



CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

February 21, 2006

NEGATIVE DECLARATION

Project Identification

CEQR No. 06DCP071X
ULURP No. 060335 ZMX
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:

Pelham/Indian Village Parkway Rezoning

The New York City Department of City Planning (NYCDCP) proposes to rezone forty-three (43) full blocks and portions of thirty-two (32) blocks in the northeastern Bronx neighborhoods of Pelham Parkway and Indian Village in Bronx Community District 11. The affected area would be rezoned from R3-2, R4, and M1-1 to R4A, R4-1, R3-1, R5D and R6A. R5D is a new medium density zoning district proposed to be established in a concurrent application by the NYCDCP, Jamaica Hill/Hillcrest Rezoning and R5D Zoning Text Amendment (CEQR No. 06DCP072Q and ULURP Nos. 060337 ZMQ and N060338 ZRY). Additionally, DCP proposes to replace five commercial overlays and extend a commercial overlay to one lot along Williamsbridge Road. The Pelham Parkway and Indian Village Rezoning area is generally bounded by Pelham Parkway South to the north, Rhineland, Bronxdale, and Morris Park avenues to the south, Seminole and Stillwell avenues to the east, and Esplanade to the west.

The Pelham Parkway and Indian Village neighborhoods contain numerous areas where there are clusters of one- and two-family homes. The proposed rezonings are primarily aimed at preserving the communities' low-density context of detached and semi-detached single- and two-family homes in the inners blocks while promoting modest development along the wider streets. The proposal is in response to requests from Community Board 11 and the local civic association which recommended a zoning study to address issues brought about by increased development in the community. Such issues included school overcrowding and lack of available parking in the surrounding community.

The amendments to the Zoning Map are as follows:

Pelham Parkway/Indian Village Rezoning

Negative Declaration

CEQR No. 06DCP071X

Page 2

- a change from an R4 district to an R3-2 district;
- a change from an R4 district to an R4A district;
- a change from an R3-2 district to an R4-1 district;
- a change from an R4 district to an R3-1 district;
- a change from an R3-2 district to an R3-1 district;
- a change from an R3-2 district to an R5D district;
- a change from an R3-2/C1-2 district to an R5D/C1-4 district;
- a change from an R3-2/C2-2 district to an R5D/C2-4 district;
- a change from an R3-2 district to an R4A/C1-2 district;
- a change from an R3-2/C1-2 district to an R4/C1-2 district;
- a change from an R4 district to an R6A district;
- a change from an M1-1 district to an R6A district.

As a result of the proposed action, residential development could occur within six (6) blockfronts located along Williamsbridge Road between Pelham Parkway and Rhinelander Avenue and on portions of two (2) blocks fronting on Pelham Parkway South. As a result of the environmental review, (E) designations have been mapped on selected development sites in order to preclude future hazardous materials, air quality, and noise impacts which could occur as a result of the proposed action.

To avoid the potential for hazardous materials impacts, the proposed rezoning includes (E) designations for hazardous materials on the following properties:

Block 4223	Lots 30, 36
Block 4273	Lots 11, 20, 23, 29
Block 4274	Lot 61
Block 4306	Lots 14, 15, 16, 20
Block 4307	Lots 32, 35, 38
Block 4310	Lots 30, 35
Block 4332	Lots 12, 20

The following is the proposed text of the (E) designations:

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 obtained, 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.

The placement of (E) designations would ensure that no significant impacts related to hazardous materials would occur as a result of the proposed action.

To preclude the potential for significant adverse air quality impacts related to HVAC emissions, an (E) designation would be incorporated into the rezoning proposal for each of the following properties:

Block 4223, Lots 30, 36
Block 4273, Lots 11, 20, 23
Block 4274, Lot 61
Block 4306, Lots 14, 15, 16, 20
Block 4307, Lots 32, 35, 38
Block 4310, Lots 30, 35

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

Block 4273, Lot 11 (Projected Development Site 2)
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 50 feet from the lot line facing Rhinelander Avenue, 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.

Block 4223, Lot 36 (Projected Development Site 4)
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 65 feet from the lot line facing Stillwell Avenue, 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.

Block 4306, Lot 14 (Potential Development Site 3)
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 55 feet from the lot line facing Neill Avenue, 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.

Block 4306, Lot 15 (Potential Development Site 4)
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 55 feet from the lot line facing Lydig Avenue and 55 feet from the lot line facing Neill Avenue, 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.

Pelham Parkway/Indian Village Rezoning

Negative Declaration

CEQR No. 06DCP071X

Page 6

Block 4306, Lot 16 (Potential Development Site 5)

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 55 feet from the lot line facing Lydig Avenue and 55 feet from the lot line facing Neill Avenue, 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.

Block 4306, Lot 20 (Potential Development Site 6)

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 65 feet from the lot line facing Lydig Avenue, 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.

Block 4273, Lot 20 (Potential Development Site 7)

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 60 feet from the lot line facing Neill Avenue and 60 feet from the lot line facing Rhinelander Avenue, 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.

Block 4273, Lot 23 (Potential Development Site 8)

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 50 feet from the lot line facing Neill Avenue, 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.

Block 4274, Lots 61 (Potential Development Site 9)

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 60 feet from the lot line facing Neill Avenue, 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.

Pelham Parkway/Indian Village Rezoning

Negative Declaration

CEQR No. 06DCP071X

Page 7

Block 4307, Lot 32 (Potential Development Site 10)

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 60 feet from the lot line facing Lydig Avenue, 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.

Block 4307, Lot 35 (Potential Development Site 11)

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 60 feet from the lot line facing Lydig Avenue and 60 feet from the lot line facing Neill Avenue, 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.

Block 4307, Lot 38 (Potential Development Site 12)

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 50 feet from the lot line facing Lydig Avenue and 50 feet from the lot line facing Neill Avenue, 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.

Block 4310, Lot 30 (Potential Development Site 13)

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 65 feet from the lot line facing Pelham Parkway South, 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.

Block 4310, Lot 35 (Potential Development Site 14)

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 65 feet from the lot line facing Pelham Parkway South and 65 feet from the lot line facing Lydig Avenue, 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.

Block 4223, Lot 30 (Potential Development Site 15)

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 feet from the adjacent lot line facing Stillwell Avenue, 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) designations on the above blocks and lots, no impacts related to stationary source air quality would be expected.

To preclude the potential for significant adverse industrial source air quality impacts an (E) designation would be incorporated into the rezoning proposal for each of the following properties:

Block 4332, Lot 20
Block 4310, Lot 30
Block 4310, Lot 35

Block 4332, Lot 20

If the manufacturing/industrial emissions identified above continue at Block 4332, Lot 26 any new residential and/or commercial development, enlargement, or change of use on the above-referenced property must have inoperable windows and may not include air intakes on the east and south facades of the building.

Block 4310, Lot 30

If the manufacturing/industrial emissions identified above continue at Block 4332, Lot 26, any new residential and/or commercial development, enlargement, or change of use on the above-referenced property must have inoperable windows and may not include air intakes on the east facade of the building.

Block 4310, Lot 35

If the manufacturing/industrial emissions identified above continue at Block 4332, Lot 26 any new residential and/or commercial development, enlargement, or change of use on the above-referenced property must have inoperable windows and may not include air intakes on the east and south facades of the building.

Pelham Parkway/Indian Village Rezoning

Negative Declaration

CEQR No. 06DCP071X

Page 8

With the placement of the (E) designations on the above blocks and lots, no impacts related to industrial source air quality would be expected.

To avoid the potential for impacts related to noise, the proposed rezoning includes (E) designations for noise for the following properties:

Block 4223, Lots 30, 36

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 uses must provide a closed window condition with a minimum of 35 dB(A) window/wall attenuation in all facades 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) designation for noise no impacts related to noise would occur.

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 February 17, 2006, prepared in connection with the ULURP Application (060335 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 Gwen Sheinfeld at (212) 720-3419.

Pelham Parkway/Indian Village Rezoning
Negative Declaration
CEQR No. 06DCP071X
Page 9

Robert Dobruskin

Date: 02/17/06

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

A.M.

Date: 02/21/06

Amanda M. Burden, AICP, Chair
City Planning Commission