Chapter 1: Project Description

A. PROJECT IDENTIFICATION

The proposed actions will permit the development of an approximately 214,000 square-foot (sf), 60-foot-tall commercial building (63.5 feet to the top of the parapet) currently anticipated to be a BJ's Wholesale Club, along with up to three other retail stores on the second level; a three-level parking garage with approximately 690 public parking spaces; and approximately 2.4 acres of publicly accessible waterfront open space on the project site. The project site is located in Brooklyn at 1752 Shore Parkway, on the west side of the Shore Parkway South between 24th Avenue and Bay 37th Street, east of Gravesend Bay (Lower New York Bay). It is anticipated that the proposed development would be completed by 2013.

PROPOSED ACTIONS

Development of the proposed project requires approvals from the City Planning Commission (CPC) and City Council for the following discretionary actions:

- Zoning map amendment, to change zoning on the project site from M3-1 to M1-1;
- Special permit pursuant to New York City Zoning Resolution (ZR) §74-922 to permit certain large retail establishments greater than 10,000 square feet;
- Special permit pursuant to ZR §62-836 to modify bulk regulations on a waterfront block;
- Special permit pursuant to ZR §74-744(c) to permit modification of signage regulations in General Large-Scale Developments;
- Special permit pursuant to ZR §74-512 to permit a public parking garage with rooftop parking outside a high-density central area; and
- CPC Authorization pursuant to ZR §62-822(a) to modify waterfront public access and visual corridors.

In addition to the discretionary land use approvals listed above, the project is located on a waterfront block, and is therefore subject to the following ministerial action:

- Chairperson certification pursuant to ZR §62-811 that the required waterfront public access and visual corridors have been provided pursuant to ZR §62-50 and 62-60.

The project would also require the following State and Federal approvals and actions:

- Joint Permit Application from the New York State Department of State Environmental Conservation (NYSDEC) and the Army Corps of Engineers (ACE) (for NYSDEC Tidal Wetlands Article 25, NYSDEC Protection of Waters Article 15, Coastal Erosion Hazard Area, NYSDEC Water Quality Certification Section 401, ACE Nationwide Permit #13, and ACE Rivers/Harbors Section 10 Permits) to permit any in-water work, stabilization of riprap, outfalls, upland building, and esplanade coverage;
- State pollutant discharge elimination system (SPDES) Permit from NYSDEC, to permit the discharge of stormwater during and after construction;

- Beneficial Use Determination (BUD), including a Soil Management Plan (SMP) from NYSDEC to permit the on-site reuse of soil from the western half of the project site to the eastern half of the project site.

PROPOSED PROJECT

The proposed actions described above are being requested to allow the development of a 214,000-sf commercial building containing a large retail establishment (Use Group 6 or 10) on the project site. The proposed commercial building is currently anticipated to house a BJ's Wholesale Club and other retail stores and would be two stories and up to approximately 60 feet tall (63.5 feet to the top of the parapet). The proposed actions also allow the development of a three-level public parking garage with approximately 690 parking spaces (see **Figures 1-1** though **1-3c**). The proposed actions would also provide sufficient bicycle parking spaces to comply with zoning requirements. The project site is located on a waterfront parcel, and would provide public access to the waterfront in the form of a landscaped shore public walkway with benches and additional lawn space. Approximately 2.4 acres of public waterfront access area would be provided.

The project site (Block 6491, Lots 207 and 292) is an approximately 358,976-sf upland parcel located along Shore Parkway South (the service road on the west side of Leif Ericson Drive, which is also known as the Belt Parkway) between 24th Avenue and Bay 37th Street. The project site, which is occupied by a bus storage company, contains a two-story building, one-story storage building, and bus parking lot in the rear of the site. The project site comprises distinct eastern and western portions. The western area of the project site (western plateau) extends approximately 600 feet into Gravesend Bay, and a vegetated berm is located along its waterfront perimeter. The eastern area extends approximately 600 feet from Shore Parkway South. Currently, the elevation of the western portion of the site ranges from +12 feet to approximately +30 feet while the elevation of the eastern portion is at approximately +7 feet. There are two vehicular entrances to the property along Shore Parkway South located at the northern end of the project site and a gated entrance at the southern end of the project site.

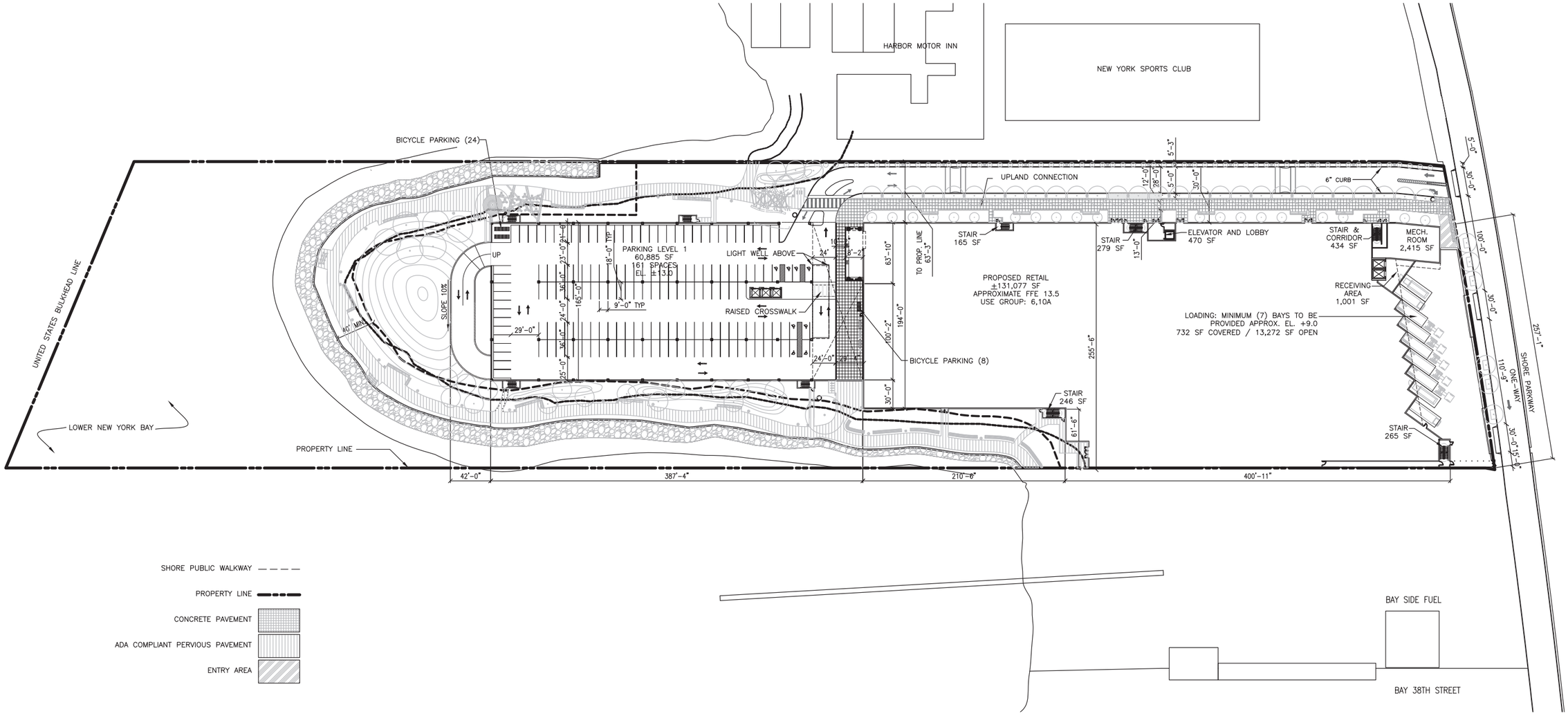
As part of the proposed project, the existing buildings on the project site would be demolished. The existing berm would be removed, and the shoreline would be stabilized. The project site would be re-graded to level the site to an elevation of approximately +13 feet. Absent the proposed project, current conditions are expected to remain unchanged, and the bus storage operation would remain on the project site. (See **Figures 1-4** and **1-5**.)

As part of the proposed project, the fencing that currently lines the Shore Parkway South street frontage adjacent to the project site would be replaced with a 14-foot-tall screen wall. The Shore Parkway South sidewalk adjacent to the project site would have one additional curb cut than currently exists (three in total) to provide private vehicular access and access to the loading dock area located on the building's east façade. Vehicular and pedestrian access to the proposed commercial building and the new waterfront public open space and esplanade would be provided on the northern side of the proposed building. The Shore Parkway South, adjacent to the project site, would be improved with a new sidewalk.

PURPOSE AND NEED

The proposed actions would facilitate the redevelopment of a currently undertutilized parcel in the Bensonhurst neighborhood of Brooklyn by replacing the existing bus storage facility with an active retail use. The proposed project would create new employment opportunities for local

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SHORE PUBLIC WALKWAY

PROPERTY LINE

CONCRETE PAVEMENT

ADA COMPLIANT PERVIOUS PAVEMENT

ENTRY AREA

0 50 100 FEET

SCALE

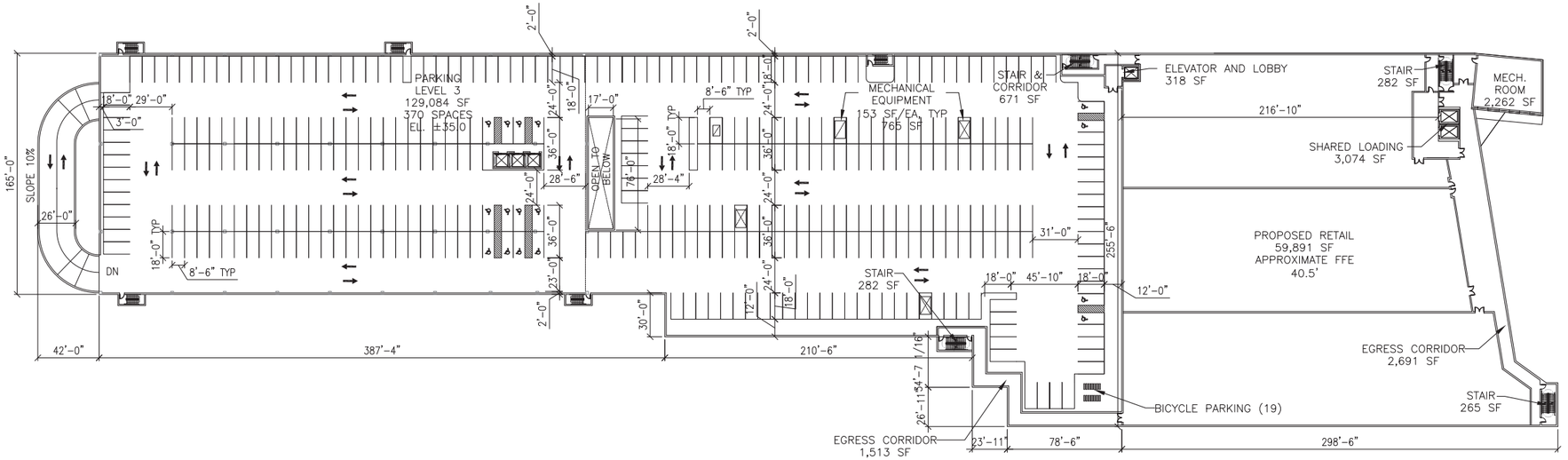
INTERIOR LAYOUTS FOR ILLUSTRATIVE PURPOSES ONLY

BROOKLYN BAY CENTER

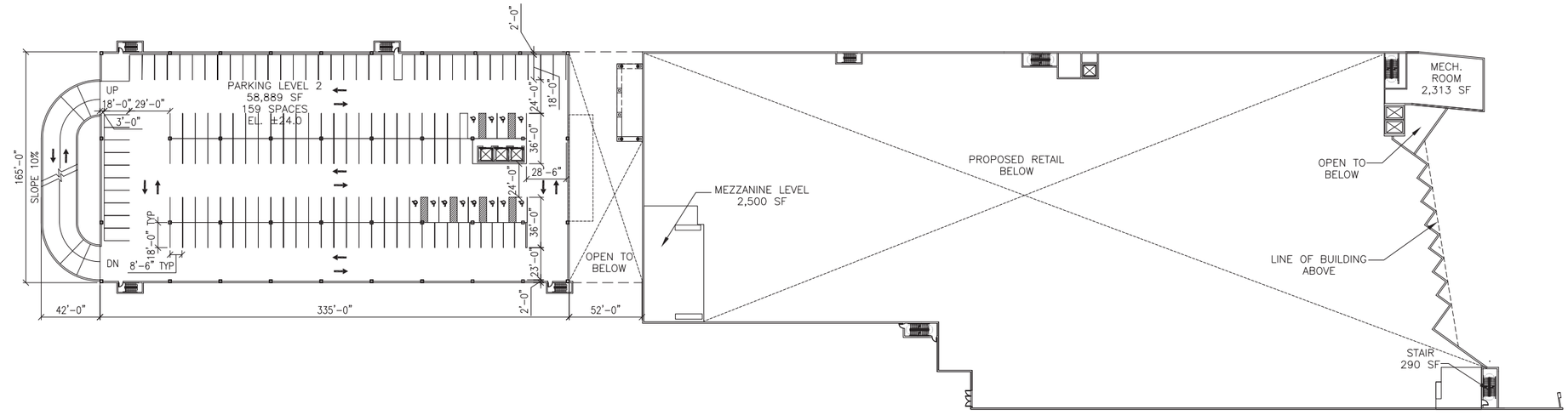
Ground Floor Plan/Landscape Site Plan

Figure 1-1

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2 – SECOND FLOOR/ PARKING LEVEL 3



1 – PARKING LEVEL 2

0 50 100 150 FEET

SCALE

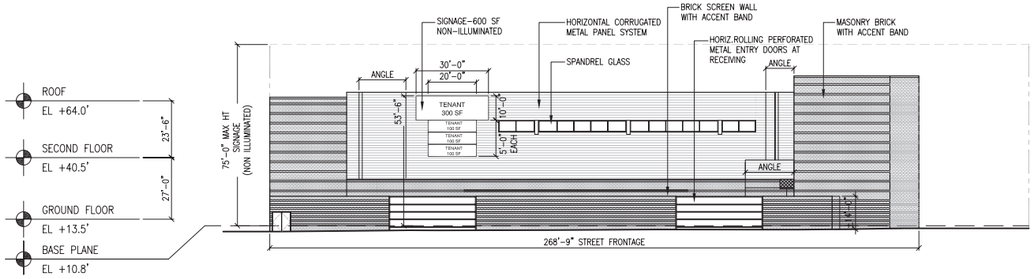
INTERIOR LAYOUTS FOR ILLUSTRATIVE PURPOSES ONLY

BROOKLYN BAY CENTER

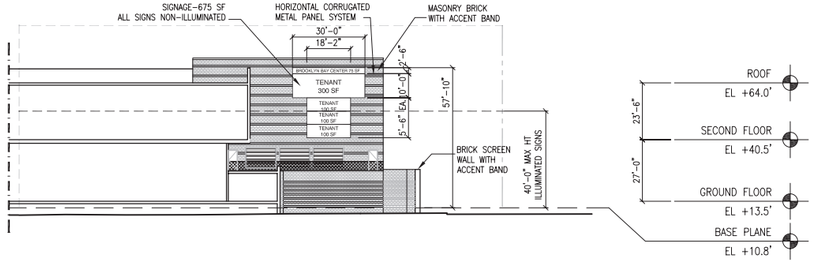
Parking Levels and 2nd Floor Tenants

Figure 1-2

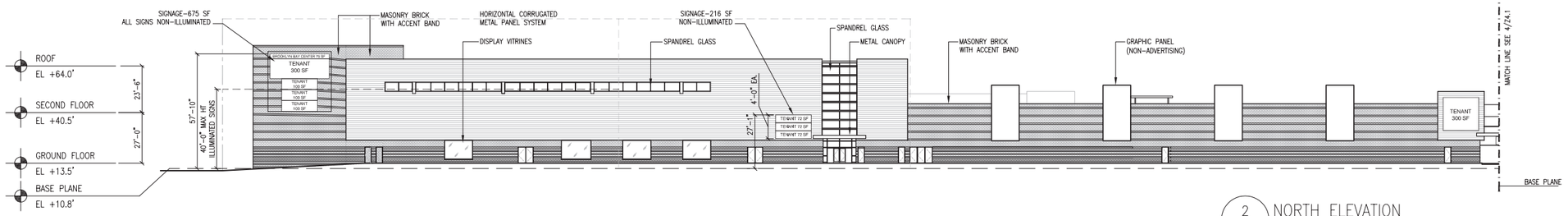
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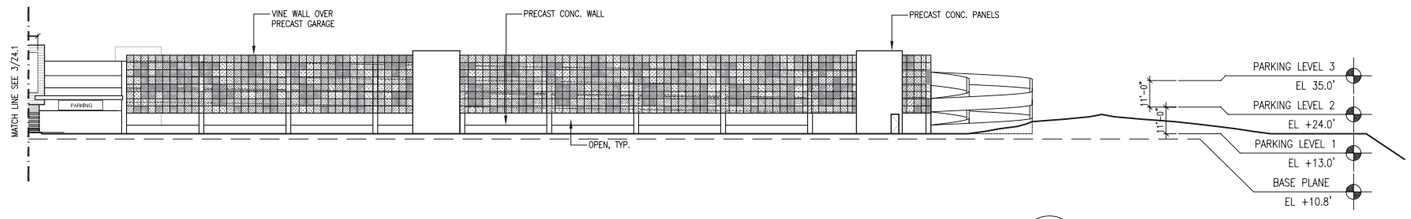
5 – EAST ELEVATION



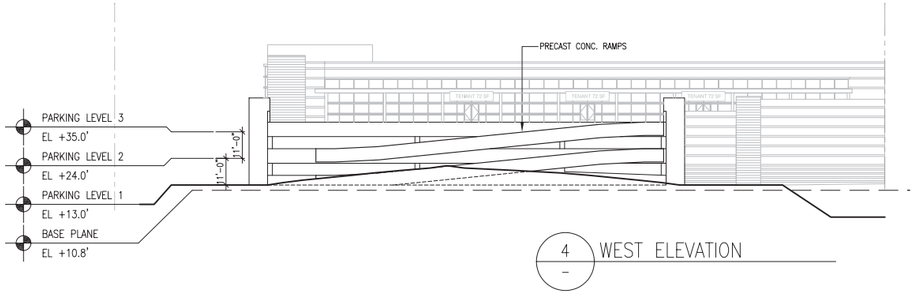
1 – SOUTH ELEVATION



2 – NORTH ELEVATION



3 – NORTH ELEVATION



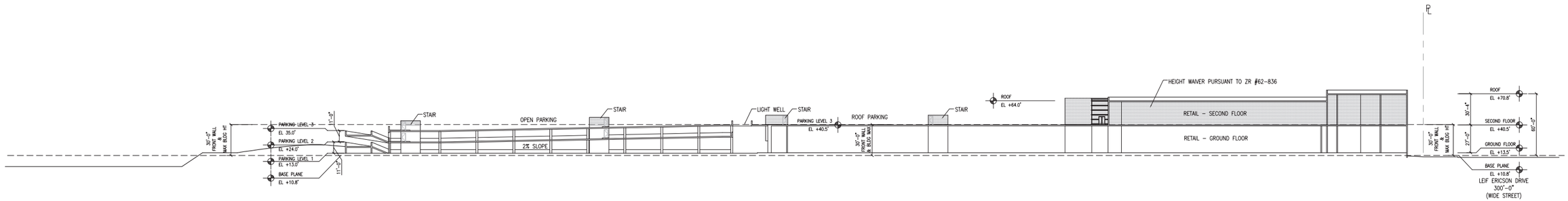
4 – WEST ELEVATION

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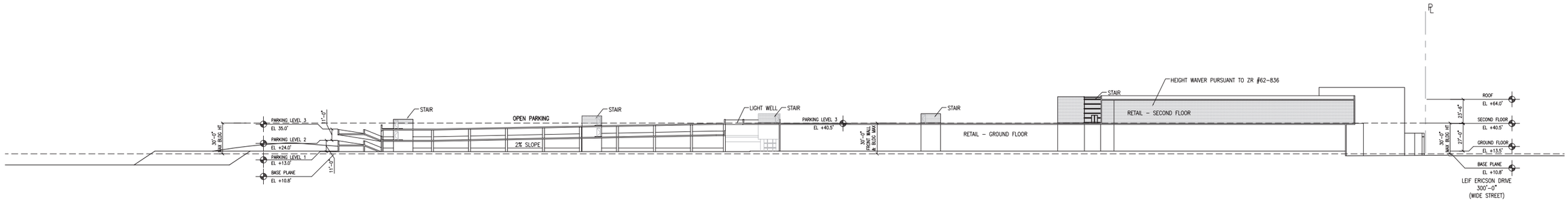
BROOKLYN BAY CENTER

Proposed Building Elevations
Figure 1-3a

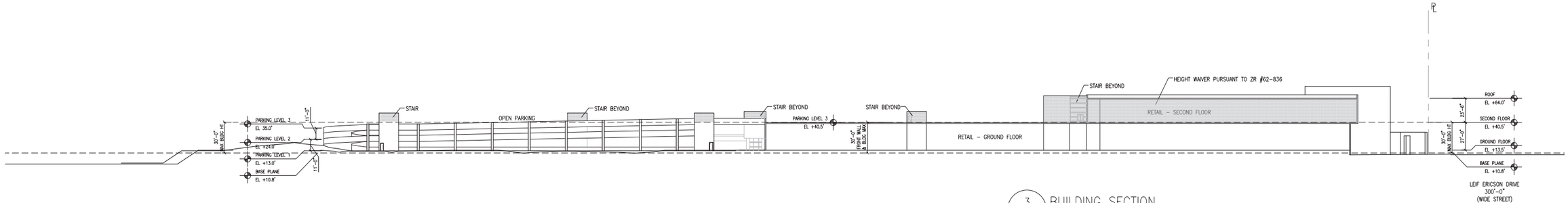
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1 BUILDING SECTION



2 BUILDING SECTION



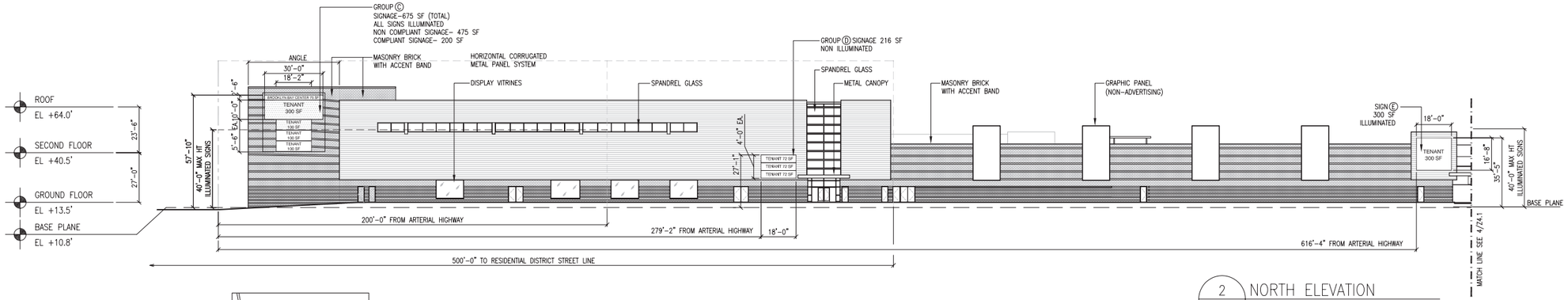
3 BUILDING SECTION

FOR ILLUSTRATIVE PURPOSES ONLY

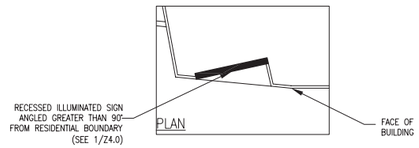
BROOKLYN BAY CENTER

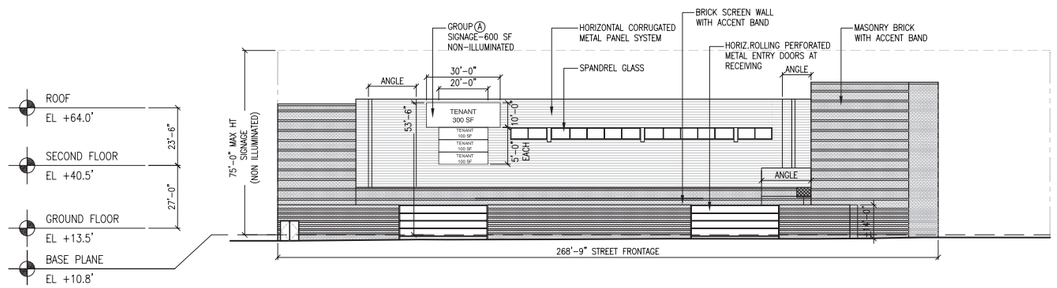
Proposed Building Sections
Figure 1-3b

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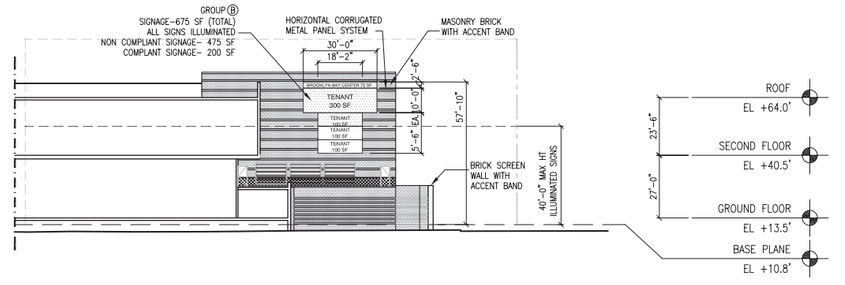


2 – NORTH ELEVATION





3 – EAST ELEVATION



1 – SOUTH ELEVATION

SIGNAGE REGULATIONS

PER NYC ZONING RESOLUTION SEC. 42–543 & 42–55 WITHIN 200 FEET OF AN ARTERIAL HIGHWAY, SIGNS THAT ARE WITH IN VIEW OF SUCH ARTERIAL HIGHWAY SHALL NOT EXCEED 500 SF OF SURFACE AREA; (SEC. 42–53) PER GROUND FLOOR ESTABLISHMENT. 4 ESTABLISHMENTS x 500 SF FOR A MAXIMUM OF 2000 SF OF SIGNAGE SURFACE AREA. BEYOND 200 FEET FROM SUCH ARTERIAL HIGHWAY, THE SURFACE AREA OF SUCH SIGNS MAY BE INCREASED ONE SQUARE FOOT FOR EACH LINEAR FOOT SUCH SIGN IS LOCATED FROM THE ARTERIAL HIGHWAY. MAXIMUM HEIGHT FOR ILLUMINATED SIGNS IS 40 FEET ABOVE CURB LEVEL, NON–ILLUMINATED OR SIGNS WITH INDIRECT ILLUMINATION MAY EXTEND TO A MAXIMUM HEIGHT OF 75 FEET. SEE CHART.

PER NYC ZONING RESOLUTION SEC. 42–561 WITHIN 100 FEET OF THE STREET LINE IN MI DISTRICT IN WHICH THE BOUNDARY OF AN ADJOINING RESIDENCE DISTRICT IS LOCATED, ADVERTISING SIGNS THAT FACE AT AN ANGLE OF LESS THAN 165 DEGREES AWAY FROM SUCH RESIDENCE DISTRICT SHALL NOT BE PERMITTED AND ALL OTHER SIGNS FACING AT LESS THAN SUCH AND ANGLE SHALL CONFORM WITH ALL THE SIGN REGULATIONS APPLICABLE IN C1 DISTRICTS. COMPLIES.

PER NYC ZONING RESOLUTION SEC. 42–562 IN DISTRICT M1 AND WITHIN 500 FEET OF THE BOUNDARY OF A RESIDENCE DISTRICT, ANY ILLUMINATED PORTION OF ANY SIGN SHALL FACE AT AN ANGLE OF MORE THAN 90 DEGREES AWAY FROM SUCH A BOUNDARY LINE AND A SIGN WITH INDIRECT ILLUMINATION MAY EXTEND ONLY TO A HEIGHT OF 58 FEET ABOVE CURB LEVEL. SEE CHART.

PER NYC ZONING RESOLUTION SEC. 42–533 a) – ILLUMINATED OR FLASHING SIGNS, OTHER THAN ADVERTISING SIGNS, AND ACCESSORY OR ADVERTISING SIGNS WITH INDIRECT ILLUMINATION ARE PERMITTED, PROVIDED THAT THE TOTAL SURFACE AREA OF ALL SUCH SIGNS, IN SQUARE FEET, SHALL NOT EXCEED: FOR ILLUMINATED OR FLASHING SIGNS OTHER THAN ADVERTISING SIGNS, FIVE TIMES THE STREET FRONTAGE OF THE ZONING LOT, IN FEET, AND THAT THE SURFACE AREA OF EACH SIGN SHALL NOT EXCEED 500 SQUARE FEET, SEE CHART.

PER NYC ZONING RESOLUTION SEC. 42–533 b) – INDIRECT ILLUMINATION SIGNS, FIVE TIMES THE STREET FRONTAGE OF THE ZONING LOT, IN FEET, AND THAT THE SURFACE AREA OF EACH SIGN SHALL NOT EXCEED 750 SQUARE FEET.

BUILDING SIGNAGE	BUILDING FRONTAGE	ALLOWABLE SF PER ESTABLISHMENT		MAX TOTAL ALLOWABLE SF Δ	SURFACE AREA PROVIDED		PERMITTED ILLUMINATED SIGN HEIGHT	PERMITTED NON–ILLUMINATED HEIGHT	HEIGHT PROVIDED
SHORE PARKWAY (SIGNS WITHIN 200' OF ARTERIAL HWY) ZR 42–55	268'–9"	5 x STREET FRONTAGE (ZR 42–533) 5 x (268'–9") = 1344 SF	MAX 500 SF (ILLUM.) PER SIGN	500 SF PER ESTABLISHMENT X 4 ESTABLISHMENTS 500 x 4 = 2000 SF	GROUP "A"	600 SF (NON ILLUMINATED)	40'–0"	75'–0"	53'–6" (COMPLIES)
					GROUP "B"	675 SF (ILLUMINATED)			57'–10" * (NON–COMPLIANT)
					GROUP "C"	675 SF (ILLUMINATED)			57'–10" * (NON–COMPLIANT)
					TOTAL	1950 SF (COMPLIES)			

Δ ALLOWABLE SQ FT ASSUMES FOUR (4) ESTABLISHMENTS

BUILDING SIGNAGE	MAX TOTAL ALLOWABLE SF 500 SF + ADDITIONAL	SURFACE AREA PROVIDED		PERMITTED ILLUMINATED HT	PERMITTED NON ILLUMINATED HEIGHT	HEIGHT PROVIDED
SHORE PARKWAY (SIGNS BEYOND 200' OF ARTERIAL HWY) ZR 42–55	ADDITIONAL 1 x (279'–2") = 279 SF 500 + 279 = 779 SF	GROUP "D"	216 SF (NON ILLUMINATED)		75'–0"	27'–1" (COMPLIES)
	ADDITIONAL 1 x (614'–4) = 614 SF 500 + 614 = 1114 SF	SIGN "E"	300 SF (ILLUMINATED)	40'–0"		35'–5" (COMPLIES)
		TOTAL (NON ILLUMINATED) 216 SF (COMPLIES)				
		TOTAL (ILLUM.) 300 SF (COMPLIES)				

BUILDING SIGNAGE	SURFACE AREA PROVIDED	ALL PERMITTED ILLUMINATED SIGNS MUST FACE AT ≥90°	PERMITTED ILLUMINATED SIGN HEIGHT	PERMITTED NON ILLUMINATED HEIGHT	HEIGHT PROVIDED
SIGNS WITHIN 500' OF A RESIDENTIAL BOUNDARY ZR 42–562	GROUP "A" (NON ILLUMINATED)	(COMPLIES)		75'–0"	53'–6" (COMPLIES)
	GROUP "B" (ILLUMINATED)	> 90° (COMPLIES)	40'–0"		57'–10" * (NON–COMPLIANT)
	GROUP "C" (ILLUMINATED)	> 90° (COMPLIES)	40'–0"		57'–10" (NON–COMPLIANT)
	GROUP "D" (NON–ILLUMINATED)	(COMPLIES)		75'–0"	27'–1" (COMPLIES)

* 74–744(c) SPECIAL PERMIT REQUESTED TO MODIFY THE SIGN REGULATIONS.

5 – SIGNAGE CALCULATIONS

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Aerial View - No Build Conditions

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Figure 1-4

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Aerial View - Proposed Project

Figure 1-5

BROOKLYN BAY CENTER

residents, would create fiscal benefits to the City in the form of increased tax revenues, and would provide a new shopping opportunity for area residents. In addition, the project would provide approximately 2.4 acres of publicly accessible waterfront open space.

The proposed zoning map amendment would make the project site eligible for a special permit that would allow retail establishments greater than 10,000 square feet in floor area. The proposed special permit (ZR §74-922) would permit the development of a commercial building with Use Group 6 and 10 retail uses on an underdeveloped site that would provide jobs and address a need for convenient commercial retail goods and services in the area. This use would be consistent with the concentration of commercial retail buildings along Shore Parkway.

The proposed special permit (ZR §62-836) to permit bulk modifications on waterfront blocks is being sought because the proposed approximately 60-foot tall building would exceed the maximum permitted height of 30 feet.

The proposed special permit (ZR §74-744) to permit modification of signage requirements is being sought, pursuant to paragraph (c), to modify the provisions of ZR §42-54 to allow portions of the proposed illuminated signage to reach approximately 58 feet, which exceeds the 40-foot maximum height requirement; this waiver is being sought to allow for an improved site plan.

Waterfront zoning does not allow rooftop parking above 23 feet; the proposed special permit pursuant (ZR §74-512) to permit a public parking garage outside a high-density central area is being sought to permit spaces to be located on the roof of a garage located on a waterfront parcel. It should be noted that this special permit would not permit the development of a larger number of parking spaces on the site than could be developed as-of-right, and therefore would not result in an increase in parking on the project site.

The proposed CPC Authorization (ZR §62-822(a)) for modification of waterfront public access area and visual corridor requirements is being sought, pursuant to paragraph (a)(2), to modify the provisions of ZR §62-50 that require that an upland connection be provided at least every 600 feet along a shore public walkway, due to site constraints.

The Chairperson certification (ZR §62-811) (Waterfront Public Access and Visual Corridors) is being south because the proposed project is located on a waterfront block, and the regulations of Article VI, Chapter Two state that no excavation or building permit shall be issued for any development on a waterfront block, until the CPC Chairperson certifies that a site plan has been submitted showing compliance with the provisions of ZR §62-50 (General Requirements for Visual Corridors and Waterfront Public Access Areas) and ZR §62-60 (Design Requirements for Waterfront Public Access Areas) as modified by the requested authorizations.

B. ANALYSIS FRAMEWORK FOR ENVIRONMENTAL REVIEW

The *City Environmental Quality Review (CEQR) Technical Manual* serves as the general guide on the methodologies and impact criteria for evaluating the proposed actions' potential effects on the various environmental areas of analysis.

In disclosing impacts, this Environmental Impact Statement (EIS) considers the proposed actions' potential adverse impacts on the environmental setting. Because the proposed development would be operational in 2013, its environmental setting is not the current environment, but the future environment. Therefore, the technical analyses and consideration of alternatives assess current conditions and forecast these conditions to 2013 for the purposes of determining potential impacts. The EIS will provide a description of "Existing Conditions" for

the 2009 analysis year and assessments of future conditions without the proposed project ("Future Without the Proposed Project") and with the proposed project ("Probable Impacts of the Proposed Project").

The future without the proposed project—also known as the "No Build scenario"—in all technical areas assumes that none of the discretionary actions are approved. In this case, absent the proposed actions, the existing bus parking facility will remain on the site.

The proposed actions would allow for the development of a 214,000-sf commercial building containing a large retail establishment (Use Group 6 or 10, currently anticipated to be a BJ's Wholesale Club and other retail stores) and a three-level public parking garage with approximately 690 parking spaces. The project site is located on a waterfront parcel, and would provide approximately 2.4 acres of public waterfront access area.

In each of the technical areas of the EIS, the proposed project will be compared to the No Build scenario.

C. ENVIRONMENTAL REVIEW

The proposed actions are subject to the City's land use and environmental review processes, described below.

UNIFORM LAND USE REVIEW PROCEDURE

The City's Uniform Land Use Review Procedure (ULURP), mandated by Sections 197-c and 197-d of the City Charter, is a process specifically designed to allow public review at four levels: Community Board, Borough President, CPC, and City Council. The procedure sets time limits at each review with a maximum period of approximately 7 months.

The process begins with certification by the Department of City Planning (DCP) that the ULURP application is complete. The application is then referred to the Community Board in which the project takes place (for the proposed actions, Brooklyn Community Board 11). The Community Board has up to 60 days to review the proposal, hold a public hearing, and adopt a resolution regarding the proposal. Next, the Borough President has up to 30 days to perform the same steps. CPC then has up to 60 days, and during that time, a ULURP public hearing is held. When a Draft EIS (DEIS) accompanies the ULURP application, as with this proposal, the CEQR public hearing is held jointly with the ULURP hearing. Comments made at the DEIS public hearing are incorporated into a Final EIS (FEIS); the FEIS must be completed at least 10 days before any action by the CPC on the ULURP application. CPC then forwards the application to the City Council. Following the Council's vote, the Mayor, at his discretion, may choose to veto the action. The City Council can override that veto.

ENVIRONMENTAL REVIEW

The lead agency is required to take a "hard look" at the environmental effects of a proposed action and, to the maximum extent practicable, avoid or mitigate adverse impacts on the environment, as consistent with social, economic, and other essential considerations. The EIS identifies and analyzes the significant environmental effects of a proposed action and how those effects could be avoided or minimized, providing a means for agencies to consider environmental factors and choose among alternatives in their decision-making processes.

The CEQR process provides a mechanism for decision makers to understand the environmental consequences, the alternatives, and the need for mitigating significant impacts. CEQR rules guide environmental review through the following steps:

- Establish a Lead Agency. Under CEQR, the "lead agency" is the public entity responsible for conducting environmental review. The lead agency is typically the agency with primary responsibility for the proposed action. Because CPC is the agency primarily responsible for zoning actions and special permits, DCP, on behalf of CPC, is the lead agency for this proposal.
- Determine Significance. The lead agency's first decision is to determine whether the proposed action may have a significant impact on the environment. This is based on an Environmental Assessment Statement (EAS). After review of the EAS, DCP, on behalf of CPC, determined that this proposal could have a significant adverse effect on the environment, requiring an EIS be prepared. DCP issued a Positive Declaration on September 16, 2009.
- Scoping. Once the lead agency has issued a Positive Declaration, it then issues a Draft Scope of Work for the EIS. "Scoping" is the process of establishing the type and extent of the environmental impact analyses to be studied in the EIS. The lead agency issued a Draft Scope of Work on September 16, 2009. A public scoping meeting was held for the proposed actions on October 29, 2009 at the Department of City Planning, Spector Hall, located at 22 Reade Street in Manhattan. Written comments were accepted through November 9, 2009, and a final scope of work, reflecting comments made during scoping, was issued on March 10, 2011.
- DEIS. In accordance with the final scope of work, a DEIS is prepared. The lead agency reviews all aspects of the document, calling on other City agencies to participate as it deems appropriate. Once the lead agency is satisfied that the DEIS is complete, it issues a Notice of Completion and circulates the DEIS for public review. When a DEIS is required, it must be certified as complete before the ULURP application can proceed. The Notice of Completion for this project was published March 10, 2011.
- Public Review. Publication of the Notice of Completion of the DEIS initiates a public review period. During this period, which must extend for a minimum of 30 days, the public may review and comment on the DEIS either in writing or at a public hearing. As noted above, when the CEQR process is coordinated with ULURP, the hearings are typically held jointly. The lead agency must publish a notice of the hearing at least 14 days before it takes place, and must accept written comments for at least 10 days following the close of the hearing. All substantive comments become part of the CEQR record and must be summarized and responded to in the FEIS.
- FEIS. After the close of the public comment period for the DEIS, the lead agency prepares an FEIS. This document must include a summary restatement of each substantive comment made about the DEIS with a response. Once the lead agency determines that the FEIS is complete, it issues a Notice of Completion and circulates the FEIS.
- Findings. The lead agency adopts a formal set of written findings, reflecting its conclusions about the potential significant adverse environmental impacts of the proposed actions, potential alternatives, and mitigation measures. The findings may not be adopted until 10 days after the Notice of Completion has been issued for the FEIS. Once findings are adopted, the lead and involved agencies may take their actions. ✷