

Seaside Park and Community Arts Center

Chapter 21: Response to Comments Received on the DEIS¹

A. INTRODUCTION

This chapter summarizes and responds to all substantive comments on the Draft Environmental Impact Statement (DEIS) for the proposed Seaside Park and Community Arts Center 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 September 5th, 2013, which marked the beginning of the public comment period for the DEIS. Public comments on the DEIS were solicited at the required public hearing on the DEIS held at 10:00 AM on October 23rd, 2013, and during the public comment period, which closed at 5:00 P.M. on November 4th, 2013.

The public hearing on the DEIS was noticed in the *New York Daily News* on October 7th, 2013, the *New York City Record* on October 10th, 2013, in *Brooklyn Bay News* on October 10th, 2013, and on the website of the New York City Mayor's Office of Environmental Coordination ("MOEC").

Section B below lists the organizations and individuals who commented on the DEIS, and Section C summarizes and responds to comments made at the October 23rd DEIS public hearing and received in writing. 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 EIS. Where more than one commentor expressed similar views, those comments have been grouped and addressed together. Finally, the responses in Section C also respond to verbal comments made during the comment period at the Community Board and Borough President hearings. Given the overlap between these comments and those made at the DEIS hearing, these other verbal comments are not repeated, but responses are reflected in the comments from the hearing.

Written comments received on the DEIS are included in Appendix E to the FEIS.

B. LIST OF COMMENTORS ON THE DEIS

Elected Public Officials

1. Marty Markowitz, Brooklyn Borough President (oral statement at public hearing; written comments submitted on 10/23/2013)
2. Eric Adams, 20th Senatorial District, State of New York (written comments dated 10/25/2013)
3. Domenic Recchia Jr., New York City Council (oral statement at public hearing; written comments submitted on 10/23/2013)

Organizations and Interested Members of the Public

4. Coney Island History Project (written comments submitted on 10/23/2013)
5. Hardy Adasko, Senior Vice President of Planning, NYCEDC (oral statement at public hearing)
6. Anthony Butler, Executive Director, St. John's Bread & Life (oral statement at public hearing)

¹ This chapter is new to the FEIS

7. Julia Butler, on behalf of Dick Zigun, Artistic Director/Founder, Coney Island USA (oral statement at public hearing)
8. Paul Custer, Senior Vice President of Government Relations, New York City YMCA (oral statement at public hearing)
9. Charlene Davis (oral statement at public hearing)
10. Georganna Deas, Astella Development Corporation (oral statement at public hearing)
11. Amanda Deutch, Parachute for Coney Island Performance Festival (oral statement at public hearing)
12. Jon Dohlin, Vice President and Director, New York Aquarium (oral statement at public hearing; written comments submitted on 10/23/13)
13. Raymond Figueroa, Board President, New York City Community Garden Coalition (oral statement at public hearing; written comments submitted on 10/23/13)
14. Kevin Foley, on behalf of John Drew, President/Founder, Drew Company (oral statement at public hearing)
15. Karl Frey, Executive Vice President, iStar Financial (oral statement at public hearing)
16. Carolyn Greer, Director, Public Events/Special Projects & Tourism, Brooklyn Borough President's Office (oral statement at public hearing)
17. John Heyer, Futures in Education (oral statement at public hearing)
18. Ken Hochman, President, American Media (oral statement at public hearing; written comments submitted on 10/23/13)
19. Benjamin Hunter, on behalf of Keith Suber, Suber Foundation (oral statement at public hearing)
20. Martin Levine (oral statement at public hearing; written comments submitted on 10/23/13)
21. Eddie Mark, Chair, Community Board 13 (oral statement at public hearing)
22. Carolyn McCrory, BCG President, New York City Community Garden Coalition (oral statement at public hearing; written comments submitted on 10/23/13)
23. Nick Molinari, Director of Planning, NYCDPR (oral statement at public hearing)
24. Yury Opendik (oral statement at public hearing)
25. Gary Perone, Director of New Business Development, Brooklyn Cyclones (oral statement at public hearing)
26. Evangeline Pugh (oral statement at public hearing)
27. Michael Quinn, Alliance for Coney Island, Member of Community Board 13 (oral statement at public hearing)
28. Cynthia Reich, Co-Chair of Economic Development Committee, Community Board 13 (oral statement at public hearing)
29. Charles Reichenthal, District Manager, Community Board 13 (written comments submitted on 10/23/13)
30. Naila Rosario, Manager at Brooklyn Public Library (oral statement at public hearing)
31. Nino Russo, Co-owner of Gargiulo's Restaurant (oral statement at public hearing)
32. Rick Russo, Senior Vice President, Brooklyn Chamber of Commerce (oral statement at public hearing)
33. Sheila Smalls, the People's Coalition of Coney Island (oral statement at public hearing; written comments submitted via email on 10/04/13)
34. Ronald Stewart (oral statement at public hearing)
35. Anne Valdez, the People's Coalition of Coney Island (oral statement at public hearing)
36. Dennis Vourderis, Owner/Operator of Deno's Wonder Wheel (written comments submitted on 10/23/13)
37. Ronnie Winiarsky, property owner on West 22nd Street (oral statement at public hearing)
38. Johanna Zaki, Director of Operations, Alliance for Coney Island (oral statement at public hearing)

C. COMMENTS AND RESPONSES

1. Project Description/General Project Information

Comment 1.1: What are the wages of the jobs and what are the benefits? Would healthcare be included? (9)

Response: All construction jobs would pay prevailing wage rates. All other terms of employment are yet to be determined.

Comment 1.2: *A program must be created to ensure employment and recruitment of community residents, in all aspects, with prevailing wages. (29)*

Response: It is anticipated that the proposed project would provide opportunities for local employment in connection with both construction work and operations at the restored (Former) Childs Restaurant Building and at the proposed amphitheater. The FEIS has been updated to reflect the most current employee estimates regarding the operation of the proposed project, which include a total of approximately 275 workers. These would include an estimated 75 workers at the (Former) Childs Restaurant Building and 200 at the amphitheater during events. While the restaurant/event space would be a year-round use, the amphitheater, and its associated employment, would be seasonal (approximately May to October). The new public park, itself, would also have an incremental number of maintenance employees. Supplementing the response to Comment 1.1, all other employment details and terms of employment are yet to be determined.

Comment 1.3: *Coney Island needs jobs and jobs training. (33, 35)*

Response: See response to Comment 1.2 above.

Comment 1.4: *Would the programming be affordable to community members? Would discounts be offered to residents that can't afford the ticket prices? (9, 26)*

Response: The amphitheater component of the proposed project is designed to provide a venue for Coney Island's free concert events, which will be increased in number to approximately 10 to 15 events each season (approximately May to October) and are intended to benefit the community. Regarding the 30 to 35 ticketed concert events that are necessary to support the operation and maintenance of the proposed project, discounted pricing is being considered, but the pricing has not been determined as yet. The proposed project also includes a publicly accessible and landscaped 2.41-acre park extending between West 21st Street and West 23rd Street along the Riegelmann Boardwalk that will be open to the community without charge. The park includes active playground spaces and extensive rest areas with bench and lawn seating that would benefit the surrounding neighborhood. The park would feature gardens, landscaping, play equipment, and restrooms, in addition to the performance venue for both free and paid concerts. When concert events are not being held, the amphitheater portion of the proposed project can be used for community-oriented cultural and education events as well as special events such as farmers' markets, school graduations, and festivals.

Comment 1.5: *The proposed project's free concerts would bring the community together. The amphitheater would also be used by local high schools, which would otherwise pay significant amounts to rent a venue for graduation. (3)*

Response: Comment noted.

Comment 1.6: *Would the amphitheater be available to the community in the off-season? (19)*

Response: The new public open space and the amphitheater would feature removable seating in order to provide the community with year-round recreational opportunities. The amphitheater would be publicly accessible during the off-season as well as during non-event days during the season. See response to Comment 1.4.

Comment 1.7: *The community needs to be more involved and should be a partner in this with the developer. A committee of residents should be set up to oversee the project. (11, 29, 33, 34)*

Response: There has been extensive public participation in the review of the proposed project and the applicant has committed to community-based participation during the operation of the Seaside Park and Community Arts Center. The proposed project is subject to review pursuant to the City's Uniform Land Use Review Procedure (ULURP), which allows for public review and input on the proposed actions, including the involvement of the public during review by the Community Board joint Land Use/Economic Development Committee meeting (9/16/2013) and full board meeting (9/23/2013); the Borough President's hearing (9/17/2013); the City Planning Commission public hearing (10/23/2013), and the City Council, each of which holds public hearings on the proposed project. Members of the general public have these opportunities to provide input, as well as general commenting opportunities during scoping and following the issuance of the DEIS. A long-standing community-based non-profit organization, Coney Island USA, Inc., will participate in the management and operation of the proposed project. In addition, the applicant has agreed to establish a community advisory committee to provide guidance regarding the scheduling of events and other activities in the amphitheater on days that concert events are not taking place.

Comment 1.8: *There needs to be a community benefits agreement in place with the developer, the not-for-profit operator, and representatives of various community groups for the use of the facility for educational and cultural benefits for the residents. It should be negotiated with the assistance of an organization such as The Partnership for Working Families. (20, 33)*

Response: As noted in the response to Comment 1.7 above, the applicant has made a commitment to create a community advisory committee that will be established in consultation with Brooklyn Community Board 13, local elected officials and the network of existing neighborhood organizations, which will provide guidance regarding programming the publicly accessible open space and, on days when there are no concert events scheduled, the proposed amphitheater. The comment regarding a community benefits agreement is noted as it was made in connection with the public comments solicited regarding the DEIS, but it is technically outside the scope of the proposed project's environmental review.

Comment 1.9: *The agreement with the not-for-profit operator should have strict parameters set for the implementation of community cultural and educational uses (as per a Community Benefits Agreement), and after the first five years, should be subject to review and renewal every two years thereafter. (20)*

Response: Comment noted.

Comment 1.10: *The reopening of the (Former) Childs Restaurant Building as a restaurant and the operation of the amphitheater will create more employment for Coney Island residents while also furthering the tradition of free and affordable entertainment by becoming the future home of a continued Seaside Concert Series. (2)*

Response: Comment noted.

Comment 1.11: *This amphitheater will create jobs. Employment is needed for all members of Coney Island and at all pay levels. The developer has committed to prioritizing local residents both for construction jobs and when the amphitheater is up and running. (1, 10, 19, 31, 36)*

Response: Comment noted.

Comment 1.12: *This project will promote the City's efforts to reinvigorate Coney Island by advancing both the development of the park and the restoration of the (Former) Childs Restaurant Building as part of this composite development. (1, 2, 5, 28)*

Response: Comment noted.

Comment 1.13: *The site of the amphitheater has been underutilized for the last 40 years, and the proposed project will contribute to the area's ongoing revitalization. (1, 3, 4)*

Response: Comment noted.

Comment 1.14: *This is a creative and appropriate use of space that will activate the western edge of the amusement district, provide open space, services, and affordable cultural amenities for residents of Coney Island, build all day usage of the business district, the continued growth of which provides jobs beyond those directly provided by the construction and operation of this facility. The location of the amphitheater would expand Coney Island amusements and would increase business for everyone. (12, 25)*

Response: Comment noted.

2. Land Use, Zoning, and Public Policy

Comment 2.1: *There is a church right across the street from the proposed amphitheater. (33)*

Response: Field observations in June 2013 indicated that there are no active houses of worship within close proximity to the project area. The closest observed house of worship is the Greater Eternal Light Church at 2115 Surf Avenue between West 21st and West 22nd Streets, approximately 500 feet to the north of the project site, which was observed to be vacant. The closest active house of worship is the Fellowship Baptist Church, located at 2929 West 20th Street, approximately 850 feet to the northeast of the project site. The FEIS found the proposed project would not have a significant noise impact on either of these locations.

Comment 2.2: *This amphitheater is needed because it will keep the City's focus on Coney Island and its needs. (1)*

Response: Comment noted.

3. Open Space

Comment 3.1: *Would the proposed open space and amphitheater be accessible to handicapped and disabled residents? (9)*

Response: The proposed open space and amphitheater were designed so there will be total access for people with disabilities. Additionally, the project would comply with all ADA regulations and the accessibility provisions of the NYC building code. All entrances to the project site would be handicap accessible. Handicap restrooms would be located in the (Former) Childs Restaurant Building as well as on the Riegelmann Boardwalk. Plans were reviewed and approved by the Mayor's Office for People with Disabilities.

Comment 3.2: *Why not incorporate a new community garden into the open space component of the proposed amphitheater? (26)*

Response: The proposed open space component is intended to operate as a publicly accessible open space.

Comment 3.3: *There needs to be an agreement in place to relocate and find a new space for those community gardeners that will be displaced. There are nine existing community gardens registered with the NYC Parks Green Thumb in the immediate area. The gardeners at the site must be given access to any of those other grounds. (20, 29)*

Response: The developer is in consultation with the Office of the Brooklyn Borough President and NYC Parks GreenThumb has been actively seeking to provide a new location for these gardeners. A site has been identified at 2829 Surf Avenue as a potential alternative, which is five blocks west of Lot 142. The property is an existing under-utilized community garden and already part of the NYC Parks GreenThumb program. It is under the jurisdiction of the New York City Department of Housing Preservation and Development, as are a number of other NYC Parks GreenThumb community gardens across the city. Both HPD and NYC Parks GreenThumb have agreed to allow the neighborhood residents who are gardening at Lot 142 to move to this site at 2829 Surf Avenue. Starting November 1, 2013, site work will commence to make it fully functional as a community garden.

Comment 3.4: *The various municipal decision-making processes that have ensued since this proposed project came to light have been egregious for their lack of compliance with the two major sets of rules that govern these processes at the most fundamental level. First, the Public Trust Doctrine – pursuant to its parkland status, the formal legislative process for the alienation of parkland has not been engaged in. Second, the NYC Parks Department rules including the Garden Review Process – we are concerned about the inappropriate process by which the City administration attempted to decommission the Garden, the City's failure to assist the Garden in reregistering for a license, and the City administration's hollow (misguided) attempt at a solution. (13, 22)*

Response: This comment appears to be based upon a basic misunderstanding of the status of the former community garden that had been licensed under the NYC Parks GreenThumb Program at Block 7071, Lot 142. First, Lot 142 is not and has never been mapped parkland. Simply, it is City-owned land that had been under the jurisdiction of the Department of Parks and Recreation and occupied as a community garden under the City's NYC Parks GreenThumb Program. In 2002, the City entered into a settlement agreement with the Office of the New York State Attorney General governing the future discontinuance of the use of certain city-owned properties as community gardens under the NYC Parks GreenThumb Program. With respect to Lot 142, in 2004 the City reached agreement with the Gardener of Record to surrender the property and relocate to a new site in accordance with the provisions of Section 6(E)(3) of the 2002 agreement between the City and the Office of the Attorney General. Section 6(E)(3) required that the City notify the Gardener of Record of the City's intent to discontinue the community garden use of the property and provide the Gardener of Record with a list of available city-owned vacant land, if any, within ½-mile of Lot 142 to provide for an alternate gardening site. The NYC Department of Parks and Recreation worked with the Gardener of Record to provide for an alternate garden location. In 2004, the Gardener of Record agreed to relocate to an alternate site and informed the NYC Parks GreenThumb of this decision in writing. The gardener of record was then relocated to the alternate site. Since that time, Lot 142 has not been licensed by the NYC Parks GreenThumb, nor has the City granted any other permission for the use or occupancy of the property for gardening purposes.

Comment 3.5: *The community garden is included on a map of open space in the CEQR Technical Manual. (13)*

Response: Although the map in the *CEQR Technical Manual* appendix depicts Lot 142 as "open space," it should be noted that the map that is referred to indicates open space generally, not necessarily mapped parkland. It also bears emphasis that the Technical Manual does not in any way affect the legal status of a City-owned property. As noted in the response to Comment 3.4, Lot 142 is not mapped parkland and was decommissioned in 2004 as a NYC Parks GreenThumb community garden.

Comment 3.6: *The proposed site for relocation of the community garden is mostly concrete. The site is surrounded by high-rise buildings and lacks the proper amount of sunlight. It is unacceptable for gardening. (24)*

Response: Starting November 1, 2013, site work commenced to make the site fully functional as a community garden. In preparation for the site work, Green Thumb provided direction to the Contractor team on the garden layout in order to maximize sun exposure. In conjunction with NYC Parks and Recreation, the developer will be providing a site that is free and clear of all debris and rubbish. Additionally, the developer will be providing over four hundred yards of new topsoil and materials to build thirty planting beds.

Comment 3.7: *The proposed project would develop the park that was planned as part of the 2005 Coney Island Strategic Plan. There had previously been no funding in place for the park. (5, 28, 32)*

Response: Comment noted.

4. Shadows

No comments

5. Historic and Cultural Resources

Comment 5.1: *The (Former) Childs Restaurant Building should be made into a model BRIC/Arts building that will serve the public as well as the community. The newly designed BRIC/Arts model will bring the arts needed in this part of town, such as media, so people can learn how to make and produce their own TV shows and make considerable money, instead of minimum wage. They have ballet and music programs, all of the things missing in this neighborhood, to enhance our lives. (11, 33)*

Response: Comment noted.

Comment 5.2: *This is the first time in Coney Island's history that a landmark will be put to adaptive reuse, which would greatly benefit the community, tourism, economic development, and be a great example for New York City. There are examples throughout the nation of buildings that have been adaptively reused as restaurants and businesses, as well as community arts centers, that are thriving. I think this can be done in Coney Island. (11)*

Response: Comment noted.

Comment 5.3: *The NYC landmarked (Former) Childs Restaurant Building is in need of repair and would benefit from the proposed restoration work. (3, 5, 11, 12, 16)*

Response: Comment noted.

6. Urban Design and Visual Resources

No comments

7. Hazardous Materials

Comment 7.1: *The hazardous materials at the site of the (Former) Childs Restaurant Building preclude its use by residents or groups for amusement or entertainment of any sort. Damage from Hurricane Sandy leaves in question whether or not mold abatement was or may have successfully been performed on the vacant (Former) Childs Restaurant Building. (20)*

Response: As indicated in Chapter 7, "Hazardous Materials," a Phase I Environmental Site Assessment (ESA) was performed at the (Former) Childs Restaurant Building in June 2013, eight months after Hurricane Sandy. The ESA observed that there was standing water in the basement of the building, but did not identify a related mold issue. The (Former) Childs Restaurant Building has an (E) designation for hazardous materials, which may require special activities coordinated through the New York City Office of Environmental Remediation (OER) to be performed at the time of site redevelopment such as subsurface investigations, preparation of remedial action work plans, site

specific health and safety plans, and others. Properties where intrusive soil work would be needed as part of development would need to satisfy the (E) designation in order to obtain building permits from the New York City Department of Buildings (DOB). For properties where existing buildings would be converted with no intrusive soil work, a copy of the development plans must be provided to OER, prior to receiving a Notice of No Objection, which would enable the DOB to issue the conversion permit. The DOB will also inspect prior to the issuance of the Certificate of Occupancy. The (E) designation would reduce or avoid the potential for an adverse impact to human health and the environment resulting from the proposed project.

8. Water and Sewer Infrastructure

Comment 8.1: Infrastructure needs to be built in Coney Island. (34)

Response: In terms of water and sewer infrastructure, construction of the proposed project would entail the relocation and termination of underground utilities within the southern end of West 22nd Street, the installation of new underground utilities, including water mains and sanitary and storm sewers, the replacement of existing plumbing infrastructure within the (Former) Childs Restaurant Building, and the installation of new utility services, including sanitary and storm sewers and domestic and fire water utilities, on West 21st Street in connection with the rehabilitation of the adjacent (Former) Childs Restaurant Building.

The City is undertaking an infrastructure improvement plan in phases. Phases 1, 2a, and 2b of the infrastructure improvements proposed by DEP in accordance with the Amended Drainage Plan (ADP) were analyzed in the 2012 *Coney Island Infrastructure Improvements EAS*. The analyzed improvements included the enlargement of three existing outfalls (West 15th Street, West 21st Street, and West 12th Street), installation of new stormwater collection sewers, relocation and upgrade of distribution and trunk water mains, and relocation and upgrade of sanitary sewer lines along with the reconstruction of affected streets, as well as the design and construction of tidal wetlands at Calvert Vaux Park to address all permanent wetland impacts associated with the reconstruction and enlargement of the three stormwater outfalls. Due to the large extent of the affected area and existing built conditions, the Coney Island infrastructure improvements assessed in the 2012 *Coney Island Infrastructure Improvements EAS* are being constructed as multiple capital projects over several years.

As discussed in Chapter 8 of the FEIS, “Water and Sewer Infrastructure,” the proposed project would result in minimal increases in water demand and sewage generation. Water demand in the future with the proposed project would represent less than 0.01 percent of the city’s water demand. The water demand associated with the proposed project would, therefore, not adversely impact the city’s water supply or system water pressure. Similarly, the sanitary sewage generated by the proposed project would represent less than 0.1 percent of the Coney Island WPCP’s SPDES permitted capacity. As such, the Coney Island WPCP would continue to have ample reserve capacity with this anticipated new demand, and no significant adverse impacts to the city’s wastewater treatment services would occur as a result of the proposed project.

In addition, ongoing and future water main, sanitary and stormwater sewer infrastructure improvements associated with the ADP, including installation of upgraded sanitary sewers in the surrounding area by the City, would ensure that the existing infrastructure facilities serving the development site would operate with ample capacity, and the proposed project would not result in a significant adverse impact to water infrastructure, sanitary sewage conveyance and treatment, or stormwater management.

Comment 8.2: *By allowing the amphitheater use for ten years, there would be time for infrastructure improvements to be made in preparation for the future development of affordable housing on the site. (5)*

Response: Comment noted.

Comment 8.3: *With the proposed amphitheater, Futures in Education would not need to provide the level of infrastructure they currently do for the annual Great Irish Fair fundraiser at Surf and West 21st Street. Not having to provide this infrastructure will allow Futures in Education to raise more money and provide up to 200 additional scholarships. (17)*

Response: Comment noted.

9. Transportation

Comment 9.1: *Traffic is horrible, people tend to drive instead of using public transportation. When there is a ballgame it is difficult to leave Coney Island. (9, 26, 33, 34)*

Response: The FEIS has conservatively assumed a dual event with a concert and a baseball game at the adjacent MCU park occurring simultaneously and provided a detailed analysis of weekday pre-event and post-event and Saturday pre-event and post-event peak hour traffic conditions at a total of 28 intersections generally bounded by the Belt Parkway to the north, Ocean Parkway to the east, Surf Avenue to the south, and West 22nd Street to the west. This analysis considers concurrent events at the project site and MCU Park. The analysis was also reviewed by the Department of Transportation and their analysis included field visits to the area during dual event nights. Of these 28 intersections, where project generated trips are expected to be most concentrated, there would be the potential for significant adverse impacts at three intersections in both the weekday pre-event and post-event peak hours, at four intersections in the Saturday pre-event peak hour, and at five intersections in the Saturday post-event peak hour.

As shown in Table 16-2 of Chapter 16, "Mitigation," with implementation of the recommended mitigation measures, all of the significant adverse traffic impacts would be fully mitigated, with the exception of traffic movements at the intersections of Shore Parkway Westbound Service Road at Shell Road and Neptune Avenue at Cropsey Avenue/West 17th Street. With respect to these two intersections, traffic would be monitored on days when amphitheater concerts coincide with baseball games at MCU Park in order to assess if actual conditions would reflect the analyzed With-Action conditions that are based on very conservative assumptions. If necessary, traffic enforcement agents (TEAs) would be assigned to these two intersections on days when

amphitheater concerts coincide with baseball games, in order to facilitate traffic flow and eliminate any adverse traffic impacts.

Comment 9.2: *Parking and traffic are a major concern that has plagued overall development in Coney Island. I would like to see an off-site parking venue and have the developer commit to providing a shuttle bus service. (20, 28)*

Response: The FEIS has provided a detailed analysis of on-street and off-street parking conditions, and the proposed project's potential effects on parking availability. The FEIS concluded that the proposed project would not result in any significant adverse parking impacts. In addition, as part of the proposed project, on days when a concert at the amphitheater and a baseball game at MCU Park would occur simultaneously, a shuttle bus would operate on Surf Avenue between the Aquarium parking lot and the project site. The shuttle buses would operate with a frequency of approximately 10 minutes and a capacity of approximately 40 to 45 persons per bus, which is the typical capacity of a school bus. The shuttle buses would operate during the pre-event and post-event hours from approximately 6 PM to 12 AM. The specifics of the operating plan would be refined over time based on actual operational conditions once the facility has opened.

Comment 9.3: *There is a need for a study to find greater parking spaces in the area. Traffic studies should be undertaken. (29)*

Response: Comment noted. See response to Comment 9.2 above.

Comment 9.4: *If you want business you have to put up with the traffic. Traffic is good for business. (31)*

Response: Comment noted.

Comment 9.5: *This project will take advantage of its location and proximity to mass transit. (12)*

Response: Comment noted.

10. Air quality

No comments

11. Greenhouse Gas Emissions

No comments

12. Noise

Comment 12.1: *This is not a suitable location for an amphitheater. An amphitheater in this small space would be surrounded by residential buildings, including a nursing home across the street. (24)*

Response: As residential buildings are located to the west and northwest of the project site, the proposed amphitheater would include sound reduction features to limit the propagation of noise beyond the site boundaries. During concerts, the proposed amphitheater would deploy a tensile canopy extension and acoustical curtains. The temporary canopy extension would extend 100 feet to the west of the seasonal tensile fabric roof canopy. In addition, acoustical curtains would be attached to, and drop down from, the edges of the canopy roof extension at various locations. In addition, for concert events, backing sound baffles would be affixed to the inside of the tensile fabric roof, the deployable canopy extension, and sound curtains. These sound reduction features would be temporary and would only be deployed immediately before concerts and subsequently removed.

Based on design features to limit propagation of noise levels beyond the site boundaries, and a commitment to limit the L_{\max} concert levels at the mixing board to 98 dBA before 10 PM and 92 dBA after 10 PM (equivalent levels at the front row of 100 dBA before 10 PM and 94 dBA after 10 PM) with a specific speaker array as described in Appendix D, no significant impacts due to concert noise are projected on residential buildings or other sensitive receptors in the immediate vicinity. In addition, the analysis results also showed that concert noise levels would not exceed the permissible noise increments in the applicable sections of the NYC Noise Code.

Comment 12.2: *Sound abatement with acoustic curtains alone may not be sufficient. All outdoor speakers must face the boardwalk. (20)*

Response: In addition to the use of sound curtains, a number of other noise reduction features have been included in the design of the proposed amphitheater. Collectively, these noise reduction features would stop sound from permeating the surrounding area. See response to Comment 12.1 above.

Comment 12.3: *The amphitheater would not be unwanted noise. The project is being designed to comply with noise laws. Concerts would not be any worse than at the existing location on West 21st Street. (37)*

Response: Comment noted.

13. Public Health

No comments

14. Neighborhood Character

No comments

15. Construction

No comments

16. Mitigation

Comment 16.1: *If the developers follow through with the promised mitigation (sound, traffic, open space, affordable community participation and access), this ambitious project will greatly improve the neighborhood. If these conditions are met I support the approval of this project. (4)*

Response: Comment noted.

17. Alternatives

No comments

General Comments and Miscellaneous

Comment 1: *Everything that has been built in the community is unaffordable to the community. We can't afford the amusement uses. (35)*

Response: Comment noted. See response to Comment 1.3 above.

Comment 2: *Coney Island needs community space. There are children who have no community centers. (33, 35)*

Response: Comment noted.

Comment 3: *Most of the people that make choices for Coney Island don't live in Coney Island. They don't have to deal with the traffic and crowds. (26)*

Response: Comment noted.

Comment 4: *During the Community Board 13 general board meeting, some members who had voted in favor of the project at the Land Use meeting changed their vote in response to public opposition to the project. The community board did do outreach and had meetings to discuss the project, but perhaps later than they should have, it wasn't addressed immediately because of Hurricane Sandy (21)*

Response: Comment noted.

Comment 5: *There is crime in this area of Coney Island and the area is dilapidated. The proposed project is a step in the right direction for the area. (19, 37)*

Response: Comment noted.

Comment 6: *The amphitheater would be a catalyst for new development in this area of Coney Island. (1, 14, 15)*

Response: Comment noted.

Comment 7: *The City has a new goal for 2015 to welcome 55 million visitors and Brooklyn wants its share. The (Former) Childs Restaurant building is a phenomenal tourism opportunity and amenity for the community. Brooklyn needs projects like this in order to be competitive with other venues in the area. (16)*

Response: Comment noted.