Chapter 25: Unavoidable Significant Adverse Impacts

A. INTRODUCTION

Unavoidable significant adverse impacts are defined as those that meet the following two criteria:

- There are no reasonably practicable mitigation measures to eliminate the impact; and
- There are no reasonable alternatives to the Proposed Actions that would meet the purpose and need for the actions, eliminate the impact, and not cause other or similar significant adverse impacts.

As described in Chapter 23, "Mitigation," a number of the potential impacts identified for the proposed project could be mitigated. However, as described below, in some cases, project impacts would not be fully mitigated.

B. SHADOWS

The analysis in Chapter 7, "Shadows" found that the proposed project's development on Site A would result in a significant adverse impact on the 1.8-acre Grand Ferry Park. During the fall, winter, and early spring the utility of the park will be significantly impacted due to increased shadows on sun-sensitive features used by park visitors (e.g., benches, picnic tables, etc.) and the park's vegetation would also be adversely affected. During the warmer months (April through October), all areas of the park would continue to get several hours of sun in the morning, and most areas of the park would get sun later in the afternoon as well. However, several hours of new midday shadow would be cast on the park. The several hours of incremental midday shadow would cause a significant adverse impact to the users of this open space during the fall, winter and early spring, and would likely also adversely impact the park's vegetation.

The *CEQR Technical Manual* identifies several different measures that could mitigate significant adverse shadow impacts on open spaces. These measures include: relocating facilities within an open space to avoid sunlight loss; relocating or replacing vegetation; undertaking additional maintenance to reduce the likelihood of species loss; or providing replacement facilities on another nearby site. CEQR guidelines also discuss alternatives that may reduce or eliminate shadow impacts, including reorientation of building bulk or reorientation of the site plan. As described above, the significant adverse impact would occur at times of year when the viability of vegetation is not significantly affected by the incremental loss of sunlight. Therefore, replacing or relocating vegetation is not considered as a potential mitigation. Due to the narrowness of the site and its immediate proximity to Grand Ferry Park, it is not possible to alter the site plan so as to avoid a substantial amount of shadow being cast on this open space. It should be noted that the proposed project would create approximately four acres of new public open space, including a connection to Grand Ferry Park. During all seasons, the project-created open space would provide new sunlit areas during times when Grand Ferry Park is experiencing areas of incremental shadow.

Between the DEIS and FEIS, the applicant will continue to work with the New York City Department of Parks and Recreation (DPR) to explore mitigation options to offset this impact. However, as outlined in Chapter 23, this shadow impact would not be completely eliminated. Therefore, it would constitute an unavoidable significant adverse impact on Grand Ferry Park as a result of the proposed project.

C. HISTORIC RESOURCES

As described in Chapter 8, "Historic Resources," the buildings on the project site have been determined eligible for listing on the State and National Registers of Historic Places (S/NRs). The proposed project would demolish all structures on the project site with the exception of the complex known as "the Refinery." The Refinery is composed of three buildings—the Filter, Pan, and Finishing Houses—and the complex was designated a New York City Landmark on September 25, 2007. The three structures would be preserved and renovated under the proposed project, and the New York City Landmarks Preservation Commission (LPC) has approved the project's plans for their renovation and adaptive reuse. The demolition of the remaining S/NR-eligible buildings would constitute a significant adverse impact on architectural resources. Measures to partially mitigate the impact of the demolition of this historic resource, which could include archival photographic documentation and the reuse of industrial artifacts within the proposed project, will be developed in consultation with the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP) between the DEIS and FEIS. However, despite the measures described here and further outlined in Chapter 23, this impact would not be completely eliminated. Therefore, it would constitute an unavoidable significant adverse impact on this historic resource as a result of the proposed project. ✷