E-158

DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

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

October 17, 2005

Purnima Kapur, Director
Bronx Borough Office
Department of City Planning
One Fordham Plaza, 5th Floor
Brooklyn, New York 10458-5891

Re: **Westchester Square Rezoning**
CEQR No. 06DCP034X
ULURP No. 060180ZMX
Bronx, Community District 10

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. 06DCP034X Westchester Square Rezoning, including supporting statements for the finding that the project will not have a significant effect on the environment. The applicant, The New York City Department of City Planning, is proposing the following amendments to the Zoning Map in the northeastern Bronx neighborhood of Westchester Square, Community District 10:

- A change from an R6 to an R5A district;
- A change from an R6 to an R4A district
- A change from an M1-1 to an R4A district
- A change from C1-2 to C1-4 overlay districts on Castle Hill and East Tremont Avenues;
- A change from C2-2 to C2-4 overlay districts on East Tremont and Westchester Avenues;
- A change from R6/C2-2 to R6 on Zerega and Westchester Avenues
- A reduction of the depth from 150 to 100 feet on C1-4 overlay districts on Castle Hill Avenue

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

- A reduction of the depth from 150 to 100 feet on C2-4 overlay districts on East Tremont Avenue
- A change from R6 to R6/C2-4 overlay district on Castle Hill Avenue.

The area proposed for rezoning is a predominately residential area generally bounded by East Tremont Avenue to the north and east, and Castle Hill Avenue to the west.
The proposed rezoning is aimed at preserving the community's low- to mid-density context of detached single- and two-family homes on inner blocks and apartment buildings along the wider avenues of the rezoning area, and to address parking concerns.

The majority of the rezoning area is composed of detached housing. However, the existing R6 district allows for a variety of housing types including semi-detached, attached, and apartment buildings, which is not reflective of the overall existing built character. The Westchester Square rezoning proposal would limit new development to a housing type and density that corresponds to the neighborhood's residential context and form. Additionally, the proposed rezoning would match the commercial overlay districts to the development that currently exists.

The proposed action is not expected to have a substantial effect on the amount of new construction in the foreseeable future. It would neither induce nor preclude new development, but rather it would ensure that new construction and development would occur in a manner that reflects the existing low-scale character of the area.

Sincerely,

James Merani, DeputyDirector
Environmental Assessment and Review Division

cc: Amanda M. Burden, A.I.C.P.
City Planning Commissioners
Hon. Adolfo Carrion, Jr.
Bronx Community Board 10
Gail Benjamin
Robert Kulikowski
Jessica Neilan
Pat Bussey
Julia Regul
David Karnovsky
Robert Dobruskin
Laurence Parnes
Phil Sperling
Susan Wong

CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

October 17, 2005

NEGATIVE DECLARATION

Project Identification
CEQR No. 06DCP034X
ULURP Nos. 060180ZMX
SEQRA Classification: Type I

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

Name, Description, and Location of Proposal:

Westchester Square Rezoning
The New York City Department of City Planning proposes zoning map changes for all or portions of a 45 block area in the northeastern Bronx neighborhood of Westchester Square in Community District 10. The area proposed for rezoning is a predominately residential area generally bounded by East Tremont Avenue to the north and east, and Castle Hill Avenue to the west.

The proposed amendments to the Zoning Map are as follows:

- A change from an R6 to an R5A district;
- A change from an R6 to an R4A district
- A change from an M1-1 to an R4A district
- A change from C1-2 to C1-4 overlay districts on Castle Hill and East Tremont Avenues;
- A change from C2-2 to C2-4 overlay districts on East Tremont and Westchester Avenues;
- A change from R6/C2-2 to R6 on Zerega and Westchester Avenues
- A reduction of the depth from 150 to 100 feet on C1-4 overlay districts on Castle Hill Avenue
- A reduction of the depth from 150 to 100 feet on C2-4 overlay districts on East Tremont Avenue
- A change from R6 to R6/C2-4 overlay district on Castle Hill Avenue.

The proposed rezoning is aimed at preserving the community's low- to mid-density context of detached single- and two-family homes on inner blocks and apartment buildings along the wider avenues of the rezoning area, and to address parking concerns.

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

The majority of the rezoning area is composed of detached housing. However, the existing R6 district allows for a variety of housing types including semi-detached, attached, and apartment buildings, which is not reflective of the overall existing built character. The Westchester Square rezoning proposal would limit new development to a housing type and density that corresponds to the neighborhood's residential context and form. Additionally, the proposed rezoning would match the commercial overlay districts to the development that currently exists.

The proposed action is not expected to have a substantial effect on the amount of new construction in the foreseeable future. It would neither induce nor preclude new development, but rather it would ensure that new construction and development would occur in a manner that reflects the existing low-scale character of the area.

To avoid the potential for impacts related to hazardous materials, air quality and noise, the proposed rezoning includes (E) designations.

The (E) designations for hazardous materials would be placed on all of the development sites. These sites are comprised of the following parcels:

Projected Site Block 3980	**Lot 1 and 38**
Potential Site Block 3974	**Lot 50**

On the sites receiving (E) designation for hazardous materials, the contamination can be classified as petroleum based, non-petroleum based or both. The NYCDEP has developed protocols for both petroleum and non-petroleum based, or both. 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 placement of the (E) designation on the zoning map would eliminate the potential for significant adverse impacts 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:

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 b\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.

With the placement of the (E) designations on the above block and lots, no impacts related to hazardous materials are anticipated.

To avoid any potential impacts associated with noise, the proposed action would place an (E) designation for noise on both the projected and potential development sites:

Projected Site Block 3980	**Lot 1 and 38**
Potential Site Block 3974	**Lot 50**

The text of the (E) designation for noise for the above properties is as follows:

In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum of 35 dB(A) window/wall attenuation in order to maintain an interior noise level of 45 dB(A). In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning or air conditioning sleeves containing air conditioners or HUD-approved fans.

With the placement of the (E) designations for noise on the above block and lots, no impacts related to noise are expected.

To avoid the potential for impacts related to air quality, the proposed rezoning includes (E) designations for air quality on two potential development sites. Accordingly, (E) designations will be mapped on the following parcels:

Projected Site	**Block 3980,Lot 1 and 38**
Potential Site	**Block 3974 Lot 50**

The text of the (E) designation for air quality for the above properties is as follows:

Any new residential and/or commercial development on the above-referenced properties must use natural gas as the type of fuel for space heating and hot water (HVAC) systems.

With the placement of the (E) designation for air quality on the above blocks and lots, no impacts related to air quality are expected.

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, dated October, 14 2005 prepared in connection with the ULURP Applications (ULURP Nos. 060180ZMX). 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 Jessica Neilan, at (212) 720-3425.

Date: 10/14/05

James Merani, Deputy Director
Environmental Assessment & Review Division
Department of City Planning

Date: 10/17/05

Amanda M. Burden, AICP, Chair
City Planning Commission