

CITY PLANNING COMMISSION

May 22, 1996/Calendar No. 26

C 960205 HUK

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development pursuant to Section 197-c and 201 of the New York City Charter, for an amendment to the Fresh Creek Urban Renewal Plan, for the Fresh Creek Urban Renewal Area, Borough of Brooklyn, Community District 5.

The proposed amendment provides for:

I. The redevelopment of 60 sites, with various uses, and comprising property described as follows:

Site # Land Use Block Lot

- 1 Park 4447 p001
(the site includes a part of former Ashford Street; and part of former Vandalia Street).
- 2 Park 4452 p170
4580 p002
(the site includes a part of former Fountain and Seaview Avenues);
- 3 * Residential 4443 p001
4444 p001
4445 001
4446 001
4452 p170
- 4a Residential 4447 p001
4448 p001
- 4b Residential 4448 p001
& Local Commercial
- 5 Park 4447 p001
(the site includes part of former Ashford and Vandalia Streets).
- 6a Residential 4447 p001
- 6b Residential 4448 p001
& Local Commercial
- 7a Residential 4452 p170
- 7b Residential 4452 p170
& Local Commercial
- 7c Residential 4452 p170

Site #	Land Use	Block	Lot
8	Residential	4452	p170 4452 p400 **
9	Residential	4452	p170 (the site includes a part of Walker Street).
10	Park	4452	p170 p400 ** (the site includes part of former Walker Street).
11	Residential	4452	p400 (the site includes a part of Walker Street).
12a	Residential	4452	p400 **
12b *	Residential & Local Commercial	4452	p400 **
12c *	Residential	4452	p400 **
12d *	Residential & Local Commercial	4452	p400 **
12e *	Public & Semi-public	4452	p400 **
13a	Residential	4452	p170 4452 p400 (the site includes a part of Walker Street).
13b	Residential & Local Commercial	4452	p400 **
13c	Local Commercial & Community Facility	4452	p170 4452 p400 ** (the site includes a part of Elton Street).
13d	Residential & Local Commercial	4452	p170
13e	Residential	4452	p170 4586 p001

Site #	Land Use	Block	Lot
13f	Landscaped Buffer	4452 4452	p170 p400 **
	(the site includes a part of Walker Street).		
13g	Landscaped Buffer	4452 4586	p170 p001
13h	Regional Commercial	4452 4452 4586	p170 p400 ** p001
	(the site includes a part of Elton Street, a part of Walker Street, part of Seaview Avenue, and part of a former park).		
14a	Public & Semi-public	4449	p001
	(the site includes a part of Elton Street). (School)		
14b	Residential	4449	p001
	(the site includes a part of Elton Street).		
15	Residential	4450	001
16a	Residential	4452	p170
	(the site includes a part of Elton Street).		
16b	Residential	4452	p170
	(the site includes a part of Elton Street).		
17	Public & Semi-public	4451 4451	001 401
	(H.S. Field)		
18a	Residential	4452 4586	p170 p001
18b	Residential	4452 4586	p170 p001
19a	Residential	4452	p170
19b	Residential & Local Commercial	4452	p170
	(the site includes a part of Elton Street).		

Site #	Land Use	Block	Lot
19c	Residential	4452	p400 **
20a	Residential & Local Commercial (the site includes a part of Elton Street).	4452	p170
20b	Residential	4452	p400 **
21a	Residential	4452	p400 **
21b	Residential & Local Commercial (the site includes a part of Elton Street).	4452 4586	p170 p001
22a	Residential	4452 4586	p170 p001
22b	Residential	4452 4486	p170 p001
23	Park	4452	p400 **
24	Residential	4452 4586	p170 p001
25a	Residential	4452 4586	p170 p001
25b	Residential	4452 4586	p170 p001
26a	Residential	4586	p001
26b	Residential	4586	p001
27	Residential	4586	p001
28a	Residential	4586	p001
28b	Residential	4586	p001
29	Residential	4586	p001
30	Residential	4586	p001
31	Residential	4586	p001
32	Residential	4586	p001
33	Residential	4586	p001
34	Public & Semi-public (this is an existing New York State Facility)	4586	300

* Parcels 3, 12b, 12c, 12d, and 12e are to be disposed of subject to easements as shown on Map 1 in the Fresh Creek Urban Renewal Plan.

** A portion of the Fresh Creek Urban Renewal Area, block 4452, lot 400 is owned by the State of New York. The State has declared its intention to sell the land directly to the developer, pursuant to Chapter 629 of the Laws of 1994. To ensure that the State-owned property is developed consistent with the remainder of the project, the Urban Renewal Plan provides for the acquisition of this property by the City, if necessary, and the Land Disposition Agreement, for the transfer of city-owned property to the developer, will require compliance to the plan. All other property within the area is city-owned.

II. The following streets and easements are proposed to be eliminated:

Elimination of Schenck Avenue from Flatlands to Shore Parkway.

Elimination of Elton Street from Seaview Avenue to the proposed Fountain Street.

Elimination of Seaview Avenue from Van Siclen Avenue to Erskine Street.

Elimination of Seaview loop south of Seaview Avenue.

Elimination of Vandalia Avenue from Schenck Avenue to the proposed Gateway Drive.

Elimination of Walker Street from Schenck Avenue to the proposed Fountain Street.

Elimination of portions of sewer easement 200 feet north and parallel to Vandalia Avenue between Fountain Avenue and Schenck Avenue.

Elimination of sewer easement between Seaview Loop and Seaview Avenue and extending north of Seaview Avenue approximately 25 feet.

Elimination of two sewer easements adjacent to Seaview Avenue from Schenck Avenue to Walker Street.

Elimination of two sewer easements adjacent to Shore Parkway between Schenck and Fountain Avenues.

III. The following are proposed new streets and widening or re-alignment of existing streets:

Establish Gateway Drive from Flatlands Avenue to the proposed Erskine Street;

Widen portions of Erskine Street between Seaview Avenue and Vandalia Avenue;

Establish Erskine Street from Vandalia Avenue to Flatlands Avenue;

Establish Erskine Street from Seaview Avenue to Shore Parkway;

Establish Fountain Street from the proposed Gateway Drive to Erskine Street;

Widen a portion of Seaview Avenue between Erskine Street and Fountain Avenue;

Re-align Walker Street from the proposed Fountain Street to Vandalia Avenue; Establish lower Ashford Street from the proposed Fountain Street to Flatlands Avenue;

Re-align Elton Street from the proposed Fountain Street to Flatlands Avenue;

Establish Linwood Street from Flatlands Avenue to the proposed Old Vandalia Street;

Establish Essex Street from the proposed Fountain Street to Flatlands Avenue;

Establish Berriman Place from the proposed Fountain Street to Vandalia Avenue;

Establish Walker Place from the proposed Walker Street to the proposed Lower Ashford Street;

Establish Ashford Place from the proposed Walker Street to the proposed Lower Ashford Street;

Establish Elton Place from the proposed Elton Street to Erskine Street;
Establish Erskine Place from the proposed Elton Street to Erskine Street;
Establish Shepherd Place from the proposed Elton Place to the proposed Erskine Place;
Establish Old Vandalia Street from the proposed Lower Ashford Street to Fountain Avenue;
Establish Flatlands Place from the proposed Lower Ashford Street to Elton Street;
Establish Cleveland Place from the proposed Old Vandalia Street to the proposed Flatlands Place;
Establish Montauk Place from the proposed Old Vandalia Street to Vandalia Avenue;
Establish Milford Place from the proposed Old Vandalia Street to Vandalia Avenue;
Establish Logan Place from the proposed Old Vandalia Street to Vandalia Avenue;
Establish Fountain Place from the proposed Old Vandalia Street to Vandalia Avenue;

IV. The following are proposed new easements or widenings and re-alignments of existing easements:

Delineate four sewer corridors between the proposed Gateway Drive and Hendrix Creek;
Delineate three sewer corridors from the proposed Gateway Drive to Shore Parkway;
Delineate two public access easements from the proposed Lower Ashford street to the proposed Elton Street.

V. The following portions of parks are to be eliminated:

Portion of park bounded by Seaview Avenue, Walker Street, the southerly line of the proposed Gateway Drive and Seaview Loop;
Portion of park included in the proposed widening of Seaview Avenue at the southeasterly intersection of Seaview Avenue and Erskine Street.
Portion of park included in the proposed Erskine Street between Seaview Avenue and Shore Parkway.

VI. The following parks and park additions are to be mapped:

Two park additions south and west of the proposed Gateway Drive;
Park addition east of the proposed Erskine Street;
Park bounded by the proposed Walker Street, Ashford Place, Lower Ashford Street and Walker Place.
Park bounded by the proposed Lower Ashford Street, Old Vandalia Street, Cleveland Place and Flatlands Place.
Park bounded by the proposed Essex Street, Erskine Place, Shepherd Place and Elton Place.
The proposed amendment to the Fresh Creek Urban Renewal Plan would facilitate the redevelopment of the area with up to 2,385 dwelling units, approximately 60,000 square feet of local retail, community facility and professional office space, a major shopping center of approximately 640,000 square feet, and approximately 45 acres of new and improved park land to replace 30 acres of currently mapped but unimproved park land.

RELATED ACTIONS

In addition to the application which is the subject of this report, implementation of the applicant's proposal also requires action by the City Planning Commission on the following applications which are being considered concurrently with this application:

1. C 960206 MMK Amendment to the City Map involving

- the elimination of portions of a park and various streets;
- the establishment of the lines and grades of streets;
- the establishment of the lines of parks and additions to parks;
- the adjustment/ modification of legal grades; and
- the elimination, modification and/ or the delineation of various easements/ corridors;

and any acquisition or disposition of real property related thereto.

2. C 960207 ZMK Amendment of Zoning Map, Section Nos. 17d, 18b and 23c:

- changing from an R3-2 District to an R6 District property bounded generally by Flatlands Avenue and Old Vandalia Avenue to the north, Fountain Avenue, and Erskine Street to the east, a line 180 feet south of Fountain Street to the south and the center line of the former Schenck Avenue to the west;
- changing from an R3-2 District to a C4-2 District property bounded generally by a line 180 feet south of Fountain Street and Seaview Avenue to the north, Erskine Street and Fountain Avenue to the east, the Shore Parkway to the

south, and the center line of the former Schenck Avenue to the west;

- changing from an R3-2 District to an M1-1 District property bounded generally by Old Vandalia Avenue between Fountain and Atkins avenues; and
- establishing within the proposed R6 District a C2-4 District on the block frontages generally along the western side of Elton Street between Flatlands Avenue and Erskine Place, Elton Place and Fountain Street, along the eastern side of Elton Street between Vandalia Avenue and Fountain Street, and generally along the north and south sides of Fountain Street between Ashford and Essex streets.

3. C 960208 HAK UDAAP designation and project approval in conjunction with the disposition of city-owned property to permit the disposition of land to Nehemiah Housing Development Fund Corporation, Inc., for the construction of up to 500 units of "Nehemiah" type homes.

4. C 960209 HAK UDAAP designation and project approval in conjunction with the disposition of city-owned property to permit the disposition of land to Gateway Estates Housing Development Fund Corporation, Inc., for the construction of up to 1,885 units of affordable housing.

5. C 960212 HDK Disposition of city-owned property to Gateway Housing Associates for the construction of a regional shopping center of up to 640,000 square feet.

BACKGROUND

The proposed second amendment to the Fresh Creek Urban Renewal Area (URA), which would facilitate the development of an approximately 227-acre, predominantly vacant site in the Spring Creek area of East New York in southeast Brooklyn, is generally bounded by Hendrix Creek on the west, Flatlands Avenue on the north, Fountain Avenue and Erskine Street on the east, and the Shore Parkway on the south. Approximately 197 acres of the land is owned by the City of New York and approximately 30 acres of the land is owned by the State of New York under the jurisdiction of the Office of Mental Health (OMH). The State land will be purchased for this project by the developer, Gateway Estates Housing Development Fund Co., Inc. The project site is currently vacant land except for an approximately 8 acre portion of the city-owned land which contains the Board of Education's Thomas Jefferson High School athletic facility on Flatlands Avenue (Parcel 17), and an approximately 35 acre site containing the NYS OMH Brooklyn Developmental Center (Parcel 34). The city-owned vacant land is proposed to be disposed to three separate entities, Nehemiah Housing Development Fund Co., Inc., Gateway Estates Housing Development Fund Co., Inc., and Gateway Housing Associates, for the construction of this project.

Gateway Estates Housing Development Fund Co., Inc., together with Nehemiah Housing Development Fund Co., Inc. for a portion of the housing, proposes development of up to 2,385 units of affordable and predominantly owner-occupied housing, local retail, community facility space and two new public schools. Gateway Housing Associates, the third development entity, proposes to develop a regional shopping center of up to approximately

640,000 square feet and a new interchange to the Shore Parkway to provide additional access to the site.

The area across the Shore Parkway to the south of the site is the approximately 297-acre Fountain Avenue Landfill, which is now closed; south of the landfill is Jamaica Bay and the Gateway National Recreation Area. West of the site is Hendrix Creek, the NYC Department of Environmental Protection's 26th Ward Water Pollution Control Plant, and Starrett at Spring Creek, a large residential community in mid- to high-rise buildings; across Flatlands Avenue to the northwest is the two- to nine-story Fairfield residential community of Spring Creek, while to the northeast is a satellite communications facility and the one- to two-story Fairfield industrial park; to the east is the two-story NYS OMH's Brooklyn Developmental Center, a home and school for developmentally impaired residents, and east of Fountain Avenue is Spring Creek park.

The project area is located in the Spring Creek area, in the southern half of East New York, Brooklyn. Spring Creek is generally bounded by Linden Boulevard to the north, the Brooklyn-Queens boundary to the east, the Shore Parkway to the south and Louisiana Avenue to the west. Development of Spring Creek commenced after World War II as an extension of the adjacent East New York community south from Linden Boulevard to Flatlands Avenue. The area is divided along Elton Street into a residential area to the west and a light manufacturing area to the east. The residential area contains several large public and publicly subsidized, mid-rise housing developments on superblocks, including over 3,000

units in the NYC Housing Authority Boulevard and Linden Houses, built in the 1950's, as well as the middle-income, 484 unit Fairfield Towers development built in the 1960's under the Mitchell-Lama program. Low-rise row-housing, local retail establishments, schools and churches built during the same time complete the neighborhood. The Fairfield industrial area, also developed in the 1950's and 1960's, contains mostly one- and two-story light manufacturing buildings and a few remaining residential buildings in its northeast.

In 1976 residential development advanced south across Flatlands Avenue along Pennsylvania Avenue with the construction of the 5,800 unit Starrett at Spring Creek. This development in 46 eleven- to twenty-story buildings on large superblocks, includes a local shopping center, two schools and a community center.

Site History

The project site and the adjacent land are former wetlands that were filled, beginning in the 1930's, by municipal landfill operations. In 1967 this area was designated as the Fresh Creek Urban Renewal Area to remove blight and support and strengthen the existing residential and commercial land uses in the area. To this end the City covered the former landfill with clean sand and adopted a land use plan and street system.

The previously approved land use plan designated mixed residential, commercial and community facility uses, public and semi-public use and park use on large superblocks. The parcels designated for public and semi-public use include two blocks owned by the State of

New York; one 35-acre parcel was developed by the NYS Department of Mental Hygiene with the Brooklyn Developmental Center (now run by the Office of Mental Retardation and Developmental Disabilities) east of Erskine Street, the other 30-acre parcel was once envisioned as the location for a NYS psychiatric hospital in the center of the site. However, the sponsoring State agency has since revised its plans and is no longer interested in that site. The parcel designated for park use is adjacent to the southern portion of the site along the Shore Parkway.

The previously adopted street system had anticipated plans for a Cross Brooklyn Expressway where Flatlands Avenue is now located and which would have separated the project site from the existing Spring Creek community. Vandalia Avenue was laid out as a wide street parallel to the expressway, along the northern portion of the project site, from which loop streets extended south to form large superblocks. Plans for the expressway have since been abandoned.

Subsequent to adoption of the previously approved Urban Renewal Plan, Vandalia Avenue, a portion of Elton Street and the streets surrounding the NYS OMH facility were constructed. In the 1970's the NYC Board of Education built the Thomas Jefferson High School athletic facility along Flatlands Avenue in the northern portion of the project site. The Urban Renewal Plan was amended in 1982 to exclude a portion of land along Flatlands Avenue in the northeast corner of the project site to allow construction of a satellite communications facility.

Proposed Development

The proposed project to be developed in accordance with this amended urban renewal plan is to be known as Gateway Estates is to be a mixed-use residential and commercial development with up to 2,385 residential units (including up to 500 units of "Nehemiah" type homes and up to 200 units of housing for senior citizens) and a neighborhood center with approximately 65,000 square feet of local retail, community facility and professional office space in the middle of the site. Additional local commercial and community facility space may be developed along Elton Street, in the center of the project site. A regional shopping center of approximately 640,000 square feet is proposed to front on the Shore Parkway. The New York City Department of Housing Preservation and Development (HPD) has selected Starrett Housing Associates and East Brooklyn Congregations, to develop the project site. East Brooklyn Congregations, as the sponsors for Nehemiah Housing Development Fund Co., Inc., would develop up to 500 units of "Nehemiah" type one-family, row-houses, and Starrett Housing Associates, as sponsors for both Gateway Estates Housing Development Fund Co., Inc., would develop up to 1,885 units, the local neighborhood center and the community facilities of the project, while Gateway Housing Associates would develop the 640,000 square foot regional shopping center of the project.

The project has reserved two sites for the construction of an elementary school and an intermediate school. The elementary school site (Parcel 12e) is on a portion of the land which is to be acquired by the developer from the state. The intermediate school site (Parcel 14a) is on land the city intends to dispose to the developer. The developer is expected to

construct the schools when the Board of Education enters into an agreement to lease them.

The project provides for the redistribution and expansion of 30 acres of currently mapped but unimproved parkland with approximately 45 acres of new mapped and developed parkland.

A new regional perimeter park of approximately 42-acres and three small neighborhood parks (totalling 3 acres) are proposed to be mapped on the site. One of the neighborhood parks (Parcel 10) is to be built by the developer on a portion of the land purchased from the State and deeded to the city once it is completed. The other parks (Parcels 1, 2, 5 and 23) are to be built by the developer on city-owned land under license from the Department of Parks and Recreation (DPR). The neighborhood parks are proposed to include seating and pre-teen play areas; the regional perimeter park is proposed to include softball fields, tennis courts, bicycle paths, lawn areas and passive recreation areas. All of the parks are to be maintained by the developer in accordance with a Maintenance and Operations Agreement with DPR.

The proposed street circulation plan and the location of the new residential community and the regional commercial center are revised to serve as an extension of the adjacent Fairfield community. Four existing streets, Atkins Avenue, Jerome, Linwood and Essex Streets are proposed to be extended south directly into the site. The project's new residential neighborhood, as well as a large area of the new regional perimeter park, would be located immediately adjacent to the existing Fairfield residential community across Flatlands Avenue in the northern portion of the site. The project's regional commercial center is located to the

south along the Shore Parkway and is accessible to the local surrounding community as well as regionwide. While the commercial center would be located so that it would be visible to potential customers arriving via the Shore Parkway, it would be separated by a landscaped buffer.

The northern portion of the project site would be primarily residential with up to 2,385 dwelling units to be developed under various affordable housing programs. The project's neighborhood-oriented retail space, community facilities, professional office space and nursery school would be in a neighborhood center at the base of Elton Street. Senior citizen housing may be constructed on one or two of the four parcels (12d, 13b, 13d, 21b) that are adjacent to the neighborhood center.

Each single- and two-family home is proposed to have one parking space for each unit.

Parking for the regional shopping center is proposed to be provided in a large lot containing approximately 2,700 spaces.

The site plan proposes sites for two public schools in the residential portion of the site; a 650 seat elementary school, expandable to 1,200 seats, is envisioned along Elton Street on parcel 12e, and a 900 seat intermediate school is envisioned on Elton Street at Flatlands Avenue on parcel 14a. The locations of the two schools have been reviewed by the Board of Education.

South of the residential portion of the site would be the regional commercial center, oriented

east-west across the site. The center would be separated and shielded from the residential portion by a 25 foot wide, densely landscaped acoustical buffer. It is the objective of the Urban Renewal Plan to provide an elevated pedestrian connection from the neighborhood center to the regional commercial center which would allow easy access to and from the project's residential area.

The site plan would also include approximately 45 acres of mapped parkland. The approximately 42-acre perimeter park would stretch along the western and southern boundaries of the project site from Flatlands Avenue to Spring Creek, outside the circumferential Gateway Drive. This park is intended to be accessible to all residents of the project and its surrounding area and would connect the residential neighborhood to the north with the Gateway National Recreation Area to the south. In addition three neighborhood parks, totaling approximately 3 acres are proposed to be developed within the residential portion of the project. It is the objective of the Urban Renewal Plan that the new parks provide both passive and active recreation facilities with separate facilities targeted to the needs of various age groups and types of activity.

ENVIRONMENTAL REVIEW

This application (C 960205 HUK), in conjunction with the applications for the related actions, was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR)

Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 93HPD014K. The lead agency is the NYC Department of Housing Preservation and Development.

It was determined that the proposed action may have a significant effect on the environment, and that an environmental impact statement would be required for the following reasons:

1. The proposed actions may result in significant secondary socio-economic and displacement impacts.
2. The proposed actions may result in potentially significant impacts on community facilities.
3. The proposed actions have the potential to create significant impacts on open space.
4. The proposed actions may result in potentially significant traffic and transportation impacts.
5. The proposed actions have the potential to create significant adverse impacts on the air quality of the existing environment.
6. The proposed actions may result in significant adverse impacts on the natural resources.
7. The proposed actions have the potential to create significant adverse impacts on waterfront revitalization.
8. The proposed actions may result in significant adverse impacts from hazardous materials.
9. The proposed actions may result in significant noise impacts.

A positive declaration was issued on March 23, 1993, and distributed, published and filed, and the applicant was asked to prepare or have prepared a Draft Environmental Impact Statement (DEIS).

The lead agency prepared a DEIS and issued a Notice of Completion on December 22, 1995. Pursuant to the SEQRA regulations and the CEQR procedures, a joint public hearing was held on the DEIS on April 10, 1996, in conjunction with the public hearing on the related Uniform Land Use Review Procedure (ULURP) items (C 960205 HUK, C 960206 MMK, C 960207 ZMK, C 960208 HAK, C 960209 HAK, and C 960212 HDK). The Final Environmental Impact Statement (FEIS) was completed, and a Notice of Completion of the FEIS was issued on April 26, 1996. The Notice of Completion for the FEIS identified the following significant impacts and proposed the following mitigation measures:

Historic and Archaeological Resources

Impact

An approximately two-block area of the project site north of Vandalia Avenue and west of Elton Street was once dry land near a marsh, a characteristic indicating that it may have been used by prehistoric Native Americans for extracting and processing food. Therefore, this area of the project site may contain prehistoric archaeological resources buried beneath 8 to 9 feet of fill later placed on the site. If the trenches laid for utilities in this part of the site area more than 6 feet below current grade, they could adversely affect any archaeological resources.

Mitigation

To avoid any potential impact on archaeological resources that may be on the site, appropriate on-site monitoring by an archaeologist of the excavation of utility trenches would be conducted in cooperation with the New York City Landmarks Preservation Commission.

Traffic

Impacts

The project would generate new vehicle trips throughout the day, particularly during the "peak hours." Some of these vehicle trips would be generated by

the project's residents, but the majority of the new trips would be made by patrons traveling to and from the new shopping center. Many of these patrons would travel by the new Shore Parkway interchange, to be completed in Phase I; this new interchange would also divert some future traffic expected even without the project from Pennsylvania Avenue to Erskine Street.

At completion of the first phase, the new vehicles generated by the project would result in significant impacts at 15 approaches at 10 intersections in the surrounding area in one or more peak hours. (Periods assessed included the weekday morning and evening peak hours, when residential demand would be at its heaviest; Saturday midday, when demand from the shopping center is at its heaviest; and the weekday midday, which is an off-peak period). At completion of the project, project-generated vehicles would result in significant traffic impacts at a total of 18 approaches at the same 10 intersections during one or more peak hours. Affected intersections are shown in Tables 1 and 2.

In addition, because of the introduction of project traffic to the Shore Parkway and the new interchange at Erskine Street, in 2000 of the eastbound off-ramp to Pennsylvania Avenue would be operating at Level of Service (LOS) E in the future without the project, indicating that the ramp would be operating at capacity; the project would add 13 passenger cars per hour during the AM peak hour, resulting in a very minor worsening of this condition. The project would improve operations at the westbound off-ramp to Pennsylvania Avenue from LOS E to LOS D.

Mitigation

To mitigate the project's significant adverse traffic impacts, the following measures are proposed:

- Pennsylvania Avenue/Atlantic Avenue: Widen from 40 to 49 feet the eastbound approach of Atlantic Avenue between Sheffield and Pennsylvania Avenues to provide an exclusive eastbound left-turn pocket, three through lanes, and a curb lane for parking and a bus stop. To accomplish this widening, reduce the center mall from 10 to 4 feet and the south sidewalk from 15 to 12 feet. A pedestrian analysis conducted in April 1996 indicated that there would be no significant pedestrian impacts due to the reduction in sidewalk width. Remove curbside parking along westbound Atlantic Avenue between New Jersey and Georgia Avenues. Modify signal timing plan to provide an exclusive southbound left-turn phase for Pennsylvania Avenue, concurrently with the north-bound left-turn phase for Pennsylvania Avenue.

Pennsylvania Avenue/Linden Boulevard: Widen the southbound travelway on Pennsylvania Avenue for 1500 feet approaching Linden Boulevard from 25 to 30 feet, by narrowing the west sidewalk there from 15 to 10 feet. This would provide three southbound approach lanes. Post "no parking anytime" regulations in this section. Modify signal timing plan as well, A pedestrian analysis conducted in April 1996 indicated that there would be no significant pedestrian impacts due to reduction in sidewalk width.

- Pennsylvania Avenue/Flatlands Avenue: Modify signal timing plan, restripe Flatlands Avenue for right-turn, and change parking regulations of Flatlands Avenue.
- Pennsylvania Avenue/Glenmore Avenue: Provide a southbound leading left-turn phase on Pennsylvania Avenue and modify overall signal timing plan.
- Pennsylvania Avenue/Liberty Avenue: Prohibit southbound left turns, with volume transferred to southbound left turn at Atlantic Avenue. Modify signal timing plan.
- Pennsylvania Avenue/Fulton Street: Modify signal to provide a leading southbound left-turn phase.
- Linden Boulevard/Malta Street: Modify signal to provide permissible/ protective westbound left-turn phases on Linden Boulevard.
- Linden Boulevard/Van Siclen Avenue: Introduce a "no standing anytime" regulation on northbound Van Siclen Avenue for 100 feet approaching the intersection. Stripe both northbound lanes for left/ through and through/ right turns.
- Linden Boulevard/Atkins Avenue: Modify signal timing plan.
- Linden Boulevard/Fountain Avenue: Convert lightly traveled Loring Avenue to one-way eastbound from intersection for one block, thus eliminating the third phase of the signal and permitting a revised signal plan with a westbound protected left-turn phase on Linden Boulevard and increased green time for Fountain Avenue.

The proposed mitigation measures would provide sufficient improvement to

fully mitigate project impacts at all locations except at the Atlantic Avenue/Pennsylvania Avenue intersection. At that intersection, the proposed mitigation would substantially improve overall traffic conditions at the intersection in both 1997 and 2000, but the remaining delays at two approaches would still represent significant adverse impacts. After publication of the DEIS, mitigation measures for this intersection were reexamined. This study determined that the only measures to fully mitigate the projects' significant adverse impact at this intersection would involve widening the street at the affected approaches. However, because of an emergency exit from the subway system into the sidewalk at those locations, this would require extensive construction on the subway system below and is therefore impracticable.

Bus Service

Impacts

Two local bus routes, the B6 and B13, would be adjusted by the New York City Transit Authority to serve the project site directly. Bus riders added by the proposed project during the PM peak hour would cause two bus lines, the B6 and B83, to operate above their available capacity, necessitating additional bus service along those routes. These significant adverse impacts on buses would occur both in Phase I and with completion of the project.

Mitigation

To mitigate the predicted significant adverse impacts to the B6 and B83 bus routes during both the AM and PM peak hours in 1997 and 2000, one peak-direction bus would have to be added to each route in each peak hour. As standard practice, the New York City Transit Authority routinely conducts ridership counts and adjusts bus service frequency to meet its service criteria. Therefore, no project-sponsored mitigation would be needed or provided.

Air Quality

Traffic-Related Air Quality Impacts

The predicted traffic increases around the project site would not result in any significant adverse impacts or any violations of the applicable National Ambient Air Quality Standards (NAAQS). However, at Erskine Street near Gateway Drive, the project would result in increases in carbon monoxide concentrations relative to concentrations expected in the future without the project that would be considered higher than the city's de minimis criteria. This significant adverse impact, which is typical when a large vacant site is

developed with new streets, could not be mitigated. Carbon monoxide concentrations would still be well below applicable NAAQS, and would be similar to concentrations throughout developed areas of New York City.

The project would not cause or exacerbate any violations of the NAAQS and therefore would be in conformance with the New York State Implementation Plan for air quality.

Odors

The potential for unpleasant odors emitted from nearby uses is a concern for residents of the proposed project. In particular, sources of these odors are the city's 26th Ward Water Pollution Control Plant (WPCP) at Hendrix Creek, the combined sewer outfalls (CSOs) draining into Hendrix and Spring Creeks, and the mud flats lining Spring Creek. The primary malodorous pollutant of concern from the sewage treatment and sludge dewatering facility at the 26th Ward WPCP is hydrogen sulfide (H₂S), which has an unpleasant odor that can be detected at relatively low concentrations. Transitory and localized odors may occur at the project site as a result of malfunctions or unusual conditions at the 26th Ward WPCP. However, spokespeople from the New York City Department of Environmental Protection (DEP) have indicated that this is one of the city's more modern WPCPs, and it has a good operating record without a history of malfunctions. When the combined sanitary and storm flow in the area exceeds the system's capacity, some nearby CSOs discharge sewage overflows directly into Spring Creek. H₂S in these overflows and in mounds of material that can form in the creeks can produce unpleasant odors that would be detectable at the project site under adverse meteorological and tidal conditions. In addition, the mud flats along Spring Creek are a potential source of odors from a series of reduced sulfides. Thus, significant potential odor impacts may occur on the project site under adverse meteorological and tidal conditions. The combined effect of these sources of malodorous emissions may exceed the acceptable level of 10 parts per billion of hydrogen sulfide on the project site during certain adverse conditions. An analysis was conducted to estimate the H₂S emissions from the WPCP operations; this analysis indicated that the maximum predicted 1-hour average H₂S concentrations due to the WPCP at any of the receptor sites would be 2 parts per billion, with 0.6 parts per billion being the highest modeled concentration in a residential location on the project site. Any odors currently being emitted from the Fountain Avenue or Pennsylvania Avenue Landfill will have been ameliorated by the remedial activities proposed there and therefore would not affect the project.

Noise

New vehicle trips associated with the proposed project would also lead to increases in noise levels nearby, most of which would be insignificant. At locations on the project site where existing noise levels are very low because little activity would occur without the project on the site, development of the site as an active community would result in noise increases of up to 6 dBA. These increases would be considered significant. It should be noted that the undeveloped site currently is unusually quiet for an urban site, and the addition of new residences and new roads where no residences or roads exist today would necessarily increase noise levels on the site by more than the criterion typically used to delineate significant increases. All buildings on the project site would have double-glazed windows to ensure that interior noise levels would meet CEPO-CEQR guidelines. Air conditioning would also be provided, as necessary, for project buildings along Flatlands Avenue, where traffic volumes and ambient noise levels would be higher.

In the project's perimeter park, noise levels would be higher than those generally recommended nationwide for outdoor activities, representing an unmitigated significant adverse impact. However, noise levels in the park would be comparable to levels in other urban parks in New York City, such as Riverside Park in Manhattan or the park along the Shore Parkway near Fort Hamilton Parkway.

Ecology and Natural Resources

Impacts

Vegetative communities on the site include some 96 acres of mixed grassland, of which approximately 56 acres can be considered high-quality habitat for birds and other wildlife (although these acres are divided into about 70 small parcels, thus reducing their habitat value); 17.5 acres of Phragmites, or common reed; about 19 acres of low and high thickets; and more than 42 acres of bare sand. A number of bird species use the project site. Most of these are generalist species that are tolerant of human activity and common throughout the region. However, certain birds attracted to the site's grasslands, or that could potentially use the grasslands in the future, are less common. Therefore, loss of the 56 acres of high-quality grasslands on the site would represent a significant adverse impact. This loss could adversely affect four bird species that may use the site that are already declining in numbers in the Jamaica Bay region: the upland sandpiper, grasshopper sparrow, horned lark, and bobolink.

In addition, the project's new Shore Parkway interchange would require the

filling of approximately 3.2 acres of wetlands located in ditches north and south of the parkway in the roadway right-of-way, resulting in a significant adverse impact.

Mitigation

To mitigate the potential significant adverse impact from loss of grasslands, project would create new high-quality grasslands on White Island, an island in the middle of undeveloped Marine Park in Jamaica Bay. The grasslands program for White Island would involve removing invasive vegetation, grading to prepare for planting and to stabilize the islands' eroding banks, and establishing and maintaining new grasslands.

The proposed mitigation would create a grassland area comparable in size and of greater habitat value than the 56 acres of high-quality grasslands that would be lost at the project site. Because the proposed restoration area would be contiguous, unlike the small parcels of grasslands on the project site, it would function better ecologically than the grasslands on the site. Further, this island is more isolated from human activities than the Gateway Estates site, so that the grasslands habitat would be undisturbed. The specific grasslands program is being designed in coordination with naturalists at the New York City Department of Parks and Recreation. Technical issues requiring investigation and evaluation include 1) determination of the necessary and feasible extent of soil preparation prior to replanting; 2) exact selection of initial or phased species for planting to optimize the initial establishment of vegetation and the desired end-state grasslands community; 3) the time duration and protocols for ongoing maintenance required to establish a self-sustaining plant community. As a detailed design for the program is finalized, the exact required work plan will be known.

To mitigate the project's impact to wetlands, approximately 3.5 acres of wetlands would be created close to the Shore Parkway. These wetlands would be fed by natural drainage and runoff from a portion of the site.

Hazardous Materials

Impacts

Testing programs on the project site identified methane in three areas of the site: the northwest corner, the west central area, and the east central area. These elevated levels of methane are associated with decomposition of fill and naturally occurring organic soils and materials beneath the site, and are commonly associated with filled, formerly low-lying marsh areas. Methane can be a fire or explosion hazard if allowed to accumulate in an enclosed

space. If methane concentrations become high enough to be explosive, they can also cause respiratory problems for people in that enclosed space.

In addition, construction activities on the project site and south of the Shore Parkway (related to the interchange) may uncover contaminants buried beneath the fill layer on the site, so that construction workers, nearby residents, and others could be exposed for short periods of time via dusts or direct contact, resulting in a potential significant adverse impact. Among the subsurface waste materials identified were construction and demolition debris and ash, which showed concentrations of inorganic contaminants above background levels. In particular, lead, mercury, and zinc -- metals typically found in ash - - were detected in all samples.

Mitigation

The project would employ a Health and Safety Plan to protect construction workers and others from any potential impacts related to hazardous materials during construction. This plan would specify that during construction in areas where elevated methane levels were detected, the ambient air would be continuously monitored during any earthmoving activities; ambient air would also be monitored in any required below-grade excavation areas. Whenever methane levels approaching explosive levels were measured, work would be stopped until levels returned to within safe limits. Methane levels below explosive levels also would not pose any respiratory problems for workers or passerby. Thus, the Health and Safety Plan would ensure the safety of construction workers and other who are close to areas of the site under construction.

After completion, the project's design would ensure that any methane on the site would not result in any significant adverse impacts. Because methane is a common, well-known potential hazard, standard construction techniques have been developed that are routinely employed to minimize this hazard. Building in the affected areas would not have basements, where methane could collect. In addition, it is proposed that methane would be vented through a venting system with active capabilities. The project's buildings would be constructed with a separate gas-venting layer beneath the foundation slabs to prevent accumulation of methane and channel methane gas away from the building foundations. The system would also have an alarm system, monitored by building personnel, to warn site occupants when 10 to 20 percent of the lower explosive limit is reached. After the final building design is completed, the design of the methane venting system will be studied in further detail. DEP will determine if that investigation indicates that a system with active capabilities or an alarm is no longer necessary. In that event, the active system would be replaced by a passive system. This methane mitigation

system would be installed beneath all buildings on the project site. The methane mitigation system would protect inhabitants, workers, and visitors from any methane-related impacts upon project completion.

After completion, the additional cover added to the site in the form of paved roads and walkways, building slabs, and topsoil (which would be on top of at least 3 feet of clean sand already spread over the site) would prevent any potential exposure of residents and other site users to subsurface contaminants. At any locations on the project site not currently covered by at least 2 feet of clean sand, 2 feet of clean sand would be provided.

To protect construction workers from any contaminants that might be uncovered during excavation on the site, the Health and Safety Plan includes such precautionary procedures as dust control, engineering controls, work practices, and the use of personal protective equipment to prevent contact with the skin, accidental ingestion, and inhalation of contaminants. Dust monitoring would be undertaken in the construction areas and at the downwind edges of construction areas. If the concentrations particulate go above the safety level set in the Health and Safety Plan, the monitoring engineer would require, as appropriate, application of additional dust suppression, use of protective clothing, and other measures to ensure worker safety and prevent migration of dust beyond the construction area.

Construction Impacts

Construction of the project over a 5-year period would inevitably lead to temporary disruptions to the surrounding community, similar to the effects of construction activities at other sites in the city. However, any potential impacts would be limited by the size of the site, which would allow all construction activity to be staged on-site. Given typical construction hours, vehicle trips by workers traveling to and from the site would be concentrated in off-peak hours and would not represent a substantial increment during peak travel periods. Truck movements would be spread throughout the day and vary depending on the period of construction.

Construction of the new Shore Parkway interchange may require closure of the parkway for two 1-hour periods to hoist the required beams in place. These closings would be scheduled in the early hours of the morning (12 AM to 2 AM) to minimize traffic disruption. Therefore, no long-term lane closures or rerouting of traffic on either the local street network or the Shore Parkway are anticipated.

Construction activities could lead to fugitive dust (particulate) emissions. Most of this dust would settle within a short distance. All appropriate fugitive dust

control (including watering of exposed areas and use of dust covers for trucks) would be employed, and all necessary measures would be implemented to ensure that the New York City Air Pollution Control Code regulating construction-related dust emissions is followed. Localized increases in mobile source emissions associated with construction vehicles would be minimized by incorporating traffic maintenance requirements into the construction contract documents to ensure that any traffic disruptions would occur during off-peak hours and to limit idling of delivery trucks and other equipment.

Construction activities would also result in temporary noise increases, similar to the noise generated by other construction projects in the city. The project would carefully follow the New York City Noise Control Code and EPA noise emission standards for construction equipment, which limit construction activities to weekdays between 7 AM and 6 PM and include other specifications to limit noise.

Construction of stormwater outfalls into Hendrix Creek may temporarily disturb the tidal wetlands lining the creek. However, full erosion and sedimentation controls would be employed to avoid any significant adverse impacts, and the dominant plant species in this area is tolerant to disturbance and can be expected to recover quickly after construction. To prevent any construction-related contaminants from entering Hendrix Creek, fueling, fuel storage, and equipment lubrication activities would be undertaken with provisions for spill containment. Settling basins, flocculents, and separators would be used to remove solids and any spilled petroleum products before they enter Hendrix Creek. These activities would be located in areas where any contaminated runoff can be controlled to prevent spillage to Hendrix Creek. In addition, a soil and sediment control plan for the project would also help to prevent any adverse effect on Hendrix Creek.

Unavoidable Adverse Impacts

As described above, mitigation measures would be employed to avoid the project's potential significant adverse impacts. Several significant adverse impacts could not be completely avoided, however.

The project would create a demand for new schools in Region 3 of public school District 19. To satisfy this need, the project would include construction of a new elementary and intermediate school. At the present time, funding for construction or lease by the BOE is not yet certain. HPD and the project developer have been working with the BOE and will continue to do so until a satisfactory arrangement is formulated. If no such arrangement can be made, the project would have a significant unmitigated school impact.

At one intersection, at Atlantic and Pennsylvania Avenues, the proposed traffic mitigation measures would substantially improve predicted operations in both 1997 and 2000, but the remaining delays on the eastbound left-turn approach and the southbound through lane during the weekday AM and PM peak hours would still represent significant adverse impacts. After publication of the DEIS, mitigation measures for this intersection were reexamined. This study determined that the only measures to mitigate the project's significant adverse impact at this intersection would involve widening the street at the affected approaches. However, because of an emergency exit from the subway system into the sidewalk at those locations, this would require extensive construction on the subway system below, and are therefore impracticable.

In addition, at Erskine Street near Gateway Drive, the project would result in increase in carbon monoxide concentrations relative to concentrations expected in the future without the project that would be considered higher than the city's de minimis criteria. This significant adverse impact could not be mitigated. However, carbon monoxide concentrations would still be well below applicable National Ambient Air Quality Standards, and would be similar to concentrations throughout developed areas of New York City.

Maximum noise levels in the proposed 42-acre park would be higher than those generally recommended for outdoor activities, because of noise from vehicles using the adjacent Shore Parkway. This would represent a significant adverse impact. However, noise levels in the park would be comparable to levels in other existing parks in New York City (e.g., Riverside Park, the park along the Belt Parkway near Fort Hamilton Parkway and other parks adjacent to roadways). There are no practicable attenuation measures to reduce noise levels within an active, utilized urban park to within recommended levels.

Hydrogen sulfide emissions from the 26th Ward WPCP were modeled and the maximum contribution at the project site was projected to be 2 parts per billion, below DEC's standard of 10 parts per billion. Combined sewer overflows into Hendrix and Spring Creeks can result in occasional unpleasant odors from H₂S on the project site. In addition, the mud flats neighboring Spring Creek can also be a potential source of odors to which some individuals may be unaccustomed. The combined effect of these potential sources of malodorous emissions may exceed the acceptable level of 10 parts per billion on the project site during certain adverse conditions. Thus, potential significant odor impacts may occur on the project site under adverse meteorological and tidal conditions. No practicable mitigation measures are available to reduce these impacts. DEP plans to construct a CSO abatement facility in the future that would reduce H₂S production in Hendrix Creek. The naturally occurring odors from low tides on the adjacent creeks cannot be mitigated.

UNIFORM LAND USE REVIEW

This application (C 960205 HUK), in conjunction with the applications for the related actions, was certified as complete by the Department of City Planning on February 5, 1996, and was duly referred to Community Board 5 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules. These applications were also sent to Queens Community Board 10 pursuant to Section 4.070 of the ULURP rules.

Community Board Public Hearing

Brooklyn Community Board 5 held a public hearing on this application on February 28, 1996, and, on that date, by a vote of 20 to 4 with 7 abstentions, adopted a resolution recommending approval of the applications.

Queens Community Board 10 held a public hearing on this application on April 2, 1996, and on that date, by a vote of 28 to 0 with 0 abstentions, adopted a resolution recommending disapproval of the applications. The Community Board noted issues of traffic on adjacent streets, economic displacement, density and environmental concerns from the nearby landfill as reasons for their opposition.

Borough President Recommendation

This application (C 960205 HUK) and the related applications were considered by the

Borough President, who issued a recommendation approving the applications with conditions on April 3, 1996.

The Borough President's recommendation included the following conditions:

1. That the applicant include Brooklyn Community Board 5, the affected City Councilmember and the Borough President in the design review process; and, that HPD shall:
 - a. require that the project's developers shall submit scopes of the project and plans in sufficient detail to permit determination of compliance with the intent and controls of the urban renewal plan and the design and character of the proposed construction;
 - b. within five (5) days of receipt of scopes and/or designs for project elements from the project's developers, distribute the scopes and/or designs to CB 5, the affected Councilmember and the Borough President;
 - c. sixty (60) days be allowed for the scope and/or designs to be reviewed by CB 5, the affected City Councilmember and the Borough President; and,
 - d. respond to the comments received by CB 5, the affected Councilmember, or the Borough President, and shall submit within thirty (30) days of receipt of these comments by the agency and provide an explanation of the comments offered and rejected by the agency.
2. The city shall fence and maintain undeveloped project sites that are in interim or permanent city ownership. Further, the city shall establish a monitoring process for the undeveloped sites and provide reports of its efforts every six months to CB 5, the affected Councilmember and the Borough President.
3. HPD shall require the developers to provide bonds or similar guarantees for the completion of construction and maintenance of the Shore Parkway interchange, streets, parks, schools, acoustical buffer parcels, the pedestrian bridge between the neighborhood center and the regional shopping center, and the regional retail center's landscape buffer. Further, HPD in conjunction with the developer, shall establish of an agency-in- trust account for the maintenance of the parks.

4. That the proposed design of Vandalia Avenue, between Gateway Drive and Erskine Street, be modified to provide one each of the following lanes in each direction: traffic, bicycle and a vehicle parking; and, to narrow the proposed roadway width to 24 feet (as measured from the street curb and proposed street median) and provide other traffic calming measures; and,
5. That the project incorporate the following design standards:
 - A. Streets trees shall be installed every 25 feet subject to the spacing requirements of the Department of Parks and Recreation.
 - B. Sodium vapor luminaries shall be installed, with 150 watt bulbs for residential streets and 250 watt bulbs for commercial streets, every 90 to 130 feet subject to the illuminating Engineering Society of North America standards used by the Department of Transportation.
 - C. Off-Street parking ratios for residences within the project area shall be as follows: one parking space provided for every unit the project's one and two family house; five parking spaces provided for every six units in those areas where there will be three family houses; and, except for residences for the elderly, seven spaces provided for every ten units in elevator equipped apartment buildings.
 - D. Buildings for the elderly shall be limited to six stories and shall be located on sites south of Fountain Street.
 - E. The design of the acoustical buffers between the regional shopping center and the residential area shall be in accordance with the drawings presented to the Borough President's staff on March 15, 1996.
 - F. The design of the commercial parking lots shall provide for one tree for every ten parking spaces and be in accordance with the drawing presented to the Borough President's staff on March 15, 1996.
 - G. For the regional retail center buffer the developer shall install a linear berm approximately five (5) feet high above the grades of Gateway Drive and Erskine Street. The berm shall be planted with low shrubs, trees and shall incorporate accent lighting, in accordance with the information provided to the Borough President's staff on March 15, 1996.

Be it further resolved that the Borough President for Brooklyn calls on the city to take the following actions:

1. The Metropolitan Transportation Authority-New York City Transit:

- a. monitor conditions at the New Lots, Pennsylvania Avenue and Van Siclen Avenue IRT No. 3 subway stations and, take appropriate actions to relieve detected overcrowding conditions; and,
 - b. extend the route of the B13 Bus in conjunction with the opening of the regional retail center.
2. That the New York State Department of Transportation and relevant state permitting agencies work the Starrett Corporation and local elected officials to expedite construction permits for the proposed interchange with the Shore Parkway.
3. That construction of the two new schools planned for the Gateway Estates area be advanced expeditiously.

City Planning Commission Public Hearing

On March 27, 1996, (Calendar No. 1, 2, 3, 4, 5 and 6), the City Planning Commission scheduled April 10, 1996, for a public hearing on this application for an amendment to the Urban Renewal Plan (C 960205 HUK) and the related applications for an amendment to the city map (C 960206 MMK), an amendment to the zoning map (C 960207 ZMK), UDAAP designations, project approvals and disposition (C 960208 HAK and C 960209 HAK) and disposition of city-owned property (C 960212 HDK). The hearing was duly held on April 10, 1996, (Calendar No. 6, 7, 8, 9, 10 and 11), in conjunction with the public hearings on the applications for the related actions (C 960205 HUK, C 960206 MMK, C 960207 ZMK, C 960208 HAK, C 960209 HAK, and C 960212 HDK).

There were eight (8) speakers in favor of the application, and ten (10) speakers in opposition.

The speakers in favor of the project included the Brooklyn Borough President, an Assistant Commissioner of the NYC Department of Housing Preservation and Development, the District Manager of Brooklyn Community Board No. 5, representatives of the proposed project's development team and the project's architect and attorneys, as well as a representative of the NYC Board of Education. The Assistant Commissioner, the representatives of the proposed project's development team and the project's architects presented the project and responded to questions by the Commission.

The project's representatives testified that by building on vacant land a major blighting influence in the area would be eliminated. They stated that the project would be contextual with the surrounding residential community and would bring much needed economic development to the borough and the city. The representatives further testified that an environmental study was exhaustive and fully addressed all environmental issues.

The speakers in opposition to the project included representatives of several environmental organizations, including the Audubon Society, the Trust for Public Land and the Sierra Club, as well as members of Brooklyn Community Board No. 5. The representatives of the environmental organizations and the community board members testified about the environmental concerns posed by the proposed project. The representatives opposed development of the site and instead supported maintaining it as a natural wildlife habitat, stressing the site's importance as a natural area.

The speakers also testified that they believed that the environmental study was inadequate in respect to impacts on traffic, flooding, wildlife and hazardous materials on site. These speakers maintained that the project would displace small retailers, provide insufficient open space for its residents and the site was unsuitable for construction.

There were no other speakers and the hearing was closed.

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW

This application, in conjunction with those for the related actions, was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), adopted by the Board of Estimate on September 30, 1982 (Calendar No. 17), pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is WRP-93-044.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The Commission believes that the proposed amended Urban Renewal Plan for the Fresh Creek Urban Renewal area is appropriate.

This second amendment to the Fresh Creek Urban Renewal Plan, together with the related applications, would facilitate the construction of Gateway Estates, a mixed-use project of up to 2,385 units of affordable housing, a regional shopping center of up to 640,000 square feet, approximately 45 acres of park, two schools and other appurtenant uses, on an approximately 227 acre vacant site in the Spring Creek neighborhood of Community District 5, Brooklyn.

In 1967, the City established the Fresh Creek Urban Renewal Area to develop the vacant land in this area of Spring Creek. The Urban Renewal Plan for Fresh Creek was amended once in 1989 to allow the construction of a satellite communications facility. The subject amendment to the Fresh Creek Urban Renewal Plan would establish a revised overall land use plan and an improved street grid for the orderly development of this mostly unimproved area. The revised land use plan designates residential, community facility, local commercial and regional commercial uses for individual urban renewal parcels. The proposed amended Urban Renewal Plan also includes urban design controls which strictly regulate use, height and lot coverage for each parcel in the Urban Renewal Area, as well as provisions for buffering between the regional shopping center, its parking lot and the residential component. The Department of Housing Preservation and Development has indicated that the Land Disposition Agreement (LDA) between the City and the developers will mandate that the Urban Renewal Plan's urban design controls also apply to the parcels which the developer intends to acquire separately from the State of New York.

The revised land use plan would greatly improve upon the existing plan with a new mixed-

use residential and commercial community; to the north of the site would be a comprehensive residential community with neighborhood parks, schools, local retail and a neighborhood center, while to the south would be a large regional commercial center. The project would be framed by an expanded regional perimeter park and a circumferential roadway.

The amendment proposes a traditional street grid which would better integrate the existing community to the north by generally extending the existing street grid south into the project site. A new regional commercial center would be located at the southern portion of the site with easy, direct access to the adjacent Shore Parkway through a new highway interchange. Traffic to the commercial center from the adjoining areas of the city to the north would be led with minimal interference around the new residential community via the circumferential roadway. As part of this project, the currently mapped but unimproved 30 acres of parkland would be redistributed and expanded with approximately 45 acres of new mapped and improved parkland. The great majority of this new parkland would be part of a regional perimeter park along the south and west of the project site and would be under the jurisdiction of DPR.

The siting of the residential component of the proposed project at the northern portion of the site and the extension of the existing street system into the site would complement the surrounding Fairfield residential community. While the general location of the new residential component would not be appreciably different from the current land use plan, the revised land use plan would replace the current vague, broad "super-block" layout with a

comprehensive, more specific mixed-use town plan. The plan would include new specific land use designations on small, individual parcels and blocks, and a hierarchy of streets. It would allow a range of housing types and would include a newly added urban design controls section which would further regulate parcel density, height and coverage limits, curb cuts, parking and buffering.

The large remaining section of Vandalia Avenue and slightly realigned Elton Street are proposed to be landscaped with a planted median, street trees and bicycle lanes and would divide the new residential community into four individual sub-neighborhoods clustered around neighborhood parks and public facilities. The proposed neighborhood parks would be surrounded by local streets and bordered by housing to allow easy observation of park activities by the local residents and increase public safety. The parks are proposed to include recreational facilities targeted to different age groups and are expected to be built and maintained by the developer pursuant to an agreement with DPR.

Two sites for new schools would be located along the central Elton Street spine. The two schools, an elementary school and an intermediate school, are proposed to be constructed by the developer. It is the objective of the urban renewal plan to provide for other community facilities, as well as an elevated pedestrian bridge to the regional shopping center, located in a neighborhood center in the middle of the project site along Elton Street. The bicycle paths along both Vandalia Avenue and Elton Street would further interconnect the sub-neighborhoods, the schools and the neighborhood center as well as provide convenient access

to the surrounding perimeter park and its bicycle paths. All the local streets would be planted with street trees according to DPR and Department of Transportation standards.

The plan provides for a new centrally located neighborhood center at the foot of the Elton Street spine, adjacent to the regional commercial center, would be the focus of community activities and would allow local retail and community facility uses for the project's residents. The center is proposed to be serviced by two local bus routes which would be relocated to provide access to the remainder of the project site, other nearby residential communities and nearby subway lines. A proposed elevated pedestrian bridge over the regional shopping center's truck loading area would provide convenient, direct and safe access to the regional commercial center.

A new regional commercial center would be located in the southern half of the project site and would be accessed by vehicular traffic directly by a new interchange with the Shore Parkway at Erskine Street from the south, and by a circumferential roadway from the north. The circumferential roadway would assure that traffic generated by the regional commercial center would be routed with minimal interference around the new residential community. The commercial center would be served by a large landscaped parking lot for private vehicles in the front and an pedestrian bridge to the residential project's neighborhood center in the rear. The project would allow the construction of large retail stores and would be able to attract retail business currently destined to large shopping malls outside of New York City in Nassau County and New Jersey.

A 25-foot wide, landscaped buffer would separate the regional shopping center from the residential community and minimize visual and sound interference from the shopping center's activities. A 30-foot wide landscaped berm would separate the shopping center parking lot from the circumferential roadway and shield much of its view from the Shore Parkway.

The project would be surrounded by a redistributed and enlarged perimeter park which is expected to provide for both active and passive recreation for local and nearby residents, protection of natural areas and buffering. It would be extended north along the western side of the project site and would provide easily accessible recreation to project and city residents, as well as a potential connection with the Gateway National Recreation Area in Jamaica Bay to the south. One of the largest active recreation areas of the perimeter park would be conveniently located adjacent to the existing Fairfield residential community at the north-west corner of the project site. Other large, new active recreation areas would be located at the south-west and south-east corners of the project site. The activities proposed for these parks include ballfields, tennis courts and open lawns inter-connected by walkways. Bicycle paths would further link these recreation areas to each other, to the residential project's bicycle system and with the regional bicycle network along the Shore Parkway. Easy access to the perimeter park for local project residents would be across the circumferential roadway at controlled street crossings, while access for nearby residents to the north would be across Flatlands Avenue. Extending the perimeter park along the western edge of the project site would also add protection to the natural areas along Hendrix Creek and would provide a visual buffer from the 26th Ward Water Pollution Control along Hendrix Creek. Preserving

the park along the Shore Parkway to the south, and near Spring Creek to the south-east, would assure protection of those natural areas, as well as provide a visual buffer from the parkway. The perimeter park would be built under license from DPR and maintained by the developer pursuant to a Maintenance and Operations Agreement with DPR.

Regarding Queens Community Board 10 issues concerning potential impacts on traffic, economic conditions and from landfills, the Commission notes that the FEIS for the proposed project fully addresses these issues.

Regarding the concerns of Queens Community Board 10 that the proposed R6 zoning district will allow overdevelopment of the project site, the Commission notes that the FEIS and the Urban Renewal Plan strictly limit the amount of residential development permissible on the site. Any increase in the number of units over 2,385 would necessitate renewed environmental review and be subject to ULURP.

Regarding the Brooklyn Borough President's recommendations, the Commission notes that the Department of Housing Preservation and Development (HPD) submitted two letters (April 19, 1996, and April 24, 1996) to him. In the letters HPD has pledged that it will impose further conditions and guidelines on the proposed developer. Regarding the maintenance of undeveloped areas, HPD has written that it is "... committed to keeping undeveloped portions of the Gateway Estates project site clean and free of debris"; regarding the bonding of public elements "... a Land Disposition Agreement (LDA) will obligate

Starrett/Grenadier Realty (Starrett) to complete public amenities as a condition to occupying completed buildings", and "... It is anticipated that the Parks Department in its Maintenance and Operations Agreement with Starrett will require Starrett to post a letter of credit securing Starrett's maintenance and operation obligations with respect to the public parks"; regarding street trees and lighting, HPD "... will require that the developer install street trees at intervals of no more than 30 feet, except where it is impracticable. HPD will require that street lights be placed at intervals consistent with NYC DOT standards..."; regarding parking, HPD "... will require the provision of one parking space per unit of new housing on the project site, with the exception of senior housing"; regarding commercial parking lot trees and buffer, "... the trees for the parking lot will be placed every 12.5 parking spaces on average. The parking lot perimeter, to the extent safely allowed, will be screened from surrounding areas with vegetation".

The Commission notes that all environmental issues raised at the public hearing regarding traffic, flooding, wildlife and hazardous materials on site, are fully discussed in the FEIS for this project.

The Commission further notes that a letter, dated April 24, 1996, was received on May 6, 1996, from the National Park Service, sixteen days after close of the public comment period and ten days after publication of the FEIS. The comments and the issues raised in that letter have been responded to in full by HPD.

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on April 26, 1996, with respect to this application (CEQR No. 93HPD014K), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and regulations, have been met and that, consistent with social, economic and other essential considerations:

1. From among the reasonable alternatives thereto, the actions to be approved are ones which minimize or avoid adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts revealed in the environmental impact statement will be minimized or avoided to the maximum extent possible by incorporating as conditions to the approval those mitigative measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS, constitutes the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.9(c)(3) of the SEQRA regulations; and be it further

RESOLVED that the City Planning Commission, in its capacity as the City Coastal

Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and be it further

RESOLVED, by the City Planning Commission finds that the proposed amended Fresh Creek Urban Renewal Plan is an appropriate plan for the area involved.

The City Planning Commission certifies that the Amended Urban Renewal Plan for the Fresh Creek Urban Renewal Area complies with provisions of Section 502, Article 15 of the General Municipal Law of New York State, conforms to the comprehensive community plan for the development of the development of the municipality as a whole and is consistent with local objectives.

The Commission further certifies that the Amended Urban Renewal Plan for the Fresh Creek Urban Renewal Area is in conformity with the findings and designation of the Fresh Creek Urban Renewal Area as adopted by the City Planning Commission on May 22, 1996. The Commission certifies its unqualified approval of the Amended Urban Renewal Plan for the Fresh Creek Urban Renewal Area, pursuant to Section 505, Article 15 of the General Municipal Law of New York State.

RESOLVED, by the City Planning Commission, pursuant to Section 197-c of the New York City Charter, the Uniform Land Use Review Procedure, and Section 505, Article 15 of the General Municipal Law of New York State, and after due consideration of the

appropriateness of this action, that the proposed Amended Urban Renewal Plan for the Fresh Creek Urban Renewal Area, Community District 5, Borough of Brooklyn, submitted by the Department of Housing Preservation and Development on November 20, 1995, is approved (C 960205 HUK).

The above resolution, duly adopted by the City Planning Commission on May 22, 1996, (Calendar No. 23), is filed with the Office of the Speaker, City Council and the Borough President, pursuant to Section 197-d of the New York City Charter.

JOSEPH B. ROSE, Chairman
VICTOR G. ALICEA, Vice-Chairman
AMANDA M. BURDEN, A.I.C.P., KATHY HIRATA CHIN, ESQ.,
ALEXANDER GARVIN, ANTHONY I. GIACOBBE, ESQ., WILLIAM J. GRINKER,
BRENDA LEVIN, EDWARD T. ROGOWSKY, JACOB B. WARD, Commissioners

Community/Borough Board
Recommendation

WHT
CITY PLANNING COMMISSION
22 Read Street, New York, NY 10007
FAX # (212) 720-3356

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.

2. Send a copy of the completed form with any attachments to the applicant's representative as indicated on the Notice of Certification, one copy to the Borough President, and one copy to the Borough Board, when applicable.

APPLICATION # C 960205 HUK
DOCKET DESCRIPTION

*cc: M. Johnson
Bklyn-DCPJ
State PH*

SEE ATTACHED

DEPT. OF CITY PLANNING

MAY 9 1996

BROOKLYN OFFICE

341

3/4/96

COMMUNITY BOARD NO. 5
BOROUGH BROOKLYN

BOROUGH BOARD _____

DATE OF PUBLIC HEARING February 28, 1996

LOCATION St. Laurence Church
1020 Van Siclen Ave

WAS QUORUM PRESENT? YES NO

(A public hearing shall require a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.)

VOTE ADOPTING RECOMMENDATION TAKEN

DATE _____

LOCATION _____

RECOMMENDATION

APPROVE APPROVE WITH MODIFICATIONS/CONDITIONS
 DISAPPROVE DISAPPROVE WITH MODIFICATIONS/CONDITIONS

EXPLANATION OF RECOMMENDATION-MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

VOTING

IN FAVOR 20 AGAINST 4 ABSTAINING 7

TOTAL MEMBERS APPOINTED TO BOARD 45

Walter Campbell
COMMUNITY/BOROUGH BOARD OFFICER

DATE 2/29/96

District Manager
TITLE

Community/Borough Board
Recommendation

DEPT. OF CITY PLANNING

CITY PLANNING COMMISSION
Reade Street, New York, NY 10007
FAX # (212) 720-3356

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E above address.

MAR 8 1996
BROOKLYN OFFICE
337

2. Send a copy of the completed form with any attachments to the applicant's representative as indicated on the Notice of Certification, one copy to the Borough President, and one copy to the Borough Board, when applicable.

APPLICATION # C 960206 MMK

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 et seq. of the New York City Administrative Code, for an amendment to the City Map involving

- o the elimination of portions of a park and various streets, including the discontinuance and closing of portions thereof;
- o the establishment of the lines and grades of streets;
- o the establishment of the lines of parks and additions to parks;
- o the adjustment/modification of legal grades, and
- o the elimination, modification and/or the delineation of various easements/corridors,

and any acquisition or disposition of real property related thereto, all within an area generally bounded by Flatlands Avenue to the north, Fountain Avenue to the east, Shore Parkway to the south, and Van Siclen Avenue to the west, in connection with the development of the proposed Gateway Estates within the Fresh Creek Urban Renewal Area, Community District 5, Borough of Brooklyn, in accordance with Map Nos. X-2678 and X-2679 dated February 1, 1996 and signed by the Borough President.

COMMUNITY BOARD NO. 5
BOROUGH Brooklyn

BOROUGH BOARD _____

DATE OF PUBLIC HEARING 2/28/96

LOCATION 1020 VaN Siclen Ave.

WAS QUORUM PRESENT? YES NO

(A public hearing shall require a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.)

VOTE ADOPTING RECOMMENDATION TAKEN

DATE _____

LOCATION _____

RECOMMENDATION

APPROVE APPROVE WITH MODIFICATIONS/CONDITIONS
 DISAPPROVE DISAPPROVE WITH MODIFICATIONS/CONDITIONS

EXPLANATION OF RECOMMENDATION-MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

*cc: S. Pinner
BKlyn-DCPD
Statute office*

3/4/96

VOTING

IN FAVOR 20 AGAINST 4 ABSTAINING 7

TOTAL MEMBERS APPOINTED TO BOARD 45

Walter Campbell
COMMUNITY/BOROUGH BOARD OFFICER

DATE 2/29/96

District manager
TITLE

Community/Borough Board
Recommendation

CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
FAX # (212) 720-3356

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 22 at the above address.

2. Send a copy of the completed form with any attachments to the applicant's representative as indicated on the Notice of Certification, one copy to the Borough President, and one copy to the Borough Board, when applicable.

APPLICATION # C 960207 ZMK

DOCKET DESCRIPTION

SEE ATTACHED SHEET

COMMUNITY BOARD NO. 5
BOROUGH Brooklyn

BOROUGH BOARD _____

DATE OF PUBLIC HEARING 2/28/96

LOCATION 1020 Van Siclen Ave.

WAS QUORUM PRESENT? YES NO

(A public hearing shall require a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.)

VOTE ADOPTING RECOMMENDATION TAKEN

DATE _____

LOCATION _____

RECOMMENDATION

APPROVE APPROVE WITH MODIFICATIONS/CONDITIONS
 DISAPPROVE DISAPPROVE WITH MODIFICATIONS/CONDITIONS

EXPLANATION OF RECOMMENDATION-MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

VOTING

IN FAVOR 20 AGAINST 4 ABSTAINING 7

TOTAL MEMBERS APPOINTED TO BOARD 45

Nelson Campbell
COMMUNITY/BOROUGH BOARD OFFICER

DATE 2/29/96

District Manager
TITLE

Community/Borough Board
Recommendation

CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
FAX # (212) 720-3356

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.

2. Send a copy of the completed form with any attachments to the applicant's representative as indicated on the Notice of Certification, one copy to the Borough President, and one copy to the Borough Board, when applicable.

APPLICATION # C 960208 HAK
DOCKET DESCRIPTION

*cc: M. Anhouse
Bklyn-SCP
Borough Office*

DEPT. OF CITY PLANNING

MAR 8 1996

SEE ATTACHED

BROOKLYN OFFICE

3/4/96

COMMUNITY BOARD NO. 5

BOROUGH BROOKLYN

BOROUGH BOARD _____

DATE OF PUBLIC HEARING 2/28/96

LOCATION 1020 Van Siclen Ave.

WAS QUORUM PRESENT? YES NO

(A public hearing shall require a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.)

VOTE ADOPTING RECOMMENDATION TAKEN

DATE _____

LOCATION _____

RECOMMENDATION

APPROVE APPROVE WITH MODIFICATIONS/CONDITIONS
 DISAPPROVE DISAPPROVE WITH MODIFICATIONS/CONDITIONS

EXPLANATION OF RECOMMENDATION-MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

VOTING

IN FAVOR 20 AGAINST 4 ABSTAINING 7

TOTAL MEMBERS APPOINTED TO BOARD 45

Walter Campbell
COMMUNITY/BOROUGH BOARD OFFICER

DATE 2/29/96

District Manager
TITLE

Community/Borough Board
Recommendation

CITY PLANNING COMMISSION
22 Reade Street, N w York, NY 10007
FAX # (212) 720-3356

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.

2. Send a copy of the completed form with any attachments to the applicant's representative as indicated on the Notice of Certification, one copy to the Borough President, and one copy to the Borough Board, when applicable.

APPLICATION # C 960209 HAK
DOCKET DESCRIPTION

cc. m. Unhouse
Bklyn - DCP ✓
State Office

DEPT. OF CITY PLANNING

MAR 8 1996

BROOKLYN OFFICE

SEE ATTACHED

3/4/96

COMMUNITY BOARD NO. 5
BOROUGH BROOKLYN

BOROUGH BOARD _____

DATE OF PUBLIC HEARING 2/28/96
WAS QUORUM PRESENT? YES NO

LOCATION 1020 Van Sieten Ave.

(A public hearing shall require a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.)

VOTE ADOPTING RECOMMENDATION TAKEN

DATE _____

LOCATION _____

RECOMMENDATION

APPROVE APPROVE WITH MODIFICATIONS/CONDITIONS
 DISAPPROVE DISAPPROVE WITH MODIFICATIONS/CONDITIONS

EXPLANATION OF RECOMMENDATION-MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

VOTING
IN FAVOR 20 AGAINST 4 ABSTAINING 7

TOTAL MEMBERS APPOINTED TO BOARD 45
Nathan Canfield
COMMUNITY/BOROUGH BOARD OFFICER

DATE 2/29/96

Debra M. Managan
TITLE

Community/Borough Board
Recommendation

CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
FAX # (212) 720-3356

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.

2. Send a copy of the completed form with any attachments to the applicant's representative as indicated on the Notice of Certification, one copy to the Borough President, and one copy to the Borough Board, when applicable.

APPLICATION # C 960212 HDK
DOCKET DESCRIPTION

cc: M. Inhouse
BK 24-0CPJ
Staten Office

DEPT. OF CITY PLANNING

SEE ATTACHED

MAR 8 1996

BROOKLYN OFFICE

3/4/96

COMMUNITY BOARD NO. 5
BOROUGH BROOKLYN

BOROUGH BOARD _____

DATE OF PUBLIC HEARING 2/28/96
WAS QUORUM PRESENT? YES NO

LOCATION 1020 Van Siclen Ave

(A public hearing shall require a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.)

VOTE ADOPTING RECOMMENDATION TAKEN

DATE _____

LOCATION _____

RECOMMENDATION

APPROVE APPROVE WITH MODIFICATIONS/CONDITIONS
 DISAPPROVE DISAPPROVE WITH MODIFICATIONS/CONDITIONS

EXPLANATION OF RECOMMENDATION-MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

VOTING

IN FAVOR 20 AGAINST 4 ABSTAINING 7

TOTAL MEMBERS APPOINTED TO BOARD 45

Walter Campbell
COMMUNITY/BOROUGH BOARD OFFICER

DATE 2/29/96

District Manager
TITLE

Brooklyn Borough President Recommendation

CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
FAX# (212) 720-3356

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicants representative as indicated on the Notice of Certification.

APPLICATION # 960205 HUK, 960206 MMK, 960207 EMK
DESCRIPTION 960208 and 960209 HAKs, and 960212 HAK

GATEWAY ESTATES

COMMUNITY DISTRICT NO. 5


BOROUGH OF BROOKLYN

RECOMMENDATION

- APPROVE
- APPROVE WITH MODIFICATIONS/CONDITIONS
- DISAPPROVE
- DISAPPROVE WITH MODIFICATIONS/CONDITIONS

EXPLANATION OF RECOMMENDATION — MODIFICATIONS/CONDITIONS

- RECOMMENDATION ATTACHED
- RECOMMENDATION TO FOLLOW


BOROUGH PRESIDENT

04/03/96
DATE

GATEWAY ESTATES

**(960205 HUK, 960206 MMK, 960207 ZMK, 960208 and 960209 HAKs,
and 960210-960212 HDKs)**

RECOMMENDATION REPORT BY THE PRESIDENT OF THE BOROUGH OF BROOKLYN

BACKGROUND

The applicant, the Department of Housing Preservation and Development (HPD), requests the approval of the above referenced applications to facilitate the development of a mixed land use project proposed to be located on approximately 227 acres of land in the Spring Creek section of Brooklyn Community District 5. The affected area is generally bounded by Hendrix Creek, Fountain and Flatlands Avenues, and a nearby segment of the Shore Parkway at this location. The affected land is largely undeveloped, with the exception of the Jefferson High School Athletic Field and field house, a privately-owned telecommunications facility, and the low-rise, Brooklyn Developmental Center for patients receiving medical and therapeutic services.

The proposed development, to be known as Gateway Estates, when fully realized will provide up to a maximum of 2,400 housing units, a new regional shopping center to provide approximately 640,000 square feet of retail space, new smaller-sized neighborhood retail stores, two new public schools, and new regional and neighborhood parks. Further, a new street system and infrastructure to support the project also will be constructed.

The Starrett Housing/Grenadier Realty Corporation (Starrett) and East Brooklyn Congregation (EBC) will serve as the developers for the residential portion of the project. Starrett will develop the commercial elements. The residential component of the proposed project is comprised of a mixture of low-rise houses and mid-rise apartment buildings intended for individuals, families and the elderly, who are at or below moderate income levels.

BOROUGH PRESIDENT'S PUBLIC HEARING

On March 21, 1996, the Borough President held a public hearing on the applications. There were five speakers, representatives from HPD, Starrett, EBC and Community Board 5 (CB 5). All of the speakers spoke in support of the applications.

The Borough President spoke of his allocation of approximately \$3.75 million of capital budget funds to assist in the development of the largest mixed use project in Brooklyn in many decades. Further, the Borough President commended Starrett for its longstanding efforts and actions to revitalize the Spring Creek area, and for its development and operation of the nearby Starrett City complex.

Representatives from HPD, Starrett and EBC stated their appreciation of the Borough President's support on this and prior redevelopment

proposals for the area. The representatives from HPD and Starrett gave a brief presentation and description of the project's site, described their development proposal including its amenities and benefits to regional and local area residents and consumers, and stated their commitment to continue meetings with CB 5 and the Borough President's staff on this matter. The EBC representative spoke about the success achieved at the nearby Nehemiah sites, where there is an extensive waiting list for the recently completed, moderately-priced homes. He further stated that the proposed housing slated to be constructed by the organization as part of this development proposal, will be approximately twenty percent larger than its homes completed nearby.

The Borough President asked several questions about the project including: when the construction of the new traffic interchange to the Shore Parkway and the proposed four new parks will be completed; and, how the city will maintain sites free from debris during its interim ownership of sites awaiting construction. The Borough President further asked about how CB 5, the affected City Councilmember and his office would participate in the design review process; and, how the city would assure that the new traffic interchange, streets and parks would be constructed and maintained.

In response, a representative from Starrett stated that the construction of the new interchange and new parks is expected to commence in the fall of 1996; and that contractual agreements have yet to be negotiated for the amenities described. He further stated that based on prior experience, the city would require the completion of any project amenities proposed prior to the occupancy of the project; that performance bonds would likely be required for the proposed parks and sewers; and, that the proposed streets and traffic interchange would not be accepted by the city until these elements are completed to city standards. The representative further indicated that Starrett has been patrolling the site to minimize illegal dumping.

The HPD representative stated that as construction of the residential homes and apartment buildings are completed, the development's new residents will provide activity that will discourage illegal garbage dumping. However, he explained that due to the large expanse of what may remain as undeveloped sites, HPD will not be able to control illegal dumping at all locations. Further, the HPD representative stated that it estimated the cost of providing perimeter fencing at the undeveloped sites to be \$300,000 to \$400,000. The representative offered to work with the Borough President and his staff to identify the areas that would be fenced and maintained by HPD. The Borough President requested that HPD establish and implement mechanisms to monitor the undeveloped sites, and expressed his willingness to work with all of the involved entities to ensure that the undeveloped sites are properly maintained.

In response to the Borough President's questions about the design review process, the HPD representative acknowledged the Borough President's concerns about the process. He stated that HPD will commit to having all of the project's drawings distributed to the Borough President, and welcomed the Borough President to solicit and forward to HPD the comments received from CB 5 and the affected Councilmember in the

project's design. The HPD representative suggested that the design review period be between forty-five (45) and sixty (60) days from the date that the prospective drawings are distributed to the Borough President for his review. The Borough President explained that the review of the project's designs is to ensure that the proposed development will continue to be appropriate for its location. He further stated his intentions to arrange for future meetings with CB 5 and the affected Councilmember to ensure the potential success of this project.

The HPD representative also explained that several of the anticipated land disposition agreements would stipulate the amenities that must be constructed. He described that a breach of these agreements would constitute a breach of contract which would be remedied by HPD. The Borough President expressed his concern that should a breach of these pending agreements occur, an inordinate amount of time may be lost while the conflict is resolved and that he did not want this to occur.

The CB 5 District Manager stated that many of the area's residents are excited about the affordability of the anticipated housing and the accessibility to the project's temporary and permanent jobs. He stated that CB 5 would like to increase its participation in the project's development and asked that all of the undeveloped sites be fenced while they await delayed construction. Further, the CB 5 District Manager asked the project's applicant and developers to consider the building of additional affordable housing on other vacant parcels in East New York.

In his concluding remarks, the Borough President stated that he was pleased to see this project's progress. He reiterated that the continued participation by CB 5, the affected Councilmember and his staff is intended to identify and assist in the remediation of prospective development issues and implementation strategies as the project advances towards a successful completion.

CONSIDERATION

On March 28, 1996, CB 5 voted to recommend approval of the applications.

The Borough President believes that the development of Gateway Estates is appropriate. The project is consistent with the Borough President's policies of encouraging initiatives which provide homeownership opportunities for families and individuals who are at or below moderate income levels and encouraging new retail development as a means of creating employment opportunities and improving the city's tax base. In addition, the Borough President believes that the incorporation of new parks in the project supports his policy of providing regional recreation facilities for Brooklyn residents.

However, the Borough President remains concerned about certain aspects of the Gateway Estates proposal, its related development and the implementation of the phased construction and the proposed amenities.

The Borough President's concerns and recommendations are described below.

1. Design Review Process

Many of the elements of the project including the parks, streets and schools are public facilities. These elements would normally be funded by the city through its capital budget. The scope and design of these projects would, therefore, be subject to review by the community board, the affected Councilmember and the Borough President in accordance with Sections 222 and 223 of the New York City Charter. However, HPD has not identified a formal role in the project's design review process for members of CB 5, the affected Councilmember and the Borough President. While HPD has agreed informally to include the Borough President in the design review process, this promise was not extended to CB 5 or the affected Councilmember.

The Borough President believes that the public elements of the Gateway Estates project should be reviewed in a manner consistent with Sections 222 and 223 of the New York City Charter. The Borough President urges the inclusion of CB 5, the affected Councilmember, and the Borough President's Office in the review of the project's scope and design.

2. Maintenance of Undeveloped Areas

Much of the project's construction is anticipated to occur in phases, thus leaving many of the development sites vacant, unprotected and in interim city ownership while they await construction. As evidenced at this site and other vacant and undeveloped areas throughout Brooklyn, illegal garbage dumping will occur and will result in hazardous conditions to local residents.

Therefore, the Borough President strongly recommends that all areas awaiting construction be fenced and maintained free from debris by the city.

3. Bonding for Public Elements of the Plan

Many critical elements of the Gateway Estates proposal are in need of contractual agreements between the city and the developer to ensure their completion. The Borough President is specifically concerned about the timely completion of the proposed new traffic interchange, the proposed streets and parks, and the proposed pedestrian bridge linking the regional retail and neighborhood centers.

Therefore, the Borough President recommends that appropriate bonding and contract mechanisms be established by HPD to ensure the timely completion of the aforementioned project elements.

4. Pedestrian Safety

The Borough President is concerned that as currently configured in the plans, Vandalia Avenue between Gateway Drive and Erskine Street, is too wide and will be dangerous to pedestrians. The Borough President

believes that the applicant's proposal to widen the existing median is insufficient and that this segment of Vandalia Av nue should function as a local street.

To address this concern, the Borough President recommends that one travel lane, a bicycle lane and vehicular parking should be permitted on each side of the median. In addition, the proposed roadway width should be narrowed to 24 feet (as measured from the street curb to the median) and that traffic calming measures should be introduced at this street segment's intersections to further negate this overly wide street.

5. Street Trees and Lighting

The Borough President is concerned that the project, as proposed, lacks standards for the installation of an adequate number of street trees and street lighting fixtures for the city streets throughout the project.

To address this concern, the Borough President recommends that HPD work with the Departments of Transportation and Parks to incorporate design standards for the installation and placement of street trees and lighting fixtures.

6. Parking

The Borough President believes that the location of Gateway Estates in a two-fare zone will result in a higher ownership of cars by the project's residents. He is also concerned that the project, as proposed, does not provide sufficient off-street parking to meet the needs of the residents.

To address this concern, the Borough President recommends that off-street parking standards be established for the project's various housing types planned. Specifically, he recommends that one parking space be provided for every unit for the project's one and two family homes; five spaces should be provided for every six units in those areas where there will be three family homes; and, except for residences for the elderly, seven spaces should be provided for every ten units of the elevator apartment buildings.

7. Building Heights and Location of Residences for the Elderly

The Borough President is concerned that the height of the buildings intended to provide residences for the elderly could be up to eleven stories. Buildings of this height would be out of scale and character with the likely two- to three-story residential buildings that would be adjacent to these sites. The shadows cast from these buildings on common open areas and private yards would outweigh the benefit of the number of elderly units that would have desirable views. He is also concerned that the sites for housing for the elderly north of Fountain Street are across the street from the elementary school site and across the street from the neighborhood and regional retail centers. He believes that the sites closer to the school are more desirable for family housing in order to minimize conflicts with school children and vehicles. Locating the buildings for the elderly south of Fountain Street would

allow residents to be closer to the amenities that the neighborhood and regional retail center would provide without having to cross any streets.

The Borough President recommends that residences for the elderly be limited to a six-stories and that the location of such buildings be limited to sites south of Fountain Street.

8. Buffer - Acoustical

The Borough President is concerned that the project, as proposed, lacks adequate landscaping standards for the acoustical buffer. He believes that this buffer should be heavily landscaped to screen the residential areas from the service side of the regional retail center.

Accordingly, the Borough President recommends that HPD incorporate landscape design standards for the buffer parcels in accordance with the drawing presented to his staff on March 15, 1996.

9. Commercial Parking Lot Trees and Buffer

The Borough President is concerned that the project, as proposed, lacks both adequate standards for the requirement of trees to be integrated in the parking areas and landscape design for the commercial development. He believes that the expanse of regional retail center's parking area needs to be scaled down through the inclusion of trees. Also, the perimeter of the parking area should allow for the proper screening of cars parked in the lot. In addition, the retail buildings should be adequately screened from both the ballfield and the Brooklyn Developmental Center.

Therefore, the Borough President recommends that HPD incorporate a standard of one tree for every ten parking spaces; that the buffer be bermed and planted as described to the Borough President's staff on March, 15, 1996; and that the design be within the spirit of the drawing presented to his staff on that date.

10. Public Transportation

The Borough President is concerned that the increase of population resulting from the Gateway Estates project may result in overcrowding on the IRT #3 train during rush hour periods at the Pennsylvania Avenue, Van Siclen Avenue and New Lots Avenue subway stations. He is also concerned that the Metropolitan Transportation Authority (MTA) has not committed to extending the route of the B13 bus to coincide with the opening of the regional retail center. Further, he believes that inadequate transit connections would be a hardship for households without cars who would want access to the regional retail center for employment and consumer opportunities.

The Borough President recommends that the MTA monitor the conditions on the platforms and stairwells of these stations and, if necessary, take appropriate remedial actions to relieve detected overcrowding conditions. Additionally, he recommends that the MTA provide extended bus service

of the B13 route in conjunction with the opening of the regional retail center.

11. Shore Parkway Interchange

The Borough President is concerned that the approval process for the proposed interchange with the Shore Parkway may not allow construction in a timely manner to serve the regional retail center. He recommends that New York State DOT and other relevant state agencies expedite their review of the plans submitted by Starrett.

12. Public Schools

The Borough President is pleased that the plan includes sites for the construction of a new elementary and intermediate school. However, he is concerned that these schools may not be completed in time to meet the needs of the school age children who will be moving into the development. To address this need, the Borough President urges that the construction of these schools be advanced.

RECOMMENDATION

Whereas, there is a need for adequate, affordable housing for the residents of Brooklyn and New York City; and,

Whereas, the Borough President of Brooklyn encourages initiatives which provide homeownership opportunities for families and individuals at or below moderate income levels; and,

Whereas, it is the land use policy of the Borough President of Brooklyn to support and encourage new retail development in Brooklyn by private entrepreneurs in order to create employment opportunities and improve the tax base; and,

Whereas, Brooklyn has the highest population of any borough, yet has the lowest acreage mapped as parkland; and,

Whereas, it is the land use policy of the Borough President of Brooklyn to encourage the development of regional recreation facilities to reduce the unmet needs of Brooklyn's residents; and,

Whereas, it is the land use policy of the Borough President of Brooklyn to encourage housing, retail and recreational development at Spring Creek; and,

Whereas, there is a need to create employment opportunities for area residents; and,

Whereas, the adoption of these applications will facilitate the development of a 640,000 square foot regional retail center, 500 single-family homes, 800 two-family homes, 200 residences for the elderly, 45 acres of developed parkland and a new traffic interchange to the nearby Shore Parkway, in the Spring Creek section of Brooklyn Community District 5; and,

Whereas, the urban renewal plan does not provide for review of redevelopment proposals, public facilities and amenities by Community Board 5, the affected City Councilmember and the Borough President of Brooklyn; and,

Whereas, portions of the site will remain vacant for a period of time and be subject to illegal garbage dumping activities; and,

Whereas, there is a need for the city to fence and maintain these vacant sites; and,

Whereas, there is a need for the city to ensure that the construction of the public facilities are completed in a timely manner and in accordance with established city standards; and,

Whereas, there is a need to assure that the redesign of Vandalia Avenue, between Gateway and Erskine Drives, will not result in hazards to pedestrians; and,

Whereas, the current levels of the proposed design controls do not adequately address: planting and lighting requirements for city streets, the acoustical buffer, commercial parking lots and the proposed landscaped buffer for the regional retail center, parking standards for the various proposed building types, the height limits and locations of the proposed residences for the elderly; and,

Whereas, the addition of thousands of residents to the Spring Creek area may result in overcrowding at stations along the IRT #3 line; and,

Whereas, there is a need for the MTA-NYC Transit to monitor conditions at these three stations and to take appropriate actions to relieve detected overcrowding conditions; and,

Whereas, there is an expected need to provide convenient public transportation for residents and shoppers; and,

Whereas, there is a need for the MTA-NYC Transit to extend the B13 bus route into the Gateway Estate area; and,

Whereas, there is a need to review application documents to facilitate construction of the Shore Parkway interchange in a timely manner; and,

Whereas, the area's existing public schools (P.S. 224 and P.S. 273) are operating at student capacities ranging from approximately 110% - 120%; and, are annually in need of additional classrooms to accommodate 200-250 students; and,

Whereas, the Gateway Estates project will result in the need for between 1,550 and 2,100 classroom seats; now therefore be it

Resolved, that the President of the Borough of Brooklyn, pursuant to Sections 197-c and 199 of the New York City Charter, Section 5-430 et seq. of the New York City Administrative Code and Section 505 of Article 15 of the General Municipal Law (Urban Renewal Law) of New York

State, based upon the consideration described in this report, recommends approval of this applicant subject to the adoption of the following modifications by either the City Planning Commission or City Council;

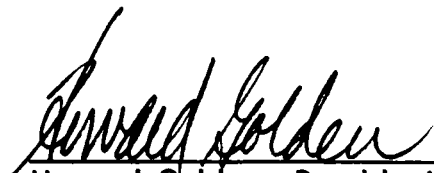
1. That the applicant include Brooklyn Community Board 5, the affected City Councilmember and the Borough President in the design review process; and, that HPD shall:
 - a. require that the project's developers shall submit scopes of the project and plans in sufficient detail to permit determination of compliance with the intent and controls of the urban renewal plan and the design and character of the proposed construction;
 - b. within five (5) days of receipt of scopes and/or designs for project elements from the project's developers, distribute the scopes and/or designs to CB 5, the affected Councilmember and the Borough President;
 - c. sixty (60) days be allowed for the scope and/or designs to be reviewed by CB 5, the affected City Councilmember and the Borough President; and,
 - d. respond to the comments received by CB 5, the affected Councilmember, or the Borough President, and shall submit within thirty (30) days of receipt of these comments by the agency and provide an explanation of the comments offered and rejected by the agency.
2. The city shall fence and maintain undeveloped project sites that are in interim or permanent city ownership. Further, the city shall establish a monitoring process for the undeveloped sites and provide reports of its efforts every six months to CB 5, the affected Councilmember and the Borough President.
3. HPD shall require the developers to provide bonds or similar guarantees for the completion of construction and maintenance of the Shore Parkway interchange, streets, parks, schools, acoustical buffer parcels, the pedestrian bridge between the neighborhood center and the regional shopping center, and the regional retail center's landscape buffer. Further, HPD in conjunction with the developer, shall establish of an agency-in-trust account for the maintenance of the parks.
4. That the proposed design of Vandalia Avenue, between Gateway Drive and Erskine Street, be modified to provide one each of the following lanes in each direction: traffic, bicycle and a vehicle parking; and, to narrow the proposed roadway width to 24 feet (as measured from the street curb and proposed street median) and provide other traffic calming measures; and,

5. That the project incorporate the following design standards:
- A. Street trees shall be installed every 25 feet subject to the spacing requirements of the Department of Parks and Recreation.
 - B. Sodium vapor luminaires shall be installed, with 150 watt bulbs for residential streets and 250 watt bulbs for commercial streets, every 90 to 130 feet subject to the Illuminating Engineering Society of North America standards used by the Department of Transportation.
 - C. Off-Street parking ratios for residences within the project area shall be as follows: one parking space provided for every unit in the project's one and two family house; five parking spaces provided for every six units in those areas where there will be three family houses; and, except for residences for the elderly, seven spaces provided for every ten units in elevator equipped apartment buildings.
 - D. Buildings for the elderly shall be limited to six stories and shall be located on sites south of Fountain Street.
 - E. The design of the acoustical buffers between the regional shopping center and the residential area shall be in accordance with the drawings presented to the Borough President's staff on March 15, 1996.
 - F. The design of the commercial parking lots shall provide for one tree for every ten parking spaces and be in accordance with the drawing presented to the Borough President's staff on March 15, 1996.
 - G. For the regional retail center buffer the developer shall install a linear berm approximately five (5) feet high above the grades of Gateway Drive and Erskine Street. The berm shall be planted with low shrubs, trees and shall incorporate accent lighting, in accordance with the information provided to the Borough President's staff on March 15, 1996.

Be it further resolved that the Borough President of Brooklyn calls on the city to take the following actions:

1. That the Metropolitan Transportation Authority-New York City Transit:
 - a. monitor conditions at the New Lots, Pennsylvania Avenue and Van Sicken Avenue IRT No. 3 subway stations and, take appropriate actions to relieve detected overcrowding conditions; and,
 - b. extend the route of the B13 Bus in conjunction with the opening of the regional retail center.

2. That the New York State Department of Transportation and relevant state permitting agencies work with the Starrett Corporation and local elected officials to expedite construction permits for the proposed interchange with the Shore Parkway.
3. That construction of the two new schools planned for the Gateway Estates area be advanced expeditiously.


Howard Golden, President
of the Borough of Brooklyn

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