CITY PLANNING COMMISSION

November 30, 2016 / Calendar No. 1 C 160243 PSK

IN THE MATTER OF an application submitted by the Department of Environmental Protection, the Department of Small Business Services, and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for site selection of a portion of the marginal street, wharf or place located between the Whale Creek Canal, and Kingsland Avenue for use as a nature walk, Borough of Brooklyn, Community District 1.

This application for the site selection of property by the NYC Department of Environmental Protection (DEP), the NYC Department of Small Business Services (SBS), and the NYC Department of Citywide Administrative Services (DCAS) was filed on March 16, 2016. The proposed site selection, in conjunction with its related action, would facilitate the construction of Phase III of the Newtown Creek Nature Walk, adjacent to the Newtown Creek Wastewater Treatment Plant, located in the Greenpoint section of Brooklyn, Community District 1.

RELATED ACTION

In addition to the site selection, which is the subject of this report (C160243 PSK), implementation of the proposed development also requires action by the City Planning Commission on the following application, which is being considered concurrently with this application:

C 120120 MMK City Map amendment to eliminate, discontinue and close a portion of the marginal street, wharf or place east of Whale Creek Canal and the adjustment of the streets, grades and block dimensions necessitated thereby.

BACKGROUND

DEP, SBS, and DCAS propose the site selection of a portion of the demapped marginal street,

located east of Whale Creek Canal, to facilitate the construction of Phase III of the Newtown Creek Nature Walk.

The Newtown Creek Nature Walk is being created as part of a 1996 agreement which allowed the expansion of the Newtown Creek Wastewater Treatment facility in the Greenpoint neighborhood of north Brooklyn. To satisfy City's "Percent-for-Art" requirement, DEP agreed to provide a landscaped path along the Newtown Creek waterfront abutting their plant. The nature walk is being built in three phases. Phase I, completed in 2007, is a 515-foot long pathway built on land under DEP's jurisdiction, starting at Paidge Avenue and following Newtown Creek southeast into the Whale Creek Canal. The pathway features several recessed seating areas, and is planted with trees, shrubs, and other native flora. Phase II was site selected in 2007 (ULURP No. C 070398 PSK) and will start construction in 2017. It is expected to be completed by the end of 2018. Phase II will be a water-based extension of Phase I, connecting to the final land-based Phase III. Phase II will consist of three bowed, 60-foot long vessels made of galvanized steel, and a 100-foot long bridge.

Phase III will be constructed in the bed of the marginal street, a 100-foot wide street located east of Whale Creek Canal, and would link with Phase II of the nature walk. To facilitate construction, the marginal street will be demapped. Currently, the marginal street is under the jurisdiction of SBS. The southern 70-foot wide portion of the marginal street would be site selected for the construction of Phase III and would be added to Block 2525, Lot 1 which is under the jurisdiction of DEP. The remaining 30-foot wide section along the northern portion would remain under the jurisdiction of the NYC Department of Sanitation (DSNY) and would provide access to their warehouse, which is used to store supplies for truck maintenance and

paper products. A 2011 Memorandum of Understanding (MOU) between DSNY and DEP would provide DEP access to this 30-foot wide section of the demapped street so DEP can access and maintain their Floatable Control Facility, on the east side of the Whale Creek Canal. The related mapping action (C 120120 MMK) would also establish a turnaround in the extension of public Kingsland Avenue and within a portion of marginal North Henry Street, and provide for the narrowing of Whale Creek Canal by 30 feet.

In total, about 29,247 square feet of demapped marginal street will be selected for the development of Phase III. The parcel will be trapezoidal in shape, ranging in length between 380 feet and 430 feet, and 70 feet wide. The site will be developed as an open garden with paved and planted areas, seating, and tables, encouraging quiet enjoyment of the waterfront.

DEP will be responsible for the maintenance of all three phases of the Newtown Creek Nature Walk including the proposed Phase III garden. The proposed project was approved by the Public Design Commission (PDC) on March 2, 2015, and the New York State Department of Environmental Conservation (NYSDEC) has shown no objection to moving forward with the project.

ENVIRONMENTAL REVIEW

This application (C 160243 PSK), in conjunction with the related action (C 120120 MMK), 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 11DEP036K. The lead

agency is DEP.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on February 17, 2016.

UNIFORM LAND USE REVIEW

This application (C 160243 PSK), in conjunction with the related action (C 120120 MMK), was certified as complete by the Department of City Planning on July 11, 2016, and was duly referred to Brooklyn's Community Board 1 and the Brooklyn 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 1 held a public hearing on this application (C 160243 PSK) on August 9, 2016 and, on September 14, 2016, by a vote of 34 in favor, 0 opposed, and none abstaining, adopted a resolution recommending approval of the application, subject to the following conditions:

1. Clarification of the plans for lighting the entire area around the nature walk and what provisions will be installed for trash disposal.
2. That there be open communication with the businesses by Kingsland Avenue, and that attention be focused on safety measures for cyclists and pedestrians.

Borough President Recommendation

This application (C 160243 PSK) and the related application (C 120120 MMK) were considered by the Borough President of Brooklyn who issued a recommendation on October 19, 2016 approving the application subject to the following conditions:

1. The New York City Department of Environmental Protection (DEP) coordinate with the New York City Police Department (NYPD) to determine whether an emergency call box should be incorporated in proximity to the Kingsland Avenue entry plaza of the Newtown Creek Nature Walk Phase III and should such box be recommended by NYPD, that DEP include the emergency call box within its design and construction documents, and

2. DEP coordinate with New York City Department of Transportation (DOT), in conjunction with Community Board 1 (CB 1), Evergreen, and local elected officials, to determine the appropriateness of installing a bike lane along Kingsland Avenue, in order to connect the Greenpoint Avenue bike route to the entrance of Newtown Creek Nature Walk Phase III.

City Planning Commission Public Hearing

On October 19, 2016 (Calendar No. 1), the City Planning Commission scheduled November 2, 2016, for a public hearing on this application (C 160243 PSK). The hearing was duly held on November 2, 2016 (Calendar No. 11), in conjunction with the hearing on the related action (C 120120 MMK).

A representative of DEP described the proposed actions and the nature walk. He stated that the Phase I of the nature walk has been open to the public since 2007, and is a great amenity in the neighborhood. He said that the nature walk is also part of Newtown Creek Wastewater Treatment Plant's educational program. The flora planted in Phase I are native to the Newtown Creek Area and DEP intends to use similar plantings in Phase III. He stated that DEP would employ cameras and call boxes in the final Phase of the Nature Walk as the agency did for other parts of the nature walk.

There were no other speakers and the hearing was closed.

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW

This application (C 160243 PSK), in conjunction with the related application (C120120 MMK),

was reviewed by the City Coastal Commission 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 30, 2013 and by the New York State Department of State on February 3, 2016, 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 13-140.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The Commission believes that the site selection of property, in conjunction with the related application for a City Map amendment, is appropriate. The requested actions will facilitate the construction of the third phase of the Newtown Creek Nature Walk, which is intended to enhance public access to the Newtown Creek waterfront and provide additional open space for the Greenpoint community.

The third phase of the Newtown Creek Nature Walk will complete the 29,247 square foot open space resource around Whale Creek that started construction in 2007. The finished nature walk will have seating areas with benches and pathways bordered with richly planted beds of shrubs, grasses and perennials, including ornamental trees. Phase III consists of an approximately 29,000 square foot open garden, including a rain garden with a small pedestrian bridge, stone paths landscaped with planting beds, and benches. The garden will be accessible via an entrance at Kingsland Avenue and it will be open from dawn to dusk.

To facilitate construction of the nature walk, the 100-foot wide marginal street located east of Whale Creek Canal will be eliminated, discontinued and closed. The 70-foot wide portion of the demapped marginal street will be used for the construction of the Phase III open space. This parcel will become part of adjacent Block 2525 and fall under DEP's jurisdiction. The remaining 30-foot wide portion of the demapped street, north of Phase III, will be under the jurisdiction of DSNY, providing access to their warehouse north of the project site. Pursuant to a 2011 MOU, DSNY will provide DEP access to their Floatable Control Facility on the east side of the Whale Creek Canal through this 30-foot wide section. DEP will retain jurisdiction over the nature walk and will maintain the entire length of it, including Phases I, II, and III, from Paidge Avenue to Kingsland Avenue. In conjunction with the nature walk, a turnaround will be established in the extension of mapped Kingsland Avenue and within a portion of marginal North Henry Street to improve traffic flow and Fire Department access, and the mapped width of Whale Creek Canal will be reduced by 30 feet to reflect actual field conditions.

The proposed project was approved by the New York City PDC on March 2, 2015, and the NYSDEC has expressed no objections to this project moving forward.

The Commission notes statements by DEP's representative at the public hearing, responding to the Community Board concerns, that Phase III would be properly lit and that the agency has reached out to DOT about the safety concerns for cyclists along Kingsland Avenue.

The Commission further notes that, in response to the Borough President's concerns about security at the Phase III site, DEP has agreed to install a call box at the entrance of the Phase III plaza and has asked the Department of Design and Construction (DDC) to include the location of the call

box in working drawings.

Regarding the Borough President's request for a new bike lane along Kingsland Avenue, the Commission recognizes that the request is beyond the scope of this application. However, the Commission is pleased by DEP's efforts to bring DOT and Evergreen Exchange, a local not-for-profit organization, to the table to explore the possibility of extending bike lanes from Greenpoint Avenue to Phase III of the nature walk.

The proposed project is consistent with the stated objectives of the adopted *Vision 2020: NYC Comprehensive Waterfront Plan*. It would also further the plan's goal of expanding public access to the waterfront on public and private land. Phase III of the Newtown Creek Nature Walk will also increase the amount of green space in a community that is underserved by open space.

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, the City Coastal Commission finds that the action will not substantially hinder the achievement of any WRP policy and hereby determines that this action is consistent with WRP policies; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c of the New York City Charter, that based on the environmental determination, and the consideration described in this report, the application (C 160243 PSK) 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 site selection of property located between Whale Creek Canal and Kingsland Avenue, Borough of Brooklyn, Community District 1, is approved.

The above resolution (C 160243 PSK), duly adopted by the City Planning Commission on November 30, 2016 (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.

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,
JOSEPH I. DOUEK, RICHARD W. EADDY, CHERYL COHEN EFFRON,
HOPE KNIGHT,-ANNA HAYES LEVIN, ORLANDO MARIN,
LARISA ORTIZ, ***Commissioners***

NYC PLANNING
DEPARTMENT OF CITY PLANNING CITY OF NEW YORK

Community/Borough Board Recommendation

Pursuant to the Uniform Land Use Review Procedure

Application #: **C160243PSK**	Project Name: **Newtown Creek Nature Walk Phase 3**
CEQR Number: 11DEP036K	Borough(s): Brooklyn Community District Number(s): 1

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

SUBMISSION INSTRUCTIONS

1. 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"
2. 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, the Department of Small Business Services, and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection of a portion of the marginal street, wharf or place located between the Whale Creek Canal and Kingsland Avenue for use as a nature walk.

16 JUL 18 4:11 PM

Applicant(s):	Applicant's Representative:
Department of Environmental Protection 96-05 Horace Harding Expressway Corona NY 11368 Department of Citywide Administrative Services 1 Centre Street 20th floor South NY, NY 10007 Department of Small Business Services	Ken Moriarty 718-595-6238 Randy Fong 212-386-0618 Andrew Schwartz

Recommendation submitted by:

Brooklyn Community Board No. 1

Date of public hearing: 8/9/2016 Location: 211 Ainslie St., Brooklyn, NY 11211

Was a quorum present? YES [XX] NO [ ]

A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.

Date of Vote: 9/14/16 Location: 211 Ainslie St., Brooklyn, NY 11211

RECOMMENDATION

- [ ] Approve
- [ ] Disapprove
- [XX] Approve With Modifications/Conditions
- [ ] Disapprove With Modifications/Conditions

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

Voting

In Favor: 34 # Against: 0 # Abstaining: 0 Total members appointed to the board: 49

Name of CB/BB officer completing this form	Title	Date
Dealice Fuller	Chairperson	9/16/2016

NYC PLANNING
DEPARTMENT OF CITY PLANNING CITY OF NEW YORK

Community/Borough Board Recommendation

Pursuant to the Uniform Land Use Review Procedure

Application #: **C 120120 MMK**	Project Name: **Newtown Creek Nature Walk Phase 3**
CEQR Number: 11DEP036K	Borough(s): Brooklyn Community District Number(s): 01

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

SUBMISSION INSTRUCTIONS

1. 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"
2. 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 New York City Department of Environmental Protection and the New York City Department of Small Business Services 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 marginal street, wharf or place east of Whale Creek Canal;
- the establishment of a cul-de-sac in Kingsland Avenue north of Greenpoint Avenue;
- the narrowing of Whale Creek Canal; and
- the adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in the Borough of Brooklyn, Community District 1, in accordance with Map Nos. Z-2742 and X-2747 dated May 31, 2016 and signed by the Borough President.

16 JUL 18 4:14 P

Applicant(s):	Applicant's Representative:
NYC Department of Environmental Protection 96-05 Horace Harding Expressway Corona, NY 11368	Ken Moriarty 718-595-6238
NYC Department of Small Business Services 110 William Street 7th Floor New York, NY 10038	Andrew Schwartz 212-513-6248

Recommendation submitted by:
Brooklyn Community Board 1

Date of public hearing: 8/9/2016 Location: 211 Ainslie Street Brooklyn, NY 11211

Was a quorum present? YES [X] NO [ ] *A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.*

Date of Vote: 9/14/16 Location: 211 Ainslie Street Brooklyn, NY 11211

RECOMMENDATION

- [ ] Approve
- [XX] Approve With Modifications/Conditions
- [ ] Disapprove
- [ ] Disapprove With Modifications/Conditions

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

Voting

In Favor: 34 # Against: 0 # Abstaining: 0 Total members appointed to the board: 49

Name of CB/BB officer completing this form	Title	Date
Dealice Fuller	Chairperson	9/16/2016

COMMUNITY BOARD No. 1

435 GRAHAM AVENUE - BROOKLYN, NY 11211-1451
PHONE: (718) 389-0009
FAX: (718) 389-0098
Email: bk01@cb.nyc.gov
Website: www.nyc.gov/brooklyncb1

HON. ERIC L. ADAMS
BROOKLYN BOROUGH PRESIDENT

DEALICE FULLER
CHAIRPERSON

GERALD A. ESPOSITO
DISTRICT MANAGER

HON. STEPHEN T. LEVIN
COUNCILMEMBER, 33rd CD

HON. ANTONIO REYNOSO
COUNCILMEMBER, 34th CD

RABBI ABRAHAM PERLSTEIN
FIRST VICE-CHAIRMAN

DEL TEAGUE
SECOND VICE-CHAIRPERSON

STEPHEN J. WEIDBERG
THIRD VICE-CHAIRMAN

MARIA VIERA
FINANCIAL SECRETARY

ALMA SAVOIA
RECORDING SECRETARY

PHILIP A. CAPONEGRO
MEMBER-AT-LARGE

Revised
September 14, 2016

LAND USE, ULURP & LANDMARKS (subcommittee)
COMMITTEE REPORT

TO: Chairperson Dealice Fuller and CB #1 Board Members

FROM: Ms. Del Teague, Committee Chair
Ms. Alma Savoia, Committee Co-Chair
Ms. Trina McKeever, Landmarks Subcommittee Chair

RE: Land Use Committee Meeting Held on September 8, 2016
(9 Members Constitute a Quorum For This Committee)

The Land Use, ULURP & Landmarks (subcommittee) Committee met on Thursday, September 8, 2016 at 6:00 PM, in the CB #1's District Office, 435 Graham Avenue, Brooklyn, NY 11211.

ATTENDANCE: **Present** – Teague; Savoia; McKeever; Barros; Rabbi Niederman; Rabbi Perlstein; Viera; Weidberg; Weiser. **Absent** – Argento; Dybanowski; Franczoz; Hoffman; McCann; Neustein; Sofer, Solano.

(1.) AGENDA: PFIZER SITES REZONING DRAFT SCOPE OF WORK FOR AN ENVIRONMENTAL IMPACT STATEMENT (E.I.S.) CEQR No. 15DCP117K ULURP No. N150277ZRK & 1502787ZMK

The committee met to prepare the draft for the board's response to the city's EIS scoping document. The committee reviewed the comments provided by board members. Fortunately, all board members who submitted responses were in attendance, so we were able to include those individuals in the preparation of the attached document. All modifications to the submitted statements were done with the consent of the board members who had made the submissions.

Recommendation: We were one member short of a quorum. The attached document was approved by all committee members present, as well as those board members who had submitted

written responses.

Please note, the "no comment" responses do not indicate a lack of concern by the board with respect to the related headings. This response simply indicates that we have not found a need to expand on the already rather extensive analysis required by the city.

We will have an opportunity to comment further during the ULURP process.

(2.) <u>NYC DEP PROPOSAL</u> - to extend the existing Newtown Creek Nature Walk to Connect To Public Kingsland Avenue. <u>#C 120120 MMK</u>- IN THE MATTER OF an application submitted by the NYC Dept. of Environmental Protection and the New York City Department of Small Businesses pursuant to Section 197-c and 199 of the NYC Charter, and Section 5-430 *et seq*. of the NYC Administrative Code for an amendment of the City Map involving:

- the elimination, discontinuance and closing of a portion of marginal street, wharf or place east pf Whale Creek Canal;
- the establishment of a cul-de-sac to Kingsland Avenue north of Greenpoint Avenue;
- the narrowing of Whale Creek; and
- the adjustment of grades and block dimensions necessitated thereby;

Including authorization for any acquisition or disposition of real property related thereto; in the Borough of Brooklyn, Community District 1, in accordance with Map Nos. Z-2742 and X-2747 dated May 31, 2016 and signed by the Borough President.

<u>#C 160243PSK</u> – IN THE MATTER OF an application submitted by the Department of Environmental Protection, the Department of Small Business Services, and the Department of Citywide Administrative Services, pursuant to Section 197-c of the NYC Charter, for the site selection of a portion of the marginal street, wharf or place located between the Whale Creek Canal and Kingsland Avenue for use as a nature walk.

<u>Recommendation</u>: The committee recommended that the board request clarification of the plans for lighting the entire area around the nature walk and what provisions will be installed for trash disposal.

The committee also supported adding the additional requests that there be open communication with the businesses by Kingsland Avenue, and that attention be focused on safety measures for cyclists and pedestrians.

PFIZER SITES REZONING
DRAFT SCOPE OF WORK FOR AN ENVIRONMENTAL IMPACT STATEMENT (E.I.S.) CEQR No. 15DCP117K, ULURP No. N150277ZRK & 1502787ZMK

Task 1. **PROJECT DESCRIPTION** - No comment.
Task 2. **LAND USE, ZONING AND PUBLIC POLICY** – The subtasks in this task should be more explicit and should include an analysis of the association of this proposed re-zoning with the Broadway Triangle Urban Renewal Area.
Task 3. **SOCIOECONOMIC CONDITIONS** – The analysis should include a study of what steps need to be taken to comply with the Federal Fair Housing Act requirements to reduce/ameliorate the shocking racial separations in the immediate area, specifically that the population of Community District #1 is only about 5% African-American/Black, while the adjoining Community District #3 is between 75-90% African-American/Black, with Flushing Avenue being the effective racial barrier between the two. The analysis should include what impacts the proposed re-zoning will have on commercial/industrial development in the area, particularly in light of the over-occupancy and demand for such space for start-ups, etc. in the Navy Yard building(s). The residential displacement analysis should be expanded to address the impact on the existing Rent Stabilized tenant populations surrounding the proposed re-zoning area.
Task 4. COMMUNITY FACILITIES - **Public Schools** - The analysis should include the impact that the re-zoning would have on the high schools in Community Boards #1 and #3. - **Libraries** – no comment. - **Child Care Centers** – The analysis should include a disclosure of the lease terms for the day care facilities in the area, and whether we are at risk of losing leases beyond the 2019 EIS cut-off date.
Task 5. OPEN SPACE – The open space areas/provisions have not been defined. However, at such time as they are defined, the developer should have to address the plan for the upkeep, supervision, and enforcement of public safety measures.

Task 6. SHADOWS – no comment.
Task 7. HISTORIC AND CULUTRAL RESOURCES **- Architectural Resources** – no comment. **- Archaeological Resources** – no comment.
Task 8. URBAN DESIGN AND VISUAL REOURCES – no comment.
Task 9. HAZARDOUS MATERIALS – no comment.
Task 10. WATER AND SEWER INFRASTRUCTURE - **Water Supply** – no comment. - **Wastewater and Stormwater Infrastructure** – no comment.
Task 11. ENERGY – no comment.
Task 12. TRANSPORTATION – The analysis should take into consideration the ongoing transportation studies for the entire area. Given limited access to the G train at the Flushing Avenue stop, the analysis should describe the station elements of that location, including street stairs and fare control areas. With respect to the JMZ lines, the 2019 analysis should take into account the proposed closure of the L train. In light of the diversity of religions observed in the area, the traffic studies should include Sundays in addition to Saturdays.
Task 13. AIR QUALITY – no comment.
Task 14. GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE – no comment.

Task 15. NOISE – no comment.
Task 16. PUBLIC HEALTH – no comment.
Task 17. NEIGHBORHOOD CHARACTER – no comment.
Task 18. CONSTRUCTION – no comment.
Task 19. MITIGATION – no comment.
Task 20. ALTERNATIVES – no comment.
Task 21. SUMMARY EIS CHAPTERS – no comment.
Task 22. EXECUTIVE SUMMARY – no comment.

Brooklyn Borough President Recommendation
CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
CalendarOffice@planning.nyc.gov

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 representatives as indicated on the Notice of Certification.

APPLICATION

NEWTOWN CREEK NATURE WALK PHASE III – 160243 PSK and 120120 MMK

In the matter of the applications, submitted by the New York City Department of Environmental Protection (DEP), the New York City Department of Small Business Services (SBS), and the New York City Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for the site selection of a portion of the marginal street located between the Whale Creek Canal and Kingsland Avenue, within the Greenpoint section of Community District 1 (CD 1) for use as a Nature Walk. Additionally, DEP and SBS seek authorization pursuant to Section 197-c and 199 of the New York City Charter and Section 5-430 *et esq.* of the New York City Administrative Code for an amendment to the City Map involving: the elimination, discontinuance, and closing of a portion of marginal street east of Whale Creek Canal; the establishment of a cul-de-sac in Kingsland Avenue north of Greenpoint Avenue; the narrowing of Whale Creek Canal, and the adjustment of block dimensions and grades necessitated thereby.

COMMUNITY DISTRICT NO. 1 BOROUGH OF BROOKLYN

RECOMMENDATION

☒ APPROVE
☐ APPROVE WITH MODIFICATIONS/CONDITIONS
☐ DISAPPROVE
☐ DISAPPROVE WITH MODIFICATIONS/CONDITIONS

SEE ATTACHED

BROOKLYN BOROUGH PRESIDENT

October 14, 2016
DATE

RECOMMENDATION FOR: NEWTOWN CREEK NATURE WALK PHASE III – 160243 PSK and 120120 MMK

Applications submitted by the New York City Department of Environmental Protection (DEP), the New York City Department of Small Business Services (SBS), and the New York City Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, seek authorization for the site selection of a portion of the marginal street located between the Whale Creek Canal and Kingsland Avenue, within the Greenpoint section of Community District 1 (CD 1) for use as a Nature Walk. Additionally, DEP and SBS seek authorization pursuant to Section 197-c and 199 of the New York City Charter and Section 5-430 *et esq.* of the New York City Administrative Code for an amendment to the City Map involving: the elimination, discontinuance, and closing of a portion of marginal street east of Whale Creek Canal; the establishment of a cul-de-sac in Kingsland Avenue north of Greenpoint Avenue; the narrowing of Whale Creek Canal, and the adjustment of block dimensions and grades necessitated thereby. Such actions will allow the expansion of Newtown Creek Nature Walk by enabling the completion of Phase III of the project.

On September 26, 2016, Brooklyn Borough President Eric L. Adams held a public hearing on the site selection and City Map amendment. There were no speakers on this item.

In response to Borough President Adams noting the lack of lighting depicted on the provided site plans and seeking clarification on the hours of operation, the DEP representative stated that there will be lighting throughout Phase II, which will match the lighting fixtures within the existing Phase I of the Nature Walk. Such lighting fixtures will include accent lighting, cylindrical lighting poles, in-ground lighting, lights integrated into the fence and light poles along some of the linear elements of the Nature Walk. The representative confirmed that the lighting does not disrupt any industrial activities taking place on the water. The Nature Walk's hours of operation are dawn to dusk, modelled after the New York City Department of Parks and Recreation regulations.

In response to Borough President Adams' observation of the absence of trash receptacles being depicted on the provided site plans, the DEP representative stated that trash receptacles will be provided throughout Phase III. The receptacles are designed to look like barrels as a reference to the cooperage trade along the Newtown Creek.

In response to Borough President Adams' concern with regard to pedestrian safety, given the isolated location of the Nature Walk, the DEP representative stated that a call box was provided at the Phase I entrance because, when first constructed, it dead-ended. Since there would no longer be a dead-end condition with the expansion of the Nature Walk, DEP was not intending to provide an additional call box at the entrance of Phase III, with the original call box remaining active. However, this does not preclude future provision of a call box at the entrance of Phase III if it is deemed necessary.

In response to Borough President Adams' policy promoting practices to retain stormwater runoff by including bioswales at the tree pits in the entrance plaza to Phase III, the DEP representative stated that there were limitations in the amount of softscaping that could be achieved at the entrance plaza. The representative stated that DEP was constrained by the New York City Department of City Planning's (DCP) circulation and clearance requirements. DEP has been in communication with the area's industrial business advocate agency, Evergreen, to obtain assistance in understanding some goals for Kingsland Avenue businesses.

In response to Borough President Adams' interest in introducing a bike lane along Kingsland Avenue, which would connect the existing bike lane along Greenpoint Avenue to the entrance of Phase III, the representative stated that there has already been discussion with Evergreen and New York City Department of Transportation (DOT) regarding organizing such efforts. The

representative stated that from their conversations it does seem that the businesses in the surrounding area are interested in being provided with a bike lane.

In response to Borough President Adams' policy to maximize job opportunities for Brooklynites and procurement of supplies locally, the DEP representative stated that the New York City Department of Design and Construction (DDC) is managing this contract on DEP's behalf. The representative stated that there is a set goal of 18 percent Minority- and Women-Owned Business Enterprises (MWBE) and as well as Local Business Enterprises (LBE) participation for carpentry, electrical, and steel.

Subsequent to the hearing, DEP provided a letter dated October 6, 2016 with clarification in regard to some of the questions discussed at the hearing. With respect to Borough President Adams' stormwater runoff policies, DEP stated that Phase III is designed to infiltrate all stormwater runoff on site by employing swales, rain gardens, and planted areas to absorb water, as well as stabilized gravel, which is permeable. The entrance plaza will have four trees in open tree pits and a generous planting bed that continues into the Nature Walk. DEP worked closely with DCP to establish an entrance plaza design with a nice balance of amenities, such as seating, bike parking, and planting, while also providing the necessary 12-foot-wide flexible circulation path. This flexible circulation space will allow for visitors to gather – whether for walking tours or simply waiting to be picked up by a car – without causing congestion.

In regard to Borough President Adams' policy to maximize job opportunities, DEP stated that DDC is managing this contract on DEP's behalf, and both agencies are committed to using MWBE firms wherever possible. The citywide goals recommended by Local Law 1 are adjusted based on the scope of work for a contract, the availability of MWBEs with the capacity to perform specific types, and the scale of work to be procured. Based on these criteria, DDC has set the participation goal for the Nature Walk contract at 18 percent. For larger or more varied contracts, the participation would be higher. DDC's contractors will also utilize the HireNYC program, as suggested at the hearing.

In regard to Deputy Borough President Diana Reyna's inquiry into potential air quality improvements, DEP stated that they do not expect to see measurable improvement of air quality, as differences are largely driven by changes in local emissions rather than an increase in tree coverage. Additionally, DEP indicated that data collected through any form of monitoring would be difficult to interpret not only because they do not have a baseline to measure against, since Phase I has been in place for nearly a decade, but also because of the number of uncontrolled variables, such as changing weather patterns. However, DEP did suggest that tree coverage can help reduce pollution indirectly by providing shade to help cool neighborhoods, thereby reducing the need for electricity demands on hot days, which in turn reduces emissions.

Consideration

Community Board 1 (CB 1) approved these applications with conditions, requesting: clarification regarding the provision of lighting fixtures and trash receptacles; that agencies maintain open communication with the businesses on Kingsland Avenue, and prioritization of safety measures for cyclists and pedestrians.

In 1996, the 11th modification of the City Council resolution for the upgrade of the Newtown Creek Wastewater Treatment Plant (WWTP) directed DEP to provide a landscaped planting strip along the perimeter of the WWTP site. This landscaped strip, the Nature Walk, was part of the process undertaken to respond to the City's law requiring a Percent-for-Art component for any construction done on City property. Additionally, this type of accessory use to a wastewater treatment plant contributes toward implementing the City's Waterfront Revitalization Plan (WRP) policy to preserve

and develop waterfront open space and recreation on publicly-owned land at suitable locations, as well as contributing toward the implementation of other WRP policies.

The Phase I of the Newtown Creek Nature Walk is a land-based waterfront Nature Walk, which starts at Paidge Avenue and follows the Newtown Creek WWTP northern perimeter to Newtown Creek and Whale Creek Canal. Phase I was completed at a cost of $3.2 million in 2007.

The Phase II portion of the proposed Nature Walk extension is part of an area that was site selected for use by DEP under a prior ULURP action. It will be a water-based extension of Phase I, connecting the two land-based Phase I and Phase III portions. Phase II will consist of a pier deck built out over Whale Creek Canal along its southern and western bulkheads to connect to the proposed Phase III on Kingsland Avenue. Construction of Phase II is estimated at $8 million.

The Phase III portion of the proposed Nature Walk extension is a land-based extension that would stretch from the eastern end of Phase II and consist of a green area within a 70-foot-wide portion of the proposed demapped marginal street section of Kingsland Avenue, between North Henry Street and Whale Creek Canal. The construction cost for Phase III is estimated at $9 million, and both Phases II and III are expected to be completed in 2017.

The general surrounding area consists primarily of industrial and manufacturing uses, east and south of the project site, with the WWTP immediately to the south and west. The nearest concentration of residential buildings is mostly located west of McGuinness Boulevard or south of Norman Avenue. Uses immediately adjacent to the site include the Newtown Creek WWTP North and Central Battery process tanks, fewer than 10 feet in height, and part of the WWTP Central Residuals Building, which is four stories in height and is located directly north of Phase III. The New York City Department of Sanitation (DSNY) warehouse and former DSNY Marine Transfer Station building are located just north of the site.

The subject portion of Kingsland Avenue to be demapped has a width of 100 feet north to south and extends from North Henry Street westerly to Whale Creek Canal for approximately 360 feet along its northern boundary line and 430 feet along its southern boundary line. The southern 70-foot-wide north to south portion, totaling approximately 29,000 square feet of the demapped Kingsland Avenue, would be transferred to the DEP and developed by the DEP for Phase III of the Newtown Creek Nature Walk extension. The northern 30-foot-wide portion would be transferred to DSNY, with shared access provided to the DEP through a previously signed Memorandum of Understanding (MOU) between these two agencies.

The section of Kingsland Avenue to remain contains on-street parking for more than 50 vehicles along the westerly portion of Kingsland Avenue, which is separated by a jersey barrier from two-way traffic along the remaining right-of-way. This parking area was previously used by DSNY garbage trucks lining up to discharge solid waste refuse at the Marine Transfer Station.

Following the proposed demapping of Kingsland Avenue and jurisdiction transfer of the southern section of Kingsland Avenue west of North Henry Street to DEP according to the site selection action, construction would proceed on the third and final phase of the Newtown Creek Nature Walk. Construction services will be provided by the New York City Department of Design and Construction (DDC) on behalf of DEP. DEP has been using this section of Kingsland Avenue for assisting with the construction of the adjacent Central Residuals Building. Completion of the Nature Walk would provide a continuous pedestrian link around the Newtown Creek WWTP.

Phase III will consist of a variety of planted and stone-paved areas, seating, tables, and features that would encourage quiet recreation and enjoyment of the waterfront. At the Kingsland Avenue entrance, the site comprises a 50-foot-wide by approximately 10- to 50-foot-wide

sidewalk/plaza area that will include bicycle racks, stone bench seating, street trees, and a trash receptacle. A large boulder will mark the entrance to Phase III of the Nature Walk, as it does at the corner of Provost Street and Paidge Avenue at the entrance to Phase I of the Nature Walk.

From this boulder, a narrow trail of blue granite will lead from the Kingsland Avenue entrance to the waterfront at Whale Creek Canal. The trail will form the spine of Phase III and would be level with the surrounding paving at the entrance, gradually deepening to form a shallow swale, which will collect water and convey it to the rain garden in the western portion of Phase III.

Plant beds will line the central trail, with grasses, perennials, shrubs, and trees. The surrounding paved areas will drain toward these planted areas, which will allow stormwater to seep into the ground. Planting will be predominantly native species, adapted to urban and waterfront conditions.

A shelter would be located close to the center of the Phase III area. To the west of the shelter, a stone paved area will feature five tree fossils set among five Ginko trees. The fossils, approximately three feet in diameter, were unearthed during excavation by DEP at the Schoharie Reservoir site in upstate New York. These fossils are more than 380 million years old and provide a link between ancient and recent history, making a wider connection to civilization that will be described by the signage similar to that used to explain local and natural history in the existing Phase I of the Nature Walk.

At the waterfront area, the granite trail will drain into a planted rain garden with wetland plantings. A small pedestrian-scale bridge will provide an overlook to the water. Granite block paving would provide a surface suitable for the vehicular access required by DEP across the area of Phase III.

The waterfront area will also include seating, trees, and an access area at the water's edge similar to that which is in place within the existing Phase I. Another shelter, in the form of a boat shell, with a picnic table, will be located close to the water's edge. Lighting will be provided within both shelters as well as the water's edge, matching the existing light fixtures in Phase I of the Nature Walk. The Phase III area will be bounded by steel fencing 10 feet in height at its eastern and southern edges, and by a solid concrete wall 10 feet in height at the northern edge.

It is Borough President Adams' policy to promote a resilient and sustainable Brooklyn, and he believes that maximum consideration should be given to diverting stormwater runoff from the WWTP. Phase III of the Nature Walk has multiple stormwater runoff management design features. Such features seem largely absent from the Kingsland Avenue cul-de-sac entry plaza as much of that surface is delineated by paved sidewalk, with the exception of a few trees to be placed in minimally-sized tree pits. DEP provided clarification in a letter dated October 6, 2016, stating that they will transform what is currently an entirely impermeable site to one where 93 percent of the project area would contribute to stormwater recapture. The remaining seven percent of impermeable pavement will entail the entrance plaza and will be sloped southeast toward the six-inch curb where DEP's design intervention meets the existing grade of Kingsland Avenue. Borough President Adams applauds DEP's efforts to manage stormwater runoff. He also believes there is an opportunity to modify the plaza design, even further, to incorporate functioning bioswales as part of the proposed tree pits.

Borough President Adams supports the expansion and completion of the Newtown Creek Nature Walk. The Nature Walk is a critical public waterfront amenity for the Greenpoint community, as well as an educational resource. Furthermore, its completion would enhance public safety through the removal of the current dead-end condition.

Introduction of a Call Box for the Kingsland Avenue Entrance

Due to the isolated nature of this area, Phase I of the Nature Walk includes an emergency call box at its entrance. As explained by DEP, Phase I originally dead-ended, a condition that posed safety concerns and made the call box necessary. However, with the expansion of the Nature Walk, as there would no longer be a dead-end condition, DEP determined that an additional emergency call box at the entrance to Phase III would not be necessary.

As the streets leading to the Nature Walk are isolated from pedestrian and vehicular traffic, Borough President Adams believes that the local police precinct should determine whether there should be an additional emergency call box at the entrance of Phase III. In response, the Office of Brooklyn Borough President contacted the 94th Precinct of the New York City Police Department (NYPD), who confirmed that public safety consideration warrants the installation of an emergency call box as part of the Phase III improvement.

Borough President Adams urges DEP to coordinate with NYPD to determine where an emergency call box should be incorporated in proximity to the Kingsland Avenue entrance plaza of the Nature Walk. DEP should also include the emergency call box within its design and construction documents.

Introduction of a Bike Lane Along Kingsland Avenue

Borough President Adams is a supporter of Mayor de Blasio's Vision Zero strategy. One component of Vision Zero is to design new streets and redesign existing streets to safely accommodate all modes of transportation. It is important to consider how bicyclists, motorists, and pedestrians interact when developing such street designs and policies. Introducing protected or buffered bike lanes as traffic calming and separation mechanisms creates a safer experience for everyone. It is among Borough President Adams' policies to support DOT's efforts to create and connect bike routes where appropriate throughout the borough to provide safer streets for bicyclists, motorists, and pedestrians.

Borough President Adams believes that bike lanes promote a more orderly flow of traffic by helping define road space, creating a visual reminder to drivers to look for bicyclists, provide an added buffer for pedestrians between sidewalks and traffic, and acting as a "traffic calming" mechanism because roads that appear narrow result in safer vehicular speeds.

The existing Phase I of the Nature Walk is connected to the bike route in the area, along McGuiness Boulevard to Paidge Avenue, where the entrance to Phase I is located. The entrance of Phase III would front the proposed cul-de-sac of Kingsland Avenue. Taking into consideration the safety of bicyclists, motorists, and pedestrians Kingsland Avenue poses several challenging conditions. Between North Henry Street and Greenpoint Avenue, Kingsland Avenue is subdivided by a barrier into two functional streets. The two-way street along the eastern side has one lane provided in each travel direction and is bordered predominantly by industrial use with associated truck traffic. The western side consists of a one-way lane serving parking along both sides of the travel lane. Furthermore, this area is somewhat isolated from public transit.

Borough President Adams believes that the opening of Phase III of the Nature Walk would increase pedestrian and bicycle traffic along this section of Kingsland Avenue. Given the challenging conditions that might pose high safety risks between the Nature Walk's entry plaza and Greenpoint Avenue, he believes that the entrance to Phase III warrants consideration for the incorporation of a bike lane spur connected to the existing bike route at Greenpoint Avenue, along Kingsland Avenue.

DEP should coordinate with DOT, in conjunction with CB 1, Evergreen, and local elected officials, to determine the appropriateness of installing a bike lane along Kingsland Avenue, in order to connect the Greenpoint Avenue bike route to the entrance of Newtown Creek Nature Walk Phase III.

Recommendation

Be it resolved that the Brooklyn borough president, pursuant to sections 197-c and 199 of the New York City Charter, and Section 5-430 *et esq.* of the New York City Administrative Code, recommends that the City Planning Commission and City Council approve these applications.

Be it further resolved that:

1. The New York City Department of Environmental Protection (DEP) coordinate with the New York City Police Department (NYPD) to determine whether an emergency call box should be incorporated in proximity to the Kingsland Avenue entry plaza of the Newtown Creek Nature Walk Phase III and should such box be recommended by NYPD, that DEP include the emergency call box within its design and construction documents, and

2. DEP coordinate with New York City Department of Transportation (DOT), in conjunction with Community Board 1 (CB 1), Evergreen, and local elected officials, to determine the appropriateness of installing a bike lane along Kingsland Avenue, in order to connect the Greenpoint Avenue bike route to the entrance of Newtown Creek Nature Walk Phase III

nvironmental
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October 6, 2016

Deputy Borough President Diana Reyna
Richard Bearak, Director of Land Use
Olga Chernomorets, Land Use Coordinator
Office of the Brooklyn Borough President
Eric L. Adams
209 Joralemon Street
Brooklyn, New York 11201

Dear Deputy Borough President Reyna, Mr. Bearak and Ms. Chernomorets,

Thank you for the opportunity to present the designs for the Phase III of the Waterfront Nature Walk at the public hearing on September 26, 2016. As a follow-up to your outstanding questions, we are pleased to provide the following information.

Kingsland Avenue Entrance/Stormwater Management: Phase III is designed to infiltrate all stormwater runoff on site. We are employing swales, rain gardens and planted areas to absorb water, and the stabilized gravel is permeable. At the entrance, we are providing four trees in open tree pits and a generous planting bed that continues into the Nature Walk. We worked with the Department of City Planning to establish an entrance plaza design with a nice balance of amenity (seating and bike parking) and planting while providing a 12' W flexible circulation path. This flexible circulation space will allow for visitors to gather – whether for a walking tour or simply waiting to be picked up by car – without causing the area to get too crowded. I have attached the layout and planting plans for the entrance that illustrate the 12' W circulation path with the amenities and planting.

MWBE and Local Participation: DDC is managing this contract on DEP's behalf, and our agencies are committed to using MWBE firms wherever possible. The citywide goals recommended by Local Law 1 are adjusted based on the scope of work for a contract and the availability of MWBEs with the capacity to perform specific types and scale of work to be procured. Based on these criteria, DDC has set the participation goal for the Nature Walk contract at 18%. For larger or more varied contracts, the participation would be higher. DDC's contractors will also utilize the HireNYC program, as suggested by the Borough President's Office.

Air Quality Improvements: We do not expect to see measurable improvement of air quality, as differences are largely driven by changes in local emissions rather than an increase in tree coverage. Additionally, the data that any monitoring would collect would be difficult to interpret not only because we do not have a baseline to measure against, since Phase I has been

in place for nearly a decade, but also because of the number of uncontrolled variables, such as changing weather patterns. However, tree coverage can help reduce pollution indirectly by providing shade that helps to cool neighborhoods, thereby reducing the need for electricity demands on hot days, which in turn reduces emissions. We expect the Nature Walk to be an urban oasis and a key waterfront amenity for Greenpoint.

Thank you again for your support as the final phase moves through the process. Please let me know if you have any questions or need additional information.

Sincerely,

Alicia West

Alicia West