

27 Response to Comments

Introduction

This document summarizes and responds to substantive comments received on the DEIS that was issued on May 3, 2019, for the Bronx Special Natural Area District Update.

DCP received oral and written comments during two public hearings at 120 Broadway, New York, NY 10271 on August 14 and August 28, 2019. An EIS hearing is required under CEQR and was held in conjunction with the CPC's City-wide public hearing pursuant to ULURP. The public hearings also considered a modification to the Proposed Actions (ULURP No. N 190430 (A) ZRY). Written comments were accepted through the close of the public comment period, which ended at 5:00 PM on September 9, 2019.

Section 2 lists the organizations and individuals that submitted comments on the DEIS, and Section 3 summarizes relevant comments and provides a response to each. Comments that are closely related or similar to other comments are grouped together, and a single response is provided. Although verbatim language from the comments is not typically provided, all comments reflect, as accurately as possible, the original comment(s).

Appendix 9 contains all letters and comments, including oral and written comments received at the DEIS public hearings. All substantive comments were assigned a code, and the names of the commenters and the comment numbers are provided after each comment. Comments are coded by last name and identified in brackets at the end of each comment. For example, comments from Stephanie Coggins are coded "Coggins 1; Coggins 2," etc. Note that, in some cases, commenters submitted multiple comment documents and/or provided both written and oral comments. In these instances, the comment emails and/or letters have been grouped by commenter in Appendix 9, and individual comments have been numbered consecutively. Also note that in a few cases, comment numbering starts after number 1 in the public hearing transcripts contained in Appendix 9. This is to account for instances

where the speaker also submitted comments via email and/or letter that differ from the oral testimony. In instances where multiple commenters had the same last name, the first initial was used to differentiate. For example, Jim and Melanie Wacker were coded as “J- Wacker” and “M-Wacker,” respectively.

List of Organizations and Individuals that Commented on the Draft Environmental Impact Statement

Commenters whose substantive comments are addressed herein are listed below, organized alphabetically by last name.

Elected Officials and Government Agencies

- Cochran, Charles, NYC Parks, oral and written testimony from public hearing, 8/14/19
- Cohen, Andrew, Council Member, oral testimony at public hearing, 8/14/19
- DeFoe, Werner, DOB Bronx Borough Commissioner, oral testimony at public hearing, 8/14/19
- Malliotakis, Nicole, Member of Assembly 64th District, letter, 6/3/19

Organizations

- Colon, Judy and Tony Thoman, Friends of Spuyten Duyvil, email, oral and written testimony from public hearing, 6/27/19, 8/28/19
- Dulong, Michael P, Riverkeeper, letter, 1/14/19
- Fanuzzi, Robert and Karen Argenti, Bronx Council for Environmental Quality (BCEQ), email, oral and written testimony from public hearing, letter, 8/27/19, 8/28/19, 9/9/19
- Forgione, Helen, Natural Areas Conservancy, oral and written testimony from public hearing, 8/14/19
- Freda, Antonio, Bronx Chapter of the American Institute of Architects (AIA Bronx Chapter), letter, 6/26/19
- Hebrew Home for the Aged, letter, 8/16/19
- Paulson, Sherida, Riverdale Nature Preservancy, letter and oral testimony at public hearing, 6/27/19, 8/14/19
- Rusk, John, Fieldston Property Owners' Association (FPOA), email, 8/28/19

Interested Public¹

- Adler, Mitchell, email, 7/18/19
- Arnoldi, Katherine, online, 8/5/19

¹ Note that online refers to comments submitted online via DCP's website (<https://www1.nyc.gov/site/planning/applicants/eis-documents.page>)

- Bagwell, Patricia, online and email, 8/6/19, 8/27/19
- Barbanel, Emelia, online, 8/14/19
- Bautista, Carlos, online and email, 8/12/19, 8/27/19
- Beatty, Vander, online and email, 8/8/19, 8/28/19
- Benfatti, John, email, 7/16/19, 8/28/19
- Blumenthal, Barbara, email, 7/18/19
- Bochar, Ronald, email, 8/27/19
- Brunswick, Lynne, email, 7/19/19
- Bugatti, Vittorio, email, 8/27/19
- Burke, Deirdre, email, 8/27/19
- Caplan, Paula Luria, online, 8/17/19
- Cassidy-Geiger, Maureen, email, 7/17/19
- Catala, John, email, 8/28/19
- Chaves, Amelia, email, 8/27/19
- Coggins, Stephanie and Sura Jeselsohn, online, 8/8/19
- Coggins, Stephanie, email, online and oral testimony at public hearing, 7/16/19, 8/5/19, 8/14/19, 8/25/19, 8/27/19
- Cohen, Henriette and Martin V, email, 8/27/19
- Connor, Beth, email and online, 7/18/19, 8/14/19
- Cooper, Judith, email, 7/17/19, 8/27/19
- Corber, Suzanne, email, 8/27/19
- Cordero, Loidian, email, 8/31/19
- Dodell, Sue Ellen, email, 8/27/19, 8/28/19
- Dover, Caitlin, email, 9/8/19
- Dwyer, Frank, online and email, 8/6/19, 8/27/19
- Entwistle, Karen, email, 7/23/19
- Hainey-Farbman, J, email, 8/28/19
- Farrell, Kevin, online, 8/15/19
- Fass, Robert and Linda Hirlehey, email, 7/29/19
- Fletcher, Judy, email, 7/18/19, 8/28/19
- Friedman, Mitchell, email, 8/28/19
- Gaffney, Bridget, email, 7/17/19
- Geiger, Maureen, online, 8/7/19
- Gelfand, Steve, email, 8/27/19
- Gelerter, Linda, email, 8/28/19
- Goldblum, Michael, oral testimony at public hearing, 8/14/19
- Goldner, Lynn, email, 7/19/19
- Goldstein, Wendy and Richard, email, 8/27/19
- Gomez, Miriam, email, 8/27/19
- Guez, Bat-Sheva, email and online, 6/26/19, 8/14/19, 9/3/19
- Guzik, Jerry, online, 8/9/19
- Haiman, Sandra, email, 8/28/19
- Haimowitz, Lewis, email, 8/27/19
- Hannon, Teresa C., email, 8/28/19
- Hartley, Linda, online, 8/10/19

- Haven, Shelley, email, 8/27/19
- Havens, Renee and Mark, email, 8/28/19
- Henoah, Avraham, email, 7/17/19, 9/2/19
- Herbst, Abbe, email, 8/27/19
- Hyman, Helen and Avrum, email and online, 7/21/19, 8/6/19, 8/27/19
- Inzlicht, Raphael, email, 8/6/19
- Ivanov, Alexander and Yulia, email, 6/25/19
- Jacobs, Bruce, oral testimony at public hearing, 8/28/19
- Jaffei, email, 8/28/19
- Janie, email, 7/19/19
- Jeselsohn, Sura, online, email and oral testimony at public hearing, 8/6/19, 8/14/19, 8/28/19
- Karabalaev, Aidar, email, 8/31/19
- Keaveney, Christine, email, 9/1/19
- Kepecs, Gilbert, email, 8/27/19
- Kinetz, Elizabeth, email, 6/27/19, 8/28/19
- Kline, Amy, online and email, 8/7/19, 8/28/19
- Kline, Patrick, email, 8/28/19
- Koppell, Olivia, email, 7/19/19
- Kranz, Patricia, email, 8/6/19
- Lambert, Debbie, online, 8/25/19
- Lesser, Gerson, email, 8/28/19
- Letelier, Ada N., email, 9/3/19
- Levenberg-Engel, Mr. and Mrs., email, 8/28/19
- Low-Beer, John, email, 8/27/19
- Manley, Charles, email, 8/27/19
- Meister, Matthew, online, 8/7/19
- McKiernan, Joan, email, 8/28/19
- McMaster, Tara, two emails, 8/27/19
- Michael, Phil, oral testimony at public hearing, 8/14/19
- Michel, Lee, email, 8/28/19
- Minkoff-Grey, Judith, email, 8/28/19
- Mirfendereski, Shadi, email, 8/27/19
- Mittman, Aaron, email, 7/23/19, 8/28/19
- Moretti, Carol, email, 8/27/19
- Mustelier, Enrique, online and email, 8/12/19, 8/27/19
- Nadel, Meryl, email, 9/3/19
- Niles, Nancy, email, 8/29/19
- O'Brien, Catherine, email, 8/27/19
- Orr, Calder, email, 8/28/19
- Padurano, Dominique, online, 8/9/19
- Pappas, Claude, online, 8/26/19
- Peters, Debbie, email, 8/28/19
- Riecks, Kathryn, email, 8/28/19
- Ringel, Katie, email, 8/28/19

- Rizzo, Christopher, letter and oral testimony at public hearing, 6/4/18, 8/28/19
- Schorsch, Gail, email, 8/29/19
- Segui, Myra, email, 8/28/19
- Septoff, Alan, email, 7/20/19
- Shashou, Dovelet, email, 8/27/19
- Silberstein, Beth, email, 7/19/19
- Silverman, Maryanne, email, 8/27/19
- Solomon, Greg, email, 6/27/19, 8/20/19
- Spalter, Laura, oral testimony at public hearing, 8/14/19
- Spalter, Rob, email, 8/27/19
- Thoman, Anthony, email, 8/28/19
- Trambert, Jonathan, email, 8/27/19
- Turov, Matthew, email, 8/27/19
- Unknown, email, 7/19/19
- Wacker, Jim, online, 8/7/19
- Wacker, Melanie, online, 8/7/19
- Walsh, Connie, email, 8/28/19
- Wolfe, Susan, email, 6/27/19
- Zahm, David, email, 7/19/19
- Zablauskas, Richard, email, 8/27/19
- Zablauskas, Michael, email, 8/27/19

Comments and Responses on the Draft Environmental Impact Statement

Process

Comment 1: Commenters noted that CB 8 was not provided with an adequate opportunity or sufficient time to review the proposed zoning changes and that there was a general lack of public engagement. Commenters felt that CB 8 was required to vote on an incomplete proposal, and that the process was undemocratic. They indicated that Staten Island communities were removed from the proposal, and so the Bronx communities should also be removed.

Some commenters noted that the ULURP process should be started anew for the Bronx, because the current situation violates the spirit of the City Charter. The charter lays out proper procedure to ensure that established entities within city governments have review and say in the land use process, and also states that community boards do not meet in July and August. CB 8 received the provided revised zoning text from DCP on 7/31/19, which was after the 60-day time period for CB recommendations had ended on 7/6/19. Accordingly, some commenters believe that an undemocratic process was followed.

One commenter reported that there was a good turnout at the 7/3/19 CB 8 public hearing, but no members of the community or organizations spoke in favor of the proposal.

Commenters have requested that a new ULURP process be started for Bronx to allow the community and the CB to properly participate in the process.

[Beatty 1; Coggins 2, 6, 7; Coggins and Jeselsohn 1; Dwyer 1; Hyman 1, 2; Ivanov 1; Silberstein 1; M-Wacker 1; Malliotakis 2; Padurano 1; Mustelier 1; Connor 2; Barbanel 1; Guez 5; Solomon 1; Friends of Spuyten Duyvil 1; Jeselsohn 2, 3; L-Spalter 1, 2]

Response: The initial proposed text and zoning map amendments sought to update the regulations in both the Staten Island and Bronx sections of the present SNAD, Special Hillside Preservation District, and Special South Richmond Development District. This initial proposal, which was extensively discussed with the affected communities in Staten Island and the Bronx, was subject to the ULURP and formally certified on May 6, 2019. The affected community boards then had 60 days to review the initial proposal. On June 10, 2019, DCP withdrew the proposal for Staten Island in response to concerns raised by the community boards in Staten Island and request by the Bronx community that the changes to the Bronx section of SNAD be a standalone proposal. The modifications to the initial proposal reflected the removal of Staten Island applicability in the proposed zoning text and only involved one substantive change regarding the Bronx, which was made in response to the comments received by the Bronx community. The modified zoning text was made available on July 10, 2019, before the Bronx Borough President public hearing. To ensure Bronx CB8 and other elected officials had a formal opportunity to review and comment on the modified proposal, DCP filed an amended text (ULURP No. N190430(A) ZRY) on July 29, 2019, in advance of CPC's public hearing. In addition, an opportunity was provided to the CB 8 working group to go through the changes. CPC's public hearing pursuant to ULURP was held on August 14, 2019, and considered both the original text amendment and the modified text amendment, as well as the DEIS. At the public hearing held on August 14, 2019, CPC extended the hearing until August 28, 2019, in response to comments that additional time was needed to review the modified proposal. Accordingly, the comment period for the DEIS remained open for 10 days following the close of the public hearing, or through September 9, 2019. As such, there was extensive community outreach and review of both initial and amended proposals.

Comment 2: Commenters commended the Bronx Office of DCP for its vision and effort in updating and modernizing SNAD regulations. However, they believe that more time is needed to allow DCP to work with CB 8 to revise the current proposal. Therefore, they requested that the application be withdrawn, and DCP reconsider moving forward once

the proposal is rewritten with appropriate corrections and updated with necessary input from CB 8.

[AIA Bronx Chapter 1; Riverdale Nature Preservancy 1, 2]

Others indicated that they do not support the current proposed zoning changes but also recognize that CB 8 is frustrated with some development that is occurring under existing SNAD regulations (e.g., “not working the way we thought it would work”). They expressed appreciation that the DCP Bronx Borough office has worked closely with the Land Use Division of the City Council but feel that changes to the current proposal are required to build community consensus and community support for the Proposed Actions.

[A-Cohen 1, 2, 7, 9]

Response: Comments noted. The DCP Bronx Office conducted significant public outreach prior to the start of public review. There were 10 meetings with the Bronx Working Group, which consisted of practitioners, residents, institutions and community groups, to gain consensus on the framework for the proposal. The Bronx Office met with the CB 8 working group seven times to ensure the community board understood the proposal and framework and held seven public meetings to provide the community residents with information on the proposal and build consensus. Withdrawal of Staten Island from the proposal occurred after the CB 8 public hearing. The change to the proposal did not substantially change the regulations that were proposed within CB 8. Additionally, the withdrawal of Staten Island met one of the main requests from the community to separate Staten Island from the Bronx.

Proposed Actions

Purpose and Need

Comment 3: Commenters stated that there is no need for DCP to streamline the approval process because only a small number of applications are filed in the Bronx each year (on average, fewer than 10 applications per year).

[FPOA 1; Havens 1; Friends of Spuyten Duyvil 3]

Response: Pursuant to the goals and objectives, the proposal not only seeks to streamline the approval process, but to create a clear framework for more predictable and better environmental outcomes, while focusing discretionary approval processes on larger and more sensitive sites where discretionary action can improve environmental outcomes.

Another goal of the proposal is to remove unnecessary burdens on homeowners, while maintaining neighborhood character and the goals of the special district with clear, strict regulations. The burden on homeowners was evident from the testimony that the DCP process can sometimes involve more time and costs than the minor additions themselves.

Comment 4: Comments were received requesting changes to SNAD framework due to the financial burden it places on land owners.

[Adler 1; Unknown 1; Goldblum 1]

Response: Comments noted. See responses to comments 3 and 27 regarding the purpose and need for the Proposed Actions.

Comment 5: Commenters noted that with the removal of Staten Island, the Proposed Actions would affect 1.9 percent of the properties that would have been affected under the initial proposal analyzed in the EIS. In addition, the sizes and uses of affected lots have not been identified.

[BCEQ 6, 13]

Response: Comments noted. The FEIS has been updated to remove the applicability of the Proposed Actions to Staten Island. The uses, lot area, and zoning of the affected area are analyzed in **Chapter 2, Land Use, Zoning and Public Policy**.

General

Comment 6: Commenters stated that Proposed Actions would remove opportunities for public comment and review if DCP reviews fewer projects. Several commenters noted they do not want to remove opportunities for public review, nor do they want to remove community board oversight from the SNAD development approval process. Commenters concerned about overdevelopment also noted a preference for more oversight of the development process as opposed to less.

One commenter expressed support for a potential and meaningful solution to the enforcement problem. DCP is considering the possibility of notifying the community board, as well as adjacent homeowners, about applications that would not be subject to a public review process to inform them about the start of the 45-day DOB zoning appeal process. The DOB zoning appeal process allows neighbors, community boards, or elected officials to submit a formal objection to zoning compliance, which DOB must review and respond to. If objectors are not satisfied by that answer, they can appeal to the Commissioner of the DOB; and if they are not satisfied that answer, they can appeal to the Board of Standards and Appeals. Ensuring that the community board has notice of all

applications, including those that are going to be excluded from public review, would be a meaningful solution to the enforcement problem at DOB.

[Beatty 2; Benfatti 1; Coggins 1, 3, 4, 5, 9; Dwyer 2; Goldner 4; Cooper 1; Ivanov 3; Guez 4, 6; Henoeh 4; Bagwell 1; J-Wacker 1; Padurano 2; Mustelier 2; Farrell 1; Kranz 1; Caplan 2; Havens 1; A-Cohen 4; Jeselsohn 4; Rizzo 7, 8]

Response: Comment noted. The Proposed Actions would allow certain small properties that currently require a certification of no disturbance or CPC discretionary review to proceed directly to DOB for approval by showing compliance with the proposed regulations. As such, fewer smaller projects would be subject to CPC review. However, more clearly defined SNAD regulations would ensure consistency and clarity in development outcomes. Additionally, DOB makes information related to applications for building permits available so that the public may review and be aware of proposed development in their communities.

The proposed SNRD would require CPC discretionary review of Plan Review Sites, which include properties that are:

- an acre or larger in size where a new building, enlargement, subdivision, or site alteration is proposed, or,
- if smaller than 1 acre:
 - subdivisions resulting in four or more zoning lots;
 - where a private road is proposed to be extended or created;
 - if located in a Resource Adjacent Area, where four or more buildings, or eight or more dwelling units are proposed; or
 - if located in a Historic District and a new building or subdivision is proposed.

Thus, the Proposed Actions would ensure public review of projects that may have a greater effect on the public realm and natural resources—including sites that may not require CPC review under existing regulations.

In addition, in response to comments and concerns received during the public review process, CPC is considering further modifications to the proposed zoning text amendment. One change includes a provision that any applicant submitting materials to DOB would be required to provide the special district application materials to the community board for 30 days before the DOB application would be considered complete. This would ensure that the community board is aware of any building permit applications required to comply with special district regulations. This provision is discussed further in the new alternative, Potential CPC Modifications Alternative, which has been added to the Alternatives chapter of the FEIS.

Comment 7: Commenters do not believe that DOB is the appropriate agency to directly approve applications, and they questioned the expertise of plan examiners. Some commenters also voiced concern that DOB is too “pro development.” Commenters indicate that, instead, DCP should continue to review proposed development in the SNAD, as currently practiced.

Commenters requested clear enforceable means of implementation for DOB, including inspections and sign-offs to ensure that natural areas are being preserved and respected. One commenter recommended that instead of site log requirements for contractors, zoning compliance be tied to the DOB special inspection process where licensed professionals are involved.

One commenter pointed out that the community is skeptical of DOB’s capabilities in terms of enforcement and the proposed review/approval of applications for certain small sites. However, by bringing the responsibility for both reviewing and enforcing the proposed new rules under one agency (DOB), it becomes more likely that the rules would be enforced.

[Beatty 2; Benfatti 1; Coggins 1, 4, 10; Dwyer 2; Guez 4, 6; Padurano 2; Mustelier 2; Rizzo 6; FPOA 2; Coggins 6; Caplan 2; Havens 1; A-Cohen 4, 8; Riverdale Nature Preservancy 3, 4, 8; Goldblum 6, 9]

Response: Citywide, DOB is the enforcement agency of the zoning regulations, and DOB plan examiners are the qualified professionals responsible for reviewing site plans to ensure compliance with all applicable zoning regulations. Today DOB plan examiners review SNAD applications for compliance with CPC approvals, and DOB site inspectors verify compliance with SNAD regulations when doing site inspections. Plan examiners would be adequately trained with respect to the proposed building footprint, permeability, trees, and ground cover rules that would apply to sites under the Proposed Actions. Clear, consistent zoning regulations would improve the review process for DOB plan examiners.

In addition to training and producing checklists and technical guides, DCP has committed to ongoing support as new regulations are implemented. A combination of clear, consistent rules and a transparent process would create a stronger basis for oversight and enforcement, while also providing an opportunity for the community to be more aware of what is allowed to be built. The proposal also promotes continuous enforcement by DOB by requiring on-site field logs during construction and requires final inspection reports to show compliance with tree and planting regulations. DOB has also agreed to create special inspection forms to check that tree and planting requirements comply with zoning requirements and to add trees to the zoning diagrams requirements for the SNRD.

Comment 8: Commenters stated that the 1-acre threshold for discretionary review is too high and could result in subdivision of properties into multiple lots smaller than an acre.

[M-Wacker 2; J-Wacker 2; Riverkeeper 2; Riverdale Nature Preservancy 3, 9]

Response: In response to comments received through the public review process, the proposed zoning text amendment was modified to include the provision that CPC discretionary review would also be required for subdivisions resulting in four or more zoning lots. Therefore, the Proposed Actions as analyzed in the FEIS identify CPC discretionary review for parcels less than 1 acre if:

- a private road would be extended or created;
- a subdivision resulting in four or more zoning lots is proposed;
- parcels are located in a Resource Adjacent Area where four or more buildings or eight or more dwelling units are proposed; or
- parcels are located in a historic district where a new building or subdivision is proposed;

Furthermore, when development on a property of less than 1 acre would modify rock outcroppings greater than 400 square feet, the site would need to seek a Plan Review Site authorization from CPC.

Comment 9: Commenters believe that only sites smaller than 10,000 square feet should be allowed to go directly to DOB for approval. They opposed changing the review threshold from 10,000 square feet to 1 acre, especially given the background and context of this issue for CB 8. Another commenter stated that CPC review should be required to ensure conformance with the area's 197-A plan which was approved in 2003 and was implemented in SNAD updates in 2006.

[Caplan 1; Riverdale Nature Preservancy 3, 5, 6; BCEQ 16]

Response: Comment noted. The 1-acre threshold was proposed because properties of that size and larger have significant opportunities for design choices that could result in significantly different outcomes and require habitat preservation. Smaller properties, other than those listed in response to comment 8, do not face the same types of design choices. Discretionary review does not result in substantially different outcomes on small sites; therefore, the proposal shifts discretionary review to larger and more sensitive sites where discretion could improve ecological outcomes. In addition, the Land Use, Zoning, and Public Policy assessment of the FEIS has been revised to include a consistency assessment with the area's 197-a plan.

In 2005, the SNAD regulations were updated from the 1975 SNAD regulations, in response to recommendations from the Staten Island Special Natural Area District Task Force the Bronx CB 8 197-a plan, to further strengthen the preservation of significant natural features, including steep slopes, trees, and plantings. The 2005 framework reduced the lot threshold from 40,000 square feet to 10,000 square feet and required that lots seeking a development, enlargement, or site alteration would require discretionary approval. The 197-a plan notes “the size threshold that determines applicability of the SNAD-2 regulations, even within the SNAD-2 area, needs to be lowered or eliminated” and does not require discretionary approval of all sites larger than 10,000 square feet, but seeks to provide additional protections for more lots within the special district. The current SNRD proposal meets and expands on the 2003 197-a request by requiring that all sites in the special district regardless of size meet strict special district regulations to preserve or enhance natural features.

Comment 10: Another commenter indicated that that threshold for triggering site plan review for minor additions/ expansions on sites larger than 1 acre should be reduced.

[Goldblum 5]

Response: In response to comments during the public review process, the CPC is considering further changes to the Proposed Zoning Text which would change the exemption threshold for minor enlargements and minor site alternations to allow upgrades to building systems or addition of ramps or second means of egress for buildings to become Americans with Disabilities Act (ADA) or Building code compliant without requiring discretionary review. Refer to the Potential CPC Modification Alternative in the Alternatives chapter of the FEIS.

Comment 11: Commenters are opposed to the efforts to change the SNAD greenbelt regulations. Some commenters also requested that NYC Parks and NYCDEP continue to review Bluebelt properties.

[Goldner 1; Guez 1; Henoch 1; Riverkeeper 5]

Response: Comment noted. One of NYC Parks’ goals is to preserve natural resources, and it has its own separate public review process with the Public Design Commission that considers the potential for environmental impacts on greenbelt properties. The public review process creates opportunities for communities to provide feedback; therefore, CPC review is considered superfluous because the goals of having community input are being met by the current process in place. The proposed removal of CPC review of NYC Parks’ properties would not affect the preservation of open space nor is it expected to eliminate opportunities for public review.

Since the issuance of the EIS, Staten Island has been removed from the Proposed Actions. Therefore, the comment regarding Bluebelt properties is no longer applicable.

Comment 12: Several commenters are opposed to the effort to create more as-of-right development.

[Goldner 2; Ivanov 2; Guez 2; Henoach 2; J-Wacker 2; Kranz 2; Havens 2]

Response: Comments noted. The Proposed Actions would result in a slight increase in as-of-right development in the proposed SNRD, but do not change the permitted development or density allowed in the district today. The Proposed Action is also not expected to result in development that is any less protective of the environment compared to the current discretionary review process.

As indicated in EIS **Chapter 25, Growth-Inducing Impacts**, the Proposed Actions are not expected to change the rate of growth, which is controlled primarily by the supply of developable land and by the local supply of skilled professionals in the construction industry. The Proposed Actions are not expected to have a substantial effect on the development potential of sites, nor are they expected to modify the current housing development rate in the affected areas. As such, the Proposed Actions would not add substantial new land use, new residents, or new employment that could induce additional development of a similar kind or of support uses.

Comment 13: Commenters believe that the Proposed Actions would be less protective of public green space and wildlife habitat. They expressed concern that the proposed regulatory changes would enable the removal of trees, rocks, slopes, and other elements of the natural environment that are currently protected under existing SNAD regulations.

[Wolfe 1; Entwistle 1; Goldner 3; Guez 3; Henoach 3; Mittman 1; Riverkeeper 1; Low-Beer 1; Turov 2]

Response: The Proposed Actions are intended to strengthen and rationalize natural resource preservation and would not weaken regulations that protect natural features or public green space. The Proposed Actions would change the review structure for certain “smaller” parcels (i.e., under 1 acre, excluding some small sensitive sites as mentioned toward the end of this response). Under the proposed review structure, owners of most of these small properties would file building permit applications directly with DOB, which would then review the applications for compliance with the provisions of the zoning resolution. Under the proposal, all sites would have strict rules that they must follow, including limits on hard surfaces and impervious surfaces; limits on lot coverage and building size; stricter and smarter tree planting and

preservation requirements; improved biodiversity planting requirements; and stricter rules for steep slopes, rock outcrops, and aquatic buffers based on context, ecological adjacency, and other conditions. For example, the proposal would set strict limits on hard surfaces on every site regardless of lot size or residential or institutional use. These limits do not exist under the current regulations. The proposal also specifically precludes clear cutting of trees and favors native old-growth trees and do not allow invasive species for all sites. The proposal requires trees in both the rear and front of sites. The proposal also requires significant and varied ground cover planting on every site to achieve biodiversity throughout the special district and connect habitat areas. which are new protective regulations that are not in the current SNAD text. CPC review would still be required for development of small parcels in the following special cases: subdivisions resulting in four or more zoning lots, development of new private roads, development in historic districts, and development of four or more new buildings in areas that are adjacent to regionally important habitats.

Comment 14: Commenters are opposed to the proposed allowance of construction of impervious surfaces within 100 feet of aquatic resources. Commenters state that siting impervious surfaces and lawns within wetland buffer areas can impair buffer functions by altering existing wetland hydrology and increasing thermal impacts. They state that grass lawns and landscaped areas can hamper infiltration and increase storm water runoff velocity.

Commenters also note that New York City is 72 percent impervious, that stream quality levels can be classified by percent imperviousness, and that research indicates that watersheds are degraded when as little as 10 percent of their surface area is covered by impervious surfaces.

[Riverkeeper 4; BCEQ 1, 3]

Response: Comment noted. The Proposed Actions introduce new planted buffer areas requirements around aquatic features that must not be disturbed by either impervious surfaces, buildings or grass lawns. There are no buffer areas required or limits on hard surface established under the current regulations and only the aquatic resource itself is protected. The proposal will require that all aquatic features such as wetlands, streams, and natural drainage patterns be identified and protected. Under the Proposed Actions, only limited disturbances (hard surface area) beyond the planted buffer and within 100 feet of aquatic resources would be allowed as per the best practices established by the New York State Department of Environmental Conservation (NYSDEC). However, the limited amount of hard surface development that would be permitted is not expected to impede wetland buffer functions. The proposal will require that all aquatic features such as wetlands, streams, and natural drainage patterns be identified and protected. The proposal

introduces buffer areas around all aquatic features that must not be disturbed regardless of lot size. There are no buffer areas required under current regulations. The Proposed Actions would establish, for the first time ever, comprehensive wetland regulations and expand protections to smaller wetlands on lots 1 acre or larger that are not currently regulated by NYSDEC. This new appreciation of the interconnectedness of wetland systems is important because even the smallest wetlands help to protect communities against events like local flooding and disasters such as Hurricane Sandy.

As indicated in EIS **Chapter 9**, *Natural Resources*, similar to water resources, the Proposed Actions would have no effect on state or federal regulations requiring approval from NYSDEC or USACE for proposed development or other regulated activity in regulated areas. Any proposed development within NYSDEC- or USACE-regulated areas would require a permit at these agencies' discretion. Construction activities within or adjacent to NYSDEC wetlands would be regulated by the NYSDEC Freshwater or Tidal Wetlands Permit Program to avoid or minimize impairment of wetlands functions. Implementation of the individual activities in regulated areas would be conditioned upon issuance of applicable federal and state permits, and such projects would be constructed in accordance with the conditions of these permits.

The Proposed Actions include zoning changes that would strengthen protections that minimize the extent of hard surface areas, avoid or minimize impacts on wetlands and adjacent areas, and protect and enhance buffer areas. These requirements would help wetlands perform their functions of conveying, storing, and filtering surface water hydrology runoff by minimizing the number and size of hard surfaces in the landscape surrounding wetland resources. Therefore, the Proposed Actions' effects on wetland resources would be considered beneficial.

In addition, in response to comments received during the public review process, CPC is considering further changes to the proposed zoning text amendment which would permit the CPC to allow bulk modifications in combination for Plan Review Sites to produce a site plan that best preserves natural features. See the Potential CPC Modification Alternative in **Chapter 22**, *Alternatives*, of the FEIS.

Comment 15: Commenters noted that the Proposed Actions do not include a long-term control plan for combined sewer overflow events and MS4s.

[BCEQ 17]

Response: Comment noted. The Proposed Actions are not expected to result in an increase in stormwater runoff or combined sewer overflow events.

As indicated in EIS **Chapter 11**, *Water and Sewer Infrastructure*, because the City's sewers are sized and designed based on designated zoning for an area, related population density, and surface coverage characteristics, projects that greatly increase density or would substantially increase hard surfaces would require further analysis for potential impacts on the City's wastewater and stormwater infrastructure. The development that may occur at any one prototypical analysis site would fall below the *2014 CEQR Technical Manual* thresholds required for a preliminary assessment of impacts to water and stormwater infrastructure. In addition, new planting area requirements and regulations limiting hard surface area could limit stormwater runoff. Additionally, pursuant to Building Code Title 27, Subchapter 16 (Local Law 103 of 1989), on site stormwater retention is required for new buildings or substantial horizontal enlargements.

The Proposed Actions would require sites larger than 1 acre to go through a discretionary approval process, which would establish guidelines for hard surface area and require a future environmental review, as further analyzed in EIS **Chapter 23**, *Conceptual Analysis*. If those environmental analyses indicate the project would increase flows of sanitary and stormwater, overburden the wastewater or stormwater infrastructure, or create the potential to result in additional combined sewer overflow volumes or events, changes to those development plans, the affected sewer system, and/or the preparation of an amended drainage plan to address such modifications may be recommended.

Comment 16: Commenters state that there are loopholes in the proposed zoning text where institutional uses could be exempt from rules and regulations to protect and preserve the environment. Commenters state that, under the Proposed Actions, institutions would be allowed to build more and preserve less than homeowners.

[BCEQ 7, Friends of Spuyten Duyvil 2]

Response: Comment noted. The proposed zoning text changes codify best practices and reflect updated environmental science and a more holistic approach to natural resource preservation with clear development standards resulting in better and more predictable outcomes. Under the Proposed Actions, all sites, including large institutions are subject to limits on lot coverage, hard surface, tree and planting requirements to ensure overall enhancement of environmental outcomes. Specifically, for community facility uses, that includes large institutions, habitat preservation requirement is 35% of the lot area that need to be preserved as existing habitat which are 10% higher than requirements for residential uses. In addition, 15% open area needs to be provided for community facility uses which makes 50% of the site open and green. There are limits of 25% for lot coverage which allows the remainder of the site to be used for necessary functions of the institutions and other community

facility uses. The Proposed Action has thoughtfully crafted regulations that focuses on environmental outcomes while balancing the needs of the development. There are no such thresholds in the current regulations.

Comment 17: One commenter raised concerns about tax lot subdivisions, which differ from zoning lot subdivision. The commenter stated that tax lot subdivisions pose a quiet threat to the SNAD because you can subdivide a zoning lot as-of-right, so long as the resulting tax lots are zoning-compliant.

[Rizzo 5, 9]

Response: Comment noted. New York City zoning regulations have allowed multiple tax lots to form a single zoning lot since 1961. Creating zoning regulations related to tax lots is beyond the scope of the proposal and zoning more generally and, as such, is not identified as part of the Proposed Actions. However, as-of-right subdivision of a tax lot within zoning districts that regulate subdivisions, such as SNAD and the proposed SNRD, is only possible if the tax lot to be subdivided is vacant and not developed. Regarding this limited scenario, if and when development occurs on such subdivided vacant land, the property records will indicate that it is part of a larger zoning lot and not a standalone lot. Therefore, DOB will review the subdivided tax lot in relation to the larger zoning lot and the natural resources on the zoning lot.

Comment 18: Commenters believe that, for Plan Review Sites with campus plans, the plan should come back to the community board for authorization review.

[Riverdale Nature Preservancy 3, 7]

Response: All Plan Review Sites authorizations will go through public review and environmental review as warranted. When a Plan Review Site establishes a long-term development plan (or campus plan), the plan must receive an authorization from CPC, which would require environmental review and a public review process. Following initial authorization, future CPC Chair certification would be necessary for development of sites identified as “preliminary” in the initial application, and for sites identified in the initial application as “conceptual,” a renewal authorization by CPC would be required. The current practice of CPC and DCP of referring all authorizations to the community board for review would be maintained.

In response to comments during the public review process, DCP has recommended further changes to the proposed zoning text which would change the threshold for Plan Review Sites. See **Chapter 22, Alternatives**, which discusses a Potential CPC Modification Alternative that has revised thresholds.

Comment 19: Commenters requested the adoption of a low-impact development goal and metric for the proposed SNRD.

[BCEQ 28]

Response: Comment noted. The request for a low-impact development goal is outside the scope of the proposed zoning text and map amendments.

Comment 20: Commenters suggested creating a SNAD-2 watershed plan, which should include the development of baseline characteristics such as lot imperviousness and soil types. A Community Advisory Committee should also be established, comprising the community board, members of the SNAD community, local interested persons, community facilities stakeholders, and elected officials.

[BCEQ 29]

Response: Comment noted. The request for a watershed plan is beyond the scope of the proposed zoning map and text amendment. Please see EIS **Chapter 1, Project Description**, for a description of the proposed requirements for site characteristics that would be included in the SNRD. As a separate initiative, NYC Parks is currently studying the Harlem River through the Harlem River Watershed and Natural Resources Management Plan for the Bronx, which includes portions of Spuyten Duyvil, Fieldston, and Riverdale that are within the SNAD boundaries.

Please see EIS **Chapter 22, Alternatives**, which includes a new Potential CPC Modifications Alternative. This new alternative includes a provision in the special district to require applicants share their SNRD application materials as a required application component with the Community Board upon filing with DOB. This would provide public notice and an opportunity for discussion of detailed natural resources plans.

Comment 21: Commenters presented the argument that the purpose of the Proposed Actions is to promote urban sprawl at the expense of natural preservation and restoration. This assertion is based on their knowledge of impervious surfaces, watershed protection and green infrastructure, and low-impact development guidelines.

[BCEQ 30]

Response: Comment noted. The proposed actions will not encourage development or increase development potential by changing permitted FAR and does not change the underlying zoning districts. Indeed, the proposal requires any zoning lot subdivision that results in four or more lots anywhere in the special district to undergo site plan review and public referral; today, subdivision is only a ministerial action with limited oversight. The proposed regulations will require that sites of all sizes

deliver the same outcomes designed to preserve natural features including stricter rules for tree planting and preservation, stronger requirements for varied ground plantings, and limits on hard surfaces. The proposal strengthens the regulations as noted in comment 13 above. Please see **Chapter 1, Project Description**, for explanation of the Purpose and Need and how the Proposed Actions would address that Purpose and Need.

Comment 22: Commenters noted that the new zoning resolution does not insert conditions and additions as is customary, making it difficult to compare changes and determine potential impacts.

[BCEQ 10]

Response: Comment noted. The proposed zoning text amendment included in the DEIS as Appendix 8 and the amended proposed zoning text included in the FEIS as Appendix 8 both include new matter underlined and deletions in strikeout to facilitate review.

Comment 23: One commenter is opposed to the Proposed Actions because landowners should be able to develop all portions of their property. As such, the commenter feels that the proposed rezoning infringes on property rights.

[Malliotakis 1]

Response: Comment noted.

Comment 24: One commenter noted that the three special districts in Staten Island were created to reflect the unique ecological qualities of these three distinct areas and should not be combined into one blanket district.

[Malliotakis 3]

Response: Comment noted. Since the issuance of the DEIS, the applicability of the Proposed Actions to Staten Island has been removed. Consolidation of special districts is no longer proposed.

Comment 25: One commenter expressed concern that the burden on homeowners would increase under Proposed Actions due to CPC and LPC approval.

[A-Cohen 5]

Response: Comment noted. One of the key purposes of the Proposed Actions is to create a homeowner-friendly regulatory environment with robust as-of-right rules for the development of homes on small lots that

protect significant natural features. Under the Proposed Actions, best practices would be codified to create clearly defined parameters that would allow applicants to proceed directly to DOB for building permits and confirm zoning regulation compliance. This would ease the process for small property owners by eliminating CPC review, where appropriate. Accordingly, the Proposed Actions would enable CPC to focus its review on sites with choices that have a greater impact on natural resources and the public realm.

Comment 26: A commenter expressed concern over the proposed tree regulations and planting restrictions and indicated a preference for the current tree regulations and planting restrictions, which strike a balance between homeowner choice and governance.

[FPOA 2]

Response: Comments noted. In response to comments received during the public review process, CPC is considering further changes to the proposed zoning text amendment that would permit CPC to allow a portion of tree credit and biodiversity planting requirements to be satisfied by habitat preservation area. Refer to the Potential CPC Modification Alternative in **Chapter 22, Alternatives**.

Comment 27: Commenters noted issues with enforcement of SNAD rules. One commenter believes that the community needs to be educated about SNAD regulations and that this should be a fundamental element of the Proposed Actions.

[A-Cohen 6]

Response: Comment noted. While not part of the proposed zoning actions, DCP is committed to informing and educating the public on SNAD regulations. To achieve this goal, DCP will publish a Homeowner's Guide and a Technical Guide to explain the concepts and regulations in plain language.

Comment 28: Commenters support the development of clear, standardized as-of-right options that allow the small property owner to conduct projects in compliance with regulations without going through a rigorous, often costly and time-consuming environmental review process.

[Rizzo 4; Inzlicht 1; Papas 1; Michael 1, 2, 3; Goldblum 1]

Response: Comment noted.

Environmental Impact Statement

Comment 29: Commenters expressed concerns with the EIS and believe that it is flawed for the following reasons.

- The EIS does not present a reasonable purpose and need.
- It does not identify the reason for or explain the change from the 1975 SNAD purpose to “protect, maintain, and enhance their natural features” to the current purpose to “balance development and ecological goals.”
- The EIS does not explain why zoning changes are proposed only for the Bronx SNAD and not for Queens or Staten Island SNADs; nor does it explain why the one size fits all and relief from a burdensome cost of concern is needed for the Bronx SNAD or for Bronx residents.
- The environmental goals of the Proposed Actions are ill defined or not quantified.
- The EIS does not provide sufficient information or documentation to conclude that the proposed zoning changes would meet environmental goals.

[BCEQ 4, 5, 12, 20, 21, 26, 27]

Response: Chapter 1 of the FEIS provides explanation of the Purpose and Need and how the Proposed Actions would address that Purpose and Need. As indicated in the EIS, the purpose of the Proposed Actions is to provide a clear and consistent framework for natural resource preservation that balances neighborhood development and ecological goals. The Actions are intended to incorporate the current goals which include “to guide development in areas of outstanding natural beauty in order to protect, maintain and enhance the natural features of such areas.” The proposal would codify best practices; streamline regulations to reflect the three principles (as stated in the “Background” section) of prioritizing protection of core habitats, preserving large habitats on private properties, and creating connective corridors for resilient ecosystem; and create clear development standards, resulting in better and more predictable outcomes. Through clear standards, the purpose of the Proposed Actions is to create a streamlined process that would allow small properties (less than an acre) to go directly to DOB for permitting and require large properties (an acre or more) and sensitive sites to come for discretionary review. The goals of the Proposed Actions would be achieved by creating and establishing NA-2 as an SNRD.

Comment 30: A commenter expressed concerns that the DEIS is flawed because it does not include baseline conditions for natural resources. Existing conditions need to be established to identify potential impacts. The DEIS does not identify the current level of imperviousness within the affected areas SNAD-2, nor does it evaluate potential impacts to the Hudson River, Harlem River or Alder Brook.

[BCEQ 9, 11, 15]

Response: Comment noted. An assessment of Natural Resources has been provided as Chapter 9 of the FEIS. Pursuant to the *CEQR Technical Manual*, existing conditions have been identified, specifically in Figure 9-1 of the FEIS, which depicts mapped natural resources within the study area as designated by USACE, USFWS, NYSDEC, NYC Parks DCP and the Natural Area Conservancy. The chapter contains a description of these resources in 2029 under the No Build Scenario (which are the baseline conditions for purposes of environmental review), and potential impacts in 2029 under the With Action Scenario. The EIS does consider effects on the Hudson River, for example.

Pursuant to the RWCDs, the impervious surface percentage of Prototypical Analysis Sites under each scenario, as well as Conceptual Analysis Sites, is provided and analyzed where applicable.

Comment 31: Commenters requested that the application be withdrawn because the Proposed Actions are no longer a City-wide action. Prior to the removal of Staten Island, the Proposed Actions included City-wide text and map changes to create an inclusive SNRD. The EIS findings of no impact are classified as City-wide and based on the inclusive SNRD; but the document does not assess impacts to natural resources found in the Bronx. The EIS is flawed because it does not evaluate potential impacts to natural resources in the Bronx.

[BCEQ 4, Friends of Spuyten Duyvil 2]

Response: Comment noted. The potential environmental impacts of the Proposed Actions are based on the evaluation of prototypical analysis sites and conceptual analysis sites, some of which are located in the Bronx. As such, the potential impacts to natural resources in the Bronx have been evaluated in the EIS. In addition, the FEIS solely considers the zoning map and text amendments affecting the Bronx and presents conclusions based on analysis of the Bronx.

Comment 32: Commenters expressed concerns that the DEIS is flawed because it is qualitative and based on conceptual or prototypical development scenarios.

[BCEQ 5]

Response: As indicated in EIS **Chapter 1, Project Description**, consistent with 2014 *CEQR Technical Manual* guidance, a RWCDs was developed for the Proposed Actions. The Proposed Actions are analyzed as a “generic action” because no known developments are projected at this time. According to the *CEQR Technical Manual*, generic actions are programs and plans that have wide application or affect a range of future

alternative policies; for such actions, a site-specific description or analysis is not appropriate. As described in the *CEQR Technical Manual*, generic analyses are conducted using the following methodology:

- **Identify Typical Cases:** Provide several descriptions similar to those in a localized action for cases that can reasonably typify the conditions and impacts of the entire proposal.
- **Identify a Range of Conditions:** Discuss the range of conditions or situations under which the action(s) may take place, so that the full range of impacts can be identified.

Because of the broad applicability of the Proposed Actions, it is difficult to predict the sites where development would occur. In addition, the proposal is not in-and-of-itself expected to induce development where it would not have occurred absent the Proposed Actions. While the proposal may change the proportion of sites proceeding as-of-right, the overall amount, type, and location of development in the affected area is not anticipated to change. Because of the generic nature of this action, there are no known or projected development sites identified as part of the RWCDs.

To produce the RWCDs framework, four representative sites were identified. These prototypical analysis sites serve as an analysis tool to demonstrate the wide range of how the proposed regulations would apply to sites that would be able to develop as-of-right in the With Action scenario. Prototypical analysis sites are shown in **Appendix 2**. These sites are used to assess the effect of changes to proposed regulations (including elimination of existing discretionary actions), in which the development would proceed as-of-right under the With Action scenario. These sites are also presented to provide readers, including the general public, an understanding of how the proposed changes to the zoning resolution would affect development in the proposed SNRD.

Under CEQR, a conceptual analysis is required when a proposed action introduces new discretionary actions. Because the Proposed Actions would modify or introduce discretionary authorizations and special permits, a conceptual analysis is required. Conceptual analysis sites were identified for those sites where development would require discretionary action under the With Action scenario (**Appendix 3**). This conceptual analysis serves as a means of disclosing the potential impacts of the proposed discretionary actions for Plan Review Sites, which would be subject to new or different future environmental review under the Proposed Actions.

Comment 33: A commenter expressed concerns that the DEIS is flawed because it fails to list community facilities in SNAD-2.

[BCEQ 23]

Response: Impacts to community facilities are analyzed in EIS **Chapter 4, Community Facilities**. As indicated there, a screening-level analysis was performed to determine the need for a more detailed community facilities and services assessment. Based on this screening, the Proposed Actions do not warrant a detailed analysis on the indirect effects on public schools, publicly funded childcare centers, libraries, health care facilities or police and fire service. As such, identified of individual community facilities is not required.

Comment 34: One commenter urged DCP to consider feasible alternatives to the Proposed Actions, as required under CEQR. Suggested alternatives for DCP to evaluate include: (1) retain CPC review for all developments while implementing other proposed modifications; and (2) use a minimum site disturbance trigger for CPC review at 2,500 and/or 5,000 square feet. The commenter stated that the latter would allow most owners to develop properties without CPC review. Another commenter requested that the EIS consider reasonable and lower impact alternatives beyond the required No Action Alternative.

[Riverkeeper 3, BCEQ 22]

Response: Comment noted.

SEQRA requires that alternatives to a proposed action be identified and evaluated in an EIS so that decision makers may consider whether alternatives exist that would minimize or avoid adverse environmental effects.

Alternatives to the Proposed Actions are analyzed in **Chapter 22, Alternatives**. Two alternatives to the Proposed Actions were evaluated in the DEIS, the No Action Alternative and the No Unmitigated Significant Adverse Impacts Alternative.

In response to community concerns and comments received on the DEIS, a new alternative has been evaluated in the FEIS: Potential CPC Modifications Alternative. As discussed in **Chapter 22, Alternatives**, the Potential CPC Modification Alternative identifies changes to the proposed zoning text under consideration by the CPC, including requiring applicants share SNRD application materials with the Community Board for 30 days in advance of filing with DOB. The new alternative also considers changing the threshold at which a site's minor enlargement or minor site alternations would trigger CPC authorization.

Comment 35: A commenter expressed concern that the DEIS is flawed because it fails to understand the engineering benefits of green roofs, which need deeper roots; therefore, the minimum of 3 inches should be changed to a range of 8 to 12 inches.

[BCEQ 24]

Response: Comment noted. The EIS, in **Chapter 1, Project Description**, indicates, “Intensive green roofs have deeper soil and can sustain variety of plants, including shrubs and grasses. Extensive green roofs have shallower soil depth and can sustain various kinds of grasses, such as sedums.”

Comment 36: A commenter expressed concern that the DEIS is flawed because the EIS does not present the revised zoning text in a manner that the general public would understand, making it difficult to identify changes.

[BCEQ 25]

Response: Comment noted.

Comment 37: A commenter expressed concern that the DEIS is flawed because the proposed rezoning could decrease the amount of private open space on commercial and institutional development sites.

[BCEQ 8]

Response: Comment noted.

Impacts related to open space are analyzed in **Chapter 5, Open Space**, of the FEIS. Per the guidance of the *CEQR Technical Manual*, open space is defined as “publicly or privately owned land that is publicly accessible and available for passive or active recreation or is set aside for the protection and/or enhancement of the natural environment.” Privately owned open space not accessible to the public on commercial and industrial sites is not analyzed as open space pursuant to the *CEQR Technical Manual*.

Comment 38: Commenters stated that the SNRD must be more rigorously defined in the EIS, and that the updated SNRD A-Text should be reflected in the EIS. The A-Text memorandum is not a sufficient to determine potential environmental impacts of the proposed zoning changes. Therefore, a supplemental EIS should be prepared.

[BCEQ 19, 25]

Response: The Technical Memorandum 001 was issued July 30, 2019, to assess the modified zoning text amendment (the A-Text). The Technical Memorandum 001 determined that the A-Text would not alter the conclusions presented in the DEIS, and thus, a supplemental EIS was not warranted. Since the original zoning text amendment has been withdrawn, the A-Text comprises the Proposed Actions. Therefore, the

FEIS has been revised and updated to reflect the proposed zoning text amendment as modified in the A-Text. The FEIS also evaluates a new alternative, the Potential CPC Modification Alternative, which identifies further changes to the proposed zoning text under consideration by CPC. This new alternative addresses several of the overarching concerns raised during the EIS public comment period.

Comment 39: One commenter stated that the EIS does not include letters from interested agencies as is customary, such as NYCDEP, NYC Parks, LPC, and some NYS agencies.

[BCEQ 14]

Response: DCP coordinated with multiple City and State agencies in the preparation of the proposed zoning text and map amendments, as well as the EIS, including NYCDEP, NYC Parks, and NYSDEC. The EIS was prepared pursuant to the 2014 *CEQR Technical Manual*. LPC, NYC DEP, and DOB correspondence are included as EIS Appendix 7, and NYC Parks comments are included in this Responses to Comments chapter and were included in the Final Scope of Work as comments received on the Draft Scope of Work.

Comment 40: Commenters stated that the EIS should not be used to restate DCP policy or zoning definitions. They also noted that “balance” is not an environmental goal.

[BCEQ 8]

Response: Comment noted. Please see EIS **Chapter 1, Project Description**, for an explanation of the Purpose and Need of the Proposed Actions.

Generic

Comment 41: Several commenters noted that they are against any changes in existing SNAD regulations and feel that rezoning application should be withdrawn. Additional commenters also voiced support for the No Action Alternative.

[Connor 1, Septoff 1, Blumenthal 1, Cassidy-Geiger 1, Geiger 1, Koppell 1, Gaffney, Janie 1, Brunswick 1, Zahm 1, Fletcher 1, Arnoldi 1, Jeselsohn 1, Meister 1, A-Kline 1, Guzik 1, Hartley 1, Bautista 1, Solomon 2, Corber 1, Lambert 1, Levenberg-Engel 1, McMaster 1, O'Brien 1, Turov 1, BCEQ 2, 18]

Response: Comment noted.

Comment 42: Commenters expressed support for the No Action Alternative and requested that the rezoning application be withdrawn. More specifically, they do not support the Proposed Actions for the following reasons:

- It neglects to identify and reduce negative impacts on significant Bronx natural resources, including the Hudson River, Alder Brook, and Riverdale Park;
- It removes local participation and public input by allowing more projects to skip community review and the public hearing process;
- It favors institutions over homeowners and allows institutions, which cover 50 percent of the SNAD, to build more and preserve less than what is required of homeowner;
- It subverts protections by providing numerous waivers and exceptions to preserving trees, habitat, and other ecological resources on institutional properties; and
- It lacks substantial enforcement measures and penalties for violations.

[Bagwell 2; Bautista 2; Beatty 3; Benefatti 2; Coggins 8; Cooper 2; Mittman 2; Hyman 3; A-Kline 2; Bochar 1; Bugatti 1; Burke 1; Catala 1; Chaves 1; H-Cohen 1; Dodell 1; Dwyer 3; Hainey-Farbman 1; Fletcher 2; Friedman 1; Gelerter 1; Gelfand 1; Goldstein 1; Gomez 1; Haiman 1; Haimowitz 1; Hannon 1; Haven 1; Havens 3; Herbst 1; Jaffe 1; Kepecs 1; Kline 1, 2; Lesser 1; P-Kline 1; Minkoff-Grey 1; Michel 1; McKiernan 1; McMaster 2; Manley 1; Mirfendereski 1; Moretti 1; Mustelier 3; Niles 1; Orr 1; Peters 1; Riecks 1; Ringel 1; Segui 1; Silverman 1; Shashou 1; R-Spalter 1; Thoman 1; Trambert 1; Walsh 1; Zablauskas 1; Cordero 1; Fass and Hirlehey 1; Henoach 5; Keaveney 1; Karabalaev 1; Letelier 1; Nadel 1; Schorsch 1; Guez 7; BCEQ 1; Friends of Spuyten Duyvil 2, 3, 4; Dover 1]

Response: Comment noted.

See EIS **Chapter 9**, *Natural Resources*, for an analysis of the impacts of the Proposed Actions on water resources, wetlands, vegetation, and wildlife. See EIS **Chapter 5**, *Open Space*, for an analysis of the impacts of the Proposed Actions on open space resources.

See response to comment 6, above, regarding the proposed review structure under the proposed SNRD.

See response to comment 16, above, regarding regulations that would apply to residential versus institutional properties.

See responses to comments 7 and 27 regarding enforcement of the proposed SNRD regulations.

Comment 43: Commenters expressed support for the following aspects of the Proposed Actions:

- greater focus on open space preservation and preservation of large tracts of open space;
- control of zoning lot subdivisions; and
- encouraging large institutions to engage in long-term planning and preserve greater amount of open space.

[Rizzo 1, 2, 3; Hebrew Home for the Aged 2; A-Cohen 3]

Commenters expressed support for the Proposed Actions because of beneficial effects on natural resources that are anticipated. Commenters support better protection of wildlife habitat on private property; codification of best practices; standardization of minimum tree cover requirements; new flexible tree rules, new requirement for environmental or landscape professional to be part of development team and the introduction of hard surface coverage rules.

[NYC Parks 1, 2; Hebrew Home for the Aged 2; Natural Areas Conservancy 1; A-Cohen 3; Goldblum 2, 3]

Commenters also support:

- requirements to protect portions of existing habitat on sites larger than 1 acre and biodiversity garden requirements, which would improve connectivity of wildlife habitat while enhancing ecological value of such habitat;
- establishment of required buffer areas on properties adjacent to natural areas, which would enhance the quality of publicly held land and preserve/ improve neighborhood character; and
- the promotion of native plantings in the text amendment, which would benefit the environment and landowner as well as community character.

[NYC Parks 3, 4, 5; Natural Areas Conservancy 2, 3, 4]

Response: Comments noted.

See EIS **Chapter 9**, *Natural Resources*, for an analysis of the impacts of the Proposed Action on water resources, wetlands, vegetation and wildlife. See EIS **Chapter 5**, *Open Space*, for an analysis of the impacts of the Proposed Actions on open space resources. See EIS **Chapter 19**, *Neighborhood Character*, for an analysis of the impacts of the Proposed Actions on neighborhood character.

Comment 44: One commenter commended DCP on its proposal to simplify regulations for the small property owner and to ensure that

enforcement is in place, noting that the Proposed Actions would be an improvement over the existing process.

[DeFoe 1]

Response: Comments noted.

See **Chapter 1**, *Project Description*, of the EIS for further detail regarding the development approvals process under the No Action and With Action scenarios.

Comment 45: Others are in favor of proposed Bronx SNAD update as it will strengthen and enhance natural resource preservation and protect neighborhood character through a more holistic, comprehensive and predictable framework. One commenter noted that the Proposed Actions will help to ensure that future generations of New Yorkers are able to enjoy the various benefits of a healthy environment, clean water, clean air, flood mitigation and natural recreation; while also sustaining the many wild places and plants and animal species that are currently present in the Bronx and across the city.

[Hebrew Home for the Aged 1; NYC Parks 6]

Response: Comments noted.

See EIS **Chapter 9**, *Natural Resources*, for an analysis of the impacts of the Proposed Action on water resources, wetlands, vegetation and wildlife. See EIS **Chapter 5**, *Open Space*, for an analysis of the impacts of the Proposed Actions on open space resources. See EIS **Chapter 19**, *Neighborhood Character*, for an analysis of the impacts of the Proposed Actions on neighborhood character.

Comment 46: The DOB Bronx Borough Commissioner offered the following general comments on the Proposed Actions, structure of the DOB, and overall approach to zoning enforcement approach:

- The Proposed Actions seek to establish proper balance for compliance accountability from contractors and other professionals. DOB's enforcement role is to make sure professionals are doing their job and complying with special district rules.
- DOB cannot prevent non-compliance, but there are rules in place to enforce regulations (i.e., mechanisms to restore natural features).
- DOB has different types of violations (A through D). Each type is assigned a response time, based on the threat posed to the public/public hazards.
- DOB has groups that focus on specialties (i.e., certain application types, such as fences or plumbing) and is less borough-based than it has been in the past.

- DOB has limited resources, and, unlike DCP, its role is limited to enforcement. To clarify, enforcement includes the interpretation and application of zoning rules and regulations that is required to review and approve building plans and applications.

[DeFoe 2, 3, 4, 5, 6, 7, 8]

Response: Comments noted.

Comment 47: One commenter expressed concern about the types of jobs that would be involved and questioned whether highways would be impacted. He noted a preference for the use of union labor and the inclusion of a union apprenticeship program.

[Jacobs 1, 2, 3]

Response: Comments noted. See **Chapter 3, *Socioeconomic Conditions***, of the EIS for an analysis of the impacts of the Proposed Actions on specific industries. See **Chapter 16, *Transportation***, of the EIS for an analysis of the impacts of the Proposed Actions on streets and roadways.