



CITY PLANNING COMMISSION

April 13, 2005 /Calendar No. 17

C 050173 PCM

IN THE MATTER OF an application submitted by the Department of Sanitation 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 East 91st Street and the East River (Block 1587, lot 27, property adjacent to lot 27 in the East River, a part of Block 1587, lot 1, and a portion of property over the Franklin D. Roosevelt Drive), community district 8, in the Borough of Manhattan for use as a Marine Transfer Station.

* 197-d b (2) eligible

The application (C 050173 PCM) for site selection and acquisition of property for the construction of a marine transfer station at East 91st Street and the East River (Block 1587, lot 27, property adjacent to lot 27 in the East River, a part of Block 1587, lot 1, and a portion of property over the Franklin D. Roosevelt Drive), Community District 8, Borough of Manhattan, was filed by the Department of Sanitation (DSNY) on November 9, 2004.

BACKGROUND

Each day, the City's 8.2 million residents, businesses, commuters and visitors generate very large and diverse quantities of solid waste material. This material must be collected and disposed of daily. Historically, the Department of Sanitation (DSNY) used a network of eight partly enclosed marine transfer stations (MTS) for the collection and shipment of municipal solid waste (MSW) on open hopper barges to Fresh Kills Landfill in Staten Island. Since delivery of waste to Fresh Kills ceased in 2001, the City has relied on interim export contracts for disposal. Under these interim export contracts, all DSNY-managed MSW is either unloaded at in-City private transfer stations and transferred primarily by truck to out-of-City disposal sites, or is direct-hauled in collection vehicles to out-of-City disposal facilities. This mode of disposal has increased reliance on trucks with their associated air and noise pollution and has increased the

City's costs for waste management. Reducing the City's dependence on truck transport to disposal sites is a City priority.

Ninety three percent of all truck-transferred DSNY-managed waste is disposed in landfills. A combination of factors is causing the depletion of nearby landfill capacity and increase in disposal price. While nearby landfill disposal capacity is depleting, remote disposal capacity is not. However, remote capacity is not economically accessible by truck-based transfer.

Solid Waste Management Plan (SWMP)

The City is developing a new Solid Waste Management Plan for handling MSW pursuant to New York State's Solid Waste Management Act (New York Environmental Conservation Law [Section 27-0707]) and implementing regulations. DSNY has prepared a draft new SWMP which is now before the City Council. The new SWMP will define the City's goals and objectives for solid waste management over a 20-year period and will describe the major new programs that will supplement existing successful City programs to accomplish these goals.

A significant component of the new SWMP is the Long-Term Export Plan for DSNY-managed MSW. The Long Term Export Plan constitutes a comprehensive and balanced approach to the City's MSW long term export needs and includes the following elements:

The development of four new marine transfer stations (MTS) proposed to be located at sites of existing MTSs in Queens, Brooklyn, and Manhattan, with supporting 20-year service agreements for transport and disposal of containerized waste by barge or rail;

Contracts with up to five in-City private transfer stations for waste transfer, including transport and disposal by barge or rail of containerized waste and;

An intergovernmental agreement with the Port Authority of New York and New Jersey for the use of a waste-to-energy facility in Newark, New Jersey to receive and process truck deliveries of DSNY-managed MSW from a portion of Manhattan

The proposed new marine transfer facilities were included in the City-wide Statement of Needs for FY 2004-05. Under the draft Long Term Export Plan, all boroughs would share the burden of waste transfer operations. Each borough would export its own waste as follows:

Manhattan

- a) Proposed East 91st Street MTS for the 91st Street wasteshed.
- b) Direct truck transfer to the Essex County Resource Recovery Facility in Newark N.J.

Queens

- a) Proposed North Shore MTS.
- b) One private transfer station (either truck to barge or truck to rail).

Brooklyn

- a) Proposed Hamilton Avenue and Southwest Brooklyn MTSs.
- b) Either one or two private truck-to-rail or truck-to-barge transfer stations.

Bronx

One or two private truck-to-rail or truck-to-barge transfer facilities.

Staten Island

waste will be containerized at DSNY's new transfer station presently under construction at Fresh Kills and exported by truck on an interim basis and by rail when rail connections are made.

DSNY also proposes to reserve the West 59th Street MTS in Manhattan for use as a commercial waste transfer station. The proposed MTS's will also provide capacity that could be available to containerize commercial waste for barge/rail export. In addition, DSNY will negotiate arrangements with private transfer facilities in the Bronx, Brooklyn and Queens that are part of the Long Term Export Plan to export privately collected commercial waste by barge or rail.

The proposed combination of facilities provides the City with redundancy in the DSNY managed waste system that accommodates future increases in waste generated in the City as a function of population growth. This redundancy will also prevent occasional conditions that may affect certain components of the system from seriously disrupting future waste export.

All proposed DSNY MTS facilities would be developed on existing DSNY MTS sites. After collecting MSW from their assigned routes, collection vehicles would travel through the nearest local truck route leading to the MTS for that borough and enter the MTS through a truck access ramp designed to accommodate more arriving trucks than the maximum number that might need to enter a queue for unloading at the facility. Trucks would enter the facility and unload from the highest of three levels onto a middle level processing area where MSW would

be gathered and pushed by heavy equipment into waiting specially designed containers positioned at the lowest level. Containers would be tamped, sealed and loaded onto specially designed container barges. Each of the new facilities, including the East 91st Street facility that is the subject of this application, would be similar in design and consist of a three level structure, 200 feet wide by 300 feet long and 98 feet high. Several features of the proposed MTS design represent substantial improvements over existing facilities.

New MTSs would containerize waste for barge transport using lidded, sealed, leak-proof containers. Barges would be towed by tugs between the MTS and in-City or out- of-City intermodal facilities where containers would be transloaded onto ocean-going barges or railcars. Alternatively, the barges would be towed directly to out-of-City disposal sites.

New MTSs would have a state-of-the-art ventilation and odor control system combined with rapid roll-up doors, which will be more effective in preventing the release of odors from the facility. Facilities are designed to maintain negative pressure within the building and exhaust all air through exhaust fans, even when the access/egress doors are open. The odor control system for the exhaust system will include a scrubber and neutralizing agent misting system capable of removing between 90 percent and 99 percent of odorous compounds.

Operational procedures will include requiring that all waste handling operations be conducted within the enclosed building; limiting the amount of time MSW is retained on site; requiring that doors in the receiving area be kept closed except during deliveries; and using covered or enclosed collection vehicles.

Site

The proposed East 91st Street MTS would be located at the East River at East 91st Street in Manhattan. In addition to the site selection action, construction of the new facility requires the acquisition of 0.24 acres of underwater land from New York State through a grant of lands underwater.

The facility would accept MSW from the east side of Manhattan, encompassing Community Districts 5, 6, 8, and 11 and Wards Island. Additionally, the facility may accept limited amounts of commercial waste.

Although its use was discontinued in late 1999, an MTS facility has existed at this location since 1940. The existing facility will be demolished. The site is separated from all other uses by the waterfront esplanade and the FDR Drive. Asphalt Green, located directly across the FDR Drive from the site, is bisected by the entrance to the existing and proposed MTS. The site is located in an M1-4 district, which permits this use if it complies with performance standards. Zoning to the south is R8B and to the east is R10.

The subject site is accessible from several truck routes, including 1st Avenue, 2nd Avenue, 3rd Avenue, and 86th Street. Trucks would access the site via the existing and reconstructed elevated entrance ramp, which extends from East 91st Street and York Avenue, across the Asphalt Green Park and FDR Drive to the existing facility. The proposed MTS is designed to accommodate 36 collection vehicles per hour. A maximum of 7 trucks are anticipated to have to queue on the entrance ramp at any given time. The ramp will be able to accommodate up to 19 trucks at a time.

ENVIRONMENTAL REVIEW

This application (C 050173 PCM) is an element of New York City's proposed Solid Waste Management Plan (SWMP), which is required by New York State Environmental Conservation Law. The SWMP 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 New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 03DOS004Y. The Department of Sanitation (DSNY) is the lead agency.

It was determined that the proposed actions described in the SWMP may have a significant impact on the environment, and that an environmental impact statement would be required for the following reasons:

The actions, as proposed, may result in significant traffic impacts to traffic flow, air quality, solid waste and sanitation services, socioeconomic conditions, neighborhood character, open space and natural resources and significant adverse impacts from noise, odors and hazardous materials.

A positive declaration was issued on May 3, 2004 and distributed, published and filed and the applicant prepared a Draft Environmental Impact Statement ("DEIS"). Ten public meetings for the Draft Scope of Work for the DEIS were held on June 16th, 17th, 21st, 22nd, 23rd, 24th, 28th, 29th, 30th and July 1st, 2004 and the Final Scope of Work for the DEIS was issued on October 22, 2004.

The lead agency prepared a DEIS and a Notice of Completion for the DEIS was issued on October 22, 2004. Pursuant to the SEQRA regulations and CEQR procedures, eight public hearings were held on the DEIS on December 1st, 2nd, 6th, 8th, 13th, 14th, 15th, and 20th, 2004. Public comments on the DEIS were accepted from October 22, 2004 through January 24, 2005.

A Final Environmental Impact Statement (“FEIS”) was completed and a Notice of Completion for the FEIS was issued on April 1, 2005. The Notice of Completion for the FEIS identified the following potentially significant adverse impacts with respect to the subject MTS site and proposed the following mitigation measures to address these impacts:

Impacts and Mitigation

Traffic Impacts

Two intersections may experience impacts great enough to be considered significant during one of the peak times analyzed. All such impacts would be mitigated with the measures proposed below.

York Avenue/East 86th Street - During the AM peak hour, a potential impact was identified on the eastbound approach when the projected delay increased from 48.0 seconds to 62.4 seconds (LOS D to LOS E). A reallocation of three seconds of green time to the eastbound and westbound approaches would eliminate this unacceptable increase in delay. This mitigation measure would subtract three seconds of green time from the northbound and southbound approaches, but would reduce the delay for the eastbound approach from 62.4 seconds to 49.8 seconds. This reallocation of green time would also decrease the delay of the westbound approach by approximately three seconds, while the northbound and southbound approach delays are projected to increase by approximately two seconds.

York Avenue/East 91st Street - During the PM peak hour, a potential impact was identified on the northbound (defacto) left movement when the delay increased from 80.9 seconds to 90.4

seconds (LOS F in both cases). A reallocation of two seconds of green time to the northbound and southbound approaches would eliminate this unacceptable increase in delay. This mitigation measure would subtract two seconds from the westbound approach green time, but would reduce the delay for the northbound (defacto) left movement from 90.4 seconds to 75.0 seconds. The reallocation of green time would also decrease the delay of both the northbound and southbound approaches by approximately one second. The westbound approach delay would increase by less than one second.

This mitigation would not generate any adverse impacts on other lane groups during other time periods. Overall, the mitigation measures would greatly enhance the intersection performance by reducing delays to LOSs similar to those under the Future No-Build Condition.

Noise Impacts

The noise analysis in the FEIS addressed on-site and off-site sources of noise emissions from East 91st Street Converted MTS-related solid waste management activities. All noise impacts can be fully mitigated. The analysis included a louver fence that will be placed on the truck ramp as a visual screen. The louver fence will be approximately nine (9) feet in height and will be constructed on top of a 3-foot high concrete base, for a total height of 12 feet. The louver fence will provide a noise reduction of approximately 7dBA for receptors adjacent to the property boundary. The gantry crane for the facility will be constructed to meet certain noise specifications. No significant noise impacts were predicted from the facility on-site operations.

If DSNY were to send collection trucks to this facility during the nighttime hours, the off-site noise impact analysis found that, without mitigation, a potentially significant noise impact could occur during a one-hour period at a sensitive receptor along York Avenue between East 90th Street and East 91st Street. To fully mitigate this impact, DSNY would limit the number of collection trucks sent to this facility during this one hour period. In addition, the noise analysis found that commercial vehicles delivering to the facility at night could cause a significant adverse noise impact at noise-sensitive receptors on the approach routes these vehicles would take to the Converted MTS. Therefore, as mitigation, a limit is proposed on the number of commercial waste vehicles that could be routed to the East 91st Street Converted MTS during various hours

within the 8:00 p.m. to 8:00 a.m. period to avoid causing significant noise impacts. As a result of this limitation, the amount of available MTS capacity that can be used to process commercial waste during the hours of 8:00 p.m. to 8:00 a.m. without causing any significant adverse noise impact would be 781 tons (or 71 commercial waste hauling vehicles, assuming an average of 11 tons per truck) over this 12-hour period.

Other Impact Categories

No significant adverse impacts were identified with respect to the proposed East 91st Converted MTS in any other CEQR impact categories.

UNIFORM LAND USE REVIEW

This application (C 050173 PCM) was certified as complete by the Department of City Planning on November 15, 2004 and was duly referred to Community Board 8 and the Manhattan Borough President in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 8 held a public hearing on this application (C 050173 PCM) on January 12, 2005 and on that date, by a vote of 31 in favor, 0 opposed and 4 abstaining adopted a resolution recommending disapproval of this application with the following comments:

The proposed site is located in the middle of a densely populated residential neighborhood. The site is located near or adjacent to three different City Parks and the ramp providing access to the facility bisects one of those parks, Asphalt Green. No densely populated residential neighborhood is a good location for an MTS and this is a particularly bad location due to its proximity not only to residences, but also to highly utilized parks.

When the previous MTS was sited at this location in 1940, the neighborhood was much less densely populated and developed. The new MTS will have a capacity of 4,290,280 tons per day, which is four times the capacity that was handled by

the former MTS at the site, it will handle both residential and commercial waste, and it will operate 6 days per week, 24 hours per day.

DOS's own siting regulations would absolutely prohibit the siting of a private transfer station in this location due to proximity to residences and parks. There is no reason why this site should be acceptable for a DOS transfer station when it would be prohibited for a private transfer station.

This site does not meet DOS's own stated site selection criteria, which include reasonable distance from residences, schools, parks and other sensitive receptors. Alternative sites were rejected due to proximity to residences and parks. Why then was this site not also rejected due to its proximity to Asphalt Green, Carl Schurz Park, the Esplanade and dense residential development?

The DOS states that the projected economics of the plan to containerize waste at four new MTSs are less costly to the City than alternatives that were evaluated, but no real cost benefit analysis has been performed. There are no revenue or expense projections for the MTS at East 91st Street, there is no mention of operation costs, there is no discussion of how much it will cost to transport the containerized waste to its ultimate destination, or how much it will cost to dispose of the containerized waste once it arrives there. Without this information, no true analysis of the economics of the plan is possible.

When the last MTS operated it received a peak of less than 1,000 tons of waste. Yet trucks lined the streets, traffic was backed up and the odor from the facility was overpowering. The new facility will be significantly larger and it will have more capacity. Therefore, it is unimaginable that the negative impacts associated with the former MTS will not be worse with a new larger MTS.

The analyses of environmental impacts in the DEIS is not accurate, as the DEIS studied an artificially limited amount of throughput and did not study the environmental impacts arising from the operation of the MTS at full capacity.

The suggested mitigation for the facility's predicted environmental impacts is unenforceable. For example, the DOS cannot ensure that commercial trucks delivering waste to the MTS will use ultra-low sulfur fuel nor can DOS ensure that commercial trucks will only attempt to access the facility during specified hours so as not to create noise impacts.

Borough President Recommendation

This application (C 050173 PCM) was considered by the Borough President of Manhattan, who issued an unfavorable recommendation on February 4, 2005 and amended on March 2nd, 2005 with the following comments:

While the Borough President has supported the use of barge and rail as environmentally responsible ways of transporting our city's solid waste, she opposes the expansion of this and the other facilities when the administration released its plan because of concerns about local impacts.

The DEIS does not allay these concerns, and she remains opposed to the re-opening of this facility based on the densely residential character of this neighborhood and the access ramp that cuts through Asphalt Green.

Though the 91st Street Marine Transfer Station (MTS) is proposed to be built with a capacity of 4,290 tons per day (tpd), the DEIS bases its analysis on less than half that at 1,700 to 1,800 tpd. If this is the maximum amount of tons proposed to be processed at this location, why is such a large facility necessary? It is hard to avoid the conclusion, in spite of assertions to the contrary, that capacity in excess of the residential stream will be taken up by commercial waste. The analysis of processing 4,290 tpd of proportionally attributed residential and commercial waste should be performed to comply with the reasonable worst-case requirement. Absent this analysis, it is impossible to judge the acceptability of a facility that will operate day and night six days of every week.

The Borough President has consistently objected to the fact that access to the MTS cuts through Asphalt Green, and the DEIS does not address that issue beyond the assertion that there will be some form of noise barriers erected. Moreover, there are no drawings, illustrations or simulations that would allow a reader to get an idea of what the actual visual impact of the MTS will be on users of Asphalt Green, not to mention on residents in nearby buildings.

Whether or not it will be possible to actually avoid queuing of trucks on the nearby streets, it is also a matter of great concern to the Borough President that private commercial waste hauler trucks are incredibly polluting, so that it is of crucial importance to analyze the air quality and noise impacts of these vehicles on the surrounding neighborhood in a reasonable worst-case scenario.

With regard to alternatives, the DEIS should disclose precisely the technical, legal and other parameters that have led DSNY to plan on using East 91st Street and not West 135th Street, which indeed may preclude the use of East 91st Street as well. In addition, the Manhattan Citizens' Solid Waste Advisory Board (MSWAB) has used DSNY criteria to identify potential sites over and above the sites already evaluated. It appears DSNY has determined that none of the four additional sites evaluated in the Commercial Waste Study are suitable for export. However, the existing MTS would also not be suitable were DSNY to apply the same criteria used to disqualify the other four. The DEIS should include an analysis of the feasibility of using the sites identified by MSWAB as well as a more complete investigation of the four in the Commercial Waste Study. Another possible alternative for evaluation is an EBUF or Randall's island. The DEIS should have

disclosed the technical, legal and other obstacles to their use in order for the public to be able to fully evaluate the various alternatives.

The Borough President believes that a more thorough and accurate analysis of the potential impacts of building a MTS for containerization of residential and commercial waste at East 91st Street would lead to the conclusion that there would be too many unmitigatable impacts for its construction to be considered acceptable.

An alternative would be to identify a site for an enclosed barge unloading facility (EBUF) where solid waste dumped directly into barges is taken to be put into containers. Another alternative would be to identify other sites on the waterfront that would not violate DSNY's own siting guidelines, such as not locating the entrance to a facility within 400 feet of a park, school or residence.

City Planning Commission Public Hearing

On February 16, 2005 (Calendar No. 7), the City Planning Commission scheduled March 2, 2005 for a public hearing on this application (C 050173 PCM). The hearing was duly held on March 2, 2005, (Calendar No. 12). There were five speakers in favor of the subject application and ten opposed. At the start of the public hearing for the related Southwest Brooklyn MTS, the Commissioner of the Department of Sanitation spoke generally about the City's need and obligation to develop and implement a new Solid Waste Management Plan (SWMP) and its advantages to the City over alternative proposals. A more detailed description of the Commissioner's testimony appears in the report for the proposed Southwest Brooklyn MTS (C 050175 PSK).

A representative of DSNY's Bureau of Long Term Export described the proposed site and operation of the East 91st Street MTS. He stated that DSNY had proposed several alternatives for the screening of the ramp leading to the proposed facility and was willing to discuss these proposals further. Other speakers in favor of the application included representatives of Sustainable South Bronx, Federation of Civic Associations and Outrage.

Their comments in favor focused on the need to distribute the burden of disposition of municipal waste more equitably throughout the City and reduce the concentration of private transfer facilities in Greenpoint/Williamsburg in Brooklyn and in the South Bronx. They stressed that the overconcentration of these facilities in North Brooklyn and South Bronx contributed to the excessive air pollution in these areas and negatively affected the health of local residents, especially children.

Speakers in opposition included representatives of Gracie Point Community Council, the executive director of Asphalt Green and local residents. They stressed that the proposed facility would bisect Asphalt Green and create excessive noise, traffic and air pollution in what is a densely populated residential area. It was further stated that the proposed site does not meet DSNY's own criteria for locations of solid waste transfer facilities and that the site was only chosen because there was an existing MTS there. Opponents also stated that the DEIS was deficient and incomplete. They stated that DSNY should look at alternative sites and take a more realistic approach toward recycling and reducing waste. There were no other speakers and the hearing was closed.

Waterfront Revitalization Consistency Review

This application 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 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 #04-111.

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 site selection and acquisition of property at East 91st Street and the East River (Block 1587, lot 27, property adjacent to lot 27 in the East River, a part of Block 1587, lot 1, and a portion of property over the Franklin D. Roosevelt Drive) Community District 8, Borough of Manhattan for a DSNY marine transfer station is appropriate.

New York State's Solid Waste Management Act (New York Environmental Conservation Law [section 27-0707]) and implementing regulations require the City to develop a new Solid Waste Management Plan (SWMP). The City's proposed new SWMP is currently before the City Council. The Commission believes that the East 91 Street MTS, along with three additional transfer stations in Brooklyn and Queens, and a fifth facility currently under construction in Staten Island, which are part of the City's new SWMP will help put into place an effective, reliable, environmentally sensitive and equitable system for handling the very large quantity of putrescible solid waste generated in the City daily. The Long Term Export component of the SWMP constitutes a comprehensive and balanced approach to the City's MSW long term export needs.

The proposed East 91 Street MTS site was used as a transfer station until it was closed in 1999. It is located in an M1-4 zoning district, which permits such use if it meets appropriate performance standards. The proposed site is located in the East River to the east of the FDR

Drive. The East 91st Street MTS is accessible from several truck routes, including 1st Avenue, 2nd Avenue, 3rd Avenue, and 86th Street.

The proposed site and the other proposed facilities that are part of the SWMP are designed to address many of the adverse effects previously associated with solid waste transfer facilities, such as noise, water and air pollution resulting from transfer operations. The following design and operational features will be incorporated in the proposed facility to eliminate or reduce these impacts:

The new MTS would containerize waste for barge transport using lidded, sealed, leak-proof containers.

The new MTS would have a state-of-the-art ventilation and odor control system which will include a scrubber and neutralizing agent misting system capable of removing between 90 percent and 99 percent of odorous compounds.

Rapid roll-up doors will be more effective in preventing the release of odors from the processing building than was possible with the old MTS's.

The facility is designed to maintain negative pressure within the building and exhaust all air through the odor control system even when the access/egress doors are open.

Operational procedures will include: requiring that all waste handling operations be conducted within the enclosed building; limiting the amount of time MSW is retained on site; requiring that doors in the receiving area be kept closed except during deliveries and; using covered or enclosed collection vehicles.

In a communication dated March 25, 2005, DSNY responded to questions and issues raised during the public review. It included drawings showing several alternative designs for screening the entrance ramp to the MTS from Asphalt Green and stressed DSNY's willingness to further discuss these alternatives with the Commission and the Community Board.

Regarding the search for alternate sites, it was stated that since the closure of Fresh Kills was announced in 1996, the City had undertaken an exhaustive process of investigating alternative MTS sites. It was stressed that there are a very limited number of vacant or underutilized industrial waterfront sites in Manhattan. All of these sites were investigated and none were found to be superior to the proposed site. Additionally, from an operational standpoint, transfer stations should be located as close as possible to collection routes. With respect to the criteria for selecting appropriate sites for private transfer stations, DSNY noted that these regulations take into consideration existing and permitted facilities and allow such facilities less than four hundred feet from sensitive receptors to operate. DSNY stated that collection trucks will meet noise standards published by the Department of Environmental Protection for both engines and compactors. At the request of the community, DSNY has agreed to re-evaluate and potentially modify the proposed truck routes along local streets. In order to further limit the noise and pollution near the MTS during certain hours, DSNY will

enter into contractual agreements with private carters to control both the times of operation and the frequency of private carter vehicles arriving at the MTS.

In response to suggestions that the facility be made smaller in height, DSNY noted that the height is a function of the spatial relationships between the various processes within the facility and the barge loading operation as well as odor control and ventilation requirements. Given the constraints of the site, and these spatial relationships, it would be problematic to lower the overall height of the facility.

Regarding efforts to facilitate private transfer station capacity reduction, DSNY stated that it will work with the industry, the City Council and community groups to achieve this reduction.

RESOLUTION

RESOLVED, that the City Planning Commission finds that having considered the Final Environmental Impact Statement (FEIS) for which a notice of completion was issued on April 1, 2005 with respect to the City's proposed Solid Waste Management Plan, which this application (C 050173 PCM) is a part of, the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and regulations, have been met and that, consistent with social, economic and other essential considerations:

1. From among the reasonable alternatives thereto, the action to be approved is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable and;

2. The adverse environmental impacts revealed in the environmental impact statement will be minimized or avoided to the maximum extent by incorporating as conditions to this approval those mitigative measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS, constitutes the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to section 617.11 (d) of the SEQRA regulations;

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 that pursuant to section 197-c of the New York City Charter, that based on the environmental determination and consideration described in this report, the application (C 050173 PCM) of the Department of Sanitation for the site selection and acquisition of property located at East 91st Street and the East River (Block 1587, lot 27, property adjacent to lot 27 in the East River, a part of Block 1587, lot 1, and a portion of property over the Franklin D. Roosevelt Drive), community district 8, Borough of Manhattan for use as a Marine Transfer Station is approved.

The above resolution, duly adopted by the City Planning Commission on April 13, 2005 (Calendar No. 17) is filed with the Office of the Speaker, City Council and the Borough

President of Manhattan, 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

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

ALFRED C. CERULLO, III, RICHARD W. EADDY, JANE D. GOL, LISA A. GOMEZ,

CHRISTOPHER KUI, JOHN MEROLO, DOLLY WILLIAMS, Commissioners

ANGELA R. CAVALUZZI, R.A., KAREN A. PHILLIPS, Commissioners, Voting No,