

Peninsula Hospital Site Redevelopment

May 2019

Draft Environmental Impact Statement

This is a response to the Draft Environmental Impact Statement for the redevelopment of the Peninsula Hospital site submitted by The Arker Company d/b/a Peninsula Rockaway Limited Partnership.

**This submission is by the
*Bayswater Civic Association.***



Figure 1 Manhattan street or Rockaway?

CEQR No.
18DCP124Q

ULURP Nos.
190251 MMQ
190325 ZMQ
N190364 ZRQ
190366 ZSQ
190375 ZSQ

PENINSULA HOSPITAL SITE REDEVELOPMENT

DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS)

Project Location: Community District 14, Borough of Queens

CEQR No.: 18DCP124Q

Type of Action: Unlisted

ULURP Nos.: 190251 MMQ, 190325 ZMQ, N190364 ZRQ, 190366 ZSQ, and 190375 ZSQ

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Public hearing on the DEIS were held on:

- 6/25/2019 – Community Board 14
- 7/11/2019 – Queens Borough President
- 8/14/2019 – City Planning Commission

Written comments on the DEIS are requested and would be received and considered by the Lead Agency until the 10th calendar day following the close of the public hearing.

The DEIS is available on the website of the New York City Department of City Planning:
<http://www1.nyc.gov/site/planning/applicants/eis-documents.page>

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Chapter 0: Executive Summary

Introduction

There is no doubt that housing is needed in New York City. Likewise, there is no doubt that housing is needed for low income families. But housing is likewise needed for moderate and middle income families too. And housing must be in the context of the community, without adversely impacting existing members of both the local community and the broader Community District. This project fails to address the broad range of housing and overall community needs.

Our fundamental issues with the plan are:

- The population density is excessive for Rockaway. It is similar to midtown Manhattan. (Chapter 1)
- The project will only provide 13% of the apartments to moderate income families and none are for middle income ones. All of the rest will go to those with extremely low, very low, or low incomes. Despite the developer's claims, most of the apartments will not be available to couples consisting of firefighters, police officers, or teachers with as few as five years in the job or even those making a bit over minimum wage. (Chapter 1)
- The Rockaways is an area of limited resources and few jobs. The 300 jobs that the developer claims will be contributed to the community are far fewer than the jobless residents to be added. (Chapter 1)
- Rockaway already has half of the publicly financed housing in Queens. (Chapter 1).

- The project clearly violates the U.S. *Fair Housing Act of 1968* as interpreted by the Supreme Court as recently as 2015 in that it will accentuate racial and economic segregation in violation of the *Act*. (Chapter 2)

- The building size is not in context with the neighborhood where tall buildings are seven to twelve stories tall. (Chapter 2)
- The plot layout is not in character with the neighborhood where almost all buildings are surrounded by grass and shrubbery. (Chapter 2)

- The project goes against the city's own recent *Resilient Edgemere* study prepared by HPD which recommended only low density housing (1 or 2 families), stores, and parkland be built in the area. (Chapter 2)

- The project will bring more people with limited resources to an area that is already largely populated with people of limited resources. (Chapter 3)

- The project will overtax already failing schools that are currently operating over capacity. If the project is built as proposed, there will be a shortage of 2,000 elementary and middle school seats as well as local child care. Local high schools too would be overcrowded but since high schools are measured on a borough basis, that isn't reported (Chapter 4)
- The proposed parking is grossly inadequate. Even residents of NYCHA housing have cars so that they can get to work and shop in Nassau in a reasonable time frame. (Chapter 12)
- The transportation impact will be disastrous: (Chapter 12)
 - The developer acknowledges that even if DOT implements all of their suggestions, the project will have serious adverse impacts on traffic from the New York City line to Beach 116th Street. (Chapter 12)
 - There are only two lanes of traffic in each direction that run from Far Rockaway the length of the peninsula to Rockaway Park. (Chapter 12)
 - In addition to the impact on the general public, emergency response will be seriously affected for the entire peninsula. **There should be an opinion from NYPD and FDNY on the subject of the impact of traffic on emergency response times.** (Chapter 12)
 - Bus service will be adversely impacted and additional bus service will only make traffic worse.
 - Service on the “A” train, despite the developer’s statements is standing room only.
- Retail, the only good thing about the project, would probably fail as stores in the area have failed in the past due to lack of disposable income.

In addition, the developer skims over the very many adverse impacts of the proposed zoning changes and engages in segmented analysis. These impacts would affect the local community (1/4 mile radius) as well as the entire Rockaway peninsula. And to say that it is full of prejudicial language would be an understatement. It regards any land use other than housing as being “underutilized.” Of course, the most significant underutilized piece of land in New York City is Central Park. No doubt Arker would like to bring that area to its “highest and best use.” But some think otherwise.

Overview

Density and Character of the Neighborhood

A prime rule of zoning is the character of the neighborhood. This project would be completely out of character with the neighborhood which consists of a mix of low rise, single and two family homes and six to thirteen floor NYCHA apartment houses on large grass areas. The project proposes buildings as high as nineteen stories – almost two times the height of the NYCHA buildings!

The density of the proposed apartments is also a problem. Of course the single and two family houses provide a low density environment but the NYCHA buildings also have a very much lower density than the proposal. And the existing housing has vast green spaces. The developer discusses “open spaces” meaning streets and sidewalks with lots of concrete and asphalt but no green areas (unless they are painted cement).

The developer proposes to roughly double the population of the area and significantly increase the population of the Community Board as a whole.

See, from the developer’s own submission (DEIS, figure 1-6) how the project fits into the character of the neighborhood.



Figure 2 - Project in context of the neighborhood

Income Levels and Stores

The developer claims that this density is necessary to support the stores. Now the fact of the matter is that the area would certainly benefit from more retail. But successful retail requires disposable income and the proposal insures that residents will have minimal disposable income. In fact, it is very heavily biased against working families. Assuming a fifteen dollar per hour minimum wage and 2,000 work hours per year, a husband and wife earning minimum wage would have a gross annual income of \$60,000, near the top of the development’s income range.

Indeed, the developer has suggested in community presentations that the project is intended for typical city employees such as police officers, firefighters, and teachers. To support this argument, the developer cites starting salaries for a single employee. But a closer look reveals the truth. The starting salary for an NYPD officer is \$42,500. After five and a half years, the typical NYC police officer earns about \$85,292 per year. Night differential, overtime, etc. may bring this to over \$100,000 annually. (<https://www1.nyc.gov/site/nypd/careers/police->

[officers/po-benefits.page](#)) A teacher with a bachelor's degree and no prior teaching experience starts at \$56,711 while a teacher with a master's degree and eight years experience earns \$85,794! ([teachnyc.net/about-our-schools/salary-and-benefits](#)) Working couples in the NYPD, FDNY, or Board of Ed would not be eligible for apartments in the proposed project. It is clear that the developer's statements are a **a bald faced lie**.

Transportation

The discussion of transportation issues is equally outrageous.

While it is true that the nearest subway stations can handle additional riders, trains are standing room only when they leave the Rockaways. Thus, while the stations have capacity, the trains don't. There is effectively no additional capacity in the Cranberry Street Tunnel that carries the "A" train from Brooklyn to Manhattan to run more trains.

There is extensive analysis of various affected street intersections, but the facts are that there are only two lanes in each direction through the Rockaways. One lane on Beach Channel Drive and a second lane on Edgemere Avenue / Rockaway Beach Boulevard (each way). These roads are already models of traffic jams during rush hours. Adding more busses will only make traffic worse. And of course the residents (pedestrians) will also occupy roadway space. No amount of jiggering traffic light timing will solve the problem.

The final transportation issue is parking. The developer has claimed that there is no parking problem because not all of the spaces in the NYCHA lots are rented. That is true only because residents can't afford the fees. But their cars fill all of the streets for blocks past the projects. Arker only wants to provide parking for 35% of the residents but Rockaway is more like a typical suburban town. A car is necessary to go anywhere. Yes, people who have no other choice use the Q 22 bus, but it is only a small exaggeration to say that people have died of old age or frozen to death waiting for it. And a fifteen minute car ride takes 45 minutes by bus (after you board) so no one who has a choice takes the bus. 35% parking is completely inadequate. The police recognize the problem and allow double parking on Edgemere Avenue, adjacent to the Freeway for this reason.

Education

The development would add some 1,500 students to the local elementary schools that are already over capacity (and under performing). There is nothing in the proposal to address this matter. Not only does the project fail to address the education issue, but it would absorb one of the few open spaces where new schools could be built.

Summary

The developer discusses "Publicly available open space" – i.e. streets and sidewalks. The project includes no green spaces unless one includes trees in concrete pits.

The developer cites Resiliency and Storm preparedness as a Community Benefit, but it is not. It is a Requirement and makes good business sense, but provides no true benefit to this community.

The developer claims that there will be no adverse public health issues, but **that is not true**. The Rockaways and Five Towns now have only one hospital where before the closing of Peninsula Hospital there were two. And the traffic problems caused by this development will add significant, and perhaps deadly, travel times for trips to St. John's Hospital from areas west of the project.

Again, the developer claims that there will be no significant impact on the neighborhood by a development two times as high, many times denser, with no parks, playgrounds, or greenspace, or significant parking. **That is not true**.

Unfortunately, what is NOT being said is there is currently a pending lawsuit in Federal Court regarding the issue of community preference housing AND Rockaway residents are still being misled and promised that they will get community preference when it comes time for tenant selection.

Arker claims that they are bringing the first supermarket to the neighborhood. What about the Pioneer supermarket on Beach Channel Drive at Beach 58th Street? And what about the range of stores in the neighborhood that have closed over the years? Stores close because the area income can't support them. Arker does nothing to address the problem.

The Arker Companies only has a right to build 568 units of housing BUT wants to build 2,200 units. In order to be acceptable, the project must provide a minimum of 568 units for middle income families and the total number of apartments should be limited to no more than 1,000.

In the past, Community Board 14 has stated that if any more affordable housing were built in the Rockaways that it be Affordable Homeownership although a preference was for market rate housing. So what does the Arker Companies development plan come to the community with? A plan to increase housing density by almost 300% and provide NO homeownership and only 13% of the units for moderate income and NO Middle Income units.

Just as we have been saying all along, we want affordable housing homeownership to be a part of the Peninsula Hospital site redevelopment.

Affordable housing developments in other areas of the city have better access to jobs, schools, transportation, and opportunities. None of them has the density of this proposed plan.

Growth and change can be a good thing as long as this current plan is changed to REALLY Benefit the community.

If they want community support we Need MORE REAL BENEFITS FOR OUR COMMUNITY.

Responses to Specific Chapters

Chapter 1: Project Description

Please see the chapter in the main document. We have not yet summarized it here. It discusses:

- Income levels,
 - Density
 - Other things to consider
-
- The population density is excessive for Rockaway. It is similar to midtown Manhattan. (Chapter 1)
 - The project will only provide 13% of the apartments to moderate income families and none are for middle income ones. All of the rest will go to those with extremely low, very low, or low incomes. Despite the developer's claims, most of the apartments will not be available to couples consisting of firefighters, police officers, or teachers with as few as five years in the job or even those making a bit over minimum wage. (Chapter 1)
 - The Rockaways is an area of limited resources and few jobs. The 300 jobs that the developer claims will be contributed to the community are far fewer than the jobless residents to be added. (Chapter 1)
 - Rockaway already has half of the publicly financed housing in Queens. (Chapter 1).

Chapter 2: Land Use, Zoning, and Public Policy

This project, if approved, would be perhaps the clearest violation of the United States Fair Housing Act of 1968 ([42 U.S.C. § 3601](#) *et seq*), that can be imagined. Clearly it would meet the “disparate impact” test set by the Court in 2015 (*Texas Department of Housing and Community Affairs v. Inclusive Communities Project, Inc.*, 135 S. Ct. 2507 (2015)) but it would also meet the arguments presented by Justice Thomas’ in his dissent in as much as direct testimony before the commission argued in favor of a segregated project (Rev. Gray and Milan Taylor).

The City of New York, acting through the Planning Commission, may not lawfully permit this project.

We believe that the effect of the proposed public housing project as proposed on the surrounding area will be devastating on the property values of the one and two family homes to the east of the project. In addition, the project will have a negative impact on the entire Rockaway peninsula

due to its effect on traffic, emergency response times, schools, child care, character of the neighborhood, and racial integration.

This project will continue a process begun under Robert Moses of withdrawing supporting services and sending the city's poor to Rockaway, a relatively small area (population under 100,000) that already has half of Queens' publicly funded apartments. It is immoral, anti-social, and unlawful. The fact that African-American speakers at the public hearing spoke in favor of it provides no justification.

The developer's proposal is directly contrary to the city's recent study of the area, *Resilient Edgemere*, which concluded that available land in the area should only be used for one of three purposes: stores, parkland, and one or two family housing.

A basic principal of zoning is that new construction should be in the context of the neighborhood. This project is not. It consists of nineteen story buildings in a concrete pad with no lawns or significant vegetation in an area with some of the worst transportation in the city but no allowance for an adequate number of cars.

Contrary to the developer's statements, this is not a mixed income project. Only 13% of the apartments would be available to moderate income families and none to middle income ones. The developer, in its community presentations, has said that police officers, fire fighters, and teachers are the intended residents but a two earner family with five years on the job would not be eligible for any of the apartments.

Finally, the developer argues that open space is a bad thing and that as many apartments as possible should be built on any available lot. Carried to its extreme, Central Park should be filled with apartments and the Planning Commission should be eliminated since the number of apartments to be built should merely be an engineering question. We disagree and believe that the Commission also disagrees.

Chapter 3 Socioeconomic Conditions

The developer proposes:

- To more than double the area population from 6,848 to 14,545 people.
- Increase the area's publicly funded apartments by over 50%.
- Build a "mixed income" project where almost no apartments are available to moderate income families and no apartments at all are available to middle income families.
- Build a project for police, firefighters and teachers where a couple working for these agencies will not be eligible for an apartment if they have five years on the job.
- To be concerned with gentrification when virtually 100% of the area dwelling units are publicly funded or owner occupied (280 out of 4,908).

The developer claims that building housing for its own sake is a public good. We don't believe that is the case. Housing, particularly when built with public funds as this project will be, must serve the overall community. It must contain a true mix of income levels, including moderate and middle income as well as market rate. It must provide for ownership. And it must not overwhelm the community.

If we accept the developer's reasoning, there is no reason to limit this project to nineteen stories. Why not fifty or 100 stories? Indeed, why not build in Central Park?

Housing must fit into the neighborhood in terms of scale and amenities. This project does not. It would grossly alter the character of the neighborhood in terms of size, scale, effect on transportation throughout the Rockaways, and deal a punishing blow to an already suffering educational environment.

Chapter 4: Community Facilities and Services (Schools, Libraries, Day Care)

The proposed project would have a very serious effect on day care, elementary, middle, and high schools. The developer's own analysis plainly states that there will be inadequate day care seats and a total shortage of 2,000 elementary and middle school seats. The only reason that there will not be a shortage of high school seats is they are measured on a borough rather than district basis. Of course, with our wonderful Queens transportation, it's no problem at all for children to travel to Long Island City or Bayside for high school.

Again, the developer claims that the adverse impact on the Arverne library is not a problem because, with our wonderful transportation, residents can use other libraries. The developer never mentions, since so many of the residents will be extremely low income, if free MetroCards will be provided for these trips.

We believe that the project may have a serious effect on medical care and other emergency responses in addition to the other problems.

Chapter 5: Open Space

The developer notes that there would be a significant deficit in open space if the project is built (16%) but wishes to claim the open space on the beach which is closed due to the Piping Plover and thus not useable for the public. Similarly, the developer wants to count other spaces not available to the public as available open space including the Rockaway Youth Task Force Garden, the Farm Rockaway and the Edgemere Urban Renewal Park community gardens.

More significantly, the project is designed to be covered with asphalt and cement. There are no grass areas at all. Yes, there will be some street trees, but that is a normal part of the city landscape – not a gift from the developer.

Indeed, the developer says that they will “reopen” Beach 52 Street at the Freeway – but it has never been open since the Freeway was built. **Another untrue statement.**

The project design may be appropriate for midtown Manhattan, but not for Rockaway. People move to Rockaway because of the open spaces, not despite them.

Chapter 6: Shadows

The developer contends that shadows are not a problem since they don’t fall on public parks, yet the developer’s own documentation shows that these huge nineteen story buildings will put people and apartments in the NYCHA facilities and PS 105 in substantial shadows. Contrary to the CEQR Technical Manual, we believe that this is a problem in Rockaway. It is not Manhattan where everyone expects shadows all day long.

Chapter 7: Historic and Cultural Resources

We have no issues with the historic and cultural analysis.

Chapter 8: Urban Design and Visual Resources

The developer claims that the project is in character with the surrounding buildings but that is **simply untrue**. Of all the buildings within a mile of the project, only two are over twelve stories tall. The developer says that the project will gradually reduce the building height from nineteen stories, but on a single block, there can be no such thing as a gradual height reduction. That is like saying that the height of the Empire State building gradually reduces to the adjoining buildings because of the setbacks. It is an absurd statement.

Another absurd statement is that the “superblock” would be broken up by the addition of a new street. Any construction would have to do this so they are not doing anyone special favors. And their contention that they will reopen Beach 52 Street across the Freeway is **yet another lie**. There are only limited crossings of the Freeway as there have been since it was built, and since the LIRR ran at ground level. Beach 52 Street has never crossed the tracks so it cannot be “reopened.”

Chapter 9: Hazardous Materials

We are concerned that the examination of the site for hazardous materials does not appear to have included a search for radioactive material despite the fact that the hospital used a variety of radio isotopes for diagnosis and treatment over the years.

We do not believe that the study should be accepted as complete.

Chapter 10: Water and Sewer Infrastructure

We are concerned that because the project proposes to raise the land in the project area it will displace rainwater onto surrounding properties. We feel that there is not adequate consideration of this possibility.

Chapter 11: Solid Waste and Sanitation Services

We have no issues with the solid waste analysis.

Chapter 12: Transportation

We believe that the methodology of the analysis is fatally flawed. Rockaway is a resort area with significantly different traffic patterns in the summer vs. winter. The analysis appears to be based on winter traffic which is significantly lighter.

The developer proposes “reopening” Beach 52nd Street through the Freeway even though it was never open and the developer knows or should know that NYC DOT is unlikely to agree to this.

The proposed parking spaces are grossly inadequate. Even twice as many parking spaces would be inadequate in Rockaway where anyone who can scrape the money together has a car and often two cars. Rockaway is a transit desert where we believe 110% parking should be provided.

The developer admits that even with the very few parking spaces that they are providing there will be serious adverse impacts on traffic flow throughout the Rockaway Peninsula even if the NYC DOT implements every one of their suggestions.

There is no analysis of the effect of the increased traffic on emergency services or air pollution.

The “A” train is frequently standing room only when it leaves Beach 60th Street, but the developer doesn’t see any problems with this service.

The developer admits that bus service would be affected but ignores the effect on traffic of adding additional buses.

The developer fails to analyze the effect of increased pedestrian traffic (and jaywalking) on the vehicular traffic.

Chapter 13: Air Quality

We believe that the Air Quality analysis is deficient in several respects.

We believe that it is clear that car ownership will far exceed the developer's proposed 35% – probably it will be in the neighborhood of 85% to 110 % with a concomitant increase in air pollution.

In addition, the developer ignores the pollution that will result from traffic congestion and the adjacent MTA bus depot and repair facility. And the developer mentions a nearby NYCHA unit that provides heat for a million sf. of apartments in 31 buildings but concludes that since it has no permits it must not generate any pollution!

Finally, the developer claims that there will be no pollution from the PTAC HVAC units because no fossil fuel is consumed in their operation, ignoring the fact that fossil fuel will be consumed in generating electricity for their operation, possibly at the nearby National Grid Far Rockaway Generating Station.

Chapter 14: Greenhouse Gas Emissions and Climate Change

The developer only accounts for the on-site consumption of natural gas for heating stores, medical offices, etc. and perhaps common areas assuming that the apartment “energy-efficient package terminal air conditioning” units use no energy. But, of course they do use energy. The fact that the fuel is burned off site is irrelevant to its consumption. Today, generating additional electricity burns natural gas, a fossil fuel.

The developer's arguments that the project is well served by public transit are specious at best. Rockaway is a transit desert. It is said that people have died of old age waiting to get somewhere on the Q 22 or Q 52 bus. This is discussed in greater detail in the main Chapter 14.

Particularly relevant is the chapter's conclusion that there is little reason to believe that the true impact of the project would be a real reduction of greenhouse gas emission overall.

Chapter 15: Noise

While we do not have any significant issues with the developer's analysis of noise levels, we are concerned that the combination of wall / window sealing and sealed PTAC units does not allow for adequate ventilation. In a sealed box, human beings consume oxygen and expel carbon dioxide and water. The discussion does not discuss a means of ventilation.

Chapter 16: Public Health

We believe that there will be significant public health effects as a result of increased traffic congestion.

This will be due to air pollution from traffic congestion and worse response from the city's emergency services (NYPD, FDNY, and EMS).

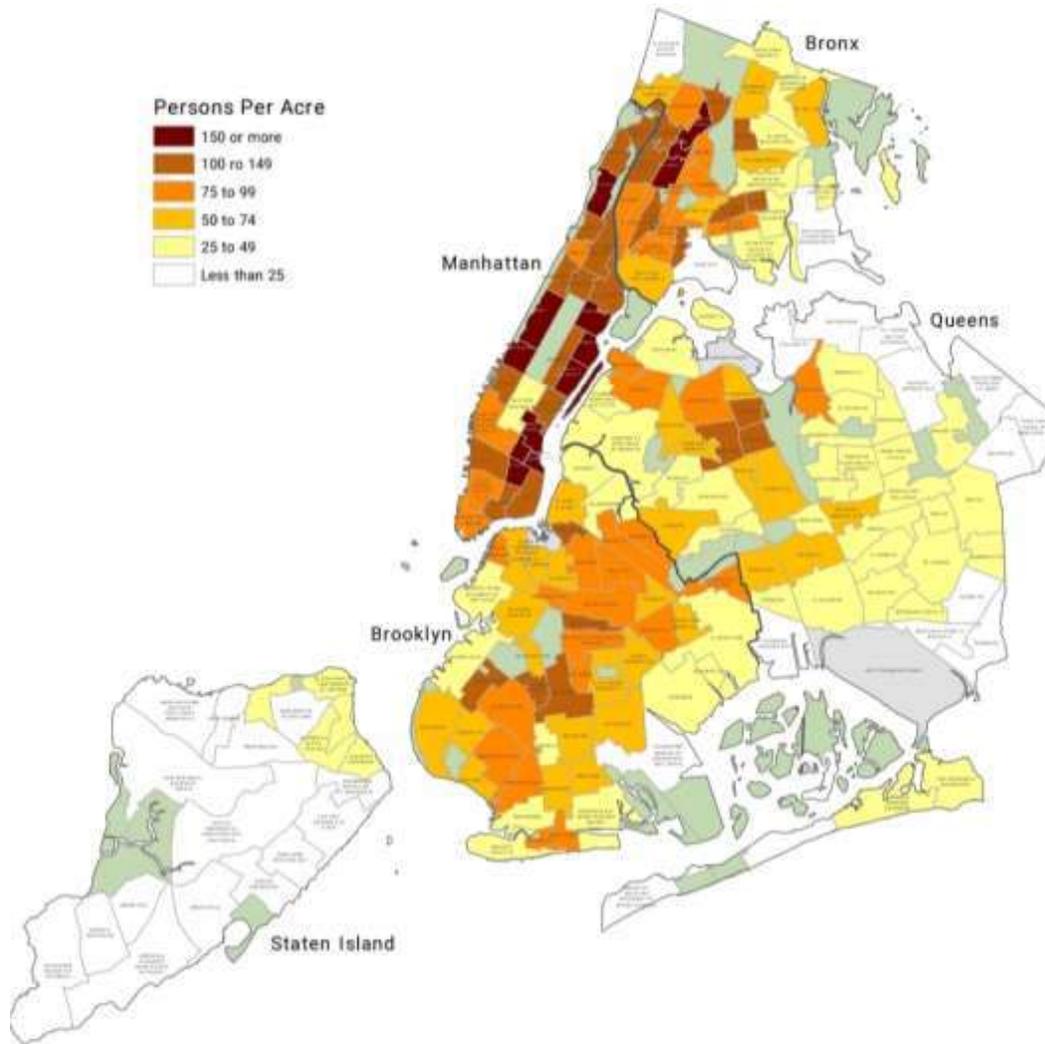
Chapter 17: Neighborhood Character

There are a number of items to consider here.

Perhaps most significant is the fact that the project appears to be designed as a challenge to the Fair Housing Act of 1968 and the Supreme Court's holding in 2015 that it is unlawful to build projects that would accentuate any form of segregation. This project would do exactly that.

The project certainly would not be in character with the neighborhood in terms of height, open space, grass area, or density. The developer proposes 2,200 apartments housing 6-7,000 people on roughly 10 acres of land. That is a density of 600 people per acre. In terms of density, it would be most like Manhattan, the only borough that has similar density as shown by the map below,

PL-P2 NTA: Population Density by Neighborhood Tabulation Area*
New York City, 2010



*Neighborhood Tabulation Areas or NTAs, are aggregations of census tracts that are subsets of New York City's 55 Public Use Microdata Areas (PUMAs). Primarily due to these constraints, NTA boundaries and their associated names may not definitively represent neighborhoods.

Source: U.S. Census Bureau, 2000 and 2010 Census Public Law 94-171 Files
Population Division - New York City Department of City Planning

NYC PLANNING
NEW YORK CITY DEPARTMENT OF CITY PLANNING

Figure 3 - People per acre (NYC Department fo City Planning)

Chapter 18: Construction

We believe that the developer's consideration of the impact of construction is grossly inadequate in two regards.

First of all, there is no consideration of the impact of pile driving noise on vulnerable populations, particularly students at PS 105 and the nursing homes.

And there is no consideration of routing construction vehicles away from PS 105 when children are entering and leaving.

Chapter 19: Alternatives

This is the most relevant chapter of the DEIS. The HPD *Resilient Edgemere* report recommends mostly one and two family houses and stores for Edgemere. We believe that would be one of the most appropriate uses of the site but we would not object to the developer's constructing 568 apartments as of right. Nor would we object to any request for a zoning change to permit additional stores. We believe that the best use of this land would be to construct at least one elementary school.

On the other hand the developer argues that if market rate housing is built on this site "the potential to introduce a trend or accelerate a trend of changing socioeconomic conditions that may potentially displace a vulnerable population . . . [exists]. . ." This is an outright lie since virtually all of the existing housing in the area is either publicly owned or subject to a variety of income restrictions. Thus gentrification is just not possible in Edgemere.

The developer continues that the goal is to build as many apartments as possible for the lowest income residents on any open land. And implicitly, the developer says to hell with everyone else. We believe that housing is necessary for people with a range of incomes and a community requires a range of services and facilities.

Chapter 20: Mitigation

The developer admits that the project would have serious deleterious effects on community resources including pre-school, elementary, middle and high schools as well as libraries. Parks and open space would be a problem as would noise. The transportation issues including parking, traffic, buses, subways are too numerous to mention. And they extend from downtown Far Rockaway to Beach 116 Street.

The developer has no serious methods mitigating any of these problems. The best suggestion offered is to retime traffic signals in violation of the law (NYS Vehicle and Traffic Law, §1680)!

Chapter 21: Unavoidable Adverse Impacts

The developer admits that the project will have unavoidable, and we believe unacceptable, adverse impacts on childcare, elementary, middle, high schools, and libraries in the area.

The project will have a negative impact on parks and open spaces.

The project's impact on transportation would be just awful. Even if the developer is granted the right to only have parking for 35% of the apartments, traffic from one end of the Rockaways to the other will be impacted. The developer proposes eliminating parking at various locations from Far Rockaway to Beach 116 Street. Emergency vehicles passing the project will be delayed. Busses will be over capacity. People from the Rockaway Park will never get a seat on the "A" train when they transfer at Broad Channel. There will be pedestrian traffic jams in the project's vicinity. Altogether a range of horrible transportation problems will result from the developer's proposals by the developer's own admission.

The project will create a range of noise and construction issues and possibly make education at PS 105 impossible for the ten years of construction.

In summary, the developer proposes to convert a quiet, seaside community into a replica of the worst of Manhattan. We don't think that is a desirable outcome.

Chapter 22: Growth-Inducing Aspects of the Proposed Project

We agree with the developer that the project would not generate any additional growth beyond the project boundary in view of the fact that virtually all available land is occupied by various government agencies including the NYCHA, MTA, and FDNY.

Chapter 23: Irreversible and Irretrievable Commitments of Resources

The developer makes a number of statements in this chapter that don't appear to have anything to do with commitments of resources but appear to be a summation of their arguments for the project.

The developer argues that the population of the Rockaways is increasing and therefore this project should be built to further increase it. The argument only leaves us confused.

Likewise, the developer points out that families in the Rockaways, like most people in the city, are rent burdened. True, but not relevant to the project's merits. And the developer refuses to provide significant help for moderate and middle income families

The developer continues that there are senior citizens in Rockaway. Of course there are senior citizens throughout the city. Again, a true statement but what of it? One of the authors of this paper is a senior citizen, but he certainly does not need subsidized housing.

The developer's most outrageous, and untruthful, argument is that the project will provide 2,200 apartments for household up to 80% of the AMI suggesting that the project would provide a substantial number of apartments for those at 80% of the AMI but most of the apartments are for those far, far below the 80% AMI. In fact, the apartments are overwhelmingly for those at half of that level or less. The developer says that there will be apartments for police, fire fighters and teachers but NYPD, FDNY, or teacher couples will not be eligible if they have as little as five years on the job.

The plain fact is that this is just another attempt to dump the poorest of the city's poor on Rockaway. We firmly believe that all people deserve decent housing but the time is past where the least affluent and most troubled are sent to the Rockaways where there are few jobs, few services and the better off population is kept elsewhere. Indeed, working couples making slightly more than the minimum wage will not be eligible for these apartments!

Rockaway, and Edgemere in particular, needs more people who have a bit of disposable income to support stores and services so desperately needs by residents. The HPD *Resilient Edgemere* report stated this as clearly as possible,

Rockaway has a dearth of infrastructure, public facilities and amenities. And an excess of low income housing, nursing homes, and adult care facilities.

Chapter 1: Project Description

An excerpt from the developer's Draft Environmental Impact Statement, 1-22, 23 seems like a good place to start this chapter:

The Queens CD 14 Statement of Community Needs identifies the high rate of unemployment in Queens CD 14 as a pressing concern. Approximately 10.2% of the civilian labor force in Queens CD 14 is unemployed, compared to only 8.6% in Queens and 9.5% in NYC3. The Proposed Project would introduce local retail and medical office space, which would generate approximately 365 new permanent jobs on the Project Site.

In addition, the overall scale of the Proposed Project is intended to fit into the context of the nearby development. The NYCHA Ocean Bay Apartments (Bayside) are located directly north of the Project Site and include 24 buildings that range in height between seven and nine-stories. The Ocean Bay Apartments (Oceanside) are located one block west of the Project Site and contain seven buildings with heights of seven- to nine-stories. The Arverne View apartment complex is located approximately four blocks southwest of the Project Site and provides 1,100 DUs across 11 buildings, which range in height from four to 19 stories. The Proposed Project would consist of 11 buildings that would range in height between 8 and 19 stories.

The proposed increase in density is supportive of the City's goal to redevelop vacant and underutilized land to provide affordable housing. The Proposed Project would allow for the redevelopment of the unused land once occupied by the Peninsula Hospital with affordable housing. The rezoning of the Project Site to both C4-4 and C4-3A districts in conjunction with a zoning text change to provide MIH would result in permanently affordable housing on the Project Site. Under the anticipated MIH designation of Option 1, the Proposed Project would be required to develop 25% of its residential floor area as permanently affordable housing units (approximately 550 units) averaging 60% of the Area Median Income (AMI), with no unit targeted at a level exceeding 130% AMI. Furthermore, as stated previously, the Proposed Project intends to provide additional affordable housing by restricting a total of 1,927 of its approximately 2,200 DUs to households with incomes up to 80% of AMI.

We believe that the developer's premises are fundamentally flawed and violate the law.

This project is a publicly financed low income housing project to be operated for private profit. This chapter addresses a number of significant matters that the developer managed to ignore in its submission. These include the lack of education facilities, the lack of income to support retail establishments, the fact that retail establishments that have been opened in the area have repeatedly failed, and the overall character of the development vis a vis the neighborhood.

The developer wishes to build 2,200 “mixed income” rental apartments for police officers, fire fighters, and teachers where 568 apartments are allowed under the current zoning. In addition, the developer wishes to construct stores for the community (which we support) and medical offices (in close proximity to the Addabbo medical facility which is currently doubling its size). The developer wants to provide parking for only 35% of the residents vs. 85% required under the zoning rules, and finally, the developer says that the Beach 52nd street at Rockaway Freeway entrance will be “reopened” from where it now terminates at Rockaway Beach Boulevard. In fact, Beach 52nd Street now terminates at Edgemere Avenue, not Rockaway Beach Boulevard as it always has, since the LIRR tracks were laid at street level and as it has when the Freeway was built.

The developer does not want to provide yards, compliant setbacks, or required parking. And what parking the developer does provide has not been indicated if it will be free or at a charge. All of the proposed zoning changes (other than retail) would have serious negative consequences for the local community and the Rockaways as a whole.

Income levels

This Peninsula Hospital Site Development plan is being sold by the Arker companies and local elected officials as a MIXED Income affordable housing development. **That is not true.**

The following table is the definition of the various income bands:

<u>Income Band</u>	<u>Percent of AMI</u>	<u>Dollar Range</u>
Extremely Low-Income	0-30%	\$0 - 28,830
Very Low-Income	31-50%	\$28,831 - 48,050
Low-Income	51-80%	\$48,051 - 76,880
Family of 3 AMI	100%	\$96,100
Moderate-Income	81-120%	\$76,881 - 115,320
Middle-Income.....	120-165%	\$115,320- 158,565

The Area Median Income (AMI) is \$96,100 for a family of three.

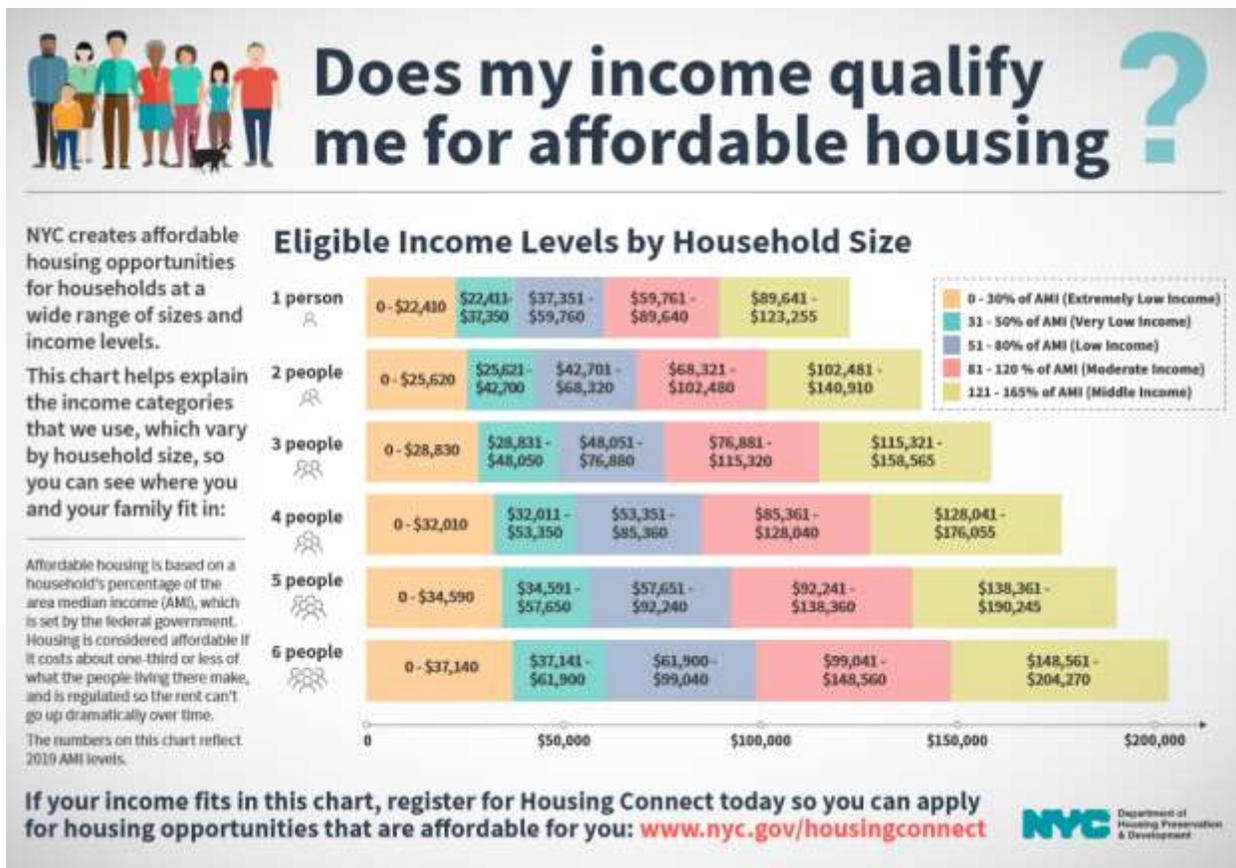


Figure 4 - Eligible Income Levels by Household Size (NYC)

<https://www1.nyc.gov/assets/hpd/downloads/pdf/renter-resources/affordable-housing-income-eligibility.pdf>

It is clear that there will be NO units available for middle income families and only 13% will be for moderate income families. This will be a publicly financed, privately owned low to extremely low income housing project, just like all of the other Rockaway projects.

That is, a household with two working adults making a little over minimum wage will barely qualify for 13% of the moderate income units. There is a real need to better balance incomes in this development to give current locals an opportunity.

Look at chart and see a few scenarios to show you who qualifies for only **13%** of the apartments:

1. A husband making \$35,000 a year and a wife making \$35,000 a year would ONLY qualify for those very small number of moderate income units.
2. A husband making \$40,000 a year and a wife making \$40,000 a year and they have one small child would ONLY qualify for those very small number of moderate income units.
3. A husband makes \$60,000 a year and the wife makes \$26,000 a year and they have two small children they would ONLY qualify for those very small number of moderate income units.
4. A working couple each make a little over minimum wage, \$16.50 hr. would only qualify for 13% of the units.

5. Single mother MTA worker makes \$60K a year lives with her infant son and mother who collects \$1,500 a month in social security would only qualify for 13% of the units.
6. Married couple police officer and teacher both with 3.5 years employed and have two children might only qualify for 13% of the units.

Arker and Donovan Richards say that this is for cops and firefighters. They use the starting salary as an example. But in real life, after 5 years, what is a police officer's pay? More like \$80,000. So a married couple, both NYPD officers, is not eligible for an apartment at all! Same for most two earner city employees.

As planned, the project will only create further concentrate poverty and continue the economic and racial divide that has plagued the Rockaways for decades.

Of the planned 2,200 units ONLY 273 units (LESS THAN 15%) of the units will be for moderate income families making more than 80% AMI. Middle income families will not be eligible for any of the apartments

These working families desperately need affordable housing too and are often forgotten about. CHANGE THE PLAN to ensure MORE affordable housing units are available to moderate and middle income residents. It will better balance the income in the neighborhood and allow economic development and create permanent affordable housing.

Wealthy and upper middle class families make enough money and don't need rental assistance. Many working poor and those less fortunate receive some type of rental or other subsidies to make life easier so they can survive. However, what about the forgotten moderate and middle income families who can barely pay their rents and also make too much money to receive any type of rental subsidy? Why does the current Peninsula plan only have 13% of the units for the forgotten Moderate Income families and NO units for middle income families? A balance of income requirements is important to any new development giving ALL people who need it a hand up and is vital to the long term stability of the community and its CURRENT residents.

Of the planned 2,200 units ONLY 273 units (LESS THAN 15%) of the units will be for moderate income families. None would be for middle income families, The rest will be for Low Income, Very Low Income and Extremely Low Income as per a chart put out by NYC. This proposal is NOT a Mixed Development, **they are lying** to the Rockaway Community. Moderate and Middle Income working families desperately need affordable housing too and are being forgotten about.

The subject area in the Rockaways already has some of the most reasonable rents not only in Queens, but also in New York City. The chart below shows that the Rockaways is NOT experiencing major losses of unsubsidized housing and of the 4,908 units of housing in the study area 4,107 (84%) are publicly funded and not subject to large rent increases or gentrification.

MAP 2: MAJOR LOSSES OF UNSUBSIDIZED LOW-RENT APARTMENTS SINCE 2011

Percentage point difference
2011-2017

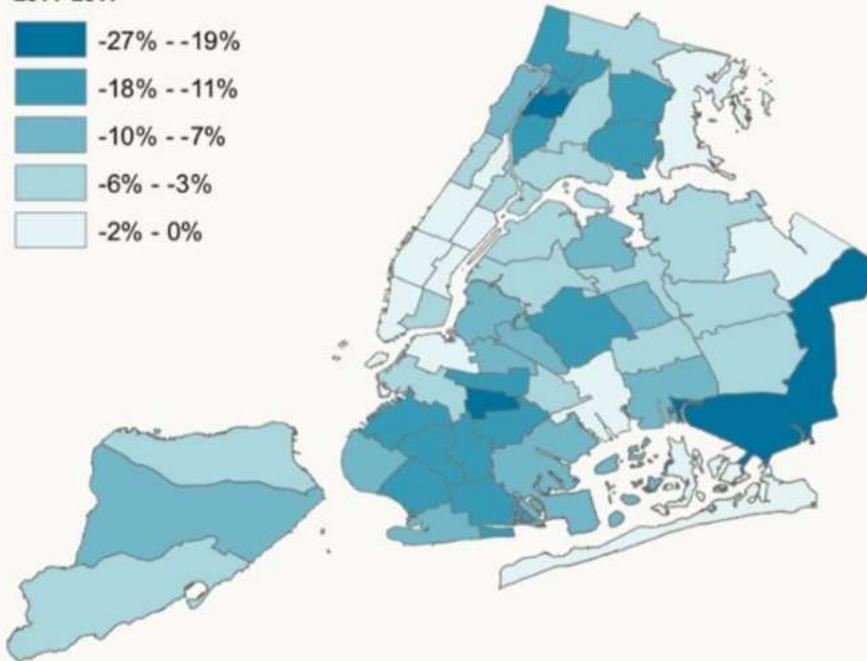


Figure 5 - CityLimits.org: Major losses of low rent apartments since 2011

CityLimits.org: Chart showing loss of low rent apartments since 2011

The proposed Peninsula Hospital plan would be the largest 100% Affordable Housing Development in the city.

There is nothing wrong with affordable housing when designed and implemented properly. There are, among the opponents, people who have lived in affordable housing and have many family and friends that live in affordable housing and understand its benefits. However the Peninsula Hospital plan does NOT balance incomes and further creates concentrated poverty instead of being a TRUE mixed income development. Under the CURRENT Plan there will be NO Units for middle income and only 13% for moderate income.

Incomes

Homeownership:

This development does not provide any opportunity for affordable home ownership which is desperately needed because the area is saturated with rental units. Home ownership would provide stability to the area.

Balance of Incomes:

The current plan is only calling for 13% of the units to be for moderate-income families. How are you supposed to build a sustainable community when you need people who have disposable income as well and only 13% are being offered to moderate-income families. The current plan is for 87% of the units to be for extremely low, very low and low income. Yes we understand there are many people out there who are underprivileged and we need to be able to have housing alternatives for them. However a failure to balance incomes properly will only further create and perpetuate concentrated poverty and economically and racially segregate our community.

Jobs:

This development when complete will provide around 250 to 300 jobs in an area with some of the highest unemployment rates in New York City. How will adding 7,000+ NEW underprivileged residents help this ratio??

There are so many other reasons as well for this plan to be changed we could go on forever but these are the main topics.

This Peninsula Hospital Site Development plan is being sold by the Arker companies and local elected officials as a MIXED Income affordable housing development when **it is not true**. The developer states it's a mixed income development when ONLY 13% are for moderate income families AND there are NO middle income units.

The developer has stated that it will create 600 jobs, when Environmental Impact Statement states around 300. Either way how many of those jobs will be guaranteed for residents of Edgemere / Arverne and the rest of the Rockaways?

A new supermarket and retail space is a good thing, however the Community needs more economic opportunity for CURRENT residents because in 15 years this development will only have created about 300 permanent local jobs when complete for 7,500+ New Residents.

They mention hundreds of construction jobs? How many will be local and how many local residents that need economic opportunity have the training and skill to do those jobs? Will the builder provide training?

It's a slap in the face to the Community Board and local residents that the Arker Companies wants to build only 13% for moderate income families and parking for only 35% of the proposed units.

Density

The project would build 2,200 units of housing and add 7,000+ new residents on only 9.34 acres. This is similar in size to Ocean Bay Apartments AND Arverne View Houses combined on a fraction of the land. It is too many people for this community that lacks the resources.

In the Draft Environmental Impact Statement EIS Chapter 4 page 4-5 claims that the proposed project would NOT result in the creation of a sizeable new neighborhood where none existed before. Therefore a detailed analysis of indirect effects on health care facilities is not warranted.

Since when is 6,500+ NEW residents not considered sizable?

Isn't doubling the area population sizable?

Is a 50% increase in the zip code population sizable?

Many local residents and civic leaders across the Rockaways have discussed this density issue being a problem with the new development and that was before they even knew about the current and future developments on the Peninsula which will add thousands of more units and close to 15,000 more residents

- Arverne by the Sea Tides Section will add approximately 750 Units 2,500 new residents
- Downtown Far Rockaway Village will add approximately 5,000+ new residents
- Arverne East which will bring approximately another 4,500+ residents.

The developer is financing this project through a variety of public funding yet has chosen not to use M2 funding to bring in a significant number of moderate and middle income families. The developer appears to be prejudiced against the middle class.

Here's an interesting fact. The 2018 report from the U.S. Census Bureau states the population of 11692 (this site's zip code) is 20,242 for the entire zip code; this development is adding an additional 7,000+ to that! That's nearly a 35% increase in population. Where are the schools, police / fire protection, road and sanitary and utility improvements? This project increases the overall Rockaway Peninsula population by nearly 5.5%.

The Arker Companies and local politicians say they need density to make the development work. The fact is that there is already a very significant density in the project area. The problem is that there is not sufficient income to support stores and amenities. And this project, with its overwhelming bias toward low and extremely low income will not address this issue. The true reason for this extreme density is to line the developer's pockets and the pockets of the politicians they donate money to.

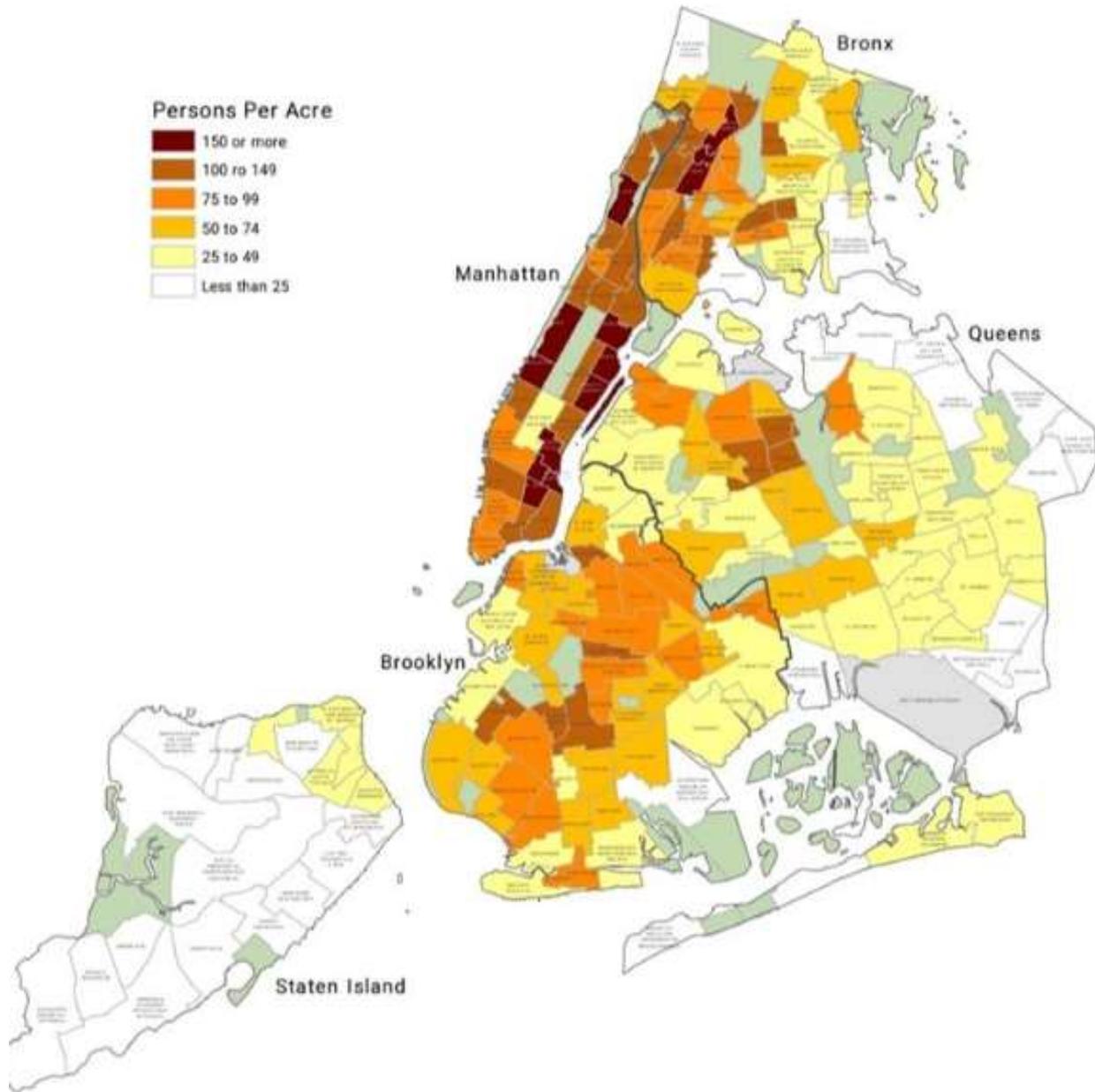
Here is a density analysis of the entire city showing how many people live per acre.

As you can see most of the city's density is 50-99 people per acre.

So just doing a quick analysis of the proposed with action plan to build 2,200 units of housing with 7,000 new people on 9.34 acres of land yeilds a density of 749 people per acre – which is off the charts.

Cramming that many vulnerable people into an isolated beach community that lacks good paying jobs, adequate transportation and has overcrowded and underperforming schools is a recipe for disaster.

PL-P2 NTA: Population Density by Neighborhood Tabulation Area*
 New York City, 2010



*Neighborhood Tabulation Areas or NTAs, are aggregations of census tracts that are subsets of New York City's 55 Public Use Microdata Areas (PUMAs). Primarily due to these constraints, NTA boundaries and their associated names may not definitively represent neighborhoods.

Source: U.S. Census Bureau, 2000 and 2010 Census Public Law 94-171 Files
 Population Division - New York City Department of City Planning



Figure 6 - People per Acre (NYC Department of City Planning)

They are projecting a community three times the size of Broad Channel but the developer claims that the proposed project:

- Would not result in any direct effects on either police or fire services.
- Would not not create a sizeable new neighborhood where none existed before.
- Would overwhelm existing elementary schools but that is not their problem.
- And therefore, no further analysis is warranted!'

The Arker company is looking for approval to put 2,200 units of housing on the former Peninsula hospital site when they only have an "As of Right" to build 568.

- How many units of housing would be appropriate for the site?
- No New Housing, area to dense.
- 568 units "As of Right"
- 2,200 units, with approval
- 1,136 units, with approval
- 1,500 with Option 2 under MIH

So, the Arker company states they need the density to support the retail development. That's funny because other developments they have built across the city don't have close to 2,200 units and the retail works just fine. Besides the area is already has density in place.

- 1,395 units in Ocean Bay Houses, 1,093 units Arverne View
- 712 units B41 St Houses
- 342 units Nordeck Buildings.

These are just some of the units with a total of around 5,000 dwelling units and about 14,000 residents. That's density!

Now they want approval to bring in 2,200 more units of housing without providing a new school or real job opportunities for current residents.

When asked how they intended to evacuate the thousands of residents in their buildings when there is another emergency such as Sandy and the Transit Authority has shut down service in The Rockaways, their answer was "we'll supply buses." No answer where they would get them, or drivers. "Trust us."

So here is the Arker company's website. All nice and fancy with some good info about the project, <https://comingtoedgemere2020.com/>

However one big problem. They left out important information and other information is misleading.

1. The development will bring over 1,500 school age children and NO new school while the closest school, PS/IS 105, is at 112% capacity. WE MUST HAVE A NEW SCHOOL.

2. They state it is Mixed Income project but **that is not true**. Only 13% of the units will be for moderate income families and there will be no middle income units. **MUST HAVE TRUE BALANCE OF INCOME.**
3. This project will become the highest density population in the Peninsula and 19 story buildings will dwarf residents of NYCHA Ocean Bay Houses. **NEED LESS DENSITY TO NOT PUT STRAIN ON CURRENT RESIDENTS.**
4. They state there is no need for additional parking **BUT** they will have parking for **ONLY 35%** of the apartments. The zoning requirement of 85% of the residential units is a minimum. We believe that 110% is more appropriate. **RESIDENTS NEED MORE PARKING.**
5. They state there will be good paying jobs, but when project is complete in 2034 (15 years) will only create about 300 minimum wage jobs for 6,500+ new residents.

Other

Coangelo who has always been a friend of the Rockaways.

But notice the info they give the news is still different than what's in the Environmental Income Statement.

Also notice they keep saying they need the density to support the retail. Well if they built more units for moderate and some middle income units they wouldn't need the density as the community would have more disposable income and be a true mixed income development that would be viable long term. Many of Arker's other developments don't even have close to this much density **AND** are **TRUE** mixed income developments with plenty of retail. So Arker should go back to the drawing board and come up with a better plan that will serve the current residents.

The proposed supermarket is a good thing with the proposed development, but as you can see from the past article the community needs **A LOT MORE** job opportunities than just a supermarket for **CURRENT** local residents. **SO** will there be any job opportunities for the 7,500+ new residents the Arker company wants to bring into the community. The local Stop and Shop is 55,000 square feet and at the time had 160 **PART TIME** workers. The proposed Western Beef would be significantly smaller and employ fewer local residents.

They say the affordable housing is for families, however an affordable housing development of this size would create a shortage of 353 seats in publicly funded child care and they would operate at 168% of capacity. This is in addition to the 2,000 elementary school seats that they would be short. Tell me again how this will help children.

Check out Chapter 8 of the Environmental Impact Statement. Look at the design of the buildings and how they will dwarf the surrounding buildings.

The Peninsula Hospital plan goes against EVERYTHING Community Board 14 had voted on and approved not long ago.

1. No affordable housing be developed that is NOT at least 60% AMI.
2. Greater emphasis be put on homeownership and preferably market rate housing.
3. No reduction in the 85% parking requirements be granted on any new building.

The Arker Companies and the Council Member need to pay attention and read this article from someone who has lots of credibility and heed the information from the last paragraph.

The Director of Public Policy at Enterprise Community Partners and a woman of color says: "any new land use policy must make a specific effort to undo racial and economic segregation and prevent it from harming the communities it seeks to rebuild. An effective policy must ensure that municipalities do their due diligence to affirmatively further fair housing and do not further exacerbate the poverty and community disinvestment in racially or ethnically concentrated areas. Without an explicit plan for inclusion, we invite history to repeat itself."

NYU School of Law – Wagner School of Public Service – Furman Center –

www.furmancenter.org

[Justice Zoning: Without it, We Invite History to Repeat Itself](#) – Lorraine Y. Collins of Enterprise Community Partners notes that policies can be exclusionary at all levels government, and that only intentionally inclusive land use decisions will address segregation. She recommends strategies for incorporating a fair housing lens into affordable housing policy.

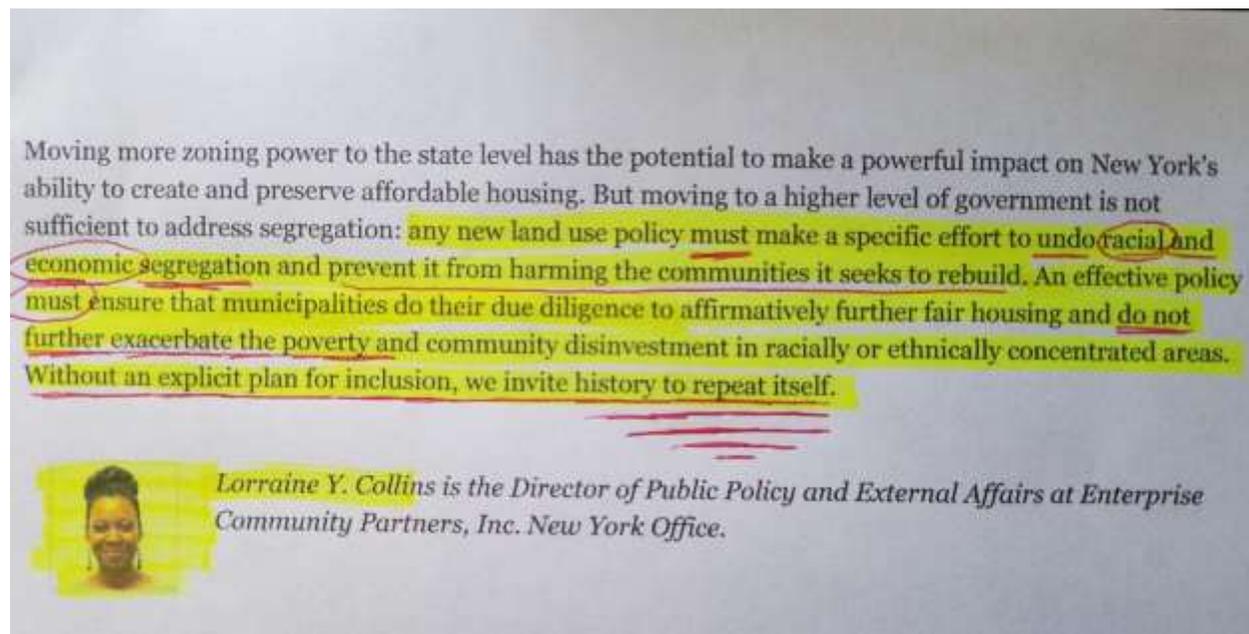


Figure 7 - Lorraine Collins, Enterprise Community Partners statement

According to a report by the New York City Planning Commission Arverne Urban Renewal EIS Calendar from November 3, 2003 / Calendar No. 2 C 030509 HUQ:

Half of the subsidized housing in Queens was located on the Rockaway Peninsula and construction of additional low and moderate-income housing in Arverne would only increase the proportion.

This is the city's own study and what does Arker and De Blasio Administration want to do? They want to create more concentrated poverty by failing to build adequate amount of moderate and middle income units!

There is an area of East New York that is being revitalized with affordable housing. That is the area behind the Gateway Mall (Erskine St) off the Belt Parkway. This is nicely done and is mostly a RESPONSIBLE Development. This is in an area that is not isolated from the rest of the city and has plenty of jobs to offer its new residents. Six (6) story buildings, NOT nineteen (19).

Other things to consider

The initial public meeting, a “Scoping Meeting”, was held at 4 pm on April 26th 2018.

The special community board meeting was held on Primary Election Day effectively suppressing turn out of concerned residents. But not project supporters who were bussed to the meeting from Far Rockaway.

Arker presentations were made to appear as though they were official government meetings.

The HPD *Resilient Edgemere* study which was conducted over many months and included significant community representation concluded that this sort of development was exactly what this area did not need and should not be built. It recommended that only one or two family homes should be built in the area along with retail and parks.

They claim to have contacted community organizations. The Bayswater Civic Association invited them near the beginning of the project, but they declined the invitation.

If the Arker Companies wants to create jobs why don't they move their headquarters to the Development when it is complete and hire locals?

Now that's creating economic opportunity. While they are at it maybe they can take the penthouse and live in the community they build and then they will truly understand the issues facing our community!

Change and development can be a good thing if it's done properly. However, the current plan to redevelop Peninsula Hospital does NOT do enough positive things for the community and there are many negative things that will have a significant adverse impact on our quality of life, especially the lives of our children.

The city and local politicians have not learned from past failures when it comes to housing.

It's great to see our councilman getting an award for Affordable Housing "Homeownership"

And if he is such an advocate for homeownership he should ensure the proposed development includes some homeownership especially when it is something that Community Board #14 requested a few years ago when it comes to affordable housing in the community.

In his own words he states homeownership is a vehicle for closing the wealth gap.

So then why is he not fighting to get affordable homeownership as part of the plan??

Well this is his chance to give the residents of the Rockaway community a hand up and fight for homeownership as part of the plan.

I am a bit confused. If Donovan Richards believes that all of this new housing that he is sponsoring is so great, and Far Rockaway is truly being revitalized, why did he move out of Rockaway?

But perhaps most significant, when asked if they had given money to either Mayor de Blasio or Councilman Richards, they turned red and refused to answer! They only said that "we obey the law." The implication must be that they have found a way to bribe / pay off / funnel money to elected officials within the law. I suppose that if it is within the law it's technically not a bribe, but . . .

Donations to Mayor de Blasio:

	A	B	C	D	E
1	Arker to De Blasio		2015 also said 2017 so maybe for 2017 race		
2					
3	Arker companies	24,600			
4					
5	Alex Arker	400	2015		
6		400	2013		
7	Ray Arker Feigenblatt	4,950	2017	White pages lists as a	
8				Relation to the Arker	
9				Principles	
10	Alan Arker	400	2013		
11		400	2017		
12	Blanche Arker	4,950	2013	Relation to Arker	As per White pages
13		4,950	2014		
14	Dina Arker	4,950	2015	Relation to Arker	As per white pages
15	Joshua Arker	900	2015	Relation to Arker	As per white pages
16		4,050	2017		
17	Leslie	4,950	2015	Relation to Arker as per white pages	
18	Melissa	4,500	2015	Relation to Arker as per white pages	
19	Sol Arker	400	2015		
20		24,600			

Figure 8 - Donations to Mayor de Blasio

Chapter 2: Land Use, Zoning, and Public Policy

This chapter is required to examine potential impact of the Proposed Actions on land use, zoning, and public policy in the surrounding area. Of course there will not be much of an effect on the existing NYC Housing Authority projects. But that only applies to the area west of the proposed project. East lie one and two family houses. And south of the area is the Arverne East area.

This project, if approved, would be perhaps the clearest violation of the United States Fair Housing Act of 1968 ([42 U.S.C. § 3601](#) *et seq*), that can be imagined. Clearly it would meet the “disparate impact” test set by the Court in 2015 (*Texas Department of Housing and Community Affairs v. Inclusive Communities Project, Inc.*, 135 S. Ct. 2507 (2015)) but it would also meet the arguments presented by Justice Thomas’ in his dissent in as much as direct testimony before the commission argued in favor of a segregated project (Rev. Gray and Milan Taylor).

The City of New York, acting through the Planning Commission, may not lawfully permit this project.

We believe that the applicant’s Principal Conclusion that there will be no significant impacts are fanciful at best. The proposed project will certainly not enhance property values. Would you buy a one family house adjacent to a nineteen story public housing development? We believe that the effect of the project, as proposed would be devastating to the area of one and two family houses east of the project and make successful development of Arverne East considerably less likely. And the effect on the eastern end of Rockaway will be similarly negative.

It is absolutely immoral to continue the process, begun under Robert Moses and continued under successive administrations, of confining the city’s poorest, least educated, least advantaged, least healthy people in the Rockaways, the area of the city with some of the worst schools, worst health care availability, highest unemployment, fewest available jobs, and most similarly situated people. If this is not a clear violation of the U.S. Fair Housing Act of 1968 it would be difficult to find any violation of the Act.

The developer argues that the site has been “vacant and underused” for a number of years. Yes, there are any number of vacant sites in Rockaway. But that does not mean that every vacant site should have as many apartments as current technology will permit a builder to construct. Nor is it necessarily true that vacant is bad. There is an area of over 800 acres in the middle of Manhattan that is, essentially, vacant. Would Arker want to fill Central Park with housing?

The developer carefully picks and chooses comparisons. The proposed development would increase the area population by some 6,500 people (perhaps more) where all of Rockaway has fewer than 100,000 people and the local area has only fewer than 7,000 people. From this the developer concludes that the boundary of the area to be studied should only include a ¼ mile radius rather than a half mile radius! And much of this area is water so there is not too much to study. We would propose that the developer should have studied a 21.8 million square foot area of land $(.5 * 5,280)^2 * 3.14$ i.e. ½ mile squared times Pi.

Perhaps the most significant factor weighing against the developer's proposal was the city's most recent study of how the Edgemere area should be developed. The study, titled *Resilient Edgemere* (available at <https://www1.nyc.gov/assets/hpd/downloads/pdf/community/resilient-edgemere-report.pdf>) concludes that available land in the area should only be used for one of three purposes: stores, parkland, and one or two family housing.

A fundamental principal of zoning is that new construction should be in context with the neighborhood. The neighborhood includes housing that almost universally sits on significant plots of open space filled with grass all around the buildings. The developer proposes buildings that will have no side yards and will sit in the middle of concrete paving, just like Manhattan – a place that people come to Rockaway to escape.

The developer complains that the existing zoning is “insufficient to achieve the proposed density.” But what does this mean? If one has property zoned R1 and wishes to build an R4 apartment house, then the zoning is insufficient. Does this indicate that there is a problem with the zoning or a problem with the builder? We would suggest that the problem is with a builder who wants to build what is clearly not permitted.

The developer argues that the project site is located on two wide streets—Rockaway Beach Boulevard and Beach Channel Drive that “can support increased density and the commercial development.” In fact, each of these streets has only one traffic lane in each direction despite the developer's description of them as “wide.” One would suppose that a wide street would have several lanes in each direction, not just one.

The developer goes on to discuss the vast transportation available to Rockaway residents such as the standing room only “A” train and the ferry that each take at least an hour and a half to get to midtown Manhattan (and for the ferry, add another half hour for the bus to the ferry), the Q 52 bus that takes an hour and a half to get to central Queens, and the Q 22 bus that takes an hour to transverse the Rockaways. With these wonderful transportation options the developer sees no need to provide parking for cars.

And the developer is truly to be admired for wanting to provide open spaces – for paved streets and sidewalks. People in the Rockaways think of grass and shrubs and even small trees like oaks and maples when they discuss open spaces. Not concrete.

Public Policy

OneNYC/PlaNYC

The developer reports that the “Proposed Project would be consistent with Visions 1 and 2 in *OneNYC*.”

Vision 1: Our Growing, Thriving City

The developer argues that any housing construction supports this goal, and the more the better. If the Planning Commission accepts this point of view, there is no further need for it to exist. The largest building that an architect and engineer can construct on a site is, by this definition the most desirable. There is no need for further analysis. We believe that this point of view is at best, mistaken.

As additional support for stuffing this huge project into the tiny area, the developer proposes it as MIH, adding more public housing to an area that already has half of Queens’ publicly financed housing! Is there no end to sophistry?

Finally, the applicant claims that the project would help achieve “vibrant neighborhoods by alleviating barriers to mixed-use development.” We believe that it would do no such thing.

- It would accentuate neighborhood racial segregation.
- It would accentuate neighborhood economic segregation.
- It would add a low class supermarket to compete with the existing neighborhood supermarket.
- It would add medical offices to compete with the existing nearby, highly regarded, Addabbo health center.
- It would, for all practical purposes, create a permanent bar to virtually all potential middle income and most moderate income residents.
- It would be unavailable to almost all NYC employees.
- It would enshrine Robert Moses’ legacy.

Vision 2: Our Just and Equitable City

“Vision 2 strives to achieve an inclusive, equitable economy that offers well-paying jobs and opportunity for all to live with dignity and security in NYC.”

The applicant explains that it would achieve this (Healthy Neighborhoods, Active Living) by providing 24,000 sf of concrete paving open to the public but fails to explain how its concrete would differ from any other street. It does say that they would create a timber play area and landscape the concrete, but it does not seem as though it would be much more than any Manhattan street. Certainly not a Rockaway street.

Housing New York

The developer claims that the project would provide 1,927 apartments permanently restricted to those with incomes up to 80% of AMI. Like so much of the developer's arguments, **it is truer for what it omits**. 87% of the units are to be for extremely low, very low and low income and not available for two earner NYC employees. Only 13% of the apartments would be available for moderate income rental (80% of AMI).

In other sections of this chapter, the developer touts the fact that they will comply with the law in regards to Costal Zone regulations, etc. Of course we expect them to comply with the law, so there should be no points for that. We also expect that they will supply heat, water, and electricity. So what?

Other portions of the chapter make no sense at all, although that may not be the developer's fault. They explain that there will be adequate city services because the area is or will be served by a 36" water main and new 10" and 18" sanitary sewers. We would not expect the project to use 100% of these resources, but since all of the fresh water will ultimately flow into the sanitary sewers, the math is confusing. A 36" pipe has a cross sectional area of roughly 1,000 sq. inches while a 10" and an 18" pipe have cross sectional areas of 80 and 256 square inches respectively (330 in² total). It seems clear that the sanitary sewer capacity is only a third of the water main capacity not considering that fresh water flows under pressure while waste water does not. In addition, the developer suggests that storm water will be discharged to sanitary sewers (Policy 5.1).

The developer continues, stating that the project would not result in any adverse impacts on high schools or libraries since these resources are measured on a borough basis despite that lack of transportation. The developer suggests that it is no problem at all for children to travel for an hour and a half or more each way to reach high schools or libraries.

The project's proposals for flood mitigation are alarming for the nearby community. While the developer proposes to entrain some water in tanks during the height of a storm or flooding, the key aspect of the project will transfer significant amounts of water from the project site to the surrounding area due to elevation and sloping of the project site. We believe that either the center of the project roadways must be at surrounding grade level or lower, or the design must capture 100% of drainage from the project streets before it leaves the project and enters the public streets.

Chapter 3: Socioeconomic Conditions

The developer proposes to more than double the area population, from 6,848 to 14,545 people.

Dwelling units in the area are as follows:

Current dwelling units	4,908
Publicly funded housing	4,107
Owner occupied	280
Unoccupied	552
Vulnerable to displacement	183

Note that the developer's arithmetic is not correct as they report 4,107 units in publicly funded housing and 280 owner occupied units = 4,387 units but they report only 4,356 occupied units.

The 552 unoccupied units are so generally due to Superstorm Sandy damage.

The publicly funded apartments are as follows:

Arverne/Nordeck Apartments	342
NYCHA Ocean View Apartments (Bayside)	1,395
NYCHA Ocean View Apartments (Oceanside)	418
NYCHA Beach 41 st Street	712
Arverne View Apartments	1,091
309 Beach 53 rd Street	16
334 Beach 54 th Street	32
<u>Beach Green Dunes*</u>	<u>101</u>
Total Publicly Funded Apartments	4,107

The developer discusses rents in the area and also Arverne by the Sea, an area of market rate, owner occupied buildings and concludes that tenants are, by and large, rent burdened since the developer guesses that most are paying more than 40% of their income in rent while the definition of rent burdened is paying over 30% of income in rent. The developer fails to note that most people in Queens and New York City as a whole are paying somewhat over 40% of their income in rent. Thus, the area is a fair reflection of the borough and the city.

Perhaps more important, the developer discusses the possibility of what is colloquially called gentrification and correctly concludes that gentrification is not possible in the area since apartments are overwhelmingly publicly funded.

The developer argues that the project would produce a substantial amount of new housing, increasing the number of dwelling units / apartments in the area by over 50% on only 9.34 acres. Implicit in the developer's statement that building new housing, in any amount, at any location is always good. We don't believe that this is the case. If one were to accept the developer's

reasoning, why not build 100 story apartment buildings in Central Park? There is substantial unused space and it is even near a number of mass transit facilities. Clearly the argument is absurd for any number of reasons. The fact is that apartments must be sited in appropriate locations and fit into the neighborhood. That is not the case with this project.

Housing for housing's sake must not be the only goal. Housing must fit into the neighborhood in terms of scale and amenities. This project does not. It would grossly alter the character of the neighborhood in terms of size, scale, effect on transportation throughout the Rockaways, as well as deal a punishing blow to an already suffering educational environment.

Chapter 4: Community Facilities and Services (Schools, Libraries, Day Care)

The Draft (EIS) Environmental Impact Statement report clearly states that this proposed development would have Significant Adverse Impact on both Elementary AND Intermediate Schools in the section of the Rockaway as well as on library services and child care.

This plan will bring in over 1,200 school-age children (by the developer's reckoning) to a location where the current area schools are already overcrowded AND underperforming.

It seems more likely that if there are going to be over 6,000 new residents, it is safe to say about one-third of those residents will be children of school age. That means the center of Rockaway will get approximately 1,500- 2,000 new school age students rather than 1,200 students.

Neither the Arker Companies nor the Board of Education have any plans to build even one new school. Residents of Arverne by the Sea are still waiting for a new school for over a decade, and there is not even a shovel in the ground.

The developer reports that there are 1,632 apartment over and above the 568 permitted as of right but that 201 of these apartments are for senior citizens and therefore should not be counted. That is an unreasonable conclusion since all too often grandparents and great grandparents are taking care of their grandchildren. Therefore, the developer chooses to only count the children in 1,431 units.

The developer thus reports that the project will add the following number of students over and above those who would be added by the as of right construction:

<u>School Classification</u>	<u>Number Added*</u>	<u>Counting Senior Apts*</u>
Child Care	242 Seats	270 Seats
Elementary School	444 Students	506 Students
Middle School	200 Students	228 Students
<u>High School</u>	<u>186 Students</u>	<u>212 Students</u>
Totals	1,072 Students	1,216 Students over and above the students from the 568 as of right apartments

Note *: For school seats, the number of school seats attributable to the apartments over and above the 568 apartments that could be built as of right.

Community School District 27, Sub-district 1 would thus operate with a shortfall of 1,991 seats if the developer builds this project as designed. The developer discusses schools in Sub-district 1 as though they would all be readily accessible to residents of the project but **that is not true**. As mentioned multiple times in this response, Rockaway's position as a narrow peninsula with limited access to the "mainland" means that not all of the schools are reasonably accessible to project residents.

The developer points out that there are some schools in the Rockaways that are below capacity but neglects to say why. The fact is that while many of the area schools are underperforming, the schools with excess capacity are not merely underperforming, but positively terrible.

In addition, the developer reports that the School Construction Authority expects enrollment in the Rockaways to decrease despite the construction of thousands of apartments in the Downtown Far Rockaway Revitalization Area and Arverne East! The analysis is positively remarkable.

This would be a very significant adverse condition that the developer has no plans or willingness to mitigate.

The proposed project would also increase the high school utilization rate which already has a shortfall of 12,799 seats for Queens, but counting against such a large base, the percentage is not high enough to count as a significant adverse condition. The developer does not report the effect on the local high schools, however.

In addition to the impact on schools, the project would increase the population using the Arverne library but the developer argues that residents can use other libraries, or the Queens Central Library, a nearly two hour trip from the project via mass transit!

The developer also reports that the project would result in a need for an additional 242 child care seats so that the area would have a net shortfall of 353 seats (again assuming that none of the seniors have grandchildren in need of seats).

The developer recites available medical facilities to claim that there will be no effect on area health care. But as pointed out elsewhere in this response, Rockaway is a narrow peninsula with two through roads, each of which has only one lane in each direction for most of their lengths. The chapter on Transportation makes it clear that the project will have a serious, perhaps deadly effect on medical care for anyone who has to pass the project. Ambulances traveling from west of the project to St. John's Hospital could experience significant, perhaps life threatening, delays.

Likewise, police and fire response that has to pass this project could experience significant delays. Of course, most NYPD and FDNY responses do not involve life safety conditions. But some do.

Education, generally

The two nearest schools, PS/IS 105 is at 112% capacity and PS 106 is at 134% capacity. When this project is complete the sub-district will be 2,000 Elementary School seats short and schools would operate at 135% of capacity?. Even if they promised to build a new school it would not resolve the overcrowding issue. The only way to resolve the overcrowding issue is to reduce the density of the development.

Issues:

- The new development would leave 220 students without school seats due to overcrowding.
- Not to mention that all the local schools in the area are already underperforming.
- The Arker Companies and our city officials have failed to explain how is this a benefit to the community?
- Will they promise a school like Arverne by the Sea did and then not build it too??
- CB#14 report recommends no more than 1,679 units be built to ensure every child has an opportunity at a good solid public education. Even that number will increase school overcrowding.

- Even if they do PROMISE to build a new school how long will it take to get done?
- If they do build one, how many seats will it have?
- The two area schools are already overcrowded and perform below average (see the report cards).
- Where will children in the project go to school?
- And the above discussion only covers elementary school. What will happen to these children in middle school and high school?

How are children going to succeed when we're cramming them into overcrowded and already underperforming schools?

How are children supposed to have an opportunity to get ahead when the, city, builder and politicians are setting up our children for failure by NOT providing them with adequate and safe learning environment? The community needs two new schools for 1,500 NEW children

One of the main reasons the community opposes the Current development plan is the SEVERE negative impact it would have on current and future school age children.

Mayor de Blasio and councilman Richards seem to assume that because the new residents are poor they won't send their children to school. Why else no seats?

Chapter 5: Open Space

The developer reports that there would be a significant decrease in the open space and in the Open Space Ratio. The OSR would be decreased by over 16%. In fact, there would be little open space in the project other than streets and sidewalks. There would be no grass areas in the project. The truth is that the only real open space (aside from streets) would be outside of the project.

The developer notes that there is significant open space to the south of the project and across the Freeway on the boardwalk and beach. The developer neglects to say that the beach is closed to the public due to piping plover nesting in this area. Further, the Freeway is a solid barrier from Beach 44th Street to Beach 54th Street, making the beach and boardwalk is for all practical purposes inaccessible. The developer has claimed that Beach 52nd Street will be “reopened” but it has never been open and DOT has moved to reduce Freeway crossings rather than increase them.

The developer also wishes to count the Rockaway Youth Task Force Garden, the Farm Rockaway and the Edgemere Urban Renewal Park community garden areas despite the fact that their use is restricted to members of these organizations and the properties are locked when not used by these organizations for their purposes. They are not available open spaces, except to look at.

The project design may be appropriate for midtown Manhattan, but not for Rockaway. People move to Rockaway because of the open spaces, not despite them.

Chapter 6: Shadows

It is a well-known fact that 19 story buildings don't cast shadows so there is no need for this analysis. Further, the fact that the shadows will be cast on concrete matters not at all. People who walk or live in the shadows are not plant material and so, under the analysis criteria, don't matter. In fact, it appears that the entire project's new streets will be in shadow most of the day. We would argue that the CEQR Technical Manual is fundamentally defective in that it fails to address the effect of projects such as this on the livability of small neighborhoods. The developer's own diagrams show a significant effect on the surrounding area. But people are not a sunlight-sensitive resource.

Chapter 7: Historic and Cultural Resources

We have no issues with the historic and cultural analysis.

Chapter 8: Urban Design and Visual Resources

The developer claims that the project is in character with the surrounding buildings but that is **simply untrue**. Of all the buildings within a mile of the project, only two are over twelve stories tall. The developer says that the project will gradually reduce the building height from nineteen stories, but on a single block, there can be no such thing as a gradual height reduction. That is like saying that the height of the Empire State building gradually reduces to the adjoining buildings because of the setbacks. It is an absurd statement.

Another absurd statement is that the “superblock” would be broken up by the addition of a new street. Any construction would have to do this so they are not doing anyone special favors. And their contention that they will reopen Beach 52 Street across the Freeway is **yet another lie**. There are only limited crossings of the freeway as there have been since it was built, and since the LIRR ran at ground level. Beach 52 Street has never crossed the tracks so it cannot be “reopened.”

Chapter 9: Hazardous Materials

We are concerned that the examination of the site for hazardous materials does not appear to have included a search for radioactive material despite the fact that the hospital used a variety of radio isotopes for diagnosis and treatment over the years.

We do not believe that the study should be accepted as complete.

Chapter 10: Water and Sewer Infrastructure

We agree that the project would not have a significant effect on the city's water supply but we believe that is not the only question that must be answered in relation to water supply. Almost all of the city receives its water through a mesh network with multiple connections to the Water Tunnels, particularly to Water Tunnel No. 3. This is not true of the Rockaways. We receive our water through limited connections to the "mainland." During the summer, when demand for water increases due to watering lawns and open fire hydrants, pressure often drops significantly. We believe therefore that it is imperative that a complete analysis be performed of the effect of this project on the Rockaway water supply and water pressure.

In terms of wastewater, the developer reports that the "proposed Project could result in a substantial increase in sanitary flow to the adjacent sewers." And a hydraulic analysis may be required. It would seem reasonable that such an analysis be performed before requesting approval for this project. Or will they build the project and then demand that the city solve their problem?

The developer states that there are not expected to be any storm water problems but once again ignores reality. The developer proposes to build a project higher than the surrounding land. Thus, a substantial amount of storm water from the developer's property will flow onto property of adjacent landowners, including the nearby nursing homes, school, and NYCHA projects. What is worse, water from this project may make Beach Channel Drive, Rockaway's major through street, impassible. But there will be no problem on the developer's property.

Chapter 11: Solid Waste and Sanitation Services

We have no issues with the solid waste analysis.

Chapter 12: Transportation

Methodology

We are concerned that in some ways, the developer goes into great detail about the transportation analysis methodology. But in what may be the most important question in a resort area such as Rockaway that has been and is becoming once again, there is no data on what season the analysis was conducted in. Rockaway is a very different place in December than it is in July.

Also, the analysis discusses a number of streets that are not through streets including Rockaway Freeway, Arverne Avenue, and Rockaway Beach Boulevard from Beach 36th Street to when it becomes Arverne Boulevard.

Beach 52nd Street

The DEIS reports that the project will “re-establish a portion of Beach 52nd Street south of Rockaway Beach Boulevard to reconnect with Rockaway Freeway” that has never existed **[false statement]**. Based on recent NYC DOT actions, there is no reason to suppose that DOT would permit traffic to cross the Freeway at an additional location. In fact, multiple freeway crossings have been closed,

Parking

Arker is requesting 2,200 residential dwelling units with 744 parking spaces for those units. They would provide additional parking for retail use, and for their medical center but they fail to specify how many of these would be used for employees. Also, they claim that they will provide 300 new, permanent jobs. How many of these people will drive to work? Where will they park? As proof that parking is not required, they claim that parking spaces at the NYCHA projects are underused. What they really are saying is that people can't afford the fees, so they park on the street. Any evening there is no parking for blocks in any direction of the existing public housing, while the police permit double parking south of the Freeway to accommodate residents.

There are no data provided to justify the sponsor's choice of peak hours, so a proper analysis is impossible but their choice does not appear to be reasonable to residents familiar with traffic in the area.

The current plan is to only provide parking for 35% of the residential vehicles. We are an isolated community that wants good transportation alternatives and many people utilize their vehicles to get to areas that have better transportation alternatives. We believe that the statutory 85% parking requirement must be a minimum and approval of any additional apartments over the 568 as of right units should be conditional on providing 110% of the units with parking.

Kimberly Shakir-Costa: If they're putting on so few parking spots, what type of people are they expecting will live here? People with no job, or intention of getting a job? Public transportation to that area is the worst in the city. Without even the option for a private vehicle, and no local job opportunities, who do they expect will be living here?

Traffic Flow and Operating Conditions

The developer admits that even with the very few parking spaces that they are providing there will be serious adverse impacts on traffic flow throughout the Rockaway Peninsula even if the NYC DOT implements every one of their suggestions. Twenty six intersections were identified as being affected starting at the easternmost intersection on Beach Channel Drive at Hassock Street and continuing to the Beach Channel Drive intersection at Beach 116 Street.

More important than the effect on traffic generally is how the project would affect emergency services. Informal discussions indicate that there is already a traffic problem on roadways in the project's vicinity. There are currently problems responding to emergency conditions such as heart attacks. What would happen when there is a fire and apparatus from east needs to go to the west end or vice versa? What about police emergency responses that might be blocked or slowed in this area? Keep in mind that Beach Channel Drive has only one traffic lane in each direction and the parking lanes are typically occupied by parked cars. The same situation is true of Edgemere Avenue, the other through street.

Subway Stations

The developer concludes that there would be no adverse impact on subway stations and we agree.

Subway Line-Haul

The developer concludes that there would be no adverse impact on "A" train service. We strongly disagree. There are few, if any seats when the train leaves Beach 67 Street. When the train leaves Broad Channel after it has picked up people from the Rockaway Park shuttle, there are no seats to be had during rush "hour." By the time that the train reaches Rockaway Boulevard, there is room only for sardines.

One could argue that the Transit Authority could run additional trains, but the Cranbury Street Tunnel that takes the "A" and "C" lines from Brooklyn to Manhattan is operating at effective capacity or above. Queuing theory demonstrates that between 85% and 90% of capacity lines lengthen dramatically. The only reason that the system doesn't break down completely is that as rush "hour" ends the backed up trains fill in newly available slots.

Bus

The developer admits that Q 22 and Q 52 buses would operate above capacity. The proposed solution, adding more buses, would of course make the un-remediated traffic problem worse.

Sidewalks, Crosswalks, and Corners

The developer claims that all but a few would operate satisfactorily but the developer fails to analyze the impact of the increased pedestrian traffic (and jaywalking) on the vehicular traffic.

Chapter 13: Air Quality

The developer concedes that the project would result a significant adverse impact on air quality. While we agree with the conclusion, we believe that the developer's analysis is flawed.

Based on overall car ownership in Rockaway, including the immediately adjacent NYCHA projects, we believe that car ownership will likely be between 85% and 110% of the apartments (allowing for 2 car families). Since the developer is only providing parking for a small fraction of the likely cars, and parking on the surrounding streets is already taken up at night (including areas where the police allow double parking) it seems likely that there will be substantial additional pollution generated from vehicles cruising in search of parking. The developer's analysis fails to take this into account.

In a demonstration of segmentation and sophistry, in this section the developer states that examination of DEP and NYS DEC databases reveal no "permitted industrial facilities within 400-feet of the Project Site, supplemented by field reconnaissance." **This is another true statement that results in false conclusions.** The discussion of the MTA bus facility only considers bus traffic on city streets. Even a cursory observation of the facility would reveal extensive bus operation as buses are moved around the parking lot and repositioned in addition to bus maintenance. The MTA bus maintenance facility and parking lot that the developer has identified in other places in the EIS may not qualify as a "industrial facility" but there can be no doubt that a very large number of diesel busses generate a very significant amount of air pollution, particularly particulate matter from burning fuel and compressed air used to clean engine and wheel parts, especially brakes.

Thus, the developer's analysis of traffic patterns and bus routes / schedules ignores the effect of the depot on local air pollution.

In addition to the pollution from motor vehicles and the MTA facility, the developer has committed to generating additional pollution by using a fossil fuel (natural gas – if available) based HVAC systems rather than a readily available geothermal system. Further pollution will be generated by the use of electric package terminal air conditioning (PTAC) systems for the apartments which again will use fossil fuel based electricity. It is true that the pollution generated by generating the electricity for the HVAC systems would not be on site, it would still be real area pollution and might be as near as the National Grid Far Rockaway Generating Station.

As mentioned elsewhere in the paper, the traffic analyses presented in this chapter fails to identify the season of the analysis. Rockaway traffic is subject to typical summer resort effects. The fact that Saturday traffic is lower than weekday suggests that this is a winter rather than summer analysis.

Under the heading "Large or Major Sources" the developer discusses a facility at the NYCHA Bayside Houses complex of 31 nine-story buildings comprising 1.3 million sf. The developer reports that no permits appear on the record, but fails to explain how these buildings are heated. Plainly there must be a significant unpermitted facility since magic is not an adequate

engineering explanation as to how heat for a million sf. is provided. But again, the developer reports that no further study is required!

We believe that neither PTAC units nor fossil fuel should not be permitted for heating at this project. The developer should be required to use geothermal systems.

Chapter 14: Greenhouse Gas Emissions and Climate Change

Once again we must take issue with the developer's methodology.

First of all, the developer only appears to take into account on site burning of natural gas for the residential apartments. Second, use of natural gas by the various stores, medical offices, etc. is ignored. Perhaps most significant is the fact that the developer ignores the energy used for heating the apartments because they are heated with electricity! Of course generation of electricity is not a free resource.

The developer claims that it will use "energy-efficient package terminal air conditioning" units. But what does this mean? The best units typically have an EER of less than 12. In addition, on cold days they typically resort to electric resistance heating, a very inefficient use of energy. How would they compare with a geothermal system?

At least in the foreseeable future, incremental electricity use is generated by burning fossil fuels since all of the available hydro power in the area has been exploited. This is a significant, deliberate flaw (fraud?) in the analysis.

If the developer's point of view were to be accepted, all buildings in the city could meet the required energy reduction goals by converting to electricity! This would clearly not be a carbon neutral result.

But leaving aside these arguments, the developer makes the absurd argument that "the Project Site is well-served by public transit." That is obviously the reason for the very high level of automobile ownership in Rockaway, and area that has generally been described as a "transit desert." Yes, we have buses, but they do a rotten job in terms of transit.

People have described traveling on the Q 22 as death by old age. A fifteen minute trip the length of Rockaway typically takes an hour or more. A half hour trip to central Queens on the Q 52 takes an hour and a half even with the bus lanes that slow traffic and are supposed to speed up the bus. And let's not discuss a trip to Jamaica or Queens College. Yes, the ferry is nice – if you are going to Wall Street, but it is still roughly an hour and a half, as is the subway to midtown Manhattan. But the developer's statement that the ferry stops just one block from the project just **isn't true**. The ferry landing is at Beach 108th Street. The bus to the ferry (hourly) does stop nearby, but it adds an additional half hour to the trip to Wall Street. Thus a ferry trip to Wall Street is an hour and a half while a trip to the east side of midtown Manhattan is approximately two hours.

There appears to be little reason to believe that the true impact of the project would be a real reduction of greenhouse gas emission overall. Yes, there would be a reduction on site, but only by shifting the emissions to other locations where the electricity is generated.

Chapter 15: Noise

While we do not have any significant issues with the developer's analysis of noise levels, we are concerned that the combination of wall / window sealing and sealed PTAC units does not allow for adequate ventilation. In a sealed box, human beings consume oxygen and expel carbon dioxide and water. The discussion does not discuss a means of ventilation.

Chapter 16: Public Health

We believe that this project will have a significant impact on public health.

The initial impact on public health will result from the projects' impact on traffic flow from the New York City / Nassau County line to Beach 116th Street. The developer concedes that even if the NYC Department of Transportation implements each of the developer's proposed remediation plans traffic will be adversely impacted the length of the peninsula. And it is by no means certain that DOT will implement their plans.

The consequence of traffic delays is increased air pollution. None of the developer's analysis has evaluated this matter.

In addition, we believe that the developer's assumptions about residents' automobile ownership are grossly understated, so traffic impact will be even worse than formally forecast.

The other side of pollution from additional traffic is the impact on emergency services. There are only two traffic lanes in each direction that run the length of the peninsula. The developer has failed to provide any analysis from the police department, FDNY's Emergency Medical Services, or FDNY's firefighting units discussing the impact of the project in their response times. Informal discussions with managers in these areas suggest that the result could be significant and possibly disastrous.

What would the result be of an extra minute or two in the response time for an ambulance in a cardiac arrest instance?

What would the effect be of an extra minute or two in the arrival of fire apparatus?

What would be the result of a delay if police from the 101st precinct had to assist in the 100th precinct, passing this project?

We believe that it would be grossly irresponsible to approve a project of this size without a thorough study of the effect on emergency response.

Chapter 17: Neighborhood Character

What is there to say about the character of the neighborhood?

The proposal is to construct buildings almost two times as tall as the NYCHA projects across Beach Channel Drive from this project and seven times as high as the one and two family houses to the east of the project. “In keeping with the character of the neighborhood!”

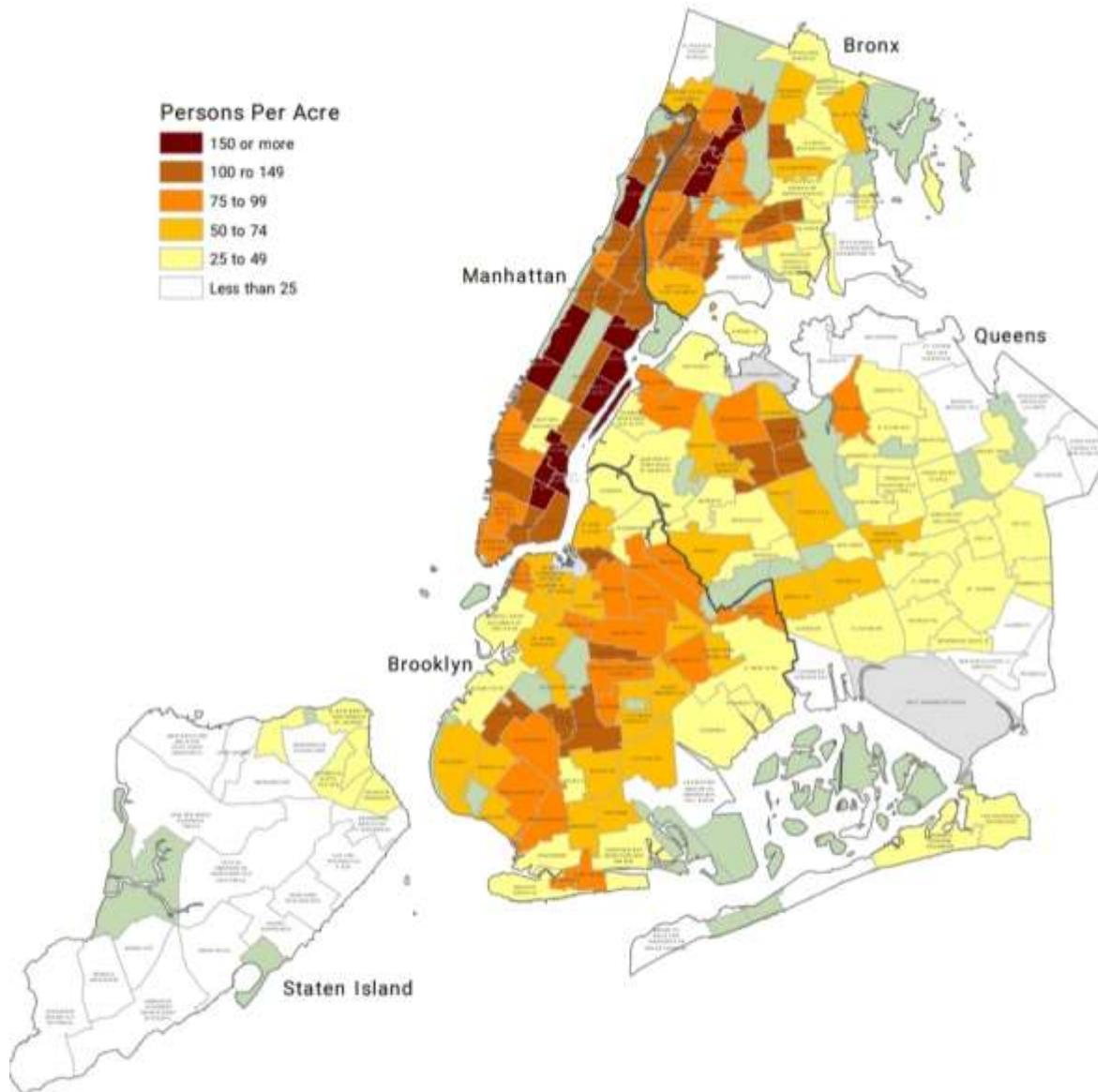
The density would be greater than any other project in the Rockaways. On a few acres it would put more people than the entire Broad Channel community.

It flies in the face of HPD’s assessment, *Resilient Edgemere*, of what should be built in Edgemere which recommended low rise construction.

In an area with extensive lawns, it would provide a few trees surrounded by concrete.

The information from the developer’s Peninsula Hospital Site plan shows a much more densely populated area compared to other developments in the Rockaways, and other affordable housing proposals built around the city by the Arker Companies and other developers. The developer proposes building 2,200 apartments which would house 6-7,000 people on roughly ten acres. That is approximately 600 people per acre for this project! As you can see from the map the majority of housing density is from 25-99 persons per acre. Additionally, when comparing the NYC map on density you can see the area neighborhood density would skyrocket to a ratio of 235 persons per acre – which is extremely dense as shown on the following map. The only other location in the city that has 600 people per acre is Manhattan.

PL-P2 NTA: Population Density by Neighborhood Tabulation Area*
 New York City, 2010



*Neighborhood Tabulation Areas or NTAs, are aggregations of census tracts that are subsets of New York City's 55 Public Use Microdata Areas (PUMAs). Primarily due to these constraints, NTA boundaries and their associated names may not definitively represent neighborhoods.

Source: U.S. Census Bureau, 2000 and 2010 Census Public Law 94-171 Files
 Population Division - New York City Department of City Planning



Figure 9 - People per Acre (NYC Department of City Planning)

The developer, in discussing socioeconomic conditions notes that there would be no change in socioeconomic conditions of the neighborhood. In fact, the project would reinforce the unlawful existing social, racial, and economic conditions of the neighborhood. We agree. For that reason, the City of New York may not lawfully provide any funding for this project.

The developer suggests that there would be no adverse socio economic impacts from the project. **This despite the very clear fact that the project would be built in clear violation of the Fair Housing Act of 1968 (Civil Rights Act of 1968, ([Pub.L. 90-284](#), 82 [Stat. 73](#), Titles 8 and 9). The adjacent NYCHA facilities are overwhelmingly African-American as this project is likely to be. Federal law and Supreme Court decisions specifically prohibit projects such as this. If it is built, Arker will undoubtedly be required to leave most apartments vacant until they are able to secure non-minority tenants who meet the income requirements. (Texas Dept. of Housing and Community Affairs v. Inclusive Communities Project, Inc., 576 U.S. ___ (2015))**

The project would have significantly less open space than any other construction in the area. Indeed, perhaps less than any other residential project in the Rockaways.

Nineteen story buildings are not expected to cast significant shadows on adjacent blocks. And they are certainly in the character of the adjoining one and two family homes to the east. Indeed, there are only two other buildings in the area of similar height and they are isolated with much lower buildings adjacent to them.

As with so much of the developer's Environmental Impact Statement, it contains the statement that there is adequate parking but provides absolutely no support. It fails to report how far existing residents have to walk to park their cars. It completely ignores the fact that parking is in such high demand that the police permit double parking adjacent to the Freeway on Edgemere Avenue.

Chapter 18: Construction

There are several factors that, while significant, are not discussed in the construction chapter.

There is extensive discussion of noise from various machinery that the developer expects to employ, but nothing about pile drivers. Pile drivers produce two undesirable side effects. The first is vibration. Pile drivers have the ability to shake nearby buildings, disturbing people inside. And pile drivers can produce extremely loud noise, albeit for short periods of time. Thus, a pile driver that produces 150 dB for 5 seconds every minute only produces an average of 12.5 dB. The discussion in the chapter discusses average noise, but not peak noise.

The noise and vibration of a pile driver can be intolerable. The construction site adjoins two nursing homes and a public school. We believe that pile driving can make learning at P.S. 105 impossible and drive nursing home residents to distraction.

In fact, we believe that pile driving noise may reach the level where it constitutes a criminal assault.

Action must be taken to protect the students at school and residents in the nursing homes from the sound and vibration from the pile drivers.

The developer also must insure that construction equipment does not endanger children when they are go to school at PS 105 as well as when they are going home.

Chapter 19: Alternatives

We believe that the appropriate alternative would be to allow the developer to build 568 market rate apartments as of right. We also believe that it would be appropriate to permit the developer to build stores along Beach Channel Drive as long as an adequate number of parking spaces are included for employees and shoppers.

While the developer, as all developers in the Rockaways, promises to provide medical offices, there is no explanation of where the practitioners will come from to fill these offices. And it ignores the very large Addabbo medical facility on Beach 62 Street which is currently undergoing construction to double its size. Based on promises and projections, Rockaway will soon have more medical offices than the east side of Manhattan!

The developer states that the no action alternative “would not meet the project goals to redevelop vacant and underutilized land to provide affordable and senior housing to the same extent as would the Proposed Project.” That is true, but like so many of the developer’s statements it is not relevant to the matter at hand. Of course fewer apartments would result in fewer apartments. If the object is to build as many apartments as it is possible to build, why stop at 2,200? Why not build 40 or 60 story buildings with 10,000 apartments? The developer offers no cogent reason for 2,200 apartments.

Likewise, the developer claims that it is building a “mixed income” development when it is, in fact, a very low income, privately owned but publicly financed housing project adjacent to a NYC Housing Authority project. If the city is going to finance this project, it should reap the profits, not a private developer.

The developer continues that if market rate housing is built on this site there is a “potential to introduce a trend or accelerate a trend of changing socioeconomic conditions that may potentially displace a vulnerable population . . .” This is an **outright lie** since virtually all of the existing housing in the area is either publicly owned or subject to a variety of income restrictions. Thus gentrification is just not possible in Edgemere.

The developer’s figures on school seats are, to say the least, confusing.

<u>Alternative</u>	<u>No Action</u>	<u>Proposed</u>
Apartments	568	2,200
Elementary	176	162
Middle School	80	57
High School	74	

The conclusion seems to be that 568 market rate apartments would result in more public school students than 2,200 low income apartments.

The Peninsula Hospital site is the only significant location of open land in the area. The best use of the land would be to build two elementary schools to relieve the existing overcrowding and the additional overcrowding that will result from the construction of Arverne East.

Chapter 20: Mitigation

The applicant has not identified any mitigation measures that it is committed to taking. Indeed, at the various public relations meetings, the Community Board Land Use Committee, and the Community Board hearing, the developer had no answers. Whatever issue was raised, their answer was that they “would look into it”

Community Facilities and Services – Schools

The developer proposes no serious mitigation measures for the lack of school seats. Further, the developer refuses to count the children who are likely to live in the senior citizen apartments. While we would like retired people to not have to care for their grandchildren, who know that it happens all too often that grandparents are, in fact caring for their grandchildren or great grandchildren.

Open Space

Again, there is no serious discussion of mitigation measures. Providing a power washer to the Parks Department doesn't solve the problem. And replacing grass with green carpet is the essence of an anti-social activity since it removes plants that clean the air and replaces them with plastic.

Noise

The issue of noise is not seriously addressed at all. See the discussion in the next chapter.

Transportation

The developer spends many pages on mitigation measures for some of the traffic issues, but fails to address the bus and subway issues, and fails to consider the effect of additional buses on traffic and more pedestrian time at intersections on traffic.

A significant issue is the fact that the developer proposes unlawful traffic signal timing! Section 1680 of the NYS Vehicle and Traffic Law enacts the U.S. Manual of Uniform Traffic Control Devices. The MUTCD, among other things, specifies traffic signal timing. At 30 mph on a flat, straight roadway, a traffic signal must have an amber interval of 3.2 seconds but the proposal offers a 3.0 second amber interval on Beach Channel Drive, in violation of the law. The nearly 10% reduction in amber timing allows the applicant to claim that the road can handle more vehicles than it actually can. This, despite the fact that the applicant's engineer is a former NYC Transportation Commissioner!

Also of concern is the elimination of parking. The Community Board has already expressed concern about the developer's request to provide less parking than required under the zoning code (85%) with is probably not enough. But the mitigation measures propose eliminating parking spaces in the vicinity of the project site and at a variety of other locations on the peninsula. We believe that this is not acceptable.

Even with the proposed mitigation measures, traffic problems would be unmitigated at some of the worst intersections in the Rockaways:

- Seagirt Boulevard and Rockaway Freeway
- Beach Channel Drive and Hassock / Horton Avenue
- Beach Channel Drive and Nameoke Avenue
- Beach Channel Drive and Mott Avenue
- Beach Channel Drive and Dix Avenue
- Beach Channel Drive and Beach 116th Street

Perhaps most concerning of all is that they fail to discuss the effect of their proposed adjustments to traffic signal timing. What will be the effect of travel time between Far Rockaway and Beach 116 Street? What will the overall impact be on air quality? It seems clear that there must be an environmental impact study for their proposed transportation mitigation measures.

Chapter 21: Unavoidable Adverse Impacts

Schools

The effect of the project on schools is absolutely unacceptable. And the developer's arithmetic is, to say the least, remarkable. The developer supposes that 2,200 apartments would only have 219 elementary and middle school students! Plus 164 additional children would require space in child care and Headstart. These numbers seem remarkably low unless the developer adds birth control to the drinking water. What is most significant is that the developer says that it would "work with", "explore", and "consult with" NYC Administration for Children's Services (ACS), DOE, and SCA. These words have little to no real meaning. We, too will work with, explore, and consult with anyone who is interested in finding the pot of gold. But we all know that such actions are not likely to result in finding any gold. Nor are the developer's actions likely to result in school seats for children.

Parks and Open Space

The project's lack of open space (it seeks to recreate mid-town Manhattan in Rockaway) is completely out of character with the neighborhood. They are counting their paved sidewalks and concrete enclosed tree pits as open space and play areas. There will be no grass or greenery on the ground unless it is painted. But again, the developer will work with and consult with city agencies on the subject.

Transportation

Traffic

Traffic past the site will be significantly affected. The developer has picked certain supposed peak hours, but there is no doubt that there will be problems for much of the day and early evening hours. While the developer suggests that traffic light timing and other measures may mitigate some of the problem, even the developer admits that there is no solution overall. In addition, since we believe that the developer's expectation of car ownership is unrealistically low, the problems are likely to be even worse than the developer's already pessimistic forecast.

But the developer only discusses the impact on the very small, local area. Rockaway is a long, narrow peninsula. There are only two roads that provide an east / west path through the peninsula and each of these roads has only one lane in each direction. People traveling from one end to the other must pass this project. That means that there are very significant public safety aspects to the project's proposed traffic jams. How will the traffic problems affect ambulance travel times to the one available hospital? What about police and fire response times? There is no discussion of these issues at all.

Transit

The developer identifies a capacity problem on the Q 22 bus, but not the "A" train. But both would have problems.

The developer suggests that capacity problems on the Q 22 bus could be alleviated by adding buses. Of course, that is true. But it ignores that obvious fact that buses occupy space. So adding buses to ameliorate the transit problem makes the traffic problem worse

And there is no discussion of the project's impact on the subway. Yes, Frank Avenue / Beach 44 Street station is not very heavily used and could well handle more passengers. But once these passengers get on to the platform, where will they go? There are often no seats when the "A" train leaves Beach 60 Street now. The situation will become much worse when the thousands of new residents move into the new Downtown Far Rockaway buildings. People from Rockaway Park who board the "A" train at Broad Channel will be standing room only, if they can board at all. And the Cranbury Street Tunnel that carries the "A" and "C" trains to Manhattan is operating at effective capacity so no more trains can be added unless QueensRail™ is implemented.

Pedestrians

Once again, the developer's statements are less than truthful. The developer discusses pedestrian problems at certain intersections but neglects to mention that any resolution to pedestrian capacity must result in a concomitant reduction in vehicle capacity, thus making traffic worse.

Summary

The proposal would overburden service on the "A" train, area buses, and city streets. It is likely to result in deaths due to increased ambulance response and other emergency service times.

Noise

Again, the developer identifies a problem and then offers to "explore" solutions but refuses to commit to pay for the solutions. And installing air conditioners might be nice, who will pay for their operation? Will the developer commit to installing units with an EER of at least 12?

Construction

In addition to the developer's general discussion, the author attended JHS 198 (now Goldie Maple Academy) during the construction of the Nordeck Houses. While pile driving was in progress the noise and vibration was intolerable. What will the developer do to resolve this issue? Will the piles and driving mechanism be enclosed so that sound is directed only upward? Will residents be relocated?

Summary

Of course the developer does not view this as an adverse impact, but almost all Rockaway residents believe that the conversion of our seaside community into a replica of Manhattan is a very significant adverse impact. And we view the addition of more low income residents to an area without jobs or services as just another example of dumping on Rockaway. We have half of the borough's public housing, more than half of the nursing home beds, more than half of anything that negatively impacts a community. But who cares, it's Rockaway. The dumping

started with Robert Moses. It continued with John Lindsey. And it has accelerated under the current administration.

Chapter 22: Growth-Inducing Aspects of the Proposed Project

We agree with the developer that the project would not generate any additional growth beyond the project boundary in view of the fact that virtually all available land is occupied by various government agencies including the NYCHA, MTA, and FDNY. The only new businesses that we would expect would be that sites of previously existing stores are likely to become parking facilities for the new residents.

Chapter 23: Irreversible and Irretrievable Commitments of Resources

The developer states that:

- 1) The population of the Community Board 14 has been increasing.
- 2) Approximately 44% of the population is rent burdened.
- 3) Approximately 13.8% of residents in Queens CD 14 are age 65 and over, which is higher than both Queens and the City as a whole (13.4% and 12.7%, respectively).
- 4) The project would provide 2,200 dwelling units (DUs), including:
 - a) 1,927 would be income-restricted to household incomes up to 80% of Area Median Income
 - b) 201 DUs for Affordable Independent Residences for Seniors
- 5) Mayor Bill de Blasio's *Housing New York: A Five Borough, Ten-Year Plan*, which is a 10-year plan to build or preserve 200,000 affordable apartments across all five boroughs of New York City.
- 6) These proposed uses would be compatible with existing conditions and trends in the area as a whole and would be appropriate for the Project Site's location, which is well-served by:
 - a) existing infrastructure,
 - b) public facilities, and
 - c) residential amenities.

These arguments have nothing to do with commitments of resources and are irrelevant to the intent of the chapter. But let us discuss them because they are significant, and evidence of the developer's wholesale **untruths and half-truths**.

Let us consider each of the developer's statements.

- 1) The population of the Community Board 14 has been increasing. What are the comparison years? Since Robert Moses forced thousands of people out of the Rockaways, or before? Since many homes have been rebuilt after Sandy? The developer is just throwing words around, implying that people have been moving to Rockaway and living in the streets.
- 2) Approximately 44% of the population is rent burdened. And how does this compare to the city as a whole? Is this a particular Rockaway problem that the developer is seeking to alleviate? Or is the developer continuing the Robert Moses policy of moving as many of the city's less affluent population to Rockaway?
- 3) Approximately 13.8% of residents in Queens CD 14 are age 65 and over, which is higher than both Queens and the City as a whole (13.4% and 12.7%, respectively). Again, a statistic without meaning. First, there is not a significant difference between the senior population of CD 14 and either Queens or the city as a whole. More to the point is the suggestion that Rockaway Seniors require subsidized housing more than the city as a whole. In fact, the Rockaways has a substantial number of retired city civil servants who are quite comfortable.
- 4) The project would provide 2,200 dwelling units (DUs), including:

- a) 1,927 would be income-restricted to household incomes up to 80% of Area Median Income. Again, a statement that, while true suggests that the apartments will be rented at 80% of the AMI. In fact, most apartments will be rented at very substantially less than the AMI. Most civil servants will not be eligible for these apartments. Indeed, working couples making even slightly more than the minimum wage will not be eligible.
 - b) 201 DUs for Affordable Independent Residences for Seniors. It is, of course a good thing to provide apartments for senior citizens but the developer's suggestion that there is a substantial number of Rockaway seniors without housing is unsupported by the facts. How many of the apartments in the developer's Beach 34 Street project went to Rockaway seniors? What about the very substantial number of senior citizen buildings, including those operated by JASA? And, of course, the fairly large number of retired civil service employees living in their fully paid off private homes count toward the number of senior citizens in the area but should not be counted as needing housing.
- 5) Mayor Bill de Blasio's *Housing New York: A Five Borough, Ten-Year Plan*, is a 10-year plan to build or preserve 200,000 affordable apartments across all five boroughs of New York City. And the developer believes that the Rockaways, with about 1% of the city population should host 1% of these units in this one site! Never mind the other projects on the drawing board for Rockaway?
- 6) These proposed uses would be compatible with existing conditions and trends in the area as a whole and would be appropriate for the Project Site's location, which is well-served by:
- a) existing infrastructure,
 - b) public facilities, and
 - c) residential amenities.
 - d) This is the most preposterous statement of all. There are no public facilities in the area. In fact, Rockaway has a crying need for public facilities and a remarkable lack of them. And in terms of residential amenities, one of the developer's significant arguments is that there are no amenities in the area and that 2,200 apartments filled with people who have little disposable income will create them.

We may not have the Brooklyn Bridge to sell, but we do have two bridges to sell if anyone is interested.