



CITY PLANNING COMMISSION

August 22, 2007/Calendar No. 6

C 070399 MLK

IN THE MATTER OF an application, submitted by the Department of Environmental Protection, pursuant to Section 197-c of the New York City Charter for landfill of approximately 2,513 square feet located at Whale Creek Canal and Newtown Creek, to facilitate the construction of a dock and loading facility, Borough of Brooklyn, Community District 1.

The application (C 070399 MLK) for a landfill was filed by the Department of Environmental Protection (DEP) pursuant to Sections 197-c of the New York City Charter on March 22, 2007. It involves the landfill of approximately 2,513 square feet of land underwater within Whale Creek Canal and Newtown Creek between the Pulaski and Kosciusko Bridges on and around Block 2508, Lot 1.

RELATED ACTIONS

In addition to the landfill application, which is the subject of this report, implementation of the applicant's proposal also requires action by the City Planning Commission on the following application which is being considered concurrently with this application:

C 070398 PSK	A site selection of city-owned property for development of a sludge loading facility for the Newtown Creek Water Pollution Control Plant.
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BACKGROUND

A full background discussion and description of this application appears in the report on the related application for a site selection (C 070398 PSK).

ENVIRONMENTAL REVIEW

This application (C 070399 MLK), in conjunction with the related action (C 070398 PSK), 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 06DEP023K. 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 March 19, 2007.

UNIFORM LAND USE REVIEW

This application (C 070399 MLK), in conjunction with the application for the related action (C 070398 PSK), was certified as complete by the Department of City Planning on April 9, 2007, 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 (C 070399 MLK), together with the related application (C 070398 PSK) on May 8, 2007, and on June 12, 2007, by a vote of 40 to 0, with 1 abstention, adopted a resolution recommending approval of both applications with conditions.

A summary of the recommendation of Community Board No. 1 appears in the report on the related application for the site selection (C 070398 PSK).

BOROUGH PRESIDENT RECOMMENDATION

This application (C 070399 MLK), together with the related application (C 070398 PSK) was considered by the Borough President of Brooklyn who issued a recommendation approving both applications with conditions on July 16, 2007.

A summary of the recommendation of the Borough President appears in the report on the related application for the site selection (C 070398 PSK).

CITY PLANNING COMMISSION PUBLIC HEARING

On July 11, 2007 (Calendar No. 2), the City Planning Commission scheduled July 25, 2007, for a public hearing on this application (C 070399 MLK). The hearing was duly held on July 25, 2007 (Calendar No. 28) in conjunction with the hearing on the related action (C 070398 PSK).

There was one speaker in favor and none opposed. A summary of the public hearing is included in the report on the related application for the site selection (C 070398 PSK).

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW

This application (C 070399 MLK), in conjunction with the related application (C 070398 PSK), 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 07-027.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The City Planning Commission believes that this proposal for landfill is appropriate.

A full consideration of the issues and the reasons for approving these applications appears in the report on the related application for the site selection (C 070398 PSK).

RESOLUTION

Therefore, the City Planning Commission, deeming the proposed landfill 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, 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 is consistent with WRP policies; and be it further

RESOLVED, by 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 (C 070399 MLK) for landfill of approximately 2,513 square feet located at Whale Creek Canal and Newtown Creek, to facilitate the construction of a dock and loading facility, is approved.

The above resolution (C 070399 MLK), duly adopted by the City Planning Commission on August 22, 2007 (Calendar No. 6), 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
ANGELA M. BATTAGLIA, ANGELA R. CAVALUZZI, R.A.,
ALFRED C. CERULLO, III, RICHARD W. EADDY,
LISA A. GOMEZ, NATHAN LEVENTHAL, JOHN MEROLO,
KAREN A. PHILLIPS, DOLLY WILLIAMS, Commissioners