



CITY PLANNING COMMISSION

September 22, 2004/Calendar No. 10

C 030271 PCX

IN THE MATTER OF an application submitted by the Department of Environmental Protection and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter for site selection and acquisition of property generally bounded by Waters Place and Eastchester Road (Block 4226, part of Lot 30), Bronx, for use as a combined sewer overflow storage facility.

The application for site selection and acquisition of property located on the southwestern portion of the Bronx Psychiatric Center (BPC), Block 4226, part of Lot 30, to facilitate the construction of a combined sewage overflow (CSO) storage facility, was filed by the Department of Environmental Protection and Department of Citywide Administrative Services on January 2, 2003.

RELATED ACTIONS

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

1. C 030272 ZSX Special permit pursuant to Section 74-734 to allow a municipal sewage pumping station in a residential district.

BACKGROUND

The Department of Environmental Protection is proposing to construct a combined sewage overflow (CSO) facility on a 3.6 acre parcel located on the southwestern portion of the Bronx Psychiatric Center (BPC), Block 4226, part of Lot 30, in the Westchester Square neighborhood of Community District

11. The project site is located north of Waters Place and east of Eastchester Road. It is bounded on the west by Industrial Avenue, an unmapped street within the grounds of the BPC which leads to the Hutchinson Metro Center, a recently renovated 460,000 square-foot office building on property formerly owned by the BPC. Five baseball diamonds used by the Bronxchester and Van Nest Little Leagues, are located to the north of the site. The New York City Transit Westchester Train Yard is located opposite the facility across Waters Place. Castle Center, a small shopping center anchored by a Pathmark store lies to the west of the BPC site.

The New York City Department of Environmental Protection (NYCDEP) is proposing a new facility in order to reduce the volume and frequency of CSO discharge into Westchester Creek. The CSO is needed in order to meet federally mandated water quality standards. DEP has undertaken a ten-year plan to abate combined storm and sanitary sewer overflows. These rainfall-induced sewer discharges adversely affect recreation, foul shorelines, and may lead to federal/state enforcement actions. The reduced discharge is expected to dramatically increase the water quality of Westchester Creek. During storm events that generate combined sewage levels exceeding the capacity of the Hunts Point Water Pollution Control Plant, the proposed facility would capture and store excess combined sewage. This excess would otherwise flow into Westchester Creek.

The proposed site of the CSO is within an R5 zoning district, although it is surrounded by an M1-1 district on its northern, western, and southern boundaries. Municipal sewage pumping stations such as CSO facilities are permitted in residential districts by special permit pursuant to Section 74-734 of the

Zoning Resolution. The proposed project site was selected based upon detailed evaluations of CSO abatement needs as required by the New York State Department of Environmental Conservation (NYSDEC), and detailed evaluations of prospective sites. The proposed site on the BPC site was found to be the only site that combined adequate land area with good proximity to existing CSO discharge conduits and to existing dry-weather conveyance conduits. The need for this facility was also cited in the Citywide Statement of Needs for Fiscal Years 2000-2001. The proposed project is consistent with the proposed locational and siting criteria identified in the Statement of Needs. The proposed project area is currently under the jurisdiction of the Dormitory Authority of the State of New York.

The Westchester Creek CSO Storage Facility would be designed to capture, screen and store up to 12 million gallons of combined sewage, and return the captured combined sewage to the combined sewer system to be conveyed to the Hunts Point Water Pollution Control Plant (WPCP) for treatment. The CSO operations building would house the following facilities: mechanical screening facilities, air treatment facilities, the pumping station dry and wet well, and various equipment / maintenance areas. The approximately 155,900 sf. area proposed for site acquisition, encompasses the CSO storage facility, CSO operations building, clubhouse/storage and restroom facilities. The storage tank and the CSO operations building would be located on the southwest end of the project site. The underground storage tank would be approximately 348 feet long by 170 feet wide by 25 feet deep. The proposed one- and two-story CSO operations building would have a footprint of approximately 19,806 sf, its one- and two-story sections being 20 and 40 feet high respectively.

As part of the proposed project, a new restroom and clubhouse/storage facility, and a parking area would be provided adjacent to the proposed CSO facility for use by the Bronxchester and Van Nest Little Leagues. This clubhouse would provide a practice area, restrooms, and an office and storage area for each of the two little league organizations. A fence separating the Little League playing fields from the CSO facilities would be provided. An existing soccer field occupying the site of the proposed project would be permanently displaced.

Ingress and egress for both the CSO facility and the Bronxchester and Van Nest Little Leagues would be via Waters Place. An additional emergency exit would be provided for the CSO facility on the southwest corner of the site. There would be 10 parking spaces for the CSO facility and 72 parking spaces for the little leagues on separate parking lots.

The operation of the CSO storage facility would be handled by NYCDEP staff. Onsite maintenance and operation of the mechanical and electrical equipment, including yard work, would be handled by part-time NYCDEP staff. It is estimated that a crew of three (3) persons would take eight hours (full day) to perform the equipment and maintenance tasks. The CSO Storage Tank would be cleaned four times a year, and it is estimated that a crew of four persons would take two (2) days for each cleaning. Site maintenance would be conducted four times a month, and it is estimated that a crew of three (3) persons would take eight hours (full day) per week to perform the site maintenance tasks.

Upon completion of site acquisition and construction of the restroom and clubhouse/storage facilities,

the Department of Environmental Protection (DEP) intends to enter into a revocable license agreement with the affected Little League organizations for their joint use, occupation and maintenance of the site. The Little Leagues have agreed to be jointly responsible for all costs with respect to the use and operation of the restroom and clubhouse/storage facilities including, but not limited to costs of operation, maintenance, repair, security, and all water, sewer, and electric utilities.

The site is served by public transportation. The Bx 21 runs along Waters Place, in front of the site. In addition, the Bx 8 and Bx 31 stop within walking distance of the site.

ENVIRONMENTAL REVIEW

This application (C 030271 PCX), in conjunction with the application for the related action (C 030272 ZSX), 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 94DEP141X. The lead is the Department of Environmental Protection.

After a study of the potential environmental impact of the proposed action, a negative declaration was issued on February 21, 2003.

UNIFORM LAND USE REVIEW

This application (C 030271 PCX), in conjunction with the application for the related action (C 030272 ZSX), was certified as complete by the Department of City Planning on May 24, 2004, and was duly referred to Community Board 11 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 11 did not hold a public hearing on this application(C 030271 PCX) or the related application (C 030272 ZSX); however, on June 24, 2004, by a vote of 27 to 0 with 1 abstentions, adopted a resolution recommending approval of the applications.

Borough President Recommendation

This application (C 030271 PCX), in conjunction with the related application (C 030272 ZSX), was considered by the Borough President, who issued a recommendation disapproving the application on September 01, 2003. However, the Borough President's recommendation was submitted after the 30-day review period and was therefore non-complying.

The Borough President disapproved the application with the following comments:

- 1) Evaluate the site north of Waters Place [identified above] or other sites that would not interfere with economic development on the Bronx Psychiatric Center site.
- 2) Once a site is selected, if construction has not commenced by 2011 this matter should return for a follow-up review by the Community Board and Borough President to determine whether mitigation measures are needed.

City Planning Commission Public Hearing

On July 28, 2004 (Calendar No. 7), the City Planning Commission scheduled August 11, 2004, for a public hearing on this application (C 030271 PCX). The hearing was duly held on August 11, 2004 (Calendar No. 12), in conjunction with the public hearing on the application for the related action (C 030272 ZSX). There was one speaker representing the Department of Environmental Protection who spoke in favor of the application . There were no other speakers and the hearing was closed.

Waterfront Revitalization Program Consistency Review

This application (C 030271 PCX), in conjunction with the application for the related action (C 030272 ZSX), was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 13, 1999 and by the New York State Department of State on May 28, 2002, 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 04-041.

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 by the Department of Environmental Protection and the Department of Citywide Administrative Services for the site selection and acquisition of property

located on the southwestern portion of the Bronx Psychiatric Center (BPC), Block 4226, part of Lot 30, for the construction of a Combined Sewage Overflow (CSO) storage facility is appropriate.

Due to limited capacity at the City's Hunts Point Water Pollution Control Plant, combined sewer overflow during the storm events is presently allowed to flow untreated into Westchester Creek. The proposed facility will retain combined sewer overflow and direct it to the Hunts Point Water Pollution Plant at a rate that the plant can treat. The retention and subsequent treatment of the combined sewer overflow will result in a significant water quality improvement in Westchester Creek, in improving the aquatic environment and increasing recreational opportunities in the area. The proposed facility and related infrastructure improvements, which include increasing the capacity of combined sewers in the area, will prevent the backing up of combined sewers and prevent flooding. The need for this facility was also cited in the Citywide Statement of Needs for Fiscal Years 2000-2001. The proposed project is consistent with the proposed locational and siting criteria identified in the Statement of Needs.

The Commission notes that as part of the project, a new restroom, clubhouse facility, playground, and a parking area for the use of the Bronxchester and Van Nest Little Leagues would be provided adjacent to the proposed CSO facility. The clubhouse would have a practice area, office space and storage area for both of the little league organizations. These facilities will benefit both the little leagues and the community at large.

The proposed CSO Storage Facility will provide for the continuous pumping of sanitary wastewater

from Bronx Psychiatric Center Campus, and the capture of approximately 77 percent of the combined sewage that currently discharges in to Westchester Creek. The capture of combined sewage will promote public health and safety by improving water quality in the Westchester Creek for fish propagation and survival, and secondary contact by humans.

The Hunts Point Water Pollution Control Plant (WPCP), the facility which will accept and treat stored combined sewage that will be pumped out of the CSO storage facility, its associated sewer system are both adequate to accommodate the anticipated future development in the area to be served by the Westchester Creek CSO Storage Facility and the requirements of the CSO facility. The current average daily dry-weather flow at the Hunts Point WPCP is approximately 120 million gallons per day (mgd), and is projected to increase to approximately 146 mgd by the year 2045. With a dry-weather design capacity of 200 mgd, the WPCP has a current unused capacity of approximately 80 mgd to process the additional volume of combined sewage that will be captured in the proposed Westchester Creek CSO Storage Facility.

Although, the proposed site of the CSO is within an R5 zoning district, it is surrounded by an M1-1 district on its northern, western, and southern boundaries. There is no residential use located near the project site. The proposed site was selected based upon detailed evaluations of CSO abatement needs as required by the New York State Department of Environmental Conservation (NYSDEC), and detailed evaluations of proposed sites. The proposed site on the BPC site was found to be the only site that combined adequate land area with good proximity to existing CSO discharge conduits and to

existing dry-weather conveyance conduits.

The Commission notes that the Borough President submitted a recommendation disapproving the application. In response to the Borough President's recommendation the Department of Environmental Protection submitted a letter dated September 10, 2004 stating that the proposed project site meets DEP's criteria for siting this type of facility. The alternate site within the BPC campus is approximately 1,200 feet east of the proposed site. However, "The alternate site is not technically feasible because its topography is not suitable for the hydraulic requirements of a flow-through facility." The alternate site would be feasible only if the NYSDEC approves a "dead-end" CSO storage tank. On the other hand, "...a planning level construction cost estimate indicates that a storage tank constructed at the alternate site would cost approximately \$55 million more to construct..." Furthermore, "It is uncertain that the Dormitory Authority of the State of New York (DASNY), the property owner, would be willing to sell the proposed property to New York City." In addition, one of the advantages of having the CSO facility constructed at the current site is that it will provide the Bronx Psychiatric Campus with the necessary pumping of sanitary wastewater.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; 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 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the application (C 030271 PCX) by the Department of Environmental Protection and the Department of Citywide Administration Services for site selection and acquisition of property generally bounded by Waters Place and Eastchester Road (Block 4226, part of Lot 30), Community District 11, Borough of the Bronx, for use as a combined sewer overflow storage facility, is approved.

The above resolution (C 030271 PCX), duly adopted by the City Planning Commission on September 22, 2004 (Calendar No. 10), 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 M. BURDEN, AICP, Chair
IRWIN G. CANTOR, P.E., **ANGELA M. CAVALUZZI**, R.A.,
RICHARD W. EADDY, **JANE D. GOL**, **CHRISTOPHER KUI**, **JOHN MEROLO**, **DOLLY WILLIAMS**, Commissioners

KENNETH J. KNUCKLES, Esq., Vice Chair
KAREN A. PHILLIPS, Commissioners Voting No