



CITY PLANNING COMMISSION

December 19, 2005/Calendar No. 1

C 050074 MMX

IN THE MATTER OF an application, submitted by the NYC Economic Development Corporation (EDC) and the Bronx Terminal Market (BTM) Development Partners, LLC 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:

- the elimination, discontinuance and closing of East 150th Street between River Avenue and Major Deegan Boulevard (a.k.a., Exterior Street);
- the elimination, discontinuance and closing of East 151st Street between River Avenue and Cromwell Avenue;
- the elimination, discontinuance and closing of Cromwell Avenue between Major Deegan Boulevard and the Metro North right of way;
- the extinguishment of a sewer easement;
- the adjustment of grades; and
- any acquisition or disposition of real property related thereto,

Community District 4, Borough of the Bronx, in accordance with Map No. 13105 dated June 7, 2005 and signed by the Borough President.

The application (C 050074 MMX) for an amendment to the City Map was filed by the NYC Economic Development Corporation (EDC) and the Bronx Terminal Market (BTM) Development Partners, LLC, 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 August 25, 2004. It involves: the elimination, discontinuance and closing of East 150th Street between River Avenue and Major Deegan Boulevard (a.k.a., Exterior Street); the elimination, discontinuance and closing of East 151st Street between River Avenue and Cromwell Avenue; the elimination, discontinuance and closing of Cromwell Avenue between Major Deegan Boulevard and the Metro North right of way; the extinguishment of a sewer easement; the adjustment of grades; and any acquisition or disposition of real property related thereto.

RELATED ACTIONS

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

C 050529 ZMX	Zoning Map amendment changing from an M2-1 manufacturing district to a C4-4 commercial district.
C 050530 ZSX	Special Permit pursuant to ZR Section 74-512 to permit a public parking garage in excess of 150 spaces.
C 050531 ZSX	Special Permit to modify height and setback regulations and allow the distribution of floor area without regard to zoning lot lines
C 050532 ZSX	Special Permit pursuant to ZR Section 74-744 for signs otherwise not permitted.
C 050539 PPX	Disposition of City-owned property pursuant to zoning.

BACKGROUND

The applicant proposes an amendment to the City Map involving: the elimination, discontinuance and closing of East 150th Street between River Avenue and Major Deegan Boulevard (a.k.a., Exterior Street); the elimination, discontinuance and closing of East 151st Street between River Avenue and Cromwell Avenue; the elimination, discontinuance and closing of Cromwell Avenue between Major Deegan Boulevard and the Metro North right of way; the extinguishment of a sewer easement; the adjustment of grades; and any acquisition or disposition of real property related thereto.

An interagency conference was held on September 29, 2004 and no city agency had any objections to these proposals.

A full background discussion and project description appears in the report on the related application for the grant of a special permit (C 050531 ZSX).

ENVIRONMENTAL REVIEW

This application (C 050074 MMX), in conjunction with the applications for the related actions (C 050529 ZMX, C 050530 ZSX, C 050531 ZSX, C 050532 ZSX, C 050539 PPX), 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 No. is 04DME017X. The lead agency is Office of the Deputy Mayor for Economic Development.

A summary of the environmental review and the Final Environmental Impact Statement appears in the report on the related application for the grant of a special permit (C 050531 ZSX).

UNIFORM LAND USE REVIEW

This application (C 050074 MMX), in conjunction with the applications for the related actions (C 050529 ZMX, C 050530 ZSX, C 050531 ZSX, C 050532 ZSX, C 050539 PPX), was certified as complete by the Department of City Planning on July 11, 2005, and was duly referred to Community Board 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 4 held a public hearing on this application (C 050074 MMX) on September 14, 2005, and on that date, by a vote of 21 to 2 with 1 abstention, adopted a resolution recommending approval of the application with conditions.

A summary of the recommendation of Community Board 4 appears in the report on the related application for the grant of a special permit (C 050531 ZSX).

Borough President Recommendation

This application (C 050074 MMX), together with the related applications (C 050529 ZMX, C 050530 ZSX, C 050531 ZSX, C 050532 ZSX, C 050539 PPX), was considered by the Borough President of the Bronx who issued a recommendation approving the application with conditions on October 19, 2005.

A summary of the Borough President's recommendation appears in the report on the related application for the grant of a special permit (C 050531 ZSX).

City Planning Commission Public Hearing

On October 19, 2005 (Calendar No. 2), the City Planning Commission scheduled November 2, 2005 for a public hearing on this application (C 050074 MMX). The hearing was duly held on November 2, 2005 (Calendar No. 27) in conjunction with the hearing on the related actions (C 050529 ZMX, C 050530 ZSX, C 050531 ZSX, C 050532 ZSX and C 050539 PPX).

There were a number of appearances, as described in the report on the related application for the grant of a special permit (C 050531 ZSX) and the hearing was closed.

Waterfront Revitalization Program Consistency Review

This application (C 050074 MMX), in conjunction with the related actions (C 050529 ZMX, C 050530 ZSX, C 050531 ZSX, C 050532 ZSX and C 050539 PPX), 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 04-094.

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 amendment to the City Map is appropriate.

A full consideration of the issues and the reasons for approving this application appears in the report on the related application for the grant of a special permit (C 050531 ZSX).

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 October 8, 2005, with respect to this application (CEQR No. 04DME017X), the City Planning Commission finds that the requirements of Part 617, State Environmental Quality Review, 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 FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the 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, by the City Planning Commission, pursuant to Sections 197-c and 199 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the application (C 050074 MMX) for the amendment to the City Map involving: the elimination, discontinuance and closing of East 150th Street between River Avenue and Major Deegan Boulevard (a.k.a., Exterior Street); the elimination, discontinuance and closing of E. 151st Street between River Avenue and Cromwell Avenue; the elimination, discontinuance and closing of Cromwell Avenue between Major Deegan Boulevard and the Metro North right of way; the extinguishment of a sewer easement; the adjustment of grades; and any acquisition or disposition of real property related thereto, in the Community District 4, Borough of the Bronx, in accordance with Map No. 13105 dated June 7, 2005 and signed by the Borough President, is 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. 13105 dated June 7, 2005 providing for the discontinuance and closing of East 150th Street between River Avenue and Major Deegan Boulevard (a.k.a., Exterior Street); East 151st Street between River Avenue and Cromwell Avenue; and Cromwell Avenue between Major Deegan Boulevard and the Metro North right of way, more particularly described as follows:

DISCONTINUING AND CLOSING EAST 150TH STREET, BETWEEN RIVER AVENUE AND MAJOR DEEGAN BOULEVARD

Commencing at a point on the northwest corner of East 149th Street (Maria De Hostos Boulevard) and River Avenue, thence 245.087 feet, in a northerly direction, along the westerly line of River Avenue to the **point of beginning**.

1. Thence, 50.09 feet in the same direction as the previous course to a point;
2. Thence 200.341 feet, in a westerly direction, along a line that forms a deflection angle to the left with the previous course of 86 degrees, 39 minutes and 25.3 seconds, to a point;
3. Thence, 59.77 feet, in a southeasterly direction, along a line that forms an interior angle with the previous course of 56 degrees, 46 minutes and 34.4 seconds, to a point;
4. Thence, 170.513 feet, in an easterly direction, along a line that forms an interior angle with the previous course of 123 degrees, 13 minutes and 25.6 seconds to the **point or place of beginning**.

DISCONTINUING AND CLOSING EAST 151st STREET, BETWEEN RIVER AVENUE AND CROMWELL AVENUE

Commencing at a point on the northwest corner of East 149th Street (Maria De Hostos Boulevard) and River Avenue, thence 1240.283 feet, in a northerly direction, along the westerly line of River Avenue and the prolongation of the westerly line of River Avenue to the **point of beginning**.

1. Thence, 83.86 feet, in the same direction as the previous course, to a point;
2. Thence, 279.536 feet in a northwesterly direction, on a line that forms an interior angle of 134 degrees, 19 minutes and 05.5 seconds with the previous course, to a point;
3. Thence, 119.86 feet, in a southerly direction, along a line that forms an interior angle of 45 degrees, 40 minutes and 54.5 seconds with the previous course, to a point;
4. Thence, 28.533 feet, in a northeasterly direction, along a line that forms an interior angle of 69 degrees, 48 minutes and 05 seconds with the previous course, to a point;
5. Thence 242.11 feet, in a southeasterly direction, along a line that forms an interior angle of 244 degrees, 31 minutes and 00.5 seconds with the previous course, to the **point of beginning**.

DISCONTINUING AND CLOSING CROMWELL AVENUE BETWEEN METRO NORTH RIGHT-OF-WAY AND MAJOR DEEGAN BOULEVARD

Commencing at a point on the northwest corner of East 149th Street (Maria De Hostos Boulevard) and River Avenue, thence 1324.143 feet, in a northerly direction, along the westerly line of River Avenue and the prolongation of the westerly line of River Avenue to a point, thence; 279.536 feet, in a northwesterly direction, along a line which makes a deflection angle to the left with the previous course of 45 degrees, 40 minutes and 54.5 seconds to the **point of beginning**.

- 1 Thence, 135.575 feet, in a northerly direction, along a line which makes a deflection angle to the right with the previous course, of 45 degrees, 40 minutes and 54.5 seconds, to a point;
- 2 Thence, 83.86 feet, in a northwesterly direction, along a line which forms an interior angle with the previous course of 134 degrees, 19 minutes and 05.5 seconds, to a point;

- 3 Thence, 1326.56 feet, in a southerly direction, along a line which forms an interior angle with the previous course of 45 degrees, 40 minutes and 54.5 seconds, to a point;
- 4 Thence, 100.15 feet, southeasterly, along a line which forms an interior angle with the previous course of 143 degrees, 11 minutes and 34.8 seconds, to a point;
- 5 Thence 1212.580 feet, in a northerly direction, along a line which makes an interior angle with the previous course of 36 degrees, 48 minutes and 25.2 seconds to the **point of beginning**.

Excepting all the space lying above a horizontal plane at elevation 32.00 described as follows: Beginning at the corner formed by the intersection of the northerly line of East 150th Street (to be discontinued and closed) and the easterly line of Cromwell Avenue (to be discontinued and closed), thence northwesterly 45.29 feet along a line forming a deflection angle to the left 36 degrees, 48 minutes, 25.2 seconds with the easterly line of Cromwell Avenue (to be discontinued and closed), to the **point of beginning**.

1. Thence, 54.86 feet along the previously mentioned course;
2. Thence, 52.70 feet along a line forming an interior angle of 143 degrees, 11 minutes, 34.8 seconds with the previously mentioned course;
3. Thence, 102.06 feet along a line forming an interior angle of 18 degrees, 47 minutes and 11 seconds with the previously mentioned course 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;

All such approvals being subject to the following conditions:

- a. The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of Map No. 13105 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 amendment to the City Map shall not be filed with the appropriate agencies in accordance with condition (a) above until the applicant shall have executed a mapping agreement protecting the city's interest, approved as to form and sufficiency by the Corporation Counsel and accepted by the City Planning Commission (the mapping agreement). If such agreement is not accepted by the City Planning Commission within two years of the date of this resolution, the approved amendment to the City Map may be returned to the City Planning Commission for rescission; and
- c. 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 December 19, 2005 (Calendar No. 1), 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 Chair

**ANGELA BATAGLIA, IRWIN G. CANTOR, P.E.
ANGELA R. CAVALUZZI, R.A., ALFRED C. CERULLO, III,
RICHARD W. EADDY, JANE D. GOL,
LISA A. GOMEZ, CHRISTOPHER KUI,
DOLLY WILLIAMS, Commissioners**

KAREN A. PHILLIPS, Commissioner, Recused