

**Appendix D**  
**New York City Waterfront Revitalization Program**  
**Consistency Assessment Form**

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For Internal Use Only:

Date Received: \_\_\_\_\_

WRP no. \_\_\_\_\_

DOS no. \_\_\_\_\_

## NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM Consistency Assessment Form

Proposed actions that are subject to CEQR, ULURP or other local, state or federal discretionary review procedures, and that are within New York City's designated coastal zone, must be reviewed and assessed for their consistency with the New York City Waterfront Revitalization Program (WRP). The WRP was adopted as a 197-a Plan by the Council of the City of New York on October 13, 1999, and subsequently approved by the New York State Department of State with the concurrence of the United States Department of Commerce pursuant to applicable state and federal law, including the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. As a result of these approvals, state and federal discretionary actions within the city's coastal zone must be consistent to the maximum extent practicable with the WRP policies and the city must be given the opportunity to comment on all state and federal projects within its coastal zone.

This form is intended to assist an applicant in certifying that the proposed activity is consistent with the WRP. It should be completed when the local, state, or federal application is prepared. The completed form and accompanying information will be used by the New York State Department of State, other state agencies or the New York City Department of City Planning in their review of the applicant's certification of consistency.

### A. APPLICANT

1. Name: Abas Braimah, New York City Department of Sanitation
2. Address: 125 Worth Street
3. Telephone: 646-885-4993 Fax: 212-442-9090 E-mail: abrahmah@dsny.nyc.gov
4. Project site owner: NA

### B. PROPOSED ACTIVITY

1. Brief description of activity:  

Proposed Amendments to Department of Sanitation Rules Concerning the Siting Requirements for Solid Waste Transfer Stations
2. Purpose of activity:  

To provide appropriate guidelines for the siting of waste transfer stations to safeguard public health, as required by Local Law 40 of 1990. These rules would revise and supplement rules adopted in 1998.
3. Location of activity: (street address/borough or site description):  

Rules apply to areas citywide already zoned to permit transfer stations (generally M1, M2, and M3 zoning districts).

### Proposed Activity Cont'd

4. If a federal or state permit or license was issued or is required for the proposed activity, identify the permit type(s), the authorizing agency and provide the application or permit number(s), if known:  
NA
5. Is federal or state funding being used to finance the project? If so, please identify the funding source(s).  
No
6. Will the proposed project require the preparation of an environmental impact statement?  
Yes \_\_\_\_\_ No ☒ \_\_\_\_\_ If yes, identify Lead Agency:
7. Identify **city** discretionary actions, such as a zoning amendment or adoption of an urban renewal plan, required for the proposed project.  
Adoption of rules by New York City Department of Sanitation

### C. COASTAL ASSESSMENT

#### Location Questions:

	Yes	No
1. Is the project site on the waterfront or at the water's edge?	_____	<input checked="" type="checkbox"/>
2. Does the proposed project require a waterfront site?	_____	<input checked="" type="checkbox"/>
3. Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land underwater, or coastal waters?	_____	<input checked="" type="checkbox"/>

#### Policy Questions

Yes No

The following questions represent, in a broad sense, the policies of the WRP. Numbers in parentheses after each question indicate the policy or policies addressed by the question. The new Waterfront Revitalization Program offers detailed explanations of the policies, including criteria for consistency determinations.

Check either "Yes" or "No" for each of the following questions. For all "yes" responses, provide an attachment assessing the effects of the proposed activity on the relevant policies or standards. Explain how the action would be consistent with the goals of those policies and standards.

- |   |       |                                     |
|---|-------|-------------------------------------|
| 4. Will the proposed project result in revitalization or redevelopment of a deteriorated or under-used waterfront site? (1) | _____ | <input checked="" type="checkbox"/> |
| 5. Is the project site appropriate for residential or commercial redevelopment? (1.1)                                       | _____ | <input checked="" type="checkbox"/> |
| 6. Will the action result in a change in scale or character of a neighborhood? (1.2)  | _____ | <input checked="" type="checkbox"/> |

**Policy Questions cont'd**

	Yes	No
7. Will the proposed activity require provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (1.3)		✓
8. Is the action located in one of the designated Significant Maritime and Industrial Areas (SMIA): South Bronx, Newtown Creek, Brooklyn Navy Yard, Red Hook, Sunset Park, or Staten Island? (2)	✓	
9. Are there any waterfront structures, such as piers, docks, bulkheads or wharves, located on the project sites? (2)		✓
10. Would the action involve the siting or construction of a facility essential to the generation or transmission of energy, or a natural gas facility, or would it develop new energy resources? (2.1)		✓
11. Does the action involve the siting of a working waterfront use outside of a SMIA? (2.2)		✓
12. Does the proposed project involve infrastructure improvement, such as construction or repair of piers, docks, or bulkheads? (2.3, 3.2)		✓
13. Would the action involve mining, dredging, or dredge disposal, or placement of dredged or fill materials in coastal waters? (2.3, 3.1, 4, 5.3, 6.3)		✓
14. Would the action be located in a commercial or recreational boating center, such as City Island, Sheepshead Bay or Great Kills or an area devoted to water-dependent transportation? (3)		✓
15. Would the proposed project have an adverse effect upon the land or water uses within a commercial or recreation boating center or water-dependent transportation center? (3.1)		✓
16. Would the proposed project create any conflicts between commercial and recreational boating? (3.2)		✓
17. Does the proposed project involve any boating activity that would have an impact on the aquatic environment or surrounding land and water uses? (3.3)		✓
18. Is the action located in one of the designated Special Natural Waterfront Areas (SNWA): Long Island Sound- East River, Jamaica Bay, or Northwest Staten Island? (4 and 9.2)		✓
19. Is the project site in or adjacent to a Significant Coastal Fish and Wildlife Habitat? (4.1)		✓
20. Is the site located within or adjacent to a Recognized Ecological Complex: South Shore of Staten Island or Riverdale Natural Area District? (4.1and 9.2)		✓
21. Would the action involve any activity in or near a tidal or freshwater wetland? (4.2)		✓
22. Does the project site contain a rare ecological community or would the proposed project affect a vulnerable plant, fish, or wildlife species? (4.3)		✓
23. Would the action have any effects on commercial or recreational use of fish resources? (4.4)		✓
24. Would the proposed project in any way affect the water quality classification of nearby waters or be unable to be consistent with that classification? (5)		✓
25. Would the action result in any direct or indirect discharges, including toxins, hazardous substances, or other pollutants, effluent, or waste, into any waterbody? (5.1)		✓
26. Would the action result in the draining of stormwater runoff or sewer overflows into coastal waters? (5.1)		✓
27. Will any activity associated with the project generate nonpoint source pollution? (5.2)		✓
28. Would the action cause violations of the National or State air quality standards? (5.2)		✓

**Policy Questions cont'd**

	Yes	No
29. Would the action result in significant amounts of acid rain precursors (nitrates and sulfates)? (5.2C)		✓
30. Will the project involve the excavation or placing of fill in or near navigable waters, marshes, estuaries, tidal marshes or other wetlands? (5.3)		✓
31. Would the proposed action have any effects on surface or ground water supplies? (5.4)		✓
32. Would the action result in any activities within a federally designated flood hazard area or state-designated erosion hazards area? (6)		✓
33. Would the action result in any construction activities that would lead to erosion? (6)		✓
34. Would the action involve construction or reconstruction of a flood or erosion control structure? (6.1)		✓
35. Would the action involve any new or increased activity on or near any beach, dune, barrier island, or bluff? (6.1)		✓
36. Does the proposed project involve use of public funds for flood prevention or erosion control? (6.2)		✓
37. Would the proposed project affect a non-renewable source of sand ? (6.3)		✓
38. Would the action result in shipping, handling, or storing of solid wastes, hazardous materials, or other pollutants? (7)	✓	
39. Would the action affect any sites that have been used as landfills? (7.1)		✓
40. Would the action result in development of a site that may contain contamination or that has a history of underground fuel tanks, oil spills, or other form or petroleum product use or storage? (7.2)		✓
41. Will the proposed activity result in any transport, storage, treatment, or disposal of solid wastes or hazardous materials, or the siting of a solid or hazardous waste facility? (7.3)	✓	
42. Would the action result in a reduction of existing or required access to or along coastal waters, public access areas, or public parks or open spaces? (8)		✓
43. Will the proposed project affect or be located in, on, or adjacent to any federal, state, or city park or other land in public ownership protected for open space preservation? (8)		✓
44. Would the action result in the provision of open space without provision for its maintenance? (8.1)		✓
45. Would the action result in any development along the shoreline but NOT include new water-enhanced or water-dependent recreational space? (8.2)		✓
46. Will the proposed project impede visual access to coastal lands, waters and open space? (8.3)		✓
47. Does the proposed project involve publicly owned or acquired land that could accommodate waterfront open space or recreation? (8.4)		✓
48. Does the project site involve lands or waters held in public trust by the state or city? (8.5)		✓
49. Would the action affect natural or built resources that contribute to the scenic quality of a coastal area? (9)		✓
50. Does the site currently include elements that degrade the area's scenic quality or block views to the water? (9.1)		✓

**Policy Questions cont'd****Yes      No**

51. Would the proposed action have a significant adverse impact on historic, archeological, or cultural resources? (10)

\_\_\_\_\_ ☒

52. Will the proposed activity affect or be located in, on, or adjacent to an historic resource listed on the National or State Register of Historic Places, or designated as a landmark by the City of New York? (10)

\_\_\_\_\_ ☒

**D. CERTIFICATION**

The applicant or agent must certify that the proposed activity is consistent with New York City's Waterfront Revitalization Program, pursuant to the New York State Coastal Management Program. If this certification cannot be made, the proposed activity shall not be undertaken. If the certification can be made, complete this section.

"The proposed activity complies with New York State's Coastal Management Program as expressed in New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program, and will be conducted in a manner consistent with such program."

Applicant/Agent Name: Robert Orlin, Deputy Commissioner DSNY

Address: 125 Worth Street, New York, NY 10013

Telephone 646-885-5006

Applicant/Agent Signature: Robert Orlin Date: 9/20/04

## New York City Waterfront Revitalization Program

### Consistency Assessment Form - Supplemental Notes

- **Question #8 - Is the action located in one of the designated Significant Maritime and Industrial Areas (SMIA): South Bronx, Newtown Creek, Brooklyn Navy Yard, Red Hook, Sunset Park, or Staten Island?**

Question #8 applies to Policy #2: *Support water-dependent and industrial uses in New York City coastal areas that are well suited to their continued operation.* The six Significant Maritime and Industrial Areas (SMIAs) are specified areas with concentrations of M2 and M3 zoned land and the presence of or potential for intermodal transportation, among other characteristics.<sup>1</sup> Because this is a generic action, the proposed rules are not an action "in" one of the SMIAs, but could affect such areas indirectly. Under the new rules, waste transfer stations will continue to be permitted in M2 and M3 zoning districts within these SMIAs. With the exception of parts of the South Bronx, Newtown Creek, and Jamaica within Bronx Community District #2 Brooklyn Community District #1, and Queens Community District #12 respectively, the new rules will permit waste transfer stations to be sited in M1 zones as well. However, the restrictions discussed in Section 1.2 of this report place limits (such as buffers) on exactly where new waste transfer stations can be sited within those zones. There is also some added incentive to site waste transfer stations at waterfront locations within these SMIAs under the new rules. In community districts with 12% or more of the total number of City's existing waste transfer stations (which includes parts of the South Bronx and Newtown Creek) new waste transfer stations operating a truck-to-truck facility must obtain a offsetting reduction of capacity of the same waste type at another station within the same community district by an equal or greater amount, whereas a new putrescible or C&D debris waste transfer station from which at least 90% of the waste received is further transported by rail or vessel may use a different waste type (construction and demolition debris or putrescible) for the offset tonnage.

The proposed action is consistent with New Waterfront Revitalization Program Policy #2. Waste transfer stations could continue to locate in waterfront locations. Some types of waste transfer stations, namely those that employ barges or other water vessels to transfer solid waste, could be considered water dependent, and the Policy #2 promotes these types of uses. It also recognizes the need to locate non-water dependent industrial uses in sections of SMIAs. Truck-to-truck waste transfer stations would fall under this category.

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<sup>1</sup> The six areas recognized as SMIAs in the New York City Comprehensive Waterfront Plan (CWP) are: South Bronx, Newtown Creek, Brooklyn Navy Yard, Red Hook Marine Terminal, Sunset Park/Erie Basin, and Kill Van Kull.

- **Question #38 – Will the proposed activity result in any transport, storage, treatment, or disposal of solid wastes or hazardous materials, or the siting of a solid or hazardous waste facility?**

Question #38 applies to the New Waterfront Revitalization Program Policy #7 – *Minimize environmental degradation from solid waste and hazardous substances*. Some of the concerns that this policy aims to address are environmental damage caused by illegal dumping, the filling of wetlands and littoral areas, and the degradation of scenic resources in the coastal zone. The proposed action would not negatively impact this policy. The action addresses the siting of waste transfer stations and places greater restrictions on where they may site. Nothing in the rules would result in an increase in environmental degradation. The effects of an individual site on protected natural areas would be evaluated under the environmental review required for any new waste transfer station.

- **Question #41 – Will the proposed activity result in any transport, storage, treatment, or disposal of solid wastes or hazardous material, or the siting of a solid or hazardous waste facility?**

Question #41 applies to New Waterfront Revitalization Program Sub-Policy #7.3 – *Transport solid waste and hazardous substances and site solid and hazardous waste facilities in a manner that minimizes potential degradation of coastal resources*. Included under this policy are guidelines to site solid waste facilities so that they will not adversely affect protected natural areas, and to give priority to waste transfer station sites that allow for waterborne transport of waste materials.

The proposed action is consistent with Sub-Policy #7.3. The effects of an individual site on protected natural areas would be evaluated under the environmental review required for any new waste transfer station. In addition, the new rules give some incentive for the siting of waste transfer stations that employ waterborne methods of transporting waste in the South Bronx and Newtown Creek areas.





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