



CITY PLANNING COMMISSION

June 22, 2005/Calendar No. 10

C 030136 MMX

IN THE MATTER OF an application, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code, by New York Bus Service Advertising Company, for an amendment to the City Map involving:

- the elimination, discontinuance and closing of portions of the New England Thruway within an area bounded by Conner Street, Tillotson and Hollers avenues and the Hutchinson River;
- the delineation of easements; and
- any acquisition or disposition of real property related thereto,

Community Districts 10 and 12, Borough of the Bronx, in accordance with map No.13091 dated January 2, 2003 and signed by the Borough President.

The application (C 030136 MMX) for an amendment to the City Map, was filed by the New York Bus Service Advertising Company on September 23, 2002, pursuant to Sections 197-c and 199 of the New York City Charter. It involves the elimination, discontinuance and closing of portions of the New England Thruway within an area bounded by Conner Street, Tillotson and Hollers avenues and the Hutchinson River; the delineation of easements; and any acquisition or disposition of real property related thereto.

BACKGROUND

The New England Thruway between Conner Street and the Hutchinson River is mapped to a width of 600 feet and has six central lanes, service roads and ramps. The parcels proposed to be eliminated were originally intended for a junction with the never-built Boston Road Expressway which would have connected the Thruway with the Sheridan Expressway. The Thruway Authority decided that they no longer needed the parcels within the right of way and the State subsequently sold this excess property to the applicant. These parcels, median strips or portions of median strips between the Thruway and its service roads were considered by the State to be excess land not needed by the Thruway Authority.

The subject property, located west of Co-op City, is an approximate 11 acre area which involves 4 parcels of land within Blocks 5256 (Lot 40), 5284 (Lot 1), 5285 (Lot 1) and 5278 (Lot 60). The four parcels, which are owned by the applicant, are within the New England Thruway right of way and are separated by the Thruway's central lanes and exit ramps. Three parcels are undeveloped, grassy medians surrounded by chain-link fencing and serve as buffer areas between the central lanes and service roads. The fourth parcel is used to park and service buses, as well as for employee parking.

The parcels are located between Conner Street and the Hutchinson River. The New York State Thruway Authority deed of conveyance restricts access to and from these parcels to and from the Thruway. The State also has a drainage easement over two of the parcels.

The applicant operates a private bus company. In an ongoing effort to expand it's facilities, the applicant is requesting the elimination, discontinuance and closing of these areas in order to remove the encumbrance of the street from its own property and to extinguish any public trust for street purposes. Some of the parcels are being used by the applicant for fuel storage and or parking for school buses or employees. The street layout will remain unchanged. It will reflect existing conditions.

The subject parcels are located in an M1-1 zone. Adjacent zoning districts are C4-1, M2-1 and R6. The surrounding area is developed with a mixture of industrial, commercial and residential uses. It is located west of Co-op City

An Interagency Conference was held on December 10, 2002 and no agency has raised any objections.

ENVIRONMENTAL REVIEW

This application (C 030136 MMX), 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 03DCP024X The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a negative declaration was issued on January 31, 2005.

UNIFORM LAND USE REVIEW

This application (C 030136 MMX), was certified as complete by the Department of City Planning on January 31, 2005, and was duly referred to Community Boards 10 and 12 and the Borough President of the Bronx, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 12 held a public hearing on this application (C 030136 MMX) on March 31, 2005 and on that day, by a vote of 26 to 0 with 3 abstentions, adopted a resolution recommending approval of the application.

Community Board 10 did not submit a recommendation on this application (C 030136 MMX) and was therefore noncomplying.

Borough President Recommendation

This application (C 030136 MMX), was considered by the Office of the President of the Borough of the Bronx, who on May 12, 2005 issued a recommendation approving the application.

City Planning Commission Public Hearing

On May 11, 2005 (Calendar No. 1), the City Planning Commission scheduled May 25, 2005 for a public hearing on this application (C 030136 MMX). The hearing was duly held on May 25, 2005 (Calendar No. 32).

There was one speaker in favor of the project and none in opposition. The speaker, a representative of the applicant, described the project.

There were no other speakers and the hearing was closed.

Waterfront Revitalization Program Consistency Review and Findings

This application (C 030136 MMX) 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 04-055.

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

CONSIDERATION

The City Planning Commission believes that this amendment to the City Map is appropriate.

The proposed map change will not alter the current configuration of the New England Thruway, Conner Street or the service road (Tillotson Avenue) or result in a loss of on-street parking spaces. In order to preclude direct access from the New England Thruway, the Conner Street bridge over the Thruway or the entrance and exit ramps of the Thruway, Map No. 13091 includes a “no access” strip. Sole access to Block 5284 by the users of the parking lot will be from Conner Street and for Block 5285 from Hollers Avenue. Current access for Block 5278 is from Tillotson Avenue.

The change in the city map will allow the applicant to adequately develop the site and provide parking for its employees. Some of these employees currently park at an existing New York Bus Service parking area directly to the east across from Conner Street. It is anticipated that the applicant will develop one of the sites (Block 5278) with an approximately 200-space employee accessory parking lot.

RESOLUTION

Therefore, the City Planning Commission, deeming the proposed amendment to the City Map and any related acquisition or disposition to be appropriate, adopts the following 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 that, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code, based on the environmental determination and the consideration described in this report, the application (C 030136 MMX), for an amendment to the City Map involving: the elimination, discontinuance and closing of portions of the New England Thruway within an area bounded by Conner Street, Tillotson and Hollers avenues and the Hutchinson River; the delineation of easements, the

adjustment of grades necessitated thereby and any acquisition or disposition of real property related thereto, Community Districts 10 and 12, Borough of the Bronx, in accordance with map No.13091 dated January 2, 2003 and signed by the Borough President, is approved; and be it further

RESOLVED that, pursuant to Section 5-432 of the New York City Administrative Code, the City Planning Commission determines that such closing or discontinuance will further the health, safety, pedestrian or vehicular circulation, housing, economic development or general welfare of the City; and be it further

RESOLVED that, pursuant to Section 5-433 of the New York City Administrative Code, the City Planning Commission adopts three (3) counterparts of Map No. 13091 dated January 2, 2003 providing for the discontinuance and closing of portions of the New England Thruway within an area bounded by Conner Street, Tillotson and Hollers avenues and the Hutchinson River, more particularly described as follows:

Discontinuing and closing a portion of the New England Thruway located on Tillotson Avenue, between former Pinkney Avenue and the U.S.Pierhead & Bulkhead Line, Borough of The Bronx, City of New York, Bronx Borough President's Office Plan No. 13091:

Commencing at a point on the southeasterly line of Tillotson Avenue at it's intersection with the easterly line of Conner Street; thence 932.43 feet in a northeasterly direction along said southerly line of Tillotson Avenue to the **point of beginning**:

1. Thence, running; 410.62 feet along a curve to the left, having a radius of 364.955 feet and a central angle of 64 degrees, 28 minutes and 00 seconds to a point;
2. Thence, in a southeasterly direction, along the U.S. Pierhead & Bulkhead Line, which forms an interior angle of 10 degrees, 37 minutes and 24.3 seconds with the tangent at said point to the curve of the previous course, 215.03 feet to a point of intersection with the southeasterly line of Tillotson Avenue as heretofore laid out on the City Map;
3. Thence, 273.46 feet, in a southwesterly direction, along said southeasterly line of Tillotson Avenue, which forms an interior angle of 104 degrees, 54 minutes and 35.6 seconds with the previous course, to the **point or place of beginning**.

Discontinuing and closing a portion of the New England Thruway between Conner Street and Tillotson Avenue, Borough of the Bronx, City of New York, Bronx Borough President's Office, Plan No. 13091:

Commencing at a point on the southerly line of Tillotson Avenue at its intersection with the easterly line of Conner Street; thence 120.36 feet, in a northeasterly direction, along said southerly line of Tillotson Avenue to a point; thence 80 feet in a northwesterly direction, on a line that makes a deflection angle to the left with the previous course of 90 degrees, to the **point or place of beginning**:

1. Thence, northwesterly 7.00 feet along the extension of the line of the previous course to a point;
2. Thence, southwesterly 118.00 feet along a line that forms an interior angle of 270 degrees 00 minutes and 00 seconds with the previous course, to a point of curvature;
3. Thence, northwesterly, 61.66 feet along a curve to the right having a radius of 83.00 feet and a central angle of 42 degrees, 33 minutes and 42.9 seconds to a point of intersection;
4. Thence, northwesterly, along a curve to the right, the angle formed by the tangent of said curve with the tangent of the previous curve at said point of intersection being 158 degrees 37 minutes and 54.1 seconds, 192.22 feet along said curve having a radius of 1020.00 feet and a central angle of 10 degrees, 47 minutes and 50.6 seconds, to a point;
5. Thence, northeasterly along a line which makes a deflection angle to the right with the tangent at said point of the curve of the previous course, of 104 degrees, 53 minutes and 26.7 seconds, 951.44 feet to a point;
6. Thence, 260.47 feet along a line that forms an interior angle of 176 degrees, 29 minutes and 48.2 seconds with the previous course, to a point;
7. Thence, southeasterly 14.08 feet, along a line which forms an interior angle of 93 degrees 30 minutes and 11.8 seconds with the previous course to a point;
8. Thence, northeasterly 100.00 feet along a line which forms an interior angle of 270 degrees 00 minutes and 00 seconds with the previous course, to a point on a curve;
9. Thence, southwesterly, along a curve to the right, the tangent to the said curve forming an exterior angle of 113 degrees, 42 minutes and 11.8 seconds at its point of intersection with the previous course, 327.26 feet, on said curve to the right having a radius of 284.95 feet and a central angle of 65 degrees, 48 minutes and 10 seconds to a point of tangency;

10. Thence 812.06 feet, in a southwesterly direction, to the **point or place of beginning**.

Discontinuing and closing a portion of the New England Thruway, between former Peartree Avenue and Conner Street, Borough of the Bronx, City of New York, Bronx Borough President's Office, Plan No 13091:

Commencing at a point on the northerly line of Hollers Avenue at it's intersection with the westerly line of Peartree Avenue as those streets are laid out on the City Map; thence 175.448 feet, in a westerly direction, along said northerly line of Hollers Avenue to a point; thence 60 feet in a southerly direction, on a line which forms a deflection angle of ninety degrees to the left with the previous course, to the **point or place of beginning**:

1. Thence, running 140.993 feet in a westerly direction, along the southerly line of Hollers Avenue, as laid out on the City Map, Bronx Borough President Plan No. 13091, to a point;
2. Thence, 197.374 feet, in a southerly direction, along a line forming an interior angle of 72 degrees, 45 minutes and 35.6 seconds with the previous course, to a point;
3. Thence, 52.694 feet, in a southeasterly direction, along a line which forms an interior angle of 152 degrees, 35 minutes and 29.7 seconds with the previous course, to a point;
4. Thence, 126.002 feet, in an easterly direction, along a line which forms an interior angle of 127 degrees, 18 minutes and 50 seconds with the previous course, to a point of curvature;
5. Thence, 96.616 feet in an easterly direction, along a curve to the right, with a radius of 4847.308 feet and a central angle of 1 degree, 8 minutes, and 31.2 seconds, to a point;
6. Thence, 121.581 feet, in a northerly direction, along a line which forms a deflection angle to the left with the tangent at said point to the curve of the previous course of 83 degrees, 48 minutes and 26.1 seconds, to a point;
7. Thence, 191.580 feet, in a northwesterly direction, along a line which forms an interior angle with the previous course of 113 degrees, 40 minutes and 53.6 seconds, to the **point or place of beginning**.

Discontinuing and closing a portion of the New England Thruway between Hollers Avenue, Peartree Avenue, and Tillotson Avenue, Borough of the Bronx, City of New York, Bronx Borough President's Office, Plan No. 13091:

Commencing at a point on the northerly line of Hollers Avenue at it's intersection with the westerly line of Peartree Avenue; thence 60 feet along the prolongation of the westerly line of Peartree Avenue; thence 30.369 feet, in a northeasterly direction along a line forming a deflection angle to the left of 90 degrees 00 minutes and 00 seconds with the previous line to the **point or place of beginning**:

1. Thence, northeasterly along the former southerly line of Hollers Avenue a distance of 489.631 feet to a point;
2. Thence, 448.573 feet along a line that makes an interior angle of 177 degrees, 26 minutes and 40.5 seconds with the previous course to a point on a curve;
3. Thence, easterly, along a curve, the tangent at said point forming an angle of 2 degrees, 33 minutes and 19.5 seconds with the previous course, 118.634 feet along a curve to the right having a radius of 186.299 feet and a central angle of 36 degrees, 29 minutes and 8.4 seconds to a point of concentric curvature;
4. Thence, 210.288 feet along a curve to the right having a radius of 215.030 feet and a central angle of 56 degrees, 01 minute and 56.7 seconds to a point;
5. Thence, southwesterly along a line which forms a deflection angle to the right with the tangent at said point to the curve of the previous course of 82 degrees, 51 minutes and 57.25 seconds, 148.496 feet to a point;
6. Thence, southwesterly 127.998 feet along a line which makes an interior angle of 170 degrees, 44 minutes and 39.3 seconds with the previous course to a point of curvature;
7. Thence, 675.866 feet along a curve to the right having a radius of 2199.086 feet and a central angle of 17 degrees, 36 minutes and 33.3 seconds to a point of tangency;
8. Thence southwesterly 221.643 feet to the **point or place of beginning**.

All such approvals being subject to the following conditions:

- a. that the subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of map 13091 are filed with the appropriate agencies in accordance with Section 198 Subsection c of the New York City Charter and Section 5-435 of the New York City Administrative Code, and

- b. The subject amendment to the City Map shall not be filed with the appropriate agencies in accordance with condition (a) above until the applicant shall have executed an agreement protecting the City's interest, approved as to form and sufficiency by the Corporation Counsel and accepted by the City Planning Commission provided that, if such agreement is not accepted by the City Planning Commission within two years of the date of this resolution, the approved amendment to the City Map may be returned to the City Planning Commission for rescission; and

- c. The subject street to be discontinued and closed shall be discontinued and closed on the day following the day on which such maps adopted by this resolution shall be filed in the offices specified by law.

The above resolution, duly adopted by the City Planning Commission on June 22, 2005 (Calendar No. 10), is filed with the Office of the Speaker, City Council and the Borough President of the Bronx, in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA BURDEN, AICP, Chair

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