

**Appendix B**  
**Waterfront Revitalization and**  
**Coastal Assessment Form**

For Internal Use Only:

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

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

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

## NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM Consistency Assessment Form

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

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

### A. APPLICANT

1. Name:

**New York Wheel, LLC (NYW)**  
**St. George Outlet Development LLC (SGOD)**

Address:

**NYW: 17 State Street, 19th floor, New York, NY 10004**  
**SGOD: 150 Myrtle Ave, Suite 2, Brooklyn, NY 11201**

3. Telephone:

**NYW: 917-861-1400**  
**SGOD: 718-422-9999**

Fax:

**NYW:**  
**SGOD: 718-422-9960**

E-mail Address:

**NYW: rmarin@newyorkwheel.com**  
**SGOD: wwharton@bfnyc.com**

4. Project site owner:

**The project sites are owned by the City of New York and are under the jurisdiction of New York City Department of Small Business Services (DSBS) (North Site); New York City Department of Transportation (NYCDOT), the Department of Citywide Administrative Services (DCAS), the Metropolitan Transportation Authority (MTA) and its subsidiary the Staten Island Rapid Transit Operating Authority (SIRTOA), and DSBS (South Site).**

### B. PROPOSED ACTIVITY

1. Brief description of activity:

**The proposed project would result in the development of two waterfront sites (the North Site and South Site) located in northern Staten Island's St. George neighborhood. The proposed project includes on the North Site a building with various retail and commercial uses (Wheel Terminal Building), a 625-foot-tall Observation Wheel, and public and accessory parking, and on the South Site a terraced development including retail, a hotel, a catering facility, other support uses, and public and accessory parking.**

**It is possible that the project sites could be developed with a No Catering Facility Scenario. This scenario includes the same program on the North Site as the proposed project. On the South Site, this scenario removes the catering facility and some back of house space. This space would be replaced with the same amount of retail space. The total square footage of this scenario is equal to the square footage of the proposed project.**

**There is also the potential for a waterborne transit landing site adjacent to the two waterfront sites to provide additional transit service for visitors.**

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2. Purpose of activity:

The overall objective of the proposed project is to convert large surface parking lots located on prime waterfront property into a vibrant mixed-use area that capitalizes on existing transportation infrastructure, showcases views of the Manhattan skyline and New York Harbor, and supports the planning goals for St. George and Staten Island, while retaining the function of both sites as serving the commuter needs of the residents of Staten Island who depend on public parking in the vicinity of the Ferry Terminal in addition to the Stadium's parking needs. Proposed development goals include:

- **Bolster economic development:** The proposed project is intended to complement and bolster economic growth in St. George, Staten Island, and New York City by providing new job opportunities for local residents, attracting visitors from throughout the metropolitan region, and complementing existing economic uses including the Richmond County Bank Stadium (Stadium), Staten Island Ferry St. George Terminal (Ferry Terminal), and existing businesses in St. George.
- **Create a New York City icon:** The proposed Observation Wheel, situated in a prime viewing location, would attract visitors from throughout the metropolitan region to St. George. The Observation Wheel has the potential to become a true New York City icon that would not only attract millions of visitors each year but would add a key point of interest to the New York City skyline.
- **Enhance the "sense of place":** The proposed project would help to revive the civic hub of the St. George neighborhood and provide Staten Island with an enhanced sense of place. It would also enhance the area as an attractive gateway to Staten Island, and would provide momentum for further development on nearby sites.
- **Improve circulation:** The proposed project includes plans to improve pedestrian and vehicular circulation on and around the project sites. The proposed project would also provide additional upland connections to Richmond Terrace and to the St. George civic center.
- **Increase waterfront utilization:** The proposed project would draw residents, workers, and visitors to the waterfront and enrich the existing North Shore Waterfront Esplanade.
- **Incorporate sustainability:** Transit-oriented development and the integration of sustainability principles in building and site design. The proposed project would use sustainable construction methods when possible in design and construction.
- **Improve resiliency:** The proposed project would also be designed and engineered for storm resilience.

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3. Location of activity:

Borough:

The North Site is generally bounded by Bank Street to the north and northeast, the Stadium to the southeast, the retaining wall at Richmond Terrace (including a RROW at the base of the retaining wall) to the south, and the boundary that Nicholas Street would form if it continued through across Richmond Terrace to the west.

The South Site is generally bounded by Bank Street to the north and northeast; the Ferry Terminal and related uses to the east and southeast; the RROW and Richmond Terrace to the south and southwest; and the Wall Street ramp to the west and northwest.

**Borough: Staten Island**

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Street Address or Site Description:

**North Site: Block 2, Part of Lot 20; South Site: Block 2, Part of Lots 1, 5, 10 & 20**

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**Proposed Activity Cont'd**

4. If a federal or state permit or license was issued or is required for the proposed activity, identify the permit type(s), the authorizing agency and provide the application or permit number(s), if known:
- **New York State Department of Environmental Conservation (NYSDEC) consent for disturbance of soil beneath the cap for areas subject to VCA as per the March 2006 Operation, Maintenance and Monitoring Plan, which set out the requirements for maintaining the site cap and building methane venting systems as well as health and safety requirements and approval of corrective measures, work plan, and site management plan**
  - **NYSDEC approval to amend deed restriction.**
  - **NYSDEC Article 25 of the Environmental Conservation Law (ECL) Tidal Wetlands Permit:**
    - **Authorization to subdivide waterfront lots;**
    - **Authorization for development within the Adjacent Area; and**
    - **Authorization for reconstruction of outfalls.**
  - **NYSDEC: SPDES General Permit for Stormwater Discharges from Construction Activity.**
  - **U.S. Army Corps of Engineers (USACE): Permits under Section 10 of the Rivers and Harbors Act, Section 404 Clean Water Act, Nationwide Permit #7: Outfalls, possible Nationwide Permit #10: Moorings Buoys**
  - **U.S. Coast Guard (USCG): possible Request for Marine Activity Approval**
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5. Is federal or state funding being used to finance the project? If so, please identify the funding source(s).  
**Projects may also utilize city and state economic development grants and incentives as evaluated through the Consolidated Funding Application process.**
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6. Will the proposed project result in any large physical change to a site within the coastal area that will require the preparation of an environmental impact statement? **Yes** **No**  
If yes, identify Lead Agency: **X**   
**Department of Small Business Services**
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7. Identify **City** discretionary actions, such as **zoning amendment or adoption of an urban renewal plan**, required for the proposed project.

## Zoning Map Amendment

Sectional Map 21c would be amended to show the extension of the Special St. George District (“SG”) to the shoreline to include the Ferry Terminal, the South Site, the Stadium and the North Site.

## Zoning Text Amendment to add a North Waterfront Subdistrict to the Special St. George District

The Special St. George District text would be modified to add a new North Waterfront Subdistrict that would include the North and South Sites, the Ferry Terminal and the Stadium Sites. The proposed new maps of the Special District including the proposed Subdistrict are shown in Figure 1-21. The proposed text amendment can be found in Appendix A. The Subdistrict text would provide new special permit provisions that would enable the proposed projects on the North and South Sites to be developed. The proposed text would:

- Establish visual corridors specific to the Subdistrict;
- Provide maps governing development within the Subdistrict; and
- Establish a special permit applicable to the Subdistrict that will govern development within the Subdistrict by modifying the existing Stadium special permits in the Subdistrict, establishing use regulations, including signs, transparency, and parking, as well as bulk provisions permitting the distribution of floor area within the North Waterfront Subdistrict without regard for zoning lot lines, establishing yard requirements, permitting development located partially or entirely within a railroad or transit right-of-way or in railroad or transit air space.

## North Site

- Site disposition via a long term lease pursuant to Section 1301(2)(g) of the New York City Charter
- Disposition of property rights as needed including the possible transfer or conveyance of development rights to construct a deck and roadway over the RROW
- A special permit pursuant to proposed zoning section 128-61 that will permit development of the North Site pursuant to the applicable provisions of the new special permit text and modify the previous special permits granted for the Stadium. This special permit would establish appropriate bulk and height and setback requirements, parking regulations, signage regulations, transparency regulations, yard regulations, planting area regulations and allow development to be located partially or entirely within a railroad or transit right-of-way or yard.

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## South Site

- Site disposition via a long term lease pursuant to Section 1301(2)(g) of the New York City Charter
- Disposition of property rights as needed including the possible transfer or conveyance of development rights over the RROW
- A special permit pursuant to proposed zoning section 128-61 that will permit development of the South Site pursuant to the applicable provisions of the new special permit text and modify the previous special permits granted for the Stadium. This special permit would permit the distribution of floor area within the North Waterfront Subdistrict without regard for zoning lot lines and would establish appropriate bulk and height and setback requirements, yard requirements, parking regulations, signage regulations, transparency regulations, planting area regulations and allow development to be located partially or entirely within a railroad or transit right-of-way or yard.

## C. COASTAL ASSESSMENT

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

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

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

**Policy Questions:**

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

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

		<b>Yes</b>	<b>No</b>
4.	Will the proposed project result in revitalization or redevelopment of a deteriorated or under- used waterfront site? (1)	<u>X</u>	<u>      </u>
5.	Is the project site appropriate for residential or commercial redevelopment? (1.1)	<u>X</u>	<u>      </u>
6.	Will the action result in a change in scale or character of a neighborhood? (1.2)	<u>X</u>	<u>      </u>
7.	Will the proposed activity require provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (1.3)	<u>      </u>	<u>X</u>
8.	Is the action located in one of the designated Significant Maritime and Industrial Areas (SMIA): South Bronx, Newtown Creek, Brooklyn Navy Yard, Red Hook, Sunset Park, or Staten Island? (2)	<u>      </u>	<u>X</u>
9.	Are there any waterfront structures, such as piers, docks, bulkheads or wharves, located on the project sites? (2)	<u>      </u>	<u>X</u>
10.	Would the action involve the siting or construction of a facility essential to the generation or transmission of energy, or a natural gas facility, or would it develop new energy resources? (2.1)	<u>      </u>	<u>X</u>
11.	Does the action involve the siting of a working waterfront use outside of a SMIA? (2.2)	<u>      </u>	<u>X</u>
12.	Does the proposed project involve infrastructure improvement, such as construction or repair of piers, docks, or bulkheads? (2.3, 3.2)	<u>X</u>	<u>      </u>
13.	Would the action involve mining, dredging, or dredge disposal, or placement of dredged or fill materials in coastal waters? (2.3, 3.1, 4, 5.3, 6.3)	<u>      </u>	<u>X</u>
14.	Would the action be located in a commercial or recreational boating center, such as City Island, Sheepshead Bay or Great Kills or an area devoted to water-dependent transportation? (3)	<u>X</u>	<u>      </u>
15.	Would the proposed project have an adverse effect upon the land or water uses within a commercial or recreation boating center or water-dependent transportation center? (3.1)	<u>      </u>	<u>X</u>
16.	Would the proposed project create any conflicts between commercial and recreational boating? (3.2)	<u>      </u>	<u>X</u>
17.	Does the proposed project involve any boating activity that would have an impact on the aquatic environment or surrounding land and water uses? (3.3)	<u>      </u>	<u>X</u>
18.	Is the action located in one of the designated Special Natural Waterfront Areas (SNWA): Long Island Sound-East River, Jamaica Bay, or Northwest Staten Island? (4 and 9.2)	<u>      </u>	<u>X</u>
19.	Is the project site in or adjacent to a Significant Coastal Fish and Wildlife Habitats? (4.1)	<u>      </u>	<u>X</u>
20.	Is the site located within or adjacent to a Recognized Ecological Complex: South Shore of Staten Island or Riverdale Natural Area District? (4.1 and 9.2)	<u>      </u>	<u>X</u>
21.	Would the action involve any activity in or near a tidal or freshwater wetland? (4.2)	<u>X</u>	<u>      </u>
22.	Does the project site contain a rare ecological community or would the proposed project affect a vulnerable plant, fish, or wildlife species? (4.3)	<u>      </u>	<u>X</u>
23.	Would the action have any effects on commercial or recreational use of fish resources? (4.4)	<u>      </u>	<u>X</u>
24.	Would the proposed project in any way affect the water quality classification of nearby waters or be unable to be consistent with that classification? (5)	<u>      </u>	<u>X</u>
25.	Would the action result in any direct or indirect discharges, including toxins, hazardous substances, or other pollutants, effluent, or waste, into any waterbody? (5.1)	<u>      </u>	<u>X</u>
26.	Would the action result in the draining of stormwater runoff or sewer overflows into coastal waters? (5.1)	<u>X</u>	<u>      </u>
27.	Will any activity associated with the project generate nonpoint source pollution? (5.2)	<u>      </u>	<u>X</u>

**Policy Questions cont'd:**

	<b>Yes</b>	<b>No</b>
28. Would the action cause violations of the National or State air quality standards? (5.2)	_____	<b>X</b>
29. Would the action result in significant amounts of acid rain precursors (nitrates and sulfates)? (5.2C)	_____	<b>X</b>
30. Will the project involve the excavation or placing of fill in or near navigable waters, marshes, estuaries, tidal marshes or other wetlands? (5.3)	_____	<b>X</b>
31. Would the proposed action have any effects on surface or ground water supplies? (5.4)	_____	<b>X</b>
32. Would the action result in any activities within a Federally designated flood hazard area or State designated erosion hazards area? (6)	<b>X</b>	_____
33. Would the action result in any construction activities that would lead to erosion? (6)	_____	<b>X</b>
34. Would the action involve construction or reconstruction of flood or erosion control structure? (6.1)	_____	<b>X</b>
35. Would the action involve any new or increased activity on or near any beach, dune, barrier island, or bluff? (6.1)	_____	<b>X</b>
36. Does the proposed project involve use of public funds for flood prevention or erosion control? (6.2)	_____	<b>X</b>
37. Would the proposed project affect a non-renewable source of sand? (6.3)	_____	<b>X</b>
38. Would the action result in shipping, handling, or storing of solid wastes; hazardous materials, or other pollutants? (7)	_____	<b>X</b>
39. Would the action affect any sites that have been used as landfills? (7.1)	_____	<b>X</b>
40. Would the action result in development of a site that may contain contamination or has a history of underground fuel tanks, oil spills, or other form or petroleum product use or storage? (7.2)	<b>X</b>	_____
41. Will the proposed activity result in any transport, storage, treatment, or disposal of solid wastes or hazardous materials, or the siting of a solid or hazardous waste facility? (7.3)	_____	<b>X</b>
42. Would the action result in a reduction of existing or required access to or along coastal waters, public access areas, or public parks or open spaces? (8)	_____	<b>X</b>
43. Will the proposed project affect or be located in, on, or adjacent to any federal, state, or city park or other land in public ownership protected for open space preservation? (8)	<b>X</b>	_____
44. Would the action result in the provision of open space without the provision for its maintenance? (8.1)	_____	<b>X</b>
45. Would the action result in any development along the shoreline but NOT include new water enhanced or water dependent recreational space? (8.2)	_____	<b>X</b>
46. Will the proposed project impede visual access to coastal lands, waters and open space? (8.3)	_____	<b>X</b>
47. Does the proposed project involve publically owned or acquired land that could accommodate waterfront open space or recreation? (8.4)	_____	<b>X</b>
48. Does the project site involve lands or waters held in public trust by the state or city? (8.5)	<b>X</b>	_____
49. Would the action affect natural or built resources that contribute to the scenic quality of a coastal area? (9)	<b>X</b>	_____
50. Does the site currently include elements that degrade the area's scenic quality or block views to the water? (9.1)	<b>X</b>	_____
51. Would the proposed action have a significant adverse impact on historic, archeological, or cultural resources? (10)	_____	<b>X</b>
52. Will the proposed activity affect or be located in, on, or adjacent to an historic resource listed on the National or State Register of Historic Places, or designated as a landmark by the City of New York? (10)	<b>X</b>	_____

**D. CERTIFICATION**

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

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

Applicant/Agent Name: Peter Liebowitz, AKRF, Inc.

Address: 440 Park Avenue South, New York, NY 10016

Telephone: 646-388-9747

Applicant/Agent Signature: \_\_\_\_\_ Date: 8/28/13

