



## **CITY PLANNING COMMISSION**

August 22, 2007/Calendar No.5

C 070398 PSK

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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 of property located at Block 2508, part of lot 1 and lands underwater generally bounded by Whale Creek Canal, Newtown Creek, Kingsland Avenue and North Henry Street to the US Pier head and Bulkhead Lines for use as a dock and loading facility in Community District 1, Borough of Brooklyn.

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The application for site selection was filed by the Department of Environmental Protection and the Department of Citywide Administrative Services on March 22, 2007, in order to facilitate construction of a DEP wastewater treatment sludge loading facility and dock located at 1 Kingsland Avenue (Block 2508, part of Lot 1) in the Greenpoint section of Brooklyn, Community District 1.

### **RELATED ACTION**

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

C 070399 MLK: The landfill of approximately 2,513 square feet located at Whale Creek Canal and Newtown Creek.

### **BACKGROUND**

This is an application from the Department of Environmental Protection (DEP) and the Department of Citywide Administrative Services to select city-owned land located at 1 Kingsland Avenue (Block 2508, part of Lot 1) in Brooklyn for the site of a sludge loading facility for the Newtown Creek Water Pollution Control Plant (NCWPCP). The site to be selected is located on the southern side of Newtown Creek, between the Pulaski and Kosciusko Bridges, in the Greenpoint neighborhood of

Brooklyn, Community District 1. Construction of this facility will also require approval of the landfill of approximately 2,513 square feet within the site in order to construct the facility (C 070399 MLK).

The site to be selected totals 6.33 acres and includes a portion of Lot 1 on Block 2508 and all of the Whale Creek Canal. Lot 1 is partially under water and is currently occupied by an inactive New York City Department of Sanitation (DSNY) marine transfer station (MTS) located over water on the southern side of Newtown Creek, a DSNY warehouse, and a fire pump building, all totaling approximately 35,600 square feet. Whale Creek Canal is approximately 130 feet wide by 900 feet long and runs south from Newtown Creek to the NCWPCP, directly west of Block 2508, Lot 1. The site would contain all land underwater within Whale Creek Canal and Lot 1, and a strip of dry land along the eastern side of Whale Creek Canal and the southern side of Newtown Creek extending to include the ramp to the MTS and the fire pump building. The center of Lot 1, including the warehouse, is not part of the proposed action.

The site is located in an M3-1 zoning district, which permits industrial uses including the proposed use of the site. The site is also located within a Significant Maritime Industrial Area under the City's Waterfront Revitalization Program. Land uses adjacent to the site include the NCWPCP to the south and west, and a gravel and scrap recycling operation to the east. Other land uses in the area include trucking, warehousing, manufacturing, and fuel storage industries, transportation uses, and public utilities.

The proposed facility would be used to transfer sludge produced at the NCWPCP to sludge barges

for transportation to the Wards Island WPCP where it would be further processed prior to disposal. The proposed facility would replace an existing sludge loading facility approximately three-quarters of a mile west of the site in western Greenpoint, which includes a dock along the East River and a 65-foot tall sludge storage tank located on the corner of West and Dupont Streets. Sludge is currently transported to this tank and dock from the NCWPCP via underground force main. In 1996, the City committed to demolishing the East River sludge tank by 2010 as part of the NCWPCP upgrade (C 960404 PCK – January 8, 1997). In 2005, in conjunction with the Greenpoint-Williamsburg rezoning (N 050110 (A) ZRK – May 10, 2005), a commitment was made to use the sites of the East River sludge tank and loading dock for open space and affordable housing.

The new facility would consist of a new dock, two new sludge force mains, and new dolphins to control boat movement. The force mains would carry sludge underground from storage tanks at the NCWPCP across Kingsland Avenue to transfer piping connections at the new dock located along the eastern side of Whale Creek Canal. Barges would come into Whale Creek Canal from Newtown Creek and dock at the new dock to allow sludge transfer. Dredging of the area in Newtown Creek and Whale Creek Canal would be required to ensure sufficient depth for the sludge barges to pass in and out of the facility.

This Whale Creek Canal dock would serve as an interim facility. When DSNY no longer needs to use the MTS for storage purposes, DEP plans to demolish the MTS and move docking operations to the southern side of Newtown Creek, where the sludge vessels will have a greater degree of maneuverability.

Construction of the facility would require approval of landfilling operations within Whale Creek Canal and Newtown Creek under a related application (C 070399 MLK) to reinforce the current bulkhead along the docks and to install six dolphins. The bulkheads would be reinforced by placing new sheeting 18-inches outside the current bulkhead and filling the intervening space with concrete, creating approximately 987 square feet of new land. Approximately 1,526 square feet of land would be created by installing six, 17-foot 9-inch diameter concrete dolphins to control boat movement. Landfill and dredging operations will require wetland mitigation pursuant to State and Federal regulations.

#### **ENVIRONMENTAL REVIEW**

This application (C 070398 PSK), in conjunction with the related action (C 070399 MLK), 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 06DEP023K. The lead agency is the Department of Environmental Protection.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on March 19, 2007.

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

This application (C 070398 PSK), in conjunction with the related action (C 070399 MLK), was

certified as complete by the Department of City Planning on April 9, 2007, and was duly referred to Community Board 1 and the Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

### **Community Board Public Hearing**

Community Board 1 held a public hearing on this application (C 070398 PSK), in conjunction with the related application (C 070399 MLK) on May 8, 2007, and on June 12, 2007, by a vote of 40 to 0, with 1 abstention, adopted a resolution recommending approval of both the applications subject to the following conditions:

...the Committee felt that DEP should do more to mitigate the landfill component of the project locally. The committee voted to approve the applications, contingent upon DEP working with the Newtown Creek Monitoring Committee (NCCMC) to develop a [wetland] mitigation plan locally.

### **Borough President Recommendation**

This application (C 070398 PSK) in conjunction with the related application (C 070399 MLK) was considered by the Borough President of Brooklyn who issued a recommendation on July 16, 2007 approving the applications subject to the following conditions:

That DEP work with Community Board 1 and NCCMC to determine how the [wetland] mitigation for the project can be undertaken within Community District 1.

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

On July 11, 2007 (Calendar No. 2), the City Planning Commission scheduled July 25, 2007, for a public hearing on this application (C 070398 PSK). The hearing was duly held on July 25, 2007 (Calendar No. 28), in conjunction with the hearing on the related action (C 070399 MLK).

There was one speaker in favor of the application and none opposed. A representative of DEP

described the project and stated that it was expected to be completed by 2010. He also described DEP's efforts to respond to the Community Board's and the Borough President's conditions by locating an approximately 2,500-square-foot wetland mitigation project in Newtown Creek or Bushwick Inlet, within Community District 1.

There were no other speakers and the hearing was closed.

### **WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW**

This application (C 070398 PSK), in conjunction with the related application (C 070399 MLK), 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 07-027.

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

### **CONSIDERATION**

The Commission believes that this application for site selection of property located at Block 2508, part of lot 1 and lands underwater generally bounded by Whale Creek Canal, Newtown Creek, Kingsland Avenue and North Henry Street to the US Pier head and Bulkhead Lines, in conjunction with the related application (C 070399 MLK) for the landfill of approximately 2,513 square feet within Whale Creek Canal and Newtown Creek, are appropriate.

With the closing of the Greenpoint Marine Transfer Station, the proposed site is now available for the sludge loading facility. The proposed site is located across the street from the NCWPCP, thereby minimizing effort, expense, and infrastructure involved in transporting sludge from the NCWPCP to the facility. The site is zoned for industrial uses and is surrounded by the NCWPCP itself and by other heavy industry that is compatible with the operation of the facility.

The proposed facility would enable DEP to demolish the existing East River sludge loading dock and storage tank, which is located three quarters of a mile away near the East River. The existing facility is in an area recently rezoned for residential use, with which the facility's continued operation may conflict. Demolition of the East River facility and redevelopment of the site will fulfill commitments made by the City in 1996 and 2005 to demolish the facility and to dedicate the site to open space and housing.

The Commission also notes that at its public hearing DEP stated that the agency, has begun investigating the feasibility of a wetland mitigation project in Newtown Creek or in Bushwick Inlet, within Community District 1 in response to the Community Board's and Borough President's conditions.

## **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 070398 PSK) 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 of property located at Block 2508, part of lot 1 and lands underwater generally bounded by Whale Creek Canal, Newtown Creek, Kingsland Avenue and North Henry Street to the US Pierhead and Bulkhead Lines for use as a sludge loading facility, Borough of Brooklyn, Community district 1, is approved.

The above resolution (C 070398 PSK), duly adopted by the City Planning Commission on August 22, 2007 (Calendar No. 5), 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, ANGELA R. CAVALUZZI, R.A.,**  
**ALFRED C. CERULLO, III, RICHARD W. EADDY,**  
**LISA A. GOMEZ, NATHAN LEVENTHAL, JOHN MEROLO,**  
**KAREN A. PHILLIPS, DOLLY WILLIAMS, Commissioners**