

APPENDIX E

Written Comments Received on the DEIS



OFFICE OF THE BROOKLYN BOROUGH PRESIDENT

**TESTIMONY
BY BROOKLYN BOROUGH PRESIDENT MARTY MARKOWITZ
TO THE CITY PLANNING COMMISSION
REGARDING THE SEASIDE PARK AND COMMUNITY ARTS CENTER
OCTOBER 23, 2013**

I WANT TO THANK COMMISSIONER AMANDA BURDEN ALONG WITH THE MEMBERS OF THE CITY PLANNING COMMISSION FOR THE OPPORTUNITY TO TESTIFY ON THE PROPOSED SEASIDE PARK AND COMMUNITY ARTS CENTER – AND A SPECIAL SALUTE TO BROOKLYN REPRESENTATIVE JOE DOUEK.

I'D LIKE TO BEGIN BY COMMENDING THE DEDICATED STAFF OF THE CITY PLANNING DEPARTMENT UNDER THE BRILLIANT LEADERSHIP OF COMMISSIONER BURDEN, INCLUDING ITS BROOKLYN OFFICE LED BY PURNIMA KAPUR FOR THEIR ASSISTANCE AND GUIDANCE ON THIS PROJECT.

I'D ALSO LIKE TO COMMEND MAYOR BLOOMBERG, SPEAKER QUINN, COUNCILMAN DOMENIC RECCHIA ALONG WITH DEPUTY MAYOR ROBERT STEEL, INTER-GOVERNMENTAL AFFAIRS DIRECTOR HAEDA MIHALTSES, THE FIRST DEPUTY MAYOR'S CHIEF OF STAFF NANNETTE SMITH — AND E-D-C PRESIDENT EMERITUS SETH PINSKY AND CURRENT PRESIDENT KYLE KIMBALL ALONG WITH THE ENTIRE STAFF OF THE EDC FOR THEIR HARD WORK AND DEDICATION THROUGHOUT THIS PROJECT.

TODAY, AS WE CELEBRATE THE RE-OPENING OF THE CONEY ISLAND LIBRARY – AND WITH A BRAND NEW YMCA COMMUNITY CENTER ON THE WAY – IT'S CLEAR THAT AT EVERY STEP OF THE WAY, WE HAVE BEEN DEDICATED TO GETTING CONEY ISLAND BACK ON ITS FEET – AND FOCUSED ON CREATING JOBS, IMPROVING INFRASTRUCTURE, AND PROVIDING SERVICES THAT WILL MAKE RESIDENTS EVEN PROUDER OF THEIR NEIGHBORHOOD.

AND THAT'S WHY I'M HERE THIS MORNING – THERE'S NO QUESTION THAT THIS PROJECT – TO BRING THE CITY'S FIRST COVERED SEASONAL AMPHITHEATER TO CONEY ISLAND – WILL BE A TREMENDOUS BENEFIT TO CONEY ISLAND, BROOKLYN AND ALL OF NEW YORK CITY.

THE SEASIDE PARK AND COMMUNITY ARTS CENTER WILL ADD EVEN MORE ENERGY AND EXCITEMENT TO CONEY ISLAND.

THE AMPHITHEATER WILL PROVIDE A NEW HOME FOR SUMMER CONCERTS AND EVENTS BY THE BOARDWALK, AND WILL SERVE AS A CATALYST FOR RESIDENTIAL AND COMMERCIAL DEVELOPMENT.

MOREOVER, THIS PROJECT IS A SIGNIFICANT STEP FORWARD IN THE FULL REALIZATION OF OUR MAYOR AND HIS ADMINISTRATION'S VISION FOR CONEY ISLAND.

BY ADAPTIVELY-REUSING THE CHILDS BUILDING – A VACANT, DERELICT EYESORE – WE CAN BREATHE NEW LIFE INTO THIS UNDER-UTILIZED SECTION OF THE RIEGELMANN BOARDWALK –

AND BY BUILDING A LUSH NEIGHBORHOOD PARK, WE CAN JUMPSTART THE CONEY ISLAND PLAN AND DELIVER ON THE CITY'S PROMISE OF BUILDING GREEN SPACES.

RESIDENTS OF CONEY ISLAND, BROOKLYN, AND NEW YORK ALONG WITH VISITORS FROM AROUND THE WORLD WILL FLOCK TO THE AREA TO ENJOY SEASONAL-ENTERTAINMENT AND CONCERTS, YEAR-ROUND SEA-SIDE DINING, AND DURING THE WINTER, THE MUSIC AND FOOD WILL CONTINUE INSIDE THE RESTORED CHILDS BUILDING –

AND IN THE SUMMER THERE WILL BE PLENTY OF OPEN SPACE WHERE FAMILIES CAN PICNIC, ENJOY STUNNING VIEWS OF THE OCEAN, AND KIDS CAN RUN FREE IN PLAY AREAS.

MORE IMPORTANTLY, THIS AMPHITHEATER WILL CREATE HUNDREDS OF GOOD JOBS – THE DEVELOPER HAS COMMITTED TO PRIORITIZING LOCAL RESIDENTS BOTH FOR CONSTRUCTION JOBS AND WHEN THE AMPHITHEATER IS UP AND RUNNING.

IN ADDITION, WHEN NOT IN USE, THE DEVELOPER IS EAGER TO HAVE LOCAL RESIDENTS USE THE AMPHITHEATER FOR COMMUNITY EVENTS AND PROGRAMS.

FOR TOO MANY YEARS CONEY ISLAND HASN'T RECEIVED THE ATTENTION THAT IT DESERVES – PUBLIC HOUSING HASN'T BEEN MAINTAINED AS IT SHOULD AND INFRASTRUCTURE IS IN DIRE NEED OF IMPROVEMENT – BUT THAT'S EXACTLY WHY WE NEED THIS AMPHITHEATER – IT WILL KEEP THE CITY'S FOCUS ON CONEY ISLAND AND ITS NEEDS.

ALL ACROSS THE CITY, IN EVERY BOROUGH, THERE ARE COMPETING DEMANDS FOR THE SAME FUNDS – SO WE NEED THIS PROJECT TO KEEP THE MOMENTUM GOING AND MOVE CONEY ISLAND CLOSER TO FULFILLING ITS VISION AS AMERICA'S PLAYGROUND – THE TOP FAMILY AMUSEMENT CENTER.

THIS PROJECT IS ALL DIRECTED TOWARD THAT GOAL AND CONEY ISLAND RESIDENTS ARE IN THE BEST POSITION AND LOCATION TO REAP THE BENEFITS OF ITS ECONOMIC SUCCESS.

THIS AMPHITHEATER WILL ATTRACT MORE VISITORS – MORE RETAIL – MORE RESTAURANTS – AND MORE BUSINESSES THAT WILL PUT CONEY ISLANDERS TO WORK AND CREATE THE MAXIMUM NUMBER OF JOBS POSSIBLE – AND EVEN BRING MORE HOUSING, INCLUDING AFFORDABLE HOUSING.

AND WITH THAT SUCCESS WILL COME A GREATER FOCUS ON ALL OF CONEY ISLAND'S NEEDS AND REALLY PROVIDE SERVICES TO WEST END RESIDENTS – AND THIS COMMISSION'S APPROVAL CAN MAKE THAT ALL HAPPEN.

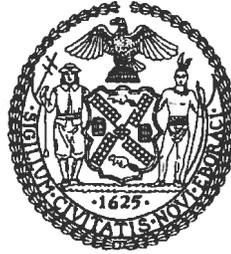
SO FOR THE SAKE OF CONEY ISLAND – WHICH IMPACTS ALL OF NEW YORK CITY'S FUTURE – I URGE THE COMMISSION TO SUPPORT THIS PROJECT.

DOMENIC M. RECCHIA, JR.

COUNCIL MEMBER
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October 23, 2013

Statement of Council Member Domenic M. Recchia, Jr. in Support of the Seaside Park and Community Arts Center Development Project

It is a pleasure to offer my support for the Childs Seaside Park and Community Arts Center Development, which will bring a covered amphitheater to Coney Island and reinvigorate the currently dormant Childs Restaurant building. The improvements proposed in this project to the Childs Restaurant will restore this iconic structure's use to the community, provide multiple cultural and educational benefits, and greatly contribute to the area's ongoing cultural and economic revitalization.

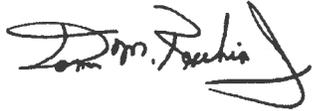
First and foremost, the project calls for an expansive publicly accessible open space on a portion of the site that is presently unimproved, which has been designed for both passive and active recreation. From May through October, the restored Childs building and proposed open-air auditorium will be a destination point for visitors and residents who can enjoy and take advantage of the affordable performing arts and seasonal concerts. In maximizing the functionality of this project, however, the design aesthetic ensures that Childs will also return as a year-round restaurant and banquet facility, as well as an indoor performance venue during the off-season. The design incorporates a seasonal stage on the western partying wall of Childs that will be closed off in the off-season and adapted for indoor entertainment. In addition to the planned indoor seating capacity, the plan also offers to re-open the rooftop for dining, which was part of the historic Childs restaurant experience.

By inviting visitors and residents alike to once again enjoy Childs and its historic status in the Coney Island boardwalk community, this plan encourages cultural, educational and economic growth in the area and importantly will create jobs for local residents.

For the reasons stated, this project has my support, for the plan respects the historical nature of Childs, while incorporating Childs into a community art and entertainment site with

open space for all residents and visitors to enjoy and talk about for decades to come. Thank you for your consideration and hard work to improve our communities.

Best regards,

A handwritten signature in black ink, appearing to read "Domenic Recchia, Jr.", with a stylized flourish at the end.

Domenic Recchia, Jr.
Council Member, 47th District
Chairman, City Council Finance Committee



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20TH SENATORIAL DISTRICT
STATE OF NEW YORK

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October 25, 2013

Amanda M. Burden, Chair
City Planning Commission
22 Reade Street
New York, New York 10007

Dear Commissioner Burden:

I am writing to express my support for the Seaside Park and Community Arts Center project, which has been proposed for a site along the Riegelmann Boardwalk at West 21st Street in Coney Island, Brooklyn, and which went before a public hearing at the City Planning Commission on Wednesday, October 23, 2013 as part of its ongoing ULURP review.

The project aims to continue the revitalization of Coney Island by constructing a covered, seasonal amphitheater adjacent to a new, richly landscaped public park while restoring the iconic and landmarked Childs Restaurant building to its former glory as an entertainment venue and banquet hall.

The amphitheater will provide space for concerts and events, including those for community use, for approximately 5,000 attendees, while the publicly accessible park will provide new opportunities for passive and active recreation on the western end of Coney Island. Off-season and between concerts and events, the seats of the amphitheater can be removed to open up even more additional space to serve as an expansive public plaza, which will also be available for community use. The plan also calls for the full restoration and adaptive reuse of the Childs Restaurant building, which will be restored to as a restaurant facility which can accommodate banquet and indoor entertainment.

The re-opening of the Childs 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, which has provided free entertainment to Brooklyn residents for 35 years.

Finally, this project will greatly advance the City's efforts to reinvigorate Coney Island by advancing both the development of the park between 22nd and 23rd Streets and the restoration of the Childs building as part of this composite development that will be a year-round recreational, dining and entertainment destination on the Riegelmann Boardwalk for residents of Coney Island and all New Yorkers and tourists alike.

In short, this proposal could not be coming along at a better time for Coney Island.

Sincerely,

A handwritten signature in black ink, appearing to read 'Eric Adams', written over a horizontal line.

From the Desk of CHARLES REICHENTHAL, District Manager

Community Board 13 - Brooklyn

1201 Surf Avenue Brooklyn, N.Y. 11224

As District Manager of Community Board 13, I have listened intently to all of the material presented before the Board related to the proposed Amphitheater, and I have listened intently to the concerns of the Coney Island community. The results of all of these meetings and encounters deserve a Solomon to answer. I am not Solomon. Nonetheless, I have listened as the Board's open meeting in June drew a unanimous vote in favor. Then to a Committee meeting, in September, that drew a positive 10-1 vote in favor. The General Board vote, in September, ended with 7 in favor, 14 opposed, and seven abstentions.

It must be understood that Coney Island residents, merchants, and amusement operators had felt virtually abandoned since the end of World War II. The people suffered; the businesses, of all kinds, struggled. Those living and working in Coney Island had heard Brooklyn referred to as an 'outer borough' and Coney Island seemed the furthest away from city aid. Crowds still arrived at the beach and still rode the Cyclone and Wonder Wheel, but there was much missing.

Over a decade ago, however, the Coney Island Development Corporation was formed, and things began to change. A Master Plan was created, using a great deal of civic input and planning. The area began to see changes. Hope had been initiated. I have listened to all sides relate to the amphitheater plans, and I know that there remains concern over its impact on community, on business, on jobs before, during and after construction. I know the plight of the community garden that faces a problem. I am aware that many residents feel somehow left-out of the process.

After all the talks, I feel that the Amphitheater would be a major plus for the peninsula and its residents. And I believe that the area deserves to be heard on a group of recommendations that had been put forth, suggestions that would involve community use, jobs, noise abatement, traffic and parking, and park use. These recommendations address the need for a study to find greater parking units in the area. Traffic studies should be underway. A program must be created to ensure employment and recruitment of community residents, in all aspects, with prevailing wages. A management-community group should be created to deal with an exciting use of the created spaces whenever an event is scheduled. Space must be found for the hard-working people who have created the wonderful W. 22 Street Community Garden. We must listen to the residents, to the businesses, and to the millions who find Coney Island as an escape. The Amphitheater is a plus, but it means that we all work together on its impact to a great community.



October 23, 2013

Good Morning. My name is Jon Forrest Dohlin. I am Vice President and Director of the New York Aquarium and Vice Chair of the Alliance for Coney Island. I am here this morning to testify on behalf of the Seaside Amphitheater.

I believe the Seaside Amphitheater is a net plus for the Coney Island Community. It will provide jobs, amenities and new life for a beautiful but sadly neglected landmark in the Childs Restaurant Building. It takes advantage of the beautiful seaside location, the foot traffic of the boardwalk and the accessibility of the area by mass transit.

A vibrant outdoor entertainment venue, the seaside amphitheater is a critical addition to the continued economic health of Coney Island and further bolsters Brooklyn's reputation as the cultural hotspot of New York City.

This a creative and appropriate use of the space, providing a strong year round anchor that will activate the western edge of the amusement district, provide open space, services and affordable cultural amenities for the 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.

My name is Dennis Vourderis and along with my brother Steve and our sons, own and operate Deno's Wonder Wheel Amusement Park in Coney Island. We have been property owners, employers and operators for over 40 years. I am a member of Community Board 13, and the Chairman of the Alliance for Coney Island. My family has paid close attention to our neighborhood through the darkest days of the 1970's all the way to the renaissance Coney is experiencing today.

Coney Island is finally becoming a world class destination again. However, there is still so much more for us to do, and more jobs to provide, and in order to achieve that, more development in Coney Island is needed.

The Childs building is a landmark that, if developed will have far reaching benefits for not just the residents of Coney Island, but for all of Brooklyn and NYC.

The proposal in front of the Commission today, is very worthwhile and will deliver jobs to the neighborhood, bringing economic development and allow for so many other projects to also move forward.

The Childs building is an important cultural and geographic bridge between the east end of Coney where the amusements are, and the west end where there is more residential.

Based on our experience and expertise in Coney Island, the entire Vourderis family and Deno's Wonder Wheel Amusement Park asks that the development of a seasonal amphitheater in Coney Island at the Childs building move ahead as quickly as possible.

My name is Ken Hochman, president of American Media, a Brooklyn based Advertising agency which has represented Coney Island for over 30 years.

My parents and grandparents are all from Coney Island, And, I have lived in Brooklyn for over 50 years, raising my family here, including sending my kids to Mark Twain Jr High in Coney Island. My father was even part of the first graduating class at Mark Twain Jr High in 1942.

For nearly the last 100 years Coney has been a destination for the people of our entire city, it's called "the people's playground" for so many great reasons that we are all familiar with yet it is also a neighborhood. And

It is important to remember that this "playground neighborhood beach community" has ALSO always been an incubator of greatness in the arts, and in business. Generations have immigrants and hard- working people have lived in Coney Island and learned the American economic lessons of opportunity and success. Success and development in Coney Island brings economic opportunity to the residents of Coney Island.

In the last 20 years, the renaissance has picked up speed in Coney Island as we see huge advances in job growth, visitors and improvements to the neighborhood. We do not want to return to the policies that led to the poor conditions in the 1970'.

Converting the underutilized CHILDS building into an amphitheater is the next step in bringing development and opportunity to the people of Coney Island.

The Childs building is begging for redevelopment and its continued deterioration delays further economic development for Coney Island. The proposal rehabilitates an historic building that will create year round jobs with a seasonal amphitheater.

The old expression that "a rising tide raises all ships" has never been truer than by looking at the history, present day, and future opportunities in Coney Island. Let's continue to move ahead, adding the amphitheater at the Childs building as a way to not just provide jobs and entertainment, but ALSO to provide inspiration and opportunity for the current residents of Coney Island continuing and connecting to the American dream

NYC PLANNING COMMISSION
PUBLIC MEETING

October 23, 2013

Dr. Robert R. Kulikowski, Assistant to the Mayor

Mayor's Office of Environmental Coordination
100 Gold Street, 2nd Floor
New York, NY 10038

**RE: Seaside Park and Community Arts Center
Community District 13
Borough of Brooklyn
CEQR No. 13DME014K**

Dr. Kulikowski:

As you know, our organization, the New York City Community Garden Coalition, a coalition of **community** gardeners concerned with preserving, creating and empowering community gardens in New York City, is representing the Boardwalk Community Garden (the "Garden") located at West 22nd Street (Block 7071, Lot 142), a long-standing community garden that will be destroyed if the City **administration** approves the construction of the Seaside Park and Community Arts Center (the "Proposed Project").

The various municipal decision-making processes that have ensued since this Proposed Project first 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: **1st**) the Public Trust Doctrine and **2nd**) the NYC Parks Department Rules including the Garden Review Process. These rules are in place to ensure that the disposition of the Boardwalk Community Garden – and similarly-situated community gardens – is informed by a level of transparency and accountability that is commensurate with the vitally important civic resource that this community garden represents.

The Boardwalk Community Garden is mapped Parkland as per the Mayor's Office of Environmental Coordination CEQR TECHNICAL MANUAL. Please see map below from the MOEC/CEQR Technical Manual:



- New York City Parkland
- Well-Served Area
- Regional Park
- Community District

New York City Parkland Borough of Brooklyn - Community District 13 Well-Served Areas

0 375 750



City of New York
Department of Parks and Recreation
Parklands Division
Michael J. Bloomberg, Mayor
Adrian Dromi, Commissioner

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Public Trust Doctrine

Pursuant to its Parkland status, the formal *legislative* process for the *Alienation of Parkland* has not been engaged in.

Further as per the New York City Department of City Planning' promulgation of a set of policies in September 2002 known as The New Waterfront Revitalization Program that were approved by the Council of the City of New York and the NYS Department of State with the concurrence of the U.S. Department of Commerce outline a number of pertinent policies, including:

Policy 8.5 – Preserve the public interest in and use of lands and waters held in public trust by the state and city.

- B.** Limit the transfer of interest in public trust lands to the minimum necessary.
- F.** Avoid substantial loss of public interest in public trust lands by the cumulative impact of individual conveyances.
- G.** Re-establish public trust interests where appropriate in existing grants not used in accordance with the terms of the grant or the public trust doctrine.

Additionally, this document includes the following relevant policies:

Policy 6.1 – Minimize losses from flooding and erosion by employing non-structural and structural management measures appropriate to the condition and use of the property to be protected and the surrounding area.

Point-of-information: BOARDWALK COMMUNITY GARDEN DOES THIS NATURALLY & COST-EFFECTIVELY AS A RESULT OF THE ECOLOGICAL SERVICES OF ITS PLANTS & SOIL SURFACE PERMEABILITY BOTH OF WHICH PREVENT SOIL EROSION & ABSORB WATER AND MITIGATE STORM WATER RUN-OFF INTO THE SURROUNDING STREETS AND INTO AN OTHERWISE EASILY OVERWHELMED SEWER SYSTEM.

- A.** Non-structural measures have priority over structural measures,
- B.** Development and other investments of private and public funds should be located in a manner that minimizes or eliminates potential exposure to flooding and other coastal hazards in the most environmentally sensitive manner.

Point-of-information: AGAIN, BOARDWALK COMMUNITY GARDEN DOES THIS NATURALLY & COST-EFFECTIVELY AS A RESULT OF THE ECOLOGICAL SERVICES OF ITS PLANTS & SOIL SURFACE PERMEABILITY BOTH OF WHICH PREVENT EROSION & ABSORB WATER AND MITIGATE STORM WATER RUN-OFF INTO THE SURROUNDING STREETS AND INTO AN OTHERWISE EASILY OVERWHELMED SEWER SYSTEM.

If feasible, locating non-water-dependent development and structures away from flooding and erosion hazards is the most effective means of achieving this option

Point-of-information: THE RE-LOCATION OF THE PROPOSED PROJECT IN THIS MANNER IS FEASIBLE AND HIGHLY ADVISABLE.

6.2 – Direct public funding for flood prevention or erosion control measures to those locations where the investment will yield significant public benefit.

B. Give priority to actions that protect public health and safety, mitigate flooding and erosion problems..... and enhance natural habitats.

Point-of-information: BOARD COMMUNITY CURRENTLY FULFILLS ALL THESE REQUIREMENTS; THE PROPOSED PROJECT DOES NOT.

C. Use vegetative plantings and other non-structural measures that have a reasonable probability of managing flooding and erosion based on shoreline characteristics including exposure, geometry and sediment composition. Use vegetative plantings to increase protective capacities of natural protective features at every opportunity and in combination with other types of measures. Use vegetative plantings alone to control erosion in areas where the potential success rate for vegetative methods is high.

Point-of-information: BOARD COMMUNITY CURRENTLY FULFILLS ALL THESE REQUIREMENTS; THE PROPOSED PROJECT DOES NOT.

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

This policy also presents standards for public lands, public facilities contiguous to the shoreline and lands under water (public trust lands). These standards are intended to preserve existing access to the shoreline provided by facilities such as public parks.....[etc.]

8.4 Preserve and develop waterfront open space and recreation on publicly owned land at suitable locations.

..... which meet one or more of the following criteria:

- Sites that would enhance natural resources and habitats;
- Sites that would improve access to public lands, buffer public lands from incompatible uses, or consolidate or connect existing public lands;

Policy 9 – Protect scenic resources that contribute to the visual quality of the New York City coastal area.

The intent of Policy 9 is to prevent the impairment of natural and manmade scenic resources in the coastal area. In New York City, visual quality and scenic resources are recognized and protected through historic preservation, natural resources protection, parks and open space planning and acquisition, zoning special districts, waterfront zoning controls on over-water development, and urban design standards that shape new development.

9.1 – Protect and improve visual quality associated with New York City's urban context.....

A. Ensure that new buildings and other structures are compatible with and add interest to existing scenic elements, such as landmarks, maritime industry, recreational boating facilities, natural features, topography, landforms and the botanic environment. Among the measures that may be considered are grouping or orienting structures to preserve open space and maximize views to and from the coast, and incorporating sound existing structures into development where harmonious with their surroundings.

Point-of-information: BOARD COMMUNITY CURRENTLY FULFILLS ALL THESE REQUIREMENTS; THE PROPOSED PROJECT DOES NOT. BOARDWALK COMMUNITY GARDEN DOES THIS NATURALLY & COST-EFFECTIVELY AS A RESULT OF ALL OF ITS ECOLOGICAL RESOURCES & SERVICES.

C. New development should be compatible with the scenic elements defining the character of the area.

Point-of-information: BOARD COMMUNITY CURRENTLY FULFILLS ALL THESE REQUIREMENTS; THE PROPOSED PROJECT DOES NOT. BOARDWALK COMMUNITY GARDEN DOES DEFINE THE CHARACTER OF THE AREA & IT DOES THIS NATURALLY & COST-EFFECTIVELY AS A RESULT OF SERVING AS A COMMUNAL HUB AS WELL AS ALL OF ITS ECOLOGICAL RESOURCES & SERVICES

The New York City Zoning Resolution provides standards for waterfront landscaping.

D. Preserve existing vegetation or establish new vegetation where necessary to enhance scenic quality.

E. Minimize introduction of uses that would be discordant with existing scenic elements, and screen unattractive aspects of uses that detract from the visual quality of nearby public parks and waterfront open spaces.

9.2 – Protect scenic values associated with natural resources.

Parks Rules

The Boardwalk Community Garden has been functioning as a garden for over 16 years under the jurisdiction of the NYC Department of Parks & Recreation, and is a safe, healthy and educational influence on the community. After carefully reviewing the City **administration's** responses to our earlier comments as set out in the September 4, 2013 Final Scope of Work, we have researched the status of this Garden in more detail and 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.

As you know, the process that governed the City **administration's** ability to transfer or terminate a City-owned GreenThumb community garden during the years 2002 through 2010 was established by the Memorandum of Agreement dated September 17, 2002 between

the State of New York and the City of New York (the "MOA"). The MOA requires that, in order to develop or dispose of land containing a City-owned GreenThumb garden, the relevant City agency must provide the Gardener of Record with a list of available City-owned vacant lots, if any, within one-half mile of the existing GreenThumb garden, from which the Gardener of Record may select an alternative garden site. The City must also prepare a formal Garden Review Statement that includes details about the proposal and information about the alternative site selection. The City will then facilitate the registration and licensing of the new alternate garden site. As the MOA states, the "City will offer the alternate GreenThumb garden an opportunity to register with the GreenThumb Program, and once registered, obtain a GreenThumb license."

In August 2004, the then-Gardener of Record, Mr. Robert Funchers, agreed to relocate the Garden to an alternative site, located at 2801 Surf Avenue (Block 7052, Lot 47), a vacant City-owned site that was not an existing GreenThumb garden **while existing parks lots and existing community gardens were not given as options**. In a letter accompanying the list of possible relocation sites, the City told Mr. Funchers that "[i]f you select a site from the List, the Green Thumb Program will offer you an opportunity to register and license at the new site." It is our understanding that the City never offered Mr. Funchers or any member of the Garden the opportunity to register and license at the new site, as is required by the MOA and as was specifically stated in the alternative site offer letter. The City failed to follow the process required by the MOA and failed to follow through with what they told Mr. Funchers they would do if he agreed to relocate.

Moreover, the Garden never actually moved from its original site and the proposed alternative site remains empty. The intent and purpose of the relocation discussions with Mr. Funchers was to move the Garden to a nearby site and reregister as a GreenThumb garden. The City failed to offer to register the alternate site and the Garden remained in its original location: these relocation discussions clearly did not result in the "decommissioning" of the Garden. The original license should have continued by its terms as it was never cancelled or superseded by a new license for the alternate site. **[SOME DETAIL HERE ABOUT THE MOVE TO THE NEW SITE AND THE POOR CONDITIONS THEREOF – STOLEN EQUIPMENT, DANGEROUS CONDITIONS GARBAGE BEING THROWN DOWN FROM HOUSING DEVELOPEMENT, ETC]**

The fact that the members of the Garden did not affirmatively renew the license for the original site following its expiration in 2005 is not sufficient grounds for the City to terminate the Garden's participation in the GreenThumb program. A standard for termination of participation in the GreenThumb program established by the MOA is when "the garden's Gardener of Record or, if no Gardener of Record, contact person is offered an opportunity to register and/or execute a license by the GreenThumb Program and refuses to do so for more than two years." Our understanding is that the GreenThumb program never offered the gardeners such an opportunity, and refused to renew the license when approached by the gardeners. Certainly the gardeners did not actively *refuse* to re-register. Mr. Funchers had been deeply committed to the Garden for over 10 years but was in his mid-80s and passed away two years after the license expired, and there was always a vibrant community of gardeners dedicated to preserving the site.

Further, during the 2009 Coney Island Rezoning Process, when the City Planning Commission approved the disposal and rezoning of the Garden, the City never contacted any member of the Garden about the rezoning process, nor did the City include a Garden Review Statement with the rezoning plans as required by the MOA. Thus the City failed to follow the mandatory process for the disposition of a community garden during the 2009 rezoning.

Currently, the City has again failed to follow proper processes in its attempt to relocate the Garden, because again it failed to submit a Garden Review Statement. Although the City has offered to relocate the Garden to the Surf Side Garden—a registered GreenThumb community garden located at 2829 Surf Avenue—if the members of the Garden were to accept this offer and relocate to the Surf Side Garden, Coney Island would have one less community garden as a result. **[We may want to mention how many coney island community gardens square foot area has been destroyed over the last 15 years, disproportionate to east New York, Harlem Lower East Side, South Bronx, etc]**

The intent of the MOA was to permit, when necessary for community development, the relocation of existing community gardens into “available City-owned vacant land” of comparative size, thus preserving the amount of community garden space available to the community. The City’s so-called “solution” in this case is no solution at all, because it successfully destroys one of the existing **Community** Gardens in the area without creating a new one to replace it.

The GreenThumb program and the MOA were established to preserve and promote community garden spaces, providing a step-by-step process that the City must follow if it wants to successfully relocate an existing garden. The MOA was not designed to create “gotcha” scenarios to trap unsuspecting community gardeners when the City fails to follow mandatory procedures or fails to send required notices and instructions about garden registration and license renewal. Accordingly, we demand that the City immediately vote against the Proposed Project as currently planned and declare it to be an improper disposition of the Boardwalk Community Garden and a violation of the agreements and rules governing City community gardens and the GreenThumb program. Support of the Proposed Project will deprive countless community members the enjoyment of the social, educational, environmental and health benefits that the Garden provides.

Please do not hesitate to contact me at [_____] to discuss this matter further.

Best regards,

[Carolyn McCrory] BCG president & NYccgc Member
Aziz Dehkan, Exec Dir., NYCCGC
Ray Figueroa Jr., Board President, NYCCGC

October 23, 2013

City Planning Commission
22 Reade Street
New York, New York 10007

Dear Commissioners:

I support the proposal as passed by the Community Board 13 joint Economic Development/Land Use Committees with the following comments.

Due to the hard work of The Friends of Terra Cotta and other community groups, in February 2003, the CHILDS Building on the Riegelmann Boardwalk and West 21st Street was declared a landmark.

The landmarking, although a public relations high point is a community and development nightmare. The hazardous materials on the site preclude the use of the building by residents or groups for amusement or entertainment of any sort (Addendum A). The stringent landmarking requirements under which construction and remediation would take place make the rehabilitation of the building unaffordable. That is why Taconic Investment Partners could not pursue its modernization and that is why New York City had to step in to transfer ownership.

The building continues to lie empty, decades after it has gone out of use. The exterior may be pleasing to the eye, but the building itself poses an environmental hazard. What of the interior: rotting, decaying, and filled with hazardous substances such as asbestos containing material, polychlorinated biphenols, and fuel oil residue? Damage from Hurricane Sandy leaves in question whether or not mold abatement was or may have successfully been performed on a vacant building. Even though boarded up, how long will it take to become a refuge for the homeless, for drug use, and a haven for those who have no desire to see a revitalization in the west end of Coney Island.

One of the mandates of the Redevelopment Plan for Coney West is to stimulate increased use of that area on a 12 month a year basis. This is beneficial to not only encourage growth in the local economy, but to reduce crime. The perfect example of this is the eastern end of the Riegelmann Boardwalk where restaurants and pedestrian traffic flourish, and where a 12 month a year sustainable neighborhood local economy and entertainment venue has developed. It is time that the people who live in the west end are presented with the same opportunity to recreate themselves and to enjoy in safety the magnificence of Coney Island as a year round residence.

The plan to enable the CHILDS Building as a twelve month a year facility with an outdoor amphitheater is not without its criticisms.

- There needs to be an agreement in place to relocate those community gardeners that will be displaced. There are nine (9) existing community gardens registered with the NYC Parks Green Thumb in the immediate area (Addendum B). Those active gardeners at this site must be given access to any of those other grounds.
- Sound abatement with acoustic curtains alone may not be sufficient. All outdoor speakers must face the boardwalk.
- If this is truly to be a community arts center, there must 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 (Addendum C).
- 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 (5) years, should be subject to review and renewal every two (2) years thereafter.
- Parking and traffic are a major concern that has plagued overall development at every step. The MTA must push up the timetable for establishing express train service to Coney Island on the B and F Lines year round. Express Bus service must be increased year round. A plan to create shuttles for off site parking has been proposed since 1999. It is long overdue and must be submitted along with a schedule for implementation.

Thank you for your time and for the opportunity to speak.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "M.L. Levine". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Martin L. Levine

Enc.

ADDENDUM A

Seaside Park and Community Arts Center

Chapter 7: Hazardous Materials

A. INTRODUCTION

This chapter assesses the potential for the presence of hazardous materials from previous and existing uses in soil and/or groundwater on or near the development site. A hazardous material is any substance that poses a threat to human health or the environment. Substances that can be of concern include, but are not limited to, heavy metals, volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), methane, polychlorinated biphenyls (PCBs), and hazardous wastes (defined as substances that are chemically reactive, ignitable, corrosive, or toxic).

As described in Chapter 1, "Project Description," the proposed project would result in the development of a 2.41 acre publicly accessible open space that would include an approximately 5,100 seat amphitheater requiring excavation and subsurface disturbance. The proposed project would also include the restoration and adaptive reuse of the (Former) Childs Restaurant Building. Excavation, if not performed in accordance with prescribed procedures, could result in human exposure to hazardous materials. An evaluation of potential hazardous materials impacts at the development site is provided below.

As described in the *City Environmental Quality Review (CEQR) Technical Manual*, the goal of a hazardous materials assessment is to determine whether a proposed action could lead to potential increased human exposure to hazardous materials and whether the increased exposure could lead to significant public health impacts or environmental impacts. The objective of the hazardous materials assessment is to determine if the development site may have been adversely affected by current or historical uses at or adjacent to the site, such that the property may be adversely impacted by hazardous materials.

B. PRINCIPAL CONCLUSIONS

Phase I Environmental Site Assessments (ESAs) were prepared for all lots included within the project area. The ESAs indicated that no hazardous materials exist in the project area, and did not identify any Recognized Environmental Conditions (RECs) on-site. While the Phase I ESAs did not identify any on-site RECs, based on the historical on-site and surrounding area land uses, (E) designations are recommended for Lots 27, 28, 30, 32, 34, 76, 79, 81, 142, 226, and 231 in order to avoid any potential for significant adverse hazardous materials impacts. (E) designations would ensure that testing and, if warranted, mitigation, would be provided as necessary before any future development and/or soil disturbance. As such, the proposed project would not increase human exposure to hazardous materials. Moreover, the proposed project would not introduce new activities or processes using hazardous materials. Therefore, it is expected that no significant adverse hazardous materials impacts would result from construction on the development site, and following construction, there would be no potential for significant adverse hazardous material impacts.

C. METHODOLOGY

Three Phase I Environmental Site Assessments were completed for the project area by Fleming Lee Shue, Inc. in June of 2013. The three reports included separate investigations at 2101 Boardwalk (Block 7071, Lot 130), 2113 Boardwalk (Block 7071, Lot 142), and 2225 Boardwalk (Block 7071, Lots 27, 28, 30, 32, 34, 76, 226, 231). The three Phase I ESAs were prepared in conformance with the United States Environmental Protection Agency (EPA) All Appropriate Inquiry (AAI) requirements (November 2005) and the revised ASTM E 1527-05 (November 2005), as well as generally accepted protocols for lenders. The reports evaluated the project area's potential for impacts due to hazardous materials by:

- Documenting the physical characteristics of the site through a review of available topographic, geologic, wetland, flood plain, groundwater data, and site observations;
- Researching the site history through a review of land deeds, fire insurance maps, city directories, aerial photographs, prior reports and interviews;
- Documenting current site conditions, via observations and interviews, regarding the presence or absence of hazardous substances/petroleum products; the generation, treatment, storage, or disposal of hazardous, regulated or medical wastes; the presence of electrical equipment that utilizes oils which potentially contain PCBs; and the presence of storage tanks (above and below ground);
- Determining the usage of adjoining and nearby properties to identify the likelihood for environmental conditions (if present and/or suspected) and concerns for migration onto the site; and
- An evaluation of information contained within federal and state environmental databases and other local environmental records, within specific search distances.

D. EXISTING CONDITIONS

The project area includes all lots that would be affected by the proposed zoning map amendment, including the development site, as well as Lots 79 and 81 on Block 7071 (the "outparcels"), which are located immediately to the northwest of the development site. The development site is generally bounded by the Riegelmann Boardwalk to the south, West 23rd Street to the west, West 21st Street to the east, and properties fronting Surf Avenue to the north. The development site is an assemblage of ten tax lots on Block 7071 (Lots 27, 28, 30, 32, 34, 76, 130, 142, 226, and 231), as well as the beds of Highland View Avenue and a portion of West 22nd Street (approved for demapping in 2009 in the Coney Island Rezoning), and covers an aggregate lot area of approximately 130,404 sf (3.0 acres).

Phase I ESA Results

Development Site

(FORMER) CHILDS RESTAURANT BUILDING (LOT 130)

This portion of the development site consists of a 25,400 sf (0.58 acre) lot improved with a two-story (plus partial basement) warehouse building known as the (Former) Childs Restaurant Building, containing two full floors, a partial basement and a partial mezzanine area located on the 2nd floor. The lot is 100 by 248 feet and the building footprint covers the entire lot. The total square footage of the

building is 60,000 square feet. The (Former) Childs Restaurant Building was constructed in 1923. The building was used as a bathing pavilion and restaurant until it was converted to an industrial warehouse sometime between 1950 and 1966. A chocolate manufacturing business, Tell Chocolate Novelties Corp., operated in the building between the 1960s and the late 1990s. Currently, the building is being used to store relief supplies for victims of Hurricane Sandy.

According to the ESA, indications of the possible presence of an aboveground fuel oil tank were observed in the basement of the building. However, full access to the boiler room was not possible, due to flooding at the time the site visit was conducted. The water in the basement was observed to be clear and there was no sheen, petroleum odors or other evidence of petroleum impact on the water in the boiler room. The ESA also indicates that numerous floor drains, pits and a sump were observed in the basement of the building during a prior Phase I ESA conducted in 2007. These structures were not visible during the site visit conducted for the June 2013 ESA due to flooding in the basement. A concrete utility trench was observed in the first floor of the building; however, no drains were observed in this trench. No stressed vegetation, discolored soils or pavement, odors or other evidence of contamination was observed during the site visit.

The Phase I ESA also included a preliminary evaluation of specific potential environmental issues or conditions that are, according to ASTM E 1527-05, considered non-scope considerations, such as asbestos-containing material (ACM), polychlorinated biphenyls (PCBs) light ballasts and caulking materials, and exterior lead-based paint (LBP). The ESA indicated that fluorescent light fixtures were observed in the building; and that the date of installation of the light fixtures is uncertain and based on the age of the building (it was built in 1923), the light fixtures may use PCB-containing light ballasts. The ESA also observed that painted surfaces were in poor condition throughout the building, and based on the date of construction, it is likely that the building contains LBP. While a survey for asbestos is not included within the scope of work defined in ASTM E 1527-05, a limited survey was conducted of the interior of the building to identify certain friable and non-friable materials, which may contain asbestos. Based on the date of construction (1923), it is likely that the building contains ACM. The ESA indicated that at the time of the site visit, small quantities of suspect asbestos-containing pipe insulation was observed on pipes in the stairways and in the basement. Other potential ACM in the building include wall and ceiling surfacing materials and roofing materials. No samples were collected as part of this limited survey. The ACM, typical of many older buildings in New York City, is usually dealt with at the time of construction.

Lot 130 contains an (E) designation (E-229) for hazardous materials that 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 activities may include 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. 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 New York City Department of Buildings to issue the conversion permit. This (E) designation is identified as a recognized environmental condition (REC).

REMAINDER OF DEVELOPMENT SITE (LOTS 27, 28, 30, 32, 34, 76, 142, 226, 231)

The remainder of the development site is comprised of a 47,200 sf (1.08 acre) lot that is currently undeveloped and entirely unpaved (Lot 142), two undeveloped, partially vegetated lots (Lots 226 and

231), and a parking and maintenance facility for school buses (Lots 27, 28, 30, 32, 34, and 76). The school bus parking lot and maintenance facility contains a 1-story (on slab), 2-bay repair garage on the northwest corner of the lots, and a small storage shed located on the northeast corner of the lots. The ESAs indicate that at the time of the site visit, Lot 231 was being used for the temporary storage of construction equipment and supplies, most likely for repairs being made to the adjoining boardwalk. The area was enclosed with chain link fencing and contained two cars, a bobcat, a front end loader, construction tools, supplies, construction barriers and a temporary, 275-gallon fuel oil aboveground storage tank (AST), presumably used for fueling the construction equipment. No staining or other indications of spills or leaks were observed around this tank.

The ESAs indicate that this portion of the development site was mostly vacant prior to 1895. Lots 27, 28, 30, 32, 34, 76, 142, 226, 231 were developed with a hotel, bathing pavilion, and seven residential buildings between 1895 and 1906. Between 1906 and 1930 these lots were further developed with stores, amusement rides, dwellings, and bath houses. Most of the former structures at the site were demolished sometime between 1930 and 1950, leaving stores (presumably concession stands) and an arcade on Lots 226 and 231, which were all demolished sometime prior to 1977. A bathing pavilion with a swimming pool and locker rooms, as well as several retail stores located on Lot 142 were demolished sometime between 1968 and 1975. A community garden was established on Lot 142 sometime afterwards. The operations of the bus maintenance area and garage on the site involve the use of typical automotive chemicals such as lubrication oils, grease, antifreeze, automatic transmission fluids, brake fluids, and others. The ESA indicated that these materials were stored on the concrete floor in the garage building located on Lot 76 and no staining or indications of significant spills or leaks were observed around these materials. Oil staining was observed on the concrete floor of the service pit in the garage. The service pit appeared to be in good condition with no evidence of drains, cracks, or penetrations. The ESA indicated that the staining on the floor of the pit is considered a *de minimis condition*, defined as a condition that generally does not present a threat to human health or the environment. In addition, six drums of various automotive chemicals such as motor oil and antifreeze, a 275-gallon fuel oil AST and a 300+/- gallon waste oil aboveground tank (AST) were being stored on the concrete slab outside the south wall of the garage building. No staining or indications of past spills or leaks were observed in this area.

In October 2012, the development site and surrounding areas were significantly impacted by Hurricane Sandy. The ESA indicated that the site was flooded, the garage building was damaged and significant quantities of sand were deposited on the lots. During the storm, oil drum(s) being stored in a garage on Lot 76 were reportedly knocked over, releasing an unknown amount of oil into the service pit and onto the garage floor. The 275-gallon heating oil AST was also knocked over on its side outside the garage, but reportedly did not release any oil. The waste oil AST was apparently not impacted by the storm. On December 6, 2012 and December 19, 2012, EBI Consulting (EBI) visited the school bus parking and maintenance portion of the site for the purpose of viewing and documenting conditions in connection with the release of oil at the site caused during Hurricane Sandy. The report states that an oil/water mixture was observed in the service pit and on the floor of the garage. No staining or other visible indications of petroleum spills were observed in the parking areas, either from the garage, or from diesel fuel released from busses on the lot which were flooded by the storm. The oil/water mixture from the service pit was removed by J.B. Waste Oil on December 6, 2012 and subsequent cleaning of the pit and garage floor was performed by site personnel. The report concludes that the initial spill was contained in the service pit, and the oil/water mixture appeared to have been successfully removed with no evident impacts to the sub-surface, and that significant impacts to the subsurface from the storm related spill is considered unlikely. Given the information from the EBI report, and that no visible indications of site contamination were observed during the site visit, the ESA considered it unlikely that

the petroleum spill caused by Hurricane Sandy would have significantly impacted the site, and was therefore not considered a Recognized Environmental Condition (REC) in the ESA.

Therefore, no on-site RECs have been identified on the remainder of the development site.

Outparcels

Lots 79 and 81 were vacant prior to 1895 and no structures have occupied those lots since 1977. Currently, the adjacent outparcels form an asphalt-paved parking lot and are enclosed by chain link fencing. Based on the historical land use of Lots 79 and 81 as well as observations made during the site inspection, no on-site RECs have been identified in the ESA.

Surrounding Area

The surrounding properties were developed predominantly with single family dwellings and stores from as early as 1895, and were redeveloped, mostly between 1906 and 1930, with additional residences, stores, bath house pavilions, and hotels. There was a former garage/gasoline filling station (circa 1930s to late 1960s) in the northwest corner of Block 7071, upgradient of the site, auto repair operations northwest, northeast, and west of the site, and a furniture finishing facility northwest of the site. The properties to the east, across West 21st Street were also developed as Washington Baths with the same structures and a laundry sometime between 1906 and 1930 until its removal sometime between 1977 and 1995. Historically, the adjoining properties to the north, west, and east were generally commercial. Currently, predominant land uses in the surrounding area include vacant land/vehicle storage, public facilities and institutional, residential, and commercial.

The adjacent property to the north of Lots 130 and 142 is occupied by a parking lot and single 3-story commercial office building. In the past, the building has housed manufacturing businesses including a laminate manufacturer. The building is currently occupied by the New York City Human Resources Administration. The building has an (E) designation for hazardous materials that requires the completion of a Phase I Environmental Site Assessment (ESA) and, if necessary, a Phase II ESA, before issuance of construction-related building permits by DOB.

The ESA reports identified the following sites as potential off-site RECs:

- Historic operations on surrounding properties including a garage/filling station with five gasoline tanks that was present from 1930-1968 on the same block, northwest of the site;
- Auto repair operations northwest (1989-2007), west (1991-2007), and northeast (1930-1950) of the site;
- A furniture finishing operation was located approximately 400 feet north of the site (1966-2007);
- A listing for Laminates Unlimited (3038 West 21st Street) from sometime prior to 1970 until sometime prior to 1985 indicates the potential manufacture of laminated products on the adjoining northern property.

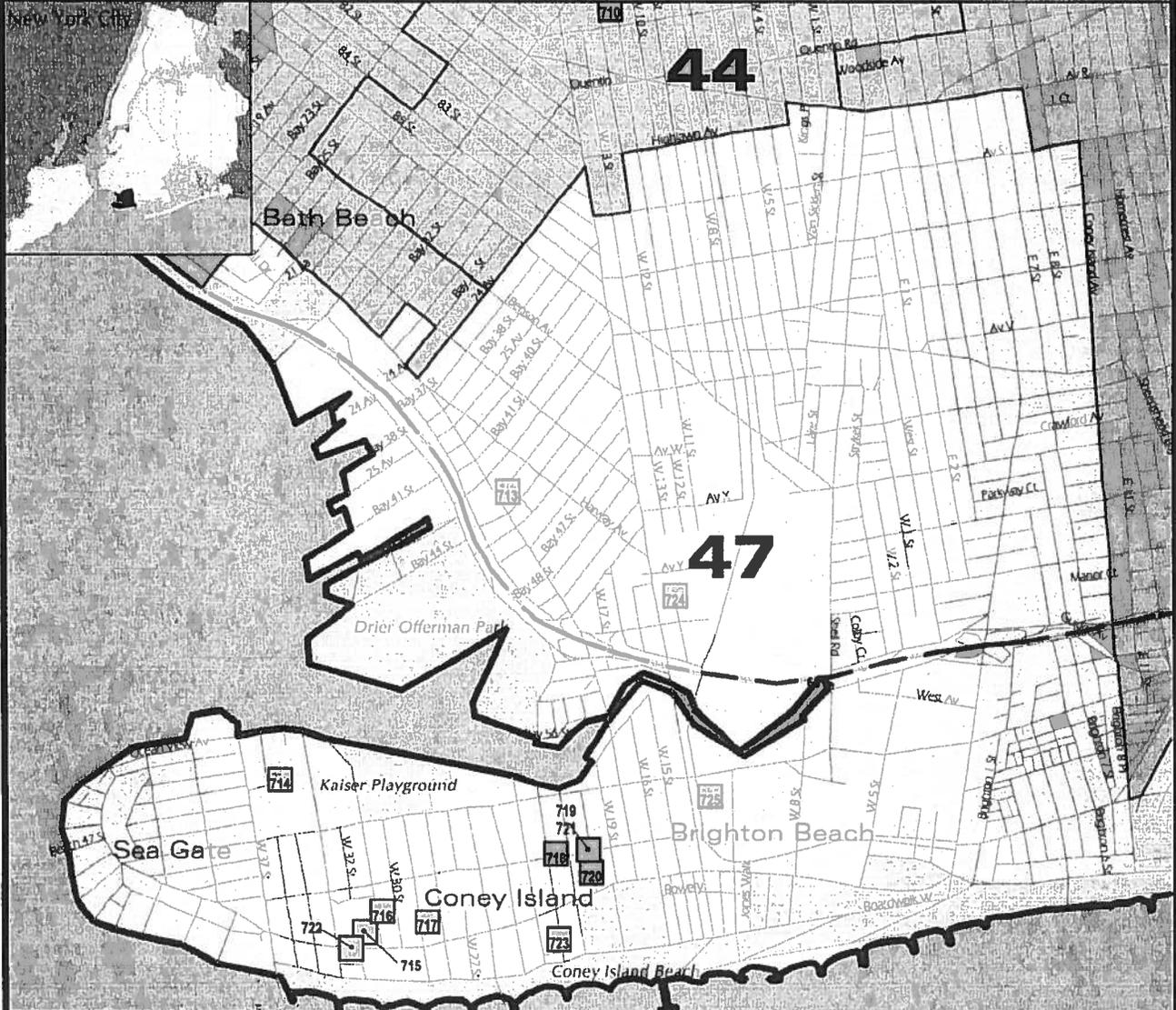
No additional information or documentation was found in the database search regarding the former garage/filling station (1930-1968) in the northwest corner of Block 7071, upgradient of the site; the auto repair operations northwest (1989-2007), northeast (1930-1950) and west (1991-2007) of the site; the

ADDENDUM B

Community Gardens

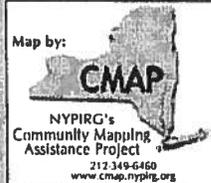
Brooklyn: City Council District 47

For detailed information about Community Gardens in New York City go to: www.cenyc.org/maps/index.html



Legend

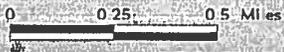
-  Community Garden
-  City Council District
-  Park
-  Cemetery
-  Wildlife Refuge
-  Institution
-  Parkway/Greenway
-  Transportation Facility
-  Streets
-  Highways



A Project of: Council on the Environment of New York City

Source: CENYC, 2001; NYC DCP, 2000
Date: July 2001

Unverified map. The data contained in this document is for informational uses only. The Council on the Environment of NYC assumes no liability for misinformation or misrepresentation.



Community Gardens

For detailed information about Community Gardens in New York City go to: www.cenyc.org/maps/index.html

Brooklyn: City Council District 47

ID	GARDEN NAME	ADDRESS
713	Sons of Italy Senior Center	2629 Cropsey Avenue
714	Bayview Grd. Homeowners' Assoc.	3570 Canal Avenue
715	Youth & Senior Citizen	3117-27 Surf Avenue
716	Sea Park West Tnts. Assoc.	2953 West 31st Street
717	Surf Side Garden	2829 Surf Avenue
718	Santos White Garden	2110 Mermaid Avenue
719	Senior Citizens Block Assoc. of Mermaid Ave.#1	1928 Mermaid Avenue
720	Unity Tower Tenant Assoc.	1917-23 Surf Avenue
721	Senior Citizens Block Assoc. of Mermaid Ave.#2	2917-2923 West 20th Street
722	Green Island Garden	N/S Sea Place, W/O W. 32nd Street
723	Boardwalk Garden	3001-31 W. 22nd Street
724	SEAMARK CENTER	2559-60 West 13th Street
725	P.S. 90-K	2840 West 12th Street

***ADDENDUM* C**

Published on *The Partnership For Working Families* (<http://www.forworkingfamilies.org>)

[Home](#) > Policy & Tools: Community Benefits Agreements and Policies

Policy & Tools: Community Benefits Agreements and Policies

Site-specific community benefits agreements (CBAs) ensure that particular projects create opportunities for local workers and communities. Often, however, these projects change the city's development paradigm: when decision makers realize what well-considered projects with specific benefits attached can bring to the community, the City enacts community benefits policies that set the stage for lifting thousands of people out of poverty.

Why the Community Benefits Model Works

- Community benefits tools maximize returns on local government investment in development.
- Community benefits programs can transform regions through stronger, more equitable economies.
- Community benefits help generate public support for economic development projects.
- Delivering community benefits is smart business.
- CBAs hold developers accountable for their promises to local governments and residents.
- Public input results in better projects that benefit the whole community and attract local customers.
- Community benefits are part of a smart growth agenda.
- Time is money, and projects with CBAs often enjoy a faster, smoother entitlement process.

What Is a CBA?

A Community Benefits Agreement (CBA) is a project-specific agreement between a developer and a broad community coalition that details the project's contributions to the community and ensures community support for the project. Addressing a range of community issues, properly structured CBAs are legally binding and directly enforceable by the signatories.

In some cases, the community benefits terms from a CBA may be incorporated into an agreement between the local government and the developer, such as a development agreement or lease. That arrangement gives the local government the power to enforce the community benefits terms.

CBAs allow a win-win approach to development: meaningful, up-front communication between the developer and a broad community coalition decreases developers' risk while maximizing the positive impact of development on local residents and economies. The developer benefits from active community support of the project, and community members gain when the project responds to their needs.

CBAs offer two important advantages over the traditional land use approval process. First, the

process of negotiating a CBA allows for a more constructive and collaborative conversation about meeting community needs than the often adversarial and highly structured hearings that are part of a local government's project approval process. Second, a private agreement is free from certain critical legal constraints that apply to government conditions on development projects, so the community and the developer may negotiate over a wide variety of deal points and come up with creative approaches.

Community benefits coalitions are long-term, broad-based groups with deep roots in the community. Coalitions typically represent a broad array of stakeholders, such as local residents across the income spectrum, people of all colors, representatives from labor, environmental and faith groups, and affordable housing advocates.

Community benefits coalitions recognize that high-quality new development is critical for expanding prosperity. Coalitions seek a role in shaping that development, and know that no one wins if the project fails.

CBA's Currently in Effect ⁽¹⁾

What Is a Community Benefits Policy?

A community benefits policy is any policy adopted by a local government that requires community benefits on projects undertaken by the government or by a private developer. Common examples include living wage, local hiring, and affordable housing requirements for subsidized development.

Cities sometimes chose to adopt community benefits policies after successful projects with CBAs change the city's development paradigm. When decision makers realize what well-considered projects with specific benefits attached can bring to the community, the City enacts community benefits policies that set the stage for lifting thousands of people out of poverty.

Some local officials seeking to advance the use of CBAs in their cities have considered policies that require developers to negotiate CBAs. The Community Benefits Law Center generally advises against this approach for two reasons: (1) it is not clear who will negotiate on behalf of the "community" in such circumstances, and the process could be coopted by more well-connected and well-resourced interests; and (2) in the case of projects not receiving subsidy (or otherwise the subject of a government agreement), the CBA may be subject to the same set of legal constraints that govern conditions of project approval, limiting the kinds of community benefits that can be included.

Multi-Parcel Development Standards

Local governments can proactively guide future growth by applying community benefits principles to large parcels of land slated for development. If the land is government-owned or developed under an agreement with the local government, officials can incorporate community benefits into requests for proposals.

Multi-Parcel Standards in Effect ⁽¹⁾

Community Benefits Standards

Community benefits policies attach standards to subsidized development and other economic activity with which a city has a relationship like public works or projects on city-leased land. Living wage ordinances, targeted hiring requirements, and mixed-income housing requirements are examples of community benefits standards. These policies make the development process more predictable by making the community's expectations clear to all stakeholders and reducing the need to articulate community benefits on a per-project basis. More information is available from the [Community Benefits Law Center](#) [2].

-
- Campaign: [Community Benefits](#) [3]

Source URL: <http://www.forworkingfamilies.org/resources/policy-tools-community-benefits-agreements-and-policies>

Links:

[1] <http://www.forworkingfamilies.org/page/policy-tools-community-benefits-agreements-and-policies-effect>

[2] <http://www.forworkingfamilies.org/cblc>

[3] <http://www.forworkingfamilies.org/campaigns/CBA>

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[Home](#) > Contact Us

Contact Us

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jgross@communitybenefits.org [2]

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Source URL: <http://www.forworkingfamilies.org/cblc/contact>

Links:

[1] <mailto:bbeach@communitybenefits.org>

[2] <mailto:jgross@communitybenefits.org>



NYC Parks

Veronica M. White
Commissioner

City of New York
Parks & Recreation
The Arsenal
Central Park
New York, NY 10065
www.nyc.gov/parks

**Hearing before the City Planning Commission
Seaside Park and Community Arts Center
October 23, 2013**

Good morning members of the City Planning Commission. I am Nick Molinari, Chief of Planning & Parklands for NYC Parks. I am here to speak on the Coney Island Seaside Park and Community Arts Center project.

This proposed project involves the development of approximately 2½ acres of publicly accessible open space in Coney Island including a 5,100-seat seasonal amphitheater for concerts and other events.

Over the past year, Parks along with City Planning and Public Design Commission have worked with the Applicant to improve upon and influence the design before you today, including incorporating standard Parks details and specifications. This open space will extend between West 21st and West 23rd Streets along Riegelmann Boardwalk, and will include passive and active recreational areas. The design includes landscaping and playground amenities located at the northwestern corner. The defining feature of the open space would be a large landscaped lawn area that would serve as a place for lawn seating and passive recreation. A stepped path extending off the plaza will lead visitors down to Riegelmann Boardwalk and to new public restroom facilities. The open space will also feature a planted entry garden with native plantings and bench seating at the southwestern portion of the development site.

The proposed amphitheater would operate between May and October. During the concert season, the amphitheater would be fully accessible to the public, except during ticketed events. Temporary screening around the seating area would allow other areas of the open space to be used while events are taking place. The proposed amphitheater and other project elements are expected to be completed by Summer 2015.

As part of the 2009 Coney Island Rezoning the portion of the project area west of West 22nd Street was designated as an approximately 1½ acre neighborhood park. The tax lots that comprise Highland View Park are privately owned and have not been formally established as public parkland. This project will create new open space in that area.

The open space will be maintained and managed at the Applicant's cost for the next decade. Upon conclusion of the 10-year special permit, the Highland View Park portion of the site will be transferred to Parks for operation as a public park. This parkland will include the expansive lawn and playground amenities mentioned earlier and we anticipate that this parkland will be a well-used addition to the NYC Parks portfolio.

I thank you for the opportunity to speak before you today.



October 23, 2013

To: NYC Department of City Planning

Re: Seaside Park Community Arts Center, Coney Island (C 140063 ZSK)

I want to express my conditional support for the Seaside Park Amphitheater and Childs Building restoration project (Seaside Park and Community Arts Center). The developers of this project have promised community involvement and participation in the programming and usage of the proposed facility. If these promises are kept, this project will become an important asset for the community and will bridge the gap between the residential West End of Coney Island and the amusement zone.

- The historic Childs Building has become a crumbling ruin and the new development promises to preserve, restore, and repurpose this landmarked architectural gem, the last of its kind on the boardwalk.
- The site of the amphitheater has been underutilized for the last 40 years, and the Seaside Park proposal will bring new life and vitality to the area and increase public access.
- The developers have promised to address the sound and traffic issues and to help relocate the community garden that currently occupies a portion of the site.

I am a Coney Island native and the author of three books on Coney Island. I've seen and documented the best and the worst of Coney Island development. 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.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles Denson", written in a cursive style.

Charles Denson
Executive Director, Coney Island History Project
3059 West 12th Street
Brooklyn, NY 11224
crdenson@earthlink.net

From: Sheila Smalls [mailto:ciyouthalive@gmail.com]
Sent: Monday, November 04, 2013 2:12 PM
To: Kulikowski, Robert
Subject: comments on ampetheatre

I would like for who ever reads this comment to please take it as a plea, for the Coney Island area, #1. The borough President and the Councilman of this neighborhood are seeking the opportunity to cash in on revenue rather than take into consideration the opinions of the community. Since the Pilgrims took over the Indian's land, it has always been the same mentality with people who we put in power. They take advantage of us and look only after their own interest and their pockets. The Child's building should be make into a model BRIC/Arts building that will serve the public as well as the Community. Our children have no where to go in the winter months. The new designed BRIC/Arts model, will bring the arts so needed in this part of town,media, where community 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 the things missing in this neighborhood, to enhance our lives.I say please PUT A HALT TO THIS Hasty decision, to build an amphitheatre over night, Give the community time to digest it and put in their input. Or Give the community a chance to put together a community benefit agreement so that the community won't be left out of this project.

Sheila Smalls