



The North Shore Waterfront Conservancy of Staten Island, Inc.  
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NSWC's Comments on the Draft New York City  
Open Industrial Uses Study  
May 7, 2014

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On behalf of the North Shore Waterfront Conservancy of Staten Island, Inc., (NSWC). We would like to thank New York City Planning Commission and New York City Economic Development Corporation for the opportunity to participate on the Open Industrial Uses Study Committee.

## Looking at the Open Industrial Uses Study from a Holistic Approach:

NSWC as well as others who participated in the NYC City Planning Commission's Brownfield Opportunities Area Steering Committee for Staten Island's North Shore in the environmental justice communities. Had the notion that some how there would be some kind of reconciliation between the industrial/manufacturing uses that the North Shore of Staten Island's waterfront have been zoned for, for the past century and a half. Versus the kind of uses that residents have dreamed of for the past 80 years or more. We have worked very hard and hoped to finally be on the path of having a respectable quality of life which would include open, active, recreational space and waterfront access for the community at large and buffers to protect us from climate change.

This City has a habit of moving forward under the guise that it has thoroughly looked at all angles when in truth it has only looked at one angle and heard little of what was said by those that it has asked to participate in these committee functions. Where at that point the City agencies involved get to check off a box stating that it engaged community representatives and the long suffering community is okay with what the City is putting forth. When in actuality nothing could be further from the truth. The City has already made its decision and it really doesn't matter what we think or what our experiences have been. Or even that we are in strict opposition to what is being planned and done.

If in writing this I sound a little chagrined it is because this organization and others including our City Council member Deborah Rose were and are vehemently opposed to the North Shore of Staten Island becoming a Industrial Business Zone and had specifically requested that it be taken out of this designation. The reason being we wanted to give this area a chance to be used in other ways, ways that would be more conducive to being in proximity to residential. And at least in one instance see some of the under utilized sites such as the industrial storage areas and salvage yards be revamped into something that is desperately needed on the North Shore. That is open, active, waterfront recreational space for over 40,000 residents spanning four environmental justice (EJ) communities.

A request that would fall well within New York City Waterfront Revitalization Plan. Which begs to ask the question how can you have a Waterfront Revitalization Plan to which this Open Industrial Use Study is part of. Yet never consider that some of this space should go to provide an essential infrastructure item such as an active recreational park for existing EJ communities? With the ability to hold at the very least a minimum of 500 people, or more in a community that has suffered as long as these EJ communities have suffered with noxious and toxic uses at their front doors.

Thousands of Staten Islanders have had their lives stolen away from them due to the red lining of them and these industries into these low income communities and communities of color. The Draft Open Industrial Use Study goes through a whole history of obvious social racism without ever call it that. I remember watching a program about relationships and one of the speakers said that the opposite of love is not hate. The opposite of love is indifference.

It has been years of indifference that we have experienced in our communities. Therefore based on past and even present treatment we have reasonable concern that by placing the North Shore into the IBZ designation it could possibly lead to more of the same discriminatory treatment of our people and communities. The enforcement that could have made a difference simply does not exist complicated by the lack of resources to do it.

Over the years there have been industrial storage and salvage yards that have been a constant burden to the adjacent environmental justice communities. Where the operations have placed residents overall health and well being continually at risk.

Open Industrial Uses who have a proven track record of being a nuisance and threat to the EJ communities and residents and are a source of adverse environmental impacts leading to stress related illness. For those open industrial uses that have city and/ or state environmental violations that are long and extensive. How many more chances do you think they deserve before you shut them down permanently? And use those properties for purposes that are actually beneficial to the EJ communities. These are communities that have virtually nothing and need lots of public services and amenities to make them safe, sustainable and environmentally whole.

## Mitigation by definition means

mit-i-ga-tion

□mitə□gāSHən/

*noun*

noun: **mitigation**

1. the action of reducing the severity, seriousness, or painfulness of something.

"the emphasis is on the identification and mitigation of pollution"

### Plan's for Mitigation

We propose that the following Open Industrial Sites be removed from the (IBZ) North Shore Industrial Business Zone, nor do we want these properties grand fathered. It is so that these sites can become part of a Mitigation Project to provide the following Environmental Justice Communities: the edge of West Brighton, Port Richmond, Elm Park and the edge of Mariners Harbor with open, active, waterfront, recreational space and climate change buffers from sea level rising, storm surges, and flooding:

#### Recommendations for Acquisition for the Expansion of Faber Park & Pool

2217 RICHMOND TERRACE, Staten Island 10302

*Transportation / Utility*

Owner: MEZZACAPPA, FRANK

Block: 1070 Lot: 54

RICHMOND TERRACE, Staten Island 10302

*Vacant Land*

Owner: CHRIS JOHN REALTY HOL

Block: 1070 Lot: 55

2205 RICHMOND TERRACE, Staten Island 10302

*Industrial / Manufacturing*

Owner: NAGEL BROTHERS LLC

Block: 1070 Lot: 52

RICHMOND TERRACE, Staten Island 10302

*Parking*

Owner: BENEDETTO DI COSTANZO

Block: 1070 Lot: 62

RICHMOND TERRACE, Staten Island 10302

*Parking*

Owner: BENEDETTO DI COSTANZO

Block: 1070 Lot: 65

RICHMOND TERRACE, Staten Island 10302

Owner: HELEN IRENE DI COSTA

Block: 1070 Lot: 71

2269 RICHMOND TERRACE, Staten Island 10302

*Transportation / Utility*

Owner: HELEN IRENE DI COSTA  
Block: 1070 Lot: 79

RICHMOND TERRACE, Staten Island 10303  
*Parking*

Owner: 2319 RICHMOND TERRACE  
Block: 1105 Lot: 1

2351 RICHMOND TERRACE, Staten Island 10303  
*Transportation / Utility*

Owner: DOLLEN JAMES V  
Block: 1105 Lot: 26

RICHMOND TERRACE, Staten Island 10303  
*Vacant Land*

Owner: PORT OF NY AUTH  
Block: 1105 Lot: 51

In addition it is reasonable to believe that any new business non polluting and non contaminating coming into the area would much rather have a park of this size to frequent. As well as an established land mark for future businesses that they may be doing business with - than what is currently there.

The reuse of the above sites into a park would greatly improve the environment for the residents of these 4 EJ communities.

### Comments on the Draft's Introduction

Page 13. In the case with some of the worst M3 offenders no amount of landscaping and small potted trees and attempting to rearrange where their vehicles idle. Is going to help them become any more conducive to the environmental justice communities that they are in. When the problem is the lack of physical space between their operations and the residential communities.

Page 15. The recommendation for higher fences only serves to hide the illegal activities from the very people who normally would report what they are seeing to the environmental agencies. So in terms of NSWC, we cannot say we would be in agreement with higher fencing for the M3 sites.

Page 19. Neither the City of New York or anyone else has done a Resiliency Plan for Staten Island's North Shore. If anything the City of New York has been extremely elusive in how they plan to protect the Staten Island North Shore coast line from climate change events, especially in the face of a rapidly eroding shore line caused by heavy blasting and dredging projects, vessel traffic wakes, tides, Hurricane Irene and Super Storm Sandy.

Page 30. One of the major issues concerning the North Shore Waterfront Industrial Open Uses is the number of jobs that the waterfront businesses allegedly produce. Are far too little in employing residents from the communities that their sites are in, in comparison to the number of North Shore residents in need of employment. Not since the 1970s or earlier have the employment numbers of these sites come close to reducing unemployment levels in the EJ communities. And to our knowledge the only Open Industrial Site that does employ residents directly from the EJ communities is Atlantic Salt Company. The reason that they employ workers from the EJ communities is because during inclement weather it would be easier for them to walk to the site.

#### Context:

Page 38. Third paragraph down there is no mention of Staten Island North Shore and it should be mentioned with the rest of the communities. As there aren't any salvage yards Mid Island or on the South Shore. These Open Industrial Uses are predominantly on the North Shore of Staten Island. Staten Island has half as many vehicles as we do people.

Page 44. There is no mention of the U.S. EPA Superfund Sites that are on Staten Island's North Shore:

- Newark Bay is part of the EPA's Superfund Site activities that are taking place in the Passaic River – Dioxin
- John J. Jewett and Son's White Lead Company/ National Lead Industries – Lead
- Archer Daniels Midland Company/Manhattan Project Storage Site- Radiation
- Mariners Marsh Park – Coal Tar Site

Page 45. No mention of Staten Island in the first paragraph along with the other areas. We would like to be mentioned.

Page 45. 311 is still not sure on which agency they should be contacting for illegal discharges. Therefore more training is needed.

Page 45. Flood Hazard Mitigation Regulation, The Army Corp of Engineers (ACOE) has been the source of major blasting and dredging projects on the North Shore of Staten Island in the Kill Van Kull and Newark Bay all in relationship to the NY/NJ Port Authority's port expansions:

With this being said we have not seen anything that resembles the ACOE being closely involved with flood plain management and shore line protection through design, construction and operation of Staten Island's North Shore's infrastructure.

Page 59. The highlighted chart on the page is too light making it difficult to read the even lighter wording.

Page 63. Can you recheck the number of cement and asphalt companies on Staten Island's North Shore? You are listing 1 but there are 3 sites that give a Richmond Terrace address for their operations. Margarella Asphalt and Concrete 2351 Richmond Terrace, ScaraMix 2537 Richmond Terrace and Staten Island Terminal LLC. 2541 Richmond Terrace.

Page 73. Chapter 3: Storm Water, Environmental Concerns: Maritime businesses should be included the OIUs because some like Dry Docks use toxic chemicals. They also discharge into the Kill Van Kull and they use the NYC DEP Port Richmond Sewer Treatment Plant.

Page 95. Recommendations: Once again we are opposed to increasing the height of fencing on the North Shore with any of the Manufacturing uses. It is not enough that we can hear them, smell them and taste the chemicals that they are using on our tongues. We need to be able to see what they are doing and take pictures.

Page 106. Recommendations for Immediate Action: I am unclear about tax abatements for M-3 businesses as most of them have not proven to be good neighbors to begin with and we would be hesitant to set up a situation to encourage more non conducive operations and industries on to Staten Island's North Shore. Especially since we do not have space and buffers to protect our EJ population. In addition there is nothing in this study that acknowledges the lack of space between residential and heavy manufacturing use on Staten Island's North Shore. Nor does there appear to be the willingness to rezone these areas for enclosed uses that are non toxic and noxious.

In terms of tax breaks and abatements we are leery about this as at one time the City gave tax breaks and abatements to developers and Staten Island had an over development boom. Then the City realized that developers really didn't need a tax break or abatements as they were going to build anyway.

In addition while the City is giving tax breaks to M3 businesses there is a question, if some where along the line the City and State may wish to recoup those losses by raising home owners property taxes. Living in New York City is already unaffordable.

Page 110. Complementary Code Amendments: The Board of Standard and Appeals (BSA) should not be allowed to approve anything. As they are the reason for the noxious and toxic business clustering that has taken place in Staten Island's North Shore EJ communities. The many variances that they issued to

businesses that should not have been allowed into these communities are the reason that residents are finding it hard to breath to this very day.

Page 110. In this section there is a mention of existing M3 expanding their operations and I would like to know who they are on the North Shore of Staten Island ?

As we do know of 1 such C& D business that asked to expand its operation to include a Dredge Spoils function. Their current operation is in direct contradiction to the Port Richmond BOA process and the wants of the Port Richmond EJ community. The community was vehemently opposed to this proposed expansion due to this business's years of obnoxious behavior towards the residential community. Followed by their coveting of City owned waterfront property for 20 plus years. Waterfront property that the community has wanted to be a pocket park for public waterfront access for the past 35 years.

Page 111. Noise Controls:

Because of the close proximity that many of the EJ residential communities have with the industrial businesses noise has been an ongoing problem. Therefore the businesses that have a 24/6 or 24/7 operation must be relocated to areas that have a significant amount of space between their operations and residential communities. Along with direct access to roads, highways and bridges with substructures beneath them that can handle the weight of their vehicles and the constant use.

Page 112. Business Assistance Programs:

It is possible that NSWC would be supportive of certain businesses that have a proven track record of working with Staten Island's EJ communities and/or their advocacy organizations in applying for business assistance programs. But we would not support faux green businesses/pretenders.

Page 112. Summary of Recommendations:

2. Improve the business environment and generate new investment in nearby areas by placing M3 and certain M2 businesses in areas that have actual real acreage between their operations and nearby residential communities such as on the West Shore of Staten Island. Where there is 2,200 acres between the IBZ and residential. In addition where better observation and Best Management Practices can be fully monitored and enforced.