



CITY PLANNING COMMISSION  
CITY OF NEW YORK  
OFFICE OF THE CHAIR

**NEGATIVE DECLARATION**

March 6, 2006

**Project Identification**

CEQR No. 06DCP076X  
ULURP Nos. 060215 GFX  
060214 ZMX  
BSA No. 32-06-BZ  
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:**

Van Cortlandt Center

Manhattan College is seeking the following discretionary City approvals in connection with Van Cortland Center, a proposed mixed-use development to be constructed at 5935 Broadway (Block 5776, Lot 632) in the Riverdale neighborhood of Bronx, Community District 8:

- an amendment to the Zoning Map to change an M1-1 district and an R6 district to an R6/C2-3 district;
- a revocable consent, from the New York City Department of Transportation (DOT), to construct a pedestrian bridge over Manhattan College Parkway, connecting the proposed development to the Manhattan College campus;
- a Board of Standards and Appeals (BSA) variance pursuant to Zoning Resolution (ZR) Section 72-21 for relief from height and setback requirements;
- BSA special permits pursuant to ZR Sections 73-482 and 73-49 for the proposed development's accessory parking garage.

The applicant is also seeking funding from the Dormitory Authority of the State of New York (DASNY) and the Federal Highway Works Administration (FHWA.)

The proposed Van Cortland Center would contain 388,319 gross square feet of floor area in a 6-

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story, 72-foot high structure. It would include:

- 55,000 gross square feet of retail space on the building's ground floor. It is expected that the space would be occupied by a Pathmark supermarket;
- 738 accessory parking spaces for the college;
- 187 accessory parking spaces for the supermarket; and
- a pedestrian bridge connecting the parking garage to the college campus.

As part of the project, the supermarket portion of the garage would be accessed from a new signalized intersection on Broadway between West 242<sup>nd</sup> and West 240<sup>th</sup> Streets. Additionally, the project site would be accessed from Manhattan College Parkway. It is expected that it would be constructed and occupied by 2007.

The project site is currently developed with a 220-space parking lot and maintenance/storage building for the college. The site is bounded by West 242<sup>nd</sup> Street, Manhattan College Parkway, Broadway, and the northerly property line of New York City Transit's West 240<sup>th</sup> Street trainyards. The site is currently zoned M1-1 and R6.

The proposed zoning map amendment would affect properties beyond the project site, located on Broadway, 242<sup>nd</sup> Street and Manhattan College Parkway. These properties are currently zoned M1-1 and R6. As a result of the proposed zoning map amendment it is expected that two of the properties, located at 5959-5961 Broadway (Block 5776, Lot 621) and 216-220 West 242<sup>nd</sup> Street (Block 5776, Lot 619) could be redeveloped. The first, identified as Projected Development Site 1, is currently zoned M1-1 and developed with an auto repair facility. It is projected to be developed with 31 dwelling units and approximately 12,500 square feet of retail space as a result of the proposed rezoning. The second, identified as Potential Development Site 1, is currently zoned M1-1/R6 and is developed with an eating establishment. It could be redeveloped with developed with 13 dwelling units and approximately 5,000 square feet.

The remaining properties in the proposed rezoning area are range from approximately 85,000 to 16,000 square feet, and are occupied by with a variety of used including two six-story apartment buildings, a 5-story residential building, a 1-story residential building, and a restaurant. They are expected to remain in their current use in the future with the proposed action.

The proposed rezoning includes (E) designations for hazardous materials, air quality, and noise, in

order to avoid the potential for significant adverse impacts relating to these issues.

The (E) designation for hazardous materials would be mapped on Block 5776, Lots 619 and 621. The text of the (E) designation is as follows:

**Due to the possible presence of hazardous materials on the aforementioned designated site there is potential for contamination of the soil and groundwater. To determine if contamination exists and preform and appropriate remediation, the following tasks must be undertaken by the fee owners(s) of the lot restricted by this (E) designation prior to any demolition or disturbance of soil on the lot.**

#### **Task 1**

**The fee owner(s) of the lot restricted by this (E) designation will be required to prepare a scope of work for any soil, gas, or groundwater sampling and testing needed to determine if contamination exists, the extent of the contamination, 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 DEP 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.**

**No sampling program may begin until written approval of a work plan and sampling protocol is received from DEP. The number and location of sample sites should be selected to adequately characterize the type and extent of the 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 DEP upon request.**

#### **Task 2**

**A written report with findings and a summary of the data must be presented to DEP after completion of the testing phase and laboratory analysis for review and approval. After receiving such test results, a determination will be provided by DEP if the results indicate that remediation is necessary.**

**If DEP determines that no remediation is necessary, written notice shall be given by DEP.**

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

**A DEP-approved construction-related health and safety plan would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. This Plan would be submitted to DEP for review and approval prior to implementation.**

The (E) designation for air quality would be mapped on Block 5776, Lots 619 and 621. The text of the (E) designation for air quality for Block 5776, Lot 619 is as follows:

**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 Manhattan College Parkway and at least 55 feet from the lot line facing Broadway, or use natural gas as the type of fuel for space heating and hot water (HVAC) systems.**

The text of the (E) designation for air quality for Block 5776, Lot 621 is as follows:

**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 Broadway, or use natural gas as the type of fuel for space heating and hot water (HVAC) systems.**

The (E) designation for noise would be mapped on Block 5776, Lots 619 and 621. 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 45 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.**

It should be noted that the Van Cortlandt Center proposal was the subject of a previous application

(CEQR No. 06DCP033X). That project was withdrawn, and no CEQR determination was issued for it.

As previously noted, the proposed Van Cortlandt Center development requires a number of discretionary approvals by the CPC and other agencies including BSA, DASNY, DOT, and FHWA. The CPC is acting as lead agency and has conducted a coordinated review with BSA, DASNY, DOT, and FHWA as involved agencies.

**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 March 3, 2006, prepared in connection with the ULURP Application (060214 ZMX and 060215 GFX). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment.

**Supporting Statements:**

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

1. A Phase I Environmental Site Assessment (ESA) was prepared in August 2003 for the property under the control of the applicant located at 5935 Broadway (Block 5776, Lot 632). The Phase I ESA was reviewed by DEP's Office of Environmental Planning and Assessment, and a restrictive declaration was recommended, as stated in a memo by DEP, on March 3, 2006, due to the potential presence of hazardous material on the site as a result of past and present land uses at the applicant's site and on adjacent sites. The declaration requires the 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 applicant's sites would be characterized prior to any site disturbance (i.e., site grading, excavation, demolition, or building construction).

A restrictive declaration has been prepared and executed which requires the preparation of a hazardous materials sampling protocol including a health and safety plan, which would be submitted to the Department of Environmental Protection (DEP) for approval. The declaration establishes an agreement to test and identify any potential hazardous material impacts pursuant to the approved sampling protocol and, if any such impact is found, submit a hazardous material remediation plan including a health and safety plan to DEP for approval. If necessary, remediation measures would be undertaken pursuant to the remediation plan.

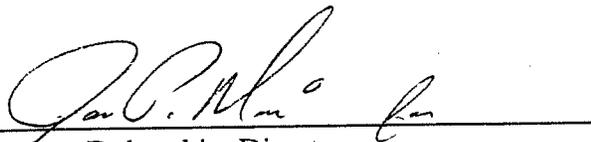
The restrictive declaration also restricts the manner in which the property may be developed or redeveloped, by requiring the sampling protocol and remediation measures to serve as a condition precedent to any change of use in any such development or redevelopment of the property.

These measures would ensure that no significant adverse impact related to hazardous material would occur.

2. No other significant adverse effects on the environment which would require an Environmental Impact Statement are foreseeable.

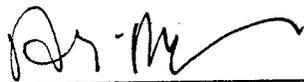
This Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617.

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



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

Date: 3/3/06



Amanda Burden, AICP, Chair  
City Planning Commission

Date: 3/6/06