541-545 Bay Street Rezoning

Environmental Assessment Statement

CEQR Number: 23DCP037R

Prepared For:

Epsilon Enterprises Realty, LLC

Prepared By:

Environmental Studies Corporation

June 30th, 2023

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Section I – EAS Form

City Environmental Quality Review
ENVIRONMENTAL ASSESSMENT STATEMENT (EAS) SHORT FORM

FOR UNLISTED ACTIONS ONLY • *Please fill out and submit to the appropriate agency* (see instructions)

Part I: GENERAL INFORMATION

1. *Does the Action Exceed Any Type I Threshold in 6 NYCRR Part 617.4 or 43 RCNY §6-15(A) (Executive Order 91 of 1977, as amended)?* ☐ YES ☒ NO

If "yes," **STOP** and **complete the FULL EAS FORM**.

2. *Project Name* 541-545 Bay Street Rezoning

3. *Reference Numbers*

CEQR REFERENCE NUMBER (to be assigned by lead agency) 23DCP037R	BSA REFERENCE NUMBER (if applicable) N/A
ULURP REFERENCE NUMBER (if applicable) 220426ZMR; N220392ZRR	OTHER REFERENCE NUMBER(S) (if applicable) (*e.g.*, legislative intro, CAPA) N/A

4a. *Lead Agency Information*			**4b. *Applicant Information***		
NAME OF LEAD AGENCY Department of City Planning			NAME OF APPLICANT Epsilon Enterprises Realty, LLC		
NAME OF LEAD AGENCY CONTACT PERSON Stephanie Shellooe, AICP, Director (EARD)			NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON Hiram Rothkrug, Environmental Studies Corp.		
ADDRESS 120 Broadway, 31st Floor			ADDRESS 55 Water Mill Lane		
CITY New York	STATE NY	ZIP 10271	CITY Great Neck	STATE NY	ZIP 11201
TELEPHONE 212-720-3328	EMAIL sshellooe@planning.nyc.gov		TELEPHONE 718-343-0026	EMAIL hrothkrug@environmenalstudiescorp.com	

5. *Project Description*

The Applicant, Epsilon Enterprises Realty, LLC, is a seeking a series of discretionary land use approvals (the "Proposed Actions") to facilitate a mixed-use development (the "Proposed Project") at 541-545 Bay Street (Block 490 Lot 1; the "Development Site") in the Stapleton neighborhood in Staten Island Community District 1. The affected area (Block 490 Lots 1,4, 19,22, 47 and Block 489 Lots 22 and 30, the "Project Area") is currently zoned C4-2 and is located along the east side of Bay Street between Prospect Street and Sands Street.

The Applicant seeks the following Actions:
1) Zoning map amendments to:
a. rezone a C4-2 district to an R6/C2-3 district;
b. extend the boundaries of the Special Bay Street Corridor District (SBSCD) to include the Project Area;
2) Zoning text amendments to:
a. establish a Mandatory Inclusionary Housing ("MIH") Area coterminous to the area being rezoned in Appendix F; and
b. establish a new subarea in the SBSCD and bulk regulations for the project area

The Proposed Actions would facilitate the development of an 8-story, approximately 100,486 gross square foot (gsf) mixed-use development ("Projected Development Site 1"), containing 83 dwelling units, approximately 25 of which would be income-restricted, pursuant to MIH, Options 1 and 2 or Workforce Option. The building would contain approximately 90,486 gsf of residential and 10,000 gsf of ground floor commercial uses, while providing approximately 42 accessory parking spaces at grade. MIH Options 1 and 2, and the Workforce Option would be mapped on the Project Area as part of the Proposed Actions. The final compliance with MIH would be determined through the ULURP process.

Project Location

BOROUGH Staten Island	COMMUNITY DISTRICT(S) 1	STREET ADDRESS 541-545 Bay Street
TAX BLOCK(S) AND LOT(S) Block 490, Lots 1,4,19, and 22 & 47; Block 489, portions of Lots 22 & 30		ZIP CODE 10304
DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS		

The Project Area is generally bounded by Bay Street to the west, Prospect Street to the South, Sands Street to the North and the Staten Island Railroad to the east.

EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY C4-2 | ZONING SECTIONAL MAP NUMBER 21c

6. *Required Actions or Approvals* (check all that apply)

***City Planning Commission*:** ☒ YES ☐ NO ☒ UNIFORM LAND USE REVIEW PROCEDURE (ULURP)

- ☐ CITY MAP AMENDMENT
- ☒ ZONING MAP AMENDMENT
- ☒ ZONING TEXT AMENDMENT
- ☐ SITE SELECTION—PUBLIC FACILITY
- ☐ HOUSING PLAN & PROJECT
- ☐ SPECIAL PERMIT (if appropriate, specify type: ☐ modification; ☐ renewal; ☐ other); EXPIRATION DATE:

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

- ☐ ZONING CERTIFICATION
- ☐ ZONING AUTHORIZATION
- ☐ ACQUISITION—REAL PROPERTY
- ☐ DISPOSITION—REAL PROPERTY
- ☐ OTHER, explain:

- ☐ CONCESSION
- ☐ UDAAP
- ☐ REVOCABLE CONSENT
- ☐ FRANCHISE

***Board of Standards and Appeals*:** ☐ YES ☒ NO

- ☐ VARIANCE (use)
- ☐ VARIANCE (bulk)
- ☐ SPECIAL PERMIT (if appropriate, specify type: ☐ modification; ☐ renewal; ☐ other); EXPIRATION DATE:

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

***Department of Environmental Protection*:** ☐ YES ☒ NO ☐ Cogeneration Facility ☐ Title V Permit

Other City Approvals Subject to CEQR (check all that apply)

- ☐ LEGISLATION
- ☐ RULEMAKING
- ☐ CONSTRUCTION OF PUBLIC FACILITIES
- ☐ 384(b)(4) APPROVAL
- ☐ OTHER, explain:

- ☐ FUNDING OF CONSTRUCTION, specify:
- ☐ POLICY OR PLAN, specify:
- ☐ FUNDING OF PROGRAMS, specify:
- ☐ PERMITS, specify:

Other City Approvals Not Subject to CEQR (check all that apply)

- ☐ PERMITS FROM DOT'S OFFICE OF CONSTRUCTION MITIGATION AND COORDINATION (OCMC)
- ☐ LANDMARKS PRESERVATION COMMISSION APPROVAL
- ☐ OTHER, explain:

***State or Federal Actions/Approvals/Funding*:** ☐ YES ☒ NO If "yes," specify:

7. *Site Description:* *The directly affected area consists of the project site and the area subject to any change in regulatory controls. Except where otherwise indicated, provide the following information with regard to the directly affected area.*

***Graphics*:** *The following graphics must be attached and each box must be checked off before the EAS is complete. Each map must clearly depict the boundaries of the directly affected area or areas and indicate a 400-foot radius drawn from the outer boundaries of the project site. Maps may not exceed 11 x 17 inches in size and, for paper filings, must be folded to 8.5 x 11 inches.*

- ☒ SITE LOCATION MAP
- ☒ TAX MAP
- ☒ PHOTOGRAPHS OF THE PROJECT SITE TAKEN WITHIN 6 MONTHS OF EAS SUBMISSION AND KEYED TO THE SITE LOCATION MAP
- ☒ ZONING MAP
- ☐ FOR LARGE AREAS OR MULTIPLE SITES, A GIS SHAPE FILE THAT DEFINES THE PROJECT SITE(S)
- ☒ SANBORN OR OTHER LAND USE MAP

Physical Setting (both developed and undeveloped areas)

Total directly affected area (sq. ft.): 69,861
Roads, buildings, and other paved surfaces (sq. ft.): 69,861
Waterbody area (sq. ft) and type: 0
Other, describe (sq. ft.): 0

8. *Physical Dimensions and Scale of Project* (if the project affects multiple sites, provide the total development facilitated by the action)

SIZE OF PROJECT TO BE DEVELOPED (gross square feet): 111,710
NUMBER OF BUILDINGS: 2
HEIGHT OF EACH BUILDING (ft.): 81; 35
GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): 100,486; 11,224
NUMBER OF STORIES OF EACH BUILDING: 8; 3

Does the proposed project involve changes in zoning on one or more sites? ☒ YES ☐ NO
If "yes," specify: The total square feet owned or controlled by the applicant: 24,578 (Lot 1)
The total square feet not owned or controlled by the applicant: 24,838 (Lot 4, 19, and 22)

Does the proposed project involve in-ground excavation or subsurface disturbance, including, but not limited to foundation work, pilings, utility lines, or grading? ☒ YES ☐ NO
If "yes," indicate the estimated area and volume dimensions of subsurface permanent and temporary disturbance (if known):
AREA OF TEMPORARY DISTURBANCE: 19,550 sq. ft. (width x length)
VOLUME OF DISTURBANCE: 391,000 cubic ft. (width x length x depth)
AREA OF PERMANENT DISTURBANCE: 19,550 sq. ft. (width x length)

Description of Proposed Uses (please complete the following information as appropriate)				
	Residential	***Commercial***	***Community Facility***	***Industrial/Manufacturing***
Size (in gross sq. ft.)	98,660	13,050	0	0
Type (*e.g.,* retail, office, school)	93 units	Local Retail	0	0

Does the proposed project increase the population of residents and/or on-site workers? ☒ YES ☐ NO

If "yes," please specify: NUMBER OF ADDITIONAL RESIDENTS: 234 NUMBER OF ADDITIONAL WORKERS: -20

Provide a brief explanation of how these numbers were determined: Based on 2.52 persons per renter occupied household in Tompkins-Stapleton Neighborhood Tabulation Area per the 2016-2020 American Commuity Survey (ACS); 13,050 total commerical space. Workers calculated based on an assumption of 1 employee per 425 sq ft and rounded up.

Does the proposed project create new open space? ☐ YES ☒ NO If "yes," specify size of project-created open space: sq. ft.

Has a No-Action scenario been defined for this project that differs from the existing condition? ☒ YES ☐ NO

If "yes," see Chapter 2, "Establishing the Analysis Framework" and describe briefly: Incremental number of residents generated in the With-Action Scenario, based on ACS data; comparison of No-Action to With-Action Scenarios

9. *Analysis Year* CEQR Technical Manual Chapter 2

ANTICIPATED BUILD YEAR (date the project would be completed and operational): 2026

ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: 18

WOULD THE PROJECT BE IMPLEMENTED IN A SINGLE PHASE? ☒ YES ☐ NO IF MULTIPLE PHASES, HOW MANY?

BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE: 7 Month ULURP, 18 Mo. single construction phase

10. *Predominant Land Use in the Vicinity of the Project* (check all that apply)

☒ RESIDENTIAL ☒ MANUFACTURING ☒ COMMERCIAL ☐ PARK/FOREST/OPEN SPACE ☐ OTHER, specify:

Part II: TECHNICAL ANALYSIS

INSTRUCTIONS: For each of the analysis categories listed in this section, assess the proposed project's impacts based on the thresholds and criteria presented in the CEQR Technical Manual. Check each box that applies.

- If the proposed project can be demonstrated not to meet or exceed the threshold, check the "no" box.
- If the proposed project will meet or exceed the threshold, or if this cannot be determined, check the "yes" box.
- For each "yes" response, provide additional analyses (and, if needed, attach supporting information) based on guidance in the CEQR Technical Manual to determine whether the potential for significant impacts exists. Please note that a "yes" answer does not mean that an EIS must be prepared—it means that more information may be required for the lead agency to make a determination of significance.
- The lead agency, upon reviewing Part II, may require an applicant to provide additional information to support the Short EAS Form. For example, if a question is answered "no," an agency may request a short explanation for this response.

	YES	NO
1. *LAND USE, ZONING, AND PUBLIC POLICY*: CEQR Technical Manual Chapter 4		
(a) Would the proposed project result in a change in land use different from surrounding land uses?	☒	☐
(b) Would the proposed project result in a change in zoning different from surrounding zoning?	☒	☐
(c) Is there the potential to affect an applicable public policy?	☒	☐
(d) If "yes," to (a), (b), and/or (c), complete a preliminary assessment and attach. See Attached		
(e) Is the project a large, publicly sponsored project?	☐	☒
○ If "yes," complete a PlaNYC assessment and attach. N/A		
(f) Is any part of the directly affected area within the City's Waterfront Revitalization Program boundaries?	☒	☐
○ If "yes," complete the Consistency Assessment Form. See Attached		
2. *SOCIOECONOMIC CONDITIONS*: CEQR Technical Manual Chapter 5		
(a) Would the proposed project:		
○ Generate a net increase of 200 or more residential units?	☐	☒
○ Generate a net increase of 200,000 or more square feet of commercial space?	☐	☒
○ Directly displace more than 500 residents?	☐	☒
○ Directly displace more than 100 employees?	☐	☒
○ Affect conditions in a specific industry?	☐	☒
3. *COMMUNITY FACILITIES*: CEQR Technical Manual Chapter 6		
(a) Direct Effects		
○ Would the project directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities, libraries, hospitals and other health care facilities, day care centers, police stations, or fire stations?	☐	☒
(b) Indirect Effects		
○ **Early Childhood Programs:** Would the project result in 20 or more eligible children under age 6, based on the number of low or low/moderate income residential units? (See Table 6-1 in Chapter 6)	☐	☒
○ **Public Schools:** Would the project result in 50 or more elementary or middle school students, or 150 or more high school students based on number of residential units? (See Table 6-1 in Chapter 6)	☐	☒
○ **Libraries:** Would the project result in a 5 percent or more increase in the ratio of residential units to library branches? (See Table 6-1 in Chapter 6)	☐	☒
○ **Health Care Facilities and Fire/Police Protection:** Would the project result in the introduction of a sizeable new neighborhood?	☐	☒
4. *OPEN SPACE*: CEQR Technical Manual Chapter 7		
(a) Would the project change or eliminate existing open space?	☐	☒
(b) Would the project generate more than 200 additional residents or 500 additional employees?	☒	☐
5. *SHADOWS*: CEQR Technical Manual Chapter 8		
(a) Would the proposed project result in a net height increase of any structure of 50 feet or more?	☒	☐
(b) Would the proposed project result in any increase in structure height and be located adjacent to or across the street from a sunlight-sensitive resource?	☐	☒
6. *HISTORIC AND CULTURAL RESOURCES*: CEQR Technical Manual Chapter 9		

	YES	NO
(a) Does the proposed project site or an adjacent site contain any architectural and/or archaeological resource that is eligible for or has been designated (or is calendared for consideration) as a New York City Landmark, Interior Landmark or Scenic Landmark; that is listed or eligible for listing on the New York State or National Register of Historic Places; or that is within a designated or eligible New York City, New York State or National Register Historic District? (See the GIS System for Archaeology and National Register to confirm)	☐	☒
(b) Would the proposed project involve construction resulting in in-ground disturbance to an area not previously excavated?	☒	☐
(c) If "yes" to either of the above, list any identified architectural and/or archaeological resources and attach supporting information on whether the proposed project would potentially affect any architectural or archeological resources. See Attached		
7. *URBAN DESIGN AND VISUAL RESOURCES*: CEQR Technical Manual Chapter 10		
(a) Would the proposed project introduce a new building, a new building height, or result in any substantial physical alteration to the streetscape or public space in the vicinity of the proposed project that is not currently allowed by existing zoning?	☒	☐
(b) Would the proposed project result in obstruction of publicly accessible views to visual resources not currently allowed by existing zoning?	☐	☒
8. *NATURAL RESOURCES*: CEQR Technical Manual Chapter 11		
(a) Does the proposed project site or a site adjacent to the project contain natural resources as defined in Section 100 of Chapter 11?	☐	☒
○ If "yes," list the resources and attach supporting information on whether the proposed project would affect any of these resources.		
(b) Is any part of the directly affected area within the Jamaica Bay Watershed?	☐	☒
○ If "yes," complete the Jamaica Bay Watershed Protection Plan Project Tracking Form, and submit according to its instructions.		
9. *HAZARDOUS MATERIALS*: CEQR Technical Manual Chapter 12		
(a) Would the proposed project allow commercial or residential uses in an area that is currently, or was historically, a manufacturing area that involved hazardous materials?	☐	☒
(b) Would the proposed project introduce new activities or processes using hazardous materials and increase the risk of human or environmental exposure?	☐	☒
(c) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts?	☐	☒
(d) Would the project require soil disturbance in a manufacturing area or any development on or near a manufacturing area or existing/historic facilities listed in the Hazardous Materials Appendix (including nonconforming uses)?	☐	☒
(e) Would the project result in the development of a site where there is reason to suspect the presence of hazardous materials, contamination, illegal dumping or fill, or fill material of unknown origin?	☐	☒
(f) Would the project result in development on or near a site that has or had underground and/or aboveground storage tanks (*e.g.*, gas stations, oil storage facilities, heating oil storage)?	☐	☒
(g) Would the project result in renovation of interior existing space on a site with the potential for compromised air quality; vapor intrusion from either on-site or off-site sources; or the presence of asbestos, PCBs, mercury or lead-based paint?	☐	☒
(h) Would the project result in development on or near a site with potential hazardous materials issues such as government-listed voluntary cleanup/brownfield site, current or former power generation/transmission facilities, coal gasification or gas storage sites, railroad tracks or rights-of-way, or municipal incinerators?	☐	☒
(i) Has a Phase I Environmental Site Assessment been performed for the site?	☒	☐
○ If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify: See Attached	☒	☐
(j) Based on the Phase I Assessment, is a Phase II Investigation needed?	☐	☒
10. *WATER AND SEWER INFRASTRUCTURE*: CEQR Technical Manual Chapter 13		
(a) Would the project result in water demand of more than one million gallons per day?	☐	☒
(b) If the proposed project located in a combined sewer area, would it result in at least 1,000 residential units or 250,000 square feet or more of commercial space in Manhattan, or at least 400 residential units or 150,000 square feet or more of commercial space in the Bronx, Brooklyn, Staten Island, or Queens?	☐	☒
(c) If the proposed project located in a separately sewered area, would it result in the same or greater development than the amounts listed in Table 13-1 in Chapter 13?	☐	☒
(d) Would the proposed project involve development on a site that is 5 acres or larger where the amount of impervious surface would increase?	☐	☒
(e) If the project is located within the Jamaica Bay Watershed or in certain specific drainage areas, including Bronx River, Coney Island Creek, Flushing Bay and Creek, Gowanus Canal, Hutchinson River, Newtown Creek, or Westchester Creek, would it involve development on a site that is 1 acre or larger where the amount of impervious surface would increase?	☐	☒
(f) Would the proposed project be located in an area that is partially sewered or currently unsewered?	☐	☒
(g) Is the project proposing an industrial facility or activity that would contribute industrial discharges to a Wastewater Treatment Plant and/or generate contaminated stormwater in a separate storm sewer system?	☐	☒

	YES	NO
(h) Would the project involve construction of a new stormwater outfall that requires federal and/or state permits?	☐	☐
11. *SOLID WASTE AND SANITATION SERVICES*: CEQR Technical Manual Chapter 14		
(a) Using Table 14-1 in Chapter 14, the project's projected operational solid waste generation is estimated to be (pounds per week): 1,879		
○ Would the proposed project have the potential to generate 100,000 pounds (50 tons) or more of solid waste per week?	☐	☒
(b) Would the proposed project involve a reduction in capacity at a solid waste management facility used for refuse or recyclables generated within the City?	☐	☒
12. *ENERGY*: CEQR Technical Manual Chapter 15		
(a) Using energy modeling or Table 15-1 in Chapter 15, the project's projected energy use is estimated to be (annual BTUs): 3,005,478		
(b) Would the proposed project affect the transmission or generation of energy?	☐	☒
13. *TRANSPORTATION*: CEQR Technical Manual Chapter 16		
(a) Would the proposed project exceed any threshold identified in Table 16-1 in Chapter 16?	☐	☒
(b) If "yes," conduct the screening analyses, attach appropriate back up data as needed for each stage and answer the following questions:		
○ Would the proposed project result in 50 or more Passenger Car Equivalents (PCEs) per project peak hour?	☐	☒
If "yes," would the proposed project result in 50 or more vehicle trips per project peak hour at any given intersection? ***It should be noted that the lead agency may require further analysis of intersections of concern even when a project generates fewer than 50 vehicles in the peak hour. See Subsection 313 of Chapter 16 for more information.*	☐	☒
○ Would the proposed project result in more than 200 subway/rail, bus trips, or 50 Citywide Ferry Service ferry trips per project peak hour?	☐	☒
If "yes," would the proposed project result, per project peak hour, in 50 or more bus trips on a single line (in one direction), 200 subway/rail trips per station or line, or 25 or more Citywide Ferry Service ferry trips on a single route (in one direction), or 50 or more passengers at a Citywide Ferry Service landing?	☐	☒
○ Would the proposed project result in more than 200 pedestrian trips per project peak hour?	☐	☒
If "yes," would the proposed project result in more than 200 pedestrian trips per project peak hour to any given pedestrian or transit element, crosswalk, subway stair, or bus stop, or Citywide Ferry Service landing?	☐	☒
14. *AIR QUALITY*: CEQR Technical Manual Chapter 17		
(a) *Mobile Sources*: Would the proposed project result in the conditions outlined in Section 210 in Chapter 17?	☐	☒
(b) *Stationary Sources*: Would the proposed project result in the conditions outlined in Section 220 in Chapter 17?	☒	☐
○ If "yes," would the proposed project exceed the thresholds in Figure 17-3, Stationary Source Screen Graph in Chapter 17? (Attach graph as needed)	☐	☒
(c) Does the proposed project involve multiple buildings on the project site?	☐	☒
(d) Does the proposed project require federal approvals, support, licensing, or permits subject to conformity requirements?	☐	☒
(e) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to air quality that preclude the potential for significant adverse impacts?	☐	☒
15. *GREENHOUSE GAS EMISSIONS*: CEQR Technical Manual Chapter 18		
(a) Is the proposed project a city capital project or a power generation plant?	☐	☒
(b) Would the proposed project fundamentally change the City's solid waste management system?	☐	☒
(c) If "yes" to any of the above, would the project require a GHG emissions assessment based on the guidance in Chapter 18?	☐	☒
16. *NOISE*: CEQR Technical Manual Chapter 19		
(a) Would the proposed project generate or reroute vehicular traffic?	☒	☐
(b) Would the proposed project introduce new or additional receptors (see Section 114 in Chapter 19) near heavily trafficked roadways, within one horizontal mile of an existing or proposed flight path, or within 1,500 feet of an existing or proposed rail line with a direct line of site to that rail line?	☒	☐
(c) Would the proposed project cause a stationary noise source to operate within 1,500 feet of a receptor with a direct line of sight to that receptor or introduce receptors into an area with high ambient stationary noise?	☐	☒
(d) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to noise that preclude the potential for significant adverse impacts?	☐	☒
17. *PUBLIC HEALTH*: CEQR Technical Manual Chapter 20		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Air Quality; Hazardous Materials; Noise?	☐	☒

	YES	NO
(b) If "yes," explain why an assessment of public health is or is not warranted based on the guidance in Chapter 20, "Public Health." Attach a preliminary analysis, if necessary. There is no potential for significant adverse impacts related to air qualtiy, hazardous materials or noise.		
18. *NEIGHBORHOOD CHARACTER*: CEQR Technical Manual Chapter 21		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Open Space; Historic and Cultural Resources; Urban Design and Visual Resources; Shadows; Transportation; Noise?	☐	☒
(b) If "yes," explain why an assessment of neighborhood character is or is not warranted based on the guidance in Chapter 21, "Neighborhood Character." Attach a preliminary analysis, if necessary. No impacts to the above sections have been identified.		
19. *CONSTRUCTION*: CEQR Technical Manual Chapter 22		
(a) Would the project's construction activities involve:		
○ Construction activities lasting longer than two years?	☐	☒
○ Construction activities within a Central Business District or along an arterial highway or major thoroughfare?	☐	☒
○ Closing, narrowing, or otherwise impeding traffic, transit, or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, *etc.*)?	☐	☒
○ Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out?	☐	☒
○ The operation of several pieces of diesel equipment in a single location at peak construction?	☐	☒
○ Closure of a community facility or disruption in its services?	☐	☒
○ Activities within 400 feet of a historic or cultural resource?	☐	☒
○ Disturbance of a site containing or adjacent to a site containing natural resources?	☐	☒
○ Construction on multiple development sites in the same geographic area, such that there is the potential for several construction timelines to overlap or last for more than two years overall?	☐	☒
(b) If any boxes are checked "yes," explain why a preliminary construction assessment is or is not warranted based on the guidance in Chapter 22, "Construction." It should be noted that the nature and extent of any commitment to use the Best Available Technology for construction equipment or Best Management Practices for construction activities should be considered when making this determination. N/A		

20. *APPLICANT'S CERTIFICATION*

I swear or affirm under oath and subject to the penalties for perjury that the information provided in this Environmental Assessment Statement (EAS) is true and accurate to the best of my knowledge and belief, based upon my personal knowledge and familiarity with the information described herein and after examination of the pertinent books and records and/or after inquiry of persons who have personal knowledge of such information or who have examined pertinent books and records.

Still under oath, I further swear or affirm that I make this statement in my capacity as the applicant or representative of the entity that seeks the permits, approvals, funding, or other governmental action(s) described in this EAS.

APPLICANT/REPRESENTATIVE NAME	DATE
Kevin Corte	4.6.23

SIGNATURE

Kevin Corte

PLEASE NOTE THAT APPLICANTS MAY BE REQUIRED TO SUBSTANTIATE RESPONSES IN THIS FORM AT THE DISCRETION OF THE LEAD AGENCY SO THAT IT MAY SUPPORT ITS DETERMINATION OF SIGNIFICANCE.

Part III: DETERMINATION OF SIGNIFICANCE (To Be Completed by Lead Agency)

INSTRUCTIONS: In completing Part III, the lead agency should consult 6 NYCRR 617.7 and 43 RCNY § 6-06 (Executive Order 91 or 1977, as amended), which contain the State and City criteria for determining significance.

1. For each of the impact categories listed below, consider whether the project may have a significant adverse effect on the environment, taking into account its (a) location; (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude.

IMPACT CATEGORY	Potentially Significant Adverse Impact YES	NO
Land Use, Zoning, and Public Policy	☐	☒
Socioeconomic Conditions	☐	☒
Community Facilities and Services	☐	☒
Open Space	☐	☒
Shadows	☐	☒
Historic and Cultural Resources	☐	☒
Urban Design/Visual Resources	☐	☒
Natural Resources	☐	☒
Hazardous Materials	☐	☒
Water and Sewer Infrastructure	☐	☒
Solid Waste and Sanitation Services	☐	☒
Energy	☐	☒
Transportation	☐	☒
Air Quality	☐	☒
Greenhouse Gas Emissions	☐	☒
Noise	☐	☒
Public Health	☐	☒
Neighborhood Character	☐	☒
Construction	☐	☒

2. Are there any aspects of the project relevant to the determination of whether the project may have a significant impact on the environment, such as combined or cumulative impacts, that were not fully covered by other responses and supporting materials? ☐ YES ☒ NO

If there are such impacts, attach an explanation stating whether, as a result of them, the project may have a significant impact on the environment.

3. Check determination to be issued by the lead agency:

☐ **Positive Declaration**: If the lead agency has determined that the project may have a significant impact on the environment, and if a Conditional Negative Declaration is not appropriate, then the lead agency issues a *Positive Declaration* and prepares a draft Scope of Work for the Environmental Impact Statement (EIS).

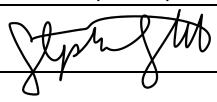
☐ **Conditional Negative Declaration:** A *Conditional Negative Declaration* (CND) may be appropriate if there is a private applicant for an Unlisted action AND when conditions imposed by the lead agency will modify the proposed project so that no significant adverse environmental impacts would result. The CND is prepared as a separate document and is subject to the requirements of 6 NYCRR Part 617.

☒ **Negative Declaration:** If the lead agency has determined that the project would not result in potentially significant adverse environmental impacts, then the lead agency issues a *Negative Declaration*. The *Negative Declaration* may be prepared as a separate document (see template) or using the embedded Negative Declaration on the next page.

4. ***LEAD AGENCY'S CERTIFICATION***

TITLE	LEAD AGENCY
Director, Environmental Assessment and Review Division	Department of City Planning on behalf of the City Planning Commission
NAME	DATE
Stephanie Shellooe, AICP, Director	July 7, 2023

SIGNATURE



NEGATIVE DECLARATION

Statement of No Significant Effect

Pursuant to Executive Order 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review, found at Title 62, Chapter 5 of the Rules of the City of New York and 6 NYCRR, Part 617, State Environmental Quality Review, the Department of City Planning acting on behalf of the City Planning Commission assumed the role of lead agency for the environmental review of the proposed actions. Based on a review of information about the project contained in this environmental assessment statement (EAS) and any attachments hereto, which are incorporated by reference herein, the lead agency has determined that the proposed actions would not have a significant adverse impact on the environment.

Reasons Supporting this Determination

The above determination is based on information contained in this EAS, which finds the proposed actions sought before the City Planning Commission would not have a significant adverse impact on the environment. Reasons supporting this determination are noted below.

Land Use, Zoning, and Public Policy

A detailed analysis of land use, zoning, and public policy is included in the EAS. The applicant, Epsilon Enterprises Realty, LLC, is seeking Zoning Map Amendments to i) rezone the project area (all or parts of Staten Island Block 490, Lots 1, 4, 19, 22 & 47; Block 489, portions of Lots 22 & 30) from an C4-2 district to an R6/C2-3 and ii) extend the boundaries of the Special Bay Street Corridor District (BSC) to include the Project Area; and Zoning Text Amendments to: i) Appendix F of the New York City Zoning Resolution to establish a Mandatory Inclusionary Housing (MIH) area coterminous with the rezoning area and ii) to bulk provisions of the BSC affecting primary street frontage and height regulations for Subdistrict F, in the Stapleton neighborhood of Staten Island Community District 1. The Project Area is generally bounded by Bay Street to the west, Prospect Street to the South, Sands Street to the North and the Staten Island Railroad to the east. The proposed actions would facilitate the development of an 8-story, 81-foot tall, approximately 100,486 gross square foot (gsf) mixed-use building on Block 490, Lot 1 ("Projected Development Site 1"), containing 83 dwelling units, approximately 21-25 of which would be income-restricted, pursuant to MIH. The building would contain approximately 90,486 gsf of residential use and 10,000 gsf of ground floor commercial uses, while providing approximately 35 accessory parking spaces at grade. In addition to Projected Development Site 1, one other Projected Development Site was identified and analyzed for a conservative CEQR analysis. A new 3-story, 35-foot mixed-use building containing approximately 8,174 gsf of residential use (10 units) and 3,050 gsf of ground floor commercial use would be developed on Block 490, Lot 19 (Projected Development Site 2).

The projected developments and uses facilitated by the Proposed Actions would be compatible with existing mixed residential and commercial retail uses on Bay Street and in the surrounding area. While the Proposed Actions would allow for an increase in development and bulk relative to the No-Action scenario, the proposed R6/C2-3 (BSC) district would extend the zoning designation that was established immediately to the north of the project area under the 2019 Special Bay Street Corridor District. The Proposed Actions would be compatible and consistent with public policies that currently apply to the Project Area and the surrounding area, including the City's goals to facilitate the construction of permanently affordable dwelling units. Additionally, consistency with the NYC Waterfront Revitalization Program (WRP) is included in the appendix of this EAS. The WRP Policy Assessment and Consistency form demonstrate that the Proposed Development is consistent with the policies of the WRP (WRP #22-099). Therefore, the Proposed Actions would not result in significant adverse impacts to land use, zoning, and public policy, and no further analysis is warranted.

Open Space

An assessment related to indirect residential effects on open space is included in the EAS. Under the With-Action conditions, the total open space ratio would decrease by 1.42%, from 0.847 to 0.835 acres per 1,000 residents, which is less than the threshold warranting a detailed analysis. Additionally, the EAS notes that the project is located less than a mile from Silver Lake Park, a large regional park spanning more than 200 acres.

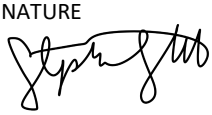
Hazardous Materials, Air Quality, and Noise

An (E) designation (E-722) related to hazardous materials, air quality, and noise would be established as part of the approval of the proposed actions. Refer to "Determination of Significance Appendix: (E) designation" for the applicable (E) designation requirements. The hazardous materials and noise analyses conclude that with the (E) designation in place, the proposed actions would not result in a significant adverse impact related to hazardous materials, air quality, or noise.

No other significant effects upon the environment that would require the preparation of a Draft Environmental Impact Statement are foreseeable. This Negative Declaration has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law (SEQRA). Should you have any questions pertaining to this Negative Declaration, you may contact Andrew Martini at +1 212-720-3315.

TITLE	LEAD AGENCY
Director, Environmental Assessment and Review Division	Department of City Planning on behalf of the City Planning Commission 120 Broadway, 31st Fl. New York, NY 10271 | 212.720.3328
NAME Stephanie Shellooe, AICP	DATE 7/7/2023

SIGNATURE



Project Name: 541-545 Bay Street
CEQR # 23DCP037R
SEQRA Classification: Unlisted

TITLE Chair, City Planning Commission	
NAME Daniel R. Garodnick	DATE 7/10/2023
SIGNATURE	

Project Name: 541-545 Bay Street
CEQR # 23DCP037R
SEQRA Classification: Unlisted

Determination of Significance Appendix

The Proposed Action(s) were determined to have the potential to result in changes to development on the following site(s):

Development Site	Borough	Block and Lot
Projected Development Site 1	Staten Island	Block 490, Lot 1
Projected Development Site 2	Staten Island	Block 490, Lot 19

(E) Designation Requirements

To ensure that the proposed actions would not result in significant adverse impacts related to hazardous materials, air quality, and noise an (E) designation (**E-722**) would be established as part of approval of the proposed actions on **Projected Development Site 1** and **Projected Development Site 2** as described below:

Development Site	Hazardous Materials	Air Quality	Noise
Projected Development Site 1	X	X	X
Projected Development Site 2	X	X	X

Hazardous Materials

The (E) designation requirements applicable to **Projected Development Site 1** and **Projected Development Site 2** for hazardous materials would apply as follows:

Task 1-Sampling Protocol

The applicant submits to OER, for review and approval, a Phase I of the site along with a soil, groundwater and soil vapor testing protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented. If site sampling is necessary, no sampling should begin until written approval of a protocol is received from OER. The number and location of samples should be selected to adequately characterize the site, specific sources of suspected contamination (i.e., petroleum-based contamination and non-petroleum-based contamination), and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.

Task 2-Remediation Determination and Protocol

A written report with findings and a summary of the data must he submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination is made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.

If remediation is indicated from test results, a proposed remediation plan must be submitted to OER for review and approval. The applicant must complete such remediation as determined necessary by OER. The applicant should then provide proper documentation that the work has been satisfactorily completed.

A construction-related health and safety plan should be submitted to OER and would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse

impacts associated with contaminated soil, groundwater and/or soil vapor. This plan would be submitted to OER prior to implementation.

Air Quality

The (E) designation requirements for air quality would apply as follows:

Projected Development Site 1: *Any new residential or commercial development on the above-referenced property must ensure that the heating, ventilating, air conditioning (HVAC), and hot water system(s) stack is located at the building's highest level or at least 84 feet above grade to avoid any potential significant adverse air quality impacts.*

Projected Development Site 2: *Any new residential or commercial development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC), and hot water system(s) and must be fitted with low NOx (30 ppm) burners, ensure that the stack is located at the building's highest level or at least 38 feet above grade, and that the stack is located at least 25 feet from the western lot line facing Bay Street and at least 25 feet from the southern lot line facing Prospect Street to avoid any potential significant adverse air quality impacts.*

Noise

The (E) designation requirements for noise would apply as follows:

Projected Development Site 1: *In order to ensure an acceptable interior noise environment, future residential uses must provide a closed-window condition with a minimum of 31 dB(A) window/wall attenuation on the facades facing Bay Street, the facades facing Prospect Street within 50 feet of Bay Street, the facades facing Sands Street within 50 feet of Bay Street, and all facades within 100 feet of the elevated rail line for floors at or above the elevated rail line in order to maintain an interior L_{10} noise level not greater than 45 dB(A) or interior L_{dn} noise level not greater than 40 dB(A) for residential uses as illustrated in the EAS. In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning*.

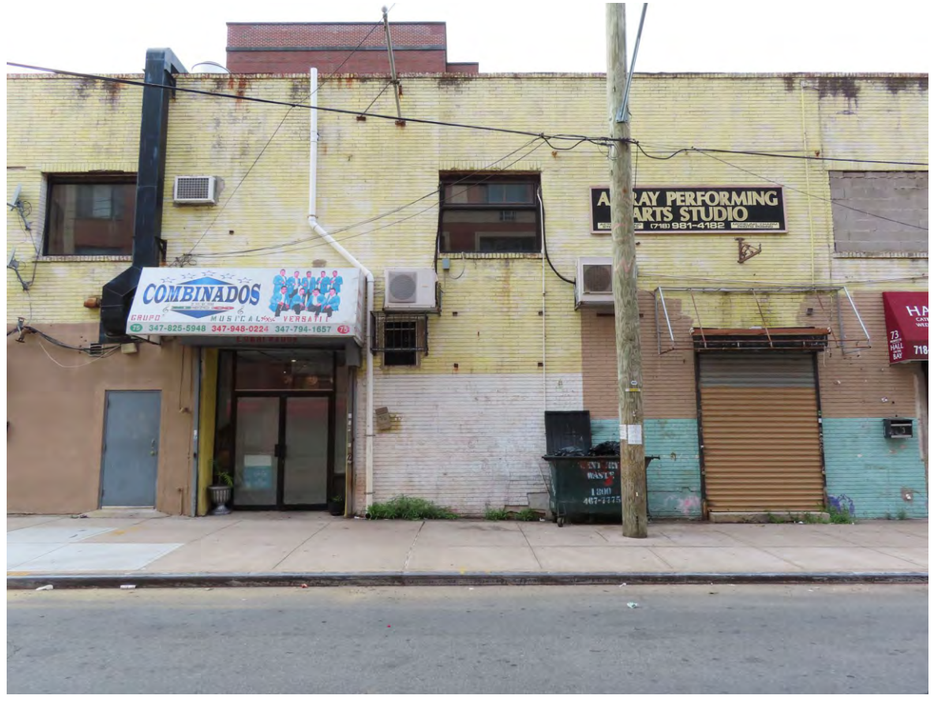
Projected Development Site 2*: In order to ensure an acceptable interior noise environment, future residential uses must provide a closed-window condition with a minimum of 31 dB(A) window/wall attenuation on the eastern, northern, and southern facades for floors at or above the elevated rail line in order to maintain an interior L_{10} noise level not greater than 45 dB(A) or interior L_{dn} noise level not greater than 40 dB(A) for residential uses as illustrated in the EAS. In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning.*



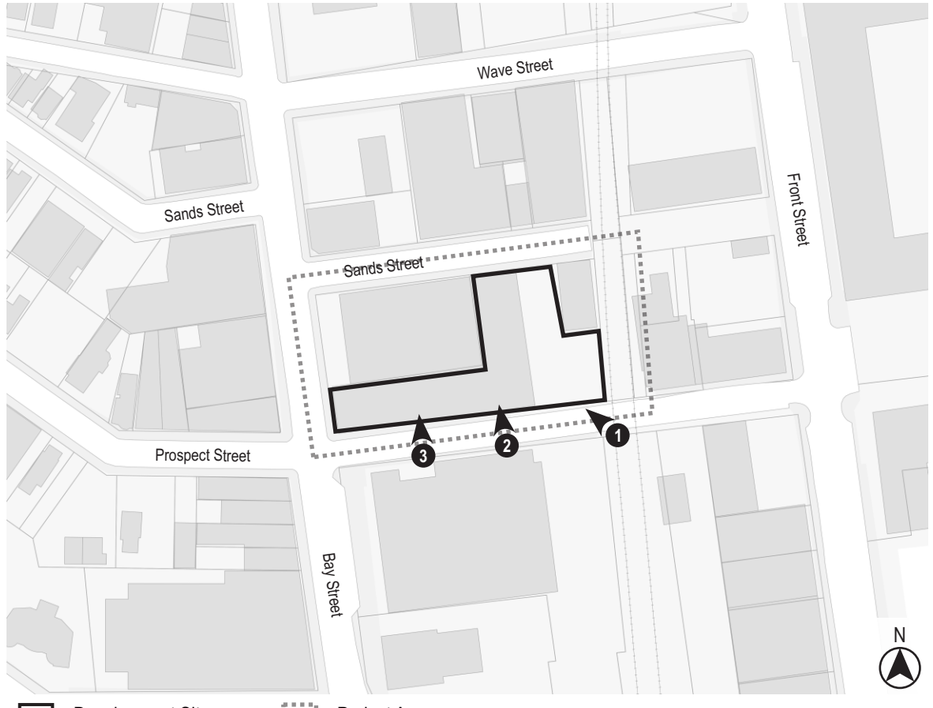
1. View of the Development Site facing northwest from Prospect Street.



2. View of the Development Site facing north from Prospect Street.



3. View of the Development Site facing north from Prospect Street.





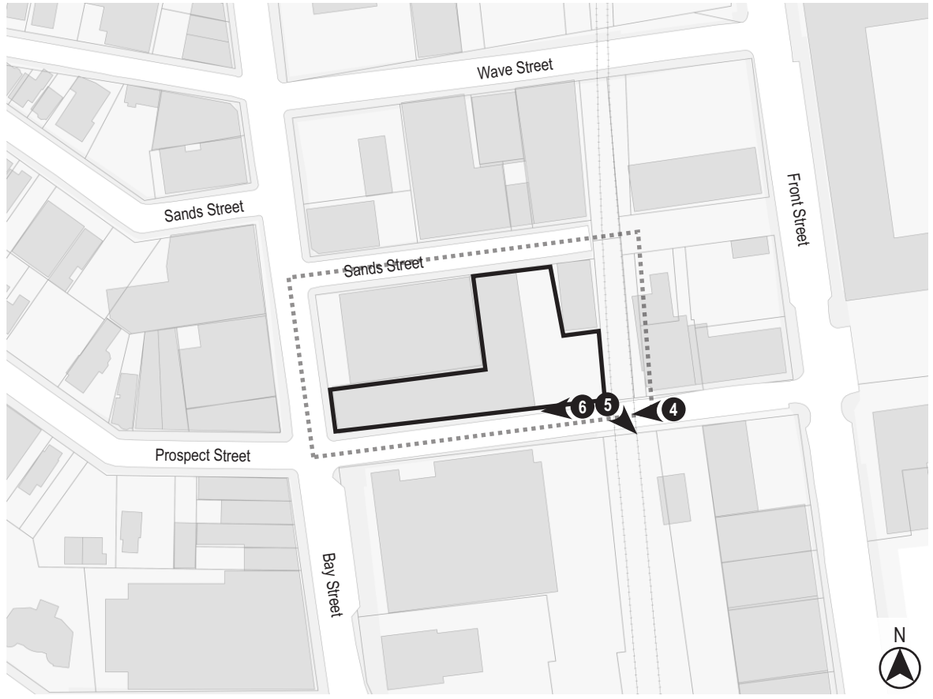
4. View of Prospect Street facing west (Development Site at right).



5. View of the south side of Prospect Street facing southeast from the Development Site.



6. View of the sidewalk along the north side of Prospect Street facing west (Development Site at right).





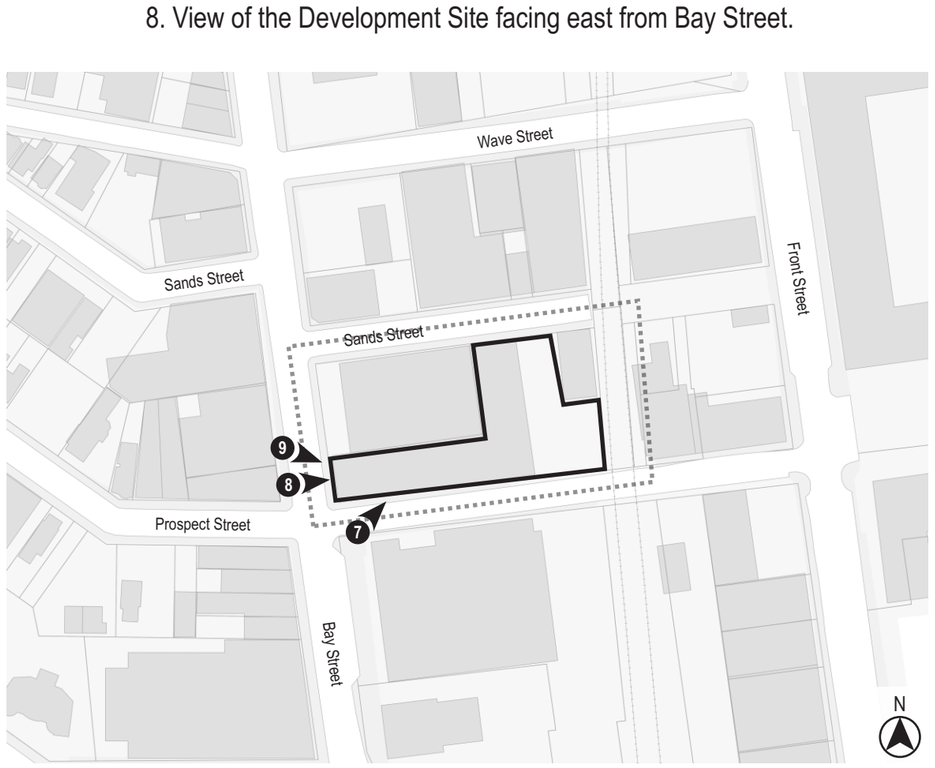
7. View of the Development Site facing northeast from Prospect Street.



8. View of the Development Site facing east from Bay Street.



9. View of the Development Site facing southeast from Bay Street.





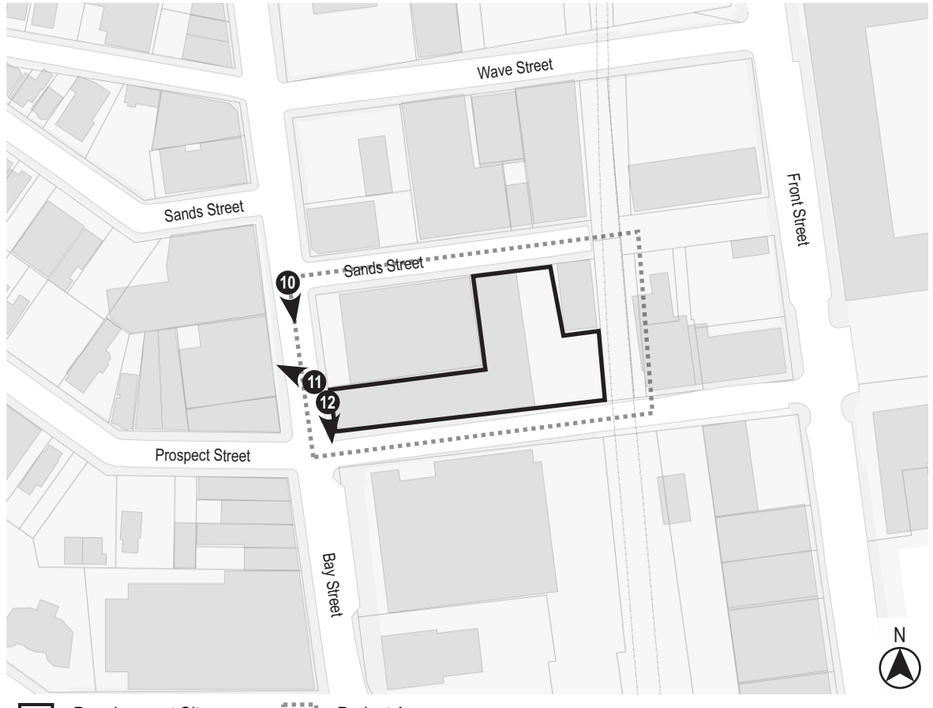
10. View of Bay Street facing south (Project Area at left).



11. View of the west side of Bay Street facing northwest from the Development Site.



12. View of the sidewalk along the east side of Bay Street facing south (Development Site at left).





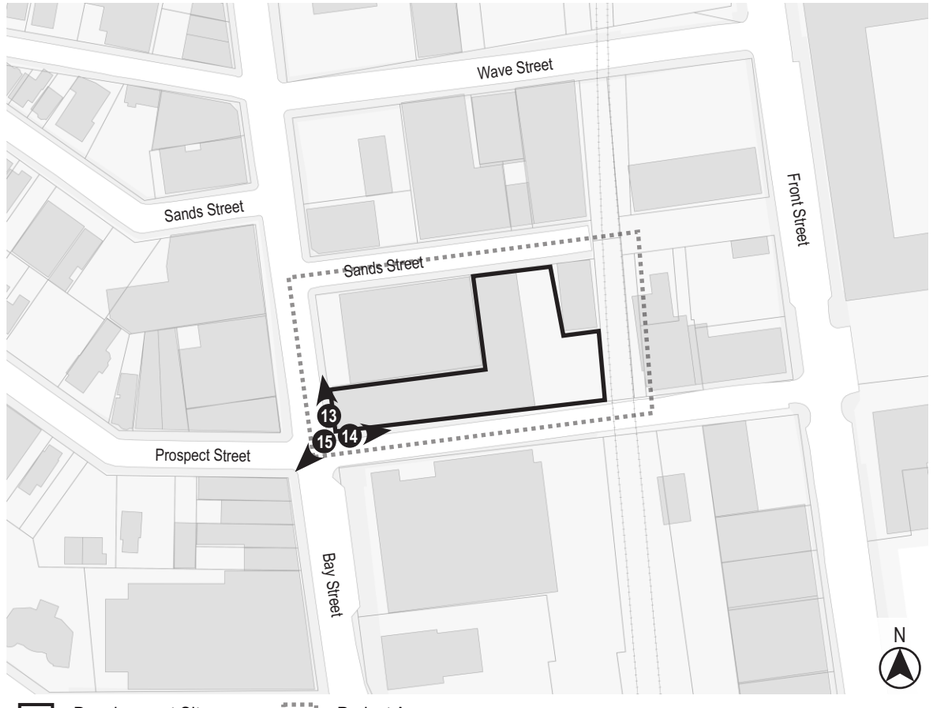
13. View of the sidewalk along the east side of Bay Street facing north from Prospect Street (Development Site at right).



14. View of the sidewalk along the north side of Prospect Street facing east from Bay Street (Development Site at left).



15. View of the intersection of Bay Street and Prospect Street facing southwest from the Development Site.





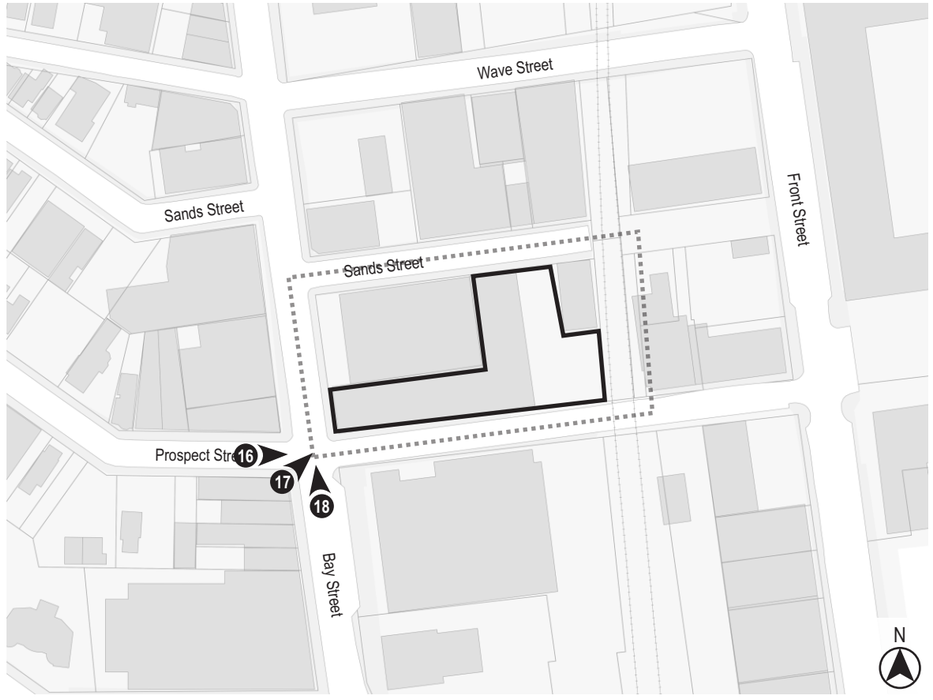
16. View of Prospect Street facing east from Bay Street (Development Site at left).



18. View of Bay Street facing north from Prospect Street (Development Site at right).



17. View of the Development Site facing northeast from the intersection of Bay Street and Prospect Street.





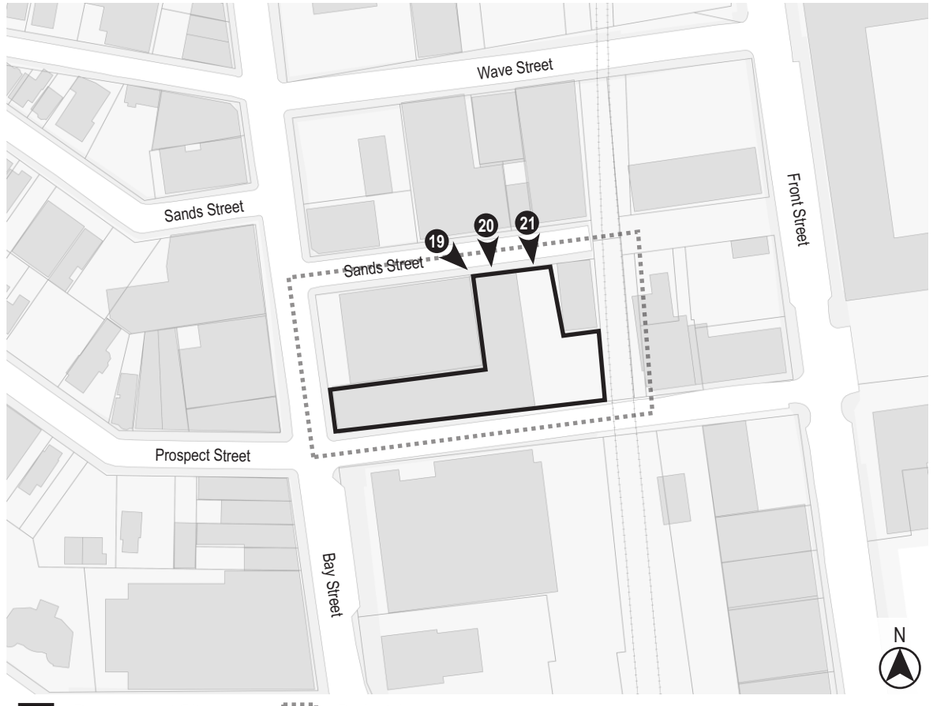
19. View of the Development Site facing southeast from Sands Street.



20. View of the Development Site facing south from Sands Street.



21. View of the Development Site facing south from Sands Street.





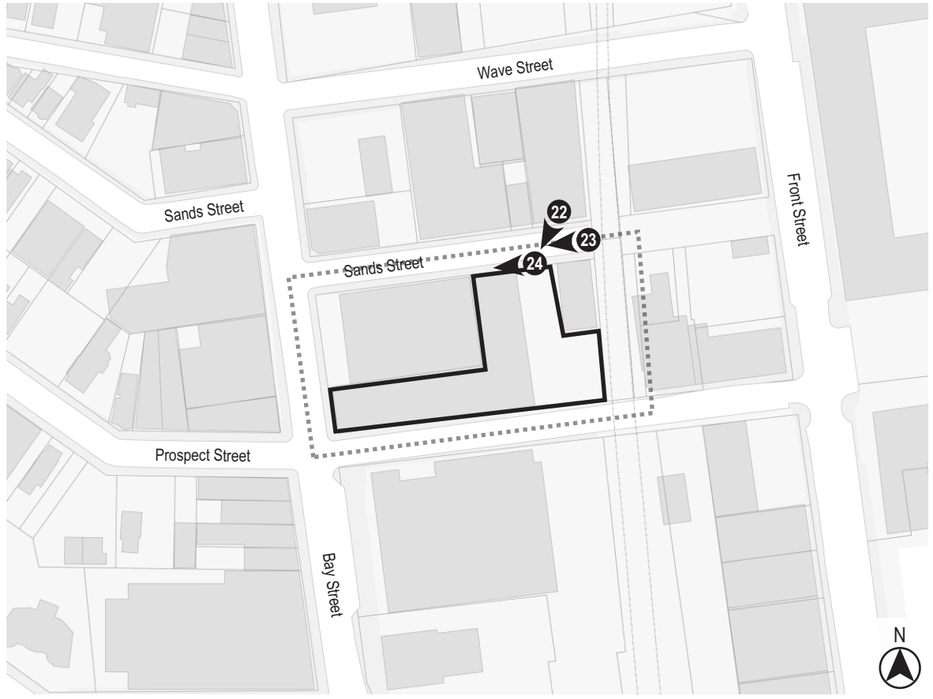
22. View of the Development Site facing southwest from Sands Street.



23. View of Sands Street facing west (Development Site at left).



24. View of the sidewalk along the south side of Sands Street facing west (Development Site at left).





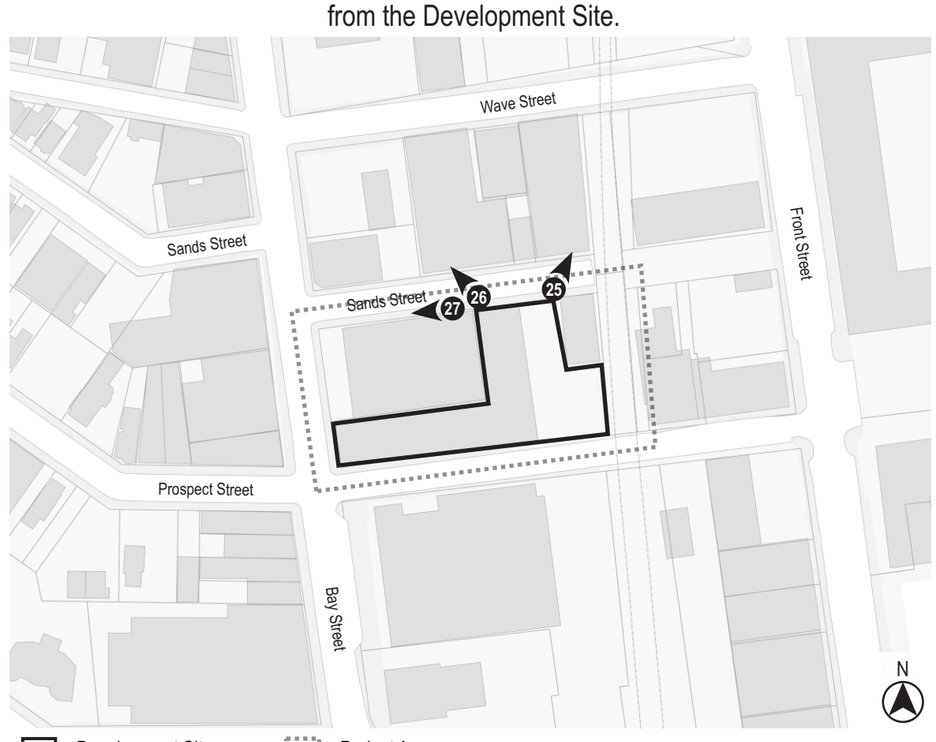
25. View of the north side of Sands Street facing northeast from the Development Site.



27. View of the sidewalk along the south side of Sands Street facing west (Project Area at left).



26. View of the north side of Sands Street facing northwest from the Development Site.





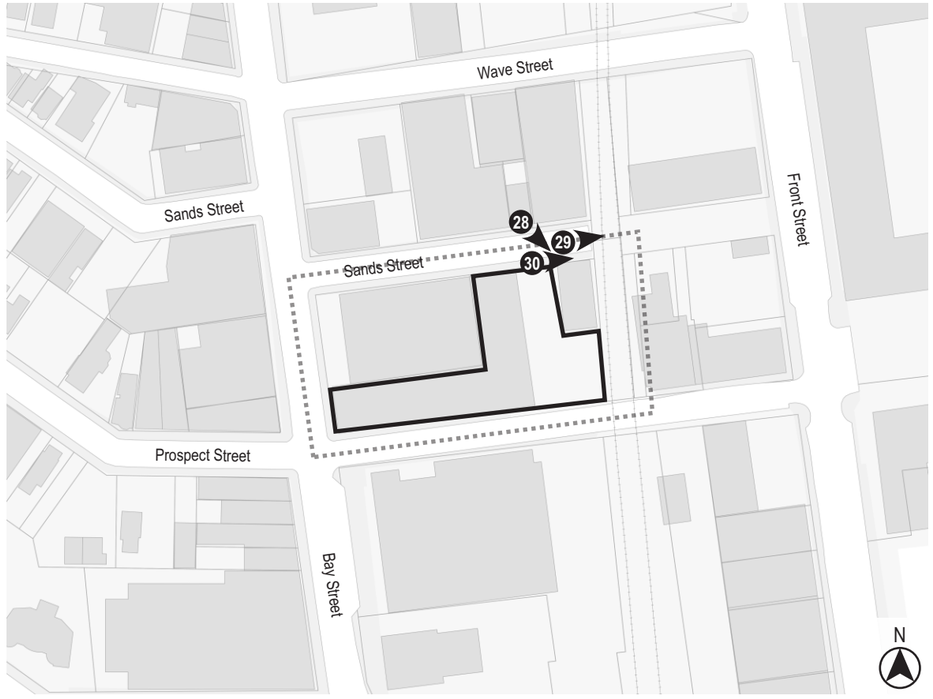
28. View of the Project Area facing southeast from Sands Street.



29. View of Sands Street facing east (Project Area at right).



30. View of the sidewalk along the south side of Sands Street facing east (Project Area at right).





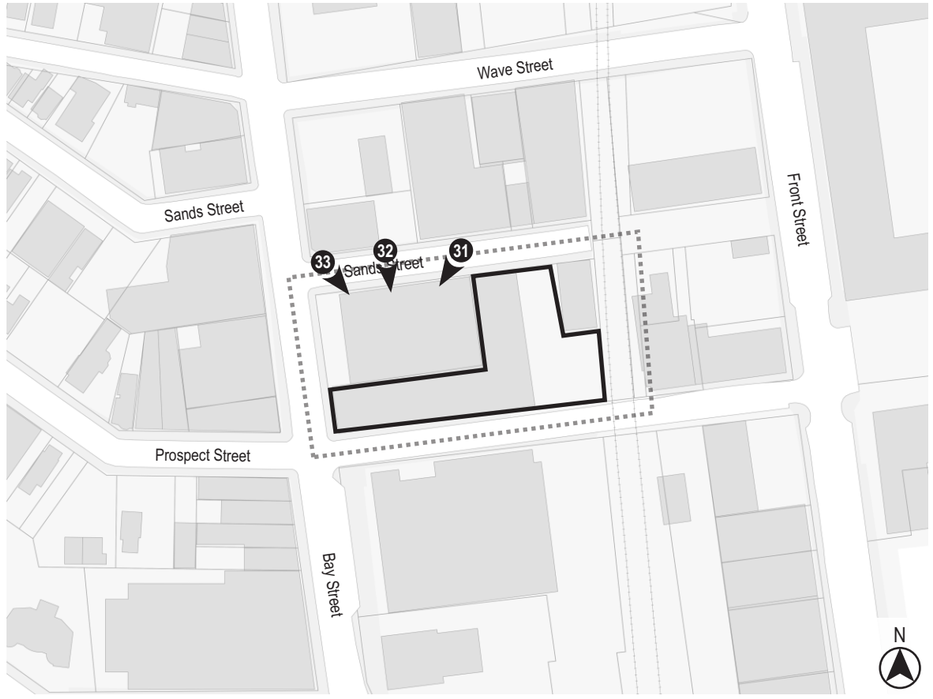
31. View of the Project Area facing southwest from Sands Street.



32. View of the Project Area facing south from Sands Street.



33. View of the Project Area facing southeast from Sands Street.





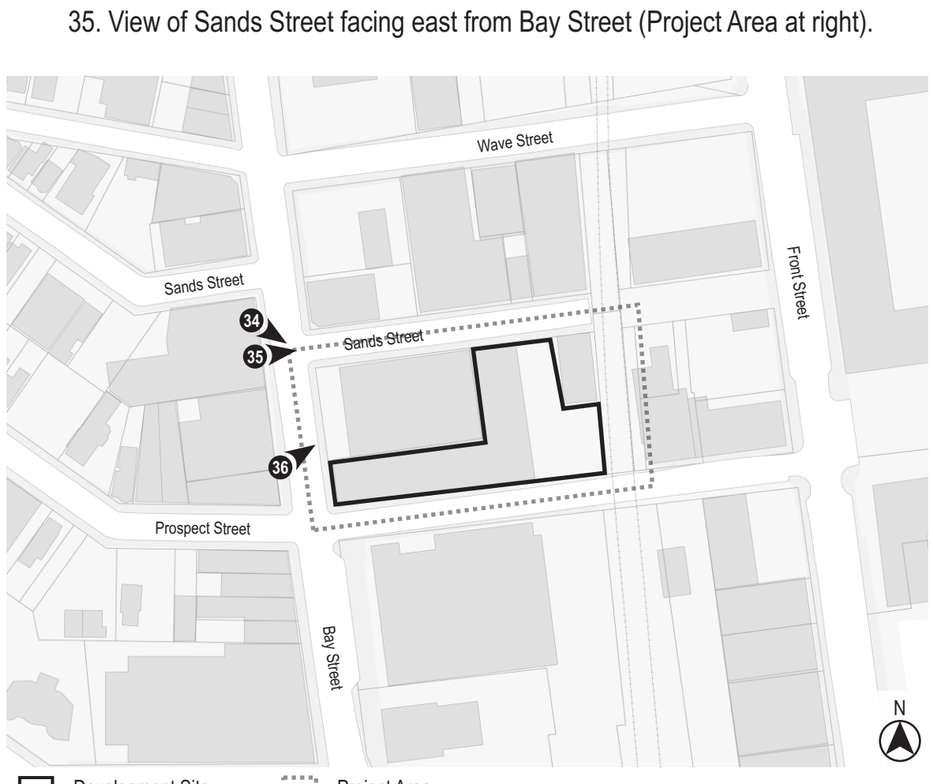
34. View of the Project Area facing southeast from the intersection of Sands Street and Bay Street.



36. View of the Project Area facing northeast from Bay Street.



35. View of Sands Street facing east from Bay Street (Project Area at right).





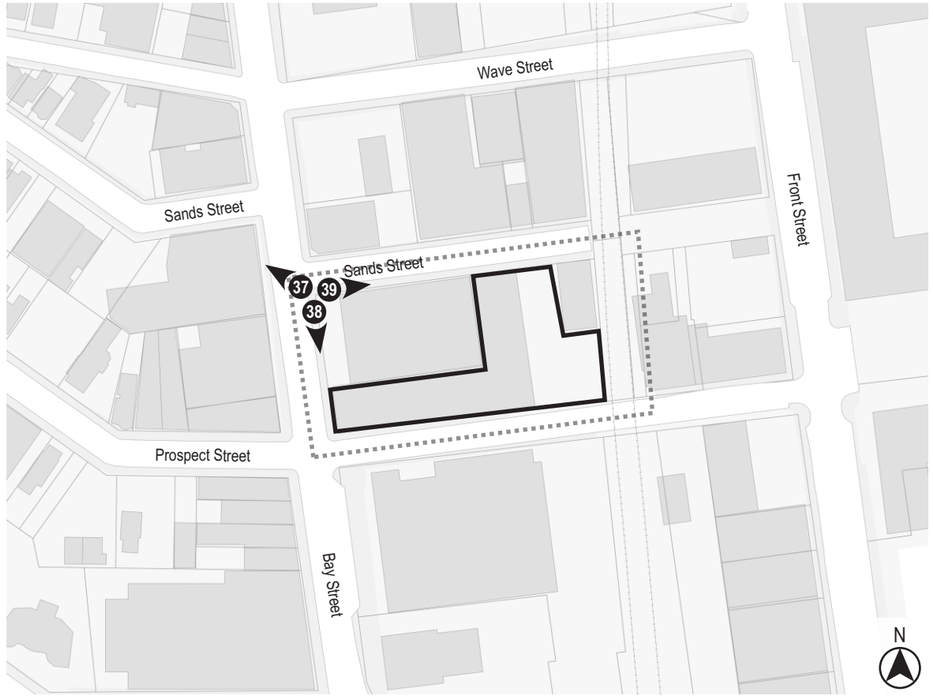
37. View of the west side of Bay Street facing northwest from the Project Area.



38. View of the sidewalk along the east side of Bay Street facing south from Sands Street (Project Area at left).



39. View of the sidewalk along the south side of Sands Street facing east from Bay Street (Project Area at right).





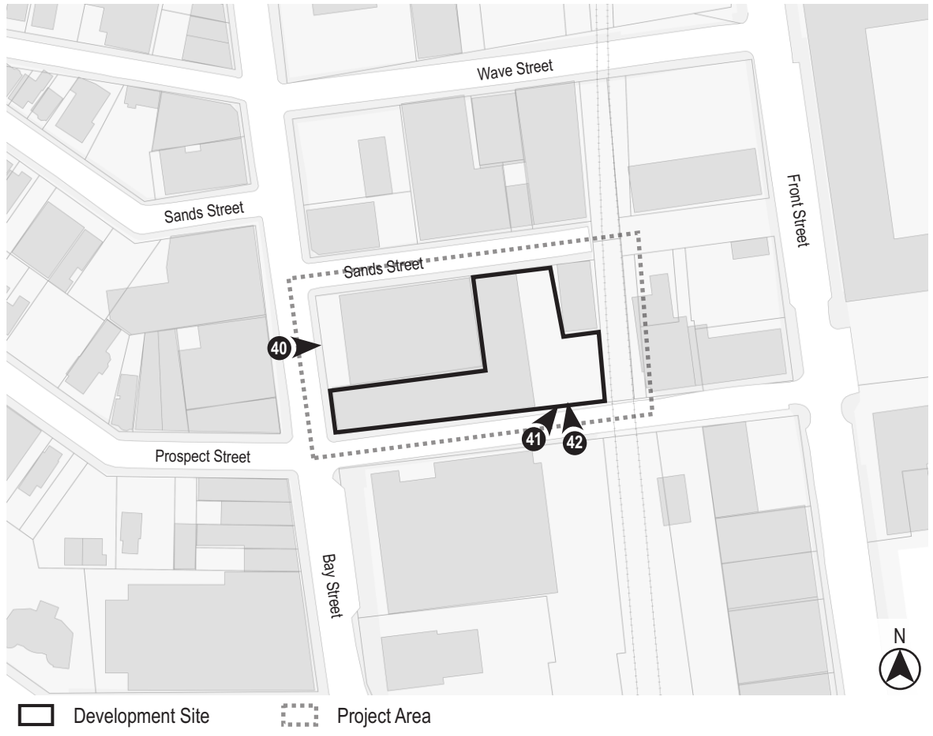
40. View of the Project Area facing east from Bay Street.



41. View of the Development Site facing northeast from Prospect Street.



42. View of the Development Site facing north from Prospect Street.





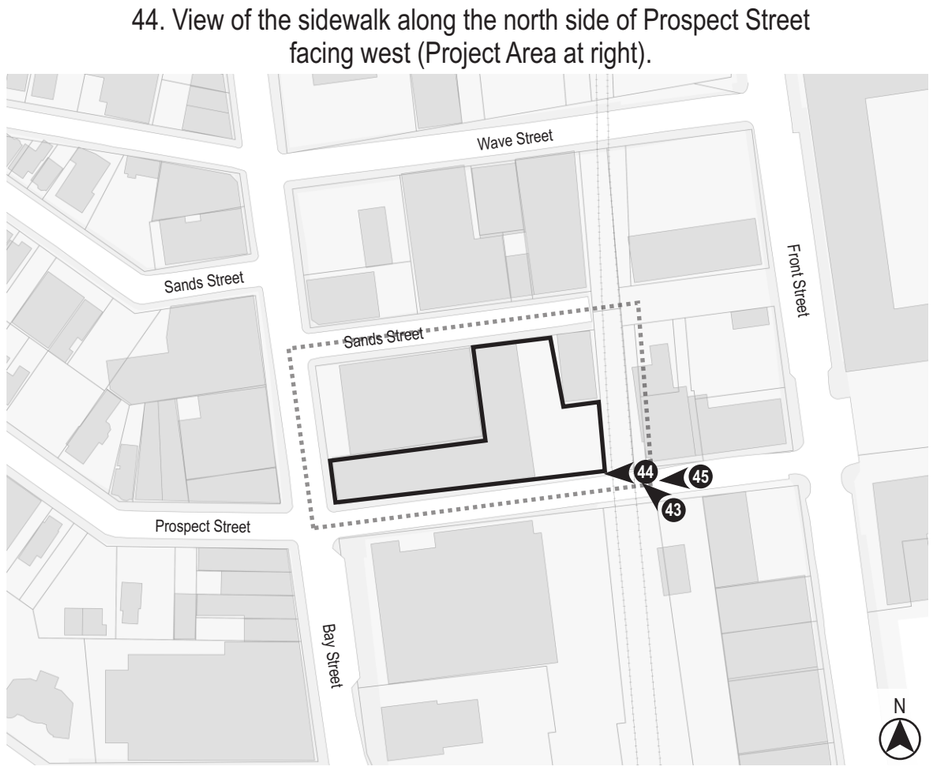
43. View of the Project Area facing northwest from Prospect Street.



45. View of Prospect Street facing west (Project Area at right).



44. View of the sidewalk along the north side of Prospect Street facing west (Project Area at right).



Section II - Project Description

Project Description

Proposed Actions

The Applicant, Epsilon Enterprises Realty, LLC, is seeking the following discretionary actions including (1) a zoning map amendment to the Development Site and surrounding properties from C4-2 to R6/C2-3; (2) a zoning text amendment to make the affected area part of the Special Bay Street Corridor; (3) a zoning text amendment to make the affected area part of a Mandatory Inclusionary Housing area; (4) amendments to bulk provisions of the Special Bay Street Corridor affecting primary street frontage and height regulations for the project area.

Project Area

The actions described above (collectively the "Proposed Actions") affect an area that is bound by the Sands Street to the north, the Staten Island Railroad Right-of-Way to the east, Prospect Street to the south and Bay Street to the west. This area includes Staten Island Block 490, Lots 1, 4, 19, 22, 47 and Block 489, portions of Lots 22 & 30. The area described above is referred to as the "Project Area". The approval of the Proposed Actions would facilitate development in the Project Area.

The Applicant does not own Staten Island Block 490, Lots 4, 19, 22, 47 nor Block 489, Lots 22 & 30 although these lots are within the Project Area. These lots are currently under separate ownership and contain a mix of commercial and residential uses in separate buildings as well as MTA Right-of Way (see Reasonable Worst-Case Development Scenario – Existing Conditions below).

The portion of the Project Area that is owned by the Applicant (Staten Island Block 490, Lot 1) is referred to as "Projected Development Site 1". The approval of the Proposed Actions would facilitate development on this site and one additional site in the Project Area (See Reasonable Worst-Case Development Scenario below).

Proposed Development

With the approval of the Proposed Actions, the Applicant intends to develop a mixed-use building in Projected Development Site 1. The proposed development is a 100,486 gross square foot (gsf), 8-story building. The building would have a total height of 81ft and contain 90,486 gsf of residential floor area or 83 dwelling units. Of these units, up to 25 would be reserved as moderate to low-income units pursuant to the requirements of

Mandatory Inclusionary Housing (MIH). MIH Options 1 and 2, and the Workforce Option would be mapped on the Project Area as part of the Proposed Actions. The final compliance with MIH would be determined through the ULURP process. In addition to residential uses the proposed development would also contain 10,000 gsf of commercial uses on the ground floor and 42 accessory parking spaces in a rear lot.

Purpose and Need

The Proposed Actions are needed to facilitate the proposed development (described above). The current zoning does not allow for the density of residential uses which are included in the proposed development. The current C4-2 zoning allows for residential, community facility and retail commercial spaces. The Proposed Actions would extend the Special Bay Street Corridor District (SBSCD) and rezone the Project Area to an R6/C2-3 district which would allow a greater density of residential uses, affordable units, and commercial space. It is the applicant's opinion that Proposed Actions would offer an opportunity to maximize the benefits of nearby transit links and commercial areas on the Bay Street Corridor.

Lastly, it is the applicant's opinion that the Proposed Actions also provide an opportunity to further the goal of creating new affordable housing units and promoting the creation of Transit Oriented Development (TOD).

Analysis Year

Based on an estimated duration of six months for the pre-certification process, a seven-month Universal Land Use Review Procedure (ULURP) and an eighteen-month construction period, the proposed development is expected to be complete in 2026. The Build Year, or Analysis Year, used in this EAS reflects the date when all projected development resulting from the approval of the proposed actions is complete and operational. The Build Year, or Analysis Year, used in this EAS is 2026.

Reasonable Worst-Case Development Scenario (RWCDS)

Discretionary actions sometimes permit a range of project characteristics, or development scenarios, to occur even though the action may be sought in order to facilitate a specific development. From the range of possible scenarios that are considered reasonable and likely, the scenario with the worst environmental consequences is chosen to present a conservative analysis. This development scenario is considered to be the Reasonable Worst-Case Development Scenario (RWCDS). By analyzing the potential for adverse impacts of the RWCDS the EAS ensures that, regardless of which scenario occurs, its impacts would be no worse than those considered in the environmental review. The EAS analyzes the incremental differences between the future with approval of the Proposed Actions (where the RWCDS occurs), the "With-Action condition" and the future without the approval of the Proposed Actions (where the RWCDS does not occur), the "No-Action condition"

Development Sites

As discussed above, the Proposed Actions would affect all of the lots within the Project Area. The Project Area includes Staten Island Block 490, Lots 1, 4, 19, 22, 47 and Block 489, portions of Lots 22 & 30. The Applicant owns Block 490, Lot 1. The remaining lots, (Block 490, Lots 4, 19, 22, 47 and Block 489, portions of Lots 22 & 30) are non-applicant owned. Development is expected to occur on two lots referred to in this EAS as "Projected Development Sites". **Projected Development Site 1** consists of Block 490, Lot 1. **Projected Development Site 2** consists of Block 490, Lot 19. The proposed development described above is expected to be built on Projected Development Site 1.

Existing Conditions

As discussed above the Project Area includes Staten Island Block 490 Lots 1, 4, 19, 22, 47 and Block 489, portions of Lots 22 & 30. The Project Area is bound by the Sands Street to the north, the Staten Island Railroad Right-of-Way to the east, Prospect Street to the south and Bay Street to the west.

Block 490, Lot 1 (541 Bay Street) is a through lot with frontage on Sands Street, Prospect Street, Bay Street and the Staten Island Railroad. The lot has an area of approximately 24,579 square feet. It contains a 16,500 gsf two-story commercial building.

Block 490, Lot 4 (533 Bay Street) is a corner lot with approximately 16,500 square feet of lot area and frontage along Bay Street and Sands Street. The parcel is developed with a 66,730 gsf six-story residential building. This building was constructed in 2016.

Block 490, Lot 19 (12 Sands Street) is corner lot with frontage along Sands Street. The lot is immediately adjacent to the Staten Island Railroad and has an area of approximately 3,050 square feet. The lot contains a 5,000 gsf two-story warehouse.

Block 490, Lot 22 (no mapped address) contains the Staten Island Railroad elevated track and right of way.

Block 490, Lot 47 (no mapped address) is a 2,054-square foot parcel that is utilized as a right-of-way for the elevated SIR.

Block 489, Lot 22 (no mapped address) is a 5,280 square-foot parcel that is mapped as Sands Street and is located underneath the elevatored SIR. The property is owned by the MTA. Only a small portion of this property would be affected by the Proposed Actions

Block 489, Lot 30 (no mapped address) is part of mapped street area (Sands Street) that partially serves as right-of-way area for the SIR.

Table 1 – Project Area Properties

Block	Lot	Projected Development Site	Lot Area (sf)	Land Use	# of Floors	Gross FA (sf)	Residential Floor Area	Commercial Floor Area	Manuf. Floor Area	Res. Unit	FAR
490	1	1	24,579	Commercial	2	16,500	0	16,500	0	0	0.67
490	4	N/A	16,500	Residential	6	66,730	66,730	0	0	67	4.0
490	19	2	3,050	Warehouse	2	5,000	0	0	5,000	0	1.6
490	22	N/A	5,289	Utility	0	0	0	0	0	0	0
490	47	N/A	2,054	Utility	0	0	0	0	0	0	0
489	22	N/A	5,280	Utility	0	0	0	0	0	0	0
489	30	N/A	6,056	Vacant	0	0	0	0	0	0	0

Table 2 – Applicant Owned Properties

Block	Lot	Projected Development Site	Lot Area (sf)	Land Use	# of Floors	Gross FA (sf)	Residential Floor Area	Commercial Floor Area	Manuf. Floor Area	Res. Unit	FAR
490	1	1	24,579	Commercial	2	16,500	0	16,500	0	0	0.67

Future No Action

In the future, if the Proposed Actions are not approved (the No-Action condition), development would not occur within the Project Area. While the current C4-2 zoning does allow for development in the Project Area that is significantly larger than what is currently built, for the purposes of presenting a conservative analysis, the no-action scenario is the same as existing conditions on all lots within the Project Area.

Future With-Action

In the future, if the Proposed Actions are approved (the With-Action condition), the proposed development described above would be built on the Projected Development Site 1.

With the approval of the Proposed Actions, the Applicant intends to develop a mixed-use building in **Projected Development Site 1**. The proposed development is a 100,486 gross square foot (gsf), 8-story building. The building would have a total height of 81ft and contain 90,486 gsf of residential floor area or 83 dwelling units. Of these units, up to 25 would be reserved as moderate to low-income units pursuant to the requirements of Mandatory Inclusionary Housing (MIH). Both MIH Options 1 and 2 as well as the Workforce Option would be mapped on the Project Area as part of the Proposed Actions. The final compliance with MIH would be determined through the ULURP process. As the applicant's proposed development maximizes floor area and FAR the project represents the RWCDS for the site controlled by the applicant.

For the purposes of presenting a conservative analysis the RWCDS assumes that an additional site (Block 490 Lot 19) would be redeveloped in the future with the Proposed Actions. A mixed-use building in **Projected Development Site 2** would be a 11,224 gross square foot (gsf), 3-story building. The building would have a total height of 35ft and contain 8,174 gsf of residential floor area or 10 dwelling units. Of these units, up to 3 would be reserved as moderate to low-income units. The requirements of the Mandatory Inclusionary Housing (MIH) are only applicable to developments larger than 10 units, but for the purposes of presenting a conservative analysis it is assumed that moderate to low-income units would be voluntarily provided.

In the With Action condition development is not anticipated to occur on Block 490 Lot 22 and 47, and Block 489 Lot 22 and 30. These lots all contain the Staten Island Railroad elevated track and right of way and are expected to remain unchanged in the future with the Proposed Actions. Further, development is not anticipated to occur on Block 490 Lot 4, as the lot was redeveloped in 2016 with a residential development that maximizes available floor area on the site.

Table 4 -Analysis Framework details the increment between the No-Action and the With-Action condition. This increment is the subject of the analysis presented in Part III (Technical Analysis).

Building Heights

For assessments that consider building heights, the most conservative heights are assumed for their relevant sections with the maximum building envelope considered for assessments of Shadows and Urban Design. Both the proposed and RWCDS building heights are analyzed for Air Quality (Stationary Source).

Table 4 – Analysis Framework

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
Residents	☐ Yes ☑ No	☐ Yes ☑ No	☑ Yes ☐ No	
If "yes," specify number:	0	0	234	234
Briefly explain how the number of residents was calculated:	Based on 2.52 persons per renter occupied household in the Tompkinsville-Stapleton Neighborhood Tabulation Area per the 2016-2020 American Community Survey (ACS)			
Businesses	☑ Yes ☐ No	☑ Yes ☐ No	☑ Yes ☐ No	
If "yes," specify the following:				
No. and type	1 Market, 1 Banquet Hall, 1 Warehouse	1 Market, 1 Banquet Hall, Warehouse	Ground floor retail	
No. and type of workers by business	51 workers	51 workers	31 workers	-20
No. and type of non-residents who are not workers	N/A	N/A	N/A	N/A
Briefly explain how the number of businesses was calculated:	13,050 total commerical space. Workers calculated based on an assumption of 1 employee per 425 sq ft and rounded up.			
Other (students, visitors, concert-goers,	☐ Yes ☑ No	☐ Yes ☑ No	☐ Yes ☑ No	
If any, specify type and number:	N/A	N/A	N/A	
Briefly explain how the number was calculated:				
Zoning				
Zoning classification	C4-2	C4-2	R6/C2-3 (SBSCD)	
Maximum amount of floor area that can be developed	Commerical: 22,579 gsf Residential: 0 gsf Manufac: 5,000 gsf	Commerical: 22,579 gsf Residential: 0 gsf Manufac: 5,000 gsf	Commerical: 13,050 gsf Residential: 98,660 gsf Manufac: 0 gsf	Commerical: -9,529 gsf Residential: 98,660 gsf Manufac: -5,000 gsf
Predominant land use and zoning classifications within land use study area(s) or a 400 ft. radius of proposed project	Local Commerical; Multifamily Residential	Local Commerical; Multifamily Residential	Local Commerical; Multifamily Residential	
Attach any additional information that may be needed to describe the project. If your project involves changes that affect one or more sites not associated with a specific development, it is generally appropriate to include total development projections in the above table and attach separate tables outlining the reasonable development scenarios for each site.				

541-545 Bay Street, Staten Island

Area Map

Block: 490, Lots: 1, 4, 19, 22, 30 & 47

Block 489: Lot: 30 (p/o)

Project Information

- 600' Radius
- Projected Development Site 1
- Projected Development Site 2
- Area Proposed to be Rezoned

Existing Commercial Overlays & Zoning Districts

C1-1	C2-1	Zoning Districts	
C1-2	C2-2	Special Districts	
C1-3	C2-3		
C1-4	C2-4		
C1-5	C2-5		

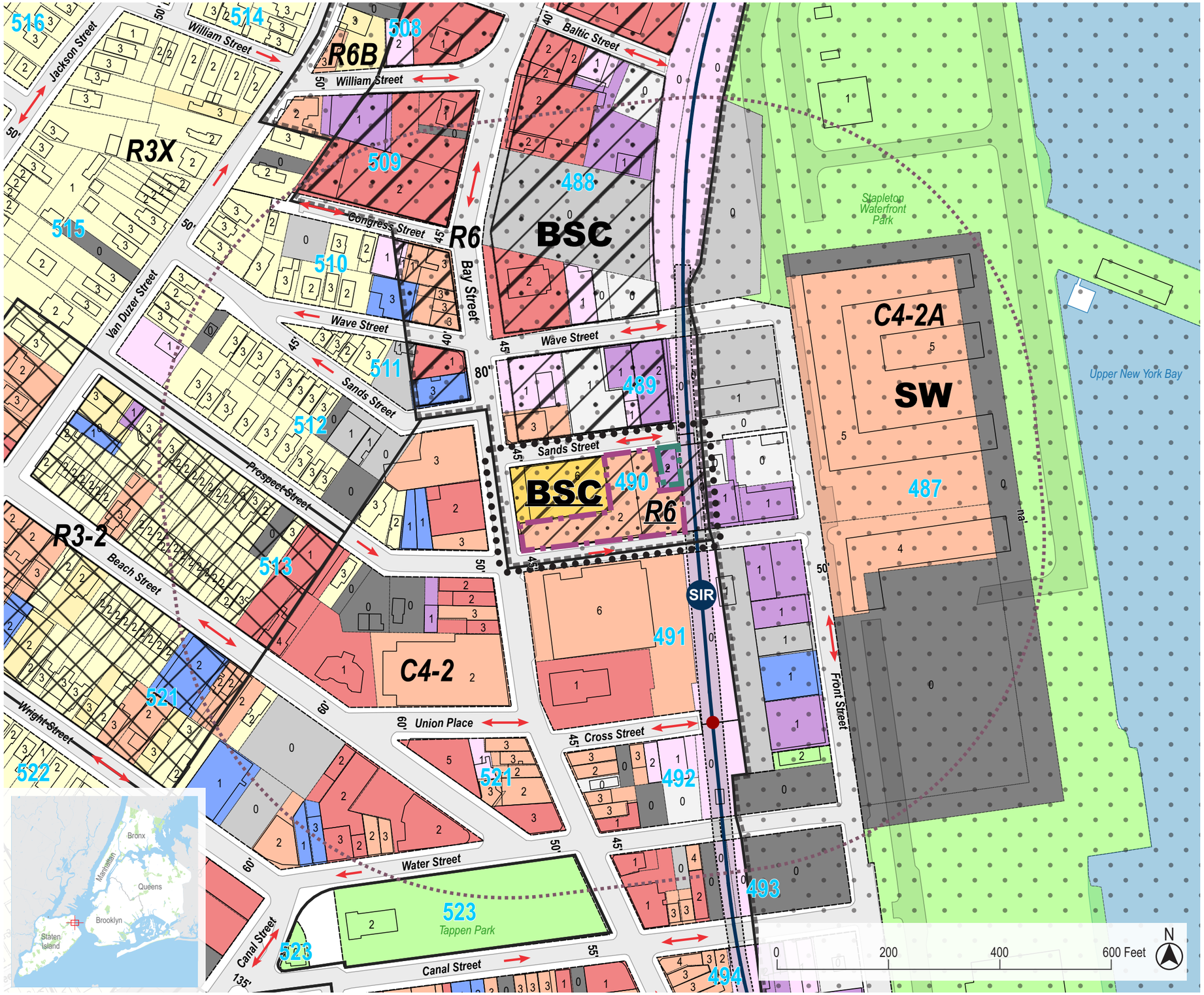
- Subway Entries
- 5037 Block Numbers
- Property Lines
- 5 Number of Floors

Land Uses

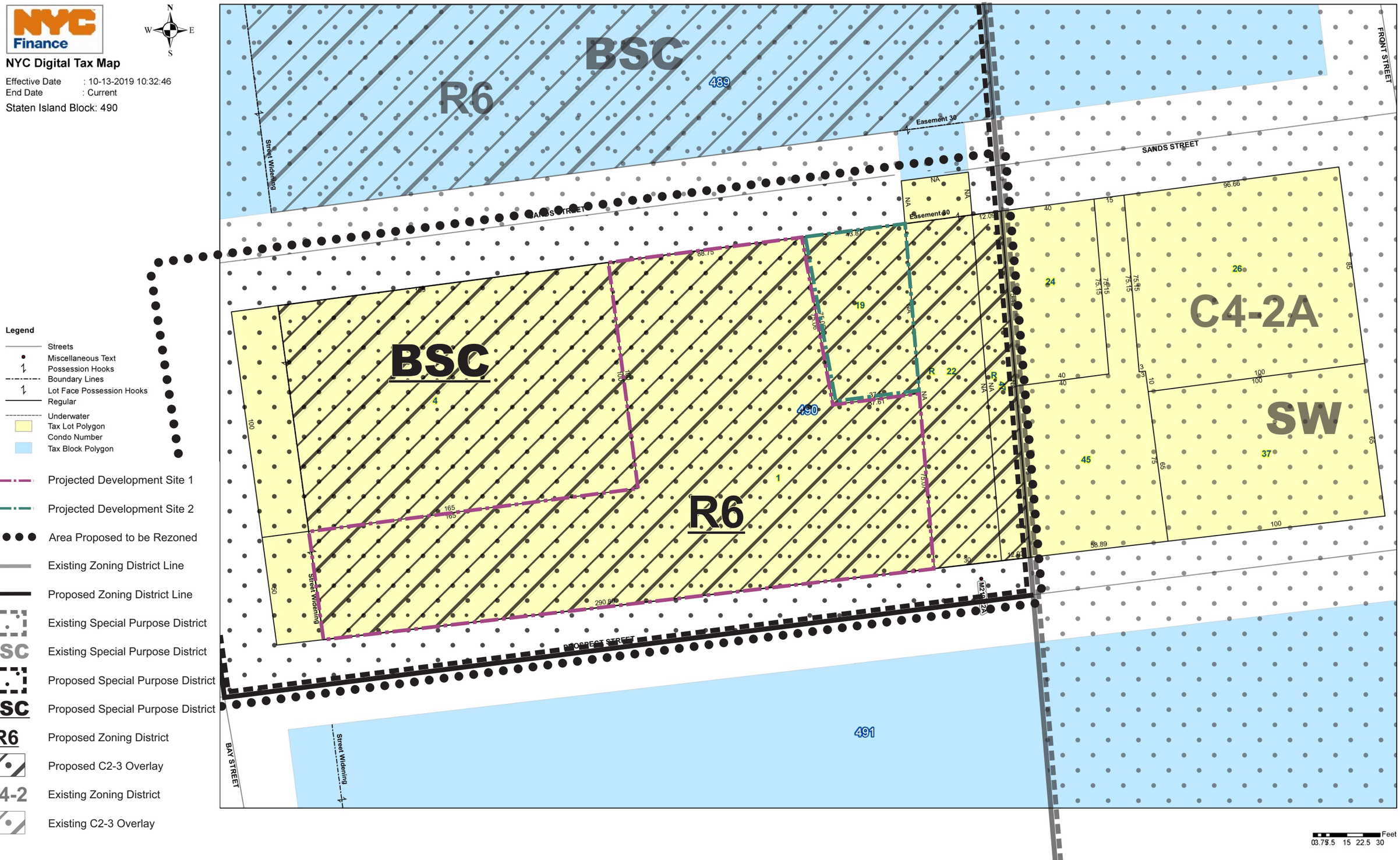
- One & Two Family Residential Buildings
- Multi-Family Residential Buildings (Walk-up)
- Multi-Family Residential Buildings (Elevator)
- Mixed Residential & Commercial Buildings
- Commercial/Office Buildings
- Industrial/Manufacturing
- Transportation/Utility
- Public Facilities & Institutions
- Open Space
- Parking Facilities
- Vacant Land
- No Data/Other

September 2020

Urban Cartographics



541-545 Bay Street, Staten Island



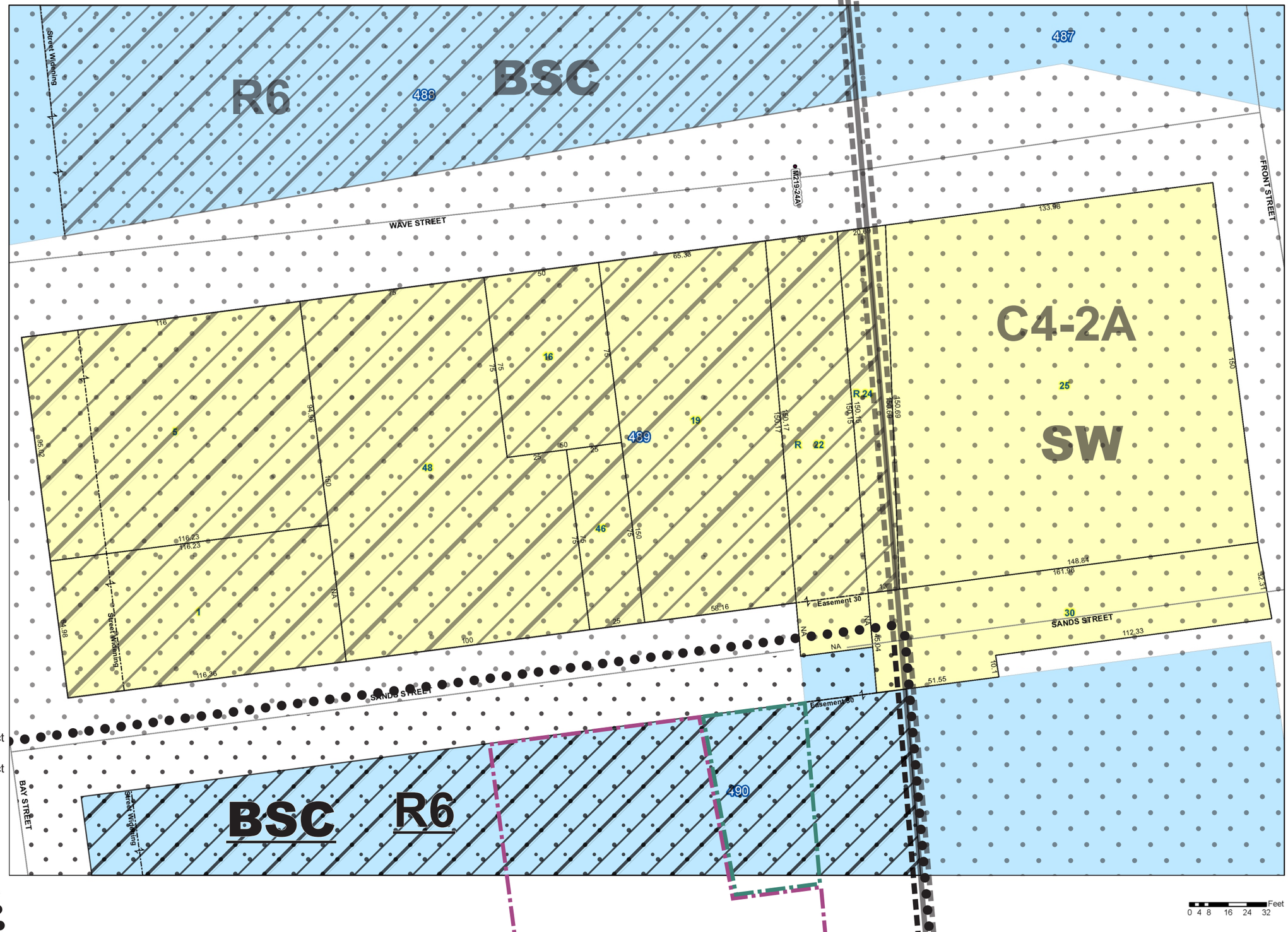
541-545 Bay Street, Staten Island

NYC Finance

NYC Digital Tax Map

Effective Date : 04-28-2022 11:36:21
End Date : Current

Staten Island Block: 489



Legend

- Streets
- Miscellaneous Text
- Possession Hooks
- Boundary Lines
- Lot Face Possession Hooks
- Regular
- Underwater
- Tax Lot Polygon
- Condo Number
- Tax Block Polygon
- Projected Development Site 1
- Projected Development Site 2
- Area Proposed to be Rezoned
- Existing Zoning District Line
- Proposed Zoning District Line
- Existing Special Purpose District
- BSC — Existing Special Purpose District
- Proposed Special Purpose District
- BSC — Proposed Special Purpose District
- R6 — Proposed Zoning District
- Proposed C2-3 Overlay
- C4-2 — Existing Zoning District
- Existing C2-3 Overlay

Section III – Technical Analysis

- **Land Use, Zoning and Public Policy (*Chapter 4*)**
- **Open Space (*Chapter 7*)**
- **Shadows (*Chapter 8*)**
- **Historic and Cultural Resources (*Chapter 9*)**
- **Urban Design and Visual Resources (*Chapter 10*)**
- **Hazardous Materials (*Chapter 12*)**
- **Transportation (*Chapter 16*)**
- **Air Quality (*Chapter 17*)**
- **Noise (*Chapter 19*)**
- **Public Health (*Chapter 20*)**
- **Neighborhood Character (*Chapter 21*)**
- **Construction (*Chapter 22*)**

The analysis areas noted above correspond to the chapter number of the *CEQR Technical Manual.*

4. Land Use, Zoning and Public Policy

The analysis of land use, zoning and public policy characterizes the existing conditions of the Project Area and the surrounding study area; anticipates and evaluates those changes in land use, zoning and public policy that are expected to occur independently of the proposed project; and identifies and addresses any potential impacts related to land use, zoning and public policy resulting from the project. Various sources have been used to prepare a comprehensive analysis of land use, zoning, and public policy characteristics of the area, including field surveys, studies of the neighborhood, census data, and land use and zoning maps.

Land Use

Study Area

In order to assess the potential for project related impacts, the land use study area has been defined as the area located within a 400-foot radius from the Project Area. Per the CEQR Technical Manual this is the area where land use and land use trends could be affected by the Proposed Development. This 400-foot radius is referred to as the "Study Area" and is generally bounded by Congress Street to the north; Front Street to the east; Water Street to the south; and the Upper New York Bay to the west; (See Figure 4-1 – Land Use Map).

Existing Conditions

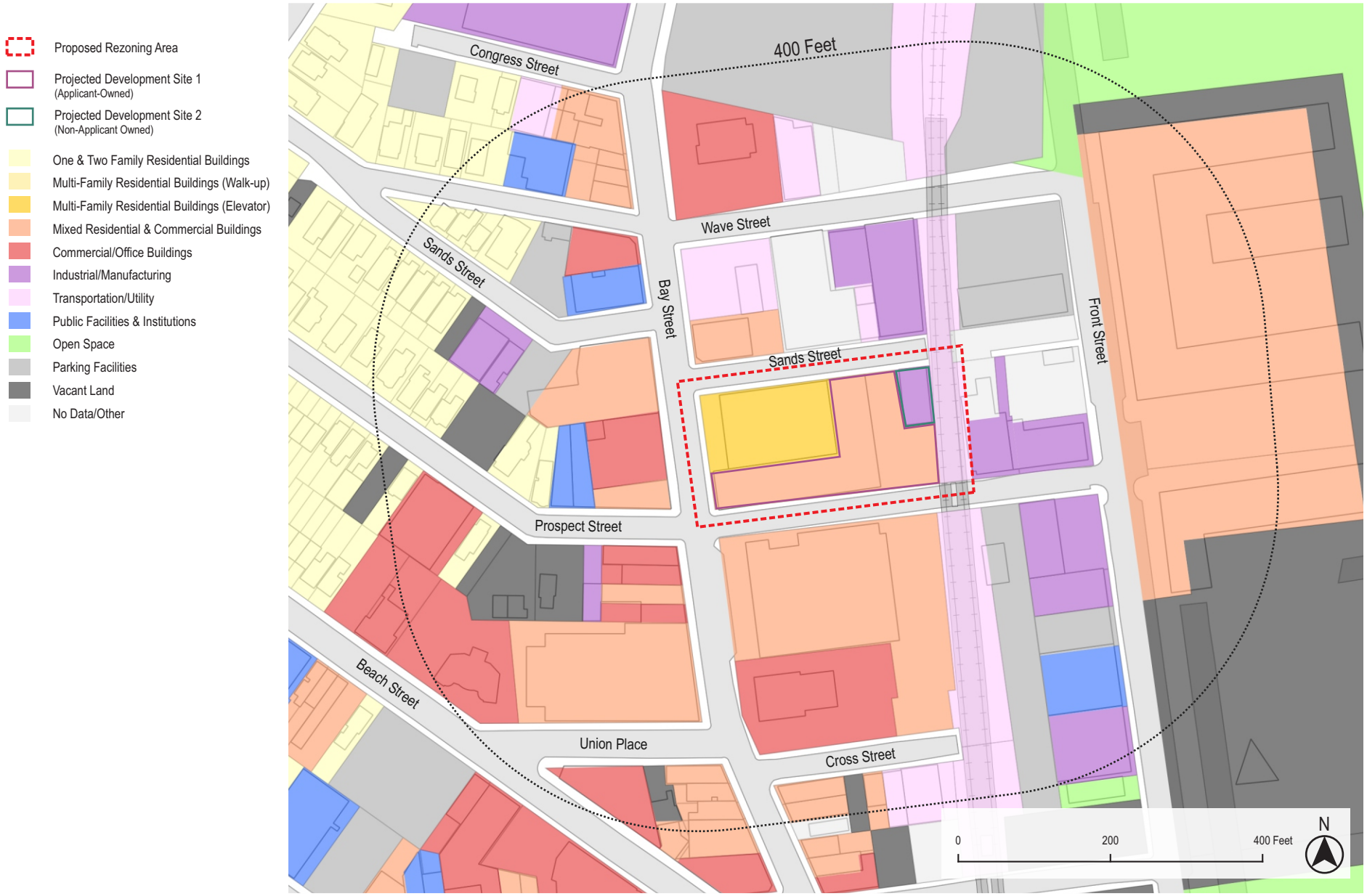
As discussed above the Project Area includes Staten Island Block 490, Lots 1, 4, 19, 22 & 47; Block 489, portions of Lots 22 & 30. These lots contain commercial, residential, warehouse use and accessory parking (See RWCDS - Existing Uses).

The lots within the larger Study Area contain residential, commercial, community facility, light manufacturing and transportation uses. The lots in the east of the Study Area (approaching Van Duzer Street) contain single and two-family homes. Along the Bay Street Corridor, lots contain predominantly multi-story mixed use and commercial buildings. There are a few vacant lots along the corridor as well. Along Front Street, lots contain industrial uses and many lots are vacant.

The Study area is served by a network of streets in an irregular grid pattern. Front Street, Bay Street, and Van Duzer Street provide north-south access. The Staten Island Railroad crosses the Study Area from north to south as well. Many smaller streets provide east-west access in the Study Area. These smaller streets are, generally, interrupted by Bay Street and Van Duzer Street.

541-545 Bay Street, Staten Island

Figure 4-1: Land Use Map



Data Source: MapPLUTO 2022v2, NYC DOF Digital Tax Map 2/21/22

Urban Cartographics

No-Action Condition

As discussed above, if the Proposed Actions are not approved no development is anticipated to occur on any lots within the Project Area. The lots within the Project Area are anticipated to remain in their present condition. The No-Action development would mirror existing land use patterns in the Study Area. As such there would be no change to the land use pattern within the Study Area.

With-Action Condition

With the approval of the Proposed Actions, the Applicant's proposed development is projected on **Projected Development Site 1**. The proposed development is a 100,486 gross square foot (gsf), mixed-use, 8-story building. The building would have a total height of 81ft and contain 90,486 gsf of residential floor area or 83 dwelling units. Of these units, up to 25 would be reserved as moderate to low-income units pursuant to the requirements of Mandatory Inclusionary Housing (MIH). A mixed-use building in **Projected Development Site 2** would be a 11,224 gross square foot (gsf), 3-story building. The building would have a total height of 35ft and contain 8,174 gsf of residential floor area or 10 dwelling units. Of these units, up to 3 would be reserved as moderate to low-income units pursuant to the requirements of MIH. The requirements of MIH are only applicable to developments larger than 10 units, but for the purposes of presenting a conservative analysis it is assumed that moderate to low-income units would be voluntarily provided.

The Proposed Actions do not introduce any land uses to the Study Area that are not already present in the existing condition. There are several medium density residential buildings in the Study Area, the Proposed Action would result in the development of a new mixed-use building that is similar in size and scale to adjacent developments.

Conclusion

The Proposed Actions are not anticipated to introduce land uses that are different from surrounding uses. The Proposed Actions would, however, result in a greater density of residential use than is currently permitted in the Study Area. The Proposed Actions would extend residential zoning from its existing boundary on Sands Street, across the block into a part of the Study Area that also contains multi-story mixed use residential buildings. The introduction of additional residential use is not anticipated to lead to additional land use changes in the Study Area. The Proposed Actions are not anticipated to result in significant adverse impacts to land use within the Study Area.

Zoning

Study Area

In order to assess the potential for project related impacts, the zoning study area has been defined as the area located within a 400-foot radius of the site. Per the CEQR Technical Manual this area is coterminous with the land use study area.

Existing Conditions

The Proposed Actions include a zoning map amendment and a zoning text amendment to rezone the Project Area from an C2-4 district to a R6/C2-3 district within the Special Bay Street Corridor District. All of the lots within the Project Area are currently located in this C2-4 district. There are however several different zoning districts within the Study Area. The Special Bay Street Corridor district extends along Bay Street from Sands Street north to Victory Boulevard. To the west of the Study Area, residential areas are zoned R3-2 and R3X. To the east of the Study Area, the Special Stapleton Waterfront district encompasses all waterfront lots.

The area immediately to the north of the Study Area was rezoned in 2019 as part of Bay Street Corridor Neighborhood Plan (190113 ZMR) that rezoned a 20-block corridor from and created a new special district (Special Bay Street Corridor District). The rezoning sought to facilitate new residential and mixed-use buildings along the boulevard to support and expand the existing commercial corridor.

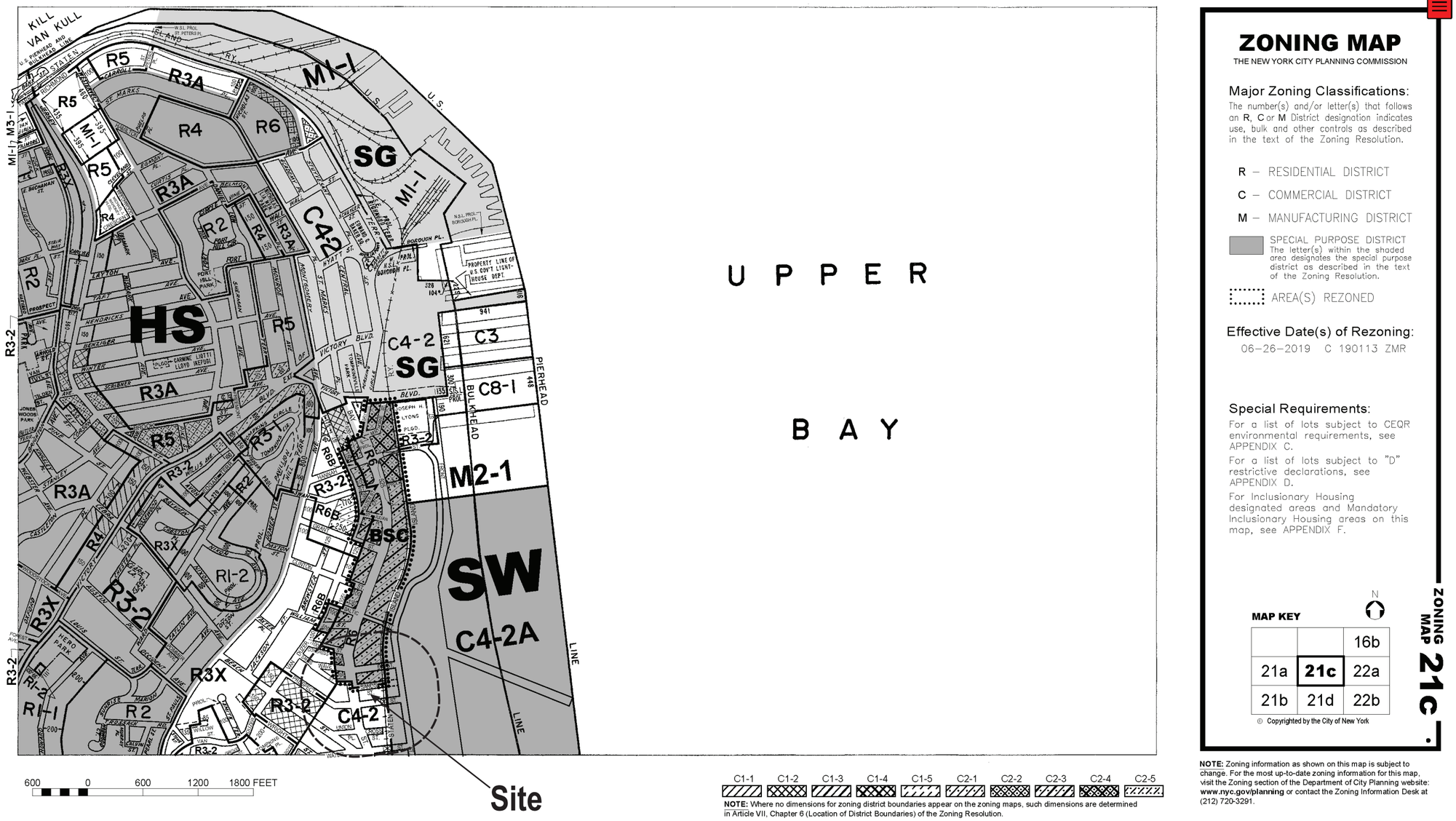
The area immediately to the east of the Study Area was rezoned in 2006 as part of Special Stapleton Waterfront Development (060471 ZMR) that rezoned the waterfront along the North Shore of Staten Island. The rezoning sought to facilitate development of the U.S. Navy Homeport and areas along the waterfront. The rezoning also sought to reconnect the waterfront to the surrounding neighborhood by introducing new waterfront open space and reestablishing visual and pedestrian corridors in the area.

Lastly, the surrounding R3X and R3-2 residential areas were mapped as a part of the Northeast North Shore Rezoning (030001 ZMR) which created lower density and contextual districts in an effort to restrict new development to heights and densities in keeping with the existing residential areas.

The **C4-2** district mapped within the Study Area extends past the Study Area boundary to the south (extending as far as Thompson Street). It is bounded by the Staten Island Railroad Right of Way and a line stretching from Boyd Street to the north. C4-2 districts permit commercial uses, including offices, at a maximum FAR of 3.4. Residential uses are also permitted in C4-2 zoning districts at a maximum FAR of 3.44. Building heights and

545 Bay Street, Staten Island

Figure 4-2: Zoning Map



ZONING MAP

THE NEW YORK CITY PLANNING COMMISSION

Major Zoning Classifications:

The number(s) and/or letter(s) that follows an **R**, **C** or **M** District designation indicates use, bulk and other controls as described in the text of the Zoning Resolution.

R – RESIDENTIAL DISTRICT

C – COMMERCIAL DISTRICT

M – MANUFACTURING DISTRICT

SPECIAL PURPOSE DISTRICT
The letter(s) within the shaded area designates the special purpose district as described in the text of the Zoning Resolution.

AREA(S) REZONED

Effective Date(s) of Rezoning:

06–26–2019 C 190113 ZMR

Special Requirements:

For a list of lots subject to CEQR environmental requirements, see APPENDIX C.

For a list of lots subject to "D" restrictive declarations, see APPENDIX D.

For Inclusionary Housing designated areas and Mandatory Inclusionary Housing areas on this map, see APPENDIX F.

MAP KEY

N

		16b
21a	**21c**	22a
21b	21d	22b

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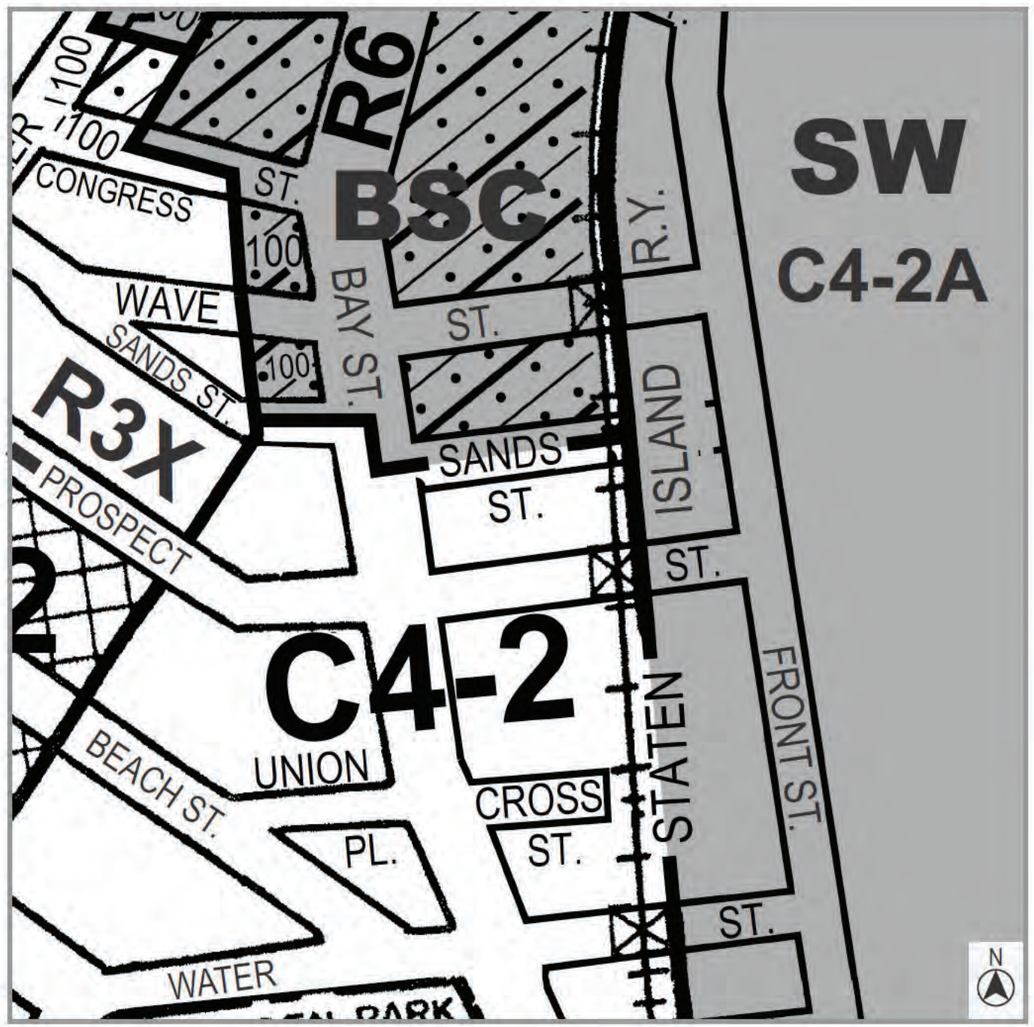
ZONING MAP **21c**

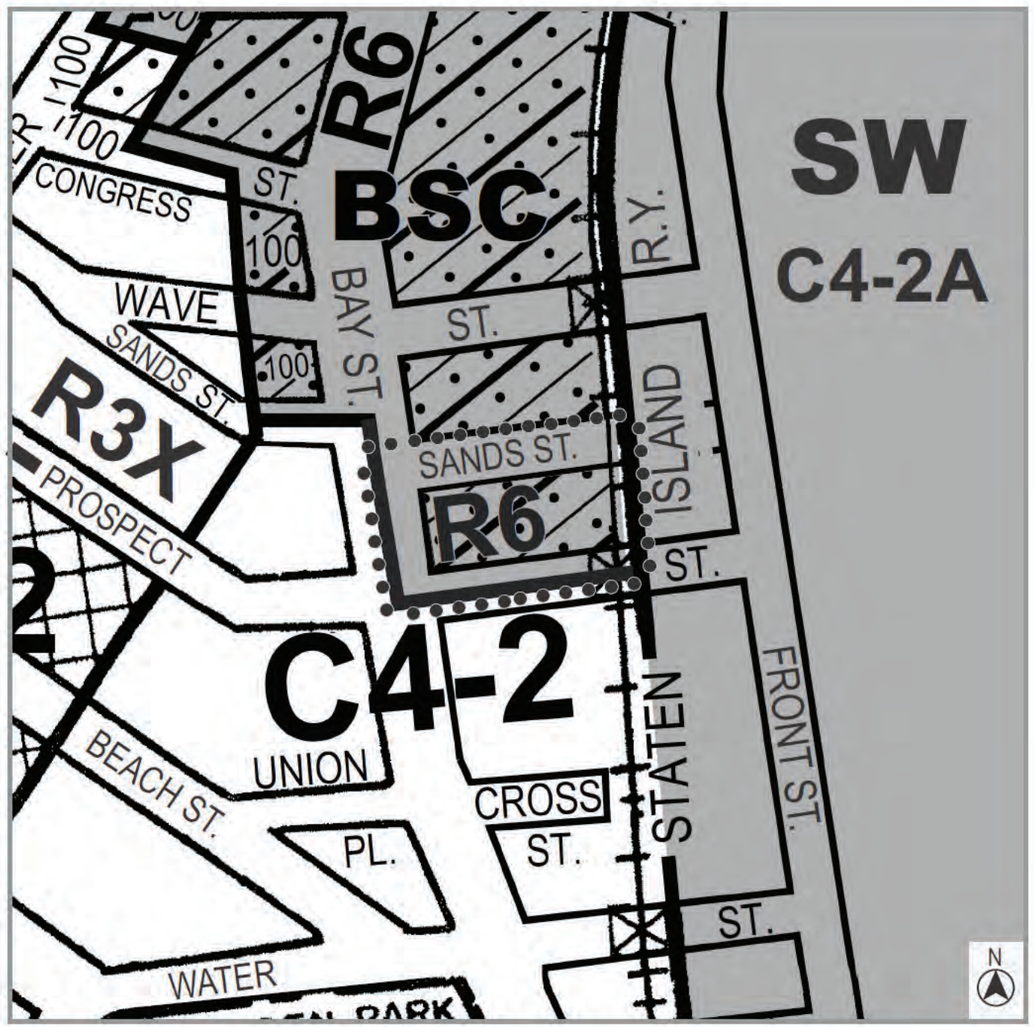
NOTE: Zoning information as shown on this map is subject to change. For the most up-to-date zoning information for this map, visit the Zoning section of the Department of City Planning website: **www.nyc.gov/planning** or contact the Zoning Information Desk at (212) 720-3291.

545 Bay Street, Staten Island

Figure 4-3: Zoning Change Map



Current Zoning Map (21c)



Proposed Zoning Map (21c) - Area being rezoned is outlined with dotted lines

Rezoning from C4-2 to R6/C2-3 (BSC)

setbacks are controlled by a sky exposure plane, although few buildings in C4-2 districts rise above two stories.

The **R6/ C2-3** district (Special Bay Street Corridor District, SBSCD) mapped within the Study Area extends to the north as described above. The R6/ C2-3 district permits a range of FARs between 2.0 and 4.6 for residential and community facility uses, depending on location and configuration of sites. The SBSCD provisions allows the maximum base height before setback to range between 40 and 65 feet, with a maximum building height that would range between 55 and 145 feet, depending on site configuration and location. The Quality Housing Program are mandatory, and the Height Factor regulations typically applicable in a non-contextual R6 zoning district are not permissible. Within R6 Quality Housing developments citywide, off-street parking, which is not permitted in front of a building, is required for 50 percent of unregulated dwelling units and 25 percent of affordable units. These underlying citywide parking regulations are applicable to new developments in the SBSCD.

No-Action Condition

If the Proposed Actions discussed above are not approved, no changes would occur to the zoning on the Project Area. The Project Area would continue to be zoned C4-2. No changes to zoning are anticipated to occur within the Project Area or the surrounding Study Area within the Analysis year of 2026.

With-Action Condition

If the Proposed Actions discussed above are approved, the Project Area will be rezoned from an C4-2 district to an R6/C2-3 district within the SBSCD. The approval of the Proposed Actions will facilitate development on Projected Development Site 1 and on Projected Development Site 2 as described above (see RWCDS – With Action Scenario).

The R6/C2-3 residential district is described above. Ultimately the increment in FAR, bulk and use between the existing C4-2 district and R6/C2-3 district is small. R6 is the residential equivalent of the existing C4-2 district. This district was chosen as it serves as the special zoning designation along Bay Street and the established SBSCD (one block to the north) and would enable the Development Site and larger Project Area to be consistent with the remainder of the SBSCD. The R6 district in this location would permit 3.6 FAR under MIH and 2.0 FAR for commercial uses, as well as 3.9 FAR for senior units and/or long-term care facilities. Minimum and maximum street wall heights are established by the Special Street Wall Location regulations in the SBSCD and overall maximum height capped at 8-stories or 85 feet. This is consistent with recently constructed midrise mixed and residential buildings in the immediate area, such as the Urby Development, the adjacent 25 Sands Street development (6-stories) and 40 Prospect Street (6-stories). It should be noted that the underlying C4-2 district has no maximum height limit and permits 4.8 FAR where community facility uses are included. As such,

the proposal would cap the maximum bulk of the Proposed Development at 8-stories or 85 feet and 3.9 FAR (with the inclusion of senior housing or long-term care uses or nursing homes), consistent with intent of the SBSCD at a critical location linking that corridor with the Stapleton waterfront and nearby transit, including the SIR station.

Conclusion

Approval of the Proposed Actions would change the underlying zoning district in the Project Area. The Proposed Actions change the zoning in the Project Area from C4-2 to R6/C2-3 within the SBSCD. The CEQR Technical manual states that an analysis of land use and zoning should "focus on the project's compatibility and consistency with surrounding uses and zoning as they would exist in the future without the project" and determine "whether the project would have the ability to generate land use change in the study area." The new zoning district introduced by Proposed Actions would not introduce any new uses to the Study Area. As discussed above the Study Area contains a mix of community facility, commercial and residential uses. The Proposed Actions would result in the development of buildings that are similar in height and bulk to existing buildings in the Study Area. The introduction of new residential uses in these buildings remains compatible with the surrounding Study Area. Further, the Proposed Actions mirror past rezonings that allow for the introduction of medium density mixed use buildings along the commercial corridor. The Proposed Actions are not anticipated to result in significant adverse impacts related to zoning within the Study Area.

Public Policy

Study Area

Per the CEQR Technical Manual, assessment of public policy accompanies a land use assessment because such policies may help determine whether or where land uses might change as the result of a proposed project. In addition, some projects may affect other specific public planning efforts by changing land uses in the area.

In order to assess the potential for project related impacts, the public policy study area has been defined as the area located within a 400-foot radius of the site. Per the CEQR Technical Manual this area is coterminous with the land use study area.

Existing Conditions

The Project Area is located in Stapleton which is within Staten Island Community District 1. Existing public policies that could affect the Rezoning Area include:

- Housing New York: A Five-Borough, Ten-Year Plan
- Food Retail Expansion to Support Health (FRESH)
- One New York: The Plan for a Strong and Just City (OneNYC)
- NYC Waterfront Revitalization Program (WRP)

Housing New York: A Five-Borough, Ten-Year Plan is a plan which was implemented under former Mayor Bill De Blasio to build or preserve 300,000 units of affordable housing in New York City within ten years of the start of his mayoralty.

The Food Retail Expansion to Support Health (FRESH) Program, designates areas where for zoning as well as tax incentives are available for the development of a grocery store that sells fresh fruits and vegetables.

One New York: The Plan for a Strong and Just City (OneNYC), is the City's strategic plan for inclusive growth and climate action. A major goal of the program is with the creation of new affordable dwelling units.

The NYC Waterfront Revitalization Program (WRP) applies to areas within the City's Coastal Zone Boundary. WRP is the City's principal Coastal Zone management tool and establishes a broad range of public policies for the City's coastal areas. The guiding principle of the WRP is to maximize the benefits derived from economic development, environmental conservation, and public use of the waterfront, while minimizing the conflicts among these objectives.

No other public policies relate to the Project Area or to the surrounding 400-foot radius

study area. The Project Area is not located within a Federal Empowerment Zone or covered by any 197-a Community Development Plans, and is not located within a critical environmental area, a significant coastal fish and wildlife habitat, a wildlife refuge, or a special natural waterfront area.

No-Action Condition

As discussed above, if the Proposed Actions are not approved no development is anticipated to occur on any lots within the Project Area. The lots within the Project Area are anticipated to remain in their present condition.

With-Action Condition

As discussed above, of the Proposed Actions are approved, development is expected to occur on Projected Development Site 1 and Projected Development Site 2 within the Project Area.

Housing New York: A Five-Borough, Ten-Year Plan

The Proposed Actions include a zoning text amendment to map a Mandatory Inclusionary Housing Area on the Project Area. Of the 93 dwelling units included in the With-Action development, up to 28 of these units would be affordable (subject to the MIH option selected during the ULURP process). The creation of these units is consistent with this public policy as it furthers the goal of developing affordable units.

The Food Retail Expansion to Support Health (FRESH) Program

The Applicant's proposed development does not include a supermarket nor is a supermarket anticipated to be constructed on Projected Development Site 1 or Projected Development Site 2 in the With-Action scenario. The building on Proposed Development Site 1 currently contains a small market. The FRESH program aims to incentivize the construction of supermarkets in areas where access to fresh produce is limited.

In the Project Area, zoning incentives from the FRESH Program are not available, however discretionary tax incentives could be offered. The Proposed Development does include ground floor commercial floor area although it is not guaranteed the existing market will remain. There is a supermarket within 0.25 miles of the Project Area (Buena Vista Grocery on Broad Street).

One New York: The Plan for a Strong and Just City (OneNYC)

The Proposed Actions would result in the creation of new residential units and commercial spaces. The development of dense, mixed use, and mixed income,

residential buildings furthers the housing objectives presented in OneNYC. Further, the Project Area is a Transit Oriented Development (TOD) located in a transit corridor which furthers the goals presented in OneNYC.

The NYC Waterfront Revitalization Program (WRP)

The Proposed Development Site is wholly located within the NYC Coastal Zone Boundary and is entirely located in an A area (1% annual flood hazard) by FEMA's Preliminary Flood Insurance Rate Maps (PFIRM). A WRP Consistency form has been produced for the Proposed Actions and is included in the appendix of this EAS. The WRP Policy Assessment and Consistency form demonstrate that the Proposed Development is consistent with the policies of the WRP.

Conclusion

The Proposed Actions would advance several public policy objectives as they would result in the development of dense, mixed use, and mixed income, buildings. These are stated policy goals in both *OneNYC* and *Housing New York.* The Proposed Actions would also provide an opportunity to concentrate development in an existing underutilized transit corridor.

7. Open Space

Introduction

This chapter assesses the potential impacts of the proposed project on open space resources. Open space is defined by the 2021 *City Environmental Quality Review (CEQR) Technical Manual* as publicly accessible, publicly, or privately-owned land that operates or is available for leisure, play, or sport, or serves to protect or enhance the natural environment. The CEQR Technical Manual guidelines indicate that an open space analysis should be conducted if an action would result in a direct effect, such as the physical loss or alteration of public open space, or an indirect effect, such as when a substantial new population could place added demand on an area's open spaces. The proposed project would introduce new residential population to the project area that would create new demands for open space. Therefore, an open space assessment was conducted to determine if the Proposed Actions would significantly affect open space.

Threshold Analysis

Direct Effects

Per the CEQR Technical Manual, direct effects may occur when the proposed project would encroach on, or cause a loss of, open space. Direct effects may also occur if the facilities within an open space would be so changed that the open space no longer serves the same user population. Limitation of public access and changes in the type and amount of public open space may also be considered direct effects. Other direct effects include the imposition of noise, air pollutant emissions, odors, or shadows on public open space that may alter its usability. The Proposed Development would not remove or alter any existing publicly accessible open spaces. In addition, study area open spaces would not experience project-related significant adverse shadows, air quality, or operational noise impacts, as discussed in this EAS.

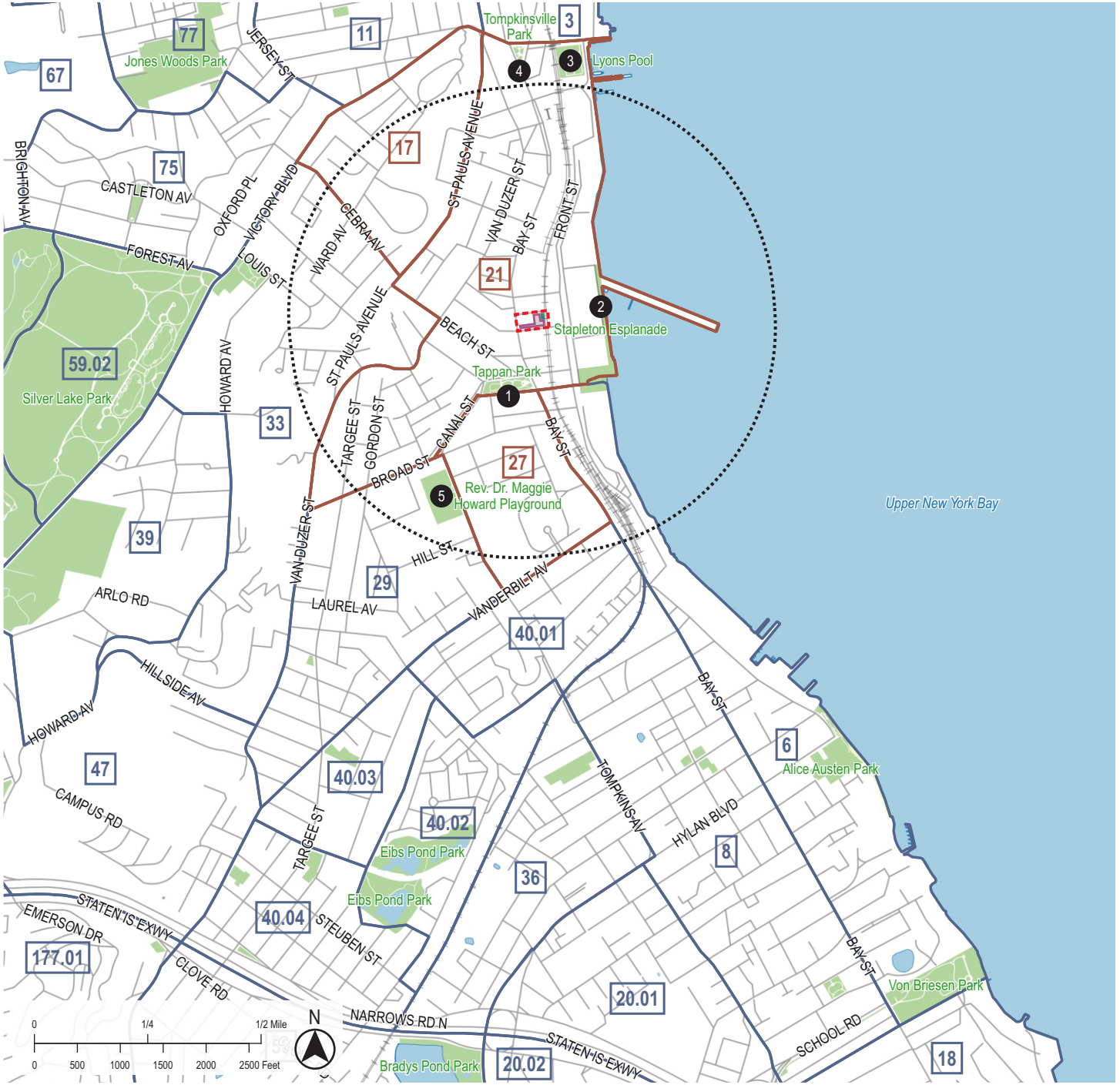
Indirect Effects

Per the CEQR Technical Manual, indirect effects may occur when the population generated by the proposed project overtaxes the capacity of existing open spaces so that their service to the future population of the affected area would be substantially or noticeably diminished. For the majority of projects, an assessment is conducted if the proposed project would generate more than 200 residents or 500 employees. In areas of the city where existing Open Space Ratios (OSR) are low, a small change in the OSR may result in the potential for a significant adverse impact to Open Space. The Proposed Actions would introduce 93 units, with approximately 234 residents to the

541-545 Bay Street, Staten Island

Figure 7-1: Open Space
Facilities and Census Tracts

- Proposed Rezoning Area
- Projected Development Site 1 (Applicant-Owned)
- Projected Development Site 2 (Non-Applicant-Owned)
- 1/2-Mile Radius
- Census Tract Boundaries
- 123 — 50% or More of Census Tract Within Study Area
- 123 — Less Than 50% of Census Tract Within Study Area
- 1 — Open Space Resources (see Table 7-1)



Urban Cartographics

Project Area. No incremental workers are anticipated to be introduced to the Project Area with the approval of the Proposed Actions. As the Proposed Actions are expected to result in the introduction of more than 200 residents to the Project Area a preliminary analysis is needed.

Preliminary Analysis

Per the CEQR Technical Manual, the first step in any open space analysis is to define and map a study area. Once the study area is defined, the next step is to determine which analysis is required through calculating the percentage change in the open space ratio between the No-Action condition and the future With-Action condition.

Study Area

Open space study areas are defined to allow analysis of both the nearby open spaces and the population using those open spaces. They are generally defined by a reasonable walking distance that users would travel to reach local open space and recreation areas—typically 0.5 mile for residential users and 0.25 mile from commercial projects with a worker population.

The Proposed Actions would introduce more than 200 residents to the Project Area. Per the CEQR Technical Manual it is necessary to examine the change in residential population in the study area relative to total, active, and passive publicly accessible open space in the area and to determine whether the increase in population would significantly impact the adequacy of open space resources in the study area. An assessment of the adequacy of open space for the nonresidential (worker) population is not needed.

As recommended in the *CEQR Technical Manual*, the open space study area comprises all census tracts that have at least 50 percent of their area located within a ½-mile of the Project Area, as shown in **Figure 7-1: Open Space Facilities and Census Tracts**. The Study Area also includes an additional Census Tract (Staten Island Tract 29) that is not more than 50 percent contained within a ½-mile of the Project Area. This tract contains Rev. Dr. Maggie Howard Playground, an Open Space resource that is within walking distance of both Projected Development Site 1 and 2. Per the CEQR Technical Manual, a study area is generally defined by a reasonable walking distance that users would travel to reach local open space and recreation areas and the boundaries of the study area should reflect existing conditions. The inclusion of Staten Island Census Tract 29 creates a Study Area that better reflects existing conditions in the vicinity of the Project Area.

Existing Open Space

As visualized in Figure 7-1, there are a total of four open space resources within the census tracts that are more than 50% contained in the ½ mile radius around the Project

Area. These open space resources are described below and summarized in Table 7-1: Inventory of Open Space Resources.

1. **Tappen Park**: Tappen Park is bounded by Water Street, Bay Street, and Canal Street and contains the Edgewater Village Hall.

2. **Stapleton Esplanade**: Opened in 2016, Stapleton Waterfront Park connects Stapleton and surrounding neighborhoods with new access to the waterfront. Built simultaneously with the neighboring housing and commercial development, the park includes grass and landscaped areas, benches, water fountains, a fish cleaning station, lit walkways, and a newly constructed tidal wetlands cove.

3. **Lyons Pool**: Lyons Pool is an outdoor pool and recreation center located on the waterfront between Victory Boulevard and Hannah Street. The recreation center contains a multipurpose room and a fitness center completed in 2013.

4. **Tompkinsville Park**: This civic plaza includes accessible benches, water fountains and public restrooms. The space offers passive recreation under large shade trees.

5. **Rev. Dr. Maggie Howard Playground:** Rev. Dr. Maggie Howard Playground is bounded by Tompkins Avenue, Hill Street, and Broad Street. It contains several recreational spaces, including a baseball field, basketball courts, handball courts, playgrounds, and an outdoor pool.

Table 7-1: Inventory of Open Space Resources

Map Key	Open Space Resource Name	Total Size (Acres)	Passive Acres	Active Acres	Condition	Utilization
1	Tappan Park	1.78	1.78	0.00	Good	Moderate
2	Stapleton Esplanade	4.61	4.61	0.00	Good	Low
3	Lyons Pool	3.19	0.00	3.19	Good	High
4	Tompkinsville Park	0.42	0.42	0.00	Fair	High
5	Rev. Dr. Maggie Howard Playground	4.10	0.82	3.28	Good	Low
Total		**14.10**	**7.63**	**6.47**		

Source: NYC DPR (2021), ZoLa NYC's Zoning and Use Map

Open Space Ratios

The quantitative assessment of open space is based on ratios of usable open space acreage to the study area populations (the "open space ratios" or OSR). In New York City, local

open space ratios vary widely. The city's planning goal is a total of 2.5 acres of open space per 1,000 residents. This includes 0.50 acres of passive space and 2.0 acres of active open space per 1,000 residents.

Per the CEQR Technical Manual, If the open space ratio would increase or remain substantially the same in the With-Action condition compared to the No-Action condition, no further analysis of open space is needed (unless direct, qualitative changes to an open space may occur because of the project). Decreases in the open space ratio would generally warrant a more detailed analysis. The Thresholds for detailed analysis are presented in the Open Space chapter of the CEQR TM (Table 7-1). **Table 7-2: Existing Open Space Ratios,** below**,** summarizes the total, active and passive open space ratios within the study area.

Table 7-2: Existing Open Space Ratios

	Existing Conditions	**CEQR TM Guideline**
Publicly Accessible Open Space (Acreage)	14.10	-
Study Area Population	16,252	-
Open Space Ratio (Acres/1,000 Residents)	0.868	2.5
Active Open Space Ratio (Acres/1,000 Residents)	0.399	2
Passive Open Space Ratio (Acres/1,000 Residents)	0.469	0.5

Source: Population Factfinder, DCP; 2020 Census

No Action Condition

As discussed above, if the Proposed Actions are not approved no additional residents would be introduced in the No-Action Condition. In the No-Action Scenario, the Study Area includes 16,645 residents to account for an assumed annual growth factor of 0.8% per year through the 2026 build year. The annual growth rate is reflective of the annual growth observed in Staten Island Community District 1 between the 2010 Decennial Census and the 2020 Decennial Census. The amount of open space would remain unchanged in the No-Action condition.

With Action Condition

If the Proposed Actions are approved development is anticipated to occur on Projected Development Site 1 and Projected Development Site 2. In total the Proposed Development is expected to introduce 234 new residents to the Project Area. There are currently no new open space resources under construction in the Study Area. No additional open space resources are anticipated to be operational in the Study Area by

the 2026 build year. The total open space ratios for the existing, no-action, and with-action conditions are summarized in **Table 7-3: Open Space Ratio Totals**, below.

Table 7-3: Open Space Ratio Totals

	Future No-Action	Future With-Action	CEQR TM Guideline	Percent Change
Publicly Accessible Open Space (Acreage)	14.10	14.10	-	-
Study Area Population	16,645	16,879	-	+1.41%
Open Space Ratio	**0.847**	**0.835**	**2.5**	**-1.42%**
Active Open Space Ratio	0.389	0.383	2	-1.54%
Passive Open Space Ratio	0.458	0.452	0.5	-1.31%

The CEQR Technical Manual states that in Study Areas where the OSR is between 0.51 and 1.0 acres per 1,000 residents, a decrease in the OSR between the No-Action and With-Action condition exceeding 2%, is generally considered to be a substantial change warranting more detailed analysis. The Proposed Actions would result in a **1.42%** decrease in the OSR of the Study Area. Per the CEQR TM, the Preliminary Assessment should also consider the presence of regional parks or other substantial open space resources to determine if a detailed assessment is warranted. This is especially relevant for projects that exceed the percentage change guidelines presented in the CEQR TM.

Walk to a Park Initiative

New York City as part of the OneNYC 2050: Building a Strong and Fair City plan has put forth the goal for 85% of New York City residents living within a walking distance of a park by 2030. To help the city reach this goal, NYC parks has a "Walk to a Park" initiative that focuses on increasing access to parks and open spaces in areas of the city where residents live further than a walk to the park. The Walk to a Park Service Area ("WPSA") (or areas of the city that are within a walking distance of a park) are shown in a map available on NYC Open Data. The Project Area is located entirely within the WPSA as demonstrated in the figure below.

Impact Assessment

The impact of a project on an area's open spaces is evaluated using both quantitative and qualitative factors. This evaluation considers the project's location, the quality and quantity of open space in the area after the project is completed, and any new open space

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Figure 7-2: Walk to Park Service Areas

- Proposed Rezoning Area
- Projected Development Site 1 (Applicant-Owned)
- Projected Development Site 2 (Non-Applicant-Owned)
- 1/2-Mile Study Area
- Walk to Park Service Area



Urban Cartographics

provided by the project. The impact of the project is also based on how it will affect the ratio of open space in the area, as well as other qualitative factors. According to the CEQR Technical Manual, a project that significantly reduces the ratio of open space (as defined in Table 7-4) may warrant a more detailed analysis. The acceptable amount of change in the open space ratio is determined based on the open space ratio in the area and whether the area is within a WPSA (as defined in the CEQR Technical Manual). In a WPSA, a larger percentage change may be allowed. As discussed above, the Project Area is within a WPSA.

Table 7-4: Percent Change in Open Space Ratio

Open Space Ratio	Percent Change
2.01 to 2.50 or Greater	5%
1.51 to 2.0	4%
1.01 to 1.5	3%
0.51 to 1.0	2%
0.50 or Less	1%

Source: Table 7-1 in Chapter 7, "Open Space" of the 2021 CEQR Technical Manual.

Conclusion

The Proposed Actions result in a decrease in OSR (1.42%) that is less than the threshold (2% decrease) warranting detailed analysis per the 2021 CEQR TM. As discussed above the Project Area is within a WSPA. Further, there are additional open space resources including regional parks in the vicinity of the Project Area. Silver Lake Park is a regional park that spans more than 200 acres and provides abundant recreational activities amidst plenty of trails and open space to wander. It was at the turn of the last century when Staten Island secured funds and began developing the park, and it continues to flourish more than a century later, complete with an 18-hole golf course, tennis courts, sports fields, and many other facilities. The Park is 0.9 miles away from the Project Area, a 22-minute walk. At the entrance of Silver Lake Park is Hero Park. The 3-acre park honors the 144 Staten Island soldiers who died in World War I. Large evergreen trees, dedicated to each veteran, decorate the park. The park and the adjoining road, Victory Boulevard, is a tribute to the local soldiers and the allied victory. This resource offers mainly passive recreation and is located 0.8 Miles away from the Project Area, a 21-minute walk. These

two resources are too far to be considered in the quantitative analysis of open space. They do not contribute to the existing, no-action, or with-action open space ratios presented in this section. However, these resources should be considered qualitatively. The quantitative and qualitative analysis presented in this section demonstrate that the Proposed Actions are not expected to greatly decrease the OSR within the Study Area. Therefore, further detailed analysis is not needed in this EAS and the Proposed Actions are not anticipated to result in significant adverse impacts to Open Space.

8. Shadows

Introduction

Per the 2021 CEQR Technical Manual, the purpose of a shadows analysis is to assess whether new structures may cast shadows on sunlight sensitive publicly accessible resources or other resources of concern such as natural resources, and to assess the significance of their impact.

Sunlight sensitive resources of concern include Open Space Resources (see Open Space above), Architectural Resources (specifically features of landmark or historic structures that depend on direct sunlight), Natural Resources (see Natural Resources below), and "Green-streets".

Threshold Assessment

Per the 2021 CEQR Technical Manual, a shadows assessment is required if proposed actions would lead to the development of a structure at least 50 feet tall. Shorter structures that might cast substantial new shadows on an adjacent park, historic resource, or an important natural resource also require an analysis. The tallest portion of the Proposed Development is 81 feet tall. A preliminary shadows assessment is required.

Preliminary Screening Assessment

Per the CEQR Technical Manual, a preliminary assessment of shadows impact, determines whether shadows from a proposed development could reach a sunlight sensitive resource.

Per the CEQR Technical Manual, the first step in conducting the screening assessment is to develop a base map that illustrates the proposed site location in relationship to the sunlight-sensitive resources. Per the CEQR Technical Manual, a Tier 1 Study Area is 4.3 times the height of the structure's maximum feasible heights, including all rooftop mechanical equipment, parapets, and any other parts of the building. The longest shadow cast by the Proposed Development is 4.3 times the height of the structure: 408.5 Feet. Figure 8-1: Tier I Screening Assessment demonstrates that no sunlight sensitive resources have the potential to receive shadows from the Proposed Development as a result of the Proposed Actions. No additional assessment is required.

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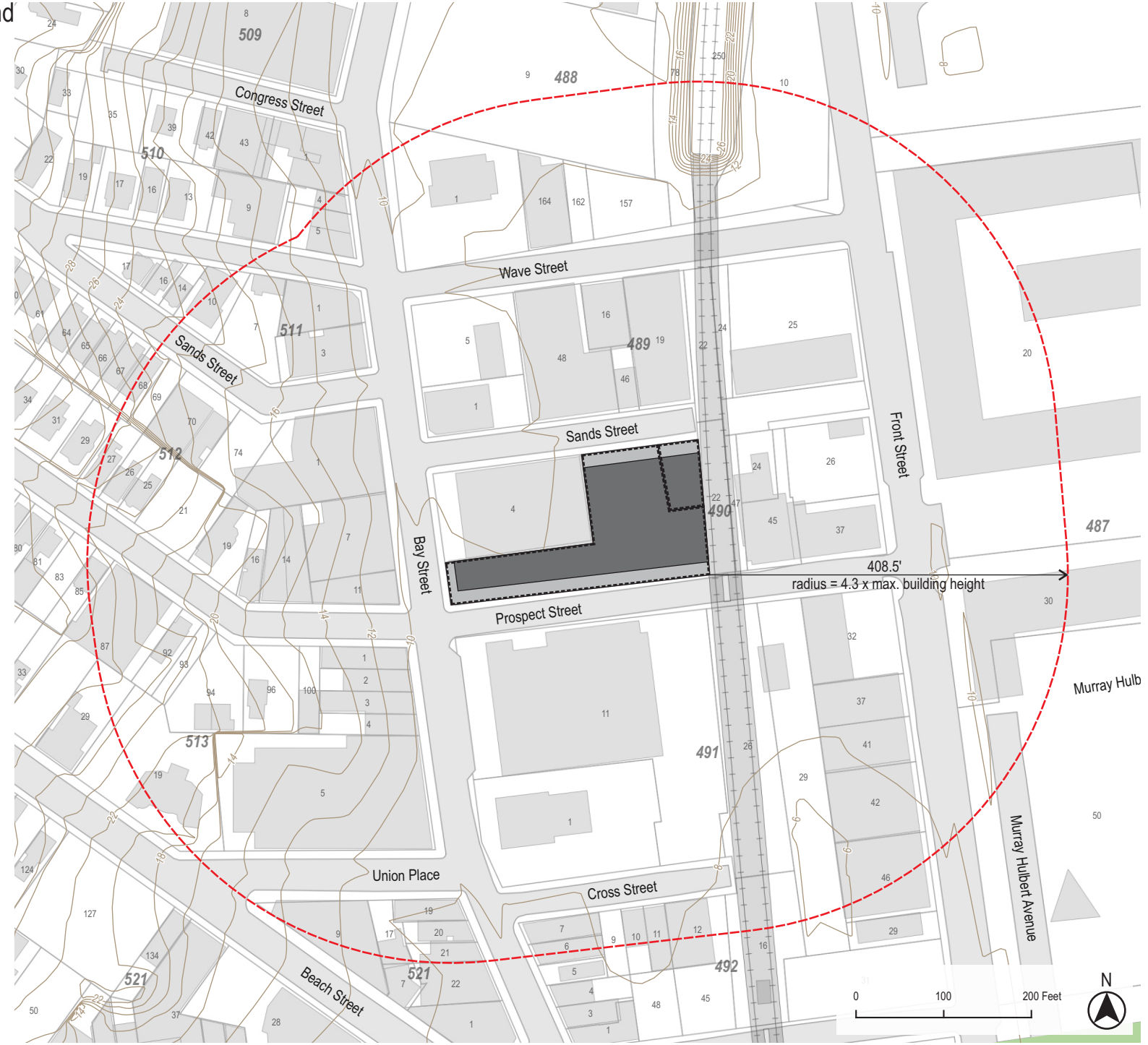
Figure 8-1: Tier 1 Screening Assessment

- Project Site
- Projected Building Footprint
- Roof Above Bulkheads (95')
- Longest Shadow Study Area Boundary
- # Sunlight-Sensitive Open Space Resource (n/a)
- Potentially Affected Open Space Resource (n/a)



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9. Historic and Cultural Resources

Introduction

Historic and cultural resources include both architectural and archaeological resources. The 2021 City Environmental Quality Review (CEQR) Technical Manual identifies historic and cultural resources as districts, buildings, structures, sites, and objects of historical, aesthetic, cultural, and archaeological importance. This includes designated New York City Landmarks (NYCL); properties calendared for consideration as landmarks by the New York City Landmarks Preservation Commission (NYCLPC); properties listed in the State/National Registers of Historic Places (S/NR) or contained within a district listed in or formally determined eligible for S/NR listing; properties recommended by the New York State Board for listing on the S/NR; National Historic Landmarks (NHL); and properties not identified by one of the programs listed above, but that meet their eligibility requirements.

An assessment of historic/archaeological resources is usually needed for projects that are located adjacent to historic or landmark structures or within historic districts, or projects that require in-ground disturbance, unless such disturbance occurs in an area that has already been excavated. As discussed in this chapter, the Project Area contains no individual landmarks and eligible resources.

Archaeological resources are considered only in those areas where new excavation or ground disturbance is likely and would result in new in-ground disturbance compared to No-Action conditions; these are limited to any area that may be developed in the Project Area and include projected as well as potential development sites. Because the Proposed Actions would induce development that could result in new in-ground disturbance, they have the potential to affect archaeological resources, and therefore an assessment of the potential effects on archaeological resources is also provided in this chapter.

Study Area

According to CEQR Technical Manual guidance, impacts on historic architectural resources are considered on those sites affected by the Proposed Actions and in the area surrounding identified development sites. The historic resources study area is therefore defined as the area to be rezoned plus an approximate 400-foot radius around the Project Area, which is typically adequate for the assessment of historic architectural resources, in terms of physical, visual, and historical relationships.

Preliminary Assessment

Archeological Resources

Archaeological resources are the physical remnants, usually buried, of past activities on a site. They can include pre-contact archaeological resources associated with the Native American populations who used or occupied a site, or archaeological resources

associated with the historic period, which began with the settlement of Europeans in the New York area beginning in the 17th century. In developed areas and in urban regions, archaeological resources are often disturbed or destroyed by grading, excavation, and the installation and improvement of infrastructure. However, some archaeological resources do survive in an urban environment and are often sealed beneath the surface and protected from further disturbance.

In accordance with CEQR Technical Manual guidance, archaeological resources are assessed only in areas where excavation is likely and would result in new in-ground disturbance. In-ground disturbance is any disturbance to an area not previously excavated, including new excavation that is deeper and/or wider than previous excavation on the same site. For projects that would result in new in-ground disturbance, assessment of both prehistoric and historic archaeological resources is appropriate.

As discussed above, the Proposed Actions would facilitate construction on the Projected Development Site within the Study Area, resulting in new in-ground disturbances. As such, an assessment of archaeological resources is necessary for the Proposed Actions. As detailed in the CEQR Technical Manual, only the area of subsurface work for a project is considered the impact area for archaeological resources. Environmental review for archaeological resources is a predictive endeavor. For prehistoric resources, 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.

As discussed above (see Project Description) all lots within the Project Area are currently occupied. However, the Proposed Actions would result in incremental excavation on the Projected Development Site. In a letter dated February, 27th 2023 the New York City Landmarks Preservation Commission (NYCLPC) determined that the Projected Development site consisted of properties with no archeological or architectural significance.

Architectural Resources

The NYCLPC designates historically significant properties in the City as NYCLs and/or Historic Districts, following the criteria provided in the Local Laws of the City of New York, NYC Charter, Administrative Code, Title 25, Chapter 3. Buildings, properties, or objects are eligible for landmark status when a part is at least 30 years old. Landmarks have a special character or special historical or aesthetic interest or value as part of the development, heritage, or cultural characteristics of the city, state, or nation. There are four types of landmarks: individual landmark, interior landmark, scenic landmark, and historic district. Once the architectural resources in the study area were identified, the Proposed Actions were assessed for both direct physical impacts and indirect visual and contextual impacts on architectural resources.

Existing Condition

In a letter dated February 27th, 2023, the New York City Landmarks Preservation Commission (NYCLPC) determined that the Project Area consisted of properties with no archeological or architectural significance. The letter also identified two architectural resources within the Study Area radius: The Paramount Theatre located at 560 Bay Street and 514 Bay Street which is currently occupied by the Tompkins 471 Masonic Temple.

Paramount Theatre

The former theatre at 560 Bay Street is significant under Criterion C as a striking example of an Art Deco and Egyptian-Revival style theatre building. During the late 1920s and early 1930s, fashionable theatres were designed in ornate exotic styles, and the design of the theatre at 560 Bay Street uses intricate terra-cotta details and contrasting brickwork to create a visually interesting building that would stand out on the block. The stylized floral and fountain-like themes create unity across the facade and are all indicative of the Art Deco and Egyptian-Revival styles. The Art Deco Paramount Theatre, at 560 Bay Street, opened circa 1930, and was designed by the architecture firm, Rapp & Rapp. Built on the site of the former Cornelius Vanderbilt's childhood farmhouse, the theatre was considered the second most prestigious theatre on Staten Island next to the St. George. The theatre had a seating capacity of 2,300 and included a Wurlitzer theatre organ. The organ, which included two consoles, was one of only ten such installations in the country at the time. During the early twentieth century, thousands of Wurlitzer theatre organs were installed in movie theaters across the globe so as to accompany silent movies. Over the years, the theatre hosted multiple performances and concerts. By the 1960s, the theatre underwent a $135,000 renovation to create wider aisles and wider seating for theatre goers. Closed for four weeks, the Paramount Theatre reopened as the New Paramount Theatre with a loss of approximately 300 seats to accommodate for the new renovations. Up until the late 1970s, the theatre would continue to show movies and telecasts, such as the Muhammad Ali-Joe Bugner 12-round heavyweight fight in 1973. However, in 1977 the theatre would close, and reopen as a multi-purpose hall in 1979. A year later, the theatre had become a venue for rock concerts, hosting groups including the B-52's, The Ramones, Dead Kennedys, Metallica, and the B-52s. However, by the late 1980s, the theatre closed. Closed for over 20 years, the building was sold in 2008. The new owner began an $800,000 restoration on the building in 2009, with a planned reopening in late-January 2010; however, restoration work was halted a year later. Today, the theatre is used in film production for shows and movies, including Gotham and Marvel's The Defenders.

514 Bay Street

The building at 514-516 Bay Street was constructed as Masonic Temple between 1901 and 1902. The lodge has been continuously occupied by Tompkins Lodge #471, a chapter of

the Free and Accepted Masons that was established in 1859 and which previously occupied several other locations before the existing lodge was constructed (Tompkins Lodge n.d.). The building has been substantially altered since its original design and construction; these changes appear to have been made circa 1920. The building appears to be eligible for the National Register under Criterion A for its association with the history of Freemasonry and under Criterion C as an example of both early twentieth century Renaissance Revival-style architecture designed by a noted architect and for the circa 1920s design period, during which extensive alterations occurred.

No-Action Condition

In the future without the Proposed Actions, no development is anticipated to occur within the Study Area. The No-Action condition is therefore the same as the Existing condition.

With-Action Condition

The Proposed Actions would result in development, and therefore incremental excavation, and new construction on Projected Development Site 1 and Projected Development Site 2. An assessment of potential adverse impacts to architectural resources is required and is provided below.

Direct (Physical) Impacts

Historic resources can be directly affected by physical destruction, demolition, damage, alteration, or neglect of all or part of a historic resource. For example, alterations, such as the addition of a new wing to a historic building or replacement of the resource's entrance could result in significant adverse impacts, depending on the design. Direct effects also include changes to an architectural resource that cause it to become a different visual entity, such as a new location, design, materials, or architectural features. The Proposed Actions would not result in any direct physical alterations to the sites identified above.

Indirect (Contextual) Impacts

Contextual impacts may occur to architectural resources under certain conditions. According to the CEQR Technical Manual, possible impacts to architectural resources may include isolation of the property from, or alteration of, its setting or visual relationships with the streetscape. This includes changes to the resource's visual prominence so that it no longer conforms to the streetscape in terms of height, footprint, or setback; is no longer part of an open setting; or can no longer be seen as part of a significant view corridor. Significant indirect impacts can occur if the Proposed Actions would cause a change in the quality of a property that qualifies it for listing on the S/NR

or for designation as a NYCL. As discussed in this EAS, the Proposed Actions are not anticipated to result in significant adverse impacts relate to urban design, shadows or neighborhood character. The qualities of the Paramount Theatre and of the building on 514 Bay Street that qualify these buildings for listing on the S/NR would not be affected by the Proposed Actions. No significant indirect impacts to these architectural resources would occur as a result of the Proposed Actions and further assessment is not warranted.

Construction Impacts

Any new construction taking place in the vicinity of historic landmarks has the potential to cause damage to contributing buildings from ground-borne construction vibrations. As noted above, the New York City Building Code provides some measure of protection for all properties against accidental damage from adjacent construction by requiring that all buildings, lots, and service facilities adjacent to foundation and earthwork areas be protected and supported. Additional protective measures apply to NYCL-designated and S/NR- listed historic resources located within 90 linear feet of a proposed construction site. For these structures, NYCDOB's TPPN #10/88 applies. TPPN #10/88 supplements the standard building protections afforded by the Building Code by requiring, among other things, a monitoring program to reduce the likelihood of construction damage to adjacent NYCLPC designated or S/NR-listed resources (within 90 feet) and to detect at an early stage the beginnings of damage so that construction procedures can be changed. Adjacent historic resources, as defined in the procedure notice, only include designated NYCLs and S/NRlisted properties that are within 90 feet of a lot under development or alteration. They do not include S/NR-eligible, NYCL-eligible, potential, or unidentified architectural resources. Construction period impacts on any designated historic resources would be minimized, and the historic structures would be protected, by ensuring that adjacent development projected as a result of the Proposed Actions adheres to all applicable construction guidelines and follows the requirements laid out in TPPN #10/88.

The construction activities that would result as from the approval of the Proposed Actions are not anticipated to materially affect the Paramount Theatre nor the building located at 514 Bay Street. The additional protective measures described above would not be needed on at the Project Area as the resources described above are more than 90 ft from both Projected Development Site 1 and Projected Development Site 2

Conclusion

Excavations within the Project Area that occur as a result of the approval of the Proposed Actions will be conducted with the consultation of the New York City Landmarks Preservation Commission. Further, no direct, indirect, or construction related impacts are anticipated as a result of the approval of the Proposed Actions. The Proposed Actions will not result in significant adverse impacts to historic or cultural resources within the Study Area.

10. Urban Design and Visual Resources

Introduction

Per the CEQR Technical Manual, an urban design assessment considers whether and how a project may change the experience of a pedestrian in the project area. The assessment focuses on the components of a proposed project that may have the potential to alter the arrangement, appearance, and functionality of the built environment.

A preliminary assessment is appropriate when there is the potential for a pedestrian to observe, from the street level, a physical alteration beyond that allowed by existing zoning, including the following:

1. Projects that permit the modification of yard, height, and setback requirements;

2. Projects that result in an increase in built floor area beyond what would be allowed 'as-of-right' or in the future without the Proposed Actions.

As discussed above in "Land Use, Zoning, and Public Policy", the Proposed Actions include zoning map and text amendments. These actions would both permit the modification of yard, height, and setback requirements and result in an increase in built floor area beyond what would be allowed 'as-of-right'.

The current C4-2 district is a medium density commercial district allowing for residential, commercial, and community facility uses. Typical uses are large format retail stores, offices, and community facilities. The C4-2 zoning district allows a maximum FAR of 3.4 for commercial uses and allows an FAR of 3.0 for limited residential uses. C4-2 districts also allow for community facility uses at an FAR of 4.8. The maximum building height is based on the sky-exposure plane, which begins 30 feet above the street line.

The Proposed Actions would rezone the Project Area to an R6/C2-3 district within the Special Bay Street Corridor District (SBSCD). R6 districts are the residential equivalents of C4-2 districts. The new R6/C2-3 (SBSCD) would allow residential uses at 3.6 FAR (with MIH), and 2.0 FAR for commercial uses. Minimum and maximum street wall heights are established by the Special Street Wall Location regulations in the SBSCD and overall maximum height capped at 8-stories or 85 feet.

With the approval of the Proposed Actions, the Applicant's proposed development is projected on **Projected Development Site 1**. The proposed development is a 100,486 gross square foot (gsf), 8-story building. The building would have a total height of 81ft and contain 90,486 gsf of residential floor area or 83 dwelling units. Of these units, up to 25 would be reserved as moderate to low-income units pursuant to the requirements of Mandatory Inclusionary Housing (MIH). A mixed-use building in **Projected Development Site 2** would be a 11,224 gross square foot (gsf), 3-story building. The

building would have a total height of 35ft and contain 8,174 gsf of residential floor area or 10 dwelling units. Of these units, up to 3 would be reserved as moderate to low-income units pursuant to the requirements of Mandatory Inclusionary Housing (MIH). The requirements of the Mandatory Inclusionary Housing (MIH) are only applicable to developments larger than 10 units, but for the purposes of presenting a conservative analysis it is assumed that moderate to low-income units would be voluntarily provided.

As the Proposed Actions are anticipated to introduce a slightly different built form at the street level, an assessment of urban design and visual resources is warranted.

Urban Design

The Urban design characteristics of a neighborhood are composed of various components that define the character of the area: building bulk, use, type and arrangement, block form and street pattern, streetscape elements, street hierarchy, and natural features. These components are discussed below.

Existing Building Bulk, Use, Type, and Arrangement

The Study Area contains a range of building types. The Study Area is zoned residential to the west of Bay Street and is covered by the Special Stapleton Waterfront district to the west. The area to the north of the Study Area is part of the Special Bay Street Corridor District. The buildings in the residential districts consist of a mix of semi-detached and detached single, two, and multiple family residences. Along Bay Street buildings are generally mixed-use and multi-story (3-8 floors). The areas along the waterfront contain a mix of vacant lots, light industrial uses, and some new mixed-use residential buildings.

Future No-Action

If Proposed Actions are not approved, the built form, use, type, and arrangement of the Study Area and surrounding area would remain unchanged as no new development is expected to occur within the Project Area or anywhere else within the Study Area.

Future With-Action

If the Proposed Actions are approved, the built form, use, type, and arrangement of the Study Area remain unchanged. The Proposed Actions would facilitate construction on Projected Development Site 1 and Projected Development Site 2. The bulk and height of these developments are visualized in the context of the Study Area in **Figures 10-1 through Figures 10-3: Urban Design Diagram.**

The buildings on Projected Development Sites 1 and 2 would not be taller nor would they have a higher lot coverage than other buildings in the Study Area. The buildings on Projected Development Sites 1 and 2 in the with-action scenario would create a

continuous street-wall. Immediately beyond the Study Area boundaries mixed use and residential buildings of similar height and bulk are present.

Block Form, Street Pattern, and Street Hierarchy

As discussed above, the Study Area is crossed by Front Street, Bay Street and Van Duzen Streets from north to south. Within the Study Area, several smaller roads provide east - west access through the Study Area in an irregular grid pattern.

Future No-Action
If the Proposed Actions are not approved the block form, street pattern and street hierarchy will remain as per existing conditions.

Future With-Action
If the Proposed Actions are approved the block form, street pattern and street hierarchy will remain as per existing conditions as the Proposed Actions would not result in any alterations to the surrounding road network. No new street will be built within the Study Area.

Streetscape Elements

The Study Area includes few street trees in general. This is in part because of the historic industrial uses in the area. There are several street trees in the streets in the western portion of the Study Area. These areas contain predominately residential uses. New developments immediately to the north and south of the Project Area have introduced new bus shelters and street trees to Bay Street. There are also trees along the Staten Island Railroad right of way and serve as a buffer between adjacent buildings and the rail line.

There are two bus shelters within the Study Area. Local buses run along Bay Street to points north and south of the Study Area along the Bay Street Corridor.

Larger streets within the Study Area (Front Street, Bay Street and Van Duzen Street) all have wide crosswalks that are clearly marked. Some of the neighboring smaller streets also have crosswalks, though these are often less visible. There are many curb-cuts within the Study Area. In the low-density residential areas, most lots contain a driveway. The lots along the waterfront also contain several curb cuts as existing uses such as warehouses, and auto-repair shops include many driveways and loading docks.

Future No-Action
In the future without the Proposed Actions, the streetscape elements will remain. Development within the Study Area is not expected to occur without the approval of the Proposed Actions.

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Figure 10-1: Urban Design Diagram

No-Action Scenario

Bay Street facing northeast (Site at right)



With-Action Scenario

Bay Street facing northeast (Site at right)



Maximum Permitted Base Height (65')
Maximum Permitted Building Height (85')
Maximum Bulkhead Height (110')
Proposed Base Height
Proposed Building Height
Proposed Bulkhead Height

Urban Cartographics

541-545 Bay Street, Staten Island

Figure 10-2: Urban Design Diagram

No-Action Scenario

Prospect Street facing northwest (Site at right)



With-Action Scenario

Prospect Street facing northwest (Site at right)



Maximum Permitted Base Height (65')
Maximum Permitted Building Height (85')
Maximum Bulkhead Height (110')
Proposed Base Height
Proposed Building Height
Proposed Bulkhead Height

Urban Cartographics

541-545 Bay Street, Staten Island

Figure 10-3: Urban Design Diagram

No-Action Scenario

Sands Street facing east (Site at right)



With-Action Scenario

Sands Street facing east (Site at right)



Maximum Permitted Base Height (65')
Maximum Permitted Building Height (85')
Maximum Bulkhead Height (110')
Proposed Base Height
Proposed Building Height
Proposed Bulkhead Height

Future With-Action

In the future with the Proposed Actions, no street infrastructure (such as benches, plazas, or bus shelters) nor existing street trees would be removed. The developments on Projected Development Sites 1 and 2 are expected to include street trees per the requirements of the Special Bay Street Corridor District. In total the Proposed Actions would result in additional curb cuts on Sands Street and Prospect Street. The remaining streetscape elements would otherwise remain.

Natural Features

There are no natural features in the Rezoning Area or within the surrounding 400 feet. Therefore, no natural features are visible from the Rezoning Area.

Assessment

Based on the above, the Proposed Actions would result in buildings with similar height and density to existing buildings within the Study Area. These developments would be consistent with the ongoing developments along Bay Street Corridor and Stapleton Waterfront. Further, previously rezoned areas to the north and east of the Study Area, have encouraged development on larger commercial corridors and waterfront. It is also the Applicant's opinion that the mixed-use development facilitated by the Proposed Actions is contextual with the adjacent medium density residential buildings with frontage on Bay Street and the Staten Island Railroad. For an illustrative display of the building resulting from the Proposed Actions, as well as the newly permitted maximum permitted building envelopes, see **Figure 10-1** through **Figure 10-3 (Urban Design Diagrams)**. The building would rise 8 stories or a maximum permitted height of 85 feet after 10 or 15-foot setbacks under the proposed R6/C2-3 zoning district with MIH. Street wall regulations would require that these new buildings would be aligned, forming a more uniform street wall compared to the existing development. The new buildings would be consistent with the increasingly dense mixed-use character of the immediate area.

The Proposed Actions would not adversely affect the residential and mixed-use character of buildings within the Study Area. Lastly, the Proposed Actions would not affect any natural features.

Visual Resources

The Proposed Actions would not block the view of any natural resources, as no natural resources are within the vicinity of the study area. Furthermore, there are no notable features or buildings in the immediate vicinity of the study area. Therefore, based on the

criteria in the *CEQR Technical Manual,* the Proposed Actions would not result in the obstruction of views of a natural or built visual resource. In this context, the Proposed Actions would not result in the significant alteration of views from streets. Therefore, no significant impacts related to visual resources are expected.

Conclusion

The Proposed Actions would create additional density in an area between the Stapleton Waterfront and Bay Street Corridor. The Applicant feels the location and size of the affected area is appropriate, given the ongoing transition from a mix of densities to medium- and higher density mixed-use developments within the surrounding area, and would not impact the mixed-use character. Furthermore, the Proposed Actions would not affect any natural resources or public view corridors to notable features or buildings in the immediate vicinity of the Rezoning Area. No further assessment is warranted. Accordingly, no impacts to the urban design and/or visual resources of the area are expected.

12. Hazardous Materials

Introduction

A hazardous material is any substance that poses a threat to human health or the environment. Substances that can be of concern include but are not limited to, heavy metals, volatile and semivolatile organic compounds, methane, polychlorinated biphenyls, and hazardous wastes (defined as substances that are chemically reactive, ignitable, corrosive, or toxic). According to the CEQR Technical Manual, the potential for significant adverse impacts from hazardous materials can occur when: a) hazardous materials exist on a site and b) an action would increase pathways to their exposure; or c) an action would introduce new activities or processes using hazardous materials.

In accordance with the CEQR Technical Manual guidelines, an assessment was conducted to determine whether the proposed action could lead to increased exposure of people or the environment to hazardous materials and whether the increased exposure would result in significant adverse public health impacts or environmental damage.

The Project Area (Staten Island Block 490, Lots 1, 4, 19 and 22) predominantly contains mixed-use (commercial and residential) and manufacturing uses. Since the Proposed Actions are anticipated to result in increased ground disturbance in an area with a history of manufacturing and automotive use, an assessment of Hazardous Materials is required.

Analysis

Environmental Studies Corp. has performed a Phase I Environmental Site Assessment (ESA) of the subject property located at 541 Bay Street, in the Borough of Staten Island, New York City, New York. This Phase I ESA was prepared in accordance with the latest ASTM Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process (ASTM Designation E 1527-13).

This assessment has revealed no evidence of Historical Recognized Environmental Conditions or Controlled Recognized Environmental Conditions in connection with the property. This assessment has revealed no evidence of Recognized Environmental Conditions in connection with the property, with the following exceptions:

- The potential for contamination in and around the storm drain in the parking area on the west side of the project site from past spills, leaks or discharges of hazardous substances and/or petroleum products.
- The potential for groundwater contamination in the area of the project site from historical off-site sources of contamination in the immediate vicinity of the subject property.

To protect human health and the environment further testing and possible remediation needs to be conducted prior to any in-ground disturbance on Projected Development Site 1 and Projected Development Site 2.

Further testing on the applicant controlled Projected Development Site 1 cannot be completed at this time. The site is currently occupied by existing (active) business as described in this EAS. The presence of active businesses and the absence of non-paved construction ready areas within the Projected Development Site 1 precludes the ability to conduct the necessary testing required as part of a Phase II Environmental Site Assessment prior to the completion of this EAS and approval of the Proposed Actions. As discussed above there is are existing operating business on Projected Development Site 1.

These include Bay Street Bazaar (grocery store), The Merciful Seniors Care, Inc. (senior center), Hall on the Bay (entertainment venue), Combinados de Mexico (music group), and the United Church of Praise International Ministries Healthy Heart Food Pantry. These businesses, especially the grocery store, are occupied during normal business hours. Outside of business hours the site receives deliveries from large commercial vehicles and trucks. There are also forklifts and other heavy equipment that operate on the site outside of business hours. The presence of these vehicles and equipment outside of business hours and the presence of an operational business at other times of the day makes soil sampling and further testing impossible at this stage of the approval process.

Prior to any soil disturbance on these properties, an (E) designation related to hazardous materials will be assigned to Rezoning Area as described below.

Based on the RECs noted above and due to the close proximity and similar uses contained on Projected Development Site 1 (Lot 1), it is assumed that Projected Development Site 2 (Lot 19), will contain similar RECs and the potential for contamination and potentially hazardous building materials. Projected Development Site 2 is not controlled by the applicant. Therefore, prior to any soil disturbance on these properties, an (E) designation related to hazardous materials will be assigned to Rezoning Area as described below. To avoid any potential impacts associated with hazardous materials, an (E) designation (E-722) will be established on Projected Development Site 2 (Block 490, Lot 19).

The text of the (E) designation (E-722) is as follows:

Task 1-Sampling Protocol

The applicant submits to the Mayor's Office of Environmental Remediation (OER), for review and approval, a Phase I of the site along with a soil, groundwater and soil vapor testing protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented. If site sampling is necessary, no sampling should begin until written approval of a protocol is received from OER. The number and location of samples should be selected to adequately characterize the site, specific sources of suspected contamination (i.e., petroleum-based contamination and non-petroleum-

based contamination), and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.

Task 2-Remediation Determination and Protocol

A written report with findings and a summary of the data must be submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination is made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.

If remediation is indicated from test results, a proposed remediation plan must be submitted to OER for review and approval. The applicant must complete such remediation as determined necessary by OER. The applicant should then provide proper documentation that the work has been satisfactorily completed.

A construction-related health and safety plan should be submitted to OER and would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil, groundwater and/or soil vapor. This plan would be submitted to OER prior to implementation.

Conclusion

With the above (E) designation in place the Proposed Actions are not anticipated to result in significant adverse hazardous materials impacts. No further analysis is warranted.

16. TRANSPORTATION

INTRODUCTION

To determine the potential for the Proposed Actions to result in significant adverse transportation impacts, a Weighted Average Screening analysis was conducted to determine if the proposed mixed-use development would require detailed analyses to identify possible significant adverse transportation impacts pursuant to the methodologies identified in the 2021 CEQR Technical Manual. Based on the screening assessment it was determined that the Proposed Actions would not result in significant transportation impacts, as detailed below.

PROJECT AREA

Project area (Block 490, lots 1, 4, 19 and 22) is located at 545 Bay Street, Staten Island NY. The project area is within a block, bounded by Sand Street, a two-way eastbound/westbound roadway on the north (no access to Front Street), Bay Street, a two-way northbound/southbound roadway on the west, Prospect Street, a one-way eastbound roadway on the south and Front Street, a two-way northbound/southbound roadway on the east in the Stapleton neighborhood of Staten Island, Community District 1.

EXISTING CONDITIONS

Currently, the Project area consists of:

- Block 490, Lot 1: a 22,579 gsf two-story commercial building on a 24,579 sq ft lot;
- Block 490, Lot 4: a 66,730 gsf six-story residential building on a 16,500 sq ft lot;
- Block 490, Lot 19: a 5,000 two-story warehouse on an 3,050 sq ft lot;
- Block 490, Lot 22: contains the Staten Island Railroad elevated track and right of way

MIXED USE DEVELOPMENT PROGRAM

The Proposed With-Action Development (Lots of 1 and 19) would consist of approximately 98,660 gsf of residential space or 93 d.u., 13,050 gsf of commercial retail, and 42 accessory parking spaces.

The no-action scenario would include a total of 22,579 gsf of commercial retail, and 5,000 gsf of manufacturing space.

The mixed-use development increment would include an increase of 98,660 gsf of residential space (93 dwelling units), decrease of 9,529 gsf of commercial retail space, and a decrease of 5,000 gsf of manufacturing space.

The No-Action, With-Action Scenarios and the Increment are summarized below in **Table 1**.

Table 1: No-Action, With-Action Scenarios and Increment (for Block 490, Lots 1& 19)

Uses	No-Action	With-Action	Increment
Residential Dwelling Unit	0	93 d.u. (98,660 gsf)	+93 d.u. (98,660 gsf)
Commercial Retail	22,579 gsf	13,050 gsf	-9,529 gsf
Manufacturing	5,000 gsf	0	-5,000 gsf
Parking	0	42	42

Source: Approved RWCDS.

WEIGHTED AVERAGE SCREENING ANALYSIS

This level of development would not exceed the minimum development density potentially requiring a transportation analysis as shown in Table 16-1 of the Transportation Chapter of the 2021 CEQR Technical Manual.

The project area is located in Staten Island Zone 4, a ½ mile from the Stapleton SIR Station, according to the CEQR guidelines in Table 16-1. The minimum development density for uses in Zone 4, are 200 new residential dwelling units, 10,000 additional gross square feet of commercial retail space, and 60 parking spaces.

Based on the 2021 CEQR Technical Manual, Table 16-1, Zone 4 threshold criteria, the weighted average screening is prepared as shown below, and the result is less than one (1). Therefore, the proposed actions would screen for transportation analyses and would require no detailed transportation analyses, per 2021 CEQR Technical Manual Threshold.

Weighted Average Screening Equation:

93/200 d.u. - 9,529 /10,000gsf + 42 / 60 = 0.465-0.953+ 0.7= 0.212 <1

CONCLUSIONS

In accordance with the threshold guidelines as detailed in the *2021 CEQR Technical Manual*, the proposed actions would generate less than the maximum permitted and therefore is not expected to result in significant adverse transportation impacts, as detailed above.

17. Air Quality

Introduction

Ambient air quality, or the quality of the surrounding air, may be affected by air pollutants produced by motor vehicles, referred to as "mobile sources"; by fixed facilities, usually referenced as "stationary sources"; or by a combination of both. Under the City Environmental Review (CEQR), an air quality assessment determines both a proposed project's effects on ambient air quality and the effects of ambient air quality on the project.

Air Quality Standards, Regulations, and Benchmarks

Criteria Pollutants

The EPA has established national ambient air quality standards (NAAQS) for six of the most common air pollutants—known as "criteria" pollutants. The presence of these pollutants in ambient air is generally due to numerous diverse and widespread sources of emissions. The NAAQS primary standards are designed to protect public health with adequate margin of safety. The NAAQS secondary standards are designed to protect the public welfare from adverse effects, including those related to effects on soils, water, vegetation, visibility, and other aspects. As required by the Clean Air Act, EPA periodically conducts comprehensive reviews of the scientific literature on health and welfare effects associated with exposure to the criteria air pollutants. The NAAQS have been adopted as the ambient air quality standards for the State of New York.

The New York State Department of Environmental Conservation (NYSDEC) measures air pollutants at more than 50 sites across the state using continuous and/or manual instrumentation. These sites are a mix of federally-mandated and supplemental monitoring networks. The primary NAAQS and background concentrations from the nearest federally-mandated monitoring station(s) of the pollutant(s) that a detailed analysis was conducted for are presented in **Table 17-1.**

Table 17-1: NAAQS and Background Concentration Published in the NYSDEC 2019 Report

Pollutant	Averaging Period	National and State Standards	Background Concentration	Monitoring Station
NO_2	1-Hour	188 µg/m^3	103.6 µg/m^3	Queens College
	Annual	100 µg/m^3	26.8 µg/m^3	
$PM_{2.5}$	24-Hour	35 µg/m^3	19.4 µg/m^3	Port Richmond
	Annual	12 µg/m^3	7.5 µg/m^3	
PM_{10}	24-Hour	150 µg/m^3	43 µg/m^3	Division Street

NYC Guidelines - Determining the Significance of Air Quality Impacts

The city's *de minimis* criteria are used to determine the significance of the incremental increase in CO and $PM_{2.5}$ concentrations that would result as a consequence of the proposed project. The following criteria are used for determination of significant adverse $PM_{2.5}$ incremental impacts for projects subject to CEQR:

- Predicted 24-hour maximum $PM_{2.5}$ concentration increase of more than half the difference between the 24-hour background concentration and the 24-hour standard; or
- Predicted annual average $PM_{2.5}$ concentration increments greater than 0.1 µg/m^3 at ground level on a neighborhood scale (i.e., the annual increase in concentration representing the average over an area of approximately 1 square kilometer, centered on the location where the maximum ground-level impact is predicted for stationary sources; or for mobile sources, at a distance from a roadway corridor similar to the minimum distance defined for locating neighborhood scale monitoring stations); or
- Predicted annual average $PM_{2.5}$ concentration increments greater than 0.3 µg/m^3 at any receptor location for stationary sources.

Accordingly, 24-hour $PM_{2.5}$ *de minimis* design value is 7.8 µg/m^3. As no mobile source detailed analysis is required, CO detailed analysis is not required and, therefore, CO *de minimis* is not shown.

Non-Criteria Pollutants

The NYSDEC has established guidelines for maximum allowable concentration of "noncriteria pollutants," which are potentially toxic or carcinogenic pollutants. These include 185 hazardous air pollutants (HAPs) that are regulated by the EPA. The maximum allowable guidelines set a maximum 1-hour and annual averaging time

concentrations and are published in the DAR-1 AGC/SGC Table, where AGC/SGC refers to Annual and Short-term Guideline Concentrations. The most recent DAR-1 guidelines were published on February 12, 2021. The AGC and SGC concentration standards of compounds emitted from manufacturing or processing facilities in the study area(s) are presented in **Table 17-2**.

In addition, NYSDEC also regulates pollutants that produce discomfort due to odors, where significant discomfort is evaluated on quantity, characteristic, or duration.

Table 17-2: Relevant Noncriteria Pollutants Guidelines - NYSDEC

Pollutant Name	CAS Number	SGC ($\mu g/m^3$)	AGC ($\mu g/m^3$)
Acetone	67-64-1	180000.0	30000.0
Aromatic Petroleum Distillate	64742-94-5	--	100.0
Butane	106-97-8	No CAS	No CAS
Ethanol	64-17-5	--	45000.0
Ethyl 3-Ethoxypropionate *	763-69-9	140.0	64.0
Ethylbenzene *	100-41-4	--	1000.0
Methyl Ethyl Ketone	78-93-3	13000.0	5000.0
N-Butyl Acetate	123-86-4	71300.0	565.0
Propane	74-98-6	No CAS	No CAS
Stoddard Solvent	8052-41-3	--	900.0
Toluene *	108-88-3	37000.0	5000.0
Xylene *	1330-20-7	22000.0	100.0
Note: Source: NYSDEC, DAR-1 AGC/SGC Tables, Feb. 2021. * Hazardous Air Pollutants (HAP), or AGC equivalent to one in a million excess cancer risk, or ACGIH Human Carcinogen, or ACGIH Suspected Human Carcinogen.			

Of the chemicals presented in **Table 17-2**, Ethyl 3-Ethoxypropionate, Ethylbenzene, Toluene, and Xylene are HAPs. In addition to evaluating each chemical with its AGCs standard, cumulative noncriteria pollutants concentration is evaluated with the inhalation risk or the hazardous quotient. The inhalation risk is applicable to carcinogens pollutants and the hazardous quotient is applicable to non-carcinogenic pollutant.

Mobile Source

According to the *CEQR Technical Manual,* projects may result in significant mobile source air quality impacts when they increase or cause a redistribution of traffic, create any other mobile sources of pollutants (e.g., diesel trains, helicopters, boats), or add new uses near mobile sources (e.g., roadways, garages, parking lots). Detailed analyses are required to predict whether a proposed action could potentially result in significant adverse air quality impact if certain threshold criterions are met or exceeded. Proposed actions that

do not meet or exceed the threshold criteria (screen out) are not expected to result in mobile source impacts.

Screening Assessment

Screening analyses for the project's peak hour auto traffic and peak hour heavy-duty diesel vehicle (HDDVs) traffic are presented in this section. Per the *CEQR Technical Manual*, a detailed analysis for carbon monoxide (CO) is required if the generated peak hour auto traffic or diversion of existing peak hour traffic would result in an increment of 170 auto trips (in this area of the city). A detailed analysis for particles with an aerodynamic diameter of less than or equal to 2.5 micrometers ($PM_{2.5}$) is required if the generated peak hour HDDVs traffic or its equivalent in vehicular emissions, depending on the type of road, would be met or exceeded.

The Proposed Actions would screen for transportation analyses. As such, the peak-hours project generated traffic would not exceed the threshold of 170 vehicular trips (condition outlined in Sections 210 of Chapter 17 of *the CEQR Technical Manual*). Therefore, no CO detailed analysis is required.

The Proposed Actions would result in an increment of 93 dwelling units, local retail floor area reduction of 9,843 gsf, and industrial floor area reduction of 5,000 gsf. The project-generated traffic was calculated based on the Bay Street Corridor Rezoning Final Environmental Statement (FEIS) auto use characteristics for residential and local retail uses. As the Bay Street Corridor Rezoning FEIS does not include project-generated traffic for industrial use, the Proposed Actions -5,000 gsf increment was assumed to result in no (0) vehicles during any peak-hour period. **Table 17-3** shows the project-generated traffic.

Table 17-3: Proposed Actions Peak-hour Traffic

Peak-hour	Vehicle	In	Out	Total
AM	Auto	2.9	17.2	20.1
	Taxi	-1.1	-1.1	-2.2
	Truck	0.1	0.1	0.2
MD	Auto	-1.7	-2.7	-4.4
	Taxi	-4.2	-4.2	-8.5
	Truck	-0.3	-0.3	-0.6
PM	Auto	13.8	2.4	16.2
	Taxi	-2.1	-2.1	-4.1
	Truck	0.0	0.0	0.0
Sat	Auto	3.5	1.2	4.7
	Taxi	-2.1	-2.1	-4.2
	Truck	0.0	0.0	0.0

The $PM_{2.5}$ equivalent truck calculation in vehicular emission screen ranges from 12 to 23 HDDVs depending on the type of road. Screening analyses were conducted for Sands Street, which is a paved road (12 HDDVs) and Bay Street, which is an arterial roadway (23 HDDVs). Sands Street was selected for the screening analysis because it is a two-way roadway. In addition, taxis were assumed to pick and drop passengers on Bay Street as a conservative approach (the project-generated traffic would result in reduction of taxis trips). All autos were assumed to be LDGT1 class vehicles, based on guidance from the New York City Department of City Planning (DCP) for similar projects. The worst-case HDDVs or its equivalent in vehicular emissions would result in a maximum of 9.9 equivalent trucks. **Table 17-4** shows the project-generated traffic (inbound and outbound combined) and the results of the *CEQR Technical Manual* Equivalent Truck Calculation.

Table 17-4: *CEQR Technical Manual* Proposed Actions Equivalent Truck Calculations

Roadway	**Roadway Classification (Threshold HDDVs screen)**	**Peak-Hour Period**	**Truck Per Hour**	**Auto Per Hour**	**Equivalent Truck**	**Pass / Fail**
Sands Street	Paved Roadway (12)	AM	0.23	20.1	9.9	Pass
		Midday	-0.59	-4.4	-2.6	Pass
		PM	0.00	16.2	7.8	Pass
		Sat Midday	0.00	4.7	2.3	Pass
Bay Street	Arterial Roadway (23)	AM	0.23	17.9	0.9	Pass
		Midday	-0.59	-12.8	-1.0	Pass
		PM	0.00	12.1	0.5	Pass
		Sat Midday	0.00	0.5	0.0	Pass

As seen in **Table 17-4**, the project-generated HDDVs traffic or its equivalent in vehicular emissions does not exceed the equivalent truck calculations threshold(s). Therefore, the Proposed Actions equivalent in vehicular emissions passes the $PM_{2.5}$ HDDVs screening analysis, and no detailed analysis is required.

Based on CEQR guidelines, the projected number of new parking spaces to be added is evaluated with a threshold criterion to predict whether the potential impacts associated with mobile source emissions are significant. If the threshold is met or exceeded, a detailed analysis is warranted. The proposed project would include 42 new off-street parking spaces, which is less than the screening threshold that would require an analysis.

In addition, the Proposed Project is not located near a highway or a large parking facility. Therefore, no analysis is required.

Stationary Source

Heating and Hot Water Systems

The heating/hot water, ventilation, and air conditioning (HVAC) systems analysis considers the potential for emissions from the HVAC system(s) of a proposed action(s) to result in development that significantly impacts existing land uses (project-on-existing), and the potential of a proposed project to significantly impact each other (project-on-project). Based on the *CEQR Technical Manual*, a preliminary screening assessment is to be conducted as a first step to predict whether the potential impacts of the heat and hot water system(s) boiler emissions can be significant. The screening analysis determines the threshold of a development size below which the action would not have a significant impact.

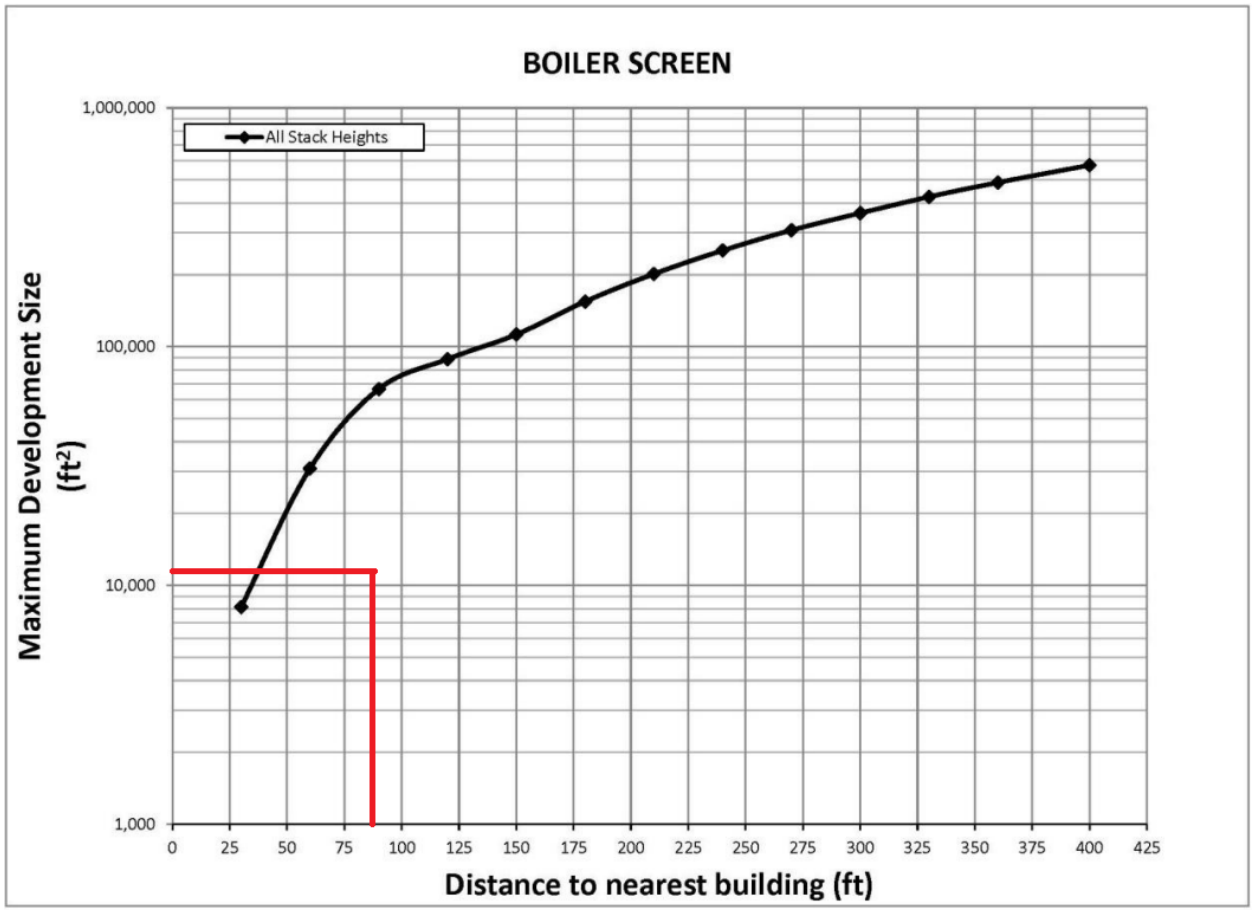
Screening Assessment

The potential for the heat and hot water system(s) to have a significant adverse impact on nearby receptors depends on the type of fuel that would be used by the HVAC system, the height of the stack venting the emissions, the distance to the nearest building of similar or greater height, and the building's use and the square footage of the development that would be served by the system, both of which effect the amount of fossil fuel consumed. The *CEQR Technical Manual* screening assessment is based on these factors. A detailed analysis is required if the screening assessment failed.

The *2021 CEQR Technical Manual* Figure 17-3 nomograph was used for the screening assessment. The nomograph depicts the size of the development versus the distance below which the potential impact can occur and provides a conservative estimate of the threshold distance. The following screening assessments were conducted:

1. Projected Development Site 2 on Existing Land Uses: Based on the methodology above, the Projected Development Site 2 Reasonable Worst Case Development Scenario (RWCDS) was analyzed as a 35-foot-tall residential building, containing 11,224 gsf. A distance of 85 feet was used in the screening analysis, which is the distance to the 6-story, 55-foot-tall, newly constructed residential building located at 533 Bay Street (Block 490, Lot 4). **Figures 17-1** shows the Projected Development Site 2 project-on-existing screening analysis nomograph.

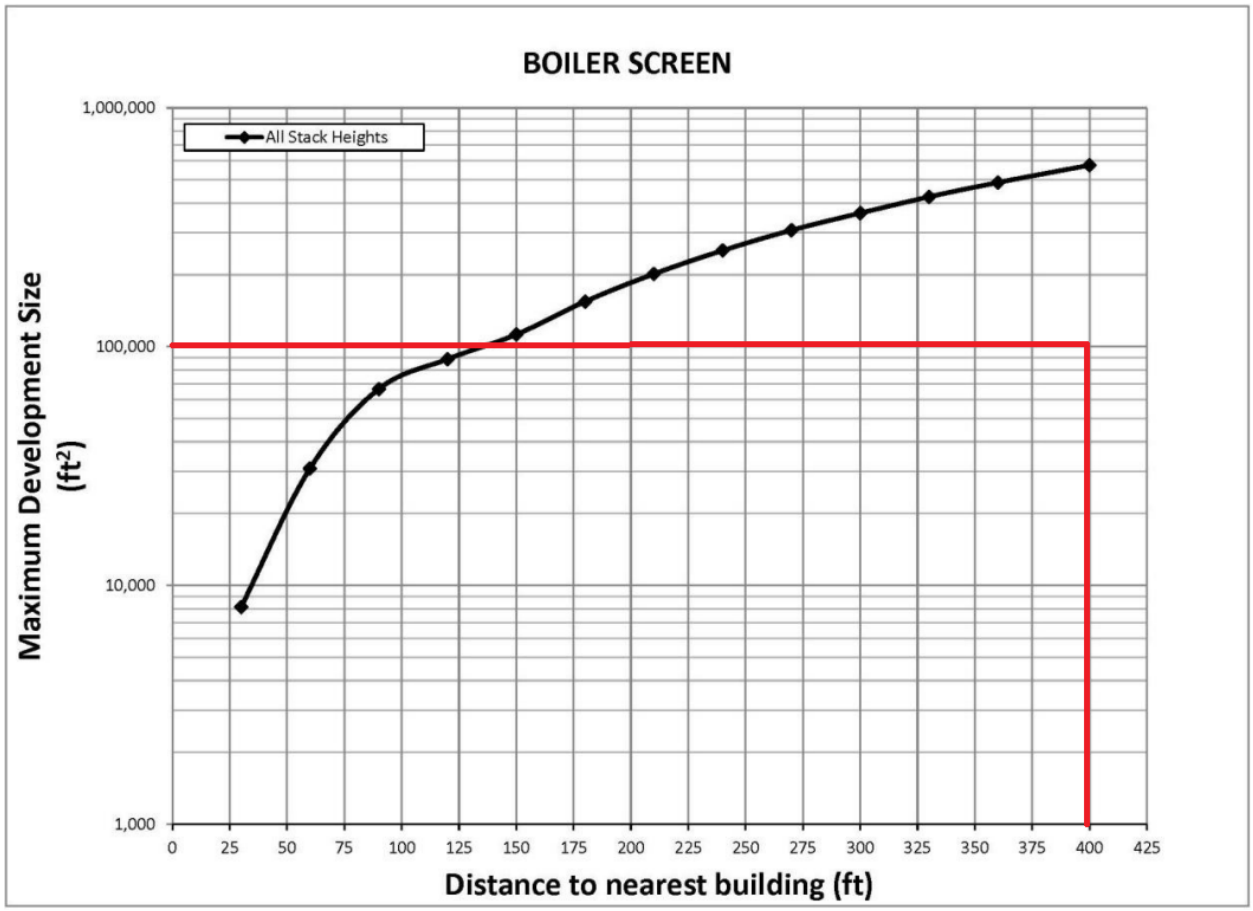
Figure 17-1: Projected Development Site 2 on Existing Land Uses – HVAC Screen



As seen in the screening analysis (see **Figure 17-1**), using the nomograph provided in the *CEQR Technical Manual*, the Projected Development Site 2 RWCDS gsf would fall below the curve. As such, the Projected Development Site 2 RWCDS passes the HVAC screening assessment on existing land uses.

2. Projected Development Site 1 on Existing Land Uses: Based on the methodology above, the Projected Development Site 1 RWCDS was analyzed as an 81-foot-tall residential building, containing 100,486 gsf. A distance of 400 feet was applied as no other building in the area is equal or greater in height (81-foot high). **Figures 17-2** shows the Projected Development Site 1 project-on-existing screening analysis nomograph.

Figure 17-2: Projected Development Site 1 on Existing Land Uses – HVAC Screen



As seen in the screening analysis (see **Figure 17-2**), using the nomograph provided in the *CEQR Technical Manual*, the Projected Development Site 1 RWCDS gsf would fall below the curve. As such, the Projected Development Site 1 RWCDS passes the HVAC screening assessment on existing land uses.

3. Project-on-Project (Projected Development Site 2 on Projected Development Site 1): Projected Development Site 2 is adjacent to and lower than Projected Development Site 1. Therefore, the screening analysis is not applicable, and a detailed analysis is required.

Detailed Analysis

A stationary source modeling was conducted to evaluate the potential impacts associated with the boilers stacks emissions. Lakes Environmental MPI executable was used in the analysis. The MPI executable take advantage of computers with multiple processors, reducing run-time significantly. Lakes Environmental has adjusted the US EPA AERMOD source code and recompiled the model to parallelize the processing of receptors. The latest MPI executable (used in the analysis) modified the EPA's AERMOD

latest executable model version 21112. AERMOD model incorporates air dispersion based on planetary boundary layer turbulence structure and scaling concepts, including treatment of both surface and elevated sources, and both simple and complex terrain. The model was run with the regulatory default option and for both with and without downwash effects options, where the Building Profile Input Program (BPIP) was run with the downwash effect enabled. All analyses were conducted using five consecutive years of meteorological data (2015-2019), obtained from the NYSDEC. Surface data used in the analysis is from LaGuardia Airport, upper air data is from Brookhaven station, New York. The meteorological data was processed using the latest versions of AERMINUTE, AERSURFACE and AERMET. The meteorological data provided hour-by-hour wind speeds and directions, stability states, and temperature inversion elevations over the 5-year period. Population in Bronx County, obtained from the U.S. Census Bureau (July 2019), was specified to account for the effects of increased surface heating from an urban area on pollutant dispersion under stable atmospheric conditions.

Natural gas would be the type of fuel used in the Projected Development Site 2 HVAC system(s), and the system(s) be equipped with low-NOx burner(s). The pollutant of concern for natural gas fueled boilers are NO_2 and $PM_{2.5}$. The HVAC system(s)' energy capacity was calculated based on the developments RWCDS and energy consumption rate, obtained from the *CEQR Technical Manual Appendices*, corresponding to residential use in the building. Nitrogen oxides (NOx) emission rate, emitted from natural gas fueled HVAC system equipped with low-NOx burner(s), was calculated based on emission factor obtained from the NYC Department of City Planning (DCP). All fuel was assumed to be consumed during the 100-day (or 2,400 hour) heating season, based on the *CEQR Technical Manual*. **Table 17-5** shows the HVAC system(s)' energy capacity and NOx emission rates.

Table 17-5: HVAC System(s) Short-term and Annual Emission Rates

Site ID	Development Site RWCDS Floor Area (gsf)	Boiler's Energy Intensity (MMBtu); Fuel Used	Pollutant	Short-term Emission Rate (g/s)	Annual Emission Rate (g/s)
Projected Development Site 2	11,224	0.28; Natural gas, low-NOX burners	NO_2	1.29E-03	3.55E-04
			$PM_{2.5}$	2.65E-04	7.25E-05

The *CEQR Technical Manual* default stack's diameter and exhausts exit velocity were applied in the analysis, and the stack's exit temperature was assumed to be 426°K, which is appropriate for boilers. The boiler's stack was placed 3 feet above the roof and initially

as close as possible to the receiving building. A stack set back distance was specified if exceedance of a threshold concentration standard was predicted.

The RWCDS buildings were modeled as buildings that cover their entire lot area (the wall façade located on the outer lot lines) and rise to their maximum heights. Buildings in the surrounding area were accounted for in the downwash effect on plums dispersions (BPIP). Receptors on the receiving building were placed on all wall façade from the ground floor to the roof-top height in spaced intervals. Ground elevation and roof heights of buildings in the area were obtained from the NYC Building Footprint database[1], except newly constructed buildings roof heights which were obtained from the New York City Department of Building (DOB) online database. In addition, satellite imagery was used to augment and/or verify certain buildings' roof heights (such as buildings that have multiple tiers. Base elevations of receptors and the stack were set to their buildings' base elevations.

One-hour NO_2 concentration was evaluated with a Tier 2 approach, applying the national default minimum and maximum ambient ratios of 0.5 and 0.9, respectively. Nitrogen oxide (NOx) emissions from combustion consist predominantly of nitric oxide (NO) at the source. The emitted NO is then gradually converted to NO_2. For determining compliance with the 1-hour standard, the EPA has developed a three-tiered modeling approach: a) Tier 1, the most conservative approach, assumes a full (100%) conversion of NOx to NO_2. b) The Ambient Ratio Method 2 (ARM2) (Tier 2) assumes ambient equilibrium between NO and NO_2. ARM2 adjusts the modeled NOx concentrations based on an empirical relationship between ambient NOx and ambient NO_2 concentrations. c) Tier 3, which is the most precise approach, accounts for the chemical transformation of NO emitted from the stack to NO_2 within the source plume using hourly ozone background concentrations.

The AERMOD model was run twice; with building wake effect enabled/disabled. The predicted concentration is the highest concentration of these. The NO_2 modeled concentrations were added to the background concentrations and result evaluated with the NAAQS. $PM_{2.5}$ concentration were evaluated with the *CEQR Technical Manual de minimis* standard. The HVAC dispersions analysis results are shown in **Table 17-6**.

[1] City of New York, nyc-geo-metadata (May 03, 2016); https://data.cityofnewyork.us/Housing-Development/Building-Footprints/nqwf-w8eh

Table 17-6: Projected Development Site 2-on-Projected Development Site 1 - HVAC Dispersion Analysis Results

Pollutant and Averaging Time	Modeled Concentration ($\mu g/m^3$) [(2)]	Background Concentration ($\mu g/m^3$)	Evaluated Concentration ($\mu g/m^3$)	Threshold Concentration ($\mu g/m^3$)	Threshold Standard
1-hour NO_2	66.14	103.59	170	188	NAAQS
Annual NO_2	1.12	26.8	28	100	NAAQS
24-hour $PM_{2.5}$	6.33	N.A.	6.33	7.8	*de minimis*
Annual $PM_{2.5}$	0.22	N.A.	0.22	0.3	*de minimis*

The concentrations shown in **Table 17-6** were predicted with certain restrictions to ensure that no significant adverse air quality impact(s) would occur. The restrictions placed on the Proposed Actions are specified in the Air Quality E-Designations shown below.

(E) Designation (E-722)
Block 490, Lot 1 (Projected Development Site 1): ***Any new residential or commercial development on the above-referenced property must ensure that the heating, ventilating, air conditioning (HVAC), and hot water system(s) stack is located at the building's highest level or at least 84 feet above grade to avoid any potential significant adverse air quality impacts.***

Block 490 Lot 19 (Projected Development Site 2): ***Any new residential or commercial development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC), and hot water system(s) and must be fitted with low NOx (30 ppm) burners, ensure that the stack is located at the building's highest level or at least 38 feet above grade, and that the stack is located at least 25 feet from the western lot line facing Bay Street and at least 25 feet from the southern lot line facing Prospect Street to avoid any potential significant adverse air quality impacts.***

Industrial Sources

Identifying Potential Emission Sources

Per the *CEQR Technical Manual*, projects that would result in new uses (particularly schools, hospitals, parks, and residences) within 400 feet of manufacturing processing facilities may result in potentially significant adverse impacts. The analysis first determines if there are any existing manufacturing uses within the 400-foot study area containing exhaust stacks, vents, or other emission sources that may have the potential to adversely affect the uses introduced by the project. If

warranted, an air dispersion analysis is then conducted for any existing industrial source(s) located in the study area.

Existing manufacturing uses with exhaust stacks, vents, or other emission sources that may have the potential to adversely affect the uses introduced by the project were identified by reviewing the DEP online Clean Air Tracking System (CATS) database, the NYSDEC map application (DECinfo Locator), and through a field survey. The field survey took place on August 16th, 2021.

The study area encompasses all or part of Blocks 487, 488, 489, 490, 491, 492, 510, 511, 512, 513, and 521, and includes properties along Bay Street, Front Street, Wave Street, Sands Street, Prospect Street, Union Place, Cross Street, and Beach Street. The area is characterized by a mix of residential, commercial/retail, light industrial, and auto-related uses (e.g., parking lots, auto detailing centers, auto repair garages, etc.). The results of the study are as follows:

- Styland Collision at 350 Front Street is an active auto body repair shop located within the study area (Block 491, Lot 41). Styland Collision has a current NYSDEC Air Facility Registration Certificate (Registration ID 2-6402-00332/00001) for one spray booth in an auto body shop. There is also an expired NYCDEP Processing permit on file for this site. Permit PB004312 was issued to Styland Collision for an industrial spray booth. This permit expired on 9/5/2012. On 9/7/2021, a Freedom of Information Law (FOIL) request was submitted to the NYCDEP for information regarding permit PB004312. The permit information provided by the NYCDEP, and information from the NYSDEC Air Facility Registration Certificate for the site, were used in the analysis of this facility, which is provided below:

- There is a current NYSDEC Air Facility Registration Certificate issued to Wave Street Auto Body at 33 Wave Street, Block 488, Lot 164 (Registration ID 2-6402-00284/00002). There were not any NYCDEP Processing permits found on file for this business in the CATS database search. At the time of the field survey, Wave Street Auto Body was not in operation at 33 Wave Street. The building was vacant, the former signage for Wave Street Auto Body had been removed from the front of the building, and there was a real estate company sign on the front of the building which reads "Development Property Available." No indications of auto body repair or painting operations were noted, and no odors or emissions were observed during the field survey. Therefore, no analysis of this facility is required.

- There is a NYSDEC Air Facility Registration Certificate issued to All Brothers Auto Styling, Inc. at 27 Sands Street, Block 489, Lot 46 (Registration ID 2-6402-01151/00001). There were not any NYCDEP Processing permits found on file for this business in the CATS database search. At the time of the field survey, All Brothers Auto Styling, Inc. was in operation at 27 Sands Street. However, this business is a general auto repair

facility and no longer performs auto body repair or painting operations. No indications of auto body repair or painting operations were noted at this location during the field survey, and no odors or emissions were observed. On 10/6/2021, at 3:00 pm, a telephone interview was conducted with the proprietor of All Brothers Auto Styling, Inc. According to this individual, All Brothers Auto Styling, Inc. no longer performs auto body repair or painting operations. Therefore, no analysis of this facility is required.

- There is an expired NYCDEP Processing permit on file for Quaker Oats at 455 Front Street (Block 487, Lot 100). Permit PA016697 was issued for an engine/generator, and expired on 10/6/2000. On 9/7/2021, a FOIL request was submitted to the NYCDEP for information regarding permit PA016697. According to NYCDEP personnel, Permit PA016697 could not be located. At the time of the field survey, 455 Front Street was a vacant, undeveloped lot, and Quaker Oats no longer operates at this location. Therefore, no analysis is required.

- There is a current NYCDEP Processing permit issued to the NYCDEP at 50 Front Street (Block 487, Lot 100). Permit PR012721 was issued for an engine/generator and expires on 8/12/2024. On 9/7/2021, a FOIL request was submitted to the NYCDEP for information regarding permit PR012721. According to the permit information provided by the NYCDEP, this permit was issued for an emergency generator. Emergency generators are exempt, and therefore no analysis of this facility is required.

- There is a current NYCDEP Processing permit issued to the FDNY at Building 4 Homeport (Block 487, Lot 7501). Permit PB011214 was issued for an engine/generator and expires on 3/4/2023. On 9/7/2021, a FOIL request was submitted to the NYCDEP for information regarding permit PB011214. According to the permit information provided by the NYCDEP, this permit was issued for an emergency generator. Emergency generators are exempt, and therefore no analysis of this facility is required.

- The C&K Cabinetry, Inc., a kitchen cabinets, flooring, and wall covering wholesale facility, is located at 366 Front Street (Block 491, Lot 46). At the time of the field survey, three stacks were visible protruding from the roof of the building. However, no dust, odors, or emissions were observed at this location. On 11/16/2021 at 11:49 AM, a telephone interview was conducted with the proprietor of C&K Cabinetry, Inc. According to this individual, C&K Cabinetry, Inc. is a wholesale business, and no manufacturing is conducted on site. There were not any NYCDEP Processing permits or NYSDEC Air Facility Registration Certificates found on file for this business. The facility was screened out.

- There is a granite and stone fabrication business located at 22 Wave Street, Block 489, Lot 19 (Style Granite and Kitchen). No stacks, dust, odors, or emissions were observed at this location during the field survey. There were not any NYCDEP Processing

permits or NYSDEC Air Facility Registration Certificates found on file for this business. The facility was screened out.

- There is a granite and stone fabrication business located at 346 Front Street, Block 491, Lot 37 (Staten Island Stone). No stacks, dust, odors, or emissions were observed at this location during the field survey. There were not any NYCDEP Processing permits or NYSDEC Air Facility Registration Certificates found on file for this business. The facility was screened out.

There were not any additional potential sources of toxic air emissions identified in the study area.

Styland Collision – Dispersion Analysis

The Styland Collision, located at 350 Front Street (Block 491, Lot 41), is an auto body repair and refinishing facility with one spray booth. The facility is located approximately 215 feet southeast of Projected Development Site 1. Emission profile specified in the DEP permit PB004312 was used to predict pollutants concentrations at the Proposed Project. Emission rates specified in the DEP permit PB004312 are:

- Solids NY079-00-0: 0.065 pounds per hour, 97.6 pounds per year.
- Solvents NY998-00-0: 3.1 pounds per hour, 3,100 pounds per year.

Solids or PM (New York Identification number NY079-00-0) includes fine particles as PM_{10}, $PM_{2.5}$ and particles of bigger sizes. The particle size distribution (PM_{10} and $PM_{2.5}$) was obtained from the EPA AP-42 *Appendix B1*. The 250-day per year activity rate, specified in permit PB004312, was used to calculate the PM average 24-hour emission rate. **Table 17-7** shows the Styland Collision facility PM_{10} and $PM_{2.5}$ emission rates.

Table 17-7: Styland Collision PM_{10}/$PM_{2.5}$ Emission Rates

Contaminant	Emission Rate			Pollutant	Particle Size Distribution (percent)	Emission Rate	
	(lb/hr)	(lb/day)	(lb/yr)			(lb/day)	(lb/yr)
PM	0.065	0.39	97.6	$PM_{2.5}$	28.6	0.112	27.9
				PM_{10}	46.7	0.182	45.6

Note:
1. 250-day per year activity rate used to calculate pounds per day emission rate.

Solvents are the volatile organic compounds (VOC) which evaporate during the spraying activity and while the coating substance dries. The mixture, which is comprised of chemicals with varying toxicities, identified collectively as VOC, have no guideline values in the NYSDEC DAR-1 database. As the composition of the coating substance was not included in the operational permit, a generic composition by percent weight, obtained from the NYC Department of City Planning (DCP), was used in the analysis. The ingredients that make up the representative paint, along with their Chemical Abstract Service (CAS) number, by percent weight, and the hourly and annual emission rates are presented in **Table 17-8**.

Table 17-8: Styland Collision VOC and Total Particulate NY079-00-0 Short-term and Annual Emission Rates

Pollutant	CAS No.	Percent Weight	Emission Rate	
			(lb/hr)	(lb/yr)
Acetone	67-64-1	43%	1.333	1333.0
Aromatic Petroleum Distillate	64742-94-5	10%	0.31	310.0
Butane	106-97-8	11%	0.341	341.0
Ethanol	64-17-5	2%	0.062	62.0
Ethyl 3-Ethoxypropionate	763-69-9	9%	0.279	279.0
Ethylbenzene	100-41-4	5%	0.155	155.0
Methyl Ethyl Ketone	78-93-3	8%	0.248	248.0
N-Butyl Acetate	123-86-4	5%	0.155	155.0
Propane	74-98-6	11%	0.341	341.0
Stoddard Solvent	8052-41-3	10%	0.31	310.0
Toluene	108-88-3	10%	0.31	310.0
Xylene	1330-20-7	10%	0.31	310.0

The *CEQR Technical Manual* Industrial Source Screen methodology was used to predict maximum short-term(s) and annual average concentrations. This methodology can be used to predict pollutant concentration emitted from a single source at various distances (from 30 to 400 feet). The distance between the Styland Collision and the Proposed Project is approximately 215 feet. A distance less than or equal to the actual distance from the facility was used in the analysis (using the *CEQR Technical Manual* Industrial Source Screen methodology.) **Table 17-9** shows the particulates dispersion analysis results using the *CEQR Technical Manual* Industrial Source procedure.

Table 17-9: Criteria Pollutants Dispersion Analysis Results - *CEQR Technical Manual* Industrial Source

Criteria Pollutant	Threshold Standard	Modeled Concentration ($\mu g/m^3$)	Background Concentration ($\mu g/m^3$)	Evaluated Concentration ($\mu g/m^3$)	Threshold Criteria ($\mu g/m^3$)
PM_{10} 24-Hour	NAAQS	1.1	43	44	150
$PM_{2.5}$ 24-Hour	NAAQS	0.69	19.4	20.1	35
$PM_{2.5}$ Annual	NAAQS	0.07	7.5	7.6	12

As seen in **Table 17-9**, $PM_{2.5}$ and PM_{10} predicted concentrations are within the NAAQS.

Table 17-10 shows the noncriteria pollutants dispersion analysis results using the *CEQR Technical Manual* Industrial Source procedure.

Table 17-10: Noncriteria Pollutants Dispersion Analysis Results - *CEQR Technical Manual* Industrial Source Screen

Pollutant	CAS No.	1-Hour ($\mu g/m^3$)	SGC ($\mu g/m^3$)	Annual ($\mu g/m^3$)	AGC ($\mu g/m^3$)
Acetone	67-64-1	560.6	180000.0	3.2	30000.0
Aromatic Petroleum Distillate	64742-94-5	130.4	--	0.7	100.0
Butane	106-97-8	143.4	No CAS	0.8	No CAS
Ethanol	64-17-5	26.1	--	0.1	45000.0
Ethyl 3-Ethoxypropionate (1)	763-69-9	117.3	140.0	0.7	64.0
Ethylbenzene (1)	100-41-4	65.2	--	0.4	1000.0
Methyl Ethyl Ketone	78-93-3	104.3	13000.0	0.6	5000.0
N-Butyl Acetate	123-86-4	65.2	71300.0	0.4	565.0
Propane	74-98-6	143.4	No CAS	0.8	No CAS
Stoddard Solvent	8052-41-3	130.4	--	0.7	900.0
Toluene (1)	108-88-3	130.4	37000.0	0.7	5000.0
Xylene (1)	1330-20-7	130.4	22000.0	0.7	100.0

Note:
1. Ethyl 3-Ethoxypropionate, Ethylbenzene, Toluene, and Xylene are Hazardous Air Pollutants (HAP).

As seen in **Table 17-10**, the noncriteria pollutants concentrations are within the SGC/AGC design values. In addition, the cumulative inhalation risk for the HAPs (Ethyl 3-Ethoxypropionate, Ethylbenzene, Toluene, and Xylene are HAPs) is 0.01 (less than 10), and the Hazardous Index is 0.02 (less than 2) for the non-carcinogenic pollutants.

Therefore, no adverse air quality impact is predicted from industrial source emissions to the Proposed Project.

Major and Large Source

Per the *CEQR Technical Manual*, projects that would introduce new uses near major sources, large sources, or odor producing facilities may result in potentially significant adverse air quality impacts. The study area considers major sources, large sources, and odor producing facilities within 1,000 feet of the proposed project. Major emission sources are identified as those sources located at Title V facilities; large emission sources are identified as sources located at facilities which require an Air State Facility permit. Solid waste or medical waste incinerators, asphalt and concrete plants, power generating plants, large boilers of large public facilities for example, and large industrial facilities are typical type of sources requiring these permits. Odor producing facilities are operations that have the potential to cause discomfort, such as: solid waste management facilities, water pollution control plants (i.e., sewage treatment plants), and incinerators.

No existing large combustion source(s), such as power plants, cogeneration facilities, etc., located within 1,000 feet of the Proposed Project, was identified[2], and no odor producing facility was identified within 1,000 feet of the Proposed Project. As such, no analysis is warranted, and no significant adverse air quality impacts are predicted from these types of facilities.

Conclusion

No significant adverse air quality impact was predicted in the analysis. Therefore, there is no reason to believe that the Proposed Actions would result in any potentially significant adverse stationary or mobile source air quality impacts, and further assessment is not warranted.

[2] New York State Department of Environmental Conservation (2021). DECinfo Locator. <https://gisservices.dec.ny.gov/gis/dil/> (Sep. 22, 2021).

19. Noise

Introduction

Equity Environmental Engineering, LLC (Equity) conducted noise monitoring on Tuesday, September 14, 2021 in support a Zoning Map Amendment to remove the existing C4-2 zoning on the Project Area and an extension the Special Bay Street Corridor District (SBSCD- underlying R6/C2-3 District) onto the Project Area. The Project Site is bound by Sand Street to the north, Prospect Street to the south, and Bay Street to the east. An elevated rail line is located directly adjacent to the Project Area to the east. The Project Area consists of Block 490 / Lots 1 and 19 within Staten Island Community District 1.

Bay Street is a two-way, north-south bound street with one moving lane in each direction, curbside parking, and some areas contain a bike lane. Sand Street is a two-way, east-west bound street with curbside parking. Prospect Street is a one-way, east-west bound street with curbside parking. Local intersections are controlled by traffic signals and stop signs.

An assessment of the potential for adverse effects on project occupants from ambient noise is warranted. The projected development would not create a significant stationary noise generator. Additionally, project-generated traffic would not result in a perceptible increase in vehicular noise. Also, considering that the nearby train activity would remain the same as existing in the future conditions and the fact that some of the measured noise levels are results of dominant train noise, existing noise levels would be representative of future noise levels. Therefore, this noise assessment is limited to an assessment of ambient noise that could adversely affect occupants of the development. The predominant noise source at the Affected Area is vehicular traffic on surrounding streets and train noise from the adjacent elevated rail line.

Framework of Noise Analysis

Noise is defined as any unwanted sound, and sound is defined as any pressure variation that the human ear can detect. Humans can detect a large range of sound pressures, from 20 to 20 million micropascals, but only those air pressure variations occurring within a particular set of frequencies are experienced as sound. Air pressure changes that occur between 20 and 20,000 times a second, stated as units of Hertz (Hz), are registered as sound.

Because the human ear can detect such a wide range of sound pressures, sound pressure is converted to sound pressure level (SPL), which is measured in units called decibels (dB). The decibel is a relative measure of the sound pressure with respect to a standardized reference quantity. Because the dB scale is logarithmic, a relative increase of 10 dB represents an acoustic energy that is 10 times higher. However, humans do not perceive a 10-dB increase as 10 times louder. Instead, they perceive it as twice as loud.

Sound is often measured and described in terms of its overall energy, taking all frequencies into account. However, the human hearing process is not the same at all frequencies. Humans are less sensitive to low frequencies (less than 250 Hz) than mid-frequencies (500 Hz to 1,000 Hz) and are most sensitive to frequencies in the 1,000- to 5,000-Hz range. Therefore, noise measurements are

often adjusted, or weighted, as a function of frequency to account for human perception and sensitivities. The most common frequency weightings used are the A- and C-weightings. These weight scales were developed to allow sound level meters, which use filter networks to approximate the characteristic of the human hearing mechanism, to simulate the frequency sensitivity of human hearing. The A-weighting is the most commonly used for environmental measurements, and sound levels measured using this weighting are denoted as dBA. The letter "A" indicates that the sound has been filtered to reduce the strength of very low and very high frequency sounds, much as the human ear does. C-weighting gives nearly equal emphasis to sounds of most frequencies. Mid-range frequencies approximate the actual (unweighted) sound level, while the very low and very high frequency bands are significantly affected by C-weighting.

Table 19-1: Noise Levels of Common Sources

Sound Source	SPL (dB(A))
Air Raid Siren at 50 feet	120
Maximum Levels at Rock Concerts (Rear Seats)	110
On Platform by Passing Subway Train	100
On Sidewalk by Passing Heavy Truck or Bus	90
On Sidewalk by Typical Highway	80
On Sidewalk by Passing Automobiles with Mufflers	70
Typical Urban Area	60-70
Typical Suburban Area	50-60
Quiet Suburban Area at Night	40-50
Typical Rural Area at Night	30-40
Isolated Broadcast Studio	20
Audiometric (Hearing Testing) Booth	10
Threshold of Hearing	0
Notes: A change in 3dB(A) is a just noticeable change in SPL. A change in 10 dB(A)Is perceived as a doubling or halving in SPL.	
Source: 2021CEQR Technical Manual	

The following is typical of human response to relative changes in noise level:

- 3-dBA change is the threshold of change detectable by the human ear;
- 5-dBA change is readily noticeable; and
- 10-dBA change is perceived as a doubling or halving of the noise level.

The SPL that humans experience typically varies from moment to moment. Therefore, various descriptors are used to evaluate noise levels over time. Some typical descriptors are defined below.

- L_{eq} is the continuous equivalent sound level. The sound energy from the fluctuating SPLs is averaged over time to create a single number to describe the mean energy, or intensity, level. High noise levels during a measurement period will have a greater effect on the L_{eq} than low noise levels. L_{eq} has an advantage over other descriptors because L_{eq} values from various noise sources can be added and subtracted to determine cumulative noise levels.

- L_{max} is the highest SPL measured during a given period of time. It is useful in evaluating L_{eq}s for time periods that have an especially wide range of noise levels.

- $L_{eq(24)}$ is the continuous equivalent sound level over a 24-hour time period.

- L_{dn} is the day-night equivalent sound level, defined as a 24-hour continuous L_{eq} with a 10 dB adjustment added to all hourly noise levels recorded between the hours of 10 PM and 7 AM. This 10 dB addition accounts for the extra sensitivity people have to noise during typical sleeping hours.

The sound level exceeded during a given percentage of a measurement period is the percentile-exceeded sound level (L_X). Examples include L_{10}, L_{50}, and L_{90}. L_{10} is the A-weighted sound level that is exceeded 10% of the measurement period.

The decrease in sound level caused by the distance from any single noise source normally follows the inverse square law (i.e., the SPL changes in inverse proportion to the square of the distance from the sound source). In a large open area with no obstructive or reflective surfaces, it is a general rule that at distances greater than 50 feet, the SPL from a point source of noise drops off at a rate of 6 dB with each doubling of distance away from the source. For "line" sources, such as vehicles on a street, the SPL drops off at a rate of 3 dBA with each doubling of the distance from the source. Sound energy is absorbed in the air as a function of temperature, humidity, and the frequency of the sound. This attenuation can be up to 2 dB over 1,000 feet. The drop-off rate also will vary with both terrain conditions and the presence of obstructions in the sound propagation path.

Noise Standards and Guidelines

In 1983, the New York City Department of Environmental Protection (NYCDEP) adopted the City Environmental Quality Review (CEQR) noise exposure guidelines for exterior noise levels. As shown in Table 19-2 below, noise standards classify noise exposure into four categories based on noise level limits and land use, for vehicular traffic, rail, and aircraft noise sources: Acceptable, Marginally Acceptable, Marginally Unacceptable and Clearly Unacceptable. Table 19-3 of the *CEQR Technical Manual* defines attenuation requirements for buildings based on exterior noise exposure levels. Recommended noise attenuation values for buildings are designed to maintain interior noise levels of 45 dBA or lower. (*L_{10} or Ldn, depending on the source*) as shown below.

Table 19-2: Noise Exposure Guidelines for Use in City Environmental Impact Review

Receptor Type	Time Period	Acceptable General External Exposure	Airport[3] Exposure	Marginally Acceptable General External Exposure	Airport[3] Exposure	Marginally Unacceptable General External Exposure	Airport[3] Exposure	Clearly Unacceptable General External Exposure	Airport[3] Exposure
1. Outdoor area requiring serenity and quiet[2]		$L_{10} \leq 55$ dBA	----------DNL ≤ 60 dBA----------		----------60 < DNL ≤ 65 dBA----------		(I) 65 < DNL ≤ 75 dBA		---------- 75 dBA < DNL ----------
2. Hospital, nursing home		$L_{10} \leq 55$ dBA		55 < $L_{10} \leq 65$ dBA		65 < $L_{10} \leq 80$ dBA		$L_{10} > 80$ dBA	
3. Residence, residential hotel, or motel	(7 AM to 10 PM)	$L_{10} \leq 65$ dBA		65 < $L_{10} \leq 70$ dBA		70 < $L_{10} \leq 80$ dBA		$L_{10} > 80$ dBA	
	(10 PM to 7 AM)	$L_{10} \leq 55$ dBA		55 < $L_{10} \leq 70$ dBA		70 < $L_{10} \leq 80$ dBA		$L_{10} > 80$ dBA	
4. School, museum, library, court, house of worship, transient hotel or motel, public meeting room, auditorium, out-patient public health facility		Same as Residential Day (7 AM-10 PM)		Same as Residential Day (7 AM-10 PM)		Same as Residential Day (7 AM-10 PM)		Same as Residential Day (7 AM-10 PM)	
5. Commercial or office		Same as Residential Day (7 AM-10 PM)		Same as Residential Day (7 AM-10 PM)		Same as Residential Day (7 AM-10 PM)		Same as Residential Day (7 AM-10 PM)	
6. Industrial, public areas only[4]	Note 4	Note 4		Note 4		Note 4		Note 4	

Notes:

(i) In addition, any new activity shall comply with Impact Thresholds detailed in Section 410.

[1] Measurements and projections of noise exposures are to be made at appropriate heights above site boundaries as given by American National Standards Institute (ANSI) Standards; all values are for the worst hour in the time period.

[2] Tracts of land where serenity and quiet are extraordinarily important and serve as important public need, and where the preservation of these qualities is essential for the area to serve its intended purpose. Such areas could include amphitheaters, particular parks or portions of parks, or open spaces dedicated or recognized by appropriate local officials for activities requiring special qualities of serenity and quiet. Examples are grounds for ambulatory hospital patients and patients and residents of sanitariums and nursing homes.

[3] One may use the FAA-approved DNL contours supplied by the Port Authority of New York and New Jersey (PANYNJ), or the noise contours may be computed from the federally approved Aviation Environmental Design Tool (AEDT) Computer Model using flight data supplied by the PANYNJ.

[4] External Noise Exposure standards for industrial areas of sounds produced by industrial operations other than operating motor vehicles or other transportation facilities are spelled out in the New York City Zoning Resolution, Sections 42-20 and 42-21. The referenced standards apply to M1, M2, and M3 manufacturing districts and to adjoining residence districts (performance standards are listed by octave bands).

Sources: New York City Department of Environmental Protection (adopted policy 1983).

Table 19-3 CEQR TM: Attenuation Values to Achieve Acceptable Interior Noise Levels

	Marginally Unacceptable				Clearly Unacceptable
Vehicular Traffic	$70 < L_{10} \leq 73$	$73 < L_{10} \leq 76$	$76 < L_{10} \leq 78$	$78 < L_{10} \leq 80$	$80 < L_{10}$
Aircraft [A]	65 < DNL ≤ 68	68 < DNL ≤ 71	71 < DNL ≤ 73	73 < DNL ≤ 75	75 < DNL
Train	$65 < L_{dn} \leq 68$	$68 < L_{dn} \leq 71$	$71 < L_{dn} \leq 73$	$73 < L_{dn} \leq 75$	$75 < L_{dn}$
Attenuation [B]	(I) 28 dB(A)	(II) 31 dB(A)	(III) 33 dB(A)	(IV) 35 dB(A)	See note [C]

Notes:

A. DNL descriptor based on average values of L_{dn} over a year period.

B. The above composite window-wall attenuation values are for residential dwellings and community facility development. Commercial office spaces and meeting rooms would be 5 dB(A) less in each category. All of the above categories require a closed window situation and hence an alternate means of ventilation.

C. The required attenuation value is the difference between L_{build} and $L_{interior}$, using the appropriate noise descriptor.
Where:
L_{build} is the projected noise level under the build condition rounded up to the whole number
$L_{interior}$ is the designed interior noise level (45 dB(A) for vehicular noise, 40 dB(A) for aircraft and train noise

Measurement Location and Equipment

Because the predominant noise sources in the area of the proposed project consist of vehicular and rail traffic, noise monitoring was conducted during peak weekday vehicular travel periods (AM, Midday, PM) on a typical midweek day. Therefore, the noise assessment is limited to as assessment of vehicular and rail traffic noise. Pursuant to 2021CEQR Technical Manual Methodology, five (5) measurements were conducted for 1-hour periods during each of the peak periods, and one (1) 20-minute periods during each peak period were conducted in the area of the Project Site Location One (1) was at the rooftop of the building located on Lot 1 facing Sands Street; Location Two (2) was at the dead-end of Sands Street facing the elevated rail line; Location Three (3) was on the rooftop of the building located on Lot 1 facing Prospect Street; Location Four (4) was located along the Project frontage of Prospect Street; Location Five (5) was located at the Project frontage along Bay Street; Location Six (6) was located on the rooftop of Projected Development Site 2 along the western property boundary at the approximate height of the elevated rail line. Due to the change in methodologies as outlined in the 2021 CEQR Technical Manual, a previously collected 24-hour monitoring location from a different projected was used to represent nearby elevated train Ldn noise: Location B was collected as part of the Bay Street Corridor FEIS (16DCP156R) and was collected along the Staten Island Railroad for a 24-hour period. The noise monitoring locations (with the exception of Location B) are shown in **Figure 19-1** and **Photos 19-1** through **19-6** below.

Noise monitoring (Locations 1 through 6) was conducted using a using Type 1 Casella CEL-633 sound level meter with wind screen. The monitor was placed on a tripod at a height of approximately four feet above the ground, away from any other noise-reflective surfaces. The monitor was calibrated prior to and following each monitoring session. Periods of peak vehicular traffic and elevated train around the Project Area constitute a worst-case condition for noise. Noise meter calibration certification and back up data have been provided to the Department of City Planning.

Photo 19-1: ***Noise Monitoring Location One (1)***
Rooftop Facing Sands Street



Photo 19-2: ***Noise Monitoring Location Two (2)***
Sands Street Dead-End



Photo 19-3: ***Noise Monitoring Location Three (3)***
Rooftop Facing Prospect Street



Photo 19-4: ***Noise Monitoring Location Four (4)***
Prospect Street



Photo 19-5: ***Noise Monitoring Location Five (5)***
Bay Street



Photo 19-6: ***Noise Monitoring Location Six (6)***
Projected Development Site 2 Rooftop



Figure 19-1: Noise Monitoring Location



*Location B is from the Bay Street Corridor FEIS

Measurement Conditions
Monitoring was conducted during typical midweek conditions, on Tuesday, September 14, 2021 and Tuesday, November 9, 2021 as well as October 19, 2016 as part of the Bay Street Corridor FEIS. The weather was dry and wind speeds were moderate during all monitoring periods. The sound meter was calibrated before and after each monitoring session.

Existing Conditions
Based on the noise measurements, the predominant source of noise is train movements.

Table 19-4 through 19-9 *below contains the results for the measurements taken at the Project Site* ***Table 19-10*** *below contains the results for the measurements previously collected at Location B from the Bay Street Corridor FEIS:*

Table 19-4
Noise Levels (dB) at Location 1

Tuesday, September 14, 2021

Time	**7:46 am – 8:46 am**	**12:00 pm – 1:00 pm**	**4:30 pm – 5:30 pm**
L_{max}	84.2	78.9	84.9
L_{10}	60.0	58.0	61.0
L_{eq}	63.8	58.8	63.8
L_{50}	54.0	55.0	55.0
L_{90}	52.5	53.5	53.5
L_{min}	50.5	51.7	51.8

Table 19-5
Noise Levels (dB) at Location 2

Tuesday, September 14, 2021

Time	**7:51 am – 8:52 am**	**12:06 pm – 1:06 pm**	**4:35 pm – 5:35 pm**
L_{max}	86.5	81.3	87.2
L_{10}	59.5	57.0	61.5
L_{eq}	65.4	59.7	64.9
L_{50}	54.0	55.5	57.5
L_{90}	51.5	54.5	55.5
L_{min}	49.8	53.5	54.1

Table 19-6 *Noise Levels (dB) at Location 3*			
Tuesday, September 14, 2021			
Time	**7:29 am – 8:29 am**	**11:59 am – 12:59 pm**	**4:29 pm – 5:29 pm**
L_{max}	89.0	78.6	86.7
L_{10}	62.0	58.5	59.5
L_{eq}	66.2	59.3	64.7
L_{50}	56.5	56.0	56.0
L_{90}	54.0	53.5	54.5
L_{min}	52.3	51.9	53.3

Table 19-7 *Noise Levels (dB) at Location 4*			
Tuesday, September 14, 2021			
Time	**7:35 am – 8:35 am**	**12:02 pm – 1:02 pm**	**4:33 pm – 5:33 pm**
L_{max}	86.4	81.3	84.9
L_{10}	64.0	61.0	62.0
L_{eq}	64.3	60.2	63.9
L_{50}	56.5	57.5	57.0
L_{90}	53.5	53.5	55.5
L_{min}	51.3	50.9	54.0

Table 19-8 *Noise Levels (dB) at Location 5*			
Tuesday, September 14, 2021			
Time	**8:40 am – 9:00 am**	**1:06 pm – 1:26 pm**	**5:36 pm – 5:56 pm**
L_{max}	85.9	104.5	96.8
L_{10}	74.5	74.0	73.5
L_{eq}	71.4	77.9	72.3
L_{50}	69.0	67.5	68.0
L_{90}	61.5	61.0	59.5
L_{min}	55.0	56.4	55.0

Table 19-9 *Noise Levels (dB) at Location 6*			
Tuesday, November 9, 2021			
Time	**7:55 am – 8:55 am**	**12:01 pm – 1:01 pm**	**4:32 pm – 5:32 pm**
L_{max}	96.3	91.1	95.9
L_{10}	63.0	57.5	60.0
L_{eq}	73.8	67.7	72.9
L_{50}	58.0	53.0	53.0
L_{90}	56.5	50.5	51.0
L_{min}	54.6	48.7	49.2

Table 19-10 Noise Levels at Location B	
Date/Time	Leq
2016-10-19 00:00:00	60.7
2016-10-19 01:00:00	61.3
2016-10-19 02:00:00	61.4
2016-10-19 03:00:00	61.6
2016-10-19 04:00:00	61.3
2016-10-19 05:00:00	64.8
2016-10-19 06:00:00	66.7
2016-10-19 07:00:00	67.2
2016-10-19 08:00:00	66.8
2016-10-19 09:00:00	71.6
2016-10-19 10:00:00	58.7
2016-10-19 11:00:00	59.9
2016-10-19 12:00:00	61.6
2016-10-19 13:00:00	59.5
2016-10-19 14:00:00	61.3
2016-10-19 15:00:00	64.6
2016-10-19 16:00:00	64.7
2016-10-19 17:00:00	67.3
2016-10-19 18:00:00	67.7
2016-10-19 19:00:00	67.8
2016-10-19 20:00:00	62.8
2016-10-19 21:00:00	61.2
2016-10-19 22:00:00	62.1
2016-10-19 23:00:00	65.7
Ldn	**70.2**

Table 19-11 through 19-13 *below contains the traffic counts and vehicle classifications during each monitoring period for 1 hour or 20 minutes:*

Table 19-11 ***Location 2:*** *Traffic volumes and vehicle classifications*			
	7:51 am – 8:52 am	**12:06 pm – 1:06 pm**	**4:35 pm – 5:35 pm**
Car/ Taxi	5	2	4
Van/Light Truck/SUV	2	1	2
Medium Truck	0	0	0
Heavy Truck	0	0	0
Bus	0	0	0
Train	16	4	9

Table 19-12 ***Location 4:*** *Traffic volumes and vehicle classifications*			
	7:35 am – 8:35 am	**12:02 pm – 1:02 pm**	**4:33 pm – 5:33 pm**
Car/ Taxi	25	13	31
Van/Light Truck/SUV	35	27	28
Medium Truck	0	1	3
Heavy Truck	1	0	0
Bus	0	0	0
Train	13	4	9

*Location 4 and 5 AM traffic counts are swapped in the field notes.

Table 19-13 ***Location 5:*** *Traffic volumes and vehicle classifications*			
	8:40 am – 9:00 am	**1:06 pm – 1:26 pm**	**5:36 pm – 5:56 pm**
Car/ Taxi	104	101	121
Van/Light Truck/SUV	157	148	179
Medium Truck	5	8	6
Heavy Truck	4	3	1
Bus	17	7	11
Train	0	0	0

*Location 4 and 5 AM traffic counts are swapped in the field notes.

Stationary Source

It is assumed that the building mechanical systems (i.e., HVAC systems) would be designed to meet all applicable noise regulations (i.e., Subchapter 5, §24-227 of the New York City Noise Control Code, the New York City Department of Buildings Code) and to avoid producing levels that would result in any significant increase in ambient noise levels. Therefore, the Proposed Actions would not result in any significant adverse noise impacts related to building mechanical equipment.

Determination of Impacts/Building Attenuation Requirements

The 2021*CEQR Technical Manual* Table 19-2 contains noise exposure guidelines. For a residential use such as would occur under the proposed action, an L_{10} of between 65 and 70 dB(A) is identified as marginally acceptable general external exposure. An L_{10} of between 70 and 80 dB(A) is identified as marginally unacceptable general external exposure. The highest recorded L_{eq} at Location One (1) of the subject property was 63.8 dB(A) during the AM and PM monitoring periods. The highest recorded L_{eq} at Location Two (2) of the subject property was 65.4 dB(A) during the AM monitoring period. The highest recorded L_{eq} at Location Three (3) of the subject property was 66.2 dB(A) during the AM monitoring period. The highest recorded L_{eq} at Location Four (4) of the subject property was 64.3 dB(A) during the Morning monitoring period. The highest recorded L_{eq} at Location Five (5) of the subject property was 77.9 dB(A) during the Midday monitoring period. According to the field notes, there was a motorcycle, a car with loud music, and an ambulance that elevated this location. Since the highest L_{eq} of 77.9 dB(A) is based on atypical noise source (i.e. ambulance siren), the highest L_{10} of 74.5 dB(A) recorded during the AM period is used for attenuation purposes. The highest recorded L_{eq} at Location Six (6) of the subject property was 73.8 dB(A) during the AM monitoring period. The L_{dn} noise level associated with Location B is 70.2 dB(A).

Based on the results of the noise monitoring, a 31 dB(A) window/wall attenuation would be required on the facades facing Bay Street as well as along the Prospect Street facade for 50' from Bay Street and the northern façade for 50' from Bay Street and for facades facing Front Street and northern and southern facades within 100 feet of the elevated rail line for floors at or above the elevated rail line. No other facades require attenuation. Based on the required attenuation, there would be no potential for adverse impacts related to ambient noise.

E-722

Projected Development Site 1 (Block 490 / Lot 1): In order to ensure an acceptable interior noise environment, future residential uses must provide a closed-window condition with a minimum of 31 dB(A) window/wall attenuation on the facades facing Bay Street, the facades facing Prospect Street within 50 feet of Bay Street, the facades facing Sands Street within 50 feet of Bay Street, and all facades within 100 feet of the elevated rail line for floors at or above the elevated rail line in order to maintain an interior L_{10} noise level not greater than 45 dB(A) or interior L_{dn} noise level not greater than 40 dB(A) for residential uses as illustrated in the EAS. In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning.

Projected Development Site 2 (Block 490 / Lot 19): In order to ensure an acceptable interior noise environment, future residential uses must provide a closed-window condition with a minimum of 31 dB(A) window/wall attenuation on the eastern, northern, and southern facades for floors at or above the elevated rail line in order to maintain an interior L_{10} noise level not greater than 45 dB(A) or interior L_{dn} noise level not greater than 40 dB(A) for residential uses as illustrated in the EAS. In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning.

Figure 19-2: Attenuation Requirements



*Above attenuation values are for residential and community facility uses. Commercial office would require 5 dBA less.

Attachment A

NYC Landmarks Preservation Commission Letter

Landmarks Preservation Commission

1 Centre Street
9th Floor North
New York, NY 10007

Voice (212)-669-7700
Fax (212)-669-7960
http://nyc.gov/landmarks

ENVIRONMENTAL REVIEW

Project number: DEPARTMENT OF CITY PLANNING / 23DCP037R
Project: BAY STREET
Date Received: 2/21/2023

Properties with no Architectural or Archaeological significance:

1) 541 BAY STREET, BBL: 5004900001
2) 533 BAY STREET, BBL: 5004900004
3) 12 SANDS STREET, BBL: 5004900019
4) SANDS STREET, BBL: 5004900022

Comments:

S/NR ELIGIBLE PARAMOUNT THEATER, 560 BAY STREET AND 514 BAY STREET WITHIN RADIUS



2/27/2023

SIGNATURE DATE
Gina Santucci, Environmental Review Coordinator

File Name: 36916_FSO_DNP_02272023.docx

Attachment B

DEP Correspondence

Environmental Protection

Vincent Sapienza, P.E.
Commissioner

Angela Licata
Deputy Commissioner of Sustainability

59-17 Junction Blvd.
Flushing, NY 11373

Tel. (718) 595-4398
Fax (718) 595-4422
alicata@dep.nyc.gov

January 18, 2022

George Todorovic
Senior Borough Planner
New York City Department of City Planning
Staten Island Office
130 Stuyvesant Place
Staten Island, New York 10301

Re: 541-545 Bay Street Rezoning
Block 490, Lots 1, 4, 19 and 22
CEQR # 77DCP823R

Dear Mr. Todorovic:

The New York City Department of Environmental Protection, Bureau of Sustainability (DEP) has reviewed the December 2021 Environmental Assessment Statement (EAS) and the September 2021 Phase I Environmental Site Assessment (Phase I) prepared by Environmental Studies Corporation on behalf of Robert Palermo (applicant), for the above referenced project located between Prospect Street and Sands Street in the Stapleton neighborhood of Staten Island Community District 1. It is our understanding that the applicant is seeking:

1. A zoning map amendment from the New York City Department of City Planning (DCP) to rezone a C4-2 zoning district to an R6/C2-3 zoning district by extending the boundaries of the Special Bay Street Corridor District.
2. A zoning text amendment to Appendix F of the Zoning Resolution to designate the project area as a Mandatory Inclusionary Housing Area.

The proposed actions would facilitate the redevelopment of Block 490, Lot 1 (Projected Development Site 1) with a new 8-story, 100,486 gross square feet (gsf), mixed-use building containing 90,486 gsf of residential space (83 dwelling units), 10,000 gsf of commercial space and 35 accessory parking spaces. The applicant-owned Projected Development Site 1 is currently developed with a two-story commercial building, while the remainder of the project area not controlled by the applicant, Block 490, Lots 4, 19 and 22 is currently developed with two multi-story residential and industrial buildings, as well as elevated tracks of the Staten Island Railroad. It should also be noted that in the Reasonable Worst Case Development Scenario, Block 490, Lot 19 (Projected Development Site 2) would be redeveloped with a new 3-story, 11,224 gsf, residential building, while Block 490, Lots 4 and 22 are not proposed for redevelopment.

Projected Development Site 1: Block 490, Lot 1

The September 2021 Phase I report revealed that historical on-site and surrounding area land uses consists of residential, commercial and industrial uses including Bay Street Bazaar grocery store, The Merciful Seniors Care, Inc., Hall on the Bay entertainment venue, United Church of Praise International Ministries food pantry, Acme Industrial

Inc., Bayview Laundromat, Elite Wireless & Electronics, a filling station, a car wash, a car dealership, a wooden toy manufacturer, coal and lumber yards, a fur dressing company, an iron works facility, a furniture store, a computer store, stables, a harness shop, a machine shop, a meat processing facility, an auto repair shop, as well as several residential buildings. Regulatory databases such as the New York State Department of Environmental Conservation SPILLS, Leaking Underground Storage Tank, Leaking Storage Tanks (LTANKS), Resource Conservation and Recovery Act Generators, and Petroleum Bulk Storage (PBS) Underground Storage Tanks (USTs) and PBS Aboveground Storage Tanks (ASTs) identified several sites in close proximity to the project site. The SPILLS database reported 12 SPILLS within a 1/8-mile radius of the project site and the LTANKS database reported 17 LTANKS within a 1/2-mile radius of the project site. The PBS USTs and the PBS ASTs databases reported six USTs and seven ASTs within a 1/4-mile radius of the project site. The Phase I also reported two Historical Cleaners and two Historical Auto Stations within a 1/8-mile radius of the project site. Based on the age of the building that currently occupies the project site, asbestos containing materials and lead based paint could be present in the structure.

Based upon our review of the submitted documentation, we have the following comments and recommendations to DCP:

EAS

- Page 13 states "The Applicant does not own Staten Island Block 490, Lots 4, 19, nor 22 although these lots are within the Project Area." and "The portion of the Project Area that is owned by the Applicant (Staten Island Block 490, Lots 1) is referred to as "Projected Development Site 1."; Page 15 states "The Project Area includes Staten Island Block 490, Lots 1, 4, 19, and 22. These lots are all controlled by the applicant and will be affected by the Proposed Actions. Because of this, development is expected to occur on these lots."; Table 1 on Page 16 depicts Block 490, Lots 1, 4, 19 and 22 as Applicant Owned Properties; and Page 67 states "To avoid any potential impacts associated with hazardous materials, an (E) designation (EXXX) will be established on Projected Development Site 1 (Block 490, Lots 1, 4, 19, and 22)." Therefore, DCP should instruct the applicant to clarify which lots and projected development sites are/are not under the under the control or ownership of the applicant.

- DCP should inform the applicant that a revised EAS should be submitted for review.

Projected Development Site 1: Block 490, Lot 1 (Site under the control or ownership of the applicant)

- DCP should inform the applicant that based on the historical on-site and/or surrounding area land uses, a Phase II Environmental Site Assessment (Phase II) is necessary to adequately identify/characterize the surface and subsurface soils, groundwater and soil vapor of the subject property, and to inform and disclose the measures necessary to avoid impacts from hazardous materials. A Phase II Investigation Protocol/Work Plan summarizing the proposed drilling, soil, groundwater and soil vapor sampling activities should be developed in accordance with the *City Environmental Quality Review (CEQR) Technical Manual* and submitted for DEP review and approval. The Work Plan should include blueprints and/or site plans displaying the current surface grade and sub-grade elevations and a site map depicting the proposed soil, groundwater and soil vapor sampling locations. Soil and groundwater samples should be collected and analyzed by a New York State Department of Health (NYSDOH) Environmental Laboratory Approval Program (ELAP) certified laboratory for the presence of volatile organic compounds (VOCs) by United States Environmental Protection

Agency (EPA) Method 8260, semi-volatile organic compounds (SVOCs) by EPA Method 8270, pesticides by EPA Method 8081, polychlorinated biphenyls (PCBs) by EPA Method 8082, and Target Analyte List (TAL) metals (filtered and unfiltered for groundwater samples). The soil vapor sampling should be conducted in accordance with the NYSDOH October 2006 Guidance for Evaluating Soil Vapor Intrusion in the State of New York. The soil vapor samples should be collected and analyzed by a NYSDOH ELAP certified laboratory for the presence of VOCs by EPA Method TO-15. An Investigation Health and Safety Plan (HASP) should also be submitted for DEP review and approval.

- DCP should also instruct the applicant that the Phase II Work Plan and HASP should be submitted for DEP review and approval prior to the start of any fieldwork.

Projected Development Site 2: Block 490, Lot 19

- If Block 490, Lot 19 is under the control or ownership of the applicant, DCP should inform the applicant that a Phase I should be submitted for review.

- If Block 490, Lot 19 is under the control or ownership of the applicant, DCP should inform the applicant that based on the historical on-site and/or surrounding area land uses, a Phase II is necessary to adequately identify/characterize the surface and subsurface soils, groundwater and soil vapor of the subject property, and to inform and disclose the measures necessary to avoid impacts from hazardous materials. A Phase II Investigation Protocol/Work Plan summarizing the proposed drilling, soil, groundwater and soil vapor sampling activities should be developed in accordance with the *CEQR Technical Manual* and submitted for DEP review and approval. The Work Plan should include blueprints and/or site plans displaying the current surface grade and sub-grade elevations and a site map depicting the proposed soil, groundwater and soil vapor sampling locations. Soil and groundwater samples should be collected and analyzed by a NYSDOH ELAP certified laboratory for the presence of VOCs by EPA Method 8260, SVOCs by EPA Method 8270, pesticides by EPA Method 8081, PCBs by EPA Method 8082, and TAL metals (filtered and unfiltered for groundwater samples). The soil vapor sampling should be conducted in accordance with the NYSDOH October 2006 Guidance for Evaluating Soil Vapor Intrusion in the State of New York. The soil vapor samples should be collected and analyzed by a NYSDOH ELAP certified laboratory for the presence of VOCs by EPA Method TO-15. An Investigation HASP should also be submitted for DEP review and approval.

- If Block 490, Lot 19 is under the control or ownership of the applicant, DCP should also instruct the applicant that the Phase II Work Plan and HASP should be submitted for DEP review and approval prior to the start of any fieldwork.

- If Block 490, Lot 19 is not under the control or ownership of the applicant, based on prior on-site and/or surrounding area land uses which could result in environmental contamination, DEP concurs with the EAS recommendation that an (E) Designation for hazardous materials should be placed on the zoning map pursuant to Section 11-15 of the New York City Zoning Resolution for the subject property (Block 490, Lot 19). The (E) Designation will ensure that testing and mitigation will be provided as necessary before any future development and/or soil disturbance. The applicant should be directed to coordinate further hazardous materials assessments through the Mayor's Office of Environmental Remediation (OER).

Block 490, Lots 4 and 22

- DCP should instruct the applicant to clarify why a (E) Designation for hazardous materials is recommended for Block 490, Lots 4 and 22 if they are not projected/potential development sites.

Future correspondence and submittals related to this project should include the following CEQR # **77DCP823R**. If you have any questions, you may contact Ms. Cassandra Scantlebury at (718) 595-6756.

Sincerely,

Wei Yu
Deputy Director, Hazardous Materials

cc: R. Weissbard
T. Estesen
C. Scantlebury
M. Wimbish
S. Shellooe – DCP

Attachment C

Waterfront Revitalization

Program Consistency Form

FOR INTERNAL USE ONLY	WRP No. _____
Date Received: _____	DOS No. _____

NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM
Consistency Assessment Form

Proposed actions that are subject to CEQR, ULURP or other local, state or federal discretionary review procedures, and that are within New York City's Coastal Zone, must be reviewed and assessed for their consistency with the *New York City Waterfront Revitalization Program (WRP)* which has been approved as part of the State's Coastal Management Program.

This form is intended to assist an applicant in certifying that the proposed activity is consistent with the WRP. It should be completed when the local, state, or federal application is prepared. The completed form and accompanying information will be used by the New York State Department of State, the New York City Department of City Planning, or other city or state agencies in their review of the applicant's certification of consistency.

A. APPLICANT INFORMATION

Name of Applicant: Epsilon Enterprises Realty, LLC

Name of Applicant Representative: Hiram Rothkrug, Environmental Studies Corp.

Address: 55 Water Mill Lane, Great Neck, NY 11021

Telephone: 718-343-0026 Email: kcorte@environmentalstudiescorp.com

Project site owner (if different than above): N/A

B. PROPOSED ACTIVITY

If more space is needed, include as an attachment.

1. Brief description of activity

The applicant proposes zoning changes as follows: A Zoning Map Amendment to remove the existing C4-2 zoning on the Project Area and extend the Special Bay Street Corridor District (SBSCD- underlying R6/C2-3 District) onto the Project Area. The Applicant is also seeking a zoning text amendment to modify zoning controls of a SBSC Sub-District to include Mandatory Inclusionary Housing.

2. Purpose of activity

With the approval of the Proposed Actions, the Applicant intends to develop a mixed-use building in Projected Development Site 1. The proposed development is a 100,486 gross square foot (gsf), 8-story building. The building would have a total height of 81ft and contain 90,486 gsf of residential floor area or 83 dwelling units. Of these units, up to 25 would be reserved as moderate to low-income units pursuant to the requirements of Mandatory Inclusionary Housing (MIH). Both MIH Options 1 and 2 would be mapped on the Project Area as part of the Proposed Actions. The final compliance with MIH would be determined through the ULURP process. In addition to residential uses the proposed development would also contain 10,000 gsf of commercial uses on the ground floor and 35 accessory parking spaces in a rear lot.

C. PROJECT LOCATION

Borough: Staten Island Tax Block/Lot(s): Block 490 Lot 1

Street Address: 545 Bay Street

Name of water body (if located on the waterfront): N/A

D. REQUIRED ACTIONS OR APPROVALS

Check all that apply.

City Actions/Approvals/Funding

City Planning Commission ☑ Yes ☐ No

- ☐ City Map Amendment
- ☑ Zoning Map Amendment
- ☑ Zoning Text Amendment
- ☐ Site Selection – Public Facility
- ☐ Housing Plan & Project
- ☐ Special Permit
  (if appropriate, specify type: ☐ Modification ☐ Renewal ☐ other) Expiration Date: _____
- ☐ Zoning Certification
- ☐ Zoning Authorizations
- ☐ Acquisition – Real Property
- ☐ Disposition – Real Property
- ☐ Other, explain: _____
- ☐ Concession
- ☐ UDAAP
- ☐ Revocable Consent
- ☐ Franchise

Board of Standards and Appeals ☐ Yes ☑ No

- ☐ Variance (use)
- ☐ Variance (bulk)
- ☐ Special Permit
  (if appropriate, specify type: ☐ Modification ☐ Renewal ☐ other) Expiration Date: _____

Other City Approvals

- ☐ Legislation
- ☐ Rulemaking
- ☐ Construction of Public Facilities
- ☐ 384 (b) (4) Approval
- ☐ Other, explain: _____
- ☐ Funding for Construction, specify: _____
- ☐ Policy or Plan, specify: _____
- ☐ Funding of Program, specify: _____
- ☑ Permits, specify: DOB Building Permit

State Actions/Approvals/Funding

- ☐ State permit or license, specify Agency: _____ Permit type and number: _____
- ☐ Funding for Construction, specify: _____
- ☐ Funding of a Program, specify: _____
- ☐ Other, explain: _____

Federal Actions/Approvals/Funding

- ☐ Federal permit or license, specify Agency: _____ Permit type and number: _____
- ☐ Funding for Construction, specify: _____
- ☐ Funding of a Program, specify: _____
- ☐ Other, explain: _____

Is this being reviewed in conjunction with a Joint Application for Permits? ☐ Yes ☑ No

E. LOCATION QUESTIONS

1. Does the project require a waterfront site? ☐ Yes ☑ No
2. Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land under water or coastal waters? ☐ Yes ☑ No
3. Is the project located on publicly owned land or receiving public assistance? ☐ Yes ☑ No
4. Is the project located within a FEMA 1% annual chance floodplain? *(6.2)* ☑ Yes ☐ No
5. Is the project located within a FEMA 0.2% annual chance floodplain? *(6.2)* ☑ Yes ☐ No
6. Is the project located adjacent to or within a special area designation? *See Maps – Part III of the NYC WRP. If so, check appropriate boxes below and evaluate policies noted in parentheses as part of WRP Policy Assessment (Section F).* ☐ Yes ☑ No

   ☐ Significant Maritime and Industrial Area (SMIA) (*2.1*)
   ☐ Special Natural Waterfront Area (SNWA) (*4.1*)
   ☐ Priority Maritime Activity Zone (PMAZ) (*3.5*)
   ☐ Recognized Ecological Complex (REC) (*4.4*)
   ☐ West Shore Ecologically Sensitive Maritime and Industrial Area (ESMIA) (*2.2, 4.2*)

F. WRP POLICY ASSESSMENT

Review the project or action for consistency with the WRP policies. For each policy, check Promote, Hinder *or* Not Applicable (N/A). *For more information about consistency review process and determination, see* ***Part I*** *of the NYC Waterfront Revitalization Program. When assessing each policy, review the full policy language, including all sub-policies, contained within* ***Part II*** *of the WRP. The relevance of each applicable policy may vary depending upon the project type and where it is located (i.e. if it is located within one of the special area designations).*

For those policies checked Promote *or* Hinder, *provide a written statement on a separate page that assesses the effects of the proposed activity on the relevant policies or standards. If the project or action promotes a policy, explain how the action would be consistent with the goals of the policy. If it hinders a policy, consideration should be given toward any practical means of altering or modifying the project to eliminate the hindrance. Policies that would be advanced by the project should be balanced against those that would be hindered by the project. If reasonable modifications to eliminate the hindrance are not possible, consideration should be given as to whether the hindrance is of such a degree as to be substantial, and if so, those adverse effects should be mitigated to the extent practicable.*

		Promote	Hinder	N/A
1	**Support and facilitate commercial and residential redevelopment in areas well-suited to such development.**	☑	☐	☐
1.1	Encourage commercial and residential redevelopment in appropriate Coastal Zone areas.	☑	☐	☐
1.2	Encourage non-industrial development with uses and design features that enliven the waterfront and attract the public.	☐	☐	☑
1.3	Encourage redevelopment in the Coastal Zone where public facilities and infrastructure are adequate or will be developed.	☑	☐	☐
1.4	In areas adjacent to SMIAs, ensure new residential development maximizes compatibility with existing adjacent maritime and industrial uses.	☐	☐	☑
1.5	Integrate consideration of climate change and sea level rise into the planning and design of waterfront residential and commercial development, pursuant to WRP Policy 6.2.	☑	☐	☐

		Promote	Hinder	N/A
2	**Support water-dependent and industrial uses in New York City coastal areas that are well-suited to their continued operation.**	☐	☐	☑
2.1	Promote water-dependent and industrial uses in Significant Maritime and Industrial Areas.	☐	☐	☑
2.2	Encourage a compatible relationship between working waterfront uses, upland development and natural resources within the Ecologically Sensitive Maritime and Industrial Area.	☐	☐	☑
2.3	Encourage working waterfront uses at appropriate sites outside the Significant Maritime and Industrial Areas or Ecologically Sensitive Maritime Industrial Area.	☐	☐	☑
2.4	Provide infrastructure improvements necessary to support working waterfront uses.	☐	☐	☑
2.5	Incorporate consideration of climate change and sea level rise into the planning and design of waterfront industrial development and infrastructure, pursuant to WRP Policy 6.2.	☐	☐	☑
3	**Promote use of New York City's waterways for commercial and recreational boating and water-dependent transportation.**	☐	☐	☑
3.1.	Support and encourage in-water recreational activities in suitable locations.	☐	☐	☑
3.2	Support and encourage recreational, educational and commercial boating in New York City's maritime centers.	☐	☐	☑
3.3	Minimize conflicts between recreational boating and commercial ship operations.	☐	☐	☑
3.4	Minimize impact of commercial and recreational boating activities on the aquatic environment and surrounding land and water uses.	☐	☐	☑
3.5	In Priority Marine Activity Zones, support the ongoing maintenance of maritime infrastructure for water-dependent uses.	☐	☐	☑
4	**Protect and restore the quality and function of ecological systems within the New York City coastal area.**	☐	☐	☑
4.1	Protect and restore the ecological quality and component habitats and resources within the Special Natural Waterfront Areas.	☐	☐	☑
4.2	Protect and restore the ecological quality and component habitats and resources within the Ecologically Sensitive Maritime and Industrial Area.	☐	☐	☑
4.3	Protect designated Significant Coastal Fish and Wildlife Habitats.	☐	☐	☑
4.4	Identify, remediate and restore ecological functions within Recognized Ecological Complexes.	☐	☐	☑
4.5	Protect and restore tidal and freshwater wetlands.	☐	☐	☑
4.6	In addition to wetlands, seek opportunities to create a mosaic of habitats with high ecological value and function that provide environmental and societal benefits. Restoration should strive to incorporate multiple habitat characteristics to achieve the greatest ecological benefit at a single location.	☐	☐	☑
4.7	Protect vulnerable plant, fish and wildlife species, and rare ecological communities. Design and develop land and water uses to maximize their integration or compatibility with the identified ecological community.	☐	☐	☑
4.8	Maintain and protect living aquatic resources.	☐	☐	☑

		Promote	Hinder	N/A
5	**Protect and improve water quality in the New York City coastal area.**	☐	☐	☑
5.1	Manage direct or indirect discharges to waterbodies.	☐	☐	☑
5.2	Protect the quality of New York City's waters by managing activities that generate nonpoint source pollution.	☐	☐	☑
5.3	Protect water quality when excavating or placing fill in navigable waters and in or near marshes, estuaries, tidal marshes, and wetlands.	☐	☐	☑
5.4	Protect the quality and quantity of groundwater, streams, and the sources of water for wetlands.	☐	☐	☑
5.5	Protect and improve water quality through cost-effective grey-infrastructure and in-water ecological strategies.	☐	☐	☑
6	**Minimize loss of life, structures, infrastructure, and natural resources caused by flooding and erosion, and increase resilience to future conditions created by climate change.**	☑	☐	☐
6.1	Minimize losses from flooding and erosion by employing non-structural and structural management measures appropriate to the site, the use of the property to be protected, and the surrounding area.	☐	☐	☑
6.2	Integrate consideration of the latest New York City projections of climate change and sea level rise (as published in *New York City Panel on Climate Change 2015 Report, Chapter 2: Sea Level Rise and Coastal Storms*) into the planning and design of projects in the city's Coastal Zone.	☑	☐	☐
6.3	Direct public funding for flood prevention or erosion control measures to those locations where the investment will yield significant public benefit.	☐	☐	☑
6.4	Protect and preserve non-renewable sources of sand for beach nourishment.	☐	☐	☑
7	**Minimize environmental degradation and negative impacts on public health from solid waste, toxic pollutants, hazardous materials, and industrial materials that may pose risks to the environment and public health and safety.**	☑	☐	☐
7.1	Manage solid waste material, hazardous wastes, toxic pollutants, substances hazardous to the environment, and the unenclosed storage of industrial materials to protect public health, control pollution and prevent degradation of coastal ecosystems.	☑	☐	☐
7.2	Prevent and remediate discharge of petroleum products.	☐	☐	☑
7.3	Transport solid waste and hazardous materials and site solid and hazardous waste facilities in a manner that minimizes potential degradation of coastal resources.	☐	☐	☑
8	**Provide public access to, from, and along New York City's coastal waters.**	☐	☐	☑
8.1	Preserve, protect, maintain, and enhance physical, visual and recreational access to the waterfront.	☐	☐	☑
8.2	Incorporate public access into new public and private development where compatible with proposed land use and coastal location.	☐	☐	☑
8.3	Provide visual access to the waterfront where physically practical.	☐	☐	☑
8.4	Preserve and develop waterfront open space and recreation on publicly owned land at suitable locations.	☐	☐	☑

		Promote	Hinder	N/A
8.5	Preserve the public interest in and use of lands and waters held in public trust by the State and City.	☐	☐	☑
8.6	Design waterfront public spaces to encourage the waterfront's identity and encourage stewardship.	☐	☐	☑
9	**Protect scenic resources that contribute to the visual quality of the New York City coastal area.**	☑	☐	☐
9.1	Protect and improve visual quality associated with New York City's urban context and the historic and working waterfront.	☑	☐	☐
9.2	Protect and enhance scenic values associated with natural resources.	☐	☐	☑
10	**Protect, preserve, and enhance resources significant to the historical, archaeological, architectural, and cultural legacy of the New York City coastal area.**	☐	☐	☑
10.1	Retain and preserve historic resources, and enhance resources significant to the coastal culture of New York City.	☐	☐	☑
10.2	Protect and preserve archaeological resources and artifacts.	☐	☐	☑

G. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program. If this certification cannot be made, the proposed activity shall not be undertaken. If this certification can be made, complete this Section.

"The proposed activity complies with New York State's approved Coastal Management Program as expressed in New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program, and will be conducted in a manner consistent with such program."

Applicant/Agent's Name: Kevin Corte, Environmental Studies Corp.

Address: _____

Telephone: _____ Email: kcorte@environmentalstudiescorp.com

Applicant/Agent's Signature: Kevin Corte

Date: 12/19/22

Submission Requirements

For all actions requiring City Planning Commission approval, materials should be submitted to the Department of City Planning.

For local actions not requiring City Planning Commission review, the applicant or agent shall submit materials to the Lead Agency responsible for environmental review. A copy should also be sent to the Department of City Planning.

For State actions or funding, the Lead Agency responsible for environmental review should transmit its WRP consistency assessment to the Department of City Planning.

For Federal direct actions, funding, or permits applications, including Joint Applicants for Permits, the applicant or agent shall also submit a copy of this completed form along with his/her application to the NYS Department of State Office of Planning and Development and other relevant state and federal agencies. A copy of the application should be provided to the NYC Department of City Planning.

The Department of City Planning is also available for consultation and advisement regarding WRP consistency procedural matters.

New York City Department of City Planning
Waterfront and Open Space Division
120 Broadway, 31st Floor
New York, New York 10271
212-720-3696
wrp@planning.nyc.gov
www.nyc.gov/wrp

New York State Department of State
Office of Planning and Development
Suite 1010
One Commerce Place, 99 Washington Avenue
Albany, New York 12231-0001
518-474-6000
www.dos.ny.gov/opd/programs/consistency

Applicant Checklist

- ☐ Copy of original signed NYC Consistency Assessment Form
- ☐ Attachment with consistency assessment statements for all relevant policies
- ☐ For Joint Applications for Permits, one (1) copy of the complete application package
- ☐ Environmental Review documents
- ☐ Drawings (plans, sections, elevations), surveys, photographs, maps, or other information or materials which would support the certification of consistency and are not included in other documents submitted. All drawings should be clearly labeled and at a scale that is legible.
- ☐ Policy 6.2 Flood Elevation worksheet, if applicable. For guidance on applicability, refer to the WRP Policy 6.2 Guidance document available at www.nyc.gov/wrp

WRP Policy Assessment: Written Statements

Policy 1: Support and facilitate commercial and residential redevelopment in areas well-suited to such development.

A project or action would advance the policy above as it furthers sub-policies 1.1 (Encourage commercial and residential redevelopment in appropriate Coastal Zone areas), 1.3 (Encourage redevelopment in the Coastal Zone where public facilities and infrastructure are adequate or will be developed), and 1.5 (Integrate consideration of climate change and sea level rise into the planning and design of waterfront residential and commercial development, pursuant to WRP Policy 6.2). The Proposed Project is located in an area of the Coastal Zone that has recently received considerable investment to provide protection from storms and flood events. The Stapleton Waterfront Project created a new park and, importantly, new bulkheads designed to protect this stretch of coastline. Development of a parcel two blocks inland from this new infrastructure advanced sub-policies 1.1 and 1.3 stated above. Further as discussed in detail below, the Proposed Development incorporates sea level rise into the design of the building, furthering sub-policy 1.5.

Policy 6: Minimize loss of life, structures, infrastructure, and natural resources caused by flooding and erosion, and increase resilience to future conditions created by climate change.

A project or action would advance the policy above as it furthers sub-policies 6.1 (Minimize losses from flooding and erosion by employing non-structural and structural management measures appropriate to the site, the use of the property to be protected, and the surrounding area) and 6.2 (Integrate consideration of the latest New York City projections of climate change and sea level rise). The Proposed Project includes both structural and non-structural components (such as flood gates at every first-floor wall penetration that goes the free-board elevation). See below for a detailed discussion of Policy 6.2.

Policy 7: Minimize environmental degradation and negative impacts on public health from solid-waste, toxic pollutants, hazardous materials, and industrial materials that may pose risks to the environment and public health and safety.

A project or action would advance the policy above as it furthers sub-policy 7.1 (Manage solid waste material, hazardous wastes, toxic pollutants, substances hazardous to the environment, and the unenclosed storage of industrial materials to protect public health, control pollution and prevent degradation of coastal ecosystems). The Proposed Project will not introduce new industrial uses to the waterfront and is not anticipated to create new toxic pollutants or hazardous materials. During the development process, a Construction Health and Safety Plan (CHASP) will be employed in consultation with the Dept. of Environmental Protection. See the Hazardous Materials section of the EAS.

Policy 9: Protect scenic resources that contribute to the visual quality of the New York City coastal area.

A project or action would advance the policy above as it furthers sub-policy 9.1 (Protect and improve visual quality associated with New York City's urban context and the historic and working waterfront.). The Proposed Project will add to the urban context of the area by introducing development consistent with the height, bulk and uses found in the surrounding neighborhood. Further the Proposed Project would not alter the visual quality of the surrounding area and views to the waterfront from adjacent streets would remain. See the Urban Design and Visual Resources section of this EAS.

NYCWRP's Climate Change Adaptation: Policy 6.2 Consistency Assessment

Detailed Methodology

Step 1: Identifying Vulnerabilities and Consequences

(a): The completed Flood Elevation Worksheet is included below

(b): The analysis below is based on the charts shown in tab 4 of the Flood Elevation Worksheet. The current 1% flood elevation at the Applicant's proposed development site is 11.0 feet. The elevation of the Applicant's proposed development site will be below the 1% flood elevation by the 2050s under all sea level rise projections and will be for its lifespan under all sea level rise projections. The property has a Design Flood Elevation (DFE) of 13.0 feet, which includes a 11-foot first floor elevation and an additional two feet of freeboard (refer to site plans in the Site Plan Appendix). Therefore, the Proposed Development has a "Design Flood Elevation" of 13 feet.

The Projected Development's critical systems would be located on the roof of the building and however, some utility rooms would be below the elevation of the 1% annual chance flood by the 2050s under all projections. This could result in loss of building services which could result in damage to property and temporary displacement of residents. The residential lobby, utility rooms (including the laundry rooms) and bicycle storage room are below the elevation of the current 1% annual floodplain and will be throughout its lifespan under any projection of sea level rise. The residential lobby, utility rooms and bicycle storage room would be dry proofed. The community facility space in the Projected Development is below the elevation of the current 1% annual floodplain and will be throughout its lifespan under any projection of sea level rise. Currently, a social services office (520 gsf), and three community spaces (1058 gsf, 1,370 gsf, and 2,378 gsf) are projected on the ground floor. The community spaces could conceivably house, art spaces, office space for non-profit institutions, or a daycare. This could lead to damage to property and loss of inventory. All of the areas described above on the first floor would be dry-floodproofed. Any wall opening on this floor will include floodgates. The lowest

residential floor in the Projected Development would be the second floor of the building (elevation of 21 Feet). This floor would not be below the elevation of the 1% annual chance floodplain at any point in the future under any projection of sea level rise.

c): There are no building features that are expected to be below the elevation of Mean Higher High Water at some point over its lifespan under any projection of sea level rise.

(d): Coastal storms could bring high winds in addition to the flood hazards described above. The site is within a Coastal A zone.

Step 2: Identify Adaptive Strategies

(a): The Proposed Development is designed to meet NYC Building Code standards for flood resistant construction standards, including dry floodproofed walls, flood barriers at building openings, and a foundation system designed to resist hydrostatic pressure. As a result, the cellar level, and lobby level (described above) will be protected from flooding and the rest of the building will be floodproofed up the elevation of the current 1% annual chance floodplain plus 2 feet of freeboard (13' NAVD 88). If the elevation of the floodplain increases beyond that by the 2050s or 2080s, additional protection could be provided through temporary barriers, or subsequent retrofits to extend dry floodproofed materials to higher elevations

(b): As discussed above, there are no building features that are expected to be below the elevation of Mean Higher High Water at some point over its lifespan under any projection of sea level rise.

(c): The Proposed Development would be required to meet NYC Building Code standards for wind loading.

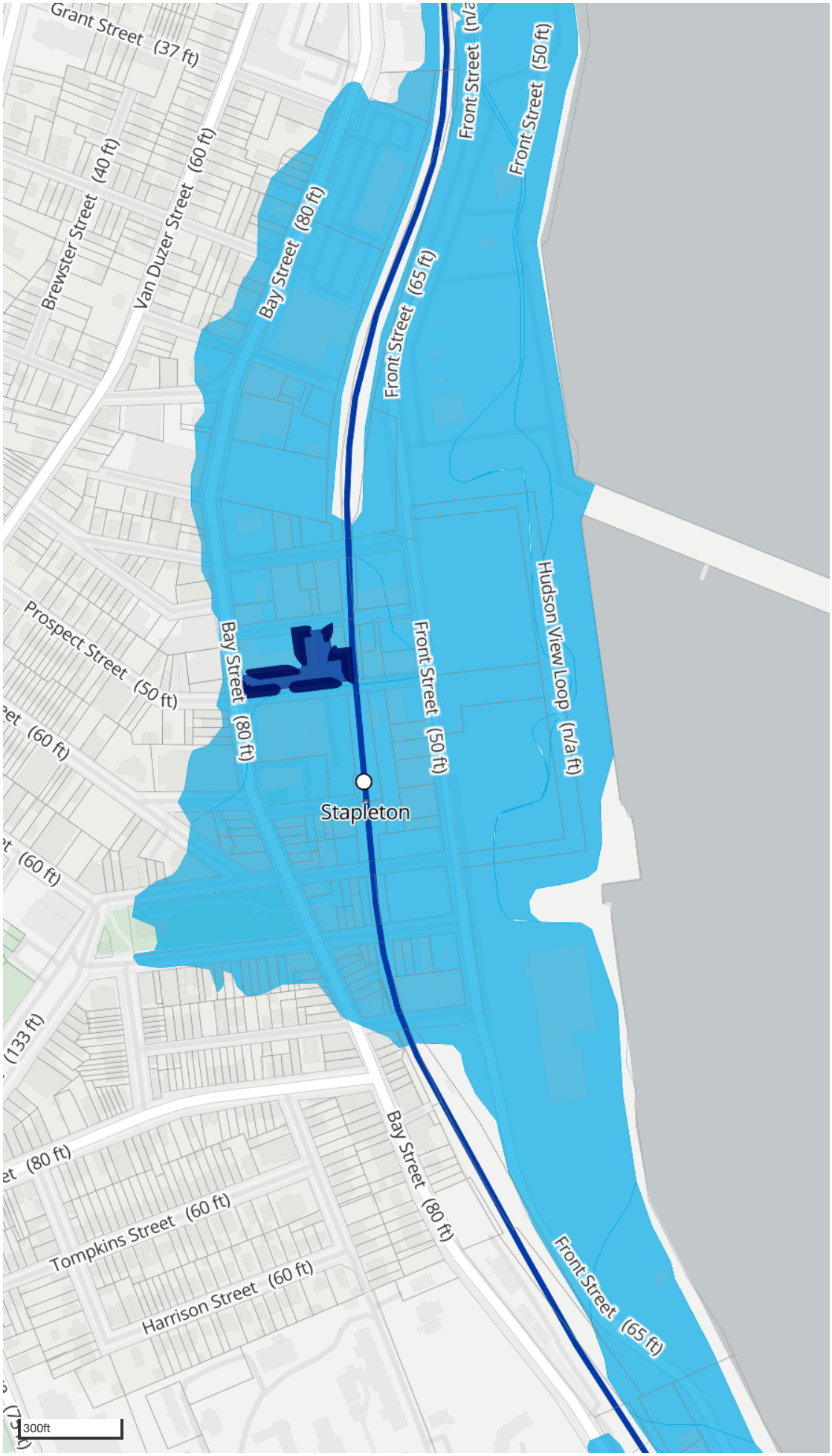
(d): The project would not make flooding on adjacent sites worse, nor would it conflict with other plans for flood protection on adjacent sites.

Step 3: Assess Policy Consistency

A project or action would advance the policy when no new vulnerable, critical, or potentially hazardous features would be located within area flooded by current or future high tide, or current or future 1% annual chance flood, over the project's lifespan, or all new vulnerable, critical or potentially hazardous features would be protected through flood damage reduction elements or future adaptive measures within the timeframe that they would be needed.

As discussed above, the Proposed Project would introduce vulnerable features to an area currently located in a 1% annual chance flood zone. However, the Proposed Project would ensure that all newly introduced vulnerable features are protected through flood

damage reduction elements (specifically dry proofed perimeter wall and removable flood barriers) and does not preclude the possibility that future adaptive measures be installed within the timeframe that they would be needed.



Zoning and Land Use

Tax Lots ☐

Supporting Zoning Layers

Preliminary Flood Insurance Rate Maps 2015

V (1% floodplain)

A (1% floodplain)

Shaded X (0.2% floodplain)

Basemaps

Subways

Building Footprints ☐

NYC Waterfront Revitalization Program - Policy 6.2 Flood Elevation Workhsheet

COMPLETE INSTRUCTIONS ON HOW TO USE THIS WORKSHEET ARE PROVIDED IN THE "CLIMATE CHANGE ADAPTATION GUIDANCE" DOCUMENT AVAILABLE AT www.nyc.gov/wrp

Enter information about the project and site in highlighted cells in Tabs 1-3. Tab 4, "Summary Charts" contains primary results. Tab 5, "0.2%+SLR" produces charts to be used for critical infrastructure or facilities. Tab 6, "Calculations" contains background computations. Appendix A contains tide elevations for station across the city to be used for the elevation of MHHW if a site survey is not available. Non-highlighted cells have been locked.

Background Information	
Project Name	541-545 Bay Street Rezoning
Location	541-545 Bay Street
Type(s)	☑ Residential, Commercial, Community Facility ☐ Parkland, Open Space, and Natural Areas ☐ Tidal Wetland Restoration ☐ Critical Infrastructure or Facilit ☐ Industrial Uses ☐ Over-water Structures ☐ Shoreline Structures ☐ Transportation ☐ Wastewater Treatment/Draina ☐ Coastal Protection
Description	The Applicant intends to develop a mixed-use building on Staten Island Block490 Lot 1. The proposed development is a 100,486 gross square foot (gsf), 8-story building. The building would have a total height of 81ft and contain 90,486 gsf of residential floor area or 83 dwelling units. Of these units, up to 25 would be reserved as moderate to low-income units pursuant to the requirements of Mandatory Inclusionary Housing (MIH). In addition to residential uses the proposed development would also contain 10,000 gsf of commercial uses on the ground floor and 35 accessory parking spaces in a rear lot.
Planned Completion Date	2024
Expected Project Lifespan	100 years

The New York City Waterfront Revitalization Program Climate Change Adaptation Guidance document was developed by the NYC Department of City Planning. It is a guidance document only and is not intended to serve as a substitute for actual regulations. The City disclaims any liability for errors that may be contained herein and shall not be responsible for any damages, consequential or actual, arising out of or in connection with the use of this information. The City reserves the right to update or correct information in this guidance document at any time and without notice.

For technical assistance on using this worksheet, email wrp@planning.nyc.gov, using the message subject "Policy 6.2 Worksheet."

Last update: Sept. 7, 2018

Establish current tidal and flood heights.

	FT (NAVD88)	Feet	Datum	Source
MHHW	2.28	**2.28**	**NAVD88**	*Appendix A*
1% flood height	11.00	**11.00**	**NAVD88**	*2015 FEMA Preliminary Flood Insurance Maps*
Design flood elevation	13.00	**13.00**	**NAVD88**	*Project Plans*
As relevant:				
0.2% flood height	-->			

Data will be converted based on the following datums:

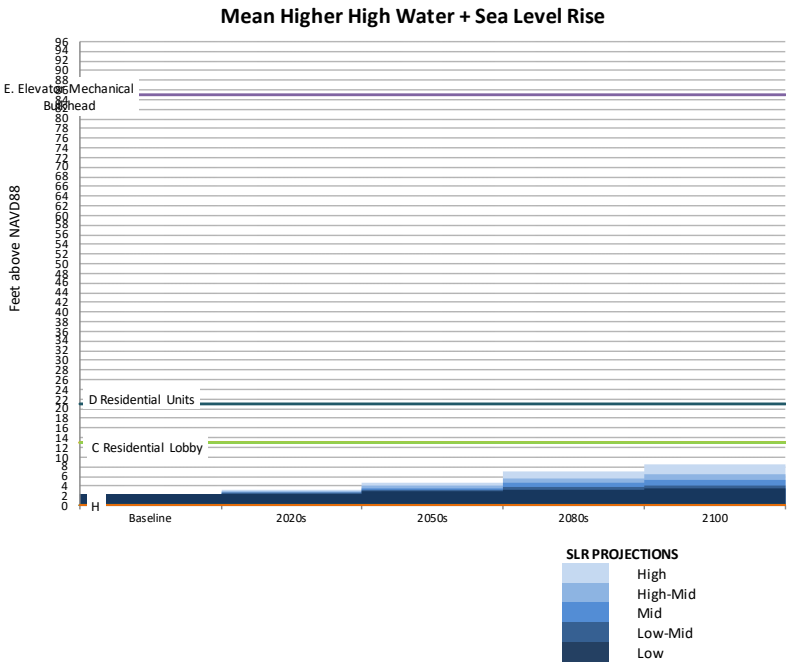
Datum	FT (NAVD88)
NAVD88	*0.00*
NGVD29	*-1.10*
Manhattan Datum	*1.65*
Bronx Datum	*1.51*
Brooklyn Datum (Sewer)	*0.61*
Brooklyn Datum (Highway)	*1.45*
Queens Datum	*1.63*
Richmond Datum	*2.09*

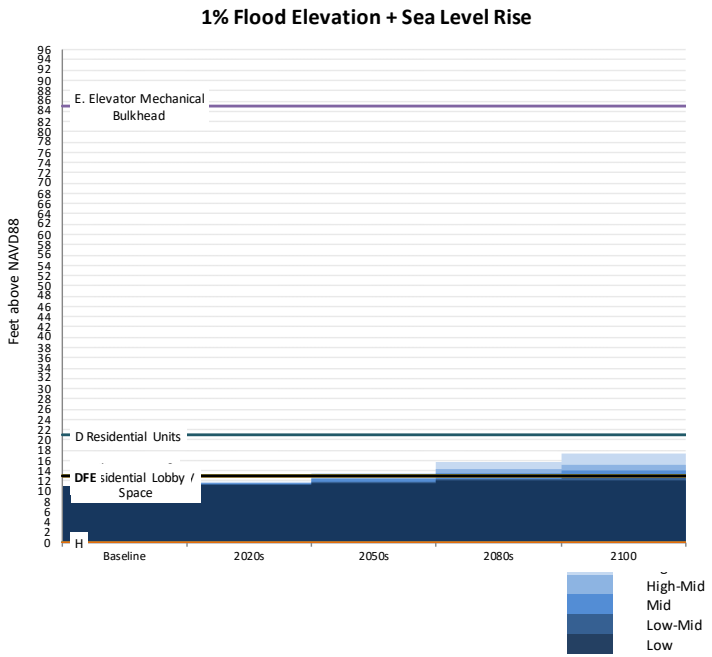


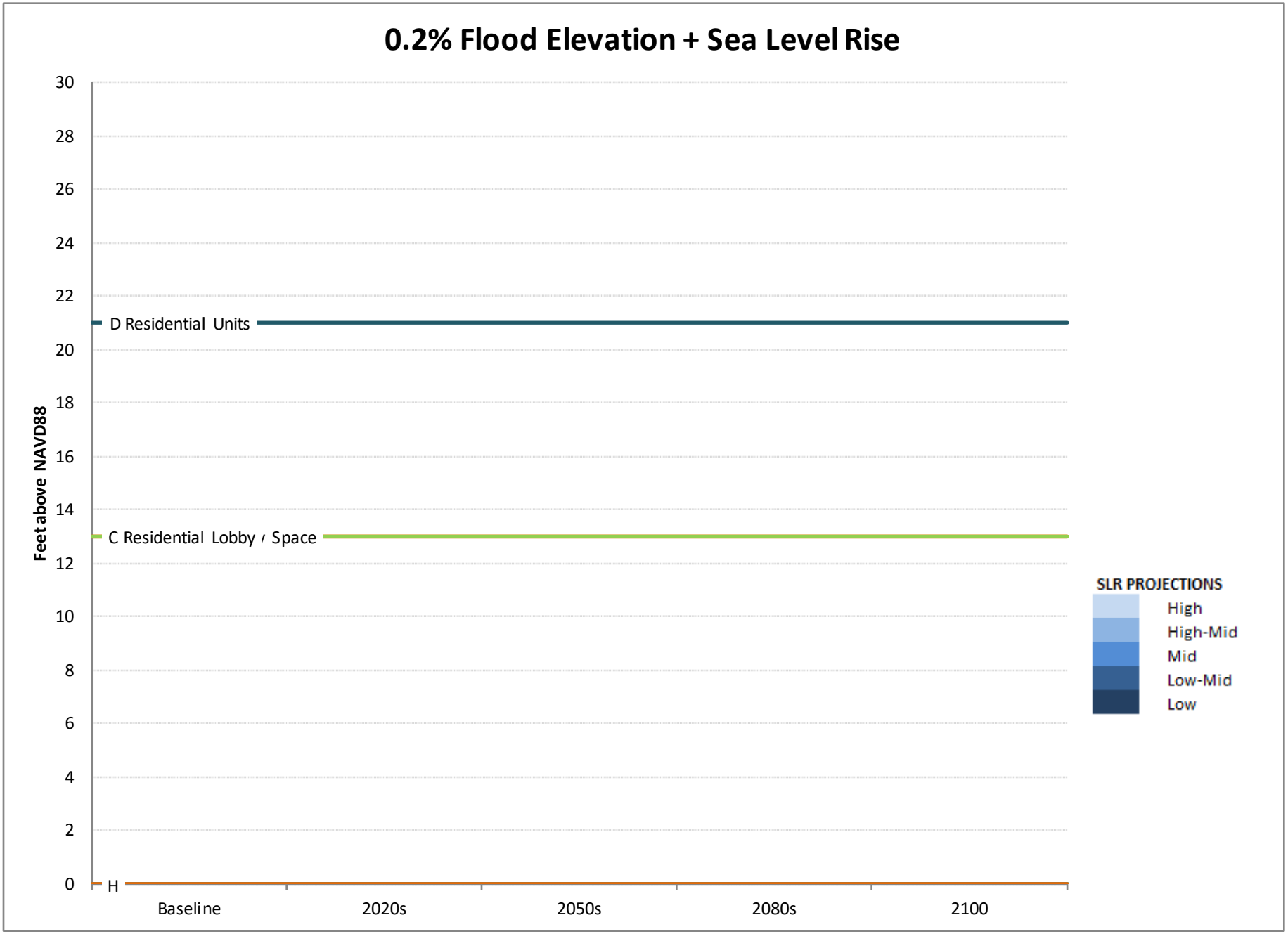
Describe key physical features of the project.

Feature *(enter name)*	Feature Category	Lifespan	Elevation	Units	Datum	Ft	Ft Above NAVD88	Ft Above MHHW	Ft Above 0.2% flood height
A Utility Rooms & Storage	☑ Vulnerable ☐ Critical ☐ Potentially Hazardous ☐ Other	2124	13.0	Feet	NAVD88	*13.0*	*13.0*	*10.7*	*#VALUE!*
The building's first floor contains the building's utility room including multiple compactor rooms (note that critical infrastructure is located on the roof of the building). Accessory Parking Spaces are also located on the groundfloor in an exterior lot. Bicycle storage and the building's laundry room are located on this level.									
B Community Facility Space	☑ Vulnerable ☐ Critical ☐ Potentially Hazardous ☐ Other	2124	13.0	Feet	NAVD88	*13.0*	*13.0*	*10.7*	*#VALUE!*
Four community facility spaces including a social services office would be located on the ground floor. These spaces are expected to be dry-floodproofed.									
C Residential Lobby	☑ Vulnerable ☐ Critical ☐ Potentially Hazardous ☐ Other	2124	13.0	Feet	NAVD88	*13.0*	*13.0*	*10.7*	*#VALUE!*
The residential lobby is below the BFE and will be dry floodproofed.									
D Residential Units	☐ Vulnerable ☐ Critical ☐ Potentially Hazardous ☐ Other	2124	21.0	Feet	NAVD88	*21.0*	*21.0*	*18.7*	*#VALUE!*
Floors 2-8 would contain residential uses.									
E. Elevator Mechanical Bulkhead	☐ Vulnerable ☐ Critical ☐ Potentially Hazardous ☐ Other	2124	85.0	Feet	NAVD88	*85.0*	*85.0*	*82.7*	*#VALUE!*
Mechanical bulkhead located on the roof									
F	☐ Vulnerable ☐ Critical ☐ Potentially Hazardous ☐ Other			Feet	NAVD88				
Description of Planned Uses and Materials									
G	☐ Vulnerable ☐ Critical ☐ Potentially Hazardous ☐ Other			Feet	NAVD88				
Description of Planned Uses and Materials									
H	☐ Vulnerable ☐ Critical ☑ Potentially Hazardous ☐ Other			Feet	NAVD88				
Description of Planned Uses and Materials									

Assess project vulnerability over a range of sea level rise projections.






0.2% Flood Elevation + Sea Level Rise
Feet above NAVD88
30
28
26
24
22
20
18
16
14
12
10
8
6
4
2
0
D Residential Units
C Residential Lobby / Space
H
Baseline
2020s
2050s
2080s
2100
SLR PROJECTIONS
High
High-Mid
Mid
Low-Mid
Low

SLR (ft)

	Low	Low-Mid	Mid	High-Mid	High
Baseline	0.00	0.00	0.00	0.00	0.00
2020s	0.17	0.33	0.50	0.67	0.83
2050s	0.67	0.92	1.33	1.75	2.50
2080s	1.08	1.50	2.42	3.25	4.83
2100	1.25	1.83	3.00	4.17	6.25

MHHW+SLR (ft above NAVD88)

	Low	Low-Mid	Mid	High-Mid	High
Baseline	2.28	2.28	2.28	2.28	2.28
2020s	2.45	2.61	2.78	2.95	3.11
2050s	2.95	3.20	3.61	4.03	4.78
2080s	3.36	3.78	4.70	5.53	7.11
2100	3.53	4.11	5.28	6.45	8.53

1%+SLR (ft above NAVD88)

	Low	Low-Mid	Mid	High-Mid	High
Baseline	11.00	11.00	11.00	11.00	11.00
2020s	11.17	11.33	11.50	11.67	11.83
2050s	11.67	11.92	12.33	12.75	13.50
2080s	12.08	12.50	13.42	14.25	15.83
2100	12.25	12.83	14.00	15.17	17.25

0.2%+SLR (ft above NAVD88)

	Low	Low-Mid	Mid	High-Mid	High
Baseline		#VALUE!	#VALUE!	#VALUE!	#VALUE!
2020s	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!
2050s	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!
2080s	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!
2100	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!

	0	1
A Utility Rooms & Storage	13	13
B Community Facility Space	13	13
C Residential Lobby	13	13
D Residential Units	21	21
E. Elevator Mechanical Bulkheac	85	85
F	0	0
G	0	0
H	0	0
DFE	13.00	13.00

	SLR (in)				
	Low	**Low-Mid**	**Mid**	**High-Mid**	**High**
2014	0	0	0	0	0
2020s	2	4	6	8	10
2050s	8	11	16	21	30
2080s	13	18	29	39	58
2100	15	22	36	50	75

NOAA Tide Station Data

(to be used only when a site survey is unavailable)

Station ID	*Station Name*	*Source MHHW (Feet, NAVD88)**	*Adjusted MHHW (Feet, NAVD88)**
8518687	Queensboro Bridge	2.27	2.60
8530095	Alpine	2.11	2.44
8516614	Glen Cove	3.72	4.05
8516990	Willets Point	3.72	4.05
8518639	Port Morris	3.33	3.66
8518699	Williamsburg Bridge	2.14	2.47
8518750	The Battery	2.28	2.61
8531680	Sandy Hook	2.41	2.74
8518490	New Rochelle	3.71	4.04
8531545	Keyport	2.66	2.99
8516891	Norton Point	2.08	2.41
8517201	North Channel	2.72	3.05
8517137	Beach Channel	2.10	2.43
8517756	Kingsborough	2.13	2.46
8519436	Great Kills	2.22	2.55
8531142	Port Reading	2.82	3.15
8519483	Bergen Point	2.56	2.89
8519050	USCG	2.28	2.61
8518902	Dyckman St	2.01	2.34
8517251	Worlds Fair Marina	3.59	3.92
8518668	Horns Hook	2.54	2.87
8518643	Randalls Island	2.60	2.93
8518526	Throggs Neck	3.68	4.01

* MHHW values include an addition 0.33 feet to account for changes in sea level since the 1983-2001 tidal

Source
NOAA Tides and Currents
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Alpine
8530095
New
Rochelle
8518490
Dyckman St
8518902
Glen Cove
8516614
Randalls
Island
8518643
Port
Morris
8518639
Throggs
Neck
8518526
Willets
Point
8516990
Worlds Fair
Marina
8517251
Queensboro
Bridge
8518687
Horns Hook
8518668
Williamsburg
Bridge
8518699
The Battery
8518750
North
Channel
8507201
Norton
Point
8516891
USCG
8519050
Beach
Channel
8517137
Kingsborough
8517756
Sandy Hook
8531680