



CITY PLANNING COMMISSION

May 25, 2005/Calendar No. 15

C 030537 MMX

IN THE MATTER OF an application, submitted by the New York City Department of Transportation pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et. seq.* of the New York City Administrative Code, for an amendment to the City Map involving:

- a) the widening and re-alignment of East 153rd Street between Grand Boulevard and Concourse and Morris Avenue;
- b) the adjustment of grades necessitated thereby; and
- c) any acquisition or disposition of real property related thereto,

Community Districts 1 and 4, Borough of the Bronx, in accordance with Map No. 13104 dated November 16, 2004 and signed by the Borough President.

The application (C 030537 MMX) for an amendment to the City Map was filed by the Department of Transportation pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et. seq.* of the New York City Administrative Code on June 23, 2003. It involves: the widening and re-alignment of East 153rd Street between Grand Boulevard and Concourse and Morris Avenue; the adjustment of grades necessitated thereby; and any acquisition or disposition of real property related thereto.

BACKGROUND

The New York City Department of Transportation (DOT) proposes the widening and re-alignment of East 153rd Street between the Grand Concourse and Morris Avenue to facilitate the construction of a cable-stayed bridge carrying four lanes of traffic over the Metro North Railroad tracks. The new bridge is expected to be a showpiece of South Central Bronx and will include aesthetic lighting and architectural treatments. The bridge will have two traffic lanes in each direction, two bike lanes, and two sidewalks along a modified horizontal alignment.

The old bridge, which spanned from Concourse Village East to Concourse Village West, was built in 1899 and carried two lanes of traffic. It was closed to traffic in 1988 and subsequently demolished in 1992 for safety reasons. Currently, there is no cross-town connection between the

Grand Concourse and Morris Avenue at this location.

DOT proposes to modify and widen the existing mapped right-of-way to accommodate the increased number of lanes and proposed horizontal re-alignment, and for maintenance access to the bridge. DOT proposes to acquire two privately owned properties (Block 2458, Lots 1 and 2). Block 2458 (Lot 1) has a two story building and is occupied by Herk Elevator Company. The elevator company has about 45 employees. Block 2458 (Lot 2) has a one story building occupied by a car wash company. DOT proposes to acquire the entire Lot 2 because the proposed street right-of-way line falls at the middle of the building. DOT also proposes to acquire small slivers of two privately owned properties: 3441 square feet of Lot 53 in Block 2443 owned by Cardinal Hayes High School, and 1470 square feet of Lot 1 in Block 2441 owned by the Maria Lopez Plaza, a mid-rise development.

There are three sections of East 153rd Street involved in this project. The mapped right-of-way of the bridge section will be re-aligned and widened from 113 feet to 143.3 feet. East 153rd Street between the Grand Concourse and Concourse Village West is mapped at a 50 foot width, improved and open for one way eastbound traffic. The other portion of East 153rd Street between Concourse Village East and Morris Avenue has an irregular width and is also improved and open for one way eastbound traffic. These two portions of East 153rd Street will be widened and have varying widths.

A change of legal grade is proposed due to the re-alignment of the bridge and roadway approaches. The differential between existing and proposed legal grades is within approximately 0-30 inches. The bridge construction is scheduled to begin in Fiscal Year 2005 and is expected to be completed within 24 months.

East 153rd Street is located in the Concourse Village section of the Borough of the Bronx and

runs between the Grand Concourse and Morris Avenue. The subject area lies within R8,R7-2 and C8-3 zoning districts. Adjacent zoning districts include R6 and R7. Cardinal Hayes High School is located at the south east corner of the intersection of the Grand Concourse and East 153rd Street. To the north there are two schools (primary and an intermediate). On December 2, 2004, the Department of Education announced a plan for the construction of a secondary school campus just north of the proposed bridge. There is a Baptist Church on East 153rd Street between Concourse Village East and Morris Avenue. The Melrose Houses complex is located east of Morris Avenue and north of East 153rd Street. Another Maria Lopez Plaza building is located just south of East 153rd Street between Park Avenue and Morris Avenue.

An interagency mapping conference was held on July 22, 2003. No city agency had any objections to this proposal.

ENVIRONMENTAL REVIEW

This application (C 030537 MMX), 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 03DOT005X. The lead is the Department of Transportation.

After a study of the potential environmental impacts of the proposed action, it was determined that the proposed action may have a significant effect on the environment, and that an environmental impact statement would be required for the following reason:

The action may result in significant effects on land use, impacts on urban design and visual resources, traffic and parking, noise and construction related impacts in the vicinity of the affected area.

A Positive Declaration was issued on October 18, 2002, and distributed, published and filed, and the applicant was asked to prepare or have prepared a Draft Environmental Impact Statement (DEIS).

A public scoping meeting was held on the Draft Scope of Work on December 3, 2002 and a Final Scope of Work was issued on January 2, 2003.

The applicant prepared a DEIS and issued a Notice of Completion on July 20, 2004. Pursuant to the SEQR regulations and the CEQR Rules of Procedures, a public hearing was held on August 30, 2004, at the Bronx Borough President's Office, in order to receive comments on the information and analyses contained in the DEIS.

The Final Environmental Impact Statement (FEIS) was completed, and a Notice of Completion of the FEIS was issued on May 5, 2005. The Notice of Completion for the FEIS identified the following significant impacts and proposed mitigation measures:

HAZARDOUS MATERIALS

Based upon a review of historical sanborn maps, the published records of the regulatory agencies, and the field investigation, environmental concerns identified at the site include the following:

Visual inspection: The visual site inspection revealed the presence of the surface debris including empty rusty metal 55-gallon drums, a few of which were labeled as containing used oil or hazardous waste, and scrap metal covering the southern portion of the excavation limits. Stressed vegetation and gravel were observed covering the surface within the excavation limits. A brick building and an inaccessible gated area containing 55-gallon drums and electrical transformers were identified south of the excavation limits. Mounds of fill material were identified north of the excavation limits.

Site History: A review of historical Sanborn maps showed railroad tracks previously covering the entire excavation limit area indicating a potential for buried surface debris. The review of historical Sanborn maps showed that the Metro-North Mott Haven maintenance facility that is south of the excavation limits in the vicinity of the western abutment was a former substation and electric repair shop.

Regulatory Review: The regulatory database review indicated three listings for the Metro North Mott Haven Facility/Yard. Three active spill incidents (diesel, lube oil, and waste oil) occurred at the site. The site is a registered small quantity hazardous waste generator of solid waste exhibiting the characteristic of ignitability, lead, and PCB waste. The site has registered in service and closed aboveground storage tanks containing diesel and no. 1, 2, or 4 fuel oil, none of which were observed within the excavation limits.

Adjacent Properties: The locations of Herk Elevator, the vacant industrial building (previously leased to Progressive Plastics), and the Greater Universal Baptist Church were identified adjacent to the property. The three properties observed from the exteriors showed evidence of fuel tanks.

Lead Containing Paint: The lead paint survey has indicated the presence of four types of lead based paint. Lead based paint on both abutments and on the iron fence should be abated as necessary (spot removal) prior to demolition of the abutments and cutting of the fence in accordance with the stipulations of this Final Environmental Impact Statement.

Soil: The soils investigation has indicated that none of the soil samples collected in the excavation areas of the proposed foundations exceed Hazardous Waste Levels in 40CFR Section 261 and 6NYCRR Part 371 for TCLP Lead or TCLP 8 RCRA Metals or Volatile Organic Compounds or Polychlorinated Biphenyls. Two (2) soil samples collected in the vicinity of locations SB-3 and SB-4 showed slightly elevated concentrations with respect to New York State Department of

Environmental Conservation Recommended Soil Cleanup Objectives of the following Semi Volatile Organic Base Neutral Compounds: Benzo(a)anthracene, Chrysene, Benzo(b)fluoranthene, Benzo(k)fluoranthene, Benzo(a)pyrene, and Dibenzo(a,h)anthracene. The elevated concentrations may be related to the presence of surficial debris indicated by obstructions encountered during drilling in this location. Further evaluation will be performed in the vicinity of proposed West abutment during final design.

Mitigation Measures

As a result of the elevated levels of Semi-Volatile Organic Compounds (SVOCs) exceeding NYSDEC TAGM 4046 Guidance Levels, a site-specific health and safety plan (HASP) will be prepared. Potential contaminants such as VOCs, Pesticides/PCBs, and Heavy Metals (priority pollutant) will be included in the HASP as suspect on-site contaminants. The HASP will be submitted to DEP for review/approval prior to the start of soil disturbance. In an effort to reduce/eliminate fugitive dust during construction, dust suppression will be maintained by the contractor.

If soil contamination is identified near the west abutment after further study, remediation or disposal of contaminated materials will be necessary. Soil disturbance will not occur without DEP's written approval of the construction HASP for the proposed project.

All excavated soil, fill material, and C&D debris removed from the site will be properly tested and disposed of in accordance with all applicable NYSDEC Regulations. Likewise, any asbestos, lead-based paint, drums, petro-chemical containers, etc. removed from the site will be handled and disposed of in accordance with all applicable federal, state, and local regulations.

Prior to disruption of on-site soils, particularly within the Mott Haven Yard, during construction, temporary runoff systems will be installed to redirect runoff away from the construction area.

Contaminated soils identified in the subsurface investigation will be excavated and stockpiled on polythene sheeting for further testing, and if necessary, removed and disposed of at an appropriate facility. Demolition and construction activities that could potentially disturb lead-based paint would be performed in accordance with the applicable OSHA regulation (OSHA 29 CFR 1926.62) in conjunction with the methods established by the NYCDOT. While the OSHA regulations are primarily designed to protect workers, the OSHA and NYCDOT methods described for the disturbance of lead-based paint would minimize potential exposure risks to the public. Prior to demolition, a comprehensive asbestos survey will be conducted, which will include the sampling of all suspect materials to confirm the presence or absence of asbestos. Based on the findings of the survey, ACM would be removed in accordance with all local, State and Federal regulations.

In addition, prior to construction:

- A sewer discharge permit application should be completed/received and approved by DEP prior to the start of discharge of any groundwater into the sewer system;
- Project land parcels that have yet to be acquired will be properly tested (surface and subsurface), following the DEP-approved protocol, prior to any grading, excavation, or construction activities. The results will be submitted to the NYCDEP for identification of the remedial actions, if necessary;
- If any excavated soil is to be removed from the project site, the soil must be properly tested in accordance with all applicable NYSDEC regulations prior to determining any reuse and/or disposal options;
- If above ground storage tanks were found to be present, removal procedures pursuant to local, state, and federal regulations will be followed. These procedures include proper removal and disposal of the oil within the tank and the piping system;

- Prior to demolition work on the buildings (acquisition properties), a survey to determine whether or not on-site structures actually contain asbestos is required by NYCRR part 56. The required inspection will be performed by a certified inspector and will include review of historical documents and sampling. If the building survey concludes that asbestos is present, demolition will not commence until an asbestos remediation program is conducted;
- The Occupational Safety and Health Administration (OSHA) promulgates safety practices for the demolition contractors to follow for the protection of the demolition workers. A standard practice within the City of New York is to minimize fugitive dust emissions. The construction manager will comply with these applicable OSHA safety practices;
- Removal of oil burning furnaces, if present and not identified to date, would occur in accordance with local, state, and federal regulations, which would include drainage of the fuel oil within the furnace itself and pipes leading to the fuel source. Proper disposal of the fuel oil would follow; and,
- In the event that dewatering will be required for this project, groundwater sampling results, permits, and any required engineering controls must be approved by DEP.

With the development of testing and removal protocols, the implementation of an approved construction HASP, and the proper removal of potential sources of contamination from the project site, significant impacts are not expected with respect to hazardous materials.

TRAFFIC

Traffic impacts associated with the proposed action were identified at the following locations:

AM Peak Hour:

East 161st with Morris Avenue

East 153rd with Grand Concourse

East 153rd with Melrose Avenue

Midday Peak Hour: East 153rd Street with Melrose Avenue

East 153rd Street with Third Avenue

PM Peak Hour: East 161st Street with Grand Concourse North

East 153rd Street with Grand Concourse

East 153rd with Melrose Avenue

East 153rd Street with Third Avenue

Saturday: East 153rd Street with Melrose Avenue

Mitigation Measures

The AM peak hour is anticipated to experience significant impacts at three locations. The MD peak hour is anticipated to experience significant impacts at two locations. The PM and Saturday peak hours are anticipated to experience significant impacts at four intersections and one intersection, respectively.

All significant impacts noted are a result of the traffic reassignment within the network. The anticipated impacts were mitigated by modifying traffic signal phasing and timing.

UNIFORM LAND USE REVIEW

This application (C 030537 MMX) was certified as complete by the Department of City Planning on December 20, 2004 and was duly referred to Community Boards 1 and 4 and the Borough

President in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 1 held a public hearing on this application (C 030537 MMX) on February 24, 2005, and on that date, by a vote of 10 to 1 with 4 abstentions, adopted a resolution recommending approval of the application.

Community Board 4 held a public hearing on this application (C 030537 MMX) on February 22, 2005, and on that date, by a vote of 23 to 0 with 0 abstentions, adopted a resolution recommending approval of the application.

Borough President's Recommendation

This application (C 030537 MMX) was considered by the Borough President of the Bronx, who issued a recommendation approving the application on March 28, 2005, subject to following conditions:

“...Landscaping of pedestrian areas on the Grand Concourse at East 153rd Street should be a priority. The Department of Parks and Recreation should participate in the design, implementation and maintenance of such areas.
Chain-link fence should not be installed...
Measures to minimize noise, debris and dust during construction should be implemented...
All decorative or site-specific street lighting incorporated in the bridge design should be extended to the Grand Concourse and Morris Avenue at East 153rd Street. Lighting to illuminate the mast and suspension cables of the bridge should be Metal Hylite...
The appropriate city agencies should work with the businesses obliged to relocate...
The Department of Transportation should consult with my office during the construction phase to assure that my modifications to this application are implemented...”

Borough Board Recommendation

The Borough Board did not submit a recommendation on this application (C 030537 MMX).

City Planning Commission Public Hearing

On March 30, 2005 (Calendar No. 1), the City Planning Commission scheduled April 13, 2005 for a hearing on this application (C 030537 MMX). The hearing was duly held on April 13, 2005 (Calendar No. 21).

There was one speaker in favor and none in opposition to the application. The speaker, a representative of the Department of Transportation (DOT), described the application.

There were no other speakers and the hearing was closed.

CONSIDERATION

The City Planning Commission believes that the amendment to the City Map is appropriate.

This application will facilitate the construction of a cable-stayed bridge over the Metro North Railroad tracks in the Bronx. The new bridge will have two traffic lanes in each direction, two bike lanes, and two sidewalks. This bridge will help alleviate vehicular and pedestrian traffic along the east-west corridors, East 161st Street and East 149th Street in the south central Bronx.

The Commission received a letter from NYCDOT dated April 15, 2005, responding to the questions and issues raised by the Bronx Borough President's Office. NYCDOT stated that:

- The public space at the southeast corner of Grand Concourse and East 153rd Street is designated for the green street program. NYC DOT has worked with Department of Parks and Recreation to develop this parcel and Parks has approved the layout and ...
- Chain-link fencing is not proposed in any new locations at street level within the project limits. The protective screening on the bridge will consist of a penalized stainless steel mesh

- instead of the standard chain-link...
- Notes directing the contractor to minimize noise, debris and dust are included in the special provisions of the contract documents...
- Under this project, a consistent type of new street lighting will be installed along East 153rd Street between Grand Concourse and Morris Avenue... The aesthetic lighting used to illuminate the tower and the cables, will be metal halide, as recommended.
- NYCDOT has contacted the appropriate city agencies that work directly with the businesses that are obliged to move as a result of the project...
- NYCDOT will maintain contact with the Bronx Borough President's Office throughout the design and construction of this bridge project.

The Commission further believes that the new bridge is an important cross-town connection in this community and an important amenity to the South Central Bronx Neighborhood.

RESOLUTION

Therefore, the City Planning Commission, deeming the proposed amendment to the City map and any related acquisition or disposition to be appropriate, adopts the following resolution:

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a notice of completion was issued on May 5, 2005, with respect to these applications (CEQR No. 03DOT005X), 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 actions to be approved are ones which minimize or avoid adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts revealed in the final environmental impact statement will be minimized or avoided to the maximum extent practicable 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, by the City Planning Commission, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 et seq. of the New York City Administrative Code, that based on the environmental determination and the consideration described in this report, the application for the amendments to the City Map involving: a) the widening and re-alignment of East 153rd Street between Grand Boulevard and Concourse and Morris Avenue; b) the adjustment of grades necessitated thereby; and c) any acquisition or disposition of real property related thereto, in Community Districts 1 and 4, Borough of the Bronx, in accordance with Map No. 13104 dated November 16, 2004 and signed by the Borough President, are approved; and be it further

RESOLVED that, pursuant to Section 5-432 of the New York City Administrative Code, the City Planning Commission determines that “such closing or discontinuance will further the health, safety, pedestrian or vehicular circulation, housing, economic development or general welfare of the City”; and be it further

RESOLVED that, pursuant to Section 5-433 of the New York City Administrative Code, the City Planning Commission adopts three (3) counterparts of Map No. 13104 dated November 16, 2004 providing for the discontinuance and closing of a portion of East 153rd Street between Grand Boulevard and Concourse and Park Avenue East, more particularly described as follows:

Beginning at a point on the southerly side of East 153rd Street, said point being distant 33.93 feet westerly from the intersection of the westerly line of Park Avenue and the southerly line of East 153rd Street, as established by Map No. 13104.

1. Running thence, westerly, along a line forming an angle to the left of 1°51'38.7" with the southerly line of East 153rd Street, for 224.560 feet;
2. Thence, westerly, forming an interior angle of 171°55'11.3" with the previous course a distance of 67.305 feet, to a point on the southerly side of East 153rd Street;
3. Thence, easterly, forming an interior angle of 6°13'10" with the previous course along the southerly side of East 153rd Street a distance of 291.350 feet to the point of **beginning**.

and be it further

RESOLVED that, pursuant to subdivision 1a of Section 5-433 of the New York City Administrative Code, public utility facilities within the subsurface of the streets cited herein which are to be discontinued and closed by this action, may be maintained in place or relocated within such subsurface by the public utility, so that such maintenance in place or relocation of such facilities is consistent with the proposed use of the closed portion or portions of such subsurface, and the requirements of other facilities located therein; and be it further

All such approvals being subject to the following condition:

- a. The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of Map No. 13104 are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter and Section 5-435 of the New York City Administrative Code;
- b. The subject streets to be discontinued and closed shall be discontinued and closed on the day following the day on which such maps adopted by this resolution shall be filed in the offices specified by law.

The above resolution, duly adopted by the City Planning Commission on May 25, 2005 (Calendar No. 15), 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, A.I.C.P., Chair
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