



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.

This application for site selection (C 260064 PSY) 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 combination acquisition and site selection (C 260063 PCY), 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 (C 260064 PSY) 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 260063 PCY Combination acquisition and site selection pursuant to Section 197-c of the New York City Charter.

BACKGROUND

A full background discussion and description of this application appear in the report for the related combination acquisition and site selection action (C 260063 PCY).

ENVIRONMENTAL REVIEW

This application (C 260064 PSY), in conjunction with the related application for a combination acquisition and site selection (C 260063 PCY), 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 260063 PCY). 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.

A full description of the environmental review appears in the report for the related combination acquisition and site selection (C 260063 PCY).

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 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), along with the application for a combination site selection and acquisition (C 260063 PCY).

Community Board Public Hearing

Brooklyn Community Board 1 held a public hearing on this application (C 260064 PSY) on October 21, 2025, and on November 18, 2025, adopted a resolution recommending approval of this application with conditions. A summary of the vote of Community Board 1 appears in the report for the related combination acquisition and site selection action (C 260063 PCY).

Queens Community Board 2 held a public hearing on this application (C 260064 PSY) on November 6, 2025, and on that day, adopted a resolution recommending approval of this application with conditions. A summary of the vote of Community Board 2 appears in the report for the related combination acquisition and site selection action (C 260063 PCY).

Queens Community Board 5 held a public hearing on this application (C 260064 PSY) on October 8, 2025, and on November 12, 2025, adopted a resolution recommending approval of this application. A summary of the vote of Community Board 5 appears in the report for the related combination acquisition and site selection action (C 260063 PCY).

Borough President Recommendation

This application (C 260064 PSY) was considered by the Brooklyn Borough President, who held a public hearing on November 18, 2025, and issued a recommendation to approve the application

with conditions on December 24, 2025. A summary of the recommendation of the Brooklyn Borough President appears in the report for the related combination acquisition and site selection (C 260063 PCY).

This application (C 260064 PSY) was considered by the Queens Borough President, who held a public hearing on October 30, 2025, and issued a recommendation to approve the application with conditions on December 19, 2025. A summary of the recommendation of the Queens Borough President appears in the report for the related combination acquisition and site selection (C 260063 PCY).

City Planning Commission Public Hearing

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

Four members of the applicant team testified in favor of the application and eight members of the public testified expressing concerns, as described in the report for the related combination acquisition and site selection (C 260063 PCY), and the hearing was closed.

CONSIDERATION

The Commission believes that the proposed site selection (C 260064 PSY) is appropriate. A full consideration and analysis of the issues and the reasons for approving this application appear in the report for the related combination acquisition and site selection (C 260063 PCY).

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, the application submitted by Department of Environmental Protection and the Department of Citywide Administrative Services 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, is approved.

The above resolution (C 260064 PSY), duly adopted by the City Planning Commission on February 18, 2026 (Calendar No. 10), 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*



COMMUNITY/BOROUGH BOARD RECOMMENDATION

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

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

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

Date of Public Hearing: 10/21/2025 6:00 PM	
Was a quorum present? 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>
Public Hearing Location:	211 Ainslie Street, Brooklyn, NY 11211

CONSIDERATION: 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

Brooklyn Community Board 1, Recommendation for Application # C260063pcy Newtown Creek Combined Sewer Overflow (CSO) Storage Tunnel Project CEQR # 24DEP053Y:

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



COMMUNITY BOARD No. 1

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BROOKLYN BOROUGH PRESIDENT



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FIRST VICE-CHAIRMAN

DEL TEAGUE
SECOND VICE-CHAIRPERSON

GINA BARROS
THIRD VICE-CHAIRPERSON

DAVID HEIMLICH
FINANCIAL SECRETARY

SONIA IGLESIAS
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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

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.

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

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DISTRICT MANAGER

HON. LINCOLN RESTLER
COUNCILMEMBER, 33rd CD

HON. JENNIFER GUTIERREZ
COUNCILMEMBER, 34th CD

NOTICE

COMMITTEE MEETING

DATE:

TIME:

LOCATION:

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:

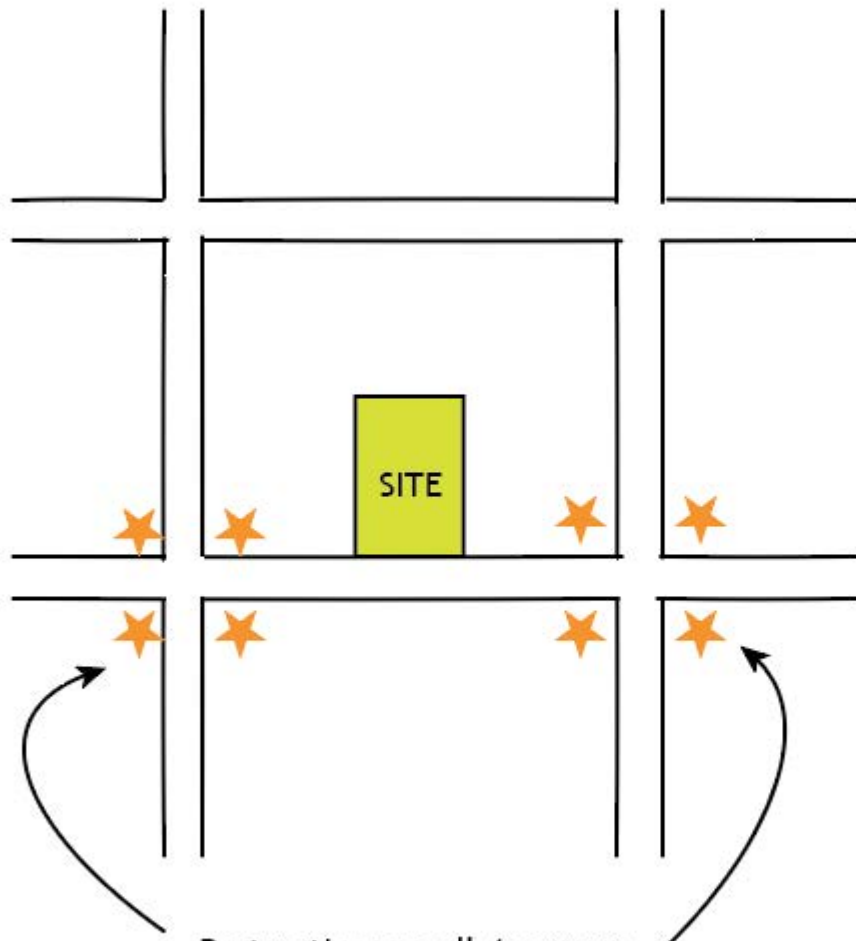
TIME:

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.



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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

Project Name: DEP Newtown Creek CSO Tunnel	
Applicant: DEP - New York City Department of Environmental Protection	Applicant's Primary Contact: David Lee
Application # 260063PCY	Borough:
CEQR Number: 24DEP053Y	Validated Community Districts: 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			
# In Favor: 31	# Against: 0	# Abstaining: 0	Total members appointed to the board: 47
Date of Vote: 11/6/2025 12:00 AM		Vote Location: 43-31 39th Street, Sunnyside	

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

Date of Public Hearing:	
Was a quorum present? 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>
Public Hearing Location:	

CONSIDERATION: 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

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Email qn02@cb.nyc.gov

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, 31st 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

Project Name: DEP Newtown Creek CSO Tunnel	
Applicant: DEP - New York City Department of Environmental Protection	Applicant's Primary Contact: David Lee
Application # 260063PCY	Borough:
CEQR Number: 24DEP053Y	Validated Community Districts: 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: Favorable			
# In Favor: 31	# Against: 0	# Abstaining: 0	Total members appointed to the board: 49
Date of Vote: 11/12/2025 12:00 AM		Vote Location: 68-02 Metropolitan Avenue, 11379	

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

Date of Public Hearing: 10/8/2025 7:30 PM	
Was a quorum present? 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>
Public Hearing Location:	Christ the King High School at 68-02 Metropolitan Avenue in Middle Village, NY 11379

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

COMMUNITY BOARD 5, QUEENS

Resolution/Recommendation

Subject: ULURP Application for the Newtown Creek Combined Sewer Overflow (CSO) Project and Site Selection and Acquisition for Associated Facilities

WHEREAS, representatives from the New York City Department of Environmental Protection (DEP), including Project Manager **Kate Edden**, presented before the Zoning and Land Use Review Committee on November 5th, 2025 on the proposed **Newtown Creek Combined Sewer Overflow (CSO) Project**, a citywide capital initiative subject to review under the Uniform Land Use Review Procedure (ULURP); and

WHEREAS, DEP is acting under a **Consent Order with the New York State Department of Environmental Conservation (NYSDEC)** to implement a Long Term Control Plan (LTCP) to reduce combined sewer overflows and improve water quality in Newtown Creek, a federally designated Superfund site shared by Brooklyn and Queens; and

WHEREAS, Newtown Creek currently experiences discharges of untreated combined stormwater and wastewater during heavy rain events due to the limited capacity of the existing combined sewer system, causing adverse impacts to water quality, aquatic ecosystems, and surrounding industrial and residential communities; and

WHEREAS, the proposed **CSO Tunnel Project** entails construction of a **3.26-mile-long subterranean tunnel** with a **storage capacity of approximately 50 million gallons**, designed to intercept four of the largest CSO outfalls that contribute over 70 percent of the overflow volume into Newtown Creek; and

WHEREAS, the tunnel will range between **80 to 130 feet below grade**, with **ten subterranean easements** (ranging from 25 to 75 feet below surface) to protect the integrity of the tunnel structure and maintain future access for maintenance, while allowing non-exclusive development rights above, subject to DEP review and approval; and

WHEREAS, the project includes the **construction of a Dewatering Pump Station** that will transfer retained combined flow to the Newtown Creek Wastewater Resource Recovery Facility in Brooklyn following major storm events; and

WHEREAS, DEP has stated that **no above-ground property acquisitions are proposed** within Queens Community District 5 and that all affected parcels will be limited to underground easements, minimizing direct displacement or operational disruption to existing businesses; and

WHEREAS, the Environmental Impact Statement (EIS) prepared for the project identified **temporary construction-related impacts**, including **truck traffic and noise**, particularly near **Maspeth Avenue and Rust Street**, and DEP has committed to implementing mitigation measures to minimize these effects; and

WHEREAS, concerns raised by local stakeholders, including representatives from Western Beef, regarding potential structural effects on bulkheads and waterfront properties have been addressed by DEP, which confirmed that tunneling operations will occur well below existing foundations and that the **Tunnel Boring Machine (TBM)** will be operated and launched from the Brooklyn side of Newtown Creek; and

WHEREAS, the project has an estimated **capital cost of \$3 billion**, with completion of design and permitting by 2028 and **full construction completion anticipated by December 2040**, representing one of the largest environmental infrastructure investments in New York City; and

WHEREAS, DEP has indicated that the **Environmental Protection Agency (EPA)**, through the ongoing Superfund cleanup process, will coordinate dredging activities to remove contaminated sediment from Newtown Creek, and that DEP will assume dredging responsibilities if required to meet project timelines; and

WHEREAS, Community Board 5 recognizes that this project will bring **significant long-term environmental benefits**, including a substantial reduction in CSO discharges, improved water quality, and enhanced ecological and recreational conditions for surrounding neighborhoods, including **Maspeth, Middle Village, Ridgewood, and Glendale**; and

NOW, THEREFORE, BE IT RESOLVED, that the **Zoning and Land Use Review Committee of Queens Community Board 5** recommend that the **full Board approve the ULURP Application** submitted by the Department of Environmental Protection (DEP) and the Department of Citywide Administrative Services (DCAS) for **site selection and acquisition related to the Newtown Creek CSO Tunnel Project**; and

BE IT FURTHER RESOLVED, that Community Board 5 urges DEP to maintain continued coordination with local stakeholders, including waterfront property owners and industrial businesses, to minimize construction impacts and ensure that **Newtown Creek's environmental restoration proceeds in tandem with the preservation of industrial operations that are critical to the regional economy**.



BOROUGH PRESIDENT RECOMMENDATION

Project Name: DEP Newtown Creek CSO Tunnel	
Applicant: DEP - New York City Department of Environmental Protection	Applicant's Administrator: David Lee
Application # 260063PCY	Borough: Citywide
CEQR Number: 24DEP053Y	Validated Community Districts: 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 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 56th Road and 57th 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 56th Road and 57th 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