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**IN THE MATTER OF** an application submitted by the Department of Environmental Protection and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for acquisition of properties listed and as specified below, Borough of Brooklyn, Community District 1 and Queens, Community Districts 2 and 5, and for site selection of such properties for a combined sewer overflow (CSO) retention system.

SEE ATTACHED TABLE - Table 1: Proposed Actions and Affected Properties.

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This application for a site selection and city acquisition (C 260063 PCY) was filed on August 8, 2025, by the NYC Department of Environmental Protection (DEP) and NYC Department of Citywide Administrative Services (DCAS), in conjunction with a related application for a site selection (C 260064 PSY), which would facilitate the development of a new combined sewage outflow (CSO) tunnel, located in Community District 1, Brooklyn and Community Districts 2 and 5, Queens.

### **RELATED ACTION**

In addition to the site selection and acquisition (C 260063 PCY) that is the subject of this report, the proposed project also requires action by the City Planning Commission (CPC) on the following application, which is being considered concurrently with this application:

**C 260064 PSY**      Site selection pursuant to Section 197-c of the New York City Charter.

### **BACKGROUND**

DEP is proposing to construct a 3.26-mile, 50-million-gallon combined sewer overflow (CSO) storage tunnel along Newtown Creek roughly located between the English Kills and Dutch Kills tributaries. The proposed project would also include the construction of a tunnel dewatering pump station (located at Brooklyn Block 2508, Lot 1) and diversion facilities at four outfall sites identified as BB-026 (located at Queens Block 115, Lots 56, 86, and 150), NCQ-077 (located at

Queens Block 2575, Lots 26, 225, and 240), NCB-083 (located at Brooklyn Block 2948, Lot 85) and NCB-15 (located at Brooklyn Block 2974, Lots 162 and 170) to improve the water quality of Newtown Creek.

### Historical Changes to Newtown Creek and Establishment of Wastewater Resource Recovery Facilities

Newtown Creek is an estuary that forms part of the border between Brooklyn and Queens. In its pre-urbanized condition, Newtown Creek was a tidal stream that drained the uplands of western Long Island, and was served by five tributaries: Dutch Kills, Whale Creek, Maspeth Creek, English Kills, and the East Branch. Newtown Creek was dredged, straightened, and bulkheaded as the surrounding area was drained, urbanized, and industrialized. By 1930, the condition of Newtown Creek resembled its present configuration and served as a major industrial waterway through which materials were brought to and from area industries.

The urbanization of the area surrounding Newtown Creek resulted in an estimated 500 percent increase in impervious surfaces, and a doubling of the annual runoff volume to the creek. The impact of this runoff was exacerbated by the loss of marshland and natural freshwater flow, which deprived Newtown Creek of natural response mechanisms that may have absorbed the increased hydraulic and pollutant loads. Pollutants accumulated overtime resulting in a significant deterioration of water quality and habitat.

In September 2010, Newtown Creek was designated a federal Superfund site by the Environmental Protection Agency (EPA). The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress on December 11, 1980, which established federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. In recent years, DEP has worked to restore natural resources and provide community benefits through the creation of the Newtown Creek Nature Walk, a public waterfront open space, as well as salt marsh plantings. DEP has also included Newtown Creek as a priority watershed for its Green Infrastructure Program (GIP) which seeks to install green

infrastructure to reduce outflow volumes.

Two Wastewater Resource Recovery Facilities (WRRFs) service the Newtown Creek drainage area: the Bowery Bay WRRF, which began operating in 1938, and the Newtown Creek WRRF, which began operating in 1967.

During dry weather, the combined sanitary sewer systems convey sewage to the Newtown Creek and Bowery Bay WRRFs for treatment. During wet-weather events, combined sewage flows that exceed the capacity of the WRRFs and the combined sewer system may discharge to Newtown Creek and its tributaries through one or more of the 21 outfalls. These incidents are referred to as combined sewage overflows. Approximately 90 percent of the average annual outflow volume to Newtown Creek is attributable to four outfalls: three outfalls that provide wet-weather relief to the combined sewer system tributary to the Newtown Creek WRRF (NCQ-077, NCB-083, and NCB-015); and one outfall that provides wet-weather relief to the combined sewer system tributary to the Bowery Bay WRRF (BB-026).

In 2005, the City and New York State Department of Environmental Conservation (NYSDEC) entered an Order on Consent to address CSOs in the City. In 2011, NYSDEC and DEP identified numerous modifications to the 2005 Order which were included in a modified Order on Consent in 2012. The 2005 and 2012 Orders and subsequent minor modifications are collectively referred to as the “CSO Order.”

#### North Brooklyn Industrial and Innovation Plan

In 2018, the NYC Department of City Planning (DCP) released the North Brooklyn Industry and Innovation Plan, which outlined areas in and around the North Brooklyn Industrial Business Zone (IBZ) along Newtown Creek appropriate for industrial and commercial growth. The plan included a land use framework with subareas meant to guide future growth within the area, and direct and intensify industrial uses where most appropriate: a heavy industrial “Core” located closest to Newtown Creek, transit-oriented commercial/office/art “Growth” located close to transit, and a mixed buffer “Transition” located between Core and Growth districts. The project

area was designated as a “Core” district, an area to retain as a hub for industrial business.

### Industrial Plan NYC

The project area is largely within the North Brooklyn, Long Island City, and Maspeth IBZs, which were studied as part of the NYC Industrial Plan. The Industrial Plan is a city-wide plan released by DCP and partner agencies in December 2025 to strengthen and modernize the city’s industrial sector. As mandated by Local Law 172 of 2023, the plan included conducting research and analysis on trends for industrial areas, gathering feedback through engagement events and tools, identifying and designating Primary Industrial Areas (PIA), and developing recommendations for new and existing policies, programs, and land use tools.

In addition to the designation of PIAs, Secondary Industrial Areas (SIA) and Neighborhood Industrial Areas (NIA) were also established. SIAs are industrial areas that tend to have a greater mix of commercial industrial uses and are most appropriate for higher-performing, less truck-dependent industry. NIAs are other manufacturing zones outside of PIAs and SIAs that have the greatest mix of uses, are closest to residences and transit, and were identified to reflect the varied conditions within and objectives for different types of industrial areas. The project area is largely within PIAs, with primarily industrial uses on large sites with less pedestrian activity and are stated to be areas most appropriate for the siting of core infrastructure.

### **Project Areas**

The proposed project area is in the watershed surrounding Newtown Creek. The proposed CSO tunnel would run beneath the neighborhoods of Greenpoint and East Williamsburg in Brooklyn, and Long Island City, Blissville, and Maspeth in Queens. The surrounding area generally consists of industrial, commercial, parking, and transportation land uses.

### Queens

The surrounding area is mapped with M1-4, M1-3, M2-1, M3-1, and M3-2 zoning districts. M1-3 and M1-4 districts permit light-industrial uses and have a maximum floor area ratio (FAR) of 5.0 and 2.0, respectively, for industrial and commercial uses. M2-1 districts permit medium-

industrial uses and have a maximum FAR of 2.0 for industrial and commercial uses. M3 districts permit heavier industrial uses that generate noise, traffic, or pollutants such as waste transfer facilities or recycling plants at a maximum FAR of 2.0 for industrial and commercial uses. This area is developed with two- to three-story nonconforming residential buildings, four-to nine-story community facility buildings, one- to ten-story commercial buildings and one- to six-story industrial buildings.

West of Newtown Creek in Maspeth, the surrounding area is mapped with R4, M1-1, M2-1 and M3-1 zoning districts. R4 zoning districts are low-density residential zoning districts that allow a maximum residential FAR of 1.0 and a maximum building height of 35 feet. The R4 zoning district within this area is mapped over the Cavalry Cemetery. The remainder of this area is developed with one- to two-story industrial buildings.

### Brooklyn

Southeast of Newtown Creek in East Williamsburg, the surrounding area is mapped with M1-1, M1-2, and M3-1 zoning districts. The project area is developed predominantly with single-story industrial buildings close to Newtown Creek and single-story commercial buildings further south within the project area. West of Newtown Creek in Greenpoint, the surrounding areas are mapped with M1-1 and M3-1 zoning districts. This area is developed with one- to two-story industrial and public utility buildings.

The northern portion of the project area largely contains the Newtown Creek WRRF, which treats and processes the wastewater from Brooklyn and Queens to be reused throughout the City. The area includes light and heavy industrial and manufacturing uses defined by other waste facilities as well as transportation and freight services. Open space in the surrounding area is limited and includes the Newtown Creek Nature Walk, a quarter mile walking path that runs adjacent to the Newtown Creek WRRF.

The southern portion of the project area in Brooklyn consists of large industrial and manufacturing uses including recycling, transportation and logistics facilities. Located at the

southernmost edge of the project area is a diverse array of manufacturing and commercial uses, including warehouses, event venues, and pre-1961 loft buildings.

### **Proposed Project**

The project would require the following acquisition of private properties to facilitate the construction of the proposed CSO tunnel: the acquisition of 81 properties for a permanent subterranean easement for the tunnel; acquisition of one property for both a permanent subterranean easement and a permanent surface easement; and acquisition of one property for both a permanent subterranean easement and a temporary construction surface easement. The tunnel will begin in Greenpoint, Brooklyn before continuing under Newtown Creek into Blissville and continue south and east along River Avenue, underneath the Kosciuszko Bridge towards Maspeth and curve south and west to end back in Brooklyn in the East Williamsburg neighborhood. The tunnel will connect to four existing outfalls to divert water from Newtown Creek. The tunnel would be approximately 26 feet in out diameter and at a depth ranging from 80 to 130 feet below ground. Construction would follow a constant slope westward to allow gravity flow from the southernmost outfall towards the Tunnel Dewatering Pump Station (TDPS) and the WRRF.

Diversion facilities would be constructed to divert flow from four outfalls during a wet-weather event, combined sewer flows that exceed the capacity of the existing dry weather regulator would flow into the diversion chamber at each facility, then would be conveyed from the diversion chamber to the CSO storage tunnel.

### Queens

As part of this project, DEP proposes two outfalls that would connect to the sub-grade tunnel in Queens, BB-026 and NCQ-077. Diversion facilities would be built at these outfalls.

Three properties would be the subject of proposed actions to facilitate the BB-026 diversion facility and drop shaft. 47-17 27<sup>th</sup> Street (Queens Block 115, Lot 56) consists of two, two-story light manufacturing buildings and would require a combination acquisition and site selection

action. Queens Block 115, Lots 86 and 150 are owned by Metropolitan Transit Authority Long Island Rail Road (MTA – LIRR) and would only require site selection (C 260064 PSY). These three properties require acquisition of a surface easement to facilitate construction of the BB-026 diversion facility. A new diversion sewer would connect BB-026 with the Borden Avenue Pump Station. This section of the sewer would be constructed prior to completion of the tunnel and would allow for diversion of CSO flows from BB-026 in the interim for the period before the tunnel is operational. During a wet-weather event, CSOs would be stored in the diversion facility before removal by the Borden Avenue Pump Station and conveyance to the Bowery Bay WRRF. Once the tunnel and TDPS are complete, CSOs would be diverted from the pump station and conveyed to the tunnel.

Three properties would be the subject of proposed actions to facilitate the NCQ-077 diversion facility. 3 49<sup>th</sup> Lane (Queens Block 2575, Lots 225 and 240) consists of one parking lot and one vacant lot and would require a combination acquisition and site selection action. These two properties would require full fee simple acquisition to facilitate the construction of the diversion facility. 57-25 49<sup>th</sup> Street (Queens Block 2575, Lot 26) consists of a DEP-owned parking lot and would only require site selection (C 260064 PSY). This diversion facility would include ventilation systems at the drop shaft to manage airflow in the tunnel and would include odor control systems.

### Brooklyn

The tunnel begins at the proposed TDPS in Greenpoint, which would be located on Brooklyn Block 2508, Lot 1. This parcel is City-owned and is currently the site of the Newtown Creek WRRF. Since the site is already City-owned, only a site selection action is required (C 260064 PSY). The TDPS would remove the stored combined sewage from the tunnel following wet-weather events. Such events requiring TDPS operation are anticipated to occur between three and seven times per month.

In addition to the TDPS, there are two outfalls and diversion facilities that are proposed to be connected to the tunnel, NCB-015 and NCB-083.

Two properties would be the subject of proposed actions to facilitate the NCB-015 diversion facility at 100 Knickerbocker Avenue (Brooklyn Block 2974, Lots 162 and 170). Lot 162 is a parking lot owned by (MTA –LIRR) and would only require site selection (C 260064 PSY). Lot 170 consists of a single-story warehouse and would require a combination acquisition and site selection action. This property would require full fee simple acquisition to facilitate the construction of the diversion facility. The facility would include ventilation systems at the drop shaft to manage airflow in the tunnel and would include odor control systems. The existing outfall would be modified by removing the existing bending weirs and flap gates. A tunnel overflow structure would be constructed to mitigate the risk of flooding associated with a surge or a transient wave within the tunnel when it is filling.

One property would be the subject of a proposed action to facilitate the NCB-083 diversion facility. Located at 1301 Metropolitan Avenue (Brooklyn Block 2948, Lot 85), the site consists of warehouse uses and would require a combination acquisition and site selection action. This property would require full fee simple acquisition to facilitate the construction of the diversion facility. The facility would include ventilation systems at the drop shaft to manage airflow in the tunnel and would include odor control systems.

### **Proposed Actions**

To facilitate the construction of these facilities, DEP and DCAS are seeking site selection and acquisition approvals. A total of 99 properties are subject to the proposed actions. Nine City-owned properties along the tunnel alignment would require only a site selection action, while 87 properties would require a combination acquisition and site selection action. For a full list of sites, ownership, lot areas, and actions sought, see attached Table 1.

Approval of these actions would facilitate the development of a 3.26-mile, 50-million-gallon subterranean CSO storage tunnel along Newtown Creek for the purpose of significantly reducing CSO discharge into the creek. DEP expects that this project would result in a 70 percent reduction in CSO discharge volume in an average year, thereby improving the overall health of

the creek.

## **ENVIRONMENTAL REVIEW**

This application (C 260063 PCY), in conjunction with the related application for a site selection (C 260064 PSY), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 *et seq.* and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead is DEP. The designated CEQR number is: 24DEP053Y.

It was determined that this application, in conjunction with the application for related action, may have a significant effect on the environment, and that an Environmental Impact Statement (EIS) would be required. A Positive Declaration was issued on February 5, 2025, and subsequently distributed, published, and filed. Together with the Positive Declaration, a Draft Scope of Work for the Draft Environmental Impact Statement (DEIS) was issued on February 5, 2025. A public scoping meeting was held on March 12, 2025, and the Final Scope of Work was issued on September 5, 2025.

A DEIS was prepared and a Notice of Completion for the DEIS was issued on September 5, 2025. Pursuant to SEQRA regulations and the CEQR procedures, a joint public hearing was held on January 7, 2026, in conjunction with the public hearing on the related item (C 260064 PSY). A Final Environmental Impact Statement (FEIS) reflecting comments made during the public review process was completed, and a Notice of Completion for the FEIS was issued on February 5, 2026.

The proposed project as analyzed in the FEIS identified significant adverse impacts with respect to construction transportation and construction noise. The proposed mitigation measures are summarized in Chapter 23 “Mitigation” of the FEIS. A Construction Protection Plan (CPP) would be prepared and implemented during project construction to protect architectural resources from inadvertent construction-related damage as specified in FEIS Chapter 9. Potential

significant adverse impacts related to hazardous materials would be avoided through Remedial Action Plans (RAPs) or Remedial Action Work Plans (RAWPs) that would be prepared and approved by the respective agency that maintains oversight of the respective portions of the project areas, Construction Health and Safety Plans (CHASPs) would be implemented, and post-remedial requirements during operation would be followed in accordance with regulatory agency-approved Site Management Plans (SMPs) as specified in FEIS Chapter 12.

### **WATERFRONT REVITALIZATION PROGRAM**

This application was reviewed for consistency with the policies and intent of the New York City Waterfront Revitalization Program (WRP) as amended, approved by the New York City Council on October 30, 2013, and by the New York State Department of State on February 3, 2016, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 *et seq.*). The designated WRP number is 24-163. This action was determined to be consistent with the policies of the New York City WRP.

### **UNIFORM LAND USE REVIEW**

This application (C 260063 PCY), along with the application for a site selection (C 260064 PSY), was certified as complete by the Department of City Planning on September 15, 2025 and was duly referred to Brooklyn Community Board 1, Queens Community Boards 2 and 5, the Brooklyn Borough President, and the Queens Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

### **Community Board Public Hearings**

#### Brooklyn Community Board 1

Community Board 1 held a public hearing on this application (C 260063 PCY) on October 21, 2025, and on November 18, 2025, by a vote of 33 in favor, zero opposed, and zero abstaining, adopted a resolution recommending conditional approval of the application. The conditions include:

- “1. DEP and DCAS will give proper notice to all property owners affected by easements and acquisitions.

2. DEP and DCAS will negotiate property value and economic hardship as part of the evaluation process.
3. The contractors MUST BE REQUIRED to utilize barging for traffic mitigation.
4. DEP and DCAS will continue to explore ways to increase the discharge volume from 70% to 90%.
5. The city will construct green infrastructure where possible.
6. Construction pollution controls should be beyond the required minimum.
7. DEP and DCAS will diligently explore avenues of noise mitigation.”

### Queens Community Board 2

Community Board 2 held a public hearing on this application (C 260063 PCY) on November 6, 2025, and on that day, by a vote of 31 in favor, zero opposed, and zero abstaining, adopted a resolution recommending conditional approval of the application. The conditions include:

- “1. All affected property owners shall receive clear and concise maps and cross sections showing the location and details of the proposed tunnel within their properties in 3 dimensions.
2. Construction work at the intersection of Greenpoint and Review Avenues shall be limited to nights and early morning hours which don’t conflict with times of high-volume traffic such as morning rush hour.
3. The entire bulkhead surrounding Dutch Kills shall be repaired or replaced as part of the tunnel construction project.
4. DEP shall conduct a comprehensive flood study within the neighborhoods of Blissville and Maspeth including scope and budget recommendations for alleviating flood hazards.
5. DEP shall make additional site visits as promised and maintain regular communication with the Blissville Civic Association throughout the design and construction phases of the project.
6. Replace substandard sewer lines along 37th Street and Greenpoint Avenue with standard-sized main sewer lines. Blissville Civic Association understands that the

substandard lines are contributing to unprecedented sewer back-flows being experienced in homes and businesses.

7. As discussed at the recent IBZ meeting that DEP shall create and Amended Drainage Plan for Blissville along the cemetery on 37th Street between Review and Bradley Avenues, to account for the severe quality of water flowing over cemetery wall onto 37<sup>th</sup> Street each time it rains.
8. DEP shall fund and implement an investment in Blissville and Maspeth similar to the one just unveiled in Greenpoint, Brooklyn across Newtown Creek: the “Gateway to Greenpoint” a project that will soak up nearly 1M gallons of rainwater each year, reduce flooding, and expand green space for local residents.
9. DEP shall coordinate with DOT to provide additional street trees and rain gardens along the entire length of the tunnel project.”

#### Queens Community Board 5

Community Board 5 held a public hearing on this application (C 260063 PCY) on October 8, 2025, and on November 12, 2025, by a vote of 31 in favor, zero opposed, and zero abstaining, adopted a resolution recommending approval of the application.

#### **Borough President Recommendations**

##### Brooklyn Borough President

This application (C 260063 PCY) was considered by the Brooklyn Borough President, who held a public hearing on November 18, 2025, and issued a recommendation to approve the application on December 24, 2025.

##### Queens Borough President

This application (C 260063 PCY) was considered by the Queens Borough President, who held a public hearing on October 30, 2025, and issued a recommendation to approve the application on December 19, 2025, with the following conditions:

- “• The Applicant grants relief to the property owner of Block 2529, Lot 40 and Block 2552,

Lot 25 and redirects the easement to the suggested locations along 56<sup>th</sup> Road and 57<sup>th</sup> Avenue; and

- The Applicant forms an oversight committee of nearby businesses and stakeholders and keep them informed on the tunnel’s progress as well as any disruptions to traffic or other infrastructure.”

### **City Planning Commission Public Hearing**

On December 17, 2025 (Calendar No. 6), the CPC scheduled January 7, 2026, for a public hearing on this application (C 260063 PCY) and the related application for a site selection (C 260064 PSY). The hearing was duly held on January 7, 2026 (Calendar No. 16).

The applicant team, consisting of three representatives from DEP and one from DCAS, testified in support of the application. The applicant team provided an overview of the project, describing the three-mile-long tunnel with 50 million gallons of storage capacity which would be designed to intercept CSOs from four major outfalls during storm events, and the operations of the TDPS to pump flow from the storage tunnel to the Newtown Creek Wastewater Recover Facility.

The applicant team described the consent order with NYSDEC to develop an LTCP to improve NYC waterways and explained the proposed actions. The applicant team provided an overview of the existing conditions and surrounding context, noting that the affected properties are all mapped with manufacturing zoning districts. The applicant team stated that construction as well as the new facilities would not have any adverse impacts to surrounding land use and adjacent properties as the vast majority of the sites would be subterranean to support the aspects of tunnel operations.

The applicant team explained the overall benefits of the project stating that the four outfalls currently contribute 90 percent of total CSO volume into the creek, and this project would reduce overflow events by approximately 70 percent. The team also noted that the outfalls overflow an average of 20 to 40 times per year, and this project would reduce this to approximately seven

events. In addition to the reduction of CSO discharge into the creek, the applicant team explained that green infrastructure, including plantings and other methods to manage stormwater on site, would be incorporated onto each surface site.

Eight members of the public testified, including three affected property owners and two representatives of affected property owners, who expressed concerns about the lack of proper notification to property owners and businesses operating on the affected properties. One representative from the Blissville Civic Association expressed concerns about potential construction impacts to the Blissville section of Long Island City. One representative from Newtown Creek Alliance spoke in favor of the project, acknowledging the necessity to reduce CSO events. One representative from the Long Island City Partnership spoke in favor of the project's objectives while also sharing concerns about the lack of outreach to affected property owners and businesses.

There were no other speakers, and the hearing was closed.

The Commission received three written testimonies from representatives of affected property owners who expressed concerns about the potential environmental impacts of the proposed tunnel and how the new tunnel could impact the potential future development of affected properties.

## **CONSIDERATION**

The Commission believes that this application for combined site selection and acquisition (C 260063 PCY), in conjunction with the related application for a site selection action (C 260064 PSY), is appropriate. Together, these actions will facilitate the development of a new three-mile-long, 50-million-gallon-capacity storage tunnel, a new pump station, and drop shaft connections to four existing CSO outflows along the Newtown Creek drainage basin. The Commission further supports these actions as they will facilitate the development of much-needed infrastructure that will improve the water quality in this area of Brooklyn and Queens, and thereby benefiting the general health of the public-at-large.

The Commission believes that the proposed sites are suitable locations as they are proximate to the location of the existing sewer outfalls. Land uses in the immediate surrounding areas primarily consist of transportation rights-of-way mapped with M3-1 and M3-2 zoning districts and do not impede with residential uses and active pedestrian activity. The Commission understands that the area is heavily industrial, outlined in both 2018 in the North Brooklyn Industry and Innovation Plan and in 2025 in the Industrial Plan NYC, and highlighted as an area appropriate for core infrastructure in and around Newtown Creek in both plans.

The proposed project includes a total of 99 properties that have been identified by DEP. Acquisition of these sites is needed for the ability to construct, maintain, and access the proposed infrastructure. Due to the nature and scale of the proposed project, the Commission notes the importance of each site and related actions, as DEP must ensure connectivity between outfalls. The Commission also notes that while several sites require at-grade construction, that the boring of the CSO tunnel will occur largely underground. The Commission appreciates DEP's consideration to minimize need for site selection and acquisition by aligning the proposed tunnel under public rights-of-way when possible. In response to Community Board recommendations, while outside the purview of the Commission, the Commission encourages the applicant to ensure communication and coordination with Community Boards and local stakeholders and consider the opportunity to use Newtown Creek for barging construction material, when possible.

As described by New York State Department of Conservation and resulting in a Consent Order, there is limited capacity of existing outfalls which results in untreated stormwater discharges into Newtown Creek, resulting in over 700 million gallons a day during a typical season into the four target outfalls. The four outfalls currently contribute 90 percent of total CSO volume into the creek, and the Commission appreciates that the proposed facilities will reduce the overall volume by 70 percent which will result in significant water quality improvement in Newtown Creek.

The Commission recognizes that this project will implement the recommendations outlined in

the Newtown Creek CSO LTCP and complement other on-going and planned CSO abatement projects in the Newtown Creek watershed, as well as meeting several goals of the Superfund remediation of Newtown Creek. The proposed CSO tunnel and related infrastructure will provide appropriate CSO controls to reduce the volume and frequency of overflow events to fulfill the requirements of the Consent Order entered into by the City and NYSDEC.

The Commission encourages the applicant to consider nearby open spaces both in retaining the square footage of open space for areas including the Newtown Creek Nature Walk and nearby community gardens, but to also consider the potential to increase open space on at-grade acquired sites where proposed infrastructure will not occupy the entire lot.

The Commission notes that while outside the scope of the commission, DEP has expressed a commitment to coordinate with GrowNYC to ensure that construction and operations will not disrupt operations and activities in a nearby community garden located in Blissville, Queens, and to pursue targeted separation projects, green infrastructure, and hybrid solutions that would also provide inland flood mitigation benefits.

In anticipation for future flood projections, the Commission also highlights that DEP has considered and planned for the proposed facilities to be designed to withstand projected flood projections in 2100. DEP has also proposed other mitigations including elevated building entrances and critical systems well above projected flood elevations and chemical tanks will be housed within reinforced concrete structures with watertight penetrations, pile-supported foundations, and flood-resilient design features.

## **RESOLUTION**

**RESOLVED**, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on February 5, 2026, with respect to this application (CEQR No. 24DEP053Y), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met and that:

1. The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the action[s] that are set forth in this report; and
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
3. The adverse environmental impacts identified in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating the mitigation measures that were identified in the FEIS.

The report of the City Planning Commission, together with the FEIS, issued February 5, 2026, constitutes the written statement of findings that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

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

**RESOLVED**, by the City Planning Commission, pursuant to Section 197-c of the New York City Charter, that based on the environmental determination and the consideration and findings described in this report, for the acquisition of properties listed and as specified below, Borough of Brooklyn, Community District 1 and Queens, Community Districts 2 and 5, and for site selection of such properties for a combined sewer overflow (CSO) retention system, is approved.

SEE ATTACHED TABLE - Table 1: Proposed Actions and Affected Properties.

The above resolution (C 260063 PCY), duly adopted by the City Planning Commission on February 18, 2026 (Calendar No. 9), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

**DANIEL R. GARODNICK Esq., *Chair***  
**KENNETH J. KNUCKLES, Esq., *Vice Chairman***  
**GAIL BENJAMIN, ALFRED C. CERULLO III, Esq.,**  
**JOSEPH I. DOUEK, RASMIA KIRMANI FRYE,**  
**DAVID GOLD, Esq., LEAH GOODRIDGE, Esq.,**  
**RAJU MANN, JUAN CAMILO OSORIO, Ph.D.,**  
**RAJ RAMPERSHAD, *Commissioners***

**ANTHONY W. CROWELL, Esq., ORLANDO MARÍN, *Commissioners, ABSENT***

**Table 1: Proposed Actions and Affected Properties**

Owner Type	Borough	Block	Lot	Address	Combination Acquisition and Site Selection Approval (PC) <sup>(1)</sup>	Fee Simple Acquisition <sup>(4)</sup>	Only Subterranean Easements	Both Subterranean Easements and Permanent Surface Easement	Both Subterranean Easements and Temporary Surface Easement	Only Surface Easements	Site Selection Approval (PS) <sup>(1)</sup>	Owner	DOF Land Use Description	Lot Area (square feet)	Building Class Description
					90	4	81	1	1	3	9				
City	BK	2508	1	1 KINGSLAND AVENUE							1	NYC DEPARTMENT OF SANITATION	Transportation & Utility	276,135	SELECTED GOVERNMENT INSTALLATIONS: Department of Sanitation
Private	BK	2517	27	520 KINGSLAND AVENUE	1		1					500 KINGSLAND ASSOC., LLC	Commercial & Office Buildings	196,857	WAREHOUSES: Fireproof
Private	BK	2517	35	540 KINGSLAND AVENUE	1		1					ALLOCCO REALTY & ASSOC. CO. LLC	Industrial & Manufacturing Buildings	129,122	WAREHOUSES: Miscellaneous
Private	BK	2948	13	1356 GRAND STREET	1				1			FELDMAN METROPOLITAN REALTY, LLC	Industrial & Manufacturing Buildings <sup>3</sup>	56,250	MISCELLANEOUS: Other
Private	BK	2948	85	1301 METROPOLITAN AVENUE	1	1 <sup>(4)</sup>						1301 METRO-255, LLC	Industrial & Manufacturing Buildings	84,630	WAREHOUSES: Miscellaneous
Private	BK	2952	1	1250 METROPOLITAN AVENUE	1		1					1250 METROPOLITAN AVENUE LLC	Industrial & Manufacturing Buildings	107,240	FACTORY AND INDUSTRIAL BUILDINGS: Miscellaneous
Private	BK	2953	1	1300 METROPOLITAN AVENUE	1		1					DZH REAL ESTATE LLC	Industrial & Manufacturing Buildings	137,875	WAREHOUSES: Fireproof
Private	BK	2953	110	158 GARDNER AVENUE	1		1					PRIME PACKAGING CORP	Industrial & Manufacturing Buildings	56,818	WAREHOUSES: Fireproof
Private	BK	2957	6	182 VARICK AVENUE	1		1					MDO PROPERTY MANAGEMENT	Parking Facilities	4,358	GARAGES AND GASOLINE STATIONS: Unlicensed Parking Lot
Private	BK	2957	8	188 VARICK AVENUE	1		1					MDO PROPERTY MANAGEMENT	Industrial & Manufacturing Buildings	5,015	WAREHOUSES: Miscellaneous
Private	BK	2957	12	194 MEADOW STREET	1		1					MDO PROPERTY MANAGEMENT	Parking Facilities	4,705	GARAGES AND GASOLINE STATIONS: Unlicensed Parking Lot
Private	BK	2957	14	200 MEADOW STREET	1		1					MDO PROPERTY MANAGEMENT	Parking Facilities	6,500	GARAGES AND GASOLINE STATIONS: Unlicensed Parking Lot
Private	BK	2957	23	204 MEADOW STREET	1		1					MDO PROPERTY MANAGEMENT	Parking Facilities	20,000	GARAGES AND GASOLINE STATIONS: Unlicensed Parking Lot
City	BK	2962	1	SCHOLES STREET							1	NYC DEPARTMENT OF SANITATION	Transportation & Utility	296,377	SELECTED GOVERNMENT INSTALLATIONS: Department of Sanitation
Private	BK	2962	11	175 VARICK AVENUE	1		1					MEYER FINE	Vacant Land	128,060	VACANT LAND: Zoned Commercial or Manhattan Residential
City	BK	2962	15	VARICK AVENUE							1	NYC DEPARTMENT OF SANITATION	Transportation & Utility	46,400	SELECTED GOVERNMENT INSTALLATIONS: Department of Sanitation
Private	BK	2974	51	103 VARICK AVENUE	1		1					123 VARICK AVENUE LLC	Industrial & Manufacturing Buildings	281,295	FACTORY AND INDUSTRIAL BUILDINGS: Special Construction - Fireproof
State	BK	2974	105	MORGAN AVENUE	1		1					MTA - LIRR	Transportation & Utility	84,193	UTILITY BUREAU PROPERTIES: Transportation - Public Ownership
State <sup>(2)</sup>	BK	2974	162	JOHNSON AVENUE	1			1				MTA - LIRR	Parking Facilities	32,280	GARAGES AND GASOLINE STATIONS: Unlicensed Parking Lot
Private	BK	2974	170	100 KNICKERBOCKER AVENUE	1	1 <sup>(4)</sup>						BERRYBRIDGE INC	Industrial & Manufacturing	141,500	WAREHOUSES: Fireproof
State	QN	294	1	GREENPOINT AVENUE	1		1					NYS DEPARTMENT OF TRANSPORTATION	Vacant Land	44,975	VACANT LAND: Zoned Commercial or Manhattan Residential
Private	QN	294	200	30-60 REVIEW AVENUE	1		1					ROM REALTY LLC	Industrial & Manufacturing Buildings	107,000	WAREHOUSES: Miscellaneous
Private	QN	294	251	30-39 GREENPOINT AVENUE	1		1					ROM REALTY LLC	Industrial & Manufacturing Buildings	37,096	WAREHOUSES: Fireproof
Private	QN	294	280	30-21 GREENPOINT AVENUE	1		1					3023 GPT LLC	Industrial & Manufacturing Buildings	118,700	WAREHOUSES: Miscellaneous
Private	QN	2508	1	34-02 GREENPOINT AVENUE	1		1					TR-ST PATRICKS CATHEDRAL	Open Space & Outdoor Recreation	818,132	MISCELLANEOUS: Cemetery
Private	QN	2519	1	55-54 56 ROAD	1		1					NEWFOUND LLC	Transportation & Utility <sup>3</sup>	41,892	MISCELLANEOUS: Other
State	QN	2519	150	35-18 LAUREL HILL BLVD	1		1					NYS DEPARTMENT OF TRANSPORTATION	Parking Facilities	85,000	GARAGES AND GASOLINE STATIONS: Unlicensed Parking Lot
Private	QN	2520	6	34-02 LAUREL HILL BLVD	1		1					34-02 LHB REALTY LLC	Industrial & Manufacturing Buildings	46,300	WAREHOUSES: Miscellaneous
Private	QN	2520	22	34-40 LAUREL HILL BLVD	1		1					PAPAGIORGIO ENTERTAINMENT LLC	Vacant Land	30,712	VACANT LAND: Zoned Commercial or Manhattan Residential
Private	QN	2520	30	34-52 LAUREL HILL BLVD	1		1					RLF III LAUREL HILL SPE, LLC	Industrial & Manufacturing Buildings	67,575	WAREHOUSES: Fireproof
Private	QN	2520	60	42-02 56 ROAD	1		1					ANISKA REALTY I, LLC	Vacant Land	98,305	VACANT LAND: Zoned Commercial or Manhattan Residential
Private	QN	2526	50	44 STREET	1		1					56TH ROAD & 43RD STREET LLC	Industrial & Manufacturing Buildings <sup>3</sup>	110,879	MISCELLANEOUS: Other
Private	QN	2527	2	57 AVENUE	1		1					57-43 LLC	Vacant Land <sup>3</sup>	15,446	MISCELLANEOUS: Other
Private	QN	2527	3	43 STREET	1		1					57-43 LLC	Vacant Land	286	VACANT LAND: Zoned Commercial or Manhattan Residential
Private	QN	2527	5	43-01 56 DRIVE	1		1					PARCEL 3 MASPETH LLC	Parking Facilities	33,000	GARAGES AND GASOLINE STATIONS: Unlicensed Parking Lot

**Table 1: Proposed Actions and Affected Properties**

Owner Type	Borough	Block	Lot	Address	Combination Acquisition and Site Selection Approval (PC) <sup>(1)</sup>	Fee Simple Acquisition <sup>(4)</sup>	Only Subterranean Easements	Both Subterranean Easements and Permanent Surface Easement	Both Subterranean Easements and Temporary Surface Easement	Only Surface Easements	Site Selection Approval (PS) <sup>(1)</sup>	Owner	DOF Land Use Description	Lot Area (square feet)	Building Class Description
State	QN	2528	1	57 AVENUE	1		1					MTA - LIRR	Transportation & Utility	48,015	UTILITY BUREAU PROPERTIES: Transportation - Public Ownership
Private	QN	2529	40	46-06 57 AVENUE	1		1					FIFTY SEVEN AVENUE INVESTMENTS, LLC	Industrial & Manufacturing Buildings	509,476	WAREHOUSES: Fireproof
Private	QN	2552	24	57-02 48 STREET	1		1					57-02 48TH STREET LLC	Industrial & Manufacturing Buildings <sup>3</sup>	63,620	MISCELLANEOUS: Other
Private	QN	2552	45	-000 57 AVENUE	1		1					FIFTY SEVEN AVENUE INVESTMENTS, LLC	Vacant Land	26,170	VACANT LAND: Zoned Commercial or Manhattan Residential
Private	QN	2552	69	56 ROAD	1		1					57-22 49TH STREET LLC	Vacant Land	24,825	VACANT LAND: Zoned Commercial or Manhattan Residential
Private	QN	2552	124	49 STREET	1		1					57-02 48TH STREET LLC	Industrial & Manufacturing	83,848	WAREHOUSES: Miscellaneous
City	QN	2575	26	49 STREET							1	NYC DEPARTMENT OF ENVIRONMENTAL PROTECTION	Parking Facilities	123,654	GARAGES AND GASOLINE STATIONS: Unlicensed Parking Lot
Private	QN	2575	36	56-85 49 STREET	1		1					TERRENO 14605 MILLER AVE LLC	Industrial & Manufacturing Buildings	94,842	WAREHOUSES: Fireproof
Private	QN	2575	40	56-75 49 PLACE	1		1					MARTOS REALTY LLC	Industrial & Manufacturing Buildings	58,033	WAREHOUSES: Fireproof
State (Part of City Master Lease)	QN	2575	140	MASPETH AVENUE							1	NYC TRANSIT AUTHORITY	Parking Facilities	102,970	GARAGES AND GASOLINE STATIONS: Unlicensed Parking Lot
Private	QN	2575	160	49-29 MASPETH AVENUE	1		1					VARIOUS SHAREHOLDERS OF CBS OUTDOOR AMER ICAS, INC	Industrial & Manufacturing Buildings	144,500	WAREHOUSES: Fireproof
Private	QN	2575	225	3 49 LANE	1	1 <sup>(4)</sup>						PATRIOT(2010)MASPETH GP,LLC	Vacant Land	32,208	VACANT LAND: Zoned Commercial or Manhattan Residential
Private	QN	2575	240	49 LANE	1	1 <sup>(4)</sup>						PATRIOT(2010)MASPETH GP,LLC	Parking Facilities	11,739	GARAGES AND GASOLINE STATIONS: Unlicensed Parking Lot
Private	QN	2603	1	58-60 PAGE PLACE	1		1					A. DUIE PYLE, INC.	Industrial & Manufacturing Buildings	212,670	WAREHOUSES: Miscellaneous
State (Part of City Master Lease)	QN	2610	530	55-04 MASPETH AVENUE							1	NYC TRANSIT AUTHORITY	Industrial & Manufacturing Buildings	447,486	WAREHOUSES: Fireproof
City	QN	2610	550	MASPETH AVENUE							1	NYC DEPARTMENT OF TRANSPORTATION	Vacant Land	10,115	VACANT LAND: Miscellaneous
Private	QN	2611	93	47-03 METROPOLITAN AVENUE	1		1					CACTUS 47-05 METROPLITAN LLC	Industrial & Manufacturing Buildings	348,502	WAREHOUSES: Fireproof
Private	QN	2611	95	GRAND AVENUE	1		1					CACTUS 47-05 METROPLITAN LLC	Parking Facilities	7,825	GARAGES AND GASOLINE STATIONS: Unlicensed Parking Lot
State	QN	2611	96	47-06 GRAND AVENUE	1		1					NYC INDUSTRIAL DEVELOPMENT AGENCY	Industrial & Manufacturing Buildings	34,800	WAREHOUSES: Fireproof
Private	QN	2611	102	47-08 GRAND AVENUE	1		1					GRAND METRO BUILDING COMPANY, LLC	Industrial & Manufacturing Buildings	55,600	WAREHOUSES: Fireproof
Private	QN	2611	110	48-00 GRAND AVENUE	1		1					48-00 GRAND AVENUE PE LLC	Industrial & Manufacturing Buildings	223,088	WAREHOUSES: Fireproof
Private	QN	2611	121	49-00 GRAND AVENUE	1		1					FTZ CORP	Industrial & Manufacturing Buildings	27,280	FACTORY AND INDUSTRIAL BUILDINGS: Heavy Manufacturing - Fireproof
Private	QN	2611	126	GRAND AVENUE	1		1					CRISTINA, ANTOINETTE	Parking Facilities <sup>3</sup>	18,704	MISCELLANEOUS: Other
Private	BK	2958	1	200 STEWART AVENUE	1		1					STEVE REALTY CORP	Industrial & Manufacturing Buildings	32,000	WAREHOUSES: Fireproof
Private	BK	2958	14	238 MEADOW STREET	1		1					Y & H REALTY CORP OFBROOKLYN	Vacant Land <sup>3</sup>	3,200	MISCELLANEOUS: Other
Private	BK	2958	15	169 GARDNER AVENUE	1		1					C & R OF KINGS COUNTY INC	Industrial & Manufacturing	45,000	WAREHOUSES: Fireproof
Private	QN	2519	100	56 ROAD	1		1					TRIPLE J LAUREL HILL II, LLC	Vacant Land	49,608	VACANT LAND: Miscellaneous
State	QN	2552	99	56 ROAD	1		1					MTA - LIRR	Transportation & Utility	80,661	UTILITY BUREAU PROPERTIES: Transportation - Public Ownership
Private	QN	2603	150	58-38 PAGE PLACE	1		1					NYM LTL, LLC	Industrial & Manufacturing Buildings	111,636	WAREHOUSES: Fireproof
Private	BK	2517	14	498 KINGSLAND AVENUE	1		1					United Metro Corp	Industrial & Manufacturing Buildings	202,808	FACTORY AND INDUSTRIAL BUILDINGS: Tank Farms
State	QN	2520	1	LAUREL HILL BLVD	1		1					LIRR	Transportation & Utility	68,735	UTILITY BUREAU PROPERTIES: Transportation - Public Ownership
Private	BK	2957	1	180 VARICK AVENUE	1		1					MDO Management	Transportation & Utility	13,500	GARAGES AND GASOLINE STATIONS - Miscellaneous Garage or Gas Station
Private	BK	2974	112	469 JOHNSON AVENUE	1		1					Unavailable Owner (Likely Waste Management of New York, L.L.C.)	Parking Facilities	86,487	GARAGES AND GASOLINE STATIONS - Unlicensed Parking Lot
Private	BK	2948	12	232 GARDNER AVENUE	1		1					FELDMAN METROPOLITAN REALTY, LLC	Industrial & Manufacturing Buildings	72,920	WAREHOUSES - Misc
Private	BK	2950	1	221 VARICK AVENUE	1		1					WASTE MANAGEMENT	Industrial & Manufacturing Buildings	69,280	FACTORY AND INDUSTRIAL BUILDINGS - Semi-Fireproof
Private	BK	2950	7	197 VARICK AVENUE	1		1					WASTE MANAGEMENT	Industrial & Manufacturing Buildings	28,140	FACTORY AND INDUSTRIAL BUILDINGS - Semi-Fireproof
Private	BK	2951	1	190 VARICK AVENUE	1		1					VARICK MEADOW HOLDINGS LLC	Parking Facilities	16,200	GARAGES AND GASOLINE STATIONS - Unlicensed Parking Lot
Private	BK	2951	45	213 MEADOW STREET	1		1					VARICK MEADOW HOLDINGS LLC	Industrial & Manufacturing Buildings	23,800	WAREHOUSES - Misc
Private	BK	2967	1	154 MORGAN AVENUE	1		1					TERRENO MORGAN AVE, LLC	Industrial & Manufacturing Buildings	112,338	WAREHOUSES - Fireproof

**Table 1: Proposed Actions and Affected Properties**

Owner Type	Borough	Block	Lot	Address	Combination Acquisition and Site Selection Approval (PC) <sup>(1)</sup>	Fee Simple Acquisition <sup>(4)</sup>	Only Subterranean Easements	Both Subterranean Easements and Permanent Surface Easement	Both Subterranean Easements and Temporary Surface Easement	Only Surface Easements	Site Selection Approval (PS) <sup>(1)</sup>	Owner	DOF Land Use Description	Lot Area (square feet)	Building Class Description
Private	BK	2967	50	MESEROLE STREET	1		1					TERRENO MORGAN AVE, LLC	Parking Facilities	32,800	GARAGES AND GASOLINE STATIONS - Unlicensed Parking Lot
Private	BK	2974	1	134 MORGAN AVENUE	1		1					TERRENO MORGAN AVE, LLC	Industrial & Manufacturing Buildings	109,400	WAREHOUSES - Fireproof
City	QN	312	17	LAUREL HILL BLVD							1	NYC DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES	Transportation & Utility	5,948	UTILITY BUREAU PROPERTIES - Transportation - Public Ownership
Private	QN	312	316	39-32 REVIEW AVENUE	1		1					LH VENTURES LLC	Industrial & Manufacturing Buildings <sup>3</sup>	44,950	MISCELLANEOUS - Other
Private	QN	312	330	39-30 REVIEW AVENUE	1		1					WINING LIC REALTY LLC	Industrial & Manufacturing Buildings	31,402	FACTORY AND INDUSTRIAL BUILDINGS - Miscellaneous
Private	QN	312	343	38-98 REVIEW AVENUE	1		1					DG PROPERTIES LLC	Industrial & Manufacturing Buildings	38,850	FACTORY AND INDUSTRIAL BUILDINGS - Semi-Fireproof
State	QN	2520	52	56 ROAD	1		1					NYS DEPARTMENT OF TRANSPORTATION	Vacant Land	44,208	VACANT LAND - Zoned Commercial or Manhattan Residential
State	QN	2521	1	57 AVENUE	1		1					MTA - LIRR	Vacant Land	42,000	VACANT LAND - Zoned Commercial or Manhattan Residential
State	QN	2521	40	57 AVENUE	1		1					NYS DEPARTMENT OF TRANSPORTATION	Vacant Land	17,400	VACANT LAND - Zoned Commercial or Manhattan Residential
Private	QN	2521	100	57 AVENUE	1		1					LH VENTURES LLC	Industrial & Manufacturing Buildings <sup>3</sup>	17,000	MISCELLANEOUS - Other
Private	QN	2529	1	44-02 57 AVENUE	1		1					JMDH REAL ESTATE OF MASPETH PARKING, LLC	Vacant Land	65,227	VACANT LAND - Zoned Commercial or Manhattan Residential
Private	QN	2529	10	56 DRIVE	1		1					JMDH REAL ESTATE OF MASPETH PARKING, LLC	Parking Facilities	111,065	GARAGES AND GASOLINE STATIONS - Unlicensed Parking Lot
Private	QN	2529	20	43-40 57 AVENUE	1		1					JMDH REAL ESTATE OF MASPETH WAREHOUSE, L LC	Commercial & Office Buildings	213,897	STORE BUILDINGS (TAXPAYERS INCLUDED) - One Story Retail Building
Private	QN	2529	30	56 DRIVE	1		1					PATRIOT (2010) LLC	Parking Facilities	121,127	GARAGES AND GASOLINE STATIONS - Unlicensed Parking Lot
Private	QN	2529	42	56 DRIVE	1		1					PATRIOT 2010 LLC	Vacant Land	12,690	VACANT LAND - Zoned Commercial or Manhattan Residential
Private	QN	2529	70	56 DRIVE	1		1					PDRC LAUREL HILL 9, LLC	Vacant Land	76,891	VACANT LAND - Zoned Commercial or Manhattan Residential
Private	QN	2529	71	56 DRIVE	1		1					JMDH REAL ESTATE OF MASPETH PARKING, LLC	Vacant Land	6,394	VACANT LAND - Zoned Commercial or Manhattan Residential
City	QN	2552	75	56 ROAD							1	NYC DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES	Vacant Land	2,324	VACANT LAND - Zoned Commercial or Manhattan Residential
Private	QN	2554	55	57-22 57 AVENUE	1		1					57-22 49TH STREET LLC	Industrial & Manufacturing Buildings	190,387	FACTORY AND INDUSTRIAL BUILDINGS - Semi-Fireproof
Private	QN	2575	18	57-27 49 PLACE	1		1					PATRIOT(2010)MASPETH GP,LLC	Industrial & Manufacturing Buildings	94,147	WAREHOUSES - Fireproof
Private	QN	2575	170	49-25 MASPETH AVENUE	1		1					PATRIOT (2010) LLC	Industrial & Manufacturing Buildings	42,342	WAREHOUSES - Fireproof
Private	QN	2603	130	57-54 PAGE PLACE	1		1					MORRIS MASPETH ASSOCIATES, LLC	Industrial & Manufacturing Buildings	320,176	WAREHOUSES - Fireproof
Private	QN	115	56	47-17 27 STREET	1					1		CHAVES DEVELOPMENT LLC	Industrial & Manufacturing Buildings	54,739	FACTORY AND INDUSTRIAL BUILDINGS: Light Manufacturing
State	QN	115	86	29 STREET	1					1		MTA - LIRR	Open Space & Outdoor Recreation	67,300	OUTDOOR RECREATION FACILITIES: Community Gardens
State	QN	115	150	47 AVENUE	1					1		MTA - LIRR	Vacant Land	1,980	VACANT LAND - Zoned Commercial or Manhattan Residential

**NOTES:**

1. Site Selection approval is required at all affected properties; listed properties include all properties where subterranean easement is potentially needed for CSO tunnel based on tunnel alignment alternatives currently under consideration. Unless otherwise indicated, all acquisition actions are partial lot acquisitions.
2. Two properties require both a subterranean easement and a surface easement.
3. Information not in public datasets; gathered through research from Cyclomedia and 9/23 field visit
4. Entire lot will be acquired for all fee simple acquisition actions.



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> DEP Newtown Creek CSO Tunnel	
<b>Applicant:</b> DEP - New York City Department of Environmental Protection	<b>Applicant's Primary Contact:</b> David Lee
<b>Application #</b> 260063PCY	<b>Borough:</b>
<b>CEQR Number:</b> 24DEP053Y	<b>Validated Community Districts:</b> Q02,Q05,K01

**Docket Description:**  
 IN THE MATTER OF an application submitted by the Department of Environmental Protection and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for acquisition of properties listed and as specified below, Borough of Brooklyn, Community District 1 and Queens, Community Districts 2 and 5, and for site selection of such properties for a combined sewer overflow (CSO) retention system. SEE ATTACHED TABLE - Table 1: Proposed Actions and Affected Properties.

*Please use the above application number on all correspondence concerning this application*

<b>RECOMMENDATION: Conditional Favorable</b>			
<b># In Favor:</b> 33	<b># Against:</b> 0	<b># Abstaining:</b> 0	<b>Total members appointed to the board:</b> 33
<b>Date of Vote:</b> 11/18/2025 12:00 AM		<b>Vote Location:</b> 211 Ainslie Street, Brooklyn, NY 11211	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

<b>Date of Public Hearing:</b> 10/21/2025 6:00 PM
<b>Was a quorum present?</b> Yes <i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
<b>Public Hearing Location:</b> 211 Ainslie Street, Brooklyn, NY 11211

<b>CONSIDERATION:</b> Please see the attached CB 1's Recommendation, Land Use Report, Vote Sheet.		
Recommendation submitted by	BK CB1	Date: 11/20/2025 5:20 PM



# COMMUNITY BOARD No. 1

435 GRAHAM AVENUE - BROOKLYN, NY 11211- 8813

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HON. ANTONIO REYNOSO  
BROOKLYN BOROUGH PRESIDENT



**SIMON WEISER**  
FIRST VICE-CHAIRMAN

**DEL TEAGUE**  
SECOND VICE-CHAIRPERSON

**GINA BARROS**  
THIRD VICE-CHAIRPERSON

**DAVID HEIMLICH**  
FINANCIAL SECRETARY

**SONIA IGLESIAS**  
RECORDING SECRETARY

**PHILIP A. CAPONEGRO**  
MEMBER-AT-LARGE

**DEALICE FULLER**  
CHAIRPERSON

**JOHANA PULGARIN**  
DISTRICT MANAGER

**HON. LINCOLN RESTLER**  
COUNCILMEMBER, 33rd CD

**HON. JENNIFER GUTIERREZ**  
COUNCILMEMBER, 34th CD

November 18, 2025

## COMMITTEE REPORT

### Land Use, ULURP, and Landmarks (Subcommittee) Committee

TO: Chairperson Dealice Fuller and CB1 Board Members

FROM: Ms. Del Teague, Committee Chair  
Mr. Stephen Chesler, Committee Co-Chair  
Ms. Bozena Kaminski, Landmarks Subcommittee Co-Chair

RE: Land Use Committee Report from November 3, 2025

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The Committee met on the evening of November 3, 2025, at 6:00 PM at CB1 District Office, 435 Graham Avenue (Corner of Frost St), Brooklyn, NY. 11211

**Members of the Land Use, ULURP and Landmarks [subcommittee] Committee** Teague, Chair; Chesler, Co-Chair; Kaminski, Landmarks Subcommittee Co-Chair; Isaacs; Itzkowitz; Kawaguchi; Kelterborn; Rabbi Niederman; Pferd; Sofer; Vega; Weiser; Kantin\*; Kawochka\*; Nieves\*; Salgado\* (\*) *Non-Board Member*.

**Present:** Teague; Chesler; Isaacs; Kawaguchi; Kelterborn; Niederman; Pferd; Sofer; Weiser; Vega; Kawochka\*; Nieves\*.

**Absent:** Kaminski; Itzkowitz; Kantin\*; Salgado\*. (\**non-board member*)

12 members present. A quorum was achieved.

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## AGENDA:

1. **PRESENTATION APPLICATION # C260063PCY NEWTOWN CREEK COMBINED SEWER OVERFLOW (CSO) STORAGE TUNNEL PROJECT CEQR # 24DEP053Y:** IN THE MATTER OF an application submitted by the Department of Environmental Protection and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for acquisition of properties listed and as specified below, Borough of Brooklyn, Community District 1 and Queens, Community Districts 2 and 5, and for site selection of such properties for a combined sewer overflow (CSO) retention system. Presenters: David Lee, Bureau of Environmental Planning & Analysis, Kate Edden, Bureau of Engineering Design and Construction, Drisana Hughes, Bureau of Public Affairs & Communication, Terrel Estes, Bureau of Environmental Planning & Analysis. DCAS Team: Shelton Getter, Assistant Director of Leasing and Acquisitions.

Construction of the CSO storage tunnel will include building 4 diversion facilities located at the 4 largest Newtown Creek CSO outfalls and a tunnel de-watering pump station adjacent to the creek. DEP and DCAS seek authority for site selection, and acquisition of two privately owned properties for 2 diversion facilities to be located in Brooklyn. They also seek authority to acquire 31 subterranean easements and a temporary ground level easement on private property located in our district. In addition, they seek authority to select sites of property already owned by the city. The tunnel will be constructed from 80 -130 feet below the ground surface.

The city anticipates the subterranean easements, which range from 25 -75 feet below ground, will have no economic impact on the property value. When asked if the owners will be compensated for these easements, the presenters said that they are hoping the owners will donate the rights. They assured us that the city will attempt to negotiate amicably with the owners, however, they could not give us specific details on these negotiations, or on the negotiations for the property acquisitions and the temporary above ground easement, because these will be handled by DCAS, which did not send any representatives to the committee meeting. The presenters suggested that the actual negotiations are not yet before us, because the application is only for authority to select sites and make the acquisitions. However, since DCAS did not appear, the presenters could not commit to whether the community board would have an opportunity to weigh in on the fairness of the negotiations in the future. The privately owned proposed acquisitions are being used currently as a warehouse and parking lot.

The presenters explained that it is expected that the tunnel will result in a 70% reduction in wastewater discharge into the creek.

The EIS impact statement did find adverse impact on traffic/transportation and noise.

**Noise Impact:** There will be adverse noise impact along the Newtown Creek Nature Walk for about 12 months and in the area of a future park, on North Henry Street, for the entire 10-year construction period for the full tunnel.

**Traffic/Transportation impact:** There will be unmitigable traffic impacts at Greenpoint Ave and Kingsland. Greenpoint Avenue will be open, but capacity will be significantly reduced along Greenpoint Avenue, especially by Humboldt Street, for about 4 years. The committee pointed out that the intersection of Greenpoint and Kingsland is heavily used by industry. The committee members asked why they are not planning to use barges to transport equipment instead of clogging up the roads which are already heavily used (soil will be excavated for 3 miles of tunnel). The presenters agreed that barging is appropriate but informed us that the city policy does not allow for telling contractors how to proceed. The city can try to make barging an obvious option and then “hope” the contractors will make that choice. The committee members felt strongly that this policy is unacceptable and agreed that we would insist on using barging whenever possible in order to avoid unnecessary traffic interruptions and excess truck traffic on our streets.

**Recommendation:**

A motion was made to approve the application with the following conditions:

- 1) DEP and DCAS will give proper notice to all property owners affected by easements and acquisitions.
- 2) DEP and DCAS will negotiate property value and economic hardship as part of the evaluation process.
- 3) The contractors **MUST BE REQUIRED** to utilize barging for traffic mitigation.
- 4) DEP and DCAS will continue to explore ways to increase the discharge volume from 70% to 90%.
- 5) The city will construct green infrastructure where possible.
- 6) Construction pollution controls should be beyond the required minimum.
- 7) DEP and DCAS will diligently explore avenues of noise mitigation

The motion passed unanimously: 11 yes, 0 no, 0 abstentions.

2. **PRESENTATION PROJECT 20 BERRY STREET, APPLICATION # C240273ZSK, CEQR # 24DCP038K** : IN THE MATTER OF an application submitted by Mihata Corp. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-94 of the Zoning Resolution to allow an increase in the maximum permitted floor area in accordance with Section 74-943 (Permitted floor area increase) for a development occupied by Business-Enhancing uses and Incentive uses and, in conjunction therewith, to modify publicly accessible open space design requirements of Section 37-70 (PUBLIC PLAZAS), to modify the off-street parking requirements of Section 44-20 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES), and to modify the loading berth requirements of Section 44-50 (OFF-STREET LOADING REGULATIONS), in connection with a proposed 10-story building within an Industrial Business Incentive Area\*, on property located at 20 Berry Street (Block 2283, Lots 25, 28, 31, 33, 35, 38, 41 and 43), in an M1-2\*\* District, Borough of Brooklyn,

Community District Presenter, Diane Luebs, Planning and Development Specialist, GoldmanHarris LLC.

Howard Goldman presented.

The applicant originally came before this committee with an informal preliminary presentation in March 2024 for community feedback prior to the public hearing and board vote. The proposed 10-story mixed-use building is in an Industrial Business Incentive Area [IBIA]. The proposed complex will house a restaurant, as well as commercial, retail, office and maker-use industrial spaces. The current M1-1 zoning will change to M 1-2 with a change of FAR from 1 to 2. The application has received support from Evergreen and the Brooklyn Chamber of Commerce.

The retail and office spaces will be small- scale. The development will provide 80 underground parking spaces. This number is a significant reduction from what would be required without the special permit. The developer felt that some parking should be provided in part because there may be a small supermarket within the complex. The presenter stated the intent is to provide appropriate space for small neighborhood businesses. The retail will probably provide mostly food service. The applicant estimates the complex will provide approximately 600 local jobs. The exterior will have artwork by local artists; substantial landscaping; a plaza facing McCarren Park that is accessible to the public 24 hours a day; and visible greenery on upper floors.

The restaurant will be on the top floor with possible roof access. The committee informed the presenter of the community's concerns about outdoor roof top spaces.

The committee felt the applicant should provide a service that would benefit the public and the portion of the adjacent park that is currently covered with concrete, and which has been funded for improvement. The committee suggested public restrooms in the complex would fit that goal, much like the indoor restrooms that have been provided in one of the Domino buildings adjacent to Domino Park. The committee discussed the alternative of asking the developer to contribute to the Parks Department for the building of restrooms in the park but felt there would be no guarantee that the city would use the funds for that purpose, especially since the city already has a plan which has been funded.

**Recommendation:**

A motion was made to approve the application with the following conditions:

- 1) In the event there is roof access for the restaurant amplified sound or music is prohibited.
- 2) The applicant will provide public restrooms during business hours.

The motion passed unanimously.

3. **PRESENTATION BSA CALENDAR # 2025-31-BZ,2025-32-A, 2025-33-A, 99 SUTTON STREET;** This variance application is submitted pursuant to Section 72-21 of

the Zoning Resolution of the City of New York, as amended (the “Zoning Resolution” or “ZR”). The applicant seeks to legalize the existing four-story plus cellar residential building, which includes 10 dwelling units in the lower level, contrary to ZR §§ 42-10, 43-12, and 54-31, as well as HMC § 27-2082 and MDL § 34.6. Presenter, Mr. Jed Weiss, Sheldon Lobel, P.C.

Richard Lobel presented.

The applicant seeks a variance to legalize the 10 existing cellar residential units in this 63-unit building, which was built in 1931 as a factory. Since then, it was converted subject to the Loft Law, and all of the units had been approved for residential use by DOB in 2008 and 2012. However, in 2024 DOB notified the owner that it intended to revoke the C of O for the 10 basement units as being illegal under current rules. The presenter informed the committee that when the owner asked DOB to produce their records showing what the prior approvals were based on, DOB could not find them.

The applicant asks for a variance as a justifiable reliance case under the case law that has found that if an owner justifiably relied in good faith on the city’s approval and if the owner could further show uniqueness of the site (here this manufacturing building became obsolete for factory use); financial hardship (here the work required and resultant loss of income would make it unfeasible to maintain the building at current rents); the current use fits the character of the neighborhood; the hardship is not self-created ( the good faith reliance on the prior city approval is a factor of this requirement); and the variance requested is the minimal needed.

The committee found the applicant met the above requirements. The committee also considered the fact that denial of the variance would mean these tenants would lose their homes.

**Recommendation:**

A motion was made to approve the variance with the condition that the applicant shows that EPA testing for the Meeker Avenue Plume has been done or has been scheduled.

The motion passed unanimously. 11 yes, 0 no, 0 abstentions.

4. **DISCUSSION RE: Drafts of poster and public notice requirements for Land Use, Landmarks, and BSA applicants.**

The committee unanimously approved the drafts which are attached to this report. Applicants will be given instructions to post a minimum of 30 flyers, to be posted on the premises, the four corners of the street in front of the building, and on the street behind. The applicant must notify the CB1 office via electronic mail of the posting, which must be done 10 days before the committee meeting. At the committee meeting the applicant shall provide evidence of the posting by date/time stamped photos, descriptions of the locations, and method of distribution.

**Recommendation:**

A motion was made to approve the drafts of the poster and the instructions for the public notice requirements for Land Use, Landmarks, and BSA applicants.  
The motion passed unanimously.

5. **NEW BUSINESS: Input regarding NYC Industrial Plan.**

The committee invited interested parties to come and join a discussion regarding the NYC Industrial Plan which is scheduled to be presented by DCP at the November 18, 2025, board meeting. Leah Archibald, representing Evergreen, and several residents and local business owners attended.

There are two IBZ's in CB1. The plan eliminates the Acme IBZ area; the eastern IBZ area has been diminished. Evergreen has hired a Fellow to conduct an economic impact study of industrial businesses in North Brooklyn. A draft of the study shows a total of 50,000 jobs have been created for people with high school or equivalent diplomas. In addition to possible job losses, Evergreen is concerned that the posting of this map will spark property price speculation, with developers assuming they will be able to turn toward more profitable residential uses. Evergreen is asking the city to take down the map to give it a chance to complete its study about the viability of IBZ's in our district.

Leah Archibald did concede that Greenpoint/Williamsburg IBZ has been leaning to entertainment uses but advised us that the Bushwick IBZ has remained more industrial. Several people questioned whether we should expect industry to continue in the Northside, which is mostly mixed use.

**Recommendation:**

A motion was made to recommend the following requests of DCP:

- 1) Take down the map and preserve our two IBZ's, as is.
- 2) Do not approve the proposed map until there is a comprehensive dialogue with CB1 with the data that was promised but not yet provided.
- 3) Allow Evergreen to complete its study on the Greenpoint/Williamsburg IBZ.

The motion was approved unanimously by the 9 members who were present for this discussion.

6. **OLD BUSINESS: Follow up on my request for additional committee member.**

At our last Executive Committee meeting the Chair informed me that she does not intend to grant my requested change to her assignment at this time.

Meeting Adjourned



# COMMUNITY BOARD No. 1

435 GRAHAM AVENUE - BROOKLYN, NY 11211- 8813

PHONE: (718) 389-0009

FAX: (718) 389-0098

Email: [bk01@cb.nyc.gov](mailto:bk01@cb.nyc.gov)

Website: [www.nyc.gov/brooklyncb1](http://www.nyc.gov/brooklyncb1)

HON. ANTONIO REYNOSO  
BROOKLYN BOROUGH PRESIDENT



**SIMON WEISER**  
FIRST VICE-CHAIRMAN

**DEL TEAGUE**  
SECOND VICE-CHAIRPERSON

**GINA BARROS**  
THIRD VICE-CHAIRPERSON

**DAVID HEIMLICH**  
FINANCIAL SECRETARY

**SONIA IGLESIAS**  
RECORDING SECRETARY

**PHILIP A. CAPONEGRO**  
MEMBER-AT-LARGE

**DEALICE FULLER**  
CHAIRPERSON

**JOHANA PULGARIN**  
DISTRICT MANAGER

**HON. LINCOLN RESTLER**  
COUNCILMEMBER, 33rd CD

**HON. JENNIFER GUTIERREZ**  
COUNCILMEMBER, 34th CD

## NOTICE

## COMMITTEE MEETING

**DATE:**

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**TIME:**

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**LOCATION:**

---

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**Subject:**

**\*\*The public is encouraged to attend and provide input\*\***

**DO NOT REMOVE UNTIL:** \_\_\_\_\_

*Posted according to the Administrative Code of the City of New York Section 10-119.*

BROOKLYN COMMUNITY BOARD ONE  
435 GRAHAM AVENUE,  
BROOKLYN, NY 11211

CERTIFICATION

NAME OF APPLICANT:

APPLICATION REGARDING:

DATE, TIME AND LOCATION OF PROCEEDING:

DATE:

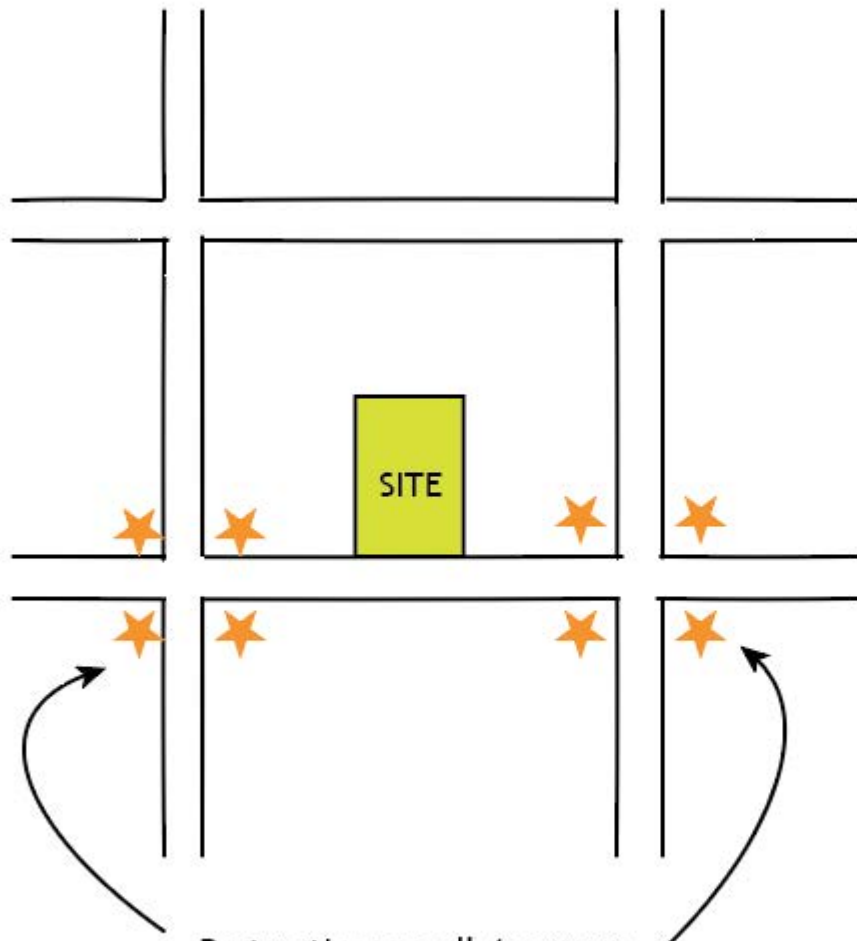
TIME:

LOCATION:

I hereby affirm that public notice has been provided as stated in the attachment to this certification.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Dated



Post notices on all 4 corners

**Brooklyn Community Board 1 Land Use/Landmarks Committee Instructions to Applicants  
for Posting Public Notice of their Land Use, Landmarks, and BSA Applications**

Dear Applicant:

In preparation for your upcoming appearance before the Community Board 1 Land Use/Landmarks Committee please note our requirement that you post notice of your Land Use, Landmarks, or BSA application as outlined below and in compliance with NYC code section 10-119:

1. A minimum number of 30 flyers must be distributed.
2. Generally, post on lampposts, traffic signal posts, and utility poles – do not post on trees.
3. Post on the applicant's premises.
4. Post on your street on the four corners at the end of the street and on the street behind the building.
5. The posting should be done 10 days before the appropriate committee meeting. The applicants shall notify the Community Board 1 office via electronic mail when the posting is complete with a map indicating where the flyers are posted. Also include the Certification Form with your signature and the date that it was posted.
6. At the committee meeting, please provide evidence of posting by date/time stamped photos, descriptions of the locations, and method of distribution.



**COMMUNITY BOARD NO. 1**  
 435 GRAHAM AVENUE – BROOKLYN, NY 11211  
 PHONE: (718) 389-0009  
 FAX: (718) 389-0098  
 Email: bk01@cb.nyc.gov  
 Website: www.nyc.gov/brooklyn1



**LAND USE, ULURP & LANDMARKS COMMITTEE MOTION:** to approve the application C260063PCY NEWTOWN CREEK COMBINED SEWER OVERFLOW (CSO) STORAGE TUNNEL PROJECT CEQR # 24DEP053Y with the following conditions: 1) DEP and DCAS will give proper notice to all property owners affected by easements and acquisitions. 2) DEP and DCAS will negotiate property value and economic hardship as part of the evaluation process. 3) The contractors MUST BE REQUIRED to utilize barging for traffic mitigation. 4) DEP and DCAS will continue to explore ways to increase the discharge volume from 70% to 90%. 5) The city will construct green infrastructure where possible. 6) Construction pollution controls should be beyond the required minimum. 7) DEP and DCAS will diligently explore avenues of noise mitigation

Motion made by: Vega  
 Seconded by: Bruzaitis

DATE: 11/18/2025

	YES	NO	ABS	REC		YES	NO	ABS	REC
KARINA AGUILAR	✓				SONIA IGLESIAS				
BOGDAN BACHOROWSKI	✓				MOISHE INDIG				
LISA BAMONTE	✓				MATTHEW ISAACS	✓			
GINA BARROS	✓				JACOB ITZKOWITZ				
TEON BROOKS					ROBERT JEFFERY				
ERIC BRUZAITIS	✓				BOZENA KAMINSKI				
IRIS CABRERA	✓				CAITLIN KAWAGUCHI	✓			
PHILIP CAPONEGRO	✓				PAUL KELTERBORN	✓			
FRANK CARBONE	✓				WILLIAM KLAGSBALD	✓			
STEPHEN CHESLER	✓				MERYL LABORDE	✓			
GIOVANNI D'AMATO					MARIE LEANZA				
WARD DENNIS	✓				YAMILLETTE LEBRON				
ERIN DRINKWATER					JODIE LOVE				
MIGUELINA DURAN	✓				MICHAL MROWIEC	✓			
ARTHUR DYBANOWSKI					RABBI DAVID NIEDERMAN				
ROSEMARY ESPINAL	✓				JANICE PETERSON	✓			
LLOYD FENG	✓				AUSTIN PFERD	✓			
JULIA AMANDA FOSTER	✓				BELLA SABEL	✓			
RIFKA FRIEDMAN	✓				ISAAC SOFER				
DEALICE FULLER					SAMEER TALATI				
JOEL GOLDSTEIN	✓				DEL TEAGUE	✓			
JOEL GROSS					ALBERTO VALENTIN	✓			
DAVID HEIMLICH	✓				RAFFAELLO VAN COUTEN	✓			
LARISSA HO	✓				WILLIAM VEGA	✓			
KATIE DENNY HOROWITZ	✓				SIMON WEISER	✓			

TIME: 9:27PM TALLY: 33 YES 0 NO 0 ABS 0 RECUSAL



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> DEP Newtown Creek CSO Tunnel	
<b>Applicant:</b> DEP - New York City Department of Environmental Protection	<b>Applicant's Primary Contact:</b> David Lee
<b>Application #</b> 260063PCY	<b>Borough:</b>
<b>CEQR Number:</b> 24DEP053Y	<b>Validated Community Districts:</b> Q02,Q05,K01

**Docket Description:**  
 IN THE MATTER OF an application submitted by the Department of Environmental Protection and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for site selection of properties located in Brooklyn, Community District 1 at 1 Kingsland Avenue (Block 2508, Lot 1), Scholes Street (Block 2962, Lot 1), and Varick Avenue (Block 2962, Lot 15); and in Queens, Community District 2 at 49 Street (Block 2575, Lot 26), Maspeth Avenue (Block 2575, Lot 140), Laurel Hill Blvd (Block 312, Lot 17), and 56 Road (Block 2552, Lot 75); and in Queens Community District 5 at 55-04 Maspeth Avenue (Block 2610, Lot 530) and Maspeth Avenue (Block 2610, Lot 550) ,for a combined sewer overflow (CSO) retention system.

*Please use the above application number on all correspondence concerning this application*

<b>RECOMMENDATION: Conditional Favorable</b>			
<b># In Favor:</b> 31	<b># Against:</b> 0	<b># Abstaining:</b> 0	<b>Total members appointed to the board:</b> 47
<b>Date of Vote:</b> 11/6/2025 12:00 AM		<b>Vote Location:</b> 43-31 39th Street, Sunnyside	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

<b>Date of Public Hearing:</b>	
<b>Was a quorum present?</b> No	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
<b>Public Hearing Location:</b>	

<b>CONSIDERATION:</b> Please see attached letter with conditions		
Recommendation submitted by	QN CB2	Date: 11/26/2025 11:09 AM



*Donovan Richards*  
*Queens Borough President*

## Community Board No. 2

43-22 50th Street, 2nd Floor  
Woodside, New York 11377

(718) 533-8773

Fax (718-533-8777

Email [qn02@cb.nyc.gov](mailto:qn02@cb.nyc.gov)

[www.nyc.gov/queenscb2](http://www.nyc.gov/queenscb2)

*Anatole Ashraf*  
*Chairperson*  
*Debra Markell Kleinert*  
*District Manager*

November 7, 2025

Mr. Daniel Garodnick  
Chairperson  
City Planning Commission  
Calendar Information Office  
120 Broadway, 31<sup>st</sup> Floor  
New York, NY 10271

RE: **DCP ULURP Application – CEQR – 260063 PCY - DEP Newtown Creek CSO Tunnel**

Dear Mr. Garodnick:

On November 6, 2025, Community Board 2 held a public hearing concerning the DCP ULURP Application for DCP ULURP Application – CEQR – 260063 PCY - DEP Newtown Creek CSO Tunnel.

At that meeting, with a quorum present, a motion was made and seconded to support the application with the following stipulations:

1. All affected property owners shall receive clear and concise maps and cross sections showing the location and details of the proposed tunnel within their properties in three dimensions.
2. Construction Work at the intersection of Greenpoint and Review Avenues shall be limited to nights and early morning hours which don't conflict with times of high-volume traffic such as morning rush hour.
3. The entire bulkhead surrounding Dutch Kills shall be repaired or replaced as part of the tunnel construction project.
4. DEP shall conduct a comprehensive flood study within the neighborhoods of Blissville and Maspeth, including scope and budget recommendations for alleviating flood hazards.
5. DEP shall make additional site visits as promised and maintain regular communication with the Blissville Civic Association throughout the design and construction phases of the project.
6. Replace substandard sewer lines along 37th Street and Greenpoint Avenue (currently 6" diameter) with standard-sized main sewer lines. Blissville Civic Association understands that the substandard lines are contributing to unprecedented sewer back-flows being experienced in homes and businesses.

*“Serving the Communities of Long Island City, Sunnyside, Woodside, and Maspeth”*

7. As discussed at the recent DCP IBZ meeting DEP shall create an Amended Drainage Plan for Blissville along the cemetery on 37th Street between Review and Bradley Avenues, to account for the severe quantity of water flowing over cemetery wall onto 37th Street each time it rains.

8. DEP shall fund and implement an investment in Blissville and Maspeth similar to the one just unveiled in Greenpoint, Brooklyn, across Newtown Creek: the "Gateway to Greenpoint", a project that will soak up nearly 1M gallons of rainwater each year, reduce flooding, and expand green space for local residents.

9. DEP shall coordinate with DOT to provide additional street trees and rain gardens along the entire length of the tunnel project.

The Board voted unanimously in favor of the motion with (31) thirty-one in favor; (0) none opposed and (0) no abstentions.

If you have any questions, please feel free to contact Community Board 2.

Sincerely,



Debra Markell Kleinert  
District Manager

DMK/mag

cc: Honorable Grace Meng, US Congress  
Honorable Nydia M. Velazquez, US Congress  
Honorable Michael Gianaris, NY State Senate  
Honorable Kristen Gonzalez, NY State Senate  
Honorable Jessica Ramos, NY State Senate  
Honorable Claire Valdez, NYS Assembly  
Honorable Jessica Gonzalez-Rojas, NYS Assembly  
Honorable Zohran Mamdani, NYS Assembly  
Honorable Steven Raga, NYS Assembly  
Honorable Robert Holden, NYC Council Member  
Honorable Shekar Krishman, NYC Council Member  
Honorable Julie Won, NYC Council Member  
Honorable Donovan Richards, Queens Borough President  
Hye-Kyung Yang, Department of City Planning  
Katie Crawford, Department of City Planning  
Feigele Lechtiner, Department of City Planning  
Alfonso Lopez, Queens Borough Commissioner, DEP  
Tai Bradshaw, DEP  
Anatole Ashraf, Chair, Community Board 2  
Christine Hunter, Chair, Land Use & Housing Committee  
Prameet Kumar, Vice Chair, Land Use & Housing Committee



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> DEP Newtown Creek CSO Tunnel	
<b>Applicant:</b> DEP - New York City Department of Environmental Protection	<b>Applicant's Primary Contact:</b> David Lee
<b>Application #</b> 260063PCY	<b>Borough:</b>
<b>CEQR Number:</b> 24DEP053Y	<b>Validated Community Districts:</b> Q02,Q05,K01

**Docket Description:**  
 IN THE MATTER OF an application submitted by the Department of Environmental Protection and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for site selection of properties located in Brooklyn, Community District 1 at 1 Kingsland Avenue (Block 2508, Lot 1), Scholes Street (Block 2962, Lot 1), and Varick Avenue (Block 2962, Lot 15); and in Queens, Community District 2 at 49 Street (Block 2575, Lot 26), Maspeth Avenue (Block 2575, Lot 140), Laurel Hill Blvd (Block 312, Lot 17), and 56 Road (Block 2552, Lot 75); and in Queens Community District 5 at 55-04 Maspeth Avenue (Block 2610, Lot 530) and Maspeth Avenue (Block 2610, Lot 550), for a combined sewer overflow (CSO) retention system.

*Please use the above application number on all correspondence concerning this application*

<b>RECOMMENDATION: Favorable</b>			
<b># In Favor:</b> 31	<b># Against:</b> 0	<b># Abstaining:</b> 0	<b>Total members appointed to the board:</b> 49
<b>Date of Vote:</b> 11/12/2025 12:00 AM		<b>Vote Location:</b> 68-02 Metropolitan Avenue, 11379	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

<b>Date of Public Hearing:</b> 10/8/2025 7:30 PM	
<b>Was a quorum present?</b> Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
<b>Public Hearing Location:</b>	Christ the King High School at 68-02 Metropolitan Avenue in Middle Village, NY 11379

<b>CONSIDERATION:</b> Please see attached Resolution/Recommendation		
Recommendation submitted by	QN CB5	Date: 11/24/2025 3:53 PM



# BOROUGH PRESIDENT RECOMMENDATION

<b>Project Name:</b> DEP Newtown Creek CSO Tunnel	
<b>Applicant:</b> DEP - New York City Department of Environmental Protection	<b>Applicant's Administrator:</b> David Lee
<b>Application #</b> 260063PCY	<b>Borough:</b> Citywide
<b>CEQR Number:</b> 24DEP053Y	<b>Validated Community Districts:</b> Q02,Q05,K01

**Docket Description:**  
 IN THE MATTER OF an application submitted by the Department of Environmental Protection and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for site selection of properties located in Brooklyn, Community District 1 at 1 Kingsland Avenue (Block 2508, Lot 1), Scholes Street (Block 2962, Lot 1), and Varick Avenue (Block 2962, Lot 15); and in Queens, Community District 2 at 49 Street (Block 2575, Lot 26), Maspeth Avenue (Block 2575, Lot 140), Laurel Hill Blvd (Block 312, Lot 17), and 56 Road (Block 2552, Lot 75); and in Queens Community District 5 at 55-04 Maspeth Avenue (Block 2610, Lot 530) and Maspeth Avenue (Block 2610, Lot 550) ,for a combined sewer overflow (CSO) retention system.

*Please use the above application number on all correspondence concerning this application*

**RECOMMENDATION:** Conditional Favorable

*Please attach any further explanation of the recommendation on additional sheets as necessary*

**CONSIDERATION:**

Recommendation submitted by	QN BP	Date: 12/19/2025 11:35 AM
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# Queens Borough President Recommendation

**APPLICATION:** Newtown Creek CSO Tunnel  
**COMMUNITY BOARD:** Q02, Q05

## **DOCKET DESCRIPTION**

**ULURP #260063 PCY – IN THE MATTER OF** an application submitted by the Department of Environmental Protection and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for acquisition of properties listed and as specified below, Borough of Brooklyn, Community District 1 and Queens, Community Districts 2 and 5, and for site selection of such properties for a combined sewer overflow (CSO) retention system.

**ULURP #260064 PSY – IN THE MATTER OF** an application submitted by the Department of Environmental Protection and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for site selection of properties located in Brooklyn, Community District 1 at 1 Kingsland Avenue (Block 2508, Lot 1), Scholes Street (Block 2962, Lot 1), and Varick Avenue (Block 2962, Lot 15); and in Queens, Community District 2 at 49 Street (Block 2575, Lot 26), Maspeth Avenue (Block 2575, Lot 140), Laurel Hill Blvd (Block 312, Lot 17), and 56 Road (Block 2552, Lot 75); and in Queens Community District 5 at 55-04 Maspeth Avenue (Block 2610, Lot 530) and Maspeth Avenue (Block 2610, Lot 550), for a combined sewer overflow (CSO) retention system.

## **PUBLIC HEARING**

A Public Hearing was held by the Queens Borough President in the Borough President's Conference Room at 120-55 Queens Boulevard, Kew Gardens NY 11424, via Zoom webinar and livestreamed on [queensbp.nyc.gov](https://queensbp.nyc.gov) on Thursday, October 30, 2025 at 9:30 A.M. pursuant to Section 82(5) of the New York City Charter and was duly advertised in the manner specified in Section 197-c (i) of the New York City Charter. The applicant(s) made a presentation. There were no other speakers. The hearing was closed.

## **CONSIDERATION**

Subsequent to a review of the application and consideration of testimony received at the public hearing, the following issues and impacts have been identified:

- The Applicants (DEP and DCAS) are seeking site selection and acquisition approvals in connection with the construction and operation of a combined sewer overflow (CSO) tunnel for the purposes of reducing the volume and frequency of SCO discharges to Newtown Creek. The 3.26-mile-long underground tunnel with a storage capacity of 50 million gallons will intercept CSOs at the four largest Newtown Creek outfalls;

- The Proposed Project will require acquisition of both private (Block 115, Lot 56; Block 275, Lots 240, 225) and public land (Block 2575, Lot 26; Block 115, Lots 86, 150) to create diversion facilities for CSOs. Tunnel construction would start under the creek into the Blissville section of Queens, where it would connect to a diversion sewer (BB-026). The tunnel alignment will continue along Review Avenue into the Maspeth section of Queens, connecting to outfall NCQ-77. From the outfall, the tunnel would go south then west into Brooklyn. A total of 59 properties would be up for site selection and acquisition, and 6 properties would only need site selection. No residential buildings will be affected. The tunnel will be 80-130 feet below ground surface. Fifty-four (54) subterranean easements will be required, and the subterranean easement zone will begin approximately 25-75 feet below the existing ground surface. The project is currently in its design phase and should be completed by December 2040;
- Within a ¼-mile radius of the Rezoning area, the predominant zoning classes are M3-1 and M3-2. The surrounding uses include a wide range of manufacturing uses, from logistics facilities and production studios to warehouse manufacturing buildings. There are some commercial and office buildings near transit lines, and residential buildings on the periphery of the Project Area. Transit options include the 7 train Hunters Point Ave station and the Q67 and Q39 buses;
- Because the Project Area overlaps two Community Districts, there were two different votes from Community Board 2 (CB2) and Community Board 5 (CB5). On November 6, 2025, CB2 voted to approve this application at their Full Board Meeting with a vote of thirty-one (31) in favor, zero (0) against and zero (0) abstentions. On November 12, 2025, CB5 voted to disapprove this application at their Full Board Meeting with a vote of thirty-one (31) in favor, zero (0) against and zero (0) abstentions;
- At the Borough President's Land Use Public Hearing, the Land Use Director held the hearing on the Borough President's behalf. The Applicant made a presentation and no questions were asked;
- On December 1, 2025, the Borough President's Office hosted a Borough Board meeting on the Newtown Creek CSO proposal. The Borough President asked about beautification and permeable paving. DEP stated that they will install bioswales on each of the diversion chambers, and green infrastructure is preferred over permeable pavement. The CB5 chairman asked if there are other projects like this in New York, and DEP said it's the first in New York but it has been done in many other cities across the country and world such as London and DC. The CB2 chairperson stated their conditions for approval, which was that property owners receive clear and concise maps about how their property will be affected, construction will only happen during nights and early morning hours, the entire bulkhead surrounding Dutch Kills should be replaced, replace substandard sewer lines in the Project Area, and that DEP should coordinate with DOT to provide additional street trees and rain gardens. The Borough Board voted to approve this application by a vote of twelve (12) in favor, one (1) abstention and five (5) absentees;
- The Office of the Queens Borough President received a letter from a law firm representing a property owner involved in the Project Area. The letter details that Fifty Seven Avenue Investments LLC, who represents ownership of Block 2529, Lot 40 and Block 2552, Lot 45, reviewed the proposed location of the easement for the tunnel and expressed concerns that any drilling or installation of the proposed tunnel may affect structural pylons under these properties. The attorney advises that the City acquire easements along 56<sup>th</sup> Road and 57<sup>th</sup> Avenue (located 60 feet north of the properties) would be better locations for the tunnel.

**RECOMMENDATION**

Based on the above consideration, I hereby recommend approval with the following conditions:

- The Applicant grants relief to the property owner of Block 2529, Lot 40 and Block 2552, Lot 25 and redirects the easement to the suggested locations along 56<sup>th</sup> Road and 57<sup>th</sup> Avenue; and
- The Applicant forms an oversight committee of nearby businesses and stakeholders and keep them informed on the tunnel's progress as well as any disruptions to traffic or other infrastructure.



**PRESIDENT, BOROUGH OF QUEENS**

12/18/2025

**DATE**