

Land Use, Zoning, and Public Policy

APPENDIX C



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Appendix C. Zoning and Public Policy

C.1 ZONING

Figure C-1. Zoning (Existing): Segment 1 (Corridor)

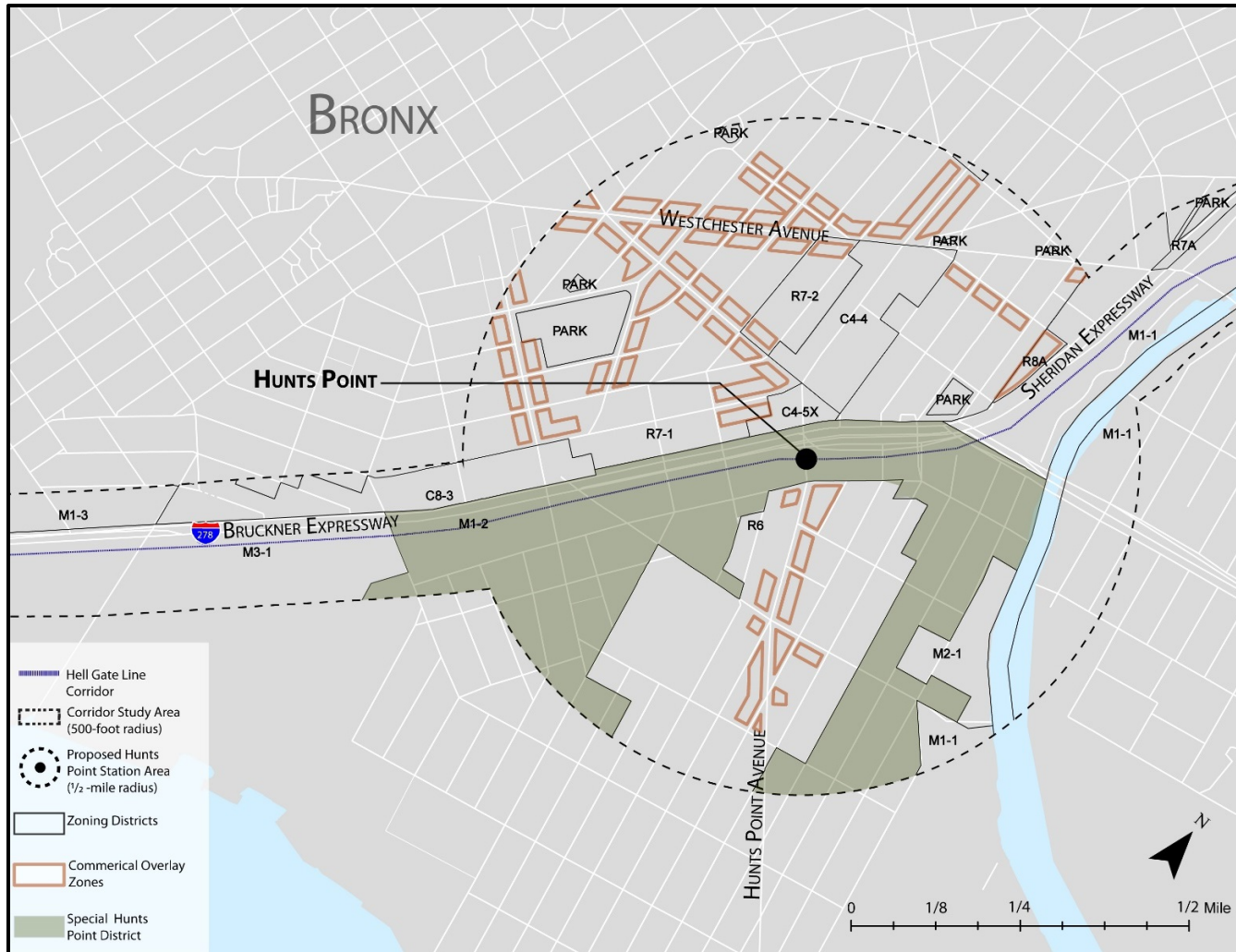


Source: NYCDP and WSP, 2019

Notes: “R” Districts – Residential; “C” Districts – Commercial; and “M” Districts – Manufacturing



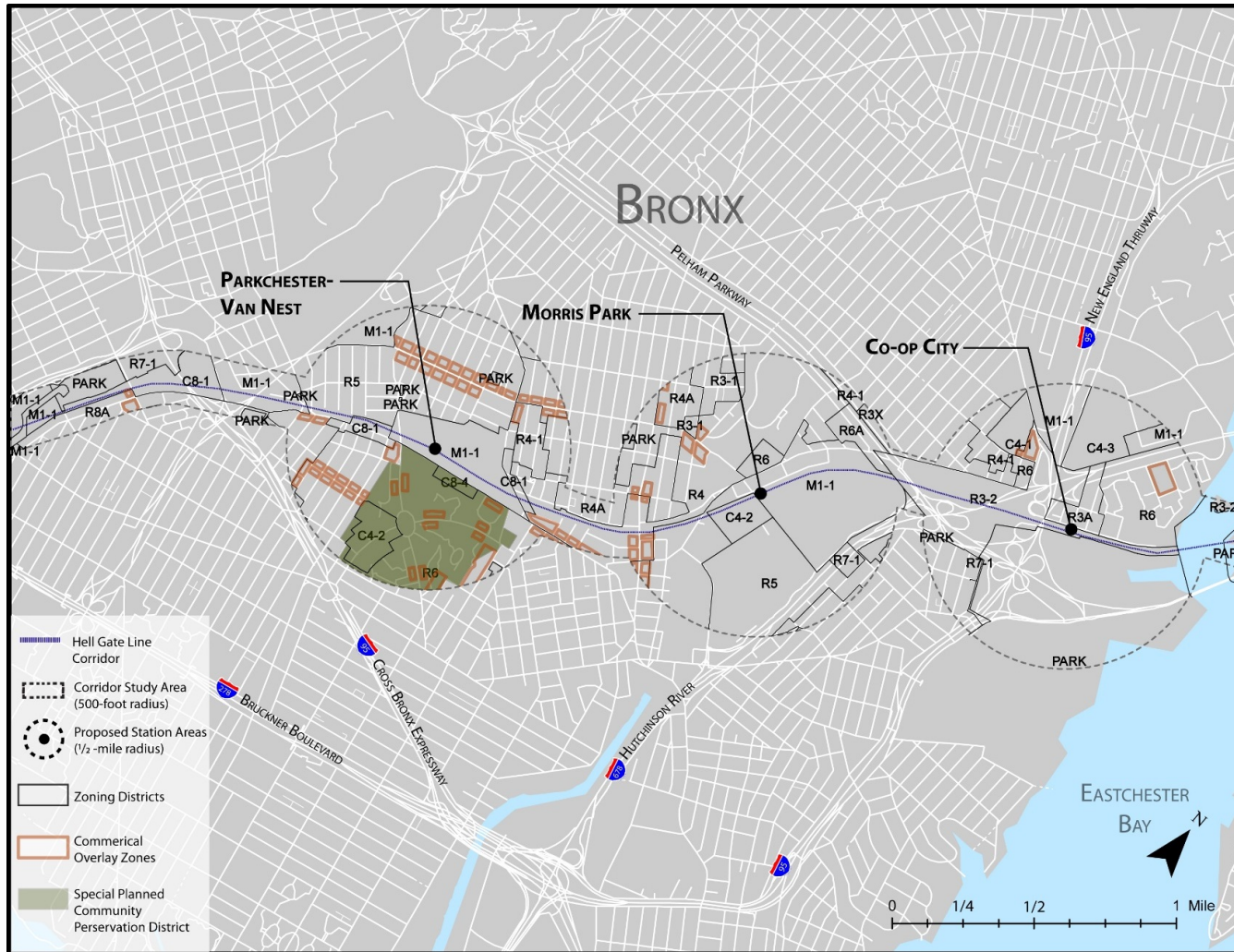
Figure C-2. Zoning (Existing): Segment 2 (Corridor and Hunts Point Station Area)



Source: NYCDCP and WSP, 2019

Notes: "R" Districts – Residential; "C" Districts – Commercial; and "M" Districts - Manufacturing

Figure C-3. Zoning (Existing): Segment 3 (Corridor and Parkchester-Van Nest, Morris Park, and Co-op City Station Areas)

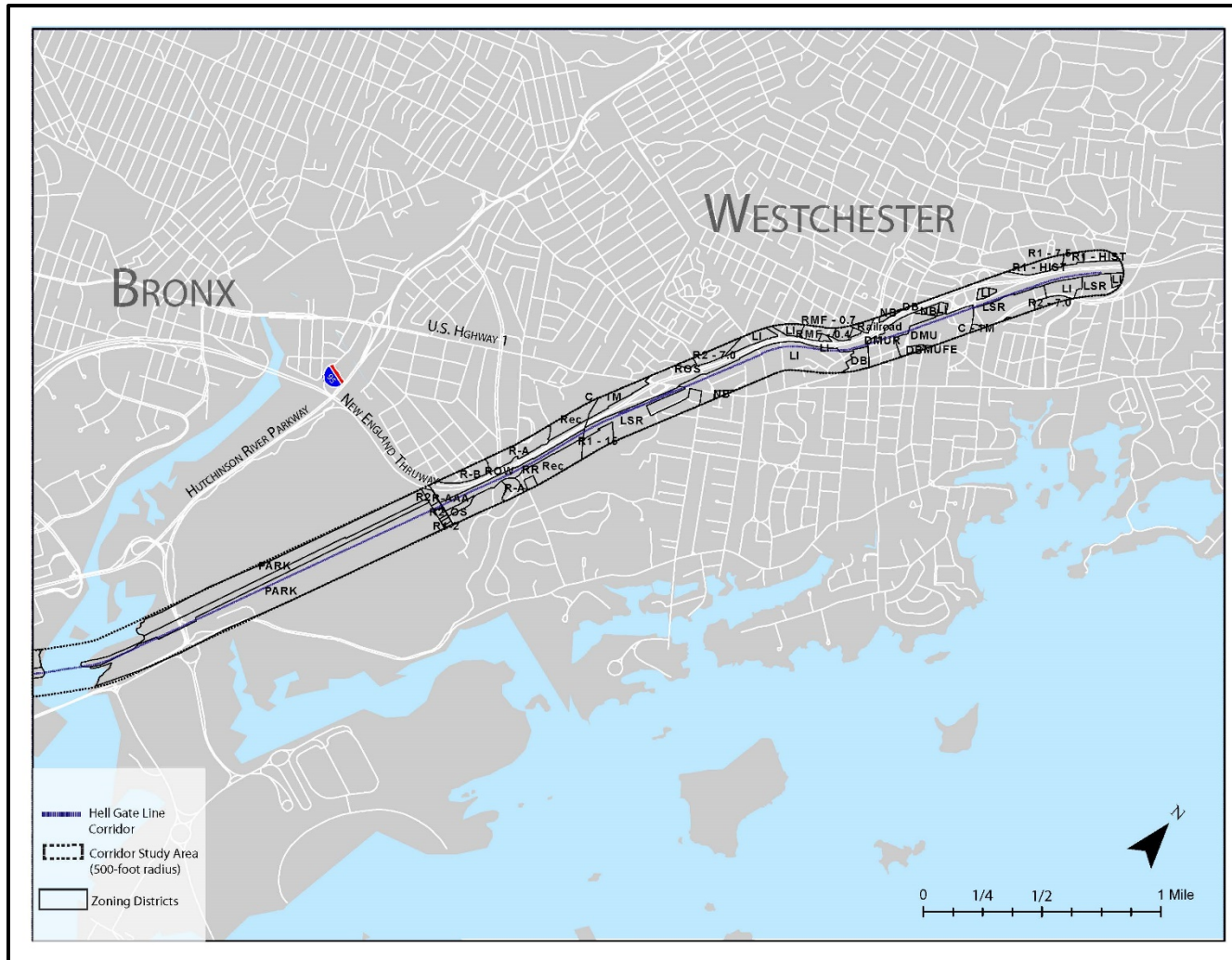


Source: NYCDCP and WSP, 2019

Notes: "R" Districts – Residential; "C" Districts – Commercial; and "M" Districts - Manufacturing



Figure C-4. Zoning (Existing): Segment 4 (Corridor)



Source: NYCDPC; WSP; and Westchester County, 2019

Notes: “R” Districts – Residential; “C” Districts – Commercial; and “M” Districts - Manufacturing



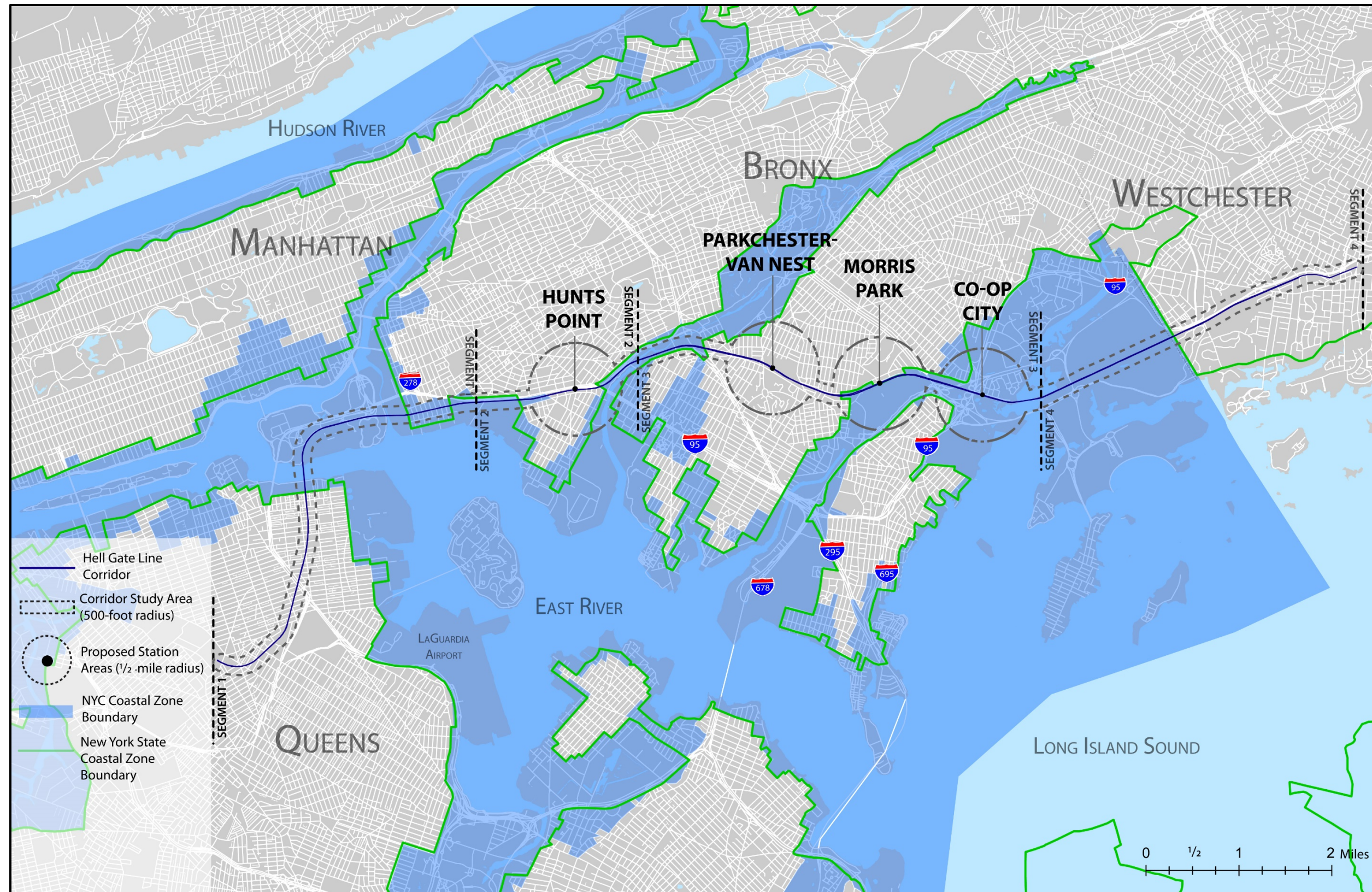
C.2 COASTAL CONSISTENCY

C.2.1 Methodology

Projects that are proposed to be located within the designated coastal zone and that require a federal discretionary action must be assessed for their consistency with the New York State Coastal Management Program (CMP), per U.S. Department of Commerce regulations (15 CFR 930.57). The CMP comprises 44 policies that generally fall under three headings: promotion of beneficial use of coastal resources; prevention of their impairment; and management of major activities substantially affecting numerous resources. Additionally, the CMP advocates the following nine actions in coastal areas: promoting waterfront revitalization; promoting water-dependent uses; protecting fish and wildlife habitats; protecting and enhancing scenic areas; protecting and enhancing historic areas and protecting farmlands; protecting and enhancing small harbors; protecting and enhancing public access; providing research, data, and information for participation of government agencies and citizens concerned with the State's coastal area; and coping with erosion and flooding hazards. As authorized under the State's Waterfront Revitalization and Coastal Resources Act of 1981, New York City developed and adopted a local Waterfront Revitalization Program (WRP) in 1982, which was updated in 2002. As described in the program overview, the WRP is the city's principal coastal zone management tool, the guiding principle of which is to maximize the benefits derived from economic development, environmental preservation, and public use of the waterfront, while minimizing conflict among these objectives. The WRP includes 10 policies that address residential and commercial redevelopment; water-dependent and industrial uses; commercial and recreational boating coastal ecological systems; water quality; flooding and erosion; solid waste and hazardous substances; public access; scenic resources; and historical and cultural resources.

Penn Station New York (PSNY) and the proposed Parkchester-Van Nest and Hunts Point Stations are not located within the coastal zone. As shown in Figure C-5, the proposed Morris Park and Co-op City Stations and parts of the Hell Gate Line (HGL) Corridor would be located within the coastal zone. The following sections summarize the assessment of the Proposed Project for consistency with the state CMP and city WRP.

Figure C-5. Coastal Zone Boundary (Existing), Hell Gate Line (HGL) Corridor



Source: NYCDP and WSP, 2019

C.2.2 New York State Coastal Management Program

As the proposed Morris Park and Co-op City Stations and parts of the HGL Corridor would be located within the designated coastal zone, a NYSDOS CMP Federal Consistency Assessment Form was completed to determine the Proposed Project's consistency with pertinent coastal zone management policies. For all questions on the Assessment Form that was answered in the affirmative, the effects of the Proposed Project on the corresponding CMP policies were assessed as presented below.

Policy 11: Buildings and other structures will be sited in the coastal areas so as to minimize damage to property and the endangering of human lives caused by flooding and erosion.

The proposed Co-op City Station location and portions of the existing HGL right-of-way are located within the federally-designated flood hazard area (Figure C-6). The proposed Co-op City Station and associated rail infrastructure improvements would be designed to conform to the Federal Emergency Management Agency (FEMA) requirements and would be constructed and anchored to prevent floatation, collapse, or lateral movement of the structures. Materials used to construct the platform would be resistant to flood damage. None of the other proposed station locations are located within the federally-designated flood hazard area. Therefore, the Proposed Project is consistent with Policy 11.

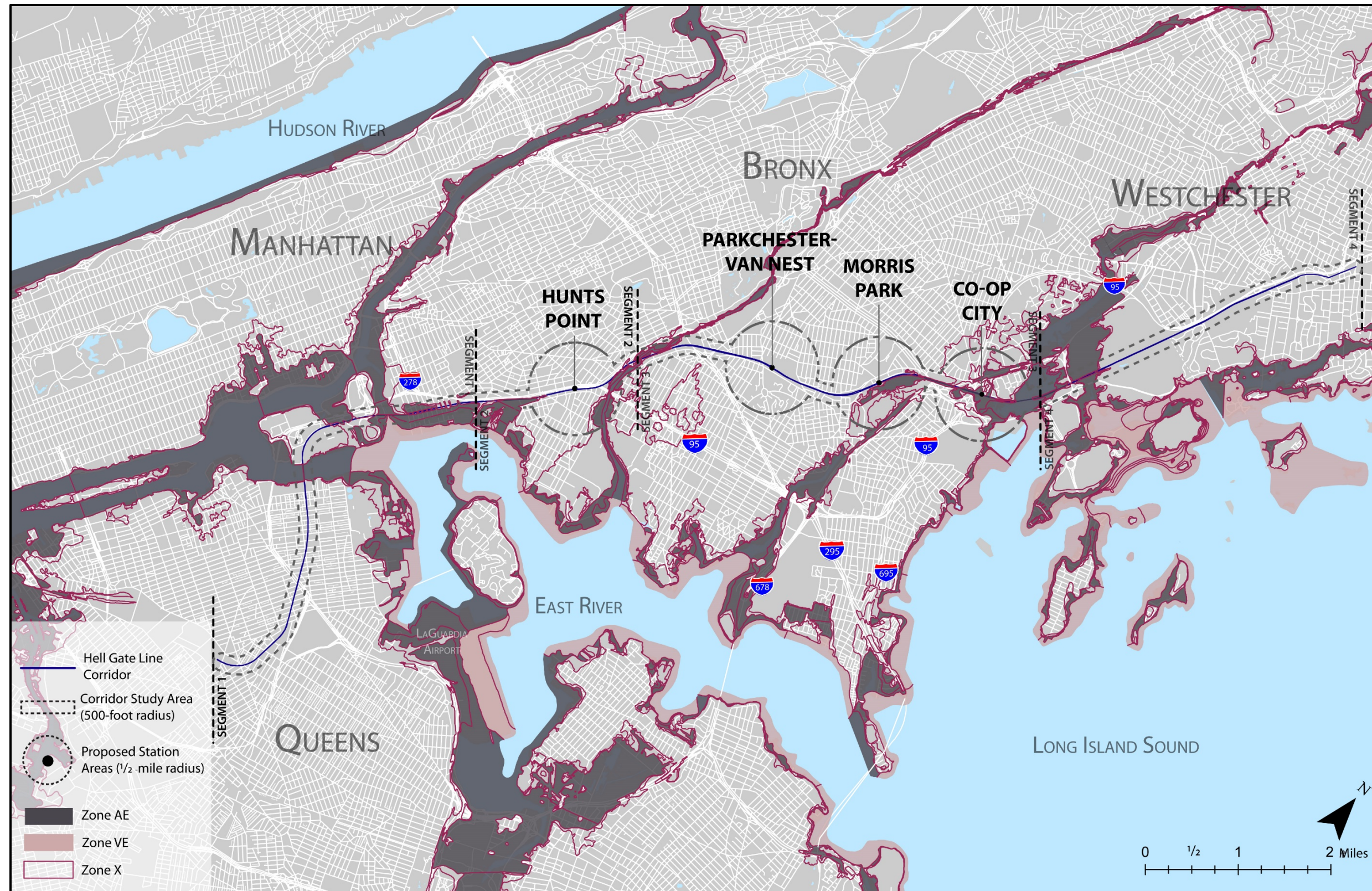
Policy 12: Activities or development in the coastal area will be undertaken so as to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features including beaches, dunes, barrier islands and bluffs.

The Proposed Project would be located along the existing Amtrak HGL right-of-way and would not affect or be located in, on, or adjacent to any beaches, dunes, barrier islands or bluffs and, therefore, would not affect related flooding and erosion potential. Therefore, the Proposed Project is consistent with Policy 12.

Policy 17: Non-structural measures to minimize damage to natural resources and property from flooding and erosion shall be used whenever possible.

The proposed Co-op City Station location and portions of the existing HGL right-of-way are located within the federally-designated flood hazard area (Figure C-6). According to Policy 17, "non-structural measures" within identified flood hazard areas include (a) the avoidance of risk or damage from flooding by the siting of buildings outside the hazard area, and (b) the flood-proofing of buildings or their elevation above the base flood level. Since the right-of-way itself is within the flood hazard area. It is not possible to site the proposed Co-op City Station outside the flood hazard area as the station must be located along the existing HGL right-of-way. However, flood-proofing of the station would be addressed during the design phase of this project. None of the other station locations are located within the federally-designated flood hazard area. Therefore, the Proposed Project is consistent with Policy 17.

Figure C-6. Federal Emergency Management Agency Flood Zones (Existing), Hell Gate Line (HGL) Corridor



Source: FEMA and WSP, 2019

Policy 19: Protect, maintain, and increase the level and type of access to public water related recreation resources and facilities.

The provision of new rail access at the proposed Co-op City Station could indirectly promote the use of existing and potential future bicycle and pedestrian routes in the station’s vicinity, including the greenways along Pelham Parkway and potential on-street routes following the Hutchinson River Parkway, as well as Bartow Street and Co-op City Boulevard. In this way, the Proposed Project would enhance public access along the nearby waterfront, recognizing that existing fencing precludes direct waterfront access. Therefore, the Proposed Project is consistent with Policy 19.

Policy 20: Access to the publicly-owned foreshore and to lands immediately adjacent to the foreshore or the water’s edge that are publicly-owned shall be provided and it shall be provided in a manner compatible with adjoining uses.

The Proposed Project would be consistent with the existing transportation use along the HGL right-of-way. The provision of new rail access at the proposed Co-op City Station could indirectly promote the use of existing and potential future bicycle and pedestrian routes in the site’s vicinity, including the greenways along Pelham Parkway and potential on-street routes following the Hutchinson River Parkway, as well as Bartow Street and Co-op City Boulevard. In this way, the Proposed Project would enhance public access along the waterfront, recognizing that existing fencing precludes direct waterfront access. Therefore, the Proposed Project is consistent with Policy 20.

Policy 44: Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.

The proposed station locations are not located within tidal or freshwater wetlands. Portions of the HGL right-of-way cross over National Wetland Inventory (NWI)-designated Estuarine and Marine Deepwater wetlands. Other portions of the corridor are located within 150 feet of New York State Department of Environmental Conservation (NYSDEC) tidal wetlands and thus falls within the regulated “adjacent area”. However, per Section 1266(11) of the New York State Public Authorities Law, the Proposed Project is exempt from the Tidal Wetlands Act (Article 25) of the New York State Environmental Conservation Law.¹ Additionally, the tidal wetlands would not be adversely affected by the Proposed Project, as construction of the new Co-op City Station and associated rail infrastructure improvements would be entirely within the existing HGL right-of-way.

In addition, to accommodate the fourth passenger track as part of the Proposed Project, a new two span bridge would be constructed over the Bronx River to the north of the existing Bronx River Bridge. In-water impacts will be minimized through the design of the bridge, which would largely span over the river, limiting the need for in-water work; however, one new in-water pier and one new upland abutment will be needed in an area of potential tidal wetlands to the west of the Bronx River. Based on preliminary design, the permanent effects to the Bronx River from the new in-water pier would be approximately 60 square feet. If, based on final design, MTA determines that construction within the regulated area is needed, the work would be subject to NYSDEC

³ “No project to be constructed upon real property theretofore used for a transportation purpose, or on an insubstantial addition to such property contiguous thereto, which will not change in a material respect the general character of such prior transportation use, nor any acts or activities in connection with such project, shall be subject to the provisions of article eight, nineteen, twenty-four or twenty-five of the Environmental Conservation Law, or to any local law or ordinance adopted pursuant to any such article. Nor shall any acts of activities taken or proposed to be taken by the authority or by any other person or entity, public or private, in connection with the planning, design, acquisition, improvement, construction, reconstruction or rehabilitation of a transportation facility, other than a marine or aviation facility, be subject to the provisions of article eight of the Environmental Conservation law, or to any local law or ordinance adopted pursuant to any such article if such acts or activities require the preparation of a statement under or pursuant to any federal law or regulation as to the environmental impact thereof.”



permitting and conditions. As no major project elements are proposed within any wetlands or wetland adjacent areas and any construction work that would potentially occur in such areas would be minor and require appropriate regulatory permitting to avoid impacts, the Proposed Project would not adversely affect wetlands or other aquatic resources. Therefore, the Proposed Project is consistent with Policy 44.

C.2.3 New York City Waterfront Revitalization Program

As the proposed Morris Park and Co-op City Stations would be located within the designated coastal zone, a New York City WRP Consistency Assessment Form was completed to determine the Proposed Project's consistency with pertinent coastal zone management policies. For all policies listed on the Assessment Form that the Proposed Project would promote, the effects of the project on the corresponding WRP policies were assessed as summarized below.

Policy 1: Support and facilitate commercial and residential redevelopment in areas well-suited to such development.

The provision of new rail access at the four proposed station locations could support and facilitate commercial and residential redevelopment in areas well-suited to such development. Metro-North access in the eastern Bronx and up into Westchester County could promote future residential and commercial transit oriented development (TOD) due to a new access route to Penn Station. Therefore, the Proposed Project is consistent with Policy 1.

Policy 1.1: Encourage commercial and residential redevelopment in appropriate Coastal Zone areas.

Based on the assessment of Policy 1, the Proposed Project would also be consistent with Policy 1.1.

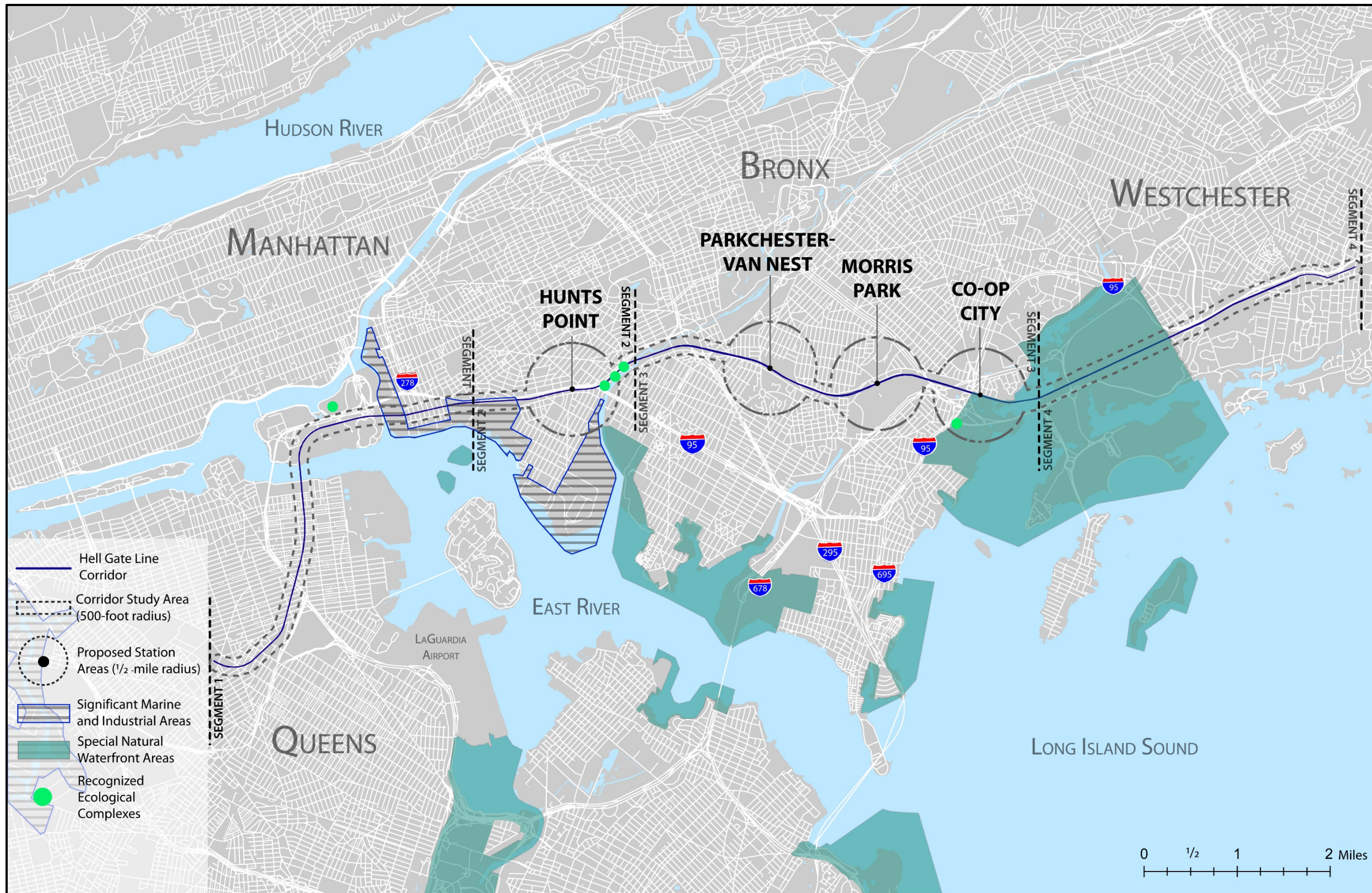
Policy 1.3: Encourage redevelopment in the Coastal Zone where public facilities and infrastructure are adequate or will be developed.

The Proposed Project has the potential to encourage redevelopment around the proposed Morris Park and Co-op City Stations, which are located in the designated coastal zone. Future development should be proposed at a density that is compatible with proposed transit capacity for these areas along the HGL Corridor. Therefore, the Proposed Project would be consistent with Policy 1.3.

Policy 2.1: Promote water-dependent and industrial uses in Significant Maritime and Industrial Areas.

The Proposed Project is partially located in a Significant Maritime and Industrial Area (SMIA) (Figure C-7). Although the Proposed Project would not promote water-dependent and industrial uses, it would not inhibit the safe and efficient operation of the SMIA as industrial or maritime areas. Although not specific to only maritime and industrial uses, the Proposed Project would target public investment to improve transportation access to the area, which would integrate sustainable practices, pollution prevention, and climate resilience into the design and operations of the proposed stations and associated rail improvements along the HGL Corridor. Therefore, the Proposed Project would be consistent with Policy 2.1.

Figure C-7. Special Natural Waterfront Areas and Significant Marine and Industrial Areas (Existing), Hell Gate Line (HGL) Corridor



Source: NYCDP and WSP, 2019



Policy 4: Protect and restore the quality and function of ecological systems within the New York City coastal area.

The Proposed Project is partially located within the East River/Long Island Sound Special Natural Waterfront Area (SNWA) and five Recognized Ecological Complexes, Little Hell Gate Wetlands on Wards and Randall's Island, Garrison Park, Concrete Plant Park, Starlight Park, and Pelham Park North (Figure C-7). Based on updated correspondence with the NYSDEC (received on October 16, 2018), overall, wildlife occurring in the study area is largely limited to urban-adapted species that can tolerate degraded environments and high levels of human activity (see Appendix E, "Agency Correspondence and Public Involvement"). The portion of the Segment 4 and Co-op City Station Area that is covered by buildings, roads, and other impervious surfaces, has limited natural habitats available to terrestrial wildlife, which is primarily limited to building exteriors and trees. However, Pelham Bay Park contains some of New York City's most ecologically diverse public parkland, with habitats that include rocky seashore, salt marsh, meadows, and mature natural forest. Although more than 400 species of birds, mammals, reptiles, amphibians, fish, and insects populate the park, adverse impacts to the identified species would not be anticipated with the Proposed Project, as it would be constructed and operated within an existing, rail right-of-way. Therefore, the Proposed Project is consistent with Policy 4.

Policy 4.1: Protect and restore the ecological quality and component habitats and resources within the Special Natural Waterfront Areas.

The Proposed Project would protect and restore the ecological quality and component habitats and resources within East River/Long Island Sound SNWA. The Proposed Project would avoid activities that may cause or cumulatively contribute to the permanent adverse changes to the ecological systems and their natural processes. The Proposed Project would be constructed on the existing HGL right-of-way and would not disturb ecological systems or natural habitats in the vicinity of the project. Therefore, the Proposed Project is consistent with Policy 4.1.

Policy 4.3: Protect designated Significant Coastal Fish and Wildlife Habitats.

The Proposed Project would protect designated Significant Coastal Fish and Wildlife Habitats and would not destroy or significantly impair the value of habitats in the surrounding study areas. Because the Proposed Project would take place in the existing rail right-of-way, it is not anticipated that any associated rail improvements would adversely impact the area within the Significant Coastal Fish and Wildlife Habitat boundaries. Therefore, the Proposed Project is consistent with Policy 4.3.

Policy 4.4: Identify, remediate and restore ecological functions within Recognized Ecological Complexes.

The Proposed Project would not hinder the ecological functions within the five recognized ecological complexes that are adjacent to the proposed station locations and HGL Corridor. Therefore, the Proposed Project is consistent with Policy 4.4.

Policy 4.5: Protect and restore tidal and freshwater wetlands.

Tidal wetlands in the vicinity of the proposed Co-op City Station site would not be adversely affected by the Proposed Project, as the new stations and associated rail infrastructure improvements would be entirely within the existing HGL right-of-way and would not encroach on wetlands. In addition, to accommodate the fourth passenger track as part of the Proposed Project, a new two span bridge would be constructed over the Bronx River to the north of the existing Bronx River Bridge. In-water impacts will be minimized through the design of the bridge, which would largely span over the river, limiting the need for in-water work; however, one new in-water pier and one new upland abutment will be needed in an area of potential tidal wetlands to the west of the Bronx River. Based on preliminary design, the permanent effects to the Bronx River from the new in-water pier would be approximately 60 square feet. If, based on final design, MTA determines that construction within

the regulated area is needed, the work would be subject to NYSDEC permitting and conditions. As no major project elements are proposed within any wetlands or wetland adjacent areas and any construction work that would potentially occur in such areas would be minor and require appropriate regulatory permitting to avoid impacts, the Proposed Project would not adversely affect wetlands or other aquatic resources. Therefore, the Proposed Project is consistent with Policy 4.5.

Policy 6: Minimize loss of life, structures, infrastructure, and natural resources caused by flooding and erosion, and increase resilience to future conditions created by climate change.

The proposed Co-op City Station and portions of the existing HGL right-of-way are located within the federally designated flood hazard area (Figure C-6). The proposed Co-op City Station and associated rail infrastructure improvements would be designed and constructed to conform to FEMA requirements. Materials used to construct the station would be resistant to flood damage. In addition, the station would include ADA-compliant elevator connections from street level to each platform as well as stairways. Each platform would have a canopy and waiting area, with signage and an active passenger communications interface. These station elements would all be designed to adhere FEMA requirements for construction in a flood hazard area. None of the other proposed stations are located within the federally-designated flood hazard area. Therefore, the Proposed Project is consistent with Policy 6.

Policy 6.1: Minimize losses from flooding and erosion by employing non-structural and structural management measures appropriate to the site, the use of the property to be protected, and the surrounding area.

Based on the assessment of Policy 6, the Proposed Project would also be consistent with Policy 6.1.

Policy 6.2: Integrate consideration of the latest New York City projections of climate change and sea level rise (as published in New York City Panel on Climate Change 2015 Report, Chapter 2: Sea Level Rise and Coastal Storms) into the planning and design of projects in the city's Coastal Zone.

Based on the assessment of Policy 6, the Proposed Project would also be consistent with Policy 6.2.

Policy 8: Provide public access to and along New York City's coastal waters.

The provision of new rail access at the proposed Co-op City Station could indirectly promote the use of existing and potential future bicycle and pedestrian routes in the site's vicinity, including the greenways along Pelham Parkway and potential on-street routes following the Hutchinson River Parkway, as well as Bartow Street and Co-op City Boulevard. In this way, the Proposed Project would enhance public access along the waterfront, recognizing that existing fencing precludes direct waterfront access. Therefore, the Proposed Project is consistent with Policy 8.