

November 2, 2005

Ms. Wendy Leventer  
Executive Director  
Brooklyn Bridge Park Development Corporation  
633 Third Avenue  
New York, New York 10017

Re: Comments on Draft Environmental Impact Statement (“DEIS”)  
For Development of Brooklyn Bridge Park (the “Park”)

Dear Ms. Leventer:

On behalf of the members of the Board of Governors of the Brooklyn Heights Association (the “BHA”), I want to thank you for this opportunity to comment on the DEIS issued by the Brooklyn Bridge Park Development Corporation (the “BBPDC”) together with the General Project Plan (the “GPP”), which outlines the terms on which the concept plan for the Park will be implemented and describes the project on which the DEIS is based.

More than two years ago, we testified and submitted written comments to the BBPDC concerning the scope of study to be undertaken by your environmental consultants in connection with the Park’s development. At that time, the plan that was before us was materially less developed than it is today and embodied a markedly different vision for the Park. Among other things, the inclusion of Pier 6 and the deaccessioned Con Ed site within the Park, as well as the development of 360 Furman Street for housing and its inclusion within the boundaries of the Park were then only hypothetical. Most importantly, the use of housing as the principal economic engine generating the revenue needed to fund the Park’s long term maintenance and capital repair and replacements program had not yet been settled upon.

Thus, our comments on the scope were, of necessity, limited and incomplete, because the BHA and others did not anticipate the true scope of the development that was ultimately proposed.

As we have previously observed to you, the BHA’s commitment to the Park is deep and longstanding. On the whole, the BHA commends the work performed by the BBPDC and its planners over the past two years in elaborating spaces with a sweeping view of the Manhattan skyline. Most of the central

principles articulated initially by the BHA and, ultimately, by the various groups, governmental and private, that have considered the future of this waterfront park have been respected in the GPP. All of this has been accomplished according to the strictures of the budget for the government contribution to the development and operation of the Park. Our commitment to implementing the best possible plan for the Park, embodying our best hopes and dreams for its enjoyment for generations to come, ensures that we will continue to work with you in refining the plan, defining alternatives and seeking appropriate mitigation where warranted. Thus, while we see much to applaud in the GPP, we continue to have significant concerns about some of the assumptions embodied in the GPP which, in turn, drove the studies contained in the DEIS, as well as about the conclusions reached in the DEIS itself. We offer the following comments regarding these concerns.

### **General Observation**

In our letter commenting upon the scope of study for the EIS, we noted that the government's stated contribution to the construction of the Park was limited, but had been predicated on a park that did not include Pier 6 or the Con Ed lot (and certainly not 360 Furman Street). We note from the DEIS and GPP that the amount of the government contribution is still stated as being \$130 million, despite the material increase in the area of the Park and infrastructure that must be created to serve it. We said then, and still believe, that it is inappropriate to require the same amount of funding to support a much larger area and that the design of the Park could well suffer as a consequence of the effort to stretch the originally identified funds unduly. We wonder, for example, whether decisions about the density of development needed to support the Park or the intractable issue of noise might have met with different results if the assumption regarding available government funds had been different. At a minimum, the Final Environmental Impact Statement ("FEIS") should include a scenario in which the acreage added to the park since the original scoping receives additional funding at a rate equivalent to the dollars per square foot allocated to the Park in its original configuration.

### **COMMENTS ON THE GENERAL PROJECT PLAN**

As described above, the Brooklyn Heights Association continues to support the development of Brooklyn Bridge Park. We believe that the plan is strong and inventive. We are particularly excited by the design teams' ideas for integrating a variety of water related features in the park.

Further, we recognize that the park must be self-sustaining and believe that housing offers the most revenue for the least amount of developed space in the Park. People living on the fringes of the park will bring year-round "eyes on the park" and will generate stewardship of and activity in the Park. Moreover, we are not in agreement with those who advocate dropping pier maintenance and/or security costs from the park's operating budget.

That having been said, we have several important concerns.

## **Create a better Park:**

### The Purchase Building

The Purchase Building is a contributing building in the Fulton Ferry Landing Historic District, and the park plan calls for its demolition. This would set a dangerous precedent for historic districts throughout the City. The building (as is or possibly truncated) is well situated for a variety of park-related uses.

In September, 2001, the New York City Landmarks Preservation Commission (LPC) held a public hearing on the proposed demolition at which there was not a quorum. Contrary to what is described in the DEIS, the Commission never voted on the matter.

This building is an important and rare example of public works architecture of distinctive style, construction and use; and a compelling chapter in the history of the Brooklyn waterfront. It meets all the requirements of the LPC and the State Historic Preservation Office for Historic Resources; and all or part of it should be preserved. The FEIS should study the adaptive reuse of this structure in whole or in a truncated form.

### The Proposed Pier 1 Buildings

Assuming that the raised portion of the Cold Storage Buildings, including bulkheads above the roof, is 110 feet in height, the hotel tower proposed for Pier 1 should not be any higher than 98 feet in order to protect the view of the Brooklyn Bridge from the Brooklyn Heights Promenade. Far better, the tower should not be any higher than 88 feet to *enhance* this view. Currently, as more fully described in *Appendix 1*, the arc formed by the Bridge's roadbed is clearly visible above the flat roof of the raised portion of the Cold Storage buildings from the Promenade's southern terminus at Remsen Street. It is this iconic view of the Bridge's arc from tower to tower above the Cold Storage buildings that we have expected the Park plan to preserve and, far preferably, to enhance.

While the DEIS data about the height of the existing Cold Storage buildings is in error (once again, please refer to *Appendix 1*), by building the hotel tower up to the height of the existing buildings' bulkheads instead of roofs, this iconic view will be partially blocked.

On October 31, 2005 the BHA received visual simulations performed by the Environmental Simulation Center Ltd, ("ESC") which, if accurate, raise serious issues concerning the east-west width as well as the height of the residential building south of the hotel, and concerning the width of the hotel, itself, wholly apart from the hotel's height. These simulations, particularly ESC's views B and C, suggest an entirely unacceptable impairment of the view of the Brooklyn Bridge, as well as a violation of the protected view plane.

While the BHA is unable to determine the accuracy of these visual simulations, the BBPDC must provide the public in the FEIS visual simulations of the building

envelopes of these buildings from the Promenade, Fulton Ferry Landing, Doughty and Furman Streets, as well as exact descriptions of their proposed locations.

### The Proposed Tower on Pier 6

The height of the 31-story tower proposed for Pier 6 is out of context with the surrounding neighborhoods, inappropriate for the waterfront, and should be reduced. While we understand the park revenue requirement and applaud the planners' objective of limiting the total acreage dedicated to revenue-producing activities, we do not support placing these goals over the paramount goal of creating beautiful park entrances with structures that enhance our neighborhoods. Please refer to *Appendix 2* for more details.

### Park Entrances

The major entrances to Brooklyn Bridge Park must be splendid, welcoming and park-like. As currently designed, they are not. Creative solutions must be found as the design process continues. In the 2000 Illustrative Master Plan, the project area incorporated streetscapes that lead to the Park, particularly along Old Fulton Street and Atlantic Avenue. While we understand that there are currently no funds allocated to beautify these approaches, they should be included in the project area for future consideration.

The Atlantic Avenue entrance presents an opportunity for a stunning gateway into the Park and the waterfront. The current proposal appears to create a wall of buildings with insufficient provisions for open space and visual view planes. We'd like to see a greener park-like entrance with an expansive view of the waterfront. As the City negotiates with potential tenants for the adjacent Pier 7, consideration should be given to creating a public park space along the northern uplands, on the south edge of Atlantic Avenue. A small green strip here could greatly enhance the southern entrance to the park. Further, the pedestrian approach from Atlantic Avenue, particularly the necessity of crossing the on/off ramps of the BQE, requires intense, immediate attention from the BBPDC and the NYCDOT.

At Fulton Ferry Landing, the entrance could be greatly enhanced by shifting the proposed hotel building slightly south from where it is sited in the General Project Plan. In shifting the building southward, though, care must be taken so as not to interfere with the view of the Brooklyn Bridge from the Brooklyn Heights Promenade. (see page 3 above, "The Proposed Pier 1 Buildings.")

Finally, the building proposed for the Con Ed site leaves relatively little space for public access. This site, too, should be redesigned to present a welcoming, park-like entrance.

## Access

We applaud the park plan's statement that Joralemon Street should be closed to through traffic at its intersection with Furman Street to minimize park-bound traffic through the neighborhood. We urge the BBPDC to work with the NYCDOT to secure the DOT's consent to the Street's closing. This fragile, historic, cobblestone street must be protected from excessive vehicular traffic, both during the park's construction, as well as once the park is open.

Given New Yorkers' propensity to drive relentlessly in search of free parking and the fact that most parking for the park will not be free, we anticipate that Brooklyn Heights could be inundated with frustrated motorists searching for the elusive, free parking spot. Creative steps such as a resident permit parking program, signage and a trolley or shuttle from local subway stations should also be implemented.

## Sound Attenuation

Noise and sound attenuation for areas in, around and above the park must be planned and designed now. In their most recent park model, park planners have added berms along Furman Street that will attenuate some of the sound in the park. This is a positive first step, but certainly not enough. We hope to see it much expanded in the Final Project Plan. (See *Appendix 3*)

## **Safeguard Adjacent Brooklyn Heights Historic District**

### Lighting

In illuminating the Park, particularly any playing fields that will be used at night, care must be taken that the lights be directed in such a way as to shine down and away from the Brooklyn Heights and Cobble Hill neighborhoods. As important, lighting restrictions should also be established to protect the view of the skyline, *from* the Promenade. This view, which attracts thousands of tourists would be greatly polluted by inappropriate lighting in the park.

### Public Gatherings

In planning spaces where significant numbers of people can gather and in determining the park rules, care must be taken to avoid bright lights and amplified noise from music or otherwise that will unduly disturb persons in adjacent neighborhoods.

### Construction Impacts

Vibration: While we welcome the new Park as a neighbor, we do not want to see its construction unintentionally damage the adjacent historic buildings of our neighborhood.

Noise: Much has been discussed to date about sound attenuation for the Park, but little is said in the DEIS about the much more severe noise problems that will arise during the constructions phase, particularly from pile drivers. Pile drivers produce more noise than any other construction equipment, double the acceptable limit of decibels. With sound traveling upward, it would effectively close the Promenade and reverberate throughout much of the western Heights. According to the DEIS, the pile driving is expected to continue for two years. We urge you to explore faster, quieter ultrasound technologies for pile driving and to condense the noisiest, most intrusive aspects of constructions to as short a time as possible.

Truck Traffic: The DEIS states that construction truck traffic will be confined to Atlantic Avenue, Furman Street and Cadman Plaza. To make sure, all construction truck traffic should be banned from the local streets of Dumbo, Brooklyn Heights and Cobble Hill and most emphatically prohibit construction truck traffic from using Joralemon Street east of Furman Street for access.

Pest control: Clearly, a waterfront project of this magnitude will dislodge a large rat population. Aggressive, early measures, as well as an ongoing pest control program must be undertaken to prevent surrounding neighborhoods from being overrun by these pests.

## **Guarantees and assurances**

### A Transparent Public Process

As the park planning and construction phases move ahead, the BBPDC must commit to an open transparent process, seeking neighborhood input and informing the public of decisions being made. A particularly important step to gain the public's confidence will be open, public discussions of the terms to be included in Requests for Proposals for the development parcels.

### Minimum Development Necessary

The park plan must include only the minimum amount of development necessary to cover reasonably projected park costs. Further, as the BBPDC evaluates developers' proposals, the public should be informed and consulted on its deliberations.

### Immediate Protection of Parkland

The land that will become open space must be immediately protected from future development and afforded the legal protections pertaining to park properties. This should be accomplished with an appropriate legally binding, irrevocable mechanism as part of the title transfer process as soon as the Plan is approved.

### Timely Construction of Parkland

A construction schedule must be established and strictly observed in order to ensure that public park segments will be opened *simultaneous to, or before* the private development parcels. The park must not appear as a late-arriving afterthought to private development.

### Design Standards

It is important that documents requesting proposals for residential, hotel and other commercial buildings in the park contain meaningful design standards.

### Indoor Active Recreation

Many in the community have been disappointed to see that indoor recreation elements have been omitted from the plan for economic reasons. We acknowledge that there is currently not enough money available to build an indoor recreation facility. As the park design continues, space should be saved for such future use, and a commitment made to secure its funding.

## **COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS)**

### **Land Use, Zoning and Public Policy**

First, since the Draft Scope was completed, several important projects in the vicinity of the park have been announced, such as the approval of the Downtown Brooklyn Redevelopment Plan and a cruise ship terminal on Piers 11 and 12. Yet, none of these projects are addressed in the DEIS, even though the combined projects will have significant impacts on the study area.

The DEIS inadequately discusses the impact that the proposed construction of new buildings will have on our neighborhoods' future and whether they comply with sound urban planning or public policy. We recognize and acknowledge the necessity for housing and commercial development in order to generate revenue to maintain and operate the park. That being said, we do not believe that a very tall high-rise development, such as that contemplated for the uplands of Pier 6, is appropriate for this waterfront site and would set an unacceptable precedent for this stretch of the Brooklyn waterfront.

Further, as described in *Appendix 2*, the DEIS used inappropriate examples to justify these buildings' appropriateness. First, 360 Furman Street is an unattractive anomaly on the downtown Brooklyn waterfront. Second, the DEIS refers to 180 Montague Street and the Court Street Multiplex as examples of comparable recent construction, completely ignoring their circumstances. It fails to point out that both of

these buildings were built “as of right” and that their construction led to such community furor that the New York City Planning Commission subsequently created a Special Downtown Brooklyn District, which imposes height limitations for future real estate developments. Both of these buildings are considered “eyesores” which detract from the character of the surrounding neighborhoods and add to traffic congestion. If either of these buildings were proposed today, they would be considerably shorter in height. Therefore, these buildings should not be used as justification for an additional building that is too tall.

With respect to the hotel building proposed for Pier 1, we believe that there is an error in the DEIS. At pages 8-13, the DEIS states “The two hotel and residential buildings to be developed on the site of the former National Cold Storage Warehouse buildings, which ranges (sic) in height from approximately 55 to 75 feet.” We understand from the park planning firm (Michael Von Valkenburgh & Associates) that the tallest section of the buildings is actually 97 feet 7 inches, with the bulkhead rising another 12 feet to a total height of 109 feet 7 inches.

As described above and in *Appendix 1*, the hotel tower proposed for Pier 1 should not be any higher than 98 feet in order to protect the view of the Brooklyn Bridge from the Brooklyn Heights Promenade. Far better, the tower should not be any higher than 88 feet to *enhance* this view. In addition, the width of the hotel and the width and height of the residential building south of the hotel should be designed to enhance, not impair, the existing view of the Brooklyn Bridge from the Brooklyn Heights Promenade. (See page 3 above, “the Proposed Pier 1 Buildings”.)

### **Community Facilities**

As more fully described in *Appendix 4*, the DEIS inaccurately describes the impact on school facilities. While CEQR methodology may allow for consideration of an entire Region, reality suggests that the actual impact will be felt entirely at PS 8 because public elementary schools’ admissions are prioritized by zone, requiring variances and special circumstances for children to go elsewhere. PS 8’s actual growth over the past two years has significantly outpaced the DEIS projected rate, with 20% growth since 2003. As of today, school officials tell us that PS 8 is expected to reach its capacity within the next two years.

The DEIS cites seven residential projects to be completed by 2012 in Region 2 of District 13, adding a total of 1,689 new housing units, all zoned for PS 8. Pursuant to CEQR-proscribed pupil generation rates, these projects could generate 468 public elementary students. When these numbers are added to the DEIS projections for the park’s projected student population, there could be a significant strain on PS 8’s capacity.

The DEIS states that the proposed project would not exceed the CEQR-specific threshold for a more detailed analysis of the Brooklyn Bridge Park’s impact on libraries, outpatient health care facilities, police, fire and day care. We understand that this might be true of libraries and hospitals, however we would expect that a project of this scope

will put greater demands on existing police and fire facilities serving the study area. The DEIS states that a detailed impact analysis of police service is not called for because the park will provide its own dedicated security personnel, including police officers and park rangers. In the event of an emergency or major event, it is expected that park security would call on the NYPD for support and, “in accordance with city policy, the NYPD and FDNY continuously monitor conditions to determine how personnel are deployed and adjust deployment patterns as deemed necessary.”

## **Open Space**

The communities within a radius of a quarter-mile and a half-mile are starved for active recreation open space, especially for anyone at an age beyond early childhood. So deficient in active open space is the surrounding area, that the DEIS acknowledges that at the completion of the proposed park, we will still have only half the Department of City Planning recommended amount of active acreage.

We support the construction of the park land as proposed and urge that the construction begin as expeditiously as possible. We were pleased to see that since the release of the DEIS the designers have already made modifications that more clearly reflect active recreation areas in response to public comment.

To ensure that the parkland created today exists in the future, the final project plan or other appropriate, legally binding document must stipulate that title will pass to a park authority immediately and that the land be dedicated parkland in perpetuity.

Given all the controversy about the amount of recreational space, it would be useful for the BBPDC to provide the public with a detailed account of the amount and percentage of park area (acres or square footage) dedicated to: types of surfaces types of usage, such as residential, hotel, retail, active recreation, passive recreation, walking paths, parking, roads and so on. (See *Appendix 7*)

## **Historic Resources**

The Brooklyn Bridge Park project area contains the Fulton Ferry Historic District (NYC Landmark, State and National Registers) and DUMBO Historic Districts (State and National Registers, pending NYC Landmark designation); and it immediately abuts the Brooklyn Heights Historic District (NYC Landmark, State and National Registers). Understandably, the project’s impacts on the area’s historic architectural and archeological resources are of vital interest to the affected communities as well as the Park. These interests must be balanced such that the Park will not damage the fragile fabric of these three historic districts which make the Park attractive in the first place and which can be expect to contribute to and sustain its ongoing viability.

The DEIS (see page 7-2) defines direct and indirect impacts, according to the CEQR Technical Manual, which range from outright demolition of a resource to construction activities that may alter or damage a resource damage. It further states that

***significant adverse*** direct or indirect ***impacts*** can occur ***if a project would cause a change in the quality of property that qualifies it for listing on the State and National Registers of Historic Places or for designation as a New York City Landmark.***

The proposal to adaptively reuse the Empire Stores and Tobacco Warehouse (located in the Fulton Ferry Historic District) satisfies preservation mandates to protect these resources and will greatly enhance the Park. However, the proposal to completely demolish the New York City Purchase Building, located in the Fulton Ferry Historic District at 11 Water Street, constitutes a dire and direct adverse impact on the surrounding historic district. This demolition plan violates the NYC Landmarks Law and threatens to undermine all NYC historic districts by setting a precedent for destruction of landmarked buildings in the name of questionable view corridors. The BBPDC has made no attempt to explore adaptive Park uses for any portion of the Purchase Building and the resulting demolition plan is not acceptable.

The public has long argued that the Purchase Building can be successfully adapted within the general project plan without having to destroy it. By truncating the building of its western end, or simply by opening up these walls to create a covered, open air portico, the building could easily serve the park through sight lines and circulation as well as the neighborhood's historic context. None of the alternatives described in the DEIS allow for anything less than the building's wholesale removal - this seems to be a huge failure of creativity and vision - certainly not the caliber of work expected for the development of a "World Class Park."

This and other flaws in the DEIS analysis of historic resources in the project and study area are described in *Appendix 8*.

The DEIS states that the Tobacco Warehouse "may require other improvements," but does not specify what that could encompass. Alterations to the structure should be minor at best in order to preserve its historic character.

## **Urban Design and Visual Resources**

Piers 1 and 6. As described in the "Land Use, Zoning and Public Policy" section, the buildings proposed for Pier 6 uplands and Pier 1 are too tall, possibly too wide, out of character with the surrounding neighborhood and will impede the signature views of the harbor, Manhattan and beyond from many parts of surrounding neighborhoods. (See *Appendix 2*.) Further, the hotel tower proposed for Pier 1 could bifurcate the view from the Brooklyn Heights Promenade of the Brooklyn Bridge. (See *Appendix 1*.)

Entrances. As stated above, the major entrances to Brooklyn Bridge Park must be splendid, welcoming and park-like. As currently designed, they are not. Creative solutions must be found as the design process continues. In the 2000 Illustrative Master Plan, the project area incorporated streetscapes that lead to the Park, particularly along Old Fulton Street and Atlantic Avenue. While we understand that there are currently no

funds allocated to beautify these approaches, they should be included in the project area for future consideration.

The Atlantic Avenue entrance presents an opportunity for a stunning gateway into the Park and the waterfront. The current proposal appears to create a wall of buildings with insufficient provisions for open space and visual view planes. We'd like to see a greener park-like entrance with an expansive view of the waterfront.

At Fulton Ferry Landing, the entrance could be greatly enhanced by shifting the proposed hotel building slightly south from where it is sited in the General Project Plan. In shifting the building southward, though, care must be taken so as not to interfere with the view of the Brooklyn Bridge from the Brooklyn Heights Promenade.

Finally, the building proposed for the Con Ed site leaves relatively little space for public access. This site, too, should be redesigned to present a welcoming, park-like entrance.

Cove Walkways. The over-water walkways proposed to cross the two coves at the north end of the site would mar public views unnecessarily as described in the DEIS. We were pleased to see that the most recent park model has removed the walkway across the southern cove and has reduced the size of the other. These are important improvements that *must* be incorporated in the final plan. (*Appendix 5*)

Lighting. In order to prevent unnecessary "light" pollution in adjacent residential neighborhoods, as well as on the Brooklyn Heights Promenade, park lights should be *directed down and away* from these areas. This is particularly true of lights illuminating the playing fields planned for Pier 5, and for Piers 2 and 3.

### **Neighborhood Character**

While we support this park plan, care must be taken to preserve the historic, residential characteristics of all the neighborhoods that border or are close to the park site. These neighborhoods are generally characterized by largely residential activities, nineteenth century buildings and relatively peaceful streetscapes.

As described above, the tower proposed for Pier 6 uplands is out of scale for its waterfront location, in terms of its height and its impact on adjacent neighborhoods' sightlines and views.

While the addition of Pier 6 should divert much of the northbound vehicular traffic coming to the Park away from Joralemon Street, it is still imperative that vehicular traffic be precluded from entering the park from Joralemon Street east of Furman Street. Joralemon Street is the last example of historic cobblestone streets in the neighborhood and must be protected from unnecessary vehicular traffic. We applaud the plan's statement that it will be closed to such traffic and insist that this, in fact, be instituted.

Finally, sound attenuation and lighting design should be given high priority in the design phase of the park. While we are concerned about reducing sound within the park, we are equally concerned about reflected noise permeating the adjacent residential neighborhoods. This must be prevented. Also, as described above, park lights should be directed down and away from these areas to prevent annoying and unsightly lights shining towards residential neighborhoods.

### **Water Quality and Natural Resources**

While we believe that the floating and supported over-water walkways proposed to surround and link the piers will create unique waterfront experiences for park visitors, much remains to be explored in terms of their construction and functioning. For example, the effects of wake action should be further studied before construction proceeds, as should the potential for construction to alter erosion/deposition regimes in nearby natural resource areas, or to bring contaminants into them. The constant accumulation of sediment under and around Fulton Ferry Pier should be explained in the light of the hydrodynamic study's conclusions that the East River's strong currents will prevent sediment accumulation behind the constructed over-water walkways.

As described above, the FEIS should reflect the removal from the plan of the two pile-supported bridge/walkways over the two natural coves at the north end of the site. The original walkways described in the DEIS should not remain a permissible possibility in the future. Instead the plan now proposes a better alternative, i.e. a short walkway connecting the Con Ed lot to the inside of the Manhattan Bridge Cove.

### **Traffic and Parking**

Chapter 14, Traffic and Parking along with Chapter 19, Mitigation presents a troubling scenario for anyone living in downtown Brooklyn or anyone hoping to navigate its streets during the construction period and after completion of the Park. While everyone recognizes the inevitability of increased motor and pedestrian traffic as a result of the creation of a world-class park specifically designed to attract hordes of people, we are concerned that not enough creative or financial resources have been directed towards mitigating the adverse impacts that are clearly recognized pursuant to a CEQRA review.

The CEQRA analysis of the traffic patterns currently existing in downtown Brooklyn is based on observable data during specific time periods. While the raw numbers show higher impacts at midday, evenings and on Sundays, our 'real time' experience demonstrates serious traffic congestion, not only at those times but also at virtually any hour of the work day. We disagree that the addition of 3132 person trips during the AM peak hours is negligible when compared to the other high impact times. Standing alone, the incremental addition of 3132 person trips will have a significant and adverse impact under CEQRA standards. This must be accounted for in the FEIS.

In Section B, Existing Conditions, the DEIS (pg.14-2) states that data from other downtown Brooklyn projects were utilized to prepare this traffic analysis. The most recent of the relied upon reports was done in 2003. Calendar year 2004 and the first half

of calendar year 2005 saw several large projects come to fruition in downtown Brooklyn, (including, but not limited to, the Brooklyn Law School dormitory, the Courthouse apartment building with retail space and a YMCA, and the Federal Courthouse building). The consultants should now be able to ascertain whether the assumptions in the prior traffic analyses are accurate and, if not, they should be required to revise their projections accordingly in the FEIS, pursuant to CEQRA. In addition, the consultants must continue to consider all available means of encouraging people to use public transportation. General statements that the NYCDOT will add bus routes and stops, as necessary, belie the seriousness of this issue for residents of downtown Brooklyn. As part of the FEIS process, the MTA should present updated figures for current mass transit use and include specific plans to accommodate increases in future usage.

Several of the statements in the DEIS, which are vague, should now be clarified in the FEIS. For example, references to the “major reconstruction effort” along Clinton Street (pg.14-3), the conversion of Furman Street from one way to two way (pg.14-3) and the closing of Joralemon Street, require more explanation and discussion of the impact of such changes on local street traffic, access to the BQE and parking. The BHA fully supports and in fact insists that Joralemon Street be closed off to vehicular park traffic at Furman Street in order to protect the historic nature of Joralemon Street. As such closing will have an impact on the traffic flow around Joralemon Street, the FEIS needs to discuss signage and other methods of redirecting traffic.

The modal split (how people come to the park) predictions in the DEIS (Table 14-6) are based upon a Park User survey done in 2003. The DEIS text states that the mode choice was determined by surveys taken at the Brooklyn Heights Promenade, Fulton Ferry and various other locations. At the very least the *nature of the source data* should be clarified as to its extensiveness and appropriateness. It may be the case that 56% of the people on the Brooklyn Heights Promenade came by foot; but the proposed Park is not as convenient to public transportation as is the Promenade. **Riverbank State Park, for example, would provide more analogous data. Underestimating the percentage of visitors to the park using automobiles has critical implications on traffic, parking and quality of life for the surrounding neighborhoods.** For example, a relatively small shift in the modal split [40% walking (vs. 56% in DEIS) and 36% driving (vs. 20% in the DEIS)] results in over 600 more cars in the midday Sunday period.

We also question the modal split assumptions for the theater (Table 14-6) that have been made by the traffic consultant. The DEIS states that 20% of theater attendees will arrive by auto. Our experience at the Court Street multiplex leads us to believe that the number may be significantly higher. The DEIS data is based on a Lincoln Center survey of 2000, which is not a comparable location. For more timely, accurate information, the FEIS should collect *current data* from the Court Street multiplex and the St. Ann’s Warehouse. Similarly, we challenge the assumption that 40% of the people arriving at the hotel will be on foot. **The proposed hotel is not linked to a mass transit station and the presumption that people will carry luggage and packages more than a minimal distance is unrealistic.**

The DEIS, starting on page 14-4, describes the existing capacity (Table 14-2), the projected capacity in a No-Build Scenario (Table 14-4) and in a Build Scenario (Table 14-8). We believe that capacity level E (full capacity) and level F (over capacity) should both be regarded as significant and adverse, since level E in downtown Brooklyn often turns into Level F on a more than regular basis. Existing Traffic Conditions shows 8 locations in the MD Peak Hour that are either category E or F; 16 in the PM Peak Hour and 8 in the Sunday Peak Hour. No Build Traffic Conditions shows 11 locations in the E or F category during MD Peak Hour, 27 in the No-Build PM Peak Hour and 9 in the Sunday Peak Hour. In the Build scenario, there are 16 E or F conditions during MD Peak Hour, 30 in the PM Peak Hour and 13 in the Sunday Peak Hour. *The ramifications on local residents' quality of life by the year 2012 when the Park is operational are obvious.* We are concerned at the length of delay at some of the intersections that will be "F" rated will increase substantially (see "+3" minutes on Clinton Street to +4.5 minutes). On weekdays, Clinton Street is already overly congested between Atlantic Avenue and Montague Street. Gridlock often occurs at the unsignaled intersections at Schermerhorn. **Given the negative impact on local residents that this congestion causes, the FEIS must account for how park traffic will be directed around local streets, with more attention given to traffic calming methods.**

At least one-third of the intersections in the study area will be significantly impacted by the creation of the Park. For two of the worst intersections, Tillary/Adams and Cadman Plaza West/Brooklyn Bridge off-ramp, Chapter 19 states that there are no mitigation opportunities because no signal timing improvements are possible. The consultants and NYCDOT appear to have 'thrown in the towel'. They must go back to the drawing boards.

For other impacted intersections, the DEIS relies on tweaking signal timing. However in several cases, the mitigation only results in a minor improvement within the F category (see Table 14-8).

The DEIS Parking Section in Chapter 14 claims that there are sufficient parking spaces available to handle current need during peak hour. We believe that this is disingenuous. The cost of available parking must be taken into consideration. Parking in a lot can now cost up to \$20.00 for the first hour with additional amounts for longer periods. Many drivers choose to spend significant time cruising the neighborhood for free parking. This will be true of many drivers looking to park their vehicle while they enjoy a short time at the park. This will greatly exacerbate congestion on many of the local streets. The cost of parking and its impact on usage of garages is not dealt with adequately in the DEIS. While Figures 14-7a et seq. show where and what parking restrictions are in the study area, *there are no clear statements as to how the municipal authorities are going to adjust these regulations* or that sufficient parking spaces will be required as part of any new construction (i.e. as part of the hotel or residential buildings planned for the park or in any new construction planned on properties located within the study area) at a price that will encourage drivers to use garages or use public transportation. **Inadequate planning for parking will result in sending even more cars onto local streets in search of that elusive free parking space. Residential permit**

*parking is one mitigation method that should be pursued to guarantee local residents that they will not have to compete with or be displaced by park users. The FEIS is required to address this and other possible mitigations.*

## **Transit and Pedestrians**

Transit. The transit analysis relies on extremely limited modal split information gathered on one day at the Brooklyn Heights Promenade. The DEIS, therefore, carelessly assumes that 23% of the park visitors, 81% of the office workers, 72% of the residential population, 20% of the hotel traffic, 25% of the destination retail traffic will come and go by bus or subway. If the reality varies from these figures, there will be a significant adverse impact on area subways and buses. At the very least, there should have been an analysis of visitors to Empire State Park since it has been drawing more visitors over the past three or four years. Surveys of people attending the summer film festival as well as productions at St. Ann's Warehouse would have provided much more reliable traffic data than that one Promenade survey! ***The FEIS must reflect more timely and pertinent data before reaching any conclusions regarding transit use by park visitors.***

A more troublesome issue is that bus service to and from the park on Atlantic Avenue and Old Fulton Street is currently not sufficient to meet expected needs. The DEIS simply maintains that New York City Transit will monitor bus ridership and increase service where operationally warranted and **fiscally feasible.**

It is important to our community that the bus and subway service to the park be frequent and convenient in order to encourage people to use public transit. We know from experience that poor public transit service translates to more automobiles; and that brings more congestion, unsafe streets for pedestrians, and the overburdening of the surrounding residential communities with even more visitor/commuter parking.

***It is hugely disappointing that neither the DEIS Traffic, Transit and Pedestrian Sections nor the Park Plan have adequately addressed the interconnection between the Park and the rest of Downtown Brooklyn – a goal described at many of the initial public planning sessions.***

Underlying assumptions as to how people will arrive for several of the park uses rely too heavily on other *unidentified* EIS data (see Table 14-6). Since this data is also based on assumptions that have not always proved accurate, the FEIS should contain timely surveys and studies (e.g. Atlantic Center Mall, the Court Street multiplex, various courthouses).

Pedestrians. Since many thousands of people will be walking to and from the Park, according to the numbers provided in the DEIS, there is not but should be a careful analysis of the **serious pedestrian safety issues along Old Fulton Street or Atlantic Avenue.** The DEIS points out some of the problems encountered by pedestrians walking to the proposed park, including pedestrian comfort and safety. Yet, no mitigations have

been proposed. The DEIS statement that “*given the substantial increase in activity with the project, park planners would coordinate with NYCDOT and other local initiatives to provide for improved pedestrian conditions and address safety concerns*” is a very weak response to an important issue. **We urge that these conditions be addressed in the FEIS.**

We maintain that there will be significant impacts and that mitigations must be provided in the FEIS and not deferred to a later date.

## **Noise**

The DEIS documents noise levels in and adjacent to the Park that are moderately to severely above the CEQR standard of 55dB for a “serene and quiet park. The high noise levels in the Park are mainly attributable to traffic on the Brooklyn-Queens Expressway and subway trains crossing the Manhattan Bridge. (See *Appendix 3.*)

While we are generally concerned about excessive noise levels in the Park, we are especially bothered by noise in the heart of the Park from BQE and Furman Street traffic. Piers 2 and 3 are the areas where persons seeking quiet walks and enjoyment of the unparalleled views of the East River and the Harbor are likely to congregate. Yet, noise levels on these piers are as much as 75dB until one is at the end of the piers farthest away from the BQE. And even at this point, noise levels only fall to approximately 70dB, significantly above the CEQR standard.

In Chapter 19, entitled Mitigation, the DEIS proposes NO noise mitigation measures for the Park’s sitting areas on the water side of Furman Street, commenting that “typical noise mitigation measures, such as use of noise barriers, would isolate the sitting areas behind a wall, making them unappealing and potentially unsafe.” Page 19-8. In the next paragraph, the DEIS does indicate that the Development Corporation will further explore noise abatement measures along Furman Street between Pier 2 and Pier 5, but no details are given and they should be provided in the FEIS.

The Park model at the public hearing showed 20 and 30 foot berms along Furman Street. This is an important first step and we endorse this change from the general project plan, but we urge the Development Corporation to explore promptly all of the noise abatement measures that modern acoustical technology has identified.

Further, the DEIS does not at all address the issue of sound being reflected back toward the adjacent residential neighborhoods from the proposed buildings on Pier 6, and needs to address this in the FEIS.

Finally, the DEIS does not address where large outdoor public performances may be held. In planning spaces where significant numbers of people can gather and in determining the park rules, care must be taken to avoid amplified noise from music or otherwise that will unduly disturb persons in adjacent neighborhoods.

## **Construction impacts**

Timely construction of parkland. As stated above, before any construction begins, a schedule must be developed that ensures that the public park land will be constructed and opened simultaneously with or before the development parcels; and this schedule should be adhered to in order to ensure that the public does in fact get its park.

Impact on adjacent historic neighborhoods. The DEIS offers construction protection plan consideration only for historic structures within 90 feet of project construction. However, the site is bordered, at slightly greater distances, by historic buildings in adjacent neighborhoods, which must also be protected from the relentless vibrations caused by construction. The impact of the park's construction on these adjacent neighborhoods must also be addressed.

Noise. Although attention has been given to noise in and from the completed park, the DEIS says little about the much more severe noise problems that will arise during the construction phase. For example: pile-drivers. Pile-drivers produce more noise than any other piece of building equipment, double the acceptable limit of decibels. The sound will travel to the Promenade and well into the surrounding neighborhoods. This pile-driving is estimated in the DEIS to continue for two years, effectively closing down the Promenade and providing a percussion accompaniment to the lives of thousands of local residents.

Therefore, we urge that new pile-driving technologies using close-to-silent ultrasound technology should be explored and that construction should be scheduled not only with efficiency in mind, but with the objective of shortening the duration of negative impact on the community. This would require a realistic compromise between the consecutive and simultaneous approach to scheduling.

We urge the planners to take all steps necessary to utilize the least intrusive construction equipment possible in terms of noise, for example, silent ultrasound and to condense and shorten the noisiest, most intrusive aspects of construction.

Truck Traffic. The DEIS states that construction truck traffic will be confined to Atlantic Avenue, Furman Street and Cadman Plaza. To make sure, we urge the planners to ban all construction truck traffic from the local streets of Dumbo, Brooklyn Heights and Cobble Hill and most emphatically, to prohibit construction truck traffic from using the Joralemon Street access.

Pest control. With surrounding neighborhoods already fighting off pests, particularly rats, it is imperative that the construction plan include comprehensive pest eradication before construction begins, as well as throughout the construction period.

## **Mitigations**

Concluding that noise abatement is unmitigatable would be unconscionable. This is clearly more a matter of finances than technology and must be addressed in the FEIS.

## **Alternatives**

In the Reduced Density Alternative and the Modified Design Alternative, the BBPDC includes 30 “brownstones” along Furman Street. We oppose the construction of these brownstones because they will encroach on an otherwise narrow stretch of the park.

Thank you again for the opportunity to testify. We look forward to working with you and the planners as the design phase of the park continues,

Sincerely,

Mary Pat Thornton  
President

CC: Josh Sirefman, Chief of Staff, Office of Deputy Mayor Doctoroff  
U.S. Representative Nydia Velazquez  
NYS Senator Martin Connor  
NYS Assembly Member Joan Millman  
Brooklyn Borough President Mary Markowitz  
City Councilman David Yassky  
Shirley McRae, Chair, Community Board #2

## Appendix 1

Statement of Otis Pratt Pearsall, Member of the Brooklyn Heights Association's Brooklyn Bridge Park Committee, at the September 19, 2005 Brooklyn Bridge Park DEIS Hearing, Regarding Preservation of the View from the Promenade North to the Brooklyn Bridge and the Chrysler Building

(Corrected October 20, 2005)

**I am Otis Pearsall, a member of the Brooklyn Heights Association's Brooklyn Bridge Park Committee and, while others will voice the Association's qualified support, I am here to discuss adjustments required to safeguard the internationally famous view north from the Promenade to the Brooklyn Bridge and the Chrysler Building.**

This view, of course, is not ours to nickel and dime or nibble away but properly understood belongs to the myriad travelers who each day come to the Promenade from across the globe to admire it and for which our generation is simply its current trustee. And so, at least since the February, 1986, promulgation of the joint New York City-Port Authority piers development initiative that would have destroyed it, the preservation and enhancement of this view has been a priority imperative of our Association.

Thus, this was the top goal discussed in the 100 page June, 1987, planning study entitled "The Future of the Piers" prepared for the Association by Buckhurst Fish Hutton Katz, which offered the initial vision of this Park. (pp. 41, 44, 46, 78-79.) It was highlighted in the November 28, 1988, Community Board No. 2 Resolution that effectively killed the joint City-Port Authority development initiative after ten hearings over eleven months by the multi-neighborhood subcommittee that was the immediate predecessor of and inspiration for the Brooklyn Bridge Park Coalition. And it was also covered in both the 1992 "13 Guiding Principles" (no. 3) and the Association's July 11, 2003, comments on the draft EIS scope of work.

Currently, the arc formed by the Bridge's roadbed is visible above the flat roof of the raised portion of the Cold Storage buildings from the Promenade's southern terminus at Remsen Street north to the Pierrepont Street entrance. Cars are clearly visible moving on this roadbed toward the Brooklyn Tower except where they pass behind what appear to be three bulkheads rising above the roof of this raised portion. North of Pierrepont, as one moves toward Clark Street, the cars seem gradually to sink out of sight beneath the raised portion's roofline as it appears to rise to bifurcate the view of the Bridge's arc.

It is this iconic view of the Bridge's arc from Tower to Tower above the Cold Storage buildings that we have expected the Park plan at a minimum to preserve and far preferably to enhance.

At page 8-13, the DEIS states: "The two hotel and residential buildings to be developed on the site of the former National Cold Storage buildings would occupy a footprint of approximately the same size. \* \* \* At approximately 110 feet the northernmost of the two buildings would be taller than the existing National Cold Storage buildings, which ranges (sic) in height from approximately 55 to 75 feet."

If the DEIS were correct that the Cold Storage buildings rise 75 feet at the tallest, a hotel some 35 feet taller would obviously devastate the view of not only the Bridge's arc but also its cabling and the Chrysler Building beyond.

But the DEIS is apparently in error. Last Thursday the Van Valkenburgh office kindly provided an elevation showing the roofline of the raised portion of the Cold Storage buildings at 97 feet 7 inches, with the bulkhead rising another 12 feet, for a total of 109 feet 7 inches which, rounded, gives us the 110 foot hotel.

This proposal to block the existing view past the bulkheads, simply to gain an additional 12 feet of hotel height, would bifurcate the continuity of the Bridge's arc. Clearly the hotel (including any mechanicals visible from the Promenade) should not in any circumstance be permitted to exceed the 98 foot roofline of the Cold Storage buildings without the bulkheads. But, in addition, we will surely be held accountable by future generations if we squander this unique opportunity to enhance the view disproportionately by reducing the hotel's height by another story, to approximately 88 feet.

Please remember, there are views and then there are views. This is one of the world's best. Let's not nibble at it.

## Appendix 2

Statement of Susan Rifkin at the Brooklyn Bridge Park DEIS Public Hearing,  
September 19, 2005 Regarding Land Use, Zoning and Public Policy

---

**My name is Susan Rifkin and I am a Governor of the Brooklyn Heights Association and serve on the BHA Brooklyn Bridge Park Committee. On behalf of the BHA, I will address our concerns with the Draft Environmental Impact Study's discussion in Chapter 2 on the impact that the proposed residential buildings in the Park will have on the surrounding neighborhoods.**

While accepting the reality that some housing must be created along the waterfront in order to generate sufficient revenue to support the Park, and applauding the park planners' objective of limiting the total amount of acreage dedicated to revenue producing property, we recognize the conundrum of how to achieve these goals while minimizing the impact on the surrounding neighborhoods. However, we cannot fully support placing those goals over the paramount goals of creating beautiful Park entrances with structures that do not overwhelm our neighborhood.

The BHA believes that the entrance design to the park must enable all visitors to find the park inviting and to feel immediately drawn into it. The Urban Junctions are a critical component of this aspect of the park design.

We are concerned that the current design and placement of the two buildings at the Pier 6 entrance at the foot of Atlantic Avenue does not achieve these goals. In addition, we believe that the 31-story building as currently envisioned is too tall.

The Atlantic Avenue entrance presents an opportunity for a stunning gateway into the park and the waterfront. As described in the DEIS, the low building creates a wall with insufficient provisions for open space and visual view planes. We'd like to see a greener, parklike entrance.

The DEIS states that "the residential buildings included in the proposed project would be compatible with the residential character of the adjoining neighborhoods." This is news to residents of the Brownstone Brooklyn neighborhoods. At Pier 6, the 31 story high rise is not in keeping with the predominant rowhouse character of the Heights. The DEIS cites comparable development in Brooklyn Heights-specifically the 33 story apartment building at 180 Montague Street and the 200 foot high theater complex on Court Street. These buildings are located outside of the historic district and they were built "as of right". The community furor caused by the construction of these two buildings was, in part, responsible for the contextual revision by the New York City Planning Commission imposing height limits on the eastern periphery of Brooklyn Heights would now make those buildings at least ten stories lower. Moreover, 360 Furman Street, a privately owned building within the park limits is also an anomaly when compared to other buildings along the waterfront. The DEIS states that Cobble Hill, our

neighbor to the south contains several larger apartment buildings. These buildings, none of which are even close to the contemplated size of the tower on the waterfront, were also built prior to the creation of the historic district and prior to changes in the zoning laws created to protect the character of brownstone neighborhoods.

We recognize that whatever the height of the Pier 6 tower, it could set a precedent for future real estate development along the Columbia Street corridor. 31 stories is a bad beginning.

The BQE has impeded physical and visual access to the waterfront for 60 odd years. While the residents of the brownstone neighborhoods are ready to accept some adverse impact on their views, some shadows in their backyards, and new residential development in exchange for the benefit of a wonderful waterfront park, more design attention is needed to prevent the urban junctions from isolating us from the park.

Thank you.

### Appendix 3

Statement by Thomas S. Chittenden for the Brooklyn Bridge Park DEIS Hearing, September 19, 2005, **Regarding Noise**

**My name is Tom Chittenden. I have lived in Brooklyn Heights since 1967. I am currently a Governor of the Brooklyn Heights Association and a member of the BHA's Brooklyn Bridge Park Committee.**

I would like to focus on noise abatement. The DEIS documents noise levels in and adjacent to the Park that are moderately to severely above the CEQR standard of 55dB for a "serene and quiet park". Recorded noise levels range from 64dB in the middle of the Pier 6 lawn (a little louder than normal speech at 3 feet) to 81.2dB on weekday afternoons near the John Street residential site (the equivalent of a concrete mixer at 50 feet). The high noise levels in the Park are mainly attributable to traffic on the Brooklyn-Queens Expressway and subway trains crossing the Manhattan Bridge.

While the BHA is generally concerned with excessive noise levels in the Park, we are especially bothered by noise in the heart of the Park from BQE and Furman Street traffic. Piers 2 and 3—in front of the Heights roughly between Pineapple and Montague Streets—are the areas where persons seeking quiet walks and enjoyment of the unparalleled views of the East River and the Harbor are likely to congregate. Yet, noise levels on these piers are as much as 75dB until one is at the end of the piers farthest away from the BQE. And even at this point, noise levels only fall to approximately 70dB, significantly above the CEQR standard.

In Chapter 19, entitled Mitigation, the DEIS proposes NO noise mitigation measures for the Park's sitting areas on the water side of Furman Street, commenting that "typical noise mitigation measures, such as use of noise barriers, would isolate the sitting areas behind a wall, making them unappealing and potentially unsafe." Page 19-8. In the next paragraph, the DEIS does indicate that the Development Corporation will further explore noise abatement measures along Furman Street between Pier 2 and Pier 5, but no details are given.

In its position statement on the Park issued last March, the BHA called upon the Development Corporation to focus immediately and creatively on noise abatement measures. We are very disappointed that almost six months later, no real progress has been made on this important subject. Perhaps, however, there is reason to hope that the "powers that be" have gotten the word. The new Park mock-up unveiled at this public hearing shows a berm along Furman Street. And, we understand that a forthcoming meeting of the Citizens Advisory Council will focus entirely on noise abatement.

I believe that all of the neighborhood groups and other interested persons who have commented on the plans for the Park agree that further work on noise abatement is needed. We urge the Development Corporation to explore promptly all of the noise abatement measures that modern acoustical technology has identified. Thank you.

## Appendix 4

### Statement by Judy Stanton, Executive Director, Brooklyn Heights Association, for the Brooklyn Bridge Park DEIS Hearing, September 19, 2005, Regarding Community Facilities

The DEIS chapter on community facilities examines the potential effect of the proposed Brooklyn Bridge Park on services provided by public or publicly funded community facilities. Following the screening threshold methodology outlined by the *2001 NYC Environmental Quality Review (CEQR) Technical Manual*, the only community facilities requiring a detailed examination are public schools, provided that the proposed action would generate more than 50 elementary and/or middle school students and/or more than 150 high school students. Based on 1,210 residential units being proposed in Brooklyn Bridge Park, and the student generation rates set forth in the *Manual*, the DEIS states that the project would generate approximately 467 elementary and middle school students and 76 high school students by its completion in 2012.

According to CEQR, the study area for an analysis of schools generally coincides with the Region within the Community School District (“CSD”) serving the site of the proposed action. Brooklyn Bridge Park lies entirely within the area zoned for PS 8, which is located in Region 2 of CSD 13. The DEIS assesses the potential impact of the Project’s population increases on the seven elementary schools and two middle schools that are found in Region 2. The DEIS also accounts for other new residential developments in the study area which are expected to be completed by 2012.

While CEQR methodology may allow for consideration of an entire Region, the actual impact will be felt entirely at PS 8 because **public elementary schools’ admissions are prioritized by zone** not the District and certainly not the Region, requiring variances and special circumstances for children to go elsewhere, and parents of very young children always seek the best school closest to home. Although it can be expected that many children will attend nearby private schools, parents seeking public school will most likely choose PS 8, if rapidly increasing enrollment numbers are any indication of future trends. PS 8 opens this 2005-06 school year with 360 students (up from 285 in 2003-4).

In its analysis of the future without Brooklyn Bridge Park, the DEIS cites seven residential projects to be completed by 2012 in Region 2 of District 13, adding a total of 1,689 new housing units, and all zoned for PS 8. Pursuant to the CEQR-proscribed pupil generation rates, these projects could generate 468 public elementary students, not including Pre-K, and 174 public middle school students. Despite the available private school options in the same zone, when these residential development numbers are added to the DEIS Brooklyn Bridge Park projections of 327 elementary students, we must be concerned about a significant strain on PS 8’s capacity. As of today, school officials tell us that PS 8 is expected to reach capacity in 1-2 years.

As permitted under CEQR, the DEIS’s future enrollment estimates with and without the proposed project rely on trend projections obtained from both the Board of Education and Department of City Planning, whichever is the most conservative (higher enrollment and

lower capacity). Using 2003-4 statistics available from the Board of Education (“BOE), the DEIS puts total Region 2 enrollment at 65% capacity which is where PS 8 was two years ago. Inexplicably, it states that none of the elementary or intermediate schools in Region 2 or throughout District 13 are expected to operate at or above capacity in 2012, with the proposed project or without it, presumably because the overall districtwide enrollment numbers are declining. Overall district estimates may be acceptable under CEQR, but we know that PS 8’s enrollment program is running counter to these estimates, having already increased 20% since 2003. **With a potential total of 2900 new residential units zoned for PS 8, we believe that the DEIS greatly under estimates the cumulative enrollment pressures from the proposed project on PS 8, which in turn will influence middle school demands.**

Regarding public middle school enrollment, there are only two middle schools located in Region 2 with a total capacity of 2,552 pupils. The DEIS states that both are below capacity, with a combined total of 982 available seats (in 2003-04). The DEIS estimates 174 new middle school students to be generated by the seven other new residential projects in the study area plus 121 from Brooklyn Bridge Park. These numbers would not appear to significantly affect the existing Region 2 middle schools, although they reflect children living in the zone for PS 8 and PS 8’s parents are advocating for a middle school closer to home than the two regional choices.

Brooklyn Bridge Park would be a highly beneficial educational and recreational resource for both elementary and middle school children.

The DEIS states that the proposed project would not exceed the CEQR-specific threshold for a more detailed analysis of the Brooklyn Bridge Park’s impact on libraries, outpatient health care facilities, police, fire and day care. We understand that this might be true of libraries and hospitals, however we would expect that a project of this scope might put greater demands on existing police and fire facilities serving the study area. The DEIS states that a detailed impact analysis of police service is not called for because the park will provide its own dedicated security personnel, including police officers and park rangers. In the event of an emergency or major event, it is expected that park security would call on the NYPD for support and, “in accordance with city policy, the NYPD and FDNY continuously monitor conditions to determine how personnel are deployed and adjust deployment patterns as deemed necessary. “

## Appendix 5

Statement Prepared in consultation with Cynthia Goulder, M.S for the Brooklyn Bridge Park DEIS Hearing, September 19, 2005, regarding Water quality and Natural Resources

While we believe that the over-water and floating walkways will create unique waterfront experiences for park visitors, much remains to be explored in terms of their construction. For example, the potential for construction to alter erosion/deposition regimes in nearby natural resource areas or to stir up contaminants and the effects of wake action and floatable debris should be further studied before construction proceeds.

Second, the planners, in their most recent publicly-displayed model, have removed the two pile-supported bridge/walkways over the two natural coves at the north end of the site, instead now proposing a short bridge connecting the Con Ed lot to the inside of the Manhattan Bridge Cove. This is an excellent change, which must be reflected in the FEIS. All discussion of the bridge/walkways and all of the conclusions that their construction and use will have "no significant impact" should be removed from the EIS. These conclusions are based on incomplete analyses and/or are irrelevant, as described below. Construction and use of the short connecting bridge from the Con Ed lot to the inside of the Manhattan Bridge Cove should be described instead, its lack of "significant impact" easy to show by virtue of its size, position, and type of construction. Plan graphics should be changed as well. Chapter 8 "Urban Design and Visual Resources" should add to its gallery of scenic images the extraordinary views from the cove beaches.

The DEIS has failed to acknowledge several significant negative impacts that would result from construction and/or use of pile-supported bridge-walkways over the two natural coves at the north end of the site: Construction would stir up contaminants. The hazardous concentrations of lead and other heavy metals that the DEIS admits are in the soils under the Manhattan Bridge are most probably also in the cove sediments, and polyaromatic hydrocarbons (PAHs) are there, too, according to the HPA hydrodynamic study. Sediments and contaminants brought up into the water column during construction would not necessarily dissipate quickly: HPA's findings of rapid dissipation rates were in the area of the piers while the quieter waters of the coves were not tested. Construction may well also destabilize the coves' stable erosion/deposition regimes and change their sedimentation patterns. No evidence has been given to the contrary.

The walkways would also mar public views and disturb public experiences of nature, compromising the very purpose of the park. The cove settings are used for countless movies and commercials, weddings and other private ceremonies, and innumerable informal pleasures. Teachers bring classes here. Young parents bring their toddlers here to make their first direct physical contact with the larger world. The bridge/walkways would separate the natural shoreline beaches and uplands of existing parkland from their magnificent surroundings, diminishing one of the most outstanding urban park experiences anywhere - including the rest of the planned park. They would violate two policies of the Waterfront Revitalization Program, as stated in the DEIS Chapter 12: Policy 8.1 "Preserve, protect and maintain existing physical, visual, and recreational access to the waterfront", and Policy 9.2: "Protect scenic values associated with natural

resources".

The DEIS analysis of existing habitat in the area of the coves is based on generalized regional information and cursory observation and does not do justice to what is there. These naturally-formed coves, with their natural beaches, are a rarity in this urban setting where shorelines are otherwise lined with bulkheads for miles around. The habitat they provide is diverse and highly productive, and can only be expected to improve as water quality in this area of the harbor/estuary continues to improve. It is, in fact, a seedbed for habitat the planners intend to create on and along the piers. Furthermore, by virtue of its location in the densely-populated center of New York City, this habitat area serves as a uniquely valuable educational resource.

Although it is true that "any displacement of birds or fish, temporary or permanent" caused by construction in the coves, would have no "significant adverse impact on the bird and wildlife community of the New York City region", it is also true that the shallow-water habitat areas that the planners intend to create will make no significant positive contribution. The point is therefore irrelevant. To risk damaging two stable existing naturally-formed natural resource areas, together covering close to 4 acres, would make no sense where restoration of a total of just 0.54 acre of similar habitat is valued as a benefit.

## Appendix 6

### Statement by Neil Calet, Vice President, Brooklyn Heights Association and Member of the Brooklyn Bridge Park Committee, prepared for the Brooklyn Bridge Park DEIS Hearing, September 19, 2005 Regarding Construction Impacts

There are three areas of concern raised by the DEIS chapter on Construction: Noise, Traffic and Sequence.

**Noise.** Although attention has been given to noise in and from the completed park, the DEIS says little about the much more severe noise problems that will definitely arise during the construction phase. Take the worst example: pile-drivers. Pile-drivers produce more noise than any other piece of building equipment, double the acceptable limit of decibels. And sound travels upwards. Up to the Promenade, up to the brownstones lining the promenade, then up to the apartment houses as far away as Willow and Hicks Streets on floors too high to be buffered by intervening brownstones. This pile-driving is estimated in the DEIS to continue for two years, effectively closing down the Promenade and providing a percussion accompaniment to the lives of thousands of local residents.

Therefore, we urge that new pile-driving technologies using close-to-silent ultrasound technology should be explored and (b) construction should be scheduled not only with efficiency in mind, but with the objective of shortening the duration of negative impact on the community. This would require a realistic compromise between the consecutive and simultaneous approach to scheduling.

We urge the planners to take all steps necessary to condense and shorten the noisiest, most intrusive aspects of construction. Two years is too long.

**Truck Traffic:** The DEIS states that construction truck traffic will be confined to Atlantic Avenue, Furman Street and Cadman Plaza. To make sure, we urge the planners to ban all construction truck traffic from the local streets of Dumbo, Brooklyn Heights and Cobble Hill and most emphatically, to prohibit construction truck traffic from using the Joralemon Street access.

**Sequence.** Finally, it has been our understanding that construction will proceed in a sequential, alternating fashion: construction of private development, followed by construction of public parkland. Private, public. Private, public. But Paragraph 2, subhead Schedule, on page one of Chapter 18 of the DEIS\* suggests that alternating the construction of private development and public parkland might mean nothing more than the creation of green oases around the private developments.

We request clarification in the hope that the park -- the active, public part of the park -- can be completed sequentially and at the earliest possible date.

We are impressed with the continuing effort to respond, wherever possible, to the community's requests and with the extraordinary contribution made by volunteer community representatives in this effort.

We urge your continued attention to our input. Thank you.

*\*Park construction and landscaping in the area of the development parcel would occur as each building is constructed so that these park facilities would be completed either with or before the completion of the development parcel.*

## Appendix 7

Statement for the Brooklyn Bridge Park DEIS Hearing, September 19, 2005 Prepared by Irene Janner, Governor of the Brooklyn Heights Association and Brooklyn Bridge Park Committee Member, Regarding Open Space

Thank you for this opportunity to testify.

**My name is Irene Janner and I am a member of the boards of both the Brooklyn Heights Association and the Brooklyn Bridge Park Conservancy. And have been on these boards throughout the period of the planning for the park.**

You will receive testimonies from both these organizations covering many issues in detail. I will therefore confine my testimony to issues of open space.

The communities within a radius of a quarter-mile and a half-mile are starved for active recreation open space, especially for anyone at an age beyond early childhood. So deficient in active open space is the surrounding area, that even the DEIS acknowledges that at the completion of the proposed park, we will still have only half the Department of City Planning recommended amount of active acreage.

I fully support the construction of the park as basically proposed in the G.P.P. and D.E.I.S. and urge that the construction begin as expeditiously as possible. I am extremely pleased to see that since the release of the DEIS the designers have already made modifications that more clearly reflect active recreation areas in response to public comment. Looking ahead to the lengthy design and construction period, I strongly recommend a return to the open process that existed in earlier years. There are legitimate concerns with some elements of the plan, and I believe that these can be addressed in an equitable way by working through a public process.

Concerns I wish to address are as follows:

To ensure that the parkland created today exists in the future, the G.P.P. or other appropriate, legally binding document must stipulate that title will pass to a park authority and that the land be dedicated parkland in perpetuity.

As much year round, accessible and varied active recreation space as possible should be designed into the plan since that is what this area most severely lacks. There should be space for non-organized activity as well as organized to ensure that all members of the public can be served. Means of getting to the space need to be planned, such as public transit links and bus drop-off points that do not adversely impact surrounding communities. The design should be sufficiently flexible to accommodate the future addition of activities not currently in the budget. Some examples of these would be swimming and skating facilities.

Government budgetary fluctuations from year to year have left too many parks in this city in disrepair and competing against one another for scarce funds. A park dependent on piers for a significant portion of its recreation space cannot be thrown to the mercies of year to year budget negotiations, and neighboring parks do not need another competitor for funds. Loss of the use of any part of the piers would seriously reduce recreational opportunities, and we can not afford such a loss here. I therefore support a revenue generation program that will cover the maintenance of these vulnerable structures. Development of revenue generators is a highly sensitive issue and requires continuing exploration, design modifications and fine-tuning. Only as much development as needed to support adequate maintenance should be permitted, and that development needs to be carefully designed and placed so as not to detract from the park or impact negatively on surrounding communities. For these reasons, an on-going, open and sequenced design and construction process should be followed.

## Appendix 8

Statement for the Brooklyn Bridge Park DEIS Hearing Public Hearing, September 19, 2005, Prepared by Tom vandenBout, Brooklyn Heights Association Vice President and Member of the Brooklyn Bridge Park Committee, **Regarding Historic Resources**

The study area's historic resources include the Brooklyn Bridge, Manhattan Bridge, Brooklyn Heights Historic District, Fulton Ferry Historic District, and DUMBO Historic District. The proposed project will have far ranging impacts on these districts and significantly impact specific sites including the Empire Stores, Tobacco Warehouse, the Department of Purchase Building, Cold Storage Buildings, as well as various smaller secondary structures.

The DEIS (see page 7-2) defines direct and indirect impacts, according to the CEQR Technical Manual, which range from outright demolition of a resource to construction activities that may alter or damage a resource damage. It further states that ***significant adverse*** direct or indirect ***impacts*** can occur ***if a project would cause a change in the quality of property that qualifies it for listing on the State and National Registers of Historic Places or for designation as a New York City Landmark.***

The proposal to adaptively reuse the Empire Stores and Tobacco Warehouse has the potential for negative impact, and the proposed demolition of the Cold Storage and Purchase Buildings comes with a dire guarantee of negative impact.

While the community has always cautiously supported the adaptive reuse of the Empire Stores and embraced the rescue of the Tobacco Warehouse, we are concerned that the historic integrity of these significant structures could be altered during construction of the park. The community has also recognized the limitations of adaptive re-use of the Cold Storage Buildings despite their being the last remnants of the waterfront warehouse fabric of Furman Street. Looking at the sum total of square footage of potentially demolished historic buildings, it seems all the more important that we save what little we have.

The Brooklyn Heights Association approaches the dismissive (pg. 7-1 and contradictory (pg.7-2) review of the Purchase Building by the DEIS with grave concern. It asserts that the Purchase Building does not contribute to the historic fabric of the district and therefore can be demolished without effect to the historic resources of the study area. It claims that the demolition plan is in accordance with findings by the NYC LPC (pg.7-11). This cannot be accurate when (a): the Landmarks Law prohibits demolition of protected buildings in historic districts; (b) its distinctively contributive design history is specifically mentioned in the NYC Landmarks Commission Designation Report; contradicting any claim that it is non-contributing building; and (c) the Building meets all the requirements of the LPC and the State Historic Preservation Office for Historic Resource as outlined in the DEIS on pg.7-2, 3.

It is a matter of record that the citywide preservation community holds that the Purchase Building is indeed an important building within the Fulton Ferry Historic District as well as the entire city. It is an important and rare example of public works architecture of distinctive style, construction, and use; and marks a compelling WPA chapter in the history of the Brooklyn waterfront. At the Landmarks Preservation Commission's public hearing on September 6, 2001 for the proposed demolition, scores of preservation community representatives as well as concerned citizens spoke out to save this building. The only people speaking in support of its demolition were those involved in the application itself. The Commission took no action and the Purchase Building stands as a contributing building in the Fulton Ferry Historic District. Its current occupation by the NYC Office of Emergency Management documents its potential for adaptive reuse in the park as well as the damage by OEM renovations to the Building's distinctive windows, work that, to our knowledge, was not approved by the Commission. The public testimony of September 6th is lengthy, compelling, and supports this building's contribution to the district. If demolished this would be a significant, adverse and unacceptable direct impact on the project area and proposed Park. The DEIS assertions (pg. 7-17) of "broad vistas" used to justify and dismiss the demolition of a historic district building are highly arguable. The claim that the "Building acts as a powerful barrier to unifying the northern and southern sections of the proposed park" is equally questionable pointing to other structures within the project area that could, by this definition, divide sections of the park yet are not slated for demolition.

In conclusion, the Park Project has the potential to adversely impact historic resources in both the project and study areas. In our opinion, the potential physical impacts of Park construction on the study area's historic resources are inadequately addressed in the Historic Resources Chapter of the DEIS (pg. 7-21). Plans for mitigation of damage to adjacent historic resources (i.e.: the Brooklyn Heights Historic District) during construction are extremely important to protect the centuries old residential buildings. The DEIS notes arbitrarily that Brooklyn Heights is over 90 linear feet from the projected construction and at an elevation change of 45 feet, vertically separated from the area of by the BQE, and thus "it is not expected that the proposed project would result in physical impacts to the buildings in the Brooklyn Heights Historic District." We disagree completely. Based on actual experience with the Port Authority's pile driving operations for its maintenance of Piers 1-5, we argue that this 90' distance is not adequate to assure Brooklyn Heights residents that their property will not be negatively impacted directly by construction vibration, airborne dust and debris, noise and/or light pollution. Additional mitigation strategies must be studied and implemented.