

DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

MEMORANDUM

TO: Larry Parnes

FROM: Robert Dobruskin *RD*
Karen Johnson *KJS*

DATE: May 25, 1999

RE: CEQR No.: 98DCP038K
ULURP Nos.: 980318MMK, 980319ZMK, N980320ZAK, N980321ZCK
Project Name: Cropsey Avenue Home Depot

The Environmental Assessment and Review Division has reviewed the Preliminary Draft Environmental Impact Statement for the above-referenced CEQR application. As part of the proposed zoning map amendment, the proposal will include an (E) designation for hazardous materials on Block 6947, Lot 260. The text of the (E) designation is as follows:

Due to the existing and former uses on the subject parcel as a metal scrapyards, there is a potential for petroleum and non-petroleum product related contamination in the soil and groundwater. To determine if contamination exists on-site and to identify any appropriate remediation, a soil gas, soil and groundwater sampling protocol, including a description of sampling methods and a site map with all sampling locations clearly represented, must be submitted to and approved by DEP prior to any demolition, site grading, excavation, or construction on the site. No sampling should begin until written approval of the sampling protocol is received from DEP.

A written report with the sampling test results must be presented to DEP after completion of the sampling. After receiving this report, a determination will be made by DEP if the results indicate that remediation is necessary. If DEP determines that no remediation is necessary, written notice shall be given by DEP. If remediation is deemed necessary, a remediation plan must be submitted to DEP for review and approval. After completing the remedial plan, the applicant should provide proof that the work has been satisfactorily completed.

c: Lance Michaels
Phil Sperling
Junna Lan
Irene Sadko
James Heineman
Winston Von Engel
Linda Janssen

E-95



DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK
ENVIRONMENTAL ASSESSMENT AND REVIEW

Joseph B. Rose, *Director*
Department of City Planning

February 1, 1999

Jesse Masyr, Esq.
Wachtel & Masyr, LLP
110 East 59th Street
New York, NY 10022

RE: CEQR NO.: 98DCP038K
ULURP NOs.: 980318MMK, 980319ZMK,
N980320ZAK, N980321ZCK, C900123PPK
Project Name: Cropsey Avenue Home Depot

Dear Mr. Masyr:

Under City Environmental Quality Review, it is required that if the lead agency determines that a proposed action may have a significant effect on the environment, it shall issue a Positive Declaration and request that the applicant prepare a Draft Environmental Impact Statement.

Based on preliminary review, the Environmental Assessment and Review Division, acting on behalf of the Department of City Planning as CEQR lead agency, has found the above action to fall within this category. Accordingly, enclosed is the Positive Declaration for CEQR No. 98DCP038K, Cropsey Avenue Home Depot, and the reasons for its issuance.

As noted in the Positive Declaration, a public scoping meeting has been scheduled on Tuesday, March 9, 1999 at 3 PM at City of New York, Department of City Planning, Spector Hall, 22 Reade Street, New York, New York 10007. Written comments will be accepted by the lead agency through the tenth day following the scoping meeting.

Enclosed is the Draft Scope of Work, the Environmental Assessment Statement, the Positive Declaration and the Public Notice of a Scoping Meeting.

If you have any questions regarding the enclosed materials, please contact Karen Johnson at (212) 720-3417.

Robert Dobruskin, *Director*
James Heineman, *Deputy Director*
22 Reade Street, New York, N.Y. 10007-1216 Room 4E (212) 720-3420
FAX (212) 720-3495



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Sincerely,

Robert Dobruskin

Robert Dobruskin, Director
Environmental Assessment and Review Division
Department of City Planning

C:

Joseph B. Rose	Jennifer Raab
City Planning Commission	Floyd Lapp
Howard Golden	James Heineman
Annette M. Barbaccia	Susan Wong
Gail Benjamin	Eric Kober
Barbara Rosen	Lawrence Parnes
Lance Michaels	Phil Sperling
Regina Myer	Marjorie Bryant
Chung Chan	Naim Rasheed
Pat Bussey	Jane Cleaver
Karen Johnson	Brooklyn C.D. 13
Mary Ellen Kriss	District Manager
John Cahill	Brooklyn C.D. 13
Ronda Wist	Chairperson
Mehdi Amjadi	Gina Santucci
ENB	Glen Price
City Record	Joseph Ketas
Julian Misiurski	Helen Gitelson
Winston Von Engel	Rachel Belsky
Omie Medford Ryan	Barry Dinerstein
Jeff Sugarman	Ester Siskind
Dawn McReynolds Fish	Joshua Laird



DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW

Joseph B. Rose, *Director*
Department of City Planning

POSITIVE DECLARATION

Date: February 1, 1999

Project Identification

CEQR NO.: 98DCP038K
ULURP NOs.: 980318MMK, 980319ZMK,
N980320ZAK, N980321ZCK
C900123 PPK
SEQRA Classification: Type I

Lead Agency

City Planning Commission
22 Reade Street, Rm 1W
New York, New York 10007
Contact person: Robert Dobruskin
(212) 720-3423

Name, Description and Location of Proposal:

Cropsey Avenue Home Depot

Home Depot USA, Inc. is proposing a 150,234-square-foot Home Depot store and garden center, 21,743 feet of other retail space in a separate structure, and 580 accessory parking spaces in Coney Island, Community District 13, Brooklyn. The main entrance to the Home Depot retail development would be from Cropsey Avenue via Bay 54th Street with a secondary entrance at the end of West 22nd Street. The Home Depot project site contains detached residences and vacant land.

In addition to retail development, the proposed Home Depot project would also involve improvements to public parkland; the creation of a new shorefront walkway to provide public access to the waterfront; the creation of a 34-space public parking area for visitors to Dreier-Offerman Park at the intersection of the Shore Parkway Service road with Bay 52nd Street; and changes to the configuration of the intersection of Cropsey Avenue with Bay 52nd Street and Shore Parkway service road.

In addition, if the proposed actions were enacted, it is possible that additional commercial development consisting of 8,700 square feet of retail space with 29 parking spaces could be developed along Cropsey Avenue between Bay 54th Street and Coney Island Creek. This site is currently occupied by a metal scrapyard.

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As described in greater detail below, the project involves a variety of discretionary approvals. In order to construct the Home Depot project, the site would be rezoned from R4, a residential district, to C8-1, a commercial district. Because C8-1 districts allow a variety of commercial uses, it is possible that other types of commercial developments could be constructed on the site if the proposed rezoning is approved. For the purposes of the environmental review, the Home Depot retail development and the additional retail development on the site occupied by a metal scrapyards represents the Reasonable Worst Case Development Scenario.

The area affected by the proposed actions includes the following Blocks and Lots:

Block 6947: Lots 30, 32-34, 36, 38, 40, 120, 138-141, 144-147, 149-153, 156, 201, 203-205, 207, 209, 212, 213, 216-219, 221, 223, 235, 236, 238, 240, 242-246, 248, 260, and 301.

Block 6950: Lots 95, 96, 99-101, 103, 105-107, 153, 155, 156, 158, 160-174, 176-180, 182, 199, 277 and 1176.

Block 6991: Lots 1, 6 and 100

Block 6992, Lots 1 and 58

The proposal entails the following actions and approvals:

Changes to the City Map (ULURP No. 980318MMK)

- o Creating new city pierhead and bulkhead lines along Coney Island Creek to reflect the actual locations of the boundaries of the creek to allow development on land currently beyond the pierhead and bulkhead lines.
- o Demapping a number of streets in the area. These include streets that are currently officially mapped, but not built ("paper streets"), as well as built streets that are to be closed as part of the project. All or portions of the following streets are proposed to be demapped: West 19th, West 20th, West 21st, West 22nd, Bay 54th, and Bay 56th Streets between Bay 53rd Street and Coney Island Creek. In addition, West 21st and West 22nd Streets between Coney Island Creek and Neptune Avenue would also be demapped to eliminate these underwater paper streets.

- o Mapping and opening one street on the affected site. This street, Bay 54th Street, would provide the principal entrance to the new retail store from Cropsey Avenue.
- o Mapping and improving parkland along the southern portion of the site (south of Bay 56th Street up to the new city pierhead and bulkhead line), in an area consisting of a mix of land and land underwater. This parkland would be created in conjunction with the Authorization from the City Planning Commission to modify Waterfront Public Access requirements pursuant to Section 62-722 of the Zoning Resolution (see above). Most of the land to be mapped as parkland is currently owned by the City, but a small area is owned by the applicant and would be transferred to the city. (The land to be transferred to the city is required to provide adequate linkage between the existing Dreier-Offerman Park and the newly mapped parkland.) In addition, as part of the street demappings (see above), West 22nd Street would be demapped, and its western half would instead be mapped as parkland. This land is adjacent to Dreier-Offerman Park.
- o Mapping of a public place in the triangle of land (now zoned R4) formed by Bay 52nd Street, the Shore Parkway service road, and Dreier-Offerman Park. This would allow the applicant to create a public parking area here for use by visitors to the park.
- o Establishment of two easements in the current location of West 22nd Street (which is to be demapped): a drainage easement for the New York City Department of Environmental Protection (DEP) for storm sewers, and an easement for the New York City Department of Parks and Recreation (DPR) for a planted screening.

Zoning Map Amendment (ULURP No. 980319ZMK)

- o Rezoning from R4 to C8-1 the portion of the project area located northward of the U. S. Pierhead and Bulkhead Line, as well as the adjacent area located immediately to the east and extending to the centerline of Cropsey Avenue.
- o Establishing a C8-1 District on the portion of the project area extending southward of the U. S. Pierhead and Bulkhead Line to the proposed New York City Pierhead Line, as well as the adjacent area to the east extending to the centerline of Cropsey Avenue, and the westerly half of Cropsey Avenue between the north U. S. Pierhead and Bulkhead Line and the south U. S. Pierhead and Bulkhead Line.

Positive Declaration
CEQR No. 98DCP038K
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Disposition of City-Owned Land (ULURP No. C900123 PPK)

The small city-owned lot on Block 6950 (Lot 162, at 150 Bay 54th Street) would be acquired by the applicant. Disposition of this land has already been approved under the City's Uniform Land Use Review Procedure, or ULURP No. C900123 PPK. The only remaining action for this disposition is approval by the Borough Board in accordance with Section 384(b) of the City Charter.

Zoning Authorization (ULURP No. N980320ZAK)

In order to create a waterfront public access area, as required by the site's waterfront zoning, a Waterfront Authorization would be required from the City Planning Commission (pursuant to Section 62-722 of the Zoning Resolution) to waive the requirement for public view corridors, modify waterfront design requirements, and allow the location of the required public access area off-site (within the new parkland to be created).

Chairperson's Certification (ULURP No. N980321ZCK)

A Chairperson's Certification pursuant to Section 62-711 of the Zoning Resolution would be required for waterfront public access and visual corridors.

Tidal Wetland Permit

A tidal wetland permit would be required from the New York State Department of Environmental Conservation for wetland restoration and mitigation, including landscaping and repairs to the bulkhead, near Coney Island Creek.

New York City Department of Transportation Approvals

The proposal involves changes to the intersection of Cropsey Avenue and Bay 52nd Street/Shore Parkway service road. The Shore Parkway service road would be widened from one lane to two and the eastbound traffic lane on Bay 52nd Street would be eliminated and a westbound lane added.

The Zoning Map Amendment (ULURP No. 980319ZMK) is subject to approval by the City Planning Commission and the City Council. The Zoning Authorization (ULURP No. N980320ZAK) and Changes to the City Map (ULURP No. 980318MMK) are subject to approval by the City Planning Commission and possibly the City Council.

STATEMENT OF SIGNIFICANT EFFECT:

On behalf of the City Planning Commission, the Environmental Assessment and Review Division, has determined, pursuant to 6 NYCRR, Part 617.7, that the proposed actions may have a significant effect on the quality of the environment as detailed in the following environmental impact(s), and that an environmental impact statement will be required:

1. The actions, as proposed, may result in significant adverse impacts on publicly accessible open space adjacent to the project site.
2. The actions, as proposed, may result in significant adverse shadow impacts on publicly accessible open space adjacent to the project site.
3. The actions, as proposed, may result in significant adverse impacts on urban design and visual resources in the vicinity of the project site.
4. The actions, as proposed, may result in significant adverse impacts on natural resources on the project site.
5. The actions, as proposed, may result in significant adverse hazardous materials impacts on the project site.
6. The actions, as proposed, may result in significant adverse impacts related to the city's Local Waterfront Revitalization Program.
7. The actions, as proposed, may result in significant adverse infrastructure impacts related to water supply, sewage, stormwater, solid waste and energy.
8. The actions, as proposed, may result in significant adverse impacts to traffic, parking, transit, and pedestrians at locations within the area bounded by Cropsey Avenue from 18th Avenue on the north, south to Ocean Parkway and the intersection of Ocean Parkway and Avenue U.

9. The actions, as proposed, may result in significant adverse mobile source and stationary source air quality impacts.
10. The actions, as proposed, may result in significant adverse mobile and stationary source noise impacts.
11. The actions, as proposed, may result in construction-related impacts.

SUPPORTING STATEMENT:

The above determination is based on an Environmental Assessment Statement prepared for the action which finds that:

1. The presence of a large retail development adjacent to Dreier-Offerman Park may result in significant adverse impacts.
2. The height of the proposed Home Depot buildings may result in shadows on adjacent public open space including Dreier-Offerman Park, and the proposed waterfront public access area.
3. The proposed Home Depot will occupy a prominent waterfront location along Coney Island Creek and may result in impacts related to urban design and visual resources.
4. The proposed actions would result in construction of a large retail development on a waterfront site which may result in significant impacts to natural resources.
5. The proposed actions may result in construction activities that may disturb hazardous materials.
6. The proposed actions would result in construction of a large retail development on a waterfront site which may result in significant impacts related to the Local Waterfront Revitalization Program.

7. The development of a large retail facility on a waterfront site with no existing sewer lines may have significant effects on infrastructure.
8. The proposed actions would generate a substantial number of vehicle trips which may result in potentially significant adverse mobile source air quality impacts; and would involve the construction of an HVAC system which may result in stationary source air quality impacts.
9. The proposed actions would generate a substantial number of vehicle trips throughout the traffic study area which may result in potentially significant adverse noise impacts; and would involve the development of a retail facility with loading docks, which may result in stationary source noise impacts.
10. The proposed Home Depot project would involve demolition and construction activities which may result in construction-related impacts.

Public Scoping Meeting

A public scoping meeting has been scheduled on Tuesday, March 9, 1999 at 3:00 PM at City of New York, Department of City Planning, Spector Hall, 22 Reade Street, New York, New York 10007. Written comments will be accepted by the lead agency through the tenth day following the scoping meeting.

This determination has been prepared in accordance with Article 8 of the Environmental Conservation Law.

The CEQR lead agency hereby requests that the applicant prepare or have prepared at his option, a Draft Environmental Impact Statement in accordance with 6 NYCRR, 617.9(b) and Sections 6-08 and 6-12 of Executive Order No. 91 of 1977 as amended (City Environmental Quality Review).



Robert Dobruskin, Director
Environmental Assessment & Review Division
Department of City Planning



DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW

Joseph B. Rose, *Director*
Department of City Planning

February 1, 1999

PUBLIC NOTICE OF A SCOPING MEETING
DRAFT ENVIRONMENTAL IMPACT STATEMENT
(CEQR No. 98DCP038K)

Notice is hereby given that pursuant to Section 5-07 of the Rules of Procedure for Environmental Quality Review (CEQR) and 6 NYCRR 617.8 (State Environmental Quality Review) that the New York City Department of City Planning, acting on behalf of the City Planning Commission as CEQR lead agency, has determined that a draft environmental impact statement is to be prepared for the proposed **Cropsey Avenue Home Depot, CEQR No. 98DCP038K, located in Community District 13, Brooklyn**. Public comments are requested with respect to issues to be addressed in the draft environmental impact statement.

A public scoping meeting has been scheduled on Tuesday, March 9, 1999 at 3:00 PM at City of New York Department of City Planning, Spector Hall, 22 Reade Street, New York, New York 10007. The protocol for public participation in the scoping meeting is attached to this notice. Written comments will be accepted by the lead agency through the tenth day following the scoping meeting.

Copies of the Draft Scope of Work and the Environmental Assessment Statement may be obtained from either the Environmental Assessment and Review Division, New York City Department of City Planning, 22 Reade Street, 4E, New York, New York 10007, Robert Dobruskin, Director (212) 720-3423 or from the Office of Environmental Coordination, Municipal Building, 23rd Floor, New York, New York 10007, Annette Barbaccia, Director (212) 788-2928.

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