NEW YORK STATE OF OPPORTUNITY. | Roosevelt Island Operating Corporation

ANDREW M. CUOMO
Governor

Agenda Item V, 3. October 20, 2016

PROPOSED RESOLUTION

AUTHORIZATION TO ENTER INTO A LICENSE AGREEMENT WITH THE NEW YORK CITY ECONOMIC DEVELOPMENT CORPORATION, MAKE ENVIRONMENTAL FINDINGS, OVERRIDE PORTIONS OF THE NEW YORK CITY ZONING RESOLUTION AND TAKE RELATED ACTIONS FOR THE "CITYWIDE FERRY SERVICE PROJECT"

WHEREAS, the Roosevelt Island Operating Corporation (the "Corporation") desires to (1) facilitate the creation of a new ferry stop on Roosevelt Island ("Island Project Site") as part of the Citywide Ferry Service Project ("Project"); (2) the New York City Economic Development Corporation ("EDC") has selected an operator for the Project throughout the City—Hornblower New York Inc.; (3) the City (acting through its deputy mayor and EDC) served as lead agency for the environmental review and adopted the Final Environmental Impact Statement on July 28, 2016; (4) the Corporation served as an involved agency in that environmental review; (5) EDC desires to launch phase 1 of the Project, including the Island Project Site, by summer 2017; (6) EDC intends to construct and pay for the improvements to the Island Project Site that are needed to establish ferry service; and (7) the Corporation therefore seeks the Board's authorization to take the actions necessary to facilitate the Project including authorization to enter into a license agreement or memorandum of understanding ("MOU") with EDC, making environmental findings, override local zoning restrictions and take other actions necessary for the Project.

IT IS HEREBY RESOLVED, by the Board of Directors of the Corporation as follows:

1. That on the basis of the materials presented to the Directors at this meeting, a copy of which is hereby ordered to be filed with the records of the Corporation (the "Materials"), the Corporation hereby makes and adopts the SEQRA Findings Statement (with its exhibits and related findings as set forth therein) and overrides portions of the New York City Zoning Resolution as necessary for the Project, substantially on the terms and conditions set forth in the Materials;
2. That in addition to the commitments set forth in the SEQRA Findings Statement, the MOU between RIOC and EDC will set forth the rights and obligations of the parties regarding the Island Project Site including EDC's obligation to carry out site improvements to facilitate the Project;
3. That on the basis of the Materials, the Corporation is hereby authorized to enter into the MOU and other agreements with EDC to facilitate the Project;
4. That the Acting President/Chief Executive Officer or her designee(s) be, and each of them hereby is, authorized in the name and on behalf of the Corporation to execute and deliver, and affix the seal of the Corporation to, all such agreements and contracts necessary or proper to create the Island Project Site;
5. That the Acting President/Chief Executive Officer or her designee(s) be, and each of them hereby is, authorized in the name and on behalf of the Corporation to take all such actions as are necessary to implement the transaction set forth in the Materials; and
6. That this resolution shall take effect immediately.

NEW YORK STATE OF OPPORTUNITY. | Roosevelt Island Operating Corporation

ANDREW M. CUOMO
Governor

MEMO

TO: Board of Directors

FROM: Susan G. Rosenthal

DATE: October 14, 2016

RE: Citywide Ferry Service Project (the "Project")

This memorandum describes the actions that the Corporation's Board of Directors will be asked to take on October 20, 2016 to facilitate the creation of a ferry stop ("Island Project Site") as part of New York City's new Citywide Ferry Service Project ("Project").

REQUEST FOR:

(1) Approval of environmental findings under the State Environmental Quality Review Act ("SEQRA") and related laws;

(2) Override of certain sections of the New York City Zoning Resolution; and

(3) Authorization to enter into a license agreement or memorandum of understanding ("MOU") between the Corporation and New York City Economic Development Corporation ("EDC") to allow EDC to construction a new ferry landing on the Island and issue its own approvals or licenses to a ferry service operator to serve that landing.

BACKGROUND

EDC and the City already operate an existing East River ferry service for various locations in New York City. The Project is intended to expand that service to include 21 locations including the Island Project Site. Phase one, which will include Roosevelt Island, will launch in summer 2017. Phase two will launch in early 2018. If RIOC's board approves the Project, RIOC would issue a license to EDC through an MOU that includes the terms attached hereto.

Prior to authorizing the MOU, the Corporation is required to comply with SEQRA and other laws. Under SEQRA, all state and local agencies must evaluate the potential environmental impacts of a project prior to issuing substantive approvals for it. New York City selected the Office of the Deputy Mayor for Housing and Economic Development to act as lead agency to meet the City's obligations under SEQRA. Working with EDC the deputy mayor's office adopted a final environmental impact statement ("FEIS") on July 28, 2016 and issued findings based on the FEIS on August 19, 2016. The FEIS is available in the offices of the Corporation or by visiting http://www.nycedc.com/project/citywide-ferry-service and should be reviewed by each member of the Board prior to acting under SEQRA.

As an involved agency, prior to authorizing the Corporation to act on the Project and proposed MOU, RIOC must adopt its own SEQRA findings as set forth in the attached finding statement. Related findings under the State Historic Preservation Act, Smart Growth Public Infrastructure Policy Act and Coastal Zone Management Act are also addressed in the findings statement.

Finally, the Island Project Site is not consistent with the New York City Zoning Resolution in that ferry stops in residential zoning districts generally require a Special Permit from the City Planning Commission. Pursuant to its enabling legislation, the Corporation is empowered to override the Zoning Resolution as its finds necessary. The attached zoning override memorandum sets forth the basis for this override and why seeking a special permit from the City for the Project is neither feasible nor prudent.

RECOMMENDATION

Based on the foregoing, the approval of the Board is recommended.

ATTACHMENTS

SEQRA Findings Statement with Exhibits include MOU terms and Zoning Override Memorandum

FINDINGS STATEMENT
STATE ENVIRONMENTAL QUALITY REVIEW ACT

RIOC has prepared this Findings Statement in accordance with Article 8 of the Environmental Conservation Law, the State Environmental Quality Review Act ("**SEQRA**") and its implementing regulations at 6 NYCRR Part 617.

Involved Agency: Roosevelt Island Operating Corporation ("**RIOC**")

Lead Agency: Office of the Deputy Mayor for Housing and Economic Development ("ODMHED")

Project Sponsor: New York City Economic Development Corporation ("EDC")

Address: 591 Main Street
Roosevelt Island, New York, 10044

Name of Action: Citywide Ferry Service, including new ferry stop on Roosevelt Island ("**Project**")

SEQRA Classification: Type 1 Action

Description of Action: New York City leases Roosevelt Island to RIOC through a 1969 master lease agreement ("**Master Lease**") that expires in 2068. The City has identified a ferry stop on Roosevelt Island directly to the north of the Queensborough Bridge on East Main Street ("**Island Project Site**"). This Findings Statement includes RIOC's findings for the Project, including how the Project relates to the Island Project Site.

An existing East River Ferry already services several locations in New York City. The Project is intended to expand and upgrade that service. The City proposes to create a new ferry landing at the Island Project Site and other locations in New York City.

If RIOC's board approves the Project, RIOC would issue a License to EDC (addressing the terms set forth in **Exhibit A**) to build and operate the ferry landing at the Island Project Site for the benefit of Roosevelt Island residents and City residents as a whole. RIOC is not involved in any of the other locations proposed for ferry service as part of the Project.

The Office of the Deputy Mayor for Housing and Economic Development acted as lead agency under SEQRA and the City Environmental Quality Review regulations, which implement SEQRA in New York City. On August 19, 2016, it adopted a findings statement and approved the Project. As an involved agency, prior to voting on the proposed license with EDC, RIOC must adopt its own SEQRA findings as set forth in this document. Related findings under the State Historic Preservation Act, Smart Growth Public Infrastructure Policy Act and Coastal Zone Management Act are also addressed.

Location: The FEIS identifies two possible locations on East Main Street for the Island Project Site—4a at the former oil dock north of the Queensborough Bridge and 4b—to the south of the Queensborough Bridge. A technical memorandum dated October 11, 2016 identifies a third site, 4c, which is north of the former oil dock and that is the preferred location for the Island Project Site. **See Exhibit B**. There are up to 21 other locations in New York City (**See Exhibit C, Table and Map of Locations**.)[1]

EDC intends to fund and carry out a series of improvements to Site 4c including (i) landscaping improvements as set forth in exhibit B-2 to the proposed license agreement and (ii) sidewalk and roadway access improvements between the sidewalk entrance into the Landing and the sidewalk entrance into Sports Park.

EDC and RIOC will further develop these plans prior to the initiation of service in mid-2017.

Date FEIS Filed: July 28, 2016.

I. INTRODUCTION

This Findings Statement for the Project provides RIOC's rationale for its decision on the Project, drawing upon information in the Final Environmental Impact Statement ("**FEIS**") prepared at the direction of the Office of the Deputy Mayor as the SEQRA lead agency, as well as related documents and public comments received on the Project, including the Draft Environmental Impact Statement ("**DEIS**") dated April 18, 2016, and the technical memorandum dated October 11, 2016.

This Findings Statement also certifies that the City as lead agency, has met the applicable requirements of 6 NYCRR Part 617 in reviewing the Project, including but not limited to:

- Establishing the City as the lead agency on July 1, 2015;
- Preparing a Draft Scope of Work for the Draft Environmental Impact Statement for public review and comment on August 12, 2015;
- Holding public meetings on the Draft Scope of Work (September 16, 17, 21, and 28) and receiving written comments on the Draft Scope of Work until October 8, 2015;
- Preparing a Final Scope of Work for the Draft Environmental Impact Statement on April 18, 2016;
- Causing the preparation of the DEIS by the project sponsor, EDC;
- Conditionally designating Hornblower Inc. to operate Citywide Ferry Service on March 16, 2016;

[1] Table is Table S-1 from FEIS.

- Accepting the DEIS for public review and comment (issued April 18, 2016);
- Holding public hearings on the DEIS (held May 19, 23, 24 and 25, 2016);
- Receiving public comments on the DEIS within the prescribed period after the close of the public hearings (deadline for comments of June 6, 2016);
- Causing the preparation of the FEIS;
- Accepting the FEIS and filing a Notice of Completion on July 28, 2016; and
- Adopting SEQRA findings statement August 19, 2016.[2]
- Filing a technical memorandum dated October 11, 2016 that analyzes the potential impacts of a modified Island Project Site.

The FEIS and its supporting documents, listed above, are incorporated by reference into this Findings Statement. The FEIS is on file at the RIOC offices at 591 Main Street, Roosevelt Island, New York. It can also be obtained online at the website of the Mayor's Office of Environmental Coordination.

A. Project Purpose and Need

The Project addresses several important City goals. It would expand low-cost commuting options to residential neighborhoods, particularly isolated ones. It would support ongoing redevelopment of underutilized waterfront areas. It would provide recreational and tourist access to city parks, including those on Roosevelt Island. Finally, it provides a transportation method that is resilient to climate change and storms, which can disrupt subway and bus service.

B. Description of the Project Site

There are numerous locations for new or improved ferry service as depicted in Exhibit A. Overall, the Project will include 21 landings including –10 new landings, five upgraded landings and six existing landings. The Island Project Site is on East Main Street just north of the Queensborough Bridge and accessible by the existing public esplanade and walkways that run along the east side of East Main Street and the waterfront.

C. Description of the Project

For most sites, the Project would involve installation of a 35' by 90' floating barge connected to shore by one or two gangways. The barge will house most operations including queuing, ticketing and information. Landings would be accessible to disabled persons. Locations may need to be adjusted as site conditions are determined. On Roosevelt Island, the ferry stop would be consistent with the description above. Fueling and maintenance would take place only at

[2] In addition to complying with SEQRA, New York City agencies follow their own regulations and procedures for environmental review. These are set forth in New York City Executive Order No. 91; Title 62, Chapter 5 of the Rules of the City of New York.

a City-owned site, likely in the Brooklyn Navy Yard. Ferries will operate seven days per week from early morning (about 6:30 a.m.) until late evening (10 p.m.).

D. Summary of Discretionary Approvals and Involved and Interested Agencies

Development and operation of the Project will require certain discretionary state and local regulatory agency notifications, actions, permits and approvals.

New York City

The City, acting through the Office of the Deputy Mayor for Housing and Economic Development, made findings as lead agency under SEQRA and the City Environmental Quality Review regulations. The City is thus empowered to approve (or authorize EDC to approve) agreements for site control, authorize funding and other actions necessary to facilitate the Project. The City may issue overrides of the Zoning Resolution for some locations where zoning does not permit ferry stops or poses an undue challenge to implementing ferry service.

Roosevelt Island Operating Corporation[3]

As an involved agency, SEQRA requires RIOC to issue findings based on the City's FEIS. RIOC must also issue related findings under the State Historic Preservation Act, Coastal Zone Management Act and Smart Growth Public Infrastructure and Policy Act, which are incorporated into these findings. After making its findings, RIOC will be empowered to (1) vote on a proposed license agreement with EDC that will govern construction and maintenance of the ferry stop at the Island Project Site and (2) vote on several overrides of the New York City Zoning Resolution.

New York State Department of Environmental Conservation ("DEC") and other Agencies

EDC or the operator will need approvals from the DEC, U.S. Army Corps of Engineers[4] and N.Y.S. Department of State under the NYS Tidal Wetlands Act, U.S. Clean Water Act and Coastal Zone Management Act (respectively).

E. Project Schedule

The City expects to carry out the Project in phases. Construction and opening of ferry stops will proceed on a rolling basis beginning in August 2016 and ending in July 2018. Phase 1 will being to operate in the summer of 2017 and will include the Island Project Site. Phase 2 will include other stops and will begin to operate in 2018.

II. Alternatives Considered

In addition to the Project, the City also considered alternatives to the Project that were described, analyzed and assessed in the DEIS and FEIS.[5]

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[3] The NYS Office of Parks Recreation and Historic Preservation will issue its own approvals for a proposed ferry stop in Gantry Plaza State Park in Queens.

[4] The Coast Guard consults with the U.S. Army Corps of Engineers on site selection and design.

[5] The FEIS considered alternative locations in the Brooklyn Army Terminal and the Brooklyn Navy Yard, which are not relevant to RIOC's review but are addressed in the FEIS (S-27).

A. "No-Action" Alternative

As required by SEQRA, the FEIS analyzes a no-action alternative. The No-Action Alternative assumes that the Project would not be undertaken. Specifically, the FEIS states:

> [F]ive proposed new ferry routes would not be implemented. The ten proposed new landings would not be constructed and the landing sites would remain in their current condition. No changes would be made to the three existing ferry landings and two existing ferry terminals, which would also remain in their current condition.[6]

The No Action Alternative would avoid any significant adverse impacts related to traffic, pedestrians, air quality, and noise associated with the proposed project, but it would provide none of the benefits of Citywide Ferry Service.

B. No Unmitigated Significant Adverse Impact Alternative

The FEIS concludes that the Project cannot be redesigned to avoid all significant adverse impacts, but it does consider some changes to the Project that could eliminate or reduce some impacts. Locating landings further in the water would reduce air and noise impacts but would create engineering and maritime safety concerns. Reduced frequency of service could reduce traffic, pedestrian, air quality and noise impacts but would undermine the financial viability of Citywide Ferry Service. Finally, electric and hybrid engines would substantially reduce air and noise impacts but are still in the experimental stage and are not available for purchase or operation in the US.

III. Environmental Impacts of the Project

RIOC has considered the potential environmental impacts and benefits resulting from the Project, as set forth in the FEIS and below.

A. Land Use, Public Policy and Zoning

RIOC finds that the Project will not result in any significant adverse impacts to land use, zoning or public policy. On the Island, the Project would further the long-standing goal in the General Development Plan of bringing ferry service to the Island and reducing automobile use. It would promote the goals of New York State's Smart Growth and Public Infrastructure and Policy Act, which encourages state agencies to promote walkability and public transportation, among other goals (See analysis, **Exhibit D**). The Project is also consistent with the City's quality of life and environmental goals set forth in PlaNYC, OneNYC and the Waterfront Revitalization Program.

The ferry landing is not consistent with the R7-2 zoning applied to the site by the New York City Zoning Resolution, which requires a special permit for ferry landings in residential zones, does not permit ferries above a certain size and requires parking. This zoning is not consistent with the character of the Island as called for in the General Development Plan, which discourages vehicle use and parking, encourages public transportation and calls for ferry service to

[6] FEIS S-27.

the Island. Moreover, there are no residential uses in the immediate vicinity of the Island Project Site. A memorandum analyzing the basis for RIOC's override of the zoning is attached as **Exhibit E**.

B. Socioeconomic Conditions

The Project will not result in any significant socioeconomic impacts as it will not displace or introduce any residences or businesses. Rather, it would foster positive change by improving economic activity in communities served by ferries.

C. Community Facilities

The Project would not introduce new residences or businesses and therefore would not introduce new demands on libraries, schools or other community facilities. There are no adverse impacts in this category.

D. Open Space

The Project would not displace any open space uses on the Island and generally would not have a significant adverse impact on open space. It would, however, create air quality impacts as discussed below under Air Quality.[7]

E. Shadows

The Project would not involve any new structures of significant height and no significant adverse impacts in this category would occur.

F. Historic and Cultural Resources

The Project will not have any significant adverse effects on archeological resources or architectural resources. If requested by the New York City Landmarks Preservation Commission, the City would develop a construction protection plan for the Queensborough Bridge and other landmark structures at other landing sites, which would address vibration from drilling piles and other construction activities.

In addition to the required review under SEQRA, RIOC has notified the State Historic Preservation Office about the Project and the Island Project Site under the State Historic Preservation Act. SHPO has submitted a concurrence that the Project would have no adverse effects on historic resources. **See Exhibit F**.

G. Urban Design and Visual Resources

The Project will not have any significant adverse impacts on Urban Design or Visual Resources. No significant structures are proposed for the Island, other than gangways and the barge.

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[7] The Project would also cause exceedances of noise standards at open spaces at other landing locations, which cannot be mitigated but would be very temporary.

H. Natural Resources

The Project would not have significant adverse impacts on Natural Resources. Pile driving would disturb sediments but the duration of construction would be very limited. Operation will include barges that shade the littoral zone, but the area shaded is very small. Finally, arrival and departure of ferries would stir up little sediment because of the distance between the ferries and the river bottom.

The City also assessed the Project under its Waterfront Revitalization Program, which considers impacts on the City's goals or protection and re-use of the waterfront. Appendix to the FEIS contains that assessment and concludes that Citywide Ferry Service is consistent with the Program, which the State and City adopted to satisfy requirements of the federal Coastal Zone Management Act.

I. Hazardous Materials

The Project is not expected to have any significant adverse impacts with regard to hazardous materials. EDC commissioned Phase I and Phase II environmental site assessments in June 2016. The Phase I indicated a likelihood of contamination around the former oil dock due to its history of use for loading and unloading oil and perhaps other steam plant materials. The Phase II, which includes soil testing, did not find significant contamination other than contaminants associates with typical urban fill. Moreover, the work at the Island Project Site will not include deep excavation, foundations or new structures. As a protection measure, the contractor will implement a construction health and safety plan ("CHASP") for all project sites.[8]

J. Water and Sewer Infrastructure

Not applicable.

K. Solid Waste

Not applicable.

L. Energy

Not applicable.

M. Transportation[9]

The City commissioned a study of ridership by traffic consultant Philip Habib and Associates.[10] It concludes that 54 persons would use the Island Project Site during a typical peak hour. Fewer than 10%, however, would arrive by automobile or taxi. No parking or vehicle queuing locations are provided as part of the Project. There are therefore no significant adverse transportation impacts on the Island.

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[8] Details of the CHASP are outlined on p. 12-26 of the FEIS.

[9] The FEIS predicts some significant adverse traffic impacts at Pier 11 in Lower Manhattan where pick-up and drop-off could cause vehicle delays. FEIS S-16. The FEIS also predicts some pedestrian impacts due to inadequate crosswalk capacity. Both impacts can be mitigated.

[10] FEIS, Appendix B.

N. Air Quality

Ferry service could cause significant adverse impacts to air quality at some existing and new locations, including the Island Project Site. Ferry exhaust would cause very temporary exceedances of National Ambient Air Quality Standards for nitrogen dioxide on the upland and open space areas.[11] These impacts cannot be fully mitigated given the ferry technology that exists at this time.

O. Greenhouse Gas Emissions and Climate Change

Although ferry operation would produce some added mobile emissions, it would further the City's long-term goals of improving mass transit and reducing automobile use. Ferry stops would be designed to be resilient to storm surges and would expand the City's ability to continue functioning during storm events. There are no significant adverse impacts in the category of greenhouse gas emissions and climate change.

P. Noise

During ferry arrivals and departures, noise levels would exceed the 55 decibel threshold recommended for open spaces in the CEQR Technical Manual. But at the Island Project Site, the background noise levels are already at an average of 67 decibels and the Project would increase them by about 2 decibels. There are therefore no significant adverse impacts in the noise category. Other ferry stops would experience more significant increases and the FEIS therefore predicts significant adverse impacts at those locations, which cannot be mitigated.

Q. Public Health

While the FEIS predicts significant adverse impacts for air and noise at some city locations, the FEIS does not identify a significant adverse impact on public health. Air and noise impacts would be temporary on open space and ferry users.

R. Neighborhood Character

The Project would have a positive impact on neighborhood character on Roosevelt Island, improving the landing area and added a public transportation option.

S. Construction

Construction would not result in any significant adverse impacts. The lack of such impacts is due in large part to the short construction duration—about two months. Ferry landing equipment would be brought to the sites by barge. And road or sidewalk closures would be very temporary. See the section above regarding hazardous materials.

T. Cumulative Impacts

There are no significant, cumulative impacts with other ongoing or planned projects.

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[11] Specifically, ferry service would cause the one-hour average concentration of nitrogen dioxide to exceed federal standards. In addition to the Island Project Site, similar impacts would occur at other locations and similarly cannot be mitigated.

U. U.S. Coastal Zone Management Act

RIOC and the City review the Project's impact on the coastal zone through the review process set forth in the City's Waterfront Revitalization Program. Appendix A to the FEIS includes the assessment form, which concludes that the Project would promote and not hinder numerous waterfront goals including enhancing transportation and restoring waterfront sites.

V. Mitigation[12]

The FEIS predicts significant adverse air impacts to occur immediately around the Island Project Site and other sites when ferries are arriving and departing. Current ferry technologies do not exist to fully address these impacts although the FEIS outlines a series of measures that would help like new types of engines (natural gas or electric) and emission control retrofits. The City pledges to continue to explore these technologies.

IV. Site 4c

In summer 2016, the Metropolitan Transportation Authority ("MTA") raised concerns about the location of the Island Project Site 4a, which would place the floating barge over the N/R subway tunnels that are buried under the river bed. The Project requires pile driving, which requires careful consultation with the MTA about pile location and vibrations. The City therefore assessed the feasibility of a project location shifted to the north of the former oil dock (site 4c), which would eliminate the need for such careful coordination with MTA. The City prepared a technical memorandum analyzing the impacts of this modified Island Project Site, which is attached as **Exhibit G**. The memorandum concludes that Site 4c would not have any new or different impacts than those already analyzed in the FEIS.

CERTIFICATION OF FINDINGS TO APPROVE

RIOC has considered the relevant environmental impacts, facts and conclusions disclosed in the FEIS and has weighed and balanced relevant environmental impacts with social, economic and other considerations.

Having considered the DEIS, FEIS, and technical memorandum and the above written facts and conclusions relied upon to meet the requirements of 6 NYCRR § 617.11, RIOC certifies that (1) the requirements of 6 NYCRR Part 617 have been met; and (2) consistent with social, economic, and other essential considerations from among the reasonable alternatives available, the Project is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.

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[12] In addition to air (discussed above), the FEIS predicts some significant adverse impacts on traffic and pedestrians at Pier 11, which can be mitigated. FEIS pp. 13-2, 13-5. At other landing sites, noise impacts would also occur temporarily during arrival and departure of ferries. These impacts cannot be mitigated at this time. Neither traffic nor noise impacts are relevant to the Island Project Site.

The above Findings Statement was approved and adopted by the RIOC Board of Directors on October 20, 2016.

Susan Rosenthal	**Date**
President	

Additional information can be obtained by calling RIOC at 212-832-4540 or writing to the RIOC, 591 Main Street, Roosevelt Island, New York, 10044, Attention: Citywide Ferry Service Project.

Exhibits

A. Short summary of Memorandum of Understanding
B. Sites considered for Island Project Site (Sites 4a, 4b and 4c)
C. Project Map and Site List
D. Smart Growth Public Infrastructure and Policy Act Statement
E. Zoning Override Memorandum
F. New York State Historic Preservation Act Section 14.09 Letter
G. Technical Memorandum dated August 30, 2016 regarding Site 4c

Exhibit A
RIOC Findings Statement, Citywide Ferry Service

Terms of MOU

1) Construction and Design of Landing Site.

a) Surveys and Design. EDC will develop designs for the ferry landing ("Landing" or "Landing Site") and upland areas ("Upland" or "Upland Improvements"), which will be subject to RIOC's right of review and approval.

b) Upland Improvements. EDC will be responsible to construct all improvements to the Landing and to the Upland on Roosevelt Island. The Upland Improvements shall include at a minimum (i) landscaping improvements, which includes lighting, walkways, trees, signage and seating; and (ii) sidewalk improvements.

c) Access. EDC will install bike racks adequate to accommodate ferry users. The Landing Site will not have a vehicular pick-up or drop-off zone.

d) Construction. EDC shall be responsible to construct all improvements necessary for the CWFS on Roosevelt Island at its sole cost and expense and on the following terms.

e) As-Is. EDC acknowledges that it accepts the Landing Site "as is."

f) Operating Licenses. EDC will be empowered to issue an operating license to the proposed ferry service operator, which will be responsible for all fees for such service.

2) Use and Maintenance of Landing and Landing Site.

a) Maintenance Obligations:

i) EDC shall have sole responsibility for keeping the Landing in lawful and safe order and condition and EDC shall make all repairs.

ii) RIOC agrees to maintain in lawful and safe order and condition, at its own cost and expense, the Landing Site (excluding the Landing) and access to the Landing Site.

b) Vessels will be permitted to berth overnight at the Landing in the event that EDC determines that such berthing is in the best interest of the CWFS.

3) Security. The Landing shall be operated pursuant to a U.S. Coast Guard-mandated and approved facility security plan administered by EDC.

4) Intentionally omitted.

5) Signage. EDC shall be permitted to place signage related to CWFS on the Landing and the Landing Site; provided however that with respect to signage on the Upland RIOC's prior approval shall be required.

6) **Maintenance Inspections.** EDC shall periodically inspect the Landing Site and shall report on its findings to RIOC.

7) **Return Condition.** Upon termination of the MOU and at RIOC's request, EDC shall, promptly and at its expense, restore the Landing Site and cause the removal of the Landing and other improvements on the Landing Site related to Citywide Ferry Service.

8) **Cooperation.** The Parties shall cooperate as necessary to allow EDC to obtain all permits and other authorizations required to give effect to the intent and purposes of the MOU.

9) **Certain Professional Fees.** EDC will reimburse RIOC for outside counsel, environmental consulting and engineering fees up to $100,000.

10) **MOU Period** . The term of the MOU shall commence upon the date hereof and, unless sooner terminated as provided herein, shall be coterminous with the operation of the CWFS and upon termination of the CWFS all righs of the Parties by virtue of the MOU shall terminate.

11) **Indemnity.** The parties will exchange mutual indemnities for their respective obligations under the MOU.

12) **Insurance**. EDC shall procure or cause the Operator(s) to procure insurance coverage with respect to the use of the Landing Site.

Exhibit B
RIOC Findings Statement, Citywide Ferry Service

Proposed New Landing

Study Area (400-foot boundary)

0 200 FEET

Site 4a/4b/4c
Project Location Map

Exhibit C
RIOC Findings Statement, Citywide Ferry Service

NOTE: This figure has been revised for the FEIS.

Citywide Ferry Service Landings
Figure S-2

CITYWIDE FERRY SERVICE

Table S-1
Proposed New Ferry Routes and Landings

Route	Landings/Terminals
Existing	
East River Ferry	• Pier 11/Wall Street[1] • Brooklyn Bridge Park/Pier 1 • South Williamsburg/Schaefer Landing • North Williamsburg/North 6th Street • Greenpoint/India Street • Long Island City/Hunters Point South • Midtown/East 34th Street[1] • Governors Island (seasonal)
Proposed—Phase 1 (2017)	
Astoria	• Pier 11/Wall Street[1] • Midtown/East 34th Street[1] • Long Island City [2] • Roosevelt Island[2] • Astoria[2]
South Brooklyn	• Pier 11/Wall Street[1] • Brooklyn Bridge Park-Pier 1 • Brooklyn Bridge Par-Pier 6[1] • Red Hook[2] • Brooklyn Army Terminal[1] • Bay Ridge[2] • Governors Island[3]
Rockaway	• Rockaway[2] • Brooklyn Army Terminal[1] • Pier 11/Wall Street[1]
Proposed—Phase 2 (2018)	
Soundview	• Pier 11/Wall Street[1] • East 62nd Street[2] • East 90th Street[1] • Soundview[2]
Lower East Side	• Pier 11/Wall Street[1] • Grand Street[2] • Stuyvesant Cove[2] • Midtown/East 34th Street[1] • Long Island City [2]

Notes:
1. Existing ferry landing to be upgraded.
2. New ferry landing.
3. The existing Governors Island landing may be included in an alternative South Brooklyn route.

Source: NYCEDC.

Exhibit D

RIOC Findings Statement, Citywide Ferry Service

RIOC Smart Growth Impact Statement

Project Name: Citywide Ferry Service ("Project")

Location: The Project will impact over twenty ferry stops, including a new one to be constructed on the Island on East Main Street north of the Queenborough Bridge.

Below is an analysis of why the Project meets the smart growth criteria set forth in § 6-0107 of the State Smart Growth Public Infrastructure Policy Act (Infrastructure Act):

a. *Advance Projects for the Use, Maintenance, or Improvement of Existing Infrastructure:*

The Esplanade is an existing, publicly accessible location well served by pedestrian, subway and bus connections. The Project therefore uses existing infrastructure to provide a critical new public service.

b. Advance Projects located in Municipal Centers:

The ferry stop is within easy walking distance of the subway stop, tram stop and nearby public bus service stops for the Island. The Project therefore advances development in a municipal center.

c. Advance Projects in Developed Areas or Areas Designated for Concentrated Infill Development in a Municipally Approved Comprehensive Land Use Plan, Local Waterfront Revitalization Plan and/or Brownfield Opportunity Area Plan:

RIOC operates Roosevelt Island under a 99-year lease between New York State and New York City. The lease calls for the development of the Island consistent with the General Development Plan, which discourages automobile use and calls for creation of a ferry stop on the Island.

d. Protect, Preserve, and Enhance the State's Resources, including Agricultural Land, Forests, Surface and Groundwater, Air Quality, Recreation and Open Space, Scenic Areas, and Significant Historic and Archeological Resources:

Citywide water ferry service will encourage more New Yorkers to take public transportation rather than drive, improving air quality and traffic conditions. By prioritizing creation of ferry stops at transportation sites the Project preserves open space and scenic areas.

e. Foster Mixed Land Uses and Compact Development, Downtown Revitalization, Brownfield Redevelopment, the Enhancement or Beauty in Public Spaces, the Diversity and Affordability of Housing in Proximity to Places of Employment, Recreation and Commercial Development and the Integration of all Income and Age Groups:

As explained above, the ferry stop is within walking distance of other public transportation stops including subway, bus and tram. This concentrates development in an existing urban area and promotes access for all types of New Yorkers.

f. Provide Mobility through Transportation Choices including Improved Public Transportation and Reduced Automobile Dependency:

The Project directly advances this goal by providing new or enhanced ferry service at 23 locations in New York City, including the Island where ferry service has been an unmet goal for five decades.

g. Coordinate Between State and Local Government and Intermunicipal and Regional Planning:

Citywide ferry service is an example of state and local cooperation as RIOC is working carefully with the City to build, maintain and operate an affordable ferry service better linking the Island to the rest of the City.

h. *Participate in Community Based Planning and Collaboration:*

Not applicable.

i. *Ensure Predictability in Building and Land Use Codes:*

Not applicable.

j. *Promote Sustainability by Strengthening Existing and Creating New Communities which Reduce Greenhouse Gas Emissions and Do Not Compromise the Needs of Future Generations, by Among Other Means Encouraging Broad Based Public Involvement in Developing and Implementing a Community Plan and Ensuring the Governance Structure in Adequate to Sustain Its Implementation:*

The City developed the Project through a public, environmental review process that include at least four public meetings and several years of study. Citywide ferry service will reduce use of cars and therefore greenhouse gas emissions. The arrangement between RIOC and the City creates clear responsibilities for maintenance and operation of the service on the Island.

_____

Susan Rosenthal
Acting President

Exhibit E
RIOC Findings Statement, Citywide Ferry Service

Carter Ledyard & Milburn LLP

Memorandum

To: RIOC Staff
From: Christopher Rizzo
Rocco M. Sainato
Subject: RIOC Zoning Override for Citywide Ferry Service
Date: October 14, 2016

We have been asked to examine the sections of the Zoning Resolution ("ZR"), if any, that RIOC must override in furtherance of the construction of the proposed waterfront landing, described below, which will become part of the Citywide Ferry Service ("CFS").

I. Overview of CFS

The CFS will expand the existing East River Ferry ("ERF"), a commuter and recreational transit service, which is managed by the New York City Economic Development Corporation ("NYCEDC"). It will primarily operate vessels with a capacity of up to 149 passengers, with some vessels carrying up to 249 passengers. The vessels with a capacity of up to 149 passengers are currently serving the ERF.

The ERF currently serves 1.4 million passengers per year between seven different landings. Eighty-three percent of these passengers walk to the ferry, with the remaining passengers either biking or taking a subway to the ferry. A negligible number of the ERF's passengers use taxis or automobiles to reach the ferry. It is anticipated that passengers will reach the CFS in the same manner.

The first phase of CFS is scheduled to take place in the Spring/Summer of 2017, and will include several new routes and new or upgraded ferry landings. Attached hereto are the proposed CFS routes and landings. One such ferry landing is proposed for Roosevelt Island (the "Landing"). The Landing is located on East Main Street to the north of both the Queensboro Bridge and the closed, fenced site of the steam plant's former oil dock. It is accessible by a sidewalk that runs along the east side of East Main Street.

II. Zoning Override

RIOC has the statutory authority to override local laws or regulations pursuant to the RIOC Act.[13] Additionally, it operates Roosevelt Island through the 1969 lease with New York City, which contemplates that the State of New York will exercise jurisdiction over Roosevelt Island, rather than the City.

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13 McK. Unsol. Laws Title 16, Chapter 26, § 6389(3) ("The requirements of all local laws, ordinances, codes, charters or regulations shall be applicable to the construction, alteration or improvement of any building or structure on Roosevelt Island, provide that the corporation may, in lieu of such compliance, determine that the requirements of the New York state uniform fire prevention and building code … shall be applicable to such work").

The State's handling of Roosevelt Island is guided by the Roosevelt Island General Development Plan (the "GDP").14 The GDP provides a framework and sets goals to develop the community on Roosevelt Island. One such goal set out in the GDP is to provide convenient access to Roosevelt Island from Manhattan and Queens. The GDP anticipated that one of the means for providing this access would be by ferry.15

The GDP also encourages residents and visitors to use transportation methods other than cars, with a "system [that] will emphasize pedestrian circulation and travel by public transport".16 The CFS will further this goal by increasing accessibility from portions of the city that are currently difficult to reach via public transit. It will also reduce the reliance on cars to reach the island.

Furthermore, the GDP set out to ensure that "[t]he entire waterfront of the Island will be reserved for pedestrians and cyclists."17 The CFS will be constructed in furtherance of this goal, as it is anticipated to attract more pedestrians and cyclists to the waterfront.

III. ZR Sections Applicable to the Landing

As currently written, the ZR imposes requirements that either restrict or place extensive requirements on the CFS. Such restrictions would prevent the CFS from operating at several of the proposed sites, including the Landing. In order to permit the CFS to operate on Roosevelt Island, RIOC must override various Waterfront Zoning requirements (Article IV, Chapter 2 of the ZR), as well as permitted uses in residential districts. Many of these sections of the ZR are outdated, and do not take into account the success of the ERF and the development of New York City waterfront that has taken place in the last twenty years, particularly on Roosevelt Island. They also do not take into consideration the scope of the CFS, and the conditions under which the Landing will operate.

The following provides an overview of each ZR section relevant to the CFS, and discusses the hardship that would block the CFS from operating on Roosevelt Island:

1. ZR § 22-00 et. seq. – Residence District Use Regulations.

These sections of the ZR govern the uses permitted in residential districts. The Landing is located in an R7-2 district, and would be subject to these provisions. As currently written in the ZR, R7 districts prohibit ferry service, unless a special permit is granted by the City Planning Commission ("CPC").

Even if RIOC were to apply to the CPC for such permit, it does not allow for vessels of the size that would operate under the CFS, as the ZR only permits 150 passenger boardings per half hour. This would prohibit the service proposed by the CFS, which will utilize 149 and 249-passenger ferries operating every 20 minutes.

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14 The GDP is Schedule 2 to the December 23, 1969 master lease between the New York State Urban Development Corporation ("UDC", d/b/a "ESD" or "ESDC") and New York City. Section 2 of the master lease requires UDC to prepare designs for the improvements called for in the GDP, which has served as the general guide for the Island's development since 1969. New York State created RIOC in 1984 to assume UDC's role under the master lease.
15 GDP § 4
16 GDP § 1
17 GDP § 2

A zoning override would allow CFS to run on a consistent timetable, and with the capacity required to make the ferry service viable. Furthermore, the CFS would provide a time-efficient commuter and recreational transit service, increasing New Yorkers' access to job centers (such as the Cornell Tech campus) and waterfront parks on Roosevelt Island.

Given the anticipated number of passengers for the CFS, both the size and frequency of boardings permitted under the special permit provided by the ZR are insufficient to maximize the benefits of CFS. Thus, a zoning override is needed to remove these restrictions.

2. ZR § 62-43 – Parking Requirements for Commercial Docking Facilities

This section of the ZR sets forth the parking requirements for docking facilities, which includes the Landing. When the ZR was written, it was not contemplated that most ferry riders would be able to walk to ferry landings, given that waterfront property was typically industrial at the time. Under the ZR, parking spaces are required for up to 30% of all ferry riders. The area in the vicinity of the Landing does not contain a parking lot and is unable to accommodate one. In order to waive the parking requirements, a lengthy CPC authorization would be required.

The ZR also contemplates a ridership that will use ferry service for roundtrip voyages. However, NYCEDC anticipates that the ridership of the CFS will be consistent with that of the current ERF – a mix of commuters and recreational users, some portion of whom will only utilize the service on a one-way basis. If a significant portion of passengers only complete one-way journeys, the need for parking is negated.

Furthermore, NYCEDC anticipates that fewer than 5% of the CFS ridership will access the CFS by car.[18] This would thus achieve a major goal of the GDP, and eliminate the need to provide parking spaces.[19] It would also be contrary to the GDP to provide parking at the Landing, as it would then encourage riders to drive, rather than travel via public transit. RIOC should override this section, as the parking requirements are unnecessary for the projected use of the CFS, and are contrary to the goals of the GDP.

3. ZR § 62-462 – Drop-Off and Pick-Up Areas for Docking Facilities

This section of the ZR requires areas adjacent to docking facilities to be set aside for the drop-off and pick-up of passengers by cars, taxis, and other vehicles, at the rate of one queuing space for every 50 passengers over 100. As previously stated, it is anticipated that most CFS passengers will not be utilizing cars/taxis, and thus a zoning override is requested for this section of the ZR.

4. ZR § 62-50 et. seq. – General Requirements for Visual Corridors and Waterfront Access

These sections of the ZR are intended to ensure that any new development on waterfront property provides an unobstructed water view to upland streets. It also seeks to prevent new

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18 Technical Memorandum of Philip Habib & Associates dated April 13, 2016 Re: Transportation Planning Factors and Travel Demand Forecast (This Memorandum commissioned by the NYCEDC forecasts passenger loads and the manner by which they will arrive at the proposed landings).
19 GDP §§ 2 and 4.

development from blocking public access to the waterfront. Under the ZR, ferry landings are typically considered waterfront developments.[20]

The Landing will not obstruct views, as there will be no structures erected on upland sites. The only structure contemplated for the Landing will consist of a barge and gangway. Any obstruction that would occur as a result of the barge and gangway would be de minimis, at most.

Also, the Environmental Impact Statement (EIS) undertaken to evaluate the CFS, determined that the project would not result in a significant interference with the use of waterfront park amenities, pedestrian experience, or visual character at the Landing. A copy of executive summary of the EIS, a supplemental technical memorandum to the EIS and RIOC's proposed environmental findings statement have been provided to the board for review. A full copy of the EIS and its appendices should be reviewed at http://www.nycedc.com/project/citywide-ferry-service or in the offices of RIOC.

As the nature of the construction and location of the Landing will not obstruct waterfront access or views, the requirements of these ZR sections should be included in the zoning override.

5. ZR § 62-60 et. seq. – Design Requirements for Waterfront Public Access

These sections of the ZR specify the design requirements to comply with the provisions of § 62-50 et. seq., referenced above. They also provide for comprehensive public access and an open space design. However, the design requirements are typically applicable to larger waterfront developments where new buildings, open space, and infrastructure are proposed; none of these elements are proposed at the Landing as part of the CFS.

The development required for the Landing is minimal, and may require slight adjustments after the CFS becomes operational. Any change in the placement of the Landing would require the CFS to go through the process of complying with these sections of the ZR once again, a time-consuming and costly process. Also, the proposed location of the Landing is currently (and will continue to be) accessible to the public on East Main Street. As such, these sections of the ZR should be included in the zoning override.

6. ZR § 62-80 – Special Review by the CPC

This section of the ZR requires certification from the CPC Chairperson that a proposed waterfront development will comply with the provisions of ZR §§ 62-50 et. seq. and 62-60 et. seq. As those sections of the ZR will be included in the override, the certification and authorization processes provided in this ZR section would not be applicable.

This section of the ZR also sets forth the process for obtaining a special permit from the CPC to construct a ferry dock in an R7 district. As there will be an override of ZR § 22-00 et. seq., eliminating the need for a special permit from CPC, the special permit process outlined in this section will not apply to CFS, and should be included in the override.

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20 ZR § 12-10

Exhibit F
RIOC Findings Statement, Citywide Ferry Service

NEW YORK STATE OF OPPORTUNITY. | Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ROSE HARVEY
Commissioner

September 01, 2016

Ms. Dina Rybak
Assistant Vice President
NYC Economic Development Corporation
110 William Street
4th Floor
New York , NY 10038

Re: USACE
CItywide Ferry Service - Roosevelt Island Landing
Borough of Manhattan, New York County, NY
16PR05502

Dear Ms. Rybak:

Thank you for requesting the comments of the New York State Historic Preservation Office (SHPO). We have reviewed the submitted materials in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include other environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8).

SHPO has reviewed the Phase IA cultural resources report submitted for this project – *NYC Citywide Ferry Project, Roosevelt Island Ferry Landing, Phase IA Cultural Resources Assessment, Manhattan, New York County, New York* (E2 Project Management, LLC, July 2016).

Based on the information provided, SHPO recommends that the planned project will have **No Adverse Effect** on historic properties listed or eligible for listing on the National Register of Historic Places. This recommendation pertains only to the Area of Potential Effects (APE) examined during the above-referenced investigation. It is not applicable to any other portion of the project property. Should the project design be changed SHPO recommends further consultation with this office.

If you have any questions please don't hesitate to contact me.

Sincerely,

Philip A. Perazio, Historic Preservation Program Analyst - Archaeology Unit
Phone: 518-268-2175
e-mail: philip.perazio@parks.ny.gov

via e-mail only

Exhibit G
RIOC Findings Statement, Citywide Ferry Service

Technical Memorandum—TM001
Citywide Ferry Service
CEQR Number 15DME009Y
October 6, 2016

A. INTRODUCTION

On July 28, 2016, the Office of the Deputy Mayor for Housing and Economic Development, as lead agency, issued a Notice of Completion for the Citywide Ferry Service Final Environmental Impact Statement (FEIS). The FEIS considered the Citywide Ferry Service (CFS), the proposal by the New York City Economic Development Corporation (NYCEDC) to expand on the existing East River Ferry (ERF), a privately operated commuter and recreational transit service paid for by the City of New York and NYCEDC and managed by NYCEDC. The expansion required for the proposed CFS includes five new routes and 13 new or upgraded landings, as well as upgrades to the two Manhattan terminals.

One of the 13 proposed new landings for the CFS would be located on Roosevelt Island. The FEIS considered two potential locations for the landing on the eastern side of the island, near the Ed Koch Queensboro Bridge: one location (site 4a in the FEIS) at a dock immediately north of the bridge, formerly used primarily for delivery of oil shipments to the island, and one location (site 4b) south of the bridge, connecting to the waterfront esplanade approximately 200 feet to the south of site 4a. Both potential locations of the landing are controlled by the Roosevelt Island Operating Corporation (RIOC), and would require multiple approvals from RIOC (including entering into a Memorandum of Understanding to allow NYCEDC to construct and operate a ferry landing on Roosevelt Island, and the approval of a zoning override). RIOC served as an involved agency for the environmental review of the proposed CFS and is anticipated to adopt the findings of the FEIS to support its discretionary approvals.

Following publication of the FEIS, based on further coordination with RIOC, NYCEDC determined that a third potential location for the landing was feasible and should be considered. The new location (referred to as site 4c) is approximately 100 feet to the north of the oil dock (site 4a), along the waterfront esplanade on the eastern side of the island (see **Figure 1**). This Technical Memorandum (TM001) considers the proposed alternate location for the Roosevelt Island landing and assesses whether the alternate location would have the potential to cause any significant adverse environmental impacts not previously identified in the analyses of the FEIS.

B. DESCRIPTION OF PROJECT MODIFICATIONS

As described above, the proposed modification to the CFS project would only include a potential alternate location for the Roosevelt Island landing, and would not alter any of the

other proposed landings. At the new alternate location (site 4c), the landing design would be similar to the alternate landing at site 4b, to the south of the Ed Koch Queensboro Bridge: the landing would consist of a barge (35 feet by 90 feet), a 65 by 10 feet gangway, and a pile-supported gangway landing connected to the waterfront esplanade, which runs along the bulkhead in this area (the shoreline is lined with riprap). Due to vessel traffic in the area, the landing may also include upstream and downstream dolphins with fendering. These dolphins would consist of 20- to 36-inch diameter steel pipes supporting a continuous concrete pile cap. The size, location, and configuration of the dolphins have yet to be determined. As with the other potential locations for the landing, access would be provided by East Main Street and from the waterfront esplanade which connects to the East Main Street sidewalk. Any upland construction would be limited to upgrades to utilities, sidewalks, fencing, and landscaping, and would not have any potential to impact the environment.

C. ANALYSIS FRAMEWORK

The potential new location for the landing would be in close proximity to the other potential locations analyzed in the FEIS, with a substantially similar design, and would therefore not affect the analyses in the following technical areas or affect the conclusions of the FEIS in these areas:

- **Land Use, Zoning, and Public Policy:** at this location, the landing would continue to provide a time-efficient commuter and recreational transit service for the residential community on Roosevelt Island, as well as support the ongoing development of the island with residential uses and the Cornell Technology campus, as discussed in Chapter 2 of the FEIS, "Land Use, Zoning, and Public Policy." As with the other potential landing locations, site 4c would be located in a residential (R7-2) zoning district, and would require the same Zoning Override (ZO) by RIOC waiving regulations relating to permitted uses in residential districts; parking and pick up and drop off areas; general requirements for visual corridors and waterfront public access areas; design requirements for waterfront public areas; and provisions for special review by the City Planning Commission (CPC). The ZO would allow for an efficient and well-sited landing that would result in minimal disruptions to adjacent land uses. The proposed CFS would continue to be supportive of public policies relating to resiliency and sustainability, including PlaNYC/OneNYC and the Waterfront Revitalization Program (WRP), by expanding one of the city's most resilient transit alternatives. Therefore, as with the other potential locations, the landing at site 4c would not result in a significant adverse impact to land use, zoning, or public policy.
- **Socioeconomic Conditions:** as discussed in Chapter 3 of the FEIS, "Socioeconomic Conditions," the landing on Roosevelt Island would be an added amenity that would have a minimal influence on residential market conditions relative to existing and future market factors. There are no commercial uses within close proximity of the proposed ferry landing site. Therefore, as with the other potential locations, the landing at site 4c is not expected to substantially alter market conditions and would not result in significant adverse impacts due to indirect residential displacement or indirect business displacement.

- **Open Space:** similar to the potential location for the landing at site 4b, the new potential location would require minimal alterations to the waterfront esplanade, limited to removal of a portion of the fence lining the shoreline to install a security gate to the landing. The gangway connection at the shoreline would be less than 20 feet wide and would not extend into the esplanade's walkway nor affect access to the walkway. As discussed in Chapter 4 of the FEIS, "Open Space," the landing is anticipated to result in a low increase in visitation to the esplanade by ferry riders, which is not anticipated to result in crowding of the open space area. Overall, at this location the landing would not result in the loss of a significant amount of open space nor affect access to other open space amenities, and would not result in crowding or overtaxing of open space resources, therefore, as with the other potential locations, it would not result in a significant adverse impact to open space. (The effect of ferry operations on open space in this area due to air emissions and noise are discussed below.)
- **Historic and Cultural Resources:** as discussed in the historic resource screening in Chapter 1 of the FEIS, "Project Description," as with the other potential locations, site 4c is located within 400 feet of the Ed Koch Queensboro Bridge, a New York City Landmark (NYCL) and a resource listed on the State and National Registers of Historic Places (S/NR). In a response dated August 29, 2016, the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP) concurred with the finding that the proposed ferry landing will have no adverse impact (direct or indirect) to the NYCL, S/NR-listed bridge. NYCEDC is also completing the necessary coordination with OPRHP related to archaeological resources. As necessary, construction protection measures would be coordinated with the New York City Department of Transportation (NYCDOT) to avoid significant adverse direct impacts on the bridge from project construction.
- **Urban Design and Visual Resources:** as with the other potential locations (discussed in Chapter 5 of the FEIS, "Urban Design and Visual Resources"), with minimal infrastructure and a small increase in foot traffic from ferry riders, the landing at site 4c would not result in a significant impact that interferes with the use of park amenities, the pedestrian experience, or the visual character of the publically accessible open space at the site (i.e., the esplanade). While the landing site infrastructure would partially block views of the waterfront from the publically accessible spaces in the immediate area surrounding the landing site, the site is located along a lengthy esplanade where pedestrians can get similar views at other points along the waterfront. Thus, the landing infrastructure would not result in a significant adverse impact to the visual character and publically accessible views at this location.
- **Natural Resources:** as described above, the landing infrastructure at site 4c would be similar to site 4b, and the new alternate location would have comparable effects on natural resources as those described for site 4b in Chapter 6 of the FEIS, "Natural Resources." Construction of the landing at site 4c would result in a minimal loss of bottom habitat and benthic macroinverebrates (up to approximately 339 square feet within the footprint of the piles, similar to site 4b) and would not result in significant

adverse impacts to these resources, nor would it result in significant adverse impacts to fish due to loss of prey. Shading of aquatic habitat due to overwater structures at the landing (up to approximately 5,060 square feet of overwater coverage from the barge, gangway, gangway landing, and potential dolphins) would be minimal because the proposed widths of these structures are narrow enough to allow light to reach the aquatic habitat beneath. As with all CFS landings, construction at the new alternate location would implement measures such as the use of a vibratory hammer for driving of the piles in order to minimize sediment resuspension and underwater noise. The new alternate location would experience identical effects from CFS operations to those discussed in the FEIS. As discussed in the FEIS, CFS operations would not result in significant adverse impacts to natural resources. Therefore, the new alternate location would not alter the finding of the FEIS that the CFS would not have any significant adverse impacts to natural resources.

- **Hazardous Materials:** similar to site 4b, at site 4c subsurface disturbance is anticipated to be limited to trenching for utilities and installation of pilings for anchoring the new gangway. As discussed in the hazardous materials screening in Chapter 1 of the FEIS, "Project Description," a June 8, 2016 *Phase I Environmental Site Assessment* (ESA) for the adjacent site 4a (which covered the location of site 4c in its extent) indicated a high potential for contamination in the vicinity due to the presence of a former oil-delivery dock. However, a June 17, 2016 *Phase II Environmental Site Investigation* (ESI) identified no evidence of petroleum and only contamination typical of urban fill material. As a protective measure, as with the other potential landing locations, a site-specific Construction Health and Safety Plan (CHASP) would be prepared and submitted to the New York City Department of Environmental Protection (DEP) for review and approval, and would be implemented during construction. Construction of the landing would be conducted in accordance with the DEP-approved site-specific CHASP.
- **Transportation:** As discussed in Chapter 7 of the FEIS, "Transportation," CFS service at the proposed Roosevelt Island landing would not exceed the 50-vehicle-trip *CEQR Technical Manual* traffic analysis threshold or the 200-trip pedestrian analysis threshold. The ridership forecast shows that only a small percentage of riders (less than 10 percent) would use vehicles to reach the Roosevelt Island landing, which is easily reachable on foot or by bus; visitors to Roosevelt Island who may use the ferry for a return trip would primarily use public transit (the subway or tram) to access the island. The alternate location of the landing at site 4c would not affect the projected ridership of the Roosevelt Island landing, and would therefore not alter the findings of the FEIS that the CFS would not have any significant adverse impacts to traffic on Roosevelt Island.
- **Greenhouse Gas Emissions:** the new alternate location for the Roosevelt Island landing at site 4c would not affect CFS operations and the total systemwide greenhouse gas (GHG) emissions associated with the service (discussed in Chapter 9 of the FEIS, "Greenhouse Gas Emissions and Climate Change"). Therefore, the alternate landing location would not alter the finding of the FEIS that the CFS would

not have any significant adverse impacts related to GHG emissions and would be consistent with the City's resiliency goals relating to future climate conditions.

- **Construction:** construction of the new alternate landing at site 4c would be similar to the construction of the other alternate landing locations (discussed in Chapter 12 of the FEIS, "Construction), generally limited to installation of landing infrastructure and minimal upland work, occurring over a period of approximately two months. Construction at the new alternate landing location would be conducted in accordance with all applicable requirements, including a DEP-approved CHASP, and would not affect the finding of the FEIS that, based on the limited duration and intensity of construction activities, the proposed CFS would not result in any significant adverse construction impacts.

Detailed analyses of the potential effects of the new alternate location for the Roosevelt Island on air quality and noise, as well as the associated potential effects of the landing on public health, are included below.

D. POTENTIAL IMPACTS OF THE PROPOSED CHANGES

AIR QUALITY

The potential for air quality impacts associated with CFS operations at the Roosevelt Island landing (sites 4a and 4b) was analyzed in Chapter 8 of FEIS, "Air Quality." This section analyzes the potential local (microscale) impact associated with the proposed alternate landing site (site 4c).

As described in the FEIS, exceedances of the 1-hour average NO_2 National Ambient Air Quality Standard (NAAQS) were projected to potentially occur at the Roosevelt Island landing up to 100 feet inland (west from the shoreline) and would occur in two regions (to the north and south of the landing) for approximately 600 feet along the shoreline. The projected exceedances of the 1-hour NO_2 standard would represent a significant adverse air quality impact. Annual average NO_2, 24-hour $PM_{2.5}$, and annual average $PM_{2.5}$ concentrations near the Roosevelt Island landing analyzed in the FEIS were projected to be lower than the applicable benchmarks (the NAAQS NO_2 annual threshold and CEQR $PM_{2.5}$ *de minimis* 24-hour and annual thresholds). With the proposed alternative landing site 4c, the minimum distance between the nearest sensitive receptors—an adjacent shoreline esplanade—and the ferry sources would remain the same as was analyzed for the Roosevelt Island landing site options in the FEIS, therefore the FEIS conclusions for annual average NO_2, 24-hour $PM_{2.5}$, and annual average $PM_{2.5}$ are expected to remain the same. Therefore, the following analysis addresses only the 1-hour average NO_2 concentrations.

METHODOLOGY

The representative modeling approach that was used in the FEIS for the assessment of the Roosevelt Island landing was also used to assess the new alternate landing site option, including the same modeling parameters and representative layout. However, following publication of the FEIS, additional meteorological data was released, and the analysis for the new alternate landing site used data consisting of the five most recent consecutive years

of meteorological data: surface data collected at LaGuardia Airport (2011–2015) and concurrent upper air data collected at Brookhaven, New York.
In addition, refinements were made to the model in order to better define the extent of projected exceedances. In order to better simulate the landing-specific emissions, an hourly emissions profile was developed based on the proposed schedule for the CFS route that would operate at the landing. Additionally, a limited receptor set was used to focus exclusively on appropriate receptors for the new site.[21]

POTENTIAL LOCAL IMPACT

The maximum predicted NO_2 concentrations at residential and open space receptors in the future with the alternate landing option are shown in **Table 1**. Maximum predicted concentrations (including background concentration) at open space and residential receptor locations would decrease—when compared to the concentrations predicted in the FEIS—from 305.2 µg/m^3 to 258.8 µg/m^3 at the open space receptor and from 144.7 µg/m^3 to 144.3 µg/m^3 at the residential receptor.[22] Exceedances of the 1-hour average NO_2 NAAQS were projected to occur up to a distance of less than 45 feet inland (as compared to approximately 100 feet inland as identified in the FEIS for sites 4a and 4b) and would occur in two regions (to the north and south of the landing) for approximately 520 feet along the shoreline (as compared to approximately 600 feet as identified in the FEIS). The exceedance area for site 4c would include the adjacent waterfront esplanade, but would not include the nearby Firefighter's Field ballfield. With the refinement made for the analysis, the area of extent would decrease from 0.73 acres in the FEIS for sites 4a and 4b to 0.24 acres with the proposed landing option.

Table 1
Maximum Modeled NO_2 1-Hour Concentrations (µg/m^3)

Receptor	Minimum Distance (ft)	Maximum Modeled Impact	Background (1)	Total Concentration
Open Space—Waterfront Esplanade	65	145.5	113.3	**258.8**
Open Space—Roosevelt Island Firefighter's Field	120	64.1	113.3	177.4
Residential	400	31.0	113.3	144.3

Notes: Values in **bold** represent a potential exceedance of the 188-µg/m^3 NAAQS.
(1) Following publication of the FEIS, additional monitoring data for 2015 was released by NYSDEC. A background concentration of 113.3 µg/m^3 was used (this background concentration is the 98th percentile concentration, averaged over 2013 to 2015, measured at the Queens College NYSDEC monitoring station).

The projected potential exceedances of the NO_2 1-hour average standard would represent a significant adverse air quality impact, similar to but of a lesser extent than the significant adverse impact at the open space receptor near the landing described in the FEIS. Therefore, the new alternate landing would not result in a new significant adverse air quality impact not previously identified in the FEIS, and would not alter the conclusions regarding potential significant adverse impacts in the area of the Roosevelt Island landing site as described in the

21 These same refinements of the representative modeling approach were used in the FEIS to assess the air quality impacts at the Long Island City (sites 5a and 5b) and the Brooklyn Bridge Park–Pier 1 (site G) landings, and the methodology is described in detail in the FEIS.
22 Following publication of the FEIS, additional monitoring data for 2015 was released by the New York State Department of Environmental Conservation (NYSDEC). In order to show an accurate comparison, FEIS concentrations presented include a background concentration of 113.3 µg/m^3 instead of the 108.9 µg/m^3 concentration that was used in the FEIS.

FEIS.

NOISE

The potential for noise impacts associated with CFS operations at the Roosevelt Island landing (sites 4a and 4b) was analyzed in Chapter 10 of FEIS, "Noise," which found that neither option would result in significant adverse noise impacts at nearby residential and open space receptors. The new alternate location of the Roosevelt Island ferry landing is shown in **Figure 1**. The distance from site 4c to the open space receptor 4a-1 (Roosevelt Island Firefighter's Field) is approximately 125 feet. Using the methodology described in the FEIS and the measured noise levels at noise measurement location 4a/4b shown in Table 10-6 of the FEIS, which is also appropriately utilized for this location, future noise levels with the proposed CFS were calculated for the open space receptor site on Roosevelt Island, i.e., receptor 4a-1, during the weekday AM and PM and weekend analysis peak periods. This receptor is closest to this proposed ferry landing location and consequently represents the receptor most likely to experience noise from ferry operations at this landing location. Other noise receptors located further from the proposed landing location would experience lower levels of ferry noise and consequently less potential for a significant adverse noise impact.

Table 2 shows the existing and predicted future noise levels as a result of CFS operations at the alternate Roosevelt Island landing site.

Table 2
Noise Levels with Proposed CFS in dBA

Site	Noise Receptor Location	Time	Existing $L_{eq(1h)}$	With-Action $L_{eq(1h)}$	Incremental Change in $L_{eq(1h)}$
4a-1	Roosevelt Island Firefighter's Field (Manhattan)	AM	64.7	66.6	1.9
		PM	62.7	65.4	2.7
		WE	64.7	67.5	2.8

Comparing predicted noise levels with the proposed CFS to measured existing noise levels, the maximum incremental change in $L_{eq(1)}$ noise levels at receptor 4a-1 would be no greater than 3 dBA, which would be considered barely perceptible and not significant according to *CEQR Technical Manual* impact criteria. Therefore, the alternate location for the Roosevelt Island landing would not result in a significant adverse noise impact at the nearby receptor, and would not alter the conclusions regarding potential significant adverse noise impacts as described in the FEIS.

PUBLIC HEALTH

The potential for public health impacts due to significant adverse air quality and noise impacts resulting from the proposed CFS were analyzed in Chapter 11 of the FEIS, "Public Health." As noted in that chapter, according to the U.S. Environmental Protection Agency (EPA),23 current scientific evidence links short-term NO_2 exposures (ranging from 30 minutes to 24 hours) with adverse respiratory effects, which is of particular concern for "susceptible individuals," including people with asthma, children, and the elderly. As described above, the significant adverse air quality impact affecting the open

23 http://www3.epa.gov/airquality/nitrogenoxides/health.html, accessed September 29, 2015.

space near the new alternate landing site is similar to the significant adverse impact at the open space receptor near the landing described in the FEIS. As with the previously described significant adverse impact, the geographic extent of the projected exceedances at the open space locations is limited to a relatively small portion of the open space in the area adjacent to the landing. In addition, the area of the Roosevelt Island landing is not an area that may be considered vulnerable in the context of the CFS project's potential to result in public health air quality impacts. Overall, exposure to exceedances from the CFS at the open space location would typically be infrequent and brief. The highest potential concentrations reported above would occur very near the landing, and would diminish down to the level of the standard at the edge of the impact area. Therefore, exposure within this area would vary and would not all be at the maximum concentrations presented. Note that the area of potential impact is not the area that would be impacted during a given hour. Rather, this area represents the area that is predicted to exceed the 98th percentile concentration level (the statistical form of the standard) based on modeling five years of hourly meteorological conditions. Therefore, the likelihood of an individual being exposed to 1-hour NO_x concentrations exceeding the standard would be reduced. Overall, regular ferry riders and certain regular open space users could experience some increased frequency of exposures to outdoor NO_2 concentrations exceeding the 1-hour NAAQS, in addition to the exposure that they and other residents and visitors likely already experience with some frequency in more densely trafficked and developed areas. For those in this population with asthma or other respiratory conditions, the risk or frequency of exacerbation of their condition could increase. However, based on an assessment of the geographic extent of the exceedances and the limited population affected within those areas of exceedances, the CFS would not result in significant adverse public health impacts on a citywide or neighborhood scale. ✷