

## **Borough Board Atlantic Yards Committee**

Summary of the March 16, 2006 Meeting on Sanitation and Solid Waste, Construction Impacts, Hazardous Materials and Land Use and Public Policy

### **Borough Board Atlantic Yards Committee Members in Attendance:**

Borough President Marty Markowitz  
Assembly Member Joan Millman  
Community Board 2 Chair Shirley McRae  
Community Board 6 Chair Jerry Armer  
Community Board 8 Chair Robert Matthews

### **Supporting Staff:**

Greg Atkins, Office of Borough President Marty Markowitz  
Richard Bearak, Office of Borough President Marty Markowitz  
Judd Schechtman, Office of Borough President Marty Markowitz  
Ellen Oettinger, Office of Borough President Marty Markowitz  
Mary Lou Bradley, Office of Council Member David Yassky  
Kate Suisman, Office of Council Member Letitia James  
Ken Pemberton, Office of Senator Carl Andrews  
Robert Perris, District Manager, Community Board 2  
Doris Alexander, District Manager, Community Board 8

### **Guests & Panelists:**

Carmen Cognetta, Counsel to City Council's Sanitation Committee  
Vincent DiPolo, Department of Sanitation  
Dr. Robert Kulikowski, Director of the Office of Environmental Coordination  
Winston Von Engel, Department of City Planning

## **I. Discussion with the Panel**

See below questions and topics covered during the panels covering Sanitation and Solid Waste, Construction Impacts, Hazardous Materials and Land Use and Public Policy

### **a. Construction Impacts and Hazardous Materials discussion with Dr. Robert Kulikowski, Director of the Office of Environmental Coordination**

#### **Overview of hazardous materials section with Dr. Kulikowski**

First, they will conduct what's called Phase I environmental assessments. If this round of tests points to something, that triggers Phase II testing. There are standards for materials testing. Soil samples will be sent to labs to be analyzed, and they will attach a report to the EIS.

#### **Will the EIS include a list of contaminants?**

Yes, petroleum or other hazardous substances. If there were zoning approvals involved, the Department of City Planning could require Department of Environmental Protection approvals, with remedial action work plan. But because it's a state project, if it's found to be contaminated, the project could be under an order by the State Department of Environmental Conservation [DEC] to clean.

The developer could apply to the State brownfields program voluntarily, but you can't tell eligibility until you see what substances are there. Eligibility requires that there be "contamination or perception of contamination". Any city or state project can be eligible, and the state makes that call.

**Can you speculate about the materials?**

Phase II on the Highline project found several heavy metals and organic compounds. There is a broad range of what you might find in addition. Cresote is almost always found in railyards of this size. Arsenic, calcium magnesium and PCBs from transformers could be there.

**How difficult is it to mitigate?**

Not difficult. Pretty much anything there is mitigatable. It depends on the amount of money you want to spend to clean it up.

There are a number of factors that go in. Site specific considerations enter into this a lot. You could certify a clean fill, but it's not always necessary. The developer could excavate and then put in a vapor barrier. You want to remove the sources of contamination.

**This is a much larger project than the Highline's seven acres. Is it the developer's responsibility to clean it?**

If he didn't put it there, it's not legally his responsibility. I think this developer may have applied to the brownfield program. They're not legally bound to clean it, but the state could require it. It could be an order by DEC, or the party could decide to do it voluntarily.

**It could cost quite a lot to clean it, right?**

The developer knows the funding considerations and seems willing to do this.

**Part of the site is covered with concrete and used as bus storage. Will battery acid and other substances resulting from vehicle storage be looked at? Are clean up standards different for train yards versus an arena?**

There are four tracks, or levels, of clean up. The first is a general category, then commercial, industrial and site specific use.

**Do you know the possible health risks for some of the substances you mentioned, like arsenic?**

I have it available, but not with me right now. Benzene, I know, is carcinogenic. Some materials can be carcinogenic.

**Do you require that developers and the state coordinate with the City on construction impacts?**

Noise and air quality are the main ones. Basically, you take the air and noise standards and apply them to the time period of construction impacts. If there's a sensitive receptor like a school health facility or residences nearby, you would have to study it. There would have to be a mitigation strategy if those were impacted.

**Is the city or state responsible to coordinate?**

The state, and they aren't noise experts. This will be a required coordinated review, so they will have to work with city agencies. Things can be stopped if the situation is beyond acceptable levels.

**What about offsite impacts like trucks? Does that fall to the city?**

Yes.

**In Downtown Brooklyn, a whole commercial strip was redone, and they had to turn off the water periodically, on and off. This project is ten to twelve years. Is this likely to happen with the Atlantic Yards project, too?**

You'll have to know more about the plan and how it will be staged. The city, state and developer will have to coordinate to keep that from happening.

**Is this in the EIS?**

No, but new things come up all the time, especially with this project, which is a very large construction project.

**b. Sanitation and Solid Waste discussion with Carmen Cagnetta, Counsel to City Council's Sanitation Committee and Vincent DiPolo, Department of Sanitation**

**There are concerns regarding the increase in the amount of litter and debris around the new development, especially around game times. Can you discuss how this is handled at Madison Square Garden and Yankee Stadium, and how the Sanitation Department might handle this clean up?**

*V. DiPolo:* We assign additional personnel around game time, especially after the game. We would probably assign for overnight.

**Who will be responsible for cleaning the streets, sidewalks and internal walkways, respectively? Are discussions with developers typical in order to plan for internal handling and pick-up of waste and recycling?**

*V. DiPolo:* We will do the streets. It's usually a joint effort for the sidewalks.

**How about private carting? Do you coordinate with the developer?**

*V. DiPolo:* Yes, they have the option to get containerized collection or roadside collection. There's the question of storage. It's the private owner's decision, and we'll meet with him to tell him the options.

**How about recycling?**

*V. DiPolo:* I don't know how the arena will work, necessarily.

*C. Cagnetta:* Good evening, I'm here representing Council Member McMahon, the chair of the City Council Sanitation and Solid Waste Committee. We've been trying to get the Department of Buildings [DoB] to place requirements in the building code to provide for trash and recycling. Buildings should have enough storage and a trash compactor. The arena is private, and there's a lot of confusion on collection laws. The arena should be responsible for it and should have a private carter. The Department of Sanitation would be happy to do it because they get paid for it.

**Where will the residential and commercial refuse and recycling go to from Atlantic Yards?**

*V. DiPolo:* There are existing sites for this location.

*C. Cagnetta:* Hopefully, the new Marine Transfer Station will be built for the residential waste and it won't go into the neighborhoods. Council Member McMahon would be happy to have a hearing about this issue relating to Atlantic Yards.

**As people are walking from free parking in the neighborhoods, the trash will follow. Will Sanitation keep in mind the new pedestrian traffic when enforcing codes, especially for the many senior residents in the area?**

*V. DiPolo:* I can't say yes or no. We'd have to use our discretion when ticketing the local residents.

**You mentioned that the private residential trash would be picked up?**

*V. DiPolo:* The local buildings would be picked up by the current routes. We take it to private vendors, then they take it out of state.

*C. Cagnetta:* In the new plan, the trash would probably go to the Hamilton area station to New Jersey or parts to be taken down to Virginia.

**This is taking into account 18,000 new residents for the Hamilton station capacity?**

*C. Cagnetta:* Yes.

**Isn't it typical for high rises to get private carters?**

*C. Cagnetta:* Commercial high rise waste is packaged, sent to transfer stations, then trucked to Pennsylvania or North Carolina or Ohio.

**The additional 7,000 residential units will not all be luxury apartments like the high rises in Manhattan. Will the additional garbage and recycling put a strain on the equipment or manpower of DOS? What will it cost?**

*V. DiPolo:* We update our equipment on a scheduled basis. If necessary, we will allocate additional resources.

*C. Cognetta:* They do a great job re-evaluating when they need to make changes. They adjust as neighborhoods change. I know that 7,000 residential units seems like a lot, but in the scheme of the city, tis' small. They can handle it. They've done that in DUMBO and in Downtown Manhattan.

**How does Hamilton Avenue fit into this?**

*C. Cognetta:* It's an old Marine Transfer Station, and part of the new Solid Waste Management Plan that contemplates going back to the barge system to containerize garbage, then put it on a boat.

**So Community Board 6 will get trucks going through the district? What is the number of truck trips that will be created by this on top of the number created by Atlantic Yards? Is there any data on this?**

*C. Cognetta:* There is an EIS on Hamilton Avenue with truck trips in it. I don't remember the specific numbers. A truck holds 12 tons, so probably one truck could take all those units [from the Atlantic Yards development] every other or every third day. So maybe one more truck every few days.

**My concern with this brand new development is that there is no planning for storage. I don't want bags on the street. We should talk to the developer to be sure this is happening. What is the current pick up at the site?**

*V. DiPolo:* Brooklyn Community District 8 has pick up three times a week. Community District 6 is twice a week, and Community District 2 is three times, some parts of it are twice a week. Basket collection is different.

*C. Cognetta:* The city does have a supplemental basket collection program.

**You will probably need extra baskets at this site.**

*V. DiPolo:* We'll dedicate extra basket service. We will look to move it where it's needed.

*C. Cognetta:* There's nothing in the DoB code for trash storage, so you have to work with the developer.

**I think that's a reasonable thing to ask of the developer.**

**When will the pick up happen after a game?**

*C. Cognetta:* It will be a private carter. Visit Yankee Stadium and Madison Square Garden and see which carter is best.

**Which one is best, Mr. Cognetta?**

*C. Cognetta:* Shea Stadium, I think.

**Does one truck really carry garbage for 7,000 units of residences?**

*C. Cognetta:* It depends on how much waste they produce. If the units are holding families, there will be more waste; if it's a couple that both work, there will be less. It depends on how much they recycle. A truck can hold at minimum 10 tons, and 100 bags or trash cans per ton. With compactors, you can get 12-14 tons in a truck.

**All of this garbage is not going to happen on the first day, but it is certainly something we should track.**

**c. Land Use and Public Policy discussion with Winston Von Engel, Deputy Director of the Brooklyn Office of the Department of City Planning**

**What is required in the Land Use, Zoning and Public Policy section of an EIS?**

This section is very dear to the Department of City Planning [DCP]. Typically, the project is identified, the study area drawn on a map and a land use map is prepared. A zoning map is also prepared. Generally, for public policy they will ask around for plans in the area or reports that DCP has produced, like renewal plans or waste management plans. Then we will discuss the use – what type of use? Shopping? Residential? Is there vacant land? Commercial or manufacturing districts? We will look at what the project proposes. The EIS will compare the project to see if there are any conflicting public policies. For example, if a study says that it should be commercial and the applicant wants to do residential.

**For a project of this size, with key issues such as traffic, community facilities, waste water runoff, as examples, are you aware of any precedent that results in the study area to be extended beyond the one-half mile secondary study area?**

I can't think of one. In Downtown Brooklyn we used ½ mile. You could use land use impacts further away, and you can use intersections outside the area. I don't know if the ½ mile in traffic is sacrosanct. The Department of Transportation is going to look at this extremely carefully.

**There is a concern that with large scale development that at some point there might be a push to rezone Atlantic and Flatbush.**

It's hard to say. It is possible. Zoning is about here and now, and it's policy. We live in a changing world, and certainly changes are possible. We've seen Atlantic Center change from a meat market to manufacturing to retail and residential.

**For upzonings like Greenpoint-Williamsburg and Fourth Avenue, how does DCP determine the appropriate density?**

First we look at the infrastructure – can it handle the density? Is there street capacity? Open space? There is no formula. In Downtown Brooklyn, we upzoned partly based on capacity for mass transit.

**So, using your statement, Atlantic Avenue has a lot of mass transit and the sidewalks are being widened. Does that mean something?**

It's possible, but right now there is no proposal for an upzoning. It's privately owned land, so any private developer could ask for a rezoning, and we would look at it. It depends on a lot of factors, including the economy and area interest.

**What is the current [Floor Area Ratio (FAR)] for Atlantic Yards?**

I don't know exactly, but it is large. The EIS scope has a large proposed FAR because the intent is to study the outside envelope of what will be built.

**Can you discuss DCP's role in the process?**

The Mayor and the Borough President have expressed support for the project. When the General Project Plan (GPP) is adopted by ESDC, the process will include reviews by the Mayor through the City Planning Commission. We will be involved in reviewing and presenting the plan to the Commission and making recommendations.

**Forest City initiated the project, right?**

Yes.

**Were you looking at bidding the land?**

Not that I know of. There were plans many decades ago as part of urban renewal and Baruch College. Some parts were realized – the housing, Atlantic Center.

**Why didn't you look at bidding the land?**

The railyards belong there. They are critical to the LIRR operation. We had not been considering the yards directly.

**Is DCP concerned about security issues at the site?**

We are not security experts. We'll leave that to the NYPD.

**Since ESDC is doing it, does City zoning have any play at all? What role does DCP actually play? Couldn't the State just say "this is our policy and this is yours"?**

They have the technical and legal ability to override city regulations. ESDC does not like to do this without the concurrence of the local municipality. Zoning plays a role, and they're committed to using CEQR and looking at the current zoning. The density is high, the yards have manufacturing, but there is commercial with FAR of 10 as part of city policy years ago.

**On Underhill, there are small buildings that have been upgraded with one year leases. The leases give three months notice to be out. If the land owners near the arena applied for variances, is it likely to be approved on a building by building basis?**

Could a building owner apply to build high? Yes, a variance is supposed to be an escape valve if they argue that zoning is placing a burden on them – especially a financial hardship. So they're asking for a relief. I don't know if the Board of Standards and Appeals would agree to an argument that says, "I want to make more money."

**Is Amanda Burden the sign-off for design guidelines?**

The MOU says the City and ESDC will have to sign off.

**Have the guidelines been made yet?**

It will be part of the General Project Plan.

**Does DCP have a general position on street demapping?**

We evaluate on a case by case basis. As I said, we demapped and mapped new streets for Downtown Brooklyn. The Commission Chair and the Mayor want the streets to be enlivened, to have life on them.

**This demapping seems like it would close off.**

The closed streets are where the arena is, the rest are where the open space will go. In terms of getting across Atlantic, Atlantic is not going to change in terms of width. I don't think the closing of those streets for the arena will be an issue. They won't be demapped, just closed. There's a federal Post Office in Spring Creek with city streets still on the map running through them.

**[Marty Markowitz] This is the last of the scheduled meetings of this committee. I would like to thank the members of the Committee and our guests for their participation in this process. My staff will contact each of the members to get your recommendations on follow-up and next steps**