

10.0 Comments and Responses to the DEIS

10.1 INTRODUCTION

This chapter summarizes and responds to all substantive comments on the Draft Environmental Impact Statement (DEIS) for the proposed primary school replacement facility at PS 133 made during the public review period. These consist of written comments as well as comments made at the public hearing held by the New York City School Construction Authority (SCA) at 4:00 PM on May 14, 2009, at PS 133, which is located at 375 Butler Street, Brooklyn, and is the site of the subject proposal. After the public hearing, the SCA continued to accept written comments for twelve (12) days, until May 26, 2009.

Section 10.2 lists the names and affiliations of individuals who commented on the DEIS, with the date of the comments.

Section 10.3 summarizes and responds to each substantive comment on the DEIS for the proposed project. Following each comment is the person or organization (in parenthesis) that made the comment. Responses then follow each comment.

10.2 GROUPS AND INDIVIDUALS WHO COMMENTED ON THE DEIS

- Avery, S.J – representing a group of twenty homeowners on Baltic and Butler Streets, spoken and written testimony of May 14, 2009.
- FAC (Fifth Avenue Committee) – Pat Conway, written testimony of May 26, 2009.
- Baer, Kenneth J. – spoken testimony of May 14, 2009, and written testimony of May 26, 2009.
- Claire, Julie – spoken testimony of May 14, 2009.
- Harrison, Janice – spoken testimony of May 14, 2009.
- Hodge, Jane – spoken testimony of May 14, 2009.
- Kolman, Mark – spoken testimony of May 14, 2009.
- Sheriff, Donald – spoken testimony of May 14, 2009.
- Sweet, Paul – spoken testimony of May 14, 2009.
- Tahara, Reiko – spoken testimony of May 14, 2009, and written testimony of May 27, 2009.
- Urby, Kim – spoken testimony of May 14, 2009.
- Vesugi, Moie – spoken testimony of May 14, 2009.

10.3 COMMENTS AND RESPONSES

PLANNING PROCESS/COMMUNITY INVOLVEMENT

Comment 1

We urge that the SCA make design staff, and detailed materials about the site—such as the actual soil and water testing reports—available for collaborative community discussions about how to best develop a plan for a smart and safe school ... We believe we have the opportunity to create a showcase project, using the

talents of the SCA staff, the expertise of community (parents and neighbors) input, and a willingness to think outside of the proposed box for PS 133. (*Avery*) I beg you to get involved and get in touch with the people who live close to this school to hear their thoughts and feelings, and help slow down this project, which is happening at lightening speed and with indifference to neighborhood residents. (*Tahara*) The Fifth Avenue Committee joins the neighbors of PS 133 in requesting that the replacement plan for PS 133 examined by the DEIS be set aside until a more community friendly process can create a plan which addresses the concerns of all the constituencies concerned about providing the best facility possible for the education of the neighborhood's children. (*FAC*) I would like to see better coordination with the people that live on the block, along with the developers and the people who are in charge of construction. (*Sheriff*) I heard at one point that the money needs to be spent by June, and that is sort of why this is being pushed. If the money needs to be spent by June, let's spend it on a year of planning by the community so that we do this together, so that we can come up with something that really works for a lot of people. (*Hodge*)

Response

The SCA and DOE have undertaken a public planning and consultation process with affected stakeholders, including the PS 133 school organization and Community Education Councils 13 and 15, in developing the proposed project. This process included nearly a dozen public meetings. Following the formal start of public review under the SCA's enabling legislation in February 17, 2009, additional meetings were held with Brooklyn Community Board 6 and other stakeholders where the SCA and design consultant presented many features of the proposed project (including the DEIS hearing on May 14, 2009) to provide opportunity for public feedback and comment.

Comment 2

In the event that some plan is approved, the final EIS should commit the SCA to recognizing an official, site-specific, Community Committee. This committee should be charged with facilitating communication between the SCA and all of the various constituencies with a stake in the outcome of the proposed new construction, as plans for construction are finalized, and as the construction is underway. (*FAC*)

Response

Comment noted.

Comment 3

The SCA has NOT communicated with the neighborhood residents in any sincere way. As of today, despite the size and mass of the project, which would alter our lives significantly, we have not received ANY letter explaining about the project and it seems that everything is proceeded in such a haste only for the convenience of the SCA not of the community. We found out that there had been a tiny announcement at the back of the Daily News back in January. We also learned that the comment period for the plan had already started on the date of that tiny announcement and would end only eight days after the public hearing on March 26, which wasn't advertised at all except on the calendar page of the Community Board 6's website. How could you expect to communicate with the neighborhood residents in those secretive ways? (*Tahara*)

Response

The public review process for the proposed project began on February 17, 2009 with the publication of the Notice of Filing in the New York Post and City Record. Brooklyn Community Board 6 held a public hearing on the proposed site on March 26, 2009, and the SCA accepted written comments on the proposed actions until April 3, 2009. The DEIS, including the Notice of DEIS Completion and Hearing, were issued on April 24, 2009 and posted on the SCA's website. Notice of the DEIS hearing was published in the *New York Post* and *City Record* on April 29, 2009. In addition, notifications were sent

via e-mail to various stakeholders, including the PS 133 school organization, Brooklyn Community Board 6, local elected officials, and local residents and community gardeners. A public hearing on the DEIS was held at PS 133 on May 14, 2009. In addition to testimony received at the hearing, the SCA accepted written comments on the DEIS for 12 days following the hearing.

Comment 4

The SCA published the Draft Environmental Impact Study in late April on their website and a public hearing for the DEIS was held on May 14 at 4 p.m. but again, no outreach effort was made by the SCA to inform the area residents. Scheduling the hearing on a weekday at 4 p.m. is not considerate of working people. (*Tahara, Sheriff*)

Response

As stated above in response to Comment 3, the SCA published the DEIS and Notice of DEIS Completion and Hearing on April 24, 2009. The DEIS and notice were posted on the SCA's website, and the Notice of Hearing was published in the New York Post and City Record on April 29, 2009. In addition, notifications were sent via e-mail to various community stakeholders, including the PS 133 school organization, Brooklyn Community Board 6, local elected officials, and local residents and community gardeners. The SCA accepted comments on the DEIS for 32 days following the publication date. The SCA held a public hearing on May 14, 2009, during which it accepted comments pertaining to the DEIS, and continued to accept written comments for 12 days following the public hearing to provide an opportunity to comment for those who were unable to attend the hearing.

Comment 5

It's great to know that our comments are going to be incorporated in the EIS and that they will be addressed, but how will those comments be used? (*Hodge*)

Response

The FEIS includes a chapter which summarizes and responds to all of the substantive comments received on the DEIS at the public hearing and during the public review period. Where determined to be appropriate by the SCA, the environmental analyses in the DEIS, such as Historic and Archeological Resources and Construction Impacts, have been revised based on the comments received to ensure that all of the project's effects with respect to the environmental categories addressed in the document have been fully disclosed. As required under the State Environmental Quality Review Act (SEQRA), the FEIS, including the public comments, will be considered by the SCA, and other decision-makers, as part of the public review process for the proposed project.

Comment 6

The building start date is ridiculous, in light of the issues at hand. And so is the short ten-day comment period. (*Claire*)

Response

The comment period for the DEIS commenced on April 24, 2009 and lasted until May 26, 2009, a total of 32 days. In the interim, the SCA held a public hearing to accept comments on the DEIS and accepted written comments for an additional 10 days following the hearing to accommodate those who were unable to attend. Notice of the hearing was published in the New York Post and City Record on April 29, 2009, and notifications of the DEIS publication and hearing date were sent, via e-mail, to various stakeholders, including the PS 133 school organization, Brooklyn Community Board 6, local elected officials, and local residents and community gardeners.

PROJECT DESCRIPTION/DEVELOPMENT PROGRAM

Comment 1

The SCA does not consult with the Department of Education. When you talk to the Department of Education, they tell you that they don't have a plan yet. (*Kolman*) The current system of building a new school, and then creating a program for it, seems a bit backwards to us. (*Avery*)

Response

Comment noted. The proposed project would be undertaken as part of the DOE's Approved Capital Plan for fiscal years 2005–2009.

Comment 2

The number of children to be served by the school appears to increase with each release of information by the DOE. In January, we were told that the proposed number was 800. In March, it was increased to 900. Just recently, it expanded to 960. (*Avery, Tahara*)

Response

The proposed project, as stated on Page 1-1, consists of the construction of a new school facility with approximately 960 seats for Pre-K through Fifth grade students in two school organizations serving CSD 13 and CSD 15. The new facility would include an expanded elementary school program to accommodate approximately 300 students in the CSD 13 school organization and another approximately 660 seats serving the CSD 15 school organization. The proposed school facility may also include a separate District 75 Special Education program, which would account for a percentage of the facility's 960 seats (currently assumed to be 84 seats). The proposed project would provide more space and upgraded facilities to accommodate the two school organizations' educational programs. In total, the proposed new school facility would result in a net incremental increase of approximately 696 seats over the enrollment of the existing PS 133.

PURPOSE AND NEED

Comment 1

We are not opposed to building new seats, although we are puzzled by the fact that in the DEIS the SCA states that the four elementary schools closest to the site are all operating under capacity (with utilization rates of 84%, 34%, 77% and 69%). (*Avery*) Although I support the idea of making new schools to secure seats for all children as our neighborhood changes, I believe the plan has to be made in proportion to the neighborhood with a benefit to the community in mind. This plan is mainly to ease the overflow of children in other school districts and the real benefit to our neighborhood children is in question. (*Tahara*) This project is really about accommodating District 15, unfortunately. So, I don't understand why there is such a push for this location. (*Urby*)

Response

The proposed project would provide approximately 660 new seats to serve CSD 15 and new, modern facilities for the existing PS 133 school organization, which is currently accommodated in a century-old building that lacks many features that support current instructional needs. CSD 13 would benefit from the construction of a new, state-of-the-art school facility that would meet current program requirements for general classrooms, special education classrooms, specialized instruction spaces (e.g., art and music

programs), science laboratories, physical education and general assembly areas, and administration and student support space.

Comment 2

What is confusing about this process is that so many people have so many concerns; why is this being considered. *(Hodge)*

Response

The proposed project would be undertaken as part of the DOE's Approved Capital Plan for fiscal years 2005-2009, which identifies the need for a new school building to serve CSD 15 and to accommodate anticipated student growth resulting from new residential development in the area, which is evident in the construction projects underway along the Fourth Avenue corridor. In addition, the proposed project would provide upgraded facilities for specialized instruction that P.S. 133 currently lacks, such as art and music classrooms and a gymnasium.

Comment 3

It is not clear what the capacity of PS 133 is and whether or not it is being fully utilized. *(Avery)*

Response

As described in the DEIS, during the 2007-2008 school year, PS 133 had a target capacity of 347 students and served an enrollment of 264 students. However, because PS 133 currently lacks facilities for specialized instruction, such as art and music classrooms and a gymnasium, classrooms intended for general instruction are being used to provide these functions. The age, condition, and limitations of the existing building are not necessarily reflected in its utilization.

Comment 4

While we are very aware of the apartment construction that is going on along 4th Avenue, which is also cited in the DEIS, we suggest that an analysis of tenant occupancy would be helpful in projecting school needs for all of the school districts proposed to be served by an expanded school. *(Avery)*

Response

Comment noted. The Department of Education reassesses needs in its Capital Plan on an annual basis to incorporate the most recent available information from various sources, including enrollment and enrollment projections, birth data, and housing data to identify long-term needs for additional public school capacity.

STUDY AREA

Comment 1

The EIS needs to extend its analysis beyond the 500 foot radius that the SCA was using in the DEIS, to ¼ mile. A 500 foot radius is too short. *(Baer)*

Response

The DEIS uses a 500-foot study area for the following analyses: Land Use and Zoning, Socioeconomic and Demographic Conditions, Open Space and Recreational Facilities, and Historic Resources. A larger study area was used for the Traffic and Transportation analyses to account for the transportation facilities most likely to be used by the majority of new trips generated by the proposed project. Eight intersections

in the area between Third and Fifth Avenues between Douglas and Warren Streets were analyzed for traffic impacts, and the parking conditions assessment included the area from approximately Third and Sixth Avenues between Union and Dean Streets. The study areas used for these analyses conform to the guidance provided in the *City Environmental Quality Review (CEQR) Technical Manual* and are appropriate for assessing the project's effects with respect to each of the above categories.

LAND USE AND ZONING

Comment 1

The statement that, "The proposed project would not have a significant effect on land use conditions on the project site or surrounding area" is just simply untrue. (*Claire*)

Response

The above statement is supported by the land use assessment provided in section 3.1 of the DEIS. Under CEQR, a significant, adverse impact to land use may occur if a proposed action would directly displace a land use and such a loss would adversely affect surrounding land uses; if an action would generate a land use that would be incompatible with surrounding uses; or if an action is expected to alter land uses in the surrounding area and the anticipated change is substantial. As indicated in the DEIS, the continued use of the project site for a school would be compatible with the predominantly residential character of the study area and therefore would not have an adverse land use effect on the surrounding community. Although the proposed project would result in an increase in the density of development and intensity of land use on the site by replacing the existing elementary school with a larger new facility, the site would continue to be used for a school and would not result in a change in land use.

Comment 2

The upzoning of 4th Avenue itself was allowed with the condition that there be strict limits on the height and bulk of new construction on the interior streets. By insisting on a zoning over-ride for the first major city sponsored construction since the zoning change, the city – through the SCA – is signaling to the community its willingness to ignore the intent of the new zoning regulations. This action will set a precedent that is much feared in our community. The DEIS must be amended to recognize the impact throughout the community of this possibly precedent setting exception to zoning regulations. (*FAC*)

Response

As the final design for the proposed project is advanced, efforts will be made to design the building to comply with the site's zoning bulk regulations as much as possible while still achieving the school's programmatic requirements. However, if the final design of the proposed school building does not comply with the site's zoning bulk regulations, the SCA would request a zoning override from the Deputy Mayor for Education and Community Development to allow the project to be developed in non-compliance with the site's bulk requirements. Zoning overrides are usually granted for schools and other types of community facilities because they tend to have particular space requirements for the provision of their services, such as large floorplates, that often cannot be accommodated within the permitted zoning envelope. The granting of a zoning override for the proposed project would not set a precedent in the community because it would represent a unique situation for a particular community facility use, and it is not expected that future projects in the area would be eligible for zoning overrides. With respect to height requirements, it should be noted that as of right, the applicable zoning would permit a structure up to 120 feet in height.

Comment 3

The SCA should not seek a waiver of the existing R8A zoning to build the school facility but instead amend its plans to conform with existing zoning given the already significant height and bulk that exists along 4th Avenue and the fact that a taller facility may block the visual corridor toward the waterfront and the Statue of Liberty, which should be examined as part of the DEIS. (FAC) Fourth Avenue already has many structures that are bulky and out of context with the surrounding neighborhoods. The granting of a zoning override for this project would contribute another taller structure that would be out of context with shorter residential buildings that dominate the area. (Baer)

Response

See above response regarding the need for a zoning override. In addition, the project's frontage along Fourth Avenue, which would reach between 70 and 75 feet in height, would not exceed the 120-foot zoning height limit of the R8A district, nor would the project obstruct views which may be available from certain higher vantage points in the neighborhood towards the waterfront and Statue of Liberty given that taller, 12-story apartment buildings are located across the street from the site on Fourth Avenue. A site plan for the project that provides the same amount of building floor area (approximately 121,240 SF) and open space on the site in conformance with the zoning bulk regulations would likely require the portion of the building within the R8A district to be taller than is currently proposed. In addition, this would result in smaller floorplates on the upper floors of the building which would not provide an optimal floor plan for the school's educational program.

SOCIOECONOMIC CONDITIONS

Comment 1

Fourth and Fifth Avenue businesses, as well as pedestrians and residents, will be negatively impacted by dust, debris, and particulate matter during any demolition and construction. Will these enterprises be compensated for any loss of business due to adverse environmental conditions arising from the demolition and construction of a new PS 133? (Baer)

Response

Measures would be implemented during project construction to prevent the spread of fugitive dust at the site, such as wetting tires before trucks leave the construction site and covering haul trucks to prevent material from blowing off. With the implementation of these measures, the spread of fugitive dust would be controlled so that businesses, pedestrians and residents would not be significantly affected and no loss of business to establishments in the area, including those with outdoor seating, would be expected.

Comment 2

You are saying that the project will not result in substantial socioeconomic changes. It represents my own socioeconomic status. I grow my own food and eat what I grow in the community garden. (Claire)

Response

The DEIS provided an analysis of the project's effects on socioeconomic conditions in accordance with the methodology provided in the *CEQR Technical Manual*. Under CEQR, an assessment of socioeconomic conditions considers whether a proposed action may be reasonably expected to create substantial socioeconomic changes within the area affected by the action that would not be expected to occur absent the action. Circumstances that may result in significant, adverse impacts related to socioeconomic conditions include actions that would directly displace residential population so that the socioeconomic profile of the neighborhood would be substantially altered; directly displace substantial

numbers of businesses or employees or a business or institution that is unusually important to the community; or result in substantial new development that is markedly different from existing uses, development, and activities within the neighborhood, potentially leading to indirect displacement. Based on the analysis, it was determined that the project would not result in any of the conditions that could result in substantial socioeconomic changes in the project area.

OPEN SPACE AND RECREATIONAL FACILITIES

Comment 1

The DEIS dismisses the impact of the loss of currently planted areas – on food production, shade for pedestrians on 4th Avenue and children using the playground, water run-off reduction, educational opportunities and other effects. The DEIS must be amended to recognize these effects. *(FAC)* We need to preserve the small amount of open ground that we have in New York City, so that there is a place for rainwater to drain and contribute to our water table *(Baer)*.

Response

The DEIS provided an analysis of the project's effects on open space and recreational facilities in accordance with the methodology provided in the *CEQR Technical Manual*. As discussed in the DEIS, the proposed project would include a new community garden to replace the existing Baltic Street Community Garden at PS 133. The new community garden would occupy approximately 3,000 SF along the southeastern side of the schoolyard. Although it would be smaller than the existing community garden, the new community garden would continue to provide this community amenity on the school site. Since most of the school site is currently paved, the proposed project would not result in a significant difference in the amount of impervious surface area on the site, and therefore would not result in an increase in surface water runoff. In addition, the proposed school facility would implement stormwater management practices including rooftop stormwater detention for the building, underground stormwater detention for the playground surfaces, and a rainwater harvesting system.

Comment 2

The final plans for the school should ensure a permanent community garden that is equivalent in size to the existing garden and the Community Committee should have representation of members of the community garden. *(FAC)* Although the SCA has included a garden in their proposal, it would be less than half the current size, and would face Butler St. It would be completely hidden from view and therefore not a true community garden. *(Tahara)* Relocating the garden to your proposed site will in effect render it a personal, private garden. It will no longer be a community garden because it would be completely hidden, except for the few people that live directly across the street on Butler. *(Claire)* If the proposal to build another school is approved, the area of this magnificent garden, which is the only open space along Fourth Avenue between Flatbush Avenue and 3rd Street, will be reduced by 40% from 5,000 square feet to 3,000. What open space will replace this garden along Fourth Avenue? *(Baer)*

Response

The proposed project would provide a replacement community garden on the school site. However, in order to provide an adequate amount of outdoor recreation space for the student population to be served by the proposed project, a smaller portion of the schoolyard would be available for the community garden. The new community garden would be located along the southeastern side of the schoolyard on Butler Street. This location would be both visible and accessible to the public. The proposed school building would be located along the Fourth Avenue frontage of the site, and the project would not provide open space along Fourth Avenue.

Comment 3

The Baltic Street Community Garden is the only community garden on 4th Avenue between Flatbush Avenue and the Verrazano Bridge and needs to be saved. It has been in existence since the 1970s and was moved to the PS 133 site in 1983 as the “permanent community garden” according to the 5th Avenue Committee’s historical correspondence to the area gardeners from the same year. *(Tahara, Claire)* You can’t just lift it up and move to somewhere else, or lift it up and cut it in half and then bring out hazardous waste and then put it there. The people have been taking care of the garden for 30 years it’s actually an oasis in this neighborhood. We need that. We definitely want this to be considered in the Environmental Impact Statement. *(Hodge)*

Response

Under CEQR, an analysis of open space considers whether or not a proposed action would have either a direct impact resulting from elimination or alteration of open space or an indirect impact resulting from overtaxing available open space, which is defined as publicly or privately owned land that is publicly accessible and has been designated for leisure, play, or sport, or land set aside for the protection and/or enhancement of the natural environment.

The SCA recognizes that the community garden is an important asset to the community. However, as discussed in the DEIS, the removal of the existing community garden is necessary to facilitate the development of the proposed project. Therefore, the SCA would provide a new community garden on the school site. As noted in the response to Comment 2 above, although the new community garden would be smaller than the existing community garden, it would continue to provide this important community amenity. Notwithstanding the Fifth Avenue Committee’s historical correspondence, no records have been located or provided to confirm that the City agreed to the permanency of the garden. All available records, including the Baltic Street Urban Renewal Plan, indicate that the area is DOE property and designated for public elementary school use. The SCA has offered to work with the gardeners to memorialize the permanency of the replacement garden.

Comment 4

With a 4 year hiatus between this summer (the proposed plan will demolish our garden this summer) and after the completion of demolition of the current schoolhouse and construction of the new building, all of our matured trees, vines and many of our beloved plants have to be killed and they are not coming back. And we have to build a new garden from scratch again on the contaminated soil. Finding a place for them in the interim would be nearly impossible. Who would reimburse us for this loss? Who would supply the manpower and expertise necessary to move the trees, etc? *(Tahara, Vesugi)* The DEIS does not make any mention of finding a suitable site for the Baltic Street Community Garden during any demolition and construction. *(Baer)* What will be done to mitigate the displacement of this garden and the removal of these trees? We will lose at least 75 percent of your mature trees, shrubs and vines, and it would be at least 25 years before even a small percentage of that 75 percent will be in place and at full size. *(Baer, Claire)*

Response

The new community garden would be developed on the project site upon completion of the new school building. The SCA has offered to work with the gardeners to assist in efforts to relocate trees, vines, and other plants during the period of construction to the extent possible. As discussed in the FEIS, the anticipated construction period for the project has been reduced now that the SCA has secured temporary relocation space for the students during construction. Therefore, it is expected that the new community garden would be ready in approximately 3 years from the start of construction.

Comment 5

With the new plan, the open space for 960 students is inhumanly small. Ratio of students to open space must be much lower than other schools in Brooklyn. The SCA should reconsider the plan so that additional seats can be distributed elsewhere as well. (*Tahara*)

Response

As described in the DEIS, the proposed project would include a gymnasium and outdoor recreation areas consisting of an approximately 12,500 SF play area on the southeast portion of the site and a separate approximately 3,000 SF play area for early childhood students on the northern portion of the site. This would provide an adequate amount of recreational space to meet the recreational needs of the students. Additional open space for the students would necessitate a reduction in the size of the proposed replacement garden.

Comment 6

The report says that there is going to be no impact on parks. That is absolutely ridiculous to us. We already know that there are barely any parks in the neighborhood. (*Sweet*)

Response

The DEIS assessed the project's effects on open space and recreational facilities in accordance with the *CEQR Technical Manual* guidelines. The analysis determined that the project would not place any additional demand on the study area's open space resources since it would provide on-site recreational facilities and open space to serve the additional students introduced by the project.

HISTORIC RESOURCES

Comment 1

The DEIS recognizes the potential impact of the loss of a historically significant building, but in the end dismisses that impact as insignificant. (*FAC*) To lose this beloved school, that blends in with the architecture in the neighborhood would be devastating to those who moved to North Park Slope because of its quaintness. (*Baer*)

Response

The DEIS does recognize the demolition of the existing building as potentially significant. As described in the DEIS, the existing PS 133 building was determined eligible for inclusion on the State and National Registers of Historic Places and its removal under the proposed project may constitute a significant adverse impact. As required under Section 14.09 of the State Historic Preservation Act of 1980, the SCA has undertaken consultation with the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) regarding the proposed project and will continue, through the consultation process, to identify ways of partially mitigating the impact. Potential mitigation measures would include design features incorporated into the proposed new school building, photo-documentation of the existing structure consistent with the requirements of the Historic American Building Survey (HABS), and preservation and/or salvage of existing historic features. After further consultation with OPRHP, the SCA would enter into a letter of resolution with OPRHP stipulating the specific mitigation measures that would be incorporated as part of the proposed project.

Comment 2

On May 7th of this year the Park Slope Civic Council proposed expanding the Park Slope Historic District. The area would include blocks east of Fourth Avenue between Flatbush Avenue and 15th Street. This would include the block where PS 133 is located. The demolition of PS 133 and the construction of a bulky replacement school would undercut what the Park Slope Civic Council and preservationists would like to accomplish. *(Baer, FAC)*

Response

Comment noted. See response to Comment 1.

URBAN DESIGN AND AESTHETICS

Comment 1

The size and mass of the proposed facility is at the heart of our concerns. The proposed structure is simply too big for the site and for the neighborhood. *(Avery, Claire)* It dwarfs the homes on Butler and Baltic and, if constructed, would present views of a large box to residents on both blocks. While the proposed school may be in scale with the (largely undistinguished) structures being developed on 4th Avenue, it significantly intrudes on both Baltic and Butler, where it overwhelms the scale of buildings. *(Avery)*

Response

The project site is a large City-owned property that is appropriate for the development of the proposed school facility as it would permit the building density required to expand the school's educational program and serve a larger student population while still providing open areas on the site for a schoolyard and community garden. As described in the DEIS, the proposed project would result in an improved site configuration in terms of how the development of the site relates to its surrounding context. Although the proposed school building would be taller and bulkier than the homes on Butler and Baltic Streets, the building would be primarily massed along Fourth Avenue, where it would relate to the higher density and more active uses located along the avenue, and the schoolyard and community garden would be located on the lower density mid-block portion of the site, which would be more compatible with the low density residential character of this area. For these reasons, the DEIS determined that the proposed project would not result in significant adverse impacts to urban design.

Comment 2

From the perspective of the SCA, the existing barren landscape of 4th Avenue appears to be justification to remove the one green space along it - they actually go so far as to state that the project would be an "improvement", since the proposed construction "would establish a strong street wall presence along 4th Avenue". The SCA does acknowledge that the project would "result in an adverse impact to existing visual quality", but deems that impact "not significant". It is significant if you live here. *(Avery)*

Response

As discussed in the DEIS, the removal of the historic school building would have a negative effect on the area's immediate visual quality. Primarily, views from Butler Street, to which the building is oriented, and views from Fifth Avenue would also be affected by the removal of the school building. However, as significant views of the school building are mainly limited to these areas in the immediate vicinity of the site, given intervening structures to the east, the adverse impact to existing visual quality has been determined to not be significant.

Comment 3

The mass of the proposed construction also effectively removes open space around the school. To compare the proposed design to other schools already in the districts to be served by the new school, one can take a Sanborn Map and look at the blocks where PS 133 and PS 282 (both in Dist. 13) are sited, and the blocks where PS 321 and PS 261 (both in Dist. 15) are sited. The most obvious difference between the PS 133 site and the others is that, if the proposed building is built, the new school will have substantially less open space surrounding it than the others. In the cases of PS 282 and PS 261 there are Parks Dept. playgrounds immediately adjacent to the school playgrounds, which not only add play space, but which act as a buffer between the school playgrounds and nearby residential properties. (*Avery*)

Response

The proposed project would provide a significant amount of open space on the site consisting of 12,500 SF for open schoolyard, 3,000 SF for an early-childhood center play space, and 3,000 SF for a replacement community garden. As discussed in the response to comment 1 above, the schoolyard and community garden would be located on the lower density mid-block portion of the site, which would be more compatible with the low-density residential character of this area. The proposed community garden location would serve as a buffer between the playground and adjacent homes on Butler Street.

Comment 4

The DEIS does not recognize that the residential buildings constructed about 25 years ago on the blocks surrounding PS 133 were specifically constructed with the school as a reference point. (*FAC*) The middle income housing on Baltic and Butler Streets was built 30 years ago along with the community garden to create a community in harmony with PS 133. The roofs of the houses were actually designed to mirror that of the school. (*Tahara*) If the school is demolished, the houses adjacent to the school lose that architectural anchor for a view of the box-like back of the proposed new structure. According to the SCA drawings, any “architectural reference” to the original building is only visible on 4th Avenue. (*Avery*)

Response

As conceptually planned (and illustrated in the DEIS), the proposed school building would feature two towers reminiscent to the historic school building, which would serve as the school's entrances: one on Baltic Street and the other on Butler Street. They would therefore, also relate to the pitched roofs of the rowhouses on Baltic and Butler Streets. The towers would extend above the main building's roof line so that their historically-referenced design features would be prominently visible along the building's west, north and south elevations.

Comment 5

The slope that gives the neighborhood its name means that the current PS 133 is a visible part of the built environment beyond the immediately surrounding blocks – from 5th Avenue and further east, up the slope on Sterling Place. (*FAC*)

Response

Though portions of the existing school building, such as its upper stories, may be visible from beyond its immediate vicinity, the most significant views of the building are from Butler Street, to which the building is oriented, and from Fifth Avenue. Therefore, as discussed in the DEIS, the removal of the school building would have a negative effect on the area's immediate visual quality.

NEIGHBORHOOD CHARACTER

Comment 1

The size of the new structure, combined with tearing down the old PS 133, has a serious negative impact on the neighborhood. We are deeply concerned about what will happen to our neighborhood if the lovely old school is demolished and a school three times the size of the old one is built. (*Avery, FAC*)

Response

The DEIS provided an analysis of the project's effect on neighborhood character in accordance with *CEQR Technical Manual* guidelines. As detailed in the DEIS, there is no one uniform neighborhood character in the study area, but rather several: a changing Fourth Avenue corridor; an active industrial character on Fourth Avenue and streets to the west; and a more established residential area to the east, where historic resources are not defining elements of the character of the neighborhood. Therefore, the removal of the PS 133 school building and its replacement with a new larger school facility would not have a significant adverse impact on the character of the neighborhood.

INFRASTRUCTURE

Comment 1

If a new school is built with a capacity of 960 students, 29,104 gallons of additional wastewater will be produced. This will contribute to the combined sewer overflows during rain events. According to NYC Department of Environmental Protection there is an average of 53 combined sewer overflow events in dry years. In wet years the number of events is larger and the sewage produced by any additional students will flow into the Gowanus Canal. Even a relatively small incremental amount of sewage could produce additional events. This along with the cumulative effect of other large buildings coming on-line will have a detrimental impact on the health of New York Harbor. What analysis has been done to determine how many rain events have occurred that fell just short of producing a combined sewer overflow, and whether an additional 29,104 gallons would lead to additional events? (*Baer*)

Response

The DEIS assessed the project's effects on wastewater treatment in accordance with the *CEQR Technical Manual* guidelines. Under CEQR, actions that could result in significant, adverse impacts related to infrastructure are limited to actions that would have exceptionally large demand for water, such as power plants, very large cooling systems, or large developments (e.g., those that use more than one million gallons per day). The analysis determined that the proposed project would not generate significant wastewater flows and no significant effects on the City's wastewater treatment facilities would occur as a result of the proposed project. Combined sewer overflows are a citywide issue that the City has been working to address through various measures. However, the relatively minor increase in wastewater that would be generated by the proposed project would not be expected to have a significant effect on combined sewer overflow events, and the analysis described in the above comment is beyond the scope of the project's environmental review. However, it should be noted that the proposed school facility would implement various stormwater management practices, including rooftop stormwater detention, underground stormwater detention for the playground surfaces, and a rainwater harvesting system.

ENERGY

Comment 1

It would take a tremendous amount of energy to demolish the existing PS 133 and then construct a new school. This includes the energy needed to manufacture the materials necessary to construct a new school, as well as to transport them to the site. Tremendous energy savings can be derived from retrofitting the school. What analysis has been done to compare the energy saved from not building a replacement and retrofitting the current building vs. constructing a new school? (*Baer*)

Response

The energy analysis provided in the DEIS was conducted in accordance with *CEQR Technical Manual* guidelines. A comparative analysis of energy consumption is not required under CEQR or SEQR and therefore has not been provided in the DEIS. However, it should be noted that the proposed school facility would be constructed in accordance with the SCA's Green Schools Guidelines. The design and construction of the proposed school would incorporate a variety of measures to maximize energy efficiency, which would include but are not limited to the following. The offices and classrooms would be equipped with sensors to turn lights on and off. The interior lights would also be controlled by timers, and they would be turned off during off hours. In addition, ten percent of the materials used for construction of the proposed school facility would be recycled, and an additional ten percent would be from regional sources. Seventy-five percent of the roof would be covered with solar-reflective surfaces. The SCA's Green Schools Guidelines are available at www.nycsca.org.

TRAFFIC AND TRANSPORTATION

Comment 1

The amount of traffic (pedestrian and vehicle) associated with a 960 seat school will overwhelm the half block on which it is forced by the proposed design. The design creates serious congestion and a dangerous traffic situation for the block residents, for schoolchildren entering and exiting the school, and for pedestrians. The mix of gridlocked traffic, impatient drivers, and small children suggests significant safety problems. (*Avery*) Our small residential streets are not capable of handling 960 pre-K to 5th pupils. (*Tahara*)

Response

The proposed school facility would result in an incremental increase of approximately 696 school seats compared to the existing building. The analyses performed in the DEIS to evaluate traffic and pedestrian conditions which could occur upon completion of the expansion of PS 133 followed CEQR guidelines for traffic and pedestrian analyses, including safety investigations. While the expansion of the school would increase pedestrian activity in the area and auto and school bus traffic on Baltic Street, Butler Street and Gregory Place, the analyses indicated that the additional traffic generated by the school expansion would increase average vehicle delay above the CEQR guideline threshold of a significant adverse traffic impact at only one intersection and that no significant adverse pedestrian impacts would occur on the sidewalks and crosswalks in the vicinity of the site. In addition, no pedestrian related high accident locations were identified in the neighborhood surrounding the school site. Nevertheless, it is recognized that short-term conditions outside the sphere of traffic operations analysis procedures, such as the effects of double parking, driver impatience, etc. could cause concerns in the area. If conditions that concern school officials and/or neighborhood residents arise, a school safety plan can be developed by the DOE and the New York City Department of Transportation (NYCDOT) to address such problems that may occur during the morning and afternoon periods when students arrive and depart from the school. Some of the measures associated with such a plan could include staggering the start and dismissal

times for the two individual district schools, the deployment of traffic enforcement agents and additional crossing guards, and the implementation of safety measures cited in the NYCDOT's Safe Routes to School programs such as curb bulb-outs, new pedestrian ramps, and other traffic calming features.

Comment 2

In an amazing stretch of fancy, the SCA projects that half of the "new students" - Pre-K to 5th graders from District 15, will walk to school. At the public hearing on school siting, the Superintendent of District 15 said that there was not yet a plan for which District 15 children would be selected to attend the proposed school. District 15 is a huge district - covering the area from Red Hook to Prospect Park West, with boundaries stretching as far south as 54th Street and zigzagging down Union, along Third and past Atlantic and the closest boundaries to the proposed school site are 5 blocks away. These statements are supported by the DEIS finding that the 4 schools closest to PS 133, two each in District 13 and District 15, are currently operating substantially under capacity. The DEIS must be amended to recognize that a majority of the students at the new proposed school will either have to be bused, be driven in private vehicles or will use public transportation. (Avery, FAC)

Response

Given that it is not possible to precisely define the area from which the student population of a proposed school will be drawn so many years prior to occupancy of the proposed building, the walk mode share of 50 percent was used as a reasonable worst case assumption. This walk share assumption has been determined reasonable and has been applied in environmental assessments for schools proposed in similar settings in New York City. Its reasonableness can be demonstrated by a comparison of walk mode shares indicated in the NYCDOT Safe Routes to Schools reports prepared for over 20 public K-5 schools located in Brooklyn, which revealed that the walk mode share exceeds 65 percent at all but one school, and in most cases the walk share exceeds 75 percent. The 50 percent walk mode share assumption is also reasonable given that District 15, whose closest boundary to PS 133 is located along Third Avenue (one avenue away), contains several large New York City Housing Authority apartment buildings within easy walking distance to the proposed school. In addition, it is anticipated that the large residential buildings under construction along Fourth Avenue in close proximity to PS 133 would also contribute to the proposed school's student population. According to the Office of Pupil Transportation, 16 percent or 42 students out of 264 currently enrolled are bused to PS 133. The bus modal share assumed in the DEIS traffic analysis conservatively doubles this percentage.

Comment 3

The DEIS pedestrian trip projections have only 77 parents or guardians accompanying a total of 612 students to school (which suggests one in eight pre-K to 5th grade children will be accompanied by an adult), an average we suggest is very low, regardless of the actual number of students walking to school. Pedestrian traffic by the entrances will jump to well over 1,200 twice a day. (Avery) The DEIS's projections for vehicular and pedestrian traffics are so underestimated and unrealistic that they make everything else stated in DEIS seem unrealistic as well. The DEIS thinks that only 77 parents will escort 612 pre-K to 5th grade children and a half of children from District 15 would walk to school. Both of which are so not likely. The more accurate estimate among ourselves is 25 school buses twice a day and 1,200 pedestrians including accompanying parents. The two streets which will be most impacted are Baltic Street and Butler Street. (Tahara)

Response

The pedestrian analysis assumes that each parent/guardian walks with an average of two students which means that half of walk-only students are accompanied by a parent or guardian. These assumptions have

been determined reasonable and applied in similar CEQR analyses for proposed K–5 public schools. It also should be noted that pedestrian analyses, as specified in the *CEQR Technical Manual*, analyze peak 15 minute volumes, not hourly volumes. Regarding school bus trips, it was estimated that 15 additional school bus trips to and 15 additional school bus trips from the school would occur during each AM and PM peak hour. The assumptions utilized in the pedestrian analysis are described in greater detail on Pages 3-55 through 3-59.

Comment 4

SCA estimates that 61 students will be dropped off by parents in cars each day, and 41 will be picked up each day. (We have no idea of why that number changes). If this number is accurate (and we suggest that it may be understated, as noted above) that puts between 3 and 4 times the current number of parent driven vehicles on Baltic and Butler Streets. (Avery)

Response

The number of pick-ups occurring during the PM peak hour is assumed to be lower than AM peak hour drop-offs to account for after-school programs that would extend past the standard dismissal time.

Comment 5

Using its “half will walk” scenario, SCA traffic projections for the new school show 7 additional school bus/van trips each morning and each afternoon for “new” students: these estimates are based on 30% of new students taking the bus. As noted, we suggest the number of “new” students who will be bussed will be more like 50% (at minimum), which would be closer to 12 new bus trips. Therefore, bus trips to the school are likely to increase from the current five busses (which even now can bring traffic to a standstill) to a total of twenty five bus trips each morning and evening (5 current, 12 new for regular students and 8 new for special education students). (Avery)

Response

It was noted in the response to Comment 2 that mode share data provided in approximately 20 NYCDOT Safe Routes to Schools studies in Brooklyn for K–5 public schools was reviewed as related to the walk share. The bus mode share indicated for all schools except one was less than 20% and usually less than 10%. The 30% bus share assumed for the expansion of PS 133 therefore represents a reasonable worst case assumption, given the information available regarding the student population at this time.

Comment 6

It is key to remember that, because the streets are one way and Butler is not a through street between 4th and 5th, the only way to get to the Butler Street entrance is to go down Baltic Street and, before reaching 5th, turn on Gregory Place (behind the Key Food). Consequently, traffic is being forced to circle around an area that is less than a full block long, and the circling includes waiting in line while busses ahead are filled and move on. It is close to impossible to speculate on how this can be safely done at the Baltic Street side, which is the gate for traffic headed toward Butler. We doubt that busses will be allowed to pass each other when children are being loaded or discharged. Even if children were being discharged and picked up on Fourth Avenue, traffic would be forced to wait until each bus was emptied or filled—and 4th Avenue is very heavily trafficked in the mornings, especially when the BQE is backed up (which happens frequently) and cars exit onto 4th Avenue in the 30's to bypass the backup. Add the narrowness of Baltic and the fact that it is a through street from Court to 5th, and it becomes clear that the SCA acknowledged traffic problems at the corner of Baltic and 4th are significantly understated. (Avery, Sweet, Tahara)

Response

Due to its low traffic volumes, Butler Street provides desirable conditions for the safe drop-off and pick-up of school children with minimal disruption to and from other traffic. However, Baltic Street provides a more challenging environment due to its traffic volume levels and proximity of the proposed school entrance to Fourth Avenue. As noted in a separate response, it may be necessary to develop a plan to provide for the safe and efficient operation of the expanded school in its proposed setting. This could include the deployment of school crossing guards and/or traffic enforcement agents to ensure student and motorist safety and the facilitation of traffic movements along Baltic Street in conjunction with school bus operations at this location.

Comment 7

The DEIS also fails to consider increased traffic related to expanded deliveries and garbage pick-up associated with a school serving three times the number of students who are served now. (Avery)

Response

Expanded deliveries and garbage pick-ups are included in the traffic analysis. The assumption for additional deliveries and garbage pick-ups was derived from the references provided by the Federal Highway Administration's *Curbside Pickup and Delivery and Arterial Traffic Impacts*. One additional delivery trip to and from the site, listed as "Truck" in the Trip Generation table in the DEIS (Table 10 in section 3.10), would be anticipated for the expanded school per day during the AM peak hour.

Comment 8

Most astonishingly, the only traffic mitigation put forth by the SCA is that it will ask the DOT to add seconds on the "lead times" of lights at the corner of 4th and Baltic - and "if the NYCDOT determines that the proposed mitigation measures are not practicable, the project's traffic impact at the intersection of Fourth and Baltic would be unmitigated". In effect, the SCA has significantly underrepresented the traffic impact associated with building the new school, and acknowledges that it has not yet discussed traffic with the Department of Transportation, yet throws the problem in their lap. This is a totally unacceptable response. The traffic jams created by the proposed new school create an unsafe environment for the children attending the school and for the area residents. (Avery) DEIS thinks only adding a function to show "seconds" to traffic lights in the surrounding areas will solve the traffic problems. Neighborhood people don't think so. We will lose our precious parking spots and will have to suffer from bad air and idling noises. (Tahara)

Response

Traditional mitigation measures include adjusting traffic signal timing and phasing at significantly impacted intersections. Such measures are valid from a traffic engineering perspective and cost effective, provided that the revised timing adequately satisfies traffic operations and pedestrian crossing requirements and does not adversely affect corridor traffic signal progression. However, the NYCDOT holds precedence over any modifications to traffic signals and is not obligated to adopt the recommendations cited in an EIS. Also, it was noted in other responses that the need for measures to insure the safe operation of an expanded PS 133K, such as the deployment of traffic enforcement agents and additional crossing guards, and the implementation of safety measures, may be identified in the school safety plan.

Comment 9

The DEIS recognizes only one intersection impacted by the proposed new school – the intersection of 4th Avenue and Baltic Street. The DEIS must be amended to recognize that school related traffic will both come and go, and that there will be additional significant impact at the corner of 4th Avenue and Butler Street, with

spillover impact on Butler Street itself. Related to this, the DEIS must recognize the need for mitigating the combined negative impact of the increased traffic and changed traffic patterns together with substantially increased pedestrian traffic. (FAC)

Response

The traffic analysis includes vehicle and pedestrian trips projected to arrive at and depart from the project site. Table 10 (Trip Generation) in section 3.10 of the DEIS provides detailed traffic forecast information for the proposed expanded school component. Other aspects of this comment are addressed in other responses.

AIR QUALITY

Comment 1

The intersection of Fourth, Atlantic, and Flatbush Avenues has been determined by the U.S. Environmental Protection Agency to be an air quality ‘hot spot’. This is just 1/4 of a mile from the site of PS 133. Any new traffic either during demolition/construction or after completion of the school will exacerbate a very bad air quality situation. What analysis has been done to determine the impact of PS 133 on the air pollution at this intersection? (Baer)

Response

The DEIS analyzed the projects effects on mobile source (vehicular) air quality in accordance with the *CEQR Technical Manual* guidelines and determined that the project would not result in any mobile source air quality impacts. In addition, the proposed project would not exceed the CEQR threshold of 50 or more vehicle trips through the intersection of Fourth and Flatbush Avenues, and therefore would not result in an impact to air quality at this intersection.

Comment 2

The buses are going to bring in significant idling. That is a concern for us. (Harrison)

Response

The New York City Council recently voted to approve legislation that would restrict vehicle idling times at schools to one minute. The DOE would be responsible for ensuring that school buses at the proposed school facility comply with this rule.

SOIL, GROUNDWATER AND HAZARDOUS MATERIALS

Comment 1

There has been considerable community concern about the revelation in the DEIS that there is hazardous material which would need to be disturbed and then removed under the current proposal. (FAC, Avery, Tahara) My concern is what is going to happen to the people that live on the block once you start tearing down. What about the asbestos when you start tearing the building down? What kind of coverage are we going to have to say that we are going to be alright breathing all of this air once you start tearing down this building? What kind of safety concerns is it going to be for us? (Harrison)

Response

The construction specifications include detailed requirements to minimize the potential for impacts to the community. These requirements include the installation of a construction fence around the Site to form a physical barrier between the construction and the public and implementation of dust suppression

techniques during all excavation and demolition activities. Additionally, no excavated material will be stockpiled on the Site. Further, all construction equipment and trucks will be cleaned prior to departing the Site, and community air monitoring for fugitive dust emissions will be performed during all excavation and demolition activities. In addition, a qualified environmental professional representing the SCA will be on-site during demolition and excavation to monitor the construction contractor's compliance with the specification requirements identified above, as well as health and safety requirements. Specific health and safety requirements include preparation of a site-specific health and safety plan (HASP), proper training and certifications for construction workers, air monitoring within work zones, personal decontamination of workers, and appropriate demarcation of work zone boundaries.

The community air monitoring program will be implemented to ensure that the quality of air in the community is not negatively impacted by construction. Community air monitoring will include real-time dust monitoring and continuous data recording performed both upwind and downwind of the active work areas. Air monitoring instrumentation will be equipped with both audible and visual alarms that will inform on-site personnel if any of the action levels (set below levels of concern) are reached. In the event that any action levels are reached, corrective actions will immediately be employed to bring air quality parameters to acceptable levels and ensure the air quality outside the work area is not impacted.

Asbestos containing materials will be removed in accordance with all applicable laws and regulations prior to demolition.

Comment 2

We insist that the SCA present at minimum a basic safety plan related to the excavation soil considered to be hazardous material, as we understand is required by New York State Law, and not shift all responsibility to an unnamed contractor. We also assert that the SCA should identify costs associated both with removal and remediation of soil considered to be hazardous material and with the future monitoring of identified water contaminants. We support the idea of using outside consultants to undertake this task. (*Avery*) This school site must be thoroughly cleaned up before any construction occurs. All sources of contamination affecting the site must be investigated and mitigated, so the site is not contaminated again. (*Baer*) The DEIS raises a few serious questions regarding the safety and well-beings of the area residents and students. Although DEIS found that the soil and underwater of the site is contaminated, the SCA seem to completely underestimate the seriousness of it. It says you will dispose the "hazardous materials" properly (asbestos, lead, etc from demolition of the current building, and other dangerous industrial wastes that will be exposed by excavating deeply for constructing the new massive building), but do not mention how. (*Tahara*) This project is a done-deal, so all these concerns should already be addressed. (*Harrison*)

Response

The Phase II investigation was performed in accordance with the widely accepted American Standard for Testing Materials (ASTM) and resulted in a very thorough characterization of site conditions. The remedial measures recommended for the site include removal of lead-contaminated soil and the implementation of engineering controls to safeguard the occupants of the building both now and in the future. These safeguards will remain in place for the life of the building and will protect the occupants from subsurface contamination, including that which may be migrating to the site from an off-site source.

As part of construction of the new school, existing Site soil will be removed to a minimum depth of 5 feet in the planned playground, landscaped and paved areas, and to a minimum depth of 2 feet below the depth required for construction within the footprint of the planned new school building. The soil in these areas will be replaced with imported, environmentally clean soil. This measure will remove the bulk of

the contaminated soil from the Site and provide a physical barrier to protect school occupants from any potential contact with the underlying soil.

Comment 3

The proposed extensive excavation and trucking of soil considered to be hazardous material certainly raises a specter for area residents and for parents of PS 133 students. The SCA DEIS admits that a construction-related effect of the project on air quality includes increased “fugitive dust”, which is defined as “airborne particulate matter that is “kicked up” by haul trucks, concrete trucks, delivery trucks and other earth-moving vehicles operating around the construction site and from material blown from uncovered haul trucks”. If hazardous material is being dug up, we assume that it will be a component of such “fugitive dust”. (*Avery*)

Response

The construction specifications include detailed requirements to minimize the potential for impacts to the community. Among the requirements are: construction fencing, active dust suppression, prohibiting stockpiling of excavated soil, equipment decontamination procedures, and community air monitoring. These requirements are specifically designed to control fugitive dust emissions. Further, all construction equipment and trucks will be cleaned prior to departing the Site.

Community air monitoring will include continuously monitoring for fugitive dust during demolition and excavation so that corrective actions can be implemented, as necessary, before airborne dust levels reach limits of concern outside the construction Site.

Comment 4

As documented in the DEIS, 3 leaking underground storage tanks were identified in the area, as well as 6 dry cleaning facilities within ¼ mile. Soil vapor samples revealed tetrachloroene and trichloroethene at levels exceeding NYS Department of Health standards. More extensive tests need to be done to determine if the school is sitting on a Brownfield. If that is the situation, the proposal for a replacement school needs to be rejected, and the site cleaned up. Just as important, the off-site source must be identified, and a permanent solution applied that will prevent any migration to any site in the future. (*Baer*)

Response

Prior to initiating the Phase II investigation, SCA conducted a thorough investigation of the history and uses of the Site and surrounding properties as part of a Phase I Environmental Site Assessment (ESA). The subsequent Phase II Environmental Site Investigation (ESI) was performed in accordance with industry standards and applicable regulatory agency guidance. The Phase II ESI included extensive sampling and testing of Site soil, soil vapor, and groundwater to investigate the potential impacts of recognized on-site and off-site environmental conditions identified by the Phase I ESA.

The Phase II ESI fully characterized the environmental conditions at the Site. Based on the results of the Phase II ESI it was concluded that the elevated lead concentrations detected in Site soil are a result of historic fill which was imported to the Site and not from a release associated with a former site use, which would typically be a characteristic of a Brownfield site.

To address the environmental conditions identified at the Site, SCA has included an excavation plan in the construction documents that calls for removal of soil across the entire site. As mentioned above, existing Site soil will be removed to a minimum depth of 5 feet in the planned playground, landscaped and paved areas and to a minimum depth of 2 feet below the depth required for construction within the footprint of the planned new school building. Also, to address the potential for intrusion of vapors from

off-site sources into the new school building, the design includes a vapor barrier and sub-slab depressurization system.

The remedial measures and engineering controls to be implemented at the site will fully protect school occupants. The investigation and cleanup of off-site sources of contamination are under the purview of the New York State Department of Environmental Conservation (NYSDEC).

Comment 5

The identification of lead as a contaminant in the soil must be studied further. The fill under the school area with a thickness of 2 to 10 feet needs to be further analyzed beyond the depth of 30 feet where fine and medium sand meets clay. This will determine any contamination of the fill, the sand, and the clay. *(Baer)*

Response

Extensive investigation of the environmental conditions of the Site has been completed by SCA, including extensive testing and sampling of Site soil (please refer to the response to Comment 4). As part of construction of the new school, existing soil will be excavated across the entire Site. Existing Site soil will be removed to a minimum depth of 5 feet in planned playground, landscaped and paved areas and to a minimum depth of 2 feet below the depth required for construction within the footprint of the planned new school building. The existing school building which has a basement will also be removed. This will protect users of the school from the potential for contact with contaminated soil and result in removal of bulk of the contaminated soil which has been found at the Site.

Comment 6

The petroleum odors, sheen, and elevated PID readings need to be investigated to determine their source. To attribute them to the filling station west of the site, without clear evidence, may be attributing them to an incorrect source. Will the source be identified? *(Baer)*

Response

Samples of soil collected during the Phase II ESI which exhibited the potential for petroleum impacts did not contain free phase product and when submitted for laboratory analysis did not exhibit any exceedances of NYSDEC soil cleanup objectives. The SCA will not investigate the source of the impacts since identifying and requiring investigation and cleanup of off-site contaminant sources is beyond the jurisdiction of the SCA and is typically under the purview of the NYSDEC.

Comment 7

Will the Federal E.P.A. or the New York State Department of Environmental Conservation be asked for their opinions on the appropriateness of disturbing the soil on this site? What will be done to eliminate the contamination that has already been found, if the new school is not built? *(Baer)*

Response

The contamination that has been found onsite will be managed by SCA utilizing all appropriate and applicable requirements of NYSDEC and USEPA.

Comment 8

It says the contractors will put three layers of sheets on the excavated site and instruct the area residents. But considering that you NEVER have directly communicated with the area residents, how can we trust them? Even if you warn us of potential danger through the CB6 or SCA's website, many of us will not be aware of

it and will get sick for life. We have repeatedly requested the SCA to start communicating with us in a more respectful manner, but you have not demonstrated that you care about us. How can we trust you? (*Tahara*)

Response

A qualified environmental professional representing the SCA will be on-site during demolition and excavation to monitor the construction contractor's compliance with the requirements of the construction contract. During the course of construction, the SCA's Project Support Officer would continue to provide information to the community regarding the progress of construction and assist in the resolution of construction-related concerns.

Comment 9

We understand the needs for seat increase, but why do we have to disturb the contaminated soil to do that? There must be other places better suited for constructing a new school, or you can come up with a milder and safer plan with smaller increase so that you don't have to dig deeply into contaminated soil. (*Tahara*)

Response

Removal of contaminated soil will be performed as part of construction of the new school. The most effective way to remove the contaminated soil is by excavation during construction. The plan that has been developed by the SCA specifically includes engineering controls to protect the community and eliminate the potential for contact with contaminated soil.

CONSTRUCTION IMPACTS

Comment 1

A number of area residents raised concerns related to construction, including the impact of major pile driving (during excavation for a large new building) on the wood frame houses, rodent problems frequently associated with major excavations, noise associated with construction and construction traffic concerns. The DEIS tells us, repeatedly, that this will only be for a "short time" - four years - so it is not considered significant. A four year building and demolition period may seem like a short time to someone in Long Island City, but it sounds like a pretty long time to us. (*Avery*)

Response

Comment noted. The DEIS includes a description of the disruptive effects of project construction on the site and immediate environs. The determination that the project's construction-related effects would not result in significant adverse impacts due to their temporary nature is consistent with the guidance provided in the *CEQR Technical Manual*. Since the issuance of the DEIS, the SCA has secured a temporary space to relocate the school to during construction of the project. This would reduce the duration of construction to three years, which would reduce the project's temporary construction impacts as well as eliminate some of the conflicts expected on the site. The construction impacts analysis has been revised in the FEIS to reflect the shorter project construction period.

Comment 2

There is no reference at all to the demolition of the existing PS 133 building in the DEIS - except for the statement that "construction and demolition on the site would require careful planning and staging to minimize physical and environmental intrusions on the existing school building and its students." We'd like to know what those plans are - in fact, we insist that there be an explicit plan to keep both the students and the neighbors safe. Obviously, we all have concerns about safety, about noise and about air quality if a building of this size and substance was to be demolished. The DEIS is totally silent on this issue. (*Avery*)

Response

The discussion of the project's construction effects in the Construction Impacts section of the DEIS includes the effects from the demolition of the existing school building. The FEIS has been revised to indicate that the existing PS 133 building would be demolished prior to the start of construction of the new school building now that a temporary relocation space has been secured for the school.

ALTERNATIVES

Comment 1

We were surprised and pleased to see that one of the alternatives presented by the SCA in their DEIS was to rehab the existing PS 133 structure and build an addition to it. This solution would preserve the existing school, which would continue to act as an architectural anchor for the adjacent blocks. However, in the alternative suggested by the SCA, a large addition runs the length of Baltic Street and the SCA notes that there would not be space for a community garden. We have not been presented with any cost comparisons between renovation and demolishing/rebuilding, but we do note that renovation of old schools (typically, constructed before the 1950s), can actually be more cost effective than the "raze and rebuild" approach - and is being embraced in states such as Maryland, Pennsylvania, Massachusetts and Connecticut. (*Avery*)

Response

Comment noted.

Comment 2

We are supportive of examining a combination of renovation and new building, but think it can be done in a better way than proposed in the DEIS. We believe that a reexamine of design could help alleviate potential environmental problems related to traffic and contaminated soil. An alternative suggestion to the one put forth by the SCA would be to renovate the old school and build an addition that would run parallel to 4th Avenue, built on a slab, for approximately the length of the existing school, with the first floor used as a low ceilinged mechanical area. This would minimize exposing contaminated soil and would put a floor between the slab and classrooms. If the addition was sited close to 4th Avenue, a courtyard space could be created between the two buildings (which could be connected by a bridge on the second story level). This courtyard space, which would be entered on Baltic and exited on Butler, could serve as a secure drop off space for school busses, monitored by crossing guards at either end, resulting in a safer space for discharging and picking up students and alleviating some of the traffic impact on Baltic and Butler. There would still be space for the community garden at the corner of Baltic and 4th Avenue. We are not convinced that it is possible or supportable (in terms of impact) to triple the number of seats available at PS 133, but such a strategy could at least double the available seats. We also believe that it may be possible to gain seats in the existing building through a thoughtful renovation - the school did, at one time, have a larger student population than it does now. A renovation, combined with a reduced excavation "new build" also could be completed in significantly less time than the 4 years projected for the SCA design. (*Avery*)

Response

Comment noted.

Comment 3

A swing space has just been found for the current 133 kids so they do not have to endure the distraction, noise, dust, and toxicity of a 4 year construction. If a swing space can be found for these kids, why can't the same thing be done at an elementary school in District 15? Let the SCA find swing space for the kids of one of those schools and then turn their school into a giant, state of the art building. (*Tahara*)

Response

The SCA has come to terms with the Roman Catholic Diocese of Brooklyn regarding the temporary use of the St. Thomas Aquinas School, located at Fourth Avenue and 8th Street, as a swing space for the P.S. 133 organization during the period of construction. This arrangement would allow the total construction period for the proposed school facility to be reduced from four years to three. The P.S. 133 school organization is significantly smaller than the nearby CSD 15 school organizations, such as P.S. 269 and P.S. 321. Consequently, St. Thomas Aquinas School would not provide adequate swing space for those school organizations. Moreover, the approach recommended by the commenter would not address the needs of P.S. 133 for a modern facility meeting current instructional needs.

Comment 4

Why destroy the only beautiful, architecturally significant building in our neighborhood along with a beloved community garden? What about renovating and enlarging instead of tearing it down? There are many alternatives to the SCA's plan, and time is needed to sort this all out. Please help us so we end up with something that benefits everyone, and not just District 15 parents. (*Tahara*)

Response

The DEIS includes an evaluation of the PS 133 Addition Alternative, under which an approximately 77,280 SF addition to the existing PS 133 would be developed on a portion of the project site, and the interior of the existing 39,000 SF building would undergo a gut rehabilitation to upgrade and modernize the space for continued use as a school facility. As with the proposed project, this alternative would be designed to accommodate approximately 960 elementary school students, and would serve students from both community school districts 13 and 15. As with the proposed project, the Baltic Street Community Garden at PS 133 would be removed under this alternative to facilitate the development of the building addition; however, it would not be replaced. Because there would be less available open space on the site under this alternative, it would be designed to provide an adequate amount of outdoor recreation space for the larger student body with no space left to site a replacement community garden.

Comment 5

Now that swing space has been found for the 133 kids, allowing for the school to be torn down before beginning construction of a new school, a new and different design could be made for the school--one that would take the safety of students and residents into consideration, preserve the garden as it is, and still increase the number of sorely needed seats. (*Tahara*) The Swing Space allows for the whole redesign of the site. Right now we have to build on 4th and Baltic, because that's the only open space. If this school is demolished first, then some of the traffic safety issues and some of the other design issues that were raised could be addressed differently. Could you start again with the design? The current design was based on the fact that there was a building there. If there is no building there, it's a different story. (*Public Comment*)

Response

The SCA studied the option of retrofitting and enlarging the existing P.S. 133 facility and concluded that it would not meet the needs and objectives identified in the DOE's Capital Plan. Due to inefficiencies in the existing building, an enlargement would not yield the same number of seats as the proposed project and would add significant cost to the project. In addition, a renovated and enlarged facility would directly abut the lot lines of the residential buildings on Butler and Baltic streets. Under the proposed project, a new, modern school facility would be constructed fronting Fourth Avenue, a wide street that could more adequately accommodate the bulk of the proposed building.

With respect to safety concerns, all construction and demolition activities performed in connection with the proposed school facility, including management of excavated soil, would be done in accordance with all applicable local, State and Federal regulations. SCA contractors would be required to prepare plans for excavated soil management, dewatering, air quality control measures, dust and odor suppression measures and community air monitoring program (CAMP). A site-specific Health and Safety Plan (HASP) would be implemented during remediation, development and future maintenance activities for the protection of on-site workers and off-site residents.

MISCELLANEOUS

Comment 1

Since the plan is to ease the overflow of District 15, PS 321 in particular, I am concerned about the economical and racial divide among small children who would study in the same building but separately. It is one of the elements that District 15 parents are concerned about as well. We must make sure that children do not go through the unnecessary emotional stress in their young age. (*Tahara*)

Response

The proposed project would provide additional public school capacity on the site to meet the needs of the area's current and projected future elementary school students. The need for additional capacity extends to other Community School District 15 schools in the vicinity besides P.S. 321, such as P.S. 372 and P.S. 38. The project would provide upgraded facilities to serve both community school districts 13 and 15, and may also contain space for a District 75 Special Education program. The proposed project would not result in economic or racial division among the students to be served by the proposed school facility.

Comment 2

Since it was news tonight that there might be this new swing space, as it was referred to, that's a totally new concept that we're hearing about, the children being moved out of this building during the construction process. If that is going to be planned, it seems to me that that means a major change in the DEIS. Is that going to be addressed in the final DEIS? Some of the questions in terms of community facilities, socioeconomic and demographic impact, some of the other impacts, those things it seems to be rewritten with this new position, in addition to just responding to comments outright. (*Public Comment*)

Response

The FEIS has been revised from the DEIS to describe temporary swing space at St. Thomas Aquinas School on 8th Street during construction of the project, and, where appropriate, the analyses in the FEIS have been revised to reflect this change. As discussed in the FEIS, the most significant effect of relocating the students during construction is that it would shorten the project's construction period from approximately four years to three years, consequently reducing some of the impacts identified in the EIS. With the use of the swing space, it is anticipated that the new school building would be ready for student occupancy in approximately three years from the start of construction, and the SCA expects that the open space areas and replacement community garden would be ready at the same time. In addition, the availability of swing space would avoid the disruptive effects of project construction on the students and faculty in an operating school.