



## **CITY PLANNING COMMISSION**

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February 11, 2004/Calendar No.28

C 030312 PCR

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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 and acquisition of two properties bounded by Shotwell and Grantwood Avenues and Woodrow Road, (Block 5676, Lot 1) and Sharon Lane, Alysia Court, and Lemon Creek (Block 7014, Lot 30), Borough of Staten Island, Community District 3, for the storage and conveyance of storm water.

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The application for site selection and acquisition of two privately owned parcels totaling 8 acres was filed by the Department of Environmental Protection (DEP) and the Department of Citywide Administrative Services (DCAS) on February 7, 2003, for the conveyance and storage of stormwater.

### **BACKGROUND**

In 1961 the City of New York commissioned an Official Map and Drainage Plan for Staten Island that has never been fully implemented. The 1961 Official Map contains a conventional grid system engineered to provide gravity drainage to collector sewers. The Plan indicates that sewers would be located in streets mapped in the beds of streams which constitute the low points in the drainage basins. After 41 years, the Plan is obsolete.

Most of South Richmond, as well as parts of Mid-Staten Island, continues to lack sanitary and/or storm sewers. As a solution for the need for infrastructure in this part of Staten Island,

the Department of City Planning's (DCP) 1989 report entitled South Richmond's Open Space Network, An Agenda for Action: Stormwater and Open Space Management recommends that wetlands be used for stormwater management and open space.

The key stream corridors and wetlands found in South Richmond and other areas of Staten Island to be used for stormwater management are collectively called "the Bluebelt." DEP began to implement the recommendations of the 1989 report in 1993. In response the City has proceeded to acquire property containing wetlands and streams while also developing management plans for selected drainage basins. The proposed action, site selection and acquisition of property in the Arden Heights and Woodrow neighborhoods, is part of this process and is within the Arden Heights Woods and Lemon Creek watersheds/systems.

The two parcels proposed for acquisition are manmade stormwater detention basins. The basin in Woodrow was constructed in 1977 by the developers of Wooddale Village in the Lemon Creek Designated Open Space/watershed. The basin detains stormwater from the Wooddale Village development before it discharges into Sandy Brook, a tributary of Lemon Creek. The basin in Arden Heights was constructed in 1975 by Dorval Homes on Grantwood and Shotwell Avenues to serve the development it built in the surrounding blocks. It lies in the upper reaches of the Arden Heights watershed. Acquisition of both parcels will allow DEP to

better maintain and expand the actual basins themselves and regulate stormwater more efficiently throughout the entirety of both watersheds, thereby serving a greater constituency.

#### **ENVIRONMENTAL REVIEW**

This application (C 030312 PCR) 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 affected property is in two different watersheds. Since each watershed was subject to separate environmental reviews, there were two different review processes. The designated CEQR numbers are 97DEP026 and 01DEP004R. The lead agency for both reviews is the Department of Environmental Protection.

After a study of the potential environmental impacts in each watershed area, it was determined that both actions may have significant effects on the environment and that an environmental impact statement would be required for each watershed because critical natural resources on Staten Island would be affected.

A Positive Declaration (97DEP026R) was issued on September 17, 1997, affecting Block 7014, Lot 30. The Positive Declaration was distributed, published and filed, and the applicant was asked to

prepare or have prepared a Draft Environmental Impact Statement (DEIS).

The lead agency prepared a DEIS and issued a Notice of Completion on June 3, 1998. Pursuant to the SEQRA regulations and the CEQR procedures, a public hearing was held on the DEIS on July 9, 1998. The Final Environmental Impact Statement (FEIS) was completed, and a Notice of Completion of the FEIS was issued on September 30, 1998. The Notice of Completion for the FEIS identified the following impacts and proposed the following mitigation measures:

The proposed action has the potential to cause adverse natural resource impacts at the location of BMPs, sanitary and storm sewers, as well as cultural resource impacts and sedimentation impacts resulting from the project's construction activities. Natural resource mitigation includes acquisition of private parcels.

For sites that have the potential for medium or high archeological sensitivity, a phase IB study would be performed prior to the start of construction and in consultation with LPC or the New State Preservation Officer. To protect and minimize disturbance to designated historic resources found to be eligible, DEP would develop a vibration protection plan in consultation with LPC.

In order to mitigate the potential for significant sedimentation in the Lemon Creek/Sandy Brook watershed during construction, a detailed erosion and sedimentation control plan would be specified for each of the construction contracts that would cover all activities - both in the uplands and in the wetlands; special wetlands protection techniques would be employed in some cases.

A Positive Declaration (01DEP004R) was issued on March 22, 2001, affecting Block 5676, Lot 30. The Positive Declaration was distributed, published and filed, and the applicant was asked to

prepare or have prepared a Draft Environmental Impact Statement (DEIS).

The lead agency prepared a DEIS and issued a Notice of Completion on October 9, 2002. Pursuant to the SEQRA regulations and the CEQR procedures, a public hearing was held on the DEIS on October 29, 2002. The Final Environmental Impact Statement (FEIS) was completed, and a Notice of Completion of the FEIS was issued on July 14, 2003. The Notice of Completion for the FEIS identified the following impacts and proposed the following mitigation measures:

The proposed action has the potential to cause adverse natural resource impacts at the location of BMPs, sanitary and storm sewers, as well as cultural resource impacts and sedimentation impacts resulting from the project's construction activities.

Temporary loss of access to parkland during construction was also noted. Mitigation plans for natural resources, particularly protected and special concern plant and wildlife species would be required.

For sites that have the potential for medium or high archeological sensitivity, a phase IB study would be performed prior to the start of construction and in consultation with LPC or the New State Preservation Officer. To protect and minimize disturbance to designated historic resources found to be eligible, DEP would develop a vibration protection plan in consultation with LPC.

In order to mitigate the potential for significant sedimentation in the Arden Heights Woods watershed during construction, a detailed erosion and sedimentation control plan would be specified for each of the construction contracts that would cover all activities - both in the uplands and in the wetlands; special wetlands protection techniques would be employed in some cases.

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

This application (C 030312 PCR) was certified as complete by the Department of City Planning on October 20, 2003, and was duly referred to Community Board 3 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

#### **Community Board Public Hearing**

Community Board 3 held a public hearing on this application on November 19, 2003, and on November 25, 2003, by a vote of 28 in favor and 0 opposed with 1 abstention, 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 December 8, 2003.

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

On December 17, 2003 (Calendar No. 13), the City Planning Commission scheduled January 7, 2004, for a public hearing on this application (C 030312 PCR). The hearing was duly held on January 7, 2004 (Calendar No.20 ). There were two speakers in favor and none in opposition.

Two representatives of DEP gave a brief description of the project.

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 WRP98-106.

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 and acquisition of privately-owned property in Arden Heights and Woodrow is appropriate.

DCP's 1989 report entitled An Agenda for Action: Stormwater and Open Space Management identified the need for an alternative approach to traditional stormwater management methods. In 1993, DEP began the preparation of comprehensive sanitary and stormwater plans. They include subplans for the Arden Heights Woods and Lemon Creek watersheds. The objective of these stormwater management

plans is to collect and convey runoff in the watersheds from storms up to the 5-year design storm without adversely affecting the hydrology and water quality of the creeks associated wetlands. The construction of storm sewers will collect street runoff and direct it to the Best Management Practices (BMP) sites and detention basins prior to discharge into creeks. This protects and preserves natural open space corridors while providing a cost effective management system.

DEP, the agency charged with implementing the stormwater management program, has received approval from the Office of Management and Budget (OMB) to proceed with the redesign of the Official Drainage Plan for one of the last unsewered sections of New York City, the eastern and southern parts of Staten Island.

In the Bluebelt applications approved to date by the City Planning Commission, the first of a three phase plan of action has proceeded - preserving the major watersheds. Preserving these watersheds requires immediate action due to development pressures while overall master planning for the Bluebelt proceeds. This application continues acquisition in the Arden Heights Woods and Lemon Creek watersheds.

In the next two phases, a comprehensive stormwater management/drainage plan will be redesigned (it has already been completed for several individual drainage basins). Long term management and



maintenance methods for the consolidated properties will be devised as part of the drainage plan revisions and carried out in the third phase.

The Commission believes that the use of these proposed acquisition sites for stormwater management is consistent with the goals of DCP's 1989 report on the South Richmond Open Space Network, An Agenda for Action: Stormwater and Open Space Management.

#### **RESOLUTION**

**RESOLVED,** that having considered the Final Environmental Impact Statement, for which Notices of Completion was issued on September 30, 1998 and July 14, 2003, with respect to this application (CEQR Nos. 01DEP004R/97DEP026), the City Planning Commission finds that the requirements of Part 617, State Environmental Quality Review, 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 FEIS will be minimized or avoided to the maximum extent practicable by

incorporating as conditions to the 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 617.9(c)(3) 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,** 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 application submitted by the Department of Environmental Protection and the Department of Citywide Administrative Services, for site selection and acquisition of two properties bounded by Shotwell and Grantwood Avenues and Woodrow Road, (Block 5676, Lot 1) and Sharon Lane, Alysia Court, and Lemon Creek (Block 7014, Lot 30), Borough of Staten Island, Community District 3, for the storage and conveyance of storm water is approved.

The above resolution (C 030312 PCR), duly adopted by the City Planning Commission on February 11, 2004 (Calendar No.28 ), 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 BURDEN, AICP, Chair  
KENNETH J.KNUCKLES, ESQ., Vice-Chairman  
ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E.,  
ANGELA R. CAVALUZZI, R.A. RICHARD W. EADDY, ALEXANDER GARVIN,  
JANE D. GOL, CHRISTOPHER KUI, JOHN MEROLO, KAREN A. PHILLIPS,  
Commissioners