



DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

OFFICE OF THE CHAIR

NEGATIVE DECLARATION

October 4, 2004

Project Identification

CEQR No. 05DCP005X
ULURP No. 050120ZMX

Lead Agency

City Planning Commission
22 Reade Street
New York, NY 10007
Contact: Robert Dobruskin
(212) 720-3423

SEQRA Classification: Type I

Name, Description, and Location of Proposal:

Port Morris/ Bruckner Boulevard Rezoning:

The New York City Department of City Planning is proposing a zoning map amendment affecting Bronx Community District 1. The DCP has proposed a zoning map amendment for the area adjacent to the existing Special Mixed Use District, generally bounded by Park Avenue to the west, Willow Avenue to the east, East 134th Street to the north and the Harlem River to the south. The proposed zoning map amendment would expand the adjacent existing Port Morris Special Mixed Use District, MX-1, as follows:

- A change from **M1-2 and R6** to **M1-2/R6A (MX-1)**: four blocks zoned M1-2, and three lots zoned R6 (comprising a designated City Park and the access ramp to the Triborough Bridge), together generally bounded by East 134th Street, Brown Place, Bruckner Boulevard, and Willow Avenue.
- A change from **M2-1** to **M1-3/R8 (MX-1)**: two blocks generally bounded by East 134th Street to the north, Park Avenue to the west, Third and Lincoln Avenues to the east and the Harlem River to the south.
- A change from **M1-2 and M3-1** to **M1-5/R8A (MX-1)**: five blocks zoned M1-2, generally bounded by Bruckner Boulevard to the north, Lincoln Avenue to the west, St. Anns Avenue to the east and East 132nd Street to the south; and one lot zoned M3-1, south of East 132nd Street on Willis Avenue.

Amanda M. Burden, AICP, *Chair*
22 Reade Street, New York, N.Y. 10007-1216
(212) 720-3200 FAX (212) 720-3219
nyc.gov/planning

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The proposed rezoning action requires City Planning Commission (CPC) and City Council approvals through the Uniform Land Use Review Procedure (ULURP).

Sites expected to be developed as a result of the proposed action include 13 projected development sites. There are 28 potential development sites that are considered less likely to be developed. Under the proposed action, it is projected that approximately 412 dwelling units and 341,413 square feet of commercial and industrial floor area could be developed by 2014. In the future absent the proposed action, no new dwelling units would be permitted and approximately 551,739 square feet of commercial and industrial floor area could be developed by 2014.

To avoid the potential for hazardous materials impacts, the proposed rezoning includes (E) designations for hazardous materials on all of the identified projected and potential development sites. Accordingly, (E) designations will be mapped on the following parcels:

Block 2260, Lots 1, 4, 10, 17, 18, 19, 34, 38, 180
Block 2261, Lots 3, 5, 9, 15, 22, 23, 27, 30, 32, 48, 49, 50, 51, 55, 62
Block 2277, Lots 1, 2, 5, 10, 78, 82, 94
Block 2295, Lots 49, 51, 67, 71
Block 2308, Lots 1, 5, 18
Block 2316, Lot 1
Block 2319, Lots 2, 55, 98, 100, 109, 120
Block 2546, Lots 98, 99, 100, 135, 137, 138, 140
Block 2562, Lots 17, 21, 25, 40, 65, 66, 67, 68

The (E) designation for hazardous materials would ensure that sampling and remediation take place where hazardous material contamination may exist and would avoid any significant impacts related to hazardous materials at these locations.

Contamination on (E) designated sites can be classified as "petroleum based" or "non-petroleum based." The NYCDEP has developed protocols for both petroleum and non-petroleum based (E) designated sites that are required to be followed in order to address possible contamination.

The text for (E) designations is as follows:

(E) Designations for Petroleum Based and Non-Petroleum Based Contamination

The following tasks must be undertaken by the fee owner(s) of the lot, which is restricted by this (E) designation. They must be completed prior to any demolition or excavation activities on the lot for the proposed development. These tasks must be completed in order to determine if contamination exists on the aforementioned designated sites, as well as to ensure the completion of any appropriate remediation prior to occupancy.

Task 1-Sampling Protocol

A. Petroleum

A soil, soil gas, and groundwater testing protocol (including a description of methods), and a site map with all sampling location represented clearly and precisely, must be submitted to the NYCDEP by the fee owner(s) of the lot which is restricted by this (E) designation, for review and approval.

A site map with the sampling locations clearly identified and a testing protocol with a description of methods, for soil, soil gas, and groundwater, must be submitted by the fee owner(s), of the lot which is restricted by the (E) designation, to the NYCDEP for review and approval.

B. Non-Petroleum

The fee owner(s) of the lot restricted by this (E) designation will be required to prepare a scope of work for any sampling and testing needed to determine if contamination exists 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 NYCDEP 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. For all non-petroleum (E) designated sites, the three generic NYCDEP soil and ground-water sampling protocols should be followed.

A scope of work for any sampling and testing to be completed, which will determine the extent of on-site contamination and the required remediation, must be prepared by the fee owner(s) of the lot restricted by this (E) designation. The scope of work will include the following: site plans, sampling locations, and all other relevant supporting documentation. The scope of work must be submitted to the NYCDEP for review and confirmation that an adequate testing protocol (i.e., number of samples collected, appropriate parameters for laboratory analysis) has been prepared. The NYCDEP must approve the scope of work before it can be implemented.

For non-petroleum (E) designated sites, one of the three generic soil and groundwater sampling protocols prepared by the NYCDEP should be followed.

The protocols are based on three types of releases to soil and groundwater sampling protocols prepared by the NYCDEP should be followed.

The protocols are based on three types of releases to soil and groundwater, including: the release of a solid hazardous material to ground surface; the release of a liquid hazardous material to the ground surface; and the release of a hazardous material to the subsurface (i.e., storage tank or piping). The type of release defines the areas of soil to be sampled from surface, near-surface, to subsurface. Additionally, it determines the need for groundwater sampling.

A written approval of the sampling protocol must be received from the NYCDEP before commencement of sampling activities. Sample site quantity and location should be determined so as to adequately characterize the site, the source of contamination, and the condition of the remainder of the site. After review of the sampling data, the characterization should have been complete enough to adequately determine what remediation strategy (if any) is necessary. Upon request, NYCDEP will provide guidelines and criteria for choosing sampling sites and performing sampling.

Finally, a Health and Safety Plan must be devised and approved by the NYCDEP before the commencement on any on-site activities.

Task 2-Remediation Determination and Protocol

After sample collection and laboratory analysis have been completed on the soil and/or groundwater samples collected in Task 1, a summary of the data and findings in the form of a written report must be presented to the NYCDEP for review and approval. The NYCDEP will provide a determination as to whether remediation is necessary.

If it is determined that no remediation activities are necessary, a written notice will be released to that effect. However, if it is the NYCDEP's determination that remediation is necessary the fee owner(s) of the lot restricted by the (E) designation must submit a proposed remediation plan to the NYCDEP for review and approval. Once approval has been obtain, and the work completed, the fee owner(s) of the lot restricted by the (E) designation must provide proof to the NYCDEP that the work has been completed satisfactorily.

If remediation is necessary according to the test results, a proposed remediation plan must be submitted to the NYCDEP for review and approval. The fee owner(s) of the lot restricted by the (E) designation must perform such remediation as determined necessary by the NYCDEP. 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.

To avoid the potential for significant adverse noise impacts, for each of the projected and potential development sites an (E) designation for noise will be incorporated into the rezoning proposal. The text of the (E) designation is as follows:

In order to ensure an acceptable interior noise environment, new residential development must provide a closed window condition with the minimum of window/wall attenuation shown in Table 3.18-6 for mixed-use attenuation in order to maintain an interior noise level of 45 dBA. In order to maintain a closed-window condition, an alternate means of ventilation includes, but is not limited to, central air conditioning or air conditioning sleeves containing air conditioners.

To avoid the potential for significant adverse air quality impacts from the HVAC emissions at the potential development sites on Block 2316, Lot 1; and on Block 2319, Lots 2, 55, and 120;

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and on Block 2246, Lots 135, 137, and 138; and on Block, 2295, Lots 49, 51, and 67; an (E) designation for air quality will be incorporated into the rezoning proposal. The text of the (E) designation is as follows:

- **Any new residential and/or commercial development on the above-referenced property must use natural gas as the type of fuel for HVAC systems.**

The procedures to be followed for satisfaction and removal of the (E) designation shall be as set forth in Section 11-15 of the Zoning Resolution.

Statement of No Significant Effect:

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 Parts I, II and III, dated October 1, 2004, prepared in connection with the ULURP Application (ULURP No. 050120ZMX). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment.

Supporting Statement:

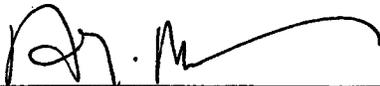
The above determination is based on an environmental assessment which finds that no significant effects on the environment which would require an Environmental Impact Statement are foreseeable. This Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617.

Should you have any questions pertaining to this Negative Declaration, you may contact Glen A. Price III, Director of Studies Implementation at (212) 720-3491.



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

Date: 10/1/04



Amanda M. Burden, AICP, Chair
City Planning Commission

Date: 10/4/04