

LEGAL NOTICE

NEW YORK STATE URBAN DEVELOPMENT CORPORATION

D/B/A EMPIRE STATE DEVELOPMENT

NOTICE OF PUBLIC HEARING

TO BE HELD ON WEDNESDAY APRIL 30, 2014, PURSUANT TO  
NEW YORK STATE ENVIRONMENTAL CONSERVATION LAW AND  
NEW YORK STATE URBAN DEVELOPMENT CORPORATION ACT  
IN CONNECTION WITH  
ATLANTIC YARDS LAND USE IMPROVEMENT AND CIVIC PROJECT

PLEASE TAKE NOTICE that a public hearing, open to all persons, will be held at Long Island University, 75 DeKalb Avenue, Room HS107, Brooklyn, New York, from 5:30 p.m. to 9:00 p.m. on Wednesday April 30, 2014 in connection with the Atlantic Yards Land Use Improvement and Civic Project (the "Project") by the New York State Urban Development Corporation d/b/a Empire State Development ("ESD") pursuant to the State Environmental Quality Review Act (Article 8 of the New York State Environmental Conservation Law), and the regulations adopted pursuant thereto (6 NYCRR Part 617) (collectively "SEQRA"), and the New York State Urban Development Corporation Act (Chapter 174, Section 1, Laws of 1968, as amended; the "UDC Act") to consider: (a) the Draft Supplemental Environmental Impact Statement ("DSEIS") for the Project; and (b) the March 2014 Proposed Amendment to the Project's 2009 Modified General Project Plan (the "Proposed Amendment"). The public hearing is for the purpose of: (1)

informing the public about the Project, the DSEIS, and the Proposed Amendment; and (2) giving all interested persons an opportunity to provide comments on the DSEIS and Proposed Amendment under SEQRA and the UDC Act.

#### Project Site and Project Description

The Project site encompasses approximately 22 acres in Brooklyn and includes (i) all the property bounded by Atlantic Avenue, Flatbush Avenue, Dean Street and Vanderbilt Ave, except that within Block 1128 (bounded by 6<sup>th</sup> Avenue, Dean Street, Carlton Avenue and Pacific Street) only lots 1, 4, 85, 86, and 87 are included in the Project site; and (ii) a parcel bounded by Atlantic Avenue, Flatbush Avenue, Pacific Street and 4<sup>th</sup> Avenue, including Block 927, lots 1 and 16 but excluding Block 927 lot 26. The Project is described in detail in the Project's 2009 Modified General Project Plan ("2009 MGPP"), available to the public as set forth below. In addition to the completed Barclays Arena, Carlton Avenue Bridge, and subway improvements, the Project includes development of: (i) a reconfigured and improved Vanderbilt train yard (the "Yard") to be operated by the Long Island Rail Road; (ii) the development of 16 buildings for residential, office, and retail uses and potentially a hotel, including up to 6,430 units of housing, including 4,500 rental units of which 2,250 units (50%) will be affordable to low, moderate, and middle income households; and (iii) eight acres of publicly accessible open space.

#### Public Purposes

The public purposes of the Project include: (a) eliminating blighted conditions on the Project site; (b) provision for new development at the Project site, including the Arena; office space; housing, including housing available for low, moderate and middle income

families; related local retail and community facilities; and eight acres of publicly accessible open space; (c) reconfiguration and improvement of the Yard; and (d) generation of substantial fiscal and economic benefits for the City and State and the creation of construction and permanent jobs.

#### Potential Environmental Impacts of the Project Identified in the DSEIS

ESD, as the SEQRA lead agency, has accepted the DSEIS as satisfactory with respect to its scope, content, and adequacy for purposes of public review under SEQRA. The DSEIS has been prepared to address potential environmental impacts resulting from a prolonged construction period for Phase II of the Project, pursuant to Court Order dated July 13, 2011. The DSEIS also considers the Proposed Amendment described below.

The DSEIS indicates that a prolonged Phase II construction period would result in a significant localized adverse impact on neighborhood character during the construction period in the immediately surrounding area of the Phase II site as a result of construction traffic and noise impacts and the visual effects of construction that would be experienced in the area. The DSEIS also identifies significant adverse environmental impacts with respect to community facilities, construction-period open space, transportation (operational and during construction), and construction noise. The DSEIS identifies measures to mitigate these significant environmental impacts to the maximum extent practicable. With respect to the predicted shortage of public school

seats, operational traffic and pedestrians, construction traffic and construction noise, no practicable mitigation has been identified to fully mitigate significant adverse impacts.

#### The Proposed Amendment

The Proposed Amendment would: (a) allow a transfer of up to 208,000 gsf of floor area from Phase I to Phase II of the Project (i.e., from the western portion to the eastern portion of the Project site); and (b) reduce Project parking requirements. The floor area shift would not increase the maximum total floor area of the Project or the approved maximum bulk of any individual Project building, and would not change the Project requirement of 2,250 affordable housing units. The required number of Project parking spaces would be reduced from approximately 2,246 in the Project's initial phase and approximately 3,670 at Project completion to approximately 1,160 parking spaces in the Project's initial phase and approximately 2,896 at Project conclusion. Alternately, a "Reduced Parking Alternative" would further reduce the required number of parking spaces at Project completion to 1,200. The Project's Parking Key Plan would be modified accordingly.

#### Availability of the DSEIS and the Proposed Amendment

The DSEIS and the Proposed Amendment are on file at the office of ESD, 633 Third Avenue, New York, New York 10017 and are available for inspection by the general public between the hours of 9:30 a.m. to 5:00 p.m., Monday through Friday, public holidays excluded. Please contact ESD's Derek Lynch at (212) 803-3736 or [dlynch@esd.ny.gov](mailto:dlynch@esd.ny.gov) to arrange an appointment. Persons seeking a copy of the Executive Summary of the DSEIS, a CD-ROM that includes the entire DSEIS, the Proposed

Amendment, or the 2009 MGPP, any of which will be available without charge, should also contact Mr. Lynch. Copies of the DSEIS, the Proposed Amendment, and the 2009 MGPP also are available at the ESD web site at <http://esd.ny.gov/Subsidiaries/Project/AYP.html>. Paper copies of the DSEIS can be ordered from Mr. Lynch for a charge to cover the cost or reproduction. In addition, paper copies of the DSEIS are available at the Brooklyn Public Library at its central location at Grand Army Plaza and at the branches located at 25 Fourth Avenue (Pacific Branch), 496 Franklin Avenue (Bedford Branch) and 93 Saint Edwards Street (Walt Whitman Branch). Pursuant to the UDC Act, ESD also has filed a copy of the Proposed Amendment in the office of the Clerk of Kings County and the office of the Clerk of the City of New York, and has provided copies thereof to the Mayor of the City of New York, the Brooklyn Borough President, the Chair of the City Planning Commission, and the Chairs of Brooklyn Community Boards 2, 6 and 8. Copies of the DSEIS have been provided to all involved agencies and to other parties as required under SEQRA. Copies of the DSEIS Executive Summary, the Proposed Amendment, and the 2009 MGPP, and an inspection copy of the DSEIS, also will be available at the public hearing.

### Comments

Comments on the DSEIS and the Proposed Amendment are requested, at the hearing and/or in writing. ESD's protocol for the conduct of the hearing is also available at the ESD web site noted above. Comments on the DSEIS must be received at ESD on or before Monday, May 12, 2014. Comments on the Proposed Amendment must be received at ESD on or before Friday, May 30, 2014. Written comments should be

delivered to ESD at 633 Third Avenue, New York, New York 10017 (Attention: Derek Lynch), or may be submitted by e-mail to [atlanticyards@esd.ny.gov](mailto:atlanticyards@esd.ny.gov). Comments also may be made verbally at the public hearing. All comments received at the public hearing and all written comments received by ESD prior to the deadlines set forth will be considered by ESD prior to final consideration of the DSEIS and the Proposed Amendment.

Further Action

After the public hearing and public review and comment, a Final Supplemental Environmental Impact Statement (“FSEIS”) will be completed by ESD. ESD Directors will be requested to issue the FSEIS and affirm, or if appropriate, modify the Proposed Amendment, and make any requisite statutory findings under SEQRA, the UDC Act, or other applicable law.

Dated: March 28, 2014  
New York, New York

NEW YORK STATE URBAN  
DEVELOPMENT CORPORATION D/B/A  
EMPIRE STATE DEVELOPMENT  
By: Eileen McEvoy, Corporate Secretary