

# 17

## **RESPONSE TO COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT**

### **17.1 Introduction**

This document summarizes and responds to comments on the Draft Environmental Impact Statement (DEIS), issued May 3, 2021 for the proposed River North (formerly Liberty Towers) project (the “Proposed Actions”). A public meeting held by the New York City Department of City Planning (DCP), the Lead Agency, on July 14, 2021. The public hearing was accessible in person (DCP hearing room at 120 Broadway) and remotely through the City’s Engage NYC portal. Written comments were accepted through the duration of the public comment period, which ended July 26, 2021. A Final Environmental Impact Statement (FEIS) was issued on August 20, 2021, incorporating oral and written comments received on the DEIS where relevant and appropriate.

Section 2 below lists the elected officials, organizations, and individuals who provided relevant comments on the DEIS. Section 3 contains a summary of relevant comments collated by subject matter. Comments are not necessarily quoted verbatim but are summarized to convey the substance of the issue. Appendix A contains the written comments received. The numbers after each comment correspond to the commenter list in Section 2. This Response to Comments parallels the chapter structure of the DEIS.

### **17.2 List of Elected Officials, Organizations, and Individuals who Commented on the DEIS**

#### **Elected Officials**

1. James Oddo, Staten Island Borough President: oral comments dated July 14, 2021.

## **Organizations**

2. Niles French, Staten Island Economic Development Corporation (SI EDC): oral comments dated July 14, 2021.
3. Nicki Odlivak, Community Agency for Senior Citizens (CASC): oral comments dated July 14, 2021.
4. Dr. Demetrius S. Carolina Sr., Center Family Life Center: oral comments dated July 14, 2021.
5. Marisa Williams, 32BJSCIU: oral comments dated July 14, 2021.
6. Elizabeth Morgan, Center Family Life Center: oral comments dated July 14, 2021.
7. Theodore Dorian, St. George Civic Association: written comments dated July 26, 2021.
8. Jim Scarcella, Natural Resources Protective Association: written comments dated July 21, 2021.

## **Interested Public**

9. Helen Northmore: written submission dated June 23, 2021 and July 10, 2021; oral comments dated July 14, 2021.
10. Michael Northmore: oral comments dated July 14, 2021.
11. Ben Donsky: written submission dated July 15, 2021
12. Susan Fowler: written submission dated July 15, 2021.
13. Steven Colantoni: written submission dated July 14, 2021.
14. Sarah Gowell: written submission dated July 14, 2021.
15. Jake Knoll: written submission dated July 14, 2021.
16. Richard Walters: written submission dated July 14, 2021.
17. Nina Long: written submission dated July 14, 2021.
18. Ed Wiseman: written submission dated July 14, 2021.
19. Shana Oleary Becherini: written submission dated July 14, 2021.
20. Aoife Oleary: written submission dated July 14, 2021.
21. Katie Oleary Becherini: written submission dated July 14, 2021.
22. Karen Oleary Becherini: written submission dated July 14, 2021.
23. David Long: written submission dated July 15, 2021.
24. Caoimhe Oleary: written submission dated July 14, 2021.
25. Lylyanna Oleary: written submission dated July 14, 2021.
26. Fabio Becherini: written submission dated July 14, 2021.
27. Kimberly Butler-Gilkeson: written submission dated July 13, 2021.
28. Jarrett Macek: written submission dated July 13, 2021.

29. Kathleen Harris: written submission dated July 13, 2021.
30. Julie Obrien: written submission dated July 13, 2021.
31. Latasha Collo: written submission dated July 13, 2021.
32. Dan Miller: written submission dated July 13, 2021.
33. Robert Barberesi: written submission dated July 13, 2021.
34. Karen Gannon: written submission dated July 15, 2021.
35. Peter Nacionales: written submission dated July 13, 2021.
36. Mohammed Ali: written submission dated July 13, 2021.
37. Brian Crandall: written submission dated July 13, 2021.
38. Trevor Levin: written submission dated July 13, 2021.
39. Dylan Kennedy: written submission dated July 13, 2021.
40. Joseph Rosinski: written submission dated July 13, 2021.
41. Yann Kiraly: written submission dated July 13, 2021.
42. Bill Wilkens: written submission dated July 13, 2021.
43. Maureen Harmon: written submission dated July 13, 2021.
44. Michael Mattia: written submission dated July 13, 2021.
45. Ryan Castellano: written submission dated July 14, 2021.
46. Gail Decker: written submission dated July 13, 2021.
47. Angela Marie Medina: written submission dated July 13, 2021.
48. Timothy Burke: written submission dated July 13, 2021.
49. Jennifer Mallen: written submission dated July 13, 2021.
50. Joanna Santarpia: written submission dated July 13, 2021.
51. Dee Vandenburg: written submission dated July 13, 2021.
52. Patricia Rondinelli: written submission dated July 13, 2021.
53. Doreen Bavaro: written submission dated July 13, 2021.
54. Michele Moore: written submission dated July 14, 2021.
55. Denise Pianoforte: written submission dated July 14, 2021.
56. Kathleen Tramontana: written submission dated July 14, 2021.
57. Luisa Collins: written submission dated July 14, 2021.
58. Frances Edwards: written submission dated July 14, 2021.
59. Doreen Santiago: written submission dated July 15, 2021.
60. John Kilcullen: written submission dated July 26, 2021.
61. Michael Harwood: written submission dated July 26, 2021.
62. Nancy Bonior: written submission dated July 26, 2021.
63. Linda Cohen: written submission dated July 27, 2021.

## 17.3 Comments and Responses on the DEIS

*The numbers in the parentheses following comments in this section correspond with the commenter name numbered in Section 2.*

### Executive Summary and Project Description

**Comment 1: The project is too large or dense. (1, 9, 33)**

Response 1: The environmental review documents, the EAS and EIS, assess the potential for the Proposed Actions to result in significant adverse impacts to a variety of analysis categories following the guidance of the *CEQR Technical Manual*. As described in the Purpose and Need section of Chapter 1, “Project Description” of the DEIS, the Applicant believes the Project Area is appropriate for the proposed density, as it is served by a multitude of transit options and is located along Richmond Terrace, proximate to the St. George Terminal. From the St. George Terminal, connections are available to the Staten Island Railroad, bus routes that provide connections across the island, and the Staten Island Ferry with connections to Lower Manhattan. The FEIS found that the Proposed Actions would not result in significant adverse impacts in most CEQR categories.

**Comment 2: The Proposed Development does not comply with the zoning of the Special Hillside Preservation District. (9)**

Response 2: As described in the DEIS’s Executive Summary and Project Description, the Proposed Actions would remove the Block 13 portion of the Project Area from the Special Hillside Preservation District. Therefore, the provisions of the Special Hillside Preservation District would no longer apply on the Block 13 portion of the Project Area if the Proposed Actions are adopted. As described in DEIS Chapter 1, “Project Description,” the Applicant believes the Project Area warrants removal from the Special Hillside Preservation District because it is an atypical site within the special district.

**Comment 3: The DEIS should address the environmental effects of the zoning changes the Special St. George District. (9)**

Response 3: EAS Attachment B “Land Use, Zoning, and Public Policy” assesses the potential impacts of the Proposed Actions on land use, zoning, and public policy in the future with the proposed project (the “With-Action” condition) in accordance with the methodology set forth in the *CEQR Technical Manual* (November 2020 edition). As described in EAS Attachment B, the Proposed Actions would not result in significant adverse land use, zoning, and public policy impacts. DEIS Section 1.2 “Proposed Actions,” describes how the zoning text amendments would affect only R7-3 zoning districts in the Special St. George District. The Proposed Actions would map the first R7-3 district in the Special St. George District; therefore, the proposed zoning text amendments would affect only the Block 13 portion of the Project Area. The remainder of the Special St. George District would not be substantively affected by the proposed text amendments.

**Comment 4: The DEIS should disclose the average percent slope of the zoning lots. (9)**

Response 4: The Executive Summary and Project Description chapters of the River North FEIS were revised to disclose the average percent slope of Sites A and B of Projected Development Site 1. The revisions are noted in FEIS Sections E.2 “Background and Existing Conditions” and 1.3 “Project Area and Development Sites”.

**Comment 5: A study of past wholesale neighborhood rezonings failed to capture the resulting impacts. (9)**

Response 5: The Proposed Actions do not include a wholesale neighborhood rezoning. As described in DEIS Chapter 1, "Project Description," the Proposed Actions would rezone Block 12 and a portion of Staten Island Block 13. The Proposed Actions are not a wholesale (or neighborhood) rezoning because wholesale neighborhood rezonings typically involve several city blocks. The Proposed Actions would rezone a portion of Block 13 and the small triangular Block 12 (the proposed zoning changes to Block 12 would not allow additional development capacity). The *CEQR Technical Manual* was used to evaluate the Proposed Actions' potential to result in significant adverse impacts.

**Comment 6: This project would set a precedent allowing pieces of the Special Hillside Preservation District to be removed to accommodate buildings that do not conform to its requirements, and the Special Hillside Preservation District will have newer and newer edges, systematically chopping off the topography's current zoning protections. (9)**

Response 6: As described in DEIS Chapter 1, "Project Description," the Proposed Actions seek to remove only the portion of Block 13 that is within 185 feet of Richmond Terrace and Stuyvesant Place from the Special Hillside Preservation District. Similar to all rezonings, any future amendments to the boundaries of the Special Hillside Preservation District would be evaluated on the merits of that particular application, with approval required from the CPC and City Council. It is the Applicant's belief that the Project Area warrants removal from the Special Hillside Preservation District as described in Response 2 above.

**Comment 7: Hamilton Avenue is the same width as many streets in Manhattan's historic districts, for example, McDougal Street, Sullivan Street, Jones Street and Thompson Street in Greenwich Village Historic District, and Mott Street and Elizabeth Street in the Chinatown and Little Italy Historic District. The DEIS should explain which of these streets fronts a 26-story building. (9)**

Response 7: As described in EAS Attachment G, "Historic and Cultural Resources," the Project Area is not in or adjacent to any historic districts designated by the NYC Landmarks Preservation Commission (LPC) or the State Historic Preservation Office (SHPO). The Proposed Project would involve the development of buildings that would incorporate a variety of setbacks and design details that would respect the hillside and provide visual interest in the Special St. George District. On the project block, the Castleton Park Apartments front along Nicholas Street, which is a 50-foot-wide street. An assessment of other buildings along narrow streets is beyond the scope of this environmental review.

**Comment 8: The DEIS should disclose whether this is a joint application by the multiple owners of all the other lots that are included in this River North DEIS. (9)**

Response 8: As described on DEIS Pages E-1 and 1-1, River North is a private application by Richmond SI Owner, LLC. Richmond SI Owner, LLC is a wholly owned subsidiary of Madison Realty Capital. There are no co-applicants and this is not a joint application.

**Comment 9: As NYC planners concluded almost thirty years ago in 1992, "North Shore Staten Island Redevelopment should respect the site's topography and historic structures." (9)**

Response 9: As described in DEIS Chapter 1, "Project Description," the natural topography of the Project Area has been previously disturbed and altered from past development. LPC reviewed the Proposed Actions and found that there are no historic structures or resources on the development sites (see EAS Appendix F). Further, as described in EAS

Attachment G “Historic and Cultural Resources,” LPC reviewed the Proposed Actions for contextual effects within 400 feet of the Project Area and found the Proposed Actions would not result in a significant adverse impact to historic and cultural resources.

**Comment 10: In various sections of the applicant’s DEIS, the number of the parking spaces and the height of the River North’s buildings differ. (9)**

Response 10: As described in DEIS Section 1.6, “Analysis Framework,” the “With-Action Condition” and the “Proposed Development” are different development scenarios. The “With-Action Condition” is the worst-case condition that would occur if the Proposed Actions were adopted and is used for CEQR analysis purposes only. Compared to the “Proposed Development”, the “With-Action Condition” assumes 47 more dwelling units (DUs), 4,265 gross square feet (gsf) of additional commercial space, and a taller building height by 5 feet. Therefore, the “With-Action Condition” represents the worst-case development scenario that would result from adoption of the Proposed Actions and therefore presents a conservative analysis of the actions’ effects. The FEIS reflects an updated “With-Action Condition” building height for Building 1, which would be a 293 feet. Corrections were made to the following sections in the FEIS: E.5, “Proposed Development;” E.6, “Analysis Framework;” 1.4, “Proposed Development;” and 1.6, “Analysis Framework.” In the FEIS, Table 2 in the Executive Summary and Table 1-2 in the Project Description were added to clarify the difference between the Proposed Development and the With-Action Condition used in the analysis framework.

**Comment 11: The DEIS should specify whether Tentative Lot 95 (the “panhandle portion of the Castleton Lot [Lot 8]”) is required to remain open space. (9)**

Response 11: Tentative Lot 95 is inaccessible to the public. Therefore, based on the definition of publicly accessible open space in the *CEQR Technical Manual*, it is not an open space resource for the purposes of Open Space analysis in the EIS (see Response 29).

**Comment 12: The DEIS should disclose any past discretionary approvals required to construct the 11-story building “The View” at 224 Richmond Terrace, and describe whether The View would still be compliant with the proposed zoning. (9)**

Response 12: The View was constructed as-of-right pursuant to underlying R6 zoning within the Special Hillside Preservation District. According to the information provided in EAS Attachment B, “Land Use, Zoning, and Public Policy,” EAS Attachment H, “Urban Design and Visual Resources,” and DEIS Chapter 1, “Project Description,” The View would not exceed the maximum building height of the proposed R7-3/C2-4 zoning district, nor would the Proposed Actions create any new non-compliance for The View regarding yard or lot coverage requirements (corner lots are permitted 100% lot coverage within 100 feet of an intersection). A comprehensive review of The View’s compliance with the proposed zoning district is beyond the scope of CEQR and not required by the *CEQR Technical Manual*.

**Comment 13: The DEIS should specify which elements of OneNYC, Housing New York, and North Shore 2030 that the River North project promotes. (9)**

Response 13: EAS Attachment B, “Land Use, Zoning, and Public Policy” analyzed the Proposed Actions’ consistency with public policies such as OneNYC 2050, Housing New York 2.0, and North Shore 2030. The EAS concluded the Proposed Actions do not have the potential to result in significant adverse impacts related to public policy.

**Comment 14: The view of the harbor is obstructed at the street level on Richmond Terrace along the wall of the incomplete NY Wheel parking garage. (9)**

Response 14: The Proposed Actions would not affect the NY Wheel site, which contains an existing parking garage along Richmond Terrace. According to the *CEQR Technical Manual*, a visual resource is the connection from the public realm to significant natural or built features, such as the waterfront. The Project Area is on the south side of Richmond Terrace, and the harbor is to the north of Richmond Terrace. Therefore, views from Richmond Terrace towards the harbor would not be impeded by the Proposed Actions. Views of the harbor from public realm locations along Richmond Terrace that were affected by the NY Wheel parking garage are outside the scope of the Proposed Actions.

**Comment 15: The DEIS gives no reason to permit R7-3 zoning in the entire Special St. George District and does not offer any evidence for the need to change the current zoning for the Special St. George District or to permit the attachment of the applicant's lots to the Special St. George District. (9)**

Response 15: The rationale for the Proposed Actions are described in DEIS Section 1.5, "Purpose and Need." As described in DEIS Section 1.2 "Proposed Actions," the Applicant proposes to map an R7-3 district only on the portion of Block 13 that is within 185 feet of Richmond Terrace and Stuyvesant Place. Block 12 would be rezoned from R6/C2-2 to a R6/C2-4 district within the Special St. George District. The Applicant does not propose to rezone the entirety of the Special St. George District to R7-3.

**Comment 16: The DEIS should explain why it is necessary to include other owners' properties in its application for rezoning. (9)**

Response 16: As described in FEIS Chapter 1, "Project Description," the proposed R7-3 zoning district boundaries encompass the Applicant-owned sites and the Richmond Terrace frontage of Block 13. These boundaries avoid a Block 12 carve-out from the surrounding Special St. George District. The 185-foot depth of the rezoning area is required to avoid split zoning lot conditions on the development sites. The proposed configuration is also needed to allow subdivision of Tentative Lot 95 from the Castleton Lot, so that Projected Development Site 1 can be one zoning lot and allow distribution of floor area across the three proposed buildings.

**Comment 17: The NY Wheel, the Empire Outlets, Lighthouse Point, and URBYP – which were supported by the NYC Economic Development Corporation (EDC) – remain unfinished, more than five years after their start dates. (9)**

Response 17: Comment noted.

**Comment 18: The DEIS should describe whether the RWCDs for Projected Development Site 2 would comply with the Special Hillside Preservation District height limits. (9)**

Response 18: As described in DEIS Section 1.2, the Proposed Actions would remove Projected Development Site 2 from the Special Hillside Preservation District. Accordingly, this development site would no longer be subject to the height provisions of this special purpose district. The DEIS assumed Projected Development Site 2 would be constructed pursuant to the proposed R7-3/C2-4 zoning in the Special St. George District to represent worst-case conditions.

**Comment 19: The DEIS states a 136-foot-tall building would be constructed on Projected Development Site 1 in the No-Action Condition. The DEIS should describe whether**

**Projected Development Site 1 would remain in an R6 district within the Special Hillside Preservation District in the No-Action Condition. (9)**

Response 19: The No-Action Condition is the projected condition that would occur in the absence of any discretionary actions, such as a rezoning or variance. Accordingly, in the No-Action Condition, Projected Development Site 1 would remain an R6 district within the Special Hillside Preservation District. As described in DEIS Section 1.6, “Analysis Framework,” Site B of Projected Development Site 1 would be developed pursuant to R6 height factor regulations in the No-Action Condition. The FEIS will clarify that this No-Action Condition would occur should the site be developed as-of-right under existing zoning.

**Comment 20: The DEIS should clarify whether the zoning map and zoning text amendments affect the entirety of the Special St. George District, and, if so, evaluate the effects to the entire Special St. George District. (9)**

Response 20: As described in DEIS Section 1.2, the rezoning to R7-3 would only pertain to the portion of Block 13 within 185 feet of Richmond Terrace and Stuyvesant Place, and that the zoning text amendments would affect the proposed R7-3 district within the Special St. George District. Therefore, the effects of the Proposed Actions would be limited to the Project Area. A further assessment is provided in EAS Attachment B “Land Use, Zoning, and Public Policy,” which utilized the methodology in the *CEQR Technical Manual* to delineate and assess the study area. The Land Use, Zoning, and Public Policy Study Area included the area within 400 feet of the Project Area, consistent with CEQR guidance. The EAS concluded that the Proposed Actions would not result in significant adverse land use, zoning, and public policy impacts.

**Comment 21: The focus for development should be on the remediation of the decades long identified issue: transportation both around the island, and to and from the island. (9)**

Response 21: The Proposed Actions are part of a private application, and remediating larger borough-wide transportation issues is beyond the scope of the Proposed Actions. As discussed in Chapter 5, “Transportation,” the Project Site is well positioned near public transit and the Applicant believes that a large percentage of tenants would use existing transit options in the vicinity such as the Staten Island Ferry, the buses accessible at the St. George Terminal, and the Staten Island Railway.

**Comment 22: The DEIS should consider whether the construction of the River North project would impact plans to develop the Bay Street Corridor. (9)**

Response 22: As described in EAS Attachment B, “Land Use, Zoning, and Public Policy,” the land use study area for the Proposed Actions is the area within 400 feet of the Project Area, which is consistent with CEQR guidance. The Proposed Actions are wholly independent of any Bay Street Corridor development, which is located more than one-half mile from the Project Area and wholly outside of the land use, zoning, and public policy study area for land use, zoning, and public policy for the Proposed Project. Accordingly, the Proposed Actions would have minimal effects on the plans to develop the Bay Street Corridor.

**Comment 23: A project pursuant to existing zoning would need hillside and other variances that would lead to affordability requirements. (61)**

Response 23: The authorizations and special permits available in the Special Hillside Preservation District would not increase the underlying residential zoning capacity of the Project Area, and therefore there would be no requirement to map the Project Area as a Mandatory Inclusionary Housing Area. Accordingly, as described in DEIS Chapter 1, “Project Description,” there would be no requirement to provide affordable housing with the



authorizations or special permits available for sites in the Special Hillides Preservation District.

### **Socioeconomic Conditions**

**Comment 24: The DEIS does not address the Special St. George District and should justify the Socioeconomic Conditions study area. (9)**

Response 24: As described in DEIS Section 2.3, the socioeconomic conditions study area was delineated in accordance with the methodology set forth in the *CEQR Technical Manual*. Per the manual, the Socioeconomic Conditions Study Area encompasses the 2010 Census Tracts with more than 50 percent of their area within 0.5 miles of the Project Area. The study area comprises tracts 3, 7, 9, and 11 at the northeastern point of Staten Island along the North Shore and Upper Bay, and includes the entirety of the Special St. George District.

**Comment 25: The DEIS should describe whether rent-protected units includes public housing units. (9)**

Response 25: DEIS Table 2-14 provides a quantitative summary of the protected rental housing types in the Socioeconomic Conditions Study Area, including the quantity of public housing units.

### **Community Facilities and Services**

#### ***Public Schools***

**Comment 26: The DEIS does not address the current overcrowding (128.6% capacity) in the local public high school. (9)**

Response 26: As described in EAS Attachment D “Community Facilities & Services,” fewer than 150 public high school students would be introduced by the Proposed Actions. The Proposed Actions would generate 66 public high school students (see EAS Table D-1). Per the *CEQR Technical Manual*, only projects that would generate 150 high school students or more warrant analysis. Therefore, the Proposed Actions do not warrant analysis and would not result in a significant adverse impact to public high schools.

**Comment 27: One of the adverse effects not addressed in DEIS is public school overcrowding. Neither the required pre-school or elementary school information is provided. No information on existing publicly funded early childhood programs within the area, as required by the *CEQR Technical Manual*, was provided. (9)**

Response 27: As described in EAS Attachment D, “Community Facilities & Services,” the Proposed Actions would not result in a significant adverse impact to public schools. Per the *CEQR Technical Manual* a significant adverse impact to public schools would occur if the proposed project would result in both: (1) a collective utilization rate of the elementary or middle schools that is equal to or greater than 100% in the With-Action Condition; and (2) an increase of five percentage points or more in the collective utilization rate between the No-Action and With-Action conditions. Elementary schools in the Department of Education’s Subdistrict 4 of Community School District 31 would operate at a utilization rate less than 100 percent (80%) in the With-Action Condition. Further, the Proposed Actions would not result in an increase in the elementary school utilization rate by more than five percent over the No-Action Condition (1.65%). According to the *CEQR Technical Manual*, an analysis of publicly funded childcare and head start facilities is warranted if an action would result in the introduction of 20 or more children under the age of six eligible for publicly funded childcare services. Based on the standard CEQR multipliers in Table 6-

1 of the *CEQR Technical Manual*, the Proposed Actions would generate 16 children under the age of six eligible for publicly funded childcare services; therefore, an analysis of pre-schools was not warranted and the Proposed Actions would not result in significant adverse impacts to publicly funded childcare services.

**Comment 28: The schools are overcrowded. (12, 52, 54, 57)**

Response 28: As described in EAS Attachment D, “Community Facilities & Services,” the Proposed Actions would not result in a significant adverse impact to public schools. EAS Table D-1 shows the Proposed Actions would generate up to 180 public elementary school students, 59 public intermediate students, and 66 public high school students. EAS Table D-6 shows both elementary and intermediate schools would operate below 100 percent capacity in the With-Action Condition.

### **Open Space**

**Comment 29: Retaining the site as existing conditions would retain the site’s passive open space. (9)**

Response 29: The development sites are privately owned, are not open to the public, and do not contain any passive open space resources. Per the *CEQR Technical Manual*, passive open space is recreational space that is open to the public. Therefore, the development sites currently contain no passive open space that could be removed or displaced. However, the Proposed Actions would introduce a new 0.18-acre privately owned passive space that would be open to the public. This publicly accessible open space would include bench seating and landscaping at the western corner of Stuyvesant Place and Hamilton Avenue, where no public passive recreational space exists today.

**Comment 30: Should the Open Space Study Area have included the Special St. George District? (9)**

Response 30: Consistent with the methodology set forth in the *CEQR Technical Manual*, the Open Space Study Area comprises of the 2010 Census Tracts that have more than 50 percent of their area within a 0.5-mile radius of the Project Area. The Study Area includes tracts 3, 7, 9, and 11, and includes the entirety of the Special St. George District.

**Comment 31: The Applicant’s statement of purpose and need does not justify the elimination of open space. (9)**

Response 31: The *CEQR Technical Manual* defines open space as “publicly or privately owned land that is publicly accessible and available for leisure, play, or sport, or is set aside for the protection or enhancement of the natural environment.” The Applicant’s site does not currently contain any open space resources, and is not set aside for the protection or enhancement of the natural environment. Therefore, as described in DEIS Chapter 3, “Open Space,” no publicly accessible open space would be eliminated as a result of the Proposed Actions. As described in DEIS Chapter 1, “Project Description,” with the Proposed Actions, a new 0.18-acre privately-owned, publicly accessible passive space would add a new publicly accessible passive open space resource at the western corner of Stuyvesant Place and Hamilton Avenue, where no public passive recreational space exists today. As described in FEIS Chapter 13, “Mitigation,” an additional 0.13-acre privately-owned publicly accessible active space would be created with adoption of the Proposed Actions.

**Comment 32: The Applicant seeks a zoning amendment that would reduce the requirement for developers of projects such as River North to provide a certain amount of open space. (9)**

Response 32: Per the NYC Zoning Resolution (ZR) Section 12-10, "open space is that part of a zoning lot, including courts or yards, which is open and unobstructed from its lowest level to the sky and is accessible to and usable by all persons occupying a dwelling unit or a rooming unit on the zoning lot." Zoning open space is not required to be accessible to the public. This differs from the CEQR definition (*CEQR Technical Manual* Chapter 7, Section 100), which requires open space to be open to the public on constant and regular basis. R7-3 districts require less (zoning) open space than R6 districts. The Proposed Actions would therefore reduce the required (zoning) open space only in the Block 13 portion of the Project Area, which would be rezoned from R6 to R7-3. Therefore, the Proposed Actions would not reduce the requirements to provide publicly accessible open space, and the Proposed Actions would increase the acreage of (CEQR) open space in the Study Area relative to the existing and No-Action conditions. The Proposed Development would comply with the underlying (zoning) open space requirements of the proposed R7-3 district.

**Comment 33: There will be no playgrounds. (12)**

Response 33: As shown in DEIS Figure 3-1 and DEIS Table 3-2, the open space study area contains at least five publicly accessible playgrounds, including Lt. Lia Playground approximately two blocks to the south of the Project Area. As described in Chapter 13, "Mitigation," of the FEIS, following publication of the DEIS in May 2021, the Applicant has identified Projected Development Site 1 as a potential location for a new 0.13-acre privately owned publicly accessible active recreation space. The construction and maintenance of this space would be the responsibility of the Applicant.

**Comment 34: There will no comfortable places to sit and talk. (12)**

Response 34: As described in DEIS Chapter 1, "Project Description," the Proposed Actions would introduce a 7,790-square-foot privately owned publicly accessible passive open space on Projected Development Site 1 that would contain passive recreational facilities such as seating and plantings. The Open Space Study Area also contains a variety of passive open spaces, including the North Shore Esplanade that is one block to the north of the Project Area and provides bench seating with sweeping views of Manhattan, Brooklyn, and the New York Harbor.

## Shadows

**Comment 35: The project will eliminate light that homeowners on Hamilton Avenue have. (27)**

Response 35: As shown in the figures in EAS Attachment F "Shadows," the proposed buildings would have the potential to cast shadows on 41 and 47 Hamilton Avenue in the morning hours around the July 21 (summer solstice) analysis day. However, these residences do not contain features defined by the *CEQR Technical Manual* as sunlight sensitive and shadows analysis of these sites is not warranted. Other residences along Hamilton Avenue would not receive project-generated shadows during the CEQR analysis periods.

## Historic and Cultural Resources

**Comment 36: In the 2008 EAS prepared for the Liberty Towers project, it was noted an archaeological investigation would be required prior to development. The DEIS should explain the archaeological-sensitivity of the site. (9)**

Response 36: As described in Attachment G “Historic and Cultural Resources” of the EAS, much of the Project Area has been disturbed by prior development. The Applicant consulted the NYC Landmarks Preservation Commission (LPC) to determine the potential for historic or cultural resources on the development sites. In response, LPC issued a letter on September 10, 2019 indicating that the development sites are not archaeologically sensitive and contain no architectural historic resources (see EAS Appendix F). Therefore, an archaeological investigation is not required.

**Comment 37: Because it was not included in the Applicant’s Study Area, there is no mention of the impact of the River North project on the St. George Historic District, Curtis High School, Staten Island Borough Hall, or Richmond County Courthouse in this DEIS. (9)**

Response 37: As described in EAS Attachment G “Historic and Cultural Resources,” the Historic and Cultural Resource Study Area contains the St. George/New Brighton Historic District, Curtis High School, the Staten Island Family Courthouse, and the 120 New York Police Department Precinct Station House. Following the methodology set forth in the *CEQR Technical Manual*, the analysis presented in EAS Attachment G concluded that the Proposed Development would not have an adverse impact on these or any historic and cultural resources. Additionally, EAS Attachments F “Shadows” and Attachment H “Urban Design and Visual Resources” found the Proposed Actions would not result in significant adverse shadows or urban design and visual resources impacts to any historic resources. The analyses were reviewed by LPC, who concurred with the finding of no significant adverse impacts. See EAS Appendix F.

## Urban Design and Visual Resources

**Comment 38: The project will eliminate views that the current homeowners on Hamilton Ave have. (27)**

Response 38: EAS Attachment H “Urban Design and Visual Resources” concluded that the Proposed Actions would not have significant adverse impacts on urban design and visual resources. Per CEQR, the alteration of private views are not considered significant. Building 1 has been designed to respond to its existing context – as described on EAS page H-11, it would be set back from Hamilton Avenue, consistent with other residences on the north side of the street on the block. Building 1 would incorporate a series of “step downs” toward Hamilton Avenue. The existing visual corridor along Hamilton Avenue toward Upper Bay would continue to remain in the With-Action Condition.

**Comment 39: The proposed towers would be tall enough to obstruct the views from Castleton Park Apartments. (7)**

Response 39: Comment noted. The obstruction of views from private residences is not a significant adverse impact per CEQR.

## Hazardous Materials

**Comment 40: The DEIS does not address whether the site has been tested for asbestos that naturally occurs in Serpentinite and which is possibly beneath the 15 feet of fill that was tested for other hazardous materials. (9)**

Response 40: According to DEIS Chapter 4, “Hazardous Materials,” soil samples from the Applicant’s site were tested in 2020 and in 2021. Results show that applicable asbestos standards were not exceeded. All personnel handling material that is potential asbestos containing will be certified as an Asbestos Handler by the New York City Department of Environmental Protection (DEP). To preclude the potential for significant adverse impacts from hazardous materials, an (E)-Designation will be mapped on the projected development sites. The (E)-Designation would require approval by the New York City Office of Environmental Remediation (OER) prior to the issuance of new permits from the NYC Buildings Department (DOB) that would entail soil disturbance. The requirements of the (E)-Designation must be satisfied in coordination with OER before each development site can be redeveloped and occupied. The Applicant’s site – Projected Development Site 1 – is enrolled in the Brownfield Cleanup Program. This site would be remediated with oversight from New York Department of Environmental Conservation, per the executed Brownfield Cleanup Agreement.

## Water and Sewer Infrastructure

**Comment 41: There are poor storm sewers. Infrastructure is insufficient/overloaded. (7, 12, 13, 14, 16, 43, 46, 49, 52, 53, 54)**

Response 41: EAS Attachment J “Water and Sewer Infrastructure” analyzed the effects of the Proposed Actions on stormwater and drainage and determined the Proposed Actions would not result in a significant adverse water and infrastructure impact. The analysis was reviewed by DCP as lead agency in consultation with the New York City Department of Environmental Protection (DEP), who agreed with the finding of no significant adverse impact on water and sewer infrastructure.

**Comment 42: There are two sewer treatment plants on Staten Island, both built for a life span of 35-45 years. Both have operated beyond their intended life span. (49) Our current Port Richmond Sewage Treatment Plant is old, and has inadequate capacity. It currently discharges millions of gallons of stormwater mixed with raw sewage into the Kill Van Kull during rainstorms. (8, 63)**

Response 42: EAS Attachment J “Water and Sewer Infrastructure” analyzed the effects of project-generated wastewater, which would be treated at the Port Richmond Wastewater Treatment Plant (WWTP). The EAS determined that the Port Richmond WWTP has an excess capacity and can accommodate the incremental flows without exceeding the WWTP’s current design capacity. The New York City Department of Environmental Protection – the agency responsible for New York City’s WWTPs – reviewed the analysis and determined the Proposed Actions would not result in a significant adverse water and sewer infrastructure impact.

**Comment 43: The Port Richmond STP that will serve this development additionally has combination overflow sent to it. (51)**

Response 43: Comment noted.

**Comment 44: The sewershed is a combined system and affects the environmental justice communities of St. George, New Brighton, West Brighton, Port Richmond, Elm Park, Mariner’s Harbor, and Stapleton. (8)**

Response 44: Comment noted. As described in EAS Attachment J, “Water and Sewer Infrastructure,” and the Executive Summary of the DEIS, the Proposed Project is within a combined sewer overflow drainage area, where all stormwater runoff is discharged directly to the Port Richmond Wastewater Treatment Plant (WWTP) drainage area. The Proposed Project is required to comply with stormwater detention requirements per Chapter 31 of Title 15 of the Rules of the City of New York, and would not have an adverse impact on stormwater infrastructure or treatment facilities around the Project Area.

## **Transportation**

### **Traffic**

**Comment 45: The three narrow streets that border River North - Stuyvesant Place, Hamilton Avenue, and Nicholas Street - are not equipped to handle the additional volume of vehicles that the River North project would generate. Staten Island has antiquated streets. (9, 44)**

Response 45: The *CEQR Technical Manual* states that intersection approaches that operate at Level of Service (LOS) A, B or C reflect clearly acceptable conditions. Based on the With-Action and mitigated conditions described in FEIS Chapter 5, “Transportation,” all approaches at the six study area intersections along Stuyvesant Place, Hamilton Avenue, and Nicholas Street would operate acceptably at either LOS A, B, or C, and are expected to accommodate the additional project-generated traffic volume, as shown in FEIS Table 5-13.

**Comment 46: Should the NY Wheel or any iteration of it be resurrected, the traffic along Richmond Terrace would increase exponentially. (9)**

Response 46: Comment noted. According to the latest publicly available information published about the NY Wheel in the *SI Advance*, construction at the NY Wheel has been halted.<sup>1</sup> Any future development associated with the NY Wheel would be beyond the analysis year of the Proposed Actions.

**Comment 47: Because of the essential vehicles located at the police precinct, Richmond Terrace frequently narrows to one lane of traffic traveling in the direction of the Staten Island Ferry Terminal/St. George. (9)**

Response 47: Illegally parked vehicles blocking a travel lane is an enforcement issue, and is not directly related to the CEQR analysis. Enforcement issues are beyond the scope of CEQR.

**Comment 48: The DEIS’s traffic analysis should add the expected traffic to and from the NYC Ferry, and the vehicular traffic of the North Shore Bus Rapid Transit (NS BRT) system. (9)**

Response 48: The traffic generated by the planned NYC Ferry landing at the foot of Wall Street was accounted for in the Future No-Action and With-Action conditions. The project generated ferry trips were estimated and presented in Table 5-5 of Chapter 5, “Transportation” in the FEIS. Ferry-walk trips to/from the ferry terminal were also included in the pedestrian assignments and analyses. The Metropolitan Transportation Authority’s NS BRT project is on hold and its completion timeframe is expected to be beyond the Proposed Actions’ 2025 analysis year. The environmental review for the NS BRT will be required to

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<sup>1</sup> Porpora, Tracey, “Exclusive: New York Wheel project is dead,” *SI Advance*, October 23, 2018. Accessed 19 August 2021. <https://www.silive.com/news/2018/10/exclusive-ny-wheel-project-wont-move-forward-say-eb-5-investors.html>

incorporate trips generated by the River North project to assess the future traffic conditions in the study area.

**Comment 49: Research has shown that the mitigation proposed by the Applicant not effective. There are already traffic lights at Richmond Terrace at Jersey Street, at Westervelt Avenue, and at Wall Street, and at the intersection of Victory Boulevard at Bay Street. There is a four way stop at Hamilton Avenue and St. Mark's Place. Traffic timing signals cannot reduce the volume of traffic on streets with limited capacity. (9)**

Response 49: Mitigation proposed in the DEIS has been reviewed and approved by the New York City Department of Transportation (NYCDOT). NYCDOT recently installed an All Way STOP Control (four-way STOP) at the intersection of Hamilton Avenue and St. Marks Place. The analysis in the FEIS reflects this recent change. Although the traffic signal retiming does not reduce the traffic volumes, signal timing provides additional green time to the intersection approaches experiencing increased traffic volumes to improve service conditions.

**Comment 50: The project will increase traffic across the Island's bridges. (44)**

Response 50: The DEIS traffic analysis was completed per CEQR guidance and in coordination with NYCDOT. The analysis determined detailed traffic analysis was not warranted near the approaches to any bridges.

**Comment 51: What needs to be commissioned is a study for modern transportation facilities and reworking the roadways with proper signage and parking regulations so the traffic can freely flow and alleviate congestion that is an everyday occurrence. (35)**

Response 51: Comment noted. Such a study is beyond the scope of the Proposed Actions and CEQR.

### ***Transit***

**Comment 52: Our public transportation does not support the proposed project. (43)**

Response 52: As shown on DEIS Page 5-3, the Project Area is well served by over 20 NYCT/MTA bus lines. The Proposed Actions would generate a volume of transit trips that would be below the CEQR threshold that would warrant conducting detailed analyses of transit conditions. Therefore, the Proposed Actions would not result in a significant adverse transit impact.

### ***Parking***

**Comment 53: The MTA's NS BRT will require the elimination of 200 more parking spaces along Richmond Terrace, in front of the applicant's property, from Nicholas Street to the Staten Island Ferry. (9)**

Response 53: See Response 47 regarding the NS BRT.

**Comment 54: The NY Wheel's parking garage appears to be closed. How does this figure into the applicant's DEIS on the subject of parking spaces available in the vicinity? (9)**

Response 54: The existing parking conditions were surveyed in October 2019 when the NY Wheel's parking garage were opened (see Table 5-20 in FEIS Chapter 5, "Transportation"). It is assumed that the current garage closure is temporary and it will reopen in the future.

**Comment 55: Construction is planned to remove another current parking lot site in St. George at 315-325 St. Marks Place (at the corner of Hyatt Street). How does this figure into the DEIS on the subject of parking spaces? (9)**

Response 55: Records from DOB indicate there have been no applications for a new building at this site under current ownership. Accordingly, there is not sufficient evidence to assume 315-325 St. Marks Place would have a change of use and the assumption is that it would continue to operate as a public parking facility through the 2025 build year. EAS Appendix E listed the “No-Build projects” (developments that would be constructed independent of the Proposed Actions by the 2025 analysis year) within the 2010 Census Tracts that have at least 50 percent of their area within one-half mile of the Project Area. The No-Build list was developed in consultation with the DCP.

**Comment 56: Would the parking within River North complex be free to tenants? (9)**

Response 56: Cost of parking is outside of the scope of the DEIS.

**Comment 57: Between the high schools, police precinct, courts and already established buildings it is very difficult to park. There is not enough parking. (7, 14, 27, 47, 52, 54, 57, 60, 62, 63)**

Response 57: As described in DEIS Table 5-26, there would continue to be a surplus of over 450 parking spaces in the quarter-mile Parking Study Area in the With-Action Condition.

## **Air Quality**

### ***Mobile Source Emissions (Intersection)***

**Comment 58: An all-way stop at the intersection of Hamilton Avenue and St. Marks Place would not mitigate emissions. (9)**

Response 58: The concentration of air pollutants from mobile sources is primarily a function of vehicle types, volumes, and delay times. NYCDOT recently installed an All Way STOP Control (four-way STOP) at the intersection of Hamilton Avenue and St. Marks Place. Mobile air quality emissions at this intersection with the All Way STOP have been analyzed in the FEIS. As described in FEIS Table 6-3, the resulting concentrations would not exceed CEQR impact criteria.

## **Public Health**

**Comment 59: Based on the many unmitigated adverse impacts, including air quality, noise, open space, etc., the omission of any analyses of the effect of dust, and the questionable boundaries of the Study Area with almost 50% water bodies, should the topic of impact on public health be explored in the DEIS? (9)**

Response 59: As described in Section 200 of the *CEQR Technical Manual* Chapter 20, “Public Health,” a public health assessment is appropriate “when other CEQR analyses identify significant unmitigated adverse impacts” in the areas of hazardous materials, water quality, air quality, and noise. The Proposed Actions would not result in unmitigated significant adverse impacts in the CEQR areas of hazardous materials, water quality, air quality, or noise. As described in DEIS Chapter 11, “Construction,” temporary construction noise levels at the representative receptor locations would not exceed 85 dBA, the noise-level beyond which there is the potential for public health effects from prolonged exposure to high noise levels. The DEIS evaluated worst-case noise conditions generated during the temporary construction period. Over the No-Action Condition, the Proposed Actions



would map E-Designations for hazardous materials, air quality, and noise that would provide oversight by OER before and during construction. In the No-Action Condition, these protections would not be provided; therefore, public health conditions would be improved with the Proposed Actions. Similarly, the Applicant's commitment to emission-reduction measures during construction would ensure there is no significant adverse air quality impact during construction. Per the *CEQR Technical Manual*, an unmitigated significant adverse open space impact does not have the potential to result in a significant adverse public health impact.

## Neighborhood Character

**Comment 60: The Applicant is requesting permission to construct the two tallest buildings ever on Staten Island. The Applicant is requesting a change in zoning to the Special St. George District, and removal of the restrictions of the Special Hillside Preservation District designation that are designed to preserve the natural hillside character of the property and introduced by NYC DCP in 1987. (9)**

Response 60: As described in DEIS Chapter 10, "Neighborhood Character," there would be no unmitigated impacts within the (400-foot) Neighborhood Character Study Area in the CEQR technical areas that contribute to neighborhood character (Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Open Space; Historic and Cultural Resources; Urban Design and Visual Resources; Shadows; Transportation; or Noise). The Proposed Project would involve the development of a variety of buildings with setbacks and design details that would respect the hillside and provide visual interest in the Special St. George District.

**Comment 61: To-date, no down- or mid-hill construction east of Hamilton Avenue has been taller than the neighboring one- and two-family houses. The scale and civic style of architecture is way out of scale from the residential one and two-family houses that have been the only constructions on this hillside block in its history. (7, 62)**

Response 61: As described in DEIS Chapter 10, "Neighborhood Character," the project-generated development would be similar to the surrounding land uses and would provide mixed-use development with active street frontage along Richmond Terrace. The Proposed Actions would facilitate the development of a variety of building setbacks and design details that would respect the hillside and provide visual interest in the Special St. George District, and at a similar elevation to other buildings on the project block.

**Comment 62: This zoning change, and subsequent development, will totally change the atmosphere of the neighborhood. These high-rise, 26-story buildings do not fit into the character of the community. (52, 59, 62)**

Response 62: As described in EAS Attachment H "Urban Design and Visual Resources" and DEIS Chapter 10, "Neighborhood Character," the Proposed Actions would allow up to four buildings ranging from 11 to 26 stories. The Project Area is downslope from the Castleton Park Apartments, which are two 20-story residential buildings. Proposed Building 1 would be up to six stories taller than the Castleton Park Apartments; however, because the Castleton Park Apartments are at a higher elevation than the Project Area, the roof height of the tallest proposed building (Building 1) would be approximately one foot above the bulkhead elevation of Castleton Park Apartments' south tower. The Castleton Park Apartments would continue to be some of the highest buildings on the St. George skyline. The project block includes a mix of taller multi-family apartment buildings (Castleton Park Apartments), detached one- and two-family residences up to three stories in height, and

a mixed-use multi-family residential building with ground floor retail (The View). Accordingly, the urban design and visual resource analysis found that the proposed buildings would be of similar height and use to other buildings on the project block and, therefore, Proposed Actions would not rise to the level of a significant adverse neighborhood character impact.

## **Construction**

**Comment 63: The DEIS should provide a rationale for the 4-year construction period analyzed. (9)**

Response 63: The anticipated construction timeline is discussed in DEIS Chapter 11, "Construction," which describes the anticipated timeline for each stage of construction. The Applicant's anticipated construction timeline is shown in DEIS Table 11-2.

**Comment 64: The US Army Corps will be performing blasting and excavation for shipping channel deepening in the Kill Van Kull during the same proposed construction timeframe – if this noise is considered, noise will be constant and unbearable. (8)**

Response 64: There is no dredging being conducted in connection with the Proposed Actions. Dredging in the Kill Van Kull is being conducted by the US Army Corps of Engineers independent of the Proposed Actions. The Kill Van Kull is at least 500 feet away from the Project Area at its nearest point. The portion of the kill that would be dredged would be even farther away from other upland receptors such as the Castleton Park Apartments. An analysis of the effects from dredging the Kill Van Kull are beyond the scope of the Proposed Actions. With respect to the Proposed Actions, as discussed in DEIS Chapter 11, "Construction," under worst case conditions, project-generated construction noise would have potential to result in a temporary significant adverse noise impact. The DEIS examined worst-case hourly noise levels that would result from construction in each analyzed quarter and represents the worst-case increase in noise levels from project-generated construction activities. Typically, the loudest hourly noise level during each quarter of construction would not persist throughout the entire quarter, and would be dependent on the specific construction equipment employed for various construction tasks. The DEIS found the resulting noise levels at the nearby sensitive receptors are not expected to exceed a noise level of 85 dBA, the noise level cited in the *CEQR Technical Manual* that would have the potential to result in public health concerns from prolonged exposure. The actual construction-generated noise would be of less magnitude, in which case construction noise would be less intense than predicted.

## **Transportation**

### *Traffic*

**Comment 65: Is there an estimate of the increased number of cement trucks and steel girder transports that will be required for this over-sized construction project and that will travel along Richmond Terrace during the 4+ years of construction? (9)**

Response 65: As described in DEIS Table 11-3, construction activities for the Proposed Development would generate an average of 37 trucks (21 trucks when excluding pickup trucks, which are not classified as heavy duty vehicles) per day over the projected 30-month (10-quarter) construction period.

**Comment 66: The 4+-year construction period will increase congestion and interfere with the route of the proposed NS BRT along Richmond Terrace. (9)**

Response 66: The Metropolitan Transportation Authority's NS BRT project is on hold and its completion timeframe is expected to be beyond the DEIS's 2025 analysis year. The DEIS and FEIS include an analysis of projected worst-case traffic conditions during the construction period. Assumptions about the parameters of future and separate environmental reviews is beyond the scope of the environmental review for the Proposed Actions.

**Comment 67: How will the NS BRT system, now slated to exit onto Richmond Terrace at Nicholas Street past the proposed construction site be affected by the 4+ years construction plan? (9)**

Response 67: The NS BRT is on-hold and is anticipated to be constructed after the analysis year of the Proposed Actions, and therefore is not included in the construction analysis.

**Comment 68: How will the construction period of 4+ years affect the buses that travel along roads near the construction site? (9)**

Response 68: The existing bus stops near the development sites (Projected Development Sites 1 and 2) will not be affected by the planned sidewalk and parking lane construction-related temporary closures. No vehicular travel lanes are anticipated to be narrowed during the construction period. There are six New York City Transit bus routes that operate near the Project Area, including the S40, S42, S44, S52, S90 and S94. Temporary construction-related closures may occasionally be required depending on the construction phase, and these would be regulated by Work Zone Traffic Control Plans (WZTCP). A WZTCP for each development site in the Project Area would be reviewed and approved by NYCDOT's Office of Construction Mitigation and Coordination (OCMC) prior to the start of construction.

*Parking*

**Comment 69: The parking during construction of this monstrosity will likely erupt into fistfights. (27)**

Response 69: As shown on DEIS Page 11-4, the Proposed Actions would not result in a potential public parking shortfall during construction. Parking facilities within one-quarter mile of the Project Site would operate at approximately 82 percent utilization. Per DEIS page 11-27, the project-generated construction is projected to generate a maximum parking demand of approximately 260 spaces during the weekday midday period.

**Comment 70: The overnight shortfall of 66 parking spaces creates a hardship for the mobility impaired. (8)**

Response 70: The DEIS found that the parking shortfall of approximately 66 spaces during the overnight period would be accommodated at the public parking facilities within ¼-mile of the Project Site. The parking analysis found that even with the additional demand generated by the Proposed Project, the off-site public parking facilities would operate at 68, 82, 69, 60, 71, and 62 percent utilization, with 823, 468, 786, 1,021, 753, and 979 available parking spaces during the weekday morning, weekday midday, weekday evening, weekday overnight, Saturday midday and Saturday overnight time periods, respectively. In addition, the proposed buildings would be constructed in accordance with the New York City Building Code, which requires some parking spaces to be accessible to the mobility impaired.

### ***Air Quality***

**Comment 71: Who or what on-site agency is designated to pro-actively enforce the Applicant's air quality mitigations? (9)**

Response 71: Construction-related mitigations will be memorialized in a Restrictive Declaration associated with approval of the Proposed Actions. As Lead Agency, DCP will be the agency overseeing the mitigation prescribed in the Restrictive Declaration, which will include the requirement of a third-party independent contractor to monitor construction and affirm that the mitigations have been implemented. As part of the oversight, the independent contractor will regularly report to DCP on the Applicant's compliance with the required mitigations. While the contractor would report directly to DCP, the cost for this oversight during the construction period would be borne in full by the Applicant.

**Comment 72: Nothing addresses the possible adverse effects of asbestos dust released into the air during the 4+ years that would disrupt a 13,000 square feet area of the Special Hillside Preservation District to a depth of 30 feet. (9)**

Response 72: As described in DEIS Chapter 11, "Construction," the projected development sites would have an (E)-Designation that would require oversight for hazardous materials by the Mayor's Office of Environmental Remediation (OER), thereby precluding the potential for significant adverse hazardous materials impacts during construction. In the No-Action Condition, this oversight would not be provided for new construction because there would be no (E)-Designation. Therefore, the Proposed Actions would have less potential to result in significant adverse construction impacts from hazardous materials than the No-Action Condition. In New York City, building owners are responsible for having an asbestos survey performed by a DEP-certified asbestos investigator to determine if asbestos-containing materials (ACM) may be disturbed during the course of work on their building. All work must comply with the provisions of the Asbestos Rules and Regulations in Title 15, Chapter 1 of the Rules of the City of New York.

**Comment 73: The DEIS should provide a statement as to how dust from the construction would or would not adversely affect air quality or how it would be contained. (9)**

Response 73: DEIS Chapter 11, "Construction" included a quantitative assessment of particulate matter less than 2.5  $\mu\text{m}$  ( $\text{PM}_{2.5}$ ), which includes dust.  $\text{PM}_{2.5}$  concentrations from the peak construction periods were less than the *de minimis* thresholds. Therefore, particulate emissions from construction activities would not result in adverse air quality impacts. Particulate emissions from the construction site will be controlled by implementing "Chapter 13 of Title 15 of the Rules of the City of New York, Rules Pertaining to the Prevention of the Emission of Dust from Construction Related Activities", which include dust suppression measures such as wetting material and haul routes to control the amount of airborne dust, minimizing on-site travel speeds, and covering material when transported by truck.

### ***Greenhouse Gas Emissions and Climate Change***

**Comment 74: The project-generated 14,281 metric tons of CO will have significant adverse effects on St. George. (8)**

Response 74: As described in DEIS Chapter 7, "Greenhouse Gas Emissions and Climate Change," the 14,281 metric tons of  $\text{CO}_2$ -equivalent emissions represents a worst-case scenario, and would be less than 0.028 percent of the City's overall 2017 GHG emissions based on the latest available data. Additionally, the DEIS found that the Proposed Actions would advance New York City's GHG reduction goals because the Project Area is in a downtown

urban area with access to a variety of transit options and within walking distance of ferry, bus, and rail connections available at St. George Terminal. Project-generated development would be required to comply with local laws intended to reduce the GHG emissions such as Local Law 22 of 2008 (known as the New York City Climate Protection Act), Local Law 66 of 2014 (“80 x 50”), and Local Law 97 of 2019. The new buildings would be subject to the New York City Energy Conservation Code (NYCECC), which was updated in 2020 to be one of the highest energy efficient standards nationwide for sustainability and efficiency.

### **Noise**

**Comment 75: The DEIS should consider the effects of construction noise at Curtis High School, McKee High School, and Harbor View (PS 59). (9)**

Response 75: The DEIS considered the likely worst-case construction noise conditions that would result at nearby sensitive receptors. The Project Area is at the base of a slope, and direct sightlines to many receptors in the area are interrupted by existing intervening buildings. The DEIS evaluated noise conditions at buildings that interrupt direct sightlines from the development sites to McKee High School and Harbor View (PS 59). Such buildings include 51 Wall Street and 250 Richmond Terrace. The noise conditions at these intervening buildings would not exceed CEQR construction noise impact criteria, and therefore project-generated construction would not result in significant adverse construction noise impacts to McKee High School or PS 59, which are farther from the development sites and behind these intervening buildings. Curtis High School was not considered a receptor because the Castleton Park Apartments (and parking garage) are intervening buildings. Curtis High School is more than 400 feet from the Applicant’s site. Because of the Castleton Park Apartments, there are no direct sightlines from Curtis High School to the ground level of the Applicant’s site.

### **Mitigation**

#### **Noise**

**Comment 76: An all-way stop at the intersection of Hamilton Avenue and St. Marks Place would not mitigate noise emissions. (9)**

Response 76: Per the *CEQR Technical Manual*, a detailed noise analysis is typically required if a proposed project would increase the passenger-car-equivalents by 100 percent or more (equivalent to a noise increase of 3 dBA or more) during the worst-case peak hour at any intersection. The Proposed Actions would not cause a doubling of passenger-car-equivalents during any peak hour at this intersection, and therefore would not increase the ambient noise conditions by more than 3 dBA. Therefore, the Proposed Actions would not have the potential to result in a significant adverse noise impact at the intersection of St. Marks Place.

**Comment 77: Who or what on-site agency is designated to pro-actively enforce the applicant’s noise mitigations? Alternatively, will area residents be required to purchase their own decibel monitors and reactively report violations to the appropriate authority? (9)**

Response 77: See above Response 68 regarding the enforcement of the air quality mitigations. As described in FEIS Chapter 13, “Mitigation,” these same enforcement measures would apply to the identified construction noise mitigations, and include a restrictive declaration tied to the Applicant’s site and the appointment of an independent construction monitor.

The effects of project-generated noise construction would be temporary, and residents near the construction areas will not be required to purchase their own decibel monitors.

### **DEIS Appendix A – Architectural Drawings**

**Comment 78: The building at 36 Hamilton Avenue has 120 apartments. Its parking garage beneath the building already has its entry and egress onto Hamilton Avenue nearly opposite River North. (9)**

Response 78: Comment noted.