

3.13 RESPONSES TO PUBLIC COMMENTS ON THE PROPOSED ACTIONS

INTRODUCTION

This chapter summarizes and responds to all substantive comments on the Draft Scope of Work and the Draft Environmental Impact Statement (DEIS) for the proposed rezoning of 161st Street/River Avenue made during the public review period. For the Draft Scope of Work, these consist of comments spoken or submitted at the Draft Scope public meeting on December 16, 2008, as well as written comments that were accepted by the lead agency through December 29, 2008. 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 July 1, 2009, as well as written comments received during the public comment period, which closed on July 10, 2009. In addition, comments on the DEIS made by the Bronx Borough President's Office are presented in a separate section of this chapter (see below section "RESPONSES TO COMMENTS MADE BY THE BRONX BOROUGH PRESIDENT'S OFFICE ON THE DEIS").

RESPONSES TO PUBLIC COMMENTS ON THE DRAFT SCOPE OF WORK

The public, interested agencies, Bronx Community Board 4, and elected officials were invited to comment on the Draft Scope of Work. Comments were accepted on the Draft Scope of Work document for the 161st Street/River Avenue Rezoning during a period commencing on December 16, 2008, with the public scoping meeting held at the Bronx Museum of the Arts, located at 1040 Grand Concourse, Bronx, New York, through December 29, 2008.

This section lists and responds to comments on the Draft Scope of Work. The comments include those made during the public hearing, as well as written comments received through the close of the comment period noted above. The organization and/or individual that made the comment are noted next to each comment. The list below represents the order of appearance of the public speakers at the public meeting on the Draft Scope of Work.

Comments were received from the following individuals and organizations:

1. Andrea Olstein, Stohmayer Real Estate Corp. on behalf of 810 River Avenue property owner, (oral statement at public hearing and written statement submitted)
2. Richard Bass, Herrick Feinstein LLP on behalf of Stohmayer Real Estate Corp. and 810 River Avenue property owner (oral statement at public hearing and written statement submitted)
3. Anthony Reid, Local 79 Laborers (oral statement at public hearing)
4. Dennis Terry, resident (oral statement at public hearing)
5. Lydia Sierra, Mid Bronx Council Services (oral statement at public hearing)
6. Ariela Heilman, Ariela Heilman Real Estate (oral statement at public hearing)
7. Barry Nissen, Community Board 4 (oral statement at public hearing)
8. Dr. Jim Fairbanks, Chief of Staff for Council Member Helen Foster (oral statement at public hearing)
9. Theresa Okeh, H.O.U.R.S Inc. (oral statement at public hearing)

Public Comments on the Draft Scope of Work:

- **We support the rezoning. [1] [2]**

Comment noted.

- **Zoning guidelines are too restrictive. The guidelines should be more flexible to meet the community needs and enhance the neighborhood's economic activity. [1]**

The proposed zoning districts are tailored to complement the characteristics of the three identified nodes of the rezoning area: the transit node, the civic node and the residential node. The zoning districts were designed to address the characteristics and needs that are specific to each node while strengthening the identity of the area as a whole. It is expected that a net increment of 594 dwelling units, including 148 units of affordable housing; 42,004 square feet of retail commercial space; and 306,001 square feet of office commercial space will be generated as a result of the proposed rezoning.

- **The zoning should permit greater design and massing flexibility including, greater flexibility on the required building base and tower setback; permit the site to utilize the City park at Block 2483, Lot 1 for required light and air; and reduce residential parking requirements to 20% due to availability of off-street parking in the area and proximity of subway. [2]**

Comment noted. As discussed in response to comment above, the proposed zoning districts are tailored to complement the characteristics of the three identified nodes of the rezoning area. Allowing a site to use the park at Block 2483, Lot 1 for required light and air is a site specific issue and is not within the scope of the EIS. An assessment of the appropriateness of the zoning parking requirement is also not within the scope of the EIS. The parking assessment of the EIS will focus the capacity of the on- and off-street parking in the study area and the impact the proposed action will have on parking utilization.

- **There should be a job training program with this effort so jobs will go to local people who do not have the skills for the type of jobs the project will generate. [3]**

Comment noted. The availability of job training is not a City Environmental Quality Review (CEQR) assessment area and is not within the scope of the EIS that will be prepared for the proposed action.

- **The additional FAR of the proposed development will strain existing cause of life. There is a delicate balance of existing residents and new residents. [4]**

The proposed rezoning is subject to the New York City Environmental Quality Review (CEQR) procedures. An Environmental Assessment Statement (EAS) was submitted on November 12, 2008. DCP, acting as lead agency on behalf of the City Planning

Commission, determined that the proposed action would have the potential for significant adverse impacts in seven of the 20 impact categories outlined in the *CEQR Technical Manual* including: Community Facilities; Neighborhood Character; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; and Public Health. A DEIS will be prepared that includes review and analysis of seven impact categories.

The remaining 13 CEQR impact categories underwent a screening analysis as part of an Environmental Assessment Statement (EAS) for the proposed action. Under guidelines specified in the CEQR Technical Manual, it was determined that for the remaining 13 CEQR categories, no significant adverse impacts are anticipated and a detailed analysis was not required. The 13 CEQR categories assessed in the EAS include: Land Use, Zoning and Public Policy; Socioeconomic Conditions; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Natural Resources; Hazardous Materials; Waterfront Revitalization Program; Infrastructure, Solid Waste and Sanitation Services; Energy; and Construction Impacts.

- **Recent projects like Yankee Stadium project generated this proposal. [4]**

The Yankee Stadium project and all known recently started and proposed projects that will be completed by the 2018 horizon year of the proposed 161st Street/River Avenue rezoning will be considered in the environmental analyses for the proposed rezoning. These projects are included in the future without the proposed action condition that forms the baseline for the environmental analyses. The future without the action condition is compared to the future with the action condition. The potential for significant impacts is determined based on the incremental difference between the future with and without the proposed action.

- **A 161st Street Business Improvement is being developed. [5]**

Comment noted.

- **The environmental impact does not address the buses. The BX6, BX13, BX1 and BX2 have major problems. [6]**

The Transit and Pedestrian chapter of the EIS includes an analysis of the impact the proposed rezoning will have on local bus service. This review will include a review of the bus capacity with and without the proposed action. Bus service in the study area will be reviewed including the BX6, BX13, BX1 and the BX2 bus lines.

- **Why does the EIS talk about boilers, it should discuss environmental devices like co-generation. A study of a comparison of boilers versus co-generation should be made. [7]**

As per CEQR guidelines, the assessment of the potential for environmental impacts related to boilers is based on a worst case condition. For this reason, the EIS presents a conservative analysis and assumes the emissions from boilers are from worst case fuel combustion such as heating oil #4. Environmental devices such as co-generation do not represent the worst case

scenario for an analysis of emissions from boilers. A comparison of boilers versus co-generation is not within the scope of an air quality assessment for an EIS.

- **Affordable housing guidelines are not affordable. [8]**

Comment noted. The assessment of appropriateness of affordable housing guidelines is not a CEQR review topic and is not within the scope of the EIS that will be prepared for the proposed action.

- **We need additional park land and restitution for lost park land. [8]**

The Environmental Assessment Statement (EAS) prepared for the proposed action determined that the new populations (new residents and new workers) generated by the proposed rezoning would not lead to a significant adverse impact on open space resources in the neighboring area around the rezoning area.

- **Need to plant more trees. [8]**

Comment noted.

- **Land is all toxic. Harlem River is toxic. Need to investigate all land in rezoning area. [8]**

The Environmental Assessment Statement (EAS) prepared for the proposed action reviewed the potential for significant hazardous materials impacts related to the development of projected and potential development sites. All projected and potential development sites in the rezoning area are recommended to receive (E) designations.

Recommendations for (E) designations are based on whether the projected and potential development sites may have been adversely affected by current or historical uses at, adjacent to, or within 400 feet of these sites. By placing (E) designations on sites where there is a known or suspect environmental concern, the potential for an adverse impact to human health and the environment resulting from the proposed action is avoided. The (E) designation provides the City with the mechanism for addressing environmental conditions so that significant adverse impacts do not occur as a result of site development. The (E) designation requires that pre-development activities at each site include a Phase 1 environmental site investigation, and, if necessary, a sampling protocol and remediation to the satisfaction of NYCDEP before the issuance of a building permit.

- **There should be no displacement of poor people or small businesses. [8]**

The Environmental Assessment Statement (EAS) prepared for the proposed action reviewed the potential for significant adverse socioeconomic impacts to occur as a result of the proposed action. This review included a review of the potential for significant adverse impacts related to the displacement of residents and businesses. While some residential and business displacement is expected as a result of the proposed action, the review for the EAS

determined that the displacement would not result in significant adverse socioeconomic impacts.

- **Emergency plan should be revised to accommodate new population generated by rezoning. [9]**

Comment noted. The EIS will be prepared in accordance with CEQR standards. The potential for a proposed action to affect emergency preparedness and preparations is not a CEQR technical review topic.

RESPONSES TO PUBLIC COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS)

On March 27, 2009, the New York City Department of City Planning (DCP), on behalf of the City Planning Commission (CPC) as lead agency, issued a Notice of Completion for the DEIS for 161st Street/River Avenue Rezoning. The public, interested agencies, Bronx Community Board 4, and elected officials were invited to comment on the DEIS. Written comments were accepted on the DEIS from the time of issuance of the Notice of Completion until the closing of the comment period on Friday, July 10, 2009. In addition, a public meeting was held on July 1, 2009, at the City Planning Commission, in Spector Hall, located at 22 Reade Street, in Manhattan to afford the interested public the opportunity to provide oral comments on the DEIS.

Public Comments on the Draft Environmental Impact Statement

This section lists and responds to comments on the Draft Environmental Impact Statement (DEIS). The comments include those made during the public hearing, as well as written comments received through the close of the comment period. The organization and/or individual that made the comment is identified next to each comment.

Comments were received from the following individuals and organizations:

1. Richard Bass, Herrick Feinstein, LLP (on behalf of Stohmayer Real Estate Corp. and 810 River Avenue property owner).
2. Andrea Olstein, Stohmayer Real Estate Corp. (owner of 810 River Avenue property).
3. Ilene Stohmayer Miller, Stohmayer Real Estate Corp. (owner of 810 River Avenue property).
4. Fred LeMoine, Metallic Lathers and Reinforcing Iron Workers Union of New York, Local 46, Vice President Bronx Board of Business Trades, Kingsbridge Armory Redevelopment Alliance.
5. Metropolitan Transportation Authority – New York City Transit
6. New York City Department of Transportation

Public Comments on the DEIS:

- **We are in favor of the proposal. (1, 2, 3, 4,)**

Comment noted.

- **We would like the following modifications to aid development on our site (810 River Avenue). (1)**
 - **Modification of lot line requirements.**
 - **More flexibility in location of tower on project site.**
 - **Higher street wall for to allow school to be developed on site.**
 - **Reduction of parking requirement from 50% to 20 %**
 - **Allow lot line windows which face open space**

The above recommendations would neither reduce or eliminate the potential for significant adverse impacts which could result from the proposed action and therefore would not need to be analyzed as an alternative in the EIS.

- **There should be in place Community Benefit Agreement, living Wage Agreements and Project Labor Agreements negotiated with community stakeholders are in place. (4)**

The above recommendations would neither reduce or eliminate the potential for significant adverse impacts which could result from the proposed action and therefore would not need to be analyzed as an alternative in the EIS.

- **The D train runs express in the Bronx to Manhattan on weekdays and bypasses the 161st Street station only between 6:30 and 9:30 AM (text states 6:30 AM to 12:30 PM). (5)**

Text of the chapter will be revised in FEIS. This change will not affect the analysis

- **The D trains runs express in the Bronx from Manhattan on weekdays and bypasses the 161st Street station only between 4:00 and 7:00 PM (text states 12:30 PM to 10:00 PM). (5)**

Text of the chapter has been revised in FEIS.

- **Neither the D nor the 4 run special express services for Yankees games. The D, however, does run northbound local service to 161st Street for games on weeknights, when the D normally would run express in the northbound direction in the Bronx. Please correct text. (5)**

Text of the chapter has been clarified in FEIS, and will result in any change to the analysis or conclusions.

- **The station complex features a full-time staffed mezzanine below (text states “above”) the intersection of 161st Street and River Avenue. The mezzanine above the same intersection is available for passenger use at all times, but is not staffed 24 hours 7 days a week. (5)**

Text of the chapter has been revised in FEIS.

- **During non-game days, the station complex is served by six street stairs to the D train and four to the 4 train. Given that the proposed rezoning is on both sides of 161st Street, why is only one street stair analyzed? It appears that multiple street stairs will experience a small amount of project induced ridership. There is no mention of fare arrays either. (5)**

The Transit and Pedestrian Chapter has been revised to include an analysis of critical pedestrian transit elements. The staircases analyzed were identified as the critical pedestrian transit element that would receive the greatest pedestrian increment due to the proposed rezoning. The FEIS will include an impact analysis of fare arrays.

- **Although there are no likely impacts (since the low project-induced subway ridership will be split among numerous platform stairs), it should be mentioned why platform stairs are not analyzed. (5)**

The EIS analyzes and determines the likelihood of significant adverse impact based on the pedestrian element that would receive greatest amount of project generated pedestrian trips. See answer above.

- **Tables 3.4-3, 3.4-4, 3.4-5: The street stair on the northeast corner of 161st Street and River Avenue (stair SBI/SB2) is 7'11" in actual width, which amounts to an effective width of 6'8". (5)**

The analysis has been revised. Text of the chapter has been revised in FEIS.

- **BX1/2 route description should read: “The BX1/2 provides local and limited stop service in the Bronx between Kingsbridge/Riverdale and the Hub/Mott Haven. The BX 1 operates primarily on the Grand Concourse, Sedgwick Avenue, and W 231st Street. The Bx2 operates primarily on Lincoln Avenue; 3rd Avenue, 149th Street the Grand Concourse and Sedgwick Avenue.” All other text is accurate until last sentence, which should begin: "In 2006, the BX 1 and BX 2 were ranked number 7 in annual ridership..." (5)**

Text of the chapter has been revised in FEIS.

- **Recent changes to the BX 13 and BX 2 routes are not reflected on the map- BX 2 no longer turns off of Grand Concourse Blvd on 165th Street. but continues on the same path as the BX 1 for the extent of this map. BX 13 runs along E. 161st Street in both directions, but it no longer operates on 164th Street and River Avenue. The BX 13's full-time terminus is at Walton Ave, with part-time service extended to Elton Ave. The map currently shows the BX 13 extending to Elton Ave full time. Finally, the source is indicated as the NYCTA Queens Bus Map, and should read as the Bronx Bus Map. (5)**

Figure 3.4-2 has been revised in FEIS.

- **Table 3.4-6, 3.4-8, 3.4-9: The BX 41 route uses articulated buses, but the capacity projections assume regular buses. The following changes should be made to these tables: (5)**
 - **Table 4.3-6. AM peak, Bx41; Available capacity should read as 279.**
 - **Table 4.3-6, Midday peak, Bx41: Available capacity should read as 383.**
 - **Table 4.3-6. PM peak, Bx41: Available capacity should read as 382.**
 - **Table 4.3-6, Sat. Bx41: Available capacity should read as 442.**
 - **Table 4.3-8, AM peak. Bx41: Available capacity should read as 177.**
 - **Table 4.3-8, Midday peak Bx41: Available capacity should read as 342.**
 - **Table 4.3-8, PM peak. Bx41: Available capacity should read as 294.**
 - **Table 4.3-8, Sat, Bx41: Available capacity should read as 386.**
 - **Table 4.3-9. AM peak: Bx41 2018 No-Action Available capacity should read as 183; Bx41 2018 Action: Available capacity should read as 159**
 - **Table 4:3-9, Midday peak: Bx41 2018 No-Action Available capacity should read as 334; Bx41 2018 Action Available capacity should read as 308.**
 - **Table 4.3-9, PM peak: Bx41 2018 No-Action: Available capacity should read as 299; Bx41 2018 Action: Available capacity should read as 267.**
 - **Table 4.3-9, Sat. peak: Bx41 2018 No-Action: Available capacity should read as 442; Bx41 2018 Action: Available capacity should read as 367.**

The capacity analysis has been revised and presented in the FEIS.

- **Verify signal timing at Jerome Ave./ 161st St. Explain why HCS denotes an asterisk for fg. (6)**

It is verified that the HCS analysis for this intersection shows Phase A with 36 seconds green/ 5 seconds clearance during all peak hours in the Non-Game Day Existing, No-Action

and Action conditions. This intersection is not included in the targeted Game Day analysis. Official signal timing used for the analysis was verified and provided to the lead agency (DCP) and to DOT.

- **Explain why physical inventories excluded some information. (6)**

Field inventories included all the pertinent information for HCS analysis. Certain information such as crosswalk types, were not collected if not needed.

- **Check imbalances in Figure 3.3-7. (6)**

Imbalances noted are due to traffic sinks or sources in the network, which are designated on the figure by a box that says “Site Entrance/ Exit.” This is shown in Figure 3.3-7 for the DEIS.

- **Explain why auto and taxi occupancies are used from the 125th St. Rezoning EIS. (6)**

The lead agency determined that the characteristics for the 125th St. EIS were sufficiently similar to those for the 161st St. EIS, to justify using the auto and taxi occupancies from 125th St. EIS.

- **Explain vehicle trip assignments. (6)**

Trip assignments to projected development sites were assigned to roadways using most direct route available or appropriate. The trip distribution for each land use type assumed in this analysis and project generated trip assignment were included in the draft and final scope of works for the EIS.

- **Add section identifying locations and types of No-Build mitigations from other projects. (6)**

Such a section discussing other approved developments to be included in the future No-Action and Action conditions is found in the text for the Non-Game Day scenario (see pages 3.3-12 and 3.3-13) and for the Game Day scenario (see pages 3.3-40 and 3.3-41). These measures have been incorporated into the HCS analysis for the future No-Action and Action conditions.

- **Identify dates when field counts collected. (6)**

Field counts for the Non-Game Day scenario were conducted in May and June 2008. Weekday counts were conducted on Wed. 5/14, Thr. 5/15, Thr. 5/22, Tue. 6/10, and Wed. 6/11. Weekend counts were conducted on Sat. 6/14 and Sat. 6/28. All of these fall before June 15 except Sat. 6/28. This day’s count was not adjusted because it was on a Saturday, not a weekday school day. The field counts for the Game Day scenario were collected in September 2008.

- **Clarify why 50 vehicle-trip threshold was used for other approved developments. Provide figures showing vehicle movements for each individually and all the other approved developments combined. (6)**

The EIS follows the standard methodology of the CEQR Technical Manual which establishes a 50 vehicle-trip threshold .

- **Clarify why trip generation states PM peak hour as 4:00pm to 5:00pm. (6)**

This is a typo. The PM peak hour should be stated as 5:00-6:00 pm. The EIS will be revised

- **Provide detailed Existing and Proposed AutoCAD schematics for geometric mitigations. (6)**

None of the proposed mitigations included alignment changes or roadway reconstruction. Two of the proposed mitigations call for parking removal and re-striping (161st St. at Concourse Village East/ Morris Ave. and 161st St. at Melrose Ave.). Drawings of existing and proposed conditions at intersections with geometric mitigations have been provided to DCP and DOT.

- **Identify criteria for illegally and legally parked vehicles. Provide diagrams illustrating illegally parked vehicles observed for each peak hour. (6)**

Blockfaces were surveyed to determine the parking regulations as well as the number of parked vehicles. Illegally parked vehicles were those observed to be not in compliance with the posted regulations, or in other words, those vehicles not in a designated legal space. Parking surveys did not include identifying the location of illegally parked cars. Cars parked illegally on the street are an enforcement issue not quantifiable in the environmental analysis.

- **Explain why Central Parking System used in overall off-street parking calculation. Identify an alternate calculation method applicable to 1010 Sherman Avenue and to 751 CVW. (6)**

The analysis has been revised and incorporated the into the FEIS

- **Recommend not to assign vehicles to facilities at over 95% capacity. (6)**

Comment noted

- **Explain use of ITE Parking Generation over sources from other NYC studies. (6)**

The ITE source was used for temporal distribution, which was also used for the Maple Lanes EIS in Queens, NY. The lead agency determined this was appropriate.

- **Provide latest three-year accident information in Table 3.3-22. (6)**

The accident data found in Table 3.3-22 was provided by NYCDOT to the consultant on September 12, 2008 as part of the EIS.

RESPONSES TO COMMENTS MADE BY THE BRONX BOROUGH PRESIDENT'S OFFICE ON THE DEIS

The Bronx Borough President's Office has commented on the proposed environmental analyses presented in the DEIS prepared for the proposed rezoning of 161st Street/River Avenue. The Bronx Borough President's Office comments are summarized and responded to below.

- **BX6 - why is westbound not accounted for? With development of Boricua Village, Courtlandt Corners and St. Ann's Terrace, there will be 1700 new units in 3 developments alone. On top of Melrose Commons North Sites A, B & C.**

The revised Transit and Pedestrian Chapter that will be presented in the FEIS will include a loading capacity analysis of the BX6 that will include the westbound direction.

- **Clarify traffic impacts on River Avenue & 161st.**

As detailed in DEIS Chapter 3.3, "Traffic and Parking," no traffic impacts are projected to occur at River Avenue and 161st street due to the incremental traffic generated by the proposed rezoning. This is true for the Game-Day and Non-Game Day Traffic analysis conditions.

- **Heritage Field will be shadowed 4-5 hours during the morning and early afternoon on two dates analyzed.**

The shadow analysis presented in the EAS (see EAS Chapter 3.5) for the proposed rezoning determined that the incremental shadows received under Future Action conditions would not be significant. The park is proposed to be programmed with many active uses that CEQR considers less sensitive to changes in shadow conditions. In addition, the analysis notes that the shadows on Heritage Park recede after the maximum coverage point and shadows are not on one portion of the park for the entire shadow coverage period. Finally, consistent with CEQR guidelines, it was determined that the park would receive sufficient sunlight during the crucial April to October growing periods, under Future Action conditions.

- **ACS identified this specific area as an already high-need area. 2% increase for 135% capacity. How can the increased slots not have a significant impact on the area?**

The determination of impact is used using guidelines put forth in the CEQR Technical Manual guidelines. According to CEQR, an impact could occur if the demand for daycare

slots constitutes an increase of five percent or more of the collective capacity of the day care centers serving the study area. The increase represented by the proposed action represents an increase of two percent and is therefore not considered to be a significant impact.

- **How are the market/affordable figures calculated? New market rate housing has been few and far between. Most of the housing in the area has been subsidized. How will the no action scenario result in more market rate than affordable housing? If anything, this rezoning will promote market rate housing, with the inclusionary being the incentive.**

The market and affordable housing units are calculated as part of the Reasonable Worst Case Development Scenario (RWCDs) for the project. The units are calculated based on the maximum development that would be expected on the 11 projected development sites identified in the rezoning area (using reasonable worst case future development assumptions). The affordable housing units are calculated assuming developers take advantage of incentives to increase the allowable FAR on a development site. The methodology for developing the RWCDs for the proposed rezoning can be found in Section 2.4, “Reasonable Worst Case Development Scenario Analysis Framework” of the DEIS.

- **How does the Park Avenue traffic mitigation match up to the Morris Avenue mitigation. Morris & Sherman are two hot spots, which result in backup to Park Avenue. How does two seconds taken from EB/WB for Park impact that intersection, given six is being reallocated to EB/WB for Morris? How the impact for Sheridan/CVW, which has no mitigation IDed? How will these changes impact the BX32, which regularly arrives late?**

The proposed re-allocation of six seconds of green time to the EB/WB movement on Morris would serve to improve the flow of east-west traffic along the corridor. Thus, while two seconds of green time are taken from the Park Avenue EB/WB movement, overall the proposed mitigation measures would aid the movement of east-west traffic along the 161st Street corridor. The DEIS for the proposed rezoning does not project an impact for the 161st Street Sheridan Avenue/CVW intersection under non-game day or game day traffic analysis conditions (see DEIS Tables 3.3-7 and 3.3-11). The DEIS determines transit impacts for all bus routes including the Bx32 based on a loading capacity analysis.

- **Was the proposed Highbridge MS taken into account?**

The Highbridge MS was not included in the quantitative analysis because it has been constructed yet. This school, to be located at West 167th Street and University Avenue, has been budgeted in the approved 2010-2014 Capital Plan and is expected to add 389 new middle school seats to this area of CSD 9. It is expected to open in September 2012.

- **How will #2 oil or natural gas usage be ensured?**

As discussed in DEIS Chapter 3.5, “Air Quality,” “E” designations on projected and potential development sites would specify required stack set-back distance for fuel oil or the exclusive use of natural gas.

- **How will the current clearly unacceptable traffic noise issues be addressed, even though it will slightly increase with the existing proposal?**

As discussed in DEIS Chapter 3.6, “Noise,” no significant noise impacts due to action-related incremental traffic increases are expected. The proposed action would include “E” designations for certain areas of the rezoning area to ensure new development maintains an acceptable level of interior noise.

- **Will this allow hotel development?**

According to the NYC Zoning Resolution, transient hotels are Use Group 5 and are allowed in most commercial districts. Hotels would be allowed in the commercial districts found in the rezoning area with or without the proposed action.

- **Bus-only lane during rush hours?**

The project study area does not include bus-only lanes. Since certification in March 2009, we received correspondence on the DEIS from New York City Transit (NYCT) that provided additional information and suggestions for coordinating analyses. The EIS has been updated to reflect the additional information provided by NYCT. All of the developments noted in the Borough President’s recommendation have been accounted for in the background growth considered in the environmental impact statement.

- **Assure sufficient analysis is done to identify ways to mitigate overcrowding and delays for the BX6 bus.**

The bus capacity analysis has been revised and is presented in the FEIS. The conclusion regarding the projected capacity of the BX6 bus line (and other bus lines analyzed in the DEIS) in the future with the proposed action have been revised.

- **Mitigate the impact of a 2% increase needed day care slots to 135% utilization.**

The 2% increase in day care slots needed represented by the proposed action does not represent a significant impact under CEQR.

- **The EIS projects school enrollment increase that exceed seat capacity, yet do not meet the CEQR threshold.**

The DEIS concluded that the two percent increase in utilization over the no-action condition, was less than the five percent CEQR threshold for a significant adverse impact. In the future with the proposed action, elementary schools, collectively, in both community school district (CSD) 7 and CSD 9, are expected to operate below capacity, with utilization rates of 91 and 93 percent, respectively. In addition, new elementary seats are expected to be added in CSD 9 under future with-action conditions.

- **Profoundly concerned about the intersection of 149th Street and River Avenue, which has no spare capacity and mitigation is not possible.**

The proposed traffic mitigation measures proposed in the Traffic analysis of the DEIS would mitigate all of the operational impacts associated with the proposed action, with the exception of the intersection at E. 149th Street at River Avenue/Exterior Street/ MDE (I-87) Northbound Off-Ramp. It should be noted that this intersection is projected to be congested in the future without the proposed rezoning of 161st Street/River Avenue.

- **While the EIS proposes mitigation for impacted intersections on E. 161st Street, this is a critical east/west corridor deserving of a more thorough multi-modal assessment, including the benefits of replacing the already mapped and designed E. 153rd Street Bridge.**

A multi-modal assessment, including the benefits of replacing E. 153rd Street Bridge are beyond the scope of the EIS for the proposed rezoning of 161st Street/River Avenue.