

A. INTRODUCTION

This chapter relies on the analysis from the *Fresh Kills Park Final Generic Environmental Impact Statement (FGEIS)* and summarizes the conclusions drawn from that analysis. No additional analysis was warranted for this SEIS as it pertains to Chapter 2, “Land Use, Zoning, and Public Policy.”

The Fresh Kills Park FGEIS examined the proposed park’s consistency with respect to land use and land development trends, zoning regulations, and applicable public policy.

The Fresh Kills Park site fronts the Arthur Kill waterfront to the west and Richmond Avenue to the east. It is bisected by the West Shore Expressway. To the north is the William T. Davis Wildlife Refuge. The southern boundary is generally defined by Arthur Kill Road.

As discussed in Chapter 1, “Project Description,” Fresh Kills Park requires a number of City, State, and Federal land use and environmental approvals to implement the proposed park. With respect to local (City of New York) land use regulations, these include:

- Amendment to the City map to establish as parkland those portions of this project site that are not currently mapped as parkland;
- Amendment to the City map to eliminate unbuilt paper streets;
- Amendment to the City map to map a public space to serve as the right-of-way for the future vehicular road system, which entails demapping a small portion of the existing mapped parkland;
- A zoning map amendment to assign a zoning district (M1-1) to the areas being de-mapped as park and simultaneously mapped as public place;
- A zoning map amendment to vacate the NA-1 zoning where it currently exists on the site; and
- A zoning text amendment to remove “Fresh Kills Park” from Section 105-941 of the current zoning text.

At the State level, approvals that apply to the proposed project include potential amendments to the Consent Order governing landfill closure at the site and/or Part 360 landfill closure approvals for end use; permits for activities in tidal wetlands and adjacent areas, as well as protection of waters; and access to a State highway (Route 440). Federal approvals relate to constructing structures over or in navigable waterways or activities in wetlands as identified by U.S. Army Corps of Engineers (USACE).

Additionally, because proposed park roads are proposed to pass through existing parkland, a State legislative action has been obtained for the alienation of parkland. After the actual routes of the roads have been determined, the remaining areas that were alienated, if any, would revert to parkland.

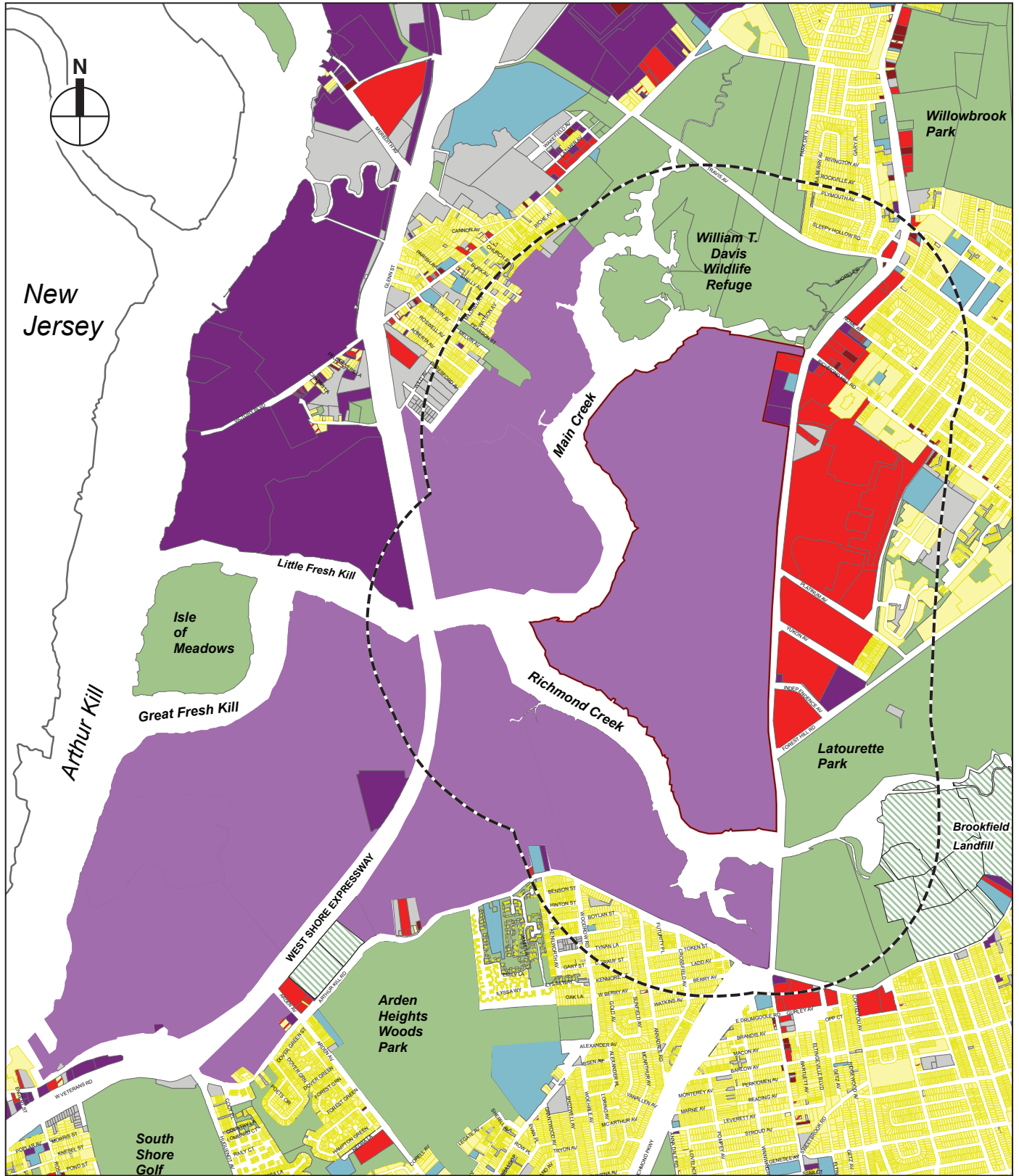
B. METHODOLOGY

The FGEIS land use, zoning, and public policy chapter identified a study area where the land use effects of the proposed park were examined. The study area for this land use, zoning, and public policy analysis was defined as the area within a ½-mile perimeter of the project site, which, according to the *City Environmental Quality Review (CEQR) Technical Manual*, is the limit of the area in which direct land use effects of a large project typically occur. The study area consists primarily of open space (City parks and wildlife preserves), and commercial, residential, and industrial uses (see Figure 2-1). In addition, a secondary study area was identified to account for the indirect effects of projects that are expected to take place in the Future without the Proposed Project. The chapter addressed any impacts to land use, zoning, and public policy.

C. CONCLUSIONS

It was the conclusion of the Fresh Kills Park FGEIS that the proposed project would not result in significant adverse impacts with respect to land use, zoning, and development trends in the area. Although the proposed project does not involve mapping at this time, the mapping proposed in the FGEIS would be compatible with the nearby zoning and mapped parklands in both the 2016 and 2036 analysis years (see Figure 2-2). There are no potential adverse impacts to the project site or the surrounding wetlands or natural areas if the existing NA-1 zoning designation is removed. The NA-1 designation is proposed to be removed to reflect the existing condition at the site which is a closed and highly engineered landfill, with areas of tidal and freshwater wetlands. Both the closed landfill and the natural areas make the site particularly subject to DEC's rigorous scrutiny, which is the more appropriate form of regulation, better suited than the NA-1 regulatory regime, to assess and balance the requirements of a closed landfill with the needs of the natural areas. Additionally, the proposed project would not conflict with current public policy for the area. In fact, it would implement City policy with respect to future uses at Fresh Kills. The project would introduce park uses on the site of a former landfill and a large expanse of underutilized City land, which is well served by existing highways with opportunities for water access for the public. Additionally, the proposed project would preserve wetlands and add 2,163 acres of new public space along the waterfront. For these reasons, the proposed project would not result in any significant adverse impacts related to land use, zoning, or public policy.

These conclusions also apply to the SEIS. The proposed East Park roads would not be inconsistent or conflict with local land use, zoning, or public policy objectives. *



— Fresh Kills Project Site Boundary

- - - Study Area Boundary (1/2-Mile Perimeter)

Industrial/DSNY Facilities

Fresh Kills Project Area

Residential

Residential (with Ground-Floor Retail)

Commercial

Office

Institutional

Open Space

Vacant Parcels

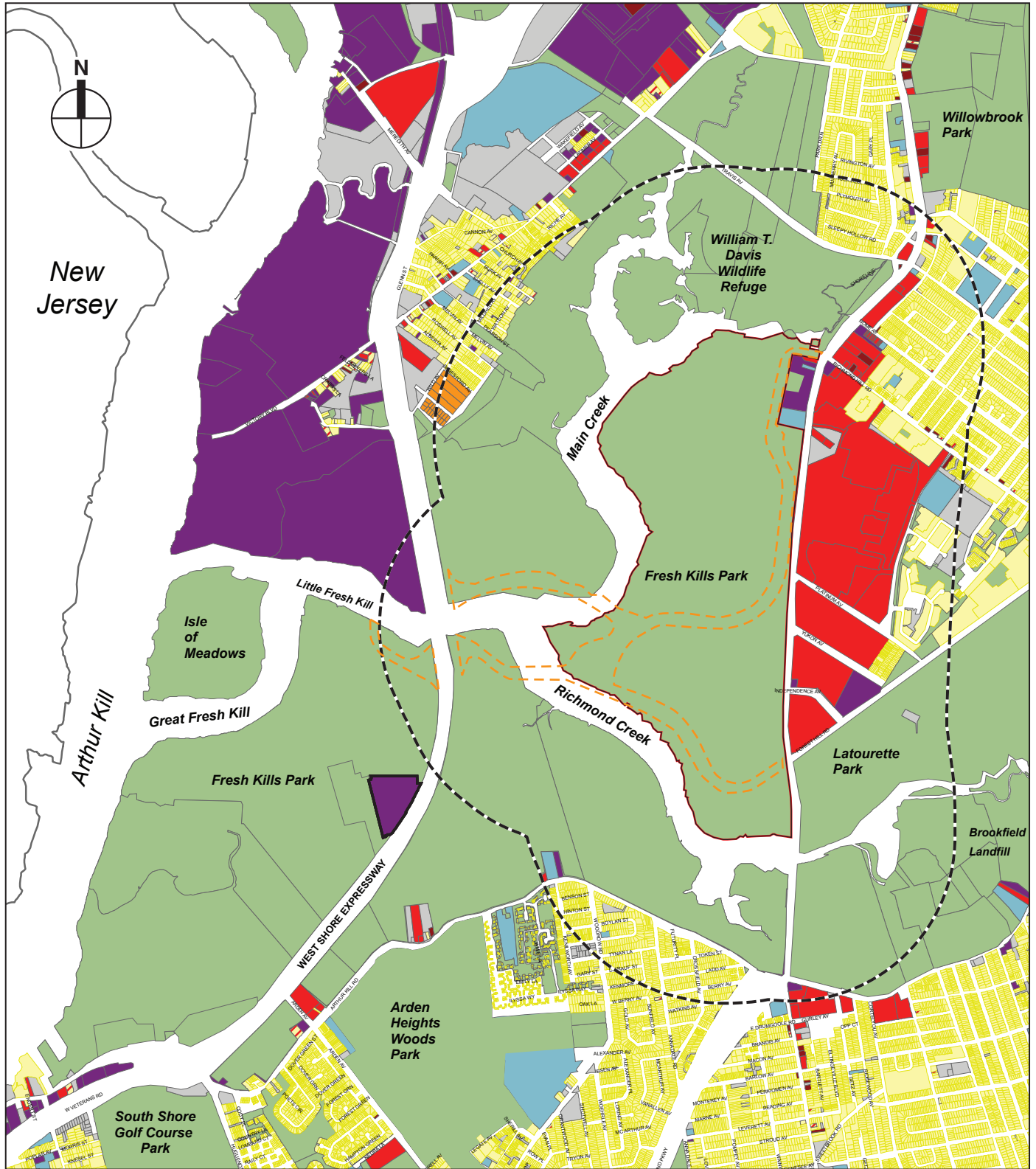
Vacant Building

Under Construction

Open Space Under Construction

0 2000 4000 FEET

SCALE



- | | | | | | |
|--|------------------------------------------|--|-------------------------------------------------------|--|--------------------|
| | Fresh Kills Project Site Boundary | | Hotel | | Open Space |
| | Study Area Boundary (1/2-Mile Perimeter) | | Commercial | | Vacant Parcels |
| | Land to be Mapped as Public Place | | Office | | Vacant Building |
| | Residential | | Entertainment | | Under Construction |
| | Residential (with Ground-Floor Retail) | | Industrial, Utilities, Transportation, Public Parking | | Institutional |

