

E-145



DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Amanda M. Burden, AICP, *Director*
Department of City Planning

February 14, 2005

Regina Myer
Director, Brooklyn Office, Department of City Planning
16 Court Street, 7th Floor, Room 705
Brooklyn, New York 11241-0103

re: **CEQR No. 05DCP055K**
ULURP No. 050296 ZMX
Bensonhurst Rezoning
SEQRA Classification: Type I

Dear Ms. Myer,

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.

Enclosed is the Negative Declaration for CEQR No. 05DCP055K, Bensonhurst Rezoning, including supporting statements for the finding that the project will not have a significant effect. The proposed action would amend the Zoning Map in the southern Brooklyn neighborhood of Bensonhurst, Community District 11 to include the following:

- a change from an R5 to an R4A district;
- a change from an R5 to an R4-1 district;

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- a change from an R5 to an R5B district;
- a change from an R5 to an R6B district;
- a change from an R5 to an R7A district;
- a change from an R6 to an R4A district;
- a change from an R6 to an R4-1 district;
- a change from an R6 to an R5B district;
- a change from an R6 to an R6A district; and
- a change from an R6 to an R7A district.

In addition, the proposed action would modify all C1-3 and C2-2 districts to C2-3, and would establish a new C4-2A district on Bay Parkway between Avenue O and 65th Street in place of the existing C4-3 district.

The purpose of the rezoning is to maintain the current character of the neighborhood, which is primarily comprised of two and three-story buildings. Due to increased pressures for housing in Bensonhurst, developers are utilizing the existing zoning regulations to construct buildings that are substantially out-of-scale in terms of height and bulk than their surroundings. The proposed action would promote development along underutilized corridors, such as Kings Highway, while protecting areas that are unsuitable for continued large-scale residential development.

To avoid the potential for impacts related to hazardous materials, the proposed rezoning includes (E) designations. The text of the (E) designations and a complete list of the blocks and lot numbers of the properties on which the (E) designations would be mapped are included in the attached Negative Declaration.

Sincerely,



Robert Dobruskin, Director
Environmental Assessment and Review Division

c: Amanda M. Burden
City Planning Commissioners
Hon. Marty Markowitz, Brooklyn Borough President
Robert Kulikowski
David Karnovsky

Angela Licata
Laurence Parnes
Sam Voyages
Gail Benjamin
James Merani



CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

February 14, 2005

NEGATIVE DECLARATION

Project Identification

CEQR No. 05DCP055K
ULURP No. 050296 ZMK
SEQRA Classification: Type I

Lead Agency

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

Bensonhurst Rezoning

The New York City Department of City Planning (DCP) is proposing Zoning Map amendments for all or portions of 120 blocks in the southern Brooklyn neighborhood of Bensonhurst, Community District 11. The rezoning area is generally bounded by Bay Parkway and 61st Street to the north, McDonald Avenue to the east, Avenue U to the south, and Stillwell Avenue to the west.

The amendments to the Zoning Map are as follows:

- a change from an R5 to an R4A district;
- a change from an R5 to an R4-1 district;
- a change from an R5 to an R5B district;
- a change from an R5 to an R6B district;
- a change from an R5 to an R7A district;
- a change from an R6 to an R4A district;
- a change from an R6 to an R4-1 district;
- a change from an R6 to an R5B district;

- a change from an R6 to an R6A district; and
- a change from an R6 to an R7A district.

In addition, the proposed action would modify all C1-3 and C2-2 districts to C2-3, and would establish a new C4-2A district on Bay Parkway between Avenue O and 65th Street in place of the existing C4-3 district.

The purpose of the rezoning is to maintain the current character of the neighborhood, which is primarily comprised of two and three-story buildings. Due to increased pressures for housing in Bensonhurst, developers are utilizing the existing zoning regulations to construct buildings that are substantially out-of-scale in terms of height and bulk than their surroundings. The proposed action would promote development along underutilized corridors, such as Kings Highway, while protecting areas that are unsuitable for continued large-scale residential development.

To produce a reasonable, conservative estimate of future growth, the development sites were selected and divided into two categories -- projected and potential development sites. Projected development sites include large sites built to very low densities that are more likely to be developed within the foreseeable future. These sites are assessed for both density related and site specific impacts. Potential sites are those sites, which are less likely to be developed in the foreseeable future and are assessed for site specific impacts only.

To avoid the potential for impacts related to hazardous materials the proposed rezoning includes (E) designations. The (E) designations would be placed on two of the projected and two of the potential development sites. These sites are comprised of the following parcels:

Block 6618, Lot 27
Block 6253, Lot 29
Block 6618, Lot 48
Block 6618, Lot 52

On the sites receiving (E) designation 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 (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:

(E) Designation for Petroleum Based Contamination
Leakage of underground storage tanks containing petroleum products requires specific protocol and may contain parts of the near surface and subsurface protocols. To determine if contamination exists on the petroleum (E) designated

sites, and to determine and perform any appropriate remediation, the following tasks must be undertaken by the fee owners of the lot restricted by this (E) designation prior to any demolition or excavation on the lot prior to development:

Task 1

The fee owner(s) of the lot restricted by this (E) designation must submit to the New York City Department of Environmental Protection (NYCDEP) for review and approval, a soil, soil gas, and ground water testing protocol, including a description of methods, and a site map with all sampling locations clearly and precisely represented.

No sampling program should begin until written approval of a protocol is received from the NYCDEP. The Number and location of sample sites should be selected to adequately characterize the site, the specific source of suspected 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 choosing sampling sites and performing sampling will be provided by the NYCDEP upon request.

Task 2

A written report with findings and a summary of the data must be presented to the NYCDEP after completion of the testing phase and laboratory analysis for the review and approval. After receiving such test results, a determination will be provided by the NYCDEP if the results indicate that remediation is necessary. Written notice shall be given by the NYCDEP if it determines that no remediation is necessary.

(E) Designation for Non-Petroleum Based Contamination

The non-petroleum based contamination protocol has been developed to address potential contamination from all other hazardous materials sources. The procedures in the non-petroleum based protocol are the same as the petroleum based protocol with the exception of the parameters for which the soil and ground water should be tested. These parameters will vary from site to site depending upon the type of non-petroleum contamination expected to be encountered.

In general, the following steps will be required for the non-petroleum (E) designated sites:

The owner of the property will be required to prepare a scope of work for any sampling and testing needed to determine if contaminations exists and to what extent remediation may be required. The scope of work will include all relevant supporting documentation including site plans and testing locations. This scope of work will be submitted to the NYCDEP for review and approval prior to

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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. These protocols are based on the following three types of releases to soil and ground water that may occur: release of a solid hazardous material to the ground surface; release of a liquid hazardous material to the ground surface; and the release of a hazardous material to the sub-surface (i.e. storage tank or piping). The type of release will define the areas of soil to be sampled (surface, near-surface, or subsurface) and will determine the need for the ground water sampling.

Upon receipt of written approval from the NYCDEP of the scope of work, the sampling program will be implemented. No site investigation work will be initiated without a Site Health and Safety Plan also approved by the NYCDEP.

With the placement of the aforementioned (E) designations for hazardous materials, no impacts related to hazardous materials are 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 February 11, 2005, prepared in connection with the ULURP Application (050296 ZMK). 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 Radhika Patel at (212) 720-3321.

Robert Dobruski

Date: 2/11/05

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

A.M.

Date: 2/14/05

Amanda M. Burden, AICP, Chair
City Planning Commission

