



CITY PLANNING COMMISSION

April 14, 2004/Calendar No. 15

C 040135 PCM

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 and acquisition of property located at 142 Grand Street** (Block 473, Lot 47), for construction of a water tunnel shaft (Shaft 30B) for City Water Tunnel No. 3, Stage 2, Borough of Manhattan, Community District 2.

The application (C 040135 PCM) was filed on September 30, 2003 by the Department of Environmental Protection (DEP) and the Department of Citywide Administrative Services (DCAS) for site selection and acquisition of property located at 142 Grand Street (Block 473, Lot 47), Borough of Manhattan, Community District 2, for construction of a water tunnel shaft (Shaft 30B) for City Water Tunnel No. 3.

BACKGROUND

Currently, the City receives water through two primary conduits: City Tunnel No. 1, which was completed in 1917 and supplies parts of the Bronx, Manhattan and downtown Brooklyn; and City Tunnel No. 2, which began operating in 1936 and supplies Queens, the remainder of the Bronx and Brooklyn, and Staten Island. Neither tunnel has ever been closed for repairs. To avert any major problems that could be caused by the failure of either one of the two existing water tunnels, as well as to insure that the City's future water needs are met, the Board of Water Supply, in 1966, proposed a new water-supply system consisting of four stages collectively referred to as City Tunnel No. 3.

Construction of Stage 1 is completed, Stage 2 is currently under construction, and Stages 3 and 4 are expected to begin in the early part of the 21st century. After the completion of City Tunnel No. 3, DEP plans to take Tunnel No. 1 off-line for a period of 10 years for inspection and rehabilitation, followed by Tunnel No. 2 and then alternating inspections and repairs among the three tunnels in 10-year intervals.

DEP is proposing to use property located at 142 Grand Street (Block 473, Lot 47), for construction of a water tunnel shaft (Shaft 30B) for City Water Tunnel No. 3. Construction of Shaft 30B is part of Stage 2 of the four-stage City Water Tunnel No. 3 project.

The site is located on the northwest corner of Grand and Lafayette street, in an M1-5B zoning district, and has an area of approximately 12,500 square feet. The property is privately owned and is currently used as a public parking lot for approximately 95 cars.

Shaft 30B will involve the construction of a 512 foot-deep vertical distribution shaft and a distribution chamber, approximately 3 feet below grade. The distribution shaft, when in operation, will be used to bring water from the tunnel via two supply pipes within the shaft to the subsurface distribution chamber, to be constructed on top of this vertical shaft, from where it will link to the existing water supply system.

Excavation of the shaft will be done through the 'Raised Boring' procedure which involves reaming the shaft from the bottom to the top through a pilot hole. This procedure would allow

for most of the excavated material to be removed from the site via the existing tunnel to the Shaft 26B site at 10th Avenue and 30th Street and from there it will be trucked away. However, it would be necessary for some of the material to be removed by trucks. These trucks would enter and leave the site via readily accessible truck routes (Lafayette Street to Canal Street to the Holland Tunnel).

After construction is completed, only two 3-foot by 5-foot hatchways at surface elevation and a 14-inch diameter airvent pipe, rising approximately 10 feet above grade, will be visible at street level. Jurisdiction of the site will revert to DCAS, however, DEP will retain a permanent easement of approximately 4,000 square feet for the area above the subsurface distribution chamber. The chamber will be unmanned except for monthly maintenance and inspection. During construction, the site will be enclosed with fencing and will also be used for storage of construction equipment and material and employee parking. The construction of Shaft 30B is expected to take approximately 44 months; beginning in 2004 and ending by 2008.

The area is generally characterized by a mix of residential, commercial, light manufacturing and food wholesaling uses. Buildings in the immediate vicinity of the site contain joint living-work quarters for artists and other residential uses on the upper floors and retail uses on the ground floors.

ENVIRONMENTAL REVIEW

This application (C 040135 PCM) 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 designated CEQR number is 04DEP014M. The lead agency is the Department of Environmental Protection.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on December 1, 2003.

UNIFORM LAND USE REVIEW

This application (C 040135 PCM) was certified as complete by the Department of City Planning on January 5, 2004 and was duly referred to Community Board 2 and the Manhattan Borough President in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

On November 25, 2003, by a vote of 30 to 0 with 0 abstentions, Community Board 2 adopted a resolution recommending approval of the application with conditions. The resolution is non-complying since it was adopted without a public hearing and prior to the certification of the application as complete by the Department of City Planning.

Borough President Recommendation

This application (C 040135 PCM) was considered by the Borough President of Manhattan, who issued a recommendation on January 29, 2004, approving the application with the following conditions:

1. The construction site should be surrounded by full height concrete walls during construction
2. All construction work must be restricted to the site and not be allowed on the surrounding streets
3. The extensive truck traffic that uses this site be carefully managed to avoid adding to the traffic congestion in the surrounding streets.
4. Care should be taken to minimize noise and dust.
5. The contractor must carefully inspect the surface excavation and use seismic monitors to protect the surrounding buildings.
6. The contractor must survey and document the structural condition of the surrounding buildings prior to the start of construction.

The Borough President agrees with CB#2 and supports this site selection and acquisition. This office, in addition to CB#2, is concerned about the lack of open space within this community, and since this is an opportunity to create open space, it should be seized. Therefore, in support of CB#2's Approval with Conditions, the Borough President adds the following condition to the approval of this application: that the site be designated for open space for public usage.

City Planning Commission Public Hearing

On February 25, 2004 (Calendar No. 1), the City Planning Commission scheduled March 10, 2004 for a public hearing on the application (C 040135 PCM). The hearing was duly held on March 10, 2004 (Calendar No. 26). There were two speakers in favor of the application, and one in opposition.

Two representatives of the DEP spoke in favor of the application. They reviewed the standard procedure for the development of water tunnel shaft sites as open space. They stated that DEP

could either enter into a Memorandum of Understanding (MOU) with a community group for the group to develop the subject site for open space, or DEP could transfer the site to the Department of Parks for development as open space. In this instance DEP intends to acquire the site and work with a community group following completion of construction so it may eventually be used as open space. DEP will provide financial assistance in the form of a contribution of at least \$400,000 to the “Percent for Art” Program, which is administered by the Department of Cultural Affairs. The “Percent for Art” Program has been used previously to fund artists who develop community gardens as art and it is possible that a similar arrangement could be the set up for Shaft 30B.

The site's owner spoke in opposition. He stated that he had not been informed by DEP of their plans to condemn his site and further, that he does not want to give up ownership of the property.

There were no other speakers and the hearing was closed.

CONSIDERATION

The City Planning Commission believes that the application of DEP and the DCAS for site selection and acquisition of privately-owned property located at 142 Grand Street (Block 473, Lot 47), Borough of Manhattan, Community District 2, for construction of a water tunnel shaft (Shaft 30B) for City Water Tunnel No. 3. is appropriate.

The City has two water tunnels, neither one of which has ever been closed down for inspection and repair. The Commission understands the importance of completing the construction of a third water tunnel, of which this project will be a part, so as to be able to temporarily take the other tunnels off-line to check for damage and leaks. The proposed shaft 30B of the Third Water Tunnel will be constructed mainly within the immediate area of 142 Grand Street. The hours and conditions of construction will be enforced by DEP inspectors on the site, and it is anticipated that, during the period of construction, any impact on the surrounding environment will be kept to a minimum.

In response to the suggestions of the Community Board and Borough President that the site become a park after completion of the shaft, DEP, in a letter dated March 4, 2004, stated that:

DEP also supports this last condition and would like to suggest that an Advisory Committee composed of community members and members of the DEP and other appropriate City agencies be created. During the construction of Shaft 30B, the members of this committee could begin meeting for the purpose of determining the most suitable use of the site after construction is completed. To avoid any future potential problems that could arise, at the present time we must strictly adhere to our ULURP application which is only for a site selection and acquisition, for purposes of the Shaft.

The project is included in the "Citywide Statement of Needs for FY 1996-1997." The site is sufficient for shaft construction, existing traffic would not be disrupted, and the neighborhood character will not be adversely affected by Shaft 30B.

City Tunnel No. 3 is an integral part of New York City's water supply system that will improve water quality, help alleviate serious pressure deficiencies during peak demand and ensure that the City's future water needs are met.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; 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 consideration described in this report, the application (C 040135 PCM) of the Department of Environmental Protection and the Department of Citywide Administrative Services for site selection and acquisition of property located at 142 Grand Street (Block 473, Lot 47), Borough of Manhattan, Community District 2, for construction of a water tunnel shaft (Shaft 30B) for City Water Tunnel No. 3, Stage 2, is approved.

The above resolution, duly adopted by the City Planning Commission on April 14, 2004 (Calendar No. 15), is filed with the Office of the Speaker, City Council and the Borough President of the Manhattan, in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, AICP, Chair

**ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,
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