



CITY PLANNING COMMISSION

October 19, 2009, Calendar No. 1

C 090236 MMX

IN THE MATTER OF an application submitted by the New York City Economic Development Corporation, Related Retail Armory, LLC, and the Department of Parks and Recreation, 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 a portion of Reservoir Avenue at its intersection with West Kingsbridge Road;
- the establishment of a Park (Barnhill Square);
- the adjustment of legal grades necessitated thereby; and
- any acquisition or disposition of real property related thereto,

Community District 7, Borough of The Bronx, in accordance with Map No. 13126, dated May 11, 2009, and signed by the Borough President.

The application (C 090236 MMX) for an amendment to the City Map was filed on December 10, 2008, in order to facilitate the creation of public open space and the realignment of vehicle turning lanes in conjunction with a commercial development on the adjacent property.

RELATED ACTIONS

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

C 090437 ZMX Zoning Map Amendment, changing an R6 district to a C4-4 district.

C 090438 PPX Disposition of City-owned property.

C 090237 MMX Amendment to the City Map involving the elimination, discontinuance and closing of a portion of West 195th Street between Reservoir Avenue and Jerome Avenue.

BACKGROUND

A full background discussion and description of this application appears in the report on the related application for the Zoning Map Amendment (C 090437 ZMX).

ENVIRONMENTAL REVIEW

This application (C 090236 MMX), in conjunction with the applications for the related actions (C 090437 ZMX, C 090438 PPX, and C 090237 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 08DME004X. The lead agency is the Office of the Deputy Mayor for Economic Development and Rebuilding.

It was determined that the proposed actions may have a significant effect on the environment. A Positive Declaration was issued on September 2, 2008, and distributed, published and filed. A summary of the environmental review process and the Final Environmental Impact Statement (FEIS) appears in the report on the related application for the Zoning Map Amendment (C 090437 ZMX).

UNIFORM LAND USE REVIEW

This application (C 090236 MMX), in conjunction with the applications for the related actions (C 090437 ZMX, C 090438 PPX, and C 090237 MMX), was certified as complete by the Department of City Planning on May 18, 2009, and was duly referred to The Bronx Community Board 7 and The Bronx 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 7 held a public hearing on this application (C 090236 MMX), in conjunction with the applications for the related actions (C 090437 ZMX, C 090438 PPX, and C 090237 MMX), on

June 24, 2009, and on July 14, 2009, by a vote of 24 in favor, 2 against, and 2 abstaining, adopted a resolution recommending approval with conditions. A full discussion of the Community Board 7 resolution appears in the report on the related application for the Zoning Map Amendment (C 090437 ZMX).

Borough President Recommendation

This application (C 090236 MMX), in conjunction with the applications for the related actions (C 090437 ZMX, C 090438 PPX, and C 090237 MMX), was considered by the Borough President of The Bronx, who issued a recommendation on September 4, 2009 to disapprove the application. A full discussion of The Bronx Borough President's resolution appears in the report on the related application for the Zoning Map Amendment (C 090437 ZMX).

City Planning Commission Public Hearing

On August 19, 2009 (Calendar No. 5), the City Planning Commission scheduled September 9, 2009 for a public hearing on this application (C 090236 MMX). The hearing was duly held on September 9, 2009 (Calendar No. 26) in conjunction with the public hearings for the related actions (C 090437 ZMX, C 090438 PPX, and C 090237 MMX).

There were a number of speakers as described in the report on the related application for the Zoning Map Amendment (C 090437 ZMX), and the hearing was closed.

CONSIDERATION

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

A full consideration of the issues and reasons for approving this application appears in the report on the related application for the Zoning Map Amendment (C 090437 ZMX).

RESOLUTION

Therefore, the City Planning Commission, deeming the proposed amendment to the City Map and any

related acquisition or disposition of real property 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 1, 2009, with respect to this application (CEQR No. 08DME004X), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met and that:

- 1) Consistent with social, economic and other essential considerations, 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 disclosed in the Final Environmental Impact Statement 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 this 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, that based on the environmental determination and the consideration described in this report, the application (C 090236 MMX) for the amendment to the City Map involving:

- the elimination, discontinuance and closing of a portion of Reservoir Avenue at its intersection with West Kingsbridge Road;
- the establishment of a Park (Barnhill Square);
- the adjustment of legal grades necessitated thereby; and
- any acquisition or disposition of real property related thereto,

Community District 7, Borough of The Bronx, in accordance with Map No. 13126, dated May 11, 2009, 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 the legally required number of counterparts of Map No. 13126, dated May 11, 2009, providing for the discontinuance and closing of two portions of Reservoir Avenue, more particularly described as follows:

FIRST PORTION OF RESERVOIR AVENUE TO BE DISCONTINUED AND CLOSED

Starting at a Point of Beginning on the northerly street line of West Kingsbridge Road, said Point being located by traversing the following two courses from the intersection of the westerly street line of Jerome Avenue and the northerly street line of West Kingsbridge Road, namely: running 274.708 feet, in a southwesterly direction, along the northerly street line of West Kingsbridge Road, to an angle point; thence running 88.769 feet, in a southwesterly direction, along the northerly street line of West Kingsbridge Road, which forms an angle to the left of 174 degrees, 45 minutes and 54.2 seconds with the previously mentioned course, to a point of curvature and the Point of Beginning; thence

1. Running 325.791 feet northwesterly, on a curve to the right, with a radius of 282.440 feet, and a central angle of 66 degrees, 05 minutes and 23.8 seconds, to a point on the easterly street line of Reservoir Avenue; thence
2. Running 155.54 feet, in a southeasterly direction, along a line which makes an angle to the right of 184 degrees, 23 minutes and 0.0 seconds with the northeasterly prolonged tangent-

line of the previously mentioned course, to a point of curvature; thence

3. Running 39.48 feet southeasterly, on a curve to the left, with a radius of 32.10 feet, and a central angle of 70 degrees, 28 minutes and 23.8 seconds, to a point of tangency; thence
4. Running 175.961 feet, in a northeasterly direction, to the Point of Beginning.

Said land contains an area of 7,043 square feet, or 0.162 acres, more or less.

SECOND PORTION OF RESERVOIR AVENUE TO BE DISCONTINUED AND CLOSED

Starting at a Point of Beginning located at the intersection of a line offset 66 feet easterly of the westerly street line of Reservoir Avenue, with a line offset 100 feet northerly of the southerly street line of West Kingsbridge Road; thence

1. Running 34.05 feet, in an easterly direction, along a line which runs parallel with the southerly street line of West Kingsbridge Road, to a point; thence
2. Running 38.58 feet, in a northwesterly direction, along a line which forms an interior angle of 70 degrees, 28 minutes and 23.8 seconds with the previously mentioned course, to a point of curvature; thence
3. Running 18.11 feet, on a curve to the left, with a radius of 7.0 feet and a central angle of 148 degrees, 12 minutes and 43.8 seconds, to a point of tangency; thence
4. Running 36.34 feet, in a southwesterly direction, to the Point of Beginning.

Said land contains an area of 904.8 square feet, or 0.0208 acres, more or less; 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. 13126 are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter;
- 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 (C 090236 MMX), duly adopted by the City Planning Commission on October 19, 2009 (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, FAICP, Chair,
ANGELA M. BATTAGLIA, RAYANN BESSER,
IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, III, BETTY Y. CHEN,
RICHARD W. EADDY, NATHAN LEVENTHAL, Commissioners

KENNETH J. KNUCKLES, ESQ., Vice Chairman,
ANNA HAYES LEVIN, SHIRLEY A. McRAE, KAREN A. PHILLIPS,
Commissioners, voting no

MARIA M. DEL TORO, Commissioner, recusing