

**REVISED\***  
**Environmental Assessment Statement**  
**and**  
**Supplemental Report**

for

**1901 Emmons Avenue Text Amendment**  
**and**  
**Cherry Hill Gourmet Legalization**

**Prepared by:**

**Compliance Solutions Services, LLC**  
**434 West 20<sup>th</sup> Street**  
**New York, NY 10011**

**March 2015**

**\* Changes to the prior approved EAS reflect changes in the Text Amendment addressing floor area limits for food store use.**

# **EAS FORM**



## City Environmental Quality Review

### ENVIRONMENTAL ASSESSMENT STATEMENT (EAS) FULL FORM

Please fill out and submit to the appropriate agency ([see instructions](#))

#### Part I: GENERAL INFORMATION

**PROJECT NAME** 1901 Emmons Avenue Text Amendment and Cherry Hill Gourmet Legalization

#### 1. Reference Numbers

CEQR REFERENCE NUMBER (to be assigned by lead agency)  
15DCP058K

BSA REFERENCE NUMBER (if applicable)

ULURP REFERENCE NUMBER (if applicable)  
N150109ZRK

OTHER REFERENCE NUMBER(S) (if applicable)  
(e.g., legislative intro, CAPA)

#### 2a. Lead Agency Information

NAME OF LEAD AGENCY  
NYC Department of City Planning

NAME OF LEAD AGENCY CONTACT PERSON  
Robert Dobruskin

ADDRESS 22 Reade Street

CITY New York

STATE NY

ZIP 10007

TELEPHONE 212-720-3423

EMAIL  
rdobrus@planning.nyc.gov

#### 2b. Applicant Information

NAME OF APPLICANT  
Cherry Hill Gourmet, Inc.

NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON  
John Strauss, President, Compliance Solutions Services, LLC

ADDRESS 434 West 20<sup>th</sup> Street, Suite 8

CITY New York

STATE NY

ZIP 10011

TELEPHONE 212-741-3432

EMAIL jstrauss-  
css@nyc.rr.com

#### 3. Action Classification and Type

##### SEQRA Classification

UNLISTED  TYPE I: Specify Category (see 6 NYCRR 617.4 and NYC Executive Order 91 of 1977, as amended): 617.4 (9)

**Action Type** (refer to [Chapter 2](#), "Establishing the Analysis Framework" for guidance)

LOCALIZED ACTION, SITE SPECIFIC

LOCALIZED ACTION, SMALL AREA

GENERIC ACTION

#### 4. Project Description

The proposed project is an application to the City Planning Commission for approval of a zoning text amendment to Zoning Resolution (ZR) Section 94-061 (the "Special Sheepshead Bay District" (SSBD)) to amend the use regulations of "Area B" within the SSBD to permit food stores. The proposed text amendment would facilitate a proposal by the Applicant to legalize an existing, Applicant-owned Use Group 6 (UG 6) food store, the "Cherry Hill Gourmet Market" (Block 8775, Lot 41, the "Project Site") which coincides geographically with "Area B" of the SSBD and is located within the Sheepshead Bay neighborhood of Brooklyn, Community District 15. Additionally, the proposed action would allow for technical clarifications to ZR 94-061 language pertaining to permitted uses in SSBD Areas A through H.

Revisions have been made to the proposed Sheepshead Bay Special District Text Amendment-Cherry Hill to limit the number of food stores to one food store per zoning lot and to also limit the size of said food stores to 15,000 square feet per store plus an additional 6,500 square feet of floor area for accessory office and storage space. It is noted that the conclusions of this EAS completed on 10/31/14 would not change as a result of these revisions.

#### Project Location

BOROUGH Brooklyn

COMMUNITY DISTRICT(S) 15

STREET ADDRESS 1901 Emmons Avenue

TAX BLOCK(S) AND LOT(S) Block 8775, Lot 41

ZIP CODE 11235

DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS Property bounded by the Belt Parkway Service Road/Shore Parkway/Leif Ericson Drive, Ocean Avenue, Emmons Avenue, and East 19th Street.

EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY  
R5/C2-2 zoning district in Area B of the Special Sheepshead Bay District (SSBD)

ZONING SECTIONAL MAP NUMBER 29a

#### 5. Required Actions or Approvals (check all that apply)

**City Planning Commission:**  YES

NO

UNIFORM LAND USE REVIEW PROCEDURE (ULURP)

CITY MAP AMENDMENT

ZONING CERTIFICATION

CONCESSION

ZONING MAP AMENDMENT

ZONING AUTHORIZATION

UDAAP

ZONING TEXT AMENDMENT

ACQUISITION—REAL PROPERTY

REVOCABLE CONSENT

SITE SELECTION—PUBLIC FACILITY

DISPOSITION—REAL PROPERTY

FRANCHISE

HOUSING PLAN & PROJECT

OTHER, explain:

SPECIAL PERMIT (if appropriate, specify type:  modification;  renewal;  other); EXPIRATION DATE:  
SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION **94-061**

**Board of Standards and Appeals:**  YES  NO

VARIANCE (use)  
 VARIANCE (bulk)  
 SPECIAL PERMIT (if appropriate, specify type:  modification;  renewal;  other); EXPIRATION DATE:  
SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

**Department of Environmental Protection:**  YES  NO If "yes," specify:

**Other City Approvals Subject to CEQR** (check all that apply)

<input type="checkbox"/> LEGISLATION	<input type="checkbox"/> FUNDING OF CONSTRUCTION, specify:
<input type="checkbox"/> RULEMAKING	<input type="checkbox"/> POLICY OR PLAN, specify:
<input type="checkbox"/> CONSTRUCTION OF PUBLIC FACILITIES	<input type="checkbox"/> FUNDING OF PROGRAMS, specify:
<input type="checkbox"/> 384(b)(4) APPROVAL	<input type="checkbox"/> PERMITS, specify:
<input type="checkbox"/> OTHER, explain:	

**Other City Approvals Not Subject to CEQR** (check all that apply)

PERMITS FROM DOT'S OFFICE OF CONSTRUCTION MITIGATION AND COORDINATION (OCMC)  LANDMARKS PRESERVATION COMMISSION APPROVAL  
 OTHER, explain:

**State or Federal Actions/Approvals/Funding:**  YES  NO If "yes," specify:

**6. Site Description:** *The directly affected area consists of the project site and the area subject to any change in regulatory controls. Except where otherwise indicated, provide the following information with regard to the directly affected area.*

**Graphics:** *The following graphics must be attached and each box must be checked off before the EAS is complete. Each map must clearly depict the boundaries of the directly affected area or areas and indicate a 400-foot radius drawn from the outer boundaries of the project site. Maps may not exceed 11 x 17 inches in size and, for paper filings, must be folded to 8.5 x 11 inches.*

SITE LOCATION MAP  ZONING MAP  SANBORN OR OTHER LAND USE MAP  
 TAX MAP  FOR LARGE AREAS OR MULTIPLE SITES, A GIS SHAPE FILE THAT DEFINES THE PROJECT SITE(S)  
 PHOTOGRAPHS OF THE PROJECT SITE TAKEN WITHIN 6 MONTHS OF EAS SUBMISSION AND KEYED TO THE SITE LOCATION MAP

**Physical Setting** (both developed and undeveloped areas)

Total directly affected area (sq. ft.): **43,450** Waterbody area (sq. ft.) and type: **0**  
Roads, buildings, and other paved surfaces (sq. ft.): **43,450** Other, describe (sq. ft.): **0**

**7. Physical Dimensions and Scale of Project** (if the project affects multiple sites, provide the total development facilitated by the action)

SIZE OF PROJECT TO BE DEVELOPED (gross square feet): **0**  
NUMBER OF BUILDINGS: **1 (existing)** GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): **51,924 (existing)**  
HEIGHT OF EACH BUILDING (ft.): **42' (existing)** NUMBER OF STORIES OF EACH BUILDING: **3 (existing)**

Does the proposed project involve changes in zoning on one or more sites?  YES  NO

If "yes," specify: The total square feet owned or controlled by the applicant: **21,934**  
The total square feet not owned or controlled by the applicant: **29,990**

Does the proposed project involve in-ground excavation or subsurface disturbance, including, but not limited to foundation work, pilings, utility lines, or grading?  YES  NO

If "yes," indicate the estimated area and volume dimensions of subsurface disturbance (if known):

AREA OF TEMPORARY DISTURBANCE: sq. ft. (width x length) VOLUME OF DISTURBANCE: cubic ft. (width x length x depth)  
AREA OF PERMANENT DISTURBANCE: sq. ft. (width x length)

**8. Analysis Year** [CEQR Technical Manual Chapter 2](#)

ANTICIPATED BUILD YEAR (date the project would be completed and operational): **2015**

ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: **N/A**

WOULD THE PROJECT BE IMPLEMENTED IN A SINGLE PHASE?  YES  NO IF MULTIPLE PHASES, HOW MANY?

BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE:

**9. Predominant Land Use in the Vicinity of the Project** (check all that apply)

RESIDENTIAL  MANUFACTURING  COMMERCIAL  PARK/FOREST/OPEN SPACE  OTHER, specify:  
Community Facility



**DESCRIPTION OF EXISTING AND PROPOSED CONDITIONS**

The information requested in this table applies to the directly affected area. The directly affected area consists of the project site and the area subject to any change in regulatory control. The increment is the difference between the No-Action and the With-Action conditions.

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
<b>LAND USE</b>				
<b>Residential</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
Describe type of residential structures				
No. of dwelling units				
No. of low- to moderate-income units				
Gross floor area (sq. ft.)				
<b>Commercial</b>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
If "yes," specify the following:				
Describe type (retail, office, other)	Retail, office	Retail, office	Retail, office	
Gross floor area (sq. ft.)	43,617	29,990	51,924	+ 21,934
<b>Manufacturing/Industrial</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
Type of use				
Gross floor area (sq. ft.)				
Open storage area (sq. ft.)				
If any unenclosed activities, specify:				
<b>Community Facility</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
Type				
Gross floor area (sq. ft.)				
<b>Vacant Land</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," describe:				
<b>Publicly Accessible Open Space</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify type (mapped City, State, or Federal parkland, wetland—mapped or otherwise known, other):				
<b>Other Land Uses</b>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," describe:	8,307 vacant floor area	21,934 vacant floor area	0 vacant floor area	-21,934 vacant floor area
<b>PARKING</b>				
<b>Garages</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
No. of public spaces				
No. of accessory spaces				
Operating hours				
Attended or non-attended				
<b>Lots</b>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
If "yes," specify the following:				
No. of public spaces	0	0	0	
No. of accessory spaces	41	41	41	
Operating hours	6 AM to 11 PM	6 AM to 11 PM	6 AM to 11 PM	
<b>Other</b> (includes street parking)	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," describe:				
<b>POPULATION</b>				
<b>Residents</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify number:				
Briefly explain how the number of residents was calculated:				

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
<b>Businesses</b>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
If "yes," specify the following:				
No. and type	10 retail and office spaces (1 vacant office space, 1 vacant retail/commercial space)	10 retail and office spaces (1 vacant retail space)	10 retail and office spaces	+ 1 occupied retail space
No. and type of workers by business	39 office workers; 92 retail workers	61 office workers; 34 retail workers	61 office workers; 100 retail workers	+ 66 retail workers
No. and type of non-residents who are not workers	20 office visitors/day; 175 retail customers/day	40 office visitors/day; 75 retail customers/day	40 office visitors/day; 200 retail customers/day	+ 125 retail customers
Briefly explain how the number of businesses was calculated:	Based on existing and proposed building occupancies			
<b>Other</b> (students, visitors, concert-goers, etc.)	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If any, specify type and number:				
Briefly explain how the number was calculated:				
<b>ZONING</b>				
Zoning classification	R5/C2-2/SSBD	R5/C2-2/SSBD	R5/C2-2/SSBD	
Maximum amount of floor area that can be developed	43,450 C; 54,312.5 R/CF	43,450 C; 54,312.5 R/CF	43,450 C; 54,312.5 R/CF	
Predominant land use and zoning classifications within land use study area(s) or a 400 ft. radius of proposed project	C, R, CF, open space; R4, R5, R6, C1-2, C2-2	C, R, CF, open space; R4, R5, R6, C1-2, C2-2	C, R, CF, open space; R4, R5, R6, C1-2, C2-2; Food stores with no limitation on floor area or frontage per establishment.	+ Food stores with no limitation on floor area or frontage per establishment.
Attach any additional information that may be needed to describe the project.				
If your project involves changes that affect one or more sites not associated with a specific development, it is generally appropriate to include total development projections in the above table and attach separate tables outlining the reasonable development scenarios for each site.				

**Part II: TECHNICAL ANALYSIS**

**INSTRUCTIONS:** For each of the analysis categories listed in this section, assess the proposed project’s impacts based on the thresholds and criteria presented in the CEQR Technical Manual. Check each box that applies.

- If the proposed project can be demonstrated not to meet or exceed the threshold, check the “no” box.
- If the proposed project will meet or exceed the threshold, or if this cannot be determined, check the “yes” box.
- For each “yes” response, provide additional analyses (and, if needed, attach supporting information) based on guidance in the CEQR Technical Manual to determine whether the potential for significant impacts exists. Please note that a “yes” answer does not mean that an EIS must be prepared—it means that more information may be required for the lead agency to make a determination of significance.
- The lead agency, upon reviewing Part II, may require an applicant to provide additional information to support the Full EAS Form. For example, if a question is answered “no,” an agency may request a short explanation for this response.

	YES	NO
<b>1. LAND USE, ZONING, AND PUBLIC POLICY:</b> <a href="#">CEQR Technical Manual Chapter 4</a>		
(a) Would the proposed project result in a change in land use different from surrounding land uses?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project result in a change in zoning different from surrounding zoning?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Is there the potential to affect an applicable public policy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) If “yes,” to (a), (b), and/or (c), complete a preliminary assessment and attach.		
(e) Is the project a large, publicly sponsored project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If “yes,” complete a PlaNYC assessment and attach.		
(f) Is any part of the directly affected area within the City’s Waterfront Revitalization Program boundaries?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o If “yes,” complete the <a href="#">Consistency Assessment Form</a> .		
<b>2. SOCIOECONOMIC CONDITIONS:</b> <a href="#">CEQR Technical Manual Chapter 5</a>		
(a) Would the proposed project:		
o Generate a net increase of more than 200 residential units or 200,000 square feet of commercial space?		
▪ If “yes,” answer both questions 2(b)(ii) and 2(b)(iv) below.		
o Directly displace 500 or more residents?		
▪ If “yes,” answer questions 2(b)(i), 2(b)(ii), and 2(b)(iv) below.		
o Directly displace more than 100 employees?		
▪ If “yes,” answer questions under 2(b)(iii) and 2(b)(iv) below.		
o Affect conditions in a specific industry?		
▪ If “yes,” answer question 2(b)(v) below.		
(b) If “yes” to any of the above, attach supporting information to answer the relevant questions below. If “no” was checked for each category above, the remaining questions in this technical area do not need to be answered.		
<b>i. Direct Residential Displacement</b>		
o If more than 500 residents would be displaced, would these residents represent more than 5% of the primary study area population?		
o If “yes,” is the average income of the directly displaced population markedly lower than the average income of the rest of the study area population?		
<b>ii. Indirect Residential Displacement</b>		
o Would expected average incomes of the new population exceed the average incomes of study area populations?		
o If “yes:”		
▪ Would the population of the primary study area increase by more than 10 percent?		
▪ Would the population of the primary study area increase by more than 5 percent in an area where there is the potential to accelerate trends toward increasing rents?		
o If “yes” to either of the preceding questions, would more than 5 percent of all housing units be renter-occupied and unprotected?		
<b>iii. Direct Business Displacement</b>		
o Do any of the displaced businesses provide goods or services that otherwise would not be found within the trade area, either under existing conditions or in the future with the proposed project?		
o Is any category of business to be displaced the subject of other regulations or publicly adopted plans to preserve,		

	YES	NO
enhance, or otherwise protect it?		
<b>iv. Indirect Business Displacement</b>		
o Would the project potentially introduce trends that make it difficult for businesses to remain in the area?	<input type="checkbox"/>	<input type="checkbox"/>
o Would the project capture retail sales in a particular category of goods to the extent that the market for such goods would become saturated, potentially resulting in vacancies and disinvestment on neighborhood commercial streets?	<input type="checkbox"/>	<input type="checkbox"/>
<b>v. Effects on Industry</b>		
o Would the project significantly affect business conditions in any industry or any category of businesses within or outside the study area?	<input type="checkbox"/>	<input type="checkbox"/>
o Would the project indirectly substantially reduce employment or impair the economic viability in the industry or category of businesses?	<input type="checkbox"/>	<input type="checkbox"/>
<b>3. COMMUNITY FACILITIES:</b> <a href="#">CEQR Technical Manual Chapter 6</a>		
<b>(a) Direct Effects</b>		
o Would the project directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities, libraries, health care facilities, day care centers, police stations, or fire stations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>(b) Indirect Effects</b>		
<b>i. Child Care Centers</b>		
o Would the project result in 20 or more eligible children under age 6, based on the number of low or low/moderate income residential units? (See Table 6-1 in <a href="#">Chapter 6</a> )	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project result in a collective utilization rate of the group child care/Head Start centers in the study area that is greater than 100 percent?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the project increase the collective utilization rate by 5 percent or more from the No-Action scenario?	<input type="checkbox"/>	<input type="checkbox"/>
<b>ii. Libraries</b>		
o Would the project result in a 5 percent or more increase in the ratio of residential units to library branches? (See Table 6-1 in <a href="#">Chapter 6</a> )	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project increase the study area population by 5 percent or more from the No-Action levels?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the additional population impair the delivery of library services in the study area?	<input type="checkbox"/>	<input type="checkbox"/>
<b>iii. Public Schools</b>		
o Would the project result in 50 or more elementary or middle school students, or 150 or more high school students based on number of residential units? (See Table 6-1 in <a href="#">Chapter 6</a> )	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project result in a collective utilization rate of the elementary and/or intermediate schools in the study area that is equal to or greater than 100 percent?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the project increase this collective utilization rate by 5 percent or more from the No-Action scenario?	<input type="checkbox"/>	<input type="checkbox"/>
<b>iv. Health Care Facilities</b>		
o Would the project result in the introduction of a sizeable new neighborhood?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project affect the operation of health care facilities in the area?	<input type="checkbox"/>	<input type="checkbox"/>
<b>v. Fire and Police Protection</b>		
o Would the project result in the introduction of a sizeable new neighborhood?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project affect the operation of fire or police protection in the area?	<input type="checkbox"/>	<input type="checkbox"/>
<b>4. OPEN SPACE:</b> <a href="#">CEQR Technical Manual Chapter 7</a>		
<b>(a)</b> Would the project change or eliminate existing open space?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>(b)</b> Is the project located within an under-served area in the <a href="#">Bronx</a> , <a href="#">Brooklyn</a> , <a href="#">Manhattan</a> , <a href="#">Queens</a> , or <a href="#">Staten Island</a> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>(c)</b> If "yes," would the project generate more than 50 additional residents or 125 additional employees?	<input type="checkbox"/>	<input type="checkbox"/>
<b>(d)</b> Is the project located within a well-served area in the <a href="#">Bronx</a> , <a href="#">Brooklyn</a> , <a href="#">Manhattan</a> , <a href="#">Queens</a> , or <a href="#">Staten Island</a> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>(e)</b> If "yes," would the project generate more than 350 additional residents or 750 additional employees?	<input type="checkbox"/>	<input type="checkbox"/>
<b>(f)</b> If the project is located in an area that is neither under-served nor well-served, would it generate more than 200 additional residents or 500 additional employees?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>(g)</b> If "yes" to questions (c), (e), or (f) above, attach supporting information to answer the following:		
o If in an under-served area, would the project result in a decrease in the open space ratio by more than 1 percent?	<input type="checkbox"/>	<input type="checkbox"/>
o If in an area that is not under-served, would the project result in a decrease in the open space ratio by more than 5	<input type="checkbox"/>	<input type="checkbox"/>

	YES	NO
percent?		
<ul style="list-style-type: none"> <li>o If "yes," are there qualitative considerations, such as the quality of open space, that need to be considered?</li> </ul> Please specify:	<input type="checkbox"/>	<input type="checkbox"/>
<b>5. SHADOWS:</b> <a href="#">CEQR Technical Manual Chapter 8</a>		
(a) Would the proposed project result in a net height increase of any structure of 50 feet or more?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project result in any increase in structure height and be located adjacent to or across the street from a sunlight-sensitive resource?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If "yes" to either of the above questions, attach supporting information explaining whether the project's shadow would reach any sunlight-sensitive resource at any time of the year.		
<b>6. HISTORIC AND CULTURAL RESOURCES:</b> <a href="#">CEQR Technical Manual Chapter 9</a>		
(a) Does the proposed project site or an adjacent site contain any architectural and/or archaeological resource that is eligible for or has been designated (or is calendared for consideration) as a New York City Landmark, Interior Landmark or Scenic Landmark; that is listed or eligible for listing on the New York State or National Register of Historic Places; or that is within a designated or eligible New York City, New York State or National Register Historic District? (See the <a href="#">GIS System for Archaeology and National Register</a> to confirm)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Would the proposed project involve construction resulting in in-ground disturbance to an area not previously excavated?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If "yes" to either of the above, list any identified architectural and/or archaeological resources and attach supporting information on whether the proposed project would potentially affect any architectural or archeological resources.		
<b>7. URBAN DESIGN AND VISUAL RESOURCES:</b> <a href="#">CEQR Technical Manual Chapter 10</a>		
(a) Would the proposed project introduce a new building, a new building height, or result in any substantial physical alteration to the streetscape or public space in the vicinity of the proposed project that is not currently allowed by existing zoning?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project result in obstruction of publicly accessible views to visual resources not currently allowed by existing zoning?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If "yes" to either of the above, please provide the information requested in <a href="#">Chapter 10</a> .		
<b>8. NATURAL RESOURCES:</b> <a href="#">CEQR Technical Manual Chapter 11</a>		
(a) Does the proposed project site or a site adjacent to the project contain natural resources as defined in Section 100 of <a href="#">Chapter 11</a> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," list the resources and attach supporting information on whether the project would affect any of these resources.		
(b) Is any part of the directly affected area within the <a href="#">Jamaica Bay Watershed</a> ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o If "yes," complete the <a href="#">Jamaica Bay Watershed Form</a> and submit according to its <a href="#">instructions</a> .		
<b>9. HAZARDOUS MATERIALS:</b> <a href="#">CEQR Technical Manual Chapter 12</a>		
(a) Would the proposed project allow commercial or residential uses in an area that is currently, or was historically, a manufacturing area that involved hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Would the project require soil disturbance in a manufacturing area or any development on or near a manufacturing area or existing/historic facilities listed in <a href="#">Appendix 1</a> (including nonconforming uses)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Would the project result in the development of a site where there is reason to suspect the presence of hazardous materials, contamination, illegal dumping or fill, or fill material of unknown origin?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Would the project result in development on or near a site that has or had underground and/or aboveground storage tanks (e.g., gas stations, oil storage facilities, heating oil storage)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) Would the project result in renovation of interior existing space on a site with the potential for compromised air quality; vapor intrusion from either on-site or off-site sources; or the presence of asbestos, PCBs, mercury or lead-based paint?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g) Would the project result in development on or near a site with potential hazardous materials issues such as government-listed voluntary cleanup/brownfield site, current or former power generation/transmission facilities, coal gasification or gas storage sites, railroad tracks or rights-of-way, or municipal incinerators?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h) Has a Phase I Environmental Site Assessment been performed for the site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify:	<input type="checkbox"/>	<input type="checkbox"/>
(i) Based on the Phase I Assessment, is a Phase II Investigation needed?	<input type="checkbox"/>	<input type="checkbox"/>
<b>10. WATER AND SEWER INFRASTRUCTURE:</b> <a href="#">CEQR Technical Manual Chapter 13</a>		
(a) Would the project result in water demand of more than one million gallons per day?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If the proposed project located in a combined sewer area, would it result in at least 1,000 residential units or 250,000 square feet or more of commercial space in Manhattan, or at least 400 residential units or 150,000 square feet or more of commercial space in the Bronx, Brooklyn, Staten Island, or Queens?	<input type="checkbox"/>	<input type="checkbox"/>

	YES	NO
(c) If the proposed project located in a <a href="#">separately sewerred area</a> , would it result in the same or greater development than that listed in Table 13-1 in <a href="#">Chapter 13</a> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Would the project involve development on a site that is 5 acres or larger where the amount of impervious surface would increase?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) If the project is located within the <a href="#">Jamaica Bay Watershed</a> or in certain <a href="#">specific drainage areas</a> , including Bronx River, Coney Island Creek, Flushing Bay and Creek, Gowanus Canal, Hutchinson River, Newtown Creek, or Westchester Creek, would it involve development on a site that is 1 acre or larger where the amount of impervious surface would increase?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) Would the proposed project be located in an area that is partially sewerred or currently unsewerred?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g) Is the project proposing an industrial facility or activity that would contribute industrial discharges to a Wastewater Treatment Plant and/or contribute contaminated stormwater to a separate storm sewer system?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h) Would the project involve construction of a new stormwater outfall that requires federal and/or state permits?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(i) If "yes" to any of the above, conduct the appropriate preliminary analyses and attach supporting documentation.		
<b>11. SOLID WASTE AND SANITATION SERVICES:</b> <a href="#">CEQR Technical Manual Chapter 14</a>		
(a) Using Table 14-1 in <a href="#">Chapter 14</a> , the project's projected operational solid waste generation is estimated to be (pounds per week): 20,590		
o Would the proposed project have the potential to generate 100,000 pounds (50 tons) or more of solid waste per week?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project involve a reduction in capacity at a solid waste management facility used for refuse or recyclables generated within the City?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the proposed project comply with the City's Solid Waste Management Plan?	<input type="checkbox"/>	<input type="checkbox"/>
<b>12. ENERGY:</b> <a href="#">CEQR Technical Manual Chapter 15</a>		
(a) Using energy modeling or Table 15-1 in <a href="#">Chapter 15</a> , the project's projected energy use is estimated to be (annual BTUs): 4,744,324		
(b) Would the proposed project affect the transmission or generation of energy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>13. TRANSPORTATION:</b> <a href="#">CEQR Technical Manual Chapter 16</a>		
(a) Would the proposed project exceed any threshold identified in Table 16-1 in <a href="#">Chapter 16</a> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If "yes," conduct the appropriate screening analyses, attach back up data as needed for each stage, and answer the following questions:		
o Would the proposed project result in 50 or more Passenger Car Equivalents (PCEs) per project peak hour?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the proposed project result in 50 or more vehicle trips per project peak hour at any given intersection? <i>**It should be noted that the lead agency may require further analysis of intersections of concern even when a project generates fewer than 50 vehicles in the peak hour. See Subsection 313 of <a href="#">Chapter 16</a> for more information.</i>	<input type="checkbox"/>	<input type="checkbox"/>
o Would the proposed project result in more than 200 subway/rail or bus trips per project peak hour?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the proposed project result, per project peak hour, in 50 or more bus trips on a single line (in one direction) or 200 subway/rail trips per station or line?	<input type="checkbox"/>	<input type="checkbox"/>
o Would the proposed project result in more than 200 pedestrian trips per project peak hour?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the proposed project result in more than 200 pedestrian trips per project peak hour to any given pedestrian or transit element, crosswalk, subway stair, or bus stop?	<input type="checkbox"/>	<input type="checkbox"/>
<b>14. AIR QUALITY:</b> <a href="#">CEQR Technical Manual Chapter 17</a>		
(a) <i>Mobile Sources:</i> Would the proposed project result in the conditions outlined in Section 210 in <a href="#">Chapter 17</a> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) <i>Stationary Sources:</i> Would the proposed project result in the conditions outlined in Section 220 in <a href="#">Chapter 17</a> ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the proposed project exceed the thresholds in Figure 17-3, Stationary Source Screen Graph in <a href="#">Chapter 17</a> ? (Attach graph as needed)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Does the proposed project involve multiple buildings on the project site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Does the proposed project require federal approvals, support, licensing, or permits subject to conformity requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to air quality that preclude the potential for significant adverse impacts?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) If "yes" to any of the above, conduct the appropriate analyses and attach any supporting documentation.		
<b>15. GREENHOUSE GAS EMISSIONS:</b> <a href="#">CEQR Technical Manual Chapter 18</a>		
(a) Is the proposed project a city capital project or a power generation plant?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project fundamentally change the City's solid waste management system?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Would the proposed project result in the development of 350,000 square feet or more?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) If "yes" to any of the above, would the project require a GHG emissions assessment based on guidance in <a href="#">Chapter 18</a> ?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the project result in inconsistencies with the City's GHG reduction goal? (See <a href="#">Local Law 22 of 2008</a> ; § 24-	<input type="checkbox"/>	<input type="checkbox"/>



YES	NO
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803 of the Administrative Code of the City of New York). Please attach supporting documentation.

**16. NOISE:** CEQR Technical Manual Chapter 19

- (a) Would the proposed project generate or reroute vehicular traffic?  YES  NO
- (b) Would the proposed project introduce new or additional receptors (see Section 124 in Chapter 19) near heavily trafficked roadways, within one horizontal mile of an existing or proposed flight path, or within 1,500 feet of an existing or proposed rail line with a direct line of site to that rail line?  YES  NO
- (c) Would the proposed project cause a stationary noise source to operate within 1,500 feet of a receptor with a direct line of sight to that receptor or introduce receptors into an area with high ambient stationary noise?  YES  NO
- (d) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to noise that preclude the potential for significant adverse impacts?  YES  NO
- (e) If "yes" to any of the above, conduct the appropriate analyses and attach any supporting documentation.

**17. PUBLIC HEALTH:** CEQR Technical Manual Chapter 20

- (a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Air Quality; Hazardous Materials; Noise?  YES  NO
- (b) If "yes," explain why an assessment of public health is or is not warranted based on the guidance in Chapter 20, "Public Health." Attach a preliminary analysis, if necessary.

**18. NEIGHBORHOOD CHARACTER:** CEQR Technical Manual Chapter 21

- (a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Open Space; Historic and Cultural Resources; Urban Design and Visual Resources; Shadows; Transportation; Noise?  YES  NO
- (b) If "yes," explain why an assessment of neighborhood character is or is not warranted based on the guidance in Chapter 21, "Neighborhood Character." Attach a preliminary analysis, if necessary.

**19. CONSTRUCTION:** CEQR Technical Manual Chapter 22

- (a) Would the project's construction activities involve:
  - Construction activities lasting longer than two years?  YES
  - Construction activities within a Central Business District or along an arterial highway or major thoroughfare?  YES
  - Closing, narrowing, or otherwise impeding traffic, transit, or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, etc.)?  YES
  - Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out?  YES
  - The operation of several pieces of diesel equipment in a single location at peak construction?  YES
  - Closure of a community facility or disruption in its services?  YES
  - Activities within 400 feet of a historic or cultural resource?  YES
  - Disturbance of a site containing or adjacent to a site containing natural resources?  YES
  - Construction on multiple development sites in the same geographic area, such that there is the potential for several construction timelines to overlap or last for more than two years overall?  YES


(b) If any boxes are checked "yes," explain why a preliminary construction assessment is or is not warranted based on the guidance in Chapter 22, "Construction." It should be noted that the nature and extent of any commitment to use the Best Available Technology for construction equipment or Best Management Practices for construction activities should be considered when making this determination.

The proposed action is a Zoning Resolution text change whose effect would be to legalize and allow the continued operation of a food store in the subject building where such use is not currently allowed as-of-right. No new development or construction activities would occur either in the subject building or elsewhere on the site. Therefore, the project would not result in any construction impacts to the New York City Landmarks Preservation Commission designated landmark F.W.I.L. Lundy Brothers Restaurant building in which the subject food store is located.

**20. APPLICANT'S CERTIFICATION**

I swear or affirm under oath and subject to the penalties for perjury that the information provided in this Environmental Assessment Statement (EAS) is true and accurate to the best of my knowledge and belief, based upon my personal knowledge and familiarity with the information described herein and after examination of the pertinent books and records and/or after inquiry of persons who have personal knowledge of such information or who have examined pertinent books and records.

Still under oath, I further swear or affirm that I make this statement in my capacity as the applicant or representative of the entity that seeks the permits, approvals, funding, or other governmental action(s) described in this EAS.

APPLICANT/REPRESENTATIVE NAME John J. Strauss	SIGNATURE 	DATE 03/26/15
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**Part III: DETERMINATION OF SIGNIFICANCE (To Be Completed by Lead Agency)**

**INSTRUCTIONS:** In completing Part III, the lead agency should consult 6 NYCRR 617.7 and 43 RCNY § 6-06 (Executive Order 91 or 1977, as amended), which contain the State and City criteria for determining significance.

1. For each of the impact categories listed below, consider whether the project may have a significant adverse effect on the environment, taking into account its (a) location; (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude.

IMPACT CATEGORY	Potentially Significant Adverse Impact	
	YES	NO
Land Use, Zoning, and Public Policy	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Socioeconomic Conditions	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Community Facilities and Services	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Open Space	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Shadows	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Historic and Cultural Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Urban Design/Visual Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Natural Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Hazardous Materials	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Water and Sewer Infrastructure	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Solid Waste and Sanitation Services	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Energy	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Transportation	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Air Quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Greenhouse Gas Emissions	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Noise	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Public Health	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Neighborhood Character	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Construction	<input type="checkbox"/>	<input checked="" type="checkbox"/>

2. Are there any aspects of the project relevant to the determination of whether the project may have a significant impact on the environment, such as combined or cumulative impacts, that were not fully covered by other responses and supporting materials?

If there are such impacts, attach an explanation stating whether, as a result of them, the project may have a significant impact on the environment.


3. Check determination to be issued by the lead agency:

**Positive Declaration:** If the lead agency has determined that the project may have a significant impact on the environment, and if a Conditional Negative Declaration is not appropriate, then the lead agency issues a *Positive Declaration* and prepares a draft Scope of Work for the Environmental Impact Statement (EIS).

**Conditional Negative Declaration:** A *Conditional Negative Declaration* (CND) may be appropriate if there is a private applicant for an Unlisted action AND when conditions imposed by the lead agency will modify the proposed project so that no significant adverse environmental impacts would result. The CND is prepared as a separate document and is subject to the requirements of 6 NYCRR Part 617.

**Negative Declaration:** If the lead agency has determined that the project would not result in potentially significant adverse environmental impacts, then the lead agency issues a *Negative Declaration*. The *Negative Declaration* may be prepared as a separate document (see template) or using the embedded Negative Declaration on the next page.

**4. LEAD AGENCY'S CERTIFICATION**

TITLE Deputy Director, Environmental Assessment and Review Division	LEAD AGENCY NYC Department of City Planning
NAME Olga Abinader	DATE October 31, 2014
SIGNATURE 	



# **PROJECT DESCRIPTION**

# 1901 Emmons Avenue Text Amendment and Cherry Hill Gourmet Legalization

## Project Description

### **Introduction**

The proposed 1901 Emmons Avenue Text Amendment and Cherry Hill Gourmet Legalization involves a request by Cherry Hill Gourmet, Inc., the Applicant, for a zoning text amendment to Zoning Resolution (ZR) Section 94-061 (the "Special Sheepshead Bay District" (SSBD)) to amend the use regulations of "Area B" within the SSBD to permit food stores. The proposed text amendment would facilitate a proposal by the Applicant to legalize an existing, Applicant-owned Use Group 6 (UG 6) food store, the "Cherry Hill Gourmet Market" (Block 8775, Lot 41, the "project site") which coincides geographically with "Area B" of the SSBD and is located within the Sheepshead Bay neighborhood of Brooklyn, Community District 15. The development/project site is the subject building at 1901 Emmons Avenue and the project area (affected area) is Area B of the SSBD. The building on the project site is an LPC individual landmark and is listed on the National Register of Historic Places. Additionally, the proposed action would allow for technical clarifications to ZR 94-061 language pertaining to permitted uses in SSBD Areas A through H.

Revisions have been made to the proposed Sheepshead Bay Special District Text Amendment-Cherry Hill to limit the number of food stores to one food store per zoning lot and to also limit the size of said food stores to 15,000 square feet per store plus an additional 6,500 square feet of floor area for accessory office and storage space. It is noted that the conclusions of this EAS completed on 10/31/14 would not change as a result of these revisions.

### **Existing Conditions**

The subject property consists of an approximately 43,450 square foot zoning lot identified as 1901 Emmons Avenue in Brooklyn, NY (Block 8775, Lot 41). The zoning lot encompasses an entire block and is bounded by the Belt Parkway Service Road/Shore Parkway/Leif Ericson Drive to the north, Ocean Avenue to the east, Emmons Avenue to the south, and East 19<sup>th</sup> Street to the west. The property is located in R5/C2-2 zoning district in Area B of the SSBD.

The SSBD encompasses an approximate 20-block area, which extends along Emmons Avenue and the adjacent side streets from Sheepshead Bay Road on the west to Knapp Street on the east. The SSBD contains eight subareas (Areas A through H) with regulations governing development and permitted uses for each area. The City Planning Commission established the SSBD in 1973 to promote and strengthen the unique character of the District as a prime location for waterfront-related commercial and recreational development as well as to encourage other improvements to the District.

The geographical limits for Area B are coincident with the limits of the project site, the single block identified above.

The project site contains an existing, non-compliant 51,924 gross square feet (gsf) UG 6 building known as the Lundy Landing Shopping Center, which houses the Applicant-owned Cherry Hill Gourmet food store, as well as several other UG 6 eating and drinking establishments, offices, and local retail businesses. The project site is the location of a former UG 6 restaurant use, "Lundy's Restaurant," which originally opened in 1934. Until its closing in 1979, Lundy's was a

popular local seafood restaurant which at its peak had the capacity to serve approximately 2,500 patrons. In 1992, the building was designated a NYC landmark. The building on the project site is also listed on the National Register of Historic Places. A smaller, 700 seat version of the restaurant opened in 1995, but closed after several years.

The project site is developed with a three-story and cellar, approximately 42-foot tall building containing 51,924 gsf of floor area including the cellar. The commercial building is overbuilt at 50,636 zoning square feet (zsf) and an FAR of 1.165 relative to the maximum permitted commercial size of 43,450 zsf and FAR of 1.0. The zoning lot also contains 41 unenclosed parking spaces.

The 25,821 gsf first floor of the building is occupied by two eating and drinking establishments, a vacant retail store, and the subject Cherry Hill Gourmet food store. The 22,009 gsf second floor of the building contains office space, 5,557 square feet of which is vacant, a beauty parlor, and accessory office and other space for the Cherry Hill Gourmet food store. The 2,806 gsf third floor of the building contains office space. The 1,288 gsf building cellar is occupied by mechanical, refrigeration, and rest rooms accessory to the Cherry Hill Gourmet food store.

The Cherry Hill Gourmet food store totals 21,934 gsf in area and includes the entire 1,288 gsf cellar area of the building, 14,230 gsf (approximately 55.1%) of the building's first floor, and 6,416 gsf (approximately 29.2%) of the building's second floor. The Cherry Hill facility contains 20,646 zsf of floor area, approximately 15,000 square feet of which is occupied by the food store. plus an additional approximately 6,500 square feet of floor area for accessory office and storage space. The proposed size limitation provides for the legalization of the 1<sup>st</sup> floor food store portion of the establishment, limiting the second floor and cellar to accessory restaurant, offices, and storage space.

The Cherry Hill Gourmet food store originally opened in 2008. The facility consists of the subject food store, which is not compliant with existing zoning, and an accessory restaurant facility and office space, which do comply with zoning. While certain convenience retail and retail/service establishments are permitted, a UG 6 Food Store use is not permitted in Area B. In Area B, permitted retail food sales uses are limited to bakeries, candy or ice cream stores, and eating and drinking establishments.

### **Description of the Proposed Development**

The proposed action is the request for a zoning text amendment to ZR Section 94-061 (SSBD) to amend the use regulations of "Area B" within the SSBD to permit food stores. The number of food stores would be limited to one food store per zoning lot and the size of said food stores would be limited to 15,000 square feet per store plus an additional 6,500 square feet of floor area for accessory office and storage space. The proposed text amendment would facilitate a proposal by the Applicant to legalize an existing, Applicant-owned UG 6 food store, the "Cherry Hill Gourmet Market" (Block 8775, Lot 41, the "project site") which coincides geographically with "Area B" of the SSBD. Additionally, the proposed action would allow for technical clarifications to ZR 94-061 language pertaining to permitted uses in SSBD Areas A through H.

The existing three-story and cellar, 51,924 gsf, approximately 42-foot tall building at the project site would remain as is in its existing conditions. The building would not be enlarged as, at an

existing FAR of 1.12, it currently exceeds the maximum permitted FAR of 1.0 allowed on the project site. The Applicant believes that market conditions would not support a larger food store than currently exists. The Cherry Hill Gourmet food store opened in 2008 and has therefore been in operation for approximately six years without the need to expand or contract in order to remain financially viable. The Applicant indicates that the current combination of the existing food store with an accessory restaurant facility and office space meets market conditions for the area.

The R5 zoning district currently mapped on the project site allows all housing types including detached, semi-detached, attached, and multi-family residences (UG 1 & 2) as well as community facility uses (UG 3 & 4). The maximum FAR for all housing types is 1.25 with a community facility FAR of 2.0, and the maximum street wall and total building heights are 30 and 40 feet, respectively. Detached houses must have two side yards that total at least 13 feet, each with a minimum width of five feet. Semi-detached houses must provide one eight-foot wide side yard. Apartment houses need two side yards, each at least eight feet wide. Off-street parking is required for 85% of the dwelling units in a building.

The C2-2 commercial overlay mapped on the project site is intended to accommodate the retail and personal service shops needed in residential neighborhoods, and is intended to permit a wider range of local retail and service establishments and to serve a wider neighborhood than C1 districts. It permits Use Groups 1 through 9 and 14. The maximum commercial FAR for a C2-2 overlay in an R5 zone is 1.0. Residential uses are permitted within these overlays with residential bulk being governed by the provisions of the surrounding residential zone. One parking space is required for each 200 square feet of UG 6 food store use in excess of 2,000 square feet of floor area.

As stated above, the Special Sheepshead Bay District (SSBD) seeks to encourage development that will strengthen and protect the unique character of this waterfront community. In the area immediately north of the fishing fleet wharves, commercial uses are restricted to waterfront and tourist-related activities. Special density and height limits govern new development throughout the District. Along Emmons Avenue, new developments must provide widened sidewalks and plazas with sitting areas, landscaping, kiosks, and cafes upon certification of the City Planning Commission. Floor area bonuses are available for large plazas, arcades, accessory outdoor space, and additional accessory commercial parking.

The subject building at 1901 Emmons Avenue occupies the entirety of Area B of the SSBD District. While certain convenience retail and retail/service establishments are permitted, a Use Group 6 Food Store use is not permitted in Area B. In Area B, permitted retail food sales uses are limited to bakeries, candy or ice cream stores, and eating and drinking establishments.

### **Purpose and Need of the Proposed Action**

The proposed project is an application to the City Planning Commission for approval of a text change to ZR Section 94-061 that would modify the permitted uses to allow a food store use in Area B of the SSBD. Revisions have been made to the proposed Sheepshead Bay Special District Text Amendment-Cherry Hill to limit the number of food stores to one food store per zoning lot and to also limit the size of said food stores to 15,000 square feet per store plus an additional 6,500 square feet of floor area for accessory office and storage space. It is noted that the conclusions of this EAS completed on 10/31/14 would not change as a result of these revisions.

The proposed action would serve to legalize the Cherry Hill Gourmet food store on the project site, and although it would permit a food store use anywhere in Area B (Lot 41), no expansion of the subject food store is proposed or anticipated by the Applicant. The Applicant believes that market conditions would not support additional food stores or a larger food store than currently exists. As stated above, the Cherry Hill Gourmet food store opened in 2008 and has therefore been in operation for approximately six years without the need to expand or contract in order to remain financially viable. The Applicant indicates that the current combination of the existing food store with an accessory restaurant facility and office space meets market conditions for the area and enables him to cover his approximately \$50,000 monthly rent and real estate tax expenses.

### **Future No-Action Scenario**

Under the No-Action Scenario, the existing three-story and cellar, 51,924 gsf, approximately 42-foot tall building would remain as is on the project site and would not be enlarged. The commercial building could not be enlarged as it is overbuilt at 50,636 zsf and an FAR of 1.165 relative to the maximum permitted commercial size of 43,450 zsf and FAR of 1.0.

Under the No-Action Scenario, the existing Cherry Hill Gourmet food store use located in the building on the property would not be allowed to remain. The building contains 5,557 square feet of vacant office space on the second floor and it is likely that the space currently occupied by the existing food store would either revert to its previous vacant status or be occupied by conforming uses if it were not permitted to remain. The Applicant has stated that the space would become vacant absent the proposed action given the history and current presence of other unoccupied spaces in the building. Therefore, it is likely that the 21,934 gsf of the building currently occupied by the Cherry Hill Gourmet food store would remain vacant in the future No-Action Scenario.

No other changes would occur to Area B or to any of the other areas of the SSBD in the future without the action.

### **Future With-Action Scenario**

Under the With-Action Scenario, the proposed text amendment would legalize an existing UG 6 food store (Cherry Hill Gourmet Market) within the project area. The text change would amend the use regulations for Area B of the SSBD to permit food stores. The number of food stores would be limited to one food store per zoning lot and the size of said food stores would be limited to 15,000 square feet per store plus an additional 6,500 square feet of floor area for accessory office and storage space. If the requested action is approved, the With-Action Scenario would entail the development on the project site as described below.

Under the With-Action Scenario, the existing three-story and cellar, 51,924 gsf, 42-foot tall building would remain as is on the project site and cannot be enlarged. The commercial building could not be enlarged as it consists of 50,636 zsf and an FAR of 1.165 relative to the maximum commercial permitted size of 43,450 zsf and FAR of 1.0.

The Cherry Hill Gourmet food store would be legalized under the proposed action and would total 21,934 gsf in floor area as it does currently. The facility would include, as it does currently, the entire 1,288 gsf cellar area of the building, 14,230 gsf (approximately 55.1%) of the building's first floor, and 6,416 gsf (approximately 29.2%) of the building's second floor. The Applicant

believes that market conditions would not support additional food stores or a larger food store than currently exists. As stated above, the Cherry Hill Gourmet food store opened in 2008 and has therefore been in operation for approximately six years without the need to expand or contract in order to remain financially viable. The Applicant indicates that the current combination of the existing food store with an accessory restaurant facility and office space meets market conditions for the area and enables him to cover his approximately \$50,000 monthly rent and real estate tax expenses.

The proposed legalization of the Cherry Hill Gourmet food store would serve to maintain the 'status quo' on the project site, and although it would permit a food store use anywhere in Area B, no expansion of the subject food store is proposed or anticipated. The Applicant believes that it is unlikely that one of the other eating or drinking establishments in the building or any of the unoccupied space on the second floor of the building would be converted to a food store if the text amendment is approved.

No other changes would occur to Area B or to any of the other areas of the SSBD in the future with the proposed action.

Based on an estimated 12-month approval process (including ULURP approval of up to 215 days), the Build Year is assumed to be 2015. No new construction would be required as part of the proposed action.

**Table 1  
Proposed Project/With-Action Scenario**

Zoning Lot Size (SF)	Building Occupancy	GSF Above Grade	GSF Below Grade	Total GSF	Comm'l GSF	Vacant GSF	Com Facil GSF	Resid GSF	Manuf GSF	# of DUs	#Acc Pkg Spaces	Acc Pkg GSF	Bldg Ht (feet)
	Cherry Hill	20,646	1,288	21,934	21,934	0	0	0	0	0		0	
	Other Tenants	29,990	0	29,990	29,990	0	0	0	0	0		0	
43,450	Total	50,636	1,288	51,924	51,924	0	0	0	0	0	41	0	42

**Table 2  
Proposed No-Action Scenario**

Zoning Lot Size (SF)	Building Occupancy	GSF Above Grade	GSF Below Grade	Total GSF	Comm'l GSF	Vacant GSF	Com Facil GSF	Resid GSF	Man GSF	# of DUs	#Acc Pkg Spaces	Access Pkg GSF	Bldg Ht (feet)
	Vacant Cherry Hill Space	20,646	1,288	21,934	0	21,934	0	0	0	0		0	
	Other Tenants	29,990	0	29,990	29,990	0	0	0	0	0		0	
43,450	Total	50,636	1,288	51,924	29,990	21,934	0	0	0	0	41	0	42

**Table 3**  
**Increment between No-Action and With-Action Scenarios**

Zoning Lot Size (SF)	Building Occup	GSF Above Grade	GSF Below Grade	Total GSF	Com'l GSF	Vacant GSF	Com Facil GSF	Resid GSF	Man GSF	# of DUs	#Acc Pkg Spaces	Access Pkg GSF	Bldg Ht (feet)
	Cherry Hill	+20,646	+1,288	+21,934	+21,934	-21,934	0	0	0	0		0	
	Other Tenants	0	0	0	0	0	0	0	0	0		0	
43,450	Total	+20,646	+1,288	+21,934	+21,934	-21,934	0	0	0	0	41	0	42

**Table 4**  
**Maximum SF of Other Uses Allowed Under the No-Action Scenario**

Max GSF for Commercial	Max GSF for Comm Facility	Max GSF for Residential	Max GSF for Manufacturing
43,450	54,312.5	54,312.5	0

**Table 5**  
**Maximum SF of Other Uses Allowed Under the With-Action Scenario**

Max GSF for Commercial	Max GSF for Comm Facility	Max GSF for Residential	Max GSF for Manufacturing
43,450	54,312.5	54,312.5	0

# **SUPPLEMENTAL REPORT**



**1901 EMMONS AVENUE TEXT AMENDMENT AND CHERRY HILL GOURMET  
LEGALIZATION**

**ENVIRONMENTAL ASSESSMENT STATEMENT**

**INTRODUCTION**

Based on the analysis and the screens contained in the Environmental Assessment Statement Full Form, the analysis areas that require further explanation include land use, zoning and public policy, historic and cultural resources, natural resources, air quality, and noise as further detailed below. The section numbers below correspond to the relevant chapters of the 2014 *CEQR Technical Manual*.

**4. LAND USE, ZONING AND PUBLIC POLICY**

**INTRODUCTION**

The proposed project would not result in a change in land use and zoning that is different from the surrounding land uses and zoning. However, the proposed action requests a change to the existing zoning text relevant to the property which requires City Planning Commission approval. This change would not adversely affect land uses, zoning, or any public policies applicable to the area and would be in compliance with zoning goals for the area and complement existing public policies. A preliminary land use, zoning, and public policy assessment is presented below.

**EXISTING CONDITIONS**

**Land Use**

Project Site

The subject property consists of an approximately 43,450 square foot zoning lot identified as 1901 Emmons Avenue in Brooklyn, NY (Block 8775, Lot 41). The zoning lot encompasses an entire block and is bounded by the Belt Parkway Service Road/Shore Parkway/Leif Ericson Drive to the north, Ocean Avenue to the east, Emmons Avenue to the south, and East 19<sup>th</sup> Street to the west.

As previously noted, the project site contains an existing, non-compliant 51,924 gross square feet (gsf) Use Group (UG) 6 building known as the Lundy Landing Shopping Center, which houses the Applicant-owned Cherry Hill Gourmet food store, as well as several other UG 6 eating and drinking establishments, offices, and local retail businesses. The project site is the location of a former UG 6 restaurant use, "Lundy's Restaurant," which originally opened in 1934. Until its closing in 1979, Lundy's was a popular local seafood restaurant which at its peak had the capacity to serve approximately 2,500 patrons. In 1992, the building was designated a NYC landmark. A smaller, 700 seat version of the restaurant opened in 1995, but closed after several years.

The project site is developed with a three-story and cellar, approximately 42-foot tall building containing 51,924 gsf of floor area including the cellar. The 25,821 gsf first floor of the building is occupied by two eating and drinking establishments, a retail store, and the subject Cherry Hill Gourmet food store. The 22,009 gsf second floor of the building contains office space, 5,557 square feet of which is vacant, a beauty parlor, and accessory office and other space for the Cherry Hill Gourmet food store. The 2,806 gsf third floor of the building contains office space. The 1,288 gsf building cellar is occupied by mechanical, refrigeration, and rest rooms accessory to the Cherry Hill Gourmet food store. The zoning lot also contains 41 unenclosed parking spaces.

The Cherry Hill Gourmet food store totals 21,934 gsf in area and includes the entire 1,288 gsf cellar area of the building, 14,230 gsf (approximately 55.1%) of the building's first floor, and 6,416 gsf (approximately 29.2%) of the building's second floor. The Cherry Hill facility contains 20,646 zsf of floor area including 11,627.5 square feet occupied by the food store and 9,018.5 square feet occupied by the 3,753.5 gsf restaurant, accessory office space, and vacant commercial space.

The Cherry Hill Gourmet food store originally opened in 2008. The Cherry Hill Gourmet accessory eating and drinking establishment has over 150 seats where waiter service is available; approximately 50 seats are indoors and approximately 100 seats are outdoors on both the Ocean Avenue and Emmons Avenue frontages of the site. There are two other restaurants in the subject building with outdoor seating on Emmons Avenue. Masal Café and Lounge, just west of Cherry Hill Gourmet's space is a tea room with late-night hours and a view of the Sheepshead Bay Marina. Masal offers indoor and outdoor seating on Emmons Avenue. Momoyama Hibachi Steak House and Sushi Bar occupies space in the building just west of Masal. Momoyama also offers indoor and outdoor seating, which is located on the Emmons Avenue frontage of the property.

### Study Area

The primary study area extends approximately 400 feet in all directions from the project site. The study area is roughly bounded by an area between the Belt Parkway/Shore Parkway and Voorhies Avenue on the north, Sheepshead Bay on the south, an area between East 21<sup>st</sup> Street and Dooley Street to the east, and an area slightly west of Sheepshead Bay Road to the west.

Block 8773 immediately to the west of the project site block across East 19<sup>th</sup> Street and Block 8778 and the western portion of Block 8779 to the east of the project site block across Ocean Avenue are all developed with one- to three-story commercial retail buildings. The eastern portion of the block furthest to the west between Emmons Avenue and Shore Parkway, Block 8771, is primarily developed with three- to six-story multiple dwellings with ground floor retail space. This portion of Block 8771 also includes a two-family dwelling and a one-story commercial retail building.

The Belt Parkway/Shore Parkway occupy much of the area to the north of the project site. Portions of three blocks are located to the north of the Parkway within 400 feet of the project site. The center block due north of the project site block, Block 8774, is developed with a one-story commercial retail building. The 400-foot radius portion of Block 8772 to the west of this block is developed with a four-story multiple dwelling, a one-story commercial retail building, and a two-story commercial retail building. The 400-foot radius portion of Block 8776 furthest to the east is developed with a two-story medical office building, a three-story multiple dwelling, and a two-story single-family home.

The area to the south of the project site block includes Emmons Avenue, a portion of the Sheepshead Bay Piers, and Sheepshead Bay.

## ZONING

### Project Site

The subject property is located in an R5/C2-2 zoning district in Area B of the Special Sheepshead Bay District (SSBD, the "District"). The SSBD encompasses an approximate 20-block area, which extends along Emmons Avenue and the adjacent side streets from Sheepshead Bay Road on the west to Knapp Street on the east. The SSBD contains eight subareas (Areas A through H) with regulations governing development and permitted uses for each area (see figure in Figures and Photographs Appendix). The City Planning Commission established the SSBD in 1973 to promote and strengthen the unique character of the District as a prime location for waterfront-related commercial and recreational development as well as to encourage other improvements to the District. In the area immediately north of the fishing fleet wharves, commercial uses are restricted to waterfront and tourist-related activities. Special density and height limits govern new development throughout the District. Along Emmons Avenue, new developments must provide widened sidewalks and plazas with sitting areas, landscaping, kiosks, and cafes upon certification of the City Planning Commission. Floor area bonuses are available for large plazas, arcades, accessory outdoor space, and additional accessory commercial parking. The geographical limits for Area B are coincident with the limits of the project site, the single block identified above.

The R5 zoning district allows all housing types including detached, semi-detached, attached, and multi-family residences (Use Groups 1 & 2) as well as community facility uses (Use Groups 3 & 4). The maximum FAR for all housing types is 1.25 with a community facility FAR of 2.0, and the maximum street wall and total building heights are 30 and 40 feet, respectively. Detached houses must have two side yards that total at least 13 feet, each with a minimum width of five feet. Semi-detached houses need one eight foot wide side yard. Apartment houses need two side yards, each at least eight feet wide. Off-street parking is required for 85% of the dwelling units in a building.

The C2-2 commercial overlay district is intended to accommodate the retail and personal service shops needed in residential neighborhoods, and is intended to permit a wider range

of local retail and service establishments and to serve a wider neighborhood than C1 districts. It permits Use Groups 1 through 9 and 14. The maximum commercial FAR for a C2-2 overlay in an R5 zone is 1.0. Residential uses are permitted within these overlays with residential bulk being governed by the provisions of the surrounding residential zone. One parking space is required for each 200 square feet of UG 6 food store use in excess of 2,000 square feet of floor area.

The Cherry Hill Gourmet food store consists of the subject food store, which is not compliant with existing zoning, and an accessory restaurant facility and office space, which do comply with zoning. While certain convenience retail and retail/service establishments are permitted, a UG 6 Food Store use is not permitted in Area B. In Area B, permitted retail food sales uses are limited to bakeries, candy or ice cream stores, and eating and drinking establishments.

### Study Area

The 400-foot radius project study area south of the Belt Parkway/Shore Parkway is entirely located within the SSBD and therefore the regulations of the SSBD apply to all properties in this area.

Blocks 8773, 8778, and 8779 immediately to the east and west of the project site block share the project site's R5/C2-2 zoning and therefore the R5/C2-2 zoning regulations apply to all properties on these blocks.

The 400-foot radius portion of Block 8771 between Emmons Avenue and Shore Parkway west of Sheepshead Bay Road is zoned R6/C2-2. The R6 zoning district is appropriate for medium density housing with typical building heights ranging from three to twelve stories. The district allows a residential FAR ranging from 0.78 to 2.43 and a community facility FAR of up to 4.8. The higher residential FAR typically produces 12-story residential buildings with increased open space on the lot. Parking is required for 70 percent of the dwelling units in this zone; for 50% of the units for lots less than 10,000 square feet in area; and is waived if 5 or fewer spaces are required. The Quality Housing Program is optional in R6 districts and permits an FAR of up to 3.0 on wide streets outside the Manhattan core. In addition, parking is required for only 50 percent of the dwelling units in a Quality Housing development. The maximum commercial FAR for a C2-2 overlay in an R6 zone is 2.0.

The 400-foot radius portion of Blocks 8772, 8774, and 8776 north of the Belt Parkway/Shore Parkway is zoned R4/C1-2. The R4 zoning district is a low density zone permitting multiple dwellings. A variety of housing types, including garden apartments and rowhouses, are common in this district. The R4 zone permits a maximum residential FAR of 0.75 with an attic allowance of up to 0.15 for a total FAR of 0.9, a maximum 45 percent lot coverage, and a maximum building height of 35 feet resulting in buildings generally no taller than three stories, and requires one parking space per dwelling unit. Lots sizes are a

minimum of 3,800 square feet for detached one- and two-family houses and 1,700 square feet for all other types of units. The R4 zone permits a maximum community facility FAR of 2.0. The maximum commercial FAR for a C1-2 overlay in an R4 zone is 1.0.

## **PUBLIC POLICY**

The following public policies are applicable to the project site and the surrounding 400-foot project study area.

The project site is a designated landmark, as further discussed in the Historic and Cultural resources section below, and is therefore subject to New York City and New York State landmarks preservation regulations. No designated Historic Districts or other individually designated historic resources are located within the project study area.

The project site and the surrounding study area south of the Belt Parkway/Shore Parkway are located within the City's Coastal Zone Boundary and are therefore subject to the provisions of the New York City Waterfront Revitalization Program (WRP).

The project site and the surrounding study area are not covered by any 197-a or other community plans, and are not within an urban renewal area and are therefore not subject to the provisions of an urban renewal plan. No other public policy documents would apply to the project site or the project study area.

## **THE FUTURE WITHOUT THE PROJECT**

### **Land Use**

#### Project Site

Under the No-Action Scenario, the existing three-story and cellar, 51,924 gsf, approximately 42-foot tall building would remain as is on the project site and would not be enlarged, but the existing Cherry Hill Gourmet food store use located in the building on the property would not be allowed to remain.

The building contains 5,557 square feet of vacant office space on the second floor and it is likely that the space currently occupied by the existing food store would either revert to its previous vacant status or be occupied by conforming uses if it were not permitted to remain. The Applicant has stated that the space would become vacant absent the proposed action given the history and current presence of other unoccupied spaces in the building. Therefore, it is likely that the 21,934 gsf of the building currently occupied by the Cherry Hill Gourmet food store would remain vacant in the future No-Action Scenario.

No other changes would occur to SSBD Area B in the future without the action.

#### Study Area

Based on a review of DCP's Land Use and CEQR Application Tracking System (LUCATS), no additional projects are anticipated to be completed by the project build year of 2015 within 400 feet of the project site. Surrounding land uses within the immediate study area

are expected to remain largely unchanged by the project build year. Few undeveloped parcels remain within the project study area. Therefore, no significant new development or redevelopment in the area would be expected.

## **Zoning**

### Project Site

As stated in the Land Use section above, under the No-Action Scenario, the existing three-story and cellar, 51,924 gsf, approximately 42-foot tall building would remain as is on the project site and would not be enlarged. The commercial building cannot be enlarged as it is overbuilt at 50,636 zsf and an FAR of 1.165 relative to the maximum permitted commercial size of 43,450 zsf and FAR of 1.0. In addition, the existing Cherry Hill Gourmet food store use located in the building on the property would not be allowed to remain as the food store use is not allowed in SSB Area B pursuant to ZR Section 94-061.

### Study Area

Based on a review of the DCP website, no changes are anticipated to the zoning districts and zoning regulations relating to the project site or the surrounding study area in the near future.

## **Public Policy**

The project site and a portion of the 400-foot radius project study area are located within the City's current Coastal Zone Boundary. The remainder of the project study area north of the Belt Parkway is not located within the current Coastal Zone Boundary. However, this area is located within the City's proposed amended Coastal Zone Boundary, and could be subject to the revisions to the New York City WRP in the future. On September 11, 2013, the City Planning Commission voted to approve the revisions to the WRP and on October 30, 2013, the City Council approved the revisions to the WRP. The WRP must be approved by the New York State Department of State and the U.S. Department of Commerce before it goes into effect.

As part of the Resilient Neighborhoods initiative, the Department of City Planning is working with the community in Sheepshead Bay to identify changes to zoning and land use to support the continued vitality of this neighborhood, reduce its exposure to risk associated with coastal flooding, and promote the long-term resiliency of its built environment. Sheepshead Bay was selected for the study not only because it was severely impacted by Hurricane Sandy, but also because of the presence of below-grade bungalows as well as commercial corridors where high flood elevations coupled with below-grade retail spaces exacerbate vulnerability to flooding.

## THE FUTURE WITH THE PROJECT

### Land Use

#### Project Site

Under the With-Action Scenario, the existing three-story and cellar, 51,924 gsf, approximately 42-foot tall building would remain as is on the project site and would not be enlarged. The Cherry Hill Gourmet food store would be legalized under the proposed action and would total 21,934 gsf in floor area as it does currently. The facility would include, as it does currently, the entire 1,288 gsf cellar area of the building, 14,230 gsf (approximately 55.1%) of the building's first floor, and 6,416 gsf (approximately 29.2%) of the building's second floor. The Applicant believes that market conditions would not support additional food stores or a larger food store than currently exists. As stated above, the Cherry Hill Gourmet food store opened in 2008 and has therefore been in operation for approximately six years without the need to expand or contract in order to remain financially viable. The Applicant indicates that the current combination of the existing food store with an accessory restaurant facility and office space meets market conditions for the area and enables him to cover his approximately \$50,000 monthly rent and real estate tax expenses.

The proposed legalization of the Cherry Hill Gourmet food store would serve to maintain the 'status quo' on the project site, and although it would permit a food store use anywhere in Area B, no expansion of the subject food store is proposed or anticipated by the Applicant. The Applicant believes that it is unlikely that one of the other eating or drinking establishments in the building or any of the unoccupied space on the second floor of the building would be converted to a food store if the text amendment is approved.

No other changes would occur to SSBD Area B in the future with the proposed action.

Based on an estimated 12-month approval process (including ULURP approval of up to 215 days), the Build Year is assumed to be 2015. No new construction would be required as part of the proposed action.

#### Study Area

The neighborhood surrounding the project site consists of a stable mixture of one-, two-, and multi-family residences, local commercial retail uses, and a medical office community facility use. No significant changes have occurred to these uses or the buildings in which they are located within recent years.

The proposed action would facilitate the continued operation of the Cherry Hill Gourmet food store and restaurant which has been at this location since 2008. The Applicant believes that the subject use is a neighborhood amenity that is not widely available in the surrounding area and it would support the surrounding residential population as well as visitors to the area.

No adverse impact to land use patterns in the area is expected to arise as a result of the proposed project, and further assessment of land use is not warranted.

## **Zoning**

### Project Site

The proposed action is the request for a zoning text amendment to ZR Section 94-061 (SSBD) to amend the use regulations of Area B within the SSBD to permit food stores. The number of food stores would be limited to one food store per zoning lot and the size of said food stores would be limited to 15,000 square feet per store plus an additional 6,500 square feet of floor area for accessory office and storage space. The proposed text amendment would facilitate a proposal by the Applicant to legalize an existing, Applicant-owned UG 6 food store, the Cherry Hill Gourmet Market, which coincides geographically with Area B of the SSBD. Additionally, the proposed action would allow for technical clarifications to ZR 94-061 language pertaining to permitted uses in SSBD Areas A through H (see Proposed Special Sheepshead Bay District Text Amendment in Appendix).

As stated in the Land Use section above, the existing three-story and cellar, 51,924 gsf, approximately 42-foot tall building would remain as is on the project site and would not be enlarged. The commercial building cannot be enlarged as it consists of 50,636 zsf and an FAR of 1.165 relative to the maximum commercial permitted size of 43,450 zsf and FAR of 1.0.

The Applicant believes that the proposed text change and the continued occupancy of the subject space by the Cherry Hill Gourmet food store would serve to promote and strengthen the unique character of the SSBD area.

The proposed text change is consistent with the goals of the SSBD as further discussed below. The SSBD is designed to promote and protect public health, safety, general welfare, and amenity. These general goals of the SSBD include the specific purposes noted in italics below. The proposed text change would comply with the goals established for the SSBD as further discussed below.

*a) to promote and strengthen the unique character of the "Special Sheepshead Bay District" area as a prime location for waterfront-related commercial and recreational development and to help attract a useful cluster of shops, restaurants and related activities, which will complement and enhance the area as presently existing;*

The proposed text change and the continued occupancy of the subject space by the Cherry Hill Gourmet food store would meet the goal to promote and strengthen the unique character of the SSBD area.

While the food store does not include any specific waterfront-related theme, the Applicant believes that it does provide residents and visitors with an experiential shopping



opportunity that is complementary to the longstanding commercial character of Sheepshead Bay and the Sheepshead Bay Marina, directly across Emmons Avenue.

*(b) to encourage the provision of housing with appropriate amenities in areas suitable for residential development;*

Although the proposal does not include the provision of any new housing, the subject food store is an inherently appropriate amenity for the adjacent residential neighborhood as discussed under item (a) above.

*(c) to improve vehicular and pedestrian circulation patterns by requiring limited curb cuts and uniform sidewalk widening, and encouraging the provision of public open space and other amenities as a related part of new development;*

The subject proposal does not include any changes to existing vehicular and pedestrian circulation patterns and does not include any public open space or related amenities. No new curb cuts or changes to sidewalks are needed to accommodate the food store use which can be adequately accessed from the existing connections.

*(d) to provide an incentive for redevelopment of the area in a manner consistent with the foregoing objectives which are integral elements of the Comprehensive Plan of the City of New York; and*

The proposed text change and the continued occupancy of the subject space by the Cherry Hill Gourmet food store would meet the goal of appropriate redevelopment of the SSBD area. Without the proposed text change, Area B of the SSBD would be underutilized since the existing space in the building exceeds the size of contemporary restaurants or other permitted uses on the property. The building has a history of long term vacancies and since 1934 has sat empty for approximately 20 years. Occupancy of the subject space by a food store use is consistent with the objectives of the City's Comprehensive Plan.

*(e) to promote the most desirable use of land in this area and thus to conserve the value of land and thereby protect the City's tax revenues.*

The Applicant believes that subject food store provides high quality specialty foods for the adjacent residential neighborhood and serves to occupy a portion of the subject building which would otherwise remain vacant. The Applicant believes that the continued occupancy of the portion of the building by the Cherry Hill Gourmet food store serves to conserve the value of land and protect the City's tax revenues.

A busy food store is a desirable use of land, as it provides both a tax paying occupant for the space and an appreciated amenity and source of sustenance for the neighborhood. While the Lundy's space was once capable of serving between 2,400 and 2,800 patrons, the space has proven to be unsuitable for a complying restaurant use. Contemporary restaurants are not typically as large as Lundy's once was. For instance, the nearby Baku Palace restaurant on the block at the northeast corner of Emmons and Ocean Avenues, which occasionally hosts

special events such as weddings and anniversary parties, is only 7,500 square feet on two floors – a fraction of the size of the subject 55,300 square foot building.

### Study Area

The proposed zoning text amendment would not induce new development either on the project site or in the project study area and would therefore have no effects on zoning in the surrounding 400-foot radius project study area.

Potentially significant adverse impacts related to zoning are not expected to occur as a result of the proposed action, and further assessment of zoning is not warranted.

### **Public Policy**

No adverse impacts to public policies would occur as a result of the proposed action.

As explained in the Historic and Cultural resources section below, no new development would occur on the project site under the proposed action and no new subsurface disturbance would occur. Therefore, the project would not result in any adverse impacts to historic resources or to potential archaeological resources on the site.

The Waterfront Consistency Assessment Form and a narrative relating to the proposal's consistency with the applicable waterfront policies are included in the "Waterfront Revitalization Program and Jamaica Bay Watershed Protection Plan" Appendix to this document. The narrative explains how the project complies with the policies noted after each Consistency Assessment Form question that has been affirmatively responded to. The proposed action is consistent with all WRP policies, and no significant adverse impacts related to the WRP are anticipated as a result of the project, and further assessment is not warranted. The WRP number is 13-132 and is dated October 31, 2014.

No potentially significant adverse impacts related to public policy are anticipated to occur as a result of the proposed action, and further assessment of public policy is not warranted.

## **9. HISTORIC AND CULTURAL RESOURCES**

The project site contains an architectural resource that was designated as a New York City Landmark by the New York City Landmarks Preservation Commission (LPC) in 1992. According to LPC's *Guide to New York City Landmarks*, the original occupant of the building, F.W.I.L. Lundy Brothers Restaurant, was one of New York's best-loved seafood palaces. The *Guide* states that:

"Lundy's is a major cultural and architectural presence in the waterfront community of Sheepshead Bay. The Spanish Colonial Revival-style restaurant, thought to be the largest restaurant in the country at its completion, was erected by Frederick Lundy

at the time when the federal government was investing in the reconstruction of the area's waterfront. The *Guide* states that the restaurant boomed in the 1950s, serving 15,000 people on holidays such as Mother's Day. It closed in 1979 but reopened in 1996 after a major restoration."

A 700 seat version of the restaurant opened in 1995, but closed after several years. The subject Cherry Hill Gourmet food store opened in 2008.

The project would not adversely affect any historic or cultural resources on the project site. No physical changes are proposed to be made to the Lundy's building.

In a letter dated October 20, 2014 (see Historic and Cultural Resources Appendix), LPC stated that the project site has no archaeological significance; the project site is a designated NYC landmark; and the project site is listed on the National Register of Historic Places. LPC also states the following:

"The LPC is in receipt of the EAS dated October, 2014. The project site is an LPC individual landmark and is listed on the State and National Registers. Any exterior work or interior work requiring a permit needs an LPC permit issued by the Preservation Department. All permits should be appended to the final EAS."

The proposed action would serve to enhance the preservation of the subject building. The existing space in the building exceeds the size of contemporary restaurants or other permitted uses on the property. The subject food store serves to occupy a portion of the historic building that would otherwise remain vacant. No new development would occur on the project site under the proposed action and no new subsurface disturbance would occur. Therefore, the project would not result in any adverse impacts to historic resources or to potential archaeological resources on the site.

## **11. NATURAL RESOURCES**

The project site is located across the four-lane Emmons Avenue from the Sheepshead Bay waterfront and does not border the shoreline. The project site is a completely developed full block parcel containing an existing building and paved parking areas and is located in an area comprised of commercial retail and residential developments. The project site does not contain any unique or significant natural features.

The project site is located within the Jamaica Bay Watershed and the Jamaica Bay Watershed Protection Plan Project Tracking Form has been prepared and is included in the "Waterfront Revitalization Program and Jamaica Bay Watershed Protection Plan" Appendix to this document. As no new construction would occur on the project site under the proposed action, no impacts to the Jamaica Bay Watershed would be anticipated.

## 17. AIR QUALITY

Based on the responses provided in the EAS Form, a potential air quality concern from the proposed project would pertain to stationary source air quality impacts. As listed in the *CEQR Technical Manual*, the project would use fossil fuels (fuel oil or natural gas) for heating/hot water, ventilation, and air conditioning systems. The subject food store use consists of 11,627.5 square feet of floor area.

To assess air quality impacts associated with emissions from the project's heating and hot water systems, a screening analysis was performed using the methodology described in the *CEQR Technical Manual*. This methodology determines the threshold of development size below which the action would not have a significant impact.

Impacts from boiler emissions associated with a commercial development are a function of fuel type, stack height, minimum distance from the source to the nearest building of concern, and square footage of the proposed development. The analysis was based on the existing two-story commercial retail building, approximately 42' in height, with an emissions stack height of three feet higher than the building height (45' was chosen for analysis) and the 11,627.5 square foot food store. The nearest sensitive receptor of the same or greater height than the subject building would be the six-story mixed commercial and residential structure located at the corner of Sheepshead Bay Road and Emmons Avenue (1725 Emmons Avenue; Block 8771, lot 129). This building is located approximately 240 feet away from the subject building and is even further from the stack of the subject building.

The subject 11,627.5 square foot food store would screen out on the basis of Figure 17-3. As shown on Figure 17-3 in the Air Quality Appendix, at a distance of 240 feet from the stack, the food store would fall below the curve and would therefore not be of concern to the residential uses at 1725 Emmons Avenue. Therefore, the potential for significant adverse impacts due to boiler stack emissions from the proposed project is unlikely, and a detailed analysis of stationary source impacts is not required. In addition, the proposed commercial development would not be considered to be a sensitive use based on *CEQR Technical Manual* criteria, and the proposed project would therefore not experience any adverse stationary source air quality impacts from its surroundings.

Conditions associated with the project development would not result in any violations of ambient air quality standards. Therefore, the action would not result in any potentially significant adverse air quality impacts, and further assessment is not warranted.

## 19. NOISE

Based on the responses provided in the EAS Form, potential noise concerns for the proposed project would only pertain to mobile source noise impacts.

The *CEQR Technical Manual* indicates that an “initial noise assessment may be appropriate if a proposed project would generate or reroute vehicular traffic or be located near a heavily trafficked thoroughfare.” Although the project would generate traffic, peak hour traffic generation from the 11,627.5 square foot food store would be less than 50 vehicle trips. The project would fall below the threshold levels shown in Table 16-1 of the transportation chapter of the *CEQR Technical Manual* (15,000 gross square feet of local retail space in Zone 3).

Traffic generated by the food store would not be sufficient to increase passenger car equivalent (PCE) values by 100 percent or more. The proposed project would not cause a significant adverse vehicular noise impact, and therefore, no further vehicular noise analysis is needed.

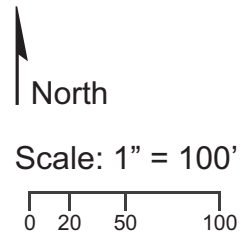
Conditions associated with the project development would not result in any violations of noise standards. Therefore, the action would not result in any potentially significant adverse noise impacts, and further assessment is not warranted.

# **APPENDIX**

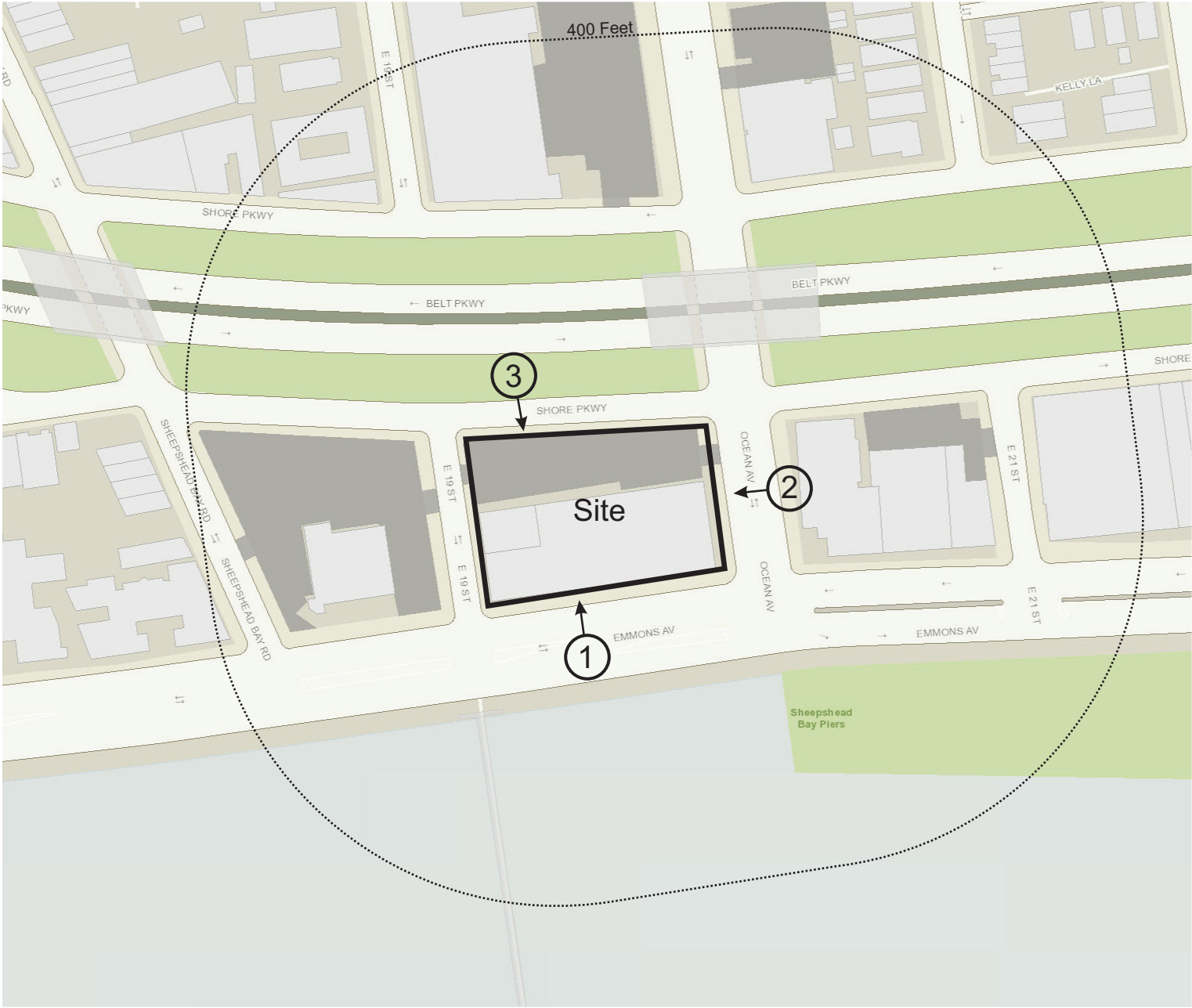
# **FIGURES & PHOTOGRAPHS**

Legend

- # - Lot Numbers
- ### - Block Numbers
- ..... - 400 Foot Radius







# Photo #1



## EMMONS AVENUE



SIGNAGE PANELS FOR MOMOYAMA



LOOKING WEST ON EMMONS AVENUE



LOOKING EAST ON EMMONS AVENUE

1901 EMMONS AVENUE

GARY H. SILVER ARCHITECTS, P.C.



Photo #2



OCEAN AVENUE



OCEAN AVE LOOKING TOWARDS EMMONS AVE



CERRY HILL SIGNAGE

# Photo #3

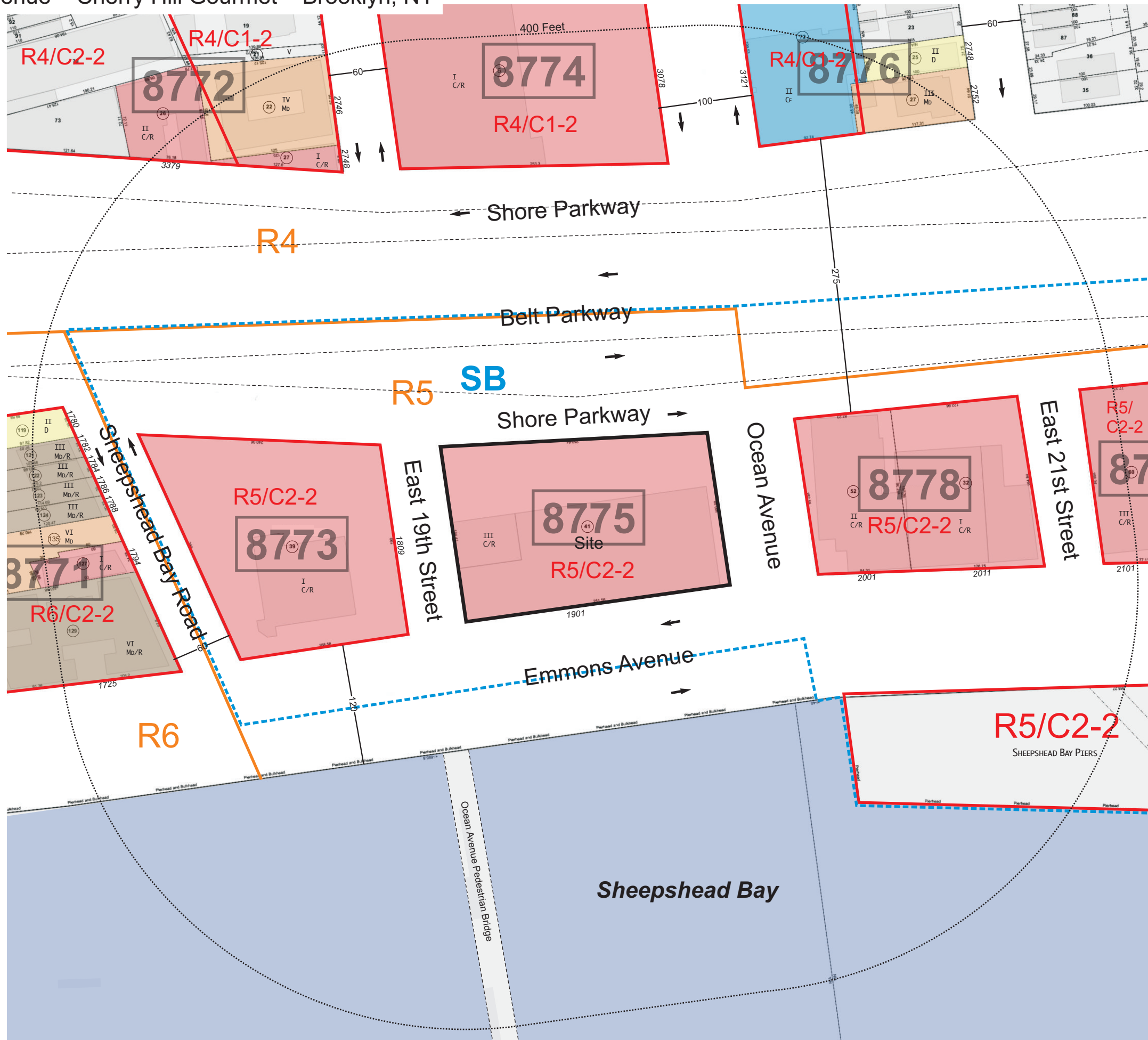


REAR PARKING LOT



PARKING LOT AWNING CLOSE-UP



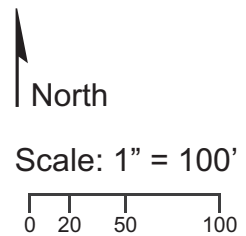


Land Uses

- One and Two-Family Homes
- Multiple Dwelling
- Commercial
- Mixed Use (Residential-Commercial)
- Manufacturing
- Open Space / Park Land
- Institutional / Community Facility
- Parking / Automotive

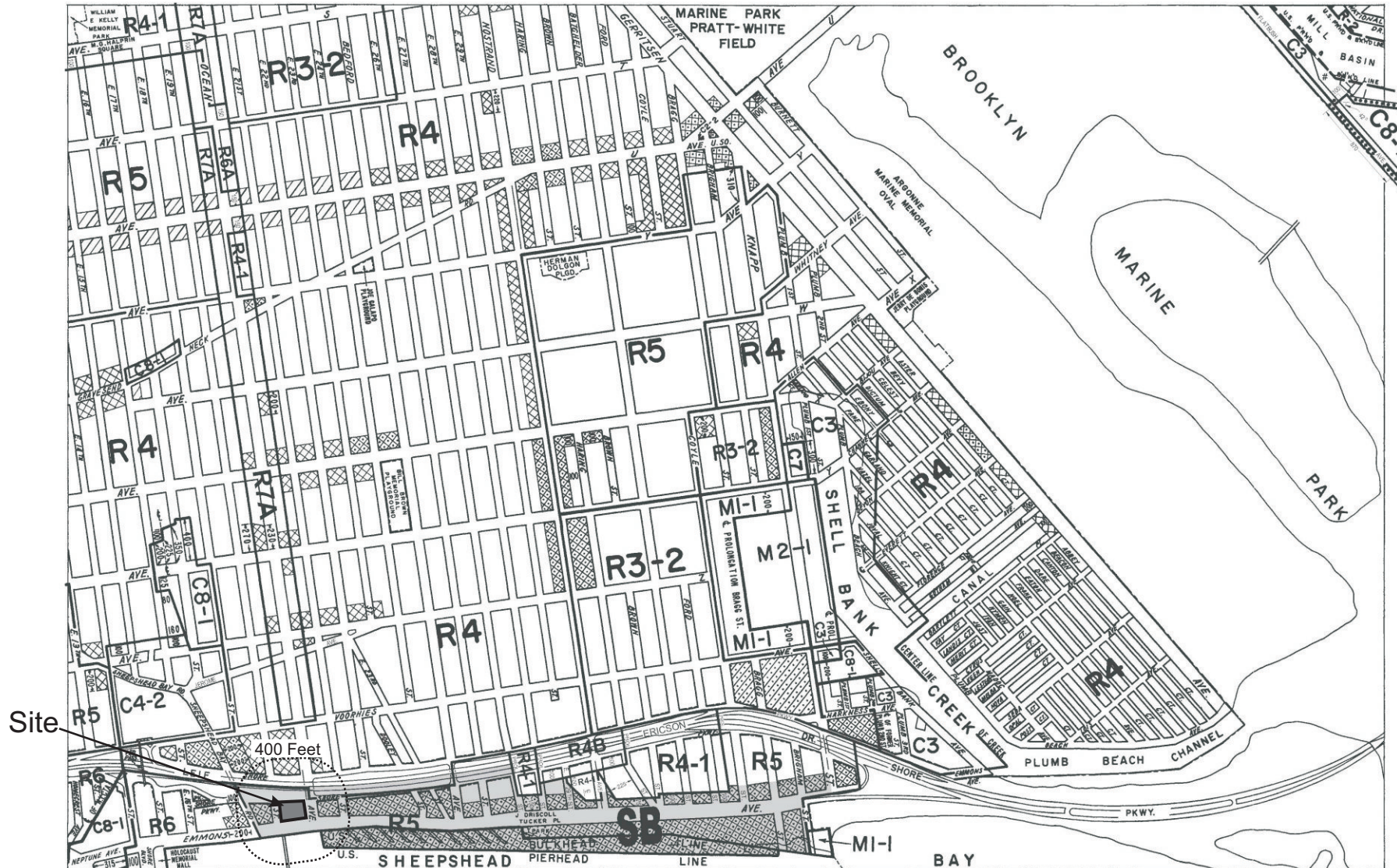
Legend

- # - Lot Numbers (within radius)
- ### - Block Numbers
- I, II, III - Story Height
- MD - Multiple Dwelling
- D - Dwelling
- R - Retail
- G - Garage
- C - Commercial
- I - Industrial
- M - Manufacturing
- W - Warehouse
- V - Vacant
- Cf - Community Facility

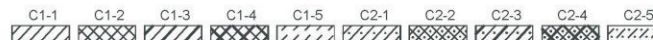




# 1901 Emmons Avenue – Cherry Hill Gourmet – Brooklyn, NY



# NOTE: STREETS FOR THE STREET MAP CHANGE C 070512 MMK ARE SHOWN ON THIS MAP PRIOR TO BECOMING EFFECTIVE IN ORDER TO LOCATE ZONING DISTRICT BOUNDARIES.



NOTE: Where no dimensions for zoning district boundaries appear on the zoning maps, such dimensions are determined in Article VII, Chapter 6 (Location of District Boundaries) of the Zoning Resolution.

## ZONING MAP

THE NEW YORK CITY PLANNING COMMISSION

### Major Zoning Classifications:

The number(s) and/or letter(s) that follows an R, C or M District designation indicates use, bulk and other controls as described in the text of the Zoning Resolution.

- R – RESIDENTIAL DISTRICT
- C – COMMERCIAL DISTRICT
- M – MANUFACTURING DISTRICT

**SPECIAL PURPOSE DISTRICT**  
The letter(s) within the shaded area designates the special purpose district as described in the text of the Zoning Resolution.

**AREA(S) REZONED**

### Effective Date(s) of Rezoning:

05-15-2012 C 120108 ZMK

### Special Requirements:

For a list of lots subject to CEQR environmental requirements, see APPENDIX C.

For a list of lots subject to "D" restrictive declarations, see APPENDIX D.

For Inclusionary Housing designated areas on this map, see APPENDIX F.

### MAP KEY

22d	23b	23d
28c	<b>29a</b>	29c
28d	29b	29d

© Copyrighted by the City of New York.

NOTE: Zoning information as shown on this map is subject to change. For the most up-to-date zoning information for this map, visit the Zoning section of the Department of City Planning website: [www.nyc.gov/planning](http://www.nyc.gov/planning) or contact the Zoning Information Desk at (212) 720-3291.

ZONING MAP **29a**








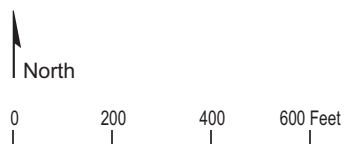
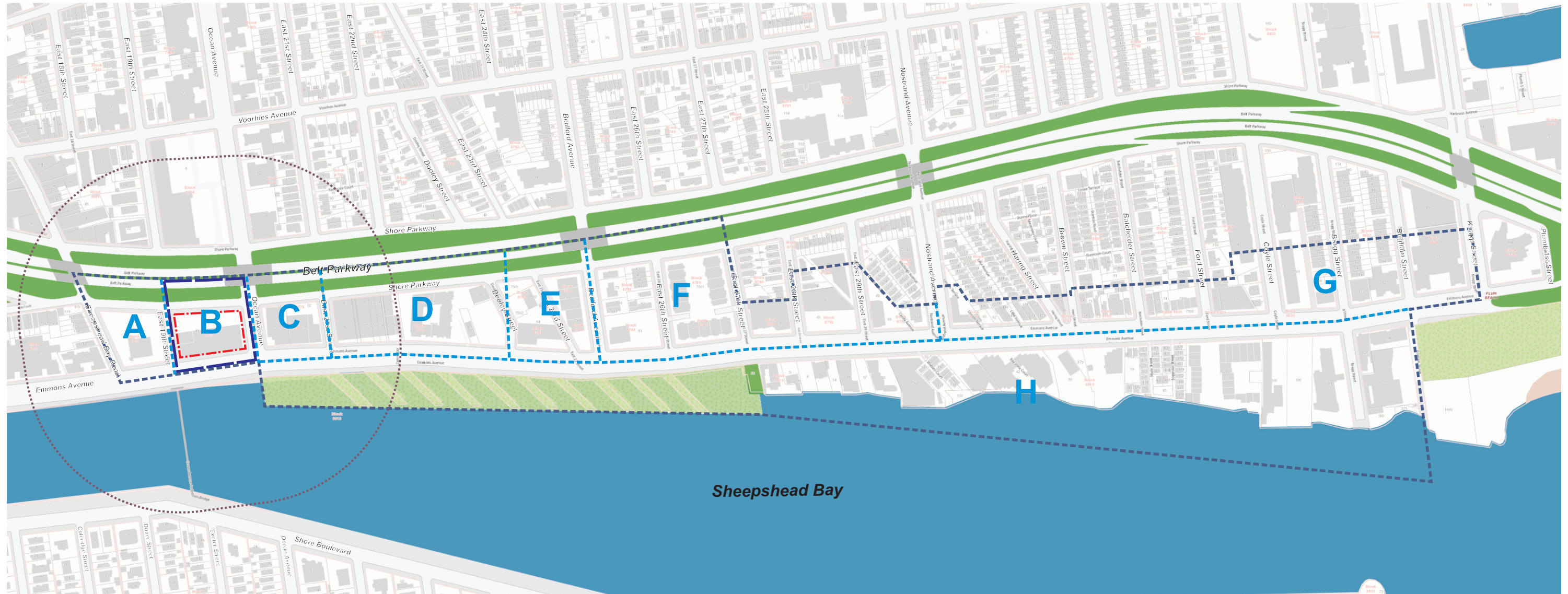
# Illustrative Map

Special Sheepshead Bay District  
Zoning Text Amendment

Cherry Hill Gourmet Market  
Date: July 21, 2014

## Legend

-  600' Buffer
-  Project Area
-  SSBD Area B
-  Special Sheepshead Bay District
-  Area Boundaries



# **BUILDING PLANS**



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ACOUSTICAL CONSULTANT:

OWNER:

ISSUE:

CITY PLANNING REVIEW

FOR ILLUSTRATIVE  
PURPOSES ONLY

PROJECT:

1901 EMMONS AVE  
BROOKLYN, NY

SHEET TITLE:

COVER SHEET

SEAL & SIGNATURE

Date: 02.20.2014

Project No. 1459.00

Drawn by: AR

Check by: GHS

DWG No.

**C-001.00**

DWG: X OF X



# 1901 EMMONS AVE BROOKLYN, NEW YORK



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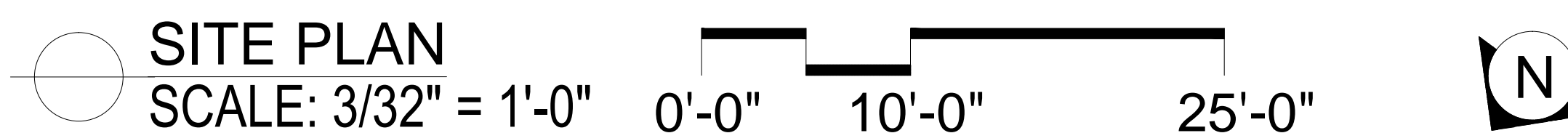
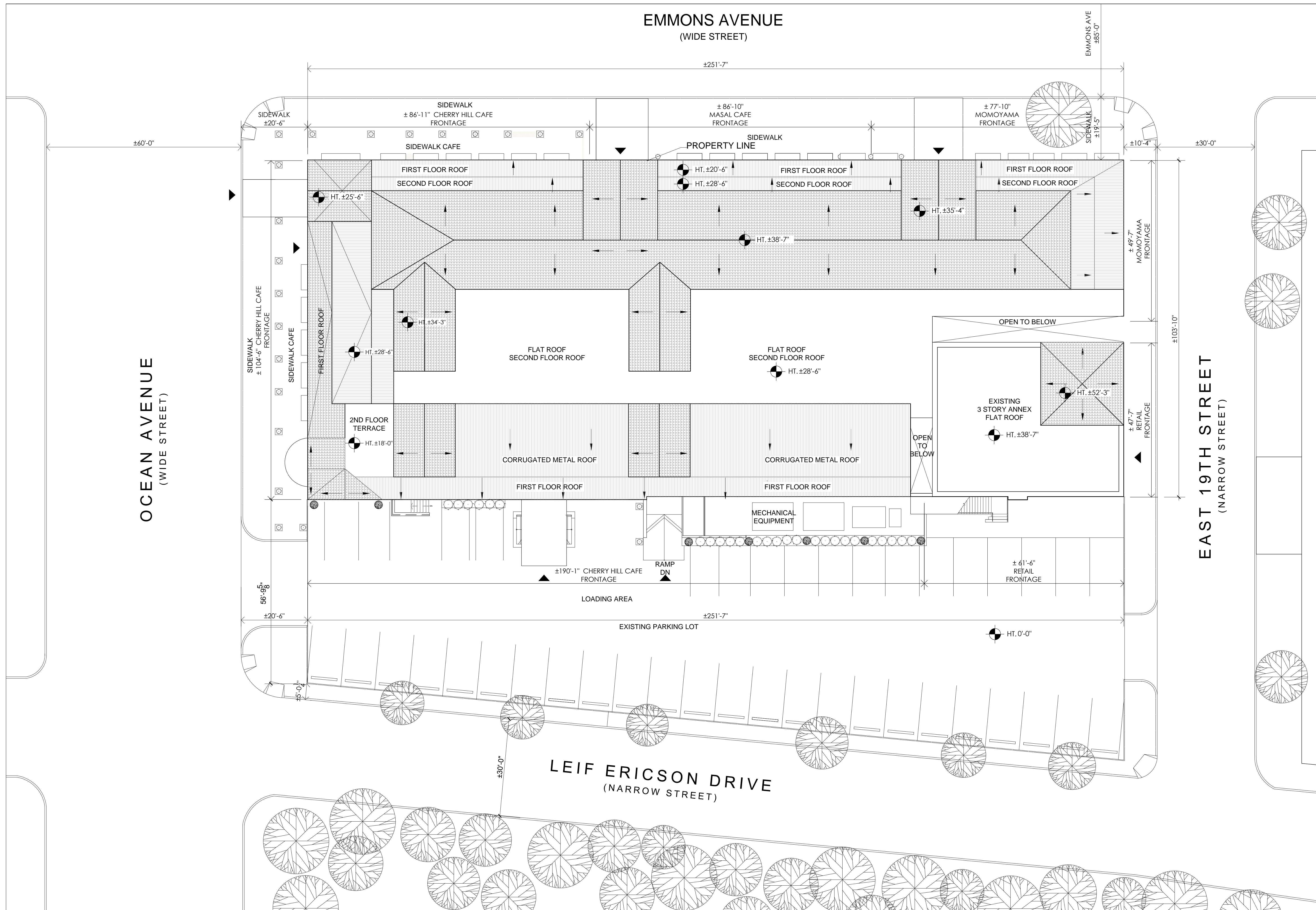
ISSUE:  
 CITY PLANNING REVIEW

**FOR ILLUSTRATIVE PURPOSES ONLY**

PROJECT:  
 1901 EMMONS AVE  
 BROOKLYN, NY

SHEET TITLE:  
 SITE PLAN

SEAL & SIGNATURE	Date: 02.20.2014
	Project No. 1459.00
	Drawn by: AR
	Check by: GHS
	DWG No. A-100.00
DWG: X OF X	





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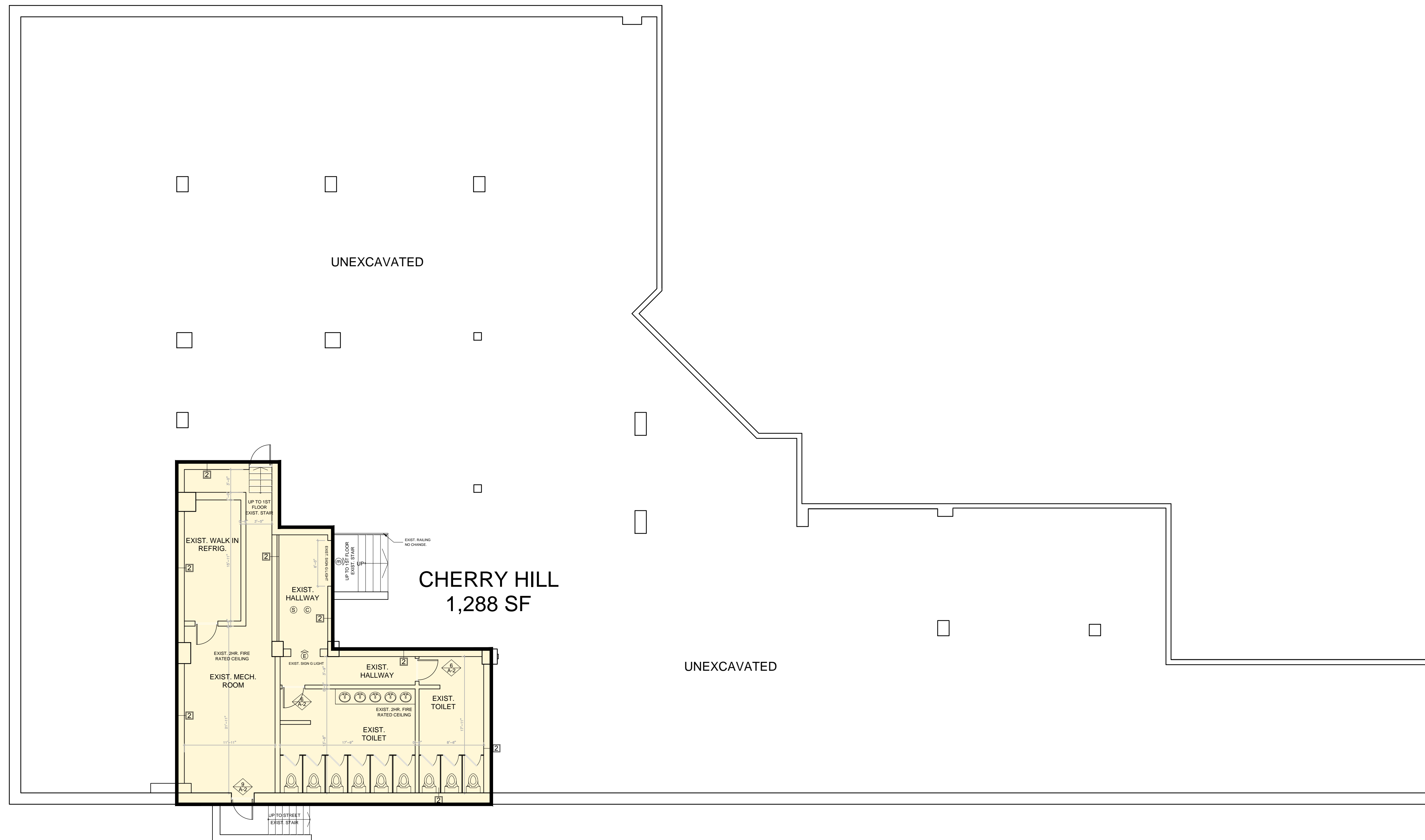
PROJECT:

**1901 EMMONS AVE  
BROOKLYN, NY**

SHEET TITLE:

**CELLAR PLAN**

SEAL & SIGNATURE	Date: 02.20.2014
	Project No. 1459.00
	Drawn by: AR
	Check by: GHS
	DWG No.
	<b>A-101.00</b>
	DWG: X OF X



LEGEND (USES PERMITTED AS OF RIGHT PER 94-062 USE GROUP SB)		
	USE GROUP SB (A) CHERRY HILL - EXISTING OCCUPIED SPACE { 20,646 SF }	TOTAL LOT AREA: 43,450 SF TOTAL BLDG GROSS: 51,924 SF TOTAL BLDG ZONING: 50,636 SF EXISTING NON/CONFORMING
	USE GROUP SB (A) CONVENIENCE RETAIL OR SERVICE ESTABLISHMENTS - EXISTING OCCUPIED SPACE { 8,658 SF }	
	USE GROUP SB (A) CHERRY HILL - EXISTING ACCESSORY USE (SIDEWALK CAFE) { 1,998 SF }	
	USE GROUP SB (B) OFFICE - EXISTING OCCUPIED SPACE { 15,454 SF }	<ul style="list-style-type: none"> <li>FIRST FLOOR: 25,821 SF</li> <li>SECOND FLOOR: 22,009 SF</li> <li>THIRD FLOOR: 2,806 SF</li> </ul>
	USE GROUP SB (C) RETAIL OR SERVICE ESTABLISHMENTS - EXISTING OCCUPIED SPACE { 2,750 SF }	
	EXISTING COMMON AREAS - LOBBY, STAIRS, BATHS, MECH SPACE { 2,905 SF }	

**94-062 USE GROUP SB**

IN AREAS A, B, C, D AND E, EXCEPT AS STATED IN THIS SECTION, ALL #COMMERCIAL USES# PERMITTED BY USE GROUP SB SHALL BE LIMITED TO A MAXIMUM #FLOOR AREA# OF 3,500 SQUARE FEET PER ESTABLISHMENT AND TO A MAXIMUM FRONTAGE PER ESTABLISHMENT AT GROUND FLOOR LEVEL OF 35 FEET WHEN FACING ANY PLAZA, EMMONS AVENUE, SHEEPSHEAD BAY ROAD, OCEAN AVENUE AND BEDFORD AVENUE. ANY #USE# MARKED WITH A SINGLE ASTERISK (\*) SHALL NOT BE LOCATED ON THE GROUND FLOOR OF A #BUILDING#.

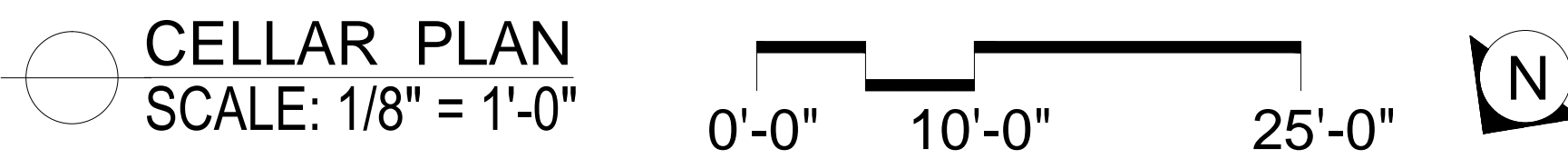
A. CONVENIENCE RETAIL OR SERVICE ESTABLISHMENTS  
EATING OR DRINKING PLACES, WITH NO RESTRICTION ON #FLOOR AREA# OR FRONTAGE PER ESTABLISHMENT, INCLUDING THOSE WHICH PROVIDE OUTDOOR TABLE SERVICE OR INCIDENTAL MUSICAL ENTERTAINMENT

B. OFFICES  
\* OFFICES, BUSINESS, PROFESSIONAL OR GOVERNMENTAL

C. RETAIL OR SERVICE ESTABLISHMENTS

D. CLUBS

E. #ACCESSORY USES#



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PROJECT:

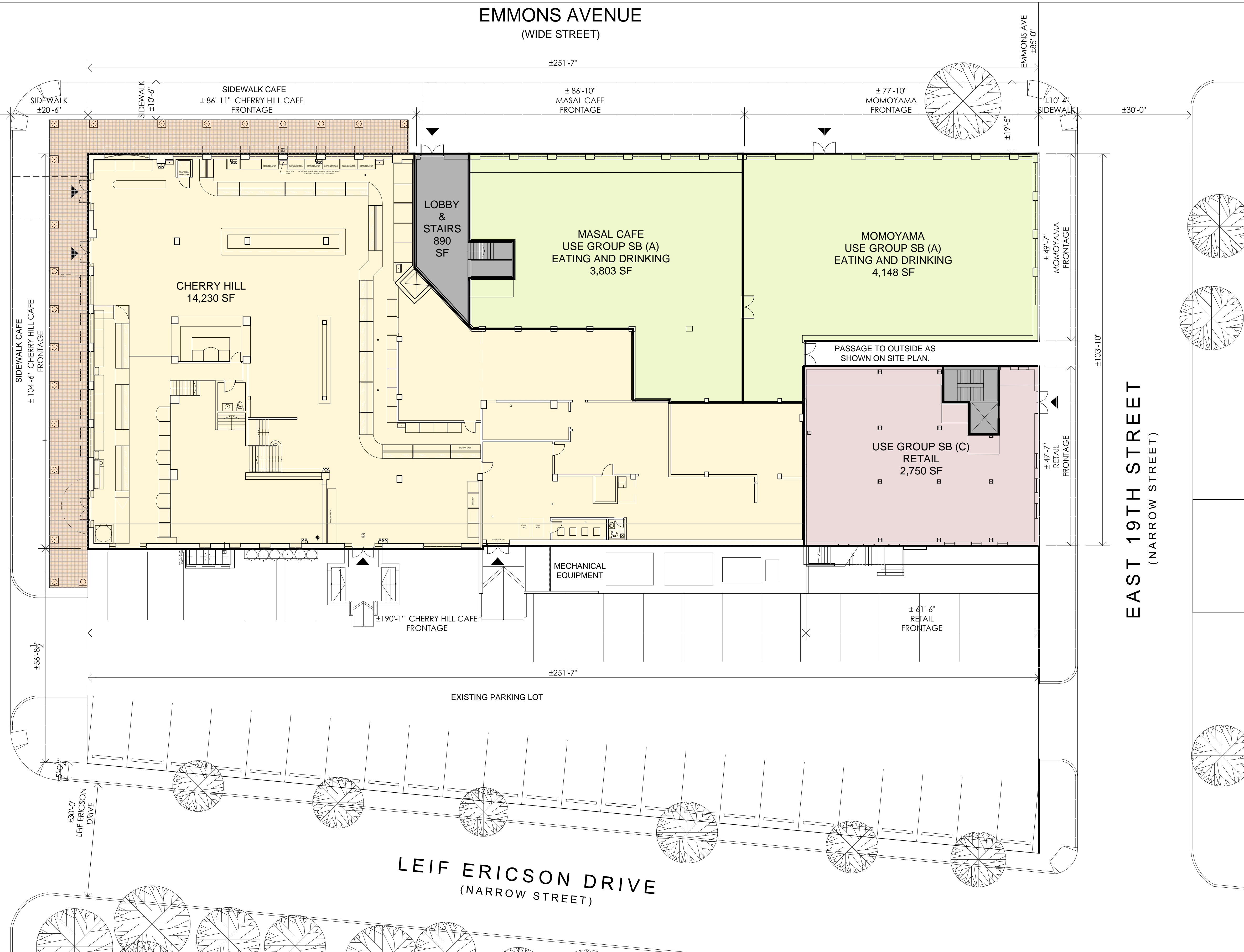
**1901 EMMONS AVE  
 BROOKLYN, NY**

SHEET TITLE:

**FIRST FLOOR PLAN**

SEAL & SIGNATURE

Date: 02.20.2014  
 Project No. 1459.00  
 Drawn by: AR  
 Check by: GHS  
 DWG No.  
**A-102.00**  
 DWG: X OF X



LEGEND (USES PERMITTED AS OF RIGHT PER 94-062 USE GROUP SB)	
<span style="background-color: yellow; border: 1px solid black; border-radius: 50%; padding: 2px;"> </span> USE GROUP SB (A) CHERRY HILL - EXISTING OCCUPIED SPACE (20,646 SF)	<span style="background-color: lightblue; border: 1px solid black; border-radius: 50%; padding: 2px;"> </span> USE GROUP SB (B) OFFICE - EXISTING OCCUPIED SPACE (15,484 SF)
<span style="background-color: lightgreen; border: 1px solid black; border-radius: 50%; padding: 2px;"> </span> USE GROUP SB (A) CONVENIENCE RETAIL OR SERVICE ESTABLISHMENTS - EXISTING OCCUPIED SPACE (8,658 SF)	<span style="background-color: lightpink; border: 1px solid black; border-radius: 50%; padding: 2px;"> </span> USE GROUP SB (C) RETAIL OR SERVICE ESTABLISHMENTS - EXISTING OCCUPIED SPACE (2,750 SF)
<span style="background-color: lightorange; border: 1px solid black; border-radius: 50%; padding: 2px;"> </span> USE GROUP SB (A) CHERRY HILL - EXISTING ACCESSORY USE (SIDEWALK CAFE) (1,998 SF)	<span style="background-color: grey; border: 1px solid black; border-radius: 50%; padding: 2px;"> </span> EXISTING COMMON AREAS - LOBBY, STAIRS, BATHS, MECH SPACE (2,905 SF)

TOTAL LOT AREA: 43,450 SF  
 TOTAL BLDG GROSS: 51,924 SF  
 TOTAL BLDG ZONING: 50,636 SF  
 EXISTING NONCONFORMING

- FIRST FLOOR: 25,821 SF
- SECOND FLOOR: 22,099 SF
- THIRD FLOOR: 2,806 SF

**94-062 USE GROUP SB**

IN AREAS A, B, C, D AND E, EXCEPT AS STATED IN THIS SECTION, ALL #COMMERCIAL USES# PERMITTED BY USE GROUP SB SHALL BE LIMITED TO A MAXIMUM #FLOOR AREA# OF 3,500 SQUARE FEET PER ESTABLISHMENT AND TO A MAXIMUM FRONTAGE PER ESTABLISHMENT AT GROUND FLOOR LEVEL OF 35 FEET WHEN FACING ANY PLAZA, EMMONS AVENUE, SHEEPSHEAD BAY ROAD, OCEAN AVENUE AND BEDFORD AVENUE. ANY #USE# MARKED WITH A SINGLE ASTERISK (\*) SHALL NOT BE LOCATED ON THE GROUND FLOOR OF A #BUILDING#.

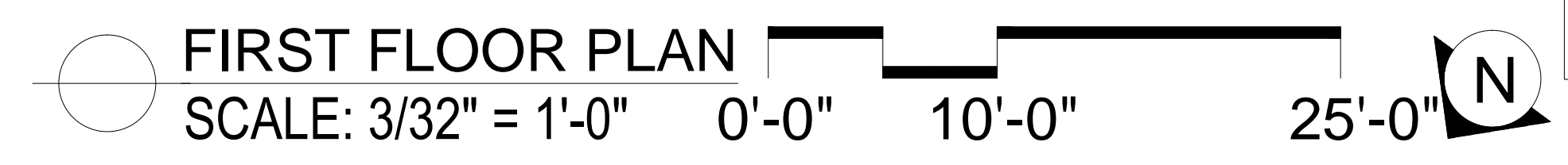
A. CONVENIENCE RETAIL OR SERVICE ESTABLISHMENTS EATING OR DRINKING PLACES, WITH NO RESTRICTION ON #FLOOR AREA# OR FRONTAGE PER ESTABLISHMENT, INCLUDING THOSE WHICH PROVIDE OUTDOOR TABLE SERVICE OR INCIDENTAL MUSICAL ENTERTAINMENT

B. OFFICES  
 \* OFFICES, BUSINESS, PROFESSIONAL OR GOVERNMENTAL

C. RETAIL OR SERVICE ESTABLISHMENTS

D. CLUBS

E. #ACCESSORY USES#





# EMMONS AVENUE

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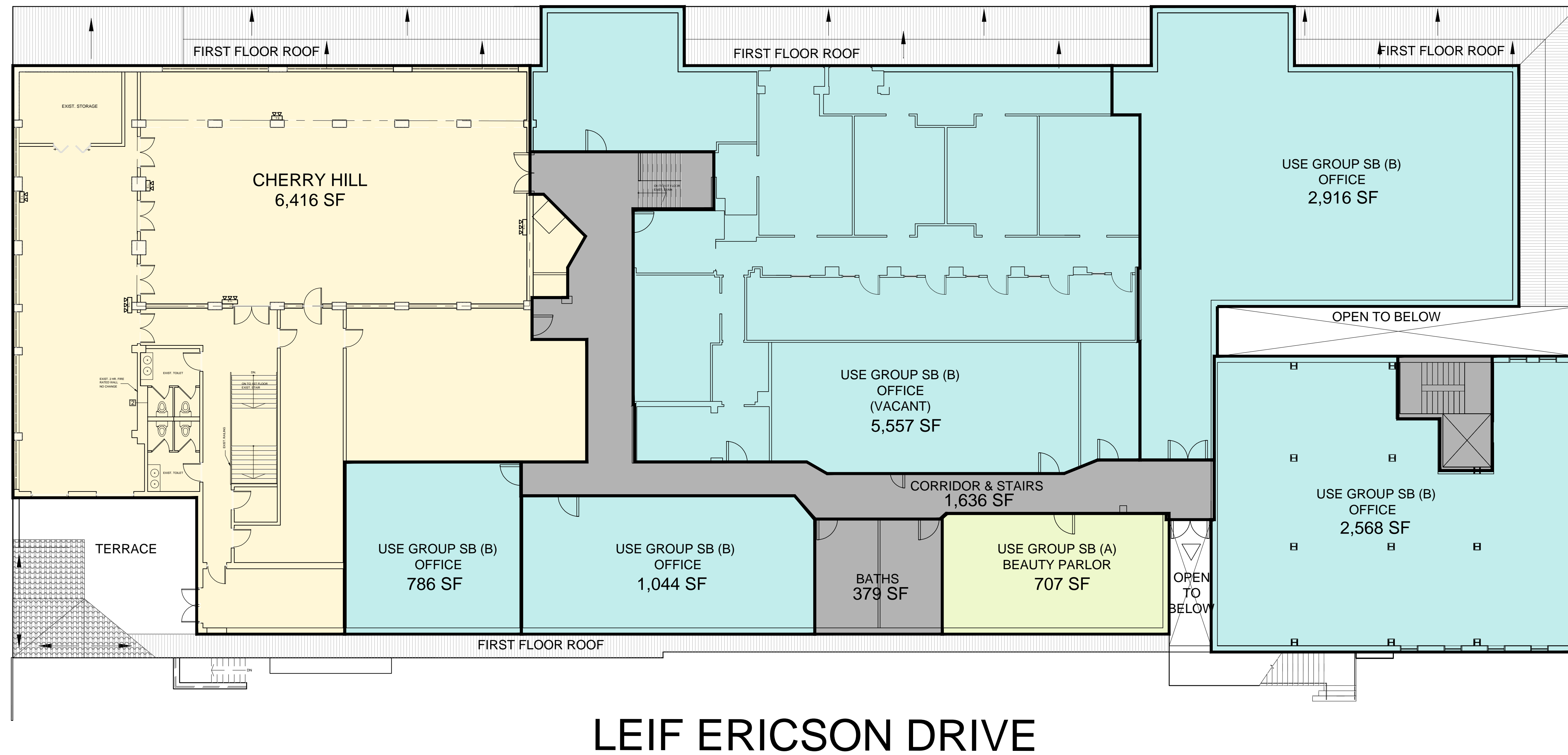
PROJECT:  
**1901 EMMONS AVE  
 BROOKLYN, NY**

SHEET TITLE:  
**2ND FLOOR PLAN**

SEAL & SIGNATURE \_\_\_\_\_ Date: 02.20.2014  
 Project No. 1459.00  
 Drawn by: AR  
 Check by: GHS  
 DWG No.  
**A-103.00**  
 DWG: X OF X

OCEAN AVENUE

EAST 19TH STREET



LEGEND (USES PERMITTED AS OF RIGHT PER 94-062 USE GROUP SB)	
USE GROUP SB (A) CHERRY HILL - EXISTING OCCUPIED SPACE { 20,646 SF }	USE GROUP SB (B) OFFICE - EXISTING OCCUPIED SPACE { 15,454 SF }
USE GROUP SB (A) CONVENIENCE RETAIL OR SERVICE ESTABLISHMENTS - EXISTING OCCUPIED SPACE { 8,658 SF }	USE GROUP SB (C) RETAIL OR SERVICE ESTABLISHMENTS - EXISTING OCCUPIED SPACE { 2,750 SF }
USE GROUP SB (A) CHERRY HILL - EXISTING ACCESSORY USE (SIDEWALK CAFE) { 1,998 SF }	EXISTING COMMON AREAS - LOBBY, STAIRS, BATHS, MECH SPACE { 2,905 SF }

TOTAL LOT AREA: 43,450 SF  
 TOTAL BLDG GROSS: 51,924 SF  
 TOTAL BLDG ZONING: 50,636 SF  
 EXISTING NON/CONFORMING  
 • FIRST FLOOR: 25,821 SF  
 • SECOND FLOOR: 22,009 SF  
 • THIRD FLOOR: 2,806 SF

**94-062 USE GROUP SB**  
 IN AREAS A, B, C, D AND E, EXCEPT AS STATED IN THIS SECTION, ALL #COMMERCIAL USES# PERMITTED BY USE GROUP SB SHALL BE LIMITED TO A MAXIMUM #FLOOR AREA# OF 3,500 SQUARE FEET PER ESTABLISHMENT AND TO A MAXIMUM FRONTAGE PER ESTABLISHMENT AT GROUND FLOOR LEVEL OF 35 FEET WHEN FACING ANY PLAZA, EMMONS AVENUE, SHEEPSHEAD BAY ROAD, OCEAN AVENUE AND BEDFORD AVENUE. ANY #USE# MARKED WITH A SINGLE ASTERISK (\*) SHALL NOT BE LOCATED ON THE GROUND FLOOR OF A #BUILDING#.

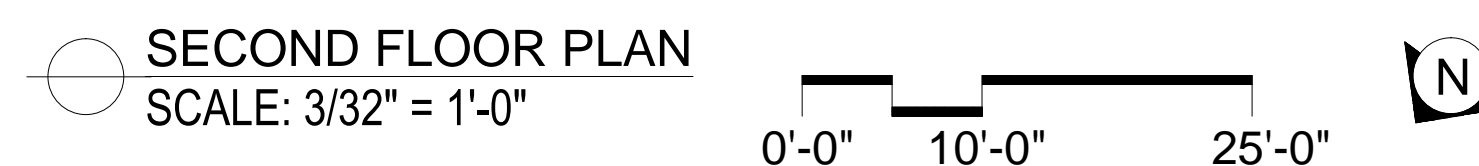
A. CONVENIENCE RETAIL OR SERVICE ESTABLISHMENTS EATING OR DRINKING PLACES, WITH NO RESTRICTION ON #FLOOR AREA# OR FRONTAGE PER ESTABLISHMENT, INCLUDING THOSE WHICH PROVIDE OUTDOOR TABLE SERVICE OR INCIDENTAL MUSICAL ENTERTAINMENT

B. OFFICES  
 \* OFFICES, BUSINESS, PROFESSIONAL OR GOVERNMENTAL

C. RETAIL OR SERVICE ESTABLISHMENTS

D. CLUBS

E. #ACCESSORY USES#



SECOND FLOOR PLAN  
 SCALE: 3/32" = 1'-0"



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PROJECT:  
 1901 EMMONS AVE  
 BROOKLYN, NY

SHEET TITLE:  
 3RD FLOOR PLAN

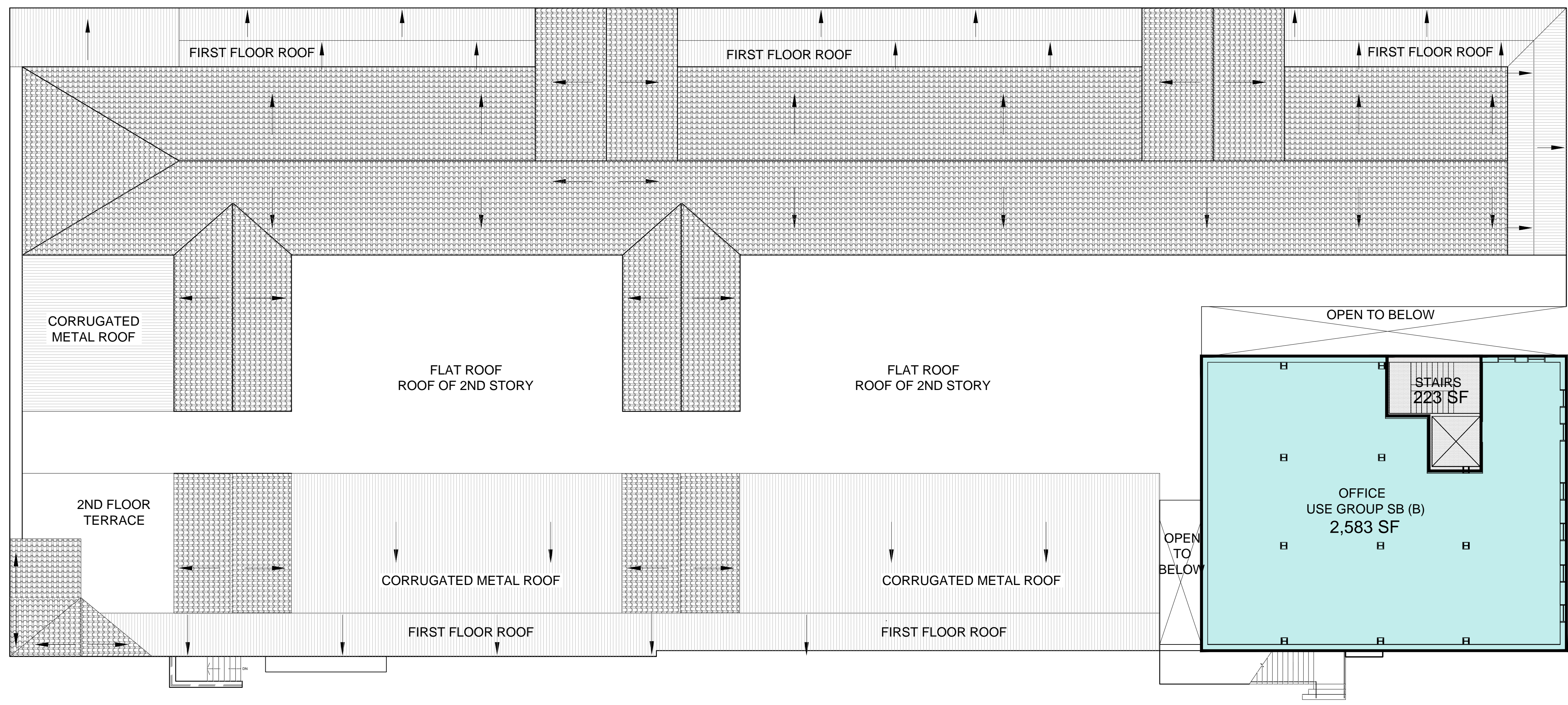
SEAL & SIGNATURE  
 Date: 02.20.2014  
 Project No. 1459.00  
 Drawn by: AR  
 Check by: GHS  
 DWG No.  
 A-104.00  
 DWG: X OF X

EMMONS AVENUE

OCEAN AVENUE

EAST 19TH STREET

LEIF ERICSON DRIVE



LEGEND (USES PERMITTED AS OF RIGHT PER 94-062 USE GROUP SB)	
USE GROUP SB (A) CHERRY HILL - EXISTING OCCUPIED SPACE { 20,646 SF }	USE GROUP SB (B) OFFICE - EXISTING OCCUPIED SPACE { 15,454 SF }
USE GROUP SB (A) CONVENIENCE RETAIL OR SERVICE ESTABLISHMENTS - EXISTING OCCUPIED SPACE { 8,658 SF }	USE GROUP SB (C) RETAIL OR SERVICE ESTABLISHMENTS - EXISTING OCCUPIED SPACE { 2,750 SF }
USE GROUP SB (A) CHERRY HILL - EXISTING ACCESSORY USE (SIDEWALK CAFE) { 1,998 SF }	EXISTING COMMON AREAS - LOBBY, STAIRS, BATHS, MECH SPACE { 2,905 SF }

TOTAL LOT AREA: 43,450 SF  
 TOTAL BLDG GROSS: 51,924 SF  
 TOTAL BLDG ZONING: 50,636 SF  
 EXISTING NON/CONFORMING

- FIRST FLOOR: 25,821 SF
- SECOND FLOOR: 22,009 SF
- THIRD FLOOR: 2,806 SF

**94-062 USE GROUP SB**

IN AREAS A, B, C, D AND E, EXCEPT AS STATED IN THIS SECTION, ALL #COMMERCIAL USES# PERMITTED BY USE GROUP SB SHALL BE LIMITED TO A MAXIMUM #FLOOR AREA# OF 3,500 SQUARE FEET PER ESTABLISHMENT AND TO A MAXIMUM FRONTAGE PER ESTABLISHMENT AT GROUND FLOOR LEVEL OF 35 FEET WHEN FACING ANY PLAZA, EMMONS AVENUE, SHEEPSHEAD BAY ROAD, OCEAN AVENUE AND BEDFORD AVENUE. ANY #USE# MARKED WITH A SINGLE ASTERISK (\*) SHALL NOT BE LOCATED ON THE GROUND FLOOR OF A #BUILDING#.

A. CONVENIENCE RETAIL OR SERVICE ESTABLISHMENTS  
 EATING OR DRINKING PLACES, WITH NO RESTRICTION ON #FLOOR AREA# OR FRONTAGE PER ESTABLISHMENT, INCLUDING THOSE WHICH PROVIDE OUTDOOR TABLE SERVICE OR INCIDENTAL MUSICAL ENTERTAINMENT

B. OFFICES  
 \* OFFICES, BUSINESS, PROFESSIONAL OR GOVERNMENTAL

C. RETAIL OR SERVICE ESTABLISHMENTS

D. CLUBS

E. #ACCESSORY USES#

THIRD FLOOR PLAN  
 SCALE: 3/32" = 1'-0"  
 0'-0" 10'-0" 25'-0"



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ISSUE:

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PROJECT:

**1901 EMMONS AVE  
BROOKLYN, NY**

SHEET TITLE:

**PHOTO KEY PLAN**

SEAL & SIGNATURE

Date: 02.20.2014

Project No. 1459.00

Drawn by: AR

Check by: GHS

DWG No.

**A-105.00**

DWG: X OF X



PHOTO 1

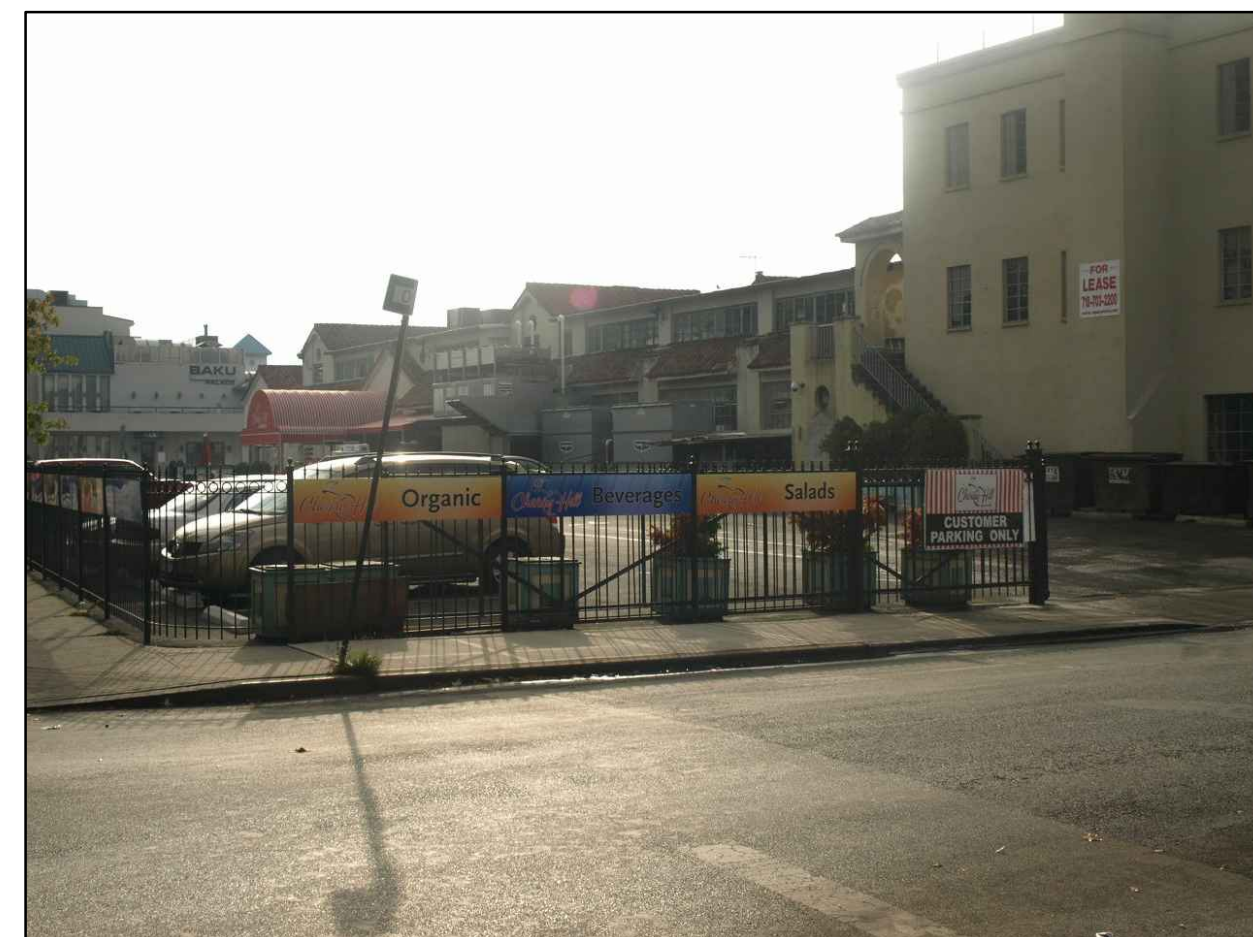


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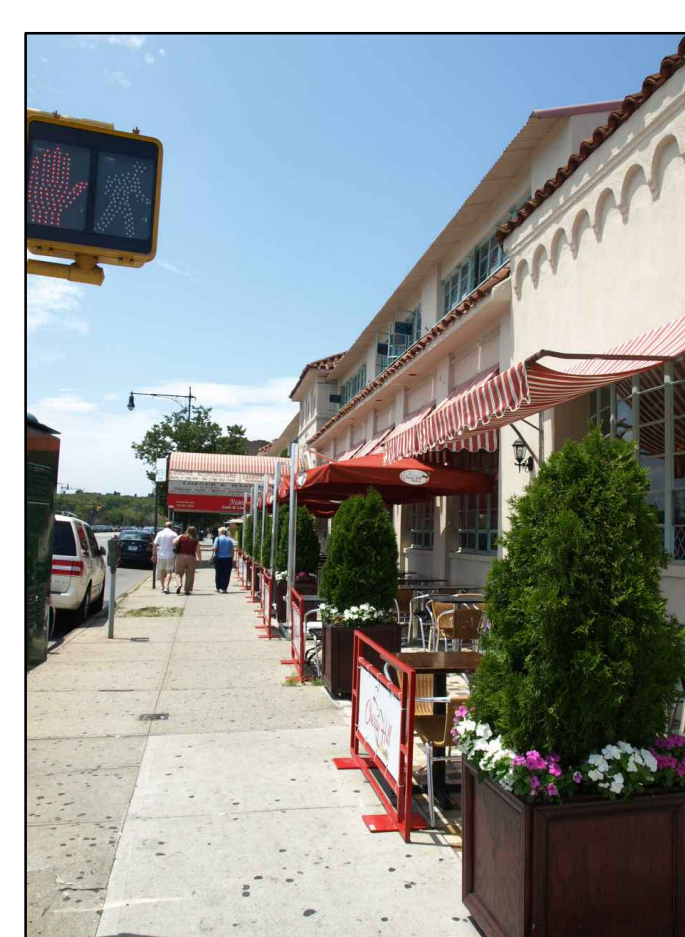


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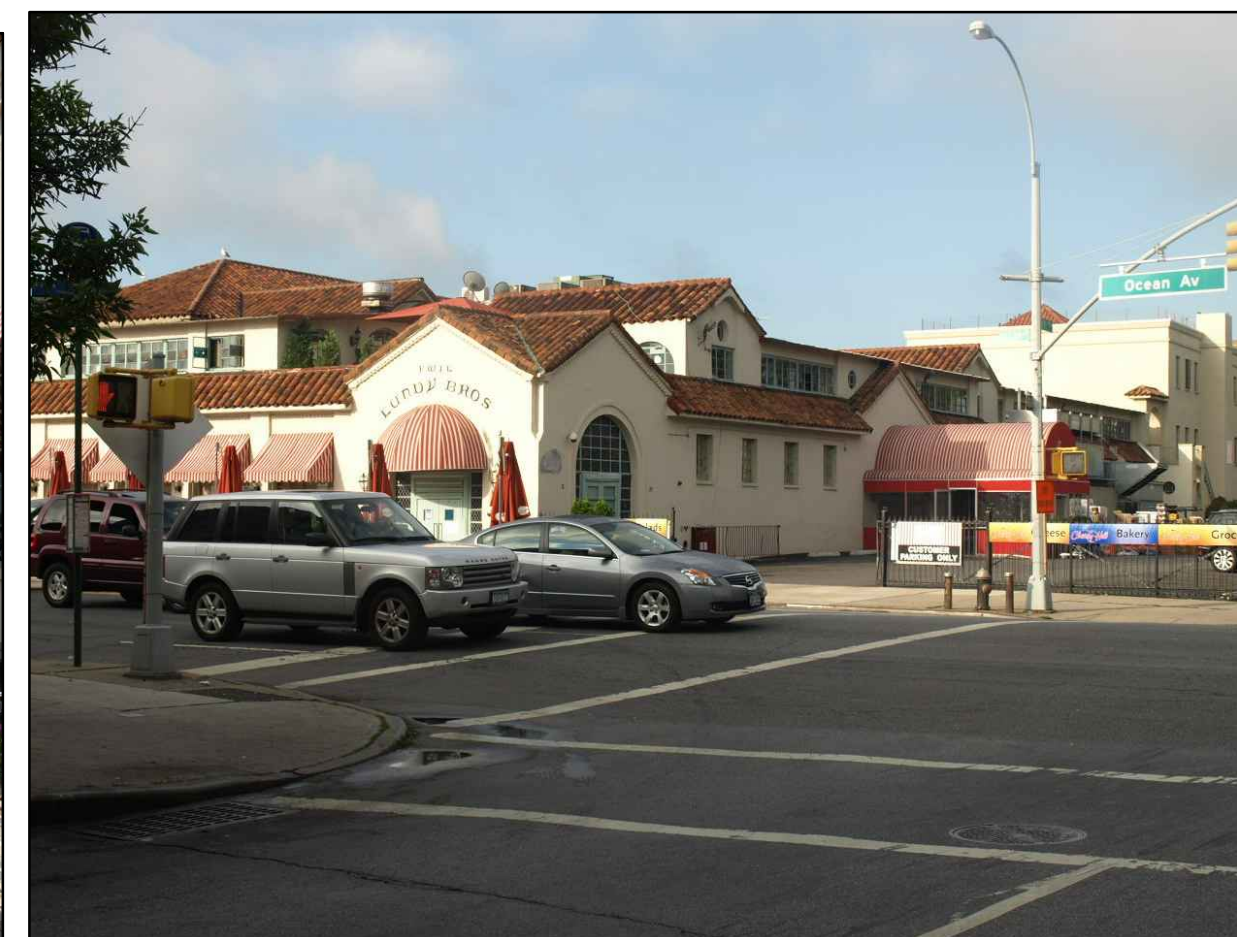
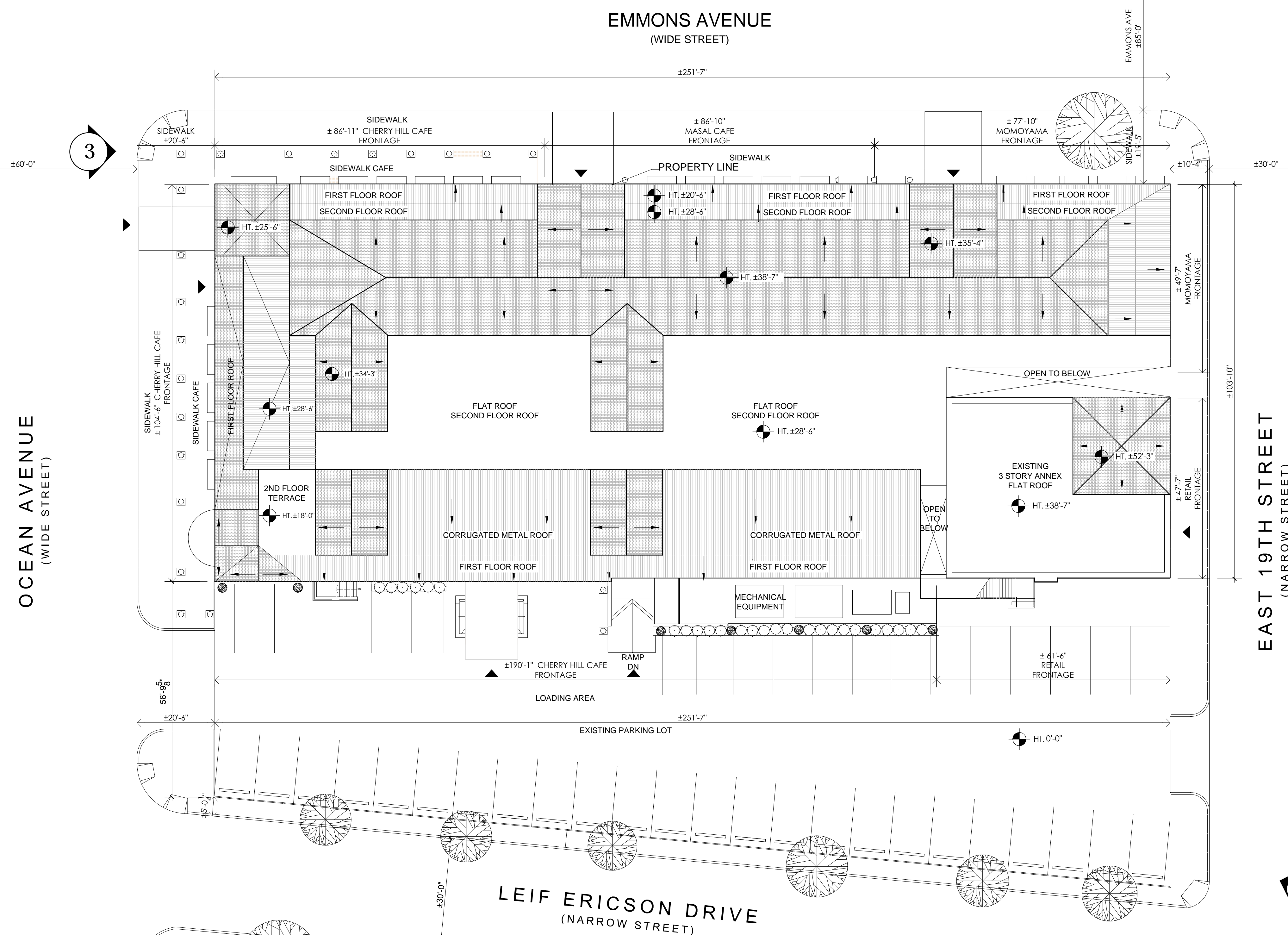


PHOTO 4



PHOTO 5



1

3

5

4

2



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CITY PLANNING REVIEW

FOR ILLUSTRATIVE PURPOSES ONLY

PROJECT:

1901 EMMONS AVE  
 BROOKLYN, NY

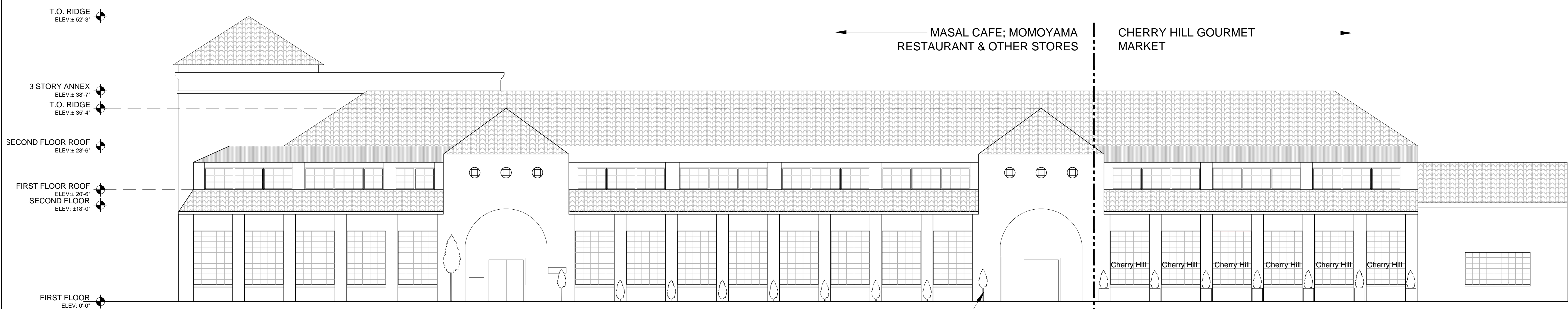
SHEET TITLE:

ELEVATIONS

SEAL & SIGNATURE	Date: 02.20.2014
	Project No. 1459.00
	Drawn by: AR
	Check by: GHS
	DWG No.
	A-300.00
DWG: X OF X	



**B OCEAN AVENUE ELEVATION**  
 SCALE: NTS



**A EMMONS AVENUE ELEVATION**  
 SCALE: NTS



**Proposed Special Sheepshead Bay  
District Text Amendment**

**Modified Special Sheepshead Bay District Text Amendment  
March 26, 2015**

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is old, to be deleted;

Matter within # # is defined in Section 12-10;

\* \* \* indicates where unchanged text appears in the Zoning Resolution

**Article IX  
SPECIAL PURPOSE DISTRICTS**

\* \* \*

**Chapter 4  
Special Sheepshead Bay District**

\* \* \*

**94-06  
Special Use Regulations**

In order to preserve the character of the area and to encourage waterfront and related #uses#, special limitations are imposed on the location, size and kinds of #uses# permitted within the Special District as set forth in this Section.

~~(2/2/11)~~

**94-061  
Permitted residential, community facility and commercial U ~~uses permitted by right~~**

- (a) #Residential# and #community facility uses#

#Uses# listed in Use Groups 1, 2, 3 and 4 shall be allowed anywhere within the Special District, except as set forth in Section 94-065 (Restriction on ground floor use).

- (b) #Commercial uses#

In ~~a~~ Areas A, B, C, D and E, as indicated in Appendix A (District Map) of this Chapter, only those #commercial uses# shall be limited to those listed in Section 94-062 (Use Group SB), and those #uses# listed in Section 62-211 (Water-Dependent (WD) uses) from Use Groups 6, 7, 9 and 14, except for and those #uses# permitted under pursuant to Section 94-063 (Uses permitted by special permit), shall be allowed. In addition, in Area B, a food store, as listed in Section 32-15 (Use Group

6), shall also be allowed on a #zoning lot# existing on (effective date of amendment). Such food store shall be limited to one such establishment per #zoning lot# and shall be limited to 15,000 square feet of #floor area# utilized for the sale of food and non-food grocery products, and further such establishment shall be limited to an additional 6,500 square feet of #floor area# for #accessory# office and storage space. There shall be no limitation on the amount of #floor area# utilized for eating or drinking places as listed in Use Group SB, pursuant to Section 94-062.

In Area F, only #commercial uses# ~~permitted by~~ listed in Use Group 6 and those listed in Section 62-211 from Use Groups 6, 7, 9 and 14 shall be allowed within the underlying #Commercial Districts# ~~boundaries~~.

In Area G, only #commercial uses# ~~permitted by~~ listed in Use Groups 6, 7, 8 and 9 and those listed in Section 62-211 from Use Groups 6, 7, 9 and 14 shall be allowed within the underlying #Commercial Districts# ~~boundaries~~.

In Area H, except for #uses# permitted ~~under~~ pursuant to Section 94-063, #commercial uses# shall be limited to those listed in Section 62-211 from Use Groups 6, 7, 9 and 14 and the following #uses#:

\* \* \*

**Waterfront Revitalization  
Program  
and  
Jamaica Bay Watershed  
Protection Plan**

## NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM Consistency Assessment Form

Proposed actions that are subject to CEQR, ULURP or other local, state or federal discretionary review procedures, and that are within New York City's designated coastal zone, must be reviewed and assessed for their consistency with the *New York City Waterfront Revitalization Program (WRP)*. The WRP was adopted as a 197-a Plan by the Council of the City of New York on October 13, 1999, and subsequently approved by the New York State Department of State with the concurrence of the United States Department of Commerce pursuant to applicable state and federal law, including the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. As a result of these approvals, state and federal discretionary actions within the city's coastal zone must be consistent to the maximum extent practicable with the WRP policies and the city must be given the opportunity to comment on all state and federal projects within its coastal zone.

This form is intended to assist an applicant in certifying that the proposed activity is consistent with the WRP. It should be completed when the local, state, or federal application is prepared. The completed form and accompanying information will be used by the New York State Department of State, other state agencies or the New York City Department of City Planning in their review of the applicant's certification of consistency.

### A. APPLICANT

1. Name: John J. Strauss, President, Compliance Solutions Services, LLC
2. Address: 434 West 20th Street, Suite 8, New York, NY 10011
3. Telephone: 212-741-3432 Fax: 646-588-1918 E-mail: jstrauss-css@nyc.rr.com
4. Project site owner: Cherry Hill Gourmet, Inc.

### B. PROPOSED ACTIVITY

1. Brief description of activity:  
The proposed project is an application to the City Planning Commission for approval of a text change to the Zoning Resolution that would expand the permitted uses to allow a food store use in the Special Sheepshead Bay District, Area B. The effect of the text change would be to legalize and allow the continued operation of a food store in the subject building where such use is not currently allowed as-of-right. No new development is proposed.
2. Purpose of activity:  
The subject food store serves the nearby residential neighborhood and provides high quality specialty foods. The food store use also serves to occupy a portion of the subject building which would otherwise be likely to remain vacant.
3. Location of activity: (street address/borough or site description):  
1901 Emmons Avenue (Block 8775, Lot 41; property bounded by Emmons Avenue, East 19th Street, Ocean Avenue, and the Belt Parkway Service Drive), Brooklyn, New York.

**Proposed Activity Cont'd**

4. If a federal or state permit or license was issued or is required for the proposed activity, identify the permit type(s), the authorizing agency and provide the application or permit number(s), if known:

N/A

5. Is federal or state funding being used to finance the project? If so, please identify the funding source(s).

N/A

6. Will the proposed project require the preparation of an environmental impact statement?

Yes \_\_\_\_\_ No  If yes, identify Lead Agency:

7. Identify city discretionary actions, such as a zoning amendment or adoption of an urban renewal plan, required for the proposed project.

City Planning Commission approval of a text change to Section 94-061 of the Zoning Resolution.

**C. COASTAL ASSESSMENT**

**Location Questions:**

Yes No

1. Is the project site on the waterfront or at the water's edge?

\_\_\_\_\_

2. Does the proposed project require a waterfront site?

\_\_\_\_\_

3. Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land underwater, or coastal waters?

\_\_\_\_\_

**Policy Questions**

Yes No

The following questions represent, in a broad sense, the policies of the WRP. Numbers in parentheses after each question indicate the policy or policies addressed by the question. The new Waterfront Revitalization Program offers detailed explanations of the policies, including criteria for consistency determinations.

Check either "Yes" or "No" for each of the following questions. For all "yes" responses, provide an attachment assessing the effects of the proposed activity on the relevant policies or standards. Explain how the action would be consistent with the goals of those policies and standards.

4. Will the proposed project result in revitalization or redevelopment of a deteriorated or under-used waterfront site? (1)

\_\_\_\_\_

5. Is the project site appropriate for residential or commercial redevelopment? (1.1)

\_\_\_\_\_

6. Will the action result in a change in scale or character of a neighborhood? (1.2)

\_\_\_\_\_

**Policy Questions cont'd**

**Yes No**

7. Will the proposed activity require provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (1.3)	_____	✓
8. Is the action located in one of the designated Significant Maritime and Industrial Areas (SMIA): South Bronx, Newtown Creek, Brooklyn Navy Yard, Red Hook, Sunset Park, or Staten Island? (2)	_____	✓
9. Are there any waterfront structures, such as piers, docks, bulkheads or wharves, located on the project sites? (2)	_____	✓
10. Would the action involve the siting or construction of a facility essential to the generation or transmission of energy, or a natural gas facility, or would it develop new energy resources? (2.1)	_____	✓
11. Does the action involve the siting of a working waterfront use outside of a SMIA? (2.2)	_____	✓
12. Does the proposed project involve infrastructure improvement, such as construction or repair of piers, docks, or bulkheads? (2.3, 3.2)	_____	✓
13. Would the action involve mining, dredging, or dredge disposal, or placement of dredged or fill materials in coastal waters? (2.3, 3.1, 4, 5.3, 6.3)	_____	✓
14. Would the action be located in a commercial or recreational boating center, such as City Island, Sheepshead Bay or Great Kills or an area devoted to water-dependent transportation? (3)	✓	_____
15. Would the proposed project have an adverse effect upon the land or water uses within a commercial or recreation boating center or water-dependent transportation center? (3.1)	_____	✓
16. Would the proposed project create any conflicts between commercial and recreational boating? (3.2)	_____	✓
17. Does the proposed project involve any boating activity that would have an impact on the aquatic environment or surrounding land and water uses? (3.3)	_____	✓
18. Is the action located in one of the designated Special Natural Waterfront Areas (SNWA): Long Island Sound- East River, Jamaica Bay, or Northwest Staten Island? (4 and 9.2)	_____	✓
19. Is the project site in or adjacent to a Significant Coastal Fish and Wildlife Habitat? (4.1)	_____	✓
20. Is the site located within or adjacent to a Recognized Ecological Complex: South Shore of Staten Island or Riverdale Natural Area District? (4.1 and 9.2)	_____	✓
21. Would the action involve any activity in or near a tidal or freshwater wetland? (4.2)	_____	✓
22. Does the project site contain a rare ecological community or would the proposed project affect a vulnerable plant, fish, or wildlife species? (4.3)	_____	✓
23. Would the action have any effects on commercial or recreational use of fish resources? (4.4)	_____	✓
24. Would the proposed project in any way affect the water quality classification of nearby waters or be unable to be consistent with that classification? (5)	_____	✓
25. Would the action result in any direct or indirect discharges, including toxins, hazardous substances, or other pollutants, effluent, or waste, into any waterbody? (5.1)	_____	✓
26. Would the action result in the draining of stormwater runoff or sewer overflows into coastal waters? (5.1)	_____	✓
27. Will any activity associated with the project generate nonpoint source pollution? (5.2)	_____	✓
28. Would the action cause violations of the National or State air quality standards? (5.2)	_____	✓

**Policy Questions cont'd**

**Yes No**

29. Would the action result in significant amounts of acid rain precursors (nitrates and sulfates)? (5.2C)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
30. Will the project involve the excavation or placing of fill in or near navigable waters, marshes, estuaries, tidal marshes or other wetlands? (5.3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
31. Would the proposed action have any effects on surface or ground water supplies? (5.4)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
32. Would the action result in any activities within a federally designated flood hazard area or state-designated erosion hazards area? (6)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
33. Would the action result in any construction activities that would lead to erosion? (6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
34. Would the action involve construction or reconstruction of a flood or erosion control structure? (6.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
35. Would the action involve any new or increased activity on or near any beach, dune, barrier island, or bluff? (6.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
36. Does the proposed project involve use of public funds for flood prevention or erosion control? (6.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
37. Would the proposed project affect a non-renewable source of sand ? (6.3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
38. Would the action result in shipping, handling, or storing of solid wastes, hazardous materials, or other pollutants? (7)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
39. Would the action affect any sites that have been used as landfills? (7.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
40. Would the action result in development of a site that may contain contamination or that has a history of underground fuel tanks, oil spills, or other form or petroleum product use or storage? (7.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
41. Will the proposed activity result in any transport, storage, treatment, or disposal of solid wastes or hazardous materials, or the siting of a solid or hazardous waste facility? (7.3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
42. Would the action result in a reduction of existing or required access to or along coastal waters, public access areas, or public parks or open spaces? (8)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
43. Will the proposed project affect or be located in, on, or adjacent to any federal, state, or city park or other land in public ownership protected for open space preservation? (8)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
44. Would the action result in the provision of open space without provision for its maintenance? (8.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
45. Would the action result in any development along the shoreline but NOT include new water-enhanced or water-dependent recreational space? (8.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
46. Will the proposed project impede visual access to coastal lands, waters and open space? (8.3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
47. Does the proposed project involve publicly owned or acquired land that could accommodate waterfront open space or recreation? (8.4)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
48. Does the project site involve lands or waters held in public trust by the state or city? (8.5)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
49. Would the action affect natural or built resources that contribute to the scenic quality of a coastal area? (9)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
50. Does the site currently include elements that degrade the area's scenic quality or block views to the water? (9.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>



51. Would the proposed action have a significant adverse impact on historic, archeological, or cultural resources? (10)

                     ✓

52. Will the proposed activity affect or be located in, on, or adjacent to an historic resource listed on the National or State Register of Historic Places, or designated as a landmark by the City of New York? (10)

✓                     

**D. CERTIFICATION**

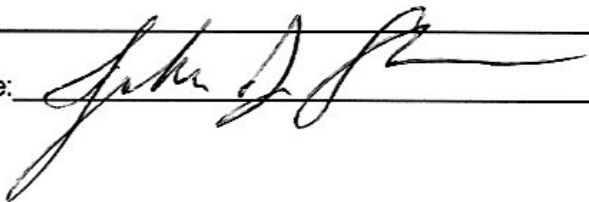
The applicant or agent must certify that the proposed activity is consistent with New York City's Waterfront Revitalization Program, pursuant to the New York State Coastal Management Program. If this certification cannot be made, the proposed activity shall not be undertaken. If the certification can be made, complete this section.

"The proposed activity complies with New York State's Coastal Management Program as expressed in New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program, and will be conducted in a manner consistent with such program."

Applicant/Agent Name: John J. Strauss, President, Compliance Solutions Services, LLC

Address: 434 West 20th Street, Suite 8, New York, NY 10011

Telephone 212-741-3432

Applicant/Agent Signature:  Date: 10-31-14

**Cherry Hill Text Amendment**  
**Explanation of Consistency with Waterfront Policies**

**1. Policy 1.1: Encourage commercial and residential redevelopment in appropriate coastal zone areas.**

The project site is an appropriate location for the proposed project and meets the criteria of Policy 1.1 as described below.

*A. Criteria to determine areas appropriate for reuse through public and private actions include: the lack of importance of the location to the continued functioning of the designated Special Natural Waterfront Areas or Significant Maritime and Industrial Areas; the absence of unique or significant natural features or, if present, the potential for compatible development; the presence of substantial vacant or underused land; proximity to residential or commercial uses; the potential for strengthening upland residential or commercial areas and for opening up the waterfront to the public; and the number of jobs potentially displaced balanced against the new opportunities created by redevelopment.*

Relative to Policy 1.1 A., the project site is not designated either as a Special Natural Waterfront Area (SNWA) or as a Significant Maritime and Industrial Area (SMIA) nor is it in close proximity to any areas so designated. The project site is located across the four-lane Emmons Avenue from the Sheepshead Bay waterfront and does not border the shoreline. The project site is a completely developed full block parcel containing an existing building and paved parking areas and is located in an area comprised of commercial retail and residential developments. The project site does not contain any unique or significant natural features.

The subject building is only partially occupied, and the existing food store use that would be legalized under the proposed Zoning Resolution text change occupies a portion of the building which would otherwise be likely to remain vacant. The subject food store serves the nearby residential neighborhood by providing high quality specialty foods. The food store adds to and strengthens the retail viability of the building in which it is located as well as the surrounding retail community. The continued operation of the food store would have no impact upon public access to the waterfront as the project site is not located along the waterfront. The proposed project would not result in the loss of any jobs and is anticipated to result in the continued employment of 50 full-time and 45 part-time existing workers.

*B. Public actions, such as property disposition, Urban Renewal Plans, and infrastructure provision, should facilitate redevelopment of underused property to promote housing and economic development and enhance the city's tax base.*

The proposed project would not involve any of the public actions noted under Policy 1.1 B. and therefore this policy does not apply to the proposed action.

**2. Policy 3: Promote use of New York City's waterways for commercial and recreational boating and water-dependent transportation centers.**

Although the project site is located across Emmons Avenue from Sheepshead Bay, it has no direct connection to the waterfront. The coastal area across Emmons Avenue from the project site is not used for commercial waterborne activities related to either transportation or recreation. The sidewalk along the Sheepshead Bay waterfront serves primarily as a promenade for pedestrians and bicyclists. The proposed

action would promote development that is compatible with nearby recreational and commercial boating uses and therefore is consistent with this policy.

**3. Policy 6: Minimize loss of life, structures and natural resources caused by flooding and erosion.**

The project site is mapped within the 100-year flood zone on the Federal Emergency Management Area (FEMA) flood insurance maps. However, the proposed action would not result in any new development on the site and its effect would be to legalize and allow the continuation of an existing use in an existing building which has been located on the property since 1934.

As stated above, the project site is located across the four-lane Emmons Avenue from the Sheepshead Bay waterfront and does not directly border the shoreline. Risks of temporary flooding primarily extend to the cellar of the building. As shown on the building's cellar plan (Drawing A-101.00) filed with this EAS, most of the area below the first floor of the existing building on the site is unexcavated. The approximately 1,288 square foot cellar contains toilets, a walk-in refrigerator, a mechanical room, and hallway areas as well as a stairway to the first floor. The building mechanical room does not contain the HVAC systems for the building which are located on the roof of the structure and outside the first floor of the building (Drawing A-102.00). The mechanicals area outside the first floor is elevated 3 to 4 feet above the base of the first floor. The hot water boiler for the building and the building's electrical panels are located on the building's first floor. The building does not contain fuel storage tanks. Trash is also not stored in the cellar of the building but rather is held in a small room beneath the elevated outdoor mechanicals area off the first floor. Therefore, there are no critical building systems located in the cellar of the structure which could be subject to temporary flooding.

**4. Policy 10: Protect, preserve and enhance resources significant to the historical, archaeological, and cultural legacy of the New York City coastal area.**

The coastal area across Emmons Avenue from the project site, which consists of Sheepshead Bay, does not contain any historic, archaeological, or cultural resources that would be affected by the proposed action. The proposed action would not cause any physical disturbance to this coastal area. The existing sidewalk/promenade along the waterfront would remain as it is currently.

The project site itself is a historic resource that would be considered significant to the historical and cultural legacy of the New York City coastal area. The New York City Landmarks Preservation Commission (LPC) designated the project site a New York City landmark in 1992. According to LPC's *Guide to New York City Landmarks*, the original occupant of the building, F.W.I.L. Lundy Brothers Restaurant, was one of New York's best-loved seafood palaces. The *Guide* states that:

“Lundy's is a major cultural and architectural presence in the waterfront community of Sheepshead Bay. The Spanish Colonial Revival-style restaurant, thought to be the largest restaurant in the country at its completion, was erected by Frederick Lundy at the time when the federal government was investing in the reconstruction of the area's waterfront. The restaurant, which boomed in the 1950s, closed in 1979 but reopened in 1996 after major restoration.”

A smaller, 700 seat version of the restaurant opened in 1995, but closed after several years. The subject Cherry Hill Gourmet food store opened in 2008.

The proposed action would serve to enhance the preservation of the subject building, which currently contains a smaller Lundy's restaurant occupying a portion of the premises. The existing space in the building exceeds the floor-plate size of contemporary restaurants or other permitted uses on the property.

The subject food store serves to occupy a portion of the historic building that would otherwise be likely to remain vacant. No new development would occur on the project site under the proposed action and no new subsurface disturbance would occur. Therefore, the project would not result in any adverse impacts to potential archaeological resources on the site. The proposed action would comply with this waterfront policy by protecting, preserving, and enhancing resources significant to the historical and cultural legacy of the New York City coastal area.

# Jamaica Bay Watershed Protection Plan Project Tracking Form

The Jamaica Bay Watershed Protection Plan, developed pursuant to Local Law 71 of 2005, mandates that the New York City Department of Environmental Protection (DEP) work with the Mayor's Office of Environmental Coordination (MOEC) to review and track proposed development projects in the Jamaica Bay Watershed ([http://www.nyc.gov/html/oec/downloads/pdf/ceqr/Jamaica\\_Bay\\_Watershed\\_Map.jpg](http://www.nyc.gov/html/oec/downloads/pdf/ceqr/Jamaica_Bay_Watershed_Map.jpg)) that are subject to CEQR in order to monitor growth and trends. If a project is located in the Jamaica Bay Watershed, (the applicant should complete this form and submit it to DEP and MOEC. This form must be updated with any project modifications and resubmitted to DEP and MOEC.

*The information below will be used for tracking purposes only. It is not intended to indicate whether further CEQR analysis is needed to substitute for the guidance offered in the relevant chapters of the CEQR Technical Manual.*

## A. GENERAL PROJECT INFORMATION

1. CEQR Number:  1a. Modification
2. Project Name:
3. Project Description:
4. Project Sponsor:
5. Required approvals:
6. Project schedule (build year and construction schedule):

## B. PROJECT LOCATION:

1. Street address:
2. Tax block(s):  Tax Lot(s):
3. Identify existing land use and zoning on the project site:
4. Identify proposed land use and zoning on the project site:
5. Identify land use of adjacent sites (include any open space):
6. Describe existing density on the project site and the proposed density:

**Existing Condition**

**Proposed Condition**

7. Is project within 100 or 500 year floodplain (specify)?  100 Year  500 Year  No

### C. GROUND AND GROUNDWATER

1. Total area of in-ground disturbance, if any (in square feet):
2. Will soil be removed (if so, what is the volume in cubic yards)?
3. Subsurface soil classification:  
(per the New York City Soil and Water Conservation Board):
4. If project would change site grade, provide land contours (**attach** map showing existing in 1' contours and proposed in 1' contours).
5. Will groundwater be used (list volumes/rates)?  Yes  No  
Volumes:  Rates:
6. Will project involve dewatering (list volumes/rates)?  Yes  No  
Volumes:  Rates:
7. Describe site elevation above seasonal high groundwater:

### D. HABITAT

1. Will vegetation be removed, particularly native vegetation?  Yes  No  
If YES,
  - **Attach** a detailed list (species, size and location on site) of vegetation to be removed (including trees >2" caliper, shrubs, understory planting and groundcover).
  - **List** species to remain on site.
  - **Provide** a detailed list (species and sizes) of proposed landscape restoration plan (including any wetland restoration plans).
2. Is the site used or inhabited by any rare, threatened or endangered species?  Yes  No
3. Will the project affect habitat characteristics?  Yes  No  
If YES, describe existing wildlife use and habitat classification using "Ecological Communities of New York State." at <http://www.dec.ny.gov/animals/29392.html>.
4. Will pesticides, rodenticides or herbicides be used during construction?  Yes  No  
If YES, estimate quantity, area and duration of application.
5. Will additional lighting be installed?  Yes  No  
If YES and near existing open space or natural areas, what measures would be taken to reduce light penetration into these areas?

## E. SURFACE COVERAGE AND CHARACTERISTICS

(describe the following for both the existing and proposed condition):

	Existing Condition	Proposed Condition
1. <b>Surface area:</b>		
Roof:	<input type="text"/>	<input type="text"/>
Pavement/walkway:	<input type="text"/>	<input type="text"/>
Grass/softscape:	<input type="text"/>	<input type="text"/>
Other (describe):	<input type="text"/>	<input type="text"/>
2. <b>Wetland</b> (regulated or non-regulated) area and classification:	<input type="text"/>	<input type="text"/>
3. <b>Water surface area:</b>	<input type="text"/>	<input type="text"/>
4. <b>Stormwater management</b> (describe):		
Existing – how is the site drained?	<input type="text"/>	
Proposed – describe, including any infrastructure improvements necessary off-site:	<input type="text"/>	

**HISTORIC AND CULTURAL  
RESOURCES APPENDIX**



## ENVIRONMENTAL REVIEW

**Project number:** DEPARTMENT OF CITY PLANNING / 15DCP058K  
**Project:** CHERRY HILL GOURMET  
**Address:** 1901 EMMONS AVENUE, **BBL:** 3087750041  
**Date Received:** 10/20/2014

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### REVISED OF THIS DATE

- No architectural significance
- No archaeological significance
- Designated New York City Landmark or Within Designated Historic District
- Listed on National Register of Historic Places
- Appears to be eligible for National Register Listing
- May be archaeologically significant; requesting additional materials

### Comments:

The LPC is in receipt of the EAS dated October, 2014. The project site is an LPC individual landmark and is listed on the State and National Registers. Any exterior work or interior work requiring a permit needs an LPC permit issued by the Preservation Department. All permits should be appended to the final EAS.

Cc: Gabriela Gutowski



10/20/2014

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SIGNATURE  
Gina Santucci, Environmental Review Coordinator

DATE

**File Name:** 29989\_FSO\_GS\_10202014.doc

# **Air Quality**

**Figure 17-3:  
Stationary Source Screen**

