



DEPARTMENT OF CITY PLANNING  
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Daniel R. Garodnick, *Director*  
Department of City Planning

November 14, 2022

**POSITIVE DECLARATION**

**Project Identification**

Arthur Kill Terminal  
CEQR No. 23DCP056R  
ULURP Nos. Pending  
SEQRA Classification: Type I

**Lead Agency**

City Planning Commission  
120 Broadway  
New York, NY 10271  
Contact: Stephanie Shellooe  
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**Name, Description and Location of Proposal:**

Arthur Kill Terminal

The applicant, Arthur Kill Terminal, LLC, is seeking a series of land use actions including a Zoning Text Amendment, Zoning Authorizations, a Special Permit, a City Map Amendment, and a Landfill action affecting an approximately 32.5-acre property (“the Project Site”) along the Arthur Kill waterfront in Staten Island Community District 3. The Project Site encompasses Block 7620, Lot 1 and Block 7632, Lots 6, 50, 150, and 151, and is bounded by the Outerbridge Crossing to the north, Arthur Kill Road to the east, the mapped but non-dedicated and unbuilt Richmond Valley Road extension and the shoreline of Mill Creek to the south, and the Arthur Kill waterway to the west.

The Proposed Actions would facilitate the development and construction of a special-purpose marine terminal for the staging and assembly of offshore wind turbine generator (“WTG”) components supporting the installation of offshore wind (“OSW”) farms in the Mid-Atlantic region and other proximate areas along the East Coast and support New York State’s green energy goals. Upon completion, the Project Site would contain approximately 32.5 acres of reinforced, 90% permeable upland area, with a quayside and laydown area for the staging and assembly of OSW components. The Project Site would include a 1,365-foot quay, a 22,472 gross square foot (“gsf”) warehouse building containing 15,266 gsf of warehouse use, 7,206 gsf of accessory office space, and parking for employees and visitors. An additional 4,212 gsf of office space would be created in the existing Cole House and utilized as both office space and a visitor’s area. The two buildings

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on-site (the warehouse and the existing Cole House) would each stand at two stories, (48 and 33 feet tall, respectively) including mechanical bulkheads. The warehouse would include 109 accessory parking spaces and the Cole House would include 12 accessory parking spaces. The 32.5-acre Project Site and the proposed approximately 18-acre basin for vessel operations (the “Dredge Basin”) comprise the 50.5-acre Project Area.

Development of the Proposed Project requires approvals from the City Planning Commission (CPC) for the following discretionary actions:

- Zoning Text Amendment to Article X, Chapter 7 of the Zoning Resolution is being proposed to establish goals for the SRD related to sustainability, resiliency, climate and clean energy objectives (ZR § 107-00)
- Zoning Text Amendment to modify tree removal regulations (ZR § 107-64);
- Zoning Text Amendment to modify topography modification regulations (ZR § 107-65);
- Special Permit pursuant to ZR § 107-73 (Exceptions to Height Regulations), to allow a structure having a height of greater than 50 feet that would otherwise be prohibited under ZR Section 107-43;
- Zoning Authorization pursuant to ZR §107-64 (Removal of Trees), as modified, to allow the removal of approximately 1,209 trees of six-inch caliper or more, removal of which would otherwise be prohibited under ZR §107-321;
- Authorization pursuant to ZR § 107-65 (Modification of Existing Topography), as modified, to allow topographic modification of greater than two feet that would otherwise be prohibited under ZR § 107-312;
- Authorization pursuant to ZR §107-68 (Modification of Group Parking Facility and Access Regulations) to allow more than 30 accessory off-street parking spaces;
- A City Map Amendment to eliminate, discontinue, and close the segment of Richmond Valley Road west of Arthur Kill Road;
- A landfill action to add approximately 8.77 acres of fill to create a quay along the Arthur Kill waterway.

A concurrent application by the New York City Department of City Planning may modify some of the preceding zoning resolution sections. Therefore, there may be adjustments to the specific zoning resolution section numbers and names, though the project facilitated will remain the same.

Development of the Proposed Project also requires a number of additional City, State, and Federal discretionary actions, including but not necessarily limited to the following:

- NYSDEC tidal wetlands permit and water quality certification;
- USACE permits for freshwater wetlands and discharge of fill materials into U.S. waters;
- Individual NYSDEC SPDES permits for operation and construction discharges.

Implementation of the proposed actions would require review and approval of the discretionary actions pursuant to the City’s Uniform Land Use Review Procedure (ULURP). DCP is acting as lead agency on behalf of the CPC and is conducting a coordinated environmental review under the City Environmental Quality Review (CEQR) process.

The analysis year for the Proposed Actions is 2025.

**Statement of Significant Effect:**

On behalf of the City Planning Commission (CPC), the Department of City Planning has determined, pursuant to 6 NYCRR Part 617.7, that the Proposed Actions may have a significant adverse effect on the environment as detailed in the following areas, and that an environmental impact statement will be required:

The Proposed Actions may result in significant adverse impacts related to: land use, zoning, and public policy; historic and cultural resources; urban design and visual resources; natural resources; hazardous materials; water and sewer infrastructure; transportation; air quality; greenhouse gas emissions and climate change; noise; public health; neighborhood character; and construction.

The Proposed Actions would not result in significant adverse impacts related to: socioeconomic conditions; community facilities; open space; shadows; solid waste and sanitation services; and energy.

**Supporting Statement:**

The above determination is based on an Environmental Assessment Statement prepared for the Proposed Actions which finds that:

1. Land Use, Zoning, and Public Policy - The Proposed Actions include a series of land use actions including a City Map change, a Zoning Text Amendment, a Special Permit, three Zoning Authorizations, and a Landfill action that would affect an approximately 1,417,014 square foot (sf) area along the Arthur Kill waterfront in Staten Island Community District 3. Several public policies are applicable to portions of the Project Area and surrounding study area, including the New York City Waterfront Revitalization Program (WRP), and the City's sustainability plan known as OneNYC 2050. Therefore, an assessment of land use, zoning, and public policy is warranted, and will be provided in the EIS.
2. Socioeconomic Conditions – The Proposed Actions would not result in the introduction of a substantial new residential population which would have the potential to result in indirect residential displacement in the surrounding area, nor would it result in the displacement of residential or commercial uses, introduce a substantial amount a new retail space, or affect conditions in a specific industry. Therefore, the Proposed Actions do not have the potential to result in significant adverse impacts related to socioeconomic conditions and no further analysis of socioeconomic conditions is warranted.
3. Community Facilities – The Proposed Actions would not displace any existing community facilities or services, nor would they result in a new residential population that would create new demand for community facilities, such as public schools, early childhood programs, libraries, health care facilities, and police or fire services. Therefore, the Proposed Actions do not have the potential to result in significant adverse impacts to community facilities and no further analysis is warranted.
4. Open Space – The Proposed Actions would result in an incremental increase of approximately 207 workers per day and a net reduction of three residents compared to the No-Action Condition. As such, the Proposed Project facilitated by the Proposed Actions would not exceed the *CEQR Technical Manual* screening threshold for open space analysis. The Proposed Project would also not directly displace any existing publicly accessible open space. Therefore, the Proposed Actions do not have the potential to result

in significant adverse impacts to open space and no further analysis of open space is warranted.

5. Shadows – The Proposed Actions would result in the development of a 48-foot-tall two-story warehouse building. Under the With-Action Condition, the new two-story structure would not be located adjacent to any publicly-accessible open space or other sunlight-sensitive resource. Wind turbine generator components would be assembled in the staging area before being loaded onto vessels for transport. Any shadow cast by these WTG would be temporary and would not result in a permanent shadows impact to any sunlight-sensitive receptors. Therefore, further analysis of shadows is not warranted.
6. Historic and Cultural Resources – Although an early-19th century house, known as the Cole House, is located on the Project Site, LPC has previously rejected an application to designate the Cole House as a City landmark, and the New York State Historic Preservation Office has determined, in 2016, that it is not eligible for listing on the State/National Registers of Historic Places (S/NR). While the Project Site does not encompass any designated historic architectural resources, it is located directly south of the S/NR-eligible Outerbridge Crossing. As such, an assessment of potential effects on historic architectural resources will be provided in the EIS, as described in the Draft Scope. The Proposed Actions would facilitate new excavation and/or removal of fill at depths greater than currently exist on the Project Site. Due to the Project Site’s potential for archaeological significance, an assessment of archaeological resources is warranted, and will be provided in the EIS, as described in the Draft Scope.
7. Urban Design and Visual Resources – The Proposed Actions would result in physical changes to the Project Site beyond what is currently permitted as-of-right. This would include construction of a new port facility designed for the staging, assembly and pre-commissioning of wind turbine generators and other OSW components, as well as the demapping of a portion of Richmond Valley Road west of Arthur Kill Road. These changes could affect a pedestrian’s experience of public space, requiring an urban design assessment. The Project Site is also located within 400-feet of an eligible architectural resource, which is considered a potential visual resource. Therefore, an assessment of urban design and visual resources will be provided in the EIS, as described in the Draft Scope.
8. Natural Resources – The Project Site includes natural resources that would be directly affected by the Proposed Project, and the site is bounded to the west by Arthur Kill. The Proposed Project would also entail in-water work. Therefore, a natural resources assessment is warranted for the Proposed Actions, and will be included in the EIS.
9. Hazardous Materials – The Project Site is zoned M1-1/M3-1 and was historically occupied by industrial uses. The Proposed Actions would facilitate construction of a new port facility and accessory on-site warehouse/office building, which would entail new in-ground excavation and subsurface disturbance. Therefore, the EIS will include an assessment of hazardous materials at the Project Site, as described in the Draft Scope.
10. Water and Sewer Infrastructure – For the Proposed Actions, an analysis of water supply is not warranted because the Reasonable Worst Case Development Scenario would result in a demand of less than one million gallons per day compared to the No-Action condition. It is estimated that the Proposed Project’s total water demand would be approximately 7,204 gallons per day, a net increase of approximately 6,904 gallons per day compared to the No-Action Condition. As the Proposed Project would not exceed the threshold set forth in the *CEQR Technical Manual*, a detailed assessment of water supply and wastewater conveyance is not warranted and no significant adverse impacts are anticipated. As the Project Site is larger than five acres, and the amount of impervious surface would increase

because of the Proposed Actions, a stormwater assessment is warranted and will be provided in the EIS, as described in the Draft Scope.

11. Solid Waste and Sanitation – The Proposed Actions would not result in a substantial increase in solid waste production that would overburden available waste management capacity and would not result in solid waste generation greater than the threshold of 50 tons per week. Therefore, no significant adverse impacts related to Solid Waste and Sanitation are expected and further analysis will not be provided in the EIS.
12. Energy – The Proposed Project would not result in any significant adverse impacts to the transmission or generation of energy due to the minimal amount of consumption, and therefore a detailed energy assessment is not warranted and will not be provided in the EIS.
13. Transportation – Based on the preliminary Travel Demand Forecast Technical Memorandum and vehicle trip assignments, detailed analyses of transit, ferry, pedestrian, street user safety, vessel traffic, and parking conditions are not warranted and will not be included in the EIS. The Proposed Actions would generate vehicle trips and have the potential to result in significant adverse impacts related to traffic. Therefore an assessment of vehicle traffic is warranted and will be provided in the EIS.
14. Air Quality – The Proposed Actions would result in the conditions outlined in Section 220 of Chapter 17 of the *CEQR Technical Manual*. Operational stationary source air quality emissions would be emitted from the logistics and deliveries activities, idling/operating activities of marine vessels while at berth, onsite material loading activities within the proposed terminal laydown and assembly area, as well as HVAC systems for the 22,472 gsf warehouse/office building and a 4,212 gsf office building. Therefore, an assessment of stationary sources would be conducted, as described in the Draft Scope. In addition, a qualitative and screening analysis will be conducted for mobile source on-road operation, and a detailed mobile source air quality assessment will be included in the EIS to determine the potential for air quality impact from on-site parking facilities.
15. Greenhouse Gas Emissions (GHG) and Climate Change – The Proposed Project would not exceed 350,000 gsf, and would not be a power generator, and therefore a GHG assessment is not warranted per *CEQR Technical Manual* guidance. However, given the large scale and nature of the project, the EIS will include a qualitative discussion of the Proposed Project's consistency with the City's GHG reduction goals. As the Project Site is located within the current 100- or 500-year flood zone, the EIS will include a discussion of the Proposed Project's resiliency to climate change.
16. Noise – A detailed noise analysis will be included in the EIS, because the Proposed Actions would generate and reroute vehicular traffic near the vicinity of the Project Site and introduce new on-site noise generating equipment in close proximity to existing sensitive receptors. As operations at the Project Site would include some noise generating on-site equipment, which are anticipated to operation within 1,500 feet of several existing sensitive receptors with a direct line of site to those receptors, a detailed stationary source noise analysis is warranted and will be included in the EIS as described in the Draft Scope of Work.
17. Public Health – Although no adverse impact on public health is anticipated, as the relevant analyses have not yet been completed, the potential for an impact in these analysis areas, and thus potentially to public health, cannot be ruled out at this time. Should the technical analyses conducted for the EIS indicate that significant unmitigated adverse impacts would occur in the areas of air quality, hazardous materials, or noise, then an assessment of public health will be provided in the EIS, as described in the Draft Scope.

18. Neighborhood Character – The proposed action could affect land use, zoning, and public policy, urban design and visual resources and historic and cultural resources, and consequently, the Proposed Actions could have the potential to result in significant adverse impacts related to the affected area’s neighborhood character. As a result, a Neighborhood Character analysis will be provided in the EIS.
19. Construction – Construction of the Proposed Project is expected to take place over a period of 20 to 23 months (i.e., less than two years), and is therefore considered short-term and does not warrant a detailed construction analysis. The EIS will provide a qualitative discussion that will describe the proposed construction program and phasing, and will qualitatively examine the potential short-term construction impacts of the proposed construction on the Project Site, as described in the Draft Scope.

**Public Scoping:**

The CEQR lead agency hereby requests that the applicant prepare or have prepared, at their option, a Draft Environmental Impact Statement (DEIS) in accordance with 6 NYCRR 617.9(b) and Sections 6-08 and 6-12 of Executive Order No. 91 of 1977 as amended (City Environmental Quality Review).

A public scoping meeting has been scheduled for Thursday, December 15 at 2:00 PM. In support of the City’s efforts to contain the spread of COVID-19, DCP will hold the public scoping meeting remotely. To join the meeting and comment, please visit the NYC Engage site, <https://www.nyc.gov/engage>.

Written comments will be accepted through 5:00pm, Tuesday, December 27, 2022.

This determination has been prepared in accordance with Article 8 of the Environmental Conservation Law.

Should you have any questions pertaining to this Positive Declaration, you may contact the Project Manager, Jameson Mitchell, at [jmitchell@planning.nyc.gov](mailto:jmitchell@planning.nyc.gov).



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Date