

Chapter 2: Land Use, Zoning, Neighborhood Character, and Open Space

A. INTRODUCTION

This analysis of land use, zoning, public policy; community character; and open space characterizes the existing conditions in the area surrounding the site of the Hunts Point Water Pollution Control Plant (WPCP), anticipates changes that are expected independent of the proposed action, and addresses any potential impacts to land use, zoning, public policy; community character; and open space associated with the proposed action. The land use study area is defined as the area within a ¼-mile radius around the project site and is generally bordered by Oak Point Avenue to the north, Hunts Point Cooperative Market to the east, the East River to the south, and Dupont Street to the west (see Figure 2-1; the larger Hunts Point peninsula is shown in Figure 2-2). The ¼-mile area is the area that, based on the technical analyses in the EIS, has the greatest potential to be affected by the proposed action. This chapter separately analyzes the potential effects of the new egg-shaped digesters that would be constructed as part of the proposed action (the two-digester scenario) as well as the additional two digesters that are analyzed as a potential future action (the four-digester scenario).

Sources used to conduct this analysis include field surveys; evaluation of land use and zoning maps; and consultation of other sources, such as the New York City Zoning Resolution. To determine future conditions without the proposed action, those changes in land use, zoning, public policy, and neighborhood character that are likely to occur by 2014 were evaluated based on discussions with public agencies involved in development in the area.

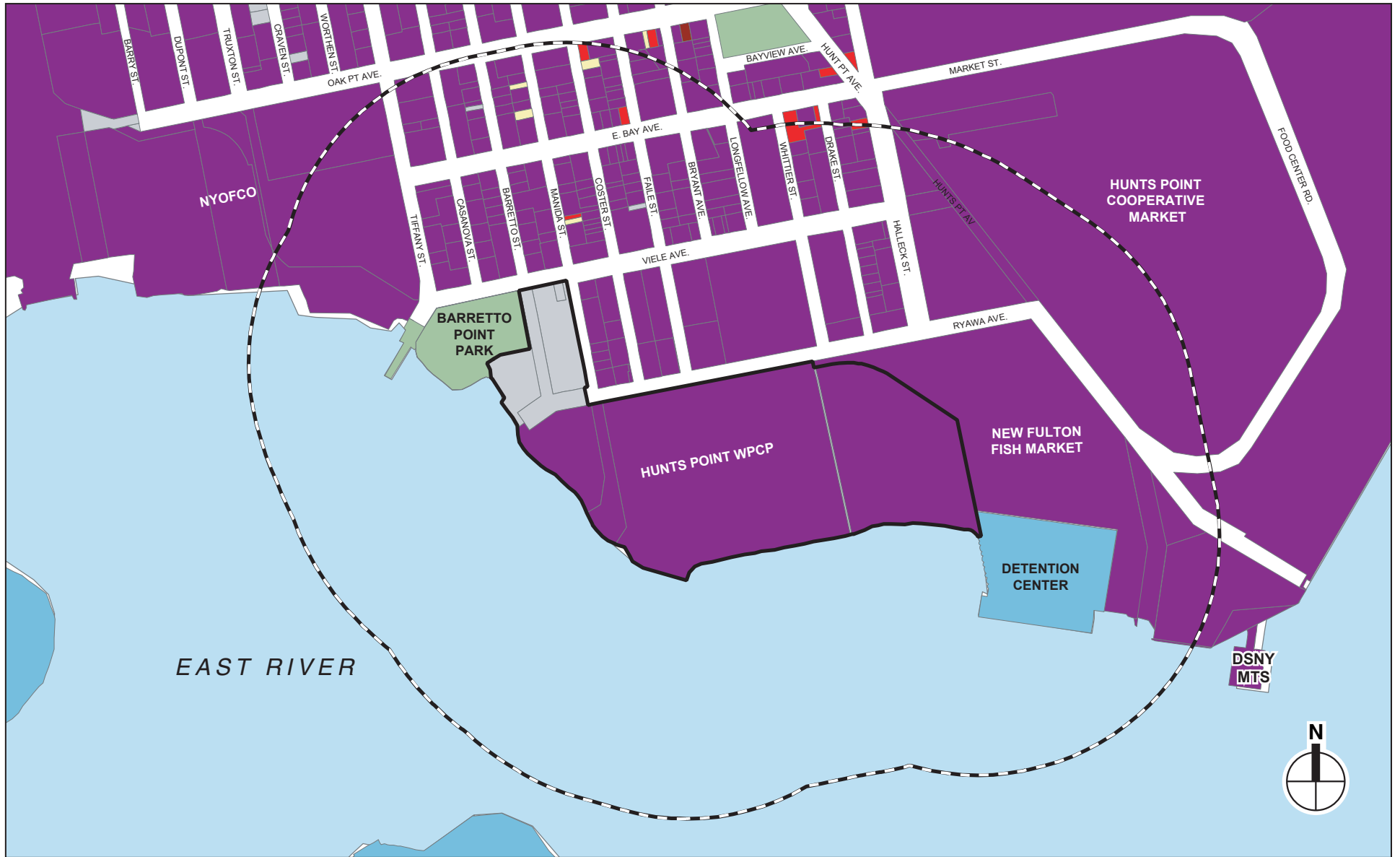
B. EXISTING CONDITIONS

LAND USE AND OPEN SPACE

PROJECT SITE

The existing WPCP is located on an irregularly shaped site bounded by the East River to the south and west, Ryawa Avenue to the north, and Halleck Street to the east on the southern tip of the Hunts Point peninsula in the Bronx. The existing WPCP site is 39 acres in size. Construction is currently under way for the Phase II Upgrade within the existing plant boundary. The existing plant site, including elements constructed under Phase I, contains a number of small buildings ranging in size from approximately 1,000 to 5,000 gross square feet (gsf) and several larger buildings, including the main building (360,000 gsf) and the dewatering building (160,000 gsf). Given that Phase II construction is not expected to be completed until 2008, it is considered part of the No Action condition (see “The Future without the Proposed Action,” below).

Adjacent to the west side of the existing WPCP, the 5.5-acre parcel (additional parcel) extends north of the WPCP along Manida Avenue to Viele Avenue. As described in Chapter 1, “Project Description,” this parcel consists of 4.3 acres that would be developed as a result of the proposed

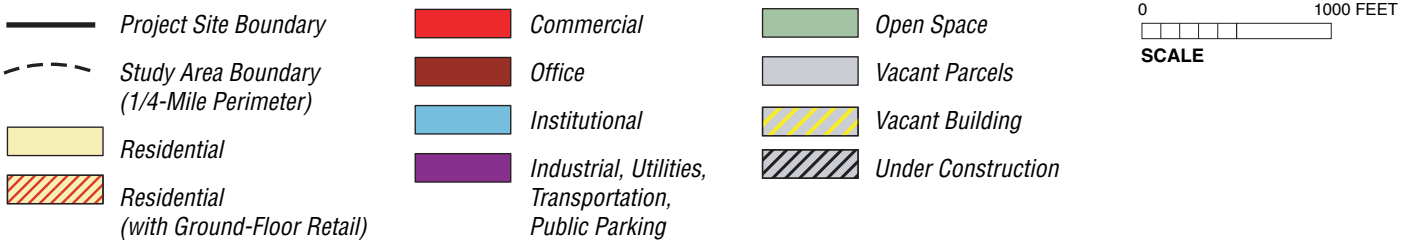


- Project Site Boundary
- Study Area Boundary (1/4-Mile Perimeter)
- Residential
- Commercial
- Office
- Institutional
- Open Space
- Industrial, Utilities, Transportation, Public Parking
- Vacant Parcel



Existing Land Use—
1/4-Mile Study Area
Figure 2-1

Hunts Point WPCP



Hunts Point WPCP

Existing Land Use — Hunts Point Peninsula
Figure 2-2

Hunts Point WPCP

action and a 1.2-acre construction staging area. This additional parcel is a city-owned vacant, overgrown lot.

STUDY AREA

As shown in Figure 2-1, the study area is predominantly industrial, with large- and small-scale uses. The largest uses are located along the industrial waterfront. Institutional, commercial, and a few residential uses as well as vacant land and open spaces are scattered throughout the area.

Immediately surrounding the site and within the study area are a number of large-scale uses. The New York City Department of Correction's Vernon C. Bain Center and the site of the New Fulton Fish Market are adjacent to the project site to the east. The Vernon C. Bain Center is located on a barge in the East River at the foot of Hunts Point Avenue. This is a reserve facility closed or opened as needed by the jail system in response to inmate population fluctuations. The New Fulton Fish Market, a state-of-the-art wholesale seafood distribution facility, is located at the southern tip of the Hunts Point peninsula on Food Center Drive at Halleck Street and bounded by the East River to the south. In November 2005, the fish market relocated from Fulton Street in Lower Manhattan to Hunts Point. The 30-acre market accommodates approximately 37 businesses. The market has 1,400 loading and queuing spaces for suppliers and customers. Six hundred parking spaces for employees are located off site across Food Center Drive.

Contiguous to the additional parcel to the west is the site of Barretto Point Park, which opened to the public in October 2006. This approximately five-acre waterfront park was developed on a former brownfield site that was transferred from NYCDEP to the New York City Department of Parks and Recreation (NYCDPR) in 2001. The site, previously city-owned undeveloped land, is located between the proposed action's additional parcel and the Tiffany Street Pier (the Tiffany Street Pier is described below). Amenities of the waterfront park include basketball courts, play equipment, a natural amphitheater, a boat launch, landscaping, waterfront promenade, and a newly created salt marsh. Access to the park is provided at three intersections at the northern edge of the site along Viele Avenue: at Tiffany, Casanova, and Barretto Streets. The park has been designed to transition from its urban industrial setting to a pastoral setting with lawns, a waterfront promenade, shoreline access, and views.

To the west of Barretto Point Park is Tiffany Street Pier, a recreational pier in the East River at the southern tip of Tiffany Street. Originally opened in 1995, the wooden pier was destroyed by fire during a lightning storm. The pier was renovated in 2000 with a gazebo and benches and had been heavily used for fishing. In 2004, the pier was subject to another fire and closed to the public. During the time that the pier was open to the public it was a popular destination and was used as a location for community festivals and other informal gatherings. Much of the pier has been restored as part of the construction of Barretto Point Park.

The eastern boundary of the study area extends into the Hunts Point Food Distribution Center located in the large area east of Halleck Street adjacent to the Bronx and East Rivers. The Distribution Center is made up of the Hunts Point Produce Market and the Hunts Point Meat Market. The vast majority of the food consumed in New York City passes through this market for distribution to various supermarkets and restaurants throughout the city. The distribution center operates 24 hours a day. Just outside the land use study area to the east is the New York City Department of Sanitation's (DSNY) Marine Transfer Station located on the East River. This facility is no longer in use.

An industrial “superblock” is located on the three-block area between Whittier and Faile Street across Ryawa Avenue to the north of the site. Several industrial businesses are located within the superblock, including Gary Plastic Packaging, the largest tenant. Other industrial businesses located to the north of the site include food distributors, warehouses, and a powder coating company. Industrial uses east of the additional parcel, across Manida Street, include a waste transfer station and construction storage site. Warehouses and food distributors, including Yonkers Produce, are located to the north of the additional parcel on Viele Street between Manida and Barretto Streets.

In the western portion of the study area north of Viele Avenue and west of Tiffany Street, the New York City Transit Authority (NYCTA) has two facilities, Infrastructure Division and Logistics Supply. These facilities consist of open parking and yard areas as well as large buildings. The New York Organic Fertilizer Company (NYOFCo) is located on the East River waterfront on the western boundary of the study area. The NYOFCo facility processes dewatered sludge produced at Hunts Point and other New York City WPCPs into fertilizer products for reuse.

Waste transfer stations, recycling facilities, automotive supply shops and wreckage businesses, construction-related businesses, individual food distributors and a variety of other light and heavy industrial businesses and warehouses are also found in the study area. Many of the businesses are located in one- to two-story buildings; there are some three- to four-story warehouse loft buildings scattered throughout the study area.

Isolated residential and commercial buildings are scattered inland, in the northern portion of the study area. Four residences consisting of two-story, one- to two-family houses are located in the study area along Manida and Coster Streets between Viele and Oak Point Avenues. HSBC Bank and a restaurant are located on East Bay Avenue. An adult entertainment establishment is found at the corner of Oak Point Avenue and Coster Street.

Vacant parcels of land are also scattered throughout the study area. Other than the prison barge, no institutional uses are located within the study area.

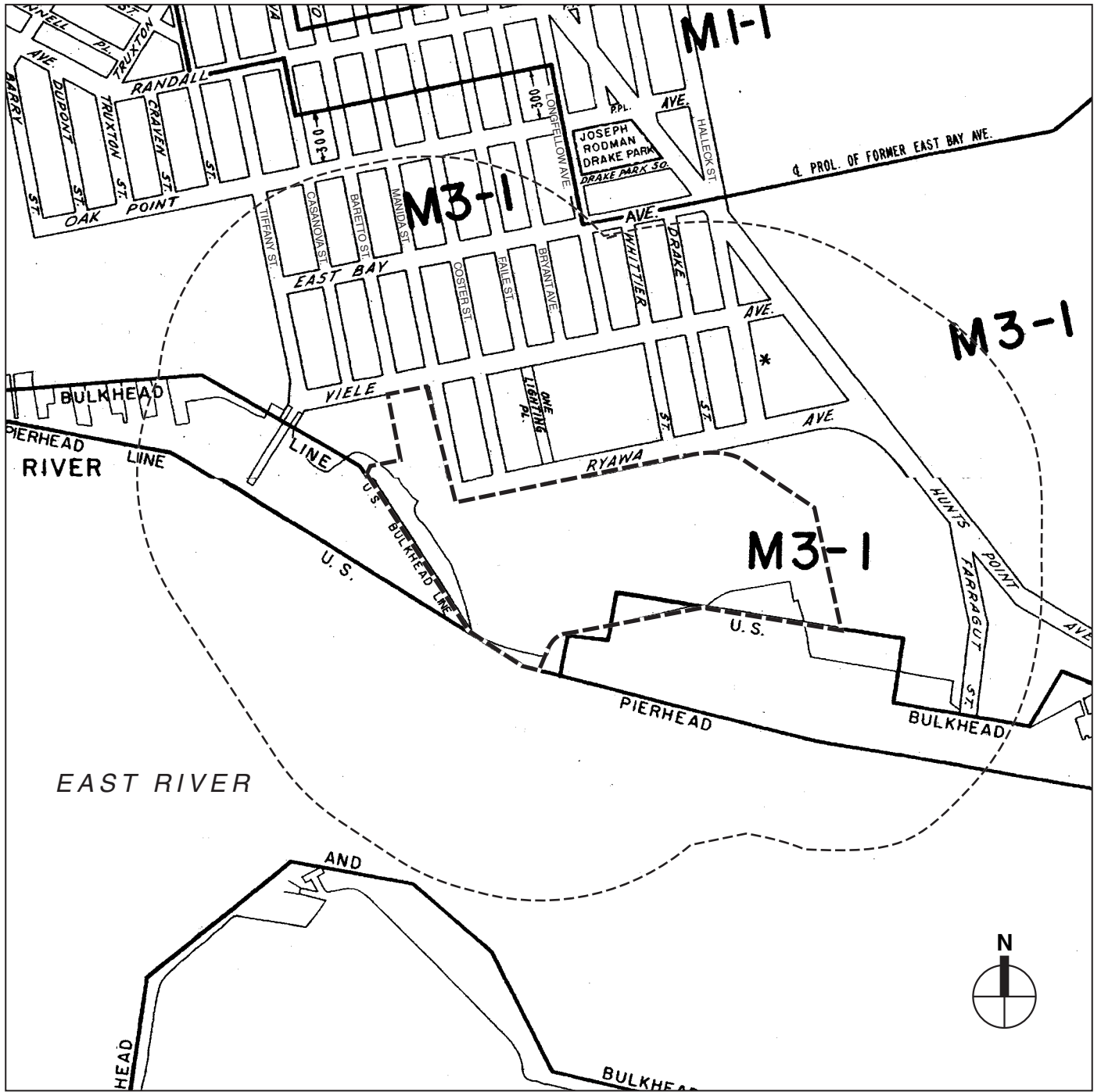
Beyond the ¼-mile study area in the northern half of the peninsula is a large residential neighborhood.

ZONING AND PUBLIC POLICY

The zoning of the study area is generally consistent with its land use patterns, as shown in Figure 2-3, with the entire study area zoned M3-1, for heavy industrial use. The M3-1 designation allows heavy manufacturing at a low density (a maximum FAR of 2.0).

NYCDCP is currently contemplating a rezoning within the Hunts Point peninsula and the creation of a special district (the Hunts Point Special District). The purpose of the rezoning and special district is to enhance the environment for the expanding food industry sector in Hunts Point, to act as a buffer between the residential area and the heavier manufacturing district, to encourage the growth of retail services available to residents and employees, and to improve the appearance of the industrial area of the Hunts Point peninsula.

The waterfront portion of the study area is also subject to the city’s special waterfront zoning regulations adopted in 1993. These regulations were adopted to guide development along the shoreline, maintaining and reestablishing physical and visual access to the water for the general public. They are also intended to promote a greater mix of uses along the waterfront, encourage



- Project Site Boundary
- Study Area Boundary (1/4-Mile Perimeter)



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water-dependent uses, create desirable relationships between the waterfront development and the water's edge, enhance public access for inland communities, and preserve the historic natural resources along the waterfront. Provisions of the waterfront zoning pertaining to public access, visual corridors, and design do not apply to industrial uses.

In addition to zoning, there are several public policy initiatives in the study area. The New York City Waterfront Revitalization Program (WRP) is the city's principal coastal management tool, and was originally adopted in 1982. A revised WRP was approved by the City Council in 1999 and was approved at the state and federal levels in August 2002. The WRP builds on the Comprehensive Waterfront Plan and companion Borough Waterfront Plans (see below), as well as New York City Waterfront Zoning text, to express the city's long range goals for the waterfront. For a full description of the new waterfront policies and conformance of the upgrade of Hunts Point WPCP to the WRP, see Chapter 6, "Waterfront Revitalization Program."

Most of the coastal South Bronx, including Hunts Point, is located in Reach 7 in the New York City Department of City Planning's "Plan for the Bronx Waterfront," issued in 1993, which is part of the New York City's Comprehensive Waterfront Plan. The Comprehensive Waterfront Plan is designed to present a long-range vision for New York City's waterfront. The principal issue in the reach is to support and strengthen an extensive and active industrial area and maintain it as a Significant Maritime Industrial Area (SMIA). The SMIA designation was developed to protect and maintain the working waterfront and industrial development. The Hunts Point waterfront is listed as one of six SMIA's in New York City.

The Hunts Point neighborhood is designated as an In-Place Industrial Park (IPIP) and is located within the Hunts Point Industrial Business Zone (IBZ). The city's IPIP Program is a venture of the New York City Economic Development Corporation, businesses, and eight local development corporations throughout the five boroughs. The Hunts Point Local Development Corporation oversees the IPIP program in Hunts Point, advises businesses already in the area, and assists businesses locating to the area with all aspects of their operations and development. The city's IBZs, the boundaries of which were established in April 2006 by the Industrial Business Zone Boundary Commission, build upon existing IPIPs to promote industrial uses in the city. The IBZs are areas in which the city provides assistance services to industrial firms; in addition, the city has committed to not support rezoning of industrial land for residential use within these areas.

In addition, Hunts Point is located in the New York Empowerment Zone, a federal and state venture that was created in 1996 to revitalize the marketplace in upper Manhattan and the South Bronx. The empowerment zone is an economic initiative that uses public funds and tax incentives to encourage private investment in the area. The Bronx Overall Economic Development Corporation (BOEDC) oversees this initiative and provides assistance to businesses and industry in the Bronx.

In 2004, the *Hunts Point Vision Plan*, a 20-year plan to change the Hunts Point neighborhood into a vibrant and livable community, was developed. As part of this plan, various recommendations were identified. These include reducing conflicts between land uses on the peninsula (e.g., between residential areas and between food and waste related uses); increasing workforce opportunities; and improving pedestrian and vehicular connections in the peninsula through safety, signage, streetscape, traffic control, and vehicular access improvements. The Vision Plan also identified the South Bronx Greenway as an integral component of improving the Hunts Point peninsula (the South Bronx Greenway is discussed below—see "The Future without the Proposed Action").

NEIGHBORHOOD CHARACTER

The character of the study area is consistent with its land use, zoning, and public policy. It is a predominantly low-density, heavy industrial neighborhood with very few residential or institutional uses (the only institutional use within the study area is the Vernon C. Bain Center, described above). Barretto Point Park and the partially rebuilt Tiffany Street Pier constitute the area's only open spaces providing the only established access point to the waterfront in the study area. While vehicular volumes are low, truck traffic is a dominant presence in the study area. Many of the streets within the study area have back-in, angled parking. Noise levels in the area are not unusually loud for an industrial urban setting. Depending on flight patterns and weather conditions, aircraft from LaGuardia Airport can be heard.

C. THE FUTURE WITHOUT THE PROPOSED ACTION

LAND USE AND OPEN SPACE

PROJECT SITE

In the future without the proposed action, it is anticipated that the WPCP will operate as upgraded under the Phase II Upgrade. Construction on Phase II began in June 2003 and is expected to be completed in 2008. As described in Chapter 1, "Project Description," Phase II consists of the demolition and construction of buildings on the existing plant site. The electrical substation building located along Ryawa Avenue will be demolished. Two new buildings will be constructed on the existing plant site: the main electrical substation to be located on the site's western portion and an alkalinity building to be located along the site's eastern boundary just north of the dewatering building.

STUDY AREA

Conditions within the land use study area (¼-mile from the project site) are not expected to change dramatically by 2014, the future analysis year for the EIS. However, several projects are currently proposed. (For a more comprehensive list of projects beyond the study area, see Chapter 1, "Project Description.")

NYCTA is in the preliminary stages of planning to expand the current storage warehouse capacity at its facility. If this project moves forward, it would occur entirely within the existing NYCTA facility site, located in the western portion of the study area north of Viele Avenue and west of Tiffany Street.

Certain elements of the South Bronx Greenway could be constructed by the year 2011 or beyond. The South Bronx Greenway is a proposed bicycle/pedestrian greenway that would provide open space and waterfront access within the Hunts Point peninsula (and Port Morris to the west). A master plan for the greenway was issued in November 2006. The master plan identifies a number of specific greenway projects—these projects are divided into short-term, mid-term, and long-term phases. The short-term projects are those that could proceed within the next 5 years depending on available funding; the mid-term projects are those that could proceed within 5 to 10 years; and the long-term projects are those that are likely to take greater than 10 years to be realized. Within the Hunts Point peninsula, potential projects include streetscape improvements on Lafayette Avenue, Hunts Point Avenue, Food Center Drive, Halleck Avenue,

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and Viele Avenue, Manida Street, and Ryawa Avenue. Waterfront destinations are proposed along the eastern shore of the peninsula, and access to North Brother Island is also proposed.

Of the projects identified, only the Ryawa-Viele Connection and a portion of the Food Center Drive improvements would be located in the land use study area; both are short-term projects. The Ryawa-Viele Connection would involve the implementation of improvements along a portion of Viele Avenue (between Barretto Point Park and Manida Street), Manida Street (between Viele and Ryawa Avenues), and Ryawa Avenue (from Manida Street to approximately Halleck Street). The conceptual plan shown in the master plan for this element of the greenway includes improvements consisting of a 24-foot planted buffer between the plant site and the sidewalk along Ryawa Avenue, the introduction of a bikeway along all three streets, and extensive street plantings. The Food Center Drive improvements would consist of the construction of a bikeway and pathway with plantings for the length of the roadway.

ZONING AND PUBLIC POLICY

It is expected that by 2014, the Hunts Point Special District and Rezoning (discussed above under Existing Conditions) will be implemented. No additional changes to zoning or public policy are currently proposed or expected to occur within the study area by 2014. The Hunts Point Vision Plan, described above, is a major New York City public policy initiative in the study area.

NEIGHBORHOOD CHARACTER

The industrial character of the project site and the study area will continue in the future without the proposed action. As mentioned above, under the Phase II Upgrade, one building will be demolished and two buildings will be built. No changes are expected to occur to current land uses in the study area. With the recent addition of Barretto Point Park and the partially reconstructed Tiffany Street Pier and with construction of the proposed South Bronx Greenway elements, activity in the vicinity of the resources is expected to be livelier. Traffic and noise levels are expected to be similar to those in existing conditions.

D. PROBABLE IMPACTS OF THE PROPOSED ACTION

TWO-DIGESTER SCENARIO

LAND USE AND OPEN SPACE

With the proposed action, additional facilities and equipment related to the Phase III Upgrade (which would improve the solids handling facilities) would be developed on the WPCP existing plant site as well as the additional parcel. In addition, the proposed action includes carbon and polymer addition facilities to enhance nitrogen removal. The Phase III Upgrade component of the proposed action consists of construction of two egg-shaped digesters, a digester gallery and a 500 kW emergency generator on the additional parcel adjacent to the existing plant to the northwest. On the existing plant site, Phase III improvements would occur along the western side and would include renovation, replacement, and upgrades to existing facilities. The carbon addition facility would be constructed on the northeast portion of the site, and the polymer addition facility would be located within the centrate building being constructed as part of the Phase II Upgrade.

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A portion of the additional parcel would be used as a construction staging area. This 1.2-acre area would be transferred to NYCDPR for incorporation into Barretto Point Park when it is no longer needed for construction staging.

The changes at the existing WPCP would not change the land use at the existing plant site. The proposed development on the additional parcel would change the land use on the currently vacant lot. However, the additional area is relatively small (4.3 acres) and the WPCP, a heavy industrial use, is consistent with the land uses in the study area.

The EIS analyses evaluated the potential for direct impacts—shadows, criteria air pollutants, non-criteria air pollutants, odors, and noise—to Barretto Point Park. In addition, the potential for visual impacts on the park was assessed. As detailed in the technical chapters of this EIS, no potential significant adverse impacts would occur in the areas of shadows, criteria air pollutants, non-criteria air pollutants, odors, and noise after construction. Specifically, in terms of shadows, shadow increments from the digesters would be short in duration and would be limited in coverage (see Chapter 4, “Visual Character and Shadows”). As described in Chapters 8, “Criteria Air Pollutants,” 9, “Non-criteria Air Pollutants,” and 10, “Odors,” the proposed action would not result in significant increases of criteria air pollutants, non-criteria air pollutants, or odors. In terms of noise, operation of the plant as upgraded under the proposed action would not result in substantial noise increases (an increase of 0.4 dBA within the park). Overall, the proposed action would not result in significant adverse impacts to Barretto Point Park in the areas of shadows, noise, air pollutant emissions, or odors compared to the future no action condition.

As discussed in Chapter 4, “Visual Character and Shadows,” after construction, the proposed action would result in a potential significant adverse visual impact on Barretto Point Park. However, the potential impact would not result in a significant open space impact as the park users’ overall enjoyment of the park would not be significantly diminished. As mentioned above, the park has been designed to transition from its industrial surroundings to a pastoral waterfront setting. No views of the waterfront would be affected; only views looking east from the park would be affected. The potential significant visual impact would be very limited. Furthermore, the proposed action would not impede the public’s access to the waterfront or disrupt the recreational activities that will be provided as part of the new park.

The EIS analyses also evaluated the potential for impacts on the potential South Bronx Greenway Ryawa-Viele Connection. While the egg-shaped digesters would be visible from the Ryawa-Viele Connection for those users of the greenway traveling west along Ryawa Avenue, on Manida, and on Viele Avenue, the presence of the digesters would not result in a significant adverse visual impact given the industrial character of the area of the proposed South Bronx Greenway. In addition, views from the Ryawa-Viele Connection would be transient and variable depending on distance and intervening buildings at a distance from most vantage points. As discussed in Chapter 4, “Visual Character and Shadows,” shadows cast by the digesters would be limited to the afternoon and evening hours on the Manida Street sidewalk and bikeway. Shadows would not reach Ryawa Avenue except for a very small area at the very end of the analysis period on the May and June analysis days. Because the Ryawa-Viele Connection will be devoted to active uses—cycling, walking, etc.—the incremental shadow from the digesters would not impact the usability or enjoyment of this resource. As shown in Chapters 8, “Criteria Air Pollutants,” 9, “Non-Criteria Air Pollutants,” and 10, “Odors,” the proposed action would not result in significant criteria air pollutant, non-criteria air pollutant, or odor impacts. Overall,

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the proposed action would not disrupt the activities that will be provided as part of the proposed greenway.

The potential for impacts on the park during the construction period is discussed in Chapter 17, “Construction.” Overall, the addition of new egg-shaped digesters and WPCP equipment would not result in a land use conflict or potential significant adverse open space impact on the existing park, or the additional adjacent open space to be created when NYCDEP transfers the 1.2-acre staging area to NYCDPR when it is no longer needed for construction staging, or on the proposed greenway.

Based on cumulative effects on open space and land use, as specified in the *CEQR Technical Manual*, the proposed action would not result in significant open space or land use impacts.

ZONING AND PUBLIC POLICY

As a heavy industrial use the Hunts Point WPCP would continue to be consistent with the M3-1 zoning for the area. No zoning map changes would be necessary as part of the proposed action. With the proposed action, the plant’s floor area would remain within that allowed by the site’s M3-1 zoning.

The proposed action would be consistent with the area’s active industrial character, the New York City’s Comprehensive Waterfront Plan, the “Plan for the Bronx Waterfront,” as well as the area’s designation as an IPIP and IBZ. As a water-dependent industrial use, the WPCP would be consistent with its location within a SMIA, the goal of which is to protect and maintain a working waterfront and industrial use. In addition, the proposed action is in conformance with the City’s Waterfront Revitalization Program as presented in Chapter 6, “Waterfront Revitalization Program.” As discussed in detail in Chapter 11, “Noise,” the proposed action would also comply with industrial performance standards per the City of New York’s Zoning Resolution Section 42-213. The proposed action would not impede the implementation of the recommendations of the *Hunts Point Vision Plan*.

NYCDEP and the New York City Department of Citywide Administrative Services (DCAS) have initiated a Uniform Land Use Review Procedure (ULURP) action for locating or site selecting a public facility on previously undeveloped or vacant city-owned land. The ULURP application for a 4.3-acre area to the northwest of the existing plant boundary (Block 2777, Lots 100, 105 and 600) is expected to be certified by the New York City Department of City Planning (NYCDP) following the completion of this EIS. The proposed Phase III Upgrade requires construction on the existing plant site and on the additional 4.3-acre vacant parcel. The proposed new egg-shaped sludge digesters would be built on the site that is subject of this ULURP action as part of the Phase III Upgrade work. Another application (with NYCDPR) for the mapping of Barretto Point Park is also being certified on a parallel schedule. This mapping application consists of two separate application maps. The first is for Barretto Point Park and the second is for the 1.2-acre construction staging area. The 1.2 acre parcel will not be given parkland status until NYCDEP determines that the area is no longer needed for construction staging associated with the Hunts Point WPCP upgrades.

The proposed action would be consistent with current zoning and public policy initiatives. Therefore, no potential significant adverse impacts to zoning or public policy are expected to occur as a result of the proposed action.

NEIGHBORHOOD CHARACTER

The proposed action would increase the visibility of the plant's facilities from the area immediately surrounding the project site. While this would be consistent with the existing industrial character of the study area as well as zoning and public policy mentioned above, the digesters would result in a potential significant adverse visual character impact on park users looking east toward the digesters (see Chapter 4, "Visual Character and Shadows"). The digesters would not affect park users' overall enjoyment of the park. Other than the potential impact for viewers looking east from Barretto Point Park, after construction, it is not expected that the proposed action would result in any potential significant adverse impacts to the Barretto Point Park, Tiffany Street Pier, or the waterfront access that these resources provide. Pedestrian and vehicular activity is not anticipated to significantly change as a result of the proposed action. The digesters and other equipment would be installed with odor control technology, and no potential significant adverse odor impacts for the new project components are expected. Therefore, the proposed action is not anticipated to result in potential significant adverse impacts to neighborhood character.

FOUR-DIGESTER SCENARIO

A total of four egg-shaped digesters built at the Hunts Point WPCP would not result in potential significant adverse impacts on land use, zoning, public policy or neighborhood character. As with the two egg-shaped digester scenario, the four-digester scenario would increase the presence of the wastewater treatment facility within the study area but would be consistent with the area's land uses and community character. The four-digester scenario would be consistent with the current zoning and public policy initiatives. It is not expected that the four-digester scenario would result in any potential significant adverse impacts to Barretto Point Park, Tiffany Street Pier, or the waterfront access that these resources provide other than the potential significant adverse visual character impacts on Barretto Point Park described above for the two-digester scenario. Pedestrian and vehicular activity is not anticipated to change as a result of the additional digesters. Overall, the four-digester scenario would not result in potential significant adverse impacts to land use, open space, zoning, or neighborhood character. *