E-112

CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

CONDITIONAL NEGATIVE DECLARATION

July 5, 2002

Project Identification
CEQR No. 00DCP008K
ULURP No. 000087ZMK
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:

Domsey Rezoning
This application involves a request by the co-applicants, Wythe Garden, LLC and Waterview Gardens, LLC, for a zoning map amendment from an M3-1 district to an R7A district for a 5.2 acre site. The project site is located at 421 Kent Avenue (Block 2135, Lots 1, 35 and 100) in the Williamsburg section of Brooklyn Community District 1. The property is bounded by South 8th Street to the north, South 11th Street to the south, Wythe Avenue to the east and Kent Avenue to the west. In connection with the proposed zoning map amendment, the co-applicants have recorded a restrictive declaration against the subject property which would limit its future redevelopment. The restrictive declaration would limit the number of dwelling units that could be built, require the provision of active and passive open space and establish a site plan.

The site is currently occupied by a one and two story, 113,620 sq. ft. warehouse/office and retail building (Domsey Trading facility) on Lots 1 and 100, and a one story, 14,950 sq. ft. industrial/office building (formerly occupied by Glantz Iron and Metal, Inc) located on Lot 35. The proposed action would result in the demolition of both buildings.

The proposed rezoning from M3-1, a heavy manufacturing zone (2 FAR), to R7A, a contextual residential district (4.0 FAR), would facilitate a proposal by the applicants to develop the property for residential use under the Quality Housing Program. Under R7A zoning, the site could be developed with up to approximately 1,400 dwelling units, a minimum of 65 percent lot coverage
and accessory parking on or off site for 50 percent of the dwelling units. Under the restrictive declaration, the development would be limited to a maximum of 540 dwelling units, a maximum of 60 percent lot coverage, a minimum of 48,846 sq. ft. of private open space and on site accessory parking for 270 vehicles. The restrictive declaration would also ensure the proper construction, operation and repair of the private streets, street lights, sewer maintenance and snow

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removal.

As shown on the site plan that is a part of the restrictive declaration, the 540 dwelling units would be provided in six (6) rows of seven (7) story buildings of approximately 75 feet in height. Two private streets would extend South 9th Street and South 10th Street from Wythe Avenue to Kent Avenue, dividing the block into three blocks. The private ownership of the streets would generate additional floor area for the proposed development. The private streets would have landscaped sidewalks and would be developed according to city standards for public streets. The private streets would conform to the same widths of street bed (30 feet) and sidewalks (15 feet) as South 9th Street and South 10th Street. Parking on these streets will be limited to the residents of the development. The open space (approximately 36,465 sq. ft. passive and 12,021 sq. ft. active) would be provided within the three rear courtyards of the proposed development and would include play equipment and benches. Of the 270 parking spaces, 222 spaces would be provided in three subsurface garages to be built beneath the three rear courtyards. The remaining 48 spaces would be provided as curb side parking on the two private streets. The proposal is expected to be fully developed by 2004.

To avoid any potential impacts associated with noise, an (E) designation for noise will be placed on the project site (Block 2135, Lots 1, 35 and 100).

The text for (E) designation for noise would be as follows:

> **In order to ensure an acceptable interior noise environment, future residential 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 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 sleeves containing air conditioners or HUD-approved fans.**

Statement of No Significant Effect Upon Modification:

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 July 5, 2002, prepared in connection with the ULURP Application 000087ZMK. The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment, once modified as follows:

1) The applicants agree to implement a remediation plan under the supervision of NYC Department of Environmental Protection (DEP) in accordance with the terms of a restrictive declaration acceptable to DEP.

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

1) The NYCDEP has reviewed the project's EAS including the Phase I and Phase II Environmental Site Assessment reports. As per their letter dated April 19, 2001, which is included in the project's CEQR file, DEP has identified the need for a remediation plan and Health and Safety Plan, binding on the current and future property owners, to mitigate potential hazardous material impacts. As noted in the EAS, the soil analytical results revealed seven (7) SVOCS constituents (mainly PAHs) from B-2, B-8B-11, B-12, B-14, B-15, B-19, B-21, B-27, and B-28 exceeded NYSDEC TAGM 4046 Guidance levels. In addition, soil analytical results revealed several Heavy Metals which exceeded TAGM 4046 Guidance levels and/or Eastern USA Background concentrations. The remediation plan and Health and Safety plan would ensure that on-site contaminants are properly remediated should the property be redeveloped.

2) A restrictive declaration would limit future development to a maximum of 540 dwelling units, a minimum of 48,846 sq. ft. of private open space and on site accessory parking for 270 vehicles. Without the restrictive declaration the proposed R7A zone could permit a maximum of 1,400 dwelling units.

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

It is fully agreed and understood that if the foregoing conditions, modifications, and alterations are not fully incorporated into the proposed action that 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, modifications, and alterations to the proposed action.

Fischbein Badillo Wagner Harding
Signature of applicant or Authorized Representative
By Barbara Hair, Esq.

Date: 7.5.02

Name of applicant or Authorized Representative
(Please Print)

Robert Dobruskin

Date: 7-5-02

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

Amanda M. Burden

Date: 7-8-02

Amanda M. Burden, AICP, Chair
City Planning Commission

Should you have any questions pertaining to this Negative Declaration, you may contact Erick Verela at (212) 720-3258.