E-181

DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

OFFICE OF THE CHAIR

NEGATIVE DECLARATION

April 9, 2007

Project Identification
CEQR No. 07DCP058X
ULURP No. 070409 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:

Wakefield – Eastchester Rezoning
The New York City Department of City Planning (NYCDCP) proposes to amend the zoning map affecting sixty-four (64) full blocks and portions of seventy (70) blocks in the northeastern Bronx neighborhoods of Wakefield and Eastchester in Bronx Community District 12. The rezoning area is generally bounded by the Bronx River to the west, East 233rd Street to the south, the Dyre Avenue subway right-of-way / Provost Avenue to the east and the New York – Mount Vernon City Line to the north.

The amendments to the Zoning Map are as follows:

- A change from an R6 district to an R5A district;
- A change from an R5 district to an R5A district;
- Removal of C2-1 and C1-2 commercial overlays;
- A change from an R4 district to an R4A district;
- A change from an R4 district to an R4-1 district;
- A change from an M1-1 district to an R4 district;
- A change from an R5 district to an R6 district;
- Modification of the depth of existing C1-2 and C2-2 commercial overlays, including the removal of a C2-2 overlay from two blocks.

The proposed action is projected to result in a net increase of 103 residential units, a decrease of 8,237 square feet of commercial space and an increase of 20,028 square feet of community facility space. A total of four projected development sites and twenty-five potential development sites have been identified in the area.

The proposed rezonings are intended to preserve the communities' low-density context of detached and semi-detached single- and two-family homes in the inner blocks while

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

promoting modest development along the wider commercial corridor of White Plains Road.

To avoid the potential for impacts related to hazardous materials, noise, and air quality, the proposed rezoning includes (E) designations (E-181).

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

Block 4995, Lots 1 & 80
Block 4996, Lot 1
Block 4998, Lot 61
Block 4999, Lots 46, 49, & 57
Block 5039, Lots 1, 7, 14, 16, 29 & 72
Block 5042, Lots 29, 45, 48, & 51
Block 5043, Lots 9, 28, 31, & 35
Block 5046, Lots 13, 21, 23, 27 & 28
Block 5069, Lots 61 & 62
Block 5070, Lot 5
Block 5081, Lots 60, 63, 72, 78, 80, 81, 82, 84, 88, & 89
Block 5083, Lots 48, 60, & 61

On the sites receiving (E) designations 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 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 the following projected and potential development sites:

Block 4995, Lots 1 & 80
Block 4996, Lot 1
Block 4998, Lot 61
Block 4999, Lots 46, 49, & 57
Block 5039, Lots 1, 7, 14, 16, 29 & 72
Block 5042, Lots 29, 45, 48, & 51
Block 5043, Lots 9, 28, 31, & 35
Block 5046, Lots 13, 21, 23, 27 & 28
Block 5069, Lots 61 & 62
Block 5070, Lot 5
Block 5081, Lots 60, 63, 72, 78, 80, 81, 82, 84, 88, & 89
Block 5083, Lots 48, 60, & 61

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 30 dB(A) window/wall attenuation in order to maintain an interior noise level of 40 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:

Block 4995, Lots 1 & 80
Block 4999, Lots 49 & 57
Block 4996, Lot 1
Block 5039, Lots 1, 7, 14, 16, 29, & 72
Block 5042, Lots 29, 45, 48, & 51
Block 5043, Lots 9, 28, 31, & 35
Block 5046, Lots 13, 21, 23, 27, & 28
Block 5081, Lots 60, 63, 72, 78, 80, 81, 82, 84, 88, & 89
Block 5083, Lot 48

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

Block 5081, Lot 89 (Projected Development Site A)
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 105 and 85 feet for Oil No. 4 and No. 2 from the lot line facing E249th Street, or use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 5039, Lot 7 (Projected Development Site B)
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 110 and 90 feet for Oil No. 4 and Oil No.2 from the lot line facing E236th and/or E237th Streets, or use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 5043, Lot 31 (Potential Development Site C)
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 facing E236th and/or E237th Streets, or use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 5083, Lot 48 (Projected Development Site 1)
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 105 and 85 feet for Oil No. 4 and No. 2 from the lot line facing E240th Street, or use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 5081, Lots 60, 63 (Projected 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 75 for Oil No. 4 from the lot line facing E239th Street, or use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 5081, Lots 72 (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 80 feet for Oil No.4 from the lot line facing E239th and/or 240th Streets, or use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 5081, Lots 78, 80 (Projected 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 70 and 60 feet for Oil No. 4 and No. 2 from the lot line facing E239th and/or 240th Streets, or use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 5081, Lots 81, 82, 84 (Projected 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 95 and 80 feet for Oil No. 4 and Oil No.2 from the lot line facing E239th and/or 240th Streets, or use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 5081, Lot 88 (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 90 and 70 feet for Oil No.4 and Oil No. 2 from the lot line facing E239th and/or 240th Streets, or use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 5042, Lots 29, 45 (Projected 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 160 and 130 feet for Oil No. 4 and No. 2 from the lot line facing E237th Street, or use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 5042, Lots 48, 51 (Projected 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 90 and 70 feet for Oil No. 4 and Oil No.2 from the lot line facing Nereid Avenue, or use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 5046, Lots 27, 28 (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 65 and 60 feet for Oil No.4 and Oil No. 2 from the lot line facing E237th Street, or use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 5046, Lots 21, 23 (Projected 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 85 and 65 feet for Oil No. 4 and No. 2 from the lot line facing Nereid Avenue and/or E237th Street, or use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 5046, Lots 13 (Projected 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 90 and 65 feet for Oil No. 4 and Oil No.2 from the lot line facing Nereid Avenue, or use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 5039, Lots 1, 72 (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 90 and 70 feet for Oil No.4 and Oil No. 2 from the lot line facing E236th Street, or use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 5039, Lots 14, 16 (Projected Development Site 16)
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 105 and 90 feet for Oil No. 4 and No. 2 from the lot line facing E237th Street, or use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 5039, Lot 29 (Projected Development Site 17)
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 70 for Oil No. 4 from the lot line facing E236th Street, or use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 5043, Lot 35 (Potential Development Site 18)
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 facing E236th Street, or use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 5043, Lots 9, 28 (Projected Development Site 19)
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 85 and 65 feet for Oil No. 4 and No. 2 from the lot line facing E237th Street, or use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 4996, Lot 1 (Projected Development Site 20)
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 130 and 100 feet for Oil No. 4 and Oil No.2 from the lot line facing E235th and/or 236th Streets, or use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 4999, Lot 57 (Potential Development Site 21)
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 90 and 70 feet for Oil No.4 and Oil No. 2 from the lot line facing E235th Street, or use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 4999, Lot 49 (Projected Development Site 22)
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 95 and 70 feet for Oil No. 4 and No. 2 from the lot line facing E236th Street and/or White Plains Road, or use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 4995, Lot 80 (Projected Development Site 23)
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 70 and 60 feet for Oil No. 4 and Oil No.2 from the lot line facing E234th and/or E235th Streets, or use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 4995, Lot 1 (Potential Development Site 24)
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 85 and 65 feet for Oil No.4 and Oil No. 2 from the lot line facing E235th Street, or use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse 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.

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 April 6, 2007 prepared in connection with the ULURP Applications (ULURP No. 070409 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 Adam Lynn at (212) 720-3493.

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

Date: April 6, 2007

Amanda M. Burden, AICP, Chair
City Planning Commission

Date: April 9, 2007