

A. INTRODUCTION

This chapter of the Final Environmental Impact Statement (FEIS) summarizes and responds to substantive comments received during the public comment period for the Draft Environmental Impact Statement (DEIS) for the proposed South Avenue Retail Development project. A duly noticed public hearing on the DEIS was held on Wednesday, July 26, 2017 in Spector Hall, at the Department of City Planning located at 22 Reade Street, New York, New York, 10007. Public comments on the DEIS were accepted at the hearing and throughout the comment period, which remained open until Monday, August 7, 2017.

Section B lists the organizations and individuals that provided relevant comments on the DEIS. Section C contains a summary of these relevant comments and a response to each. These summaries convey the substance of the comments made, but do not necessarily quote the comments verbatim. Comments are organized by subject matter and generally parallel the chapter structure of the DEIS. Where more than one commenter expressed similar views, those comments have been grouped and addressed together. Written comments are included in **Appendix E**, “Comments Received on the Draft Environmental Impact Statement.”

B. LIST OF ORGANIZATIONS AND INDIVIDUALS WHO COMMENTED ON THE DEIS**ORGANIZATIONS AND BUSINESSES²**

1. City West Homeowners Association—Vance Collins, Vice President, web form submitted July 14, 2017 (CWHOA_007); Anthony DeFina, Board of Managers, web form submitted July 14, 2017 (CWHOA_008); Arlene Hasty-Long, Board Member, web form submitted July 16, 2017 (CWA_010); Edward Szczepanski, President, emails dated June 11, 2017 (CWHOA_002) and June 27, 2017 (CWHOA_003), web form submitted July 13, 2017 (CWHOA_013), letter dated July 26, 2017 (CWHOA_015), and oral comments delivered July 26, 2017 (CWHOA_027)
2. Mariners Harbor Civic Association—Kathy Romanelli, President, email dated June 27, 2017 (MHCA_004)
3. Natural Resources Defense Council—letter dated June 13, 2017 (NRDC_005); Maria Brinkmann, oral comments delivered July 26, 2017 (NRDC_025); and Maria Brinkmann and Eric A. Goldstein, letter dated August 7, 2017 (NRDC_034)
4. Natural Resources Protective Association—letter dated July 26, 2017 (NRPA_017); James Scarcella, President, email dated July 10, 2017 (NRPA_011), web form submitted July 18,

¹ This chapter is new to the FEIS.

² Citations in parentheses refer to internal comment tracking annotations.

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- 2017 (NRPA_012), and oral comments delivered July 26, 2017 (NRPA_023)
5. The North Shore Waterfront Conservancy of Staten Island—Beryl A. Thurman, Executive Director/President, letter dated June 25, 2017 (NSWC_001), email dated July 10, 2017 (NSWC_006), letter dated July 26, 2017 (NSWC_018), and oral comments delivered July 26, 2017 (NSWC_024)
 6. NY/NJ Baykeeper—Debbie Mans, Executive Director, oral comments delivered July 26, 2017 (Baykeeper_026) and letter dated August 7, 2017 (Baykeeper_031)
 7. Protectors of Pine Oak Woods—Clifford Hagen, President, letters dated July 14, 2017 (PPOW_014, PPOW_019)

GENERAL PUBLIC

8. Robin Artemus, oral comments delivered July 26, 2017 (Artemus_028)
9. Jack Bolembach, email dated August 7, 2017 (Bolembach_032)
10. Linda Cohen, email dated August 7, 2017 (Cohen_033)
11. Danny Gold, email dated July 17, 2017 (Gold_009) and web form submitted July 20, 2017 (Gold_022)
12. Maria Mancuso, web form submitted July 28, 2017 (Mancuso_020)
13. Donald Recklies, email dated August 7, 2017 (Recklies_029)
14. Elizabeth Szczepanski, web form submitted July 28, 2017 (Szczepanski_021)
15. Rev. Gabriella Velardi Ward, letter dated August 4, 2017 (Ward_030)

PETITION

16. Petition, 211 Signatories, petition submitted July 26, 2017 (Petition_016)

C. COMMENTS AND RESPONSES

CEQR PROCESS

Comment 1: Why are the comments to the DEIS suddenly accelerated, to July 18, 2017, for consideration of the CPC Commissioners? How is it that a concerned citizen or property owner has to take a day off (Wednesday, July 26) to testify about the project? And, why in Manhattan? This is contrary to CEQR, which states the DEIS hearing shall be “near the location of the proposed project.” Please consider having the DEIS public hearing on Staten Island. (4)

There should be more community input. (2)

The whole process for planning in this community needs to be more transparent. The communication about these things is poor, the meeting situations are terrible, and we need more grassroots community input at the outset of these things. (1)

Response: The public comment period for the DEIS was not accelerated and was undertaken in conformance with all CEQR/SEQRA requirements. The public

review of the DEIS began with the release of the DEIS on June 2, 2017, and public comments were accepted through August 7, 2017, ten days after the CPC public hearing, held on July 26, 2017. Public comments on the proposed project were also received at the Staten Island Community Board 1 public hearing held on June 13, 2017, at All Saints Episcopal Church, 2329 Victory Blvd, Staten Island, NY 10314. Moreover, during the development of the proposed project's site plan over the past two-plus years, the applicant team met with Staten Island Community Board 1 staff and Community Board Members, including its Mariners Harbor/Port Richmond Committee and Land Use Committee, to provide updates on project planning and to receive comments and concerns regarding the proposal. Further, a public meeting was held on September 27, 2016 at the NYPD 121 Precinct, 970 Richmond Avenue, Staten Island, to receive public comments on the Draft Scope of Work for the DEIS, with written comments accepted by the lead agency through October 7, 2016.

Comment 2: The applicant was contacted by a nationally recognized conservancy about purchase for conservation purposes, but failed to return phone calls.

Please reject the project, and work with the community to protect Block 1707, Lots 1 and 5, as parkland.

NRPA opposes the proposed demapping of the City streets for the retail center at 534 South Avenue. The streets need to remain mapped to facilitate a future park at Block 1707, Lots 1 and 5. In addition, the floodplain needs to be preserved, not developed for an unsustainable retail center. We urge the City Planning Commission to work with our elected officials and jurisdictional agencies to buy the parcels from the owner for parkland. (4)

A moratorium must be placed on all wetlands development on the Staten Island north shore. It is in the best interest of our community that City and/or State purchase the available wetlands, which are buffers to protect residents, properties, and businesses on a permanent basis. (1, 14)

City and state governments should collectively purchase the land from the owner to maintain a natural buffer against flooding and provide a protected woodlands/wetlands preserve for the people of the North Shore community of Staten Island.

The entire 28 acres of Graniteville Swamp is an interconnected and co-dependent environment that must be preserved for perpetuate. Destruction of the woodlands would adversely affect the wetlands. There should not be a line drawn on a map determining what will be spared and what is destroyed. The delicate balance of nature which has existed for over a hundred plus years must be maintained to ensure a healthy natural ecosystem. (9)

In light of Superstorm Sandy, storms and floods are changing, as are the associated financial and developmental risks; thus, developers that buy land in

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wetlands must accept these risks. The City and State must halt all further wetland development to prevent further depletion of the wetlands (stormwater buffer). The planning and review process must acknowledge that measuring individual standalone projects has major flaws, as the cumulative effect of each project as it is implemented is not being considered. (1)

Response: This comment is unrelated to the environmental review. As noted in the Chapter 1 of the DEIS, “Project Description,” the proposed actions include a special permit and street demapping. Public acquisition of the property is not part of the proposed actions.

Project sites that contain wetland areas are required to meet applicable local, state, and federal regulations with regard to development. The City and State project review and approval process considers the cumulative effects of a project site with regard to adjacent and surrounding properties outside of areas proposed for development.

Comment 3: I’m concerned how this project will impact our quality of life. Our community has experienced increased foot traffic from other developments in the area. I think it’s something that should have been discussed with the actual homeowners in the community; I don’t think that anybody was surveyed about this proposed project. (8)

Response: The DEIS analyzed the proposed project’s potential to impact number of environmental areas, such as traffic, air quality, and noise. As described in Chapter 7 of the DEIS, “Transportation,” it is expected that shoppers for the proposed retail center would primarily arrive by auto and expected to park on-site, or to have pick-up and drop-off within the project site, adjacent to store entrances. Therefore, the proposed project would result in nominal increases in pedestrian volumes on the surrounding streets and is not expected to result in significant adverse pedestrian impacts. Furthermore, as described in Chapters 8, “Air Quality,” and 9, “Noise,” the proposed project would not result in any significant adverse air quality or noise impacts on the adjacent communities. As noted above, the community noticing and public review of the proposed project was undertaken in conformance with all CEQR/SEQRA requirements.

Comment 4: NRDC has significant concerns regarding the environmental impacts of the proposed project, including impacts to wetlands, traffic, air quality, and noise pollution. The DEIS fails to adequately address these issues. It also fails to fully evaluate the impact of the loss of wetlands on flooding in the neighborhood surrounding the project site. The applicant must prepare a Supplemental EIS that incorporates a more complete and up-to-date discussion of these issues, as required by law, taking into consideration the changed conditions and new climate-related weather threats since the original development proposal for this site was conceived, and since the 2012 stipulation between the developer and the state was reached. (3)

Response: The DEIS was prepared in accordance with the *CEQR Technical Manual* and in consultation with the Department of City Planning and other City agencies, and included detailed analyses of the proposed project’s potential impacts to wetlands, floodplains, traffic, air quality, and noise (see Chapters 4, “Natural Resources,” 7, “Transportation,” 8, “Air Quality,” and 9, “Noise”). In accordance with CEQR procedures, an FEIS has been prepared, which incorporates relevant comments on the DEIS and any updates to the analyses where warranted.

PROJECT DESCRIPTION

Comment 5: According to the 2012 Stipulation of Settlement, “The Site Plan shows a tentative wetland enhancement area in the bed of Morrow Street, The Appellants do not own Morrow Street and will request that it be de-mapped in connection with development of the property. If the street bed is de-mapped, it will become part of the wetland enhancement area.” The Stipulation says nothing of “a cul-de-sac on the City Map at the southern terminus of the street,” which is proposed in the DEIS. This begs the question, why propose a cul-de-sac, not mentioned in the 2012 Stipulation, if there is no intention to build the cul-de-sac? The cul-de-sac is again mentioned in the DEIS during a description of square footage and the zoning lot area calculation for the development of the site. How does the creative use of an unintended cul-de-sac affect the calculations? For if, as the 2012 Stipulation states, that “Appellants shall cause a deed restriction, based on a template that has been provided by NYSDEC, to be recorded in the property records for the Property to ensure that the Wetland Enhancement Area and the Buffer Planting Area, as designated on the Site Plan, will be kept as Natural Areas and not become subject to development.,” then why propose a cul-de-sac?

The DEIS goes on to state “Since the city does not hold title to these mapped but unbuilt streets, the proposed demapping actions would not add lot area to any properties. Control of this land area would continue to be held by the respective owners of those properties. The demapping of the southern (unbuilt) portion of Morrow Street is proposed in response to the desire of NYSDEC to preclude the potential for future development in adjacent undeveloped wetland areas.” Again, why propose a cul-de-sac at the southern terminus of Morrow Street? (7)

Response: The cul-de-sac proposed to be mapped at the southern terminus of North Morrow Street was included in the proposed actions pursuant to a request by the New York City Fire Department (FDNY) to allow for sufficient access to the street for FDNY purposes, if required in the future. The cul-de-sac will be part of the mapped street, will remain in City ownership and its area is not included the zoning lot area calculations for the development site. Subsequent to the 2012 NYSDEC Stipulation Agreement, which provided conditional approval of the site plan for a proposed retail development project on the property, NYSDEC

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approved a modification of the site plan to allow for the mapping of the cul-de-sac, as requested by FDNY, finding it to be consistent with the 2012 Stipulation Agreement.

The demapping of the southern, unbuilt, portion of Morrow Street, south of the proposed cul-de-sac was included in response to the desire of NYSDEC to protect against potential future development in this area and, with the demapping, will be acquired by the applicant and will become part of the proposed wetland enhancement area. Consistent with the 2012 Stipulation Agreement, the applicant will execute a deed restriction, which will be recorded against the property, to ensure that that preserved, buffered and enhanced wetland areas will be maintained in perpetuity by the site owner and will not be subject to development.

Comment 6: The mapped bed of Wemple Street runs through the parking lot of several businesses on Forest Avenue—have these businesses and non-profits been contacted for relocation by the applicant? (4)

Response: As described in Chapter 1, “Project Description,” the proposed actions do not include the demapping of Wemple Street, located to the north of the project site, and the proposed project will not affect access to any businesses or non-profits located along Forest Avenue.

Comment 7: If anything were to be built on this land, it should be a small nature center, with educational programs to teach the importance of protecting the natural world and classes on how do so. There could be trails in the forest identifying the flora and fauna, as well as art and photography classes on how to photograph nature. There is such an abundance of wildlife in this salt marsh; creating a nature center here would be one way to teach children and adults alike how to respect and protect its flora and fauna. (15)

An additional benefit of retaining the current ecological environment would be the creation of a natural managed preserve for the thousands of local area residents to enjoy and improve the quality of their lives. The children from these neighborhoods deserve the same consideration as the kids growing up in more affluent neighborhoods. Many residents are newcomers to this country and lack the knowledge about the benefits of preserving nature and creating parkland. This ethnically diverse population should not be taken advantage of but instead be given the same opportunity to live near the existing woodlands, which can be created into a protected managed preserve. (9)

Response: As discussed in Chapter 1, “Project Description,” the applicant intends to redevelop the project site with a new active retail center. The proposed project does not include the creation of a preserve or a nature center on the project site, either by the applicant or through public acquisition of the property, as these uses would not fulfill the applicant’s goals.

PURPOSE AND NEED

Comment 8: This project will not only affect the quality of life and property values but will tremendously affect the wildlife and wetlands, which there are not much of left due to the recent commercial constructions in our area. (1)

The applicant states there is a need for warehouse shopping, supermarkets, a bank, and a gas station, but Costco is 4 miles away, Shop Rite is 3.5 miles away and Pathmark is 2 miles away, and Sunoco is a ½-mile away. In addition, the proposed anchor wholesale warehouse store, BJ's Wholesale, is 5 miles away in New Jersey, with cheaper fuel.

Has the applicant truly demonstrated a need for the project? The economic need for the developer is there, because they pay their real estate taxes. But there is less demand for retail space now the economy is based on Amazon Prime and online free delivery, and there are already several vacant retail stores on Forest Avenue. (4)

This proposed shopping area offers too small a window of economic growth when the proposed retail businesses contain their payrolls via low wages with poor job growth opportunities. In addition, there exists on Staten Island more than ample retail opportunity for residents to spend their money. We don't need any more big box retailers, which will cause major traffic problems and greatly expand flood exposures to life and property, especially at the cost of our existing local businesses. (1, 16)

Because the CPC truly does shape the city, shouldn't the CPC request more information on project need? (4)

The applicant says that there is demand for a wholesale warehouse in the community, and that is justification for the building of this site—it's not. What is more important to us is the preservation of this forested wetland. (5)

Existing green space has a greater value to the community than another retail development.

Adding yet another unnecessary retail development in place of a beautiful wooded area raises significant concerns, as it is not supported by local need or desire. This project is proposed for a residential neighborhood with a host of existing retail establishments and shopping centers; there is no additional need or call for more from the residents of the Graniteville neighborhood. There has been no reasoning presented for how removing precious green space for yet another shopping center will help the people of Graniteville live fuller, healthier lives. (6)

The economic value and need for retail development need to be questioned, considering the amount of retail developments already existing nearby, some of which are struggling. (13)

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Response: As discussed in Chapter 1 of the DEIS, “Project Description,” the applicant believes that this site is a viable location for retail development that includes a variety of locally-oriented uses, including a supermarket and a wholesale warehouse (i.e., stores larger than 10,000 square feet, which would be facilitated by the proposed special permit).

ANALYSIS FRAMEWORK

Comment 9: Not once does the DEIS indicate that this development is taking place in the Environmental Justice Community of Mariners Harbor, a community already experiencing numerous cumulative negative environmental impacts. The DEIS is void of the Environmental Justice conversation. The developer’s proposed development project and “No Action Alternative” are for [all intents and purposes] similar in negative impacts to the Environmental Justice Community of Mariners Harbor. The developer is creating a more stressful environment for the residents, resulting in—regardless of which plan is completed—an extreme hardship on this Environmental Justice community. (5)

The project raises a number of significant environmental concerns: it would destroy 2.3 acres of wetlands, increase flooding risks, and adversely impact traffic, air quality, and noise pollution in the Mariners Harbor neighborhood, an EPA-designated Environmental Justice community. In short, NRDC believes that the DEIS is flawed for failure to explore these issues in sufficient detail. (3)

Response: As discussed in the DEIS, the proposed actions are limited to demapping and special permit approvals by the CPC. The proposed actions do not entail the siting of a facility whose operations could result in disproportionate burdens or impacts on communities of concern (i.e., low income or minority communities). Thus, the proposed project does not require review under the City’s Fair Share procedure, which is the City’s consideration of Environmental Justice impacts. Similarly, the proposed actions do not require Environmental Justice review under NYSDEC regulations (CP-29). The proposed project does not entail the siting of a major facility that has substantial air, water, solid waste, or hazardous material pollutant discharges. Therefore, in accordance with *CEQR Technical Manual* guidelines, an Environmental Justice analysis is not warranted in the EIS. The community noticing and public review of the proposed project was undertaken in conformance with all CEQR/SEQRA requirements.

Regarding the comment acknowledging that the area is a designated Environmental Justice community, the U.S. Environmental Protection Agency designated the Staten Island North Shore (spanning an approximately 7,000-acre area from St. George to Arlington) as an Environmental Justice Showcase Community due to its history as a former industrial community that contains abandoned, contaminated, and regulated properties mostly located along the waterfront. The project site is neither a contaminated former industrial waterfront property nor located in a flood-prone area of the North Shore.

Moreover, as discussed in Chapter 13 of the DEIS, “Mitigation,” the proposed project has the potential to result in significant adverse impacts on traffic at up to seven intersections; however, the proposed mitigation measures would fully address the projected traffic impacts. The construction and retail operation of the proposed project would not increase flooding potential, nor would it result in any significant adverse impacts to air quality or noise (see Chapters 4, “Natural Resources,” 8, “Air Quality,” and 9 “Noise”). Therefore, the proposed project would not result any unmitigated significant adverse impacts and would not result in increased environmental burdens on environmental justice communities.

Comment 10: One of the flaws in the DEIS is that the No Action plan is nearly identical to the Action plan, that’s really unusual, and it doesn’t allow you to look at the existing conditions of the parcel to what is being proposed For any meaningful comparison to take place, and to meet the spirit of NEPA’s EIS requirement at all, the No Action plan should represent the land in its current state compared to the impacts of one or both action plans. Presenting nearly identical plans as No Action and With Action is misleading, as it obviously leads to a minimal impact result. (6)

The DEIS fails to comply with the environmental review requirements mandating that a DEIS include a valid No Action analysis.

The developers apparently believe that in preparing a No Action alternative for their proposed project, they can analyze the possible environmental impacts of development not in contrast to current site conditions but in comparison to an out-of-date, as yet un-built development project for the site. Comparison to the 2008 development plan for the No Action alternative is also inappropriate because the 2008 development plan is not “as of right;” it requires discretionary approval from the New York State Department of Conservation (NYSDEC). As the DEIS itself admits, the 2008 plan requires a freshwater wetlands permit, and E.C.L. § 24-0705 gives NYSDEC the discretion whether to grant or deny this permit. (The 2012 stipulation between the developer and NYSDEC does not change this situation. While it states that NYSDEC will “expeditiously process” a freshwater wetlands application, it does not grant the required permit. Indeed the stipulation states that NYSDEC will issue a permit “unless the SEQRA process or public review raise substantive and significant issues concerning the permissibility of the project.”) (3)

Response: Consistent with the guidelines of the *CEQR Technical Manual*, a No Action development program was considered which presents a reasonable and conservative analysis framework for the DEIS. Absent the proposed actions, the applicant has stated its intention to redevelop the project site in conformance with the underlying zoning and within the development footprint approved by NYSDEC under the 2012 Stipulation Agreement (as discussed in Chapter 1 of the DEIS, “Project Description”). This was thoroughly vetted and accepted by

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DCP as lead agency in consultation with NYSDEC. The No Action development would not require any discretionary approvals and provides a reasonable and conservative assumption of what would occur on the subject property absent the proposed actions.

LAND USE, ZONING, AND PUBLIC POLICY

Comment 11: The applicant's Coastal Consistency Certification does not have a checkmark next to "Special Ecological Area," yet in the DEIS it is noted that the parcels are known as Graniteville Tree Swamp, a part of Audubon Society and the highly successful Harbor Herons program, championed by DCP's Waterfront & Open Space Division. (4)

Response: The Waterfront Revitalization Program (WRP) Consistency Assessment Form (included in Appendix A of the FEIS) has been revised to acknowledge that the project site is located within a special designated area: according to the WRP (Maps—Part III), the project site is located within the Northwestern Staten Island Harbor Herons Special Natural Waterfront Area (SNWA), which includes a large portion of the Graniteville Swamp area north of the Staten Island Expressway. An evaluation of the proposed project's consistency with the WRP policy regarding the SNWA (Policy 4.1) is included in the WRP consistency assessment in Chapter 2 of the DEIS, "Land Use, Zoning, and Public Policy."

Comment 12: The applicant states the project would promote "integration of climate change and sea level rise" in the planning of the project, but building on an acknowledged floodplain is foolish and dangerous. (4)

This parcel is providing resiliency in the neighborhood from future storms and climate change, and we have to ask whether this project is consistent with New York City's long-term goal with respect to resiliency. Converting existing natural areas into five paved, big box stores and parking lots in our most vulnerable communities is not consistent with New York City's long-term resiliency goals. (6)

The DEIS makes limited reference in Chapter 2 (DEIS at § 2-13) to the general issue of flooding. The City's Waterfront Revitalization Program (WRP) Policy 6 concerns flooding and climate change, and aims to "minimize loss of life, structures, infrastructure, and natural resources caused by flooding and erosion, and increase resilience to future conditions created by climate change." However, the DEIS responds to this policy by simply addressing how its proposed retail structures would be affected by flooding. The DEIS does not engage in analysis of how the removal of 17.53 acres containing 1,850 mature trees might contribute to flooding of the surrounding community. Instead, it summarily concludes that because the building structures would implement flood protection measures, "the proposed project would meet the WRP objective

of reducing risks of damage from flooding, and is consistent with this policy” (DEIS at § 2-17). The issue of flooding demands a more serious analysis, especially in view of weather and flooding projections that have changed since the original studies for this site were performed. (3)

Response: The proposed project’s consistency with City policies regarding flood zone management and resiliency is discussed in the WRP Policy 6 assessment in Chapter 2 of the DEIS, “Land Use, Zoning, and Public Policy,” which finds that the proposed project would be consistent with the policy.

The proposed project has incorporated appropriate measures to ensure it will not exacerbate stormwater runoff or leave the nearby residential community vulnerable to flooding from stormwater. As noted in the Water Quality assessment in Chapter 4 of the DEIS, “Natural Resources,” the Stormwater Pollution Prevention Plan (SWPPP) will ensure that post construction, the site will retain, infiltrate, and release additional stormwater flows associated with the 1-year, 10-year, and 100-year, 24-hour storms at a rate and in a pattern which will maintain the pre-development drainage conditions. The conclusion of the Water Quality assessment determines that there would be no significant adverse impacts related to stormwater as a result of the proposed actions. Although flood protection of surrounding areas is not relevant to the proposed project under CEQR and WRP guidelines, it should be noted that the proposed project’s significant freshwater wetland plantings will serve to improve flood protection and provide an added measure of flood storage within the southern portion of the site. The stormwater management area and enhanced and preserved wetland adjacent areas will provide critical flood and stormwater control functions by absorbing, storing, and slowing down the movement of flood, rain, and melt water, minimizing flooding and stabilizing water flow onsite. As such, downstream waters will not be significantly impacted by the proposed project.

SOCIOECONOMIC CONDITIONS

Comment 13: Long-term, existing community businesses will be negatively impacted. The gas stations on South and Forest Avenues will be forced out of business as the proposed development’s gas station undercuts prices to gain market share. This means the residents in the community will eventually be forced to deal with wholesale warehouse stores such as BJ’s and Costco, who can then monopolize the gas supply business space. (1, 15)

Response: As stated in the Socioeconomic Conditions screening assessment in Chapter 14 of the DEIS, “Screening Assessments,” the proposed retail development would not introduce new uses that are markedly different from existing uses in the surrounding neighborhood, and would not introduce new economic activities that would alter existing economic patterns in the area, therefore it is not expected to result in any significant adverse impacts to existing businesses that

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would affect the local community and neighborhood character, and a detailed assessment was not warranted. Although consideration of competitive effects on gas stations as an industry is not warranted under *CEQR Technical Manual* guidance, it should be noted that the proposed gas station is expected to be operated by the wholesale warehouse club and would only be available to its members. Because of the limited user population for the proposed gas station and the advantages of other nearby gas stations (e.g., proximity to the Staten Island Expressway or a convenience store), the proposed gas station is not expected to have a significant competitive effect or negatively affect the business environment for other gas stations.

OPEN SPACE

Comment 14: This is a significant loss for a site that has been recognized as a New York City land protection priority in the New York State Open Space Conservation Plan. (3)

Response: As discussed in the Open Space screening assessment in Chapter 14 of the DEIS, “Screening Assessments,” the project site is entirely privately owned and not accessible to the public, and does not contain any recreational amenities, therefore the proposed project would not displace any publically accessible open space resources. While the project site is listed in NYSDEC’s 2016 Open Space Conservation Plan (OSCP) as adjacent to the Harbor Heron’s Complex and Graniteville Swamp/Old Place Creek, public acquisition of the property is not part of the proposed actions.

HISTORIC AND CULTURAL RESOURCES

Comment 15: There should be government regulations to control the discovery of artifacts by the private sector. An archeologist should be required, especially where there is evidence of artifacts nearby. With regard to this developer’s report, it has overlooked an important archeological site very near Graniteville Swamp and Goethals Bridge; the artifacts were protected because it was a public project. The developer’s report does indicate some of the archeological sites nearby but leaves out the very significant one near the bridge. The project will destroy historical artifacts that remain hidden in the wetland and forest. (15)

Response: Numerous laws are in place to protect archaeological resources at the city, state, and federal levels. As discussed in Chapter 3 of the DEIS, “Historic and Cultural Resources,” archaeological analyses of the project site are being undertaken by qualified archaeologists pursuant to City Environmental Quality Review (CEQR), the New York State Environmental Quality Review Act (SEQRA), and Section 14.09 of the New York State Historic Preservation Act of 1980. The archaeological sensitivity of the project site has been assessed through two previous studies, a Phase 1A Archaeological Documentary Study (“Phase 1A Study”) prepared by Greenhouse Consultants, Inc. (GCI) in 1996 as part of an unrelated project that was not constructed and a Supplemental Phase

1A Study of the project site that was prepared by AKRF in December 2016. Both documents were included as appendices to the DEIS and both included a thorough review of previously identified archaeological sites mapped in the New York State Cultural Resources Information System (<https://cris.parks.ny.gov>). This review described more than one dozen previously identified archaeological sites within two miles of the project site, including many in the vicinity of the Goethals Bridge. Areas of archaeological sensitivity have been identified within the project site and archaeological testing has been recommended. All previous archaeological analysis has been and any future archaeological testing will be completed in consultation with the New York City Landmarks Preservation Commission (LPC) and the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP) pursuant to the CEQR, SEQRA, and Section 14.09. Furthermore, The Supplemental Phase 1A study was prepared in accordance with LPC's "Guidelines for Archaeology work in New York City," issued in 2002, and with the standards for Historic and Cultural Resources analyses as specified in the *CEQR Technical Manual* as amended in 2014. In addition, the Supplemental Phase 1A was prepared to comply with the "Phase 1 Archaeological Report Format Requirements" as issued by OPRHP in 2005 and the "Standards for Cultural Resources Investigations and the Curation of Archaeological Collections in New York State" as issued by the New York Archaeological Council in 1994 and adopted by OPRHP in 1995. All future investigations will also comply with these guidelines as well as all relevant professional standards. The applicant will enter into a Restrictive Declaration requiring that these archaeological investigations will be undertaken in consultation with LPC and OPRHP.

Comment 16: Another flaw in the DEIS is the Native American archeological survey. Numerous sites of Native American occupation has been discovered in Graniteville and Mariners Harbor virtually surrounding the location of the proposed project. It is almost certain that Native Americans occupied the 18 acres of woodlands that is planned to be destroyed. Recently, only two-thirds of a mile away, a very rare Native American site was discovered near Gulf Avenue during the excavation for a gas pipeline. The site was occupied for 10,000 years. A treasure trove of artifacts were discovered and categorized. Part of the collection is on display in the Staten Island Museum. None of this information is in the DEIS chapter devoted to archeology. (9)

Response: See response to Comment 15. The 1996 Phase 1A Archaeological Documentary Study and the 2016 Supplemental Archaeological Documentary Study (included as appendices to the DEIS) included detailed descriptions of known archaeological sites that have been reported within two miles of the project site. The recent excavations at the Old Place site, to which the comment refers, were explained in detail in the Phase 1A and the Supplemental Phase 1A and was summarized in the DEIS. Both documents concluded that the project site is

sensitive for archaeological resources associated with the Native American occupation of the region and a Phase 1B Archaeological Investigation will be completed to determine the presence or absence of archaeological resources on the project site and to determine if additional archaeological investigations are required pursuant to CEQR, SEQRA, and Section 14.09 of the New York State Historic Preservation Act of 1980. The applicant will enter into a Restrictive Declaration requiring that these archaeological investigations will be undertaken in consultation with LPC and OPRHP.

NATURAL RESOURCES

Comment 17: NRDC believes that this project does not fulfill the statutory requirements for a freshwater wetlands permit, because it is not compatible with the preservation and protection of the wetland and its benefits, and would result in substantial wetland degradation. The NYSDEC Stipulation Agreement includes the language “tentatively concludes,” and we have much to support an argument against that conclusion. The DEIS should be amended to protect against both the direct and indirect loss of wetlands and surrounding development.

Indeed, the plan does not meet the applicable statutory requirements for such permit. The project fails two tests outlined in NYSDEC regulations: (1) the project is incompatible with the preservation, protection and conservation of the wetlands and its benefits, and (2) the resulting wetland degradation surpasses the level of “insubstantial” 6 N.Y.C.R.R. § 663.5(e). Accordingly, we believe the wetlands permit should be denied. (3)

Response: Potential impacts to the NYSDEC freshwater wetland adjacent area are discussed in the wetlands assessment in Chapter 4 of the DEIS, “Natural Resources.” To compensate for the loss of NYSDEC freshwater wetland adjacent area, as required by the 2012 Stipulation Agreement, the applicant has proposed 10.77 acres of freshwater wetland buffer plantings, freshwater wetland enhancement area, tidal wetland adjacent area enhancement, stormwater management area, and preserved natural areas. With these measures in place, there will be no significant adverse impact related to wetlands.

Comment 18: Wildlife will be driven out into the community on the 28-acre area being developed, which is already heavily populated with possums, skunks, raccoons, etc. We do not need any more growth in the wild animal populations in the community, and many of these animals will be at risk to vehicle traffic. In addition, they could become a health hazard to people and pets as they become sickly due to lack of substantial food sources. (1, 15)

Response: As stated in the terrestrial resources assessment in Chapter 4 of the DEIS, “Natural Resources,” the proposed project would not result in significant adverse impacts related to terrestrial resources, including wildlife habitats. The proposed project would preserve the southern portion of the project site (10.77

acres) and maintains continuity of the onsite wildlife habitat with Wetland B, Old Place Creek and adjacent undeveloped properties contiguous to Graniteville Swamp Park through the enhancement and preservation of natural areas. The dominant wildlife species at the site are considered to be highly mobile and generally adaptable to the existing suburban setting of the region. The northern portion of the project site has been disturbed by historic development activities and was observed to provide minimal ecological benefits to wildlife due to low plant diversity and proximity to adjacent developed areas. The southern portion of the project site, closest to Wetland B exhibited a normal variety of wildlife species. This is attributable to the variety of habitats, adjacent undeveloped properties contiguous to Graniteville Swamp Park and Old Place Creek, and quality and diversity of vegetation. Areas within the southern portion of the project site provide a more diverse plant community that is not to be directly impacted by the proposed project. In addition, the proposed mitigative plantings associated with the proposed project would provide enhanced food and cover benefits to area wildlife. Therefore, the proposed project would maintain wildlife habitat on the site, and would minimize the displacement of wildlife into surrounding residential developments.

Comment 19: The South Avenue Retail Project plans on removing non-native invasive species of trees/plants and replanting of native species. Previous examples of this in the community have been unsuccessful, as the non-native invasive trees/plants seem to be more prolific than native plants. That is why the non-native invasive trees/plants dominate in the first place. (1)

Response: In order to ensure the survival of the designed mitigation scheme, a maintenance program will be incorporated into the NYSDEC Wetland Mitigation Plan. The plantings be assessed by an appropriate environmental or landscape specialist to measure the success of the mitigation and ensure the continued success post-construction for a predetermined monitoring period. Success will be determined based on an agreed upon survival rate between the applicant and NYSDEC. If greater than this percent mortality has occurred, replanting will be required and undertaken by the applicant to attain the initial planting densities. Once established, natural succession will be allowed to occur. As part of the maintenance plan, any invasive species identified within the mitigation area during the monitoring period will be targeted for removal.

Comment 20: The potential impacts of this project on valuable wetlands, including the loss of almost two acres of isolated wetlands and the likelihood that this project would site a gasoline station less than a stone's throw from the major freshwater wetlands on the project site, are cause for concern. In addition, NRDC believes that the project's wetland preservation plan fails to adequately protect the remaining 6.94 acres of wetlands on the site, as this plan involves converting the surrounding 17 and a half acres from a forest of towering trees to a big box store with parking for 838 cars.

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Wetlands do not exist in a vacuum; they function as a system. Levelling 17 acres of trees and replacing them with impervious surface will directly harm the surrounding wetland areas.

The proposed mitigation measures included in the DEIS may not be sufficient to prevent unnecessary environmental harm to the site's natural resources and to the surrounding community.

The DEIS alleges that the proposed project will preserve and enhance the wetland areas present on the site. But NRDC believes that the proposed project as currently envisioned will result in direct and indirect harm to these exceptionally important areas. As the DEIS itself admits, the project would directly destroy 2.35 acres of wetlands. In addition, NRDC believes that the project's wetlands plan fails to adequately protect the remaining 6.94 acres of wetlands on the site. The plan asserts that a modestly landscaped buffer area between the giant retail center proposed and the regulated wetland areas is sufficient for preservation. This approach overlooks the critical loss of wetland protection that will result when the project paves over the 17 acres of mature trees adjacent to the wetlands. (3)

Response: As detailed in Wetland assessment in Chapter 4 of the DEIS, "Natural Resources," the proposed project would result in the loss of isolated, non-jurisdictional wetlands (1.96 acres) and NYSDEC regulated freshwater wetland adjacent area (0.39 acres), totaling approximately 2.35 acres, and will preserve and mitigate a 10.77-acre area located within the southern portion of the project site. The preserved and enhanced portion of the site contains the regulated freshwater and tidal wetlands as well as a majority of the associated adjacent areas. The minimal intrusion into 0.39 acres of the NYSDEC freshwater wetland adjacent area will be appropriately mitigated as part of the NYSDEC Wetland Mitigation Plan. To ensure the protection of the regulated wetlands, adjacent areas and mitigative plantings, this area would be physically separated from the proposed development by a six-foot-high chain link fence and would be legally protected by a deed restriction.

Tree removal and increased impervious conditions associated with the proposed project would be mitigated appropriately as the proposed project entails significant tree plantings and proper stormwater management practices throughout the development and within the 10.77-acre preserved area, as discussed in both the Aquatic and Terrestrial Resources assessments in Chapter 4 of the DEIS, "Natural Resources." As part of the NYSDEC Wetland Mitigation Plan, the proposed project proposes to plant 2,207 trees and 9,267 shrubs within the mitigation area. In addition, the proposed project would obtain coverage under a NYSDEC State Pollution Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002). In accordance with NYSDEC SPDES GP-0-15-002, a SWPPP consisting of both temporary erosion and sediment controls and post-

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construction stormwater management practices would be prepared. The SWPPP would account for the loss of trees, isolated wetlands, and increased impervious cover and would provide adequate erosion and sediment controls and stormwater management practices to ensure protection of the regulated wetlands and adjacent properties both during and post construction. As a result of these measures, there would be no significant adverse impact related to wetlands or stormwater.

Comment 21: The DEIS does not address the following: 1) Graniteville Swamp is the headwaters for Old Place Creek, and is crucial to maintain stable water levels at Goethals Bridge Pond, so it must be given the highest priority (The Harbor Herons Report, 1990); 2) stable water levels at Goethals Bridge Pond are needed to support wildlife (The Harbor Herons Report, 1990); 3) the U.S. Fish & Wildlife Service cited Graniteville Swamp as significant foraging area for the Harbor Herons; 4) the New York City Department of City Planning (DCP) highlighted the importance of the site for migrating songbirds; 5) HEP placed Graniteville Swamp on its Priority List for Acquisition; and 6) the Regional Advisory Committee for the New York State Open Space Conservation Plan recognized Graniteville Swamp as a NYC Land Protection Priority.

Graniteville Swamp provides major nature trails through its woods. (11)

The Graniteville Swamp has been recognized as a New York City Land Protection Priority by the Regional Advisory Committee for the New York State Open Space Conservation Plan. It is included on the New York-New Jersey Harbor Estuary Program's Priority List for acquisition, and is designated a "highest priority site." Roughly nine acres of the southwest quadrant of the site have been protected by NYC Parks, but the remainder, mostly privately owned, is unprotected. In addition to serving as what The Trust for Public Land and the New York City Audubon Society have called "a magnificent remnant of Staten Island primeval," the Graniteville Tree Swamp plays an essential role in protecting the local ecology and neighboring communities from the dangers of flooding. It would be difficult to find a less desirable space for big box sprawl development. (3)

Response: The project site is listed within the NYSDEC's 2016 Open Space Conservation Plan (OSCP) and is located adjacent to the Harbor Heron's Complex and Graniteville Swamp/Old Place Creek. The 2016 OSCP states that many of the priority project areas are large and require a balance between conservation and compatible, natural resource-sensitive economic development. As noted in the Wetlands assessment in Chapter 4 of the DEIS, "Natural Resources," the proposed development and mitigation areas have been designed in conjunction with NYSDEC Natural Resources staff to ensure a viable balance between the northern development area along Forest and South Avenues and the southern preservation and enhancement area.

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Consistent with the OSCP, the southern 10.77-acre portion of the project site would be preserved in perpetuity and would provide for a contiguous protected natural area that enjoins a neighboring natural area mitigation project (at the adjacent United Artists property) and Graniteville Swamp Park, as noted within the Aquatic and Significant, Sensitive, or Designated Resources assessments in Chapter 4 of the DEIS, "Natural Resources." In addition, the headwaters of Old Place Creek would be physically separated from the proposed development by significant buffer plantings and a 6-foot high chain link fence.

As noted above and within the Terrestrial Resources assessment in Chapter 4 of the DEIS, "Natural Resources," a SWPPP would be prepared and implemented in accordance with the NYSDEC SPDES GP-0-15-002. The SWPPP would ensure that the post construction stormwater is discharged from the stormwater management devices at a rate and in a pattern which would maintain the pre-development drainage conditions. As such, downstream waters would not be impacted by the proposed project.

Comment 22: The project will destroy 1,850 trees, the habitat of over 100 species of birds, which directly contradicts One Million Trees New York and Plan NYC 2030, to revive our collective health and sustainability. (4)

Salt marshes are one of the most productive pieces of land on earth. This is where fish spawn, where birds nest, and where diversity of the natural world thrives. If this project goes through, this will be one more place where animals cannot be.

The project will take up more than half of the existing salt marsh. If that does not include the buffer zone, there will be practically nothing left of the salt marsh. If it does include the buffer zone, there will not be enough of the salt marsh left to make a difference. (15)

Response: As detailed in the Significant, Sensitive, or Designated Resources assessment in Chapter 4 of the DEIS, "Natural Resources," the proposed project proposes to plant 2,207 trees and 9,267 shrubs within the 10.77-acre mitigation and preservation area. The proposed planting would be in conformance with the approved NYSDEC Wetland Mitigation Plan, which is part of the 2012 Stipulation Agreement, which provides guidelines for development of the project site.

No fish spawning habitat occurs on the project site. As noted above, the 10.77-acre mitigation and preservation area includes a small area of NYSDEC tidal wetland (Phragmites marsh), NYSDEC tidal wetland adjacent area, and a portion of the headwaters of Old Place Creek, all of which would be protected in perpetuity with the proposed project.

Comment 23: Each tree retains 600 gallons of stormwater for filtration, so the additional stormwater discharge, with its petrochemical poison, will enter the waterways we kayak, fish, and swim in.

A discharge of unfiltered storm water pollutants into Old Place Creek (part of the Harbor Herons program) or Goethals Bridge Pond will damage these waterways, which the public uses for kayaking, swimming, and fishing. (4)

The wetlands and the natural floodplain store and filter excess water from the upland area, and any change to the impervious surface and active retail uses will certainly strain the filtering capabilities of the remaining wetlands. Obviously you can't replace a natural system with a built system and expect the same results.

The DEIS fails to address the difference between the existing conditions and the development conditions, this is important for the quality of the water that will come off of the site and will be generated by the site, increase in polluted runoff from vehicles, ice melt, gas station activities, and retail activities. (6)

The advisability of permitting another gas station to be sited so close to Graniteville Swamp must be called into question, even with precautions taken to avoid leakage and petroleum run-off in this sensitive area. (13, 15)

The wetlands and natural floodplain on the site currently store and filter the excess water from the upland area, but the change to impervious surface and active retail uses will certainly strain the filtering capabilities of the remaining wetlands beyond capacity. At the public hearing, there was mention of including bioswales and shrub plantings. How could this possibly replace a mature forest and natural area? The short answer is that it cannot, and any benefit these wetlands and natural floodplains provide to the surrounding area will be lost. (6)

Response: Chapter 4 of the DEIS, "Natural Resources," includes a stormwater assessment that was conducted pursuant to the *CEQR Technical Manual* guidance. The analysis concludes that there would be no significant adverse impacts on water quality. Additionally, Chapter 4 states that the proposed project would require coverage under the NYSDEC SPDES GP-0-15-005 and, therefore, preparation and implementation of a SWPPP to ensure that the quantity and quality of stormwater from the project site meets the New York City Department of Environmental Protection and NYSDEC design criteria prior to discharge during construction and operation.

In addition, the Floodplain assessment in Chapter 4 of the DEIS, "Natural Resources," notes that Wetland B, the NYSDEC tidal wetland and the associated adjacent area would be preserved in their entirety within the project site. These areas provide the site with flood storage and attenuation functions. The analysis in the DEIS concludes that proposed actions would not result in significant adverse impacts related to the floodplain.

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State and local regulations and requirements for petroleum tank installation and operational monitoring would be followed and implemented to ensure the protection of onsite and neighboring natural resources.

Comment 24: The Natural Resources section of the DEIS contains a number of inaccurate statements. First, the DEIS states that “the applicant believes that proper storm water management practices and wetland enhancements would result in an overall improvement to natural resources on site.” Paving asphalt atop acres of rich habitat and funneling storm waters into a landscaped retention basin is in no way an “improvement.” Acknowledging a need to compensate for a loss of freshwater wetland adjacent area the DEIS proposes “freshwater buffer plantings, and freshwater and tidal wetland adjacent area enhancements,” as compensation. Planting evergreen shrubbery and hedgerows does not compare with the native ecology, which would be irreparably destroyed by the proposed development. (7)

Response: The Wetlands assessment in Chapter 4 of the DEIS, “Natural Resources,” was conducted pursuant to the *CEQR Technical Manual* guidance. As detailed in that chapter, the proposed project would also be subject to the NYSDEC Stipulation Agreement, which sets forth the parameters for development of the site. This includes the implementation of a NYSDEC Wetland Mitigation Plan, which includes the removal of invasive, non-native plant species and the planting of 2,207 trees and 9,267 native shrubs, within the southern portion of the project site. The existing, disturbed woodland vegetation would be supplemented by native tree and shrub plantings and associated landscaping within the project site. The introduced plantings will likely be used for foraging by wildlife and many of the shrub species chosen for landscaping would provide habitat for songbirds and other avian species. Trees that are planted would mature in the long-term and would provide roosting and nesting opportunities for birds that are adaptable to urban conditions. Grasses and low growing shrub plantings provide cover for ground-nesting birds. The proposed plantings, listed in Table 4-6 of Chapter 4 of the DEIS, are not evergreen species, rather they are indigenous and representative of the vegetative communities found on the project site and were thus chosen with the anticipation of a high success rate. Plantings would be dispersed throughout the designated planting areas, not in a hedgerow.

Comment 25: The notion that piping plover and roseate terns are the only endangered or threatened species to be considered at this site indicates the misleading inaccuracy of the DEIS. The site in question is not a hospitable location for these species and neither should be considered. Rather, the DEIS should consider the impact of development on least bittern and least tern, both threatened species in New York State found regularly in the area. The DEIS should also consider impacts upon other species of special concern such as

American bittern, osprey, sharp-shinned and cooper's hawks, each of which is regularly identified in the area. (7)

Response: As detailed in the Terrestrial Resources assessment in Chapter 4 of the DEIS, "Natural Resources," least bitterns, least terns, American bittern, osprey, sharp-shinned and cooper's hawks were not identified during the 12-month Natural Resource Inventory (NRI) nor by the Natural Heritage Program (NHP) as occurring on or within the vicinity of the project site.

Least bitterns, a NYS threatened species, occur in freshwater and brackish marshes with tall, dense emergent vegetation such as cattails, sedges, and rushes that are interspersed with clumps of woody shrubs and open water. In New York, least bitterns thrive in the large, expansive cattail marshes. The onsite habitat that most closely resembles least bittern habitat is located within the extreme southern portion of the project site and would remain undisturbed and protected in perpetuity.

Migrant least terns, a NYS threatened species and federally endangered species within interior, non-coastal locations, mainly occur on Long Island's outer coast and rarely on the lower Hudson River. The least tern breeds on broad, level expanses of open sandy or gravelly beach, dredge spoil and other open shoreline areas, and more rarely, inland on broad river valley sandbars. No breeding habitat occurs within the project site.

The osprey, a NYS species of special concern, prefers to make its home along the coastline, and on lakes and rivers. Nesting platforms and other man-made structures are also commonly used. They also occasionally nest on the ground. No habitat for the osprey is found on site.

The Cooper's hawk, a NYS species of special concern, resides in deciduous woodlands. The sharp-shinned hawk, a NYS species of special concern, resides in large, remote, young forests. Neither species were observed on the project site. However, as discussed in the Terrestrial Resources assessment in Chapter 4 of the DEIS, "Natural Resources," the northern portion of the site exhibited a low variety of wildlife species. This is attributable to the proximity to major roadways and predominantly low-quality vegetation on this portion of the site which limits the diversity and value of the on-site wildlife habitat. The southern portion of the site contains a variety of habitats, is adjacent to undeveloped properties contiguous to Graniteville Swamp Park and Old Place Creek, and contains high quality and diverse vegetation. This portion of the property would be preserved in perpetuity.

Comment 26: The DEIS is disingenuous when it states that "the proposed project would not have any significant adverse impacts to natural resources in the area. Enhancing freshwater and tidal wetland areas may improve water quality and flood protection and storage." (7)

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Response: With the implementation of the planting programmed detailed in the NYSDEC Wetland Mitigation Plan, as detailed throughout Chapter 4 of the DEIS, “Natural Resources,” the proposed project would not have any significant adverse impacts to natural resources in the area. These improvement measures for natural resources include, but are not limited to, preservation in perpetuity of the 10.77-acre southern portion of the project site which provides flood storage and storm surge protection, the NYSDEC and USACE regulated freshwater wetlands, NYSDEC freshwater wetland adjacent area, the NYSDEC tidal wetland and tidal wetland adjacent area, 2,207 tree plantings and 9,267 native shrub plantings, and stormwater management areas that would treat and discharge stormwater at a rate and in a pattern which will maintain the pre-development drainage conditions. Although flood protection of surrounding areas is not relevant to the proposed project under CEQR and WRP guidelines, it should be noted that the significant freshwater wetland plantings would serve to improve flood protection and provide an added measure of flood storage within the southern portion of the site. The stormwater management area and enhanced and preserved wetland adjacent areas would provide critical flood and stormwater control functions by absorbing, storing, and slowing down the movement of flood, rain, and melt water, minimizing flooding and stabilizing water flow on- and off-site.

Comment 27: The applicant states that additional traffic can be mitigated with relocation of North Morrow Street, but the proposed relocation of the street would destroy a pond that was created as part of the movie theater in the late 1970’s. This would mean previous NYSDEC mandates can be ignored, provided revised, inferior wetlands mitigation is proposed, which sets a bad precedent. (4)

Response: The realignment of North Morrow Street with the Home Depot access point and existing traffic signal would require disturbance to Wetland E, a non-jurisdictional, isolated wetland. This portion of the project site is not regulated by the NYSDEC nor the USACE.

Comment 28: Graniteville Swamp performs important storage services for nearby communities (as evidenced by its preventing Superstorm Sandy from flooding nearby communities), and its loss would force major new sewer investments by the City. (11)

Response: The Floodplain assessment in Chapter 4 of the DEIS, “Natural Resources,” notes that Wetland B, the NYSDEC tidal wetland and the associated adjacent area would be preserved in their entirety within the project site. The proposed project would not result in offsite impacts requiring new sewer infrastructure investments.

Comment 29: The developer’s report states that it takes 11 hours of rainfall to accumulate one inch. That is no longer true. With climate change, much of our rainfall is now

driving rain, which is no longer productive because it is not being absorbed by plant matter including trees, especially if there is no undergrowth around the trees.

The plan to remove water from the site in the developers report does not seem to be adequate. What is the capacity of the proposed retention basins? Are they adequate to hold the water from this new type of storm? Where will they be located? Will they interfere with the functioning of the remaining salt marsh? In addition, it must be known where the overflow goes and who is living near there. (15)

Response: As detailed in Chapter 4 of the DEIS, “Natural Resources,” and Chapter 6, “Water and Sewer Infrastructure,” the proposed project has incorporated appropriate measures to ensure it would not exacerbate stormwater runoff or leave the nearby residential community vulnerable to flooding from stormwater. As noted in the Water Quality assessment in Chapter 4, the SWPPP would ensure that post construction, the site would retain, infiltrate, and release additional stormwater flows associated with the 1-year, 10-year, and 100-year, 24-hour storms at a rate and in a pattern which would maintain the pre-development drainage conditions. As shown on the NYSDEC approved site plan, the stormwater management area would be located within the southern 10.77-acre portion of the site, west of Wetland B. The stormwater management area would ensure the hydrological balance to the preserved onsite wetlands is maintained post-construction. In addition, as discussed in Chapter 6, stormwater best management practices (BMPs), such as bioswales, would be implemented in the planted areas in the proposed project’s parking lot to further manage stormwater.

Comment 30: The land adjacent to Graniteville Swamp Park has the ability to help protect the neighborhood from future storms and flooding. Removing the permeable green space that helps absorb and filter water will absolutely have an impact on the way storms affect the neighborhood, a factor conveniently glossed over in the DEIS. The DEIS addresses only the difference between two full-build alternatives, and not a more realistic comparison between the approximate 28 acres of land as it is now and a future with roughly 17 acres of that same land developed. (6)

Response: As noted in the Terrestrial Resources assessment in Chapter 4 of the DEIS, “Natural Resources,” the southern 10.77-acre portion of the project site that will be preserved in perpetuity provides for a contiguous protected natural area that enjoins a neighboring natural area mitigation project (at the adjacent cinema property) a portion of the headwaters of Old Place Creek, and Graniteville Swamp Park. Also, see response to Comment 10.

Comment 31: Staten Island falls within the NY-NJ Harbor Estuary, home to 20 million people and hundreds of bird, fish, and wildlife species. Preserving natural habitat and

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open space is essential in this heavily developed area. Open space is essential to our livelihood because it protects water supplies, improves water quality, protects flood prone areas, and creates and improves habitat. If permitted, this development would unnecessarily wipe out what little open space Graniteville has and the damage would be irreversible. (6)

Response: As noted in the Terrestrial Resources assessment in Chapter 4 of the DEIS, “Natural Resources,” the southern 10.77-acre portion of the project site that would be preserved in perpetuity provides for a contiguous protected natural area that enjoins a neighboring natural area mitigation project (at the adjacent cinema property) a portion of the headwaters of Old Place Creek, and Graniteville Swamp Park.

Comment 32: The DEIS fails to realistically address the detrimental effects that paving a forest of mature trees will have on area flooding. The Graniteville Swamp is located within the coastal zone. Yet, the DEIS scarcely references flooding issues and fails entirely to address flooding impacts on the surrounding community—unacceptable omissions in a 2017 post-Irene, post-Sandy Staten Island. According to the DEIS, 1,850 mature trees will be cleared to construct the proposed project. These trees serve a critical function in the larger wetland system, helping to slow the speed of flood waters, and in turn lowering flood heights and reducing water’s corrosive force. The DEIS fails to address the realistic effects of the loss of these trees, claiming that the project will plant approximately 2,200 new trees that “would mature in the long-term.” First, in the foreseeable future, replacing 1,850 mature trees with 1.2 times as many saplings will hardly provide equivalent wetlands value or flood protection safeguards. Second, even when the replacement trees reach maturity, they are unlikely to attain the towering stature of the current forest. The project sponsors have not provided sufficient detail that would allow NYSDEC to assess whether or not the destruction of wetlands and forest cover is “insubstantial,” as the agency is required to do under the regulatory scheme. Presenting this tree replacement-ratio without more fails to satisfy the requirements of SEQRA. (3)

Response: As noted in the Wetlands assessment in Chapter 4 of the DEIS, “Natural Resources,” the proposed development and mitigation areas have been designed in conjunction with NYSDEC Natural Resources staff to ensure a viable balance between the historically disturbed northern development area along Forest and South Avenues and the southern preservation and enhancement areas. Tree removal and increased impervious conditions associated with the proposed project would be mitigated appropriately as the proposed project entails significant tree plantings and proper stormwater management practices throughout the development and within the 10.77-acre preserved area, as discussed in both the Aquatic and Terrestrial Resources assessments in Chapter 4 of the DEIS, “Natural Resources.” The proposed project proposes to plant

2,207 trees and 9,267 shrubs within the mitigation area. No NYSDEC regulated freshwater or tidal wetlands would be impacted by the proposed project.

FLOODING

Comment 33: The proposed shopping area poses too great a threat to the floodplain of the region. (16)

Response: As discussed in the Floodplains assessment in Chapter 4 of the DEIS, “Natural Resources,” Wetland B would be preserved in its entirety within the project site. Wetland B provides the site flood storage and attenuation functions, and the proposed project includes the creation of a stormwater management area within the southern portion of the project site that would aid in stormwater storage and minimize the risk of flooding. In addition, significant freshwater wetland plantings would serve to improve protection and provide an added measure of flood storage. Therefore, the proposed project would not result in any significant adverse impact on stormwater and flood management.

Although flood protection of surrounding areas is not relevant to the proposed project under CEQR and WRP guidelines, it should be noted that the stormwater management area and enhanced and preserved wetland adjacent areas would provide critical flood and stormwater control functions by absorbing, storing, and slowing down the movement of flood, rain, and melt water, minimizing flooding and stabilizing water flow on site.

Comment 34: It has been six years since Hurricane Irene, which did significant damage to the North Shore, and five years since Superstorm Sandy (to which we credit our existing wetlands for buffering the Mariners Harbor/Arlington communities from the storm surges and flooding), and the North Shore Waterfront and Environmental Justice communities still do not have a resiliency plan that has been implemented for the entire North Shore. Yet, various development projects that impact the protective wetlands are still taking place as if none of the above storm activities ever happened. There are no visible coordinated efforts by City, State, or Federal officials to deal with protecting the wetlands on the North Shore, nor is there resiliency protection. A resiliency conversation by officials has never taken place with North Shore communities. (1, 5)

Response: Resiliency protection for the North Shore communities is beyond the scope of this DEIS. However, the proposed project would implement of a planting program detailed in the NYSDEC Wetland Mitigation Plan to ensure wetland and flooding protections. These measures include, but are not limited to: preservation in perpetuity of the 10.77-acre southern portion of the project site (which provides flood storage and storm surge protection); the NYSDEC and USACE regulated freshwater wetlands and NYSDEC freshwater wetland adjacent area; the NYSDEC tidal wetland and tidal wetland adjacent area; 2,207 tree plantings and 9,267 native shrub plantings; and stormwater management

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areas that would treat and discharge stormwater at a rate and in a pattern which would maintain the pre-development drainage conditions.

Comment 35: The continued depletion of the buffering wetlands will cause major increases in flood risk to 1,200 residents and businesses in the community. The cost of flood insurance and the loss of home property values associated with the flood risk are significant financial exposures community-wide. We have no intention of assuming any such financial exposure caused by irresponsible use of the buffering wetlands and poor environmental support from the City and State. (1)

The floodplain risks to the nearby homes and businesses will increase, meaning everyone can expect an increase in their insurance premium because the project will fill in a floodplain. (4, 9, 15)

Homeowners and renters should expect an increase in their maintenance fees as a result of living in a floodplain. (15)

The South Avenue Retail Development project exposes the great flood risk to our life and property, as this project is implemented in the wetlands buffering our community. (1, 12, 14)

Preservation of wetlands and adjoining woodlands is a natural way for the environment to handle the excessive rainfall. Destroying 18 acres of trees will raise the water table; during heavy rainstorms, flooding is a serious and dangerous problem. Nearby homes adjacent to the project area will be in jeopardy. The construction of infrastructure projects in an attempt to prevent flooding will be expensive. If the entire 28 acres remains in its natural state, there is no need for the expensive infrastructure projects. (9)

Response: The proposed project has incorporated appropriate measures to ensure it would not exacerbate stormwater runoff or leave the nearby residential community vulnerable to flooding from stormwater. In accordance with the NYSDEC SPDES GP-0-15-002, the proposed project would: 1) implement bioswales, infiltration practices, and plantings throughout the development and enhance and conserve approximately 10.77 acres of natural areas to reduce stormwater runoff generated by the proposed project; 2) retain, infiltrate, and release additional stormwater flows associated with the 1-year, 10-year, and 100-year storms; and 3) discharge water from the stormwater management devices at a rate and in a pattern similar to the pre-development drainage condition of the site.

Flooding during Superstorm Sandy was primarily a result of storm surge rather than rainfall. As detailed in Wetland assessment in Chapter 4 of the DEIS, "Natural Resources," the proposed project would result in the loss of isolated, non-jurisdictional wetlands and 0.39 acres of NYSDEC regulated 100-foot freshwater wetland adjacent area. The proposed project would not result in significant adverse impacts to existing wetland storm surge protection or

stormwater attenuation and would not result in an increase flooding potential to the area.

Comment 36: The marsh and woodlands area by Forest and South Avenues were on the verge of overflow during Superstorm Sandy. This was only a Category 1 hurricane event; there is even more risk of flooding now from Category 2 or above hurricanes will result in even more risk without the proposed project. Initially (at the Community Board 1 meeting on May 16th), the project claimed they were using 10-year storm surge criteria for flood control. At that time, we disagreed with the approach and insisted Superstorm Sandy should be the driver. At the following Land Use Committee meeting on June 7th, the flood control criterion was changed to a 100-year storm surge. The 10-year and 100-year storm surges are not materially different, as no changes were made to the project design or water management components between the two meeting presentations. (1)

At the public hearing, it was stated that the project would retain 100 percent of the stormwater on site, but there was no clarification as regards the size of the storm in question. (6)

There are seven freshwater wetlands on this site that they will be destroyed, and it is a full canopy of trees that is providing oxygen for this community, which is burdened by pollution. (5)

The applicant's team has maintained that there would be no impact to the area as it relates to stormwater, and that facilities were planned to contain 100 percent of that water; however, no mention was made about what severity of storm was anticipated to create that 100 percent capacity. Superstorm Sandy has been described as a "100-year" or "300-year" storm, but no matter the label, it must be evident that another storm of equal or greater severity may strike this area at any point. (13)

Though the developer considers 100-year storms, as a result of climate change they should be looking at 1,000-year storms as the standard. (15)

Several citizens reported concerns regarding flaws in the DEIS, including one obvious error in the 24-hour rainfall statistic—it's grossly underrated. In August 2011, Staten Island experienced a rainfall of 8 inches in 24 hours. In recent years, storms are releasing more rainfall than in the past due to climate change. (9)

Response: As discussed in both the Aquatic and Terrestrial Resources assessments in Chapter 4 of the DEIS, "Natural Resources," tree removal and increased impervious conditions associated with the proposed project would be mitigated appropriately with the provision of significant tree and shrub plantings and properly sized stormwater management practices throughout the development

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and within the 10.77-acre preserved area. The proposed project would include the planting of 2,207 trees and 9,267 shrubs within the mitigation area.

The proposed project has incorporated appropriate measures to ensure it would not exacerbate stormwater runoff or leave the nearby residential community vulnerable to flooding from stormwater. As discussed in the Water Quality assessment in Chapter 4 of the DEIS, "Natural Resources," in accordance with the NYSDEC SPDES GP-0-15-002, the stormwater management area would be designed to retain and release stormwater flows associated with the 1-year, 10-year, and 100-year, 24-hour storms. All water discharged from the stormwater management devices would flow at a rate and in a pattern similar to the pre-development drainage condition of the site. Please also see response to Comment 35.

Comment 37: Business impacts from flooding have already taken place in the area. National Grid was flooded with four feet of water during Superstorm Sandy. Likewise, several businesses, including the Department of Motor Vehicles were flooded out as well. The removal of more wetland buffer zones will only contribute to increased flooding and life and property endangerment. (1)

According to the U.S. Army Corp of Engineers, there are seven freshwater wetlands on-site, six of which are considered as isolated freshwater wetlands in the forested area that the developer is proposing to build on. During Superstorm Sandy, it was Mariners Marsh, a freshwater wetland that helped to absorb the storm surge's overflow from Arlington Marsh, a tidal wetland providing protection to the 4,000-plus residents of Arlington and Mariners Harbor communities.

It is imperative to our well-being and safety that all wetlands and forested areas, even those that are privately-owned, become a part of our climate change buffer in order to protect these vulnerable people and communities, who will be the first to experience the hardships that come with severe weather. (5)

Without the interposition of Graniteville Swamp and the marshes of Old Place Creek, the impact of Superstorm Sandy would have been much worse, particularly for those living on the east side of South Avenue. Not only did the 28 acres threatened by this project absorb and retard the rising water, the trees growing on the interspersed higher ground did their part in tempering the winds at ground level. If this development is allowed to proceed, the next similar storm will make homeowners rue the loss of these resources. (13, 15)

The thousands of people living across the street from the project site were largely spared from major destruction during Superstorm Sandy. According to many in the community, the reason was that Graniteville Woods contained the flooding, with the trees and soil absorbing the water. Residents say that there was heavy flooding in Graniteville Swamp, but it did not cross South Avenue. Several experts have stated that the stormwater retention basins, included in this

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project, cannot duplicate the natural functioning protections provided to this community by Graniteville Woods. Survivors who witnessed Superstorm Sandy's destruction often mention that the water was coming from all directions; this issue of water displacement during flooding has not been addressed adequately. After the destruction of Superstorm Sandy, City officials promised to lower our flooding risk and mitigate the impact of climate change. How does removing 1,800 mature trees and cementing over acres of land in this coastal zone fit into that promise? (10)

Response: See response to Comment 35.

Comment 38: Staten Island's existing North Shore Environmental Justice communities are lacking in topographical downhill flooding protection—a quality of life infrastructure measure that others in the City and on Staten Island take for granted. Yet, with this developer's proposal, there is no counter proposal by the City to mitigate what will be taken away from this vulnerable community. (5)

Response: As detailed in the "Project Description" of the DEIS, the proposed project has incorporated appropriate measures to ensure it would not exacerbate stormwater runoff or leave the nearby residential community vulnerable to flooding from stormwater. The SWPPP would ensure that the post construction stormwater is discharged from the stormwater management devices at a rate and in a pattern which would maintain the pre-development drainage conditions. As such, downstream waters would not be impacted by the proposed project.

Comment 39: This area already experiences flooding problems from periodic rainstorms. The project—by threatening to destroy critical on-site wetlands and the adjacent densely wooded forest—will only exacerbate such problems in the years to come. Wetlands function as natural sponges that trap and slowly release surface water, rain, snowmelt, and flood waters. Trees, root systems, and other wetland vegetation also mitigate flood conditions. A United States Forest Service study reported that a typical medium-sized tree can intercept as much as 2,380 gallons of rainfall per year. Accordingly, the Graniteville Swamp wetlands and forestlands serve a particularly vital purpose in Mariners Harbor. Vulnerable as it is to future storms, the Mariners Harbor neighborhood cannot afford to lose the natural flood protection that the current land use provides. Preservation of the wetlands and surrounding wetland areas is critical to the resiliency of the Mariners Harbor community. (3)

Response: See response to Comment 35.

Comment 40: The area has hills and downhill flooding, and major urban flooding because it lacks proper stormwater management and containment. (5)

Response: See response to Comment 38.

WATER AND SEWER INFRASTRUCTURE

Comment 41: The Port Richmond Wastewater Treatment Plant (WWTP) discharges sewage into the Kill van Kull on a regular basis (each rainfall greater than 0.5 inches causes combined sewer overflow). The proposed project would add 57,000 gallons per day of sewage when the rain is 0.5 inches or greater to the Kill van Kull, which is not recommended. (4)

The Port Richmond WWTP is approximately 47 years old and was only designed to have a life capacity of 35 years. After every rainstorm, no matter how light it is, that plant stinks. (5)

Without the trees to help absorb the rainfall, the water runoff will enter the Combined Sanitary and Storm Water Sewage System. During severe storms, the Port Richmond WWTP will implement wet weather operations, at double its normal capacity. A flow over 90 million gallons daily will be bypassed from the normal primary and secondary treatment process. Bypassing the total treatment process will result in pollution being discharged into the Kill Van Kull. Why spend a fortune on expanding any wastewater infrastructure, which is expensive to build and maintain? Why not protect and preserve the natural ecosystem currently in place at the proposed site of the proposed project? (9)

The DEIS fails to address the vast difference between the existing conditions and developed conditions, specifically the significant increase in polluted runoff from vehicles, ice melt, gas station activities, and retail activities. New York City has been tending toward preserving green space and increasing green infrastructure over the past several years in an effort to reduce the volume of stormwater on an already taxed municipal sewer system and address localized flooding. Adding a large-scale retail development in place of wetlands-adjacent green place goes directly against this sort of purposeful planning and the efforts of New York City to make its neighborhoods more resilient. Additionally, the increase in end-users will increase the strain on the aged and overwhelmed sewer system on Staten Island. Issues with stormwater inundation on the municipal separate storm sewer system already cause water quality issues in the area. Tying a large retail development into this system will not only increase Staten Island's infrastructure burden but also risks undoing any small progress made on improving the municipal sewer systems thus far. (6)

Response: As discussed in Chapter 6 of the DEIS, "Water and Sewer Infrastructure," the proposed project would result in a sanitary sewage generation of approximately 54,240 gallons per day (gpd), which is approximately 540 gpd less than would be generated by the No Action retail development. This 54,240 gpd increase in flows to Port Richmond WWTP would be equivalent to less than 1 percent of the average daily flow to the WWTP (26 mgd) and would not result in the WWTP exceeding its permitted capacity (currently, the WWTP is operating well below its permitted capacity of 60 mgd). In addition, the proposed project

would include a stormwater management system, which includes substantial planted areas and bioswales in the parking areas and a stormwater retention basin. This system would treat and discharge all stormwater on the project site into the adjacent wetland area, at a rate that mimics existing conditions. The proposed project would not result in any increase in stormwater flows to the City's sewer system. Therefore the proposed project would not affect the capacity of the City's wastewater treatment and stormwater management infrastructure or result in increased discharges of combined sewer overflow.

TRANSPORTATION

TRAFFIC

Comment 42: The proposed shopping area poses too great an impact on the traffic patterns of the vehicular infrastructure. (5, 6, 8, 15, 16)

The South Avenue Retail Development project will significantly increase traffic on South and Forest Avenues, which are currently heavily populated as they are the main conduits to the Goethals Bridge. (1, 5, 8, 13, 15)

There is no way to expand road capacity to address the vehicular capacity issues on South and Forest Avenues. (1)

Response: The traffic analysis conducted in Chapter 7 of the DEIS, "Transportation," accounted for future traffic increases with and without the proposed project per the *CEQR Technical Manual*, and found that there would be the potential for significant impacts at the intersections of Forest Avenue at Maple Parkway, Richmond Avenue/Morningstar Road, Union Avenue, and Willow Road West, and at the intersections of South Avenue at Amador Street, Lisk Avenue, and Goethals Road North. At all of these locations, the predicted significant adverse traffic impacts could be fully mitigated with standard traffic mitigation measures like signal timing changes and lane restriping (see Chapter 13, "Mitigation").

Comment 43: Existing traffic delays are being completely ignored, and the addition of more car and truck traffic makes it even worse. The community knows the resulting traffic increase will result in major travel delays over what is already experienced today. (1, 8)

Response: The DEIS traffic analysis took into account existing conditions. The traffic analysis software was calibrated based on existing, observed queue lengths, bus and parking activity, existing traffic signal timing and phasing, and other existing conditions. Per the *CEQR Technical Manual*, traffic from other, nearby projects planned or proposed to be built before the proposed project plus annual background traffic growth were added to existing conditions to account for future traffic conditions. The DEIS then analyzed the incremental increase in traffic from the proposed project, compared it to future traffic conditions without the project per the *CEQR Technical Manual*, and described that, due to

the project-generated vehicle trips, there would be the potential for significant adverse traffic impacts at four intersections during the weekday PM peak hour and seven intersections during the Saturday peak hour. At all of these locations, the DEIS found that the predicted significant traffic impacts could be fully mitigated with standard traffic mitigation measures like signal timing changes and lane restriping.

Comment 44: Car traffic relating to gasoline fill ups are not included in the peak traffic activity numbers, meaning the worst-case traffic patterns are only going to get worse. The stated peak traffic number is therefore understated by a significant amount.

The vehicle traffic study needs be comprehensive and break out all traffic activity not just retail customers. Vehicle traffic relating to gasoline fill ups, truck deliveries, and retail store customer activity needs clear definition. Movie theater show times will also create addition vehicle entrance and exit traffic activity on Forest Avenue. (1)

Response: As discussed in Chapter 7, “Transportation,” the gas station is included as part of the destination retail land use under With Action development conditions. The DEIS includes detailed weekday and Saturday travel demand factor estimates broken out for each peak hour, vehicle type, and land use. This and all travel demand factor assumptions related to the project were reviewed and approved by the New York City Department of City Planning and the Department of Transportation. The DEIS did not analyze the intersection of Morrow Street and Forest Avenue, near the proposed gas station, because incremental project-generated trips would not exceed the *CEQR Technical Manual* threshold requiring detailed analysis. Therefore, the realignment of Morrow Street—which already provides access to the existing movie theater—is not expected to result in any significant adverse traffic impacts.

Comment 45: Major backups on the Staten Island Expressway take place occasionally and cause highway traffic to be diverted to the local Forest Avenue exit. When this takes place, traffic is jam-packed and slowed down. This was not factored into the traffic analysis. (1, 8, 13)

Response: Per *CEQR Technical Manual* guidance, traffic counts were conducted during typical conditions, i.e., when school is in session, when there were no major incidents that would cause changes in traffic patterns such as diversions, and when there were no holidays. Weekday and Saturday traffic counts are based on two weekend days and three mid-week weekdays of traffic data collection to account for daily fluctuations in traffic and to depict typical conditions in the resulting traffic analyses. A DEIS traffic study is not required to analyze non-recurring, atypical traffic conditions such as a major incident that causes changes in traffic patterns.

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Comment 46: This project will disrupt the transport of adolescent students and patients to the center for special needs that is adjacent to the project site, not to mention the increase in traffic incidents. (1)

Response: The DEIS found that there would be additional traffic delays anticipated under future conditions with the proposed project and the potential for significant adverse traffic impacts. Also, the DEIS performed a vehicular and pedestrian safety evaluation, which determined there were no high crash locations in the traffic study area during the safety study period. The DEIS concluded that the predicted significant traffic impacts could be fully mitigated with standard traffic mitigation measures and that the proposed project would not result in the potential for any significant adverse pedestrian safety impacts, per the *CEQR Technical Manual* guidelines.

Comment 47: There have been traffic problems on Lisk Avenue for years. With increased traffic levels, the traffic and speeding problems taking place as vehicle drivers look to avoid South and Forest Avenues traffic will grow even more so. Resident vehicle exits from Wolkoff Lane and Selvin Loop onto South and Lisk Avenues are at risk every day. (1)

Response: The DEIS found that there is the potential for significant adverse traffic impacts due to the proposed project on the westbound approach of Lisk Avenue at South Avenue during the weekday PM and Saturday peak hours. Chapter 13 “Mitigation” of the DEIS concluded that a signal timing shift of one second from the northbound and southbound South Avenue phase to the westbound Lisk Avenue phase could fully mitigate the traffic impact. The issue of existing drivers using shortcuts through private residential streets to avoid congestion is not related to operations of the proposed project; however, the applicant has committed to undertake a Traffic Monitoring Plan, the details of which have been provided in Chapter 13 “Mitigation” of the FEIS.

Comment 48: The traffic analysis is flawed, as we do not have the capacity required to handle the proposed peak parking activity of 200-265 cars per hour. (1)

Response: Per *CEQR Technical Manual* guidelines, a parking assessment was required and was conducted, as detailed in Chapter 7, “Transportation.” Under the With Action conditions, the DEIS found that there would be a peak parking accumulation under typical weekday conditions of up to approximately 490 occupied parking spaces and under typical Saturday conditions of up to approximately 590 occupied parking spaces. Since the proposed project would have 838 accessory parking spaces, it is not anticipated that the proposed project would result in a significant parking impact under typical conditions.

Comment 49: Adding retail establishments with a minimum of 736 parking spaces means that the number of cars in and out of the neighborhood will increase drastically. Additionally, the tractor-trailer traffic will also increase significantly, especially

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in the With Action plan. The wholesale warehouse and supermarket options are likely to receive shipments multiple times a week (possibly even daily during the holidays) on top of the shipments to six different retail stores and gas station. The DEIS addresses this by showing a comparison of traffic impact between the No Action and the With Action plans, and not by including a comparison of existing conditions versus developed conditions. The DEIS compares the difference as though there is no difference of which to speak, and the difference between 736 and 838 parking spaces is very little difference at all. However, the difference between zero parking spaces and the attraction of cars to a retail development with 736 or 838 parking spaces presents a drastic uptick in the expected traffic in the area. (6)

Response: The Reasonable Worst Case Development Scenario presents a comparison of what could be developed on the site as-of-right compared to what could be developed according to the proposed project. Therefore, the DEIS is only required to analyze the incremental increase in traffic compared to what could be built per the existing zoning. However, the applicant has committed to a traffic monitoring program, as detailed in Chapter 13 of the FEIS, "Mitigation."

VEHICULAR AND PEDESTRIAN SAFETY

Comment 50: The increased traffic on South and Forest Avenues will make walking across the streets even more dangerous than it already is now. (12)

Response: A vehicular and pedestrian safety assessment was conducted per *CEQR Technical Manual* guidelines. According to those guidelines, a high crash location is one where there were 48 or more total crashes (reportable and non-reportable) or five or more pedestrian/bicycle injury crashes in any consecutive 12 months of the most recent 3-year period for which data is available. According to the historic crash data for the study period evaluated, there were no high crash locations in the traffic study area. Therefore, the DEIS concluded that the proposed project would not result in the potential for any significant adverse pedestrian safety impacts.

Comment 51: There's a proposal to eliminate one of the lanes of traffic, making it three lanes on South Avenue. If you're going to increase the lanes for the cars to go down, what's going to happen to the sidewalks? It becomes a safety issue, because you have people who may have to walk to the bus stop on Forest Avenue, and they won't have an actual sidewalk to walk on. Pedestrian foot traffic safety becomes an issue, especially for children who might have to go to the bus stop to go to school. (8)

This project will result in increased congestion, which will increase the risk of injury or death to children, the disabled, and the elderly. Because of increased congestion on South Avenue, drivers already divert and speed down Wolkoff

Lane—this type of dangerous driving condition will only increase if this project goes through. (15)

Response: The proposed project would not eliminate any sidewalks or travel lanes on South Avenue. The proposed project would maintain two northbound and two southbound travel lanes, and add a dedicated northbound left-turn lane into the project site. As discussed in Chapter 7, “Transportation,” a vehicular and pedestrian safety assessment was conducted per the *CEQR Technical Manual* and according to the historic crash data for the study period evaluated, there were no high crash locations in the traffic study area. Therefore, the DEIS concluded that the proposed project would not result in the potential for any significant adverse pedestrian safety impacts, per the *CEQR Technical Manual* guidelines. Furthermore, Wolkoff Lane is not anticipated to be a major approach or departure route for traffic generated by the proposed project.

AIR QUALITY

Comment 52: The cars and tractor trailers entering, driving around, and idling within the retail lot will significantly increase the carbon emissions in the area as compared to the existing site conditions. The DEIS does not make that comparison, though, and instead compares the numbers between the two build options. Comparing emissions data between No Action and With Action is not a valid gauge of the increase in emissions that will occur if either version of the project is built. Carbon emissions from added vehicle traffic, and the potential for increased exposure to carcinogens from cigarette smoke due to the added number of people milling around the site, should be taken very seriously and judged against the existing site conditions, not the two build alternatives. (6)

Response: The air quality analysis conducted in the DEIS summarizes concentrations in the existing, No Action, and With Action scenarios. Concentrations in the With Action scenario are compared against applicable city, state, and federal *de minimus* thresholds and promulgated standards, in accordance with the *CEQR Technical Manual*. An analysis was performed to determine the potential for emissions generated by stationary sources (such as emissions from the project’s heating and hot water systems) and mobile sources (emissions from motor vehicle trips generated by the project) to result in significant adverse impacts to air quality. As discussed in Chapter 8 of the DEIS, “Air Quality,” the stationary source analysis found that the maximum modeled concentrations for all pollutants resulting from emissions from the project’s heating and hot water systems are less than the applicable air quality standards. In addition, the mobile source analysis found that concentrations of pollutants due to project-generated traffic at intersections near the project site and at the project’s parking lot would not result in any violations of applicable air quality standards. Therefore, the proposed project was found to result in no significant adverse air quality impacts.

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Comment 53: Each tree removes 10 pounds of poison particles from the atmosphere per year, so if the project goes forward, the hardship enduring folks of Mariners Harbor will be dealing with an additional 18,000 pounds of smog, soot, and diesel fumes, for the 20-year life of the project. (4)

Forests provide cooling temperatures for the surrounding areas and absorb carbon dioxide emissions from passing cars. Since South Avenue is a major thoroughfare from New Jersey to the Staten Island Ferry, and since the Staten Island Expressway is only a short distance away, this forest is highly important for the physical health of the community by absorbing emissions. (15)

Response: As discussed throughout the DEIS, the proposed project includes the preservation and enhancement of the wetland areas on the southern portion of the project site. While the proposed project would remove 1,850 trees on the site, in accordance with the NYSDEC-approved site plan, the proposed project would include tree replacement; in particular, the enhancement plan includes the planting of approximately 2,200 new trees and 9,200 new shrubs. Per the *CEQR Technical Manual* guidance, a mesoscale analysis is required for projects that have the potential to greatly increase the total number of vehicle miles traveled in a region, such as from major highway improvements or changes to regulations that affect numerous sources (e.g., changes to the type of fuel burned throughout the city). Given that the proposed project is limited to the development of a retail development on the project site, a mesoscale or regional air quality analysis was not warranted. As noted above in the response to Comment 52, the proposed project would not result in any significant adverse air quality impacts.

Comment 54: Using comparative background data from sites in Harlem, the Bronx, or Division Street in Manhattan is not helpful; all of these have significantly higher background levels than the green space and residential areas that exist in Graniteville today. (6)

Response: The nearest NYSDEC air quality monitoring stations were used as representative background concentrations at the project site for the analysis of each pollutant. Project specific conditions may result in lower background concentrations, and therefore lower total concentrations in the future with and without the proposed project.

NOISE

Comment 55: The DEIS compares the change in noise based on the No Action versus With Action alternatives. However, there is no significant increase found in the DEIS comparisons because it is not considering the change from current conditions. There is no doubt that the residential homes nearest to the development will be most affected by the change in background noise, but the residents are not presented with a meaningful comparison through the DEIS on which to base

informed opinions on how the proposed development will affect their daily lives. (6)

The nearby communities already have their share of noise pollution coming from the airport, the expressway, and trucks along South Avenue and Goethals Road North. Add to that increased congestion from delivery trucks, especially during holidays, and the noise level will be unbearable, especially for those living along South Avenue. (15)

Response: In accordance with the *CEQR Technical Manual*, the noise analysis provided in Chapter 9 of the DEIS, “Noise,” was performed to determine the potential for the proposed project to result in increases in noise levels (particularly from project-generated traffic, including project-generated delivery trucks) that could have a significant adverse impact on nearby sensitive receptors. The analysis conformed with the methodology provided in the *CEQR Technical Manual* which determines the potential for noise impacts by comparing the With Action noise levels to the No Action noise levels. The measured existing noise levels are shown and characterized according to CEQR noise exposure categories. The measured existing noise levels, No Action noise levels, and With Action noise levels and noise level increments between scenarios are all described and compared with respect to the subjective experience of the residences. The With Action noise levels were characterized according to CEQR noise exposure categories.

As discussed in Chapter 9 of the DEIS, “Noise,” the With Action noise levels at receptor sites 2 and 4 would be in the “acceptable” or “marginally acceptable” categories. With Action noise levels at receptor sites 1, 3, and 5 would be in the “marginally unacceptable” category, but the existing noise levels at these sites were also in the “marginally unacceptable” category. The maximum increase in noise levels for the With Action condition as compared to the No Action condition would be 0.8 dBA, which is less than the threshold for a “just noticeable” change in noise levels, according to the *CEQR Technical Manual*.

PUBLIC HEALTH

Comment 56: With increased automotive congestion comes increased CO₂ pollution, especially since more than 1,800 trees will be cut down to make way for this project. Without the forest to absorb the CO₂, we may be looking at an increased incidence of respiratory and other illnesses. As it is, the residents are now coping with pollution from the Staten Island Expressway, from Newark Airport, and from the refineries across the Goethals Bridge. (15)

For many years, the City and State neglected the people crowded into densely populated neighborhoods exposed to pollution carried by the winds easterly across their neighborhoods from the chemical plants and oil refineries in nearby New Jersey. Limited amounts of trees and a lack of green open spaces contributed to the health issues caused by the air pollution, including respiratory

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problems, especially in the elderly and the very young. Childhood asthma is not uncommon in the very young residing on the North Shore. Destroying an additional 18 acres of trees will only increase health problems for local residents. Trees are extremely important to help combat pollution. Destroying the few remaining trees to build any store is wrong and irresponsible. (9)

Response: As noted above in the response to Comment 53, while the proposed project would remove trees on the site, in accordance with the NYSDEC-approved site plan, the proposed project would include tree replacement; in particular, the enhancement plan includes the planting of approximately 2,200 new trees and 9,200 new shrubs. Per the *CEQR Technical Manual* guidance, a mesoscale or regional air quality analysis was not warranted, as the project is limited to the development of retail development on the project site. As discussed in Chapter 14, "Screening Assessments," the proposed project would not result in unmitigated significant adverse impacts in any of the technical areas related to public health, therefore, following *CEQR Technical Manual* guidelines, a public health analysis is not necessary, and the proposed project would not result in a significant adverse public health impact. In particular, the proposed project would not result in any significant adverse impacts to air quality, and would not result in any significant adverse impacts to public health relating to air quality or pollution.

NEIGHBORHOOD CHARACTER

Comment 57: This project would drastically change the character of the neighborhood, causing a significant uptick in traffic, congestion, and urbanization that is neither needed nor wanted by local residents. Graniteville is a predominantly residential area, with several existing retail and manufacturing uses, and little available green space. What little future development is planned for the area immediately surrounding the project site can be identified as mostly more residential. (6)

Response: As discussed in Chapter 10 of the DEIS, "Neighborhood Character," the proposed project would not result in any significant changes to land use or traffic patterns that would significantly alter the area's neighborhood character. While the proposed project would result in significant adverse traffic impacts at seven intersections located along Forest Avenue and South Avenue, these are major roadways that carry high volumes of traffic. With the implementation of standard measures that would fully mitigate the projected significant adverse traffic impacts, the increased traffic resulting from the proposed project would not represent a significant change to the existing neighborhood character. As discussed in Chapter 2 of the DEIS, "Land Use, Zoning, and Public Policy," the area near the project site contains a mix of land uses; in addition to low-density residential uses, there are commercial and auto-oriented uses generally located in the area along Forest Avenue, including a Home Depot hardware store located on the northern side of Forest Avenue across from the project site and a

multiplex cinema located to the west of the project site across Morrow Street. There are four projects anticipated to be built in the area, which are expected to continue the existing land use pattern: two of the projects are retail and warehouse/manufacturing facilities along Forest Avenue, while the remaining two are new single-family homes in the residential area along South Avenue east of the project site.

ALTERNATIVES

Comment 58: The alternatives analysis fails to sufficiently explore reasonable alternatives, including the no-build option.

SEQRA requires a DEIS to include a discussion of the range of reasonable alternatives to the proposed action so that the decision-maker may consider whether alternatives exist that would minimize or avoid adverse environmental effects. Despite this directive, the Graniteville Swamp DEIS Alternatives section relies on a single alternative—the invalid No Action alternative discussed above. The Alternatives discussion in the DEIS reads like a foregone conclusion: the only alternative is another un-built project with many of the same environmental problems as the proposed project. It fails to consider whether the state, the city or a local land trust could acquire some or all of the project’s site. It fails to include any analysis of whether a smaller project that preserved more of the wetlands and forested areas could achieve some of the project sponsors objectives. It fails to examine whether a different configuration of parking, a more small scale commercial development plan and/or a less dramatic destruction of the landscape could achieve many of the developer’s financial goals. The complete absence of an meaningful Alternatives discussion in the DEIS subverts the goals of the environmental review process, and does not aid decision makers or the public in assessing whether alternatives exist that would minimize or avoid adverse environmental effects of the proposed development. (3)

Response: As discussed throughout the DEIS, in accordance with *CEQR Technical Manual* guidelines, the analysis considered a future No Action condition that included what is expected to be developed on the project site absent the proposed approvals. In this case, the No Action scenario includes the redevelopment of the project site with a commercial center which would be similar to the proposed project but would not require any discretionary approvals, including the mapping or demapping of any City streets. In particular, the No Action development would conform to the NYSDEC-approved site plan and would include the same preservation and enhancement of 10.77 acres of natural areas on the project site. Effects on natural resources from the No Action development would be similar to the proposed project, as they both entail site disturbance of the same development area (see Chapter 4 of the DEIS, “Natural Resources”). As discussed in Chapter 12 of the DEIS, “Alternatives,” all significant adverse impacts identified for the proposed project would not occur with the No Action

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development. In accordance with *CEQR Technical Manual* guidance, as the proposed project would not result in any unmitigated significant adverse impacts, consideration of an alternative that would reduce or eliminate unmitigated significant adverse impacts is not warranted.

MISCELLANEOUS

Comment 59: The majority of the money made at BJ's will not remain in the neighborhood, will not circulate here, and will leave the communities surrounding this project in worse shape than they are currently. If minimum wage is paid to the workers, they and their families will not be able to live here, and that money will also leave the surrounding communities. (15)

Response: This comment is not related to the DEIS.

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