

**FLOODPLAIN 8-STEP PROCESS IN ACCORDANCE WITH  
EXECUTIVE ORDER 11988: FLOODPLAIN MANAGEMENT**

**New York Governor's Office of Storm Recovery**

**U.S. Department of Housing and Urban Development  
Community Development Block Grant – Disaster Recovery (CDBG-DR)  
East River Park Composting Facility Project**

**New York County, New York  
May 18, 2018**

This Floodplain Management Plan meets the requirements of 24 CFR Part 55.20 and Executive Order 11988—Floodplain Management—for the East River Park Compositing Facility Project (Proposed Action) in Lower East Side River Park, New York, New York. This Floodplain Management Plan documents the eight-step decision making for the Project and pertains to activities within the Special Flood Hazard Area (SFHA) as defined by the Federal Emergency Management Agency (FEMA), or its successors, pursuant to the National Flood Insurance Program (NFIP), or a successor program, whether advisory, preliminary, or final.

**Description of Proposed Action:**

East River Park Compositing Facility Project would entail the construction of a stormwater treatment garden, shade garden, compost bins, outdoor education pavilion, leachate collection system, drainage improvements, and water supply at the existing Lower East Side Ecology Center composting facility located within East River Park, Manhattan, New York. Approximately 16,000 square feet of asphalt would be laid for access to and from the composting bins. The installation of leachate treatment system would formalize the current composting operations to adhere to requirements of the New York State Department of Environmental Conservation (DEC) for sewer discharge. On the south side of the property, a 4,300-square foot shade garden would be planted. Along the west side of the property, a 2,200-square foot stormwater treatment garden would be installed to collect and treat stormwater. A drainage system would also be installed providing small catch basins throughout the site to direct runoff to existing storm sewers.

**Step ONE: Determine whether the action is located in a 100-year floodplain (or a 500-year floodplain for critical actions) or wetland.**

The Proposed Action is located within a Special Flood Hazard Area, with a portion of the site located within the 100-year floodplain and the remainder located within the 500-year floodplain. (See attached current FIRM panel #3604970203F and New York City Preliminary FIRM). The project area is not located within a wetland.

The Proposed Action will result in temporary impacts to 0.30 acres of 100-year floodplain. The Proposed Action will result in permanent impacts to 0.65 acres of 100-year floodplain. The permanent impacts are associated with the deck, pavilions, asphalt around the outdoor education pavilion, composting bins, and leach collection system. The shade garden and stormwater treatment garden will provide additional permeable surface to reduce the quantity of stormwater

and flood waters that would otherwise collect on the composting facility. No impacts to wetlands are anticipated would occur through the implementation of the Proposed Activity.

**Step TWO: Notify the public for early review of the proposal and involve the affected and interested public in the decision making process.**

Since the Proposed Activities would be in the floodplain, GOSR must publish an early notice that allows the public an opportunity to provide input into the decision to provide funding for the Proposed Action activities in this area. Once the early public notice and comment period is complete, GOSR will assess, consider, and respond to the comments received individually and collectively for the Proposed Action file, then proceed to Step Three.

A 15-day “Early Notice and Public Explanation of a Proposed Activity in a 100-Year Floodplain” was published in The Villager, on April 26, 2018 (see attached affidavit of publication). The 15-day period expired on May 12, 2018. The notice addressed residents who live in the floodplain. The notice was sent to the following state and federal agencies on April 26, 2018: Federal Emergency Management Agency (FEMA), U.S. Environmental Protection Agency (EPA), U.S. Department of Homeland Security (DHS), U.S. Fish and Wildlife Service (FWS); NYS Department Environmental Conservation (DEC); the NYS Office of Parks, Recreation and Historic Preservation (OPRHP); and NYS Division of Homeland Security & Emergency Services. The notice was also sent to the City Hall, Brooklyn Borough Buildings Department, Manhattan Borough President, and Manhattan County Clerk.

GOSR received 0 public comments on this notice.

**Step THREE: Identify and evaluate practicable alternatives.**

Only one alternative, the No-Action alternative, has been identified for the proposed project. The No-Action alternative is discussed in detail below.

No Action Alternative

Under the No Action alternative, the proposed improvements to the existing East Park Composting Facility would not be implemented and conditions at the facility would remain unchanged. The composting facility would continue to be harmed by storms like Superstorm Sandy. Under the No Action alternative, the benefits associated with the proposed project would also not be realized, including: improved storm water absorption and drainage, leachate collection and beautification of the waterfront. The project will directly contribute to the rebuilding and recovery of the East Side River park area with a focus on resiliency and mitigation.

**Step FOUR: Identify Potential Direct and Indirect Impacts Associated with Floodplain Development.**

The Proposed Action would not result in significant adverse impacts to floodplains and seeks to provide flood mitigation benefits.

The Proposed Activity will result in permanent impacts to 0.65 acres of 100-year floodplain. The permanent impacts are associated with the deck, pavilions, asphalt around the outdoor education pavilion, composting bins, and leach collection system. The shade garden and stormwater treatment garden will provide additional permeable surface to reduce the quantity of stormwater and flood waters that would otherwise collect on the composting facility.

**Step FIVE: Where practicable, design or modify the proposed action to minimize the potential adverse impacts to lives, property, and natural values within the floodplain and to restore, and preserve the values of the floodplain.**

The actions comprising the Proposed Action is intended to make the Lower East Side Park more resilient to future storms by introducing flood-resilient infrastructure including construction of a stormwater treatment garden that is capable of collecting and treating on-site stormwater, construction of a separate treatment system capable of treating liquid waste (leachate) from composting operations to prevent untreated leachate from entering the East River, bioretention swales to hold stormwater, a planted buffer between the East River and the composting facility/park, and planting of water tolerant plants. Archeology oversight will be conducted during subsurface disturbance (construction) and if significant amounts of material remains are recovered GOSR will document the amounts, types, and significance in consultation with the New York State Office of Parks, Recreation and Historic Preservation guidelines and consultation. Therefore, the proposed project would enhance and preserve the natural features of the study area and would minimize potential impacts to the 100-year floodplain.

**Step SIX: Re-evaluate the Proposed Action.**

Despite being in the 100-year and 500-year floodplains, the Proposed Action would minimize effects on floodplain values and seeks to provide resiliency and flood mitigation benefits.

GOSR has reevaluated the proposed action and determined that the Proposed Action is still practicable considering its potential exposure to flood hazards in the floodplain. There is no practicable alternative to the Proposed Action. The No Action alternative is not practicable because it would provide no additional resiliency or flood mitigation benefit to meet the project purpose and need.

**Step SEVEN: Issue Findings and a Public Explanation.**

It is GOSR's determination that the preferred alternative is implementing the proposed East River Park Composting Facility Project. Beneficial results would aid the community in recovering from the devastating effects of Superstorm Sandy, help control stormwater run-off and retention, provide shade, and add to the quality of life for residents.

A 7-day "Notice for Final Public Review of a Proposed Activity in a 100-Year Floodplain" was published in The Villager, on May 18, 2018. The 7-day period expires on May 28, 2018. The notice targeted local residents, including those in the floodplain. The notice was sent to the following state and federal agencies on May 18, 2018: FEMA, EPA, DHS, FWS, DEC, OPRHP, and NYS Division of Homeland Security & Emergency Services. The notice was also sent to the City Hall, Brooklyn Borough Buildings Department, Manhattan Borough President, and Manhattan County Clerk.

**Step EIGHT: Implement the Proposed Action.**

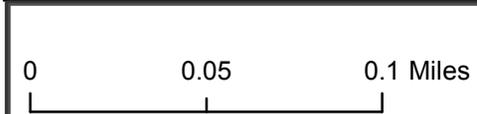
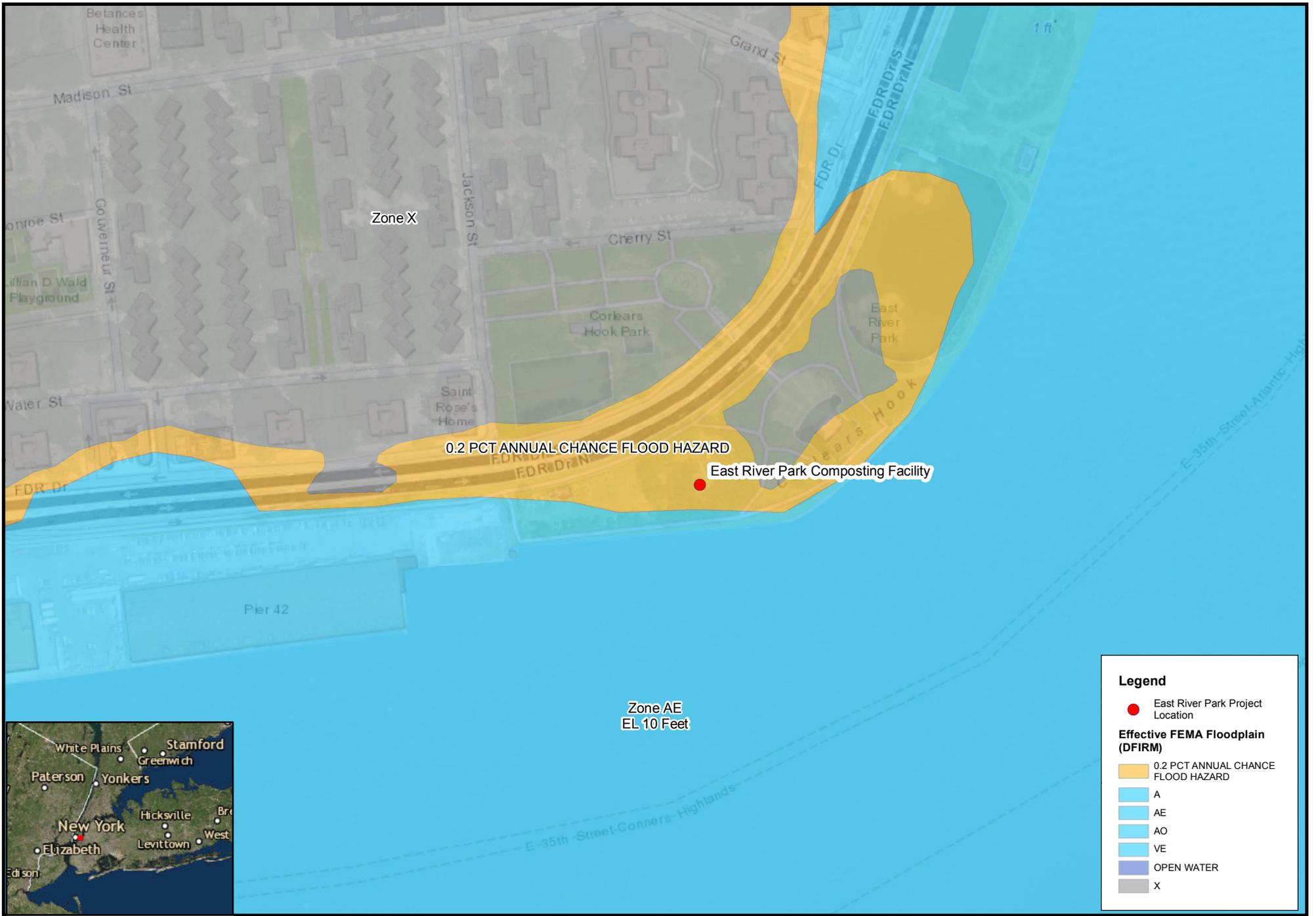
Step eight is implementation of the proposed action. GOSR will ensure that all mitigation measures prescribed in the steps above will be adhered to. Also, prior to Proposed Action implementation, GOSR will conduct a National Environmental Policy Act (NEPA) review in accordance with 24 CFR Part 58 and a New York State Environmental Quality Review Act (SEQR) review in accordance with 6 NYCRR Part 617.

**ATTACHMENTS**

FIRM panel #3604970203F

New York City Preliminary FIRM

Affidavit of Publication



## East River Park Composting Facility

### East River Promenade at Grand St, New York, NY 10002

Data Sources: Esri Topographic and World Imagery Basemap, NYOPDIG, NYDEC, USGS, USFWS, FEMA, NYC MapPluto, EPA OAR-OAQPS, NYS GIS Clearinghouse



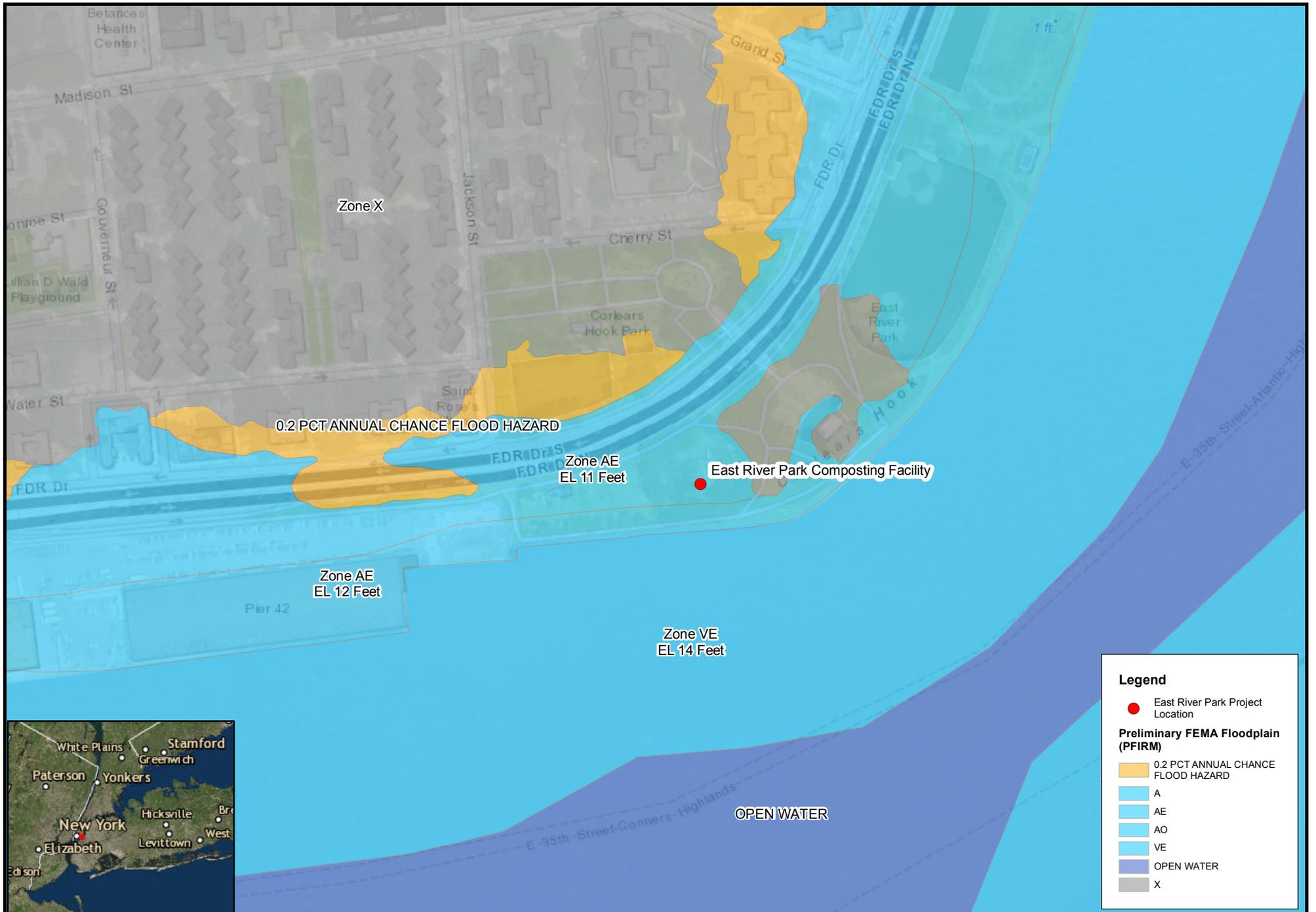
Governor's Office of Storm Recovery



Drawn By: ASL | Version: 2.0 | Date: 4/11/2018

FEMA data uses NAVD88\*

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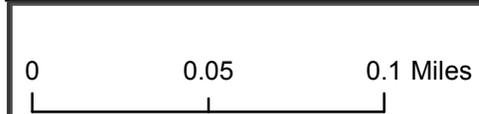


**Legend**

- East River Park Project Location

**Preliminary FEMA Floodplain (PFIRM)**

- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- A
- AE
- AO
- VE
- OPEN WATER
- X



## East River Park Composting Facility East River Promenade at Grand St, New York, NY 10002

Data Sources: Esri Topographic and World Imagery Basemap, NYOPDIG, NYDEC, USGS, USFWS, FEMA, NYC MapPluto, EPA OAR-OAQPS, NYS GIS Clearinghouse



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# AFFIDAVIT OF PUBLICATION

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STATE OF NEW YORK  
COUNTY OF NEW YORK

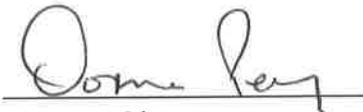
Alison Bloom being duly sworn hereby declares and says, that she is the Advertising Account Executive responsible for placing the attached advertisement in: the Villager newspaper for Miller Advertising Agency, Inc; located in New York, NY, and that the New York State Governor's Office of Storm Recovery advertisement, of which the annexed is a true copy, has been published in the said publication on the following issue date(s): April 26, 2018.



Alison Bloom

**Subscribed to and Sworn before me**

This 9<sup>th</sup> day of May, 2018



Notary Public

Donna Perez  
Notary Public State Of New York  
No. 01PE6151365  
Qualified In New York County  
Commission Expires August, 14<sup>th</sup> - 2018

# New push for S.B.J.S.A.

The Greenwich Village Society for Historic Preservation joined Councilmember Ydanis Rodriguez and other politicians and community groups Wednesday at a City Hall rally to call for passage of the long-stalled Small Business Jobs Survival Act. The bill has languished for decades without a vote in the City Council.

“More than half of private-sector jobs are provided by small businesses,” Rodriguez said. “Our small businesses are our economy’s backbone and a path to achieving the American Dream for immigrants. It’s time to get this done.”

Added Andrew Berman, executive director of G.V.S.H.P., “The Small Business Jobs Survival Act is an absolutely essential measure to provide small businesses with a firm and fair footing, and to end the blight of empty storefronts being warehoused by greedy owners holding out for astronomical rents. This bill has been under consideration for more than three decades, and now is the time to finally act.”

Advocates say the S.B.J.S.A. would “level the playing field” for all small businesses that rent commercial space — from working artists and small manufacturers to bodegas — by requiring: right to a lease renewal; right to a 10-year lease renewal (to tenants in good standing); binding arbitration to establish a rent increase reasonable for both

landlord and tenant; and inclusion of all commercial tenants (not limited to storefront / retail tenants).

Rodriguez introduced the bill last month with eight co-sponsors, including Councilmembers Carlina Rivera and Diana Ayala — who are both on the Council’s Committee on Small Business — and Margaret Chin — previously the bill’s main sponsor. Speaker Corey Johnson has promised to hold a hearing on the bill. But he has also stressed that it’s “not a silver bullet.”

Also at the rally were Friends of the S.B.J.S.A., Take Back NYC, SaveNYC, East Village Community Coalition and the Hispanic Chamber of Commerce.

However, the Small Business Congress, which has pushed for the bill longer than anyone, was not at the rally. Steve Null, the group’s executive vice president, slammed the event as a “charade of democracy.” Steve Barrison, another leading S.B.C. member, said his group is fearful the bill will be watered down, and was also disappointed at Johnson’s selection for the Small Business Committee’s chairperson. But Harry Bubbins, G.V.S.H.P. director of special projects, said unity is needed.

“The coalition to support our small businesses continues to grow,” Bubbins said, “and it is a big tent that will require all stakeholders to work together moving forward to get this bill passed.”

## EARLY NOTICE OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN LOWER East River PARK COMPOSTING FACILITY LOWER East Side PARK NEW YORK, NEW YORK April 26<sup>th</sup>, 2018

To All interested Agencies, Groups, and Individuals:

This is to give notice that the Governor’s Office of Storm Recovery (GOSR), an office of the New York State Housing Trust Fund Corporation (HTFC), has received an application from City of New York Mayor’s Office of Recovery and Resiliency to fund Lower East River Park Composting Facility (hereinafter, the “Proposed Activity”) and is conducting an evaluation as required by Executive Order 11988 and Executive Order 11990 in accordance with U.S. Department of Housing and Urban Renewal (HUD) regulations (24 CFR Part 55).

There are three primary purposes for this notice. First, to provide the public an opportunity to express their concerns and share information about the Proposed Activity. Second, adequate public notice is an important public education tool. The dissemination of information about floodplains and wetlands facilitates and enhances governmental efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the government determines it will participate in actions taking place in floodplains or wetlands, it must inform those who may be put at greater or continued risk. Funding for the Proposed Activity will be provided by the HUD Community Development Block Grant – Disaster Recovery (CDBG-DR) program for storm recovery activities in New York State.

The Proposed Activity would entail the construction of a stormwater treatment garden, shade garden, compost bins, outdoor education pavilion, leachate collection system, drainage improvements, and water supply at the existing Lower East Side Ecology Center composting facility located within East River Park, Manhattan, New York. Approximately 16,000 square feet of asphalt would be laid for access to and from the composting bins. The installation of leachate treatment system would formalize the current composting operations to adhere to requirements of the New York State Department of Environmental Conservation (DEC) for sewer discharge. On the south side of the property, a 4,300-square foot shade garden would be planted. Along the west side of the property, a 2,200-square foot stormwater treatment garden would be installed to collect and treat stormwater. A drainage system would also be installed providing small catch basins throughout the site to direct runoff to existing storm sewers.

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Floodplain maps based on the Effective and Preliminary FEMA and Base Flood Elevation Maps are available for review with additional information at <http://www.stormrecovery.ny.gov/environmental-docs>.

Any individual, group, or agency may submit written comments on the Proposed Activity or request further information by contacting Lori A. Shirley, Certifying Officer, Governor’s Office of Storm Recovery, 99 Washington Avenue, Suite 1224, Albany, NY 12260; email: NYSCDBG\_DR\_ER@nyshr.org. Standard office hours are 9:00 AM to 5:00 PM Monday through Friday. For more information call 518-474-0755. All comments received by Saturday, May 12, 2018 will be considered.



## BURNER LAW GROUP, P.C.

Elder Law, Estate Planning, Guardianships, Trusts & Estates

### Medicare vs. Medicaid

May 8 at 2:00 pm

River Room  
Stuyvesant Town  
545 East 14th St. (off Ave. B)

### Trusts and Asset Protection 101

May 17 at 10:00 am

Temple Israel  
112 East 75th Street  
6th Floor

Please RSVP at (212) 867-3520 or email [info@burnerlaw.com](mailto:info@burnerlaw.com)