

STATE ENVIRONMENTAL QUALITY REVIEW FINDINGS STATEMENT

Pursuant to the *State Environmental Quality Review Act ("SEQRA")*, codified at Article 8 of the *New York Environmental Conservation Law ("ECL")*, and its implementing regulations, promulgated at Part 617 of Title 6 of the *New York Codes, Rules and Regulations*, which collectively contain the requirements for the *State Environmental Quality Review ("SEQR")* process, DASNY, as an involved agency, makes the following findings.

Date: January 9, 2015

Title of Action: St. George Outlet Development LLC *Empire Outlets*
State and Municipal Facilities Capital Program Grant No. 6256

Description of Proposed Action and Proposed Project

The Dormitory Authority State of New York ("DASNY") has received a funding request from St. George Outlet Development LLC ("SGOD") for its *Empire Outlets* project pursuant to DASNY's State and Municipal Facilities Capital Program ("SAM"). The Proposed Action would consist of DASNY's authorization of the expenditure of approximately \$25,000,000 of the proceeds of the SAM bond issuance to partially fund the Proposed Project. DASNY is an involved agency in the *SEQR* review of the Proposed Project due to its role in providing SAM grant funding.

The SAM grant proceeds would be used by SGOD for the construction of portions of an approximately 1,100,000-gross-square-foot ("gsf") commercial development, including retail and hotel uses, in the St. George section of the borough of Staten Island, Richmond County, New York (the "Proposed Project"). The development site contains a Metropolitan Transportation Authority ("MTA") railroad right of way and surface parking for the adjacent Staten Island Ferry Terminal. The SAM grant funds would be used primarily to fund improvements on and around the MTA right of way. The Proposed Project is a component of the *St. George Waterfront Redevelopment Project* that would also include the construction of the tallest observation wheel in the Western Hemisphere on a separate site by a different developer.

Location of Proposed Project

The Proposed Project would be constructed on an approximately 7.9-acre waterfront site (Richmond County Tax Block 2, portions of Lots 1, 5, 10 and 20) between the Staten Island

Ferry Terminal and the Richmond County Bank Ballpark in the St. George section of the borough of Staten Island, Richmond County, New York (the "Project Site"). The Project Site, known as the "South Site" of the *St. George Waterfront Redevelopment Project*, currently hosts a 754-space surface parking lot and a portion of railroad right of way ("RROW"). The Project Site is under the jurisdiction of the New York City Department of Transportation ("NYCDOT"), New York City Department of Citywide Administrative Services ("DCAS"), MTA and MTA's subsidiary the Staten Island Rapid Transit Operating Authority ("SIRTOA"), and the New York City Department of Small Business Services ("SBS").

Agency Jurisdiction: Authorization of the Expenditure of Bond Proceeds from the State and Municipal Facilities Capital Program to Partially Finance the Construction of Empire Outlets.

Lead Agency: The City of New York
Department of Small Business Services
110 William Street
New York, New York 10038

Project Sponsor: New York City Economic Development Corporation
110 William Street
New York, New York 10038

Date FEIS Filed: August 29, 2013

For Further Information:

Contact: Jack D. Homkow
Director
Office of Environmental Affairs

Address: Dormitory Authority of the State of New York
One Penn Plaza, 52nd Floor
New York, New York 10119-0098

Telephone: (212) 273-5033
Fax: (212) 273-5121

Facts and Conclusions in the FEIS Relied Upon to Support the Findings:

1. This Findings Statement for the *Empire Outlets Project (SAM Grant)* (the “Proposed Project”) has been prepared in compliance with the *State Environmental Quality Review Act (“SEQRA”)*, codified at Article 8 of the *New York Environmental Conservation Law (“ECL”)*, and its implementing regulations, promulgated at Part 617 of Title 6 of the *New York Codes, Rules and Regulations (“N.Y.C.R.R.”)*, which collectively contain the requirements for the *State Environmental Quality Review (“SEQR”)* process.
2. The Proposed Project is a component of the *St. George Waterfront Redevelopment Project*, sponsored by the New York City Economic Development Corporation (“NYCEDC”). The *St. George Waterfront Redevelopment Project* required several approvals subject to the City of New York’s *Uniform Land Use Review Procedure (“ULURP”)*, including a zoning text amendment (ULURP No. N130316ZRR), zoning map amendment (No. C130315ZMR), property dispositions (No. C130319PPR and No. C130320PPR), and special permits (No. C130317ZSR and No. C130318ZSR) from the City Planning Commission (“CPC”). These approvals were granted by the CPC on September 11, 2013.
3. The New York City Department of Small Business Services (“SBS”), as *City Environmental Quality Review (“CEQR”)* Lead Agency, made a determination that the Proposed Project was a Type I action pursuant to 6 N.Y.C.R.R. Part 617 and conducted a coordinated *CEQR* process (CEQR No. 13SBS001R), issuing a *Draft Environmental Impact Statement (“DEIS”)* on May 15, 2013, and a *Final Environmental Impact Statement (“FEIS”)* on August 29, 2013.
4. Following completion of the *ULURP* process, the CPC adopted findings pursuant to *SEQR* as part of its commission report on the *St. George Waterfront Redevelopment Project* (see excerpt, attached). The CPC Findings Statement was issued on September 11, 2013.
5. DASNY is an involved agency for the purposes of *SEQR* due to its SAM grant funding approval. DASNY’s Proposed Action is the authorization of the expenditure of approximately \$25,000,000 of the proceeds of the SAM bond issuance for the Proposed Project.
6. This Findings Statement is based upon facts and conclusions contained in the *FEIS*. This *SEQR Findings Statement* represents DASNY’s compliance with *SEQR* for the Proposed Project.

7. The potential effects of the Proposed Project were adequately analyzed and disclosed in the *FEIS* (August 29, 2013) for the *St. George Waterfront Redevelopment Project*. The Proposed Project as currently contemplated would not engender any new significant adverse environmental impacts not previously disclosed in the *FEIS*.
8. The *St. George Waterfront Redevelopment Project* would engender significant adverse traffic impacts at 13 locations in the Weekday Midday peak hour; at 14 locations during the Weekday PM peak hour; 13 locations during the Saturday Midday peak hour; and 15 locations during the Saturday PM peak hour. The majority of these impacts could be fully mitigated through lane restriping, parking restrictions, turn movement restrictions, truck delivery restrictions, signage, street reversals, and signal timing changes. Certain of these impacts, however, would remain partially or fully immitigable. The impacts at the intersections of Richmond Terrace with the Staten Island Ferry Viaduct (car and bus) would remain immitigable during all four peak hours, while the impact at the intersection of Richmond Terrace and Hamilton Avenue would remain immitigable during the Saturday PM peak hour only.
9. The *St. George Waterfront Redevelopment Project* would engender a significant adverse subway facility impact at the Whitehall Street Station. During the Weekday PM peak hour, the northern platform stair at the south end of the downtown "R" train platform is projected to exceed capacity and would require widening. The mitigation measure necessary to mitigate this impact includes a widening of the stairway. According to the Metropolitan Transportation Authority – New York City Transit ("MTA-NYCT"), widening of this stairway is infeasible due to the physical constraints of the subway station; a widened station stair would necessitate a widened platform, which in turn would require realigning the tracks and an expansion of the overall station envelope. Therefore, the projected subway stairway impact is considered to be a significant and unavoidable adverse impact.
10. With the addition of *St. George Waterfront Redevelopment Project*-generated trips, the Staten Island Ferry could be significantly impacted based on the existing operational parameters and system throughput capacity determined by New York City Department of Transportation ("NYCDOT"). (Throughput capacity is limited by the width of the boarding aprons and the ability to process passengers during the 6.5-minute time window currently allotted in the printed schedules.) However, the ferries and ferry terminals themselves would have sufficient on-board licensed capacity to accommodate the projected ridership. Potential mitigation measures to partially or fully mitigate the projected issues include the following: (1) Increase system capacity by increasing the width of the boarding aprons, which according to NYCDOT is currently the controlling factor in system capacity; ferries would also need to be modified to accept the wider boarding aprons; according to NYCDOT, this measure would take approximately 8 to 10

years to implement and would require significant capital investment; (2) Increase system capacity by increasing the frequency of sailings; this would reduce the number of passengers per sailing, but according to NYCDOT, would require a significant increase in operating cost for the Staten Island Ferry and time to recruit and train requisite personnel; and (3) Use timed ticketing and/or variable pricing for the Observation Wheel to spread out visitor arrivals and encourage visitation during time periods when ferry ridership is lower. As the feasibility of implementing any of the above measures has yet to be determined, the projected ferry impacts are currently considered to be unavoidable adverse impacts. The City of New York will work to develop potential mitigation measures to address these issues. Additionally, NYCEDC is exploring supplemental waterborne transit to provide additional transportation options, which could decrease the projected ridership on the Staten Island Ferry.

11. The Proposed Project was reviewed in conformance with the *New York State Historic Preservation Act of 1980 ("SHPA")*, especially the implementing regulations of section 14.09 of the *Parks, Recreation and Historic Preservation Law ("PRHPL")*, as well as with the requirements of the Memorandum of Understanding ("MOU"), dated March 18, 1998, between DASNY and the New York State Office of Parks, Recreation and Historic Preservation ("OPRHP").
12. OPRHP reviewed the Proposed Project (OPRHP No. 14PR03536) and, in a letter dated August 29, 2014 (attached), concluded that it would have no adverse impact on historic resources.
13. It is the opinion of DASNY that the Proposed Project would have no impact on historical or cultural resources in or eligible for inclusion in the National and/or State Registers of Historic Places.
14. The Proposed Project would be consistent with the *State Smart Growth Infrastructure Policy Act ("SSGPIPA")* of 2010 and would generally support the smart growth criteria established by the legislation. The compatibility of the Proposed Project with the criteria of the SSGPIPA is detailed in the attached *Smart Growth Impact Statement Assessment Form*.
15. As noted in its Findings Statement, the CPC, acting in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of the St. George Waterfront Redevelopment Project and found that the project is consistent with the city's Waterfront Revitalization Program ("WRP") policies.
16. In accordance with Article 42 of the New York State Executive Law and its implementing regulations at 19 *N.Y.C.R.R.* Part 600, Waterfront Revitalization of Coastal Areas and Inland

Waterways, DASNY has determined that the Proposed Project would be consistent with the city's WRP. DASNY has submitted a completed *Consistency Assessment Form* to the New York City Department of City Planning. This *SEQR Findings Statement* serves as the certification, pursuant to Article 42 of the New York State Executive Law and its implementing regulations, that the Proposed Project would comply with New York State's Coastal Management Program as expressed in New York City's Local Waterfront Revitalization Program, would not substantially hinder the achievement of any state or local coastal policies and would be conducted in a manner consistent with such programs.

CERTIFICATION OF FINDINGS TO APPROVE/FUND/UNDERTAKE

Having considered the *FEIS*, the findings statement of the City Planning Commission, and the attached documents, and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 *N.Y.C.R.R.* 617.11, this Statement of Findings certifies that:

1. The requirements of 6 *N.Y.C.R.R.* Part 617 have been met;
2. Consistent with the social, economic and other essential considerations from among the reasonable alternatives thereto, the action approved is one which minimizes or avoids adverse environmental effects to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized by incorporating as conditions to the decision those mitigative measures which were identified as practicable; and
3. Since the action is in the coastal area, that DASNY has made a written finding that the action is consistent with the applicable policies as set forth by 19 *N.Y.C.R.R.* 600.5.

Dormitory Authority State of New York

(Name of Agency)



(Signature of Responsible Official)

Jack D. Homkow

(Name of Responsible Official)

Director, Office of Environmental Affairs

(Title of Responsible Official)

January 9, 2015

(Date)

One Penn Plaza, 52nd Floor, New York, New York 10119-0098

(Address of Agency)