



IN THE MATTER OF an application submitted by the Department of Environmental Protection and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property located at 242 Nevins Street (Block 411, Lot 24, Block 418, Lot 1, Block 425, Lot 1) for a combined sewer overflow control facility, Borough of Brooklyn, Community District 6.

This application for acquisition of property was filed on August 24, 2017 by the Department of Environmental Protection (DEP) and the Department of Citywide Administrative Services (DCAS) to facilitate construction of a combined sewer overflow (CSO) control facility in the Gowanus neighborhood, Community District 6, Brooklyn.

BACKGROUND

DEP is proposing to construct a CSO control facility to reduce the volume of sewer overflows entering the Gowanus Canal. The proposed facility would address longstanding contamination in the Canal, which was designated a federal National Priorities List (Superfund) site by the U.S. Environmental Protection Agency (EPA) in March 2010 under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), by facilitating the remediation of hazardous sediments deposited during the area's industrial history.

The application proposes the site selection and acquisition of three properties (the project site) totaling approximately 3.6 acres (155,550 square feet) fronting on Butler and Nevins streets (Block 411, Lot 24; Block 418, Lot 1; Block 425, Lot 1) along the eastern side of the Canal. The two northernmost properties, 234 Butler Street (Block 411, Lot 24) and 242 Nevins Street (Block 418, Lot 1), are currently developed with multiple one- and two-story buildings used by semi-industrial and auto-related businesses, including auto repair shops and electrical and plumbing contractors. The buildings are generally located along the Nevins Street and Degraw Street frontages, and the majority of lot area contains open vehicle and equipment storage yards. A two-story brick building at 234 Butler Street formerly housed the City of New York's Gowanus Water Supply Distribution Station and is a contributing building to the National Register of Historic Places-eligible Gowanus Historic District as designated by New York State Historic Preservation Office (SHPO).

The project site also includes an unbuilt extension of Douglass Street, between Nevins Street at the Gowanus Canal, which is mapped through the project site and existing development. This portion of Douglass Street is proposed to be demapped at a future date as part of a separate land use action application (ULURP No. 180039 MMK) that would correct the title and record for this portion of the project site.

The third property within the project site is located south of Degraw Street at 270 Nevins Street (Block 425, Lot 1). It is developed with a one-story, 41,250-square-foot building used as a film production studio.

DEP proposes to permanently acquire the two northernmost lots, 234 Butler Street and 242 Nevins Street, for the development of the proposed CSO control facility serving the RH-034 (Head End) sewer outfall. DEP proposes to lease the property at 270 Nevins Street as a temporary construction staging area for the duration of construction.

The project site is located within an M2-1 zoning district, a medium-density district that allows heavy commercial, industrial and manufacturing uses, including the proposed CSO facility use, up to a floor area ratio (FAR) of 2.0. The proposed CSO facility would be located adjacent to other major sewer infrastructure. The DEP Gowanus Wastewater Pumping Station is located immediately to the west of the project site along Butler Street, and is part of the wastewater conveyance and treatment system connecting to the Red Hook Wastewater Treatment Plant. In addition, the Gowanus Canal Flushing Tunnel, which circulates fresh water from New York Bay, discharges to the Canal opposite the project site.

The proposed facility would be located on the Canal-adjacent parcels and would consist of a below-grade structure containing an eight-million-gallon tank and processing system. During wet weather events, expected to occur 40-50 times per year, combined sewer and stormwater flow would be conveyed by gravity-fed sewer lines to the new facility, where the flow would first be screened to remove substantial solid materials. The remaining combined sewage and stormwater would be detained in the storage tank and then filtered through a degritting system. After a period of drainage, the stored water would be pumped to the adjacent Gowanus Wastewater Pumping

Station for delivery to the Red Hook Wastewater Treatment Plant. Solid waste remaining in the storage cells would be flushed to storage tanks to be trucked and disposed of off-site. These operations would reduce the average annual volume of CSO discharged into the Canal at the Head End outfall by 76 percent. While an average of six storm events per year may result in CSO beyond the capacity of the tank system, all CSO would receive screening treatment to prevent substantial solids from reaching the Canal.

A two-story, 25,700-square-foot “head house” would be located at the northern end of the site and contain the facility’s screening equipment, electrical equipment, odor control system, and crew areas. While the entire facility would be largely automated and would not require permanent staffing, workers would access the facility to perform regular maintenance and after each wet weather event.

The surface area of the project site, the majority of which would be directly above the below-ground tank system, is expected to be developed with approximately 1.6 acres of new open space, including paved and planted areas, designed primarily for passive recreation. Portions of this space would have to remain accessible for DEP maintenance and operations. A 50-foot setback of CSO tank equipment from the Canal’s bulkhead wall would allow for walkable public access and landscaping along the project site’s Canal waterfront.

The Thomas Greene Playground, a public park operated by the New York City Department of Parks and Recreation (DPR), is located east of the project site between Douglass and Degraw streets, and includes a public pool, basketball courts, a skate park, and open space.

A June 2016 Administrative Settlement Agreement issued between EPA and the City of New York established a discretionary right for EPA to direct the City to construct this CSO facility at an alternate site, DPR’s Thomas Greene Playground public park, under certain circumstances, including delay in acquisition of DEP’s proposed project site. If the CSO retention system were to be constructed on the Thomas Greene Playground property, that portion of the park would need to be alienated through legislation approved by the New York State Legislature and Governor, and

its public space and programming would need to be replaced elsewhere to achieve no net loss of parkland.

The area surrounding the project site contains a mix of commercial, light-industrial, and residential uses. The immediate surrounding area is mapped with an M1-2 zoning district, which allows light industrial, commercial, and limited community facility uses up to an FAR of 2.0. Buildings may rise to a height of 60 feet, after which their heights are governed by sky exposure plane regulations. Commercial uses in the immediate surrounding area are predominantly local retail stores, hotels, entertainment, and fitness facilities, which are located adjacent to the residential buildings along Bond Street, near Union and Nevins streets, and along Baltic and Butler streets.

North of the project site, along Baltic and Butler streets, and east of the project site, between Nevins Street and Third Avenue, non-conforming residential buildings are interspersed with vacant former industrial buildings, distribution/warehousing facilities, and commercial office space. A former industrial building immediately north of the project site (239 Butler Street) is currently vacant. Multi-building New York City Housing Authority (NYCHA) residential complexes are located approximately two blocks from the project site – Wyckoff Gardens and Warren Street Houses to the north and northeast, and Gowanus Houses to the west. Residential uses to the south of the project site include a four-story former warehouse building (280 Nevins Street) that has been converted to a multi-family apartment building under provisions of the New York City Loft Law.

The proposed project and the surrounding area are located within the Department of City Planning’s Gowanus PLACES Neighborhood Planning Study (Gowanus Study) area. Launched in 2016 in partnership with multiple City agencies, including DEP, the Gowanus Study is an effort to foster a thriving, working, more resilient Gowanus neighborhood. The Gowanus Study is a continuation of “Bridging Gowanus,” a 2013-2016 community planning process led by local elected officials to envision a sustainable, livable, and inclusive Gowanus neighborhood. Better coordination of City infrastructure improvements and other efforts to support the continued remediation of the Canal are among the Gowanus Study’s goals. City agencies are currently engaging with Gowanus community members and organizations to gather feedback on a variety

of topics before developing and sharing a preliminary planning and land use framework for the area.

ENVIRONMENTAL REVIEW

This application (C 180065 PCK) in conjunction with a separate application (I 180039 MMK) and future anticipated land use application (the Proposed Actions), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq., and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 17DEP040K. The lead agency is DEP.

It was determined that the Proposed Actions may have a significant effect on the environment. Together with the Positive Declaration, a Draft Scope of Work for a Draft Environmental Impact Statement (DEIS) was issued on March 31, 2017 and distributed, published, and filed. A public scoping meeting was held on the Draft Scope of Work on May 4, 2017, and comments were accepted by the lead agency through June 16, 2017. A Final Scope of Work for a DEIS, reflecting the comments made during the scoping, was issued on September 14, 2017.

The applicant prepared a DEIS, and a Notice of Completion for the DEIS was issued on September 14, 2017. Pursuant to SEQRA regulations and CEQR procedures, a public hearing was held on the DEIS on January 17, 2018. A Final Environmental Impact Statement (FEIS) reflecting the comments made during the public hearing on the DEIS was completed and a Notice of Completion for the FEIS was issued on February 1, 2018.

The FEIS discloses that the Proposed Actions would result in significant adverse impacts, as summarized below, to historic and cultural resources (architectural and archeological) and potential temporary significant adverse noise impacts during the construction period. Measures were examined to minimize or eliminate the anticipated impacts to the fullest extent practicable. In some cases, identified impacts would remain unmitigated as no feasible or practicable measures could be identified.

Historic and Cultural Resources - Adverse impacts are associated with historic and cultural resources as demolition of State and National Register-eligible properties on the Head End site would constitute a significant adverse impact to architectural resources. This demolition is necessary to complete the Project as mandated by EPA. The CSO facility sites and the surrounding street beds are also considered to have archaeological sensitivity.

Construction Noise - Potential temporary significant adverse construction noise impacts are predicted at residences located adjacent to and across the street from the Head End site staging area.

The above identified significant adverse impacts and proposed mitigation measures under the Proposed Actions are detailed in Exhibit A attached hereto.

UNIFORM LAND USE REVIEW PROCEDURE

This application (C 180065 PCK) was certified as complete by the Department of City Planning on September 18, 2017, and was duly referred to Community Board 6 and the Brooklyn Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Community Board 6 held a public hearing on this application on October 26, 2017. On November 8, 2017, by a vote of 35 in favor, zero opposed, and zero abstaining, the Board adopted a resolution recommending approval of the application with the following conditions:

- “The City of New York commits to significant financial support for businesses that need to relocate.
 - Based upon a previous unanimous motion from June 8, 2016, Brooklyn CB6 specifically requests that any Eastern Effects agreement with the City of New York be complete before the ULURP is finalized.
- “Brooklyn Community Board 6 strongly supports manufacturing within its district, acknowledges the harmfulness of losing any M zoned parcels, and requests that any land within the footprint of the project M zoned after the project’s completion.
- “The NYC Department of Environmental Protection must commit to the strongest possible noise mitigation plan, including offering tenant relocation for the time of the project.

- “A historic discovery plan should be put in place prior to any excavation and activated should any significant artifacts be discovered.
- “The NYC Department of Environmental Protection must commit to come back to Brooklyn Community Board 6 for a review of the design and programming of the entire site, including the head house.
 - Brooklyn Community Board 6 prefers that the historic building located on the southwest corner of Butler Street and Nevins Street be a part of the design of the head house; specifically, preserving the façade.
- “Debris should be removed from the head house via barge, using the canal.
- “The NYC Department of Environmental Protection must commit to working with Brooklyn Community Board 6 and the NYC Department of Buildings on the creation of a construction dust and debris mitigation plan.”

Borough President Recommendation

This application (C 180065 PCK) was considered by the Borough President, who held a public hearing on November 27, 2017, and issued a recommendation on December 27, 2017 to approve this application with the following recommendations:

“That the New York City Department of Environmental Protection (DEP) be required to engage in the following:

1. Commit to monthly reporting at a designated committee of Brooklyn Community Board 6 (CB 6) to keep the board apprised during the design and construction of the combined sewer overflow (CSO) facility through a dialogue that incorporates community feedback, in order to achieve optimal outcomes with regard to:
 - a. Relocation assistance for the businesses at 234 Butler Street, 242 Nevins Street, and 270 Nevins Street
 - b. Construction and site preparation management, mitigation strategies and alternatives, as well as open space design and programming
 - c. The extent to which 234 Butler Street would be incorporated, including building material reuse, and consideration for interim opportunities associated with remediation of Thomas Greene Playground (the Playground), and streetscape enhancements
2. That in addition to the incorporation of the precast signage, DEP undertake the following actions in determining the optimal preservation and/or material use of 234 Butler Street (Gowanus Distribution Station):
 - a. Additional site conditions analysis via borings, test pits, and other conventional methods to determine the structural integrity of the building's exterior walls facing

Butler and Nevins streets including depth and subsurface bearing capacity and the foundation integrity, with consideration for the design depth of required facility excavation

b. Investigation of structural design considerations that would facilitate retention of the exterior building walls facing Butler and Nevins streets as either a decorative “rain screen” or curtain wall using bracing, excavation shoring, tie-backs, and/or other standard techniques as part of the CSO facility’s construction

c. Depending on the structural determination regarding the facades along Butler and Nevins streets, DEP should commit to retaining the maximum roof section of 234 Butler Street, which would exceed the height of the intended head house

d. That the section of the 234 Butler Street facade coinciding with the full width of the envisioned waterfront public access promenade be evaluated for retention, with new penetrations provided in order to connect such public walkway to Butler Street

e. Should DEP deem it infeasible to retain the exterior of 234 Butler Street, the building’s masonry shall be recycled and incorporated into the waterfront public access promenade design and paving elements, including the promenade-side exterior wall of the holding tank

3. That prior to the City Council hearing, DEP commit to demonstrate the following:

a. A provision in DEP’s construction contract for funding and hiring a community liaison during site preparation and construction as a means to minimize adverse impacts to the host community, with particular consideration for the tenants of 280/282 and 285 Nevins Street and that contract specifications shall require ongoing effort to engage the business and residential occupants of 280/282 and 285 Nevins Street to achieve optimal mitigation within the 270 Nevins Street staging site through barrier placement and consideration of staging area activities

b. New York City Economic Development Corporation (EDC)’s and/or New York City Department of Small Business Services (SBS)’s engagement to provide assistance to small businesses that would be relocated from 234 Butler Street and 242 Nevins Street to facilitate the construction of the CSO facility, and to not require relocation of the tenants as a condition of site acquisition

c. EDC’s effort to facilitate the relocation of Eastern Effects to a City-owned film studio coordinated by EDC in Sunset Park

d. Consultation with the New York City Department of Parks and Recreation (NYC Parks) and the United States Environmental Protection Agency (EPA) to determine, based on project timing:

i. The feasibility of using the CSO facility’s roof as an interim location for the Playground activities including basketball courts, handball courts, and a reduced-size swimming pool

- ii. The extent that DEP would allow the roof of the CSO facility's holding tank to be used as interim space for Playground amenities
- iii. An appropriate structural design for the CSO facility holding tank to temporarily accommodate such uses on its roof during the Playground's remediation, as determined in consultation with CB 6
- e. That the construction bid documents require an investigation of the feasibility of using barge transport to deliver construction materials and remove construction waste, in consultation with EPA, as regards the navigability of the Gowanus Canal, and potential overlap between federal cleanup actions and DEP's preparation, excavation, and construction of the CSO facility site
- f. That barge transport be evaluated as part of the debris removal management plan for the operation of the CSO facility

“Be it Further Resolved:

1. That to the extent that the Playground would remain operational until the CSO facility comes online, the City evaluate the 270 Nevins Street staging site and the Degraw Street end between the Gowanus Canal and Nevins Street for possible lease acquisition to provide interim programming for the Playground during its remediation
2. That to the extent that Playground would not be remediated until the completion of the CSO facility, the City:
 - a. Determine, in consultation with the New York State Department of Environmental Conservation (DEC), the required interim capping solution that might permit open space use above a known coal tar remediation site, and the extent that such capping might be feasible
 - b. Advance a rezoning of this site, from an M2 to an M1 zoning district, as a means to permit open space use as-of-right”

City Planning Commission Public Hearing

On January 3, 2018 (Calendar No. 1), the City Planning Commission scheduled January 17, 2018, for a public hearing on this application (C 180065 PCK). The hearing was duly held on January 17, 2018 (Calendar No. 24). There were nine speakers in favor and three in opposition.

Three representatives from DEP testified in favor of the project, describing how the proposed infrastructure would significantly reduce pollution reaching the Gowanus Canal and would also provide publicly accessible open space for the surrounding community. One representative noted that the proposed location, adjacent to both the Canal and DEP's Gowanus Wastewater Pumping Station, would promote both infrastructural efficiency and a net increase in open space for the

Gowanus neighborhood, compared to a loss of parkland under the Thomas Greene Playground location alternative. One DEP representative described the projected environmental impacts associated with the project and potential opportunities for mitigation.

A representative from DPR spoke in favor of the project and noted that DPR and DEP share the goal of adding public open space in the Gowanus neighborhood, and that DPR will be engaged in helping to manage and operate any open space constructed above the tank.

Five individuals representing the Gowanus Canal Conservancy, New York Lawyers for the Public Interest, Fifth Avenue Committee's Turning the Tide environmental justice group, and Friends of Thomas Greene Park spoke in favor of the project. They each stated that the City should avoid siting CSO facilities on the Thomas Greene Playground property and stated their support for adding new open space to the neighborhood. They described the Thomas Greene Playground as an asset to the area and to the residents of nearby NYCHA communities. Speakers noted that if the CSO facility were to be sited on the Thomas Greene Playground property, it would be challenging to find space to replace park programming elsewhere in the Gowanus neighborhood, where there is limited existing open space and public land.

The representative of New York Lawyers for the Public Interest also stated her support for the project's proposed reduction in CSO pollution to the Gowanus Canal, noting that CSO outfall reduction would improve environmental conditions and benefit the community.

Individuals who spoke in favor of the project also provided recommendations for site design and public outreach. The representative of Gowanus Canal Conservancy and one of the representatives of Friends of Thomas Greene Park each stated that they hoped to see more information and opportunities to comment on design options for the proposed open space. The representative of Gowanus Canal Conservancy recommended that the City also invest in Gowanus-area drainage system improvements and green infrastructure in order to further reduce runoff and CSO. The representative of Turning the Tide additionally recommended that the project include training and employment opportunities for residents of nearby public housing.

Individuals who spoke in favor of the project also provided recommendations for environmental review. The representative of New York Lawyers for the Public Interest and one representative of Friends of Thomas Greene Park expressed concern about the effects of CSO facility construction activities on the users of Thomas Greene Playground. The second representative of Friends of Thomas Greene Park stated that the environmental review for this project should consider the cumulative impacts of required remediation and projected development on surrounding sites. The representative of Gowanus Canal Conservancy provided additional comments regarding the second CSO facility evaluated in the EIS, which is not the subject of this ULURP application, noting that her organization currently provides education programming at that location.

Of the three individuals who spoke in opposition to the proposed project, two speakers were residents of the former warehouse building at 280 Nevins Street. The speakers shared their overall support for the project and reduction of CSO into the Gowanus Canal. However, they each noted that 280 Nevins Street was identified in the DEIS as a location that would potentially experience unavoidable adverse impacts from noise during the construction period. They asked that all possible efforts be made to mitigate impacts to their building and residents, including considerate construction hours and continued outreach from the City regarding the potential to install newer windows or other attenuation measures on their property or on the staging site. One of the residents noted that he had been engaged in conversations with the Brooklyn Borough President's Office regarding noise mitigation. Both residents also described concerns about the impacts of vibration on the structure of their building during the construction period, and the impacts of dust, dirt, and air pollution from construction and debris removal.

An owner of the building at 234 Butler Street, on the project site, spoke in opposition to the project. He stated that the City's communication with property owners regarding purchase price and relocation assistance had been limited. He stated that he would like to keep his business operations and employees at this location, and that he would be supportive of a decision to designate the building a historic landmark. He suggested that the Thomas Greene Playground property would be an acceptable location for CSO facilities because it is expected to be disrupted in the near future for required remediation.

There were no other speakers, and the hearing was closed.

CONSIDERATION

The Commission believes that this application for the site selection and acquisition of property located at 234 Butler Street, 242 Nevins Street, and 270 Nevins Street (Block 411, Lot 24; Block 418, Lot 1; Block 425, Lot 1) for the construction of a CSO control facility is appropriate.

The proposed facility represents a substantial City capital investment in improving the environmental quality of the Gowanus neighborhood. The proposed action would facilitate the development of an approximately eight-million-gallon tank and system to help retain and treat combined sewage and stormwater flow from the Gowanus Canal's northernmost outfall, a critical City infrastructure component that will significantly reduce harmful pollutants entering the city's waterways. Under current conditions, during rain events, rainwater flows into sewers where it combines with sanitary discharge from buildings and is sent to sewage treatment facilities. During heavy rains, rainwater overwhelms the City's water treatment system and results in discharge of untreated water directly into the Gowanus Canal, adversely affecting the quality of the water in the Canal. With the proposed project, after a storm event, stormwater would be diverted into the tank system where it would be retained and later pumped by the adjacent Gowanus Wastewater Pumping Station to the Red Hook Wastewater Treatment Plant. This would reduce discharge from this outfall into the Gowanus Canal by an average of 76 percent and result in a significant improvement in the Canal's water quality and thus the quality of life of surrounding residents and workers. The proposed head house to be located at the northern end of the project site near the corner of Butler Street and Nevins Street, which would contain the facility's screening equipment, electrical equipment, odor control system, and crew areas, would be designed to be in context with buildings surrounding the project site. The tank and retention system would be located below ground and its roof would be able to be used as a new open space totaling approximately 1.6 acres. This new open space would be accessible for public use except occasionally during required inspection and maintenance of the tank system. DEP's operation and maintenance of equipment located in the head house would not affect public access to the open space. While its

design has not yet been developed, the open space would likely contain a mix of pavement and landscaping, as well as opportunities for passive recreation.

This proposal would also provide an opportunity to create a new waterfront access along the Gowanus Canal, a public waterway that is currently being prepared for remediation by parties responsible for its contamination through the EPA's Superfund program. The Commission commends DEP for proposing a project that would not only preserve the City's existing parkland at the Thomas Greene Playground property from conversion to infrastructure facilities, but also expand the amount of waterfront open space in the neighborhood. While the engineering and DEP access requirements to belowground infrastructure add significant complexity to the site's design and programming, the Commission notes that DEP has sought to maximize the opportunity for public use of the open areas of the proposed facility and to minimize disruption to users of the Thomas Greene Playground during the CSO facility's construction and operation.

The proposed facility would complement the goals of DCP's Gowanus Study, which were identified during its public outreach phase by community stakeholders. These goals include improvements to the environment, increased public open space, and access to the Canal waterfront. The Commission is encouraged by DEP's efforts to engage a design consultant team in coordination with the Gowanus Study and in consultation with DPR, the New York City Public Design Commission, New York City Landmarks Preservation Commission (LPC), SHPO, and EPA to produce a design for the site that will respond to the Gowanus area's unique history and built environment, as well as the design and programming of Thomas Greene Playground. The Commission urges DEP to continue to engage with members of the public and Gowanus organizations to determine how the site's open space and head house should be designed to better meet the needs of this community and respond effectively to both Thomas Greene Playground and the Gowanus Canal today and in the future.

The Commission notes that the 2016 Settlement Agreement between the EPA and the City of New York established EPA's discretionary right to direct the City to construct the CSO facility at a potential alternate site, the adjacent DPR-controlled Thomas Greene Playground, and that, under EPA's direction, DEP is concurrently advancing an engineering analysis and conceptual design

for a CSO tank system on the DPR property. While prudent to consider alternative siting at Thomas Greene Playground per the Settlement Agreement, the Commission believes that site selection and acquisition for the subject properties along the Gowanus Canal would result in substantial benefits to the community and the City's infrastructure through the addition of significant waterfront public open space in the Gowanus neighborhood, prevention of disruption and potential reduction of the existing limited public open space at Thomas Greene Playground, and alignment with the goals outlined in the concurrent Gowanus Study. Finally, the Commission concurs with DEP that it is more appropriate to site this critical infrastructure on properties directly adjacent to existing DEP wastewater infrastructure, including the Gowanus Wastewater Pumping Station, to minimize the length of conveyance infrastructure between facilities during construction and over the long-term.

In response to questions raised during the public review process, DEP provided a letter to the Commission on January 24, 2018. The letter clarified that, due to engineering constraints, the elevation of the CSO tank and resultant open space would be approximately five feet above sidewalk level at the southern end of the site (Nevins and Degraw streets), and that this grade difference would decrease toward the northern end of the site (Nevins and Butler streets). In the letter, DEP noted that the tank would be set back approximately 16 feet from the sidewalk, providing enough space to design the grade change with visually interesting landscaping, entrances, and pathways.

Regarding relocation assistance for businesses currently operating on the proposed project site, DEP also stated that the agency had engaged with property owners and has been working with the New York City Department of Small Business Services (SBS) and New York City Economic Development Corporation (EDC) to identify resources available for businesses on the site that would relocate under a willing buyer/willing seller agreement. Eastern Effects, the film studio tenant located at 270 Nevins Street, has been in discussions with EDC regarding potential relocation to a new facility developed by the City. If a willing buyer/willing seller agreement cannot be reached between DEP and each property owner, the City would acquire parcels by condemnation as needed, and DEP would then work with the New York City Department of Housing Preservation & Development (HPD) to provide relocation assistance. The City may also

provide a broker to assist affected businesses in finding new space. The Commission acknowledges that DEP has already made strides to reach willing buyer/willing seller agreements with the affected property owners and encourages the agency to continue their efforts.

In response to concerns raised by the Community Board, Borough President, and at its public hearing regarding preservation of the former Gowanus Station building at 234 Butler Street, the Commission appreciates the interest by the Gowanus community in this building as an important representation of the Canal's industrial and architectural history. The Commission notes that LPC has stated that the building would not qualify for designation as an individual landmark due to extensive interior and exterior alterations. The Commission also notes that DEP has engaged with the EPA, SHPO, and LPC in reviewing both the historic merits and the structural feasibility of building preservation, given the necessity of locating the critical functions of the proposed head house at or near the northern end of the project site, where existing water and sewer infrastructure, including the CSO outfall, are located. The Commission understands that DEP has conducted a preliminary review of multiple options for partial and full preservation of the building and the engineering constraints of each option, and is presently proposing to preserve at least the building's terra cotta pediment and sign, and incorporating them prominently into the final site design. DEP should continue to engage with EPA, SHPO and LPC to advance that engineering study and seek to preserve as much of the Gowanus Station building as possible, and should share the results of that study and proposed site design with the public regularly as requested by the Community Board and Borough President.

Members of the public, the Community Board, and the Borough President provided comments and recommendations to address environmental impacts from the CSO facility's construction. The Commission is sympathetic to the concerns shared by residents of the building at 280 Nevins Street, who may experience disruptive noise levels during part of the construction period. DEP has committed to develop a construction plan with as many operational mitigation measures for noise as possible, such as limiting hours of construction and locating activities on the staging site as far from residential and park property as possible. The Commission urges DEP to provide regular public updates and a community liaison to address construction sequencing and the development

of a noise mitigation plan as requested by the Community Board and Borough President. In regard to additional environmental impact comments noting concerns about dust, debris, vibration, and truck traffic during construction, the Commission notes that DEP has addressed each of these items in its environmental review and provided descriptions of impacts and mitigation measures in the FEIS.

In response to recommendations by the Community Board, Borough President, and members of the public that efforts be made to remove site debris, construction materials, and waste material by canal barge rather than by truck, the Commission notes that this decision is outside of its purview and hopes DEP will address the recommendation by coordinating with EPA regarding its anticipated schedule and access requirements for Canal remediation.

Regarding the condition from the Community Board that parcels within the project site remain zoned for manufacturing uses, the Commission notes that this application includes no proposed change from the current M2-1 zoning, and that the development of a CSO retention facility would be an allowed use within this zoning district.

Regarding the recommendation by the Borough President that the area above the proposed CSO tank system or the proposed construction staging site be considered for use as an interim location for park programming in the future when Thomas Greene Playground undergoes remediation and reconstruction, the Commission notes that DEP has committed to designing the area above the tank system for public recreational use, which would provide some relief from temporary loss of park space during Thomas Greene Playground's remediation. The Commission encourages DEP to address this recommendation in continued coordination with EPA and DPR.

Regarding the recommendations made at its public hearing for City investment and engagement on issues that are outside the scope of this subject application, the Commission notes that a broad range of agencies have been engaged with the Gowanus community on needs and ideas such as green infrastructure and job training as part of DCP's Gowanus Study. Together with DCP, DPR, SBS, HPD, and others, DEP has taken account of these ideas and continues to evaluate how to incorporate them into a comprehensive neighborhood plan for Gowanus. This proposal for CSO

retention facilities represents an upfront investment by the City to address longstanding infrastructure needs and environmental concerns in the Gowanus community.

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on February 1, 2018, with respect to this application (CEQR No. 17DEP040K), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met and that:

1. Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, the action is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Notice of Completion attached as Exhibit A hereto, those project components related to the environment and mitigation measures that were identified as practicable.

This report of the City Planning Commission, together with the FEIS, constitute the written statement of facts, and of social, economic, and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA Regulations; and be it further

RESOLVED, that the City Planning Commission, pursuant to Section 197-c of the New York City Charter, based on the environmental determination and the consideration described in this report, the application submitted by the New York City Department of Environmental Protection and the New York City Department of Citywide Administrative Services for the site selection and acquisition of property located at 234 Butler Street, 242 Nevins Street, and 270 Nevins Street (Block 411, Lot 24; Block 418, Lot 1; Block 425, Lot 1), Community District 6, Borough of Brooklyn, for a combined sewer overflow control facility is approved.

The above resolution, duly adopted by the City Planning Commission on February 14, 2018 (Calendar No. 11) is filed with the Office of the Speaker, City Council, and the Borough President of Brooklyn in accordance with the requirements of Section 197-d of the New York City Charter.

MARISA LAGO, *Chair*

**RAYANN BESSER, ALFRED C. CERULLO, III, MICHELLE DE LA UZ,
JOSEPH DOUEK, RICHARD W. EADDY, CHERYL COHEN EFFRON, HOPE KNIGHT,
ANNA HAYES LEVIN, ORLANDO MARIN, LARISA ORTIZ**, *Commissioners*



THE CITY OF NEW YORK COMMUNITY BOARD SIX

Eric Adams
Borough President

Sayar Lonial
Chairperson

November 9, 2017

Marisa Lago, Director
Department of City Planning
120 Broadway, 31st Floor
New York, New York 10271

Dear Director Lago:

I am writing to advise you that at its November 8, 2017 General Board meeting, Brooklyn Community Board 6 adopted the following resolution related to Land Use Review Application number C180065 PCK, commonly referred to as the Gowanus CSO – Head End Facility:

**Department of City Planning Land Use Review Application C180065 PCK
Site Selection and Acquisition for the Gowanus CSO – Head End Facility**

After hearing a presentation from the NYC Department of Environmental Protection at our October 26, 2017 meeting, our Landmarks & Land Use Committee voted to conditionally approve Land Use Review Application number C180065 PCK, an application for site selection and acquisition of property located at 242 Nevins Street, 234 Butler Street, and 270 Nevins Street. The motion passed with a vote of fourteen in favor, one opposed, and zero abstentions. The motion was heard at our November General Board meeting and was ratified by a unanimous vote of thirty-five yeas, zero nays, and zero abstentions.

Our support for Land Use Review Application number C180065 PCK is based on the following conditions:

- The City of New York commits to significant financial support for businesses that need to relocate.
 - Based upon a previous unanimous motion from June 8, 2016 (attached), Brooklyn CB6 specifically requests that any Eastern Effects agreement with the City of New York be complete before the ULURP is finalized.
- Brooklyn Community Board 6 strongly supports manufacturing within its district, acknowledges the harmfulness of losing any M zoned parcels, and requests that any land within the footprint of the project M zoned after the project's completion.
- The NYC Department of Environmental Protection must commit to the strongest possible noise mitigation plan, including offering tenant relocation for the time of the project.

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- A historic discovery plan should be put in place prior to any excavation and activated should any significant artifacts be discovered.
- The NYC Department of Environmental Protection must commit to come back to Brooklyn Community Board 6 for a review of the design and programming of the entire site, including the head house.
 - Brooklyn Community Board 6 prefers that the historic building located on the southwest corner of Butler Street and Nevins Street be a part of the design of the head house; specifically, preserving the façade.
- Debris should be removed from the head house via barge, using the canal.
- The NYC Department of Environmental Protection must commit to working with Brooklyn Community Board 6 and the NYC Department of Buildings on the creation of a construction dust and debris mitigation plan.

As always, I thank you for the opportunity to comment on this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Sayar Lonial". The signature is fluid and cursive, with a large initial "S" and a long horizontal stroke at the end.

Sayar Lonial
Chairperson



THE CITY OF NEW YORK COMMUNITY BOARD SIX

Eric Adams
Borough President

Sayar Lonial
Chairperson

Craig Hammerman
District Manager

June 9, 2016

Emily Lloyd, Commissioner
Department of Environmental Protection
59-17 Junction Boulevard
Queens, New York 11368

Dear Commissioner Lloyd:

I am writing to advise you that at its June 6, 2016 Executive Committee meeting, Brooklyn Community Board 6 heard a presentation by the Department of Environmental Protection pertaining to the City's siting recommendations for the retention tank component of the Gowanus Canal Superfund remedy. The presentation left us with many concerns about the potential impact of construction staging possibly on the site of Eastern Effects, a Gowanus-based business located at 270 Nevins Street. At the following General Board meeting of June 8, a motion was made and adopted stating these concerns. The motion passed unanimously, with a vote of twenty-nine yeas, zero nays, and zero abstentions. It reads as follows:

Request that the NYC Department of Environmental Protection Reexamine Criteria and Process for the Selection of a Staging Area for the Proposed Gowanus Canal Head End Retention Tank Segment of the Gowanus Canal Superfund Project

Brooklyn Community Board 6 is committed to the environmental remediation of the Gowanus Canal area and the installation of retention tanks to prevent the recontamination of a remediated Gowanus Canal. However, at the same time we are deeply concerned about the dislocation and job loss that could occur in the event that the City of New York takes by way of eminent domain or otherwise a certain parcel of property at 270 Nevins Street for use as a staging area for the installation of a retention tank at the head end of the Gowanus Canal.

It is our understanding that there are alternative locations of approximately equal size that are likely available at similar cost for such a purpose and that such sites do not have active businesses that employ such a significant number of individuals in living wage jobs. We, therefore, request that the Department of Environmental Protection reexamine its criteria and process for the selection of a staging area and present its findings together with the

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underlying rationales for any site selection prior to moving forward with the seizure or purchase of a selected site.

As always, we thank you for the opportunity to comment on this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Sayar Lonial". The signature is fluid and cursive, with the first name "Sayar" written in a larger, more prominent script than the last name "Lonial".

Sayar Lonial
Chairperson



Email/Fax Transmittal

TO: Brooklyn Community District 6 (CD 6) Distribution	FROM: Brooklyn Borough President Eric L. Adams
DATE: December 27, 2017	CONTACT: Inna Guzenfeld – Land Use Coordinator Phone: (718) 802-3754 Email: iguzenfeld@brooklynbp.nyc.gov
ULURP Recommendation: GOWANUS CANAL CSO FACILITY – 180065 PCK	NO. Pages, Including Cover: 15

Attached is the recommendation report for ULURP application 180065 PCK. If you have any questions, please contact Inna Guzenfeld at (718) 802-3754.

Distribution

NAME	TITLE	OFFICE	EMAIL
Marisa Lago	Chair, New York City Planning Commission	(212) 720-3356	ygruel@planning.nyc.gov
Melissa Mark-Viverito	Speaker, City Council	(212) 788-7207	mviverito@council.nyc.gov
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Sayar Lonial	Chair, Brooklyn Community Board 6 (CB 6)	(718) 643-3027	info@brooklyncb6.org
Ty Beatty	Assistant District Manager, CB 6	(718) 643-3027	adm@brooklyncb6.org
James Mueller	Acting Deputy Commissioner, New York City Department of Environmental Protection (DEP)	(718) 595-5973	jmueller@dep.nyc.gov
Richard Bearak	Director, Land Use, BBPO	(718) 802-4057	rbearak@brooklynbp.nyc.gov

Brooklyn Borough President Recommendation

CITY PLANNING COMMISSION

120 Broadway, 31st Floor, New York, NY 10271

calendaroffice@planning.nyc.gov



INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representatives as indicated on the Notice of Certification.

APPLICATION

GOWANUS CANAL CSO FACILITY – 180065 PCK

In the matter of the application submitted by the New York City Department of Environmental Protection (DEP) and the New York City Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for the selection and acquisition of three privately-owned parcels on a site at the head of the Gowanus Canal in Brooklyn Community District 6 (CD 6). Such actions would facilitate the construction of a Combined Sewer Overflow (CSO) control facility at 242 Nevins Street and 234 Butler Street through site acquisition, with a staging area at 270 Nevins Street that would be leased by the City.

BROOKLYN COMMUNITY DISTRICT NO. 6

BOROUGH OF BROOKLYN

RECOMMENDATION

APPROVE

APPROVE WITH

MODIFICATIONS/CONDITIONS

DISAPPROVE

DISAPPROVE WITH

MODIFICATIONS/CONDITIONS

SEE ATTACHED

BROOKLYN BOROUGH PRESIDENT

December 27, 2017

DATE

RECOMMENDATION FOR: GOWANUS CANAL CSO FACILITY – 180065 PCK

An application submitted by the New York City Department of Environmental Protection (DEP) and the New York City Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter for the selection and acquisition of three privately-owned parcels on a site at the head of the Gowanus Canal in Brooklyn Community District 6 (CD 6). Such action would facilitate the construction of a Combined Sewer Overflow (CSO) control facility at 234 Butler Street and 242 Nevins Street through site acquisition, with a staging area at 270 Nevins Street that would be leased by the City.

On November 27, 2017, Brooklyn Borough President Eric L. Adams held a public hearing on this acquisition request. There were five speakers in opposition, including members of the Gowanus Canal Community Advisory Group (CAG) and a representative of Spoke of the Hub. The speakers cited concerns about the preservation of 234 Butler Street, the displacement of non-profits and small businesses via eminent domain, the negative effects of prolonged construction on residents of 280 Nevins Street, and the projected overall cost of constructing the CSO facility at the head-of-canal site as opposed to Thomas Greene Playground (the Playground). It was acknowledged that Spoke the Hub, a non-profit arts organization temporarily based at 234 Butler Street, will likely complete reconstruction of its main studio at 295 Douglass Street before it is required to vacate the building.

In response to Deputy Brooklyn Borough President Diana Reyna's inquiry as to whether the owners of 234 Butler Street and 242 Nevins Street would be required to deliver the buildings vacant at the time of acquisition, or whether the 19 businesses that occupy these properties would be permitted to remain provided they have not secured new space, with the City as interim landlord, the DEP representative stated that DEP is under an order to acquire the properties and start construction no later than 2020. However, if acquisition occurs sooner, there would be opportunities to negotiate the vacancy date, and provisions to help relocate the businesses, potentially before the City takes ownership of the properties.

In response to Deputy Borough President Reyna's inquiry as to what consideration would be given to assisting the 19 businesses in securing new space, given the potential for direct displacement resulting from DEP's acquisition of 234 Butler Street and 242 Nevins Street, the DEP representative expressed that the City may help these businesses locate other space or assist with moving expenses, as has been done on previous projects.

In response to Deputy Borough President Reyna's inquiry regarding the potential displacement of Eastern Effects, a film production studio located at 270 Nevins Street, and what relocation assistance the City intends to provide so that this business is able to continue operating in Brooklyn, the DEP representative stated that the New York City Economic Development Corporation (EDC) is seeking to construct a new film studio in Sunset Park as a means to relocate Eastern Effects, which currently occupies the entirety of 270 Nevins Street.

In response to Deputy Borough President Reyna's inquiry regarding significant exposure to non-mitigatable dust and noise impacts for local employees and residents arising from this project, and what responsive communication and outreach measures are envisioned for the affected population, the DEP representative expressed that the Draft Environmental Impact Statement (DEIS) did not identify any adverse air quality impacts. DEP will implement onsite source controls to address temporary adverse noise impacts. However, there are limited opportunities for noise mitigation because the ventilation mechanism of the affected buildings precludes the possibility of sealing their windows. When construction begins, there will be a construction liaison (employed by the contractor) to conduct community engagement and public outreach.

In response to Deputy Borough President Reyna's inquiry regarding the substantial amount of excavated material and debris that will be generated at the site and what consideration has been given to moving such material and debris by barge in order to minimize truck-related congestion and noise in the area, the representative stated that during the construction of the retention tanks, there will be significant dredging and capping activity in the canal, as part of the Gowanus Canal Superfund cleanup. DEP represented that the United States Environmental Protection Agency (EPA) advised DEP that removal of material by barge cannot be accommodated during the cleanup. Regarding material carting during the operation of the CSO facility, DEP expects the facility to operate only 40 times per year and generate, at most, two dumpsters of material per event. The agency does not believe that this carting operation will result in significant noise and traffic impacts in the neighborhood.

In response to Deputy Borough President Reyna's inquiry as to what consideration has been given to sustainable reuse and/or utilization of the collected operational debris, based on lessons learned from the Flushing Meadows and Paerdegat holding facilities, the DEP representative stated that the agency will examine the possibilities.

In response to Deputy Borough President Reyna's inquiry regarding the Gowanus Distribution Station building at 234 Butler Street, which many community members believe to be historically significant, and what measures would ensure that consideration is given to incorporating the existing building in the CSO facility design, the DEP representative expressed that the agency intended to salvage the Gowanus Distribution Station pediment and integrate it into the façade of the new building. DEP has undertaken engineering analysis to evaluate alternatives for preserving the building. The agency has done geotechnical testing but significant additional investigation of the building is needed to determine how much support will have to be provided in order to retain the structure while constructing the CSO facility. DEP expects to conduct additional destructive testing on the building, which may involve the removal of some interior walls.

Prior to the hearing, Borough President Adams received written testimony from two employees of Spoke the Hub, which recently constructed temporary dance studios at 234 Butler Street. The organization was concerned that the timing of the building's demolition would be detrimental to its programs and the local arts community.

Prior and subsequent to the hearing, Borough President Adams received approximately 50 letters from neighborhood residents opposing the demolition of the former Gowanus Distribution Station, and calling for the preservation of the entire building in the Gowanus Canal CSO Facility project. Several residents questioned the use of eminent domain to acquire the canal-side properties given the availability of other sites for sale nearby, and EPA's initial recommendation that the CSO facility be constructed under the Playground. The potential relocation of Eastern Effects to a newly constructed City film studio in Sunset Park was also called into question. Additionally, it was believed that EPA does not concur with the response provided by DEP as to whether both debris from the CSO facility's construction and the cleanup of the canal could be managed via barge as opposed to trucks.

Subsequent to the hearing, Borough President Adams received written testimony from the Historic Districts Council (HDC), a preservation advocacy organization, expressing concern for the potential loss of 234 Butler Street. In a recent New York City Department of City Planning (DCP) study of significant places in Gowanus, 234 Butler Street was noted as a high-priority site for retention by HDC and local preservation groups.

Subsequent to the hearing, Borough President Adams received written testimony from three residents of 280 Nevins Street, a live/work building occupied by artists and their families, expressing concern about adverse construction impacts from the staging area at 270 Nevins Street. One resident, who

supports the construction of the CSO facility at the Playground, proposed utilizing the vacant building at 537 Sackett Street as a staging area and then rebuilding the permanent Playground pool on this site.

Subsequent to the hearing, Borough President Adams received combined written testimony from the Fifth Avenue Committee (FAC), Friends of Thomas Greene Playground (FOTGP), Families United for Racial and Economic Equality (FUREE), the Gowanus Canal Conservancy (GCC), and New York Lawyers for the Public Interest (NYLPI), expressing support for the head-of-canal site as the location of the Gowanus Canal CSO Facility. The group expressed that it did not support the incorporation of a CSO facility at the Playground because the area covered by certain structures would significantly diminish the size of the park area. The group also asked that DEP be required to address the following concerns: impacts on the Playground during construction, including the temporary relocation of the park's pool; management of odors emanating from the CSO facility; meaningful community participation in the design of the facility and opportunities for additional open space arising from the project, and additional investment in green or grey infrastructure in upland areas of the CSO facility sewer shed.

Subsequent to the hearing, Borough President Adams received communications from community members who submitted a request for evaluation of 234 Butler Street to the New York City Landmarks Preservation Commission (LPC). In response, LPC provided a letter stating that 234 Butler Street does not meet the agency's criteria for an individual landmark. It was represented that local preservation groups intend to appeal the decision and participate in LPC's upcoming survey of historic resources in the Gowanus neighborhood.

Consideration

Brooklyn Community Board 6 (CB 6) approved this application on November 8, 2017 with the following conditions: that the City commit to significant financial support for businesses that will need to relocate from the site; that any agreement with Eastern Effects be finalized before the ULURP is approved; that manufacturing-zoned land within the project footprint be retained after the CSO facility's completion; that a historic discovery plan be put into place prior to excavation and activated if significant artifacts are found, and that debris be removed from the facility via barge. The board articulated three conditions for DEP: that the agency commit to a noise mitigation plan, including tenant relocation for the duration of the project; that DEP review the design and programming of the Head End Site with CB 6, and that DEP commit to working with CB 6 and the New York City Department of Buildings (DOB) to create a construction debris and dust mitigation plan.

On December 14, 2017, CB 6 approved a motion elaborating on its November 8th resolution recommending that application approval be contingent on a commitment from the Mayor's Office to direct city agencies, including but not limited to DCP, the New York City Department of Design and Construction (DDC), DEP, the New York City Department of Transportation (DOT), and the New York City Department of Parks and Recreation (NYC Parks) to support an active community engagement and visioning process that gathers input on the impact of this project, the anticipated coal tar remediation of the Playground, the removal of the current pool and construction of a temporary one on an alternate site, and the long-term disposition of the staging area on the referenced sites and the immediate surrounding area.

The proposed actions would permit the selection and acquisition of 234 Butler Street, 242 Nevins Street, and 270 Nevins Street, collectively known as the Head End Site, and comprising approximately 155,000 square feet (sq. ft.) for the design and construction of a DEP CSO facility. The head end site is a former Manufactured Gas Plant (MGP) site and will undergo remediation by National Grid, under an administrative order from the New York State Department of Environmental Conservation (DEC).

The Gowanus Canal is home to numerous CSO outfalls that release wastewater into the canal during wet weather events. The proposed CSO facility is complementary to DEP's existing efforts to improve water quality in the Gowanus Canal, and will help the agency achieve higher standards by reducing CSO discharge into the water body. The City is seeking to reduce the volume of CSOs entering the Gowanus Canal as part of a remedy, mandated by the EPA's Record of Decision (ROD) on the Gowanus Superfund cleanup. The EPA designated the Gowanus Canal a Superfund site in 2010 and issued the ROD in 2013. In 2014, DEP began an analysis of potential sites for a CSO facility, based on a conceptual design; the agency short-listed two locations: the head end site and the Playground. In 2015, DEP submitted a recommendation to EPA for the head end site based on engineering, environmental, and financial criteria.

The head end site was selected for its proximity to existing infrastructure (the RH-034 outfall and the Gowanus Wastewater Pumping Station) and shorter conveyance of combined sewer flow. The Playground site was judged to be less optimal due to its distance from the canal, which would require complex subsurface utility engineering and deeper structures for hydraulic operation. In addition to an extended construction period, locating the CSO facility on the Playground site would lead to temporary displacement of park uses and permanent alienation of City-owned parkland. However, under the EPA Settlement Agreement, DEP is developing parallel designs for both the Head End Site and the Playground and may be directed to construct the facility in the Playground.

As proposed, the head end site facility consists of an eight-million gallon (MG) tank that will intercept CSO discharges from the head of the canal and the surrounding sewershed, and an above-ground head house. The total facility footprint is approximately 100,000 sq. ft. with 52,000 sq. ft. occupied by the below-grade structure and 25,700 sq. ft. by the superstructure. The facility will house a range of components required by EPA including flow channels, pumping equipment, and odor control systems. The CSO facility will be largely automated, with occasional worker access for regular maintenance.

The head end site is located in an M2-1 manufacturing district. As a Use Group 18 use, the CSO facility will not be subject to waterfront open space requirements. However, DEP will provide a public walkway in consultation with City agencies and the community. The head house will occupy the northern end of the site, at Butler and Nevins streets. The remaining area would provide a 50-foot setback from the Canal bulkhead for its entire length to be paved and/or landscaped, where waterfront public access would be provided, as well as a holding tank with a largely accessible roof at an elevation of approximately five feet above Nevins Street. The portion of the roof not needed to provide access to the holding tank is being considered as an open space amenity, which might be a combination of landscaped and paved surfaces.

To facilitate the project, DEP must acquire 234 Butler Street, 242 Nevins Street, and 270 Nevins Street by April 2020. The agency expects to begin construction in 2021, following National Grid's remediation of the site and its staging area, partial replacement of the canal bulkhead, and installation of a cutoff wall. Based on the DEP timeframe, the CSO facility would be complete in 2028.

The Head End Site's surrounding context is defined by a mix of commercial, industrial, and residential uses. The built environment consists primarily of one to three-story buildings that house light manufacturing, office, and warehouse uses. There are several artist studios and live/work buildings near the site. Beyond the canal are the low-rise residential neighborhoods of Boerum Hill, Carroll Gardens, and Park Slope. The area includes two New York City Housing Authority (NYCHA) complexes, the Gowanus and Wyckoff houses.

234 Butler Street is a two-story brick building formerly known as the Gowanus Distribution Station, connected to an accessory one-story brick building. The New York State Historic Preservation Office (SHPO) has determined that as a remnant of the area's industrial past, the building holds significance for the National Register-eligible Gowanus Canal Historic District.

242 Nevins Street is a one-story building that shares a parking lot with 234 Butler Street. Together, the buildings provide approximately 45,000 sq. ft. of interior space utilized by 19 businesses, including auto repair, contracting, and semi-industrial operations. 234 Butler Street is also home to non-profits including Spoke the Hub. DEP plans to purchase the properties containing these buildings and construct the CSO facility on the block. In order to facilitate the project, these businesses will have to be relocated.

270 Nevins Street is a large, one-story building occupied entirely by Eastern Effects. DEP intends to lease this site and demolish the building to provide a staging area for the duration of the CSO facility project. EDC is currently negotiating with Eastern Effects and building a film studio in Sunset Park, where the company may relocate by 2020.

Borough President Adams is generally supportive of the proposed development and the selected head end site, which meets DEP criteria for construction and operation. The Gowanus Canal CSO Facility is expected to achieve substantial improvements in water quality by reducing CSO discharge to the Gowanus Canal. The CSO facility will help maximize the effects of the Superfund cleanup by ensuring that sewage waste does not re-pollute the canal. The project will also create a new public walkway by the canal and provides an opportunity to facilitate interim relocation of the Playground's amenities on the roof of the holding tank, as well as serve as a permanent public amenity space. These benefits are all in line with Borough President Adams' policies for improving stormwater management and increasing access to open space throughout Brooklyn.

Borough President Adams acknowledges widespread community advocacy for the cleaning up of the Gowanus Canal and the many stakeholders who have weighed in in community forums on how it should proceed. He has received many testimonies through various forms of communication, as part of the ULURP process, and he expects that public participation will continue as the application moves through the City Planning Commission (CPC) and City Council.

Borough President Adams respects the concerns and ideas expressed by community members regarding the cost and location of the project, the use of eminent domain, the displacement of active businesses, potential construction noise and traffic impacts, and alternative scenarios involving the Playground and nearby buildings and sites. Borough President Adams has also heard consistent opposition to building the CSO facility at the Playground due to the multi-year loss of its recreational facilities, including the pool, as well as the shrinkage of the park footprint within the Playground's one-block site.

Borough President Adams believes that the cost of site acquisition could be partially offset by a reduced need for site excavation associated with the Playground site, given that the surface elevation rises as the ground slopes up from the canal to Third Avenue. DEP's preferred location would not require significantly longer conveyance from the sewer infrastructure to the holding tank. Furthermore, construction logistics associated with the Playground site would require the closure of Nevins Street for a length of time that would impact area-wide traffic serving businesses in the industrial area around the canal.

Borough President Adams has heard suggestions that a vacant building at the corner of Degraw and Nevins streets should be utilized as a staging area for the Playground, with the intent to

include this property and the adjacent underutilized lot extending to Third Avenue as an addition to the Playground, in lieu of the park area that would be lost by accommodating a CSO facility.

However, he is concerned that this strategy would require a delay in advancing the construction of the CSO facility, as the necessary site acquisition would require the preparation of a separate ULURP application and EIS, which would likely hamper DEP's ability to comply with the EPA schedule for construction. In addition, siting the CSO facility at the Playground does not provide obvious opportunities for interim space to accommodate its park uses.

While Borough President Adams supports the site selection and acquisition, he believes that there are opportunities to improve the proposal through increased and sustained community consultation throughout the facility's design and operation; further structural investigation into retaining aspects of 234 Butler Street beyond its precast signage; engagement with current businesses at the site that may need relocation assistance, including Eastern Effects; the appointment of a community liaison for the duration of construction; engagement with affected businesses and residents to facilitate construction mitigation; efficient utilization of the CSO facility's roof for the Playground amenities, and evaluation of barge transport as an alternative to additional truck operations in a congested area.

Regular Engagement with Brooklyn Community Board 6 Regarding the CSO Facility Design, Construction, Operation, and Related Matters

Borough President Adams recognizes that local residents, including members of CB 6 have been engaged in a seven-year community advisory process to the Gowanus Canal Superfund leading to the proposed CSO facility, and desire meaningful participation in City agency decisions affecting the area. He also recognizes that the CSO facility will have a range of economic, environmental, and quality-of-life impacts on local businesses and residents. The project also entails new opportunities for publicly accessible open space, greater waterfront access, and streetscape enhancements along the Butler and Nevins street façades.

Borough President Adams concurs with CB 6 in the belief that it should be sufficiently engaged by City agencies during the planning and development of this public project. The CSO facility represents a significant investment of public funds that raises a host of local concerns but also creates possibilities for active community participation. For a project with such complex design, environmental, and land use issues, such participation should be coordinated through CB 6 and go beyond the ULURP process (including the pending Douglass Street demapping), and the Public Design Commission's approval process. It is essential to develop a dialogue through CB 6 that incorporates community feedback to achieve optimal outcomes with regard to business relocation assistance, construction, and site preparation management, mitigation strategies and alternatives, open space design and programming, the preservation of archaeological artifacts, the extent to which 234 Butler Street would be incorporated (including building material reuse), as well as consideration for interim opportunities associated with remediation of the Playground and streetscape enhancements.

Therefore, Borough President Adams believes that prior to receiving approval from the City Council, DEP should commit to monthly reporting at a designated committee of CB 6 to keep the board apprised during the design and construction of the CSO facility through a dialogue that incorporates community feedback to achieve optimal outcomes with regard to relocation assistance for the businesses at 234 Butler Street, 242 Nevins Street, and 270 Nevins Street; construction and site preparation management, mitigation strategies and alternatives, as well as open space design and programming; the extent to which 234 Butler Street would be incorporated, including building material reuse, as well as consideration for interim opportunities associated with remediation of the Playground and streetscape enhancements.

Maximizing Potential for Historic Preservation of the Former Gowanus Station House

Borough President Adams acknowledges that there are many community members advocating for the preservation of the former Gowanus Distribution Station at 234 Butler Street. The Gowanus Distribution Station building is the only surviving industrial building that bears the neighborhood's name. To many in the community, its pre-cast signage, which is displayed on a parapet fronting its Nevins Street façade, is a noted feature. The entire building is valued as a local resource and has been found to be significant by SHPO as part of the National Register Gowanus historic district, though deemed too altered by LPC to merit consideration for individual landmark designation. DEP's position is that, based on preliminary engineering analysis, it intends to salvage the precast concrete signage either by incorporating it into the head house design or the waterfront public walkway.

No design analysis has been provided to Borough President Adams for his consideration. Moreover, DEP and its engineering consultants do not appear to have had a level of access to the Gowanus Distribution Station that would clarify the possibility of incorporating the Gowanus Distribution Station into the CSO facility. As such, further investigation is needed to clarify the building's structural integrity and the extent to which its walls can be reasonably retained. Therefore, Borough President Adams believes that prior to receiving approval from the City Council, DEP should either undertake or commit to undertaking additional site conditions analysis via borings, test pits, and other conventional methods to determine the structural integrity of the building's exterior walls facing Butler and Nevins streets, including depth and subsurface bearing capacity and the foundation integrity, with consideration for the design depth of required facility excavation.

Given the building's significance to members of the community, if additional testing determines that the building's walls are structurally sound, it would be worthwhile to consider retaining the walls using creative architectural and engineering solutions, integrated into the facility's design. Therefore, Borough President Adams believes that prior to receiving approval from the City Council, DEP should undertake investigation of structural design considerations that would facilitate retention of the exterior building walls facing Butler and Nevins streets as either a decorative "rain screen" or curtain walls using bracing, excavation shoring, tie-backs, and/or other standard techniques as part of the CSO facility's construction.

Based on the more comprehensive structural analysis, should it be deemed feasible to retain sections of the 234 Butler Street façade, Borough President Adams believes that it might be possible to retain a section of the existing roof if its height were to be higher than the design elevation of the CSO facility's Butler and Nevins streets frontages. Should the new roof elevation be within the existing roof line of the Gowanus Distribution Station, consideration should be given to retaining the maximum section of the existing roof above the elevation of the planned head house as a decorative false roof. Prior to receiving approval from the City Council, depending on the structural determination regarding the façades along Butler and Nevins streets, DEP should commit to retaining the maximum roof section of 234 Butler Street, which would exceed the height of the intended head house.

As with many historic industrial buildings, Brooklyn provides several examples of reuse and redesign of industrial fabric. The former Tobacco Warehouse on the DUMBO waterfront was preserved through the retention of its walls and historic openings. Even if integrating aspects of 234 Butler Street into the head house were deemed impractical, there remains an opportunity to retain the section of the façade for the width of 50 feet of the intended public waterfront walkway connection to Butler Street. A partially retained section of the Gowanus Distribution Station's Butler Street perimeter could be modified to provide access as a passageway into the proposed public waterfront walkway. Therefore, Borough President Adams believes that prior to receiving approval

from the City Council, the section of the 234 Butler Street façade coinciding with the full width of the envisioned waterfront public access promenade should be evaluated for retention, with new penetrations provided in order to connect such a public walkway to Butler Street.

Furthermore, if extensive testing determines that the building's walls lack structural integrity, DEP should move forward with strategies to salvage and reuse its exterior elements in the design of the CSO facility and grounds. Therefore, Borough President Adams believes that should DEP deem it infeasible to retain the exterior of 234 Butler Street, the building's masonry should be recycled and incorporated into the waterfront public access promenade paving and design elements, including the promenade-side exterior wall of the holding tank.

Retention of a Community Liaison for the Duration of the Project

DEP has found that the construction of the CSO facility will have certain non-mitigatable impacts on surrounding properties. In particular, it is expected that there will be considerable weekday noise impacts stemming from both the construction site and the staging area. The DEIS notes that those living and/or working inside 280/282 and 285 Nevins Street are likely to be exposed to noise that exceeds acceptable thresholds.

According to DEP, the design of 280/282 and 285 Nevins Street makes it impractical to seal the buildings' windows, which limits options for mitigating sound and vibrations. However, given that these impacts will emanate primarily from the staging area, it is possible to achieve some degree of on-site mitigation by installing sound barriers and planning staging area activities so as to reduce the duration and frequency of construction noise. Borough President Adams believes that effective coordination and outreach could produce the most optimal solutions to achieve the most effective outcome during the many years the staging area would be in use.

According to DEP, a community liaison will be provided on the project to address and minimize potential adverse impacts on the surrounding area. Borough President Adams believes that such commitment should be made in writing to the City Council prior to its hearing, stating that DEP's construction contract will contain a provision for funding and hiring a community liaison during site preparation and construction as a means to minimize adverse impacts to the host community, with particular consideration given to the tenants of 280/282 and 285 Nevins Street. In addition, the contract specifications should require ongoing effort to engage the business and residential occupants of 280/282 and 285 Nevins Street to achieve optimal mitigation within the 270 Nevins Street staging site through barrier placement and consideration of staging area activities.

Engagement with Tenants Subject to Direct Displacement

The construction of the CSO facility on the head end site will require the acquisition of three properties, which together house 19 active commercial and industrial uses, in addition to some non-profits. In order for the project to move forward, DEP must acquire the properties by April 2020, which means that these businesses would ultimately not be able to continue their operations at this location. There is also a possibility that DEP will acquire the buildings prior to the April 2020 deadline. When private properties are conveyed, such transactions sometimes require the premises to be vacated; if that were the case and the City were successful in obtaining the property in advance of April 2020, the existing tenants would have less time to secure alternate space for their operations.

Borough President Adams is concerned about the displacement of small businesses and organizations, and the potential loss of jobs in this part of Brooklyn where appropriately located industrial space is often expensive and scarce. For this reason, it is important for the City to provide relocation assistance to ensure that the tenants of 234 Butler Street, as well as 242 and 270 Nevins Street, have the opportunity to continue operating in Brooklyn.

With regard to the extensive building at 270 Nevins Street, it is important that the City assist Eastern Effects in securing equivalent space to accommodate its operations, as part of a broader strategy to grow New York's film industry. EDC is currently in negotiations to construct a film studio in Sunset Park, and potentially relocate Eastern Effects to this site.

Borough President Adams believes that DEP should be coordinating with both EDC and the New York City Department of Small Business Services (SBS) to engage these businesses and inform them of the relocation assistance services these agencies could provide. Furthermore, in order to allow those establishments maximum time to seek out and secure new space, Borough President Adams believes that DEP should not require that the building be delivered vacant upon acquisition occurring prior to April 2020, and that DEP or an otherwise appropriate City agency should become an interim landlord for those businesses and non-profits that have not ceased operating at 234 Butler Street, 242 Nevins Street, and/or 270 Nevins Street.

Therefore, Borough President Adams believes that prior to the City Council hearing, DEP should demonstrate: EDC and SBS engagement to provide assistance to small businesses that would be relocated from 234 Butler Street and 242 Nevins Street to facilitate the construction of the CSO facility; EDC's effort to facilitate the relocation of Eastern Effects to a City-owned film studio coordinated by EDC in Sunset Park, and evidence of DEP's commitment to not require relocation of the tenants as a condition of the Head End Site acquisition

Utilizing the CSO Facility's Roof to Temporarily Accommodate Thomas Greene Playground Activities

Borough President Adams recognizes community concerns about the impacts of construction and remediation processes on the Playground. The Playground is part of the Fulton MGP site, which is undergoing remedial investigation by National Grid. During the remediation, the central and western sections of the Playground would be closed to the public, including basketball and handball courts as well as the swimming pool. Under a Settlement Agreement issued by EPA in 2016, National Grid will be required to construct temporary park space and replace any park areas closed for remediation, including the pool. However, no location for the interim pool has been officially identified.

Borough President Adams shares the community's concern about the loss of the pool for multiple summers and the potential number of years the community might lose access to other Playground amenities, as it is an important local resource for children and families. He is aware that DEP is considering facilitating public access to the CSO facility's holding tank roof, which is expected to be elevated approximately five feet above Nevins Street, to the extent that such use does not interfere with access requirements. The idea of rooftop public access has received support from local advocates, including FOTGP and the GCC.

Borough President Adams believes that the holding tank roof area may provide suitable square footage to locate a temporary, smaller pool, and/or other Playground amenities, including basketball and handball courts. In order to determine whether the holding tank roof could serve as a temporary relocation resource, it is important to know DEC and EPA's timing for moving forward with the sub-surface remediation of the Playground. Therefore, Borough President Adams believes that prior to receiving approval from the City Council, DEP should consult with DEC, EPA, and NYC Parks to determine, based on project timing, the feasibility of using the CSO facility's roof as an interim location for Playground activities including basketball courts, handball courts, and a reduced-size swimming pool. If the timing is deemed suitable, DEP should provide a commitment to the City Council of the extent that it would allow the roof of the holding tank to be used as interim space for Playground amenities.

As determined in consultation with CB 6 and NYC Parks, in order to accommodate such activities, the CSO facility holding tank would require an appropriate structural design that allows more intensive activity on its roof, which is currently contemplated for maintenance purposes only. Therefore, should the Playground not require closure to facilitate remediation prior to the completion of the construction of the CSO facility, Borough President Adams believes that prior to receiving approval from the City Council, DEP should commit to an appropriate structural design for the CSO facility holding tank that would temporarily accommodate such interim uses on its roof, during the Playground's remediation, as determined in consultation with CB 6 and NYC Parks.

Transporting Construction and Excavation Materials as well as Operational Debris by Barge Rather than Truck

Beginning with site preparation for both the CSO facility and its staging area, consisting of building demolition followed by coal tar remediation and any additional excavation to reach sufficient depth to construct the CSO facility, there would be a significant need to deliver materials and remove debris from the site. Such operations would increase truck traffic in a highly industrial area of Brooklyn, potentially exacerbating congestion and wear and tear on existing roadway infrastructure in Gowanus. Furthermore, operational debris would need to be removed in a timely manner between significant storm events to optimize the facility's capacity to divert CSO discharge from the Gowanus Canal.

CB 6 has expressed strong support for using barge transport to convey operational debris, as a sustainable alternative to trucking, and a means to better utilize the Gowanus Canal. Borough President Adams supports this recommendation and further suggests that the canal be utilized to the extent that barge operations would not interfere with EPA's work in the Superfund cleanup. DEP's understanding is that this would not be possible, but Borough President Adams believes that the possibility should be investigated further, as specifics of the EPA cleanup schedule become available.

In order to maintain barging as an option for construction activities starting with site preparation, DEP should provide written commitment to the City Council that its construction bid documents would require an investigation of the feasibility of using barge transport to deliver construction materials and remove construction waste, in consultation with EPA, as it regards the navigability of the Gowanus Canal, and potential overlap between federal cleanup actions and DEP's preparation, excavation, and construction of the CSO facility site.

Furthermore, as DEP's debris removal plan relies exclusively on trucking, there are opportunities to integrate barge transport as a permanent feature of the facility's design and operation. Therefore, Borough President Adams believes that the City Council should require that barge transport be evaluated as part of the debris removal management plan for the operation of the CSO facility.

Conversion of 270 Nevins Street from a Staging Area to an Interim Programming Site for Thomas Greene Playground

It is currently unclear whether the Playground would remain operational during the construction of the CSO facility, and whether the required National Grid remediation of the Playground portion of the Fulton MGP site would take place within the same timeframe. However, should the Playground require extended closure for remediation after the CSO facility is complete, Borough President Adams recognizes that it may be suitable to utilize the 270 Nevins Street staging area as an interim park programming site after the completion of the construction of the CSO facility. In addition, Borough President Adams has heard ideas from local advocates about a future park on this site, which would increase the low allocation of open space in the community.

Once it is no longer needed as a staging area for the CSO facility, 270 Nevins Street would revert to a vacant development site. Borough President Adams believes that this property could be secured through a subsequent ULURP acquisition action and leased as interim open space for the Playground, once the CSO facility is operational. However, this would depend on the property being deemed environmentally appropriate for use as open space and obtaining zoning that would permit park use. The 270 Nevins Street site is currently zoned M2-1, a medium-intensity manufacturing district. The New York City Zoning Resolution (ZR) does not permit open space as-of-right in M2 zoning districts; in order to facilitate future park use on the remediated site, it would be necessary to rezone the parcel from M2 to M1. Such rezoning would permit the creation of permanent open space while retaining manufacturing zoning on the site.

It is not clear whether 270 Nevins Street would be remediated in response to its prior history as part of the Fulton MGP site, prior to serving as the CSO staging area, and whether such remediation would be meeting DEC standards that would permit park use, even on an interim basis. However, 270 Nevins Street would likely require additional analysis and consideration to evaluate the potential for open space at this site, and whether park use might require capping to make such space safe for public use. In order to facilitate such conversation, Borough President Adams believes that to the extent that the Playground would remain operational until the CSO facility comes online, the City should engage with DEC to evaluate the 270 Nevins Street staging site and the Degraw Street end between the Gowanus Canal and Nevins Street for suitability in providing interim programming for the Playground during its remediation.

Borough President Adams believes that the City should determine, in consultation with the DEC, the required interim capping solution that might permit open space use above a known coal tar remediation site, and the extent that such capping might be feasible. Should interim park use appear technically feasible, Borough President Adams believes that the City should work to advance a rezoning of the 270 Nevins Street site, from an M2 to an M1 zoning district, so as to permit open space use as-of-right.

Recommendation

Be it resolved that the Brooklyn borough president, pursuant to sections 197-c and 201 of the New York City Charter, recommends that the City Planning Commission and City Council approve this application with the following conditions:

That the New York City Department of Environmental Protection (DEP) be required to engage in the following:

1. Commit to monthly reporting at a designated committee of Brooklyn Community Board 6 (CB 6) to keep the board apprised during the design and construction of the combined sewer overflow (CSO) facility through a dialogue that incorporates community feedback, in order to achieve optimal outcomes with regard to:
 - a. Relocation assistance for the businesses at 234 Butler Street, 242 Nevins Street, and 270 Nevins Street
 - b. Construction and site preparation management, mitigation strategies and alternatives, as well as open space design and programming
 - c. The extent to which 234 Butler Street would be incorporated, including building material reuse, and consideration for interim opportunities associated with remediation of Thomas Greene Playground (the Playground), and streetscape enhancements

2. That in addition to the incorporation of the precast signage, DEP undertake the following actions in determining the optimal preservation and/or material use of 234 Butler Street (Gowanus Distribution Station):
 - a. Additional site conditions analysis via borings, test pits, and other conventional methods to determine the structural integrity of the building's exterior walls facing Butler and Nevins streets including depth and subsurface bearing capacity and the foundation integrity, with consideration for the design depth of required facility excavation
 - b. Investigation of structural design considerations that would facilitate retention of the exterior building walls facing Butler and Nevins streets as either a decorative "rain screen" or curtain wall using bracing, excavation shoring, tie-backs, and/or other standard techniques as part of the CSO facility's construction
 - c. Depending on the structural determination regarding the façades along Butler and Nevins streets, DEP should commit to retaining the maximum roof section of 234 Butler Street, which would exceed the height of the intended head house
 - d. That the section of the 234 Butler Street façade coinciding with the full width of the envisioned waterfront public access promenade be evaluated for retention, with new penetrations provided in order to connect such public walkway to Butler Street
 - e. Should DEP deem it infeasible to retain the exterior of 234 Butler Street, the building's masonry shall be recycled and incorporated into the waterfront public access promenade design and paving elements, including the promenade-side exterior wall of the holding tank
3. That prior to the City Council hearing, DEP commit to demonstrate the following:
 - a. A provision in DEP's construction contract for funding and hiring a community liaison during site preparation and construction as a means to minimize adverse impacts to the host community, with particular consideration for the tenants of 280/282 and 285 Nevins Street and that contract specifications shall require ongoing effort to engage the business and residential occupants of 280/282 and 285 Nevins Street to achieve optimal mitigation within the 270 Nevins Street staging site through barrier placement and consideration of staging area activities
 - b. New York City Economic Development Corporation (EDC)'s and/or New York City Department of Small Business Services (SBS)' engagement to provide assistance to small businesses that would be relocated from 234 Butler Street and 242 Nevins Street to facilitate the construction of the CSO facility, and to not require relocation of the tenants as a condition of site acquisition
 - c. EDC's effort to facilitate the relocation of Eastern Effects to a City-owned film studio coordinated by EDC in Sunset Park
 - d. Consultation with the New York City Department of Parks and Recreation (NYC Parks) and the United States Environmental Protection Agency (EPA) to determine, based on project timing:

- i. The feasibility of using the CSO facility's roof as an interim location for the Playground activities including basketball courts, handball courts, and a reduced-size swimming pool
 - ii. The extent that DEP would allow the roof of the CSO facility's holding tank to be used as interim space for Playground amenities
 - iii. An appropriate structural design for the CSO facility holding tank to temporarily accommodate such uses on its roof during the Playground's remediation, as determined in consultation with CB 6
- e. That the construction bid documents require an investigation of the feasibility of using barge transport to deliver construction materials and remove construction waste, in consultation with EPA, as regards the navigability of the Gowanus Canal, and potential overlap between federal cleanup actions and DEP's preparation, excavation, and construction of the CSO facility site
- f. That barge transport be evaluated as part of the debris removal management plan for the operation of the CSO facility

Be it Further Resolved:

1. That to the extent that the Playground would remain operational until the CSO facility comes online, the City evaluate the 270 Nevins Street staging site and the Degraw Street end between the Gowanus Canal and Nevins Street for possible lease acquisition to provide interim programming for the Playground during its remediation
2. That to the extent that Playground would not be remediated until the completion of the CSO facility, the City:
 - a. Determine, in consultation with the New York State Department of Environmental Conservation (DEC), the required interim capping solution that might permit open space use above a known coal tar remediation site, and the extent that such capping might be feasible
 - b. Advance a rezoning of this site, from an M2 to an M1 zoning district, as a means to permit open space use as-of-right

EXHIBIT A



NOTICE OF COMPLETION OF FINAL ENVIRONMENTAL IMPACT STATEMENT

Project: Gowanus Canal CSO Facilities

CEQR No. 17DEP040K

February 1, 2018

Vincent Sapienza, P.E.
Commissioner

Angela Licata
Deputy Commissioner
Sustainability

59-17 Junction Blvd.
Flushing, New York 11373

A Final Environmental Impact Statement (FEIS) has been prepared by the New York City Department of Environmental Protection (DEP) for the **Gowanus Canal CSO Facilities** project, which is classified under State Environmental Quality Review as a Type I Action. Acting as lead agency and in accordance with the State Environmental Quality Review Act (SEQRA) (Section 8-0113, Article 8 of the Environmental Conservation Law) as set forth in 6NYCRR Part 617, and the City Environmental Quality Review (CEQR) process, as set forth in 62 RCNY Chapter 5 and Executive Order 91 of 1977 and its amendments, and the State Environmental Review Process (SERP), as required by the State Revolving Loan Fund Program, DEP is hereby certifying this FEIS as complete.

The Draft Environmental Impact Statement (DEIS) was issued on September 14, 2017. A public hearing to obtain oral testimony on the DEIS was held on January 17, 2018, in Spector Hall at 22 Reade Street, New York, NY 10007. Written comments on the DEIS were requested and were received by the lead agency until January 29, 2018. Notification of the time and location of the public hearings and of written comment period appeared in the New York Daily News, the New York State Environmental Notice Bulletin, the City Record, and the DEP Website. The FEIS incorporates responses to the public comments received on the DEIS and additional analysis conducted subsequent to the completion of the DEIS.

For a hard copy of the FEIS, please contact the person listed at the end of this Notice. The FEIS will also be available at the repositories (see attachment) and on the DEP website (http://www.nyc.gov/html/dep/html/environmental_reviews/index.shtml).

Project Overview

The New York City Department of Environmental Protection (DEP) must prepare the environmental review to disclose potential adverse significant environmental impacts from the construction and operation of two combined sewer overflow (CSO) facilities in order to inform City of New York (City) decision makers prior to any decision for siting two CSO facilities that are the subject of land use approvals under ULURP.

This Project is mandated by the United States Environmental Protection Agency (USEPA) to satisfy remediation objectives under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA, or Superfund). On March 2, 2010, the Gowanus Canal was designated a federal Superfund site under CERCLA and placed on the National Priorities List (NPL). The main goal of the CERCLA process is to remediate constituents of concern in the Canal sediments that were deposited over the Canal's long industrial history. On September 27, 2013, the USEPA issued a Record of Decision (ROD) identifying actions to be undertaken by various parties to remediate industrial contamination in the Canal. As part of the ROD, USEPA mandated the design and construction of two CSO facilities.

The first of the two CSO facilities, the "Head End Facility," would include an 8-million-gallon (MG) underground tank that would intercept overflow of CSO solids primarily from CSO outfall RH-034 at the "head end," or northernmost portion of the Canal. Construction of the Head End Facility would require the lease or acquisition of three privately owned parcels adjacent to the Canal and is proposed to be located at 242 Nevins Street (Block 418, Lot 1) and 234 Butler Street (Block 411, Lot 24), with an area for construction staging located at 270 Nevins Street (Block 425, Lot 1).

The second facility, the "Owls Head Facility," would include a 4-MG tank that would intercept overflow of CSO solids primarily from CSO outfall OH-007. The Owls Head Facility would be located at the middle of the Canal (approximately 0.5 miles south of the northernmost portion of the Canal) near the northern terminus of 2nd Avenue near the 4th Street turning basin. Construction of the Owls Head Facility would require the use of one City-owned parcel (Block 977, Lot 3) and the lease or acquisition of up to four privately owned parcels adjacent to the Canal. The Owls Head Facility is proposed to be located at 2 2nd Avenue (Block 977, Lot 3), 110 5th Street (Block 990, Lot 21), 122 5th Street (Block 990, Lot 16), 22 2nd Avenue (Block 990, Lot 1), and 5th Street (Block 977, Lot 1), with portions of this area used for construction staging.

Collectively, the Project includes the lease or acquisition of up to seven properties to support the facilities and construction staging areas.

Required Approvals

Implementation of the Project would require federal, state and local permits/approvals, or their equivalents under CERCLA. DEP would closely coordinate with USEPA, NYSDEC, New York State Department of State (NYS DOS), New York State Office of Parks, Recreation and Historic Preservation (OPRHP), and New York City agencies as necessary for the Project. For a full list of potentially required permits, approvals, or their equivalents, please refer to the FEIS enclosed herein.

Significant Impacts and Mitigation

Potential significant adverse impacts identified for the proposed Project include Historic and Cultural Resources and temporary significant adverse noise impacts during the Construction period.

HISTORIC AND CULTURAL RESOURCES

ARCHEOLOGICAL RESOURCES

Head End Site

Ground surface impacts from the Project would consist of excavation associated with construction of the CSO Facility on the Head End Site, as well as excavation in nearby streets associated with related sewer infrastructure. Portions of the Head End Site and Nevins Street are sensitive for deeply buried prehistoric and mill-related resources at depths greater than 10 to 15 feet below grade.

Owls Head Site

Ground surface impacts from the Project would consist of excavation associated with construction of the CSO Facility at the Owls Head Site. Ground surface impacts are also expected in nearby streets associated with potential in-street sewer line improvements. The Owls Head Site is sensitive for the presence of timber cribbing associated with the Canal and archaeological resources of an industrial nature. Undisturbed portions of the 7th Street streetbed are sensitive for the presence of human remains associated with the Battle of Brooklyn, also known as the Battle of Long Island, which occurred during the Revolutionary War on August 27, 1776. If human burials or the remains of human burials are present on the Owls Head Site, they would likely be disarticulated and in poor condition as a result of historic disturbance and the construction of the utilities currently present on this site. Any remains are expected to be located below 20th century fill layers and modern disturbances.

Mitigation

Portions of the Head End and Owls Head Sites and the surrounding streetbeds are considered to have archaeological sensitivity. If archaeological resources are present in any of the project site locations that retain both integrity and significance, the Project would result in a potential significant adverse impact which would be mitigated to the maximum extent practicable through additional analyses, archaeological monitoring, or an alternative method developed in consultation with USEPA, New York State Historic Preservation Office (SHPO), and the New York City Landmarks Preservation Commission (LPC). Prior to the start of construction, an archaeological monitoring plan will be prepared that will identify the horizontal and vertical locations of Project elements that have the potential to impact archaeological resources and will describe monitoring procedures, including an unanticipated discoveries plan. Implementation of this monitoring plan would be sufficient to avoid, minimize, or mitigate adverse impacts of the Project.

ARCHITECTURAL RESOURCES

The Head End and Owls Head Project Sites are both located in the State and National Register (S/NR)-eligible Gowanus Canal Historic District.

Head End Site

The Head End Site currently contains a two-story brick building (234 Butler Street) located at the intersection of Nevins and Butler Streets, with a one-story brick section along Butler Street, and an additional one-story brick structure along Nevins Street. The building is the former Gowanus Station, designed in the Beaux Arts Style and originally built in 1914. The Head Site also contains a factory complex of four buildings (242-244 Nevins Street) built between 1905 and 1955, and a one-story warehouse building (270 Nevins Street) that was built ca. 1955. All of the buildings on the Head End Site (excluding a one-story building on the interior of Block 411, Lot 24 that was constructed ca. 1990) have been determined by SHPO to be architectural resources that contribute to the significance of the S/NR-eligible Gowanus Canal Historic District. Demolition of these S/NR-eligible properties, which is necessary to complete the Project as mandated by USEPA, would constitute a significant adverse impact to architectural resources. Therefore, DEP is evaluating the potential mitigation measures, including retaining all or portions of the buildings to avoid or minimize the adverse impact that would occur through demolition, as described below.

Owls Head Site

The buildings on the Owls Head Site are utilitarian structures that are not distinguished architecturally and do not appear to possess any particular historical significance or significant association with the Gowanus Canal. SHPO concurred in their July 3, 2017 letter that the buildings on the Owls Head site are Non-Contributing to the S/NR-eligible Gowanus Canal Historic District. Therefore, demolition of the buildings on the Owls Head Site would have no significant adverse impacts on architectural resources.

Mitigation

There would be a potential significant adverse impact to certain architectural resources due to demolition of State and National Register (S/NR)-eligible properties; this demolition is necessary to complete the Project as mandated by USEPA. The Head End Site is located within the boundaries of a proposed 2014 Gowanus Canal Historic District that did not go forward but was subsequently determined S/NR-eligible by SHPO. The Head End Site contains the buildings at 242-244 Nevins Street, 270 Nevins Street and 234 Butler Street (that include the two-story former Gowanus Station and associated one-story extensions on Butler and Nevins Streets) that contribute to the significance of the S/NR-eligible Gowanus Canal Historic District. Demolition of these buildings would constitute a significant adverse impact to architectural resources.

If feasible, DEP would preserve the buildings or portions of one or more buildings. If not feasible, DEP would document the buildings as per recordation standards determined in consultation with SHPO and EPA; this documentation would be expected to include historical narratives, photographs, and inclusion of original or current building plans to the extent these drawings are available. In addition, DEP would explore the potential to salvage any significant architectural features of the buildings for reuse at the Head End Site or at another location.

CONSTRUCTION NOISE

The detailed noise analysis concluded that construction of the Project has the potential to result in noise levels that exceed *CEQR Technical Manual* noise impact criteria at nearby residences,

hotels, and publicly accessible open spaces for an extended period of time during the heaviest durations of construction. Construction of the Project would result in comparable to or lower noise level increases during the beginning and concluding phases of construction, but these increases still result in exceedances of *CEQR Technical Manual* noise impact criteria.

At the residential receptors at 282 Nevins Street and 285 Nevins Street, located adjacent to and across Nevins Street from the Head End Site staging area respectively, the Project is predicted to result in potential temporary significant adverse construction noise impacts. Construction of the Project would result in noticeable and potentially intrusive increases in noise levels at these receptors intermittently over the course of construction

Construction of the Project would be required to follow the *NYC Noise Control Code* for construction noise control measures. Specific noise control measures would be incorporated in noise mitigation plan(s) required under the *NYC Noise Control Code*. These measures could include a variety of sources (i.e., reducing noise levels at the source or during the most sensitive time periods) and path controls (e.g., placement of equipment, implementation of barriers or enclosures between equipment and sensitive receptors). As discussed in Chapter 20 of the FEIS, "Construction," even with these noise control measures, construction of the Project would result in potential temporary significant adverse noise impacts at existing residences at 282 and 285 Nevins Street.

As stated above, copies of the FEIS will be available at the repositories listed in the attachment to the Notice and will be posted on the DEP web site at:

http://www.nyc.gov/html/dep/html/environmental_reviews/index.shtml.

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Angela Licata
Deputy Commissioner

Attached:
Distribution List
Final Environmental Impact Statement

Gowanus Notice Distribution List

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