



## **CITY PLANNING COMMISSION**

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November 19, 2003/Calendar No.12

C 010660 PCR

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**IN THE MATTER OF** an application submitted by the Department of Sanitation and the Department of Business Services, pursuant to Section 197-c and 199 of the New York City Charter, for site selection and acquisition of property located at Block 2705, Lots 1, 225 and 300, Staten Island, Community Board 2, for use as a rail extension.

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The application for site selection and acquisition of portions of three privately owned parcels totaling 11 acres was filed by the Department of Sanitation (DOS) and the Department of Business Services (DBS) on May 18, 2001, for use as a Right-Of-Way (ROW) for a rail extension.

### **RELATED ACTIONS**

In addition to the site selection and acquisition which is the subject of this report, implementation of the applicant's proposal also requires action by the City Planning Commission on the following application which is being considered concurrently with this application:

C010661MMR An amendment to the City Map involving the establishment of Victory Boulevard. west of the West Shore Expressway: the discontinuance and closing of a portion of Victory Boulevard west of the West Shore Expressway and the delineation of a sewer easement.

### **BACKGROUND**

The above referenced actions are required in order to extend the Travis Branch of the Staten Island Railway (SIR) to DOS' new transfer station in the northwest section of the Fresh Kills

Landfill. The SIR is owned by the City of New York (the City) and is under the jurisdiction of the DBS. The new transfer station will process Staten Island generated waste only, and export it out-of-state via the new SI rail link to the Chemical Coast Line in New Jersey. A previous site selection application ( C 010053 PSR ) for the transfer station, which is currently under construction, was approved by the City Planning Commission on Feb. 28, 2001. The development of the transfer station and the completion of the rail link are elements of the City's Solid Waste Management Plan Modification for long-term export of DOS-managed waste.

The City must extend the railroad over three parcels of privately owned land and Victory Blvd. from the transfer station to the existing terminus of the Travis branch near Chelsea Creek and Cannon Avenue. The owners of the three parcels are Arthur Kill Power (Block 2705, Lot 1), Visy Paper (Block 2705, Lot 225) , and Consolidated Edison (Con Ed)(Block 2705, Lot 300). The City is currently in negotiation with these parties. All required rail interconnections are currently estimated to be completed by early 2005. By that time DOS will have contracted with a private company that will provide for rail transport arrangements from the station to the disposal site.

The track layout has been designed to minimize interference with the access roads from Victory Blvd. to the Visy Paper and Arthur Kill Power properties. A unit train (the type of train to be used in this operation) would be approximately 4,700 feet long; however the switching process requires that a train be broken into sections. Switching could take up to six hours. Based on expected volumes of waste, a movement to switch out full cars and bring out empty cars would

occur every three and a half days (approximately twice a week). The rail operator would be responsible for making arrangements with the property owners for the opening and closing of gates at the property lines.

The southern end of the right of way (ROW) begins on a vacant ConEd owned parcel (Block 2705, Lot 300). The ROW would accommodate a main line track, a passing track and a surface road to provide access for maintenance of the track and an embankment. The tracks would be laid on an embankment that has an average height of five feet. The total area of the proposed ROW on the ConEd property is approximately 6.06 acres, with an average ROW width of 110 feet wide and 2,399 ft. long.

The ROW for the track and the embankment continues from the ConEd property as it abuts Victory Boulevard, across the publicly owned Victory Boulevard ROW to the Visy Paper property. This section of the ROW continues the embankment approximately five feet above the grade of the existing road to keep the grade of the track relatively level. Crossing Victory Boulevard, the embankment on either side of the track bed would be designed to slope gradually back to the existing grade of Victory Boulevard. This will enable traffic to and from Visy Paper and ConEd to cross the tracks. The westernmost portion of Victory Boulevard, where the street would be ramped up a to 4 degree grade to cross the embankment would be marked with signage indicating the rail crossing and the end of the public street. Traffic to the westernmost portion of Victory Boulevard, beyond the rail crossing, is solely for the purpose of access to the ConEd and Visy Paper properties. Although demapped, Victory Boulevard would continue to be maintained

by the City as a private road. The portion of Victory Boulevard to the east of the crossing is being mapped and will remain open.

The Visy parcel ( Block 2705, Lot 225) is an active manufacturing facility that processes recycled paper. The ROW on this parcel ranges from 45 to 80 feet wide for 765 feet with a single track. Internal roads will cross the track, but the crossing will take place at crawl speed during early morning hours when there is no other activity on the parcel. Locked gates would be installed at the fence lines at either end of the Visy property across the ROW and would be opened by the train crew during switching operations. The elevation of land rises in this area to the level of the track elevation so that the embankment is minimal as the ROW continues across Visy Paper to the Arthur Kill Power property.

The Arthur Kill Power (AKP) (Block 2705, Lot 1) parcel is an active electric generating facility, formerly owned by ConEd. The ROW follows the original alignment of a rail line used to bring coal to the plant in the past, and ranges in width from 36 to 45 feet. Internal roads will cross the track, but the crossing will take place at crawl speed during early morning hours when there is no other activity on the parcel. Locked gates would be installed at the fence lines at either end of the AKP property across the ROW and would be opened by the train crew during switching operations. The single track in this area is designed with the same intent as the ROW across the Visy Paper entrance road, minimizing blocking of the entrance road.

In addition to the site selection and acquisition application, which is the subject of this report,

the project requires a related City Map amendment ( C 010661 MMR). The proposed amendment will establish a roadway currently known as Victory Boulevard from a point 240.05 feet westerly of the West Shore Expressway Service Road to a point 1, 711.57 feet westerly there from. The street will transition from 70 feet to 80 feet wide to its new terminus.

Victory Boulevard currently exists as a record street for approximately 2, 000 feet in length. It is partially open and in use. It runs approximately 2,801 feet west of the West Shore Expressway service road. However, it is mapped 70 feet-wide for a length of approximately 240.05 feet from its intersection with the West Service Road. Additionally there is a mapped 30 foot-wide sewer easement running approximately 523 feet easterly from the westerly terminus of Victory Blvd.

The proposed amendment will facilitate the development of the Staten Island Transfer Station (SITS) which involves the construction of an extension of the Travis Branch of the Staten Island Railway that will connect to the SITS. The railroad extension tracks will cross the westerly end of Victory Blvd. at grade. The extension will consist of two tracks, a main line and a passing track. The extension will vary in width between a minimum of 60 feet and a maximum of 140 feet , crossing over Lots 1, 225, and 300 within Block 2705, properties owned by ConEd, Visy Paper and AKP, and a portion of Victory Blvd. Both the proposed map change and the extension are located within an M3-1 zone.

The SITS is being constructed to the south of Victory Boulevard on a portion of Block 2685, Lot 100, a city-owned, undeveloped property, in an area formerly owned occupied by DOS

administrative offices and bordering Little Fresh Kills and wetlands.

## **ENVIRONMENTAL REVIEW**

This application (C 010660 PCR) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 99DOS002Y. The lead agency is the Department of Sanitation.

It was determined that the comprehensive city-wide solid waste management plan may have a significant effect on the environment, and that an environmental impact statement would be required for the following reasons:

DOS has prepared an environmental assessment which finds that the project as proposed may result in significant effects on the environmental in one or more of the following categories: land use and zoning, traffic, neighborhood character, socioeconomic conditions, community facilities, open space and parklands, cultural resources and parklands, cultural resources, historic and archeological resources, air quality (including odors), infrastructure and energy, natural resources (including water resources, endangered species and habitats), water quality, waterfront revitalization program, hazardous materials, urban design, and visual quality and shadows. A positive declaration was issued on March 3, 1999 and it was distributed, published and filed.

The lead agency prepared a DEIS and issued a notice of completion on May 3, 2000. Pursuant to the SEQRA regulations and CEQR procedures, a public hearing was held on the DEIS for the city-wide Comprehensive Solid Waste Management Plan Draft Modification, which include this proposed facility, on June 1, 2000. The Final Environmental Impact Statement (FEIS) was completed, and a Notice of Completion of the FEIS was issued on October 16, 2000. The Notice

of Completion for the FEIS identified no significant impacts for the Staten Island rail extension.

## **UNIFORM LAND USE REVIEW**

This application ( C 010660 PCR) was certified as complete by the Department of City Planning on August 11, 2003, and was duly referred to Community Board 2 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

### **Community Board Public Hearing**

Community Board 2 held a public hearing on this application ( C 010660 PCR ) together with the related application ( C 010661 MMR ) on September 9, 2003, and on September 16, 2003, by a vote of 31 in favor and 0 opposed with 3 abstentions, adopted a resolution recommending approval of the application.

### **Borough President Recommendation**

This application ( C 010660 PCR ) together with the related application ( C 010661 MMR ) was considered by the Borough President, who issued a recommendation approving the application on September 22, 2003.

### **City Planning Commission Public Hearing**

On October 8, 2003 (Calendar No.13), the City Planning Commission scheduled October 22, 2003, for a public hearing on this application (C 010660 PCR) together with the related application ( C 010661 MMR ). The hearing was duly held on October 22, 2003 (Calendar

No.13) in conjunction with the public hearing on the related application ( C 010661 MMR ).

A representative of the Department of Sanitation was available to answer questions regarding the project. There were no other speakers and the hearing was closed.

### **Waterfront Revitalization Program Consistency Review**

This application was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), adopted by the Board of Estimate on September 30, 1982 (Calendar No. 17), pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is WRP00-88.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

### **CONSIDERATION**

The Commission believes that the application for site selection and acquisition of privately-owned property is appropriate.

The Commission also believes that the use of this proposed acquisition site for a rail extension (of the SIR) is consistent with the goals of the City's Solid Waste Management Plan. New York State Law mandated the closing of the landfill by January 1, 2002. In order to comply with this



mandate, the City adopted a Comprehensive Solid Waste Management Plan which along with aggressive recycling, composting and other waste reduction programs and policies, includes the shipment and disposal of solid waste out of the City. The plan includes the transfer and export of approximately 12, 000 tons of non-recyclable residential and other types of solid waste collected everyday. This part of the plan will benefit the City and the Public by facilitating the long-term export of waste to out-of-City disposal facilities via rail, a more environmentally responsible, equitable, and cost effective transport method, rather than using trucks, and eliminating reliance on the Fresh Kills landfill.

Because the westernmost portion of Victory Boulevard is a dead-end unmapped roadway and is not necessary for the traffic circulation system or affecting the neighboring properties, the discontinuance and closing of this portion of Victory Boulevard will have no impact on traffic in the area. It will allow DOS to develop the rail extension of the existing branch of the SIR, therefore facilitating long term export of waste to out-of-city disposal facilities. Due to the nature of the project and the railway tracks crossing on a portion of Victory Boulevard, the Commission believes that the easement across neighboring properties and the street area being discontinued and closed are appropriate. The track layout has been designed to minimize interference with the access roads from Victory Boulevard to adjacent properties.

The establishment of Victory Boulevard west of the West Shore Expressway in turn will benefit the present properties abutting both sides of the street. The current roadway has been physically open and in use as a street since the 1900's. The roadway configuration will not change.

## **RESOLUTION**

**RESOLVED**, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on October 16, 2000, with respect to this application (CEQR No. 99DOS002Y), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and regulations, have been met and that, consistent with social, economic and other essential considerations:

1. From among the reasonable thereto, the action(s) to be approved (is)(are) ones which minimize(s) or avoid(s) adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts revealed will be minimized or avoided to the maximum extent possible by incorporating as conditions to the approval those mitigative measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS, constitutes the written statements of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.9 (c)(3) of the SEQRA regulations; and be it further

**RESOLVED**, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and be it further

**RESOLVED**, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination, and the consideration described in this report, the application submitted by the Department of Sanitation and the Department of Business Services, pursuant to Section 197-c of the New York City Charter for site selection and acquisition of property located at Block 2705, Lots 1, 225, and 300), Staten Island, for use as a rail extension, is approved.

The above resolution (C 010660 PCR), duly adopted by the City Planning Commission on November 19, 2003 (Calendar No.12 ), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

**AMANDA BURDEN, AICP, Chair**  
**KENNETH J.KNUCKLES, ESQ., Vice-Chairman**  
**ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,**  
**RICHARD W. EADDY, JANE D. GOL**  
**CHRISTOPHER KUI, JOHN MEROLO, KAREN A. PHILLIPS,**  
**DOLLY WILLIAMS, Commissioners**