

**Testimony of the
New York City Department of Environmental Protection
at a hearing of the New York City Council
Subcommittee on Planning, Dispositions and Concessions
Concerning the Disposition of the Brewster Wastewater Treatment
Plant**

Wednesday, September 5, 2007

Good afternoon, Chairman Garodnick and members of this Subcommittee. I am Sandra Jackson of the Bureau of Legal Affairs of the New York City Department of Environmental Protection (DEP). Thank you for the opportunity to testify today on the proposed disposition of City-owned property and the Brewster Wastewater Treatment Plant (WWTP) to the Village of Brewster in Putnam County, New York.

Currently, the Brewster WWTP and the land upon which it sits is owned by New York City (the City) although it is presently being operated by the Village of Brewster, which holds the current State Pollution Discharge Elimination System (SPDES) permit issued by the State. The prior Brewster WWTP was built in the early 1950s and beyond its useful life by 2000, such that it needed to be completely rebuilt rather than simply updated and upgraded. The Watershed Rules and Regulations, adopted in 1997, require that wastewater treatment plants in the City's watershed, whether City-owned or owned by others, be upgraded to incorporate certain technologies and to achieve certain levels of treatment. The City has reconstructed several of the wastewater treatment plants it owns and operates in the watershed, and agreed to pay for the costs of upgrading non-City-owned plants as part of the 1997 Watershed Memorandum of Agreement (MOA).

Since 1997, the City has been actively funding and overseeing the completion of the necessary upgrades at over 100 non-City-owned treatment plants in the City's watershed. Instead of upgrading its Brewster plant, DEP entered into an agreement with the Village of Brewster in 2000 providing, among other things, that Brewster would design and build a new plant on a parcel of City-owned land and the City would contribute up to a certain amount to pay for the cost of design and construction. Once rebuilt, the plant would be conveyed to Brewster, which would assume responsibility for the operation and maintenance of the plant and its sewage collection system. In addition, the agreement contemplates eventual transfer of a second City-owned parcel, which is currently a paved parking lot, upon which the Village will construct a multi-story parking garage

The City also agreed to contribute up to a maximum amount to help defray the annual operation and maintenance (O&M) costs of the plant. DEP has exclusive use of a brand-new laboratory at no cost to the City for rent or O&M expenses.

In addition to the project's water quality benefits, this arrangement offers a number of other advantages to the City. Having the Village complete the construction resulted in a lower construction cost than if the City had undertaken the design and construction itself. The City will also save by eliminating our obligation to pay property taxes on the new WWTP, on avoiding future plant reconstruction costs and on reduced future WWTP O&M expenses. Under the agreement, we will continue to contribute toward O&M expenses, but that amount is capped at \$350,000 per year, although it does allow a modest 2% amount for inflation. The property taxes are assessed on the cost of construction and have been estimated to exceed \$585,000 in 2007-2008. The City is responsible for the taxes for this year, since it was the record owner on the Taxable Status Date of March 1, 2007, and would continue to be responsible in future years if it were not conveying title to the Village. This alone represents a huge saving to the City. Further, Brewster will have responsibility for compliance with its SPDES permit, for which the penalties for non-compliance are significant.

The new Brewster wastewater treatment plant is now complete and ready, along with the property on which it sits, for conveyance to the Village of Brewster. The conveyance has already been approved by the New York City Water Board, which must release the property from its leasehold interest, and has also been approved by Deputy Mayor Doctoroff, on behalf of the Mayor, under General Municipal Law Section 72-h. Section 72-h requires that notice be provided to the City Council, which has been given in a letter from DEP Commissioner Emily Lloyd to Speaker Christine Quinn and the members of the Council.

Thank you again for the opportunity to testify. I would be glad to answer any questions you may have.

September 5, 2007

Testimony by Betty M. Cooney, the executive director of the Graham Avenue Business Improvement District supported by the Graham Avenue Merchant's Association regarding the proposed Cook Street Parking Lot Project in East Williamsburg.

The Graham Avenue Business Improvement District and the Graham Avenue Merchant's Association do not oppose affordable housing, but we ask why the business district's need for the right parking is not being considered or addressed?

This is a **developer driven** project to build three eight-story buildings providing 152 units of "affordable" housing on the Cook Street/Graham Avenue Municipal Parking Lot in East Williamsburg and the adjacent empty lot which the developer recently purchased for this project.

We have not opposed the affordable housing component of this project, but our strong objections to the parking plans have fallen on deaf ears for nearly 2 years. The developer is willing to play Russian roulette with the livelihood of 180 minority owned businesses without any studies or consideration for their future.

There is a history to this lot. The municipal parking lot was created less than 7 years ago when the city offered to help the merchants who were running a public parking lot at the site which was leased from the city. Now the city is trying to take away this lot.

In the center of this project, the developer wants to build a public parking garage using valet parking and stackers to replace the low cost, self parking that now exists.

Because the city is willing to sell the lot for \$1, the developer was required to retain 75% of the existing parking for public use, but it never defined if the parking had to be comparable to what now exists...low cost, convenient, self parking.

This loophole, which the BID and the merchants group raised issue with more than 1-1/2 years ago and continue to argue, has allowed the developer to reduce the public parking space even further than the 75% that self parking would allow by using valet parking and stackers to cram in cars.

Valet parking, which does not allow for the growth or economic situation of this business district, cannot be tried and then reversed if it fails because there will no longer be enough physical space for self parking.

Ask yourself why valet parking is not used in malls; ask why it was opposed in almost every economic development in the outer boroughs including the Municipal lot on Hoyt Ave. and Astoria Boulevard in Astoria, the municipal lots in Kings Highway, and the revisions to redevelop the Municipal lot 1 in Flushing.

The 180 minority owned businesses which are surrounded by low income city housing and depend on outside customers, will lose a substantial customer base with this type of parking. It takes away the competitive edge Graham Avenue shopping is known for. The over saturation of low income housing in this one area alone could have been reason enough to stop this project, but the stores have always helped this community and housing is something the did not want to oppose.

Additionally, the developer wants all the parking requirements for the new 152 units waived. If this were not affordable housing it would be based on 50%. During the developer's testimony before CBI, the borough presidents hearing and City Planning the developer testified that there was no need for parking because the tenants would not have cars! Only last week in Councilwoman Reyna's office and before our board the developer said the private parking garage should be used to allow overnight parking for the tenants.

To build these houses the plan requires rezoning from R6 to R7.

To build the parking lot the plan requires additional rezoning for commercial space.

To build the municipal lot must be sold to the developer.

Both of these requests are part of the proposal.

All of the properties on the block where the Municipal Parking lot now exists will change zoning when and if it is fully approved. None of the other property owners were notified of these changes.

Another critical issue is where will customers and the business community park during the construction? There will be NO OFF STREET PARKING DURING THE CONSTRUCTION...for UP TO 2 YEARS. He has refused to do phase in construction to help the shopping district.

The developer has assured us that he will work with us on costs...\$2 and hour is what he originally quoted, but this can be reduced with plans that are under discussion including shopping discounts and long term arrangements. This should not be a bartering tool...it should be required by the city land giveaway.

The plan has already been approved under ULURP by Community Board 1, the Borough President and City Planning despite our efforts and testimony opposing the parking portion of the plan.

While CB 1 approved the plan it requested that it be reviewed by the Department of Transportation. This has not happened. There have been no surveys done to support the traffic or economic impact of this plan.

The borough president also approved the plan, but added a number of recommendations to help the businesses. The developer has refused to comply with all but the smallest requests.

City Planning approved the plan, point blank. It was only concerned with the affordable housing portion of the plan.

Last week, the BID and GAMA met with the developer privately and also with the Councilwoman and developer. Nothing has changed except the developer suggested that we long term lease the GAMA lot to them, so they can use it to provide an entrance and exit on Cook Street and Varet which we also have requested. The current plans eliminate the most direct access to the stores.

The developer has also asked us to vacate our merchant's parking lot during the initial construction.

We ask that this plan not be approved without making the following changes. IF the plan is approved as is it will be too late to save our business district and the jobs it provides.

Require self parking, not valet parking with stackers. The plan can be redesigned to do this, but the developer is only concerned about costs for his market rate buildings on the water front...this is why the affordable units have been proposed. Will he still build the affordable units if he is asked to wait?

Require low cost parking with rates comparable to the existing rates and discounts for the shoppers, employees, Boricua College and Woodhull Hospital.

Require that the parking costs and hours have oversight by the community, the BID and the merchants group.

Require an entrance and exit on both Varet and Cook Streets.

Require a phase in construction, one building site left empty for parking, so all off street parking will not be lost at one time. This was also suggested by the borough president.

We have not opposed the housing, we have tried to use the governmental system to make our points, but we have not been heard. Please listen to reason before voting on the requests of a developer who will not support this community after the business district has been damaged.

Graham Avenue BID & GAMA
80 Graham Ave. suite 2a
Brooklyn, NY 11206718-387-6643