



CITY PLANNING COMMISSION

July 28, 2010, Calendar No. 12

C 080109 MMX

IN THE MATTER OF an application, submitted by the Department of Parks & Recreation, pursuant to Sections 197-c and 199 of the New York City Charter, and Section 5-430 *et seq.* of the New York City Administrative Code, for an amendment to the City Map involving:

- the elimination, discontinuance and closing of a portion of Shakespeare Avenue between West 172nd Street and the Cross Bronx Expressway;
- the establishment of a turn-around at the terminus of Shakespeare Avenue north of West 172nd Street;
- the establishment of a park addition, within the area bounded by Jesup Avenue, West 172nd Street, Nelson Avenue and the Cross Bronx Expressway;
- the delineation of a sewer corridor; and
- any adjustment of grades necessitated thereby,

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. 13119 dated December 30, 2009 and signed by the Borough President, Borough of The Bronx, Community District 4.

The application (C 080109 MMX) for an amendment to the City Map was filed by the Department of Parks and Recreation (DPR) on October 4, 2007 in order to consolidate existing park facilities and property into one contiguous 2.3-acre park. The application was revised on May 26, 2010 to remove State-owned property from the area to be mapped as park.

BACKGROUND

The proposed change to the City Map involves the establishment of a park addition within the area generally bounded by Jesup Avenue, West 172nd Street, Nelson Avenue and the Cross Bronx Expressway (Block 2873, Lots 126, 130, 133 and Block 2872, Lot 126) in the Highbridge neighborhood of The Bronx, Community District 4, and the elimination, discontinuance and closing of a portion of Shakespeare Avenue, between West 172nd Street and the and Cross Bronx Expressway (CBE), to be incorporated into the new park. Additionally, the application would delineate on the City Map (for informational purposes only) a permanent sewer corridor in the bed of the portion of

Shakespeare Avenue to be eliminated. The proposed 2.3 acre park would enlarge an existing 5-foot-wide strip of mapped parkland (Block 2873, Lots 126 and 185) that is currently less than half-an-acre in size.

The proposed park lies within an R7-1 zoning district, and is surrounded by high-density residential uses. The Bronx Public Elementary School No. 199 is located to the south of the proposed park, and the CBE is located to the north. DPR's West Bronx Recreation Center is located just south of the CBE, fronting on Jesup Avenue. Across Jesup Avenue from the recreation center is recently constructed public housing.

Shakespeare Avenue is City-owned, and generally mapped at a width of 60-feet and runs north of West 172nd Street to the CBE, where it turns east to Jesup Avenue. It is built and open to two-way traffic to a point approximately 144-feet north of West 172nd Street, where it dead ends. The remainder of the mapped street, north of the dead end and south of the CBE, was closed to traffic in the 1950's when the CBE was built.

The proposed new park would include the demapped portion of Shakespeare Avenue, north of the existing dead end, as well as existing city-owned open area (Block 2873, Lots 126, 130, 133) and the West Bronx Recreation Center (Block 2872, Lot 126). The recreation center includes a combination baseball/soccer field that was constructed in 2008, partially within the mapped but undeveloped portion Shakespeare Avenue.

The West Bronx Recreation Center consists of a recreation building, vacant wooded lots, and the outdoor field. The 2,875 square-foot recreation building opened in the mid-1990s and contains a dance studio, computer room, meeting rooms, and a state-of-the-art gymnasium with three regulation-sized basketball courts and two volleyball courts. The DPR-owned building is operated by the Highbridge Community Life Center which provides educational and recreation programs for youth, seniors, families and community members. The outdoor field was completed in the summer of 2008 and have been open and in use by the community since that time.

The proposed mapping action also includes a widening of Shakespeare Avenue at its terminus to create a vehicle turn-around, complying with New York City Department of Transportation (DOT) and New York City Fire Department (FDNY) requirements. The vehicle turn-around is located on a portion of the West Bronx Recreation Center site (Block 2872, Lot 126) that is not within the proposed park.

A portion of the existing baseball diamond's left field (about .24 acres) is developed within the CBE right-of-way, which is under the ownership of the New York State Department of Transportation (NYSDOT). Initially proposed to be mapped as parkland under the subject application, this portion of the field was removed from the application on May 26, 2010 in response to a letter from NYSDOT dated April 2010, expressing concern about the proposed mapping of property it might need to provide access to the CBE. Although not allowing it to be mapped as park, NYSDOT has agreed to allow DPR to continue to use and maintain its property as part of the ballfield until such a time as the State would require the property to construct improvements to the CBE. No such construction is currently planned, but if it should occur, DPR would either reconfigure the ballfields, or replace them with an alternative park use.

An interagency conference was held on November 9, 2007. No city agency had any objections to the proposal.

ENVIRONMENTAL REVIEW

This application (C 080109 MMX) 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 08DPR002X. 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 September 11, 2007, and revised on April 9, 2009.

UNIFORM LAND USE REVIEW

This application (C 080109 MMX), was certified as complete by the Department of City Planning on March 8, 2010, and was duly referred to Community Board 4 and the Borough President of The Bronx in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Community Board 4 held a public hearing on this application (C 080109 MMX) on April 27, 2010, and on that day, by a vote of 21 to 0 with 0 abstentions, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application (C 080109 MMX) was considered by the Borough President of The Bronx who issued a recommendation approving the application on June 4, 2010.

City Planning Commission Public Hearing

On June 9, 2010 (Calendar No. 1), the City Planning Commission scheduled June 23, 2010 for a public hearing on this application (C 080109 MMX). The hearing was duly held on June 23, 2010 (Calendar No. 12).

There was one speaker on this application. The speaker, a representative of the applicant, described the action and project to the City Planning Commission. There were no other speakers and the hearing was closed.

CONSIDERATION

The City Planning Commission believes that this amendment to the City Map is appropriate. The proposed action will officially recognize as mapped park the existing conditions and jurisdiction of the project site, which includes a Department of Parks and Recreation recreational building, ballfield

and open space to be preserved for use by the community.

The Commission notes that the portion of Shakespeare Avenue to be eliminated from the City Map and included in the newly mapped parkland has not been used as a street for more than half a century, and, as New York City's Department of Transportation had no objections to the proposal, the street is deemed unnecessary for current or future traffic patterns.

The Commission believes that the proposed widening at the dead end of built Shakespeare Avenue to provide a traffic turn-around would improve the movement of traffic on the street and provide a condition that satisfies New York City Department of Transportation (DOT) and New York City Fire Department (FDNY) requirements.

The Commission notes that, pursuant to a written agreement between NYSDOT and DPR, approximately .24 acres of open space within the existing outdoor field will remain under the jurisdiction of NYSDOT and will not be mapped as parkland, however, it will continue to be used and maintained by DRP as part of the ball field.

The Commission believes that the proposed park facilities are vital resources for the community and it is important that they be afforded the protection provided by being established and shown on the City Map.

RESOLUTION

Therefore, the City Planning Commission, deeming the proposed amendment to the City Map and any related acquisition or disposition to be appropriate, adopts the following 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, by the City Planning Commission, pursuant to Sections 197-c and 199 of the New

York City Charter and Section 5-430 et seq. of the New York City Administrative Code, that based on the environmental determination and the consideration described in this report, the application (C 080109 MMX) for the amendment to the City Map involving:

- the elimination, discontinuance and closing of a portion of Shakespeare Avenue between West 172nd Street and the Cross Bronx Expressway;
- the establishment of a turn-around at the terminus of Shakespeare Avenue north of West 172nd Street;
- the establishment of a park addition, within the area bounded by Jesup Avenue, West 172nd Street, Nelson Avenue and the Cross Bronx Expressway;
- the delineation of a sewer corridor; and
- any adjustment of grades necessitated thereby,

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. 13119 dated December 30, 2009, revised May 27, 2010, and signed by the Borough President, is approved; and be it further

RESOLVED that, pursuant to Section 5-432 of the New York City Administrative Code, the City Planning Commission determines that “such closing or discontinuance will further the health, safety, pedestrian or vehicular circulation, housing, economic development or general welfare of the City”; and be it further

RESOLVED that, pursuant to Section 5-433 of the New York City Administrative Code, the City Planning Commission adopts the legally required number of counterparts of Map No. 13119 dated December 30, 2009, revised May 27, 2010, providing for the discontinuance and closing of a portion of Shakespeare Avenue between West 172nd Street and the Cross Bronx Expressway, more particularly described as follows:

Starting at a Point of Beginning located 203.58 feet northerly, along the westerly line of Shakespeare

Avenue, from the intersection of the westerly side of Shakespeare Avenue with the northerly line of West 172nd Street, as said streets are shown on Map No. 13119 dated December 30, 2009, revised May 27, 2010;

1. Running thence southeasterly along the proposed northerly line of Shakespeare Avenue, as that street line is shown on Map No. 13119 dated December 30, 2009, revised May 27, 2010, forming an interior angle of 94 degrees 05 minutes 54.67 seconds with the westerly line of Shakespeare Avenue, 3.69 feet to a point;
2. Running thence southeasterly along said proposed line forming an interior angle of 187 degrees 31 minutes 17.58 seconds with the last mentioned course 43.90 feet to a point;
3. Running thence southeasterly along said proposed line forming an interior angle of 170 degrees 13 minutes 13.64 seconds with the last mentioned course 8.60 feet to a point;
4. Running thence southwesterly along said proposed line forming an interior angle of 272 degrees 12 minutes 25.85 seconds with the last mentioned course 7.01 feet to a point;
5. Running thence southeasterly along said proposed line forming an interior angle of 90 degrees 04 minutes 35.47 seconds with the last mentioned course 5.23 feet to a point;
6. Running thence northerly along a line on the former easterly line of Shakespeare Avenue (discontinued and closed) forming an interior angle of 85 degrees 52 minutes 34.67 seconds with the last mentioned course 77.00 feet to a point of tangent to a curve;
7. Running thence along a curve to the left, on the former easterly line of Shakespeare Avenue (discontinued and closed), having a radius of 637.00 feet, an included angle of 11 degrees 07 minutes 44.60 seconds and an arc length of 123.73 feet to a point on a curve;

8. Running thence easterly along a line on the former southerly line of Shakespeare Avenue (discontinued and closed) forming an interior angle of 269 degrees 59 minutes 58.77 seconds with the last mentioned course 105.33 feet to a point;
9. Running thence northerly along a line on the former easterly line of Shakespeare Avenue (discontinued and closed) forming an interior angle of 83 degrees 07 minutes 44.60 seconds with the last mentioned course 12.42 feet to a point;
10. Running thence easterly along a line on the former southerly line of Shakespeare Avenue (discontinued and closed) forming an interior angle of 270 degrees 00 minutes 00 seconds with the last mentioned course 100.00 feet to a point;
11. Running thence northerly along a line on the northerly projection of the westerly line of Jesup Avenue forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course 43.00 feet to a point;
12. Running thence westerly along a line on the southerly line of the Cross Bronx Expressway on forming an interior angle of 90 degrees 00 minutes 00 seconds with the last mentioned course 194.90 feet to a point;
13. Running thence southwesterly along a line on the southerly line of the Cross Bronx Expressway forming an interior angle of 151 degrees 57 minutes 31.73 seconds with the last mentioned course 70.92 feet to a point;
14. Running thence southerly along a line on the former westerly line of Shakespeare Avenue (discontinued and closed) forming an interior angle of 133 degrees 00 minutes 57.64 seconds with the last mentioned course 98.80 feet to a point;
15. Running thence southerly along a line on the former westerly line of Shakespeare Avenue

(discontinued and closed) forming an interior angle of 183 degrees 01 minute 48.27 seconds with the last mentioned course 77.18 feet to the Point of Beginning.

Said street lands to be discontinued and closed contain approximately 21,369.97 square feet or 0.49 acres; and be it further

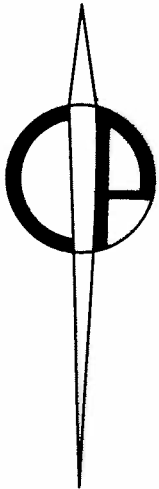
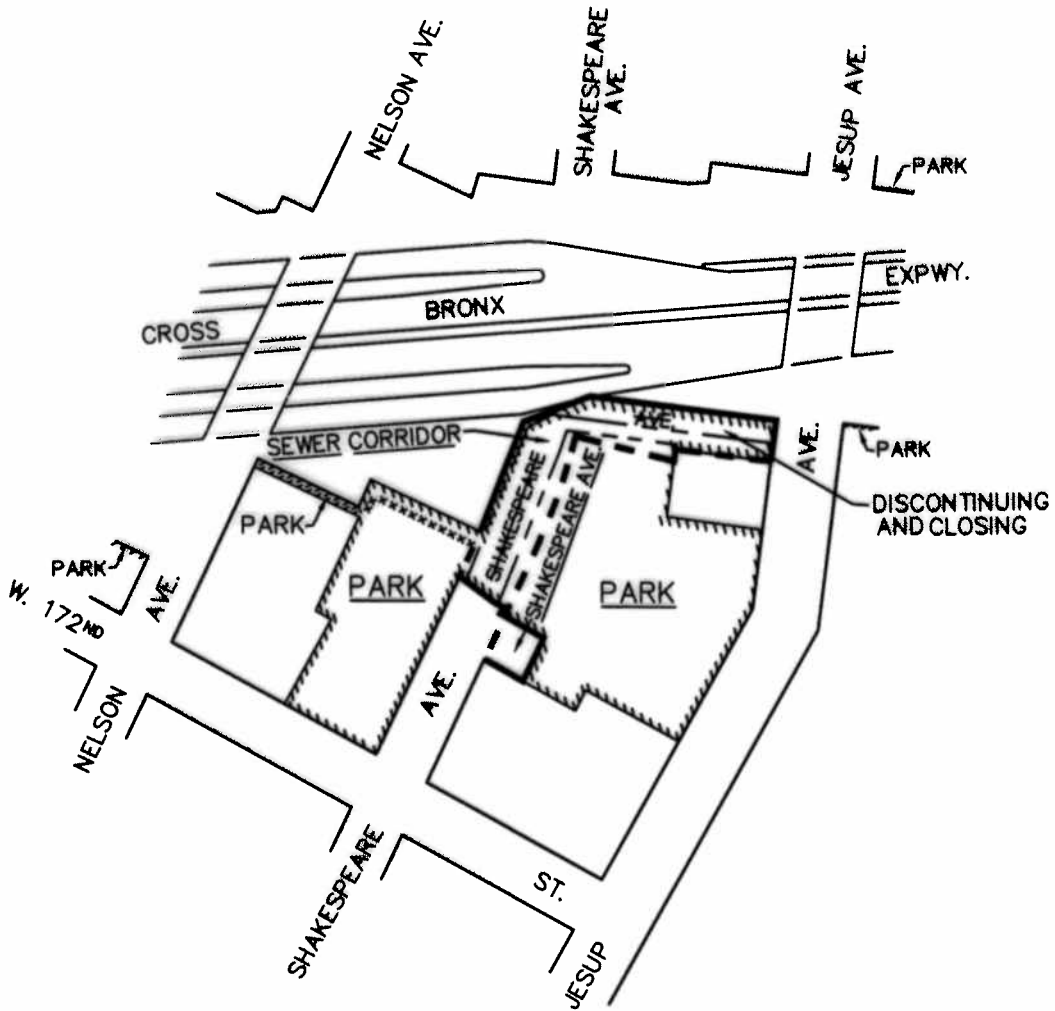
RESOLVED that, pursuant to subdivision 1a of Section 5-433 of the New York City Administrative Code, public utility facilities within the subsurface of the streets cited herein which are to be discontinued and closed by this action, may be maintained in place or relocated within such subsurface by the public utility, so that such maintenance in place or relocation of such facilities is consistent with the proposed use of the closed portion or portions of such subsurface, and the requirements of other facilities located therein;

All such approvals being subject to the following condition:

The subject amendment to the City Map and any discontinuance and closing of street shall take effect on the day following the day on which certified counterparts of Map No. 13119 are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter and Section 5-435 of the New York City Administrative Code.

The above resolution (C 080109 MMX), duly adopted by the City Planning Commission on July 28, 2010 (Calendar No. 12, 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, FAICP, Chair
KENNETH J. KNUCKLES, Esq., Vice Chairman
RAYANN BESSER, IRWIN G. CANTOR, P.E.,
ALFRED C. CERULLO, III, BETTY Y. CHEN, MARIA M. DEL TORO,
RICHARD W. EADDY, NATHAN LEVENTHAL, ANNA HAYES LEVIN,
SHIRLEY A. MCRAE, KAREN A. PHILLIPS, Commissioners



CITY PLANNING COMMISSION
CITY OF NEW YORK
DIAGRAM SHOWING PROPOSED
MAP CHANGE
ON SECTIONAL MAP

3b

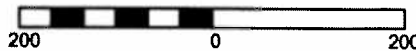
BOROUGH OF
THE BRONX

Irene Sadko, P.E.







I. SADKO, P.E.
Chief Engineer

New York, Certification Date
MARCH 8, 2010
Revised : MAY 27, 2010

SCALE IN FEET



NOTE:

-  Indicates line of street legally adopted.
-  Indicates line of street proposed to be established.
-  Indicates line of street proposed to be eliminated.
-  Indicates Park line heretofore established and hereby retained.
-  Indicates Park line hereby established.
-  Indicates Park line heretofore established and hereby eliminated.
(Discontinuing and Closing is shown on Alt. Map No. 13119).

THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.

SV 50 / JMW / BX

Community/Borough Board Recommendation

CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
FAX # (212) 720-3356

Application # **C 080109 MMX**
CEQR # **08DPR002X**
Community District No. 04 Borough: The Bronx
Community District No. ___ Borough: _____
Project Name: **Shakespeare Ave. City Map Change**

INSTRUCTIONS

1. Complete this form and return one copy to the Calendar Information Office, City Planning Commission, Room 2E, at the above address.

2. Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

Docket Description:

IN THE MATTER OF an application, submitted by the Department of Parks & Recreation, pursuant to Sections 197-c and 199 of the New York City Charter, and Section 5-430 *et seq.* of the New York City Administrative Code, for an amendment to the City Map involving:

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- the establishment of a park addition, within the area bounded by Jesup Avenue, West 172nd Street, Nelson Avenue and the Cross Bronx Expressway;
- the delineation of a sewer corridor; and
- any adjustment of grades necessitated thereby,

including authorization for any acquisition or disposition of real property related thereto, in Community District 4, Borough of The Bronx, in accordance with Map No. 13119 dated December 30, 2009 and signed by the Borough President.

Applicant(s):

DPR
830 Fifth Ave.
New York, NY 10065

Applicant's Representative:

Jessica Newshel
AECOM
1 World Financial Center
200 Liberty St., 25th Floor
New York, NY 10281
T 212.798.8500

CITY PLANNING COMMISSION
2010 MAY 25 PM 1:06
OFFICE OF CITY PLANNING

Community Board No. 4 Borough: **The Bronx**

Borough Board

Date of public hearing: **April 27, 2010**

Location:

Was a quorum present? YES NO

A public hearing shall require a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.

Vote adopting recommendation taken: _____

Location: _____

RECOMMENDATION

Approve

Approve With Modifications/Conditions

Disapprove

Disapprove With Modifications/Conditions

Explanation of Recommendation-Modification/Conditions (Attach additional sheets if necessary)

Voting

In Favor: 21 Against: 0 Abstaining: 0

Total members appointed to the board: 33



Community/Borough Board Officer

District Manager

Title

4-27-10

Date

v.012006w

* Indicates application was certified by the CPC pursuant to Section 197-C(c) of the City Charter.

SV/SO/JM/BX

**BOROUGH PRESIDENT
RECOMMENDATION**

**CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
Fax # (212)720-3356**

INSTRUCTIONS

- 1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
- 2. Send one copy with any attachments to the applicant's representative as indicated on the Notice of Certification.

APPLICATION # C 080109 MMX

DOCKET DESCRIPTION

PLEASE SEE ATTACHMENT FOR DOCKET DESCRIPTION

CITY PLANNING COM. ST01
2010 JUN -7 AM 8:47
DEPT OF CITY PLANNING

COMMUNITY BOARD NO. 4

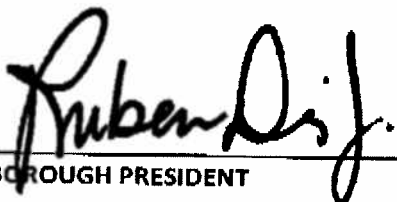
BOROUGH: BRONX

RECOMMENDATION

- APPROVE**
- APPROVE WITH MODIFICATIONS/CONDITIONS (List below)**
- DISAPPROVE**

EXPLANATION OF RECOMMENDATION-MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

PLEASE SEE ATTACHMENT FOR THE BOROUGH PRESIDENT'S RECOMMENDATION


BOROUGH PRESIDENT

6/4/10
DATE

**BRONX BOROUGH PRESIDENT'S RECOMMENDATION
ULURP APPLICATION NO: C 080109 MMX
SHAKESPEARE AVENUE CITY MAP CHANGE**

DOCKET DESCRIPTION

In the matter of an application, submitted by the Department of Parks and Recreation, (DPR) pursuant to Sections 197-c and 199 of the New York City Charter, and Section 5-430 *et. seq.* of the New York City Administrative Code, for an amendment to the City Map involving:

- The elimination discontinuance and closing of a portion of Shakespeare Avenue between West 172nd Street and the Cross Bronx Expressway;
- The establishment of a turn-around at the terminus of Shakespeare Avenue north of West 172nd Street;
- The establishment of a park addition, within the area bounded by Jesup Avenue, West 172nd Street, Nelson Avenue and the Cross Bronx Expressway;
- The delineation of a sewer corridor; and
- Any adjustments of grades necessitated thereby,

Including authorization for any acquisition or disposition of real property related thereto, in Community District#4, Borough of The Bronx, in accordance with Map No. 13119 dated December 30, 2009 and signed by the Borough President.

BACKGROUND

Approving this application would amend the City Map by:

- Mapping as parkland 2.06 acres of property, of which
- .22 acres is located on Block 2872, Lot 126; and
- 1.84. acres currently mapped as an unbuilt portion of Shakespeare Avenue, bounded by a line 144 feet north of West 172nd Street on the south and the Cross Bronx Expressway on the north; and
- Mapping as parkland vacant property on Block 2873, Lots 126, 130, 133 and 185, situated west of the built portion of Shakespeare Avenue, fronting on West 172nd Street.

Property boarding the Cross Bronx Expressway right-of-way and belonging to the State of New York's Department of Transportation, (SDOT) consists of approximately .24 acres. Pursuant to a written agreement between the SDOT and the DPR, this property will remain under the ownership of the SDOT, will not be mapped as parkland but will be used, maintained and developed by the DPR.

The entire site would supplement an existing mapped park consisting of 2.3 acres and is currently developed as a multi-use field. The field serves the West Bronx Recreation Center located on Jesup Avenue. This center offers a 2,875 square foot facility offering a range of programming and athletic activities. The Department of Parks and Recreation will provide an easement for an existing sewer line located beneath the portion of Shakespeare Avenue to be eliminated.

Developed of the surrounding community includes one and two family homes and mid-rise multi-unit residential buildings. Retail activity and access to bus transportation are available on Ogden Avenue. Subway transportation is available at 170th Street via the Jerome Avenue-Lexington Avenue Number 4 train, approximately seven blocks east of the site.

ENVIRONMENTAL REVIEW AND ULURP CERTIFICATION

This application has been reviewed pursuant to CEQR and SEQRA and received a Negative Declaration meaning that no adverse environmental impact is anticipated by this project. The City Planning Commission certified this application as complete on March 8, 2010.

COMMUNITY BOARD PUBLIC HEARING

Bronx Community Board #4 held a public hearing on this matter on April 27, 2010. A vote recommending approval of this application was 21 in favor, zero opposed and zero abstaining.

BRONX BOROUGH PRESIDENT'S PUBLIC HEARING

The Bronx Borough President convened a public hearing on this matter on May 6, 2010. Representatives of the applicant were present and spoke in favor of this application. No other members of the public testified and the hearing was closed.

BOROUGH PRESIDENT'S RECOMMENDATION

Well managed recreational facilities offering comprehensive athletic and cultural programming are essential services in a community where approximately 38 percent of its residents are below the age of eighteen. Since 1997, the Highbridge Recreational Center on Jesup Avenue has been providing such activities to this West Bronx neighborhood.

Approving this application solidifies as mapped parkland the status of vacant property adjacent to the recreation center that is under the jurisdiction of the Department of Parks and Recreation. I am also pleased to note that undeveloped property situated west of Shakespeare Avenue will be incorporated into this expanded park. Given that the location of this additional land affords an appropriate distance from the current multi-use recreational field, I look forward to exploring expanded uses for this park with the community and the DPR.

I recommend approval of this application.