

E-243



CITY PLANNING COMMISSION  
CITY OF NEW YORK

OFFICE OF THE CHAIR

**REVISED**  
**CONDITIONAL NEGATIVE DECLARATION (CND)**  
**Supersedes CND issued on December 30, 2009**

**Project Identification**

CEQR No. 08DCP054X  
ULURP No. 080157ZMX  
SEQRA Classification: Unlisted

**Lead Agency**

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

**Name, Description and Location of Proposal**

1825 Boston Road Zoning Map Amendment

The applicant, CBC Associates and South Bronx Overall Development Corporation (SOBRO) as co-applicant, is proposing a Zoning Map amendment to change an existing C8-3 zoning district to an R7-1 zoning district with a C2-4 commercial overlay. The affected area is located at 1825 Boston Road (Block 2984, Lot 46), in the Crotona section of the Bronx Community District 3. According to the applicant, the proposed zoning map amendment would facilitate the development of a seven-story mixed-use building containing 175 units of low-to moderate income housing with commercial use (29,629 square feet) on the first floor, community facility (1,700 square feet), and 116 accessory parking spaces for both the commercial and residential uses. For the purpose of environmental review, a reasonable worst case development scenario consisting of a seven-story mixed-use building containing 200 units of housing with commercial use on the first floor was analyzed. The property is currently vacant and, absent the proposed rezoning, could be developed under the existing C8-3 zoning. The proposed build year for this action would be 2012. The proposed project would receive some funding from the NYC Housing Development Cooperation.

The original conditional negative declaration issued on December 30, 2009 has been revised to reflect updated information regarding the restrictive declaration for hazardous materials.

To preclude the potential for significant adverse air quality impacts on other projected development sites from the HVAC emissions, an (E) designation (E-243) would be incorporated into the rezoning proposal for the affected site. The text of the (E) designation is as follows:

**Block 2984, Lot 46: Any new and/or commercial development on the above referenced property must use natural gas as the type of fuel for HVAC systems.**

With the implementation of the above (E) designation, no significant adverse impacts related to air quality would occur.

To preclude the potential for significant adverse noise impacts on projected development from ambient noise, an (E) designation would be incorporated into the rezoning proposal for the affected site. The text of the (E) designation is as follows:

**In order to ensure an acceptable interior noise environment, future residential and commercial uses must provide a closed window condition with a minimum of 30 dB(A) window/wall attenuation on 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.**

With the implementation of the above (E) designation, no significant adverse 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 May 11, 2010, prepared in connection with the ULURP Application (No. 080157ZMX). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment, once it is modified as follows:

The applicant, CBC Associates and co-applicant SOBRO, agrees via a restrictive declaration to prepare 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 applicant agrees to test and identify any potential hazardous material impact 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.

#### **Supporting Statement:**

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

1. A Phase I Environmental Site Assessment (ESA) was prepared in May 2005, and is available in the proposal's CEQR file, for the properties located in Bronx (Block 2984, Lot 46) for the project site. The Phase I ESA was reviewed by DEP's Office of Environmental Planning and Assessment.

The declaration, binding on all successors and assigns of the applicant, requires that Phase II testing be prepared, including a sampling protocol and a health and safety plan

for DEP's review and approval. If hazardous materials impacts exist, the declaration requires that the applicant submit a remediation plan for DEP's review and approval and provide for such remediation. The declaration serves as a mechanism to assure the potential for hazardous material contamination that may exist in the subsurface soils and groundwater on the applicant's property would be characterized prior to any site disturbance.

The restrictive declaration was executed on May 7, 2010. On May 10, 2010 the DEP confirmed, via written correspondence, that the applicant filed a DEP-approved Restrictive Declaration with the New York City Department of Finance and the City Register.

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

With the implementation of the condition described above, no significant adverse impact related to hazardous materials would occur.

It is fully agreed and understood that if the foregoing conditions, modification, and alterations are not fully incorporated into the proposed action, this Conditional Negative Declaration shall become null and void. In such event, the applicant shall be required to prepare a Draft Environmental Impact Statement before proceeding further with said proposal.

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

I, the Undersigned, as the applicant or authorized representative for this proposal, hereby affix my signature in acceptance of the above conditions to the proposed action.



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Signature of Applicant or Authorized Representative

Date: May 11, 2010

MARTIN P. MINER, AUTHORIZED REPRESENTATIVE  
Name of Applicant or Authorized Representative



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Celeste Evans, Deputy Director  
Environmental Assessment & Review Division  
Department of City Planning

Date: May 11, 2010



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Amanda M. Burden, FAICP, Chair  
City Planning Commission

Date: May 12, 2010