



## CITY PLANNING COMMISSION

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February 2, 2005/Calendar No.24

C 050029 PCR

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**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 sewer easements located at Seguine Avenue between McGregor and Knox Streets (Block 6712, parts of lots 122 and 125), Oswald Place between Elizabeth and Seguine Avenues (Block 6712, part of lot 84), Hanover Avenue, Inez Street and Hylan Boulevard (Block 6700, parts of lots 41 and 42; Block 6705, part of lot 88); and the bed of Trenton Court between Direccion Court and Hanover Avenue, to facilitate the construction of sanitary and storm sewers, Community District 3, Borough of Staten Island.

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The application for site selection and acquisition of parts of 6 privately owned lots( for 3 easements) and one street bed (fee simple acquisition), totaling .21 acres, was filed by the Department of Environmental Protection (DEP) and the Department of Citywide Administrative Services (DCAS) on July 16, 2004, for the conveyance and storage of stormwater and construction of a sanitary sewer.

### **BACKGROUND**

In 1961 the City of New York commissioned an Official Map and Drainage Plan for Staten Island that has never been fully implemented. The 1961 Official Map contains a conventional grid system engineered to provide gravity drainage to collector sewers. The Plan indicates that sewers would be located in streets mapped in the beds of streams which constitute the low points in the drainage

basins. After more than 40 years, the Plan is obsolete.

Much of South Richmond, as well as parts of Mid-Statens Island, continue to lack sanitary and/or storm sewers. As a solution for the need for infrastructure in this part of Staten Island, the Department of City Planning's (DCP) 1989 report entitled South Richmond's Open Space Network, An Agenda for Action: Stormwater and Open Space Management recommends that wetlands be used for stormwater management and open space.

The key stream corridors and wetlands found in South Richmond and other areas of Staten Island to be used for stormwater management are collectively called "the Bluebelt." DEP began to implement the recommendations of the 1989 report in 1993. In response the City has proceeded to acquire property containing wetlands and streams while also developing management plans for selected drainage basins. The proposed action, site selection and acquisition of property in the Prince's Bay area, is part of this process and is within the Lemon Creek system.

The Prince's Bay parcels (the subject of this proposal) are associated with the Lemon Creek watershed and covered by the Lemon Creek/Sandy Brook Drainage Plan. Lemon Creek, the central channel

of a freshwater and tidal marsh system, is the main conduit for stormwater conveyance in the existing drainage system that includes the neighborhoods of Prince's Bay and Woodrow. Part of this wetland system is already city- or state- owned. This application will allow for sewer access via easements to the Lemon Creek Wetlands Preserve.

#### **ENVIRONMENTAL REVIEW**

This application (C 050029 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 97DEP026R. The lead agency is the Department of Environmental Protection.

After a study of the potential environmental impacts in the watershed area, it was determined that the action may have significant effects on the environment and that an environmental impact statement would be required for the watershed because critical natural resources on Staten Island would be affected.

A Positive Declaration (97DEP026R) was issued on September 17, 1997. The Positive Declaration was distributed, published and filed, and the applicant was asked to prepare or have prepared a Draft

Environmental Impact Statement (DEIS).

The lead agency prepared a DEIS and issued a Notice of Completion on June 3, 1998. Pursuant to the SEQRA regulations and the CEQR procedures, a public hearing was held on the DEIS on July 9, 1998.

The Final Environmental Impact Statement (FEIS) was completed, and a Notice of Completion of the FEIS was issued on September 30, 1998. The Notice of Completion for the FEIS identified the following impacts and proposed the following mitigation measures:

The proposed action has the potential to cause adverse natural resource impacts at the location of BMPs, sanitary and storm sewers, as well as cultural resource impacts and sedimentation impacts resulting from the project's construction activities. Natural resource mitigation includes acquisition of private parcels.

For sites that have the potential for medium or high archeological sensitivity, a phase IB study would be performed prior to the start of construction and in consultation with LPC or the New State Preservation Officer. To protect and minimize disturbance to designated

historic resources found to be eligible, DEP would develop a vibration protection plan in consultation with LPC.

In order to mitigate the potential for significant sedimentation in the Lemon Creek/Sandy Brook watershed during construction, a detailed erosion and sedimentation control plan would be specified for each of the construction contracts that would cover all activities - both in the uplands and in the wetlands; special wetlands protection techniques would be employed in some cases.

#### **UNIFORM LAND USE REVIEW**

This application (C 050029 PCR) was certified as complete by the Department of City Planning on November 1, 2004, and was duly referred to Community Board 3 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

#### **Community Board Public Hearing**

Community Board 3 held a public hearing on this application on November 8, 2004, and on November 23, 2004 by a vote of 24 to 0 with no abstentions, adopted a resolution recommending approval of the application.

### **Borough President Recommendation**

This application was considered by the Borough President, who issued a recommendation approving the application on December 3, 2004.

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

On December 22, 2004 (Calendar No. 7), the City Planning Commission scheduled January 5, 2005, for a public hearing on this application (C 050029 PCR). The hearing was duly held on January 5, 2005 (Calendar No. 16).

There was one speaker in favor and one in opposition. The speaker in favor was a representative of the Department of Environmental Protection, who gave a brief description of the project.

The speaker in opposition was the owner of Block 6700, Lot 41. This homeowner was concerned that the location and width of the proposed DEP easement would limit future development on his lot. He stated that the proposed easement would affect his ability to build a second house on his property. There were no other speakers and the hearing was closed.

## **Waterfront Revitalization Program Consistency Review**

This application ( in conjunction with those for the related action(s) 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 WRP01-012.

### **CONSIDERATION**

The Commission believes that the application for site selection and acquisition of privately-owned property in Prince's Bay is appropriate.

The DCP's 1989 report entitled An Agenda for Action: Stormwater and Open Space Management identified the need for an alternative approach to traditional stormwater management methods. In 1993, DEP began the preparation of comprehensive sanitary and stormwater plans. The objective of the Lemon Creek stormwater management plan is to collect and convey runoff in the watershed from storms up to the 5-year design

storm without adversely affecting the hydrology and water quality of the Creek and its associated wetlands. The construction of storm sewers will collect street runoff and direct it to the Best Management Practices (BMP) sites prior to discharge into Lemon Creek. This protects and preserves natural open space corridors while providing a cost effective management system.

DEP, the agency charged with implementing the stormwater management program, has received approval from the Office of Management and Budget (OMB) to proceed with the redesign of the Official Drainage Plan for one of the last unsewered sections of New York City, the eastern and southern parts of Staten Island.

In the Bluebelt applications approved to date by the City Planning Commission, the first of a three phase plan of action has proceeded - preserving the major watersheds. Preserving these watersheds requires immediate action due to development pressures while overall master planning for the Bluebelt proceeds.

In the next two phases, a comprehensive stormwater management/



drainage plan will be redesigned (it has already been completed for several individual drainage basins). Long term management and maintenance methods for the consolidated properties will be devised as part of the drainage plan revisions and carried out in the third phase.

The Commission believes that the use of this proposed acquisition site for stormwater management is consistent with the goals of DCP's 1989 report on the South Richmond Open Space Network, An Agenda for Action: Stormwater and Open Space Management.

With respect to the concerns raised, in a letter dated January 20, 2005, DEP stated the following: "Representatives from DEP and the Staten Island Office of City Planning met with the owners of Block 6700, Lot 41 and reviewed the various development options with the easement in place. The main point of our discussion was that the number of housing units which can be built on the property is the same with or without the easement. In order to give the flexibility in developing their property, DEP agreed to reduce the easement width from 35 feet to 30 feet. This will allow the owners to maximize the floor area yield, consistent with the R3X zoning."

**RESOLUTION**

**RESOLVED**, that having considered the Final Environmental Impact Statement, for which Notices of Completion was issued on September 30, 1998, with respect to this application (CEQR No. 97DEP026), the City Planning Commission finds that the requirements of Part 617, State Environmental Quality Review, have been met and that, consistent with social, economic and other essential considerations:

1. From among the reasonable alternatives thereto, the action to be approved is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts revealed in the FEIS will be minimized or avoided to the maximum extent practicable 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 statement 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 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 sewer easements located at Seguine Avenue between McGregor and Knox Streets (Block 6712, parts of lots 122 and 125), Oswald Place between Elizabeth and Seguine Avenues (Block 6712, part of lot 84). Hanover Avenue, Inez Street and Hylan Boulevard (Block 6700, parts of lots 41 and 42; Block 6705, part of lot 88); and the bed of Trenton Court between Direnzo Court and Hanover Avenue, Community District 3, Borough of Staten Island to facilitate the construction of sanitary and storm sewers is approved.

The above resolution (C 050029 PCR), duly adopted by the City

Planning Commission on February 2, 2005 (Calendar No.24), 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**  
**ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E.**  
**ANGELA CAVALUZZI, R.A., ALFRED C. CERULLO, III,**  
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Commissioners