E-401

CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

May 8, 2017

REVISED CONDITIONAL NEGATIVE DECLARATION

(Supersedes the Conditional Negative Declaration issued on December 9, 2016)[1]

Project Identification
CEQR No. 17DCP069R
ULURP Nos. C150402ZMR, N150404ZCR,
N150403ZAR, N150401ZRR
Staten Island Community District 1
SEQRA Classification: Unlisted

Lead Agency
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271
Contact: Robert Dobruskin
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Name, Description and Location of Proposal

125 Edgewater Street

The Applicant, Pier 21 Development LLC, is seeking a series of land use approvals (the "Proposed Actions") to facilitate a mixed-use development with a waterfront public access area (the "Proposed Project") on a property located at 125 Edgewater Street (Block 2820, Lot 90; the "Development Site") in the Rosebank neighborhood in Staten Island, Community District 1. The area affected by the Proposed Actions also includes Block 2820, Lot 95, and parts of Lots 105 and 110. The Affected Area (Block 2820, Lots 90 and 95, and parts of 105 and 110, the "Project Area") is currently zoned M2-1 and is bounded by Edgewater Street to the southwest, the pierhead line to the northeast, Greenfield Avenue to the northwest, and approximately the midblock between Sylvaton Terrace and Lynhurst Avenue to the southeast.

The Proposed Actions involve several discretionary approvals:

1. Zoning Map Amendments to extend the Special Stapleton Waterfront District (SW) to include the Project Area, and to change an existing M2-1 Zoning District to a M2-1(SW), R6(SW) and R6/C2-2 (SW) Zoning Districts;

2. Zoning Text Amendments to create two new subareas (Subareas D and E) in the Special Stapleton Waterfront District and to establish regulations for these subareas; to amend

[1] This revised Conditional Negative Declaration (CND) supersedes the CND issued on December 9, 2016. The revised CND incorporates changes to the E-designation (E-401) for air quality, described below. The changes to the E-designation reflect revised air quality analyses performed after the issuance of the CND on December 9, 2016. The revised E-designation for air quality incorporates new restrictions for Building A.

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Appendix Maps 1-5 and to modify Appendix F to incorporate Mandatory Inclusionary Housing;

3. A Zoning Authorization from the New York City Planning Commission pursuant to ZR Section 62-822(c), Authorization for phased development of waterfront public access areas.

The Proposed Actions also involve a Zoning Certification from the Chairperson of the City Planning Commission pursuant to ZR Section 62-811(b), Waterfront public access and visual corridors. This is a ministerial action not subject to environmental review.

In addition, a tidal wetland permit approval, a State action, by the New York State Department of Environmental Conservation would be required. The Applicant expects to seek this approval in a separate application at a later date. A coordinated environmental review, which is not required for these unlisted actions, will not be conducted.

The Proposed Actions would create two new subareas (Subareas D and E) in the Special Stapleton Waterfront District. Subarea E would cover the Applicant's property (Block 2820, Lot 90) and would be rezoned from M2-1 to R6 and R6/C2-2. Subarea D would cover the other properties in the Project Area (Block 2820, Lot 95) which are not under the Applicant's control and would remain zoned M2-1.

The Proposed Actions would facilitate a proposal by the Applicant to construct three mixed-use buildings totaling 351,567 gsf of residential space, 24,173 gsf of commercial space, 102,954 sf of parking space, and a waterfront public access area consisting of public open space, upland connection, and visual corridors on the property located at 125 Edgewater Street. The property is currently developed with a vacant one to two story masonry structure and a one-story steel shed; and is occupied on a short term basis as open storage; and is the only site in the Project Area that is expected to be redeveloped as a result of the Proposed Actions.

Absent the Proposed Actions, it is expected that the Development Site would not be redeveloped. The analysis year for the Proposed Project is 2019.

The Proposed Actions include an (E) designation (E-401) for air quality, noise and hazardous materials.

The following (E) designation requirements for air quality and noise would be placed on the Applicant's property, Block 2820, Lot 90.

The (E) designation text for air quality is as follows:

> **Building A (Block 2820, Lot 90): Any new residential and/or commercial development on the above referenced property must ensure that no operable windows or air intakes are located above a height of 128 feet above grade and that the HVAC stack is located at least 133 feet above grade to avoid any potential significant adverse air quality impacts.**
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> **Building B (Block 2820, Lot 90): Any new residential and/or commercial development on the above reference properties must exclusively use natural gas as the type of fuel for heating, ventilating and air conditioning (HVAC) systems, and ensure that the HVAC stack(s) is located at least 200 ft from northwestern lot line of Lot 110.**
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> **Building C (Block 2820, Lot 90): Any new residential and/or commercial development on the above reference properties must ensure that the HVAC stack is located at least 582 feet from northwestern lot line of Lot 110.**

The (E) designation text for noise is as follows:

> **In order to ensure an acceptable interior noise environment, future residential uses must provide a closed window condition with a minimum window/wall sound attenuation of 31 dB(A) for all facades of the proposed buildings to maintain interior noise levels of 45 dB(A) or less for residential uses and 50 dB(A) or less for commercial uses. 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.**

The (E) designation requirements for air quality and noise would avoid the potential for any significant adverse impacts related to air quality and noise.

In addition, the following (E) designation requirements for hazardous materials would be placed on the Applicant's property, Staten Island Block 2820, Lot 90 as well as other properties in the Project Area, Block 2820, Lot 95 and parts of lots 105 and 110.

The (E) designation text for hazardous materials is as follows:

> **Task 1**
>
> **The applicant submits to OER, for review and approval, a Phase I ESA of the site along with a soil and groundwater testing protocol (a.k.a. Remedial Investigation Work Plan [RIWP] along with a site-specific Health and Safety Plan (HASP), including a**

description of methods and a project site map with all sampling locations clearly and precisely represented.

If site sampling is required, no sampling should begin until written approval of a protocol is received from OER. The number and location of sample sites should be selected to adequately characterize the site, the specific source 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

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 the test results, a proposed RAP must be submitted to OER for review and approval. The applicant must complete such remediation as determined necessary by OER in accordance with the approved RAWP. The applicant should then provide proper documentation that remedial action has been satisfactorily completed.

An OER-approved CHASP would be implemented during evacuation and construction and activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. This plan would be submitted to OER for review and approval prior to implementation.

All demolition or rehabilitation would be conducted in accordance with applicable requirements for disturbance, handling and disposal of suspect lead-paint and asbestos containing materials.

The (E) designation requirements for hazardous materials would avoid the potential for any significant adverse impacts related to hazardous materials.

Statement of No Significant Effect:

The Environmental Assessment and Review Division of the Department of City Planning, on behalf of the City Planning Commission, has completed its technical review of the Revised Environmental

Assessment Statement, dated May 5, 2017, prepared in connection with the ULURP Application (Nos. C150402ZMR, N150404ZCR N150403ZAR, N150401ZRR). The City Planning Commission has determined that the Proposed Actions will have no significant effect on the quality of the environment, once it is modified as follows:

1. The following project improvements shall be incorporated into the proposed project to avoid traffic impacts:

   a. Bay Street and Edgewater Street/Front Street: Modify the signal timing by shifting 2 seconds of green time from the westbound phase to the northbound/southbound phase during the weekday midday peak hour. Coordinate the signal offset with the adjacent intersection of Bay Street and Willow Avenue during the weekday PM peak hour.

   b. Bay Street and Willow Avenue: Modify the signal timing by shifting 1 second of green time from the northbound/southbound phase to the eastbound/westbound during the weekday AM and PM peak hours, and shifting 2 seconds of green time from the eastbound/westbound phase to the northbound/southbound during the weekday midday peak hour. Shift the signal offset from 22 seconds to 8 seconds to coordinate with the adjacent intersection of Bay Street and Edgewater Street/Front Street during the weekday PM peak hour.

   c. Bay Street and Hylan Boulevard: Modify the signal timing by shifting 2 seconds of green time from the eastbound lead/southbound right turn lag phase to the eastbound/westbound phase and 2 seconds of green time from the northbound/southbound phase during the weekday AM peak hour; modify signal timing by shifting 1 second of green time from the eastbound lead/southbound right turn lag phase to the eastbound/westbound phase and 1 second of green time from the northbound/southbound phase during the weekday midday peak hour; and shifting 2 seconds of green time from the eastbound lead/southbound right turn lag phase to the eastbound/westbound phase and 1 second of green time from the northbound/southbound phase during the weekday PM peak hour.

   d. Edgewater Street and Lynhurst Avenue. Install an all-way stop control at this intersection to allow for pedestrian crosswalks to be implemented across Edgewater Street which would facilitate pedestrian flow to and from the project site.

2. The Applicant shall conduct an all-way stop control warrant study at the intersection of Edgewater Street and Lynhurst Avenue/Project Driveway during the Build year and submit it to the New York City Department of Transportation (DOT)'s Signals Division for review and final approval.

3. The Applicant shall inform the New York City Department of Transportation six (6) months prior to the completion and occupation of the proposed project Upon the full build-out

condition, all expenses related to the design, installation of the all-way stop control, proposed geometric modifications, traffic signs and pavement markings, etc. shall be funded by the Applicant.

4. The applicant agrees to incorporate the above referenced improvements into the proposed project via the Restrictive Declaration to be recorded in conjunction with a zoning certification from the Chairperson of the City Planning Commission pursuant to ZR Section 62-811(b) (Waterfront public access and visual corridors). By the terms of ZR Section 62-811(b), no excavation or building permit can be issued for development on the site prior to the issuance of the certification, and no certification can be issued except on the condition that the Restrictive Declaration is executed and recorded pursuant to ZR Section 62-74 (Requirements for Recordation).

Supporting Statement:

The above determination is based on an environmental assessment which finds that:

1. An EAS was completed on December 7, 2016 and a CND was issued on December 9, 2016. A revised EAS, dated May 5, 2017, reflects revisions to the air quality analysis completed after the issuance of the CND on December 9, 2016. The revised air quality analyses considered the proposed height for Building A measured from the base flood elevation and concluded that additional restrictions were needed for Building A in order to avoid any potential significant adverse air quality impacts. The additional restrictions, which would prohibit any air intake or operable window above 128 feet measured from the grade of Building A, have been incorporated into the E-designation for air quality. The proposed project as described and illustrated in the revised EAS, would comply with the new restriction. As described in the Revised EAS, it was determined that the revised air quality analyses would not alter the conclusions of the previous EAS and CND.

2. The (E) designation (E-401) for air quality, noise and hazardous materials would ensure that the Proposed Actions would not result in significant adverse impacts.

3. The EAS included detailed traffic and pedestrian analyses and concluded that the proposed project would result in significant adverse impacts with respect to traffic at the following three intersections: Bay Street and Edgewater Street/Front Street (for the weekday midday and PM peak hours), Bay Street and Willow Avenue (for the weekday AM, midday and PM peak hours), and Bay Street and Hylan Boulevard (for the weekday AM, midday and PM peak hours). The potential traffic impacts at these three locations would be avoided by incorporating the project improvements as identified above. These project improvements include modifications to signal timings at each intersection. In addition, as a safety measure, project improvements were identified at

the project's entrance at the intersection of Edgewater Street and Lynhurst Avenue. An all-way stop sign control to allow for pedestrian crosswalks would be implemented.

4. No other significant adverse effects on the environment which would require an Environmental Impact Statement are foreseeable.

It is fully agreed and understood that if the foregoing conditions, modification, and alterations are not fully incorporated into the Proposed Actions, this Conditional Negative Declaration shall become null and void. In such event, the applicant shall be required to prepare a Draft Environmental Impact Statement before proceeding further with said proposal.

This Conditional Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617.

I, the Undersigned, as the applicant or authorized representative for this proposal, hereby affix my signature in acceptance of the above conditions to the Proposed Actions.

Goldman Harris LLC

By: Caroline G Harris

Signature of Applicant or Authorized Representative

Date: May 5, 2017

Goldman Harris LLC
By Caroline G. Harris

Name of Applicant or Authorized Representative

Robert Dobruskin

Robert Dobruskin, Director
Environmental Assessment & Review Division
Department of City Planning

Date: May 5, 2017

Marisa Lago

Marisa Lago, Chair
City Planning Commission

Date: 5/8/2017