



**DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT**  
SHAUN DONOVAN, Commissioner

**Office of Development**  
DIVISION OF NEW CONSTRUCTION  
100 GOLD STREET, NEW YORK, N.Y. 10038  
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December 27, 2007

**NEGATIVE DECLARATION**

**Project Identification**

Location: 659-669 New Lots Avenue, Brooklyn  
CEQR No. 08HPD012K  
ULURP No. Pending 0802282mk  
SEQRA Classification: Unlisted

**Name and Description of Proposal:**

New Lots Plaza Rezoning:

The New York City Department of Housing Preservation and Development (HPD), on behalf of the project sponsor, Jackson Development Group, is seeking a zoning map amendment to change two blocks mapped with an existing C8-1 zoning district to an R6A/C2-4 zoning district. In addition, HPD is seeking the disposition of several City-owned properties and project approval and designation of the project site as an Urban Development Action Area Project (UDAAP).

The proposed action would facilitate the redevelopment of a vacant, 32,000-square-foot City-owned site with a 7-story, mixed-use residential building containing approximately 87 low-to-moderate-income dwelling units, 10,670 square feet of ground floor retail space and 73 accessory parking spaces. Vehicular access to the on-site parking would be provided via two curb cuts on Livonia Avenue. In addition, the proposed project would include an approximately 5,561 square foot landscaped "market plaza" (farmers market) area adjacent to the building at the corner of New Lots Avenue and Jerome Street. The rezoning area is located in the East New York neighborhood of Brooklyn, Community District 5.

The existing C8-1 zoning district allows auto-related commercial uses and has an FAR of 1 (residential uses are not allowed in C8 districts). The proposed R6A district allows residential uses and has a maximum FAR of 3. The *Quality Housing* regulations, which are mandatory in R6A districts, set height limits and allow high lot coverage buildings that are set near or at the street line. The regulations also include amenities related to the planting of trees, landscaping and recreation space. The proposed C2-4 commercial overlay allows neighborhood retail uses. When mapped in R6 districts, it is mapped to a depth of 100 feet and has an FAR of 2.

The proposed development site consists of seven City-owned lots and is located on a block bounded by Livonia and New Lots avenues and Barbey and Jerome streets (Block 4091, Lots 1, 8, 15, 16, 18, 19 and 22). The rezoning area includes Block 4091 and the adjacent block to the east (Block 4092) which extends to Warwick Street.

In addition to the proposed development site on Block 4091, the zoning change could potentially result in the redevelopment of three sites on Block 4092 which are currently vacant or underutilized (Block 4092, Lots 1, 2, 3, 4, 10 and 11). With respect to the potential development sites, as discussed below, in order to avoid the potential for significant adverse impacts associated with hazardous materials and noise, (E) designations will be placed on the zoning map in connection with the zoning map amendment.

To avoid the potential for impacts associated with hazardous materials, the proposed action includes (E) designations on the following properties:

- Block 4092, Lots 1, 2, 3, 4, 10 and 11

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

**The (E) designation would require that the fee owner of such a site conduct a testing and sampling protocol, and remediation where appropriate, to the satisfaction of the DEP before the issuance of a building permit by the DOB (pursuant to Section 11-15 of the Zoning Resolution - Environmental Requirement). The (E) designation also includes a mandatory construction-related health and safety plan which must also be approved by the DEP.**

To avoid the potential for impacts related to noise, the proposed action includes (E) designations for noise on the following site:

- Block 4092, Lots 1, 2, 3, 4, 10 and 11

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 uses must provide a closed window condition with a minimum of 40 dB(A) window/wall attenuation along the Livonia Avenue, Jerome Street and Warwick Street facades in order to maintain an interior noise level of 45 dB(A). 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 along the New Lots Avenue façade 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 proposed project will be implemented in conformance with the following provisions to be incorporated into the Land Disposition Agreement (LDA) in order to ensure that there are no significant adverse impacts associated with the disposition and UDAAP designation of the City-owned properties. The provision is as follows:

Historic Resources (Archaeological Resources)

The New York City Landmarks Preservation Commission (LPC) conducted a review of the project site for potential architectural, archaeological and historic significance. In the course of their review the LPC determined that there is the potential for the recovery of remains from the colonial settlement of New Lots and the Reformed Dutch Church Cemetery and subsequent occupation on the proposed development site (Block 4091, Lots 1, 8, 15, 16, 18, 19 and 22). Archaeology will be performed by HPD and/or the developer/sponsor in accordance with the *2001 CEQR Technical Manual* guidelines and the scope and findings of each phase of work, as necessary, will be submitted to LPC for their review and approval.

Hazardous Materials

A Phase I Environmental Site Assessment (ESA) prepared by Brinkerhoff Environmental Services Inc. dated May 2, 2006 (and a Phase I ESA update conducted on September 12, 2007) noted the historic presence of an auto repair facility and a manufacturing building (steel girders and column manufacturer) from approximately 1965 through 1991.

Because the proposed action would result in ground disturbance and allow new residential uses on the proposed development site (Block 4091, Lots 1, 8, 15, 16, 18, 19 and 22), the potential for hazardous materials contamination cannot be ruled out. In order to preclude the potential for significant adverse impacts associated with hazardous materials, the developer/project sponsor will provide a Phase II ESA, as discussed below.

The New York State Department of Environmental Conservation (NYSDEC) may have jurisdiction over some or all activities. If it is determined that the NYSDEC has jurisdiction, the developer is responsible to ensure a review of such plans is coordinated with the State. If applicable, the developer shall be responsible to provide copies of all correspondence with the State to HPD/DEP as it becomes available. If required, the developer shall provide any and all plans and reports generated in association with the requisite work to DEC. If applicable, the developer is responsible to ensure that a no further action determination is consistent with NYS DEC requirements.



In addition, to meet their CEQR obligation, as a result of the potential contamination described above, the developer/project sponsor must submit to HPD's Environmental Review Unit, a Phase II Sampling and Analysis work plan/protocol designed to identify and, if present, delineate the nature and extent of potential soil and groundwater contamination at the sites. A site specific Investigation Health and Safety Plan should also be submitted. Upon completion of its review, HPD will transmit the documents to the New York City Department of Environmental Protection (DEP) for approval. The plan may include, at the agencies discretion, descriptions of a geophysical survey, excavation of test pits, installation of soil borings/monitoring wells, and collection of soil and groundwater samples, including a description of the methods to be used, a site map showing clearly and precisely all testing locations. If any underground tanks are found on site, a protocol for tank removal and soil and groundwater testing must be prepared and submitted to HPD and DEP for approval.

The developer/project sponsor would be responsible for providing a written report with findings and conclusions, and a summary of the testing program and laboratory results to HPD. The report should clearly indicate if remediation is required and its extent. Upon completion of this review and if the document is acceptable to HPD, HPD will transmit to the DEP for approval.

If DEP determines that no further soil or groundwater testing or remediation is necessary, written notice shall be given by DEP that the site may be developed as proposed.

The developer/project sponsor is responsible to perform any and all remediation and construction activities in accordance with the remediation plan and construction health and safety plan, as approved by DEP.

After completion of remediation, the developer/project sponsor shall provide a Site Closure report in accordance with DEP requirements to serve as proof that remediation is complete. If DEP/OEPA accepts the closure report, DEP will notify HPD and the developer that the proposed remediation work has been satisfactorily completed, and that the site is suitable for re-use/occupancy.

#### Noise Attenuation

The developer/sponsor will provide window-wall attenuation with an OITC rating of 40 dBA on the Livonia Avenue, Barbey Street and Jerome Avenue facades of the building in order to achieve a minimum interior noise environment (closed-window condition) of 45 dBA. In addition, the developer/sponsor will provide window-wall attenuation with an OITC rating of 30 dBA on the New Lots Avenue façade of the building in order to achieve a minimum interior noise environment (closed-window condition) of 45 dBA. Therefore, alternate means of ventilation are required. Alternate means of ventilation



include, but are not limited to: (a) provision of central air conditioning; (b) provision of air conditioner sleeves containing air conditioners; or (c) HUD approved fans.

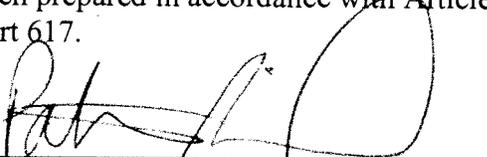
**Statement of No Significant Effect:**

Pursuant to the CEQR rules adopted on June 6, 1991, Executive Order 91, HPD has completed its technical review of the Environmental Assessment Statement (EAS) dated December 26, 2007 and has determined that the proposed action will have no significant effect on the quality of the environment.

**Supporting Statement:**

The proposed action includes measures related to historic (archaeological) resources, hazardous materials and noise. With these measures included as part of the proposal, the proposed action would not result in any significant adverse impacts. If the provisions described above are not fully implemented as part of the proposed action, then the Negative Declaration shall become null and void. In such event, a Draft Environmental Impact Statement (EIS) will be prepared before proceeding further with said proposal.

The EAS is on file with HPD and available for public review. This Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR Part 617.

  
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Patrick Blanchfield  
Director of Environmental Review

December 27, 2007  
Date