

Greenpoint-Williamsburg Rezoning EIS

CHAPTER 27: RESPONSE TO COMMENTS*

I. INTRODUCTION

This chapter summarizes and responds to all substantive comments on the Draft Environmental Impact Statement (DEIS) for the proposed Greenpoint-Williamsburg Rezoning project made during the public review period. These consist of comments made at the public hearing held by the New York City Planning Commission (CPC) on January 19, 2005, and written comments submitted to the New York City Department of City Planning. The period for public review remained open until January 29, 2005. In addition to responses to comments on the DEIS, this chapter also provides responses to those comments received on the Draft Scope of Work that were not incorporated into the Final Scope of Work.

Section II below lists the individuals who commented on the DEIS, and summarizes and responds to comments made at the public hearing and received in writing. Written comments received on the DEIS are included in Appendix H to the FEIS. Section III lists the individuals who commented on the Draft Scope of Work, and summarizes and responds to those comments received on the Draft Scope of Work that were not incorporated into the Final Scope of Work.

II. DEIS COMMENTS AND RESPONSES

Comments were accepted on the Draft Environmental Impact Statement (DEIS) for the Greenpoint-Williamsburg Rezoning project during a period commencing with the City Planning Commission public hearing held at the Klitgord Auditorium of New York City Technical College on January 19, 2005, and extending through January 29, 2005. Written comments received on the DEIS are included in Appendix H.

This section lists and responds to comments on the DEIS. The comments are organized by subject area, following the organization of the DEIS document. Where comments on the same subject matter were made by more than one person, a single comment summarizes those individual comments. The organization and/or individual that made the comment is identified next to each comment, using a numerical reference keyed to the list of commentors below. Comments on the DEIS were received from the following individuals and organizations:

1. Evelyn Cruz, representing U.S. Congresswoman Velasquez (oral statement at public hearing)
2. Testimony of State Senator Martin Malave Dilan (oral statement by Anna Zak, representing Senator Dilan at public hearing, and written statement submitted 01/19/05)
3. Nina Englander, representing State Assemblyman Vito J. Lopez (oral statement at public hearing)
4. State Assemblyman Vito J. Lopez (written statements submitted 10/29/04 & 01/19/05)
5. Testimony of Public Advocate Betsy Gotbaum (oral statement at public hearing & written statement submitted 01/19/05)
6. Brooklyn Borough President Marty Markowitz, (oral statement at public hearing & written statement submitted 01/19/05; Borough President Recommendation on ULURP applications, dated 01/12/05)

* This chapter is new to the EIS.

7. Marty Markowitz, Brooklyn Borough President; Vincent V. Abate, Chair Brooklyn CB1; Christopher Olechowiski, Chair Brooklyn CB1 Rezoning Task Force; & Gerald A. Esposito Brooklyn District Manager CB1 (written statement submitted 01/27/05)
8. Laura Imperiale, representing City Councilwomen Diana Reyna (oral statement at public hearing & written statement submitted 01/19/05)
9. City Councilman David Yassky (oral statement at public hearing & written statement dated February 16, 2005))
10. Vincent V. Abate, Chair Brooklyn CB1 (oral statement at public hearing & written statement submitted 01/19/05)
11. Brooklyn Community Board #1 Recommendations on ULURP Applications 040415MMK, 040416MMK, 040417MMK, 040418MMK, 050110ZRK, 050111ZMK, dated 12/07/04)
12. William Abbott, Steamfitters Local 638 (oral statement at public hearing)
13. Susan Albrecht, Catholic Charities of Brooklyn & Queens (oral statement at public hearing & written statement submitted 01/19/05)
14. American Planning Association, New York Metro Chapter (written statement submitted 01/05)
15. Dick Anderson, New York City Building Congress (oral statement at public hearing)
16. Rick Bell, American Institute of Architects, New York Chapter (oral statement at public hearing)
17. Noa Bornstein, resident (written statement submitted 01/26/05)
18. Marissa Bowe, Brooklyn CB1 Rezoning Task Force (oral statement at public hearing)
19. Frank Braconi, Citizen's Housing and Planning Council (oral statement at public hearing)
20. Cathleen Breen, Friends of the Williamsburg Waterfront (oral statement at public hearing & written statement submitted 01/19/05)
21. Brooklyn Legal Services Corporation A, representing Mobilization Against Displacement (written statement submitted 01/19/05)
22. Bernard Carr, New York State Association for Affordable Housing (oral statement at public hearing)
23. Emily Caslow, ACME Smoked Fish Corp. (oral statement at public hearing & written statement submitted 01/21/05)
24. Ira Chazan, resident (oral statement at public hearing)
25. Louis Coletti, Building Trades Employees Organization (oral statement at public hearing)
26. Allison Cordero, St. Nicks (oral statement at public hearing)
27. Philip DePaolo, People's Firehouse (oral statement at public hearing)
28. Eric Deutsche, Brooklyn Navy Yard Development Corporation (oral statement at public hearing)
29. Christian DiPalermo, New Yorkers for Parks (written statement submitted 01/19/05)
30. Esteban Duran, Churches United for Fair Housing (oral statement at public hearing)
31. Donald Elliott (oral statement at public hearing)
32. Gerald A. Esposito, District Manager Brooklyn CB1 (oral statement at public hearing)
33. Paul Fernandez, Buildings Construction Trades Council (oral statement at public hearing)
34. B. Pietro Filardo, Philip Johnson (oral statement at public hearing)
35. Dennis Fisher, BoxArt, Inc (written statement submitted 01/18/05)
36. Ken Fisher, Huron Tower LLC (oral statement at public hearing)
37. Richard Fitzsimmons, Tunnel Workers of New York City (oral statement at public hearing)
38. John Fletcher (oral statement at public hearing)
39. Jaye Fox (oral statement at public hearing)
40. Tom Fox, New York Water Taxi (oral statement at public hearing & written statement submitted 01/19/05)
41. Peter Gillespie, NAG (oral statement at public hearing & written statement submitted 01/19/05)
42. Jasper Goldman, Municipal Art Society (oral statement at public hearing)
43. Marc L. Greenberg, Interfaith Assembly on Homelessness & Housing (written statement submitted 01/19/05)
44. Patti Hagan, resident (oral statement at public hearing)
45. Shelly Hagan (oral statement at public hearing)
46. Jeffrey Hennick, Western Carpet (oral statement at public hearing)
47. Catherine Herman, Los Sures (oral statement at public hearing & written statement submitted 01/19/05)
48. Steve Hindy, Brooklyn Brewery (oral statement at public hearing)
49. Mira M. Holy, resident (written statements submitted 10/18/04 & 10/22/04)
50. Christine Hulak (oral statement at public hearing)

51. Adrienne Jennings, Jeffrey Hewitt, & Douglas Culhane, 240 Wythe Avenue Tenants' Assoc. (written statement submitted 01/24/05)
52. Anne Kandrato, John Ericsson School (oral statement at public hearing)
53. Samuel G. Kaplan, New 10th Street LLC (written statement submitted 01/18/05)
54. Arthur P. Kirms, The Greenpoint Monitor Museum (oral statement at public hearing & written statement submitted 01/19/05)
55. James Klein & David Reid, KleinReid (written statement submitted 01/19/05)
56. Ira M. Kluger, Canarsie Historical Society (written statement submitted 01/14/05)
57. Caroline Konheim, Community Consulting Services (written statement submitted 01/19/05)
58. Annie Kurtin, American Institute of Architects, New York Chapter (oral statement at public hearing)
59. Dawn Ladd, property owner (oral statement at public hearing)
60. Brad Lander, Pratt Institute Center for Community & Environmental Development (oral statement at public hearing)
61. Sam Laniado, Attorney for Transgas Energy Systems LLC (oral statement at public hearing & written statement submitted 01/20/05)
62. Janice Lauletta-Weinmann, The Greenpoint Monitor Museum (oral statement at public hearing & written statement submitted 01/19/05)
63. Ed Lazarus, Royal Engraving Co. Inc. (written statement submitted 01/19/05)
64. Jeff Levine, property owner (oral statement at public hearing & written statement submitted 01/19/05)
65. Bert Levine, Attorney for Anthony Hotz (written statements submitted 11/03/04 & 11/11/04)
66. Deborah Masters, Brooklyn CB1 Environmental Protection Committee (oral statement at public hearing & written statements submitted 11/16/04 & 01/18/05)
67. Richard Mazur (oral statement at public hearing)
68. Daniel McCalla, Brooklyn Coalition Against Urban Removal (oral statement at public hearing & written statement submitted 01/19/05)
69. Benjamin Means, Bayside Fuel (oral statement at public hearing)
70. Ron Moelis, L&M Equity (oral statement at public hearing)
71. The Municipal Arts Society of New York (written statement submitted 01/19/05)
72. Marty Needleman, Mobilization Against Displacement (oral statement at public hearing & written statement dated 01/18/05)
73. Abigail Neville, North Brooklyn Alliance (oral statement at public hearing)
74. Chris Olechowski, Brooklyn CB1 Rezoning Task Force (oral statement at public hearing)
75. Reverend James O'Shea, Churches United for Fair Housing (oral statement at public hearing)
76. Paul Parkhill, Greenpoint Manufacturing and Design Center (oral statement at public hearing)
77. Adam Perlmutter, resident (oral statement at public hearing)
78. Anthony Pugliese, NYC District Council of Carpenters (oral statement at public hearing & written statement submitted 01/18/05)
79. Alice Rich, resident (written statement submitted 01/19/05)
80. Thomas Roberts, resident (oral statement at public hearing)
81. Nicholas Ronderos, Regional Plan Association (oral statement at public hearing)
82. Heather Roslund, Brooklyn CB1 Height and Bulk Committee (oral statement at public hearing)
83. Jennifer Roth, NYIRN (oral statement at public hearing & written statement submitted 01/19/05)
84. Michael Rozenberg, New York Orthopedic USA, Inc. (written statement submitted 01/17/05)
85. Michael Friedman Schnapp, resident & NYIRN (oral statement at public hearing)
86. Basil Seggos, Riverkeeper (written statement dated 01/19/05)
87. Neil Sheehan (oral statement at public hearing)
88. Michael Slattery, REBNY (written statement submitted 01/19/05)
89. Frank Stanton, International Brotherhood of Electrical Workers (oral statement at public hearing)
90. Lauren Talbot, Metropolitan Waterfront Alliance (oral statement at public hearing)
91. Stephanie Thayer, resident and North Brooklyn Alliance (oral statement at public hearing)
92. Joe Vance (oral statement at public hearing)
93. Jennifer Webber, Oznot's Dish (oral statement at public hearing)
94. George Weinmann, The Greenpoint Monitor Museum (oral statement at public hearing)
95. Mark Williams, Utility Workers Union of America (oral statement at public hearing)

96. Kathryn Wylde, Partnership for New York City (oral statement at public hearing & written statement submitted 01/19/05)

A. Project Description

Comment A1: This is an innovative public-private partnership. I commend the initiatives of the Bloomberg Administration to create long-term affordable housing. The mix of subsidies and incentives will provide a very practical and permanent approach. (96)

Response: **Comment noted.**

Comment A2: This is a thoughtful plan. The varied heights will allow variety of building forms and public access. \$1.6 billion in private investment will transform the area, increase tax revenue, and create construction jobs. The City must plan now to accommodate 1.2 million additional residents foreseen for 2025. (15)

Response: **Comment noted.**

Comment A3: I'm in support of the plan for Greenpoint-Williamsburg. The plan will simultaneously achieve goals for Greenpoint-Williamsburg and the City, including \$1.6 billion in private investment, over \$300 million in taxes, and 11,000 construction jobs. (25)

Response: **Comment noted.**

Comment A4: I am in support of the plan but have some concerns. The city ought to extract as many affordable housing units as possible on the waterfront. (12)

Response: **The Revised Affordable Housing Bonus and Incentives (Revised AHBI) Alternative in the FEIS, developed in response to several similar comments, is projected to result in the development of a total of approximately 7,914 net new projected housing units. Of the 7,914 net new units projected under this alternative, 6,067 units would be located on the three projected waterfront sites, of which approximately 1,213 units are expected to be affordable (an estimated 708 low-income units, 202 moderate-income units, and 303 middle-income units). In the upland area, approximately 185 units of the 1,847 net additional units are expected to be affordable under the Revised AHBI Alternative. As discussed in the Alternatives chapter, the Revised AHBI Alternative results in a careful balancing of the financial incentives offered to developers with the public interest in promoting an economically integrated community.**

Comment A5: I am in favor of the rezoning because it's the only way to permanently protect the community from uses such as TransGas. (77)

Response: **Comment noted.**

Comment A6: The Greenpoint-Williamsburg plan does not do nearly enough to provide the improved transportation, ample green space, and opportunities for affordable living that members of the community need and deserve. The plan should be changed to reflect these needs before it is approved by the CPC. (5)

Response: **Please see response to Comments A4 (affordable housing), A48 (transportation), and E6 and E7 (open space).**

Comment A7: There should be a guarantee of a minimum of 30% affordable units. (6)

Response: **Chapter 23 of the FEIS, "Alternatives," considers two affordable housing alternatives. In comparison with the AHZD Alternative, which proposes a mandatory inclusionary housing policy, the Revised AHBI Alternative, a voluntary program, was found to be effective in producing affordable housing and meeting the goals of the proposed action.**

Comment A8: The Greenpoint-Williamsburg plan must guarantee and mandate 40 percent affordable housing. (2, 8, 9, 10, 11, 13, 20, 30, 41, 43, 47, 67, 68, 72, 75, 79, 87) Forty percent affordable housing is necessary because it represents a significant share of the overall number of new units, which could begin to satisfy the tens of thousands of households in need of lower cost housing and also because it could constitute a critical mass of affordable units to help mitigate the impact of such a volume of luxury housing. (47)

Response: **Comment noted. Please see response to Comments A4 and A7 above. Chapter 23 of the FEIS, “Alternatives,” considers the AHZD Alternative, which proposes a mandatory inclusionary housing policy, and determined that a mandatory affordable housing program would not meet the goals and objectives of the proposed action.**

Comment A9: The community is stubborn about having affordable housing mandated because we’ve seen Memoranda of Understanding (MOUs) in the past that have fallen through. (47)

Response: **Comment noted. Chapter 23 of the FEIS, “Alternatives,” considers two affordable housing alternatives. In comparison with the AHZD Alternative, which proposes a mandatory inclusionary housing policy, the Revised AHBI Alternative, a voluntary program, was found to be effective in producing affordable housing and meeting the goals of the proposed action.**

Comment A10: The Schaefer Project, which was built under a rezoning negotiation, serves as a model, which demonstrates that mandating 40 percent affordable units can work. The developer for this project did pay for the land, did encounter high site preparation cost, but because he was able to obtain subsidies and because the City helped defray the cost of the construction of the esplanade, he was able to provide 140 low-income apartments. (47)

Response: **Comment noted. Please see response to Comments A4 and A7 above. The Schaefer development was built on city-owned land. The Inclusionary Housing program that is analyzed in the Revised AHBI alternative is designed to spur the development of affordable housing on privately owned land. Where the City owns land, it has the ability to target larger numbers of affordable units.**

Comment A11: An Affordable Housing Special District should be mapped as an overlay encompassing the entire Greenpoint-Williamsburg rezoning action area, mandating that 40% of the apartments in each new development of 15 or more units (or equal to or greater than a gross developable floor area of 7,500 square feet) within the Affordable Housing Special District must be affordable to individuals and families within certain income bands, ranging from 25% of Area Median Income (50% of CB1 Area Median Income) to 150% of Area Median Income. (10, 11)

Response: **The application of existing zoning designations, including contextual districts and the Special Mixed Use (MX) District, together with the proposed Waterfront Access Plan and zoning text changes, achieve the project’s objectives. It should be noted that the DEIS included assessment of an Affordable Housing Zoning District Alternative, in which a mandatory affordable housing requirement would be applied, as requested during the scoping process. The assessment indicated that such an alternative would fall short of fulfilling the goals and objectives of the proposed action. A new alternative has been added in the Final EIS, which includes an inclusionary housing bonus mechanism that facilitates the provision of affordable housing in the entire rezoning area (see responses to Comment A4 and A8). The Inclusionary Housing program in the Revised AHBI alternative targets primarily low-income households. On the waterfront, the option exists to target a portion of the affordable units to moderate- or middle-income households. The income levels for low-, moderate-, and middle-income households match those specified in city, state, and federal housing assistance programs. In addition, several housing programs that would be paired with the zoning bonus, such as the 80-20 program, include lower income targets.**

Comment A12: Affordable housing should be included within market-rate developments on the waterfront and in upland areas. (11)

Response: The AHZD and Revised AHBI alternatives considered in Chapter 23 of the FEIS, “Alternatives,” include an option for providing affordable units off-site. Mandating that developers provide affordable units on-site would not allow developers enough flexibility for a program to operate effectively.

Comment A13: The current plan’s income targets do not meet the needs of this community district. (11)

Response: The AHZD Alternative in Chapter 23 of the FEIS, “Alternatives,” considers an income limit of as low as 50 percent of the Area Median Income (AMI) for the New York City PMSA and as high as 125 percent of AMI. The Revised AHBI Alternative includes an income limit of as low as 80 percent of AMI and as high as 175 percent of AMI. These limits represent maximum incomes within specific categories not income targets. Households with lower incomes can and do reside in developments within these income limits. Lower-income limits lower than those analyzed in the Revised AHBI Alternative would not allow developers the flexibility needed for an affordable housing program to operate effectively. (See response to Comment A11.)

Comment A14: We agree with the Community Board and Borough President that the plan doesn’t yet provide enough affordable housing. We continue to believe that mandatory affordable housing is the goal. With the current plan, many developers will probably not take the incentive and will just develop market rate housing at the lower 4.0 FAR. Even if they do take the incentives, it will develop too few units. It relies on existing subsidy programs without getting any affordability through the density bonus. Whether voluntary or mandatory, all of the affordable units will be subsidized through affordable housing programs. In a down market, they’d be one of the most attractive parts of the development. With modest mandates and a significant bonus for those developers that choose to develop a significant amount of affordable housing, we can achieve the affordability goals of the community. (60)

Response: Developers are expected to take advantage of the density bonus incentives under the Revised AHBI Alternative analyzed in Chapter 23 of the FEIS, “Alternatives.” As described in the chapter, the unprecedented mix of obligations required of developers under the AHZD Alternative, which mandates affordable units, adds additional risks to residential development and could discourage investment in new housing, which could stall the development of both market rate and affordable housing. The AHBI Alternative was found to give developers the flexibility to respond to market conditions and provide the maximum number of both market rate and affordable housing units in both strong and weak markets.

Comment A15: The proportion of affordable housing required for the inclusionary bonus should be raised closer to the community’s proposal in the Williamsburg sites. The strength of the real estate market would enable a greater proportion of affordable housing in this neighborhood while still allowing for profitable development. (71)

Response: See response to Comment A7.

Comment A16: We are in favor of the proposal. New housing by itself doesn’t cause gentrification; that’s due to changes in the city’s economy in general. Gentrification is occurring with the existing housing stock. We’re encouraged by inclusionary housing and we support lower density zoning for incentives. On the mandatory affordable housing issue, most realistic housing analysts agree that some mandatory affordable housing could be okay without adversely affecting the market in Greenpoint-Williamsburg, but it would almost certainly be less than what people want and would set a bad public policy precedent. We feel a voluntary inclusionary housing policy is good for Greenpoint-Williamsburg and city-wide. (19)

Response: Comment noted. The Revised AHBI Alternative in the FEIS includes a voluntary inclusionary housing bonus mechanism that would apply to new residential construction within the rezoning area. The Revised AHBI Alternative does not analyze an inclusionary housing policy outside of the proposed rezoning area boundaries. (see response to Comment A4).

Comment A17: The proposed plan includes enough goals and incentives toward the production of affordable housing to be a positive step forward. The inclusionary housing program should be voluntary. (14)

Response: **Comment noted.**

Comment A18: The mandatory approach to affordable housing does not make sense. (16, 96)

Response: **Comment noted.**

Comment A19: Requirements written into the zoning resolution are unresponsive to changing market conditions and emerging community priorities. A zoning mandate that overreaches may ultimately result in the loss of highly prized investment into the neighborhood. (96)

Response: **Comment noted.**

Comment A20: We are in contract to buy a waterfront site. Mandatory versus voluntary affordable housing is a red herring. It is difficult to achieve 40% realistically, probably 15-25% is the maximum feasible. (70)

Response: **Under the Revised AHBI Alternative analyzed in Chapter 23 of the FEIS, “Alternatives,” developers of waterfront sites, in exchange for a density bonus, would be required to build between 15 and 25 percent of the floor area as affordable units (see Comments A4 and A7).**

Comment A21: The Real Estate Board of New York supports the rezoning plan as presently proposed, especially the voluntary affordable housing program. A mandatory affordable housing program, as some have proposed, would lower levels of housing development in a good market. In a weak market, developers will look elsewhere where this onerous cost burden is not present. We can’t afford to impose restrictions that will add to the cost and difficulty of building new housing. (88)

Response: **Comment noted.**

Comment A22: We are in favor of those aspects of the plan that set forth affordable housing. This type of public-private partnership can result in up to 2,500 affordable dwelling units. Inclusionary zoning can be an important tool. As developers and not policymakers, it’s hard to know how much is needed. Inclusionary zoning is broad enough to meet varied market conditions and has sufficient incentives for developers. Developers can use existing programs and zoning bonuses. The plan addresses a variety of buildings and incomes. Conversations are already ongoing with developers. (22)

Response: **Comment noted. The “Alternatives” chapter of the FEIS analyzes a Revised Affordable Housing Bonus and Incentives (Revised AHBI) Alternative, in which developments providing affordable housing units would be eligible for a floor area bonus. See responses to Comments A4, A8, and A11.**

Comment A23: We are prepared to play a role in solving the affordable housing crisis. For ten years we have fought off incinerators, garbage transfer stations, adult uses... because people would not recognize the mixed-use nature of the neighborhood. I recognized the only solution was a rezoning. My fear is that we’ll let the perfect veto the good. If this proposal is defeated, developers will propose one of two things: much higher densities with less thought to design and no public access to the waterfront, or as-of-right uses involving pollution an truck traffic and the re-industrialization of the waterfront. Mandatory affordable housing may be a “taking” and unconstitutional. (36)

Response: **Comment noted. A mandatory inclusionary housing program is considered in the AHZD Alternative in Chapter 23: Alternatives of the FEIS.**

Comment A24: The area has a lot of potential and a lot of complications. There is a high level of industrial vacancy and pressure for conversions. The Greenpoint-Williamsburg rezoning justifies our support. Voluntary affordable housing is better because it’s more responsive to the real world. It’s not perfect, but it’s needed. (31)

Response: **Comment noted. See response to Comments A4 and A9.**

Comment A25: Preference for affordable housing should go to community residents. (8)

Response: **Comment noted. The Revised AHBI Alternative, analyzed in Chapter 23: Alternatives in the FEIS, would allow for an inclusionary housing zoning bonus. Eligible residents of Brooklyn Community District 1 would receive preference for 50 percent of the affordable units in any given development, if built under City-sponsored programs.**

Comment A26: A guarantee that 50% of the affordable units go to Greenpoint-Williamsburg residents should be incorporated into the plan. (6, 8, 11)

Response: **See response to Comment A25**

Comment A27: Forty percent of any new housing should be truly affordable to current low income and working class residents of the neighborhood, i.e. with rents at about 30 percent of the income of our very low, working poor and lower middle income families. (72)

Response: **The AHZD Alternative in Chapter 23: Alternatives of the FEIS considers an income limit of as low as 50 percent of the Area Median Income (AMI) for the New York City PMSA and as high as 125 percent of AMI. The Revised AHBI Alternative includes an income limit of as low as 80 percent of AMI and as high as 175 percent of AMI. These limits represent maximum incomes within specific categories not income targets. Households with lower incomes can and do reside in developments within these income limits. Income limits lower than those analyzed in the Revised AHBI Alternative would not allow developers the flexibility needed for an affordable housing program to operate effectively (see response to Comment A7 and A11).**

Comment A28: It is essential that this proposal create a real guarantee that at least 40% of all 10,000 newly constructed units are affordable to community residents. The 40% should comprise 25% affordable units on the waterfront (2,500 units) and an additional 1,500 affordable units on public land. The guarantee of affordability can be met by developing public land as 100% affordable, by significantly deepening the incentives for affordable development both on the waterfront and in upland areas, and by preserving already existing affordable units. (4)

Response: **See response to comments A4, A7, and A8.**

Comment A29: The project must lower the base FAR in order to guarantee the development of affordable units. (4, 6, 42)

Response: **In the FEIS, Chapter 23, “Alternatives” analyzes a Revised Affordable Housing Bonus and Incentives (Revised AHBI) Alternative, which was developed by the NYC Department of City Planning in response to comments received during the public review process for the DEIS. Under this alternative, zoning-based mechanisms are utilized to encourage affordable housing, and the base FAR is lowered with a FAR bonus available for the provision of affordable housing. This alternative incorporates an enriched Inclusionary Housing program developed by the Department of City Planning and Department of Housing Preservation and Development for Greenpoint-Williamsburg. This program would combine a zoning bonus with existing financial programs to create an incentive for the development and preservation of affordable housing in conjunction with the Greenpoint-Williamsburg Rezoning. The affordable units created would remain affordable in perpetuity (see response to Comments A7 and A9).**

The Revised AHBI Alternative proposal significantly expands current inclusionary housing policy by permitting the use of city, state, and federal housing subsidy programs in conjunction with a zoning bonus to achieve a substantial number of affordable units in medium-density districts. In both the waterfront and upland areas, developments providing affordable housing units would be eligible for a floor area bonus. On the waterfront, the modifications lower the base FAR available without the bonus to enhance the program’s attractiveness (e.g., sites zoned R6 and R8 subject to a maximum FAR of 4.0 and with the bonus these site could achieve a maximum FAR of 4.7). Under the Revised AHBI

Alternative, the base FAR on waterfront sites in R6 and R8 districts is lowered to 4.0 from 4.3 in the proposed action. Also proposed for the first time is an inclusionary bonus program that would apply in medium density zones in the upland areas (e.g., sites zoned R7A district subject to a maximum FAR of 4.0 and with the bonus these sites could achieve a maximum FAR of 4.6).

Comment A30: The bulk regulations address the urban design and neighborhood context issues that this diverse community presents. They also expand the concept of Inclusionary Zoning to areas outside Manhattan so that a number of new units will be affordable to lower income individuals and families. (88)

Response: Comment noted.

Comment A31: Baby strollers and cement trucks don't mix. The area is already largely residential, and therefore, I endorse this plan. I employ 40 people in the community, but I'm the only one who actually lives there. You can create more jobs with a mixed-use zone providing services to residents. (46)

Response: Comment noted. As described in Chapter 3 of the FEIS, "Socioeconomics Conditions," the proposed action is not likely to cause significant direct or indirect business displacement impacts. As stated in the FEIS, the proposed action would bring approximately 1,010 new jobs to the proposed action area, or roughly 805 net new jobs when compared to No-Action conditions. A discussion of the effects of the proposed mixed use zoning is provided in Chapter 2, "Land Use, Zoning, and Public Policy."

Comment A32: We are in favor of the modified plan and would like to thank the Brooklyn Office of DCP for keeping the zoning unchanged on our site. We want to stay in Greenpoint and have spent millions in capital improvements due to our commitment to the community. We employ 150 people, 100 of whom walk to work. We are asking that Block 2615, Lots 1, 50, 21 and 25 remain zoned as M-3, as submitted by the Brooklyn City Planning Office. (23)

Response: As discussed in Chapter 23, "Alternatives" of the FEIS, Under the Revised AHBI Alternative, which reflects modified zoning map and text change applications filed by DCP in December 2004, the block bounded by Gem Street, Meserole Avenue, Banker Street, Wythe Avenue, and North 15th Street (Block 2615) has been removed from the modified zoning map change application. This block is removed as part of the (A) text and map in response to comments received from Acme Smoked Fish Co., to facilitate the expansion of this active business which employs 150 people.

Comment A33: The waterfront property consisting of Block 2287, Lots 16 and 30 and Block 2294, Lots 1 and 5, should be included within the rezoning area and rezoned to permit residential uses. The properties both to the north and south are being rezoned to permit residential. (53)

Response: The blocks noted above are incorporated within the waterfront park that would be mapped as part of the proposed action. The rezoning of these blocks for residential development is analyzed in the Additional Waterfront Development (AWD) alternative.

Comment A34: As the owner of a full-service restaurant in Greenpoint, I have been facing a debilitating level of harassment already. The plan should mandate or incentivize commercial space on the ground floor. (93)

Response: Comment noted. The proposed action would create new commercial zoning overlays within the proposed action area, which would serve the new residential uses introduced by the proposed zoning along the Greenpoint and Williamsburg waterfront and in upland areas. The proposed action is projected to result in a total of approximately 337,160 sf of commercial/retail use at street level. As described in Chapter 3 of the FEIS, "Socioeconomics," the increase in population induced by the proposed action is expected to increase the demand for commercial services and retail. It is anticipated that the development of new ground-floor commercial space will occur within the proposed commercial overlay and mixed-use districts without mandates or additional incentives.

Comment A35: The City should continue evaluating revised zoning text that would combine a proportion of mandatory inclusionary housing provisions with the inclusionary bonus. (71)

Response: Comment noted. Chapter 23 of the FEIS, “Alternatives,” considers both a mandatory and voluntary inclusionary housing program. As noted previously in the response to Comment A9, in comparison with the AHZD Alternative, which proposes a mandatory inclusionary housing policy, the Revised AHBI Alternative, a voluntary program, was found to be effective in producing affordable housing and meeting the goals of the proposed action.

Comment A36: Consider creating a cultural or artisan district. (93)

Response: As described in Chapter 1 of the FEIS, “Project Description” part of the purpose of the proposed action is to create flexibility for residential and mixed-use development, as well as more flexible home occupation provisions. These rules would also apply to light industry, including cultural and artisan businesses, which would be allowed in mixed-use districts.

Comment A37: How do we foster economic growth without displacing low-income, small businesses? Must assist industries in maintaining existing jobs. (8)

Response: As described in Chapter 3 of the EIS, “Socioeconomic Conditions,” the proposed action would not result in significant adverse impacts due to direct or indirect business displacement. The proposed action would be expected to directly displace 38 firms and 580 jobs. However, this direct displacement is not considered a significant adverse impact under CEQR. The proposed action would also result in a net total of approximately 253,698 sf of new commercial space, and a net additional worker population of approximately 226 (see response to Comment C12 below). Moreover, as indicated in the response to Comment C5 below, the proposed action would retain manufacturing zoning in areas that continue to have a concentration of industrial businesses, thereby encouraging the continued presence of industrial businesses in Greenpoint and Williamsburg. In addition, the proposed mixed-use districts would permit a mix of light industrial and commercial uses, as well as residential uses.

Comment A38: Would like to see more open space in the plan and better maintenance of existing parks like McCarren Park. (40) The plan needs additional open space along the Bushwick Creek Inlet. (17, 92)

Response: Comment noted. The proposed action would add a new 27.8 acre park along the waterfront at the Bushwick Inlet, which is anticipated to contain both active and passive recreational amenities and have public access to the waterfront, including continuous public parkland around the Bushwick Inlet. In addition, the proposed action would also establish a Waterfront Access Plan (WAP) to provide for a coordinated network of waterfront open spaces, including a publicly accessible waterfront esplanade. As detailed in the EIS, together, this combination of parks and publicly accessible open spaces would create an open space network comprising up to approximately 49 acres above water along the Greenpoint-Williamsburg waterfront. A detailed analysis of open space resources is provided in Chapter 5 of the EIS. The analysis concluded that the proposed action would not result in significant adverse open space impacts, except for under Scenario B, for which mitigation measures are discussed in the mitigation chapter.

Comment A39: Open space in the plan relies heavily on government spending - needs to be credible. (9)

Response: As noted in the response to Comment A38 above, the proposed action would map a new public park on the waterfront. New public parks are, typically, developed with public funds. However, the responsibility for building and maintaining the public access areas required under the WAP as part of the proposed action rests with private developers, and not on public funds. It should also be noted that the WAP proposed as part of the action would provide for a coordinated network of waterfront open spaces, including a publicly accessible waterfront esplanade. The proposed action would require individual developments to develop and maintain links in this continuous shore public walkway.

Comment A40: The Community Board has major concerns that the parcel created by the proposed street demapping and park mapping actions, if not immediately acquired by the City and developed as public parkland, will remain vulnerable to private development of environmentally noxious uses and/or non-contextual residential development, severely exacerbating the community's drastic need for open space. See Community Board Recommendations for conditions of approval for the mapping action. (11)

Response: **The proposed action would map a 27.8 acre park along the waterfront at the Bushwick Inlet, which would be designated as public parkland on the City Map. In order to be developed as public parkland, the land would need to be acquired by the City. Existing uses on the property would be able to continue to occupy the site until the City acquires the land. It is anticipated that acquisition of the park by the City would begin shortly after approval of the proposed action.**

Comment A41: The proposed plan is too big and does not fit into the existing character of Williamsburg. Horizontal density is Brooklyn density; modest three-and four-story buildings that have housed generations of Brooklynites are not underutilized City space. They are people's homes and/or businesses. (44)

Response: **Under the revised AHBI alternative, building heights would be limited to between 30 and 65 feet within 100 feet of the upland edge of waterfront blocks, establishing a transition between permitted heights in the predominantly low-rise upland area and the taller buildings permitted closer to the waterfront. The EIS provides an analysis of urban design, including an assessment of building height and density, under the proposed action, and determines that there would not be significant adverse impacts to the area's urban design character.**

Comment A42: As the owner of three waterfront sites, I believe the plan correctly balances the economics for waterfront development - owners must clean up brownfields, install infrastructure, and develop waterfront access and open spaces. The plan is an opportunity for the City to recapture a 2 mile waterfront with the expense paid the private sector. It's a good balance between affordable housing bonus and costly infrastructure improvements. (64)

Response: **Comment noted.**

Comment A43: Make sure the waterfront esplanade guarantees full, open, and convenient public access that will not be inhibited by developers and private landowners. (8)

Response: **The proposed zoning map changes and Waterfront Access Plan would require new commercial and residential development on waterfront parcels to develop and maintain links in a contiguous publicly accessible shore public walkway. A new waterfront promenade, or shore public walkway, would be created between Manhattan Avenue and North 3rd Street. The Greenpoint-Williamsburg WAP, which becomes part of the zoning text, is being proposed in order to establish a coordinated framework for public access to the Greenpoint-Williamsburg waterfront in advance of development. The Greenpoint-Williamsburg WAP takes advantage of this opportunity to enlarge existing waterfront park spaces and to mandate connections to the neighborhood at important locations.**

All new developments on zoning lots within waterfront blocks will be subject to the provisions of Article VI, Chapter 2 of the Zoning Resolution: Special Regulations Applying in the Waterfront Area, as well as the Waterfront Access Plan proposed as part of the action. The waterfront zoning regulations state that the obligations to provide all required visual corridors, shore public walkways, supplemental public access areas, pier or floating structure, public access areas and upland connections, once certified in accordance with the provisions of Section 62-711 of the zoning resolution, shall be embodied in the form of a signed declaration of restrictions, including a maintenance and operation agreement with the Department of Parks and Recreation, indexed against the property, binding the owners, successors and assigns to provide, construct and maintain those elements. Such declaration or maintenance and operation agreement shall require that a bond be posted that would

ensure that the public access areas are maintained in accordance with the declaration or maintenance and operation agreement and are closed only at authorized times. The filing of such declaration in the Borough Office of the Register of the City of New York shall be a precondition for the issuance of a building permit.

Comment A44: Forward-looking waterfront planning begins with the water. We are concerned with waterfront access and quality of open spaces adjacent to it. Historical difficulty in waterfront planning when private owners are involved; we believe that public ownership of the waterfront is a necessity for the development and maintenance of a waterfront esplanade. Funding should leverage private sector contribution with public investments in order to ensure timely construction and a contiguous lively system. We support Community Board 1's open space plan. Set an example of waterfront development by increasing opportunities for water-based experiences. By enlarging the inlet and restoring some of the natural habitats in historic edges, more water-based uses can take place at Bushwick Inlet..For too long plans for the water have failed to think about the water as active space. Waterfront development must not happen in a haphazard manner, but be built contiguous, by a public agency or public/private partnership with a water use plan that reflects the needs of the community. (90)

Response: The proposed zoning would permit a range of active, water-dependant and water-enhancing uses in the redevelopment of a currently derelict waterfront. The proposed actions would not only permit recreational boating uses, but also the creation of docks for water taxis in the rezoned area. The Greenpoint-Williamsburg WAP would provide a mechanism for coordinated, development of an interconnected public open space network on sites in Greenpoint-Williamsburg. As described in Chapter 2, "Land Use, Zoning, and Public Policy," the elements of this open space network would include a continuous shore public walkway running from the end of Manhattan Avenue in Greenpoint to the end of North 3rd Street in Williamsburg. Subject to design standards, this path would generally trace the water's edge, linking the open spaces along the East River. Pedestrian public access would also be required on all piers, in accordance with the requirements of waterfront zoning. See response to Comment A43.

Comment A45: The rezoning proposal should propose innovative opportunities for increasing the water amenities designed for the communities. (71)

Response: The proposed action would encourage public access to the East River waterfront, water dependent uses, and other residential and commercial redevelopment in an area currently characterized by underutilized waterfront properties. It would also significantly increase waterfront recreation opportunities by mapping an approximately 27.8-acre public park (15.9 acres under Scenario B) in the Bushwick Inlet area. While the program for the new park has not been determined, the planning and design of the new facility would be undertaken in close coordination with the Parks Department, to ensure that adequate active recreational space is provided.

Comment A46: For Hudson Yards, the Mayor intends to spend billions on the 7 line extension, but for Greenpoint Williamsburg, there is no transit improvement proposed. The L train is already at capacity. (5, 9)

Response: Given the level of new demand generated by the proposed action on the L subway line, the addition of one Manhattan-bound L train during the AM peak hour (increasing the frequency from 18 to 19 trains per hour) would be required to mitigate the potential AM peak hour impact to Manhattan-bound L-train service.

Comment A47: Transportation planning should have been included in the plan to result in integrated transportation and land use planning. This missed opportunity can be fixed through an immediate program to coordinate transportation improvements, bus, ferry, subway, etc. (16)

Response: The EIS analyzes all transportation aspects and implications of the proposed action. As detailed in the EIS, the study area already has a good street grid system, and is served by a total of ten NYC Transit local bus routes and three subway stations. As noted in the EIS, the

level of new demand generated by the proposed action on the L train would require the addition of one Manhattan-bound L train during the AM peak hour. It should also be noted that the proposed action would allow water taxi services, with a vessel capacity limited to 99 passengers, on an as-of-right basis along the waterfront area affected by the proposed WAP.

Comment A48: The Greenpoint-Williamsburg plan does not provide public transportation to the waterfront. (5)
Response: As noted in the response to Comment A47 above, the study area is already served by 10 local bus routes, and subway service is provided along the high density upland areas (Bedford Avenue in Williamsburg and Manhattan Avenue in Greenpoint). As development along the waterfront increases, bus service to the waterfront would likely be added (currently, only the B24 bus route reaches all the way to the waterfront). As demonstrated by waterfront developments in Queens and Manhattan's Upper East Side, subways do not need to reach all the way to the waterfront for residential developments.

Comment A49: We support the Community Board 1 proposal and urge you to adopt their modifications. (1, 20)
Response: Comment noted.

Comment A50: I support the plan, but hope you will consider all the well thought out objectives of the community. (48)
Response: Comment noted.

Comment A51: I support the proposed rezoning. (28)
Response: Comment noted.

Comment A52: There are a number of active light industrial uses and live-work spaces for artists along Commercial Street. The City should consider maintaining the manufacturing zoning on this street. (17)

Response: As shown in the proposed zoning map in Chapter 1 (Figure 1-3), a commercial zoning overlay would be provided on the northern side of Commercial Street, whereas most of the the southern side would be zoned as mixed use districts (M1-2/R6 and M1-2/R6A). As noted in the response to Comment A38, mixed-use zones would allow a mix of industrial, residential, and commercial uses, including mixed-use buildings and live-work accommodations, and would therefore encourage the continued presence of light industrial businesses along Commercial Street. The proposed mixed-use district includes an expanded definition of 'home occupations,' permitting a broader variety of live-work accommodations than is allowed in standard zoning districts. In addition, the proposed action includes an M1-2 manufacturing district for the active industrial facilities where Commercial Street meets Manhattan Avenue.

Comment A53: The former industrial building at 240 Wythe Avenue (a.k.a. 63 North Third Street) contains live-work spaces and residential units, and should be rezoned to a mixed-use or residential zone to reflect the existing use. (51)

Response: 240 Wythe Avenue is located on the block bounded by Kent and Wythe Avenues, North 3rd and North 4th Streets, which is proposed for rezoning to a mixed use district (M1-2/R6A). As such, the proposed zoning would reflect the existing use s on this site.

B. Land Use, Zoning & Public Policy

Comment B1: The MX language gives no protection to individual uses. (18)

Response: The Special Mixed Use District (MX) is a special zoning district that combines a light industrial (M1) District with a residential district, permitting a mix of selected high performance light industrial, commercial, residential, and community facility uses under applicable regulations. The MX district permits mixed-use buildings, and includes an

expanded definition of “home occupations,” permitting a broader variety of live-work accommodations than is allowed in standard zoning districts.

The proposed mixed use zones are intended to reflect the existing mix of land uses within the neighborhood and continue to permit a variety of uses in the future, as well as provide future opportunities for a vibrant mix of light industrial, commercial, and residential uses, with restrictions on noxious or hazardous uses. MX districts would also provide opportunities for the legalization of converted loft buildings, in accordance with zoning and the building code.

Comment B2: Brooklyn Community Board #1 wholeheartedly endorses the need for rezoning in Greenpoint and Williamsburg, and endorses the rezoning proposal put forth by the Rezoning Task Force of Community Board #1. (11)

Response: **Comment noted.**

Comment B3: Brooklyn Community Board #1 opposes the Department of City Planning actions C05011ZMK (zoning text changes) and N05011ZRK (zoning map changes) in their current form. (11)

Response: **Comment noted.**

Comment B4: Brooklyn Community Board #1 requests that the Department of City Planning continue to work in good faith with the Rezoning Task Force to make such changes as are necessary to bring the City’s rezoning proposal more in line with the 197a plans previously adopted by the Department of City Planning for these areas (see also detailed “Community Board Recommendation,” attached). (11)

Response: **Comment noted. See response to Comment B5.**

Comment B5: The plan doesn’t adequately reflect the recommendations of the waterfront 197-a plan. (47,73)
Response: **Chapter 2, “Land Use, Zoning, and Public Policy” of the EIS assess the proposed action’s consistency with public policies, including the Greenpoint and Williamsburg Waterfront 197-a Plans. As noted in the Chapter, the proposed action supports numerous recommendations of the adopted Greenpoint and Williamsburg Waterfront 197-a Plans. The action is consistent with, and implements, principal goals and objectives of these plans, as well as many of the detailed recommendations that remain relevant and applicable to the proposed action.**

Additionally, the FEIS includes a new project alternative, the Revised AHBI alternative, which has been developed to reduce and partially mitigate any indirect residential displacement impact.

Comment B6: The rezoning plan affects 30-40 industrial blocks in a unique area where people can walk to work. Many industries are compatible with residential uses, and a creative mixed-use zoning tool should be used to preserve existing jobs. (9)

Response: **See response to Comments C5, C7, and C10.**

Comment B7: The current zoning in Greenpoint provides affordable housing and industrial employment in close proximity to one another; this is a win-win situation for corporations seeking employees and residents seeking employment. If the area is rezoned, corporations will be forced to relocate and residents will find themselves without jobs. (84, 85)

Response: **The proposed action would change zoning designations in the Greenpoint sub-area in a manner that would both correspond with existing land use and be responsive to documented land use trends over recent years. In areas where existing land use is predominantly residential, the proposed action would create residential zoning districts to protect and promote the character of the neighborhood. As noted in the response to Comment C5, the proposed action would retain manufacturing zoning in areas that continue to have a**

concentration of industrial businesses, thereby encouraging the continued presence of industrial businesses in Greenpoint and Williamsburg. Also see response to Comment A37.

C. Socioeconomic Conditions

Comment C1: The plan would result in the secondary displacement of seniors and low- and middle-income residents. (68)

Response: As described in the Indirect Residential Displacement section of Chapter 3, “Socioeconomic Conditions,” there are an estimated 2,510 residents or 830 households that could be vulnerable to indirect (or secondary) displacement under the proposed action. Some of these households could contain a senior population. These households are concentrated in three areas: the far eastern portion of the proposed action area near McCarren Park (Census tract 499); a portion of the primary study area in the far northern part of Greenpoint (Census tract 579); and an area south of the proposed action area boundary (Census tracts 525 and 527).

This potential indirect displacement was identified as a significant adverse impact in the DEIS. As described in Chapter 23, “Alternatives,” the Revised AHBI Alternative is expected to result in the development of 1,398 affordable housing units within the proposed action area. Affordable units produced using HPD and HDC programs are subject to a 50 percent preference for residents of the Community District. These new affordable housing units would serve to reduce and partially mitigate the indirect displacement impact that could occur as a result of the proposed rezoning.

Comment C2: The City did not take into account the fact that the median income of North Brooklyn families is \$11,000 less than the citywide median. This needs to be corrected and the standards for affordability set according to the appropriate income median. (2)

Response: The standards for affordability outlined in the Revised AHBI Alternative are based on the methodologies in the *CEQR Technical Manual* and standards developed by the U.S. Department of Housing and Urban Development. According to HUD, affordability standards are set in relation to the median family income for the primary metropolitan statistical area (PMSA) rather than the borough or city.

The purpose of the analysis presented under the Indirect Residential Displacement section of the EIS is to determine whether there is a population at risk of indirect residential displacement living in the study area. Differences in household income between the study area and the borough and city were considered in this analysis and were an important factor in determining the potential for adverse impacts. The population at risk of indirect displacement was identified by comparing the average household income for renters in small buildings (unprotected by rent control or stabilization) in each Census tract in the study area to the average household income for all renters in Brooklyn.

Comment C3: In West Chelsea the city is using M zoning to preserve galleries, but in Greenpoint-Williamsburg, they are proposing MX which will displace similar galleries. (83)

Response: The potential for direct or indirect business displacement impacts as a consequence of the proposed action was analyzed in accordance with the methodologies of the *CEQR Technical Manual* in Chapter 3, *Socioeconomic Conditions*, and was found not to be significant. No galleries are projected to be displaced as a result of the proposed action.

Comment C4: Royal Engraving is a small business with 50 employees in Greenpoint. As the City has shown little interest in retaining any manufacturing in Greenpoint and Williamsburg, the company is at a crossroads, and in order to expand, it is forced to consider moving to New Jersey. We ask that the zoning be changed or a variance be given to allow the business to expand in place. (63, 85)

Response: Royal Engraving is within the rezoning area. It's currently located in an M1-1 zone and the zoning designation for the property would not change under the proposed rezoning. The proposed action would retain manufacturing zoning in areas that continue to have a concentration of industrial businesses, thereby encouraging the continued presence of industrial businesses in Greenpoint and Williamsburg. Special Mixed Use Districts would accommodate a mix of industrial, residential, and commercial uses and manufacturing zoning would be retained in approximately 19 blocks of the study area. (Zoning on these blocks would be changed from M3-1 to M1-2.) Businesses aiming to enlarge their properties in ways that are not permitted as-of-right either under the existing zoning or the proposed rezoning can apply for a variance from the Board of Standards and Appeals. Variances address specific hardships or practical difficulties associated with the development of a particular parcel. Special permits can be granted to permit a variety of actions, including expansion of a building in a district where expansion would not otherwise be allowed.

Comment C5: Greenpoint and Williamsburg are incredibly vibrant “creative communities” that have become natural incubators for new businesses that thrive on creative energy. This proposal puts that at risk. (2, 83) Changing the special mixed use district and upland manufacturing area to a zoning designation that would allow as-of-right market rate residential development would increase rents for industrial space and destroy the industrial base in Greenpoint and Williamsburg. (41, 55, 84)

Response: As described in Chapter 1 of the FEIS, “Project Description” part of the purpose of the proposed action is to create flexibility for residential and mixed-use developments, as well as more flexible home occupation provisions than the area’s existing zoning. These rules would also apply to light industry, including cultural and artisan businesses, which would be allowed in mixed-use districts (see response to response to Comment C4.)

Comment C6: The City has yet to project the cumulative effects of the six rezonings that are converting manufacturing neighborhoods to retail or office districts. 13,000 jobs are at risk. (83)

Response: The analysis of the effects of the proposed action on the industrial sector in the rezoning area, as well as the primary and secondary study areas, was carried out in accordance with the methodologies of the *CEQR Technical Manual* and did not find that there would be significant adverse impacts.

Comment C7: An alternative approach would be to remove blocks which have the densest concentration of industrial jobs; create a fund to subsidize the acquisition of industrial space by nonprofit organizations that are dedicated to preserving jobs; and create a fund to reimburse companies for relocation expenses. We recommend removal of the following blocks: 2557, 2562, 2565, 2568, 2571, 2589, 2333 (south half only), 2341, 2349, 2357, 2363, 2378, 2334 (south half only), 2350, 2358, 2342, 2364, 2379, 2727 (M1-1 zone area only), 2726 (M1-1 zone area only), 2724, 2723, 2733, 2732, 2737, 2736, 2731, 2741, 2298 (excluding residential portion fronting Bedford Ave), 2299, 2306, 2305 (excluding residential portion fronting Bedford Ave), 2313, 2314, 2307, 2322, 2371, 2372, 2374, 2375, 2386, and 2387. (83)

Response: As noted above, the EIS analysis did not find any significant impacts due to direct or indirect business displacement or adverse effects on specific industries as a result of the proposed action. As the alternatives analysis is intended to look at ways of reducing or eliminating impacts of the proposed action, while still achieving the goals and objectives, the removal of these blocks was not considered as an alternative.

Comment C8: Brooklyn has something that every other city envies - a burgeoning creative economy of small businesses that produce specialty products. The unique synergy of the many creative businesses in Greenpoint and Williamsburg and their customer base in Manhattan must be allowed to flourish. You can achieve this by keeping the existing zoning for selective blocks in effect, as per the maps in my recommendation report. (6)

Response: See responses to C6 and C7.

Comment C9: We concur with the New York Industrial Retention Network that some blocks need to be taken out of the plan and more needs to be done to ensure the viability of important manufacturing jobs. (60)

Response: See response to Comments C6 and C7, above.

Comment C10: The proposed MX district will not maintain the mix of uses in the neighborhood that is critical to sustaining a diverse community fabric and stable job base. The Mixed-Use designation needs to encourage high-performance and light industrial and/or commercial development while adequately addressing the needs of residential development. Recommended zoning designations are described in detail in the Community Board Recommendations. (11)

Response: As stated in the response to Comment C5, it is the intent of the proposed action to maintain manufacturing district in the core manufacturing areas and to allow a mix of uses in the mixed-use (MX) districts. Special mixed-use districts would accommodate a mix of industrial, residential and commercial uses. Both the mixed-use zoning and the M1 manufacturing zoning would allow light manufacturing/ warehouse activities, or "high performance" manufacturing activities, to remain in the community.

Comment C11: We urge the city Planning Commission to vote "no" unless the Community Board and Borough President's recommendations are incorporated. The MX zoning makes no attempt to retain local creative businesses, and the city assumes displaced businesses can just move to another area. (83)

Response: As stated above in the response to Comment C5, the mixed-use zoning is intended to allow for a combination of uses – residential, commercial, and light industrial – and the 19 blocks of manufacturing zoning will facilitate the continued presence of light industrial businesses in the proposed rezoning area.

As noted in the comments above, the DEIS analysis found that the proposed action would not result in a significant adverse direct or indirect business displacement impact. As stated in the analysis, this is in part because businesses that would be directly displaced would be expected to be able to relocate to available locations identified nearby.

Comment C12: The MX zoning will lead to job loss. (14, 42)

Response: As described under "Direct Business Displacement" in Chapter 3, "Socioeconomic Conditions" of the EIS, the proposed action would be expected to directly displace approximately 38 firms and 580 jobs, of which approximately 568 jobs are in the proposed MX zones (of the 12 jobs remaining jobs, 9 are in a proposed R6 zone with a commercial overlay and 3 are in a proposed R6B zone). This direct displacement is not considered a significant adverse impact under CEQR. Significant adverse indirect business displacement impacts are not expected to occur as a result of the proposed action.

Economic benefits of proposed actions are not typically quantified as part of CEQR analyses and are not discussed in detail in the Greenpoint-Williamsburg rezoning EIS. However, the new development that would be facilitated by the proposed action would generate considerable economic benefits in the Greenpoint-Williamsburg community. New building construction or renovation would create construction jobs, and construction workers would make purchases in the Greenpoint-Williamsburg community, thereby benefitting local businesses. By 2013, the residential and worker populations would increase by approximately 15,872 and 226 net new people, respectively, creating new jobs and a substantial new customer base for existing businesses.

Comment C13: Bayside Fuel is opposed to the plan. It would shut down a viable and profitable business on a site that is connected to the fuel pipeline. Destruction of businesses cannot be justified under this plan. (69)

Response: Comment noted. As discussed in Chapter 2, "Land Use, Zoning, and Public Policy," the Bayside Fuel depot on Bushwick Inlet has indicated its intent to discontinue operations at this site. As part of the proposed action, this site and adjacent areas are proposed to be

mapped as park, in order to enliven the waterfront and provide much needed open space to serve the Greenpoint and Williamsburg neighborhoods. The EIS identifies the direct business displacement that would be associated with the proposed action and determines that such displacement would not result in a significant adverse impact.

Comment C14: The Greenpoint-Williamsburg plan should be revised to include text and mapping that creates mixed use zones that preserve jobs and work spaces. (47)

Response: The proposed action does include mixed-use zones. As explained above in response to comment C5, it is the intent of the proposed action to allow for a mix of uses in these districts, while maintaining manufacturing zones in areas characterized by light industrial and commercial use.

Comment C15: The plan will ruin the existing mix of races and incomes and uses in Greenpoint-Williamsburg, which is what makes the community great. (47, 59) The Greenpoint-Williamsburg plan will inevitably increase the population and alter the makeup of the community. (2)

Response: As stated above in the response to Comment C1, and discussed under “Indirect Residential Displacement” in Chapter 3, “Socioeconomic Conditions,” of the EIS, there are roughly 2,510 residents or 830 households that could be vulnerable to indirect displacement under the proposed action. This indirect displacement was presented as a significant adverse impact in the DEIS. The Revised AHBI Alternative is expected to provide 1,398 affordable housing units in the proposed action area, reducing and partially mitigating the potential for indirect displacement that could occur as a result of the rezoning and allowing greater opportunity for a diversity of income groups to remain in the Greenpoint-Williamsburg study area. The proposed action would increase the population by 17,731 residents. Any changes to the demographic make-up of the area are discussed in Chapter 3, “Socioeconomic Conditions.”

Comment C16: We need the construction jobs that would be created by this rezoning. In the next ten years, 1/4 of the workforce is retiring. We want to maintain our size, but it will only be possible if more jobs are available. More than ½ of our workers are minorities and women. (33)

Response: Comment noted. Economic benefits of proposed actions are not typically quantified as part of CEQR analyses and are not discussed in detail in the Greenpoint-Williamsburg rezoning FEIS. However, the new development that would be facilitated by the proposed action would generate considerable economic benefits in the Greenpoint-Williamsburg community. New building construction or renovation would create construction jobs, and construction workers would make purchases in the Greenpoint-Williamsburg community, thereby benefitting local businesses.

Comment C17: Relocating to the Brooklyn Navy Yard is not an option since there is little vacant space there. (84) Businesses being displaced from the community can’t function in an industrial area like the Brooklyn Navy Yard - they need a balanced mixed-use area. (85)

Response: As noted in the response to Comment C5, the proposed action is not expected to have a significant direct or indirect business displacement impact. The Brooklyn Navy Yard is cited in the DEIS as one of many locations outside the proposed action area which collectively provide the opportunity for displaced businesses to relocate. While the Brooklyn Navy Yard might not be able to provide space for all businesses, for some businesses it would be an option.

Comment C18: The current location at the transportation crossroad between JFK airport and Manhattan with its easy access to Manhattan clients and a skilled labor force is essential to local business in Greenpoint and Williamsburg and therefore makes it difficult for them to relocate elsewhere in the City. (35, 41)

Response: As stated above, the proposed action is not expected to have a significant direct or indirect business displacement impact. The DEIS cites a number of suitable alternative locations for displaced manufacturing businesses.

Comment C19: The upland zoning threatens to drive out many small businesses. The zoning text should allow light manufacturing uses on the ground floors and residential above. There should be a comprehensive plan to protect Bushwick Inlet and Newtown Creek from loss of jobs. Only limited Use Groups 16 and 17 were proposed on the ground floor as part of the community's plan. (68, 76)

Response: As described in the response to Comment C5, the proposed action is not expected to have a significant direct or indirect business displacement impact. The proposed rezoning would allow light manufacturing uses to exist on the ground floors of buildings located in mixed-use districts in the upland areas.

Job loss is not expected to occur along Newtown Creek as a result of the proposed action. The eastern portion of the rezoning area along Newtown Creek would be maintained as a manufacturing zone under the proposed action. Only the western portion would be mapped for residential use. And although those blocks would be rezoned, they do not contain projected development sites, and no job loss would likely occur. Furthermore, the blocks along Newtown Creek directly east of the rezoning area boundary would retain their M3-1 zoning designation. This is a vibrant industrial area that is expected to remain active into the future.

Comment C20: Maintain retail possibilities in the area. It is important for tax base and jobs. (24)

Response: The proposed action would provide ample opportunity for retail uses in the proposed rezoning area. The mixed-use districts would permit a mix of light industrial, commercial, residential, and community facility uses. In areas zoned for residential use, commercial overlays would be mapped to permit development of ground-floor retail. These commercial overlays would be mapped along corridors such as Bedford Avenue and Grand Street in Williamsburg, and Greenpoint Avenue and West Street in Greenpoint.

As described in the EIS, the proposed action itself is expected to result in the development of approximately 337,160 square feet of new ground floor retail and service businesses. These businesses would generate an estimated 1,010 jobs in the proposed action area.

Comment C21: The proposed zoning should be modified to mandate that existing ground floor industrial space be maintained in predominantly manufacturing areas in and around the Northside Special District while allowing residential development above the ground floor businesses. (41) The plan should include the community's proposed modification to the MX zoning that would maintain ground floor manufacturing space while allowing for affordable housing above. (83)

Response: As stated above, high-performance ground floor industrial uses would be permitted in the mixed-use districts. It is the objective of the proposed action to permit light industrial and commercial, but not residential uses in areas where manufacturing zoning is retained, while permitting a mix of light industrial, commercial and residential uses in mixed-use areas.

The proposed action is intended to create opportunities for new housing on underutilized and vacant land formerly used for manufacturing, where there is no longer a concentration of industrial activity and where strong demand for housing exists. The mixed use districts proposed in certain areas would permit the continuation of light industrial uses as well as the residential re-use of underutilized and vacant land. Replacing the Special Northside and Special Franklin Street District designations with residential and Special Mixed Use District (MX) designations has a range of benefits, including greater flexibility for residential and mixed use development, such as infill development, as well as more flexible home occupation provisions. In addition, the proposed action would facilitate the redevelopment of the area's derelict East River waterfront. Light industry and residences would be permitted to coexist

in mixed-use areas, and manufacturing zoning would be retained in areas where concentrations of industrial activity exist.

The additional new residences will require retail and service businesses in close proximity. Limiting ground floor use to manufacturing would make it more difficult for the marketplace to meet resident consumer's needs. Moreover, the city's experience with such regulations incorporated into the zoning is that they have not been successful in preserving industrial uses.

Comment C22: The high potential for displacement in the study area makes it critical that HPD consider constructing 100% affordable units on public sites. (4) Develop the publicly controlled sites entirely for affordable housing. (4, 6)

Response: The City will examine the possibility of constructing new affordable housing on publicly-owned land in Greenpoint and Williamsburg. On publicly owned sites, the City may have the ability, in some cases, to provide additional incentives that target higher percentages of affordable units than on privately owned sites.

Comment C23: The indirect residential displacement analysis presented in the EIS is flawed because it relies on average renter income rather than median renter income. (4)

Response: The indirect residential displacement analysis was performed in accordance with the *CEQR Technical Manual*. Median household income data for renters living in small (unprotected) buildings is available only at the community district level. Because the Greenpoint-Williamsburg study area has a great diversity of socioeconomic characteristics, performing this type of analysis on a broad level – for the entire study area or community district – would mask this diversity and would not result in an accurate analysis of the impacts of the proposed action. It was therefore determined that a Census tract-based analysis would produce a more accurate analysis, and data restrictions dictated that the analysis be performed using average rather than median household incomes.

Comment C24: The indirect residential displacement analysis presented in the EIS is flawed because it assumes that Census tracts in which the average household for renters in small buildings (unprotected by rent control or stabilization) is higher than the average for Brooklyn renters do not contain any vulnerable population. (4)

Response: In accordance with the methodologies in the *CEQR Technical Manual*, the analysis presented in the EIS uses average household incomes and many other data sources, which are described in detail in Chapter 3, to identify the population vulnerable to indirect displacement pressures. The methodology used in the EIS provides a reliable estimate of the size and location of the vulnerable population.

Comment C25: There is no analysis examining the percentage of people in a Census tract paying more than 30% of their income towards rent, a standard figure for determining whether an apartment is affordable and a better measure of potential vulnerability [than the one used in the EIS]. (4)

Response: The analysis of vulnerable population presented in the EIS was performed in accordance with the guidelines set forth in the *CEQR Technical Manual*, which define vulnerable households by income and poverty status rather than percent of income going towards rent, or “rent burden.” In addition, the data on rent burden by income and size of building are available only at the Community District level, which, as described in the response to Comment C22 above, does not permit an analysis of trends and patterns within the more geographically specific rezoning, primary, and secondary study areas.

Comment C26: Drastic displacement is already occurring within the secondary study area and has been exacerbated due to the neighborhood’s changing demographics in the past several years. To assume that people within the greater Williamsburg and Greenpoint community will not be

displaced in significant numbers due to this rezoning is to ignore the reality of the housing crisis in these neighborhoods. (4)

Response: In accordance with the *CEQR Technical Manual*, the analysis of indirect residential displacement discusses existing conditions and expected conditions in the future without the action, but the primary purpose of the analysis is to identify impacts resulting from the proposed action. The EIS concluded that the population living in unprotected units in the secondary study area having average incomes that are less than the average for Brooklyn renters would not likely be vulnerable to indirect displacement pressures as a consequence of the proposed action. Given that these secondary study area Census tracts are located between one-quarter and one-half mile from the rezoning area boundary, and that the majority of the new housing units projected under the proposed action would occur along the waterfront, the market pressure that could cause rents to rise in unprotected units is expected to be weaker in the secondary study area than in the rezoning and primary study areas. Furthermore, it was concluded in Chapter 3, “Socioeconomic Conditions” that other factors that are particular to these tracts—including historic development patterns, localized real estate market factors, and unique relationships between landlords and tenants—would be more likely to exert influence than market pressure resulting from the proposed action. These other factors help explain the continued presence of a low-income population in unprotected rental units in areas that have already been subject to substantial socioeconomic change and widespread development of market-rate housing.

Comment C27: A revised EIS is necessary to fully evaluate the impact of the affordable housing preservation option on this community. (4)

Response: The EIS identified a significant adverse indirect residential displacement impact. As described in the “Mitigation” and in the “Alternatives” chapters of the EIS, the Revised AHBI Alternative, based on the modified zoning text change application filed by DCP in December 2004, analyzes an affordable housing preservation option as part of an enriched Inclusionary Housing Program for the rezoning area, which would partially mitigate the indirect residential displacement impact.

Comment C28: The EIS estimates that over a million square feet of active industrial space will be displaced; we think it’s far more than that. (85)

Response: As detailed in the EIS, compared to conditions absent the proposed action, it is anticipated that the proposed action under Scenario A would result in a net change on the 76 projected development sites as follows: a net increase of approximately 7,391 dwelling units and 253,698 sf of commercial/retail space as well as a new park; and a decrease of approximately 949,997 sf of vacant land, 642,686 sf of vehicle and open storage uses, 557,906 sf in vacant buildings, 1,136,269 sf of industrial/manufacturing/warehousing space, and 24,876 sf of automotive uses. For Scenario B, the net changes would be the same, except that the proposed park would be smaller, the reduction in industrial/manufacturing/warehousing space would be 1,076,864 sf (which includes both active and non-active spaces), and the reduction in vacant land would be 555,764 sf. It is worth noting that because land use surveys classified industrial buildings as industrial uses unless specified evidence of vacancy or a different use was observed, the square footage may also include vacant and underutilized industrial space. The analysis of direct business displacement identified 9 manufacturing and 8 wholesale firms that would be directly displaced as a result of the proposed action. As discussed in the analysis, the proposed action would not result in direct or indirect business displacement impacts.

D. Community Facilities and Services

Comment D1: We have already lost two hospitals, two police precincts, and three firehouses. (10)

Response: Comment noted. The EIS assesses potential effects of the proposed action on community facilities, including police and fire protection services as well as hospital emergency room services and outpatient ambulatory care facilities. As noted in the EIS, no significant adverse impacts are anticipated on police or fire services or health care facilities as a result of either the proposed action or any of the alternatives analyzed in the EIS. NYPD and FDNY would continue to evaluate area operations on a regular basis, and additional personnel or units would be considered as development progresses in the proposed action area.

Comment D2: Adding 40,000 residents will overstrain resources in the community including community facilities and open space and will also force an exodus of commercial tenants. (32)

Response: As noted in the EIS, the approximately 7,391 net new dwelling units projected for development by the Analysis year of 2013 are estimated to generate approximately 16,778 new residents. In accordance with *CEQR Technical Manual* guidelines, the EIS assessed the direct and indirect effects of the proposed action and subsequent new development and additional residents on schools, libraries, health care facilities, day care centers, fire and police protection services, as well as on publicly accessible open space facilities. As detailed in Chapter 4, “Community Facilities and Services,” community facilities and services in and around the proposed action area are not expected to be adversely affected by the increased demand that would result from the projected development sites by 2013 with the exception of elementary schools serving the Greenpoint sub-area. Additionally, the EIS analyzes the proposed action’s potential effect on direct and indirect business and/or community facility displacement, and adverse effects to specific industries, and concludes that the proposed action would not cause significant direct or indirect adverse business displacement impacts or have an adverse impact on a specific industry.

Comment D3: The Hudson Yards EIS provides new schools, whereas the Greenpoint-Williamsburg EIS does nothing to alleviate the strain on public schools. (5)

Response: This statement is incorrect. The DEIS states that the proposed action would result in a significant adverse impact on elementary schools within the Greenpoint sub-area, as well as in the overall half-mile study area. To eliminate this impact, the EIS states that if the Greenpoint-Williamsburg rezoning is approved, the City would construct or lease a new elementary or K-8 school in the Project Area as part of the Department of Education’s Five Year Capital Plan, 2010-2014, as the development associated with the Proposed Action proceeds. Planning for this mitigation would be provided for in the Department of Education’s Five Year Capital Plan, 2005-2009, as amended in FY2005. This mitigation would be supplemented through administrative actions that the DOE would undertake to mitigate the shortfall in school seats, such as adjusting catchment areas and/or reorganizing grade levels within schools. DOE would continue to monitor trends in demand for school seats in the area. The DOE responses to identified demand could take place in stages and include administrative actions and/or enlargement of existing schools, followed by the later construction or lease of new school facilities at an appropriate time.

The NYC Department of City Planning is coordinating with the NYC Department of Education. In general, the proposed action would allow for the development of community facility space, including new school facilities, within the project area. It should also be noted that any new school facility would be subject to its own site selection and environmental reviews.

Comment D4: The EIS must examine the projected effect of the net population increase on fire response times, firehouse requirements and police. (66)

Response: The assessment of impacts on fire protection services relates to fire response time. The *CEQR Technical Manual* indicates that the Fire Department does not allocate resources based on proposed or projected developments, but continually evaluates the need for changes in personnel, equipment or locations of fire stations and makes any adjustments necessary. Generally, a detailed assessment of service delivery is conducted only if a proposed action would affect the physical operations of, or access to and from, a station house. However, given the community's concerns, the DEIS assessed the effects of the new residents on all fire protection services. The assessment presented in the DEIS was done in coordination with the Fire Department. The FDNY would continue to evaluate area operations on a semi-annual or annual basis, and additional fire and EMS units would be considered as development progresses in the proposed action area. Therefore, no significant adverse impacts on FDNY services are anticipated as a result of the proposed action.

Comment D5: I'd like to know about fire protection status. Last month a 67-year old man died because it took six minutes for the fire department to show up. Fire response times are going up (27) The EIS must include a comparison of fire, police and medical emergency response time, as well as available resources in the study area. (66)

Response: The DEIS included an assessment of all fire protection services, including medical emergency response time, in consultation with the Fire Department. Additionally, given community concerns, the DEIS included an assessment of police protection services in consultation with the Police Department. The NYPD expects that, with residential and retail development that would occur as a result of the proposed action, the area would require additional resources; however, the NYPD would be able to allocate resources as necessary and along with the pace of development. There would be no direct displacement of existing NYPD facilities in 2013 with the proposed action and, with continued adjustments in deployment of personnel and equipment, NYPD does not anticipate significant adverse effects on its operations. As with the NYPD, the FDNY would continue to evaluate area operations on a semi-annual or annual basis, and additional fire and EMS units would be considered as development progresses in the proposed action area. Therefore, no significant adverse impacts on FDNY services are anticipated as a result of the proposed action.

Comment D6: There is no trained Haz Mat or foam company within CB 1. The EIS should examine fire safety data and environmental factors promoting incendiary risks and their burn times to assess whether or not there is coverage within existing services. The area of review should include the catchment area for the only nearby Haz Mat unit (Bushwick). Environmental factors should include, but not limited to, certified environmental risk facilities, chemical containment, transfer and processing facilities, high risk/vulnerable structures, and the increased concentration of housing, restaurants and other fire-prone facilities which need chemical fire suppression responses. (66)

Response: In accordance with the *CEQR Technical Manual* guidelines, the assessment of potential impacts on fire services compares future With-Action conditions to future conditions without the proposed action. The DEIS identified and mapped all existing fire service facilities, and the proposed RWCDS was reviewed by FDNY. See response to Comment D4.

Comment D7: The EIS must consider a projected increase in crime level and the level of police protection needed by the Greenpoint-Williamsburg area. (66)

Response: In accordance with the *CEQR Technical Manual* guidelines, the assessment of potential impacts on police protection services compares future With-Action conditions to future conditions without the proposed action. Similarly to the Fire Department, the Police Department does not allocate resources based on proposed or projected developments, but continually evaluates the need for changes in personnel, equipment or locations of police stations and makes any adjustments necessary. Generally, a detailed assessment of service delivery is conducted only if a proposed action would affect the physical operations of, or access to and from, a station house. The assessment presented in the DEIS was done in coordination with the Police Department. As noted in the EIS, the NYPD expects that, with

residential and retail development that would occur as a result of the proposed action, the area would require additional resources; however, the NYPD would be able to allocate resources as necessary and along with the pace of development. There would be no direct displacement of existing NYPD facilities in 2013 with the proposed action and, with continued adjustments in deployment of personnel and equipment, NYPD does not anticipate significant adverse effects on its operations.

E. Open Space

Comment E1: A private entity should be created to fund and operate the maintenance of the Shore Public Walkway and parkland to ensure that the highest quality standards of care are met. (29, 71)

Response: All new developments on zoning lots within waterfront blocks will be subject to the provisions of Article VI, Chapter 2 of the Zoning Resolution: Special Regulations Applying in the Waterfront Area, as well as the Waterfront Access Plan proposed as part of the action. The waterfront zoning regulations state that the obligations to provide all required visual corridors, shore public walkways, supplemental public access areas, pier or floating structure, public access areas and upland connections, once certified in accordance with the provisions of Section 62-711 of the zoning resolution, shall be embodied in the form of a signed declaration of restrictions, including a maintenance and operation agreement with the Department of Parks and Recreation, indexed against the property, binding the owners, successors and assigns to provide, construct and maintain those elements. Such declaration or maintenance and operation agreement shall require that a bond be posted that would ensure that the public access areas are maintained in accordance with the declaration or maintenance and operation agreement and are closed only at authorized times. The filing of such declaration in the Borough Office of the Register of the City of New York shall be a precondition for the issuance of a building permit.

Comment E2: Include the 35-acre McCarren Park - a long neglected community open space - within the rezoning plans and allocate significant funds for its revitalization. (29) McCarren Park needs an upgrade and reconstruction. The pool is closed - needs reconstruction and reopening. (9)

Response: McCarren Park is located within the boundaries of the proposed rezoning area, and was included within the detailed open space analysis for the proposed action. In accordance with the *CEQR Technical Manual*, the EIS evaluated each existing open space resource explicitly in terms of condition. If necessary, as part of possible mitigation measures, McCarren Park could be upgraded and refurbished, including the potential reopening and adaptive reuse of the McCarren Park pool site for active recreation, which has been closed since 1984. The redevelopment and/or upgrade of McCarren Park would be the responsibility of the NYC Department of Parks and Recreation.

Comment E3: Ensure that the Shore Public Walkway will be publicly accessible, contiguous, and implemented in a timely manner. (29) Rather than rely on private developers to create the esplanade, which could result in an intermittent pace and sites, the city should coordinate an open space implementation program. (16) The City should ensure that the entire waterfront esplanade guarantees full, open and convenient public access that remains continuously open to the public without any closure or restriction by private developers or landowners. If public funds within the City's fiscal budget are not available, the City should implement the North Brooklyn Bond Fund, as described in the Community Board Recommendation. (11)

Response: The proposed action and the WAP included therein would require individual developments to develop and maintain links in a contiguous shore public walkway. Under the requirements of Article VI, Section II of the Zoning Resolution, new residential or commercial developments on waterfront zoning lots are required to develop public access areas before they may obtain a Certificate of Occupancy. The WAP requirements do not preclude the

development of public access in advance of residential development. See response to Comment A43.

Comment E4: For the West Side, the City is using public bonds to assure the creation of green space, and in Greenpoint-Williamsburg, the City is taking a piecemeal approach, relying on individual developers to act on promises. (5) The City should provide a guaranteed commitment to immediately develop the entire waterfront esplanade instead of relying on piecemeal private development. (11) More can be done to ensure that continuous public access to the waterfront comes soon, though public investment and attention. (60) The funding for creating the parks and public spaces should match private sector contributions with public investments and actions in order to ensure timely construction on a contiguous system. (81)

Response: A fundamental difference between the plan for Greenpoint-Williamsburg and the Hudson Yards (Far West Side) plan is that the former includes waterfront property subject to the public access requirements of Article VI, Chapter 2 of the Zoning Resolution, whereas the Hudson Yards rezoning area does not. (See comment A43, E1, and E3) In addition to the waterfront public spaces to be financed privately and to be made contiguous by virtue of the Waterfront Access Plan, a 27.8-acre publicly funded park would be created along the shoreline under Scenario A (or 15.9 acres under Scenario B).

Comment E5: Expand Newton Barge Park to satisfy the park needs of the Greenpoint community. (29)

Response: Comment noted. The proposed actions analyzed in this EIS would not preclude the future expansion of Newtown Barge Park onto adjacent city-owned land.

Comment E6: The plan does not provide adequate open space. (2, 5, 10, 20, 47, 68, 73, 79) The plan would need 30 additional acres of open space to meet the citywide open space guidelines. (17, 92) The plan needs 70 acres of open space and parkland. (41)

Response: The open space guidelines referred to are in fact planning goals that can generally be attained only in the least densely populated neighborhoods on the city's outskirts. As described in the EIS, the existing ratios of open space to population in the project area are not only below the planning goal of 2.5 acres of open space per 1,000 residents, but well below the citywide median of 1.5 acres per 1,000 residents. The proposed action involves the mapping of a 27.8-acre park under Scenario A and 15.9-acre park under Scenario B either of which would include a variety of passive and active recreation space. These open spaces, together with the shore public walkway to be created in conjunction with private development, would result in an increased ratio of open space to population, as compared to either the existing or Future No-Action condition.

As detailed in the EIS, population in the study area as a whole with the proposed action is anticipated to increase by 12.3 percent over the No-Action conditions, but the amount of open space would increase even more, by 41 percent under Scenario A, or by 26.4 percent under Scenario B. A significant adverse impact on open space resources is anticipated only within the Greenpoint subarea under Scenario B. Mitigation measures for this impact have been identified in the EIS.

Comment E7: The location and amount of open space fails to meet even the City's own standards. The amount of parkland and open space does not sufficiently accommodate the potential build out. The proposed amounts fall short of the DCP recommended open space per capita ratio, as well as the current Brooklyn average. Additionally, the lack of open space per capita creates a potential decrease of tree canopy cover that is already below agency standards and causes further environmental concerns. The current proposal is deficient in active open space at the north end of Greenpoint where the bulk of development would occur. Specific recommendations for increasing parkland are given in the Community Board Recommendations. (11)

Response: As noted in the response to Comment E6, the ratio of 2.5 acres open space per 1,000 residents is not a city standard but a planning goal that is difficult to achieve in most New

York City neighborhoods. In accordance with CEQR guidelines, the EIS analyzed open space resources in the study area, and evaluated the proposed action's potential impacts on open space resources. Please refer to Chapter 5, "Open Space," of the FEIS. The proposed action would mandate street tree plantings throughout the waterfront area, and throughout most of the upland area as required under the Quality Housing Program. See response to Comment E6.

Comment E8: The rezoning and redevelopment of Greenpoint and Williamsburg should result in an open space system that meets the needs of the whole community by more equitably distributing park spaces throughout both neighborhoods. (71) The proposed park should have a real plan and funding. The community needs more open space, particularly in Greenpoint. (20) Design and programming for the space should achieve an excellence on par with Hudson River Park, featuring water-orientation and a variety of active and passive recreational experiences. (81)

Response: **The proposed action would result in the mapping of a 27.8 acre park along the waterfront at the Bushwick Inlet. At this time, there is no definitive plan for the design and programming of the park. The Department of Parks and Recreation will be responsible for determining the appropriate use for the park. It is anticipated that the new park would provide waterfront access and contain both active and passive recreational facilities. In addition, the proposed action would also establish a Waterfront Access Plan (WAP) to provide for a coordinated network of waterfront open spaces, including a publicly accessible waterfront esplanade. See response to Comments A9, A44, E7, E11, and E 14.**

Comment E9: Create a new park on parcel 62 to preserve the construction and launch site of the civil-war era U.S.S. Monitor. (11)

Response: **Comment noted. The proposed action does not include plans to map Parcel 62 as parkland.**

Comment E10: Modify WAP to preserve, create and enhance natural areas of habitat, especially at the Bushwick Inlet and along the shore public walkway. (11)

Response: **Under Scenario A, the proposed action would map a 27.8-acre park along the waterfront from North 9th Street to the northern edge of the Bushwick inlet, which would preserve this area as parkland. Under Scenario B, a power plant proposed by TransGas Energy Company would be constructed on the former Bayside Fuel site, a lot located along the southern edge of the Bushwick Inlet and the proposed action would map only a 15.9 acre park. The EIS assesses the natural resources values of the Bushwick Inlet, and the potential impacts of the proposed action on those resources, both positive and negative for both scenarios. The mapped parkland would provide the potential for an expanded open space/ecological resource along the waterfront, and would provide opportunity for expanding habitat diversity for wildlife, particularly birds. The smaller waterfront open space under Scenario B reduces the opportunity for new ecological habitat on the waterfront and the positive impacts.**

Comment E11: Closure of the SWT Station would be a great opportunity for bus parking and free up the MTA site for open space. (9)

Response: **Comment noted.**

Comment E12: If the City takes over private park spaces created by developers, it's not good because NYC still doesn't have enough money for parks. (48)

Response: **The proposed action and WAP would require individual developments along the waterfront to develop and maintain links in a contiguous shore public walkway. The NYC Parks Department would not be responsible for the creation and maintenance of the shore public walkway, but would be responsible for the waterfront park.**

Comment E13: The plan should create and restore open space and natural habitats, including playing fields, recreation programs, and parks such as the expansion of the Barge Park in Greenpoint through land

swaps, community gardens, natural areas, pedestrian-oriented streets, neighborhood street trees, public waterfront promenade, bikeways and walkways, piers along the waterfront to facilitate fishing, boating and passive water uses. (20)

Response: The proposed action would result in the mapping of a new 27.8-acre park along the waterfront from North 9th Street to the northern edge of the Bushwick Inlet under Scenario A, and a 15.9-acre waterfront park under Scenario B that would extend from North 9th Street to North 12th Street. Plans for the new park in either Scenario A and B are conceptual at this time. The proposed park in either scenario is expected to provide the potential for an expanded open space/ecological resource along the waterfront, and would provide opportunity for expanding habitat diversity for wildlife, particularly birds, at the inlet. The new park in either scenario could include some recreational boating facilities for small craft (e.g. kayaks, canoes), as well as the construction of a water taxi landing. While the expansion of the Barge Park in Greenpoint is not part of the proposed action, the proposed action would not preclude the future expansion of Barge Park onto adjacent City-owned land. In order to mitigate a potential significant adverse impact on open space resources in the Greenpoint sub-area that would occur only under Scenario B, the EIS recommended the potential creation and distribution of approximately 1.5 acres of additional active open space resources on vacant and underutilized parcels as well as the redevelopment of the McCarren Park pool site for active recreation. Other possible mitigation measures could include community gardens, pedestrian-orient streets, and bikeways and walkways. See response to Comment E12.

Comment E14: The rezoning should allocate more open space for active recreational use in Greenpoint, which already has a shortage of such space. The APA recommends designation of parcels 3 and 4 (as noted on WAP map) along Newtown Creek as parkland for active recreation. (14)

Response: The proposed action involves mapping of a new 27.8-acre (15.9 acre under Scenario B) park along the waterfront from North 9th Street to the northern edge of the Bushwick Inlet. The new park is anticipated to accommodate some active recreational facilities. In addition, the proposed action would also establish a Waterfront Access Plan (WAP) to provide for a coordinated network of waterfront open spaces, including a publicly accessible waterfront esplanade. As detailed in the EIS, together, this combination of parks and publicly accessible open spaces would create an open space network comprising up to approximately 49 acres above water along the Greenpoint-Williamsburg waterfront. As possible mitigation measures for a potential significant adverse impact open space resources in the Greenpoint subarea under Scenario B, the City may consider options such as designating Parcel 4 along Newtown Creek as parkland for active recreation.

Comment E15: The zoning text should firmly establish a right-of-way and clear direction for a continuous landscaped, off road Brooklyn Waterfront Greenway along the entire CB1 waterfront. The Greenway could relieve the proposed waterfront esplanade of bicycle and pedestrian traffic that will, as shown by Hudson River Park, surely be a crowded esplanade. (81)

Response: On sites developed for residential use under the proposed action, the shore public walkway can accommodate bicycle use in accordance with Article VI, Chapter 2 of the Zoning Resolution.

Comment E16: We'd like the Department to work with the owner of the Lumber Exchange site and his height and bulk in order to accommodate the land swap that we have proposed to create a new eight acre park in north Greenpoint (17, 92).

Response: Comment noted. The Lumber Exchange site is privately owned, and a land swap such as the one suggested above is beyond the scope of the proposed action.

G. Historic Resources

Comment G1: The USS Monitor saved the U.S. Navy during the Civil War, and is of major historical significant not only locally, but also at the national level. The Monitor site, Monitor museum, and the Monitor's construction and launch site by Bushwick Creek in Greenpoint should be saved. (54, 56)

Response: **The proposed action would not preclude, and is compatible with, the establishment of a Monitor museum. However, the development of a museum is not part of the proposed action. It should be noted that the proposed park mapping would preserve the area around Bushwick Inlet.**

Comment G2: Given the large size of the rezoning area (184 blocks) and the neighborhood's rich history, and given the number of resources identified recently in other parts of the city in conjunction with other major rezonings, the number of historic resources identified in the DEIS is clearly insufficient. Our preliminary analysis identified 44 additional buildings that appear to be eligible for the National Register that were not identified in the DEIS. In addition, two areas appear to be potential historic districts: Grand Street from Grand Ferry Park to Roebling Street and both sides of Fillmore Street. (71)

Response: **The determination as to resources that appear to be eligible for the National Register was made in consultation with the New York City Landmarks Preservation Commission, as required in the *CEQR Technical Manual*. These resources are listed in the DEIS and evaluated for potential impacts. It should be noted that projected and potential development sites identified in the EIS were evaluated by LPC for potential eligibility, as they would be directly affected by the proposed action. The proposed action does not preclude designation of other structures within the rezoning area that have not been identified as projected or potential development sites.**

Comment G3: Of those historic resources identified in the EIS, there is little or no historic information included. With this limited information, we can not adequately assess the impact of the proposed rezoning on the historic resources nor the appropriate mitigation measures. However, we strongly urge the designation and preservation of the following potential resources identified in the EIS:

1. The Greenpoint Terminal Market
2. Eberhard Faber Pencil Building, 61 Greenpoint Avenue
3. Northside Savings Bank Building, 33-35 Grand Street
4. Williamsburg Trust Company Building, 177 South 5th Street
5. The Austin-Nichols Warehouse, 184 Kent Avenue
6. 143 Roebling Street
7. 59 Kent Street
8. 37 Greenpoint Avenue (71)

Response: **The determination as to resources that appear to be eligible for the National Register was made in consultation with the New York City Landmarks Preservation Commission, as required in the *CEQR Technical Manual*. All of the resources listed above, which are located within the area affected by the proposed action, have been determined to be eligible for LPC designation and/or State/National Register listing. As such, they would be subject to the standard city and state designation procedures. However, their designation is beyond the scope of the proposed rezoning action.**

Comment G4: The DEIS identifies over 100 sites for potential archeological sensitivity. However, none of those sites would be mitigated, resulting in an extremely significant loss to our understanding of this city and our nation's history. (71)

Response: **As stated in the EIS, there are no feasible and practicable mitigation measures for the proposed action, because the area to be rezoned is privately-owned. In the future, if the sites are developed as-of-right in accordance with the new zoning, private ownership of the land prevents the City from requiring an archaeological testing program to test for potential**

archaeological remains, or from mandating the preservation or documentation of such remains, should they exist. As such, the archaeological impacts identified in Chapter 7 are considered to be an unmitigated impact of the proposed action.

Comment G5: The proposal will eliminate the possibility of the Monitor Museum. Eliminate ULURP # 16 MMK and refrain from condemning the site. The museum has strong community support and will create a public use for the site and create parkland. (50, 94) The plan should ensure that the U.S.S. Monitor park and museum at the Bushwick Creek Inlet advance. (20) It has been very important to the students of the John Ericsson School in Greenpoint that they were able to help secure a home for the Monitor Museum. The Monitor Museum Road Show is one of the highlights of the school year. The Monitor's place in history should be celebrated on the banks of the East River, where the Monitor set sail. (52)

Response: The site in question is proposed for use as a park. The uses in the proposed park have not been finalized. However, the development of a museum is not part of the proposed action.

H. Urban Design / Visual Resources

Comment H1: I urge the commission to reduce the building heights of the proposed waterfront zoning. (79) No 40 story towers on the waterfront. (41)

Response: Comment noted. The DEIS analyzes the potential effects of both the proposed action and the Revised AHBI Alternative (which would result in taller structures) on urban design and visual resources. Neither were determined to result in significant adverse impacts.

Comment H2: The proposed height and bulk could negatively impact the proposed esplanade. Permitting a wall of 400-foot towers directly next to the esplanade could have a negative impact on the proposed public space. The city's proposal departs from the principle set forth in the city's waterfront zoning of having buildings which step up in height, rather than go directly up, from the waterfront. DCP should consider positioning at least some of these towers away from the waterfront, or requiring those towers to have a base and be set back. (71)

Response: The height and setback regulations for waterfront developments include requirements that towers set back at least 30 feet from the shore public walkway. See response to A41.

Comment H3: The maximum building width parallel to the waterfront should be reduced to 100 feet, which is the dimension currently allowed by the City's waterfront zoning regulation. The proposed 170 foot dimension should be applicable only to walls perpendicular to the waterfront. (14)
While we favor the proposal, we would like to see the tower width facing the river limited to 100 feet. (58)

Response: Comment noted.

Comment H4: We would like to see a greater variation in streetwall heights. (58) We would like to see a lower and more variegated street wall, and lower density of development. (82)

Response: The proposed zoning text changes applicable to the area governed by the proposed Waterfront Access Plan include a maximum base height of 65 feet along the upland end of waterfront blocks, matching the six-story streetwall height permitted in the adjoining area. A lower minimum base height allows flexibility for streetwall height.

It should be noted that the Revised AHBI Alternative which was added to the FEIS incorporates several changes that are intended to address streetwall height variation. As described in Chapter 23, "Alternatives," under the Revised AHBI Alternative, the minimum streetwall height for waterfront development has been reduced from 40 feet to 30 feet. In addition, for sites with more than 100 feet of street frontage in R6 districts, at least 20 percent of the streetwall would be limited to 55 feet or five stories. These changes respond

to recommendations received from Community Board 1 to require variation in streetwall heights on waterfront blocks.

Comment H5: The height and bulk of the proposed plan do not reflect the community's existing or desired character and scale. Although Greenpoint and Williamsburg need and desire the development that will accompany the rezoning, it is a priority that the new development be in harmony with the existing diverse neighborhood character and sufficiently protect existing buildings. Detailed zoning recommendations are given in the Community Board Recommendations. (11) The existing building heights along the waterfront are about three stories; the Alliance recommends 17 stories; and the city is proposing 40 stories. This is not contextual. (44) The plan must be changed to include text that rewards outstanding design standards that will help integrate new housing with the existing community and that could include preservation and adaptive reuse. (20, 47, 82) The proposed 40-story building heights along the waterfront would obliterate the character of the neighborhood which is predominantly consists of three-story buildings. We don't want to see this neighborhood become a luxury, high-rise, bedroom community for Manhattan business people. We want to preserve the character of the neighborhood ethnically, economically, and architecturally. (91)

Response: The proposed action would alter the urban design of the study area, yielding significant, but not adverse, changes along the waterfront and nearby upland areas. The proposed action has been specifically designed to produce new waterfront development with a sensitive transition to the adjoining neighborhoods, and a compelling skyline. As stated in Chapter 8, "Urban Design and Visual Resources," the plan would create contextually sensitive development in both waterfront and upland areas. The plan would require, through zoning, that new buildings in upland regions be sensitive to the types of buildings that currently exist within the neighborhoods. The plan does not preclude preservation and adaptive reuse. The proposed zoning would encourage adaptive reuse of overbuilt buildings, permitting the conversion of all floor area. The introduction of medium- density residential uses along the waterfront would convey appreciable differences in building bulk, height, and scale when compared to the low-density structures and open lots of varied condition that are presently characteristic of the industrial waterfront. However, the proposed height and setback regulations on the waterfront would establish a transition between permitted heights in the predominantly low-rise upland area and the taller buildings permitted closer to the waterfront. The introduction of new open spaces, waterfront esplanades, streetscape improvements, and ground-floor retail use that would accompany development would extend corridors of activity from upland areas to the currently desolate waterfront, fundamentally improving the way in which the waterfront spaces are used and how they connect to upland areas. See responses to comments A4, A8.

I. Neighborhood Character

Comment I1: Boxart is the city's premier fine art crating company. Our services are integral to the health and well-being of the New York cultural world. We employ many people in the community, and the location is a perfect transportation crossroad between JFK and Manhattan. This proposal would displace us, while changing the essential character that makes Williamsburg great. (35, 85) Our business, a porcelain design studio, will be forced out of the neighborhood because of the rezoning. Furthermore, we fear that the disproportionately large buildings the mixed use zoning will create, real estate prices will be driven up and tenement and three-family buildings will be sold and torn down to make way for bigger buildings. The character of the neighborhood will be destroyed becoming artificial, sterile, and out of place in New York City. (55,85)

Response: Comment noted. See response to Comments C4 and C18.

Comment I2: The zoning should be reflective of the overall FAR and bulk suggestions in the communities' 197-a plans to protect and enhance the character of the surrounding neighborhoods. (71)

Response: Comment noted.

K. Hazardous Materials

Comment K1: The Designation Site Summary Table for the Greenpoint-Williamsburg Rezoning in the EIS should be amended to delete #35 indicating “Tank at Lot 3.” Tax Block 2531, Lot 3 (148 West Street, Brooklyn, NY) has been a residence for as long as the property owner can remember and there has never been a storage tank embedded in ground or above ground. There is an oil heating tank on site in the basement. (65)

Response: A residence has existed at the subject lot since at least 1887. A fill port and vent line was observed near the southwest corner of this lot on the day of the site reconnaissance. Whether the suspect tank exists at Lot 2 or Lot 3 was not known based on the site observations. However, Mr. Levine’s letter indicates that the vent and fill line is associated with a heating oil tank in the basement of the subject premises. An (E) designation is based on the presence of the tank at the site. Therefore, the comment “Tank at Lot 3” remains in the Designation Site Summary Table and the site remains E-designated.

Comment K2: The proposed (E) Designation for the property at 848-864 Lorimer Street in Brooklyn, New York (Block 2679, Lot 46) should be removed, as the proposed (E) designation is based on an inspection performed on premisses next door. (49)

The address listed in the City’s records indicates the address for Block 2679 Lot 46 is 848 Lorimer Street. The adjacent site to the north is Lot 54, which has an address of 872 Lorimer Street. Considering that Lot 46 is 15,000 square feet, it is likely that it has multiple mailing addresses, likely including 862-864 Lorimer as also indicated in the header of the commentor’s letter. The (E) designation for this property is based on a historic ash receiving facility adjacent (west at Block 2670) of Site 70. As described in the EIS, the (E) designation is based on whether the projected and potential development sites may have been adversely affected by current or historical uses at, adjacent to, or within 400 feet of the sites.

Comment K3: The Greenpoint-Williamsburg waterfront was historically home to industrial uses. The aquifers are contaminated by oil products. The entire waterfront should be considered a brownfield. (66) Environmental conditions (contamination, etc) are not the same in the upland area as the waterfront. (24)

Response: The hazardous materials assessment in the EIS considers each property on an individual basis, and recommends (E) designations for all projected and potential development sites, with the exception of Site 211, which is proposed to be mapped as park and acquired by the City. The (E) designation provides the ability to identify and address environmental conditions so that significant adverse impacts during site development would be reduced. As described in the EIS, the (E) designation is based on whether the projected and potential development sites may have been adversely affected by current or historical uses at, adjacent to, or within 400 feet of the sites.

M. Infrastructure

Comments M1: Pile driving for new construction will create vibrations, which will impact existing infrastructure and housing stock. (66)

Response: The foundations for new construction are not determined at this time, however, some foundations are likely to require piles, especially on the waterfront sites. While pile driving would likely not measurably affect infrastructure such as roads, sewers, and water mains, the driving of piles immediately adjacent to existing buildings requires careful attention during the building design and construction process. While there are few adjacent buildings to be potentially affected for the waterfront sites, and many of the upland development sites

are likely to not require pile supported foundations, where pile driving is proposed by a building's designer, careful monitoring by the construction manager and adherence to all Department of Building's requirements should be able to avoid any effect of vibration to neighboring buildings.

Comment M2: The DEIS does not accurately set forth existing conditions (improper baseline) with respect to the discharge of stormwater into the East River from the project area. (86)

Response: The FEIS included a summary table showing, for every CSO outfall, the annual frequency and volume of overflows, both with and without the proposed action, under the simulated conditions described in Appendix K.

In order to limit stormwater flows to the capacity of the existing sewer system's allowable flow, NYCDEP requires stormwater detention for all existing and proposed developments connecting to the combined sewer system if the developed site's storm flow exceeds the allowable flow. Stormwater generated by a new development on the waterfront could be discharged directly into the East River, subject to any and all NYSDEC and NYCDEP requirements, without detention.

Comment M3: The DEIS fails to quantify the volume and flow rate of stormwater that will run off the project site into the City's combined sewage system if the proposed project is built. In addition, the DEIS provides no detailed information on the constraints of the combined sewer system infrastructure in the immediate vicinity of the project site or anywhere else in the project's sewershed. (86)

Response: The FEIS included the assessment proposed in this comment. For the FEIS, a sewer system hydraulic model, InfoWorks, was used to predict the frequency and volume of CSOs within the entire Newtown Creek service area and to determine the pollutant loadings from those overflows. To capture a cumulative assessment of CSOs from the entire Newtown Creek drainage area, future developments anticipated with and without the proposed action, and their impacts to dry weather sanitary flows, were considered within the rezoning area, as well as additional developments anticipated throughout the Newtown Creek WPCP service area. No credit was taken for the decrease in CSO volumes that will result from the additional open space associated with the proposed action. The assessment modeled every CSO outfall in the Newtown Creek WPCP service area on an hourly basis for the entire analysis year, 2013. The model calculated surface runoff and sewer infrastructure throughout the Newtown Creek WPCP service area during each rainfall event to determine the increased frequency and volume of CSO discharges.

Moreover, the infrastructure chapter of the FEIS has been updated to discuss NYCDEP stormwater detention requirements for projected development under the proposed action. See the Response to Comment M2.

Comment M4: The DEIS did not quantify any reductions in stormwater runoff which might counteract the effect of increased sanitary sewage generations. (86)

Response: The infrastructure chapter of the FEIS has been updated to discuss NYCDEP stormwater detention requirements for projected development under the proposed action. See the Response to Comment M2.

However, as shown in Appendix K, the increased sanitary sewage generated by the proposed action would not have any significant impacts, either in terms of water quality changes caused by increased effluent flows from the Newtown Creek WPCP, or increased pollutant loadings from CSOs. As discussed above, that assessment was conservative because no credit was taken for the decrease in CSO volumes that will result from the additional open space under the proposed action, nor did it take into account NYCDEP on site detention requirements.

Comment M5: The EIS should analyze the cumulative combined sewer overflow (CSO) impacts of the proposed development in conjunction with the proposed World Trade Center project and possible Olympic Village project, as well as any other pending or potential future project which will likely add new volume of sewage and stormwater to the same system. (86) In its analysis of the Greenpoint-Williamsburg proposal, the City should also consider the effect that other rezoning actions and major building developments will have on the sewage collection system and, in turn, water quality. For instance, the recent rezoning of downtown Brooklyn and the planned development of the World Trade Center site in lower Manhattan will both increase demand on the sewage collection system. (9)

Response: As discussed in the responses to Comments M2-M4, the FEIS included an analysis of the cumulative impacts on CSOs as proposed in this comment. The analysis included planned development within the Newtown Creek WPCP service area. As discussed in the Response to Comment M4, the increased sanitary sewage generated by the proposed action would not have any significant impacts, either in terms of water quality changes caused by increased effluent flows from the Newtown Creek WPCP, or increased pollutant loadings from CSOs. Moreover, it is likely that the proposed action would decrease, not increase, the amount of stormwater entering the combined sewer system through the development of additional open space and current NYCDEP detention requirements. It should also be noted that, while still in the preliminary phases, the stormwater discharge from the World Trade Center site is being designed to outlet directly to the Hudson River, while the sanitary flow is destined to the Newtown Creek WPCP.

Downtown Brooklyn is incorrectly identified as a part of the catchment area for the Newtown Creek WPCP. Downtown Brooklyn is almost entirely within the service area of the Red Hook WPCP, with only a half block falling within the Newtown Creek WPCP. All of the projected development sites identified in the Downtown Brooklyn Development EIS are served by the Red Hook WPCP.

Comment M6: The rezoning will add up to 2.22 million gallons of increase sewage to the already-stressed system and will exacerbate polluted discharges in the East River and Newtown Creek during CSO events. The DEIS should have concluded that the combined sewage from the project will cause significant impacts. (86) The DEIS failed to demonstrate how the additional sanitary sewage flows anticipated from the rezoning proposal will not increase the volume of CSOs entering these already impaired waterways. (9)

Response: Please see responses to Comments M2, M3, and M4.

Comment M7: The EIS should examine the potential use of membrane bioreactor (MBR) and similar technologies for the purpose of designing a system that treats all wastewater flows from the rezoning project. The EIS should also consider detention of stormwater from the project area. (86)

Response: The use of membrane bioreactor (MBR) and similar technologies are not part of the proposed project. Developers of individual sites will have the opportunity to employ such technologies, subject to the review and approval of the appropriate agencies. As stated previously, onsite detention will be required for all development sites in accordance with current NYCDEP regulations.

Comment M8: The DEIS fails to set forth and analyze measures sufficient to mitigate the project's significant impacts to surface water quality. The DEIS should set forth green building practices, decentralize graywater and blackwater treatment and detention systems to meet a modest goal of "no net CSO increases" and a superior model of no untreated sanitary sewage or stormwater contributions to City sewers. (86)

Response: As discussed in the responses to Comments M2-M5, the proposed action would not cause any significant impacts to surface water quality. Therefore, this would result in an expected decrease in CSO's due to the project. Green building practices, graywater treatment and other technologies are becoming increasingly popular and may likely be utilized by the

developers of selected sites in order to achieve LEED certification. However, as noted above, mandating these practices is not part of the proposed action.

Comment M9: Existing infrastructure system does not adequately address existing density. The EIS understates the sewage infrastructure. (39)

Response: This is not correct. As discussed in response to Comment M3 above, the analysis set forth in Appendix K used the InfoWorks model to assess sewer infrastructure throughout the Newtown Creek WPCP service area.

Comment M10: The 1-story auto-garages will be replaced with huge towers on the waterfront and the infrastructure will not be adequate to handle wastewater. Why is there no provision to upgrade infrastructure? We're talking about 10 million gallons of wastewater. We have one of the biggest sewage treatment plants, and they still can't seem to keep human waste out of my basement [in heavy rains]. (80)

Response: Please see responses to Comments M2 through M4. This comment greatly overstates the amount of sewage that would be generated by the proposed rezoning.

Comment M11: 10,000,000 additional gallons of sewage per day will require open cut trenches to upgrade the water pollution control plant. (66)

Response: Please see responses to Comments M2 through M4, M9, and M10.

Comment M12: Whether as a supplemental DEIS or an appendix to the FEIS, the City must commit to a detailed study of these factors before finalizing its environmental review. (80) I am requesting that the Department of City Planning conduct a study to analyze the impact of CSOs on water quality under the proposed rezoning. (9) Additionally, I am requesting that upon completion of the study, DCP create a plan to address any increases in the volume of CSOs. This plan should detail how the City will reduce the volume of CSO events citywide. (9)

Response: As discussed in responses to Comments M2-M4, a report was prepared by HydroQual, Inc., assessing changes in CSOs resulting from increases in sanitary sewage flows associated with the rezoning proposal. This report is included as Appendix K to the FEIS.

City-wide planning for CSO events falls under the jurisdiction of the NYC Department of Environmental Protection (NYCDEP). NYCDEP and NYSDEC have recently entered into a Consent Order requiring NYCDEP to undertake a number of capital projects throughout the City, including the Newtown Creek WPCP service area, to reduce CSO discharges. The Consent Order also requires the NYCDEP to develop a Long Term CSO Control Plan, which is currently underway.

N. Solid Waste and Sanitation Services

Comment N1: The effect and burden on the area's commercial waste handling should be studied. (66)

Response: Chapter 14, "Solid Waste and Sanitation Services," addressed the effects of the proposed action on the area's commercial waste handling. As the rezoning is expected to result in an increase in residential uses and a decrease in industrial uses, it would result in a decrease in commercial waste, and is not expected to overburden the private commercial waste carting system.

O. Energy

Comment O1: The positive effect of Green Buildings/green roofs on energy consumption, heat impacts, ozone, and gray water cleansing should be analyzed and required in all building projects. (66)

Response: This comment relates to city-wide actions and is therefore outside the scope of the EIS. Chapter 15, “Energy,” addresses the effects of the proposed project on energy, and demonstrates that the available energy supply is anticipated to be sufficient to accommodate the additional demand generated by the proposed action. Should there be a utilization of Green Building designs on the projected development sites, then there would be a reduction in the energy load forecasted in the EIS.

P. Traffic and Parking

Comment P1: The EIS ignores impacts on the Brooklyn Queens Expressway. (57)

Response: As traffic impacts are typically associated with increased congestion at intersections, the EIS analyzes the effects of the project on interchanges with the BQE, including Broadway, Marcy Avenue, and McGuinness Boulevard. As stated in the *CEQR Technical Manual*, highway mainline analyses are not generally included in a New York City traffic study. Further, the proposed increase in residents would displace trucks destined for existing sites. Most of these trucks are concentrated on the BQE.

Comment P2: The BQE and Williamsburg Bridge impacts do not take into account the needs for repairs or truck route information. (68)

Response: Truck route information is provided in the EIS, including the primary through-truck routes and streets designated for local truck access. Routine repairs to the BQE and Williamsburg Bridge would continue in the future with or without the proposed project. No major repairs are known at this time, however, if major repairs involving major disruptions to service are scheduled in the future, they would be temporary and could be subject to their own environmental review that would take into account the background traffic volumes, including those generated by the proposed action.

Comment P3: The EIS should be revised to eliminate the deduction of fictional industrial trips from projected new trips. The fictional industrial trips could only be generated if the largely vacant and underbuilt industrial properties were fully developed and operating at full tilt. (57)

Response: The proposed action would displace existing land uses on 37 sites. The trip generation rates and modal split factors utilized for forecasting travel demand eliminated due to the displacement of No-Action land uses were based on accepted CEQR criteria and standard professional references with the exception of Sites 3 (Greenpoint Lumber Exchange) and 212 (Bayside Fuel), for which existing demand was determined using field surveys.

Comment P4: The EIS does not analyze trips from potential development that may eventually be built under the proposed rezoning, which undercounts the real demand. (57)

Response: The potential development sites discussed in the EIS are considered less likely to be developed within the foreseeable future. The analysis recognizes that a number of potential sites could be developed under the proposed action in lieu of one or more of the projected sites in accommodating the development anticipated in the reasonable worst case development scenario. The analysis therefore accurately estimates overall future conditions with the proposed rezoning in 2013.

Comment P5: The EIS fails to account for travel demand to planned development in Long Island City and Downtown Brooklyn and the change in trip patterns as a result of these two projects. (57)

Response: The future No-Action condition accounts for general background travel demand growth within or through the study area, plus trip making expected to be generated by major proposed projects that are also likely to be in place in the study area by the proposed action’s build year. As recommended in the *CEQR Technical Manual*, a background growth rate of 1% per year (plus known developments) was applied to ascertain the No-Action

condition. This 1% growth rate is designed to account for unanticipated development within the study area as well as planned development outside of the study area.

Q. Transit and Pedestrians

Comment Q1: Those in upland areas won't reap the benefits of water-based transportation. (39)

Response: The proposed action does not include the provision of water-based transportation, but includes special regulations applicable in the Waterfront Access Plan (WAP) area, which would allow landings for water taxis. The analysis assumes that the catchment area for a water taxi service would extend approximately ½ mile from the landing. However, if new or expanded bus routes are implemented, the catchment area could be expanded into the upland areas.

Comment Q2: We support the NYC DCP inclusion of water taxi landings in the proposed Greenpoint-Williamsburg rezoning and believe that it will be an asset to the new Greenpoint-Williamsburg waterfront park. (40)

Response: Comment noted.

Comment Q3: The EIS misrepresents existing severely overcrowded conditions on the L subway line, and ignores growth of the entire L line, which had doubled in ridership in the last 10 years and thus, severely understates the future crowding level on the L train. (57) Service on the subway trains that serve Greenpoint-Williamsburg is not adequate. (2, 39)

Response: The EIS analysis of the L subway line haul relies on NYCT peak load point data for November 2003 and December 2003. It shows that L trains currently operate over capacity in the peak Manhattan-bound direction in the AM peak hour with a volume-to-capacity (v/c) ratio of 1.05, which reflects the existing overcrowding on the line. In the future without the project, the EIS assumes that there would continue to be increased demand and that NYC Transit would increase service and capacity to accommodate demand (refer to Chapter 17, "Transit and Pedestrians").

Comment Q4: Greenpoint-Williamsburg proposal makes no mention of the G train. (2)

Response: Chapter 17, "Transit and Pedestrians," contains a full analysis of the effects of the proposed project on Greenpoint Avenue and Nassau Avenue stations on the G subway lines. The line haul analysis in the DEIS, which considers the effects on train crowding, focused only on the L subway line, as this is the only route service the proposed action area that provides direct service to and from the Manhattan CBD (G trains on the Crosstown Line do not enter Manhattan). However, in response to comments received during the public review process, a line haul analysis for the G train has been added to Chapter 17, "Transit and Pedestrians" in the FEIS. As indicated in the chapter, no impacts on the G train are anticipated as a result of the proposed action.

Comment Q5: The EIS assumes that the MTA will increase service for the overcrowded Canarsie L train line, which is the same subway line the MTA is proposing to make computerized and cut service on. (68) The EIS relies on NYC Transit to eliminate future overcrowding as a routine response to demand by adding trains for which the NYCT has no spare cars and no plans to get them. (57) The EIS unrealistically counts on the NYC Transit to meet most of the need in 2013 by adding 3 peak hour trains on the L. (57)

Response: As stated in the EIS, MTA New York City Transit routinely conducts periodic ridership counts and adjusts subway frequency to meet its service criteria, within fiscal and operating constraints. For example, in response to increased demand, the number of L trains scheduled to enter Manhattan from Brooklyn during the 8-9AM peak hour has increased from 13 trains in 1990 to 15 trains at present. It is therefore reasonable to assume that similar service

adjustments would be made in response to changes in demand during the 2003 through 2013 analysis period.

Comment Q6: The EIS forecast only 1,013 added peak hour trips on the L over 10 years due to the likely projected development of 7,391 dwelling units, whereas an increase of approximately 1,000 peak hour trips occurred on the L in just one year 2001 to 2002, half at the three stations in the study area. (57)

Response: As noted in the EIS, the trip generation rates and mode choice factors used to estimate the subway travel demand generated by the proposed action were based on accepted CEQR criteria, standard professional references, studies that have been done for similar uses in Brooklyn, and census data. As shown in Table 16-10, using these data it is estimated that 2,631 outbound and 368 inbound subway trips would be generated by the proposed action in the AM peak hour. Based on census journey-to-work data and known travel patterns in the proposed action area, approximately 1,013 of the outbound trips are expected to occur on Manhattan-bound L trains and pass through the peak load point on the Canarsie/14th Street Line (located at Bedford Avenue). This estimate is reasonable when one considers that the majority of subway trips from the proposed action (1,897 inbound and outbound) would be generated by new development in Greenpoint and would access the subway system via the Greenpoint Avenue and Nassau Avenue stations on the Crosstown (G) Line. (An analysis of peak hour line haul conditions on the Crosstown (G) Line has been incorporated in the FEIS.) Consequently, many Manhattan-bound trips (upwards of 774) are expected to utilize G trains to reach Long Island City where connecting service to midtown Manhattan is available. These trips would therefore not occur on the Canarsie/14th Street Line. An additional 844 outbound trips in the AM peak hour are expected to utilize G trains en route to Downtown Brooklyn, or non-peak direction (i.e., Brooklyn-bound) L train service and would therefore also not pass through the peak load point on the Canarsie/14th Street Line.

Comment Q7: The EIS never mentions the NYCT intention to eliminate the B24 bus and the need to redesign the dysfunctional B61. (57)

Response: Bus service adjustments are within the jurisdiction of New York City Transit. Subsequent to the release of the Draft EIS, NYCT has discussed the elimination of the B24 bus route as one of several preliminary actions that may be implemented to balance its projected budget for 2006. A formal public hearing would be held before any decisions regarding service changes are made.

Comment Q8: Transit fixes for the Greenpoint-Williamsburg Rezoning EIS: Getting NYC Transit to commit to the following elements of the Brooklyn Transit Agenda:

- salvaging and overhauling, not scraping 200 cars on the B Division
- adding 3 peak hour trains on the L by the end of 2005
- purchasing an additional 88 cars for 11 more trains on the L by 2013
- instituting an exit MetroCard swipe system that permits free transfers between nearby but unconnected stations, eventually building a transit hub between Livonia on the L and Junius on the #3 that would permit many to transfer to the more direct and faster #3, freeing up capacity on the western end of the L
- upgrading service on the G and extending it to Church Avenue
- undertaking a borough-wide, user-based bus route study to restructure customer-oriented routes before eliminating any routes
- expanding the MTA/DOT Bus Rapid Transit study to examine a Kent Avenue route and connections to an F and extended V at High Street and to #2/3 at York Street
- running the NYCT link-by-link transit demand and land use model. (57)

Response: Comment noted. The EIS analyses identified deficiencies in L subway service as well as the B24 bus route in the future with the proposed action. As discussed in Chapter 22, "Mitigation," the proposed mitigation measures would fully mitigate all of the identified transit impacts expected as a result of the proposed action. The above list provides a list of

good ideas that may further improve the area's transit services. Of the above list, the items that would most benefit the study area are increases in L train service, a user-based bus route study, and increases in water taxis.

Comment Q9: There is a difference between ferries and taxis. Ferries have over 100 passengers and need infrastructure. Taxis have less than 100 passengers and serve a commuter and recreational market. This community is poorly served by either. A taxi could take them to Lower Manhattan in 12 minutes. Taxis have minimal environmental impacts and significant contributions. (40)

Response: As discussed in Chapter 1, "Project Description," the proposed action includes special regulations applicable in the WAP area, which would allow landings for water taxis (with capacity limited to 99 passengers) as a permitted use on the waterfront. A new water taxi service is not being proposed as part of the action, and there is no commitment by a water taxi operator to provide service to the rezoning area.

R. Air Quality

Comment R1: An air quality monitoring program should be required. Dust mitigation, perimeter monitoring and community monitoring for PM and VOCs must be requirements in all demolition and rebuilding projects. (66)

Response: Chapter 20, "Construction Impacts," includes an assessment of fugitive dust (particulate) emissions from construction activities. The analysis demonstrates that particulate matter would not significantly impact nearby buildings or people. In accordance with CEQR guidelines, mitigation measures, including monitoring, are presented only if it is determined that significant air quality impacts could occur during construction. As described in the DEIS (page 20-7) there are a number of Federal, State and City regulations as well as requirements that limit air emissions from construction equipment. In addition, most fugitive dust impacts are limited to the construction area and immediately surrounding area. There are also dust suppression techniques required by the City. For these reasons, these impacts are not considered to be significant.

Comment R2: Odors from petroleum soaked soils (BTEX) and VOC contamination can be noxious- odor suppression should be a requirement during construction when needed. (66)

Response: The New York State Department of Environmental Conservation enforces regulations that generally state that no facility should emit measurable amounts of airborne pollutants that result in the detection of malodorous smells by the general public at any off-site locations. Potential and projected development sites in Greenpoint and Williamsburg would be subject to these regulations before, during and after construction. As stated in the DEIS a number of development sites have (E) designations due to the potential for the presence of hazardous materials in the soil or groundwater. As per City requirements, these sites must be remediated of any hazardous materials. should they be identified as part of a site testing program. In addition, in that remediation program, a worker health and safety plan, which protects both workers on-site as well as the public health of the surrounding community, must be in place, as necessary.

S. Noise

Comment S1: Pile driving involves noise and vibrations. A noise control protocol should be a requirement of the rezoning plan. (66)

Response: Construction noise is assessed in Chapter 20, "Construction Impacts." In accordance with the *CEQR Technical Manual*, construction noise (including pile driving) is only analyzed in detail if it affects a sensitive receptor over a long period of time or if it may affect highly sensitive locations such as schools and hospitals. As described in Chapter 20, "Construction

Impacts,” pile-driving noise would be intrusive and would be heard by the employees at surrounding businesses and residents who live within several blocks of the projected and potential development sites. However, the use of pile-driving equipment would be most likely to occur at the waterfront sites which have deep bedrock, but where there are generally fewer noise sensitive receptors. As described in the DEIS Chapter 20 "Construction," page 20-8, the City has a number of controls in-place, including limitations on the workday, that minimize the impacts of construction activities.

T. Construction Impacts

Comment T1: The EIS does not study effects of demolition, construction and after construction phases of the proposed zoning changes. (68)

Response: The “Construction Impacts” chapter of the EIS follows methodologies outlined in the *CEQR Technical Manual*. The EIS assumes that all construction is done pursuant to NYC Department of Buildings requirements, the details of which are presented in the EIS. The EIS analysis reveals that construction has the potential for unmitigable adverse impacts on archaeological resources, while other potential impacts are temporary and not considered significant.

Comment T2: The EIS must study and plan for soil removal, truck sanitation (i.e. truck tarping, tire washing) and soil storage. Truck trips, construction workers’ parking, materials staging, and community traffic flow must be studied in the EIS. (66)

Response: The “Construction Impacts” chapter of the EIS is consistent with the analytical requirements set forth in the *CEQR Technical Manual*, and includes a detailed discussion of potential construction related impacts related to hazardous material, air quality, traffic and parking, and other technical areas. No construction related impacts in these technical areas are anticipated. The only significant adverse impacts expected were on archaeological resources.

Comment T3: The EIS must study the effect of water runoff during demolition/construction to the East River and its tributaries. (66)

Response: The “Construction Impacts” chapter of the EIS contains a discussion of potential construction impacts on natural resources, including impacts related to stormwater discharges during construction. As described in that chapter, stormwater discharges from certain construction activities to waters of the United States are unlawful unless they are authorized by a National Pollutant Discharge Elimination System (NPDES) permit or by a state permit program. New York’s State Pollutant Discharge Elimination System (SPDES) is a NPDES-approved program with permits issued in accordance with the Environmental Conservation Law. Discharges of Pollutants to all other “Waters of New York State” such as groundwaters are also unlawful unless they are authorized by a SPDES permit. The construction process for any new development would require consultation and coordination with a number of City and/or State agencies, including NYCDOT, NYC Department of Buildings (DOB), NYCDEP, and NYSDEC (where applicable), among others, which would ensure compliance with applicable rules and regulations during the construction process.

U. Mitigation

Comment U1: Antiharassment provisions should be included in the plan that would prevent landlords from forcing out current residents/businesses. (3, 5, 6, 13, 26, 47) Special antiharassment provisions should apply to all upland areas in the Rezoning Action Area for the purpose of preserving and improving existing affordable housing and preventing displacement of long-time community residents. These provisions, modeled on modified and improved Clinton Special District

provisions, should include additional language and resources to protect existing residents of buildings with fewer than six units. (11) The EIS for Greenpoint-Williamsburg underestimates the gentrification that would occur and thinks payoff to CB s is a mitigation. A one-time payoff is not enough. (5)

Response: **The EIS analyzes the potential for primary and secondary displacement. In accordance with the CEQR Technical Manual, the EIS describes mitigation measures that could address the potential significant impacts on affordable housing. As described in the “Alternatives” chapter of the FEIS, a new project alternative (Revised AHBI alternative) has been developed which would serve to reduce and partially mitigate any indirect residential displacement impact. The Revised AHBI is projected to introduce approximately 1,398 affordable units on projected development sites. DCP to discuss antiharassment measures.**

Comment U2: In order to handle public health emergencies more efficiently, a Community Oversight Committee should be appointed to each waterfront development project. Each mitigation should be handled at either the Community Board level or by the Community Oversight Committee for each project. (66)

Response: **No activities that are proposed would exceed accepted City, state or federal standards with respect to public health, and no significant adverse impacts are expected to result from the proposed action. Accordingly, mitigation of public health is not required for the proposed action. A Community Oversight Committee can be established independently by the Community Board. As required under CEQR, final mitigation measures are disclosed in the FEIS, and have received the approval of other city agencies that would be involved in their implementation.**

Comment U3: We understand that as part of the Hudson Yards approval, the Administration committed to several follow up corrective actions, and would like the same process to be invoked for Greenpoint and Williamsburg. This should include crafting anti-harassment text for Greenpoint and Williamsburg based on the recommendations of CB1, other examples of follow-up corrective ULURP actions should include but not be limited to: enhancing the waterfront access plan per CB1 recommendations; disposition of city-owned sites for affordable housing; contextual zoning of blocks adjacent to the rezoning; mapping of commercial overlays per CB1 recommendations; mapping of parkland (i.e. MTA bus depot); rezoning M1-1 districts to M1-2; etc. (7)

Response: **See response to comment U1.**

V. General Comments on Proposed Action / Miscellaneous

Comment V1: The City should establish a Greenpoint-Williamsburg Waterfront Housing Development Corporation comprised of community leaders, religious leaders, elected officials, and city agencies to oversee the development of affordable units. (3)

Response: **As noted in Chapter 23, “Alternatives,” affordable units projected with the Revised AHBI Alternative would be managed by a nonprofit entity. In addition, HPD would oversee the establishment of a lower-income housing plan for units created through the Inclusionary Housing program.**

Comment V2: 421a tax benefits should not be given as-of-right unless they provide affordable housing. (6, 9, 71)

Response: **Decisions regarding 421a tax benefits are made by the New York State Legislature, and are outside the scope of analysis for the EIS.**

Comment V3: The Administration can invest capital budget funds in the construction of infrastructure, including paying for the waterfront esplanade, which has the added bonus of getting the esplanade now. (6) The zoning resolution allows for public waterfront spaces built privately to be turned over to the city to ensure long-term maintenance. We would like to see that title invoked. (19) In order to

- maintain the esplanade, a Parks Improvement District or Waterfront Improvement District that would be administered with the goal of implementing a waterfront access plan, and eventually operate the waterfront park should be created. (14) We're particularly concerned about the maintenance and operation of waterfront public spaces, as proposed in the rezoning. These public spaces should be controlled by the public, through the Parks Department or a new waterfront improvement district. (81)
- Response:** **The proposed action would require individual developments to develop and maintain links in a continuous shore public walkway. Public acquisition (or condemnation) and development of the entire two-mile long waterfront walkway route is not part of the proposed action. Public acquisition of the waterfront esplanade area would be extremely costly, as would the construction of the facilities. The City's resources would be allocated to the development of the proposed 27.8-acre Inlet Park.**
- Comment V4: The plan should commit that Inlet Park not be contingent upon the Olympics, but be made a park with adequate financial resources and timely implementation. (17, 20, 92)
- Response:** **Inlet Park will be mapped as public parkland as part of the proposed action, and is not contingent upon the Olympics. However, as the programming within the park is expected to be influenced by the Olympics, the EIS analysis of park uses makes a general assumption that these will include 50% passive and 50% active uses.**
- Comment V5: The Trust for Public Land's open space plan should be adopted. (9)
- Response:** **Comment noted.**
- Comment V6: The working waterfront is growing smaller - it should be preserved in other parts of the city, such as Red Hook. (40)
- Response:** **Comment noted.**
- Comment V7: The plan is rerouting the 18" sludge line from India Street. George Klein must have ties to the the Bloomberg Administration. This is a \$100 million diversion. (38)
- Response:** **Comment noted. Sanitary sewage and wastewater treatment would not be significantly impacted by the proposed action. The rerouting of DEP infrastructure is not part of the proposed action, and would be undertaken at DEP's discretion.**
- Comment V8: The City of New York is forcing TransGas Energy Systems LLC (TGE) to oppose the rezoning because they argue that the cogeneration project will interfere with the City's proposal to use the site as parkland. TGE has solved the objection by proposing to build the new cogeneration plant mostly underground, and creating a new 7-acre park on top of it. TGE will remediate the site at its own expense, and will also provide the City with a \$50 million subsidy for 1,000 new affordable housing units in Greenpoint-Williamsburg. The TGE project is perfectly consistent with the proposed rezoning. TGE requests a meeting with the NYC Planning Commission for a briefing concerning the significant benefits of the TGE project could offer the community. (61)
- The TransGas project is our interest. We heard they will promise 1,000 affordable units and a \$50 million cash gift. This would be a major improvement to the waterfront and would provide power to the city at a cheaper rate. (37) TransGas will be a state of the art facility and will result in cleaner air. (89) We are in favor of TransGas. (12, 95) The TransGas facility would be 90% underground with a 7 acre park on top and a \$50 million contribution to affordable housing and at-grade park facilities. We are in favor of the rezoning; it doesn't have to clash with the power plant. (34, 61)
- Response:** **The proposed rezoning would neither enable nor preclude the development of the TransGas Energy cogeneration project proposed for the Bayside Fuel site. The facility is considered in the EIS as part of the No-Action condition under Scenario B.**
- Comment V9: The Community Board can not approve displacement of its residents and businesses, and does not want to be rezoned into something that does not resemble Greenpoint-Williamsburg. (74)

Response: The Community Board recommendation to disapprove with modifications/conditions is noted, and a copy is included in the attached written comments. Specific recommendations of the Community Board recommendation are also addressed above under Comments A8, A11, A40, B4, C10, E3, E7, E9, H5, and U1.

Comment V10: One way to enhance the effectiveness of water taxis as mass transit in the proposed rezoning would be to maximize the interface between local bus routes and waterborne transportation. (40)

Response: Comment noted.

Comment V11: The EIS misses the opportunity to demonstrate the market and secure dedicated lanes for a 21st Century waterfront Bus Rapid Transit system or a light rail line that could connect to subways and destinations in Downtown Brooklyn and Long Island City. (57)

Response: As described in the Scope of Work, the proposed action would consist of zoning map and text amendments, street demapping and park mapping. The EIS for the proposed action provides an assessment of existing transportation services, and where significant impacts are found, practicable mitigation measures are developed in coordination with NYCDOT and NYC Transit.

Comment V12: The City must ensure developers use union workers and don't pay them cash and eliminate taxes that would otherwise go to the city. (78)

Response: Tax evasion issues are overseen by the Internal Revenue Service and the New York City and State Departments of Finance. On publicly owned sites, developers would be required to comply with the procurement procedures of the New York City Department of Design and Construction. In addition, all employers are subject to the employment standards of the U.S. Department of Labor.

Comment V13: As an industrial park, the Brooklyn Navy Yard, just south of the rezoning area, is a safe haven for businesses, and our tenants do not have to face displacement pressures. (28)

Response: Comment noted.

Comment V14: The proposed plan is massive, top down, Hoover planning. (45)

Response: Comment noted.

III. COMMENTS AND RESPONSES ON DRAFT SCOPE OF WORK

Comments were accepted on the Draft Scope of Work document for the Greenpoint-Williamsburg Rezoning project during a period commencing with the public scoping hearing held at the Brooklyn Automotive High School on November 13, 2003, and extending through November 25, 2003. A Final Scope of Work was issued on June 4, 2004, incorporating a number of changes to the proposed action made in response to some of the comments received on the draft scope.

This section lists and responds to comments on the draft scope of work. The comments include those made during the public hearing, as well as written comments received through the close of the comment period. The comments are organized by subject area, following the organization of the draft scope of work. The organization and/or individual that made the comment is identified next to each comment. Comments were received from the following individuals and organizations:

1. Congresswoman Nydia Velazquez (oral statement at public hearing)
2. Assemblyman Vito J. Lopez (oral statement at public hearing, and written statement dated 11/13/03)

3. Assemblyman Joseph Lentol (oral statement at public hearing, written statement dated 11/13/03, and letter dated 11/24/03)
4. Councilman David Yassky (oral statement at public hearing)
5. Marty Markowitz, Brooklyn Borough President (written statement dated 11/24/03)
6. Council Member Diana Reyna (written statement submitted 11/13/03)
7. Jon Benguiat, representing Brooklyn Borough President Marty Markowitz (oral statement at public hearing, and written statement dated 11/13/03)
8. Norman Brodsky, City Storage (oral statement at public hearing)
9. Michael Kaye, Northside Waterfront Improvement Group (oral statement at public hearing, and written testimony submitted 11/20/03)
10. Mark Sindeband, TransGas Energy (oral statement at public hearing)
11. Jenifer Roth, New York Industrial Retention Network (oral statement at public hearing, and written statement dated 11/17/03)
12. Deborah Masters, NAG (oral statement at public hearing, and written statement submitted 11/13/03)
13. Janice Lauletta Weinmann, Greenpoint Monitor Museum (oral statement at public hearing, and written statement dated 11/13/03)
14. Laura Hofmann, Barge Park Pals & GWAPP (oral statement at public hearing, and written statement dated 11/13/03)
15. Brian Coleman, Greenpoint Manufacturing and Design Center (oral statement at public hearing)
16. Jesse Kirsch, Tribeca Oven (oral statement at public hearing, and written statement dated 11/13/03)
17. Cathleen Breen, Friends of Williamsburg Waterfront Park (oral statement at public hearing, and written statement dated 11/24/03)
18. Eve Baron, Municipal Art Society (oral statement at public hearing)
19. Irene Kliementowicz, Concerned Citizens of Greenpoint Inc. (oral statement at public hearing)
20. Michael Freedman-Schnapp, resident (oral statement at public hearing, and written statement dated 11/17/03)
21. Philipp Mohr, Philipp Mohr Architecture (oral statement at public hearing, and written statement dated 11/15/03)
22. Felice Kirby, Rezoning Committee, Teddy's Bar & Grill, Save Engine 212 (oral statement at public hearing)
23. Mia Theodoratus, Frantone Electronics (oral statement at public hearing)
24. Milton Puryeov, Brooklyn Waterfront Greenway Taskforce (oral statement at public hearing, and written statement submitted 11/13/03)
25. Martha Galvez, Citizens Housing & Planning Council (oral statement at public hearing, and written statement dated 11/13/03)
26. Barbara Vettell, Greenpoint West St. Block Association (oral statement at public hearing)
27. Kiyoko McCrae, El Puente/Peace Williamsburg (oral statement at public hearing)
28. Ludger Balan, The Urban Divers (oral statement at public hearing, and written statement submitted 11/13/03)
29. Vincent Abate, Chair CB1 (oral statement at public hearing, and written statement submitted 11/13/03)
30. Chris Olechowski, CB1 Rezoning Task Force chair (oral statement at public hearing, and written statement dated 11/13/03)
31. Teresa Toro, CB1 Transportation Committee Chair (oral statement at public hearing, and written statement submitted 11/13/03)
32. Rayna Huber, CB1 Rezoning Task Force (oral statement at public hearing, and written statement dated 11/13/03)
33. Neil Sheehan, Greenpoint-Williamsburg Clergy Cluster (oral statement at public hearing, and written statement dated 11/13/03)
34. Laura Smith, MCNDesign LLC, Minc Platform LLC (oral statement at public hearing, and written statement dated 11/13/03)
35. Jennifer Weber, Rezoning Task Force (oral statement at public hearing)
36. Noa Bornstein, Parks & Open Space Subcommittee of CB1 Rezoning Task Force (oral statement at public hearing, and written statement received 11/17/03)
37. Ann-Marie DiGennaro, Parks & Open Space Subcommittee of CB1 Rezoning Task Force (oral statement at public hearing, and written statement dated 11/13/03)
38. John Conaty, resident (oral statement at public hearing)
39. Catherine Herman, Los Sures (oral statement at public hearing)

40. Lynn Graham, resident (oral statement at public hearing)
41. Stephanie Eisenberg, resident (oral statement at public hearing)
42. Michael West, Churches of Williamsburg (oral statement at public hearing)
43. Miriam Medina, Catholic Churches of Williamsburg (oral statement at public hearing)
44. Philip De Paolo (oral statement at public hearing, and written statement submitted 11/13/03)
45. Robert Solano, Churches of Williamsburg (oral statement at public hearing)
46. Paul Veneski, People's Firehouse (oral statement at public hearing)
47. Robin Perl, resident (oral statement at public hearing)
48. Rebecca White, North Brooklyn Greens (oral statement at public hearing)
49. Maya Alba (oral statement at public hearing)
50. Daniel Rwera, The People's Firehouse Inc. (oral statement at public hearing)
51. Peter Gillespie, NAG (oral statement at public hearing, and written statement dated 11/13/03)
52. Marisa Bowe, NAG (oral statement at public hearing, and written testimony dated 11/13/03)
53. Joe Vance, GWAPP (oral statement at public hearing)
54. Kate Yourke, Greenpoint-Williamsburg Waterfront Task Force (oral statement at public hearing, and written statement dated 11/13/03)
55. Del Teague (oral statement at public hearing)
56. Alison Cordero, St. Nicks (oral statement at public hearing)
57. Michele Bertomen, resident (oral statement at public hearing)
58. Municipal Arts Society (written statement submitted 11/13/03)
59. Susan Albrecht, Neighbors Against Garbage (NAG) (oral statement at public hearing)
60. St. Francis of Paola Church (written statement submitted 11/13/03)
61. Basil Seggos, Riverkeeper (written statement dated 11/11/03)
62. Jay Segal, Greenberg Traurig LLP (written statement dated 11/11/03)
63. Lee Boroson, resident (e-mailed statement dated 11/20/03)
64. Ellen Harvey, resident (e-mailed statement dated 11/21/03)
65. Kirsten Hassenfeld, resident (e-mailed statement dated 11/21/03)
66. Marcello Arosio, resident (e-mailed statement dated 11/24/03)
67. Irene Klemntowicz and Barbara Mihelic, Newtown Creek Monitoring Committee (written statement dated 11/11/03)
68. Nathan Sudakoff, Acme Smoked Fish Corporation (written statement dated 11/13/03)
69. CB1 Rezoning Task Force (written statement dated 11/23/03)
70. Gregory Barsamian (written statement dated 11/19/03)
71. Melanie Meyers; Fried, Frank, Harris, Shriver & Jacobson (written statement dated 11/21/03)
72. Avigail Milder, Green Dome (written statement dated 11/24/03)
73. Carter Craft, Metropolitan Waterfront Alliance (written statement dated 11/24/03)
74. Anthony Medina Jr., Save Our Southside (written statement submitted 11/21/03)
75. Manuela Butler (written statement received 11/24/03)
76. TransGas Energy Systems, LLC (written statement received 11/24/03)
77. Francis McArdle, The General Contractor Association of New York, Inc. (Written statement received 11/24/03)
78. Luisa Caldwell, resident (e-mailed statement dated 11/27/03)
79. Andreas Cohrssen, resident (e-mailed statement dated 11/30/03)
80. Darryl H. Cabbagestalk, Director, Project Management-NYC Projects, NYC Department of Environmental Protection (letter dated December 15, 2003)
81. Joshua Laird, Chief of Planning, NYC Department of Parks and Recreation, (letter dated January 13, 2004)

A. Project Description (Including Development Scenario)/General Project Information

Comment A1: It is not clear how deep the commercial overlay on Kent Avenue is between N. 5th and N. 7th Street under the current proposal. The information on the Projected Development Sites chart seems to indicate that the overlay is 100 feet deep on Block 2324 and 50 feet deep on Block 2332 [Site 199].

- Request that a depth of not less than 175 feet be considered and analyzed in the EIS, to provide adequate space for a supermarket, or a similar use. (9)
- Response:** **The proposal was modified to increase the depth of the commercial overlay on the west side of Kent Avenue between N. 5th and N. 7th Streets to 200 feet (refer to Figure 2b in Final Scope).**
- Comment A2: Exploring the possibility of having local service oriented commercial establishment on N. 6th St. west of Kent, to activate the street and provide convenient services to local residents. Would like to see N. 6th Street to the west of Kent Avenue zoned and mapped with a commercial overlay to achieve this result and request that this be analyzed in the EIS. (9)
- Response:** **The proposal was modified to add a C2-4 commercial overlay on N. 6th Street between Kent Avenue and the waterfront (refer to Figure 2b in Final Scope).**
- Comment A3: Include a zoning map amendment to change within “The southern Levine Site,” an M3-1 area along both sides of North 6th Street, between Kent Avenue and the pierhead line, to R8/C2-4 in lieu of R8 and map the C2-4 along the west side of Kent Avenue between North 5th and North 7th Streets to a depth of 200 feet. These changes would allow for the North 6th Street retail corridor to extend to the planned public waterfront access area and the pier and provide a larger footprint to facilitate a supermarket. (5)
- Response:** **See response to comments A1 and A2 above.**
- Comment A4: Include a zoning map amendment to change an M3-1 area between Kent Avenue and the pierhead line, between North 9th Street and the north side of Bushwick Inlet to alternative M1-2 or to R8 and R6B/C2-4. These recommendations would require through the Zoning Resolution more restrictive industrial use should property not be used as a park, or evaluation as residential in lieu of parkland. (5)
- The block between N. 9th and N. 10th Streets, Block 2301, is proposed to be mapped as a M3-1 Park. There is no certainty that this land will be acquired for public use and no-one believes that a heavy industrial use of the site in the future under existing M3-1 zoning would be desirable. EIS should include an alternative examining a residential mixed use rezoning of this site consistent with the rest of the rezoned Williamsburg waterfront. (9)
- Response:** **As indicated in the Final Scope, a new alternative was added for analysis in the Alternatives Chapter, which assess the rezoning of the blocks between N. 9th and N. 12th Streets to R6/R8 with a C2-4 commercial overlay along Kent Avenue (see Additional Waterfront Alternative in Final Scope).**
- Comment A5: The addition of a north-south road between Kent Avenue and the River connecting N. 5th and N. 7th, or perhaps only between N. 6th and N. 7th would improve traffic circulation and access to the State Park in some areas, and permit a turn-around for fire and emergency vehicles, deliveries, residents, and visitors without the clumsiness of a cul-de-sac. Propose that EIS include an analysis of this alternative. (9)
- Response:** **As noted in the Scope of Work, the purpose of alternatives is to examine development options that would tend to reduce action-related impacts. The addition of a north-south road west of Kent Avenue connecting N. 5th and N. 7th Streets is not part of the proposed action, nor is it included in any of the selected alternatives, and is therefore not analyzed in the EIS document.**
- Comment A6: DCP should expand the proposed action area boundary to include:
- A commercial overlay on Greenpoint Avenue, between Franklin Street and Manhattan Avenue.
 - Blocks bounded by the Williamsburg Bridge, N. 3rd Street, the waterfront and Wythe Avenue to be zoned M1-2.
 - A commercial overlay on the blocks bounded by S. 1st Street, Hope Street, Roebling Street and Havemeyer Street. (69)

Response: The proposed action has been modified to include commercial overlays on Greenpoint Avenue and Grand Street. Rezoning of the industrial waterfront blocks between the Williamsburg Bridge and N. 3rd Street, which encompasses the Domino Sugar site, Con Edison and New York Power Authority facilities, is not part of the proposed action.

Comment A7: DCP should amend the proposed action area by removing eight blocks for which MX designation is currently being proposed. These blocks support a significant number of industrial jobs and should not be subject to real estate speculation and conversion pressures. They are concentrated in two areas:

- Blocks 2371, 2372, 2374 and 2375 (bounded by Rodney Street, Metropolitan Avenue, Union Avenue and Hope Street). These blocks maintain a concentration of industrial uses and should remain zoned M1.
- Blocks 2299, 2306, 2307 and the northern half of Block 2313 (bounded by N. 11th, N. 8th, and N. 10th Streets, Driggs Ave., Roebling St., Withers St., and Union Avenue). These blocks were never part of the Special Northside Mixed Use District. They have maintained their industrial uses and should remain zoned M1. (11, 69)

Response: Comment noted. In accordance with the Scope of Work, the EIS analyzes the potential effects of the proposed action on socioeconomic conditions in the area. It should also be noted that the proposed MX zoning would allow these industrial uses to remain. Also see response to Comment C1.

Comment A8: Given the complex financial, environmental, engineering and regulatory constraints on pier development, request that the WAP identify alternative locations for supplemental public access in the event that redevelopment of the pier structures is not feasible. (9)

Response: The WAP will identify major existing piers on which public access will be required. The provision of an alternative public access area would require a subsequent action to modify the WAP.

Comment A9: Scope appears to purposefully avoid any mention of the TransGas project, which is a serious deficiency in the scope, and is against environmental law. Actions would have immediate adverse impacts beyond study area, as it prevents TransGas from locating its facility. CEQR requires that No-Build scenario be looked at, TransGas should be included as part of No-Build. The draft scope fails to adequately describe the future w/o the proposed action. Failing to consider TransGas in the draft scope fails to discuss some very important energy, economic, water, AQ, & traffic impacts. (10, 76)

Response: The Scope of Work was revised to include a second scenario under both No-Action and With-Action conditions, in which the TransGas power plant would be constructed on the site currently occupied by Bayside Fuel.

Comment A10: The scoping document appears to have completely ignored the proposed TransGas power plant. TGE proposes to inject significant *private* capital into the Greenpoint/Williamsburg waterfront through the construction of a steam and electric generating facility, which has been strategically sited to provide much needed electric energy, thermal energy, and reactive power to key facilities and growth areas in Brooklyn, Manhattan, and Queens. (77)

Response: Comment noted. See response to comment A9 above. The EIS analyzes the energy system's ability to meet the proposed action's energy demand under both scenarios (i.e., with and without TransGas).

Comment A11: The Greenpoint Monitor Museum respectfully requests that City Planning's zoning plan for Greenpoint incorporate zoning compatible for the development of the Greenpoint Monitor Museum & Park at the Bushwick Inlet and Quay Streets as recommended in the Greenpoint 197-a plan. (13, 14)

Some people want the northern side of the inlet that was set aside for Monitor museum to be a bird sanctuary or habitat. Against designation of a sanctuary if it would interfere with museum. (19)

Response: See response to Comment A12.

Comment A12: Mapping the Bushwick Inlet as Parkland over M3-1 zoning would cause an underlying M3-1 condition of the Inlet and not protect wildlife inhabitants and possibly jeopardize the USS Monitor museum from finding a home there. (37)

Response: **Parks do not have zoning. The uses in the proposed park have not been finalized, and therefore a new Monitor Museum could possibly be located within the park. The proposed park mapping would not preclude a Monitor museum on the Greenpoint waterfront.**

Comment A13: DCP should consider the option of creating a special zoning district encompassing the entire action area, as a means of achieving specific planning, socioeconomic and urban design objectives. (69)

Response: **The proposed action does not include the creation of new special districts. The application of existing zoning designations, including contextual districts and the Special Mixed Use (MX) District, together with the proposed Waterfront Access Plan and zoning text changes, achieve the project's objectives.**

Comment A14: Opposed to the de-mapping of portions of N. 9th to N. 12th Streets west of Kent Avenue as part of the rezoning action. DCP should study the feasibility of developing the 'Olympic Park' between N. 9th Street and the northern edge of the Bushwick Inlet while keeping the streets mapped (but not built), in order to reduce the potential for a large private assemblage in the future and ensure ongoing public access. Preserve all publicly mapped streets by assessing the feasibility of an overlay action of active and passive parkland for the Olympic Park. (69)

Open already mapped but not built public streets and extend them to the waterfront; don't demap N. 9th to N. 12th until we have a park, otherwise it could be a disaster; esplanade should be all public. (57)

Response: **The amendments to the City Map involving the elimination of N. 9th to N. 12th Streets and the establishment of the resultant parcel as parkland are part of the proposed action. Therefore, the only large assemblage that could result by demapping these streets would be parkland. As noted in the EIS, the proposed park mapping would be undertaken in four segments, to accommodate the possibility that the park property would be acquired over time.**

Comment A15: It is unclear from Figure 1c whether Noble Street is identified as a public street. Noble Street, west of West Street, is indeed a publicly mapped street and should be figured as such in the WAP. (69)

Response: **Noble Street is identified as a public street in Figure 1c. Figure 1c was revised in the Final Scope to provide clearer distinction between the legend for public streets and upland connections.**

Comment A16: DCP's plan depicts a residential tower standing on the sludge tank site located across the street from Barge Park. This property was the subject of a ULURP and City Council Resolution, dated January 8, 1997. In 1996, NYCDEP was directed to close this sludge storage tank and examine the feasibility of swapping the property for other properties that would provide open space or waterfront access. As part of the effort to define how the property exchange would work, NYCDEP prepared a 2000 report entitled: Park Property Exchange Preliminary Feasibility Analysis, which evaluated properties adjoining the Barge Park and the property of the sludge storage tank. The conditions of the City Council resolution and its attachments must be enforced. This property should not be handed over to developers to meet their open space needs, it would be in violation of the ULURP and City Council Resolution. DCP needs to formally acknowledge the Resolution. The sludge tank should be demolished, the sludge handling dock should be removed and the Barge Park should be expanded to provide active recreational facilities and establish unimpeded access to the East River waterfront. (14, 67, 69)

Response: **The Scope of Work was revised to delete reference to the disposition of Block 2494, Lot 6 and Block 2472, Lot 32, as well as the certification related to the subdivision of Block 2472, Lot 32. Accordingly, the Scope of Work was revised to reflect that no development is projected on the site of the DEP sludge storage tank.**

Comment A17: Sludge storage tank property should be used in swap for other properties to establish an active park in Greenpoint. Two exchange options for the expanded park:

Option 1: exchange city-owned lots 32 and 75 (Block 2472), Block 2486 and Block 2494 for Lot 100 (Block 2472) and acquire lot 425 from NYCTA;

Option 2: add city-owned lot 32 to lot 75 and maintain as a passive park and acquire lot 425 from NYCTA for an active park. (67, 71)

Request that DEIS study the alternative of retaining city-ownership of the tank and its 90'x100' site and adaptively reusing the tank as a community facility as recommended in the 197-a Plan. (73)

Response: **Comment noted. The proposed actions analyzed in the EIS do not include actions (e.g., disposition, site selection) for the exchange of these sites for privately owned land or for the development of community facilities on these sites.**

Comment A18: The current proposal is deficient in active open space at the north end of Greenpoint where the bulk of development would occur. More park space and waterfront access are needed in Greenpoint. The bulk of parkland would occur at the proposed Olympic Park in Williamsburg, which is too far away to serve the needs of this community whose kids typically walk to the ballpark for games on their own. It is common sense to locate an adequate amount of active open space within reasonable distances to address the children's needs. We shouldn't have to use public transportation to get to an accessible ballfield. It is an unfair expense and burden to place on just the Greenpoint families. (14, 37, 67)

Response: **Comment noted. The adequacy of open space resources is assessed as part of Task 5: Open Space and fully addressed in the EIS. See response to Comment A62 below.**

Comment A19: The 2 acre increase DCP has proposed at Barge Park isn't enough. That merely brings the park's existing uses up to size standards and returns uses that have been taken away from the park due to changes in size & space regulations of play equipment. City agencies need to look at land swaps, project amenities and other creative ways to create an adequate amount of parkland and open space in Greenpoint. DCP should study land swaps, projects & the community amenities they represent to create more open space opportunities at the northern tip (Barge Park Area) as well as open space on parcel 62. (14, 69)

Response: **Comment noted.**

Comment A20: Projections of average household size should be revised to include household size typical of affordable housing. Assuming 1000 units of affordable housing on the waterfront at the 2.88 persons per household calculation used for upland sites adds nearly 1000 residents to population projections. The EIS should use an average of 2.88 persons per residential unit for both upland and waterfront sites in determining population growth and potential impacts. (58, 69)

Response: **See response to comment A21.**

Comment A21: In general, the assumption of an average 2.0 persons per household in waterfront units over the course of 10 years is unrealistic. Precedent and reasoning for such a low population estimate should be documented and explained. The scope states an assumption that because waterfront development sites are new construction, they will have smaller unit sizes. The reasoning for this assumption should be stated and explained, or revised to reflect statistics gathered from recent waterfront residential construction, including Brooklyn sites such as Oceana and the former Schaefer Brewery site, and at Queens West and Roosevelt Island's Northtown and Southtown developments. Undercounts of school-age children will artificially minimize impact on community resources, particularly health care and day care facilities, schools, programmed open space, and libraries. (5, 58)

Response: **As described in the Draft Scope, the average net dwelling unit size for conversions is assumed to be 1,375 gross square feet per unit, whereas the average net dwelling unit size for new apartment-type construction is assumed to be 1,000 gross square feet per unit, a figure representative of new apartment-type construction in the surrounding area. However, as the size of the units to be developed as a result of the proposed action may vary, the Scope of**

Work was revised to provide different, more conservative assumptions for average household size. Based on data from the 2000 Census, the average household size was estimated for the proposed action area and an approximate ¼-mile radius around it. Based on 2000 Census data, the average household size in this area is 2.27 persons per household. This ratio is used to estimate the residential population resulting from the proposed action, for both waterfront and upland sites, and the scope of work was revised accordingly. Also see response to Comment A29.

Comment A22: Residences should be more evenly spread out throughout the area. (21)

Response: The methodology for determining the RWCDS and the projected development program is described in the “Projected Development Scenario” section of the Scope of Work and is also provided in the EIS. The methodology employed to identify the projected development program is in accordance with standard CEQR procedures.

Comment A23: Proposed bulk diagram on southernmost WF site is not correct, because it uses water in calculating FAR - that particular site should be reconsidered. (21)

Response: All bulk diagrams and FAR calculations correspond with zoning regulations. Accordingly, only lot area landward of the bulkhead line and land above water seaward of the bulkhead line are used in the calculation of floor area.

Comment A24: In the manufacturing zone between McCarren Park and waterfront, people would probably like to be able to build higher, most live and work in the same building. This zone also cuts off two residential areas on either side. (21)

Upzoning of area between Bushwick Inlet and McCarren Park to M1 will not adequately address economic forces at work. (51)

Response: The manufacturing zone between McCarren Park and the waterfront is identified as an active industrial area containing numerous industrial firms and jobs, where new residences would not be appropriate.

Comment A25: Acme Smoked Fish, a 75 year old Smokehouse which cures and processes fish is currently in an industrial area zoned M3 for heavy industrial use that is being up-zoned to M1-1. While we will be legally allowed to stay, we will not be allowed to expand in our current location. (68)

Response: Comment noted. Industrial uses in Use Group 18, such as this facility, are permitted in M1 zoning districts and may expand their operations if they comply with applicable performance standards. It should be noted that the modified zoning map amendment application filed in December 2004, and analyzed in the “Alternatives” chapter of the FEIS as the Revised Affordable Housing Zoning Bonus and Incentives Alternative, removed this block from the proposed action.

Comment A26: DCP’s proposal must have a scheme that guarantees affordable housing. The City’s verbal commitment to affordable housing for our residents is admirable, but the plan, as proposed, would not guarantee even a single unit of the 6,000 new units proposed would be affordable as a matter of law. Affordable housing is the most important issue to be dealt with in this zoning plan. Must require affordable housing guarantees as condition for any community support of the city’s plan. Cannot and will not support a plan that does not guarantee affordable housing. Current rezoning proposal lacks a detailed analysis on what specific provisions will be made to ensure that affordable housing will be guaranteed once this plan is implemented. Number one social justice priority is to see this rezoning process result in the building of a substantial amount of affordable housing units as part of the overall larger build out described in this plan. The rezoning must be the forum to execute visionary affordable housing developments. Every effort should be made to provide affordable housing on waterfront development sites. The 197-a plans specifically state that affordability should be one of the criteria for obtaining community support for any proposed development. Without a stronger position from the City on affordable housing on the waterfront, there will be tremendous risks posed to our community by this rezoning. Available means for

providing affordable housing should be disclosed to the extent that land use and zoning policy might result in affordable housing. (2, 3, 5, 6, 7, 22, 29, 30, 33, 44, 45, 49, 51, 58, 59, 60, 69).

Response: **The City’s commitment to affordable housing development includes a commitment to affordable housing investments in areas being rezoned, such as Greenpoint-Williamsburg. In addition, a new “Affordable Housing Bonus and Incentives Alternative” was added to the Final Scope and is analyzed in the DEIS; see response to Comment A27. In addition, a Revised Affordable Housing Bonus and Incentives Alternative was analyzed in the FEIS, as detailed in the response to Comments A21 and A22 in Section II above. The Revised AHBI Alternative is projected to result in the development of up to 1,398 affordable units on projected development sites, which would be available to low-income, moderate-income, and middle-income households.**

Comment A27: Examine the potential impact of an Inclusionary Housing program option were it to be incorporated into the rezoning plan, including its potential to stimulate both market rate and affordable housing production, as well as to generate community support for the increased residential density proposed in the rezoning plan. (25)

Response: **A new “Affordable Housing Bonus and Incentives Alternative” was added to the Final Scope and is analyzed in the DEIS. In addition, a Revised Affordable Housing Bonus and Incentives Alternative was analyzed in the FEIS, as detailed in the response to Comments A21 and A22 in Section II above. The Revised AHBI Alternative is projected to result in the development of up to 1,398 affordable units on projected development sites, which would be available to low-income, moderate-income, and middle-income households.**

Comment A28: EIS should consider a proposal that would mandate affordable housing in the area. Must create real affordable housing that is inclusionary. Call for creation of affordable housing zoning district in CB 1, as proposed by Councilman David Yassky. (1, 4, 27, 33, 51)

Response: **See response to Comment A27 above. Regarding Councilman Yassky’s proposal, a new alternative was added to the EIS subsequent to publication of the Final Scope, which addresses the Affordable Housing Zoning District, in which a mandatory affordable housing requirement would be applied.**

Comment A29: On p. 12 of the scope, affordable housing is mentioned - says there will be 600 units built, not the 20% previously committed; if there is a commitment to 20%, it should be stated in the scope. (33) Our discussions have focused on the commitment of 20% affordable housing units. The numbers in the scope do not seem to rise to that crucial 20% figure. (3)

The draft scope should estimate the total number of affordable units to be created under the proposed affordable housing policies. (69)

Response: **P. 12 of the Scope of Work refers to the threshold for analysis of health care facilities and day care centers, as specified in the CEQR Technical Manual, and not to the number of affordable units to be provided. A new Affordable Housing Bonus and Incentives Alternative was added and is assessed in the DEIS, and a Revised Affordable Housing Bonus and Incentives Alternative was analyzed in the FEIS. (see response to A27 above).**

Comment A30: Encourage DCP to undertake a detailed analysis of the ways in which affordable housing production is expected to be encouraged under the proposed rezoning plan. Although myriad programs exist to incentivize affordable and middle-income housing creation in NYC; it is necessary to investigate the likelihood that these programs will be sufficient to encourage affordable housing development in Greenpoint and Williamsburg in particular. We fear that existing financial incentive programs that rely on voluntary participation by developers will not produce an adequate level of affordable housing to address current needs in Greenpoint-Williamsburg or increased demand as a result of rezoning. Most units are not protected through rent control. (5, 7, 25, 51, 69)

The programs available through the Housing Development Corporation (HDC) can help create affordable housing, but as voluntary mechanisms, they may not yield as many units as we all would like. (6)

It is imperative that City Planning look beyond the affordable housing sources provided by HPD and HDC in the initial rezoning proposal. While these are valuable tools, they do not provide enough options to develop the entirety of the waterfront. Should work with State and Federal government to expand the portfolio of tools that can be offered to developers. These include tax credits, Federal Section 202 Senior housing, favorable mortgage rates by SONYMA as well as many other programs. (2)

Response: **As noted in the response to Comment A27 above, a new affordable housing bonus and incentives alternative has been added and is assessed in the DEIS, and a Revised Affordable Housing Bonus and Incentives Alternative was analyzed in the FEIS. The Revised AHBI alternative assumes that a combination of existing housing programs and any other non-zoning incentives developed by the Mayor and the City Council could be utilized to obtain the bonus on the waterfront, and would also result in the development of affordable housing in upland areas.**

Comment A31: The plan relies on financial incentives to encourage private developers to produce affordable RENTAL housing. Unfortunately, the current housing plan does not provide adequate financial incentives for developers to provide affordable CONDOMINIUMS. (5)

Response: **Comment noted. Also see response to Comment A30.**

Comment A32: It is a concern that rezoning doesn't include Bayside fuel site. It shouldn't be a power plant. Domino Sugar is also not included. (26)

The area around former Domino and the area around Brooklyn Brewery should be mixed manufacturing and residential/commercial. (21)

The current rezoning proposal leaves the Bayside Fuel Oil site, the proposed location of the TGE power plant, with its current M3-1 zoning designation. This fact has given courage to TGE, who have publicly stated that the City, while speaking its opposition, has taken no action to prevent the siting of TGE's power plant on our waterfront. Call upon the City to take whatever action is within its means to eliminate this threat. By attaching restrictions to the zoning, up-zoning to a designation incompatible with a power plant, by using powers of eminent domain, condemnation, or some other procedure, the City must act to protect our future from this threat. The solution may not require rezoning, but if it is determined that re-zoning offers the best protection, the GWWTF insists that the proper Environmental Impact Studies are undertaken for this process to go forward as swiftly as possible. The City must use those powers within its control to assure its intentions and prevent the siting of this power plant on our most precious resource. (54)

The EIS should outline a procedure resolving the vulnerability to as-of-right development of the sites mapped as park with a zoning of M3-1, including the possibility of immediately condemning the land. (69)

Response: **As noted in the response to Comment A12, parks do not have zoning. The amendments to the City Map involving the establishment of the proposed parkland are part of the proposed action. As noted in the EIS, the proposed park mapping would be undertaken in four segments, to accommodate the possibility that the park property would be acquired over time. It is expected that acquisition of the site would begin upon approval of the proposed action. A rezoning of the Domino Sugar site is not part of this proposed action.**

Comment A33: There are three reasons why the area containing the Domino Sugar, Radiac and NYPA sites along Kent Avenue should be downgraded from M3 to M1:

1. It violates the 197-a plan
2. It violates zoning guidelines by failing to have an M1 buffer zone between two separate R6 zones and the M3 zone.
3. It places known residential buildings on Kent Avenue between Grand Street and N. 1 St. within the M3 zone and places other known residential buildings directly next door to heavy industrial use.

The industrial uses presently on these sites are grandfathered in, their operation would not be affected by a downgrade to M1. However, should these companies move out, operations that are

incompatible with people living could move in as of right. Your office has repeatedly stressed the importance of the Grand Street corridor; the vision called for a thriving retail market down Grand Street. All of this could be completely spoiled with just one noxious use moving into the area. (70)

Response: **A rezoning of the Domino Sugar site, or the area west of Kent Avenue which includes active Con Edison and New York Power Authority facilities, is not part of the proposed action.**

Comment A34: The City should clearly state its commitment to developing the park in the Draft Scope and take immediate steps to acquire the land and move forward with the development. The area proposed for parkland retains its M3-1 designation in the proposed rezoning action. This leaves it vulnerable to as-of-right development. (69)

Response: **As presented in the Scope of Work, mapping of the proposed park is one of the actions being taken in this application, and the acquisition of sites for parkland would be expected to begin shortly following ULURP approval.**

Comment A35: There is a need to define what is affordable. 40% of waterfront units should be affordable, 10% of those should go to senior citizens, and the other 30% to those making \$20-50,000. Recommend 60% market rate and 40% affordable on the waterfront, and the reverse inland, for an average of 50%. All development directly on the waterfront should be 60-40. All development off waterfront should be 80% market rate, 20% affordable. Residents in Community Board #1 should be given a 60% preference for all new units. 30% of all affordable units should target families making between \$30,000-50,000. 10% of all affordable units must be targeted to seniors making less than \$20,000. (2)

Response: **As indicated in the Final Scope, an Affordable Housing Bonus and Incentives Alternative was added to the DEIS, where zoning text amendments would allow a 10 percent FAR bonus for waterfront developments providing affordable housing. The development scenario for this alternative assumes that a total of approximately 10% of the projected units would be affordable to low- and moderate- income households, which are assumed to be occupied by households earning 80% or less of the Citywide median household income. In addition, a Revised Affordable Housing Bonus and Incentives Alternative was analyzed in the FEIS, as detailed in the response to Comments A21 and A22 in Section II above. The Revised AHBI Alternative is projected to result in the development of up to 1,398 affordable units (out of a net increment of 7,914 units) on projected development sites, which would be available to low-income, moderate-income, and middle-income households.**

Comment A36: The anticipation of 20% affordable housing is not enough. Indeed the *guarantee* of 20% affordable is not enough. Not only will this rezoning result in approximately 6,000 new units of housing that will be unaffordable to our community, but it will cause a ripple effect throughout Greenpoint, Williamsburg and even Bushwick and Bedford Stuyvesant, driving up market rents and removing affordable units from the market. Given the sweeping repercussions to the private housing market that this rezoning will create, at least 40% of the units made possible by the rezoning should be made affordable to low-income families. Schaefer is a precedent for this ratio. Demand that at least 40% of all housing be designated for lower and middle income families. (6, 44)

Response: **Comment noted. See response to Comments A26 and A27.**

Comment A37: The plan does not outline how the new zoning will promote affordable housing programs for our senior citizens. (3, 69)

Response: **Comment noted. The housing programs applicable in the rezoning area include programs for the creation of senior housing.**

Comment A38: Provide 50% of waterfront development to Latino population in Williamsburg. (42)
10% of the apartments in the waterfront developments should be affordable housing. (21)

Response: **Comment noted.**

Comment A39: Proposal does not adequately reflect the vision and the recommendations of the approved and adopted Greenpoint and Williamsburg 197a plans:

- severe shortage of affordable housing: affordable housing must be guaranteed
- height and bulk does not reflect community's current or desired scale
- mixed use, industrial and residential
- lack of open space, does not sufficiently accommodate needs, and falls below DCP's recommended ratio
- deficiency in active open space
- shore public walkway must be continuous: must guarantee full and continuous public access w/o restrictions from private land owners. (29, 30, 58)

This plan does not represent the 197a plan, does not address safety and environmental issues of community: left us with no alternative but to fight. (55)

Response: **The EIS assess the proposed action's consistency with both 197-a plans. See response to Comment A65 below.**

Comment A40: The amount of projected development is crucial because it affects all of the other areas of concern in terms of potential impacts and mitigation measures. Numbers of projected development sites in the 10 years are underestimated. Analyses in the EIS should be based upon a greater number of projected development sites:

- within the action area, include the following categories of sites:
 - all pending and recently approved variance applications
 - sites currently being developed or sold, such as 55 Berry Street (in the action area)
 - all "warehoused" sites in Williamsburg, especially along N. 9th Street
 - other large, likely to be developed sites, including the Greenpoint Terminal Market which would add an estimated 2,059 units and a population of 4,100
 - smaller infill sites, under 5,000 sf lot size, within the existing neighborhood that are currently underbuilt.
- additional sites, outside of the action area, but within the broader study area, that should be included:
 - the Domsey & Schaefer sites
 - all pending variance applications. (11, 32, 39, 58, 69, 74)

Response: **The methodology for determining the RWCDS and the projected development program is described in the "Projected Development Scenario" section of the Scope of Work and is also provided in the EIS. The methodology employed to identify the projected development program is in accordance with standard CEQR procedures. As noted on p.6 of the Scope of Work, approved BSA applications have been included in the RWCDS, and recently approved applications have been added to the RWCDS accordingly. In addition, sites where BSA applications are pending have been added to the RWCDS, with development projected in compliance with the proposed zoning designation. Also added to the list of projected development sites in the modified RWCDS are 15 upland sites, previously listed as potential development sites, consisting primarily of vacant land or vehicular or open storage uses. Other developments that have already received ULURP approval, such as the Domsey and Schaefer sites, as well as pending developments (such as those granted building permits but which have not commenced construction yet) are expected to occur irrespective of the proposed action, and are therefore assumed/accounted for as part of the No-Action condition.**

Comment A41: Methodology for determining projected waterfront sites should be explained, i.e., why was the Greenpoint Terminal Market not included? (58)

Response: **The methodology for determining the RWCDS and the projected development program is described in the "Projected Development Scenario" section of the Scope of Work and is also provided in the EIS. The methodology employed to identify the projected development program is in accordance with standard CEQR procedures. The RWCDS was modified to include additional projected development along the waterfront. The privately owned portion**

of the Greenpoint Lumber Exchange south of Newtown Barge Park and the Greenpoint Terminal Market site are projected to develop within the foreseeable future.

Comment A42: Revise the “Projected Development Scenario” by changing a significant percentage of the 281 potential developments to the projected development category. (5)

Projected sites have been underestimated. Many of the sites not considered to be projected are currently vacant; numerous potential sites should be projected instead. This would affect transportation, open space, etc. (35)

Response: The methodology for determining the RWCDS and the projected development program is described in the “Projected Development Scenario” section of the Scope of Work and is also provided in the EIS. The methodology employed to identify the projected development program is in accordance with standard CEQR procedures. As noted on p.6 of the Scope of Work, vacant lots totaling 5,000 sf or larger have been included in developing the RWCDS. Also see responses to Comments A40 and A41.

Comment A43: For purposes of comparison, the Flushing-Bedford Rezoning area should be studied. Of the 39 potential sites identified in the Flushing-Bedford draft environmental impact statement as “unlikely to be developed in the foreseeable future,” 15 are currently completely developed for residential or are in the early stages of construction. (5, 58)

Response: Comment noted. As described in the reasonable worst case development scenario, the projected development sites are considered more likely to be developed by the analysis year. However, the analysis recognizes that a number of potential sites could be developed under the proposed rezoning in lieu of one or more of the projected sites in accommodating the development anticipated in the RWCDS. Therefore, the potential development sites are analyzed for site-specific effects in the EIS.

Comment A44: Industrial or commercial buildings should not be precluded as a development site if constructed to half or less of the proposed floor area ratio. (5)

Response: As noted on page 6 of the Scope of Work, commercial or industrial buildings built to half or less of the proposed floor area (on lots of 5,000 sf or larger) have been included in developing the RWCDS.

Comment A45: Inland sites do not need to be assembled, leases for the properties most likely do not extend beyond the 2013 build year or could be terminated in favor of financial compensation, have easier access to financing and typically are small enough to be developed in one phase. Therefore, the analysis should assume that these sites would be developed at a much higher rate than noted in the draft scope of work. (5)

Response: See response to Comments A40 and A41 above. 2013 is the analysis year for the proposed action. It is possible that some sites will be developed faster than others, but, as noted in the Final Scope, more upland sites are projected to be developed by 2013. Based on the modified RWCDS, it is anticipated that 72 inland sites would be developed by 2013, compared to 4 waterfront sites.

Comment A46: The Department of City Planning foresees 334 potential developments, including 21,362 housing units, yet is only planning for the infrastructure necessary for 53 of them, including just 6,686 units. That is less than one out of six developments, and less than one out of three housing units. Notably, in the Draft EIS Scope, these developments are missing in the analyses for community facilities, open space, shadows, water/wastewater infrastructure, solid waste/sanitation, traffic, parking and transit. (76)

Response: Pursuant to CEQR guidelines, projected developments are analyzed for all technical areas of concern, whereas the effects of the potential developments are evaluated only for site-specific issues – historic resources, shadows, urban design and visual resources, hazardous materials, air quality, and noise.

Comment A47: Current plan would result in little or no manufacturing: loss of jobs. Should designate other areas as pure manufacturing and assist companies to relocate there. There is a need for a zone that protects manufacturing, provides incentives for them to stay, and provides balanced growth. (11, 18)

Response: See response to Comment A50. The proposed action maintains manufacturing zones in areas with high concentrations of industrial activity.

Comment A48: The language regarding mixed-use zoning is not effective for maintaining a mixed-use neighborhood. EIS should explore alternative mixed-use language that provides greater protection for local businesses in the proposed mixed-use districts. MX zoning regulations as they are currently written provide strong financial incentives for owners of industrial property to convert or redevelop their property for residential use, which yields a higher rate of return, resulting in widespread displacement of businesses and jobs. The mixed-use designation needs to encourage high-performance and light industrial and/or commercial development while adequately addressing the needs of residential development. Zoning that includes more protection and incentives for manufacturing threatened by market and real estate pressures is a first step toward retaining viable manufacturing. Proposed MX zoning designation provides no protection for existing manufacturing because it allows for residential conversions as-of-right. (29, 30, 32, 41, 51, 58, 69)

Response: Special Mixed Use (MX) Districts, such as those being proposed in certain areas as part of the proposed action, would permit buildings containing both commercial or light industrial use and residential use. As specified in the Zoning Resolution, Special Mixed Use (MX) Districts are designed to (1) encourage investment in mixed residential and industrial neighborhoods by permitting expansion and new development of a wide variety of uses in a manner ensuring the health and safety of people using the area; (2) promote the opportunity for workers to live in the vicinity of their work; (3) create new opportunities for mixed use neighborhoods; (4) to recognize and enhance the vitality and character of existing and potential mixed use neighborhoods; and (5) promote the most desirable use of land in accordance with a well-considered plan and thus conserve the value of land and buildings and thereby protect City tax revenues. The proposed action also maintains manufacturing districts in areas with concentrations of industrial activity.

Comment A49: Propose creation of a Sustainable Mixed-Use Zone or a Modified Mixed-Use Zone in lieu of the MX designation. This new zoning text would allow residential development but would also require that strictly manufacturing space be developed alongside or within new development projects with the goal of maintaining a balance between the amount of residential and manufacturing space within the mapped areas while requiring higher conversion thresholds and higher environmental performance standards of the MX zones. Recommend that City planning include the modified mixed-use zone as an alternative development option that would reduce the anticipated displacement created by the city's proposed action. This would also help stabilize the Creative Economy Sector and provide an ideal incubator for the next generation of innovative and dynamic local industry. (11, 51)

Response: See response to Comment A48.

Comment A50: Recommend designating the contiguous M1-1 area (between Bushwick Inlet and McCarren Park bounded by North 9th to the south and Guernsey and Calyer St. to the north as a Planned Manufacturing District which would be restricted to only industrial and supporting commercial uses and where residential conversions would be strictly prohibited. (51, 69)

Recommend that the EIS consider the designation of the Bushwick Inlet area and the East Williamsburg In-Place Industrial Park as Planned Manufacturing Districts (PMD). PMDs are manufacturing areas where uses other than production-based uses would be severely restricted. (69)

Response: The creation of a new special zoning district, such as a Planned Manufacturing Zoning District, is not part of the proposed action. The proposed action maintains manufacturing zones in areas with high concentrations of industrial activity. These areas would not permit

new residential uses, preventing conflicts with active manufacturing uses. The EWIP is not within the proposed rezoning area.

Comment A51: Support creation of a new development fund that would impose conversion fees and utilize other financial mechanisms such as Tax Increment Financing to improve the infrastructure and services in the manufacturing area to maintain the competitiveness of local manufacturers. Recommend that City Planning include the Planned Manufacturing District as an alternative development option that would reduce the anticipated displacement created by the City's proposed action. (51)

Response: See response to Comment A50.

Comment A52: The zoning map amendments for upland areas to be zoned Mixed Use should be paired with zoning text amendments written to provide more protection for manufacturing uses than the current mixed-use zoning text affords. The zoning text amendments should give consideration to the concept of a *non-transitional mixed-use zone* that would provide some protection of manufacturing uses from displacement because of market and real estate pressures. (58)

Response: See response to Comment A48.

Comment A53: Mixed-use zoning. Should keep some manufacturing on the waterfront. There are many small businesses that now form the base of Williamsburg and mixed zoning can facilitate this. (63, 65, 66, 78)

Response: As evidenced by the long-running decline of manufacturing on the section of the East River waterfront affected by the proposed action, the future development of manufacturing uses appropriate to the adjoining neighborhoods is unlikely here. The proposed action preserves manufacturing zoning in the active industrial area along the Newtown Creek, while making possible the development of much needed housing and open space along the East River waterfront.

Comment A54: Spectacular views will be obstructed by height and density of new development on the waterfront. High rises will take away river and views of Manhattan. Nobody wants tall buildings on the waterfront, no one wants monotonous streetwalls, regardless of height. Should reward developers for providing midblock visual access. Do we want 35 story towers in our community, with no guarantees for any low and middle income housing? (34, 39, 41, 49)
The 197-a plan states that it desires "contextual" development on the waterfront. The term "contextual" should not be construed to mean that the waterfront should have the same zoning as the rest of the study area, but that the new development should be considered in contextual relation with what is already built in the neighborhood. (34)

Response: In accordance with the Scope of Work, an analysis of the proposed action's potential impacts on urban design and visual resources is provided in the EIS. The analysis was undertaken because the proposed action could result in the construction of a building type not currently permitted in the affected area, and will also establish a Waterfront Access Plan (WAP), which would identify specific locations for required shore public walkways, upland connections, supplemental public access areas, and visual corridors. In accordance with the Scope of Work, the analysis utilizes photographs and other graphic material where applicable to assess the potential effects on urban design and visual resources for the study area, including views to the waterfront, and resources of visual or historic significance. As indicated in the Scope of Work, the proposed action has been specifically designed to produce new waterfront development with a sensitive transition to the adjoining neighborhoods, and a compelling skyline.

Comment A55: The height and bulk of the proposed plan does not reflect the community's existing, or desired, character and scale. It is a priority that the new development is in harmony with the existing diverse neighborhood character and sufficiently protects existing buildings. 22-35 stories are not the "medium density" that the community agreed to. Propose half the height for waterfront sites. (21, 29, 30, 53, 69)

Require development to address the scale of the existing neighborhood. Most of our neighborhood is under 6 stories and the few taller exceptions should remain as the only exceptions. Do not want to live in the shadow of residential towers on our waterfront. It is not fair that a community that has had little or no access to the waterfront should have to lose light and architectural character in this process. The height of buildings in the upland areas should never be more than 5 stories. (21, 63, 64, 65, 66, 78)

Plan will take away our view and our air, we will be suffocating. (49)

Response: Please see response to Comment A54.

Comment A56: Would like to see ground floor manufacturing and R6 above, including affordable housing. (41)

Response: **Special Mixed Use (MX) Districts, such as those being proposed in certain areas as part of the proposed action, would permit buildings containing both commercial or light industrial use and residential use.**

Comment A57: The shore public walkway must be continuous and serve to celebrate and protect natural features. Call on the city to provide a guaranteed commitment to immediately develop the entire waterfront esplanade, and ensure that the entire waterfront esplanade guarantees full, open and convenient public access that remains continuously open to the public without any closure or restriction by private developers or land owners. (29, 30, 69)

Response: **The proposed action would require individual developments to develop and maintain links in a continuous shore public walkway. Public acquisition and development of the entire two-mile long waterfront walkway route is not part of the proposed action.**

Comment A58: The City should include in the EIS an estimate of when the new park will be available for use by the public. (58)

Response: **The RWCDs estimates that the proposed new park would be completed and in use by the analysis year of 2013. As noted in the response to Comment A14, the proposed park mapping would be undertaken in four segments, to accommodate the possibility that the park property would be acquired over time as funding becomes available.**

Comment A59: Given existing and projected congestion problems, development in Greenpoint/Williamsburg must be transit-oriented, and transit capital investment and traffic demand reduction strategies must be made wholesale parts of the development plan. (31)

Response: **The Scope of Work identifies a detailed work plan of multi-modal impact analyses. This includes evaluation of transit requirements and needs as part of the impact analyses.**

Comment A60: I specifically discourage implementation of ferry service so close to this type of low-scale residential neighborhood as it will create more congestion on the street and place an undue strain on the street infrastructure. (31)

Response: **The EIS analyzes the effect of water taxi-type waterborne transit (one or more stops) to assess demand for such service and any potential impacts.**

Comment A61: Why does the rezoning plan stop at the Schaeffer brewery site? What about south of there (Certified Lumber, the old power plant, up to the Navy Yard)? (63, 65, 66, 78)

Response: **The proposed action addresses an area generally bounded by the Williamsburg Bridge, the Brooklyn-Queens Expressway, McGuinness Boulevard, and the East River. It does not address the Schaefer Brewery site, which is located south of the Williamsburg Bridge and was rezoned under a previous action.**

Comment A62: The community needs as much parkland as the city can provide and some public walkways through the entire length. (63, 64, 65, 66, 78). Envision a waterfront park such as Battery park City, sans obscuring towers. (78)

Response: **The proposed action would map a new park along the waterfront and also establish a Waterfront Access Plan (WAP) to provide for a coordinated network of waterfront open**

spaces, including a waterfront esplanade. In accordance with the Scope of Work, the EIS provides an analysis of open space supply and demand under existing conditions as well as future conditions without and with the proposed action.

Comment A63: Many artists are living and working in the same place and would not be well-served by exclusively residential zoning. There is also a need to take into consideration the large amount of people who are currently living in commercial buildings in the neighborhood. These people are generally living there with the collusion of their landlords and we need to make sure that changing the zoning does not become an opportunity for eviction of current tenants. (64)

Rezoning should encourage live-work. (38)

Response: Comment noted. The proposed Special Mixed Use (MX) Districts, which are proposed in much of the upland area, contain a more flexible definition of “home occupation,” accommodating live-work arrangements.

Comment A64: The rezoning of the waterfront and future developments are inevitable. But what can the City of NY and the City Council do to protect us so that we are not pressured to consider New Jersey as an Alternative? Make developing a buffer zone between the industrial community and the residential areas the responsibility of those developing the waterfront. For example, create an Esplanade along Franklin-Kent Avenue adjacent to the waterfront area that would serve as a buffer between the two uses. (68)

Response: The proposed action maintains manufacturing zones in areas with high concentrations of industrial activity. These areas would not permit new residential uses, preventing conflicts with active manufacturing uses.

Comment A65: Both the Draft Scope and the EIS should make reference to the Greenpoint and Williamsburg Waterfront 197-a plans in describing the proposed action and project purpose and need. The plans serve as the foundation, or policy framework, for the city’s rezoning proposal, and should be acknowledged as such. The EIS should include a detailed description of how the proposed rezoning actions fulfill the goals and recommendations of the 197-a plans. The proposed action should be linked to the Plans’ priorities, specifically:

- . Affordable Housing
- . Access to the Waterfront
- . Preservation of the mixed use character of the neighborhoods
- . Job retention and creation (especially in Williamsburg). (69)

Response: The Scope of Work was updated to explicitly reference the 197-a plans in describing the proposed action. In accordance with the Scope of Work for the “Land Use, Zoning and Public Policy” task, the EIS evaluates the proposed action’s consistency with both 197-a plans.

Comment A66: EIS should consider the creation of commercial overlays on all of the upland connections providing access to the waterfront esplanade, piers and supplemental open space areas, such as the connection proposed to be located along the Green Street extension between West Street and the Green Street pier. These connections are intended to encourage and facilitate pedestrian activity; the addition of local retail uses in these areas will provide an amenity for pedestrians and residents and will contribute to a rich street life. These additional overlays would complement those already proposed along West Street and Commercial Street. (71)

Response: The proposed action was modified to include a C2-4 commercial overlay along the prolongation of Green Street between West Street and the waterfront (refer to Figure 2b in Final Scope). In addition, the modified zoning map application filed in December 2004, and analyzed in the “Alternatives” chapter of the FEIS as the Revised Affordable Housing Zoning Bonus and Incentives Alternative, added a C2-4 commercial overlay along the east side of West Street between Dupont and Eagle Streets.

Comment A67: Required upgrades to waterfront sites will add substantially to the cost of construction, as will providing the open space elements required by the rezoning, and there may well be environmental

remediation costs and costs associated with repairing the bulkhead or shoreline in order to permit development. The effect of these costs on the viability of development on the waterfront will be significant, and their potential as a barrier to development must be analyzed in the EIS. These factors make it reasonable to assume a slower rate of growth for the waterfront properties. (5, 71)

Response: Increased costs for waterfront development have been a consideration in the selection of the appropriate zoning density for waterfront sites. As noted in the Scope of Work, four waterfront development sites are projected to be developed by the analysis year of 2013, including the site of the proposed waterfront park.

Comment A68: The waterfront elements required by zoning should be permitted to be phased in on an as-of-right basis for development projects that will contain more than one building. This will help ameliorate up-front infrastructure costs that could act as a disincentive to waterfront investment while providing for waterfront access in connection with each phase of construction. (71)

Response: All new developments on zoning lots within waterfront blocks will be subject to the provisions of Article VI, Chapter 2 of the Zoning Resolution: Special Regulations Applying in the Waterfront Area, as well as the Waterfront Access Plan proposed as part of the action. The waterfront zoning regulations state that the obligations to provide all required visual corridors, shore public walkways, supplemental public access areas, pier or floating structure, public access areas and upland connections, once certified in accordance with the provisions of Section 62-711 of the zoning resolution, shall be embodied in the form of a signed declaration of restrictions, including a maintenance and operation agreement with the Department of Parks and Recreation, indexed against the property, binding the owners, successors and assigns to provide, construct and maintain those elements. Such declaration or maintenance and operation agreement shall require that a bond be posted that would ensure that the public access areas are maintained in accordance with the declaration or maintenance and operation agreement and are closed only at authorized times. The filing of such declaration in the Borough Office of the Register of the City of New York shall be a precondition for the issuance of a building permit.

Section 62-722 of the Zoning Resolution allows large lots undergoing phased developments to implement waterfront open space improvements on a proportional basis subject to City Planning Commission authorization. The proposed action includes zoning text changes that would permit the phasing of open space improvements subject to certification by the Chair of the City Planning Commission.

Comment A69: The proposal should identify zones for locating upland connections in areas where waterfront access points would not be extensions of the street grid, such as along Commercial Street, rather than fixed locations. This will provide greater flexibility in siting and designing development projects while ensuring public access. (71)

Response: Zoning regulations applicable to waterfront sites require the provision of public access and visual corridors, but provide some flexibility in locating visual corridors within a site. The Waterfront Access Plan proposes a flexible location zone for an upland connection and visual corridor on Parcel 5a (refer to Figure 1c in the Scope of Work), where these elements are not the continuation of a mapped street. Also see response to Comment A68 above.

Comment A70: EIS should consider the effects of early action by the City to provide or improve public open space areas and infrastructure systems along the waterfront. These improvements will act as catalyst to development, which in turn will result in additional open space amenities along the waterfront. (71)

Response: As noted in the response to Comment A57, public acquisition and development of the entire two-mile long waterfront walkway route is not part of the proposed action. The proposed action includes the mapping of a new park along the waterfront and would also establish a Waterfront Access Plan (WAP) to provide for a coordinated network of waterfront open spaces, including a waterfront esplanade. The EIS analyzes the potential effects of the developments projected to occur within the 10-year analysis time frame. It is likely that within

that 10 year period certain elements will occur earlier, others later. The analysis year of 2013 therefore ensures that all projected development is adequately assessed.

Comment A71: Include zoning text amendments modifying permitted use and establishing required use in Special Mixed Use Districts and modifying the Waterfront Access Plan (WAP) for the Greenpoint-Williamsburg waterfront, to allow improvements to be made by the public sector in advance of private development, with the potential for developers to reimburse the public sector. These modifications would serve as a means to encourage the retention of local companies and jobs and to achieve additional quality-of-life protections by further restricting or eliminating certain commercial and industrial uses. In addition, it would permit shoreline public access to be provided even in the absence of development. (5)

Response: The proposed action would require individual developments to develop and maintain links in a continuous shore public walkway. Public acquisition and development of the entire two-mile long waterfront walkway route is not part of the proposed action.

Comment A72: No areas in the rezoning plan should be left completely manufacturing. (21)

Response: In accordance with the project's objectives, the proposed action maps or retains manufacturing zones in areas with high concentrations of industrial activity.

Comment A73: DEIS should include financial modeling of one parcel projected to be developed along the waterfront, in order to determine the minimum total project square footage possible that would result in a return on the investment standard to similar scale development in the City of New York over the past 10 years. (72)

Response: Financial modeling for waterfront development sites is not part of the proposed action, and is not included in the EIS. It should be noted that different waterfront sites exhibit varying site conditions, and therefore require site-specific analyses which are beyond the scope of this EIS.

Comment A74: As an alternative, the EIS should look at development distributed over a broader stretch of the Greenpoint waterfront rather than on one parcel (the Lumberyard Exchange), to ensure that no different or additional impacts would occur should development proceed in a manner other than that shown as "projected" in the Draft Scope. (71)

Response: The RWCDs was modified to analyze projected development on the privately owned southern portion of the Greenpoint Lumber Exchange (Site 3) and on the Greenpoint Terminal Market site (Site 56) in Greenpoint.

B. Land Use, Zoning, and Public Policy

Comment B1: Identification of future development projects should include TransGas Energy proposal to site a 1,100-megawatt power plant on Bushwick Inlet. The loss of open space that would occur if the power plant were to be built should be measured in Task 5. (58)

Response: As noted in the response to Comment A9, the Scope of Work was revised to include two development scenarios: one that assumes the TransGas power plant development, and another that assumes that there would be no TransGas power plant at the Bayside Fuel site. The Project Description was updated to reflect these two development scenarios. The EIS analyzes open space conditions for both scenarios.

Comment B2: The analysis should take into account legislation recently introduced by City Council Member Tony Avella to require that variance requests be reviewed by the City Council. The analysis should also take into account Council Member David Yassky's Affordable Housing Zoning District zoning text amendment. (58)

Response: Proposed variance legislation has recently been introduced in the Council, but has not been enacted. The effects of the bill, if enacted, would be speculative, since it relates to the

procedure for review of variances granted by the Board of Standards and Appeals and the results of use of that procedure cannot be predicted. In terms of Councilman Yassky's proposal, a new alternative was added to the EIS subsequent to publication of the Final Scope, which addresses the Affordable Housing Zoning District, in which a mandatory affordable housing requirement would be applied.

Comment B3: Draft scope calls for "describing and mapping existing zoning and recent zoning actions in the study area, and describe any recent BSA actions." The DEIS should define recent as within the last five years. (17)

Response: No specific time frame is proposed, however, the purpose of this text is to bring the analysis up to date to ensure that all recent actions (i.e. those that have occurred less than a year ago) are included.

Comment B4: Draft EIS should study the impact of "planners' blight" on the parcels being mapped for parkland on the City Map without the concurrent action of taking them by eminent domain. All parcels from North 7th to North 14th Street west of Kent Avenue should be analyzed for the potential effects under a scenario where the parcels are intended to be used as a City park, but that intent is never realized. The effects of that condition in terms of waterfront economic development, job stagnation, disinvestment, and lack of maintenance should be analyzed. (76)

Response: The mapping of parkland for the proposed waterfront park reflects the City's commitment to implementing the park. The mapping action includes acquisition authorization and therefore no further ULURP actions would be needed. As noted in the EIS, the proposed park mapping would be undertaken in four segments, to accommodate the possibility that the park property would be acquired over time as.

Comment B5: Draft EIS should study the proposed mapping of several waterfront sites around the Bushwick Inlet, including the Bayside site at North 12th Street into parkland as a "conflict with public policies or plans for the site or surrounding area" (Section 3A-420):

- The Bayside site's mapping as parkland would conflict with the possible approval by the New York State Board on Electric Generation Siting and the Environment of the TransGas Energy Facility. Such approval, if received, would be made on the basis of a public interest finding, among others. Thus, the Draft EIS should address the adverse impacts of undoing TransGas' public interest benefits. It should also address an alternative whereby the Bayside site is not mapped as parkland, and North 12th Street is not demapped.
- More generally for the sites between North 9th Street and Calyer Street along the East River waterfront, the Draft EIS should assess and analyze the departure of NYC policy from the Williamsburg Waterfront 197-a plan and from the Greenpoint 197-a plan regarding the decision not to rezone to allow for high performance industry, residences, etc. (see in particular recommendations 1 and 4 of the Williamsburg 197-a plan). Draft EIS needs to explain why, having made a conclusion of the industrial vibrancy of the Bushwick Inlet area *in toto*, not just its upland parcels, that area is now being divided into two; and how this does not conflict with the 197-a plans. (76)

Response: Regarding the TransGas proposal, the Scope of Work was revised to include a second scenario under both No-Action and With-Action conditions, in which the TransGas power plant would be constructed on the site currently occupied by Bayside Fuel. Under this second scenario (Scenario B in the Final Scope), the Bayside Fuel site would not be mapped as park. Also refer to responses for Comments A9 and B1 above. Both scenarios are analyzed throughout the EIS, as applicable. The EIS also assesses the proposed action's consistency with both 197-a plans.

Comment B6: The land use study area should be extended beyond the ½-mile distance from the proposed action area boundary to encompass all of Community District 1, in order to adequately assess the cumulative impacts of current land use activity and trends as well as developments resulting from the proposed action. While CEQR mentions one-half mile as a typical radius for determining

impacts, the scale of the rezoning action and existing conditions in CD1 warrant assessment of impacts over a larger study area. One option would be to define the ½-mile radius as the primary study area requiring detailed analysis, and the remainder of the district as the secondary study area subject to broader review. (69)

Response: **The proposed ½-mile study area was delineated in accordance with the guidelines of the CEQR Technical Manual, and is an adequate study area for the proposed action. It should be noted that approximately 75% of the projected number of net additional dwelling units would occur on the waterfront, approximately 1 to 1.5 miles from the perimeter of the study area.**

Comment B7: Draft scope should clearly describe the subtasks as well as the required level of detail for each subtask with respect to the proposed action area and the broader land use study area. It is not always clear whether subtasks described under Task 2 refer to the entire land use study area or whether they merely refer to the neighboring areas (see second, third and fifth bullets on p.11). (69)

Response: **The EIS analyses follow the guidelines of the CEQR Technical Manual, as outlined in the Scope of Work. The subtasks in the Scope of Work clearly indicate which tasks would apply to the proposed action area (which would be analyzed in greater detail), and those that would apply to the entire ½-mile study area (which encompasses the proposed action area).**

Comment B8: The EIS should describe all BSA actions within the land use study area, including approved, pending and rejected actions. It should also review and incorporate Community Board 1 Land Use Committee opinions on BSA variance applications. (69)

Response: **The CEQR Technical Manual outlines the methodology for analysis. The “Land Use, Zoning, and Public Policy” chapter of the EIS assesses the proposed action’s potential effects on those areas. This is done by comparing future conditions with the proposed action to future conditions without the action. In that context, only approved and pending BSA actions are relevant to the analysis.**

Comment B9: In undertaking this assessment, the EIS should consider recommendations in the Economic Development Corporation’s soon-to-be-released “Industrial Study” prepared by the Parthenon Group. (69)

Response: **The study referenced above was not completed prior to the issuance of the. As noted in the response to Comment C6 in Section II above, the City launched an industrial retention program in January 2005, aimed at addressing the current and future needs of New York City’s manufacturing and industrial firms. A key objective of this initiative is to provide affordable space to industrial companies. In order to achieve the objective, the City has designated portions of 14 neighborhoods as Industrial Business Zones (IBZs). These IBZs will expand upon the existing In Place Industrial Parks, and the City has committed that the IBZs will not be rezoned to allow for residential uses. These recommendations do not alter the results of the EIS analysis.**

Comment B10: In addition to the Greenpoint and Williamsburg 197-a plans, the EIS should discuss the action’s consistency with the WRP as an adopted public policy. (69)

Response: **The last bullet in Task 2: Land Use, Zoning, and Public Policy was edited to specifically indicate that the WRP is one of the public policies that will be assessed in the EIS in terms of the proposed action’s consistency with various public policies or plans.**

Comment B11: In addition to discussing the effect of the loss of manufacturing zoning and elimination of the Special Franklin Street and Special Northside Mixed Use District regulations, the EIS should discuss the proposed action’s potential land use effects related to MX designations, including loss of industrial space and compatibility of uses. (69)

Response: **In accordance with the Scope of Work, the EIS assesses the potential impacts from all of the proposed actions, including proposed MX zoning designations.**

Comment B12: The MX districts will act as transitional areas that will encourage residential development and price out existing businesses. The MX designation will also encourage property owners to demolish to demolish existing one-and two-story industrial buildings in order to construct residential buildings to a higher FAR. The areas proposed for MX designation should be analyzed in detail in terms of impacts on existing businesses as well as height, bulk and density. (69)

Response: **Comment noted. Refer to responses to Comments B11 and C1.**

C. Socioeconomic Conditions

Comment C1: DCP has a very aggressive Citywide agenda to rezone manufacturing land for residential and office development. Greenpoint/Williamsburg is just one piece of that agenda, albeit a large one. Yet none of the environmental assessments reflect the overall impact on industries or disclose the true impact of the MX designation. (11)

Response: **These are separate and independent actions subject to separate approvals under the City's ULURP process. In accordance with the Scope of Work, the EIS includes an analysis of the effects of the proposed action on land use conditions, including the effect of the loss of manufacturing zoning. In accordance with the Socioeconomic Conditions section of the Scope of Work, that chapter of the EIS includes an assessment of direct and indirect business displacement and effects on specific industries.**

Comment C2: Beyond the new housing, what unintended effect will new development have on existing renters? Most of the rental units in these communities are not protected through rent control or rent stabilization. What guarantees can we offer these households that they can remain? Priority must be given to protecting long-standing residents of Williamsburg and Greenpoint. (5, 7)

Response: **The EIS includes an analysis of the potential for indirect displacement as a result of the proposed action. This analysis focuses on the potential impacts of the proposed action on the displacement of renters in both the primary and secondary study areas.**

Comment C3: Smaller, upland sites are sure to be developed more quickly and their development will result in secondary job displacement at a more rapid pace. The impact of job loss on the neighborhoods should be re-evaluated accordingly, as should mitigation measures for loss of business and employment. (58)

Response: **The potential for direct and indirect displacement is examined for all the industrial sectors that are present in the study area. This includes an examination of the various industries in the study area (by SIC Code) and the potential for direct or indirect displacement of these businesses and industrial sectors based on land use changes that are anticipated under the proposed zoning action.**

Comment C4: The area, particularly the Northside Special Mixed-Use District, is center of the art, music, and design communities. We recommend that City Planning include the Creative Economy Sector in the list of categories for analysis under economic characteristics, existing economic activity, and employment and business trends and evaluate the impacts of its proposal on this sector. (51)

The economic issues at stake have not been addressed in the scope; hub of artist and music industry and employment, isn't taken into account. (52)

The possibility that the proposed action would suppress the performance of the local creative economy over the long-term must be included in the EIS scope as part of the examination of future trends for manufacturing uses in the area. (20)

The EIS should analyze the impacts of the proposed action on jobs in the creative economy. (69)

Response: **The EIS includes an analysis of the potential impacts on the local economy based on the Department of Labor data available for the study area for each particular sector, including within the cultural economy (e.g., arts, entertainment). Pursuant to the CEQR Technical Manual, the EIS assesses whether the proposed action will potentially displace businesses that contribute substantially to neighborhood character.**

- Comment C5: The proposed rezoning action would give away a great amount of precious cheap, industrial-zoned space close to the city, hampering the future growth of not only the industries that use these spaces, but also the entire creative economy of the city that depends on these industries. The EIS scope requires an examination of effects on industry and commerce. We suggest that the scope look at long-term effects of loss of manufacturing space close to Manhattan. (20)
- Response:** **The EIS includes an analysis of the potential for impacts, both direct and indirect, on businesses. It also examines economic trends in the area as a whole. The EIS analysis also considers the loss of this space in close proximity to Manhattan.**
- Comment C6: Plan will displace industrial jobs, must be studied and mitigated: where will they go? Action will place thousands of blue collar jobs at risk. (11)
- Response:** **As stated above, the EIS includes an analysis of the potential for the direct and indirect displacement of businesses as a result of the proposed action. Pursuant to the CEQR Technical Manual, appropriate mitigation measures are identified for any potential significant adverse impacts resulting from the proposed action.**
- Comment C7: Current rezoning proposal would create substantial incentives to convert manufacturing to housing, resulting in an atmosphere of real estate speculation. Hundreds of jobs are at risk, will probably move out of the city. (13)
There are 5000 industrial jobs in the area which are disappearing as area is illegally converted to luxury housing. (1)
- Response:** **As stated above, the EIS includes an analysis of the potential for the direct and indirect displacement of businesses as a result of the proposed action from both new development and conversion.**
- Comment C8: EIS must quantify potential for residential displacement, both within the action area and the broader study area. In addition, it should include a detailed analysis of alternative mitigation measures, including mandated affordable housing as well as other mechanisms outlined in the forthcoming detailed written response from the Rezoning Task Force. (32)
- Response:** **As stated above, the EIS includes an analysis of the potential for direct and indirect displacement as a result of the proposed action. This analysis focuses on the potential impacts of the proposed action on the displacement of renters in the area, including the area of the proposed rezoning as well as the study area as a whole. Pursuant to the CEQR Technical Manual, appropriate mitigation measures are identified for any potential significant adverse impacts resulting from the proposed action identified in the EIS.**
- Comment C9: Task 3, socioeconomics - will basically be relying on census data for housing, which are not representative. It is disturbing when anyone tries to rely on census data for housing. The EIS should look to other data sources besides the U.S. Census when examining the impact that the proposed rezoning will have on the areas' immigrant population. Local churches with large numbers of immigrant parishioners can help to provide a better estimate of immigration trends and the number of immigrants in the local community. (39, 56, 69)
- Response:** **Local census data are the most widely used and acceptable form of assessing population and housing conditions. The scope is also consistent with the methodologies presented in the CEQR Technical Manual. Other sources of data can be anecdotal and, for that reason, cannot be used for comparison with other neighborhoods or Citywide characteristics and thus are not appropriate data for determining impacts.**
- Comment C10: Consultants working on the EIS should approach local real estate brokers to assess the change in real estate prices and sales since land speculation has increased in North Brooklyn. The draft scope states that the EIS will use "discussions with real estate brokers" as a data source to determine the rent levels for manufacturing and commercial buildings in the study area. The EIS should do the same for residential properties in order to determine changes in housing costs. (69)

Response: Various sources of information were used for determining the potential for indirect (or secondary) displacement of residential tenants in the area. These data include local real estate brokers as well as real estate data on trends in rent.

Comment C11: The EIS should include a quantitative analysis of rental characteristics and trends for residential buildings with less than six units. This portion of the housing stock is not subject to rent regulation and is therefore vulnerable to rent increases. In order to capture changes that have occurred as a result of land speculation around the proposed rezoning, the analysis of trends should consider a time period beginning in 1995, when the City began this rezoning initiative. (69)

Response: Units that are not protected by rent regulation are the focus of the analysis for assessing potential secondary displacement of residents. This includes residential structures with less than six units. However, in accordance with the CEQR Technical Manual, the impact assessment is based upon changes in the future with the proposed action as compared with the future without the proposed action. Conditions that have changed since 1995 are relevant to defining existing conditions, as well as identifying trends relevant to defining future conditions.

Comment C12: People removal would result from land speculation. (39)

Response: As stated above, the EIS examines both the direct and indirect impacts of the proposed action.

Comment C13: The CEQR Technical Manual recommends, “up to a ½ mile radius may be used for a socioeconomic study area boundary.” The proposed action calls for a primary study area that is only ¼ mile radius from the action area boundary and a secondary study area boundary that is approximately ½ mile radius. The DEIS should require a primary study area of ½ mile radius from the action area boundary with a secondary study area extending ¼ mile radius from the action area boundary. (17)

The socioeconomic conditions study area should be expanded to include all of Brooklyn Community District 1, with a primary study area extending up to ½-mile from the action area boundary and a secondary study area covering the balance of the Community District. As it is mapped now, the study area leaves out large portions of the East Williamsburg IPIP and Newtown Creek. (69)

Study the potential for residential displacement over the entire Community District, not just within ½ mile of the rezoning area. (11, 51)

Response: The study areas were defined based on the areal extent in which project impacts would be expected to occur. For example, direct impacts would be expected within the directly affected area, i.e., the area of the proposed action. Within this area both direct and indirect displacement could occur. Outside this area, there is the potential for indirect impacts which could occur as a result of rising property values and rents due to increased property values within the directly affected area. These potential impacts are assumed to be largely indirect impacts (i.e., tenant displacement due to rising rents). Such impacts generally occur within this ½ mile distance, beyond which the influences of the proposed action dissipate and other forces become more dominant; i.e., general real estate trends that would occur regardless of the proposed action. The secondary study area does include a large portion of Community District 1, and includes portions of the Newtown Creek and East Williamsburg industrial centers. Because these areas fall within the secondary study area, they are analyzed as part of the EIS.

Comment C14: Should address secondary displacement impacts and racial and ethnic implications. (56)

Response: The EIS looks at the impacts based on changes in population and demographic features, which includes both household income as well as race and ethnicity.

Comment C15: The EIS should assess existing housing and businesses and analyze the impacts from the proposed project. (17)

Response: As discussed above, the EIS includes a comprehensive impact analysis of the proposed action with respect to both impacts on residents and businesses.

Comment C16: The scoping statement acknowledges, if obliquely, that the proposed action will include “the removal of the industrial/manufacturing and automotive uses” (p.14). This aspect of the rezoning needs to be studied both in terms of its effect and any alternatives that would *prevent* such removal. In light of the multitude of sites that are formerly industrial and not being used for industry, the Draft EIS scope will be remiss if it fails to analyze a way to preserve industrial uses while still providing the proposed 49 acres of open space and the projected development of almost 7,000 units of housing, and most of the additional “potential” 14,000 units of housing. The Draft EIS should justify displacement of actual businesses in light of the available land area. (76)

Response: It is expected that the proposed action could result in development that might displace certain businesses. If this was to occur, it is anticipated that a number of these businesses could relocate to other areas in Brooklyn and the City as a whole. Pursuant to the CEQR Technical Manual, the EIS evaluates direct and indirect displacement impacts on residential, commercial, and industrial activities. In accordance with CEQR, mitigation measures are explored for any potential significant impacts identified in the EIS. It should also be noted that the proposed zoning includes mixed use districts in much of the upland areas, which allow both residential and manufacturing uses and thus allow the two uses to exist within the rezoning area. The EIS examines a land use scenario that is projected based on the proposed zoning action, as well as several alternatives.

Comment C17: Study must be more in-depth in acknowledging that it will provide for sites and programs to offset the more rapid displacement that will occur. (3)

Response: Pursuant to the CEQR Technical Manual, the EIS evaluates direct and indirect displacement impacts on residential, commercial, and industrial activities. In accordance with CEQR, mitigation measures are explored for any potential significant impacts identified in the EIS.

Comment C18: Under Section 321.2 of Chapter 3B, *all* displacement should be disclosed. Furthermore, with respect to TransGas, the scope should recognize that this cogeneration facility, which would be in place for several years by 2013, meets at least the following standards of significance:

- substantial economic value to the city and regional area, and can only be relocated with great difficulty or not at all (in the case of TGE, not at all)
- subject of other regulations or publicly adopted plans (in the case of TGE, it will have been approved under a New York State Siting Board Certificate). (76)

Response: As stated above, the EIS examines both the potential for displacement on residents and businesses. The existence of the proposed TransGas facility is also examined as a scenario under both the No-Action and With-Action analyses. As discussed in the response to Comment B5, the Scope of Work was revised to include a second scenario under both No-Action and With-Action conditions, in which the TransGas power plant would be constructed on the site currently occupied by Bayside Fuel. Under this second scenario (Scenario B in the Final Scope), the Bayside Fuel site would not be mapped as park and the TransGas facility is assumed to continue to operate under With-Action conditions, and as such there would be no displacement resulting from the proposed action at this site.

Comment C19: Under Section 430, an impact on an industry of substantial economic value to the City’s economy is considered significant and adverse, requiring the evaluation of mitigation. The TGE Facility is projected to support not only 40 workers on-site and an additional 60 in the area indirectly, but it is also projected to be responsible for creating or retaining 1,500 jobs through lower electric prices. Pursuant to Section 522, mitigation needs to be addressed. New York City has proposed relocating the TGE Facility to an alternate site that is outside the Draft EIS study area. However, in light of the fact that there clearly exists a difference of opinion as to the viability of that proposed alternative, the Draft EIS should limit itself to mitigation *within* the study area. (76)

Response: As stated above, the EIS examines two scenarios in both the No-Action and With-Action conditions. One scenario assumes the proposed TransGas facility would be in-place in the future with the proposed action and the other assumes the site is used for parkland. See response to Comment C18.

Comment C20: Under Section 612 of Chapter 3B, an alternate site for parkland should be considered as a replacement for NYC's proposal for the Bayside site. Given the long-term lack of development on many of the Greenpoint waterfront's residential sites, an alternative that relocates parkland to the Greenpoint waterfront would be just one way to avoid significant impacts to due business displacement. (76)

Response: As stated above, the EIS examines two scenarios in both the No-Action and With-Action conditions. One scenario assumes the proposed TransGas facility would be in-place in the future with the proposed action and the other assumes the site is used for parkland. The EIS provides open space analyses for both scenarios (with and without TransGas). The EIS identifies mitigation measures for all identified impacts, if any. See response to Comment C18.

Comment C21: Qualitative analysis should identify to the extent feasible the number of newly established businesses between 1990 and 2000 Census and identify by SIC code the type of businesses as a means to project how such trends may be impacted by the proposed action. Recent trends should document both residential and commercial displacement, open space utilization, and for newly created housing units, the percentage of rental versus ownership units. (5)

Response: The EIS includes trend data on local businesses in order to determine which businesses may be expanding and which may be diminishing as a presence within the study area. These data are presented by SIC code. Trend data on local housing characteristics are also presented, including median rents and ownership.

Comment C22: Commercial analysis should make use of ES202 data. Residential displacement analysis should make use of information accumulated by area tenant advocacy organizations, including Los Sures, St. Nicholas Preservation Corporation and others. The assessment should quantify differences between maintaining the Special Northside Mixed Use District zoning regulation and the proposed MX district regulations. (5)

Analysis of secondary residential displacement should include displacement figures generated by local housing groups since 1990. (58, 74)

Cooperate with local community development corporations and churches to study the potential for displacement within the local senior and immigrant populations. (51, 56)

The EIS should study data collected by Mobilization Against Displacement (MAD), a coalition of local community-based organizations that have come together to ensure that the North Brooklyn waterfront rezoning occurs without resident displacement. (69)

Response: The commercial displacement analysis makes use of SIC data and field investigations to identify the existing businesses in the area and trends. These data are then used to project conditions through the analysis year in terms of both No-Action conditions and conditions with the proposed action. The analysis considers the impacts that would occur between maintaining the Special Northside Mixed Use District (No-Action conditions) and the proposed zoning action. With respect to residential displacement, the EIS examines the impacts of the proposed action based on Census data, trends, field surveys, and current data on real estate values.

Comment C23: The EIS should study data collected by the People's Firehouse and North Brooklyn Development Corporation that reveals the recent rise in tenant harassment complaints among North Brooklyn's Polish population. (69)

Response: See response to Comment C22.

Comment C24: EIS consultant should meet with a range of community development organizations to assess the best method by which to investigate the potential for indirect displacement of senior residents and gather data on displacement pressures already facing this population. (69)

Response: As stated above, the EIS includes census data and local research data as to the potential impacts on secondary displacement for seniors.

Comment C25: Seniors are being forced out of their housing because they can't afford it, they need protection. Much more in-depth study must be done to clearly identify the numbers of seniors living in our area, their income levels, their benefit levels, their history living in this community, the number living in 3 to 4 family homes versus five, six family or more. Study must have information from all our local senior centers, not-for-profits and churches so that a comprehensive analysis can identify senior housing sites and specific programs that can be used for senior housing development. (3)

Response: The EIS includes research into potential impacts on secondary displacement from a variety of sources. This analysis includes the potential for impacts on all groups vulnerable to secondary displacement which is primarily low income groups, part of which would be seniors on fixed incomes.

Comment C26: Estimation of population characteristics for waterfront sites should be according to the above referenced analysis. Other sources for analyzing housing characteristics should include the above referenced tenant advocacy sources. Direct displacement of manufacturing and commercial businesses and employment of those sites should be based on a significantly expanded number of inland sites as discussed above. In the assessment of the impacts of displacement, reference available resources and subsidies available and note reasonable costs associated with relocation and whether such costs render relocation impractical. Secondary residential displacement should be discussed in the context of an anticipation of more inland sites being used for housing and whether that might make existing dwelling units that are without rent protection more attractive to households willing to rent such apartments at higher rents. (5, 74)

Response: The EIS examines each of the above issues and includes local sources of information on population, housing, and business characteristics and trends. This assessment covers the entire study area, both along the waterfront and inland.

Comment C27: The draft scope should name multiple data sources for determining indirect residential displacement including, but not limited to, those listed on pages 3B-19 and 3B-20 of the CEQR Technical Manual. The EIS should consult additional data sets that better reveal the potential impacts of the proposed rezoning. It should examine recent, locally gathered data, for example, to study changes in contract rent and tenant harassment complaints, two measures that reflect growing displacement pressures. It should use this data to project how the rezoning will aggravate existing trends. (69)

Response: The EIS follows the impact analysis methodologies as presented in the CEQR Technical Manual and uses multiple sources of data, including Federal, State, and local data sources. These data are used to project future conditions both with and without the proposed action.

Comment C28: The draft scope states that the EIS will identify "...populations particularly vulnerable to economic changes..." In examining these populations, the EIS should investigate specific federally protected classes of the population that are likely to be disproportionately impacted by the rezoning. (69)

Response: The EIS examines the potential for impacts on all segments of the population that are potentially vulnerable to displacement.

Comment C29: Concerned about the impact that projected residential development will have on the proposed M1 districts east of the Bushwick Inlet and on the East Williamsburg In-Place Industrial Park. The EIS should look at ways to increase protection in these areas and maintain the integrity of the M designation. (11, 69)

Response: The EIS examines the potential for direct and indirect displacement as a result of the proposed zoning changes from manufacturing to a mix of manufacturing and residential

zoning in both these areas. At the East Williamsburg IPIP, the potential impacts would be indirect, since this is outside the area affected by the proposed action.

Comment C30: Determination of approximate vacancy rate and rent levels for buildings in the area should be based in part on discussions with business owners, both those who own property and those who rent. Information from discussions with those currently occupying buildings will provide a fuller picture of current real estate values. Visual inspections to determine occupancy may not suffice in some situations. (58)

The draft scope states that the vacancy rate and rent levels for buildings in the study area will be based on visual inspections, discussions with the Brooklyn Office of DCP and discussions with real estate brokers (p.12). The EIS should include a more objective analysis than a visual inspection and should identify databases and data sources. A survey of property owners and tenants should be conducted to accurately assess vacancy rates and rent levels. (69)

Response: The EIS analysis includes an assessment of the business space market and trends based on conversations with local brokers. This is also supplemented with field inspections of the area. No survey of local businesses as a technique for assessing business trends and vacancy was proposed as part of this EIS. Brokers tend to have a better overall picture of the real estate characteristics of the area.

Comment C31: In identifying relocation areas, determine whether buildings or lots of suitable size are available in immediate area or in nearby industrial parks. Analysis should also determine whether businesses can remain viable after costs of relocation. The study should also identify funding sources available for business relocation expenses. If businesses cannot absorb the burden of relocation costs and remain viable, then associated job loss should be considered as an impact. (58)

Response: The EIS assesses the potential for direct and indirect displacement of businesses as well as ongoing trends in the study area. Mitigation measures, if any, are presented for any identified potential significant impacts.

Comment C32: With rents and for-sale prices skyrocketing at rates well above the rest of New York City, the issue of indirect residential displacement deserves unique and careful study in the rezoning of Greenpoint-Williamsburg. (51, 69)

Response: The EIS includes a comprehensive analysis of the proposed project with respect to indirect displacement.

Comment C33: Use the most recent data available to discover rental and for-sale prices of residential properties. (51)

Response: Current data were used to research both unit rents and property values where relevant.

Comment C34: Provide a more detailed list of categories/subtasks for analysis under population and housing characteristics. Analyses of existing and anticipated future conditions and potential impacts should be of sufficient detail to consider appropriate mitigation as required by the CEQR process. (51, 69)

Response: The impact analysis for population and housing characteristics is based on extensive research performed in accordance with the City's CEQR Technical Manual. In accordance with CEQR, the conclusion of that analysis determines if a significant impact would occur and, if so, what mitigation may be necessary.

Comment C35: The draft scope only mentions "...sites identified for likely development..." when discussing direct displacement of manufacturing and commercial businesses and employment (p.12). Estimates should be determined for both projected and potential development sites. (69)

Response: As indicated in the response to Comment C3, the potential for direct and indirect displacement is examined for all the industrial sectors that are present in the study area. This includes an examination of the various industries in the study area (by SIC Code) and the potential for direct or indirect displacement of these businesses and industrial sectors based on land use changes that are anticipated under the proposed zoning action. In accordance

with CEQR guidelines, the EIS analyzes direct business displacement for projected development sites, whereas indirect displacement is assessed for the study area as a whole.

Comment C36: The maps showing projected and potential sites show large areas where no development is expected until after 2013. If this is true, it is likely that those areas will experience real estate speculation and the displacement of existing industrial tenants. The EIS should examine the impacts of real estate speculation on socioeconomic conditions. (11, 69)

Response: The reasonable worst case development scenario under the proposed zoning action excluded sites that are not likely to be developed through 2013. However, the socioeconomic analysis examines these sites within the rezoning area for the potential for indirect displacement through the 2013 analysis year.

Comment C37: Section 8 and Mitchell Lama stock is at risk of being bought out, should be addressed. (56)

Response: This assessment is beyond the scope of the impact analysis and outside the scope of the proposed rezoning action.

Comment C38: Both the Draft Scope and the EIS should acknowledge the impact that zoning variances and illegal conversion have had on the decline in industrial jobs in the rezoning area and the importance of protecting remaining jobs. The industrial sector still accounts for over 4,000 jobs in the action area alone. Recognition of these jobs is important and is a key consideration in the 197-a plans, especially the Williamsburg plan. (11, 69)

Response: The EIS includes a full land use analysis of the study area as well as a description of land use trends.

Comment C39: To address secondary and direct residential displacement and meet community goals for affordable housing, reference available resources for housing displaced families that the income of such households would qualify for tenancy. Explain to what extent that development utilizing City incentive programs (including the recently amended J-51 regulations) might serve as a relocation resource. Include a discussion of the possibility of using the disposition of the City-owned property at the foot of Commercial and West Streets and Newtown Creek (Block 2472, Lot 32 and Block 2494, Lot 6) as a means to leverage affordable housing. Also, note the possibility of public sector assistance in developing public waterfront access through programs such as the State Waterfront Revitalization Grant Program, in exchange for affordable units. Provide an economic value to such improvements and translate that into various ranges of affordable units based on meeting different variables of household incomes. Project the number of affordable units that could result through changes in City tax abatement and fee policies, or through means of achieving affordable housing through zoning text stipulations or incentives. (5)

Response: The analysis includes a presentation of programs that are available in the City with respect to providing affordable housing, as well as the potential affordable housing that could be developed under the proposed zoning action. However, it is not anticipated that funds through the State's Waterfront Revitalization Grant Program (WRP) would be available for affordable housing as an exchange for public access (as suggested in the comment). The WRP program is not an affordable housing program.

Comment C40: To address direct business displacement and address community concerns for sustaining its job base, include a discussion on retaining the Special Northside Mixed Use District and of amending the Special Mixed Use District text. (5)

Response: Retaining the Northside Special Mixed Use District is not part of the proposed action. The Northside Special Mixed Use District would be maintained under future conditions without the proposed action.

Comment C41: Mitigation for business displacement in Greenpoint and Williamsburg should be assessed in a citywide context. Relocation is listed as a mitigation measure in the draft scope. However, as the

- City is presently rezoning numerous manufacturing districts, relocation is becoming less and less of a viable option for displaced companies. (69)
- Response:** **Any mitigation measures that are proposed for business relocation would need to account for the projected availability of space. This analysis would include trends in space availability in potential relocation areas.**
- Comment C42: The draft scope requires the EIS to identify “...likely relocation areas nearby, if necessary...” to mitigate displacement impacts (p.12). The Newtown Creek manufacturing district and the entire East Williamsburg IPIP should be specifically studied for this purpose. (69)
- Response:** **These areas are examined as part of the impact analysis for the proposed action. Mitigation measures, if any, are presented for any identified potential significant impacts.**
- Comment C43: A study of relocation areas should take into account the varying needs of different types of businesses, such as proximity to public transportation and availability of telecommunications services. (69)
- Response:** **The EIS assesses the potential for direct and indirect displacement of businesses as well as ongoing trends in the study area. Mitigation measures, if any, are presented for any identified potential significant impacts.**

D. Community Facilities and Services

- Comment D1: CD#1 is home to 22 “Toxic Release Inventory” facilities and 211 “Right-to-Know” facilities, Radiac, the Newtown Creek Sewage Treatment Plant, the Mobil Oil Spill, six existing, permitted, or proposed power plants along a 1½ mile stretch of the waterfront, the highly flammable jet-fuel Buckeye Pipeline, and 1/3 of the Bulk Petroleum storage in NYC. The scoping document must propose an EIS study, which evaluates the need for fire protection in light of the industrial burden/the influx of new residents. There is now no trained hazmat or foam company within CD#1. (12, 69)
- Restaurants need a foam fire fighting unit in close proximity, the only one was E 212, which closed. (22)
- Evaluate the ability of the fire department to rectify grease fires attributed to the growing number of restaurants, a trend that would be expected to accelerate in response to a large influx of population. (5, 69)
- Response:** **The assessment of impacts on fire protection services relates to fire response time. The CEQR Technical Manual indicates that the Fire Department does not allocate resources based on proposed or projected developments, but continually evaluates the need for changes in personnel, equipment or locations of fire stations and makes any adjustments necessary. Generally, a detailed assessment of service delivery is conducted only if a proposed action would affect the physical operations of, or access to and from, a station house. However, given the community’s concerns, the Scope of Work was revised to indicate that the EIS will assess the effects of the new residents on all fire protection services. The assessment presented in the EIS was done in coordination with the Fire Department.**
- Comment D2: The draft scope’s assertion that the police and fire departments routinely evaluate the need for changes in personnel, equipment or facilities based on population, response time, crime levels, or other local factors is not adequate to protect CD#1 in the proposed action area. To not include a study of police and fire services disregards our public safety and is not acceptable. There should be an EIS study, independent of politics and budget restraints, on the net population increase and it’s projected effect on fire response times, firehouse requirements, and crime levels. We don’t have adequate fire protection now (after closing of E 212), let alone with all the new development. How can we trust the FD to determine the firefighting needs of the community? We don’t trust them, and no one in the City should. (3, 12, 17, 22, 40, 44, 50, 69)

The Draft Scope recognizes that new residential development would bring increased demand on community services such as public schools, libraries, healthcare facilities and day care centers; however, it fails to consider the impacts on emergency services: police and fire stations. (17)

Response: **The Scope of Work was revised to include an assessment of fire protection services in consultation with the Fire Department. Additionally, given community concerns, the scope of work was also revised to include an assessment of police protection services in consultation with the Police Department.**

Comment D3: With the increase of restaurants and bars in the neighborhood we have already seen violent crime levels increase. (69)

Response: **Comment noted.**

Comment D4: A reasonable study of such facilities must include a comparison of fire, police, and medical emergency response time, as well as available resources in the study area: prior to the most recent census, now, after the loss of Engine 212, and forward into the construction phase (with its dangers), and build-out. (12, 69)

The DEIS should provide a detailed analysis of the impacts on both the fire, ambulance and police services including:

1. An estimation of the numbers of emergency calls and include specific calculations based on the following:
 - a. the number and type of businesses in the area;
 - b. the number of employees in the area;
 - c. the number of new residents and/or residential housing;
 - d. the number of restaurants/seats available; and
 - e. the number of visitors to local parks/recreation areas.
2. And, provide a detailed analysis of the following:
 - a. increased demand for services;
 - b. changes in staffing, scheduling; and
 - c. acquisition of new equipment or vehicles as a result of the project.

All methodologies and assumptions should be shown. (17)

Response: **In accordance with the CEQR Technical Manual guidelines, the assessment of potential impacts on fire services compares future With-Action conditions to future conditions without the proposed action. The CEQR assessment does not involve comparisons of emergency response time and available resources prior to the 2000 Census, after closing of Engine 212, during the construction phase, and with the proposed action. Also see response to Comment D1.**

Comment D5: The draft scope states that there is reliance on intra-agency police and fire service evaluations, but because the “proposed action would not directly affect existing facilities,” an analysis of impacts on these services has been deemed unwarranted. We believe this rationale is flawed. The Police and Fire Departments should disclose the basis upon which they determine that there will be no increase in their services. There must be adequate substantiation and documentation to serve as the bases for these determinations. (17)

Response: **See response to Comments D1 and D2 regarding fire and police protection services.**

Comment D6: The recent closing of Engine 212 has left the Greenpoint-Williamsburg waterfront, where significant residential development is being proposed, particularly underserved. Reopen Engine 212. (44, 50, 69)

Mitigation for inadequate fire protection as a result of the proposed action could include construction of a new firehouse - or reopening of the existing Engine 212 firehouse. (69)

Response: **See response to Comment D1.**

Comment D7: The scoping document should propose a review of fire safety data which should also include identifying environmental factors promoting incendiary risks and their burn times to assess whether

- or not there is coverage within existing services. The area for review should include the catchment area for the only nearby Haz Mat unit (Bushwick). (12, 69)
- Response:** **In accordance with the CEQR Technical Manual guidelines, the assessment of potential impacts on fire services compares future With-Action conditions to future conditions without the proposed action. The CEQR assessment does not identify environmental factors promoting incendiary risks and their burn time. The Scope of Work was updated to indicate that existing fire service facilities would be identified and mapped, and the proposed RWCDs was presented to the FDNY for its written response. See response to Comment D1.**
- Comment D8: With the closing of E. 212 in May, the remaining E. 238 and E. 221 are being asked not only to cover E. 212, but they also have to cover for the closed E. 261 in Long Island City. They are being stretched way too thin and with the City Planners wanting to add 6,000 units of housing E. 212 will be needed more than ever. (44)
- Fire safety services are dependent on an overlapping network of responder units. Therefore, the study area should encompass the larger service district when assessing existing resources and vulnerable populations. (69)
- Response:** **As indicated above, the proposed RWCDs was presented to the FDNY for its written response. Also see response to comment D1.**
- Comment D9: Police protection is nil. Security is important on the esplanade and the greenway. (26)
- Response:** **Comment noted.**
- Comment D10: Greenpoint hospital was closed in the early 80s because of budget cuts. Hospital services are really poor. Don't have hospitals in the area. we need a hospital to serve our community. EMT service is provided by Woodhull or Bellevue Hospital. The time has come for the hospital we were promised in the 80's, when the city closed Greenpoint Hospital. (43, 44, 49)
- Response:** **In accordance with Task 4 of the Scope of Work, the EIS assesses potential effects of the proposed action on hospital emergency room services and outpatient ambulatory care facilities. As noted in the response to Comment D20 below, Task 4 was revised to add an additional bullet addressing the analysis of health care facilities and outlining the methodology for such an analysis. The EIS analysis describes available hospital emergency room services and outpatient ambulatory care facilities in terms of their location, size, the nature of their services, and utilization levels. The potential effects on outpatient facilities of any additional low/moderate-income population resulting from the developments induced by the RWCDs as well as various alternatives are assessed in the EIS in comparison to the effects projected under No-Action conditions.**
- Comment D11: Besides fighting fires, Engine Co. 212 was the first responder in medical emergencies in a neighborhood short on Medical facilities. (12, 69)
- Response:** **Comment noted. Also see response to Comment D10.**
- Comment D12: Infrastructure for all these houses doesn't exist. Need hospitals and fire houses. (46)
- Response:** **Comment noted.**
- Comment D13: The public safety needs of this community must be ensured through proper police and fire protection. Significant lack of study on the public safety needs of our neighborhoods- especially under a new zoning plan. I cannot support a plan that will put our neighborhoods in jeopardy because it failed to account for safety services- especially under the new threats we live with month by month. Must demonstrate to us what additional public safety services will be provided for when the new zoning proposal goes into effect (3)
- Response:** **See response to Comments D1 and D5.**

Comment D14: Analysis of addition of school-age children should be revised to reflect increased average household size and type. The same is true of the public library analysis. Increased need for day care facilities and Head Start programs should also be analyzed. (58)

Response: See response to Comment A21 (regarding household size), and Comment D20.

Comment D15: Future with-action projections should be based on expanded number of inland sites and revised assumptions for household size for waterfront sites.(5)

The RWCDs upon which future impacts will be measured is based on too few projected development sites and will lead to an underestimation of population growth and needs. Projected development sites should be expanded to provide a more accurate basis upon which to determine impacts on existing community facilities and services and develop appropriate mitigation measures. (69)

Response: See response to Comments A40 and A42.

Comment D16: The DEIS should look at the impacts on other community facilities and services not previously mentioned, including postal delivery and the number of post offices, senior centers, community centers, housing for the elderly, social service agencies and religious institutions. Information should be gained from social service providers and/or destination surveys to determine the general location of the primary users of each community facility and service to determine the most common routes used to gain access to locations. (17)

Response: The CEQR Technical Manual defines community facilities as “public or publicly funded facilities, such as schools, hospitals, libraries, day care centers, and fire and police protection.” The Manual indicates that other community facilities such as homeless shelters, jails, community centers, colleges and universities, or religious and cultural facilities are typically analyzed only if the facility itself is the subject of the proposed action or would be physically displaced or altered by the action. As neither case applies to the proposed action, the proposed action does not warrant analysis of any other community facilities.

Comment D17: Scope should clearly state that the full (potential and projected) buildout is being used for the community facilities study. It is inadequate to propose 21,000 units of housing, but only analyze the community facility needs of less than 7,000. Additionally, per CEQR Manual 3C-11, section 600, scope should be adjusted to state that the EIS will identify alternatives that might reduce or eliminate the potential impacts on the community from the community facilities necessary to accommodate the proposed 21,000 new housing units and other development. (76)

Response: In accordance with the Scope of Work, in analyzing future With-Action conditions, all projected development sites were analyzed for density-related and site-specific impacts in the EIS, whereas potential development sites were only analyzed for site-specific potential impacts. As community facilities is a density-based technical analysis, only projected development sites are included in the analysis of community facilities. Practicable mitigation measures are discussed in the EIS for any potential significant adverse impacts identified, as are possible alternatives that would reduce or eliminate such impacts.

Comment D18: As expressed in both 197-a plans, adequate provision for community facilities and services, based upon a detailed assessment of existing and future conditions and needs, should accompany new housing development in CD 1. (69)

Response: Comment noted. In accordance with the Scope of Work, the analysis of community facilities analyzes existing conditions, future conditions without the proposed action, and future conditions with the proposed action in place. At each time frame, the EIS provides an assessment of the supply and demand for each type of community facility, and the potential effects of the proposed action on demand for services are also assessed.

Comment D19: As indicated in the 2005 Community District Needs Statement, the needs for community facilities and services include Fire Department and other essential city services along the waterfront; an EMS facility to service the northern part of the district; enhancement of the Greenpoint Branch Library;

and additional senior housing, senior citizens' centers and day care facilities. Future residential growth as a result of the proposed action will exacerbate this need and place additional pressure on existing community facilities and services. (69)

Response: **Comment noted. Community facilities are analyzed in the EIS in accordance with the CEQR Technical Manual. Also see response to Comment D18.**

Comment D20: Since preliminary findings indicate the need for detailed analyses of health care facilities and day care centers, Task 4 subtasks should be expanded to include a detailed description of tasks to be performed in assessing existing and future conditions and impacts on these facilities (see CEQR 3C8, 3C-9). Subtasks currently only cover identification and mapping for general informational purposes, and detailed analyses of public schools and libraries (see first, second and third bullets on p.13). (69)

Response: **Task 4 was revised to add two additional bullets addressing the analysis of hospital emergency room services and outpatient ambulatory care facilities and day care centers. Each emergency/outpatient healthcare facility and day care facility are identified and described. For No-Action conditions, projections of population change in the area and information on any planned changes in programs or facilities are described and the effects of these changes on the operating capacity of health care and day care facilities are assessed. The potential effects on utilization levels of outpatient health care and day care facilities of any additional low/moderate-income population resulting from the projected developments induced by the RWCDs as well as various alternatives are assessed in the EIS in comparison to the effects projected under No-Action conditions.**

Comment D21: The DEIS should also include a detailed assessment of future conditions resulting from the inclusionary zoning alternative, which would most likely result in a higher number of low- and moderate-income units than anticipated in the RWCDs, which may increase the number of health and day care facilities needed in CD1. (69)

Response: **All selected alternatives are assessed in the "Alternatives" Chapter of the EIS. The results are compared with the RWCDs.**

Comment D22: In addition to assessing the capacity of schools, the EIS should review their performance and past grade levels. (69)

Response: **As outlined in the CEQR Technical Manual, CEQR analyzes potential impacts on public schools based on the potential for the proposed project to cause overcrowding (i.e., a deficiency of available seats for a particular age group within the school district). School performance and past grade levels are therefore not relevant to the technical analysis of schools, and are not included in the EIS.**

Comment D23: The second bullet on p.13 should read: "Identify and locate public AND PAROCHIAL schools..." (69)

Response: **According to the guidelines presented in the *CEQR Technical Manual*, CEQR analyzes potential impacts only on public schools operated, funded or chartered by the New York City Board of Education. The parochial and private education system is not considered when assessing potential impacts.**

Comment D24: To address fire response time, evaluate service improvements attributed to a returned operation of Engine 212. (5)

Response: **As noted in the response to Comment D1, the Scope of Work was revised to indicate that the EIS would analyze the effects of the new residents on all fire protection services. The EIS analysis focuses on Existing, No-Action and With-Action conditions to evaluate service. Mitigation measures, if any, are presented for any identified potential significant impacts.**

E. Open Space

Comment E1: The scope should clearly state that the full (potential and projected buildout is being used for the open space study. The proposed study area follows CEQR guidelines overall, but the study needs to be applied by sub-areas: it makes little sense to judge the overall adequacy or inadequacy of the open space provided, if much of the new open space is more than ½ mile from the residences being created. (76)

Response: **In accordance with the Scope of Work, all projected development sites are analyzed for density-related and site-specific impacts in the EIS, whereas potential development sites are only analyzed for site-specific potential impacts. As open space is a density-based technical analysis, only projected development sites are included in the analysis of opens space. The Scope of Work document was revised to indicate that, in addition to assessing open space ratios for the ½-mile study area as a whole, they would also be assessed for the Greenpoint and Williamsburg sub-areas.**

Comment E2: DCP's plan does not offer enough parkland and open space to meet the needs of additional development. Need to double what's being proposed. Plan is lacking in open space requirement. Strong need for more open space for both social justice and health reasons. (14, 22, 27)

Response: **As discussed in the Scope of Work, the EIS analyzes open space resources in the study area in accordance with CEQR guidelines, and evaluates the proposed action's potential impacts on open space resources. Mitigation measures, if any, are presented for any identified potential significant impacts.**

Comment E3: The location and amount of open space fails to meet even the City's own standards. The proposed open space does not sufficiently accommodate the potential build out, falls short of the DCP recommended open space per capita ratio as well as the current Brooklyn average. (29, 30, 69)

Response: **Please see response to Comment E2.**

Comment E4: Like the idea of esplanade, but concerned that zoning regulations don't go far enough. It will be a glaring oversight if a clear vision for the Brooklyn Waterfront Greenway is not reflected in the new zoning guidelines. CB1 could end up the only stretch of Brooklyn's waterfront without a first-class continuous waterfront route for pedestrians, joggers, bladers and cyclists. A clear vision for the waterfront needs to be supported by precisely worded zoning regulations, which must clearly state that the waterfront access areas: are intended to create a continuous route along the entire CB1 waterfront that is an integral part of the larger Brooklyn Waterfront Greenway; that these areas are to be open 24 hours a day, 7 days a week and are never to be gated by property owners; that they must be designed to connect seamlessly with the waterfront access areas of adjoining properties; that they will be true multi-use pathways with 2-way bike/rollerblading lanes physically separated from pedestrian paths. (24)

Response: **On sites developed for residential use under the proposed action, the shore public walkway can accommodate bicycle use. Article VI, Section II of the Zoning Resolution does not enable a Waterfront Access Plan to require 24-hour public access on privately-owned parcels, nor does it contain provisions for a separate, two-way, dedicated bicycle/rollerblading path.**

Comment E5: Need safe and direct access to the waterfront. (28)
As recommended in both 197-a plans, legal and safe waterfront access at all street ends must be immediately provided upon approval of the rezoning action. (69)

Response: **Under the requirements of Article VI, Section II of the Zoning Resolution, new residential or commercial developments on waterfront zoning lots are required to develop public access areas before they may obtain a Certificate of Occupancy.**

Comment E6: Considering that projected development is underestimated in the draft scope, and that existing and new parks are overestimated— because they include McCarren Park Pool, which is closed, as well

as underwater areas of the Olympic site– the proposed open space plan leaves Greenpoint and Williamsburg with an inadequate open space ratio. (32, 72)

Task 5, 2nd bullet: the area of McCarren Park Pool should not be included in the existing parks calculations as it is not accessible to the public. (69)

Response: **McCarren Park Pool is not specifically mentioned in the Scope of Work. In accordance with the Scope of Work, the condition and usage of all identified open space facilities within the study area are described in the EIS. Any facilities that are closed on a long-term basis were identified as such, and were not included in the quantitative calculations of existing open space ratios. The underwater areas of the new park proposed as part of the proposed action are not included in the calculation of open space ratios in the future with the proposed action.**

Comment E7: Task 5, 3rd bullet: please confirm that the ratio used as the City guideline for comparison is 2.5 acres per 1,000 users. (69)

Response: **As outlined in the *CEQR Technical Manual*, typically, for the assessment of both direct and indirect effects, Citywide local norms have been calculated for comparison and analysis. In New York City, existing local area open space ratios vary widely, and 1.5 acres of City parkland per 1,000 residents is the median community district ratio. As such, that ratio is typically used for assessing open space adequacy. For large-scale actions (and for planning purposes), the City seeks to attain a planning goal of 2.5 acres per 1,000 residents, if appropriate and feasible. However, this planning standard is not a regulatory standard, and is therefore not cited in the Scope of Work.**

Comment E8: Task 5, 4th and 5th bullets: the “Olympic Park” area, exclusive of the portion already owned by NY State, should not be included as new open space in the calculations as there has been no capital budget established for the acquisition of these properties; or, a separate study should be performed where it is not used. For the current NY State Park site, calculations should only include “above water” area. Analysis must include entire Community District. (69)

Response: **As the establishment of the new park is part of the proposed action, it must be analyzed in the EIS, and the open space analyses and calculations include future conditions with the proposed park. Open space analyses only include the “accessible” portions of each such facility, and do not consider lands under water when calculating open space ratios.**

Comment E9: The proposed continuous Shore Public Walkway is subject to piecemeal private development actions and may not be completed for many years. The EIS should look at the impact of immediately implementing a continuous Shore Public Walkway linking existing and proposed public open space as an alternative to piecemeal development, as well as examining additional sites and mitigation measures for open space. (32, 69)

Response: **The proposed action and the WAP included therein specifies public access requirements for waterfront development by private owners, with an expected build year of 2013. Condemnation of waterfront area to publicly create a continuous esplanade is not part of the proposed action. Also please see response to Comments A57 and E2.**

Comment E10: Open space must be maximized to the greatest extent possible. Plan should overcompensate for our scarcity in parks and playground fields, bringing us up and on par with other neighborhoods. (3) Community needs increased open space now, not just for the new development. The DEIS should address the current unmet demand for open space in Greenpoint as well as Williamsburg. (17)

Response: **In accordance with the Scope of Work, the open space analysis analyzes existing open space conditions, future conditions without the proposed action, and future conditions with the proposed action in place. At each time frame, the EIS provides an assessment of the adequacy of open space resources. Please see response to Comments E2, E7, and E9.**

Comment E11: If the study is to include the new park proposed for mapping in the calculation of open space ratio, then an estimate of when the park will be available for use in relation to the estimate of build-out years should be included. The analysis must also consider rezoning waterfront parcels 20-30 (to be

mapped as parkland) from M3 to M1. Retaining the underlying zoning of this parcel leaves it vulnerable to inappropriate use. (58)

Response: **Parks do not have zoning. The proposed acquisition of the site as parkland would eliminate the “underlying” zoning, and hence preclude the possibility of inappropriate use. Also see response to Comments A12 and A58 The RWCDs estimates that the proposed new park would be completed and in use by the analysis year of 2013. As noted in the EIS, the proposed park mapping would be undertaken in four segments, to accommodate the possibility that the park property would be acquired over time.**

Comment E12: The waterfront access plan should be extended southward to incorporate Grand Ferry park and to plan for the eventual expansion of Grand Ferry park onto the adjacent New York Power Authority site. (58)

Response: **Changes to the zoning on the New York Power Authority site are not part of the proposed action, therefore this site is not included in the Waterfront Access Plan.**

Comment E13: Given the dearth of public access and park space in Greenpoint and Williamsburg, Bushwick Inlet might be best suited for open space preservation. There are very few sites along the East River, particularly in these two communities, suitable for non-motorized boat use and public access. Encouraging that type of use while preserving valuable tidal habitat would be of great benefit to the community. (61)

Response: **Comment noted. Please note that the program for the park has not yet been finalized.**

Comment E14: Our community, particularly Greenpoint, will stand to gain very little open space and parkland to adequately meet the needs of the proposed massive development. The bulk of proposed parkland occurs in Williamsburg. Greenpoint is one of the most underserved in New York City for open space and waterfront access. The rezoning proposal could result in construction of another 4,000 units in Greenpoint, which will place an even greater burden on the already overused Barge Park. (27, 67)

Response: **Comment noted.**

Comment E15: The DEIS should address the restoration and upgrade of existing facilities, including, but not limited to, the McCarren Park and Pool as well as the Newtown Barge Park. (17)
There should be a renovation, redesign of green spaces, public areas all around Williamsburg. Public space in the entire area should be redesigned to accommodate residential and commercial standards. (21)

Response: **In accordance with the Scope of Work, the EIS evaluates each existing open space resource explicitly in terms of condition. Possible mitigation measures, such as those referenced in the comment, are suggested and addressed for any open space impacts identified in the EIS,**

Comment E16: The DEIS must address a wider range of resources, such as how residents broadly define open space resources. In addition to traditional amenities such as parks, playing fields, and recreation programs, residents often see community gardens, natural areas, pedestrian-oriented streets, neighborhood street trees, a promenade, bikeways, walkways and smaller, informal public gathering spaces as open space resources. (17)

Response: **The CEQR Technical Manual indicates that public open space for CEQR analysis may include, but is not limited to, the following: parks designated by the City, State, and Federal governments; open space designated through regulatory approvals (such as zoning), including large-scale permits that prescribe publicly accessible space, plaza bonuses, etc.; outdoor schoolyards; ball fields; institutional campuses; playgrounds; esplanades; designated greenways, defined as multi-use pathways for nonmotorized recreation and transportation along natural and manmade linear spaces such as rail and highway rights-of-ways, river corridors, waterfront spaces, and parklands; landscaped medians with seating; housing complex grounds; recreational facilities; gardens, if publicly accessible; nature preserves, if publicly accessible; open lawn areas; church yards or cemeteries with seating; beaches;**

waterfront piers currently used for recreation; etc. The EIS follows the guidance of the *CEQR Technical Manual* in its analysis of open space resources.

Further, CEQR guidelines call for the evaluation of both active and passive open space ratios, which are assessed for existing, No-Action and With-Action conditions. Practical mitigation measures are identified for any open space impacts identified in the EIS.

Comment E17: The DEIS should provide a more in-depth analysis of potential solutions to all open space issues, including the proposed 28-acre park, that includes a vision, goals, policies, funding mechanism and implementation measures and schedule. Specifically, the DEIS should include the following:

1. Prototype designs for specific types of recreational facilities and parks;
2. A description of implementation actions or programs;
3. A system-wide priority list of actions, programs and improvements;
4. A priority list of specific improvements for each park and recreational facility;
5. A multi-year, phased implementation schedule;
6. Estimated improvement, acquisition, and program costs; and
7. Funding mechanisms and strategies for specific projects. (17)

Response: Please note that the program for the park has not yet been finalized. For EIS analysis purposes, the park is assumed to contain 50% active and 50% passive recreation space. The resultant open space ratios, as well as the shadow assessment, could be used in developing an appropriate program for the proposed new park.

Comment E18: The DEIS should provide an analysis of a local skate park. Skateboarding has become major recreational activity for many residents and there has developed a need for a skate park facility with ramps, “halfpipes” and other amenities to meet the unique requirements of the sport. (17)

The EIS is a technical document that analyzes the proposed action’s potential impacts on the environment, including potential impacts on open space resources. As noted in the response to Comment E16, active open space resources are collectively assessed in the EIS. However, the EIS does not specify the need for a skate park versus a ballfield for example. This is left to the NYC Parks Department to determine and build, taking community need and input into account.

Comment E19: The DEIS should provide an analysis of the potential impacts imposed by the NYC2012 Olympic development proposal. The array of issues associated with this wide range of resources demands that the City apply a broad innovative approach to the preparation of its open space plan, and that the project scope address these resources and community concerns. (17)

Response: The potential Olympics is not part of this proposed action and cannot be assessed herein. That development, if it materializes, will be subject to its own independent environmental review.

Comment E20: In assessing the future changes, provide documentation that supports specific new open space being improved by the proposed action-build year (include the State Park in the consideration of new open space). Also note whether the programming of Barge Park would remain as is or redeveloped for different programming. Future with-action projections should be based on expanded number of inland sites and revised assumptions for household size for waterfront sites. (5)

Response: See response to Comments E17 and A21.

Comment E21: Task 5, 1st bullet: using the 2000 Census data alone to “calculate the total residential population” may not be sufficient. Many immigrants did not participate in the census due to immigration fears. Should use other data sources, including local organizations. (69)

Response: See response to Comment C9.

Comment E22: The EIS should include a calculation of the open space ratio based on the full build-out of the proposed rezoning in addition to the 10-year RWCDs. The EIS should also consider open space ratios resulting from the lesser build/lesser density alternative. Task 5, 6th bullet: clarification: If the

projected open space ratio is less than the City guidelines, discuss potential mitigation measures. (69)

Response: See response to Comment E1 regarding full build-out. As noted in the response to Comment E7, 1.5 acres of City parkland per 1,000 residents is the median community district ratio. As such, that ratio is typically used for assessing open space adequacy. Appropriate mitigation measures are identified for any open space impacts that are identified in accordance with CEQR guidelines. As noted in the response to Comment D21, all selected alternatives are assessed in the “Alternatives” Chapter of the EIS, and the results are compared with the proposed action.

Comment E23: In assessing the potential for open space demand generated by employees, consideration should be given to ongoing (and potentially expanded) industrial activity in areas that have been retained for light manufacturing or mixed use. The worker population in these areas as well as non-resident population generated by the proposed action may warrant a more detailed assessment. (69)

Response: The *CEQR Technical Manual* requires an open space assessment if the proposed action's population is greater than 200 residents or 500 employees. If the net number of employees resulting from the proposed action (compared to No-Action conditions) is greater than 500, then the needs of the area's daytime population would also be assessed in the EIS.

Comment E24: It is not clear if DCP's proposed zoning permits various types of boating, docking, mooring and boating infrastructure at waterfront parkland. Such possibilities need to be studied, explored and outreached throughout the citywide boating community. The EIS should include a study of potential sites for “mooring fields” along the Greenpoint-Williamsburg waterfront to allow for small boating (i.e. kayaking). (69)

Response: Refer to response to Comment E17. As presented in the EIS, the proposed action includes a new park at Bushwick Inlet, which could include some recreational boating facilities for small craft (e.g., kayaks, canoes). These facilities are not mandated by the proposed action, but could occur as a secondary result of new development of the waterfront and increased demand for such services. Plans for Inlet Park are only conceptual at this time. A study such as that being requested is beyond the scope of this project.

Comment E25: To address open space deficiencies, list sites (especially property used by government agencies such as the Metropolitan Transit Authority facility and housing Authority warehouse) that could be made available for subsequent conversion to open space and identify logistical issues and financial estimates to secure and develop site for recreation. Also, since it may be more practical to maximize utilization as compared to providing additional facilities, evaluate the usage of the playing fields on the macadam section McCarren Park as compared the grass/dirt playing fields and if utilization is less, provide cost estimate of converting macadam surface to second generation artificial turf such as FieldTurf and adding light to extend the number of hours of operation. Further, note other opportunities to provide lights to extend hours of operation and provide cost of installing additional lighting and converting playing fields to second generation artificial turf such as FieldTurf. (5)

Response: The EIS includes an analysis of the proposed action's potential impacts on open space resources. Practicable mitigation measures, including measures of the type noted above, are identified and evaluated for any identified impacts.

Comment E26: DEIS should provide an analysis of vacant lots available in the action area which could be converted to small, block based parks and playgrounds as a measure to increase parks and open space. DEIS should especially consider those areas with a high population of children and that are outside walking distance of existing parks and open space (5 blocks). (72)

Response: See response to Comment E25.

Comment E27: The open space analysis is likely to reveal a substantial shortage of public open space serving the existing and proposed new residential population. We are particularly concerned about the need to address the shortage of active recreation space, including the need for playgrounds and playing

fields. While the public esplanade that would result from the development of new residential buildings along the waterfront could, from a CEQR standpoint, be considered an active recreation facility (all or partially), we hope the qualitative analysis will consider whether this meets the community's need for actual play spaces. (81)

Response: As indicated in the Scope of Work, in accordance with CEQR guidelines, the open space analysis presented in the EIS includes a qualitative analysis in addition to the quantitative analysis, to determine if the changes due to the proposed action would result in a substantial change (positive or negative) or a significant impact on open space conditions. It should also be noted that the proposed action includes the mapping of a new 27.8-acre park. While the program for the new park has not been determined, the planning and design of the new facility would be undertaken in close coordination with the Parks Department, to ensure that adequate active recreational space is provided.

F. Shadows

Comment F1: Structures over 50 feet will cast a shadow. Shading is an important environmental issue because the users or occupants of certain land uses, such as residential and open space uses, have expectations for direct light and warmth from the sun. These land uses are considered shadow-sensitive. The DEIS should provide a thorough analysis of the shading impacts from proposed development. Scope is not sufficient. The shadow study should include a projection of shadows from each of the potential development sites along the waterfront onto the existing buildings across the street. (17, 69)

Response: As noted in the Scope of Work, shadow impacts could occur if an action would result in new structures, or additions to buildings resulting in structures over 50 feet in height that could cast shadows on natural features, publicly accessible open space, or on historic features that are dependent on sunlight. The EIS assesses the reasonable worst-case development scenario, on a site-specific basis for both projected and potential development sites, for potential shadowing effects on existing light-sensitive uses, and discloses the range of shadow impacts, if any, which are likely to result from the action.

Comment F2: The scope should clearly state that the full (potential and projected buildout is being used for the shadows study and not just those shadows that result from the "projected" development. Furthermore, there is no clear indication that *new* open spaces will be studied. The study should include both impacts on existing and on potential future open spaces contemplated in the Draft EIS. (76)

Response: The Scope of Work indicates that both projected and potential development sites will be assessed for shadow impacts. For clarification, the third bullet in Task 6 was revised to specifically state that "potential effect of shadows from buildings resulting from the identified RWCDs (both projected and potential development sites) on publicly accessible open spaces or light-sensitive historic resources" would be described. As per CEQR guidelines, shadows cast on open spaces newly created by the proposed action are not considered impacts. However, potential shadows cast by new developments resulting from the proposed action on the proposed new park are discussed in the EIS, as the potential for shadowing on this resource could affect the quality of the space to be provided.

Comment F3: Prepare alternative shadow diagrams based on optional use of contextual zoning. (5)

Response: All selected alternatives are assessed in the "Alternatives" Chapter of the EIS, and the results are compared with the RWCDs.

Comment F4: EIS should include comparative assessment of shadow impacts between the RWCDs and a lesser build/lesser density alternative, as well as a redistributed bulk alternative. (69)

Response: As noted in the Scope of Work, a lesser density alternative has been identified as one of the alternatives to be assessed in the EIS. All selected alternatives are assessed in the

“Alternatives” Chapter of the EIS. The assessment methodology is the same as for the proposed action and the results are compared with the RWCDs.

Comment F5: A shadow study should be conducted for the following public spaces and historic resources, clearly stating how many hours per day the site will be in full or partial shadow for each season:

- The existing Barge Park Playground
- The proposed Supplemental Access on “lot 32” (current lot designation on parcel #3)
- American Playground
- WNYC Park
- The current NY State owned portion of the proposed “Olympic Park”
- The Greenpoint Historic District. (69)

Response: In accordance with the Scope of Work, following guidance set forth in the *CEQR Technical Manual*, shadow study areas for the buildings generated by the proposed action are identified and reviewed to determine if there are any natural features, publicly accessible open spaces, or historic resources that are dependent on sunlight. Any projected or potential development found to have the potential to cast shadows on a sunlight sensitive location is assessed in further detail to identify the resulting incremental shadows that would occur. This is done in conjunction with the open space and historic resources tasks.

Comment F6: Because of the natural and historic features of the Bushwick Inlet, specific shadow studies should be undertaken to determine impacts on nesting avian and aquatic life as well as the proposed Monitor Museum site. (69)

Response: As noted in the response to Comment F1, the shadow assessment considers shadows cast on natural features, publicly accessible open space, or on historic features that are dependent on sunlight. The natural resources chapter of the EIS identifies any significant natural resources in the area (see response to Comment J1). An assessment of the potential shadow impacts is performed for any of the identified resources that are determined to be shadow-sensitive. The Scope was revised accordingly.

Comment F7: EIS should explore various alternatives that reduce or eliminate shadow impacts, such as reorientation of buildings and reduced height and bulk as well as specific and detailed mitigation measures. (69)

Response: The Scope of Work includes a detailed analysis of shadows. Practicable mitigation measures are identified in accordance with CEQR guidelines for any potential shadow impacts resulting from action-induced development identified in the EIS.

G. Historic Resources

Comment G1: List of affected sites and areas should include those suggested in the Williamsburg waterfront 197-a Plan: the former bank at 33-35 Grand Street and “the historic corridor centered on Broadway, from the East River to Havemeyer Street incorporating approximately 15 historically significant buildings and sites” and in the Greenpoint 197-a Plan: “existing noteworthy buildings on the Greenpoint Terminal market Site” and “the expansion of the Historic District toward the East River including parts of the GTM site.” (58)

Response: The Scope of Work lists those resources that are already designated as historic resources by the Landmarks Preservation Commission and/or are listed on the National/State Registers of Historic Places. In accordance with the Scope of Work, the EIS includes an assessment of the proposed action’s effects on historic resources. The identification of additional/eligible historic resources in the study area, including those listed above, and the effects on these resources due to the proposed action is done in coordination with the NYC Landmarks Preservation Commission (LPC), and the results are presented in the EIS.

Comment G2: 2nd bullet: The Greenpoint Terminal market should be considered a significant historic resource and consideration should be given to adaptive reuse and preservation of certain buildings in the complex. (69)

Response: **The proposed action would permit the adaptive reuse and preservation of buildings on the Greenpoint Terminal Market site. See response to comment G1 above.**

Comment G3: In keeping with the community's 197-a Plans, the DEIS should provide detailed analysis, including implementation schedule and funding sources, for a waterfront park and museum at Bushwick Creek Inlet memorializing Greenpoint's role in building the U.S.S. Monitor, America's first iron-clad warship. (17)

Response: **The EIS is prepared to analyze the effect of the proposed action on the surrounding environment. The implementation of a museum is not part of the proposed action.**

Comment G4: Historic resources study area should extend beyond 400 feet to at least ½-mile from the proposed action area boundary in order to identify potential historic or significant buildings and artifacts that may be impacted by development pressures in the adjacent neighborhoods. (69)

Response: **For archaeological resources, the area of subsurface work of the proposed action is considered the impact area. However, CEQR guidelines indicate that it is appropriate to determine whether there are known prehistoric archaeological resources within a half-mile radius of the site. For historic archaeological resources, it is appropriate to determine if there are known historic archaeological resources in the nearby area, such as on the present-day full tax lot or within the boundaries of the nearest adjacent mapped streets.**

For architectural resources, the study area is the area in which any resources could be affected by the action. The *CEQR Technical Manual* indicates that it should be large enough to permit examination of the physical, visual, and historical relationships between the proposed action and the existing historic resources. Thus, the size of the study area is directly related to the anticipated extent of the action's impacts. For most proposals, a study area defined by the radius of 400 feet from the borders of the project site is adequate. It should also be noted that approximately 75% of the projected number of net additional dwelling units would occur on the waterfront (which would accommodate some of the tallest developments), approximately 1 to 1.5 miles from the perimeter of the study area. As such, a study area extending 400 feet beyond the proposed action area boundary is adequate for the assessment of historic resources' physical, visual, and historical relationships. Moreover, the shadow analysis extends beyond a 400-foot radius, where applicable.

Comment G5: 1st and 4th bullets: parcel 62 should be considered an archaeological resource. It is the site of the former Continental Iron Works. EIS should undertake detailed historic assessment of the site, with maps showing uses during the shipbuilding period and subsurface analyses to determine the location of potential archaeological artifacts. (69)

Response: **In accordance with the Scope of Work, a Phase IA Archaeological Documentary Report was prepared for those projected or potential development sites identified by LPC or other record searches as archaeologically sensitive. The site of the former Continental Iron Works (Site 62) is one of the sites that have been determined by LPC to have archaeological potential, and is therefore included in the Phase IA report. The results of the Phase IA analyses are summarized in the EIS.**

Comment G6: 2nd bullet: EIS should identify, map, and describe both small and large industrial buildings that contribute to the historic, architectural and mixed use character of the neighborhood, but are no longer used for industry. Consideration should be given to recommending landmark status for some of these buildings. In addition to considering designated historic landmarks, EIS should recognize the unique historic industrial character of Greenpoint and Williamsburg as a significant resource. (69)

Response: **See response to Comments G1 and G5.**

Comment G7: 3rd bullet: also submit proposed action to the New York State Historic Preservation Office (NYSHPO). (69)

Response: **As the proposed action does not involve any state or federal funding, permits, or discretionary actions, consultation with SHPO is not warranted. However, as noted in the Scope of Work, consultation with LPC for architectural and archaeological resources is required. In accordance with the Scope of Work, the analysis in the EIS includes coordination with LPC for its review and determination of effects.**

Comment G8: 7th bullet: EIS should assess probable impacts of development resulting from the proposed action on historical and cultural resources as well as architectural. (69)

Response: **In accordance with the Scope of Work, the EIS includes an assessment of the proposed action's effects on historic resources, which include both architectural and archaeological resources.**

Comment G9: EIS should consider various mitigation measures for preserving historic, architectural and archaeological resources and sites, including transfer of development rights. (69)

Response: **For any potential impacts to historic resources resulting from action-induced development identified in the EIS analyses, practicable mitigation measures, if any, are identified in coordination with LPC and in accordance with CEQR guidelines.**

Comment G10: EIS should consider specific incentives for adaptive reuse of industrial buildings, thereby protecting the architectural qualities and historic character of the neighborhoods. (69)

Response: **Any designated historic structure requires a Certificate of Appropriateness from LPC prior to any alterations. The proposed action involves zoning amendments, which typically do not include specific provisions for adaptive reuse. Appropriate mitigation measures, if any, are identified and considered where the historic resources analysis identifies significant impacts.**

H. Urban Design/visual Resources

Comment H1: Towers on the waterfront are out of proportion; magnitude, density and height of waterfront development is too much, looks like 6th Av between 24th and 28th streets in Manhattan, is not very desirable. (21) No tall buildings on the water. (1)

Response: **See response to Comment A54.**

Comment H2: Bulk and density should be consistent with scale of the neighborhood. All development should be in harmony with existing community. (1, 22)

Response: **The proposed action would limit the height and bulk of new buildings in keeping with neighborhood character, and limit building heights at the upland end of waterfront blocks to provide a sensitive transition to the existing neighborhood.**

Comment H3: With the exceptions of West, Franklin, and Manhattan Avenues, none of the streets near the waterfront have a view of the midtown Manhattan skyline. Scope restricts views to those from public streets/areas only and not with regard to the overall views of the entire neighborhood. Since Greenpoint has very little public area, the study will lack the depth required to safeguard Greenpoint's visual resources, and analysis will not be comprehensive. In order to maintain visual openness and visual access to the waterfront from the community as a whole, parts of a development around the waterfront would have to be kept at 30 feet or less, instead of the 65 feet allowed to them, and maintain the height all the way to the waterfront edge. (34)

Response: **The analysis of visual corridors is conducted in accordance with the *CEQR Technical Manual*. For the purposes of a CEQR analysis, a visual resources assessment includes only views from public and publicly accessible locations and does not include private residences or places of business. The proposed streetwall requirements on the upland end of waterfront blocks are**

consistent with both the height of existing buildings and proposed height limits in the adjoining neighborhood.

Comment H4: The existing part of Greenpoint will be visually walled off from its waterfront and views of the water and midtown Manhattan, because there will be no breaks in the development at its lowest height. Would like to see a study included in the scope of work which would determine a means in which developers of the waterfront, possibly including all developments within the study area and near the waterfront, would be rewarded for providing several points of visual access, mid-block (not including the streets themselves), in other words, visual penetrations through their developments, to the “spectacular views” in order that the people of the existing community may share the views with those who will work and live in the new developments. (34)

Response: The proposed action maximizes visual access along the prolongation of existing streets, preserving critical public views of the water. See response to Comment H3.

Comment H5: Another means of maintaining views and encouraging construction that is contextual to this unique neighborhood is to relax the base height requirement of 65 feet at the street in order to encourage a diverse street wall, adaptive reuse of existing buildings and creative development of new buildings. (34)

Response: The proposed zoning text changes applicable to the area governed by the proposed Waterfront Access Plan include a maximum base height of 65 feet along the upland end of waterfront blocks, matching the six-story streetwall height permitted in the adjoining area. A lower minimum base height allows flexibility for streetwall height. The modified zoning map amendment application, analyzed in the “Alternatives” chapter of the FEIS as the Revised Affordable Housing Zoning Bonus and Incentives Alternative, reduces the minimum streetwall height for waterfront developments from 40 to 30 feet, and includes requirements for variation in streetwall height.

Comment H6: Impact of waterfront development on views should be assessed from various points in the neighborhood, including, particularly, highest points such as along Manhattan Avenue. (58)

Response: In accordance with the Scope of Work, photographs and/or other graphic material were utilized, where applicable, to assess the potential effects on urban design and visual resources for the study area, including views to the waterfront, and resources of visual or historic significance. Particular attention was paid to waterfront developments, with an assessment of views to waterfront developments from the north, south, east and west, where feasible.

Comment H7: DEIS should analyze wind patterns and the effect the massing or placement of buildings may have on the tunneling of wind into the streets or parks, which may be significant and deflect the public from their use. (17)

Response: The CEQR Technical Manual does not provide methodologies for conducting the above analyses. Generally, analyses of these issues are not considered as part of CEQR.

Comment H8: DEIS should address visual impacts due to: 1. introduction of new structures; 2. access roads; 3. telecommunications/power lines and lighting. (17)

Response: Items 1 and 2 are included in the analysis of urban design and visual resources. Power lines or lighting along public streets or in parks are typically not analyzed, as impacts are not expected.

Comment H9: DEIS should consider specific and innovative mitigation measures and project design features that reduce visual impacts on our waterfront. The proposed developments are taller than other buildings in the area, and they are higher in density and will impact on services. (17)

Response: Practicable mitigation measures are identified in accordance with CEQR guidelines for any potential impacts on urban design/visual resources resulting from action-induced development identified in the EIS.

Comment H10: While the urban design study area is consistent with the land use study area, the visual resources study area should be expanded to include locations along and across the East River in Manhattan, as well as locations to the south and east of the current study area. TransGas Energy recommends using the study area used in its analysis, or a similar variant. (76)

Response: **As discussed in the Scope of Work, in accordance with the guidelines of the *CEQR Technical Manual*, the urban design and visual resources study area is the same as that used for the land use analysis, which is an approximate ½-mile radius.**

Comment H11: Describe the potential changes that could occur based on optional use of contextual zoning. (5)

Response: **See response to Comment F3.**

Comment H12: Proposed rezoning action will promote development that will dominate the skyline and substantially change the current visual context. Views of the East River against the backdrop of Manhattan will be limited to narrow view corridors, and piecemeal development of the shore public walkway will limit waterfront access and open views to a few locations. (69)

Response: **See response to Comments H3 and H4.**

Comment H13: Draft scope should include a more detailed list of subtasks related to urban design and visual resources in order to ensure an adequate assessment of potential impacts of the proposed action and the development of adequate mitigation measures and alternatives. 3rd bullet on p. 16: EIS should consider guidelines related to the orientation or arrangement of buildings on the site, as mitigation against potential adverse urban design and visual impacts. (69)

Response: **The EIS analyses follow the guidelines of the *CEQR Technical Manual*, as outlined in the Scope of Work. See response to Comment H9.**

Comment H14: Tasks related to assessment of visual resources and impacts should be more specific in terms of the selection of view points and assessment criteria and methodologies. Selection of view points should not be limited to views toward the waterfront and resources of visual or historic significance. Additional viewpoints should include:

- Views toward Greenpoint and Williamsburg from more distant locations, with a view shed extending up to one mile from the boundary of the proposed action. EIS should also examine the cumulative impact of new development on views from, for example, the 59th Street Bridge, the Long Island Expressway, and the east side of Manhattan.
- Important vistas, such as the Manhattan skyline *beyond* the low-rise neighborhoods of Greenpoint and Williamsburg, as seen from the Long Island Expressway and the BQE.
- Views from natural, recreational, cultural and historic resources within the action area and broader study area as well as more distant locations (see 5th bullet on p. 16). Graphic material for instance should include a photo-simulation depicting the view toward Manhattan from the steps of St. Anthony's church in the heart of the Greenpoint Historic District.
- Elevated views toward the waterfront, from schools, churches and other public buildings within the proposed action area and adjacent areas, in addition to street level views from residential neighborhoods and commercial districts. (69)

Response: **The *CEQR Technical Manual* defines an area's visual resources as its unique or important public view corridors, vistas, or natural or built features. For the purposes of a CEQR analysis, this includes only views from public and publicly accessible locations and does not include private residences or places of business. As specified in the *CEQR Technical Manual*, visual resources could include views of the waterfront, public parks, landmark structures or districts, or natural resources. Natural resources may be vegetation, topography, and geologic formations; and wetlands, rivers, or other water resources. The EIS analyses follow the guidelines of the *CEQR Technical Manual*, as outlined in the Scope of Work. Also see response to Comment H6.**

Comment H15: Bushwick Inlet is an historic and natural area and an important visual resource. Primary consideration should be given to visual impacts of projected and potential new development on this

resource, both in terms of retaining open views and vistas and providing appropriate backdrops. (69)

Response: Please see response to Comment H14.

I. Neighborhood Character

Comment I1: The description of neighborhood character should include a discussion of those elements that give a mixed-use character to the neighborhood. Analysis of the proposed action's impact should include alterations to mixed-use character. (58)

Response: **Neighborhood character is an amalgam of the various elements that give neighborhoods their distinct "personality". These can include land use, urban design, visual resources, historic resources, socioeconomics, traffic, and noise. For neighborhood character, CEQR considers how those elements combine to create the context and feeling of a neighborhood, and how an action would affect that context. Thus, to determine an action's effects on neighborhood character, these contributing elements are considered together. The EIS analyses follow the guidelines of the *CEQR Technical Manual*, as outlined in the Scope of Work. Practicable mitigation measures are identified in accordance with CEQR guidelines for any potential impacts on neighborhood character resulting from action-induced development identified in the EIS.**

Comment I2: We operate a 24-hour business and are very busy at night. The more our block becomes residential, the more potential exists for complaints eg., garbage, noise, parking, deliveries, loading/unloading areas, just to list a few. We have had to deal with the issues and problems listed above, and my concern is that these issues will intensify as more residents move in, making operating a business more difficult and possibly more costly. (16)

Redevelopment plans for market rate housing on the waterfront will negatively impact our business without expansion. How long before residents complain about the noise from our trucks running their refrigerators, or our neighbors' loading their trucks, or the odors created by neighborhood bakeries? (68)

Response: See response to Comment I1.

Comment I3: DEIS should evaluate the current noise and traffic conditions in the community as well as potential impacts from the proposed Project. A number of new businesses have sprung up in the past few years, among them bars and restaurants that have resulted in an increase in the level of noise, traffic and congestion in the area, especially Williamsburg. (17)

Response: See response to Comment I1.

Comment I4: Task 9, 2nd bullet: EIS should separately focus on the waterfront areas and the upland areas, considering scale, diversity of population, diversity of use, and vehicular and pedestrian traffic patterns. (69)

Response: See response to Comment I1. Where applicable, the EIS discusses the waterfront and the upland areas separately (for the land use and urban design analyses for example).

Comment I5: Task 9, 3rd bullet: clarification: EIS should have its own fully detailed section on Neighborhood character; not only rely on other sections of the EIS. (69)

Response: There is a separate chapter in the EIS on neighborhood character. See response to Comment I1.

Comment I6: As recommended in the CEQR manual, the study area should be coterminous with the Land Use study area. (69)

Response: As stated in the *CEQR Technical Manual*, the study area for neighborhood character is often coterminous with the land use study area. Therefore, the Scope of Work was revised to

indicate that the study area for neighborhood character would be coterminous with the ½-mile land use study area.

Comment I7: All assessments of impacts on neighborhood character should be closely analyzed in relation to impacts on urban design/visual resource. (69)

Response: See response to Comment II.

Comment I8: Field visits and photographic surveys should be conducted and designed to recognize the complex, unique, and delicate set of cultural and economic diversities that make up Greenpoint and Williamsburg. Multiple field visits should be made during typical weekday, typical weekend day, typical weekday night and typical weekend night. Interviews with residents, workers, and visitors should be conducted. (69)

Response: See response to Comment II.

J. Natural Resources

Comment J1: Please amend Task #10, Natural Resources to state that the EIS will provide assessment of natural resources, including resident and migratory birds, land birds and waterfowl (as well as fish habitat) along the waterfront, particularly along the Bushwick Inlet. The assessment should also examine the foliage and fauna along the East River that is part of the ecosystem and that the birds survive on. The avian study provided by the community to DCP should be included in the study of natural resources. (36, 69)

Response: The natural resources task includes an assessment of aquatic fisheries as well as land and waterfowl that are common to this stretch of the East River. This also includes an assessment of the Bushwick Inlet based on available data, including that of the Audubon Society and the report *Greenpoint Inlet Birds*.

Comment J2: Despite historic and ongoing water pollution, Bushwick inlet appears to be functioning healthily, as evidenced by the levels of avian use, documented recently by Emily Bradshaw. The sheltered nature of the inlet thus makes it an ideal candidate for tidal habitat preservation, enhancement, and restoration. (61)

Response: The proposed action is to map this area as park. As stated above, the EIS includes an assessment of the natural resource values of the Bushwick Inlet. It also includes an impact assessment with respect to the proposed action and the potential impacts on the natural resource values of the inlet, both positive and negative.

Comment J3: The DEIS should undertake a complete analysis of the impacts from ferry operations, including:

1. Water pollution and aquatic habitats - the DEIS should analyze the impacts from ferries on water quality and the impacts to the aquatic population.
2. Cumulative impacts: The DEIS should not segment review of this ferry terminal project from the numerous other similar and related projects being undertaken to increase ferry operations in the East River and New York Harbor. There are currently at least eight or nine other ferry projects planned or being undertaken to increase and facilitate ferry operations in New York City, New Jersey and the New York Harbor. Many new vessels are being deployed without any environmental review. Collectively, these interrelated projects will have a tremendous impact on local waterways and the air quality of the region.
3. The DEIS should analyze the air pollution emissions from ferries. Even with the cleaner engines, this project will degrade air quality because ferries emit more air pollution than diesel buses or even cars.
4. The DEIS should analyze the significant environmental impacts of increased wakes from ferry operations.
5. The DEIS should analyze the significant impacts of increased ferry operations on other users of the East River, particularly recreational small boaters. (17)

Response: The proposed action includes a zoning text amendment for the waterfront area which would allow certain commercial uses as-of-right. As a result, the proposed action would allow water taxi services, with a vessel capacity limited to 99 passengers, on an as-of-right basis. Given that the proposed action would allow docks for water taxis as-of-right, the development of a water taxi stop at the Green Street pier is projected in the RWCDS. The service is not being proposed as part of the action, it is only being evaluated as part of the RWCDS. Cumulative effect on the East River is beyond the scope of this project. If impacts are found, possible mitigation measures are identified. It should be noted that, should such water taxi projects move forward, it would be necessary to develop the necessary infrastructure to accommodate water taxis, such as docks and gangways. Such infrastructure would be subject to environmental review through the State and Federal permit review process, in accordance with State and Federal law requirements for structures developed in navigable waterways and within tidal wetlands.

Comment J4: The failure to include TransGas omits the impact of the proposed actions on water resources. The public record in the State Article X proceedings also documents the very significant volume of reservoir water that would be conserved by the siting of the TransGas facility at the Bayside property, which will allow the reuse of waste water that is required to meet New York's energy needs. (76)

Response: Please see response to comment A9. While the claimed natural resource benefits of the TransGas project are outside the scope of the assessment for this proposed rezoning, the EIS scope was modified to include two No-Action and two With-Action scenarios. One scenario includes the TransGas project and the other assumes the site is open space in the future with the proposed action.

Comment J5: A survey of the bulkhead should be conducted along the shore line in the study area to assess the feasibility of different types of Shore Public Walkways, locations for access to the water, construction costs, as well as areas for recreational and fishing and mooring fields. (69)

Response: The analysis includes an assessment of shoreline protection systems along the study area which is expected to include bulkhead, rip-rap, retaining walls and other types of edge protection structures. The access to the shoreline and types of walkway can only be presented conceptually at this time. Site specific designs are beyond the scope of this analysis, and types of structure are expected to vary depending on site conditions. However, each of the waterfront projects will be required to provide access to and along the waterfront in accordance with both the current and proposed zoning. The development of construction costs is beyond the scope of this analysis.

Comment J6: Draft scope does not go into sufficient detail in outlining tasks for the EIS. (69)

Response: The Final Scope was expanded to provide additional details on the natural resources analyses.

Comment J7: Draft scope does not mention the Bushwick Inlet, which is considered to be a major natural resource in both the Greenpoint and Williamsburg Waterfront 197-a Plans. EIS should place emphasis on the bushwick Inlet as a natural resource in assessing existing conditions and future impacts, by determining (a) its value as a tidal wetland for recreation, open space, marine habitat, flood or storm control, groundwater recharge, etc.; (b) current levels of environmental degradation; and (c) the extent of remediation and wetland restoration required. Also examine conditions that may be expected in the future, with and without the proposed action, resulting from the environmental remediation of adjacent sites, increased stormwater runoff, and public access. (69)

Response: The EIS includes an assessment of the potential impacts of the projected and potential development on the East River, with an emphasis on Bushwick Inlet.

Comment J8: Assessment of existing conditions should include field reconnaissance, and detailed surveys and research as needed. (69)

Response: The EIS Scope of Work includes a field reconnaissance of the edge conditions; however, the assessment of baseline conditions along the East River relies largely on published sources. The proposed action does not include any major in-water activities that would impact water quality or natural resource habitats. In addition, if in-water infrastructure such as ferry landings, are proposed, they would be subject to a separate environmental review and permitting. Upland areas are largely developed and disturbed and possess little natural resource value.

Comment J9: DCP should consider extending the proposed parks mapping further north to provide greater habitat protection of the Inlet. (69)

Response: The proposed action has been modified to include a portion of Quay Street (on the northern edge of Bushwick Inlet) within the proposed park. See response to Comment J7 regarding analysis of proposed park at Bushwick Inlet.

Comment J10: Much of the new development will occur along the East River waterfront, which is subject to flooding from storm surges. New construction will result in significant changes to the floodplain that may reduce its capacity for flood retention or alter stormwater flow characteristics. (69)

Response: Since the East River is tidal, and no new development is proposed within the river, no changes in the floodplain characteristics of the East River are expected. However, in accordance with Local Law, the first floor of all habitable structures will have to be designed to be above the 100 year flood elevation.

Comment J11: The Bushwick Inlet seems to be the only “nature relief” along the waterfront of this densely populated residential neighborhood. It can become a model estuarine habitat that will offer members of the community and visitors an opportunity for education, light recreation and stewardship. The site as it already exists offers inspiration for a peaceful and natural tranquility that relieves the community from the hums and churning of power plants, trucks and motorboat traffic. (28)

Response: Comment noted.

Comment J12: EAS sections on wildlife indicated no wildlife in the area; answers were based on DEP studies - not surprising, as DEP has a sludge outlet near Bushwick Inlet that spews into the river. When we read the answers to sections of the EAS that addressed wildlife we were appalled to read that DCP answered there is no wildlife in the area. This is despite our prior communications. (37)

Response: In accordance with the Scope of Work, the EIS provides a detailed analysis of natural resources. Any existing natural resources within or in the vicinity of the proposed action area are identified, including any significant fish habitats in this section of the East River. The proposed action’s potential impacts on identified natural resources are assessed, including both short-term construction effects, as well as any potential long-term effects, including any new outfalls, expected run-off, etc.

K. Hazardous Materials

Comment K1: Historically, the Williamsburg/Greenpoint waterfront was home to petroleum product storage, shipbuilding, the ceramic industry, tanning facilities, and other chemical-based industries. This past should be specifically mentioned in the rezoning scoping document. The entire waterfront should be considered a Brownfield until sampling proves to the contrary. Phase I investigations should be required of all waterfront property. (12, 69)

Response: In accordance with the Scope of Work, a preliminary screening assessment prepared pursuant to the *CEQR Technical Manual* and Chapter 24 of Title 15 of NYCDEP’s rules governing the placement of (E) designations was conducted for all projected and potential development sites to determine which sites warrant an (E) designation without the preparation of a Phase I assessment and which sites require further assessment. If the potential for contamination was not identified on a projected or potential development site,

the screening assessment was conducted on adjacent properties. If impacts were not identified on the adjacent properties, the screening assessment was expanded to include properties within 400 feet of the development sites to determine if an (E) designation on the property is warranted. The (E) designation would require that the fee owner of an (E) designated site conduct a testing and sampling protocol, and remediation, where appropriate, to the satisfaction of the New York City Department of Environmental Protection (NYCDEP) before the issuance of a building permit by the Department of Buildings (pursuant to Section 11-15 Zoning Resolution - Environmental Requirements). The (E) designation also includes mandatory construction-related health and safety plans which must be approved by the NYCDEP. Also in accordance with the Scope of Work, a Phase I ESA was prepared for the site of the proposed park (which is not subject to (E) designation) to determine previous uses on the site and in adjacent areas with the potential to have resulted in site contamination. The findings of the Phase I are summarized in the Hazardous Materials chapter of the EIS. As part of the property acquisition process associated with the proposed park mapping, the City will ensure that all appropriate testing at the proposed park site is completed, and that all necessary remediation measures are undertaken, as necessary, following acquisition and prior to construction.

Comment K2: The DEIS should examine all soil and groundwater conditions from previous and existing uses, assess the potential for contamination and the type and extent of the contaminants that may be present, as well as identify the range of costs for remediation of any contamination. (17)

Response: See response to Comment K1.

Comment K3: It is expected that most sites will require Phases I and II of an ESA. The EIS should specifically list for each waterfront site if site reconnaissance was performed or whether it was not possible due to private ownership. (69)

Response: As discussed in the Scope of Work, it is understood that the majority of the buildings within the proposed action area are owned privately and on-site reconnaissance is not available. Therefore, the scope of work for the site reconnaissance consisted of observing the sites from public access ways (i.e., sidewalks and streets) only and noting the general uses of the buildings (i.e., industrial, manufacturing, residential, commercial, etc.). The results of the site reconnaissance are disclosed in the EIS.

Comment K4: We recommend that all underground fuel oil storage tanks (USTs) be excavated and replaced with aboveground storage tanks (ASTs). These ASTs should be equipped with containment systems, spill and overflow prevention systems, and meet all federal, state, and City DEP requirements. (17)

Response: Comment noted.

Comment K5: The scope falls significantly short of what is required. Nowhere does the *CEQR Technical Manual* speak of an “E” designation *in lieu* of conducting a hazardous materials assessment. All sites being proposed for rezoning to residential or mapping as open space need to be assessed following the basic, screening-level tool of an ASTM Phase I ESA. It is bad public policy to simply assume that sites will be remediated without considering the effects of rezoning on that remediation. Many of the most contaminated sites may not see any remediation, or may have remediation delayed, by the added burden of more stringent cleanup standards. It is incumbent upon the DCP to consider *every sites’s* potential to open hazardous materials pathways that affect human health and the environment. Phase II ESA’s should be conducted at least for every area where open space is proposed, since New York City will own and control either all or most of these area. This is particularly true of the North 9th to North 14th Street area. TGE has already provided a draft Phase II site investigation for the North 12th to North 14th Street Bayside site, and will provide any subsequent updates. Considering that North 11th to North 12th Streets is a manufactured gas plant site, and considering the information that has come to light through TGE’s Phase II study, a DCP and DEP-sponsored Phase II investigation of that parcel should be a requirement of the Draft EIS

scope. Sediment sampling of the Bushwick Inlet and a full program of sampling on the adjacent upland should also be conducted. (76)

Response: See response to Comments K1 and K9.

Comment K6: The final scope of work should state that a detailed protocol for the preliminary screening analysis would be submitted to DEP for review and approval. (80)

Response: The Scope was revised to include this text.

Comment K7: Immediately following the first sentence in the second paragraph of Task 11, the final scope of work should state, “If the potential for contamination is not identified on a projected or potential development site, the screening assessment will be conducted on adjacent properties. If impacts are not identified on the adjacent properties, the screening assessment will be expanded to include properties within 400 feet of the development sites to determine if an (E) designation on the property is warranted.” (80)

Response: The Scope was revised to include this text.

Comment K8: The following should also be inserted into Task 11: “The (E) designation would require that the fee owner of an (E) designated site conduct a testing and sampling protocol, and remediation, where appropriate, to the satisfaction of the New York City Department of Environmental Protection (NYCDEP) before the issuance of a building permit by the Department of Buildings (pursuant to Section 11-15 Zoning Resolution - Environmental Requirements). The (E) designation also includes mandatory construction-related health and safety plans which must be approved by the NYCDEP.” (80)

Response: The Scope was revised to include this text.

Comment K9: The scope currently calls for Phase I testing within the area of the proposed park development. It is unclear whether Phase II testing will also be undertaken as a component of the proposed scope of work for the EIS. Parks strongly encourages that Phase II testing be added to the scope of work so that proper assessment and disclosure of the site conditions can be made. As the agency is likely to acquire the site, we believe it would be a mistake to advance the project without a more in-depth awareness of site conditions given that the Phase I investigation revealed the presence of hazardous materials. (81)

Response: As indicated in the Scope of Work, if the Phase I assessment for the approximately 27.8-acre park site is insufficient to define the potential impacts from contaminated materials on the site, then Phase II testing will likely be necessary. As part of the property acquisition process associated with the proposed park mapping, the City will ensure that all appropriate testing at the proposed park site is completed, and that all necessary remediation measures are undertaken, as necessary, following acquisition and prior to construction.

L. Waterfront Revitalization Program

Comment L1: Study must consider a mix of water-dependent uses, including waterborne transport of people and goods, light manufacturing, a marina, and docks to service waterfront business. (58)

Response: The proposed action only considers waterborne transport (water taxi) as part of the RWCDs.

Comment L2: The DEIS should provide an analysis of existing conditions, economic and development trends, and redevelopment alternatives. All future development should be required to meet design and landscaping standards that improve the aesthetic appearance of the waterfront and neighborhood. (17)

Response: The proposed action includes the creation of a WAP for the Greenpoint-Williamsburg waterfront between Manhattan Avenue and North 3rd Street, in order to provide a coordinated network of waterfront open spaces. As per section 62-80 of the Zoning Resolution, this WAP would modify the general public access requirements of waterfront

zoning within this area, identifying locations and parameters for the configuration of required shore public walkways, upland connections, supplemental public access areas, and visual corridors. The WAP does not increase the total public access requirement on a given parcel. In addition, the Greenpoint-Williamsburg WAP will include design standards specifically tailored to this waterfront.

Comment L3: According to draft scope, EIS will include a detailed assessment of the proposed action's consistency with WRP Policies 1, 2, 7.2, 8, 9.1 and 10. Other policies that should be regarded as applicable include policies: 3, 3.2, 3.3, 4.2, 5.2, and 6.2. (69)

Response: A preliminary evaluation was undertaken for the proposed action in the Greenpoint-Williamsburg Rezoning EAS dated August 1, 2003, including completion of the new Consistency Assessment Form developed by the Department of City Planning. The Consistency Assessment Form indicated that the proposed action requires further assessment of policies, 1, 2, 7.2, 8, and 9.1, and possibly 10. Subsequent evaluation determined that policies 4.2, and 6 are also applicable to the proposed action. A detailed assessment of the proposed action's consistency with the applicable policies of the Waterfront Revitalization Program is provided in the EIS.

Comment L4: The rezoning plan, as currently proposed by DCP, is not in compliance with policies 9.1 and 10.2 of "The New Waterfront Revitalization Program", specifically on parcels #56, #60 and #61 in Greenpoint, and #199 in Williamsburg. (69)

Response: See response to Comment L3. The EIS assesses the proposed action's consistency with policies 9.1 and 10.

Comment L5: The DEIS should provide an analysis of the following:

1. Including Inclusionary Zoning.
2. Preserving Views.
3. Providing public access.
4. Creating a pedestrian friendly environment.
5. Creating street furniture.
6. Parking and transportation: this study should also include an analysis of bus/auto drop-off areas.
7. Preserving historic character.
8. Integrating new development.
9. Maintaining mixed-use urban neighborhood. (17)

Response: Comment noted. See response to Comments D21, H3, H4, A71, G10, and A65.

M. Infrastructure

Comment M1: The scoping document should note that the proposed large-scale developments along the waterfront could result in as much as 10 mgd of additional sewage to the Newtown Creek Sewage Treatment Plant. While this additional tonnage is not a problem for the plant, it could be a problem for the sewage pipes under the streets. Replacing existing pipes, in open-cut trenches would cause a big disruption to the community. In addition, pile driving for new construction will create vibrations, which could impact existing infrastructure and housing stock. (12, 69)

Response: The CEQR Technical Manual indicates that it may be appropriate to disclose the increase in expected sewage generated by the action, to allow the lead agency to confirm that the proposed action would be consistent with flow limits or pollutant controls or other applicable programs. In accordance with the Scope of Work, the adequacy of sewer systems to meet demand generated by the proposed action is assessed in the EIS. The effects of the incremental demand on the system are assessed to determine if there will be any impact on the WPCP, or on its State Pollution Discharge Elimination System (SPDES) permit conditions.

- Comment M2: Water supply: the DEIS should provide an analysis of the following:
1. Estimate maximum water use requirements for residential and commercial sector as well as fire services;
 2. Submit a water report detailing pressures, usage, and fire flows;
 3. Discuss availability and adequacy of water supply; and
 4. Discuss water saving strategies. (17)

Response: The *CEQR Technical Manual* provides guidelines for undertaking an assessment of effects on water supply and water pressure, which consist of: assessing existing water use on the project site; assessing the likely water usage on the project site for future no action conditions, and characterizing the effects on the existing system; estimating an action's average and peak daily water demand made based on the uses expected with the action and standard generation rates provided in the Manual; describing the existing water distribution system serving the project area, based on information obtained from DEP; assessing the effects of the proposed action's incremental demand on the system and determining if there would be sufficient capacity to maintain adequate supply and pressure. In accordance with the Scope of Work, the EIS includes an analysis of water supply, which follows the methodologies outlined in the *CEQR Technical Manual*.

- Comment M3: The community is home to the City's largest sewage treatment plant (STP), the Newtown Creek STP. This plant has been significantly out of compliance with its State Pollution Discharge Elimination System (SPDES) permit and thereby polluting the local waterways. In addition, Newton Creek STP is the cause of intense and offensive odors in the community that impairs the quality of life for all north Brooklyn residents. The DEIS should analyze the full extent of the wastewater generation quantities and sewer capacity impacts. (17)

Response: Please see response to Comment M1.

- Comment M4: The volume of stormwater that would be generated by the proposed project will be dependent, in large part, on the amount of impervious surface (i.e., roadways, roof tops, parking lots) present, as well as on the amount and type of vegetation and soils on-site. The volume and content of runoff (i.e., sediments and contaminants) from any currently vegetated project site should be fully calculated and described in the DEIS for comparison to the projected level of runoff for each studied alternative. Real data from other large development projects that have been constructed in this area should be obtained and presented for comparison. Contaminant levels and loads in the runoff should be quantitatively presented (i.e., hard numbers with backup calculations and clearly defined assumptions) for each alternative. (17)

Response: As the proposed action is expected to induce development on some sites that are currently vacant, it is likely to increase the amount of impervious surfaces in the area, and hence would result in increased runoff. The EIS includes an assessment of stormwater in accordance with CEQR guidelines. In accordance with the Scope of Work, information on stormwater generation was compiled for the proposed action based on water usage estimates. The adequacy of sewer systems to meet demand generated by the proposed action was assessed. Stormwater management is often based on specific development projects (rather than an area-wide rezoning such as that being proposed), and requires implementation of best management practices in accordance with DEP guidelines.

- Comment M5: The specific design, operation and long-term maintenance procedures for all stormwater collection and treatment should be addressed in detail in the DEIS, including:
Fully engineered stormwater prevention plan: DCP and other involved agencies should commit at the outset to the development and subsequent implementation of a complete stormwater pollution prevention plan (SPPP) that, among other things, fully engineers the flow of stormwater through proposed projects. DCP and other involved agencies should employ the guidance provided by two State publications when developing its SPPP - New York State Stormwater Management Design Manual (October 2001) and New York Guidelines for Urban Erosion and Sediment Control (April 1997) - as well as other heightened design methods available in the scientific literature. The exact

attributes of the SPPP need to be developed and certified by a professional engineer taking into account site-specific conditions. The following methods and criteria should be incorporated into the stormwater controls during the construction phase as CEQR mitigation: [items (i) through (v) regarding methods and criteria during construction phase, and items (i) through (iv) regarding post-construction stormwater controls]. (17)

Response: **This comment relates to city-wide actions and is therefore outside the scope of the EIS. Practicable mitigation measures are identified in accordance with CEQR guidelines if the EIS analyses identify potential significant infrastructure impacts resulting from action-induced development.**

Comment M6: During all construction there should be a qualified professional engineer who will be responsible for assuring full compliance with the SPPP and state water quality standards. Stormwater controls during construction and before complete re-vegetation must be thoroughly inspected each week and after each rain in excess of 0.5 inches. (17)

Response: **This comment relates to city-wide actions and is therefore outside the scope of the EIS. Practicable mitigation measures are identified in accordance with CEQR guidelines if the EIS analyses identify potential significant infrastructure impacts resulting from action-induced development.**

Comment M7: The scope should clearly state that the full (potential and projected) buildout is being used for the water, sewer and storm water assessment, and not just the projected development. (76)

Response: **As infrastructure is a density-based technical analysis, only projected development sites form the basis for infrastructure assessment. The Scope of Work was edited to specifically state this.**

Comment M8: Many problems with flooding due to sewer back-up have been noted in the Greenpoint area. Current sewage system is overloaded throughout Greenpoint. EIS should study the current problem and recommend mitigation for any further strain on the stormwater that increased development will create. (69)

Response: **This issue is addressed in the EIS, and the Scope of Work was updated to reflect this. The EIS assessment of infrastructure was based on information provided by DEP.**

Comment M9: Development of all of Greenpoint-Williamsburg's infrastructures so as to accommodate all forthcoming residential, commercial and other development is entirely consistent with both 197-a plans. (69)

Response: **Comment noted.**

Comment M10: Draft scope should recognize the City Council Resolution and the letter dated December 16, 1996 with respect to the sludge storage tank property and eliminate references to this property in Task 13. (69)

Response: **See response to Comment A16. The Scope of Work was revised accordingly.**

Comment M11: The infrastructure task states that an analysis will be conducted to determine the potential of the proposed action to affect the City's infrastructure. Please be advised that coordination with DEP regarding water and sewer system capacity and infrastructure issues in the project area is warranted. (80)

Response: **The infrastructure assessment was prepared in coordination with DEP, and the Scope of Work was edited to reflect this.**

Comment M12: To address possible capacity constraints on Greenpoint Water Pollution Control Plant, evaluate the impact of requiring low-flow toilets and faucets/shower heads. (5)

Response: **Low-flow toilets and faucets/shower heads are already required for new construction, and this is reflected in the EIS analyses.**

Comment M13: Infrastructure mitigation measures should be based on actual existing service and capacity and project an expansion of lines and services. EIS should suggest mitigation measures for the disruption to residents and existing infrastructure that will occur as all services, especially underground wiring, are upgraded because many lines now run in and around existing buildings. (69)

Response: This comment relates to city-wide actions and is therefore outside the scope of the EIS. Practicable mitigation measures are identified in accordance with CEQR guidelines if the EIS analyses identify potential significant infrastructure impacts resulting from action-induced development.

Comment M14: Studies are needed to determine the extent to which future development activity under the proposed action will increase surface water runoff from existing outfalls in addition to evaluating the impact of new outfalls. (69)

Response: Given that much of the surface in the catchment areas of these outfalls is already developed, it is not expected that there would be any significant new sources of stormwater runoff into the City's sewer system. In contrast, the increased open space and permeable surfaces that are proposed as part of the waterfront esplanade and open space under the proposed action should actually reduce runoff from current conditions. In addition, water quality should be improved with the reduced runoff, improved and maintained surfaces, and the removal of any hazardous materials. This assessment is provided in both the "Natural Resources" and "Infrastructure" chapters of the EIS.

N. Solid Waste and Sanitation Services

Comment N1: Many new commercial establishments will be associated with the creation of new residential units. the effect and burden on the area's waste handling should be discussed. The additional truck trips that will be associated with the new Marine Transfer Stations should be included as a proposed study in the Scoping Document. (12)

Response: As indicated in the Scope of Work, the EIS includes an analysis of solid waste and sanitation services. The comment regarding truck trips associated with new Marine Transfer Stations relates to city-wide actions and is therefore outside the scope of the EIS. Projects that are located within the proposed action's study area are included as no-build projects in the analyses, where applicable.

Comment N2: The waste stream is divided, not only into residential and commercial but then into three parts: putrescible, non-putrescible, and recyclable and fill material. The DEIS should provide an analysis of the impacts on increased amount of solid waste and collection practices due to the proposed increased population. The DEIS should also analyze waste reduction alternatives: recycling and composting. (17)

Response: See response to Comment N1.

Comment N3: The scope should clearly state that the full (potential and projected) buildout is being used for the solid waste and sanitation study, and not just the projected development. (76)

Response: As solid waste/sanitation services is a density-based technical analysis, only projected development sites form the basis for the assessment of solid waste/sanitation services. The Scope of Work was edited to specifically state this.

Comment N4: Because the neighborhood is already overburdened with waste handling, mitigation measures should be recommended to address the effect and burden of increased commercial and residential waste handling in the area. (69)

Response: Practicable mitigation measures are identified in accordance with CEQR guidelines if potential significant impacts on solid waste/sanitation services resulting from action-induced development are identified in the EIS.

O. Energy

Comment O1: The positive effect of Green Buildings/Green Roofs on energy consumption should be mentioned in the EAS and should be analyzed in the EIS. Energy conservation measures and sustainable building practices, beyond the New York Energy Conservation Code should be included as mitigation for increased energy demands resulting from the new development. (12, 69)

Response: **This comment relates to city-wide actions and is therefore outside the scope of the EIS. Practicable mitigation measures are identified in accordance with CEQR guidelines if potential significant energy impacts resulting from action-induced development are identified in the EIS.**

Comment O2: EIS should discuss potential impact of new development in terms of additional load and service connections to the existing infrastructure. (69)

Response: **According to the *CEQR Technical Manual*, because all new structures requiring heating and cooling are subject to the New York State Energy Conservation Code, which reflects State and City energy policy, actions resulting in new construction would not create significant energy impacts, and as such would not require a detailed energy assessment. For CEQR analysis purposes, energy analysis focuses on an action's consumption of energy. The EIS discloses the additional energy consumption associated with the proposed action, and the Scope of Work was edited to reflect this.**

Comment O3: DEIS should provide an analysis of building designs using the principles of sustainability and energy efficiency. The DEIS should provide an analysis of supply and demand loads for the proposed project and subsequent build out scenarios. (17)

Response: **The EIS provides an estimate of the demand load on electricity, gas, and other energy sources, and provides an evaluation of available supply and new requirements. The Scope of Work was edited to indicate this.**

Comment O4: Eco-friendly design firms and environmental consultants should be used to ensure that buildings will be designed in an energy efficient manner, including the use of solar and wind power, and will make use of environmentally friendly materials in construction, such as green rooftops. The DEIS should also commit to the use of alternative fuel vehicles. (17)

Response: **For worst case analysis, the EIS documents energy consumption using standard construction practices. In accordance with CEQR guidelines, practicable mitigation measures are identified if any potential significant energy impacts resulting from action-induced development are identified in the EIS.**

Comment O5: The draft scope should provide a framework for examination of the increased energy demands that will arise from the proposed rezoning's residential and commercial development without the increased capacity that would be provided by the planned TransGas facility. (76)

Response: **In the proposed action, this would be the basis for analysis. In the alternate development scenario discussed in the response to Comment A9, TransGas would be a No-Action development. The EIS analyzes the energy system's ability to meet the proposed action's energy demand under both scenarios (i.e., with and without TransGas).**

Comment O6: A "qualitative" assessment of energy usage is inappropriate. The fact that all new buildings will be subject to the NYS Energy Conservation Code does not mean that the Draft EIS should ignore energy consumption. Rather, "the amount of energy to be consumed during long-term operation [should] be disclosed in the environmental assessment." (76)

Response: **Please see response to Comment O3.**

Comment O7: Since the proposed action takes direct aim at the displacement of the TransGas Energy Facility, the Draft EIS scope needs to document and assess the adverse effects of such displacement in terms of emissions, fuel usage, and energy costs. (76)

Response: The Scope of Work was revised to include two development scenarios: one that assumes the TransGas power plant development, and another that assumes that there would be no TransGas power plant at the Bayside Fuel site (see response to Comment A9). No displacement of TransGas would occur under either scenario. Also see response to Comment O5.

Comment O8: New York City can realize substantial savings and strong environmental safeguards by using a direct electrical cable connection from the proposed TransGas plant to provide backup power to the Manhattan pumping station, located on East 12th Street. The availability of reliable backup power will protect the East River from raw sewage spills in the event of future power failures, something that the City of New York could not do during the blackout of August 14, 2003. Similarly, the TransGas plant will also enhance subway system reliability and the dependability of the NYC electric grid and the Manhattan steam system. In addition, there are opportunities for providing heating and cooling to the new buildings proposed for the Greenpoint/Williamsburg area if the TransGas plant is built at the location being considered in the Article X proceeding. (77)

Response: Comment noted.

Comment O9: Extra priority should be given to builders who will use renewable resources, like geothermal and wind power in their development. We need for Williamsburg to be on the forefront of responsible energy use. (63, 64, 65, 66, 78)

Response: Comment noted.

P. Traffic and Transportation

Comment P1: New modes of transportation are not adequately covered by the EIS scope. While there is a passing reference to examining new ferry service, there is no requirement to examine other transit options, such as Light Rail or Bus Rapid Transit. A ferry service is not sufficient to handle the range of commuting routes that new and current residents of the neighborhood will have. Linking the ferry to faster crosstown buses in Midtown may be one solution to encourage ferry usage. North-South movement by mass transit along the waterfront is poor in this area. The EIS process should examine the possibility of a North-South waterfront transit corridor that would help connect the new proposed waterfront housing to Manhattan-bound subway lines and the potential passenger counts in addition to ferry service. Also should examine alternative transit modes, such as light rail, etc. - ferry service is not sufficient to handle increased demand. (20, 73)

Response: As described in the Scope of Work, the proposed action would consist of zoning map and text amendments, street demapping and park mapping. The EIS for the proposed action provides an assessment of existing transportation services, and where significant impacts are found, practicable mitigation measures are developed in coordination with NYCDOT and NYC Transit.

Comment P2: Implementation of a ferry service similar to the Staten Island ferry would attract commuters who do not live in the community, exacerbating traffic as those non-residential commuters would drive to the waterfront, park, and board the ferry. A ferry service would effectively make Greenpoint and Williamsburg - which already endure excessive car traffic- into an oversized parking lot. (31)

Response: Waterborne services considered in the proposed action are for water taxi-type vessels (capacity limited to 99 passengers), not those in service on the Staten Island Ferry (4,000 capacity).

Comment P3: Traffic is a serious concern in the area past the Pulaski Bridge: too many trucks and deliveries. Have to be very careful with the traffic situation. (19)
The entire traffic in the area has to be regulated with traffic light, street signs, etc., especially areas close to Kent Ave., BQE, and on Bedford Avenue. (21)

Response: Comment noted. Also see response to Comment P1.

Comment P4: The most consistent users of mass transit are the elderly, students, and low-income people. The scope's failure to adequately address mass transit clearly indicates that the proposal is geared to luxury housing. Development must be transit-oriented. (31)

Response: Please refer to response to Comment P1.

Comment P5: Increasing parking supply will only increase car use in an area that is currently suffering from excessive traffic congestion. The rezoning proposal should include taking a fresh look at residential and commercial parking standards. Residential parking permits should be evaluated. (31)
EIS should consider minimizing parking requirements as a potential discouragement of vehicle usage. (69)

Response: The EIS includes an analysis of parking conditions in the future with the proposed action.

Comment P6: Urge you to reinstate full G line service to Forest Hills 24 hours a day, 7 days a week. Both G and L lines should receive additional subway cars and rush hour service should be increased to no more than three minute intervals. The G line should be restored to eight subway cars per train, and utilized to serve Brooklyn in a more comprehensive manner. Shortened G train that currently terminates at 23rd Street-Ely during rush hours should be studied in light of increased subway usage. (31, 69)

Response: Please refer to response to Comment P1.

Comment P7: Assess impact on transportation, especially L train, which is already over capacity. (56)
The existing mass transit in the project area is already overtaxed. The DEIS should provide an analysis of impacts to the L, G, J, M and Z trains and B61 and B43 buses. (17)

Response: Please see response to Comment P1. The transit analysis focuses on all facilities/routes expected to receive substantial demand from the proposed project. The scope was updated to include a line-haul analysis of the L train.

Comment P8: For subway service, evaluate the capacity for transferring from Queens-bound "G" service to Manhattan-bound subway cars, based on the future action projected increase in ridership. Also, for "L" service at the Bedford Street Station Manhattan-bound platform, evaluate the projected delay in time and number of trains that might have to leave the station before a rider may move from a crowded platform to a subway car based on the future action projected increase in ridership. (5)

Response: Please refer to response to Comments P1 and P7.

Comment P9: Suggest a total re-evaluation of the study hours. EIS should examine non-standard peak commuter hours, such as weekday early morning and late night. Greenpoint and Williamsburg have a strong commuter population, but we also have a thriving nightlife and are a destination for tourists, day trippers and New Yorkers who enjoy our restaurants, bars, and nightclubs. Traffic counts must be taken not during peak commuter hours but also on weekends and evening/night hours (possibly 9 pm-12 am), to provide a more accurate picture of the incredible amount of people traveling in and out of the area via train, bus, car, bicycle, and foot. (31, 69)

Response: The transportation studies focus on the peak commuter periods as these would be most likely to be impacted, requiring the development of mitigation measures. Adverse impacts during off-peak conditions are very unlikely and are therefore not included in the Scope of Work.

Comment P10: Transportation planning must provide adequate accommodation of both pedestrian and bicycle traffic, and anticipate that pedestrians in particular will need added safety measures as they enter and exit the waterfront park; there will also be more pedestrian traffic due to increased residential development directly along the waterfront. Pedestrian safety and access routes need to be identified and addressed for each park or open space as well as to the shore public walkway. Access routes should include bus routes to shore public walkway access points, upland connectors, and water taxi stops. Propose that a MetroCard-based Bus Rapid Transit (BRT) corridor be implemented, from Red Hook, Brooklyn to Queens Plaza, connecting North Brooklyn's waterfront communities and parks, as well as opportunities for transfer to other mass transit options. It will serve two purposes,

provide a link between various recreational waterfront destinations, and provide additional transfer options at all major existing mass transit links to subway service, from Red Hook to Queens Plaza. (31, 69)

Response: **Comment noted.**

Comment P11: BRT measures for Kent Street and Franklin Avenue should include a study of:

- Installation of traffic signals at major street crossings, with right-of-way signaling and BRT lane.
- Construction of a central median with plantings to emphasize proximity to park space. DCP should study building continuous medians through certain intersections to help preserve safety and reduce noise on residential streets near the park. (69)

Response: **Comment noted.**

Comment P12: If the transportation infrastructure serving Greenpoint and Williamsburg cannot accommodate the growth resulting from this rezoning plan, then the entire rezoning project will have been in vain and the community will once again bear the brunt of inadequate planning and responsibility on the part of the City. (31)

Response: **The transportation analysis considers the increased demand resulting from the proposed action, and identifies any significant adverse impacts to the transportation system that may result from this additional demand.**

Comment P13: The EIS should evaluate the effects of water taxis and ferries on transit, pedestrian, and vehicular traffic conditions. (71)

Response: **The EIS includes an analysis of water taxi services, and evaluates their effects, if any, on transit, pedestrian, and vehicular conditions.**

Comment P14: Traffic congestion is not confined to intersections, but frequently backs up for many blocks. Theoretical rules counting the number of vehicles at an intersection bear no relation to the reality of clogged streets with concomitant noise and fumes. The DEIS should take into consideration the full extent of the traffic pattern and subsequent impacts. The DEIS should fully acknowledge and estimate the impact of vehicles on the surrounding residential streets and on weekends. (17)

Response: **The traffic analysis follows the methodologies outlined in the *CEQR Technical manual* as well as standard NYCDOT procedures to define impacted or congested locations.**

Comment P15: The DEIS should provide an analysis of vehicular safety and pedestrian/bicycle safety impacts. (17)

Response: **High pedestrian accident locations are identified and assessed in accordance with CEQR guidelines.**

Comment P16: Although the Bayside site is one of the properties to be mapped park, the current owners have the right under the proposed ULURP actions to continue their present operations, and indeed to expand the use of the existing fuel depot. It is possible that the site may be acquired for park and the existing active fuel oil terminal's operation will continue. The present facility operator has stated that in the event the Bayside site is not acquired by TransGas, then it anticipates that the volume of fuel oil delivered from the site each day will be substantially increased. The traffic study should analyze the potential impact of the proposed demapping of North 12th Street with the continued operation of the fuel oil terminal, based upon the facility's maximum capacity. This includes an analysis of truck queuing on Kent Avenue and Franklin Street, the sightline implications, other safety issues, and the level of service (LOS) of the Kent Avenue and North 12th Street intersection and the other study area intersections. (76)

Response: **The Scope of Work was revised to include two development scenarios: one that assumes the TransGas power plant development, and another that assumes that there would be no TransGas power plant at the Bayside Fuel site (see response to Comment A9). Bayside Fuel is not assumed to remain in the future with the proposed action under either scenario.**

Comment P17: New York City proposes to make substantial land available *only* for residential uses, and the Draft EIS needs to assess the real traffic impacts of that decision. (76)

Response: **The EIS assesses the effects of all elements of the proposed action on transportation services. Refer to response to Comment P1.**

Comment P18: The traffic study needs to include not just the “project” but also the “potential” developments. The same applies to the parking analysis: to the degree on-street parking is proposed to meet the demands of any of the developments– “projected” or “potential”– this should be disclosed. Similarly, for the pedestrian and transit studies, both the “projected” *and* “potential” developments should be included. (76)

Response: **The transportation analysis only considers the likely development in the foreseeable future. As transportation is a density-based technical analysis, only projected development sites are included in the analysis of transportation services.**

Comment P19: Analysis for the future with-action projections regarding traffic, parking, transit and pedestrians, should be based on expanded number of inland sites and revised assumptions for household size for waterfront sites. (5)

The RWCDs underestimates development. Adjust all calculations to accommodate the increased development as suggested in previous comments. (69)

Response: **See response to Comments A21 and A40.**

Comment P20: For water taxi ridership, assume route to Fulton Ferry and Pier 11 and to East 34th Street. (5)

Response: **Comment noted.**

Comment P21: In general, the proposed traffic study appears adequate for determining the environmental impact of the rezoning on routine commuter traffic. However, the draft scope overemphasizes residential automotive routes, while providing a comparatively limited and unspecific intent to study the impact of the rezoning on commercial traffic and public transportation. (69)

Response: **The selection of the study area for traffic and transportation conforms to CEQR guidelines, and is adequate for the proposed action.**

Comment P22: Should be investing in mass transit. Transit capital investment and traffic demand reduction strategies must be made wholesale parts of any development plan. (48, 69)

Response: **Comment noted. See response to Comment P1.**

Comment P23: The EIS should analyze Sunday traffic. Expect the shore public walkway to be very heavily traveled on Sundays, similar to the Hudson River Park on Sunday. Subway, bus, pedestrian and car access programs to the park will also affect Sunday travel to the park. (69)

Response: **The expected demand for the weekend is primarily related to the proposed park. Sunday demand for peak hour residential and local retail uses is low and as such the overall local transportation network is much less used on Sundays than on weekdays. It is therefore very unlikely that the project would have a unique Sunday impact location which would not have already been impacted in the more heavily-traveled weekday conditions, and the EIS does not analyze Sunday conditions. Moreover, as the pedestrian trips associated with the proposed park would be distributed along the different approach paths, the proposed action is not likely to generate more than 200 pedestrian trips at any single pedestrian element in any given hour and operational impacts are unlikely. However, in accordance with the Scope of Work, as per CEQR guidelines, an assessment of pedestrian safety issues associated with the proposed new park was provided as part of the pedestrian analyses for the proposed action, focusing on those sidewalks and crosswalks adjacent to the proposed park.**

Comment P24: Please define criteria for selecting intersections. Define and explain the reasoning for the boundaries of the primary and secondary study area. Is study area and intersections to be analyzed based on current major traffic routes or anticipated major routes considering rezoning impacts? Identify and

- clarify role of upland connectors in automotive, pedestrian, and bicycle routes. Study all streets and intersections that have direct access to significant public features (park, malls, church, etc.). (69)
- Response:** **The study area was selected based on a preliminary forecast for the proposed action to be able to identify those locations that could be impacted. The same is true for the public transit facilities.**
- Comment P25: Identify the date and source of the DDC study and other past studies, qualify the data's appropriateness and explore the possibility of updating the data. All volume data should be no older than 3 years, as recommended in the CEQR manual. (69)
- Response:** **The transportation analysis conforms to the guidelines of the *CEQR Technical Manual*, and the date and source of all reference material are included in the EIS.**
- Comment P26: Available traffic data, "based on U.S. Census data and standard references" is neither specific enough to this study area, nor current enough to be entirely useful. Explore possibility of updating the data and coordinating this data with other agencies that are anticipating projects in the area. (69)
- Response:** **The travel demand forecast for the proposed action is based on all available transportation-related data including the 2000 census, technical studies in this area, as well as other NYC studies, as specified in the EIS.**
- Comment P27: The scope should evaluate the adequacy of pedestrian, bus, and subway access to potential water taxi/ferry sites. (69)
- Response:** **The demand forecast for water taxi service is based, in part, on access time to each water taxi site as well as the cost and travel time of competing modes.**
- Comment P28: Amount of water taxi stops as well as their locations and distance from each other should be studied. RTF has identified three possible water taxi station sites along the Greenpoint waterfront:
- a. proposed pier at Klein's development away from active parkland use
 - b. Green St. pier
 - c. Kent St. Side of WNYC Transmitter park.
- Draft scope should study water taxi stops at N. 6th or 7th streets at Broadway as suggested in the 197-a plan. (69)
- Response:** **As noted in the Scope of Work, a water taxi stop is projected at the Green Street pier as a result of the proposed action, and that is analyzed in the EIS. Other locations are not analyzed in this EIS.**
- Comment P29: Any water taxi sites should be studied and considered with attention paid to their potential effect on active and or passive parkland use as well as on surrounding human, avian and marine life. The WAP should indicate that craft should be "low diesel" and "low wake hull" in order to have minimal impacts on aquatic life and other waterborne craft. (69)
- Response:** **The installation of a water taxi site at the Green Street pier is evaluated for potential effects on natural resources. The scope was edited to add reference to this technical area.**
- Comment P30: EIS should study the feasibility of bike paths to be incorporated into the shore public walkway & parkland system. Also, study the possibility of an uninterrupted bike path along Kent Avenue and West Street. (69)
- Response:** **See response to Comment E4. Kent Avenue and West Street are currently identified as on-street bicycle routes in the New York City Bicycle Master Plan, and are analyzed accordingly.**
- Comment P31: Scope of the parking analysis needs to take into account parking waivers through use of Quality Housing and subsidized/elderly housing, and how this would affect parking. Also must evaluate the impact on parking for both residential and commercial vehicles. Additionally, a parking analysis should take into account the parking that will be lost as surface parking lots are removed to make way for development. (69)

Response: The parking analysis accounts for all new demand, as well as demand and supply eliminated by the proposed action, if any. All new development is assumed to comply with zoning regulations regarding required parking in the EIS analysis.

Comment P32: When estimating capacity, EIS should take into account bicycle parking equipment near all major transit hubs, major bus stops, near parks, and at major intersections along the waterfront park. Project future additional bicycle use both with and without public provisions for bicycle parking. (69)

Response: The travel demand forecast considers all modes of transportation, including bicycles. As the proposed action consists predominantly of zoning map and zoning text changes, the EIS does not analyze provision of bicycle facilities at transit hubs, etc., unless these are part of the future without the proposed action.

Comment P33: There are several elements of the traffic study methodology that are analogous to public transit and which should be included in the scope for the public transit study, including: travel speed and delay runs, volume to capacity ratios, and a physical inventory. (69)

Response: The public transit analysis focuses on those systems that could be impacted by the proposed project, and the EIS will conform to the requirements of the *CEQR Technical Manual*.

Comment P34: Particular attention must be paid to inter-modal transfers between the bus and subway. It is essential that these and other public transit modes be examined in the EIS in much greater detail than currently proposed. (69)

Response: Comment noted. Given the distance from projected development sites to subway stations, bus-to-subway travel is expected and is included in the transit analysis of each mode.

Comment P35: According to Table 2 of the Philip Habib & Associates analysis in the draft scope, the modal split heavily favors subway use. If 55% of Greenpoint trips and 60% of Williamsburg trips are generated by subway service, then surely the analysis of subway and bus service should be at least as detailed as the automotive traffic analysis. Given the neighborhood's dependence on public transportation, there is an imbalance in the study; there are over 70 intersections designated for study in the traffic analysis, only three pedestrian intersections and not one specific bus or subway station. The emphasis of the draft scope must be altered. Bus usage appears to be grossly understated and unreflective of the increased demand for bus service. (69)

Response: The Scope of Work indicates that the three subway stations serving the study area (Bedford Avenue (L), Greenpoint Avenue (G) and Nassau Avenue (G)) would be analyzed, and that bus routes serving the area would be identified and analyzed. The Scope of Work was edited to specifically mention some of the bus routes serving the area.

Comment P36: EIS should be expanded to identify specific bus and subway stations, with "rider counts" discussed in the same manner as traffic and pedestrian counts. At the minimum, the EIS must examine peak hour usage at the Bedford and Lorimer Street L train stations; the Metropolitan-Grand, Nassau Avenue, and Greenpoint Ave. G train stations; the Marcy Avenue J/M/Z station; and key B61 and B43 transfer points at Bedford and North 7th, Manhattan and Greenpoint Avenues, and the cross-river routes at the Williamsburg Bridge. Because the G is the only subway serving Greenpoint, the EIS analysis should include the G line's above and below-ground connections to other train lines including but not limited to the "L" at Metropolitan; the 2, 3, 4, 5 at Atlantic Avenue; the C at Lafayette; the 7 train at 45th St.; and trains at Court Square and Queens Plaza. (69)

Response: The EIS analyses study those locations/routes that could be significantly impacted by the proposed action. These are the routes/stations in the Greenpoint-Williamsburg area, which would absorb most of the demand generated by the proposed action. No impacts are anticipated at remote locations such as the Atlantic Avenue Station, and those are therefore not included in the EIS analysis.

Comment P37: EIS must address overcrowding and increases in trip length and should address mitigation for these problems. Specific concerns include overcrowding on the L train and the MTA's elimination of direct G train transfers to several Manhattan-bound trains during peak hours. Analysis should include a study of the capacity of the Driggs Street entrance at the Bedford Avenue stop as well as the potential for a new subway stop at Kent Avenue. (69)

Response: **The Bedford Avenue station on the L train is analyzed in the EIS, including the street stairs to the station at Driggs Avenue. In addition, as noted in the response to Comment P7, a line haul analysis of the L train was added to the Scope of Work, and is provided in the EIS. However, the proposed action does not include any new subway stations.**

Comment P38: Transportation mitigation measures in the rezoning proposal should minimize the diversion of highway auto and truck traffic to local streets; improve and create opportunities for pedestrian/bicycle travel; increase the effectiveness of mass transit; address the needs of emergency response personnel and vehicles; and enhance the opportunities for the efficient movement of goods and other commercial services. (31, 69)

Response: **Comment noted.**

Comment 39: The DEIS should evaluate further traffic mitigation options, such as residential parking permits. (31)

Response: **Where significant impacts are identified in the EIS, mitigation options for each impact category are developed with the agencies having jurisdiction (e.g., NYCDOT, NYC Transit, etc.). For any potential parking impacts, any curbside mitigation measures would be developed in coordination with NYCDOT.**

Comment P40: Water taxis are inadequate mitigation measure. They are not a solution for working class commuters and should be regarded as a luxury supplement to a minority of the Greenpoint-Williamsburg population, they should in no way be entertained as a true mitigation measure. (31)

Response: **The creation of a water taxi stop at the Green Street pier is projected as a result of the proposed action, and is not considered a mitigation measure for any potential transportation-related impacts. Also see response to Comments P2 and P13.**

Comment P41: To address the lack of capacity to absorb ridership on the "L" line subway cars and for the lines making Manhattan-bound "G" line transfers, discuss the feasibility of establishing integrated modal transportation network for ferry service on both sides of the East River, including both bus and jitney services. Also, note the technical feasibility of operating more frequent service along such routes. (5)

Response: **The proposed action would allow docks for water taxis on rezoned waterfront sites, and the creation of a water taxi stop at the Green Street pier is projected as a result of the proposed action. Ferries would not be allowed as-of-right. Analyses of ferry systems is beyond the scope of this EIS. Estimates of water taxi usage are based on expected service parameters for the water taxis using this facility.**

Comment P42: The EIS should evaluate alternative truck routes and suggest mitigation measures for truck traffic impacts. This study should include the requirements for loading docks, curb cuts, and turning radii of trucks to assess any impacts on residential streets. Any modifications to truck routes must balance the needs of the existing and new businesses as well as the residential population. (69)

Response: **The EIS for the proposed action assesses the effect of trucking operations on the rezoning proposal (e.g., noise, etc.). If any impacts are found, practicable mitigation measures are developed. However, the altering of truck routes in the area is anticipated to be well beyond the scope of this EIS.**

Comment P43: Urge DCP to implement recommendations made by "Better Transit for Brooklyn" a comprehensive plan for improving mass transit travel within Brooklyn, and become actively involved in the dialogue regarding Brooklyn's chronically overlooked transit needs. (31)

Response: Comment noted.

Q. Air Quality

Comment Q1: The most significant problem associated with the proposed action is an increase in PM 2.5 during construction. The windy quality of all the waterfront locations in the rezoning proposal will create wider-spread problems with PM 2.5 than in other inland construction. Since much of the soil is likely to be contaminated with heavy metals, and will additionally be contaminated with lead paint and asbestos fibers after the demolition of existing buildings, dust mitigation and monitoring should be specifically mentioned in the Scoping, as should VOC vapors and odors. The scoping should also call for an air monitoring plan for both PM 2.5 and VOCs. (12, 69)

Response: The construction impacts chapter of the EIS includes an assessment of airborne particulate matter including PM2.5. In accordance with CEQR guidelines, mitigation measures are presented if it is determined that significant air quality impacts could occur during construction.

Comment Q2: The DEIS should provide an analysis of air quality impacts, including, but not limited to, carbon monoxide predictions from a number of sources, including:

1. Increased vehicular traffic, including stop and go traffic;
2. Construction activity and associated vehicles and equipment;
3. Ferry operations; and
4. Heating, cooling and ventilation equipment from new development. (17)

Response: The EIS includes an analysis of impacts in each of these areas. However, as stated above, given that the water taxi service is conceptual at this time, this assessment is performed qualitatively where warranted.

Comment Q3: The mobile source analysis should include an assessment of impacts from water taxis and ferries that may be put into service as a result of the proposed action. (69)

Response: As stated above, given that the type of water taxi service is conceptual at this time, this impact assessment is presented qualitatively and generically where applicable.

Comment Q4: The draft scope, by failing to consider the benefits of the TransGas cogeneration facility, also is seriously flawed because the public record in the State Article X proceedings, in which the city of New York and its Department of City Planning are participants, suggests that when the proposed TransGas project comes on line we can reasonably anticipate a reduction in the levels of air pollution in Williamsburg. We expect that once the TransGas facility commences operations at its North 12th Street location, existing facilities will be forced to reduce their output and associated emissions. The net effect will be improved air quality in Greenpoint/Williamsburg. (76)

Response: As stated above, the TransGas project is considered as in-place and operating under one of the two development scenarios assessed in the EIS. The proposed action does not assess the impacts of the TransGas facility on local air quality conditions, but considers these background conditions in one of the two No-Action scenarios, then measures project impacts under those conditions. Data from the TransGas air quality impact assessment was used to assess those ambient air quality conditions in the No-Action and With-Action scenarios that assume the operation of the TransGas facility.

Comment Q5: All stationary source analyses could be supplemented by an alternative whereby the TGE Facility displaces emissions from boilers and any electrical generators (except emergency-use only generators) at the “projected” and “proposed” waterfront developments. TGE is able to provide data regarding its emissions. Pending further analysis by New York City, the full steam and electric load of the “projected” and “proposed” development could be met by TGE. (76)

Response: As noted in the response to Comment A9, the Scope of Work was revised to include two development scenarios: one that assumes the TransGas power plant development, and

another that assumes that there would be no TransGas power plant at the Bayside Fuel site. The air quality analysis presented in the EIS reflects both scenarios. No additional alternatives, beyond the six listed in the Final Scope of Work and the new Affordable Housing Zoning District Alternative subsequently identified, are included in the EIS.

Comment Q6: For the stationary source analysis, the DEIS should assume new residential development for each of the residential sites referenced above. (5)

Response: The stationary source analysis examines impacts from the heating systems at the projected and potential development sites, and the sites potentially affected by industrial source permits, as necessary. All work is performed in accordance with the City's *CEQR Technical Manual*.

Comment Q7: CB1's severe lack of tree canopy cover plays a significant role in CB1's high asthma rates. EIS should examine tree canopy cover, planting of trees, ground cover and other vegetation as mitigation against potential adverse air quality impacts of the action induced development. (69)

Response: The EIS includes a comprehensive assessment of the potential air quality impacts under the proposed action. While overall it is expected the vegetative coverage in the area would increase under the proposed action, it is not anticipated that the increase in coverage would lead to any measurable improvement in air quality.

Comment Q8: The following should be inserted into Task 17-Mobile Source Analyses:

- "Determine receptor locations for the carbon monoxide microscale air quality analysis in consultation with NYCDEP. Intersections in the traffic study area with the greatest expected changes in traffic volumes that exceed the CEQR screening threshold would be selected for analysis. At each intersection selected for analysis, multiple receptor sites will be simulated in accordance with CEQR guidelines."
- "Select meteorological conditions. For refined mobile source modeling with CAL3QHCR, actual meteorological data will be employed instead of worst-case assumptions concerning wind speeds, wind direction frequencies, and atmospheric stabilities. Latest available meteorological data with surface data from LaGuardia Airport and upper air data from Brookhaven, NY, will be used for the simulation program."
- "Compare existing and future levels with standards. Future carbon monoxide pollutant levels with and without the project will be compared with the National Ambient Air Quality Standards (NAAQS) to determine compliance with standards, and the City's *de minimis* criteria will be employed to determine the impacts of the proposed action."
- "Assess particulate impacts from fuel combustion emissions. Pollutant levels for particles with an aerodynamic diameter less than 10 microns (PM10) and less than 2.5 microns (PM2.5) will be determined pursuant to a protocol agreed to by NYCDEP, using available modeling tools. It is assumed that a refined mobile source modeling with CAL3QHCR, using actual meteorological data will be employed, along with vehicle emissions computed with EPA's PART5 particulate emissions model. Future pollutant levels with the project will be assessed to determine the potential for significant contributions to PM10 and PM2.5 concentrations." (80)

Response: The Scope was revised as requested.

R. Noise

Comment R1: Pile driving is likely to be the most significant noise pollution from the proposed action. (12, 69)

Response: This potential source of noise is examined within the Construction Impacts chapter of the EIS.

Comment R2: The DEIS should provide an analysis of noise impacts from a number of sources, including, but not limited to:

1. Increased traffic;
2. Idling engines;
3. Honking horns from irate drivers;

4. Braking and accelerating cars;
5. Construction activity;
6. Construction vehicles;
7. Increased retails and commercial establishments; and
8. Increased pedestrian traffic. (17)

Response: The analysis examines the potential for impacts from mobile traffic sources as well as construction activity. Intrinsic to the mobile source modeling are the range of noise sources that are attributable to vehicular traffic including tire and engine noise, brakes, and honking. Impacts during construction are addressed in the “Construction Impacts” chapter and include an assessment of impacts from both construction activities and vehicles. It is not anticipated that impacts from additional retail space and increased pedestrian traffic will be significant.

Comment R3: For the stationary source analysis, assume new residential development for an increased number of residential sites as referenced above. (5)

Response: The residential development projections are used for assessing the potential for impacts from stationary noise sources. The EIS provides attenuation requirements for both projected and potential development sites.

S. Construction Impacts

Comment S1: Construction impacts associated with the rezoning will be enormous, and will most likely impact the Greenpoint/Williamsburg communities for 20 years, not 10. In either case, they will be more than a passing “temporary”. EIS should consider the cumulative impacts of several large construction projects occurring over the same time period on the waterfront. This is particularly important in terms of traffic impacts (Kent avenue is a major truck route and is being scheduled for reconstruction), air and noise impacts, and public waterfront access. (12, 69)

Response: The construction chapter of the EIS follows methodologies outlined in the *CEQR Technical Manual*. The EIS assumes that all construction is done pursuant to NYC Department of Buildings requirements, which are presented in the EIS. Where potential impacts are identified, practicable mitigation measures are developed.

Comment S2: Careful consideration for soil removal, dust suppression, truck sanitation and soil storage should be mentioned in the scoping documents and are a much greater impact than truck trips. Air monitoring should be mentioned in the Scoping Document as a necessity for each demolition, excavation, and building project, with the installation of periphery as well as community monitors for PM2.5 and VOCs: a community oversight committee should be appointed to each waterfront development project. Mitigation and emissions offsets should be a requirement for each large-scale construction project. (12, 69)

Response: As noted in the response to Comments K1 and K8, (E) designations for those sites determined to require further hazardous materials assessment would include mandatory construction-related health and safety plans which must be approved by the NYCDEP.

Comment S3: BTEX and other VOC contamination of soil can produce very noxious odors during excavation. Odor suppression should also be noted in the Scoping Documents as a construction impact. (12, 69)

Response: The Scope of Work was updated to include odor suppression as an evaluation parameter and will be coordinated with NYCDEP. Should potential impacts be identified, practicable mitigation measures are developed.

Comment S4: Car parking (for construction teams) should be mentioned in the Scoping Documents as a construction impact. (12, 69)

Response: See response to Comment S1.

Comment S5: Vibration from pile driving should be mentioned in the Scoping Document as a construction impact. Pile driving for new construction will create vibrations, which could impact existing infrastructure and housing stock. (12, 69)

Response: See response to Comment S1.

Comment S6: The effect of water runoff during demolition/construction to the East River and tributaries must be considered and should be noted in the scoping document. (12, 69)

Response: See response to Comment S1.

Comment S7: All construction period traffic impacts should be assessed QUANTITATIVELY. Construction period impacts are not simply a qualitative, or quality of life adjustment, but are to be coordinated exactly so as to give the least amount of obstruction to residents and business owners. (69)

Response: Construction period traffic will be distributed over a 10 year period and over a wide geographic area. Further, construction worker traffic peaks before 7 AM and in the early afternoon. Lastly, all No-Action traffic generated by a site is removed prior to construction. This combination of factors generally reduces the potential for construction related traffic impacts. As such, the scope is unchanged for this (operational) aspect of construction.

Comment S8: The DEIS should provide an analysis of the following:

1. Air quality impacts related to emissions from diesel-powered construction equipment and dust control from embankment and haul road areas;
2. Noise and vibration impacts from the heavy equipment movement and construction activities such as pile driving and vibratory compaction of embankments;
3. Water quality impacts related to erosion control, sedimentation, and turbidity reduction;
4. Traffic maintenance and detour routing, signage to provide notice of road closures and other pertinent information to the traveling public;
5. Method of notifying public in advance of road closings and other construction-related activities, which could excessively inconvenience the community so that motorists, residents, and business persons can plan travel routes in advance;
6. Maintenance of access to businesses and residences to the extent practical through controlled construction scheduling;
7. Safety considerations;
8. A sign providing name, address, and telephone of a Department contact person that will be displayed on-site to assist the public in obtaining immediate answers to questions and logging complaints about project activity;
9. Public involvement and community interaction to ease disruptive effects, public complaint procedure for when compliance with local construction noise and/or construction vibration ordinances by the contractor are not adhered to;
10. Disposal of construction material;
11. Stock piling of construction material and fill;
12. Use of borrow areas and any mitigation measures proposed to reduce dredge and fill-related impacts;
13. Sanitation accommodations (enclosed toilets) for use by construction employees that will comply with all applicable laws, ordinances, and regulations pertaining to public health; and
14. Construction equipment storage at the worksite once it is no longer needed (should not exceed five days). (17)

Response: The above are standard Department of Buildings issues relating to construction. As noted in the response to Comment S1, the EIS assumes that all construction is done pursuant to NYC Department of Buildings requirements, which are presented in the EIS. Where potential impacts, if any, are identified, practicable mitigation measures are developed.

Comment S9: Service disruptions, street closures and traffic impacts related to the connection, installation or upgrading of water mains, sewer lines, utilities and telecommunications infrastructure on large development projects must be taken into consideration in the EIS, with the study area expanded

beyond the ½-mile boundary in some instances and the importance of inter-agency coordination addressed. (69)

Response: See response to Comments S1 and S7.

T. Public Health

Comment T1: There will be adverse impacts on public health both during demolition/construction and after projects are completed. (1, 69)

Response: **Public health involves the activities that society undertakes to create and maintain conditions in which people can be healthy. Many public health concerns are closely related to air quality, hazardous materials, construction and natural resources. In accordance with the Scope of Work, an assessment of public health is provided in the EIS.**

Comment T2: “No Impact” to public health from chemical and petroleum contamination to aquifers, even when the water is not used as public drinking water, is not adequate. Vapor evaporation during demolition/construction and after projects are completed through floor drains must be considered in the Scoping document. (12)

Response: **Any construction-related issues are addressed in the Construction Impacts chapter of the EIS.**

Comment T3: Green buildings would considerably offset the health impacts of each project allowable under the rezoning proposal, as much less power plant emissions would drift into the community. Green buildings/green roof would offset energy use, heat impacts, ozone creation, and gray water. They should be a requirement of all construction under the proposed rezoning plan. (12, 69)

Response: **See response to Comment O1.**

Comment T4: Working to eliminate vermin, especially rodents, in an area before construction begins, works to prevent spread of rodents to other neighborhoods. The DEIS should provide an analysis of the proposed vermin eradication plan, and include the following:
[Items 1 through 11, relating to pest control and notification of treatment, and certification by the DOH that buildings are vermin-free prior to razing.] (17)

Response: **The EIS includes an analysis of public health. A preliminary screening analysis was conducted to determine if a detailed analysis is warranted. However, as per the guidance provided in the CEQR Technical Manual, vermin issues are considered as they relate to solid waste management practices.**

U. Mitigation

Comment U1: DCP should assure that mitigation measures and best management practices identified in the environmental review process are presented in full detail for public critique. A vague commitment to employ “best management practices” or to develop mitigation in the future should be rejected. The EIS and the CEQR findings statement should specifically commit to the implementation and maintenance of all identified mitigation measures. DCP should assure that the mitigation is instituted and maintained in a *legally enforceable* manner. By making the detailed mitigation measures an enforceable attribute of required permits, it is far more likely that the mitigation will actually be undertaken and maintained in the future. A legally binding mechanism must also be developed to assure the continuation of mitigation when, and if, the present project sponsor sells the property. (17)

Response: **All practicable mitigation measures have been developed for impacts identified in the EIS.**

Comment U2: DCP should weigh in on BSA variance applications for sites within proposed action area that are being retained for industrial use. By doing so, DCP will help to mitigate real estate speculation in these areas. (69)

Response: DCP communicates as needed with the BSA regarding the proposed action and its implications for variance applications for sites within areas proposed to be retained for manufacturing use. DCP is opposing variance applications that conflict with the proposed zoning, including applications that propose residential use in identified industrial areas.

Comment U3: In developing mitigation measures, consideration should be given to allocating sufficient/ additional resources to park maintenance for both proposed and existing parks. Clearly the parks budget will need significant improvement to ensure the long-term success of this rezoning action. (69)

Response: Please see response to Comment U1.

Comment U4: EIS should carefully and thoroughly review all of the alternatives related to density and distribution of bulk, street wall heights, economic development, affordable housing, transportation, and parks and open space as mitigation measures for impacts on Neighborhood Character. (69)

Response: In the formulation of the proposed project, DCP over the past 2 years has structured the rezoning to address the above (and other) issues. However, where significant impacts have been identified during the EIS analysis process, then practicable mitigation measures have been developed.

Comment U5: EIS should consider limitations on impervious surfaces in new construction as mitigation against increased runoff, consistent with environmental recommendations in the Greenpoint and Williamsburg 197-a plans. (69)

Response: See response to Comments M4 and M14.

Comment U6: EIS should suggest a remediation plan for the contaminated waterfront sites, addressing among other things contamination that may be especially prohibitive to development. (69)

Response: In accordance with the Scope of Work, a preliminary screening assessment was conducted for all projected and potential development sites to determine which sites warrant an (E) designation. The (E) designation would require that the fee owner of an (E) designated site conduct a testing and sampling protocol, and remediation, where appropriate, to the satisfaction of the New York City Department of Environmental Protection (NYCDEP) before the issuance of a building permit by the Department of Buildings. The (E) designation also includes mandatory construction-related health and safety plans which must be approved by the NYCDEP. Also in accordance with the Scope of Work, a Phase I ESA was prepared for the site of the proposed park (which is not subject to (E) designation) to determine previous uses on the site and in adjacent areas with the potential to have resulted in site contamination. The findings of the Phase I are summarized in the Hazardous Materials chapter of the EIS. As part of the property acquisition process associated with the proposed park mapping, the City will ensure that all appropriate testing at the proposed park site is completed, and that all necessary remediation measures are undertaken, as necessary, following acquisition and prior to construction.

Comment U7: EIS should recommend that all pile driving only occur during business hours on weekdays. (69)

Response: See response to Comment S1. As NYC Department of Buildings specifies the construction workday, typically on weekdays only, no mitigation is needed.

Comment U8: Any docks for all motorized, waterborne transportation should be located away from natural habitat and parkland uses because this type of traffic often disturbs natural habitat and disrupts enjoyment of open space. (69)

Response: As noted in the Scope of Work, the creation of a water taxi stop at the Green Street pier is projected as a result of the proposed action. This stop is assessed as part of the applicable technical analyses. Also see response to Comment J3.

Comment U9: Mitigation against potential adverse impacts of the proposed rezoning action on housing and population should include:

- The EIS should assess opportunities within the action area for the construction, conversion or rehabilitation of housing units that are guaranteed to be affordable to the Community District's current population. While setting aside land for affordable housing is an important mitigation measure, it is not a substitute for other policies that would create affordable districts throughout the district. Expand the study area to include lower-cost land to be devoted to the construction, conversion or rehabilitation of affordable residential units. (51, 69)
- The EIS should examine the ability of an affordable housing zoning district to mitigate indirect displacement pressures resulting from the rezoning. The application of an affordable housing zoning district to both waterfront sites and up-land sites should be considered as an alternative to the affordability options provided in the rezoning plan. This alternative should be analyzed to the same level of detail as the proposed action to provide sufficient basis for comparison. (51, 69)
- The EIS should examine the application of strong specific anti-harassment provisions similar to those in place in the Clinton Special District, to protect existing tenants from harassment and mitigate indirect displacement pressures resulting from the rezoning. Such provisions would address under-developed residential buildings that would be desirable for redevelopment by developers, in terms of tenant protections and partial replacement of affordable housing stock. (5, 51, 69)
- The EIS should examine the Community Stability Small-Homeowner Tax Credit proposal (introduced in the New York State Assembly in January 2003) as crafted by the Fifth Avenue Committee for Park Slope, to judge whether or not it could be adapted for use in Greenpoint and Williamsburg. It provides incentives to landlords to provide affordable units in unstabilized buildings. Although the program could not be implemented as a tax credit without the appropriate legislation, the EIS should examine alternative sources of revenue (such as tax increment financing) that could be used in a similar fashion. (51, 69)
- Commercial and luxury housing linkage fees to create affordable housing. It would require new commercial construction and luxury housing units in the redevelopment area to contribute funds for affordable housing to be built in designated receiver areas. (69)
- Equitable housing trust fund - one way to collect and distribute funds generated from any of the affordable housing funding mechanisms discussed above. The EIS should discuss the number of below-market rate units that would be generated by such a program and the income levels to be served. (69)
- Assist local community development organizations to acquire low-cost land and subsidies with which to develop affordable housing. (51)

Response: The EIS analyzes the potential for primary and secondary displacement. In accordance with CEQR, mitigation measures are explored if the EIS population and housing analysis finds that there could be potential significant impacts on affordable housing. If necessary, those mitigation measures could be composed of a number of options, not limited to zoning strategies.

Comment U10: Additional mitigation measures to be studied for companies and jobs that may be displaced as a result of rezoning should include:

- Capital funds to help buy down the costs of not-for-profit development of industrial space similar to the Greenpoint manufacturing and Design Center;
- Relocation funds for displaced companies to move to secure industrial areas;
- Conversion fees expected from owners converting industrial property to residential use, which would go into a fund that would help pay for not-for-profit development of industrial space, relocation funds, and technical assistance to upgrade the operations of existing companies;
- The funding of retraining and placement programs to mitigate lost jobs. These programs should be run through locally based organizations. (11, 69)

Response: In accordance with CEQR, mitigation measures are explored if the EIS economic analysis finds that there could be potential significant impacts on local businesses. If necessary, those mitigation measures could be composed of a number of options, not limited to zoning strategies.

V. Alternatives

Comment V1: Two blocks between Kent Avenue and the waterfront from N. 10th to N. 12th – analysis of alternatives ought to include consideration of an alternative in which the blocks would remain private property and would be rezoned to permit residential use, consistent with the proposed rezoning of the five waterfront blocks immediately south of the proposed State Park. This would reduce the city park to two blocks and would not affect the state park. Under this proposed alternative, the blocks would be rezoned from M3-1 to districts producing a blended FAR of 4.3 for residential use (a combination of R6 and R8 zoning districts) with an expected total of 1531 new dwelling units having an average size of 1000 sf of zoning floor area per unit. Request that task 22, on p. 28 of the Draft Scope be modified to include a study of the impacts of a modification of the proposal to permit residential development of the block along the lines described above. (62)
Include an alternative of residential/mixed use on the park site. (8, 9)

Response: See response to Comment A4.

Comment V2: Lower density alternative should be even lower than 4.0 FAR, and not just on the waterfront, as well as other ideas for a redistribution of bulk which will integrate new development opportunities into the existing fabric, create new economic development opportunities while enhancing existing business, and coordinate with and improve public transportation. (32)

Response: In addition to analyzing an average FAR of 4.0 on waterfront sites where a combination of R6 and R8 districts are mapped, the lesser density alternative analyzes lower density residential designations in certain upland areas. The Waterfront Urban Design alternative analyzes a redistributed bulk configuration on waterfront blocks.

Comment V3: The lesser density alternative should include a redistribution of the concentrated height and bulk of the waterfront buildings in the proposed development scenario to arterial upland corridors: south 5th street, Metropolitan Avenue, Grand Street, North 6th Street, Greenpoint Avenue, and Green Street. The lesser density alternative should also consider a mix of residential, light manufacturing and neighborhood-scale commercial uses on the waterfront. (58)

Response: Comment noted. Both the proposed action and lesser-density alternative include residential and neighborhood-scale commercial uses on the waterfront.

Comment V4: Olympic park - some parts of property have not been acquired yet. Assess a scenario where they are not acquired and don't become parkland. (53)

Response: Please see response to Comments A4, A9, A12, A34, B4, and V1.

Comment V5: Support the creation of an affordable housing zoning district– as proposed by Council Member David Yassky– to be applied to all up-zoned residential areas in the district. This new designation should be included as a lesser build/lower density alternative in the scope of work to be addressed in the Environmental Impact Statement. While the Rezoning Task Force supports David Yassky's proposal, consideration should be given to extending the 25-year term and establishing income levels that are more appropriate to Greenpoint and Williamsburg. (51, 69)

Response: See response to Comments A27 and A28.

Comment V6: Impediments to development on waterfront sites would be aggravated by the lower density alternative identified in the Draft Scope. To address those costs and development consequences, the EIS should consider a higher density alternative, i.e., a proposal for allowing 5.0 to 6.0 FAR along the waterfront. A higher FAR will add value to the waterfront property that could help off-set the high cost of providing streets, utilities, and waterfront amenities. (71)

Response: See response to Comment A27.

Comment V7: The DEIS should fully explore alternatives to the proposed project that the DCP should investigate as potentially feasible ways to lessen environmental impacts. The DEIS must consider all reasonable alternatives that are “feasible considering the objectives and capabilities of the project sponsor.”

- The range of alternatives include, among others, sites, technology, scale, or magnitude, and types of action. (17)
- Response:** **Comment noted. As noted in the Scope of Work, the purpose of an alternatives section in an EIS is to examine development options that would tend to reduce action-related impacts, and the alternatives are usually defined when the full extent of the proposed action’s impacts are identified. As the EIS analyses advance and potential impacts are identified, one or more “impact-related” alternatives may be identified to lessen or eliminate impacts. This alternate development process is more common for situations where no practicable mitigation is identified.**
- Comment V8: A DEIS that mostly assesses the proposed project to the exclusion of other lower build alternatives would be unbalanced and unacceptable. Any decision to reject a lower build alternative as not being feasible should be explained in detail in the DEIS. (17)
- Response:** **The EIS analyzes a lesser density alternative, which assumes a rezoning to a lower density zone than the proposed action on certain waterfront sites (average FAR of 4.0 compared to 4.3 with the proposed action), as well as lower density residential designations on specified upland areas. Also see responses to Comments U4 and V7.**
- Comment V9: A standard component of the DEIS, the no-build alternative, must also be thoroughly assessed to give a full sense of the adverse environmental impacts associated with the proposed project and the development it will induce. (17)
- Response:** **Comment noted. The EIS scope considers this comparison of the proposed action with the No-Action in assessing impacts, using CEQR guidelines. A No-Action alternative is included in the EIS.**
- Comment V10: In conjunction with the open space study, the scope should include an **Alternate Site for Parkland proposed for Bayside Site**. It would entail the creation of an additional 7-8 acres of parkland along the Greenpoint Waterfront. This is a highly appropriate alternative to study because:
- Much less open space is proposed for the Greenpoint waterfront than for the Northside, despite the potentially much higher residential concentrations for the Greenpoint waterfront as compared to the Northside waterfront.
 - Most of the Greenpoint waterfront is not projected to be developed by 2013 in any case.
 - This alternative allows for the same amount of new open space as NYC presently plans, while also allowing for a consideration of rezoning simultaneous with the existence of the TransGas Energy facility. (76)
- Response:** **See response to Comment A9. The EIS provides open space analyses for both reasonable worst case development scenarios (i.e., with and without TransGas). The EIS identifies mitigation measures for all identified impacts.**
- Comment V11: The draft scope indicates a no-action alternative, a smaller-density alternative, and a smaller rezoning area alternative. The smaller rezoning area alternative should be amended as per the above comments to include the restoration of the TGE Facility at the Bayside site, and the creation of 7-8 acres of additional parkland on the greenpoint waterfront, in place of “potential” development not anticipated to take place until 2013. (76)
- Response:** **The list of alternatives to be analyzed was modified in the Final Scope of Work. As noted in the response to Comment A9, the Scope of Work was also revised to include a second scenario under both No-Action and With-Action conditions, in which the TransGas power plant would be constructed on the site currently occupied by Bayside Fuel.**
- Comment V12: The EIS should analyze the impacts of an alternative “modified” MX district, which includes the environmental protections of the existing MX text as well as the protections for a balance of uses from the Special Northside Mixed Use District (M/R) text. (69)
- Response:** **See response to Comment A48.**

Comment V13: In the absence of a modified MX text, recommend that the Special Northside Mixed Use District be mapped in proposed MX areas in the Northside, except for areas abutting existing or proposed open space. (69)

Response: See response to Comment A48. The proposed Special Mixed Use Districts address a number of issues, such as requiring new buildings to address the scale of the existing neighborhood, facilitating Quality Housing development, and allowing mixed-use buildings and live-work accommodations, which are not addressed by the Special Northside District.

Comment V14: The EIS should address and study the use of a commercial overlay in Greenpoint, as a more inclusive designation that will allow for a variety of non-polluting commercial enterprises other than just retail. (69)

Response: The proposed Special Mixed Use (MX) Districts in Greenpoint would accommodate a range of residential, commercial, and light industrial uses that reflect existing land use patterns in the area.

Comment V15: EIS should examine an additional build scenario with a redistribution of bulk and massing regulations as described in Attachment A of the RTF's 11/23/03 comment letter. (69)

Response: The Scope of Work was revised to include a Waterfront Urban Design Alternative, where the maximum height permitted for buildings on waterfront parcels where R8 districts are mapped would be 250 feet, and the zoning text would allow towers to be located further from the shoreline.

Comment V16: Assessment of alternatives should include a comparative photo-simulation showing future conditions with the proposed action and future conditions with a lesser build alternative as well as a proposed redistributed bulk alternative (see comment V16) from viewpoints within the action area and adjacent neighborhoods as well as more distant locations. (69)

Response: The urban design section of the Scope of Work was edited to indicate that a graphical comparison of the lesser density alternative would be provided for a portion of the waterfront views depicted for the proposed action, as detailed in the response to Comment H6.

Comment V17: 3-D studies or photo-simulations should show massing options for the proposed action on the waterfront development sites in the following 2 ways:

- Lower street wall with higher towers
- Higher street wall with lower towers. (69)

Response: See response to Comment V16.

Comment V18: Alternatives should be assessed to a high level of detail in order to make meaningful comparisons with the proposed action and quantitative assessment, where the impacts of the alternative are quantified, is preferable to a qualitative assessment. (69)

Response: The analysis of alternatives is quantified to the degree necessary to assess impacts. As an example, if the proposed action has no impacts on Technical Area A, the lesser density alternative is qualitative for that area. If there is an impact, then a quantitative assessment is provided. Also see response to Comment V7.

Comment V19: In addition to the build and no-build alternative under the RWCDS, and the lesser build alternative, the EIS should study the following alternatives:

- Under task 3, mechanisms to mandate affordable housing and prevent residential displacement
- Under task 5, additional open space opportunities
- Under task 7, incentives for adaptive re-use of industrial buildings
- Under tasks 8 and 9, options for massing and bulk distribution to maintain visual resources and neighborhood character
- Under task 16, transportation alternatives and improvements. (69)

Response: Adaptive re-use of industrial buildings is encouraged by existing zoning regulations, which permit overbuilt buildings to maintain all of their floor area upon re-use. See responses to Comments A27, A28, A37, E2, V16, and P1.

W. General Comments on Proposed Action/miscellaneous

Comment W1: Concerned that as blocks become residential, there will be increasing complaints; there should be a balance of residential and commercial zoning. (16)

Response: Comment noted.

Comment W2: Two people as an *average* household size speaks volumes about the type of housing that the City envisions on the waterfront development sites. It is not affordable housing, despite the fact that the waterfront sites will be the core of new housing generated by this rezoning. (18, 58)

Response: Comment noted. See response to Comment A21.

Comment W3: There exists a shortage of affordable housing in our community, and the impact of the proposed rezoning on our housing crisis is a serious concern. When this rezoning occurs, I fear that ensuing increases in property values and the enhanced desirability of our community to wealthy professionals will fuel market rate rents - both within the rezoning area and much farther upland - that longtime residents simply will not be able to afford. (10)

Response: Comment noted.

Comment W4: Given the accelerating residential real estate pressures, the proposed MX zone would simply be utilized by developers as a “transitional zone” thereby accelerating the transformation from industrial to residential uses and fueling speculation in the adjacent manufacturing areas, leading to increased variance applications, higher rents and further industrial displacement. (51)

Response: Comment noted. See response to Comments C1 and C7.

Comment W5: Rents are skyrocketing; landlords trying to get rid of tenants; make room for the people now living there, not just developers and people moving from Manhattan. Rezoning plan is forcing people to move out of the city. (42, 47)

Response: Comment noted.

Comment W6: In the face of rapidly rising rents and stagnant household incomes, current residents will certainly be forced out unless the City takes action to create strong mandates and incentives for affordable housing. (51)

Response: Comment noted.

Comment W7: Scoping document should be revised to reflect community’s vision. (18)

Response: Comment noted.

Comment W8: There will be an increase in population and traffic. (19)

Response: Comment noted.

Comment W9: If this gets rezoned to residential, will move either to NJ or PA. (23)

Response: Comment noted.

Comment W10: Urge administration to be sensitive to the residential and manufacturing character of this neighborhood. (1)

Response: Comment noted.

Comment W11: Zoning in this area is outdated, congratulate DCP for changing it. (3)

We applaud the efforts of New York City Department of City Planning in proposing a thoughtful and far reaching plan which we believe will serve the City and its residents well. (9)

Response: **Comment noted.**

Comment W12: As this is a small community, all cables are aboveground. Need to address how all these cables will somehow end up below ground. (35)

Response: **Comment noted.**

Comment W13: Median rent increased 67%, more than anywhere else in the city. (39, 51, 69)

Response: **Comment noted.**

Comment W14: City has terrible track record in public access to the waterfront (esplanade). (41)

Response: **Comment noted.**

Comment W15: Rental laws are being abused by landlords. (49)

Response: **Comment noted.**

Comment W16: Is ashamed of what DCP has proposed as mitigation for secondary displacement impacts for ATURA and Flushing-Bedford. (56)

Response: **Comment noted.**

Comment W17: Need to keep streets truly public. (57)

Response: **Comment noted. In addition to maintaining existing public streets, the proposed action would require upland connections within the Waterfront Access Plan, securing public access at important locations where public streets do not exist.**

Comment W18: Community housing groups should be given a prominent role in the development and design of the affordable housing built on the Williamsburg-Greenpoint waterfront. (2)

An urban competition for the waterfront buildings and the open spaces should be held by next year. (21)

Response: **Comment noted.**

Comment W19: The Department of City Planning as well as the Mayor's Office need to safeguard against the kind of planning that may inadvertently or otherwise divide our community both physically and economically between the upscale and the disadvantaged; between those areas enhanced by environmental amenities while others remain overburdened. (30)

Response: **Comment noted.**

Comment W20: I am for the rezoning of the area if doing so will provide affordable housing for the community. But if the end result is the destruction and dispersal of the existing community because housing will no longer be affordable then I am against the rezoning and would then favor the creation of a waterfront park. (75)

Response: **Comment noted.**

Comment W21: Inlet as a restored habitat can offer community kayakers/canoers, naturalist and environmental and educational institutions opportunities for recreation through education while using the Bushwick Inlet as a wonderful place of destination to visit the wonders of an estuarine habitat. Support light recreational boating that offers recreation through environmental education, but Recreational motorboats and permanent docking such as a marina would not be compatible with the Bushwick Inlet, as they commonly produce pollution, noise and an amount of traffic that would be detrimental to the environmental health of the species that lives and migrate to the site. (28)

Response: **Comment noted.**

Comment W22: There are some amazing buildings already on the waterfront, and one of the great and resourceful things that people have done in this community is to renovate and reinterpret the use of buildings. This should be a requirement. Buildings should not be torn down unless they are dangerous. Buildings like the Domino sugar factory and the old Con Ed power plant should be landmarked, redeveloped into mixed use housing, and continue to be the architectural anchors of our waterfront. (63, 64, 65, 66, 78)

Response: **Comment noted.**

Comment W23: The Schaefer Brewery site provides an important model for future rezonings as it is the product of collaboration between State and City agencies, community groups and a private developer. (2)

Response: **Comment noted.**

Comment W24: Vito J. Lopez put forward the Schaeffer Brewery site as a great success of affordable housing, but it's an absolute failure regarding the scale of the existing community. This 25-story tower sets a bad precedent. (63, 65, 66, 78)

Response: **Comment noted.**

Comment W25: Suggest enforcement of building codes to prevent and stop illegal conversions. Why not increase the fines for those properties that have converted to residential use without going through the proper channels? It is unfair that business owners are subjected to the scrutiny of over 15 local and state agencies for compliance while property owners of illegal conversions receive hardly a visit or violation from municipal agencies. (68)

Response: **Comment noted.**

Comment W26: Mixed usage is a tool for warehousing residential property. Too often industrial property is purchased with the sole intention of developing it for residential use and not for industrial purposes. Many good commercial spaces are being warehoused for residential rewards. (68)

Response: **Comment noted.**

Comment W27: The statement of purpose in the EIS should acknowledge that Greenpoint and Williamsburg already have distinct and diverse thriving populations and local economies that need room to grow and mechanisms to ensure appropriate, sustainable and sound development. It should also acknowledge the important citywide role of this rezoning action in setting a precedent for the development of formerly industrial waterfront communities that balances citywide and local needs. (69)

Response: **Comment noted.**

Comment W28: In no way do we feel that the needs of the wild birds outweigh the open space needs of the people in our area! We do feel that pockets of nature will serve to augment the experience of the waterfront and life itself in Greenpoint/Williamsburg. (36)

Response: **Comment noted.**

Comment W29: The DEIS should provide assurances to businesses and residents that DCP and all involved agencies fully intend to work with the community to make the construction of the project the least disruptive possible. (17)

Response: **Comment noted. Please see response to Comment S1.**

Comment W30: Induced growth or secondary impacts associated with the rezoning should be thoroughly evaluated in the DEIS. A project of this magnitude will undoubtedly increase traffic along local roads. There will be an increase in vehicle trips, impervious surfaces, stormwater flows, construction, and wastewater associated with this induced development— above and beyond those impacts directly associated with the proposed project. All these impacts must be fully assessed and quantitatively presented for each alternative viewed in the DEIS so that a complete picture of the project's impacts will be revealed. (17)

Response: **Comment noted. The EIS provides detailed analyses of the proposed action's potential impacts on all technical areas outlined in the *CEQR Technical Manual*, as outlined in the Scope of Work.**

Comment W31: The detail of analysis, scope of alternatives, and stringency of mitigation measures presented in the DEIS should reflect the magnitude and significance of the project. (17)

Response: **Comment noted. See response to Comments V7 and U1.**

Comment W32: The City of new York has been at odds with TransGas Energy Systems, L.L.C., regarding our proposal to site a combined cycle cogeneration facility on a property located at North 12th Street between Kent Avenue and the East River, which is identified as Block 2277, Lot1. The focus of the City's opposition is purported by the Bloomberg Administration to arise from a concern about the actions comprising the Greenpoint-Williamsburg Waterfront Plan. (76)

Response: **Comment noted.**

Comment W33: Real estate faculty members and graduate student researchers at the NYU Real Estate Institute recently performed an independent analysis and established conclusively that:

- (1) Real estate development processes in New York City are not adversely affected by the presence of power plant infrastructure, even the existing generation of less efficient, more polluting plants that do not have TransGas' excellent environmental profile.
- (2) Once neighborhood or site zoning allows high-rise housing, the buildings are financed and constructed and accommodate the presence of power plants. Furthermore, people pay no less when they move next to these facilities, even on the sides of buildings that face power plants; frequently they pay more. (77)

Response: **Comment noted.**

Comment W34: The TransGas project is completely compatible with the development vision outlined in the proposed rezoning and under consideration in the Draft EIS scope. Furthermore, TGE is the only company that has developed a comprehensive plan with funding to clean up the contamination at the brownfield site where it is to be built so that the site can be developed. (77)

Response: **Comment noted.**

Comment W35: The 35-story developments could triple the number of residents in this area. The infrastructure does not support this. Please refrain from planning against the community and take the wonderful spaces at the waterfront to build affordable housing, get waterfront access for the residents and take a step in making New York a more livable city. (79)

Response: **Comment noted.**

Comment W36: There should be at least one water fountain on Bedford Avenue. (21)

Response: **Comment noted.**

Comment W37: CPC should try and access environmental remediation and community planning money made available through State Brownfields legislation. (2)

Response: **Comment noted.**

Comment W38: Perhaps take some space for parking and use it for affordable housing. (48)

Response: **Comment noted.**