



Legislation Details (With Text)

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**On agenda:** 3/22/2018

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**Title:** Resolution approving the decision of the City Planning Commission on ULURP No. C 170305 MMX, an amendment to the City Map (L.U. No. 19).

**Sponsors:** Rafael Salamanca, Jr., Francisco P. Moya

**Indexes:**

**Attachments:** 1. Res. No. 265, 2. Land Use Calendar - Week of February 5, 2018 - February 9, 2018, 3. Hearing Testimony - Zoning 2-7-18, 4. Hearing Transcript - Zoning 2-7-18, 5. January 31, 2018 - Stated Meeting Agenda, 6. Land Use Calendar - Week of March 5, 2018 - March 9, 2018, 7. March 22, 2018 - Stated Meeting Agenda, 8. Hearing Transcript - Stated Meeting 3-22-18, 9. Minutes of the Stated Meeting - March 22, 2018, 10. City Planning Commission Approval Letter, 11. Committee Report

Date	Ver.	Action By	Action	Result
3/6/2018	*	Committee on Land Use	Approved by Committee with Modifications and Referred to CPC	
3/22/2018	*	City Council	Approved, by Council	Pass

**THE COUNCIL OF THE CITY OF NEW YORK  
RESOLUTION NO. 265**

**Resolution approving the decision of the City Planning Commission on ULURP No. C 170305 MMX, an amendment to the City Map (L.U. No. 19).**

**By Council Members Salamanca and Moya**

WHEREAS, the City Planning Commission filed with the Council on January 26, 2018 its decision dated January 17, 2018 (the "Decision"), on the application submitted by the New York City Department of City Planning and the New York City Department of Parks and Recreation, pursuant to Sections 197-c and 199 of the New York City Charter, and Section 5-430 *et seq.* of the New York City Administrative Code for an amendment to the City Map involving:

- the elimination, discontinuance and closing of Corporal Irwin Fischer Place between Nelson Avenue and Shakespeare Avenue;
- the establishment of parkland in the area bounded by Nelson Avenue, West 170<sup>th</sup> Street, Shakespeare Avenue and West 169<sup>th</sup> Street;
- the adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. 13140 dated August 8, 2017 and signed by the Borough President, (ULURP No. C 170305 MMX), Community District 4, Borough of the Bronx (the "Application");

WHEREAS, the Application is related to applications N 180050(A) ZRX (L.U. No. 17), a zoning text amendment as modified; and C 180051(A) ZMX (L.U. No. 18), a zoning map amendment as modified;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b) (3) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on February 7, 2018;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application;

WHEREAS, the Council has considered the relevant environmental issues, including the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on January 5, 2018 (CEQR No. 17DCP019X), which identified significant adverse impacts related to hazardous materials, air quality and noise which would be avoided through the placement of (E) designations (E-442), and additional significant adverse impacts with respect to community facilities (public schools), shadows, transportation (traffic, buses, and pedestrians), and construction activities related to noise.

RESOLVED:

Having considered the FEIS with respect to the Decision and Application, the Council finds that:

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic and other essential considerations from among the reasonable alternatives thereto, the action is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by (E) designations for Hazardous Materials, Air Quality, and Noise, which form part of the Proposed Actions, or the required mitigation measures.

The Decision, together with the FEIS, constitutes the written statement of facts, and of social, economic and other factors and standards, that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 199 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 170305 MMX, incorporated by reference herein, the Council approves the Decision for an amendment to the City Map involving:

- the elimination, discontinuance and closing of Corporal Irwin Fischer Place between Nelson Avenue and Shakespeare Avenue;
- the establishment of parkland in the area bounded by Nelson Avenue, West 170<sup>th</sup> Street, Shakespeare Avenue and West 169<sup>th</sup> Street;
- the adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto in Community District 4, Borough of the Bronx, in accordance with Map No. 13140 dated August 8, 2017 and signed by the Borough

President is approved; and be it further

**RESOLVED** that, pursuant to Section 5-432 of the New York City Administrative Code, the Council adopts the City Planning Commission determination that “such closing or discontinuance will further the health, safety, pedestrian or vehicular circulation, housing, economic development or general welfare of the City”; and be it further

**RESOLVED** that, pursuant to Section 5-433 of the New York City Administrative Code, the City Planning Commission adopted the legally required number of counterparts of Map No. 13140 dated August 8, 2017 providing for the discontinuance and closing of Corporal Irwin Fischer Place between Nelson Avenue and Shakespeare Avenue more particularly described as follows:

**DISCONTINUING AND CLOSING CORPORAL IRWIN FISCHER PLACE BETWEEN NELSON AVENUE AND SHAKESPERE AVENUE**

In the matter of discontinuing and closing Corporal Irwin Fischer Place between Nelson Avenue and Shakespeare Avenue, Borough and County of The Bronx, City and State of New York, in accordance with Borough President Map No. 13140:

Starting at a Point of Beginning located on the easterly street line of Nelson Avenue, said point being distant 96.897 feet southerly along said easterly street line of Nelson Ave. from its intersection with the southerly street line of West 170th Street, as those streets were hereinbefore laid out on the City Map;

- 1) Running thence southerly, along the easterly street line of Nelson Ave., 55.609 feet to its intersection with former southerly street line of Corporal Irwin Fischer Place;
- 2) Running thence easterly, along the former southerly street line of Corporal Irwin Fischer Place, said course forming an interior angle with the last mentioned course of 64 degrees 02 minutes 40 seconds, 247.229 feet to the westerly street line of Shakespeare Ave.;
- 3) Running thence northerly, along the westerly street line of Shakespeare Ave., said course forming an interior angle with the last mentioned course of 91 degrees 43 minutes 50 seconds, 48.578 feet to the intersection with the newly established southerly street line of West 170th Street;
- 4) Running thence westerly, along said newly established southerly street line of West 170th Street, said course forming an interior angle with the last mentioned course of 114 degrees 13 minutes 30 seconds, 7.359 feet to the intersection with the former westerly street line of Corporal Irwin Fischer Place;
- 5) Running thence southerly, along the former westerly street line of Corporal Irwin Fischer Place, said course forming an interior angle with the last mentioned course of 90 degrees 00 minutes 00 seconds, 1.976 feet to its intersection with the former northerly street line of Corporal Irwin Fischer Place;
- 6) Running thence westerly, along said former northerly street line of Corporal Irwin Fischer Place, said course forming an interior angle with the last mentioned course of 244 degrees 02 minutes 40 seconds, 216.875 feet to the Point or Place of Beginning.

The area described above consists of 11,793 square feet, more or less, located in the County of the Bronx.

**RESOLVED** that, pursuant to subdivision 1a of Section 5-433 of the New York City Administrative Code,

public utility facilities within the subsurface of the streets cited herein which are to be discontinued and closed by this action, may be maintained in place or relocated within such subsurface by the public utility, so that such maintenance in place or relocation of such facilities is consistent with the proposed use of the closed portion or portions of such subsurface, and the requirements of other facilities located therein;

All such approvals being subject to the following conditions:

- a. The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of Map No. 13140 dated August 8, 2017 are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter and Section 5-435 of the New York City Administrative Code; and
- b. The subject streets to be discontinued and closed shall be discontinued and closed on the day following the day on which such maps adopted by this resolution shall be filed in the offices specified by law.

Adopted.

Office of the City Clerk, }  
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on March 22, 2018, on file in this office.

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City Clerk, Clerk of The Council