

**A. INTRODUCTION**

A land use, zoning, and public policy analysis evaluates the uses and development trends in an area that may be affected by a project and determines whether that project is compatible with those conditions or may affect them. This chapter considers the consistency with the uses in the area around Newtown Creek and the Newtown Creek Combined Sewer Overflow (CSO) Storage Tunnel project (the “Proposed Project”) and the Proposed Project’s compliance with, and potential effect on, the area’s zoning and other applicable public policies, including the City’s Waterfront Revitalization Program (WRP).

**PRINCIPAL CONCLUSIONS**

The analysis concludes that the Proposed Project would be compatible with existing land use in the surrounding area and that construction and operation of the Proposed Project would not result in any significant adverse impacts to land use, zoning, or public policy. The Proposed Project would include new infrastructure that would primarily be underground, and which would not result in changes to land use at the affected properties; changes to land use would occur at the diversion facility sites, which currently contain primarily surface parking, vacant land/buildings, and manufacturing uses. However, the Proposed Project’s facilities would be part of the extensive sewer infrastructure system present in the study area and would be compatible with the existing sewer infrastructure and other uses in the study area. The Proposed Project would meet all applicable zoning requirements and would be consistent with and supportive of the public policies applicable to the Proposed Project sites and the study area.

**B. METHODOLOGY**

The 2021 *City Environmental Quality Review (CEQR) Technical Manual* indicates that a land use, zoning, and public policy assessment should be provided for all projects that would affect land use, zoning, or public policy, regardless of the project’s anticipated effects. Accordingly, an analysis has been prepared that describes the existing land uses in the area of the Proposed Project, as well as the current zoning regulations applicable to the Proposed Project site(s) and the surrounding area, and any relevant public policies. The analysis also describes anticipated future conditions for the 2040 analysis year, including anticipated changes in land use and any anticipated modifications to zoning regulations and public policies. The analysis considers any changes to land use that would occur as a result of the Proposed Project and identifies those changes, if any, that could be adverse, such as a use that is incompatible with other uses in the surrounding area. The analysis also describes any changes to zoning regulations and/or public policies that would occur as a result of the Proposed Project and assesses the

Proposed Project's compatibility with those regulations and policies. In particular, the analysis provides an assessment of the Proposed Project's consistency with the City's coastal policies in the WRP.

The primary study area for the land use, zoning, and public policy analysis encompasses the Proposed Project: the CSO tunnel alignment,<sup>1</sup> the gravity diversion sewer connecting outfall BB-026 to the CSO tunnel, the tunnel dewatering pump station (TDPS), the TDPS discharge pipe, and diversion facilities.

The secondary study area is an area within a 400-foot radius of the Proposed Project and includes communities and uses that could potentially be affected by the Proposed Project. As shown in **Figure 4-1**, the 400-foot secondary study area generally extends from Skillman Avenue, in Queens, in the north, Whale Creek, in Brooklyn, in the west, Calvary Cemetery and 56th Road to the east, Page Place and Grand Avenue to the southeast, and Ingraham Street to the south.

Existing land uses were identified through review of a combination of sources, including field surveys and secondary sources, as well as the City's Primary Land Use Tax Lot Output (PLUTO) data files for 2024 and websites, such as New York City's Zoning and Land Use Map (ZoLa<sup>2</sup>) and NYCityMap.<sup>3</sup> New York City Zoning Maps and the New York City Zoning Resolution (ZR) were consulted to describe existing zoning districts and provided the basis for the zoning evaluation of the future No Action and future With Action conditions. Relevant public documents including documents recognized by City agencies were utilized to describe existing public policies pertaining to the study areas.

As described in Chapter 1, "Project Description," the Proposed Project would affect up to 99 properties: 9 properties are City-owned and require only site selection approval, and up to 90 properties are privately owned and require both site selection and acquisition approval. Of the 90 properties requiring both site selection and acquisition approval, 4 require fee simple acquisition (for the diversion facilities at NCQ-077, NCB-083, and NCB-015), up to 83<sup>4</sup> require subterranean easements along the proposed tunnel and gravity diversion sewer alignments (including one property that also requires both acquisition of a permanent surface easement and a temporary construction easement, and one property that also requires acquisition of a temporary construction easement), and 3 properties require both acquisition of permanent surface and temporary construction easements (but no subterranean easement) at the BB-026 diversion facility site. The properties currently expected for acquisition and mapping of easements are provided in **Appendix A**.

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<sup>1</sup> The project limits for the CSO tunnel includes potential CSO tunnel alignment alternatives currently under consideration. As such, the CSO tunnel alignment study area is inclusive of the project limits.

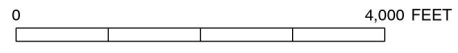
<sup>2</sup> <https://zola.planning.nyc.gov>

<sup>3</sup> <http://gis.nyc.gov/doitt/nycitymap/>

<sup>4</sup> Total number of properties potentially requiring subterranean easements includes all properties where subterranean easement is potentially needed for the CSO tunnel based on tunnel alignment alternatives currently under consideration.



- Project Limits
- Study Area (400-foot perimeter)
- TDPS
- Diversion Facilities
- Potential CSO Tunnel Alignment
- Gravity Diversion Sewer
- TDPS Discharge Pipe
- Approximate Drop Shaft Location
- Outfall



## C. EXISTING CONDITIONS

### PRIMARY STUDY AREA

The primary study area includes the area directly affected by the Proposed Project, including the proposed CSO tunnel, gravity diversion sewer, TDPS, TDPS discharge pipe, and diversion facilities.

#### *CSO TUNNEL*

The proposed CSO tunnel would be 3.26 miles long and stretch from Blissville, Queens, in the north to East Williamsburg, Brooklyn, in the south (see **Figures 4-2a to 4-2i**). The CSO tunnel, while below grade, would cross underneath Newtown Creek and its tributaries, potentially up to approximately 96 publicly and privately owned lots,<sup>5</sup> and public streets and sidewalks in Brooklyn and Queens. The existing zoning and land uses of the areas adjacent to Newtown Creek are primarily industrial, and the lots the CSO tunnel would traverse are generally industrial, manufacturing, parking, or vacant.

#### *GRAVITY DIVERSION SEWER*

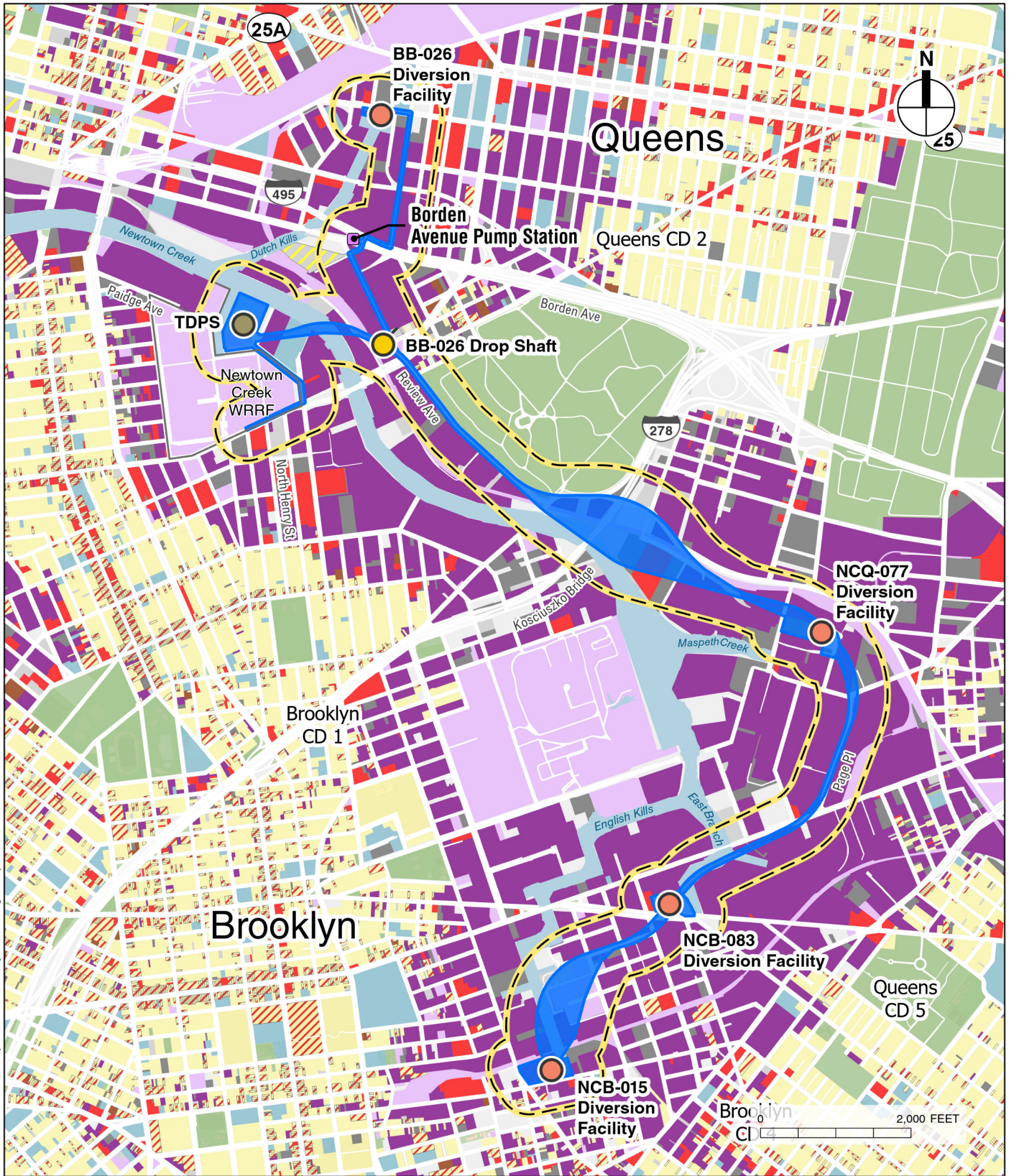
The gravity diversion sewer would be a below-grade pipe located in Blissville, Queens that connects the BB-026 outfall to the Borden Avenue Pump Station (BAPS) and the CSO tunnel (see **Figure 4-2b**). The gravity diversion sewer alignment would begin at the BB-026 diversion facility and would run east along 47th Avenue to 30th Street where it would connect to the BAPS at Borden Avenue and Review Avenue, then would continue south along Review Avenue and would connect to the tunnel at a drop shaft to be constructed near Newtown Creek at Review Avenue and 35th Street (two potential locations for the drop shaft near the intersection of Review Avenue and 35th Street are currently under consideration). Unlike the CSO tunnel, the gravity diversion sewer would be located within the City's right-of-way, and would not cross underneath Newtown Creek, its tributaries, or publicly or privately owned lots.

#### *TDPS SITE*

The proposed TDPS site would include one property located at 1 Kingsland Avenue (Brooklyn Block 2508, Lot 1) located in the Greenpoint neighborhood of Brooklyn (see **Figure 4-2b**). The lot is owned by the New York City Department of Sanitation (DSNY) and is currently occupied by the former Greenpoint Marine Transfer Station (MTS) and its access ramp, warehouses, docking facilities, and sludge handling facilities. The MTS, its access ramp, and warehouses are owned and operated by DSNY while the docking facilities and sludge handling facility are operated by the New York City Department of Environmental Protection (DEP). The site contains four buildings ranging from one to two stories in height. These buildings are generally set back from the street frontages with the DSNY-owned MTS elevated on the northern peninsula of the site and surrounded by water on three sides. The MTS was originally used to load refuse onto barges for transport to disposal facilities throughout the City but is now used for material storage and as a docking station for DEP boats. The MTS ramp is approximately

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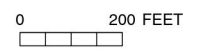
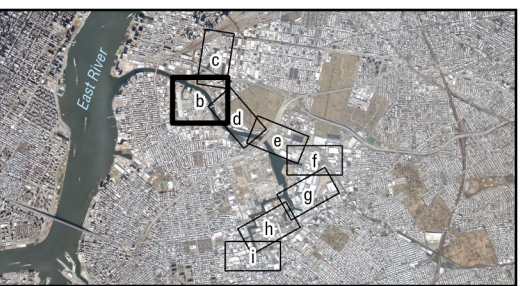
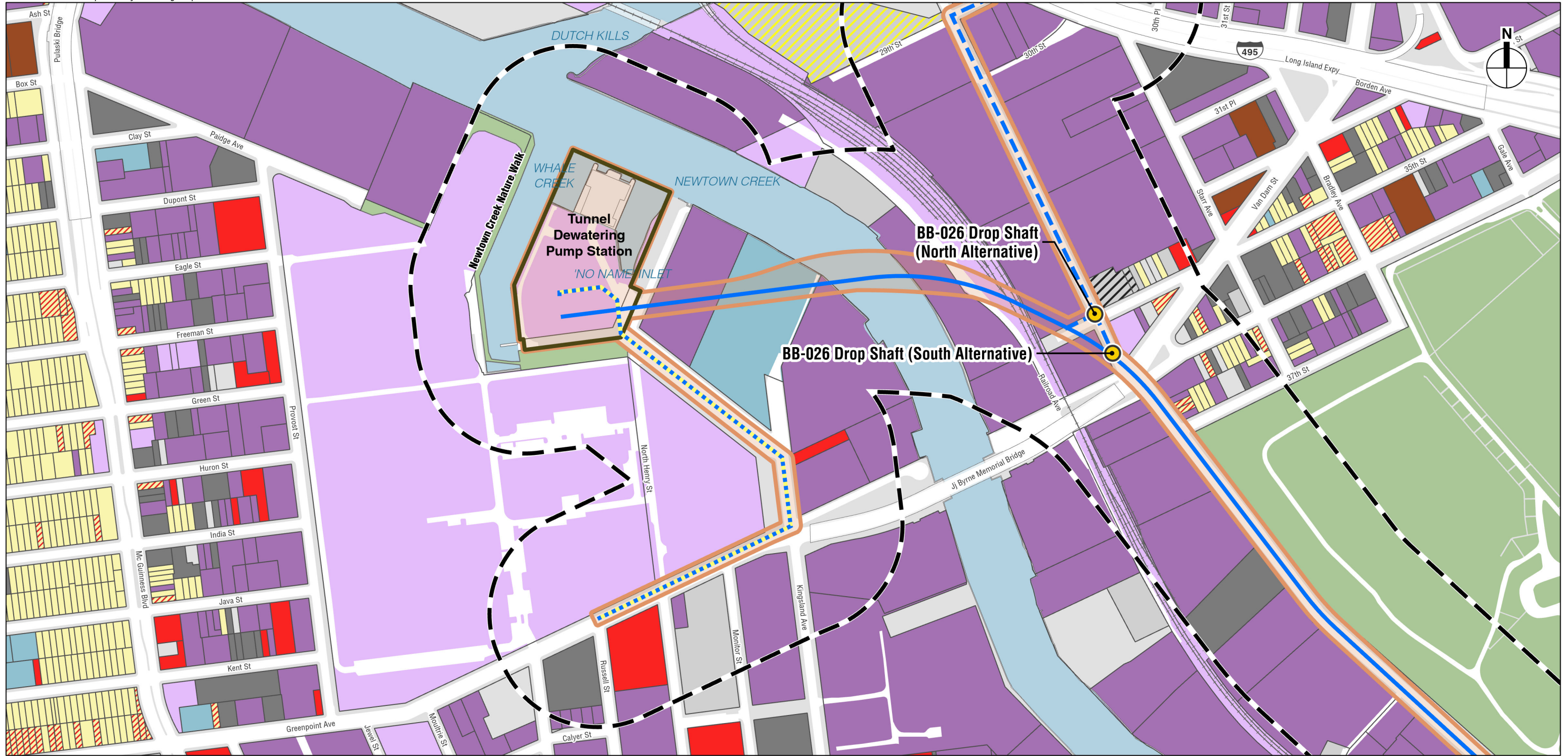
<sup>5</sup> The total of 96 properties does not include three additional lots at the BB-026 site that would be affected by the diversion facility and gravity diversion sewer, but which are not along the CSO tunnel alignment.

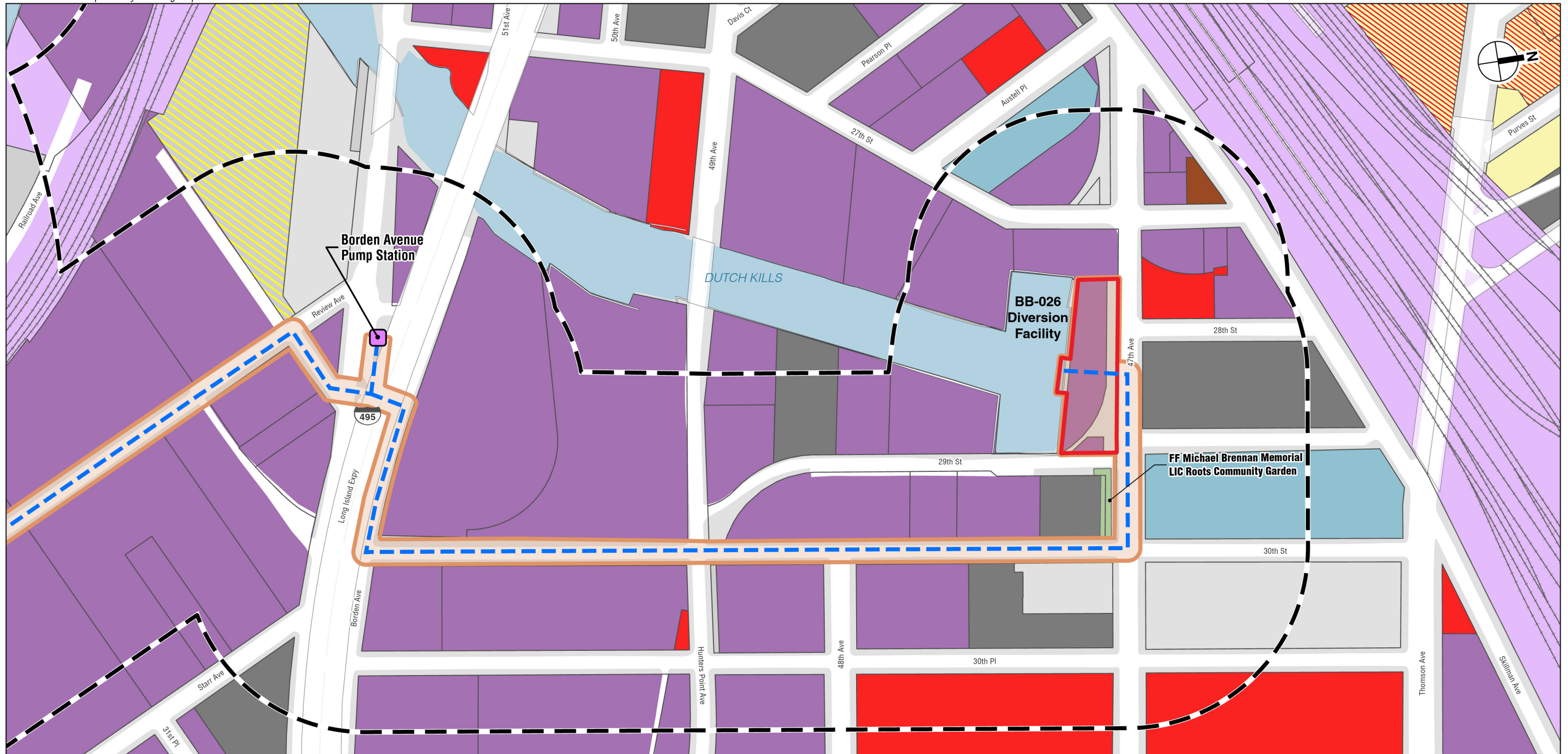


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|-------------------------|-----------------------------------|------------------------------------|--------------------|
| Project Limits          | <b>Land Use</b>                   | Parking Facilities                 | Under Construction |
| Diversion Facility Site | Commercial and Office Buildings   | Public Facilities and Institutions | Vacant Building    |
| Drop Shaft Site         | Hotels                            | Residential                        | Vacant Land        |
| TDPS Site               | Industrial and Manufacturing      | Residential with Commercial Below  |                    |
| 400-Foot Study Area     | Open Space and Outdoor Recreation | Transportation and Utility         |                    |

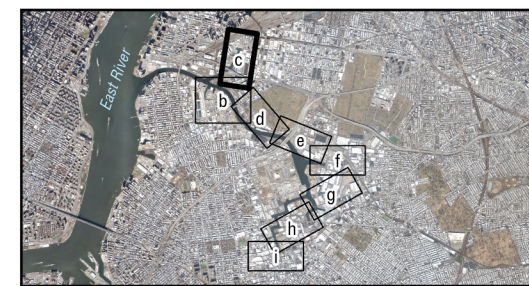
**NEWTOWN CREEK CSO STORAGE TUNNEL PROJECT**

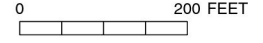
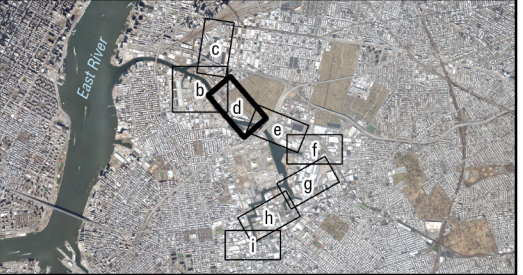
Land Use  
**Figure 4-2a**

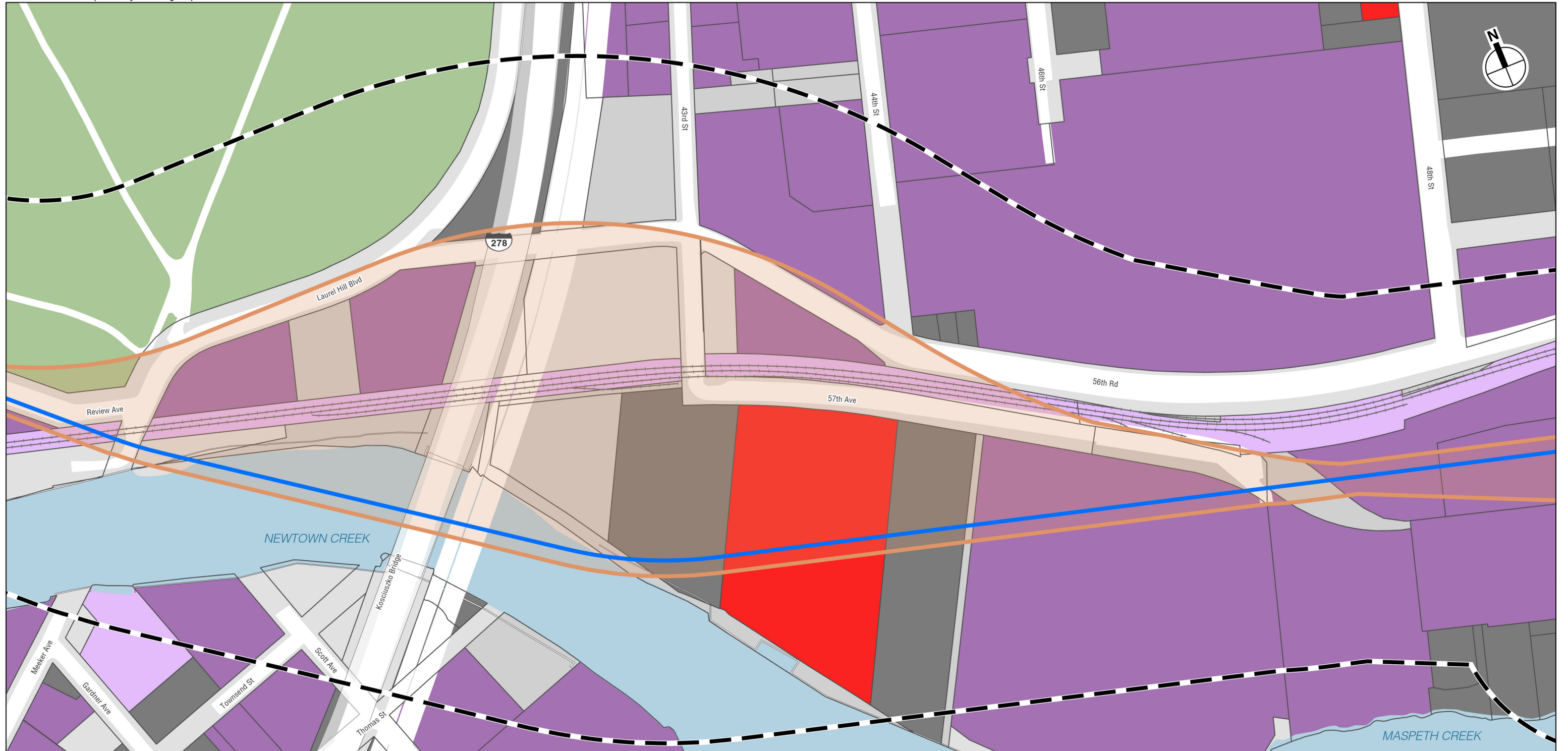




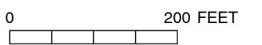
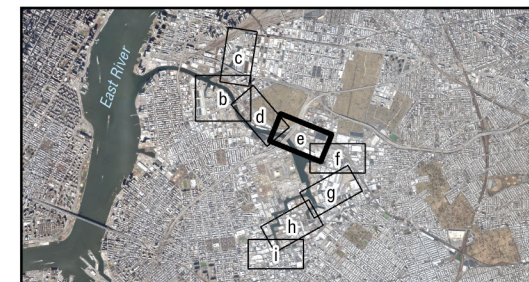
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|---------------------------------|-------------------------|---------------------------------|------------------------------------|--------------------|
| Project Limits                  | Diversion Facility Site | Commercial and Office Buildings | Public Facilities and Institutions | Under Construction |
| Study Area (400-foot perimeter) | Gravity Diversion Sewer | Hotels                          | Residential                        | Vacant Land        |
|                                 |                         | Industrial and Manufacturing    | Residential with Commercial Below  |                    |
|                                 |                         | Parking Facilities              | Transportation and Utility         |                    |

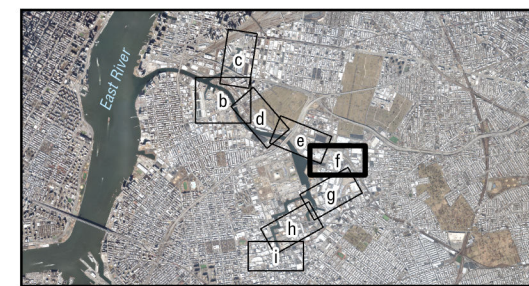
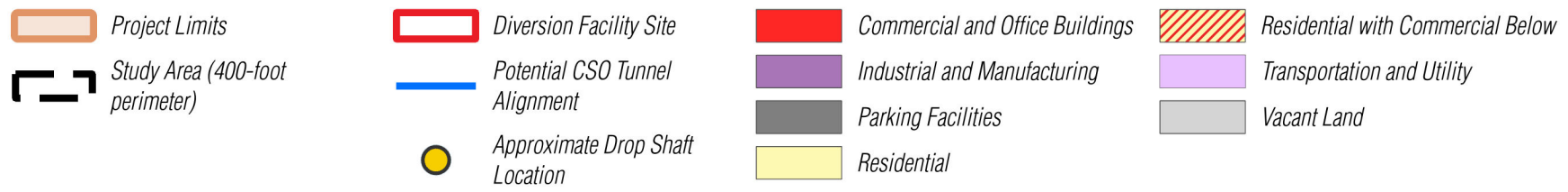
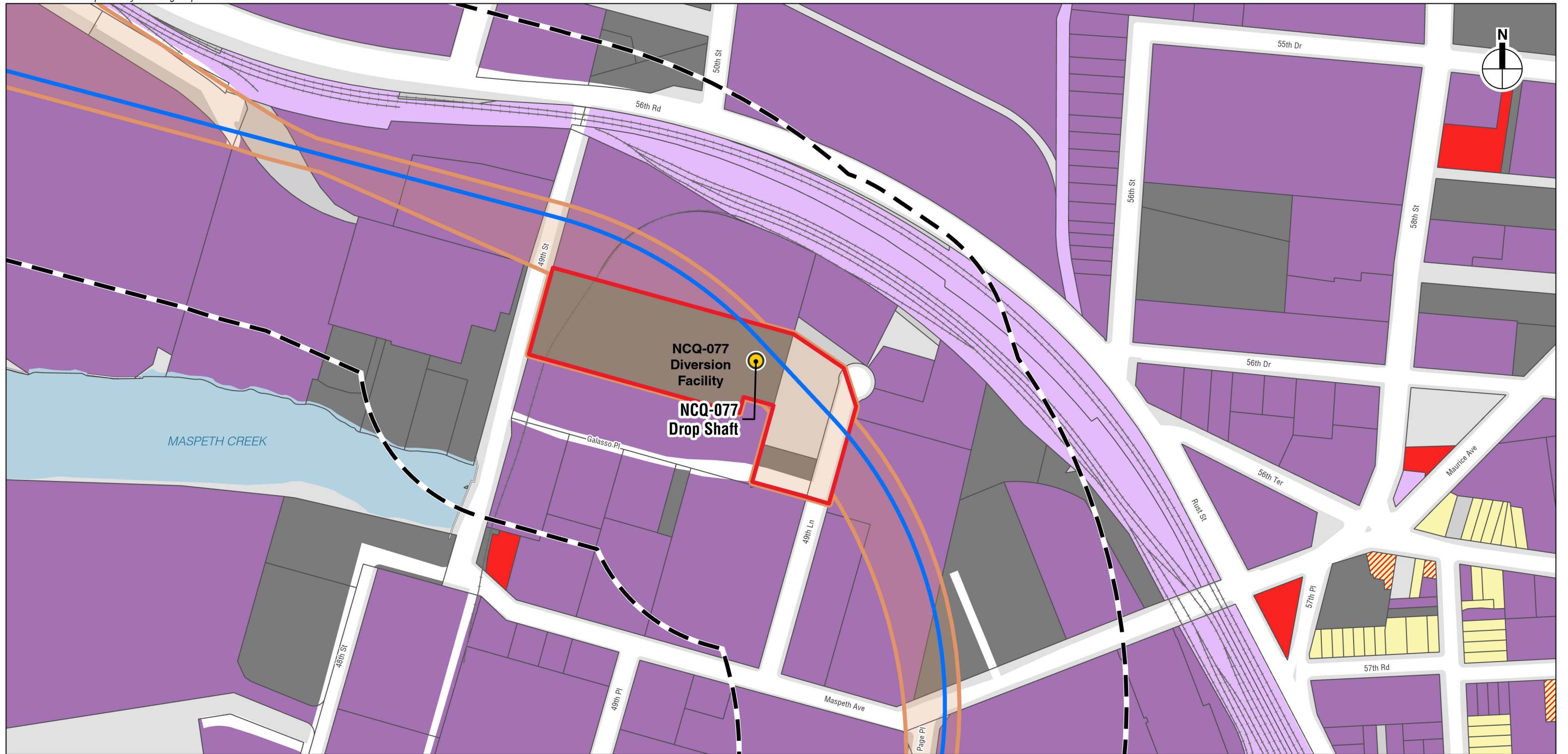


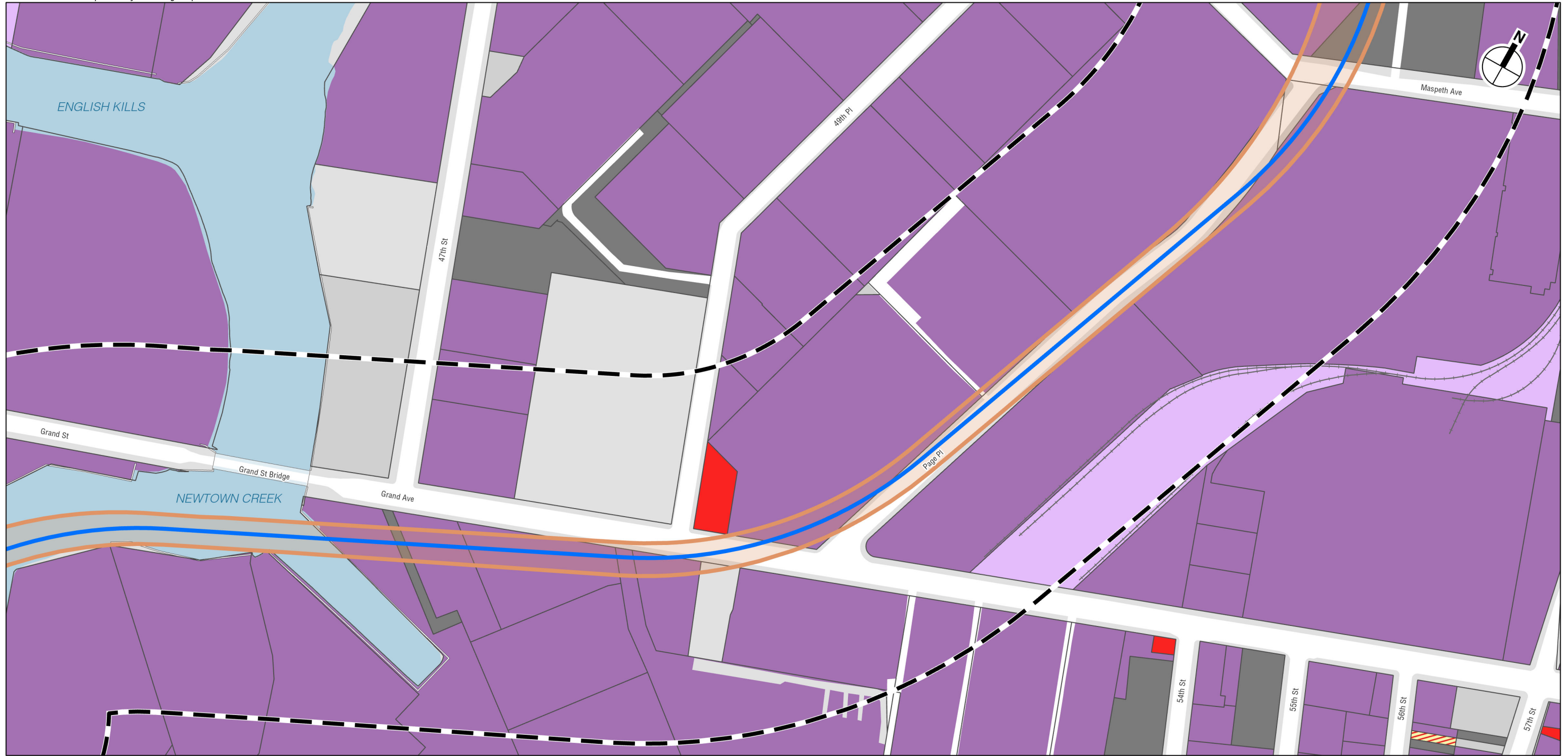







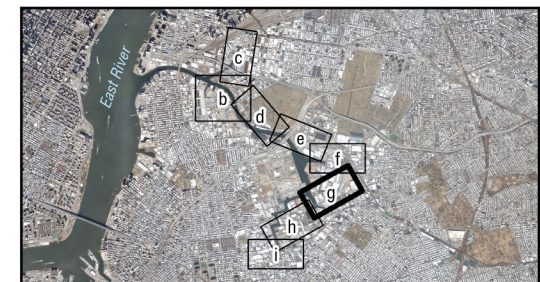
- Project Limits
- Potential CSO Tunnel Alignment
- Study Area (400-foot perimeter)
- Commercial and Office Buildings
- Industrial and Manufacturing
- Open Space and Outdoor Recreation
- Parking Facilities
- Transportation and Utility
- Vacant Land



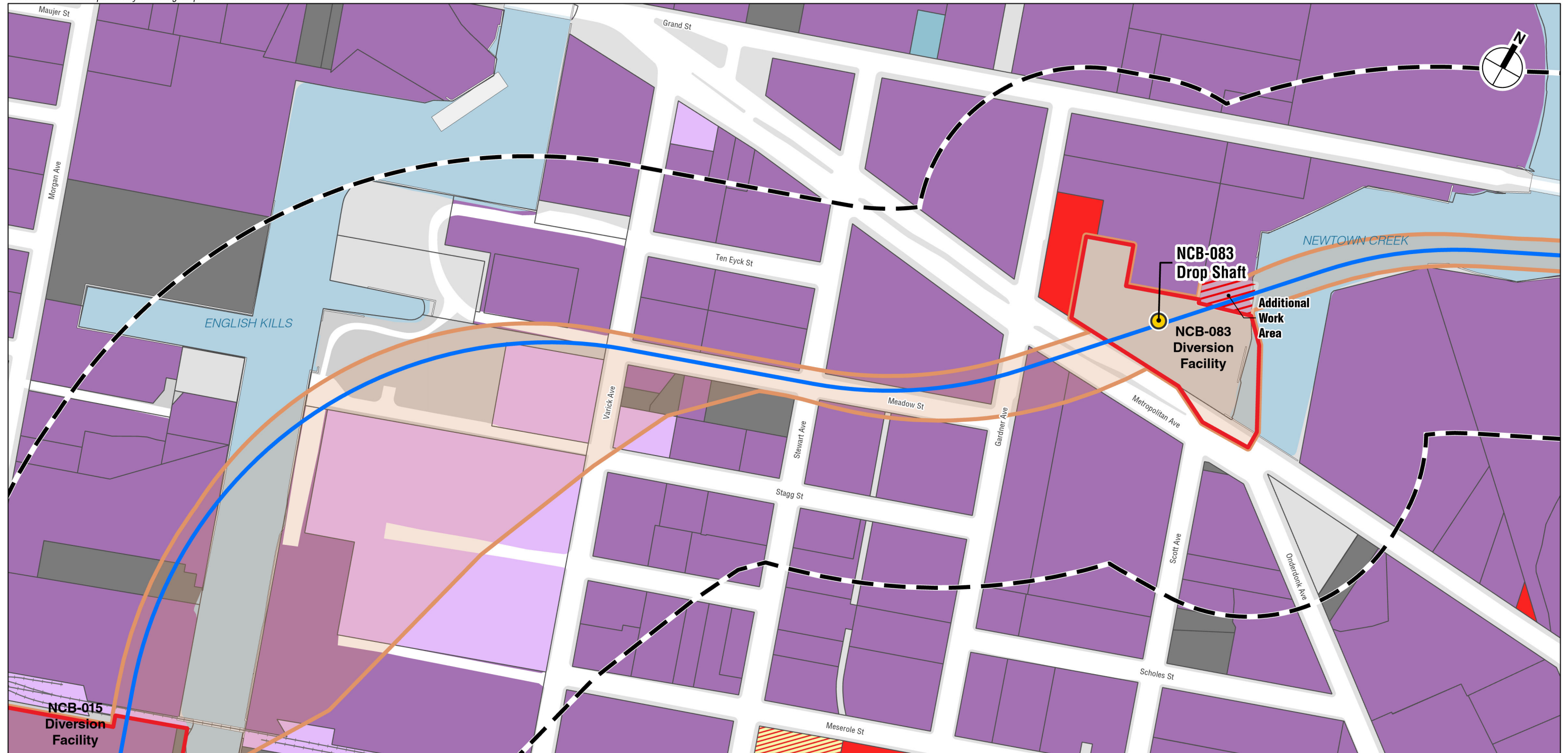




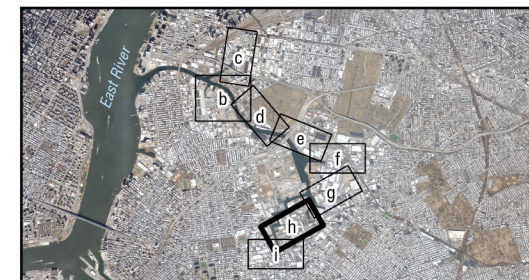
-  Project Limits
-  Study Area (400-foot perimeter)
-  Potential CSO Tunnel Alignment
-  Commercial and Office Buildings
-  Industrial and Manufacturing
-  Parking Facilities
-  Residential with Commercial Below
-  Transportation and Utility
-  Vacant Land



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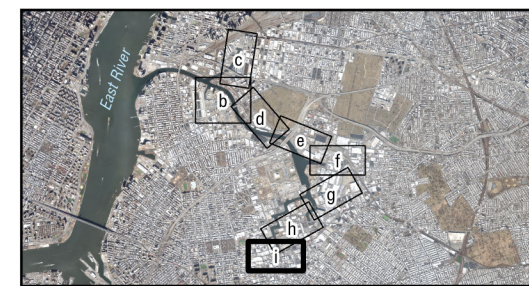


- Project Limits
- Study Area (400-foot perimeter)
- Diversion Facility Site
- Potential CSO Tunnel Alignment
- Approximate Drop Shaft Location
- Commercial and Office Buildings
- Industrial and Manufacturing
- Parking Facilities
- Public Facilities and Institutions
- Residential with Commercial Below
- Transportation and Utility
- Vacant Land





- |                                 |                                |                                    |                                   |
|---------------------------------|--------------------------------|------------------------------------|-----------------------------------|
| Project Limits                  | Diversion Facility Site        | Commercial and Office Buildings    | Residential                       |
| Study Area (400-foot perimeter) | Potential CSO Tunnel Alignment | Hotels                             | Residential with Commercial Below |
| Approximate Drop Shaft Location |                                | Industrial and Manufacturing       | Transportation and Utility        |
|                                 |                                | Parking Facilities                 | Vacant Land                       |
|                                 |                                | Public Facilities and Institutions |                                   |



270 feet long and contains storage underneath it. The DEP-operated docking facilities house DEP boats, and the sludge handling facility enables sludge to be pumped and loaded onto barges.

#### *TDPS DISCHARGE PIPE*

The TDPS gravity discharge pipe would be a below-grade pipe located in Greenpoint, Brooklyn, that would connect the TDPS facility to the Newtown Creek Water Resource Recovery Facility (WRRF) (see **Figure 4-2b**). The gravity discharge pipe would begin underneath the TDPS site (Brooklyn Block 2508, Lot 1) and would run along Kingsland Avenue in a southeastern direction where it would then run southwest along Greenpoint Avenue to join below-grade infrastructure at the intersection of Russell Street and Greenpoint Avenue. Much like the gravity diversion sewer described above, the TDPS discharge pipe would be located within the City's right-of-way, and would not cross underneath Newtown Creek, its tributaries, or publicly or privately owned lots.

#### *DIVERSION FACILITIES SITES*

The Proposed Project includes four diversion facilities that would be constructed at outfalls BB-026, NCQ-077, NCB-083, and NCB-015.

The site for the proposed BB-026 diversion facility is located on the northern edge of Dutch Kills (Queens Block 115, Lots 56, 86, and 150) and is currently occupied by a two-story concrete-manufacturing facility, an associated parking facility, community garden, and unmapped 29th Street (see **Figure 4-2c**). The site is not coterminous with the three lots; the site of the diversion facility includes a portion of Lots 56 and 86 and the entirety of Lot 150. Lot 56 is privately owned, while Lots 86 and 150 are owned by the Metropolitan Transportation Authority (MTA) Long Island Railroad (LIRR). There is an existing Real Estate of Utility Companies (REUC) easement recorded on Lot 86: a REUC easement is designated for utility companies only, such as gas, electricity, and telecommunications companies. The REUC on Lot 86 (number A326-E66, effective tax year 2013-2014) is owned and operated by Consolidated Edison.

The existing outfall BB-026 flows southward from 47th Avenue to Dutch Kills and traverses the site below grade through the approximate center of the site, approximately 160 feet west from 29th Street. As discussed above, the alignment of the gravity diversion sewer associated with the outfall would run east towards 30th Street, then continue south along Review Avenue and connect with the CSO tunnel at Review Avenue and 35th Street. This portion of the gravity diversion sewer would be located within the City's right-of-way and would not cross underneath any publicly or privately owned lots.

The site for the proposed NCQ-077 diversion facility is located to the east of Maspeth Creek between 49th Street and 49th Lane (Queens Block 2575, Lots 26, 225, and 240) and is currently occupied by surface parking facilities (see **Figure 4-2f**). Lot 26 is owned by DEP, while Lots 225 and 240 are privately owned. The existing outfall NCQ-077 flows westward from Rust Street to Maspeth Creek and traverses the site below the southeastern most portion of the site before discharging at the upstream terminus of Maspeth Creek on the northeastern corner.

The site for the proposed NCB-083 diversion facility is located on the eastern branch of Newtown Creek along Metropolitan Avenue (Brooklyn Block 2948, Lot 85) and currently contains vacant

buildings, but had previously been occupied by industrial uses (see **Figure 4-2h**). Lot 85 is privately owned. The existing NCB-083 outfall discharges combined sewage to Newtown Creek at the upstream end of the East Branch and flows northward along Scott Avenue from Troutman Street to the East Branch on Metropolitan Avenue.

The site for the proposed NCB-015 diversion facility is located on the southernmost part of Newtown Creek on Johnson Avenue (Brooklyn Block 2974, Lots 162 and 170) and is currently occupied by industrial and manufacturing uses as well as parking facilities (see **Figure 4-2i**). City Water Tunnel 3 runs underneath the site, and there is an easement for the water tunnel recorded on both Lots 162 and 170. Lot 162 is owned by MTA LIRR, and Lot 170 is privately owned. The existing NCB-015 outfall traverses below the street on Johnson Avenue toward English Kills.

## SECONDARY STUDY AREA

The 400-foot secondary study area encompasses all areas with the potential to experience indirect impacts as a result of the Proposed Project, defined as those caused by the Proposed Project on properties that are farther away from the primary study area (i.e., properties adjacent to those that would contain the Proposed Project). It includes all areas within a 400-foot radius of the Proposed Project (the CSO tunnel, gravity diversion sewer, TDPS and discharge pipe, and diversion facilities).

### *CSO TUNNEL*

The area within a 400-foot radius of the CSO tunnel alignment primarily contains residential, light industrial, heavy industrial, open space, transportation, commercial, parking, and vacant land uses. Residential uses are located along Greenpoint Avenue and Van Dam Street in Long Island City, Queens, and south of Johnson Avenue in Bushwick, Brooklyn. Residential uses include multi-family walk-up buildings and one- and two-family buildings, plus mixed-use residential and commercial buildings. These buildings range from one to four stories and are generally built to the lot line. Mixed-use residential and commercial buildings contain ground floor retail uses, which include restaurants, bars, and tattoo shops, as well as vacant storefronts. The largest residential building in terms of total dwelling units (DUs) is a 10-DU building located at 53-36 Van Dam Street.

Industrial uses include light and heavy industrial uses, which are located throughout the study area; they include wholesale warehouses—such as roofing, plumbing, baking, and furnishing wholesalers—distribution centers, freight lines, building materials, and large depots. These industrial uses range from one to four stories but constitute the largest use by lot size. They are either set back from or built to the lot line and include accessory surface parking spaces pursuant to zoning.

Open space uses include 29th Street (discussed in detail below), Penny Bridge Park, Under the “K” Bridge Park, and Calvary Cemetery. Penny Bridge Park is an approximately 0.5-acre park located on the Brooklyn side of Newtown Creek: the park was formerly the site of the Meeker Avenue Bridge connecting Brooklyn and Queens (also known as the Penny Bridge), which was demolished in 1939. Under the “K” Bridge Park is a recently constructed park that was opened in 2019, coinciding with the construction of the new Kosciuszko Bridge. The park traverses the entire underside of the bridge: although the park totals 6.7-acres, only approximately 0.5 acres are located within the study area.

Calvary Cemetery is a Roman Catholic cemetery and one of the City's largest cemeteries; it has the most interments with over three million burials. Although the cemetery contains approximately 365 acres in total, only 44 acres (approximately 12 percent) of the southern portion of the cemetery are located within the study area.

Transportation uses consist of gas stations, autobody shops, public services, and railroads. Gas stations are located on the corner of Van Dam Street and Review Avenue in Queens and on the corner of Varrick Avenue and Metropolitan Avenue in Brooklyn. Public services include a DSNY waste management transfer station located on Varick Avenue in Brooklyn, a DSNY garage—Brooklyn North 04—located on the corner of Varick Avenue and Stagg Street in Brooklyn, and the Newtown Creek WRRF in Greenpoint, Brooklyn. Railroads in the study area are under the jurisdiction of LIRR and are described in detail below.

There are few commercial uses located within the study area. They include retailers such as a restaurant supplier and an auto parts retailer. Other commercial uses are located in the mixed-use residential and commercial buildings described above.

#### *GRAVITY DIVERSION SEWER*

The area within a 400-foot radius of the gravity diversion sewer primarily consists of industrial uses with few commercial uses. Industrial uses include light and heavy industrial uses, which are located along 30th Street and Review Avenue. They include distribution centers, warehouses, self-storage facilities, and construction suppliers. These industrial uses range from one to four stories. They are built to the lot line and include accessory parking.

Commercial uses include lofts converted into offices and studios. These include 48-02 30th Place, 47-07 30th Place, and 30-30 Thomson Avenue, which are located east of 30th Street. They range from 3 to 10 stories and are built to the lot line. Other commercial uses include a deli on the corner of 30th Place and Hunters Point Avenue, and an office building on the corner of 35th Street and Review Avenue.

#### *TDPS SITE*

The area within the 400-foot radius of the TDPS site primarily contains industrial and transportation uses as well as Newtown Creek to the north and Whale Creek to the west. To the south and west of the TDPS site is the Newtown Creek WRRF, an approximately two million-square-foot lot containing 25 buildings used to manage the City's wastewater. The Newtown Creek WRRF is the largest of the City's 14 wastewater recovery facilities; it serves approximately one million residents in a drainage area of more than 25 square miles across portions of three boroughs. Areas to the east of the TDPS site contain other heavy and light industrial uses. The buildings within the study area range from one to two stories, although the Newtown Creek WRRF buildings are higher than 100 feet tall to accommodate the wastewater treatment uses. Only the northern portion of the Newtown Creek WRRF is located within the study area.

Directly south and west of the TDPS site is the Newtown Creek Nature Walk, a ½-mile-long waterfront esplanade that wraps around the waterfront edge of Newtown Creek and crosses Whale Creek. The

nature walk contains native plants and vegetation as well as public art. It is open to the public from dawn to dusk, weather permitting, and is accessible via Paidge Avenue to the west and Kingsland Avenue to the south.

#### *TDPS DISCHARGE PIPE*

The areas within a 400-foot radius of the TDPS discharge pipe contain mainly industrial, transportation, and commercial uses. Commercial uses are located east of Kingsland Avenue and south of Greenpoint Avenue: a two-story building containing a heating oil supplier and a three-story building containing the Broadway Stages film studios, respectively. Industrial uses include both heavy and light industrial uses. Buildings range from one to three stories with the tallest being five stories. They are located on large lots with accessory off-street parking. There is also one vacant lot located on Greenpoint Avenue between Monitor Street and North Henry Street and one parking facility located on Greenpoint Avenue and Russell Street. Other uses include the Newtown Creek WRRF and Newtown Creek Nature Walk, which are described above.

#### *DIVERSION FACILITIES SITES*

The areas within a 400-foot radius of the four diversion facilities consist of diverse land uses and building types. The uses within a 400-foot radius of the BB-026 diversion facility site include public facilities, open space, industrial, commercial, and parking. Building heights for the industrial and commercial uses generally range from one to two stories with the tallest being six stories. These buildings are largely built to the lot line. Where accessory parking is required, the buildings are set back to accommodate the parking requirement. The public facilities include Bard High School Early College Queens, the Academy of Finance and Enterprise, the High School of Applied Communication, and LaGuardia Community College, and are eight and nine stories, respectively. There is one community garden located directly east of the BB-026 diversion facility site on 47th Avenue between 29th Street and 30th Street: FF Michael Brennan Memorial Long Island City Roots Community Garden contains raised plant beds and seating areas. In addition, 29th Street south of 47th Avenue is shown as open space and outdoor recreation uses, according to PLUTO, but it is not shown on the City Map, and is therefore not a legally mapped street. As such, the street is not maintained by the City. The street is used by businesses as an entry driveway and for informal parking, and does not contain any open spaces or recreational space.

The areas within a 400-foot radius of the NCQ-077 diversion facility site contain industrial, manufacturing, transportation, and parking uses. These uses range in building heights from one to two stories with the tallest being four stories. Most of the buildings are built to the lot line, but accessory surface parking lots occupy much of the land area. To the north, lots are controlled by the LIRR and are comprised of railroad tracks. The railroad serves freight rail activity under the control of the New York and Atlantic Railway, which runs in a northern direction from the terminal on Grand Avenue. Freight activity occurs approximately three times a day.

The area within a 400-foot radius of the NCB-083 diversion facility site contains industrial and manufacturing uses with one commercial use. The commercial use is located at 1281 Metropolitan Avenue and is directly adjacent to the diversion facility site. It contains a single-story lumber warehouse

and accessory parking. The remaining uses are industrial/manufacturing uses that range from one to two stories. Most of them are set back from the street and contain accessory surface parking lots. The East Branch of Newtown Creek is east of the NCB-083 diversion facility site.

The area within a 400-foot radius of the NCB-015 diversion facility site contains residential, commercial, industrial, manufacturing, transportation, and parking uses. Residential uses are located south of Johnson Avenue and west of Porter Avenue. They include multi-family walk-up buildings as well as mixed-use commercial and residential buildings. These buildings are two or three stories tall and are all built to the lot line. Ground floor commercial uses include bars and tattoo shops with few vacant storefronts. Commercial uses are also located south of Johnson Avenue and are one story, aside from 474 Johnson Avenue, which is a four-story converted loft building. The only public facility building is located at 89 Porter Avenue on the corner of Johnson Avenue and Porter Avenue and is a four-story building containing 45 units of transitional housing units totaling 400 residents.<sup>6</sup> It was converted to transitional housing from lofts in 2003. Industrial and manufacturing uses are located throughout the study area. They range from one to four stories and are built to the lot line. Transportation uses include lots associated with MTA. The Bushwick Terminal, part of the Bushwick Branch of LIRR, serves as the terminus for freight rail activity under the control of the New York and Atlantic Railway. A small rail bridge that crosses English Kills is north of the NCB-015 diversion facility site.

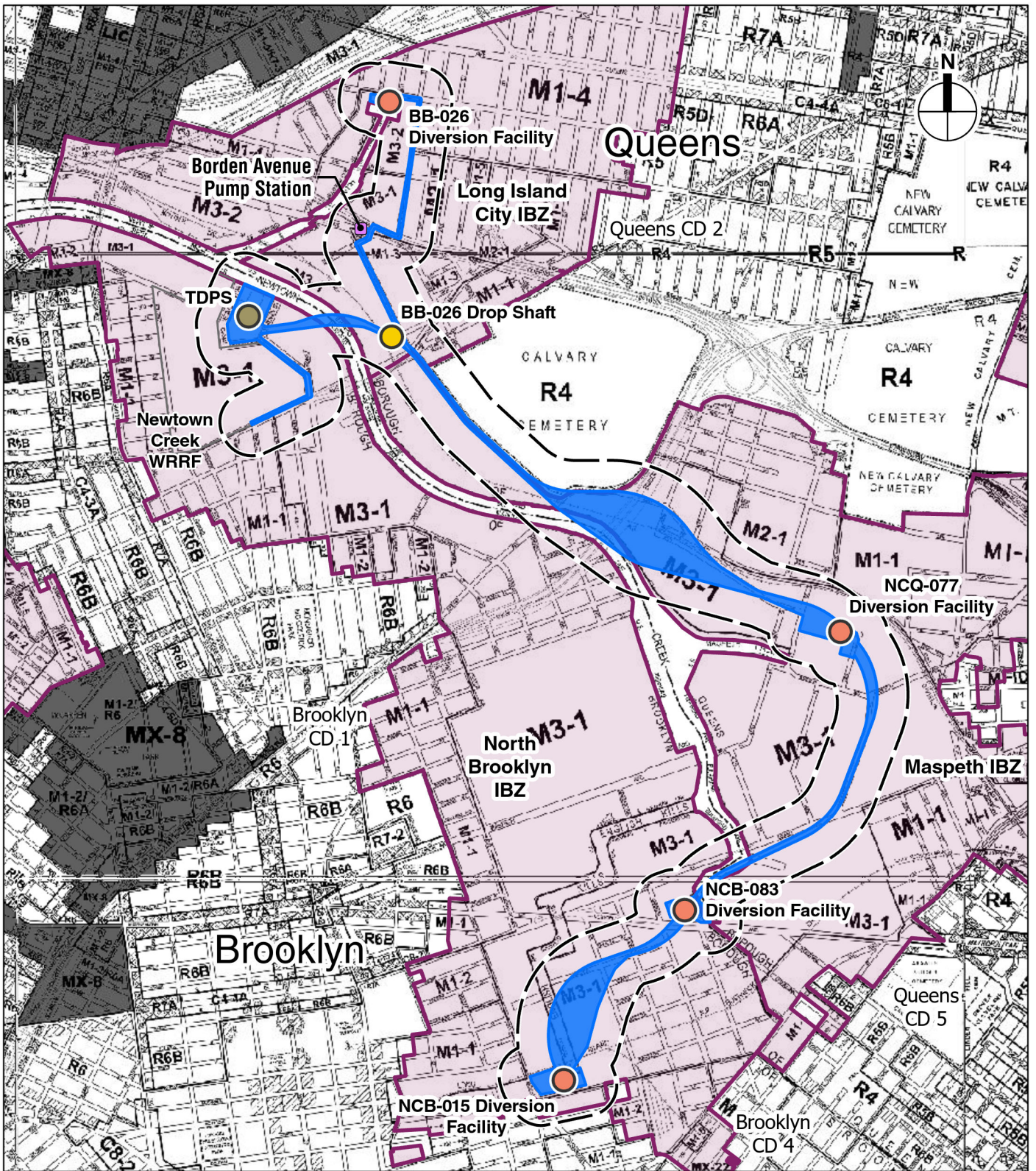
## ZONING

As shown in **Figures 4-3a to 4-3i**, the CSO tunnel, gravity diversion sewer, TDPS site, TDPS discharge pipe, and diversion facilities sites are located within manufacturing zoning districts (M3-1 and M3-2), which extend along both sides of Newtown Creek east and south of the Pulaski Bridge. A very small portion of the CSO tunnel is located within a residential (R4) zoning district beneath Calvary Cemetery as well as very small portions of M1-3 and M2-1 manufacturing zoning districts. M1 zoning districts permit light industrial uses and are often buffers between residential/commercial zoning districts and M2 and M3 zoning districts. M3 zoning districts permit heavy industrial uses that generate noise, traffic or pollutants such as waste transfer facilities or recycling plants. M3 zoning districts are usually located near the waterfront and buffered from residential areas. R4 zoning districts permit low-density residential uses. Certain community facilities are also permitted in R4 zoning districts.

**Table 4-1** summarizes the zoning districts within the study areas and their applicable regulations, and **Figures 4-3a to 4-3i** show their locations.

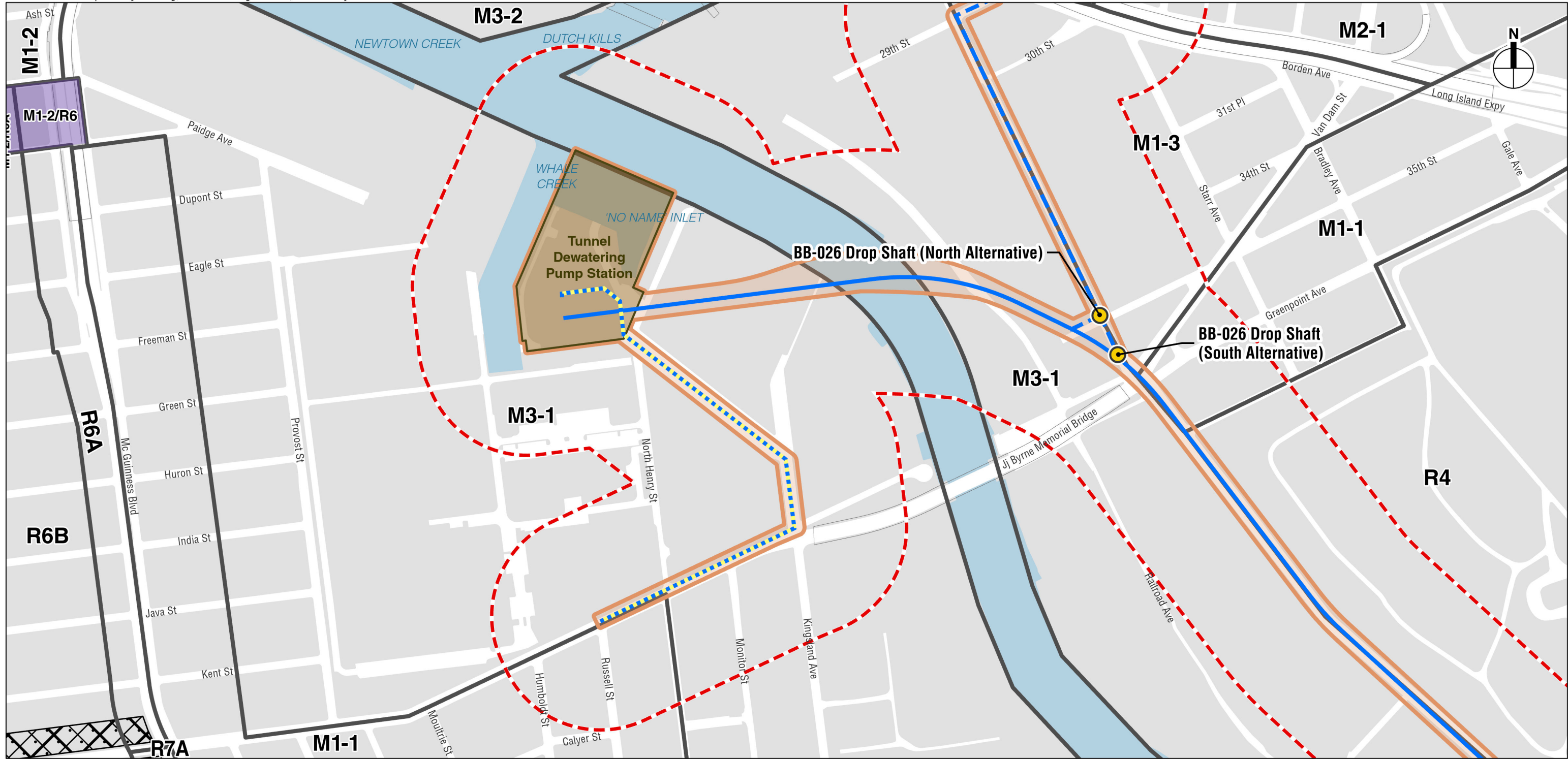
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<sup>6</sup> <https://www.doe.org/programs/housing/>

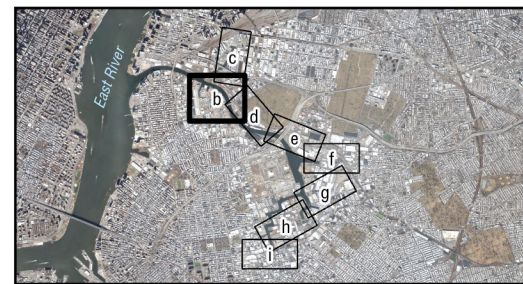


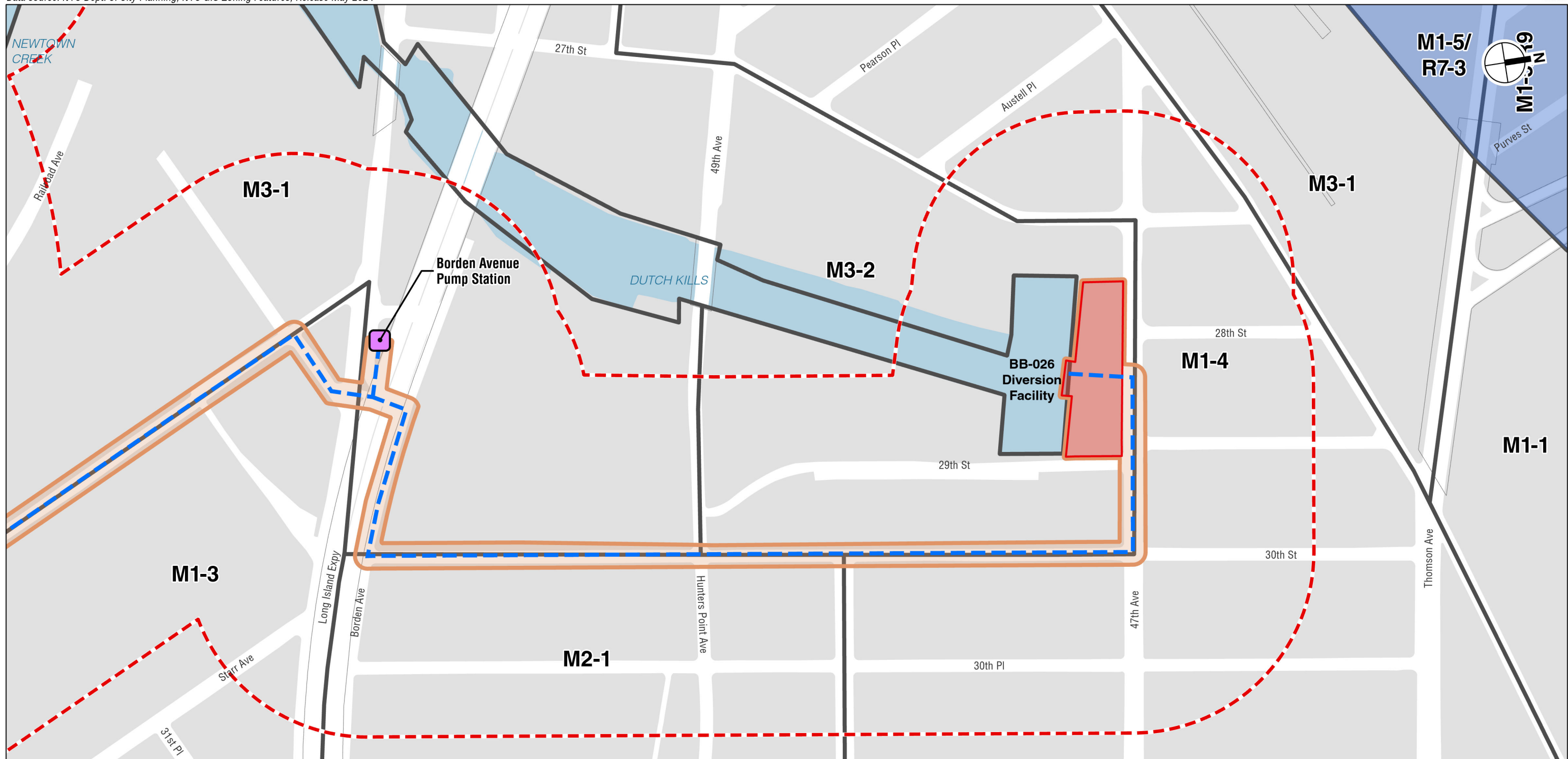
**NEWTOWN CREEK CSO STORAGE TUNNEL PROJECT**

Zoning  
Figure 4-3a



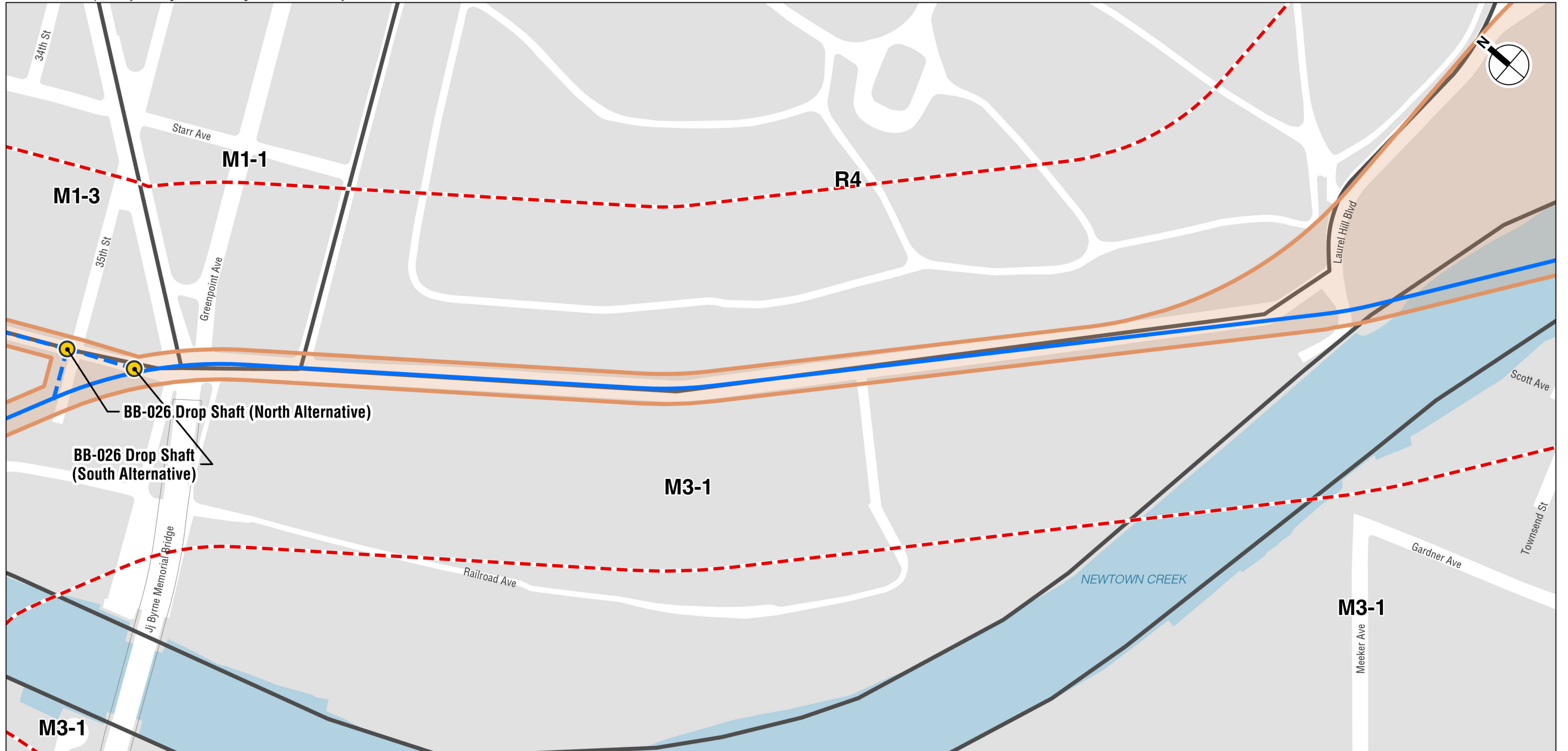
- Project Limits
- Study Area (400-foot perimeter)
- TDPS Site
- Potential CSO Tunnel Alignment
- Gravity Diversion Sewer
- TDPS Discharge Pipe
- Approximate Drop Shaft Location
- Zoning District Boundary
- C2-4
- Special Mixed Use District (MX-8)



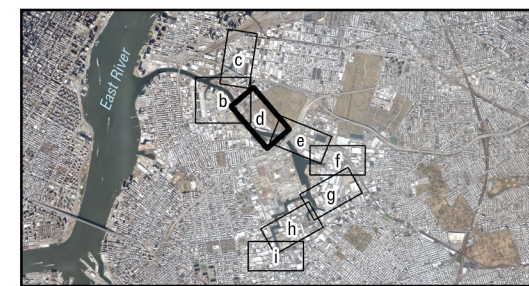


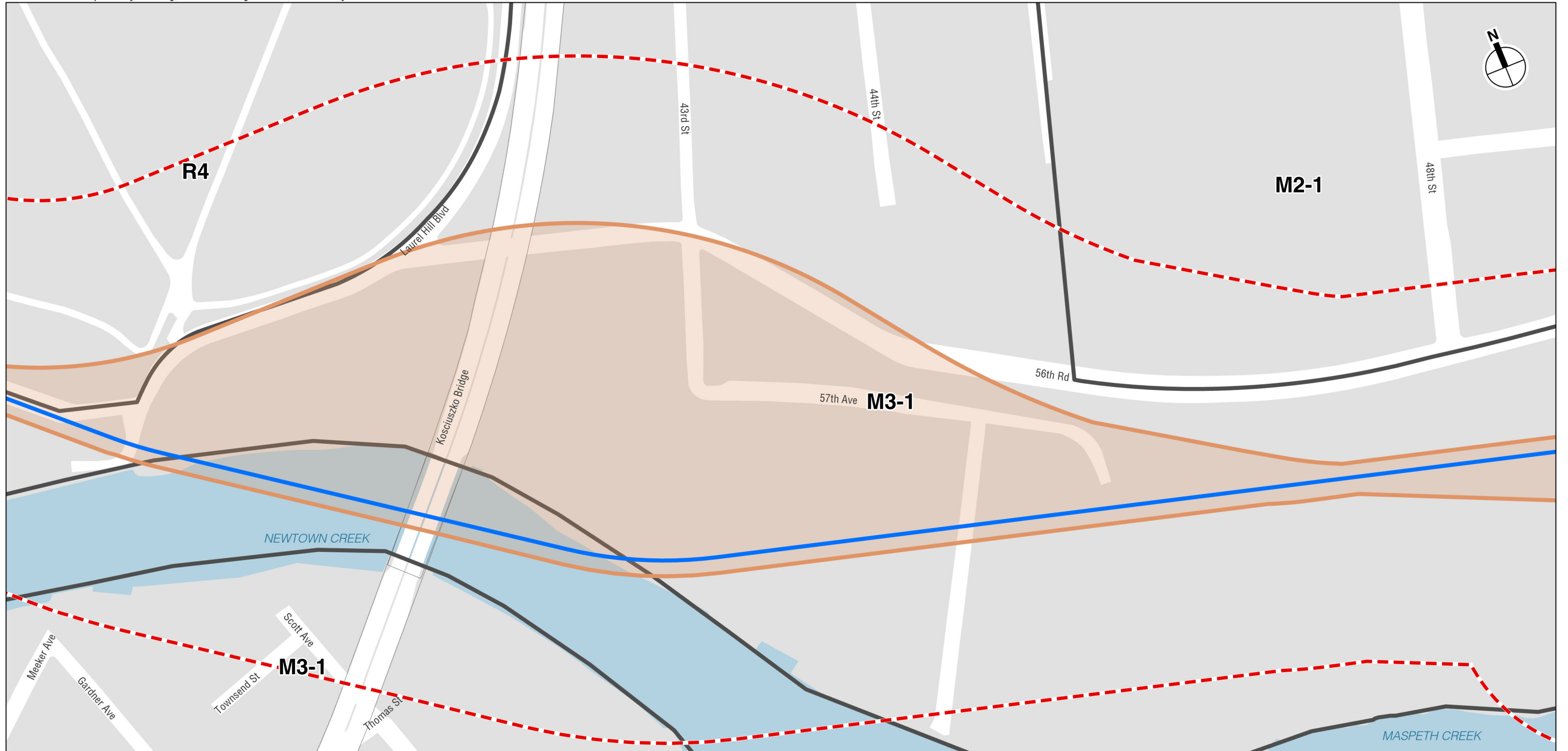
- Project Limits
- Study Area (400-foot perimeter)
- Diversion Facility Site
- Gravity Diversion Sewer
- Zoning District Boundary
- Special Long Island City Mixed Use District



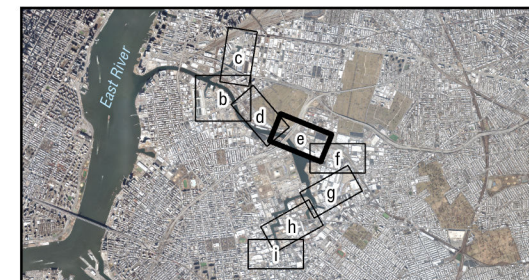


- Project Limits
- Potential CSO Tunnel Alignment
- Gravity Diversion Sewer
- Approximate Drop Shaft Location
- Zoning District Boundary



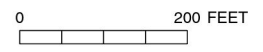
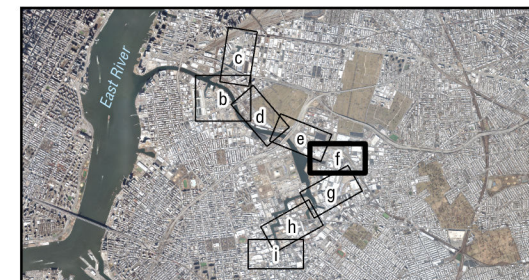


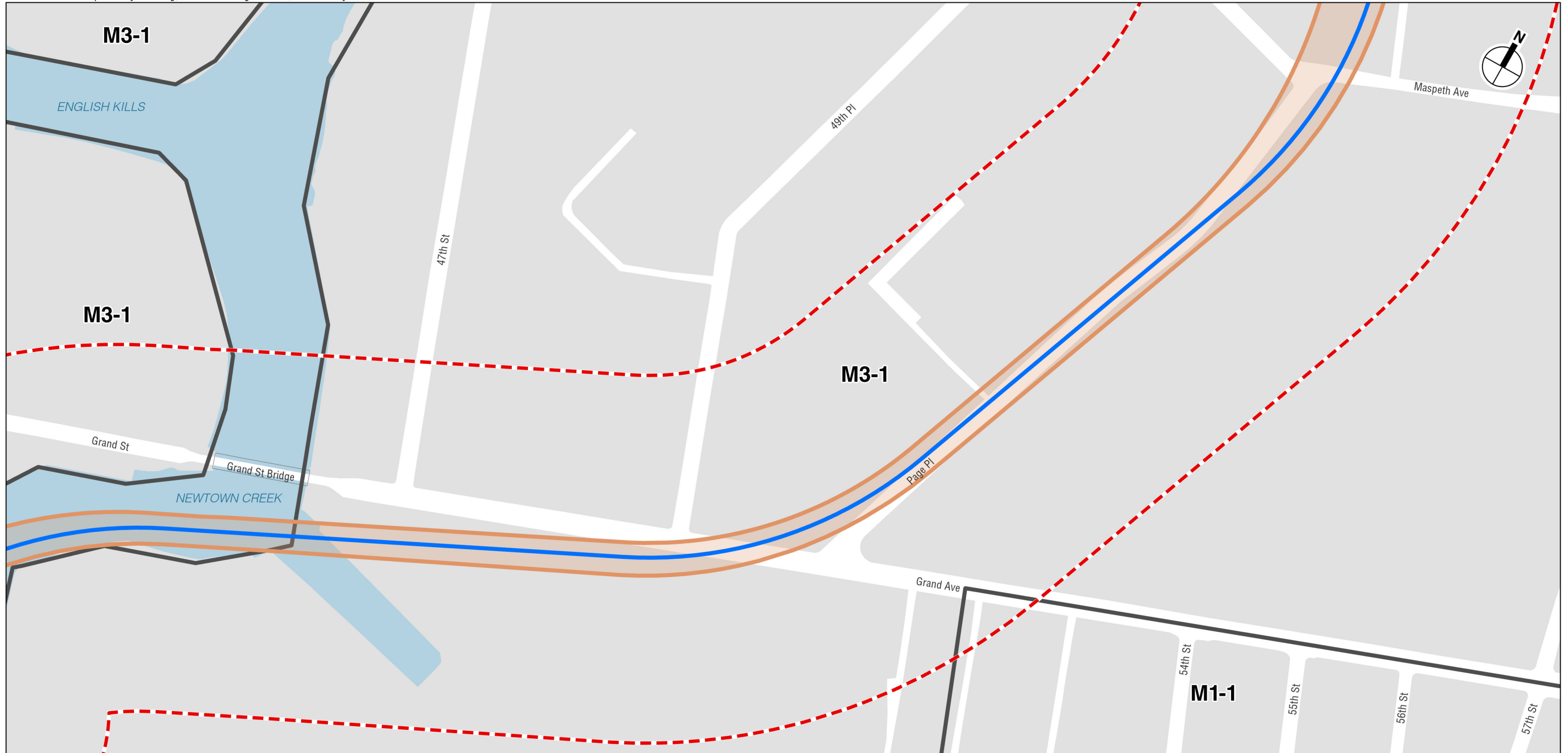
- Project Limits
- Potential CSO Tunnel Alignment
- Zoning District Boundary
- Study Area (400-foot perimeter)



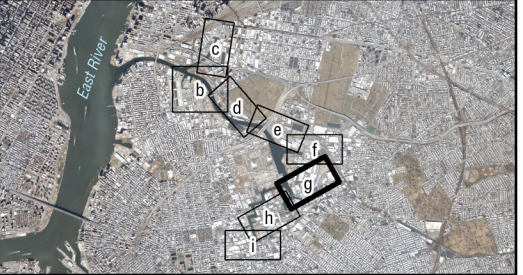


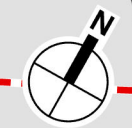
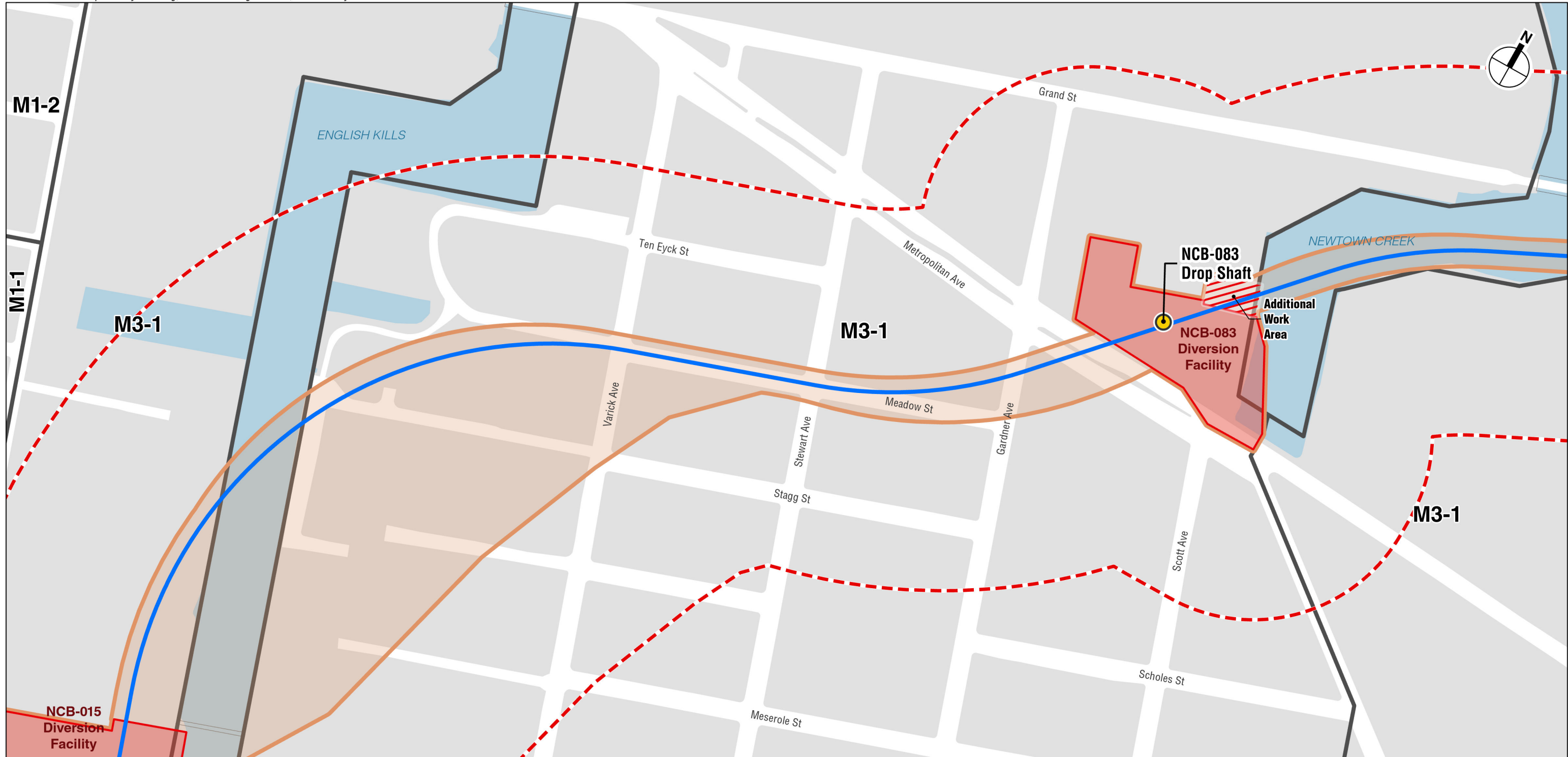
- Project Limits
- Study Area (400-foot perimeter)
- Diversion Facility Site
- Potential CSO Tunnel Alignment
- Zoning District Boundary
- Approximate Drop Shaft Location



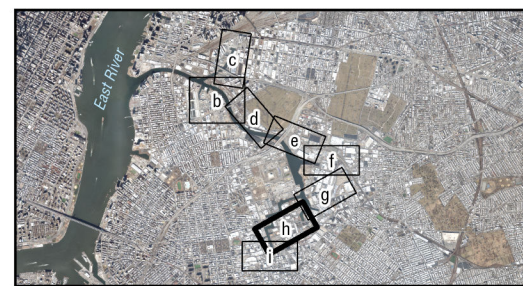


- Project Limits
- Potential CSO Tunnel Alignment
- Zoning District Boundary
- Study Area (400-foot perimeter)





- Project Limits
- Study Area (400-foot perimeter)
- Diversion Facility Site
- Potential CSO Tunnel Alignment
- Approximate Drop Shaft Location
- Zoning District Boundary





- Project Limits
- Study Area (400-foot perimeter)
- Diversion Facility Site
- Potential CSO Tunnel Alignment
- Zoning District Boundary
- Approximate Drop Shaft Location



**Table 4-1  
Zoning Districts in the Study Area**

Zoning District	Maximum FAR <sup>1</sup>	Uses/Zoning Type
<b>Project Site Zoning</b>		
M1-3	5.0 for manufacturing and commercial 4.8 for community facilities	Light industrial uses (high performance), commercial and certain community facilities
M2-1	2.0 for manufacturing and commercial	General manufacturing; mainly mapped along waterfront industrial areas
M3-1	2.0 for manufacturing and commercial	Heavy manufacturing; designated for waterfront areas with heavy industrial uses including power plants, solid waste transfer facilities, and fuel supply depots
M3-2	2.0 for manufacturing and commercial	Heavy manufacturing; designated for waterfront areas with heavy industrial uses including power plants, solid waste transfer facilities, and fuel supply depots
R4	1.0 for residential (general) 1.5 for residential (Qualifying Residential Sites) 2.0 for community facilities	Low-density residential and certain community facility uses; one- to three-story residential walk-up buildings and community facilities that provide educational, religious, health, and public facilities (requiring special permits)
<b>Secondary Study Area Zoning</b>		
M1-1	1.0 for manufacturing and commercial 2.4 for community facilities	Light industrial uses (high performance), commercial and certain community facilities
M1-2	2.0 for manufacturing and commercial 4.8 for community facilities	Light industrial uses (high performance), commercial and certain community facilities
M1-4	2.0 for manufacturing and commercial 6.5 for community facilities	Light industrial uses (high performance), commercial and certain community facilities
<b>Notes:</b>		
<sup>1</sup> Floor Area Ratio (FAR) is a measure of density establishing the amount of development allowed in a proportion to the base lot area.		

The TDPS site, diversion facilities sites, and other sites along Newtown Creek within the study areas are located on waterfront zoning lots as defined by Article VI, Chapter 2 of the Zoning Resolution (“Waterfront Zoning”) and are subject to Waterfront Zoning regulations. These regulations, among other policy objectives, encourage active water-dependent uses and improved access to the City’s waterfront. Waterfront zoning regulations mandate that most residential, commercial, and community facility developments on waterfront zoning lots provide public open space along the water’s edge with pedestrian links to upland communities; however, the waterfront open space requirement is generally not applicable to certain heavy commercial and industrial uses under Use Groups IV(B), IX, and X or certain infrastructure facilities (such as airports). In addition, waterfront zoning regulations provide for visual corridors (unobstructed views of the shoreline from upland public areas) through special urban design rules, which include special rules relating to building heights and required yards. In general,

building structures are not permitted within visual corridors; however, as with the open space requirement, visual corridor requirements are not applicable to Use Groups IV(B), IX, and X.

The City of New York recently enacted the City of Yes, a series of text amendments to the Zoning Resolution that seeks to update zoning regulations to support small businesses, create affordable housing, and promote sustainability. The City of Yes has three focused initiatives that changed the existing zoning. They include City of Yes for Carbon Neutrality, which updated zoning to ease the process allowing green infrastructure; City of Yes for Economic Opportunity, which updated zoning to allow greater flexibility for manufacturing and commercial uses; and City of Yes for Housing Opportunity, which changed zoning regulations in residential districts.<sup>7</sup> All text amendments were introduced separately; the New York City Council adopted City of Yes for Carbon Neutrality in December 2023, City of Yes for Economic Opportunity was adopted in June 2024, and City of Yes for Housing Opportunity was adopted in December 2024.

The City of Yes zoning text amendments changed the Zoning Resolution to provide more flexibility to existing zoning districts and regulations. Changes to residential zoning, which were spurred under the City of Yes for Housing Opportunity, include increased density in all residential zoning districts, updated regulations for affordable-housing related density bonuses, legalization of accessory dwelling units, modified height and bulk regulations to accommodate the additional density, and streamlining the approval process for residential housing projects. Changes to commercial and industrial zoning, which was spurred under City of Yes for Economic Opportunity, include clarification of permitted uses and increased flexibility of uses within existing commercial and manufacturing districts, as well as the creation of new commercial and manufacturing zoning districts with increased density for commercial and manufacturing uses, allowance of certain mixed-use developments in commercial and manufacturing zoning districts as-of-right, and allowance of larger FARs to accommodate these mixed-use developments. Changes to sustainability and sustainable development, which was spurred under the City of Yes for Carbon Neutrality, include promotion of sustainable building practices and design, allowance of sustainable industries through identifying green industries and permitting uses within existing commercial and manufacturing districts, and new incentives for electric and energy-efficient buildings.

## **PUBLIC POLICY**

### *LOCATION OF CITY FACILITIES*

Pursuant to City policy, City capital projects requiring a site selection approval must undergo a Fair Share analysis that applies the *Criteria for the Location of City Facilities* as set forth in Appendix A to Title 62 of the Rules of the City of New York (RCNY).<sup>8</sup> A Fair Share analysis attempts to foster an equitable distribution of public facilities throughout the city. The criteria for a Fair Share analysis applies only to a City facility, namely a facility whose siting is controlled by a City agency and which is operated directly by the City on City-owned or leased property greater than 750 square feet (sf) in

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<sup>7</sup> <https://www.nyc.gov/site/planning/plans/city-of-yes/city-of-yes-overview.page>

<sup>8</sup> [https://www.nyc.gov/assets/planning/download/pdf/about/publications/fair\\_share\\_guide.pdf](https://www.nyc.gov/assets/planning/download/pdf/about/publications/fair_share_guide.pdf)

floor area, or used primarily for a program (or programs) that derive at least 50 percent and at least \$50,000 of its annual operating costs from City-funded contracts. As the Proposed Project is a project requiring site selection and would result in the creation of new City facilities, a Fair Share analysis is required; the completed Fair Share analysis is provided in **Appendix B**.

#### *ONENYC: THE PLAN FOR A STRONG AND JUST CITY*

In April 2015, *One New York: The Plan for a Strong and Just City* (OneNYC) was released by the administration of former Mayor Bill de Blasio.<sup>9</sup> It builds upon the sustainability goals established by PlaNYC, a comprehensive and integrated approach to planning for New York City's future first published in 2007. The plan was further updated in April 2019, when it was retitled *OneNYC 2050: Building a Strong and Fair City*. Sustainability and resiliency remain the core goals of OneNYC, but with the poverty rate remaining high and income inequality continuing to grow, the de Blasio administration added equity as a guiding principle throughout the plan. In addition to the focuses of population growth, aging infrastructure, and global climate change, OneNYC brings new attention to additional concerns. OneNYC includes updates on the progress towards the 2011 sustainability initiatives and 2013 resiliency initiatives, with additional goals and new initiatives under the organization of four visions: growth, equity, resiliency, and sustainability. Since this is a city-wide guideline, the Proposed Project and the study area is subject to this policy.

#### *CLIMATE RESILIENCY DESIGN GUIDELINES*

The NYC Mayor's Office of Climate and Environmental Justice (MOCEJ) published the preliminary version of the New York City-wide Climate Resiliency Design Guidelines in April 2017, with subsequent revisions in April 2018, March 2019, and September 2020. The most recent update, Version 4.1 was published in May 2022.<sup>10</sup> These guidelines, applicable to new City facilities or substantial improvement projects, integrate cutting-edge climate change data and projections into technical guidance for engineers and architects. The guidelines provide instructions for incorporating resiliency into facility design to withstand the estimated climate change during the facility's useful life. This ensures that city capital projects are both designed to be resilient against future extreme weather and continue to deliver essential services. Since this is a city-wide guideline applicable to new City facilities, the Proposed Project is subject to this policy.

#### *COASTAL ZONE AND NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM*

The federal Coastal Management Act (CZMA) of 1972 was enacted to support and protect the distinctive character of the waterfront and to set forth standard policies for reviewing proposed projects along coastlines. The program responded to city, state, and federal concerns about the deterioration and inappropriate use of waterfront areas. The CZMA emphasizes the primacy of state decision-making regarding the coastal zone. In accordance with the CZMA, New York State adopted its own Coastal Management Program, administered by the New York State Department of State (NYS DOS), designed

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<sup>9</sup> <https://climate.cityofnewyork.us/reports/onenyc-2050/>

<sup>10</sup> <https://climate.cityofnewyork.us/initiatives/climate-resiliency-design-guidelines/>

to balance economic development and preservation by promoting waterfront revitalization and water-dependent uses while protecting fish and wildlife, open space and scenic areas, farmland, and public access to the shoreline, and minimizing adverse changes to ecological systems and erosion and flood hazards. The New York State Coastal Management Program provides for local implementation when a municipality adopts a local waterfront revitalization program (LWRP), as is the case in the City of New York, described in detail below.

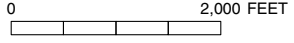
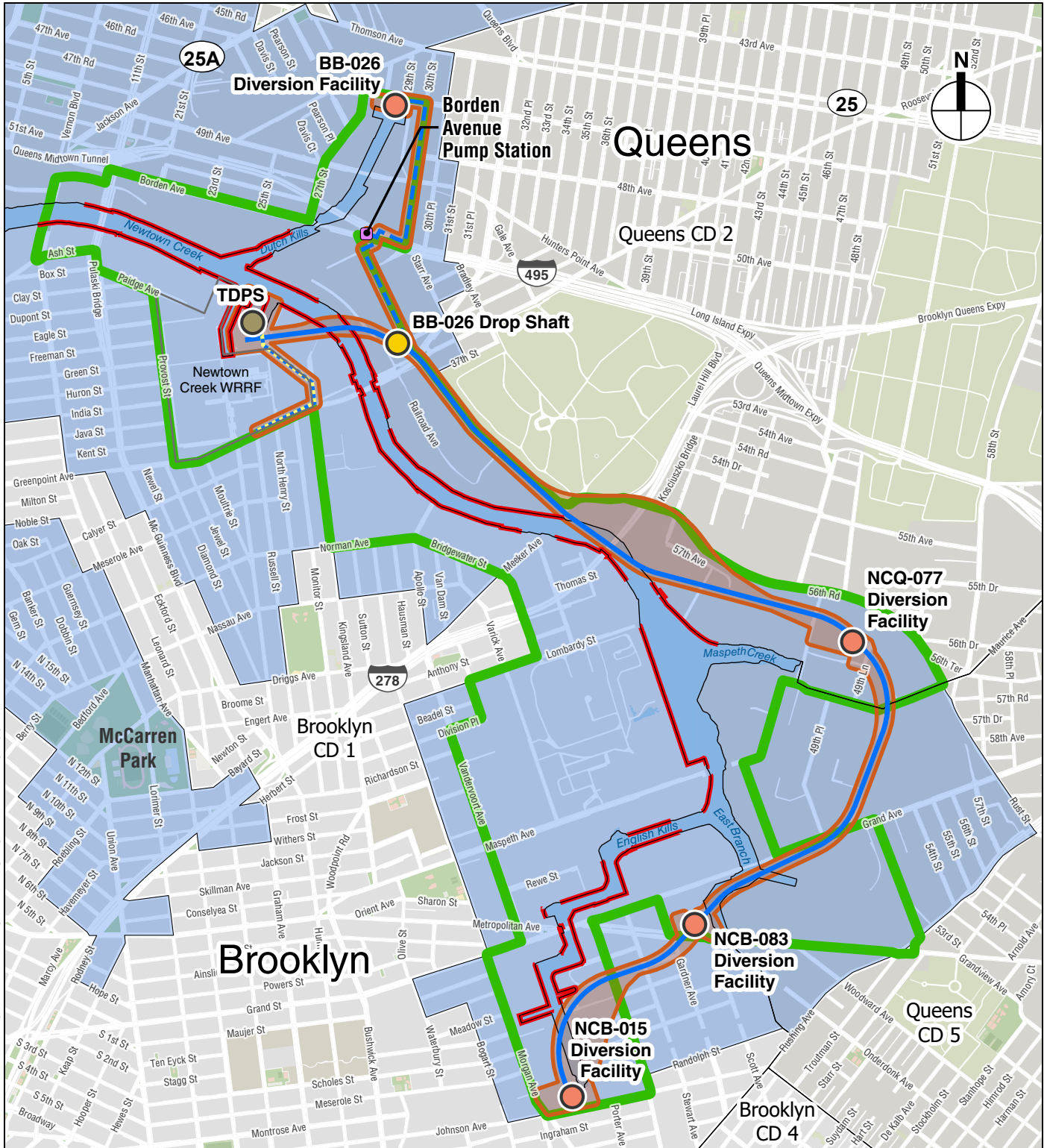
As shown on **Figure 4-4**, the study area is located within New York City's designated Coastal Zone. All projects that are subject to CEQR, the Uniform Land Use Review Procedure (ULURP), or other local, state, or federal agency discretionary actions that are situated within the City's Coastal Zone boundary must be reviewed and assessed for their consistency with New York City's WRP.<sup>11</sup> The WRP is the City's principal coastal zone management tool and establishes a broad range of public policies for the City's coastal areas. The guiding principle of the WRP is to maximize the benefits derived from economic development, environmental conservation, and public use of the waterfront, while minimizing the conflicts among these objectives. A local WRP, such as New York City's, is subject to approval by the New York State Department of State (NYSDOS) 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 and the Federal Coastal Zone Management Act.











The WRP was originally adopted in 1982 and revised in 2002. Additional revisions were approved by the New York City Council in 2013 and approved by NYSDOS (with the concurrence of the U.S. Department of Commerce) in 2016. The recent revisions include incorporation of climate change and sea level rise considerations to increase the resiliency of the waterfront area, promotion of waterfront industrial development as well as commercial and recreational water-borne activities, increased restoration of ecologically significant areas, and best practices for the design of waterfront open spaces. In addition, as part of the WRP revisions, the Coastal Zone boundary has been extended further inland in many locations to reflect alterations to Federal Emergency Management Agency (FEMA) flood zone maps.

Because the Proposed Project would be within the Coastal Zone and requires local, state, and federal discretionary actions (and/or equivalency reviews of regulatory compliance by responsible agencies), an assessment of the Proposed Project's consistency with applicable WRP policies was conducted. In addition, activities occurring within the State's coastal zone that are receiving federal financial assistance (e.g., grants, loans, subsidies, etc.) must be reviewed by NYSDOS for consistency with the State's Coastal Management Program. The Proposed Project is receiving funding through the NYS Clean Water State Revolving Fund (SRF), which provides financing for wastewater and sewer infrastructure projects to municipalities throughout New York State. The SRF is administered by the U.S. Environmental Protection Agency (EPA). Because the Proposed Project is receiving federal funding, a Federal Consistency Assessment Form (FCAF) has been prepared to demonstrate the

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<sup>11</sup> <https://www.nyc.gov/site/planning/planning-level/waterfront/wrp/wrp.page>



-  Project Limits
-  Potential CSO Tunnel Alignment
-  Diversion Facility Site
-  Gravity Diversion Sewer
-  Drop Shaft Site
-  TDPS Discharge Pipe
-  TDPS Site
-  Significant Maritime and Industrial Area
-  Coastal Zone Boundary
-  Priority Marine Activity Zones

This figure has been updated for the FEIS

Proposed Project's consistency with the applicable policies of the NYS Coastal Management Program. The WRP assessment and the FCAF are provided in **Appendix C**.

#### *INDUSTRIAL BUSINESS ZONE PROGRAM*

The study area is located within the Long Island, Maspeth, and North Brooklyn Industrial Business Zones (IBZs), three of the 21 IBZs located throughout New York City and administered by the New York City Economic Development Corporation (NYCEDC). These IBZs were designated in 2006, and provide expanded services for industrial and manufacturing businesses, as well as tax credits to businesses that relocate to an IBZ, with the goal of protecting existing manufacturing districts and encouraging industrial growth citywide.<sup>12</sup>

#### *NYC INDUSTRIAL PLAN*

In December 2025, the City released the NYC Industrial Plan, a citywide strategic document mandated by Local Law 172-2023 to support and grow the industrial sector while achieving key policy objectives. The plan provides a comprehensive blueprint organized around five pillars: creating an innovative sector, providing space to grow, establishing a modern freight network, promoting clean and safe industrial neighborhoods, and building resilience to climate risks. A core component of the plan is a new land use framework that distinguishes three primary classifications for manufacturing zones: Primary Industrial Areas (PIAs), Secondary Industrial Areas (SIAs), and Neighborhood Industrial Areas. The land use framework serves as an implementation mechanism for the plan's five pillars by aligning specific industrial geographies with the goals best suited to their physical and economic characteristics.

The Proposed Project is predominantly located within a PIA that spans the industrial corridors of North Brooklyn and Western Queens along Newtown Creek. A portion of the Proposed Project, specifically the BB-026 diversion facility, is located within a SIA that surrounds Dutch Kills.

PIAs are defined as parts of the city most appropriate for core infrastructure, truck-dependent operations, and intensive industrial activities that require significant segregation from residential populations and pedestrian activity. Public policy in these areas prioritizes maintaining a reservoir of space for "hard-to-site" operations that support the city's essential functions.

SIAs are areas characterized by a greater mix of commercial and industrial businesses, typically at a smaller scale than in PIAs and in closer proximity to residential neighborhoods. While SIAs are not considered appropriate for residential rezoning, public policy focuses on retaining and growing industrial space within a broad mix of commercial activity. SIAs typically have more employees and customers than PIAs; therefore, building and street designs in these zones should prioritize pedestrian safety and reduce conflicts with industrial operations. In the case of the BB-026 site near Dutch Kills, the SIA reflects a more diverse set of land uses, including concrete manufacturing, community facilities, commercial offices, and community gardens.

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<sup>12</sup> <https://edc.nyc.gov/industry/industrial-and-manufacturing>

Within the plan’s framework, PIAs, and to a lesser degree SIAs, support the “Maintaining” sector, which includes the utilities and waste remediation services necessary for the city to function. The plan identifies these utilities as “hard-to-site” operations that function most effectively when segregated from residential populations and significant pedestrian activity to protect both operations and public safety. Therefore, public policy in PIAs prioritizes maintaining a reservoir of space for these intensive infrastructure uses to protect the city’s long-term operational efficiency and climate resilience.

#### *NORTH BROOKLYN BROWNFIELD OPPORTUNITY AREA NOMINATION STUDY*

In October 2017, the North Brooklyn Brownfield Opportunity Area (BOA) Nomination Study<sup>13</sup> was undertaken to develop an economic development strategy aimed at fostering new mixed-use investment in North Brooklyn. The BOA study area includes over 720 acres, comprising 200 blocks, 3,000 lots, and over 22 million square feet (sf) of built industrial space. In order to design policy recommendations with localized physical and market dynamics, the BOA study area is divided into five subareas, each reflecting a consistent set of zoning and land use patterns, infrastructure, and economic conditions. The Proposed Project is located within Subarea B.1 and Subarea B.2. Subarea B is the industrial heart of the BOA and further divided into two more subareas: B.1 in the north and B.2 in the south. The strategy seeks to revitalize the area’s businesses and buildings while preserving and supporting the existing heavy industry zone, and safeguarding essential jobs and services. The BOA study examines the key opportunities, challenges, and market dynamics of North Brooklyn as an industrial location, and assesses the needs of the area’s businesses, industrial property owners, and workers. It supports the goal of promoting and maintaining both industrial and essential businesses within the designated study area.

#### *NORTH BROOKLYN INDUSTRY & INNOVATION PLAN*

The North Brooklyn Industry & Innovation Plan<sup>14</sup> was ~~released~~ ~~adopted~~ in November 2018 by the New York City Department of City Planning (DCP). In April 2019, DCP released an update to the plan, outlining strategies to better align local land use policies within the North Brooklyn Industrial Business Zone (IBZ) study area, an area bounded by Newtown Creek to the north and east, Flushing Avenue to the south, and McGuinness Boulevard, Morgan Avenue, Kingland Avenue, and Bushwick Avenue to the west. The plan introduces a new land use framework aimed at bolstering existing industrial businesses in the Core Industrial Area along Newtown Creek while fostering growth in diverse business sectors within Transition and Growth Districts. It seeks to create a balanced approach that promotes and encourages industries while simultaneously recommending strategies which aim to enhance the quality of life for workers and residents and identifies transportation and infrastructure improvements to support economic growth. The plan does not allow for any new residential land uses in the study area, except for some small areas on the periphery. The Proposed Project would be located within the identified “Core District” areas of the study.

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<sup>13</sup> <https://docs.dos.ny.gov/opd/boa/NorthBrooklynBOA.pdf>

<sup>14</sup> <https://www.nyc.gov/site/planning/plans/north-brooklyn-vision-plan/north-brooklyn-vision-plan.page>

*COMBINED SEWER OVERFLOW LONG TERM CONTROL PLAN FOR NEWTOWN CREEK*

In June 2017, the DEP developed the Long Term Control Plan (LTCP) for Newtown Creek in compliance with the New York State Department of Environmental Conservation (NYSDEC) CSO Order on Consent.<sup>15</sup> This mandate requires DEP to submit ten waterbody-specific LTCPs and one citywide LTCP to NYSDEC. The Newtown Creek LTCP is one of the 10 LTCPs required by the Order on Consent. Its goal is to determine the necessary CSO controls to meet water quality standards for Newtown Creek, in alignment with the Federal CSO Control Policy and related guidelines. As discussed in Chapter 1, “Project Description,” the Newtown Creek LTCP was prepared by DEP and submitted to NYSDEC in 2017, and the plan was approved by NYSDEC in 2018. The Proposed Project would be located within the study area of the LTCP.

*NEWTOWN CREEK VISION PLAN*

In January 2018, Riverkeeper and Newtown Creek Alliance, two community-based organizations, released the Newtown Creek Vision Plan. This plan builds upon the 12 Guiding Principles established by the Newtown Creek Superfund Community Advisory Group (CAG) for Newtown Creek remediation. The Vision Plan serves as a community-driven catalog that highlights ongoing efforts, presents new investment and innovation ideas, and documents barriers related to pollution, access, and investment.<sup>16</sup> The Vision Plan is a comprehensive plan with the goals to improve the water quality of Newtown Creek, the shoreline, and adjacent immediate upland areas. These goals were reached through community input, comprehensive planning, and neighborhood needs. The plan proposes physical changes to the built and natural environment of the Creek and immediate surrounding areas in order to better prepare for a future with a working waterfront and better engage with neighboring businesses and residents. Drawing from decades of planning and visioning by various community members and organizations, the study proposes a transformative approach for Newtown Creek’s future functionality. Resiliency is a significant focus of the proposed system solutions to achieve a more transformative Newtown Creek. The Vision Plan supports stormwater solutions—including means to capture stormwater and support CSO runoff—that would improve the water quality in the Creek. The Proposed Project would be located within the study area of the plan.

*NEW YORK STATE EMPIRE ZONE PROGRAM*

The Proposed Project study area would be located within the State-designated North Brooklyn Empire Zone. The Empire Zone program is administered by Empire State Development (ESD) and provides tax incentives to businesses in targeted areas in order to support expansions and job growth. Although the Empire Zone program ceased accepting new businesses in 2010, businesses already accepted into the program may continue to apply for and receive benefits.

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<sup>15</sup> <https://www.nyc.gov/assets/dep/downloads/pdf/water/nyc-waterways/newtown-creek/ltcp-newtown-creek-cso.pdf>

<sup>16</sup> <https://www.newtowncreekalliance.org/newtown-creek-vision-plan/>

*GREENPOINT 197-A PLAN*

A 197-A plan is a community-based plan for the development of New York City: Section 197-A of the City Charter authorizes plans for improvement of the city, boroughs, and communities. They are usually sponsored by Community Boards, Borough Boards, local elected officials, or City agencies. The Greenpoint 197-A Plan was submitted by Brooklyn Community Board 1 to the City Planning Commission (CPC) in 1998 and was adopted in 2002. Recommendations proposed under the Greenpoint 197-A Plan are aimed at strengthening and diversifying the economic, social, historic, and cultural base of the Greenpoint neighborhood. The Plan proposes changes in policies related to zoning, environment, waterfront access, open space, housing, historic preservation, economic development, community facilities, transportation, and infrastructure, including improving the water quality of Newtown Creek and implementing CSO abatement. The Brooklyn portions of the Proposed Project, including the TDPS site and TDPS discharge pipe, are located within the area subject to the Greenpoint 197-A Plan.

**D. FUTURE WITHOUT THE PROPOSED PROJECT****LAND USE**

In the future without the Proposed Project (the No Action condition), the proposed CSO tunnel, TDPS, gravity diversion sewer, and diversion facilities would not be constructed. Excepting the TPDS site, there would be no changes to the sites containing these facilities, which would remain in their current condition; the TDPS site would be vacated by DSNY.

In the No Action condition, land uses within the secondary study area (all areas within a 400-foot radius of the Proposed Project) are expected to be generally the same as existing conditions as described above. As summarized below, some properties in the secondary study area are expected to be redeveloped in the No Action condition due to other projects planned or expected to be constructed by the Proposed Project's analysis year, 2040, in addition to the other activities in the area that are independent of the Proposed Project. However, these projects are not expected to significantly change the land use character of the study area, which primarily contains industrial, transportation, and commercial use.

*CSO TUNNEL*

There are three projects currently planned or under construction within a 400-foot radius of the CSO tunnel. Two of the projects are enlargements or alterations to existing facilities: 38-60 Review Avenue (Block 312, Lot 350) in Sunnyside, Queens, which is anticipated to be a roof enlargement and alteration, and 520 Kingsland Avenue (Block 2517, Lot 27) in Greenpoint, Brooklyn, which is anticipated to be a roof enlargement. The third project is the replacement of the Grand Street Bridge, a swing bridge (built in 1903) which spans the East Branch of Newtown Creek in Maspeth Creek: this project would reconstruct the bridge, which is reaching the end of its useful life and features structural and geometric deficiencies. The project is also expected to include a temporary bridge to maintain the crossing during construction. If completed, these projects would not alter the land use character of the 400-foot study area of the CSO tunnel, which is projected to continue the current mix of mostly industrial uses.

*GRAVITY DIVERSION SEWER*

There are five projects currently planned or under construction within a 400-foot radius of the gravity diversion sewer. The Review Avenue Complex is a planned new six-story, approximately 736,400-gross-square-foot (gsf) building that would house future industrial uses and provide accessory parking. The project is located partially within the 400-foot study area to the west of the CSO tunnel alignment at 28-90 Review Avenue (Block 294, Lot 106) in Sunnyside, Queens. Another planned new building is located at 47-46 30th Street (Block 115, Lot 181) in Blissville, Queens and is anticipated to be a new industrial use. The remaining three projects are enlargements to existing facilities. The High School of Applied Communication located at 30-20 Thomson Avenue (Block 274, Lots 1), 30-30 Thomson Avenue (Block 277, Lot 1), and 53-26 Van Dam Street (Block 298, Lot 1), all located in Sunnyside, Queens, are all currently undergoing enlargements to existing buildings located on these sites. If completed, these five projects would not alter the land use character of the 400-foot study area of the gravity diversion sewer, which is projected to continue the current mix of industrial uses.

*TDPS SITE AND TDPS DISCHARGE PIPE*

There are two development projects currently under construction within a 400-foot radius of the TDPS site and TDPS discharge pipe. One includes 520 Kingsland Avenue, which is discussed above. The other includes the Newtown Creek WRRF at 327 Greenpoint Avenue (Block 2525, Lot 1), which is anticipated to construct a new single-story warehouse building within the facility. If completed, these projects would not alter the land use character of the 400-foot study area of the TDPS site, which would continue to be industrial uses.

In addition, two new open spaces are expected to be constructed in the area near the TDPS site and TDPS discharge pipe: the Gateway to Greenpoint and North Henry Street Restoration projects. Gateway to Greenpoint is a proposed 0.42-acre public open space located on the corner of Greenpoint Avenue and Kingsland Avenue on the grounds of the Newtown Creek WRRF southeast of the TDPS site. The North Henry Street Restoration project is a proposed 0.45-acre public open space located on the northern end of North Henry Street adjacent to Newtown Creek on a sliver of land owned by DSNY; the open space also occupies a portion of a marginal street that is owned by the New York City Department of Small Business Services (SBS)/NYCEDC. These projects are discussed further in Chapter 7, “Open Space.”

*DIVERSION FACILITIES SITES*

There are three projects currently planned or under construction within a 400-foot radius of the diversion facilities. These three projects are located near the NCB-015 diversion facility, west of the NCB-015 outfall. One project, located within the 400-foot radius to the northwest, is located at 131 Morgan Avenue (Block 3056, Lot 140), which is currently vacant, and will be a new building owned and operated by Verizon as a garage work center. Another project is located at 121 Morgan Avenue (Block 3056, Lot 168), which is currently a two-story building undergoing an alteration that will contain commercial uses. And the third project is located to the southwest at 74 Bogart Street (Block 3084, Lot

1), which is anticipated to be a new 8-story, 240,000-square-foot art storage development.<sup>17</sup> If completed, these three projects would not alter the land use character of the 400-foot study area of the four diversion facilities.

**Table 4-2** summarizes the 11 anticipated future projects in the 400-foot study area of the Proposed Project, and **Figures 4-5a to 4-5d** show their locations.

**Table 4-2  
Planned Future Projects in the Study Area**

Ref. No. <sup>1</sup>	BBL	Project Name/Address	Project Description/Program	Anticipated Completion Date
<b>Gravity Diversion Sewer Study Area</b>				
1	4002940106	Review Avenue Complex/28-90 Review Avenue	Manufacturing/Industrial: New six-story warehouse totaling approximately 736,400-gsf	Fall 2025
2	4001150181	47-46 30th Street	Manufacturing/Industrial: New concrete processing facility	UC
3	4002740001	High School of Applied Communication/30-20 Thomson Avenue	Public Facility/Institution: Interior alterations of existing school	UC
4	4002770001	30-30 Thomson Avenue	Commercial/Office Building: Interior alteration of existing office building	UC
5	4002980001	53-26 Van Dam Street	Transportation/Utility: Alteration of existing gas station	UC
<b>CSO Tunnel Alignment Study Area</b>				
6	4003120350	38-60 Review Avenue	Manufacturing/Industrial: Interior alterations and vertical extension	UC
7	3025170027	520 Kingsland Avenue	Manufacturing/Industrial: Interior alterations and vertical extension	UC
8	N/A	Grand Street Bridge Replacement	Reconstruction of existing bridge spanning the East Branch	2034
<b>TDPS Study Area</b>				
9	3025250001	Newtown Creek Wastewater Treatment Facility/327 Greenpoint Avenue	Transportation/Utility: New one-story, 228-gsf warehouse within the facility	UC
10	N/A	Gateway to Greenpoint	0.42-acre public park located on the corner of Greenpoint Avenue and Kingsland Avenue on the	TBD

<sup>17</sup> The 74 Bogart Street project is seeking a rezoning of the property from a M1-2 district to a M1-4A district, which is currently undergoing public review (ULURP No. C250064ZMK).

**Table 4-2  
Planned Future Projects in the Study Area**

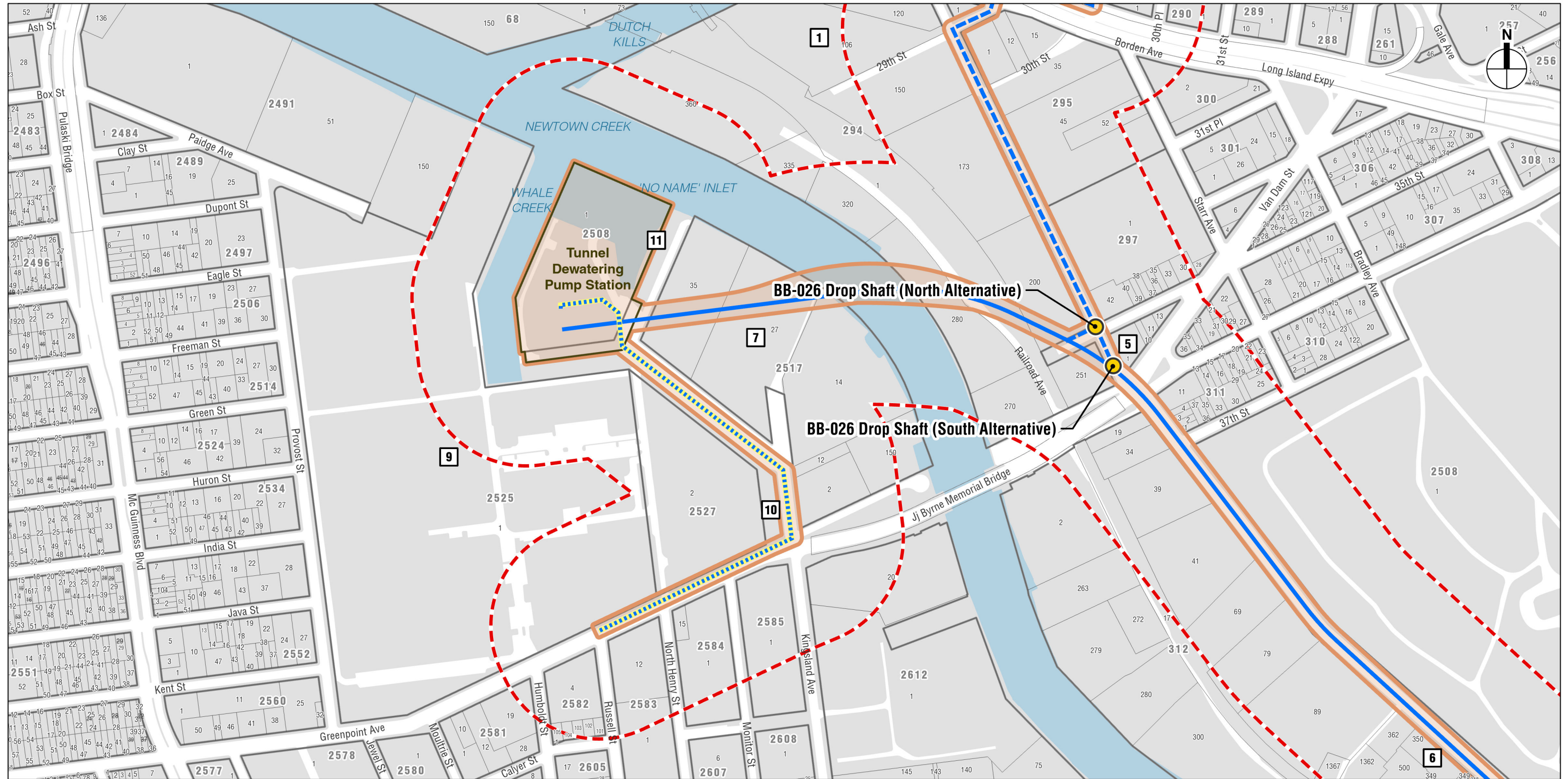
Ref. No. <sup>1</sup>	BBL	Project Name/Address	Project Description/Program	Anticipated Completion Date
			grounds of the Newtown Creek WRRF.	
11	3025080001	North Henry Street Restoration	0.45-acre public open space located on the northern end of North Henry Street adjacent to Newtown Creek	2027
<b>Diversion Facilities Study Area<sup>2</sup></b>				
12	3030560140	131 Morgan Avenue	Manufacturing/Industrial: New Verizon garage work center	UC
13	3030560168	121 Morgan Avenue	Manufacturing/Industrial: Complete renovation and alteration of existing two-story warehouse	UC
14	3030840001	74 Bogart Street <sup>3</sup>	Manufacturing/Industrial: New 8-story, 240,000-square foot art storage development	2027
<p><b>Notes:</b>                      UC: Under Construction (assumed to be completed by 2040 build year)  <sup>1</sup> Refer to <b>Figures 4-5a to 4-5e</b>.  <sup>2</sup> There are no new build or alterations within the study areas of BB-026, NCQ-077, and NCB-083.  <sup>3</sup> Project is seeking a rezoning of the property from a M1-2 district to a M1-4A district, which is currently undergoing public review (ULURP No. C250064ZMK).</p> <p><b>Sources:</b>                      NYC Department of Buildings (DOB); NYC Department of Transportation (DOT); DCP; FHI Studio field survey, August 2024.</p>				

**ZONING**

There are no changes to zoning applicable to the CSO tunnel, gravity diversion sewer, TDPS site, TDPS discharge pipe, and diversion facilities sites in the No Action condition, and the Proposed Project sites would remain within manufacturing zoning districts (M3-1 and M3-2). Zoning in the secondary study area is also expected to remain largely the same as in existing conditions; at one site (the 74 Bogart Street project described above), a rezoning has been proposed and is currently undergoing public review which would modify the existing M1-2 district to a M1-4A district (ULURP No. C250064ZMK), however, with this change, the site would remain within a manufacturing district. No other modifications to zoning within the study area are currently anticipated or proposed by the 2040 analysis year. As discussed above, zoning regulations citywide have been modified under the recently adopted City of Yes text amendments.

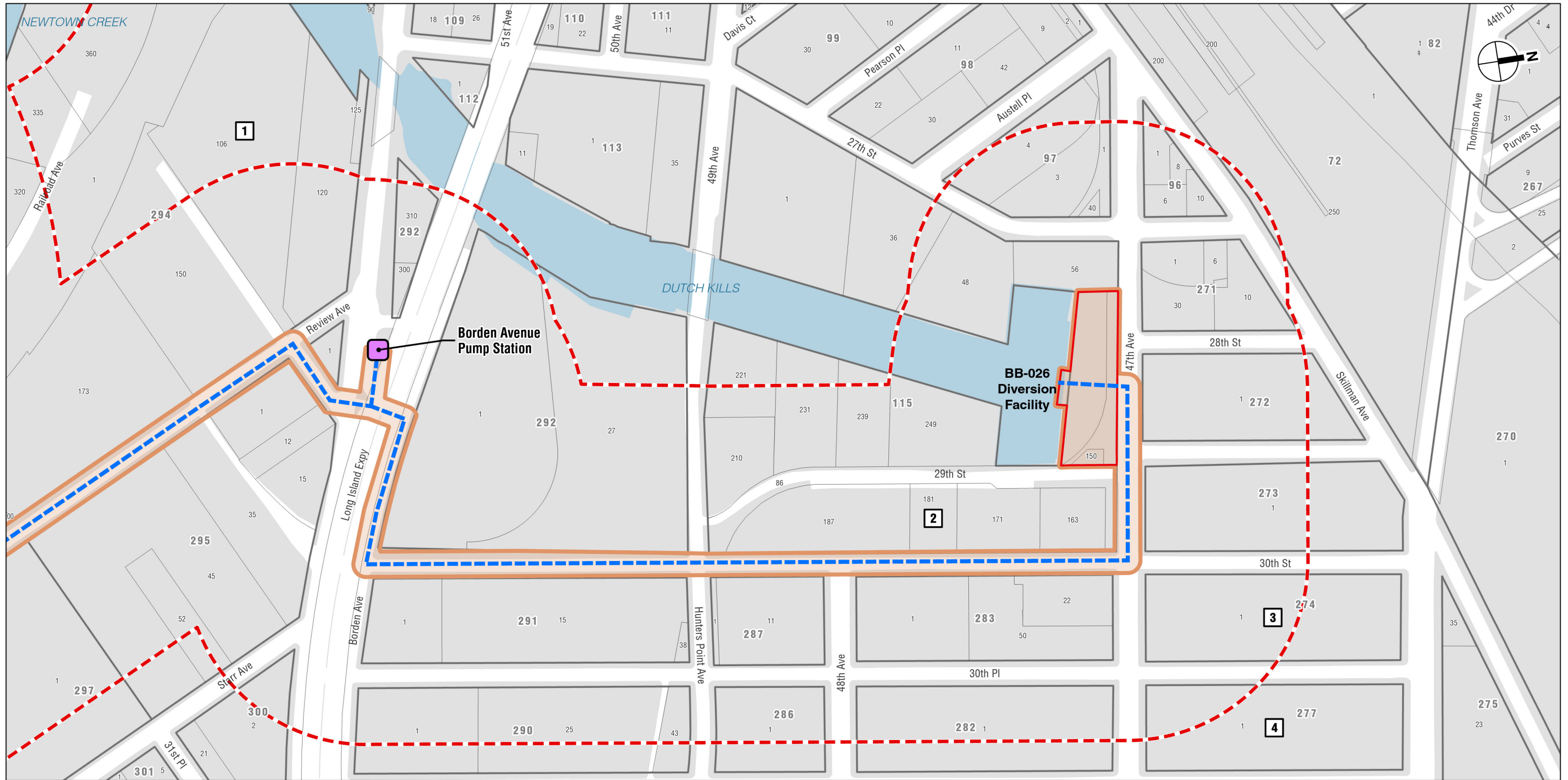
*PUBLIC POLICY*

No modifications to public policies within the study area are currently anticipated or proposed by the 2040 analysis year.



- Project Limits
- Study Area (400-foot perimeter)
- TDPS Site
- Potential CSO Tunnel Alignment
- Gravity Diversion Sewer
- TDPS Discharge Pipe
- Approximate Drop Shaft Location

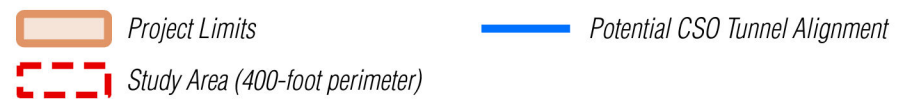
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- Project Limits
- Gravity Diversion Sewer
- Study Area (400-foot perimeter)
- Diversion Facility Site









- Project Limits
- Potential CSO Tunnel Alignment
- Study Area (400-foot perimeter)
- Approximate Drop Shaft Location
- Diversion Facility Site



## **E. FUTURE WITH THE PROPOSED PROJECT**

### **CONSTRUCTION IMPACTS OF THE PROPOSED PROJECT**

According to the *CEQR Technical Manual*, a construction impact analysis for land use and neighborhood character is typically needed if construction would require continuous use of property for an extended duration, thereby having the potential to affect the nature of the land use and character of the neighborhood.

Construction activities for the CSO tunnel would primarily involve below-grade construction along the tunnel alignment. Construction activities for the gravity diversion sewer would involve cut-and-cover construction from the BB-026 outfall to the BAPS and then microtunneling from the BAPS to the drop shaft for the CSO tunnel. In the primary study area, above-grade construction activities would occur on the TDPS site, the gravity diversion sewer alignment (cut-and-cover), at the diversion facilities sites, and at other locations (such as the drop shaft site for outfall BB-026). Construction activities at these locations would affect land use on the Proposed Project sites with the construction of new infrastructure facilities (discussed further below, under Operational Impacts of the Proposed Project), but would not affect land use conditions and patterns outside of these areas. As is typical with construction projects, during periods of peak activity there would be some disruption to the nearby area. There would be construction trucks and construction workers coming to the area, as well as trucks and other vehicles backing up, loading, and unloading. Disruptions due to these construction activities would be most pronounced in areas immediately adjacent to the Proposed Project sites, but would be more limited in the larger study area away from the Proposed Project sites. In particular, surface construction activities associated with CSO tunnel construction would be concentrated at the TDPS site (which would be the start of the tunnel mining operation), which is in a primarily industrial area, and there would be limited effects from tunnel construction along the majority of the alignment. In particular, as discussed in Chapter 19, “Noise,” construction of the Proposed Project is expected to result in significant adverse noise impacts at public open spaces adjacent to the TDPS, but would not result in significant adverse noise impacts at any other site within the study area. In addition, construction of the Proposed Project (including operation of the tunnel boring machine [TBM]) would not result in vibration levels with the potential to cause structural or architectural damage to buildings, or extended periods of perceptible or annoying vibration that would constitute a significant adverse impact. Overall, the temporary and localized nature of construction would not result in any significant adverse impacts on local land use patterns of the nearby area.

### **OPERATIONAL IMPACTS OF THE PROPOSED PROJECT**

#### *LAND USE*

##### *Project Sites*

As discussed in Chapter 1, “Project Description,” the Proposed Project would result in the demolition of existing structures at the TDPS and at all four diversion facilities sites.

*CSO Tunnel*

As discussed in Chapter 1, “Project Description,” the Proposed Project would result in the construction of a new CSO tunnel. The construction of a 50-MG CSO storage tunnel and additional infrastructure (diversion chambers, connection to the drop shafts, drop shafts, new outfalls, and odor control systems) would be constructed below grade, with the exception of electrical control panels and manholes for future access to the tunnel and diversion facilities. The proposed CSO storage tunnel would be at an average depth of between 80 feet to 130 feet below grade and approximately 26 feet in outer diameter. Permanent subterranean easements would be mapped for the tunnel alignment along a number of parcels. However, it would not result in the disturbance of the existing structures or buildings on the easement parcels. The tunnel alignment is generally located under properties that are restricted to low-density manufacturing uses by zoning, and most of the area is located in IBZs, which limit opportunities for redevelopment of manufacturing facilities, including by ensuring that the IBZ areas remain zoned for manufacturing. As the Proposed Project is limited to an easement for the tunnel, any future development on properties along the tunnel alignment would remain subject to the existing restrictions under zoning and IBZ regulations. At each property where a subterranean easement is proposed, the easement would restrict below-ground work within the easement zone (e.g., deep excavation or pile foundations). Future development, renovation, and/or redevelopment on the sites receiving a subterranean easement would not be prohibited. The subterranean easement would allow these activities above and around the subterranean tunnel easement zone (shown on Figure 1-6). However, when development activities include construction such as foundations or basements within 55 feet of the tunnel crown, coordination with DEP would be required to protect the tunnel. Foundations and excavations within the subterranean zone (25 feet above the crown and 18 feet on either side) would not be allowed. Due to the depth of the tunnel, the subterranean easement is not expected to interfere with piles for existing buildings or new construction, which are unlikely to extend to the depth of the easement zone; however, should development need deep pile foundations, there are options to modify the design of the foundation to avoid the subterranean easement and facilitate the proposed construction. Therefore, it is not expected that the tunnel would result in limitations on future uses on the sites, and the Proposed Project would not result in any effects to land use on the sites containing the tunnel easement.

*Gravity Diversion Sewer*

The Proposed Project would include the construction of a new 54-inch gravity diversion sewer and additional infrastructure (diversion chambers, connection to the drop shafts, drop shafts, and flap gates) to control CSO discharge from outfall BB-026. The proposed sewer would divert CSOs by gravity from the BB-026 outfall to the tunnel alignment via the BAPS. As described in Chapter 1, “Project Description,” the gravity sewer leading to the BAPS, located on Borden Avenue, would be constructed prior to the completion of the tunnel and would allow for diversion of CSO flows from BB-026 in the interim period before the tunnel is operational: CSO would be stored in the gravity sewer during a wet-weather event, and then removed from the gravity sewer by the pump station and conveyed to the Bowery Bay WRRF. Modifications would be made to the BAPS to construct the connection to the

gravity sewer. From the BAPS, the gravity sewer would be microtunneled,<sup>18</sup> running south along Review Avenue, and would connect to the tunnel at a drop shaft to be constructed near Newtown Creek at Review Avenue and 35th Street (two potential locations for the drop shaft near the intersection of Review Avenue and 35th Street are currently under consideration, see **Figure 4-2b**). Once the tunnel, TDPS, and drop shaft are complete, CSO flows would be diverted from the BAPS and conveyed to the tunnel.

#### *TDPS Site*

As discussed in Chapter 1, “Project Description,” the Proposed Project would result in the construction of the TDPS on a City-owned property that currently contains light industrial uses. The TDPS facility would consist of above- and below-grade structures. The above-grade structures include a degritting facility, a screening facility, a pump station, and odor control vessels. The below-grade structures include a pump station, screening shaft, tunnel overflow structure, and discharge pipe. The pump station and screening facility would be in a connected building located on the south side of the TDPS site, while the degritting facility would be in a separate building sited to the north toward the center of the TDPS site. The odor control vessels would be located adjacent to the degritting facility and pump station. The pump station and screening facility would be constructed above the pump and screening shafts, which would be directly underground. The below-grade pump station would pump sewage from the tunnel to the discharge pipe (discussed below), which would handle flow from the TDPS facility to the Newtown Creek WRRF for treatment. The screening shaft tunnel overflow structure would be used to mitigate risks of flooding associated with surge events due to rapid filling of the tunnel. The pump station and discharge pipe would be located on the southern portion of the site, while the screening shaft tunnel overflow structure would be located on the northern portion of the site. The existing Greenpoint MTS and the ramp providing access to the MTS would be demolished and the entire TDPS site would be repaved.

The TDPS would operate to remove the stored combined sewage from the CSO tunnel on an intermittent basis following wet-weather events, as well as to remove inflow and infiltration in the tunnel as needed during dry weather, when the Newtown Creek WRRF has capacity to receive tunnel dewatering flows. The TDPS may also operate at the beginning of a storm to remove flow from the tunnel when the Newtown Creek WRRF has capacity, thereby maximizing the CSOs diverted and stored during a wet-weather event. Wet-weather events requiring TDPS operation are anticipated to occur between three and seven times per month. The surface layout of the site is currently being designed, and use of the site would be determined as the design is refined. The inclusion of potential publicly accessible spaces would be determined as the Proposed Project design advances in consideration of the functional and operational needs of the Proposed Project.

#### *TDPS Discharge Pipe*

As mentioned above, the TDPS discharge pipe would convey flow from the TDPS facility to Newtown Creek WRRF. The below-grade discharge pipe would pump sewage via gravity from infrastructure

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<sup>18</sup> As described in Chapter 3, “Construction Means and Methods,” microtunneling would generally be at depths ranging between 40 and 50 feet below grade.

below the pump station on the TDPS site to the Newtown Creek WRRF. The pipe would be below ground on Kingsland Avenue where it would continue west on Greenpoint Avenue and join an existing interceptor pipe below-grade on the corner of Greenpoint Avenue and Russell Street. The flow from the discharge pipe would join with flow from the existing interceptor pipe to the Newtown Creek WRRF.

#### *Diversion Facilities Sites*

Construction of the diversion facilities associated with the four outfall sites—including new pipes, sewers, and diversion facility infrastructure below grade—would result in changes to land use at each site, with the new infrastructure use replacing existing manufacturing/industrial uses and parking areas. Access to the below-grade facilities would be constructed on the sites. The below-grade facilities include new diversion chambers, diversion sewers, flap gate chambers, drop shaft approach channels, vortex drop shafts, and overflow weirs. There would also be odor control systems included at three diversion facilities (NCQ-077, NCB-083, and NCB-015).

DEP intends to utilize the diversion facility sites for accessory operations (such as equipment storage) or another DEP use: in particular, DEP has identified a need for facilities to support operations that can potentially be accommodated on the sites, such as crew quarters; parking for DEP maintenance and field vehicles; green infrastructure support; and warehouse and office spaces for equipment, material storage, and staff training. The existing structures on the sites (including a concrete manufacturing facility at the BB-026 diversion facility site, vacant former industrial buildings at the NCB-083 diversion facility site, and industrial and manufacturing buildings at the NCB-015 diversion facility site) would be demolished to accommodate the construction staging and diversion facilities; alternatively, portions of the buildings may be retained and repurposed into the additional DEP uses. The surface layouts of the sites are currently being designed; public access areas and/or amenities provided on the sites would be determined through additional facility design. The future DEP operational uses at the diversion facility sites would be determined later, and would be subject to separate approvals and environmental review if necessary.

#### *Study Area*

The Proposed Project would be limited to the construction of the CSO tunnel, gravity diversion sewer, TDPS, TDPS discharge pipe, and diversion facilities. The Proposed Project would not result in any new development or new uses on other sites within the study area. Therefore, the Proposed Project would not affect land uses in the secondary study area, which would remain primarily industrial, transportation, and commercial uses, as in the existing and No Action conditions described above.

#### *Assessment*

##### *CSO Tunnel*

The CSO tunnel would be part of the extensive sewer infrastructure system present in the study area—which includes existing CSO outfalls, sewers, pump stations, and wastewater treatment facilities—and would be compatible with the existing sewer infrastructure in the study area.

*Gravity Diversion Sewer*

Because the gravity diversion sewer is located along the right-of-way, it would not result in the disturbance or change in land use of any private or public properties. Therefore, the Proposed Project would not result in any effects to land use along the gravity diversion sewer alignment.

*TDPS Site*

Construction of the TDPS would affect the TDPS Site, which is currently a City-owned infrastructure facility; therefore, it would not represent a change in land use. Similar to the CSO tunnel, the TDPS would be part of the extensive wastewater infrastructure system present in the study area and would be compatible with existing sewer and wastewater treatment facilities in the area, in particular, the adjacent Newtown Creek WRRF. The TDPS facility would also be compatible with the other uses in the study area, which include light industrial uses and public facilities. There are no commercial or residential uses located adjacent to the TDPS site. The TDPS site is currently occupied by DSNY operations; however, DSNY would vacate the site prior to construction of the Proposed Project. The TDPS site would comply with the applicable M3-1 zoning and would therefore not result in a non-conforming use within the TDPS site study area.

*TDPS Discharge Pipe*

The TDPS discharge pipe would be part of the extensive sewer infrastructure system present in the study area—which includes existing CSO outfalls, sewers, pump stations, and wastewater treatment facilities—and would connect to an existing sewer line that connects to the Newtown Creek WRRF. Therefore, the TDPS discharge pipe would be compatible with the existing sewer infrastructure in the study area.

*Diversion Facilities*

Similar to the TDPS facility, the four diversion facilities would be part of the extensive sewer infrastructure system present in the study area and would be compatible with existing sewer infrastructure. The four diversion facilities would also be compatible with the other uses in the study area, which are predominantly light industrial uses, commercial uses, public facilities, transportation uses, and parking facilities. Buildings cannot be built over the drop shafts, diversion chambers/outfall structures, or overflow structures, as they would result in structural issues with the below-grade facilities and would impede access to the below-grade facilities for replacement or repair; as noted above, the existing structures on the sites would be demolished, or, alternatively, the buildings may be retained and repurposed into accessory facilities or another DEP use. The four diversion facility sites would comply with the applicable M3-1 and M3-2 zoning and would therefore not result in a non-conforming use within the study areas.

Overall, the Proposed Project would be compatible with existing land uses in the study area and would not result in significant adverse impacts to land uses.

*ZONING*

The proposed CSO tunnel, gravity diversion sewer, and TDPS discharge pipe would be located below-grade, therefore these components are not subject to zoning regulations under the New York City Zoning Resolution. The TDPS and diversion facilities are considered Use Group IV(B) under zoning,

similar to other CSO facilities in the city, which are permitted uses under the existing applicable M3-1 and M3-2 zoning districts. The facilities are designed to meet all applicable zoning requirements. The Proposed Project would not result in any changes to the zoning regulations applicable to the TDPS site, diversion facilities sites, sites along the CSO tunnel alignment, or any other site within the study areas.

The TDPS site, diversion facilities sites, and other sites along Newtown Creek are subject to Waterfront Zoning regulations. However, as described above, these facilities fall under the Use Groups that are exempt from Waterfront Zoning requirements related to visual corridors and public open space. Although public open space on the TDPS and diversion facility sites is not required by zoning, DEP is evaluating the potential for the sites to include accessible waterfront open space where it does not interfere or conflict with the operation of the Proposed Project.

The Proposed Project would not introduce new housing and therefore the recently adopted zoning text amendments under City of Yes for Housing Opportunity would not be applicable. The Proposed Project would comply with City of Yes for Carbon Neutrality and City of Yes for Economic Opportunity. Therefore, the Proposed Project would comply with all existing zoning and would not result in significant adverse impacts on zoning.

#### *PUBLIC POLICY*

The Proposed Project would not result in any change to public policies affecting the CSO tunnel, gravity diversion sewer, TDPS, or diversion facilities. The WRP consistency assessment concludes that the Proposed Project would be consistent with the policies of the WRP (WRP no. 24-163; see **Appendix C**). In addition, the Proposed Project would be consistent with the sustainability goals of OneNYC, in particular, the plan's goals relating to upgrading the City's core infrastructure necessary for delivering essential services, including wastewater treatment and stormwater management.

At the TDPS site and four diversion facilities, the Proposed Project would result in CSO facilities located in areas that are subject to public policies aiming at the preservation of industrial facilities, in particular the City's IBZ program. As discussed in Chapter 5, "Socioeconomic Conditions," construction of these uses would potentially displace industrial businesses. However, the displacement of these businesses is not expected to result in a significant loss of industrial employment or affect business conditions for the other industrial businesses in the area, therefore construction of the facilities would not conflict with the City's goal of retaining industrial uses within the IBZ.

The Proposed Project is also consistent with the goals and strategies of the NYC Industrial Plan, particularly regarding the siting of critical municipal infrastructure and the promotion of climate resilience:

- Under Goal 2: Advancing a Balanced Land and Real Estate Strategy, the Proposed Project directly fulfills the plan's strategy to streamline the siting of "hard-to-site" city operations. By acquiring property within a designated PIA, the Proposed Project sites critical sewer infrastructure in a geography where such intensive uses are prioritized and where they can be effectively segregated from residential populations to protect public safety.

- Under Goal 4, Promoting Clean and Safe Industrial Areas, while the Proposed Project is located within a PIA where heavy industrial function is the priority, DEP is evaluating public realm enhancements and green infrastructure (GI) where they do not conflict with operational needs. These potential considerations align with the plan’s objective to develop an industrial area design toolkit that carefully manages public realm conflicts without introducing safety hazards like high-volume pedestrian activity into a truck-intensive corridor.
- Under Goal 5, Preparing for Climate Threats, the Proposed Project is a central component of the city’s efforts to protect New Yorkers from climate change by managing stormwater and wet-weather flows. In accordance with the plan’s emphasis on better stormwater management and infrastructure resilience, the Proposed Project would reduce CSO discharges into Newtown Creek, thereby improving water quality and aquatic habitats in a manner consistent with citywide resiliency guidelines.

As noted above, the Proposed Project requires approval of site selection and property acquisition actions subject to ULURP, and is therefore required to undergo a Fair Share analysis pursuant to criteria appended to Title 62 of the RCNY. The consideration of the Fair Share criteria is discussed and presented in **Appendix B**, and concludes that the Proposed Project is consistent with the City’s Fair Share policy.

Overall, the Proposed Project would not result in any significant adverse impacts to public policy governing the CSO tunnel, gravity diversion sewer, TDPS, TDPS discharge pipe, diversion facilities, and the study areas.

## CONCLUSION

As outlined in the assessments presented above, construction and operation of the Proposed Project would not result in any significant adverse impacts to land use, zoning, or public policy. The Proposed Project would include new infrastructure which would primarily be underground—the CSO tunnel, gravity diversion sewer connecting outfall BB-026 to the CSO tunnel and TDPS discharge pipe—that would not result in changes to land use at the affected properties; similarly, the TDPS would not result in a change in land use, as the site is currently a City-owned public use (operated by DSNY, who would vacate the site prior to construction of the Proposed Project). The diversion facilities would result in a change in land use on the affected properties, which currently contain primarily surface parking, vacant land/buildings, and manufacturing uses. However, the Proposed Project’s facilities would be part of the extensive sewer infrastructure system present in the study area—which includes existing CSO outfalls, sewers, pump stations, and wastewater treatment facilities—and would be compatible with the existing sewer infrastructure in the study area. The Proposed Project would also be compatible with the other uses in the study area, which are predominantly light industrial uses, commercial uses, public facilities, transportation uses, and parking facilities. The Proposed Project’s below-grade components are not subject to zoning regulations, while the TDPS and diversion facilities are designed to meet all applicable zoning requirements, and the Proposed Project would not result in any changes to the zoning regulations applicable to the TDPS site, diversion facilities sites, sites along the CSO tunnel alignment, or any other site within the study areas. In addition, the Proposed Project would be consistent with and

supportive of the public policies applicable to the Proposed Project sites and the study area, including the WRP.