



CITY PLANNING COMMISSION

September 19, 2007/Calendar No.18

C 070058 PCR

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 site selection and acquisition of property located at Clovis Road between Clinton Road and Adrienne Road(Block 5133, Lot 36), and at Huguenot Avenue between Jansen Street and Short Place (Block 6550, Lot 71), Community District 3, Borough of Staten Island for the storage and conveyance of storm water.

The application for site selection and acquisition of 2 privately owned lots, totaling almost 1 acre, was filed by the Department of Environmental Protection (DEP) and the Department of Citywide Administrative Services (DCAS) on August 16, 2006, for the conveyance and storage of stormwater.

BACKGROUND

In 1961 the City of New York commissioned an Official Map and Drainage Plan for Staten Island that has never been fully implemented. The 1961 Official Map contains a conventional grid system engineered to provide gravity drainage to collector sewers. The Plan indicated that sewers would be located in streets mapped in the beds of streams which constitute the low points in the drainage basins. After more than 40 years, the Plan is obsolete.

Much of South Richmond, as well as parts of Mid-Staten Island, continue to lack sanitary and/or storm sewers. As a solution for

the need for infrastructure in this part of Staten Island, the Department of City Planning's (DCP) 1989 report entitled South Richmond's Open Space Network, An Agenda for Action: Stormwater and Open Space Management recommends that wetlands be used for stormwater management and open space.

The key stream corridors and wetlands found in South Richmond and other areas of Staten Island to be used for stormwater management are collectively called "the Bluebelt." DEP began to implement the recommendations of the 1989 report in 1993. In response, the City has proceeded to acquire property containing wetlands and streams while also developing management plans for selected drainage basins. The proposed action, site selection and acquisition of property in the Great Kills and Huguenot areas, is part of this process and is within the Jack's Pond and Arbutus Creek drainage systems.

The Great Kills parcel (Block 5133, Lot 36), is a vacant, privately owned tax lot and is part of a larger parcel of two tax lots that contain a one-family residence (on another tax lot). It is within the Jack's Pond watershed and part of the Jack's Pond Drainage Plan. The watershed includes the neighborhood of Great Kills. The parcel is part of the Jack's Pond Wetland System AR-8. The Huguenot parcel (Block 6550, Lot 71), is vacant, privately owned and is within the Arbutus Creek watershed and is part of the Arbutus Creek Drainage Plan. The watershed includes

the neighborhoods of Huguenot and Huguenot Beach. The parcel is part of the Wolfe's Pond Wetland System AR-17. This application will ensure the preservation of the existing storm water conveyance capacity for these wetlands and allow for restoration to increase this function as well as others.

ENVIRONMENTAL REVIEW

This application (C 070058 PCR) 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 affected property is in two different watersheds. Since each watershed was subject to separate environmental reviews, there were two different review processes. The designated CEQR numbers are 97DEP026 and 01DEP004R. The lead agency for both reviews is the Department of Environmental Protection.

After a study of the potential environmental impacts in each watershed area, it was determined that both actions may have significant effects on the environment and that an environmental impact statement would be required for each watershed because critical natural resources on Staten Island would be affected. A Positive Declaration (97DEP026R) was issued on September 17, 1997, affecting Block 6550, Lot 71. The Positive Declaration was distributed, published and filed, and the applicant was asked to

prepare or have prepared a Draft Environmental Impact Statement (DEIS).

The lead agency prepared a DEIS and issued a Notice of Completion on June 3, 1998. Pursuant to the SEQRA regulations and the CEQR procedures, a public hearing was held on the DEIS on July 9, 1998. The Final Environmental Impact Statement (FEIS) was completed, and a Notice of Completion of the FEIS was issued on September 30, 1998. The Notice of Completion for the FEIS identified the following impacts and proposed the following mitigation measures:

The proposed action has the potential to cause adverse natural resource impacts at the location of BMPs, sanitary and storm sewers, as well as cultural resource impacts and sedimentation impacts resulting from the project's construction activities. Natural resource mitigation includes acquisition of private parcels.

For sites that have the potential for medium or high archeological sensitivity, a phase IB study would be performed prior to the start of construction and in consultation with LPC or the New State Preservation Officer. To protect and minimize disturbance to designated historic resources found to be eligible, DEP would develop a vibration protection plan in consultation with LPC.

In order to mitigate the potential for significant sedimentation in the Arbutus Creek watershed during construction, a detailed erosion and sedimentation control plan would be specified for each of the construction contracts that would cover all activities - both in the uplands and in the wetlands; special wetlands protection techniques would be employed in some cases.

A Positive Declaration (01DEP004R) was issued on March 22, 2001, affecting Block 5133, Lot 36. The Positive Declaration was distributed, published and filed, and the applicant was asked to prepare or have prepared a Draft Environmental Impact Statement

(DEIS).

The lead agency prepared a DEIS and issued a Notice of Completion on October 9, 2002. Pursuant to the SEQRA regulations and the CEQR procedures, a public hearing was held on the DEIS on October 29, 2002. The Final Environmental Impact Statement (FEIS) was completed, and a Notice of Completion of the FEIS was issued on July 14, 2003. The Notice of Completion for the FEIS identified the following impacts and proposed the following mitigation measures:

The proposed action has the potential to cause adverse natural resource impacts at the location of BMPs, sanitary and storm sewers, as well as cultural resource impacts and sedimentation impacts resulting from the project's construction activities.

Jack's Pond has an existing fecal coliform condition that could not be remedied by the proposed drainage plan, but the project would not add any pollutant load to this condition. Mitigation plans for natural resources, particularly protected and special concern plant and wildlife species would be required.

For sites that have the potential for medium or high archeological sensitivity, a phase IB study would be performed prior to the start of construction and in consultation with LPC or the New State Preservation Officer. To protect and minimize disturbance to designated historic resources found to be eligible, DEP would develop a vibration protection plan in consultation with LPC.

In order to mitigate the potential for significant sedimentation in the Jack's Pond watershed during construction, a detailed erosion and sedimentation control plan would be specified for each of the construction contracts that would cover all activities - both in the uplands and in the wetlands; special wetlands protection techniques would be employed in some cases.

UNIFORM LAND USE REVIEW

This application (C 070058 PCR) was certified as complete by the Department of City Planning on May 21, 2007 and was duly referred

to Community Board 3 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 2 held a public hearing on this application on June 20, 2007, and on June 26, 2007 by a vote of 41 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 July 5, 2007.

City Planning Commission Public Hearing

On July 25, 2007 (Calendar No. 14), the City Planning Commission scheduled August 8, 2007, for a public hearing on this application (C 070058 PCR). The hearing was held on August 8, 2007 (Calendar No. 29), and continued to August 22, 2007 (Calendar No.9).

On August 22, 2007, there was one speaker in favor and one in opposition. The speaker in favor was a representative of the DEP, the director of the Bluebelt program. He stated that these two

lots were integral to the Bluebelt program, especially the Great Kills parcel, which contained a small portion of Jack's Pond itself. The speaker in opposition was a relative of the owner of Block 5133, Lot 36, which is proposed for acquisition. She voiced her concerns regarding the value of the property if it were to be acquired, erosion and maintenance of the lot in question, and notification of the proposed action.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the application for site selection and acquisition of privately-owned property is appropriate.

The DCP's 1989 report entitled An Agenda for Action: Stormwater and Open Space Management identified the need for an alternative approach to traditional stormwater management methods. In 1993, DEP began the preparation of comprehensive sanitary and stormwater plans. The objective of the South Beach stormwater management plan is to collect and convey runoff in the watershed from storms up to the 5-year design storm without adversely affecting the hydrology and water quality of the watershed and its associated wetlands. The construction of storm sewers will collect street runoff and direct it to the Best Management

Practices (BMP) sites prior to discharge into wetlands and streams of the watershed. This protects and preserves natural open space corridors while providing a cost effective stormwater management system.

DEP, the agency charged with implementing the stormwater management program, has received approval from the Office of Management and Budget (OMB) to proceed with the redesign of the Official Drainage Plan for one of the last unsewered sections of New York City, the eastern and southern parts of Staten Island.

In the Bluebelt applications approved to date by the City Planning Commission, the first of a three-phase plan of action has proceeded - preserving the major watersheds. Preserving these watersheds required immediate action due to development pressures while overall master planning for the Bluebelt proceeds. This application continues acquisition in the South Beach watershed.

In the next two phases, a comprehensive stormwater management/drainage plan will be redesigned to replace the previous plan for stormwater sewers with the current/new plan for a bluebelt system. It has already been completed for several individual drainage basins. Long term management and maintenance methods for the consolidated properties will be devised as part of the drainage plan revisions and carried out in the third phase.

The Commission believes that the use of this proposed acquisition site for stormwater management is consistent with the goals of DCP's 1989 report on the South Richmond Open Space Network, An Agenda for Action: Stormwater and Open Space Management.

The Commission notes that the DEP met with the relative of the owner who appeared in opposition to this application subsequent to its public hearing. In addition to testimony at the Commission's Hearing, DEP stated in a letter dated August 22, 2007, to the Commission that:

“ This parcel, while small, is a critical addition to the Jack's Pond Bluebelt. The open water of Jack's Pond is immediately contiguous to the east side of the subject parcel. In fact, the rear portion of this lot is actually inundated on a continual basis with the open water of Jack's Pond.”

The letter further stated that:

“ Preservation of the subject property is extremely important in terms of saving a part of Jack's Pond itself. Its inclusion into the Bluebelt is also essential because a DEP stormwater outfall is located adjacent to the subject property.”

Therefore the Commission believes the application for site selection and acquisition is appropriate.

RESOLUTION

RESOLVED, by the City Planning Commission, pursuant to Section 197-c of the New York City Charter, that based on the

environmental determination, and the consideration described in this report, the application, C 070058 PCR 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 site selection of property located at Clovis Road between Clinton Road and Adrienne Road(Block 5133, Lot 36), and at Huguenot Avenue between Jansen Street and Short Place (Block 6550, Lot 71), Community District 3, Borough of Staten Island for the storage and conveyance of storm water is approved.

The above resolution (C 070058 PCR), duly adopted by the City Planning Commission on September 19, 2007 (Calendar No.18), 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, AICP., Chair
KENNETH J.KNUCKLES, ESQ. Vice-Chairman
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Commissioners

