

Construction by the 2020 year analysis would divide or fragment the remaining undeveloped habitats within the Development Area from the Clay Pit Ponds State Park Preserve and the Conservation Area. Although many of the directly impacted habitats are generally successional habitats that are common to New York State, the proposed uses within the Development Area would have further indirect impacts on the preserve and Conservation Area through removal and bifurcation of a large contiguous vegetated buffer area. Mammals, herptofauna, insects and other organisms, utilize the habitats within the construction footprint of Englewood. No species are solely dependent on the resource within the construction footprint; however, the removal of these parcels would require organisms present within these habitats to relocate to adjacent parcels and result in less habitat for the organisms of the Conservation Area and the Preserve.

With respect to vegetation, unlike the Development Area, the forest habitats in the preserve and Conservation Area have fully developed mature canopies, which have limited the undergrowth of dense vines that are stressing trees within the Development Area. The opening of the proposed roadway through this forested area would create an "edge effect" on both sides of the road and would likely contribute to localized increases of dense understory vegetation, which would further impact the value of the habitat on the parcels. Often, this edge effect provides for the growth of invasive and nuisance species. Due to the mature canopy structure of CPPSPP and the Conservation Area, it is anticipated that invasive or nuisance species, if they become established, would largely be limited to the sides of the road.

A New York State-listed rare red-maple sweetgum swamp habitat is present within the Englewood Avenue's build footprint. The implementation of this option would remove approximately 0.3 acres of this habitat type. This removal would result in further encroachment to this rare habitat and would result in a degree of impact.

Construction of the remaining portions of the Development Area by the year 2020 would remove an additional 14.2 acres or 64.3 percent of the current mapped habitat that could support threatened and endangered bonesets, for a sub-total of approximately 16.3 acres or 73.7 percent of this current mapped habitat. Due to natural succession, it is unknown what percent of the open

areas would be wooded by the year 2020, if left undisturbed. Regardless, open field and other open areas should be avoided or disturbance minimized to the greatest extent practicable to further lessen impacts to these species and habitats. Approximately one acre, or 4.5 percent of additional potential boneset habitat, would be removed by the construction of Englewood Avenue, for a total of 17.3 acres or 78.2 percent of this habitat by the Proposed Project.

Therefore, although the Proposed Project would impact some habitat areas and vulnerable plant and wildlife species, the proposed site plan has been created in a manner which will preserve habitats and rare ecological communities to the maximum extent possible, including in the mapped Conservation Area, and thus the Proposed Project would be consistent with this policy.

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

The Project Area would be occupied by retail, residential, open space, and community facility uses. None of these projected uses are expected to generate more than incidental amounts of waste materials that would be considered hazardous. Waste generated by the school, residences and park would be collected and disposed of by the NYC Department of Sanitation. The waste generated by the commercial retail businesses would be collected by private carters licensed by the City of New York. Thus, the Proposed Project would be consistent with this policy.

WRP Policy 7.3: *Transport solid waste and hazardous substances and site solid and hazardous waste facilities in a manner that minimizes potential degradation of coastal resources.*

The Proposed Project would not involve a solid waste facility. As noted above, waste generated by the school, residences and park would be collected and disposed of by the NYC Department of Sanitation. The waste generated by the commercial retail businesses would be collected by private carters licensed by the City of New York. Thus, the Proposed Project would be consistent with this policy.

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

The Proposed Project does not directly affect access to or along New York City's coastal waters. It does, however, adjoin two public open spaces: the Clay Pit Ponds State Park Preserve; and an approximately 20-acre Conservation Area adjoining Veterans Road West. The Proposed Project includes a new 23-acre park adjoining the Conservation Area as well as the mapping of both as parkland. Through this connection, the value of all three open spaces would be enhanced. The Proposed Project would therefore be consistent with this policy.

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

The Proposed Project could potentially result in the disturbance and removal of some historic-era resources related to the Kreischer Estate in the Project Area. If such resources are found to exist, the Proposed Project would lead to potentially significant adverse historic and cultural resources impacts. Mitigation measures would be proposed that would serve to reduce these impacts.