



CITY PLANNING COMMISSION

October 8, 2003/Calendar No. 27

C 030527 PQK

IN THE MATTER OF an application submitted by the Department of Small Business Services, pursuant to Section 197-c of the New York City Charter for the acquisition of property located at 4023 First Avenue and 80 39th Street (Block 706, Lots 24 and 101) for the realignment of a rail line, Borough of Brooklyn, Community District 7.

The application for the acquisition of a rail easement was filed by the Department of Small Business Services on behalf of the New York City Economic Development Corporation on June 10, 2003. The easement would be within the roadbed of First Avenue between 39th and 41st streets in the Sunset Park waterfront industrial area of Brooklyn's Community District 7. The easement would permit the realignment of a portion of the First Avenue Rail Line, a freight rail line that links the South Brooklyn Marine Terminal and the Brooklyn Army Terminal with the 65th Street Rail Yard.

BACKGROUND

The First Avenue Rail Line is a freight line that runs at grade in and alongside First Avenue between the South Brooklyn Marine Terminal north of 39th Street and the 65th Street Rail Yard. The New York City Economic Development Corporation is managing the rehabilitation of the First Avenue Rail Line, a project that includes replacing with straight, at-grade track an "S"-curve between 39th and 41st streets, where the rail is currently routed circuitously around a mapped and built privately-owned section of First Avenue. The current "S"-curve configuration conflicts with vehicular traffic exiting the Gowanus Expressway at 39th Street and Second Avenue and has caused numerous derailments. The proposed easement acquisition for a two-block section of First Avenue between 39th and 41st streets would facilitate the construction of

new track in that section of roadbed and the elimination of the hazardous “S”-curve. The existing rail on 41st Street and Second Avenue would be removed, and the roadbed, curbs and sidewalks of 41st Street, First Avenue and Second Avenue would be reconstructed as part of the rehabilitation project.

The easement would cross two privately-owned lots that comprise the mapped First Avenue: Block 706, Lots 24 and 101. The site of the proposed easement is one block east of New York harbor within a large industrial area zoned M3 and M2 for heavy and medium industrial uses. This industrial area extends along the waterfront of Sunset Park west of Second Avenue between the mouth of the Gowanus Canal and the 65th Street Rail Yard. First Avenue is an active street with a mix of truck and passenger vehicle traffic serving manufacturing and warehouse uses.

The planned improvements to the First Avenue Rail Line are designed to improve freight service to industrial businesses in Sunset Park and to link the South Brooklyn Marine Terminal north of 39th Street with the 65th Street Rail Yard. At the 65th Street Rail Yard there is a connection to the Port Newark/Elizabeth Marine Terminal in New Jersey via float bridges and to eastern Brooklyn, Long Island, Queens and the Bronx via the Bay Ridge Line of the Long Island Rail Road.

When the project is completed, the First Avenue Rail Line and easement would be the property of the Department of Small Business Services on behalf of the City of New York. The First Avenue Rail Line would be operated by a private operator through an operating agreement.

ENVIRONMENTAL REVIEW

This application (C 030527 PQQ) 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 03DME010K. The lead agency is Office of the Deputy Mayor for Economic Development and Rebuilding.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on June 10, 2003.

UNIFORM LAND USE REVIEW

This application (C 030527 PQQ) was certified as complete by the Department of City Planning on June 16, 2003, and was duly referred to Community Board 7 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 7 held a public hearing on this application on June 18, 2003, and on June 18, 2003, by a vote of 32 to 0 with 0 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 September 2, 2003.

City Planning Commission Public Hearing

On August 27, 2003 (Calendar No. 3), the City Planning Commission scheduled September 10, 2003, for a public hearing on this application (C 030527 POK). The hearing was duly held on September 10, 2003 (Calendar No. 11). There were two speakers in favor of the application and no speakers in opposition.

The speakers in favor included a representative of the New York City Economic Development Corporation who appeared to answer any questions from the Commission and a representative of the property owner who noted that his client is currently negotiating with the City on the terms of acquisition and wishes to preserve the ability to participate in the land use review process.

There were no other speakers and the hearing was closed.

Waterfront Revitalization Program 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), adopted by the Board of Estimate on September 30, 1982 (Calendar No. 17), 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 03-026.

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 the acquisition of an easement is appropriate.

The easement would permit the straightening of a circuitous section of track between 39th and 41st streets, preventing unnecessary derailments and eliminating rail conflicts with vehicular traffic at a major exit from the Gowanus Expressway at 39th Street and Second Avenue. It would allow rail traffic to proceed straight along First Avenue between the South Brooklyn Marine Terminal at 39th Street and the Brooklyn Army Terminal and 65th Street Rail Yard to the south rather than turning off of First Avenue onto 41st Street and Second Avenue.

This investment in industrial infrastructure in the Sunset Park waterfront industrial area would provide Sunset Park businesses with improved rail links and is an important step in establishing a safe and effective rail connection between the South Brooklyn Marine Terminal and freight rail lines in New Jersey, Brooklyn, Queens, the Bronx and Long Island and with marine freight facilities such as the Port Newark/Elizabeth Marine Terminal in New Jersey. These infrastructure improvements are consistent with and supportive of the City's land use policies for the area.

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 Section 197-c of the New York City Charter, that based on the environmental determination, and the consideration described in this report, the application of the Department of Small Business Services for the acquisition of property located at 4023 First Avenue and 80 39th Street (Block 706, Lots 24 and 101) for the realignment of a rail line, Borough of Brooklyn, Community District 7, is approved.

The above resolution (C 030527 PQQ), duly adopted by the City Planning Commission on October 8, 2003 (Calendar No. 27), 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
KENNETH J. KNUCKLES, ESQ., Vice-Chairman
ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,
RICHARD EADDY, JANE D. GOL, CHRISTOPHER KUI, JOHN MEROLO,
KAREN A. PHILLIPS, DOLLY WILLIAMS, Commissioners