



**IN THE MATTER OF** an application submitted by the Department of Parks and Recreation and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property located in Spring Creek Park (Block 4585, Lots 165, 167, 205, and 225; and a mapped and unbuilt portion of Drew Street located between Lots 165, 167, and 225, from the Borough boundary, along the unbuilt extension of 157<sup>th</sup> Avenue to the centerline of Spring Creek) for the expansion of an existing park.

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This application for the site selection and acquisition of property was filed by the New York City Department of Parks and Recreation (DPR) and the New York City Department of Citywide Administrative Services (DCAS) on February 19, 2019. The proposed action would facilitate the preservation and ecological restoration of Spring Creek Park by DPR, in partnership with the U.S. Army Corps of Engineers (USACE), in the East New York neighborhood of Brooklyn, Community District 5.

## **BACKGROUND**

Spring Creek Park is the largest undeveloped salt marsh in Northern Jamaica Bay. The park is located on the Brooklyn-Queens border, with the northern and western portions of the park in Brooklyn and the southern portion below 157th Avenue in Queens. The parkland was originally acquired during the construction of the Shore Parkway in 1938. The park was assigned additional city-owned land in 1992, which doubled the park's size. Subsequent land was assigned in 1994 and 2001.

Today, Spring Creek Park is comprised of nearly 105 acres of salt marsh and maritime upland habitat that serves a critical ecosystem function. However, the Spring Creek salt marsh has been severely degraded over time due to surrounding development and the construction and maintenance of the network of channels in Jamaica Bay.

DPR and USACE have partnered to implement the Spring Creek North Ecosystem Restoration project. The project seeks to restore and improve the ecology of Spring Creek. This project is part of a larger ecosystem restoration project led by the USACE, which encompasses a 35-acre

portion of Spring Creek Park. The scope of work includes excavation and recontouring uplands to intertidal elevations, removing invasive plant species, and replanting native plant species.

The project area is located within Spring Creek Park and consists of four privately-owned vacant and unimproved lots totaling approximately 0.41 acres, and a portion of Drew Street, approximately 0.54 acres of a mapped but unbuilt street between three of the lots (Lots 165, 167, 225). Three of the four lots (Lots 165, 167 and 225) are surrounded by existing parkland, while Lot 205 is bounded by park land on three sides and 75<sup>th</sup> Street along its eastern boundary. The proposed project area is currently zoned R3-2.

The project area is overgrown, covered with invasive vegetation and urban fill debris deposited into the salt marsh during the construction of the surrounding developments. The project area is also surrounded by and indistinguishable from the existing Spring Creek Park.

The immediate surrounding area consists of marshland, open space, and residential uses. Just east of Lot 205, on 75<sup>th</sup> Street between 75<sup>th</sup> and 77<sup>th</sup> streets and 156<sup>th</sup> and 157<sup>th</sup> avenues, in Lindenwood, Queens, there are multi-family residences in an R4 zoning district. R4 zoning districts allow for low scale single- and two- family homes as well as multi-family buildings. Further southeast of the project area, in Howard Beach, Queens, there are single-family homes in an R2 zoning district. R2 zoning districts allow for low density single-family detached homes. In addition to Spring Creek Park, other significant open space nearby includes Jamaica Bay and the future Shirley Chisholm State Park, which is being constructed on top of the former Pennsylvania Avenue and Fountain Avenue landfills.

There are several public facilities within a half mile of the project area, including an MTA bus depot and a US Postal Service Processing and Distribution Center to the north across Flatlands Avenue, a Bulk Storage Facility operated by the NYC Department of Sanitation to the northeast on Flatlands Avenue, and the NYC Department of Environmental Protection Spring Creek Auxiliary Water Pollution Control Plant to the west on Flatlands Avenue. To the west of the project area is the Gateway Center, a major commercial hub, as well as the former Brooklyn

Developmental Center, which is currently being redeveloped into a mixed-use residential and commercial project by the Empire State Development Corporation.

The area is not well served by public transportation and is not within a transit zone. The nearest subway stations are the New Lots 3 train station approximately 2.5 miles to the northwest and the Euclid Avenue A/C train station 2 miles to the north. The B13, B14, B15, and B20 all have stops within a mile of the project area. Major roadways in the area include the Shore Parkway to the south of the project area and the Van Wyck Expressway to the east.

Upon the acquisition of the proposed sites, DPR will move forward with plans to improve and restore ecosystem function of Spring Creek as part of a larger preservation of open space project led by the USACE. DPR will also contribute to funding the work carried out by USACE.

#### **ENVIRONMENTAL REVIEW**

This application (C 190291 PCK), 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 lead agency is DPR. This application was determined to be a Type II action, which requires no further environmental review.

#### **UNIFORM LAND USE REVIEW PROCEDURE**

This application (C 190291 PCK) was certified as complete by the Department of City Planning (DCP) on February 25, 2019, and was duly referred to Community Board 5 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**

Brooklyn Community Board 5 held a public hearing on this application (C 190291 PCK) on April 24, 2019, and by a vote of 29 in favor, none opposed, and no abstentions, issued a recommendation

to approve the application.

### **Borough President Recommendation**

This Borough President of Brooklyn held a public hearing on the application (C 190291 PCK) on May 1, 2019, and on May 24, 2019, issued a recommendation approving this application.

### **City Planning Commission Public Hearing**

On June 3, 2019 (Calendar No. 3), the CPC scheduled June 19, 2019 for a public hearing on this application (C 190291 PCK). The hearing was duly held on June 19, 2019 (Calendar No. 21).

A representative of DPR appeared in favor to describe the project and the actions requested.

There were no other speakers and the hearing was closed.

### **CONSIDERATION**

The Commission believes that the application (C 190291 PCK) for the site selection and acquisition of property located in Spring Creek Park for park use is appropriate.

The proposed action will allow DPR to acquire these properties that are vacant, unimproved, and surrounded by and function as parkland today.

The Commission notes that the proposed site selection and acquisition will facilitate inclusion of the proposed properties in the Spring Creek North Ecosystem Restoration project. Upon acquisition of the proposed sites, DPR will begin the ecosystem restoration project in partnership with the USACE. The revitalized ecosystem will improve the habitat in Jamaica Bay, resulting in a restored interconnected coastal ecology.

**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**, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter that based on the environmental determination and consideration described in this report, the application submitted by the New York City Department of Parks and Recreation (DPR) and the New York City Department of Administrative Services (DCAS), for the site selection and acquisition of property located in Spring Creek Park (Block 4585, Lots 165, 167, 205, and 225; and a mapped and unbuilt portion of Drew Street located between Lots 165, 167, and 225, from the Borough boundary, along the unbuilt extension of 157<sup>th</sup> Avenue to the centerline of Spring Creek) for the expansion of an existing park in the East New York neighborhood of Brooklyn, Community District 5, is approved.

The above resolution (C 190291 PCK), duly adopted by the City Planning Commission on July 8, 2019 (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.

**MARISA LAGO**, *Chair*

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

**ALFRED C. CERULLO, III, MICHELLE R. DE LA UZ, JOSEPH DOUEK,  
RICHARD W. EADDY, HOPE KNIGHT, ANNA HAYES LEVIN,  
ORLANDO MARIN, LARISA ORTIZ, RAJ RAMPERSHAD**, *Commissioners*





### Email/Fax Transmittal

<b>TO:</b> Brooklyn Community District 5 (CD 5) Distribution	<b>FROM:</b> Brooklyn Borough President Eric L. Adams
<b>DATE: May 24, 2019</b>	<b>CONTACT:</b> Inna Guzenfeld – Land Use Coordinator Phone: (718) 802-3754 Email: inna.guzenfeld@brooklynbp.nyc.gov
<b>ULURP Recommendation:</b> SPRING CREEK PARK EXPANSION – 190291 PCK	<b>NO. Pages, Including Cover: 6</b>

Attached is the recommendation report for ULURP application 190291 PCK. If you have any questions, please contact Inna Guzenfeld at (718) 802-3754.

#### Distribution

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**Brooklyn Borough President Recommendation**

CITY PLANNING COMMISSION

120 Broadway, 31<sup>st</sup> Floor, New York, NY 10271

[CalendarOffice@planning.nyc.gov](mailto: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#:** SPRING CREEK PARK ADDITION – 190291 PCK

An application submitted by the New York City Departments of Citywide Administrative Services (DCAS) and Parks and Recreation (NYC Parks) for the following land use actions: Requesting the acquisition of a mapped but unbuilt portion of Drew Street between the center line of Spring Creek and the unbuilt extension of 157<sup>th</sup> Avenue, and four vacant and unimproved privately-owned sites, in Block 4585, including Lots 165, 167, and 225, bordering the Brooklyn-Queens borough boundary along Ruby Street/75<sup>th</sup> Street, north of 157<sup>th</sup> Avenue, for assignment to NYC Parks to facilitate the ecological restoration of Spring Creek Park by NYC Parks, in partnership with the United States Army Corps of Engineers (USACE), in the Spring Creek section of Brooklyn Community District 5 (CD 5).

BROOKLYN COMMUNITY DISTRICT NO. 5

BOROUGH OF BROOKLYN

**RECOMMENDATION**

APPROVE  
 APPROVE WITH  
MODIFICATIONS/CONDITIONS

DISAPPROVE  
 DISAPPROVE WITH  
MODIFICATIONS/CONDITIONS

SEE ATTACHED

\_\_\_\_\_  
BROOKLYN BOROUGH PRESIDENT

May 24, 2019

\_\_\_\_\_  
DATE

## **RECOMMENDATION FOR: SPRING CREEK PARK EXPANSION– 190177 PCK**

The New York City Departments of Citywide Administrative Services (DCAS) and Parks and Recreation (NYC Parks) submitted an application for the following land use actions: Requesting the acquisition of a mapped but unbuilt portion of Drew Street between the center line of Spring Creek and the unbuilt extension of 157<sup>th</sup> Avenue, and four vacant and unimproved privately-owned sites, in Block 4585, including Lots 165, 167, and 225, bordering the Brooklyn-Queens borough boundary along Ruby Street/75<sup>th</sup> Street, north of 157<sup>th</sup> Avenue, for assignment to NYC Parks, to facilitate the ecological restoration of Spring Creek Park by NYC Parks, in partnership with the United States Army Corps of Engineers (USACE), in the Spring Creek section of Brooklyn Community District 5 (CD 5).

On May 1, 2019, Brooklyn Borough President Eric L. Adams held a public hearing on this disposition request. There were no speakers on the item.

In response to Borough President Adams' inquiry regarding the incorporation of New York City Department of Environmental (DEP) rain gardens, the representative stated that NYC Parks is considering the inclusion of bioswales according to a separate Federal grant for improving the eastern section of the park in a manner that supports ecological restoration. It was further noted that NYC Parks is in discussions with DEP to pursue according to the agency's standards.

In response to Borough President Adams' inquiry regarding the inclusion and participation of minority- and women-owned business enterprises (MWBES) and locally-owned business enterprises (LBEs) in the process of construction on this site, the representative clarified that City and Federal protocol calls for compliance with the Historically Underserved Business Zone (HUBZone), which includes CD 5. In addition, such inclusion is a standard requirement for City contracts.

In response to Borough President Adams' inquiry regarding the extent to which the Ruby Street perimeter is secured from vehicles and whether upgrades such as guard rails and/or sidewalks might be possible, the representative noted that the ecological restoration project excludes such improvements, though NYC Parks would discuss the matter with the New York City Department of Transportation (DOT).

In response to Borough President Adams' inquiry as to whether it might be possible to include lighting and seating along Ruby Street, the representative noted that this would not be out of the question and would need to be coordinated with DOT based on public outreach considerations.

### **Consideration**

CB 5 approved this application on May 22, 2019.

The proposed land use action would affect 0.95 acres on sites located at in East New York, including the Spring Creek section. The requested site acquisition action would result in the inclusion of these properties as part of the intended Spring Creek Park improvements that would be facilitated in a partnership between NYC Parks and the USACE Spring Creek North Ecosystem Restoration Project. The restoration project's purpose is intended to improve the environmental quality of Spring Creek and its associated ecosystem project. This would include 13 acres of intertidal marsh and more than 22 acres of marine upland habitat. Invasive plant species would be removed with such areas replanted with native plant species.

The surrounding context for the site to be acquired is predominantly marshland of Spring Creek Park, but for the lot fronting Ruby Street/75<sup>th</sup> Street, which consists of multi-family semi-detached homes in the Lindenwood section of Queens. Spring Creek Park's Ruby Street/75<sup>th</sup> Street perimeter is improved with a woven-wire fence, though the street right-of-way improvement is limited to asphaltic street paving along the side of the park.

Borough President Adams supports the restoration land in the jurisdiction of NYC Parks compromised by urban activities and resulting growth of invasive vegetation species for productive uses. He believes that the partnership between NYC Parks and USACE would improve the environmental quality of Spring Creek and its associated ecosystem project for the betterment of Jamaica Bay's water quality, which would be an enhancement for marine life as well as associated upland species.

The restoration activities would also provide for workforce opportunities associated with grading of the land to optimize its function as an inter-tidal wetland and neighboring marine upland habitat, inclusive of the removal of invasive species and the planting of native species.

It is Borough President Adams' policy to advocate for locally-based employment associated with land use actions and government spending. The acquisition of the five properties by NYC Parks provides an expectation that the Spring Creek North Ecosystem Restoration Project would be advanced inclusive of workforce participation.

Borough President Adams is concerned that too many Brooklyn residents are currently unemployed or underemployed. It is his policy to promote economic development that creates more employment opportunities. According to the Furman Center's "State of New York City's Housing and Neighborhoods in 2015," double-digit unemployment remains a pervasive reality for several of Brooklyn's neighborhoods, with more than half of the borough's community districts experiencing poverty rates of nearly 25 percent or greater. Prioritizing local hiring would assist in addressing this employment crisis.

Additionally, promoting Brooklyn-based businesses, including those that qualify as locally-based enterprises (LBEs) and minority- and women-owned business enterprises (MWBEs), is central to Borough President Adams' economic development agenda. This site provides opportunities for NYC Parks to retain a Brooklyn-based contractor and subcontractor, especially those who are designated LBEs consistent with Section 6-108.1 of the City's Administrative Code, and MWBEs that meet or exceed standards per Local Law 1 (no less than 20 percent participation).

Participation by the USACE ensures compliance with the Federal HUBZone program, an effort to attract businesses by offering preferences and set asides to qualifying businesses for Federal agency contracts. To qualify, a business must be located in the zone and employ at least 35 percent of its workforce from the HUBZone.

Borough President Adams believes that NYC Parks would be expected to be responsible for coordinating based on the HUBZone Federal requirements. Therefore, there would be reasonable opportunities to address LBE/MWBE participation in the development process.

Borough President Adams supports the proposed development. He calls on NYC Parks to explore the incorporation of pedestrian safety measures, seating, and stormwater management practices.

### **Advancing Stormwater Management Policies**

It is Borough President Adams' flood resiliency policy to encourage developers to introduce best practices that would manage stormwater runoff such as incorporating permeable pavers and/or establishing rain gardens that advance DEP green infrastructure strategy. Borough President Adams believes that adjacent roadway surfaces are potential resources that could be transformed through the incorporation of rain gardens, which provide tangible environmental benefits through rainwater collection, improved air quality, and streetscape beautification. Tree plantings can be consolidated with rain gardens as part of a more comprehensive green infrastructure strategy. Rain gardens would divert stormwater from the City's water pollution control plants.

According to the "NYC Green Infrastructure 2017 Annual Report," green infrastructure plays a role in addressing water quality challenges and provides numerous economic, environmental, and social benefits.

The extensive park frontage that already exists along Ruby Street/75<sup>th</sup> Street, in combination with the remainder of frontage intended to be acquired, presents an opportunity to incorporate one or more rain gardens between 156<sup>th</sup> and 157<sup>th</sup> avenues. Such installation could help advance the water quality released into Jamaica Bay during wet weather and should be viewed as a component of the USACE Spring Creek North Ecosystem Restoration Project for the purpose of improving the environmental quality of Spring Creek and its associated ecosystem project. In addition, the installation of a rain garden would provide for a significant streetscape.

Borough President Adams believes it is appropriate for NYC Parks to engage with the DEP Office of Green Infrastructure regarding such installation within the street right-of-way and with the DOT as a means to coordinate improvements within its jurisdiction.

The City Council should further seek demonstration by NYC Parks of its commitment to coordinate with DEP and DOT regarding the installation of DEP rain gardens, in consultation with CB 5 and local elected officials.

### **Streetscape Improvement Policies**

Borough President Adams' policy is to make neighborhoods more welcoming for pedestrians through various beautification measures that make streets more aesthetically appealing. As part of this policy, he seeks opportunities to provide seating and street lighting.

Borough President Adams supports DOT's CityBench program, which aims to increase the amount of public seating on New York City's streets, particularly in areas with high concentrations of senior citizens. These benches make streets more comfortable for pedestrians, especially those who are disabled or elderly.

While the expressed primary function for Spring Creek Park improvements is to facilitate the USACE Spring Creek North Ecosystem Restoration Project, for the purpose of improving the environmental quality of Spring Creek and its associated ecosystem project, there are community residents who would enjoy the opportunity the park's perimeter would offer to foster appreciation of the natural environment inclusive of wildlife.

Borough President Adams believes that the provision of street seating through DOT programs might be an appropriate community amenity that could be integrated along the perimeter of Spring Creek Park's Ruby Street/75<sup>th</sup> Street frontage between 156<sup>th</sup> and 157<sup>th</sup> avenues. It could be coordinated should a sidewalk be constructed or if the grounds were graded and landscaped to promote the seating as a place to appreciate the natural environment and wildlife. Such seating should be supplemental by the installation of street lighting to promote pedestrian safety. In addition, as an added safety precaution from vehicular traffic, consideration should be given to the construction of a sidewalk with a curb or installation of additional guard rails, as they exist at the 75<sup>th</sup> Street/Ruby Street street end near 156<sup>th</sup> Avenue.

Borough President Adams believes that such street furniture should be coordinated by NYC Parks with DOT, where benches might be appropriately located through the DOT CityBench and/or Street Seats programs, which recently received additional funding to further their efforts throughout the city. Such enhancements should be considered in consultation with CB 5 and local elected officials prior to agreeing to take action.

The City Council should further seek demonstration by NYC Parks of its commitment to coordinate with DOT to consider utilizing its CityBench and/or Street Seats programs to provide for seating, lighting, sidewalks, or guard rails along the Ruby Street/75<sup>th</sup> Street Spring Creek Park perimeter between 156<sup>th</sup> and 157<sup>th</sup> avenues.

**Recommendation**

Be it resolved that the Brooklyn borough president, pursuant to Sections 197-c and 201 of the New York City Charter, recommends that the City Planning Commission (CPC) and City Council approve this application.

**Be it Further Resolved:**

That the New York City Department of Parks and Recreation (NYC Parks) advise the New York City Council of the following:

- a. Coordination with the New York City Department of Environmental Protection (DEP) and the New York City Department of Transportation (DOT) regarding the installation of DEP rain gardens, in consultation with Brooklyn Community Board 5 (CB 5) and local elected officials
- b. Engage with DOT to:
  - i. Consider utilizing its CityBench and/or Street Seats programs to provide for seating along the Ruby Street/75<sup>th</sup> Street Spring Creek Park perimeter between 156<sup>th</sup> and 157<sup>th</sup> avenues
  - ii. Consider the installation of street lighting and sidewalks or guard rails along the undeveloped western edge of the Ruby street/75<sup>th</sup> Street right-of-way between 156<sup>th</sup> and 157<sup>th</sup> avenues