



CITY PLANNING COMMISSION

January 27, 2010 / Calendar No. 2

N 100138 MEX

IN THE MATTER OF an application submitted by Atlantic Development Group, LLC, involving the extinguishment of a portion of sewer easement between 3rd Avenue and Washington Avenue Pedestrian Way, in Community District 3, Borough of The Bronx, in accordance with Map No. 13131, dated December 21, 2009, and signed by the Borough President.

WHEREAS, on April 25, 1994 (Calendar No. 3), the City Planning Commission (the “Commission”) approved an application (C 940125 MMX), in conjunction with several related applications concerning the Melrose Commons Urban Renewal Plan, for an amendment to the City Map relating to Map No. 13051, dated November 15, 1993 and signed by the Borough President of The Bronx, modifying streets, parks, and a public place, in the Borough of The Bronx, Community District 3; and

WHEREAS, Map No. 13051 included the elimination of East 162nd Street between 3rd Avenue and Washington Avenue Pedestrian Way (as that pedestrian way was established on Map No. 13051), and the delineation of a 35-foot-wide sewer easement located in the eliminated street bed; and

WHEREAS, the applicant, being the owner of Lot 23 in Block 2366 and Lot 26 in Block 2367 in the Borough of The Bronx, which lots are encumbered by the subject easement, has filed an application (N 100138 MEX) to extinguish from the City Map the subject portion of sewer easement between 3rd Avenue and the Washington Avenue Pedestrian Way, previously delineated on Map No. 13051; and

WHEREAS, in a letter to the Department of City Planning, dated December 9, 2009, the Department of Environmental Protection, stated that since the existing combined sewer at this location would serve only the development site it could be eliminated, thus deeming the subject portion of sewer easement unnecessary; and

WHEREAS, the Topographical Bureau of the Borough President of The Bronx has reviewed, signed, and submitted to the Commission Map No. 13131, dated December 21, 2009, showing the extinguishment of the subject portion of sewer easement between 3rd Avenue and Washington Avenue Pedestrian Way; and

WHEREAS, this application (N 100138 MEX) was reviewed by the Department of City Planning, 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 was determined to be a Type II Action, which requires no further environmental review; and

WHEREAS, the Commission may adopt a resolution which provides for the extinguishment of an easement from the City Map, to facilitate the removal of the encumbrance from the applicant's title; and

WHEREAS, the Commission may adopt a resolution without review pursuant to the Uniform Land Use Review Procedure (ULURP), since it relates only to an easement, which is an entity shown on the City Map for informational purposes only, and is not part of the official City Map, and does not affect any legally mapped entities such as streets or parks.

NOW THEREFORE, the Commission adopts the following resolution:

RESOLVED, by the City Planning Commission that, based on the consideration described in this report, the application (N 100138 MEX) submitted by Atlantic Development Group, LLC, involving the extinguishment of a portion of sewer easement between 3rd Avenue and Washington Avenue Pedestrian Way, in Community District 3, Borough of The Bronx, in accordance with Map No. 13131, dated December 21, 2009, and signed by the Borough President, is approved; subject to the following condition:

The extinguishment of the subject easement from the City Map shall take effect on the day following the day on which certified counterparts of Map No. 13131 are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter.

AMANDA M. BURDEN, FAICP, Chair
ANGELA M. BATTAGLIA, RAYANN BESSER
IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, III,
BETTY Y. CHEN, MARIA M. DEL TORO,
RICHARD W. EADDY, NATHAN LEVENTHAL, ANNA HAYES LEVIN,
SHIRLEY A. McRAE, KAREN A. PHILLIPS, Commissioners

KENNETH J. KNUCKLES, ESQ., Vice Chairman, Recused