Chapter 28: Response to Comments on the Draft Scope of Work and DEIS[1]

A. INTRODUCTION

This chapter summarizes and responds to all substantive comments on the Draft Scope of Work (Draft Scope) and the Draft Environmental Impact Statement (DEIS) for the Domino Sugar Rezoning Project made during the public review period. For the Draft Scope, these consist of comments spoken or submitted at the Draft Scope public meeting on July 31, 2007, as well as written comments that were accepted by the lead agency through August 10, 2007. For the DEIS, comments consist of spoken or written testimony submitted at the public hearing held by the New York City Planning Commission (CPC) on April 28, 2010. Written comments were accepted through the public comment period which ended on May 10, 2010. Written comments received on the Draft Scope and DEIS are included in Appendices J and K.1, respectively.

Section B of this chapter lists the elected officials, community board and organization members, and individuals who commented at the Draft Scope public meeting or in writing. The comments are summarized and responded to in Section C. Similarly, Sections D lists those who commented at the DEIS public hearing or in writing and Section E presents a summary of the comments as well as responses to them. The organization and/or individual that commented are identified after each comment. These summaries convey the substance of the comments but do not necessarily quote the comments verbatim. Comments are organized by subject matter and generally parallel the chapter structure of the Draft Scope and the DEIS. Where more than one commenter expressed a similar view, the comments have been grouped and addressed together.

Some commenters did not make specific comments related to the proposed approach or methodology for the impact assessments. Others had suggested editorial changes. Where relevant and appropriate these edits, as well as other substantive changes to the DEIS, have been incorporated into the Final Environmental Impact Statement ("FEIS").

B. LIST OF ELECTED OFFICIALS, COMMUNITY BOARD, ORGANIZATIONS, AND THE INTERESTED PUBLIC WHO COMMENTED ON THE DRAFT SCOPE OF WORK

GOVERNMENT AGENCIES

1. New York City Department of Transportation, written comments from Naim Rasheed, Director, dated July 24, 2007 (NYCDOT)

[1] This chapter is new to the FEIS.

ELECTED OFFICIALS

2. New York State Senator Martin Connor, oral comments delivered by Oscar Jonas, written comments dated July 31, 2007 (Connor)
3. New York State Assemblyman Vito Lopez, oral comments delivered by Elizabeth Hynes, written comments dated July 31, 2007 (Lopez)
4. Marty Markowitz, Brooklyn Borough President, written comments dated August 13, 2007 (Markowitz)
5. New York City Councilmember Diana Reyna, oral comments, written comments dated July 31, 2007 (Reyna)
6. New York City Councilmember David Yassky, written comments dated August 10, 2007 (Yassky)

ORGANIZATIONS

7. Brooklyn Greenway Initiative, written comments dated July 27, 2007 (Brooklyn Greenway Initiative)
8. Catholic Charities of Brooklyn and Queens, oral comments delivered by John Tynan and written comments dated July 31, 2007 (Catholic Charities)
9. Churches United Corporation, oral comments delivered by Matt Sollett, Paul Cogley, and Jim O'Shea and undated written comments (Churches United)
10. Citizens Housing and Planning Council, written comments dated July 31, 2007 (CHPC)
11. Community and Parents Day Care, written comments dated August 3, 2007 (Community and Parents Day Care)
12. Luis Garden Acosta, El Puente, oral comments and undated written comments (El Puente)
13. East Williamsburg Valley Development Corporation, written comments dated July 30, 2007 and oral comments delivered by Anthony Parra (EWVIDCO)
14. Greenpoint Reformed Church, written comments dated August 9, 2007 (Greenpoint Reformed Church)
15. Historic Districts Council, oral comments delivered by Simeon Bankoff (HDC)
16. HOPE Program, written comments dated August 6, 2007 (HOPE)
17. Housing Partnership Development Corporation, written comments dated July 31, 2007 and oral comments delivered by Dan Martin (HPDC)
18. Jewish Association for Services for the Aged, written comments dated August 9, 2007 (Jewish Association for Services for the Aged)
19. Local Initiatives Support Corporation, written comments dated July 31, 2007 (LISC)
20. Los Sures, written comments dated August 2, 2007 (Los Sures)
21. Los Sures "David Santiago" Senior Center, written comments dated August 9, 2007 (Los Sures "David Santiago" Senior Center)

22. Metro New York Industrial Areas Foundation, oral comments delivered by Kathleen Maire and undated written comments (Metro IAF)
23. Municipal Art Society, written comments dated August 9, 2007 (MAS)
24. Neighbors Allied for Good Growth, oral comments delivered by Peter Gillespie and written comments dated July 31, 2007 (NAGG)
25. New York Community Council, written comments dated August 8, 2007 (NYCC)
26. New York Housing Conference, undated written comments (NYHC)
27. New York Industrial Retention Network, written comments dated July 31, 2007 (NYIRN)
28. Partnership for New York City, written comments dated July 31, 2007 (Partnership for New York City)
29. Regional Plan Association, oral comments delivered by Leonardo Ronderos (RPA)
30. Roebling Chapter of the Society for Industrial Archaeology, oral comments delivered by Mary Habstritt and written comments dated July 31, 2007 (Society for Industrial Archaeology)
31. St. Nicholas Preservation Corporation, written comments undated (St. Nicholas Preservation Corporation)
32. Stag Street Center for Children, written comments dated August 6, 2007 (Stag Street Center for Children)
33. Society for the Architecture of the City, oral comments delivered by Cristabel Gough and written comments dated July 31, 2007 (Society for the Architecture of the City)
34. Sustainable South Bronx, written comments dated August 10, 2007 (Sustainable South Bronx)
35. Waterfront Preservation Alliance of Greenpoint and Williamsburg, written comments dated August 9, 2007 (WPA)

INDIVIDUALS

36. Pamela Angeles, undated written comments (Angeles)
37. Reverend Richard Beuther, Pastor, Church of Saints Peter and Paul, oral comments (Beuther)
38. Arthur J. Bretnall, III, CEO, Guerra Paint & Pigment Corp., written comments dated August 10, 2007 (Bretnall)
39. Rhonda Brown, oral comments and undated written comments (Brown)
40. Nancy Buivid, oral comments and written comments dated August 9, 2007 (Buivid)
41. Joseph Chan, Treasurer, Ban-N-Son's Produce Inc., written comments dated August 10, 2007 (Chan)
42. Melissa Chan-Ng, Corporate Secretary, Big Big Produce Inc., written comments dated August 10, 2007 (Chan-Ng)
43. Frances Chapman, written comments dated August 10, 2007 (Chapman)

44. Brandon Cole, Writers Guild of America, written comments dated August 6, 2007 (Cole)
45. Doris Deither, oral comments and written comments dated August 9, 2007 (Deither)
46. Nelson Dones, New York City resident, oral comments (Dones)
47. Anita Dunbar, oral comments (Dunbar)
48. Esteban Duran, Williamsburg resident, oral comments (Duran)
49. Stephanie Eisenberg, oral comments and written comments dated August 8, 2007 (Eisenberg)
50. Tom Fox, President, New York Water Taxi, oral comments (Fox)
51. Michael Freedman-Schnapp, oral comments and written comments dated July 31, 2007 (Freedman-Schnapp)
52. Ema Genijovich, written comments dated July 30, 2007 (Genijovich)
53. Bea Hanson, oral comments and written comments dated July 31, 2007 (Hanson)
54. Leah Kreger, undated written comments (Kreger)
55. Katharina Kruse-Ramey, undated written comments (Kruse-Ramey)
56. Reverend Stephen P. Lynch, Saint Lucy and Saint Patrick, oral comments (Lynch)
57. Jonathan Massey, Williamsburg resident, oral comments (Massey)
58. John McManus, The West Firm, written comments dated August 9, 2007 (McManus)
59. Frances Morales, written comments dated August 9, 2007 (Morales)
60. Kelvin Munoz, written comments undated (Munoz)
61. Thomas Nahrwold, Williamsburg resident, oral comments (Nahrwold)
62. Martin Needleman, Brooklyn Legal Services Corp. and Mobilization Against Displacement, oral comments (Needleman)
63. Marc Norman, Williamsburg resident, oral comments (Norman)
64. Adriana Nunez, written comments undated (Nunez)
65. Barbara Paley, Art Assets, oral comments (Paley)
66. Susan Pellegrino, Williamsburg resident, oral comments (Pellegrino)
67. Gabriella Pena, Churches United, oral comments (Pena)
68. Ellen Rand, written comments dated August 8, 2007 (Rand)
69. Antonio Reynoso, Williamsburg resident, oral comments (Reynoso)
70. Jonathan Rosario, written comments dated August 9, 2007 (Rosario)
71. Robert Solano, Saints Peter and Paul Church, oral comments (Solano)
72. Janyce Stefan-Cole, written comments dated August 6, 2007 (Stefan-Cole)
73. Maciel Tavarez (on behalf of Rose Rivera), written comments dated August 9, 2007 (Tavarez)

74. Lydia Tom, Enterprise New York, written comments dated July 31, 2007 (Tom)
75. David Webster, President, Webster Consulting Group, written comments dated August 10, 2007 (Webster)
76. Mary Westring, written comments dated August 5, 2007 (Westring)

C. RESPONSE TO DRAFT SCOPE OF WORK COMMENTS

GENERAL/PROJECT DESCRIPTION

Comment S-1: The proposed project would help to address the city's extensive need for affordable housing and would revitalize an underused waterfront site. (Connor, Churches United, CHPC, Beuther, Tong, EWVIDCO, Pena, Dunbar, Duran, HPDC, Lynch, O'Shea, Reynoso, LISC, Metro IAF, NYHC, Solano, Tom, Catholic Charities, Partnership for New York City, Yassky, Munoz, Nunez)

Response S-1: Comment noted.

Comment S-2: The proposed project strikes a good balance between the need for affordable housing and the need for historic preservation. (Yassky, Duran)

Response S-2: Comment noted.

Comment S-3: The proposed project should include 1,000 low- and 500 moderate-income units. (Reyna, Stag Street Center for Children)

At least 30 percent of units must be affordable (of these, at least 20 percent at or below 30 percent Area Median Income [AMI], at least 20 percent must serve lower income senior citizens, at least 20 percent must create affordable home ownership opportunities, and the remaining percentage must be at or below 80 percent AMI). (Churches United)

The Scope should define what rents would be in the affordable units and to people of which income levels they would be affordable. (Deither)

30 percent of units should be designated as affordable to the Domino community. (El Puente)

40 percent of units should be set aside as affordable. Units should be set aside specifically for seniors, which will take into account the SSI level incomes. (Los Sures "David Santiago" Senior Center, St. Nicholas Preservation Corporation)

The Domino site should be developed with at least 33 percent affordable housing. Given the current demographics of the neighborhood, 40 percent would be more appropriate. (Jewish Association for Services for the Aged)

50 percent of residential units should be affordable. (Angeles, Rosario)

The proposed project and alternatives should be analyzed with 40 to 50 percent affordability. (NAGG)

The project should include maximum affordability on the waterfront. All possible subsidies should be used to increase affordability and decrease height. (Lopez)

Response S-3: The structure of the affordable housing program is still being developed. The DEIS will describe, to the extent known, the details of the residential program, including the allocation of affordable housing units and their qualifying income tiers.

Comment S-4: Preference for the affordable units should be given to the current residents of the Southside. (Community and Parents Day Care)

A 50 percent preference for affordable units should be provided for community members. (Lopez)

A new category of community preference for new affordable housing should be created that would include already displaced families dating back to the certification of the zoning proposal. (NAGG)

Response S-4: Comment noted.

Comment S-5: Opportunities for affordable homeownership should be considered. (Reyna)

Response S-5: The structure of the affordable housing program is currently being developed. The DEIS will describe the programming of the affordable housing units, including any homeownership units, to the extent that it has been determined.

Comment S-6: The text of the Draft Scope does not reflect the applicant's public statements that the project will be economically integrated. While the text says that the project envisions a goal of achieving 30 percent affordable housing, the City's Inclusionary Housing Program only requires 20 percent. (Eisenberg)

Response S-6: The applicant is committed to developing a mixed-use and mixed-income project. The DEIS will describe, to the extent known, the details of the proposed project's affordable housing component. One of the

applicant's goals is to include an affordable housing component that exceeds the City's requirements under the Zoning Resolution's Inclusionary Housing program.

Comment S-7: The applicant should disclose how the proposed affordable housing would be subsidized and allocated and how can the community be assured of such housing actually becoming available. (Greenpoint Reformed Church)

The applicant should disclose how much subsidy will be provided for each affordable unit and how this compares to other projects such as Atlantic Yards and Parkchester. (Deither, Kreger)

The EIS should consider the extent to which the proposed development's use of government subsidy for affordable housing would affect future availability of government subsidies for affordable housing. (St. Nicholas Preservation Corporation)

Response S-7: The DEIS will describe, to the extent known, the details of the residential development, including the construction timing, allocation of affordable housing units, and their qualifying income tiers. Comparison of this project's sources of subsidy to those of other projects is outside the scope of this EIS.

Comment S-8: The project's affordable units must be well below market rate and should be made available in a range of sizes. (Los Sures)

In order to meet the needs of large working class families, the City should require a minimum number of rooms in the affordable units. (Kreger)

Response S-8: Comment noted.

Comment S-9: The affordable housing and market-rate units must be built simultaneously. (Brown)

Affordable units should be located on the project site and should be constructed in the earliest phase of development. (EWVIDCO)

Affordable units should not be separated from the waterfront buildings. (Los Sures)

Response S-9: Comment noted.

Comment S-10: In order to serve the working poor, the affordability criteria should not be based on AMI. Rather, the criteria should be similar to the average starting salary of $21,705 per year earned by graduates of the HOPE

program, which provides services to help the marginalized become economically self-sufficient. (HOPE)

Response S-10: Comment noted. The EIS will describe the income levels of tenants to which the affordable housing units would be available.

Comment S-11: Marketing of affordable units should follow the following guidelines: advertising in a newspaper of general circulation, applications made available at the Community Board, applications made available to those on local organizations' waiting lists, eligibility guidelines should be clearly stated, applications should be mailed to a Post Office box, selected by lottery, and logged in publicly. (Los Sures)

Response S-11: Comment noted.

Comment S-12: The proposed towers should be decreased in height by at least 10 stories. Buildings at this site should be no more than 25 stories. (Lopez)

These buildings as currently proposed overwhelm the scale even of the Williamsburg Bridge and the entire surrounding community. They must be scaled back. (Jewish Association for Services for the Aged)

The river-side buildings are too high and dense. The upland buildings are too high and should conform to a height of 45 feet. (Cole, Stefan-Cole)

The proposed 30- to 40-story towers are not consistent with the existing built context. (Deither)

Response S-12: As noted in the Draft and Final Scope of Work, the DEIS will consider the potential for the proposed project to result in significant adverse impacts. The analyses for Urban Design, Shadows, Land Use, Zoning, and Public Policy, Neighborhood Character, and other relevant technical areas will include an examination of the effects of the buildings' height, bulk, and density.

Comment S-13: The heights of the proposed towers are appropriate given the tall buildings under construction in Brooklyn and just to the north in Queens. (Massey)

Response S-13: Comment noted. As discussed in the preceding response and indicated in the Draft and Final Scope of Work, relevant sections of the EIS will examine the effects of the proposed project, including the height of the proposed towers.

Comment S-14: The design and operation of the proposed project's waterfront open space should be consistent with the esplanade under the Greenpoint-

Williamsburg Rezoning. There should be a similar incentive for the transfer of title to the New York City Department of Parks and Recreation (DPR). (RPA, Brooklyn Greenway Initiative)

The Waterfront Access Plan should be extended southward to incorporate Grand Ferry Park and to plan for the eventual expansion of Grand Ferry Park onto the adjacent New York Power Authority site. With regard to the use of the open space, "publicly accessible" but privately owned open space frequently fails to be a meaningful public amenity. Often, this is caused by inadequate programming, difficulty getting to the open space, and restricted hours of operation. This is particularly true of publicly accessible open space created under the waterfront zoning regulations. (MAS)

Response S-14: Comment noted. The DEIS will describe, to the extent known, the programming of the proposed public open space, as well as plans for its maintenance and operation. The open space plan is subject to approval under waterfront zoning regulations and is reviewed in detail by the New York City Department of City Planning (DCP) and DPR.

Comment S-15: The proposed project's waterfront open space would contribute to PlaNYC's goal of ensuring that all New Yorkers have easy access to public open space. (Yassky)

Response S-15: Comment noted. As described in the Draft and Final Scopes of Work, creating physical and visual access to the waterfront is one of the proposed project's objectives.

Comment S-16: The developer should work with the community to create the best plan for the project's open space. (Reyna, Stag Street Center for Children)

The open space plan should consider the large number of children in the area, how people will travel to the open space, where they will park, and the need for bicycle parking. (Kreger)

The proposed project should include a park, public pool, and pier open to the public. (Munoz)

The proposed project should include more green space near the waterfront. (Tavarez)

A significant amount of open space must be created. (Churches United)

Response S-16: Comment noted. The proposed project would include approximately four acres of publicly accessible open space along the waterfront. The DEIS will describe, to the extent known, the programming of the proposed public open space.

Comment S-17: The EIS should study several different options to ensure the open space is as public as possible, including:

- Mapping the open space as public parkland and transferring jurisdiction to the DPR;
- Ensuring a Memorandum of Understanding that would guarantee the handover of open space to a local conservancy that would administer and own the waterfront land;
- Requiring commercial retail or a community facility at the base of the Domino Refinery Building facing the water, to provide a "magnet" to draw people to the water and increase the public quality of the space;
- Requiring retail frontage along the base of all the buildings facing the waterfront; and
- Creating a public street adjacent to the waterfront clearly separating the public open space from the private development.

To maximize the public quality of the actual access to the waterfront esplanade and park space itself, the EIS should also explore the possibility of mapping streets all the way to the waterfront. As an alternative to mapping the streets to the water's edge, the land currently envisaged as "upland connections" could be deeded over to DPR or a local conservancy to be administered as public "ways." (MAS)

Response S-17: Comment noted.

Comment S-18: Waterfront open space should be constructed in the earliest phase of development. (EWVIDCO)

Response S-18: Comment noted. The DEIS will describe the phasing of the open space construction.

Comment S-19: The applicant should be required to study the creation of a new waterfront park on the City-owned property adjacent to their site underneath the Williamsburg Bridge south to Broadway. The City should commit to building this park. (NAGG)

Response S-19: Comment noted. The property beneath the Williamsburg Bridge is not within the area that would be affected by the proposed actions. There are currently no known plans on the part of the City to construct open space in this area within the proposed project's 2020 Build year and, therefore, a public park at this location will not be analyzed as part of the EIS. The EIS open space analysis will be more conservative by assuming no new public open space will be created in this area.

Comment S-20: Waterborne transportation should be a critical element of the proposed project. It would reduce the project's impact on inboard infrastructure and provide an alternative form of transportation for commuting and recreation for people already living in the area. (Fox)

Response S-20: Comment noted. As described in the Final Scope, while the project could accommodate a ferry service, it is not currently proposed as part of this project, as it would require its own approval process for dock designs and operations, which are unknown at this time. For EIS impact analysis, it is conservatively assumed that neither the ferry nor the shuttle buses would be in place.

Comment S-21: The EIS should explore creating ferry landings for an array of different ferry operators to mitigate the transportation impact of the new development. For example, the scope should examine the feasibility of adding landings for front loading as well as side loading boats. In order to encourage water-borne transportation and reduce the impacts associated with car traffic, the EIS should explore creating landings for excursion boats and pleasure boats, uses not envisaged by the City's waterfront zoning. (MAS)

Response S-21: Comment noted. As described above, the proposed project could accommodate a water taxi dock. However, ferry or water taxi service is not currently proposed as part of this project, as it would require its own approval process for dock designs and operations, which are unknown at this time. For EIS impact analysis, it is conservatively assumed that neither the ferry nor the shuttle buses would be in place.

Comment S-22: The proposed rezoning of several blocks to M1 will pose a problem for businesses that are not able to meet the strict performance standards of that district. Complaints from neighboring residents about noise have forced small businesses out of many New York City neighborhoods. To avoid that here, the zoning should remain M3. (Chan)

Big Big Produce owns property on the block adjacent to the Domino site. The Draft Scope is incorrect in describing this business as food distribution; it is food processing. This business could not comply with the proposed M1 district's high performance standards (noise, odor, etc.). Operations begin at 5 AM with the loading and unloading of trailers. The M3 zoning should remain. (Chan-Ng)

The rezoning of upland parcels from M3 to M1 is unnecessary, since the upland parcels currently contain light industrial uses. (EWVIDCO)

Response S-22: Comment noted. As described in the Final Scope, the proposed actions no longer include the rezoning of these blocks.

Comment S-23: The non-project rezoning area should incorporate zoning that does not permit superstores, hotels, and large offices, as has been proposed in City Council resolution 141-2006. (Freedman-Schnapp, NAGG)

The proposed rezoning of the non-project rezoning area, Blocks 2415, 2403, and 2390, to M1-2 should include provisions to ensure continued use for high-performance manufacturing. (Barrett)

Response S-23: Comment noted. As described in the Final Scope, the proposed actions no longer include rezoning the blocks adjacent to the project site.

Comment S-24: The Draft Scope's description of existing industrial uses that occupy the rezoning area and whether the affected businesses could expand their operations under the proposed zoning is inadequate. (Deither, Eisenberg)

Response S-24: Comment noted. As described in the Final Scope, the proposed actions no longer include rezoning the blocks adjacent to the project site.

Comment S-25: Sculpture and art should be physically integrated onto the project site. (Paley)

Response S-25: Comment noted.

Comment S-26: The Domino Sugar sign should be preserved. (Connor)

Response S-26: Comment noted. Under the proposed project, the "Domino Sugar" sign would be located on top of the addition, as shown on Figure 5 of the Final Scope.

Comment S-27: The developer should establish a program to train local women and minorities for the proposed project's construction jobs. (Reyna, HOPE, Munoz, Stag Street Center for Children)

The applicant should commit to using union labor from the surrounding neighborhood for construction jobs. (Deither)

Building service workers on the waterfront should be paid prevailing wages. (Lopez)

Community members should be employed before, during, and after the development of the project. (El Puente, Churches United, Nunez, St. Nicholas Preservation Corporation)

Jobs created should be at a living wage with benefits. (Churches United)

There should be requirements that the applicant hires locally on all levels of their development project. (NAGG)

Response S-27: Comment noted.

Comment S-28: The project should incorporate green building materials and techniques. (El Puente, Costa, Churches United)

The DEIS should consider requiring new or rehabilitated buildings to comply with the US Green Building Council's Leadership in Energy and Environmental Design (LEED) standards of silver at minimum. (NYCC)

The project should promote energy efficiency. (Churches United)

The project should consider using distributed power generation, such as from renewable sources and "passive solar" techniques. (Chapman, Webster)

The project should strive to address the challenge of global warming. (Chapman)

As mitigation for the added energy use brought by the proposed project, the lead agency should analyze methods in which to reduce energy demand, either through green building technologies, green roofs, greywater systems, or other infrastructure improvements. (MAS)

Response S-28: Comment noted. The DEIS will describe any green building and sustainable design features that are being considered for the proposed project.

Comment S-29: The number of buildings described on Page 6 of the Scope (nine buildings on the waterfront and six on the upland) does not match what is shown on Figure 4. (Eisenberg)

Response S-29: The Final Scope has been revised to clarify the number of proposed buildings.

Comment S-30: The current depth of the sidewalk is inadequate to accommodate larger numbers of residents and bikes. There is no discussion of how curb cuts for passenger and delivery drop-offs are possible given the narrow sidewalks. There is also no mention of any proposed street trees or other plantings. (Deither, Kreger)

Response S-30: The proposed project includes the widening of existing sidewalks and the creation of new sidewalks on the project site. The DEIS will include a description of proposed sidewalks and streetscape improvements.

Comment S-31: Table 1 on Page 8 of the Scope attributes incorrect land uses to 259 and 261 Kent Avenue and 33 South First Street. Further, the uses present at

these addresses (Radiac) would continue to be permitted as-of-right, if the non-project rezoning area is rezoned from M3-1 to M1-2. (McManus)

Table 1 incorrectly describes land use for Block 2403, Lots 15 and 37. (Eisenberg)

Response S-31: Comment noted. As described in the Final Scope, the area proposed for rezoning no longer includes the block on which Radiac is located.

Comment S-32: The Scope includes no detail as to the depth of excavation needed to build the proposed buildings and there is no discussion of the fact that the applicant is proposing to build over water. A question has been raised as to whether the applicant owns the property underwater. No information is given on the condition of the site for this level of construction other than to state that the platform would be repaired and upgraded. Other agencies, such as the US Environmental Protection Agency (EPA), may require additional impact statements. (Deither, Eisenberg)

There is no mention that the applicant's plans call for construction of buildings past the US Bulkhead Line over the existing dock. The applicant does not identify the "upgrades" to the existing waterfront platform. (Eisenberg)

Response S-32: Under the project as currently proposed, the building footprints would not extend seaward of the Mean High Water line. The DEIS will describe any necessary permits required for repair of the platform, including all permits under the jurisdiction of the United States Army Corps of Engineers (USACE) and the New York State Department of Environmental Conservation (NYSDEC), as well as the construction methods that are expected to be used.

Comment S-33: The applicant should describe what the buildings will look like, what surface materials would be used, the proposed connections to Grand Ferry Park and South 5th Street, how much parking is proposed and where, where the entrances and exits will be, what amenities (e.g., public bathrooms, lighting, seating) will be provided, and the proposed upland connections. (Kreger)

Response S-33: The EIS will include a description of materials that are contemplated to be used to the extent that this is known. A site plan showing entrances/exits and upland connections will be included. The EIS will also incorporate illustrative renderings of the proposed buildings and open spaces.

Comment S-34: The need for a place for youth to gather and learn dance, drawing, and music must be considered. (Morales)

Response S-34: Comment noted. As described in the Scope of Work, the proposed project would include approximately 146,451 square feet (sf) of community facility space, as well as over 4 acres of public open space.

Comment S-35: CPC Resources is an organization willing to give back to the community. The proposed project presents an opportunity for the people involved to create something that will live beyond their time. (Dones)

Response S-35: Comment noted.

ANALYTICAL FRAMEWORK

Comment S-36: The reasonable worst case development scenario for the properties within the proposed M1-2 district should include a list of projected development sites. The list of projected development sites should be as realistically assessed as possible, using both field surveys and interviews with existing property owners and current renters. The impact of job loss on the neighborhoods should be re-evaluated accordingly, as should mitigation measures for loss of business and employment. (MAS)

Response S-36: As described in the Final Scope, the proposed actions no longer include the rezoning of the blocks adjacent to the project site.

Comment S-37: The EIS should provide specific uses for the 100,000 sf of community facility space and evaluate the impacts of these uses accordingly. (NAGG)

Response S-37: The applicant is considering a range of potential uses for the proposed community facility space. Because the specific uses have not yet been determined, the DEIS will use a reasonable worst case assumption for programming of the community facility space as a basis for the analyses.

Comment S-38: The use of Census 2000 data in the EIS is inadequate. Most of the development in Williamsburg has occurred since then, especially the increase in the number of children. (Deither, Eisenberg)

Response S-38: The DEIS will estimate the population growth since the 2000 Census based on the 2009 release of the City's Real Property Assessment Database (RPAD), which includes the dates of construction of buildings on a block and lot basis, as well as numbers of dwelling units in residential buildings. The additional population introduced to the study

area since the 2000 Census will be estimated based on the number of new housing units and the average household size in the study area. The Final Scope has been revised to reflect this update.

Comment S-39: For the schools analysis, the EIS will incorporate demographic projections provided by the New York City Department of Education (DOE) and the New York City School Construction Authority (SCA).

The scope should address what would happen to the site if the proposed discretionary actions are not approved. (Deither, Buivid)

Response S-39: The Final Scope includes a description of the as-of-right development that would be expected to occur on the project site absent the proposed discretionary actions. The "Analytical Framework" chapter of the EIS will also include a description of this development.

Comment S-40: The Lead Agency must assess the impact of the recent rezoning of a large section of Greenpoint/Williamsburg which, in combination with the proposed rezoning here, will affect all the areas of concern. These two rezonings should not be examined independently of each other. In order to accurately analyze the significant environmental impacts of the proposed rezoning, this EIS should take into account the predicted and actual impacts resulting from the adjacent rezoning of Greenpoint/Williamsburg. (MAS, Kreger, Kruse-Ramey)

Response S-40: The EIS will analyze the projected development identified in the *Greenpoint-Williamsburg Rezoning FEIS* that falls within the ½-mile study area as part of the expected background development in the future without the proposed project (the "No Action" condition) for all analyses. Additional planned and proposed development that is expected to occur by the proposed project's 2020 Build year and within the ½-mile study area will also be included as part of background conditions. A list of background development expected in the No Action condition will be presented in the "Analytical Framework" chapter of the DEIS.

Comment S-41: The study areas for the EIS analyses should be the same as those used for the Greenpoint-Williamsburg EIS. (NAGG, Massey)

Response S-41: The study areas described in the Final Scope were determined according to the methodologies recommended in the *City Environmental Quality Review (CEQR) Technical Manual*. The study areas represent the areas that are most likely to be affected by potential impacts of the proposed actions. The *Greenpoint-Williamsburg Rezoning FEIS* study area extended nearly two miles north of the site of the proposed actions, and

it is not likely that the effects of the proposed actions would extend to those areas. The study areas described in the Scope of Work include much of the Northside and Southside neighborhoods of Williamsburg. The southern boundary of the study area for the Domino Sugar Rezoning coincides with the southern boundary of the *Greenpoint-Williamsburg Rezoning FEIS*.

LAND USE, ZONING, AND PUBLIC POLICY

Comment S-42: The applicant is requesting density and height increases that exceed the waterfront and upland restrictions imposed by the Greenpoint-Williamsburg rezoning. If adopted, these could set a dangerous precedent. (NAGG)

Response S-42: Comment noted.

Comment S-43: The land use study area should be enlarged to include the entire community of Greenpoint/Williamsburg, especially the Industrial Business Zone (IBZ) located to the north of the project that includes the upland side of Kent Avenue. (Eisenberg)

Response S-43: As described above, the study areas described in the Final Scope were determined according to the methodologies recommended in the *CEQR Technical Manual*. The land use study area represents the area where secondary land use effects are most likely given the scale of the proposed actions. It is not expected that the proposed actions would affect land uses within the IBZ, which is located approximately ½ mile to the north between North 9th and Calyer Streets. The land use chapter of the DEIS will include a map and discussion of the IBZ and ombudsman area within the study area.

Comment S-44: The EIS should examine the proposed development in light of PlaNYC 2030, especially its conformance to recommendations for more transit-oriented development, more sustainably-designed buildings, and reductions to demand for energy and waste removal. Given that the site abuts the Greenpoint-Williamsburg Industrial Area to both the north and south, the proposed rezoning should also be examined in respect to the Mayor's Industrial Policy and its emphasis on ensuring adequate industrial space as a means of keeping the city's industrial sector competitive. (MAS)

Response S-44: The EIS will include an assessment of the proposed project's consistency with applicable public policies as articulated in PlaNYC and the Mayor's industrial policy as part of the public policy section of Chapter 3, "Land Use, Zoning, and Public Policy."

Comment S-45: ZR 23-922 and ZR 62-35 should not be considered as a "given" in this study, nor should the proposal to permit encroachments into a truck route be taken seriously. To preserve the south side of Williamsburg, no variances should be permitted and the applicant should be forced to build within the limitations of the property. (Bretnall)

Response S-45: Comment noted. While the proposed actions include a zoning map change as well as special permits and a zoning text amendment, it does not include any variances. As described in the scope, a zoning text amendment to apply the Inclusionary Housing and related floor area regulations of ZR 23-922 and 62-35 to the project site is proposed. No encroachments to the truck route along Kent Avenue are proposed.

Comment S-46: In light of the City's failure to downzone South Williamsburg as part of its 2005 rezoning, a close look at the impact of the proposed 400-foot towers is called for. (NYCC)

Response S-46: The DEIS will consider the potential impacts of the proposed towers with respect to land use, zoning, and public policy; shadows; historic resources; and urban design.

SOCIOECONOMIC CONDITIONS

Comment S-47: The EIS should consider only the incremental change with the proposed project when analyzing the potential for indirect residential displacement. The affordable housing included as part of the project would make it self-mitigating and therefore the analysis of indirect residential displacement should be removed. (Cogley)

Response S-47: Because the proposed actions would introduce a substantial amount of new housing, an analysis of the potential for indirect residential displacement will be conducted. This analysis will compare projected conditions in the future without the proposed actions to projected conditions in the future with the proposed actions.

Comment S-48: The EIS analysis of indirect residential displacement should include those residents who are currently living in units under rent regulated programs. (Los Sures, NAGG, Needlman, St. Nicholas Preservation Corporation)

Response S-48: The indirect residential displacement analysis will identify the population vulnerable to displacement by using the methodology described in the *CEQR Technical Manual*. All tenants of unprotected units in the study areas would be considered, for analysis purposes, as a population at-risk potentially vulnerable to displacement under the

CEQR methodology. Under *CEQR Technical Manual* methodology, tenants living in rent regulated units are not considered vulnerable to indirect displacement.

Comment S-49: The indirect displacement analysis should include an indicator of the percentage of wages that is used for rent by the study area population. The DEIS should disclose the direct and indirect costs of relocating families. The analysis should further identify the anticipated impact on rents and property values based on known real estate trends that might occur without the proposed luxury units. (Markowitz)

Response S-49: No residents would be directly displaced as a result of the proposed actions. The indirect residential displacement analysis will identify the population vulnerable to displacement by using the methodology described in the *CEQR Technical Manual*. As part of the assessment of future conditions absent the proposed actions, the DEIS will identify anticipated changes to rents and property values based on known real estate trends.

Comment S-50: Information about projected development sites and property use trends and patterns in the area should also be gathered from the East Williamsburg Valley Industrial Development Corporation, which administers the Greenpoint-Williamsburg Industrial Area that abuts the site to the north and south. Identification of projected sites should take into account number of variances requested in the immediate area as well as number of infill construction projects in the immediate area. This analysis should be used, in turn, as the basis for calculation of the secondary business displacement. (MAS)

Response S-50: As noted in the Final Scope, the area proposed for rezoning no longer includes properties other than the project site. Therefore, there are no additional projected development sites. No businesses would be directly displaced. The DEIS will examine the effects of the proposed project with regard to indirect business displacement using the methodology outlined in the CEQR Technical Manual.

Comment S-51: The EIS should study a 1-mile radius for indirect residential displacement. (Los Sures)

The study area for secondary residential displacement should include the entire Southside neighborhood as well as significant parts of the adjacent East Williamsburg residential neighborhood. (NAGG)

The study area for business and residential displacement should be expanded to include all of the area west of the Brooklyn-Queens

Expressway (BQE) that was rezoned as part of the Greenpoint-Williamsburg Rezoning. (Deither, Eisenberg)

Response S-51: A study area is defined as the area most likely to be affected by the proposed actions. Beyond an approximately ½-mile radius from the project area, other influences would be greater than those of the proposed actions in creating pressures for indirect displacement. Following the guidelines of the *CEQR Technical Manual*, the socioeconomic study areas extend as far as the ½-mile land use study area.

Comment S-52: The EIS should analyze the residential displacement risk population in terms of ethnicity, since the Southside neighborhood has been predominantly Latino. (NAGG, Needleman)

The DEIS should disclose the ethnic characteristics of the study area population. (Markowitz)

Response S-52: The DEIS indirect residential displacement analysis will identify the population vulnerable to displacement by using the methodology described in the *CEQR Technical Manual*. The analysis will describe the demographic characteristics of the existing residential population, including household size, income, and age.

Comment S-53: The analysis of secondary residential displacement should include displacement figures generated by local housing groups since 1990. (MAS)

Response S-53: The analysis will follow the methodologies and data sets set forth in the *CEQR Technical Manual*.

Comment S-54: The approval of the proposed rezoning would cause landowners in the surrounding area to apply for rezonings, thereby increasing the potential for residential displacement. (Norman)

Response S-54: The DEIS socioeconomic analysis will consider whether the proposed actions will introduce or accelerate a change in socioeconomic conditions that could lead to further indirect residential displacement.

Comment S-55: Determination of approximate vacancy rate and rent levels for buildings in the area should be based in part on discussions with business owners, both those who own property and those who rent. Information from discussions with those currently occupying buildings will provide a fuller picture of current real estate values. Visual inspections to determine occupancy may not suffice in some situations. (MAS)

Response S-55: As described in the Final Scope, primary data—including field investigations, phone surveys, written surveys, and interviews—will be used to the extent necessary to supplement secondary data in defining the socioeconomic characteristics of the community.

Comment S-56: The DEIS should examine the effects of the proposed actions on socioeconomic conditions in the study area, including population characteristics, increase in economic activity, and the potential displacement of businesses and employment from the area. The analysis should follow the guidelines of the *CEQR Technical Manual* in assessing effects within the ¼-mile and ½-mile study areas. The assessments of the potential for indirect residential displacement and indirect business displacement should begin with a detailed analysis. (NYCC)

Response S-56: The socioeconomic conditions analysis will follow the assessment methodologies established in the *CEQR Technical Manual*. In conformance with *CEQR Technical Manual* guidelines, the analyses of direct and indirect residential, business, and institutional displacement begin with a preliminary assessment. The approach of the preliminary assessment is to learn enough about the effects of the proposed actions either to rule out the possibility of significant adverse impact, or to determine that more detailed analysis will be required to resolve that question. Detailed analyses, if determined to be required, will be framed in the context of existing conditions and evaluations of the No Action condition and the future with the proposed actions in 2020.

Comment S-57: The EIS should analyze the potential for direct and indirect displacement of businesses. The performance standards associated with the proposed M1-2 rezoning would cause a severe problem for many manufacturers and would directly displace businesses. (Deither, Eisenberg, Freedman-Schnapp)

The EIS should consider the proposed project's impacts on nearby manufacturing areas. (NAGG)

Response S-57: As described in the Final Scope, the proposed actions no longer include the rezoning of the adjacent M3-zoned blocks to the east of the project site. The DEIS socioeconomic analysis will analyze the potential for indirect displacement of businesses. Because the project site is vacant, there would be no potential for direct business displacement.

Comment S-58: Condos in the area are being purchased as investments and remain unlived in much of the time. The applicant should examine ways to

prevent empty apartments from causing secondary displacement. (Kreger)

Response S-58: Comment noted.

Comment S-59: The EIS should study the potential for the proposed shuttle to harm local businesses by removing pedestrian traffic between the Domino site and the subway stops. (Kreger)

Response S-59: Comment noted. As described in the Final Scope, the DEIS analyses will not assume the operation of a shuttle bus between the project site and nearby subway stations.

COMMUNITY FACILITIES

Comment S-60: The EIS must consider whether the schools will have enough capacity to accommodate the new population that would be introduced by the proposed project as well as the routes that would be used for walking and busing to school given that Kent Avenue is a truck route serving an Industrial Business Zone. (Deither)

The EIS should consider the impact of the proposed project on the local schools. (Westring)

A new school will be needed to accommodate the proposed project's population. (Reyna)

Response S-60: As described in the Draft and Final Scopes of Work, the Draft EIS will include an analysis of the proposed actions' potential impacts on public schools as part of Task 5, "Community Facilities." This analysis will be conducted in accordance with *CEQR Technical Manual* methodologies and will be based on data provided by the DOE and DCP.

Comment S-61: Many children go outside their district to attend school, and therefore the project may affect schools in a wider area than its own district. The EIS should include a survey of children and an assessment of how many of them are attending schools in their district. (Kreger)

The applicant needs to accurately determine the number of children in the area that have the potential to use nearby public schools. (Eisenberg)

The applicant should conduct a door-to-door survey of the neighborhood to get adequate information to discuss school seats at all levels, including preschool, day care, and elementary, middle, and high school. (Deither)

DOE is currently predicting a reduction in public school enrollment. PS 17 is underutilized. There are seats available for children moving into the neighborhood. (Massey)

Response S-61: As described above, the schools analysis in the DEIS will be conducted according to CEQR methodologies. It will be based on the most recent enrollment, capacity, and utilization data provided by DOE as well as DOE's projections for future enrollment in Community School District 14. Additional enrollment expected from the proposed actions, as well as other background development planned within the school district, will be included to determine utilization levels in the future with and without the proposed actions. The number of public school children generated by each household will be estimated based on ratios provided by DCP.

Comment S-62: The proposed project will displace families who send their children to public schools. The extent of student flight from District 14 to other districts should be studied. (NAGG)

Response S-62: As described above, the DEIS schools analysis will be based on DOE's current enrollment, utilization, and capacity data, as well as that agency's projections for future enrollment. Public school students generated by future planned development in CSD 14 will be considered in the analysis. As the project site is located within CSD 14 and any students introduced to the area as a result of the proposed actions would be assigned to this district, the schools analysis will consider only CSD 14. If families were displaced from CSD 14 as a result of the proposed actions, the schools analysis could not speculate as to the district in which they might relocate.

Comment S-63: There are not enough hospitals and schools to serve the new residents. (Genijovich)

Currently patients are often taken across the Williamsburg Bridge to Manhattan to receive health care. The scoping document does not include mention of a possible deficiency of medical facilities for the proposed project's new residents. (Deither)

Response S-63: As described above, an analysis of the proposed actions' potential impacts on public schools will be conducted as part of Task 4, "Community Facilities." This task will also include an analysis of the proposed actions' potential impacts on publicly funded hospital emergency room facilities and outpatient care facilities.

Comment S-64: As of now, both City-sponsored day care centers in the area maintain long waiting lists. Perhaps the City will be able to build an additional center in the area to accommodate the new arrivals to our community. (Community and Parents Day Care)

Response S-64: As described in the Draft and Final Scopes of Work, the DEIS will include an analysis of the proposed project's potential impacts on publicly funded day care facilities.

Comment S-65: The EIS should consider the impact on response times to fire, police, and medical emergency services. The response time to structural fires increased by 45 seconds in the area formerly served by Engine 212, and the impact of the proposed project on this needs to be examined. Response time increases for medical emergencies and police incidents must be included in the DEIS. (NYCC)

The 90th Precinct is already overwhelmed. The Post Office is overwhelmed. (Stefan-Cole)

A new firehouse will be needed to accommodate the proposed project's population. (Reyna)

Response S-65: As described in the Final Scope, fire and police facilities serving the area will be identified and located on a map and available data regarding fire and Emergency Medical Services (EMS) response times will be provided.

The *CEQR Technical Manual* does not suggest an analysis of the potential impacts on United States Postal Service (USPS) services for new developments. As recognized in the USPS Strategic Transformation Plan 2006-2010, USPS expects that high-speed broadband, which makes Internet-based services easier to use, will continue to increase the use of online alternatives to mail, and the USPS is projecting a continuing decline of First-Class Mail.

OPEN SPACE

Comment S-66: If the study is to include the new park proposed for mapping in the calculation of the open space ratio, then an estimate of when the park will be available for use in relation to the estimate of build-out years should be included. (MAS)

Response S-66: The DEIS will describe the anticipated construction schedule for the public open space.

Comment S-67: The proposed project should include a dog run. (Buivid)

Response S-67: Comment noted.

SHADOWS

Comment S-68: The proposed project's shadows would cast the adjacent neighborhood into darkness in the hours before sunset. (Buivid, Pellegrino)

Response S-68: As described in the Final Scope, the DEIS will include a shadows analysis. Per *CEQR Technical Manual* guidelines, potential impacts of shadows from the proposed buildings on public open spaces, sunlight-sensitive historic resources (e.g., churches with stained glass windows), and natural landscapes will be analyzed.

Comment S-69: The EIS should study shadows cast on Grand Ferry Park, the William Sheridan Playground, the schoolyard, the basketball court, and the gardens in front of the buildings on Grand Street. (Rand)

Response S-69: As described above, the DEIS shadows analysis will examine the proposed building's shadows on publicly accessible open spaces and assess the potential for significant adverse impacts.

Comment S-70: Shadows cast by the project could interfere with attempts to use solar power. (Chapman, Rand, Webster)

Response S-70: Comment noted. The *CEQR Technical Manual* does not require an analysis of potential shadow impacts on solar panels. Furthermore, there are no specific known plans to install solar panels on buildings in the vicinity of the proposed development.

Comment S-71: The Scope, as written, is not clear with regard to whether the study will include impacts of shadows cast on the East River. Given the proposed actions' adjacency to the East River, such a study must be conducted. Furthermore, for the purposes of the shadow study, the East River should be considered not only a natural resource, but also an open space and recreational area. (MAS)

Response S-71: The DEIS shadows analysis will include an assessment of potential impacts on the East River, as this is a significant natural landscape. The Final Scope has been updated to specify this. Under CEQR criteria, a river is not considered publicly accessible open space.

Comment S-72: Shadows cast on apartments should be considered in the EIS. (Kreger)

Response S-72: Per *CEQR Technical Manual* specifications, the potential shadow impacts on public open spaces and sun-sensitive historic resources will

be analyzed. Shadows on private residences are not analyzed under CEQR.

HISTORIC RESOURCES

Comment S-73: According to the *CEQR Technical Manual*, for actions that are highly visible and can be perceived from more than 400 feet, the study area must be extended. Given that the proposed buildings are significantly taller than any in this area of Brooklyn, they will be visible from more than 400 feet. Therefore, there is a potential for adverse visual impacts to historic resources and for shadows outside of the 400-foot perimeter. It is therefore necessary to identify resources beyond the 400-foot perimeter in order to assess any impacts. The study area should be extended from 400 feet to ½ mile. All known and potential historic resources must be identified in the study area and project area, not only those that could be directly impacted. Study of contextual impacts should include a study of the change in character of the neighborhood from industrial and manufacturing buildings to residential towers, as required by the *CEQR Technical Manual.* (MAS)

The study area for assessing the potential alteration of views of historic resources should extend beyond the 400 feet described in the Scope. (Society for the Architecture of the City)

The study area for historic resources should be extended to a ½-mile perimeter. All potential historic districts should be identified as part of the Scope of Work. (WPA)

Response S-73: In a letter dated July 6, 2007, the Landmarks Preservation Commission (LPC) stated the scope of work for the EIS, including the 400-foot study area, had been reviewed and was acceptable. Drawing on previously prepared studies, field visits and new research, the EIS will identify any potential historic districts located within the study area. The Final Scope includes a revised study area for the historic resources analysis.

Comment S-74: The study area for historic resources should be increased to a ½-mile perimeter in order to account for the shadows and visibility of the taller elements of the development as well as the significant secondary development pressures caused by the high density of the project. The following properties are among those within a ½-mile radius that appear to be eligible for listing on the State and National Registers (S/NR) of Historic Places:

- Proposed Fillmore Place Historic District and certain individual buildings within the proposed district (Fillmore Place, including part of Driggs Street)

- Potential Grand Street Historic District and certain individual buildings within the proposed district (Grand Street from Kent Avenue to Roebling Street)
- Potential Broadway Historic District and certain individual buildings within the proposed district (Broadway from Kent Avenue to Roebling Street)
- Potential Southside Historic District and certain individual buildings within the proposed district (roughly bounded by Grand Street, Wythe Avenue, Broadway, and Havemeyer Street)
- Matchett Candy Factory Building (South 4th Street and Wythe Avenue)
- Former Havemeyer & Elder power plant (South 4th Street)
- Former Domino Sugar office and garage (269-289 Kent Avenue)
- Former industrial buildings on Kent Avenue between South 4th and South 5th Streets. (WPA)

Response S-74: The above-mentioned resources within the study area will be included in the Historic Resources analysis.

Comment S-75: If federal permits from USACE or other federal agencies are required, or if there is federal funding used in the action, the project would likely be subject to Section 106 of the National Historic Preservation Act, which requires Federal agencies to take into account the effects of their undertakings on historic properties. According to the Section 106 regulations, "[t]he section 106 process seeks to accommodate historic preservation concerns with the needs of Federal undertakings through consultation among the agency official and other parties with an interest in the effects of the undertaking on historic properties, commencing at the early stages of project planning. The goal of consultation is to identify historic properties potentially affected by the undertaking, assess its effects and seek ways to avoid, minimize or mitigate any adverse effects on historic properties."

In order to ensure compliance with Section 106 regulations, Section 106 review ought to be conducted simultaneously with the CEQR review and the findings and mitigation that results from Section 106 review ought to be included in the DEIS. At this time, the Municipal Art Society formally requests consulting party status in Section 106 Review. (MAS)

The Waterfront Preservation Alliance formally requests consulting party status in any Section 106 review. (WPA)

Response S-75: Comment noted. The proposed project will require permits for replacement of the existing overwater platform from USACE. The Final Scope describes the necessary permits and approvals needed in relation to the proposed in-water activities, including Section 106 review.

Comment S-76: Churches United endorses efforts for appropriate historic preservation. (Churches United)

Response S-76: Comment noted.

Comment S-77: The National Trust for Historic Preservation declared the Brooklyn waterfront one of America's eleven most endangered historic places. The proposal to dwarf the Domino Sugar Factory by surrounding it with towering skyscrapers further destroys our waterfront. (Hanson)

Response S-77: As described in the Scope of Work, the EIS will examine potential contextual impacts to historic resources with the proposed project.

Comment S-78: The Adant House and the power house should be preserved. (NYCC)

The retention and adaptive reuse of the Adant House and the Power House and all other historic buildings on the development site should be included in the scope for base review and all alternatives. (WPA)

Response S-78: The potential for the retention and adaptive reuse of the Adant House, the Power House and other historic buildings on the site will be explored through the EIS process and in consultation with the New York State Office of Parks Recreation and Historic Preservation (OPRHP), and LPC.

Comment S-79: The State Historic Preservation Officer (SHPO)'s statement of eligibility for the S/NR stretches from South 5th Street to Grand Street, encompassing buildings of the 1920s and 1950s, many of which are at the northern end of the site. (Society for Industrial Archaeology, WPA)

Response S-79: The Final Scope has been updated to reflect that the SHPO determination of eligibility extends along the entire portion of the development site west of Kent Avenue between South 5th and Grand Streets.

Comment S-80: Because the Domino Sugar complex is on the National Register of Historic Places, this is perforce a historic preservation project and the treatment of this resource should be closely examined. Additional as-built potential for redevelopment should be examined. (HDC)

Response S-80: The Domino Sugar complex has been determined eligible for listing on the S/NR by OPRHP. In addition, LPC has designated the Filter, Pan and Finishing Houses (collectively known as the Refinery), located at 292-314 Kent Avenue, as New York City Landmarks. The EIS will analyze potential impacts to these historic resources. OPRHP and LPC will be consulted regarding the potential impacts to historic resources on the project site and in the study area.

Comment S-81: There are former Domino buildings from the 19th century that are not on the development site itself but would be impacted by the proposed project. They are the building at 269-289 Kent Avenue, part of the "non-project rezoning area," and the former Havemeyers and Elder gas works on South 4th Street between Kent and Wythe Avenues, which may be a building from before the 1882 fire. (Society for Industrial Archaeology)

Response S-81: The rezoning of the "non-project rezoning area" has been eliminated from the proposed actions as described in the Final Scope. As per the *CEQR Technical Manual*, the EIS will identify and evaluate any potential impacts on historic resources in the study area, including properties that have not been previously reviewed by OPRHP and LPC. The former Havemeyers and Elder Gas Works buildings are included in the study area.

Comment S-82: The EIS should identify and map all buildings in the rezoning area and the 400-foot study area that were built before 1900, with special attention to those with a potential relationship to the earlier Havemeyer and Elder Gas Works on South 4th Street between Wythe and Kent Avenues. (Society for the Architecture of the City)

Response S-82: The EIS will provide a historical narrative describing the development of the area. The historical narrative will highlight the industrial development of the area during the late 19th century and discuss the relationship between these industries.

Comment S-83: AKRF has been severely criticized for their methodology and conclusions in reviewing historic resources for the Greenpoint-Williamsburg EIS. The review methodology should change for this EIS. (Society for the Architecture of the City)

The Greenpoint-Williamsburg rezoning FEIS has been shown to have been deficient with regard to its analysis of historic resources. Historic resources in that larger study area should be reexamined. (HDC)

Response S-83: AKRF was not involved in the historic resources analysis for the Greenpoint-Williamsburg Rezoning EIS. Portions of the area that were studied for Greenpoint-Williamsburg Rezoning that fall within the historic resources study area for the Domino Sugar project will be evaluated as set forth in the *CEQR Technical Manual*.

URBAN DESIGN AND VISUAL RESOURCES

Comment S-84: Photographs of the area along Kent Avenue and from South 5th Street to Grand Street should be taken from the pedestrian vantage point along sidewalks from both sides of the street. A minimum of two views should be provided as a means of illustrating what a pedestrian would see while approaching the site. For South 3rd and South 4th Streets, more than two westerly views should be provided to take into account the development site east of Kent Avenue. For the east-west view corridors, one such view should be from Wythe Avenue. In addition, Kent Avenue views should be taken from both north and south of the site. (Markowitz)

The study areas for historic resources and urban design and visual resources are inappropriately drawn and ignore important public viewpoints on the bridges and the Manhattan shore. The Domino complex is visible from the Queensborough, Williamsburg, Manhattan, and Brooklyn Bridges, as well as from numerous points along the FDR Drive, from the United Nations, from Detmold Park below Beekman Place, and from Robert Moses Playground at 41st Street. (Society for the Architecture of the City)

Response S-84: The Urban Design and Visual Resources analysis will consider public views to and from the project site. This will include views along Kent Avenue from points to the north and south of the project site. Photographs of these view corridors will be included to illustrate current views. Views west to the project site will also be analyzed in the EIS, including views of the project site east of Kent Avenue. The Urban Design and Visual Resources analysis will also consider views to and from the Williamsburg Bridge. Other viewing locations to be analyzed also include the Brooklyn waterfront parks, East River Park, and the East River. View corridors that will be analyzed in the DEIS are shown on Figure 12 of the Final Scope. The views to be analyzed include those that would be most affected by the proposed project.

Comment S-85: The EIS should study the impact of the proposed towers on the Williamsburg Bridge, including views of the bridge from both Brooklyn and Manhattan, as well as the public waterways. (WPA)

The EIS should address the visual impact that the proposed project's current design would have on views of the Williamsburg Bridge from nearby streets. (Kruse-Ramey)

Response S-85: The Urban Design and Visual Resources analysis will analyze potential impacts to views of the Williamsburg Bridge from the project site and the surrounding area. The analysis will include views from the Brooklyn and Manhattan waterfronts.

Comment S-86: The EIS analysis should make use of field studies and interviews to assess visual resources. Blocked views of the Williamsburg Bridge from apartments should be considered. (Kreger)

Response S-86: The Urban Design and Visual Resources analysis will largely be based on field visits to document existing conditions and views and to determine how the proposed project would affect visual resources. As per the *CEQR Technical Manual*, interviews and private views are not considered in the Urban Design and Visual Resources analysis.

NEIGHBORHOOD CHARACTER

Comment S-87: The Draft Scope states that it will "[a]ssess and summarize the proposed project's impacts on neighborhood character using the analysis of impacts as presented in other pertinent EIS sections." The studies conducted in the other impact categories were not analyzed in light of neighborhood character—they were analyzed in light of that impact category. Therefore, it is insufficient to rely upon the "key findings" in the analyses of other impact categories. The EIS should analyze the project's impact upon neighborhood character in light of that impact category, and should not simply be a summary of other impact category analysis. (MAS, Eisenberg)

Response S-87: Comment noted. The neighborhood character analysis will be conducted according to the guidelines of the *CEQR Technical Manual*. This analysis will draw upon findings of the land use, urban design and visual resources, historic resources, socioeconomic conditions, traffic, and noise chapters, as these areas of analysis affect the character of a neighborhood.

Comment S-88: Since the proposed project does not trigger the CEQR threshold for indirect commercial socioeconomic impacts, the EIS should consider the impact of the new commercial development upon neighborhood character. (NAGG)

Response S-88: As described above under "Socioeconomic Conditions," the DEIS will include a preliminary analysis of indirect business displacement. As called for in the *CEQR Technical Manual*, the DEIS neighborhood character analysis will discuss potential changes with respect to land use and socioeconomic conditions.

Comment S-89: Although there is a large need for affordable housing, the character of the neighborhood should be retained. (Kruse-Ramey)

Response S-89: Comment noted.

Comment S-90: The proposed buildings would block much of the light from the neighborhood, views of the Williamsburg Bridge, and views of the Manhattan—three of the neighborhood's defining characteristics. (Kreger)

Response S-90: The proposed project's potential shadows on public open spaces and sun-sensitive historic resources will be analyzed as part of the Shadows task. Potential effects on public views of the Williamsburg Bridges and of Manhattan will be considered as part of the Urban Design analysis. The DEIS Neighborhood Character analysis will take the expected effects on these elements of neighborhood character into consideration.

NATURAL RESOURCES

Comment S-91: The EIS should explore materials for bulkheading that would encourage marine life, including oysters, which would mitigate the water quality (i.e. sewage) impact of the new development. (MAS)

Response S-91: Comment noted.

Comment S-92: Since the area is known to be the habitat of peregrine falcons as well as water fowl, swallows, and cormorants, the investigative field work should take into account not only endangered species but other animal life as well. (Kreger)

Response S-92: Comment noted. The natural resources analysis in the EIS will take into account other wildlife in addition to endangered species using publicly available data sources.

HAZARDOUS MATERIALS

Comment S-93: The development must ensure that disposition of underground oil tanks does not impact negatively on the overall environment. (El Puente)

Response S-93: As described in the Scope of Work, the hazardous materials analysis will examine the potential for impacts related to subsurface contamination. Measures to avoid significant adverse impacts with respect to hazardous materials will be described.

INFRASTRUCTURE

Comment S-94: For the infrastructure, solid waste, and sanitation analyses, the EIS should include a calculation of cumulative impact of the proposed development, new construction in the study area, and proposed construction in the study area. When examining Combined Sewer Overflow (CSO) events, the EIS should explore how CSOs in the immediate area can be reduced or eliminated through enhanced stormwater management, green roofs, and other sustainability strategies in the Domino development. (MAS)

The EIS should compare the current and historic water usage and discharges to the sanitary and sewer system with the anticipated water usage and discharges to the sanitary and storm sewer system from the proposed project. It must determine whether the infrastructure in place is adequate to handle the combined sewer effluent without contributing to a combined sewer overflow event and without overburdening the water pollution control plant (WPCP) in the event of a severe rainstorm. (Sustainable South Bronx)

Response S-94: Comment noted. Per *CEQR Technical Manual* guidelines, the DEIS infrastructure, solid waste, and sanitation analyses will assess the incremental increase that the proposed actions would result in compared with the No Action use of the project site. The DEIS will include a description of the stormwater disposal measures anticipated to be included on the project site. The infrastructure analysis will include an examination of CSO events.

Comment S-95: The EIS must consider the increase in the volume of runoff that would occur with the proposed project and whether the sewer system can accommodate it. (Deither, Eisenberg)

The proposed 2,400 units will strain the area's overburdened infrastructure and sanitation resources. (Lopez, Reyna, Brown, Westring)

Response S-95: The EIS infrastructure analysis will analyze the incremental effects of the proposed development's demand on the sanitary sewer system to determine if there will be any impact on operations of the Newtown Creek WPCP, as well as an examination of CSO events. The incremental sanitary sewage demand will be the difference between the

demand with the proposed project and the sanitary sewage demand with the industrial reuse of the site in the No Action condition.

Comment S-96: Flooding of basements in this area is common during and after heavy rains. Mitigation of this problem must be considered. (Eisenberg)

Response S-96: The DEIS will include a description of the stormwater disposal measures anticipated to be included on the project site, as well as an examination of CSO events.

Comment S-97: The Scope does not describe how the applicant will get information on CSO events. (Eisenberg)

Response S-97: The DEIS will include an analysis of CSO events. This analysis will include a description of the methodology and data sources.

SOLID WASTE AND SANITATION SERVICES

Comment S-98: The EIS needs to address sanitation and garbage pick-ups. The Draft Scope does not even mention the need for new sanitation facilities or the fact that the BK1 Sanitation Department facility is slated to close and be moved to an as yet undisclosed location because the recent rezoning mapped it as a park. The DEIS should study the impact of additional sanitation truck runs from a distant location on an enlarged study area that includes the Greenpoint-Williamsburg rezoning area. (Deither, Eisenberg)

Response S-98: Comment noted. A DSNY garage had previously been located on the waterfront between North 11th and North 12 Streets. This facility has been moved to a new location on Varick Street in East Williamsburg. The solid waste and sanitation analysis will be undertaken in conformance with *CEQR Technical Manual* guidelines.

ENERGY

Comment S-99: The Draft Scope concludes that the added energy demand is not expected to create an adverse impact on the supply of energy with the new rezoning. The analysis will focus upon "descriptions of the capacity and existing demand of the entire systems, and of the distribution networks serving the project site." However, we cannot continue to rubber stamp the energy analysis of the EIS, simply because, in the past, the added demand has not caused environmental or economic harm. The effect of the demand from the new structures, the added car and truck traffic most certainly raise energy concerns, and

must be fully detailed and studied in the EIS, examining the long-term and cumulative impacts.

Because the site is currently unused, the current energy demand is not significant. By dramatically changing the site's uses to more energy-demanding uses, there is potential for significant transmission congestion because the area is not being used for such energy-intensive activities. The area's energy infrastructure and transmission capabilities may not be currently equipped for the change in energy usage, and a detailed assessment is needed in order to measure the demand increase and the potential for transmission congestion. In this same vein, the potential significant effects and the need for additional generation of energy in the surrounding area must be studied as well.

By communicating with Con Edison early in the process, the lead agency should document and disclose the power mix (the fuels used to supply electricity and their resultant air pollutant emissions, including the emissions of carbon dioxide) for the project site. The lead agency should also analyze the transmission capacity and the likelihood of transmission congestion resulting from this project. (MAS)

The EIS needs to conduct a detailed energy assessment. (Chapman, Webster)

The *CEQR Technical Manual* notes that "a detailed assessment of energy impacts would be limited to actions that could significantly affect the transmission or generation of energy or that generate substantial indirect consumption on energy." The Domino Sugar project is such a project, as it will substantially change transmission, generation, and overall consumption of energy in the city. The areas of impact that should be explored in the energy assessment include, but are not limited to, how this large development would impact the reliability of electrical power in the neighborhood and whether it will require additional gas-fired power stations with impacts of their own. (Webster)

Response S-99: The energy assessment will be conducted according to *CEQR Technical Manual* guidelines.

Comment S-100: The Domino Sugar project offers an opportunity for new 21st century energy strategies. Opportunities for power from renewable sources such as solar should be explored. (Webster)

Response S-100: Comment noted.

TRAFFIC AND PARKING

Comment S-101: The traffic study should include an estimate of the number of the proposed project's new trips and their impact on traffic. The applicant makes no mention of the number of anticipated trips by car that will result from the inclusion of both commercial and community facility space and where visitors will park. The proposed parking lot would be unattended and only for residents. (Eisenberg)

Response S-101: The traffic study which will be prepared as part of the EIS would include a detailed analysis of the proposed project's new trips and their impact on traffic conditions, as well as a parking supply-and-demand analysis. The traffic study will include detailed travel demand estimates for each individual component of the proposed project (including the residential, commercial, and community facility uses), and will also summarize the total number of person and vehicle trips by specific modes of travel (e.g., auto, taxi, subway, etc.). The assessment of traffic impacts will be based on the incremental increase in travel demand with the proposed project (i.e., the difference in travel demand between the proposed project and the industrial reuse of the site in the No Action condition). The proposed accessory parking lots would be attended.

Comment S-102: Travel demand assumptions, including trip distribution and assignments for each analysis peak hour (including Saturday), as well as a list of ATR locations, should be provided for NYCDOT's review and approval. Figure 14 of the Scope should be modified to show the primary and secondary study areas. (NYCDOT)

Response S-102: The travel demand estimates (including trip distribution and assignments) for each analysis peak hour have been prepared and presented for NYCDOT's review and approval.

The Automatic Traffic Recorder (ATR) counts were conducted at the following locations:

- Kent Avenue (northbound and southbound) between North 1st and Grand Streets;
- Kent Avenue (northbound and southbound) between South 2nd and South 3rd Streets;
- Kent Avenue (northbound and southbound) between South 5th and South 6th Streets;
- Kent Avenue (northbound and southbound) between Rush and Clymer Streets;

- Wythe Avenue (northbound and southbound) between South 2nd and South 3rd Streets;
- South 4th Street (eastbound and westbound) between Wythe Avenue and Berry Street;
- Grand Street (eastbound and westbound) between Berry Street and Bedford Avenue;
- Broadway (eastbound and westbound) between Roebling Street and Driggs Avenue;
- Havemeyer Street (northbound and southbound) between South 2nd and South 3rd Streets; and
- Metropolitan Avenue (eastbound and westbound) between Marcy Avenue and Havemeyer Street.

Figures 14a and 14b of the Final Scope have been modified to show the primary and secondary study area intersections as well as the ATR count locations.

Comment S-103: Identify the extent to which the *Greenpoint-Williamsburg Rezoning FEIS* will be used as a guide given that document's 2013 Build year. All data in that document is more than three years old. (NYCDOT)

Response S-103: The traffic data presented in the *Greenpoint-Williamsburg Rezoning FEIS* (2005) will not be utilized in the traffic analysis for the Domino Sugar Rezoning project. The traffic analysis for the Domino Sugar Rezoning DEIS will be based on recent traffic counts conducted at the study area intersections. The text in the Final Scope has been revised accordingly to reflect this change.

Comment S-104: Describe what is meant by "net change in uses" as indicated on pages 22 and 23 of the Draft Scope under Task 16. (NYCDOT)

Response S-104: The text on pages 22 and 23 of the Final Scope has been revised in the final scope to eliminate the term "net" for the project-generated vehicular trips and the proposed uses for the project site.

Comment S-105: The traffic study should include weekend and evening periods. (Eisenberg)

Response S-105: The traffic study will include an analysis of the weekday evening and weekend (Saturday) midday periods.

Comment S-106: Kent Avenue is a major truck route and therefore a larger traffic study area is needed to include the Midtown Tunnel and vehicles entering

onto the Williamsburg Bridge. Any traffic analysis should include the movement of trucks and delivery vehicles and the problems associated with "no daylight" at corners (i.e., no cars parked at corners). If parking spaces need to be removed to facilitate trucks turning corners, the analysis should include the number of parking spaces lost. (Eisenberg)

The operation of truck routes should be assessed, including Broadway, Grand Street, and Kent Avenue, and the potential impact of the proposed project on these routes should be analyzed. Current efforts by NYCDOT to implement the results of its citywide Truck Route Management and Community Impact Reduction Study should be reviewed and referenced where appropriate. (Markowitz)

Impacts on flow of truck traffic on Kent Avenue should be taken into account. (EWVIDCO, Kruse-Ramey)

The EIS should evaluate impacts on truck traffic on Kent Avenue, including potential impacts from the diversion of trucks and traffic to upland streets. (NAGG, Stefan-Cole)

Kent Avenue is a major trucking route. Potential traffic problems must be closely considered in the EIS. (Barrett, Westring)

Response S-106: The traffic study area selected for the proposed project includes the major intersections and roadways in the vicinity of the project site which could potentially experience adverse impacts due to the project-generated traffic. The traffic entering onto Williamsburg Bridge at Roebling Street will be accounted for in the traffic analysis. In addition, any project-generated traffic volumes going to and coming from the Queens-Midtown Tunnel will be routed through the major intersections in the study area, and therefore will be accounted for in the traffic analysis. Project-generated delivery vehicles (trucks) will be routed to and from the project site via the NYCDOT-designated truck routes. The number of on-street parking spaces that could potentially be lost due to traffic mitigation measures will be disclosed in the traffic analysis and will be also included in the parking supply and demand analysis.

Comment S-107: The service conditions at major intersections on Broadway, Kent Avenue, and Grand Street in the traffic study area will be assessed in the traffic analysis. Recently completed truck traffic studies by NYCDOT for the study area will be reviewed, and any measures identified in such studies will be incorporated into the analysis.

Response S-107: As noted in the Final Scope, Kent Avenue has recently been reconfigured in terms of traffic flow direction and geometric configuration in the study area. Specifically, since late September/early October 2009 the traffic flow direction on Kent Avenue has been

changed from two-way north-south operation to one-way northbound operation between Clymer and North 14th Streets. In addition to the traffic flow direction change, new northbound-southbound bicycle lanes were installed on the west side of Kent Avenue in October 2009. Other geometric changes for the reconfigured Kent Avenue include a new loading/unloading lane on the east side of the roadway, followed by a northbound moving lane of traffic and a floating parking lane that separates the moving traffic lane from the bicycle lanes.

The DEIS will qualitatively assess the potential traffic impacts of the proposed project as they relate to the new configuration of Kent Avenue, and will include a detailed quantitative analysis of traffic conditions assuming two-way volumes on Kent Avenue. Once the traffic patterns resulting from the reconfiguration of Kent Avenue have stabilized, a detailed quantitative analysis of traffic conditions resulting from reconfigured Kent Avenue will be performed between the DEIS and FEIS. This analysis will also address the reassignment of truck trips as a result of the Kent Avenue reconfiguration.

Comment S-108: The proposed 2,400 units will strain the area's overburdened transportation infrastructure. The effects of this on traffic and the availability of parking must be examined. (Lopez, Reyna, NYCC)

The fact that the L, G, and J trains are already overcrowded could result in the proposed project's new residents commuting by car and driving through Williamsburg. (NYCC)

Response S-108: The traffic and parking demand generated by the residential component of the proposed project will be examined in detail as part of the traffic study being prepared for the EIS.

Comment S-109: Placing a parking garage on South 4th Street will attract traffic to South 4th street. Efforts should be made to encourage traffic to use Broadway and Kent Avenue to access the garage, instead of South 4th Street, due to the presence of schools on South 4th Street. (El Puente)

Response S-109: Comment noted.

Comment S-110: The DEIS should add the following intersections for traffic analysis: Havemeyer Street/Grand Avenue/South 4th Street, Grand Street/Meeker Avenue (Rodney Street), and Metropolitan Avenue/Meeker Avenue. (Markowitz)

Response S-110: As identified in the Draft Scope of Work, the intersection of Grand Street and Havemeyer Street is included in the traffic analysis. In addition, the intersections of Havemeyer Street at South 4th Street and

Meeker Avenue at Metropolitan Avenue have been added to the traffic analysis, as reflected in the final scope. Since Rodney Street in the vicinity of South 4th Street operates as a one-way roadway, it is not anticipated to service a substantial number of project-generated trips and, therefore, is not warranted to be included in the traffic study area.

Comment S-111: The EIS should consider the impact of traffic on bicycle safety. (Freedman-Schnapp, Eisenberg)

Response S-111: Comment noted.

Comment S-112: The applicant should provide information on the proposed shuttle buses, including how many buses would be needed, what routes they would take, the impact on traffic, and whether they would be used to take people to the L train on Bedford Avenue and the J/M/Z on Broadway. If other subway and bus connections, such as to the No. 7 train, are being considered, the impact on traffic levels in those areas needs to be considered as well. (Deither)

The EIS should consider the traffic impact of the proposed shuttle buses. (Freedman-Schnapp)

Response S-112: The DEIS transit and pedestrians analysis will assess pedestrian conditions in the future with the proposed project in accordance with the *CEQR Technical Manual*. As described in the Final Scope, shuttle bus service will be explored in the future as demand is created by the project's development, but for EIS impact analyses, it is conservatively assumed that the shuttle buses would not be in place.

Comment S-113: When considering the on-street local parking conditions, the existing need for parking should be inventoried. (Kreger)

Response S-113: As described in the Scope of Work, the EIS will adhere to the guidance of the *CEQR Technical Manual* in its assessment of parking conditions.

Comment S-114: Several intersections near schools in the study area are in need of traffic lights (PS 4, the Williamsburg Neighborhood Nursery School, Kids in Control, Streb Lab for Action Mechanics, and Padre Kennedy Head Start). There should be a traffic study and mitigation to address the safety of children at these intersections. (Kreger)

Response S-114: An analysis to identify the need for traffic signals in the existing conditions at certain intersections in the study area is outside the scope of the proposed Domino Sugar Rezoning project.

Comment S-115: The incorporation of traffic calming measures, such as sidewalk bulb-outs, at the intersections along the local streets adjacent to the development site should be considered. (Markowitz)

Response S-115: Based on the EIS pedestrian safety analysis—to be conducted as part of the proposed project—traffic calming measures may be identified for intersections with high vehicle-pedestrian accident levels based on the CEQR criteria.

TRANSIT AND PEDESTRIANS

Comment S-116: The Scope of Work should be revised to state that the pedestrian assessment will include analysis of corners, crosswalks, and sidewalks. For the four intersections where detailed pedestrian analyses are to be conducted, provide pedestrian trip distribution and assignments. Identify high accident locations (five or more pedestrian accidents per year), schools, and school crossings to determine the locations. (NYCDOT)

Response S-116: As mentioned above, the travel demand estimates (including trip distribution and assignments) for the proposed project have been prepared. The pedestrian trip distribution and assignments for each analysis peak hour have been prepared and presented for NYCDOT's review.

The most recent accident data has been requested from the New York State Department of Transportation (NYSDOT). Once this data becomes available, the high accident locations (those with five or more pedestrian-vehicle accidents per year) will be identified. The text in the Final Scope has been revised to state that the pedestrian analysis will include an assessment of the corner, sidewalk, and crosswalk elements.

Comment S-117: Pedestrian analysis should be undertaken at the Metropolitan Avenue G station because of the proximity of the Q59 route to the development site and the service it would provide to the station complex on Union Avenue. Analysis should also be undertaken at the Washington Plaza intersections adjacent to commercial locations and entrances to the Marcy Avenue station stairs, since Washington Plaza would be the destination of the Borough President's proposed rerouted Q59 bus, as described above. (Markowitz)

Given the large number of new vehicles in the area, a more comprehensive pedestrian analysis, including many more intersections, should be conducted. (Eisenberg)

Response S-117: As mentioned above, the travel demand estimates (including trip distribution and assignments) for the proposed project will be prepared.

None of the project-generated subway trips are expected to use the Metropolitan Avenue G station, therefore, detailed analysis at this intersection is not warranted. If trips assigned to intersections adjacent to Washington Plaza and the Marcy Avenue station stairs exceed the CEQR threshold for analysis, an analysis of critical pedestrian elements will be conducted.

Comment S-118: The current ridership and operating characteristics of the Q59 and B61 buses should be discussed. Demand estimates for the shuttle bus service described in the Scope should be developed. The value of a shuttle service should be reconsidered in light of the potential for establishing a regular local bus service at no cost to the developer. This could be provided by modifying the Q59, which currently terminates at Kent Avenue/Broadway, by extending it along Broadway so that it terminates at Washington Plaza, thus enhancing the plaza as a transit hub. Demand for these services should be estimated and the potential modification of this route should be discussed with the Metropolitan Transportation Authority-New York City Transit (NYCT). (Markowitz)

The B61 bus could be insufficient and a new north-south route may be needed. (Freedman-Schnapp)

Response S-118: The DEIS transit and pedestrians analysis will assess pedestrian conditions in the future with the proposed actions. NYCT routinely adjusts their bus routes and service plans in response to changes in ridership demand. The EIS will analyze the effects of the incremental bus trips generated by the proposed development (i.e., the difference between the bus trips with the proposed project and the trips with the No Action use of the site) on the existing public bus routes in the area. Recently, Kent Avenue has been reconfigured in terms of traffic flow direction and geometric configuration in the study area. Specifically, since late September/early October 2009 the traffic flow direction on Kent Avenue has been changed from two-way north-south operation to one-way northbound operation between Clymer and North 14th Streets. The reconfiguration of Kent Avenue has resulted in the rerouting of the southbound Q59 bus route from Kent Avenue to Wythe Avenue. The effect on the operations of the Q59 bus route due to Kent Avenue reconfiguration will be evaluated between the Draft and Final EISs.

As described in the final scope, shuttle bus service will be explored in the future as demand is created by the project's development, but for EIS impact analyses, it is conservatively assumed that the shuttle buses would not be in place.

Comment S-119: The EIS should consider the number of cyclists and pedestrians that would use the project's public open space and how to safely accommodate them. (RPA)

Pedestrian and bicycle traffic on the proposed project's waterfront esplanade should be given formal consideration in the EIS. (Brooklyn Greenway Initiative)

Response S-119: As noted above, the travel demand estimates (including trip distribution and assignments) for the proposed project, including the waterfront esplanade, have been prepared. Pedestrian and bicycle trips generated by the proposed waterfront esplanade will be considered in the EIS. The EIS will also contain an analysis of pedestrian and bicycle safety.

Comment S-120: Transit should be defined to include water taxi service, and existing service to the Williamsburg area should be described, including frequency, span, available capacity, and characteristics of the areas within short walking distance of sites served. The ability of water taxis to provide the most direct route and shortest travel time to its service locations should be compared to traditional transit. The ability to connect the proposed waterfront esplanade to the nearest site served by water taxi should be discussed. (Markowitz)

Response S-120: Comment noted. As stated above, the proposed project could accommodate a dock for water taxi service. However, in order to be conservative, the transportation analysis will not take credit for trips that may be taken via water taxi.

Comment S-121: The Metropolitan Avenue/Lorimer Street, Bedford Avenue, and Marcy Avenue stations should be analyzed and described in terms of their accessibility by residents. Efforts to install Communications Based Train Control on the L line and its schedule and service implications should be described. Current crowding levels and service frequency on the G train should be analyzed and plans to expand/improve service should be obtained from NYCT and described in the EIS. Service and crowding levels on the J, M, and Z trains should be analyzed and improvement plans obtained from NYCT. (Markowitz)

The overcrowding at the Bedford Avenue L station and on the J/M/Z line needs to be addressed. (Eisenberg)

The subway lines serving Williamsburg are overcrowded. The L line is already one of the most over-burdened subway lines in the city, and the JMZ line is gaining passengers by the day. The proposed project will exacerbate the overcrowding. (NAGG, Hanson, NYCC, Deither, Stefan-Cole, Westring)

Response S-121: As described above, the travel demand estimates (including trip distribution and assignments) for the proposed project will be prepared. If trips assigned to the L, J, M, and Z lines exceed the CEQR threshold for a subway line haul analysis, such analyses will be conducted in the EIS. None of the project-generated subway trips are expected to use the Metropolitan Avenue G station, therefore, detailed analysis at this intersection is not warranted. A study of the effects of Communications Based Train Control on the L line is out of scope for this EIS.

Comment S-122: The applicant should describe planned routes and stops for shuttle buses and should integrate the routes into a district-wide waterfront transportation plan. (NAGG)

Response S-122: Comment noted. The DEIS transit and pedestrians analysis will assess pedestrian conditions in the future with the proposed project. As described above and in the Final Scope, shuttle bus service will be explored in the future as demand is created by the project's development, but for EIS impact analyses, it is conservatively assumed that the shuttle buses would not be in place.

Comment S-123: The proposed project includes a plan for provision of direct ferry service, which is an important component of strengthening our regional and inner city mass transit network. (Partnership for New York City)

Response S-123: Comment noted. As described in the Final Scope, it is anticipated that the development could be served by water taxi service, and the implementation of this service would be explored as demand is created by the proposed project's development. While the project could accommodate a ferry service, it is not currently proposed as part of this project, as it would require its own approval process for dock designs and operations, which have not been determined at this time.

AIR QUALITY

Comment S-124: If additional stop lights are required, their effects on air quality need to be analyzed. (Eisenberg)

Response S-124: The air quality analysis will include an analysis of mobile sources for at least three intersections. These intersections will be chosen based on the future levels of congestion and the number of project-generated trips. If an intersection analyzed under the mobile source air quality analysis requires signalization as mitigation for traffic, an air quality analysis reflecting the proposed mitigation measures would be conducted at that location.

NOISE

Comment S-125: The developer should submit a noise mitigation plan per the new noise code that took effect in July 2007. (Kreger)

Response S-125: The DEIS construction analysis will describe measures that would be taken to reduce noise during construction. The developer will comply with all noise mitigation requirements of the City's current noise code.

CONSTRUCTION IMPACTS

Comment S-126: Level of Service (LOS) analysis of affected intersections should be included within the construction impacts task. (NYCDOT)

Response S-126: The DEIS construction analysis will include a trip generation projection of peak hour construction worker and vehicle trips during the peak calendar quarter of the project's construction period in order to qualitatively assess the traffic operating conditions at critical intersections in the study area. If warranted, based on the construction trip-generation projections, LOS analysis will be conducted for selected critical intersections within the vicinity of the project site which would experience increased traffic levels due to construction-related activities.

PUBLIC HEALTH

Comment S-127: The Williamsburg neighborhood is polluted with many toxins (e.g., lead dust from the Williamsburg Bridge) and the EIS needs to evaluate the proposed project's health risks in a comprehensive way. (Nahrwold)

Response S-127: Comment noted. The EIS public health analysis will consider the potential for public exposure to toxic materials as a result of the proposed project.

Comment S-128: Williamsburg has one of the highest asthma rates in the city and air pollution contributes to this problem. Williamsburg exceeds current air quality standards for fine particulate pollution. Consideration should be given in the DEIS to limiting truck access to the proposed project, limiting delivery and pickups to mornings, and limiting diesel-fueled buses and encouraging electric buses. (NYCC)

Response S-128: Comment noted.

Comment S-129: The proposed new development will result in a drastic change to the community that can cause a high level of stress and mental health

problems for Williamsburg residents. This should be taken into consideration. (Genijocih)

Response S-129: Comment noted. The EIS will include a public health analysis performed in accordance with *CEQR Technical Manual* guidelines.

ALTERNATIVES

Comment S-130: The applicant should present alternatives to the proposed project. (Deither, Buivid)

Response S-130: The Final Scope describes four alternatives that will be analyzed in the EIS.

Comment S-131: The alternative rezoning of the non-project rezoning area to mixed use (M1-4/R6A and M1-4/R6B) would hinder manufacturing uses. (Barrett)

Potential rezoning of upland parcels from M3 to MX is undesirable, as it would displace businesses and substantially change neighborhood character. (Barett, EWVIDCO, Freedman-Schnapp, NAGG)

Response S-131: As described in the Final Scope, the proposed actions no longer include the rezoning of the M3-1 blocks east of the project site. Therefore, an alternative in which these blocks are rezoned with a mixed use district is no longer necessary and will not be analyzed.

Comment S-132: An alternative should be considered that creates an Industrial Employment District in the non-project rezoning area. (Barrett)

Response S-132: The "non-project rezoning area" described in the Draft Scope is no longer proposed for rezoning as part of the Domino Sugar project, therefore an analysis of this alternative is not warranted. The EIS and Final Scope of Work have been amended to reflect this change.

Comment S-133: The EIS should explore a "transit-oriented" alternative that requires greatly reduced parking to encourage the use of public transit. In that same vein, the EIS should explore increasing the public transit capabilities in the area and should begin working with NYCT to solve transit-related issues associated with the potential growth in this project area and surrounding neighborhoods. (MAS)

Response S-133: The Draft Scope describes various alternatives that will be analyzed in the EIS. As noted in the Draft Scope, as project impacts are identified, other alternatives may be considered.

Comment S-134: The lead agency should analyze an alternative in which the rooftop addition to the Refinery building is not included in the proposed development program, and the anticipated square footage associated with such addition is transferred to an alternative location. As indicated in the Draft Scope of Work, the applicant will have to apply for a Certificate of Appropriateness from LPC for such an addition. A Certificate of Appropriateness is a discretionary permit given for applications that meet general standards of appropriateness. Landmarks permits are not subject to SEQRA (or CEQR) review because: "an agency has some discretion, but that discretion is circumscribed by a narrow set of criteria which do not bear any relationship to the environmental concerns that may be raised in an EIS, its decision will not be considered 'actions' for the purposes of SEQRA's EIS requirements." (*Citineighbors, 306 A.D.2d at 114).*

LPC has criteria for determining the appropriateness of rooftop additions on individual landmarks. Generally, the Commission approves rooftop additions that are minimally visible from a public right-of-way related to designated individual landmarks. The appropriateness of an addition is decided at a public hearing by LPC commissioners, who are experts in historic preservation, architecture, history, and planning. There is an opportunity for extensive public participation in the review process. It is important to allow LPC to review this project unencumbered of the environmental review process. (MAS)

Response S-134: As described in the Draft and Final Scope of Work, the specific alternatives to be analyzed in an EIS are typically determined by the lead agency as project impacts become clarified. If significant adverse impacts are identified related to the proposed rooftop addition or other project elements, the EIS will consider alternatives to the proposed project that could reduce or eliminate such impacts while substantively meeting the goals and objectives of the applicant.

Comment S-135: The Scope should consider alternatives that include the preservation of the Bin Tower, the connecting bridges, and the Syrup Station in addition to the refinery buildings. This would in part mitigate the potential loss of National Register-eligible resources. Preservation of these buildings and site features would document the sugar refining process and represent several significant periods of construction. Williamsburg preservation organizations have requested LPC to designate the Adant House and the Power House. (MAS)

The EIS should analyze a scenario in which all historic buildings on the site (including the Adant House and the Power House) are retained and adaptively reused. (WPA)

An alternative should be considered that landmarks the Adant House and the Power House. (Freedman-Schnapp)

Response S-135: As noted in the preceding response, the specific alternatives to be analyzed will be refined as project impacts become clarified. To the degree that significant adverse historic resources impacts are identified, the EIS will consider alternatives to the proposed project that could reduce or eliminate such impacts while substantively meeting the goals and objectives of the applicant. In addition, if significant adverse impacts are identified, mitigation measures will be explored that could reduce or eliminate those impacts.

Comment S-136: The EIS should analyze the use of the site as an incubation center for small enterprises, as well as an alternative that includes only affordable housing. (Buivid)

Response S-136: As discussed in the Draft Scope, the proposed development includes retail/commercial space that has not been programmed with specific uses and may potentially include small enterprises. The project aims to create an economically diverse development with a mix of uses and housing affordability levels. In the event that the EIS identifies a significant adverse impact resulting from the proposed mix of housing affordability, alternatives and/or mitigation will be explored that could reduce or eliminate the impact.

Comment S-137: The EIS should analyze the community's alternate plan to reuse the Domino Sugar site as a cultural center. (Buivid, Deither, Eisenberg)

Response S-137: The Draft Scope describes various alternatives that will be analyzed in the EIS. As noted in the Draft Scope, as project impacts are identified, other alternatives may be considered.

As stated in the Draft Scope, the proposed development includes approximately 146,000 gross square feet (gsf) of community facility space. While this space has not yet been programmed, cultural space is among the uses under consideration.

Comment S-138: Because the applicant will be entitled to additional floor area derived from the area between the shoreline and the bulkhead line, the actual density of the development will be significantly higher than typical R8 developments. For comparison, the EIS should therefore explore densities significantly lower than currently envisaged, such as an entirely R6 development (or maximum FAR of 3.0). The EIS could also explore R7 as an alternative zoning designation for the waterfront.

The maximum height proposed by the applicant of 400 feet greatly exceeds the height of structures in the surrounding neighborhoods, which contains buildings of heights typically between 30 and 50 feet. As an alternative, the EIS should explore the possibility of a drastically shorter height limit, such as 250 feet, in order to better respect the adjacent inland neighborhoods.

The EIS should explore alternatives that do not involve transferring floor area to the parcel bounded by South 3rd and South 4th streets and Kent Avenue, to ensure the development on this parcel is not greatly in excess of the surrounding neighborhood. (MAS)

Alternatives to the proposed bulk and massing should be considered in view of the impact on historic resources and urban design. The EIS should include renderings of the site as it is proposed to be developed, not only in elevation but from the affected viewpoints, and alternatives to this distribution of bulk should be considered. (Society for the Architecture of the City)

Alternatives to the proposed bulk and massing should be considered in view of the impact on historic resources and urban design. The EIS should include renderings of the site as it is proposed to be developed, not only in elevation but from the affected viewpoints, and alternatives to this distribution of bulk should be considered. (Society for the Architecture of the City)

The EIS should consider an alternative in which the height and density of the proposed project conform to the Greenpoint-Williamsburg Rezoning. (NAGG)

The EIS should consider development options that include major reductions in height and density of the planned waterfront as well as the upland blocks. The upland height and density bonuses given to the applicant will set dangerous precedents for the immediate area. (Kruse-Ramey)

Response S-138: As described above, the specific alternatives to be analyzed in an EIS are typically determined by the lead agency as project impacts become clarified. If significant adverse impacts are identified related to height, bulk, floor area, or massing, the EIS will consider alternatives to the proposed project that could reduce or eliminate such impacts while substantively meeting the goals and objectives of the applicant.

Comment S-139: This analysis should include a scenario in which (a) the M1-2 zoning district parking requirement is waived, in order to deter car traffic to retail destinations, and to restrict new retail to that which serves local need; (b) a restriction prohibiting the construction of condo-hotels is

enacted; and (c) a ground-floor manufacturing use for new development is required (similar to the proposal under discussion for the Gowanus area). Given that nearly 245,000 New Yorkers work in industrial and manufacturing jobs, making the industrial sector a larger employer than both the information and the real estate industries, it is important to thoroughly and thoughtfully examine this alternative. A healthy industrial sector adds stability to the local economy by diversifying the City's economic activities and bringing export dollars into the city. (MAS)

Response S-139: As described in the Final Scope, the proposed actions no longer include the rezoning of the blocks east of the project site from M3-1 to M1-2.

Comment S-140: The EIS should examine a Green Alternative, where the building specifications and land use design reach LEED-Gold standards or higher and renewable sources of energy are utilized. This alternative would help alleviate particular environmental concerns related to this proposed project and of the current environmental state of the area. (MAS)

Response S-140: If significant adverse impacts are identified related to the issues identified in the comment, the EIS will consider alternatives to the proposed project that could reduce or eliminate such impacts while substantively meeting the goals and objectives of the applicant.

Comment S-141: As an alternative, the DEIS should study a project with 2,000 units, 800 of which would be set aside as affordable housing. (NYCC)

Response S-141: As discussed in the response to Comment 24-7, above, if significant adverse impacts are identified related to the proposed number or affordability mix of units, the EIS will consider alternatives to the proposed project that could reduce or eliminate such impacts while substantively meeting the goals and objectives of the applicant.

Comment S-142: The DEIS should study the economic feasibility of 40 percent affordable housing, with half of this being for low-income residents ($18,000 to $35,000) and half for moderate-income ($35,000 to $57,000). (NYCC)

Response S-142: See response to the preceding comment.

Comment S-143: CB 1's 197-a plan should be considered as an alternative to the proposed project. (El Puente, Buivid, Kreger, NAGG)

Response S-143: As noted in the Draft and Final Scope of Work, the EIS will evaluate the consistency of the proposed project with public policies, including the Williamsburg Waterfront 197-a Plan. To the degree that the EIS identifies significant adverse impacts resulting from the proposed project that could be reduced or eliminated by elements of the 197-a plan, they may be considered in the EIS as alternatives or mitigation.

Comment S-144: The EIS should consider an alternative in which the waterfront parcel is developed at 3.4 FAR, taking into consideration recommendations put forth by the Williamsburg 197-a plan. This alternative would map a C2-4 overlay on the waterfront parcel with R6 zoning on the upland parcel. Under this alternative the low building between South 3rd and South 5th Streets would be reconstructed to become a visual "base" for two residential towers up to 200 feet tall. The Adant House would be preserved and modified.

Overall, this alternative would facilitate approximately 1.5 million gsf of development above grade, including the reuse of the Refinery Building. Approximately 1,100,000 sf would be dedicated to residential reuse, 100,000 sf for retail/commercial use, and 300,000 sf for community facility use. This alternative plan would create up to 1,000 residential units based on an average size of 1,100 gsf. There would also be 1,100 accessory parking spaces located on the site in below-grade parking, as well as a significant amount of bicycle parking. (Kreger)

Response S-144: Comment noted. As described above, the DEIS will include an alternative with reduced density.

MITIGATION

Comment S-145: Mitigation for the loss of historic resources ought to be determined through Section 106 review. At the minimum, documentation of any National Register-eligible building must be documented to the National Park Service's HAER (Historic American Engineering Record) Level I standards. The machinery in the buildings should also be documented to HAER Level 1 standards. (MAS, Society for Industrial Archaeology)

Mitigation for the site should include HAER Level 1 documentation of the machinery and industrial processes used on the sites, as well as the historic buildings. (WPA)

Response S-145: To the extent that Section 106 applies due to the waterfront permit application, Section 106 consultation will be undertaken by USACE, as the lead federal agency for the Section 106 process. Mitigation for historic resources will be determined in consultation with OPRHP and

is expected to include the preparation of HAER reports for the buildings and the machinery.

Comment S-146: Mitigation should include a proactive business displacement program coupled with City actions such as establishing the long-term viability of the Office of Industrial and Manufacturing Businesses and adopting the Industrial Employment Districts Zoning. (NAGG)

Response S-146: If the DEIS identifies significant adverse impacts with respect to business displacement, potential mitigation measures will be explored.

MISCELLANEOUS

Comment S-147: The Radiac facility poses a terrorism threat. (Pellegrino)

Response S-147: Radiac is an existing use and no changes are proposed to that site as a result of the proposed actions.

Comment S-148: The proposed development would narrow the airspace corridor and jeopardize the use of airspace by seaplanes and helicopters. The tall towers would make landing from the easterly direction dangerous or prohibitive, and this would impact traffic to the 34th Street heliport. The already narrow flight path would be narrowed further. The applicant has not contacted Shoreline Aviation, Inc., the Federal Aviation Administration (FAA), or the Eastern Region Helicopter Council to inform them of the development plans and how it could impact flight paths. These discussions need to begin. (Brown, Eisenberg)

Response S-148: Comment noted. Since the 2006 airplane accident on the Upper East Side, the East River corridor has been closed to Visual Flight Rule (VFR) airplanes, and all aircraft must report to air traffic control. The corridor only extends from bulkhead line to bulkhead line over the River and does not extend over the land on either side.

Comment S-149: There is no discussion in the scope of issues related to public safety in placing such tall buildings close to the Williamsburg Bridge. (Eisenberg)

Response S-149: Comment noted.

Comment S-150: Through PlaNYC 2030, the City has positioned itself to be a leader in the fight to curb the effects of global climate change by articulating the lofty goal of a 30 percent reduction in the City's "carbon footprint" by 2030. Planning must include an assessment of a project's impact upon climate change and how best to reduce such impact.

With regard to this scope and an environmental review, an EIS under SEQRA/CEQR is required to examine a proposed project's effect upon energy, natural resources, air quality and air pollution. The main contributor to global climate change, carbon dioxide, was recently declared by the United States Supreme Court in the landmark case, *Massachusetts v. EPA*, to be an air pollutant. Under the current structure and mandate of SEQRA/CEQR, the lead agency not only has the ability to examine a project's impact upon climate change, but is under obligation to do so.

While the tools and methods for measuring (1) a building's output of greenhouse gases and (2) that output's impact on global climate change are still under development, the lead agency can nonetheless quantify the direct and indirect carbon dioxide emissions resulting from a project by using existing energy modeling software. The inventory thus created can either be measured against the City's goal of reducing our carbon footprint by 30 percent or another defined goal for reducing a project's environmental impact.

Regardless of how the carbon dioxide emissions are measured, however, by disclosing the greenhouse gas emissions of a project, the lead agency can identify the opportunities to economically and practicably reduce such emissions through simple mitigation measures. Other mitigation measures can include reducing the traffic impacts, working with MTA early in the process to develop a better and more comprehensive transit system to serve this area, and working with Con Edison to provide the cleanest energy possible. (MAS)

Response S-150: The EIS will consider the proposed project's consistency with PlaNYC. An analysis of greenhouse gas emissions will be conducted.

D. LIST OF ELECTED OFFICIALS, COMMUNITY BOARD, ORGANIZATIONS, AND THE INTERESTED PUBLIC WHO COMMENTED ON THE DEIS

ELECTED OFFICIALS

1. Honorable Stephen T. Levin, New York City Council, 33rd District, oral testimony and written submission dated April 28, 2010 (Levin)
2. Honorable Vito Lopez, Member of Assembly, 53rd Assembly District, oral testimony delivered by Allison Frost, written submission dated April 28, 2010 (V. Lopez)
3. Honorable Marty Markowitz, Brooklyn Borough President, written recommendations dated April 9, 2010 (Markowitz)
4. Honorable Diana Reyna, New York City Council, 34th District, oral testimony and written submission dated April 28, 2010 (Reyna)

COMMUNITY BOARD

5. Brooklyn Community Board 1, written recommendations dated March 8, 2010; Ward Dennis, Land Use Committee, Chair, oral testimony (CB1)

ORGANIZATIONS

6. American Institute of Architects-New York Chapter, oral testimony delivered by Jay Bond, Policy Director, with written submission signed by Anthony Schirripa, FAIA, Chapter President and Frederic Bell, Executive Director dated April 28, 2010 (AIA)
7. Brooklyn Greenway Initiative, Milton Puryear, Director of Project Development, oral testimony and written submission dated April 28, 2010 (BGI)
8. Catholic Charities, Rev. Msgr. Alfred LoPinto, Vicar for Human Services, oral testimony delivered by Michelle Beamon with written submission dated April 21, 2010 (CC)
9. Churches United Corporation, Paul Cogley, oral testimony (CUC)
10. Churches United for Fair Housing, Robert Solano, Executive Director, oral testimony (CUFH)
11. Clemente Plaza Tenants Association, Moses Teichman, President, written submission dated April 28, 2010 (CPTA)
12. El Puente, Frances Lucerna, Co-Founder/Executive Director, oral testimony; Eugenio Maldonado, Chief of Operations (with Rosa Maldonado), written submission dated April 28, 2010 (El Puente)
13. Enterprise New York/Enterprise Community Partners, Victoria Shire, Deputy Director, written submission dated April 28, 2010 (Enterprise)
14. Housing Partnership Development Corporation, Sheila Latimer, Director of Affordable Housing Programs, written submission dated April 28, 2010 (HPDC)
15. Metropolitan Waterfront Alliance, Ronald Lewis, President and CEO, oral testimony delivered by Yana Kupava and written submission dated April 28, 2010 (MWA)
16. Museum for African Art, Elsie McCabe Thompson, President (MAA)
17. Neighbors Allied for Good Growth, Emily Gallagher and Ryan Kuonen, oral testimony (NAGG)
18. The New York Community Council, Philip DePaolo, written submission dated April 28, 2010 (NYCC)
19. North Brooklyn Art Coalition, Katherine Denny, Executive Director, written submission dated April 28, 2010 (nbArt)
20. Partnership for New York City, Kathryn Wylde, President and CEO, oral testimony and written submission dated April 28, 2010 (PNYC)
21. Pratt Institute Graduate Center for Planning and the Environment, Ronald Shiffman, FAICP, Hon. AIA, Urban Planning Professor, Technical Advisor to Broadway Triangle Community Coalition and El Puente, oral testimony and written submission dated April 28, 2010 (Pratt)

22. Saints Peter and Paul Church, Rev. Richard Beuther, oral testimony delivered by Miguel Hernandez (SPPC)
23. Society for Industrial Archaeology, Mary Hasbritt, President, oral testimony and written submissions dated April 28, 2010 and May 10, 2010 (SIA)
24. Southside United (Los Sures), Ramon Peguero, Executive Director, oral testimony and undated written submission (SULS)
25. St. Nick's Alliance, Allison Cordero, Deputy Director for Community Preservation, oral testimony and written submission dated April 28, 2010 (SNA)
26. United Neighbors Alliance, Benjamin Robles and Leo Reyes, undated written submissions received April 28, 2010 (UNO)

INTERESTED PUBLIC

27. Isaac Abraham, undated written submission received on April 28, 2010 (Abraham)
28. Francis Ball, undated written submission dated May 10, 2010 (Ball)
29. Gregory Barsamian, written submission dated April 28, 2010 (Barsamian)
30. Carmie Bee, oral testimony (Bee)
31. Justin Braun, written submission dated April 29, 2010 (Braun)
32. Jody Bretnall, written submission dated May 8, 2010 (Bretnall)
33. David Brody, undated written submission received May 10, 2010 (Brody)
34. Les Brown, oral testimony (L. Brown)
35. Harry Brown, oral testimony (H. Brown)
36. Nancy M. Buivid, undated written submission received May 10, 2010 (Buivid)
37. Charlotte Canale, written submission dated May 10, 2010 (Canale)
38. Ann E. Carroll, oral testimony and written submission dated April 27, 2010 (Carroll)
39. Shari Cavin, undated written submission received May 10, 2010 (Cavin)
40. Melissa Chan, Big Big Produce, Inc., written submission dated May 10, 2010 (M. Chan)
41. Paul Chan, Ban-n-Son's Produce, Inc., written submission dated May 10, 2010 (P. Chan)
42. Andreas Cohrssen, written submissions dated May 4, 2010 (Cohrssen)
43. Brandon Cole, oral testimony and written submissions dated April 21, April 28, and May 7, 2010 (Cole)
44. Stephanie Davies, written submissions dated May 8, 2010 (Davies)
45. Doris Diether, oral testimony and undated written submissions dated April 28, 2010 (Diether)
46. Gregory Dietrich, written submission dated May 7, 2010 (Dietrich)
47. Anita P. Dunbar, Churches United member, oral testimony (Dunbar)

48. Esteban Duran, CB1 member, oral testimony (Duran)
49. Stephanie Eisenberg, oral testimony and undated written submissions received May 6, 2010 (Eisenberg)
50. Donald H. Elliott, former New York City Planning Commission chair, oral testimony (Elliott)
51. Rosa Espinal, Churches United member, oral testimony (Espinal)
52. Dennis Richard Farr, oral testimony and undated written submission received April 28, 2010 (Farr)
53. Tom Fox, New York Water Taxi, oral testimony (Fox)
54. Jacqueline Frankel, written submission dated May 7, 2010 (J. Frankel)
55. Steven M. Frankel, oral testimony and written submissions dated May 6 and May 7, 2010 (S. Frankel)
56. Michael Friedberg, written submission (with Michael Galbe) dated May 8, 2010, and written submission dated May 10, 2010 (Friedberg)
57. Gwynne Gauntlett, written submission dated May 6, 2010 (Gauntlett)
58. Kathleen Gilrain, oral testimony and undated written submission received April 28, 2010 (Gilrain)
59. Ellen Goldin, written submissions dated April 28, 2010 (Goldin)
60. Albert Goldson, undated written submission received May 10, 2010 (Goldson)
61. Paul D. Graziano, written submission dated May 10, 2010 (Graziano)
62. Allison G. Greenberg, oral testimony and written submission dated April 28, 2010 (Greenberg)
63. Vincent L. Hall, Jr., oral testimony (Hall)
64. Bea Hanson, written submissions dated May 8 and May 10, 2010 (Hanson)
65. Brad Harris, written submission dated May 9, 2010 (B. Harris)
66. Tymberly Harris, written submissions dated May 7 and May 10, 2010 (T. Harris)
67. Anker Heegaard, undated written submission received May 10, 2010 (Heegaard)
68. Jennifer Hilton, written submission dated April 28, 2010 (Hilton)
69. John W. Hosmer, III, written submissions dated May 6, 2010 and (with Jesse C. Jenkins) May 10, 2010 (Hosmer)
70. Dana Kane, written submissions dated April 28, 2010 (Kane)
71. Brian Ketcham, P.E., written submission dated May 4, 2010 (Ketcham)
72. Katharina Kruse-Ramey, oral testimony and written submission dated May 3, 2010 (Kruse-Ramey)
73. Leah Kreger, written submission dated April 28, 2010 (Kreger)
74. Roy Lethen, undated written submission received on April 28, 2010 (Lethen)

75. Drunell Levinson, oral testimony (Levinson)
76. Daniel A. Levy, written submission dated May 5, 2010, and undated written submission received on May 10, 2010 (Levy)
77. Stephen Long, SEIU-32 BJ member, oral testimony and written submission dated April 28, 2010 (Long)
78. Daisy Lopez, Churches United for Fair Housing member, oral testimony (D. Lopez)
79. Marilyn Lopez, oral testimony (M. Lopez)
80. Tonya M. Martin, undated written submission received May 10, 2010 (Martin)
81. Anna Morales, Churches United member, written submission dated April 27, 2010 (Morales)
82. Seren Morey, written submission dated May 8, 2010 (Morey)
83. Thomas Nahrwold, written submission dated April 28, 2010 (Nahrwold)
84. Susan Pellegrino, oral testimony (Pellegrino)
85. Adam D. Perlmutter, oral testimony and written submission dated April 28, 2010 (Perlmutter)
86. Ellen Rand, oral testimony (Rand)
87. Pola Rapaport, written submission dated April 28, 2010 (Rapaport)
88. David W. Reina, David Reina Designs, Inc., written submission dated April 28, 2010 (Reina)
89. Nancy Rielle, oral testimony and written submissions dated May 4 and May 9, 2010 (Rielle)
90. Mary Rivera, oral testimony (Rivera)
91. Kristin A. Rooney, written submission dated May 6, 2010 (Rooney)
92. Daniel Rosenbaum, written submission dated April 28, 2010 (Rosenbaum)
93. Peter Sands, written submission dated May 5, 2010 (Sands)
94. Alice Shechter, written submission dated May 4, 2010 (Shechter)
95. Robert Shelton, oral testimony (Shelton)
96. Susan Silberman, written submission dated April 28, 2010 (Silberman)
97. Janyce Stefan-Cole, oral testimony and written submissions dated April 28 and May 6, 2010 (Stefan-Cole)
98. Greg Steinbruner, undated written submission received May 10, 2010 (Steinbruner)
99. Thomas J. Strodel, written submissions dated May 7 and May 10, 2010 (Strodel)
100. Tami Stronach, written submissions dated May 7 and May 10, 2010 (Stronach)
101. Del Teague, CB1 member, oral testimony (Teague)
102. James Trimarco, oral testimony (Trimarco)

103. Natalie Vichnevsky, oral testimony (Vichnevsky)

104. Julia Warr, undated written submission (with Martin, Delilah, Dexter, and Douglas Brierley) received May 10, 2010 (Warr)

105. Carol Willis, oral testimony and written submission dated April 28, 2010 (Willis)

106. Mary Ziegler, written submission dated April 28, 2010 (Ziegler)

PETITIONS AND FORM LETTERS

107. Form letters opposing the proposal from 28 individuals dated May 10, 2010 (Form Letter)

108. Petition in favor of the proposal from Churches United Corporation/Saints Peter and Paul (Epiphany) Church, 720 signatures, dated April 28, 2010 (CUC Petition)

109. Petition opposing the proposal from Williamsburg Independent People, 190 signatures, dated May 6, 2010 (WIP Petition)

110. Petition in Opposition to the New Domino, opposing the proposal, 282 signatures, dated May 6, 2010 (PIO Petition)

E. RESPONSE TO DRAFT ENVIRONMENTAL IMPACT STATEMENT COMMENTS

GENERAL/PROJECT DESCRIPTION

DEVELOPMENT PROGRAM

Affordable Housing

Comment 1-1: The proposed project will create affordable housing in the community. The proposed project deserves support, specifically its affordable and senior housing components. (Abraham, Braun, Dunbar, Duran, El Puente, Enterprise, Espinal, J. Frankel, Hilton, Levinson, D. Lopez, M. Lopez, MAA, Morales, PNYC, Pratt, Rapaport, Rivera, Shelton, SPPC, Willis)

We support 660 units of affordable housing in The New Domino for our community. (CUC Petition)

The project offers the rare opportunity to create 660 affordable units in one development with affordability that will reach households at lower income levels than required elsewhere and include senior housing and affordable rentals, as well as home ownership. (CUC, HPDC, El Puente, Reyna)

Response 1-1: Comment noted.

Comment 1-2: The affordable housing should include mixed-use live-work units for artists. (Gilrain)

Response 1-2: Comment noted.

Comment 1-3: The project includes affordable housing, but there are other ways to increase affordable housing in the area using existing space, including conversion of vacant luxury rental units and condominiums. (Hanson)

Response 1-3: Although the conversion of vacant luxury rental and condominium units into affordable housing would also increase the area's affordable housing stock, such action is beyond the control of the applicant and outside the scope of this EIS. However, as noted on page 1-15 of the EIS, the applicant's stated intention is to provide 30 percent of the proposed project's units as affordable, which would result in 660 new affordable units on the project site.

Comment 1-4: The units proposed in excess of the 20 percent pursuant to the Inclusionary Housing Program have no basis under the proposal to ensure that they are included in the development. It would be unfortunate if circumstances prevented the applicant from honoring this commitment, especially given that the community's need for affordable housing is only increasing. It is the borough president's policy to obtain a written commitment or explanation that conveys a suitable assurance that the affordable housing will be built. (Markowitz)

The 30 percent affordable housing requirement should be made a priority. **(**Morales, Gilrain, CUC)

Response 1-4: The EIS notes that it is the applicant's stated intention to provide 30 percent of the proposed project's units as affordable. As also stated in CPC Resources' letter to the Brooklyn Borough President dated April 8, 2010 (see Appendix K.2), assuming that the project is approved as proposed, the applicant is committed to maximizing the amount of affordable housing units by providing 30 percent of the project's overall units as permanently affordable and will work with the City to identify a legally binding mechanism for this commitment.

Comment 1-5: The borough president urges the applicant to provide a firm commitment that affordable senior citizen housing would be part of the overall development. (Markowitz)

Response 1-5: As noted in Chapter 1 of the EIS, "Project Description," the applicant intends to include senior housing units within the project. As discussed in CPC Resources' letter to the Brooklyn Borough President, the

applicant will explore the feasibility of including senior housing units within the earliest possible phase of the project.

Comment 1-6: The applicant should retain the affordable homeownership units as "affordable forever." (Markowitz)

All affordable units must remain affordable in perpetuity. (Levin)

The applicant has not detailed the rental amounts for those affordable units, and whether or not the amounts will be guaranteed, permanent, and truly affordable. (Greenberg, Ziegler)

Response 1-6: The affordable rental units in the proposed project would be permanently affordable, consistent with the Inclusionary Housing requirements in the Zoning Resolution. With respect to the affordable homeownership units, the applicant noted in its letter to the Brooklyn Borough President that it will explore subsidy programs and examine the feasibility of making these units permanently affordable and agrees to further investigate mechanisms to facilitate this concept.

Comment 1-7: The borough president believes that expanding opportunities for more households within the community to apply for scarce affordable housing is an important objective to achieve. Adding more income tiers between the 30 and 60 percent tiers would provide a means to allow an increased number of families to become eligible to seek such housing at the New Domino. (Markowitz)

Response 1-7: While the tiers of affordability are components of the proposed project, their specific details are outside the scope of this EIS. However, in its letter to the Brooklyn Borough President, the applicant has stated the willingness to explore the feasibility of increasing the number of tiers of affordability for the affordable housing units; the levels, as proposed currently, encompass a wider spectrum of income levels than that typically found under existing affordable housing programs.

Comment 1-8: The borough president believes that the local preference for those subsequently displaced in the district from the Greenpoint-Williamsburg rezoning should also be met by the New Domino development to provide additional opportunities for those displaced from CD1 subsequent to May 11, 2005. (Markowitz)

Response 1-8: Comment noted. Although the local preference process is not relevant to the CEQR review, in its letter to the Brooklyn Borough President, the applicant has stated its commitment to provide a 50 percent local preference in the lottery program pursuant to the Inclusionary Housing bonus and to include in the local preference families that have been

recently displaced from Community Board 1, subject to review and approval by the New York City Department of Housing, Preservation, and Development (HPD).

Comment 1-9: It is very important that affordability levels of the proposed affordable units accurately reflect the median income of the surrounding community, which is about $35,000 for a family of four. (Eisenberg, Levin, WIP Petition)

The proposed project includes 660 units of claimed affordable housing reserved for families with incomes of $23,040 to $99,840. Given the current AMI for Brooklyn CB1 is $35,300 for a family of four, most of the project's affordable housing would be out of reach for area residents. (Eisenberg)

We found that only 100 units are affordable to the majority of residents in Brooklyn CB1. Even the 310 units of housing at $46,080 dollars are out of reach of over 60 percent of these residents. (NYCC)

Response 1-9: Statistics on AMI are typically developed for areas larger than a community board; the commenters did not provide a source for their AMI for CB1. According to the U.S. Census 2006-2008 American Community Survey, the median household income for households of any size in Brooklyn CB1 is $40,230 (2008 dollars). This indicates that half of the households in CB1 earn more than $40,230 and half earn less. Although this is a different income statistic than AMI, it is indicative of income levels in CB1.

As discussed in Chapter 1, "Project Description," of the FEIS, the proposed project would include affordable units reaching a wide range of incomes, including both above and below the median income. In addition, the proposed project's affordable housing program reaches deeper levels of affordability than typical affordable housing programs, which would allow more households to qualify. Specifically, the project would include approximately 100 units for families of four earning up to $23,040 (30 percent AMI); 310 units for families of four earning up to $46,080 (60 percent AMI); 150 units for families of four earning up to $99,840 (130 percent AMI); and 100 units for seniors earning up to $38,400 (50 percent AMI). Families with fewer than four members would have lower income requirements. Overall, the affordable housing within the proposed project would be affordable to incomes ranging from $16,150 to $131,820, which represents the possible income ranges for a single person to an 8-person household in the income ranges the proposed project would target.

Comment 1-10: The affordable housing component should at least match the 40 percent realized at Schaefer Landing. (Levin, Perlmutter)

The entire density of the project needs to be brought down significantly to where the total number of units does not exceed 1,600, while maintaining 40 percent of those units as affordable. (Levin)

Response 1-10: Comparing the affordable component of the proposed project to that of Schaefer Landing is not relevant to the analysis of impacts in the EIS. Schaefer Landing was a City-owned site, and the City paid the cost for the environmental remediation and demolition, the wharf rehabilitation, and the rezoning and environmental studies, which enabled developers to set aside 40 percent of the units for affordable housing. In addition, the City and the New York State Division of Housing and Community Renewal providing financing and tax credits to facilitate the development of Schaefer Landing.[1]

Unlike Schaefer Landing, the proposed project has a high level of fixed costs, which would be privately financed, including preservation of the Refinery complex, rebuilding the ¼-mile-long bulkhead and wharf, four acres of open space, additional infrastructure elements, and numerous community-oriented program commitments.

At the CPC public hearing, the applicant stated that with fewer market rate units, the proposed project would neither be able to cover the fixed costs of the development, nor would it be able to provide cross-subsidy for additional affordable units.

Comment 1-11: The number of affordable units should be increased. **(**Morales, Gilrain)

The affordable housing should be 33 percent of the residential floor area. (CB1)

Response 1-11: According to the applicant, the proposed project as currently contemplated represents the best configuration to achieve its goals and objectives, chief among which is the creation of a substantial amount of affordable housing. As noted in Chapter 1, "Project Description," in order to provide more affordable units, the proposed project would need market rate units to provide a greater level of cross-subsidy for the additional affordable units, which cannot be financed solely through existing government subsidy programs.

Comment 1-12: The 150 for-sale housing units for families earning $99,840 would be offered at 130 percent of AMI. The developers want subsidies to pay for

[1] http://www.nyc.gov/html/hpd/html/developers/large-scale-schaefer.shtml

the units but they do not want to offer the units at the levels under IZ that begin at 80 percent of AMI and cap at 125 percent. (NYCC)

Response 1-12: As noted on pages 4-35 and 4-36 of Chapter 4, "Socioeconomics," of the EIS, the applicant anticipates that the proposed affordable homeownership units would be developed under the New York City Housing Partnership Program (HPP) and not under the Inclusionary Housing (IZ) program, which is for affordable housing rental units. The income levels for the HPP are currently set at 130 percent AMI. In addition to the affordable homeownership units, the proposed project would offer 510 units at 60 percent AMI or less, which would represent 23 percent of the total units. These units would represent a greater percentage of affordable units than required by the low-income incentive zoning requirements of the Greenpoint-Williamsburg IZ program, and would target income levels substantially lower than those required by the Greenpoint-Williamsburg program.

Comment 1-13: The applicant should make more units affordable to local residents by offering 50 percent of them available to households with income at or below 30 percent AMI. (Perlmutter)

Response 1-13: Comment noted. It is the applicant's belief that the proposed project as currently contemplated represents the best configuration to achieve its goals and objectives. The tiers of affordability in the proposed project are designed to serve a wide range of incomes, including households at 30 percent, 50 percent, 60 percent, and 130 percent of AMI. In addition, the proposed project's affordable housing program reaches deeper levels of affordability than typical affordable housing programs, which would allow more households to qualify.

Comment 1-14: Unit sizes should reflect the needs of local families with two, three, or more children. (Levin)

Response 1-14: For analytical purposes, the EIS assumes that the proposed project's residential units would have an average size of 1,000 gsf. It is the applicant's intent that these unit sizes would accommodate families with multiple children. In its letter to the CPC dated May 20, 2010 (See Appendix K.2), the applicant anticipates that the first phase of the proposed project (Site E) would include a unit mix of: 40 percent two bedrooms, 20 percent three bedrooms, and 10 percent four bedrooms. As required under the Inclusionary Housing program, a project must provide a mix of affordable units that is either proportional to the market rate mix or includes at least 50 percent two bedroom units. The unit mix of future phases of the proposed project will be evaluated based on the then current affordable housing needs in the community.

Comment 1-15: The EIS only provides the framework for the affordable housing, not the actual outcome. An affordable housing plan should be developed to clarify the period of affordability, percentage of affordable, breakdown by unit size, affordability levels, breakdown of rental and homeownership, how tenants will be selected, and whether there will be preferences for any population types. (Heegaard)

Response 1-15: Although not all aspects of the affordable housing program have been finalized at this time, the EIS provides many of the details requested by the commenter. As noted in Chapter 4, "Socioeconomic Conditions" of the EIS, 30 percent of the units would be affordable, with units targeted to 30 percent AMI, 50 percent AMI, 60 percent AMI, and 130 percent AMI. It is expected that of the 660 affordable units, 510 would be rental units and 150 would be homeownership units. There would also be preferences for seniors and the local population. As noted above, the applicant is committed to provide a 50 percent local preference in the lottery program pursuant to the Inclusionary Housing bonus and will include in the local preference families that have been recently displaced from Community Board 1, subject to review and approval by HPD. Although not finalized at this time, the mix of bedroom counts in the affordable units would be the same as the market rate mix or include at least 50 percent two bedroom or more units. The tenant selection process has also not been finalized and will be fulfilled pursuant to HPD program guidelines.

Comment 1-16: Williamsburg needs affordable housing. (Vichnevsky)

Response 1-16: Comment noted. As stated in the EIS, it is the applicant's intent to provide 30 percent of its units as affordable housing (660 units). These units would be targeted to lower income levels than typical affordable housing programs under the Inclusionary Housing program, which would allow more families to meet the income requirements.

Community Facility Uses

Comment 1-17: The project should support the arts and should include community space for arts organizations including galleries, theaters, music and dance space, and arts education programs. (Gilrain)

This space could be used for an art education center and artist exhibition space. (Levinson)

The current proposal ignores the artistic community that surrounds the site by lacking an arts component to the plan. It should include a mandate for public art throughout the four acres of open space and

include a commitment to a cultural center in the proposed community facility space. (nbArt)

Williamsburg needs cultural institutions. (Vichnevsky)

Response 1-17: As described in the EIS, the proposed project includes approximately 146,000 sf of community facility space. Approximately 100,000 sf of this space could be used for a public elementary and intermediate school. The remaining 46,000 sf is unprogrammed at this time, and could include a cultural institution use.

Comment 1-18: All community facility space should be locked in for community use and not used for any residential, commercial, or retail uses. (Levin)

Nearly 150,000 sf of community facility space will most likely not go towards "schools, child care facilities or art spaces," as described on page 3-13 of the DEIS. It is more likely that the space will go towards a major commercial tenant that will not necessarily benefit the immediate or surrounding Williamsburg community. (Graziano)

Response 1-18: As part of the CPC approvals, the community facility space would be required to remain community facility space and would not be available for residential, commercial, or retail uses.

Comment 1-19: The community facility space on-site should be used for an exhibit on the history of Williamsburg's sugar industry. (SIA)

Response 1-19: As discussed in the EIS, the proposed project includes approximately 146,000 sf of community facility space—approximately 100,000 sf of this space could be used for a public elementary and intermediate school. The remaining 46,000 sf is unprogrammed at this time, and could include a use that could host such an exhibition. As noted in the historic discussion of Chapter 23, "Mitigation," of the EIS, an interpretive display is planned in the project's open space, to include industrial artifacts and corresponding signage. Items that are considered for salvage include machinery, crane rails, syrup tanks, elements of larger structures, and historic signage. The design intent of the interpretive display is to place the artifacts in a linear fashion to represent the sugar production process that took place on the site with corresponding signage that describes the history of the site and sugar production process. This exhibit would be easily accessible to the community's residents as it would be part of the publicly accessible open space and would be an integral part of the open space design and experience.

Retail Uses

Comment 1-20: With the exception of the supermarket on the upland site, the retail portion should be limited to a "neighborhood scale," generally 3,000 to 5,000 sf. (CB1)

The floor plates are too large for independent businesses. Retailers who will be able to afford these size floor plates will likely be luxury businesses where local residents won't be able to afford to shop. (NAGG)

Response 1-20: Although the size of the retail floorplates in the proposed project is not relevant to this CEQR review, the applicant has stated in its letter to the Brooklyn Borough President that it would consider the configuration of the floorplates for a variety of neighborhood-oriented retail use with the exception of the retail space on the upland parcel, which is planned for a potential supermarket tenant.

Comment 1-21: In creating new retail space, what will happen to the existing vacant space? (Rand)

Response 1-21: As noted on page 4-12 of Chapter 4, Socioeconomics," of the EIS, with the growing residential uses in the area resulting from the Greenpoint-Williamsburg rezoning, there is an existing trend towards increased demand for convenience goods and neighborhood services independent of the proposed project. The creation of new retail on the project site would not alter or accelerate trends to change existing economic patterns. It is not within the scope of the EIS to examine the marketing issues related to the existing vacant retail space.

Comment 1-22: The developer should seek to provide a percentage of Kent Avenue storefronts to be used for artisan spaces for both sales and production of items on premises and/or teaching/performing. (Markowitz)

Response 1-22: As stated in its letter to the Brooklyn Borough President, the applicant will explore the feasibility of including custom and crafts-related manufacturing uses and art-related uses as permitted by the Zoning Resolution, within some portion of the proposed retail space on the waterfront parcel.

Comment 1-23: The borough president believes that a supermarket of not less than 20,000 sf should be included as part of the development of the site, with sufficient accessory parking as a means of enticing a grocery store operator to secure such space. (Markowitz)

Our neighborhood is already lacking in services and has no supermarket. (Goldin, Silberman)

Response 1-23: As stated in its letter to the Brooklyn Borough President, the applicant is committed to seeking a supermarket for the entire retail space on the upland parcel. The intended supermarket use is accounted for in Chapter 17, "Traffic and Parking," Chapter 18, "Transit and Pedestrians", Chapter 19, "Noise", and Chapter 23, "Mitigation" of the EIS, which analyzed the potential impacts assuming the upland retail space is occupied by an approximately 30,000 square foot supermarket.

Office Uses

Comment 1-24: The proposed office space is too far from public transportation to be convenient. (Ziegler)

The proposed creation of nearly 100,000 sf of office space is the very antithesis of the surrounding Southside neighborhood and Williamsburg in general. (Graziano)

The proposed waterfront towers are residential, with no mixed-use that could create a reverse commute. (Cole)

Response 1-24: As noted in Chapter 3, "Land Use, Zoning, and Public Policy," the proposed office uses are intended to draw activity to the project site and contribute to its mixed-use character. The mixed-use character of the proposed project would be compatible with the existing and anticipated future mix of residential, retail, and light industrial uses in the surrounding area. Although the project site is approximately ¾ miles from a subway, the site is well-served by the Q59 and B62 bus routes. Furthermore, the proposed commercial office space would provide residents of the proposed project and surrounding neighborhood with the opportunity to walk to work.

HEIGHT AND DENSITY

Comment 1-25: Reduce the overall density of the project to be in line with the 2005 Greenpoint-Williamsburg Rezoning. (CB1, Stefan-Cole)

The applicant has not provided a persuasive reason as to why they should be relieved from complying with the 2005 rezoning that covers that area and produced several tall residential towers along the north. (Greenberg)

The project flies in the face of the thoughtfully laid out 2005 waterfront rezoning. Affordable housing or open space should not dictate increases in height and density. (Graziano, Hosmer)

Response 1-25: As the applicant stated in its letter to the CPC dated May 20, 2010 (see Appendix K.2), the proposed project is intended to advance the goals of the 2005 Greenpoint-Williamsburg rezoning, as well as goals developed in consultation with the local community. These goals include the provision of a substantial amount of affordable housing (30 percent of the proposed project's units, reaching a broad range of incomes), the costly and complex preservation of the historic Refinery, the development of public open space, the opening up of visual and upland corridors, and the inclusion of community space, including a potential school.

As further elaborated in its letter to the CPC, it is the applicant's belief that the actions requested for the proposed project are necessary to achieve the goals and objectives of the project while also providing a unified site design. Further, the actions requested would allow the density necessary for the proposed project to absorb the high level of fixed costs associated with the redevelopment of the project site. The actions would allow the applicant to meet the goals of the project in ways that would not be possible under an area-wide rezoning, such as the 2005 rezoning. Furthermore, the proposed project's design includes zoning envelopes and mandatory design controls that are intended to accommodate density in a sensitive fashion.

As noted in Chapter 3, "Land Use, Zoning, and Public Policy," the proposed project would have an overall FAR of 5.64, comprising a non-residential (community facility, retail, and office) FAR of 0.75 and a residential FAR of 4.89. The residential FAR of 4.89 would slightly exceed the overall FAR of 4.7 approved for waterfront sites under the Greenpoint-Williamsburg rezoning. Although the 4.7 FAR includes non-residential uses, the contribution of non-residential uses to the overall FAR is minimal in the Greenpoint-Williamsburg rezoning area. Therefore, the residential FAR under the proposed project would not represent a substantial increase in residential FAR compared to the Greenpoint-Williamsburg rezoning.

The difference in FAR between the proposed project and the Greenpoint-Williamsburg rezoning would not affect the quality of life of either residents or the community. The difference in square footage between the proposed project and the Greenpoint-Williamsburg rezoning would result in a minimal increase in population, subway trips, vehicle use, and the like. Furthermore, the EIS identifies mitigation measures to fully or partially mitigate the significant adverse impacts of the proposed project. However, the additional density allows for the development of a project that includes as part of its stated goals and objectives the inclusion of affordable housing; rehabilitation and reuse

of the landmarked Refinery; provision of a substantial amount of public open space; opening up of visual corridors to the waterfront; and substantial community space.

Comment 1-26: The project is 24 percent higher (roughly 500,000 gsf larger) than in comparable waterfront zoning actions in community district. (CB1)

Response 1-26: As stated in the applicant's letter to the CPC, the additional density is necessary to meet a number of project goals and objectives including the provision of a substantial amount of affordable housing at lower income levels; rehabilitation and reuse of the landmarked Refinery; provision of a substantial amount of public open space; opening up of visual corridors to the waterfront; and substantial community facility space, including a potential school.

Comment 1-27: The upland site should be limited to the height restrictions of an R6A envelope (six-story street wall, one additional story set back), with the exception of the "tower" element. However, the tower should be at the Kent Avenue street wall and should not exceed the height of street wall across Kent Avenue (generally nine to 10 stories). (CB1)

The upland site—with its 14-story tower in a six-story zone, and almost triple the density allowed its neighbors—sets a dangerous precedent for future development in the neighborhood. The upland site should be protected at four stories. (J. Frankel, S. Frankel, Stefan-Cole).

Response 1-27: The DEIS did not identify any significant adverse impacts associated with the height of the upland parcel or the location of the tower portion on the parcel. Further, as discussed in Chapter 3, "Land Use, Zoning, and Public Policy," several large waterfront sites; including the Edge, Northside Piers, Rose Plaza on the River, and the Kedem Winery site, have already been zoned for residential uses and have known development plans. Therefore, the proposed project would not be precedent-setting since there are no similarly scaled sites whose zoning is not already zoned for residential. As described in the DEIS, some of the buildings on the project site would be taller than buildings in the study area, but the development has been designed with ranges in height to transition to both the height of the Refinery on Kent Avenue and the surrounding low-rise buildings. The building on the upland parcel is designed to taper as it reaches full height and to reflect existing building heights along Kent Avenue and the taller buildings near Wythe Avenue. Furthermore, the development on the upland parcel would not exceed the heights of the tallest buildings along Wythe Avenue and in the upland area of Williamsburg. The project's density is necessary to meet a number of the project's goals and objectives, including provision of

affordable housing; rehabilitation and reuse of the landmarked Refinery; creation of a substantial amount of public open space; opening up of visual corridors to the waterfront; and allocation of substantial community space, including a potential school.

Comment 1-28: When a higher zoning is approved, we will possibly have other buildings asking for increased zoning as well. (NAGG)

Response 1-28: Because the requested actions apply only to the project site, it is beyond the scope of the EIS to speculate on future zoning actions on other sites. Moreover, the requested approvals are specific for this project and its program, size, and design are limited based on the controls committed to as detailed in the ULURP application.

Comment 1-29: The scale of the proposed project is too big and will not uphold the community plan issued in the Williamsburg 197-a. It is much too dense, out of scale of our neighborhood, and will burden the quality of life in our neighborhood. (Ball, Barsamian, Brody, L. Brown, Canale, Carroll, Cole, Davies, J. Frankel, S. Frankel, Gauntlett, Goldin, Goldson, Graziano, B. Harris, T. Harris, Hosmer, Kruse-Ramey, Lethen, Levy, Martin, NAGG, Nahrwold, Reina, Rielle, Rosenbaum, Sands, Shechter, Silberman, Stefan-Cole, Strodel, Stronach, Vichnevsky, Ziegler)

The height, bulk, and density of the plan are objectionable. (Diether, J. Frankel, S. Frankel, Friedberg, Gilrain, B. Harris, T. Harris, Rielle)

The massing of the buildings will overwhelm the neighborhood. (Levy)

The applicant states that this building is not out of character with the adjoining areas. However, the applicant says that most of the surrounding area consists of two- to six-story buildings, although he does cite one 150-foot-tall structure. However, the lowest buildings range from 60 to 150 feet, with the waterfront parcels ranging from 300 to 400 feet tall. (Diether)

Response 1-29: As noted above, the difference in FAR between the proposed project and the Greenpoint-Williamsburg rezoning would not affect the quality of life of either residents or the community. The difference in square footage between the proposed project and the Greenpoint-Williamsburg rezoning would result in a minimal increase in population, subway trips, vehicle use, and the like. Furthermore, the EIS identifies mitigation measures to fully or partially mitigate the significant adverse impacts of the proposed project. However, the additional density allows for the development of a project that includes as part of its stated goals and objectives the provision of affordable housing; rehabilitation and reuse of the landmarked Refinery; provision of a substantial amount of public

open space; opening up of visual corridors to the waterfront; and community space, including for a potential school. As described in Chapter 3 of the EIS, "Land Use, Zoning, and Public Policy," the Williamsburg Waterfront 197-a Plan includes no specific recommendations for the project site, since the site was in active use as a manufacturing facility at the time of the plan's formulation and adoption. However, the proposed project would be consistent with some of the broader themes outlined in the plan, which included recommendations for the reuse of large vacant industrial parcels along the waterfront, a waterfront promenade, and the creation of new housing to address the population's housing needs.

The urban design analysis did not identify any significant adverse impacts associated with the massing of the proposed project buildings. As described in Chapter 9, "Urban Design," the design of the proposed project is intended to accommodate density in a sensitive fashion. The design includes slender building segments rising to varying heights, with the low-scale portions of the buildings located along Kent Avenue to provide a transition to the existing neighborhood. The tallest buildings on the site, the proposed 30- and 40-story towers, would be consistent with the heights of the towers permitted under the approved Greenpoint-Williamsburg rezoning. The design of the project distributes the bulk of the project across the site in buildings of staggered heights. The staggered heights of the buildings and the slender module design are intended to break up the massing of each block.

Comment 1-30: The towers should not be higher than 20 stories, with fewer than 1,500 total units. (Gilrain)

Response 1-30: The EIS assesses the proposed project's potential to result in significant adverse impacts. In terms of building bulk, for all of the relevant technical areas except shadows (e.g., urban design and visual resources, neighborhood character) the EIS concludes that the proposed project would not have a significant adverse impact. As described in Chapter 7, "Shadows," the proposed project's development on Site A would result in a significant adverse shadow impact on 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, and the park's vegetation would also be adversely affected.

The EIS considers alternatives that would, in part or whole, reduce the size of the project and its shadow impacts. These are described in Chapter 24 of the EIS, "Alternatives," and include a Reduced Density

Alternative and a No Unmitigated Significant Adverse Impacts Alternative.

The Reduced Density Alternative assumes redevelopment of the project site with the same mix of uses as the proposed project, but at a lower density. This alternative was developed specifically in response to public comments for shorter buildings. The reduced FAR and shorter building heights in this alternative would translate to approximately 549 fewer residential units overall and 350 fewer affordable units. Chapter 24 of the EIS, "Alternatives," concludes that although this alternative would have a smaller program, it would not avoid any of the significant adverse impacts of the proposed project and it would substantially fail to meet the proposed project's affordable housing objectives.

Also included in the EIS alternatives analysis is the No Unmitigated Significant Adverse Impacts Alternative, which considers modifications to the proposed project that would eliminate its significant adverse shadows (and historic resources) impacts. To avoid all of the proposed project's significant adverse shadow impacts to Grand Ferry Park, this alternative would limit the northernmost building on the project site (Site A) to a maximum height of 70 feet, which would either result in a reduction of approximately 115,000 sf in the proposed density on the project site, or result in the reduction in the total amount of proposed open space on the project site. Reducing the density on the project site would reduce the cross-subsidization opportunities that would maximize the development of affordable housing units and would therefore fail to meet the proposed project's principal goal of providing a substantial amount of affordable housing. Similarly, a reduction in open space would fail to meet the proposed project's goal of providing physical and visual access to the East River waterfront through the creation of a substantial amount of publicly accessible open space.

The tallest buildings on the site, the proposed 30- and 40-story towers, would be consistent with the heights of the towers permitted under the approved Greenpoint-Williamsburg rezoning, with the low-scale portions of the buildings located along Kent Avenue to provide a transition to the existing neighborhood. According to the applicant, the density is necessary to achieve the goals and objectives of the proposed project, which include the provision of affordable housing; rehabilitation and reuse of the landmarked Refinery complex; provision of a substantial amount of public open space; opening up of visual corridors to the waterfront; and substantial community space.

Comment 1-31: Low-rise (5- to 6-story) buildings would not blot out sunlight and views of the skyline and river for neighborhood residents. Building heights

should be kept to a minimum. (Cole, S. Frankel, Goldin, Rapaport, Reina)

Response 1-31: The EIS found that the proposed project would not result in any significant adverse impacts on urban design and visual resources. As described in Chapter 9, "Urban Design and Visual Resources," the design of the proposed project, which is controlled by zoning envelopes and mandatory design controls, is intended to distribute the bulk of the project across the site in buildings of staggered heights and slender design to minimize the visual and physical obstruction that might otherwise be expected from buildings of this height and density.

Comment 1-32: Reduce the height of the northern towers from six to 10 stories. It would give more light to the park, and would lessen the adverse wind tunnel effect. (Ziegler)

The shadow impacts on Grand Ferry Park should be mitigated by reducing the height of the towers at the north end of the site and lowering the streetwall height on Grand Street to no more than six stories. (CB1)

Response 1-32: As described in Chapter 23, "Mitigation," in order to prevent the proposed project's additional shadow on Grand Ferry Park during the winter, the Site A building would have to be limited in height to a 70-foot-high podium with no tower. The EIS did not identify any significant adverse impacts on Grand Ferry Park due to wind effects.

Comment 1-33: Kent Avenue frontage has been zoned for six-story buildings for reasons of light, air, and neighborhood context. The plan proposes 10-story structures along these narrow sidewalks. (J. Frankel, S. Frankel)

Response 1-33: The EIS did not find any significant adverse impacts associated with the scale and bulk of the proposed project along Kent Avenue. As stated in Chapter 1, "Project Description," not including the existing Refinery, which is 117 feet tall along Kent Avenue, the proposed project is proposing buildings ranging from 60 to 110 feet along Kent Avenue. The proposed project would also widen sidewalks along Kent Avenue, with the exception of in front of the Refinery. The proposed project has been designed with ranges in height to transition to both the height of the Refinery on Kent Avenue and the surrounding low-rise buildings. The low-scale portions of the buildings located along Kent Avenue are intended to provide a transition from the Refinery and other project buildings to the existing neighborhood. The height of the upland parcel along Kent Avenue would be in keeping with the heights of developments constructed and in the process of construction as part of

the Greenpoint-Williamsburg rezoning. The design of the project distributes the bulk of the project across the site in buildings of staggered heights. The staggered heights of the buildings and the slender module design are intended to break up the massing of each block.

Comment 1-34: The project lacks setbacks from the street. (Ziegler)

Response 1-34: The urban design analysis of the EIS evaluated the design of the proposed project, including setbacks, and found that the proposed project was compatible with the built form of the surrounding area. The proposed project is designed to maintain a contextual streetwall, with base building heights ranging from 60 to 110 feet (matching the height of the existing Refinery building). Taller building segments are set back from Kent Avenue. In addition, the proposed project would widen the sidewalks in front of the proposed buildings along Kent Avenue, except for in front of the Refinery.

Comment 1-35: The applicant is requesting too many changes, permits, authorizations, and exceptions to the zoning. (Diether)

Response 1-35: The proposed waivers of floor area, height and setback requirements are needed to redistribute floor area across the project site. It is the applicant's belief that this redistribution would create a site plan, building layout and design that would be superior to what is permitted as-of-right under the proposed R6 and R8 zoning districts with a C2-4 overlay and the proposed C6-2 zoning district. The distribution of floor area within the proposed project, enabled by the waivers, is designed in such a way as to permit varying heights and transition the massing of the project from the taller portions along the waterfront to the lower scale side of the project facing Kent Avenue. Additionally, it is the applicant's intent that the floor area, height, and setback waivers permit the site plan to maximize publicly accessible open space, create new view corridors and public connections, and provide a significant open space amenity to the existing community and the future occupants of the new residential buildings. Although the applicant is requesting modifications to the public access area requirements, the proposed project provides an amount of waterfront public access area that significantly exceeds the requirements. It is the applicant's belief that the requested open space modifications will enable them to provide a superior design by permitting the open space to incorporate unique features that would not be possible if the design were to strictly adhere to the zoning.

WATERFRONT/PUBLIC SPACE

Comment 1-36: The Metropolitan Waterfront Alliance commends the Community Preservation Corporation for its plan for the rehabilitation of the Domino Sugar factory, especially regarding the four acres of public open space at the water's edge. (MWA)

The idea of opening up the waterfront to the public should be supported. (El Puente, J. Frankel)

Four acres of open space will revive this historic, beautiful place. (M. Lopez)

The project will create essential visual and physical connection between the waterfront site and make it accessible to the community. (Bee)

Response 1-36: Comment noted.

Comment 1-37: The proposed project would allow residents to take advantage of natural amenities such as the park and the view of the river. (Morales)

The project will give the community access to the waterfront. (Duran)

Response 1-37: Comment noted.

Comment 1-38: We feel that the landscaping planned for the public esplanade should better reflect the industrial past of the site. Low-growing and scrubby plants would be more appropriate to the setting than large, stately trees. (SIA)

Response 1-38: The proposed open space plan has been developed in consultation with DPR. It has been designed with a number of important goals, including to maintain view corridors, to maximize views to the East River and East River waterfront, and to maintain pedestrian circulation and access while not impeding or blocking circulation and access for emergency service vehicles. In addition, the new open spaces should be welcoming to the community and shade needs to be provided on the esplanade. The esplanade would primarily be a hardscape, as is appropriate for an industrial site, with pockets of trees north and south of the Refinery. The esplanade in front of the Refinery would not have any plantings. Most plantings along the esplanade would be in planters, and would include smaller multi-stemmed trees and larger trees. Smaller shrubs and long grasses would also be provided in the open space in front of the Refinery. In addition, as described in Chapter 8, "Historic Resources," the proposed esplanade would be designed with an interpretive display to highlight the site's industrial history as a sugar

refinery, to include artifacts as well as interpretive signage. This would further help convey the industrial history of the site.

Comment 1-39: The Brooklyn Greenway Initiative acknowledges CPC Resources for embracing the location of the greenway bikeway on Kent Avenue. The location of the bikeway adjacent to the curb in front of the project site means that loading and unloading along Kent Avenue would be required to take place off of Kent Avenue, which CPC Resources incorporated into its designs. (BGI)

Response 1-39: Comment noted.

PARKING/CIRCULATION

Comment 1-40: Parking should be reduced to a level significantly less than the maximum allowed under zoning. (CB1)

Response 1-40: The parking proposal presented in the EIS was developed in response to the CEQR review process, which identified high car ownership patterns in the area based on 2000 Census data. The design of the parking was intended to accommodate ownership patterns and not contribute to a shortage of on-street parking spaces. Chapter 24, "Alternatives," of this FEIS analyzes a reduced parking alternative in which the proposed project's actions would not include a special permit for additional accessory parking.

Comment 1-41: The parking should include provisions for ride sharing and for alternative-energy vehicles. The project should exceed the minimum zoning standards for tenant bike parking, in particular for the retail and commercial components. (CB1)

Response 1-41: Although provisions regarding alternative energy vehicles and ride-sharing are outside the scope of the EIS, Chapter 1, "Project Description," states that a portion of the proposed project's accessory parking may be dedicated as preferred parking for clean fuel vehicles. The applicant would explore the potential for a car-sharing option, which could result in a reduced car-ownership and parking demand. Additionally, the proposed project would meet the zoning requirements for interior bike parking and would also include outdoor bike racks that would provide a total of 1,294 bike spaces.

SUSTAINABILITY

Comment 1-42: How is the project green or socially responsible considering its size and scale? (Rooney)

Response 1-42: As described in Chapter 1, "Project Description," the proposed project would include a number of sustainable design features. These features and commitments would address the areas of sustainability relating to energy efficiency, water use and stormwater management, and sustainable construction and materials. The project would also accommodate non-motorized forms of transportation, such as bicycles. The applicant is also considering a variety of additional sustainable design features to optimize the performance of the proposed buildings and their relationship to the environment.

JOBS

Comment 1-43: The proposed project would mean the availability of more jobs. This would help strengthen the community. (Dunbar, Duran, El Puente, D. Lopez, M. Lopez, MAA, Morales, PNYC, SPPC)

This project will create jobs, including nearly 100 good, permanent jobs, in the Williamsburg community. (Long)

Response 1-43: Comment noted. The proposed project would create approximately 1,300 on-site permanent jobs.

Comment 1-44: The borough president believes that the framework for the commitment of skilled jobs for 500 persons should be provided in writing prior to the City Council hearing. (Markowitz)

CPC Resources has delivered on its goal of a jobs program that targets community members. (CUC)

The project would offer job training for residents. (Dunbar, Espinal)

Response 1-44: Although commitment to job training programs is not relevant to CEQR review, the applicant's letter to the Brooklyn Borough President states that the applicant is committed to cover a substantial portion of the cost of a job training program and has signed a Memorandum of Agreement in this regard with a New York City Council-recognized citywide job training organization to train 500 local residents.

Comment 1-45: The developer should write to locally-based organizations such as EVIDCO as a means to provide outreach to area businesses to serve as material suppliers and subcontractors. (Markowitz)

Response 1-45: Although the use of local construction suppliers is not relevant to CEQR review, the applicant's letter to the Brooklyn Borough President states that the applicant commits to seek out local suppliers when sourcing

building materials for the construction of each of the proposed buildings.

Comment 1-46: With the vacancy rate so high in this neighborhood, it's not more condos that are needed, it's jobs. (Strodel)

Response 1-46: The proposed project is estimated to create approximately 1,300 permanent on-site jobs. In addition, as stated in the applicant's letter to the CPC, construction of the proposed project would create an estimated 3,598 person-years of employment (over 350 jobs per year over 10 years).

Comment 1-47: There is a great need for jobs in the community. However, the types of jobs that the project would create (retail, possible hotel) pay much less than the "walk-to-work" industrial jobs that they are being compared to, and would not offer the sufficient income necessary to live in the affordable housing at Domino. (NAGG)

Response 1-47: As noted in the EIS, the proposed project would create approximately 1,300 on-site permanent jobs. A portion of these jobs would be in the retail spaces, but many others would be generated by the community facility space and the commercial office space. Furthermore, the proposed affordable housing is designed to serve a wide range of incomes, reaching as low as 30 percent of AMI. The proposed project would generate approximately 1,200 more permanent jobs than the No Action scenario, which envisions the project site reoccupied with allowable uses under the existing M3-1 zoning. The project site does not currently generate any permanent employment.

In addition to the permanent on-site jobs, construction of the proposed project would result in approximately 3,598 person-years of employment, or an average of more than 350 jobs per year during the construction period, as noted in the applicant's letter to the CPC.

Comment 1-48: The project will create a new part of Southside, while leaving problems for the old side. (Rand)

Response 1-48: As described in Chapter 1, "Project Description," the proposed project is designed to be integrated into the larger community. In terms of design, the proposed project would extend the existing street network into the project site, which would serve to integrate the project site into the surrounding area and help connect the surrounding residents to the project site and the East River waterfront. In terms of uses, many uses of the proposed project would serve both future residents and the surrounding community. The proposed open space would be publicly

owned and publicly accessible and would be a significant new open space resource for the Williamsburg neighborhood. The community facility space may be occupied by a public school. The proposed retail space would serve the retail needs of project residents and the community.

In addition, as stated in its letter to the Brooklyn Borough President, the applicant has committed to cover a substantial portion of the cost of a job training program for 500 local residents.

ANALYTICAL FRAMEWORK

Comment 2-1: The 2005 Greenpoint-Williamsburg rezoning has allowed for the construction of thousands of additional units between the waterfront and upland sites–many of which remain empty or are just beginning to fill up now. There is clearly a cumulative effect on the neighborhood from all this development. (Levin)

Response 2-1: As described in Chapter 2, "Analytical Framework," the EIS takes into consideration both 2010 existing conditions and conditions expected to exist in the project build year of 2020. This means that recent developments, such as those cited in the comment, are included in the baseline existing conditions for all of the analyses in the EIS. In addition, projects just now underway or expected to occur between 2010 and 2020 are accounted for in the EIS as part of the future without the proposed project.

Comment 2-2: CPC Resources' Environmental Impact Study (EIS) is flawed and inadequate. (Stefan-Cole)

Response 2-2: The DEIS and FEIS documents and processes meet all state and city requirements for environmental review. They have been prepared in accordance with 6 NYCRR 617.9(b) and Sections 6-08 and 6-12 of Executive Order No. 91 of 1977 as amended (City Environmental Quality Review [CEQR]). The New York City Planning Commission (CPC), serving in its role as lead agency, determined that the DEIS fully disclosed the project program, its potential environmental impacts, and recommended mitigation, and issued a Notice of Completion for the DEIS on December 30, 2009. Similarly, after the close of the public comment period for the DEIS, CPC prepared this FEIS and issued the FEIS Notice of Completion on May 28, 2010.

Comment 2-3: The City should require a comprehensive sustainability analysis that considers the re-use of all historic buildings on the subject property as apart of the proposed project's CEQR application. (Dietrich)

Response 2-3: Chapter 24, "Alternatives," does include an analysis of an alternative that would retain the historic structures on the project site. As described in that chapter, the "No Unmitigated Significant Impacts Alternative" evaluates a condition in which the significant adverse impact on architectural resources that would result from the proposed project would be avoided by retaining all of the buildings determined eligible for S/NR listing. However, as stated in the EIS, the buildings are not feasible for residential use and significant alterations (which would adversely impact their industrial character) would be required to convert the structures. In addition, without revenues from the development of the market-rate residential units on the site, the Refinery would remain vacant due to the high cost of adaptive reuse. Overall, as described in greater detail in the Alternatives chapter, the analysis concludes that this alternative would fail to meet the proposed project's goals and objectives.

LAND USE

Comment 3-1: The proposed project does not fit in with the land and does not connect with its surroundings. (Cole)

Response 3-1: As described in Chapter 3, "Land Use, Zoning, and Public Policy," the proposed project would not result in significant adverse land use impacts. It would redevelop the project site with residential, retail, commercial office, and community facility uses that would be consistent with the mixed-use character of the study area. The new uses introduced by the proposed project would be compatible with the existing and anticipated future mix of residential, retail, and light industrial uses in the surrounding area. The proposed project would also create new upland connections to link the surrounding community to the waterfront.

As described in Chapter 9, "Urban Design and Visual Resources," while the proposed buildings would be taller and denser than most of the existing residential and industrial buildings in the area built before 2005, they would be consistent in terms of massing and use with other new waterfront buildings in the study area, such as The Edge, Northside Piers, and Schaefer Landing. Moving upland, the proposed project buildings would become lower in scale and would provide a transition between the taller project site buildings and the general context of the residential neighborhood east of Wythe Avenue. See response to Comment 1-25, above, for a discussion of the project's FAR.

Comment 3-2: The introduction of affordable housing at the subordination of other public interest objectives such as historic preservation and sustainability is not consistent with public policy, especially when considering a nationally significant historic resource like the former Domino Sugar factory. (Dietrich)

Response 3-2: Chapter 3, "Land Use, Zoning, and Public Policy," concludes that the proposed project would not result in any significant adverse impacts on public policy. The proposed project would support City goals relating to the creation of affordable housing and waterfront revitalization, and would further PlaNYC goals relating to open space access and greening sidewalk space. The proposed project's public waterfront esplanade would also be consistent with the goals of the Waterfront Revitalization Program and the Plan for the Brooklyn Waterfront.

As discussed in Chapter 1, "Project Description," the goals and objectives of the project are not limited to the creation of affordable housing. The proposed project also seeks to create physical and visual access to the waterfront, including a substantial amount of new public open space, and the adaptive reuse of the three buildings that comprise the Refinery complex and are a designated New York City Landmark.

Chapter 1 of the EIS also includes a discussion of sustainability measures that may be incorporated into the proposed project. These include energy efficient design; improved stormwater conditions including an increase in pervious surfaces, stormwater detention, and reduced flows to the combined sewer system; sustainable construction methods and materials; accommodating non-motorized vehicles; and other potential measures.

Comment 3-3: With the exception of the former parking lot on the east side of Kent Avenue, the Domino site is not in itself vacant. The extant buildings—all S/NR-eligible—are vacant due to the closure of the Domino plant in 2004. (Graziano)

Response 3-3: The buildings and land that make up the project site are not used for any active industrial, commercial, residential or other purposes. As described in Chapter 3 of the EIS, "Land Use, Zoning, and Public Policy:"

> "The waterfront parcel…is occupied by vacant buildings that formerly housed a sugar refinery and associated warehousing and packaging operations. The upland parcel… is a vacant lot formerly used as a parking lot for the Domino Sugar factory."

Therefore, the characterization of the project site in the EIS is correct.

Comment 3-4: Removing the possibility of new or relocated heavy industry from one site that already has significant controls—as does the surrounding blocks to the north east and south—should not be rewarded with a rezoning that will enable the property owner to build at more than triple the existing density. (Graziano)

Response 3-4: As described in Chapter 3, "Land Use, Zoning, and Public Policy," the proposed project would represent a continuation of the existing trend in which vacant or underutilized waterfront sites are being redeveloped with housing, retail space, and public open space. Even absent the proposed rezoning and other actions, it is unlikely given market conditions that heavy manufacturing (M3-1) uses would return to the site. In terms of density, there would be an increase in allowable FAR beyond what the existing zoning allows. The proposed zoning and General Large Scale Plan would allow a maximum FAR of 5.6 on the waterfront parcel of the project site and 6.0 on the upland parcel. The proposed project would have an overall FAR of 5.64. The residential FAR would be 4.89, slightly exceeding the FAR of 4.7 approved for waterfront sites under the Greenpoint-Williamsburg rezoning. The community facility, retail, and office uses included in the proposed project would comprise the difference between the residential FAR of 4.89 and the overall FAR of 5.64.

It is the applicant's position (as stated in a letter from the applicant to CPC dated May 20, 2010; see Appendix K.2) that the proposed density is necessary to achieve the goals of the project and to make its implementation feasible, particularly given the high fixed costs associated with the project such as the preservation of the Refinery complex, the rebuilding of the bulkhead and wharf, the provision and maintenance of the approximately four acres of public open space, numerous community-oriented program commitments, and additional infrastructure elements. As also stated in the May 20 letter, the project's scope must ensure that sufficient revenue from market-rate units remains to cover the cost of subsidizing the affordable units that have been committed to. If residential density is reduced (directly affecting the number market-rate units), a disproportionate amount of affordable units would be reduced such that the proposed project would not meet its affordable housing goal.

Comment 3-5: The Domino property was never included in either DCP's Plan for the Brooklyn Waterfront or New York City Comprehensive Waterfront Plan, or even the Community Board 1-driven Williamsburg Waterfront 197-a Plan, as described on pages 3-9 and 3-10. This property was always intended to be kept industrial as a permanent employment

generator and was never foreseen as being a potential development site. (Graziano)

Response 3-5: As noted in Chapter 1, "Project Description," all operations on the site ceased in 2004, subsequent to the issuance of the City's Comprehensive Waterfront Plan, the Plan for the Brooklyn Waterfront, and CB 1's 197-a Plan. Since these documents were prepared before the closing of the refining, packaging and warehouse operations, and absent any plans for the site at the time of their release, they likely assumed that conditions would not change. Therefore, the site was not specifically addressed in these waterfront plans. However, the City committed to rezoning the Domino site for residential use in 2005 in response to concerns expressed by the Community and the local council members.

Comment 3-6: The proposed project will be mostly incompatible with existing and future development of the surrounding neighborhood—based on scale, square footage and type of development, any comparisons to nearby or adjacent development, particularly on the Southside of Williamsburg, is nearly impossible; one must go between a half-mile and a mile to the north and south of the proposed project to encounter somewhat similar conditions. (Graziano)

Response 3-6: As described in Chapter 3, "Land Use, Zoning, and Public Policy," the new uses introduced by the proposed project would be compatible with the existing and anticipated future mix of residential, retail, and light industrial uses. In the No Action condition, also described in Chapter 3 as well as in Chapter 2, "Analytical Framework," the study area would become increasingly residential, and new housing developments would be anticipated on the blocks adjacent to the project site.

In terms of scale, as described in Chapter 9, "Urban Design and Visual Resources," the proposed new buildings would be designed with a variety of heights to include shorter buildings on Kent Avenue to transition to the lower-rise neighboring context while stepping up to towers on the waterfront. The two 30- and 40-story towers match the heights of those permitted under the approved Greenpoint-Williamsburg Rezoning.

As described in Chapter 2, "Analytical Framework," and Chapter 9, "Urban Design and Visual Resources," other nearby projects are under construction that will feature taller buildings in the waterfront area. This includes the Northside Piers and The Edge developments, where towers are anticipated to rise up to 400 feet, as well as the Kedem Winery and Rose Plaza sites, which will also be developed with tall, modern, mixed-use buildings.

SOCIOECONOMIC CONDITIONS

Comment 4-1: The proposed project would result in a 25 to 27 percent population increase for the area within ½ mile of the project site (Division Avenue to North 10th Street). (CB1)

The plan would introduce over 6,000 new residents to the neighborhood—a nearly 25 percent increase for the area. (Canale, Cavin, Davies, Friedberg, Hanson, B. Harris, T. Harris, Hosmer, Martin, Shechter, Stefan-Cole, Steinbruner, Stronach)

Domino alone stands to infuse close to 8,000 new residents to the neighborhood. Cumulatively, the population within a ½-mile radius stands to grow by about 25 percent, with at least 15,000 new residents. (V. Lopez)

Our neighborhood is already overwhelmed with people, and with the project the growth will continue. (NAGG)

Response 4-1: The proposed project is not predicted to result in a 25 to 27 percent population increase for the area within ½ mile of the project site. As discussed in Chapter 4, "Socioeconomic Conditions," in the No Action condition, the study area would be expected to gain an estimated 6,093 housing units in developments unrelated to the proposed project. With these additional planned units, the study area would gain an estimated 16,148 new residents by 2020, increasing the population by 56.0 percent—from 28,840 residents in existing conditions to 44,988 residents by 2020. The proposed project's 2,400 residential units would add up to 6,696 residents to the study area by 2020, an increase of approximately 14.9 percent compared to the 2020 population without the proposed project.

Comment 4-2: The project will have an effect on secondary displacement in the surrounding neighborhood. (Eisenberg, Levin, NAGG, PIO Petition)

The proposed residential towers will contribute mightily to displacement and destroy the character of Williamsburg's South Side. (Cole, Kruse-Ramey)

Displacement of low- to middle-income residents is assured. CPC Resources' plan will drive out thousands of families where rents are already 60 percent of income. The plan would cause more affordable apartments to be lost than replaced. (M. Chan, P. Chan, Cole, Eisenberg, Greenberg, Stefan-Cole)

The project will contribute to indirect residential displacement. (WIP Petition)

Domino clearly poses a grave problem for current residents in Williamsburg, either pricing many of them out of their own neighborhoods or displacing them. (V. Lopez)

Response 4-2: Chapter 4, "Socioeconomic Conditions," of the EIS included a detailed assessment of indirect residential displacement. The analysis acknowledged that there would be the potential for limited indirect displacement as a result of the proposed project. However, it concluded that such displacement would not generate significant adverse impacts on socioeconomic conditions in the study areas since the project site is a distance away from the population at risk, limiting its potential to influence residential trends in that area. In addition, the analysis found that housing units in the census tract with an at-risk population have a high turnover rate, and residents are likely to change over the next decade regardless of the proposed project. Finally, the proposed project would include 660 affordable units, with a portion of those units affordable to households with income levels reaching as low as 30 percent of AMI. The proposed project's affordable housing component would help ensure that a substantial portion of the new population would have incomes that more closely reflect, and may be lower than, existing household incomes in the study area.

As described in greater detail in Chapter 4, "Socioeconomic Conditions," in recent years the study area has experienced a substantial amount of new market-rate residential development and an influx of higher-income households—the socioeconomic characteristics of the population living in the study area are already changing and will continue to change over the next several years in the No Action condition.

Comment 4-3: The area-wide redevelopment in Greenpoint and Williamsburg is displacing sections of the lower-income communities in the Williamsburg portion of my district, which is currently experiencing displacement at an all-time high. CPC Resources has created safety nets that will offset this shift by offering a 30 percent affordable rate of the new proposed units. This New Domino development has the potential to make great strides in affordable housing for residents of Community Board 1. (Reyna)

Secondary displacement is happening now. Housing is critical and Domino's 660 units will relieve that pressure with far deeper affordability than found at any East River waterfront development. (Pratt)

Response 4-3: Comment noted.

Comment 4-4: Seniors and the working poor are the most vulnerable to displacement by the gentrifying forces that we are experiencing in our community. The Domino Plan gives them hope and an opportunity to stay in the community. (SULS)

Response 4-4: Comment noted.

Comment 4-5: We would like to see additional anti-harassment zone to cover the Southside and additional resources to protect our neighbors from displacement. (CB1, NAGG, SNA, UNO)

Response 4-5: The detailed analysis of indirect residential displacement in Chapter 4, "Socioeconomic Conditions" of the EIS finds that there is the potential for limited indirect residential displacement as a result of the proposed project, but that these impacts would not be significant and would therefore not require mitigation.

Comment 4-6: The DEIS has not considered the economic impact if the food industry and other industries were forced to relocate further away from their customer base. (P. Chan)

Response 4-6: Chapter 4, "Socioeconomic Conditions," of the DEIS includes an assessment of indirect (secondary) business displacement. The analysis acknowledges that area businesses currently most vulnerable to indirect displacement include industrial businesses such as building material manufacturers or food distributors located in areas where general manufacturing uses are located in close proximity to residential uses. However, as noted in the analysis and by the commenter, these pressures are already present within the study areas and are expected to increase in the future irrespective of the proposed project. There is already an existing trend toward residential and retail growth in the study areas. Furthermore, many of the existing manufacturing and industrial businesses in the study area are already located across the street from, or even next to, residential, retail, and commercial uses. Therefore, while the proposed project could result in limited indirect displacement of existing businesses, it would not alter or accelerate trends that would change existing economic patterns in a manner that would result in significant indirect displacement.

Comment 4-7: The development will not ameliorate our housing shortage and will make life harder for the great majority of low- and moderate-income residents on the South Side of Williamsburg. Rents in the surrounding area will increase, the rents of shopkeepers will increase, and prices will increase, while wages for those most severely affected remain the same. (Cole)

Response 4-7: As stated in the analysis in Chapter 4, "Socioeconomic Conditions," there is an ongoing trend toward increased rents in the study area. This trend is expected to continue irrespective of the proposed project. Rental rates for shopkeepers are also expected to increase in the future irrespective of the proposed project.

As stated in Chapter 1, "Project Description," the applicant currently intends to build 2,200 residential units on the project site, of which 660 would be affordable to low- and moderate-income households. The proposed project's affordable housing component would help ensure that a substantial portion of the new population would have incomes that more closely reflect, and may be lower than, the existing household incomes in the study area.

Comment 4-8: The applicant justifies their proposal by underemphasizing the fact that the development trend of residential and retail uses replacing industrial and manufacturing concerns has been accelerated and exacerbated by the changes—both private applications and public actions by DCP—instigated during the past decade. (Graziano)

Response 4-8: The analysis of indirect (secondary) displacement in Chapter 4, "Socioeconomic Conditions," describes the well-established trend toward residential and commercial redevelopment in the study area. The analysis identifies the potential for limited indirect displacement as a result of the proposed project. However, the analysis concludes that the proposed project would not have the potential to generate significant adverse effects on socioeconomic conditions in the study areas due to the reasons discussed in Response 4-2.

Comment 4-9: Many of the stores and businesses in the Southside will be in immediate jeopardy should the Domino property be developed as envisioned by the applicant. The nearby sites that will be redeveloped, continuing the accelerating trend that the MX zones in general propone—combined with an exponential increase in rent for many of the remaining businesses—will create significant displacement of neighborhood establishments, jobs and residents. (Graziano)

Response 4-9: The indirect business displacement analysis in Chapter 4, "Socioeconomic Conditions," of the EIS considers whether the proposed project would increase property values, and thus rents, throughout the study area, making it difficult for some categories of businesses to remain in the area. The analysis finds that the proposed project would not result in significant adverse impacts due to indirect business and institutional displacement. Since the uses that would be introduced by the proposed project already exist in the study areas, it is

not likely that the proposed project would substantially alter or accelerate existing economic patterns. Furthermore, there is already a well-established market trend toward residential and commercial redevelopment that is expected to continue independent of the proposed project.

COMMUNITY FACILITIES

Comment 5-1: Schools will not be able to support such an increase in population. There are not enough public schools to support the project, especially when combining Domino and other large projects. (Davies, Goldson, Hanson, Kane, PIO Petition, Silberman, Stefan-Cole, WIP Petition)

Where will the new school go? (Steinbruner)

Williamsburg needs educational institutions. (Vichnevsky)

The developer's own EIS shows a negative impact on schools. (PIO Petition)

Response 5-1: Chapter 5, "Community Facilities," of the EIS included a detailed assessment of public elementary, intermediate, and high schools. The analysis found that the proposed project would result in a potential for significant adverse impact on elementary and intermediate schools. This analysis is based on very conservative assumptions regarding future growth, including the assumption that 6,093 housing units unrelated to the proposed project will be developed within the ½ mile study area by 2020. As mitigation for the potential for significant adverse schools impact, the applicant is prepared to include a school within the Refinery complex should SCA determine that a need exists (see Chapter 23, "Mitigation").

Comment 5-2: Where will the new post offices go? (Steinbruner)

Response 5-2: For the purposes of analysis under CEQR, community facilities include publicly-funded schools, libraries, child care facilities, health care facilities, and police and fire protection services. Typically, other community facilities such as post offices are only assessed if they would be directly displaced by a proposed project. The proposed project would not directly displace a post office, and therefore no analysis of post offices is necessary.

Comment 5-3: Hospitals will not suddenly appear for 10,000 new residents. (Stefan-Cole)

Health facilities are becoming a problem, with hospitals closing or cutting back. (Diether)

Response 5-3: The EIS included an assessment of health care facilities within approximately 1.5 miles of the project site. As detailed in Chapter 5, "Community Facilities," the project site is served by two hospitals with emergency room facilities and nine other outpatient health care facilities. The analysis found that the proposed project would not result in a significant adverse impact on health care facilities.

Comment 5-4: DOE and SCA should commit to acquisition of a sufficient area of designated community facility space within the Refinery building and proceed with design for a pre-K/elementary school not later than one year prior to the estimated December 2013 Refinery construction start date. (Markowitz)

There is a lack of school spaces. Where is the plan for accommodating the large number of families with children that will be moving into the area? (Diether)

Response 5-4: SCA does not at this time see the need for an additional school within the project. At the present time the network of school buildings that serve the project area are underutilized, and there are several hundred seats currently available. The SCA has reviewed the EIS and acknowledges that the project, as well as forecasted background growth, could result in a need for new school capacity. The applicant committed to provide a school within the Refinery, should the need arise, and to work with SCA to assess the need for a school as the project proceeds.

Comment 5-5: The developer should coordinate in writing with the New York City Administration for Children's Services (ACS) before commencing each phase of development to solicit the agency's interest in securing space for publicly funded day care. (Markowitz)

The proposed project would overburden day care facilities. (WIP Petition, PIO Petition)

Response 5-5: As discussed in Chapter 5, "Community Facilities," the EIS includes a detailed assessment of child care facilities, which concludes that the proposed project would result in a significant adverse impact on child care facilities. Based on current inventory of child care facilities from ACS and projected demand, the proposed project may need to provide 27 child care slots to mitigate its significant adverse impact. As discussed in Chapter 23, "Mitigation," the applicant will work with ACS to determine if a need exists and their interest in space for a publicly funded day care center.

Comment 5-6: The overall effect on civic infrastructure such as school, police, firefighters and emergency medical services in the surrounding neighborhood is concerning. (Brody, Farr, Form Letter, J. Frankel, Goldson, Greenberg, Kane, Levin, Stefan-Cole)

Response 5-6: Chapter 5 of the EIS, "Community Facilities," includes a detailed assessment of the proposed project's potential impacts to public schools and hospitals and outpatient medical facilities, including emergency room services. The assessment of public schools concludes that the proposed project could result in a potential for significant adverse impacts to elementary and intermediate schools. To mitigate this significant adverse impact, the applicant will enter into an agreement with SCA to provide an option to locate an approximately 100,000-square-foot public elementary and intermediate school within the community facility space in the Refinery complex. The assessment of hospitals and outpatient medical facilities determined that the proposed project would not result in any significant adverse impacts to these facilities.

In addition, the EIS includes a description of the New York City Police Department (NYPD) and the Fire Department of New York (FDNY) companies serving the project site. The FDNY also operates Emergency Medical Services (EMS) in New York City, and therefore they are included in this description. As noted in the EIS, it is NYPD and FDNY policy to not allocate personnel based on proposed or potential development. Rather, both would evaluate the need for personnel and equipment and make necessary adjustments to adequately serve the area. A commitment of resources would be based on demonstrated need.

OPEN SPACE

Comment 6-1: The project would result in a 6 percent reduction in per capita open space. Open space needs to be maximized. The community is already grossly underserved. (Buivid, CB1, Cole, Form Letter, Friedberg, Hanson, Hosmer, Perlmutter, Rapaport, Rielle, Stefan-Cole, Vichnevsky, WIP Petition, Ziegler)

The open space proposed is actually too little when you consider the 6,000 new residents that will be there. (Barsamian, Eisenberg, Gilrain, Greenberg, B. Harris, T. Harris, Lethen, PIO Petition, Stronach)

The proposed waterfront towers would decrease per capita open space despite the proposed waterfront park. The increase in population brought by the project will result in a net decrease for the surrounding community in terms of acreage per capita. This is especially felt on the

Southside, where there is a great lack of open space to begin with. (Cole, Levin, NAGG)

Open space will be decreased, even with the park. (Kruse-Ramey)

The proposed project would result in just under four acres of publicly accessible open space. But even with all this new open space, when all the new residents are accounted for, the community winds up with less open space per resident—about 6 percent less within the ½-mile study area, according to the EIS—than we have now. (Cole, NYCC)

Response 6-1: The commenters are incorrect that the proposed project would result in a 6 percent decrease in the total amount of open space per resident. As described in the EIS, the proposed project would not result in a significant adverse impact on open space resources. As detailed in Chapter 6, "Open Space," the proposed project would result in a 1.4 percent decrease in the total open space ratio compared to the No Action condition. The 6 percent reduction in the open space ratio occurs when comparing the open space ratio in the future with the proposed project to existing conditions. This comparison includes all the other anticipated development projects within the open space study area, and therefore the 6 percent reduction reflects both the population introduced by the proposed project as well as the anticipated development projects, most of which are neither required nor are providing public open space.

The proposed project would create just over 4 acres of public open space. The proposed project's waterfront open space would represent a major new open space resource for the Williamsburg neighborhood. The proposed open space would serve the existing community as well as residents of the proposed project and other anticipated development projects.

Comment 6-2: The proposed project contains little-to-no active open space. (Perlmutter)

Response 6-2: As described in Chapter 6, "Open Space," the proposed project includes approximately 1.6 acres of active open space, comprising two playgrounds totaling approximately 0.4 acres, an active play lawn of approximately 0.2 acres, a portion of the esplanade of approximately 0.7 acres, and a portion of the Refinery lawn of approximately 0.3 acres. Although the esplanade and Refinery lawn are not explicitly programmed as active open spaces, they would be flexibly programmed to allow for active uses.

Comment 6-3: Parks and playgrounds will not suddenly appear for 10,000 new residents. (Stefan-Cole)

Response 6-3: The EIS included an analysis of the potential effects of the proposed project's new population of 6,696 residents on open space resources near the project site. As described in Chapter 6, of the EIS, "Open Space," the proposed project would not result in any significant adverse impacts on open space due to increased user population. As noted above, the proposed project would create just over 4 acres of public open space, which would represent a major new open space resource for the Williamsburg neighborhood and would serve both existing residents and residents of the proposed project and other anticipated development projects, most of which are neither required nor are providing public open space.

Comment 6-4: CPC Resources has committed to four acres of waterfront public access open space. Their commitment to open space is more than double required elsewhere. (Reyna)

The applicant has delivered on its goal of significant public open space. (CUC)

Response 6-4: Comment noted.

Comment 6-5: It is not clear from the proposal whether the "open space" would be available to the general public or only to residents of the buildings on the site. (Diether)

The proposed waterfront promenade would not be accessible to the public at night. (Eisenberg, Form Letter)

Response 6-5: As stated in Chapter 1, "Project Description" and Chapter 6, "Open Space," of the EIS, the proposed waterfront open space would be publicly-accessible. It is a goal of the project to provide physical and visual access to the waterfront, including a substantial amount of public open space.

The proposed open space would be owned, maintained, and operated by DPR. As such, the proposed open space would be subject to the hours of operation as determined by DPR.

Comment 6-6: The project will create generous open space. Its community areas will offer busy families an opportunity for recreation. (Dunbar, D. Lopez, MAA)

Response 6-6: Comment noted.

Comment 6-7: The project lacks green open space. If you look at the developer's proposed plan for open space, it is concrete. (Gilrain)

Response 6-7: As described and illustrated in Chapter 1, "Project Description," the proposed open space would include a mix of paved and unpaved surfaces. Much of the upland connections and esplanade would be paved to comply with zoning requirements relating to waterfront public access areas. Other areas, such as the Refinery lawn, active play lawn, and north lawn would be unpaved, and there would be unpaved planting beds throughout the open space. Furthermore, the proposed project would result in an increase in the amount of pervious surface on the project site compared to existing conditions.

Comment 6-8: The City must commit to redevelop City-owned waterfront projects under the Williamsburg Bridge and to Broadway for additional active parkland. (Perlmutter)

Response 6-8: The EIS's open space analysis concludes that the proposed project would not result in any significant adverse impacts on open space, and consequently no mitigation measures are proposed.

Comment 6-9: Any redevelopment of the current waterfront site would include restoration and rehabilitation of the coastline and possible public access within 100 feet of the shoreline. (Graziano)

Response 6-9: Chapter 2, "Analytical Framework," in the EIS outlines the conditions on the project site that are expected to occur absent the proposed actions. Without the proposed project, the applicant would develop the project site with uses permitted under the existing M3-1 zoning. Under the No Action scenario, all buildings on the site—except for the Refinery and the Boiler House (which would remain vacant due to the high costs of adaptive reuse and demolition)—would be demolished. While there would be new construction on portions of the project site, there would be no new open space or public waterfront esplanade with upland connections and a connection to Grand Ferry Park.

Chapter 24, "Alternatives," also includes a discussion of options for redevelopment of the project site, which includes some alternatives that would include rehabilitation of the shoreline and public access to the waterfront and others that would not.

SHADOWS

Comment 7-1: CB1 is concerned about the significant "adverse shadow impacts" on Grand Ferry Park, resulting in four to six hours of additional shadows on the park year-round. (CB1)

The 30-story tower on the south border of Grand Ferry Park will tower over and cast shadows on Grand Ferry Park for much of the day. (Form Letter, J. Frankel, S. Frankel, Hosmer, Rielle)

Response 7-1: The analysis in Chapter 7, "Shadows," of the EIS showed that new shadow from the proposed building at Site A would fall on Grand Ferry Park in all seasons. A total of approximately four-and-a-half hours would fall on December 21, about six-and-a-half hours on the spring and fall equinoxes (March 21 and September 21), and between approximately three-and-a-half and four-and-a-half hours through the late spring and summer months.

These durations represent the total time new shadow would fall on any portion of the Park as it moved west to east across the space. The analysis also showed that the new shadow would not last for more than about two-and-a-quarter hours on any one particular location. For example, a bench on the west side of the park near the shore that would be in project generated shadow in the late morning would not be in shadow two-and-a-half hours later when the project shadow moved to the east side of the park.

The analysis concluded that on the winter and the fall/early spring analysis days, the new shadow would be substantial enough in duration and extent to cause a significant adverse impact to the use of the sunlight-sensitive features of the park such as benches and picnic tables. In addition, the new shadow on the March 21/September 21 analysis day could adversely impact the park's trees and other vegetation. In the late spring and summer months, all areas of the park would continue to experience direct sunlight for more than eight hours, and a significant adverse impact would not occur.

As described in Chapter 23 "Mitigation," the *CEQR Technical Manual* identifies several different measures that could mitigate or partially mitigate significant adverse shadow impacts on open spaces. Potentially feasible mitigation for the significant adverse impact on Grand Ferry Park could include replacing some vegetation with more shade-tolerant species; undertaking additional maintenance to reduce the likelihood of species loss; and providing additional maintenance funding and/or helping to enhance other nearby open spaces.

The applicant has consulted with DPR and DCP to develop the mitigation program that includes funding for monitoring of affected plantings within Grand Ferry Park and replacement, as necessary, with shade-tolerant species. While these funds would be used to enhance the quality of Grand Ferry Park, they would not reduce the incremental shadows cast by the proposed project. Therefore, the significant adverse

shadows impact to Grand Ferry Park would only be partially mitigated by these measures.

Comment 7-2: The development will put the only open waterfront space on the south side—the park—in permanent shadow all day long, all year long. (NAGG)

Response 7-2: The commenter's statement that the only open waterfront space is located on the south side of the project site and that this space would be in shadow at all times is incorrect. The waterfront open space that would be created with the proposed project stretches along the entire north-south length of the project site, between the proposed buildings and the shoreline. It would be connected to Grand Ferry Park to the north and South 5th Street to the south, forming a continuous public open space. As shown in Chapter 7, "Shadows," the proposed project would cast shadows on the proposed waterfront open space, mostly during the morning hours in the December and March/September analysis periods. During all other times—most notably in the June and May/August analysis periods and in the afternoons throughout the year, the proposed open space would receive ample sunlight.

Comment 7-3: The project will reduce sunlight and put a significant portion of the streets, yards, and playgrounds in shadow, and throw a general pall on the neighborhood. (Barsamian, Buivid, Cavin, Cole, Form Letter, PIO Petition, Shechter, Silberman, Stefan-Cole, Ziegler)

The 14- to 15-story tower on Site C would cast shadows on neighboring row houses along Wythe Avenue and on new residential construction on South 3rd Street. (CB1)

Response 7-3: The shadows analysis presented in Chapter 7, "Shadows," of the EIS was conducted according to *CEQR Technical Manual* guidelines. It concluded that the project would cause significant adverse shadow impacts on Grand Ferry Park on the December 21 and March 21/September 21 analysis days. It also concluded that the nearby PS 84 William Sheridan Playground would experience between 30 and 45 minutes of new shadow around 6:00 PM EDT during the late spring and summer, a few minutes of new shadow in March and September, and none in the winter, and that this new shadow would not cause a significant adverse impact. The adjacent waters of the East River would experience several hours of new shadow in the mornings, but this would not impact any habitats or recreational uses. No other sunlight-sensitive resources would experience any new shadow. City streets, sidewalks, buildings (other than historic or cultural resources with sunlight-

sensitive features), and private yards are not considered sensitive resources under CEQR.

The statement that the proposed project would cast a general pall on the neighborhood is an incorrect assertion. Shadows move west to east over the course of the day and the daily path (arc) of the sun differs in each season, causing shadows to follow correspondingly different paths in each season. Shadows never fall in one place for long. In the mornings, project shadows would fall out into the river. At mid-day, project shadows would fall to the north, and in late spring and summer their length would be short, less than half the height of the buildings that cast them. In the afternoon project shadows would fall to the east, leaving the waterfront—including the new waterfront open space associated with the project—in full sun.

HISTORIC RESOURCES

Comment 8-1: The mitigation plan proposed in the EIS is vague and inadequate. This nationally historic site deserves better. At minimum, the complex should be documented according to the standards of HAER so that there is an archival record of all that is destroyed. The plant should be adequately secured so that the structures and equipment can be photographed and the process of sugar making accurately described. (SIA)

Response 8-1: As discussed in Chapter 23, "Mitigation," of the EIS, in consultation with SHPO, mitigation measures to partially mitigate significant adverse impacts could include preparation of HAER documentation of the buildings on the site and consultation with SHPO with respect to the adaptive reuse design of the Refinery at the pre-final and final design stages. In addition, industrial artifacts would be included as part of an interpretive display, to include signage, as part of the proposed open space design. Items that are considered for salvage include machinery, crane rails, syrup tanks, and elements of larger structures. The design intent of the interpretive display is to place the artifacts in a linear fashion to represent the sugar production process that took place on the site. The applicant will salvage the three sets of original wood doors on the Refinery's Kent Avenue façade and seek to incorporate them into the rehabilitated Refinery. The salvage of any other artifacts would be contingent upon their feasibility for salvage and reinstallation.

Comment 8-2: The proposal to install equipment as sculpture on the esplanade may be artful, but it exposes historic artifacts to the weather. (SIA)

Response 8-2: A number of the potential artifacts are already exposed to the weather. These, and any interior artifacts, would be selected based on their ability to convey the history of the site, their feasibility for removal and reuse, and also their practicality for exterior display. All items salvaged and reused in the interpretive display in the open spaces would be cared for and maintained as appropriate for the material in which they are made. It is expected that coatings will be applied to the artifacts to preserve the original appearance while providing protection. The artifacts will be maintained and periodically recoated. Only artifacts sturdy enough for display in a public park will be selected for display.

Comment 8-3: Once out of context, the equipment installed as sculpture will need interpretation to explain their use. There should be a museum-quality exhibit that protects artifacts carefully chosen to tell the history of Williamsburg's contributions to the sugar industry. (SIA)

Response 8-3: The interpretive display would include signage that places the artifacts in context and describes the sugar manufacturing process at the site. The signage will serve to interpret the artifacts and their placement in the open space, and will be both of museum quality and of materials meant for exterior interpretive signage such as found at historic sites and parks.

Comment 8-4: The design should better reflect the site's industrial character and the scale of the landmarked refinery buildings. When the central refinery is surrounded by 40-story towers, it will be greatly diminished. (SIA)

Response 8-4: The proposed project has been designed to respect the historic Refinery buildings. The large public open space to be created at the center of the site would highlight and frame the Refinery as the centerpiece of the overall development, and would allow for unobstructed views to the Refinery from the East River and Manhattan shoreline. The placement and design of the new buildings on the site would respect and reflect the historic character of the Refinery. The buildings on Kent Avenue would be designed with lower-scale portions that would range from 60 to 110 feet in height. These heights would be in keeping with the height of the Refinery on Kent Avenue, as would the placement of the buildings, which would be built to the street line on Kent Avenue, as is the Refinery. The placement of the new buildings between the proposed extensions of the east-west streets through the site as visual corridors would not crowd or overwhelm the Refinery. The new buildings would be clad in brick and glass, with the lower stories clad in brick and the upper stories primarily in glass. This would be in keeping with both the

existing historic character of the Refinery, which is clad in brick, and the proposed addition, which would be clad in brick and metal.

Comment 8-5: Save the Domino factory. (Braun)

The City should do everything in its power to retain the former factory as a matter of sensible public policy. (Dietrich)

Use the Domino plant in a way that fits with the building's historic landmark status. (Morey)

The aggressive development proposed at the Domino Sugar site precludes the necessary contingency of adaptive reuse. The Domino site deserves creative reuse. (Bretnall, Buivid)

Most of us would like to see more of the pre-Civil War buildings saved. (Stefan-Cole)

Response 8-5: The principal element of the Domino Sugar factory, the Refinery, would be retained and rehabilitated for residential and community facility use. A feasibility study was prepared assessing the potential of retaining the other buildings on the Domino Sugar site. In consultation with SHPO, it was determined that it is not feasible to retain and reuse other buildings on the site, as their physical characteristics do not lend themselves to residential use without substantial modifications. Converting the industrial buildings to residential use would alter the buildings to such an extent that they would no longer reflect the purpose for which they were built.

There are no pre-Civil War era buildings located on the project site.

Comment 8-6: The CPC Resources/Beyer Blinder Belle designs for restoration and adaptive re-use of the Refinery complex is ingenious. (Willis)

Response 8-6: Comment noted.

Comment 8-7: The applicant should show more creativity in adapting the existing buildings, and alternatives to the proposed massive demolition should be examined. (SIA, WIP Petition)

Response 8-7: An alternatives analysis was prepared, which evaluated the potential for retaining and reusing each of the other buildings on the site as part of the proposed project. This study evaluated the constraints in adaptively reusing each of the buildings, and determined that it was not feasible to save and reuse the other buildings. Accepted by SHPO, this study is included in Appendix A of the FEIS.

Comment 8-8: We support the concerns of SHPO regarding the glass addition to the 1884 Refinery already landmarked by the City. (SIA)

Response 8-8: Comment noted. The addition, which was approved by LPC, will be clad in brick, metal, and glass.

Comment 8-9: I must argue the point made on page 8-3 of the DEIS, which says that there is no visual relationship between the two former American Sugar Refining buildings at 269-285 and 287-289 Kent Avenue and the factory because immediately across the street there is a partially vacant area backed by 1960s-era buildings. First, the buildings on the east side of Kent Avenue are cater-corner from the NYCL Refinery buildings. Secondly, the determination of eligibility for the National Register of Historic Places specifically cites the complex's different phases of industrial design: "The period of significance for the complex spans from 1883, the date of the earliest surviving buildings on the site, up to the industry's final expansion and new building campaign, which ended in 1962," as referenced in the DEIS itself on page 8-8. The fact that early 20th century buildings face 1960s-era buildings on the other side of the street, and that they were all used during the factory's active life, is part of the site's significance, showing how it was adapted over time for efficiency and to accommodate changes in technology. (SIA)

Response 8-9: Page 8-3 of the DEIS states:

"The American Sugar Refinery buildings are located directly across Kent Avenue from a large vacant area on the waterfront parcel. There is no visual relationship between the vacant parcel on the project site and the former American Sugar Refinery buildings. Other nearby project site buildings include the plainly designed Research and Development Lab Building constructed in the early 1960s, which has no significant architectural relationship to the former American Sugar Refinery buildings, and the late 19th-century Refinery, which would be preserved with the proposed project. Therefore, there would be no adverse impacts to the former American Sugar Refinery buildings with the proposed project."

This paragraph discusses the visual relationship between the vacant parcel and 1960's buildings, which are located directly across Kent Avenue from the two former American Sugar Refining buildings, not the factory site in general. There is, of course, a historic relationship between the two former American Sugar Refining buildings and the Domino Sugar plant, as the structures were all part of the same manufacturing complex, regardless of the age in which they were constructed. There is also an architectural relationship between the former American Sugar Refining buildings and the Refinery, as they are

of a comparable late 19th/early 20th century industrial character. The point being made in the above paragraph is that there is no meaningful visual or architectural relationship between the grassy unbuilt parcel and 1960's buildings and the former American Sugar Refining buildings. This is so that it can be understood that constructing new buildings in these locations, while removing portions of the site that contribute to its S/NR eligibility, would not remove structures that have a direct architectural or visual link to the American Sugar Refining buildings.

Comment 8-10: There are some corrections to be made in the DEIS regarding the history of the company that built the world's largest sugar refinery. When Frederick C. Havemeyer, Jr. re-entered the sugar business in 1856 in Williamsburg, his company was Havemeyer and Bertrand. It was not until 1863 that the company became Havemeyers and Elder (note the plural; it is not Havemeyer and Elder). (SIA)

Response 8-10: Two sources used in preparing the DEIS (Historical Technologies, Inc. and Higgins and Quasebarth) indicate that the name of the company that built the original sugar refinery in 1857 was Havemeyer, Townsend & Co., with Townsend (either William or Dwight) being an investor with whom Frederick Havemeyer partnered to re-enter the sugar business. The reference to Havemeyers and Elder (i.e., plural) will be corrected in the EIS.

Comment 8-11: On page 8-21, it is stated that Cass Gilbert's Austin, Nichols & Co. Warehouse (commissioned by the Havemeyers) at 184 Kent Avenue is currently being converted into a residential building. This is not correct. Before the 2005 Greenpoint-Williamsburg rezoning, this building had obtained a variance and was already a residential building with commercial space on the first floor. The residents, many of them artists, were evicted and the building emptied in 2005 and 2006 so that the property could be converted to more luxurious residential units. This building is eligible to be an NYCL since it was so designated by LPC in September 2005, although the designation was later overturned by the City Council. (SIA)

Response 8-11: The previous owners of the building applied for a variance to convert the building into luxury condominiums, which included a multi-story addition as part of the project. This project did not go forward. Construction of a revised project with a much smaller rooftop addition under the new, current owners began in 2007. The DEIS identified the Austin, Nichols & Co. Warehouse as an architectural resource; the FEIS has been revised to indicate that the Austin, Nichols & Co. Warehouse is NYCL-eligible.

Comment 8-12: The pervasive replacement of a historic industrial complex with a high-density, mixed-use residential development will irrevocably compromise the views of the NR-eligible Williamsburg Bridge, thereby exerting a significant adverse effect on the latter historic resource. By largely eliminating a character-defining property (80 percent of the historic building stock within the former Domino Sugar Factory) within the neighborhood and replacing it with a development that is punctuated by a series of high-rise developments ranging in height from 148 to 399 feet, contextual views to the bridge will not only be compromised by the loss of the historic property, but will also be permanently obscured by inappropriately scaled new construction. (Dietrich)

Response 8-12: As described in the DEIS, while the proposed project would block some existing views of the bridge, these would not be the ones most prominent. The bridge would continue to be visible without obstruction in principal views north, west, and from Manhattan. Additionally, the project would create new and expansive public views of the Williamsburg Bridge from the Brooklyn waterfront that would not exist in the No Action condition. SHPO and LPC have concurred with the language in the DEIS that there would be no significant adverse impacts on the Williamsburg Bridge.

Comment 8-13: The project will irrevocably compromise the context of the NR-eligible American Sugar Refinery buildings east of Kent Avenue. Further, the introduction of inappropriately scaled, mixed-use, high-density residential construction will exert a significant adverse impact on the former Refinery buildings through their inappropriate scale. (Dietrich)

Response 8-13: With respect to the former American Sugar Refinery buildings, see response to comment 8-9. As described in the EIS, the proposed new buildings have been designed to respect the Refinery. Though the buildings will be taller, the buildings on Kent Avenue would be designed with lower-scale portions that would range from 60 to 110 feet in height, which would be in keeping with the height of the Refinery on Kent Avenue. This design feature, along with the extensions of the east-west streets through the site, which would separate the Refinery from the new construction, would ensure that the Refinery remains a prominent feature of the Kent Avenue streetscape. As such, there would be no significant adverse impacts on the Refinery.

Comment 8-14: The project will irrevocably compromise the context of the NR-eligible former Matchett Candy factory. The building elements are stylistically compatible with the Refinery (proposed for re-use) and, to a large extent, the Adant House (proposed for demolition). In addition, the

format Matchett Candy factory fits perfectly within the context of the neighborhood's early 20th century industrial history and may, in fact, have had a direct relationship with the former sugar factory through its candy-producing operations. It also bears noting that while the existing vacant parcel does not inform neighborhood context, the introduction of a 148-foot-high mixed-use residential building will exert a significant adverse impact on this building through its inappropriate scale. (Dietrich)

Response 8-14: The EIS states that there would be no significant adverse impacts on the former Matchett Candy factory. SHPO and LPC have concurred with the language in the EIS.

Comment 8-15: The project will irrevocably compromise the context of the NR-eligible Dunham and Broadway historic districts. The existing industrial context created by the composition of the subject property and the Williamsburg Bridge will be significantly altered pending the overwhelming loss and inappropriately scaled replacement of the former, and the contextual intrusion on the latter. This is substantiated by Figure 9-39, which illustrates the significant adverse effects of the proposed new development on the area directly adjacent to the Broadway Historic District. (Dietrich)

Response 8-15: The EIS states that there would be no significant adverse impacts on the Dunham and Broadway historic districts. SHPO and LPC have concurred with the language in the EIS.

Figure 9-29 in Chapter 9, "Urban Design and Visual Resources," shows a view of the proposed project, which would be located approximately 600 feet from the historic district, and north of the Williamsburg Bridge. A change in context, especially at this distance, does not by default translate into a finding of significant adverse impacts.

Comment 8-16: The project will irrevocably compromise the context of the NR-eligible Grand Street Historic District. The district's close proximity to the subject property makes it especially vulnerable to any inappropriately scaled intrusions, as evidenced by the visual analysis in Figure 9-40. Further, Grand Street bears a direct historical relationship to the former Domino Sugar factory, whose mass employment of immigrants clearly influenced the former's development as a flourishing commercial corridor during the 19th and 20th centuries. Accordingly, the overwhelming demolition of the subject property buildings, augmented by the introduction of inappropriately scaled new construction, will exert a significant adverse effect on the historic district. (Dietrich)

Response 8-16: The DEIS states that there would be no significant adverse impacts on the Grand Street Historic District. SHPO and LPC have concurred with the language in the DEIS.

Figure 9-40 in Chapter 9, "Urban Design and Visual Resources," shows the proposed development visible from Grand Street to the southwest. However, as described in the EIS, the proposed development is located across Kent Avenue from the historic district. The buildings in the Historic District, which front on Grand Street, form a cohesive grouping of buildings that would not be adversely impacted by construction of the proposed project across Kent Avenue, even if the proposed buildings would be visible behind other buildings in views southwest from Grand Street.

Comment 8-17: There are no impossible barriers to immediate and reasonable adaptive reuse of the Refinery building. Furthermore, almost all of the remaining buildings—all S/NR-eligible—on the Domino property can also be adaptively reused for residential, commercial, industrial or community facility usage. (Graziano)

Response 8-17: An alternatives analysis was prepared that assessed the feasibility of adaptively reusing the other buildings as part of the proposed project (see Appendix A). This study, accepted by SHPO, concludes that it is not feasible to retain and reuse the buildings. As described in the DEIS, consultation with SHPO will continue regarding the adaptive reuse of the Refinery.

Comment 8-18: The project will preserve a building that is so important to the community. (M. Lopez)

The project will enable the original Domino factory from falling into ruin. (Bee)

Response 8-18: Comment noted.

URBAN DESIGN

Comment 9-1: The applicant is proposing an out-of-scale building with an R7 or R8 density on South 3rd Street and Wythe Avenue. (NYCC)

Response 9-1: As described in Chapter 9, "Urban Design and Visual Resources," of the EIS, some of the buildings on the proposed project site would be taller than buildings in the study area, but the development has been designed with ranges in height to transition to both the height of the Refinery on Kent Avenue and the surrounding low-rise buildings. The development on the upland parcel would be in keeping with the heights

of developments constructed and in the process of construction as part of the Greenpoint-Williamsburg rezoning. The project's density allows for the development of a project that includes as part of its stated goals and objectives the inclusion of affordable housing; rehabilitation and reuse of the landmarked Refinery; provision of a substantial amount of public open space; opening up of visual corridors to the waterfront; and community space, including for a potential school.

Comment 9-2: The buildings' heights and architecture are entirely out of context for the neighborhood. (Cole, Friedberg, V. Lopez, Silberman, Stefan-Cole, WIP Petition)

Response 9-2: The proposed project and its relationship to the surrounding area are discussed in Chapter 9, "Urban Design and Visual Resources," of the EIS. The tallest buildings on the site, the proposed 30- and 40-story towers, would be consistent with the heights of the towers permitted under the Greenpoint-Williamsburg rezoning, with the low-scale portions of the buildings located along Kent Avenue to provide a transition to the existing neighborhood. The design of the project distributes the bulk of the project across the site in buildings of staggered heights. These buildings would be clad primarily in masonry, which would be consistent with the Refinery and the surrounding built context. As described in the EIS, the use of glass at the upper levels would add transparency at the taller sections of the buildings and would also echo the design of the rehabilitated Refinery, which would have a brick, steel, and glass addition. The staggered heights of the buildings and the slender module design are intended to break up the massing of each block. The buildings would be expected to add to the diversity of the Brooklyn skyline, which includes other nearby recent waterfront developments, e.g. Northside Piers and The Edge. The proposed project is envisioned to result in a uniformly designed development with a varied skyline, which could also become a focal point of interest from nearby locations, include the Manhattan waterfront.

Comment 9-3: The wall of structures would separate the neighborhood from the waterfront. (Goldin, WIP Petition)

Response 9-3: The existing site, including its river frontage between Grand Street and South 5th Streets, is inaccessible to the public and, as such, the site in its current state separates neighborhood residents from the river. The proposed project has been designed to reunite the community with the river. As described in Chapter 1, Project Description" and Chapter 9, "Urban Design and Visual Resources," of the EIS, a large, publicly accessible open space would be built, including an esplanade along the

river the length of the site. A connection would also be made from the proposed project's esplanade to Grand Ferry Park. The project would extend the current upland street network via five new upland connections from the community to the waterfront esplanade. By extending the existing street network into the project site it is the applicant's intention to integrate the project site into the surrounding area and help connect the surrounding residents to the project site and the East River waterfront.

Comment 9-4: I want to praise the architecture of Rafael Vinoly. (Willis)

The design is a showpiece. (Espinal)

The project will bring to Brooklyn world-class residential design of exceptional quality. (Bee)

The proposal respects the scale and industrial strength of the existing Refinery building. (AIA)

Response 9-4: Comment noted.

Comment 9-5: The wind tunnel effects on Grand Ferry Park have not been studied yet, and should be studied both for effects on the planting and on the park users. (Barsamian, Ziegler)

Response 9-5: Pedestrian wind conditions in Grand Ferry Park were analyzed as part of the project-wide study of such conditions by RWDI and reflected in its report of February 2010. On the basis of that report and the project's open space plan, including its extensive landscape features, it was concluded that pedestrian wind conditions throughout the project site and at Grand Ferry Park would be similar to those at comparable locations in the city (see page 9-19 of the FEIS). Accordingly, it was determined that no significant adverse urban design impacts would result from potential pedestrian wind conditions.

Comment 9-6: New views to the Williamsburg Bridge are not being created; they are only being made more accessible. (SIA)

Response 9-6: Publicly accessible views of the Williamsburg Bridge are being provided on the project site. The public has not had access to the project site and its waterfront for over 100 years. Therefore, publicly accessible views are not currently accessible but would be provided as part of the proposed project.

Comment 9-7: The subject property comprises of purpose-built factory buildings dating to three distinct building campaigns, offering a cohesive urban

design consisting of a series of buildings expressive of their historic functions. The overwhelming replacement of these buildings with a high-density, mixed-use residential development that bears no relationship to the subject property or to the area's industrial character will exert a significant adverse impact on urban design. (Dietrich)

Response 9-7: The proposed project is consistent with the evolving urban design character of the area, which includes older industrial, commercial, and residential buildings, and newer taller residential developments constructed as part of the Greenpoint-Williamsburg rezoning. As stated in the DEIS, it is not anticipated that the demolition of defunct factory buildings with a new mixed-use development that would provide visual interest, street level pedestrian activity, substantial new open space, and new publicly accessible view corridors, would result in significant adverse impacts on the area's urban design character.

Comment 9-8: In reviewing the site plan, renderings, and models, one is shocked with its scale, density, lack of cohesion with the surrounding neighborhood. With its absolute disregard for all basic principles of urban planning, one is led to believe that all zoning restrictions have been completely ignored. One expects higher standards in New York City. (Levy)

Response 9-8: As discussed in the EIS, the project includes as part of its stated goals and objectives the provision of a substantial amount of publicly accessible open space, which presently is very limited in the area. The project has been designed to respect both the landmarked Refinery building and the surrounding neighborhood by scaling back the heights of the new buildings on Kent Avenue to create a link with the Refinery and buildings to the east, and by breaking up the project's density with staggered building heights and slender module design.

Comment 9-9: The Bin Building is inarguably a key contributing resource within the complex, since it not only embodies the third building campaign of the complex, but is also a physical manifestation of bridging the factory's past with its future through its connecting conveyor tubes to the Refinery's fifth and sixth floors. (Dietrich)

Response 9-9: The DEIS describes the Bin Building as a significant structure on the site. As described in Chapter 8, "Historic Resources," it is a contributing resource to the S/NR eligibility determination. The Bin Building is also described as a visual resource in Chapter 9, "Urban Design and Visual Resources." Recollection of the conveyor system between the Refinery and the Bin Building would be made in the proposed adaptive reuse design of the Refinery. Large, glass angled balconies would be built to recall the two large metal conveyor belt

bridges that connect to the Bin Building. These would be constructed in the same area as the existing conveyer belt bridges. The proposed balconies are shown in Figure 8-27 of the EIS.

Comment 9-10: While the relocation of the Domino Sugar sign is preferable to its permanent removal from the site from a historic preservation perspective, this does not compensate for the demolition of the key contributing Bin building on which it was historically mounted. Moreover, the sign's relocation has the capacity to offer a false sense of history regarding its original setting. While the relocation of the Domino Sugar sign does constitute a significant adverse effect on this resource, it does nevertheless constitute an adverse effect. (Dietrich)

Response 9-10: As described in Chapter 8, "Historic Resources," of the DEIS, the proposed project, including the demolition of the Bin Building, has been determined to have a significant adverse effect on historic resources. Measures that would partially mitigate this impact would be implemented in consultation with SHPO.

Comment 9-11: Views of the Williamsburg Bridge will not only be irrevocably compromised by the loss of the historic resource, but also permanently obscured by inappropriately scaled new construction, thereby resulting in a significant adverse effect on the visual resource. (Dietrich)

Response 9-11: As described in the DEIS, the proposed project would block some views of the Williamsburg Bridge, mostly in views southwest from Kent Avenue, where portions of the bridge are visible above the more low-rise buildings on the project site, and in views across the vacant upland parcel on the project site. Views of the bridge from the south and southwest and from Manhattan would not be obstructed. In addition, the new publicly accessible open space to be created on the project site would provide for new, unobstructed views of the bridge. Therefore, the proposed project would not have a significant adverse impact on the Williamsburg Bridge.

Comment 9-12: Both views to and from the Manhattan skyline will be substantially compromised by the proposed project. The majority of existing views of the Manhattan skyline from the inland area will be permanently obscured by the new inappropriately scaled high-density, mixed-use residential development. In addition, the views of the subject property from the Manhattan skyline will be irrevocably compromised by the loss of the waterfront historic industrial character. (Dietrich, WIP Petition)

Response 9-12: The Manhattan skyline is not prominently visible from the inland areas. Views are mostly available on the east-west streets. Views of the skyline on a number of these streets—South 1st and South 4th Streets—are presently obscured by the existing industrial buildings on the project site. The proposed project would provide view corridors down these streets of the waterfront and Manhattan skyline. There are also views of the skyline across the upland parcel on the project site. However, as discussed in the DEIS, this vacant parcel is not publicly accessible, and the views provided across it exist only as a result of its undeveloped character. The presently available views of the skyline on South 2nd Street and, to a lesser extent, South 3rd Street (where the overhead conveyer system between the Refinery and Bin Building on the project site partially blocks views) would be maintained with the extension of the street grid through the project site. Sweeping and unencumbered views of the Manhattan skyline would be provided through construction of the project's waterfront esplanade, which would link to Grand Ferry Park, creating a multi-block pathway with views of the river and its waterfronts.

The loss of most buildings on the project site, while considered an adverse impact on historic resources, would not result in significant adverse impacts on visual resources. The proposed development would be prominently visible along the Brooklyn waterfront from publicly accessible waterfront locations in Manhattan, but would not obstruct views to other significant visual resources in Brooklyn or of the East River bridges. The new development would become part of the developing Brooklyn waterfront's skyline.

Comment 9-13: The project will not enhance views for the public, regardless of how they are placed overall on the Domino property. (Graziano)

Response 9-13: The EIS analysis of visual resources concluded that there would be no significant adverse impact on such resources. The provision of a substantial amount of publicly accessible open space—which would provide views to the East River, its waterfronts, its bridges, and the Manhattan skyline, as well a link to a park to the north—would provide a setting for neighborhood residents to have physical and visual access to the waterfront and its visual resources.

Comment 9-14: Use the Domino plant in a way that will contribute to the enjoyment of the people of the neighborhood, i.e., a mini-mall type setting full of artisanal shops with park space. (Morey)

Response 9-14: The Refinery would include ground floor retail as well as community space, which could potentially include a public school. An outside

terrace, to be used for retail space on the East River side of the Refinery, would also be built. These features would allow the community to come into, and enjoy, the Refinery. The large open space that would be provided between the Refinery and the river would afford close and prominent views of the Refinery.

NEIGHBORHOOD CHARACTER

Comment 10-1: The overwhelming height and density of this project—five solid blocks of 20-, 30-, and 40-story towers, including a total of 2,200 units—is completely out of character for our neighborhood. It will alter the character of the community. (Barsamian, Buivid, Cavin, Gilrain, NAGG, Rosenbaum, Sands, WIP Petition)

Response 10-1: The EIS includes an assessment of the proposed project's potential impacts on neighborhood character. The analysis, presented in Chapter 10, "Neighborhood Character," concludes that the proposed project would not result any significant adverse neighborhood character impacts. The analysis notes that the new buildings would be taller and denser than many of the residential and industrial buildings in the study area. However, the development has been designed with ranges in height to transition to both the height of the Refinery on Kent Avenue and the surrounding low-rise buildings. The tallest buildings on the site, the proposed 30- and 40-story towers, would be located towards the waterfront and would be consistent with the heights of the towers permitted under the Greenpoint-Williamsburg rezoning.

Comment 10-2: The project will lead to a decline in quality of life not only for its immediate neighbors but for all residents in Williamsburg. (Cohrssen, Friedberg, Kruse-Ramey, Stronach)

Response 10-2: As noted above, Chapter 10, "Neighborhood Character," of the EIS, includes an assessment of the proposed project's potential impacts on neighborhood character. The analysis concludes that the proposed project would not result any significant adverse neighborhood character impacts. The EIS also proposes measures to partially or fully mitigate the significant adverse impacts of the proposed project, which are identified in Chapter 23, "Mitigation."

Furthermore, the proposed project includes as part of its stated goals and objectives the provision of affordable housing; rehabilitation and reuse of the landmarked Refinery; provision of a substantial amount of public open space; opening up of visual corridors to the waterfront; and community facility space, including a potential school.

Comment 10-3: The proposed project will exert a significant adverse impact on neighborhood character by demolishing large swaths of its historic industrial building stock and replacing them with a development that has already been invalidated by its vacant high-density counterparts to the north. (Dietrich)

Response 10-3: In terms of neighborhood character, the demolition of the S/NR-eligible buildings on the project site would not constitute a significant adverse impact because under the proposed project the principal element of the Domino Sugar factory, the Refinery, would be retained and rehabilitated for residential and community facility use. In addition, the proposed project would retain the Domino Sugar sign and locate it on top of the Refinery.

The proposed project would be developed over a 10-year period, which would allow the real estate market to absorb the residential, retail, community facility, and commercial office uses. Upon completion, the proposed project would transform the project site from a vacant industrial site to a vibrant new mixed-use development with public waterfront access and open space.

HAZARDOUS MATERIALS

Comment 12-1: CPC Resources' proposal makes no mention of how the buildings would be demolished and whether lead paint would be removed beforehand. (Form Letter)

Response 12-1: As described in the EIS, the applicant will undertake a pre-demolition survey of any buildings to be demolished for lead-based paint (LBP). If the pre-demolition survey finds that LBP-coated surfaces are present in any structures to be demolished on the project site, an LBP management plan will be provided as an addendum to the DEP-approved Construction Health and Safety Plan (CHASP). This plan will require that an exposure assessment be performed to determine whether lead exposure may occur during demolition activities. If the exposure assessment indicates the potential to generate airborne dust or fumes with lead levels exceeding health-based standards, a higher personal protection equipment standard will be required to counteract the exposure. In all cases, appropriate methods to control dust and air monitoring, as required by the Occupational Health and Safety Administration, shall be required during demolition activities.

INFRASTRUCTURE

Comment 14-1: Water and sewer usage will increase. (Ziegler)

Response 14-1: Chapter 14, "Infrastructure," details the proposed project's increases in water usage and sanitary sewage generation. The analysis concludes that the proposed project would not result in any significant adverse impacts to water supply or sanitary sewage and wastewater management systems.

TRAFFIC AND PARKING

TRAFFIC

Comment 17-1: I am concerned about the overall effect of the development on vehicular traffic patterns in the surrounding neighborhood. (Levin)

Driving and parking are becoming problems for residents, and parking will not be able to support such an increase in population. (Brody, Davies, Kane, Reina)

Traffic and parking logistics have not been addressed by the developer. (Hosmer)

The applicant needs to study traffic. (WIP Petition)

The project will have a negative impact on transportation. (PIO Petition)

Response 17-1: The traffic analysis presented in Chapter 17, "Traffic and Parking," of the DEIS assessed in detail the effects of project-generated vehicular traffic on study area's traffic patterns. It presented a conservative analysis of future conditions in the area by incorporating the future background growth (including the 32 residential and mixed-use developments projected for completion by the year 2020), as well as the traffic generated by the approximately 7,300 housing units and 204,600 sf of commercial space on projected development sites identified in the *Greenpoint-Williamsburg Rezoning FEIS*. The analysis determined that the overall increase in traffic levels in the study area would result in significant adverse traffic impacts at certain locations and identified measures to mitigate those impacts. As identified in the DEIS, with the proposed mitigation measures in place, all of the impacted locations would operate at the same or better service conditions than the 2020 No Action (Future without the Proposed Action) conditions.

Furthermore, the traffic analyses conducted for the FEIS take into account the new one-way northbound configuration of Kent Avenue, as well as all of the recent geometric changes implemented by NYCDOT as part of the reconfiguration, and recommend measures that would fully mitigate the potential significant adverse traffic impacts due to the proposed project.

The EIS presented a detailed review of the traffic and parking logistics including the number and location of site-driveways, truck loading/unloading areas, drop-off areas and parking garage operations. These logistics are presented in Chapter 2, "Project Description" as well as in Chapter 17, "Traffic and Parking" of the EIS.

Comment 17-2: The assumption that only 16 percent of total travel is by auto is simply wrong. (Ketcham)

Response 17-2: The trip generation and temporal characteristics used in the DEIS were developed in consultation with DCP and NYCDOT. The assumption that approximately 16 percent of the proposed project's residential patrons would travel by auto is based on the journey-to-work information from the 2000 U.S. Census Bureau data for the study area census tracts and is consistent with the *CEQR Technical Manual* methodology. The journey-to-work data provides detailed information regarding the commuting patterns of the residents in the study area, and is an approved and established source of information for determining the modal split characteristics for residential and/or office projects in the New York City area. Therefore, the assumption that 16 percent of the proposed project's residential patrons would travel by auto is appropriate and reflects the distinct trip-making characteristics of the area residents.

Comment 17-3: Trip generation and temporal characteristics used in the DEIS are from the *CEQR Technical Manual* and have been used for decades. They derive from limited data collected generations ago during a very different time in New York City. Plus, the data was collected in Manhattan, where just 20 percent of households owned a car. (Ketcham)

Response 17-3: The trip generation and temporal characteristics used in the EIS were developed in consultation with DCP and NYCDOT, and are consistent with the transportation assumption used in the majority of the development projects in Brooklyn, including the *Greenpoint-Williamsburg Rezoning EIS, Atlantic Yards Arena and Redevelopment Project EIS, Downtown Brooklyn Rezoning EIS, and the Brooklyn Bridge Park EIS.*

Comment 17-4: The DEIS does not optimize signal timing and phasing for No Build conditions so it fails to provide a real comparison of performance with and without No Build traffic which, as noted above, is large gridlocked with No Build traffic. (Ketcham)

Response 17-4: The EIS was prepared pursuant to the *CEQR Technical Manual* guidelines, which only allow for the optimization of signal timing and

phasing in the No Action conditions if such an optimization is recommended as part of a project considered in the No Action condition. For example, the EIS analysis did include signal timing optimizations proposed as part of the Kedem Winery Redevelopment and Rose Plaza projects at two of the study area intersections. There was no signal optimization proposed for the other intersections in the study area as part of projects considered in the No Action condition, and therefore, no changes to the signal timing and phasing were incorporated in the No Action conditions for those intersections.

Comment 17-5: No analysis is provided on impacts on nearby expressways, particularly the already gridlocked BQE, or along the ramps accessing the Williamsburg Bridge. (Ketcham)

Response 17-5: The traffic impact analysis in Chapter 17, "Traffic and Parking," of the EIS follows the guidance of the *CEQR Technical Manual*. The EIS presented the impact analysis for the intersections leading to the ramps providing access/egress to Williamsburg Bridge including Roebling Street at South 4th Street and Broadway at Williamsburg Bridge Exit-Ramp, as well as the intersections along the BQE service roads, including Flushing Avenue at Williamsburg Street West and Classon Avenue.

As identified in the *CEQR Technical Manual*, the inclusion of highway mainline analysis is not generally a common practice for New York City projects. The traffic study area intersections for the EIS are selected in consultation with the lead agency and include critical intersections leading to the ramps providing access/egress to the Williamsburg Bridge (including Roebling Street at South 4th Street and Broadway at the Williamsburg Bridge Exit Ramp) as well as the intersections along the BQE service roads (including Flushing Avenue at Williamsburg Street West and Classon Avenue). The project-generated traffic using the BQE is accounted for in the analysis at the ramps/local-street merges where it accessed-and-egressed the traffic study area. As identified in the EIS, the traffic analysis assesses the service conditions at these critical ramp intersections in detail for the weekday and Saturday conditions and recommended measures (if warranted) to mitigate any projected-related significant adverse traffic impacts.

Comment 17-6: There is no justification for assuming that 53 percent of residents will use subways for all travel, or that half of auto-owning residents will never use their cars, thereby underreporting auto impacts. (Ketcham)

Response 17-6: As discussed in Chapter 17, "Traffic and Parking," the assumption that approximately 53 percent of the residents would use subways is based on the journey-to-work information from the 2000 U.S. Census Bureau data for the study area census tracts, consistent with *CEQR Technical Manual* methodology. The journey-to-work data provide detailed information regarding the commuting patterns of the residents in the study area, and is an approved and establish source of information for determining the modal split characteristics for residential and/or office projects in the New York City area. Therefore, the assumption that 53 percent of the proposed project's residential patrons would travel by subway is justified and reflects the distinct trip-making characteristics of the area residents.

Comment 17-7: The project will create a significant burden on street traffic. (Barsamian, Buivid, Farr, Friedberg, Greenberg, Silberman, Stefan-Cole)

The proposed 10-year construction plan is frightening especially now that Kent Avenue is one-way and more traffic is flooding down Wythe Avenue. Our streets will not suddenly widen for thousands more cars. (Barsamian, Buivid, Farr, Friedberg, Greenberg, Silberman, Stefan-Cole)

How will Kent and Wythe Avenues be navigable; they are already clogged with traffic and producing accidents. (Steinbruner)

CB1 is concerned that significant traffic impacts at up to 20 intersections between Division Avenue and North 10th Street would occur with the proposed project. (CB1)

Response 17-7: The traffic analysis presented in the FEIS incorporates the changes in traffic patterns resulting from the reconfiguration of Kent Avenue in to a one-way northbound roadway as well as the increase in traffic levels on Wythe Avenue. The analysis determined that the overall increase in traffic levels at the study area roadways/intersections would result in significant adverse traffic impacts at certain locations and identified measures to mitigate those impacts. As identified in the FEIS, with the proposed mitigation measures in place, all of the impacted locations would operate at the same or better service conditions than the 2020 No Action (Future without the Proposed Action) conditions.

As stated in the EIS, projected construction traffic volumes would be less than those analyzed for the project's full build-out, a condition that would not yield any unmitigatable significant adverse traffic impacts. The analysis presented in the FEIS further substantiates the DEIS findings and provides a detailed examination of conditions during

construction and upon the project's full build-out with the new one-way northbound configuration of Kent Avenue.

Comment 17-8: The addition of 8,000 people and thousands of extra cars and buses means our businesses will be forced to close. As it is now, since Kent Avenue has been reconfigured to one-way with parking, we have enormous difficulty receiving tractor trailer shipments. With NYCDOT's knowledge, the only way for our trailers to leave the block is to block Kent Avenue and back into Kent Avenue. Any additional traffic on Kent Avenue makes it impossible for our business to function. (M. Chan, P. Chan)

Response 17-8: The EIS's socioeconomic analysis concludes that the proposed project would not result in any significant adverse indirect business displacement impacts. The traffic analysis presented in the DEIS examined 18 intersections on Kent Avenue (including 10 intersections between Broadway and Metropolitan Avenue for the weekday AM, midday, PM and Saturday midday peak hours) and identified measures to fully mitigate any potential project related significant adverse traffic impacts.

Furthermore, the traffic analysis conducted for the FEIS takes into account the new one-way northbound configuration of Kent Avenue, as well as all of the recent geometric changes implemented by NYCDOT as part of the reconfiguration, and recommends measures that would fully mitigate the potential significant adverse traffic impacts due to the proposed project.

Also, as presented in EIS, new traffic signals could be installed at Kent Avenue intersections with South 1st, South 2nd, and South 4th Streets to improve traffic operating conditions. With these measures in place, the traffic operating conditions on Kent Avenue would be at acceptable levels in the future conditions.

PARKING

Comment 17-9: Because the New Domino anticipates a multi-year buildout, the borough president believes that the parking strategy should be revised based on incorporation of car sharing/renting operations incorporated into the four proposed garages. The applicant should voluntarily withdraw the requested Special Permit to exceed maximum permitted parking spaces and only re-file at a subsequent year if it appears that such capacity would be an appropriate strategy to mitigate potential quality-of-life concerns based on the need to accommodate cars. (Markowitz)

Response 17-9: As noted in the letter from the applicant's representative, Mitchell A. Korbey, to the Borough President (dated April 8, 2010; see Appendix K.2), the applicant is willing to explore the potential for allocating spaces for car-sharing services in the project's various accessory parking facilities.

The FEIS considers an alternative in which the proposed project would not include a special permit for parking. The initial design of the proposed project's parking was based on car ownership patterns in the surrounding area, which would result in approximately 0.70 cars per household for the proposed project. The parking was intended to accommodate the anticipated need on-site rather than to substantially increase vehicles circling the neighborhood for the already limited on-street spaces.

TRANSIT AND PEDESTRIANS

TRANSIT

Comment 18-1: CB1 is concerned that the project would introduce an additional 2,500 riders per day on the L and J/M/Z lines during the morning and evening rush hours. (CB1)

The DEIS does not provide line haul impacts. Instead, we get the traditional stairway analyses which, while useful, avoid the critical test of the subway—whether or not passengers can actually get on a train in four or five tries. (Ketcham)

Response 18-1: The project's build-out would occur over a 10-year horizon, and the addition of potential subway riders will be phased. The approximately 2,500 riders per day introduced by the proposed project on the L and J/M/Z lines during the morning and evening rush hours would result in an increment of less than 5 riders per subway car. As discussed in Chapter 18, "Transit and Pedestrians," this level of activity would be below the *CEQR Technical Manual* threshold for undertaking detailed line-haul analysis of subway conditions, and therefore, the transit operating conditions on the L and J/M/Z lines are not expected to be adversely affected by the proposed project. Furthermore, the applicant has consulted with NYCT, which has agreed in a letter (dated: April 30, 2010, attached to the applicant's letter to the CPC; see Appendix K.2) addressed to the Brooklyn Borough President to closely monitor ridership on the J/M/Z lines to determine the need for any service increases, and to prioritize capacity upgrades on the L line.

Comment 18-2: CB1 is concerned that mitigation includes closing one entrance at the Marcy Avenue J/M/Z station. (CB1)

Response 18-2: The statement that mitigation includes closing one entrance at the Marcy Avenue J/M/Z station is incorrect. As presented in Chapter 18, "Transit and Pedestrians," of the DEIS, the "Control Area Operational Change Option", was considered as a potential alternative strategy to convert the High Entrance-Exit Turnstiles (HEETs) to exit-only turnstiles at the Manhattan and Queens bound secondary control areas at the Marcy Avenue J/M/Z station. As presented in Chapter 18, "Transit and Pedestrians," of the FEIS, the proposed mitigation at the Marcy Avenue J/M/Z station would consist of replacing the existing HEET at the Manhattan and Queens bound secondary control areas with two low-turnstiles at each location. This measure, which has been approved by NYCT, would increase the processing capacity at these secondary control areas to fully mitigate the project related transit impact.

Comment 18-3: CB1 is concerned that the proposed project would add as many as 36 new buses daily to the B62, B39, and Q59 bus routes. (CB1)

The proposed population increase will put local bus lines at 300 percent capacity during morning rush hour. (Levin)

There is no clear transportation plan to address the surge of 6,000. (Rielle)

Response 18-3: The project's build-out would occur over a 10-year horizon, and the addition of new buses would be phased based on the demand generated by the proposed project and other residential developments in the area. Moreover, NYCT frequently monitors the service conditions on local bus routes and increases the frequency accordingly to accommodate the ridership demand. In a letter (dated: April 30, 2010, attached to the applicant's letter to the CPC) addressed to the Brooklyn Borough President, NYCT has agreed to increase the frequency of basic bus service for the Q59 and B62 bus routes if the ridership increases on these routes exceed NYCT guidelines.

Comment 18-4: The borough president believes that assumptions regarding the usage of bus service to get to the L train are not realistic. Passengers would be unlikely to transfer from the Q59 to the B62 to take the L train at the Bedford Avenue station when it seems much more efficient to stay on the Q59 to the Lorimer Street/Metropolitan Avenue station to the Manhattan-bound L line and elsewhere on the G line. The FEIS should be modified to reflect this assumption. (Markowitz)

Response 18-4: As discussed in Chapter 18, "Transit and Pedestrians," passengers would transfer from the Q59 to the B62 to take the L train at the Bedford Avenue station since it is a more convenient option specifically for those Manhattan-bound riders because of a shorter train ride. The Q59 bus does not drop-off riders directly in front of the Lorimer Street station and they will still have to walk a block to access the station. Furthermore, as reflected in the transit analysis, it is anticipated that with the service changes approved by NYCT, which will take effect on June 27, 2010, more patrons would use the J/M/Z lines at the Marcy Avenue station, since the extended M line would provide better transfer opportunities in Manhattan. Also, as part of NYCT service changes, the terminus for the Q59 bus route in Brooklyn was extended to Williamsburg Bridge Plaza, which is located a short distance from the Marcy Avenue (J/M/Z) subway station and therefore provides a more convenient transfer opportunity from bus to J/M/Z subways. Moreover, as discussed in Chapter 18, "Transit and Pedestrians," of the EIS and in the letter to the CPC, the applicant will explore the viability of a shuttle bus service from the project site to the Marcy Avenue station main entrance.

Comment 18-5: The developer should make a written commitment to providing initial operating subsidies for Q59 shuttle service (or its equivalent) if necessary to demonstrate to MTA the need for such a service. (Markowitz)

Response 18-5: As discussed in Chapter 18, "Transit and Pedestrians," of the EIS and in the letter to the CPC, the applicant will explore the viability of a shuttle bus service from the site to the Marcy Avenue main station entrance.

Comment 18-6: Transit options are poorly conceived, nonexistent, or inadequate. (Canale, Friedberg, B. Harris, T. Harris, Shechter)

Neither CPC Resources nor the City has adequately addressed the severe strain that the project will place on our already overwhelmed transit system. With the further cutbacks in service, this has not been adequately addressed. (Diether, Perlmutter)

The DEIS is incorrect that no negative impact will be felt on the local subway system from the addition of over 6,000 people to the area. (Nahrwold)

Transportation is already at the breaking point, and will be more so when the area's other developments are fully occupied. Transportation simply cannot support this size of development. (Goldson, Hanson, Martin)

Imagine 6,000 more commuters on the station platform with two sets of four-foot-wide stairs going down to it on Bedford Avenue, and two more on Driggs. (Warr)

The L train already operates at overcapacity and it is already impossible to get on the subway in the morning. Even with added trains, it will not be able to handle the extra people. The transit infrastructure cannot support a projected 6,000 to 7,000 new residents. The project will create an incredible burden to the transit infrastructure. (Barsamian, Brody, Canale, Cohrssen, Davies, Gilrain, Goldin, Goldson, Greenberg, Hanson, Hosmer, Kane, Kruse-Ramey, Lethen, Rielle, Rooney, Rosenbaum, Sands, Silberman, Stefan-Cole, Strodel, Warr, Ziegler)

Response 18-6: A detailed analysis of the study area's transit conditions is presented in Chapter 18, "Transit and Pedestrians," of the EIS which assesses the effects of project-generated transit riders on study area's subway facilities and local bus routes. The analysis presents a conservative assessment of future transit service conditions in the area by incorporating the future background growth (including the 32 residential and mixed-use developments projected for completion by the year 2020), as well as the traffic generated by the approximately 7,300 housing units and 204,600 sf of commercial space on projected development sites identified in the Greenpoint-Williamsburg Rezoning FEIS. The analysis concludes that the overall increase in traffic levels in the study area would result in significant adverse transit impacts at the Marcy Avenue (J/M/Z) subway station control areas and identifies measures to mitigate those impacts.

The project's build-out would occur over a 10-year horizon, and the addition of potential subway and bus riders would be phased. The additional riders introduced by the proposed project on the L and J/M/Z lines during the morning and evening rush hours would result in an increment of less than 5 riders per subway car. As discussed in Chapter 18, "Transit and Pedestrians," this level of activity would be below the *CEQR Technical Manual* threshold for undertaking detailed line-haul analysis of subway conditions, and therefore, the transit operating conditions on the L and J/M/Z lines are not expected to be adversely affected by the proposed project.

NYCT routinely monitors the service conditions on local buses and subway lines, and if warranted, makes necessary adjustments/ upgrades to the service. In a letter (dated: April 30, 2010, attached to the applicant's letter to the CPC) addressed to the Brooklyn Borough President, NYCT has agreed to increase the frequency of basic bus service for the Q59 and B62 bus routes if the ridership increases on these routes exceed NYCT guidelines.

The recent service reduction/modification plan approved by NYCT is incorporated in the transit analysis conducted for the FEIS. The FEIS transit analysis presents a detailed assessment of transit service conditions in the area and incorporates changes to the area's subway service and bus routes, as well as recommends measures to fully mitigate the proposed project's impacts on area's local bus routes and subway facilities.

Comment 18-7: The applicant must provide a plan to mitigate the adverse impacts. Options should include a shuttle bus provided by CPC Resources to nearby subway lines and across the Williamsburg Bridge to lower Manhattan, and ferry service to Manhattan. Also, there needs to be MTA upgrades in bus service on nearby lines and an upgrade in the J/M/Z line subway service. (Levin)

Remedial measures must be funded by CPC Resources and the City to provided subsidized bus and ferry service. MTA should be required to conduct a feasibility study for creating a new subway station on the V line at the base of the Williamsburg Bridge. Also, additional train cars and buses must be added to local service routes to meet the additional demand from new residents. (Perlmutter)

There should be a subway stop at the base of the Williamsburg Plaza. (Gilrain)

Response 18-7: As discussed in Chapter 23, "Mitigation," the applicant has proposed measures to fully or partially mitigate the significant adverse transit impacts of the proposed project. Although not proposed as mitigation measures, water taxi and shuttle bus service are under consideration as supplemental transit improvement measures. Conducting a feasibility study of a new subway station is solely at the discretion of NYCT and is beyond the scope of study for the EIS.

As discussed in its letter to the CPC, the applicant is willing to accommodate a ferry (water taxi) stop should there be a viable demand for such a service. The applicant has consulted with NY Water Taxi and NYSDEC to determine if a ferry dock can be accommodated on-site. Furthermore, the applicant is reviewing the viability of a shuttle bus service from the project site to various transit access points to accommodate the project generated transit demand in the future conditions. NYCT routinely monitors the service conditions on local buses and subway lines, and if warranted, makes necessary adjustments/upgrades (including adding extra subway cars, increasing the frequency of buses and adding additional stops on existing lines) to the service. In a letter (dated: April 30, 2010, attached to the applicant's letter to the CPC) addressed to Brooklyn Borough President, NYCT has

agreed to increase the frequency of basic bus service for the Q59 and B62 bus routes and to closely monitor ridership on the J/M/Z subway lines, if the ridership increases on these routes exceed NYCT guidelines.

Comment 18-8: The L train must make a transition at the 8th Avenue/14th Street station. With only a 2-track line and the standard 8-minute turnaround, additional subway trains will add to the backlog, not relieve it. (Goldson)

The manner in which the L-line was constructed does not allow for additional trains to be added along the line. (Cavin)

Response 18-8: NYCT has agreed in a letter (dated: April 30, 2010, attached to the applicant's letter to the CPC) addressed to the Brooklyn Borough President to prioritize capacity upgrades on the L line. The capacity upgrades would include equipping the L line with Communication Based Train Control (CBTC) and to increase the capacity with additional cars and infrastructure investments. According to NYCT, the scheduled service changes would be based on existing and future ridership demand.

Comment 18-9: The J train, which runs from the Marcy Street station, will be eliminated this summer. (Goldson)

Response 18-9: According to NYCT's proposed service cuts, there are no plans to eliminate the J train in the upcoming summer months.

Comment 18-10: The Metropolitan Waterfront Alliance believes this redevelopment could be improved by also including infrastructure for a ferry stop, as well as the infrastructure for boats, including bollards, cleat, and gates, along the esplanade for possible future maritime use. (MWA)

A few boats connecting Grand Street to Houston Street would easily solve the problem of the connection between Williamsburg and Manhattan. (Kreger)

Regarding water taxi service, Schaefer provides an operating subsidy to supplement the fare, and the City has the capital to build a floating dock. A successful public/private partnership along the river can help solve the transportation issue. (Fox)

Response 18-10: In its letter to the CPC, the applicant has stated its willingness to accommodate a ferry stop at the project site should there be a viable demand for such service. However, the ferry stop as well as any other

future maritime use would require permit approval from the DEC and is not currently proposed as part of this project.

Comment 18-11: The City and MTA should work with the developers on transportation issues. (UNO)

The public transit issue merits more concerted attention. (AIA)

Response 18-11: Comment noted.

Comment 18-12: The borough president believes that the Q59 should be extended from Williamsburg Plaza to the southwest corner of Marcy Avenue along Broadway. Such a change would shift ridership to the east end of the station where there is more capacity to move between the street and the train platform. (Markowitz)

Response 18-12: NYCT in a letter (dated: April 30, 2010) addressed to the Brooklyn Borough President has indicated that there is no need to extend the Q59 from Williamsburg Bridge Plaza to the southwest corner of Marcy Avenue along Broadway since the Q59 terminal point is less than a block away from the Marcy Avenue (J/M/Z) station.

Comment 18-13: There should be an elevator to the Williamsburg Bridge for bicycles. (Gilrain)

Response 18-13: An elevator to the Williamsburg Bridge is neither part of the proposed project as analyzed in the EIS, nor is it proposed as a mitigation measure and it is outside the scope of this EIS to consider an elevator to the Williamsburg Bridge for cyclists. A detailed study would be required to determine the demand and feasibility of providing an elevator to the Williamsburg Bridge for bicycles. Such a study would require additional review and approvals from the Bridges Division of NYCDOT as well as other public agencies, and would also need to address operation, maintenance, security, and safety issues.

Comment 18-14: The DEIS admits that, to be useful, bus service must be increased three-fold to handle the new demand. It is unlikely that any increase in bus service will materialize in the next couple of years, let alone over the next decade. (Ketcham)

Response 18-14: The project's build-out would occur over a 10-year horizon, and the addition of potential bus riders will be phased. In a letter (dated: April 30, 2010, attached to the applicant's letter to the CPC) addressed to Brooklyn Borough President, NYCT has agreed to increase the frequency of basic bus service for the Q59 and B62 bus routes if the

ridership increases on these routes exceed NYCT guidelines. The timing of bus frequency increases is solely at the discretion of NYCT and is beyond the scope of study for the EIS.

PEDESTRIANS

Comment 18-15: There is concern that a "significant pedestrian impact" (overcrowding) at the Bedford and North 7th Street intersection would occur with the proposed project. (CB1, Cole)

Response 18-15: As presented in Chapter 23, "Mitigation," of the FEIS, the significant pedestrian impact (overcrowding) at the Bedford Avenue and North 7th Street intersection would be mitigated by slightly widening the south crosswalk. With proposed mitigation in place, the Bedford and North 7th Street intersection would operate with ample capacity.

Comment 18-16: With the injection of thousands of additional residents, imagine how much more crowded the streets and sidewalks of our neighborhood would be. (Goldin)

Response 18-16: With the exception of Kent Avenue along the Refinery, the proposed project would include setbacks along the project site boundaries in order to accommodate widened sidewalks, the landmarked Refinery complex is being retained and adaptively re-used and thus the sidewalk cannot be made wider at that location. The EIS analysis disclosed that there would be only one significant adverse crosswalk impact at Bedford Avenue and North 7th Street, which would be fully mitigated as discussed in Chapter 23, "Mitigation."

NOISE

Comment 19-1: The proposed parking garages, with their capacity for hundreds of vehicles, will result in significantly elevated levels of noise. (Goldson)

Response 19-1: The proposed parking garages would be enclosed, and the noise generated by vehicles within them would therefore not be audible at nearby sensitive noise receptors. Potential noise impacts due to mobile sources are analyzed in Chapter 19, "Noise," in the EIS. As noted in that chapter, the proposed project would not result in any significant noise impacts at any nearby sensitive receptor locations.

AIR QUALITY

Comment 20-1: The proposed parking garages, with their capacity for hundreds of vehicles, will result in significantly elevated levels of air pollution.

Adding to the pollution will be the increased visitors arriving by car and commercial vehicles that will make deliveries to the project site's residents and stores. The narrow streets of the area do not allow a free flow of traffic; the amount of air pollution will be increased by slow and idling vehicles. (Goldson)

Response 20-1: The air quality analysis presented in the EIS assesses the effects of the proposed parking garages and emissions due to project-generated traffic. The analysis determined that the overall increases in pollutant concentrations near the proposed garages and intersections would not result in any violations of the National Ambient Air Quality Standards (NAAQS) or exceedances of significant impact thresholds. Therefore, the EIS determined that operation of the proposed project would not result in any significant adverse air quality impacts.

Comment 20-2: Williamsburg has had one of the highest rates of asthma in the city. Green space is needed to offset the impact of carbon emissions from the constant flow of truck and increased number of cars. (Hanson)

Response 20-2: Chapter 22, "Public Health," in the EIS analyzed the potential effects of the proposed project on public health and concluded that there would be no significant adverse impacts on public health (or asthma).

CONSTRUCTION IMPACTS

Comment 21-1: Construction of the project will result in constant construction noise which, in addition to the dust, will be intolerable. (Farr, Rosenbaum)

Response 21-1: Potential impacts due to construction are analyzed in Chapter 21, "Construction Impacts," in the EIS. A detailed analysis of potential impacts from construction noise was conducted. The analysis concludes that noise levels due to construction activities would be expected to exceed City Environmental Quality Review (CEQR) impact criteria at a few sites immediately adjacent to the project site. Specifically, the noise analysis results show that maximum predicted noise levels would exceed the 3 CEQR impact criteria during two or more consecutive years at receptor sites 3, 4, 5, 12, B, P2, V, X, and Y (see Figure 21-3). To mitigate these significant adverse impacts due to construction noise, the applicant would make attenuation measures (i.e., upgraded windows and/or alternate means of ventilation) available to any of the residences that are impacted but do not already have these measures in place, as described in Chapter 23, "Mitigation."

As described in Chapter 21, "Construction Impacts," construction of the proposed project would be undertaken in accordance with the New York City Noise Control Code, which requires the adoption and

implementation of a noise mitigation plan for each construction site, limits construction to weekdays between the hours of 7 AM and 6 PM, and sets noise limits for certain specific pieces of construction equipment. Construction of the proposed project would implement measures to control noise sources (i.e., reducing noise levels at the source or during most sensitive time periods) and noise pathways (e.g., placement of equipment, implementation of barriers between equipment and sensitive receptors).

Dust control measures, including watering of exposed areas and dust covers for trucks, would be implemented to ensure compliance with the New York City Air Pollution Control Code. As discussed in Chapter 21, "Construction Impacts," the applicant would implement an emissions reduction program for all construction activities to minimize fugitive dust emissions. This program would include stipulating strict fugitive dust control plans in construction contract specifications, which could include washing off the wheels of all trucks exiting the construction site, watering work areas and materials, stabilizing on-site truck paths, restricting on-site truck speeds, and securing loose materials in transport vehicles.

Comment 21-2: The construction impacts analysis fails to consider the most substantial impact of all: the demolition of 80 percent of the NR-eligible historic resources on the subject property. (Dietrich)

Response 21-2: The analysis contained in the Chapter 8, "Historic Resources" evaluated the impact of the demolition of all NR-eligible resources on the property. The analysis concluded that there would be a significant adverse impact that would be partially mitigated with the implementation of the measures described in Chapter 23, "Mitigation."

Furthermore, Chapter 21, "Construction Impacts," of the EIS presents the measures that would be implemented to prevent damage to historic resources during construction of the proposed project. The potential impacts from construction could be caused by ground-borne vibration, falling debris, and accidental damage from heavy machinery. To prevent damage, a Construction Protection Plan would be developed in consultation with SHPO and LPC.

Comment 21-3: Construction logistics have not been addressed by the developer. We are looking at a decade-long quagmire of construction that will extremely adversely affect the surrounding area by sending trucking routes into quiet neighborhoods and past schools. (Hosmer)

Response 21-3: As detailed in Chapter 21, "Construction Impacts," the applicant has prepared a proposed construction schedule, which details the expected dates of commencement and completion of each building, along with the specific expected construction activities. This schedule was developed based on proper construction practices and logistics, which stipulate various requirements concerning deliveries and access, hours of work, staging and lay-down areas, temporary sidewalk and lane closures, and stormwater pollution prevention. Detailed analyses (including traffic, air quality, and noise) that considered conservative projections of truck deliveries, worker trips, and required construction equipment that would be present over the entire construction period were prepared to address potential construction impacts and to identify feasible mitigation or impact avoidance measures. For truck deliveries, New York City-designated truck routes would be used by the construction vehicles, so that disruption to sensitive uses and quiet neighborhoods could be minimized.

MITIGATION

Comment 23-1: The developer can't continue to shift the negatives of the project to the City, to the MTA, to the community. (NAGG)

The applicant should commit to the funding of a transportation study covering the entire Community Board 1 area. (CB1)

Response 23-1: As described in Chapter 23, "Mitigation," the applicant is committed to measures to fully or partially mitigate the significant adverse impacts of the proposed project. In terms of transit, the applicant would defray the cost to NYCT of replacing the existing High Entrance and Exit Turnstile (HEET) at the Marcy Ave secondary control areas with low turnstiles. In addition, the applicant would be responsible for any additional signals required as mitigation for project-generated impacts. The community has acknowledged that there are broader transportation issues that affect the Brooklyn Community Board 1 that cannot be attributed solely to the proposed project. To that end, the community has requested the involvement of the City and NYCT in addressing such transportation issues. The applicant has noted its willingness to participate in such efforts in its memorandum to Brooklyn Community Board 1 (see Appendix K.2).

Comment 23-2: The project will strain the area's infrastructure services, especially in light of the number of large new developments in the area. (S. Frankel, Gauntlett, Goldin, Hilton, Kruse-Ramey, Lethen, Morey, Rapaport, Sands, Shechter, Steinbruner, Stronach, Vichnevsky, WIP Petition)

CPC Resources will need to perform a serious evaluation of current infrastructure, with an un-biased third party, to truly understand what will be required to support their proposed development. (Nahrwold)

The proposed project would be a significant development with a major impact on schools, police, fire, and transportation. Mitigation for these issues was not properly addressed in the DEIS. (NYCC)

Response 23-2: The EIS includes analyses of schools, police and fire services, water supply and wastewater treatment, and transportation. As described in Chapter 5, "Community Facilities," the proposed project would not result in any significant adverse impacts to police protection services, fire protection services, or emergency medical services. As discussed in Chapter 14, "Infrastructure," the proposed project would also not result in any significant adverse impacts on water supply and wastewater treatment.

The EIS identified significant adverse impacts on elementary and intermediate schools, traffic, and transit and pedestrians. Chapter 23, "Mitigation," specifies measures to fully or partially mitigate each of these significant adverse impacts. In order to address the proposed project's potential significant adverse impact on elementary and intermediate schools, the applicant would enter into an agreement with SCA to provide an option to locate an approximately 100,000-square-foot public elementary and intermediate school within the community facility space in the Refinery complex. To address the traffic impacts of the proposed project, a number of standard traffic engineering measures could be implemented, as discussed in the Mitigation analysis. The transit and pedestrian impacts could also be mitigated by improvements to the Marcy Avenue station control areas, increased frequency on the affected bus routes, and crosswalk widening.

Comment 23-3: Even with the implementation of mitigation measures, many intersections are left with huge average vehicle delays and gridlock conditions. (Ketcham)

Response 23-3: Under CEQR, where traffic mitigation is required, it is necessary to restore levels of service to no build conditions. With the implementation of the proposed traffic improvement measures as detailed in Chapter 23, "Mitigation," all of the project-related significant adverse traffic impacts would be mitigated. The characterization of traffic conditions after the implementation of mitigation measures is not correct and the analysis in the EIS demonstrates that.

ALTERNATIVES

Comment 24-1: The developer should consider an alternative plan that creates jobs and maintains industrial zoning. (WIP Petition)

Keep the Refinery and create low-rise warehousing. (Buivid)

The developer has never seriously explored alternative plans such as adaptive reuse. (Cole)

The applicant should take a hard look at an alternative that maintains the original structures and develops an arts center, commercial uses, and a green technology center to showcase sustainable alternate energy. (Eisenberg)

Response 24-1: Chapter 24, "Alternatives," of the EIS presented a quantified analysis of a No Action Alternative, in which the project site would be developed with uses permitted under the existing M3-1 manufacturing zoning, including a storage facility, a building materials storage yard, a new distribution facility, and a new two-story building with a catering hall/restaurant with parking. The No Action Alternative would result in 182 workers; in comparison, the proposed project would result in 1,347 workers.

The Refinery, which includes buildings constructed in the 1880s specifically for the specialized processes of sugar refining, ceased such operations in early 2004 and ceased its limited packaging and warehousing operations in mid-2004; it has been vacant since. As noted in the EIS, the Refinery complex is a New York City Landmark, and this structure would remain under the proposed project and each of the proposed alternatives. Under the No Action Alternative, the Refinery would be maintained but remain vacant due to the high cost of adaptive reuse. Adaptive reuse of the Refinery would only be economically viable if this structure is converted to income-generating higher density residential or commercial uses. As summarized in the DEIS, the No Action Alternative would fail to meet all four of the proposed project's principal goals.

Comment 24-2: The DEIS assumes that a No Action scenario would automatically result in the demolition of the iconic Bin Building, thus posing the same threat to this historic resource as the proposed project and negating any potentially adverse effect on the visual resource. However, a No Action scenario does not consider an alternate plan in which the owner would sell the subject property to a more preservation-minded developer. (Dietrich)

Response 24-2: The No Action condition describes the development that is expected to occur under existing ownership consistent with the current M3-1 zoning, absent the proposed project. The EIS does not speculate on potential other development scenarios or any rezoning actions that may or may not occur based on the sale of the property to another entity.

Comment 24-3: CPC Resources' proposal maintains that demolishing everything except for the landmarked Refinery and building single-story warehouses would be the only financially viable alternative to their proposed plan. (Form Letter)

It is not necessarily true that if the proposed project were not to be constructed, the buildings would "be occupied by industrial and commercial uses with no public open space or waterfront access and limited views of the water. On the contrary, under several highly feasible alternate plans that have been proposed, the existing buildings be retained and reused for various purposes, including commercial, residential, affordable housing, arts-oriented community facility and industrial use and public open space/waterfront access, and existing viewsheds would be enhanced. (Graziano)

Response 24-3: As discussed in Chapter 2, "Analytical Framework," and Chapter 24, "Alternatives," of the EIS, in the No Action condition, the project site would be developed with uses permitted under the existing M3-1 manufacturing zoning, including a storage facility, a building materials storage yard, a new distribution facility, and a new two-story building with a catering hall/restaurant with parking. The program cited in the comment could not be realized on an as-of-right basis under the existing zoning, which does not permit residential uses (with or without affordable housing) or community facility uses in an M3-1 district.

Most of the program elements referenced in the comment are, in fact, part of the proposed project, which would include a restored and adaptively reused historic building, new residential buildings with affordable housing, approximately 146,000 gsf of community facility space, up to 98,738 gsf of commercial office space, approximately four acres of public open space, and visual and physical access to the waterfront from all streets leading to the project site.

Comment 24-4: For more permanent occupations for neighborhood residents, the proposed project should include a hotel. There is a high demand for temporary living space and hotels in North Brooklyn. (Reyna)

Response 24-4: Chapter 24, "Alternatives," of the EIS presents an analysis of a Hotel Alternative. This alternative would introduce a hotel use to the project

site in place of a portion of the proposed project's residential and community facility space in the Refinery. Therefore, this alternative would introduce 57 fewer market-rate residential units and approximately 49,000 gsf less community facility space, but would otherwise provide the same site plan as the proposed project, including the same amount of open space, commercial office, and retail space, and would also provide the same number of affordable units as the proposed project. Future discretionary actions would be needed in order to allow the hotel use and the change would have to be reviewed under the Uniform Land Use Review Procedure (ULURP) and CEQR. In general, the Hotel Alternative would satisfy the goals of the proposed project, and the hotel use would cross-subsidize the affordable housing in the same way as the market-rate housing would in the proposed project.

Comment 24-5: We propose an autodidactic, auto-generative University of Urban Design on the Domino site, emphasizing residential enrollment; building itself from within; and filling its professional capacity through local artisans, its production capacity through local manufacturing, and its personnel through the local population. (Farr)

Response 24-5: The suggested alternative would not meet the goals and objectives of the proposed project, including the development of a substantial amount of affordable housing; rehabilitation and reuse of the landmarked Refinery; creation of a substantial amount of public open space; provision of new public visual and access corridors to the waterfront; and allocation of substantial community space.

Comment 24-6: The applicant should consider an alternate use to promote tourist-oriented attractions that is consistent with the Mayor's Plan. Tourists want to see neighborhoods and cultural attractions like Coney Island or Brighton Beach. The project should consider cultural resource/museum type use on the project site. (Eisenberg)

Response 24-6: As discussed throughout the EIS, the proposed development includes approximately 146,000 gsf of community facility space. While this space has not yet been programmed and a potential school could occupy approximately 100,000 sf, cultural/museum type use is among the uses that would be permitted under the proposed zoning to occupy the balance of the community facility space.

Comment 24-7: The proposal meets some of the criteria to further the tenets of PlaNYC, the Waterfront Revitalization Program, and the Plan for the Brooklyn Waterfront. However, many of the same benefits that the proposed project purports to achieve can be realized under alternate plans that

will not create many of the adverse impacts on the Southside neighborhood in particular, and Williamsburg in general, that will occur. (Graziano)

Response 24-7: The DEIS included an assessment of alternatives to the proposed project in Chapter 24, "Alternatives." That chapter considered five alternatives to the proposed project: a No Action Alternative, a Reduced Density Alternative, a Hotel Alternative, a Cogeneration Energy Supply Alternative, and a No Unmitigated Significant Adverse Impacts Alternative. The Alternatives analysis concludes that three of the five alternatives would not substantively meet the goals and objectives of the proposed project. Of the two remaining alternatives, one would include a hotel component should market conditions indicate that a potential hotel use is economically viable. The other remaining alternative is an option to include on-site facilities to generate electricity, heat, and cooling (cogeneration); however, this alternative was identified as economically infeasible.

Two alternatives have been added to the FEIS: A Reduced Parking Alternative and a Reduced Site A Alternative. These two alternatives would substantially meet the goals of the project.

GENERAL/MISCELLANEOUS

Comment G-1: The applicant has not shared any of their financial information to substantiate need for density to make the project work financially. (CB1, Greenberg, Rielle, Stefan-Cole, Teague, Trimarco)

The DEIS states that all alternative plans would substantially fail to meet the project's principal goal of providing a substantial amount of affordable housing, but how do we know this? CPC Resources/KATAN have never shown how much things cost, what subsidies they want to receive, and what kind of for-profit return they expect. (NYCC)

CPC Resources should disclose to the community its financial projections and profit potential. (Kruse-Ramey, Nahrwold, Pellegrino, Rielle)

The special permits are going to create huge profit for the project. (NAGG)

CPC Resources' $350 million profit needs to be plowed back into the community (Perlmutter)

Response G-1: The requested financial information and details are beyond the scope of the SEQRA, CEQR, and ULURP processes.

Comment G-2: The applicant points to the significant costs associated with the project, including affordable housing, rebuilding of the wharf, preservation of the Refinery, and other factors. The applicant is, in effect, making a hardship argument. In the judgment of the Committee, the applicant has not demonstrated a unique hardship that would justify such a massive deviation from prior rezoning. (CB1)

Response G-2: Comment noted. Financial hardship considerations are beyond the scope of the EIS.

Comment G-3: It is imperative that there be solid guarantees for all components of the final project: percentage of residential square footage as affordable; permanent affordability; unit distribution (within broad ranges); cap on the total number of residential units allowed; total square footage of open space; additional upland connector; consultation with CB1 on any design modifications and on ongoing transportation analysis for FEIS; district-wide transportation study; developer contribution to the Greenpoint-Williamsburg tenant anti-harassment fund; job training initiative; local sourcing for materials and labor; LEED certification; and limit on size of retail units either in zoning/special permit language or in deed restrictions. (CB1)

Response G-3: The CPC approvals will specify the maximum residential square feet; define the total square feet of open space; include the additional upland connection; and commit the applicant to sustainability requirements. These components are described in Chapter 1, "Project Description," of the EIS. Additionally, as reflected in the applicant's letter to Brooklyn Community Board 1, a number of other listed items have been accepted by the applicant, such as job training; local sourcing for materials and labor, to the extent practicable; and willingness to allocate floorplates for a variety of neighborhood-oriented retail use.

Comment G-4: There could be a more visionary and powerful way to transform this historic and significant piece of Williamsburg beyond building more condos. There has been a real lost opportunity here. (J. Frankel, S. Frankel)

CPC Resources' development is misconceived and poorly worked out. It makes ill use of a historically important tract of land that is the Brooklyn industrial waterfront. (NYCC)

Response G-4: Comment noted.

Comment G-5: CPC Resources has maintained a transparent and inclusive process. From affordability to open space and jobs, CPC Resources has

continued to fight to fairly reach all of the community's demands. They have actively sought the community's input. That has made the plan better, not only in the amount and types of affordable housing they proposed, but also in a great park and the promise of jobs and job training for our community. (Duran, Reyna, SNA, UNO)

CPC Resources has proved itself to be an organization that you can depend on to go the extra mile and get the work done. (Hall, MAA)

CPC Resources' Parkchester conversion was successful; they preserved affordability, responded to residents' concerns, and created an apprentice program for residents for Parkchester contractors. (H. Brown)

CPC Resources has proven unflagging commitment to improving and promoting the interests of New York City's communities through support of quality affordable housing. (Bee)

Response G-5: Comment noted.

Comment G-6: This project deserves support, as it has many potential benefits for the community and city. It offers a significant affordable housing component, a true mixed-use development incorporating commercial office and community facility uses alongside retail and residential uses, first-class architectural and landscape design, publicly accessible waterfront park space, and a significant commitment to job training for neighborhood residents. (CC, CPTA, CUC Petition, CUFH, Elliott, PNYC, Pratt, Shelton, SNA)

Response G-6: Comment noted.

Comment G-7: The plan has other attributes that argue for its adoption: 98,000 sf of commercial space at the north end of the site, an architectural grace rarely seen in developments of this scale; and a mix of uses that reflect both the area's needs and the components needed to create viable and sustainable communities. (Pratt)

The proposal respects the scale and industrial strength of the existing refinery building; the street grid and sightlines to the waterfront will be restored; four acres of open space will be added; and the project will provide 660 affordable apartments. (AIA)

Response G-7: Comment noted.

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