



CITY PLANNING COMMISSION

August 20, 2014/Calendar No. 11

C 140361 PPR

IN THE MATTER OF an application submitted by the NYC Department of Small Business Services (SBS), pursuant to Section 197-c of the New York City Charter, for the disposition of an approximately 18,000 square foot storm water sewer easement on Block 487, p/o Lot 5 and p/o Lot 100, pursuant to zoning. The storm water sewer easement area is generally bounded by the prolongations of Prospect Street to the north, Water Street to the south, Lots 20 and 30 to the west and the Upper New York Harbor to the east, Community District 1, Borough of Staten Island.

This application for the disposition of an easement was filed on April 23, 2014, by the New York City Department of Small Business Services (SBS) to allow for the disposition of approximately 18,000 square feet of City-owned property to Homeport I, LLC for a storm sewer easement located within Community District 1, Staten Island.

BACKGROUND

This application seeks approval of the disposition by SBS of approximately 18,000 square feet of city-owned property (Block 487, p/o Lot 5 and p/o Lot 100) to establish an easement for storm sewer infrastructure for Phase I of a previously approved redevelopment on the Stapleton waterfront. Once disposition is approved, SBS will dispose of the easement to the New York City Land Development Corporation (NYCLDC) for subsequent disposition to EDC and the granting of a sewer easement to the developer. Homeport I, LLC was selected as the Phase I developer of two sites noted as B2 and B3 in the Special Stapleton Waterfront District Plan, (Block 487, Lots 20 and 30).

The proposed easement would allow connection of new storm water runoff drainage lines from the Phase I development site (Block 487, Lots 20 and 30) to the existing outfall pipes located below grade on City-owned land to the east that will be developed for waterfront access. This will facilitate discharge of treated storm water runoff into the Upper New York Bay.

The development described as Phase I will proceed in two parts. Site B2 (Block 487, Lot 20) and a portion of site B3 (Block 487, Lot 30) will be developed first, with a total of 571 dwelling

units and ground floor retail. The developer is in the process of filing for the 421a program which requires a 20 percent affordable housing component. Twenty percent of these units (115 of the 571 dwelling units) will consist of affordable units rented to tenants at 60% AMI. This affordable housing rent stabilization would be in effect for 35 years. First occupancy is scheduled for the second half of 2015. The year 2016 is the anticipated construction start for the rest of site B3 (Block 487, Lot 30) with completion of 379 dwelling units in 2018. This second site would require a separate 421a filing in order to provide 20 percent affordable housing which would equal 76 of the 379 dwelling units. The proposed development includes an esplanade and a portion of the proposed Loop Road, a private street on land owned by the City and managed by EDC (Block 487, Lot 5).

The T-shaped easement area to be disposed consists of a north-south segment within a portion of Loop Road (Block 487, Lot 5) and a west-to-east segment which extends from the development sites (Block 487, lots 20 and 30) eastward across the city-owned proposed Loop Road and Esplanade (Block 487, p/o Lot 100) and terminates at the existing bulkhead. A portion of the easement area contains the existing outfall pipe, a 42-inch reinforced concrete pipe near the bulkheaded shoreline.

The developer, Homeport I, LLC, proposes to install its private storm drain discharge pipe in the easement area. This pipe will be connected into the existing outfall pipe already installed under the surface of the Esplanade land so that filtered storm water can be discharged into Upper New York Bay.

The disposition of the easement would permit the installation of the connecting lines from the development sites under the Loop Road and the Esplanade area to an existing outfall pipe, the use of the existing outfall pipe under the Esplanade area for the drainage of storm water from the sites to the Bay and an associated right of access to the private drain pipe and all associated connections for the performance of periodic maintenance, repair and replacement. Approval of the action will result in the recording of an easement agreement between the Developer and the City (and, to the extent required by their agreements with the City, with NYCEDC) providing for

the use of the Easement Area for such purposes and providing for Developer's obligations with respect to the restoration of the Loop Road and Esplanade on terms satisfactory to the City after the performance of any maintenance, repair or replacement work.

The project area is zoned C4-2A and is located within the Special Stapleton Waterfront District in Community Board 1 in Staten Island. It is on the waterfront, adjacent to the Stapleton neighborhood to the west. The project area and surrounding area are industrial in character from the waterfront west to the Staten Island Railroad ("SIR") Right of Way. The industrial buildings in the area are primarily single story buildings surrounded by open parking lots or materials storage. Much of the land within the Special District, which formerly housed the Homeport facilities, is now vacant land that is to be redeveloped. The land to the immediate west, north and south of the Special District remains zoned for manufacturing use.

The Federal government closed the U.S. Navy Homeport naval base and the City took ownership of the site in the Stapleton section of Staten Island in 1995. In 2006, the City Council approved a series of actions (C060471 ZMR, N060468 ZRR, and C060293MMR) to facilitate the redevelopment of the Homeport. The subject disposition action is a follow-up to an application also approved at that time (ULURP #C060469PPR), in which the City disposed of several city-owned development sites located on the Stapleton waterfront (the former Navy Homeport site) to NYC EDC.

ENVIRONMENTAL REVIEW

This application (C 140361 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 06DME001R. The lead agency is the Office of the Deputy Mayor for Economic Development and Rebuilding.

It was determined in the 2005 New Stapleton Waterfront Development (NSWD) land use actions described above may have a significant effect on the environment. A Positive Declaration was issued on October 31, 2005. A Final Environmental Impact Statement (FEIS) was prepared and a Notice of Completion of FEIS was issued on September 14, 2006. Following the issuance of the Notice of Completion, a Technical Memorandum (TM 001), dated December 23, 2010, evaluated modifications to the project analyzed in the FEIS. The analysis in TM 001 concluded that the proposed modifications would not result in any significant adverse environmental impacts not previously identified in the FEIS.

As discussed in detail in the Consideration section of this report, an additional action is required to achieve the NSWD Plan. A Technical Memorandum (TM 002) was prepared and issued on April 22, 2014, which determined that the additional action would not have the potential to result in new or different significant adverse impacts from those identified in the FEIS and subsequent Technical Memoranda (TM 001).

UNIFORM LAND USE REVIEW

This application (C 140361 PPR) was certified as complete by the Department of City Planning on May 19, 2014 and was duly referred to Community Board 1 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 1 held a public hearing on this application on June 2, 2014 and, on June 10, 2014 by a vote of 29 to 0 with one ineligible, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application was considered by the Borough President of Staten Island, who issued a recommendation on June 12, 2014 recommending approval of the application.

City Planning Commission Public Hearing

On July 9, 2014, (Calendar No. 4), the City Planning Commission scheduled July 23, 2014 for a public hearing on this application (C 140361 PPR). The hearing was duly held on July 23, 2014 (Calendar No. 20).

There were two speakers testifying at the hearing, both in favor of the application.

The first speaker in support of the disposition was a representative of the NYCEDC. He explained that the disposition for the storm sewer easement was omitted inadvertently from the 2006 land use actions. He described the public and private capital investment, improvements to roads and other infrastructure, provision of waterfront open space and development of 950 new residential units and over 30,000 square feet of retail space along with the creation of new jobs which are all associated with the proposed development. He noted that future phases of the Stapleton waterfront redevelopment could provide up to 1,500 additional dwelling units, and that commitments to affordable housing could be established.

The second speaker in favor of the disposition represented the site developer. He explained that the easement would allow privately funded construction of storm sewers to collect and filter water which currently runs untreated into Upper New York Bay. He noted that the twenty percent affordable housing in the first of the two Phase I buildings would be rent controlled for 35 years.

There were no other speakers and the hearing was closed.

Waterfront Revitalization Program Consistency Review

This application (C 140361 PPR) 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 22, 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 06-007.

The City Planning Commission, acting as the City Coastal Commission, having reviewed the waterfront aspects of this action, finds that the actions will not substantially hinder the achievement of any WRP policy and hereby determines that this action is consistent with WRP policies.

CONSIDERATION

The Commission believes that this disposition of City-owned property is appropriate.

The Commission concurs that the disposition is a necessary and related follow-up action to the actions approved in 2006 to facilitate redevelopment of the Stapleton waterfront which will implement the City's land use policies for waterfront redevelopment as framed in the Special Stapleton Waterfront District.

The Commission supports the disposition because it will facilitate the Phase I redevelopment of the Stapleton waterfront which includes 950 new dwelling units and over 30,000 square feet of retail as well as waterfront public access and open space.

The Commission recognizes that the developer has filed for the 421a program for the development of the first 571 dwelling units. The 421a program requires a 20 percent affordable housing component which in this case would 115 units available to tenants at 60% AMI.

The Commission believes that the disposition of approximately 18,000 square feet of city-owned land for a storm sewer easement is appropriate given that it will facilitate construction of storm sewers by the developer.

The Commission notes that the new stormwater management system to be constructed by the developer will collect and filter surface stormwater which currently flows into Upper New York Bay untreated. The disposition of the easement will improve the development site infrastructure and improve water quality in Upper New York Bay.

RESOLUTION

RESOLVED, that based on the environmental determination set forth in TM 002, the action would not have the potential to result in new or different significant adverse impacts from those identified in the 2006 FEIS and subsequent Technical Memoranda (TM 001).

RESOLVED, that the City Planning Commission, acting as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action will not substantially hinder the achievements of any WRP policy and hereby determines that this action is consistent with WRP policies; and be it further

RESOLVED, that the City Planning Commission, pursuant to Sections 197-c of the New York City Charter that, based on the environmental determination and the consideration described in this report, the application submitted by the NYC Department of Small Business Services (SBS), pursuant to Section 197-c of the New York City Charter, for the disposition of an approximately 18,000 square foot storm water sewer easement on Block 487, p/o Lot 5 and p/o Lot 100, pursuant to zoning. The storm water sewer easement area is generally bounded by the prolongations of Prospect Street to the north, Water Street to the south, Lots 20 and 30 to the west and the Upper New York Harbor to the east, Community District 1, Borough of Staten Island, is approved.

The above resolution (C 140361 PPR), duly adopted by the City Planning Commission on August 20, 2014 (Calendar No. 11), 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.

CARL WEISBROD, Chairman

KENNETH J. KNUCKLES, ESQ., Vice Chairman

ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,

ALFRED C. CERULLO, III, MICHELLE R. DE LA UZ, JOSEPH I. DOUEK,

RICHARD W. EADDY, ANNA HAYES LEVIN, ORLANDO MARIN, **Commissioners**

CHERYL COHEN EFFRON, BOMEJ JUNG, **Commissioners Abstaining**

Application #: **C140361PPR**

Project Name: **New Stapleton Sewer Easement**

CEQR Number: 06DME001R

Borough(s): **Staten Island**

Community District Number(s): **01**

Please use the above application number on all correspondence concerning this application


SUBMISSION INSTRUCTIONS

- Complete this form and return to the Department of City Planning by one of the following options:
 - EMAIL (recommended):** Send email to CalendarOffice@planning.nyc.gov and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C100000ZSQ"
 - MAIL:** Calendar Information Office, City Planning Commission, Room 2E, 22 Reade Street, New York, NY 10007
 - FAX:** (212) 720-3356 and note "Attention of the Calendar Office"
- 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 NYC Department of Small Business Services (SBS), pursuant to Section 197-c of the New York City Charter, for the disposition of an approximately 18,000 square foot storm water sewer easement on Block 487, p/o Lot 5 and p/o Lot 100, pursuant to zoning. The storm water sewer easement area is generally bounded by the prolongations of Prospect Street to the north, Water Street to the south, Lots 20 and 30 to the west and the Upper New York Harbor to the east.

Applicant(s): NYC Dept. of Small Business Services 110 William Street NY, NY 10038		Applicant's Representative: Hardy Adasko, Senior Vice President NYC EDC 110 William Street NY, NY 10038	
Recommendation submitted by: Staten Island Community Board 1			
Date of public hearing: <i>June 9, 2014</i>		Location: <i>Board Office 1 Edgewater Plaza Suite 217</i>	
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.	
Date of Vote: <i>June 10, 2014</i>		Location: <i>All Saints Church 2329 Victory Blvd. ST. N.Y. 10314</i>	
RECOMMENDATION <input checked="" type="checkbox"/> Approve <input type="checkbox"/> Approve With Modifications/Conditions <input type="checkbox"/> Disapprove <input type="checkbox"/> Disapprove With Modifications/Conditions			
Please attach any further explanation of the recommendation on additional sheets, as necessary.			
Voting # In Favor: <i>29</i> # Against: <i>0</i> # Abstaining: <i>0</i> <i>(1 ineligible)</i> Total members appointed to the board: <i>36</i>			
Name of CB/BB officer completing this form <i>Anthony Costantino</i>		Title <i>First Vice Chairman</i>	Date <i>June 11, 2014</i>

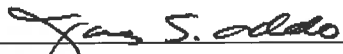
		BOROUGH PRESIDENT RECOMMENDATION Pursuant to the Uniform Land Use Review Procedure	
Application #: C140361PPR CEQR #: 06DME001R	Project Name: New Stapleton Sewer Easement Borough(s): Staten Island Community District Number(s): 01		
<i>Please use the above application number on all correspondence concerning this application</i>			

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Recommendation:	
<input checked="" type="checkbox"/> Approve	<input type="checkbox"/> Approve With Modifications/Conditions
<input type="checkbox"/> Disapprove	<input type="checkbox"/> Disapprove With Modifications/Conditions

Explanation of Recommendation, Conditions or Modification:

Related Applications:	
Contact: <i>Address questions about this recommendation to:</i> OFFICE OF THE STATEN ISLAND BOROUGH PRESIDENT ATTN: LAND USE DIRECTOR Address: 10 Richmond Terrace, Staten Island, NY 10301 (Room G-12) Phone: 718.816.2112 Fax: 718.816.2060	
	June 12, 2014
James S. Oddo President of the Borough of Staten Island	DATE