2713-2735 Knapp Street
Environmental Assessment Statement
CEQR No.: 12DCP160K

Prepared for:
NYC Department of City Planning

Prepared on Behalf of:
Metro Storage NYC, LLC

Prepared by:
Philip Habib & Associates
January 9, 2013

2713-2735 Knapp Street
Environmental Assessment Statement
CEQR No. 12DCP160K

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City Environmental Quality Review
ENVIRONMENTAL ASSESSMENT STATEMENT SHORT FORM • FOR UNLISTED ACTIONS ONLY

Please fill out, print and submit to the appropriate agency (see instructions)

PART I: GENERAL INFORMATION

1. ***Does Action Exceed Any Type I Threshold In 6 NYCRR Part 617.4 or 43 RCNY §6-15(A) (Executive Order 91 of 1977, as amended)?***

☐ Yes ☑ No

If yes, **STOP**, and **complete the FULL EAS**

2. ***Project Name*** **2713-2735 Knapp Street EAS**

3. ***Reference Numbers***

CEQR REFERENCE NUMBER (To Be Assigned by Lead Agency) **12DCP160K**	BSA REFERENCE NUMBER (If Applicable)
ULURP REFERENCE NUMBER (If Applicable)) **N120288ZCK**	OTHER REFERENCE NUMBER(S) (If Applicable) (e.g. Legislative Intro, CAPA, etc)

4a. *Lead Agency Information*

NAME OF LEAD AGENCY
New York City Department of City Planning

NAME OF LEAD AGENCY CONTACT PERSON
Robert Dobruskin, AICP, Director, EARD

ADDRESS **22 Reade Street, 4E**

CITY **New York** STATE **NY** ZIP **10007**

TELEPHONE **(212) 720-3423** FAX **(212) 720-3423**

EMAIL ADDRESS **rdobrus@planning.nyc.gov**

4b. *Applicant Information*

NAME OF APPLICANT
Metro Storage NY, LLC

NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON
Martin J. Gallagher, President

ADDRESS **204 West 84th Street, Third Floor**

CITY **New York** STATE **NY** ZIP **10024**

TELEPHONE **(847) 235-8911** FAX **(847) 235-8902**

EMAIL ADDRESS **mgallagher@metrostorage.com**

5. ***Project Description:***

This application is for the cancelation of an existing Restrictive Declaration at 2713-2735 Knapp Street in the Sheepshead Bay neighborhood of Brooklyn Community District 15. The proposed modification would remove the restrictive declaration from the Project Site and allow for development that meets the underlying C8-1 zoning requirements. In coordination with DCP, the reasonable worst-case development scenario (RWCDS) of the Project Site would be a 25,000 square foot, single-story specialty retail (small destination retail) facility with 84 accessory parking spaces required under the C8-1 zoning. Refer to Attachment A, "Project Description" for details.

6a. ***Project Location: Single Site*** *(for a project at a single site, complete all the information below)*

ADDRESS **2713-2735 Knapp Street** NEIGHBORHOOD NAME **Sheepshead Bay**

TAX BLOCK AND LOT **Block 8839 Lots 11, 14, 53 & p/o 20; Block 8840 Lots 70, 77, 84 & p/o 90; Block 8841 Lot 525** BOROUGH **Brooklyn** COMMUNITY DISTRICT **15**

DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS

The Project Site is bounded by Knapp Street to the west, Voorhies Avenue to the north and Shell Bank Creek to the east and south.

EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION IF ANY: **C8-1*** ZONING SECTIONAL MAP NO: **29a**

*The Project Site is subject to a Restrictive Declaration and thus existing zoning district regulations are not applicable.

6b. ***Project Location: Multiple Sites*** *(Provide a description of the size of the project area in both City Blocks and Lots. If the project would apply to the entire city or to areas that are so extensive that a site-specific description is not appropriate or practicable, describe the area of the project, including bounding streets, etc.)*

N/A

7. ***REQUIRED ACTIONS OR APPROVALS*** *(check all that apply)*

City Planning Commission: YES ☑ NO ☐

- ☐ CITY MAP AMENDMENT
- ☐ ZONING MAP AMENDMENT
- ☐ ZONING TEXT AMENDMENT
- ☐ UNIFORM LAND USE REVIEW PROCEDURE (ULURP)
- ☐ CONCESSION
- ☐ UDAAP
- ☐ REVOCABLE CONSENT
- ☐ ZONING CERTIFICATION
- ☐ ZONING AUTHORIZATION
- ☐ HOUSING PLAN & PROJECT
- ☐ SITE SELECTION — PUBLIC FACILITY
- ☐ FRANCHISE
- ☐ DISPOSITION — REAL PROPERTY

ZONING SPECIAL PERMIT, SPECIFY TYPE:

Board of Standards and Appeals: YES ☐ NO ☑

- ☐ SPECIAL PERMIT

EXPIRATION DATE MONTH DAY YEAR

- ☐ VARIANCE (USE)
- ☐ VARIANCE (BULK)

SPECIFY AFFECTED SECTION(S) OF THE ZONING RESOLUTION

- ☐ MODIFICATION OF
- ☐ RENEWAL OF
- ☑ OTHER **Cancellation of an existing restrictive declaration.**

Department of Environmental Protection: YES ☐ NO ☑ IF YES, IDENTIFY:

Other City Approvals: YES ☑ NO ☐

- ☐ LEGISLATION
- ☐ FUNDING OF CONSTRUCTION; SPECIFY:
- ☐ POLICY OR PLAN; SPECIFY:
- ☐ LANDMARKS PRESERVATION COMMISSION APPROVAL *(not subject to CEQR)*
- ☐ 384(b)(4) APPROVAL
- ☐ RULEMAKING
- ☐ CONSTRUCTION OF PUBLIC FACILITIES
- ☐ FUNDING OF PROGRAMS; SPECIFY:
- ☑ PERMITS; SPECIFY: **DOB, DEP Permits**
- ☐ OTHER; EXPLAIN
- ☐ PERMITS FROM DOT'S OFFICE OF CONSTRUCTION MITIGATION AND COORDINATION (OCMC) *(not subject to CEQR)*

State or Federal Actions/Approvals/Funding: YES ☐ NO ☑ IF "YES," IDENTIFY:

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

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

- ☑ Site location map **(See Figure A-1)**
- ☑ Zoning map **(See Figure 2)**
- ☑ Photographs of the project site taken within 6 months of EAS submission and keyed to the site location map **(See Figure 4a)**
- ☑ Sanborn or other land use map **(See Figure 1)**
- ☑ Tax map **(See Figure 3)**
- ☐ For large areas or multiple sites, a GIS shape file that defines the project sites

PHYSICAL SETTING *(both developed and undeveloped areas)*

Total directly affected area (sq. ft.):	Type of Waterbody and surface area (sq. ft.):	Roads, building and other paved surfaces (sq. ft.)
Approximately 200,000 sq. ft. (Total Lot Area)	**Approximately 100,330 sq. ft. (underwater portion of lot area)**	**N/A**

Other, describe (sq. ft.): 99,670 s **q. ft. of vacant & unpaved lot**

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

Size of project to be developed: **Approx. 25,000** (gross sq. ft.) ****Please see Attachment A: "Project Description" for more details****

Does the proposed project involve changes in zoning on one or more sites? YES ☐ NO ☑

If 'Yes,' identify the total square feet owned or controlled by the applicant: Total square feet of non-applicant owned development:

Does the proposed project involve in-ground excavation or subsurface disturbance, including but not limited to foundation work, pilings, utility lines, or grading? YES ☑ NO ☐

If 'Yes,' indicate the estimated area and volume dimensions of subsurface disturbance (if known):

Area: **Unknown at this time** sq. ft. (width × length) Volume: **Unknown at this time** cubic feet (width × length × depth)

DESCRIPTION OF PROPOSED USES *(please complete the following information as appropriate)*

	Residential	***Commercial***	***Community Facility***	***Industrial/Manufacturing***
Size (in gross sq. ft.)	**N/A**	**25,000 gsf**	**0 gsf**	**0 gsf**
Type (e.g. retail, office, school)	**N/A** units	**1-story local retail**	**N/A**	**N/A**

Does the proposed project increase the population of residents and/or on-site workers? YES ☑ NO ☐ Number of additional residents? **N/A** Number of additional workers? **25**

Provide a brief explanation of how these numbers were determined: **Assume that retail uses generate 3 employees per 1,000 gsf**

Does the project create new open space? YES ☑ NO ☐ if Yes **Approx. 28,670 sf Esplanade** (sq. ft)

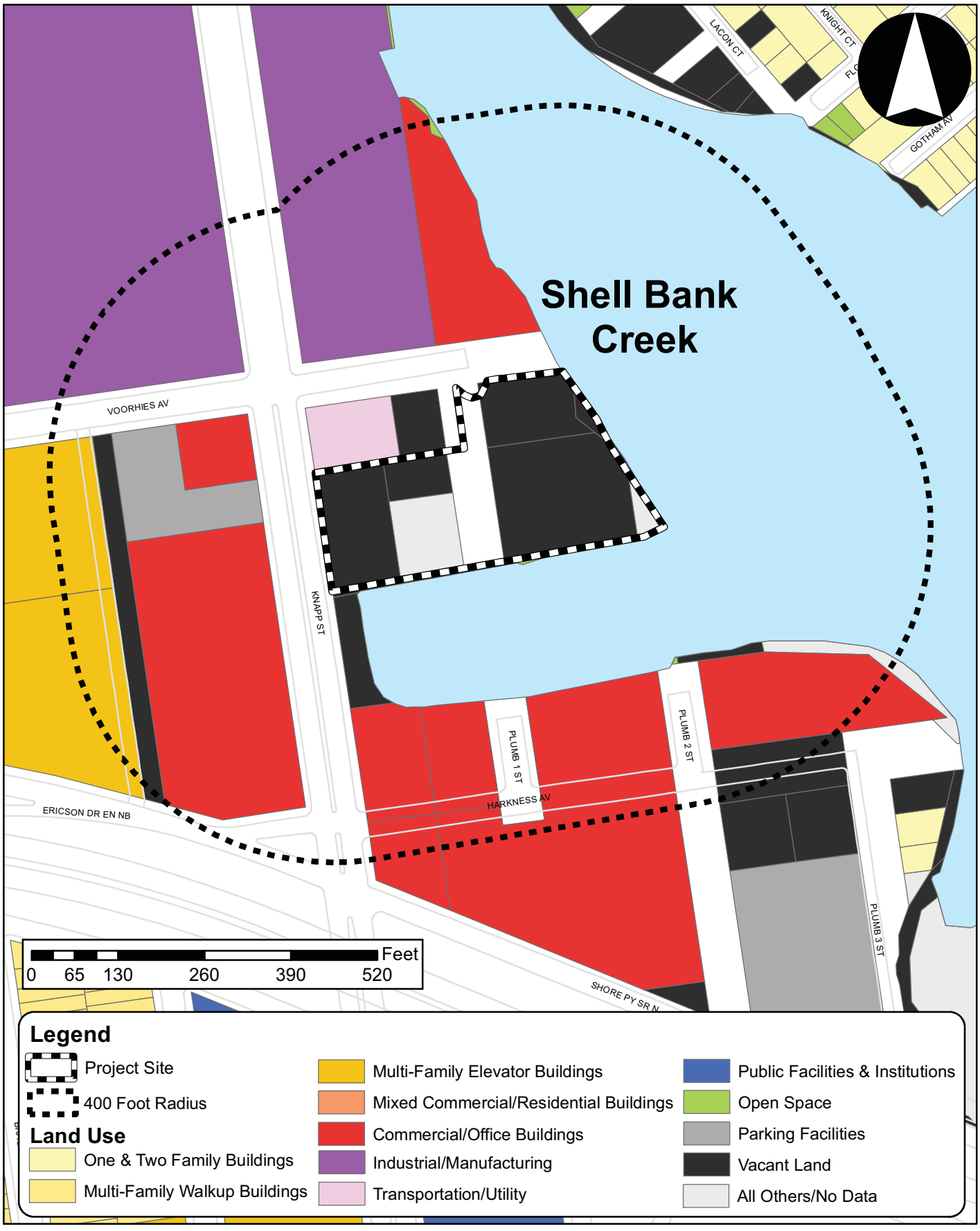
Using Table 14-1, estimate the project's projected operational solid waste generation, if applicable:	**1,975**	(pounds per week)
Using energy modeling or Table 15-1, estimate the project's projected energy use:	**5.4 million**	(annual BTUs)

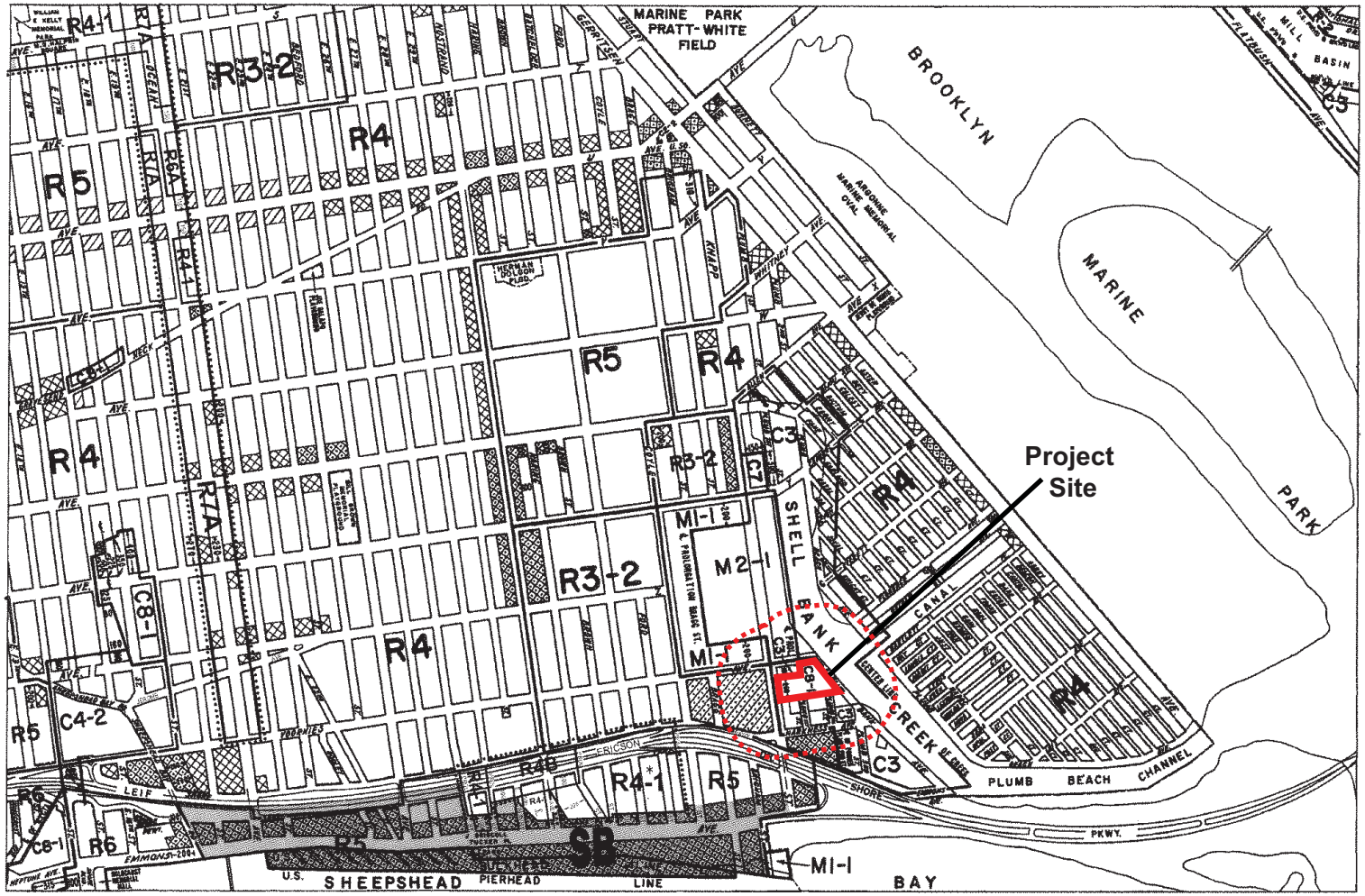
Has a No-Action scenario been defined for this project that differs from the existing condition? YES ☑ NO ☐ If 'Yes,' see Chapter 2, "Establishing the Analysis Framework" and describe briefly:

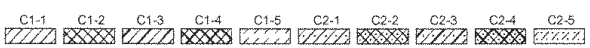
Without the Proposed Action, the Project Site would remain subject to the restrictive declaration and the RWCDS retail facility would not be constructed. The site would remain vacant until a development that would meet all of the restrictive declaration specifications was proposed.

Figure 1

Land Use Map







NOTE: Where no dimensions for zoning district boundaries appear on the zoning maps, such dimensions are determined in Article VII, Chapter 6 (Location of District Boundaries) of the Zoning Resolution.

ZONING MAP

THE NEW YORK CITY PLANNING COMMISSION

Major Zoning Classifications:

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

R – RESIDENTIAL DISTRICT

C – COMMERCIAL DISTRICT

M – MANUFACTURING DISTRICT

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

AREA(S) REZONED

Effective Date(s) of Rezoning:

* 02-15-2006 C 060132 ZMK
02-15-2006 C 060129 ZMK

Special Requirements:

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

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

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

MAP KEY

22d	23b	23d
28c	**29a**	29c
28d	29b	29d

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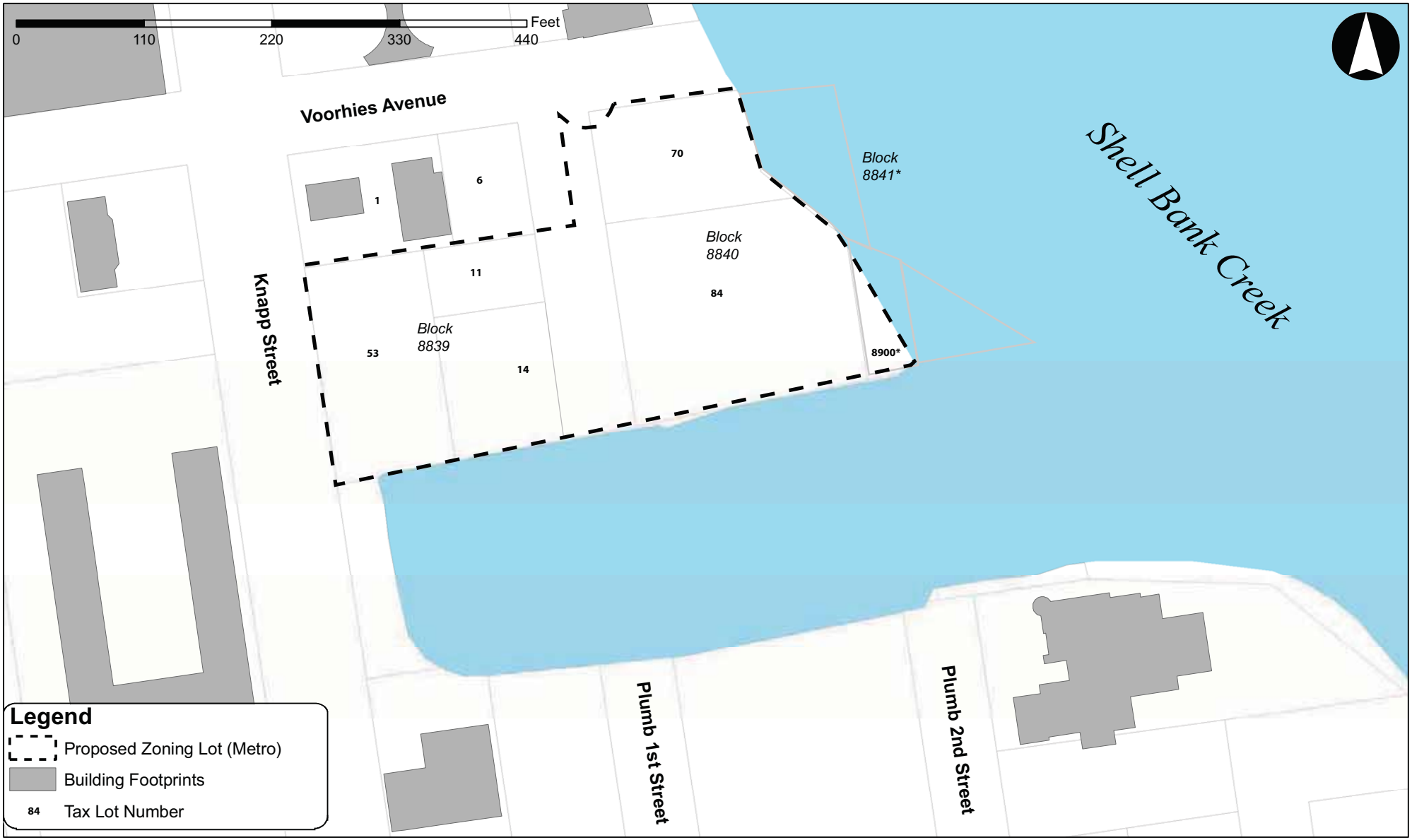
ZONING MAP 29a

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

400 Foot Radius

2713-2735 Knapp Street EAS

Figure 2
Zoning Map

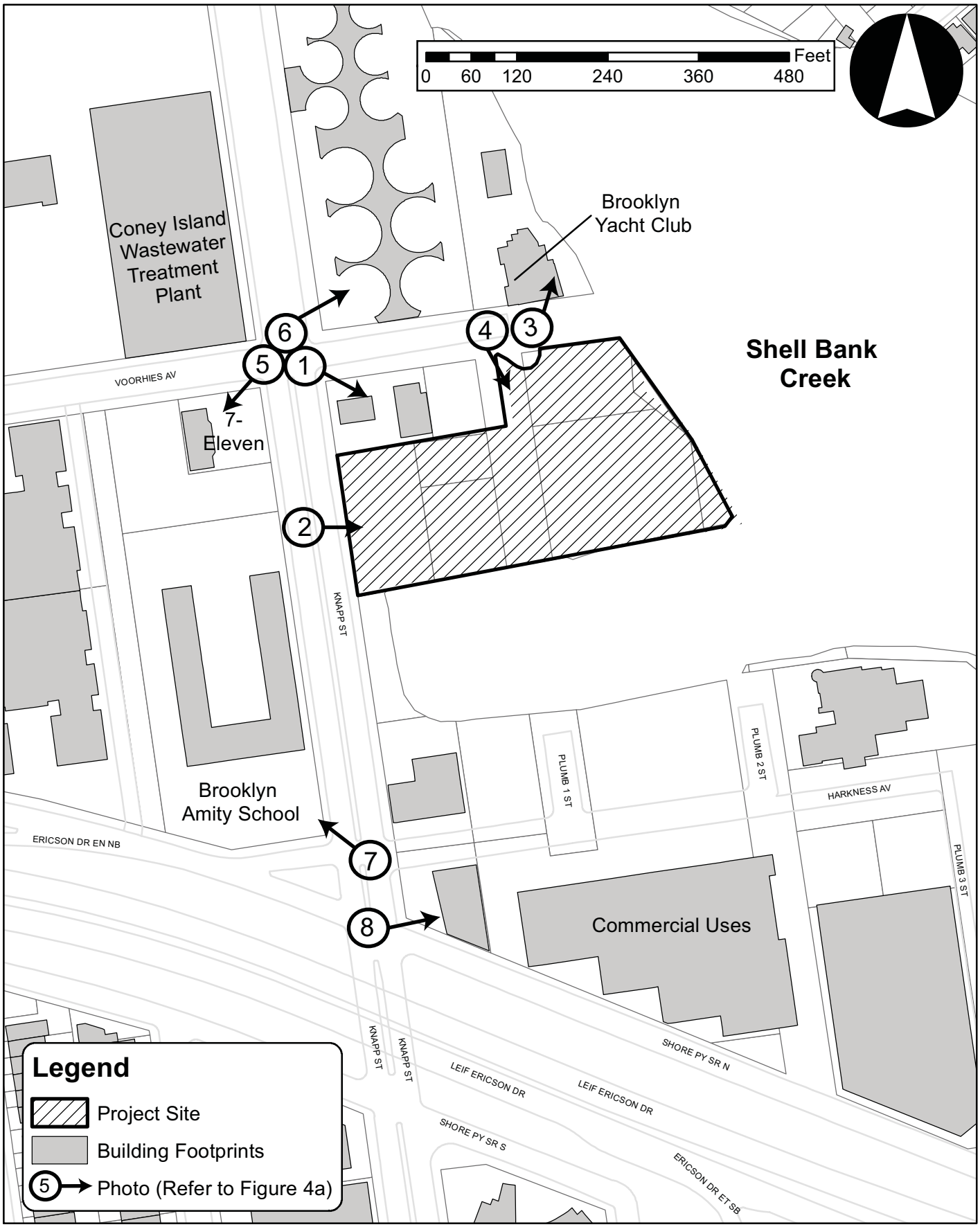


*Lot (or portion of lot) is underwater

2713-2755 Knapp Street

Tax Map - Blocks 8839, 8840, & 8841

Photo Key Map





1 Existing commercial property adjacent to the Project Site at corner of Knapp Street and Voorhies Avenue.



2 Frontage of Project Site on Knapp Street.



3 The Brooklyn Yacht Club, north of the Project Site across Voorhies Avenue.



4 Entrance to the Project Site on Voorhies Avenue.



5 Commercial and residential uses to the west of the Project Site along Voorhies Avenue.



6 The Coney Island Wastewater Treatment Plant, northwest of the Project Site across Voorhies Avenue.



7 The Brooklyn Amity School to the southwest of the Project Site.



8 Commercial uses to the south of the Project Site along Knapp Street.

10. *Analysis Year* CEQR Technical Manual Chapter 2

ANTICIPATED BUILD YEAR (DATE THE PROJECT WOULD BE COMPLETED AND OPERATIONAL):	ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS:
2014	**12 Months**

WOULD THE PROJECT BE IMPLEMENTED IN A SINGLE PHASE?	IF MULTIPLE PHASES, HOW MANY PHASES:
YES ☑ NO ☐	**N/A**

BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE: **All construction of the RWCDS retail facility would be complete by 2014.**

11. *What is the Predominant Land Use in Vicinity of Project?* *(Check all that apply)*

☐ RESIDENTIAL ☐ MANUFACTURING ☑ COMMERCIAL ☐ PARK/FOREST/OPEN SPACE ☑ OTHER, Describe: **Industrial (DEP Wastewater Treatment Plant)**

PART II: TECHNICAL ANALYSES

INSTRUCTIONS: The questions in the following table refer to the thresholds for each analysis area in the respective chapter of the CEQR Technical Manual.

- If the proposed project can be demonstrated not to meet or exceed the threshold, check the '**NO**' box.
- If the proposed project will meet or exceed the threshold, or if this cannot be determined, check the '**YES**' box.
- Often, a 'Yes' answer will result in a preliminary analysis to determine whether further analysis is needed. For each 'Yes' response, consult the relevant chapter of the CEQR Technical Manual for guidance on providing additional analyses (and attach supporting information, if needed) to determine whether detailed analysis is needed. Please note that a 'Yes' answer does not mean that an EIS must be prepared—it often only means that more information is required for the lead agency to make a determination of significance.
- The lead agency, upon reviewing Part II, may require an applicant either to provide additional information to support this Short EAS Form or complete a Full EAS Form. For example, if a question is answered 'No,' an agency may request a short explanation for this response. In addition, if a large number of the questions are marked 'Yes,' the lead agency may determine that it is appropriate to require completion of the Full EAS Form.

	YES	NO
1. *LAND USE, ZONING AND PUBLIC POLICY*: CEQR Technical Manual Chapter 4		
(a) Would the proposed project result in a change in land use or zoning that is different from surrounding land uses and/or zoning? Is there the potential to affect an applicable public policy? If "Yes", complete a preliminary assessment and attach.		✓
(b) Is the project a large, publicly sponsored project? If "Yes", complete a PlaNYC assessment and attach.		✓
(c) Is any part of the directly affected area within the City's Waterfront Revitalization Program boundaries? If "Yes", complete the Consistency Assessment Form.	✓	
2. *SOCIOECONOMIC CONDITIONS*: CEQR Technical Manual Chapter 5		
(a) Would the proposed project:		
• Generate a net increase of 200 or more residential units?		✓
• Generate a net increase of 200,000 or more square feet of commercial space?		✓
• Directly displace more than 500 residents?		✓
• Directly displace more than 100 employees?		✓
• Affect conditions in a specific industry?		✓
3. *COMMUNITY FACILITIES*: CEQR Technical Manual Chapter 6		
(a) Does the proposed project exceed any of the thresholds outlined in Table 6-1 of Chapter 6?		✓
4. *OPEN SPACE*: CEQR Technical Manual Chapter 7		
(a) Would the proposed project change or eliminate existing open space?		✓
(b) Is the proposed project within an underserved area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island? If "Yes," would the proposed project generate 50 or more additional residents?		✓
If "Yes," would the proposed project generate 125 or more additional employees?		
(c) Is the proposed project in a well-served area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island? If "Yes," would the proposed project generate 300 or more additional residents?		✓
If "Yes," would the proposed project generate 750 or more additional employees?		
(d) If the proposed project is not located in an underserved or well-served area, would the proposed project generate: 200 or more additional residents?		✓
500 additional employees?		✓

	YES	NO
5. *SHADOWS:* *CEQR Technical Manual Chapter 8*		
(a) Would the proposed project result in a net height increase of any structure of 50 feet or more?		✓
(b) Would the proposed project result in any increase in structure height and be located adjacent to or across the street from a sunlight-sensitive resource?	✓	
6. *HISTORIC AND CULTURAL RESOURCES*: *CEQR Technical Manual Chapter 9*		
(a) Does the proposed project site or an adjacent site contain any architectural and/or archaeological resource that is eligible for, or has been designated (or is calendared for consideration) as a New York City Landmark, Interior Landmark or Scenic Landmark; is listed or eligible for listing on the New York State or National Register of Historic Places; or is within a designated or eligible New York City, New York State, or National Register Historic District? If "Yes," list the resources and attach supporting information on whether the project would affect any of these resources.		✓
7. *URBAN DESIGN*: *CEQR Technical Manual Chapter 10*		
(a) Would the proposed project introduce a new building, a new building height, or result in any substantial physical alteration to the streetscape or public space in the vicinity of the proposed project that is not currently allowed by existing zoning?	✓	
(b) Would the proposed project result in obstruction of publicly accessible views to visual resources that is not currently allowed by existing zoning?		✓
8. *NATURAL RESOURCES:* *CEQR Technical Manual Chapter 11*		
(a) Is any part of the directly affected area within the Jamaica Bay Watershed? If "Yes," complete the Jamaica Bay Watershed Form.	✓	
(b) Does the proposed project site or a site adjacent to the project contain natural resources as defined in section 100 of Chapter 11? If "Yes," list the resources and attach supporting information on whether the project would affect any of these resources.	✓	
9. *HAZARDOUS MATERIALS:* *CEQR Technical Manual Chapter 12*		
(a) Would the project allow commercial or residential use in an area that is currently, or was historically, a manufacturing area that involved hazardous materials?		✓
(b) Does the project site have existing institutional controls (*e.g.* (E) designations or a Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts?		✓
(c) Would the project require soil disturbance in a manufacturing zone or any development on or near a manufacturing zone or existing/historic facilities listed in Appendix 1 (including nonconforming uses)?		✓
(d) Would the project result in the development of a site where there is reason to suspect the presence of hazardous materials, contamination, illegal dumping or fill, or fill material of unknown origin?	✓	
(e) Would the project result in development where underground and/or aboveground storage tanks (*e.g.* gas stations) are or were on or near the site?	✓	
(f) Would the project result in renovation of interior existing space on a site with potential compromised air quality, vapor intrusion from on-site or off-site sources, asbestos, PCBs or lead-based paint?		✓
(g) Would the project result in development on or near a government-listed voluntary cleanup/brownfield site, current or former power generation/transmission facilities, municipal incinerators, coal gasification or gas storage sites, or railroad tracks and rights-of-way?		✓
(h) Has a Phase I Environmental Site Assessment been performed for the site? If 'Yes," were RECs identified? Briefly identify: **Please see Attachment B, "Supplemental Screening" for details.**	✓	
10. *INFRASTRUCTURE:* *CEQR Technical Manual Chapter 13*		
(a) Would the proposed project result in water demand of more than one million gallons per day?		✓
(b) Is the proposed project located in a combined sewer area and result in at least 1,000 residential units or 250,000 SF or more of commercial space in Manhattan or at least 400 residential units or 150,000 SF or more of commercial space in the Bronx, Brooklyn, Staten Island or Queens?		✓
(c) Is the proposed project located in a separately sewered area and result in the same or greater development than that listed in Table 13-1 of Chapter 13?		✓
(d) Would the project involve development on a site five acres or larger where the amount of impervious surface would increase?		✓
(e) Would the project involve development on a site one acre or larger where the amount of impervious surface would increase and is located within the Jamaica Bay Watershed or in certain specific drainage areas including: Bronx River, Coney Island Creek, Flushing Bay and Creek, Gowanus Canal, Hutchinson River, Newtown Creek, or Westchester Creek?	✓	
(f) Is the project located in an area that is partially sewered or currently unsewered?		✓
(g) Is the project proposing an industrial facility or activity that would contribute industrial discharges to a WWTP and/or generate contaminated stormwater in a separate storm sewer system?		✓
(h) Would the project involve construction of a new stormwater outfall that requires federal and/or state permits?		✓
11. *SOLID WASTE AND SANITATION SERVICES:* *CEQR Technical Manual Chapter 14*		
(a) Would the proposed project have the potential to generate 100,000 pounds (50 tons) or more of solid waste per week?		✓
(b) Would the proposed project involve a reduction in capacity at a solid waste management facility used for refuse or recyclables generated within the City?		✓

	YES	NO
12. *ENERGY*: CEQR Technical Manual Chapter 15		
(a) Would the proposed project affect the transmission or generation of energy?		✓
13. *TRANSPORTATION*: CEQR Technical Manual Chapter 16		
(a) Would the proposed project exceed any threshold identified in Table 16-1 of Chapter 16?	✓	
(b) If "Yes," conduct the screening analyses, attach appropriate back up data as needed for each stage, and answer the following questions:		
(1) Would the proposed project result in 50 or more Passenger Car Equivalents (PCEs) per project peak hour? If "Yes," would the proposed project result in 50 or more vehicle trips per project peak hour at any given intersection?	✓	
***It should be noted that the lead agency may require further analysis of intersections of concern even when a project generates fewer than 50 vehicles in the peak hour. See Subsection 313 of Chapter 16, "Transporation," for information.*		✓
(2) Would the proposed project result in more than 200 subway/rail or bus trips per project peak hour? If "Yes," would the proposed project result, per project peak hour, in 50 or more bus trips on a single line (in one direction) or 200 subway trips per station or line?		✓
(3) Would the proposed project result in more than 200 pedestrian trips per project peak hour? If "Yes," would the proposed project result in more than 200 pedestrian trips per project peak hour to any given pedestrian or transit element, crosswalk, subway stair, or bus stop?		✓
14. *AIR QUALITY*: CEQR Technical Manual Chapter 17		
(a) *Mobile Sources:* Would the proposed project result in the conditions outlined in Section 210 of Chapter 17?		✓
(b) *Stationary Sources:* Would the proposed project result in the conditions outlined in Section 220 of Chapter 17?	✓	
If 'Yes,' would the proposed project exceed the thresholds in the Figure 17-3, Stationary Source Screen Graph? (attach graph as needed)		✓
(c) Does the proposed project involve multiple buildings on the project site?		✓
(d) Does the proposed project require Federal approvals, support, licensing, or permits subject to conformity requirements?		✓
(e) Does the proposed project site have existing institutional controls (*e.g.* E-designations or a Restrictive Declaration) relating to air quality that preclude the potential for significant adverse impacts?		✓
15. *GREENHOUSE GAS EMISSIONS*: CEQR Technical Manual Chapter 18		
(a) Is the proposed project a city capital project, a power plant, or would fundamentally change the City's solid waste management system?		✓
(b) If "Yes," would the proposed project require a GHG emissions assessment based on the guidance in Chapter 18?		
16. *NOISE*: CEQR Technical Manual Chapter 19		
(a) Would the proposed project generate or reroute vehicular traffic?	✓	
(b) Would the proposed project introduce new or additional receptors (see Section 124 of Chapter 19) near heavily trafficked roadways, within one horizontal mile of an existing or proposed flight path, or within 1,500 feet of an existing or proposed rail line with a direct line of site to that rail line?	✓	
(c) Would the proposed project cause a stationary noise source to operate within 1,500 feet of a receptor with a direct line of sight to that receptor or introduce receptors into an area with high ambient stationary noise?		✓
(d) Does the proposed project site have existing institutional controls (*e.g.* E-designations or a Restrictive Declaration) relating to noise that preclude the potential for significant adverse impacts?		✓
17. *PUBLIC HEALTH*: CEQR Technical Manual Chapter 20		
(a) Would the proposed project warrant a public health assessment based upon the guidance in Chapter 20?		✓
18. *NEIGHBORHOOD CHARACTER*: CEQR Technical Manual Chapter 21		
(a) Based upon the analyses conducted for the following technical areas, check yes if any of the following technical areas required a detailed analysis: Land Use, Zoning, and Public Policy, Socioeconomic Conditions, Open Space, Historic and Cultural Resources, Urban Design and Visual Resources, Shadows, Transportation, Noise	✓	
If "Yes," explain here why or why not an assessment of neighborhood character is warranted based on the guidance of in Chapter 21, "Neighborhood Character." Attach a preliminary analysis, if necessary.		

As indicated above and/or described in the attached analyses, the proposed action does not have the potential to result in significant adverse impacts to land use, zoning, and public policy, socioeconomic conditions, open space, historic and cultural resources, urban design and visual resources, shadows, transportation, or noise. Nor would the proposed action result in a combination of moderate effects to several elements that cumulatively may affect neighborhood character. Therefore, an assessment of neighborhood character is not warranted.

		YES	NO
19.	***CONSTRUCTION IMPACTS:*** *CEQR Technical Manual Chapter 22* Would the project's construction activities involve (check all that apply):		
	• Construction activities lasting longer than two years;		✓
	• Construction activities within a Central Business District or along an arterial or major thoroughfare;		✓
	• Require closing, narrowing, or otherwise impeding traffic, transit or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, etc);		✓
	• Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out;		✓
	• The operation of several pieces of diesel equipment in a single location at peak construction;		✓
	• Closure of community facilities or disruption in its service;		✓
	• Activities within 400 feet of a historic or cultural resource; or		✓
	• Disturbance of a site containing natural resources.		✓

If any boxes are checked, explain why or why not a preliminary construction assessment is warranted based on the guidance of in Chapter 22, "Construction." It should be noted that the nature and extent of any commitment to use the Best Available Technology for construction equipment or Best Management Practices for construction activities should be considered when making this determination.

The proposed development may result in temporary disruptions, including noise, dust and traffic associated with the delivery of materials and arrival of workers on the Project Site. These affects however would be temporary and are therefore not considered significant.

20. *APPLICANT'S CERTIFICATION*

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

Still under oath, I further swear or affirm that I make this statement in my capacity as the

Martin J. Gallagher, President of **Metro Storage NY, LLC**

APPLICANT/SPONSOR — SIGNATURE — NAME THE ENTITY OR OWNER

the entity which seeks the permits, approvals, funding or other governmental action described in this EAS.

Check if prepared by: ☑ APPLICANT/REPRESENTATIVE or ☐ LEAD AGENCY REPRESENTATIVE (FOR CITY-SPONSORED PROJECTS)

Philip A. Habib, Principal, Philip Habib & Associates

APPLICANT'S ENVIRONMENTAL CONSULTANT

LEAD AGENCY REPRESENTATIVE NAME

SIGNATURE

January 9, 2013

DATE

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

PART III: DETERMINATION OF SIGNIFICANCE (To Be Completed By Lead Agency)

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

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

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

2. Are there any aspects of the project relevant to the determination whether the project may have a significant impact on the environment, such as combined or cumulative impacts, that were not fully covered by other responses and supporting materials? If there are such impacts, explain them and state where, as a result of them, the project may have a significant impact on the environment.

3. ***LEAD AGENCY CERTIFICATION***

TITLE

LEAD AGENCY

NAME

SIGNATURE

Attachment A

I. INTRODUCTION

Metro Storage NY, LLC (the "Applicant") is proposing to cancel the Restrictive Declaration D-100 (the "Proposed Action") for 2713-2735 Knapp Street (the "Project Site"), which is located at the southeast corner of Knapp Street and Voorhies Avenue (see Figure A-1 for aerial) in the Sheepshead Bay neighborhood of Brooklyn Community District 15. The Restrictive Declaration (D-100), which was recorded in 1984 in anticipation of a retail and marina development, includes the following Blocks and Tax Lots, portions of which are underwater: Block 8839, Lots 11, 14, 53 and p/o Lot 20; Block 8840, Lots 70, 77, 84 and p/o 90; and Block 8841, Lots 450, 535 and p/o 525. However, these lots, totaling approximately 200,000 square feet were not merged into a single zoning lot.

The zoning lot for the proposed project would include only land above water, consisting of Block 8839, Lots 11, 14, 53 and the westerly one-half of demapped Plumb 1st Street adjoining said block; Block 8840, Lots 70, 84, p/o 77 and the easterly one-half of demapped Plumb 1st Street adjoining said block; and Block 8841, Lot 8900 (formerly a portion of demapped Plumb 2nd Street). The lot area of the proposed zoning lot is approximately 99,670 square feet.

Under the existing Restrictive Declaration (D-100), the Applicant would be required to develop the Project Site with a maximum 65,000 square foot retail store, a marina, and waterfront public access. The Proposed Action would remove the Restrictive Declaration from the Project Site, which would then permit the Applicant to develop the site for a self-storage facility in accordance with the underlying C8-1 commercial zoning regulations.

While the Proposed Action would facilitate a four-story approximately 99,670 square foot self-storage facility (Use Group 16), with 58 parking spaces, exempt from waterfront public access requirements, at the direction of the Department of City Planning (DCP), a reasonable worst-case development scenario (RWCDS) of the Project Site was determined for environmental review purposes. In the RWCDS, the Project Site would be developed as a 25,000 sf specialty retail facility 12 feet in height with 84 accessory parking spaces, as required under the C8-1 zoning regulations. This RWCDS maximizes the usable retail square footage while satisfying the underlying C8-1 zoning regulations for parking, building height and setback, and public waterfront access.

This attachment provides a detailed description of the Proposed Action, including project location, purpose and need, and city approvals required for implementation. The attached supplemental studies examine the potential for the RWCDS to result in impacts in any CEQR technical areas.

II. EXISTING CONDITIONS

ULURP Application and Restrictive Declaration Approvals

On November 5, 1984, the City Planning Commission approved application C8406312ZMK subject to Restrictive Declaration D-100. The Zoning Map Amendment application (C840631ZMK) from C3 to C8-



2713-2735 Knapp Street EAS

Figure A-1

Site Aerial

1 was filed by the applicant, MJM Distributors, to facilitate the use of the Project Site for a retail store, a marina and waterfront public access/promenade. A related mapping application (C840632MMK), included the demapping of portions of three streets, Plumb 1st, Plumb 2nd and Shell Bank Avenue. A resolution was subsequently adopted by the Board of Estimate on December 6, 1984 approving the applications subject to the restrictive declaration. (see Appendix A, Restrictive Declaration). The Restrictive Declaration limits what uses are permitted at the Project Site to the following: Use Group 6A, 6C (retail and service establishments), 10A (large retail establishments), 14 (facilities for boating and related activities in waterfront areas) and 16 (self-storage) as per Sections 32-15, 32-19 and 32-23 of the New York City Zoning Resolution. The Project Site is zoned C8-1 commercial, however, none of the permitted uses under this zoning are currently permitted as-of-right at the Project Site, due to the Restrictive Declaration.

Today, the Project Site is owned by the Applicant, Metro Storage NY, LLC. Through its parent company and affiliates, the Applicant currently operates a dozen mini-storage facilities in the New York City Area and 100 of such facilities nationally. As the site has been vacant for several years, the Applicant wishes to redevelop the property with a mini-storage facility to serve the residents of the surrounding area.

Previous Applications

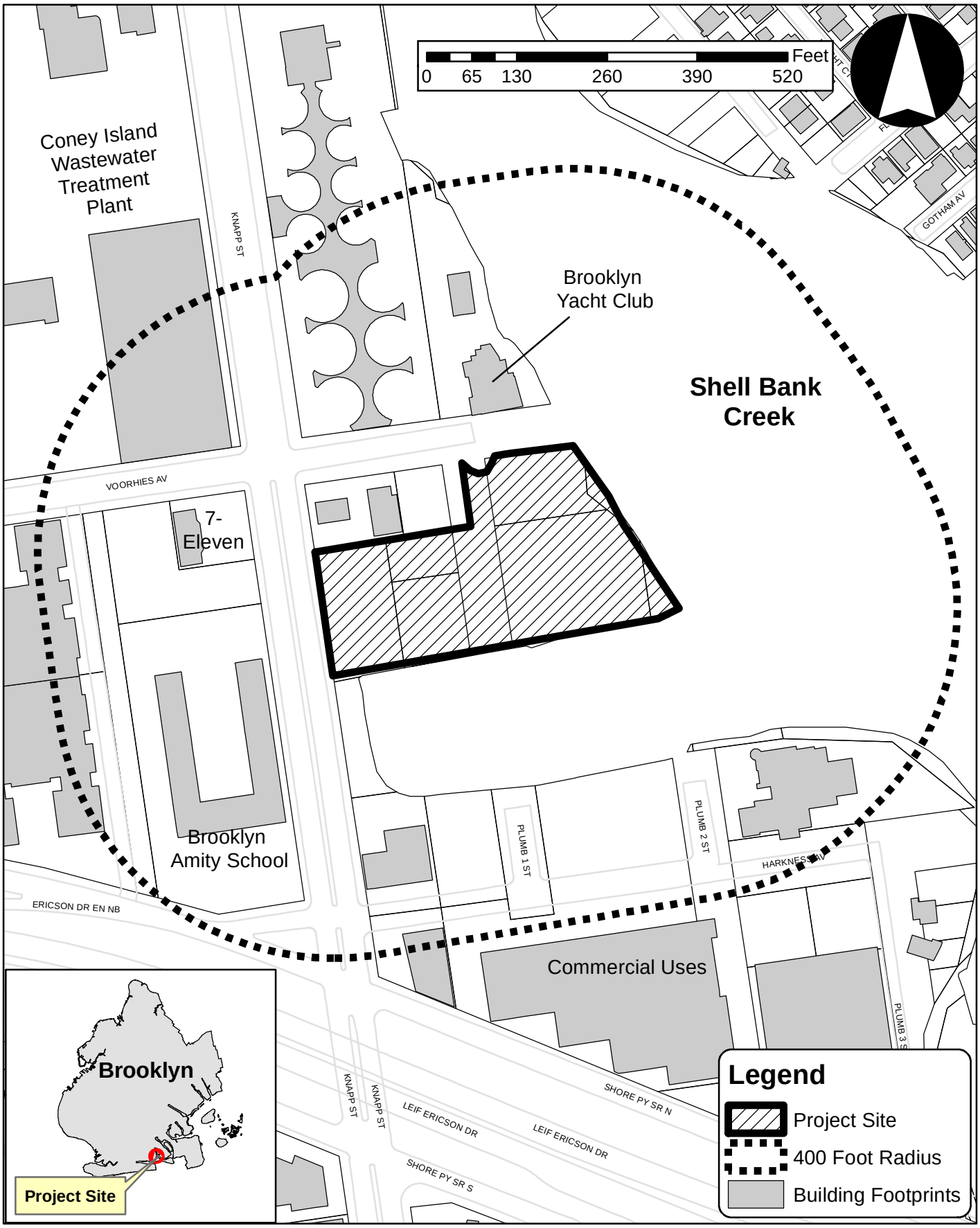
A land use application (M840631(A)ZMK) was filed and subsequently withdrawn in 1999. In 2005, the owners of the Project Site proposed to develop it with residential uses. As such, four (4) land use applications were filed with CPC requesting the following actions: 1) a Zoning Map Amendment from C8-1 to R5 (I060068ZMK); 2) a Special Permit for Bulk Modifications on Waterfront Blocks (I0600689ZSK); 3) Certifications relating to visual corridors and public access (N060070ZCK) and; 4) an Authorization relating to private roads requirements (N060071ZAK). During the CEQR review process, the Department of Environmental Protection (DEP) raised objections to the proposed residential development as future residents would be in close proximity to the Coney Island Wastewater Treatment Plant (discussed below). Specifically, the agency raised concerns about potential impacts of odors from the existing plant on future residents. With no feasible preventative measures to prevent odors from impacting the future residential uses at the Site, all four land use applications were withdrawn in February of 2012.

Land Use

The site is currently undeveloped, unpaved vacant land with chain link fencing running along the northern and western boundaries of the site. A handful of different uses are found adjacent to the site (see Figure A-2, project location map), including a Suntech service station (2701 Knapp Street), located adjacent to the northwest corner of the Project Site, the Skyline Truck & Car Rental lot directly north of the Project Site and the Brooklyn Yacht Club (3147 Voorhies Avenue) across Voorhies Avenue to the northeast of the Project Site. Also found on Voorhies Avenue to the north of the Project Site is the Coney Island Wastewater Treatment Plant. The plant site is comprised of approximately 30 acres and has been in operation since 1952. Eight acres of the plant are dedicated to recreational facilities for The Kips Bay Youth Organization, a local community group. West of the Project Site is a 7-Eleven convenience store, residential apartments and the Brooklyn Amity School campus (3867 Shore Parkway). The Project Site also has frontage on the Shell Bank Creek to the south and east (see Figure 4a in the EAS form for site photos).

According to property records, the site has been vacant since 1999, when the former site buildings were demolished. From 1949 to 1999, the Project Site was occupied by the Schatz Brothers Marina and Boats Storage, Sales and Repair store. Additionally, six residential buildings occupied the southwestern portion

Project Location



of the site from 1930 to 1950. The greater Sheepshead Bay neighborhood historically has consisted of a mix of residential and commercial uses. Starting in the 1950s', the area has seen a gradual increase in commercial development.

Zoning

The Project Site is currently zoned as C8-1 commercial. C8 zoning districts typically bridge commercial and manufacturing uses and provide for automotive and other heavy commercial services and self-storage. Likely uses in such zoning districts include: automobile showrooms and repair shops, warehouses, gas stations, and car washes. All commercial uses and certain community facilities are permitted in C8 districts. Residential uses are prohibited within C8 commercial districts. The permitted floor area ratio ("FAR") for C8-1 zoning districts is 1.0 FAR. Other zoning districts found in the immediate surrounding area include C3 commercial districts to the south, and M2-1 manufacturing to the northwest. Further west and east of the Project Site are characterized as primarily residential and are comprised of R3-2 R4, R4-1, and R5 zoning districts.

III. DESCRIPTION OF THE PROPOSED ACTION

The Proposed Action, the cancellation of Restrictive Declaration D-100 would facilitate the development of the Project Site. The Proposed Action would facilitate the improvement of a currently underused, vacant lot. The immediate surrounding area is well-developed with residential, commercial and institutional uses. As the area surrounding the Project Site includes residential communities, it is expected that the Proposed Action would directly serve the needs of residents in the immediate area.

With the cancellation of the Restrictive Declaration, the Project Site would still be subject to the many zoning regulations that would limit impacts, including numerous specific waterfront regulations. If a retail or restaurant use were to be developed, waterfront amenities, including waterfront public access on the eastern and southern perimeters, as well as special screening, yard and height and setback requirements would be required. Many of the current waterfront regulations that would apply to a Use Group 6 development on the Project Site would be similar to the use and design restrictions that are found in the Restrictive Declaration. Similarly, within the normal confines of the Zoning Resolution, mandatory parking regulations exist for all theoretical occupants, such that a separate Restrictive Declaration mandating parking is unnecessary.

IV. PROJECT PURPOSE AND NEED

The Proposed Action would facilitate the improvement of an existing, undeveloped lot and provide benefits to the Sheepshead Bay neighborhood in Brooklyn. The Project Site has been inactive for 25 years with the demolition of a vacant building in 1999 as the last activity to occur on-site. The future development facilitated by the Proposed Action would greatly improve on these vacant lots. With the exception of the existing DEP wastewater treatment plant further north of the Project Site, the surrounding area is highly developed with residential and commercial uses and recent developments south of the Project Site have added to the total number of commercial properties in the area. Development of the Project Site would be consistent with continuing land use trends in the area and would facilitate the development of an underutilized lot in an otherwise well-developed area.

The Project Site is currently located within a C8-1 commercial zoning district which permits Use Group 16 (UG 16) mini-storage. C8-1 zoning also allows for a maximum FAR of 1.0, which would generate the 99,670 square feet of floor area proposed. However, the Declaration contains numerous provisions that would preclude the proposed development and specifically requires that a Site Plan include a public promenade, limits the total floor area to 65,000 square feet, restricts permitted use groups to 6A, 6C and 10A and mandates a marina be developed and operated at the Project Site (with additional requirements for boat slips and parking spaces). For all the stated reasons here, the Restrictive Declaration outwardly prohibits or significantly limits future development at the Project Site.

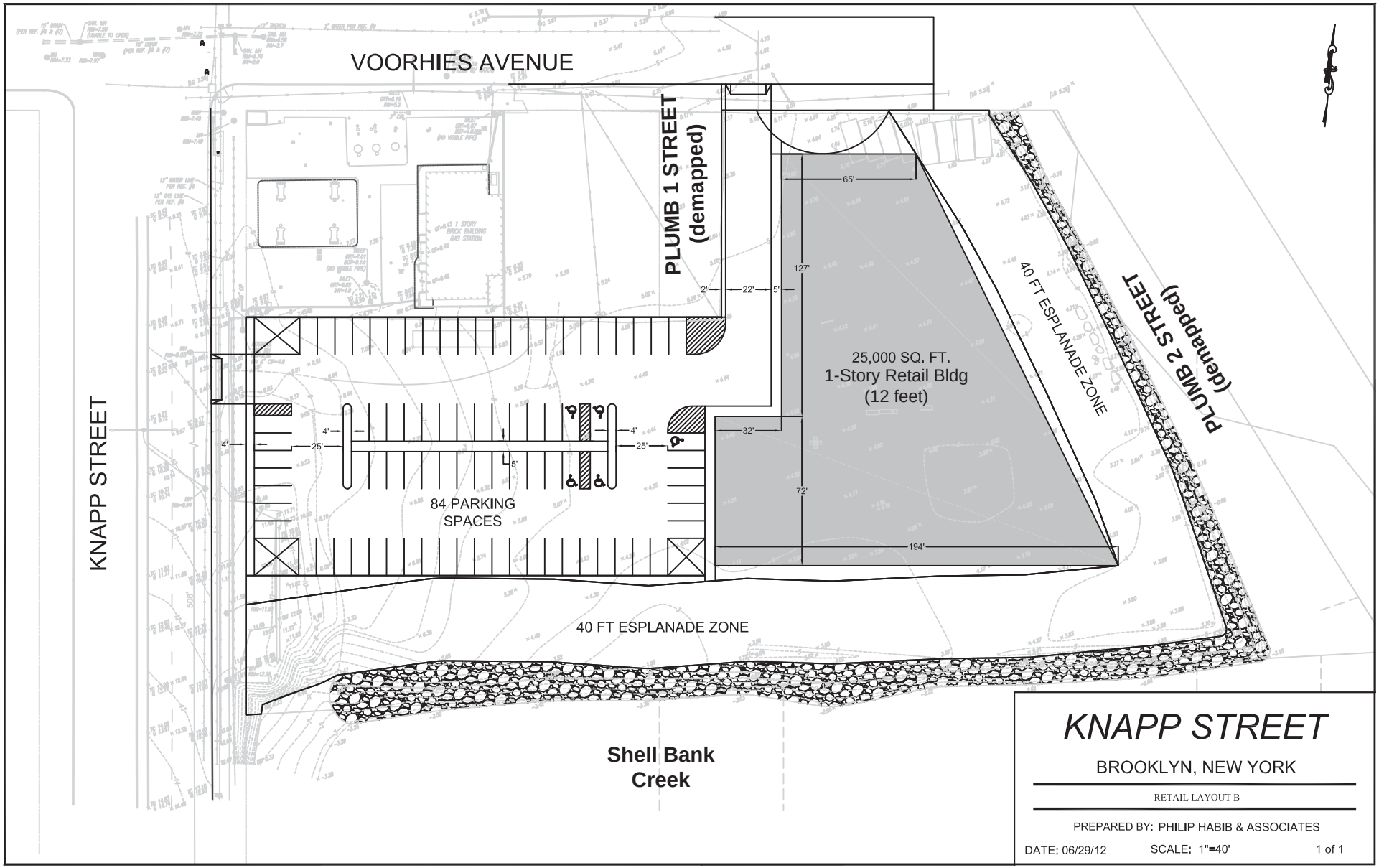
The Proposed Action would facilitate the construction of an approximately 99,670 sq. ft. storage facility with 58 parking spaces. The self-storage building would be 52 feet in height with a total of 4 stories and would be operated by the Applicant. It is anticipated that construction of the proposed storage building would be complete by 2014[1] and would primarily serve local residents within the immediate area. The Project Site has been vacant for several years and the proposed storage building would greatly improve an area that has been vacant for 13 years. With the exception of the existing DEP wastewater treatment plant located northwest of the Project Site, the surrounding Sheepshead Bay neighborhood is highly developed with residential and commercial uses that seek storage space. The Proposed Action would be consistent with continuing land use trends in the area and would facilitate the development of an underutilized lot in an otherwise well-developed area.

V. REASONABLE WORST-CASE DEVELOPMENT SCENARIO (RWCDS)

In order to assess the possible effects of the Proposed Action, a reasonable worst-case development scenario (RWCDS) was established for environmental analysis purposes. In the Future With-Action Scenario, the Proposed Action would remove the Restrictive Declaration for the Project Site. In the RWCDS, the site would be developed for retail use in accordance with the site's underlying C8-1 zoning regulations. The retail use would be comprised of an irregularly-shaped 25,000 sf single-story specialty retail structure 12 feet in height located on the eastern portion of the Project Site with 84 accessory parking spaces located to the west of the retail building (see Figure A-3). This square footage maximizes the usable retail space while satisfying C8-1 zoning regulations for parking and building height and setback. Additionally, in accordance with waterfront regulations that apply to Use Group 6 developments, a 40-foot public esplanade would run along the Project Site's eastern and southern waterfront frontage (approximately 28,670 sf). The Project Site would have vehicular access point on both Knapp Street and Voorhies Avenue.

As previously described above, the RWCDS retail development would improve conditions at the Project Site that has remained vacant for several years. The number of commercial uses has increased over time in the Sheepshead Bay neighborhood, especially within the area surrounding the Project Site. The retail use would be consistent with land use trends in the area and provide additional benefits to the residents in the neighborhood with the development of the waterfront esplanade along the southern and eastern borders of the Project Site.

[1] The proposed storage facility would be constructed within the same build year as the Reasonable Worst-Case Development Scenario (RWCDS) analyzed in the EAS.


VOORHIES AVENUE
PLUMB 1 STREET (demapped)
PLUMB 2 STREET (demapped)
KNAPP STREET
25,000 SQ. FT.
1-Story Retail Bldg
(12 feet)
40 FT ESPLANADE ZONE
84 PARKING SPACES
40 FT ESPLANADE ZONE
Shell Bank Creek
65'
127'
2'
22'
5'
32'
72'
194'
4'
25'
5'
KNAPP STREET
BROOKLYN, NEW YORK
RETAIL LAYOUT B
PREPARED BY: PHILIP HABIB & ASSOCIATES
DATE: 06/29/12
SCALE: 1"=40'
1 of 1

Future Without the Proposed Action (No-Action)

Without the Proposed Project, the Restrictive Declaration on the site would remain in place and would restrict any future development to the Declaration's specific retail and waterfront requirements. All other uses would be prohibited at the Project Site and therefore, the RWCDS retail facility could not be constructed. The Project Site would therefore remain vacant until a development that met all of the Restrictive Declaration's specifications was proposed. As such, for environmental review, a vacant parcel is assumed for No-Action conditions.

Future With the Proposed Action (With-Action)

With the removal of the existing Restrictive Declaration on the site, several new uses could be developed under the existing C8-1 commercial zoning restrictions as they would be permitted as-of-right. As noted above, the RWCDS for the Proposed Action consists of a 25,000 sf retail structure 12 feet in height with 84 accessory-space parking lot, which would have access on both Knapp Street and Voorhies Avenue. It would also include a 40-foot public waterfront esplanade of approximately 28,670 sf in size along the Project Site's eastern and southern frontage. The proposed retail building would be constructed as-of-right and would be in accordance with the Zoning Resolution's parking and waterfront access regulations.

VI. REQUIRED APPROVALS AND REVIEW PROCEDURES

The Proposed Action requires approval of the New York City Planning Commission (CPC) for the cancellation of the existing Restrictive Declaration on the Project Site. The Proposed Action is a discretionary public action subject to the City Environmental Quality Review (CEQR). CEQR is a process by which agencies review discretionary actions for the purpose of identifying the effects those actions may have on the environment using screening thresholds and technical guidance provided in the January *2012 CEQR Technical Manual*. The removal of the Restrictive Declaration is not subject to the Uniform Land Use Review Approval process (ULURP).

Attachment B

I. INTRODUCTION

This Environmental Assessment Statement (EAS) has been prepared in accordance with the guidelines and methodologies presented in the *2012 City Environmental Quality Review (CEQR) Technical Manual*. For each technical area, thresholds are defined which if met or exceeded, require that a detailed technical analysis be undertaken. Using these guidelines, preliminary analyses were conducted for all aspects of the Proposed Action to determine whether detailed analysis of any technical area would be appropriate. Part II of the EAS Form identified those technical areas that warrant additional assessment. For those technical areas that warranted a "yes" answer in Part II of the EAS Form, a supplemental screening is provided in this attachment. The technical areas discussed in this attachment are Land use, Zoning and Public Policy, Natural Resources, Hazardous Materials, Infrastructure, Transportation and Construction. Based on the discussion below, more detailed analyses are not warranted. A discussion of the above-referenced technical categories is provided below.

The remaining technical areas detailed in the *2012 CEQR Technical Manual* were not deemed to require supplemental screening because they do not trigger CEQR thresholds and/or are unlikely to result in significant impacts (see Part II of the EAS Form).

As detailed in Attachment A, "Project Description," Metro Storage NY, LLC is proposing to cancel the Restrictive Declaration located at 2713-2735 Knapp Street in the Sheepshead Bay neighborhood of Brooklyn Community District 15. Under the existing Restrictive Declaration, the Applicant would be required to develop the Project Site with a maximum 65,000 square foot retail store, a marina and waterfront public access. The Proposed Action would remove the Restrictive Declaration from the Project Site, which would then permit the Applicant to develop the site for retail use in accordance with the underlying C8-1 commercial zoning regulations.

In order to assess the possible effects of the Proposed Action, a RWCDS was established for environmental analysis purposes as detailed in Attachment A, "Project Description," in which the site would be developed for retail use in accordance with the site's underlying C8-1 zoning regulations. The retail use would be comprised of an irregularly-shaped 25,000 sf single-story structure 12 feet in height located on the eastern portion of the Project Site with 84 accessory parking spaces located to the west of the retail building (see Figure A-3). Additionally, a 40-foot public esplanade would run along the Project Site's eastern and southern waterfront frontage. The Project Site would have vehicular access points on both Knapp Street and Voorhies Avenue. This RWCDS maximizes the usable retail square footage while satisfying the underlying C8-1 zoning regulations for parking, building height and setback, and public waterfront access. Construction of the retail facility would be completed by 2014.

II. LAND USE, ZONING & PUBLIC POLICY

According to the *2012 CEQR Technical Manual*, a detailed assessment of land use and zoning is required if a proposed action would result in a significant change in land use or would substantially affect regulations or policies governing land use. An assessment of zoning is typically performed in conjunction with a land use when the action would change the zoning on the site or result in the loss of a particular use. Although the Proposed Action would not result in any significant change in land use or substantially

affected regulations or policies governing land use, the Project Site is located within the New York City Coastal Zone (see Figure B-1) and as such, is subject to the New York City Waterfront Revitalization Program (WRP).

The Federal Coastal Zone Management Act of 1972, established to support and protect the nation's coastal areas, set forth standard policies for the review of proposed projects along the coastlines. As part of the Federal Coastline Management Program, New York State had adopted a state Coastal Management Program, designed to achieve a balance between economic development and preservation that will promote waterfront revitalization and waterfront dependent uses; protect fish, wildlife, open space, scenic areas, public access to the shoreline, and farmland. The program is also designed to minimize adverse changes to the ecological systems, erosion, and flood hazards.

The New York City WRP establishes the City's Coastal Zone, and includes policies that address the waterfront's economic development, environmental preservation, and public use of the waterfront, while minimizing the conflicts among those objectives.

The Consistency Assessment Form was prepared for the Proposed Action, and is attached as Appendix B. As indicated in the form, the Proposed Action was deemed to require further assessment of certain policies listed below, along with an assessment of the Proposed Action's consistency with each of them. The remaining policies are not applicable to the Proposed Action and are not included in this assessment.

Consistency with Applicable Local WRP Policies

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

Policy 1.1: ***Encourage commercial and residential redevelopment in appropriate coastal zone areas.***

The Project Site, located at 2713-2735 Knapp Street is approximately 200,000 sf in size (including land underwater) with approximately 100,000 of upland area. The Project Site is also located within the Jamaica Bay which is designated as a Special Natural Waterfront Area (SNWA).

Land uses in the vicinity of the Project Site are predominately industrial or commercial. The Project Site is currently vacant and has been inactive for 25 years. A vacant building was demolished on the site in 1999. The RWCDS retail facility would be consistent with existing land use patterns in the area. The Proposed Action would present an opportunity to strengthen existing land use trends at the Project Site and in the surrounding area. The development of the RWCDS retail structure would contribute to the economic development of the neighborhood and therefore would be consistent with these policies.

POLICY 3: Promote Use of New York City's waterways for commercial and recreational boating and water-dependent transportation centers.

The Sheepshead Bay neighborhood is a commercial and/or recreational boating center which supports concentrations of these boating activities. While the RWCDS retail structure is not exclusively affiliated with boating or maritime activates, it would provide benefits to the existing commercial and recreational boating community within the neighborhood. Therefore, the Proposed Action would be consistent with this policy.

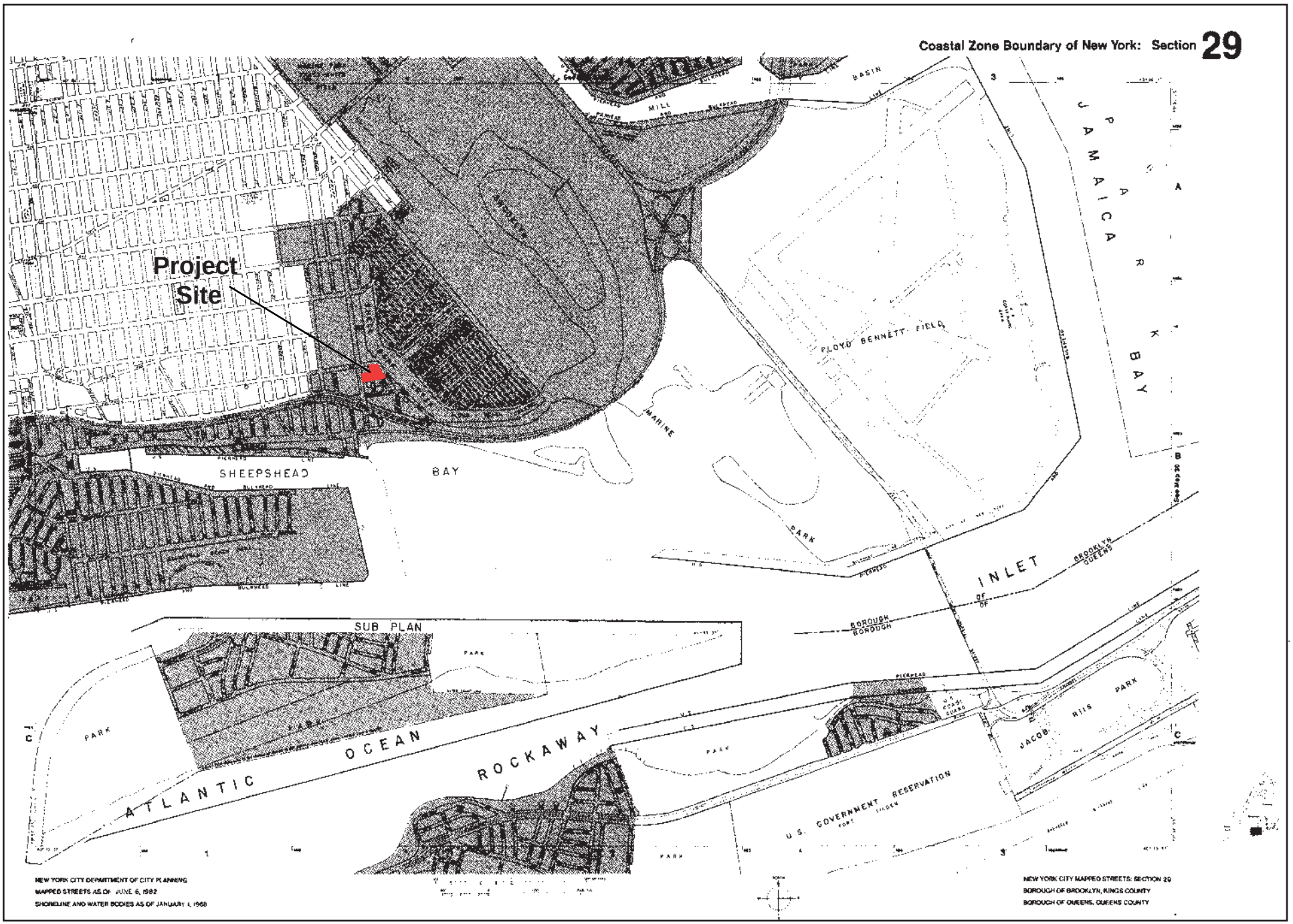


Figure B-1

Coastal Zone Boundary

POLICY 4: Protect and restore the quality and function of ecological system within the New York City costal area (see Policy 9.2)

Policy 5.3: ***Protect water quality when excavating or placing fill in navigable waters and in or near marshes, estuaries, tidal marshes and wetlands.***

The RWCDS retail structure would also require the placement of fill at the Project Site. The fill would be used to elevate the Project Site for improvement of drainage at the site and would not be placed in any navigable waterways or wetlands. For the reasons stated above, and as the Project Site would not be located within any existing marshes, estuaries, etc., no negative impacts to surrounding bodies of water, marshes or nearby wetlands would result. Thus, the Proposed Action would comply with this policy.

Policy 5.4: ***Protect the quality and quantity of groundwater, streams and the sources of water from the wetlands.***

In order to raise the site above the flood zone (see Policy 6 below), the RWCDS retail structure would include the addition of impervious materials, however, this action would not result in any significant impacts to the quality of the groundwater or the sources of water from surrounding wetlands. Furthermore, the Proposed Action would comply with the New York City Department of Buildings (DOB) Plumbing Code Section 605.1 (Soil and Ground Water), thus, groundwater at the Site would be protected.

POLICY 6: Minimize loss of life, structures and natural resources caused by flooding and erosion.

The Proposed Action would result in a development within a portion of a FEMA flood zone (Zone AE), however, the portion of the site accommodating the RWCDS retail building would be raised above the flood zone and not result in any negative impact to life, structures or natural resources within the area. Therefore, the Proposed Action would be compliant with this policy.

Policy 7.3: ***Transport solid waste and hazardous substances and site solid and hazardous waste facilities in a manner that minimizes potential degradation of coastal resources.***

A Phase I and II have been prepared by Whitestone Associates, Inc. The summary of the findings from these documents are discussed in greater detail in the Hazardous Materials section of this Attachment. The conclusions and recommendations made by Whitestone Associates, Inc. would ensure that if any solid waste or remaining hazardous substances from previous uses were to be found at the site, the transportation of these substances would be conducted in such a way that it would not result in the degradation of coastal resources at the site and thus would be consistent with this policy.

Policy 8.2: ***Incorporate public access into new public and private development where compatible with proposed land use and costal location.***

In the RWCDS, The Proposed Action would improve a currently underused vacant lot with a single-story, retail use. The retail development would include public access to the waterfront, with 40-foot waterfront esplanades located along the eastern and southern boundaries of the Project Site. The RWCDS retail use would be consistent with the land uses in the area and would comply with the policy.

Policy 9.2: ***Project scenic values associated with natural resources.***

The New York City Comprehensive Waterfront Plan recognizes large concentrations of important natural coastal features, and has designated three Special Natural Waterfront Areas (SNWAs). The Project Site is located within the Jamaica Bay Watershed, one of the designated Special Natural Waterfront Area. The Proposed Action would not encourage activities that interfere with the habitat functions of the area, nor would it result in a loss of habitat area within the Jamaica Bay. Specifically, the RWCDS retail structure would not interrupt any existing landscapes as it is an existing vacant lot. The retail building, furthermore, would not result in any impairment to the terrestrial and aquatic habitat areas, nor would it detract from existing scenic values associated with natural resources. No unavoidable adverse impacts are expected, and the Proposed Action and would be consistent with this policy.

DCP's Waterfront and Open Space Division has reviewed the Consistency Assessment Form (CAF) submitted for the Proposed Action and concluded on January 2, 2013 that the Proposed Action would be consistent with the New York City Waterfront Revitalization Program (WRP 12-107). Moreover, the Proposed Action would also be located within the Jamaica Bay Watershed and as such, the Jamaica Bay Watershed Project Tracking form was submitted as per *2012 CEQR Technical Manual* Requirements (specific details are found in Section V – Natural Resources below) and no specific review by DCP will be necessary. The RWCDS retail structure would be compatible with existing and anticipated uses in the area and would not adversely affect effect existing uses or limited new uses. The improvement of this underutilized site with a retail use would provide benefits to residents in the Sheepshead Bay and strengthen the neighborhoods increasing commercial character. Therefore, the Proposed Action would not conflict with any applicable land use, zoning or public policies, and would not result in any significant adverse public policy impacts.

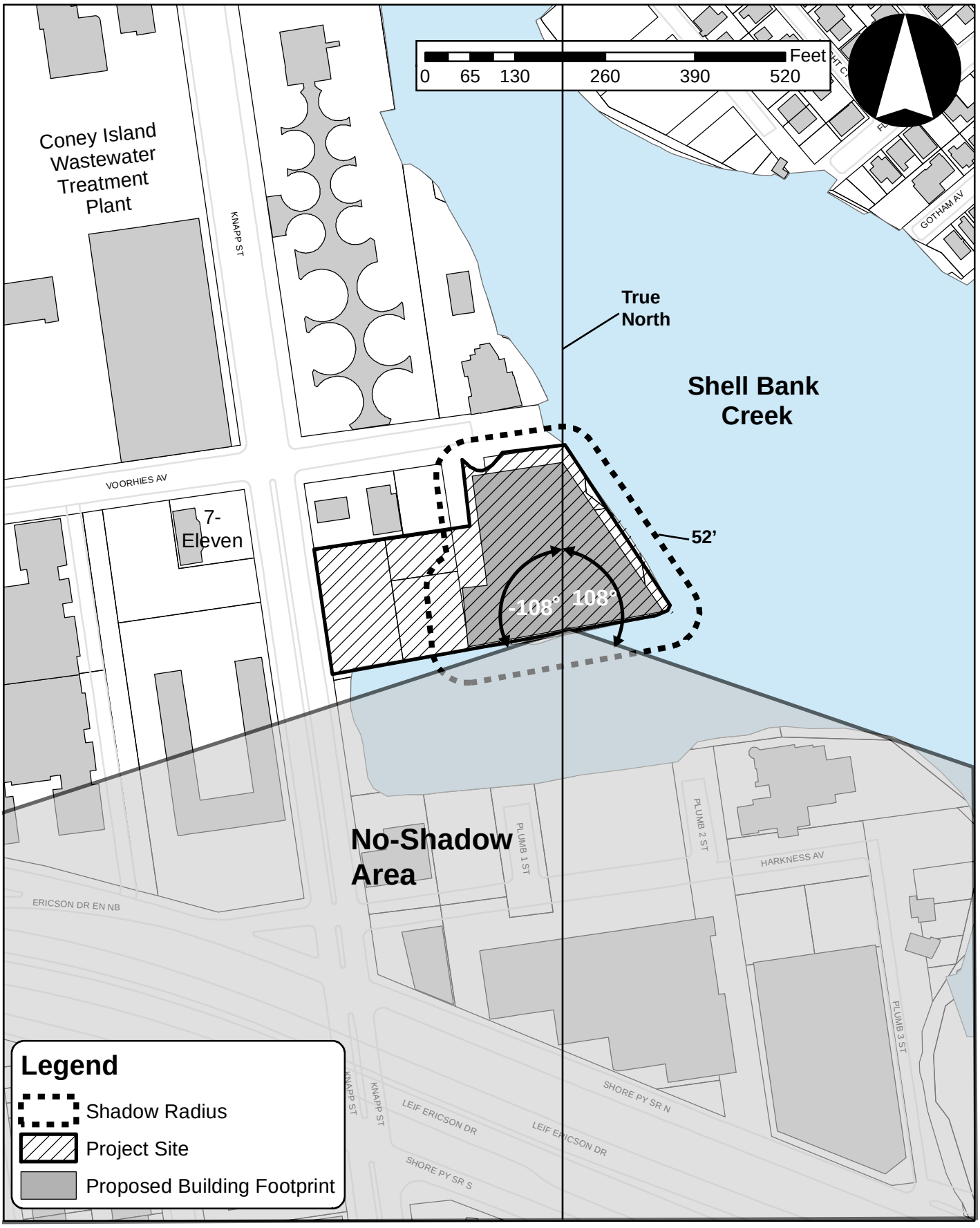
III. SHADOWS

A shadow assessment considers actions that result in new shadows long enough to reach a publicly accessible open space or historic resources (except within an hour and a half of sunrise or sunset). For actions resulting in structures less than 50 feet high, a shadow assessment is generally not necessary unless the site is adjacent to a park, historic resources, or important natural feature (if the features that make the structure significant depend on sunlight). According to the *2012 CEQR Technical Manual*, some open spaces contain facilities that are not sunlight sensitive, and do not require a shadow analysis including paved areas (such as basketball or handball courts) and areas without vegetation.

As detailed in Attachment A, "Project Description", the Proposed Action would result in the construction of a new retail building at the Project Site. The proposed, 25,000 square foot building would be approximately 12 feet in height. As such, it would be less than 50 feet in height and no significant impacts from potential shadows are expected. However, the Project Site is adjacent to Shell Bank Creek, which is an existing natural resource and thus the proposed retail building would cast a shadow on this existing surface water body.

According to the *CEQR Technical Manual*, the longest shadow cast by any structure in New York City would be 4.3 times the height of the structure. For a building with a height of 12 feet, the longest shadow it would cast would be approximately 52 feet long. As such, the approximately 12 foot retail building has the potential to result in some shadows being cast which would fall within a 52-foot radius of Shell Bank Creek (see Figure B-2).

Shadow Radius of Proposed Retail Building



A substantial portion of the surrounding Shell Bank Creek would not be affected by the Proposed Action because it falls in an area between - 180 degrees from true north and 108 degrees from true north, where, because of the path that sun travels along the sky, no shadow can be cast. The proposed retail building would create a short shadow over a portion of the existing Creek that does not have any sunlight-dependent areas (i.e., a playground, community garden, etc.) which could be impacted by the proposed development. Furthermore, Shell Bank Creek's current flows would move phytoplankton and other natural organisms quickly through this shaded area and thus, any shadows in the future would not be expected to affect primary productivity of the creek. The potential shadows cast by the proposed building are not expected to substantially reduce the usability of this natural resource as the construction of the proposed retail building would result in new landscaping of a 40 foot wide public esplanade east of the new building, which would improve access to Shell Bank Creek. As described further in the Natural Resources section, any shadows cast by the proposed retail building would not significantly affect aquatic resources, nor would it affect future use of the creek. Therefore, a detailed assessment of shadows is not required.

IV. URBAN DESIGN

A detailed analysis of urban design and visual resources is required when an action may have effects on one or more of the following elements that contribute to the pedestrian experience, including: streets, buildings, visual resources, open space, natural features, and wind. A preliminary assessment is required when there is potential for a pedestrian to observe, from the street level, a physical alteration beyond that allowed by existing zoning, including the following: 1) projects that permit the modification of yard, height and setback requirements; or 2) projects that result in an increase in built floor area beyond what would be allowed as-of right or in the future without the Proposed Project.

The Proposed Project would not modify any yard, height or setback requirements and would comply with the requirements for the C8-1 zoning district for floor area and building envelope. The Proposed Project would introduce a new, 12 foot tall, 25,000 square foot retail building into the area, which would be similar in height and scale as other commercial spaces within the immediate surrounding area. However, the proposed retail space is currently not permitted under the requirements of the existing Restrictive Declaration on the Project Site. The Proposed Action would not result in adverse impacts to urban design as it would improve a currently vacant and underused property and would also include new landscaping and pedestrian walkways within a 40 foot wide public esplanade. The proposed development would thus benefit the residents in the neighborhood by improving the existing conditions at the Project Site. Therefore, a detailed urban design analysis is not warranted.

V. NATURAL RESOURCES

The CEQR Technical Manual defines a natural resource as 1) the City's biodiversity (plants, wildlife, and other organisms); 2) any aquatic or terrestrial areas capable of providing suitable habitat to sustain the life processes of plants, wildlife, and other organisms; and 3) any areas capable of functioning in support of the ecological systems that maintain the City's environmental stability. In determining if a natural resources assessment is appropriate, there are two possibilities that are considered in evaluating the need for a more detailed assessment: the presence of a natural resource on or near the project site; and 2) disturbance of that resource caused by the project.

While the Project Site is located within the Jamaica Bay Watershed, the immediate location of the site is substantially devoid of natural resources, nor does the Project Site contain any "built resources" that

would be known to contain or may be used as a habitat by a projected species as defined by the Federal Endangered Species Act or by the NY State Environmental Conservation Law. The Project Site is, however, adjacent to Shell Bank Creek which is considered a natural resource based on *2012 CEQR Technical Manual* guidelines. Shell Bank Creek is a tidal creek which flows into Jamaica Bay and has undergone historical modification to become a commercial channel through realignment, landfilling and dredging. The edges of the creek have also been modified over time, resulting in harden shorelines along a substantial portion of the creek, including that along the Applicant's property. The hydrodynamic and estuarine character of Shell Bank Creek's system, coupled with the numerous municipal and industrial discharges that have occurred over many years make it a physically harsh environment. Therefore, many of the species using the area are tolerant of highly variable conditions.

There are no subsurface conditions at the Project Site that would be disrupted as a result of the RWCDS retail structure and the placement of fill at the Site would not be navigable waters. Also, all storm water would be managed on-site, thus, no storm water run-off would be expected to enter the existing Shell Bank Creek (located directly east of the Project Site). Furthermore, as the Project Site is located adjacent to the creek, the proposed 40 foot public esplanade would provide a barrier between the new retail building and the creek, further reducing the potential for impacts from the proposed development. As described previously, the adjacent area is also fully developed with industrial, commercial and some institutional uses, thus it is unlikely that the Proposed Action would have a significant impact on natural resources.

Shadows cast by the proposed retail building in the future would be short-lived, transitory and diffuse. Diffuse shadows are not considered a significant change to habitat conditions as they are temporary and unlikely to alter the habitat. In addition, the aquatic life within Shell Bank Creek is continuously carried by tidal currents and would be exposed to these shadows for short periods of time, therefore any potential shadows would not create adverse impacts on transient fish and wildlife species within the creek.

The completed Jamaica Bay Watershed Form is attached as Appendix C as per CEQR requirements, which further confirms that impacts to natural resources would not be expected with the Proposed Action and thus, a more detailed analysis of natural resources is not required.

VI. WATER AND SEWER INFRASTRUCTURE

As shown in Table B-1 below, the anticipated demands for water and sewage treatment associated with the proposed action would be increased as a result of the proposed development. Compared to the No-Action condition, the RWCDS for the Proposed Action would result in a net increase in total water demand of approximately 8,250 gallons per day (gpd) and a net increase in wastewater generation of approximately 6,000 gpd.

TABLE B-1
RWCDS Project Site Water Demand and Wastewater Generation

Use	Size (sf)	Domestic Only (Water Usage/ Wastewater Generation) (gpd)	Air Conditioning Only (gpd)	Total Water Demand (gpd)
Local Retail	25,000	6,000	4,250	10,250

Notes: Water usage rates from Table 13-2 of the 2012 *CEQR Technical Manual*. Assumes 0.24 gpd/sf of domestic and 0.17 gpd/sf for air conditioning for retail stores.

Water Supply

Given the size of New York City's water supply system and the City's commitment to maintaining adequate water supply and pressures, few actions have the potential to cause significant impacts on this system. Therefore only actions that would result in exceptionally large water demands (e.g., more than 1 million gallons per day), or that are located in an area that experiences low water pressure, would warrant a detailed water supply assessment. The estimated total water consumption resulting from the RWCDS for the Proposed Action is well below the general threshold of 1 million gallons per day typically used to determine the need for a detailed analysis, and therefore no further analysis is warranted.

Wastewater and Stormwater Conveyance and Treatment

For wastewater and stormwater conveyance and treatment, the 2012 *CEQR Technical Manual* indicates that a preliminary assessment would be needed if a project would involve development on a site one acre or larger where the amount of impervious surface would increase and is also located within the Jamaica Bay Watershed. As the RWCDS for the Proposed Action would result in the development of a 2.3 acre (99,670 sf) site within the Jamaica Bay Watershed and would result in an increase in the amount of impervious surface, a preliminary assessment of wastewater and stormwater conveyance and treatment is warranted, and is provided below.

Wastewater Treatment

The majority of New York City's wastewater treatment system is comprised of the sewer network beneath the streets and the 14 wastewater treatment plants (WWTPs) located throughout the city. All 14 WWTPs in New York City have a State Pollution Discharge Elimination System (SPDES) permitted total capacity of 1.8 billion gallons per day. Sewers beneath the City's streets collect sewage from buildings as well as stormwater from buildings and catch basins in streets. Collection sewers can be ten inches to two feet in diameter on side streets, and larger in diameter under other roadways. They connect to trunk sewers, generally five to seven feet in diameter, which bring the sewage to interceptor sewers. These large interceptor sewers (often 11 or 12 feet in diameter) bring the wastewater collected from the various smaller mains to the WWTPs for treatment.

The Project Site is located in an area that is served by separate storm and sanitary sewers. In a separate system, sanitary sewage (consisting of sanitary sewage and wastewater generated by industries) is sent to the wastewater treatment plant and stormwater is sent untreated through separate sewers and outfalls into the nearest waterway. Sanitary sewage generated by the Project Site is served by the Coney Island WWTP, which is regulated by SPDES permit to treat and discharge up to 110 mgd of wastewater.

The Project Site is currently vacant and unpaved, and is expected to remain so in the No-Action condition. As such, the Project Site would not generate any sanitary sewage in the No-Action, while stormwater would continue to be sent untreated into the nearest waterway.

As shown in Table B-1 above, the additional expected sanitary sewage resulting from the RWCDS for the Proposed Action would result in a net increase of approximately 6,000 gpd compared to the No-Action condition.[1] This would represent less than 0.01 percent of the WWTP's dry weather capacity and would not cause the Coney Island WWTP to exceed its design capacity or SPDES permit flow limit. Therefore, the RWCDS for the Proposed Action would not have a significant adverse impact on wastewater treatment.

[1] According to the *CEQR Technical Manual*, water used for air conditioning generates a negligible amount of wastewater for it is recirculated or evaporates in the cooling and heating process, and is therefore not included in the wastewater treatment analysis.

Sanitary and Stormwater Drainage and Management

On undeveloped sites with land in its natural condition, rainfall is normally absorbed into the ground through permeable surfaces. In urban settings, however, where permeable surfaces are less common, it typically flows across land toward low points such as water bodies or storm sewers. As mentioned above, the Project Site is located in a separately sewered area, so stormwater generated on-site is sent untreated through separate sewers and outfalls into the nearby waterway.

As described in Attachment A, "Project Description," the Project Site has been vacant since 1999. The lot is currently comprised entirely of permeable and semi-permeable surfaces. As shown in Figure B-3, "Existing Surface Conditions at the Project Site," approximately 12 percent (12,000 sf) of the Project Site is comprised of grass and softscape, while the majority (88 percent or 87,670 sf) is hard-packed dirt and/or gravel. Conditions are expected to remain the same in the No-Action condition. In the RWCDS, the Proposed Action will facilitate the development of a 25,000 sf retail building, with an 84-space paved parking area, and 40-foot permeable esplanade area (approximately 28,670 sf) along the waterfront. Table B-2 provides a comparison of the Project Site's surface areas in the existing/No-Action condition and the With-Action RWCDS. As shown in the table, in the With-Action condition, the RWCDS for the Proposed Action would increase the amount of roof, pavement and walks, and grass and softscape surface areas, while decreasing the amount of semi-permeable hard-packed dirt and/or gravel surface area. As a result, the Project Site's weighted runoff coefficient is expected to decrease from 0.77 to 0.63.

TABLE B-2
Project Site Stormwater Runoff—Existing/No-Action and With-Action RWCDS

	EXISTING/NO-ACTION					WITH-ACTION RWCDS				
Surface Type	**Roof**	**Pavement and Walks**	**Other**	**Grass and Softscape**	**Total**	**Roof**	**Pavement and Walks**	**Other**	**Grass and Softscape**	**Total**
Area (%)	0.0	0.0	88.0	12.0	100.0	25.0	36.0	0.0	39.0	100.0
Surface Area (sf)	0.0	0.0	87,670.0	12,000	99,670	25,000	35,670	0.0	39,000	99,670
Runoff Coefficient*	1.00	0.85	0.85	0.20	0.77	1.00	0.85	0.85	0.20	0.63

Notes:
* Runoff coefficients for each surface type as per NYCDEP.

Based on these calculated weighted runoff coefficients, the amount of stormwater runoff for four rainfall volume scenarios with varying durations in the existing/No-Action condition and the With-Action RWCDS were determined.[2] As shown in Table B-3 below, with the RWCDS, depending on the rainfall volume and intensity, the total volume to the separate stormwater sewer would be between 0.00 and 0.10 mgd, a decrease of 0.00 to 0.02 mgd from exiting/No-Action conditions. Therefore, the RWCDS would not result in any significant adverse impacts related to stormwater runoff.

[2] Pursuant to CEQR methodology, for project sites served by separate sewer system, the sanitary flow rates and volumes were not included in the calculation of volume and peak discharge rates of stormwater.



2713-2735 Knapp Street EAS

Figure B-3

Existing Surface Conditions at the Project Site

TABLE B-3
Runoff Volume Calculation—Existing/No-Action and With-Action RWCDS

Rainfall Volume (in.)	Rainfall Duration (hr.)	EXISTING/NO-ACTION 99,670 SF (2.29 acres) Runoff Volume to Stormwater Sewer (MG)	WITH-ACTION RWCDS 99,670 SF (2.29 acres) Runoff Volume to Stormwater Sewer (MG)	INCREMENT MG
0.00	3.80	0.00	0.00	0.00
0.40	3.80	0.02	0.02	0.00
1.20	11.30	0.06	0.05	-0.01
2.50	19.50	0.12	0.10	-0.02

Notes:
MG=millions of gallons

As the Project Site is within a separately sewered area and construction of the RWCDS project would disturb one acre of ground or more, coverage under a NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity (GP-)-10-001) would be required. A Stormwater Pollution Prevention Plan (SWPPP) would be prepared to describe the project and plans to be implemented in order to meet the New York State-mandated reductions in sedimentation and flow for the development of the site. Post-construction stormwater management measures that would be integrated into the Proposed Action as part of the project's SWPPP could include bioswales, rain gardens or rainwater collection systems, and reuse of stormwater to the extent possible. Temporary erosion and sediment controls during construction would be installed to protect adjacent properties and any adjacent waterbody (Shell Bank Creek). It should also be noted that DEP review of any connection made to the city sewer systems and water supply would be required for development on the Project Site.Therefore, with the decrease in stormwater runoff volumes to the city's storm sewers and the applicable regulatory requirements described above, the Proposed Action would not result in significant adverse impacts to the City's stormwater management infrastructure systems.

VII. HAZARDOUS MATERIALS

A hazardous material is any substance that poses a threat to human health or the environment. Substances that can be of concern include, but are not limited to, heavy metals, volatile and semi volatile organic compounds, methane, polychlorinated biphenyls and hazardous wastes (defined as substances that are chemically reactive, ignitable, corrosive, or toxic). According to the *2012 CEQR Technical Manual*, the potential for significant impacts from hazardous materials can occur when a) hazardous materials exist on a site and b) an action would increase pathways to their exposure; or c) an action would introduce new activities or processes using hazardous materials.

The Proposed Action would remove an existing restrictive declaration from the Project Site which would permit the RWCDS construction of a 25,000 square foot retail structure with 84 accessory parking spaces. A Phase I was prepared by Whitestone Associates, Inc. on February 2, 2012 (and was updated on February 21, 2012). Whitestone performed the Phase I Environmental Site Assessment (ESA) for the Project Site in conformance with the scope and limitations of the American Society of Testing Materials (ASTM) Practice (E1527-05) (see Appendix D for Phase I summary). The Phase I revealed evidence of the following recognized environmental conditions (RECs) in connection with the subject property:

- According to historical sources reviewed by Whitestone, historic operations at the subject property included boat storage, sales, and repair (Schatz Bros Marina and Boat Storage, Repairs, and Sales per city directories) between at least 1949 and 1999. Releases of petroleum products,

motor fluids, solvents, and other hazardous or potentially hazardous materials stored or used in association with these operations may have resulted in contamination of soil and/or groundwater at the subject property the surface of which historically appears to have been unpaved.

- Urban properties such as the subject site typically have been filled with material imported from offsite sources during initial site development or subsequent redevelopment to achieve final grades. Fill materials consisting of silty sand with gravel and poorly graded sand with silt and gravel with varying amounts of debris were encountered at the subject property to depths of up to 9.5 feet below ground surface (fbgs) during Whitestone's January 2012 preliminary geotechnical investigation. Such non-native materials may contain contaminants exceeding applicable standards.

Based on the Phase I findings, Whitestone Associates, Inc. recommended that a Phase II SI, including soil and groundwater sampling and analyses be conducted at the subject property to verify current subsurface conditions and determine if impacts have occurred from historic fill, former site operations, former UST's and off-site sources. As such, Phase II activities were conducted by Whitestone and a Phase II report was issued on February 3, 2012 (see Appendix E).
After further testing at the Project Site, the following conclusions were made:

- Select metals detected in on-site soil/fill at concentrations exceeding NYSEC UUSCOs generally are typical of historic fill materials. The elevated iron concentrations may indicative of naturally occurring conditions.

- Selection SVO's detected at elevated concentrations in two soil/fill samples likely are representative of typical historic fill materials constituents in locations B-7 and B-11 and do not appear to have resulted from released from former on-site UST systems.

- The VOC Acetone was detected at concentrations exceeding NYSDEC UUSCOs in soil sample B-3. Acetone is a common lab contaminant, and according to Whitestone the detection does not represent an on-site contaminant condition.

- VOCs and SVOCs were not detected at concentrations exceeding NYSEC TOGS GWQS in the groundwater samples collected during the site investigation.

Whitestone Associates Inc. also recommended that any excess soil/fill materials excavated during future site redevelopment activities should be stockpiled for subsequent characterization and off-site management in accordance with federal and state waste management regulations, unless contaminant concentrations or institutional controls allow such materials to remain on site.

Whitestone Associates, Inc. further recommended that corrective actions would be needed to address contaminated soil/fill likely will include excavation, characterization, and off-site management of excess material displaced to accommodate redevelopment and/or in-place management (i.e., institutional and engineering controls) of residual, low-level soil/fill contamination. The volume of and costs for contaminated soil/fill management can be confirmed once site redevelopment and grading plans have been finalized. Furthermore, in light of the documented soil/fill contamination at the subject property, special considerations should be given with respect to worker health and safety during site redevelopment activities. A site-specific Health and Safety Plan should be prepared for on-site construction activities involving soil/fill management.

Upon review of the Phase I and Phase II reports completed by Whitestone Associates, Inc., the New York Department of Environmental Protection (DEP) determined in a letter dated October 12, 2012 (see Appendix F) that due to the contamination identified during the limited physical investigation, as well as the historic institutional control on the site, DEP recommends that an "E" designation for hazardous materials should be placed on the zoning map pursuant to Section 11-15 of the New York City Zoning Resolution. Therefore, to avoid the potential for significant adverse impacts related to hazardous materials and to ensure that testing and mitigation would be provided as necessary before any future development and/or soil disturbance, the Proposed Action would include an (E) designation for Block 8839, Lots 11, 14, 53 and p/o Lot 20, Block 8840, Lots 70, 84 and p/o Lot 90 and Block 8841, Lots 8900 (the proposed zoning lot). The applicable text for the (E) designation would be as follows:

Task 1

The fee owner(s) of the lot(s) restricted by this (E) designation will be required to prepare a scope of work for any soil, gas, or groundwater sampling and testing needed to determine if contamination exists, the extent of the contamination, and to what extent remediation may be required. The scope of work will include all relevant supporting documentation, including site plans and sampling locations. This scope of work will be submitted to the NYC Office of Environmental Remediation (OER) for review and approval prior to implementation. It will be reviewed to ensure that an adequate number of samples will be collected and that appropriate parameters are selected for laboratory analysis.

No sampling program may begin until written approval of a work plan and sampling protocol is received from OER. The number and location of sample sites should be selected to adequately characterize the type and extent of the contamination, and the condition of the remainder of the site. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of the sampling data. Guidelines and criteria for choosing sampling sites and performing sampling will be provided by OER upon request.

Task 2

A written report with findings and a summary of the data must be presented to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such test results, a determination will be provided 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 necessary according to test results, a proposed remediation plan must be submitted to OER for review and approval. The fee owner(s) of the lot(s) restricted by this (E) designation must perform such remediation as determined necessary by OER. After completing the remediation, the fee owner(s) of the lot restricted by this (E) designation should provide proof that the work has been satisfactorily completed.

A OER-approved construction-related health and safety plan would be implemented during excavation and construction 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.

With the forgoing measures in place, no significant adverse impacts related to hazardous materials would be expected to occur as a result of the Proposed Action and a more detailed analysis is not required.

VIII. TRANSPORTATION

The *2012 CEQR Technical Manual* identifies minimum development densities that potentially require detailed traffic analysis. Developments with densities below these levels, shown in Table 16-1 of the *CEQR Technical Manual*, generally result in fewer than 50 peak hour vehicle trips, for which significant impacts are generally unlikely. The subject street is located in Zone 5 (all other areas). Development threshold applicable to the Proposed Action is 100 residential dwelling units, 10,000 gsf retail space, or 15,000 gsf community facility space. As the Proposed Action would add no residential or community facility uses to the area, the Proposed Action does not trigger those respective thresholds. However, the RWCDS would introduce 25,000 square feet of commercial space to the area, which exceeds the thresholds for commercial use. Additionally, the Proposed Action would introduce new trips to the area. Therefore, a Level 1 (trip generation) analysis was conducted in order to determine the volume of vehicular trips expected with the Proposed Action. This preliminary trip generation analysis showed that the development would exceed 50 peak hour vehicle trips during the Saturday peak hour, and a Level 2 (trip assignment) analysis would be necessary. This trip assignment analysis concluded that a detailed analysis would not be needed.

Analysis Peak Hour

As the project-generated transportation demand would be generated by customers of the retail store(s), the peak hours for the traffic screening analyses were assumed to coincide with typical operating hours for retail in the area: 9:00 AM to 9:00 PM weekdays and 9:00 AM to 8:00 PM on Saturday. Retail (small destination retail) was deemed best to describe the site's land use due to characteristics of the surrounding neighborhood and the size of the development.

The transportation planning factors used to forecast the travel demand that would be generated by the proposed retail building were based on *2012 CEQR Technical Manual* rates for trip generation and temporal distribution. 2000 Census reverse journey-to-work data was adjusted for retail use to reflect the area's mode share. Vehicle occupancy rates were based on surveys conducted at Rego Park Mall 2 on May 26, 2010 and June 5, 2010. As shown in Table B-1, the assumed vehicle occupancy was 2.00 and 2.35 persons per auto during weekday peak hours and Saturday midday peak hour, respectively, and a 65 percent and 70 percent auto share for the mode share during the weekday peak hours and Saturday midday peak hour, respectively.

Table B-1
Transportation Planning Factors

Land Use:	**Retail**		
Size/Units:	25,000	gsf	
Trip Generation:	(1)		
Weekday	78.2		
Saturday	92.5		
	per 1,000 sf		
Temporal Distribution:	(1)		
AM	3.0%		
MD	9.0%		
PM	9.0%		
SatMD	11.0%		
	(2)		
Modal Splits:	AM/MD/PM	SAT	
Auto	65.0%	70.0%	
Taxi	0.0%	0.0%	
Subway	-	-	
Bus	20.0%	20.0%	*
Walk	15.0%	10.0%	
Other	0.0%	0.0%	
	100.0%	100.0%	
	(2)		
In/Out Splits:	In	Out	
AM	50%	50%	
MD	50%	50%	
PM	50%	50%	
Sat MD	50%	50%	
Vehicle Occupancy:	(3)		
	AM/MD/PM	SAT	
Auto	2.00	2.35	
Taxi	2.00	2.50	

Notes :

(1) *2012 City Environmental Quality Review (CEQR) Technical Manual* for destination retail.

(2) Based on 2000 census reverse-journey-to-work data for tract 598,628.

(3) Based on surveys conducted at Rego Park Mall 2 on May 26,2010 & June 5,2010.

* Includes Subway Transfer to Bus.

Trip Generation

The *2012 CEQR Technical Manual* person trip generation rates for destination retail projects are 78.2 and 92.5 vehicle trips per 1,000 square feet in the weekday and Saturday midday peak hours. As shown in Table B-2, this would yield a maximum of 60 vehicle trips in the highest (Saturday) peak hour. This includes a 20 percent pass-by trip credit applied for auto trips based on the Project Site's proximity to the Belt Highway and location on Knapp Street (a north-south arterial connecting Emmons Avenue and Belt Parkway to the south and Gerritsen Avenue to the north).

As the total number of vehicle trips generated/diverted in the RWCDS exceeds the 50 peak hour vehicle trip *CEQR* threshold during the Saturday peak hour, a Level 2 screening assessment was conducted to determine if a detailed analysis would be necessary. Figure B-4 shows the trip assignment during the Saturday peak hour for the two access driveways at the Project Site. The intersection of Knapp Street and Voorhies Avenue would most likely be affected, as the majority of the traffic entering and exiting the Project Site would pass through this intersection. Based on the trip assignment analysis provided in Table B-2, there would be a total of 60 trips at this intersection during the Saturday midday peak hour. However, 12 of these trips on Knapp Street heading northbound would be diverted into the parking lot of the proposed retail building. Therefore, as shown in Figure B-4, a maximum of 48 vehicles would pass through the intersection of Knapp Street and Voorhies Avenue. As the number of trips at this intersection would not exceed the *CEQR* threshold of 50 or more during any peak hour, no significant impacts are anticipated as a result of the Proposed Action.

Additionally, in the RWCDS, the Proposed Action would result in fewer than 200 peak hour subway, rail, or bus trips and less than 200 peak hour pedestrian trips. Therefore, a more detailed transportation analysis is unwarranted.

Parking Accumulation Analysis

As described above, the Proposed Action would result in the development of an 84-space accessory parking lot at the Project Site. Vehicular access to the proposed accessory parking lot would be provided on both Knapp Street and Voorhies Avenue. Table B-3 shows the estimated parking conditions for the proposed retail building. As shown in Table B-3, the peak parking demand during the weekday would be between 1:00 PM and 2:00 PM with approximately 44 available spaces. This represents an approximately 48% of available capacity. Furthermore, the peak parking accumulation during the Saturday Midday is between 2:00 PM and 3:00 PM with 21 spaces, representing approximately a 75% of available capacity. As the parking lot would not exceed its maximum capacity of 84 spaces during either peak hours, no impacts to existing and future parking capacity at the Project Site and the surrounding area are anticipated.

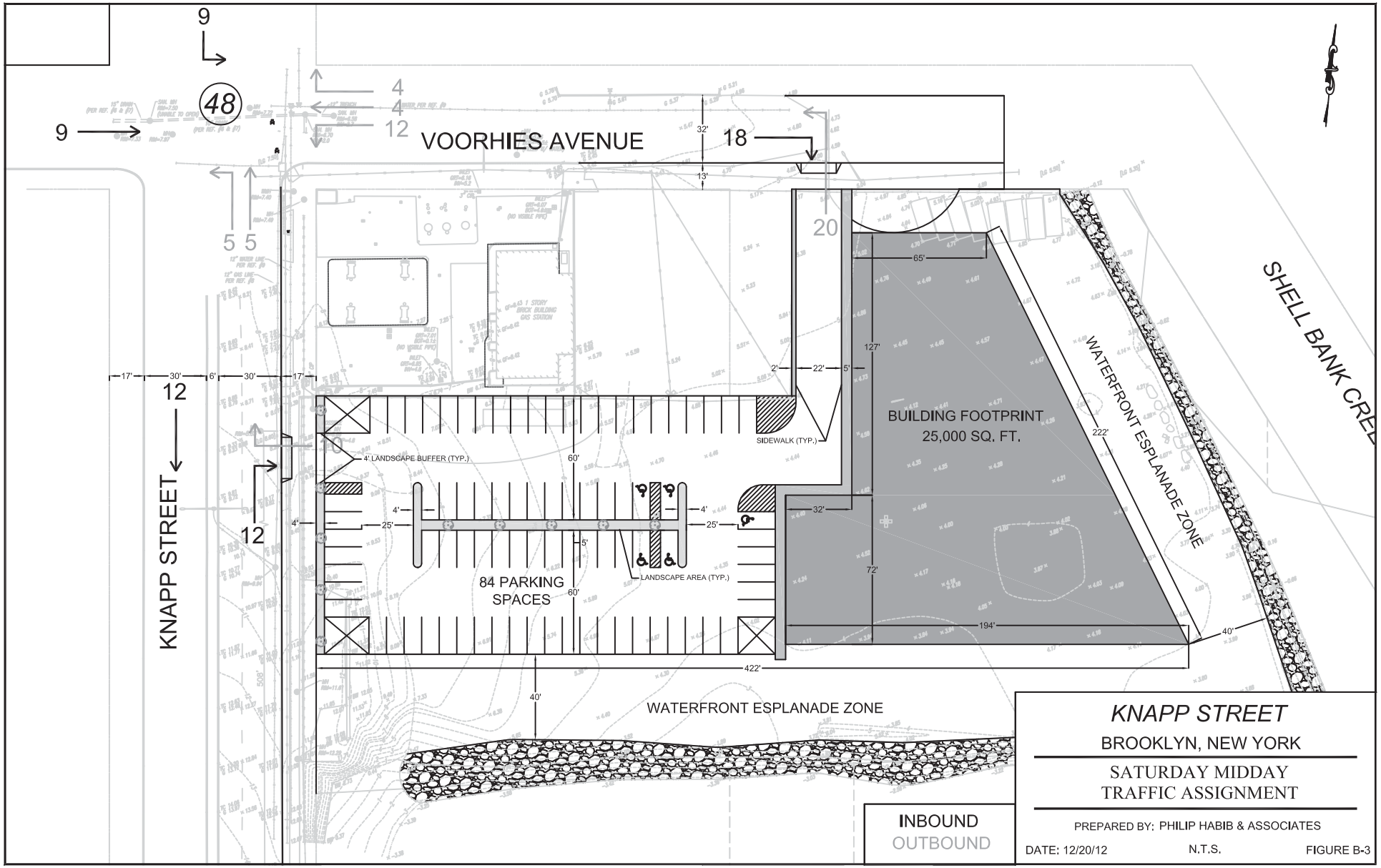

VOORHIES AVENUE
KNAPP STREET
SHELL BANK CREEK
BUILDING FOOTPRINT
25,000 SQ. FT.
84 PARKING SPACES
4' LANDSCAPE BUFFER (TYP.)
SIDEWALK (TYP.)
LANDSCAPE AREA (TYP.)
WATERFRONT ESPLANADE ZONE
WATERFRONT ESPLANADE ZONE
INBOUND
OUTBOUND
KNAPP STREET
BROOKLYN, NEW YORK
SATURDAY MIDDAY
TRAFFIC ASSIGNMENT
PREPARED BY: PHILIP HABIB & ASSOCIATES
DATE: 12/20/12
N.T.S.
FIGURE B-3

Table B-2
Travel Demand Forecast

Land Use:		**Specialty Retail**	
Size/Units:		25,000	gsf
Peak Hour Trips:			
	AM	59	
	MD	176	
	PM	176	
	Sat MD	254	

Person Trips:			
		In	Out
AM	**Auto**	19	19
	Taxi	0	0
	Subway	-	-
	Bus	6	6
	Walk/Ferry/Other	4	4
	Total	29	29
		In	Out
MD	**Auto**	57	57
	Taxi	0	0
	Subway	-	-
	Bus	18	18
	Walk/Ferry/Other	13	13
	Total	88	88
		In	Out
PM	**Auto**	57	57
	Taxi	0	0
	Subway	-	-
	Bus	18	18
	Walk/Ferry/Other	13	13
	Total	88	88
		In	Out
Sat MD	**Auto**	89	89
	Taxi	0	0
	Subway	-	-
	Bus	25	25
	Walk/Ferry/Other	13	13
	Total	127	127

Vehicle Trips :			
		In	Out
AM	**Auto (Total)**	10	10
	Taxi	0	0
	Taxi Balanced	0	0
	Truck	1	1
	Total	11	11
		In	Out
MD	**Auto (Total)**	29	29
	Taxi	0	0
	Taxi Balanced	0	0
	Truck	0	0
	Total	29	29
		In	Out
PM	**Auto (Total)**	29	29
	Taxi	0	0
	Taxi Balanced	0	0
	Truck	0	0
	Total	29	29
		In	Out
Sat MD	**Auto (Total)**	38	38
	Taxi	0	0
	Taxi Balanced	0	0
	Truck	0	0
	Total	38	38

		Total Vehicle Trips			**20% Reduction for Pass-By Trips***		
	Total Vehicle	In	Out	Total	In	Out	Total
	AM	11	11	22	9	9	18
	MD	29	29	58	23	23	46
	PM	29	29	58	23	23	46
	Sat MD	38	38	76	30	30	60

* 20% Pass-by Trip credit applied to autos

Table B-3
Parking Demand Forecast

Weekday Parking Accumulation Destination Retail				Saturday Parking Accumulation Destination Retail			
	In	**Out**	Accumulation		**In**	**Out**	Accumulation
12-1 AM	0	0	0	12-1 AM	0	0	0
1-2	0	0	0	1-2	0	0	0
2-3	0	0	0	2-3	0	0	0
3-4	0	0	0	3-4	0	0	0
4-5	0	0	0	4-5	0	0	0
5-6	0	0	0	5-6	0	0	0
6-7	2	0	2	6-7	2	0	2
7-8	3	2	3	7-8	2	2	2
8-9	10	10	3	8-9	13	5	10
9-10	19	4	18	9-10	19	7	22
10-11	24	12	30	10-11	29	15	36
11-12	27	19	38	11-12	38	24	50
12-1 PM	29	29	38	12-1 PM	41	31	60
1-2	28	26	40	1-2	38	38	60
2-3	25	28	37	2-3	43	40	63
3-4	24	28	33	3-4	39	41	61
4-5	26	29	30	4-5	32	48	45
5-6	29	29	30	5-6	18	41	22
6-7	25	24	31	6-7	14	24	12
7-8	24	22	33	7-8	5	7	10
8-9	15	24	24	8-9	3	9	4
9-10	5	21	8	9-10	3	4	3
10-11	2	7	3	10-11	3	5	1
11-12	0	3	0	11-12	2	3	0
	317	317			344	344	

Parking pattern based on ITE land use code (815) shopping center.

IX. AIR QUALITY

An Air Quality Analysis is conducted in order to assess the effects of a Proposed Action on ambient air quality, i.e., the quality of the surrounding air. Ambient air quality can be affected by air pollutants produced by fixed facilities, usually referenced to as “stationary sources”, and by motor vehicles, referred to as “mobile sources.”

Standards and Guidelines

National Ambient Air Quality Standards

National Ambient Air Quality Standards (NAAQS) were promulgated by The U.S. Environmental Protection Agency (EPA) for six major pollutants, deemed criteria pollutants, because threshold criteria can be established for determining adverse effects on human health. They consist of primary standards, established to protect public health, and secondary standards, established to protect plants and animals and to prevent economic damage. The six pollutants described below. Table 1 shows the New York and National Ambient Air Quality Standards, as well as monitored values at the monitoring stations closest to the site.

- Carbon Monoxide (CO), which is a colorless, odorless gas produced from the incomplete combustion of gasoline and other fossil fuels.

- Lead (Pb) is a heavy metal principally associated with industrial sources.

- Nitrogen dioxide (NO_2), which is formed by chemical conversion from nitric oxide (NO), which is emitted primarily by industrial furnaces, power plants, and motor vehicles.

- Ozone (O_3), a principal component of smog, is formed through a series of chemical reactions between hydrocarbons and nitrogen oxides in the presence of sunlight.

- Inhalable Particulates (PM_{10}/$PM_{2.5}$) are primarily generated by diesel fuel combustion, brake and tire wear on motor vehicles, and the disturbance of dust on roadways. The PM_{10} standard covers those particulates with diameters of 10 micrometers or less. The $PM_{2.5}$ standard covers particulates with diameters of 2.5 micrometers or less.

- Sulfur dioxides (SO_2) are heavy gases primarily associated with the combustion of sulfur-containing fuels such as coal and oil.

NYC De Minimis Criteria and Interim Guidelines

For carbon monoxide from mobile sources, New York City's *de minimis* criteria are used to determine the significance of the incremental increases in CO concentrations that would result from a Proposed Action. These set the minimum change in an 8-hour average carbon monoxide concentration that would constitute a significant environmental impact. According to these criteria, significant impacts are defined as follows:

- An increase of 0.5 parts per million (ppm) or more in the maximum 8-hour average carbon monoxide concentration at a location where the predicted No Action 8-hour concentration is equal to or above 8 ppm.
- An increase of more than half the difference between the baseline (i.e., No Action) concentrations and the 8-hour standard, where No Action concentrations are below 8 ppm.

For $PM_{2.5}$ analyses at the microscale level, the City's interim guidelines for developing significance are:

- 2.0 $\mu g/m^3$ for the 24-hour period, and
- 0.3 $\mu g/m^3$ for the annual period.

No interim guidelines have been assigned to PM_{10}.

Table B-4
National and New York State Ambient Air Quality Standards

Pollutant	Averaging Period	Standard	2011 Value	Monitor
Sulfur Dioxide	3-hour average	1,300 $\mu g/m^3$	82.7 $\mu g/m^3$	Queens College 2
	1-hour average[e]	199.5 $\mu g/m^3$	79.8 $\mu g/m^3$	
Inhalable Particulates (PM_{10})	24-hour average	150 $\mu g/m^3$	47 $\mu g/m^3$	Queens College 2
Inhalable Particulates ($PM_{2.5}$)	3-yr average annual mean	15 $\mu g/m^3$	9.5 $\mu g/m^3$	P.S. 219 / Queens College 2
	Maximum 24-hr. 3-yr. avg.[c]	35 $\mu g/m^3$	34.9 $\mu g/m^3$	
Carbon Monoxide	8-hour average[a]	9 ppm	1.8 $\mu g/m^3$	Queens College 2
	1-hour average[a]	35 ppm	2.1 ppm	
Ozone	Maximum daily 8-hr avg.[b]	0.075 ppm	0.075 ppm	Queens College 2
Nitrogen Dioxide	12-month arithmetic mean	100 $\mu g/m^3$	21.62 $\mu g/m^3$	Queens College 2
	1-hour average[d]	100 ppb (188 $\mu g/m^3$)	67 ppb (128 $\mu g/m^3$)	
Lead	Quarterly mean	0.15 $\mu g/m^3$	0.0497 $\mu g/m^3$ (2010)	I.S. 52 (Bronx)

Notes: ppm = parts per million; $\mu g/m^3$ = micrograms per cubic meter.
a. Not to be exceeded more than once a year.
b. Three-year average of the annual fourth highest maximum 8-hour average concentration effective May 27, 2008.
c. Not to be exceeded by the 98th percentile of 24-hour $PM_{2.5}$ concentrations in a year (averaged over 3 years).
d. Three-year average of the 98th percentile of the daily maximum 1-hour average, effective January 22, 2010.
e. Three-year average of the 99th percentile of the daily maximum 1-hour average, final rule signed June 2, 2010.
Sources: New York State Department of Environmental Conservation; New York State Ambient Air Quality Development Report, 2009; New York City Department of Environmental Protection, 2012.

State Implementation Plan (SIP)

The Clean Area Act requires states to submit to the EPA a SIP for attainment of the NAAQS. The 1977 and 1990 amendments required comprehensive plan revisions for areas where one or more of the standards have yet to be attained. Kings County is part of a CO maintenance area and is nonattainment (moderate) for the 8-hour ozone standard and nonattainment for PM_{10} and $PM_{2.5}$. The state is under mandate to develop SIPs to address ozone, carbon monoxide, and PM_{10}. It is also working with the EPA to formulate standard practices for regional haze and $PM_{2.5}$.

Background Concentrations

As a conservative approach for CO, the highest value from the past 5 years of monitored values was used as the background value. Based on the Queens College station, the CO background would be 3.4 ppm for the 1-hour average and 2.8 ppm for the 8-hour average as shown in Table B-5.

Table B-5
Monitored CO Concentrations (ppm)

Monitor	Year	1-Hour Value	8-Hour Value
Queens College, Queens	2007	3.4	**2.8**
	2008	2.3	1.7
	2009	3.1	1.9
	2010	**3.4**	2.7
	2011	2.1	1.8

Note: Numbers in bold type are the highest in their category.
Source: New York State Department of Environmental Conservation.

Existing Conditions

The Project Site is currently exists as undeveloped, unpaved vacant land with a chain link fence running along the perimeter of the northern and western boundaries of the property.
A variety of commercial and industrial uses exist near the Project Site. Some of the nearby sites are include:

- Suntech service station (2701 Knapp Street)
- Skyline Truck & Car Rental (adjacent to northwest corner of Project Site)
- Brooklyn Yacht Club (3147 Voorhies Avenue)
- Coney Island Waste Treatment Plant

Future Without the Proposed Action

In the Future without the Proposed Action, the Project Site would not be developed and would remain in the same condition as the present.

Future With the Proposed Action

Mobile Sources

For this area of the City, the threshold hourly volume for modeling CO concentrations using MOBILE6.2 and CAL3QHC is a minimum increment of 170 vehicles. As indicated in the traffic analysis and the parking accumulation table, the project would generate a maximum hourly volume of 43 vehicles in and 40 vehicles out during the 2 p.m. to 3 p.m. hour on Saturday, creating a total volume of 83 vehicles (refer to Table B-3). Therefore, the Proposed Action would generate fewer than 170 vehicles during a peak hour. No intersection modeling of CO is required.

Further analysis may be required if a proposed action generates peak-hour vehicular trips through an intersection with $PM_{2.5}$ emissions that are equivalent to 12 to 23 heavy-duty diesel vehicles, depending on the type of roadway. Based on the criteria spreadsheet in the NYC *CEQR Technical Manual's* Air Quality Chapter that is used for determining HDDV-equivalent vehicle movements from all types of vehicle traffic, the project-generated increments of 104 passenger vehicles equates to 5 heavy-duty diesel vehicles on a minor arterial road. Knapp Street, which is the ingress/egress street for the parking lot, is classified as a minor arterial road. Given a screen value of 23 heavy-duty vehicles for this type of roadway, traffic created under the Proposed Action would not exceed the threshold values that would warrant modeling of fine particulates.

Parking Lot

Under the Proposed Action, the new facility would add an accessory parking lot that can accommodate 84 accessory spaces. The parking area is approximately 29,900 sq. ft., with a lot width of 230 feet and a lot depth of 130 feet. It would have access to both Knapp Street and Voorhies Avenue. Saturday demand for parking is greater than weekday demand. Table B-3 shows the projected trips into and out of the accessory parking lot on a typical Saturday. Although the Saturday peak hour from 2 PM to 3 PM is the hour with the highest number of vehicle movements in and out of the lot, as a conservative analysis, the worst-case movements into and out of the lot were paired. For the "in" volume, the Saturday period of 2 PM - 3 PM was used. The "out" volume of 48 vehicles occurs during the 4 PM - 5 PM hour on Saturday. Vehicles that are exiting the lot emit more CO than incoming autos due to the higher emissions when

engines start up in cold start mode. As a worst case, only the Knapp Street access was considered in the analysis..

The parking analysis was based on the guidelines provided in the NYC *CEQR Manual Technical Appendices* for parking lots. Per guidance from NYCDEP, a persistence factor of 0.70 was used to convert 1-hour CO values to 8-hour CO values. EPA's MOBILE6.2 emissions model was used to obtain emission factors for hot (entering) and cold (exiting) vehicles as well as idling vehicles. Based on field data from other projects, passenger vehicles were divided into 76% autos and 24% SUVs for the purposes of obtaining a composite emission factor. Exiting vehicles were assumed to idle for one minute before departing, and speeds within the parking lot were 5 mph. As indicated previously, the 8-hour background value would be 2.8 ppm.

The worst-case receptor points for the parking lot are: 1) a position facing the length of the lot, 6 feet from the boundary along Knapp Street (R1), and 2) a position directly across Knapp Street, 78 feet from the boundary to the lot (R2). This is based on sidewalk widths of 12 feet and a width of 60 feet for Knapp Street.

In order to determine the line source contribution for the parking lot analysis, traffic volumes for Knapp Street would be needed. However, as there were no traffic volumes data for Knapp Street available, data that was available for Flushing Avenue was utilized as it is considered to be of a similar configuration to Knapp Street for analysis purposes. Therefore, for the line source contribution, background volumes were calculated using the eastbound and westbound volumes from ATR records for the week of November 13, 2012 on Flushing Avenue west of Bushwick Avenue in Brooklyn. Since no Saturday volumes were available, they were based on the weekday average using the highest hourly eastbound volume (543) and the highest hourly westbound volume (534). Vehicles on Knapp Street were assumed to travel at 25 mph, and to be a mixture of hot (warmed up) and cold engines. Table 4 shows the calculations for the two receptor points for the worst case analysis.

Table B-6 shows the calculations for these receptor points for the worst-case movements in and out of the lot on a Saturday Afternoon. The 8-hour CO concentrations for this period, including the background value, are shown in Table B-7. As shown in Table B-7, the total CO at R1 and R2 for the peak Saturday period would be 2.8 ppm.

Table B-6
Parking Lot CO Concentrations (ppm) -2014 Action Conditions, Saturday Afternoon Period

Data		1-Hour Trips			Lot Sq. Ft.	Mean Travel Dist. (ft)	Peak 1-Hour ER(r1)	Peak 1-Hour ER(r2)	Qa 1-Hour CO(r1)	Qa 1-Hour CO(r2)
2014 Mobile6 Emissions		**Period**	**Ins**	**Outs**						
Cold idle (g/hr)	74.9									
Cold 5 mph	22.1	Worst Case	43	48	29,900	240	0.036	0.036	0.000013	0.00003
Hot 5 mph	11.1									
8-Hr persistence factor	0.70									

			R1, west	R2, west
			1-Hour	1-Hour
Parking Lot Data		ru = xu+xo, effective distance from receiver to upwind edge of lot (m)	91.8	113.8
Total sq. ft.	29,900	rd = xd+xo, effective distance from receiver to downwind edge of lot (m)	21.7	43.7
Average lot area (m)	2,778	xu, measured distance from receiver to upwind edge of lot (m)	71.9	93.9
Average length (ft)	230	xd, measured distance from receiver to downwind edge of lot (m)	1.8	23. 23.8
Average width (ft)	130	xo, virtual distance used for initial vertical mixing of CO (m)	19.9	19.9
Avg. travel distance (ft.)	240	Distance to Receiver (ft)	6	78
		Distance to Receiver (m)	1.8	23.8
Peak 1-hour trips				
In	43			
Out	48	CO conc., gm/m3=Xu=0.8/a*(1-b)*(ru^(1-b)-rd^(1-b))*Qa*PF	0.00007	0.00005
Total	91	1-Hour CO concentration, ppm	0.063	0.043
			8-Hour	**8-Hour**
Constants				
Empirical constant a	0.50	CO concentration, ppm	0.044	0.032
Empirical constant b	0.77	Line source contribution	NA	0.408
Wind speed (meters/sec.)	1			

Source: Sandstone Environmental Associates, Inc.

Table B-7
Total CO Concentrations (ppm) – 2014 Action Conditions

Receptor/Period	Parking Lot	Knapp St.	Background	Total CO at Receiver
R1, near sidewalk	0.044	NA	2.8	2.8
R2, far sidewalk	0.032	0.4	2.8	3.2

Source: Sandstone Environmental Associates, Inc.

Based on the parking lot analysis, no air quality impacts are anticipated as a result of the Proposed Action from mobile sources or carbon monoxide emissions from the parking lot. All projected CO concentrations are within NAAQS standards and the NYC de minimis value.

Stationary Sources

According to the *2012 CEQR Technical Manual*, the potential for stationary source air quality impacts exist when they (1) create new stationary sources of pollutants that can affect surrounding uses (such as emission stacks from industrial plants, hospitals, or other large institutional uses, or building's boiler stack(s) use for heating/hot water, ventilation, or air conditioning systems that can affect surrounding uses); (2) introduce certain new uses near existing (or planned future) emissions stacks that may affect the use; or (3) introduce structures near such stacks so that the structures may change the dispersion of emissions from the stacks so that surround uses are affected.

As the Proposed Action would result in the construction of a new 1-story retail building, a screening assessment of heating/hot water, ventilation and air conditioning (HVAC) was performed. If existing buildings are lower in height than the proposed ones, their HVAC emissions could potentially impact the proposed development. If surrounding buildings are taller than the proposed ones, they might be impacted by the proposed building's HVAC emissions.

The air quality analysis of boiler HVAC emissions is based on the screening procedures and methodologies provided in Sub-Section 322.1 of the 2012 *CEQR Technical Manual*. This analysis uses a nomographic procedure based on the size of the proposed development (i.e., floor area square footage), fuel type, and distance to the nearest receptor or buildings of a height similar to or greater than the stack height of the proposed building(s). Floor area is considered an indicator of fuel usage rate. This procedure is only appropriate for buildings at least 30 feet or more from the nearest building of similar or greater height. If the proposed project passes the screening analysis, then there is no potential for a significant air quality impact from the project's boiler, and a detailed analysis may not need to be conducted. The nomographic figure was specifically developed through detailed mathematical modeling to predict the threshold of development size below which a project would not unlikely to have a significant impact.

The discussion below shows that no detailed HVAC analyses are warranted since no impacts from surrounding land uses (no buildings are shorter than the proposed development) are anticipated. However, as the Proposed Project would utilize typical HVAC system to heat and cool the buildings, a preliminary HVAC Screening analysis was performed using the methodology described in the 2012 *CEQR Technical Manual* to identify potential impacts on buildings of similar or greater height that are located in the vicinity of the proposed development. Impacts from boiler emissions are a function of fuel type, stack height, minimum distance from the source to the nearest receptor (buildings of a similar or greater height) and the square footage of development resulting from an action.

Building HVAC System

Impacts from Proposed Project on Surrounding Land Uses

There are no buildings that are lower in height than the proposed retail building. The Proposed Action would facilitate the construction of a 1-story (12-foot tall), 25,000 square foot retail building with 84 accessory parking spaces at 27-13-2735 Knapp Street (with access on both Knapp Street and Voorhies Avenue). For conservative analysis purposes, it is assumed that the boiler stacks at the proposed building would be located along the southern property line near Voorhies Avenue.

The closest building of similar or greater height to the proposed retail building, the 2-story Brooklyn Yacht Club, is located approximately 81 feet away on the northern side of Voorhies Avenue (see Figure B-5). As shown in Figure B-5 and Figure A-3 in Attachment A, "Project Description," the eastern terminus of Voorhoies Avenue is mapped with a cul de sac, and therefore, the proposed retail building would be setback approximately 81 feet from the Brooklyn Yacht Club. It should be noted that the Brooklyn Yacht Club does not have any operable windows facing south towards the Project Site and the proposed building. Although the proposed retail building would utilize natural gas as a fuel source for the proposed building's HVAC system, for conservative analysis purposes, the preliminary screening analysis for heat and hot water systems uses Figure 17-3 of the 2012 *CEQR Technical Manual.* As shown in Figure B-6, the plotted point is located below the curve applicable to the buildings with a stack height of 30 feet or less. As the point is plotted below the relevant curve, a potetnail significant adverse impact due to boiler stack emissions from the proposed retail building would be unlikely and no further analysis is warranted. Therefore, no significant adverse stationary source air quality impacts on surrounding land uses are anticipated from the Proposed Action.

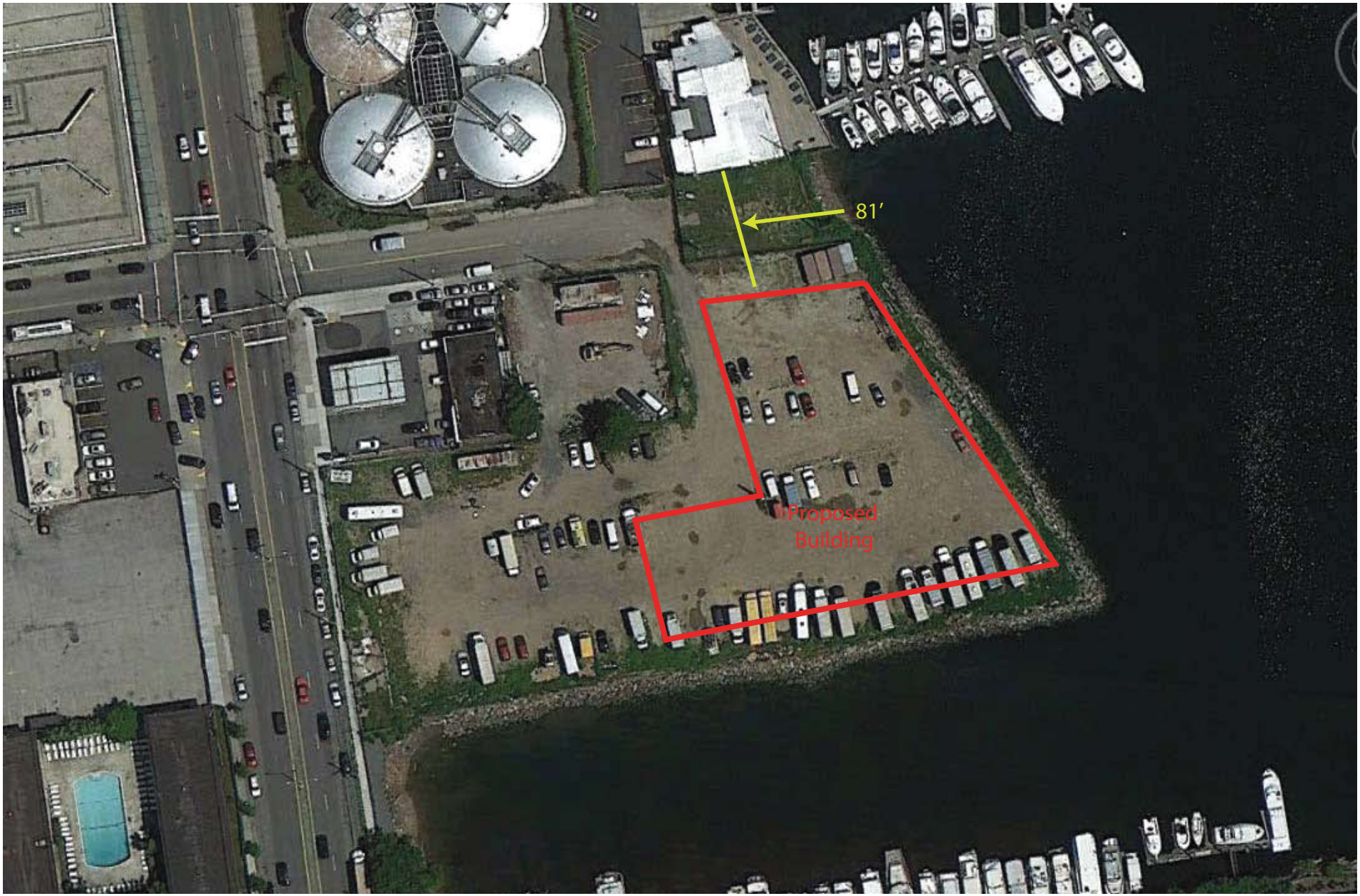
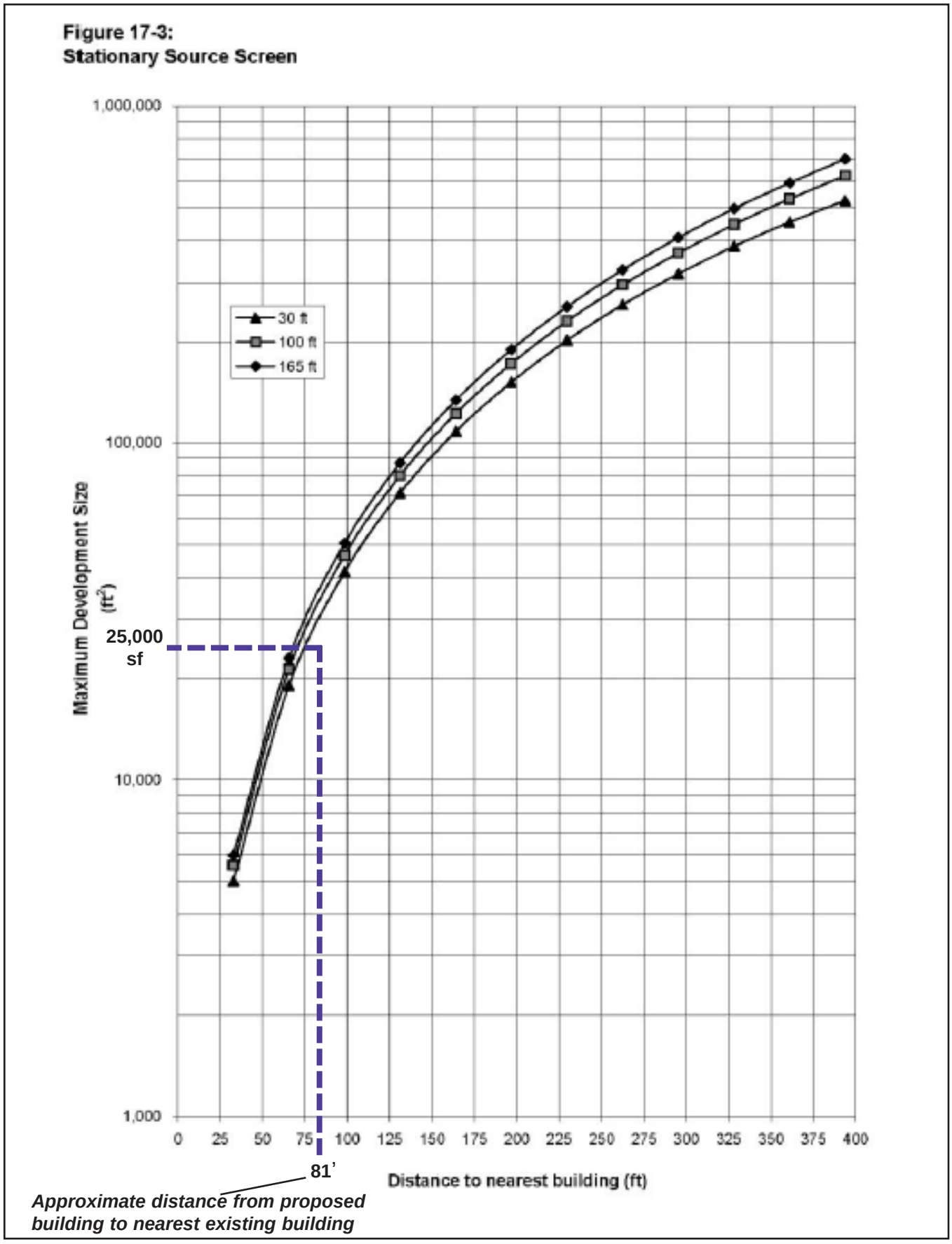


Figure B-5
Approximate Distance of Project Site to Nearest Building

Stationary Source HVAC Screening Analysis -- 15 Foot Tall Building



Air Toxics Analysis

According to the *2012 CEQR Technical Manual*, for projects that would result in or facilitate either new significant fossil fuel burning sources or new facilities that may adversely be affected by airborne emissions from nearby existing (or planned) major fossil fuel burring sources, S02, No2, PM10 and PM2.5 are the primary pollutant of concern. Furthermore, if a project would result in the development of new significant industrial sources or new uses that may be adversely affected by airborne emissions from existing (or planned) industrial sources, an assessment of both criteria and non-criteria pollutant emissions would be required.

As shown in Figure 1, Land Use in the EAS Form, the primary land use within a 400 foot radius of the Project Site is commercial (retail) uses. A gas station is located directly adjacent to the Project Site and to the west across Knapp Street is a 7-Eleven and the Brooklyn Amity School Campus. To the south is a TGI Fridays, Jordan's Lobster Dock and a beauty supply store along Harkness Avenue. Directly to the north of the Project Site is the Brooklyn Yacht Club on Voorhies Avenue. The Proposed Action would introduce a new commercial use (retail) which would be similar to existing uses and would not introduce any new fossil fuel burning sources. As neither the surrounding commercial uses nor the Proposed Action would release emissions that are considered pollutants of concern as per *2012 CEQR Technical Manual* criteria, no significant adverse impacts due to emissions would be expected.

Furthermore, the Project Site is located directly across from the New York City Coney Island Water Treatment Plant. A small portion of the southern side of the plant, located across Voorhies Avenue is within a 400 foot radius of the Project Site. This section of the plant is occupied by sludge storage tanks and thus, no plant activities resulting in emissions would occur at this location. The Coney Island Water Treatment Plant meets both the 10-ppb New York State standard and CEQR significant odor indicator threshold of a maximum 1-hr off-site impact of 1 ppb (NYCDEP) for Hydrogen Sulfide (H2S). Therefore, no significant adverse odor impacts are anticipated at the subject property and no further assessment would be required at this site.

X. NOISE

The purpose of a noise analysis is to determine both (1) a proposed action's potential effects on sensitive noise receptors, including the effects on the level of noise inside residential, commercial, and institutional facilities (if applicable) and (2) the effects of ambient noise levels on new sensitive uses introduced by the proposed action. The principal types of noise sources affecting the New York City environment are mobile sources (primarily motor vehicles), stationary sources (typically machinery or mechanical equipment associated with manufacturing operations or building heating, ventilating and air conditioning systems or above-grade subways) and construction noise.

Mobile Source Screening

The 2012 *CEQR Technical Manual* states that if a proposed action would increase noise passenger car equivalent (Noise PCE) values by 100 percent or more, then a detailed analysis is generally performed. The proposed retail building would not double Noise PCE values at any location around the site. Furthermore, the Proposed Action would not result in more than 50 vehicle trips at any intersection at the Project Site. Therefore, the Proposed Action would not result in any significant adverse mobile source noise impacts and a detailed mobile source analysis is not warranted.

Stationary Source Screening

No detailed designs of the building's mechanical systems (i.e. heating, ventilation and air conditioning systems) are available at this time. It is expected that those systems will be designed to meet all applicable noise regulations and requirements.

Sensitive Receptor Analysis

According to the 2012 *CEQR Technical Manual*, detailed noise analysis may be warranted if a sensitive receptor screening determines that a proposed action would introduce a new noise-sensitive location, known as a receptor, in an area with high ambient noise levels, which typically include those sites near highly-trafficked thoroughfares, airports, rail, or other loud activities. Receptors are defined as an area where human activity may be adversely affected when noise levels exceed predefined thresholds of acceptability or when noise levels increase by an amount exceeding a predefined threshold of change. The Proposed Action would introduce a new retail building located in a primarily commercial area (see Figure 1 – Land Use Map in the EAS form) and would therefore be considered a new sensitive receptor.

Existing noise levels on the sidewalk at the intersection of Knapp Street and Voorhies Avenue were provided by the New York City Department of City Planning (DCP). The *2012 CEQR Technical Manual* has set noise attenuation requirements for buildings based on exterior noise levels (see Table 19-3 of the *2012 CEQR Technical Manual*). Recommended noise attenuation values for buildings are designed to maintain interior noise levels of 45 dBA or lower for residential and community facility uses and 50 dBA or lower for retail and office uses. The required attenuation level is determined based on exterior $L_{10(1)}$ noise levels. Based on the existing L_{10} levels during the weekday AM, Midday (MD) and PM peak hours (see Table B-8 below), the proposed retail building would be required to provide an attenuation level of 23 dBA to maintain interior noise levels of 50 dBA (or less).

Table B-8
Required Attenuation Values for the Proposed Retail Building

Location	Day	Time	Existing L_{eq}	Existing L_{10}	CEQR Noise Exposure Category	Required Window Attenuation (dBA)	Attenuation for Commercial Use*
Intersection of Knapp St. and Voorhies Ave.	Weekday	AM	69.7	**72.0**	Marginally Unacceptable (I)	28 dBA	23 dBA
Intersection of Knapp St. and Voorhies Ave.	Weekday	MD	71.0	**73.0**	Marginally Unacceptable (I)	28 dBA	23 dBA
Intersection of Knapp St. and Voorhies Ave.	Weekday	PM	69.5	**72.0**	Marginally Unacceptable (I)	28 dBA	23 dBA

*NOTE: The above composite window-wall attenuation values are for residential and community facility uses. Commercial uses would be 5 dBA less in each category. All the above categories require a closed window situation and hence an alternative means of ventilation.

In the future with the proposed retail building, the peak period L_{10} value at the intersection of Knapp Street and Voorhies Avenue would be 73.0 dBA, which would place this intersection in the marginally unacceptable category level 1 in the MD peak hour. Based on *2012 CEQR Technical Manual* noise criteria, the required attenuation for the proposed retail building would be 23 dBA to maintain interior noise levels of 50 dBA or lower. The New York City Department of Buildings regulations stipulate any any installed windows provide, at a minimum, an attenuation of 25 dBA (marginally acceptable category), and thus the proposed retail building would provide sufficient attenuation to maintain interior

noise levels of 50 dBA. Further, the proposed retail building would be setback at least 200 feet from the intersection of Knapp Street and Voorhies Avenue, and therefore, the proposed building would have more than sufficient noise attenuation with standard windows (refer to Figure A-3 in Attachment A, "Project Description." Therefore, a detailed noise analysis is not warranted, and no significant adverse noise impacts are anticipated in the future with the Proposed Action.

XI. CONSTRUCTION IMPACTS

Although usually temporary, construction impacts can include noticeable and disruptive effects from an action that is associated with construction or could induce construction. In the RWCDS, the Proposed Action would facilitate the construction of a single-story retail facility and 84 accessory parking spaces on a vacant property located at 2713-2735 Knapp Street. It is expected that any construction associated with the Proposed Action would be completed within approximately 12 months, with most construction activity occurring between 7:00 AM and 5:00 PM on weekdays.

Construction activities may result in short-term disruption of both traffic and pedestrian movements at the Project Site. This would occur primarily due to the potential temporary loss of curbside lanes from the staging of equipment and the movement of materials to and from the site. Additionally, construction may at times result in temporary closings of sidewalks adjacent to the site. However, these conditions would not result in significant adverse impacts on traffic and transportation conditions given the limited duration of any obstructions. Noise associated with construction would be limited to typical construction activities, and would be subject to compliance with the New York City Noise Code and by EPA noise emission standards for construction equipment. These controls and the temporary nature of construction activity will assure that there would be no significant adverse noise impacts associated with construction activity. In addition, as noted in Section VII - Hazardous Materials above, an (E) designation will be placed on the Project Site as part of the Proposed Action. If found warranted based on the required environmental site investigation, a site-specific Construction Health and Safety Plan (CHASP) would ensure that conditions during the construction of the RWCDS retail structure would not adversely impact workers at the site.

Construction of the RWCDS retail facility would result in temporary disruption to the surrounding area, including noise, dust, and traffic associated with the delivery of materials and arrival of workers on the Project Site, the incremental effects of the Proposed Action, if any, would be negligible. For the reasons stated above, no impacts from construction are expected from the Proposed Action and a detailed analysis is not warranted.

APPENDIX A
RESTRICTIVE DECLARATION

AS IN ORIGINAL

DECLARATION

THIS DECLARATION, made as of the 5th day of NOVEMBER 1984, by MJM DISTRIBUTORS, INC., a New York corporation, with offices at 108 Avenue U, Brooklyn, New York 11223 (hereinafter referred to as "Declarant").

W I T N E S S E T H :

WHEREAS, Declarant is the owner in fee simple of certain real property located in the Borough of Brooklyn, City and State of New York, which property is known by the street address 2713 to 2735 Knapp Streets and as Lots 11, 14 and 53 in Block 8839, Lots 70 and 84 in Block 8840, and Lot 535 in Block 8841 and is the grantee in certain Quitclaim Deeds to a portion of Lot 20 in Block 8839, Lot 77 and a portion of Lot 90 in Block 8840 and Lot 450, and a portion of Lot 525 in Block 8841 of the Tax Map of the City of New York, as more specifically described in Exhibit "A" annexed hereto, and is hereinafter referred to as the "Subject Property"; and

WHEREAS, the Subject Property is currently located within a C3 zoning district; and

WHEREAS, Declarant has heretofore submitted a Uniform Land Use Review Procedure Application #C 840631 ZMK to the City

(last revised 9/17/84), Bird's Eye View (last revised 9/17/84), FT 1 (last revised 10/24/84), Presentation Elevation (last revised 9/17/84), Presentation Sections (last revised 9/17/84), and SK1 (last revised 10/19/84).

Planning Commission (hereinafter referred to as the "CPC"), in which Declarant seeks to change the zoning of the upland portion of the Subject Property to C8-1, as more precisely described or depicted on Exhibit "B" annexed hereto, in order to allow the use of the Subject Property as a retail sales facility which is greater than 10,000 square feet, and as a marina; and

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WHEREAS, Declarant has submitted a Uniform Land Use Review Procedure Application #C 840632 MMK in which Declarant seeks to change the City Map to eliminate three existing streets; and

WHEREAS, Declarant has proposed that the Subject Property be developed with a new building (hereinafter referred to as the "Proposed Building") for use as a retail sales facility (hereinafter sometimes referred to as the "Store"), together with a public promenade (hereinafter referred to as the "Promenade"), in accordance with the Site Plans annexed hereto as Exhibit "C" (hereinafter referred to as the "Site Plans"), prepared by Dominick Salvati & Son Architects, designated as ST 1 (last revised October 25, 1984), and in conjunction with the existing marina along the waterfront of the Subject Property (hereinafter referred to as the "Marina"); and

WHEREAS, the Declarant desires to restrict the manner in which the Subject Property may be developed, redeveloped, maintained and operated in the future, including obligations to construct and maintain the Promenade as shown on the Site Plans

Title Sheet (last revised 9/17/84), Survey (last revised 9/17/84), Survey with Overlay (last revised 9/17/84), C1 (last revised 9/17/84), A1 (last revised 9/17/84), AP1 (last revised 9/17/84), A4 (last revised 9/17/84), A5 (last revised 9/17/84), A6 (last revised 9/17/84), Knapp Street perspective

and to maintain the Marina, and intends that these restrictions, all of which are contained in this Declaration, shall inure to the benefit of all land owners and tenants owning or leasing real property within a one-half mile radius of the Subject Property, including without limitation, the City of New York; and

WHEREAS, Declarant represents and warrants that no restrictions of record on the use of the Subject Property, nor any present or presently existing estate or interest in the Subject Property, nor any lien, obligation, covenant, limitation or incumbrance of any kind precludes, presently, the imposition of the restrictions, covenants, obligations, easements, liens and agreements of this Declaration or the development of the Subject Property in accordance therewith; and

WHEREAS, Home Abstract Corp. has certified that as of November 2, 1984 there are no "parties-in-interest" (as defined in the Section 12-10 of the Zoning Resolution of the City of New York), (hereinafter referred to as the "Zoning Resolution") as shown by Exhibit "D" annexed hereto.

NOW, THEREFORE, Declarant does hereby declare that the Subject Property shall be held, sold, conveyed and occupied subject to the following restrictions, covenants, obligations, easements and agreements which are for the purpose of protecting the value and desirability of the Subject Property and which shall run with such real property.

I. APPLICABILITY

1.01 The provisions of this Declaration, including the obligation to construct a Promenade pursuant to the Site Plan, shall inure to the benefit of and be binding upon all heirs, successors, and assigns of Declarant's interests in the Subject Property. References to Declarant in this Declaration shall be deemed to include any and all heirs, successors, and assigns to any such interests, so long as the portions of the Subject Property depicted in Exhibit "B" are zoned C8-1. The provisions of this Declaration shall also inure to the benefit of all land owners and tenants owing or leasing real property within a one-half mile radius of the Subject Property, including, without limitation, the City. References in this Declaration to agencies or instrumentalities of the City shall be deemed to include agencies or instrumentalities succeeding to the jurisdiction thereof pursuant to the laws of the State of New York and the New York City Charter.

II. DEVELOPMENT AND MAINTENANCE OF THE PROMENADE AND MARINA

2.01 Declarant shall construct the Proposed Building and Promenade in accordance with the Site Plans annexed hereto. No temporary or permanent Certificate of Occupancy shall be applied for or issued by the Department of Ports and Terminals

Department of Buildings for the Proposed Building, and no use of the Proposed Building, as defined in Section 12-10 of the Zoning Resolution, shall commence until the Promenade is complete, in accordance with the Site Plans annexed, and is open and accessible to the public.

2.02 ~~No permanent Certificate of Occupancy shall be issued by the Department of Ports and Terminals or the Department of Buildings unless the~~ Declarant ~~has~~ shall have installed ground work and a conduit for a traffic signal at the intersection of Emmons Avenue and Knapp Street, if the New York City Department of Transportation determines that a traffic signal should be installed at said intersection, as required by the City Environmental Quality Review Conditional Negative Declaration dated September 14, 1984 (Report #83-342K) (hereinafter referred to as the "Conditional Negative Declaration"). If Declarant fails to install said groundwork and conduit, any temporary or permanent certificate of occupancy for the Proposed Building shall be rescinded.

2.03 The Marina shall be open and accessible to the public, despite the fact that construction of the Proposed Building is not complete, except that the Marina may be closed temporarily and only to the extent necessary for the purpose of construction of the Promenade or the Proposed Building. In that event, closure shall not continue for more than 5 calendar days without written permission from the Chairman of CPC (hereinafter referred to as the "Chairman"), and the remainder of the Marina shall remain open.

AS IS EXISTING

2.04 Declarant agrees that the Promenade and Marina shall be operated pursuant to the following terms and conditions:

1. The Marina shall be maintained, operated and used as a Marina and may never be used for any other purpose. It must be used as a Marina despite the fact that the continued operation thereof may not be profitable.

2. The Marina's facilities shall be maintained in good condition and repair, and the existing Marina services shall be continued, as follows:

(a) There shall be not less than 122 slips for the docking of boats.

(b) Electricity and water hoses shall be available on piers #1-5 from April 1 through October 31, daily, including public holidays, in accordance with Exhibit "B" (refer to API, last revised)

(c) Electricity shall be available on Saturdays and Sundays, and public holidays, from November 1 through March 31.

(d) One restroom shall be provided and maintained for Marina tenants.

3. The existing bulkhead shall not be moved, except when necessary for maintenance or replacement thereof.

4. Declarant shall not fill any land under water on the Subject Property and shall not file any

application to fill any such land under water with any Federal, State or City agency.

5. Declarant shall not construct or place any structure(s) in or on the water, other than those depicted on the Site Plan, without permission of the CPC pursuant to Article VII hereof. ~~However, Declarant may place additional slips or piers in the water on the Subject Property, without the permission of the CPC.~~

6. a) The Promenade shall be open and accessible to the public, including the physically handicapped, between the hours of 9:00 a.m. and 9:00 p.m., daily, including public holidays, from May 1 through September 30. From October 1 through April 30, the Promenade shall be open and accessible to the public, including the physically handicapped, from 9:00 a.m. through 6:00 p.m., daily, including public holidays.

b) In the event that the Proposed Building (whether used as a store or for any other permitted commercial use) is open after 6:00 p.m. from October 1 through April 30, the Declarant agrees to keep the Promenade open for the same hours, but not later than 9:00 p.m.

c) In the case of emergency or when it is necessary to close the Promenade or the Marina for the purpose of making repairs, the Promenade or Marina may be

closed only to the extent absolutely necessary to accommodate such repairs, and the remainder of the Promenade shall remain open. Closure of the Promenade for emergencies shall be limited to actual emergency situations causing physical danger or a threat to the public safety and shall not in any event include such occurrences as icy conditions, which Declarant is obligated to prevent when the Promenade and Marina are open. In any event, closure shall not continue for more than 5 calendar days without written permission from the Chairman of the CPC.

7. The Promenade shall be maintained in good condition and repair, including, but not limited to:

a) Maintaining paved areas in good condition and repair;

b) Maintaining wooden slats and fences on the Promenade in good condition and repair;

c) Maintaining all planters and planting beds and the vegetation required to be planted therein pursuant to the Site Plans in an attractive and healthy condition, including the removal and replacement of vegetation when needed;

d) Maintaining seating in a good, useable, accessible condition and replacing it when needed;

e) Emptying trash receptacles at frequent intervals and replacing them when needed;

f) Maintaining lights in good working order, assuring that all lights operate during hours of darkness, and replacing lights when needed;

g) Maintaining all other landscape features according to the Site Plan;

h) Removing snow, litter and dead leaves promptly and curing icy conditions; and

i) Confining permitted obstructions.

8. A security guard shall be provided in the Promenade area during the hours that the Promenade is open, as set forth in paragraph 6.

9. Declarant shall provide access and signs for handicapped persons, in accordance with the Site Plan.

10. Declarant shall provide 224 parking spaces, including parking spaces for Marina tenants, free of charge, during Promenade hours and hours of the Proposed Building.

11. Any leases entered into by Declarant with Marina tenants shall provide for a termination of the lease in the event that any violation is issued by

the Department of Health against the lessee for dumping sewerage into the waters adjacent to the Marina.

12. Boats to be docked at the slips shall not exceed 100 feet in length.

III. SECURITY

3.01 Prior to submission of an application for a building permit to the Department of Ports and Terminals or Department of Buildings, Declarant shall post security for the construction of the Promenade in accordance with the Site Plan in the face amount of $24,000.00. The security shall be a performance bond for the benefit of the City of New York, in a form acceptable to the CPC, acting through the Chairman, issued by a surety company licensed to do business in the State of New York. Upon the completion of the Promenade in accordance with the Site Plan, and upon issuance of a permanent Certificate of Occupancy for the Proposed Building, said bond shall be cancelled.

3.02 Prior to submission of an application for a temporary or permanent Certificate of Occupancy to the Department of Ports and Terminals or the Department of Buildings, Declarant shall post a performance bond in the face amount of $15,000.00 for the benefit of the City of New York, in a form acceptable to

the CPC, acting through the Chairman, issued by a surety company licensed to do business in the State of New York, to ensure the maintenance of the Marina and Promenade, as required by this Declaration.

3.03 Neither the Department of Ports and Terminals nor the Department of Buildings shall issue either a building permit or a temporary or permanent Certificate of Occupancy, unless Declarant submits copies of the bonds required pursuant to Sections 3.01 and 3.02 above and paid receipts therefor.

IV. USE RESTRICTIONS

4.01 Declarant shall not use the Proposed Building for any use, other than as the Store or the following:

(a) Uses set forth in Use Group 6A of Section 32-15 of the Zoning Resolution; and

(b) Uses set forth in Use Group 6C of Section 32-15 of the Zoning Resolution; ~~and~~ stet

(c) Uses set forth in Use Group 10A of Section 32-19 of the Zoning Resolution; and

(d) Uses set forth in Use Group 14 of Section 32-23 of the Zoning Resolution.

Offices are permissible when accessory to the preceding permissible uses as otherwise allowed in the Zoning Resolution as modified by this Declaration.

4.02 a) In the event that the Proposed Building to be constructed by Declarant is thereafter destroyed or demolished, Declarant may thereafter construct either a replacement facility in accordance with the Site Plan annexed

hereto (or in accordance with a modification of the Site Plans pursuant to Article VII) for a use permitted under Section 4.01 hereof, or a new development for a use permitted in a C3 district, except that no ~~residential development will be constructed.~~ uses in Use Groups 1 through 4 (Sections 22-11, 22-12, 22-13, and 22-14 of the Zoning Resolution) shall be permitted.

b) In the event that the Proposed Building is destroyed or demolished and Declarant elects to construct a new development for a use permitted in a C3 district (~~other than~~ but not a use in Use Groups 1 through 4), ~~residential development,~~ the obligation set forth herein to construct and maintain the Promenade will be waived while the upland portion of the Subject Property is utilized for a use permitted in a C3 district. However, if at any time Declarant constructs a building for any of the uses set forth in Section 4.01, Declaration must construct a Promenade along the waterfront in accordance with the Site Plans or in accordance with other plans approved by the CPC pursuant to Article VII.

V. SIGN RESTRICTIONS

5.01 No advertising signs or flashing business signs or ~~exposed tube~~ neon signs shall be placed on the Subject Property.

5.02 No business signs on the Subject Property shall be greater than 500 square feet in area per sign.

5.03 Declarant shall illuminate business signs on the Subject Property in the following manner: a) in accordance with the Site Plans;

~~a) Business signs~~

b) Indirectly illuminated business signs may be placed anywhere on the Subject Property in accordance with the Zoning Resolution; and

c) Directly illuminated business signs may be placed only on the north, northwest and west sides of the Proposed Building.

5.04 Declarant shall not place any signs on the roof of the Proposed Building without approval of the CPC, pursuant to Article VII, hereof.

VI. BULK RESTRICTIONS

6.01 The total zoning floor area on the upland portion Subject Property shall not exceed 65,000 square feet, as shown on the Site Plans.

6.02 If Declarant elects to build under Section 4.02(b), then the total zoning floor area on the Subject Property shall not exceed 65,000 square feet.

6.03 Declarant agrees that in the event that the portions of Shell Bank Avenue, Plumb 1st Street and Plumb 2nd Street that are within the Subject Property and which are below the mean high water mark are demapped, then:

a) Any floor area that may be attributed to the former bed of the aforesaid streets shall not be

developed and shall not be transferred to any other portion of the zoning lot for development and shall not satisfy zoning open space requirements; and

b) The floor area attributable to the lots on the Subject Property that are underwater and are adjacent to the former beds of the aforesaid streets shall not be transferred to any other portion of the zoning lot and shall not be used to satisfy zoning open space requirements.

VII. MODIFICATIONS TO DECLARATION

7.01 This Declaration may be modified, amended or cancelled only with the approval of the Chairman, the CPC or the Board of Estimate, as appropriate, and only upon application by Declarant. No other approval or consent by any other agency or private party shall be required for such modification, amendment or cancellation.

7.02 A statement certifying the Chairman's or the CPC's approval of the amendment modification shall be included at the end of the amended or modified declaration and shall be signed by the Chairman.

7.03 After certification by the Chairman of the CPC, Declarant covenants to file and record any such modified

declaration in the Register's Office of the County of New York, indexing it against the Property. Declarant further consents to provide the CPC with a copy of such modified or amended declaration, as recorded, certified by the Register's Office.

VIII. ENVIRONMENTAL CONDITIONS

8.01 In the event the New York City Department of Transportation determines that a traffic signal must be installed at the intersection of Knapp Street and Emmons Avenue, Declarant agrees to install the traffic signal at its own cost and expense or to pay for its installation by the City, in accordance with the Conditional Negative Declaration.

8.02 Declarant shall apply to the New York City Department of Transportation to change the signal timing at the westbound approach of the Shore Parkway service road at Knapp Street.

8.03 Declarant shall install two stop signs at both the truck exit and car parking lot exit areas.

IX. MISCELLANEOUS

9.01 This Declaration shall become effective when the Board of Estimate shall have approved the Uniform Land Use Review Procedure Applications #C 840631 ZMK and #C 840632 MMK, heretofore submitted by Declarant.

9.02 Declarant shall file and record this Declaration in the Office of the Register of the City of New York, County of Kings, indexing it against the entire Subject Property on or immediately following the date on which the Board of Estimate approves the Uniform Land Use Review Procedure Application. Declarant will promptly deliver to the CPC a copy of the Declaration as recorded, certified by the Register. The City may also record this Declaration. However, all fees payable for the purpose of recording this Declaration and purchasing a certified copy thereof, whether undertaken by Declarant or by the City shall be borne by Declarant.

9.03 The restrictions, covenants, obligations, easements and agreements in this Declaration will be binding upon the Declarant, or any other individual, business organization or other entity, only for the period during which the Declarant, or said individual, business organization, or other entity, is the holder of any interest in the Subject Property. Notwithstanding anything to the contrary contained in this Declaration, the City and any other party or person relying on the Declaration will look solely to the estate and interest of Declarant, its successors and assigns in the Subject Property or the subsequent holders of a fee interest in the Subject Property, on an in rem basis only for the collection of any

judgment recovered against Declarant, based upon the breach by Declarant of any of the terms, covenants or conditions of this Declaration on the part of Declarant to be performed, and no other property of Declarant or its principals, disclosed or undisclosed, or such successors, assigns and holders shall be subject to levy, execution or other enforcement procedure for the satisfaction of the remedies of the City or of any other party or person under or with respect to this Declaration.

9.04 Notwithstanding anything contained in this Declaration to the contrary, at any time after the issuance of a permanent Certificate of Occupancy in accordance with the terms of this Declaration, prior to Declarant being in default under any term, provision and/or covenant contained in the Declaration, the Chairman shall give Declarant written notice of such alleged default. Such written notice shall specify a period within which Declarant must cure the alleged default, which period shall not be less than 20 days; except with respect to any alleged default regarding the Promenade, said period shall not be less than 5 days.

9.05 References in this Declaration to Declarant shall be deemed to include Declarant's heirs, successors, assigns and legal representatives in respect of the Subject Property or any portion thereof.

9.06 This Declaration shall be construed as a covenant running with the land and shall be governed by and construed in accordance with the laws of the State of New York.

In any event, the Promenade shall not be closed for more than 5 days without the written - 17 - permission from the Chairman

9.07 In the event that any provision of this Declaration shall be deemed, decreed, adjudged or determined to be invalid or unlawful by a court of competent jurisdiction, or any administrative agency with due authority, such provision shall be severable and shall apply only to such portion of this Declaration and the remainder of this Declaration shall continue to be in full force and effect.

9.08 Within fifteen (15) days of request by Declarant therefor, the City will execute and deliver to Declarant in recordable form a written statement certifying this Declaration to be in full force and effect and the absence of any defaults or acts or omissions to act which, with the passage of time, would constitute defaults under the Declaration, or if there are alleged to be any defaults or acts or omissions to act, a statement setting forth the same.

9.09 Declarant acknowledges that the City is an interested party to this Declaration, and Declarant recognizes the right of the City to enforce administratively or at law or at equity, the restrictions, covenants, obligations, easements and agreements contained herein.

9.10 All notices, demands, requests, consents, approvals and other communication (each of which is hereinafter referred to as "Notice") which may be or are permitted, desirable or required to be given, served or sent hereunder, shall be in writing and shall be deemed to have been given, served or sent

9.07 In the event that any provision of this Declaration shall be deemed, decreed, adjudged or determined to be invalid or unlawful by a court of competent jurisdiction, or any administrative agency with due authority, such provision shall be severable and shall apply only to such portion of this Declaration and the remainder of this Declaration shall continue to be in full force and effect.

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9.10 All notices, demands, requests, consents, approvals and other communication (each of which is hereinafter referred to as "Notice") which may be or are permitted, desirable or required to be given, served or sent hereunder, shall be in writing and shall be deemed to have been given, served or sent

(a) if intended for Declarant by mailing to Declarant at its address at the commencement of this Declaration, ATT: Aaron Sloane, with copies to Weiss, Blutrich, Falcone & Miller, Two Park Avenue, New York, New York 10016, ATT: Lucille Falcone, Esq., and (b) if intended for the City or CPC by mailing to CPC at 2 Lafayette Street, New York, New York 10007, ATT: Chairman. Any recipient of Notice may from time to time by Notice designate a new address for the purposes of this Section. Any recipient of Notice may from time to time designate by Notice any one or all of its successor(s) in interest as required recipients of Notice pursuant to this Section. Each Notice which shall be mailed shall be deemed sufficiently given, served or sent for all purposes hereunder three days (if mailed in New York City), after it shall be mailed by United States registered or certified mail at a branch office regularly maintained by the United States Postal Service.

IN WITNESS WHEREOF, Declarant has executed this Declaration as of the date first above written.

MJM DISTRIBUTORS, INC.

By: _____
Vice President

REEL 1748 PAGE 730

STATE OF NEW YORK)
: ss.:
COUNTY OF NEW YORK)

On this 5th day of November, 1984, before me personally came JULIUS SLOANE, to me known to be the person who executed the foregoing instrument, and who, being duly sworn by me, did depose and say that he is Vice President of MJM DISTRIBUTORS, INC., and that he had the authority to sign the same and he acknowledged to me that he executed the same as the act and deed of said corporation for the uses and purposes therein mentioned.

Notary Public

[illegible]

(a) if intended for Declarant by mailing to Declarant at its address at the commencement of this Declaration, ATT: Aaron Sloane, with copies to Weiss, Blutrich, Falcone & Miller, Two Park Avenue, New York, New York 10016, ATT: Lucille Falcone, Esq., and (b) if intended for the City or CPC by mailing to CPC at 2 Lafayette Street, New York, New York 10007, ATT: Chairman. Any recipient of Notice may from time to time by Notice designate a new address for the purposes of this Section. Any recipient of Notice may from time to time designate by Notice any one or all of its successor(s) in interest as required recipients of Notice pursuant to this Section. Each Notice which shall be mailed shall be deemed sufficiently given, served or sent for all purposes hereunder three days (if mailed in New York City), after it shall be mailed by United States registered or certified mail at a branch office regularly maintained by the United States Postal Service.

IN WITNESS WHEREOF, Declarant has executed this Declaration as of the date first above written.

MJM DISTRIBUTORS, INC.

By: _____
Vice President

CHICAGO TITLE INSURANCE COMPANY

REEL 1748 PAGE 732

186 JORALEMON ST., SUITE 1111, BROOKLYN, NEW YORK 11201 (212) 858-2500

BROOKLYN OFFICE

CERTIFICATION PURSUANT TO ZONING LOT SUBDIVISION D OF SECTION 12-10 OF THE ZONING RESOLUTION OF DECEMBER 15, 1961 CITY OF NEW YORK - AS AMENDED EFFECTIVE AUGUST 18, 1977

CHICAGO TITLE INSURANCE CO., a title insurance company licensed to do business in the State of New York and having its principal office at 147 Remsen Street, Brooklyn, New York 11201 hereby certifies that as to the land hereinafter described, that all the parties in interest constituting a party as defined in Section 12-10, subdivision (d) of the Zoning Resolution of the City of New York, effective December 15, 1961, as amended are the following: As of November 2, 1984

NAME	ADDRESS	BLOCK	LOTS AFFECTED	DECLARATION RECORDING RECORD DATE	BOOK	PAGE
M.J.M. DISTRIBUTORS INC.	108 Avenue U B'klyn, N.Y. 11223	8839	11	12/6/1983	1453	1544
M.J.M. DISTRIBUTORS INC.	108 Avenue U B'klyn, N.Y. 11223	8839	14	12/6/1983	1453	1544
M.J.M. DISTRIBUTORS INC.	108 Avenue U B'klyn, N.Y. 11223	8839	53	12/6/1983	1453	1544
M.J.M.DISTRIBUTORS INC.	108 Avenue U B'klyn, N.Y. 11223	8839	20	12/6/1983	1453	1544
M.J.M. DISTRIBUTORS INC.	108 Avenue U B'klyn, N.Y. 11223	8840	70	12/6/1983	1453	1544
M.J.M. DISTRIBUTORS INC.	108 Avenue U B'klyn, N.Y. 11223	8840	84	12/6/1983	1453	1544
M.J.M. DISTRIBUTORS INC.	108 Avenue U B'klyn, N.Y. 11223	8841	535	12/6/1983	1453	1544
M.J.M. DISTRIBUTORS INC.	108 Avenue U B'klyn, N.Y. 11223	8840	90	12/6/1983	1453	1544
M.J.M.DISTRIBUTORS INC.	108 Avenue U B'klyn, N.Y. 11223	8841	525	12/6/1983	1453	1544

THIS CERTIFICATE IS MADE FOR AND ACCEPTED BY THE APPLICANT UPON THE EXPRESS UNDERSTANDING THAT LIABILITY HEREUNDER IS LIMITED TO ONE THOUSAND ($1,000.00) DOLLARS.

EXHIBIT D

CHICAGO TITLE INSURANCE COMPANY

BY: _____

EXHIBIT A

ALL that certain lot, piece or parcel of land, situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, bounded and described as follows:

BEGINNING at a point on the easterly side of Knapp Street, distant 100 feet southerly from the corner formed by the intersection of the easterly side of Knapp Street with the southerly side of Voorhies Avenue;

running thence easterly parallel with Voorhies Avenue, 230 feet to the center line of Plumb 1st Street;

thence northerly along the center line of Plumb 1st Street, 100 feet to the southerly side of Voorhies Avenue;

thence easterly along the southerly side of Voorhies Avenue, 162.51 feet;

thence south 27 degrees 2 minutes 36 seconds east, 21.86 feet;

thence south 5 degrees 54 minutes 59 seconds west, 52 feet;

thence south 40 degrees 56 minutes 30 seconds east, 100 feet;

thence south 76 degrees 16 minutes 30 seconds east, 65.70 feet;

thence south 38 degrees 47 minutes 30 seconds east, 124.03 feet;

thence south 86 degrees 50 minutes west, 605.062 feet to the easterly side of Knapp Street;

thence northerly along the easterly side of Knapp Street, 192.41 feet to the point or place of BEGINNING.

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"FAEMART"

2725 KNAPP STREET BROOKLYN, NEW YORK 11235

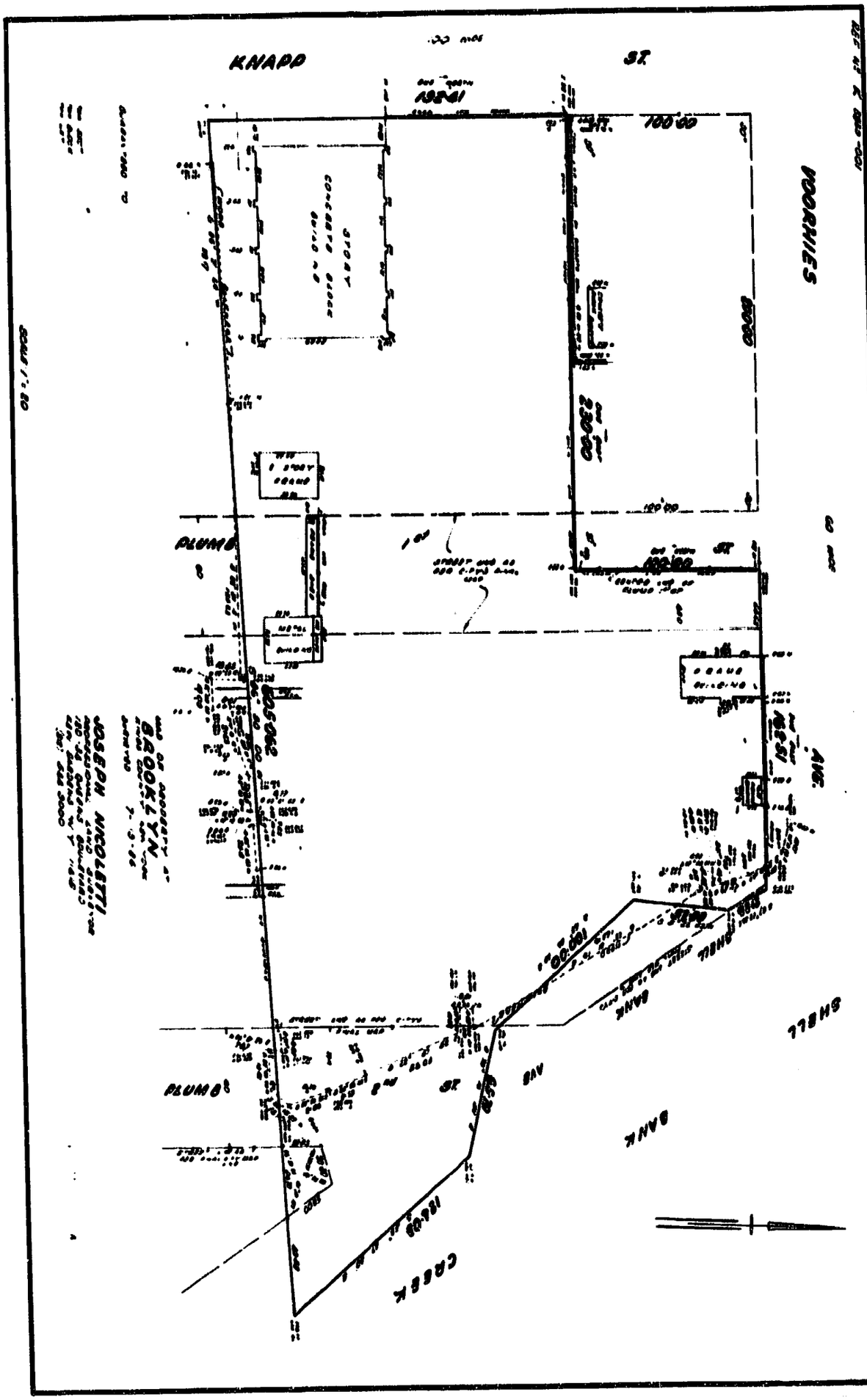
DEVELOPERS : **M.J.M. DISTRIBUTORS INCORPORATED**
2725 KNAPP ST. BROOKLYN, N.Y. 11235

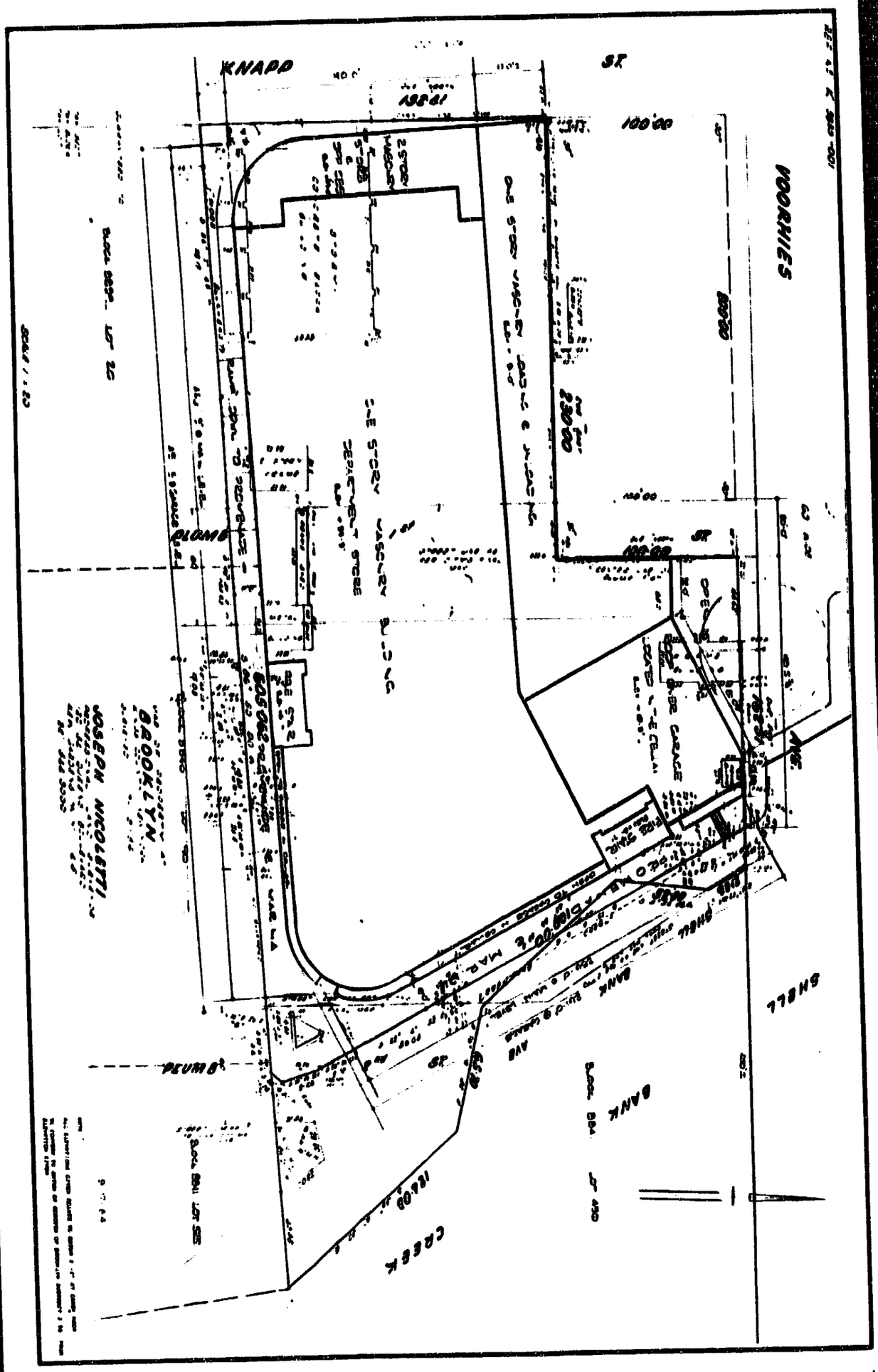
ARCHITECTS : **DOMINICK SALVATI & SON**
356 FULTON STREET, BROOKLYN, N.Y. 11201

STRUCTURAL ENGINEERS : **PAUL P. VALERIO ASSOCIATES CONSULTING ENGINEERS**
175 GREAT NECK ROAD. GREAT NECK, N.Y. 11021

MECHANICAL & ELECTRICAL ENGINEERS : **CHARLES Z. FERTIG, P.E.**
20 MONROE PLACE. STATEN ISLAND, N.Y. 10314

Exhibit C


KNAPP
ST.
VOORHIES
PLUMB
ST.
AVE.
SHELL
BANK
PLUMB
ST.
AVE
CREEK
JOSEPH NICOLETTI
BROOKLYN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JOSEPH NICOLETTI
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BANK
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PLUMB
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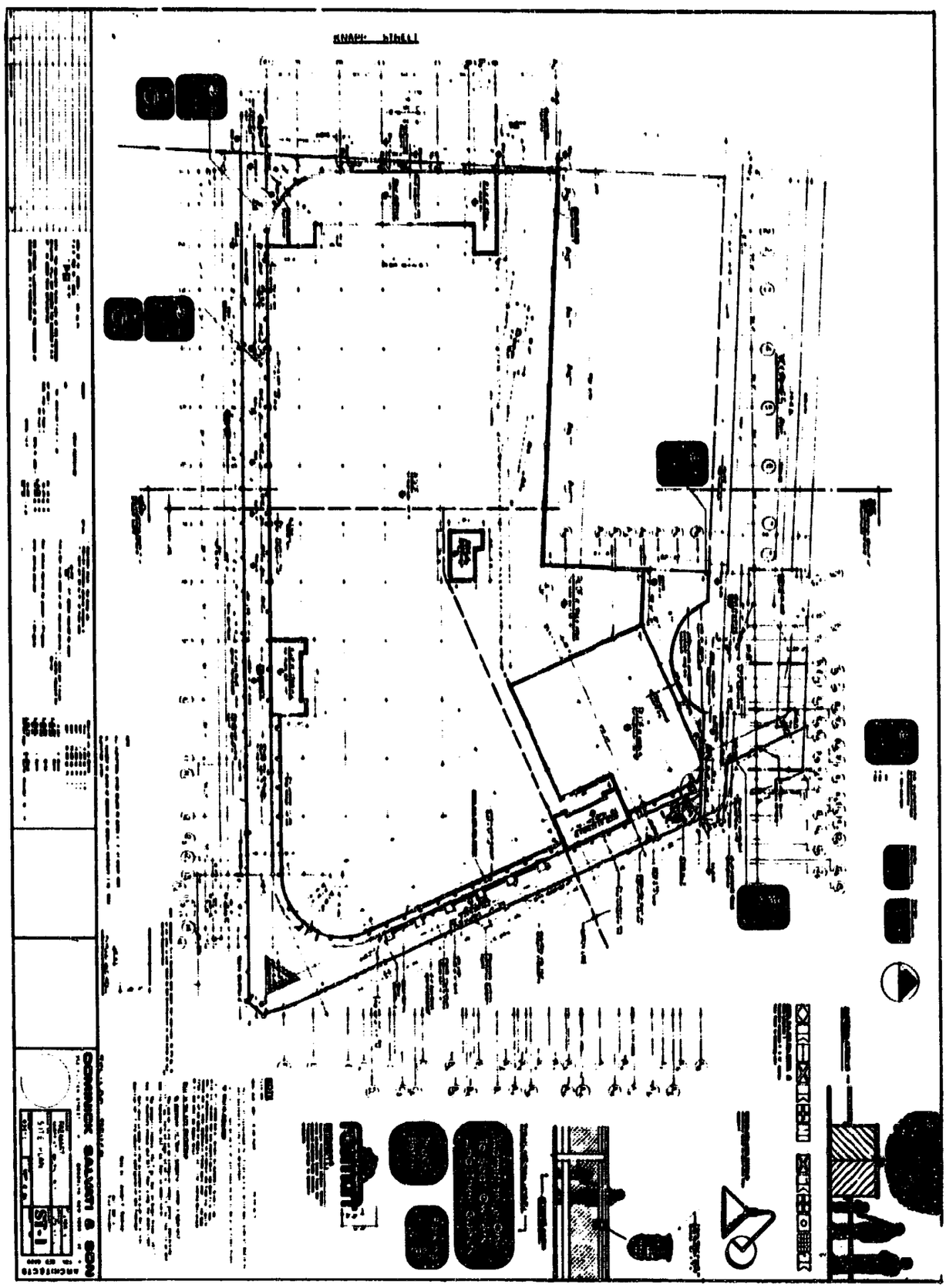
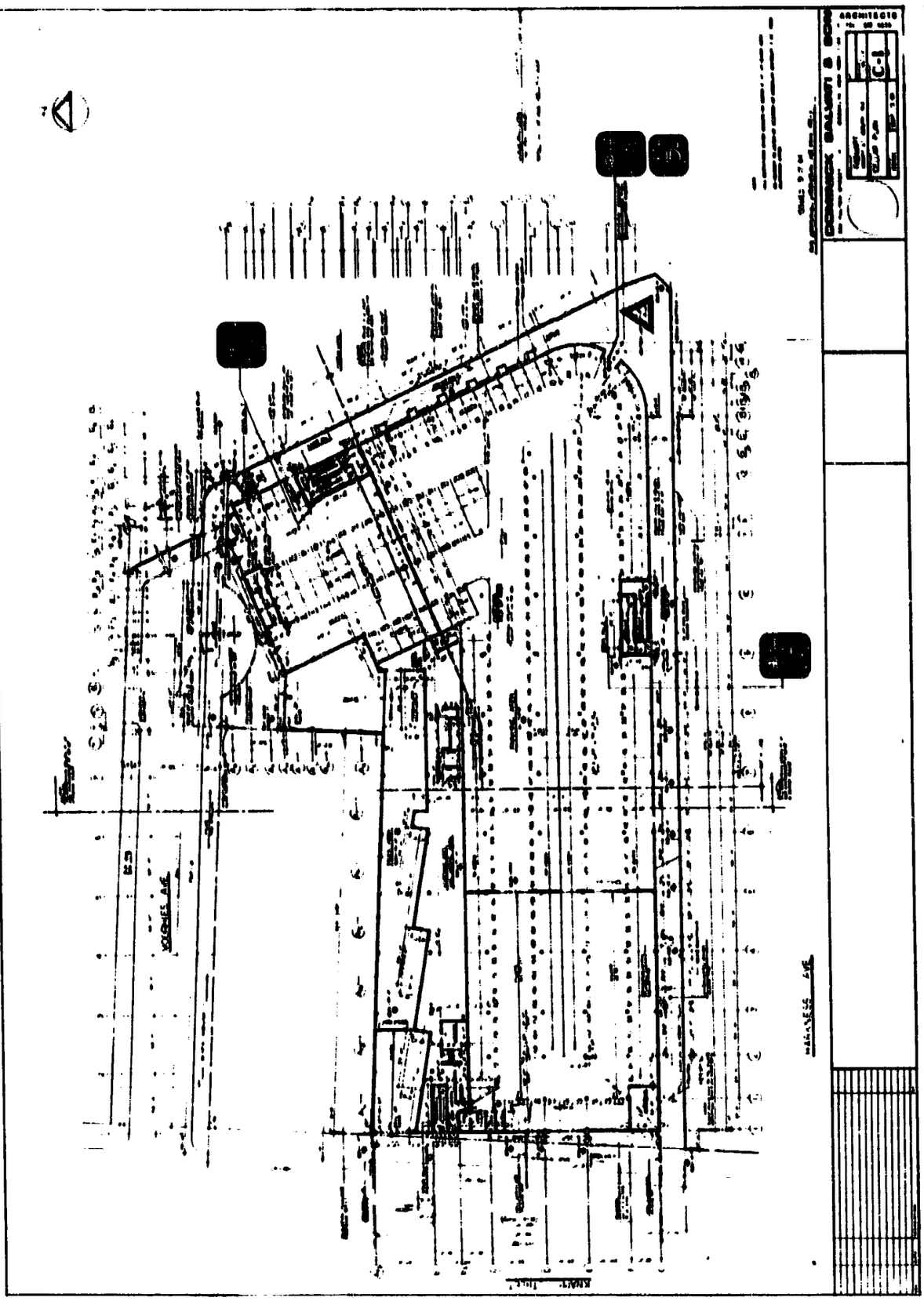
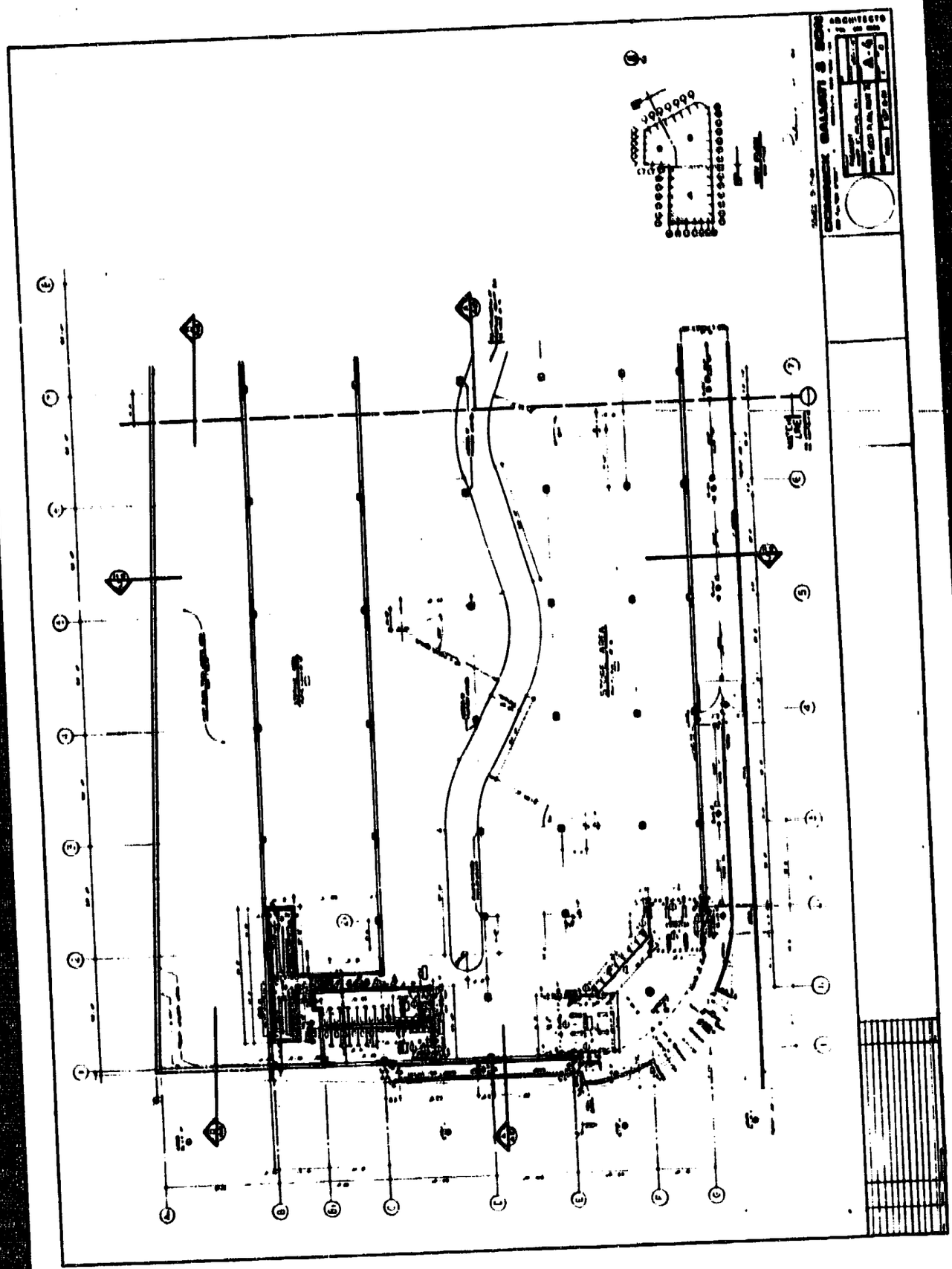
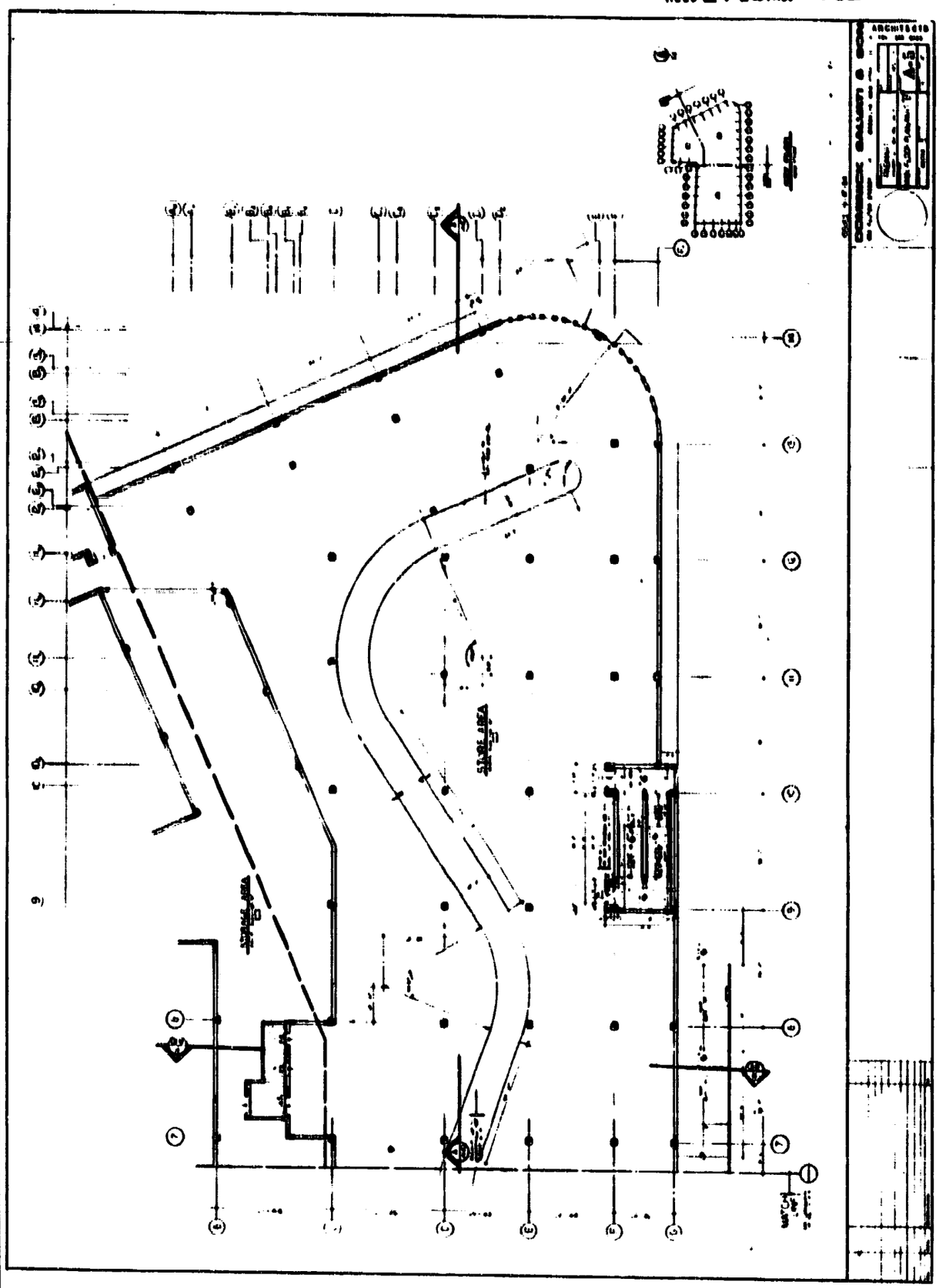
AVE

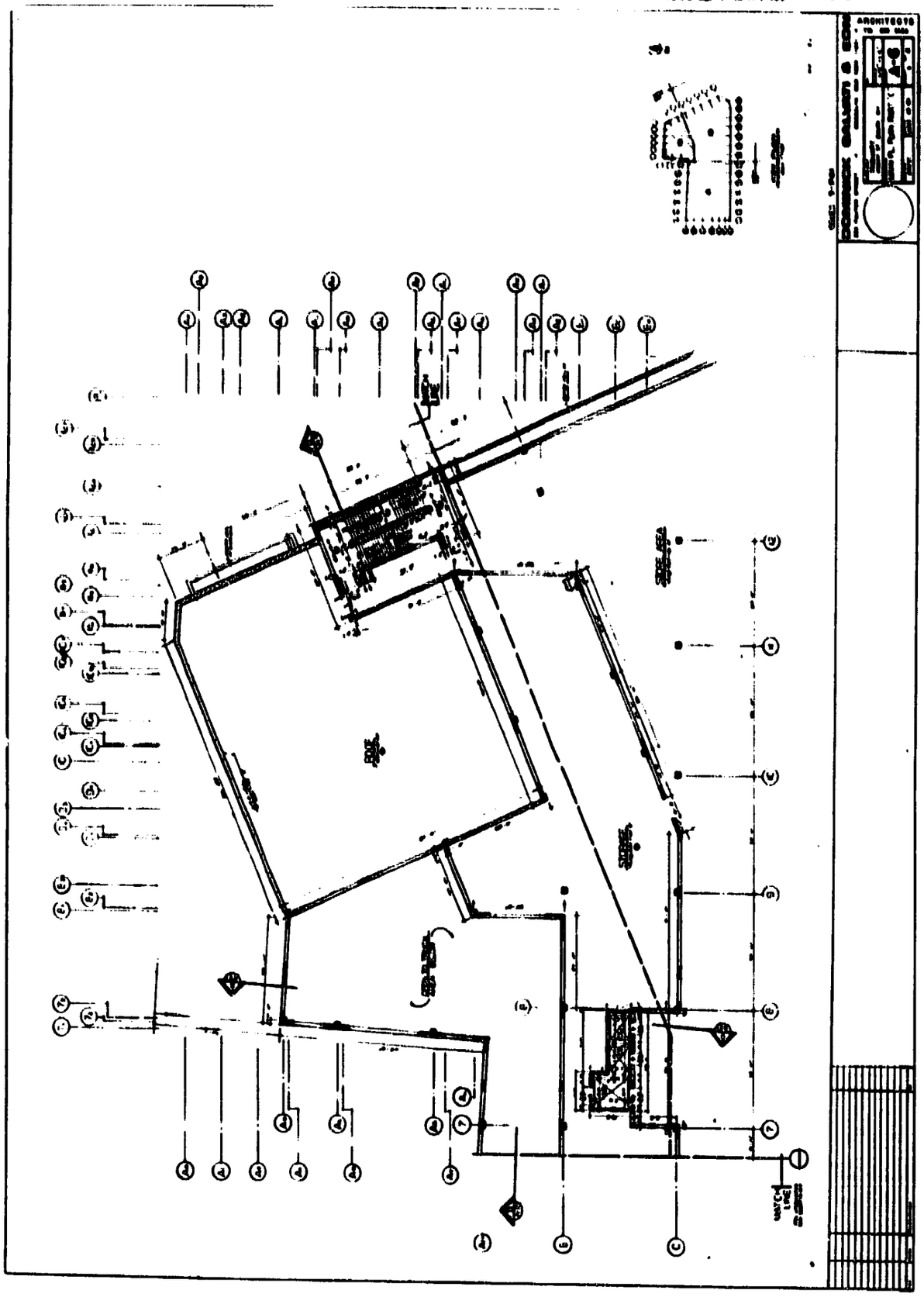

KNAPP STREET

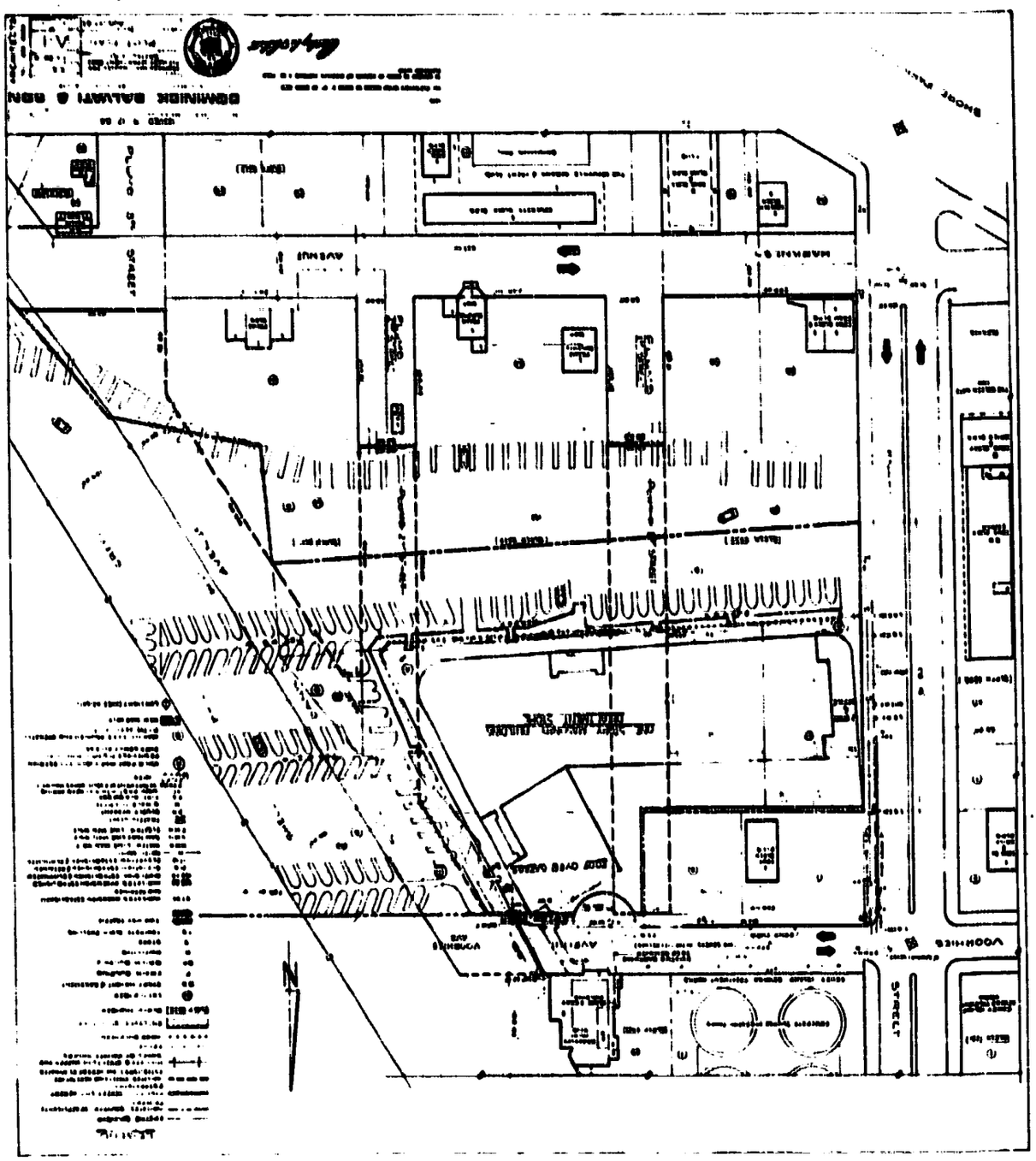
DOMINICK SALVATI & SON
ARCHITECTS
FT-1

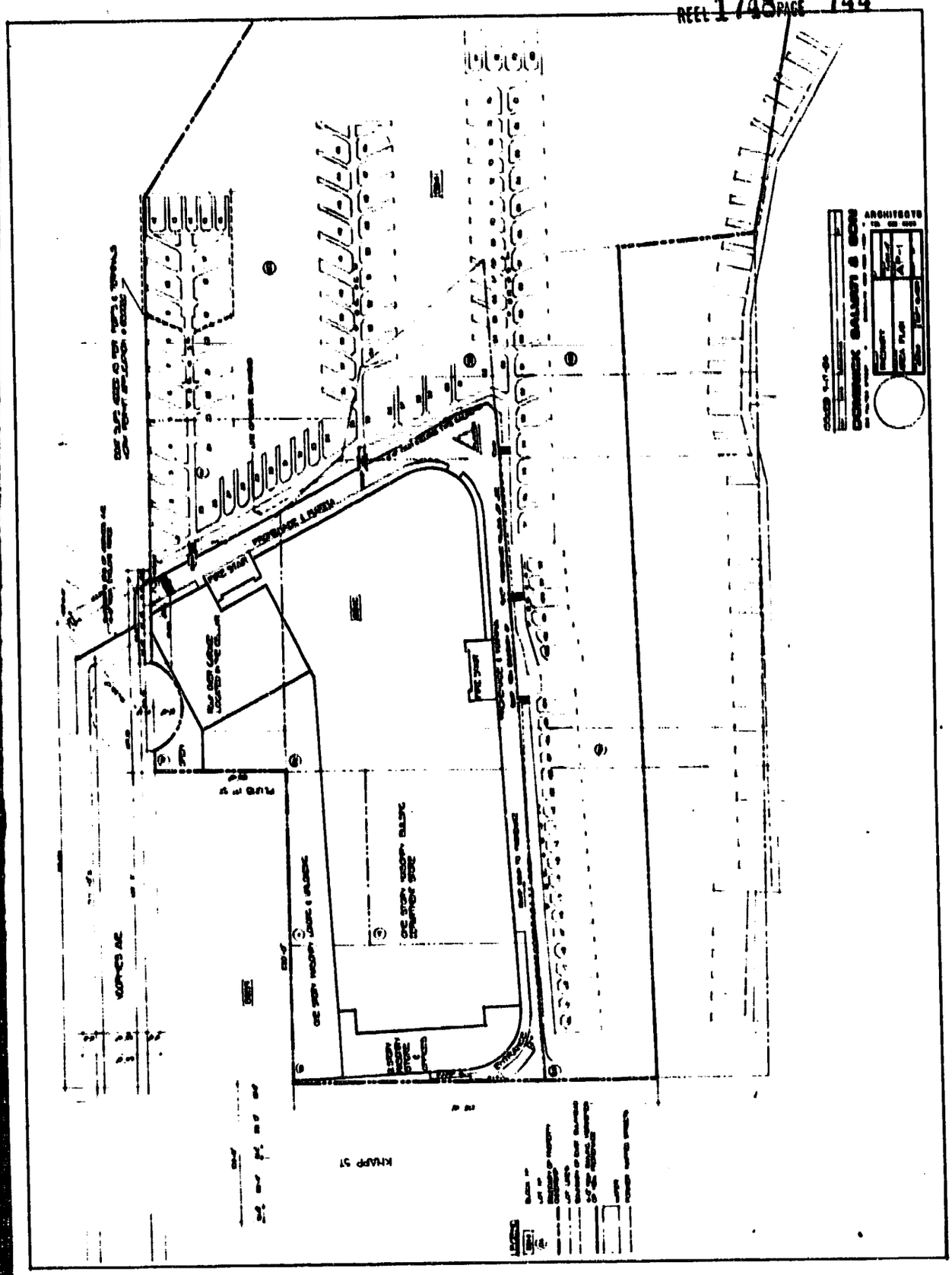


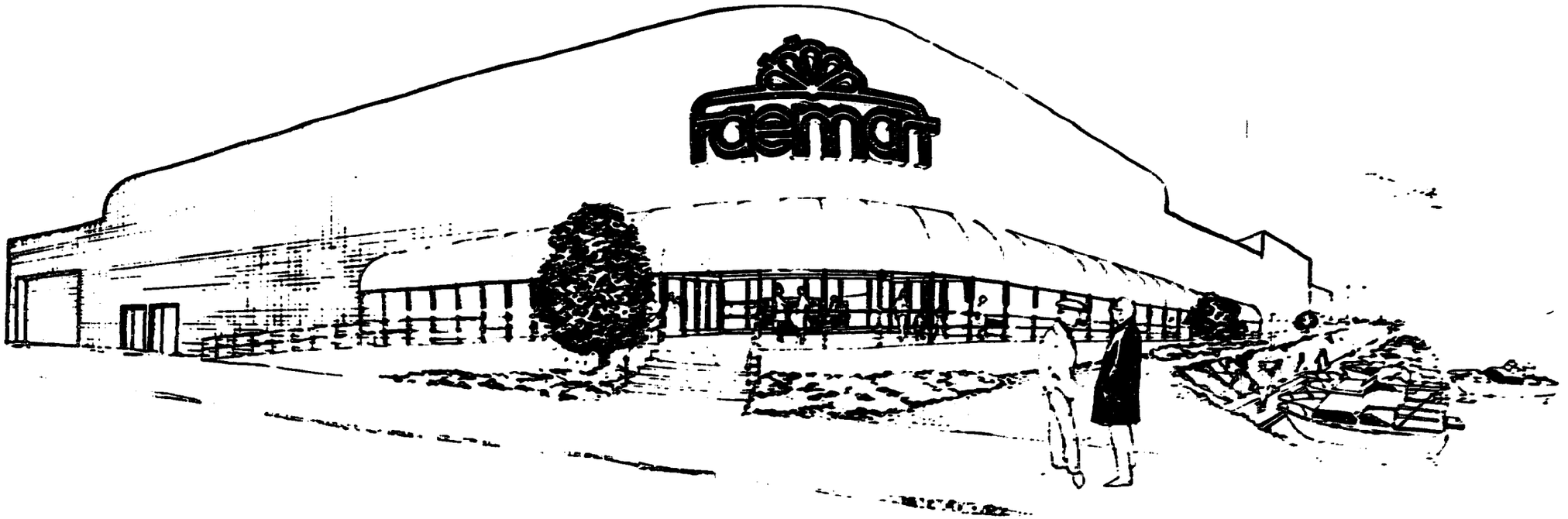










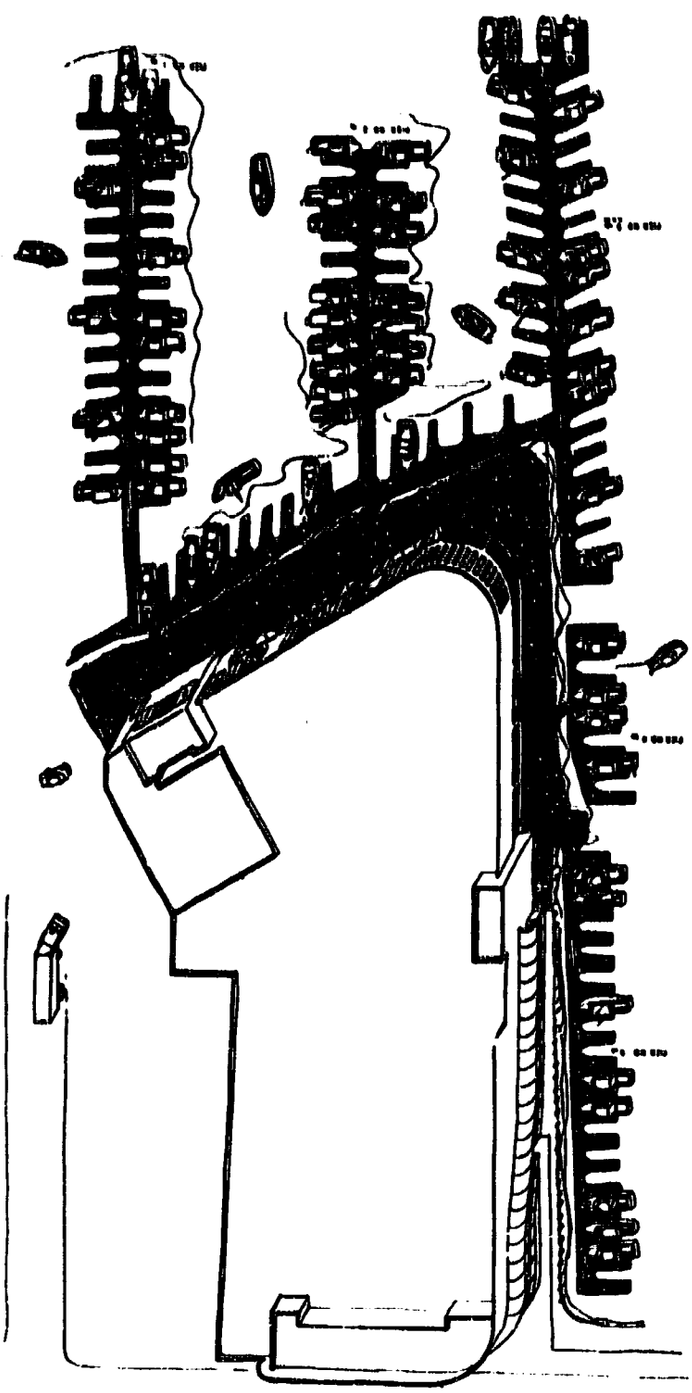


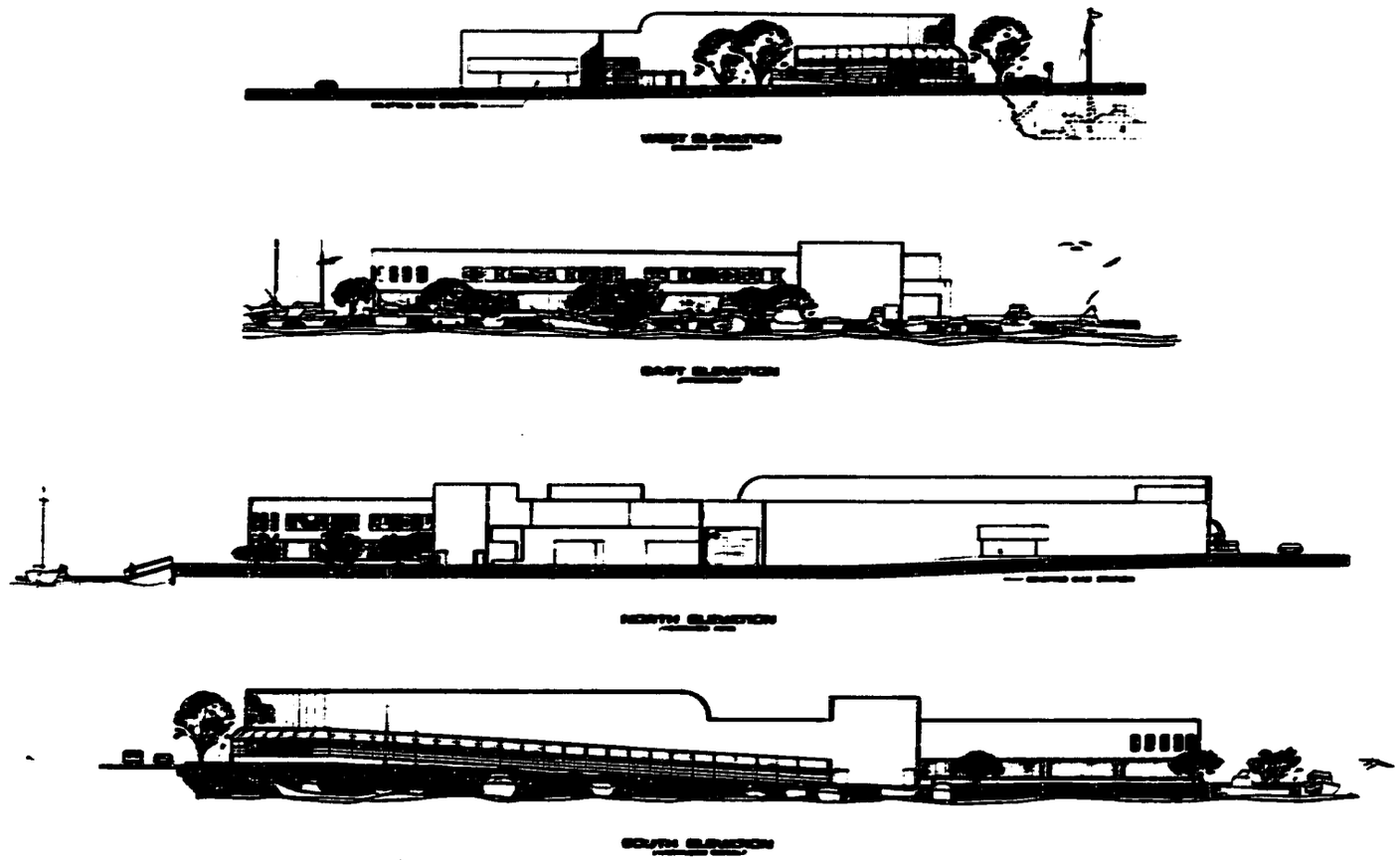
Southeast Perspective (Knapp Street)

ISSUED 3-17-94

MJM Distributors, Inc.,	Developer/Owner
Dominick Salvati & Son,	Architect
Lance Wyman, Ltd.,	Interior Design & Architectural Graphics

REEL 1748 PAGE 745





M J M DISTRIBUTORS
OWNER, DEVELOPER

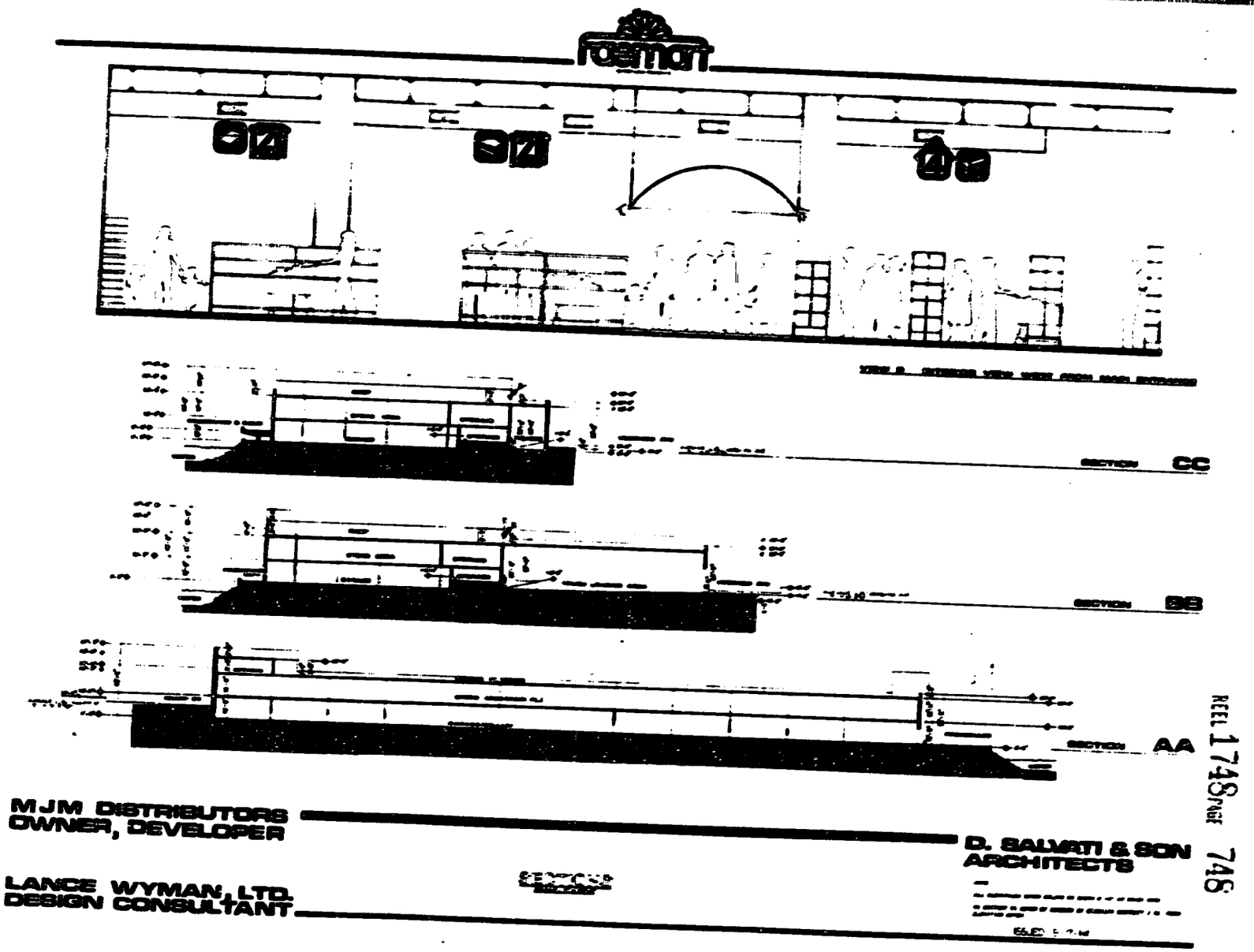
D. SALVATI & SON
ARCHITECTS

ELEVATIONS

LANCE WYMAN, LTD.
DESIGN CONSULTANT

ISSUED 5-17-84

REEL 1748 PAGE 747



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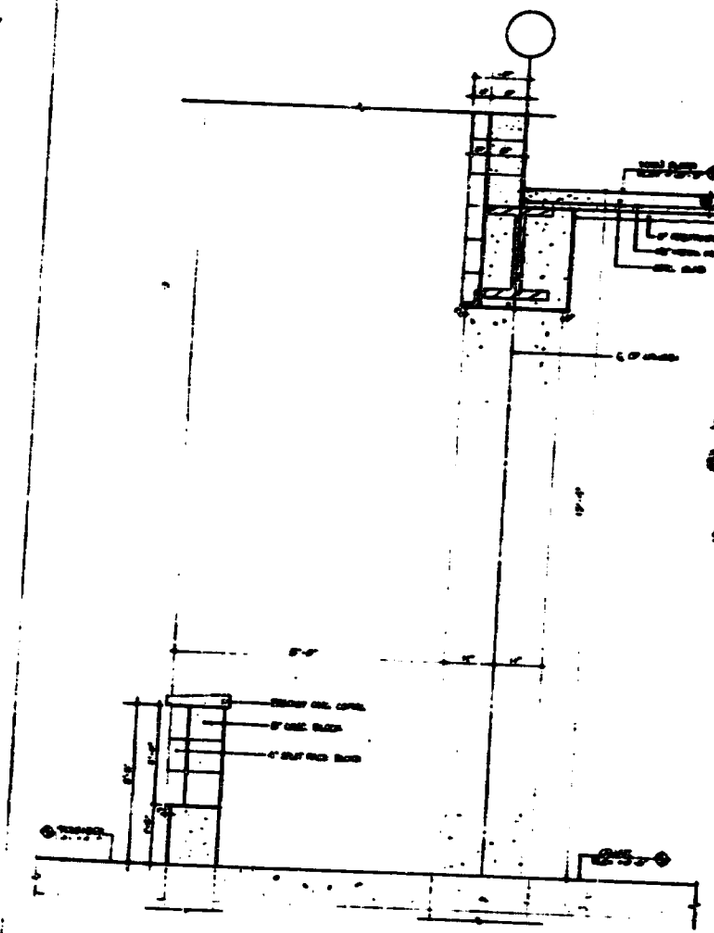
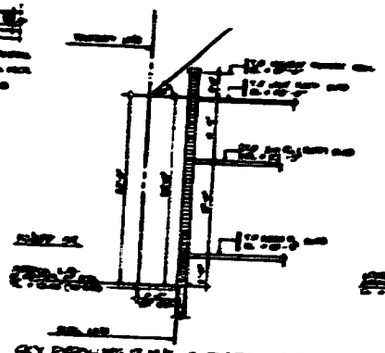
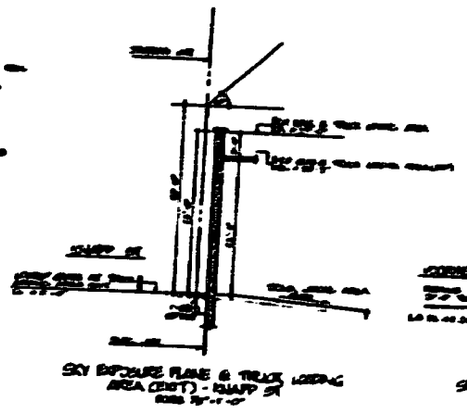


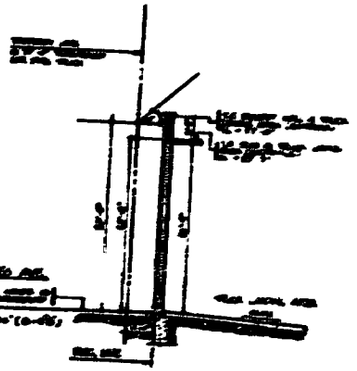
DETAIL OF BUILDING SETBACK AT PROMENADE



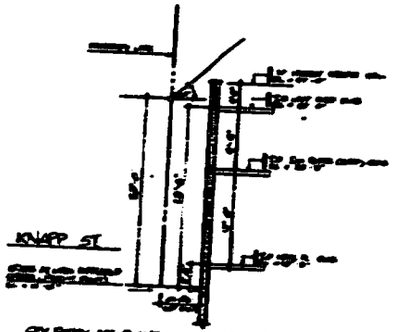
SKY EXPOSURE PLANE @ CENTER OF BLDG.



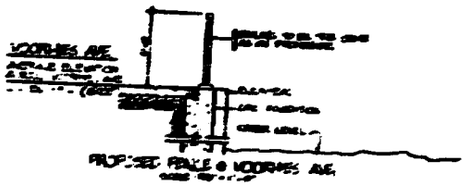
SKY EXPOSURE PLANE @ TRUCK LOADING AREA (EAST) - KNAPP ST



SKY EXPOSURE PLANE @ TRUCK LOADING AREA (SERVICE) - VOORHIES AVE



SKY EXPOSURE PLANE @ MAIN ENTRANCE



PROPOSED PLAZA @ VOORHIES AVE.

SHOWN ISSUED — 10-12-84 REVISED

DOMINICK SALVATI & SON ARCHITECTS

PROJECT	
	SK-1
DATE	SEPT. 6, 84

REEL 1748 PAGE 749

APPENDIX B
WATERFRONT REVITALIZATION PROGRAM FORM

For Internal Use Only:
Date Received: _____

WRP no._____
DOS no._____

NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM
Consistency Assessment Form

Proposed actions that are subject to CEQR, ULURP or other local, state or federal discretionary review procedures, and that are within New York City's designated coastal zone, 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 subsequently approved by the New York State Department of State with the concurrence of the United States Department of Commerce pursuant to applicable state and federal law, including the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. 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 agencies or the New York City Department of City Planning in their review of the applicant's certification of consistency.

A. APPLICANT

1. Name: Metro Storage NY, LLC, c/o Martin J. Gallagher
2. Address: 204 West 84th Street, Third Floor, NY NY 10024
3. Telephone: (847) 235-8911 Fax: (847) 235-8902 E-mail: mgallagher@metrostorage.com
4. Project site owner: Metro Storage NY, LLC

B. PROPOSED ACTIVITY

1. Brief description of activity:

This application is for the modification of an existing Restrictive Declaration at 2713-2735 Knapp Street in the Sheepshead Bay neighborhood of Brooklyn Community District 15. The proposed modification would remove the restrictive declaration from the Project Site and would permit the Applicant to improve the currently vacant property (please see Attachment A, "Project Description" for more details.

2. Purpose of activity:

The Proposed Project would improve an existing, undeveloped lot that has been vacant for 25 years and provide benefits to residents of the Sheepshead Bay neighborhood in Brooklyn. Recent developments south of the Proposed Project have added to the total number of commercial properties in the area. Development of the Project Site would be consistent with continuing land use trends in the area and would facilitate the development of an underutilized lot in an otherwise well-developed area.

3. Location of activity: (street address/borough or site description):

The project site is located at 2713-2735 Knapp Street in the Sheepshead Bay neighborhood of Brooklyn Community District 15. The Project Site is bounded by Knapp Street to the west, Voorhies Avenue to the north and Shell Bank Creek to the east and south.

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:

   No federal or state permits/licenses have been issued or are required for the Proposed Project.

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

   No federal or state funding will be used to finance the project.

6. Will the proposed project require the preparation of an environmental impact statement?
   Yes _____ No ____✓____ If yes, identify Lead Agency:

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

   Approval from the New York City Planning Commission (CPC) is required to remove the existing Restrictive Declaration on the Project Site and is a discretionary public action subject to the City Environmental Quality Review (CEQR).

C. COASTAL ASSESSMENT

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

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.

4. Will the proposed project result in revitalization or redevelopment of a deteriorated or under-used waterfront site? (1)	✓	
5. Is the project site appropriate for residential or commercial redevelopment? (1.1)	✓	
6. Will the action result in a change in scale or character of a neighborhood? (1.2)		✓

Policy Questions cont'd	Yes	No
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)		✓
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)		✓
9. Are there any waterfront structures, such as piers, docks, bulkheads or wharves, located on the project sites? (2)		✓
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)		✓
11. Does the action involve the siting of a working waterfront use outside of a SMIA? (2.2)		✓
12. Does the proposed project involve infrastructure improvement, such as construction or repair of piers, docks, or bulkheads? (2.3, 3.2)		✓
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)		✓
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)	✓	
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)		✓
16. Would the proposed project create any conflicts between commercial and recreational boating? (3.2)		✓
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)		✓
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)	✓	
19. Is the project site in or adjacent to a Significant Coastal Fish and Wildlife Habitat? (4.1)		✓
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)		✓
21. Would the action involve any activity in or near a tidal or freshwater wetland? (4.2)		✓
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)		✓
23. Would the action have any effects on commercial or recreational use of fish resources? (4.4)		✓
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)		✓
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)		✓
26. Would the action result in the draining of stormwater runoff or sewer overflows into coastal waters? (5.1)		✓
27. Will any activity associated with the project generate nonpoint source pollution? (5.2)		✓
28. Would the action cause violations of the National or State air quality standards? (5.2)		✓

Policy Questions cont'd	Yes	No
29. Would the action result in significant amounts of acid rain precursors (nitrates and sulfates)? (5.2C)		✓
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)	✓	
31. Would the proposed action have any effects on surface or ground water supplies? (5.4)	✓	
32. Would the action result in any activities within a federally designated flood hazard area or state-designated erosion hazards area? (6)	✓	
33. Would the action result in any construction activities that would lead to erosion? (6)		✓
34. Would the action involve construction or reconstruction of a flood or erosion control structure? (6.1)		✓
35. Would the action involve any new or increased activity on or near any beach, dune, barrier island, or bluff? (6.1)		✓
36. Does the proposed project involve use of public funds for flood prevention or erosion control? (6.2)		✓
37. Would the proposed project affect a non-renewable source of sand ? (6.3)		✓
38. Would the action result in shipping, handling, or storing of solid wastes, hazardous materials, or other pollutants? (7)		✓
39. Would the action affect any sites that have been used as landfills? (7.1)		✓
40. Would the action result in development of a site that may contain contamination or that has a history of underground fuel tanks, oil spills, or other form or petroleum product use or storage? (7.2)	✓	
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)		✓
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)		✓
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)		✓
44. Would the action result in the provision of open space without provision for its maintenance? (8.1)		✓
45. Would the action result in any development along the shoreline but NOT include new water-enhanced or water-dependent recreational space? (8.2)	✓	
46. Will the proposed project impede visual access to coastal lands, waters and open space? (8.3)		✓
47. Does the proposed project involve publicly owned or acquired land that could accommodate waterfront open space or recreation? (8.4)		✓
48. Does the project site involve lands or waters held in public trust by the state or city? (8.5)		✓
49. Would the action affect natural or built resources that contribute to the scenic quality of a coastal area? (9)		✓
50. Does the site currently include elements that degrade the area's scenic quality or block views to the water? (9.1)		✓

Policy Questions cont'd	Yes	No
51. Would the proposed action have a significant adverse impact on historic, archeological, or cultural resources? (10)		✓
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)		✓

D. CERTIFICATION

The applicant or agent 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: Martin J. Gallagher, Metro Storage NY, LLC

Address: 204 West 84th Street, Third Floor

New York, NY 10024 Telephone (847) 235-8911

Applicant/Agent Signature: Date: July 30, 2012

APPENDIX C
Jamaica Bay Watershed
Protection Plan Form

Print Form

Jamaica Bay Watershed Protection Plan
Project Tracking Form

The Jamaica Bay Watershed Protection Plan, developed pursuant to Local Law 71 of 2005, mandates that the New York City Department of Environmental Protection (DEP) work with the Mayor's Office of Environmental Coordination (MOEC) to review and track proposed development projects in the Jamaica Bay Watershed (http://www.nyc.gov/html/oec/downloads/pdf/ceqr/Jamaica_Bay_Watershed_Map.jpg) that are subject to CEQR in order to monitor growth and trends. If a project is located in the Jamaica Bay Watershed, (the applicant should complete this form and submit it to DEP and MOEC. This form must be updated with any project modifications and resubmitted to DEP and MOEC.

The information below will be used for tracking purposes only. It is not intended to indicate whether further CEQR analysis is needed to substitute for the guidance offered in the relevant chapters of the CEQR Technical Manual.

A. GENERAL PROJECT INFORMATION

1. CEQR Number: 12DCP160K 1a. Modification ☐
2. Project Name: 2713-2735 Knapp Street EAS
3. Project Description:

This application is for the modification of an existing Restrictive Declaration at 2713-2735 Knapp Street in the Sheepshead Bay neighborhood of Brooklyn Community District 15. The proposed modification would remove the restrictive declaration from the Project Site and would permit the Applicant to improve the currently vacant property. Refer to Attachment A, "Project Description" for details.

4. Project Sponsor: Martin J. Gallager, c/o Metro Storage NY LLC
5. Required approvals: City Planning approval of the removal of a Restrictive Declaration
6. Project schedule (build year and construction schedule): Construction would be complete by 2013

B. PROJECT LOCATION:

1. Street address: 2713-2735 Knapp Street
2. Tax block(s): 8839; 8840; and 8841 Tax Lot(s): 11,14,53; 70,77,84; 535
3. Identify existing land use and zoning on the project site: Vacant Site; N/A (restrictive declaration)
4. Identify proposed land use and zoning on the project site: Self-Storage; C8-1 Commercial
5. Identify land use of adjacent sites (include any open space): Commercial; Residential; Shell Bank Creek
6. Describe existing density on the project site and the proposed density:

Existing Condition	Proposed Condition
0 Square Feet (Vacant Lot)	114,589 Square Foot Commercial Building

7. Is project within 100 or 500 year floodplain (specify)? ☑ 100 Year ☐ 500 Year ☐ No

C. GROUND AND GROUNDWATER

1. Total area of in-ground disturbance, if any (in square feet): TBD
2. Will soil be removed (if so, what is the volume in cubic yards)? TBD
3. Subsurface soil classification:
   (per the New York City Soil and Water Conservation Board): Net Substratum Bigapple-Verrazano Complex
4. If project would change site grade, provide land contours (**attach** map showing existing in 1' contours and proposed in 1' contours).
5. Will groundwater be used (list volumes/rates)? ☐ Yes ☑ No

   Volumes: Rates:
6. Will project involve dewatering (list volumes/rates)? ☐ Yes ☑ No

   Volumes: Rates:
7. Describe site elevation above seasonal high groundwater:

   The site elevation above seasonal high groundwater is 14 feet.

D. HABITAT

1. Will vegetation be removed, particularly native vegetation? ☐ Yes ☑ No

   If YES,
   - **Attach** a detailed list (species, size and location on site) of vegetation to be removed (including trees >2" caliper, shrubs, understory planting and groundcover).
   - **List** species to remain on site.
   - **Provide** a detailed list (species and sizes) of proposed landscape restoration plan (including any wetland restoration plans).
2. Is the site used or inhabited by any rare, threatened or endangered species? ☐ Yes ☑ No
3. Will the project affect habitat characteristics? ☐ Yes ☑ No

   If YES, describe existing wildlife use and habitat classification using "Ecological Communities of New York State." at http://www.dec.ny.gov/animals/29392.html.
4. Will pesticides, rodenticides or herbicides be used during construction? ☐ Yes ☑ No

   If YES, estimate quantity, area and duration of application.
5. Will additional lighting be installed? ☑ Yes ☐ No

   If YES and near existing open space or natural areas, what measures would be taken to reduce light penetration into these areas?

   The installation of lighting in the proposed parking lots and perimeter of the building would not impact any open space area.

E. SURFACE COVERAGE AND CHARACTERISTICS

(describe the following for both the existing and proposed condition):

	Existing Condition	Proposed Condition
1. ***Surface area:***		
Roof:	Vacant Unpaved Lot	New Building Approx.25,000 sq. ft. (building footprint)
Pavement/walkway:	Vacant Unpaved Lot	Approx. 56,072 sq. ft. of pavement
Grass/softscape:	Vacant Unpaved Lot	N/A
Other (describe):		
2. ***Wetland*** (regulated or non-regulated) area and classification:	N/A (no wetland area at the site)	N/A (no wetlands at the site)
3. ***Water surface area:***	N/A (no water surface area at the site)	N/A (no water surface area at the site)

4. ***Stormwater management*** (describe):

Existing – how is the site drained?

As the site is currently vacant, surface drainage generally follows existing topography and flows toward the southern and eastern directions from the site where it is collected by the Shell Bank Creek.

Proposed – describe, including any infrastructure improvements necessary off-site:

All storm water will be collected and retained at the Project Site with a combination of retention basins and bio-swales.

APPENDIX D
WHITESTONE ASSOCATES, INC.
PHASE I SUMMARY OF FINDINGS

SECTION 1.0
Summary of Findings

Whitestone Associates, Inc. (Whitestone) was retained by Metro Storage NY, LLC to perform a Phase I Environmental Site Assessment (ESA) of the vacant property (proposed self-storage facility) located at the southeastern corner of Knapp Street and Voorhies Avenue in Brooklyn, Kings County, New York (hereinafter referred to as the "site" or the "subject property"). Investigatory activities were completed by Whitestone between October 25, 2011 and February 21, 2012. The site reconnaissance was conducted on October 27, 2011. In addition to the Phase I ESA activities, Whitestone also was retained to conduct a preliminary geotechnical investigation and Phase II Site Investigation (SI) at the subject property. Results of Whitestone's preliminary geotechnical investigation and Phase II SI have been reported under separate cover.

This document serves as the updated Phase I ESA report for this property and supercedes Whitestone's original report dated February 2, 2012. Because of the required turn-around time for this project, comprehensive responses to all New York State Department of Environmental Conservation (NYSDEC), New York City Department of Environmental Protection (NYCDEP), and local requests for information pursuant to the *Freedom of Information Law* (FOIL) could not be included in this summary report. Additional pertinent information (if any) received from regulatory agencies pursuant to FOIL requests will be provided upon receipt in a supplement to this report. Comprehensive FOIL responses from NYSDEC or the New York City Fire Department have not been received by Whitestone to date.

Whitestone performed the Phase I ESA of the subject property in conformance with the scope and limitations of the American Society of Testing Materials (ASTM) *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process* (E1527-05). Any exceptions to or deletions from this practice are described in Sections 2.4 and 8.4 of this report. This assessment has revealed evidence of the following ***recognized environmental conditions*** (RECs) in connection with the subject property:

- According to historical sources reviewed by Whitestone, historic operations at the subject property included boat storage, sales, and repair (Schatz Bros Marina and Boat Storage, Repairs, and Sales per city directories) between at least 1949 and 1999. Releases of petroleum products, motor fluids, solvents, and other hazardous or potentially hazardous materials stored or used in association with these operations may have resulted in contamination of soil and/or groundwater at the subject property the surface of which historically appears to have been unpaved.

- Urban properties such as the subject site typically have been filled with material imported from off-site sources during initial site development or subsequent redevelopment to achieve final grades. Fill materials consisting of silty sand with gravel and poorly graded sand with silt and gravel with varying amounts of debris were encountered at the subject property to depths of up to 9.5 feet below

ground surface (fbgs) during Whitestone's January 2012 preliminary geotechnical investigation. Such non-native materials may contain contaminants exceeding applicable standards.

These RECs are documented more completely in the pages that follow -- as are recommendations for further evaluation and/or remediation.

APPENDIX E
Whitestone Associates, Inc.
Phase II Summary of Findings

WHITESTONE ASSOCIATES, INC.
ENVIRONMENTAL & GEOTECHNICAL ENGINEERS & CONSULTANTS

35 TECHNOLOGY DRIVE
WARREN, NJ 07059
908.668.7777
FAX 908.754.5936
www.whitestoneassoc.com

Privileged and Confidential

February 3, 2012

via email and FedEx

METRO STORAGE NY, LLC
204 West 84th Street, 3rd Floor
New York, New York 10024

Attention: Mr. Marc D. Slayton
President

Regarding: PHASE II SITE INVESTIGATION
PROPOSED METRO SELF-STORAGE FACILITY
KNAPP STREET AND VOORHIES AVENUE
BLOCK 8839, LOTS 11, 14, AND 53
BLOCK 8840, LOTS 70, 77, AND 84
BLOCK 8841, LOT 535
BROOKLYN, KINGS COUNTY, NEW YORK
WHITESTONE PROJECT NO.: EJ1111850.001

Dear Mr. Slayton:

Whitestone Associates, Inc. (Whitestone) was retained by Metro Storage NY, LLC to conduct a Phase II Site Investigation (SI) at the above-referenced site. SI activities were conducted in light of the findings of Whitestone's February 2, 2012 *Summary Report of Findings - Phase I Environmental Site Assessment* (ESA) for the subject property. Field activities associated with this investigation were conducted between January 17, 2012 and January 24, 2012 and included subsurface soil and groundwater sampling and analyses. A summary of Whitestone's SI activities, findings, conclusions, and recommendations is presented below.

1.0 ENVIRONMENTAL CONDITIONS

This Phase II SI was conducted to preliminarily evaluate the following recognized environmental conditions (RECs) as noted in the February 2, 2012 Phase I ESA:

- According to historical sources reviewed by Whitestone, historic operations at the subject property included boat storage, sales, and repair (Schatz Bros Marina and Boat Storage, Repairs, and Sales per city directories) between at least 1949 and 1999. Releases of petroleum products, motor fluids, solvents, and other hazardous or potentially hazardous materials stored or used in association with these operations may have resulted in contamination of soil and/or groundwater at the subject property the surface of which historically appears to have been unpaved.

- Urban properties such as the subject site typically have been filled with material imported from off-site sources during initial site development or subsequent redevelopment to achieve final grades. Fill materials consisting of silty sand with gravel and poorly graded sand with silt and gravel with varying amounts of debris were encountered at the subject property to depths of up to 9.5 feet below ground surface (fbgs) during Whitestone's January 2012 preliminary geotechnical investigation. Such non-native materials may contain contaminants exceeding applicable standards.

2.0 SCOPE OF WORK AND LIMITATIONS

The scope of this Phase II SI included the following tasks:

- advancing 11 borings with Geoprobe and/or geotechnical drilling equipment at select on-site locations to facilitate soil screening and soil and groundwater sample collection;
- logging and field screening soils with a photoionization detector (PID) for the potential presence of VO contamination;
- submitting select soil samples for volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), and Target Analyte List (TAL) metals analyses; and
- submitting groundwater samples collected from temporary wellpoints established in select borings for VOCs and SVOCs analyses.

This Phase II SI was performed for due diligence purposes and was not intended to be an exhaustive evaluation of subsurface conditions at the subject property. This report was prepared for the sole use of Metro Storage NY, LLC, its successors, representatives, and assigns, and should not be relied upon by any third party without Whitestone's written consent.

3.0 PHASE II SI METHODOLOGY

3.1 Subsurface Evaluation

Borings B-1 through B-4 were advanced between January 17, 2012 and January 19, 2012 utilizing track-mounted Acker drilling equipment subcontracted from Earthcore. Borings B-5 through B-11 were advanced on January 24, 2012 using track-mounted Geoprobe equipment subcontracted from Tri-State Drilling. Soil samples were collected by advancing a two-inch diameter by two-feet long split spoon sampler or a two-inch diameter by four-feet long Macro-Core sampler through the soil profile. Soil samples were collected as the sampler was advanced, and samples were field screened to determine the potential presence of VO contamination. Soil samples were collected from the intervals that exhibited the greatest potential for contamination based upon field screening and/or visual observations. Where elevated PID readings were not encountered, soil samples were collected from within the fill horizon or at the groundwater invert. Sampling equipment was decontaminated between successive uses.

Groundwater samples were collected during the Phase II SI from select borings by installing a temporary, one-inch diameter, PVC slotted pipe (temporary wellpoint) across the groundwater table. Following

groundwater sample collection, the screens were withdrawn, and the borings were backfilled to the surface. Groundwater sampling equipment was decontaminated between successive uses.

Investigation derived wastes were not generated during Whitestone's Phase II SI efforts. Boring locations are depicted on the attached Figure 2.

3.2 Analytical Parameters

Soil and groundwater samples collected by Whitestone were analyzed at Hampton-Clarke/Veritech Laboratories of Fairfield, New Jersey, a State-certified laboratory (NY Certification #11408). Analytical results and Quality Assurance/Quality Control (QA/QC) data establishing proper holding times, analytical methodology, and laboratory reporting limits (RLs) are provided as Attachment B and summarized in Table 2 (Soil Sampling and Analyses Data Summary) and Table 3 (Groundwater Sampling and Analyses Data Summary).

Analytical results for the soil samples collected were compared to New York State Department of Environmental Conservation (NYSDEC) Remedial Program Part 375 Unrestricted Use Soil Cleanup Objectives (UUSCOs) and applicable NYSDEC CP-51 SCOs. Analytical results for the groundwater samples collected were compared to NYSDEC Technical and Operational Guidance Series 1.1.1 (TOGS) Water Quality Standards (WQS).

4.0 SAMPLING AND ANALYSES DATA SUMMARY

4.1 Site Lithology

Eleven borings (B-1 through B-11) were completed at the subject site to a maximum depth of 16.0 fbgs. The subsurface conditions encountered in the borings consisted of the following generalized strata in order of increasing depth:

Surface Materials: Borings B-1 through B-11 were advanced in unpaved areas of the site and encountered fill materials, as described below, at the surface.

Fill Materials: Borings B-1 through B-11 each encountered fill materials at the surface. The fill materials generally consisted of brown to yellow brown to dark brown to gray coarse to fine sand with varying amounts of silt, gravel, and debris including concrete, brick, coal, glass, and wood. The fill materials were identified to depths of up to 12.0 fbgs.

Native Materials: Beneath the fill materials, borings B-1 through B-5, B-7, B-9, and B-10 encountered natural deposits consisting of dark brown to black silt clay with organic materials (peat) ranging in depths from 7.0 fbgs to 15.75 fbgs.

Groundwater: Groundwater was encountered in borings B-1 through B-11 at depths ranging between 3.5 fbgs and 8.25 fbgs.

A summary of Phase II SI boring installation and sampling data is presented in Table 1, and boring logs are presented in Attachment A.

4.2 Geoprobe Investigation Summary

Eleven borings (B-1 through B-11) were advanced throughout the site to document potential impacts to subsurface conditions at the subject property. Borings B-1 through B-8 were advanced in the proposed self-storage building footprint. Borings B-9 and B-10 were advanced at western and eastern portions of the site, respectively. Boring B-11 was advanced in the general vicinity of the former USTs at the northern portion of the site.

Field screening identified elevated PID readings in borings B-1, B-5, and B-10 at levels ranging from 2.5 parts per million (ppm) to 40 ppm.

4.3 Laboratory Analytical Data Summary

4.3.1 Soil Analyses Data Summary

Metals were detected at concentrations exceeding NYSDEC UUSCOs in soil samples B-1 through B-11. Mercury and copper were detected at concentrations of 3.5 ppm and 460 ppm, respectively, in soil sample B-5 which exceed their corresponding Commercial SCO. The copper concentration in soil samples B-5 also exceeds the Protection of Groundwater SCO. The elevated metals concentrations are suspected to be a result of fill materials observed at the borings. The iron concentrations detected in soil samples B-1 through B-11 likely result from naturally-occurring concentrations.

Select SVOCs were detected at concentrations exceeding NYSDEC UUSCOs in soil samples B-7 and B-11, and certain SVOCs were detected at concentrations exceeding the Commercial SCO in soil sample B-11. These elevated SVOC concentrations are suspected to be associated with fill materials.

The VOC acetone was detected at concentrations exceeding NYSDEC UUSCOs in soil sample B-3. Acetone is a common lab contaminant, and the detection does not represent an on-site contaminant condition.

Soil analytical results comprise Attachment B and are summarized in Table 2 (Soil Sampling and Analyses Data Summary).

4.3.2 Groundwater Analyses Data Summary

Groundwater samples B-1GW through B-4GW, B-7GW, and B-9GW through B-11GW were collected from temporary wellpoints installed in borings B-1 through B-4, B-7, and B-9 through B-11, respectively. The groundwater samples were analyzed for VOCs and/or SVOCs.

VOCs and SVOCs were not detected at concentrations exceeding NYSDEC TOGS GWQS in the groundwater samples collected.

Groundwater analytical results comprise Attachment B and are summarized in Table 3 (Groundwater Sampling and Analyses Data Summary).

5.0 CONCLUSIONS AND RECOMMENDATIONS

Whitestone conducted Phase II SI field activities at the subject site between January 17, 2012 and January 24, 2012 to evaluate potential impacts to subsurface conditions at the property resulting from past site

APPENDIX F
NYC DEPARTMENT OF ENVIRONMENTAL PROTECTION CORRESPONDENCE

NYC Environmental Protection

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Commissioner

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October 12, 2012

Mr. Robert Dobruskin
Director, Environmental Assessment and Review Division
New York City Department of City Planning
22 Reade Street, Room 4E
New York, New York 10007-1216

Re: 2713-2735 Knapp Street
Block 8839, Lots 11, 14, and 53; Block 8840, Lots 70, 77, and 84; and Block 8841, Lot 535
DEP # 13DEPTECH014K / CEQR # 12DCP160K
Brooklyn, New York

Dear Mr. Dobruskin:

The New York City Department of Environmental Protection, Bureau of Environmental Planning and Analysis (DEP) has reviewed the July 2012 Environmental Assessment Statement prepared by Philip Habib & Associates, the February 2012 Phase I Environmental Site Assessment (Phase I), and the February 2012 Phase II Environmental Site Investigation (Phase II) prepared by Whitestone Associates, Inc. on behalf of Metro Storage NY, LLC (applicant). It is our understanding that the applicant is seeking a modification of an existing Restrictive Declaration from the New York City Department of City Planning (DCP). Under the existing Restrictive Declaration, the applicant would be required to develop the project site with retail, a marina, and other uses specified within the declaration. The proposed action would remove the Restrictive Declaration from the project site, which would then permit the applicant to develop the site for retail use in accordance with the underlying C8-1 commercial zoning regulations. The retail use would be comprised of an irregularly-shaped 25,000 square foot single-story specialty retail structure located on the eastern portion of the project site with 84 accessory parking spaces located to the west of the retail building. Additionally, in accordance with waterfront regulations that apply to Use Group 6 developments, a 40-foot public esplanade would run along the project site's eastern and southern waterfront frontage. The project site would have vehicular access points on both Knapp Street and Voorhies Avenue. It should be noted that the project site is currently undeveloped, unpaved vacant land with chain link fencing running along the northern and western boundaries of the site and is located on the west side of Greene Street on a block bounded by Knapp Street to the west, Voorhies Avenue to the north, and Shell Bank Creek to the east and south in the Sheepshead Bay neighborhood of Brooklyn Community District 15.

The February 2012 Phase I report revealed that historical on-site and surrounding area land uses consisted of a variety of residential, commercial, and

industrial uses including a marina, residential dwellings, parking, storage of rental trucks and storage trailers, a service station, a mobile office trailer, a yacht club, a wastewater treatment plant, a convenience store, and a school. Releases of petroleum products, motor fluids, solvents, and other hazardous or potentially hazardous materials stored or used in association with the operations at the marina (historical use of the project site) may have resulted in contamination of soil and/or groundwater at the subject property, the surface of which historically appears to have been unpaved. The New York State Department of Environmental Conservation (NYSDEC) SPILLS database identified 3 prior spills on the subject property.

During the January 2012 fieldwork, Earthcore and Tri-State Drilling completed eleven soil borings (B-1 to B-11) to a depth of approximately 16 feet below surface grade (bsg). Eleven soil samples were collected and analyzed for volatile organic compounds (VOCs) by United States Environmental Protection Agency (EPA) Method 8260, semi-volatile organic compounds (SVOCs) by EPA Method 8270, and Target Analyte List (TAL) metals. Groundwater was encountered between approximately 3.5 and 8.25 feet bsg. Groundwater samples B-1GW through B-4GW, B-7GW, and B-9GW through B-11GW were collected from temporary well points installed in borings B-1 through B-4, B-7, and B-9 through B-11, respectively. The groundwater samples were analyzed for VOCs by EPA Method 8260 and SVOCs by EPA Method 8270.

The soil analytical results revealed one VOC (acetone), several SVOCs (benzo[a]anthracene, benzo[a]pyrene, benzo[b]fluoranthene, chrysene, di-n-butylphthalate, and indeno[1,2,3-cd]pyrene), and several metals (aluminum, calcium, iron, lead, mercury, nickel, vanadium, and zinc) were detected above their respective NYSDEC 6 NYCRR Part 375 Unrestricted Use Soil Cleanup Objectives (SCOs) and/or NYSDEC CP-51 SCOs. The groundwater analytical results revealed VOC and SVOC concentrations were either non-detect or below their respective NYSDEC Water Quality Standards.

As part of a previous environmental review of this site (06DCP016K), a restrictive declaration for hazardous materials was recorded. The applications which that review supported (ULURP # 060068ZMK, 060069ZSK, 060070ZCK and 060071 ZAK) were subsequently withdrawn and a Notice of Cancellation was issued by DEP in May 2012. Although the restrictive declaration was in effect when the January 2012 Phase II testing was done, there was no coordination with (or approval by) DEP.

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

- Due to the contamination identified during the limited physical investigation, as well as the historic institutional control on the site, DEP recommends that an "E" designation for hazardous materials should be placed on the zoning map pursuant to Section 11-15 of the New York City Zoning Resolution for all lots anticipated to be developed under the proposed action. The "E" designation will ensure that testing and mitigation will be provided as necessary before any future development and/or soil disturbance.

Future correspondence and submittals related to this project should include the following tracking number **13DEPTECH014K**. If you have any questions, you may contact Mr. Wei Yu at (718) 595-4358.

Sincerely,

Maurice S. Winter
Deputy Director, Site Assessment

c: E. Mahoney
M. Winter
W. Yu
T. Estesen
M. Wimbish
D. Cole – OER
C. Evans – DCP
D. McCarthy – DCP
File