CITY PLANNING COMMISSION

April 13, 2005 / Calendar No. 15 C 050175 PSK

IN THE MATTER OF an application submitted by the Department of Sanitation pursuant to section 197-c of the New York City Charter, for site selection of property located at 1824 Shore Parkway (Block 6943, part of lot 30), Community District 11, Borough of Brooklyn, for use as a Marine Transfer Station.

The application (C 050175 PSK) for site selection of property for the construction of a marine transfer station at 1824 Shore Parkway (Block 6943, part of lot 30), in the Borough of Brooklyn, Community District 11, was filed by the Department of Sanitation (DSNY) on November 9, 2004.

BACKGROUND

Each day, the City's 8.2 million residents, businesses, commuters and visitors generate very large and diverse quantities of solid waste material. This material must be collected and disposed of daily. Historically, the Department of Sanitation (DSNY) used a network of eight partly enclosed marine transfer stations (MTS) for the collection and shipment of municipal solid waste (MSW) on open hopper barges to Fresh Kills Landfill in Staten Island. Since delivery of waste to Fresh Kills ceased in 2001, the City has relied on interim export contracts for disposal. Under these interim export contracts, all DSNY-managed MSW is either unloaded at in-City private transfer stations and transferred primarily by truck to out-of-City disposal sites, or is direct-hauled in collection vehicles to out-of-City disposal facilities. This mode of disposal has increased reliance on trucks with their associated air and noise pollution and has increased the City's costs for waste management. Reducing the City's dependence on truck transport to disposal sites is a City priority.

Ninety three percent of all truck-transferred DSNY-managed waste is disposed in landfills. A combination of factors is causing the depletion of nearby landfill capacity and increase in disposal price. While nearby landfill disposal capacity is depleting, remote disposal capacity is not. However, remote capacity is not economically accessible by truck-based transfer.

Solid Waste Management Plan (SWMP)

The City is developing a new Solid Waste Management Plan for handling MSW pursuant to New York State's Solid Waste Management Act (New York Environmental Conservation Law [Section 27-0707]) and implementing regulations. DSNY has prepared a draft new SWMP which is now before the City Council. The new SWMP will define the City's goals and objectives for solid waste management over a 20-year period and will describe the major new programs that will supplement existing successful City programs to accomplish these goals.

A significant component of the new SWMP is the Long-Term Export Plan for DSNY-managed MSW. The Long Term Export Plan constitutes a comprehensive and balanced approach to the City's MSW long term export needs and includes the following elements:

The development of four new marine transfer stations (MTS) proposed to be located at sites of existing MTSs in Queens, Brooklyn, and Manhattan, with supporting 20-year service agreements for transport and disposal of containerized waste by barge or rail;

Contracts with up to five in-City private transfer stations for waste transfer, including transport and disposal by barge or rail of containerized waste and;

An intergovernmental agreement with the Port Authority of New York and New Jersey for the use of a waste-to-energy facility in Newark, New Jersey to receive and process truck deliveries of DSNY-managed MSW from a portion of Manhattan.

The proposed new marine transfer facilities were included in the City-wide Statement of Needs for FY 2004-05. Under the draft Long Term Export Plan, all boroughs would share the burden of waste transfer operations. Each borough would export its own waste as follows:

Manhattan

a) Proposed East 91st Street MTS for the 91st Street wasteshed.

b) Direct truck transfer to the Essex County Resource Recovery Facility in Newark N.J.

Queens

a) Proposed North Shore MTS.

b) One private transfer station (either truck to barge or truck to rail).

Brooklyn

a) Proposed Hamilton Avenue and Southwest Brooklyn MTSs.

b) Either one or two private truck-to-rail or truck-to-barge transfer stations.

Bronx

One or two private truck-to-rail or truck-to-barge transfer facilities.

Staten Island

waste will be containerized at DSNY's new transfer station presently under construction at Fresh Kills and exported by truck on an interim basis and by rail when rail connections are made.

DSNY also proposes to reserve the West 59th Street MTS in Manhattan for use as a commercial waste transfer station. The proposed MTS's will also provide capacity that could be available to containerize commercial waste for barge/rail export. In addition, DSNY will negotiate arrangements with private transfer facilities in the Bronx, Brooklyn and Queens that are part of the Long Term Export Plan to export privately collected commercial waste by barge or rail.

The proposed combination of facilities provides the City with redundancy in the DSNY managed waste system that accommodates future increases in waste generated in the City as a function of population growth. This redundancy will also prevent occasional conditions that may affect certain components of the system from seriously disrupting future waste export.

All proposed DSNY MTS facilities would be developed on existing DSNY MTS sites. After collecting MSW from their assigned routes, collection vehicles would travel through the nearest local truck route leading to the MTS for that borough and enter the MTS through a truck access ramp designed to accommodate more arriving trucks than the maximum number that might need to enter a queue for unloading at the facility. Trucks would enter the facility and unload from the highest of three levels onto a middle level processing area where MSW would be gathered and pushed by heavy equipment into waiting specially designed containers positioned at the lowest level. Containers would be tamped, sealed and loaded onto specially designed container barges. Each of the new facilities, including the Southwest Brooklyn facility

that is the subject of this application, would be similar in design and consist of a three level structure, 200 feet wide by 300 feet long and 98 feet high. Several features of the proposed MTS design represent substantial improvements over existing facilities.

New MTSs would containerize waste for barge transport using lidded, sealed, leak-proof containers. Barges would be towed by tugs between the MTS and in-City or out- of-City intermodal facilities where containers would be transloaded onto ocean-going barges or railcars. Alternatively, the barges would be towed directly to out-of-City disposal sites.

New MTSs would have a state-of-the-art ventilation and odor control system combined with rapid roll-up doors, which will be more effective in preventing the release of odors from the facility. Facilities are designed to maintain negative pressure within the building and exhaust all air through exhaust fans, even when the access/egress doors are open. The odor control system for the exhaust system will include a scrubber and neutralizing agent misting system capable of removing between 90 percent and 99 percent of odorous compounds.

Operational procedures will include requiring that all waste handling operations be conducted within the enclosed building; limiting the amount of time MSW is retained on site; requiring that doors in the receiving area be kept closed except during deliveries; and using covered or enclosed collection vehicles.

Site

The proposed Southwest Brooklyn MTS is located along Gravesend Bay east of the Shore Parkway at the foot of Bay 41st Street. The facility would be built on the portion of a site that contained an inactive incinerator, which was demolished. The facility would accept municipal

solid waste (MSW) from the southern portion of Brooklyn encompassing Community Districts 11, 12, 13, and 15. Additionally, the facility may accept limited amounts of commercial waste.

Although its use was discontinued in 2000, an MTS facility has existed at the project site since 1960. The existing inactive MTS would remain at the site; the future use, if any, for the facility has not been determined.

The project site is located in an M3-1 zoning district, which permits this use. Immediately to the south, the area is zoned M1-1 with C3 and R4 zoning further south. To the north is an M3-1 district and to the east and north are R6 and C8-1districts. Immediately north of the project site is an auto dealership and service center. Adjacent to the east of the project site is the remainder of Lot 30, which is owned by the City and contains several DSNY facilities, including two salt storage sheds, the Community District 11 garage, and the DSNY borough office. Immediately south of the project site is a strip of vacant land, the Marine Basin Marina, and the Excelsior Yacht Club and Marina.

The MTS site is accessible from truck routes including Cropsey Avenue, 86th Street, Bay Parkway, and 25th Avenue. The facility is designed to accommodate 36 collection vehicles per hour. A maximum of 7 trucks are anticipated to have to queue on the entrance ramp at any given time. The ramp will be able to accommodate up to 16 trucks at a time.

ENVIRONMENTAL REVIEW

This application (C 050175 PSK) is an element of New York City's proposed Solid Waste Management Plan (SWMP), which is required by New York State Environmental Conservation Law. The SWMP 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 New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 03DOS004Y. The Department of Sanitation (DSNY) is the lead agency.

It was determined that the proposed actions described in the SWMP may have a significant impact on the environment, and that an environmental impact statement would be required for the following reasons:

The actions, as proposed, may result in significant traffic impacts to traffic flow, air quality, solid waste and sanitation services, socioeconomic conditions, neighborhood character, open space and natural resources and significant adverse impacts from noise, odors and hazardous materials.

A positive declaration was issued on May 3, 2004 and distributed, published and filed and the applicant prepared a Draft Environmental Impact Statement ("DEIS"). Ten public meetings for the Draft Scope of Work for the DEIS were held on June 16th, 17th, 21st, 22nd, 23rd, 24th , 28th , 29th , 30th and July 1st, 2004 and the Final Scope of Work for the DEIS was issued on October 22, 2004.

The lead agency prepared a DEIS and a Notice of Completion for the DEIS was issued on October 22, 2004. Pursuant to the SEQRA regulations and CEQR procedures, eight public hearings were held on the DEIS on December 1st, 2nd, 6th, 8th, 13th, 14th, 15th, and 20th, 2004. Public comments on the DEIS were accepted from October 22, 2004 through January 24, 2005.

A Final Environmental Impact Statement ("FEIS") was completed and a Notice of Completion for the FEIS was issued on April 1, 2005. The Notice of Completion for the FEIS

identified the following potentially significant adverse impacts with respect to the subject MTS site and proposed the following mitigation measures to address these impacts:

Traffic

The Southwest Brooklyn Converted MTS would receive waste from four CDs in Brooklyn - BK 11 through BK 13 and BK 15. Additionally, the waste collected from Brooklyn self-help bulk (SHBLK) operations would be delivered to the Southwest Brooklyn Converted MTS. Potential traffic impacts may result from the increase in DSNY and other agency collection vehicle trips to and from the site during all peak hours. Employee trips to and from the site may also result in traffic impacts during the AM peak hour.

Three intersections may experience impacts great enough to be considered significant during one of the peak times analyzed. All such impacts would be mitigated with the measures proposed below.

Cropsey Avenue/Bay Parkway - During the AM peak hour, a potential impact was identified on the northbound left-turn lane group when the delay increased from 61.1 seconds to 67.1 seconds (Level of Service [LOS] E in both cases). An increase in green time of one second for the northbound-only approach would eliminate this unacceptable increase in delay. To avoid this timing change causing impacts to other lane groups, it would be necessary to increase the eastbound only approach by one second and decrease the eastbound and westbound approach green time by one second. In addition to signal timing changes, new movements would be added to two of the signal phases. During the eastbound-only phase, a southbound right-turn-only movement would be added from the right-turn-only lane of the southbound approach. Also during the eastbound-only phase, a semi-actuated left turn from the westbound left-turn-only approach would be added. During the northbound-only phase, a semi-actuated movement would be added from the southbound approach. The two semi-actuated movements would create a left-turn-only phase during which vehicles would simultaneously make left turns from two

directions when a queue forms in the semi-actuated lanes. When no queues are present in the semi-actuated left-turn-only lanes, the signals would allow traffic movements from one direction only (eastbound or northbound) during the phase. Compared to Future No-Build Conditions, eastbound approach delay times would remain approximately the same, westbound and northbound approach delay times would increase between two and four seconds, and southbound approach times would decrease by over 25 seconds.

Cropsey Avenue/26th Avenue - During the AM peak hour, a potential impact was identified on the eastbound left/through/right lane group when the delay increased from 49.1 seconds to 64.1 seconds. An increase in the green time of two seconds for the eastbound and westbound approaches would eliminate the delay increase. This mitigation measure decreases the northbound and southbound approach green time by two seconds. The northbound, southbound and eastbound approach delay times would increase by approximately one to two seconds and the westbound approach delay would decrease by less than three seconds compared to Future No-Build Conditions. This mitigation would not generate any adverse impacts on other lane groups during other time periods.

Shore Road (southbound)/Bay Parkway - During the AM peak hour[1], a potential impact was identified on the southbound left-turn lane group when the delay increased from 71.4 seconds to 76.1 seconds (LOS E in both cases). An increase in green time of one second for the southbound approach would eliminate this unacceptable increase in delay. This mitigation measure decreases the eastbound and westbound approach green time by one second. With this mitigation, the westbound and eastbound approach delay time would increase by one second and the southbound approach time would decrease three seconds compared to Future No-Build Conditions. This mitigation would not generate any adverse impacts on other lane groups during other time periods.

In addition to the three intersections that may experience impacts, the Shore Road (southbound) and site entrance/exit intersection (section of 25th Avenue) would also benefit from low-cost and easily implemented mitigation. Even though traffic operations at this intersection would not affect traffic significantly along Shore Road, some improvements near the intersection are worth considering, such as restricting parking along Shore Road within the vicinity of the

intersection to improve site distance at the site entrance/exit. There is an existing stop sign at the site exit. This mitigation would not generate any adverse impacts on other lane groups during any time periods.

Overall, the mitigation measures suggested would greatly enhance the intersection performance by reducing delays to LOSs similar to those under the Future No-Build Conditions.

Traffic Impacts With Alternate Route

Due to comments received at the CB 11 ULURP public meeting, an alternate route for vehicles exiting the facility was selected for analysis. For this Alternate route, DSNY and other agency collection vehicles traveling to the Southwest Brooklyn Converted MTS from the north or south would generally approach the area using either Cropsey Avenue or 86^{lh} Street. Vehicles approaching from the east would approach the area on Bay Parkway or 25th Avenue. All incoming traffic converges at the intersection of Cropsey Avenue and Bay Parkway and proceeds west along Bay Parkway to Shore Road (one-way southbound). Vehicles then access the Southwest Brooklyn MTS via 25^{lh} Avenue on the west side of Shore Parkway. Shore Road and 25th Avenue on the west side of Shore Parkway are not designated as truck routes. All DSNY collection vehicles exiting the facility must turn south onto Shore Road. At 26th Avenue, only the collection vehicles from CD 11 would turn east and then proceed to Cropsey Avenue. All collection vehicles from CDs 12, 13 and 15 would continue south on Shore Road past 26th Avenue to Bav 52nd Street. Shore Road merges into Bay 52nd Street and then intersects Cropsey Avenue. From Cropsey Avenue, collection vehicles from all CDs would proceed back to their respective CDs along the same truck routes that they used to access the area close to the Southwest Brooklyn Converted MTS.

Two of the intersections analyzed under this alternate route scenario may experience impacts great enough to be considered significant during one of the peak times analyzed. All such impacts would be mitigated with the measures proposed below.

Cropsey Avenue/Bay Parkway - During the AM peak hour, a potential impact was identified on the northbound left-turn lane group when the delay increased from 61.1 seconds to 67.1 seconds

(LOS E in both cases). An increase in green time of one second for the northbound-only approach would eliminate this unacceptable increase in delay. To avoid this timing change causing impacts to other lane groups, it would be necessary to increase the eastbound only approach by one second and decrease the eastbound and westbound approach green time by one second. In addition to signal timing changes, new movements would be added to two of the signal phases. During the eastbound-only phase, a southbound right-turn-only movement would be added from the right-turn-only lane of the southbound approach. Also during the eastbound-only phase, a semi-actuated left turn from the westbound left-turn-only approach would be added. During the northbound-only phase, a semi-actuated movement would be added from the southbound approach. The two semi-actuated movements would create a left-turn-only phase during which vehicles would simultaneously make left turns from two directions when a queue forms in the semi-actuated lanes. When no queues are present in the semi-actuated left-turn-only lanes, the signals would allow traffic movements from one direction only (eastbound or northbound) during the phase. Compared to Future No-Build Conditions. eastbound approach delay times would remain approximately the same, westbound and northbound approach delay times would increase between two and four seconds, and southbound approach times would decrease by over 25 seconds.

Shore Road (southbound)/Bay Parkway - During the AM peak hour, a potential impact was identified on the southbound left-turn lane group when the delay increased from 71.4 seconds to 76.1 seconds (LOS E in both cases). An increase in green time of one second for the southbound approach should eliminate this unacceptable increase in delay. This mitigation measure decreases the eastbound and westbound approach green time by one second. With this mitigation, the westbound and eastbound approach delay time would increase by one second and the southbound approach time would decrease three seconds compared to Future No-Build Conditions. This mitigation would not generate any adverse impacts on other lane groups during other time periods.

In addition to the two intersections that may experience impacts, the Shore Road (southbound) and site entrance/exit intersection (section of 25th Avenue) would benefit from low-cost and easily implemented mitigation. Even though traffic operations at this intersection should not affect

traffic significantly along Shore Road, some improvements near the intersection are recommended, such as restricting parking along Shore Road within the vicinity of the intersection to improve site distance at the site entrance/exit. There is an existing stop sign at the site exit. This improvement would not generate any adverse impacts on other lane groups during any time periods.

Overall, the mitigation measures suggested would greatly enhance the intersection performance by reducing delays to LOSs similar to those under the Future No-Build Conditions.

Noise

The noise analysis in the FEIS addressed on-site and off-site sources of noise emissions from Southwest Brooklyn Converted MTS-related solid waste management activities.

A detailed noise analysis was performed to calculate the Southwest Brooklyn Converted MTS-related predicted noise levels at identified noise-sensitive receptors, and the predicted noise levels with both facility noise and background noise combined. An increase was predicted to be greater than the CEQR significance threshold of 3 dBA at the nearest noise-sensitive receptor for the quietest nighttime hour from on-site operations (trucks queuing on the facility ramp). A restriction on the number of: (1) relayed DSNY collection vehicles delivering waste between 2:00 a.m. and 3:00 a.m., and (2) commercial waste hauling vehicles at certain hours between 8:00 p.m. and 8:00 a.m., will fully mitigate such predicted impacts. The resulting amount of available capacity that can be used to process commercial waste during the hours of 8:00 pm to 8:00 a.m. without causing any significant adverse noise impacts is 718 tons (or approximately 66 commercial waste hauling vehicles, assuming an average of 11 tons per truck) over this 12-hour period. In addition, the gantry crane for the facility will be required to meet certain noise specifications.

Other Impact Categories

No significant adverse impacts were identified with respect to the proposed Southwest Brooklyn Converted MTS for any of the other CEQR impact categories.

UNIFORM LAND USE REVIEW

This application (C 050175 PSK) was certified as complete by the Department of City Planning on November 15, 2004 and was duly referred to Community Board 11 and the Brooklyn Borough President in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 11 held a public hearing on this application (C 050175 PSK) on January 13, 2005 and on that date, by a vote of 33 in favor, 0 opposed and 0 abstaining adopted a resolution recommending approval subject to the following conditions:

> Conduct a new traffic study to be included in the EIS that outlines a realistic and worst case scenario of the impact of traffic on our streets.
>
> The Marine Basin Marina must be protected from any adverse effects that may occur from the operation of a Marine Transfer Station.
>
> Community Board 11 is opposed to the processing of commercial waste at the facility.
>
> The prospect of a vacuum dredger should be considered.
>
> A skimmer boat is utilized 24 hours per day at the facility.
>
> Trucks from Sanitation District 11 should be the only trucks permitted to use 26th Avenue to gain access to the facility.
>
> Shore Parkway to be cleaned weekly by the Department of Sanitation and closely monitored.
>
> The EIS should be enhanced to determine the cumulative effects of all the additional projects in the area.

Borough President Recommendation

This application (C 050175 PSK) was considered by the Borough President of Brooklyn , who issued a favorable recommendation on February 23, 2005 subject to the following conditions:

In regard to the Southwest Brooklyn Marine Transfer Station specifically, the City Council should:

Conduct a new traffic study to be included in the EIS that outlines worst case scenario of impact of traffic - The Borough President believes that the Department of Sanitation (DSNY) must work vigilantly to ensure that impacts from truck traffic are minimized on the area surrounding the Southwest Brooklyn MTS. The City Council should require DSNY to conduct a follow-up traffic study within two years after the opening of the MTS and should work with the community to contemplate mitigation strategies.

Protect Marine Basin Marina - The Council should guarantee to private adjacent landowners that dredging nor operations will adversely affect their use and enjoyment of their property.

Investigate use of vacuum dredger - The Council should require best-practices dredging to minimize impacts on surrounding waterways, water quality and neighboring shoreline properties.

Operate a skimmer boat at the facility - The Council should guarantee zero fugitive debris will be found floating in the waterways surrounding the facility. If designed as DSNY proposes with full indoor containerization, a skimmer boat may not be necessary; but if problems arise, DSNY should be prepared to ensure surrounding waters are kept clean.

Truck Routing - DSNY should work with DOT and the local community to define truck routes and mitigation strategies.

Shore Parkway to be cleaned daily by Department of Sanitation - DSNY should ensure all streets around the MTS are kept in impeccable condition.

In addition, regarding the Marine Transfer Stations in Brooklyn in general, the Borough President recommends that the City Council should:

Community Advisory Committees - Direct DSNY to create Community Advisory Committees for each Marine Transfer Station area and Community Board 1 and empower those panels to review initial planning for the design and operation of the MTSs, including the designation of truck routes.

Manhattan Waste Generally - Ensure that under the final approved plan no Manhattan or other borough residential or putrescible commercial waste be transferred through the Borough of Brooklyn.

Manhattan Commercial Waste - Require DSNY to guarantee that commercial carters will utilize the new Manhattan Marine Transfer Stations, by more specifically detailing the plan to use a pricing mechanism to encourage private carters to export waste from the

West 59th Street transfer station and other potential transfer stations in Manhattan, and to initiate a study and pilot program for franchising commercial waste.

Capacity Reduction at Private Waste Transfer Facilities - Enact legislation to ensure that the opening of these MTSs will not result in an overall net increase in residential and/or commercial waste handled by public or private facilities in the Borough of Brooklyn. To accomplish this, the City Council should mandate a minimum of a one-for-one ton reduction in the permitted tonnage of waste throughput at private commercial waste transfer station in Brooklyn.

Truck Traffic - Ensure that DSNY works with the communities and the Department of Transportation to recommend and review existing and potential truck routes, to ensure data from the Environmental Impact Statement is complete and accurate, reflecting recent land-use changes that might affect operations at the facilities.

Waste Reduction and Reuse - Require DSNY to continually reduce the amount of waste processed at the Hamilton Avenue, Southwest Brooklyn and Greenpoint Transfer stations to reduce the burden on the environment, by revising the 20-year plan to significantly improve waste prevention, composting and reuse initiatives. The Department can aid achievement of this objective by expanding the waste prevention budget, reinstating the community-waste prevention coordinators and improve composting.

MTS Operation - Require the Marine Transfer Stations to be able to handle export of sorted recyclables and compostables, to enable the City to utilize the new infrastructure while improving waste diversion rates.

City Planning Commission Public Hearing

On February 16, 2005 (Calendar No. 4), the City Planning Commission scheduled March 2, 2005 for a public hearing on this application (C 050175 PSK). The hearing was duly held on March 2, 2005, (Calendar No. 9). There were three speakers in favor of the subject application and eight opposed. The Commissioner of the Department of Sanitation spoke generally about the City's need and obligation to develop and implement a new Solid Waste Management Plan (SWMP). He described the City's responsibility pursuant to New York State Law to adopt a new Solid Waste Management Plan and how the closing of the Fresh Kills Landfill required the City to find alternatives to in-City disposal of Municipal Solid Waste. He stated that the Department of Sanitation conducted extensive studies to determine the most efficient, effective

and environmentally sensitive way to handle MSW and described the advantages of the proposed plan over alternative methods of disposal.

A representative of DSNY's Bureau of Long Term Export described the proposed site and operation of the Southwest Brooklyn MTS. He stated that DSNY was proposing to build a king pile wall and rock apron between the MTS and the Marine Basin Marina to protect the existing seawall from wave action created by barge traffic. He also stated that DSNY had referred the king pile and rock apron proposal to the owner of the marina and would follow up to assure that the marina was properly protected. Regarding the dredging method that DSNY planned to use to deepen the approach channel to the MTS, he noted that vacuum dredging is generally only used when there are toxic materials in the seabed being dredged, and that no toxic materials are present at this location. He stated that an environmental clamshell bucket, designed to prevent spillage of dredged material, would be used. A representative of State Senator Martin Dilan of the 17th District spoke in favor of the application. She emphasized that the Greenpoint area of Brooklyn is currently overburdened with marine transfer facilities. She further stated that Senator Dilan is in favor of opening all the proposed new MTS facilities because this would result in a more borough equitable distribution of marine transfer operations.

A representative for State Assemblyman William Colton of the 47th District spoke in opposition, stating that the DEIS prepared by DSNY was inadequate and that the facility would negatively impact nearby residential and community facility uses. Six other speakers opposing the application included representatives of Concerned Citizens of Bensonhurst, Wake Up and Smell the Garbage and Brooklyn Greens/Green Party. They spoke about the traffic, noise, air and water pollution that they said would result from the construction of the MTS at this location. A number of speakers emphasized that the area to the north of the Belt Parkway has a large

number of residential and community facility uses that would be negatively affected by the proposed MTS. They also stated that the DEIS was inadequate and did not fully consider all of the anticipated impacts. The owner of the Marine Basin Marina spoke and expressed concern about the impact that barge traffic might have on the marina's seawall. There were no other speakers and the hearing was closed.

Waterfront Revitalization Consistency Review

This application 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 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 WRP #04-113.

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 for site selection of property located at 1824 Shore Parkway (Block 6943, part of lot 30), Community District 11, Borough of Brooklyn for a DSNY marine transfer station is appropriate.

New York State's Solid Waste Management Act (New York Environmental Conservation Law [section 27-0707]) and implementing regulations require the City to develop a new Solid Waste Management Plan (SWMP). The City's proposed new SWMP is currently before the City Council. The Commission believes that the Southwest Brooklyn MTS, along

with three additional transfer stations in Brooklyn, Queens and Manhattan and a fifth facility currently under construction in Staten Island, which are part of the City's new SWMP will help put into place an effective, reliable, environmentally sensitive and equitable system for handling the very large quantity of putrescible solid waste generated in the City daily. The Long Term Export component of the SWMP constitutes a comprehensive and balanced approach to the City's MSW long term export needs.

The proposed Southwest Brooklyn MTS site was used as a transfer station until it was closed in 2000. It is located in an M3-1 zoning district in a heavily industrial area along Gravesend Bay and is adjacent to existing DSNY facilities as well as other industrial uses. It is accessible from designated truck routes, including Cropsey Avenue, 86th Street, Bay Parkway and and 26th Avenue. This and the other proposed facilities that are part of the SWMP are designed to address many of the adverse effects previously associated with solid waste transfer facilities, such as noise, water and air pollution resulting from transfer operations. The following design and operational features will be incorporated in the proposed facility to eliminate or reduce these impacts:

The new MTS would containerize waste for barge transport using lidded, sealed, leak-proof containers.

The new MTS would have a state-of-the-art ventilation and odor control system which will include a scrubber and neutralizing agent misting system capable of removing between 90 percent and 99 percent of odorous compounds.

Rapid roll-up doors will be more effective in preventing the release of odors from the processing building than was possible with the old MTS's.

The facility is designed to maintain negative pressure within the building and exhaust all air through the odor control system even when the access/egress doors are open.

Operational procedures will include: requiring that all waste handling operations be conducted within the enclosed building; limiting the amount of time MSW is retained on site; requiring that doors in the receiving area be kept closed except during deliveries and; using covered or enclosed collection vehicles.

In a communication dated March 25, 2005, DSNY responded to questions and issues raised during the public review. Included in this communication were a description and drawings of the king pile wall and rock apron proposed to be built to protect the Marine Basin Marina which show that these structures will adequately protect the marina from any detrimental effects of the MTS operation. DSNY indicated that engineering drawings and calculations have been provided to the marina's engineer with a request for comments and further discussion if necessary.

DSNY noted that based on extensive sampling, no hazardous sediments were found in the area proposed to be dredged. It provided a detailed description of the environmental bucket and procedures proposed to be used for dredging that it believes will adequately protect the water quality and aquatic life in the area of the proposed dredging. It further noted that the USACOE

and the New York State Department of Environmental Conservation (NYSDEC) regulate dredging activities in New York and DSNY will comply with the terms and conditions of the dredging permit as issued by the USACOE and NYSDEC. DSNY stated that it does not accept toxic materials at its transfer stations and will implement procedures to insure that such materials are not delivered for disposal through this facility.

The communication further stated that odor control is handled through a state of the art scrubber and misting agent system that is designed to remove up to 99 percent of the odors from air being exhausted from the facility. Spillage of MSW is not expected to take place outside of the facility because MSW is delivered and transferred in covered or enclosed trucks and transferred in sealed containers. DSNY however has assured the Commission that the department will monitor the area and will clean up any spillage that may occur either on land or in the Bay.

RESOLUTION

RESOLVED, that the City Planning Commission finds that having considered the Final Environmental Impact Statement (FEIS) for which a notice of completion was issued on April 1, 2005 with respect to the City's proposed Solid Waste Management Plan, which this application (C 050175 PSQ) is a part of, the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and regulations, 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 environmental impact statement will be minimized or avoided to the maximum extent by incorporating as conditions to this 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 617.11(d) 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 that pursuant to section 197-c of the New York City Charter, that based on the environmental determination and consideration described in this report, the application (C 050175 PSK) of the Department of Sanitation for the site selection of property located at, 1824 Shore Parkway (Block 6943, part of lot 30), Borough of Brooklyn, Community District 11, for use as a marine transfer station is approved.

The above resolution, duly adopted by the City Planning Commission on April 13, 2005 (Calendar No. 15), is filed with the Office of the Speaker, City Council and the Borough President of Brooklyn, in accordance with the requirements of section 197-d of the New York City Charter.

AMANDA M. BURDEN, AICP, Chair
KENNETH J. KNUCKLES, ESQ., Vice-Chairman
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