



CITY PLANNING COMMISSION

August 5, 2015/ Calendar No. 4

C 150205 PQX

IN THE MATTER OF an application submitted by the Department of Environmental Protection and the Department of Citywide Administrative Services pursuant to Section 197-c of the New York City Charter for the acquisition of easements located at land under the waters of Eastchester Bay in the vicinity of Kilroe Street (Block 5636, p/o Lot 100) and both upland and lands under the waters of Eastchester Bay in the vicinity of Minnieford Avenue (Block 5636, p/o Lot 177) to facilitate the construction of a water main and outfalls, Borough of the Bronx, Community District 10.

This application for acquisition of property was filed on December 23, 2014 by the Department of Environmental Protection and the Department of Citywide Administrative Services to facilitate the construction of two capital projects in the City Island section of Bronx Community District 10.

BACKGROUND

The Department of Environmental Protection (DEP) and the Department of Citywide Administrative Services (DCAS) are proposing to implement two capital projects, which would provide water and drainage improvements for the City Island section of the Bronx. They are requesting the acquisition of two easements in order to implement these projects.

The current water supply to City Island is from a main attached to the City Island Bridge that dates from around 1937. A secondary supply main, constructed around 1911, is located under the Eastchester Bay. A replacement of the City Island Bridge is currently being undertaken by the New York City Department of Transportation (NYCDOT). The bridge replacement will facilitate the installation of a secure below-grade water supply to City Island and will necessitate the replacement of the 1937 water supply infrastructure. City Island has also historically been affected by street flooding due to poor drainage and tidal flooding. To address the need for improved infrastructure for storm water drainage, a capital project is proposed to construct new storm water

collection sewers, with two new outfalls, to provide the needed conveyance and outlet for the collected storm water. The sites of the proposed outfalls have been selected because they are at low elevations, which maximizes the rate of runoff conveyance from the streets and out to the bay. The proposed outfall locations also limit impacts on natural resources since the sites have been previously disturbed by bulkheads or other structures.

Construction of the new water main noted above, requires the acquisition of an easement over private property located on Kilroe Street (Block 5636, p/o Lot 100). One of the proposed new 24-inch storm sewer outfalls would utilize the same easement as the proposed new water main on Kilroe Street. This easement consists almost entirely of submerged land under the waters, beginning at the westerly mapped street line of City Island Avenue and extending out in to Eastchester Bay. Adjacent to the proposed outfall to the north is a waterfront open space known as the City Island Esplanade. Immediately south of the proposed easement is a restaurant with accessory parking lot. Uses to the east include a house of worship and detached single family homes. This area is in an R3A zoning district. The proposed 350-foot long and 326-foot wide easement is irregular in shape and would occupy approximately 57,100 square feet of the 143,540 square foot Lot 100 on Block 5636. A head wall, an at-grade structure for the proposed outfall structure would also be constructed to keep it in place.

A temporary construction staging area for the construction of the proposed water main and storm sewer outfall will be established on the Kilroe Street easement. When construction is completed, DEP will undertake a tidal wetland restoration project near the outfall, which would be maintained

by the NYC Department of Design and Construction and DEP. The proposed wetland restoration is expected to take about two months of site work and would involve about 5,000 square feet of lot area.

The other proposed easement would be on privately-owned property located on Minnieford Avenue (Block 5636, p/o Lot 177). It encompasses both upland and underwater land situated between Minnieford Avenue on the east and extending out into Eastchester Bay on the west. The lot on which the easement would be located is improved with a one- and two-story building that is used as a restaurant and offices, but the easement area is a gravel parking area with minor or temporary structures, including fences and metal storage containers. The lot to the south of the proposed easement is improved with maritime storage and warehouse buildings. To the east across Minnieford Avenue are mostly detached single family homes. The proposed easement would be 35-feet wide by 300 feet long and would occupy approximately 10,500 square feet of the lot. The 48-inch by 24-inch proposed outfall would allow the installation of a below grade storm sewer across the upland portion of the site (i.e. between the built street and the proposed outfall headwall at the bulkhead) and would extend out to the waters of Eastchester Bay. Construction will last for approximately six months.

ENVIRONMENTAL REVIEW

This application (C 150205 PQX) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), 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 CEQR

number is 11DEP024X. 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 February 6, 2015.

UNIFORM LAND USE REVIEW

This application (C 150205 PQX) was certified as complete by the Department of City Planning on March 16, 2015, and was duly referred to Community Board 10 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 10 held a public hearing on this application on May 14, 2015, and on that date, by a vote of 16 to 0 with no abstentions, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application (C 150205 PQX) was considered by the Bronx Borough President, who issued a recommendation approving this application on June 23, 2015.

City Planning Commission Public Hearing

On June 17, 2015 (Calendar No. 1), the City Planning Commission scheduled July 1, 2015, for a public hearing on this application (C 150205 PQX). The hearing was duly held on July 1, 2015 (Calendar No. 24). There were six speakers in favor of the application and none opposed.

A representative from the applicant's environmental consultants spoke in favor of the proposal and described traffic conditions at the location of the proposed easement on Minnieford Avenue and how vehicles access the driveway to the parking lot of the restaurant on the site. He also stated that the storm water outfalls would have catch basins to collect solids and floatables in the storm water runoff.

Two speakers from the Department of Environmental Protection (DEP) appeared in favor of the application. One of the speakers, an engineer, stated that DOT is replacing the City Island Bridge and will build two water mains to provide City Island with proper water.

Other speakers representing DEP, DDC, and DCAS, also appeared in favor of the application.

There were no other speakers and the hearing was closed.

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW

This application (C 150205 PQX) 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 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 Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is 14-053.

The City Planning Commission, acting as the City Coastal Commission, having reviewed the waterfront aspects of this action, finds that the actions will not substantially hinder the achievement of any WRP policy and hereby determines that this action is consistent with WRP policies.

CONSIDERATION

The Commission believes that the acquisition of easements located under the waters of Eastchester Bay in the vicinity of Kilroe Street (Block 5636, p/o Lot 100) and both upland and lands under the waters of Eastchester Bay in the vicinity of Minnieford Avenue (Block 5636, p/o Lot 177) to facilitate the construction of a water main and outfalls, is appropriate.

The proposed easements would facilitate the installation of two new water supply mains to City Island to replace a 16 inch main that is currently located on the City Island Bridge and a secondary main located under Eastchester Bay. These mains are very old and their replacement is critical in order to ensure a continuous flow of potable water to the Island.

The proposed action will facilitate the installation of approximately 500 linear feet of storm water collection sewers along City Island Avenue alleviating most of the flooding on the island by discharging water into Eastchester Bay via the proposed new outfall at Kilroe Street. In addition, approximately 1,400 linear feet of storm water collection sewers along Minnieford Avenue would drain to the proposed Minnieford Avenue outfall also alleviating flooding.

The siting of the proposed easements at low elevations will maximize the rate of runoff conveyance from the streets and to the Bay. The proposed outfall locations also limit impacts on natural resources since the sites have been previously disturbed by bulkheads or other structures.

The City Planning Commission notes that the site to be acquired on Kilroe Street is almost entirely submerged land under the waters of Eastchester Bay and would allow the installation of a tidal wetlands restoration encompassing approximately 5,000 square feet of the lot near the proposed outfall, which would be maintained by DEP. The Commission also believes that the acquisition and use for storm water management is well suited for this area and would also provide water and drainage improvements for the City Island section of the Bronx.

The Commission notes that the site to be acquired on Minnieford Avenue is already developed with a one and two-story building that is currently being used as a restaurant and offices. The portion of this lot that would be affected by the proposed easement is a gravel parking area with minor or temporary structures.

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, that this application submitted by the Department of Environmental Protection and the Department of Citywide Administrative Services pursuant to Section 197-c of the New York City Charter for the acquisition of easements located at land under the waters of Eastchester Bay in the vicinity of Kilroe Street (Block 5636, p/o Lot 100) and both upland and lands under the waters of Eastchester Bay in the vicinity of Minnieford Avenue (Block 5636, p/o Lot 177) to facilitate the construction of a water main and outfalls, Borough of the Bronx, Community District 10, is approved.

The above resolution (C 150205 PQX), duly adopted by the City Planning Commission on August 5, 2015 (Calendar No. 4), 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.

CARL WEISBROD, Chairman
KENNETH J. KNUCKLES Esq., Vice Chairman
RAYANN BESSER, IRWIN G. CANTOR, P.E., ALFRED C. CERULLO III,
MICHELLE R. DE LA UZ, RICHARD W. EADDY, CHERYL COHEN EFFRON,
ANNA HAYES LEVIN, ORLANDO MARIN LARISA ORTIZ, Commissioners

Application #: **C 150205PQX**

Project Name: **City Island Water Supply/Drainage**

CEQR Number: 11DEP024X

Borough(s): Bronx
Community District Number(s): 10

Please use the above application number on all correspondence concerning this application

SUBMISSION INSTRUCTIONS

- Complete this form and return to the Department of City Planning by one of the following options:
 - EMAIL (recommended):** Send email to CalendarOffice@planning.nyc.gov and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C100000ZSQ"
 - MAIL:** Calendar Information Office, City Planning Commission, Room 2E, 22 Reade Street, New York, NY 10007
 - FAX:** (212) 720-3356 and note "Attention of the Calendar Office"
- Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

Docket Description

IN THE MATTER OF an application submitted by the Department of Environmental Protection and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter for the acquisition of easements located at land under the waters of Eastchester Bay in the vicinity of Kilroe Street (Block 5636, p/o Lot 100), and both upland and lands under the waters of Eastchester Bay in the vicinity of Minnieford Avenue (Block 5636, p/o Lot 177) to facilitate the construction of a water main and outfalls.

Applicant(s): NYC Dept of Environmental Protection 59-17 Junction Blvd Flushing NY 11373 NYC Dept of Citywide Administrative Services 1 Centre Street NY NY		Applicant's Representative: James Garin 718-595-5501 Randy Fong 212-386-0818	
Recommendation submitted by:			
Date of public hearing: 5/14/15		Location: City Island Community Center 190 Frederick Street Bx NY 10464	
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		<small>A public hearing requires a quorum of 60% of the appointed members of the board, but in no event fewer than seven such members.</small>	
Date of Vote: 5/14/15		Location: City Island Community Center 190 Frederick Street Bx NY 10464	
RECOMMENDATION			
<input checked="" type="checkbox"/> Approve		<input type="checkbox"/> Approve With Modifications/Conditions	
<input type="checkbox"/> Disapprove		<input type="checkbox"/> Disapprove With Modifications/Conditions	
Please attach any further explanation of the recommendation on additional sheets, as necessary.			
Voting # In Favor: 16 # Against: 0 # Abstaining: 0 Total members appointed to the board: 46			
Name of CB/BB officer completing this form Kenneth Kim		Title District Manager	Date 5/28/15

**BOROUGH PRESIDENT
RECOMMENDATION**

**CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
Fax # (212)720-3356**

INSTRUCTIONS

- 1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
- 2. Send one copy with any attachments to the applicant's representative as indicated on the Notice of Certification.

APPLICATION # C 150205 PQX

DOCKET DESCRIPTION-PLEASE SEE ATTACHMENT FOR DOCKET DESCRIPTION

COMMUNITY BOARD NO. 10

BOROUGH: BRONX

RECOMMENDATION

- APPROVE**
- APPROVE WITH MODIFICATIONS/CONDITIONS (List below)**
- DISAPPROVE**

EXPLANATION OF RECOMMENDATION-MODIFICATION/CONDITIONS (Attach additional sheets if necessary): PLEASE SEE ATTACHMENT FOR THE BOROUGH PRESIDENT'S RECOMMENDATION


BOROUGH PRESIDENT

6/23/15
DATE

BRONX BOROUGH PRESIDENT'S RECOMMENDATION
ULURP APPLICATION NO: C 150205 PQX
City Island Water Supply/Drainage Easements
June 23, 2015

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by the Department of Environmental Protection (DEP) and the Department of Citywide Administrative Services, pursuant to Section 197-c for the acquisition of easements located at land under the waters of Eastchester Bay in the vicinity of Kilroe Street (Bloc 5636, p/o Lot 100), and both upland and lands under the waters of Eastchester Bay in the vicinity of Minnieford Avenue (Block 5636, p/o Lot 177) to facilitate the construction of water main and outfalls.

BACKGROUND

Approving this application will facilitate the construction of infrastructure improvements deemed necessary by the applicants in order that fresh drinking water to City Island is assured. This application also addresses the installation of storm water outfalls at two locations. These outfalls will allow run-off as prompted by rain to be discharged into Eastchester Bay rather than be combined with sewage water which must be treated at sewage treatment facilities. As such, during a severe rain event the increase of storm water discharge will not overburden the treatment facilities. This will thereby reduce the likelihood that raw sewage is discharged directly into either Long Island Sound or Eastchester Bay. The scope of this project also includes the installation of new storm water sewers, sanitary sewer improvements, wetlands restoration and street reconstruction. The Department of Design and Construction (DDC) will coordinate and conduct the full construction and installation of all planned infrastructure improvements. This project is also being coordinated with the installation of a new City Island Bridge, which is now under construction.

Overall there are two locations where easements are required. These two sites are Kilroe Street, (P/O Block 5636, Lot 100) and Minnieford Avenue P/O Block 5636, Lot 177).

Kilroe Street (P/O Block 5636, Lot 100): This property is bounded by City Island Esplanade to the north and east, which is also mapped as city-owned parkland. Immediately to the south is a restaurant which offers an off-street parking for its diners. It is anticipated that a portion of the parking lot will be used for a staging area for approximately one year. Following the completion of construction the parking facility will be entirely reconstructed. City Island Avenue ranges in width from 80-115 feet, accommodating two-way traffic.

The proposed easement includes underwater property commencing at the westerly mapped street line of City Island Avenue, extending out into Eastchester Bay, 350-feet long and 326 feet wide. This easement includes 57,100 square feet of underwater and at grade property of Lot 100. The easement will remain in effect in-perpetuity.

To be installed at this location is both a below-grade water main for the provision of fresh drinking water, and a separate 24-inch storm water outfall main which is to be constructed at-grade. The proposed easement and scope of work associated with this project also includes:

- The remediation and planting of tidal wetland property under private ownership which approximates 5,000 square feet, taking approximately two months to complete; and
- The permanent protection of a drainage right-of-way from the end of the outfall into Eastchester Bay;
- This project will have no visual impact on Eastchester Bay
- The project will NOT interfere with a ceremonial tree known as "The Brotherhood Tree."

The anticipated cost for work associated with the Kilroe Street location is \$15 million.

Minnieford Avenue (P/O Block 5636, Lot 177): This property is bounded by a maritime storage and warehouse to the south and to the east property on which are situated one-family homes. Minnieford Avenue approximates 50 feet in width and offers a two-way traffic venue. The site is zoned C3.

The proposed in-perpetuity easement will be 35 feet wide by 300 feet long. It will extend from the uplands of Lot 177 into Eastchester Bay. To be installed will be a 48-inch by 24-inch below grade storm sewer outfall, below grade through a parking lot from Minnieford Avenue to the bulkhead. The construction impacts associated with this project will be limited to approximately six months. All pending construction will be coordinated by DDC and the private owner of Lot 177. As the easement this application will facilitate will not permit any construction on the specific area as so mapped, its current use as a parking lot will be permitted to continue. The Department of Environmental Protection (DEP) will continue to maintain this area. The anticipated cost for this project is \$2.25 million.

ENVIRONMENTAL REVIEW AND ULURP CERTIFICATION

This application was reviewed pursuant to SEQR and CEQR and received a Negative Declaration. The City Planning Commission certified this application as complete on March 16, 2015.

BRONX COMMUNITY BOARD PUBLIC HEARING

Bronx Community Board #10 held a public hearing on this application on May 14, 2015. A unanimous vote recommending approval of this application was 16 in favor, zero against, and zero abstaining.

BOROUGH PRESIDENT'S PUBLIC HEARING

The Bronx Borough President convened a public hearing on this application on June 12, 2015. Representatives of the applicant were present and spoke in favor of this application. No other members of the public were in attendance and the hearing was closed.

BRONX BOROUGH PRESIDENT'S RECOMMENDATION

Approving this application is both timely and necessary. I am pleased to note that as the new City Island Bridge is under construction, the Department of Environmental Protection is coordinating the installation of new fresh drinking water mains and storm water outfalls infrastructure that will serve City Island. Consequently, once both the bridge and these new DEP projects are complete, City Island will boast a modern array of infrastructure services that will last well into the future. I also look forward to seeing the privately owned wetland property located on Eastchester Bay at Kilroe Street entirely cleaned and replanted. Perhaps by so doing this area once made pristine will remain so.

I recommend approval of this application.