

BRONX BOROUGH PRESIDENT’S RECOMMENDATION
ULURP APPLICATION NO: C 240232 PQX
Tibbets Brook Daylighting Easement Application

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by the Department of Environmental Protection (DEP) and the Department of Citywide Administrative Services (DCAS) pursuant to Section 197-c of the New York City Charter for the acquisition of property located at (Block 3238, Lots 50, 52 and 126), (Block 3245, Lot 12) and (Block 3264, Lot 20) to facilitate construction and maintenance of a closed conduit pipeline, Borough of The Bronx, Community Districts 7 and 8.

BACKGROUND

Daylighting and Related Benefits

Approval of this application will facilitate the “daylighting” of Tibbetts Brook for a distance of approximately one mile. This area is bounded by Hester and Pierro’s Pond in Van Cortlandt Park to the north, the CSX Right-of-Way and the Major Deegan Expressway to the east, West 230th Street to the south, and Broadway to the west.

The daylighting of Tibbets Brook aims to achieve numerous objectives, including:

- Reducing the frequency and volume of combined sewer overflow (CSO) events within the Wards Island Wastewater Resource Recovery Facility (WRRF) collection system. This will reduce the CSO discharges by up to 216-220 million gallons per year into the Harlem River. This will be accomplished by diverting the fresh water from Tibbetts Brook that currently flows into the city’s sewer system into a newly constructed conduit for such fresh water to the Harlem River.
- Improving the water quality and the ecosystem health of the area.
- Establishing a new conveyance between Hester and Piero’s Mill Pond in Van Cortlandt Park to the Harlem River
- Extending the Putnam Greenway from the pond in Van Cortlandt Park to West 230th Street. This will improve off-road access to Van Cortlandt Park from Community Districts 7 and 8.
- Establishing a hydraulic connection to the Harlem River along the historic Tibbetts Brook flow corridor.
- Allowing for dry weather flow via a new interconnection from the Jerome Park Reservoir.
- Addressing the Consent Order requiring CSO discharges into the Harlem River be reduced.
- Enhancing the ecology around the Hester and Piero’s Mill Pond in Van Cortlandt Park.

- Within Van Cortlandt Park, making modifications to an existing weir, including removing any invasive species, and construct a newly proposed side weir. It is also proposed that a connection between the Jerome Park Reservoir discharge pipe and the Broadway Combined sewer be installed.
- Having no portion of the daylighting segment of this project on Metro North property.

In addition to daylighting Tibbetts Brook, the New York City’s Department of Environmental Protection is proposing numerous additional capital projects, including:

- The purchase of the CSX property between Van Cortlandt Park South and West 230th Street was finalized in 2023. Authorization pursuant to this purchase was approved (ULURP No: C 090196 MMX). This area will be utilized to construct and maintain the proposed Tibbetts Brook conveyance infrastructure between Hesters and Pierro’s Pond to West 230th Street, extending the Putnam Greenway to West 230th Street.
- Constructing walking paths and viewing decks of wetland areas where educational signage can be installed.
- Providing seven greenway access locations along the one-mile daylighting area of Tibbetts Brook.

The Easement

Approval of this application will facilitate the acquisition of real property by the Department of Environmental Protection (DEP) and the Department of Citywide Administrative Services (the applicants) for the purpose of establishing a permanent easement, approximating twelve feet wide. This proposed acquisition consists of five parcels totaling approximately 27,900 square feet (The Project Area) including:

- Block 3238, Lots 50, 52, and 126 – located in Community District 7
- Block 3245, Lot 12 – located in Community District 7
- Block 3264, Lot 20 – located in Community District 8

Block 3238, Lot 50 and Block 3245, Lot 12 are partially located within a C8-3 zoning district. Block 3238, Lot 52, 126, Block 3264, Lot 20 are zoned M1-1.

This Project Area is bounded by West 230th Street on the north, and the Major Deegan Expressway to the east, West 193rd Street to the south, and Broadway to the west. The CSO pipes connect into the Harlem River. This acquisition and subsequent easement will allow for the construction and maintenance of a subterranean conduit pipeline on property owned by the Metropolitan Transportation Authority (MTA).

As proposed by the applicants, at West 230th Street, the water flow of Tibbetts Brook will transition from the daylighted brook to the north, to an entirely subterranean conduit south of West 225th Street. This conduit consists of a concrete box measuring 2.5 feet high by 6 feet in width. At West 193rd Street this conduit will bend west to the Harlem River, crossing under three storage and maintenance rail yard tracks owned by the MTA. During construction these tracks will require

removal and replacement. In order to minimize the impact this will have on the Metro North facility, construction of this section of conduit may require 24/7 operations. It is noteworthy that no active rail lines are located within this Project Area.

The total development cost for this project is \$120 million. These funds are fully committed. It is also anticipated that construction will commence in 2025.

Project Area's Profile

Van Cortlandt Park approximates 1,146 acres and as such is one of the largest mapped parks in New York City. It is within this park that Hester and Piero's Mill Pond is located and where the Tibbetts Brook originates. Along the park's northern border is the City of Yonkers.

South of Van Cortlandt Park, the area where Tibbetts Brook will be daylighted is defined by the Major Deegan Expressway and to the east of the expressway is Bailey Avenue. To the west is Exterior Street which runs parallel to Broadway between West 230th Street, terminating at the parking lot entrance to the River Plaza Shopping Center located on the south side of West 225th Street. South of West 225th Street is Broadway. Intersecting east-west venues include West 230th Street and West 225th Street. South of West 230th Street, Metro North Commuter Railroad owns a right-of-way between the Major Deegan Expressway on the east and privately owned properties to the west. This right-of-way is defined by two parallel tracks south of West 230th Street, expanding to three tracks south of West 225th Street. At West 193rd Street four railroad tracks are in place.

Pursuant to a previously approved ULURP in 2009 (C 090196 MMX), a park was established on a right-of-way belonging to the CSX Railroad. This property runs between Van Cortlandt Park South on the north and West 230th Street to the south.

Residential development within the Project Area is defined by high-rise buildings referred to as the Marble Hill Houses. This NYCHA property is bounded by West 230th Street to the north, Broadway to the west, Exterior Street to the east and West 225th Street to the south. Developments within the remaining Project Area consist of a wide range of commercial and retail venues pursuant to M1-1 and C8-3 zoning.

Subway service in this area is provided by the #1 Broadway line. Bus transportation includes the Bx9. Express bus services include the BxM1, BxM2, and BxM18. Metro North Railroad's Hudson Division provides service at the Marble Hill Station located on West 225th Street, approximately two blocks west of Broadway.

ENVIRONMENTAL REVIEW AND ULURP CERTIFICATION

This application has been reviewed pursuant to CEQR and SEQRA. It received a Negative Declaration. The City Planning Commission certified this application as complete on February 20, 2024.

COMMUNITY BOARDS PUBLIC HEARING

Bronx Community Board 7

Bronx Community Board 7 held a public hearing on this application on April 18, 2024 and submitted a recommendation on April 29, 2024 to approve the application by a vote of 17 in favor, 0 against, and 3 abstaining.

Bronx Community Board 8

Bronx Community Board 8 held a public hearing on this application on March 11, 2024 and submitted a recommendation on March 13, 2024 to approve the application by a vote of 31 in favor, 0 against, and 1 abstaining.

BRONX BOROUGH BOARD

The application is subject to review by The Bronx Borough Board. A hearing on these matters was held on May 13, 2024. The Bronx Borough Board held a vote on May 13, 2024 in support of the application, with a vote of 8 in favor, 0 against, and 2 abstaining.

BOROUGH PRESIDENT'S PUBLIC HEARING

A virtual public hearing was convened by The Bronx Borough President on May 8, 2024. The applicants were present and spoke in favor of this application. No other public comment was received, and the hearing was closed.

BRONX BOROUGH PRESIDENT'S RECOMMENDATION

This is a very exciting project and one that I fully endorse. I have been a vocal advocate of the daylighting of Tibbetts Brook and included it in my 2022 Strategic Policy Statement. This project has several direct benefits for The Bronx and its residents, including making an important connection for the Putnam Greenway that will connect the Putnam Trail from Van Cortlandt Park to the existing bike network at West 230th Street. This linear park will include the trail and run along a daylighted stream which will expand and enhance the wetland habitat along the corridor. Additionally, and just as importantly, the proposed Tibbetts Brook daylighting will help divert fresh water from the existing combined sewer system to a new stream which will reduce wastewater outflows into the Harlem River by approximately 220 million gallons per year.

While the MTA easement area will not be part of the trail or daylighted area, it was one of the final hurdles that needed to be completed with the city getting close to finalizing the purchase sale agreement for the CSX railroad property. The plan is now in the final design phase and will be ready to start construction in late 2025. I am optimistic this project will receive the support it needs to stay on target.

While I have no objections to this acquisition, there is still additional work that needs to be done, such as working to make the additional connection from the Putnam Greenway to the Harlem River Greenway. DOT is currently working on a study of the Harlem River Greenway and looking at ways to support these larger connections. I will continue to advocate for these greenways to be interconnected.

Once the daylighting and greenway are completed, there will need to be resources allocated to the maintenance of this new park that will be managed by the Department of Parks and Recreation. With this new park abutting the Major Deegan Expressway, there may be a larger amount of trash and maintenance than normal. I will continue to work with DPR and the administration to ensure The Bronx has the resources it needs to keep our parks safe and clean.

Finally, I am aware of an MTA proposal that would locate the garbage collected from the MTA onto some of these same lots. This is unacceptable to me. The Bronx has a history of taking on the city's trash problems and this is just another example. While I am pleased that the MTA was able to come to an agreement with DEP for this easement agreement, I will continue to advocate for better outcomes, and collecting the MTA's trash in The Bronx is not something I support. This will lead to vermin, noise, and odor issues in close proximity to the Marble Hill Houses while potentially cutting off any future connection to the Harlem River Greenway.

While those concerns are not directly tied to this project, they are still part of supporting the larger planning goals and my vision of improving The Bronx. I will continue to fight for the best outcomes possible in every neighborhood across this great borough. With those comments noted, this project is incredibly important, and I recommend approval of this application.