



DEPARTMENT OF CITY PLANNING  
CITY OF NEW YORK

OFFICE OF THE CHAIR

September 15, 2010

**REVISED NEGATIVE DECLARATION**  
**Supersedes Negative Declaration issued on May 24, 2010.**

**Project Identification**

CEQR No. 10DCP043X  
ULURP No. N 100408 ZRX, 100407 ZMX  
SEQRA Classification: Type I

**Lead Agency**

City Planning Commission  
22 Reade Street  
New York, NY 10007  
Contact: Robert Dobruskin  
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**Name, Description and Location of Proposal**

Third Avenue / East Tremont Avenue Rezoning

This Negative Declaration has been revised to reflect corrections of three minor errors in the (E) designations (E-255) for noise included in the Third Avenue / East Tremont Avenue Rezoning proposal.

The applicant, the New York City Department of City Planning, proposes a zoning map amendment and a zoning text amendment to rezone all or portions of 62 blocks generally bounded by Fordham Plaza on the north, extending down Third Avenue to 175<sup>th</sup> Street on the south, the area south of Fordham Plaza between Washington Avenue and Third Avenue, and the east-west corridor along East Tremont Avenue extending from Daly Avenue on the east to Webster Avenue on the west within the East Tremont neighborhood in Bronx, Community District 6.

The zoning map amendment would change the area's underlying zoning from R7-1, M1-4, C8-3, and C4-4 with C1-4 and C2-4 commercial overlays (mapped on some R7-1-zoned blocks) to C4-5X, C4-4A, C4-4D, MX (M1-4/ R7A), MX (M1-4/ R7X), R7X/ C1-4, R7-1/ C1-4, R7-1/ C2-4, R5 and R6A. The rezoning would include additional mid-density commercial and mixed-use districts, incorporate inclusionary housing, replace some automotive-related commercial districts with mixed-use districts, and establish contextual districts requiring new construction to be built at or near the street line with limits on maximum building base height and overall building height.

The zoning text amendment would modify the Zoning Resolution (ZR) Sections 123-63, 123-90, and Appendix D, to establish a Special Mixed Use District (MX-14), extending over all, or portions of, twenty blocks along the Third Avenue and Tremont Avenue corridors; and to Appendix F to make the Inclusionary Housing Program applicable in R7A, R7X, C4-4A (R7A),

C4-5X (R7X), and C4-4D (R8A) districts along the Third Avenue and Tremont Avenue corridors.

Within the rezoning area, 27 projected development sites have been identified where new development is likely to occur, and 48 potential development sites where new development or conversions could occur but are considered less likely. On the 27 projected development sites, the proposed action is expected to result in a net increase of 699 DUs, 114 of which would be affordable pursuant to the Inclusionary Housing program, 13,573 sf of commercial space (including retail), 13,893 sf of supermarket retail, 16,947 sf of restaurant space, and 85,877 sf of office space. The proposed action would result in a net reduction of 94,352 sf of automotive-related storage and other space, and a net reduction of 16,959 sf of community facility space. The build year for the above action is 2020.

To avoid any potential significant adverse impacts, (E) designations for hazardous materials, air quality and noise would be mapped, as described below.

An (E) designation for hazardous materials (E-255) would be mapped as part of the proposed rezoning and would be placed on the following private (i.e., not city-owned) properties:

**Block 2900, Lots 55, 72, 73, 83**  
**Block 2908, Lots 26, 31, 37, 43, 47**  
**Block 2909, Lots 8, 10, 26, 28**  
**Block 2917, Lot 11**  
**Block 2923, Lot 13, 14, 27, 30, 31, 35**  
**Block 2924, Lot 15**  
**Block 2950, Lots 52, 54**  
**Block 3027, Lots 1, 5, 8, 16, 42, 49, 53, 54**  
**Block 3028, Lots 1, 6, 7, 8, 48, 75**  
**Block 3032, Lots 25, 37**  
**Block 3034, Lots 1, 49, 52**  
**Block 3040, Lot 24, 26, 42**  
**Block 3041, Lot 16, 18, 21, 45**  
**Block 3042, Lots 13, 22, 28**  
**Block 3044, Lots 82, 88, 93**  
**Block 3045, Lots 44, 49, 51**  
**Block 3047, Lots 63, 65**  
**Block 3051, Lots 34, 40, 41, 43, 49**  
**Block 3052, Lots 11, 14, 15, 17**  
**Block 3053, Lots 28, 36, 39, 41**  
**Block 3055, Lots 33, 35, 37, 41, 45, 47, 56, 57**  
**Block 3057, Lot 3**  
**Block 3060, Lot 8**  
**Block 3062, Lots 1, 3, 20**  
**Block 3107, Lot 44**

The applicable text for the hazardous materials (E) designations would be as follows:

**Task 1**

**The fee owner of the lots restricted by this (E) designation will be required to prepare a scope of work for soil and groundwater sampling and testing to determine whether**

contamination exists and, if so, the extent of the contamination and the nature and extent of required remediation. The scope of work will include all relevant supporting documentation, including site plans and sampling locations. The scope of work will be submitted to DEP for review and approval prior to implementation, 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 sampling sites should be selected to adequately characterize the type and extent of any 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 the choice of sampling sites, sampling procedures, and tests to be performed will be provided by DEP upon request.

**Task 2**

A written report with findings and a summary of the data must be submitted to DEP after completion of the testing phase and laboratory analysis for review and approval. After reviewing the test results, DEP will determine whether the results indicate that remediation is necessary.

If DEP determines that no remediation is necessary, the agency will give written notice.

If DEP determines that remediation is necessary, a proposed remediation plan will be prepared and submitted to DEP for its review and approval. The fee owner of the lots restricted by the (E) designation must perform such remediation as determined by DEP to be necessary. After completing the remediation, the fee owner should provide DEP with proof that the work has been completed satisfactorily. Once DEP determines that the required remediation has indeed been completed satisfactorily, the agency will give written notice.

A DEP-approved construction-related health and safety plan (HASP) 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. The HASP must be submitted to DEP for review and approval prior to implementation.

With the placement of the (E) designation for hazardous materials, no impacts related to hazardous materials are expected and no further assessment is warranted.

To avoid any potential significant adverse impacts, (E) designations for air quality (E-255) would be mapped as part of the proposed rezoning. The text of the (E) designation for air quality for the private (i.e., not city-owned) properties identified below is as follows:

**Block 3032, Lot 25 (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 20 feet for oil No.4/2 from the lot line facing Park Avenue and E 188 Street for fuel oil 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 3032, Lot 37 (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 15 feet for oil No.4/2 from the lot line facing Webster Avenue and E 188 Street for fuel oil 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 3051, Lots 34, 40, 41 (Projected 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 35 feet for oil No.4/2 from the lot line facing E 182 Street for fuel oil 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 3051, Lot 49 (Projected 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 22 feet for oil No.4/2 from the lot line facing E 182 Street and Bathgate Avenue for fuel oil 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 3064, Lot 100 (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 40 feet for oil No.4/2 from the lot line facing Quarry Road and E 184 Street for fuel oil 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 3062, Lots 19, 20 (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 12 feet for oil No.4/2 from the lot line facing 3<sup>rd</sup> Avenue and E 180 Street for fuel oil 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 3045, Lots 49, 51 (Projected 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 20 feet for oil No.4/2 from the lot line facing E 180 Street for fuel oil 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 3043, Lot 67 (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 28 feet for oil No.4/2 from the lot line facing E Tremont Avenue for fuel oil 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 2908, Lot 43 (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 16 feet for oil No.4/2 from the lot line facing E 176 Street and at least 15 feet from the lot line facing Park Avenue and 125<sup>th</sup> Street for fuel oil 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 3043, Lot 72 (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 15 feet for oil No.4/2 from the lot line facing E Tremont Avenue for fuel oil 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 2950, Lot 54 (Projected 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 16 feet for oil No.4/2 from the lot line facing Crotona Avenue for fuel oil 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 3093, Lot 53 (Projected Development Site 25):** 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 22 feet for oil No.4/2 from the lot line facing Clinton Avenue and E 178 Street for fuel oil 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 3042, Lot 13 (Potential Development Site 101):** 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 28 feet for oil No.4/2 from the lot line facing E 189 Street and Park Avenue for fuel oil 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 3041, Lots 16, 18 (Potential Development Site 102):** 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 20 feet for oil No.4/2 from the lot line facing E 187 Street for fuel oil 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 3041, Lot 21 (Potential Development Site 103):** 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 20 feet for oil No.4/2 from the lot line facing E 188 Street for fuel oil 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 3057, Lot 3 (Potential Development Site 104):** 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 30 feet for oil No.4/2 from the lot line facing E 188 Street and Bathgate Avenue for fuel oil 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 3055, Lot 56, 57 (Potential Development Site 106):** 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 20 feet for oil No.4/2 from the lot line facing 3<sup>rd</sup> Avenue and Bathgate Avenue for fuel oil 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 3055, Lot 47, 45 (Potential Development Site 107):** 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 26 feet for oil No.4/2 from the lot line facing 3<sup>rd</sup> Avenue and E 187 Street and at least 25 feet from the lot line facing 3<sup>rd</sup> Avenue for fuel oil 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 3055, Lot 41 (Potential Development Site 108):** 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 15 feet for oil No.4/2 from the lot line facing E 187 Street for fuel oil 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 3055, Lot 37 (Potential Development Site 110):** 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 25 feet for oil No.4/2 from the lot line facing 3<sup>rd</sup> Avenue and Lorillard Place for fuel oil 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 3055, Lot 35, 33 (Potential Development Site 111):** 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 13 feet for oil No.4/2 from the lot line facing Bathgate Avenue for fuel oil 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 3052, Lot 11 (Potential Development Site 112):** 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 16 feet for oil No.4/2 from the lot line facing E 183 Street for fuel oil 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 3062, Lots 3, 1 (Potential Development Site 116):** 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 16 feet for oil No.4/2 from the lot line facing Monterey Avenue for fuel oil 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 3045, Lot 44 (Potential Development Site 117):** 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 18 feet for oil No.4/2 from the lot line facing E 179 Street for fuel oil 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 2923, Lot 31 (Potential Development Site 121):** 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 20 feet for oil No.4/2 from the lot line facing 175 Street and at least 23 feet from the lot line facing E 176 Street for fuel oil 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 2923, Lots 14, 13 (Potential Development Site 122):** 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 15 feet for oil No.4/2 from the lot line facing 3<sup>rd</sup> Avenue for fuel oil 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 2908, Lot 37 (Potential Development Site 124):** 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 20 feet for oil No.4/2 from the lot line facing 175 Street for fuel oil 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 2908, Lot 47 (Potential Development Site 125):** 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 13 feet for oil No.4/2 from the lot line facing 176 Street and at least 15 feet from the lot line facing 175 Street and Washington Street for fuel oil 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 2900, Lots 83, 73, 72 (Potential Development Site 129):** 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 20 feet for oil No.4/2 from the lot line facing Webster Avenue and at least 20 feet from the lot line facing East Tremont Avenue for fuel oil 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 3034, Lot 1 (Potential Development Site 131):** 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 20 feet for oil No.4/2 from the lot line facing E 178 Street for fuel oil 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 3034, Lot 52 (Potential Development Site 132):** 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 35 feet for oil No.4/2 from the lot line facing East Tremont Avenue and at least 37 feet from the lot line facing Washington Avenue for fuel oil 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 2909, Lot 8 (Potential Development Site 134):** 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 25 feet for oil No.4/2 from the lot line facing East Tremont Avenue and at least 27 feet from the lot line facing Washington Avenue for fuel oil 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 3043, Lot 43, 84 (Potential Development Site 136):** 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 16 feet for oil No.4/2 from the lot line facing 3<sup>rd</sup> Avenue and East Tremont Avenue for fuel oil 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 3043, Lot 80, 77 (Potential Development Site 137):** 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 24 feet for oil No.4/2 from the lot line facing Bathgate Avenue for fuel oil 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 3106, Lot 55 (Potential Development Site 143):** 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 30 feet for oil No.4/2 from the lot line facing Mapes Avenue for fuel oil 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 3106, Lot 52 (Potential Development Site 144):** 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 22 feet for oil No.4/2 from the lot line facing Prospect Avenue for fuel oil 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 2956, Lot 24 (Potential Development Site 145):** 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 15 feet for oil No.4/2 from the lot line facing Marmion Avenue for fuel oil 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 2956, Lot 26 (Potential Development Site 146):** 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 11 feet for oil No.4/2 from the lot line facing Prospect Avenue and least 15 feet from the lot line facing Marmion Avenue for fuel oil 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 2956, Lot 28 (Potential Development Site 147):** 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 11 feet for oil No.4/2 from the lot line facing Prospect Avenue and least 15 feet from the lot line facing Marmion Avenue for fuel oil 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 2956, Lot 31 (Potential Development Site 148):** 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 12 feet for oil No.4/2 from the lot line facing Prospect Avenue for fuel oil 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 3121, Lot 64 (Potential Development Site 149):** 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 16 feet for oil No.4/2 from the lot line facing Daly Avenue for fuel oil 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 for air quality, no impacts related to air quality are expected and no further assessment is warranted.

To avoid any potential significant adverse impacts, (E) designations for noise (E-255) would be mapped as part of the proposed. The text of the (E) designations for air quality for the private (i.e., not city-owned) properties identified below is as follows:

**Block 3028, Lots 6, 7, 8, 1, 75, 48 (Projected Development Site 17 – western façade only):**

In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum of 40 dBA window-wall attenuation on the western façade in order to maintain an interior noise level of 45 dBA. To achieve 40 dBA of building attenuation, special design features that go beyond the normal double-glazed windows are necessary and may include using specially design windows (i.e., windows with small sizes, windows with air gaps, windows with thicker glazing, etc.), and additional building attenuation. 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. The required degree of window-wall attenuation would require added project costs and could limit the range of design options. The City has not made any determination that cost-effective attenuation measures are available for this site. Commercial uses must provide a closed window condition with a minimum of 35 dBA window-wall attenuation in order to maintain an interior noise level of 50 dBA.

**Block 3028, Lots 6, 7, 8, 1, 75, 48 (Projected Development Site 17) - applicable to non-western facades only;**

**Block 3027, Lots 1, 5, 8, 42, 49, 53, 54 (Projected Development Site 30);**

**Block 3052, Lot 11 (Potential Development Site 112);**

**Block 3027, Lot 16 (Potential Development Site 126); and**

**Block 2900, Lots 72, 73, 83 (Potential Development Site 129):**

In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum of 35 dB(A) window-wall attenuation in all façades 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.

**Block 3042, Lots 22, 28 (Projected Development Site 01);**  
**Block 3041, Lot 45 (Projected Development Site 04);**  
**Block 3041, Lot 35 (Projected Development Site 05);**  
**Block 3051, Lots 34, 40, 41 (Projected Development Site 08);**  
**Block 3051, Lot 49 (Projected Development Site 09);**  
**Block 3042, Lot 13 (Potential Development Site 101);**  
**Block 3052, Lots 14, 15, 17(Potential Development Site 113);**  
**Block 3047, Lots 63, 65 (Potential Development Site 115); and**

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 all façades 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, no impacts related to noise are expected and no further assessment is warranted.

In order to reduce the potential increases in the stormwater and sanitary flows as a result of the action, the following provision below would be applied to all projected and potential sites in the rezoning area:

**Self-certification of sewer connection applications will not be permitted by the Department of Buildings or Department of Environmental Protection in connection with any proposed development or enlargement of buildings for which sewer connection approval is required on all Blocks and Lots listed in Tables 2.0-5a and b of this EAS. Prior to filing a House or Site Connection application, applicants may be required to submit a site-specific hydraulic analysis and a stormwater and water conservation best management practices concept plan to the Department of Environmental Protection for its review and approval, to establish the adequacy of existing sanitary and storm sewers to serve the proposed development or enlargement.**

With this provision in place, there would be no significant adverse infrastructure impacts to water, sanitary sewer, or storm water management services from the proposed action.

#### **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 21, 2010, prepared in connection with the ULURP Application (No. N 100408ZRX, 100407ZMX). 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. The (E) designations for noise has been corrected, per the Errata Memorandum dated September 15, 2010, to reflect that Projected Development Site 30 consists of Lots 1, 5, 8, 42, 49, 53, and 54 on Block 3027; and, to require that 35dBA of window-wall attenuation would be provided for all three lots (Lots 72, 73, and 83 of Block 2900) associated with Potential Development Site 129.
2. The (E) designations for hazardous materials, air quality, and noise would ensure that the proposed action would not result in significant adverse impacts in those areas.
3. The provision that applicants may be required to submit a site-specific hydraulic analysis and a stormwater and water conservation best management practices concept plan to the Department of Environmental Protection for its review and approval prior to being granted a sewer permit would ensure that the proposed action would not result in significant adverse infrastructure impacts to water, sanitary sewer, or storm water management services.
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.



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

Date: September 15, 2010



Amanda M. Burden, FAICP, Chair  
City Planning Commission

Date: September 15, 2010

