24

Effects on Disadvantaged Communities

This chapter assesses the potential for the Proposed Actions to cause or increase a disproportionate pollution burden on disadvantaged communities.

Introduction

Section 8-0109(2)(k) of the New York State Environmental Conservation Law requires that Environmental Impact Statements (EISs) include a statement of the effects of the Proposed Actions on disadvantaged communities (DAC), including whether the action(s) may cause or increase a disproportionate pollution burden. A disproportionate pollution burden is a pollution burden within an affected DAC that is, or would be, significantly greater than that same burden in comparable non-DACs, as a result of a proposed action.[1] The *2021 CEQR Technical Manual* does not provide guidance regarding the scope of this analysis. On January 29, 2025, the New York State Department of Environmental Conservation (NYSDEC) proposed a rule that provides additional consideration regarding this new statutory provision in the context of environmental reviews.[2] This assessment of effects on disadvantaged communities considers the impacts identified using the *CEQR Technical Manual* and uses the framework of draft State Environmental Quality Review (SEQR) guidance issued by NYSDEC, as described in detail below.

The Applicants are seeking several discretionary actions/approvals (the Proposed Actions) that would apply to the Rezoning Area, consisting of Brooklyn Block 2590, Lot 25 and the majority of Lot 1, and the northern half of the former Quay Street in the Greenpoint neighborhood of Brooklyn, Community District (CD) 1; the remaining portion of Lot 1 (which would not be rezoned); and a relocation site that would house two NYCTA facilities that are being relocated from their existing locations and

[1] NYSDEC, https://dec.ny.gov/sites/default/files/2025-01/ejsitinglawseqrfaqs.pdf

[2] NYSDEC, https://dec.ny.gov/regulatory/regulations/proposed-emergency-recently-adopted-regulations/state-environmental-quality-review-act-regulatory-revisions

consolidated into a new facility located at 213 Meadow Street (Block 2951, Lots 1, 5, and 45), in the East Williamsburg neighborhood of Brooklyn CD 1 (the NYCTA Relocation Site).

As described in **Chapter 1, Project Description**, the Proposed Actions would facilitate a mixed-use development on the Development Site (Brooklyn Block 2590, Lots 1 and 25[3]) that would comprise three buildings totaling approximately 1,215,000 gross square feet (gsf) (the Proposed Development). This includes two buildings on Lot 1 that would include approximately 1,106,500 gsf of residential space for up to approximately 1,150 total dwelling units (DUs), approximately 300 of which would be affordable pursuant to Mandatory Inclusionary Housing (MIH) requirements. The development would also include approximately 36,500 gsf of local retail space[4] and approximately 37,000 gsf of below-grade accessory parking (approximately 140 spaces) on Lot 1. Additionally, the Proposed Development would include the construction of community facility space, including approximately 35,000 of space earmarked as a permanent home for the Greenpoint Monitor Museum on Lot 25, which is owned by the Monitor Museum.

The development would include the creation of over an acre of waterfront open space (approximately 50,000 square feet [sf] or 1.15 acres). This new open space would include an approximately 34,000-sf Waterfront Public Access Area (WPAA) and an approximately 9,000-sf Public Access Area (PAA). The public open space would include a landscaped Shore Public Walkway providing a pedestrian connection between the future Bushwick Inlet Park and the existing Shore Public Walkway to the north of the Development Site, and an upland connection between the future Bushwick Inlet Park and West Street. The Proposed Development would also include resiliency and flood protection measures, and shoreline erosion controls on the Development Site. As part of the Proposed Development, long-term funding in the amount of $300,000 would be provided annually to the City/New York City Department of Parks and Recreation (NYC Parks) for the operation of Bushwick Inlet Park.

To enable the redevelopment of the Development Site, the existing NYCTA Facility on Lot 1 would be relocated to a new, approximately 143,000-gsf turnkey facility at the NYCTA Relocation Site at 213 Meadow Street in East Williamsburg. The existing NYCTA Emergency Response Unit (ERU) Facility, currently located at 65 Commercial Street (Block 2472, Lot 415) in northern Greenpoint, would also be relocated to the new facility (the NYCTA Replacement Facility) at the NYCTA Relocation Site. The relocation of the ERU Facility to the NYCTA Relocation Site would create a fully vacant site at 65 Commercial Street, which would facilitate the full realization of the planned Box Street Park by the City, allowing for an additional 25,000 sf of publicly accessible open space to be developed at the ERU Site.

Because the Development Site and NYCTA Relocation Site are both located in disadvantaged communities, an assessment of the Proposed Actions' potential effects on DACs is warranted.

Principal Conclusions

The Proposed Actions would not have significant adverse impacts related to their effects on disadvantaged communities. Based on the technical analyses presented in the EIS pursuant to *CEQR Technical Manual* guidance, the Proposed Actions would not have the potential to result in

[3] Within the Development Site, Lot 1 is owned by the MTA and Lot 25 is owned by the Greenpoint Monitor Museum.

[4] The Project Developer may include up to approximately 3,000 sf of community facility space (i.e., meeting space) for non-profit use in place of local retail space in the East Building. For the purpose of a conservative assessment, the EIS analyzes this space as local retail.

significant adverse impacts in any technical areas other than transportation (traffic and pedestrians) and construction (traffic, pedestrians, and noise). Construction impacts would be temporary and are typical for a project of this size, and operational traffic impacts would affect a limited number of intersections that would experience poor levels of service in the No-Action condition as well. Although not all transportation and construction impacts could be mitigated, none of these significant adverse impacts would cause or increase a disproportionate pollution burden on a DAC, either alone or in conjunction with other technical areas.

Methodology

The *CEQR Technical Manual* predates changes to the Environmental Conservation Law § 8-0109 and does not provide guidance regarding the scope of this analysis. The NYSDEC proposed a rule in January 2025 that provides additional considerations regarding this new statutory provision. Draft NYSDEC regulations and guidance were consulted to develop this assessment. The assessment in this chapter incorporates that draft guidance and discusses the impact categories outlined in the *CEQR Technical Manual*.

Based on guidance in the Appendix C of New York State Environmental Quality Review Act-Environmental Justice Siting Law Amendments Draft SEQR Guidance,[5] an evaluation of a proposed action's potential effects on DACs is warranted if a project is located in or within half a mile of an identified disadvantaged community—or if its impacts could otherwise affect a disadvantaged community. The next step is to identify direct or indirect impacts and the scale of which related to pollution (e.g., wastewater discharges, air emissions, noise, odor, solid or hazardous waste generation, transportation, or disposal) that could occur because of the Proposed Actions. The last step is to determine whether the Proposed Actions would cause or increase a pollution burden within a DAC.

Study Area

DACs in New York State were identified based on criteria adopted in 2023 by the Climate Justice Working Group (CJWG), a group composed of representatives from State agencies and environmental justice groups across the State. The CJWG used 45 indicators to identify 35 percent of Census Tracts within New York State as DACs. The criteria include multiple indicators that represent the environmental burdens or climate change risks within a community, or population characteristics and health vulnerabilities that can contribute to more severe adverse effects of climate change.[6]

As shown in **Figure 24-1**, the Development Site is located in a DAC identified as having comparatively lower burdens and vulnerabilities—Census Tract 561.00.[7] As shown in **Figure 24-2**, the NYCTA Relocation Site is located in a DAC identified as having comparatively higher burdens and vulnerabilities—Census Tract 449.00.

[5] NYSDEC (2025), https://dec.ny.gov/sites/default/files/2025-01/part617risguidanceappc.pdf

[6] NYSDEC (2025), https://climate.ny.gov/resources/disadvantaged-communities-criteria/

[7] The Disadvantaged Community Assessment Tool (DACAT) identifies DACs as having either 1) comparatively higher existing burdens or vulnerabilities and therefore an increased likelihood that a proposed action may have a moderate to large impact on the DAC, or 2) having comparatively lower existing burdens or vulnerabilities and therefore a decreased likelihood that a proposed action may have a moderate or large impact on the DAC. The methodology used by NYSDEC to delineate these categories is provided here: https://es.dec.ny.gov/sites/default/files/2025-01/part617risdactoolappa.pdf

Figure 24-1 Disadvantaged Communities Study Area – Development Site

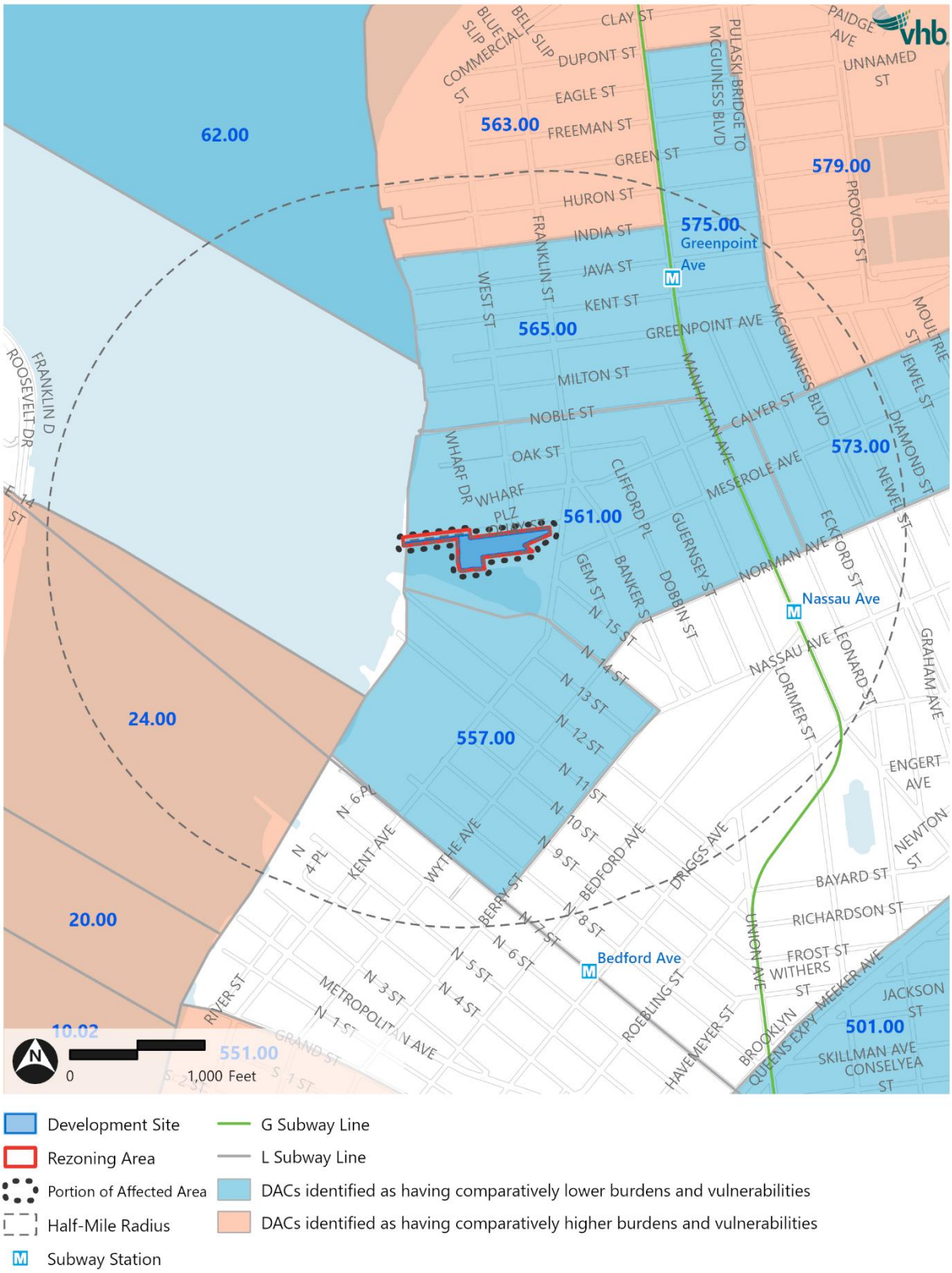
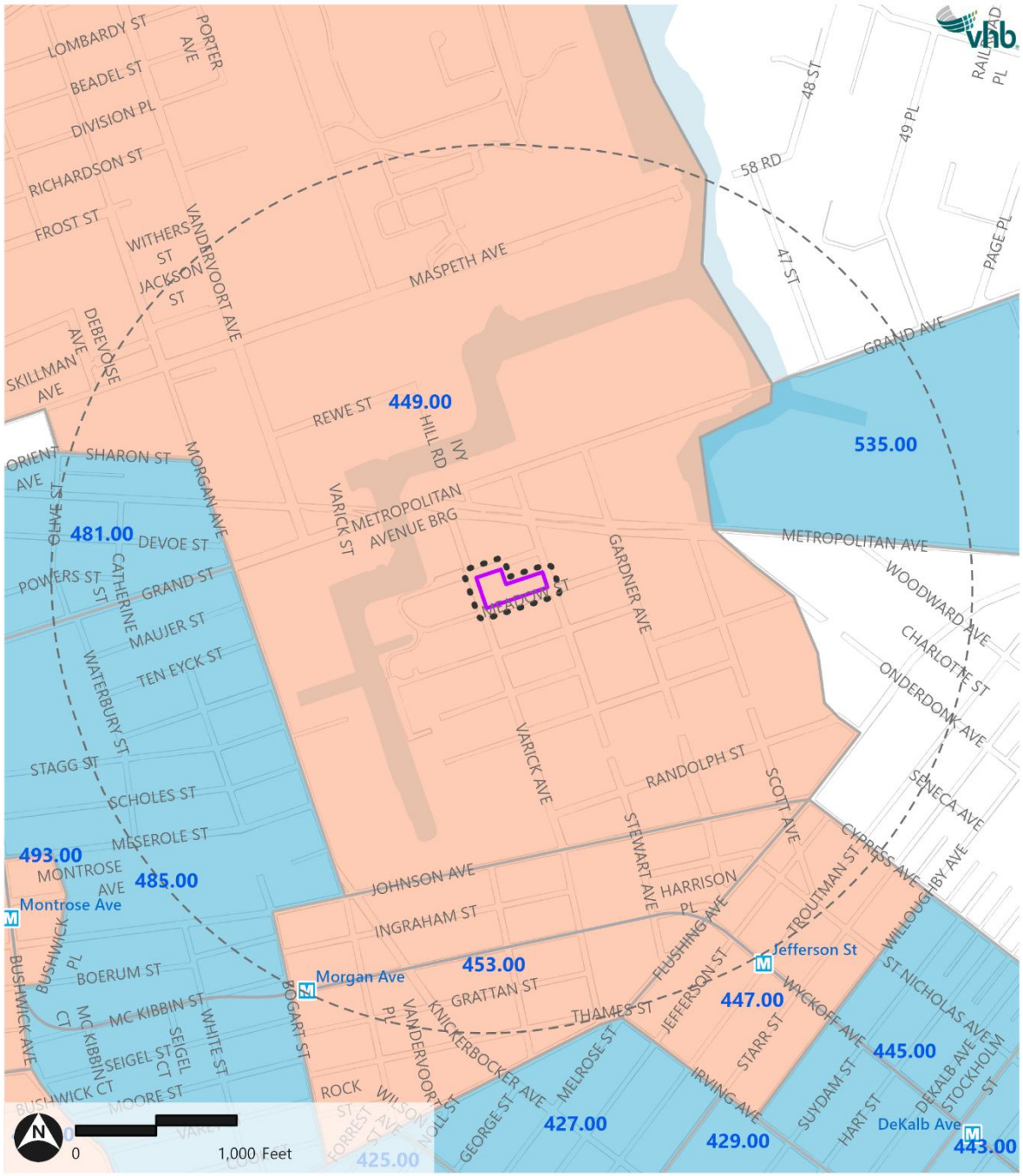


Figure 24-2 Disadvantaged Communities Study Area – NYCTA Relocation Site



Disadvantaged Communities Assessment

Impact Summary

As the *CEQR Technical Manual* has not been updated to include guidance for an assessment of potential effects on disadvantaged communities, this analysis uses guidance from the draft of the updated SEQRA Environmental Assessment Form (EAF). The proposed EAF Full Form identifies direct or indirect impacts that may affect a DAC, including: new noise sources or expansions/modifications of existing noise sources (i.e., noise from operational sources or construction activities); emissions of air pollutants including mobile emissions; wastewater discharges; generation of odors; light pollution; new or modified radiation sources; or new or modified sources of solid waste generation, management, or disposal. The Proposed Actions would not result in significant adverse impacts in these technical areas in DACs or in non-DACs, except for construction noise, nor would it cause a combination of moderate effects that together may result in a pollution impact in the Affected Area or surrounding study area.

The foregoing sections of the EIS found that the Proposed Actions would not result in significant adverse impacts in any of the following CEQR technical areas: land use, zoning, and public policy; socioeconomic conditions; community facilities and services; open space; shadows; historic and cultural resources; urban design and visual resources; hazardous materials; air quality (operational and construction); noise (operational); water and sewer infrastructure; energy; greenhouse gas emissions and climate change; public health; and neighborhood character. The Proposed Actions would not result in significant adverse impacts related to hazardous materials as the existing (E)-Designation (E-138) would preclude the potential for any significant adverse impacts on the Development Site and a new (E)-Designation (E-870) would preclude the potential for any significant adverse impacts on the NYCTA Relocation Site. However, the EIS identified the potential for the Proposed Actions to result in significant adverse traffic and pedestrian impacts during the operational and construction periods, and noise during the construction period. As described in **Chapter 19, Mitigation** and **Chapter 21, Unavoidable Significant Adverse Impacts**, the Proposed Actions would have the potential to result in operational and construction-period traffic and pedestrian impacts, and construction-period noise impacts that would not be fully mitigated. As such, the potential effects of these significant adverse impacts on disadvantaged communities are described in the sections below.

The operational traffic and pedestrian impacts and construction-period traffic, pedestrian, and noise impacts discussed below are associated with the Proposed Development at the Development Site on the Greenpoint waterfront (Brooklyn Block 2590, Lots 1 and 25). No significant adverse impacts were identified in the EIS as a result of the development of the NYCTA Replacement Facility at the NYCTA Relocation Site in East Williamsburg (Block 2951, Lots 1, 5, and 45).

Transportation

Traffic

As discussed in **Chapter 12, Transportation**, the Proposed Actions would result in significant adverse traffic impacts to four intersections (at six specific traffic movements) during the weekday AM peak hour, four intersections (at six specific traffic movements) during the weekday midday peak hour, five intersections (at nine specific traffic movements) during the weekday PM peak hour, and

five intersections (at seven specific traffic movements) during the Saturday peak hour. As discussed in **Chapter 19, Mitigation**, standard traffic capacity improvements typically implemented by New York City Department of Transportation (NYC DOT), such as signal timing modifications, could mitigate traffic impacts at two intersections during the weekday AM peak hour, three intersections during the weekday midday peak hour, four intersections during the weekday PM peak hour, and two intersections during the Saturday peak hour. However, significant adverse traffic impacts would remain unmitigated at two intersections during the weekday AM peak hour, one intersection during the weekday midday peak hour, one intersection during the weekday PM peak hour, and three intersections during the Saturday peak hour. All intersections that would experience unmitigated traffic impacts are located within Lower-Burden DAC areas.

While air and noise emissions associated with traffic may have the potential to create a pollution burden on a DAC, traffic itself does not constitute pollution. Although the EIS discloses potential significant adverse traffic impacts, the Proposed Actions would not result in significant adverse air quality and noise impacts from mobile sources (vehicular traffic) (see **Chapter 13, Air Quality** and **Chapter 15, Noise**). Therefore, none of the DACs within the half-mile radius would experience disproportionate impacts due to air quality pollution or increased noise from mobile sources.

Pedestrians

As described in **Chapter 12, Transportation**, two of the 22 pedestrian elements analyzed would be significantly adverse impacted by the Proposed Actions:

- Southwest corner at the intersection of Franklin Street and Quay Street (Saturday peak hour)
- South crosswalk at the intersection of Franklin Street and Quay Street (weekday AM, midday, PM and Saturday peak hours)

As discussed in **Chapter 19, Mitigation**, no feasible mitigation measures were identified, therefore the significant adverse impacts to these pedestrian elements would remain unmitigated. The intersection that would experience unmitigated pedestrian impacts is located within a Lower-Burden DAC area; however, the potential pedestrian impacts would not create a disproportionate pollution burden.

Construction

Traffic

As discussed in **Chapter 18, Construction**, 13 intersections were analyzed for potential significant adverse traffic impacts during the construction traffic peak hours. Significant adverse impacts were identified at three intersections (at four specific traffic movements) during the weekday AM construction peak hour and four intersections (at six specific traffic movements) during the weekday PM construction peak hour. Where these impacts during construction can be expected to occur, traffic capacity improvements in the form of signal timing modifications are proposed to provide full mitigation where feasible. Significant adverse traffic impacts could be fully mitigated at the three significantly impacted intersections during the weekday AM construction peak hour and three of the four significantly impacted intersections could be fully mitigated during the PM construction peak hour (one intersection would remain unmitigated). The intersection that would experience unmitigated construction traffic impacts is located within a Lower-Burden DAC area. As discussed in

Chapter 18, Construction, traffic conditions during construction would not result in significant adverse air quality impacts.

Pedestrians

As described in **Chapter 18, Construction**, construction-related activities would generate 567 pedestrian trips during the weekday AM and PM construction peak hours. While the number of construction-related pedestrian trips would be substantially lower than pedestrian trips generated by the Proposed Development (1,262 pedestrian trips during the weekday AM commuter peak hour and 2,278 pedestrian trips during the PM commuter peak hour would be generated by the Proposed Development), significant impacts were identified that could not be mitigated at the south crosswalk at the intersection of Franklin Street and Quay Street under weekday operational conditions. Therefore, it is possible that construction activities could result in the same significant adverse pedestrian impacts, although the potential for these significant pedestrian impacts during construction would be no worse than what has been identified for the operational condition.

Noise

As described in **Chapter 18, Construction**, construction of the Proposed Development would have the potential to result in a significant adverse construction noise impact on the future building to be located at 3 West Street due to exceedances of the thresholds for exterior increase in noise and thresholds for acceptable interior noise levels for residential uses. Construction at the Development Site would be required to adhere to New York City's construction noise regulations, including the requirement to prepare and implement a Construction Noise Mitigation Plan and to construct an 8-foot-tall construction noise barrier, which is assumed in the noise modeling analysis. However, even with these measures, construction noise would exceed the threshold for a significant adverse construction noise impact at one receptor location during certain phases of the construction work.

Determination

As noted above, there are no anticipated significant adverse impacts associated with the development of the NYCTA Replacement Facility at the NYCTA Relocation Site. Although the NYCTA Relocation Site is in a Higher-Burden DAC, the site itself is surrounded by existing industrial and manufacturing facilities and buffered from sensitive uses. The Proposed Actions would not have a significant adverse impact on disadvantaged communities with respect to development on the NYCTA Relocation Site.

Unmitigated significant adverse impacts on traffic and pedestrians during the operational and construction periods, and noise during the construction period, because of the Proposed Development would not cause a significant adverse impact due to their effect on disadvantaged communities. While air and noise emissions associated with traffic may have the potential to create a pollution burden on a DAC, traffic itself does not constitute pollution. Additionally, the construction noise impact would be limited in duration and would not rise to the level of a public health impact. As noted above, there would not be any significant adverse mobile-source air quality impacts associated with such operational or construction-period traffic.

Traffic congestion along local thoroughfares would be present without the Proposed Development, due to background development in the No-Action condition (such as the Calyer Place development) that would generate substantial traffic volumes along primary streets serving the local network.

Unmitigated operational traffic impacts at this scale are not unusual for projects of a comparable size to the Proposed Development throughout New York City. Additionally, the Proposed Actions would remove truck traffic associated with the existing NYCTA Facility at the Development Site.

Construction trucks would be required to use NYC DOT-designated truck routes to get to the Development Site and would then use local streets to access the construction site. During construction, sidewalk and curbside bike lane closures are expected along the south side of Quay Street abutting the Development Site. These closures are needed to accommodate crane footings. The DOT Office of Construction Mitigation and Coordination (OCMC) reviews and approves Maintenance and Protection of Traffic (MPT) plans, and the implementation of the closures is also coordinated with DOT OCMC. The Applicants will work with NYC DOT on a relocation plan for the affected sidewalks and bike lanes during construction. In general, construction managers for major projects on adjacent sites also coordinate their activities to avoid delays and inefficiencies. These are standard practices undertaken at construction sites throughout the city, and while the impacted intersections are in a DAC, construction traffic impacts would not cause a disproportionate burden compared to construction that occurs on a regular basis throughout Brooklyn and New York City.

While the additional traffic introduced by the Proposed Actions during construction and operation would lead to significant adverse traffic impacts based on *CEQR Technical Manual* guidance, there would be no associated air quality impacts during construction or operation. While one receptor analyzed could experience a significant adverse construction noise impact, the impact would be temporary and would not permanently increase noise pollution or disproportionately affect DACs. and therefore would not rise to the level of disproportionate pollution burden. Given the potential for construction-related noise impacts would be temporary and localized, it is not anticipated that the Proposed Actions would have a disproportionate pollution burden on DACs due to noise emissions during construction. Therefore, the Proposed Actions would not result in a disproportionate pollution burden on DACs.

The Proposed Actions have several potential benefits that would occur in DACs. The Proposed Actions would allow the existing NYCTA Facility to be removed from the Development Site and relocated to a more appropriate location in an Industrial Business District. At this new location, NYCTA operations would be buffered from residential uses within DACs, unlike in the No-Action condition. The relocation would remove a barrier between the waterfront and upland neighborhoods. The Proposed Development would provide publicly accessible open space that would be utilized by residents, along with a new museum. The substantial amount of affordable housing that would be introduced as part of the Proposed Development (up to 300 permanently affordable units) would benefit area residents by providing increased housing options in a transit-rich and amenity-rich neighborhood.

Based on the foregoing analysis, the Proposed Actions would not have significant adverse impacts related to their effects on disadvantaged communities.