Domino Refinery EIS Scoping Testimony
July 31, 2007
Michael Freedman-Schnapp, Community Resident

My name is Michael Freedman-Schnapp and I am a resident of Community Board 1. I would like to speak to three issues in the proposed scope of work: transportation, historic building preservation and retaining the existing industrial businesses in the rezoning area.

I applaud the efforts by the City and the developer to preserve the processing house and connected buildings, but there are other buildings on the site that show their majesty on a simple walk-through. The highest on this list are the Adant house and Power house, which others have also proposed to be designated as city landmarks. City Planning should create a project alternative where the Adant House and Power House are designated as city landmarks. Having a project alternative is necessary to accommodate any bulk or use changes that may result.

There is also the danger of displacing nearby industrial businesses. The EIS scope notes the intensive industrial use of this area and I believe that any action in this area should support existing industrial and manufacturing employment. The application here proposes that the area in the rezoning that Refinery LLC does not control be rezoned for an M1-2 zone. There is also an unfortunate project alternative to be analyzed that would rezone this area for MX, which would allow as-of-right residential conversions and near-immediate business displacement. The rezoning to an M1 zone would allow several loopholes that could displace industrial jobs in this area. M1 zones allow hotels, large offices, and certain kinds of superstores, all of which would be undesirable to have in this area because of their potential to displace manufacturing and industrial jobs. Since the waterfront rezoning disallows superstores, this area should have the same consideration, especially since there are a number of soft sites.

As the City is considering a residential rezoning in this area, I propose that they also consider its opposite—a zone designed to retain industrial jobs. The City Council has a bill before it (Res. 141-2006) to create Industrial Employment Districts that would close the loopholes in M1 zones and restrict superstores, hotels, and large offices. The area considered for M1-2 rezoning should be considered for this new kind of zoning designation.

Finally, creating a new community on the edge of Southside Williamsburg has many implications for transit and traffic. The EIS needs to go beyond the normal intersection analysis and transit level-of-service analysis. Since Kent Avenue, Broadway, S. 4th and S. 5th Streets are official bike routes, the EIS should analyze the impact of traffic on bicycle safety and propose any mitigations. It is also clear that the B61 could be insufficient for New Domino residents and that a new north-south bus route may be needed. All EIS traffic analysis should also take into account the traffic impact of the development's proposed shuttle buses.

In conclusion, I respectfully request that City Planning to include the following in the EIS:

1. An alternative where the Adant and Power houses are designated City landmarks and readapted for new uses;
2. An alternative where the Non-Project Rezoning Area is designated an Industrial Employment District, as described in Res. 141 (attached to this testimony);
3. An analysis of traffic impacts on the biking environment; and,
4. An analysis of the need for a new north-south bus route along Kent or Wythe Avenues in addition to the analysis of existing bus routes

Res. No. 141

By Council Member Katz

Resolution to amend the text of the New York City Zoning Resolution to create Industrial Employment Districts.

Whereas, Section 201 of the New York City Charter allows, *inter alia*, the Land Use Committee of the City Council to file an application for changes to the Zoning Resolution if two-thirds of the members of the Committee shall have voted to do so; and

Whereas, we are desirous of creating a new zoning district that is designed to protect existing and encourage new manufacturing uses in certain parts of the city; and

Whereas, an application for a change to the text of the Zoning Resolution made by the City Council Land Use Committee will be considered and reviewed in the manner set forth in Section 200 of the Charter and will undergo such environmental review as is required by law; now, therefore, be it RESOLVED that the Land Use Committee hereby approves the filing of an application to amend the Zoning Resolution of the City of New York in the manner set forth below:

Underlined matter is new, to be added
Matter in ~~Strikeout~~ is old, to be deleted
Matter within # # is defined in Section 12-10
* * * indicates where unchanged text appears in the Zoning Resolution

* * *

Article XII
Chapter 4

Special Industrial Employment District

124-00 GENERAL PURPOSES

The Special Industrial Employment District regulations established in this Chapter of the Resolution are designed to promote and protect public health, safety and general welfare, and contribute to a well-considered plan. These general goals include, among others, the following specific purposes:

(a) To provide sufficient space, in locations where nearby redevelopment has the potential to create obstacles to the viability and growth of existing industrial employment clusters, to meet the city's present and future needs with regard to manufacturing and industrial activities;
(b) To provide, to the maximum extent practicable, that space will be available for continued use as manufacturing or industrial space in those areas designated by city and/or state agencies as priority locations for such uses;
(c) To retain adequate wage- and job-producing industries in areas in close proximity to new commercial and residential development;
(d) To provide a reasonable level of certainty to property owners, developers and areas residents in regard to what uses are permitted;
(e) To help attract significant clusters of manufacturing, industrial, warehousing, wholesaling and distribution activities that will complement and enhance presently existing areas; and
(f) To promote the stability of the city's manufacturing and industrial sector and to maintain as diverse its economic base by promoting certain areas as especially appropriate for manufacturing and industrial purposes thus conserving the value of land and protecting the city's tax revenue.

124-01
DEFINITIONS

An Industrial Employment District ("IED") is a Special Purpose District designated by the letters IED in which special regulations as set forth in Article XII, Chapter 4 shall apply to all developments, enlargements, extensions, alterations and changes of use. The IED

Wedding chapels, art studios

All Use Group 10A uses except television or radio studios, docks for ferries

All Use Group 12A uses

Commercial art galleries, bookstores and antique stores

All Use Group 13A uses

Banquet halls

Non-commercial clubs

Modification to Use Group 18

Sewage disposal plants

Dumps, marine transfer stations for garbage or slag piles

Electric power or steam generating plants

124-04

Off-street parking regulations

General Purposes

The following regulations on permitted and required accessory off-street parking are adopted in order to provide sufficient parking off-street for the increasing number of people driving to work, to relieve congestion on surrounding streets, to prevent all-day parking in residential areas and to promote better and more efficient access to and from manufacturing and industrial areas.

Except as otherwise provided in this Section, the regulations of this Chapter on permitted or required #accessory# off-street parking spaces apply to manufacturing, commercial or community facility uses, as set forth herein.

In an Industrial Employment District, no accessory group parking facility shall contain more than 150 off-street parking spaces. In an Industrial Employment District, the Board of Standards and Appeals may not permit accessory group parking facilities in excess of 150 spaces.

* * *

Section 74-97

Special Permits for uses not allowe d as-of-right in Industrial Employment Districts

In Industrial Employment Districts, located within M1, M2, or M3 Districts, the City Planning Commission may permit those uses set forth in Article XII, Chapter 4, Section 124-03 provided the following findings are made:

(a) that such use will not adversely affect the stability of the surrounding area's manufacturing or industrial uses; and

(b) that adequate consideration has been given to the selection of a site in a district where such use is permitted as-of-right and that no such site has been deemed feasible; and

(c) that such use will not draw vehicular traffic into such district in a volume that would disrupt permitted uses within the district.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects of permitting such use.

appears on zoning maps superimposed on other districts and its regulations supplement those of the districts on which they are superimposed.

Industrial Employment Districts are confined to #Manufacturing Districts#.

124-02
General Provisions

In harmony with the general purpose and intent of this Resolution and the general purposes of the Industrial Employment District and in accordance with the provisions of this Chapter, certain specified use, loading and accessory parking regulations of the districts on which the Industrial Employment District has been superimposed are rendered inapplicable and are superseded by the use, loading and accessory parking regulations as set forth in this Chapter.

In addition to meeting the use, bulk, loading and accessory parking regulations as set forth in this Chapter, each development, enlargement, extension, alteration or change of use shall conform to and comply with all of the applicable #Manufacturing District# regulations of this Resolution, including performance standards, except as otherwise specifically provided in this Chapter.

124-03
Special Use Regulations

In Industrial Employment Districts, all uses permitted by the underlying #Manufacturing District# as set forth in any other provision of this Resolution, shall be permitted, except as superseded, modified or supplemented by this Chapter.

All uses shall be permitted in the Industrial Employment Districts in accordance with applicable district use regulations and performance standards, subject to the following modifications:

Modifications to Use Group 4
In Use Group 4, the following uses are permitted only by Special Permit of the City Planning Commission:

Cemeteries

Outdoor tennis courts or ice skating rinks

Golf courses

Public parks, playgrounds or private parks

Modifications to Use Group 5
In Use Group 5, all uses are permitted only by Special Permit of the City Planning Commission.

Modifications to Use Groups 6 through 14

In Use Groups 6 through 14 the following uses are permitted only by Special Permit of the City Planning Commission:

Any retail use in Use Group 6A that occupies floor area greater than 10,000 square feet

Any office use in Use Group 6B uses that occupies floor area greater than of 6,000 square feet

All Use Group 6C uses except frozen food lockers, jewelry or art metal craft shops, docks for ferries or water taxis, locksmiths, automobile supply stores and eating and drinking establishments that occupy less than 2,000 square feet

Motels, tourist cabins or boatels

All Use Group 8 uses except lumber stores