



CITY PLANNING COMMISSION

April 13, 2005 / Calendar No. 14

C 050174 PSQ

IN THE MATTER OF an application submitted by the Department of Sanitation, pursuant to section 197-c of the New York City Charter, for site selection of property located at 120-15 31st Avenue (Block 4346, part of lot 75), Community District 7, Borough of Queens, for use as a Marine Transfer Station.

The application (C 050174 PSQ) for site selection of property for the construction of a marine transfer station at 120-15 31st Avenue, (block 4346, part of lot 75) in the Borough of Queens, Community District 7, was filed by the Department of Sanitation on November 9, 2004.

BACKGROUND

Each day, the City's 8.2 million residents, businesses, commuters and visitors generate very large and diverse quantities of solid waste material. This material must be collected and disposed of daily. Historically, the Department of Sanitation (DSNY) used a network of eight partly enclosed marine transfer stations (MTS) for the collection and shipment of municipal solid waste (MSW) on open hopper barges to Fresh Kills Landfill in Staten Island. Since delivery of waste to Fresh Kills ceased in 2001, the City has relied on interim export contracts for disposal. Under these interim export contracts, all DSNY-managed MSW is either unloaded at in-City private transfer stations and transferred primarily by truck to out-of-City disposal sites, or is direct-hauled in collection vehicles to out-of-City disposal facilities. This mode of disposal has increased reliance on trucks with their associated air and noise pollution and has increased the City's costs for waste management. Reducing the City's dependence on truck transport to disposal sites is a City priority.

Ninety three percent of all truck-transferred DSNY-managed waste is disposed in landfills. A combination of factors is causing the depletion of nearby landfill capacity and increase in disposal price. While nearby landfill disposal capacity is depleting, remote disposal capacity is not. However, remote capacity is not economically accessible by truck-based transfer.

Solid Waste Management Plan (SWMP)

The City is developing a new Solid Waste Management Plan for handling MSW pursuant to New York State's Solid Waste Management Act (New York Environmental Conservation Law [Section 27-0707]) and implementing regulations. DSNY has prepared a draft new SWMP which is now before the City Council. The new SWMP will define the City's goals and objectives for solid waste management over a 20-year period and will describe the major new programs that will supplement existing successful City programs to accomplish these goals.

A significant component of the new SWMP is the Long-Term Export Plan for DSNY-managed MSW. The Long Term Export Plan constitutes a comprehensive and balanced approach to the City's MSW long term export needs and includes the following elements:

The development of four new marine transfer stations (MTS) proposed to be located at sites of existing MTSs in Queens, Brooklyn, and Manhattan, with supporting 20-year service agreements for transport and disposal of containerized waste by barge or rail;

Contracts with up to five in-City private transfer stations for waste transfer, including transport and disposal by barge or rail of containerized waste and;

An intergovernmental agreement with the Port Authority of New York and New Jersey for the use of a waste-to-energy facility in Newark, New Jersey to receive and process truck deliveries of DSNY-managed MSW from a portion of Manhattan.

The proposed new marine transfer facilities were included in the City-wide Statement of Needs for FY 2004-05. Under the draft Long Term Export Plan, all boroughs would share the burden of waste transfer operations. Each borough would export its own waste as follows:

Manhattan

- a) Proposed East 91st Street MTS for the 91st Street wasteshed.
- b) Direct truck transfer to the Essex County Resource Recovery Facility in Newark N.J.

Queens

- a) Proposed North Shore MTS.
- b) One private transfer station (either truck to barge or truck to rail).

Brooklyn

- a) Proposed Hamilton Avenue and Southwest Brooklyn MTSs.
- b) Either one or two private truck-to-rail or truck-to-barge transfer stations.

Bronx

One or two private truck-to-rail or truck-to-barge transfer facilities.

Staten Island

Waste will be containerized at DSNY's new transfer station presently under construction at Fresh Kills and exported by truck on an interim basis and by rail when rail connections are made.

DSNY also proposes to reserve the West 59th Street MTS in Manhattan for use as a commercial waste transfer station. The proposed MTS's will also provide capacity that could be available to containerize commercial waste for barge/rail export. In addition, DSNY will negotiate arrangements with private transfer facilities in the Bronx, Brooklyn and Queens that are part of the Long Term Export Plan to export privately collected commercial waste by barge or rail.

The proposed combination of facilities provides the City with redundancy in the DSNY managed waste system that accommodates future increases in waste generated in the City as a function of population growth. This redundancy will also prevent occasional conditions that may affect certain components of the system from seriously disrupting future waste export.

All proposed DSNY MTS facilities would be developed on existing DSNY MTS sites. After collecting MSW from their assigned routes, collection vehicles would travel through the nearest local truck route leading to the MTS for that borough and enter the MTS through a truck access ramp designed to accommodate more arriving trucks than the maximum number that might need to enter a queue for unloading at the facility. Trucks would enter the facility and unload from the highest of three levels onto a middle level processing area where MSW would be gathered and pushed by heavy equipment into waiting specially designed containers positioned at the lowest level. Containers would be tamped, sealed and loaded onto specially designed container barges. Each of the new facilities, including the North Shore facility that is

the subject of this application, would be similar in design and consist of a three level structure, 200 feet wide by 300 feet long and 98 feet high. Several features of the proposed MTS design represent substantial improvements over existing facilities.

New MTSs would containerize waste for barge transport using lidded, sealed, leak-proof containers. Barges would be towed by tugs between the MTS and in-City or out- of-City intermodal facilities where containers would be transloaded onto ocean-going barges or railcars. Alternatively, the barges would be towed directly to out-of-City disposal sites.

New MTSs would have a state-of-the-art ventilation and odor control system combined with rapid roll-up doors, which will be more effective in preventing the release of odors from the facility. Facilities are designed to maintain negative pressure within the building and exhaust all air through exhaust fans, even when the access/egress doors are open. The odor control system for the exhaust system will include a scrubber and neutralizing agent misting system capable of removing between 90 percent and 99 percent of odorous compounds.

Operational procedures will include requiring that all waste handling operations be conducted within the enclosed building; limiting the amount of time MSW is retained on site; requiring that doors in the receiving area be kept closed except during deliveries; and using covered or enclosed collection vehicles.

Site

The proposed North Shore MTS would be located at the site of an existing and proposed to be demolished MTS at the foot of 31st Avenue (Block 4346, part of lot 75) along Flushing Bay in College Point, Queens. The existing MTS, which was built in 1954 was closed in 2001. The facility would accept MSW from the eastern portion of Queens encompassing Community

Districts 7 through 14. Additionally, the facility may accept limited amounts of commercial waste.

The site is located in an M3-1 district, which permits this use, and which also extends to the south and east. To the north and east the area is zoned M1-1. Immediately adjacent to the project site are industrial uses. A construction materials company is located immediately to the south. To the east is a DSNY garage for Community District 7 on an approximately 4 acre lot. Immediately to the northeast is a block occupied by a coffee roasting and distribution company and an aquarium supply store. To the north is also an office and distribution building for The Daily News. The site is accessible from truck routes including College Point Boulevard and the Whitestone Expressway Service Roads. The facility is designed to accommodate 36 collection vehicles per hour. A maximum of 7 trucks are anticipated to have to queue on the entrance ramp at any given time. The ramp will be able to accommodate up to 20 trucks at a time.

ENVIRONMENTAL REVIEW

This application (C 050174 PSQ) is an element of New York City's proposed Solid Waste Management Plan (SWMP), which is required by New York State Environmental Conservation Law. The SWMP 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 New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 03DOS004Y. The Department of Sanitation (DSNY) is the lead agency.

It was determined that the proposed actions described in the SWMP may have a significant impact on the environment, and that an environmental impact statement would be required for the following reasons:

The actions, as proposed, may result in significant traffic impacts to traffic flow, air quality, solid waste and sanitation services, socioeconomic conditions, neighborhood character, open space and natural resources and significant adverse impacts from noise, odors and hazardous materials.

A positive declaration was issued on May 3, 2004 and distributed, published and filed and the applicant prepared a Draft Environmental Impact Statement (“DEIS”). Ten public meetings for the Draft Scope of Work for the DEIS were held on June 16th, 17th, 21st, 22nd, 23rd, 24th, 28th, 29th, 30th and July 1st, 2004 and the Final Scope of Work for the DEIS was issued on October 22, 2004.

The lead agency prepared a DEIS and a Notice of Completion for the DEIS was issued on October 22, 2004. Pursuant to the SEQRA regulations and CEQR procedures, eight public hearings were held on the DEIS on December 1st, 2nd, 6th, 8th, 13th, 14th, 15th, and 20th, 2004. Public comments on the DEIS were accepted from October 22, 2004 through January 24, 2005.

A Final Environmental Impact Statement (“FEIS”) was completed and a Notice of Completion for the FEIS was issued on April 1, 2005. The Notice of Completion for the FEIS identified the following potentially significant adverse impacts with respect to the subject MTS site and proposed the following mitigation measures to address these impacts:

Traffic Impacts

Two intersections may experience impacts in Level of Service (LOS) great enough to be considered significant during one of the peak times analyzed. Traffic signal timing adjustments would mitigate all predicted potentially significant traffic impacts.

College Point Boulevard/31st Avenue

During the AM peak hour, a potential impact was identified on the eastbound left-turn/through/right turn lane group when the delay increased from 32.2 seconds to 37.8 seconds (LOS C deteriorated to LOS D). An increase in green time of one second for the eastbound and westbound approaches will eliminate this unacceptable increase in delay. This mitigation measure would subtract one second from the northbound and southbound approach green time. The southbound approach delay would increase by less than one second, the northbound approach delay would increase less than four seconds and the westbound approach delay would decrease by less than one second, compared to Future No-Build Conditions. This mitigation would not generate any adverse impacts on other lane groups during other time periods.

College Point Boulevard/Booth Memorial Avenue

During the AM peak hour, a potential impact was identified on the southbound defacto left lane group (LOS D) when the delay increased from 38.9 seconds to 45.1 seconds. An increase in the green time of one second for the southbound and northbound approaches should eliminate the delay increase. This mitigation measure decreases the westbound approach green time by one second. The westbound approach delay time would increase by approximately one second and the northbound and southbound approach delay times would

decrease by less than one second compared to Future No-Build Conditions. This mitigation should not generate any adverse impacts on other lane groups during other time periods.

In addition to the two intersections that may experience impacts, the 31st Avenue and site entrance/exit intersection would benefit from low-cost and easily implemented mitigation. Even though traffic operations at this intersection would not affect traffic significantly along 31st Avenue, some improvements near the intersection are recommended, such as restricting parking along 31st Avenue within the vicinity of the intersection to improve site distance at the site entrance/exit. In addition, a stop sign at the site exit would be beneficial. This mitigation would not generate any adverse impacts on other lane groups during any time periods. Overall, the mitigation measures suggested would greatly enhance the intersection performance by reducing delays to LOSs similar to those under the Future No-Build Condition.

Vehicles from one DSNY service district would travel north on the Van Wyck Expressway to the Linden Place exit. These vehicles exit onto the Whitestone Expressway Service Road (northbound) and turn northwest on Linden Place. From Linden Place, the vehicles turn onto the Whitestone Expressway Service Road (southbound) and then turn west on 31st Avenue. Although this exit is located closer to the facility, the NYCDOT has requested that limited traffic be routed through the intersection of Linden Place and the Whitestone Expressway Service Roads due to exiting congestion at this intersection. DSNY will implement this request.

Noise Impacts

A louver fence on the truck ramp will be approximately 9 feet in height on top of a 3-foot high concrete base, for a total height of 12 feet. The louver fence will provide an on-site noise

reduction of approximately 7dBA for receptors adjacent to the property boundary and ensure compliance with applicable standards.

Noise simulations predicted an off-site impact at a noise-sensitive receptor from 1:00 a.m. to 3:00 a.m. for the College Point Boulevard - North of Roosevelt Avenue location, and from 3:00 a.m. to 5:00 a.m. for the College Point Boulevard - South of Sanford Avenue location. Therefore, adjustments are proposed to the truck routes to the North Shore Converted MTS to mitigate such impact. During these hours, DSNY collection vehicles en route to the North Shore Converted MTS from Queens CD 9 would be routed further on the Van Wyck Expressway to Exit 14, Linden Place, rather than the originally proposed route of the Van Wyck Expressway or LIE to College Point Boulevard, thus avoiding the locations predicted to have an impact. However, during these hours, DSNY collection vehicles leaving the MTS would continue to be routed along College Point Boulevard to either the LIE or Van Wyck Expressway.

A restriction on the number of Commercial Waste vehicles delivering waste to the North Shore Converted MTS during certain hours will mitigate estimated off-site noise impacts at receptors along the routes to this facility between 8:00 p.m. and 8:00 a.m. The results of the noise analysis indicate that the potential number of commercial waste hauling vehicles that could be routed to the North Shore Converted MTS during various hours within the 8:00 p.m. to 8:00 a.m. period must be limited to less than the available excess capacity to avoid causing potential impacts at noise-sensitive receptors on the approach routes these vehicles would take to the Converted MTS. The amount of available capacity that can be used to process commercial waste during the hours of 8:00 p.m. to 8:00 a.m., without causing any significant

adverse noise impacts, is 1,000 tons (or 95 commercial waste hauling vehicles, assuming an average of 11 tons per truck) over this 12-hour period. Commercial vehicles would be required to follow a route that would avoid sensitive receptors during the 12 a.m. to 6 a.m. period.

Other Impact Categories

No significant adverse impacts were identified with respect to the proposed North Shore Converted MTS for any other CEQR categories.

UNIFORM LAND USE REVIEW

This application (C 050174 PSQ) was certified as complete by the Department of City Planning on November 15, 2004 and was duly referred to Community Board 7 and the Queens Borough President in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 7 held a public hearing on this application (C 050174 PSQ) on January 10, 2005 and on that date, by a vote of 36 in favor, 3 opposed and 0 abstaining adopted a resolution recommending approval subject to the following conditions:

Traffic Improvements must be made, including but not limited to College Point Blvd., Linden Place and Environs, including Linden Place Extension to 20th Avenue.

Community Board #11's Department of Station Garage in the Iron Triangle area must be removed from Community Board #7.

Department of Sanitation and the Port Authority must coordinate the building height question.

Department of Sanitation must coordinate with Economic Development Corporation and Department of City Planning regarding the Downtown Flushing Redevelopment.

Department of Sanitation must coordinate with Congressman Crowley's office regarding dredging of Flushing Bay.

Department of Sanitation must coordinate the timing and type of construction activities with the Port Authority to allow for efficient use of the airport during construction.

Department of Sanitation must coordinate construction activities with Community Board #7.

Department of Sanitation must ensure enforcement of the use of only legal truck routes for the delivery of waste to the facility by both Department of Sanitation and commercial trucks.

Borough President Recommendation

This application (C 050174 PSQ) was considered by the Borough President of Queens, who issued a favorable recommendation on February 22, 2005 subject to the following conditions:

MTS enforcement officers should patrol the area regularly to ensure that all collection vehicles stay on the approved truck routes;

Downtown Flushing is undergoing new mixed use development that is consistent with recommendations made in the comprehensive Downtown Flushing Plan. College Point Boulevard is one of the major access roads to the new MTS facility. The areas along College Point Boulevard and the Flushing River were also identified for new mixed use development. DSNY should coordinate with EDC and DCP to assure that the operations of the new MTS facility does not have any negative, particularly truck related impacts on this long-range plan.

City Planning Commission Public Hearing

On February 16, 2005 (Calendar No. 6), the City Planning Commission scheduled March 2, 2005 for a public hearing on this application (C 050174 PSQ). The hearing was duly held on March 2, 2005, (Calendar No. 11). There was one speaker in favor of the subject application. At the start of the public hearing for the related South West Brooklyn MTS, the Commissioner of the Department of Sanitation spoke generally about the City's need and obligation to develop and implement a new Solid Waste Management Plan (SWMP) and its advantages to the City

over alternative proposals. A more detailed description of the Commissioner's testimony appears in the report for the proposed Southwest Brooklyn MTS (C 050175 PSK).

A representative of DSNY's Bureau of Long Term Export described the proposed site and operation of the North Shore MTS. He addressed questions and issues regarding DSNY coordination with the Economic Development Corporation and the Department of City Planning on avoiding negative impacts to Downtown Flushing development. He also stated that DSNY was in the process of obtaining the appropriate flight path construction permit from the Federal Aviation Administration (FAA). There were no other speakers and the hearing was closed.

Waterfront Revitalization Consistency Review

This application was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 13, 1999 and the New York State Department of State on May 28, 2002, 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 WRP #04-110.

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

CONSIDERATION

The Commission believes that the application for site selection of property located at 120-15 31st Avenue (Block 4346, part of lot 75) in Community District 7, Borough of Queens for a DSNY marine transfer station is appropriate.

New York State's Solid Waste Management Act (New York Environmental Conservation Law [section 27-0707]) and implementing regulations require the City to develop a new Solid Waste Management Plan (SWMP). The City's proposed new SWMP is currently before the City Council. The Commission believes that the North Shore MTS, along with three additional transfer stations in Brooklyn and Manhattan and a fifth facility currently under construction in Staten Island, which are part of the City's new SWMP will help put in place an effective, reliable, environmentally sensitive and equitable system for handling the very large quantity of putrescible solid waste generated in the City daily. The Long Term Export component of the SWMP constitutes a comprehensive and balanced approach to the City's MSW long term export needs.

The proposed North Shore MTS site was used as a transfer station until it was closed in 2001. It is located in an M3-1 zoned heavily industrial area along Flushing Bay and is adjacent to existing DSNY facilities as well as other industrial uses. The site is accessible from truck routes, including College Point Boulevard and the Whitestone Expressway Service Roads. This and the other proposed facilities that are part of the SWMP are designed to address many of the adverse effects previously associated with solid waste transfer facilities, such as noise, water and air pollution resulting from transfer operations. The following design and operational features will be incorporated in the proposed facility to eliminate or reduce these impacts:

The new MTS would containerize waste for barge transport using lidded, sealed, leak-proof, containers.

The new MTS would have a state-of-the-art ventilation and odor control system which will include a scrubber and neutralizing agent misting system capable of removing between 90 percent and 99 percent of odorous compounds.

Rapid roll-up doors will be more effective in preventing the release of odors from the processing building than was possible with the old MTS's.

The facility is designed to maintain negative pressure within the building and exhaust all air through the odor control system even when the access/egress doors are open.

Operational procedures will include: requiring that all waste handling operations be conducted within the enclosed building; limiting the amount of time MSW is retained on site; requiring that doors in the receiving area be kept closed except during deliveries and; using covered or enclosed collection vehicles.

In a communication dated March 25, 2005, DSNY replied to questions and issues raised during the public review. DSNY has advised the Commission that it is pursuing the necessary approval from the FAA. Additionally, DSNY has been in contact with The Port Authority, the Economic Development Corporation, the Department of City Planning, the local congressional office and Community Board 7 and will work with them in the future to assure that economic, planning, air and water based traffic and other considerations are properly addressed. DSNY has also agreed to work with the

Department of Transportation to make necessary traffic control improvements to reduce or eliminate any traffic impacts at College Point Boulevard, Linden Place and the immediate area. DSNY inspectors will monitor trucks arriving to and departing from the MTS to assure that they are using designated truck routes. Fines and other appropriate penalties will be used to assure compliance. DSNY has also assured the Commission that it will work with the Department of City-wide Administrative services to identify an appropriate site in Community District 11 for that district's garage annex presently located in the Iron Triangle area of Community District 7.

RESOLUTION

RESOLVED, that the City Planning Commission finds that having considered the Final Environmental Impact Statement (FEIS) for which a notice of completion was issued on April 1, 2005 with respect to the City's proposed Solid Waste Management Plan, which this application (C 050174 PSQ) is a part of, the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and regulations, have been met and that, consistent with social, economic and other essential considerations:

1. From among the reasonable alternatives thereto, the action to be approved is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable and;
2. The adverse environmental impacts revealed in the environmental impact statement will be minimized or avoided to the maximum extent by incorporating as conditions to this approval those mitigative measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS, constitutes the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to section 617.11(d) of the SEQRA regulations;
and be it further

RESOLVED that the City Planning Commission, in its capacity as the City Coastal Commission has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies;
and be it further

RESOLVED that pursuant to section 197-c of the New York City Charter, that based on the environmental determination and consideration described in this report, the application (C 050174 PSQ) of the Department of Sanitation for the site selection of property located at 120-15 31st Avenue (Bock 4346, part of lot 75) Community District 7, Borough of Queens for use as a marine transfer station is approved.

The above resolution, duly adopted by the City Planning Commission on April 13, 2005 (Calendar No. 14), is filed with the Office of the Speaker, City Council and the Borough President of Queens, in accordance with the requirements of section 197-d of the New York City Charter

AMANDA M. BURDEN, AICP, Chair
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