



DEPARTMENT OF CITY PLANNING  
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Amanda M. Burden, AICP, *Director*  
Department of City Planning

February 14, 2005

Purnima Kapur  
Director, Bronx Office, Department of City Planning  
One Fordham Plaza, 5<sup>th</sup> Floor  
Bronx, New York 10458-5891

re: **CEQR No. 05DCP054X**  
**ULURP No. 050289 ZMX**  
**Pelham Gardens Rezoning**  
**SEQRA Classification: Type I**

Dear Ms. Kapur,

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.

Enclosed is the Negative Declaration for CEQR No. 05DCP054X, Pelham Gardens Rezoning, including supporting statements for the finding that the project will not have a significant effect. The proposed action would amend the Zoning Map in the northeastern Bronx neighborhood of Pelham Gardens, Community District 11 to include the following:

- a change from an R3-2 to an R3X district;
- a change from an R3-2 to an R4A district;
- a change from an R3-2 to an R4-1 district;

Robert Dobruskin, *Director*  
James Merani, *Deputy Director*  
22 Reade Street, New York, N.Y. 10007-1216 Room 4E (212) 720-3420  
FAX (212) 720-3495  
rdobrus@planning.nyc.gov

## Pelham Gardens Rezoning

CEQR No. 05DCP054X

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- a change from an R4 to an R4A district;
- a change from an R4 to an R4-1 district;
- a change from an R4/C1-2 to an R6B/C2-3 district;
- a change from an R4/C2-2 to an R6B/C2-3 district;
- a change from an R5 to an R4-1 district; and
- a change from an R5/C1-2 to an R6B/C2-3 district.

The purpose of the rezoning is to maintain the current character of the neighborhood, which is primarily comprised of detached- and semi-detached homes. Given the existing zoning there is an incentive to demolish existing housing stock to make way for out-of-scale attached or multi-family structures. The proposed action would promote development along underutilized corridors while protecting areas that are unsuitable for continued multi-family residential development.

To avoid the potential for impacts related to hazardous materials, air quality, and noise, the proposed rezoning includes (E) designations. The text of the (E) designations and a complete list of the blocks and lot numbers of the properties on which the (E) designations would be mapped are included in the attached Negative Declaration.

Sincerely,



Robert Dobruskin, Director  
Environmental Assessment and Review Division

c: Amanda M. Burden  
City Planning Commissioners  
Hon. Adolfo Carrion, Bronx Borough President  
Robert Kulikowski  
David Karnovsky

Angela Licata  
Laurence Parnes  
Sam Voyages  
Gail Benjamin  
James Merani



CITY PLANNING COMMISSION  
CITY OF NEW YORK

OFFICE OF THE CHAIR

February 14, 2005

**NEGATIVE DECLARATION**

**Project Identification**

CEQR No. 05DCP054X  
ULURP No. 050289 ZMX  
SEQRA Classification: Type I

**Lead Agency**

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

**Pelham Gardens Rezoning**

The New York City Department of City Planning (DCP) is proposing Zoning Map amendments for all or portions of 163 blocks in the northeastern Bronx neighborhood of Pelham Gardens, Community District 11. The rezoning area is generally bounded by Adee Avenue, Givan Avenue, and Hammersley Avenue to the north, Edison Avenue to the east, Williamsbridge Road and Boston Road to the west, and Pelham Parkway to the south..

The amendments to the Zoning Map are as follows:

- a change from an R3-2 to an R3X district;
- a change from an R3-2 to an R4A district;
- a change from an R3 2 to an R4 -1 district;
- a change from an R4 to an R4A district;
- a change from an R4 to an R4-1 district;
- a change from an R4/C1-2 to an R6B/C2-3 district;
- a change from an R4/C2-2 to an R6B/C2-3 district;
- a change from an R5 to an R4-1 district; and

No sampling program should begin until written approval of a protocol is received from the NYCDEP. The Number and location of sample sites should be selected to adequately characterize the site, the specific source of suspected 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 the NYCDEP upon request.

#### **Task 2**

A written report with findings and a summary of the data must be presented to the NYCDEP after completion of the testing phase and laboratory analysis for the review and approval. After receiving such test results, a determination will be provided by the NYCDEP if the results indicate that remediation is necessary. Written notice shall be given by the NYCDEP if it determines that no remediation is necessary.

#### **(E) Designation for Non-Petroleum Based Contamination**

The non-petroleum based contamination protocol has been developed to address potential contamination from all other hazardous materials sources. The procedures in the non-petroleum based protocol are the same as the petroleum based protocol with the exception of the parameters for which the soil and ground water should be tested. These parameters will vary from site to site depending upon the type of non-petroleum contamination expected to be encountered.

In general, the following steps will be required for the non-petroleum (E) designated sites:

The owner of the property will be required to prepare a scope of work for any sampling and testing needed to determine if contaminations exists and to what extent remediation may be required. The scope of work will include all relevant supporting documentation including site plans and testing locations. This scope of work will be submitted to the 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. These protocols are based on the following three types of releases to soil and ground water that may occur: release of a solid hazardous material to the ground surface; release of a liquid hazardous material to the ground surface; and the release of a hazardous material to the sub-surface (i.e. storage tank or piping). The type of release will define the areas of soil to be sampled (surface, near-surface, or subsurface) and will determine the need for the ground water sampling.

**Pelham Gardens Rezoning**

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behalf of the City Planning Commission, has completed its technical review of the Environmental Assessment Statement dated February 10, 2005, prepared in connection with the ULURP Application (050289 ZMX). 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 Radhika Patel at (212) 720-3321.

Robert Dobruskin

Date: 2/10/05

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

Amanda M. Burden

Date: 2/14/05

Amanda M. Burden, AICP, Chair  
City Planning Commission



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