



DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Joseph B. Rose, *Director*
Department of City Planning
June 4, 2001

Jed Walentas
Two Tree Management Co.
25 Washington Street, Third Floor
Brooklyn, NY 11201

Re: **ULURP Nos. 010645ZMK, 010646ZSK, 010647ZSK**
CEQR No. 01DCP004K, Water Street Rezoning
Positive Declaration

Dear Mr. Walentas:

Under City Environmental Quality Review, it is required that if the lead agency determines that a proposed actions may have a significant effect on the environment, it shall issue a Positive Declaration and request that the applicant prepare a Draft Environmental Impact Statement.

Based on preliminary review, the Department of City Planning, acting on behalf of the City Planning Commission as CEQR lead agency, has found that the proposed actions fall within this category. Accordingly, enclosed is the Positive Declaration for CEQR No. 01DCP004K, Water Street Rezoning.

As noted in the Positive Declaration, a public scoping meeting has been scheduled for Thursday, July 12, 2001 at 10 AM at City of New York Department of City Planning, Spector Hall, 22 Reade Street, New York, New York 10007. Written comments will be accepted by the lead agency through the tenth day following the scoping meeting.

Enclosed is the Draft Scope of Work, the Environmental Assessment Statement, the Positive Declaration, and the Public Notice of a Scoping Meeting. If you have any questions regarding the enclosed materials, please contact Erick Verela at (212) 720-3258.

Sincerely,

Robert Dobruskin

Robert Dobruskin, Director
Environmental Assessment and Review Division

Robert Dobruskin, *Director*
James Merani, *Deputy Director*
22 Reade Street, New York, N.Y. 10007-1216 Room 4E (212) 720-3420
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cc. Hon. Howard Golden, Brooklyn Borough President
Joseph B. Rose
City Planning Commissioners
Alessandra Sumowich
David Karnovsky
Joseph Ketas
Jennifer Raab
Mary Ellen Kriss
Lance Michaels
Lawrence Parnes
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POSITIVE DECLARATION

Date: June 4, 2001

Project Identification

CEQR No. 01DCP004K
ULURP Nos. 010645ZMK, 010646ZSK, 010647ZSK
SEQRA Classification: Type I

Lead Agency

City Planning Commission
22 Reade Street
New York, NY 10007
Contact: Robert Dobruskin
(212) 720-3423

Name, Description and Location of Proposal:

Water Street Rezoning

The proposal involves an application by Two Trees Management Co. to rezone from an M1-2 light manufacturing district, to an M1-2/R8A Special Mixed Use (MX-2) district, the west portion of the block bounded by Water, Front, Dock and Main Streets in the D.U.M.B.O. area of Brooklyn Community District 2. The applicant also is seeking a Special Permit, pursuant to Zoning Resolution (ZR) Section 74-512, for a public parking garage in excess of 150 spaces, and to exempt the portion of the garage below 23 feet above curb level from the definition of floor area, and a Special Permit, pursuant to ZR Section 74-74, for general large-scale development. The proposed special permit would allow for the waiver of rear yard requirements, height and setback regulations and minimum distance between legally required windows and side lot lines by the City Planning Commission. The proposed rezoning area consists of Block 36, Lots 1, 3, 14, part of 16, 49, 52, and 53. The proposed general large-scale development includes all the properties above as well as the remaining portion of Lot 16.

The proposed rezoning would facilitate a proposal by the applicant to construct a new mixed use building on Block 36, Lots 1, 3, 49, 52, 53 and part of Lot 14. The new building would contain approximately 267 dwelling units (at 1000 sq. ft. per unit), 25,000 sq. ft. of ground floor retail and 16,832 sq. ft. of community facility space. The proposed Special Permit (ZR Section 74-512) would allow a 450-space public parking garage, with an entrance and exit along Front Street, to be located in the building. These lots are current occupied by Nova Clutch (an automotive clutch manufacturer), a 70-space public parking garage, a cardboard box warehouse, and an art exhibition studio.

In addition, the proposed actions would facilitate a proposal by the applicant to convert an existing empty, vacant building located at 64 Water Street (immediately east of the new building) on Block 36, part of Lot 14, to residential use. The conversion would produce 7 dwelling units and

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approximately 1500 sq. ft. of local retail.

The proposed actions would not result in new development on Lot 16. Lot 16 is currently developed with a 5-story residential building, a 10-story office building, and a rear entry area for the existing residential building located at 66-72 Water Street and the vacant building located at 64 Water Street that is proposed to be converted to residential use.

Statement of Significant Effect:

On behalf of the City Planning Commission, the Environmental Assessment and Review Division has determined, pursuant to 6 NYCRR Part 617.7, that the proposed action may have a significant effect on the quality of the environment as detailed in the following environmental impacts, and that an environmental impact statement will be required:

1. The action, as proposed, may result in significant adverse impacts related to land use, zoning, and public policy in the vicinity of the affected area.
2. The action, as proposed, may result in significant adverse impacts on socioeconomic conditions in the vicinity of the affected area.
3. The action, as proposed, may result in significant adverse impacts on community facilities and services in the vicinity of the affected area.
4. The action, as proposed, may result in significant adverse impacts on publicly accessible open space in the vicinity of the affected area.
5. The action, as proposed, may result in significant adverse shadow impacts in the vicinity of the affected area.
6. The action, as proposed, may result in significant adverse impacts on historic resources in the affected area.
7. The action, as proposed, may result in significant adverse impacts on urban design and visual resources in the vicinity of the affected area.
8. The action, as proposed, may result in significant adverse impacts on neighborhood character in the vicinity of the affected area.
9. The action, as proposed, may result in significant adverse hazardous materials impacts in the affected area.

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10. The action, as proposed, may result in significant adverse impacts on infrastructure in the vicinity of the affected area.
11. The action, as proposed, may result in significant adverse impacts on solid waste and sanitation services in the vicinity of the proposed action.
12. The action, as proposed, may result in significant adverse impacts on energy consumption in the affected area.
13. The action, as proposed, may result in significant adverse impacts to transportation systems including traffic, parking, transit, and pedestrian conditions in the vicinity of the affected area.
14. The action, as proposed, may result in significant adverse impacts to air quality in the vicinity of the affected area.
15. The action, as proposed, may result in significant adverse noise impacts in the vicinity of the affected area.
16. The action, as proposed, may result in significant adverse construction-related impacts.
17. The action, as proposed, may result in effects related to other aspects of the environment.

Supporting Statement:

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

1. The proposed action would alter existing land use and zoning patterns by permitting as-of-right residential and community facility development in an industrial area where such development has not previously been permitted.
2. The proposed action could result in the development of over 270 new dwelling units in an area where such development is not currently permitted. This has the potential to alter demographic patterns and conditions in the local real estate market.
3. The proposed action could result in the development of over 270 new dwelling units, which would introduce a significant number of school-age children to the area, potentially affecting the ability of local schools to accommodate demand, and would introduce a new population which could increase demand on other community facilities.

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4. The proposed action would introduce a significant new residential population which would place additional demands on available open space resources.
5. The proposed action would permit construction of new buildings which could exceed the 50-foot threshold identified in the *CEQR Technical Manual* as requiring an assessment of potential shadow impacts.
6. The proposed action would induce new construction, which could result in soil disturbance in archaeologically sensitive portions of the affected area, and could affect the context of existing historic structures in the area.
7. The proposed action would permit a new type of building use and form, which would differ from existing urban design elements in the affected area.
8. The proposed action would induce new residential development which could alter existing neighborhood character by affecting urban design, noise, traffic, socioeconomic conditions, and historic resources.
9. The proposed action would permit as-of-right residential development in a formerly industrial area where past uses may have resulted in contamination of soil and groundwater, possibly exposing construction workers and new residents to hazardous materials.
10. The proposed action would induce new development which could place additional demands on infrastructure.
11. The proposed action would induce new development which would result in the generation of solid waste and which would require sanitation services.
12. The proposed action would induce new development which would increase demand for energy in the affected area.
13. The proposed action would induce new development which would result in additional vehicular, pedestrian, and transit trips and additional parking demand in the vicinity of the affected area.
14. The proposed action would induce new residential development which would result in increased mobile source (vehicular) and stationary source (HVAC system) emissions, and would introduce new residential uses which may be affected by air emissions from nearby industrial activity.

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15. The proposed action would introduce new sensitive receptors into an area which may be characterized by high ambient noise levels, and would induce new residential development which would result in additional mobile-source noise.
16. The action would induce new development, which would involve demolition and construction activities which may result in construction-related impacts.
17. The Draft Environmental Impact Statement to be prepared for the proposed action will identify and describe any other potential effects on the environment.

Public Scoping:

A public scoping meeting has been scheduled for Thursday July 12, 2001 at 10:00 AM at City of New York Department of City Planning, Spector Hall, 22 Reade Street, New York, New York 10007. Written comments will be accepted by the lead agency through the tenth day following the scoping meeting.

This determination has been prepared in accordance with Article 8 of the Environmental Conservation Law.

The CEQR lead agency hereby requests that the applicant prepare or have prepared at his option, a Draft Environmental Impact Statement in accordance with 6 NYCRR 617.9(b) and Sections 6-08 and 6-12 of Executive Order No. 91 of 1977 as amended (City Environmental Quality Review).

Should you have any questions pertaining to this Positive Declaration, you may contact Erick Verela at (212) 720-3258.

Robert Dobruskin
Robert Dobruskin, Director
Environmental Assessment & Review Division
Department of City Planning

Date: June 4, 2001