

Astoria Cove

CHAPTER 26: RESPONSE TO COMMENTS ON THE DEIS¹

A. INTRODUCTION

This chapter summarizes and responds to all substantive oral and written comments on the Draft Environmental Impact Statement (DEIS) for the Astoria Cove project received during the DEIS public comment period. This chapter also summarizes comments submitted by the Community Board and Borough President in June and July, 2014, as well as the pertinent comments on the DEIS made by the City Planning Commissioners at the public hearing. The public hearing on the DEIS was held concurrently with the hearing on the project’s Uniform Land Use Review Procedure (ULURP) draft application on August 6, 2014 at Spector Hall at the New York City Department of City Planning (DCP) located at 22 Reade Street, New York, NY 10007. The August 6th public hearing also considered modifications to the Proposed Action as described in Chapter 25, “Potential Modifications to the Proposed Project.” The comment period for the DEIS remained open through August 18, 2014.

Section B lists the elected officials, community boards, organizations, or individuals who provided comments relevant to the DEIS. The organization and/or individual that commented are identified for each comment in the following section (Section C). These summaries convey the substance of the comments but may 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 a similar view, the comments have been grouped and addressed together. Written comments on the DEIS are included in Appendix K.

B. LIST OF ELECTED OFFICIALS, ORGANIZATIONS, AND INDIVIDUALS WHO COMMENTED ON THE DEIS

1. Maritza Silva-Farrell, ALIGN: The Alliance for a Greater New York (oral testimony at the 08/06/2014 public hearing and written statement – date not provided)
2. Arthur Rosenfield, President, Long Island City, Astoria Chamber of Commerce (oral testimony at the 08/06/2014 public hearing and written statement – date not provided)
3. Manos Mathious, Mamaro Group, LLC. (written statement dated 08/03/2014)
4. Brian McCabe, Chief Operating Officer, New York Water Taxi (written statement – date not provided)
5. Justin Wood, Community Organizer, Environmental Justice Program of New York Lawyers for the Public Interest (NYLPI) (oral testimony at the 08/06/2014 public hearing and written statement dated 08/06/2014)
6. Tashawna Green, United Food and Commercial Workers (UFCW) Local 1500 Union (oral testimony at the 08/06/2014 public hearing and written statement – date not provided)
7. Bishop Mitchell G. Taylor, CEO and Co-Founder, Urban Upbound, Pastor, Center of Hope International (oral testimony at the 08/06/2014 public hearing and written statement dated 08/06/2014)

¹ This chapter is new to the FEIS.

8. Audrey Sasson, Director, Walmart-Free NYC (oral testimony at the 08/06/2014 public hearing and written statement – date not provided)
9. Community Education Council (CEC) 30 (resolution dated 03/15/2012)
10. Jeffrey R. Guyton, Co-President, Community Education Council (CEC) 30 (oral testimony at the 08/06/2014 public hearing and written statement faxed on 08/07/2014)
11. Jose Luis Rodriguez, Make the Road New York, Real Affordability for All Campaign (oral testimony at the 08/06/2014 public hearing and written statement – date not provided)
12. Charlene Obernauer, The New York Committee for Occupational Safety and Health (NYCOSH) (oral testimony at the 08/06/2014 public hearing and written statement dated 08/06/2014)
13. Richard Khuzami, Old Astoria Neighborhood Association (oral testimony at the 08/06/2014 public hearing and written statement dated 07/14/2014)
14. Jack Friedman, Executive Director, Queens Chamber of Commerce (written statement)
15. Jaron Benjamin, Executive Director, Met Council on Housing, Real Affordability for All Coalition (oral testimony at the 08/06/2014 public hearing and written statement dated 08/06/2014)
16. Zach De'Epey, resident (oral testimony at the 08/06/2014 public hearing and written statement dated 08/06/2014)
17. Queens Borough President Melinda Katz (recommendation issued 07/30/2014)
18. Apostolos Tomopoulos, resident (written comment – date not provided)
19. Ken Smith, Workshop: Ken Smith Landscape Architect (oral testimony at the 08/06/2014 public hearing)
20. Ron Mandel, Davidoff, Hutcher & Citron, LLP (oral testimony at the 08/06/2014 public hearing)
21. Addo Jayson, New York Communities for a Change (oral testimony at the 08/06/2014 public hearing)
22. John Tritt, Build Up NYC (oral testimony at the 08/06/2014 public hearing)
23. Jorge Roldan, resident (oral testimony at the 08/06/2014 public hearing)
24. Eddie Herrero, Build Up NYC (oral testimony at the 08/06/2014 public hearing)
25. Ithier Lopez, resident (oral testimony at the 08/06/2014 public hearing)
26. Norman Saul, resident (oral testimony at the 08/06/2014 public hearing)
27. Karen Means, Goodwill Industries (oral testimony at the 08/06/2014 public hearing)
28. Anthony Novello, resident (oral testimony at the 08/06/2014 public hearing)
29. Maria Espinal, Build Up NYC (oral testimony at the 08/06/2014 public hearing)
30. Marlon Escoto, Resident (oral testimony at the 08/06/2014 public hearing)
31. Moses Gates, Association for Neighborhood Housing Development (oral testimony at the 08/06/2014 public hearing)
32. Lucille Hartmann, Community Board 1 District Manager (oral testimony at the 08/06/2014 public hearing)
33. Elizabeth Erion, Assistant Chair of Queens Community Board 1 Zoning and Land Use Committee (oral testimony at the 08/06/2014 public hearing)
34. Francis McDonald, Community Board 1 member (oral testimony at the 08/06/2014 public hearing)
35. Diane Kantzoglov, Old Astoria Neighborhood Association (oral testimony at the 08/06/2014 public hearing)
36. Giuseppe Vaccaro, resident (oral testimony at the 08/06/2014 public hearing)
37. Gregory Rose (on behalf of Jack Friedman), Queens Chamber of Commerce (oral testimony at the 08/06/2014 public hearing)
38. Chaim Freund, Kalmon Dolgin Affiliates (oral testimony at the 08/06/2014 public hearing)
39. Matthew Washington, New York Water Taxi (oral testimony at the 08/06/2014 public hearing)
40. George Kitsios, Greek American Home Owners Association (oral testimony at the 08/06/2014 public hearing)
41. Norm Sutaria, resident (oral testimony at the 08/06/2014 public hearing)

42. Carol Alaimo, resident (oral testimony at the 08/06/2014 public hearing)
43. Michael Lobardi, resident (oral testimony at the 08/06/2014 public hearing)
44. Sandra Schwartz, resident (oral testimony at the 08/06/2014 public hearing)
45. Maryan Durant, resident (oral testimony at the 08/06/2014 public hearing)
46. George Tzikas, resident (oral testimony at the 08/06/2014 public hearing)
47. Angelo Gatzonis, resident (oral testimony at the 08/06/2014 public hearing)
48. George Stamatiades, resident (oral testimony at the 08/06/2014 public hearing)
49. Nora Martins, Davidoff, Hutcher & Citron, LLP (oral testimony at the 08/06/2014 public hearing)
50. Queens Community Board 1 (recommendation issued 06/27/2014)
51. Howard S. Weiss, Davidoff, Hutcher & Citron, LLP (oral testimony at the 08/06/2014 public hearing and written statement dated 08/14/2014)
52. Norabelle Greenberger, Philip Habib & Associates (oral testimony at the 08/06/2014 public hearing)

C. COMMENTS AND RESPONSES

Chapter 1: Project Description

Comment 1-1: The project should be coherent with the surrounding area, while also ensuring that the neighborhood is included and will benefit from the project. To address this fact, the entire site should be designated IHP and the affordable units should all be located within the proposed project, distributed in all buildings. 15 percent of the upland buildings' units should be designated as affordable (7, 13, 27, 41, 50).

Response 1-1: The Proposed Action, as described in detailed in Chapter 1, "Project Description," limited the Inclusionary Housing Program (IHP) to the waterfront portion of the project site. Since issuance of the DEIS, the Applicant has submitted a modified application in which the IHP has been extended to the upland portions of the Large Scale General Development (LSGD) being rezoned R7A and R6B, in addition to the waterfront block being rezoned R7-3 (the "Modified Action"). This results in an increase in the number of affordable units from 295 to 345. On the upland parcel, it is anticipated that 28 of the proposed 138 units (over 20 percent) would be designated affordable. Chapter 25, "Potential Modifications to the Proposed Project," fully describes and analyzes the Modified Action.

Comment 1-2: The total percentage of affordable units should be increased, should accommodate varying incomes for individuals and families, and should be permanently affordable. All units (affordable and market rate) should have access to the same amenities and the project should be designed in such a way that will allow for market rate and affordable housing to have 2-bedroom units, in turn accommodating family households (1, 8, 11, 13, 15, 17, 21, 27, 31, 41, 50).

Response 1-2: Since issuance of the DEIS, the Applicant has submitted a modified application in which the number of affordable units proposed was increased from 295 to 345. Furthermore, all units will be permanently affordable and will have access to the same amenities as the proposed market-rate units. Chapter 25, "Potential Modifications to the Proposed Project," describes the Modified Action and analyzes the effects of the Modified Action as compared to those of the Proposed Action.

Under the Modified Action, Astoria Cove will be the first project to include mandatory affordable housing. The proposed development of residential floor area at the project site will be conditioned on the provision affordable floor area. The

proposed zoning text mandates that the developer provide either 20 percent at as low-income floor area (at or below 80 percent of Area Median Income [AMI]), or ten percent low-income floor area plus between 15 and 20 percent moderate or middle income floor area (below 125 percent or 175 percent of AMI, respectively), with a greater proportion of affordable housing required where higher income levels are targeted. The proposed zoning text amendment also includes a requirement that if Astoria Cove avails itself of public subsidies, then the New York City Planning Commission (CPC), in consultation with the New York City Department of Housing Preservation and Development (HPD), is authorized to exclude subsidized units from the project's affordable housing component as required by the zoning.

The proposed project's affordable units, per the Applicant's stated intentions, will accommodate a range of affordability and will include two-bedroom units among both the market-rate and affordable apartments. The specific income bands and unit size mix will be determined pursuant to a plan to be approved by HPD in accordance with the provisions of the IHP as well as applicable State and Federal regulations.

Comment 1-3: The percentage of affordable housing units is reasonable (40).

Response 1-3: Comment noted.

Comment 1-4: If units are developed as condominium units, affordable units should be reserved for sale to middle-income residents (13, 27, 41, 50).

Response 1-4: The proposed project's affordable units will be rented or sold in accordance with the provisions of the IHP and pursuant to all other applicable laws, rules, and regulations.

Comment 1-5: A new recreation facility, such as a YMCA or Boys and Girls Club or a youth center, should be incorporated into the project. A youth center should be located in a portion of the proposed commercial space. The Community Center could be operated by the NYC Parks Department (13, 17, 27, 41, 50).

Response 1-5: As described in Chapter 1, "Project Description," the Applicant has proposed the development of a public elementary school as part of the LSGD plan, which commits a significant portion of the project's floor area to a community facility use. The City of New York Department of Education (DOE) could allow school facilities to be used to operate community-based recreational and cultural programs for area youth during the after school hours. The Applicant has conferred with the SCA, which has indicated a willingness to consult with the community about the possibility of conducting recreational and other programs in the proposed school building. In addition, and as described in Chapter 20, "Mitigation," to mitigate the identified significant adverse active open space impact, the Applicant will be upgrading or replacing adult fitness equipment and constructing a comfort station at Whitey Ford Field. The Applicant also has proposed to develop the school site as an interim active and passive open space, which would be maintained and operated by the Applicant until the proposed school site is developed or, if a school is not built by the New York City School Construction Authority (SCA), an alternative use is developed in accordance with any future CPC approval. The foregoing would complement the expansive waterfront recreation and playground facilities that are proposed as part of the project.

Comment 1-6: Construction of the proposed school should be a mandatory part of the proposed project. The Restrictive Declaration for the project should not permit the designated school site to revert to the Applicant for residential or commercial development in the future. Any changes in the use of the site must be approved by the Community Board, including a public hearing (9, 13, 27, 41, 50).

Response 1-6: The Applicant, in consultation with DCP and SCA, has included a school as part of their project proposal as described in Chapter 1, "Project Description." As outlined in this FEIS, the elementary school shall be constructed pursuant to a certain Letter of Intent (LOI), dated April 17th, 2014, entered into between the Applicant and the SCA. The SCA and the Applicant are currently revising the LOI under lead agency (DCP) oversight, and it is their intention to provide a signed revised LOI to the CPC prior to their vote on the Proposed Action. The Restrictive Declaration entered into in connection with the proposed project shall require the Applicant to work with the SCA in accordance with the terms set forth in the revised LOI to implement the construction of the elementary school.

In the event that the SCA declines to construction a school on the project site, any different use of the proposed school site would require a new ULURP application for City review and approval. Queens Community Board 1 would have the opportunity as part of the ULURP process to hold a public hearing to review and comment on any potential future changes to the site plan should the proposed primary school not be developed as part of the project.

Comment 1-7: The school should be designed to include designated recreation areas open to all community residents as well as programmatic space for early childhood programs (27, 41, 50)

Response 1-7: See Response 1-5 above. The Applicant notes that the programming of the proposed school facility, including the potential provision of space for early childhood programs, will be determined by DOE.

Comment 1-8: The supermarket should be a designated FRESH supermarket (17, 27, 41, 50).

Response 1-8: The Applicant intends to seek a FRESH supermarket tenant for the proposed project and will have to seek certification by the Chairperson of the CPC, as was noted in Appendix 1, "Transportation Planning Factors Technical Memo," of the Final Scope of Work for the EIS. An applicant for the zoning certification must submit site plans demonstrating that the store meets the floor area requirements established in the proposed zoning definition of a FRESH food store. In addition, the applicant must provide a signed lease by a participating grocer, or some other form of a written commitment acceptable by the Chairperson of the CPC, to occupy space developed for the FRESH food store. Additionally, all certified FRESH food stores shall display the FRESH sign at the entrance to the store that indicates that the store is a participant in the FRESH program and that fresh foods are sold inside.

Comment 1-9: The project will be a great improvement for the area and will allow the current area to become less isolated while in turn promoting development in the western portion of Astoria, Queens. Developing the site will bring jobs, revenue, motivation to the neighborhood while facilitating a change in the social behavior of the current residents. The project's development is extremely important to the community's sanity and safety. The only way businesses are going to thrive and the vacant storefronts are going to develop is if building occurs and residents move into the area. The Astoria Cove project

will bring beautiful public amenities to the neighborhood (2, 3, 7, 13, 14, 16, 18, 35, 36, 38, 46, 47, 48).

Response 1-9: Comment noted.

Comment 1-10: The project should ensure that it facilitates a more vibrant commercial district with local, affordable goods and services (7, 38).

Response 1-10: Comment noted.

Comment 1-11: Security should be prioritized: a police substation should be established within Halletts Point, foot or bike patrols should take place, and CCTV should be installed throughout the whole peninsula with a monitoring station (13).

Response 1-11: Comment noted.

Comment 1-12: CB 1 residents should receive selection priority for 50 percent of the affordable units (13, 15, 27, 41, 50).

Response 1-12: Queens Community District 1 residents will be accorded priority to the proposed affordable units in accordance with the provisions of the IHP and pursuant to all applicable laws, rules, and regulations that govern the selection of project occupants.

Comment 1-13: The commission should consider a general large-scale development plan as well as a restricted declaration that would allow for only appropriate conditions for socially responsible and well planned development (33).

Response 1-13: The proposed project, described in Chapter 1, “Project Description,” is a LSGD requiring corresponding special permits. The proposed project’s LSGD design was developed in close consultation with DCP, Queens Community Board 1, and other local community groups. As part of the Proposed Action, a Restrictive Declaration would be recorded in the County Clerk’s office when all land-use related actions required to authorize the proposed project’s development are approved. As noted in Chapter 1, “Project Description,” the Restrictive Declaration would, among other things, require development in substantial accordance with the approved plans, which establish an envelope within which the buildings must be constructed, including limitations on height, bulk, building envelopes, and floor area; require that the proposed project’s development program be within the scope of the development scenario analyzed in the EIS; provide for the implementation of “Project Components Related to the Environment” (PCREs) (i.e., certain project components that are material to the analysis of environmental impacts in the EIS); and provide for mitigation measures identified in Chapter 20, “Mitigation,” with respect to items such as community facilities, open space, transportation, and construction substantially consistent with the EIS.

Comment 1-14: A portion of the designated commercial space should be set aside for early childhood programs (27, 41, 50).

Response 1-14: In addition, as outlined in Chapter 20, “Mitigation,” the Applicant will coordinate with the New York City Administration of Children’s Services (ACS) to partially mitigate the identified significant adverse child care impact. Mitigation measures for this impact would possibly include adding capacity to existing facilities if determined feasible through consultation with ACS or providing a new child care facility within or near the project site. As a City agency, ACS does not directly provide new child care facilities, but, rather, contracts with providers in areas of need. ACS is also working to create public-private partnerships to facilitate the

development of new child care facilities where there is an area of need. As part of this initiative, ACS may be able to contribute capital funding, if it is available, towards such projects to facilitate the provision of new facilities.

Comment 1-15: Quality Housing Program design requirements should apply to all of the proposed buildings (13, 17, 27, 41, 50).

Response 1-15: Under the proposed rezoning, the Quality Housing Program (QHP) will only apply to the upland portions of the project site, which will be rezoned to R6B/R7A contextual districts. As such, The QHP is not applicable to the R7-3 zoning district proposed for the waterfront portion of the project site. However, the Applicant indicated in a July 14th, 2014 letter to Queens CB1 that many of the features of the proposed project (such as the proposed open space) would reflect the same high level of amenities dictated by the QHP provisions and, in some respects, exceed the QHP requirements.

Chapter 2: Land Use, Zoning, and Public Policy

Comment 2-1: The Zoning Resolution, which classifies affordability bands as “low,” “moderate,” and “middle” is not specific enough. The zoning text should be written using more specific affordability bands with tighter income and rental language that will clearly address the income thresholds (31, 41).

Response 2-1: As noted in response to Comment 1-2 above, the Modified Action includes a text amendment which makes the IHP applicable to the upland portions of the project site, and makes provision of a minimum of at least 20 percent permanently affordable housing mandatory.

The U.S. Department of Housing and Urban Development (HUD) sets annual limits for various funding uses and eligibility guidelines. HUD calculates the limits based upon median family income and then makes adjustments based on household size, local housing costs, and other geographically specific factors. The result is a set of limits for households of various sizes and income levels in different metropolitan areas, which are typically described as “Area Median Income” or “AMI.” The income thresholds designated “low income”, “moderate income” and “middle income” are adjusted by HUD annually. Therefore, specific language addressing income thresholds is not appropriately contained within the text of the Zoning Resolution.

Chapter 3: Socioeconomic Conditions

Comment 3-1: Area residents are concerned about gentrification and the displacement of existing tenants living in the area’s privately-owned buildings as a result of accelerated redevelopment of Halletts Point, Astoria Cove, and future project next to Astoria Cove. The population should be more reflective of the existing economically diverse population (13, 21, 22, 27, 30, 31, 41, 50).

Response 3-1: A detailed analysis of indirect residential displacement resulting from the proposed project was included in Chapter 3, “Socioeconomic Conditions,” and concluded that no significant adverse impacts would result. The Proposed Action and resultant proposed project analyzed in the DEIS included approximately 1,689 residential units (net of 1,523 units), of which 295 would be developed as affordable housing. Since the issuance of the DEIS, the Applicant has submitted a modified application

in which the proposed [modified] project would include 1,723 residential units (net of 1,557), of which 345 would be developed as affordable. As discussed in detail in Chapter 25, “Potential Modifications to the Proposed Project,” the proposed modified project would not change the conclusions of the detailed indirect residential displacement analysis. While the Proposed Action would add a substantial amount of residential development to the project site, this would be in keeping with existing trends toward higher-density residential development in northwestern Queens. Compared with the existing study area population, the population that would be introduced by the Proposed Action could include a larger proportion of households with higher incomes.

Comment 3-2: The project, in all of its stages, will result in economic improvement and jobs. Allowing for low-income units and creating stable jobs in the neighborhood are important from an educational perspective (2, 10).

Response 3-2: Comment noted.

Comment 3-3: The development should ensure that harmful or big box retailers do not establish themselves in the area (1, 6, 8).

Response 3-3: As noted in Chapter 1, “Project Description,” the proposed zoning text amendment proposes a C2-4 commercial overlay, a local service district for the waterfront block and a portion of the upland site fronting 26th Avenue, which generally permits only local retail uses. The Applicant has publically stated that the proposed project has been designed to accommodate local businesses, such as smaller retail establishments and eating or drinking establishments. With the exception of the space designated for the FRESH supermarket, the largest floor plate available for retail uses would be approximately 15,000 square feet (sf), which is substantially smaller than the floor plate typically required by a big box retailer.

As discussed in Chapter 3, “Socioeconomic Conditions,” while the proposed project’s retail uses would be a substantial addition to the ½-mile study area, they would not be new types of uses within the study area, and therefore would not introduce a new trend that could alter economic patterns. The proposed project’s retail would serve existing residents and would accommodate future consumer demand introduced by residents of planned developments and the proposed project.

Comment 3-4: The change in zoning will lead to a change in permitted land uses for the area, which will result in the reduction of industrial jobs (31).

Response 3-4: As noted in Chapter 3, “Socioeconomic Conditions,” 12 existing businesses would be displaced from the project site with the development of the proposed project. The employment associated with the displaced businesses (estimated at 68 employees) is below the *CEQR Technical Manual’s* threshold (of 100 employees) warranting a direct business displacement analysis.

The existing businesses on the project site have short-term leases with termination clauses that anticipated the project site’s potential future redevelopment. Furthermore, the services and products provided by the existing businesses are not dependent on their location on the Halletts Point Peninsula. Of the 12 existing businesses, one would be displaced in each of the first two phases of the proposed project’s development. The remaining businesses are located on portions of the project site that would not be developed until the third and fourth phases of the proposed project’s development. Should the tenants choose to remain until the later

phases of the proposed project, the Applicant has indicated that they are amenable to continuing their tenancy.

The Applicant, in coordination the DCP, has met with a representative of the New York City Department of Small Business Services (SBS) and has indicated that they are committed to working with the tenants, in consultation with SBS, to facilitate and ease their future relocation within the City of New York. In addition, the entities comprising the Applicant control other properties, including sites in Queens, which may potentially accommodate the tenants.

Chapter 4: Community Facilities

Comment 4-1: There is a deficiency of medical facilities in the area. The Applicant should actively seek a hospital user such as Mt. Sinai or NY Hospital Queens to establish a satellite medical facility within the project' commercial square footage (13, 17, 27, 32, 41, 50).

Response 4-1: According to the CEQR Technical Manual, if a proposed project would create a sizeable new neighborhood where none existed before, there may be increased demand on local public health care facilities, which may warrant further analysis of the potential for indirect impacts on outpatient health care facilities. The Proposed Action would not result in the creation of a sizeable new neighborhood, and therefore an assessment of indirect effects on health care facilities is not warranted.

Comment 4-2: The proposed school should be constructed early in the construction phasing to avoid overutilization of the area's local schools (10, 13, 17, 27, 41, 50).

Response 4-2: For purposes of environmental review, the proposed school was contemplated in the final phase of the proposed project' development, consistent with the LOI, dated April 17th, 2014, entered into between the Applicant and the SCA, and as outlined in the ULURP Phasing Plan.

The SCA and the Applicant are currently revising the LOI with lead agency (DCP) oversight and it is their intention to provide a signed revised LOI to the CPC prior to their vote on the Proposed Action. It is anticipated that the revised LOI will allow the SCA to acquire the site as early as Phase 1 excavation permits are sought, if SCA determines that an elementary school is needed at that time and allocates funding in the revised Capital Program. If the SCA elects to take title of the school site before the final phase of the proposed project's development, a supplemental environmental review would be conducted to assess the resultant implications on the analyses presented in this FEIS.

Chapter 5: Open Space

Comment 5-1: The need for new recreational facilities for the current and future residents of the area is an absolute necessity. The proposed waterfront esplanade should be realized in the early phases of the project (13, 17, 27, 41, 50).

Response 5-1: Construction of the shore public walkway, the proposed project's access corridors, and other public open spaces (totaling 1.92 acres of publicly accessible open space) will be developed in Phases 2 through 4 consistent with the phased development of the proposed project, as identified in the ULURP Phasing Plan.

As discussed in Chapter 5, “Open Space,” under existing conditions, there are approximately 4.35 acres of open space per 1,000 residents in the ½-mile open space study area, including 2.75 acres of passive open space and 1.6 acres of active open space. These ratios exceed the median citywide community district level open space ratios, and the total and passive open space ratios exceed the City’s optimal open space planning goals. Although the Proposed Action would reduce the total and passive open space ratios by more than five percent, these open space ratios would continue to be above the City’s optimal planning goals. The active open space ratio would decrease by more than five percent and be below the City’s optimal planning goal for active open space; therefore, the Proposed Action would result in a significant adverse active open space impact. Mitigation measures to partially address this open space impact are discussed in Chapter 20, “Mitigation.”

Comment 5-2: The recreational area’s operational approval should be renewed on an annual basis (13).

Response 5-2: The publicly accessible open space planned for the project site will be maintained and operated pursuant to a Maintenance and Operations Agreement (Agreement) between the Applicant and the New York City Department of Parks and Recreation (DPR). This Agreement, which is recorded against the project site, requires the Applicant (and all successor owners) to secure bonds to ensure (a) completion of the planned open space and (b) continued maintenance in accordance with the Agreement.

Comment 5-3: The waterfront promenade should be extended to create access along the peninsula (13).

Response 5-3: Comment noted.

Comment 5-4: A bike lane or path should be incorporated into the waterfront open space, in addition to the pedestrian access along the waterfront (41).

Response 5-4: Incorporation of a bike lane or path in the proposed project’s waterfront open space was considered in the early planning stages for the proposed project. In consultation with the New York City Department of Transportation (NYCDOT), and in consideration of the existing NYCDOT bike lanes in the immediate area, incorporation of such measures was determined to be inappropriate.

Comment 5-5: The project’s play area should be relocated to a more central and accessible location and should be of sufficient size to meet the needs of a wide range of age groups (27, 41, 50).

Response 5-5: The proposed 6,045 sf children’s play area is proposed for the western portion of the proposed waterfront open space. During consultation with DCP and DPR, the relocation of the children’s play area was found not feasible based on the overall design of the proposed project’s waterfront open space.

As outlined in Chapter 5, “Open Space,” approximately 25 percent of the ½-mile open space study area’s population is comprised of children and teenagers (0-19 years old). The children’s play area includes equipment for a wide range of age groups, including the following: a splash pad (all ages); a stand-up spinner (ages 5-12); a pointe climber with tunnel (ages 5-12); a peak climber with slide (ages 2-5); a stepper point and pinnacle climbers (ages 5-12); and a peak with bridge climber (ages 2-5).

Comment 5-6: All open space should have adequate lighting, security gates, and be accessible to the public for a sufficient number of hours every day (27, 41, 50).

Response 5-6: As described in Chapter 5, “Open Space,” the proposed project’s open space areas will have adequate lighting and appropriate security features. All waterfront public access areas will be open to the public at the times prescribed in Article II, Chapter 6 of the Zoning Resolution. The Applicant’s commitment will be memorialized in the Restrictive Declaration against the project site (to be recorded), as well as a Maintenance and Operations Agreement between DPR and the Applicant.

Comment 5-7: Responsibility for construction and maintenance costs of the open spaces must be identified and memorialized (27, 41, 50).

Response 5-7: The responsibility for construction and maintenance of the proposed open space is being assumed by the Applicant in accordance with the terms of the Restrictive Declaration for the proposed project (to be recorded), as well as a Maintenance and Operations Agreement between DPR and the Applicant.

Chapter 10: Hazardous Materials

Comment 10-1: The public should be allowed to be a part of the environmental assessment and remediation process (5, 12, 30).

Response 10-1: As noted in Chapter 10, “Hazardous Materials,” as part of the Proposed Action, a hazardous materials (E) designation will be assigned to the project site, mandating that a Phase II Environmental Site Investigation (ESI) and environmental remediation, if warranted, be conducted prior to construction of the proposed project. If environmental remediation is needed, consistent with the applicable (E) Designation Program requirements, a hazardous materials Remedial Action Plan (RAP) will be submitted to the New York City Office of Environmental Remediation (OER) for their review and approval. The RAP will be released for public comment for 30 days as required by program rule.

Comment 10-2: A full assessment of the Phase II investigation results should be performed while also proposing remediation measures within the environmental review process (22, 23, 24, 30, 50).

Response 10-2: In general and as stated in Chapter 10, “Hazardous Materials,” as the project site is currently occupied by several businesses and the proposed project will be developed one building at a time, the required Phase II investigative work and any required environmental remediation will be performed subsequent to approval of the requested land use actions, but prior to issuance of any permits for the proposed development. However, as the portion of the project site to be occupied by the future school does not contain permanent structures and the investigative work would not be detrimental to the current business utilizing the area, it is anticipated that the Applicant will begin the Phase II investigative work for this portion of the project site subsequent to issuance of the FEIS. As a consequence, the Phase II investigative work on the future school site will be completed by the time the City Council will be required to act upon the Astoria Cove applications. As noted previously, if remediation measures are required, a RAP will be submitted to OER for review and approval, and there is a 30-day public review and comment period. Phase II investigative work on the remaining project site lots, as noted above, will be carried out prior to issuance of any permits for the proposed project.

Chapter 11: Water and Sewer Infrastructure

Comment 11-1: The Commission should ensure that the public and private sector invest in infrastructure upgrades for the community. The Applicant should initiate contact with NYCDEP to assess the condition and capability of the area's infrastructure (i.e., storm and sanitary sewers, outfalls) to handle the increased needs (7, 27, 41, 50).

Response 11-1: The Applicant consulted with the New York City Department of Environmental Protection (NYCDEP) during the design of the proposed project. As outlined in Chapter 11, "Water and Sewer Infrastructure," in consultation with NYCDEP, an amended drainage plan (ADP) will be prepared to reflect the proposed City Map change; a new eight-inch water main will be installed in the mapped 4th Street extension; new sanitary sewers will be installed along the proposed 4th Street and 26th Avenue extensions, connecting to the existing interceptor pipe located beneath 26th Avenue; new storm sewers will be constructed along 4th and 9th Streets north of 26th Avenue and along 26th Avenue between 4th and 9th Streets; and two new storm outfalls will be constructed at the northern termini of 4th and 9th Streets. These commitments will be memorialized in the Restrictive Declaration, to be recorded when all land-use related actions required to authorize the proposed project's development are approved.

Chapter 12: Energy

Comment 12-1: The Applicant should initiate contact with Con Edison to assess the condition and capability of the area's infrastructure (i.e., gas and electricity) to handle the increased needs. Con Edison, NYCDEP, and the developer should come to an agreement before the start of construction to mitigate the potential electrical grid issues (13, 17, 50).

Response 12-1: In response to a October 2nd, 2013 polling letter issued by DCP in conjunction with the proposed City map amendment, Con Edison indicated that they have no active facilities in the de-mapping area of 8th Street. Any retired facilities (e.g., underground conduit) would need to be removed at the cost of the Applicant. In the location of the proposed mapped 4th Street, there are vaults inside the existing building, which would need to be removed at the cost of the Applicant. Con Edison stated that, other than the aforementioned facilities that may need to be removed; they had no concerns with the City map amendment application.

The Applicant will continue to coordinate with Con Edison throughout the proposed project's development.

Comment 12-2: The project should incorporate energy-efficient systems into the design of the project's HVAC systems (27, 41, 50).

Response 12-2: As indicated in Chapter 15, "Greenhouse Gas Emissions and Climate Change," all of the proposed project's buildings will use natural gas, a low carbon fuel, with low NO_x boilers and flue circulation for the normal operation of their heat and hot water systems. This commitment will be mandated by an air quality (E) designation to be assigned to the project site.

Comment 12-3: Design of the project should look into the use of solar and hydro electrical power as its main source (13).

Response 12-3: Comment noted.

Chapter 13: Transportation

Comment 13-1: The Applicant's proposal for shuttle buses to the subway is limited to new residents and will exacerbate traffic congestion on the area's strained street system. The developer must provide a scheduled shuttle service to the subway for both tenants and retail customers (13, 27, 50).

Response 13-1: As was contemplated as the time of the DEIS, the proposed project would include shuttle service to the 30th Avenue (N/Q) Station available to residents during the weekday AM and PM peak hours. It was anticipated that 40-passenger buses would be used for the shuttle service, with each shuttle bus would make up to four roundtrips per hour during the weekday AM and PM peak hour.

The shuttle would generate a maximum of 22 trips (11 in-trips, and 11 out-trips) in any peak hour; or a maximum of 4.8 percent of the incremental peak hour trips generated by the proposed project (refer to Chapter 13, "Transportation"). The transportation analysis conservatively did not assume that auto trips generated by the proposed project would be reduced as a result of the proposed shuttle.

As outlined in Chapter 20, "Mitigation," and as to be memorialized in the Restrictive Declaration, to be recorded when all land-use related actions required to authorize the proposed project's development are approved, to mitigate the 30th Avenue Subway Station impacts that are expected to occur upon completion and occupancy of Building 1 (the final phase of the proposed project's development), two shuttle routes would be provided upon completion and occupancy of Building 1: one to the Astoria Boulevard (N/Q) Station and a second to the 21st Street-Queensbridge (F) Station. Both shuttle services would be available to residents in the weekday AM and PM peak hours; it will also be available to retail customers of the Astoria Cove development during those periods of operation. Assuming 40-passenger capacity, five shuttle buses would be needed to meet anticipated weekday peak hour residential subway demand. The mitigation shuttle routes would generate a maximum of 30 trips (15 in-trips and 15 out-trips) in any peak hour, or an increase in the number of inbound/outbound vehicle trips of no more than approximately 2.4 percent.

Comment 13-2: The attended parking approach is not a workable solution for the proposed accessory parking, and will be a significant adverse impact to the community due to both practicality and cost to new residents and those who visit the area for its proposed amenities. The number of parking spaces should be increased to 1.5 spaces per DU to adequately serve all uses in the project, the parking spaces should be dedicated for the specific project components (i.e., residential, retail), and accessory parking should be provided for the school component once constructed. 1/3 of the spaces should be self-park for visitors/shoppers. Valet parking must be allowed for smaller retail establishments proposed for Crescent Drive upon request (13, 17, 27, 41, 50).

Response 13-2: The proposed project would include a total of approximately 900 off-street accessory parking spaces. Building 1 would include 356 parking spaces; Building 2 would include 242 parking spaces; Building 3 would include 230 parking spaces; and Building 4 would include 72 parking spaces. The Applicant stated in a July 14th, 2014 letter to Queens CB1 that the proposed project's parking garages would be operated with attended parking to fully maximize the utilization of the parking garages for residents as well as others who frequent the proposed project's retail.

The number of parking spaces provided within the proposed project exceeds the accessory parking required per the New York City Zoning Resolution and is dedicated as accessory to the residential and commercial components of the proposed project, pursuant to zoning.

While no parking spaces are required for the proposed school component of the proposed project, as outlined in Chapter 13, “Transportation,” parking demand from the school was incorporated into the weekday parking analysis. The proposed 900 parking spaces would adequately accommodate the weekday daytime parking demand generated by the proposed school, with a peak parking demand of 754 during the typical school staff working hours (refer to Table 13-52, “Weekday Parking Accumulation Forecast,” in Chapter 13).

As outlined in Chapter 13, while peak parking demand in the evening and overnight hours generated by the proposed project’s residential, commercial, and community facility uses is expected to exceed 900, based on the detailed parking analysis, overflow parking demand during these peak hours would be adequately accommodated by on-street parking spaces available in the surrounding area.

Comment 13-3: Internal loading and service areas should be incorporated into the proposed project’s design to avoid on-street traffic disruptions and congestion and should be sufficient to meet the needs of all commercial uses (27, 41, 50).

Response 13-3: The proposed project would incorporate off-street internal loading berths for the proposed project’s supermarket, as required by the provisions of the Zoning Resolution. As discussed in Chapter 13, “Transportation,” truck trips to the proposed project’s commercial uses would be minimal. It is anticipated that a maximum of two in/out truck trips would be generated by the proposed supermarket during the weekday AM and midday peak hours, and a maximum of two total in/out truck trips, potentially making on-street deliveries, would be generated by the proposed local retail uses during the weekday AM and midday peak hours. The minimal anticipated on-street deliveries to the local retail uses would be distributed along the proposed project’s multiple retail frontages.

Comment 13-4: The 1.5 parking spaces per unit should not be implemented until the traffic issues are dealt with (13).

Response 13-4: Comment noted.

Comment 13-5: The current mass transportation infrastructure does not meet the current residents’ needs. The project must address a means of reducing the amount of users (14).

Response 13-5: This EIS identified the potential for significant adverse bus line haul impacts and 30th Avenue subway station element impact during one or more peak hour; no significant adverse subway line haul impact is anticipated as the result of the proposed project. Potential mitigation measures for the identified significant adverse impacts were explored between Draft and Final EIS, in consultation with DCP and MTA-NYCT, and those found appropriate are presented in Chapter 20, “Mitigation.” The subway and bus analyses conservatively did not account for any potential future reduction in mass transit ridership should ferry service be provided to the project site as contemplated in a report on East River ferry routes released by the NYC Economic Development Corp. in 2013.

Comment 13-6: No on-street parking should be permitted on the public access easement to maintain views towards the Hells Gate and Triborough Bridges (17, 27, 41, 50).

Response 13-6: There would be no on-street parking along the proposed public access easement.

Chapter 15: Greenhouse Gas Emissions and Climate Change

Comment 15-1: The project should strive to exceed LEED gold standards by incorporating innovative sustainable techniques into the design of all buildings, as well as increasing its energy efficiency and decreasing its carbon footprint through building and open space design elements (50).

Response 15-1: As indicated in Chapter 15, “Greenhouse Gas Emissions and Climate Change,” the Applicant is currently evaluating the specific sustainability and energy efficiency measures and design elements that may be implemented to, among other benefits, result in lower GHG emissions.

Comment 15-2: Measures should be taken to protect building mechanicals and fuel storage from storm surges and flood risks (12, 22, 27, 30, 41, 50).

Response 15-2: As outlined in Chapter 15, “Greenhouse Gas Emissions and Climate Change,” all waterfront buildings would be constructed to meet the standards of the New York City Building Code and the Best Available Flood Hazard Data available from the Federal Emergency Management Agency (FEMA) at the time of their construction (which will be reflected in the Restrictive Declaration to be recorded). Specific areas of the project site that are within the 100-year floodplain include a small area of Building 1 and small portions of the waterfront esplanade. Should the base flood elevation rise to these projected elevations in the future, the Applicant anticipates retrofitting the perimeter of Building 1 with flood prevention systems (either temporary or permanently installed flood gates/shutters), potentially in conjunction with an emergency flood protection plan. As the potential future floodplain elevations on the remaining waterfront buildings may be slightly above the currently anticipated ground floor elevations for the waterfront buildings, the ground floor elevations could be raised to be out of the applicable floodplain, as zoning permits the proposed buildings’ Base Plane to be set at the 100-year flood elevation. Therefore, the proposed project would incorporate appropriate safeguards to prevent public and private losses due to flood damage, reduce the exposure of public utilities to flood hazards, and prepare for and address future risks.

Chapter 18: Neighborhood Character

Comment 18-1: The project should facilitate the harmonious existence of the new and old neighbors of the area. The project site should be completely inclusive, with no gated areas (7, 32).

Response 18-1: The project proposes no gated areas.

As outlined in Chapter 18, “Neighborhood Character,” the proposed waterfront open space would facilitate connections and open up currently inaccessible areas to the public. The proposed project would also provide public access to the project site and the waterfront by mapping an extension of 4th Street, demapping and building out an unbuilt portion of 8th Street for pedestrian use, and providing access to 9th Street by building out a currently inaccessible portion of 26th Avenue. Combined, these street network changes would improve circulation and better connect the existing and future residents.

Chapter 19: Construction Impacts

Comment 19-1: Building materials and supplies should be barged to the site to minimize impacts from construction traffic on local streets (13, 17, 27, 41, 50).

Response 19-1: The Applicant indicated in a July 14th, 2014 response to Queens CB1 that they will consider barging in building materials, should barging be a feasible alternative at the time it is ready to commence construction. To ensure a conservative analysis of potential future construction-related traffic, the construction traffic analysis presented in Chapter 19, “Construction Impacts,” assumes that no barging would occur, thereby maximizing the amount of potential construction-related traffic on the area street network. All trucks would be required to utilize designated truck routes, consistent with applicable traffic regulations.

Comment 19-3: Traffic circulation and parking impacts during construction and after completion of each construction phase should be evaluated in coordination with DOT to mitigate any impacts (22, 24, 27, 41, 50).

Response 19-3: Chapter 19, “Construction Impacts,” of this EIS includes an analysis of the anticipated worst-case construction traffic period and identifies the potential for significant adverse impacts warranting mitigation. Based on the combined construction and operational vehicles projected in the peak construction traffic period (2022, Q4), construction activities are expected to result in significant adverse traffic impacts. The construction traffic analysis was prepared in coordination with DCP and NYCDOT. All mitigation measures were reviewed and approved by NYCDOT.

As also presented in Chapter 19, the maximum parking accumulation during the construction peak period (including both construction and operational parking demand) is also expected to be accommodated by parking available within the project site boundaries and in the surrounding area.

Maintenance and Protection of Traffic (MPT) plans will be developed, reviewed, and approved by NYCDOT’s Office of Construction Mitigation and Management (NYCDOT-OCMC) for curb-lane and sidewalk closures, as well as equipment staging activities, as warranted.

Comment 19-4: A “No Truck” Sign should be erected along 27th Avenue before construction is started (13).

Response 19-4: Comment noted.

Chapter 20: Mitigation

Comment 20-1: CB1 should be consulted before the receiving sites for improvements or monetary contributions as part of the open space impact mitigation is determined (27, 41, 50).

Response 20-1: Between issuance of the DEIS and the FEIS, the Applicant, in consultation with DCP, the lead agency, coordinated with DPR to evaluate potential partial mitigation measures for the identified significant adverse active open space impact, in consideration of identified Queens CB1 open space needs. The open space mitigation measures, outlined in further detail in Chapter 20, “Mitigation,” and in Response 20-2, below, would consist of improvements to Whitey Ford Field, located within Queens CB1.

Comment 20-2: The developer should purchase and develop City-owned land in the area for recreational use. For example, Whitney Ford Field, located on the northwest corner of the peninsula could be developed and renovated. Since the Astoria Park playground is a heavily used and will be open to the residents of this project it could be expanded and renovated, or a soccer field could be created within Astoria Park (13).

Response 20-2: As outlined in Chapter 20, “Mitigation,” in order to address the significant adverse impact on active open space, the Applicant would be required to upgrade or replace adult fitness equipment and construct a comfort station at Whitey Ford Field. These improvements would increase the utility of Whitey Ford Field and its capacity to meet the active open space needs of the study area, and therefore would constitute partial mitigation of the potential significant adverse impact on active open space. Improvements to Whitey Ford Field would occur during Phase 3 of the proposed ULURP Phasing Plan (i.e., before a Temporary Certificate of Occupancy is granted for the 688th DU).

Comment 20-3: The traffic level should be monitored consistently throughout the construction and build of the project (13).

Response 20-3: As outlined in Chapter 20, “Mitigation,” as part of the traffic mitigation for the proposed project, the Applicant has committed to conduct two monitoring plans (TMPs), in consultation with NYCDOT. The first TMP will be conducted upon completion and occupancy of Building 3 in the second phase of the proposed project’s development (analyzed as 2019 in this FEIS), and the second will be conducted upon completion and occupancy of Building 1, which corresponds to the proposed project’s full build out (analyzed as 2023 in this FEIS). Based on the anticipated construction schedule for the proposed project, Building 2 would be under construction at the time of the first TMP. The Applicant will submit for NYCDOT’s review and approval a proposed TMP scope for the monitoring of the interim and full build-out conditions, prior to undertaking these studies.

The TMP will serve to confirm future traffic volumes and determine whether the proposed mitigation measures are appropriate, or if alternate measures are needed.

Chapter 21: Alternatives

Comment 21-1: When the ferry is developed, a Special Permit application should be filed for additional parking that will be needed for this use (27, 41, 50).

Response 21-1: As outlined in Chapter 21, “Alternatives,” the establishment of ferry service at Astoria Cove is solely within the purview of the City. As the potential future ferry landing on the project site would require discretionary actions, including a zoning text amendment, CPC certification, New York State Department of Environmental Conservation (NYSEDC) and United States Army Corps of Engineers (USACE) permits, and public funding, it would be subject to a separate environmental review, including a detailed parking analysis, at a later date.

Comment 21-2: Alternate modes of transportation, such as ferry service, must be put into operation in the early stages of the area’s redevelopment. The ferry should be operational by the time that Halletts Point and Astoria Cove are occupied (7, 27, 41, 50).

Response 21-2: The Applicant has consulted with DCP and the New York City Economic Development Corporation (EDC) about extending ferry service to the project site,

and the proposed project's site plan has been designed to accommodate a ferry landing. EDC is committed to undertaking the process of hiring a consultant to analyze potential ferry stop locations at the Halletts Point peninsula. The study will evaluate locational options and identify an optimal ferry landing location and configuration, as well as outlining upland planning considerations and estimating capital, operational, and maintenance funding needs.

The Applicant has indicated that they will continue to advocate on behalf of future ferry service to the project site.

Comment 21-3: Expanding the ferry service will be a valuable resource for the residents of Astoria Cove and reduce the surface congestion. The inclusion of ferry infrastructure will reduce the amount of surface congestion while allowing a convenient means of traveling to Manhattan from the project site (4, 7, 13, 37, 39).

Response 21-3: Comment noted.

General Comments

Comment G-1: The school site should be used for temporary community recreation uses prior to the school's construction (7, 27, 41, 50).

Response G-1: In response to suggestions from the CPC, the Applicant has proposed to make the proposed school site available for the community's recreational needs during the first phase of the proposed project's development and continuing until such time as the property is made available to the SCA. In an August 14th, 2014 letter to the CPC, the Applicant stated that they will work with Queens CB1 and other community stakeholders to determine the design and operation of this interim recreational open space. Also see response to Comment 1-5.

Comment G-2: The applicant should meet with the CB 1 Zoning Committee during the design process and prior to filing with DOB, and Queens CB 1 should review all modifications to the LSGD, including minor modifications (27, 41, 50).

Response G-2: Comment noted.

Comment G-3: An evacuation route should be established for the peninsula with designated routes and signage identifying staging and destination areas (27, 41, 50).

Response G-3: Comment noted.

Comment G-4: The developer should implement a strict covenant that would prioritize retailers with proven track records of paying living wages, providing good benefits, hiring locally and supporting worker organizations. Priorities should be given to local area residents and youth for a portion of construction jobs, as well as positions in local businesses and maintenance and security jobs in the new residential buildings. Apprenticeship positions should be set aside for local residents as well as Astoria Houses residents to lead to permanent employment. Wage standards should be set for all construction and permanent workers on this project (1, 6, 7, 8, 13, 17, 22, 25, 27, 30, 41, 50).

Response G-4: Comment noted.

Comment G-5: Alma Realty has history of property management. This project must be safely developed and well maintained (29, 41, 42, 43, 44, 45).

Response G-5: Comment noted.

Comment G-6: The architectural plans must include provisions to ensure that the refuse generated by the project is properly stowed and handled to protect the environment and alleviate any rodent issues that may develop (13).

Response G-6: Comment noted.