

**COMMENTS ON THE SCOPE OF WORK FOR  
THE ATLANTIC YARDS DRAFT ENVIRONMENTAL IMPACT  
STATEMENT BY BOROUGH PRESIDENT MARTY MARKOWITZ  
OCTOBER 28, 2005**

**B. INTRODUCTION**

The scope cites both SEQR regulations and guidelines and the CEQR Technical Manual as general guides for the environmental review. ESDC should include an explanation of which set of guidelines takes precedent in each topic.

**B. PROJECT DESCRIPTION: PURPOSE AND NEED**

Site Plan: Figure 2 incorrectly depicts the use of the property on the south side of Atlantic Commons, the unlabeled street between South Oxford and Cumberland Streets. In actuality, the Department of Parks and Recreation is constructing a new park, South Oxford Park, in the northern 200 feet of the block. The document should be changed to reflect this new park, and the park should be analyzed in the shadow study and open space study.

**C. REQUIRED ACTIONS AND ENVIRONMENTAL REVIEW**

**ANALYSIS FRAMEWORK FOR ENVIRONMENTAL REVIEW**

*Future Baseline Conditions.* In Table 3 titled “Developments in the Project Study Areas Anticipated to be Complete by 2016,” the Schermerhorn site being developed by IBEC is expected to be completed earlier than the date specified and will contain 23 more units than indicated. This should be checked with the developer for accuracy. Omitted projects include the hotel being constructed on Union Street between Third Avenue and Bond Street; the 23 unit middle-income housing development to begin construction at 344-348 Bergen Street; the Fifth Avenue Committee’s (FAC) Cornerstone project on

Atlantic Avenue that will shortly be undergoing ULURP review to complete the disposition from HPD (80 units of housing, 12,000 ft<sup>2</sup> retail and 75 residential parking spaces) and sites disclosed in NYC Department of City Planning's Environmental Assessment Statement for its recent Fourth Avenue upzoning of Park Slope within the study area.

## **D. PREPARATION OF AN ENVIRONMENTAL IMPACT STATEMENT**

### **TASK 3. LAND USE, ZONING AND PUBLIC POLICY**

*Study Area.* The study area should be expanded for several key topics such as traffic, community facilities and waste water runoff due to the size and scale of the project.

*Public Policy.* The scope should include an explanation of why the ATURA Site 5 should be permitted to bypass ULURP.

### **TASK 4. SOCIOECONOMIC CONDITIONS**

*Homeless Families.* Direct displacement analysis should include the number of homeless families and individuals residing in institutions or in multi-family housing earmarked for homeless housing. The EIS should disclose statistics related to the ethnic characteristics of this population and direct and indirect costs of relocating facilities.

*Real Estate Trends.* Analysis of real estate trends should utilize census data, discussions with local real estate firms, discussions with local non-profit housing corporations and recent sales research to determine trends in rents, sales prices, vacancy and tenure. The EIS should establish a baseline displacement rate that reflects how the community has changed significantly in the five years since the last Census.

*Replacement Costs of Affordable Housing.* The EIS should disclose the cost of replacing low- and moderate-income housing units that may be indirectly displaced.

*Net Job Gain or Loss.* The EIS should estimate the net new job gain or loss in New York City and Brooklyn attributable to the project.

## **TASK 5. COMMUNITY FACILITIES AND SERVICES**

*Community Services.* The EIS should examine the possibility of indirect displacement of community service providers due to possible rising rents as a result of this project. Community services should be studied up to one-half mile from Atlantic Yards.

*Day Care Needs.* The EIS should assess the need for new day care facilities within one-half mile from the project, including any new facilities planned as part of the project. Assessment should include projections based on day care utilization rates from the neighborhoods within one-half mile radius.

*Healthcare Needs.* The EIS should examine and discuss the health care services to be provided as part of the project.

*Emergency Services.* The impact of the induced traffic on emergency services should be assessed, especially if it will affect the speed and effectiveness of operations of the 78<sup>th</sup> Police Precinct on 6<sup>th</sup> Avenue. If services are significantly impacted, the EIS should study the possibility of a satellite precinct office in the area.

## **TASK 6. OPEN SPACE**

*Accessibility of Public Open Space.* In analyzing public space within the project and the study area, only fully accessible public space and private open space should be analyzed. This should not include landscaped areas within apartment complexes that effectively service only residents.

The Atlantic Yard EIS scope classifies the arena roof top as private open space. Such a categorization permits the inclusion of the arena roof top in the qualitative assessment. This is noteworthy since the proposed action is likely to have an indirect effect on public open space due to the increase in population. In other words, the EIS may examine how one acre of private open space may positively influence an effect such as over utilization of public park lands. However, the arena rooftop does not meet the CEQR guidelines for open space on several grounds. The arena rooftop is for the exclusive use for the residents and workers of the four adjacent towers. It is akin to other types of condominium common space such as roof decks, balconies and interior courtyards.

Moreover, the proposed arena rooftop has no public access and does not even qualify as private-access fee-charging space such as private health club since there is no fee for entrance. Finally, since the proposed park is significantly above grade, there are no indirect public benefits such as enhanced view corridors, improved storm drainage and exposure to flora and fauna.

The scope of work should identify any direct impacts such as the removal of any existing open space under the proposed action.

The scope of work should clearly differentiate between the residential and work population used for the open space analysis. It is questionable to use two separate worst-case scenarios for the open space analysis as residents and workers will have comparable usage and temporal demands of both the passive and active recreational facilities. To study just the impact of the worker population on passive open space and the residential population on active open space will not provide a clear understanding of impacts.

## **TASK 7. CULTURAL RESOURCES**

It should be referenced that the project is also near the Boerum Hill Historic District. The State Office of Historic Preservation should review the site and its current buildings for historic value.

In addition, as new developments are proposed and constructed in our borough, it is essential to preserve and promote the historic presence of African Americans, who have been a significant part of Brooklyn's population since the 16<sup>th</sup> Century.

#### **TASK 8. URBAN DESIGN AND VISUAL RESOURCES**

Analysis should include documentation from a pedestrian perspective of the streetscape on all parts of the project including storefronts, residential facades and the arena itself. The CEQR manual requires analysis of landmarks outside the study area that are visible from inside the study area, which would include the Brooklyn Bridge. CEQR also requires analysis of visual resources from outside the study area when the project affects view corridors of a visual landmark inside the area, such as the Williamsburg Savings Bank. The EIS should thoroughly analyze visual resources in both of these categories.

The EIS should analyze all elements of the project design, including possible large-scale signage, advertisements, moving images and cosmetic or advertising lighting.

#### **TASK 9. SHADOWS**

The EIS should look at the effect of shadows on all existing and planned public open spaces including the South Oxford Park now under construction and the Brooklyn Bears Garden.

#### **TASK 11. INFRASTRUCTURE, ENERGY AND SOLID WASTE**

The Atlantic Yards project will place an additional burden on the combined storm water/waste water system.

*Combined Sewer Overflows.* Each time it rains the Red Hook Water Pollution Control Plant overflows and releases untreated sewage into the East River. Since the flow is

already over design capacity, the increase in sewage being sent from the Atlantic Yards development to the Red Hook WPCP during heavy rains could exacerbate the problem.

*Solid Waste.* The scope should include analysis and impact on street and sidewalk cleaning operations. Residential and commercial waste stream effects should also be modeled and assessed. Analysis should include additional truck traffic to the proposed Hamilton Avenue Marine Transfer Station and local road impacts in Sunset Park. Effective estimated trips to private commercial transfer stations, based on an average distribution of commercial carter locations, should also be analyzed. Any additional capacity increases in commercial carting and the locations of proposed transfer stations should be analyzed. Baseline conditions should assume increasing population growth and office space that would locate elsewhere in the Borough in the no-build scenario.

## **TASK 12. TRAFFIC AND PARKING/TRANSIT AND PEDESTRIANS**

*Study Area.* Given the size, density and location of the project within the densely developed urban fabric of greater Downtown Brooklyn, it will generate an increase in travel among all modes, with effects that will be felt beyond the one-half mile study area proposed. To include all reasonable impacts, the study area should include major access corridors within Community Districts 2, 6 & 8, including Atlantic Avenue, Boerum Place / Adams Street, Court Street, Smith Street, Tillary Street, Columbia / Furman Streets, Fulton Street, Flatbush Avenue, the Grand Army Plaza, Prospect Park West, Eastern Parkway, Third Avenue, Fourth Avenue, Vanderbilt Avenue, Washington Avenue, Classon Avenue, Bedford Avenue, and Nostrand Avenue, Lafayette Avenue, Underhill Avenue, DeKalb Avenue, Myrtle Avenue, Park Avenue and Flushing Avenue.

In addition to the intersections identified in the draft scope, additional intersections should be screened for inclusion in the analysis:

- Joralemon Street at Court Street
- Adams Street at Joralemon Street
- Lafayette Street at Fulton Street

- Vanderbilt Avenue at Flushing, Park, Myrtle, DeKalb, and Lafayette Avenues
- Washington Avenue at Flushing, Park, Myrtle, Dekalb Avenues and Fulton Street
- Smith Street at Schermerhorn and Livingston Streets
- Tillary Street at Boerum Place and Jay Street
- Tillary Street at Cadman Plaza West and Adams Street
- Atlantic Avenue at Court and Hicks Streets
- Classon Avenue at Park, Myrtle, DeKalb and Atlantic Avenues, Fulton Street and Eastern Parkway
- Vanderbilt Avenue and Plaza Street at Grand Army Plaza
- Pacific Street at Nevins, Bond, Hoyt Streets and Third Avenue

However, the primary study area should be determined so that detailed traffic management measures could be developed to manage traffic and to control any spillover of traffic onto local residential streets, such as Dean, Pacific and other area streets parallel to major streets such as Atlantic and Flatbush Avenues.

*Transportation Analysis/ Modal Split.* The EIS should disclose sources used and consulted for the transportation analysis. The modal split should be shown for each category of land use and individual facilities. The modal split used for arena travel should be based on the standard developed by the Institute of Transportation Engineers (ITE) for arenas. The modal split for residential traffic should use comparable residential projects in Brooklyn, such as the proposed waterfront towers in the Greenpoint-Williamsburg rezoning analysis and Census data from Community Districts 2, 6 and western section of Community District 8. The modal split for commercial traffic should use as a comparison comparable Brooklyn office facilities such as Metrotech.

*Traffic Analysis.* A state-of-the-art, area-wide traffic simulation model(s) should be used to simulate vehicle behavior along all corridors in the study area and provide a greater level of detail within the primary study area, including local intersections as well as the overall traffic network. Traffic simulation models may also be useful in developing Management and Protection of Traffic (MPT) plans for use during the project's various

stages of construction. Data from the model should be provided in tabular and map form for the community to analyze.

*Structured and on-Street Parking.* The EIS should estimate the proportion of the proposed parking that will serve the residential, commercial and arena uses, projected throughout a 24-hour day, on an hourly basis for typical weekday and weekend conditions to demonstrate anticipated utilization rates and the utilization to be generated by the proposed development. In this manner, additional traffic in the area due to the available project parking should be estimated. As cars generated by the project may seek free on-street parking within one-quarter mile of the project, the spillover may induce or displace residents within this one-quarter mile area to seek parking alternatives up to one-half mile distant from the project. Therefore, a one-half mile radius should be used to document parking availability at various weekday and weekend hours. The EIS should investigate mitigation measures such as muni-meters to increase longer-term on-street parking capacity, the use of residential parking permits and the lease of some structured parking spaces to address on-street parking problems by area residents. For arena events, however, the distribution of structured parking, particularly those near transit services, within at least approximately one mile should be estimated and analyzed.

*Trucks and Buses.* The effects of loading trucks on small adjacent residential streets such as Dean Street should be studied. While the project may include loading bays, trucks accessing, maneuvering and loading could potentially affect these streets.

*Pedestrian Flow and Safety.* Pedestrian and vehicle conflicts and crashes and sidewalk-level pedestrian studies should be undertaken separately in the EIS.

If pedestrian analyses of local sidewalks in the primary study area, such as 4<sup>th</sup> Avenue, Atlantic & Flatbush Avenues and Hanson Place, demonstrate that the width of the sidewalk will not be sufficient, the EIS should consider as a mitigation measure the widening of local sidewalks.

*Transit Analysis.* The EIS should discuss the effect of the project, including post-game crowding, on subway platforms and of pedestrian congestion at choke points in stairwells, escalators, turnstiles, corridors and mezzanines. Delays in train service attributable to increased passenger loading and movement to and from densely occupied platforms should also be analyzed. If studies show that mitigation is necessary, the EIS should explore widening stairwells.

### **TASK 13. AIR QUALITY**

*Monitoring Locations.* Air quality at and near sensitive receptors within a one-half mile radius should be measured. In addition to the locations identified in the draft scope, the following locations should be monitored:

- Lafayette & Fulton Street (BAM open space)
- Brooklyn Bears Garden

### **TASK 14. NOISE.**

*General.* The EIS identifies the only likely source of additional noise will be traffic generated by the project. According to CEQR, stationary sources and construction sources of noise should also be addressed.

*Mobile Source Noise.* The proposed analysis solely consists of road noise. Pedestrian noise, also a mobile source, associated with arriving and dispersing arena event crowds should be added into the model.

The Federal Highway Administration Traffic Noise Model 2.5 (TNM) is inadequate and inappropriate for the purposes of determining noise impacts in this project, because it was designed only for highway conditions and fails to address the additional concerns about traffic noise and sporting events in an urban area. CEQR states that although the TNM model yields accurate prediction results, it is more convenient and easier to use a specific

logarithmic equation described in § 3R-14. There are also other models which include source sound models, such as NOISECALC, described in § 3R-16. The best model should be chosen to include the aforementioned impacts. Instead of theoretical modeling data, actual facility data should be used and can be easily calculated by monitoring and recording noise levels at similar events and similar conditions in other locations.

*Stationary Source Noise.* The CEQR Technical Manual states that the principal stationary noise sources encountered in the City are mechanical equipment associated with industrial and manufacturing operations and building ventilation systems. Other stationary sources worth noting are crowd noise and noise from amplification systems.

*Construction Noise.* The CEQR Technical Manual states that the study area for construction sources is based on the proximity of a noise-sensitive receptor to the construction site and route of construction traffic traveling to and from the site. The Technical Manual states that a qualitative analysis will suffice, but not if the construction period were “lengthy.” The period of construction for Atlantic Yards appears to be sufficiently lengthy to require quantitative analysis of construction-related noise impacts.

## **TASK 16. CONSTRUCTION IMPACTS**

*Emergency Services.* The impact of the staging of construction on emergency services should be assessed, especially as it will affect operations of the 78<sup>th</sup> Police Precinct on 6<sup>th</sup> Avenue.

*Health and Safety.* The EIS should detail the timetable for construction relating to dust, traffic and rodents and should discuss abatement procedures to verify mitigation measures.

*Socioeconomic Conditions.* Due to the 10-year duration of the construction period for the project, the EIS should include analysis of the effect on local businesses during the

construction. Lengthy periods of construction have been shown to have a detrimental effect on area businesses.

*Alternatives.* The EIS should consider the feasibility of delivering construction materials and the removal of construction debris by use of the LIRR.