



DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

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Department of City Planning

NEGATIVE DECLARATION

March 26, 2007

Project Identification

CEQR No. 07DCP054K
ULURP No. 070387 ZMK
SEQRA Classification: Type I

Lead Agency

City Planning Commission
22 Reade Street
New York, NY 10007
Contact: Robert Dobruskin

Name, Description, and Location of Proposal:

Dyker Heights / Fort Hamilton Rezoning

The Department of City Planning (DCP) proposes zoning map changes for all or portions of 159 blocks in the neighborhoods of Dyker Heights and Fort Hamilton, located in southwestern Brooklyn in Community District 10. The rezoning study area is generally bounded by the Bay Ridge Division railroad right-of-way at 62nd Street to the north, Poly Place to the south, 14th Avenue to the east and the Gowanus Expressway to the west.

The amendments to the Zoning Map are as follows:

- A change from an R3-1 district to an R3X district;
- A change from an R3-1 district to an R4B district;
- A change from an R3-1 district to an R4-1 district;
- A change from an R3-1 district to an R5B district;
- A change from an R4 district to an R4A district;
- A change from an R4 district to an R4B district;
- A change from an R4 district to an R4-1 district;
- A change from an R4 district to an R5B district
- A change from an R4 district to an R6B district;
- A change from an R4/C1-2 district to a C4-2A district;
- A change from an R5 district to an R3A district;
- A change from an R5 district to an R4A district;
- A change from an R5 district to an R4-1 district;
- A change from an R5 district to an R4B district;
- A change from an R5 district to an R5B district;
- A change from an R5 district to an R6B district;
- A change from an M1-1 district to an R5B district;
- A change from an M1-1 district to an R6B/C203 district;
- A change from an M3-2 district to an M1-1 district.

- A change from C1-2 commercial overlays to C1-3 commercial overlays and a reduction in depth from 150 feet to 100 feet;
- A change from C2-2 commercial overlays to C2-3 commercial overlays and a reduction in depth from 150 feet to 100 feet and
- New C2-3 commercial overlays would be mapped where a gap in a continuous retail corridor exists or to reflect existing commercial uses.

The proposed action could result in a net increase of 124 residential units, an increase of 28,049 square feet of commercial space and a decrease of 87,378 square feet of community facility space. A total of seven projected development sites and five potential development sites have been identified in the area.

Both Dyker Heights and Fort Hamilton are primarily low-density residential neighborhoods. The rezoning proposal would address a growing community concern that one and two-family homes and rowhouses are being torn down and replaced with attached multi-family developments, eroding the character of certain blocks. The proposed zoning changes would protect existing housing types by mapping one and two-family lower density and contextual zoning districts. The proposed rezoning would also reinforce the mixed-use character of commercial corridors with contextual zoning districts and commercial overlays consistent with built character, providing opportunities for development where appropriate. Additionally, the proposed rezoning would provide opportunities for growth by rezoning an existing light manufacturing district to a mixed residential and commercial district.

To avoid the potential for impacts related to hazardous materials, air quality and noise, the proposed rezoning includes (E) designations (E-180).

The (E) designations for hazardous materials would be placed on all of the development sites. These sites are comprised of the following parcels:

Projected Site 1:	Block 6055, Lots 12 and 21
Projected Site 2:	Block 6038, Lot 1
Projected Site 3:	Block 6010, Lot 47
Projected Site 4:	Block 5750, Lot 42
Projected Site 5	Block 5743, Lots 50 & 52
Projected Site 6:	Block 5729, Lot 24
Projected Site 7:	Block 5738, Lot 1
Potential Site A:	Block 6056, Lots 12 & 15
Potential Site B:	Block 6093, Lot 17
Potential Site C:	Block 5736, Lot 43

Potential Site D: Block 5730, Lot 43

Potential Site E: Block 5761, Lots 3 & 5

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, 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:

Task 1-Sampling Protocol

A. Petroleum

A soil, soil gas, and groundwater testing protocol (including a description of methods), and a site map with all sampling location represented clearly and precisely, must be submitted to the NYCDEP by the fee owner(s) of the lot which is restricted by this (E) designation, for review and approval.

A site map with the sampling locations clearly identified and a testing protocol with a description of methods, for soil, soil gas, and groundwater, must be submitted by the fee owner(s), of the lot which is restricted by the (E) designation, to the NYCDEP for review and approval.

B. Non-Petroleum

The fee owner(s) of the lot restricted by this (E) designation will be required to prepare a scope of work for any sampling and testing needed to determine if contamination exists and to what extent remediation may be required. The scope of work will include all relevant supporting documentation, including site plans and sampling locations. This scope of work will be submitted to NYCDEP for review and approval prior to 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.

A scope of work for any sampling and testing to be completed, which will determine the extent of on-site contamination and the required remediation, must be prepared by the fee owner(s) of the lot restricted by this (E) designation. The scope of work will include the following: site plans, sampling locations, and all other relevant supporting documentation. The scope of work must be submitted to the NYCDEP

for review and confirmation that an adequate testing protocol (i.e., number of samples collected, appropriate parameters for laboratory analysis) has been prepared. The NYCDEP must approve the scope of work before it can be implemented.

For non-petroleum (E) designated sites, one of the three generic soil and groundwater sampling protocols prepared by the NYCDEP should be followed.

The protocols are based on three types of releases to soil and groundwater sampling protocols prepared by the NYCDEP should be followed.

The protocols are based on three types of releases to soil and groundwater, including: the release of a solid hazardous material to ground surface; the release of a liquid hazardous material to the ground surface; and the release of a hazardous material to the subsurface (i.e., storage tank or piping). The type of release defines the areas of soil to be sampled from surface, near-surface, to subsurface. Additionally, it determines the need for groundwater sampling.

A written approval of the sampling protocol must be received from the NYCDEP before commencement of sampling activities. Sample site quantity and location should be determined so as to adequately characterize the site, the source of contamination, and the condition of the remainder of the site. After review of the sampling data, the characterization should have been complete enough to adequately determine what remediation strategy (if any) is necessary. Upon request, NYCDEP will provide guidelines and criteria for choosing sampling sites and performing sampling.

Finally, a Health and Safety Plan must be devised and approved by the NYCDEP before the commencement on any on-site activities.

Task 2-Remediation Determination and Protocol

After sample collection and laboratory analysis have been completed on the soil and/or groundwater samples collected in Task 1, a summary of the data and findings in the form of a written report must be presented to the NYCDEP for review and approval. The NYCDEP will provide a determination as to whether remediation is necessary.

If it is determined that no remediation activities are necessary, a written notice will be released to that effect. However, if it is the NYCDEP's determination that remediation is necessary the fee owner(s) of the lot restricted by the (E) designation must submit a proposed remediation plan to the NYCDEP for review and approval. Once approval has been obtain, and the work completed, the fee owner(s) of the lot restricted by the (E) designation must provide proof to the NYCDEP that the work has been completed satisfactorily.

With the placement of the (E) designations on the above block and lots, no impacts related to hazardous materials are anticipated.
To avoid any potential impacts associated with air quality, the proposed action would place an (E) designation for air quality on the following development sites:

Projected Site 1	Block 6055 Lots 12, 21
Projected Site 4	Block 5750, Lots 42, 47
Potential Site A	Block 6056, Lots 12, 15

The text for the (E) designations is as follows:

Block 6055, Lots 12, 21 (Projected Development Site 1)

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 125 and 100 feet for Oil No. 4 and No. 2 from the lot line facing Battery Avenue, or use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

Block 5750, Lots 42, 47 (Projected Development Site 4)

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 75 and 65 feet for Oil No. 4 and Oil No.2 from the lot line facing 66th Street, or use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

Block 6056, Lots 12, 15 (Potential Development Site A)

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 100 and 80 feet for Oil No.4 and Oil No. 2 from the lot line facing Battery Avenue, or use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

With the placement of the (E) designations on the above blocks and lots, no impacts related to stationary source air quality would be expected

To avoid any potential impacts associated with noise, the proposed action would place an (E) designation for noise on the following projected development sites:

Projected Site 2	Block 6038, Lot 1
Projected Site 3	Block 6010, Lot 47

The text of the (E) designation for noise for the above properties is as follows:

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 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.

To avoid any potential impacts associated with noise, the proposed action would place an (E) designation for noise on the following projected development sites:

Projected Site 1	Block 6055, Lots 12 and 21
Projected Site 4	Block 5750, Lots 42 and 47
Projected Site 5	Block 5743, Lots 50 and 52
Projected Site 6	Block 5729, Lot 24
Projected Site 7	Block 5738, Lot 1
Potential Site A	Block 6056, Lots 12 and 15
Potential Site B	Block 6093, Lot 17
Potential Site C	Block 5736, Lot 43
Potential Site D	Block 5730, Lot 43

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 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 on the above block and lots, no impacts related to noise are expected.

To avoid the potential for impacts related to air quality, the proposed rezoning includes (E) designations for air quality on two potential development sites. Accordingly, (E) designations will be mapped on the following parcels:

Projected Site	Block 3980, Lot 1 and 38
Potential Site	Block 3974 Lot 50

The text of the (E) designation for air quality for the above properties is as follows:

Any new residential and/or commercial development on the above-referenced properties must use natural gas as the type of fuel for space heating and hot water (HVAC) systems.

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With the placement of the (E) designation for air quality on the above blocks and lots, no impacts related to air quality 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 March 23, 2007 prepared in connection with the ULURP Applications (ULURP No. 07DCP054K). 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 Jessica Neilan, at (212) 720-3425.



James Merani, Deputy Director
Environmental Assessment & Review Division
Department of City Planning

Date: March 23, 2007



Amanda M. Burden, AICP, Chair
City Planning Commission

Date: March, 26, 2007