

Appendix A

New York State Department of State
Coastal Management Program Coastal Assessment Form
and
New York City Local Waterfront Revitalization Program
Consistency Assessment

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NEW YORK STATE DEPARTMENT OF STATE
COASTAL MANAGEMENT PROGRAM

Coastal Assessment Form

A. INSTRUCTIONS (Please print or type all answers)

1. State agencies shall complete this CAF for proposed actions which are subject to Part 600 of Title 19 of the NYCRR. This assessment is intended to supplement other information used by a state agency in making a determination of significance pursuant to the State Environmental Quality Review Act (see 6 NYCRR, Part 617). If it is determined that a proposed action will not have a significant effect on the environment, this assessment is intended to assist a state agency in complying with the certification requirements of 19 NYCRR Section 600.4.
2. If any question in Section C on this form is answered "yes", then the proposed action may affect the achievement of the coastal policies contained in Article 42 of the Executive Law. Thus, the action should be analyzed in more detail and, if necessary, modified prior to either (a) making a certification of consistency pursuant to 19 NYCRR Part 600 or, (b) making the findings required under SEQR, 6 NYCRR, Section 617.11, if the action is one for which an environmental impact statement is being prepared. If an action cannot be certified as consistent with the coastal policies, it shall not be undertaken.
3. Before answering the questions in Section C, the preparer of this form should review the coastal policies contained in 19 NYCRR Section 600.5. A proposed action should be evaluated as to its significant beneficial and adverse effects upon the coastal area.

B. DESCRIPTION OF PROPOSED ACTION

1. Type of state agency action (check appropriate response):

- (a) Directly undertaken (e.g. capital construction, planning activity, agency regulation, land transaction)
- (b) Financial assistance (e.g. grant, loan, subsidy) _____
- (c) Permit, license, certification _____

2. Describe nature and extent of action: _____

Empire State Development (ESD) would facilitate the sale of two currently unbuilt parcels (Block 4586, Lot 200 and Lot 500) in Kings County (Brooklyn), New York, to a designated developer (The Arker Companies). The two parcels comprising the project site (+/- 6.8 acres total), were formerly part of the Brooklyn Developmental Center (BDC), which is scheduled for closure December 2015. ESD would adopt a General Project Plan (GPP) to facilitate the construction of approximately 1,000 units of affordable housing and +/- 122,500 square feet (sf) of commercial space. Construction would be undertaken in five phases; the first phase would commence 2017, and the final phase would be complete in 2028. Each phase would entail the construction of a group of 2-4 connected buildings, up to 95 feet in height, containing about 200 housing units; each group of buildings would also include commercial space.

3. Location of action:

Kings County	New York City	New York
County	City, Town or Village	Street or Site Description

4. If an application for the proposed action has been filed with the state agency, the following information shall be provided:

- (a) Name of applicant: New York State Urban Development Corporation d/b/a Empire State Development
- (b) Mailing address: 633 Third Avenue, 37th Floor, New York City, NY 10017
- (c) Telephone Number: Area Code (212) 803-3100
- (d) State agency application number: _____

5. Will the action be directly undertaken, require funding, or approval by a federal agency?

Yes _____ No If yes, which federal agency? _____

C. COASTAL ASSESSMENT (Check either "YES" or "NO" for each of the following questions)

YES NO

1. Will the proposed activity be located in, or contiguous to, or have a significant effect upon any of the resource areas identified on the coastal area map:

- (a) Significant fish or wildlife habitats?
- (b) Scenic resources of statewide significance?
- (c) Important agricultural lands?

2. Will the proposed activity have a significant effect upon:

- (a) Commercial or recreational use of fish and wildlife resources?
- (b) Scenic quality of the coastal environment?
- (c) Development of future, or existing water dependent uses?
- (d) Operation of the State's major ports?
- (e) Land and water uses within the State's small harbors?
- (f) Existing or potential public recreation opportunities?
- (g) Structures, sites or districts of historic, archeological or cultural significance to the State or nation?

3. Will the proposed activity involve or result in any of the following:

- (a) Physical alteration of two (2) acres or more of land along the shoreline, land under water or coastal waters?
- (b) Physical alteration of five (5) acres or more of land located elsewhere in the coastal area?
- (c) Expansion of existing public services of infrastructure in undeveloped or low density areas of the coastal area?
- (d) Energy facility not subject to Article VII or VIII of the Public Service Law?
- (e) Mining, excavation, filling or dredging in coastal waters?
- (f) Reduction of existing or potential public access to or along the shore?
- (g) Sale or change in use of state-owned lands located on the shoreline or under water?
- (h) Development within a designated flood or erosion hazard area?
- (i) Development on a beach, dune, barrier island or other natural feature that provides protection against flooding or erosion?

4. Will the proposed action be located in or have a significant effect upon an area included in an approved Local Waterfront Revitalization Program?

D. SUBMISSION REQUIREMENTS

If any question in Section C is answered "Yes", AND either of the following two conditions is met:

Section B.1(a) or B.1(b) is checked; or
Section B.1(c) is checked AND B.5 is answered "Yes",

THEN a copy of this completed Coastal Assessment Form shall be submitted to:

New York State Department of State
Office of Coastal, Local Government and Community Sustainability
One Commerce Plaza
99 Washington Avenue, Suite 1010
Albany, New York 12231-0001

If assistance or further information is needed to complete this form, please call the Department of State at (518) 474-6000.

E. REMARKS OR ADDITIONAL INFORMATION

Preparer's Name: Rachel Shatz
(Please print)

Title: Vice President, Planning & Environmental Review, ESD Agency: New York State Urban Development d/b/a Empire State Development

Telephone Number: (212) 803-3252 Date: October 23, 2015

Local Waterfront Revitalization Program Consistency Assessment

Pursuant to New York State Executive Law Article 42: Waterfront Revitalization of Coastal Areas and Inland Waterway Act, the following analysis concludes that the proposed action would be consistent with applicable policies of the New York City Waterfront Revitalization Program.

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

The proposed action would encourage redevelopment of an underutilized portion of a previously developed institutional property within the Coastal Zone. The project site is served by existing roadways, bus service, utilities, community services (including adequate school capacity to meet project-generated demand) and water and sewer infrastructure, and is adjacent to other residential and commercial development. The proposed action would provide needed affordable housing, together with ground-floor commercial uses; the project site is within the Fresh Creek Urban Renewal Area and compatible and consistent with surrounding residential and commercial development that has occurred and is occurring in accordance with the Fresh Creek Urban Renewal Plan. The project would encourage commercial and residential redevelopment in an appropriate area of the mapped Coastal Zone, specifically, on a project site already served by public infrastructure and commercial businesses. It would provide housing and economic development (in the form of commercial activity), and would enhance the City's tax base by returning surplus State-owned land to the tax rolls. The proposed action would also enliven the pedestrian experience with retail storefronts and publicly accessible open space along adjacent sidewalks that currently abut an uninterrupted wall. Otherwise, the proposed action would neither hinder nor encourage waterfront development, nor result in development within an SMIA. Therefore, the proposed action would be consistent with Policy 1 of the NYCWRP and its subpolicies. (Consistency with subpolicy 1.5 is evaluated under Policy 6, below.)

Policy 2: *Support water-dependent and industrial uses in New York City coastal areas that area well-suited to their continued operation.*

The proposed action involves, and would affect, no aspect of waterfront or industrial development within the Coastal Zone; the project site is not located directly on the waterfront, in a Significant Maritime and Industrial Area ("SMIA"), an Ecologically Sensitive Maritime and Industrial Area ("ESMIA"), or a Priority Marine Activity Zone ("PMAZ"). Therefore, Policy 2 of the NYCWRP and its subpolicies do not apply.

Policy 3: *Promote use of New York City's waterways for commercial and recreational boating and water-dependent transportation.*

The proposed action involves no water-dependent transportation and the project site is not located on the waterfront or near boating facilities; therefore, Policy 3 of the NYCWRP does not apply.

Policy 4: *Protect and restore the quality and function of ecological systems within the New York City coastal area.*

The project site is served by existing sanitary and stormwater sewers, and the proposed action would be developed in accordance with a NYCDEP-approved Master Plan for water and sewer connections and stormwater management; further, the project site is not located within a Special Natural Waterfront Area, ESMIA, Significant Coastal Fish and Wildlife Habitat, or Recognized Ecological Complex. As described in the EIS prepared for the proposed action, a Significant Coastal Fish and Wildlife Habitat is located in the vicinity of the project site, comprising much of Old Mill Creek, as well as its tributaries, Spring Creek and Ralph Creek, to the northeast, and the wetlands surrounding them, approximating the delineation of the “Forever Wild” Spring Creek Park Preserve. As described in the EIS, the proposed action would not result in adverse impacts to this Significant Coastal Fish and Wildlife Habitat. Further, the project site does not contain aquatic resources, wetlands, or vulnerable plant or animal species, nor would it result in indirect effects to such resources. The proposed action would result in the redevelopment of a project site, which field surveys have determined supports no rare, threatened, or endangered species. While the Natural Resources assessment prepared for this EIS concludes that the proposed action would result in no effect on any such resource identified in Policy 4 of the NYCWRP, the proposed action would create open space that would be landscaped with suitable vegetation. The Restrictive Declaration would require that vegetation introduced as part of the proposed action would be limited to non-invasive species of plants, thereby limiting the potential for the proposed action to introduce plant species that could interfere with the functioning of ecological systems in the vicinity of the project site. Therefore, insofar as the proposed action would not hinder the protection of and restoration of the quality and function of ecological systems within the coastal area, the proposed action would be consistent with Policy 4 of the NYCWRP and its subpolicies to the extent applicable.

Policy 5: *Protect and improve water quality in the New York City coastal area.*

The proposed action would be developed in pursuant to a NYCDEP- approved Master Plan for water and sewer infrastructure, which would use on-site detention and nonstructural measures including green roofs and landscaping to manage stormwater runoff, and a Stormwater Pollution Prevention Plan. As such, the proposed action would promote the management of indirect discharges to waterbodies, result in no direct discharges to waterbodies, would manage nonpoint source pollution, and would not result in excavation or placing of fill in or near water bodies or wetlands; it would protect water quality through the appropriate sanitary and storm sewer facilities. Therefore, the proposed action would be consistent with Policy 5 of the NYCWRP and its subpolicies to the extent applicable.

Policy 6: *Minimize loss of life, structures, infrastructure, and natural resources caused by flooding and erosion, and increase resilience to future conditions created by climate change.*

The proposed action would result in the redevelopment of a project site within the urbanized area of Spring Creek in Brooklyn. The EIS prepared for the proposed action has considered the currently available New York City flood zone projections for the years 2020 and 2050. As discussed in the EIS, portions of the project site may be within the 500-year

flood zone in the future, based on available projection data, with a small portion of Parcel A projected to lie within the 100-year flood zone by 2050. Chapter 9, "Natural Resources," of the EIS provides an analysis of the proposed action, in terms of its potential vulnerability to temporary flooding. It is noted that the buildings have been designed for the most part outside of existing or projected 100-year flood zones, with no residential uses on the ground floor (only commercial uses and parking at the ground level or below grade), and certain key building mechanical systems, such as boiler rooms, would be located on building rooftops. Vulnerable features may include some building electrical systems (with points of connection to the existing below-grade power grid); the proposed action would be constructed in accordance with NYCDOB regulations in effect at the time of construction, but the design and construction of the buildings would not preclude the potential for future improvements to safeguard electrical systems through flood protection measures, such as encasement of vulnerable electrical system components. In effect, the proposed action would reasonably minimize relevant risks associated with temporary flooding, and its design would allow for improvements, as appropriate in the future; moreover, as described in the EIS, the project site would not be expected to be vulnerable to frequent inundation, wave action, or erosion. Therefore, the proposed action would be consistent with Policy 6 of the NYCWRP and its subpolicies to the extent applicable.

Policy 7: *Minimize environmental degradation and negative impacts on public health from solid waste, toxic pollutants, hazardous materials, and industrial materials that may pose risks to the environment and public health and safety.*

The proposed action would generate additional municipal solid waste, though would not involve industries or commercial uses for which substantial amounts of toxic pollutants, hazardous materials, or industrial materials would be generated, handled or stored on the project site. Municipal solid waste would be collected by DSNY and private carters and taken to permitted facilities. Therefore, the proposed action would be consistent with Policy 7 of the NYCWRP and its subpolicies to the extent applicable.

Policy 8: *Provide public access to, from, and along New York City's coastal waters.*

The proposed action involves no development along the waterfront or within waterfront-adjacent areas, nor does it affect existing access to the waterfront in any portion of the Coastal Zone, nor directly affect open space or recreational area that is directly connected to the waterfront; nor, are views toward the waterfront available from the publicly accessible sidewalks adjacent to the project site. Therefore, Policy 8 of the NYCWRP and its subpolicies do not apply.

Policy 9: *Protect scenic resources that contribute to the visual quality of the New York City coastal area.*

The proposed action does not involve development along the waterfront, although, as described in the EIS prepared for the proposed action, the resultant improvements to the pedestrian experience may encourage views to natural resources, such as views to Old Mill Creek, from sidewalks in the vicinity of the project site. The project site does not provide

visual access to the waterfront or water-dependent uses, nor is a historic working waterfront or urban waterfront context part of the project site environs; therefore, Policy 9 of the NYCWRP and its subpolicies do not apply.

Policy 10: *Protect, preserve, and enhance resources significant to the historical, archaeological, architectural, and cultural legacy of the New York City coastal area.*

No historic architectural resource has been identified within one-half mile of the project site, and consultation with SHPO has determined that the proposed action would not result in adverse impacts to archaeological resources; therefore, the proposed action would not hinder the protection, preservation, and enhancement of resources significant to the historical, archaeological, architectural, and cultural legacy of the New York City coastal areas, and so the proposed action would be consistent with Policy 10 of the NYCWRP and its subpolicies to the extent applicable.