



CITY PLANNING COMMISSION

January 19, 2022 / Calendar No. 1

C 150355 MMX

IN THE MATTER OF an application submitted by 420 Morris Park Avenue 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:

- 1) the elimination, discontinuance and closing of East 178th Street east of Morris Park Avenue;
- 2) the adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. 13136 dated June 11, 2018 and signed by the Borough President.

This application (C 150355 MMX) for an amendment to the City Map was filed by Morris Park Avenue LLC on April 30, 2015. The proposed amendment would demap a portion of East 178th Street, east of Morris Park Avenue, in order to facilitate the as-of-right development of a property located at the project site, (Block 3909, Lot 61) in the West Farms neighborhood of The Bronx, Community District 6.

BACKGROUND

The subject portion of East 178th Street is a mapped but unopened and unimproved street enclosed by chain link fencing at the western end and a dead end at the eastern end. It is currently used as a parking lot for adjacent property owners.

This portion of East 178th Street terminates in a cul-de-sac and is approximately 236 feet long and approximately 60 feet wide. The total area to be demapped consists of approximately 18,394 square feet. The street is owned by the City of New York under the jurisdiction of the New York City Department of Transportation (DOT).

The project site has a lot area of approximately 25,563 square feet with approximately 22 feet of frontage on East Tremont Avenue, 280 feet of frontage on Morris Park Avenue, and 302 feet of frontage on the Bronx River Parkway South Extension. The lot is an irregularly shaped parcel with approximately 185 feet of frontage on the portion of East 178th Street and was previously improved with a two-story building built in the 1950s as a kennel and occupied by the American Society for the Prevention of Cruelty to Animals (ASPCA). The building was vacated by the ASPCA in or around 1982 and was occupied as a food storage warehouse prior to the applicant's purchase of the property in 2005. The two-story building was demolished in or around 2008. Currently, the site is a paved lot enclosed by chain link fencing that is leased to Consolidated Edison and utilized for parking.

While the applicant does not have a finalized development proposal, if the proposed demapping and acquisition of the project site are successful, the applicant intends to redevelop the site with a two-story, 43,470-square-foot (1.0 FAR) medical office building with accessory parking.

Any future development within the demapped portion of East 178th Street would be subject to the terms of an easement agreement between the applicant and the New York City Department of Environmental Protection (DEP). In 2017, DEP began a capital project to reduce combined sewer overflow volume and floatables in the Bronx River and identified a need to use the street bed of East 178th Street east of Morris Park Avenue. In order to secure DEP's rights to construction, access, and maintain the proposed sewer infrastructure, the applicant has agreed to comply with the following conditions:

1. The owner must covenant and agree that any deed for the conveyance of the portion of East 178th Street, or any portion thereof, shall contain a provision establishing the Easement and related obligations for the benefit of DEP and all necessary parties.
2. No construction of any kind resulting in permanent structures shall be erected within, under or over said Easement.

3. The owner will be permitted to grade and place pavement within said Easement for use as a parking area except that a ten foot radius around DEP's manhole casting shall be denoted a No Parking Area, with an unobstructed direct path to the manhole access point. All existing or proposed manholes within said Easement shall be brought flush to the finished surface grade and installed with a manhole cover in accordance with the standards of DEP.
4. The owner may erect any nonpermanent improvements within said Easement but must covenant and agree that if access to DEP's Infrastructure requires removing such pavement or nonpermanent improvements, the owner shall bear the cost of removing and replacing the pavement and nonpermanent improvements installed by the owner.
5. Complete vehicular access shall be available at all times to DEP and all necessary parties, including DEP's agents, employees, servants and contractors, to enter the Easement in order to inspect, maintain, repair, reconstruct and replace DEP's infrastructure.
6. No materials or equipment of any kind shall be placed for storage within or over said Easement.
7. No trees or shrubs of any kind shall be placed within said Easement, nor shall any tree or shrub located outside of the Easement Area intrude upon the Easement or impair DEP's access to the Easement.
8. Any new footings constructed for any new structures shall be outside of the Easement and located at such elevations as to prevent the possibility of any loading being transmitted from the footings to DEP's Infrastructure.
9. The owner must covenant that it shall provide and pay all costs in connection with the maintenance and repair of the Easement, including all maintenance and repair required to facilitate the permissible uses of the Easement by the owner and others, and DEP

shall not be responsible for any such maintenance and repair.

ENVIRONMENTAL REVIEW

This application (C 150355 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 19DCP019X. The lead is the City Planning Commission.

After a study of the potential impact of the proposed actions, Conditional Negative Declaration was issued on October 1, 2021.

After a study of the potential environmental impact of the proposed action, the lead agency has determined that the proposed action will have no significant effect on the quality of the environment, once it is modified as follows:

1. If future development of the Applicant's property and the demapped property should occur, the applicant agrees to prepare a Phase II Environmental Assessment Statement (ESA) and submit to the Office of Environmental Remediation (OER) for approval. This requirement will be embodied in the Mapping Agreement to be executed in connection with the demapping.
2. If future development of the Applicant's property and the demapped property should occur, the applicant agrees that in order to ensure an acceptable interior noise environment, future community facility uses must provide a closed window condition with a minimum of 28 dB(A) window/wall attenuation on all facades in order to maintain an interior noise level of 45 dB(A). In order to maintain a closed-window condition, an alternate means of ventilation

must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning. This requirement will be embodied in the Mapping Agreement to be executed in connection with the demapping.

The applicant signed the Conditional Negative Declaration on October 1, 2021. The Conditional Negative Declaration was published in the City Record on October 12, 2021 and in the New York State Environmental Notice Bulletin on October 13, 2021. Pursuant to the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 *et seq.*, a 30-day comment period followed. No comments were received, and the Conditional Negative Declaration was issued on January 18, 2022.

UNIFORM LAND USE REVIEW

This application (C 150355 MMX) was certified as complete by the Department of City Planning on October 4, 2021, and was duly referred to Bronx Community Board 6, 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 6 held a public hearing on this application (C 150355 MMX), on November 10, 2021 and on that date by a vote of 21 in favor, none opposed and nine abstaining, adopted a resolution recommending approval of the application.

The Bronx Borough President Recommendation

This application (C 150355 MMX) was considered by the Bronx Borough President, who on December 10, 2021, issued a recommendation to approve the application.

City Planning Commission Public Hearing

On December 1, 2021 (Calendar No. 6), the City Planning Commission scheduled December 15,

2021 for a public hearing on this application (C 150355 MMX). The hearing was duly held on December 15, 2021 (Calendar No. 18). One speaker testified in favor of the application and none in opposition.

A representative for the applicant testified in support of the application, describing the details of the demapping proposal.

There were no other speakers, and the hearing was closed.

CONSIDERATION

The Commission believes that this application (C 150355 MMX) for a City Map amendment is appropriate.

The Commission notes that the portion of East 178th Street to be eliminated from the City Map is City owned, not open or in use as a street, is enclosed by chain link fencing and is being used as parking for adjacent property owners. The Commission further notes that DOT raised no objections to the proposal, deeming the street unnecessary for current or future traffic patterns.

The Commission acknowledges DEP's need for an easement on the portion of East 178th Street from the City Map, and notes that any future use of the former street bed will be limited to surface parking to ensure that DEP's below ground infrastructure is properly maintained.

The Commission notes that the proposed demapping would result in an improved site plan and facilitate the as-of-right development of the applicant-owned project site.

RESOLUTION

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

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment subject to the following conditions:

1. If future development of the Applicant's property and the demapped property should occur, the applicant agrees to prepare a Phase II Environmental Assessment Statement (ESA) and submit to the Office of Environmental Remediation (OER) for approval. This requirement will be embodied in the Mapping Agreement to be executed in connection with the demapping.
2. If future development of the Applicant's property and the demapped property should occur, the applicant agrees that in order to ensure an acceptable interior noise environment, future community facility uses must provide a closed window condition with a minimum of 28 dB(A) window/wall attenuation on all facades in order to maintain an interior noise level of 45 dB(A). In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning. This requirement will be embodied in the Mapping Agreement to be executed in connection with the demapping.

RESOLVED, by the City Planning Commission, pursuant to Section 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 (C 150355 MMX), for an amendment to the City Map involving:

- 1) the elimination, discontinuance and closing of East 178th Street east of Morris Park Avenue;
- 2) the adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in in the Borough of The Bronx, Community District 6, in accordance with Map No. 13136 dated June 11, 2018 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 Administrative Code, the City Planning Commission adopts the legally required number of counterparts of Map No. dated June 11, 2018 providing for the the elimination, discontinuance and closing of East 178th Street east of Morris Park Avenue; particularly described as follows:

DISCONTINUING AND CLOSING OF EAST 178th STREET BETWEEN MORRIS PARK AVANUE THE BRONX RIVER PARKWAY, BOROUGH OF THE BRONX, AS SHOWN ON THE CITY OF NEW YORK OFFICE OF THE BOROUGH PRESIDENT OF THE BRONX MAP NO. 13136, DATED JUNE 11, 2018.

Starting at the point of intersection of the northerly line of Wyatt Street and easterly line of Morris Park Avenue, thence running 213.426 feet northeasterly, along the easterly line of Morris Park Avenue, to the point of beginning:

1. Thence, running 187.83 feet, in an easterly direction to a point, which makes an internal angle to the right of the previous course of 69 degrees and 35 minutes and 30 seconds;
2. Thence, continuing southerly on the arc of a circle, curving to the left, the radius of which is 45 feet, for 197 degrees and 25 minutes and 7.3 seconds, the length of which is 155.053 feet, the tangent of which forms an interior angle of 90 degrees with the previous course;

3. Thence, running 42.832 feet, in a northerly direction, tangent with the previous course;
 4. Thence, running 236.177 feet, in a westerly direction, which makes an interior angle to the left with the previous course of 111 degrees and 52 minutes;
 5. Thence, running 64.018 feet in a southeasterly direction, which makes an interior angle to the left with the previous course of 110 degrees and 24 minutes and 30 seconds, to the point of beginning.
- Said portion of East 178th Street to be discontinued and closed between Morris Park Avenue and the Bronx River Parkway contains an area of 18,394 square feet, more or less.

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. 13136 dated July 11, 2018 are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter.
- 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 Mapping Agreement shall contain provisions governing, in connection with development of the former street that in order to ensure an acceptable interior noise environment, future community facility uses must provide a closed window condition with a minimum of 28 dB(A) window/wall attenuation on all facades in order to maintain an interior noise level of 45 dB(A). In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning. This requirement will be embodied in the Mapping Agreement to be executed in connection with the demapping all of the foregoing as specified in the Conditional Negative Declaration dated October 1, 2021; and

- d. The subject street 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 150355 MMX), duly adopted by the City Planning Commission on January 19, 2022 (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.

ANITA LAREMONT, *Chair*

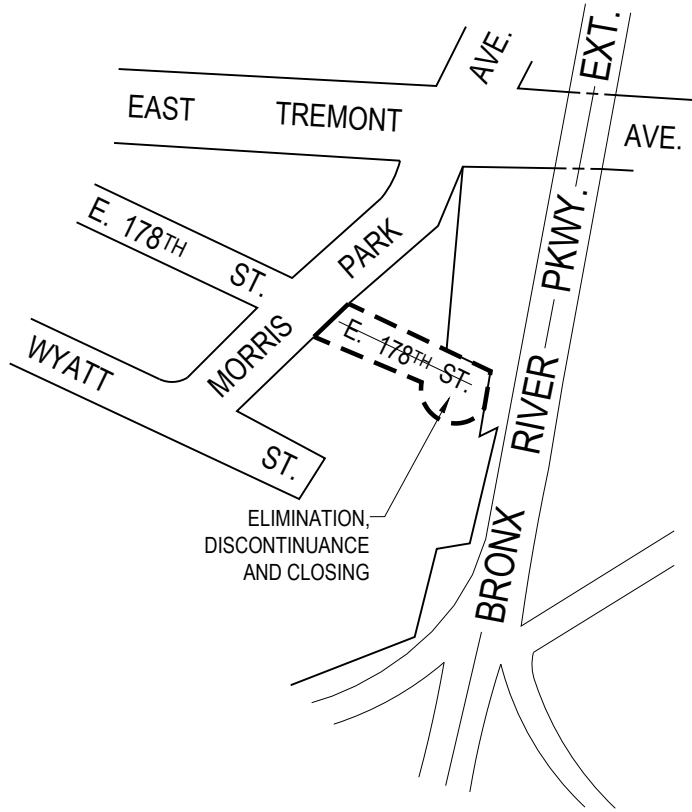
KENNETH J. KNUCKLES, ESQ., *Vice Chairman*

DAVID J. BURNEY, ALLEN P. CAPPELLI, Esq., ALFRED C. CERULLO III

JOSEPH I. DOUEK, RICHARD W. EADDY, ANNA HAYES LEVIN,

ORLANDO MARIN, LARISA ORTIZ, RAJ RAMPERSHAD, *Commissioners*

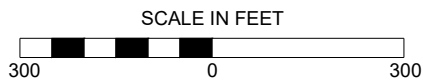
LEAH GOODRIDGE, *Commissioner Abstaining*



CITY PLANNING COMMISSION
CITY OF NEW YORK
DIAGRAM SHOWING PROPOSED
MAP CHANGE
ON SECTIONAL MAP
3
BOROUGH OF
THE BRONX

New York, Certification Date
OCTOBER 04, 2021

P. Montgomery
P. Montgomery, P.E.
Chief Engineer



- NOTE:
- Indicates line of street legally adopted.
 - Indicates line of street proposed to be established.
 - - - Indicates line of street proposed to be eliminated.



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: East 178th Street Demapping	
Applicant: 420 MORRIS AVENUE LLC	Applicant's Primary Contact: 420 MORRIS AVENUE LLC
Application #	Borough:
CEQR Number: 19DCP019X	Validated Community Districts: X06

Docket Description:

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

RECOMMENDATION: Favorable			
# In Favor: 21	# Against: 0	# Abstaining: 9	Total members appointed to the board: 30
Date of Vote: 11/11/2021 12:00 AM		Vote Location: Zoom Audio and Video Conference https://zoom.us/j/92918090352	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 11/10/2021 6:30 PM	
Was a quorum present? No	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	Zoom Audio and Video Conference https://zoom.us/j/92918090352

CONSIDERATION:

Recommendation submitted by	BX CB6	Date: 11/12/2021 12:25 PM
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**BRONX BOROUGH PRESIDENT'S
RECOMMENDATION**

**CITY PLANNING COMMISSION
120 Broadway, 31st Floor
New York, New York 10271-0001**

APPLICATION NO: C 150355 MMX-EAST 178TH STREET DEMAPPING

DOCKET DESCRIPTION-PLEASE SEE ATTACHMENT FOR DOCKET DESCRIPTION

COMMUNITY BOARD NO. 6 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

12/10/2021

DATE

**BRONX BOROUGH PRESIDENT'S RECOMMENDATION
ULURP APPLICATION NO: C 150355 MMX
EAST 178TH STREET DEMAPPING**

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by 420 Morris Park Avenue, 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 of the City Map involving:

- 1) The elimination, discontinuance and closing of East 178th Street east of Morris Park Avenue;
- 2) The adjustment of grades and block dimensions necessitated thereby;

Including authorization for any acquisition or disposition of real property related thereto, in Community District 6, Borough of The Bronx, in accordance with Map No. 13136, dated June 11, 2018 and signed by the Borough President.

BACGROUND

420 Morris Park Avenue, LLC, (the applicant) is the owner of property located on the north side of the mapped, unbuilt portion of East 178th Street, (Block 3909, Lot 61, the Development Site). This site consists of 25,641 square feet of property. It is secured by chain link fencing and leased to Con Edison as a paved parking lot. It is bounded by East Tremont Avenue to the north, East 178th Street to the south, Morris Park Avenue to the west, and the Bronx River Parkway South Extension to the east. This triangle shaped lot offers 22 feet of frontage on East Tremont Avenue, 185 feet on East 178th Street, 208 feet on Morris Park Avenue, 302 feet on Bronx River Parkway South. The Development Site in an M1-1 zone.

Approval of this application will facilitate the demapping of the unbuilt portion of East 178th Street, which is located east of Morris Park Avenue. This unbuilt section extends 236 feet north of Morris Park Avenue, is 60 feet wide and consists of approximately 18,394 square feet. Terminating as a cul-de-sac, this mapped unbuilt portion of East 178th Street is under the jurisdiction of the New York City Department of Transportation. Currently, this property is used as a parking lot the adjacent property at 1211 Wyatt Street, (Block 3908, Lot 66).

Pending approval of this application, the applicant will seek to acquire the City-owned street bed and merge it with the property located on Block 2909, Lot 61. This acquisition would provide the applicant with an overall development site approximating 44,035 square feet. There are no submitted or formal plans to develop this expanded site, although the applicant is considering a plan to construct a 2-story medical office building. This possible development would a structure

composed of 43,470 square feet (1.0 FAR) with accessory parking. At this time the applicant is not considering a Zoning Map change.

The applicant also acknowledges that the Department of Environmental Protection (DEP) will maintain an Easement on what is currently the unbuilt portion of East 178th Street. As such, no building of any kind will be permitted within this Easement. Additional stipulations include:

- The applicant (owner) will be permitted to grade and pave within the Easement for use as a parking area, but a ten foot radius around a DEP manhole is mandated.
- Any non-permanent improvements within the Easement area may be permitted, but the applicant will be required to remove such improvements at its cost if so mandated by DEP.
- This area shall be open 24-7 to all DEP vehicles.
- No trees or shrubs shall be planted within the Easement area or located where they would impair access by the DEP.
- Any new footings for new structures shall be located beyond an area that could compromise the DEP infrastructure.
- The applicant (owner) shall be responsible for maintaining the Easement area and pay the full cost associated with any maintenance associated with this area.

Development in the surrounding area is typified by one and two story wood-frame residences, and 1-story buildings used for industrial purposes. Recently constructed mid-rise residential buildings are located on East Tremont Avenue. Commercial activity is also located on East Tremont Avenue. This area is well served by mass transportation. This includes access to the Numbers 2 and 5 subway lines at the East 180th Street station approximately ¼ mile from the Development Site. Bus transit is provided by the Bx 21, Bx36, Bx40/42 at East Tremont Avenue and the BxM10 on Morris Park Avenue.

ENVIRONMENT REVIEW AND ULURP CERTIFICATION

This application has been reviewed pursuant to CEQR and SEQRA and received a Negative Declaration. The City Planning Commission certified this application was complete on October 4, 2021.

BRONX COMMUNITY DISTRICT PUBLIC HEARING

Bronx Community Board #6 held a virtual public hearing on this application. The hearing took place on November 11, 2021. A vote recommending approval of this application was 21 in favor, zero opposed and 9 abstaining.

BOROUGH PRESIDENT'S PUBLIC HEARING

The Bronx Borough President convened a virtual public hearing on this application. The hearing took place on December 2, 2021. Representatives of applicant spoke in favor of this application. No other members of the public spoke and the hearing was closed.

BRONX BOROUGH PRESIDENT'S RECOMMENDATION

I see no objection to the applicant's request that an unbuilt portion of East 178th Street be demapped. In addition to offering this property owner a more viable site for potential development, approval will update the City Map to best represent what is in fact the in place by eliminating this paper-street. I also acknowledge that if any future development is proposed for this site, unless it complies with the current M1-1 designation, a ULURP is required.

I recommend approval of this application.