



CITY PLANNING COMMISSION

February 10, 2010/Calendar No 7.

C 100132 PQR

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 the acquisition of property (Block 5550, p/o Lot 17), generally bounded by the Brookfield Avenue Landfill and Arthur Kill Road, Community District 3, Borough of Staten Island.

The application for acquisition of privately owned property was filed by the Department of Environmental Protection (DEP) and the Department of Citywide Administrative Services (DCAS) on October 22, 2009, to facilitate the remediation of the Brookfield Avenue Landfill.

RELATED ACTIONS

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

1. C 100133 PPR Disposition of city-owned property pursuant to zoning.

BACKGROUND

The applicants, the Department of Environmental Protection (DEP) and the Department of Citywide Administrative Services (DCAS), are seeking to acquire part of a privately owned property on Arthur Kill Road adjacent to the Brookfield Avenue Landfill (Block 5550, p/o Lot 17). The property is zoned R3-2 District, and is within the Special South Richmond Development District in Northern Great Kills, Staten Island Community District 3. The acquisition would facilitate the remediation of the Brookfield Avenue Landfill.

The application will allow the City of New York to acquire up to 25,500 square feet of land owned by Mann Enterprises to be used in conjunction with the Brookfield Landfill Remediation Project. In exchange for the acquired property, NYCDCAS is also proposing, in a related action (C 100133 PPR) to dispose of up to 18, 637 square feet of land (up to 8,415 sq. ft. of Block 5550,

p/o Lot 20 and up to 10, 222 sq. ft. of Block 4454 p/o Lot 1) along Arthur Kill Road to the NYC Economic Development Corporation, who will dispose of the property to Mann Enterprises. Similar applications were previously filed (C060028 PQR and C060029 PPR) and withdrawn on October 22, 2009. The previous disposition application (C060029PPR) included a 30-year parking restriction. That restriction has been removed in the subject application to allow greater flexibility in the future development of the property.

The Brookfield Avenue Landfill was used for disposal of municipal solid waste from 1966 to 1980. It was closed in 1980 and designated a hazardous waste site by the New York State Department of Environmental Conservation (DEC). In 1991, NYCDEP assumed jurisdiction from the Department of Sanitation. In 2001, DEC issued a proposed remedial action plan. This aforementioned plan identified 10, 000 sq. ft. of private property, owned by Mann Enterprises, that was contaminated by the landfilling process. Mann Enterprises operates Holtermann's Bakery on a site that is adjacent to the contaminated area.

Over time the parking area for Holtermann's Bakery expanded onto city-owned property. This parking area, while technically part of the Brookfield Avenue Landfill, was not disturbed by landfill actions, and would be disposed to Mann Enterprises in exchange for the contaminated site to be acquired for remediation.

The project site (Block 5550, p/o Lot 17) is a partially wooded and vacant parcel located off Arthur Kill Road, an arterial street in the Special South Richmond Development District (SSRDD). It is surrounded on three sides by the city-owned Brookfield Avenue Landfill. The parcel is located on the rear portion of zoning lot 17, which is owned by Mann Enterprises and occupied by Holtermann's Bakery. The front portion of the lot was never contaminated and contains a bakery building and a parking and loading area. The zoning lot has an existing curb cut on Arthur Kill Road. The zoning lot is higher at Arthur Kill Road and slopes down to the center of the lot at the point where the parcel to be acquired is located and then the slope increases to the rear of the lot where it meets the existing boundary of the Brookfield Avenue Landfill.

The area surrounding the affected properties is the residential neighborhood known as Northern Great Kills, characterized by detached, semi-detached, and attached one- and two- family homes.

ENVIRONMENTAL REVIEW

This application (C 100132 PQR), in conjunction with the application for the related action (C 100133 PPR) 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 05DEP004R. The lead agency is the Department of Environmental Protection.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on April 30, 2009.

UNIFORM LAND USE REVIEW

This application (C 100132 PQR) was certified as complete by the Department of City Planning on November 2, 2009, and was duly referred to Community Board 3 and the Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Community Board 3 held a public hearing on this application on November 18, 2009, and on November 24, 2009 that date, by a vote of 28 to 0 with no 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 December 7, 2009.

City Planning Commission Public Hearing

On December 16, 2009 (Calendar No. 6), the City Planning Commission scheduled January 6, 2010 for a public hearing on this application (C 100132 PQR). The hearing was duly held on January 6, 2010 (Calendar No. 28).

There was one speaker in favor and none in opposition. The speaker in favor was a representative of the applicant, NYCDEP, who described the proposed actions. There were no other speakers and the hearing was closed.

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY

This application (C 100132 PQR) 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 WRP# 06-009.

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 acquisition of privately owned property in Northern Great Kills is appropriate.

The Commission believes that the acquisition of a portion of the lot owned by Mann Enterprises contaminated by the operation of the Brookfield Avenue Landfill would facilitate the remediation of this property and contribute to the remediation process of the entire Brookfield Avenue Landfill. The Landfill has been closed for 30 years (since 1980), and was designated a Class 2 inactive hazardous waste site by NYSDEC at that time. In 1991, the NYSDEC issued a

proposed remedial action plan for the landfill based on investigations by NYCDEP. This application for acquisition begins the completion of this long-anticipated remediation plan,

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 will be 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 submitted by the Department of Environmental Protection and the Department of Citywide Administrative Services, pursuant to Section 197-c for acquisition of property (Block 5550, p/o Lot 17) generally bounded by the Brookfield Avenue Landfill and Arthur Kill Road, Community District 3, Borough of Staten Island, is approved.

The above resolution (C 100132 PQR), duly adopted by the City Planning Commission on February 10, 2010 (Calendar No. 7), 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,
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ANGELA CAVALUZZI, AIA, ALFRED CERULLO, III,
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NATHAN LEVENTHAL, SHIRLEY A. MCRAE, KAREN A. PHILLIPS, Commissioners