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80 Flatbush Scoping Comments

The following pages set forth my comments on the public scoping process and the actual scope of the 80 Flatbush development.

For your convenience, I have separated this response into chapters associated with the sections and tasks presented in the draft document and placed my specific scope comments in boldface type within those chapters.

As background, I have been a resident of Brownstone Brooklyn since 1989, the last 20 years as a homeowner on the 400 block of State Street. My husband and I live here with our 14-year-old daughter, who attends school in downtown Brooklyn. Our property line is just 140 feet – a half-minute walk away – from the proposed 74-story tower.

PUBLIC PROCESS COMMENTS

Irregularities in the public scoping process warrant attention. Specifically, staff members of the public relations consultant for the developer were disruptive during the Public Scoping Meeting, out of sight of the sponsoring agency and the developer. An independent monitor should be appointed for future public meetings so that the public is allowed to participate in the process unencumbered.

TASK 2: LAND USE, ZONING, AND PUBLIC POLICY

Development has trumped rational public policy in New York City.

The precedent set by this project is a dangerous one: with the promise of new schools and affordable housing, developers will be rewarded with maximum zoning accommodations in otherwise completely inappropriate locations, and in return, profit handsomely. However, this particular scenario it is based on flawed assumptions, creative statistics, and an RFI process hidden from public view.

There is a real need for schools in Districts 13 and 15 but the more the city enables unbridled development, the more that demand will increase. This project is just a drop in the bucket. There is a case to be made that 80 Flatbush, once completed, would

alone fill the new elementary school or most of it. And the enhanced capacity lauded in plans for a new Khalil Gibran School sees only a net increase of 38 seats; let's remember that the school had many more students when it housed the Metropolitan Corporate Academy only several years back.

Messaging regarding the decrepit state of the physical plant of Khalil Gibran is somewhat contradicted by the results of a *2015-2016 Condition Assessment Survey* posted on the DOE website. But even if this messaging is accurate, the city certainly has the budget to upgrade the school without this undue burden on the community. Even an over-build for the school would be preferable to the 80 Flatbush scheme.

Moreover, the statistics presented for school seat needs are misleading. There are sizable vacancies in schools such as PS38; why is development a more appropriate remedy than good management? In addition, the SCA is planning school construction in these Districts, including the 436-seat annex that will replace the trailers at PS32, the new 180-seat pre-k facility on Ninth Street and Third Avenue, and others. How have these statistics been melded into the formula to determine overall seat needs?

The city needs a rational plan to build schools, not one that violates long-established zoning parameters for residential and transitional neighborhoods. A good start would be to change policy so that after a certain density is achieved, developers would be required to set aside space for schools: but only in areas that can accommodate them. And that needs to start happening today.

Since its founding, the New York City School Construction Authority (SCA) has been tremendously effective in planning and executing its capital improvement and capacity initiatives. There is no reason to believe that with deep community collaborations, it cannot be as successful in developing strategies to find real estate, even in this most difficult market. I would gladly offer my time to work with the SCA to help create, market and broaden participation in such a promising coalition.

It is also important to note that should a recession, housing glut, or downturn in the real estate market occur in the next several years—a likely scenario, in fact—the affordable housing may never be built. How will the financial models for the project, including tax abatements, accommodate this possibility?

Lastly, the study area proposed in the draft scoping document is not sufficiently wide in scope considering the project's enormous impact on the surrounding communities.

Scope Comments on Land Use, Zoning, and Public Policy:

Task 2 of the DEIS must address the following:

- **The area within a ½-mile radius of the site, considering the tremendous impacts 80 Flatbush will have on the Boerum Hill and Fort Greene communities.**
- **The precedent of too-tall, too-dense development in a neighborhood that cannot accommodate either impact and what that means for the future of zoning and public policy in New York City moving forward.**
- **How tax abatements and zoning variances are approved for projects that are not in the best interest of the communities they impact.**
- **How tax abatements and zoning variances are approved for quasi-public projects that lack a transparent bidding process and adequate public input.**

TASK 3: SOCIO-ECONOMIC CONDITIONS

Small Landowners: Indirect Business Displacement — The protracted construction period, with a strong probability of after-hours construction (noise, vibration, dust, inconvenience) and traffic disruptions (trucks, emergency responders, lack of parking) will likely impact the ability of the numerous small landlords and developers in the area to consistently lease their properties.

The ability of property owners to sell their holdings will surely be impacted as well, at least during the uncharacteristically long construction period envisioned for this two-phase development.

Moreover, there will be no tax relief for these homeowners, landlords, and developers, thereby adding to their financial burden.

Scope Comments on Indirect Business Displacement:

Financial impacts and recommended concessions to small landlords, homeowners, and other landowners within a ½ mile of the project warrant a detailed assessment in the Task 3 of the DEIS.

TASK 4: COMMUNITY FACILITIES AND SERVICES

Fire Protection — The proposed action would directly affect the physical operations of, and access from, Engine Company 226 on State Street, and would create a sizeable new, ultra-high-rise residential neighborhood—20 stories higher than nearby developments (including the Hub, 300 Ashland, etc.), requiring specialized fire-fighting equipment and training—where none was necessary before.

Scope Comments on Community Facilities and Services—Fire Protection:

Fire protection services during and after construction of the project warrant a detailed assessment in the DEIS:

- **Engine Company 226 response times are already challenged by existing traffic on State Street, Nevins Street, Third Avenue and surrounding traffic arteries, in part due to traffic mitigation plans relating to the Barclays development, as well as the intensity of construction activities in the neighborhood.**
- **The potential for 80 Flatbush construction-related crane locations or lane closures on State Street, Third Avenue or Schermerhorn Street must be modeled in terms of Engine Company 226 response times to neighborhood emergencies.**
- **Engine Company 226 is not equipped to handle super-high-rise fire emergencies in terms of equipment or staff size. Response times and service availability from the Tillary Street Fire Station and any other more robust stations proximate to the site must be assessed.**

United States Postal Service — The neighborhood of the proposed development (Zip Code 11217) lacks a full-service Post Office. The current strain on the postal system is reflected in a preponderance of postal deliveries to residences occurring after 5 PM.

Scope Comments on Community Facilities and Services—Postal Service:

An analysis of impacts on the United States Postal Service in the 11217 Zip Code must be included in Task 4 of the DEIS document.

TASK 6: SHADOWS

Shadows — If it were constructed today, the larger tower of 80 Flatbush would be the 12th tallest building in New York City; over the course of the year, the building would create extremely long shadows—well into other neighborhoods—even were it not fitted out with its particularly tall bulkhead. There will be a profound impact on sun-sensitive front and rear gardens, as well as whole households on blocks of historic homes in Boerum Hill along State Street, due West of the proposed towers, as well as in Fort Greene. In winter months, this will likely include Fort Greene Park, Long Island University Athletic Center, and Brooklyn Technical High School.

Scope Comments on Shadows:

The study area must include the extent of all shadows created by the full height of the two towers, including proposed bulkheads if they are not sufficiently perforated to allow sunlight penetration. For the taller structure, this will be 986 feet.

This means that the shadow study should be expected to exceed the geographic boundaries set for other elements of the DEIS.

TASK 7: HISTORIC AND CULTURAL RESOURCES

Historic Resources — While the project is touted as being located in Downtown Brooklyn, most of the property is actually historic Boerum Hill along the southern half of Third Avenue and along State Street. Many of the buildings surrounding the project, including those on the 400 and 500 blocks along State Street, have considerable historic importance. Most of the structures were built in the 1850s through the 1920s, and could easily be eligible for historic designation; some already enjoy landmark status.

The extreme height envisioned for the tower—especially considering the massive bulkhead—is unprecedented for a historic brownstone neighborhood, or in fact, any low-rise residential neighborhood within New York City. This tower is proposed to be located only 60 feet from the building line of a 19th century brownstone on State Street and Third Avenue, across State Street from other historic brownstones, and directly across Flatbush Avenue from the iconic One Hanson Place.

Also unprecedented is the density of the project considering the necessity to place entrances and some loading docks for the oversized buildings and two schools on narrow, historic residential blocks.

Scope Comments on Historic and Cultural Resources:

The assessment of the proposed project’s potential to result in any visual and contextual impacts on the architectural resources noted above must be considered for a radius of at least ½ mile from the site.

TASK 8: URBAN DESIGN AND VISUAL RESOURCES

Urban Design and Visual Resources — Entirely out of context with the scale of the existing Boerum Hill neighborhood in which its two major boundaries lie, and towering 20+ stories higher than even The Hub and the iconic One Hanson Place, 80 Flatbush would make substantial alterations to the streetscape of the neighborhood by noticeably changing the scale of buildings, and obstructing view corridors of, and competing in the skyline with, the historic and iconic One Hanson Place.

Moreover, the current zoning of the small, irregularly shaped site thoughtfully requires setbacks, which are essentially eliminated in the design of the two towers; only 60 feet separates the larger tower from a historic brownstone at the corner of State Street and Third Avenue. The small, recessed entryway does not constitute an appropriate setback for a building of such menacing height.

Therefore, the project requires actions that would result in physical changes to the project site well beyond those allowable by existing zoning and which could easily be observed by a pedestrian from street level.

Scope Comments on Urban Design and Visual Resources:

A detailed analysis of urban design and visual resources, within a radius of ½ mile from the site, is required due to the unprecedented scale and density of the proposed development in terms of its location not in Downtown Brooklyn, as marketed, but in Boerum Hill, as actually sited.

This analysis must include a rational assessment of the elimination of setbacks in the up-zoning request.

TASK 10: WATER AND SEWER INFRASTRUCTURE

Water and Sewer Infrastructure — The draft scope document does not address the aging water and sewer infrastructure in the neighborhood.

Scope Comments on Water and Sewer Infrastructure:

State Street and its environs are part of one of the oldest neighborhoods developed in Brooklyn. The water and sewer systems under the local streets are aging, fragile and prone to damage. The DEIS must include an analysis of these systems, including the water system valve plant adjacent to the site and security provisions for access points to the water system (hatches, stairwells, manholes) to prevent the possibility of tampering.

TASK 11: TRANSPORTATION

Traffic — The draft document does not specifically address the project’s location within the critical “jug-handle” of the Sam Schwartz Engineering firm’s traffic mitigation for the Barclays Center or the general intensity of traffic in the vicinity.

At the very moment the Barclays mitigation plan’s traffic pattern changes were implemented, the quality of life in the neighborhood deteriorated. The neighborhood experiences crushing traffic congestion. Numerous circling limousines and for-hire vehicles compound the congestion during events at Barclays should they not be idling illegally at fire hydrant locations, crosswalks, and bus stops. Event-goers in cars also overwhelm the local arteries in search of free (typically unavailable) curb parking because the Barclays plan specifically excluded provisions for adequate parking for such events, as it did accommodations for the queuing and idling of limousines and cabs.

Further constricting the local streets are commercial and residential dumpsters and roadway areas blocked off to serve as laydown areas for construction materials or equipment storage; this situation has proven to encourage double-parking.

The net effect is that traffic is unbridled in the neighborhood much of the time. The biggest impact is on emergency services—Engine Company 226 and ambulances battle with traffic daily. As such, the safety, security, and well-being of residents and businesses in the vicinity of 80 Flatbush are already at risk *prior* to development of the site.

Scope Comments on Traffic:

The following should be addressed in the scope of the DEIS:

- **Given the tight street grid and how, therefore, some intersections will affect up and downstream traffic operations, we expect to see the developer have its consultant develop traffic simulation models for all peak travel periods to ascertain if queuing will develop in the study area.**

- **The traffic model should make use of VISSIM (not SYNCHRO) as the choice software in the traffic engineering industry as the visual tool to review and identify where congestion and undue vehicle backups will occur.**
- **These models should span the entire Barclay’s Center traffic mitigation area (that is, from Fourth and Third avenues north to Flatbush, including the affected section of Atlantic Avenue), State Street from Bond Street east, and streets east and north of Flatbush Avenue in the affected area, into Fort Greene.**
- **The traffic studies should be conducted for peak weekday and weekend events at the Barclay’s Center and typical weekday AM and PM peak commuting hours.**
- **NYCDOT typically does not allow more than 5 to 7 seconds of green cycle time to be shifted from one intersection approach to another. Please confirm that the signal timing mitigation is within acceptable DOT standards.**
- **Given 80 Flatbush will become a destination in its own right, the trip generation analyses should have no credit (trip reduction) for pass-by trips. Please confirm this.**
- **In the analysis of parking, the ¼- and ½-mile radii should be examined per the *CEQR Technical Manual*. However, given the boundary street is Flatbush Avenue and that few if any people will park east of Flatbush to cross over to the west side where this new development is to be situated, please confirm that this approach is used in the analysis of on-street parking.**
- **Given that on-street parking is at a premium in the general area, what mitigation is being considered for the inevitable on-street parking shortfalls to be identified?**

Timing of Traffic Counts — It has been observed that traffic counts were taken midweek on State Street and Third Avenue *after* private schools were closed, many residents began their vacations, and the neighborhood was in quieter “summer mode” when traffic volumes are lower than the Spring or Fall.

Therefore, there is a serious concern regarding the validity of the conduct of traffic, parking, and pedestrian counts associated with environmental studies being conducted for the 80 Flatbush development. Although NYCDOT allows counts to be conducted up to and including Wednesday, June 28, given that public schools are still open for session,

this particular area of Brooklyn is chock-full of private schools of many sizes that have been closed for about two weeks preceding the commencement of the project's count program. Furthermore, many public schools, while remaining open, have significantly reduced schedules that allow students to leave the premises to return home much earlier in the day.

The result of these two school-related operations conditions will result in atypical travel patterns and will not be representative of normal midweek conditions. Moreover, the data that were collected cannot simply be adjusted by application of a seasonal adjustment pattern because both the volumes are likely lower and the hourly patterns are different.

Scope Comments on Transportation—Timing of Traffic Counts:

The DEIS will require:

- **All-new travel data to reflect typical school-year operations (i.e., after mid-September) and associated travel patterns are thus needed to proceed accurately through the DEIS process.**
- **Traffic counts taken during peak events at Barclays within a ½ mile radius of the site to reflect actual traffic network impacts.**
- **All new traffic data to support air and noise quality analyses. It is also noteworthy that the conduct of air and noise quality analyses relies on traffic volume inputs, as well as specific in situ data collection for their model conduct. Thus, these analyses are also faulty in their underlying supporting data and will require all-new data to proceed.**

Transit — Open any local newspaper and you can read about another challenge faced by customers of New York City's passenger rail transportation and surface transit networks.

The subway lines servicing the Barclays Center-Atlantic Avenue Station, Nevins Street Station and Hoyt-Schermerhorn Station are already experiencing significant delays and service failures due to aging infrastructure, years of deferred maintenance, and unprecedented ridership.

Moreover, service issues at New York Penn Station are commonplace, forcing Long Island Rail Road customers to find alternate means of access into the city—many changing their commuting routines to instead use Atlantic Terminal. The Penn Station “Summer of Hell” scenario will certainly contribute to this phenomenon much like the

transit strike of the early 1980s led to the widespread adoption of athletic footwear for commuting: once commuters to lower Manhattan get used to traveling through Atlantic Terminal, they will be more likely adopt this practice for the long-term. There can be no doubt that this will create even greater passenger loads on the already overburdened subway system.

Scope Comments on Transportation—Transit:

The transit analysis must include:

- **A focus on the three separate subway stations proximate to the site. The project site is served by not one, but *three* NYCT subway stations: Barclays Center-Atlantic Avenue, Nevins Street, and Hoyt-Schermerhorn. In fact, a large number of users will choose to use the relatively small Nevins Street Station rather than cross Flatbush (because it is much easier to access and egress); others will travel to Hoyt-Schermerhorn for access to the A/C/G lines that do not serve the Barclays Center-Atlantic Avenue Station.**
- **Line-haul capacity and travel demand analyses incorporating ridership modeling, for all three stations in proximity to the site, considering all subway lines serving them.**
- **Key individual subway station elements must be included in analyses, including all fare-barriers, all entry stairwells, and platform stairwells.**
- **All bus lines serving the site must be studied both at the closest stops and at the peak-load points to identify potential impacts. Among these lines are the B41, 63, 67, 69, and 103; there may be other Fulton Street lines that are potentially affected based on ridership forecasts that should be part of this overall DEIS.**
- **Full analysis of the impacts of projected population increases in the neighborhood, bearing in mind the extraordinarily large number of residential units currently under construction within ½ mile of the project site, as well as the projected increase in the number of Long Island Rail Road passengers taking subways to and from Atlantic Terminal.**

Parking — On-street parking is at a shortfall in the vicinity of the project site, aggravated by the Barclays traffic mitigation noted above. The impact of this deficit in parking spaces can be seen in the number of cars parking illegally: some double-parked, some in no-parking or standing zones, and others blocking hydrants, crosswalks, loading zones, bus stops, or bike lanes. This is compounded by undue circulation of vehicles in search of the non-existent curb space. It can also be seen in the astronomical rise the

cost of off-street parking nearby, the monthly fees well out of the reach of a majority of local residents and workers.

Virtually all of the existing parking surrounding the site will be eliminated to accommodate construction operations and eventually, building access, loading dock operations, and bus drop-off and pick-up practices on Third Avenue and State Street, both narrow, congested roadways. This will exacerbate an already bad situation.

The during-construction scenario will represent another untenable condition: a building of this size will generate significant volumes of worker vehicles and delivery trucks. Past EISs note that such conditions are temporary and thus dismiss potential impacts. Such specious technical approaches thus avoid the unmanageable traffic conditions that are imminent.

The current administration has rewarded a number of New York City teachers with parking placards, though it is the practice of NYCSCA not to provide off-street parking space. Therefore, another factor compounding the pressure on parking availability will be demand generated by teachers at the two schools envisioned for the site.

Likewise, Citi Bike locations have eliminated many on-street parking spaces in Boerum Hill and Downtown Brooklyn. The current plan for car-share spaces in those two neighborhoods will further decrease available curb space for any user, be they motorists searching for open curb spaces or delivery services seeking momentary spaces to drop off goods to local businesses.

It is important to remember that the design of Barclays purposely undersized off-street parking accommodations and holding areas for limousines and black cars. Accordingly, some of the biggest stressors on parking availability are the large number of scheduled events at the Barclays Center. In its first year alone, the Barclays Center ranked as the number one U.S. venue in terms of ticket sales. Its own website boasts, "The success of these events has made Barclays Center one of the most popular arenas in the world, ranked top five globally in 2015 ..."

The driving theory in developing the parking scheme for Barclays has not proven true: as it turns out, most event-goers have not been persuaded by the lack of sufficient on-site parking to use mass transit to travel to and from the arena; instead, they take limousines, cabs or Uber, or seek to park for free deep into the surrounding neighborhoods. And so, in reality, each event generates a massive influx of vehicles in search of on- and off-street parking, as well as limousines and black cars seeking areas to idle for the duration of the event. And they do so in the vicinity of 80 Flatbush for its superior access to Flatbush Avenue.

Scope Comments on Transportation—Parking:

Due to the fact that events at the Barclays Center have an enormous impact on neighborhood parking availability, the off-street parking supply and utilization analysis to be conducted in Task 11 must cover the area within a ½ mile radius of the project site.

To accurately gauge the parking shortfall, the parking analysis must consider:

- **The impacts of 80 Flatbush during construction and after full build-out**
- **The Barclays traffic mitigation and resultant parking impacts**
- **Parking for teachers**
- **Parking for large numbers of construction workers on this and other nearby developments**
- **City Bike parking locations**
- **Future provisions for car-share parking locations, a growing trend**

TASK 14: NOISE

Noise — The neighborhood’s negative and prolonged experience with noise generated from perforated high-rise building bulkheads proves the importance of this consideration.

The Hub at 333 Schermerhorn Street created a “tuning fork effect” and perceptible howl for a least six blocks surrounding the structure when wind speeds exceeded 15 miles per hour; at five miles per hour, the maddening ambient hum could be heard within residences on State Street without open windows. This issue has now been addressed but it took months and countless complaints on the part of the community to make that happen.

This is not an isolated incident: it was also experienced by residents and businesses in close proximity to the CitySpire Tower in Manhattan, a building not as tall as the tower proposed for 80 Flatbush.

Another concern would be the potential for noise generated by the rooftop playgrounds and green spaces.

Scope Comments on Noise:

The DEIS must address potential noise generation by the bulkheads of both towers comprising both towers of the 80 Flatbush development.

It should also examine the noise generated from activities on the rooftop playgrounds and greenspaces in terms of its potential to impact existing sensitive receptors.

TASK 16: NEIGHBORHOOD CHARACTER

Neighborhood Character — While this topic receives scant attention in the draft scope document, it is perhaps the most important and warrants considerable attention in the DEIS. The unprecedented juxtaposition of a project of extreme height and extraordinary density within a historic, four-story, residential neighborhood is, in the words of a widely-respected local politician, “a violation of the neighborhood and its citizens.”

Oddly, most of the site density is relegated to Boerum Hill, on two narrow streets, whereby the jarring collision with the neighborhood becomes the central urban design message.

The attempt to “preserve” two historic buildings is thinly veiled, another clever means to seek density beyond that which is appropriate for the site. Sadly, the graceful brick connection between the buildings is to be demolished and replaced with an ominous, non-contextual, super-tall glass tower—not counting the bulkhead, the 12th tallest building in all of New York City if constructed today—its base aggressively placed only 60 feet from a brownstone.

Let’s examine for a moment the adjacent Hub development at 333 Schermerhorn. It is large and imposing, set on an irregularly shaped lot, but is characterized by many setbacks and is removed from the residential neighborhoods surrounding it. Two major commercial thoroughfares bound its site; they are sufficiently long and wide to handle construction access and laydown as well as loading docks and entrances for the completed project. 80 Flatbush offers no such neighborhood accommodations.

The setback issue alone is an important one. Unlike the Hub, 80 Flatbush offers virtually no setbacks in its imposing towers—even though their bases directly abut low-rise residential buildings. It is critical to acknowledge that setbacks are thoughtfully called for in the existing zoning to protect the neighborhood character in the development of small, irregularly shaped lots.

Sadly, there are endless questions...but no adequate answers:

- How can already congested narrow residential streets accommodate loading dock operations and school bus drop-off, idling, and pickup?
- Consider the imposition of tens of thousands of pounds of solid waste that will be generated each week—where on State Street will it be stored and picked up?
- How will this contribute to the rat infestation that already plagues the neighborhood?
- How will the neighborhood handle the increased traffic and associated noise when the Barclays mitigation has already clogged our streets?
- How will the de-mapping of Schermerhorn at the plaza exacerbate this situation?
- Where will residents park their cars, already a huge challenge during the workday or when Barclays has events?
- How will the neighborhood survive the traffic, noise and vibration imposed by the protracted after-hours construction period with *a process that accommodates the needs of the existing school but not best interests of the thousands of residents surrounding the site?*

Schools are important; but it is a slippery slope to use school development based on fuzzy statistics as the carrot for developer profit. The more you develop, the more demand there is to build schools. It becomes impossible to keep up with the demand; once you get close, the demand skyrockets once again. Inappropriate zoning is not the solution to bridge gaps in previous city planning initiatives, runaway development, or a system that allows schools like nearby PS38 to operate at chronic under-capacity.

There is a good reason for rational zoning and urban design, one that acknowledges neighborhood character, scale and density. We like to hold ourselves above countries like China that bulldoze historic Hutong neighborhoods and flood historic cities in the name of development. Yet this is not a dissimilar trend. To triple the density of this cornerstone site is to set a dangerous precedent throughout New York City for unbridled development and ultimately, the destruction of precious historic neighborhoods.

Scope Comments on Neighborhood Character:

Task 16 of the DEIS must provide a detailed, comprehensive analysis of the significant impacts of the imposition of the too-tall and too-dense 80 Flatbush development on the neighborhood character and quality of life for residents in historic, low-rise,

Boerum Hill—both during construction and once the site is fully operational. This must include a discussion of the following:

- **Primary site location in historic Boerum Hill, not Downtown Brooklyn as cleverly marketed by the sponsoring agency, city, local business lobbying organizations and the developer. The southern border of Downtown Brooklyn is Schermerhorn Street, *not* State Street.**
- **Inappropriate close proximity to the low-rise historic homes and businesses.**
- **Unprecedented height, density, and massing of 80 Flatbush, considering existing zoning and the lot shape and borders (including two narrow residential streets). This must include a study of why the site density is concentrated at these two residential street boundaries, rather than the two commercial ones.**
- **Aggressive transformation of the skyline in the BAM Cultural District, obliterating view lines to the iconic One Hanson Place. The stubborn insistence that extreme height—which in this case would translate to a tower that would be the 12th tallest building in the City if constructed today—is preferable to other massing configurations is an affront to residents and business owners who invested in this neighborhood when no one else would.**
- **Lack of setbacks for towers. The current zoning calls for setbacks as an accommodation for higher density on small, irregularly shaped lots. The gratuitous concession of an indentation at the base of the taller tower does not qualify as a proper setback.**
- **Destruction of historic elements of the existing school building, to be replaced with a jarring, non-contextual and inappropriately tall glass tower.**
- **Increase in traffic in an area that already bears the full brunt of the Sam Schwartz Engineering Company's traffic mitigation for the Barclays center, an area that experiences crushing congestion, and the noise associated with it, on virtually a daily basis.**
- **The transformation of narrow, residential State Street into an enormous loading dock, solid waste removal and school bus staging zone**
- **How the neighborhood will survive a protracted (6+ years) and likely after-hours, overnight and weekend construction scenario due to the need to keep the Khalil Gibran School operational**

- **Impairment of fire department and other emergency access through careless site layout that will place the burden of construction and once-built operations squarely on the two narrow thoroughfares: State Street and Third Avenue.**
- **How the plan will be impacted should NYCDOT rightly disapprove the de-mapping of the exit lane of Schermerhorn to Flatbush southbound**
- **Lack of community green space or green walls in the proposed scheme**
- **A rational, thoughtful, and unbiased plan for what the development could be as-of-right**

TASK 17: CONSTRUCTION

Comments on Task 17 cover several sub-topics, as discussed below.

After Hours Construction — The requirement that the Khalil Gibran High School remain operational until the new facility is constructed may require that construction activities be restricted to non-school hours. Moreover, the project’s proximity to the Brooklyn Academy of Music (BAM) may also impact the construction window; in the past, BAM has required variances to halt nearby construction during performances and other events.

It is critical to note that at its closest point, the proposed 74-story tower is sited as close as 60 feet from contiguous blocks of brownstone residences. Moreover, the adjacent YWCA has 300 full-time residents; it does not have windows that offer sound attenuation and truck traffic on Third Avenue and Atlantic Avenue already creates considerable disruption.

Scope Comments on Probable After-Hours Construction:

In Task 17 of the DEIS, the Construction Impact Assessment must examine, for the entire construction and commissioning period, the impacts of likely night and/or overnight construction and related operations (relating to the necessity of keeping the existing and future Khalil Gibran School operational) on the surrounding residential and business community. This must include:

- **Financial impacts on the many small landlords in the neighborhood who may be unable to consistently lease their rental properties during this period.**

- **Financial impacts on residents who may have to temporarily relocate due to adverse noise and vibration impacts.**
- **Wellness and mental health impacts on residents subjected to long-periods of night construction, especially considering the at-risk population housed in a portion of the YWCA.**

Construction-Related Impacts to Transportation Systems — By virtue of the site location and configuration, the two primary thoroughfares for construction equipment access and locations are located in residential Boerum Hill, along Third Avenue and State Street, both narrow roadways with curb parking. This is exacerbated by the fact that the site lies in the jug handle of the Barclay’s Center traffic mitigation: virtually all northbound traffic from Third and Fourth avenues is channeled through Third Avenue—to Flatbush, to Schermerhorn, or on to Lafayette. This would be aggravated by the potential de-mapping of the Schermerhorn exit lane to Flatbush southbound as shown on all project renderings.

Construction-related activities, including truck traffic, materials deliveries, transportation for workers (legal and illegal street parking), almost certain long-term lane closures for construction operations and material laydown, and crane locations will likely have a devastating impact on traffic and parking availability for at least a ½ mile from the project. Events at Barclays already create gridlock on Fourth Avenue, west to Atlantic, and north on Third Avenue to Flatbush northbound.

Scope Comments on Construction-Related Impacts to Transportation Systems:

A separate, detailed analysis must be undertaken, considering the myriad of critical traffic and transportation issues noted in the paragraph above. This must include an analysis of the ramifications of probable long-term lane closures on Third Avenue and State Street.

Because of the Barclay’s traffic mitigation pattern, this analysis must span a ½-mile radius of the site.

The NYCDOT Office of Construction Management and Control (OCMC) will need to be contacted and review the developer’s Maintenance and Protection of Traffic (MPT) plans *before* construction commences. We demand to be informed on DOT approvals and issued traffic stipulations.

Construction-Related Noise and Vibration — As noted above, the need to keep the Khalil Gibran High School operational during construction and because of the

project's proximity to the Brooklyn Academy of Music, most construction will likely take place after hours, overnight, and certainly on weekends. The unprecedented proximity to a residential community, including myriad brownstones and small apartment buildings, the 300-bed YMCA, 333 Schermerhorn, 300 Ashland, and One Hanson Place make this a densely populated residential neighborhood.

Moreover, many of the residences along State Street are over 150 years old and have superstructures and delicate period details prone to damage by even the slightest vibration. This is a particularly important issue to consider as much of the construction is directly on the small, residential State Street and because the massive tower will rise only 60 feet from a brownstone in a contiguous line of residences.

In addition, the infrastructure surrounding the site is also aging and prone to damage by vibration.

Scope Comments on Construction-Related Noise and Vibration:

The DEIS must include:

- **An exhaustive analysis of noise impacts on the local community, considering the extreme proximity and probable timing of construction activities with an estimated duration of 6+ years**
- **An in-depth analysis of vibration impacts on adjacent structures and fragile, aging infrastructure such as water and sewer systems, as well as other underground utilities.**
- **A detailed analysis of vibration impacts on adjacent infrastructure: aging Catskill water mains and ancillary equipment, roadways (prone to buckling and sinkholes on State Street), sewer systems, and other underground utilities.**

At a minimum, the developer must be required to:

- **Develop a formal Vibration Monitoring and Control Plan.**
- **Perform precondition surveys at sensitive receptors, including adjacent residential structures with fragile, ornate interior plasterwork, to document existing conditions.**
- **Install vibration-monitoring devices along the residential thoroughfares to insure the safety and security of residents and the protection of their historic properties.**

Construction-Related Air Quality — The scope calls for a detailed qualitative assessment of construction-related air quality but not a quantitative one. Both are essential for a project of this magnitude.

Scope Comments on Construction-Related Air Quality:

There appears to be no plan to conduct a ***quantitative*** assessment of construction-related air quality. Only a detailed ***qualitative*** assessment is proposed. However, the CEQR Technical Manual calls for the consideration of a quantitative detailed analysis when: 1) the construction duration would be greater than two years, 2) the project would be located near sensitive receptors, and 3) the project would involve two phases with the construction of multiple buildings where receptors would exist on buildings already completed; 80 Flatbush meets these criteria. If it is assumed that project-specific control measures will be used to significantly mitigate impacts, this should be clearly stated.

Emergency Provisions for Crane Failure or Collapse — Recent experience with large-scale construction in New York City and the increasing prevalence of extraordinary weather events make the possibility of crane failure or collapse a distinct possibility in the construction of 80 Flatbush. Even the largest construction firms and developers in the City, such as Extell, have experienced such issues. The extreme proximity of this development to residences and businesses in the area makes this a most urgent concern.

Most importantly, Alloy Development has no recognized credentials or experience in the design or construction of high-rise buildings, especially those exceeding 900 feet in height. Their ability to deliver adequate emergency provisions for potential crane failure must be fully analyzed.

Scope Comments on Emergency Provisions for Crane Failure or Collapse:

Task 17 must fully address the adequacy of emergency provisions for potential crane failure or collapse and the ability of the developer and local emergency services, such as Engine Company 226, to address this very real possibility.

Construction-Related Crime — Over the past several years residents in north Boerum Hill, and particularly those living on State Street, have gained a first-hand knowledge of a critical problem impacting the construction industry: drug sales by and among construction laborers. On the 400 block of State Street, this reached a peak

during construction of The Hendrick, another private residential development, located several blocks away at 509 Pacific Street.

The issue is two-fold. First, workers on local construction projects set up operations on brownstone stoops with the intention of selling drugs. Many of these transactions are between construction workers. The second issue is drug use: State Street has become a haven for drug use by construction workers during their breaks.

Thus, the impact on the neighborhood is not only illicit activity and trespassing, but also the risks inherent in having drug-impaired laborers work on nearby construction projects. Associated Builders and Contractors has requested that City Council add the requirement for drug testing to construction safety legislation currently under consideration. Until such legislation is passed, the problem will remain.

Scope Comments on Construction-Related Crime:

Task 17 must fully address the adequacy of the local police force to monitor construction labors engaged in illicit activity as well as the ability of the construction industry to self-police its workforce.

Constructability — Alloy Development has *no* demonstrated credentials in the design, construction staging, QA/QC, or construction of super high-rise buildings. Had this project been procured under the public competitive bid process for either design or construction, this developer would never have met the minimum qualifications threshold. It is imperative to demonstrate that the team amassed by the developer offers the specialized experience necessary to perform this project.

Scope Comments on Constructability:

Task 17 of the DEIS should provide an analysis of the ability of the development team to handle all aspects of this complicated and controversial endeavor.

OTHER TECHNICAL AREAS

Safety and Security — A discussion of safety and security is absent in the document.

The mission of the Khalil Gibran School is an important one, and supported strongly by the community. However, tolerance is not universal. Instances of domestic terrorism and violence toward Muslims and their institutions are escalating.

Scope Comments on Safety and Security:

The DEIS must thoroughly address the issue of safety and security. This must include:

- **Requirement for conduct of a Threat and Vulnerability Assessment.**
- **Requirement for conduct of a Safety and Security Risk Assessment.**
- **Provisions to blast-proof the buildings at the site and to prevent progressive collapse.**

Elementary School Operations: Safety of Students — The new elementary school will be sited in close proximity to the treacherous travel lanes of Flatbush Avenue. Accidents happen: children stray away from even watchful parents, teachers, school administrators, and care givers.

Scope Comments on Safety and Security:

The DEIS must examine safety risks for young students relating to the high-speed travel lanes of Flatbush Avenue. This may include a study of the practicality of siting physical barriers to prevent students from accidentally straying into traffic.