



DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

OFFICE OF THE CHAIR

CONDITIONAL NEGATIVE DECLARATION

Project Identification

CEQR No. 06DCP082K
ULURP Nos. 060353ZMK, 060354ZSK
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:

6200 Eighth Avenue Mixed Use Development

The applicant, MSK Properties, is proposing a zoning map amendment to change M1-1 and M1-2 zoning districts to C4-2 and C4-2A zoning districts on property located on the north side of 64th Street, between 7th and 8th avenues (Block 5794, Lots 75, 100, 110, 150, and 165) in the Bay Ridge neighborhood of Brooklyn Community District 10. The applicant is also seeking a Special Permit pursuant to Zoning Resolution Section 74-681 (Development within or over a railroad or transit right-of-way or yard).

The proposed action would facilitate a proposal by the applicant to construct an 11-story, mixed-use building on Block 5794, Lot 75. The proposed development would contain 216 dwelling units, approximately 104,000 square feet of ground floor retail use, approximately 60,000 square feet of office use, and 909 accessory parking spaces. The project site is a former railroad yard and is currently used for accessory parking.

In addition, the proposed rezoning could allow the redevelopment of two other properties for residential uses. 701 64th Street (Block 5794, Lot 165) is developed with a three-story office building, nearly entirely occupied Metropolitan Jewish Health Care. The other property, located at 745 64th Street (Block 5794, Lot 150) is developed with a two-story building occupied by Metropolitan Jewish Health Care, Maimonides Medical Center, and the New York City Police Department. Since both sites are fully occupied and leased by long-term tenants, they are not as likely to be developed and therefore have been analyzed as potential development sites.

Amanda M. Burden, AICP, *Chair*
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This conditional negative declaration includes an (E) designation (E-178) for noise on Block 5794, Lots 75, 150 and 165. The text of the (E) designation 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 35 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 or air conditioning sleeves containing air conditioners or HUD-approved fans.

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 (CPC), has completed its technical review of the Environmental Assessment Statement on May 18, 2007, prepared in connection with the ULURP Applications (Nos. 060353ZMK, 060354ZSK). 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. The applicant agrees via restrictive declarations to prepare hazardous materials sampling protocols, including a health and safety plans, 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 protocols and, if any such impact is found, submit hazardous material remediation plans including health and safety plans to DEP for approval. If necessary, remediation measures would be undertaken pursuant to the remediation plans.
2. The applicant agrees to contact the New York City Department of Transportation (NYCDOT) within six months after the completion of this project and to inform them of the need to implement the following traffic mitigations:
 - a. Curb side parking regulation changes from a “No Standing 7AM to 9AM” regulation on the westbound approach, and a “No Standing 4PM to 7PM” regulation on the eastbound approach to “No Standing 7AM to 7PM Except Sunday” for a distance of 150 feet to create turning lanes on 65th Street at its intersection with 7th Avenue.

- b. Curb side parking changes from “No Parking 11:30AM to 1:00PM” to “No Standing 7AM to 7PM Including Sunday” for a distance of 100 feet to create a turning lane along the east curb of 8th Avenue at its intersection with 62nd Street/Site Access Driveway.
- c. At the intersection of 7th Avenue and 64th Street, during the AM Peak Hour, a one second signal timing change from the eastbound to northbound/southbound approaches.
- d. At the intersection of 7th Avenue and 65th Street, during the AM Peak Hour, Day Light the eastbound and westbound approaches, take 3 seconds from the eastbound/westbound phase for signal timing, and add 3 seconds to the northbound only phase. During the PM Peak Hour, take 4 seconds from the eastbound/westbound phase, add 3 seconds to the westbound-only phase, take 2 seconds from the northbound-only phase and add 3 seconds to the northbound/southbound phase. During the Saturday Peak Hour, Dalight the eastbound and westbound approaches, take 6 seconds from the eastbound/westbound phase, add 2 seconds to the northbound only phase and add 4 seconds to the northbound/southbound phase.
- e. At the intersection of 8th Avenue and 60th Street, during the AM and Saturday Peak Hour, transfer 3 seconds of signal timing from the eastbound/westbound approaches to the northbound/southbound approaches.
- f. At the intersection of 8th Avenue and 65th Street, transfer 4 seconds of signal timing from the westbound to the northbound/southbound approaches during the AM Peak Hour, and 5 seconds from the eastbound/westbound to the northbound/southbound approaches during the Saturday Peak Hour.
- g. At the intersection of Fort Hamilton and 65th Street, transfer 2 seconds from the eastbound/westbound signal approaches to the northbound/southbound approaches during the AM and PM Peak Hour.
- h. At the intersection of Fort Hamilton and 62nd Street, transfer 4 seconds of signal timing from the northbound/southbound phase to the eastbound phase during the PM Peak Hour.

Supporting Statement:

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

1. A Phase I Environmental Site Assessment (ESA) dated July 5, 2005, available in the proposal's CEQR file, was prepared for the project site (Block 5794, Lot 75). The Phase I ESA was reviewed by DEP's Office of Environmental Planning and Assessment, and pursuant to a letter dated August 3, 2006, Phase II testing was recommended by DEP due to the potential presence of hazardous materials on the site as a result of past and present adjacent land uses. As such, the restrictive declarations require that detailed Phase II testing would occur and is binding upon the property's successors and assigns. The declarations serve as a mechanism to assure the potential for hazardous material contamination that may exist in the sub-surface soils and groundwater on the project site would be characterized prior to any site disturbance (i.e., site grading, excavation, demolition, or building construction).

The restrictive declarations that have been prepared require the preparation of a hazardous materials sampling protocol, including a health and safety plan, which would be submitted to the Department of Environmental Protection (DEP) for approval. A restrictive declaration has been executed and recorded against Block 5794, Lot 75. To address the potential for hazardous materials impacts on one of the potential development sites, Lots 150 and 165, due to the existing zoning and based on the Phase I ESA for adjacent Lot 75, restrictive declarations, in a form acceptable to DEP, were prepared. The prepared restrictive declaration has been executed and recorded against Lot 150. The applicant has agreed in writing that the prepared restrictive declaration will be executed and recorded against Lot 165 prior to CPC approval of the ULURP Applications, which will otherwise be withdrawn.

The recorded declarations establish an agreement to test and identify any potential hazardous materials impacts pursuant to the approved sampling protocol and, if any such impact is found, submit a hazardous material remediation plan, including an health and safety plan, to DEP for approval. If necessary, remediation measures would be undertaken pursuant to the remediation plan. The restrictive declarations also restrict 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. These measures would ensure that no significant adverse impacts related to hazardous materials would occur.

2. The traffic analysis indicates that project-generated traffic has the potential to generate significant adverse impacts at the following intersections:

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- 7th Avenue and 64th Street
- 7th Avenue and 65th Street
- 8th Avenue and 60th Street
- 8th Avenue and 65th Street
- Fort Hamilton and 62nd Street
- Fort Hamilton and 65th Street

The proposed mitigation measures, including signal timing modifications and parking regulation modifications, would fully mitigate the potential impacts at these intersections. Pursuant to a memo from the Department of Transportation dated March 2, 2007, the proposed mitigation measures were deemed to be reasonable and appropriate. DOT has also agreed to investigate the feasibility of implementing the mitigation measures once the project is built and occupied. Consequently, no significant adverse impacts related to traffic would occur.

3. 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 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.

Should you have any questions pertaining to this Conditional Negative Declaration, you may contact Celeste Evans at (212) 720-3321.

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

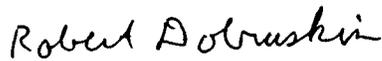


Signature of Authorized Representative

Date: May 18 2007

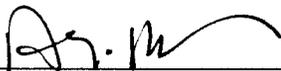
MSK PROPERTIES LLC BY Andrew Koller
Name of the applicant or Authorized Representative (Print)

Date: MAY 18, 2007



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

Date: 5/18/07



Amanda M. Burden, AICP, Chair
City Planning Commission

Date: 8/20/07