

**FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT FOR THE
CROTON WATER TREATMENT PLANT AT THE HARLEM RIVER SITE**

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7.20. WATERFRONT REVITALIZATION

7.20.1. Introduction

The Harlem River Site is situated within the City's coastal zone boundary. The coastal zone is the geographic area of New York City's coastal waters and adjacent shorelands that have a direct and significant effect on coastal waters. The zone generally extends landward from the pierhead line or property line (whichever is furthest seaward) to include coastal resources and generally, at least, to the first mapped street. Proposed action(s) that are subject to City Environmental Quality Review (CEQR), Uniform Land Use Review Procedure (ULURP), or other local, state or federal agency discretionary actions that are located within the New York City's designated coastal zone boundary must be reviewed and assessed for their consistency with the policies of the City's Waterfront Revitalization Program. In the City of New York, the NYC Department of City Planning (NYCDCP) administers the Waterfront Revitalization Program.

7.20.2. Background and History

The 1972 Coastal Zone Management Act established the Federal Coastal Zone Management Program, which encouraged and assisted the 30 coastal states and four coastal territories in preparing and implementing management programs to "preserve, protect, develop and where possible, to restore or enhance the resources of the nation's coastal zone." Based on the federal program, the State of New York introduced the Waterfront Revitalization and Coastal Resources Act and created the NYS Coastal Management Program in 1981. Administrative responsibility for the program was placed under the direction of the NYS Department of State and the goal to establish a framework for coordinating state laws and rationalizing decisions of federal, state and local governments in the coastal area was established.

The State program is built on 44 policy statements addressing problems and opportunities associated with a wide range of coastal issues. The 44 policies express the intent of the state legislature for a balance between the economic development and preservation that would permit the beneficial use of coastal resources while preventing the loss of living marine resources and wildlife, diminution of open space areas or public access to the waterfront, shoreline erosion, impairment of scenic beauty or permanent adverse changes to ecological systems. Under the State program, the legislature authorizes approval of local programs to return at least partial control of coastal areas to the municipalities. By adding 12 policies to the State's 44 policies, the City of New York introduced its Local Waterfront Revitalization Program (LWRP) in 1982 to ensure additional local protection of its coastal zones. Under the LWRP, the City Planning Commission acts as a City Coastal Commission and with the Department of City Planning, Waterfront and Open Space Division serving as its staff reviews and approves all coastal activities.

In June 2002, the NYS Department of State approved the revised New York City Waterfront Revitalization Program. Under the revised program, the 56 city and state policies in the original WRP have been replaced by ten policies dealing with: (1) residential and commercial redevelopment; (2) water-dependent and industrial uses; (3) commercial and recreational boating; (4) coastal ecological systems; (5) water quality; (6) flooding and erosion; (7) solid

waste and hazardous substances; (8) public access; (9) scenic resources; and (10) historical and cultural resources. The new policies simplify and clarify the consistency review process without eliminating any policy element required by state and federal law. For each policy goal, standards and criteria are provided to set parameters for consistency determination. Compliance with these policies is summarized in the New York City Waterfront Revitalization Program Consistency Assessment Form that follows this section of text.

7.20.3. Consistency Review

The proposed project as presented in the document has been evaluated for consistency with the ten policies presented below. Based on the project information and additional information presented in the Land Use, Zoning and Public Policy (Section 5.2), Open Space (Section 5.5), Neighborhood Character (Section 5.6), Natural Resources (Section 5.14), and Water Resources (Section 5.15) potential inconsistencies have been identified.

Policy 1: Support and facilitate commercial and residential redevelopment in areas well suited to such development.

Public Policy 1.1: Encourage commercial and residential redevelopment in appropriate coastal zone areas.

The current zoning at the Harlem River Site does not contemplate a public utility. Current uses at the site include a concrete batch plant, lumberyard, transportation and electrical utility storage. The proposed project would promote increased investment along this stretch of the Harlem River and would be complimented by the public walkway and the area of approximately five acres of public open space. This site is suited for the proposed project because it allows manufacturing type facilities; access to the New Croton Aqueduct and the Jerome Park Reservoir; water to be conveyed to the proposed plant without pumping. In addition, the Harlem River Site keeps jobs and tax dollars within the City of New York; provides an amenities package that improves the waterfront; and, creates public open space.

The Harlem River Site is located within a mixed-use area of the Borough of the Bronx; the site itself is identified as industrial and manufacturing with some vacant land. To the immediate east is a large transportation and utility zone followed by high-density residential developments. Across the river to the west, is a large transportation and utility zone. Proposed along the Harlem River, the water treatment plant site has been identified within the Coastal Zone Boundary and future development of this area requires additional approvals by the New York City Planning Commission. Additionally, a Mayoral Override is necessary to site this utility facility where it meets the public good.

The proposed project would introduce a public utility into the study area. This utility would provide the filtration and disinfection of the Croton Water Supply System, which provides between 10 to 30 percent of the 1.4 billion gallons per day of the NYC Water Supply System. This facility would occupy approximately 10.5 acres of land consisting of a water treatment plant building that would contain the water treatment process elements, residuals pumping, and administrative functions; and a separate pump station containing machinery and equipment

pertaining to the treated water pumping and maintenance functions. The proposed project proposes a use which would make appropriate investments at the Harlem River Site to improve the waterfront lands, specifically the interface with the Harlem River and although some landfilling for a bulkhead or riprap would occur, there would be plentiful opportunities for wetland creation, landscaping and a path to provide waterfront access along the Harlem River Site. Therefore, the proposed project would be consistent with this policy since it promotes development in a suitable manner that would improve the waterfront.

Public Policy 1.2: Encourage non-industrial development that enlivens the waterfront and attracts the public.

Currently the Harlem River Site consists of several miscellaneous industrial uses (i.e. concrete batch plant, self-storage facility, transportation and electrical utility storage). Located within a Manufacturing District this area does not currently provide public access to the waterfront.

The proposed project would introduce a non-industrial type public utility to the area. Introduction of this facility requires the acquisition of approximately 17.5 acres of land. With only 10.5 acres of land to be used for the proposed plant the remaining acres would be developed into public open space. The public utility proposed under this project has not been identified within the NYC Zoning Resolution; with the additional land constraints a Mayoral Override is necessary for the proposed project to acquire applicable zoning variances. These variances include building height, yard requirements, and parking and loading berths. This proposal would provide public open space opportunities as well as provide waterfront access to the community that would enliven the waterfront and attract public involvement; therefore, the proposed project would be consistent with this policy.

Public Policy 1.3: Encourage redevelopment in the coastal area where public facilities and infrastructure are adequate or will be developed.

The proposed project would provide for the filtration and disinfection of the Croton Water Supply System. The introduction of this proposed plant would not result in an increased demand upon the existing public utilities provided to the study area. To handle the discharge of residuals generated in the treatment process a new sewer connection would be introduced for the proposed plant, this sewer line would discharge residuals to the Hunt's Point Water Pollution Control Plant (WPCP) for handling and treatment. The new sewer line would not cause a disruption to the existing sewer utility in the study area nor would it result in a disruption to the operation of Hunt's Point WPCP. The Hunts Point facility has surplus capacity to accommodate the flow from the proposed plant.

The proposed project would serve to benefit the City water supply consumers at large. The proposed project would not result in an influx of development to the study area and the project would not result in an increased demand upon public facilities that currently serve the study area. Therefore, the proposed project is consistent with this policy.

Policy 2: Support water-dependent and industrial uses in New York City coastal areas that are well suited to their continued operation.

Public Policy 2.1: Promote water-dependent and industrial uses in Significant Maritime and Industrial Areas.

The Harlem River Site is not located within the Significant Maritime and Industrial Areas (SMIA) of New York City nor would the proposed project serve a SMIA; therefore, this policy does not apply.

Public Policy 2.2: Encourage working waterfront uses at appropriate sites outside the Significant Maritime and Industrial Areas.

Much of the study area is high density residential with manufacturing, transportation and utility corridors running along the waterway. This transportation corridor consists of the Metro-North rail lines and the Major Deegan Expressway. The study area consists of predominately residential with passenger transportation facilities and does not contain active maritime/industrial uses; therefore, this policy does not apply.

Public Policy 2.3: Provide infrastructure improvements necessary to support working waterfront uses.

The proposed project would serve to improve the water quality supplied by the Croton System to the City. The proposed project would utilize the existing infrastructure within the study area and not result in an increased demand; therefore, this policy does not apply.

Policy 3: Promote use of New York City's waterways for commercial and recreational boating and water-dependent transportation centers.

Public Policy 3.1: Support and encourage recreational and commercial boating in New York City's maritime centers.

The proposed project would not affect recreational and commercial boating opportunities in the City's maritime centers; therefore, this policy does not directly apply. Boating will be an integral part of the proposed construction activities. In the first phase of construction, a new bulkhead will be installed along the bulkhead and pierhead line. This shoreline historically was used for shipping, and the new bulkhead will allow barges to dock. The barges will be used to load and unload bulk materials during the rest of the construction phases. The extensive use of barging will prevent traffic impacts on surface streets that would otherwise occur if the bulk materials were moved by truck. Therefore, the proposed project would be consistent with this policy.

Public Policy 3.2: Minimize conflicts between recreational, commercial, and ocean-going freight vessels.

During operation, the proposed project would not affect recreational, commercial and ocean-going freight vessels.

Construction-related activities at the Harlem River Site would include the usage of barges to remove excavated materials and deliver construction material. The site contains pilings from a derelict pier that has been used by the existing industrial facilities for this purpose. Re-establishing the use of this pier for construction activities would reduce the anticipated number of trucks entering and leaving the site. Appropriate provisions would be addressed in re-establishing the existing docking facilities. Therefore, the proposed project would be consistent with this policy.

Public Policy 3.3: Minimize impact of commercial and recreational boating activities on the aquatic environment and surrounding land and water uses.

The proposed project would not affect the commercial and recreational boating activities; therefore, this policy does not apply.

Policy 4: Protect and restore the quality and function of ecological systems within the New York coastal area.

Public Policy 4.1: Protect and restore the ecological quality and component habitats and resources within the Special Natural Waterfront Areas, Recognized Ecological Complexes, and Significant Coastal Fish and Wildlife Habitats.

The proposed project would not be located within a Special Natural Waterfront Areas, Recognized Ecological Complexes, or the Significant Coastal Fish and Wildlife Habitats; therefore, this policy does not apply.

Public Policy 4.2: Protect and restore tidal and freshwater wetlands.

The shoreline and a cove along the Harlem River Site are mapped by the NYSDEC as tidal wetlands. Under the proposed project habitat restoration would take place along the tidal wetland and approximately 1.80 acres of mitigated tidal wetland would be added to compensate for the 1.50 acres of shoreline that would be filled along the Harlem River to provide for adequate space of the proposed plant and extend the existing site to the bulkhead line. An additional 1.2 acres of wetland would be created off-site. This could be constructed along Spuyten Duyvil Creek. The mitigated area would be larger and of higher habitat value than the existing shoreline; therefore, no significant adverse impact would remain unmitigated and the proposed project would be consistent with this policy.

The USFWS National Wetland Inventory map or the NYSDEC Freshwater Wetland map for the study area surrounding the Harlem River Site depicted no freshwater wetlands. Site reconnaissance confirmed the absence of freshwater wetlands.

Public Policy 4.3: Protect vulnerable plant, fish and wildlife species, and rare ecological communities. Design and develop land and water uses to maximize their integration or compatibility with the identified ecological community.

Consultation with the USFWS and the NYSDEC in combination with the results of the field surveys indicate that no federal or state listed species occur on the Harlem River Site. Although consultation with NOAA indicated that federally threatened loggerheads (*Caretta caretta*) and the endangered Kemp's Ridley sea turtles can be found in New York waters during the summer months, both these animals prefer habitat that is not similar to the Harlem River Site surroundings. The coastal water of the Harlem River are designated Essential Fish Habitat. The proposed tidal wetland mitigation would provide additional fish habitat of higher quality than the existing habitat by creating areas protected from the strong currents that scour the river bottom. These protected shallow waters would support the growth of vegetation that would provide food and shelter for new communities of fish and shellfish. Therefore, the proposed project would be consistent with this policy.

Public Policy 4.4: Maintain and protect living aquatic resources.

There is limited coverage, nesting areas, or foraging areas along the shoreline for wildlife to utilize because there is no vegetation along the shoreline. Because of the low habitat quality of the riprap shoreline in this area, the construction activities would not have a significant impact to herpetiles, birds, or mammals. Filling of the shoreline would impact the existing aquatic community along the western perimeter of the water treatment plant site. The aquatic habitat along the 2,000 linear feet of shoreline would be buried with fill. Prior to the fill activity a silt curtain would be installed followed by installation of a bulkhead and pilings, the proposed mitigation would compensate for this significant impact. The silt curtain would be constructed of a filter fabric. Shoreward of the curtain, pilings would be driven into the sediment and the bulkhead structure would be installed, followed by the fill material (consisting of stone, gravel and soil). The silt curtain would not prevent movement of the water but would prevent silt from entering the open channel. Allowing the movement of water, the curtain would not impede movement of the aquatic community, although the filling activity would result in a significant adverse impact upon the aquatic resources. Therefore, the proposed project would be consistent with this policy.

Policy 5: Protect and improve water quality in the New York City coastal area.

Public Policy 5.1: Manage direct or indirect discharges to waterbodies.

Structural Best Management Practices (BMP) would be introduced to collect runoff from the proposed plant, access roads, and parking area. These collections would be conveyed through two BMPs to remove oil and sediment before discharging into the Harlem River through existing stormwater outfalls. These BMPs would be sized to treat peak runoff from a five-year storm. Therefore, the proposed project would be consistent with this policy.

Public Policy 5.2: Protect the quality of New York City's waters by managing activities that generate non-point source pollution.

The proposed project would not include activities that would generate non-point source pollutants; therefore, this policy does not apply.

Public Policy 5.3: Protect water quality when excavating or placing fill in navigable waters and in or near marshes, estuaries, tidal marshes, and wetlands.

In the proposed project, a portion of the shoreline (approximately 2,000 linear feet) would require filling to the bulkhead line and building a new retaining system (i.e. new permanent bulkhead structure). The total infill area along the bulkhead line would be approximately 65,000 square feet (approximately 1.50 acres). Approximately 100,000 cubic yards of fill would be required to achieve this action. On average, the fill would extend approximately 32 feet into the river. This action is being proposed since portions of the proposed building footprint would be located in this area. Construction practices would require isolating the site by a silt curtain, to prevent erosion and accidental discharge of soil into the Harlem River. The silt curtain would be constructed of a filter fabric that would not prevent movement of the water but would prevent silt from entering the open channel. Shoreward of the curtain, pilings would be driven into the sediment and the bulkhead structure would be installed, followed by the fill material (consisting of stone, gravel and soil). Water between the curtain and the shoreline would be pumped out through a settling tank and oil/grease separator prior to discharge to the Harlem River.

In addition, approximately 265,583 square feet (approximately 6.1 acres) of soil would be excavated during the construction of the proposed plant. Portable pumps would be used to remove groundwater and rainwater from the excavation pit as required. These pumps would convey water through hoses to a manifold system along the north side of the water treatment plant site. This excavation water would be pumped through a settling tank and oil/grease separator prior to discharge to the Harlem River. Therefore, the proposed project would be consistent with this policy.

Public Policy 5.4: Protect the quality and quantity of groundwater, streams, and the sources of water for wetlands.

Based on water quality data collected in August 2002, the Harlem River was identified as typical of surface water receiving urban runoff. The data collected identified that the dissolved oxygen and pH measurements are adequate to support aquatic life; however, the Secchi disk transparency and total suspended solids indicated that the river is turbid. Measurements of high levels of phosphorus and nitrogen indicated nutrient enrichment; this was supported by the presence of fecal coliform and high concentrations of suspended solids in all samples. These results confirm that the Harlem River receives substantial loads of urban runoff. Typically, urban runoff would include stormwater runoff and combined sewage overflow. A combined sewer overflow chamber and outfall is located in the Landing Road cove at the water treatment plant site.

Groundwater at the water treatment plant site occupies the saturated portions of the overburden and bedrock. Due to the presence of the Harlem River directly adjacent to the water treatment plant site, groundwater levels in most of the wells exhibit tidal fluctuations. In three deep wells (50 to 70 feet) near the north end of the site, the groundwater levels were about 0.3 to 0.5 feet higher than the river at high tide, and about 0.7 to one-foot higher than the river at low tide.

In two of the three shallow wells (20 to 25 feet), located near the north end of the site, the groundwater levels were about 3.5 feet higher than the river at low tide and about 1.3 feet higher than the river at high tide and about 1.5 feet higher than the river at low tide, but was about 0.7 feet lower than the river at high tide. In the one shallow well, located near the south end of the site, the groundwater levels did not fluctuate significantly and were about 4 feet higher than the river at low tide and about 0.4 feet above the river at high tide. BMPs would be incorporated to protect existing stream flows and runoff. These practices would prevent uncontrolled runoff into the Harlem River, therefore; the proposed project would be consistent with this policy.

Policy 6: Minimize loss of life, structures and natural resources caused by flooding and erosion.

Public Policy 6.1: Minimize losses from flooding and erosion by employing non-structural and structural management measures appropriate to the condition and use of the property to be protected and the surrounding area.

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), the Harlem River Site is located predominantly within Zone B (areas between limits of the 100-year flood and the 500-year flood). Limited portions of the Harlem River Site, immediately adjacent to the Harlem River, are located within Zone A5 (areas of the 100 year flood) and Zone C (area of minimal flooding). The Harlem River 500-year still water flood level is at Elevation 11.7 feet MSL (at the University Heights Bridge). The water treatment plant site's existing grade is approximately 10 to 13 feet, sloping toward the Harlem River. The proposed plant finished grade would be at Elevation 13 feet, which would be above the 11.7 feet MSL 500-year flood level reported by FEMA at the University Heights Bridge. Therefore, no flooding of the water treatment plant site is anticipated during the 100-year 24-hour storm and a 500-year flood. Therefore, the proposed project would be consistent with this policy.

Public Policy 6.2: Direct public funding for flood prevention or erosion control measures to those locations where the investment will yield significant public benefit.

The Harlem River Site is located within an area of minimal flooding (Zone A5, Zone B, and Zone C). The construction of the bulkhead and wetland mitigation areas would stabilize the shoreline and reduce the potential for erosion. Therefore, the proposed project would be consistent with this policy.

Public Policy 6.3: Protect and preserve non-renewable sources of sand for beach nourishment.

No renewable sources of sand would be affected by the proposed project; therefore, this policy does not apply.

Policy 7: Minimize environmental degradation from solid waste and hazardous substances.

Public Policy 7.1: Manage solid waste material, hazardous wastes, toxic pollutants, and substances hazardous to the environment to protect public health, control pollution and prevent degradation of coastal ecosystems.

The proposed plant would not generate any Resource Conservation and Recovery Act (RCRA)-regulated hazardous wastes. All of the treatment chemicals would be consumed during the treatment process. Treatment chemicals delivered, handled and stored on-site would be in accordance with New York State Department of Health and the New York State Department of Environmental Conservation regulations. Residuals from the treatment process would be delivered, via two force mains, from the Harlem River Site to the Hunts Point WPCP dewatering facility for treatment.

No hazardous wastes or toxic pollutants would be generated by the proposed project. Solid waste would be collected and hauled off-site by the NYC Department of Sanitation. Hazardous materials exist in the soil on-site from previous land uses and fill material that was imported to the site. During the excavation activities, the contaminated material would be remediated in accordance with city and state regulations. Remediation activities may include removal of soil with high concentrations of hazardous materials, health and safety plans during construction to ensure proper handling, and containment strategies and capping of impervious surfaces or fill material to prevent future potential hazardous exposure. This would result in minimizing the risk of future public and environmental exposure to these materials and complies with this policy.

Public Policy 7.2: Prevent and remediate discharge of petroleum products.

The only consumption of petroleum products planned for the proposed project is for emergency generators. Standby power to run the whole facility is not part of the proposed project. Under the proposed project, emergency power would be provided to operate lighting, security, fire pumps, fire alarm, fire protection, smoke purging exhaust fans, communications, plant control and monitoring, and other essential equipment. For these emergency services, two 1,500 kW, 480 volts emergency diesel generators (one operating and the other as backup) would be provided. For these generators, an underground fuel storage tank would be provided near the generator room, within the water treatment plant building. The size of the fuel storage tank would be 3,000 gallons, based on 24 hours of continuous full-load operation of one generator. Critical process control, computer and communications systems would have individual uninterruptible power supplies (UPSs).

Installation and operation of this emergency service would comply with Federal, State and City codes and other applicable codes and standards. All equipment would be located indoors in dedicated electrical rooms. Therefore, the proposed project would be consistent with this policy.

Public Policy 7.3: Transport solid waste and hazardous substances and site solid and hazardous waste facilities in a manner that minimizes potential degradation of coastal resources.

Solid waste generated under the proposed project would be collected, handled and hauled off-site by the NYC Department of Sanitation in accordance with applicable laws and regulations. The proposed plant would not generate any RCRA-regulated hazardous wastes. Treatment chemicals delivered, handled and stored on-site would be in accordance with New York State Department of Health and the New York State Department of Environmental Conservation regulations. Therefore, the proposed project would be consistent with this policy.

Policy 8: Provide public access to and along New York City's coastal waters.

Public Policy 8.1: Preserve, protect and maintain existing physical, visual and recreational access to the waterfront.

The Harlem River Site is currently zone M2-1, M3-1 and M1-1. The existing businesses and utilities within the area do not provide public access or public waterfront amenities.

Under the proposed project, the site would remain a Manufacturing District and would replace the existing businesses with the proposed public utility. Approximately 17.5 acres of land would be acquired, with 10.5 acres of the land to be used for the proposed plant. Following the construction activities the remaining five acres of land would be developed into public open space and wetland restoration. This proposal would provide open space opportunities as well as waterfront access for the community and improve the existing natural vegetation. Therefore, the proposed project would be consistent with this policy.

Public Policy 8.2: Incorporate public access into new public and private development where compatible with proposed land use and coastal location.

The Harlem River Site is located in a waterfront district comprising M2-1, M3-1 and M1-1 zones. In zoning regulations concerning waterfront access, in a Manufacturing District comprised predominantly of uses in Use Group 16, 17, or 18, waterfront access is not required. Under the proposed project, the NYCDEP has planned to provide waterfront access in the form of a pedestrian walkway along the redeveloped bulkhead line. The public walkway would begin near the University Heights/West Fordham Road and extend north along the Harlem River Site. Access to the walkway would be provided from the West Fordham Road access ramp. Additional access possibilities based on separate development projects to the south and north of the Harlem River Site would be evaluated under separate feasibility studies. Therefore, introducing public access to the waterfront under the proposed project would be consistent with this policy.

Public Policy 8.3: Provide visual access to coastal lands, waters and open space where physically possible.

According to the waterfront zoning regulations, view corridors are required at every street end and in 600-foot intervals of a street end within a waterfront district (Zoning Resolution 62-42). At the Harlem River Site, there are no street ends that would require a view corridor; in addition, the current design does not provide for a view corridor every 600 ft. Under the current design the water treatment plant building would be 925 ft in length. Variance from this requirement has been identified within the Mayoral Override.

To the east of the site is the Major Deegan Expressway followed by commercial and residential developments, which sit at an elevation approximately 30 feet above the water treatment plant site. Existing views from various locations east of the site are often obstructed with vegetation and existing structures. Therefore, based on the elevation change between the streets above the site visual access of the Harlem River would not be further obstructed by the proposed project. In addition, the public walkway and proposed open space would add visual access to the waterfront. Therefore, the proposed project would be consistent with this policy.

Public Policy 8.4: Preserve and develop waterfront open space and recreation on publicly owned land at suitable locations.

The Harlem River Site is within a Manufacturing District. The existing businesses and utilities within the site do not provide public access or public waterfront amenities, as they are not required to do so under the waterfront zoning regulations.

Under the proposed project, approximately five acres of land would be developed into public open space. This proposal would provide public open space opportunities as well as waterfront access for the community. Identification of the amenities to be included would be identified following a feasibility study that would take existing public policies and proposals into account (e.g. 2002 New York State Open Space Conservation Plan; Community District Needs: Bronx; Fiscal Years 2002/2003; NYC Greenway Plan; The New York City Comprehensive Waterfront Plan: Reclaiming the City's Edge; Plan for the Bronx Waterfront; The Bronx Harlem River Plan: A Summary Report; New York City Bicycle Master Plan; and, A Design Investigation for the Harlem River Esplanade). Therefore, the proposed project would be consistent with this policy.

Public Policy 8.5: Preserve the public interest in and use of lands and water held in public trust by the state and city.

The Harlem River Site is not currently held in the trust by the state or City; therefore, this policy does not apply to the land at this site.

In the proposed project, a portion of the existing shoreline (approximately 2,000 linear feet) would require filling to the bulkhead line and a retaining system (i.e. new permanent bulkhead structure). The total infill area along the bulkhead line would be approximately 65,000 square feet (approximately 1.50 acres). On average, the fill would extend approximately 32 feet into the river. This action is being proposed since portions of the proposed building footprint would be

located in this area. To compensate for this taking of lands under water, pedestrian access (not currently available) would be provided to the new shoreline. Therefore, the proposed project would be consistent with this policy.

Policy 9: Protect scenic resources that contribute to the visual quality of the New York City coastal area.

Public Policy 9.1: Protect and improve visual quality associated with New York City’s urban context and the historic and working waterfront.

Currently the Harlem River Site consists of several miscellaneous industrial uses (i.e. concrete batch plant, lumber yard, transportation and electrical utility storage). These privately and publicly owned properties provide a visual appearance of vacant land that is littered with rubbish; stockpile material; gravel and sand piles; and concrete making cylinders extending approximately 45 feet in the air. The site is a previously disturbed fill habitat that is comprised of trees, shrubs, herbs, and pavement/gravel. Fifty-five percent of the existing site is currently covered with vegetation (35 percent herbs, 15 percent trees, and 10 percent shrubs).

Under the proposed project, all of the existing vegetation would be removed. Following construction approximately 4.6 acres of new open space in the northern portion of the site with three wetland mitigation areas totaling 1.80 acres, would be introduced. A pedestrian walkway would be constructed that would provide access from University Heights Bridge/West Fordham Road along the shoreline to the new open space. The water treatment plant building would be 65 feet high and cover a rectangular footprint of approximately 236,600 square feet. The pump station building would be 65 feet high and cover a rectangular footprint of approximately 73,000 square feet. The contemporary design of the buildings would mix buff-colored concrete panels and embedded clay tiles that have a brick-like appearance and coursing patterns. This would create dimensional effects and provide a “brick” look to the normal panelized construction. The façade of the water treatment plant would include square and rectangular windows. A “green roof” would be installed on the roof of the water treatment plant buildings, thus providing an aesthetically pleasing view for those portions of the study area that have views of the water treatment plant site from above. At night, the site would be entirely illuminated for security purposes. The lighting would be focused on specific areas of the proposed facilities so that light would not penetrate into neighboring businesses or residential areas. Vegetative buffering such as thick foliage, shrubs or other types of screening around the boundaries of the water treatment plant site would not be introduced for security reasons.

The introduction of the proposed plant with public walkway and new open space would clean up the waterfront, introduce waterfront access, and improve the visual character of this site. Therefore, the proposed project would be consistent with this policy.

Public Policy 9.2: Protect scenic values associated with natural resources.

The Harlem River Site is not located within the Special Natural Area District (SNAD); therefore, this policy does not apply.

Policy 10: Protect, preserve and enhance resources significant to the historical, archaeological, and cultural legacy of the New York City coastal area.

Public Policy 10.1: Retain and preserve designated historic resources and enhance resources significant to the coastal culture of New York City.

The University Heights Bridge (ca.1895-1906), located at the southern end of the water treatment plant site, is listed as a State Historic structure and is potentially eligible for inclusion on the National Register of Historic Places. The Bridge would be used for access to the water treatment plant site and the Bridge would not undergo any modifications as part of the proposed project. There are no other historic resources located within the Harlem River Site; therefore, this policy does not apply.

Public Policy 10.2: Protect and preserve archaeological resources and artifacts.

There is strong evidence of an extensive Native American presence within the study area as indicated by the many habitation sites and trails documented historically and through recent archaeological investigations. Although many of the known Indian sites and trails have since been covered by historical development, a wealth of recorded information about these resources strongly supports the prehistoric Native American presence in the immediate area.

Examination of cartographic resources found that a significant degree of landfill and bulkhead creation has occurred along the shoreline of the Harlem River during the late nineteenth through early twentieth centuries. While the Harlem River shipping canal is clearly a significant resource, it is located far outside of the water treatment plant site boundaries. In addition, the artificial shoreline and fill on the western edge of the site is not considered to be sensitive because of its late date and the unknown origin of the fill material. The likelihood that prehistoric resources are extant within much of the site, considering the extreme land manipulation, is minimal. Therefore, the proposed project would be consistent with this policy.

For Internal Use Only:

WRP no. _____

Date Received: _____

DOS no. _____

NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM Consistency Assessment Form

Proposed actions that are subject to CEQR, ULURP or other local, state or federal discretionary review procedures, and that are within New York City's designated coastal zone, must be reviewed and assessed for their consistency with the New York City Waterfront Revitalization Program (WRP). The WRP was adopted as a 197-a Plan by the Council of the City of New York on October 13, 1999, and subsequently approved by the New York State Department of State with the concurrence of the United States Department of Commerce pursuant to applicable state and federal law, including the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. As a result of these approvals, state and federal discretionary actions within the city's coastal zone must be consistent to the maximum extent practicable with the WRP policies and the city must be given the opportunity to comment on all state and federal projects within its coastal zone.

This form is intended to assist an applicant in certifying that the proposed activity is consistent with the WRP. It should be completed when the local, state, or federal application is prepared. The completed form and accompanying information will be used by the New York State Department of State, other state agencies or the New York City Department of City Planning in their review of the applicant's certification of consistency.

A. APPLICANT

1. Name: _____
2. Address: _____
3. Telephone: _____ Fax: _____ E-mail: _____
4. Project site owner: _____

B. PROPOSED ACTIVITY

1. Brief description of activity:

2. Purpose of activity:

3. Location of activity: (street address/borough or site description):

Proposed Activity Cont'd

- 4. If a federal or state permit or license was issued or is required for the proposed activity, identify the permit type(s), the authorizing agency and provide the application or permit number(s), if known:

- 5. Is federal or state funding being used to finance the project? If so, please identify the funding source(s).

- 6. Will the proposed project require the preparation of an environmental impact statement?
 Yes _____ No _____ If yes, identify Lead Agency:

- 7. Identify **city** discretionary actions, such as a zoning amendment or adoption of an urban renewal plan, required for the proposed project.

C. COASTAL ASSESSMENT

Location Questions:

Yes No

- 1. Is the project site on the waterfront or at the water's edge? _____
- 2. Does the proposed project require a waterfront site? _____
- 3. Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land underwater, or coastal waters? _____

Policy Questions

Yes No

The following questions represent, in a broad sense, the policies of the WRP. Numbers in parentheses after each question indicate the policy or policies addressed by the question. The new Waterfront Revitalization Program offers detailed explanations of the policies, including criteria for consistency determinations.

Check either "Yes" or "No" for each of the following questions. For all "yes" responses, provide an attachment assessing the effects of the proposed activity on the relevant policies or standards. Explain how the action would be consistent with the goals of those policies and standards.

- 4. Will the proposed project result in revitalization or redevelopment of a deteriorated or under-used waterfront site? (1) _____
- 5. Is the project site appropriate for residential or commercial redevelopment? (1.1) _____
- 6. Will the action result in a change in scale or character of a neighborhood? (1.2) _____

Policy Questions cont'd

Yes No

7. Will the proposed activity require provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (1.3) _____
8. Is the action located in one of the designated Significant Maritime and Industrial Areas (SMIA): South Bronx, Newtown Creek, Brooklyn Navy Yard, Red Hook, Sunset Park, or Staten Island? (2) _____
9. Are there any waterfront structures, such as piers, docks, bulkheads or wharves, located on the project sites? (2) _____
10. Would the action involve the siting or construction of a facility essential to the generation or transmission of energy, or a natural gas facility, or would it develop new energy resources? (2.1) _____
11. Does the action involve the siting of a working waterfront use outside of a SMIA? (2.2) _____
12. Does the proposed project involve infrastructure improvement, such as construction or repair of piers, docks, or bulkheads? (2.3, 3.2) _____
13. Would the action involve mining, dredging, or dredge disposal, or placement of dredged or fill materials in coastal waters? (2.3, 3.1, 4, 5.3, 6.3) _____
14. Would the action be located in a commercial or recreational boating center, such as City Island, Sheepshead Bay or Great Kills or an area devoted to water-dependent transportation? (3) _____
15. Would the proposed project have an adverse effect upon the land or water uses within a commercial or recreation boating center or water-dependent transportation center? (3.1) _____
16. Would the proposed project create any conflicts between commercial and recreational boating? (3.2) _____
17. Does the proposed project involve any boating activity that would have an impact on the aquatic environment or surrounding land and water uses? (3.3) _____
18. Is the action located in one of the designated Special Natural Waterfront Areas (SNWA): Long Island Sound- East River, Jamaica Bay, or Northwest Staten Island? (4 and 9.2) _____
19. Is the project site in or adjacent to a Significant Coastal Fish and Wildlife Habitat? (4.1) _____
20. Is the site located within or adjacent to a Recognized Ecological Complex: South Shore of Staten Island or Riverdale Natural Area District? (4.1and 9.2) _____
21. Would the action involve any activity in or near a tidal or freshwater wetland? (4.2) _____
22. Does the project site contain a rare ecological community or would the proposed project affect a vulnerable plant, fish, or wildlife species? (4.3) _____
23. Would the action have any effects on commercial or recreational use of fish resources? (4.4) _____
24. Would the proposed project in any way affect the water quality classification of nearby waters or be unable to be consistent with that classification? (5) _____
25. Would the action result in any direct or indirect discharges, including toxins, hazardous substances, or other pollutants, effluent, or waste, into any waterbody? (5.1) _____
26. Would the action result in the draining of stormwater runoff or sewer overflows into coastal waters? (5.1) _____
27. Will any activity associated with the project generate nonpoint source pollution? (5.2) _____
28. Would the action cause violations of the National or State air quality standards? (5.2) _____

Policy Questions cont'd

Yes No

29. Would the action result in significant amounts of acid rain precursors (nitrates and sulfates)? (5.2C)

30. Will the project involve the excavation or placing of fill in or near navigable waters, marshes, estuaries, tidal marshes or other wetlands? (5.3)

31. Would the proposed action have any effects on surface or ground water supplies? (5.4)

32. Would the action result in any activities within a federally designated flood hazard area or state-designated erosion hazards area? (6)

33. Would the action result in any construction activities that would lead to erosion? (6)

34. Would the action involve construction or reconstruction of a flood or erosion control structure? (6.1)

35. Would the action involve any new or increased activity on or near any beach, dune, barrier island, or bluff? (6.1)

36. Does the proposed project involve use of public funds for flood prevention or erosion control? (6.2)

37. Would the proposed project affect a non-renewable source of sand ? (6.3)

38. Would the action result in shipping, handling, or storing of solid wastes, hazardous materials, or other pollutants? (7)

39. Would the action affect any sites that have been used as landfills? (7.1)

40. Would the action result in development of a site that may contain contamination or that has a history of underground fuel tanks, oil spills, or other form or petroleum product use or storage? (7.2)

41. Will the proposed activity result in any transport, storage, treatment, or disposal of solid wastes or hazardous materials, or the siting of a solid or hazardous waste facility? (7.3)

42. Would the action result in a reduction of existing or required access to or along coastal waters, public access areas, or public parks or open spaces? (8)

43. Will the proposed project affect or be located in, on, or adjacent to any federal, state, or city park or other land in public ownership protected for open space preservation? (8)

44. Would the action result in the provision of open space without provision for its maintenance? (8.1)

45. Would the action result in any development along the shoreline but NOT include new water-enhanced or water-dependent recreational space? (8.2)

46. Will the proposed project impede visual access to coastal lands, waters and open space? (8.3)

47. Does the proposed project involve publicly owned or acquired land that could accommodate waterfront open space or recreation? (8.4)

48. Does the project site involve lands or waters held in public trust by the state or city? (8.5)

49. Would the action affect natural or built resources that contribute to the scenic quality of a coastal area? (9)

50. Does the site currently include elements that degrade the area's scenic quality or block views to the water? (9.1)

Policy Questions cont'd

Yes No

51. Would the proposed action have a significant adverse impact on historic, archeological, or cultural resources? (10)

52. Will the proposed activity affect or be located in, on, or adjacent to an historic resource listed on the National or State Register of Historic Places, or designated as a landmark by the City of New York? (10)

D. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with New York City's Waterfront Revitalization Program, pursuant to the New York State Coastal Management Program. If this certification cannot be made, the proposed activity shall not be undertaken. If the certification can be made, complete this section.

"The proposed activity complies with New York State's Coastal Management Program as expressed in New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program, and will be conducted in a manner consistent with such program."

Applicant/Agent Name: _____

Address: _____

_____ Telephone _____

Applicant/Agent Signature: _____ Date: _____