

**Appendix D:**

**Waterfront Revitalization Program**

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For Internal Use Only:

WRP no. \_\_\_\_\_

Date Received: \_\_\_\_\_

DOS no. \_\_\_\_\_

## NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM Consistency Assessment Form

Proposed action subject to CEQR, ULURP, or other Local, State or Federal Agency Discretionary Actions that are situated within New York City's designated Coastal Zone Boundary must be reviewed and assessed for their consistency with the New York City Waterfront Revitalization Program (WRP). The WRP was adopted as a 197-a Plan by the Council of the City of New York on October 13, 1999, and approved in coordination with local, state and Federal laws and regulations, including the State's Coastal Management Program (Executive Law, Article 42) and the Federal Coastal Zone Management Act of 1972 (P.L. 92-583). As a result of these approvals, state and federal discretionary actions within the city's coastal zone must be consistent to the maximum extent practicable with the WRP policies and the city must be given the opportunity to comment on all state and federal projects within its coastal zone.

This form is intended to assist an applicant in certifying that the proposed activity is consistent with the WRP. It should be completed when the local, state, or federal application is prepared. The completed form and accompanying information will be used by the New York State Department of State, other State Agency or the New York City Department of City Planning in its review of the applicant's certification of consistency.

### A. APPLICANT

1. Name:

**Gateway Center Properties Phase II, LLC**

Address:

**Jesse Masyr, Wachtel & Masyr LLP**

**110 East 59th Street, 27th Fl., New York, NY, 10022**

3. Telephone:

**212.909.9500**

Fax:

**212-909-9429**

E-mail Address:

**masyr@wmlp.com**

4. Project site owner:

**City of New York, State of New York, and Nehemiah Housing Development Fund Co., Inc.**

### B. PROPOSED ACTIVITY

1. Brief description of activity:

**The applicant proposes to construct a mixed-use residential and retail project with community facilities and parklands in the Fresh Creek Urban Renewal Area of the Spring Creek section of Brooklyn.**

2. Purpose of activity:

**To facilitate the modification and development of a previously approved mixed-use plan, and expansion of an existing retail center in the FCURA in the Spring Creek section of Brooklyn.**

3. Location of activity:

**Fresh Creek Urban Renewal Area**

Borough:

**Brooklyn**

Street Address or Site Description:

**The FCURA is located in southeast Brooklyn and is bounded by Hendrix Creek and Schenck Avenue on the west, Flatlands Avenue on the north, Fountain Avenue on the east, and the Shore Parkway on the south. The project site is comprised of Block 4443, Lot 1, Block 4444, Lot 1, Block 4445, Lot 1, Block 4446, Lot 1, Block 4447, Lot 1, Block 4448, Lot 1, Block 4449, Lots 1 and 101, Block 4450, Lot 1, Block 4452, Lots 400, 600, 601, 700, 701, 800, and p/o 170, and Block 4586, Lot 872 and p/o Lot 1**

4. If a federal or state permit or license was issued or is required for the proposed activity, identify the permit type(s), the authorizing agency and provide the application or permit number(s), if known:

**The project requires New York State Department of Environmental Conservation State Pollution Discharge Elimination System State Pollutant Discharge Elimination System (SPDES) permits for stormwater discharges associated with construction activities.**

## Proposed Activity Cont'd

5. Is federal or state funding being used to finance the project? If so, please identify the funding source(s).  
**Sources may include: New York State Department of Environmental Conservation Brownfields Cleanup Program and the New York State Empire State Development Corporation (ESDC).**
6. Will the proposed project result in any large physical change to a site within the coastal area that will require the preparation of an environmental impact statement? **Yes** **No**  
 If yes, identify Lead Agency: **X** \_\_\_\_\_  
**New York City Department of Housing Preservation and Development**
7. Identify **City** discretionary actions, such as **zoning amendment or adoption of an urban renewal plan**, required for the proposed project.  
**The following actions, which are subject to New York City's Uniform Land Use Review Procedure (ULURP), are being requested: City Map Amendment, Zoning Map Amendment, Designation of a General Large Scale Development Plan, CPC Special Permits (ZR Section 74-743 and 74-744(c), UDAP Designation, Disposition of Property, Amendments to the Fresh Creek Urban Renewal Plan, and disposition of property.**

## C. COASTAL ASSESSMENT

The following questions represent, in a broad sense, the policy of the WRP. The number in the parentheses after each question indicated the policy or policies that are the focus of the question. A detailed explanation of the Waterfront Revitalization Program and its policies are contained in the publication the *New York City Waterfront Revitalization Program*.

Check either "Yes" or "No" for each of the following questions. Once the checklist is completed, assess how the proposed project affects the policy or standards indicated in "( )" after each question with a Yes response. Explain how the action is consistent with the goals of the policy or standard.

### Location Questions:

- |   | Yes      | No       |
|---|----------|----------|
| 1. Is the project site on the waterfront or at the water's edge?  | <b>X</b> |          |
| 2. Does the proposed project require a waterfront site?   |          | <b>X</b> |
| 3. Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land underwater, or coastal waters? | <b>X</b> |          |

### Policy Questions:

The following questions represent, in a broad sense, the policies of the WRP. Numbers in parentheses after each questions indicate the policy or policies addressed by the question. The new Waterfront Revitalization Program offers detailed explanations of the policies, including criteria for consistency determinations.

Check either "Yes" or "No" for each of the following questions. For all "yes" responses, provide an attachment assessing the effects of the proposed activity on the relevant policies or standards. Explain how the action would be consistent with the goals of those policies and standards.

- |   | Yes      | No       |
|---|----------|----------|
| 4. Will the proposed project result in revitalization or redevelopment of a deteriorated or under- used waterfront site? (1)  | <b>X</b> |          |
| 5. Is the project site appropriate for residential or commercial redevelopment? (1.1)   | <b>X</b> |          |
| 6. Will the action result in a change in scale or character of a neighborhood? (1.2)  | <b>X</b> |          |
| 7. Will the proposed activity require provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (1.3)                                       | <b>X</b> |          |
| 8. Is the action located in one of the designated Significant Maritime and Industrial Areas (SMIA): South Bronx, Newtown Creek, Brooklyn Navy Yard, Red Hook, Sunset Park, or Staten Island? (2)        |          | <b>X</b> |
| 9. Are there any waterfront structures, such as piers, docks, bulkheads or wharves, located on the project sites? (2)   |          | <b>X</b> |
| 10. Would the action involve the siting or construction of a facility essential to the generation or transmission of energy, or a natural gas facility, or would it develop new energy resources? (2.1) |          | <b>X</b> |
| 11. Does the action involve the siting of a working waterfront use outside of a SMIA? (2.2)   |          | <b>X</b> |
| 12. Does the proposed project involve infrastructure improvement, such as construction or repair of piers, docks, or bulkheads? (2.3, 3.2)  |          | <b>X</b> |
| 13. Would the action involve mining, dredging, or dredge disposal, or placement of dredged or fill materials in coastal waters? (2.3, 3.1, 4, 5.3, 6.3)   |          | <b>X</b> |

<b>Policy Questions cont'd:</b>		<b>Yes</b>	<b>No</b>
14.	Would the action be located in a commercial or recreational boating center, such as City Island, Sheepshead Bay or Great Kills or an area devoted to water-dependent transportation? (3)	<u>          </u>	<u><b>X</b></u>
15.	Would the proposed project have an adverse effect upon the land or water uses within a commercial or recreation boating center or water-dependent transportation center? (3.1)	<u>          </u>	<u><b>X</b></u>
16.	Would the proposed project create any conflicts between commercial and recreational boating? (3.2)	<u>          </u>	<u><b>X</b></u>
17.	Does the proposed project involve any boating activity that would have an impact on the aquatic environment or surrounding land and water uses? (3.3)	<u>          </u>	<u><b>X</b></u>
18.	Is the action located in one of the designated Special Natural Waterfront Areas (SNWA): Long Island Sound-East River, Jamaica Bay, or Northwest Staten Island? (4 and 9.2)	<u><b>X</b></u>	<u>          </u>
19.	Is the project site in or adjacent to a Significant Coastal Fish and Wildlife Habitats? (4.1)	<u><b>X</b></u>	<u>          </u>
20.	Is the site located within or adjacent to a Recognized Ecological Complex: South Shore of Staten Island or Riverdale Natural Area District? (4.1 and 9.2)	<u>          </u>	<u><b>X</b></u>
21.	Would the action involve any activity in or near a tidal or freshwater wetland? (4.2)	<u><b>X</b></u>	<u>          </u>
22.	Does the project site contain a rare ecological community or would the proposed project affect a vulnerable plant, fish, or wildlife species? (4.3)	<u><b>X</b></u>	<u>          </u>
23.	Would the action have any effects on commercial or recreational use of fish resources? (4.4)	<u>          </u>	<u><b>X</b></u>
24.	Would the proposed project in any way affect the water quality classification of nearby waters or be unable to be consistent with that classification? (5)	<u>          </u>	<u><b>X</b></u>
25.	Would the action result in any direct or indirect discharges, including toxins, hazardous substances, or other pollutants, effluent, or waste, into any waterbody? (5.1)	<u>          </u>	<u><b>X</b></u>
26.	Would the action result in the draining of stormwater runoff or sewer overflows into coastal waters? (5.1)	<u><b>X</b></u>	<u>          </u>
27.	Will any activity associated with the project generate nonpoint source pollution? (5.2)	<u><b>X</b></u>	<u>          </u>
28.	Would the action cause violations of the National or State air quality standards? (5.2)	<u>          </u>	<u><b>X</b></u>
29.	Would the action result in significant amounts of acid rain precursors (nitrates and sulfates)? (5.2C)	<u>          </u>	<u><b>X</b></u>
30.	Will the project involve the excavation or placing of fill in or near navigable waters, marshes, estuaries, tidal marshes or other wetlands? (5.3)	<u>          </u>	<u><b>X</b></u>
31.	Would the proposed action have any effects on surface or ground water supplies? (5.4)	<u>          </u>	<u><b>X</b></u>
32.	Would the action result in any activities within a Federally designated flood hazard area or State designated erosion hazards area? (6)	<u><b>X</b></u>	<u>          </u>
33.	Would the action result in any construction activities that would lead to erosion? (6)	<u>          </u>	<u><b>X</b></u>
34.	Would the action involve construction or reconstruction of flood or erosion control structure? (6.1)	<u>          </u>	<u><b>X</b></u>
35.	Would the action involve any new or increased activity on or near any beach, dune, barrier island, or bluff? (6.1)	<u>          </u>	<u><b>X</b></u>
36.	Does the proposed project involve use of public funds for flood prevention or erosion control? (6.2)	<u>          </u>	<u><b>X</b></u>
37.	Would the proposed project affect a non-renewable source of sand? (6.3)	<u>          </u>	<u><b>X</b></u>
38.	Would the action result in shipping, handling, or storing of solid wastes; hazardous materials, or other pollutants? (7)	<u>          </u>	<u><b>X</b></u>
39.	Would the action affect any sites that have been used as landfills? (7.1)	<u><b>X</b></u>	<u>          </u>
40.	Would the action result in development of a site that may contain contamination or has a history of underground fuel tanks, oil spills, or other form or petroleum product use or storage? (7.2)	<u><b>X</b></u>	<u>          </u>
41.	Will the proposed activity result in any transport, storage, treatment, or disposal of solid wastes or hazardous materials, or the siting of a solid or hazardous waste facility? (7.3)	<u>          </u>	<u><b>X</b></u>
42.	Would the action result in a reduction of existing or required access to or along coastal waters, public access areas, or public parks or open spaces? (8)	<u>          </u>	<u><b>X</b></u>

**Policy Questions cont'd:**

	<u>Yes</u>	<u>No</u>
43. Will the proposed project affect or be located in, on, or adjacent to any federal, state, or city park or other land in public ownership protected for open space preservation? (8)	<u>X</u>	<u>      </u>
44. Would the action result in the provision of open space without the provision for its maintenance? (8.1)	<u>      </u>	<u>X</u>
45. Would the action result in any development along the shoreline but NOT include new water enhanced or water dependent recreational space? (8.2)	<u>      </u>	<u>X</u>
46. Will the proposed project impede visual access to coastal lands, waters and open space? (8.3)	<u>      </u>	<u>X</u>
47. Does the proposed project involve publically owned or acquired land that could accommodate waterfront open space or recreation? (8.4)	<u>X</u>	<u>      </u>
48. Does the project site involve lands or waters held in public trust by the state or city? (8.5)	<u>X</u>	<u>      </u>
51. Would the proposed action have a significant adverse impact on historic, archeological, or cultural resources? (10)	<u>X</u>	<u>      </u>
52. Will the proposed activity affect or be located in, on, or adjacent to an historic resource listed on the National or State Register of Historic Places, or designated as a landmark by the City of New York? (10)	<u>      </u>	<u>X</u>

**D. CERTIFICATION**

The applicant must certify that the proposed activity is consistent with New York City's Waterfront Revitalization Program, pursuant to the New York State Coastal Management Program. If this certification cannot be made, the proposed activity shall not be undertaken. If the certification can be made, complete this section.

"The proposed activity complies with New York State's Coastal Management Program as expressed in New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program, and will be conducted in a manner consistent with such program."

Applicant/Agent Name: New York City Dept. of Housing Preservation & Devlp.

Address: 100 Gold Street, New York, NY

Telephone 212-863-6364

Applicant/Agent Signature: \_\_\_\_\_

Date: \_\_\_\_\_

8/28/08

Applicant/Agent Name: Gateway Estates Phase II, LLC; Jesse Masys

Address: 110 East 59th Street, 27th Floor, New York, NY

Telephone 212-909-9500

Applicant/Agent Signature: \_\_\_\_\_

Date: \_\_\_\_\_

8/28/08