Appendix A:
Waterfront Revitalization Program Consistency Assessment Form

For Internal Use Only:	WRP no._____
Date Received:_____	DOS no._____

NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM
Consistency Assessment Form

Proposed action subject to CEQR, ULURP, or other Local, State or Federal Agency Discretionary Actions that are situated within New York City's designated Coastal Zone Boundary must be reviewed and assessed for their consistency with the *New York City Waterfront Revitalization Program (WRP)*. The WRP was adopted as a 197-a Plan by the Council of the City of New York on October 13, 1999, and approved in coordination with local, state and Federal laws and regulations, including the State's Coastal Management Program (Executive Law, Article 42) and the Federal Coastal Zone Management Act of 1972 (P.L. 92-583). As a result of these approvals, state and federal discretionary actions within the city's coastal zone must be consistent to the maximum extent practicable with the WRP policies and the city must be given the opportunity to comment on all state and federal projects within its coastal zone.

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, other State Agency or the New York City Department of City Planning in its review of the applicant's certification of consistency.

A. APPLICANT

1. Name:
Thor Shore Parkway Developers, LLC

Address:
c/o Lisa Lau, AKRF Inc., 440 Park Avenue South, 7th Floor, New York, NY 10016

3. Telephone: **646-388-9781** Fax: **212-779-9721**

E-mail Address:
LLau@akrf.com

4. Project site owner:
Thor Shore Parkway Developers, LLC

B. PROPOSED ACTIVITY

1. Brief description of activity:
Development of a waterfront site with an approximately 214,000 square foot commercial building, currently proposed to include a BJ's Wholesale Club and other retailers, 690 parking spaces, and approximately 2.4 acres of publicly accessible waterfront open space.

2. Purpose of activity:
To redevelop a currently underutilized waterfront site with commercial uses to fulfill the surrounding community's demand for additional commercial goods and services while also providing waterfront access to the public.

3. Location of activity: **1752 Shore Parkway (Block 6491, Lot 207)** Borough: **Brooklyn**

Street Address or Site Description:
1752 Shore Parkway, west of Shore Parkway South between 24th Avenue and Bay 37th Street, east of Gravesend Bay (Lower New York Bay)

Proposed Activity Cont'd

4. If a federal or state permit or license was issued or is required for the proposed activity, identify the permit type(s), the authorizing agency and provide the application or permit number(s), if known:

United States Army Corps of Engineers

- **Clean Water Act Section 404 Nationwide Permit No. 13**

New York State Department of Environmental Conservation:

- **Tidal Wetlands Permit pursuant to 6 NYCRR Part 661;**
- **Coastal Erosion Hazard Area Permit pursuant to 6 NYCRR PART 505;**
- **Beneficial Use Determination pursuant to 6 NYCRR Part 360;**
- **Water Quality Certification pursuant to Clean Water Act Section 401;**
- **State Pollutant Discharge Elimination System Stormwater General Permit for Construction Activities, GP-0-08-001**

New York State Department of State

- **Coastal Zone Management Act ("CZMA") Consistency Determination, CZMA Section 307(c)**

5. Is federal or state funding being used to finance the project? If so, please identify the funding source(s).

N/A

6. Will the proposed project result in any large physical change to a site within the coastal area that will require the preparation of an environmental impact statement?

	Yes	**No**
If yes, identify Lead Agency:	**X**	

New York City Department of City Planning (DCP), on behalf of the City Planning Commission (CPC)

7. Identify **City** discretionary actions, such as **zoning amendment or adoption of an urban renewal plan**, required for the proposed project.

- **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;**
- **Special permit pursuant to ZR §62-836 to permit bulk modifications on waterfront blocks;**
- **Special permit pursuant to ZR §74-744 to permit modification of signage requirements in General Large-Scale Developments;**
- **Chairperson certification pursuant to ZR §62-811 for the provision of waterfront public access and visual corridor; and**
- **CPC Authorization pursuant to ZR §62-822 for modification of waterfront public access area and visual corridor requirements.**

C. COASTAL ASSESSMENT

The following questions represent, in a broad sense, the policy of the WRP. The number in the parentheses after each question indicated the policy or policies that are the focus of the question. A detailed explanation of the Waterfront Revitalization Program and its policies are contained in the publication the *New York City Waterfront Revitalization Program.*

Check either "Yes" or "No" for each of the following questions. Once the checklist is completed, assess how the proposed project affects the policy or standards indicated in "( )" after each question with a Yes response. Explain how the action is consistent with the goals of the policy or standard.

Location Questions:		**Yes**	**No**
1.	Is the project site on the waterfront or at the water's edge?	**X**	
2.	Does the proposed project require a waterfront site?		**X**
3.	Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land underwater, or coastal waters?	**X**	

Policy Questions:		**Yes**	**No**
	The following questions represent, in a broad sense, the policies of the WRP. Numbers in parentheses after each questions indicate the policy or policies addressed by the question. The new Waterfront Revitalization Program offers detailed explanations of the policies, including criteria for consistency determinations.		
	Check either "Yes" or "No" for each of the following questions. For all "yes" responses, provide an attachment assessing the effects of the proposed activity on the relevant policies or standards. Explain how the action would be consistent with the goals of those policies and standards.		
4.	Will the proposed project result in revitalization or redevelopment of a deteriorated or under- used waterfront site? (1)	**X**	
5.	Is the project site appropriate for residential or commercial redevelopment? (1.1)	**X**	
6.	Will the action result in a change in scale or character of a neighborhood? (1.2)		**X**
7.	Will the proposed activity require provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (1.3)		**X**

Policy Questions cont'd:		Yes	No
8.	Is the action located in one of the designated Significant Maritime and Industrial Areas (SMIA): South Bronx, Newtown Creek, Brooklyn Navy Yard, Red Hook, Sunset Park, or Staten Island? (2)		X
9.	Are there any waterfront structures, such as piers, docks, bulkheads or wharves, located on the project sites? (2)		X
10.	Would the action involve the siting or construction of a facility essential to the generation or transmission of energy, or a natural gas facility, or would it develop new energy resources? (2.1)		X
11.	Does the action involve the siting of a working waterfront use outside of a SMIA? (2.2)		X
12.	Does the proposed project involve infrastructure improvement, such as construction or repair of piers, docks, or bulkheads? (2.3, 3.2)		X
13.	Would the action involve mining, dredging, or dredge disposal, or placement of dredged or fill materials in coastal waters? (2.3, 3.1, 4, 5.3, 6.3)		X
14.	Would the action be located in a commercial or recreational boating center, such as City Island, Sheepshead Bay or Great Kills or an area devoted to water-dependent transportation? (3)		X
15.	Would the proposed project have an adverse effect upon the land or water uses within a commercial or recreation boating center or water-dependent transportation center? (3.1)		X
16.	Would the proposed project create any conflicts between commercial and recreational boating? (3.2)		X
17.	Does the proposed project involve any boating activity that would have an impact on the aquatic environment or surrounding land and water uses? (3.3)		X
18.	Is the action located in one of the designated Special Natural Waterfront Areas (SNWA): Long Island Sound-East River, Jamaica Bay, or Northwest Staten Island? (4 and 9.2)		X
19.	Is the project site in or adjacent to a Significant Coastal Fish and Wildlife Habitats? (4.1)		X
20.	Is the site located within or adjacent to a Recognized Ecological Complex: South Shore of Staten Island or Riverdale Natural Area District? (4.1and 9.2)		X
21.	Would the action involve any activity in or near a tidal or freshwater wetland? (4.2)	X	
22.	Does the project site contain a rare ecological community or would the proposed project affect a vulnerable plant, fish, or wildlife species? (4.3)		X
23.	Would the action have any effects on commercial or recreational use of fish resources? (4.4)		X
24.	Would the proposed project in any way affect the water quality classification of nearby waters or be unable to be consistent with that classification? (5)		X
25.	Would the action result in any direct or indirect discharges, including toxins, hazardous substances, or other pollutants, effluent, or waste, into any waterbody? (5.1)		X
26.	Would the action result in the draining of stormwater runoff or sewer overflows into coastal waters? (5.1)	X	
27.	Will any activity associated with the project generate nonpoint source pollution? (5.2)		X

Policy Questions cont'd:		Yes	No
28.	Would the action cause violations of the National or State air quality standards? (5.2)		X
29.	Would the action result in significant amounts of acid rain precursors (nitrates and sulfates)? (5.2C)		X
30.	Will the project involve the excavation or placing of fill in or near navigable waters, marshes, estuaries, tidal marshes or other wetlands? (5.3)	X	
31.	Would the proposed action have any effects on surface or ground water supplies? (5.4)		X
32.	Would the action result in any activities within a Federally designated flood hazard area or State designated erosion hazards area? (6)	X	
33.	Would the action result in any construction activities that would lead to erosion? (6)		X
34.	Would the action involve construction or reconstruction of flood or erosion control structure? (6.1)	X	
35.	Would the action involve any new or increased activity on or near any beach, dune, barrier island, or bluff? (6.1)		X
36.	Does the proposed project involve use of public funds for flood prevention or erosion control? (6.2)		X
37.	Would the proposed project affect a non-renewable source of sand? (6.3)		X
38.	Would the action result in shipping, handling, or storing of solid wastes; hazardous materials, or other pollutants? (7)		X
39.	Would the action affect any sites that have been used as landfills? (7.1)	X	
40.	Would the action result in development of a site that may contain contamination or has a history of underground fuel tanks, oil spills, or other form or petroleum product use or storage? (7.2)	X	
41.	Will the proposed activity result in any transport, storage, treatment, or disposal of solid wastes or hazardous materials, or the siting of a solid or hazardous waste facility? (7.3)		X[1]
42.	Would the action result in a reduction of existing or required access to or along coastal waters, public access areas, or public parks or open spaces? (8)		X
43.	Will the proposed project affect or be located in, on, or adjacent to any federal, state, or city park or other land in public ownership protected for open space preservation? (8)		X
44.	Would the action result in the provision of open space without the provision for its maintenance? (8.1)		X
45.	Would the action result in any development along the shoreline but NOT include new water enhanced or water dependent recreational space? (8.2)		X
46.	Will the proposed project impede visual access to coastal lands, waters and open space? (8.3)		X
47.	Does the proposed project involve publically owned or acquired land that could accommodate waterfront open space or recreation? (8.4)		X
48.	Does the project site involve lands or waters held in public trust by the state or city? (8.5)		X

[1] As noted in Chapter 8, "Hazardous Materials," future conditions without or with the proposed project will result in the closure of an open oil spill number that NYSDEC assigned to the site, in accordance with a Remedial Action Work Plan that has been submitted to and approved by NYSDEC.

Policy Questions cont'd:		Yes	No
49.	Would the action affect natural or built resources that contribute to the scenic quality of a coastal area? (9)		X
50.	Does the site currently include elements that degrade the area's scenic quality or block views to the water? (9.1)	X	
51.	Would the proposed action have a significant adverse impact on historic, archeological, or cultural resources? (10)		X
52.	Will the proposed activity affect or be located in, on, or adjacent to an historic resource listed on the National or State Register of Historic Places, or designated as a landmark by the City of New York? (10)		X

D. CERTIFICATION

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

"The proposed activity complies with New York State's 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 Name: **Thor Shore Parkway Developers, LLC**
c/o Lisa Lau, AKRF Inc.,

Address: **440 Park Avenue South, 7th Floor, New York, NY 10016 646-388-9781**
Telephone

Applicant/Agent Signature: Lisa M. Lau Date: **August 18, 2010**