



CITY PLANNING COMMISSION

December 8, 2004/Calendar No. 12

C 050006 ZSK

IN THE MATTER OF an application submitted by the Department of Parks and Recreation pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit, pursuant to Section 62-732 of the Zoning Resolution to allow a dock for water taxis on a zoning lot located at the East River, west of Kent Avenue between South 8th Street and South 11th Street (Block 2134, Lot 126), in an R7-3 District, Community District 1, Borough of Brooklyn.

The application for a special permit to allow the construction of a water taxi docking facility in an R7-3 District was filed by the Department of Parks and Recreation, on July 6, 2004. The docking facility would be located at the East River adjacent to the Schaefer waterfront esplanade, west of Kent Avenue between South 9th Street and South 11th Street, in the Williamsburg section of Brooklyn, Community District 1.

RELATED ACTION

In addition to the special permit, which is the subject of this report, implementation of the proposed development also requires action by the Chairperson on the following application which is being considered concurrently with this application:

N 050007 ZCK: Chairperson's certification pursuant to Section 62-711.

BACKGROUND

The Department of Parks and Recreation requests a City Planning Commission special permit pursuant to Section 62-732 to allow the construction of a water taxi docking facility in an R7-3 residential

district (Block 2134, Lot 126). The docking facility site is located adjacent to the East River waterfront esplanade of the Schaefer Landing development at 460 Kent Avenue, currently under construction, in the Williamsburg section of Brooklyn. The Williamsburg Bridge and Broadway, a main thoroughfare and commercial street in this neighborhood are two blocks north of the water taxi site. The Brooklyn-Queens Expressway is approximately one half of a mile to the east, while the Brooklyn Navy Yard is south of the site and.

In 2001 the site of the former Schaefer Brewery was rezoned to an R7-3 district with C2-4 overlay along Kent Avenue to facilitate the development of a 350 unit residential project with 162 on-site parking spaces. The Kent Avenue frontage of the site will contain 12,400 square feet of commercial space. The Schaefer development will provide a 50 foot wide visual corridor along with a 30 foot upland connection and a 53 foot wide shore public walkway at the water's edge. The upland connection and the shore public walkway is being constructed by the city and will remain in the city ownership, while the upland property was disposed by the city to the developer for the construction of the residential buildings.

The water taxi docking facility would be built in the water (Block 2134, Lot 126) off the Schaefer Landing development's public waterfront esplanade, which complies with the public access and visual corridor requirements of waterfront zoning. The 600 square-foot (30 feet x 20 feet) floating dock would be moored to four steel piles driven into the East River bed and would be connected to the esplanade bulkhead by a 36 foot long gangway which would be accessible through a secured gate in the fence of the esplanade. Access to the floating dock through the gangway would only be available

when a water taxi boat docked at the floating platform and the boat crew unlocked the gate at the end of the gangway to let passengers off and on. At all other times the gate would be locked and secured. The proposed water taxi docking facility at the esplanade, along with the waterfront esplanade and the upland connection, would be constructed by the Economic Development Corporation (EDC), and maintained by the developer of the adjacent Schaefer Landing residential project pursuant to an Maintenance & Operations agreement with the Department of Parks and Recreations (DPR). There would be no ticket booth or any other structure on the waterfront esplanade. The riders boarding the water taxi would buy their tickets in advance or would purchase them on board. The passenger capacity of water taxi would be less than 100 passengers. The landing would be ADA accessible and staff would be available on each boat to assist in securing wheelchairs and to assist disabled individuals.

ENVIRONMENTAL REVIEW

This application (C 050006 ZSK), in conjunction with the application for the related action (N 050007 ZCK), 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 05DPR001K. The lead agency is the Department of Parks and Recreation.

After a study of the potential environmental impact of the proposed action, a negative Declaration was issued on July 12, 2004.

UNIFORM LAND USE REVIEW

This application (C 050006 ZSK) was certified as complete by the Department of City Planning on July 12, 2004, and was duly referred to Community Board 1 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

COMMUNITY BOARD PUBLIC HEARING

Community Board 1 held a public hearing on this application on August 10, 2004, and on September 13, 2004, by a vote of 20 to 8 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 16, 2004.

CITY PLANNING COMMISSION PUBLIC HEARING

On October 6, 2004 (Calendar No. 3), the City Planning Commission scheduled October 20, 2004, for a public hearing on this application (C 050006 ZSK). The hearing was duly held on October 20, 2004, (Calendar No. 10). There were two speakers in favor of the application and one opposed.

The speakers in favor were representatives of the Department of Parks and Recreation (DPR), who described the proposal. The DPR representatives pointed out that several water taxi docking facilities are operated from DPR sites and these facilities do not draw large numbers of passengers. They said it

was their belief that the proposal was not inconsistent with the public waterfront esplanade and upland connection.

The speaker in opposition of the application was a representative of the United Jewish Organization (UJO) of the Williamsburg. The speaker stated that UJO, as sponsor of the Schaefer Landing development, was concerned that the docking facility on the waterfront esplanade would take away open space from children and cause traffic congestion on Kent Avenue.

Waterfront Revitalization Program Consistency Review

This application (C 050006 ZSK), in conjunction with those for the related action (N 050007 ZCK), 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 number is WRP04-067.

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

CONSIDERATION

The Commission believes that the approval of the special permit is appropriate. The special permit would allow a dock for a water taxi adjacent to the Schaefer waterfront public esplanade.

The docking facility consisting of a 600 foot dock moored in the East River and connected to the Schaefer waterfront public esplanade by a 36-foot long gangway would be built by the Economic Development Corporation and maintained by the developer of the adjacent Schaefer residential development pursuant to a Maintenance and Operations agreement.

The Commission believes that the proposed water taxi landing would be consistent with the objectives of the Williamsburg Waterfront 197-a Plan, adopted by the City Planning Commission in December 2001. The 197-a plan promoted the use of waterborne transportation between Brooklyn waterfront and other boroughs. As a public transportation alternative it would offer quick and convenient access to Manhattan and other destinations in New York City and New Jersey. The successful operation of a water taxi service at the proposed docking facility may reduce traffic in the area by enabling people to use the water taxi instead of driving. The proposed water taxi landing would not have any ticket booths or structures of any kind that would reduce or adversely impact the quality of the open space at the Schaefer waterfront esplanade. Furthermore the small number of passengers using the water taxi docking facility would not impact the open space at the Schaefer esplanade.

The Commission believes that the proposed water taxi landing facility would not create pedestrian or vehicular traffic congestion affecting the surrounding residential streets. Data from other significantly busy water taxi locations indicate that there may not be more than 10 to 15 passengers that would embark or disembark during peak travel hours. The proposed water taxi will primarily serve residents and visitors to the adjacent Schaefer residential project and other residential developments in the immediate neighborhood. The majority of the riders would arrive and depart by foot and would not

generate significant volumes of vehicular or pedestrian traffic in the area. The number of passengers dropped off by car at the Kent Avenue curb would be less than five, and there is adequate space within the right-of-way to accommodate an occasional car stopping to discharge a passenger.

The proposed docking facility would be adjacent to the Schaefer Landing waterfront esplanade which provides adequate landscaping and complies with the public access and visual corridor requirements of the waterfront zoning.

The Commission further notes that no parking or drop off area is required pursuant to 62-53 and 62-562. The proposed water taxi dock would be a small structure which would sit unobtrusively below the esplanade level and would become an integral part of the waterfront public access area and would not impair the character of the surrounding residential area.

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 62-732 of the Zoning Resolution:

- a) Such facility will not create serious pedestrian or vehicular traffic congestion that would adversely affect surrounding residential streets;
- b) Such use is so located as to draw a minimum of vehicular traffic to and through local streets in the adjoining residential area;
- c) There is appropriate landscaping along lot lines to enable such use to blend harmoniously with

the adjoining residential area;

- d) Accessory off-street parking spaces are provided in accordance with Section 62-53 (Parking Requirements for Commercial Docking Facilities) and the entrances and exits for such accessory parking facilities are so located as to not adversely affect residential properties fronting on the same street, and
- e) Such use will not impair the character or the future use or development of the surrounding residential 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 Sections 197-c and 200 of the New York City Charter, that based on the environmental determination, and the consideration and findings described in this report, the application of the Department of Parks and Recreation for the grant of a special permit to allow a dock for water taxis on a zoning lot located at the East River, west of Kent Avenue between South 8th Street and South 11th Street (Block 2134, Lot 126), in an R7-3 District, Borough of Brooklyn, Community District 1, is approved, pursuant to Section 62-732 of the Zoning

Resolution, subject to the following terms and conditions:

6. The property that is subject of this application (C 050006 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Edward M. Weinstein Architects, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last date Revised</u>
Z1	Location Plan Site Plan & Zoning Analysis	06-03-04

7. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verifications and approval by the New York City Department of Buildings.
8. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
9. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
10. No excavation or building permit shall be applied for or granted for the subject special permit

until the Maintenance and Operation Agreement associated with this water taxi facility is executed by both the property owner and the NYC Department of Parks and Recreation.

11. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms, or conditions of this resolution and the attached restrictive declaration whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted or of the attached restrictive declaration.

12. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

The resolution (C 050006 ZSK), duly adopted by the City Planning Commission on December 8, 2004, (Calendar No. 12), is filed with the Office of the Speaker, City Council and the Borough

President, together with a copy of the plans of the development, 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 R. CAVALUZZI, R.A., ALFRED C. CERULLO, III, JANE D. GOL,

CHRISTOPHER KUI, JOHN MEROLO, KAREN A. PHILLIPS, DOLLY WILLIAMS,

RICHARD W. EADDY, Commissioner, Recused