



DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

OFFICE OF THE CHAIR

NEGATIVE DECLARATION

July 6, 2007

Project Identification

CEQR No. 06DCP062X
ULURP No. 060320 ZMX
SEQRA Classification: Type I

Lead Agency

City Planning Commission
22 Reade Street
New York, NY 10007
Contact: Robert Dobruskin

Name, Description, and Location of Proposal:

University Heights Rezoning (aka 233 Landing Road)

The applicant, 233 Landing Road, LLC, is proposing a zoning map amendment to rezone portions of Blocks 3225, 3234, and 3236 in the University Heights neighborhood of the Bronx C8-3 with partial C1-4 and C2-4 overlays to R7-1 with C1-4 and C2-4 commercial overlays. The rezoning area is located along West Fordham and Landing roads between the Major Deegan Expressway to the west and Andrews Avenue North to the east in Bronx Community District 7.

The proposed action would facilitate a proposal by the applicant to construct a 187,150-square-foot mixed residential and commercial development on a property located at 233 Landing Road (Block 3236, Lot 25). The proposed development would contain approximately 140 dwelling units; 3,000 square feet of ground-floor retail use; and 160 accessory parking spaces. The project site is currently occupied by a private surface parking lot.

The proposed action could also result in development on two other sites: Site 1 (Block 3225, Lots 164 and 168) and Site 2 (Block 3225, Lots 108, 111, 114, 116, 117, and 277) not under control of the applicant. These sites are currently developed with auto-related, commercial, and community facility uses and are expected to be developed with residential use, ground floor retail uses, and accessory parking. It is not expected that the remaining rezoned lots would be developed.

The total development expected to occur as a result of the proposed rezoning by 2008 would be 295 dwelling units (approximately 295,000 square feet of residential use); 22,000 square feet of ground floor retail use; and 352 accessory parking spaces. Building heights would range from 75 to 80 feet.

In order to ensure that significant adverse impacts related to hazardous materials do not occur, the applicant has entered into a restrictive declaration. The restrictive declaration binds the applicant to conduct subsurface (soil and groundwater) investigations, develop a Health and Safety Plan (HASP), and remediate, if required, prior to the commencement of construction activity. The Phase II Subsurface Investigation Work Plan and the HASP have been reviewed by the New York City Department of Environmental Protection (DEP) in accordance with the restrictive declaration.

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

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

Block 3225, Lot 108
Block 3225, Lot 111
Block 3225, Lot 114
Block 3225, Lot 116
Block 3225, Lot 117
Block 3225, Lot 164
Block 3225, Lot 168
Block 3225, Lot 227
Block 3236, Lot 1
Block 3236, Lot 220

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 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.

The (E) designations for noise would be placed on the applicant's site and all four potential development sites. These sites are comprised of the following parcels:

**Block 3225, Lot 108
Block 3225, Lot 111
Block 3225, Lot 114
Block 3225, Lot 116
Block 3225, Lot 117
Block 3225, Lot 164
Block 3225, Lot 168
Block 3225, Lot 227
Block 3236, Lot 1
Block 3236, Lot 25
Block 3236, Lot 220**

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

Applicant's Site (Block 3236, Lot 25)

In order to ensure an acceptable interior noise environment, future residential, commercial, and/or community facility uses must provide a closed window condition with a minimum of 35 dB(A) window/wall attenuation on the west façade 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.

Site 1 (Block 3225, Lots 164 and 168)

In order to ensure an acceptable interior noise environment, future residential, commercial, and/or community facility 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.

Site 2 (Block 3225, Lots 108, 111, and 114)

In order to ensure an acceptable interior noise environment, future residential, commercial, and/or community facility uses must provide a closed window condition with a minimum of 30 dB(A) window/wall attenuation on all but the West Fordham Road facades in order to maintain an interior noise level of 45 dB(A). Along the West Fordham Road façade, a minimum of 35 dB(A) window/wall attenuation is required. 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.

Site 3 (Block 3225, Lots 116, 117, and 227)

In order to ensure an acceptable interior noise environment, future residential, commercial, and/or community facility uses must provide a closed window condition with a minimum of 30 dB(A) window/wall attenuation on all but the West Fordham Road facades in order to maintain an interior noise level of 45 dB(A). Along the West Fordham Road façade, a minimum of 35 dB(A) window/wall attenuation is required. 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.

Site 4 (Block 3236, Lots 1 and 220)

In order to ensure an acceptable interior noise environment, future residential, commercial, and/or community facility 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 the applicant's site. Accordingly, an (E) designation

will be mapped on the following parcel:

Block 3236, Lot 25

The text for the (E) designations is as follows:

Block 3236, Lot 25 (Applicant's Site)

Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 75 and 65 feet for Oil No. 4 and Oil No.2 from the lot line, or use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

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

The analysis year for the proposed action is 2008.

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 June 29, 2007, prepared in connection with the ULURP Application (ULURP No. 060320 ZMX). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment.

Supporting Statement:

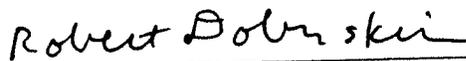
The above determination is based on an environmental assessment which finds that:

1. A Phase I Environmental Site Assessment (ESA) was prepared for the project site in October 2005. The Phase I ESA was reviewed by DEP's Office of Environmental Planning and Assessment, and a restrictive declaration was recommended by DEP, due to the potential presence of hazardous materials on the site as a result of past and present adjacent land uses. The declaration requires that detailed 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 project site would be characterized prior to any site disturbance (i.e., site grading, excavation, demolition, or building construction). Consequently, no significant adverse impact related to hazardous materials will occur.

2. The proposed window-wall attenuation requirements associated with noise will ensure that the proposed action will not result in significant adverse impacts related to noise.
3. The proposed HVAC requirements will ensure that the proposed action will not result in significant adverse impacts related to air quality.
4. No other significant adverse effects on the environment which would require an Environmental Impact Statement are foreseeable.

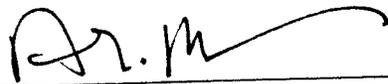
This Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617.

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



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

Date: 7/6/07



Amanda M. Burden, AICP, Chair
City Planning Commission

Date: 7/9/07

