



**City Environmental Quality Review**

**ENVIRONMENTAL ASSESSMENT STATEMENT (EAS) SHORT FORM**

FOR UNLISTED ACTIONS ONLY • Please fill out and submit to the appropriate agency ([see instructions](#))

**Part I: GENERAL INFORMATION**

**1. Does the Action Exceed Any Type I Threshold in 6 NYCRR Part 617.4 or 43 RCNY §6-15(A) (Executive Order 91 of 1977, as amended)?**  YES  NO

If “yes,” STOP and complete the [FULL EAS FORM](#).

**2. Project Name** 14-18 Carroll Street Rezoning

**3. Reference Numbers**

CEQR REFERENCE NUMBER (to be assigned by lead agency) 16DCP100K	BSA REFERENCE NUMBER (if applicable)
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ULURP REFERENCE NUMBER (if applicable) 15036ZMK	OTHER REFERENCE NUMBER(S) (if applicable) (e.g., legislative intro, CAPA)
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**4a. Lead Agency Information**

NAME OF LEAD AGENCY  
NYC City Planning Commission

NAME OF LEAD AGENCY CONTACT PERSON  
Robert Dobruskin, Director, EARD

ADDRESS 120 Broadway, 31<sup>st</sup> floor

CITY New York STATE NY ZIP 10271

TELEPHONE 212-720-3423 EMAIL  
rdobrus@planning.nyc.gov

**4b. Applicant Information**

NAME OF APPLICANT  
14-18 Carroll LLC

NAME OF APPLICANT’S REPRESENTATIVE OR CONTACT PERSON  
Hiram A. Rothkrug, EPDSCO

ADDRESS 55 Water Mill Road

CITY Great Neck STATE NY ZIP 11021

TELEPHONE 718-343-0026 EMAIL  
hrothkrug@epdsco.com

**5. Project Description**

The Applicant, 14-18 Carroll LLC, is seeking an amendment to zoning sectional map 16a to rezone Block 352, Lots 16, 17 and 18, in the neighborhood of Red Hook, Brooklyn, Community District 6, from M1-1 to R6B, and a zoning text amendment to Appendix F to establish a Mandatory Inclusionary Housing Area (MIHA). The proposed actions would facilitate a proposal by the applicant to construct a total of 11 dwelling units within a single four-story, 16,876 gsf building on the project site.

**Project Location**

BOROUGH Brooklyn	COMMUNITY DISTRICT(S) 6	STREET ADDRESS 14-18 Carroll Street
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TAX BLOCK(S) AND LOT(S) Block 352 Lots 16, 17, and 18	ZIP CODE 11231
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DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS south side of Carroll Street between Van Brunt and Columbia Streets

EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY M1-1	ZONING SECTIONAL MAP NUMBER 16a
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**6. Required Actions or Approvals** (check all that apply)

**City Planning Commission:**  YES  NO  UNIFORM LAND USE REVIEW PROCEDURE (ULURP)

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> CITY MAP AMENDMENT              | <input type="checkbox"/> ZONING CERTIFICATION      | <input type="checkbox"/> CONCESSION        |
| <input checked="" type="checkbox"/> ZONING MAP AMENDMENT | <input type="checkbox"/> ZONING AUTHORIZATION      | <input type="checkbox"/> UDAAP             |
| <input type="checkbox"/> ZONING TEXT AMENDMENT           | <input type="checkbox"/> ACQUISITION—REAL PROPERTY | <input type="checkbox"/> REVOCABLE CONSENT |
| <input type="checkbox"/> SITE SELECTION—PUBLIC FACILITY  | <input type="checkbox"/> DISPOSITION—REAL PROPERTY | <input type="checkbox"/> FRANCHISE         |
| <input type="checkbox"/> HOUSING PLAN & PROJECT          | <input type="checkbox"/> OTHER, explain:           |  |

SPECIAL PERMIT (if appropriate, specify type:  modification;  renewal;  other); EXPIRATION DATE:

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

**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)

<input type="checkbox"/> PERMITS FROM DOT'S OFFICE OF CONSTRUCTION MITIGATION AND COORDINATION (OCMC)	<input type="checkbox"/> LANDMARKS PRESERVATION COMMISSION APPROVAL
	<input checked="" type="checkbox"/> OTHER, explain: building permit

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

**7. 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.

<input checked="" type="checkbox"/> SITE LOCATION MAP	<input checked="" type="checkbox"/> ZONING MAP	<input checked="" type="checkbox"/> SANBORN OR OTHER LAND USE MAP
<input checked="" type="checkbox"/> TAX MAP	<input type="checkbox"/> FOR LARGE AREAS OR MULTIPLE SITES, A GIS SHAPE FILE THAT DEFINES THE PROJECT SITE(S)	
<input checked="" type="checkbox"/> 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.): 6,229 Waterbody area (sq. ft) and type:

Roads, buildings, and other paved surfaces (sq. ft.): Other, describe (sq. ft.): 6,229 (unpaved vacant lot)

**8. 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): 16,876

NUMBER OF BUILDINGS: 1 GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): 16,876

HEIGHT OF EACH BUILDING (ft.): 45 (55 to top of bulkhead) NUMBER OF STORIES OF EACH BUILDING: 4

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: 6,229

The total square feet not owned or controlled by the applicant: 0

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 permanent and temporary disturbance (if known):

AREA OF TEMPORARY DISTURBANCE: sq. ft. (width x length) VOLUME OF DISTURBANCE: 33,750 cubic ft. (width x length x depth)

AREA OF PERMANENT DISTURBANCE: 3,375 sq. ft. (width x length)

**Description of Proposed Uses** (please complete the following information as appropriate)

	<b>Residential</b>	<b>Commercial</b>	<b>Community Facility</b>	<b>Industrial/Manufacturing</b>
<b>Size</b> (in gross sq. ft.)	16,876	N/A	N/A	N/A
<b>Type</b> (e.g., retail, office, school)	11 units			

Does the proposed project increase the population of residents and/or on-site workers?  YES  NO

If "yes," please specify: NUMBER OF ADDITIONAL RESIDENTS: 24 NUMBER OF ADDITIONAL WORKERS: 1

Provide a brief explanation of how these numbers were determined: 11 units x 2.51 avg. household size in census tract 51 in 2010; one building employee

Does the proposed project create new open space?  YES  NO If "yes," specify size of project-created open space: sq. ft.

Has a No-Action scenario been defined for this project that differs from the existing condition?  YES  NO

If "yes," see Chapter 2, "Establishing the Analysis Framework" and describe briefly:

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

ANTICIPATED BUILD YEAR (date the project would be completed and operational): 2018

ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: 12

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

BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE:

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

<input checked="" type="checkbox"/> RESIDENTIAL	<input checked="" type="checkbox"/> MANUFACTURING	<input checked="" type="checkbox"/> COMMERCIAL	<input checked="" type="checkbox"/> PARK/FOREST/OPEN SPACE	<input type="checkbox"/> OTHER, specify:
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**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 Short 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 checked="" type="checkbox"/>	<input 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 <a href="#">Waterfront Revitalization Program boundaries</a> ?	<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 200 or more residential units?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Generate a net increase of 200,000 or more square feet of commercial space?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Directly displace more than 500 residents?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Directly displace more than 100 employees?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Affect conditions in a specific industry?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>3. COMMUNITY FACILITIES:</b> <a href="#">CEQR Technical Manual Chapter 6</a>		
(a) <b>Direct Effects</b>		
o Would the project directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities, libraries, hospitals and other health care facilities, day care centers, police stations, or fire stations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) <b>Indirect Effects</b>		
o <b>Child Care Centers:</b> 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 <b>Libraries:</b> 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 <b>Public Schools:</b> 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 <b>Health Care Facilities and Fire/Police Protection:</b> Would the project result in the introduction of a sizeable new neighborhood?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>4. OPEN SPACE:</b> <a href="#">CEQR Technical Manual Chapter 7</a>		
(a) Would the proposed project change or eliminate existing open space?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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"/>
o If “yes,” would the proposed project generate more than 50 additional residents or 125 additional employees?	<input type="checkbox"/>	<input type="checkbox"/>
(c) 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"/>
o If “yes,” would the proposed project generate more than 350 additional residents or 750 additional employees?	<input type="checkbox"/>	<input type="checkbox"/>
(d) 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"/>

	YES	NO
<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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>
<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 type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project involve construction resulting in in-ground disturbance to an area not previously excavated?	<input checked="" type="checkbox"/>	<input 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. See the attached report.		
<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 checked="" type="checkbox"/>	<input 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"/>
<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 proposed 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 type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>
o If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify: potential subsurface contamination from a paint factory formerly located adjacent to the site; not found by Phase II ESA		
	<input checked="" 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 checked="" type="checkbox"/>
(c) If the proposed project located in a <a href="#">separately sewered area</a> , would it result in the same or greater development than the amounts listed in Table 13-1 in <a href="#">Chapter 13</a> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Would the proposed 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	<input type="checkbox"/>	<input type="checkbox"/>

	YES	NO
involve development on a site that is 1 acre or larger where the amount of impervious surface would increase?	<input type="checkbox"/>	<input 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 generate contaminated stormwater in 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"/>
<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): 451		
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"/>
<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): 2,366,883,000		
(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 screening analyses, attach appropriate 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"/>
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"/>
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 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"/>
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"/>
<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) If "yes" to any of the above, would the project require a GHG emissions assessment based on the guidance in <a href="#">Chapter 18</a> ?	<input type="checkbox"/>	<input type="checkbox"/>
<b>16. NOISE:</b> <a href="#">CEQR Technical Manual Chapter 19</a>		
(a) Would the proposed project generate or reroute vehicular traffic?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Would the proposed project introduce new or additional receptors (see Section 124 in <a href="#">Chapter 19</a> ) 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>17. PUBLIC HEALTH:</b> <a href="#">CEQR Technical Manual Chapter 20</a>		

	YES	NO
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Air Quality; Hazardous Materials; Noise?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If "yes," explain why an assessment of public health is or is not warranted based on the guidance in <a href="#">Chapter 20</a> , "Public Health." Attach a preliminary analysis, if necessary.		
<b>18. NEIGHBORHOOD CHARACTER:</b> <a href="#">CEQR Technical Manual Chapter 21</a>		
(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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If "yes," explain why an assessment of neighborhood character is or is not warranted based on the guidance in <a href="#">Chapter 21</a> , "Neighborhood Character." Attach a preliminary analysis, if necessary.		
<b>19. CONSTRUCTION:</b> <a href="#">CEQR Technical Manual Chapter 22</a>		
(a) Would the project's construction activities involve:		
o Construction activities lasting longer than two years?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Construction activities within a Central Business District or along an arterial highway or major thoroughfare?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Closing, narrowing, or otherwise impeding traffic, transit, or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, etc.)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o The operation of several pieces of diesel equipment in a single location at peak construction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Closure of a community facility or disruption in its services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Activities within 400 feet of a historic or cultural resource?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Disturbance of a site containing or adjacent to a site containing natural resources?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If any boxes are checked "yes," explain why a preliminary construction assessment is or is not warranted based on the guidance in <a href="#">Chapter 22</a> , "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.		

**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 Hiram A. Rothkrug, EPDSO, Inc.	DATE June 17, 2016
---	-----------------------

SIGNATURE 

**PLEASE NOTE THAT APPLICANTS MAY BE REQUIRED TO SUBSTANTIATE RESPONSES IN THIS FORM AT THE DISCRETION OF THE LEAD AGENCY SO THAT IT MAY SUPPORT ITS DETERMINATION OF SIGNIFICANCE.**



**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.

**Potentially Significant Adverse Impact**

IMPACT CATEGORY	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?


YES  NO

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	LEAD AGENCY The New York City Department of City Planning (DCP)
NAME Olga Abinader	DATE June 17, 2016
SIGNATURE 	

# PROPOSED 14-18 CARROLL STREET REZONING

## PROJECT DESCRIPTION

### PROPOSED ACTION

The Applicant, 14-18 Carroll LLC, is seeking an amendment to zoning sectional map 16a to rezone Block 352, Lots 16, 17 and 18 (the “Project Site”), located at 14-18 Carroll Street in the neighborhood of Red Hook, Brooklyn, Community District 6, from M1-1 to R6B, and a zoning text amendment to Appendix F to establish a Mandatory Inclusionary Housing Area (MIHA) coterminous with the rezoning area in accordance with the City’s Mandatory Inclusionary Housing policy (N 160051 ZRY). The proposed actions would facilitate a proposal by the applicant to construct a total of 10 dwelling units within a single four-story, 16,876 gsf building at the Project Site.

The proposed zoning map amendment would extend an existing neighboring R6B district mapped along the southerly side of Carroll Street west of Columbia Street (to a depth that meets the centerline of the block), 70 feet to the west, to include the Project Site, which is currently vacant. Along the northern portion of the block fronting Carroll Street the new district boundary would be located 450 feet from Columbia Street and 125 feet from Van Brunt Street.

The zoning text amendment would establish a MIHA coterminous with the rezoning area. All residential developments, enlargements, and conversions within this MIHA that meet the criteria set forth in the MIH program must comply with the requirements of one of the options described below:

- Option 1: 25% of residential floor area must be for affordable housing units for residents with incomes averaging 60% AMI, with a minimum of 10% of housing to be affordable at 40% AMI.
- Option 2: 30% of residential floor area must be for affordable housing units for residents with incomes averaging 80% AMI.

No other properties would be affected as part of the proposed action.

### ZONING COMPARISON

The existing M1-1 district is a manufacturing district that permits most but not all commercial uses, light manufacturing uses listed in Use Group 17, and certain specified community facility uses but precludes all residential and most community facility uses. In contrast, the proposed R6B district is a residential zone that permits the full range of residential and community facility uses listed in Use Groups 1, 2, 3, and 4 but precludes all commercial and manufacturing uses.

The two districts also differ in terms of bulk regulations. The maximum permitted floor area ratio (FAR) under M1-1 is 1.00 for commercial or manufacturing uses and 2.40 for community facility uses, and the maximum FAR under R6B is 2.00 (2.2 when mapped with MIH) for either residential or community facility development.

The maximum street wall height under M1-1 is 30 feet or two stories, whichever is less, and the maximum under R6B is 45 feet. At that height a setback from the street line is required. On a narrow street such as Carroll Street, the minimum required setback is 20 feet. The two districts regulate



additional building height in different ways. The M1-1 regulations do not impose a maximum building height but instead require that the building not penetrate a sky exposure plane that begins at 30 feet above the front lot line and slopes upwards and rearwards at a 45 degree angle. The R6B regulations impose a maximum building height, for buildings with qualifying ground floors (minimum 13 feet in height), of 55 feet (capped at 5 stories).

No lot coverage restrictions apply under M1-1. Under R6B the maximum permitted lot coverage is 65 percent on an interior or through lot (such as the project site) and 80 percent on a corner lot.

## **ANALYSIS FRAMEWORK**

### **Existing Conditions**

The “project site” (which consists of three tax lots, 16, 17, and 18, which would be merged into a single zoning lot) measures 6,229 square feet (sf). According to information shown on Zola, Lots 16, 17, and 18 contain approximately 1,986, 2,250, and 2,000 square feet respectively.

The site has 70 feet of frontage along Carroll Street and is irregularly shaped. The eastern part of the site (Lot 18) is rectangular-shaped, measuring 20 feet wide by 100 feet deep. Along Lots 16 and 17, the rear property line slants northwestward, so that the western edge of the site is only 74.33 feet deep. The site as a whole measures 74.33 feet along its western edge, 70 feet along its northern edge (along Carroll Street), 100 feet along its eastern edge, 20 feet along its northern edge, and 54 feet along its southwestern edge.

The project site is now vacant. The three lots were developed during the late nineteenth century with three 3- and 4-story buildings with dwelling units above stores. The buildings were demolished in 1943, 1944, and 1980, and the lots have not been redeveloped. The only active use on the site since 1980 was vehicular storage from 2000 to 2010.

### **The Future without the Proposed Action**

In the absence of the proposed action, it is assumed that no reuse or redevelopment would occur.

### **The Future with the Proposed Action**

In the future with the proposed rezoning to R6B, the proposed zoning map amendment will facilitate the development of a 10 market rate dwelling unit residential building, with a total of 12,450 zoning square feet (zsf) of residential floor area for an FAR of 2.0. Six off-street parking spaces would be provided.

For the purposes of a conservative analysis, however, it is assumed that the project site would be redeveloped with a 16,876 gsf mixed use building containing 10,501 zsf of residential floor area at an FAR of 2.17, for a total of up to 11 dwelling units (seven market rate units and four affordable units at an average of 80% AMI, assuming up to 30% of the residential floor area would be affordable)<sup>1</sup>, approximately 3,000 sf of community facility space (medical offices) at the ground floor, and a cellar of approximately 3,375 sf. It is assumed that the building would have four residential stories and a mechanical bulkhead, would be constructed to the front lot line, and would have a footprint of 3,375 square feet (54.2 percent lot coverage). Six surface accessory parking spaces would be provided to the rear of the building, accessible via a ten-foot-wide covered driveway on the ground floor at the western edge of the site. The building would have a qualifying ground floor (13')<sup>2</sup>, a base height of 45 feet, and the overall height would rise another ten feet to a height of 55 feet. For purposes of shadow and urban design assessments the development's height would be assumed to fill out the permitted building envelope, with the 55-foot tall portion of the building being a fifth story set back from the street line as required rather than a bulkhead rising above a small part of the fourth floor roof.

1 Assuming 850 sf per unit, plus residential lobby and accessory space and a covered driveway at the ground floor for parking access at the rear of the building.

2 Per New York City Zoning Resolution (ZR) section 23-662(b)(1), Qualifying ground floors must contain community facility uses in R6B districts, except for residential lobbies, entrances and exits to accessory parking facilities, which are permitted residential uses for a Qualifying ground floor.

**Table 10-1  
Comparison of Existing, No-Action, and With-Action Conditions**

<b>Item</b>	<b>Existing Conditions</b>	<b>No-Action Conditions</b>	<b>With-Action Conditions</b>
<b>Development Scenario</b>	Vacant lot	Vacant lot	Mixed Use building with 11 DUs and 3,000 sf of Community Facility space at the ground floor
<b>Gross/(Net) Bldg. Floor Area</b>	No building area	No building area	16,876 gsf/(13,501 zsf, 2.17 FAR)
<b>Lot Coverage</b>	N/A	N/A	3,375 sf (54%)
<b>Building Height</b>	N/A	N/A	55 feet

**PURPOSE AND NEED**

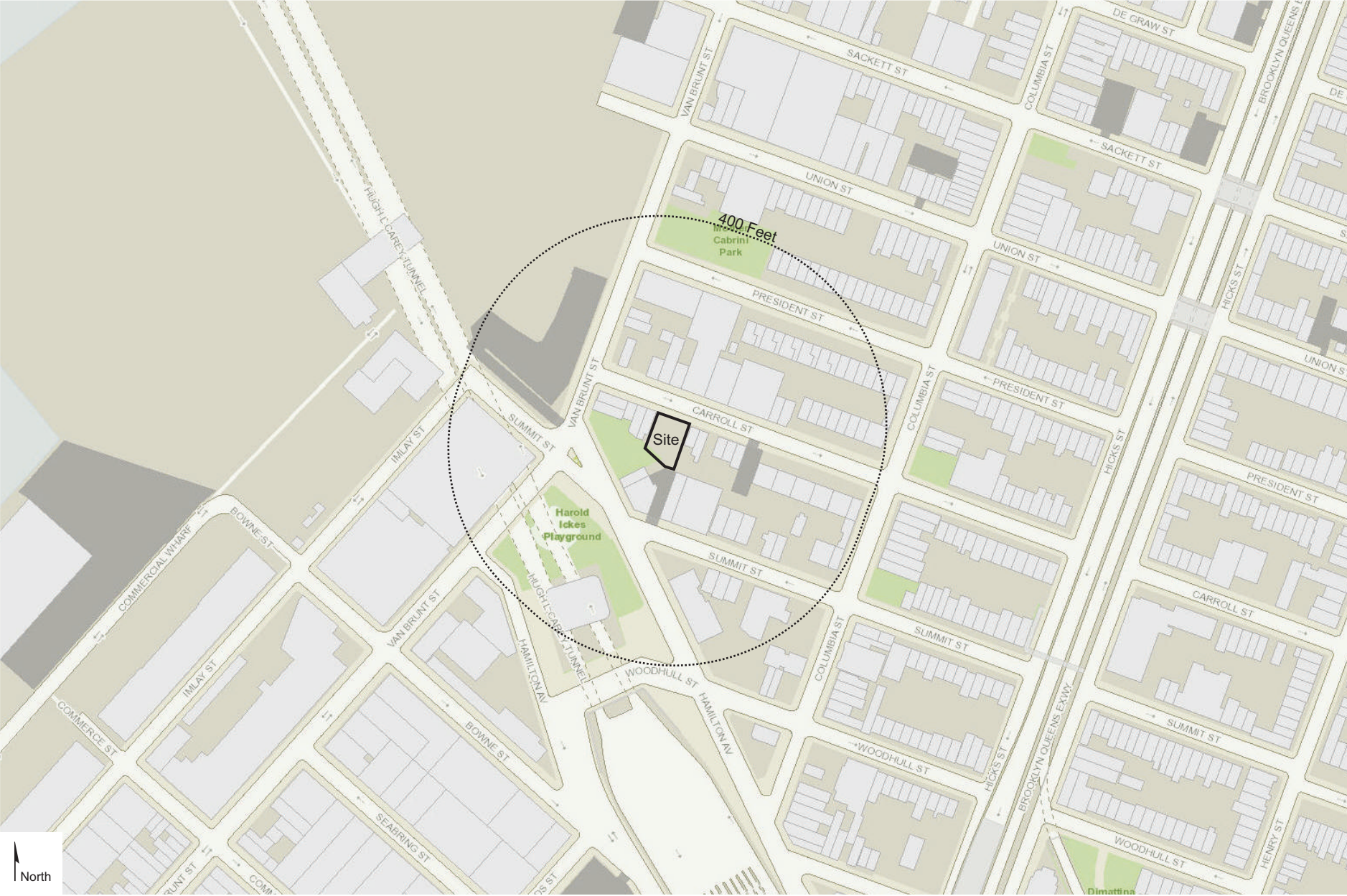
The proposed zoning map amendment is necessary to facilitate development of the proposed residential construction. The change in zoning will permit both the use and bulk of the proposed building.

**REQUIRED APPROVALS**

The proposed project would require an amendment to zoning sectional map 16a, to extend an existing R6B district and to reduce an M1 district. The action would be subject to the Uniform Land Use Review Procedure (ULURP).

**BUILD YEAR**

Based on an estimated 12-month approval process and a 12-month construction period, it is estimated that the project would be completed in 2018. This is the assumed "build year," which is used throughout this EAS for all future conditions, and which is the analysis year for the purpose of all assessments.







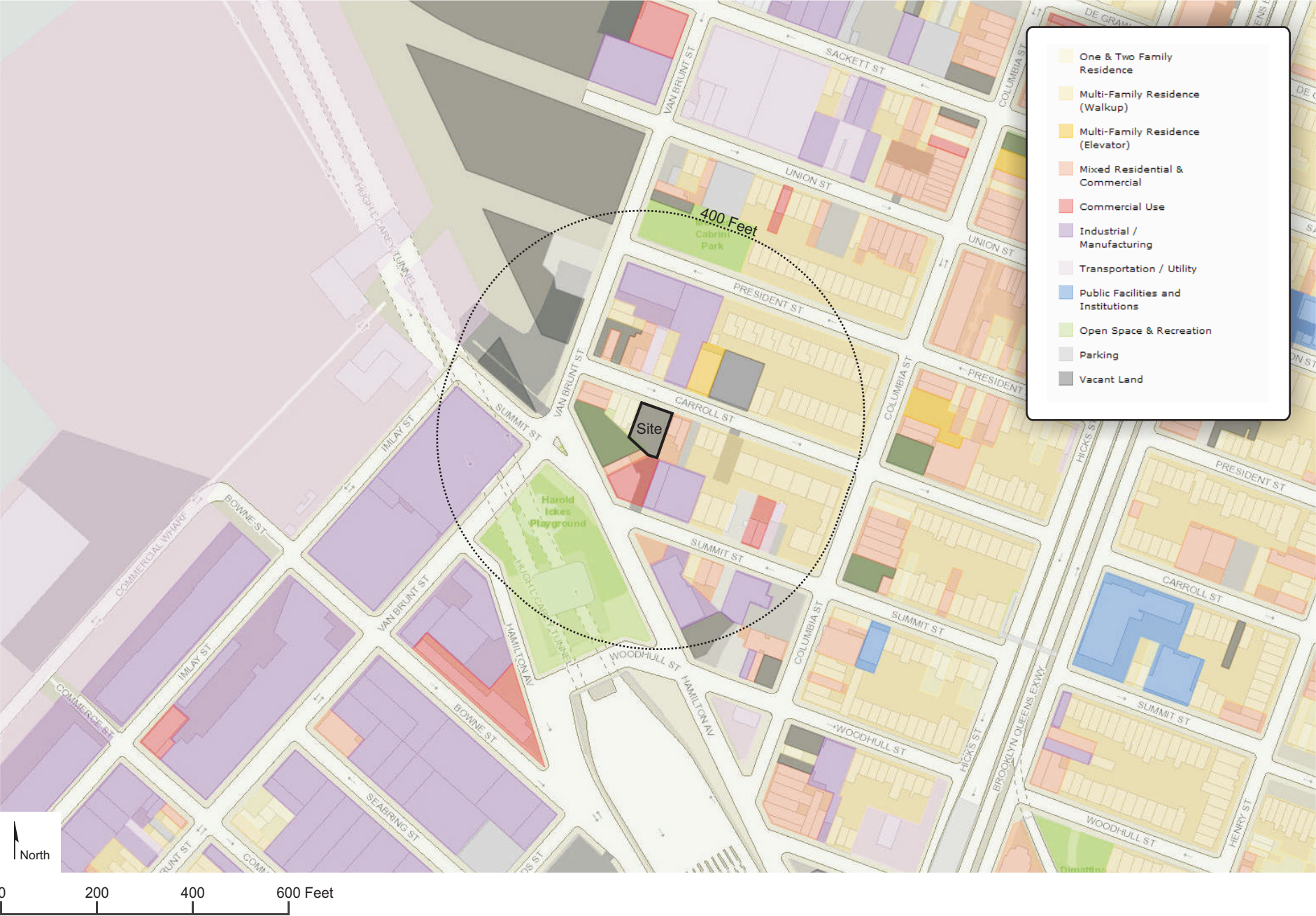
NYC Digital Tax Map

Effective Date : 06-04-2012 10:21:18  
End Date : Current  
Brooklyn Block: 352

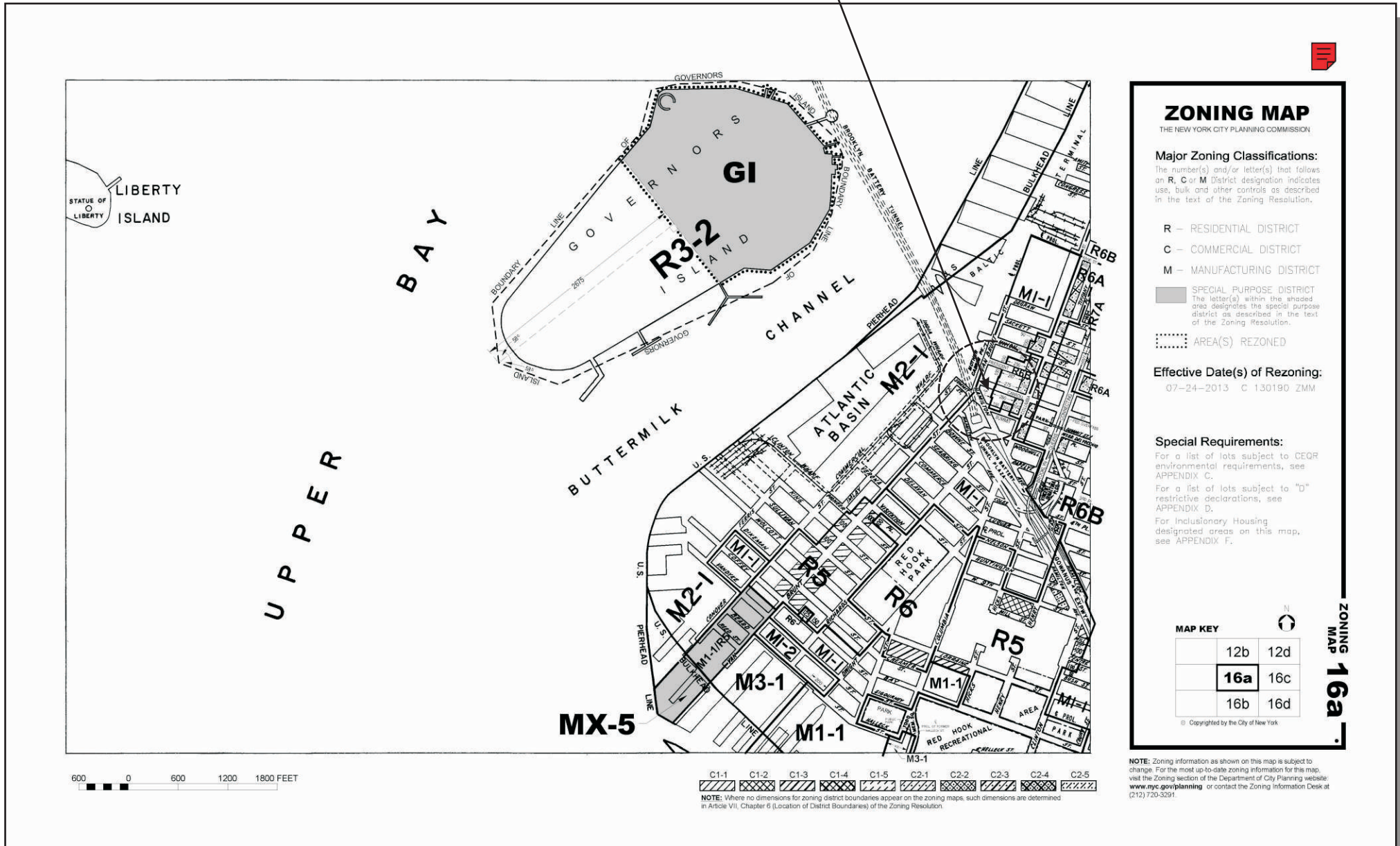
Legend

- Streets
- Miscellaneous Text
- Possession Hooks
- Boundary Lines
- Lot Face Possession Hooks
- Regular
- Undewater
- Tax Lot Polygon
- Condo Number
- Tax Block Polygon











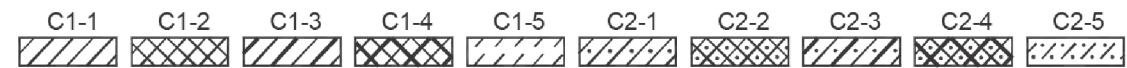
# Zoning Change Map



Current Zoning Map (Map 16a)

Proposed Zoning Map (Map 16a)

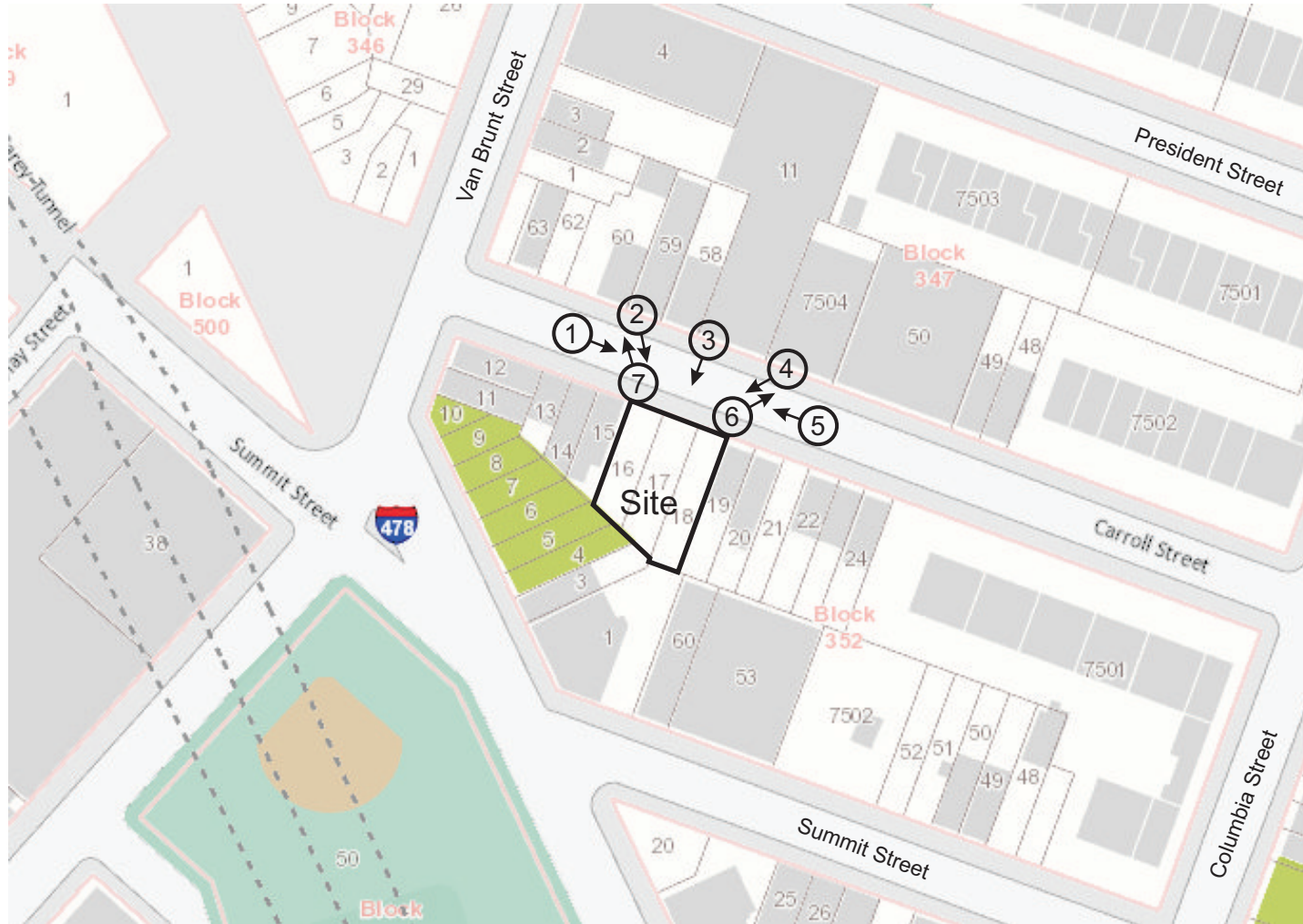
Rezoning from an M1-1 to a R6B zoning district.



















Carroll Street

Site

N





















Carroll Street

14 CARROLL STREET  
 BROOKLYN, NY 11231  
 BLOCK: 352 LOTS: 16,17,18

LOT AREA 6,229.16 SF  
 PROPOSED ZONE R6-B  
 MAX FAR: 2.2  
 MAX "FLOOR AREA":  
 6,229.16 X 2.2  
 = 13,703.80 SF  
 MAX L.C.: 60% = 3,737.49 SF

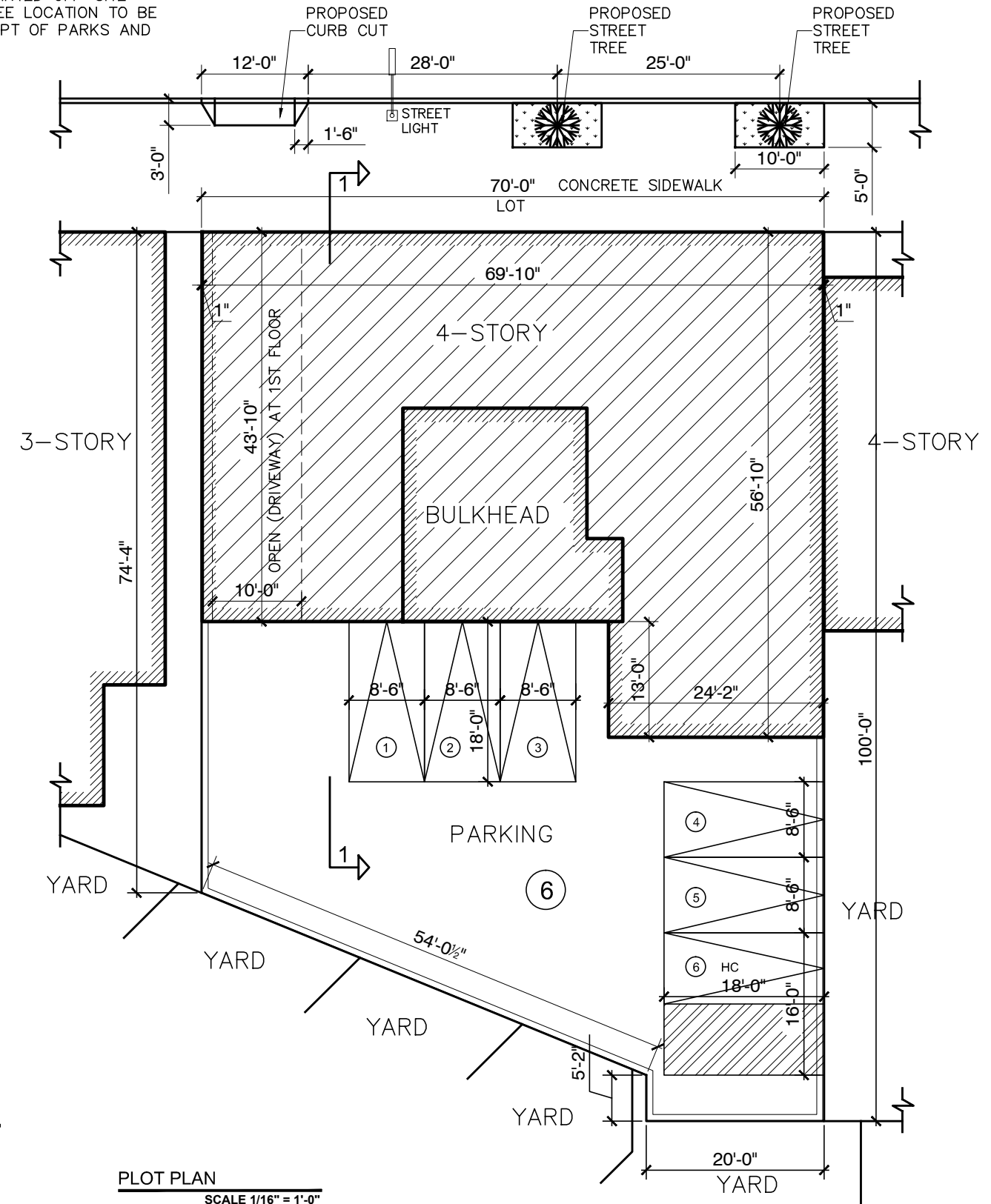
PROPOSED "FA":  
 1ST FLOOR = 3,000.00 SF  
 2ND FLOOR = 3,256.19 SF  
 3RD FLOOR = 3,256.19 SF  
 4TH FLOOR = 3,256.19 SF (+ 732.43 SF ACCESSORY RESIDENTIAL DUPLEX SPACE)  
 TOTAL "FA" = **13,501.00 SF**

PROPOSED L.C.: 3,375.19 SF

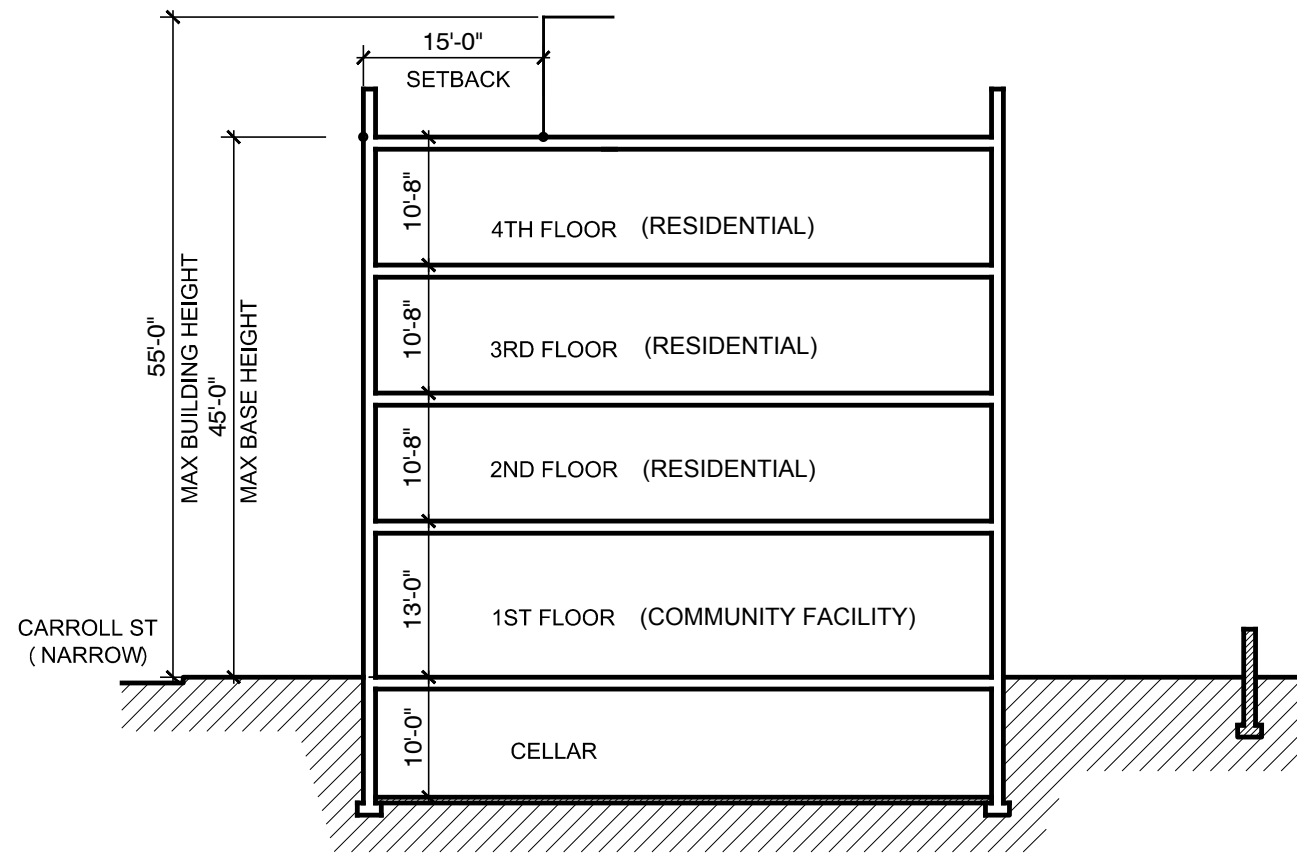
TOTAL 11 APARTMENTS  
 REQUIRED PARKING: 50%=6  
 PROPOSED: 6 PARKING SPACES

STREET TREE CALCULATION:  
 $70' / 25' = 3$  TREES.  
 2 TREES TO BE PLANTED ON-SITE  
 1 TREE TO BE PLANTED OFF-SITE  
 EXACT STREET TREE LOCATION TO BE  
 DETERMINED NY DEPT OF PARKS AND  
 RECREATION

CARROLL STREET



PLOT PLAN  
 SCALE 1/16" = 1'-0"

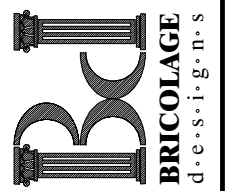


HEIGHT DIAGRAM 1-1  
 SCALE 1/16" = 1'-0"

REASONABLE WORST CASE-WITH ACTION PLAN

DRAWINGS ARE FOR ILLUSTRATIVE PURPOSES ONLY

ARCHITECTS  
 PLANNERS  
 CONSULTANTS  
 6321 New Utrecht Avenue  
 Brooklyn, N.Y. 11219  
 Tel. 718.259.1100  
 Fax. 718.259.0111



DATE: 6/14/16

SCALE:  
 NEW 4-STORY & CELLAR  
 RESIDENTIAL BUILDING  
 LOCATED AT 14 CARROLL STREET,  
 BROOKLYN 11231

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## **PART II: TECHNICAL ANALYSES**

### **INTRODUCTION**

Based on the criteria in Part II of the Environmental Assessment Statement Full Form, the following technical areas require further analysis: land use, zoning, and public policy; shadows; historic and cultural resources; urban design and visual resources; hazardous materials; air quality; and noise. These analyses, which follow the guidance in the *CEQR Technical Manual*, are presented below. The heading numbers correlate with the relevant chapters of the *CEQR Technical Manual*.

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

#### **Introduction**

A land use analysis characterizes the uses and development trends in the area that may be affected by an action and determines whether a proposed project is compatible with those conditions or whether it may adversely affect them. The analysis also considers the proposed project's compliance with, and effect on, the area's zoning and other applicable public policies.

According to the *CEQR Technical Manual*, a preliminary assessment that includes a basic description of existing and future land uses, as well as basic zoning information, is provided for most projects, regardless of their anticipated effects. Regarding public policy, the *CEQR Technical Manual* states, "Large, publicly-sponsored projects are assessed for their consistency with PlaNYC, the City's sustainability plan." An assessment of an action's consistency with the Waterfront Revitalization Program is required if an action would occur within the designated Coastal Zone. Public policy assessments are also appropriate if an action would occur within an area covered by an Urban Renewal Plan or a 197-A Plan.

#### **Study Area**

According to the *CEQR Technical Manual*, the appropriate study area for land use, zoning, and public policy is related to the type and size of the proposed project, as well as the location and context of the area that could be affected by the project. Study area radii vary according to these factors, with suggested study areas ranging from 400 feet for a small project to 0.5 miles for a very large project.

Because of the modest size of the proposed project, the land use and zoning assessment for the proposed action considers a study area extending 400 feet around the proposed rezoning area. As shown in Figure 3, Land Use Map, the study area boundaries are approximately coincident with the midblock between President and Union Streets to the north, Columbia Street to the east, Woodhull Street to the south, and Imlay Street to the west.

#### **Background**

Block 352, within which the project site is located, and Block 347, the block immediately to the north, have been the subjects of a series of actions to change manufacturing zoning districts to residential zoning districts, to permit residential development, or BSA variances to permit nonconforming residential uses.



The Columbia Street Urban Renewal Area (URA) is in close proximity to the project site and has defined the redevelopment of the surrounding area for the past two decades. In 2008 the Columbia Street Urban Renewal Plan was modified to remove a three-story height limit for residential buildings and to remove use restrictions applicable to private properties within the URA boundaries to reflect development trends in the surrounding area (C080115HUK).

In March 2007 the R6 zoning district along the north side of Carroll Street was extended from a line 200 feet west of Columbia Street to a line 240 feet west of Columbia Street (C060018ZMK) to permit residential development of property previously zoned M1-1 at 37-39 Carroll Street (Block 347, Lots 48 and 49). In October 2007 the zoning along the north side of Summit Street (Block 352, Lot 53) was changed from M1-1 to R6 (C060477ZKK), affecting a 150 foot by 100 foot area in the middle of the block, 200 feet west of Columbia Street, to facilitate development of a four-story, 35-unit residential building at 45 Summit Street.

In December 2007 the BSA granted a variance pursuant to ZR Section 72-21 (BSA Cal. No.: 33-07-BZ) to permit the conversion of the upper floors of an existing five-story manufacturing building in an M1-1 zoning district to residential use, affecting the building at 25 Carroll Street (Block 347, Lot 54). This property was later included within a 2011 rezoning of part of the north side of Carroll Street, discussed below.

In October 2009 the Carroll Gardens/Columbia Street Rezoning was approved (C090462ZMK), which rezoned an approximately 86-block area within the Carroll Gardens and Columbia Street neighborhoods, changing the existing residential zones within Blocks 347 and 352 from R6 to R6B. The purpose of the rezoning was to map contextual zoning districts that would better reflect the scale and character of the Carroll Gardens and Columbia Street neighborhoods and ensure that future development fit the prevailing context of mid-density residential development.

In April 2011 two zoning map amendments were approved, affecting both the northerly and southerly sides of Carroll Street: (1) an extension of the R6B district on the north side of Carroll Street from 240 feet west of Columbia Street to 375 feet west of Columbia Street (C090225ZMK) to facilitate development of new residential buildings and to bring an existing residential building into conformance; and (2) an extension of the R6B district along the south side of Carroll Street from a line 260 feet west of Columbia Street to a line 380 feet west of Columbia Street (C110118ZMK) to facilitate development of a residential building at Block 352, Lot 21, and to bring existing residential buildings along Carroll Street into conformance. The rezoning along the southerly side of Carroll Street brought the R6B zoning district boundary to the eastern edge of the project site.

### **Need for a Preliminary Assessment**

A land use and zoning assessment is appropriate for the proposed action, which is a zoning map amendment.

The proposed project is neither large nor publicly sponsored. No portion of the proposed rezoning area is within an urban renewal area or an area covered by a 197-a Plan. The eastern portion of the study area, located near and along Columbia Street, is

within the Columbia Street URA, which was designated in 1979. The Urban Renewal Plan has been fully implemented, however, within the portion of the URA that is within the study area, through the construction of new housing during the 1980s. Furthermore, the goal of the Urban Renewal Plan was to encourage the upgrading of the housing stock along the Columbia Street corridor, and the proposed project, the construction of new housing, would be consistent with that goal.

The project site is within the Coastal Zone boundaries, as revised in December 2014. The preliminary assessment therefore focuses on land use, zoning, and consistency with the Waterfront Revitalization Program.

## **Land Use**

### Existing Conditions on the Project Site

The project site (Brooklyn Block 352, Lots 16, 17, and 18) is now vacant. The three lots were developed during the late nineteenth century with three 3- and 4-story buildings with dwelling units above stores. The buildings were demolished in 1943, 1944, and 1980, and the lots have not been redeveloped. The only active use on the site since 1980 was vehicular storage from 2000 to 2010.

### Existing Conditions in the 400-Foot Study Area

The predominant land use on Block 352 is residential. Three-story residential buildings occupy Lots 47 and 7501, which comprise the eastern portion of the block along Carroll Street, a small portion of Summit Street, and a larger portion of Carroll Street (the portion of the block within the Columbia Street URA). To the west of Lot 7501 along Carroll Street are three-story residential buildings (on Lots 22, 23, and 24), surface parking (on Lot 21), and three-story buildings with dwelling units above stores (on Lot 20 and on Lot 19, which abuts the project site to the east). To the southeast of the site, on the south side of the block along Summit Street, are a vacant one-story industrial building (on Lot 53), a vacant two-story former warehouse (on Lot 60), and three-story buildings with dwelling units above stores (on Lots 151, 152, and 153). Further east along Summit Street, Lot 48 is occupied by a surface parking lot and a small parking garage, Lots 49 and 50 are occupied by a one-story kennel for boarding cats and dogs, and Lots 51 and 52 are vacant. The western portion of the block contains a two-story bank and office building (on Lot 1, which has frontage along both Summit Street and Hamilton Avenue and shares a rear lot line with the project site), a three-story building with dwelling units above a store (on Lot 3 fronting on Hamilton Avenue, which also abuts the rear of the project site), a community garden (on Lots 4, 5, 6, 7, 8, 9, and 10, which comprises most of the block's Hamilton Avenue frontage, and partly abuts the rear of the project site), three-story buildings with dwelling units above stores (on Lots 11 and 12 fronting on Van Brunt Street), and two-family homes along Carroll Street (on Lots 13, 14, and 15, which abuts the project site on the west).

The block to the immediate north of the proposed rezoning area (Block 347, bounded by Carroll, Columbia, President, and Van Brunt Streets) is predominantly residential with some light industrial uses. Directly opposite the project site are a two-story warehouse, a three-story multifamily walkup building, and a one-story light manufacturing building (extending through the block to President Street) that was originally a hosiery factory

but that is now used for the fabrication and assembly of steel products. To the east along Carroll Street are a five-story former warehouse that has been converted to residential use, a vacant lot, two four-story multifamily walkups, and a row of low-rise residential buildings extending to Columbia Street; and to the west along Carroll Street are two three-story buildings with dwelling units above stores, flanking a vacant lot. Three-story residential buildings occupy the Van Brunt Street midblock. On President Street, to the west of the through-block industrial building, is a one-story light manufacturing building that was originally part of the hosiery factory but that is also now used for the fabrication and assembly of steel products. Further east, the President Street side of the block is entirely residential, as is the Columbia Street frontage.

On the north side of President Street between Van Brunt and Columbia Streets, Mother Cabrini Park occupies the western part of the block, and two-story residential buildings occupy the central and eastern portions.

The portion of the study area to the west of Van Brunt Street and the north of Summit Street is part of Red Hook Terminal, owned and operated by the Port Authority of New York and New Jersey.

Two two-story warehouses occupy Block 502, the southwestern corner of the study area, which is bounded by Van Brunt, Summit, Imlay, and Bowne Streets.

Harold Ickes Playground occupies Block 504, which is located to the southwest of the project site, across Hamilton Avenue.

The block to the immediate south of Block 352 (Block 357, bounded by Summit, Columbia, and Woodhull Streets and Hamilton Avenue) has a mix of uses. A three-story residential building, two three-story buildings with dwellings above stores, and a three-story former industrial building that has been converted to offices occupy the Summit Street frontage. A tow pound and a five-story building with dwellings above ground floor commercial use occupy the Columbia Street frontage. A three-story building with dwellings above a store, a vacant one-story industrial building, and vacant land occupy the Woodhull Street frontage. An air intake structure for the Brooklyn Battery Tunnel and surface parking occupy the Hamilton Avenue frontage.

#### Future Conditions without the Proposed Action

The proposed rezoning area consists of a site fronting on a local street that is not a commercial thoroughfare. Residential uses are located on most of the lots on Block 352, including those that flank the project site. According to the Applicant, this might make the project site less attractive for industrial and commercial uses. The absence of a viable market for uses permitted in an M1-1 district may indicate the reason why the site has remained vacant for more than 30 years. In the absence of the proposed action, it is assumed that no reuse or redevelopment would occur, at least by the build year of 2017.

Three new developments are anticipated within the study area. Two of them will be on the project site block, having been made possible by rezonings from M1-1 to R6B in recent years. According to the EAS for the 20-30 Carroll Street rezoning (11DCP038K), at 24 Carroll Street (Lot 21), located 40 feet east of the project site, a four-story, 50 foot tall,

4,400 square foot residential building with four dwelling units will replace the surface parking that now occupies Lot 21 (although the build year for the project is not until 2020). According to the EAS for the 45 Summit Street rezoning (06DCP095K), at 45 Summit Street (Lot 53), located on the south side of the block 30 feet east of the project site, the existing vacant building will be demolished, and a four-story, 32,885 square foot residential building with 35 dwelling units will be constructed. (Although the EAS indicated a 2007 build year, demolition and reconstruction have not yet occurred.) The third development will be on the opposite side of Carroll Street, northeast of the site, at 29 Carroll Street (Block 347, Lot 50); according to information on the New York City Department of Buildings Building Information Search website, a building permit was issued on April 22, 2014, for construction of a four-story single-family home on what is now a vacant lot.

### Future Conditions with the Proposed Action

In accordance with the RWCDS with-action scenario, if the proposed action is taken, the Applicant would redevelop the project site with a residential building containing up to 11 dwelling units. The building would have three residential stories, would be constructed to the front lot line, and would have a footprint of 3,375 square feet (54.2 percent lot coverage). It would contain 13,501 zoning square feet (zsf), for a 2.17 floor area ratio (FAR). Including a cellar of approximately 3,375 square feet, the building would contain a total of 16,876 gsf. Six surface accessory parking spaces would be provided to the rear of the building, accessible via a ten-foot-wide driveway at the western edge of the site. The building would have a base height of 45 feet, and the overall height would rise another ten feet to a height of 55 feet.

Residential development on the site would be consistent with existing land use patterns. Residential buildings flank the site to the east and west on Carroll Street, and a residential building, a bank, and a community garden abut the rear of the site. Residential uses predominate on the rest of the block on which the site is located, on the block facing the site across Carroll Street, and in general on nearby blocks between Columbia and Van Brunt Streets. The proposed project would also be consistent with current land use trends in the study area; similar four-story residential developments have been approved for two other sites on Carroll Street and one on Summit Street. The proposed action would therefore not have a significant adverse impact on land use.

## **Zoning**

### Existing Conditions

The project site is currently within an M1-1 light manufacturing district that permits most but not all commercial uses, light manufacturing uses listed in Use Group 17, and certain specified community facility uses but precludes all residential and most community facility uses. The maximum permitted floor area ratio (FAR) is 1.00 for

<sup>2</sup> Per New York City Zoning Resolution (ZR) section 23-662(b)(1), Qualifying ground floors must contain community facility uses in R6B districts, except for residential lobbies, entrances and exits to accessory parking facilities, which are permitted residential uses for a Qualifying ground floor.

commercial or manufacturing uses and 2.40 for community facility uses. The maximum street wall height is 30 feet or two stories, whichever is less. At that height a setback from the street line is required. On a narrow street such as Carroll Street, the minimum required setback is 20 feet. The M1-1 regulations do not impose a maximum building height but instead require that the building not penetrate a sky exposure plane that begins at 30 feet above the front lot line and slopes upwards and rearwards at a 45 degree angle.

Block 352 is divided among M1-1, R6B, and R6B/C2-4 districts, and the project site is at the eastern edge of the M1-1 district, abutting the R6B residential district. The eastern part of Block 352 along Columbia Street (Lot 47 and part of Lot 7501) is mapped R6B/C2-4 to a depth of 100 feet from Columbia Street. West of the C2-4 local commercial overlay, the R6B district extends another 280 feet along the northern half of the block (Lots 21, 22, 23, 24, and part of Lot 7501). On the southern half of the block, fronting on Summit Street, an M1-1 light manufacturing district is mapped to the west of the R6B/C2-4 district and extends westward 100 feet (Lots 48, 49, 50, 51, and 52), and to its west the R6B district is mapped, extending 150 feet (Lots 53, 151, 152, and 153). The irregularly shaped western part of the block (Lots 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 60) is zoned M1-1; this portion of the block has 195 feet of frontage along Carroll Street on the north, 55.83 feet of frontage along Van Brunt Street on the west, 205.83 feet of frontage along Hamilton Avenue on the southwest, and 78.08 feet of frontage along Summit Street on the south. The boundary between the R6B and M1-1 districts is located 380 feet from Columbia Street on the Carroll Street half of the block and 350 feet from Columbia Street on the Summit Street half of the block.

R6B is a medium density residential zone that permits the full range of residential and community facility uses listed in Use Groups 1, 2, 3, and 4 but precludes all commercial and manufacturing uses. (In contrast, the R6B/C2-4 district, which combines the residential district with a local commercial overlay, allows limited commercial use.) The maximum permitted FAR is 2.00 for either residential or community facility development. The maximum street wall height is 45 feet. At that height a setback from the street line is required. On a narrow street such as Carroll Street, the minimum required setback is 20 feet. The R6B regulations permit a building with a qualifying ground floor (at least 13 feet in height) to rise to a maximum of five stories and a maximum building height of 55 feet. The maximum permitted lot coverage is 65 percent on an interior or through lot (such as the project site) and 80 percent on a corner lot. A 30-foot-deep rear yard is required.

To the north, the blocks between Columbia and Van Brunt Streets are also divided between the M1-1 district on the west and the R6B district on the east, with a staggered boundary between the two, and with a C2-4 local commercial overlay mapped along Columbia Street. The rest of the study area is zoned M1-1, except for the small portion west of Van Brunt Street and north of Summit Street, which is within an M2-1 medium manufacturing district. The major differences between the M1-1 and M2-1 districts are that industrial uses must be fully enclosed in the M1-1 district but not the M2-1 district (which is why the latter is widely mapped over waterfront terminal facilities) and that M2-1 permits greater bulk and height (an FAR of 2.00 and a street wall height of 60 feet).



### Future Conditions without the Proposed Action

No zoning map changes are anticipated in the study area in the future without the proposed action.

### Future Conditions with the Proposed Action

The proposed zoning map amendment would expand the existing R6B district onto the project site, which is now zoned M1-1. Along the northern portion of the block fronting Carroll Street the new district boundary would be located 450 feet from Columbia Street and 125 feet from Van Brunt Street.

The proposed action would adjust the boundary between the existing M1-1 and R6B districts, which has already been adjusted twice within the past decade through expansions of the R6B district on Block 352. Because the project site is vacant, the change would not cause any existing uses or structures to be nonconforming or noncomplying; and the adjacent and nearby land uses on Carroll Street are more consistent with an R6B than an M1-1 district. For these reasons, the proposed action would not have a significant adverse impact related to zoning.

### **Public Policy (Waterfront Revitalization Program)**

As is noted above in the introduction to this section, the only public policy consideration pertinent to the proposed action is its consistency with the Waterfront Revitalization Program (WRP) policies. The proposed rezoning area is within the Coastal Zone, but it is actually several blocks inland, without waterfront access or even waterfront views, so only four of the ten WRP policies are relevant to the proposed action.

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

The proposed rezoning area is not within a Special Natural Waterfront Area or Significant Maritime and Industrial Area, and it is in a well developed area devoid of natural features. The project site is currently underutilized. The rezoning area is proximate to numerous residential uses and in an area where public facilities and infrastructure are adequate. The proposed action is therefore consistent with Policy 1.1.

#### Policy 6: Minimize loss of life, structures, and natural resources caused by flooding and erosion, and increase resilience to future conditions created by climate change.

Approximately 40 percent of the site falls within an AE flood zone as designated on FEMA's preliminary flood map 3604970192G. The other approximately 60 percent falls within a shaded zone X. Current NYC Building Code regulations provide development restrictions for residential buildings in the AE zone, but in zone X the Building Code provides development restrictions only for uses within the institutional 'I' occupancy group (such as hospitals and nursing homes) and not for residential buildings. The proposed building would therefore be located entirely in the shaded X zone. As permitted by the Building Code, the first floor would be the lowest habitable level, and the building's mechanical systems would be located in the cellar (except for a machine room in the rooftop mechanical bulkhead) Only open uses (such as landscaping and surface parking) would be located within the AE zone portion of the site. Such open uses

are permitted by current NYC and FEMA flood management regulations. Because the structure would be located entirely in the shaded X zone and not in the AE flood zone, the proposed action would be consistent with Policy 6.

Policy 6.2: Integrate consideration of the latest New York City projections of climate change and sea level rise (as published by the NPCC, or any successor thereof) into the planning and design of projects in the city's Coastal Zone.

The New York City Panel on Climate Change has projected that, relative to sea levels in the year 2000, sea levels at New York City will have risen 4 to 8 inches in the 2020s, 11 to 21 inches in the 2050s, 18 to 39 inches in the 2080s, and 22 to 50 inches by 2100. These changes will increase the frequency and severity of coastal flooding, expand existing flood zones, and increase base flood elevations at locations within existing flood zones. Should future FEMA maps show that the AE zone has expanded to cover other portions of the project site, the building would be retrofitted with appropriate floodproofing measures or other alterations (such as perhaps moving mechanical equipment to a freestanding elevated and enclosed structure elsewhere on the site, which would be feasible because the building would cover only 54.2 percent of the lot) to minimize potential damage. The proposed action is consistent with Policy 6.2.

Policy 7.2: Prevent and remediate discharge of petroleum products.

Environmental Project Data Statements Company (EPDSCO, Inc.) has performed a Phase I Environmental Site Assessment (ESA) for the project site. The ESA, dated February 2014, was prepared in accordance with the ASTM Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process (ASTM Designation E 1527-05).

The Phase I report concludes that the ESA has revealed no evidence of recognized environmental conditions in connection with activities currently or previously associated with the property. The ESA did, however, reveal the potential for soil and/or groundwater contamination in the area of the subject property from the C.M. Childs & Co. Paint and White Lead Works and Childs Pulp Color, Inc. factory formerly located adjacent and to the southeast of the project site.

EPDSCO subsequently performed a Phase II Environmental Site Investigation (ESI). The Phase II report concluded that soil and groundwater at the project site had not been contaminated by former onsite or offsite uses.

The Phase II report did state, however, that the proposed new building should have an engineered vapor barrier installed under the foundation slabs to prevent a potential vapor migration into the building structure. In August 2015 a proposed RAP and a proposed CHASP were submitted to the New York City Department of Environmental Protection (DEP) for its review. The RAP proposes soil removal, stockpiling, transportation, waste classification sampling of contaminated material, and disposal of contaminated soil in accordance with applicable NYSDEC regulations; closure and removal of any underground storage tanks encountered during excavation in accordance with applicable NYSDEC regulations; dust control, spill control, and a community air monitoring program; installation of a minimum 20-mil HDPE geo-

membrane vapor barrier in accordance with manufacturer's specification; and the addition of two feet of graded clean fill and topsoil imported from an approved source in all areas not topped by asphalt or concrete. In a letter dated September 23, 2015, DEP approved the proposed RAP and, with one minor revision, the proposed CHASP. The letter also stated that, upon completion of remedial activities, a Remedial Closure Report should be prepared by a professional engineer and submitted to DEP. An (E) designation will be mapped on the project site binding the Applicant to this course of action.

With the implementation of the approved RAP and CHASP, a significant adverse impact related to hazardous materials would not occur as a result of the proposed action. The proposed action is therefore consistent with Policy 7.2.

Policy 10.2: Protect and preserve archaeological resources and artifacts.

The New York City Landmarks Preservation Commission (LPC) staff has determined that the project site is archaeologically sensitive (that is, there is a reasonable likelihood, based on the sites' location and characteristics, that it contains subsurface archaeological resources). Consequently, a restrictive declaration was prepared, reviewed and approved by LPC staff, and recorded against the property on June 16, 2015, binding the Applicant to "adhere to all requirements for archaeological identification, investigation and mitigation set forth in the *CEQR Technical Manual* and LPC's Guidelines for Archaeological Work in NYC, including without limitation, the completion of an archaeological documentary study, archaeological field testing, excavation, mitigation and curation of archaeological resources as required by the LPC (collectively, the 'Archaeological Work')." Under the terms of the Declaration, "the implementation of the Archaeological Work to the satisfaction of the LPC, as evidenced by writings described and set forth herein, [is] a condition precedent to any soil disturbance for any ... development or redevelopment (other than soil disturbance necessitated by Declarant's performance of the Archaeological Work)." With the implementation of the terms of the restrictive declaration, no significant adverse impacts related to archaeological resources would occur, and no further analysis is needed.

In summary, the proposed action would be consistent with all applicable WRP policies, and a significant adverse impact regarding public policy is not anticipated.



For Internal Use Only:

WRP no. \_\_\_\_\_

Date Received: \_\_\_\_\_

DOS no. \_\_\_\_\_

## 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: \_\_\_\_\_
2. Address: \_\_\_\_\_
3. Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_
4. Project site owner: \_\_\_\_\_

### B. PROPOSED ACTIVITY

1. Brief description of activity:
  
  
  
  
  
  
  
  
  
  
2. Purpose of activity:
  
  
  
  
  
  
  
  
  
  
3. Location of activity: (street address/borough or site description):

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

**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? (4.1and 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)

\_\_\_\_\_

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)

\_\_\_\_\_

31. Would the proposed action have any effects on surface or ground water supplies? (5.4)

\_\_\_\_\_

32. Would the action result in any activities within a federally designated flood hazard area or state-designated erosion hazards area? (6)

\_\_\_\_\_

33. Would the action result in any construction activities that would lead to erosion? (6)

\_\_\_\_\_

34. Would the action involve construction or reconstruction of a flood or erosion control structure? (6.1)

\_\_\_\_\_

35. Would the action involve any new or increased activity on or near any beach, dune, barrier island, or bluff? (6.1)

\_\_\_\_\_

36. Does the proposed project involve use of public funds for flood prevention or erosion control? (6.2)

\_\_\_\_\_

37. Would the proposed project affect a non-renewable source of sand ? (6.3)

\_\_\_\_\_

38. Would the action result in shipping, handling, or storing of solid wastes, hazardous materials, or other pollutants? (7)

\_\_\_\_\_

39. Would the action affect any sites that have been used as landfills? (7.1)

\_\_\_\_\_

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)

\_\_\_\_\_

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)

\_\_\_\_\_

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)

\_\_\_\_\_

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)

\_\_\_\_\_

44. Would the action result in the provision of open space without provision for its maintenance? (8.1)

\_\_\_\_\_

45. Would the action result in any development along the shoreline but NOT include new water-enhanced or water-dependent recreational space? (8.2)

\_\_\_\_\_

46. Will the proposed project impede visual access to coastal lands, waters and open space? (8.3)

\_\_\_\_\_

47. Does the proposed project involve publicly owned or acquired land that could accommodate waterfront open space or recreation? (8.4)

\_\_\_\_\_

48. Does the project site involve lands or waters held in public trust by the state or city? (8.5)

\_\_\_\_\_

49. Would the action affect natural or built resources that contribute to the scenic quality of a coastal area? (9)

\_\_\_\_\_

50. Does the site currently include elements that degrade the area's scenic quality or block views to the water? (9.1)

\_\_\_\_\_

**Policy Questions cont'd**

**Yes      No**

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: Hiram A. Rothkrug, Director, EPDSCO

Address: 55 Water Mill Road, Great Neck, NY 11021

Telephone 718-343-0026

Applicant/Agent Signature:  Date: 9/21/15



## Attachment to Consistency Assessment Form for 14-18 Carroll Street

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

The proposed rezoning area is not within a Special Natural Waterfront Area or Significant Maritime and Industrial Area, and it is in a well developed area devoid of natural features. The project site is currently underutilized. The rezoning area is proximate to numerous residential uses and in an area where public facilities and infrastructure are adequate. The proposed action is therefore consistent with Policy 1.1.

32. Would the action result in any activities within a federally designated flood hazard area or state designated erosion hazards area? (Policy 6)

Approximately 40 percent of the site falls within an AE flood zone as designated on FEMA's preliminary flood map 3604970192G. The other approximately 60 percent falls within a shaded zone X. Current NYC Building Code regulations provide development restrictions for residential buildings in the AE zone, but in zone X the Building Code provides development restrictions only for uses within the institutional 'I' occupancy group (such as hospitals and nursing homes) and not for residential buildings. The proposed building would therefore be located entirely in the shaded X zone. As permitted by the Building Code, the first floor would be the lowest habitable level, and the building's mechanical systems would be located in the cellar (except for a machine room in the rooftop mechanical bulkhead). Only open uses (such as landscaping and surface parking) would be located within the AE zone portion of the site. Such open uses are permitted by current NYC and FEMA flood management regulations. Because the structure would be located entirely in the shaded X zone and not in the AE flood zone, the proposed action would be consistent with Policy 6.

The New York City Panel on Climate Change has projected that, relative to sea levels in the year 2000, sea levels at New York City will have risen 4 to 8 inches in the 2020s, 11 to 21 inches in the 2050s, 18 to 39 inches in the 2080s, and 22 to 50 inches by 2100. These changes will increase the frequency and severity of coastal flooding, expand existing flood zones, and increase base flood elevations at locations within existing flood zones. Should future FEMA maps show that the AE zone has expanded to cover other portions of the project site, the building would be retrofitted with appropriate floodproofing measures or other alterations (such as perhaps moving mechanical equipment to a freestanding elevated and enclosed structure elsewhere on the site, which would be feasible because the building would cover only 54.2 percent of the lot) to minimize potential damage. The proposed action is consistent with Policy 6.2.

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)

Environmental Project Data Statements Company (EPDSCO, Inc.) has performed a Phase I Environmental Site Assessment (ESA) for the project site. The ESA, dated February 2014, was prepared in accordance with the ASTM Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process (ASTM Designation E 1527-05).

The Phase I report concludes that the ESA has revealed no evidence of recognized environmental conditions in connection with activities currently or previously associated with the property. The ESA did, however, reveal the potential for soil and/or groundwater contamination in the area of the subject property from the C.M. Childs & Co. Paint and White Lead Works and Childs Pulp Color, Inc. factory formerly located adjacent and to the southeast of the project site.

EPDSCO subsequently performed a Phase II Environmental Site Investigation (ESI). The Phase II report concluded that soil and groundwater at the project site had not been contaminated by former onsite or offsite uses.

The Phase II report did state, however, that the proposed new building should have an engineered vapor barrier installed under the foundation slabs to prevent a potential vapor migration into the building structure. In August 2015 a proposed RAP and a proposed CHASP were submitted to the New York City Department of Environmental Protection (DEP) for its review. The RAP proposes soil removal, stockpiling, transportation, waste classification sampling of contaminated material, and disposal of contaminated soil in accordance with applicable NYSDEC regulations; closure and removal of any underground storage tanks encountered during excavation in accordance with applicable NYSDEC regulations; dust control, spill control, and a community air monitoring program; installation of a minimum 20-mil HDPE geomembrane vapor barrier in accordance with manufacturer's specification; and the addition of two feet of graded clean fill and topsoil imported from an approved source in all areas not topped by asphalt or concrete. In a letter dated September 23, 2015, DEP approved the proposed RAP and, with one minor revision, the proposed CHASP. The letter also stated that, upon completion of remedial activities, a Remedial Closure Report should be prepared by a professional engineer and submitted to DEP. An (E) designation will be mapped on the project site binding the Applicant to this course of action.

With the implementation of the approved RAP and CHASP, a significant adverse impact related to hazardous materials would not occur as a result of the proposed action. The proposed action is therefore consistent with Policy 7.2.

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)

The Backyard, a community garden that fronts on Hamilton Avenue and Van Brunt Street, is located to the immediate southwest of the project site. The eastern part of the garden shares a rear lot line with part of the project site.

Computer modeling software was used to plot the shadows that would be cast by the proposed building during the course of four days during the year: the winter solstice (December 21), the summer solstice (June 21), the spring or autumn equinox (March 21 or September 21), and the midpoint between the equinox and the summer solstice (May 6). The proposed building would create a new shadow on the Backyard on three of the four analysis days. During the March 21st analysis day, the shadow is projected to occur from approximately 7:36 am (the beginning of the CEQR required analysis time frame) until 8:15 am, a period of 39 minutes. During the May 6th analysis day, the shadow is

projected to occur from approximately 6:27 am (the beginning of the CEQR required analysis time frame) until 8:46 am, a period of 2 hours and 19 minutes. During the June 21st analysis day, the shadow is projected to occur from approximately 5:57 am (the beginning of the CEQR required analysis time frame) until 8:36 am, a period of 2 hours and 39 minutes. The proposed building would not cast a shadow onto the garden during the December 21 analysis day.

The project-induced shadows would be of short duration (ranging from 39 minutes to two hours and 39 minutes) and confined to the early morning, when the park would receive only limited use. No shadow from the proposed building would reach the community garden after 8:46 am during any time of the year. The proposed action is therefore consistent with Policy 8.

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

The New York City Landmarks Preservation Commission (LPC) staff has determined that the project site is archaeologically sensitive (that is, there is a reasonable likelihood, based on the sites' location and characteristics, that it contains subsurface archaeological resources). Consequently, a restrictive declaration was prepared, reviewed and approved by LPC staff, and recorded against the property on June 16, 2015, binding the Applicant to "adhere to all requirements for archaeological identification, investigation and mitigation set forth in the *CEQR Technical Manual* and LPC's Guidelines for Archaeological Work in NYC, including without limitation, the completion of an archaeological documentary study, archaeological field testing, excavation, mitigation and curation of archaeological resources as required by the LPC (collectively, the 'Archaeological Work')." Under the terms of the Declaration, "the implementation of the Archaeological Work to the satisfaction of the LPC, as evidenced by writings described and set forth herein, [is] a condition precedent to any soil disturbance for any ... development or redevelopment (other than soil disturbance necessitated by Declarant's performance of the Archaeological Work)." With the implementation of the terms of the restrictive declaration, no significant adverse impacts related to archaeological resources would occur, and no further analysis is needed.



## 8. SHADOWS

### Introduction

A detailed shadow analysis is generally required only if a proposed action would result in one or more buildings that would be (a) at least 50 feet in height and close enough to a sunlight-sensitive resource of concern to cast a shadow on it or (b) less than 50 feet in height but directly adjacent to or across from a sunlight-sensitive use. Such resources of concern are public open spaces, greenstreets, natural resources if the introduction of shadows might alter their condition or microclimate, and historic resources that depend on direct sunlight for their appreciation by the public. The *CEQR Technical Manual* explains which historic resources are sun-sensitive as follows:

- “Buildings containing design elements that are part of a recognized architectural style that depends on the contrast between light and dark design elements (e.g. deep recesses or voids such as open galleries, arcades, recessed balconies, deep window reveals, and prominent rustication).
- “Buildings distinguished by elaborate, highly carved ornamentation.
- “Buildings with stained glass windows.
- “Exterior materials and color that depend on direct sunlight for visual character (e.g. the polychromy (multicolored) features found on Victorian Gothic Revival or Art Deco facades).
- “Historic landscapes, such as scenic landmarks including vegetation recognized as an historic feature of the landscape (e.g. weeping beeches or pansy beds).
- “Features in structures where the effect of direct sunlight is described as playing a significant role in the structure’s significance as an historic landmark. Examples include the William Lescaze House and Office, 211 E. 48 St. in Manhattan, significant as the first modern (1933) row-house in New York, noted for its early use of glass block, glass bricks, and ribbon windows (LPC and S/NR listed), and LPC designated housing projects such as the Williamsburg Houses in Brooklyn and the Cherokee Apartments in Manhattan, both of which were planned to maximize light by use of site planning and architectural features, such as open stair towers and balconies.”

The development considered under RWCDs would be 55 feet in height, and the project site is directly adjacent to a community garden, the Backyard, which is considered a sunlight-sensitive use.

### Tier 1 Assessment

Shadow lengths vary by time of day, being longest in the early morning and late afternoon and shortest at noon, and by time of year, being longest at the winter solstice and shortest at the summer solstice. According to the *CEQR Technical Manual*, the longest shadow cast by a building is 4.3 times the building’s height. The RWCDs building would have a height of 55 feet to the top of the recessed mechanical story and a maximum height of 58 feet (including the exhaust vent rising three feet above the

mechanical story). The longest shadow cast by the proposed project would therefore be 249.4 feet in length.

The Tier 1 Screening Assessment figure shows the area within a 249.4 foot radius of the project site. Two sunlight-sensitive resources are at least partly within the radius: the Backyard, the eastern part of which shares a rear lot line with part of the project site, and which fronts on Hamilton Avenue and Van Brunt Street, to the southwest of the site; and Harold Ickes Playground, located to the southwest of the site across Hamilton Avenue. Additional assessment is therefore required.

### **Tier 2 Assessment**

The next step is to determine whether the sunlight-sensitive resources are within the arc in which shadows can be cast. That arc excludes the triangular area to the south of the proposed building that extends from +108 degrees to -108 degrees from true north. As the Tier 2 Screening Assessment figure shows, the Backyard is located within the arc, although Harold Ickes Playground is not. Additional assessment is therefore required.

### **Tier 3 Assessment**

The next step is to use computer modeling software to plot the shifting shadows that would be cast by the proposed building during the course of the day, as the sun travels from east to west in the sky, and as the shadows therefore travel from west to east. Modeling is performed for four days during the year: the winter solstice (December 21), the summer solstice (June 21), the spring or autumn equinox (March 21 or September 21), and the midpoint between the equinox and the summer solstice (May 6).

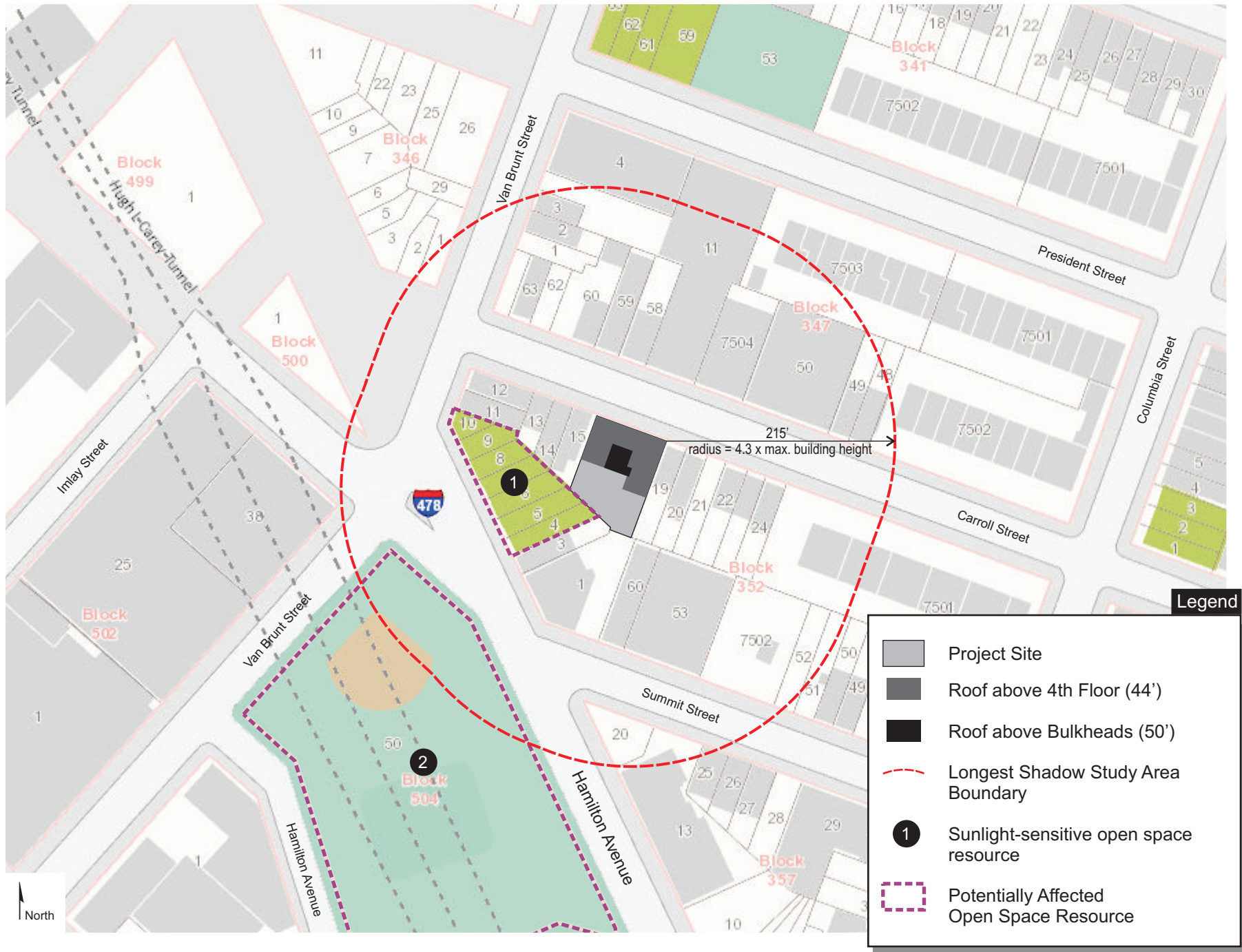
As the Tier 3 Screening Assessment figures and Table 8-1 show, the proposed building would create a new shadow on the Backyard on three of the four analysis days. During the March 21st analysis day, the shadow is projected to occur from approximately 7:36 am (the beginning of the CEQR required analysis time frame) until 8:15 am, a period of 39 minutes. During the May 6th analysis day, the shadow is projected to occur from approximately 6:27 am (the beginning of the CEQR required analysis time frame) until 8:46 am, a period of 2 hours and 19 minutes. During the June 21st analysis day, the shadow is projected to occur from approximately 5:57 am (the beginning of the CEQR required analysis time frame) until 8:36 am, a period of 2 hours and 39 minutes. The proposed building would not cast a shadow onto the garden during the December 21 analysis day.

The project-induced shadows would be of short duration (ranging from 39 minutes to 2 hours 39 minutes) and confined to the early morning. No shadow from the proposed building would reach the community garden after 8:46 am during any time of the year. The proposed action would therefore not cause a significant adverse shadow impact.

**Table 8-1**  
**Time and Duration of Shadows on the Backyard**

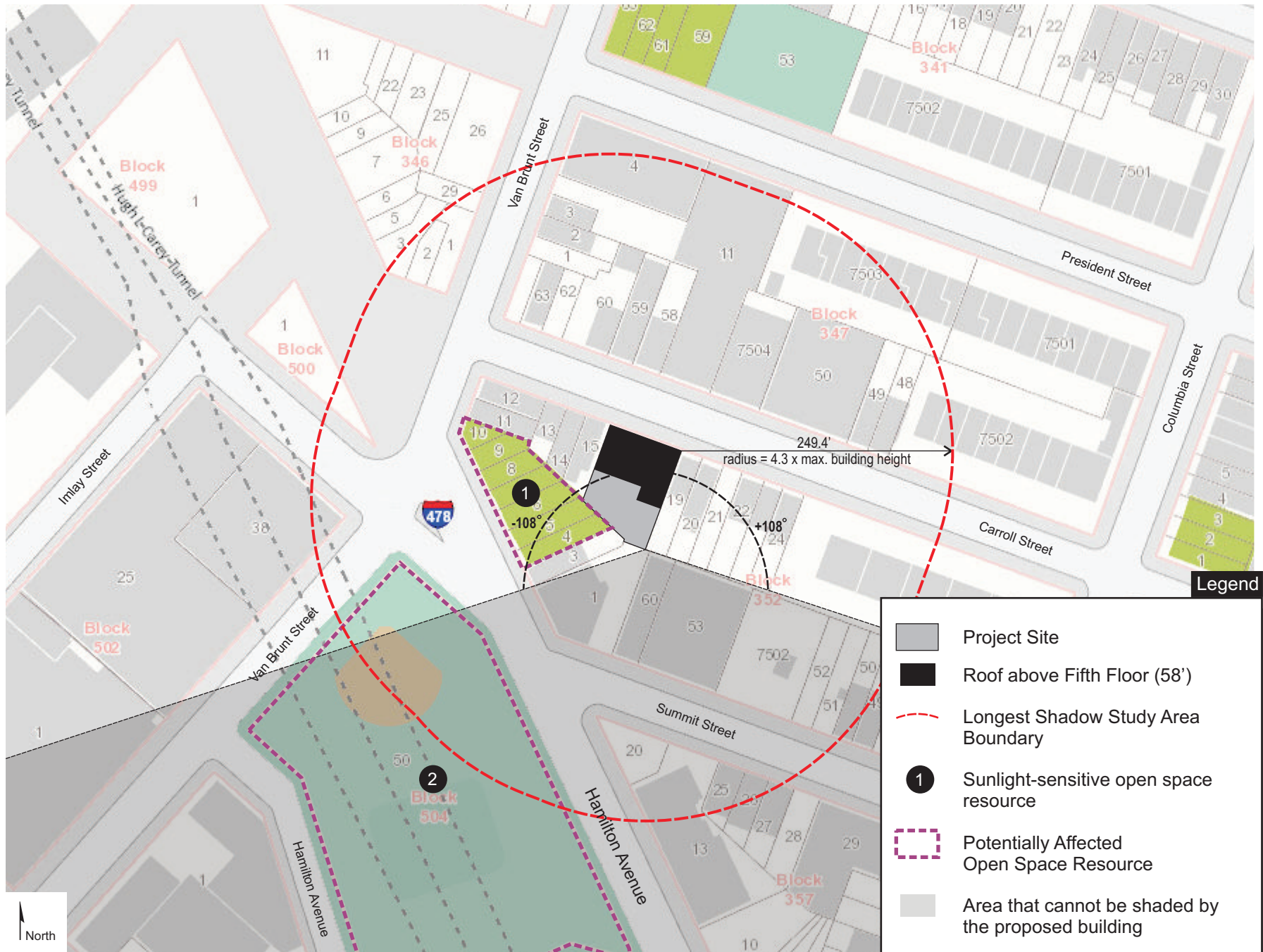
<b>December 21</b>	<b>March 21/ September 21</b>	<b>May 6/ August 6</b>	<b>June 21</b>
N/A N/A	7:36 am - 8:15 am 39 minutes	6:27 am - 8:46 am 2 hours 19 minutes	5:57 am - 8:36 am 2 hours 39 minutes



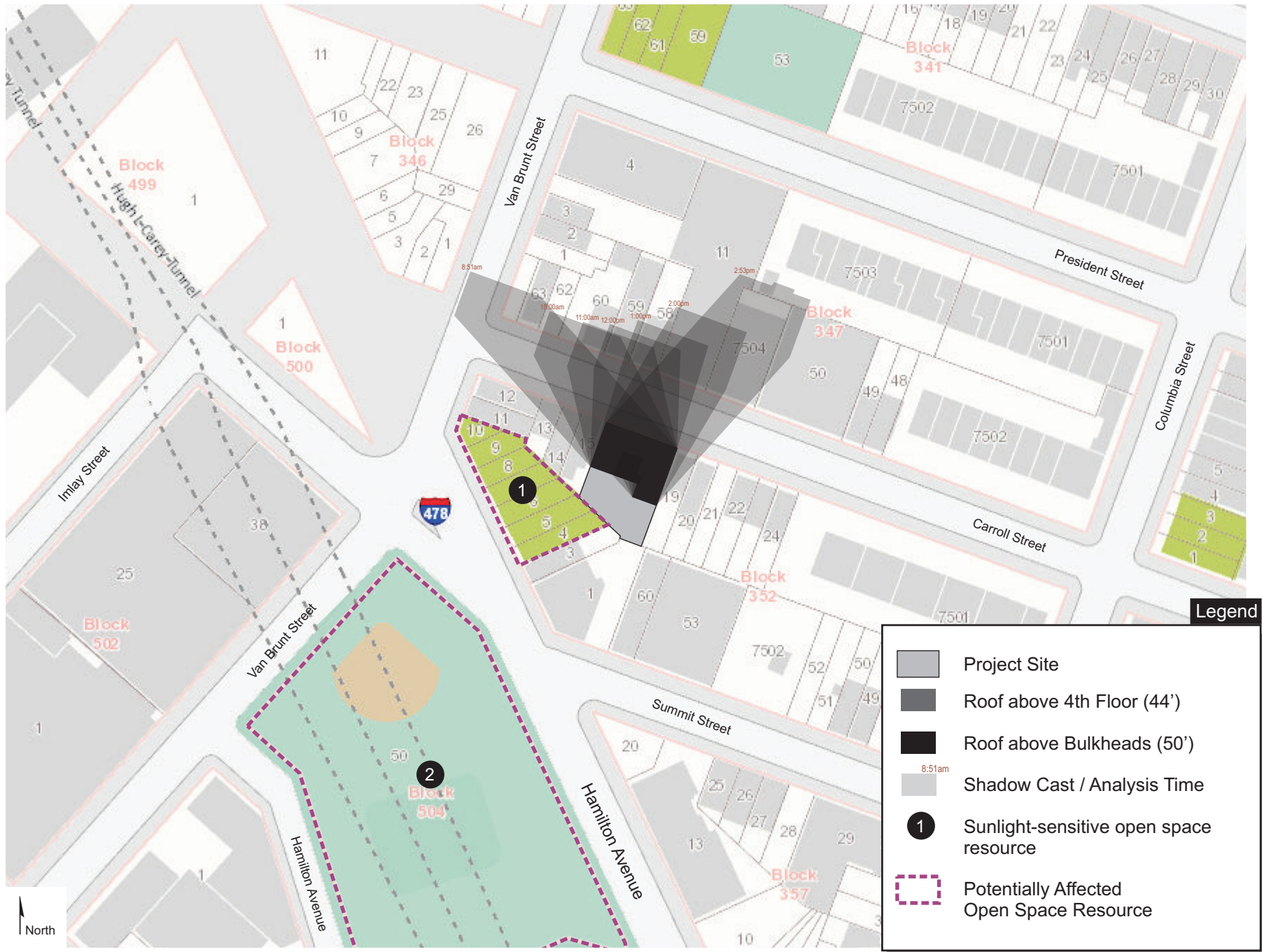


Legend

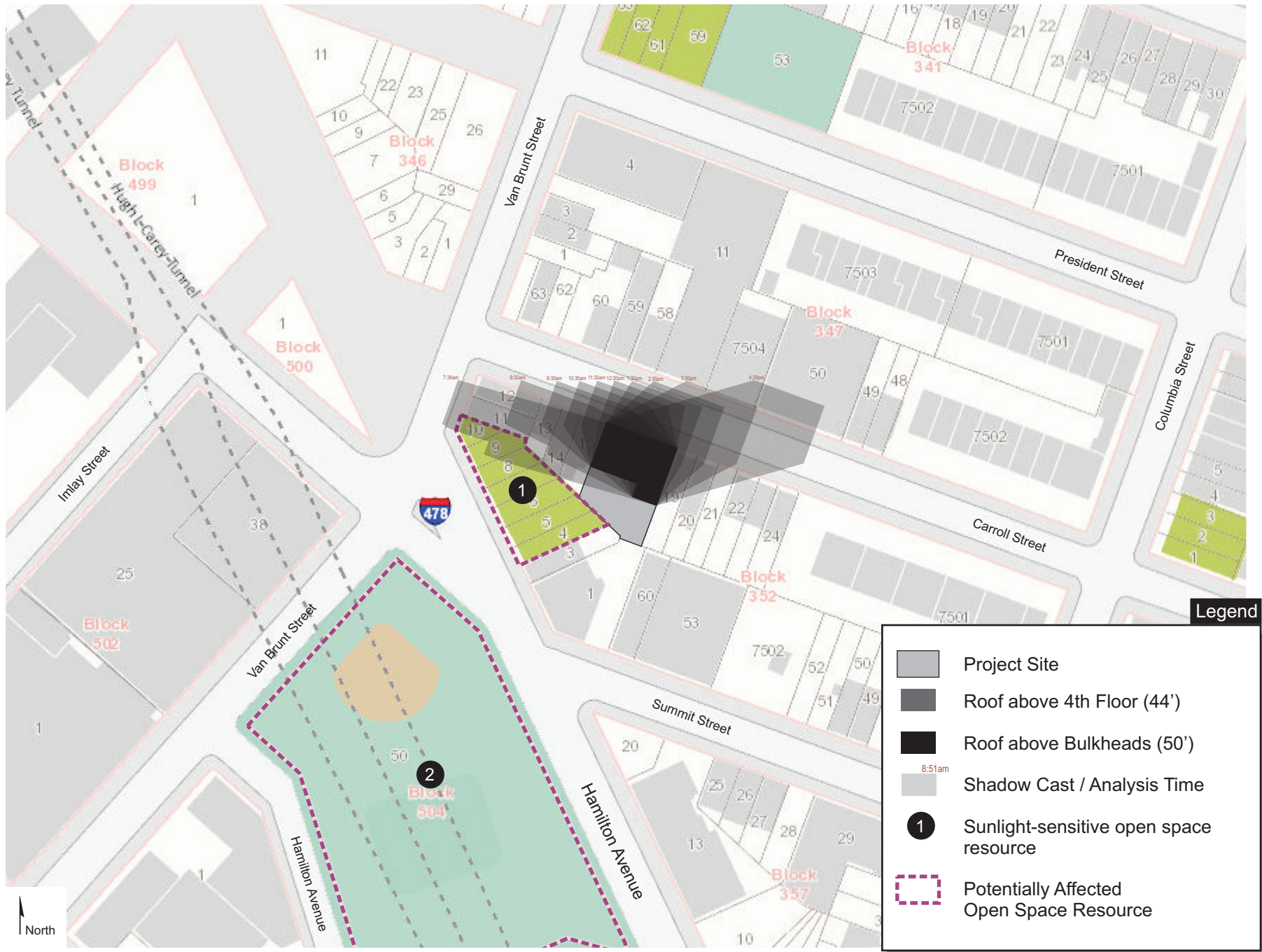
- Project Site
- Roof above 4th Floor (44')
- Roof above Bulkheads (50')
- Longest Shadow Study Area Boundary
- 1 Sunlight-sensitive open space resource
- Potentially Affected Open Space Resource

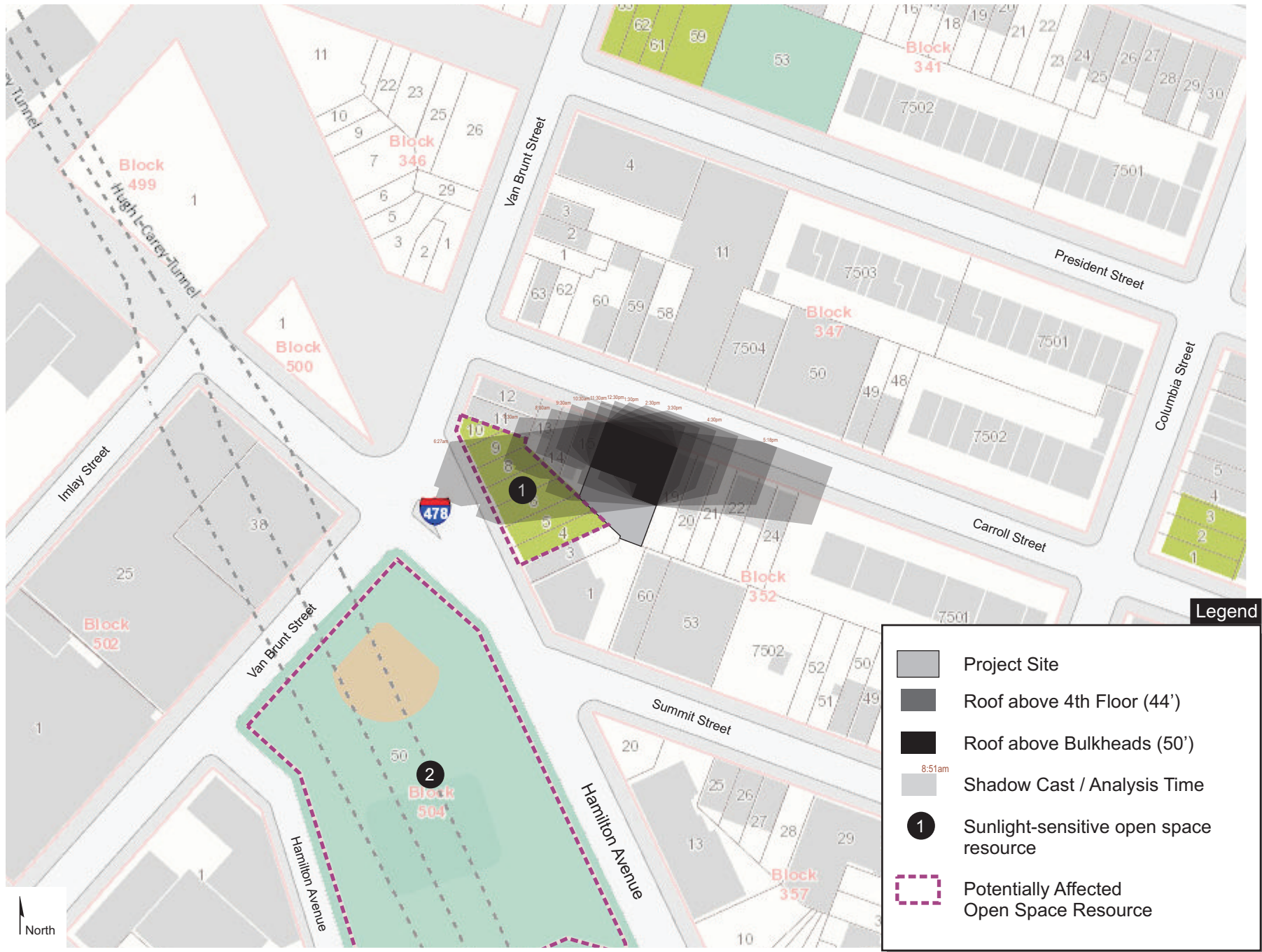








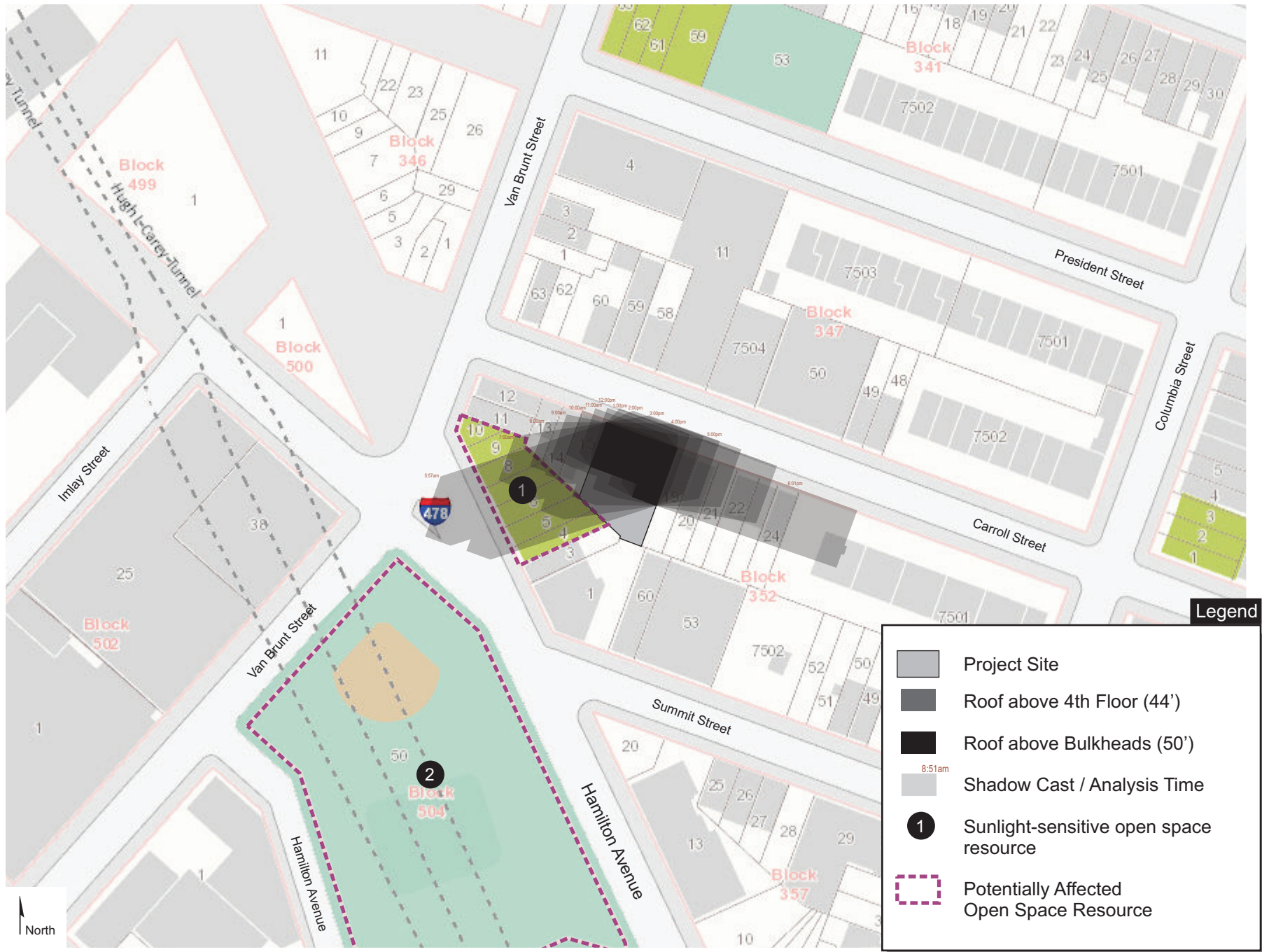




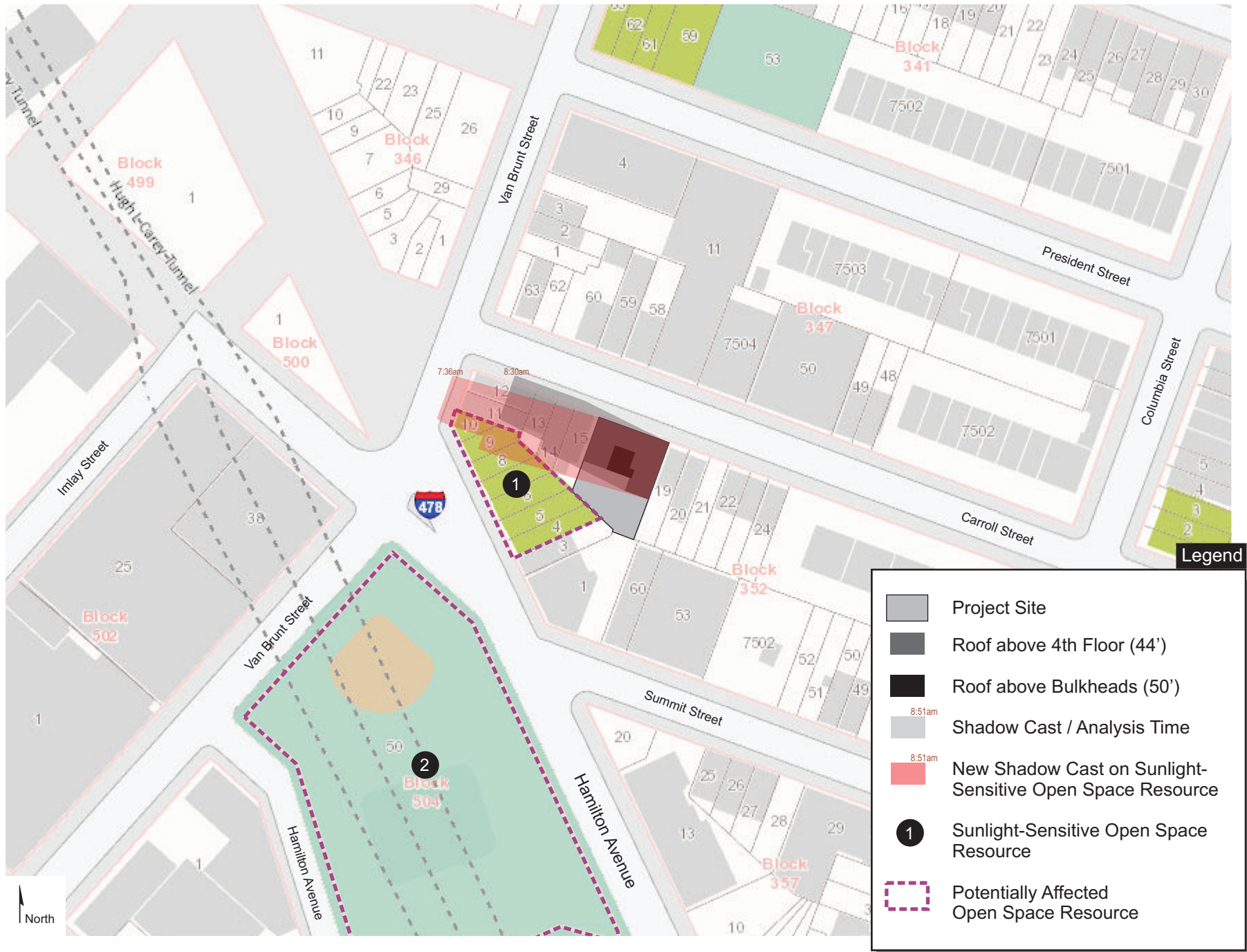
Legend

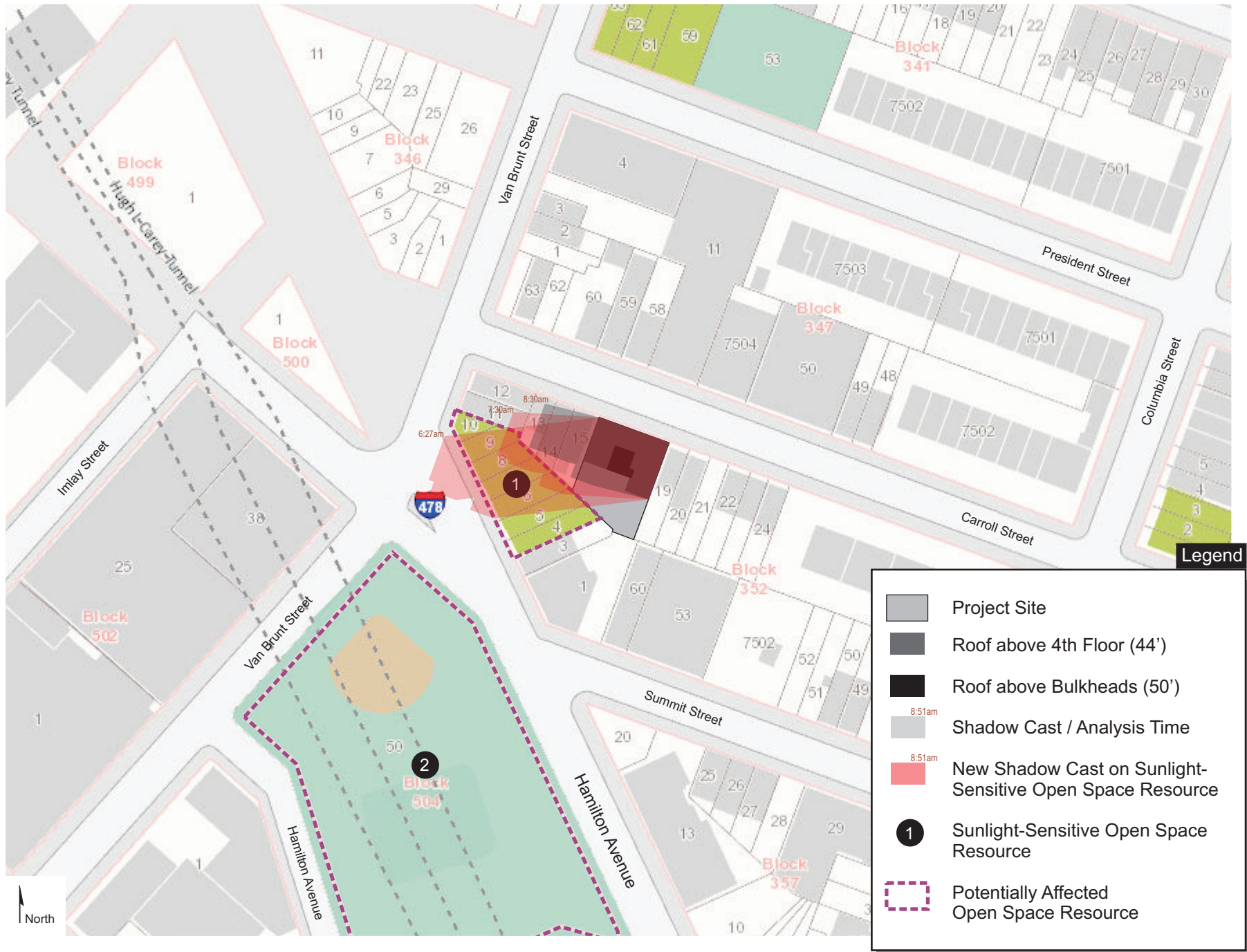
- Project Site
- Roof above 4th Floor (44')
- Roof above Bulkheads (50')
- 8:51am Shadow Cast / Analysis Time
- 1 Sunlight-sensitive open space resource
- Potentially Affected Open Space Resource



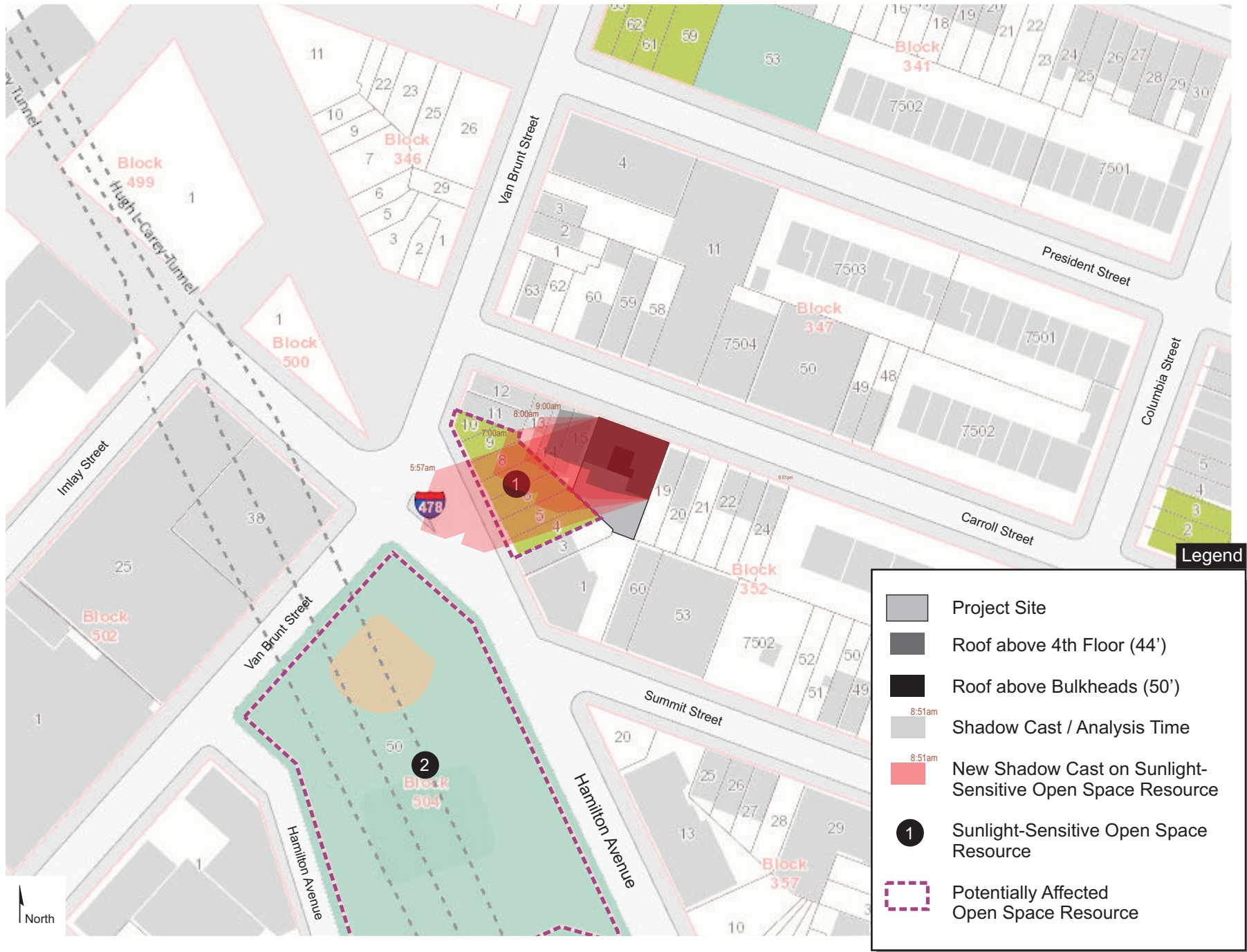














## **9. HISTORIC AND CULTURAL RESOURCES**

### **Introduction**

This section considers the proposed action's potential impact on archaeological and architectural resources. Archaeological resources are artifacts or other remains, from either the prehistoric (Native American) or the historic (colonial or post-colonial) period that might provide information about the period from which they date or the society that produced them. Architectural resources include designated New York City landmarks and buildings within a designated New York City historic district, properties calendared for consideration by the New York City Landmarks Preservation Commission (LPC), properties listed on or determined to be eligible for listing on the State or National Register of Historic Places, National Historic Landmarks, and other properties that meet the eligibility criteria for such designations.

The project site (Lots 16, 17, and 18, with the addresses 14, 16, and 18 Carroll Street) is a vacant lot containing 6,229 square feet. The site has 70 feet of frontage along Carroll Street and is irregularly shaped. The eastern part of the site (Lot 18) is rectangular-shaped, measuring 20 feet wide by 100 feet deep. Along Lots 16 and 17, the rear property line slants northwestward, so that the western edge of the site is only 74.33 feet deep. The site as a whole measures 74.33 feet along its western edge, 70 feet along its northern edge (along Carroll Street), 100 feet along its eastern edge, 20 feet along its northern edge, and 54 feet along its southwestern edge.

### **Archaeological Resources**

Environmental Project Data Statements Company (EPDSCO, Inc.) has performed a Phase I Environmental Site Assessment (ESA) for the project site, which included research into the history of the property. The 1896 Sanborn map shows that all three lots had been developed by that year: 14 Carroll Street with a 4-story building containing residential dwellings and retail stores (demolished in 1980); 16 Carroll Street with a 4-story building containing residential dwellings and retail stores (demolished in 1944); and 18 Carroll Street with a 3-story (plus basement) building containing residential dwellings and retail stores (demolished in 1943). A review of the New York City Department of Buildings online Buildings Information System reveals no records from the nineteenth century but does include a certificate of occupancy issued for the building at 14 Carroll Street after a 1937 alteration, which indicates that the building had a cellar. Prior in-ground disturbance has thus occurred on portions of the project site, but not the entirety of the site.

If the proposed action is taken, the Applicant would redevelop the project site with a four-story (plus cellar) residential building that would be constructed to the front lot line and would have a footprint of 3,375 square feet (54.2 percent lot coverage). The building footprint would include portions of the site on which there is no record of prior disturbance. By letter dated January 26, 2015, the LPC determined that the site may be archaeologically significant and that further testing would be required in order to determine if the site contains remains from 19th century occupation. As such, the Applicant has entered into a Restrictive Declaration, which requires that prescribed

archaeological work be conducted in accordance with the *CEQR Technical Manual* and LPC Guidelines for Archaeological Work in New York City.

The Restrictive Declaration is binding upon the property's successors and assigns. The declaration serves as a mechanism to assure the archaeological testing be conducted and that any necessary mitigation measures be undertaken prior to any site disturbance (i.e., site grading, excavation, demolition, or building construction). The Restrictive Declaration was prepared in a form acceptable to the LPC, and the Restrictive Declaration was executed on June 16, 2015, and recorded in the Office of the City Register on May 3, 2016 CRFN2016000156159. Consequently, no significant adverse impacts related to archaeological resources are expected.

### **Architectural Resources**

The project site is now a vacant lot and so does not contain architectural resources. A search on NYCityMap for designated landmarks or historic districts did not reveal any known historic resource in the vicinity of the project site. In correspondence dated January 26, 2015, LPC staff stated that the site has "no Architectural significance."

### **Conclusion**

The proposed project may include excavation of previously undisturbed portions of a site that is potentially archaeologically sensitive. Prior to the onset of construction, therefore, a qualified consultant engaged by the Applicant will perform an archaeological documentary study and present the results to the LPC for determination of what additional steps, if any, are required. Construction activities will not begin until the LPC concludes either that the site is unlikely to contain significant archaeological resources or that all significant archaeological resources have been recovered. A restrictive declaration was recorded on June 16, 2015, binding the Applicant to this course of action. This course of action would prevent a significant adverse impact on archaeological resources.

The LPC has determined that the now vacant site is devoid of architectural significance. The proposed action would therefore not have a significant adverse impact on architectural resources.

## 10. URBAN DESIGN AND VISUAL RESOURCES

### Introduction

An assessment of urban design is needed when a project may have effects on any of the elements that contribute to the pedestrian experience of public space. A preliminary assessment is appropriate when there is the potential for a pedestrian to observe, from the street level, a physical alteration beyond that allowed by existing zoning, including the following:

1. Projects that permit the modification of yard, height, and setback requirements;
2. Projects that result in an increase in built floor area beyond what would be allowed 'as-of-right' or in the future without the proposed project.

A preliminary urban design and visual resources assessment is required because the proposed action would include a zoning map change that would alter the rules regulating development within the proposed rezoning area, allowing the construction of buildings that are different in use and scale from those that would be allowed under existing zoning regulations. The proposed zoning map amendment would expand an existing R6B district by extending it another 70 feet westward along Carroll Street to include Lots 16, 17, and 18, which are now part of an M1-1 district covering the western part of the block. The existing M1-1 district is a manufacturing district that permits most but not all commercial uses, light manufacturing uses listed in Use Group 17, and certain specified community facility uses but precludes all residential and most community facility uses. In contrast, the proposed R6B district is a residential zone that permits the full range of residential and community facility uses listed in Use Groups 1, 2, 3, and 4 but precludes all commercial and manufacturing uses. The maximum permitted floor area ratio (FAR) under M1-1 is 1.00 for commercial or manufacturing uses and 2.40 for community facility uses, and the maximum FAR under R6B is 2.00 for either residential or community facility development. The maximum permitted street wall height would increase from 30 feet under M1-1 to 45 feet under R6B, but a maximum permitted building height of 55 feet would replace sky exposure plane regulations. If the proposed action is taken, the Applicant intends to redevelop the vacant project site with a residential apartment building, which would be five stories (55 feet) tall and would contain 13,501 square feet of above grade floor area.

### Pedestrian Wind Conditions

The *CEQR Technical Manual* calls for a separate preliminary assessment to determine whether an analysis of pedestrian wind conditions is appropriate, since the construction of large buildings at locations that experience high wind conditions may result in channelization or downwash effects that could affect pedestrian safety.

The proposed rezoning area is not subject to unusual wind conditions. It is not in an exposed area fronting on the waterfront, and it is not on high ground or on the upper portion of an exposed slope. It is within a fully developed area with a relatively flat topography that is several hundred feet inland.



The proposed development would consist of a four-story building with the high lot coverage characteristic of contextual zoning districts. The building would be oriented to the street, would be built to the street line, and would span the width of the zoning lot. There would therefore not be a freestanding tower that could cause pedestrian level vortex effects.

For these reasons, the proposed action would not have a significant adverse impact on pedestrian wind conditions, and a detailed wind conditions assessment is not required.

## **Existing Conditions**

### Urban Design

The project site is now a vacant lot. The surface of the site is unpaved, and the site is partially overgrown by weeds, vines, and other vegetation. The property is secured by chain link fencing along Carroll Street.

The area surrounding the proposed rezoning area, within the northern part of the Red Hook neighborhood, is a well developed urban area. It is a mixed use area that has been becoming increasingly residential in recent years, with a mix of older industrial buildings (mainly warehouses, some of which have been converted to residential or commercial use), older small scale residential buildings, newer residential row houses, and small garages and auto repair shops. The area contains small parks and playgrounds but no significant natural features.

There are also no significant topographic features. The topography is fairly flat.

Streets are laid out in a regular grid pattern. Block dimensions are 200 feet north to south and 575 feet east to west. The grid (and the neighborhood) ends at Van Bunt Street, west of which is the large Red Hook Marine Terminal, with its mix of warehouses and large open storage and truck parking areas. The grid is also interrupted by Hamilton Avenue and the approach to the Brooklyn-Battery Tunnel, which cut a broad swath diagonally through the regular street system.

The project site is on a block that fits within this pattern, with 575 feet of frontage along Carroll Street to the north, 200 feet of frontage along Columbia Street to the east, 428 feet of frontage along Summit Street to the south, 206 feet of frontage along Hamilton Avenue to the southwest, and 56 feet of frontage along Van Brunt Street to the west. (See the aerial photograph .)

East of the marine terminal and north of the tunnel approach, buildings are arranged linearly along blockfronts. In general, they form continuous street walls with few setbacks or side yards (as can be seen from the photographs, which are keyed to the accompanying map). In the corridor between Columbia and Van Brunt Streets, older buildings on the western parts of the blocks are built mostly to the street lines, whereas the more recent attached row houses on the eastern parts of the blocks form continuous walls that are deeply recessed from the street, behind lawns, shrubbery, and walkways leading to building entrances that are continuations of the public sidewalk.

The attached row houses are all three stories tall. The older buildings vary in height from one to five stories.

The predominant façade material is red brick.

#### Visual Resources

According to the *CEQR Technical Manual*, “A visual resource is the connection from the public realm to significant natural or built features, including views of the waterfront, public parks, landmark structures or districts, otherwise distinct buildings or groups of buildings, or natural resources.” The marine terminal blocks views of the waterfront from the study area. As noted above, there are no significant topographical features. The area is fully developed, with no natural resources. The study area contains small, functional parks and playgrounds but no large or distinctive landscapes. There are no designated architectural resources; as the photographs show, the area is characterized by undistinguished working class homes, purely functional industrial buildings, and 1980s urban renewal housing. There are no significant visual resources or view corridors in the vicinity of the proposed rezoning area.

#### **Future Conditions without the Proposed Action**

In the absence of the proposed action, it is assumed that no reuse or redevelopment would occur on the project site, at least by the build year of 2017. The site would remain a vacant, overgrown, fenced lot.

Three new developments are anticipated within the study area. Two of them will be on the project site block, having been made possible by rezonings from M1-1 to R6B in recent years. According to the EAS for the 20-30 Carroll Street rezoning (11DCP038K), at 24 Carroll Street (Lot 21), located 40 feet east of the project site, a four-story, 50 foot tall, 4,400 square foot residential building with four dwelling units will replace the surface parking that now occupies the lot (although the build year for the project is not until 2020). According to the EAS for the 45 Summit Street rezoning (06DCP095K), at 45 Summit Street (Lot 53), located on the south side of the block 30 feet east of the project site, the existing vacant building will be demolished, and a four-story, 32,885 square foot residential building with 35 dwelling units will be constructed. (Although the EAS indicated a 2007 build year, demolition and reconstruction have not yet occurred.) The third development will be on the opposite side of Carroll Street, northeast of the site, at 29 Carroll Street (Block 347, Lot 50); according to information on the New York City Department of Buildings Building Information Search website, a building permit was issued on April 22, 2014, for construction of a four-story single-family home on what is now a vacant lot.

No other changes that would affect urban design and visual resources are anticipated.

#### **Future Conditions with the Proposed Action**

##### Zoning Map Amendment

The proposed zoning map amendment would expand an existing R6B district by extending it another 70 feet westward along Carroll Street to include Lots 16, 17, and 18, which are now part of an M1-1 district covering the western part of the block. The

existing M1-1 district is a manufacturing district that permits most but not all commercial uses, light manufacturing uses listed in Use Group 17, and certain specified community facility uses but precludes all residential and most community facility uses. In contrast, the proposed R6B district is a residential zone that permits the full range of residential and community facility uses listed in Use Groups 1, 2, 3, and 4 but precludes all commercial and manufacturing uses.

The two districts also differ in terms of bulk regulations. The maximum permitted floor area ratio (FAR) under M1-1 is 1.00 for commercial or manufacturing uses and 2.40 for community facility uses, and the maximum FAR under R6B is 2.00 for either residential or community facility development.

The maximum street wall height under M1-1 is 30 feet or two stories, whichever is less, and the maximum under R6B is 45 feet. At that height a setback from the street line is required. On a narrow street such as Carroll Street, the minimum required setback is 20 feet. The two districts regulate additional building height in different ways. The M1-1 regulations do not impose a maximum building height but instead require that the building not penetrate a sky exposure plane that begins at 30 feet above the front lot line and slopes upwards and rearwards at a 45 degree angle. The R6B regulations impose a maximum building height of 55 feet.

No lot coverage restrictions apply under M1-1. Under R6B the maximum permitted lot coverage is 65 percent on an interior or through lot (such as the project site) and 80 percent on a corner lot.

#### Development Scenario

In accordance with the future with action scenario, the project site would be redeveloped with a residential building containing 11 dwelling units. The building would have four residential stories and a recessed mechanical story, would be constructed to the front lot line, and would have a footprint of 3,375 square feet (54.2 percent lot coverage). It would contain 13,501 zoning square feet (zsf), for a 2.17 floor area ratio (FAR). Including a cellar of approximately 3,375 square feet, the building would contain a total of 16,876 gsf. Six surface accessory parking spaces would be provided to the rear of the building, accessible via a ten-foot-wide driveway at the western edge of the site. The building would have a street wall height of 45 feet and a rooftop height of 55 feet.



Table 10-1 compares the project site development characteristics under existing, future no-action, and future with-action conditions.

**Table 10-1  
Comparison of Existing, No-Action, and With-Action Conditions**

<b>Item</b>	<b>Existing Conditions</b>	<b>No-Action Conditions</b>	<b>With-Action Conditions</b>
<b>Development Scenario</b>	Vacant lot	Vacant lot	Mixed Use building with 11 DUs and 3,000 sf of Community Facility space at the ground floor
<b>Gross/(Net) Bldg. Floor Area</b>	No building area	No building area	16,876 gsf/(13,501 zsf, 2.17 FAR)
<b>Lot Coverage</b>	N/A	N/A	3,375 sf (54%)
<b>Building Height</b>	N/A	N/A	55 feet

Urban Design

As discussed above under Existing Conditions, the principal urban design elements of the study area consist of a mix of building types and styles, constructed during various time periods; a grid street pattern; rows of buildings with consistent street wall locations (at the front lot line in the immediate vicinity of the project site); and building heights of one to five stories. The proposed action would not affect the topography, street system, block forms, or building arrangements within the area including and surrounding the proposed rezoning area. The RWCDs 1 development would be constructed to the front lot line and would be within the range of existing building heights. The accompanying sketches show the existing streetscape along Carroll Street and the same views with the new building's massing superimposed. As those figures show, the RWCDs 1 development would have a street wall similar in height to the adjacent and nearby buildings on the same blockfront, and like those buildings it would be a residential structure. The figures show that the RWCDs 1 development's overall height would be slightly greater than that of the adjacent and most nearby buildings, but the taller part of the development would be recessed from the street line, and the difference would not be great enough to alter the block's urban design qualities or the experience of a pedestrian walking along the block. An existing building on the opposite side of the street is at least as tall (as can be seen in one of the two sketches), and that existing building has a greater visual presence on the street because it attains its full height at the street line, without any setback. In summary, the proposed action would not result in a significant adverse urban design impact, and further analysis is not warranted.

Visual Resources

No visual resource have been identified in the vicinity of the project site, so the proposed action would not result in a significant adverse impact to visual resources.







Carroll Street facing west toward the Site



Existing Site and Context

Carroll Street facing west toward the Site



Proposed Project



Carroll Street facing east toward the Site



Existing Site and Context

Carroll Street facing east toward the Site



Proposed Project

## **12. HAZARDOUS MATERIALS**

### **Introduction**

Environmental Project Data Statements Company (EPDSCO, Inc.) has performed a Phase I Environmental Site Assessment (ESA) for the project site. The ESA, dated February 2014, was prepared in accordance with the ASTM Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process (ASTM Designation E 1527-05).

The purpose of the ESA is to identify, to the extent feasible in accordance with ASTM E 1527-05, recognized environmental conditions in connection with the site with regard to hazardous materials as defined by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), and petroleum products. Additionally, several ASTM "Non-Scope" items including asbestos-containing materials, lead-based paints, and radon are also discussed. Recognized Environmental Conditions are identified through research into the history and uses of the site and surrounding area, an inspection of the subject property and a survey of adjoining and nearby uses, and a review of available regulatory agency records and environmental databases.

EPDSCO, Inc., subsequently performed a Phase II Environmental Site Investigation (ESI) in March 2015. The scope of work included a geophysical survey using a Fisher TW-6 magnetometer in the inductive phase, the collection of soil samples from six test borings, the collection of groundwater samples from three temporary monitoring wells, and the collection of four soil vapor samples in accordance with the New York State Department of Health soil vapor intrusion guidelines 2006.

The following summarizes the findings, conclusions, and recommendations of the Phase I ESA and Phase II ESI.

### **Phase I ESA**

#### Site Description

The site consists of a 6,229 square foot irregularly shaped vacant lot. The surface of the site is unpaved, and the area is partially overgrown by weeds, vines, and other vegetation. The property is secured by chain link fencing with a locking gate along Carroll Street.

#### Site History

Research into the history of the property indicates that 14 Carroll Street was occupied by a 4-story building containing residential dwellings and retail stores from at least 1896 to 1980, at which time the building was demolished. 16 Carroll Street was occupied by a 4-story building containing residential dwellings and retail stores from at least 1896 to 1944, at which time the building was demolished. 18 Carroll Street was occupied by a 3-story (plus basement) building containing residential dwellings and retail stores from at least 1896 to 1943, at which time the building was demolished. The property has remained undeveloped since the demolition of the former structures. From circa 2000 to

2010, the site was used for the storage of two or three commercial vehicles, automobiles, and an office trailer.

#### Site Inspection

No concrete slabs, building foundations, or other visible indications of former on-site buildings or structures were observed on the property. In addition, no chemical/oil staining, dead or dying vegetation, debris piles, discarded drums or chemical containers, or other visible indications of the former on-site storage or use of hazardous materials or petroleum products were observed at the site.

No drainage structure such as trench drains, floor drains, storm water drains, drywells, etc., were observed at the subject property.

No suspected asbestos-containing building materials, lead based paints, or electrical equipment suspected of containing PCBs were observed at the site.

No tank fill ports, vent lines, or other visible indications of the presence of underground or aboveground tanks were observed at the site or in the sidewalk in front of the property during the site visit.

#### Regulatory Agency Database Findings

The subject site does not appear in the Federal or State environmental databases reviewed including the USEPA's Superfund, CERCLIS or ERNS databases, the RCRA Hazardous Waste Generators list or hazardous waste Treatment/Storage/Disposal Facilities list, or the NYSDEC's Spill Logs database, Solid Waste Facilities database, Petroleum Bulk Storage database or the Registry of Inactive Hazardous Waste Disposal Sites.

The property does not appear in the New York State Department of Environmental Conservation (NYSDEC) Petroleum Bulk Storage (PBS) database, which lists all registered facilities with a total combined petroleum storage capacity in excess of 1,100 gallons. In addition, no Oil Burner Applications were found on file for the site in the New York City Department of Buildings records reviewed.

#### Off-Site Findings

A review of Sanborn historical maps shows that land uses in the area surrounding the project site have contained a mix of residential, commercial/retail, industrial, and warehousing uses since at least the late 1800s. The adjacent property to the southeast of the project site was formerly occupied by the C.M. Childs & Co. Paint and White Lead Works from at least 1896 to 1915. From at least 1938 to 1969, this site was occupied by the Childs Pulp Color, Inc. factory. The former structures associated with these businesses have since been demolished, and this site currently contains a 1-story industrial/warehouse building and a 3-story condominium building. Although this site is not identified in any of the regulatory agency environmental databases that were reviewed, such an industrial operation has the potential to contribute to soil and/or groundwater contamination in the area.



## Conclusions

The Phase I report concludes that the ESA has revealed no evidence of recognized environmental conditions in connection with activities currently or previously associated with the property. The ESA did, however, reveal the potential for soil and/or groundwater contamination in the area of the subject property from the C.M. Childs & Co. Paint and White Lead Works and Childs Pulp Color, Inc. factory formerly located adjacent and to the southeast of the project site.

## **Phase II ESA**

### Geophysical Survey

An Electromagnetic (EM) Magnetometer survey was conducted in an attempt to identify any possible unknown magnetic anomalies such as underground storage tanks (USTs) on the site. EDPSCO used a Fisher TW-6 magnetometer in the inductive phase mode over the property accessible areas in an overlapping grid pattern. The results of the survey indicated no underground magnetic anomalies warranting further investigation. EDPSCO did not identify any evidence of USTs on the project site.

### Soil Quality Conditions

Urban fill disturbed soil with various fill materials such as red brick concrete, coal slag, cinders and stone fragments was found throughout the property. Bedrock was not encountered in any of the soil test boring locations and ground water was encountered at a depth of 8 -8.5 feet below surface grade elevation. The site soil stratigraphy consists of Urban Fill soils to a depth of approximately 8-9 feet. Brown fine to medium sand and fine gravel deposits were then found mostly below the water table throughout the soil boring depth of 12 feet.

Based on observations noted in the field (visual, olfactory and PID readings), no petroleum type impacts at the site were identified. The laboratory results do not show evidence of any petroleum related impacts.

The samples were compared with NYSDEC Soil Cleanup Objectives (SCOs) 6 NYCRR Subpart 375-6.8 (a): Unrestricted Use SCOs. No volatile organic compounds (VOCs) were identified above laboratory detection limitations or the SCOs in the soil samples collected onsite. Semi-volatile organic PAH compounds (SVOCs) benzo(a) anthracene, benzo(a) pyrene, benzo(b) pyrene, benzo(k) flouranthene, chrysene, dibenzo(a,h) anthracene, flouranthene, and ideno (1,2,3-cd) pyrene were found above SCOs. Polyvinyl chlorinated biphenols (PCBs) were found above the SCOs in four of the surface 0-2 ft sample locations. The pesticides 4,4-DDD, 4,4-DDE, and 4,4- DDT were identified above the SCOs in the soil samples collected onsite. Total metals exceeding the SCOs included arsenic, barium, cadmium, copper, lead, nickel, and zinc.

The concentration of SVOC's, PCBs, and metals identified in the fill soils are likely associated with urban fill soil conditions. The identified concentrations are commonly found in the metropolitan area and do not indicate contamination resulting from former onsite or offsite uses.

## Groundwater

Laboratory analytical results for the groundwater samples were compared with the NYSDEC Division of Water Technical and Operation Guidance Series (TOGS) 1.1.1 Ambient Water Quality Standards (AWQS) and Guidance Values for Class GA Groundwater. One VOC, p-isopropyltoluene ( at 14ug/L), was identified above laboratory detection limitations and the SCO of 5.0 ug/L. in one of the three samples. The SVOCs benzo (a) anthracene, benzo(k) flouranthene, benzo (ghi) anthracene, chrysene, and ideno (1,2,3-cd) pyrene were found above laboratory detection limitations or the AWQS. No PCBs or pesticides were identified above laboratory detection limitations or the AWQS. Total metals exceeding the SCOs included antimony, arsenic, barium, beryllium, cadmium, chromium, copper, lead, magnesium, manganese, nickel, and zinc. Dissolved metals include manganese.

The results are attributable to the presence of urban fill soil conditions and do not indicate contamination resulting from former onsite or offsite uses.

## Soil Vapor Sampling

Results identified the following compounds in detectable concentrations: 111-trichloroethane, 124 trichlorobenzene, acetone (lab relic), benzene, carbon disulfide, methylene chloride (lab relic), n-heptane, n-hexane, o-xylene, m&p Xylene, tetrachloroethene, toluene, and trichlorofluoromethane. They are likely associated with urban fill soil conditions and do not indicate contamination resulting from former onsite or offsite uses.

## Conclusions and Recommendations

The geophysical survey did not identify any evidence of USTs on the project site. The subsurface investigation found urban fill soil with SVOCs, PCBs, and metals typically found in fill soils around the metropolitan area. The Phase II report concluded that soil and groundwater at the project site had not been contaminated by former onsite or offsite uses.

The Phase II report presented no recommendations for additional testing or remedial action. Any exported soils should be handled and disposed in accordance with NYSDEC guidelines and recommendations.

The report stated that any new building construction should have an engineered vapor barrier installed under the foundation slabs in order to prevent a potential vapor migration into the building structure, that a Remedial Action Plan (RAP) detailing the installation of a vapor barrier should be prepared, and that a Construction Health and Safety Plan (CHASP) should be in place to protect site workers during construction.

## **RAP and CHASP**

In August 2015 a proposed RAP and a proposed CHASP were submitted to the New York City Department of Environmental Protection (DEP) for its review. The RAP proposes soil removal, stockpiling, transportation, waste classification sampling of contaminated material, and disposal of contaminated soil in accordance with applicable NYSDEC regulations; closure and removal of any underground storage tanks

encountered during excavation in accordance with applicable NYSDEC regulations; dust control, spill control, and a community air monitoring program; installation of a minimum 20-mil HDPE geo-membrane vapor barrier in accordance with manufacturer's specification; and the addition of two feet of graded clean fill and topsoil imported from an approved source in all areas not topped by asphalt or concrete. In a letter dated September 23, 2015, DEP approved the proposed RAP and, with one minor revision, the proposed CHASP. The letter also stated that, upon completion of remedial activities, a Remedial Closure Report should be prepared by a professional engineer and submitted to DEP.

### **Conclusion**

With the implementation of the approved RAP and CHASP, a significant adverse hazardous materials impact will not occur as a result of the proposed action, and no further analysis is warranted.



## 17. AIR QUALITY

### Introduction

Ambient air quality, or the quality of the surrounding air, may be affected by air pollutants produced by motor vehicles, referred to as "mobile sources;" or by fixed facilities, usually referenced as "stationary sources," or by a combination of both. This section assesses the potential for the proposed action to result in significant mobile source air quality impacts by increasing traffic on nearby streets, the action's potential to result in significant adverse stationary source air quality impacts because of exhaust vented from the new buildings' heating, ventilation, and air conditioning (HVAC) systems, and the potential for existing point sources of pollution to affect residents of the proposed project.

### Mobile Source Emissions Resulting from the Project

The anticipated action-induced development is below the CEQR threshold for a traffic impact assessment. It can therefore be assumed that the additional traffic volumes would be too low to cause a significant mobile source air quality impact.

### Stationary Source Emissions Resulting from the Project

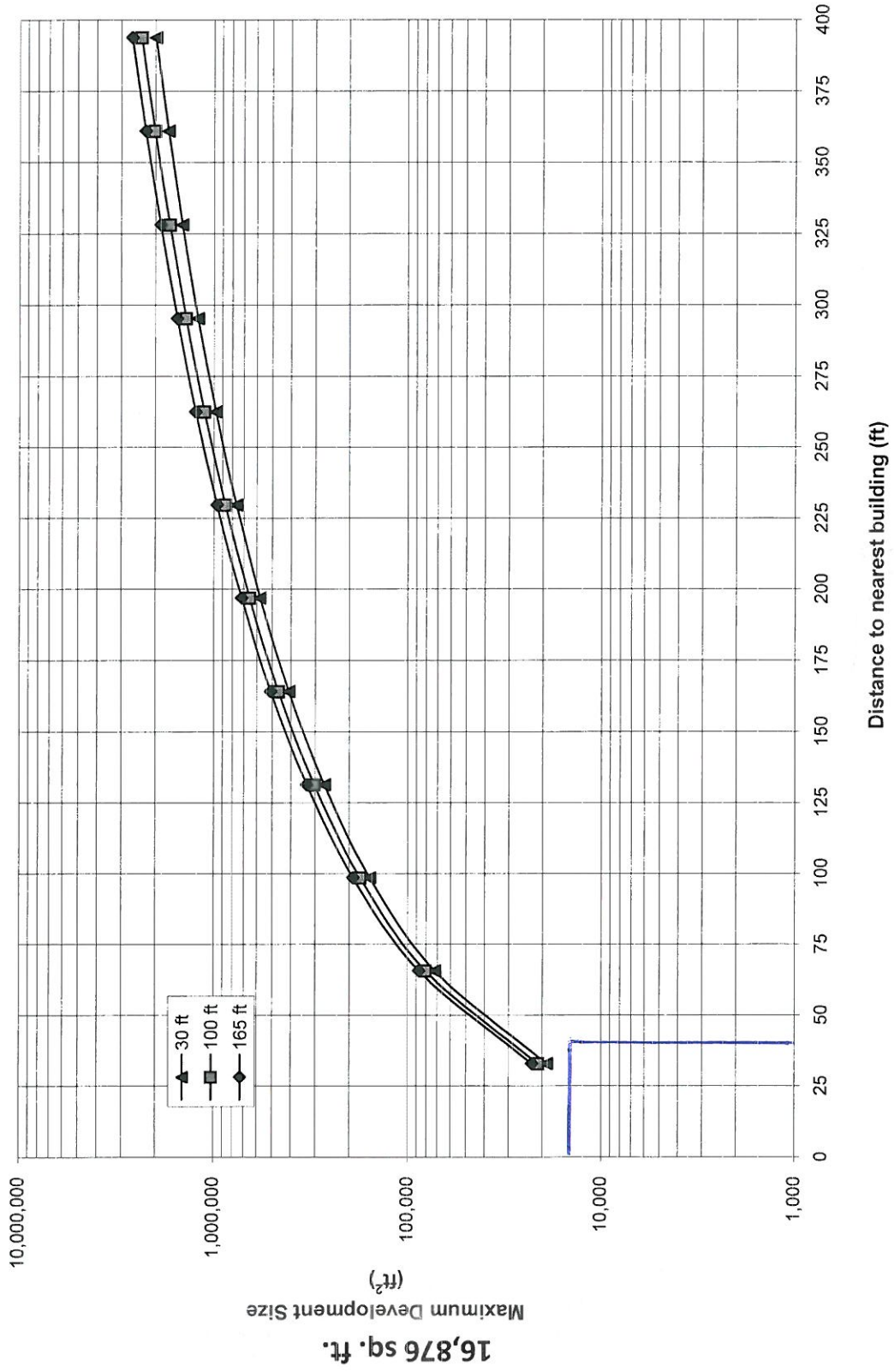
The *CEQR Technical Manual* states that the potential for stationary source emissions from heat and hot water systems to have a significant adverse impact on nearby receptors depends on the type of fuel that would be used, the height of the stack venting the emissions, the distance to the nearest building whose height is at least as great as the venting stack height, and the square footage of the development that would be served by the system. The *CEQR Technical Manual* provides a screening analysis based on these factors, which was utilized to determine the potential for significant impacts from the proposed building's system.

The proposed project on the project site would contain 16,876 square feet of floor area. The exhaust stack would vent at least three feet above the building's mechanical bulkhead, at a height of about 58 feet. The nearest building of equal or greater height would be the anticipated four-story residential building at 24 Carroll Street, 40 feet east of the project site. For purposes of this analysis, it is conservatively assumed that the exhaust stack would be located at the edge of the site closest to 24 Carroll Street.

The graph that appears as Figure 17-3 in the *CEQR Technical Manual* is a very conservative screen that is used when a building's fuel source is not known. Appendix Figure 17-7 consists of a similar graph designed specifically for residential buildings with boiler systems fueled by natural gas, which is a cleaner fuel than heating oil. An 16,876 square foot building with an exhaust stack located 60 feet from the nearest building of similar or greater height was plotted on this graph, the results of which show that exhaust from a building of that size would not have a significant stationary source air quality impact relative to residents in a building 40 feet from the exhaust stack location.

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**FIGURE 17-7**  
**NO<sub>2</sub> BOILER SCREEN**  
**RESIDENTIAL DEVELOPMENT - NATURAL GAS**



40'

Thus, the proposed building would not have a significant adverse stationary source air quality impact on any receptor if it uses natural gas rather than oil as a fuel. The proposed building will use natural gas.

An (E) designation will be mapped on the project site. The text of the (E) designation will state that any new residential development on Block 352, Lots 16, 17, and 18, must ensure that fossil fuel-fired heating and hot water equipment utilize only natural gas to avoid any potential significant air quality impacts.

### **Existing Emissions Sources**

Per the *CEQR Technical Manual*, a proposed project may have significant stationary source air quality impacts if it creates new stationary sources that affect the air quality in the surrounding community, such as large new boilers that exhaust pollutants into the air. Conversely, stationary source impacts may also result when a proposed project introduces new uses that would be affected by emissions from existing fixed facilities, such as locating a new residential building beside an existing power generating station. Projects that would create major or large emission sources include solid waste or medical waste incinerators, co-generation facilities, asphalt and concrete plants, or power generating plants. Major sources are identified as those sources located at Title V facilities that require Prevention of Significant Deterioration permits. Large sources are identified as sources located at facilities which require a State facility permit. The *CEQR Technical Manual* recommends analysis for projects that would result in new uses (particularly schools, hospitals, parks, and residences) located near a major or large emission source, or within 400 feet of manufacturing or processing facilities.

To determine if a detailed analysis of major emissions sources would be needed, a search for major emissions sources was conducted on sites within the 400-foot study area. Per DEP's correspondence on July 2nd, 2015, there are no industrial emissions sources within the study area. The table below lists the sites searched.



**Table 17-1  
Air Emissions Source Search**

<u>OCK</u>	<u>LOT</u>	<u>ADDRESS</u>	<u>INDUSTRIAL INSTALLATION NUMBERS</u>
<b><i>14-18 CARROLL STREET - BROOKLYN 11231</i></b>			
502	38	130 VAN BRUNT STREET	NO RECORD
502	25	128 VAN BRUNT STREET	PA2781-73; PA0168-94
500	1	92 HAMILTON AVENUE	NO RECORD
499	1	17 SUMMIT STREET	NO RECORD
347	4	129 VAN BRUNT STREET	NO RECORD
347	11	42 PRESIDENT STREET	NO RECORD
347	50	29 CARROLL STREET	NO RECORD
352	60	41 SUMMIT STREET	CANCELLED
352	53	45 SUMMIT STREET	NO RECORD
352	48	63 SUMMIT STREET	NO RECORD
352	18	14 CARROLL STREET	NO RECORD
352	17	14 CARROLL STREET	NO RECORD
352	16	14 CARROLL STREET	NO RECORD
357	13	101 HAMILTON AVENUE	NO RECORD
357	4	13 WOODHULL STREET	NO RECORD
357	29	68 SUMMIT STREET	NO RECORD

The only industrial uses in the vicinity of the project site are warehouses and two steel fabrication and assembly operations without roof or street wall vents for air emissions.

One of the four ventilation buildings for the Brooklyn Battery Tunnel is located approximately 283 feet to the southwest of the project site. Exhaust from the tunnel is vented through four 92 foot tall emissions stacks. Because the emissions vent at a height considerably greater than the roof of the proposed building, the exhaust would not have a significant adverse impact on the residents of the proposed project.

**Conclusion**

As explained above, neither mobile nor stationary source emissions resulting from the proposed project would have a significant adverse impact on nearby sensitive receptors, and existing emissions would not have a significant adverse impact on the residents of the proposed project. A significant adverse air quality impact is therefore not anticipated, and further analysis is not warranted.



## **18. NOISE**

### **Introduction**

The purpose of a noise assessment under CEQR is to determine whether an action would (1) raise noise levels significantly at existing or anticipated sensitive noise receptors (such as residences or schools) or (2) introduce new sensitive uses (such as residential buildings or schools) at locations subject to unacceptably high ambient noise levels.

The assessment is concerned with both mobile and stationary noise sources. Mobile sources are those that move in relation to a noise-sensitive receptor. They include automobiles, buses, trucks, aircraft, and trains. Stationary sources of noise do not move in relation to a noise-sensitive receptor. Typical stationary noise sources of concern include machinery or mechanical equipment associated with industrial and manufacturing operations; building heating, ventilating, and air conditioning (HVAC) systems; speakers for public address and concert systems; playground noise; and spectators at concerts or sporting events. An action could raise noise levels either by introducing new stationary noise sources (such as outdoor playgrounds or rooftop air conditioning compressors) or by increasing mobile source noise (generally by generating additional traffic). Similarly, an action could introduce new residences or other sensitive receptors that would be subject to noise from either stationary or mobile sources.

The proposed action would be a zoning map amendment to extend an existing R6B zoning district onto the project site, which is now zoned M1-1. The action would affect only the project site, which is now a surface parking lot that will be redeveloped with a residential apartment building whether or not the proposed action is taken, but the new building would be larger under the proposed zoning. The proposed action would thus result in new development, which could potentially generate either stationary or mobile source noise, and that would include noise-sensitive residences.

### **Noise Fundamentals**

Noise is measured in sound pressure level (SPL), which is converted to a decibel scale. The decibel is a relative measure of the sound level pressure with respect to a standardized reference quantity. Decibels on the A-weighted scale are termed "dBA." The A-weighted scale is used for evaluating the effects of noise in the environment because it most closely approximates the response of the human ear. On this scale, the threshold of discomfort is 120 dB, and the threshold of pain is about 140. Table 18-1 shows the range of noise levels for a variety of indoor and outdoor noise levels.



**Table 18-1**  
**Sound Pressure Level and Loudness of Typical Noises in Indoor and Outdoor Environments**

Noise Level (dBA)	Subjective Impression	Typical Sources		Relative Loudness (Human Response)
		Outdoor	Indoor	
120-130	Uncomfortably Loud	Air raid siren at 50 feet (threshold of pain)	Oxygen torch	32 times as loud
110-120	Uncomfortably Loud	Turbo-fan aircraft at take-off power at 200 feet	Riveting machine Rock band	16 times as loud
100-110	Uncomfortably Loud	Jackhammer at 3 feet		8 times as loud
90-100	Very Loud	Gas lawn mower at 3 feet Subway train at 30 feet Train whistle at crossing Wood chipper shredding trees Chain saw cutting trees at 10 feet	Newspaper press	4 times as loud
80-90	Very Loud	Passing freight train at 30 feet Steamroller at 30 feet Leaf blower at 5 feet Power lawn mower at 5 feet	Food blender Milling machine Garbage disposal Crowd noise at sports event	2 times as loud
70-80	Moderately Loud	NJ Turnpike at 50 feet Truck idling at 30 feet Traffic in downtown urban area	Loud stereo Vacuum cleaner Food blender	Reference loudness (70 dBA)
60-70	Moderately Loud	Residential air conditioner at 100 feet Gas lawn mower at 100 feet Waves breaking on beach at 65 feet	Cash register Dishwasher Theater lobby Normal speech at 3 feet	2 as loud
50-60	Quiet	Large transformers at 100 feet Traffic in suburban area	Living room with TV on Classroom Business office Dehumidifier Normal speech at 10 feet	1/4 as loud
40-50	Quiet	Bird calls, Trees rustling, Crickets, Water flowing in brook	Folding clothes Using computer	1/8 as loud
30-40	Very quiet		Walking on carpet Clock ticking in adjacent room	1/16 as loud
20-30	Very quiet		Bedroom at night	1/32 as loud
10-20	Extremely quiet		Broadcast and recording studio	
0-10	Threshold of hearing			

Sources: *Noise Assessment Guidelines Technical Background*, by Theodore J. Schultz, Bolt Beranek and Newman, Inc., prepared for the US Department of Housing and Urban Development, Office of Research and Technology, Washington, D.C., undated; Sandstone Environmental Associates, Inc.; *Highway Noise Fundamentals*, prepared by the Federal Highway Administration, US Department of Transportation, September 1980; *Handbook of Environmental Acoustics*, by James P. Cowan, Van Nostrand Reinhold, 1994.

Because the scale is logarithmic, a relative increase of 10 decibels represents a sound pressure level that is 10 times higher. However, humans don't perceive a 10 dBA increase as 10 times or louder; they perceive it as twice as loud. The following is typical of human response to relative changes in noise level:

- 3 dBA change is the threshold of change detectable by the human ear;
- 5 dBA change is readily noticeable; and
- 10 dBA increase is perceived as a doubling of noise level.

The sound pressure level (SPL) that humans experience typically varies from moment to moment. Therefore, a variety of descriptors are used to evaluate environmental noise levels over time. Some typical descriptors are defined below:

- $L_{eq}$  is the continuous equivalent sound level. The sound energy from the fluctuating sound pressure levels is averaged over time to create a single number to describe the mean energy or intensity level. High noise levels during a monitoring period will have greater effect on the  $L_{eq}$  than low noise levels. The  $L_{eq}$  has an advantage over other descriptors because  $L_{eq}$  values from different noise sources can be added and subtracted to determine cumulative noise levels.
- $L_{max}$  is the highest SPL measured during a given period of time. It is useful in evaluating  $L_{eq}$ s for time periods that have an especially wide range of noise levels. Similarly,  $L_{min}$  is the lowest SPL measured during a given period of time.
- $L_{10}$  is the SPL exceeded 10 percent of the time. Similar descriptors are the  $L_{50}$ ,  $L_{01}$ , and  $L_{90}$ .
- $L_{eq(24)}$  is the continuous equivalent sound level over a 24-hour time period.
- $L_{dn}$  is the day-night equivalent sound level. It is similar to a 24-hour  $L_{eq}$ , but with 10 dBA added to SPL measurements between 10 pm and 7 am to reflect the greater intrusiveness of noise experienced during these hours.  $L_{dn}$  is also termed DNL.

Although the SPL heard in the environment typically is composed of many different frequencies, it can be broken down into the numerous individual frequencies. These frequencies are grouped into octave bands. An octave band is a group of frequencies in the interval between a given frequency (such as 350 Hz) and twice that frequency (e.g., 710 Hz). The standard octave bands are each named by their center frequencies. Thus, each octave band will be represented by a single SPL. When the representative SPLs from the individual octave bands are added together, they are weighted so that the resulting total SPL will represent dBA. Octave bands are used in some noise models because the different components of a noise source will have different frequencies. For example, a truck traveling downhill will have a different set of frequencies than a truck traveling uphill.

For mobile source noise from vehicular traffic, passenger car equivalents (PCEs) are the number of autos that would generate the same noise level as the observed vehicular mix of autos, medium trucks, and heavy trucks. PCEs are useful for comparing the effects of

traffic noise on different roadways or for different future scenarios. The *CEQR Technical Manual* uses the following formulas for converting motor vehicles into PCEs:

- auto and light trucks = 1 passenger car;
- medium trucks = 13 passenger cars;
- heavy trucks = 47 passenger cars; and
- buses = 18 passenger cars.

### Impact Determination and Noise Standards and Guidelines

In 1983 the New York City Department of Environmental Protection (DEP) adopted the City Environmental Protection Order-City Environmental Quality Review (CEQR) noise standards for exterior noise levels. These standards are the basis for classifying noise exposure into four categories based on the  $L_{10}$ : Acceptable, Marginally Acceptable, Marginally Unacceptable, and Clearly Unacceptable, as shown in Table 18-2.

**Table 18-2**  
**CEQR Noise Exposure Guidelines for use in City Environmental Impact Review<sup>1</sup>**

Receptor Type	Time Period	Acceptable General External Exposure	Airport <sup>3</sup> Exposure	Marginally Acceptable General External Exposure	Airport <sup>3</sup> Exposure	Marginally Unacceptable General External Exposure	Airport <sup>3</sup> Exposure	Clearly Unacceptable General External Exposure	Airport <sup>3</sup> Exposure
1. Outdoor area requiring serenity and quiet <sup>2</sup>		$L_{10} \leq 55$ dBA	L <sub>dn</sub> ≤ 60 dBA		L <sub>dn</sub> ≤ 60 dBA		L <sub>dn</sub> ≤ 60 dBA		L <sub>dn</sub> ≤ 75 dBA
2. Hospital, Nursing Home		$L_{10} \leq 55$ dBA		$55 < L_{10} \leq 65$ dBA		$65 < L_{10} \leq 80$ dBA		$L_{10} > 80$ dBA	
3. Residence, residential hotel or motel	7 am to 10 pm	$L_{10} \leq 65$ dBA		$65 < L_{10} \leq 70$ dBA		$70 < L_{10} \leq 80$ dBA		$L_{10} > 80$ dBA	
	10 pm to 7 am	$L_{10} \leq 55$ dBA		$55 < L_{10} \leq 70$ dBA		$70 < L_{10} \leq 80$ dBA		$L_{10} > 80$ dBA	
4. School, museum, library, court house of worship, transient hotel or motel, public meeting room, auditorium, outpatient public health facility		Same as Residential Day (7 AM-10 PM)		Same as Residential Day (7 AM-10 PM)		Same as Residential Day (7 AM- 10 PM)		Same as Residential Day (7 AM –10 PM)	
5. Commercial or office		Same as Residential Day (7 AM-10 PM)		Same as Residential Day (7 AM-10 PM)		Same as Residential Day (7 AM –10 PM)		Same as Residential Day (7 AM-10 PM)	
6. Industrial, public areas only <sup>4</sup>	Note 4	Note 4	Note 4	Note 4	Note 4				

**Notes:**

- (i) In addition, any new activity shall not increase the ambient noise level by 3 dBA or more;
  - 1 Measurements and projections of noise exposures are to be made at appropriate heights above site boundaries as given by American National Standards Institute (ANSI) Standards; all values are for the worst hour in the time period.
  - 2 Tracts of land where serenity and quiet are extraordinarily important and serve an important public need and where the preservation of these qualities is essential for the area to serve its intended purpose. Such areas could include amphitheatres, particular parks or portions of parks or open spaces dedicated or recognized by appropriate local officials for activities requiring special qualities of serenity and quiet. Examples are grounds for ambulatory hospital patients and patients and residents of sanitariums and nursing homes.
  - 3 One may use the FAA-approved  $L_{dn}$  contours supplied by the Port Authority, or the noise contours may be computed from the federally approved INM Computer Model using flight data supplied by the Port Authority of New York and New Jersey.
  - 4 External Noise Exposure standards for industrial areas of sounds produced by industrial operations other than operating motor vehicles or other transportation facilities are spelled out in the New York City Zoning Resolution, Sections 42-20 and 42-21. The referenced standards apply to M1, M2, and M3 manufacturing districts and to adjoining residence districts (performance standards are octave band standards).

Source: New York City Department of Environmental Protection (adopted policy 1983).

For sensitive receptors introduced by the proposed action, with-action condition noise levels in dB(A)  $L_{10(1)}$  are compared with the values contained in the Noise Exposure Guidelines. If these noise levels would exceed the Marginally Acceptable levels, a significant impact would occur unless the building design provides a composite building attenuation that would be sufficient to reduce these levels to an acceptable interior noise level. These values are shown in Table 18-3.

**Table 18-3  
Required Attenuation Values to Achieve Acceptable Interior Noise Levels**

	Marginally Unacceptable				Clearly Unacceptable
Noise level with proposed action	$70 < L_{10} \leq 73$	$73 < L_{10} \leq 76$	$76 < L_{10} \leq 78$	$78 < L_{10} \leq 80$	$80 < L_{10}$
Attenuation <sup>A</sup>	(I) 28 dBA	(II) 31 dBA	(III) 33 dBA	(IV) 35 dBA	$36 + (L_{10} - 80)^B$ dBA

Note: <sup>A</sup>The above composite window-wall attenuation values are for residential dwellings and community facility development. Commercial office spaces and meeting rooms would be 5 dBA less in each category. All the above categories require a closed window situation and hence alternate means of ventilation.

<sup>B</sup>Required attenuation values increase by 1 dBA increments for  $L_{10}$  values greater than 80 dBA.

Source: New York City Department of Environmental Protection, 2012.

For noise increases caused by project-induced traffic, or for stationary noise sources introduced by the proposed action, if the no-action levels are less than 60 dB(A)  $L_{eq(1)}$  and the analysis period is not at nighttime, an increase of 5 dB(A)  $L_{eq(1)}$  or more in the future with the project would be considered a significant impact. In order for the 5 dB(A) threshold to be valid, the resultant action condition noise level would have to be equal to or less than 65 dB(A). If the No-Action noise level is equal to or greater than 62 dB(A)  $L_{eq(1)}$ , or if the analysis period is a nighttime analysis period, the incremental significant impact threshold would be 3 dB(A)  $L_{eq(1)}$ . If the No-Action noise level is 61dB(A)  $L_{eq(1)}$ , the maximum incremental increase would be 4 dB(A), since an increase higher than this would result in a noise level higher than the 65 dB(A)  $L_{eq(1)}$  threshold and be considered significant.



### **Potential for Additional Stationary Source Noise**

The proposed action would result in additional residential development. Unlike playgrounds, truck loading docks, loudspeaker systems, car washes, stationary diesel engines, or similar uses, residential apartment buildings are not substantial stationary noise sources. All rooftop mechanical equipment, including air conditioner compressors, would be enclosed and would comply with New York City Noise Code requirements, which limit noise levels generated by such equipment to 65 dBA during the daytime (7AM to 10 PM) and 55 dBA during the nighttime. The proposed action would therefore not have the potential to cause a significant adverse stationary source noise impact.

### **Potential for Additional Mobile Source Noise**

The anticipated action-induced development is below the CEQR threshold for a traffic impact assessment. It can therefore be assumed that the additional traffic volumes would be too low to cause a 3 dBA increase in  $L_{eq(1)}$  noise levels, which would require a doubling of PCE traffic volumes along an adjacent street. The proposed action would therefore not have the potential to cause a significant adverse mobile source noise impact.

### **Potential for Existing Noise Levels to Adversely Affect New Residents**

Noise monitoring was conducted during typical midweek conditions, on Wednesday, October 8, 2014. The weather was dry, and wind speeds were moderate throughout the day. Because the predominant noise source in the vicinity of the project site is vehicular traffic, noise monitoring was conducted during peak vehicular travel periods: 8:00-9:00 am, 12:00 pm-1:00 pm, and 5:00-6:00 pm. Pursuant to *CEQR Technical Manual* methodology, readings were conducted for 20-minute periods during each peak hour. Noise monitoring was conducted using a Type 2 Larson-Davis LxT2 sound meter, with wind screen. The monitor was placed on a tripod at a height of approximately three feet above the ground, away from any other surfaces. The monitor was calibrated prior to and following each monitoring session. Monitoring was conducted at the Carroll Street frontage of the project site. Given that this is the part of the site closest to major noise sources, including bus and other vehicular traffic on Carroll Street, the results constitute the worst-case conditions for noise at the project site.

Table 18-4 shows the noise monitoring results, and Table 18-5 shows the traffic for the equivalent one-hour periods (that is, triple the 20-minute counts). The results were all below 65 dBA  $L_{10}$ , and thus within the Acceptable CEQR category. The proposed action would therefore not have the potential to cause a significant adverse noise impact by introducing a new sensitive receptor at a location subject to unacceptably high ambient noise levels.

**Table 18-4**  
**Project Site Noise Levels**

	Wednesday, October 8, 2014		
	8:18 - 8:38 am	12:00 - 12:22 pm	5:00 - 5:21 pm
Lmax	77.2	79.2	75.2
L5	64.2	66.3	64.6
<b>L10</b>	<b>62.3</b>	<b>64.0</b>	<b>62.8</b>
Leq	60.2	61.9	60.0
L50	57.4	58.4	57.3
L90	54.7	55.3	54.6
Lmin	52.9	52.9	51.8

**Table 18-5**  
**One-Hour Vehicle Counts and Classifications**

	AM	Midday	PM
Car/Taxi	51	30	39
Van/Lt. Truck/SUV	21	60	39
Heavy Truck	15	15	3
Bus	6	12	3
Mini Bus	3	0	0
Motorcycle	0	0	3

# **APPENDIX**

1. Restrictive Declaration
2. LPC correspondence
3. DEP Correspondence
4. Appendix F Mandatory Inclusionary Housing Area zoning text and map

## DECLARATION

This DECLARATION made as of the 16<sup>th</sup> day of June, 2015, by **14-18 Carroll LLC** a limited liability company which has its address at 708 3<sup>rd</sup> Avenue, New York, NY 10038, ("hereinafter referred to as Declarant");

### WITNESSETH:

WHEREAS, **Declarant** is the fee owner of certain real property located in Kings County, City and State of New York, designated for real property tax purposes as Lots 16, 17 and 18 of Tax Block 352 on the Tax Map of the City of New York (the "Project Site") and is more particularly described in Exhibit A, annexed hereto and made part hereof;  
and

WHEREAS, Landmark 13 Inc. has issued a Certification of Parties Interest, annexed hereto as Exhibit B and made a part hereof, that as of June 16<sup>th</sup>, 2015, Declarant is the only Party-in-Interest (as defined in subdivision (c) of the definition of "zoning lot" set forth in Section 12 10 of the Zoning Resolution of the City of New York) in the Project Site (the Certification"); and

WHEREAS, an application, designated number 150360 ZMK (the "Application"), was submitted by **Declarant** to the City Planning Commission ("CPC") for approval pursuant to the Zoning Resolution of the City of New York and Section 666 of the New York City Charter for the rezoning of the Project Site(the "Rezoning"); and

WHEREAS, the Rezoning would facilitate the development of Project Site; and

WHEREAS, an environmental assessment statement concerning the Project Site prepared pursuant to the City Environmental Quality Review (the "CEQR") is under review in connection with the Application (CEQR 77DCP059K) and, pursuant to CEQR, the Landmarks Preservation Commission (the "LPC"), among others, has reviewed the environmental assessment, including the historic land use of the Project Site; and

WHEREAS, the result of such review, as documented in LPC's January 26, 2015, notice, attached hereto as Exhibit C and made a part hereof, indicate the potential presence of significant archaeological resources on the Project Site; and

WHEREAS, Declarant desires to identify the existence of any potential archeological resources and mitigate any potential damage to any such archeological resources found in connection with



the development or redevelopment of the Project Site and has agreed to follow and adhere to all requirements for archeological identification, investigation and mitigation set forth in the CEQR Technical Manual and LPC's Guidelines for Archaeological Work in NYC, including without limitation, the completion of an archeological documentary study, archaeological field testing, excavation, mitigation and curation of archaeological resources as required by the LPC (collectively, the "Archeological Work"); and

WHEREAS, Declarant agrees to restrict the manner in which the Subject Property may be developed or redeveloped by having the implementation of the Archaeological Work performed to the satisfaction of the LPC, as evidenced by writings described and set forth herein, be a condition precedent to any soil disturbance for any such development or redevelopment (other than soil disturbance necessitated by Declarant's performance of the Archaeological Work); and

WHEREAS Declarant intends this Declaration to be binding upon all successors and assigns; and

WHEREAS Declarant intends this Declaration to benefit all land owners and tenants including the City of New York ("the City") without consenting to the enforcement of this Declaration by any party or entity other than the City.

NOW, THEREFORE, Declarant does hereby declare and agree that the Project Site shall be held, sold, transferred, and conveyed, subject to the restrictions and obligations which are for the purpose of protecting the value and desirability of the Project Site and which shall run with the land, binding the successors and assigns of Declarant so long as they have any right, title or interest in the Project Site or any part thereof:

1. Declarant covenants and agrees that no application for grading, excavation, foundation, alteration, building or other permit respecting the Project Site which permits soil disturbance shall be submitted to or accepted from the Department of Buildings (the "DOB") by the Declarant until LPC has issued to DOB, as applicable, either a Notice of No Objection as set forth in Paragraphs 2(a) and 2(c), a Notice to Proceed as set forth in Paragraph 2(b), a Notice of Satisfaction as set forth in Paragraph 2(d) or a Final Notice of Satisfaction as set forth in Paragraph 2(e). Declarant shall submit a copy of the Notice of No Objection, Notice to Proceed, Notice of Satisfaction or Final Notice of Satisfaction, as the case may be, to the DOB at the time of filing of any application set forth in this Paragraph 1.
2. (a) Notice of No Objection- LPC shall issue a Notice of No Objection after the Declarant has completed the work set forth in the LPC-approved Archaeological Documentary Study and LPC has determined that the results of such assessment demonstrate that the site does not contain potentially significant archeological resources.  
  
(b) Notice to Proceed with LPC-Approved Field Testing and/or Mitigation - LPC shall issue a Notice to Proceed after it approves a Field Testing Plan and, if necessary, a Mitigation Plan. Issuance of a Notice to Proceed shall enable the Declarant to obtain a building permit solely to perform excavation or other work necessary to implement the Field Testing and/or Mitigation Plan. The LPC shall review and approve the scope of work in all permits prior to field testing or mitigation work commencing on the Project Site.

(c) Notice of No Objection After Field Work- LPC shall issue a Notice of No Objection After Field Work if Declarant has performed required LPC-approved field testing and, as a result of such testing, the LPC determines that the Project Site does not contain potentially significant archaeological resources. The notices described in subparagraphs (a.) and (c) of this paragraph shall each hereafter be referred to as a "Notice of No Objection". Issuance of a Notice of No Objection shall be sufficient to enable Declarant to obtain a full building permit for the performance of excavation or construction on the Project Site.

(d) Notice of Satisfaction - LPC shall issue a Notice of Satisfaction after the Mitigation Plan has been prepared and accepted by LPC and LPC has determined in writing that all significant identified archaeological resources have been documented and removed from the Project Site, Issuance of a Notice of Satisfaction shall enable Declarant to obtain a building permit for excavation and construction on the Project Site;

(e) Final Notice of Satisfaction - LPC shall issue a Final Notice of Satisfaction after the mitigation has been completed and the LPC has set forth in writing that the Mitigation Plan, including but not limited to the Final Archaeological Report and a curation plan for any archaeological resources found on the Project Site, has been completed to the satisfaction of LPC.

3. No temporary certificate of occupancy ("TCO") or permanent certificate of occupancy ("PCO") shall be granted by the Buildings Department or accepted by Declarant until the Chairperson of the LPC shall have issued a Final Notice of Satisfaction or a Notice of No Objection.

4. The Director of Archeology of the LPC shall issue all notices required to be issued hereunder reasonably promptly after Declarant has made written request to the LPC and has provided documentation to support each such request, and the Director or Archeology of the LPC shall in all events endeavor to issue such written notice to the DOB, or inform Declarant in writing of the reason for not issuing said notice, within thirty (30) calendar days after Declarant has requested such written notice.

5. Declarant represents and warrants with respect to the Project Site that no restrictions of record nor any present or presently existing estate or interest in the Project Site nor any lien, encumbrance, obligation, covenant of any kind preclude, presently or potentially, the imposition of the obligations and agreements of this Declaration.

6. Declarant acknowledges that the City is an interested party to this Declaration and consents to the enforcement of this Declaration solely by the City, administratively or at law or at equity, of the obligations, restrictions and agreements pursuant to this Declaration.

7. The provisions of this Declaration shall inure to the benefit of and be binding upon the respective successors and assigns of the Declarant, and references to Declarant shall be deemed to include such successors and assigns as well as successors to their interest in the Project Site. References in this Declaration to agencies or instrumentalities of the City shall be deemed to include agencies or instrumentalities succeeding to the jurisdiction thereof.

8. Declarant shall be liable in the performance of any term, provision, or covenant in this Declaration, except that the City and any other party relying on this Declaration will look solely to the fee estate interest of the Declarant in the Project Site for the collection of any money judgment recovered against Declarant, and no other property of the Declarant shall be subject to levy, execution, or other enforcement procedure for the satisfaction of the remedies of the City or any other person or entity with respect to this Declaration. The Declarant shall have no personal liability under this Declaration.

9. The obligations, restrictions and agreements herein shall be binding on the Declarant or other parties in interest only for the period during which the Declarant and any such Party-in-Interest holds an interest in the Project Site; provided, however, that the obligations, restrictions and agreements contained in this Declaration may not be enforced against the holder of any mortgage unless and until such holder succeeds to the fee interest of the Declarant by way of foreclosure or deed in lieu of foreclosure.

10. Declarant shall indemnify the City, its respective officers, employees and agents from all claims, actions, or judgments for loss, damage or injury, including death or property damage of whatsoever kind or nature, arising from Declarant's performance of their obligations under this Declaration, including without limitation, the negligence or carelessness of the Declarant, their agents, servants or employees in undertaking such performance; provided, however, that should such a claim be made or action brought, Declarant shall have the right to defend such claim or action with attorneys reasonably acceptable to the City and no such claim or action shall be settled without the written consent of the City.

11. If Declarant is found by a court of competent jurisdiction to have been in default in the performance of their obligations under this Declaration, and such finding is upheld on a final appeal by a court of competent jurisdiction or by other proceeding or the time for further review of such finding or appeal has lapsed, Declarant shall indemnify and hold harmless the City from and against all reasonable legal and administrative expenses arising out of or in connection with the enforcement of Declarant's obligations under this Declaration as well as any reasonable legal and administrative expenses arising out of or in connection with the enforcement of any judgment obtained against the Declarant, including but not limited to the cost of undertaking the Mitigation Plan, if any.

12. Declarant shall cause every individual or entity that between the date hereof and the date of recordation of this Declaration, becomes a Party-in-Interest (as defined in subdivision (c) of the definition of "zoning lot" set forth in Section 12-10 of the Zoning Resolution of the City of New York) to all or a portion of the Project Site to waive its right to execute this Declaration and subordinate its interest in the Project Site to this Declaration. Any mortgage or other lien encumbering the Project Site in effect after the recording date of this Declaration shall be subject and subordinate hereto as provided herein. Such waivers and subordination shall be attached to this Declaration as Exhibits and recorded in the Office of the County or City Register.

13. This Declaration and the provisions; hereof shall become effective as of the date of



this Declaration. Declarant shall record or shall cause this Declaration to be recorded in the Office of the County or City Register, indexing it against the Project Site within five (5) business days of the date hereof and shall promptly deliver to the LPC and the CPC proof of recording in the form of an affidavit of recording attaching the filing receipt and a copy of the Declaration as submitted for recording. Declarant shall also provide a recorded copy of this Declaration to LPC and CPC as soon as a copy is available.

14. This Declaration may be amended or modified by Declarant only with the approval of LPC or the agency succeeding to its jurisdiction and no other approval or consent shall be required from any other public body, private person or legal entity of any kind. A statement signed by the Chair of the LPC, or such person as authorized by the Chair, certifying approval of an amendment or modification of this Declaration shall be annexed to any instrument embodying such amendment or modification.

15. Any submittals necessary under this Declaration from Declarant to LPC shall be addressed to the Director of Archaeology of LPC, or such other person as may from time to time be authorized by the Chair of the LPC to receive such submittals. As of the date of this Declaration LPC's address is:

Landmarks Preservation Commission  
1 Centre Street. 9N  
New York, New York 10007

Any notices sent to Declarant shall be sent to the addresses hereinabove first set forth, and shall be sent by personal delivery, delivery by reputable overnight carrier or by regular mail.

16. Declarant expressly acknowledges that this Declaration is an essential element of the environmental review conducted in connection with the Application and as such the filing and recordation of this Declaration may be a precondition to the determination of significance pursuant to CEQR, which implements the State Environmental Quality Review Act ("SEQRA") and the SEQRA Regulations, Title 6 New York Code of Rules and Regulations ("NYCRR") Part 617.7 within the City of New York.

17. Declarant acknowledges that the satisfaction of the obligations set forth in this Declaration do not relieve Declarant of any additional requirements imposed by Federal, State or Local laws.

18. This Declaration shall be governed by and construed in accordance with the laws of the State of New York.

19. Wherever in this Declaration, the certification, consent, approval, notice or other action of Declarants, LPC or the City is required or permitted, such certification, consent, approval, notice or other action shall not be unreasonably withheld or delayed.

20. In the event that any provision of this Declaration is deemed, deemed, adjudged or determined to be invalid or unlawful by a court of competent jurisdiction, such provision shall



be severable and the remainder of this Declaration shall continue to be in full force and effect.

21. This Declaration and its obligations and agreements are in contemplation of Declarant receiving approvals or modified approvals of the Application. In the event that the Declarant withdraws the Application before a final determination or the Application is not approved, the obligations and agreements pursuant to this Declaration shall have no force and effect and Declarant may request that LPC issue a Notice of Cancellation upon the occurrence of the following events: (i) Declarant has withdrawn the Application in writing before a final determination on the Application; (ii) the Application was not approved by the CPC or City Council; or (iii) LPC has issued a Final Notice of Satisfaction. Upon such request, LPC shall issue a Notice of Cancellation after it has determined, to LPC's reasonable satisfaction, that one of the above has occurred. Upon receipt of a Notice of Cancellation from LPC, Declarant shall cause such Notice to be recorded in the same manner as the Declaration herein, thus rendering this Restrictive Declaration null and void. Declarant shall promptly deliver to LPC and the CPC a recorded copy of such Notice of Cancellation as recorded.

IN WITNESS WHEREOF, Declarant has executed this Declaration as of the day and year first above written.

14-18 Carroll LLC  
*[Handwritten Signature]*

State of New York )  
County of New York ) ss.

On the 16<sup>th</sup> day of June in the year 2015 before me, the undersigned, a notary public in and for said state, personally appeared Deborah Tsabari, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

*[Handwritten Signature]*  
Notary Public  
ZACHARY EMERY  
Notary Public - State of New York  
NO. 01EM6235865  
Qualified in New York County  
My Commission Expires 2/14/19

EXHIBIT A

Block 352, Lots 16, 17, 18

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE BOROUGH OF BROOKLYN, COUNTY OF KINGS, CITY AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY SIDE OF CARROLL STREET, DISTANT 125 FEET FROM THE INTERSECTION OF THE SOUTHERLY SIDE OF CARROLL STREET AND THE EASTERLY SIDE OF VAN BRUNT STREET;

RUNNING THENCE WESTERLY ALONG THE SOUTHERLY SIDE OF CARROLL STREET, 70 FT. TO A POINT;

RUNNING THENCE SOUTHERLY AND PARALLEL WITH COLUMBIA STREET 100 FEET;

THENCE WESTERLY AND PARALLEL WITH CARROLL STREET, 20 FEET TO A POINT;

THENCE NORTHWESTERLY 54.25 FEET TO A POINT;

THENCE NORTHERLY PARALLEL WITH VAN BRUNT STREET 74.4 FEET TO THE POINT OR PLACE OF BEGINNING.

EXHIBIT B

CERTIFICATION PURSUANT TO ZONING LOT  
SUBDIVISION C OF SECTION 12-10  
OF THE ZONING RESOLUTION OF DECEMBER 15, 1961  
OF THE CITY OF NEW YORK – AS AMENDED  
EFFECTIVE AUGUST 18, 1977

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Landmark 13, Inc., a title insurance agency licensed to do business in the State of New York and having its principle office at 2116 Lindgren Street, Merrick, NY 11566, hereby certifies that as to the land hereafter described being a tract of land, either unsubdivided or consisting of two or more lots of record, contiguous for a minimum of ten linear feet, located within a single block in the single ownership of **14-18 Carroll LLC**. That all the parties in interest on consisting of a “party in interest” as defined in Section 12-10, subdivision (c) of the Zoning Resolution of the City of New York, effective December 15, 1961, as amended, are the following

<u>Name</u>	<u>Address</u>	<u>Nature of Interest</u>
<b>14-18 Carroll LLC</b>	<b>708 3<sup>rd</sup> Avenue New York, NY 10038,</b>	<b>OWNER</b>

The subject tract of land with respect to which the foregoing parties are the parties in interest as aforesaid, is known as Tax Lot Numbers **16, 17 and 18** in Block **352** on the Tax Map of the City of New York, Kings County and more particularly described as follows:

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE BOROUGH OF BROOKLYN, COUNTY OF KINGS, CITY AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY SIDE OF CARROLL STREET, DISTANT 125 FEET FROM THE INTERSECTION OF THE SOUTHERLY SIDE OF CARROLL STREET AND THE EASTERLY SIDE OF VAN BRUNT STREET;

RUNNING THENCE WESTERLY ALONG THE SOUTHERLY SIDE OF CARROLL STREET, 70 FT. TO A POINT;

RUNNING THENCE SOUTHERLY AND PARALLEL WITH COLUMBIA STREET 100 FEET;

THENCE WESTERLY AND PARALLEL WITH CARROLL STREET, 20 FEET TO A POINT;

THENCE NORTHWESTERLY 54.25 FEET TO A POINT;

THENCE NORTHERLY PARALLEL WITH VAN BRUNT STREET 74.4 FEET TO THE POINT OR PLACE OF BEGINNING.

CERTIFIED: this 18<sup>th</sup> Day of June, 2015 to **14-18 Carroll LLC** the applicant for the certification.

NOTE: A Zoning Lot may or may not coincide with a lot as shown on the Official Tax Map of the City of New York, or on any recorded sub-division plot or deed. A Zoning Lot may be subdivided into two or more zoning lots provided all the resulting zoning lots and all the buildings thereon shall comply with the applicable provisions of the zoning lot resolution

THIS CERTIFICATE IS MADE FOR AND ACCEPTED BY THE APPLICANT UPON THE EXPRESS UNDERSTANDING THAT LIABILITY HEREUNDER IS LIMITED TO ONE THOUSAND (\$1,000.00) DOLLARS.

Landmark 13, Inc.

By: [Signature]  
Brian W. Smyth - President

State of New York, County of Nassau .ss:

On the 18<sup>th</sup> day of June, 2015, before me, the undersigned, a Notary Public in and for said State, personally appeared Brian W. Smyth, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individuals or the persons upon behalf of which in the individuals acted, executed the instrument.

[Signature]  
Notary public

MELISSA LIBARDI  
Notary Public, State of New York  
Registration #01L16215060  
Qualified In Nassau County  
Commission Expires December 21, 2017



## ENVIRONMENTAL REVIEW

**Project number:** DEPARTMENT OF CITY PLANNING / 77DCP095K

**Project:**

**Date received:** 6/11/2015

**Comments:** as indicated below. Properties that are individually LPC designated or in LPC historic districts require permits from the LPC Preservation department. Properties that are S/NR listed or S/NR eligible require consultation with SHPO if there are State or Federal permits or funding required as part of the action.

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**Properties with no Architectural significance:**

- 1) ADDRESS: 14 CARROLL STREET, BBL: 3003520016
- 2) ADDRESS: CARROLL STREET, BBL: 3003520017
- 3) ADDRESS: CARROLL STREET, BBL: 3003520018

**Properties with Archaeological significance:**

- 1) ADDRESS: 14 CARROLL STREET, BBL: 3003520016
- 2) ADDRESS: CARROLL STREET, BBL: 3003520017
- 3) ADDRESS: CARROLL STREET, BBL: 3003520018

**Comments:** The LPC is in receipt of the EAS of 6/2/15 and notes that the document states that an archaeological restrictive declaration will be developed. Please submit the draft restrictive declaration to the Commission for review as soon as possible.



6/18/2015

---

SIGNATURE

Gina Santucci, Environmental Review Coordinator

DATE

**File Name:** 30198\_FSO\_ALS\_06182015.doc

EXHIBIT C

## ENVIRONMENTAL REVIEW

**Project number:** DEPARTMENT OF CITY PLANNING / 77DCP095K

**Project:**

**Date received:** 1/26/2015

**Comments:** as indicated below. Properties that are individually LPC designated or in LPC historic districts require permits from the LPC Preservation department. Properties that are S/NR listed or S/NR eligible require consultation with SHPO if there are State or Federal permits or funding required as part of the action.

---

**Properties with Archaeological significance:**

- 1) ADDRESS: 14 CARROLL STREET, BBL: 3003520016
- 2) ADDRESS: CARROLL STREET, BBL: 3003520017
- 3) ADDRESS: CARROLL STREET, BBL: 3003520018

LPC review of archaeological sensitivity models and historic maps indicates that there is potential for the recovery of remains from 19th Century occupation on the project site. Accordingly, the Commission recommends that an archaeological documentary study be performed for this site to clarify these initial findings and provide the threshold for the next level of review, if such review is necessary (see CEQR Technical Manual 2001).

**Properties with no Architectural significance:**

- 1) ADDRESS: 14 CARROLL STREET, BBL: 3003520016
- 2) ADDRESS: CARROLL STREET, BBL: 3003520017
- 3) ADDRESS: CARROLL STREET, BBL: 3003520018

*Gina Santucci*

1/26/2015

---

SIGNATURE  
Gina Santucci, Environmental Review Coordinator

DATE

**File Name:** 30198\_FSO\_DNP\_01292015.doc

## ENVIRONMENTAL REVIEW

**Project number:** DEPARTMENT OF CITY PLANNING / 16DCP100K  
**Project:**  
**Date received:** 4/25/2016

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The EAS of 4/13/16 is acceptable for historic and cultural resources.

*Gina Santucci*

5/3/2016

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SIGNATURE  
Gina Santucci, Environmental Review Coordinator

DATE

**File Name:** 30198\_FSO\_GS\_05032016.doc



**Environmental  
Protection**

**Emily Lloyd  
Commissioner**

**Angela Licata  
Deputy Commissioner  
of Sustainability  
allicata@dep.nyc.gov**

59-17 Junction Boulevard  
Flushing, NY 11373  
T: (718) 595-4398  
F: (718) 595-4479

September 23, 2015

Mr. Robert Dobruskin  
Director, Environmental Assessment and Review Division  
New York City Department of City Planning  
22 Reade Street, Room 4E  
New York, New York 10007-1216

**Re: 14-18 Carroll Street Rezoning  
Block 352 Lots 16, 17 and 18  
CEQR # 77DCP095K  
Brooklyn, New York**

Dear Mr. Dobruskin:

The New York City Department of Environmental Protection, Bureau of Environmental Planning and Analysis (DEP) has reviewed the August 2015 Remedial Action Plan (RAP) and Construction Health and Safety Plan (CHASP) prepared by environmental project data statements company (EPDSCO) on behalf of 14-18 Carroll LLC (applicant) for the above referenced project. It is our understanding that the applicant is seeking a zoning map amendment from the New York City Department of City Planning (DCP) to rezone Block 352 Lots 16, 17 and 18 from M1-1 to R6B. The property is located between Van Brunt and Columbia Streets in the Red Hook neighborhood of Brooklyn Community District 6. As currently proposed, the rezoning action would facilitate the construction of 11 dwelling units within a four-story building with six parking spaces on the vacant applicant owned project site (Block 352 Lots 16, 17 and 18).

The August 2015 RAP proposes soil removal, stockpiling, transportation, waste classification sampling of contaminated material, and disposal of contaminated soil in accordance with applicable NYSDEC regulations; removal/closing of underground storage tanks encountered during excavation in accordance with applicable NYSDEC regulations; dust control, spill control and community air monitoring program; installation of a minimum 20-mil HDPE geo-membrane vapor barrier in accordance with manufacture's specification; and two (2) feet of certified clean fill/top soil will be imported from an approved facility/source and graded in all areas not capped with concrete/asphalt.

Based upon our review of the submitted documentation, we have the following comments and recommendations to DCP:

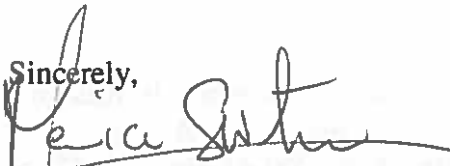
- DCP should instruct the applicant to include the names and phone numbers of the Site Health and Safety Officer and Alternate Health and Safety Officer.



- DEP finds the August 2015 RAP and CHASP for the proposed project acceptable as long as the aforementioned information is incorporated into the CHASP. DCP should instruct the applicant that at the completion of the project, a Professional Engineer (P.E.) certified Remedial Closure Report should be submitted to DEP for review and approval for the proposed project. The P.E. certified Remedial Closure Report should indicate that all remedial requirements have been properly implemented (i.e., proof of installation of vapor barrier; transportation/disposal manifests and certificates from impacted soils removed and disposed of in accordance with all NYSDEC regulations; and two feet of certified clean fill/top soil capping requirement in all landscaped/grass covered areas not capped with concrete/asphalt, etc.).

Future correspondence related to this project should include the following tracking number 77DCP095K. If you have any questions, you may contact Maurice Winter at (718) 595-4514.

Sincerely,



Maurice S. Winter  
Deputy Director, Site Assessment

- c: E. Mahoney  
W. Yu  
T. Estes  
M. Wimbish  
O. Abinader- DCP  
File

**14-18 Carroll Street Rezoning  
Community District 6, Brooklyn**

**June 8, 2016**

Matter in underline is new, to be added;

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

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

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

\* \* \*

**APPENDIX F**

**Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

\* \* \*

**BROOKLYN**

\* \* \*

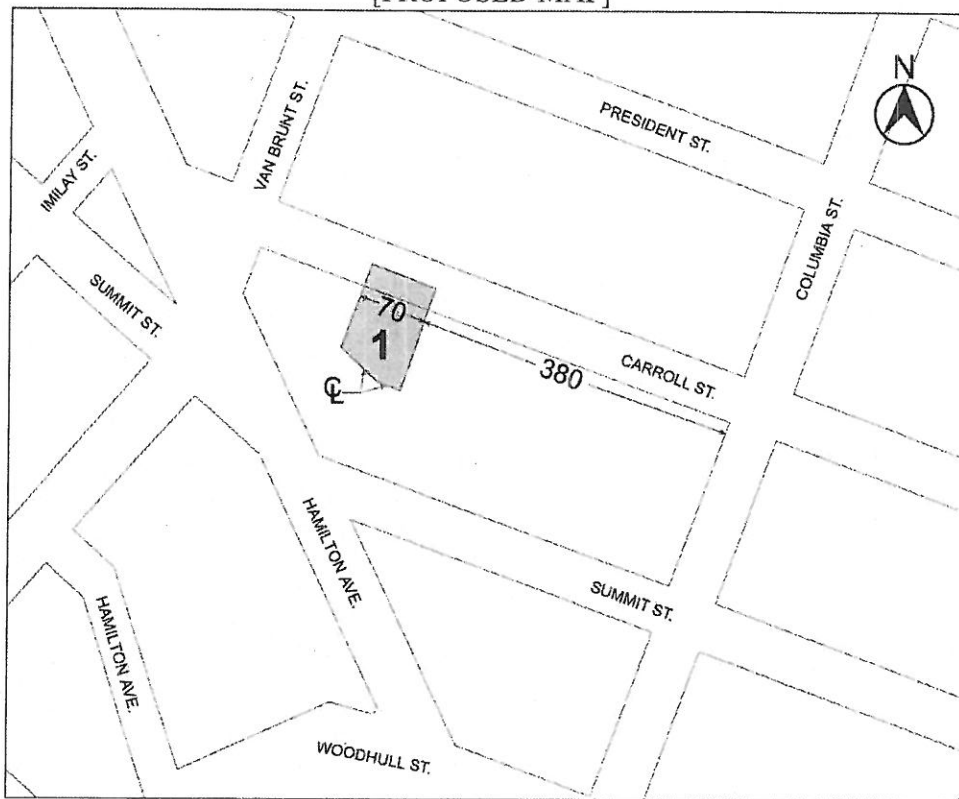
**Brooklyn Community District 6**

In the R6B and R7-2 Districts within the areas shown on the following Map 1 and Map2:

\* \* \*

Map 2 – (date of adoption)

[PROPOSED MAP]



Mandatory Inclusionary Housing area see Section 23-154(d)(3)

Area 1 (date of adoption) – MIH Program Option 1 and Option 2

Portion of Community District 6, Brooklyn

\* \* \*