

A. INTRODUCTION

This chapter summarizes and responds to substantive comments received during the public comment period for the Draft Environmental Impact Statement (DEIS), issued on April 2, 2021, for 307 Kent Avenue (CEQR No. 20DCP100K).

City Environmental Quality Review (CEQR) requires a public hearing on the DEIS as part of the environmental review process. The DEIS public hearing was held on July 14th, 2021, both in person at the City Planning Commission Hearing Room, Lower Level, 120 Broadway, New York, NY 10271, and accessible remotely. The comment period remained open for the submission of written comments through July 26, 2021.

Section B lists the organizations and individuals that provided comments on the DEIS. Section C contains a summary of relevant comments and a response to each. These summaries convey the substance of the comments made, but do not necessarily quote the comments verbatim. Comments are organized by subject matter and generally parallel the chapter structure of the DEIS. Where more than one commenter expressed similar views, those comments have been grouped and addressed together. All written comments are included in Appendix D, “Written Comments Received on the Draft Environmental Impact Statement.”

Where relevant, in response to comments on the DEIS, changes have been made and are shown with double underlines in the FEIS.

B. LIST OF ORGANIZATIONS AND INDIVIDUALS WHO COMMENTED ON THE DEIS²**ELECTED OFFICIALS**

1. Eric Adams, Brooklyn Borough President, letter dated February 24, 2020 (Adams_BBP_001)

ORGANIZATIONS AND BUSINESSES

2. Michael Essig, Neighbors for Fair Development emails dated July 24, 2021 (Essig_012) (Essig_015)
3. Neighbors For Fair Development email dated July 24, 2021 (NFFD_013)
4. Larry Rothchild, St. Nicks Alliance, oral comments delivered July 14, 2021 (Rothchild_019)

¹ This chapter is new to the FEIS.

² Parenthetical notes refer to internal tracking numbers.

GENERAL PUBLIC

5. Cory Allen, oral comments delivered July 14, 2021 (Allen_016)
6. Kristen Couchot, email dated July 10, 2021 (Couchot_002)
7. Elizabeth Hansel, email dated July 13, 2021 (Hansel_014) and oral comments delivered July 14, 2021 (Hansel_017)
8. Nicolas Henault, email dated July 5, 2021 (Henault_003)
9. Romy Kilo, email dated July 5, 2021 (Kilo_004)
10. Cathy Nolan, email dated July 7, 2021 (Nolan_005)
11. Bert Noonan, oral comments delivered July 14, 2021 (Noonan_018)
12. Karim Sarraf, email dated July 5, 2021 (Sarraf_006)
13. Nate Schweber, email dated July 6, 2021 (Schweber_007)
14. Kendra Sinclair, email dated July 5, 2021 (Sinclair_008)
15. Pauline Tourelle, email dated July 5, 2021 (Tourelle_009)
16. Jared Vengrin, email dated July 5, 2021 (Vengrin_010)
17. Ann Yee, email dated July 5, 2021 (Yee_011)
18. Zachary Weiner, oral comments delivered July 14, 2021 (Weiner_020)

C. COMMENTS AND RESPONSES

PROJECT DESCRIPTION

Comment 1: Community members believe that a more appropriate use would be residential. (Adams_BBP_001)

Response: As described in DEIS Chapter 2, “Land Use, Zoning, and Public Policy,” the proposed uses were evaluated for consistency with the existing uses in the surrounding study area and were determined to be compatible with land uses in the surrounding area. The majority of the proposed rezoning area is currently zoned as M3, a heavy manufacturing district that does not permit residential development. The residential buildings adjacent to the Development Sites were developed in the M3-1 district pursuant to a zoning variance. The project block currently contains a mix of uses, including commercial, residential, and industrial/manufacturing uses, parking areas, and a vacant building, and therefore is not a residential-only area.

Comment 2: The proposed rezoning is irresponsible; there are thousands of vacant luxury apartments. We need to consider our land use choices and not rush into another rezoning of another luxury residential tower. (Yee_011)

Response: The Proposed Actions include a rezoning from M3-1 to M1-5, which would continue to preclude residential uses from being a permitted use. The Proposed Project would introduce mixed-use office, community facility, and retail uses to the Projected Development Sites. It would not introduce new residential uses.

Comment 3: There are no apparent means to ensure that the Applicant would consist of approximately 1/3 office use and 2/3 light industrial and manufacturing use;

therefore, this is not a supportable Reasonable Worst Case Development Scenario (RWCDS). (Adams_BBp_001)

Response: As discussed in Chapter 2, “Analysis Framework,” of the 2020 *CEQR Technical Manual*, establishing the analysis framework for a proposed land use action that covers a small area such as a rezoning, involves developing a RWCDS that captures the reasonable upper range of development that would likely occur as a result of the proposed action. Comparing this RWCDS to conditions in the future absent the Proposed Actions represents the increment to be analyzed for environmental review. The proposed development to be analyzed in the environmental review represents a RWCDS under the proposed M1-5 zoning, maximizing allowable floor area for permitted uses. The establishment of the RWCDS for the Proposed Actions is discussed in the Final Scope of Work under the “Analysis Framework” section. For the purposes of the CEQR analyses, a portion of the 70,000 gsf commercial uses on Projected Development Site 1 under the RWCDS are assumed to be light industrial in order to present a conservative analysis for certain technical areas, such as Air Quality, while in other technical areas for which a larger office use would be more conservative to analyze, such as transportation, this was assumed.

Comment 4: The project would not clean up zoning; it would benefit only the non-local developer and the absentee owner. (Couchot_002, Nolan_005, Schweber_007, Sinclair_008, Vengrin_010)

Response: An evaluation of the Proposed Action’s compatibility with land use and zoning in the surrounding area was conducted in Chapter 2, “Land Use, Zoning, and Public Policy,” in the DEIS.

As described in Chapter 1, “Project Description,” the Proposed Actions are necessary to allow the proposed building and its mix of uses, which would bring more diverse uses to the area and meet the demands of the surrounding growing neighborhood, which continues to transform from a manufacturing area to a mixed-use area. In addition to office, retail, and light industrial uses, the proposed M1-5 zoning would permit certain community facility uses on the projected development sites, allowing for flexibility for community facility development to serve the surrounding residential uses, whereas such uses are not permitted under the existing M3 zoning. The existing MX-8 (M1-4/R6A) district covering the eastern half of the block would be extended westward by 90 feet to meet the boundary of the proposed M1-5 district, rezoning portions of Lots 6, 16, 38, 7501, and 7502, thereby eliminating an existing split-lot condition and regularizing zoning on the project block; .

Comment 5: The proposed project would take away valuable event space in Williamsburg. (Sinclair_008)

Response: *CEQR Technical Manual* guidance recommends a detailed socioeconomic assessment of direct business displacement when the project would directly displace more than 100 employees, or would directly displace a business that is unusually important because its products and services are uniquely dependent on its location; that, based on its type or location, is the subject of other regulations or publicly adopted plans aimed at its preservation; or that serves a population uniquely dependent on its services in its present location. The socioeconomic effects of the Proposed Actions were evaluated in the EAS pursuant to this guidance, and it was determined that they would not directly displace 100 employees or any businesses that serve a population uniquely dependent on its services, in its particular location. Therefore, the Proposed Actions would not result in a significant adverse socioeconomic impact resulting from direct displacement.

Comment 6: Williamsburg does not need more commercial space right now; many existing commercial spaces are empty and more commercial space is unnecessary. (Couchot_002, Nolan_005, Scweber_007, Sinclair_008, Vengrin_010, Essig_012, NFFD_013, Hansel_014, Allen_016, Hansel_017)

Response: In response to comments, the Purpose and Need for the Proposed Actions section of Chapter 1, "Project Description," of the FEIS has been revised to include additional information regarding the Applicant's stated goals and objectives for the Proposed Actions. The Applicant believes the neighborhood would benefit from new, high-quality office space able to serve the existing residents of the area. The proposed M1-5 district was chosen as it would allow for a diverse range of office, light industrial, medical office, and retail uses. The Applicant recognizes the impact of the Covid-19 pandemic, but does not believe it has eliminated the need for office space. The Applicant believes that the effects of the pandemic will continue to change how businesses and people interact with their offices and other spaces; people are likely to be more conscious of crowded spaces and increasingly desire to work closer to home. Businesses and medical providers are likely to seek new and/or additional locations with smaller footprints that are located closer to employees and patients. The Proposed Project is intended to accommodate this demand and would be designed to accommodate a range of potential commercial light industrial, retail, and medical office tenants. As described in DEIS Chapter 2, "Land Use, Zoning, and Public Policy," the proposed uses were evaluated for consistency with the existing uses in the surrounding study area and were determined to be compatible with land uses in the surrounding area.

Comment 7: The 2005 redistricting of most of Greenpoint/Williamsburg Waterfront set upland (East of Kent) height restrictions: "Buildings within 100 feet of the first upland street would be limited to 65 feet in height." This was designed to "establish height and setback regulations to ensure that buildings at the upland end of waterfront blocks meet the neighborhood at a characteristic scale, and to allow

taller buildings with a variety of heights closer to the water.” This standard should be applied to the 307 Kent Project; the neighborhood desires to keep this low rise environment upland. (NFFD_013)

The Neighbors for Fair Development view the proposed rezoning to be a violation of the intent of the 2005 Waterfront Williamsburg rezoning. (Essig_015)

The nine-story building as designed is too tall. (Hansel_017)

This project would set a bad precedent for all upland parcels along Kent: If approved, all of the other lots on the east side of Kent will be using it as a precedent to build towers. It was never the intent of the recent re-zonings to allow this kind of high-rise development to take over the upland parcels and other developments to the east of Kent have been limited to 4-5 stories. (Kilo_004, Tourelle_009, Essig_012, Hansel_014, Essig_015)

Response:

In accordance with the guidance of the *CEQR Technical Manual*, the compatibility of the Proposed Actions with area land uses and zoning, including compatibility with surrounding zoning districts that were rezoned in 2005, was considered in DEIS Chapter 2, “Land Use, Zoning, and Public Policy,” and the effects on the pedestrian experience were considered in EAS Attachment F, “Urban Design and Visual Resources.” No impacts to land use, zoning, and public policy or urban design were identified. Attachment F, “Urban Design and Visual Resources,” concluded that the Proposed Project and potential development on Projected Development Site 2 would be compatible with larger new buildings within the study area and that streetwalls would continue to be strong under the Proposed Actions. Furthermore, while the new buildings would be notable in certain views, the Proposed Actions would not partially or totally block a view corridor or a natural or built visual resource. Therefore, the Proposed Actions would not be expected to significantly adversely affect the context of natural or built visual resources, or any view corridors.

EAS Attachment D, “Shadows,” did not identify any potential significant adverse shadows impacts to public open spaces in the surrounding neighborhood. As discussed in EAS Attachment E, “Historic and Cultural Resources,” the Proposed Project would not create a significant adverse impact with respect to historic resources in the study area, including the landmarked Havemeyers & Elder Filter, Pan & Finishing House.

Furthermore, height and setback are regulated by zoning, and the proposed building analyzed in the reasonable worst case development scenario in the environmental review represents the maximum anticipated size of development within these envelopes, not the final design of the Proposed Project on Projected Development Site 1. The massing of the proposed building on Projected Development Site 2 is a massing used for illustrative purposes in the analysis of the RWCDs.

SOCIOECONOMIC CONDITIONS

Comment 8: The purported attraction of local walk to work businesses seems preposterous in light of all the business failings throughout the neighborhood. Businesses cannot afford the rents in the neighborhood. Retail inventory is at an all-time high in the neighborhood. (Couchot_002, Kilo_004, Schweber_007)

Response: As described in the *CEQR Technical Manual*, a socioeconomic assessment should be conducted if a project may be reasonably expected to create direct or indirect socioeconomic changes within an area affected by the project that would not be expected to occur without the project. Circumstances that can lead to such changes warranting assessment include: the direct displacement of more than 100 employees, or the displacement of a business that is unusually important because its products or services are uniquely dependent on its location, are the subject of other regulations or publicly adopted plans aimed at their preservation, or that serve a population uniquely dependent on their present location; or if a project would result in substantial new development that is markedly different from existing uses, development, and activities within the neighborhood. The purpose of a socioeconomic assessment under CEQR is not to determine whether a project would “curb rents” or otherwise mitigate existing rent trends. As noted in the *CEQR Technical Manual*, projects that are small to moderate in size would not have significant socioeconomic effects unless they are likely to generate socioeconomic conditions that are very different from existing conditions in the area; residential development of 200 units or less or commercial development of 200,000 square feet or less would typically not result in significant socioeconomic impacts.

The Proposed Project would not meet the above-described thresholds, and therefore analysis of potential significant adverse impacts due to direct or indirect business displacement is unwarranted as described in the EAS’s socioeconomic section. Under the RWCDS, the Proposed Project would introduce: 78,333 gsf of office space, 17,000 gsf of retail space, 46,667 gsf of light industrial and manufacturing space, and 39,500 gsf of community facility space (assumed to be medical office space for the purposes of environmental review). All of these uses are present in the surrounding neighborhood such that the Proposed Project would not result in substantial new development that is markedly different from existing uses, development and activities within the neighborhood

Overall, the development facilitated by the Proposed Actions would not represent substantial new development that is markedly different from existing uses, development, and activities within the neighborhood. The Proposed Actions would not result in socioeconomic conditions that are very different from existing conditions in the area, and therefore do not have the potential to result in significant adverse impacts to socioeconomic conditions in the neighborhood. Please see response to Comment #6.

OPEN SPACE

Comment 9: The proposed project would not benefit the local community; it would not include a park, plaza, amenities, or access. (Couchot_002, Kilo_004, Schweber_007)

Response: Comment noted. The Proposed Actions would not result in significant adverse impacts, direct or indirect, to public open space within the study area and therefore is not required to improve or provide new public open space as mitigation. Any future development under the Proposed Actions would comply with zoning regulations; additional specific amenities beyond zoning regulations are not contemplated.

URBAN DESIGN AND VISUAL RESOURCES

Comment 10: The proposed rezoning would allow building massing that would have no contextual relationship to the existing residential buildings or be in character with the neighborhood. (Adams_BBP_001, Couchot_002, Allen_016)

Response: The effects of the Proposed Project on urban design and the pedestrian experience were evaluated in EAS Attachment F, "Urban Design and Visual Resources;" no impact was identified. As noted in EAS Attachment F, "Urban Design and Visual Resources," the Proposed Actions would not result in any changes to buildings, natural features, open spaces, or streets in the study area. The proposed office, community facility (medical office), and retail uses would be consistent with land uses in the study area. Development under the Proposed Actions would be consistent with the larger new buildings within the study area, and streetwalls within the study area would continue to be strong. An analysis of the Proposed Actions effects on neighborhood character was also conducted and presented in DEIS Chapter 9, "Neighborhood Character." It determined that the Proposed Actions would not result in significant adverse impacts related to neighborhood character, and that the anticipated buildings and uses on the Projected Development Sites.

Comment 11: The proposed project would box in many owners and tenants at 29 South 3rd Street and reduce light to adjacent buildings. (Sinclair_008, Allen_016)

A wall along Kent Avenue blocks off the light and air for the community. (NFFD_013, Hansel_017)

Response: Access to light inside private dwellings is not an analysis category under CEQR, and lot line windows that are not benefited by a light and air easement, such as those at 29 South 3rd Street, do not have legal protection in the event of development on an adjacent lot. The EAS considers the potential impact of shadows generated by the Proposed Project on sunlight sensitive publicly accessible resources and other resources of concern such as natural resources and

historic resources. No significant adverse impacts to and resources were identified.

Comment 12: The proposed project would diminish the Domino Refinery building streetscape view and block views of this landmarked structure. (Adams_BBP_001, Couchot_002, Schweber_007, Essig_012, Hansel_014, NFFD_013, Essig_015)

Response: Following the guidance of the *CEQR Technical Manual*, the pedestrian experience was evaluated in EAS Attachment F, “Urban Design and Visual Resources.” As described in that attachment, the new building on Projected Development Site 1 would be notable in views along surrounding streets, particularly along Kent Avenue and South 3rd Street; however, views west along the side streets would continue to include the brick smokestack of the former Havemeyers & Elder Filter, Pan & Finishing House. In addition, the proposed building would not obstruct existing view corridors along Kent Avenue and South 3rd Street, and River Street and the adjacent Domino Park would continue to provide expansive views of the former Havemeyers & Elder Filter, Pan & Finishing House, including its smokestack. The proposed building on Projected Development Site 1 also would be shorter than the 155-foot-tall (not including its smokestack) former Havemeyers & Elder Filter, Pan & Finishing House directly across Kent Avenue.

Furthermore, as discussed in EAS Attachment E, “Historic and Cultural Resources,” the Proposed Project would not create a significant adverse impact with respect to historic resources in the study area, including the landmarked Havemeyers & Elder Filter, Pan & Finishing House.

Comment 13: Two opposing buildings like this will create wind tunnel conditions and that have been avoided along Kent. (NFFD_013)

Response: As described in Attachment F, “Urban Design and Visual Resources,” the *CEQR Technical Manual* recommends an analysis of pedestrian wind conditions for projects that would result in the construction of large buildings at locations that experience high-wind conditions (such as along the waterfront, or other locations where winds from the waterfront are not attenuated by buildings or natural features), which may result in an exacerbation of wind conditions due to “channelization” or “downwash” effects that may affect pedestrian safety. Factors to be considered in determining whether such a study should be conducted include locations that could experience high-wind conditions, such as along the waterfront; size, and orientation of the proposed buildings; the number of proposed buildings to be constructed; and the site plan and surrounding pedestrian context of the proposed project. The projected development sites are not located directly on the waterfront or in a location where winds from the waterfront are not attenuated by buildings or natural features. They are separated from the East River waterfront by Domino Park and the former Havemeyers & Elder Filter, Pan

& Finishing House structure, as well as the building under development at 260 Kent Avenue. Therefore, an analysis of wind conditions and their effect on pedestrian level safety was determined to not be warranted.

WATER AND SEWER INFRASTRUCTURE

Comment 14: The existing sewer capacity is already overloaded. (Adams_BBP_001)

Response: Pursuant to the guidance of the *CEQR Technical Manual*, detailed analysis of water and sewer infrastructure is warranted when a project may result in a significant increase in sanitary or stormwater discharges that may impact capacity in the existing sewer system, exacerbate CSO volumes and/or frequencies, or contribute greater pollutant loadings in stormwater discharged to receiving waterbodies. Based on the assessment presented in EAS Attachment H, “Water and Sewer Infrastructure,” the Proposed Actions would result in only a minor increase in sanitary flows and stormwater runoff to the sewer system. However, with the incorporation of source control Best Management Practices (BMPs), sewer conveyance near the Project Area and the treatment capacity at the Newtown Creek wastewater treatment plant (WWTP) is sufficient to handle wastewater flow resulting from the Proposed Actions and there would be no significant adverse impacts on wastewater treatment or stormwater conveyance infrastructure. Therefore, a more detailed assessment of water and sewer infrastructure is not warranted.

TRANSPORTATION

Comment 15: The project would exacerbate already problematic traffic and transit, especially when the full effect of Domino’s development is completed. (Adams_BBP_001, Couchot_002, Henault_003, Schweber_007, Vengrin_010)

Response: As detailed in Chapter 5, “Transportation,” and Chapter 11, “Mitigation,” of the FEIS, the Proposed Actions would result in additional traffic and transit users in the area and would result in unmitigated traffic impacts at some intersections. A detailed traffic analysis at 13 study area intersections was prepared for the DEIS in accordance with *CEQR Technical Manual* analysis procedures, which has been reviewed and approved by DCP and DOT. As detailed in DEIS Chapter 5, “Transportation,” the development of Projected Development Sites 1 and 2 under the Proposed Actions would generate up to a maximum of approximately 100 hourly incremental vehicle trips at an analyzed intersection or up to approximately two additional vehicle trips per minute at an intersection. Most of the other analyzed intersections would experience fewer incremental vehicle trips at approximately one additional vehicle trip per minute at an intersection.

The detailed traffic analysis concluded there would be no significant adverse traffic impacts at 4 of the 13 analyzed intersections. At 3 of the 13 intersections,

proposed traffic mitigation measures, which have been reviewed by DOT, would fully mitigate the significant adverse traffic impacts. At the remaining 6 intersections, congestion delays are modest and about 90 percent or more of the traffic volumes projected at these intersections would be there with or without the proposed rezoning. Therefore, at most of the locations where significant adverse traffic impacts are projected to occur, they are already projected to operate at congested levels in the future absent the proposed project (No Action) such that even small incremental vehicle trip increases under the With Action condition would result in significant adverse traffic impacts under CEQR Technical Manual criteria.

Comment 16: The Transportation assessment should assume that all commercial use is occupied by office use. (Adams_BBP_001)

Response: The analysis of transportation presented in DEIS conservatively utilized an office trip generation rate for all office and light manufacturing uses; please see Chapter 5, “Transportation.”

Comment 17: There is a lack of affordable parking. (Adams_BBP_001)

Response: Pursuant to *CEQR Technical Manual* guidance, an evaluation of area parking conditions in the future with the Proposed Actions was conducted in DEIS Chapter 5, “Transportation,” and determined that parking demand generated by the Proposed Actions would not result in any significant adverse impacts to parking. The cost of area parking is outside the scope of this environmental review.

Comment 18: The Bedford Avenue subway station lacks accessibility. (Adams_BBP_001)

Response: The accessibility of area subway stations is outside the scope of this environmental review; however, it should be noted that the Bedford Avenue subway station was recently made Americans with Disabilities Act (ADA)-accessible as part of the Metropolitan Transportation Authority (MTA) Canarsie Tunnel rehabilitation project. Specifically, in August 2020, two new ADA-compliant elevators were opened to the public at the Bedford Avenue end of the station which provided travel from street-level to the mezzanine and from the mezzanine to the platform. Subsequently, the MTA has made additional improvements to this station including new and rebuilt stairs, reconfigured turnstile layouts, as well as other station improvements (<https://new.mta.info/press-release/mta-officials-announce-new-station-improvements-at-the-bedford-av-l-station>).

Comment 19: Kent Avenue is already busy with large truck traffic all day, making it unsafe for the community and children. In particular the intersections of South 3rd Street and South 2nd Street seem very dangerous. (Sarraf_006, Hansel_017)

Response: An evaluation of area vehicular and pedestrian safety was conducted and presented in DEIS Chapter 5, “Transportation.” It examined crash data for study area intersections analyzed for traffic, and one high crash location was identified at the intersection of Bedford Avenue and Metropolitan Avenue and safety measures were recommended. Chapter 5, “Transportation,” in the FEIS has been updated to include crash data for the Kent Avenue intersections of South 2nd and 3rd Streets as well as the four other intersections that comprise the pedestrian study area. None of these six intersections is considered a high-crash location per *CEQR Technical Manual* guidance.

With regards to Kent Avenue, DOT currently has plans to make additional capital improvements along this waterfront corridor. Specifically, as part of the Kent Avenue capital improvement project (Project ID: HWK1048F), at the Kent Avenue and South 3rd Street intersection, a new eight-foot-wide pedestrian refuge island would be built at the Kent Avenue and South 3rd Street north crosswalk between the two-way bike lane and the traffic moving lane. This new concrete island would effectively shorten the distance pedestrians would have to cross in front of the Kent Avenue traffic lanes.

The Proposed Project would also include a five-foot wide setback along the south segment of the east sidewalk along Kent Avenue between South 2nd and 3rd Streets that would increase pedestrian space in this area. These two initiatives, from DOT and the Proposed Project, are expected to further enhance the pedestrian circulation space and safety at the Kent Avenue and South 3rd Street intersection.

AIR QUALITY

Comment 20: The neighborhood cannot support additional density; it would affect pollution. (Henault_003, Sinclair_008)

Response: The effects of the Proposed Actions with respect to air quality, including from both mobile (traffic) and stationary (HVAC) sources was evaluated in DEIS Chapter 6, “Air Quality.” It was determined that the Proposed Actions would not impact air quality with the placement of certain restrictions on future development, specifically mandating the use of natural gas in any fossil fuel-fired heating and hot water equipment, the use of low NO_x burners, and specifications as to where exhaust stacks can be replaced with respect to height and distance from adjacent lot lines. These restrictions would be memorialized through an (E) Designation (E-592) that would be placed on the Projected Development Sites, administered by OER.

NOISE

Comment 21: The project would exacerbate already problematic noise. (Adams_BBP_001, Henault_003, Sinclair_008)

Response: The analysis in Chapter 7, “Noise,” of the DEIS finds that the Proposed Project would not result in any significant adverse noise impacts due to operation of the proposed project. With respect to noise from increased vehicular traffic, the *CEQR Technical Manual* prescribes a mobile source noise analysis in cases where there is a potential for a doubling of passenger car equivalents (PCEs), because a doubling of traffic volumes would be needed to cause a 3 dBA increase in noise levels, which would have the potential to result in a noise impact. Smaller increases in traffic volumes do not have the potential to cause a 3 dBA increase in noise levels and thus do not have the potential to result in a noise impact. Under these criteria the Proposed Actions would not generate sufficient traffic to have the potential to cause a significant adverse noise impact. Also as described in Chapter 7, “Noise,” of the DEIS, mechanical systems associated with the Proposed Project—i.e., heating, ventilation, and air conditioning (HVAC) systems—are required to meet applicable noise regulations (i.e., Subchapter 5, §24-227 of the *New York City Noise Control Code* and Section MC 926 of the NYCDOB Building Code). These restrictions are more stringent than the noise impact criteria prescribed by the *CEQR Technical Manual*. Consequently, by complying with these code requirements, mechanical systems in buildings developed pursuant to the Proposed Actions would not result in a significant adverse noise impact at any surrounding receptors.

CONSTRUCTION

Comment 22: There is already extensive and disruptive construction in the area, particularly across Kent Avenue. The neighborhood needs no more. It is too much to ask the community to live through more large-scale construction when Domino is not even done. The proposed project would add more than two years of heavy construction noise, dust, and pollution. The effects of construction will negatively impact neighbors. (Couchot_002, Kilo_004, Nolan_005, Schweber_007, Yee_011, Allen_016)

Response: The Proposed Project is anticipated to be constructed in a single phase of approximately 21 months, less than two years. As described in the EAS’s section on construction, all necessary measures would be implemented during construction under the Proposed Actions to ensure adherence to the New York City Air Pollution Control Code to minimize construction-related air and dust emissions. In addition, construction noise is regulated by the requirements of the *New York City Noise Control Code DEP’s Notice of Adoption of Rules for Citywide Construction Noise Mitigation*. Furthermore, during construction under the Proposed Actions, Maintenance and Protection of Traffic (MPT) plans would

be developed for any curb-lane and/or sidewalk closures that may be required. Approval of these plans and implementation of all temporary closures during construction would be coordinated with the New York City Department of Transportation's (DOT) Office of Construction Mitigation and Coordination (OCMC). Overall, the duration and severity of potential construction effects would be short-term and adverse effects associated with the proposed construction activities would be minimized through implementation of these measures. All DOB safety requirements would be strictly followed and construction under the Proposed Actions would be undertaken to ensure the safety of the community. To avoid any negative effects associated with hazardous materials during construction, on Projected Development Site 1, a DEP-approved Remedial Action Plan (RAP) and Construction Health and Safety Plan (CHASP) would be implemented during subsurface disturbance activities associated with construction. On Projected Development Site 2, an (E) Designation to ensure requirements pertaining to hazardous materials would be addressed during any future redevelopment, supervised by OER.

Comment 23: A noise mitigation plan should be provided for construction of the proposed project. (Adams_BBP_001)

Response: See response to Comment #22.

Comment 24: The project would exacerbate already problematic construction logistics. (Adams_BBP_001)

Response: As described in the EAS's assessment of construction, during construction Maintenance and Protection of Traffic (MPT) plans would be developed for any curb-lane and/or sidewalk closures that may be required. Approval of these plans and implementation of all temporary closures during construction would be coordinated with the New York City Department of Transportation's (DOT) Office of Construction Mitigation and Coordination (OCMC). The Applicant intends to create a website with information on construction, as well as phone and email contact information for members of the public with questions or concerns.

NEIGHBORHOOD CHARACTER

Comment 25: The proposed office building is out of character with the existing residential neighborhood. (Schweber_007)

Response: As described in DEIS Chapter 2, "Land Use, Zoning, and Public Policy," the study area surrounding the Project Area features a mix of uses, including residential, commercial, mixed residential and commercial, industrial and manufacturing, open space, and parking uses. An analysis of the Proposed Actions effects on neighborhood character was conducted and presented in DEIS Chapter 9, "Neighborhood Character." It determined that the Proposed Actions

would not result in significant adverse impacts related to neighborhood character, and that the anticipated buildings and uses on the Projected Development Sites. Please also see response to Comments #7 and 14.

Comment 26: Whole lives are being disrupted by the noise, the chaos, the pollution, the increased traffic. (Allen_016)

Response: Traffic, noise, and air quality effects resulting from the construction and operation of the Proposed Project were evaluated in the EAS and DEIS consistent with the *CEQR Technical Manual*. No impacts from noise or air quality were identified. The identified impacts to transit and pedestrians could be fully mitigated with the measures described in DEIS Chapter 11, "Mitigation," and the identified impacts to traffic could be partially mitigated.

OTHER

Comment 27: The proposed project would create an additional burden on the current residents of the area and there aren't enough benefits to justify allowing it to move forward. (Vengrin_010)

Response: The purpose of environmental review under CEQR is to identify and disclose significant adverse impacts, and to identify any feasible and practicable mitigation measures and alternatives that could reduce or eliminate such impacts. The Proposed Actions were not determined to result in any significant adverse impacts with respect to most of the areas evaluated. For the potential significant adverse impact identified in the areas of traffic, transit, and pedestrians, mitigation measures were identified and presented in Chapter 11, "Mitigation."

Comment 28: The east wall of Projected Development Site 1 is adjacent to the residential building at 29 South 3rd Street. In order to get into the parking lot for the residential building, the developer would have to enter through another residential building at 46 South 2nd Street and use its garage. Will 46 South 2nd Street be compensated for the wear and tear? (Nolan_005)

Response: Any use of the adjacent parking area for 46 South 2nd Street and 29 South 3rd Street for construction purposes would require a construction access agreement with the owners of these properties.

Comment 29: Residents have no say about the rezoning. The residents were not invited to meetings about this project in 2019.

Response: The CEQR and ULURP processes provide multiple opportunities for public input and comment. A public scoping meeting for the Proposed Actions, noticed pursuant to CEQR and SEQRA regulations, was held on February 13, 2020, with the comment period remaining open through February 24, 2020. The Final Scope

of Work includes a summary and response to comments received during the scoping process. A public hearing on the DEIS, noticed in a newspaper of general circulation and a public website, was held on July 14th, 2021, and the comment period remained open through July 26th, 2021. The FEIS includes this chapter responding to comments received on the DEIS during the public comment period. Furthermore, the Proposed Actions are subject to ULURP, during which various stakeholders including Community Board 1, City Planning Commission, the Borough President, the City Council, and the Mayor are provided the opportunity to review the project. The public was given an opportunity to be heard during reviews of the Project by the Community Board, Borough President, and City Planning Commission, and will also have the opportunity to be heard during the City Council review of the Proposed Project. The Applicant states that they have also engaged in a dialogue with the residents of 46 South 2nd Street and 29 South 3rd Street in a capacity outside of the CEQR process, including video conferences, phone calls, and email exchanges with the residents and condominium board.

Comment 30: The warehouse next to 46 South 2nd Street has no interest in selling to the developer. (Nolan_005)

Response: The Proposed Actions do not propose or require the sale or any properties within the rezoning area to the Applicant. Projected Development Site 2 is analyzed as part of the RWCDS in order to provide for a conservative environmental review capturing all potential effects of the Proposed Actions.

Comment 31: The developer has lied to Community Board 1 about the ownership of Projected Development Site 1. It is owned by VICE or rented by VICE as an event planning warehouse called VILLAIN for the past seven years. (Nolan_005)

Response: As stated in DEIS Chapter 1, "Project Description," the existing warehouse on Projected Development Site 1 is occupied by Villain, a warehouse/production event space. Villain is a wholly owned subsidiary of Vice Media and leases the property from the Applicant. The Applicant has owned the site for over three decades and has leased it to a number of businesses over that time.

ALTERNATIVES

Comment 32: A more contextual height should be studied. This could include a building that is only 65 feet tall consistent with the 2005 rezoning of the rest of Waterfront Williamsburg. (Adams_BBP_001, NFFD_013)

Response: As described in the relevant DEIS and FEIS chapters, the Proposed Actions would not result in any significant adverse impacts to land use, zoning, and public policy, shadows, historic and cultural resources, urban design and visual resources, or neighborhood character, technical areas examined in the EAS and DEIS that are

affected by height. Please see response to Comment #7. Furthermore, a shorter building, containing less floor area, would fail to achieve the goals and benefits of the Proposed Project.

Comment 33: The developer should build within their existing rights. (NFFD_013)

Response: Development under the existing zoning would not meet the objectives of the Proposed Actions, as described in the Purpose and Need section of Chapter 1, “Project Description.” In each technical area evaluated in the DEIS, a “No Action condition” was also studied, examining conditions in the future without the Proposed Actions. A “No Action Alternative” was also evaluated in Chapter 10, “Alternatives,” As compared to the Proposed Actions, the intended goals and benefits of the Proposed Project—the creation of new mixed uses within the neighborhood and the activation of Kent Avenue and South 3rd Street adjacent to the Projected Development Sites—would not occur in the No Action Alternative.

Comment 34: The issues of the existing blank streetwall could be resolved by adding windows instead of constructing a new building. (Adams_BBP_001)

Response: As described in Chapter 10, “Alternatives,” of the DEIS, a No Action Alternative, consisting of the existing building and uses was evaluated in the DEIS. While adding windows to the existing building would be likely improve the streetwall condition, it was determined that this level of development would fail to achieve the goals or benefits of the Proposed Project.

GENERAL SUPPORT

Comment 35: I support the project. (Noonan_018, Rothchild_019, Weiner_020)

Response: Comment noted.

*