APPENDIX E

WATERFRONT REVITALIZATION PROGRAM

NEW YORK STATE DEPARTMENT OF STATE
COASTAL MANAGEMENT PROGRAM

Federal Consistency Assessment Form

An applicant, seeking a permit, license, waiver, certification or similar type of approval from a federal agency which is subject to the New York State Coastal Management Program (CMP), shall complete this assessment form for any proposed activity that will occur within and/or directly affect the State's Coastal Area. This form is intended to assist an applicant in certifying that the proposed activity is consistent with New York State's CMP as required by U.S. Department of Commerce regulations (15 CFR 930.57). It should be completed at the time when the federal application is prepared. The Department of State will use the completed form and accompanying information in its review of the applicant's certification of consistency.

A. APPLICANT (please print)

1. Name: Halletts A Development Company, LLC by LEG Astoria LLC

2. Address: 301 Route 17, 9th Floor, North Rutherford, NJ 07070

3. Telephone: Area Code (201) 460-3440

B. PROPOSED ACTIVITY

1. Brief description of activity:

The proposed actions would facilitate the development of a large-scale housing development with affordable units, along with ground-floor retail space and approximately 2.~~2~~4 acres of publicly accessible waterfront esplanade and open space. The project site would contain eight building sites on which new development would occur pursuant to the proposed project.. Buildings 1 through 7 would be developed by the Applicant. Building 8 would be developed pursuant to a future request for proposal (RFP) by the New York City Housing Authority (NYCHA).

The publicly accessible open space would include a waterfront esplanade along the East River and upland connections to 1st Street, as well as a connection to ~~Hallet's Cove~~ Halletts Point Playground south of the site and Whitey Ford Field/Hellgate Field north of the site. A portion of 27th Avenue and 26th Avenue would be demapped and transformed into pedestrian waterfront access corridors. In addition, a new connecting street segment would be constructed on the NYCHA Parcel (described below) between existing mapped portions of Astoria Boulevard. This new street connector would allow for vehicular travel through the NYCHA Parcel between 1st and 8th Streets, thereby improving circulation in the area and providing a better connection with the surrounding community. The proposed project would also include an important transit amenity—a bus layover facility along 2nd Street adjacent to Building 1 for the Q18, Q102, and Q103 bus routes, and potentially other routes in the future.

The proposed project would include improvements to stormwater and sanitary sewer infrastructure to support the new development, and shoreline stabilization improvements. Four new stormwater outfalls would be constructed above Spring High Water (SHW) within the existing riprap revetment on the East River to convey runoff from the waterfront parcel containing the proposed buildings sites for Buildings 1 through 5. Two existing City stormwater outfalls on the East River that would receive runoff from the other portions of the project site would be repaired (e.g. clearing of debris and obstructive vegetation growth, and augmentation of deficient riprap). In addition, it is expected that new sanitary sewers (in 27th Avenue and 1st Street) would be provided to convey additional wastewater flows generated from the project. Existing sections of City waterlines within the project site may be reconstructed to meet current City standards. Shoreline stabilization would comprise replacement of existing riprap and debris in some areas with granite riprap for improved scour protection.

2. Purpose of activity

The proposed project is intended to transform a largely underused waterfront area into a new, enlivened mixed-use development. The proposed new housing would support the city's plans to provide additional capacity for residential development, especially affordable housing. The proposed neighborhood retail, including a proposed supermarket, is intended to provide amenities that are currently lacking in the area and which would serve the existing residential population in addition to the project-generated population. The proposed project would also establish a new waterfront esplanade accessible to the Astoria community with upland connections and a connection to ~~Hallet's Cove~~ Halletts Point Playground south of the site and Whitey Ford Field north of the site.

The new connecting street segment between existing mapped portions of Astoria Boulevard on the NYCHA Parcel is intended to improve circulation in the area and provide a better connection with the surrounding community. The development of Building 8, including the proposed ground-floor retail, is intended to enliven the new Astoria Boulevard. The proposed bus layover would facilitate the provision of better bus service to the area.

In addition to the Applicant's proposal for the development of Buildings 1 through 7, NYCHA is contemplating a master plan for the Astoria Houses that may include future development on other parcels within the campus. NYCHA is seeking to identify sources of revenue in order to continue its mission of maintaining and providing affordable housing, and one source of revenue is to reposition and capitalize on its existing real estate assets. Thus, the proposed disposition of the land for Buildings 6 and 7 to the Applicant and the anticipated future disposition of the land for Building 8 will provide revenue to support NYCHA's mission. As discussed above, the proposed actions would facilitate the disposition of the site for Building 8 by NYCHA pursuant to a future RFP.

3. Location of activity

Queens	Astoria	Halletts Point
County	City, Town, or Village	Street or Site Description

The project site consists of a number of parcels and rezoning areas:

- Eastern Parcel – the northern portion of the block bounded by 26th Avenue, 1st Street, 2nd Street, and 27th Avenue (Block 915 Lot 6).
- Waterfront (WF) Parcel – the blocks bounded by 26th Avenue, 1st Street, Hallet's Cove Playground, and the East River (including the streetbeds of 26th and 27th Avenues between 1st Street and the East River) (Block 490 Lots 1 and 11, Block 916 Lots 1 and 10).
- NYCHA Parcel - The existing New York City Housing Authority (NYCHA) Astoria Houses campus, bounded by 27th Avenue, 1st Street, and 8th Street, and the Parks Parcel, described below (Block 490, Lot 101).
- Parks Parcel – a 10' wide strip of Hallet's Cove Playground (p/o Block 490 Lot 100).
- 2nd Street Rezoning Area – portion of 2nd Street bounded by the edge of Whitey Ford Field, the centerline of 2nd Street, the East River, and 26th Avenue.
- Whitey Ford Field – a New York City Department of Parks and Recreation-owned park bounded by 2nd Street, 26th Avenue, and the East River (Block 913 Lot 1).
- NYCHA Rezoning Area – Area along south side of 27th Avenue between 1st and 8th Streets extending 150 feet southward of the 27th Avenue lot line (27th Avenue portion) and Area along south side of Astoria Boulevard between 1st and 8th Streets extending 150 feet southward of Astoria Boulevard lot line (Astoria Boulevard portion) (p/o Block 490 Lot 101).
- Astoria Boulevard Connector – 70-foot-wide portion of parcel between the two ends of Astoria Boulevard on the NYCHA Parcel (p/o Block 490 Lot 101).

The eight proposed buildings would be constructed on the Eastern Parcel (Building 1), the WF Parcel (Buildings 2 through 5), and the NYCHA Parcel (Buildings 6, 7, and 8).

4. Type of federal permit/license required: Authorization from the US Army Corps of Engineers (USACE) under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act for the proposed riprap revetment maintenance and repair, repair of existing outfalls, and new outfall construction.

5. Federal application number, if known: TBD

6. If a state permit/license was issued or is required for the proposed activity, identify the state agency and provide the application number, if known:

Authorization from the New York State Department of Environmental Conservation (NYSDEC) under Articles 15 (Protection of Waters), and 25 (Tidal Wetlands), and Section 401 Water Quality Certification for the riprap revetment maintenance and repair, repair of existing outfalls, and new outfall construction.

C. COASTAL ASSESSMENT Check either "YES" or "NO" for each of these questions. The numbers following each question refer to the policies described in the CMP document (see footnote on page 2) which may be affected by the proposed activity.

1. Will the proposed activity result in any of the following:	YES/NO
a. Large physical change to a site within the coastal area which will require the preparation of an environmental impact statement? (11, 22, 25, 32, 37, 38, 41, 43)	**Y**
b. Physical alteration of more than two acres of land along the shoreline, land under water or coastal waters? (2, 11, 12, 20, 28, 35, 44)	**Y**
c. Revitalization/redevelopment of a deteriorated or underutilized waterfront site? (1)	**Y**
d. Reduction of existing or potential public access to or along coastal waters? (19, 20)	**N**
e. Adverse effect upon the commercial or recreational use of coastal fish resources? (9, 10)	**N**
f. Siting of a facility essential to the exploration, development, and production of energy resources in coastal waters or on the Outer Continental Shelf? (29)	**N**
g. Siting of a facility essential to the generation or transmission of energy? (27)	**N**
h. Mining, excavation, or dredging activities, or the placement of dredged or fill material in coastal waters? (15, 35)	**N**
i. Discharge of toxics, hazardous substances or other pollutants into coastal waters? (8, 15, 35)	**N**
j. Draining of stormwater runoff or sewer overflows into coastal waters? (33)	**Y**
k. Transport, storage, treatment, or disposal of solid wastes or hazardous materials? (36,39)	**Y**
l. Adverse effect upon land or water uses within the State's small harbors? (4)	**N**

2. Will the proposed activity affect, or be located in, on, or adjacent to any of the following:	YES/NO
a. State designated freshwater or tidal wetland? (44)	**Y**
b. Federally designated flood and/or state designated erosion hazard area? (11, 12, 17)	**Y**
c. State designated significant fish and/or wildlife habitat? (7)	**N**
d. State designated significant scenic resource or area? (24)	**N**
e. State designated important agricultural lands? (26)	**N**
f. Beach, dune or barrier island? (12)	**N**
g. Major ports of Albany, Buffalo, Ogdensburg, Oswego or New York? (3)	**N**
h. State, county, or local park? (19, 20)	**Y**
i. Historic resource listed on the National or State Register of Historic Places? (23)	**N**

3. Will the proposed activity require any of the following:	YES/NO
a. Waterfront site? (2, 21, 22)	**Y**
b. Provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (5)	**N**
c. Construction or reconstruction of a flood or erosion control structure? (13, 14, 16)	**N**
d. State water quality permit or certification? (30, 38, 40)	**Y**
e. State air quality permit or certification? (41, 43)	**N**

4. Will the proposed activity occur within and/or affect an area covered by a State approved local waterfront revitalization program? (see policies in local program document)	**Y**

D. ADDITIONAL STEPS

1. If all of the questions in Section C are answered "NO", then the applicant or agency shall complete Section E and submit the documentation required by Section F.

2. If any of the questions in Section C are answered "YES", then the applicant or agent is advised to consult the CMP, or where appropriate, the local waterfront revitalization program document.* The proposed activity must be analyzed in more detail with respect to the applicable state or local coastal policies. On a separate page(s), the applicant or agent shall: (a) identify, by their policy numbers, which coastal policies are affected by the activity, (b) briefly assess the effects of the activity upon the policy, and (c) state how the activity is consistent with each policy. Following the completion of this written assessment, the applicant or agency shall complete Section E and submit the documentation required by Section F.

E. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with the State's CMP or the approved local waterfront revitalization program, as appropriate. 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, or with the applicable approved local waterfront revitalization program, and will be conducted in a manner consistent with such program."

Applicant/Agent's Name: Halletts A Development Company, LLC, by LEG Astoria LLC

Address: 301 Route 17, 9th Floor, North Rutherford, NJ 07070

Telephone: Area Code (201) 460-3440

Applicant/Agent Signature: _____ Date: 1/10/13

F. SUBMISSION REQUIREMENTS

1. The applicant or agent shall submit the following documents to the **New York State Department of State, Office of Coastal, Local Government and Community Sustainability, Attn: Consistency Review Unit, 1 Commerce Plaza, 99 Washington Avenue – Suite 1010, Albany, New York 12231.**

a. Copy of original signed form.
b. Copy of the completed federal agency application.
c. Other available information which would support the certification of consistency.

2. The applicant or agent shall also submit a copy of this completed form along with his/her application to the federal agency.

3. If there are any questions regarding the submission of this form, contact the Department of State at (518) 474-6000.

* These state and local documents are available for inspection at the offices of many federal agencies, Department of Environmental Conservation and Department of State regional offices, and the appropriate regional and county planning agencies. Local program documents are also available for inspection at the offices of the appropriate local government.

CONSISTENCY OF PROPOSED PROJECT WITH THE WATERFRONT REVITALIZATION PROGRAM POLICIES

As determined by the Federal Consistency Assessment Form, the proposed project requires detailed assessment for several New York State Coastal Management Program policies, including policies 1, 2, 11, 12, 17, 19, 20, 21, 22, 25, 28, 30, 32, 33, 35, 36, 37, 39, 38, 40, 41, 43, and 44. The consistency assessment is provided below for all questions that were answered "yes" in the CAF.

Policy 1
Restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational, and other compatible uses.

The proposed project would result in a large-scale housing development with affordable units, along with ground-floor retail space and a publicly accessible waterfront esplanade and open space. The proposed project is intended to transform a largely underused waterfront area into a new, enlivened mixed-use development that would be compatible with the surrounding uses. The proposed open space would provide benefits for the Astoria community, the Borough of Queens, and the City as a whole. Therefore, the proposed project would be consistent with this policy.

Policy 2
Facilitate the siting of water-dependent uses and facilities on or adjacent to coastal waters.

The project site does not contain working waterfront uses. The waterfront portion of the project site currently includes underutilized commercial and industrial uses (construction and telecommunications storage uses on the WF Parcel and electronic/ink toner business on the Eastern Parcel) and vacant buildings. The proposed project is in keeping with recent trends toward mixed-use development in formerly industrial and manufacturing areas along the waterfront. The project would also include a public waterfront walkway that would provide new waterfront open space to the community. Therefore, the proposed project would be consistent with this policy.

Policy 11
Buildings and other structures will be sited in the coastal area so as to minimize damage to property and the endangering of human lives caused by flooding and erosion.

The project site is located within three flood zones of the East River. Specific areas of the project site that are within the currently applicable 100-year floodplain (Zone AE) include the WF Parcel, Eastern Parcel, and the western and southern extents of the NYCHA Parcel that is closest to the East River. The site of Building 8 within the NYCHA Parcel is within the currently applicable 100-year floodplain. The remainder of the NYCHA Parcel (roughly west of 4th Street) has portions that are within the currently applicable 500-year floodplain (defined as a moderate risk area) (Zone X Shaded) and outside of either the currently applicable 100-year or 500-year floodplain zones (defined as a low risk area) (Zone X Unshaded). The sites of Buildings 6 and 7 within the NYCHA Parcel are partly within the currently applicable 500-year floodplain.

The East River is a tidal strait connecting Long Island Sound to New York Bay, and the flood elevation is controlled by the tidal conditions within the New York Bay, Long Island Sound, and the Atlantic Ocean. Coastal floodplains are influenced by astronomic tide and meteorological forces (e.g., northeasters and hurricanes), and not by fluvial flooding (e.g., rivers and streams overflowing their banks). Because the floodplain within and adjacent to the project site is affected by coastal flooding, the construction and operation of the proposed project would not exacerbate flooding conditions on or near the project site.

The design and construction of the buildings within the project site would comply with New York City Building Code requirements for construction within the 100-year floodplain for the applicable building category. In June 2013, FEMA released new preliminary work FIRMs that precede the future publication of new duly adopted FIRMs, which represent the BAFHD at this time. FEMA encourages communities to use the BAFHD when making decisions about floodplain management and post-Hurricane Sandy recovery efforts. In addition, the New York City Zoning Resolution is currently proposed to be amended to allow projects to account for higher BFEs set forth in the preliminary work FIRMs for height and other zoning requirements. These BFEs would be higher than currently permitted under the current definition of base plane and base flood elevation in the Zoning Resolution, which refer to the existing 100 year floodplain as set forth in the existing FEMA FIRMs. The preliminary work FIRM indicates that the BFE for the WF Parcel would be approximately 11 feet in Queens Borough Highway Datum (QBHD), an approximately 3 foot increase over the currently applicable 100 year flood elevation. Under the currently contemplated plans accounting for the preliminary work FIRMs, the finished floor elevations for the residential ~~townhouse structures~~ and retail uses proposed for the WF Parcel along the East River would be about 3 feet above the ~~current~~ preliminary work FIRM 100-year flood elevation. In the event that new BAFHD are released by FEMA prior to construction that raises the projected base flood elevation, the proposed project would comply these flood elevations as required by the *New York City Building Code*. ~~The remaining residential units within the Eastern and WF Parcels would be within the towers above the low- to mid-rise bases that would be used for parking facilities on the interior and retail use on the exterior. These residential units would be well above the 100- and 500-year flood elevations.~~

~~The finished floor elevations for the ground floor retail use on the 27th Avenue plaza and 1st Street would be about 2 inches above the 100-year flood elevation.~~ The slab of the below-grade parking level for the Eastern and WF Parcels and the mechanical-electrical-plumbing spaces for the five buildings that would be constructed within these parcels would be below the 100-year flood elevations, but the basement structures would be flood-proofed and designed structurally to withstand the hydrostatic pressure exerted by the groundwater (which will also rise to about the 100-year elevation during a 100-year flood), consistent with Appendix G of the New York City Building Code. Therefore, the proposed project would minimize the potential for public and private losses due to flood damage, and reduce the exposure of public utilities to flood hazards and would be consistent with this policy.

Policy 12
Activities or development in the coastal area will be undertaken so as to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features including beaches, dunes, barrier islands and bluffs.

As described under Policy 11, the proposed project would not increase the potential for property damage due to flooding and erosion. The East River shoreline along the project site is currently engineered. The proposed project would include stabilization and repair of the existing shoreline armoring, comprising replacement of existing riprap and debris in some areas with granite riprap for improved scour protection. These shoreline stabilization activities would not result in a net increase in fill below mean high water (MHW) and spring high water (SHW) or a change in the shoreline configuration that would adversely affect natural resources. Therefore, the proposed project would be consistent with this policy.

Policy 17
Non-structural measures to minimize damage to natural resources and property from flooding and erosion shall be used whenever possible.

The proposed project includes repair and rehabilitation of an existing engineered shoreline but would not require new structures to minimize damage to natural resources or property from flooding or erosion. Therefore, the proposed project would be consistent with this policy.

Policy 19
Protect, maintain, and increase the level and types of access to public water-related recreation resources and facilities.

See discussions above for Policies 1, and 2. The proposed project would be consistent with this policy.

Policy 20
Access to the publicly-owned foreshore and to lands immediately adjacent to the foreshore or the water's edge that are publicly-owned shall be provided and it shall be provided in a manner compatible with adjoining uses.

See discussions above for Policies 1, and 2. The proposed project would be consistent with this policy.

Policy 21
Water-dependent and water-enhanced recreation will be encouraged and facilitated, and will be given priority over non-water-related used along the coast.

The project site is an existing developed site that would not be suitable for water dependent recreation. The proposed project would result in a mixed-use redevelopment in formerly industrial and manufacturing areas along the waterfront that would include a public waterfront esplanade that would provide new waterfront open space to the community. Therefore, the proposed project would be consistent with this policy.

Policy 22
Development, when located adjacent to the shore, will provide for water-related recreation, whenever such use is compatible with reasonably anticipated demand for such activities, and is compatible with the primary purpose of the development.

As discussed above, the proposed project would include an esplanade that would provide new publicly accessible open space along the waterfront. Therefore, the proposed project would be consistent with this policy.

Policy 25
Protect, restore or enhance natural and man-made resources which are not identified as being of statewide significance, but which contribute to the overall scenic quality of the coastal area.

The proposed project would not have significant adverse impacts on natural resources. The proposed project includes the provision of a publicly accessible waterfront open space and esplanade and upland connections to 1st Street, which are intended to provide view corridors and public access from 1st Street to the esplanade and East River. Significant adverse effects to visual resources would not occur as a result of the proposed project, and in some cases the project would be beneficial to visual resources, by replacing underutilized and vacant commercial and industrial buildings with an enlivened mixed-use development. Therefore, the proposed project would be consistent with this policy.

Policy 28
Ice management practices shall not interfere with the production of hydroelectric power, damage significant fish and wildlife and their habitats, or increase shoreline erosion or flooding.

The proposed project would not require ice management activities. Therefore this policy does not apply to the proposed project.

Policy 30
Municipal, industrial, and commercial discharge of pollutants, including but not limited to, toxic and hazardous substances, into coastal waters will conform to State and National water quality standards.

The repair of the existing New York City Department of Environmental Protection (DEP) outfalls and stabilization of the existing engineered shoreline would not result in adverse impacts to water quality of the East River. Shoreline stabilization would comprise replacement of existing riprap and debris in some areas with granite riprap for improved scour protection. These shoreline stabilization activities would not result in a net increase in fill below MHW and SHW. Any resuspension of bottom sediment resulting from the shoreline stabilization and repair would be minimal and temporary, and would be confined to the immediate vicinity of the work and would not result in significant or long-term adverse impacts to water quality or aquatic biota. The four new stormwater outfalls would be constructed above the SHW elevation and within the riprap revetment, and would not have the potential to adversely affect aquatic resources. Maintenance and minor repair of two existing DEP outfalls would consist of clearing of

debris and obstructive vegetation growth, and augmentation of deficient riprap. The proposed boardwalk esplanade would not extend over the MHW or SHW elevation and would not require in any construction activity within the East River. Runoff from the project site would be treated for quality prior to discharge to the East River and would not result in adverse impacts to aquatic resources. Therefore, the proposed project would be consistent with this policy.

Policy 32
Encourage the use of alternative or innovative sanitary waste systems in small communities where the costs of conventional facilities are unreasonably high, given the size of the existing tax base of these communities.

The proposed project would be located within Astoria, Queens. The project site is currently served by City potable water and sewer. Therefore, this policy does not apply to the proposed project.

Policy 33
Best management practices will be used to ensure the control of stormwater runoff and combined sewer overflows draining into coastal waters.

The proposed project would improve the management and treatment of stormwater entering the East River from the project site. Stormwater management measures implemented within the WF Parcel would improve the quality of stormwater discharged to the East River, reducing potential impacts to aquatic resources due to the discharge of runoff from this parcel, which is currently discharged untreated. Stormwater management measures implemented within the NYCHA and Eastern Parcels would regulate the rate at which runoff is discharged to the DEP storm sewer and then to the East River through the existing outfalls. The proposed project would result in a net increase in pervious surface coverage in the project site, thereby reducing runoff and potentially improving water quality along the shoreline. Therefore, the proposed project would be consistent with this policy.

Policy 35
Dredging and filling in coastal waters and disposal of dredged material will be undertaken in a manner that meets existing state permit requirements, and protects significant fish and wildlife habitats, scenic resources, natural protective features, important agricultural lands, and wetlands.

The proposed project would not involve dredging or filling in coastal waters. The proposed project would not result in a net increase in fill below MHW and SHW or a change in the shoreline configuration. Therefore, this policy does not apply to the proposed project.

Policy 36
Activities related to the shipment and storage of petroleum and other hazardous materials will be conducted in a manner that will prevent or at least minimize spills into coastal waters; all practicable efforts will be undertaken to expedite the cleanup of such discharges; and restitution damages will be required when these spills occur.

To reduce the potential for human or environmental exposure to known or unexpectedly encountered contamination during and following construction of the proposed project, a Remedial Action Plan (RAP) and associated Construction Health and Safety Plan (CHASP) would be prepared for implementation during proposed construction and submitted to DEP for review and approval. If petroleum storage tanks are encountered during project site redevelopment, these tanks would be properly closed and removed, along with any contaminated soil, in accordance with the applicable regulations, including NYSDEC spill reporting and registration requirements. Therefore, the proposed project would be consistent with this policy.

Policy 37
Best management practices will be utilized to minimize the non-point discharge of excess nutrients, organics and eroded soils into coastal waters.

As discussed under Policy 33, the proposed project would improve the capture and treatment of stormwater from the project site into the East River. Therefore, the proposed project would be consistent with this policy.

Policy 38
The quality and quantity of surface water and groundwater supplies will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply.

Water quality of the adjacent East River would not be adversely impacted by the proposed project, and may slightly benefit from the proposed improvements to stormwater management. The project site is located within the Brooklyn-Queens sole source aquifer. Construction and operation of the project would not result in adverse impacts to groundwater quality. Because groundwater is not used as a potable water supply in the area, there would be no potential impacts to drinking water supplies. Therefore, the proposed project would be consistent with this policy.

Policy 39
The transport, storage, treatment, and disposal of solid wastes, particularly hazardous wastes, within coastal areas will be conducted in such a manner so as to protect groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important agricultural land, and scenic resources.

The proposed project would not result in any significant adverse impacts to groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important agricultural land, and scenic resources. Demolition of existing structures within the project site and disposal of demolition material would be conducted in accordance with applicable regulatory requirements relating to asbestos, lead-based

paint and PCB-containing components. Therefore, the proposed project would be consistent with this policy.

Policy 40
Effluent discharged from major steam electric generating and industrial facilities into coastal waters will not be unduly injurious to fish and wildlife and shall conform to State water quality standards.

The proposed project is the development of a mixed use community within an underutilized portion of the East River waterfront in Astoria, Queens. It would not result in the development of a major steam electrical generating or industrial facility. Therefore, this policy does not apply to the proposed project.

Policy 41
Land use or development in the coastal area will not cause national or state air quality standards to be violated.

Neither construction nor operation of the proposed project would violate state air quality standards, and therefore, the proposed project would be consistent with this policy.

Policy 43
Land use or development in the coastal area must not cause the generation of significant amounts of acid rain precursors: nitrates and sulfates.

The proposed project would result in the development of a mixed use community that would not result in the generation of acid rain precursors. Therefore, the proposed project would be would be consistent with this policy.

Policy 44
Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.

The proposed project would not result in adverse impacts to New York State Department of Environmental Conservation (NYSDEC) tidal wetlands. Construction activities for the proposed project that would occur within areas regulated as NYSDEC tidal wetlands or NYSDEC tidal wetland adjacent areas (defined as landward areas between the mean high water line and the beginning of man-made structures or asphalt surfaces) include stabilization and repair of shoreline armoring, maintenance of two existing DEP outfalls, construction of four new stormwater outfalls, and construction of a boardwalk esplanade. Shoreline stabilization would comprise replacement of existing riprap and debris in some areas with granite riprap for improved scour protection. These shoreline stabilization activities would not result in a net increase in fill below MHW and SHW or a change in the shoreline configuration that would result in loss of NYSDEC littoral zone tidal wetlands. Any resuspension of bottom sediment resulting from the shoreline stabilization and repair would be minimal and temporary, and would be confined to the immediate vicinity of the work and would not result in significant or long-term adverse impacts to littoral zone tidal wetlands, water quality, or aquatic biota. The four new stormwater outfalls would be constructed above the SHW elevation and within the riprap revetment and would not have the potential to adversely affect NYSDEC littoral zone tidal wetlands or aquatic resources. Maintenance and minor

repair of two existing DEP outfalls would consist of clearing of debris and obstructive vegetation growth, and augmentation of deficient riprap. The proposed boardwalk esplanade would not extend over the MHW or spring SHW elevation and would not require in any construction activity within NYSDEC littoral zone tidal wetlands.

Operation of the proposed project would not result in significant adverse impacts to NYSDEC-designated littoral zone wetlands within the East River. Implementation of a Storm Water Pollution Prevention Plan (SWPPP) developed for the project site would minimize potential impacts to existing NYSDEC-designated littoral zone tidal wetlands, water quality, and aquatic biota. The new stormwater outfalls would convey runoff from the WF Parcel to the East River following treatment for quality, reducing the potential impacts to NYSDEC littoral zone tidal wetlands and aquatic resources due to the discharge of runoff from the project site. Runoff from the WF Parcel currently enters the East River untreated as undirected sheet flow off impervious surface. Therefore, the proposed project would be consistent with this policy.

STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001

ANDREW M. CUOMO
GOVERNOR

CESAR A. PERALES
SECRETARY OF STATE

June 19, 2013

Mr. Connor Lacefield, Senior Planner
AKRF, Inc.
440 Park Avenue South 7th Fl.
New York, New York 10016

RE: F-2013-0078
U.S. Army Corps of Engineers/New York District Permit Application - Hallets A. Development Company
Development of a large-scale housing development with affordable units, along with ground-floor retail space and approximately 2.2 acres of publicly accessible waterfront esplanade and open space.
East River, Borough of Queens, Queens County
General Concurrence

Dear Mr. Lacefield:

The Department of State received your Federal Consistency Assessment Form and consistency certification and supporting information for this proposal on January 25, 2013.

The Department of State has determined that this proposal meets the Department's general consistency concurrence criteria. Therefore, further review of the proposed activity by the Department of State, and the Department's concurrence with an individual consistency certification for the proposed activity, are not required.

This General Concurrence is without prejudice to and does not obviate the need to obtain all other applicable licenses, permits, other forms of authorization or approval that may be required pursuant to existing State statutes.

When communicating with us regarding this matter, please contact us at (518) 474-6000 and refer to our file #F-2013-0078.

Sincerely,

Jeffrey Zappieri
Supervisor, Consistency Review Unit
Division of Coastal Resources

JZ/TS/dc
cc: COE/New York District – Mike Scarano
DEC/Region 2 – John Cryan

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:
Halletts A Development Company, LLC by LEG Astoria LLC

Address:
301 Route 17, 9th Floor, North Rutherford, NJ 07070

3. Telephone: **(201) 460-3440** Fax: **(201) 460-1848**

E-mail Address:
rschenkel@lincolnequities.com

4. Project site owner:
Halletts A Development Company, LLC; New York City Housing Authority; and the New York City Department of Parks & Recreation

B. PROPOSED ACTIVITY

1. Brief description of activity:

The proposed actions would facilitate the development of a large-scale housing development with affordable units, along with ground-floor retail space and approximately 2.~~2~~4 acres of publicly accessible waterfront esplanade and open space. The project site would contain eight building sites on which new development would occur pursuant to the proposed project. Buildings 1 through 7 would be developed by the Applicant. Building 8 would be developed pursuant to a future request for proposal (RFP) by the New York City Housing Authority (NYCHA). The publicly accessible open space would include a waterfront esplanade along the East River and upland connections to 1st Street, as well as a connection to ~~Hallet's Cove~~ Halletts Point Playground south of the site and Whitey Ford Field/Hellgate Field north of the site. A portion of 27th Avenue and 26th Avenue would be demapped and transformed into pedestrian waterfront access corridors. In addition, a new connecting street segment would be constructed on the NYCHA Parcel (described below) between existing mapped portions of Astoria Boulevard. This new street connector would allow for vehicular travel through the NYCHA Parcel between 1st and 8th Streets, thereby improving circulation in the area and providing a better connection with the surrounding community. The proposed project would also include an important transit amenity—a bus layover facility along 2nd Street adjacent to Building 1 for the Q18, Q102, and Q103 bus routes, and potentially other routes in the future.

The proposed project would include improvements to stormwater and sanitary sewer infrastructure to support the new development, and shoreline stabilization improvements. Four new stormwater outfalls would be constructed above Spring High Water (SHW) within the existing riprap revetment on the East River to convey runoff from the waterfront parcel containing the proposed building sites for Buildings 1 through 5. Two existing City stormwater outfalls on the East River that would receive runoff from the other portions of the project site would be repaired (e.g., clearing of debris and obstructive vegetation growth, and augmentation of deficient riprap). In addition, it is expected that new sanitary sewers (in 27th Avenue and 1st Street) would be provided to convey additional wastewater flows generated from the project. Existing sections of City waterlines may be upgraded in accordance with New York City Department of Environmental Protection (DEP) requirements. Shoreline stabilization would comprise replacement of existing riprap and debris in some areas with granite riprap for improved scour protection.

Proposed Activity Cont'd

2. Purpose of activity:

The proposed project would transform a largely underused waterfront area into a new, enlivened mixed-use development. The proposed new housing would support the City's plans to provide additional capacity for residential development, especially affordable housing. The proposed neighborhood retail is intended to provide amenities that are currently lacking in the area and which would serve the existing residential population in addition to the project-generated population. The proposed project would also establish a new waterfront esplanade accessible to the Astoria community with upland connections and a connection to ~~Hallet's Cove~~ Halletts Point Playground south of the site and Whitey Ford Field north of the site. The new connecting street segment between existing mapped portions of Astoria Boulevard on the NYCHA Parcel is intended to improve circulation in the area and provide a better connection with the surrounding community. The development of Building 8, including the proposed ground-floor retail, is intended to enliven the new Astoria Boulevard. The proposed bus layover would facilitate the provision of better bus service to the area.

In addition to the Applicant's proposal for the development of Buildings 1 through 7, NYCHA is contemplating a master plan for the Astoria Houses that may include future development on other parcels within the campus. NYCHA is seeking to identify sources of revenue in order to continue its mission of maintaining and providing affordable housing, and one source of revenue is to reposition and capitalize on its existing real estate assets. Thus, the proposed disposition of the land for Buildings 6 and 7 to the Applicant and the anticipated future disposition of the land for Building 8 will provide revenue to support NYCHA's mission. As discussed above, the proposed actions would facilitate the disposition of the site for Building 8 by NYCHA pursuant to a future RFP.

3. Location of activity: Borough:

Astoria **Queens**

Street Address or Site Description:

The L-shaped, approximately 23-acre project site containing eight proposed building sites (totaling approximately 10 acres) is bounded by the 27th Avenue and the East River to the north, the East River to the south and west, and , 1st, 2nd, and 8th Streets to the east.

The project site consists of a number of parcels and rezoning areas (See Figure 1-3 in Chapter 1, "Project Description,"):

• Eastern Parcel – the northern portion of the block bounded by 26th Avenue, 1st Street, 2nd Street, and 27th Avenue (Block 915 Lot 6).

• Waterfront (WF) Parcel – the blocks bounded by 26th Avenue, 1st Street, Hallet's Cove Playground, and the East River (including the streetbeds of 26th and 27th Avenues between 1st Street and the East River) (Block 490 Lots 1 and 11, Block 916 Lots 1 and 10).

• NYCHA Parcel - The existing New York City Housing Authority (NYCHA) Astoria Houses campus, bounded by 27th Avenue, 1st Street, and 8th Street, and the Parks Parcel, described below (Block 490, Lot 101).

• Parks Parcel – a 10' wide strip of Hallet's Cove Playground (p/o Block 490 Lot 100).

• 2nd Street Rezoning Area – portion of 2nd Street bounded by the edge of Whitey Ford Field, the centerline of 2nd Street, the East River, and 26th Avenue.

• Whitey Ford Field – a New York City Department of Parks and Recreation-owned park bounded by 2nd Street, 26th Avenue, and the East River (Block 913 Lot 1).

• NYCHA Rezoning Area – Area along south side of 27th Avenue between 1st and 8th Streets extending 150 feet southward of the 27th Avenue lot line (27th Avenue portion) and Area along south side of Astoria Boulevard between 1st and 8th Streets extending 150 feet southward of Astoria Boulevard lot line (Astoria Boulevard portion) (p/o Block 490 Lot 101).

• Astoria Boulevard Connector – 70-foot-wide portion of parcel between the two ends of Astoria Boulevard on the NYCHA Parcel (p/o Block 490 Lot 101).

The eight proposed building sites would be located on the Eastern Parcel (Building 1), the WF Parcel (Buildings 2 through 5), and the NYCHA Parcel (Buildings 6, 7, and 8).

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:

To develop the proposed project, it is expected that the following state and federal permits would be required:
● Authorization from the New York State Department of Environmental Conservation (NYSDEC) under Articles 15 (Protection of Waters), and 25 (Tidal Wetlands), and Section 401 Water Quality Certification, and from the USACE under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act for the proposed riprap revetment maintenance and repair, repair of existing outfalls, and new outfall construction;
● Coverage under NYSDEC State Pollutant Discharge Elimination System (SPDES) General Permit GP-0-10-001 for stormwater discharges from construction activity

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

Potential financing from City and/or State or federal agencies for affordable housing construction.

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; in addition, the disposition of NYCHA property will require a federal approval from the U.S. Department of Housing and Urban Development (HUD) that is subject to review under the National Environmental Policy Act (NEPA). The New York City Department of Housing Preservation and Urban Development (HPD) acts as a Responsible Entity for NYCHA's environmental reviews pursuant to 24 CFR Part 58.

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

To develop the proposed project, the following City actions would be required: zoning map changes, zoning text amendments, LSGD bulk modification special permits, waterfront special permits, waterfront authorizations and certifications, and mapping actions.

C. COASTAL ASSESSMENT

The following questions represent, in a broad sense, the policy of the WRP. The number in the parentheses after each question indicates 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 question 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.		
See Chapter 3, "Land Use, Zoning, and Public Policy" for a discussion of the relevant policies for each "yes" response.		
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	

Policy Questions cont'd:		Yes	No
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
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? (4.1 and 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	
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 publicly 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	

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: **Halletts A Development Company, LLC, by LEG Astoria LLC**

Address: **301 Route 17, 9th Floor, North Rutherford, NJ 07070** **201-460-3440**

Telephone

Applicant/Agent Signature: _____ Date: 1/10 **, 2013**

From:	MARY KIMBALL
To:	CELESTE EVANS; DIANE MCCARTHY; JOY CHEN
Cc:	MICHAEL MARRELLA
Subject:	Hallets Point WRP 12-087
Date:	Wednesday, April 03, 2013 4:23:12 PM

We have completed the review of the project as described below for consistency with the policies and intent of the New York City Waterfront Revitalization Program (WRP).

HALLETTS POINT: REZONING TO FACILITATE THE DEVELOPMENT OF MIXED-USE RESIDENTIAL, COMMERCIAL AND COMMUNITY FACILITY USES SPREAD BETWEEN 7 HIGH-RISE WATERFRONT AND UPLAND TOWERS IN HALLETTS POINT. INCLUDES AFFORDABLE HOUSING, GROCERY STORE, NONPROFIT OFFICE SPACE, PARKING AND OVER 2 ACRES OF NEW PARKLAND

Based on the information submitted, the Waterfront Open Space Division, on behalf of the New York City Coastal Commission, having reviewed the waterfront aspect of this action, finds that the actions will not substantially hinder the achievement of any Waterfront Revitalization Program (WRP) policy and hereby determines that this action is consistent with the WRP policies.

This consistency determination is only applicable to the information received and the current proposal. Any additional information or project modifications would require an independent consistency review.

For the record, this project has been assigned WRP # 12-087. If there are any questions regarding this review, please contact me.

Mary Kimball
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