



DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Amanda M. Burden, A.I.C.P., *Director*
Department of City Planning

April 26, 2004

David Judelson
Artopolis
12 South Oxford Street
Brooklyn, New York 11217

Re: **Franklin Avenue Lofts**
CEQR No. 03DCP036K
ULURP No. 030294 ZMK

Dear Mr. Judelson:

Under City Environmental Quality Review, the lead agency is required to determine whether a proposed action may or will not have a significant effect on the environment. In accordance with this regulation, the City Planning Commission has determined that the proposed action will not have a significant effect on the environment once modified, as noted below.

Enclosed is the Conditional Negative Declaration (CND) for CEQR No. 03DCP036K, Franklin Avenue Lofts, including supporting statements for the finding that the project would not have a significant effect upon modification. The CND was published in the Environmental Notice Bulletin (ENB) on January 14, 2004, in accordance with the provisions of Article 8 of the Environmental Conservation Law (6NYCRR part 617). Written comments on the CND were accepted until the 30th calendar day following publication. No comments were received.

The proposed action would amend the City Zoning Map by changing an M1-1 district to an R6 zoning district and an R6/C2-3 zoning district, in an area located on the west side of Franklin Avenue between Bergen and Dean streets (Block 1142, Lots 44 and 48) in Brooklyn, Community District 8.

The area to be rezoned is improved with seven industrial buildings and two single family houses. Although these buildings were constructed separately, later occupants of the site have removed interior walls, thereby linking the floor plates of the individual structures. The proposed action would result in the conversion of six industrial buildings, the demolition of one industrial building and the two houses, and new construction to facilitate an 80,495 square foot six story

Robert Dobruskin, *Director*
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building containing 60,995 square feet of artist live-work studios, 2,500 square feet of artist studios and 17,000 square feet of ground floor retail use. Construction is anticipated to be completed in 2004.

To avoid any potential impacts associated with noise, as part of the proposed rezoning, an (E) designation for noise will be placed on Block 1142, Lots 44 and 48. The text of the (E) designation for noise is 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 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 sleeves containing air conditioners or HUD-approved fans.

The (E) designation will ensure that the proposed action would not result in significant adverse impacts due to noise.

The proposed project will not have a significant adverse environmental impact provided specific conditions are met. The conditions are:

For the properties located at 937-949 Bergen Street, 608-620 Franklin Avenue and 1034-1048 Dean Street (Block 1142, Lots 44, and 48) the applicant 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.

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.

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Sincerely,



Robert Dobruskin
Environmental Assessment and Review Division
New York City Department of City Planning

cc: Hon. Marty Markowitz, Brooklyn Borough President
Community Board 8, Brooklyn
Gail Benjamin
Robert Kulikowski
Angela Licata
Katherine Bucke
Pat Bussey
Danny Coleman
David Karnovsky
James Merani
Regina Myer
Laurence Parnes
Phil Sperling
Sam Voyages
Susan Wong



CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

CONDITIONAL NEGATIVE DECLARATION

April 26, 2004

Project Identification

CEQR No. 03DCP036K
ULURP No. 030294 ZMK
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:

Franklin Avenue Lofts:

The applicant, 945 Bergen Street, LLC, is seeking an amendment to the City Zoning Map to change an M1-1 district to an R6 zoning district and an R6/C2-3 zoning district, in an area located on the west side of Franklin Avenue between Bergen and Dean streets (Block 1142, Lots 44 and 48) in Brooklyn, Community District 8.

The area to be rezoned is improved with seven industrial buildings and two single family houses. Although these buildings were constructed separately, later occupants of the site have removed interior walls, thereby linking the floor plates of the individual structures. The proposed action would result in the conversion of six industrial buildings, the demolition of one industrial building and the two houses, and new construction to facilitate an 80,495 square foot six story building containing 60,995 square feet of artist live-work studios, 2,500 square feet of artist studios and 17,000 square feet of ground floor retail use. Construction is anticipated to be completed in 2004.

To avoid any potential impacts associated with noise, as part of the proposed rezoning, an (E) designation for noise will be placed on Block 1142, Lots 44 and 48. The text of the (E) designation for noise is 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 on

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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 sleeves containing air conditioners or HUD-approved fans.

The (E) designation will ensure that the proposed action would not result in significant adverse impacts due to noise.

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 January 2, 2004, prepared in connection with the ULURP Application (030294 ZMK). 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:

1. For the properties located at 937-949 Bergen Street, 608-620 Franklin Avenue and 1034-1048 Dean Street (Block 1142, Lots 44, and 48) the applicant 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.

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.

Supporting Statement:

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

1. A Phase I Environmental Site Assessment (ESA) and a limited Phase II investigation, available in the proposal's CEQR file, were prepared on March, 2001 and June 2002 for the properties under the control of the applicant located at 937-949 Bergen Street, 608-620 Franklin Avenue and 1034-1048 Dean Street (Block 1142, Lots 44, and 48). The Phase I

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ESA and limited Phase II investigation were reviewed by DEP's Office of Environmental Planning and Assessment, and a restrictive declaration was recommended, as stated in a memo by DEP, on September 10, 2003, 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. The declaration requires that Phase II testing will 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).

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

On December 12, 2003, DEP confirmed via electronic correspondence, that the applicant filed a DEP-approved Restrictive Declaration with the New York City Department of Finance-Office of the City Register.

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

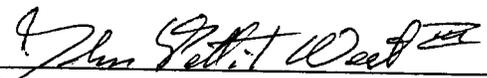
It is fully agreed and understood that if the foregoing conditions, modification, and alterations are not fully incorporated into the proposed action, this Conditional Negative Declaration shall become null and void. In such event, the applicant shall be required to prepare a Draft Environmental Impact

Statement before preceding further with said proposal.

This Conditional 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 Conditional Negative Declaration, you may contact Katherine Bucke at (212) 720-3493.

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



Signature of Authorized Representative

Date: 2 Jan 04

John Pettit West III
Name of the applicant or Authorized Representative (Print)

Date: 2 Jan 04

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

Date: 1/5/04



Amanda M. Burden, AICP, Chair
City Planning Commission

Date: 1/26/04