



DEPARTMENT OF CITY PLANNING  
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Amanda M. Burden, A.I.C.P., *Director*  
Department of City Planning

July 25, 2005

Sandra Ruiz Butter  
VIP Community Services  
1910 Arthur Avenue  
Bronx, New York 10457-6305

Re: **Rezoning of Bronx Block 2953**  
CEQR No. 03DCP053X  
ULURP Nos. 000189 ZMX  
030370 ZMX  
Bronx, Community District 10

Dear Ms. Butter:

Under City Environmental Quality Review, the lead agency is required to determine whether a proposed action may or will not have a significant effect on the environment. In accordance with this regulation, the City Planning Commission has determined that the proposed action will not have a significant effect on the environment once modified, as noted below.

Enclosed is the Conditional Negative Declaration (CND) for CEQR No. 03DCP053X, Rezoning of Bronx Block 2953, including supporting statements for the finding that the project would not have a significant effect upon modification. The CND was published in the Environmental Notice Bulletin (ENB) on April 20, 2005, in accordance with the provisions of Article 8 of the Environmental Conservation Law (6NYCRR part 617). Written comments on the CND were accepted until the 30<sup>th</sup> calendar day following publication. No comments were received.

The applicant, VIP Community Services, is proposing an amendment to the Zoning Map to change an M1-2 district to an R7-1 district on the western portion of the block (Block 2953, Lots 1, 6, 9, 11, 12, and 13) bounded by East 175<sup>th</sup> Street to south, Prospect Avenue to the west and East 176<sup>th</sup> Street to the north in the Crotona section of Bronx Community District 6. The remainder of Block 2953 is currently zoned M1-2, and as described below, includes an (E) designation for noise on Block 2953, all lots. This (E) designation will remain for this block.

The proposed action would facilitate a proposal by the applicant to develop a five story residential building on a vacant parcel located at 760 East 176<sup>th</sup> Street (Lot 13). The applicant

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intends to apply to the New York State Office of Alcoholism and Substance Abuse Services for funding to operate a residential treatment facility. This funding is pending at the time of this CEQR review, is discretionary, and subject to SEQRA. A coordinated review is not being conducted. It is expected that the redevelopment of the applicant's site would be completed by 2007. The remaining lots in the rezoning area are developed with residential uses (Lots 1, 9 and 11), a community facility (Lot 12), and a vacant parcel (Lot 6). The area proposed for this rezoning is contiguous to an operational Department of Sanitation (DOS) facility.

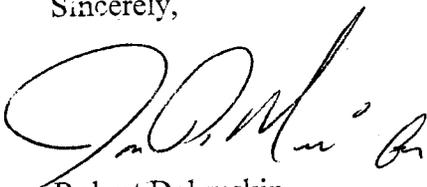
A 1982 zoning amendment to the Zoning Map changed an R7-1 district to an M1-2 district on Block 2953, all lots, permitting the construction of a DOS sanitation garage on Lot 24 (CEQR No. 82-214X). The sanitation garage was constructed and is currently in operation. The current proposal would return the western portion of the block to the former R7-1 zoning

The proposed project will not have a significant adverse environmental impact provided specific conditions are met. The conditions are:

For the properties located at 760 East 176<sup>th</sup> Street (Lot 13) the applicant agrees via a restrictive declaration to prepare a hazardous materials sampling protocol including a health and safety plan, which would be submitted to the Department of Environmental Protection (DEP) for approval. The applicant agrees to test and identify any potential hazardous material impact pursuant to the approved sampling protocol and, if any such impact is found, submit a hazardous material remediation plan including a health and safety plan to DEP for approval. If necessary, remediation measures would be undertaken pursuant to the remediation plan.

The restrictive declaration also restricts the manner in which the property may be developed or redeveloped, by requiring the sampling protocol and remediation measures to serve as a condition precedent to any change of use in any such development or redevelopment of the property.

Sincerely,



Robert Dobruskin  
Environmental Assessment and Review Division  
New York City Department of City Planning

cc: Hon. Aldolfo Carrion, Jr., Bronx Borough President  
Community Board 10, Bronx

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Gail Benjamin  
Robert Kulikowski  
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CITY PLANNING COMMISSION  
CITY OF NEW YORK  
OFFICE OF THE CHAIR

**CONDITIONAL NEGATIVE DECLARATION**

July 25, 2005

**Project Identification**

CEQR No. 03DCP053X

ULURP No. 030370 ZMX

SEQRA Classification: Unlisted

**Lead Agency**

City Planning Commission

22 Reade Street

New York, NY 10007

Contact: Robert Dobruskin

(212) 720-3423

**Name, Description and Location of Proposal:**

**Rezoning of Bronx Block 2953**

The applicant, VIP Community Services, is proposing an amendment to the Zoning Map to change an M1-2 district to an R7-1 district on the western portion of the block (Block 2953, Lots 1, 6, 9, 11, 12, and 13) bounded by East 175<sup>th</sup> Street to south, Prospect Avenue to the west and East 176<sup>th</sup> Street to the north in the Crotona section of Bronx Community District 6. The remainder of Block 2953 is currently zoned M1-2, and as described below, includes an (E) designation for noise on Block 2953, all lots. This (E) designation will remain for this block.

The proposed action would facilitate a proposal by the applicant to develop a five story residential building on a vacant parcel located at 760 East 176<sup>th</sup> Street (Lot 13). The applicant intends to apply to the New York State Office of Alcoholism and Substance Abuse Services for funding to operate a residential treatment facility. This funding is pending at the time of this CEQR review, is discretionary, and subject to SEQR. A coordinated review is not being conducted. It is expected that the redevelopment of the applicant's site would be completed by 2007. The remaining lots in the rezoning area are developed with residential uses (Lots 1, 9 and 11), a community facility (Lot 12), and a vacant parcel (Lot 6). The area proposed for this rezoning is contiguous to an operational Department of Sanitation (DOS) facility.

A 1982 zoning amendment to the Zoning Map changed an R7-1 district to an M1-2 district on Block 2953, all lots, permitting the construction of a DOS sanitation garage on Lot 24 (CEQR No. 82-214X). The sanitation garage was constructed and is currently in operation. The current proposal

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would return the western portion of the block to the former R7-1 zoning

The Environmental Assessment Statement for the proposal indicates that the proposed action could also facilitate the development of a potential development site in the rezoning area. This site, located on Lot 6, could be developed with approximately 20 dwelling units. This site is currently vacant. A site assessment based on current and past uses for the site and adjacent sites was conducted by the Department of Environmental Protection (DEP) for Lot 6 and did not rule out the potential presence of hazardous materials on this site. The materials could include petroleum based, non-petroleum based, or both. Consequently, the proposed action would place an (E) designation for hazardous materials on Block 2953, Lot 6. The placement of the (E) designation on the zoning map would eliminate the potential for significant adverse impact from hazardous materials and would ensure that appropriate testing and remediation, if needed, would be undertaken. The text of the (E) designation is as follows:

**Due to the possible presence of hazardous materials on the aforementioned designated site there is potential for contamination of the soil and groundwater. To determine if contamination exists and perform and appropriate remediation, the following tasks must be undertaken by the fee owners(s) of the lot restricted by this (E) designation prior to any demolition or disturbance of soil on the lot.**

**Task 1**

**The fee owner(s) of the lot restricted by this (E) designation will be required to prepare a scope of work for any soil, gas, or groundwater sampling and testing needed to determine if contamination exists, the extent of the contamination, and to what extent remediation may be required. The scope of work will include all relevant supporting documentation, including site plans and sampling locations. This scope of work will be submitted to DEP for review and approval prior to implementation. It will be reviewed to ensure that an adequate number of samples will be collected and that appropriate parameters are selected for laboratory analysis.**

**No sampling program may begin until written approval of a work plan and sampling protocol is received from DEP. The number and location of sample sites should be selected to adequately characterize the type and extent of the contamination, and the condition of the remainder of the site. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of the sampling data. Guidelines and criteria for choosing sampling sites and performing sampling will be provided by DEP upon request.**

**Task 2**

**A written report with findings and a summary of the data must be presented to DEP after completion of the testing phase and laboratory analysis for review and approval. After receiving such test results, a determination will be provided by DEP if the results indicate that remediation is necessary.**

**If DEP determines that no remediation is necessary, written notice shall be given by DEP.**

**If remediation is necessary according to test results, a proposed remediation plan must be submitted to DEP for review and approval. The fee owner(s) of the lot restricted by this (E) designation must perform such remediation as determined necessary by DEP. After completing the remediation, the fee owner(s) of the lot restricted by this (E) designation should provide proof that the work has been satisfactorily completed.**

**A DEP-approved construction-related health and safety plan would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. This Plan would be submitted to DEP for review and approval prior to implementation.**

**Statement of No Significant Effect Upon Modification:**

The Environmental Assessment and Review Division of the Department of City Planning, on behalf of the City Planning Commission, has completed its technical review of the Environmental Assessment Statement dated April 6, 2005, prepared in connection with the ULURP Application (030370 ZMX). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment, once it is modified as follows:

1. For the properties located at 760 East 176<sup>th</sup> Street (Block 2953, Lot 13) the applicant agrees via a restrictive declaration to prepare a hazardous materials sampling protocol, including a health and safety plan, which would be submitted to DEP for approval. The declaration establishes an agreement to test and identify any potential hazardous material impacts pursuant to the approved sampling protocol and, if any such impact is found, submit a hazardous material remediation plan including a health and safety plan to DEP for approval. If necessary, remediation measures would be undertaken pursuant to the remediation plan.

**Supporting Statement:**

The above determination is based on an environmental assessment which finds that:

1. A Phase I Environmental Site Assessment (ESA), available in the proposal's CEQR file,

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was prepared in January 2003 for the property under the control of the applicant located at 760 East 176<sup>th</sup> Street (Lot 13). The ESA was reviewed by DEP's Office of Environmental Planning and Assessment, and a restrictive declaration was recommended, as stated in a memo by DEP dated January 19, 2005, due to the potential presence of hazardous material on the site as a result of past and present land uses at the applicant's site. The declaration requires that Phase II testing would occur and is binding upon the property's successors and assigns. The declaration serves as a mechanism to assure the potential for hazardous material contamination that may exist in the sub-surface soils and groundwater on the applicant's sites would be characterized prior to any site disturbance (i.e., site grading, excavation, demolition, or building construction).

On February 11, 2005 the restrictive declaration was signed and recorded and was executed on March 21, 2005. On February 10, 2005 DEP communicated to City Planning that they approved the language of the restrictive declaration and in an April 6, 2005 letter sent to City Planning, DEP confirmed that they had received a copy of the recorded and executed restrictive declaration.

With the implementation of the condition described above, no significant adverse impact related to hazardous materials would occur.

2. The proposed action would not result in significant adverse noise impacts. The (E) designation for noise placed on Block 2953, all Lots as a part of the 1982 DOS facility rezoning action (CEQR No. 82-214X) would remain and the requirements of the (E) designation would continue to apply. This (E) designation requires the Sanitation Department to protect the residential use on Block 2953 by maintaining noise zone (N-2) levels, 65 db(A) daytime and 55 db(A) night time at the property line of the residential properties on the block.
3. No other significant adverse effects on the environment which would require an Environmental Impact Statement are foreseeable.

It is fully agreed and understood that if the foregoing conditions, modification, and alterations are not fully incorporated into the proposed action, this Conditional Negative Declaration shall become null and void. In such event, the applicant shall be required to prepare a Draft Environmental Impact Statement before proceeding further with said proposal.

This Conditional Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617.

Should you have any questions pertaining to this Conditional Negative Declaration, you may contact Katherine Bucke at (212) 720-3493.

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I, the Undersigned, as the applicant or authorized representative for this proposal, hereby affix my signature in acceptance of the above conditions, modifications, and alternation to the proposed action.

  
Signature of Authorized Representative

Date: 4/6/05

VIP COMMUNITY SERVICES  
SANDRA RUIZ BUTTER, PRESIDENT

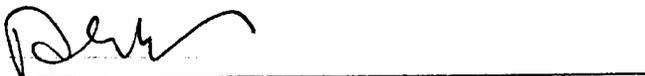
Date: 4/6/05

Name of the applicant or Authorized Representative (Print)



Date: 4/8/05

Robert Dobruskin, Director  
Environmental Assessment & Review Division  
Department of City Planning



Date: 7/25/05

Amanda M. Burden, AICP, Chair  
City Planning Commission