

**Rheingold Rezoning FEIS**  
**CHAPTER 23: RESPONSE TO COMMENTS ON THE**  
**DRAFT ENVIRONMENTAL IMPACT STATEMENT**

---

**A. INTRODUCTION**

This chapter summarizes and responds to all substantive comments on the Draft Environmental Impact Statement (DEIS) for the Rheingold Rezoning made during the public review period. For the DEIS, these consist of oral comments and/or written comments received during the public hearing held by the New York City Planning Commission (CPC) on September 11, 2013 and written comments submitted to the New York City Department of City Planning. The period for public review remained open until September 23, 2013.

Section B lists the elected officials, community boards, government agencies, organizations, or individuals who commented on the DEIS. The organization and/or individual that commented are identified after each comment. These summaries convey the substance of the comments but may not necessarily quote the comments verbatim. Comments are organized by subject matter and generally parallel the chapter structure of the DEIS. Where relevant and appropriate these edits have been incorporated into the Final Environmental Impact Statement (FEIS).

Where more than one commenter expressed a similar view, the comments have been grouped and addressed together.

**B. LIST OF ELECTED OFFICIALS, ORGANIZATIONS AND INDIVIDUALS THAT COMMENTED ON THE DRAFT SCOPE**

1. Bushwick Community Against Rheingold Rezoning includes approximately two (2) pages of signatures containing an estimated 100 signatures (written statement dated 09/23/2013)
2. Jennifer Simmons, resident (written statement dated 09/12/2013 and 09/18/2013)
3. David Perezcassar, resident (written statement dated 09/12/2013)
4. David Ocasio, resident (written statement dated 09/11/2013 and 9/23/2013)
5. Teresa Estevez, resident (written statement dated 09/11/2013)
6. Angel and Blanca Alvarado, residents (written statement dated 09/11/2013)
7. Munerah S. Ahmed, resident (oral testimony at public hearing 09/11/2013 and written statement dated 09/11/2013)
8. Madeline Perez and Vilma Perez, residents (written statement dated 09/11/2013 and oral testimony by Vilma Perez on 9/11/2013)
9. Jeanette Velez, resident (written statement dated 09/11/2013)
10. Carlos A. Chano and Martha Chano, residents (written statement dated 09/11/2013)
11. Pablo Garcia, resident (written statement dated 09/11/2013)
12. Fermin Iglesia, resident (written statement dated 09/11/2013)
13. Miguel Barnes, resident (written statement dated 09/11/2013)
14. Marlene Roman-Torres, resident (written statement dated 09/11/2013)
15. Laura Vogel, resident (written statement dated 09/17/2013)
16. Aditi Sen, Service Employees International Union, Local 32BJ (oral testimony at public hearing 09/11/2013 and written statement dated 09/11/2013)

17. Claytena Taylor, resident (oral testimony at public hearing 9/11/2013 and written statements dated 09/11/2013 and 09/22/2013)
  18. Brigette Blood, resident (oral testimony at public hearing 09/11/2013 and written statement dated 09/20/2013)
  19. Matthew Mottel, resident & business owner (oral testimony at public hearing 09/11/2013 and written statement dated 09/20/2013)
  20. Eddie Gonzalez, resident (oral testimony at public hearing 09/11/2013)
  21. Counel Gupta, resident (oral testimony at public hearing 09/11/2013)
  22. Brooklyn Borough President Marty Markowitz (recommendation issued 09/04/2013)
- 

## COMMENTS

### **Chapter 1: Project Description**

*Comment 1-1: We have major concerns about this plan to build a massive residential compound on functional industrial and open land. The Rheingold Rezoning development fails Bushwick's current needs and fails to work toward building a healthy, just, and inclusionary Bushwick. [1, 18] Bushwick does not want this kind of residential compound development in our neighborhood. [18]*

**Response: Comment noted. The DEIS states within the proposed rezoning area, little change in manufacturing development has occurred over the last two decades, even with the presence of available vacant sites. The Applicant's properties proposed to be zoned for residential uses are primarily used for parking lots, vehicle storage, or are vacant. Absent the Proposed Action, it is projected that no new development would occur on the projected and potential development sites and existing uses are expected to remain.**

**As noted in the DEIS, the proposed zoning districts and building typologies would not be out-of-context or disruptive to the community's built form or environment. These districts were carefully chosen in order to be consistent with the goals of the Proposed Action, which is intended to facilitate affordable and market rate housing on underutilized lots.**

*Comment 1-2: The main concern is the lack of affordable housing being built. [2] We require real affordable housing based on local median income and homeownership opportunities for our communities. The rates of AMI are way off. The use of Census data in determining AMI is unreliable and clearly a flawed approach for determining low income housing rates. [1, 18] The Brooklyn Borough President believes it is appropriate for development in this section of Bushwick to target the affordability of units to the incomes of area families, with income tiers established at 40 percent and 50 percent while not exceeding 60 percent AMI. He also believes the developer should provide more senior units to have a more attractive funding request while going further in addressing the need for affordable senior housing. The senior housing component should be increased so that the number of units be 25 percent of overall floor area. [22]The Applicant should stipulate the filing of an affordable housing plan approved by the Department of Housing. [22]*

**Response:** The Proposed Action includes the mapping of the Inclusionary Housing program within the rezoning area, which provides opportunity and incentive for the development of affordable housing. The Inclusionary Housing Program requires a percentage of the dwelling units within a building to be set aside as affordable to families earning a maximum of 60 percent of the Area Median Income.

For analysis purposes, the reasonable worst-case development scenario analyzed affordable housing as part of the project because it represents potentially “worst-case” results and the applicant intends to include affordable units. While the type of the affordable housing (senior housing, etc...) is not a component of the DEIS, the Applicant has stated its intent to commit an additional 47 units of affordable housing for seniors, for a total affordable housing commitment of approximately 24 percent of the project’s proposed 977 units (4 percent over what is required per the IH Program).

The DEIS did not analyze the use of 421-a real estate tax exemption. However, pursuant to the Inclusionary Housing Program, the Applicant has stated its intent to file an affordable housing plan at HPD to incorporate low-income housing into the project’s four development sites.

*Comment 1-3: We welcome the use of developments that would replace the current derelict manufacturing lots that stand. However, change must take into consideration the character of the neighborhood and the needs of the residents. [7]*

**Response:** Comment noted. As noted in the DEIS, the proposed zoning districts and building typologies would not be out-of-context or disruptive to the community’s built form or environment. These districts were carefully chosen in order to fit in with the neighborhood context and to be consistent with the goals of the Proposed Action, which is intended to facilitate affordable and market rate housing on underutilized lots.

*Comment 1-4: We ask that the R7A not be approved but instead zoned for an R6. [7] This rezoning is out of scale with the neighborhood. Rezone to a lower level like 4 or no more than 5. [17]*

**Response:** Comment noted. As noted in Chapter 1 “Project Description,” such a proposal would not be consistent with the goals of the Proposed Action, which is intended to facilitate affordable and market rate housing on underutilized lots. As analyzed in the DEIS, the proposed zoning districts and projected development would not be out-of-context or disruptive to the community’s built form or environment.

*Comment 1-5: The placement of the garages on Stanwix Street would result in a loss of parking spaces. We are not sure why the garages are not being set on Evergreen Avenue which is much quieter, has ample parking spaces and is in sore need of renewal and development. [7, 8, 12]*

**Response:** The Proposed Action includes a zoning map amendment, which does not require site plan approval. Therefore, the project and features analyzed in the DEIS are illustrative only, unless included in the Restrictive Declaration. However, as

analyzed in the DEIS, Sites 3 & 4 would have garage entrance/exits located along Stanwix Street. Site 4 does not have frontage along Evergreen Avenue and, therefore, a garage entrance/exit on Evergreen Avenue for this Site would not be feasible. In addition, Evergreen Avenue has a pronounced 45 degree angle in the vicinity of Sites 3 & 4, which would create an unsafe condition for residents exiting the garage as they would not be able to see oncoming northbound vehicles. Furthermore, the proposed curb cuts for the parking garage entrance/exits would result in the loss of only two on-street parking spaces on Stanwix Street.

Additionally, as analyzed in the DEIS, Chapter 10 “Transportation,” there would be no adverse parking impacts. The analyses concluded that all projected accessory parking demand would be accommodated on-site and would not generate significant demand for on-street parking. Moreover, it is expected that with the construction of the two new street segments, about 18 new parking spaces would be created on Stanwix Street and about 16 on the south side of Noll Street. Therefore, the Proposed Action is not anticipated to significantly impact the amount of available on-street parking.

*Comment 1-6: Opening the streets up will defeat the whole purpose of the renewal and only cause instability. [7] I am opposed to having Noll Street opened from Evergreen Ave to Stanwix Street and Stanwix Street opened from Forrest Street to Flushing Avenue. [1, 8, 9, 13, 17] The Brooklyn Borough President supports the reopening of the streets to assure that traffic flows smoothly and for pedestrians to cross safely. The mapping agreement for the new street segments should ensure that they are constructed by the Applicant prior to the issuance of a Certificate of Occupancy on Block 3141 and Block 3152 [22].*

**Response:** Comment noted. As discussed in the DEIS, the remapping and construction of portions of Noll Street from Evergreen Avenue to Stanwix Street and Stanwix Street from Forrest Street to Montieth Street would improve the connectivity of the surrounding area, and to restore important pedestrian access between homes, schools, and open space that was cut off when this historically residential area was developed with breweries in the 1950’s. Furthermore, as stated in the DEIS circulation the construction of the two street segments would reconnect part of the grid and improve traffic circulation.

As discussed in the DEIS, Stanwix Street would be constructed in conjunction with Site 2 and Noll Street would be reconstructed in conjunction with Site 3. The construction of the streets would occur toward the end of the building construction period for Sites 2 and 3. The timing and construction of these two streets will be pursuant to a Mapping Agreement that the Applicant will enter into with the City’s Corporation Counsel and be recorded against the properties.

*Comment 1-7: I am concerned about the large commercial development in an area that is experiencing a local commerce and arts boom. We need community centers, not large commercial developments. [15]*

**Response:** The Proposed Action would not result in large commercial developments on the projected development sites. Approximately 54,000 square feet of ground floor

retail space would be included on the Applicant's property and would be distributed throughout the various development sites. These spaces are expected to be occupied by neighborhood retail uses that will serve the surrounding residential community.

*Comment 1-8: Affordable apartments only 24%? Why not make co-ops? Residents have a more vested interest in the property than having apartments where residents move in and out of all the time. Will the affordable apartments have restrictions or will they stay that way as lifetime? [17] These projects are always affordable for one to two years, and after that, prices go sky-high. I see things change under the table all of the time, so I don't believe it when they say the buildings are going to be affordable homes. [20]*

**Response:** Comment noted. Please see response to Comment 1-2 above. Per the NYC Zoning Resolution, all affordable residential units created through the Inclusionary Housing Program must remain permanently affordable.

*Comment 1-9: The impact on community environment and social environments in Bushwick as well as our landscape are not addressed in this proposal or environmental impact study. [18]*

**Response:** Comment noted. This EIS has been prepared in conformance with applicable laws and regulations, including Executive Order No. 91, New York City Environmental Quality Review (CEQR) regulations, and follows the guidance of the *CEQR Technical Manual*. This DEIS was prepared in accordance with the Final Scope of Work, and following the methodologies and criteria for determining significant adverse impacts in the *CEQR Technical Manual*. Accordingly, the DEIS studied the potential effects of the Proposed Action on the community and social environments in Chapter 3 "Socioeconomic Conditions."

*Comment 1-10: These proposed units will represent both spatial-architectural and socioeconomic barriers in our community – dividing us with an eight story high wall. [18]*

**Response:** Comment noted. Please see response to Comment 1-3 above and Comment 3-1 below.

*Comment 1-11: The area around C-Town supermarket should maintain its existing zoning. [18, 19, 22]*

**Response:** While the C-Town supermarket is located on projected development site 8, this site is not Applicant owned and there are no known development plans for the site at this time. The Proposed Action includes a C2-4 commercial overlay to be mapped along Bushwick, Flushing, and Evergreen Avenues within the rezoning area. C2-4 commercial overlays permit a variety of local retail uses including grocery stores. Therefore, the C-Town supermarket will continue to remain a conforming use under the proposed C2-4 commercial overlay.

*Comment 1-13: Instead of construction of only residential buildings, I urge the CPC to include binding provisions that at least one building be built, be zoned for manufacturing above and beyond the M1 light industry designation, which could be used for a hotel.*

*The M3 designation should stay for at least one new structure. A co-packing building on this land is what the community needs. It would create jobs and opportunity far greater than the development of the plot for just residential buildings alone. [19]*

**Response:** Comment noted. As described in Chapter 1 “Project Description,” the Proposed Action would also rezone Block 3140 from M3-1 to M1-2. As the lots adjacent to Block 3140 would be rezoned to allow residential uses, it is the Applicant’s position that rezoning Block 3140 from M3-1 to M1-2 is appropriate. Block 3140 is currently occupied by a warehouse use (Use Group 16) which would conform to the proposed M1-2 zoning district and would not be required to relocate as a result of the Proposed Action. The proposed M1-2 district would be an extension of the existing M1-2 zoning district located just north of the rezoning area (within the North Brooklyn Industrial Business Zone), across Flushing Avenue, and would enable Block 3140 to remain with high-performing industrial uses.

As stated in the Chapter 1 “Project Description,” the Proposed Action would facilitate a proposal by the Applicant to develop new affordable and market rate residential development on underutilized lots, currently zoned for manufacturing, where there is no longer a concentration of industrial activity.

*Comment 1-14: There has been no community involvement in whether the community actually wants/needs additional retail space. What would be a more conducive approach to the 74,000 sf available would be to create a network of community spaces addressing the needs of the community. This could include a community liaison to Community Board 4, City Council and State Assembly; day care center; health center; artistic work space/performance space. [19]*

**Response:** Comment noted. The Proposed Action includes a zoning map amendment, which does not require site plan approval. The proposed C2-4 overlays allow for a wide range of uses. The project and features analyzed in the DEIS are illustrative only, unless included in the Restrictive Declaration, and are intended to represent a reasonable worst case scenario for environmental review.

*Comment 1-15: How committed is the developer to senior housing? [20]*

**Response:** While the type of the affordable housing was not studied in the DEIS, the applicant has stated its intent to include an additional 47 units of affordable housing for seniors, for a total affordable housing commitment of approximately 24 percent of the project’s proposed 977 units.

## **Chapter 2: Land Use, Zoning, and Public Policy**

*Comment 2-1: The rezoning being proposed would permanently change the landscape and the community that inhabits that landscape. [3]*

**Response:** As discussed and analyzed in the DEIS, the Proposed Action would allow new residential development at a scale and density that is appropriate for the area, and at the same time continue to permit certain commercial uses along the Flushing, Bushwick and Evergreen Avenue corridors. While the affected area is currently zoned for manufacturing uses, it is located within an area that is largely characterized by residential and commercial uses. The affected area contains underutilized lots used for vehicle/open storage, where residential uses are not permitted per the existing zoning. The proposed rezoning would provide opportunities for new affordable and market rate residential development on those underutilized lots. The proposed rezoning action would ensure that the zoning designation more accurately reflects the area's land use development trends and existing context.

*Comment 2-2: The EIS states that there already exists a R7-2 zoning district to the west of Stanwix Street. If you look at Zoning Map 13b, you will see it is actually an R6 district with only one R72 building in the area which is on Bushwick Avenue, one of Brooklyn's major thorough ways. In addition, the R7A is justified because the EIS states that Evergreen Avenue is a major avenue. Evergreen Avenue is a small, one lane, one-way street comprised of mostly low and medium density homes. [7]*

**Response:** As stated in Chapter 2 "Land Use, Zoning and Public Policy," and shown on Zoning Map 13b, the majority of the area immediately to the northwest of the rezoning area is zoned R6. There is also an R6 district located to the south of the rezoning area, to the west of Bushwick Avenue. However, directly adjacent to the rezoning area several blocks are zoned R7-2. This district was established pursuant to the West Bushwick / Rheingold Gardens Rezoning adopted in 2001. Furthermore, zoning changes in the Bedford-Stuyvesant neighborhood were recently approved in October 2012. The recently approved rezoning resulted in R6B, R6A, R7A, R7D, C4-4L, and C2-4 commercial overlays to the west of the rezoning area, across Broadway.

The DEIS correctly identifies Evergreen Avenue as a one-way, northbound roadway. In addition, in the immediate vicinity of the rezoning area, located along the east side of Evergreen Avenue, uses include low-rise industrial buildings, PS 145, and Green Central Knoll Park.

## **Chapter 3: Socioeconomic Conditions**

*Comment 3-1: This rezoning will change your constituency to the kinds of people that live in those kinds of terrible buildings, not people from Bushwick. [3]*

**Response:** Comment noted. As discussed in Chapter 3, "Socioeconomic Conditions," based on Census and real estate data, the Proposed Action would not introduce a population large enough to change to the socioeconomic conditions or constituency of the study area.

*Comment 3-2: The rezoning affects the loss of potential for manufacturing jobs in the future. [4]*

**Response:** The land use changes associated with the proposed rezoning action may be considered a resource loss. Projected and potential development under the Proposed Action constitutes a long-term commitment of sites as land resources, thereby rendering land use for other purposes infeasible. However, as noted in the DEIS, within the proposed rezoning area, little change in manufacturing development has occurred over the last two decades, even with the presence of available vacant sites. The Applicant's properties proposed to be zoned for residential uses are primarily used for parking lots, vehicle storage, or are vacant. Absent the Proposed Action, the Applicant has stated that no new development would occur on the projected and potential development sites and existing uses are expected to remain. Therefore, the DEIS does not consider the rezoning as affecting the loss of manufacturing jobs in the future.

As stated in the Chapter 1 "Project Description," the Proposed Action would facilitate a proposal by the Applicant to develop new affordable and market rate residential development on underutilized lots, currently zoned for manufacturing, where there is no longer a concentration of industrial activity.

*Comment 3-3: We require more manufacturing space and "good" jobs in our community. [1, 16, 18]*

**Response:** See response to Comment 3-2 above. As described in the DEIS, the proposed action would result in the elimination of an estimated 46 existing workers on the projected development sites. However, the Proposed Action would result in the in approximately 220 jobs as a result of the proposed retail development. Therefore, the Proposed Action would result in a net increase of jobs in the community of approximately 174.

*Comment 3-4: The DEIS states that the rezoning from manufacturing to residential would be considered a resource loss. This is entirely true. It is short sided to rezone our way out of economic opportunity. The EIS report refers to the No-Action scenario as not being a realistic use of acreage because no large scale industrial development has been constructed on site in a very long time. The former Pfizer building hosts numerous small businesses that may even need a second location for expansion. Building a mixed-use industrial site on the Rheingold lots would increase the economic viability of the neighborhood. [19]*

**Response:** Comment noted. As discussed in Chapter 20 "Irreversible and Irrecoverable Commitment of Resources," the land use changes associated with the proposed rezoning action may be considered a resource loss. Projected and potential development under the Proposed Action constitutes a long-term commitment of sites as land resources, thereby rendering land use for other purposes infeasible. However, as noted in the DEIS, within the proposed rezoning area, little change in manufacturing development has occurred over the last two decades, even with the presence of available vacant sites. The Applicant's properties proposed to be zoned for residential uses are primarily used for parking lots, vehicle storage, or are vacant. Absent the Proposed Action, the Applicant has stated that no new development would occur on the projected and potential



development sites and existing uses are expected to remain. The Proposed Action would facilitate a mixed-use development on these underutilized lots and, as discussed in comment 3-2, the Proposed Action would also rezone Block 3140 from M3-1 to M1-2. Block 3410 is under the control of the Applicant and currently utilized as vehicular storage by the Office of Emergency Management and two warehousing/shipping/receiving businesses.

As stated in the Chapter 1 “Project Description,” the Proposed Action would facilitate a proposal by the Applicant to develop new affordable and market rate residential development on underutilized lots, currently zoned for manufacturing, where there is no longer a concentration of industrial activity.

#### **Chapter 4: Community Facilities**

*Comment 4-1: The rezoning will affect the school system. [4] The rezoning will contribute to school overcrowding. [1]*

**Response:** The Proposed Action would result in a significant adverse impact to elementary schools in Community School District (CSD) 32, sub-district 2. As such, mitigation for the impact is proposed, and discussed in Chapter 16 “Mitigation,” for the identified 75 seat shortfall. The DEIS proposes two potential measures to completely mitigate the significant adverse impact to elementary schools within CSD 32, sub-district 2: the conversion of unused rooms in PS 145 to accommodate additional classroom space, or the construction of an annex on the Applicant’s property. Between Draft and Final EIS, SCA released the 2012-2013 Blue Book with updated school enrollment data. The FEIS was updated to include the latest school data. As discussed in Chapter 4, the Proposed Action would still result in a significant adverse impact to elementary schools. However, instead of a shortfall of 75 seats and a impact trigger of 614 dwelling units, as identified in the DEIS, the updated analysis identifies a shortfall of 73 seats and an impact trigger of 619 dwelling units. These measures were developed in conjunction with the School Construction Authority (SCA), the Department of City Planning (DCP). The Applicant will be required to implement one of these mitigation measures, and therefore, the impact will be considered fully mitigated.

*Comment 4-2: The principal of PS 120 stated that the developments would severely strain the resources of her school. [7, 14, 17]*

**Response:** PS 120 is located within CSD 14, sub-district 2. As discussed in Chapter 4, “Community Facilities,” a portion of the rezoning area falls within CSD 14, sub-district 2. As such, approximately 167 proposed units would be located within this district. These units would generate approximately 48 elementary school students within CSD 14, sub-district 2. As noted in the DEIS, in the future with the Proposed Action, elementary schools within sub-district 2 of CSD 14 would operate at 91% of capacity with approximately 434 seats available. As such, the additional 48 elementary school students would be accommodated in the future with the Proposed Action and a significant adverse impact within CSD 14, sub-district 2 is not anticipated.

*Comment 4-3: There would be a great impact on our schools, libraries and childcare centers. Schools in the area are already filled to capacity. [17, 20] In Read's own statement, says there will be a shortfall of 408 seats. Where will these children be placed along with the new 3,174 resident's children? [17]*

**Response:** As discussed in the DEIS, the Proposed Action is projected to result in significant adverse impacts related to elementary schools. The DEIS identified an overall shortfall of 408 elementary school seats within Community School District 32, sub-district 2 by 2016 as a result of general population growth and the Proposed Action. As noted in the DEIS, the Proposed Action would increase the shortfall above the CEQR Technical Manual threshold for a significant adverse impact to elementary schools by 75 seats. Between Draft and Final EIS, SCA released the 2012-2013 Blue Book with updated school enrollment data. The FEIS was updated to include the latest school data. As discussed in Chapter 4, the Proposed Action would still result in a significant adverse impact to elementary schools. However, instead of a shortfall of 75 seats and a impact trigger of 614 dwelling units, as identified in the DEIS, the updated analysis identifies a shortfall of 73 seats and an impact trigger of 619 dwelling units. Therefore, the Applicant is required to provide mitigation for a maximum of 73 elementary school seats. The mitigation measures identified in consultation with SCA and the lead agency would provide additional space for the 73 seats and are as follows: 1) reconfiguration of existing unused administration and support space within P.S. 145 to create additional classroom space or 2) provide new classroom space within one of the Applicant's properties near P.S. 145. The Applicant will be required to implement one of these mitigation measures, and therefore, the impact will be considered fully mitigated.

As analyzed in the DEIS, the Proposed Action would not result in significant adverse impacts to publicly funded childcare or libraries.

*Comment 4-4: We need schools with adequate resources. [1]*

**Response:** Comment noted. As discussed in the DEIS, the New York City Department of Education's (DOE's) 2010-2014 Five-Year Capital Plan, Proposed February 2012 Amendment does not include any new schools, or other projects that would introduce additional elementary or intermediate capacity in sub-district 2 of CSD 14 and sub-district 2 of CSD 32. However, as discussed above, as the Proposed Action would result in a significant adverse impact to elementary schools within CSD 32, sub-district 2, and mitigation two alternative measures are proposed to fully mitigate the identified 73 seat shortfall that the Proposed Action would cause. (Also see response to Comment 4-3 above).

## **Chapter 5: Open Space**

*Comment 5-1: Open space would not be accessible to the community as the project plans this open space will be gated off and closed at certain times. Open space seems to be for the residents only and there is no fitness equipment plans anymore. [4, 17] One option for open space mitigation is to renovate PS 120's yard. In addition to serving PS 120 students, a redesigned schoolyard could better connect with Garden Playground. Improving Garden Playground's Flushing Avenue side, would create a sense of more*

*open space in the neighborhood. Adding a synthetic turf field and/or lighting at Green Central Knoll park would greatly extend the season on both a seasonal and daily basis. The onsite open space should be further memorialized with a public access easement being recorded. [22] The inclusion of rehabilitation of Garden Playground seems appropriate. [18]*

**Response:** The proposed publicly accessible open space on the Applicant's property would be accessible to the public between dawn until dusk. The rules governing this public open space will be similar to those of Privately Owned Public Spaces (POPS) City parks and other public open spaces. Like many City parks and other public open spaces a gate at either end of the space is proposed to enforce the operating hours in order to minimize noise impacts on residential buildings. This gate will be kept fully open during the daylight hours. The plan for the publicly accessible open space is partial mitigation measure in response to the significant adverse impact on open space identified in the DEIS.

In addition to the public open space, the open space impact would be partially mitigated by improvements to a local park through funding from the Applicant. The DEIS identified two practicable mitigation measures that would collectively partially mitigate the impact upon open space in the study area. The DEIS identified the provision of an approximately 17,850 sf publicly accessible on-site open space in addition to funding provided by the Applicant for improvements to Green Knoll Park in the form of adult fitness equipment. In response to comments received on the DEIS, the Applicant, DPR, and DCP reviewed other possible mitigation measures within the surrounding study area in lieu of funding improvements to Green Central Knoll Park. After revisiting and reviewing the potential mitigation measures, the use of funding for improvement of adult fitness equipment or other active open space improvements to Green Central Knoll Park, or for other improvements or enhancements of active open spaces in the study area to increase their utility, safety and capacity may be determined by DPR, in consultation with DCP as the lead agency, at a time when the funding becomes available, would be most effective at partially mitigating the significant adverse impact to active open space. The open space mitigation measures required would be included in the Restrictive Declaration.

*Comment 5-2: The project should provide more green space/publicly accessible space. [1, 16, 18, 19]*

**Response:** Comment noted. As part of the partial open space mitigation, the Applicant is providing a 17,850 square foot publicly accessible open space area on their property. The open space will be fully landscaped, include a number of seating areas and open spaces for passive recreation and is intended to accommodate and be used by neighborhood residents. As discussed in the DEIS, the proposed size and location of the open space has been studied, and reviewed by DPR and DCP, that this site is the most feasible location for the open space. Approximately 38,000 square feet of open space would be necessary to fully mitigate the open space impact, which is roughly a fifth of the Applicant's properties. In lieu of providing the full amount of open space necessary to fully mitigate the impact, the Applicant will provide, pursuant to a Restrictive Declaration, 17,850 square feet of public open space (or roughly half the amount that would fully mitigate the impact) and a contribution of \$350,000 for adult fitness equipment on Green

**Knoll Park or for other improvements or enhancements of active open spaces in the study area to increase their utility, safety and capacity to meet identified needs in the study area as may be determined by DPR, in consultation with DCP as the lead agency, at a time when the funding becomes available.**

*Comment 5-3: The EIS report states that the community will lose a large portion of open space within the neighborhood due to the development. As a result of this, the Applicant has offered to build a 17,500 sf park wedged between two of the apartment complexes. This is not adequate. The footprint of the park should be at least 30,000 sf and not wedged between two of the developments. It would be a better solution that the park be built between Montieth and Forrest Streets site of the second proposed building. If the park was built there in lieu of residential buildings, the park would be much larger, and more accessible to the larger community as it would be bordering on Bushwick and Flushing Avenues, easy to see and enter. [19]*

**Response: The DEIS does not state that the community will lose a large portion of open space due to the development. As stated in the DEIS, the Proposed Action would not have a direct impact on any open space resource in the study area. No open space would be displaced and no significant shadows would be cast on any publically accessible open spaces. The residential study area's total open space ratio in the future with the Proposed Action would be 0.411 acres per 1,000 residents, which represents a reduction of approximately 3.97% in total open space ratio (0.017 acres per 1,000 residents) from No-Action conditions, which would result in a significant adverse impact.**

**As part of the partial open space mitigation, the Applicant will provide a 17,850 square foot publicly accessible open space between Sites 3 & 4. As discussed in the DEIS, the proposed size and location of the open space has been studied, and reviewed by DPR and DCP, and determined that this site is the most feasible location for the open space. The Applicant will enter into a Restrictive Declaration which would require them to construct the publicly accessible open space within the specified location as well as to provide a contribution of \$350,000 for the rehabilitation of Green Central Knoll Park in the form of adult fitness equipment, or for other improvements or enhancements of active open spaces in the study area to increase their utility, safety and capacity to meet identified needs in the study area.**

## **Chapter 6: Shadows**

*Comment 6-1: Our neighbors on the western side of the blocks would be in shadows, harming the trees that line the street and increasing our heating bills. [7, 17]*

**Response: Comment noted. As discussed in Chapter 6, "Shadows," according to the *CEQR Technical Manual*, a shadow is defined as the circumstance in which a building or other built structure blocks the sun from the land. An adverse shadow impact is considered to occur when the incremental shadow from a proposed project falls on a sunlight-sensitive resource and substantially reduces or completely eliminates direct sunlight exposure, thereby significantly altering the public's use of the resource or threatening the viability of vegetation or other resources. Sunlight-sensitive resources include publicly accessible open space, historic architectural**

resources if the features that make the resource significant depend on sunlight, natural resources, and greenstreets. In general, shadows on city streets and sidewalks or on other buildings are not considered significant under CEQR.

As discussed in Chapter 6, the Proposed Action would not result in significant adverse shadow impacts to any sunlight sensitive open space resource, historic resources, natural resources or greenstreets, as defined by the *CEQR Technical Manual*.

## **Chapter 7: Urban Design and Visual Resources**

*Comment 7-1*      *The developer has claimed that proposed buildings are in scale with the current neighborhood and has requested a rezoning of R7A, however per the zoning map 13b, the only buildings categorized at R7 are along Bushwick Avenue, a main thoroughfare. Living on Renaissance Court we are already surrounded on two sides by large buildings on Bushwick Avenue and Melrose St., an additional building on Stanwix St. on proposed site 3 & 4 would put the residents in a fish bowl and subject to perpetual shadows. Additionally, the plans call for high density buildings instead of medium density buildings which is more in character with the immediate area. [4] The higher densities would in effect put the 80 plus homes in a fishbowl as two of the proposed buildings are R7A. We will be boxed in. [7]*

**Response:**      **Please see comment 6-1 regarding shadows on the Renaissance Court homes. In general, shadows on city streets and sidewalks or on other buildings are not considered significant under CEQR.**

As discussed in Chapter 7 “Urban Design and Visual Resources,” the proposed R6A and R7A districts would fit in with the surrounding existing zoning and built form. As analyzed in the DEIS, the proposed zoning districts and available density and building typologies would not be out-of-context or disruptive to the community’s built form or environment. The proposed building on Bushwick Avenue would be very similar in height, bulk and design to the newly constructed Renaissance Estates buildings on Bushwick Avenue, immediately to the south. Moreover, the Proposed Action would preserve the low and mid-rise scale of mid-blocks and avenue frontages with strong built contexts and would not cause the Renaissance Court homes to be “boxed in.” The proposed R6A district permits a maximum building height of 70 feet after setting back from the street line at 60 feet and the proposed R7A district permits a maximum building height of 80 feet after setting back from the street line at 65 feet. The proposed locations of the R7A districts on the avenues and the R6A districts located mid-block would be sensitive to the townhomes located along Stanwix Street and Forrest Street. Additionally, the Proposed Action’s projected developments will be separated from the townhomes by a 50 foot wide street, and the top stories will be set back a minimum of 15 from Forrest and Stanwix Streets, meaning that the tallest portion of the buildings will be separated from the townhomes by a minimum distance of 65 feet. These factors combined with the topography of the area, which slopes downward to Flushing Avenue, will make the projected development’s height across from the townhomes on Forrest Street even less pronounced. Therefore, the Renaissance Court homes are not likely to boxed in and feel like they are in a fish bowl.

*Comment 7-2: I am concerned about the scale of this project. We do not want to be the new Williamsburg or the new Atlantic Terminal/Atlantic Center. [15]*

**Response:** Comment noted. As discussed in Chapter 7 “Urban Design and Visual Resources,” the Proposed Action would establish contextual zoning districts for residential and mixed-use buildings that would maintain the scale and character of the existing Bushwick community while providing appropriate development opportunities. The proposed building on Bushwick Avenue would be very similar in height, bulk and design to the newly constructed Renaissance Estates buildings on Bushwick Avenue, immediately to the south, and the existing apartment buildings to the northwest of the rezoning area. Moreover, the Proposed Action would preserve the low and mid-rise scale of mid-blocks and avenue frontages with strong built contexts. The Proposed Action is not expected to result in any significant adverse impacts to urban design in the study area.

*Comment 7-3: I would be blocked in by all the towering buildings with no privacy, no sunshine, no peace and quiet which I am entitled to. Rezoning to R7A would have a significant impact on the homes in the community as R7A is clearly out of scale with my neighborhood. [17]*

**Response:** See comment 6-1 and 7-1. As discussed in Chapter 7 “Urban Design and Visual Resources,” the proposed R6A and R7A districts are contextual zoning districts and would result in a building form that fits in with the surrounding developments. The Proposed Action would preserve the low and mid-rise scale of mid-blocks and avenue frontages with strong built contexts. The proposed R6A district permits a maximum building height of 70 feet after setting back from the street line at 60 feet and the proposed R7A district permits a maximum building height of 80 feet after setting back from the street line at 65 feet. The Proposed Action is not expected to result in any significant adverse impacts to urban design in the study area. As illustrated in the DEIS, the illustrative build out does not include towering buildings, but rather low- to mid-rise apartment buildings similar in height to those in the surrounding area that rise to a maximum base height of 65 feet before setting back to allow light and air to penetrate the street level.

Additionally, as stated in Chapter 2 “Land Use, Zoning and Public Policy,” the majority of the area immediately to the northwest of the rezoning area is zoned R6. There is also an R6 district located to the south of the rezoning area, to the west of Bushwick Avenue. However, directly adjacent to the rezoning area several blocks are zoned R7-2. This district was established pursuant to the West Bushwick / Rheingold Gardens Rezoning adopted in 2001. Unlike the R7-2 zoning district, the Proposed R7A and R6A zoning districts are contextual zoning districts and include urban design regulations such as height limits and street wall frontage requirements that seek to foster an inviting pedestrian environment.

*Comment 7-4: We oppose 8-story buildings in our neighborhood. [1]*

**Response:** Comment noted. See comment 7-1 and 7-3 above. As discussed in Chapter 7 “Urban Design and Visual Resources,” the surrounding neighborhood has a variety of building types, including 7 story apartment buildings. The proposed R6A and R7A districts are contextual zoning districts. The proposed R6A district permits a maximum building height of 70 feet after setting back from the street line at 60 feet and the proposed R7A district permits a maximum building height of 80 feet after setting back from the street line at 65 feet. As noted and illustrated in the DEIS, the projected buildings in the proposed R7A districts would rise to 8 stories or 80 feet after setting back at the 7<sup>th</sup> floor. The resulting building would be similar to the existing seven story buildings and would not out-of-context with the built-context.

## **Chapter 8: Hazardous Materials**

*Comment 8-1: I worry about the possible hazardous materials during this project. [17]*

**Response:** As discussed in Chapter 8, “Hazardous Materials,” Phase I Environmental Site Assessments were prepared for projected development sites 1-4 (Applicant owned sites) and a preliminary screening of potential hazardous materials impacts was performed for projected development sites 5-8, all of the potential development sites, and the portions of Stanwix Street and Noll Street proposed to be mapped. The hazardous materials assessment identified that all of the projected development sites, two of the potential development sites, and the portion of Stanwix Street proposed to be mapped has some associated concern regarding environmental conditions. As a result, the proposed zoning map actions include (E) designations for all projected and potential development sites.

An (E) designated site is an area designated on a zoning map within which no change of use or development requiring a New York City Department of Buildings permit may be issued without approval of the New York City Office of Environmental Remediation (OER). Redevelopment of these sites requires OER review to ensure protection of human health and the environment from any known or suspected hazardous materials associated with the site. With the requirements of the (E) designation on projected and potential development sites, there would be no impact from the potential presence of contaminated materials. The implementation of preventative and remedial measures would reduce or avoid the potential that significant adverse hazardous materials impacts would result from potential construction in the rezoning area resulting from the Proposed Action. Following such construction, there would be no potential for significant adverse impacts.

*Comment 8-2: The project will create a hazardous and potentially toxic environment from the demolition and construction process. [1]*

**Response:** Please see response to Comment 8-1 above. As discussed in Chapter 15, “Construction,” the Proposed Action would not result in any construction related significant adverse impacts. As discussed in Chapter 8 “Hazardous

Materials, the implementation of preventative and remedial measures would reduce or avoid the potential that significant adverse hazardous materials impacts would result from potential construction in the rezoning area resulting from the Proposed Action. Following such construction, there would be no potential for significant adverse impacts.

## **Chapter 9: Infrastructure**

*Comment 9-1: A project of such large scale will put a strain on our infrastructure with possible damage. There should be a commitment in place for Read Group if any damages occur to our homes and community. [17] The project will place additional stress on our infrastructure. [1]*

**Response:** Comment noted. As discussed in Chapter 9, “Infrastructure,” new demands would be placed on the City’s water and sewer infrastructure network under future conditions with the Proposed Action. According to the DEIS, the Applicant will develop a Best Management Practices (BMP) concept plan in coordination with the Department of Environmental Protection (DEP). A BMP concept plan outlines measures that would help to avoid an exacerbation of existing combined sewer overflows (CSOs). The other areas of infrastructure, sanitary sewage and water supply, would not be adversely impacted, since the Proposed Action would not be large enough to adversely affect these systems.

In addition, as the Proposed Action includes the mapping of City streets, an amended drainage plan is required by DEP to be prepared. An amended drainage plan would be prepared by the Applicant and submitted to DEP for review and approval. It is expected that as part of the Proposed Action, a 15-inch diameter combined sanitary sewer would be required within the proposed mapped portion of Noll Street.

## **Chapter 10: Transportation**

*Comment 10-1: The traffic and parking and the increasing of people will affect our surroundings. [5] The rezoning will increase traffic. [6, 7, 10, 11]*

**Response:** As discussed in Chapter 10, “Transportation,” the Proposed Action would increase traffic in the surrounding area. The traffic impact analysis indicates that there would be the potential for significant adverse impacts at four intersections – two in each of the weekday AM and Saturday midday peak hours, three in the weekday midday peak hour, and four in the weekday PM peak hour. Chapter 16, “Mitigation,” discusses measures that would fully mitigate all of these significant adverse traffic impacts. With the implementation of the mitigation measures, all of the significant adverse traffic impacts would be fully mitigated.

As discussed in the DEIS, Chapter 10 “Transportation,” there would be no adverse parking impacts. The analyses concluded that all projected accessory parking demand would be accommodated on-site and would not generate



significant demand for on-street parking. Moreover, it is expected that with the construction of the two new street segments, about 18 new parking spaces would be created on Stanwix Street and about 16 on the south side of Noll Street. Therefore, the Proposed Action is not anticipated to significantly impact the amount of available on-street parking.

*Comment 10-2: The remapping of streets (which are small one-way streets) will increase traffic and be a risk to children and cause a loss of parking spaces. [7]*

**Response:** As noted in Chapter 10 “Transportation,” the Proposed Action, which includes the remapping of portions of Noll Street and Stanwix Street, will increase traffic in the surrounding area and would result in a significant adverse impact at Noll Street and Buswhick intersection. However, mitigation measures identified in Chapter 16 “Mitigation,” that would fully mitigate all of the traffic impacts.

Additionally, as discussed in Chapter 10 “Transportation,” the Proposed Action would not impact the vehicular or pedestrian safety at any one intersection in the study area. Under *CEQR Technical Manual* guidelines, an evaluation of vehicular and pedestrian safety is needed for locations within the traffic and pedestrian study areas that have been identified as high accident locations. These are defined as locations where 48 or more total reportable and non-reportable crashes or five or more pedestrian/bicyclist injury crashes have occurred in any consecutive 12 months of the most recent three-year period for which data are available. As analyzed in the DEIS, no intersections were found to have experienced a total of 48 or more crashes in any one year.

As discussed in the DEIS, the traffic analyses indicates that there would be the potential for significant adverse impacts. As noted Chapter 16 “Mitigation,” mitigation measures that would fully mitigate the traffic impacts include modification of existing parking regulations along several curbs. The modifications would result in the elimination of up to five curbside parking spaces during the weekday midday and PM peak periods. However, as noted in the DEIS there would be no adverse parking impacts. The analyses concluded that all projected accessory parking demand would be accommodated on-site and would not generate significant demand for on-street parking. Moreover, it is expected that with the construction of the two new street segments, about 18 new parking spaces would be created on Stanwix Street and about 16 on the south side of Noll Street. Therefore, the Proposed Action is not anticipated to significantly impact the amount of available on-street parking.

*Comment 10-3: Parking is a major issue. The EIS states ownership as less than 1 car per household. However, many of our 2 and 3 family homes have at least one car, many have two or more cars. [7, 17] The parking estimates are way off. The use of Census data in determining car ownership is unreliable and clearly a flawed approach for determining environmental impact. [18] The Applicant should commit to monitor the actual automobile ownership of the market rate units from the first phase of development and the commitment to provide more than the zoning minimum should statistics demonstrate demand warrants additional parking should be provided [22]. The Brooklyn Borough President appreciates the Applicant’s intent to provide off street parking opportunities for those with less housing income. [22]*

**Response:** As noted in the DEIS, Chapter 10 “Transportation,” Census data was utilized to determine the average number of vehicles per household that would be produced by the projected developments, which include apartments in low- to mid-rise buildings. Census data includes the households within 2 and 3 family homes and would account for multiple vehicles per building. The average of 0.45 vehicles per household was utilized to forecast peak residential parking demand for the proposed project. Utilizing this data, the proposed project is expected to generate a peak residential parking demand of approximately 439 – which would occur during the overnight period.

Comment noted. Additionally, as noted in the DEIS, a parking demand analysis was performed, in Chapter 10 “Transportation,” that concluded that the Proposed Action would not significantly increase demand for on-street parking, since all of the residential demand generated by the proposed project would be accommodated by the proposed number of parking spaces, and would have excess overnight parking availability. Moreover, as discussed in the DEIS, the Proposed Action would increase the amount of on-street parking through the construction of the two new street segments despite the removal of ten (10) parking spaces for the proposed traffic mitigation measures.

*Comment 10-4: People now during rush hours use Stanwix Street as a bypass to avoid traffic on Bushwick Avenue. The EIS states that there are less than 4 accidents per year in the area – opening these streets off of small residential streets where children often play would open the door to more traffic related injuries and fatalities. We are concerned about the safety of our streets with the increase in traffic this project would bring. [1, 4, 7, 13]*

**Response:** Under *CEQR Technical Manual* guidelines, an evaluation of vehicular and pedestrian safety is needed for locations within the traffic and pedestrian study areas that have been identified as high accident locations. These are defined as locations where 48 or more total reportable and non-reportable crashes or five or more pedestrian/bicyclist injury crashes have occurred in any consecutive 12 months of the most recent three-year period for which data are available. As analyzed in the DEIS, no intersections were found to have experienced a total of 48 or more crashes in any one year. However, one intersection (Flushing Avenue/Evergreen Avenue) experienced five or more pedestrian and/or bicyclist injury crashes in one or more years and are therefore considered high accident locations. At all other locations, the number of pedestrian/bicyclist injury crashes per year totaled four or fewer during the 2008 through 2010 period.

As discussed in Chapter 10 “Transportation,” the Proposed Action would increase pedestrian flows at the Flushing Avenue/Evergreen Avenue intersection while the street network changes would marginally reduce overall traffic at this intersection. The Proposed Action would not measurably change operating conditions at this location and, therefore, would not affect safety at this location.

*Comment 10-5: An additional 1,000 units of housing will make it impossible to find parking for our cars. [8] We already have a parking issue and this zoning would eliminate more spaces. [1, 17] Parking is a serious problem. [14] As there will be 977 units and 504 parking spaces for rent is already a shortfall. [17] Existing parking issues should be addressed. [1, 18]*

**Response:** As discussed above under Comment 10-3, the Proposed Action would not significantly increase demand for on-street parking since the proposed number of accessory parking spaces is expected to accommodate the projected parking demand from the projected developments and would have excess overnight parking availability. Moreover, as discussed in the DEIS, the Proposed Action would increase the amount of on-street parking through the construction of the two new street segments despite the removal of five (5) parking spaces for the proposed traffic mitigation measures.

*Comment 10-6: Foot traffic within our small community will increase to insurmountable numbers. [8]*

**Response:** As discussed in detail in Chapter 10, “Transportation,” while the Proposed Action would increase the number of pedestrians in the area, no significant adverse impacts related to pedestrians are anticipated. Detailed pedestrian analyses were conducted at 11 sidewalks, 19 corner elements as well as seven crosswalks for all four peak hours. No pedestrian elements analyzed were anticipated to have an increase in pedestrians that current infrastructure could not handle. Therefore, significant adverse impacts as a result of the Proposed Action are not anticipated.

*Comment 10-7: The corner of Noll Street and Stanwix Street will have traffic converging from three different directions causing dangerous traffic such as speeding, trucks, an increase of cars especially because two buildings will have their parking garage entrance and exit facing already busy Stanwix Street. Stanwix Street is not equipped for the increase of traffic nor is Noll Street. And it is the only way in and out of Renaissance Court. [8, 17, 20] Evergreen Avenue is best suited to have the increase in traffic [from the garage entrance/exits] which 450 cars will produce. [12]*

**Response:** Comment noted. Additionally, as discussed in Chapter 10, “Transportation,” the Proposed Action would not result in significant adverse impacts at the intersection of Noll Street and Stanwix Street. Please also see responses to Comment 10-1 and 10-2 above.

*Comment 10-8: The changing of street directions and the opening of the streets will not alleviate traffic but will increase traffic congestion. Bushwick Avenue is congested on a daily basis and the remapping of streets such as Forrest, Noll, Stanwix and Melrose will not change that. [6, 17]*

**Response:** As discussed in the DEIS, the Proposed Action, which includes the remapping of portions of Noll Street and Stanwix Street, will increase traffic in the surrounding area and would result in significant adverse traffic impacts at the intersections of Forrest Street and Bushwick Avenue, Noll Street and Bushwick Avenue, Arion Place/Beaver Street and Bushwick Avenue, and Melrose Street and Bushwick Avenue. The remapping of Noll and Stanwix Streets is intended greater street frontage to the project site for deliveries and on-street parking and would re-establish the proposed rezoning area as a residential neighborhood with pedestrian and visual connections to existing residential neighborhoods to the east and south. The remapping is not proposed in order to mitigate the identified traffic impacts.

As noted in the DEIS, Levels of Service (LOS) A, B and C generally represent extremely favorable to fair levels of traffic flow; at LOS D the influence of congestion becomes noticeable as delay increases; LOS E is considered to be the limit of acceptable delay; and LOS F is considered to be unacceptable to most drivers, with traffic operations at or over capacity. At certain intersections, Bushwick Avenue is congested under existing conditions and will continue to be congested by the project's build-year with or without the construction of the projected developments. As noted in Chapter 16, "Mitigation," which discusses measures that would fully mitigate all of the identified significant adverse traffic impacts, even with the implementation of the mitigation measures Bushwick Avenue would be congested at certain locations. However, with the mitigation measures none of the locations along Bushwick Avenue would operate at unacceptable levels and the traffic impacts would be fully mitigated.

*Comment 10-9: Mass transit along Flushing Avenue could be altered to create a pilot 'tram line' which would replace the bus route along Flushing Avenue from Flushing and Wyckoff to Flushing and Marcy. The tram system would provide a faster, more accessible way for the 3000 + new residents to acclimate to the neighborhood, rather than overflowing the already crowded bus lines. By connecting the residents of the Rheingold Development with the L, J/M and G trains, the tram would ensure that the mass transit needs of the community are met. [19]*

**Response:** Comment noted. However, the proposal for a tram line along Flushing Avenue is beyond the scope of this Proposed Action.

*Comment 10-10: The Applicant should explore the feasibility to establish angled parking for streets that abut the Applicant's property. [22]*

**Response:** Comment noted.

## **Chapter 11: Air Quality**

*Comment 11-1: Air quality would have an impact on the community. [17]*

**Response:** As discussed in Chapter 11, "Air Quality," the Proposed Action would not result in mobile or traffic based impacts and would not result in industrial source impacts. The potential effects from the Proposed Action would be from HVAC emissions which are easily regulated by routine measures. As discussed in detail in the Air Quality chapter, the projected development sites would require (E) designations that would specify the type of fuel to be used, the type of boilers, and the height of the vent stack above the roof. With the (E) designations in place, no significant adverse air quality impacts are anticipated.

## **Chapter 13: Noise**

*Comment 13-1: The project will increase noise and unnecessary disruptions in our quiet, family oriented community. [10, 11, 17]*

**Response:** As discussed in Chapter 13, “Noise,” traffic generated by the Proposed Action would not generate sufficient traffic to have the potential to cause a significant noise impact, which is triggered by an increase in noise levels by 3 dBA. Therefore, no significant adverse noise impacts related to traffic are anticipated.

#### **Chapter 14: Neighborhood Character**

*Comment 14-1: The rezoning has not been given enough thought as it affects the neighborhood. I believe that the potential development lacks concern for maintaining an area’s personality. [2, 4] Our community is quiet, beautiful, and peaceful, and we’d like to preserve this quality of life. [8] The rezoning would destroy the quality of life in the community with such huge buildings as an R7A zoning. It will no longer feel as a small community with more public traffic and transportation passing through our small streets not to mention speeding with this being a family oriented area. [14, 17]*

**Response:** Comment noted. Under CEQR, Neighborhood character is an amalgam of various elements that give neighborhoods their distinct “personality.” These elements may include a neighborhood’s land use, urban design, visual resources, historic resources, socioeconomics, traffic, and/or noise. As discussed in Chapter 14 “Neighborhood Character,” and elsewhere in the DEIS, the analysis carefully considered whether Proposed Action would cause significant adverse impacts related to land use, zoning, and public policy; socioeconomic conditions; shadows; urban design and visual resources; or noise and concluded that no impacts are anticipated.

As described in the DEIS, the potential significant adverse impacts on open space and traffic would not affect any defining feature of neighborhood character as the impacts would be fully or partially mitigated. The Proposed Action would therefore not have a significant adverse neighborhood character impact.

As analyzed in the DEIS, the proposed zoning districts and available density and building typologies would not be out-of-context or disruptive to the community’s built form or environment. The proposed building on Bushwick Avenue would be very similar in height, bulk and design to the newly constructed Renaissance Estates buildings on Bushwick Avenue, immediately to the south. Moreover, the Proposed Action would preserve the low and mid-rise scale of mid-blocks and avenue frontages with strong built contexts and would fit in with the existing built context.

#### **Chapter 15: Construction**

*Comment 15-1: We require insurance against harmful neighborhood impacts by major construction. [1, 18]*

**Response:** Comment noted. As discussed in Chapter 15, “Construction,” the Proposed Action would not result in any construction related significant adverse impacts. In addition, as discussed in detail in Chapter 15, in order to avoid adverse air quality construction impacts, the Applicant will enter into a Restrictive Declaration which will require construction equipment to utilize Tier III

construction equipment and emission control measures to reduce air quality emissions during construction.

## **Chapter 16: Mitigation**

*Comment 16-1: The EIS cites a shortage of 408 school seats which would be mitigated by restructuring of the current zoned school PS 145 or space within its properties. The developers were asked if the space would include a new school and it was answered no. In addition, the restructuring of PS 145 would require a loss of valuable school spaces such as a library, gym, or cafeteria to meet the extra students as well as expanded classroom sizes. [7]*

**Response:** As discussed in the EIS, the Proposed Action is projected to result in significant adverse impacts related to elementary schools. The DEIS identified an overall shortfall of 408 elementary school seats within Community School District 32, sub-district 2 by 2016 as a result of general population growth and the Proposed Action. Between Draft and Final EIS, SCA released the 2012-2013 Blue Book with updated school enrollment data. As discussed in Chapter 4, the Proposed Action would still result in a significant adverse impact to elementary schools. However, instead of a shortfall of 75 seats and a impact trigger of 614 dwelling units, as identified in the DEIS, the updated analysis identifies a shortfall of 73 seats and an impact trigger of 619 dwelling units. Therefore, the Applicant is required to provide mitigation for a maximum of 73 elementary school seats. The mitigation measures identified in consultation with SCA and the lead agency would provide additional space for the 73 seats and are as follows: 1) reconfiguration of existing unused administration and support space within P.S. 145 to create additional classroom space or 2) provide new classroom space within one of the Applicant's properties near P.S. 145. The Applicant will be required to implement one of these mitigation measures, and therefore, the impact will be considered fully mitigated. The proposal to convert unused rooms into classroom space does not involve the conversion of utilized rooms, such as the gym, auditorium or cafeteria.

*Comment 16-2: The plans call for changing some of our streets into no standing zones between the hours of 7-7, further reducing parking spots. [7, 17] We are opposed to the new parking restrictions from 7am-7pm. [1]*

**Response:** As discussed in Chapter 10 "Transportation," the Proposed Action would result in significant adverse impacts related to traffic. As discussed in Chapter 16, "Mitigation," existing parking regulations are proposed to be modified along several curbs as mitigation for the identified significant adverse traffic impacts. The recommended traffic mitigation plan for the intersection of Forrest Street and Bushwick Avenue includes supplementing an existing no standing 7AM-10AM, Monday through Friday regulation with a no standing 7AM-7PM, Monday-Friday regulation for 100 feet along the east curb on the Bushwick Avenue approach. This would result in the elimination of up to five curbside parking spaces during the weekday midday and PM peak periods. As this proposed parking restriction would be limited to the weekday midday and PM peak period, it would not affect parking conditions during the overnight period. In addition to signal timing changes, the recommended traffic mitigation plan

for the intersection of Melrose Street and Bushwick Avenue includes supplementing an existing no parking 8AM-9:30AM Monday and Thursday regulation with a no standing 7AM-10AM, Monday-Friday regulation for 100 feet along the north curb on the Melrose Street approach. This would result in the elimination of up to five curbside parking spaces during the weekday AM peak period. As this proposed parking restriction would be limited to the weekday AM peak period, it would not affect parking conditions during the midday, PM, and overnight periods. As described in the EIS, without the modification to the parking regulations the Proposed Action would result in unmitigated traffic impacts.

In addition, it should be noted that it is expected that with the construction of the two new street segments, about 18 new parking spaces would be created on Stanwix Street and about 16 on the south side of Noll Street (the north side adjacent to the existing warehouse would likely have no-standing regulations), for a total of 34 new curbside parking spaces.

*Comment 16-3: Moving the park to a more publicly accessible site seems imperative for addressing community needs. The open space mitigation proposal by the Developer between sites 3 & 4 does not benefit Rheingold residents, since the gates would be only open from dawn till dusk, when most residents are at work. The open space seems to be for the residents only and there is no fitness equipment in the plans anymore. [4, 17] However, it is just not being promoted as a benefit being bestowed on the larger community. [4, 18]*

**Response:** The proposed publicly accessible open space on the Applicant's property would be open to the public and not just for the residents of the proposed buildings. The hours of operation for the publicly accessible open space on the Applicant's property are standard practice for City parks and other public open spaces and are utilized in order to minimize noise impacts on adjacent residential buildings.

Additionally, as discussed in the DEIS, the proposed size and location of the open space was studied in relation to the ½ mile open space study area. DPR and DCP reviewed and determined that this site is the most feasible location for the open space. The size and location of the public open space will be set and memorialized pursuant to a Restrictive Declaration.

The DEIS identified two practicable mitigation measures that would collectively partially mitigate the impact upon open space in the study area. The DEIS identified the provision of an approximately 17,850 sf publicly accessible on-site open space in addition to funding provided by the Applicant for improvements to Green Central Knoll Park in the form of adult fitness equipment. In response to comments received on the DEIS, the Applicant, DPR, and DCP reviewed other possible mitigation measures within the surrounding study area in lieu of funding improvements to Green Central Knoll Park. After revisiting and reviewing the potential mitigation measures, in consultation with DPR and DCP, the use of funding for improvement of adult fitness equipment or other active open space improvements to Green Central Knoll Park, or for other improvements or enhancements of active open spaces in the study area to increase their utility, safety and capacity to meet identified needs in the study area as may be determined by DPR, in consultation with DCP as the lead

agency, at a time when the funding becomes available, would be most effective at partially mitigating the significant adverse impact to active open space. The open space mitigation measures required would be included in the Restrictive Declaration.

*Comment 16-4: The footprint of the park should be at least 30,000 square feet and not wedged between two of the developments. It would be a better solution that the park be built between Monteith and Forrest avenue, site of the 2nd proposed building. If the park was built here in lieu of the residential buildings, the park would be much larger, and more accessible to the larger community as it would be bordering on Bushwick and Flushing Avenue, easy to see and enter. The building of a new park, larger than what the Applicant proposes and the rehabilitation of Garden Park should be binding agreements the Applicant must agree to in order for their project to be considered for approval. [19]*

**Response:** See comment 5-2. As part of the partial open space mitigation, the Applicant will provide a 17,850 square foot publicly accessible open space between Sites 3 & 4. As discussed in the DEIS, the proposed size and location of the open space has been studied, and reviewed by DPR and DCP, and determined that this site is the most feasible location for the open space. In addition, the Applicant will enter into a Restrictive Declaration which would require them to construct the publicly accessible open space within their property as well as to provide a contribution of \$350,000 for the rehabilitation of Green Central Knoll Park in the form of adult fitness equipment, or for other improvements or enhancements of active open spaces in the study area to increase their utility, safety and capacity to meet identified needs in the study area.

*Comment 16-5: Councilman Antonio Reynoso stated on 9/18/13 the developer would try to reconfigure two classrooms from existing space or build an annex. We do not feel this is a satisfactory alternative to overcrowding as an annex would not house 408 students, or result in taking up student resource areas within the school or playground space to address this shortfall. [4]*

**Response:** As discussed above under comment 16-1, the proposal to convert unused rooms at PS 145 into classrooms would not involve the conversion of utilized rooms such as the gym, auditorium or cafeteria. As stated in the DEIS, The proposal for an annex to PS 145 would be located within the Applicant's property (located across Evergreen Avenue from PS 145) and would not be constructed on PS 145's property. Therefore, the existing playground and any other student resource areas would not be affected.

In addition, as discussed in the EIS, the Proposed Action is projected to result in significant adverse impacts related to elementary schools. The DEIS identified an overall shortfall of 408 elementary school seats within Community School District 32, sub-district 2 by 2016 as a result of general population growth and the Proposed Action. As noted in the DEIS, the Proposed Action would increase the shortfall above the CEQR Technical Manual threshold for a significant adverse impact to elementary schools by 75 seats. Between Draft and Final EIS, SCA released the 2012-2013 Blue Book with updated school enrollment data. The FEIS was updated to include the latest school data. As discussed in Chapter 4, the Proposed Action would still result in a significant adverse impact to



elementary schools. However, instead of a shortfall of 75 seats and a impact trigger of 614 dwelling units, as identified in the DEIS, the updated analysis identifies a shortfall of 73 seats and an impact trigger of 619 dwelling units. Therefore, the Applicant is required to provide mitigation for a maximum of 73 elementary school seats. The mitigation measures identified in consultation with SCA and the lead agency would provide additional space for the 73 seats and are as follows: 1) reconfiguration of existing unused administration and support space within P.S. 145 to create additional classroom space or 2) provide new classroom space within one of the Applicant's properties near P.S. 145. The Applicant will be required to implement one of these mitigation measures, and therefore, the impact will be considered fully mitigated.

*Comment 16-6: The Borough President supports rehabilitation to Garden Park at Beaver St. as part of the larger effort to improve open space in the neighborhood. This ensures community needs are met and fulfilled. [19]*

**Response:** Comment noted. The DEIS identified improvements to Green Central Knoll Park in the form of adult fitness equipment as partial mitigation for the identified open space impact. In response to comments received on the DEIS, the Applicant, DPR, and DCP reviewed other possible mitigation measures within the surrounding study area. After revisiting and reviewing the potential mitigation measures, in consultation with DPR and DCP, the use of funding for improvement of adult fitness equipment or other active open space improvements to Green Central Knoll Park, or for other improvements or enhancements of active open spaces in the study area to increase their utility, safety and capacity to meet identified needs in the study area as may be determined by DPR, in consultation with DCP as the lead agency, at a time when the funding becomes available, would be most effective at partially mitigating the significant adverse impact to active open space.

## **Chapter 21: Public Health**

*Comment 21-1: The rezoning would result in health and environmental impacts on our area. [6]*

**Response:** As discussed in Chapter 21, "Public Health," the Proposed Action would not have the potential for unmitigated significant adverse impacts related to air quality, hazardous materials, construction, or natural resources. Therefore, the Proposed Action would not have the potential for significant adverse impacts related to public health.

## **General Comments**

*Comment G-1: Community Board 4 violated open meeting laws when holding the private July 29<sup>th</sup> vote in favor of Rheingold Rezoning. As individuals and as a community, we do not feel heard nor represented in regards to the major rezoning proposal underway in our neighborhood. [1, 18] Not only have community residents have been given little information, notice, or a voice in the situation. [1, 2, 8, 17, 20, 21] We are Bushwick, we are unique, and we want to be heard. [15]*

**Response:** Comment noted. The DEIS was prepared in conformance with applicable laws and regulations, including Executive Order No. 91, New York City Environmental Quality Review (CEQR) regulations, and follows the guidance of the CEQR Technical Manual. The lead agency issued a Notice of Completion for the DEIS on May 31, 2013. Public Notice of completion of the DEIS and a public hearing on the DEIS was published in the *New York Post* on August 23, 2013 and in the *City Record* on August 29, 2013. The City Planning Commission held a public hearing on the DEIS in Spector Hall at 22 Reade Street in Manhattan, September 11, 2013. Comments were accepted at that hearing and throughout the public comment period, which remained open until September 23, 2013.

*Comment G-2: Read Property Group would benefit greatly from the opportunity to develop nearly 1,000 units, a portion of them affordable, at this iconic site. The community should take this opportunity now to ensure that the project provides adequate open space, and affordable housing that meets the areas needs, but also that it creates good jobs for the area. Only with these measures in place can Bushwick continue to be a multidimensional community where all residents can advance, earn a living, and live in safety and security as the neighborhood continues to evolve. [16]*

**Response:** Comment noted. Under the Inclusionary Housing program, to achieve the maximum FAR of 3.6 or 4.6 in the R6A and R7A zoning districts, respectively, the Applicant would be required to set aside 20 percent of the proposed dwelling units in the project as affordable housing to families earning a maximum of 60 percent of the AMI. Additionally, the Applicant has stated that it intends to include an additional 47 units of affordable housing for seniors. These units would be developed under the Inclusionary Housing Program which requires all affordable units in the development will be affordable for the life of the development. In addition, the Applicant will be required to develop 17,850 sf of publicly accessible open space on their property as partial mitigation for the identified open space impact. Furthermore, the Proposed Action is projected to increase of approximately 220 permanent new jobs to the area.

*Comment G-3: I would request that there be more community-wide discussions and meetings with the Commission before the project is given the go ahead. [2]*

**Response:** Comment noted. Please see response to Comment G-1 above.

*Comment G-4: Since the Montrose and Stanwix building there has been more graffiti, trash on the sidewalks of Stanwix, drug usage, violence, and hanging out in front of buildings. [14]*

**Response:** Comment noted.

*Comment G-5: We require transparency of process and voting in all ULURP process and surrounding procedures, space for community voices to be part of the decision making process, binding assurances that community requirements are met by all developers, space for all members of our community to engage in the future of Bushwick. [1, 18]*

**Response:** Comment noted. Please see response to Comment G-1.

*Comment G-6: We require improved garbage pick-up. [1, 18]*

**Response:** **Comment noted. The site plan proposes residential and vehicular entrances for the proposed buildings on Sites 3 & 4 on Stanwix Street; however, garbage pick-up has not been planned for any particular location in the project. The Applicant has stated that it intends to meet with area residents to address their concerns on this matter and work on solutions that may involve timing of pick-up and locations.**

*Comment G-7: The Rheingold Development is in the center of multiple neighborhoods. The opportunity to redesign this parcel not as large square residential boxes, but a circular “center” more akin to European city design would provide an opportunity for experimentation in a city that is so ‘squarely’ ‘on the grid’. The Rheingold development could become the ‘center’ for the adjacent neighborhoods as an artistic and cultural hub, a district for live arts and environmental opportunities to create farming jobs and supply local food to the community if an aggressive agricultural program was introduced. [19]*

**Response:** **Comment noted. However, the redesign of the existing City grid street system is not within the scope of the Proposed Action.**

*Comment G-8: We need safe, clean streets. [1]*

**Response:** **Comment noted.**

*Comment G-9: The placement of the garages on Stanwix St. would further reduce parking. We are not quite sure why the garages are not being set on Evergreen Avenue, which is much quieter, has ample parking spots and is in sore need of renewal and development. [7]*

**Response:** **Comment noted.**

*Comment G-10: I purchased a home in this community because they sold us on the fact that there would be more affordable homes being built to continue this smaller, close-net community. Not huge apartment buildings with the Manhattan look or life style that has also recently changed Williamsburg. [17, 20]*

**Response:** **Comment noted.**