



DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No.FR-6610-N-01]

Notice of Intent to Prepare an Environmental Impact Statement for the Fulton Park Redevelopment Project in Brooklyn, New York

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice of Intent.

SUMMARY: New York City, through the New York City Department of Housing Preservation and Development (HPD) and the New York Department of City Planning (DCP), intend to prepare an Environmental Impact Statement (EIS) for the proposed Fulton Park Redevelopment project in Brooklyn, New York. This Notice of Intent (NOI) initiates the public scoping process for the EIS and solicits public comments from interested members of the public, agencies, and tribes on the proposed project scope, purpose, and need; significant environmental issues, information, and analyses relevant to the Proposed Action; and the identification of potential alternatives to be evaluated in the EIS.

DATES: Comments Due: Comments in response to this notice will be accepted during the virtual public scoping meeting to begin at 2:00 PM Eastern Time (ET) on Thursday, April 2, 2026; and may also be submitted in writing until 5 PM ET on Monday, April 13, 2026. See “Instructions for Submitting Comments” below for further information.

ADDRESSES: This NOI, the Draft Scope of Work (DSOW), and supporting documents are available on the proposed project website: <https://zap.planning.nyc.gov/projects/2024K0294>. The documents will be provided in hard copy upon request. Interested parties are invited to submit comments by any of the following methods:

Email address: nepa_env@hpd.nyc.gov

Postal mail: Department of Housing Preservation and Development, Attn: Anthony Howard, 100 Gold Street, #7-A3, New York, NY 10038.

All submissions should include the agency name and the docket number that appears in the heading of this notice. A summary of the comments received will be included in the EIS.

FOR FURTHER CONTACT INFORMATION: Anthony Howard, Director of Environmental Planning, Department of Housing Preservation and Development – Division of Building and Land Development Services, 100 Gold Street, #7-A3, New York, NY 10038; email:

nepa_env@hpd.nyc.gov, telephone: (212) 863-7106. This is not a toll-free number. HUD

welcomes and is prepared to receive calls om individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit

<https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>.

SUPPLEMENTARY INFORMATION:

A. Background

New York City, through HPD, as a Responsible Entity in accordance with 24 CFR 58.2(a)(7), and DCP, serving as lead agency in accordance with New York State Environmental Quality Review Act (SEQRA) and New York City Environmental Quality Review (CEQR), is issuing this NOI to solicit comments and advise the public and agencies that an EIS will be prepared for the proposed Fulton Park Redevelopment project in Brooklyn, New York. As the Responsible Entity, HPD assumes responsibility for the environmental review, decision-making, and actions that would otherwise apply to HUD under NEPA.

Fulton Park Development LLC and HPD (the applicants) are requesting local and Federal discretionary actions (known collectively as the Proposed Action) to facilitate the redevelopment of two adjacent, underutilized sites (the project area) with new open space, residential, retail, and community facility uses across 12 new buildings. The existing buildings within the project area contain a total of 209 dwelling units which are subject to a project-based Housing Assistance

Payments (HAP) contract under Section 8 of the United States Housing Act of 1937, as amended. The requested amendment to the current HAP contract is a federal action requiring HUD approval and subject to environmental requirements.

The proposed action has the potential to significantly affect the quality of the human environment. NEPA (42 U.S.C. 4321 et seq.) and HUD's regulations (24 CFR part 58) require the preparation of an EIS. HPD and DCP will prepare the EIS in accordance with NEPA, HUD implementing regulations at 24 CFR part 58, and, as appropriate, the New York State Environmental Quality Review Act (SEQRA) and the New York City Environmental Quality Review (CEQR).

Responses to this notice will be used to: (1) refine the project scope, (2) finalize the purpose and need, (3) determine significant environmental issues, information, and analyses relevant to the Proposed Action; (4) assist in developing a reasonable range of alternatives to be considered; and (5) identify agencies and other parties, and the basis for their involvement, that will participate in the EIS process.

B. Project Sites

Project Area

Project Site maps are available on the project website:

<https://zap.planning.nyc.gov/projects/2024K0294>.

The Project Area comprises Brooklyn Block 1702, Lot 1; Block 1708, Lot 1; and areas not mapped within a Tax Lot (which include the former roadbed of closed portions of Utica Avenue and Herkimer Street) in the Bed-Stuy neighborhood of Brooklyn Community District (CD) 3. The Project Area contains the Fulton Park Site and the HPD Site, which are described in detail below. The boundary of the Project Area to the west of Utica Avenue is to be confirmed pending confirmation of the City's property boundaries. It is assumed that no development would occur on the portion of Block 1708, Lot 1 west of Utica Avenue (the Other Area); this

area is part of the Project Area, but it is not included in either the Fulton Park Site or the HPD Site.

The Project Area is located within the Fulton Park Urban Renewal Area (the Urban Renewal Area), the plan for which (the Urban Renewal Plan) was originally adopted by the City Planning Commission in 1985 (ULURP No. C850254HUK) and by the Board of Estimate (BOE) in 1988 (Cal. No. 16), as amended in 1993 and 2003. The Urban Renewal Plan expires on February 11, 2028. Within the Project Area, Block 1708, p/o Lot 1 (the portion of the Fulton Park Site south of the former Herkimer Street) is designated as Site 7, and Block 1702, p/o Lot 1 (the portion of the Fulton Park Site north of the former Herkimer Street) is designated as Site 8. A portion of the HPD Site (the portion of Block 1702, Lot 1 west of Utica Avenue) is designated as Site 8a.

Easements run between Sites 7 and 8, and both south and west of Site 8a. Both Sites 7 and 8 are limited to “Residential Use” under the Urban Renewal Plan, which is defined to include residential uses, community facilities, limited recreational facilities, and local retail. Site 8a is indicated as “Public and Quasi-Public”, defined as public and community facility uses including schools, libraries, community centers, hospitals, nursing homes, and health related facilities. On Site 7, there is a supplemental control that states that no building shall be built within 10 feet of the north line of Atlantic Avenue in order to set back from the elevated train tracks within Atlantic Avenue. Building bulk is otherwise permitted by the Zoning Resolution, and the Urban Renewal Plan explicitly permits zoning map amendments.

The Project Area is located entirely within an R6B zoning district. R6B districts are medium-density districts that require contextual development pursuant to contextual bulk, height, and setback regulations. R6B zoning districts are designated for single- and multi-family residential use, although multi-family apartment buildings are most commonly found within such districts. R6B zoning districts allow 2.0 FAR for residential uses, 2.40 for Qualifying Affordable Housing (QAH; including Universal Affordability Preference [UAP]), and 2.0 for community

facility uses. Base heights range from a minimum of 30 feet to a maximum of 45 feet and the maximum building height permitted is 55 feet (65 feet with QAH).

Fulton Street has a width of 80 feet and is a “Wide Street” as defined in the New York City Zoning Resolution (ZR) Section 12-10. Atlantic Avenue has a width of 120 feet and is a Wide Street. Herkimer Street is 70 feet in width and is a “Narrow Street” as defined in ZR Section 12-10. Utica Avenue has a width of 70 feet and is a Narrow Street, but functions as a Wide Street within the context of the surrounding neighborhood because it serves as a major corridor, supports public transit, and has wide sidewalks. Rochester Avenue has a width of 70 feet and is narrow Street. Hunterfly Place has a width of 50 feet and is a narrow Street.

The Project Area is also located in the Inner Transit and FRESH Zones. The Inner Transit Zone provides special lower accessory parking requirements. As such, no accessory off-street parking is required for newly developed dwelling units. FRESH Zones provide discretionary tax and zoning incentives through the New York City Industrial Development Agency for the establishment and retention of grocery stores in underserved communities. The Project Area is eligible for zoning and discretionary tax incentives under this program.

The Project Area is well served by public transportation. The A and C subway lines run along Fulton Street, and the Utica Avenue station is located directly across Utica Avenue and Fulton Street from the Project Area with entrances on both the north and south sides of Fulton Street. There are multiple bus lines serving the Project Area. The B25 runs primarily along Fulton Street and stops immediately adjacent to the Project Area near the intersection of Fulton Street and Utica Avenue. The B46 runs primarily along Utica Avenue and stops immediately adjacent to the Project Area at the intersections Utica Avenue with both Fulton Street and Atlantic Avenue.

Development Sites and Other Area

Fulton Park Site

The Fulton Park Site is an irregularly shaped superblock comprising (1) the portions of Block 1702, Lot 1 and Block 1708, Lot 1 that are east of Utica Avenue and (2) a segment of the former roadbed of Herkimer Street that is located between Utica Avenue and Hunterfly Place that was discontinued and closed in 1983. The Fulton Park Site includes a total lot area of approximately 268,100 square feet (SF), and is bounded by Fulton Street to the north, Rochester Avenue and Hunterfly Place to the east, Herkimer Street and Atlantic Avenue to the south, and Utica Avenue to the west. There is an easement for water and sewer running through the former bed of Herkimer Street between the northern and southern portions of the Fulton Park Site. There are also several National Grid and Consolidated Edison (ConEd) easements traversing the site from east to west.

The Fulton Park Site includes 37 three-story multifamily buildings, that contain 209 existing housing units, and one single-story accessory management office building (known collectively as Existing Buildings) and surface parking lots. As noted above, the existing housing units are subject to a project-based HAP contract under Section 8 of the United States Housing Act of 1937, as amended. Originally built in the early 1980s, the Existing Buildings are configured as part of a low-scale tower-in-the-park superblock. The Existing Buildings include a total of approximately 214,111 SF of residential space. One of the surface parking lots, located in the former roadbed of Herkimer Street, contains approximately 45 parking spaces for use exclusively by existing housing units' residents. There is also an unused paved area along Atlantic Avenue that was once used as a parking lot but is now not accessible to residents or the public. There are landscaped lawns and pedestrian pathways running throughout the site, spaces which are generally underutilized.

The Fulton Park Site is subject to restrictive, disposition, and regulatory agreements related to the Existing Buildings and Housing Units; however, it is not anticipated that amendments would require additional City Planning Commission (CPC) actions beyond the Proposed Action described below.

HPD Site

The HPD Site comprises (1) the portion of Block 1702, Lot 1 west of Utica Avenue and (2) the area between the western boundary of Block 1702, Lot 1 and the eastern boundary of Block 1701, Lot 1 (this area is not part of a Tax Lot; it is the former roadbed of Utica Avenue). The HPD Site is bounded by Fulton Street to the north, Utica Avenue to the east, the former roadbed of Herkimer Street to the south, and the eastern boundary of Block 1701, Lot 1 to the west. The former roadbeds of Utica Avenue and Herkimer Street are mapped on the HPD Site, along with a 35-foot-wide sewer easement. The lot area of the HPD Site is assumed to be approximately 38,514 SF, though the square footage and the City's property boundaries are subject to confirmation. The HPD Site is currently vacant. The central portion of the site is surrounded by a chain-link fence and overgrown with trees. On the northern portion of the site, there is a paved pedestrian path providing access to an entrance to the Utica Avenue subway station located near Fulton Street. There is a single temporary structure on the site: a New York Police Department (NYPD) guardhouse located at the corner of Fulton Street and Utica Avenue.

The HPD Site was identified by HPD in its Bedford-Stuyvesant Housing Plan as the Fulton-Utica Site. The Housing Plan states that development proposals for the site should incorporate community facility uses and programming that incorporate youth enrichment activities and recreation. The site design should improve the pedestrian experience, and amenities should be catered to the historically underserved neighborhood.

Other Area

Although included in the Project Area, no development would occur in either the portion of Block 1708, Lot 1 west of Utica Avenue or the area south of Block 1702, Lot 1 and north of Block 1708, Lot 1 (this area is not part of such Tax Lots; it is the former roadbed of Herkimer Street). This area is unimproved. The total area west of Utica Avenue to be rezoned is approximately 66,642 SF which comprises the 38,514 SF HPD Site and approximately 28,128 SF of area where no development would occur.

C. Preliminary Purpose and Need

The purpose and need statement establishes the basis for developing and evaluating a range of reasonable alternatives for environmental review and assists with the identification of a Preferred Alternative.

The purpose of the Proposed Action is to improve site conditions in the Project Area consistent with statutory requirements, approved plans, zoning requirements, and existing agreements.

The needs of the Proposed Action are:

- Provide affordable and market rate housing;
- Incorporate community facility and other uses in the Project Area consistent with approved plans;
- Rehabilitate underutilized public spaces; and
- Facilitate the direct relocation of tenants in existing housing units into new housing units.

D. Preliminary Description of Alternatives the EIS Will Consider

Consistent with Section 102(2)(C)(iii) of NEPA, the EIS will examine a reasonable range of alternatives, including an analysis of any negative environmental impacts of not implementing the proposed agency action in the case of a no action alternative, that are technically and economically feasible, and meet the purpose and need of the proposal. As a result of the project planning efforts to date, the alternatives currently proposed for evaluation in the EIS include:

- a) No Action Alternative;
- b) Preferred Alternative; and
- c) No Unmitigated Significant Adverse Impacts Alternative.

The *No Action Alternative* assumes no major rehabilitation or improvements to the Project Area. Only routine maintenance would be completed to maintain housing and sites for residents and the public. At some point, maintenance repairs would no longer be cost effective,

and the deteriorating site conditions could result in additional underutilization of the Project Area. Additionally, it would not be feasible to develop affordable nor market rate housing in the Project Area under the No Action Alternative.

The *Preferred Alternative* would redevelop the underutilized Fulton Park and HPD sites with a mixed-use development program that responds to the needs of the community, allows for the provision of new community facility space, updates and improves the site layout and connectivity, builds a substantial amount of new affordable and market rate housing, and relocates tenants of the existing housing units into new housing units. By facilitating the development of approximately 2,035 dwelling units (DUs) (including 209 Section 8 DUs as replacements for the existing housing units, 351 100-percent affordable DUs at the HPD Site, and 337 to 505 new permanently-affordable units pursuant to Mandatory Inclusionary Housing (MIH)), the Preferred Alternative would help address the needs of Brooklyn CD 3 and would be in support of the goals and objectives of several applicable public policies aiming to address the needs for affordable housing throughout the City. Such policies include the *Bedford-Stuyvesant Housing Plan*, *Housing Our Neighbors: A Blueprint for Housing and Homelessness*, and *Where We Live NYC*.

The Preferred Alternative would seek the following local actions with respect to the Project Area:

- Urban Development Action Area Project (UDAAP) designation, project approval, and disposition of city-owned property at Block 1702, p/o Lot 1 (the HPD Site).
- Amendment to the Second Amended Fulton Park Urban Renewal Plan (URP) to reflect the disposition action above and amend the use designation of (i) the HPD Site (Site 8A of the URP) from Public/Quasi-public land to Residential and/or Commercial and (ii) the Fulton Park Site (Sites 7 and 8 of the URP) from Residential to Residential and/or Commercial.

An amendment of Zoning Map 17a to rezone Brooklyn Block 1702, Lot 1, and Block 1708, Lot 1 from an R6B to (A) an R8X/C2-4 zoning district beginning at the intersection the

centerline of Atlantic Avenue and the extension of the western street line of Utica Avenue a boundary line perpendicular to Atlantic Avenue running north approximately 679'-0" to the centerline of Fulton Street, then east a distance of 514'-2", then south perpendicular to Fulton Street a distance of 100' from the southern Fulton Street street line, then west a distance of 119'-3" parallel to Fulton Street, then at an angle of 124 degrees in the south westerly direction a distance of 134'-1" parallel to Utica Avenue, then south in a line perpendicular to Atlantic Avenue a distance of 243'-5", then east parallel to Atlantic Avenue to the centerline of Hunterfly Place, then along the centerline of Hunterfly Place to the centerline of Atlantic Avenue, then along Atlantic Avenue to the westerly side of Utica Avenue; (B) an R7D/C2-4 zoning beginning in the midpoint of Rochester Avenue westerly a distance of 250' along the centerline of Fulton Street, then south a distance of 140' perpendicular to Fulton Street, then 250' easterly to the centerline of Rochester Avenue, then north along the centerline of Rochester Avenue to the centerline of Fulton Street; (C) an R6D zoning district beginning at the intersection of the centerlines of Herkimer Street and Rochester Avenue along the centerline of Herkimer Street to the intersection with the centerline of Hunterfly Place, then along the centerline of Hunterfly Place a distance to 222'-11", then westerly 244'-7" parallel to Atlantic Avenue, then north perpendicular to Atlantic Avenue a distance of 243'5", then at an angle in the north westerly direction a line parallel to Utica Avenue a distance of 134'-1", then in the easterly direction a line parallel to Herkimer Street to the centerline of Rochester Avenue, then along the centerline of Rochester Avenue to the centerline of Herkimer Street.

- An amendment to the text of Appendix F of the Zoning Resolution to designate the Project Area as an MIH Area, as required by the MIH program. Such designation will facilitate the replacement of the existing housing units and creation of new permanently affordable dwelling units. As identified in the City's housing plans and in various local planning efforts, the City is in dire need of affordable housing. Consistent with such needs, the Proposed Development will create a substantial amount of new affordable housing units.

- An authorization to modify the location and width of curb cuts as required under 25-631 pursuant to 25-631 (f)(2). The curb cuts, as currently proposed, would be 12 feet wide and located in the same locations as the existing 35-foot wide curb cuts on Utica Avenue and at the intersection of Hunterfly Place and Herkimer Street. The proposed curb cuts decrease the degree of existing non-compliance with the applicable curb cut location and width requirements.

- In addition, the Applicants are seeking the following Federal action: HUD approval to amend the current HAP contract that covers the 209 existing units on the site.

- It is possible that the Applicants could seek additional funding or financing through discretionary State actions at a later date. The environmental review for the Preferred Alternative under CEQR also satisfies SEQRA.

Alternatives may be revised based on the consideration of public and agency comments. The range of reasonable alternatives will be finalized after consideration of comments received during the comment period on this notice and will be documented in the Draft EIS.

E. Expected Environmental Effects and Anticipated Permits and Other Authorizations

The EIS will evaluate the reasonably foreseeable environmental impacts resulting from the implementation of a reasonable range of alternatives. The following resources and issues have been identified for evaluation in the EIS and supporting documents: Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic and Cultural Resources/Historic Preservation; 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; Construction; and Effects on Disadvantaged Communities.

The DSOW includes a preliminary list of anticipated permits and approvals from Federal and local agencies. DCP and HPD will coordinate with appropriate Cooperating Agencies, Participating Agencies, and entities for compliance with Federal, state, and local laws. DCP and HPD invite all interested parties to participate in the Public Scoping Meeting.

F. Description of Scoping Process and Schedule for the Decisionmaking Process

The publication of this NOI initiates the public scoping period. All interested Federal, state, and local agencies; Indian Tribes; and the public are invited to comment on the scoping documents, including comments on the identification of potential alternatives and significant environmental issues, information, and analyses relevant to the Proposed Action. Agencies with jurisdiction over natural or other public resources affected by the project or that possess information about the Project Area that DCP and HPD should consider in the Draft Environmental Impact Statement (DEIS) are invited to submit comments, as Cooperating Agencies and Participating Agencies, to the individuals named in this NOI.

No decisions about the project will be made at the Public Scoping Meeting.

After the public scoping period, DCP and the Applicants will compile comments received to develop a Final Scope of Work for the DEIS and will prepare the DEIS. The DEIS will analyze the potential environmental effects of the chosen alternatives that meet the Proposed Action's purpose and need. Once the DEIS is complete, it will be made available to the public through a Notice of Availability posted in the Federal Register and on <https://zap.planning.nyc.gov/projects/2024K0294>. A Notice of Availability of the DEIS is anticipated to be published in the Spring of 2026. A minimum 45-day public comment period will commence on the date of publication, and a public hearing will be held during that period. Additionally, the availability of the DEIS and public comment opportunities will be announced through public notices, public mailings, and local news media.

After the DEIS public comment period, a Final Environmental Impact Statement (FEIS) will be prepared. At this time, it is anticipated that a Notice of Availability of the FEIS will be published in the Fall 2026, after which it is anticipated a Record of Decision (ROD) will be issued.

G. Instructions for Submitting Comments

The DSOW is available on the project website, located at <https://zap.planning.nyc.gov/projects/2024K0294>. Instructions for participating in the public scoping meeting are available at <https://www.nyc.gov/content/planning/pages/calendar>. Instructions for joining the scoping meeting will be posted on DCP's website the day of the meeting. To continue to allow for broad public participation options, DCP will hold the public scoping meeting remotely. The meeting will begin at 2 PM ET on Thursday, April 2, 2026.

Individuals who require additional special assistance, such as interpretation, captioning, or signing services to participate in the public scoping meeting, should make the request by emailing accessibility@planning.nyc.gov by 5 PM ET on March 18, 2026.

Benjamin Hobbs,

Assistant Secretary for Public and Indian Housing.

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