

CITY PLANNING COMMISSION

November 15, 2004/Calendar No. 1

C 040215 ZMK

IN THE MATTER OF an application submitted by the Watchtower Bible and Tract Society of New York, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12d:

- 1) changing from an M1-2 District to an M1-2/R8 District property bounded by Front Street, Bridge Street, York Street, and Jay Street;
 - 2) changing from an M1-2 District to a M1-2/R6 District property bounded by York Street, Bridge Street, the northerly boundary of a park and its easterly prolongation, and the easterly boundary of a park and its northerly prolongation, and
 - 3) establishing a Special Mixed Use District (MX-2) bounded by Front Street, Bridge Street, the northerly boundary of a park and its easterly prolongation, the easterly boundary of a park and its northerly prolongation, York Street, and Jay Street; as shown on a diagram (for illustrative purposes only) dated June 7, 2004, Community District 2, Borough of Brooklyn, and subject to the conditions of CEQR Declaration E-134.
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The application for an amendment of the Zoning Map was filed by Watchtower Bible Tract Society of New York, on December 16, 2003, and revised on November 9, 2004, for a zoning map change from an M1-2 District to M1-2/R8 (MX-2) and an M1-2/R6 (MX-2) District at Jay Street, Front Street, York Street and Bridge Street in the DUMBO neighborhood of Community District 2, Brooklyn.

RELATED ACTIONS

In addition to the an amendment of the Zoning Map which is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following applications which are being considered concurrently with this application:

1. C 040216 ZSK Special Permit pursuant to Section 74-743(a)(2) to modify Streetwall height, outer court and outer court recess regulations in a General Large Scale Development Designation.
2. C 040217 ZSK Special Permit pursuant to Section 74-512 for a Public Parking Garage in excess of 150 spaces.

BACKGROUND

A full background discussion and description of this project appears in the report on the related application for the grant of a special permit (C 040216 ZSK).

ENVIRONMENTAL REVIEW

This application (C 040215 ZMK), in conjunction with the applications for the related actions (C 040216 ZSK) and (C 040217 ZSK), 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 04DCP018K. The lead agency is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on June 7, 2004.

To avoid the potential for hazardous materials impacts on the property located at 110 Bridge Street, which is not owned by the applicant, an (E) designation for hazardous materials will be mapped on Block 66, Lot 18 as a part of the proposed rezoning.

The (E) designation would ensure that sampling and remediation take place on the subject property, and would avoid any significant impacts related to hazardous materials at this location. The (E) designation would require that the fee owner of the site conduct a testing and sampling protocol, and remediation where appropriate, to the satisfaction of NYCDEP before the issuance of a building permit by the Department of Buildings pursuant to Section 11-15 of the Zoning Resolution (Environmental Requirements). The (E) designation also includes a mandatory construction-related health and safety plan which must be approved by NYC DEP.

The text for the (E) designation would be as follows:

Task 1- The applicant must submit to the NYCDEP Office of Environmental Planning and Assessment (OEPA) for review and approval a soil and ground water testing protocol including a

description of methods and a site map with all sampling locations clearly and precisely represented.

No sampling program should begin until written approval of a protocol is received from DEP. The number and locations of sample sites should be selected to adequately characterize the site, the specific source of suspected contamination and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of sampling data. Guidelines and criteria for choosing sampling sites and performing sampling will be provided by DEP upon request.

Task 2- A written report with findings and a summary of the data must be submitted to DEP after completion of the testing phase and laboratory analysis for review and approval. After receiving such test results, a determination will be made by DEP if the results indicate that remediation is necessary. If DEP determines that no remediation is necessary a written notice shall be given by DEP.

If remediation is indicated from the test results, a proposed remediation plan must be submitted to DEP for review and approval. The applicant must perform such remediation as determined necessary by DEP. The applicant should then provide proof that the work has been satisfactorily completed.

A DEP-approved construction-related health and safety plan would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. This plan would be submitted to NYCDEP for review and approval prior to implementation.

UNIFORM LAND USE REVIEW

This application (C 040215 ZMK), in conjunction with the applications for the related actions (C 040216 ZSK) and (C 040217 ZSK), was certified as complete by the Department of City Planning on June 7, 2004, and was duly referred to Community Board 2 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 2 held a public hearing on this application on June 30, 2004, and on July 14, 2004, by a vote of 18 to 15 with one abstention, adopted a resolution recommending approval of the application with conditions.

A summary of the recommendation of Community Board 2 appears in the report on the related application for the grant of a special permit (C 040216 ZSK).

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation disapproving the applications, with conditions, on September 15, 2004.

A summary of the recommendation of the Borough President appears in the report on the related application for the grant of a special permit (C 040216 ZSK).

City Planning Commission Public Hearing

On September 8, 2004 (Calendar No. 1), the City Planning Commission scheduled September 22, 2004, for a public hearing on this application (C 040215 ZMK). The hearing was duly held on September 22, 2004 (Calendar No. 2), in conjunction with the public hearings on the applications for the related actions (C 040216 ZSK) and (C 040217 ZSK).

There were a number of speakers, as described in the report on the related application for the grant of a special permit (C 040216 ZSK), and the hearing was closed.

Waterfront Revitalization Program Consistency Review

This application, in conjunction with the applications for the related actions, 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 04-038.

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

CONSIDERATION

The Commission believes that this amendment of the Zoning Map is appropriate.

A full consideration and analysis of the issues, and the reasons for approving this application, as revised, appear in the report on the related application for the grant of a special permit (C 040216 ZSK).

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 and 200 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 12d:

1. changing from an M1-2 District to an M1-2/R8 District property bounded by Front Street, Bridge Street, York Street, and Jay Street;
2. changing from an M1-2 District to a M1-2/R6 District property bounded by York Street, Bridge Street, the northerly boundary of a park and its easterly prolongation, and the easterly boundary of a park and its northerly prolongation, and
3. establishing a Special Mixed Use District (MX-2) bounded by Front Street, Bridge Street, the northerly boundary of a park and its easterly prolongation, the easterly boundary of a park and its northerly prolongation, York Street, and Jay Street, Borough of Brooklyn, Community District 2, as shown on a diagram (for illustrative purposes only) dated June

7, 2004 (C 040215 ZMK) and which includes the CEQR declaration E-134.

The above resolution (C 040215 ZMK), duly adopted by the City Planning Commission on November 15, 2004 (Calendar No. 1), 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 CAVALUZZI, R.A.,
ALFRED C. CERULLO, III, RICHARD W. EADDY, JANE D. GOL, CHRISTOPHER
KUI, JOHN MEROLO, Commissioners

KAREN A. PHILLIPS, DOLLY WILLIAMS
Commissioners, voting no