DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

OFFICE OF THE CHAIR

NEGATIVE DECLARATION

Project Identification
CEQR No. 09DCP058K
ULURP No. 090335ZRK, 090336ZMK
SEQRA Classification: Type I

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

Name, Description, and Location of Proposal:

Flatbush Rezoning
The Department of City Planning (DCP) is proposing an amendment to the zoning map, as well as amendments to the zoning text, affecting 180 blocks in two areas in the Brooklyn neighborhood of Flatbush, in Community District 14. The proposed Zoning Map amendments will replace all or portions of existing R1-2, R3-1, R3-2, R5, R6, and R7-1 zoning districts with R1-2, R3X, R4A, R5B, R5D, R6A, R6B, and R7A zoning districts. In addition, areas currently mapped with C4-2 and C4-3 districts would be rezoned with C4-4A districts, and C1-3 and C2-3 commercial overlays would be rezoned to C2-4, reducing the distance for most overlays from 150 feet to 100 feet.

The Flatbush rezoning area is generally bounded by Caton Avenue, Parkside Avenue and Clarkson Avenue on the north, Bedford Avenue and the Community District 14 boundary to the east, the Community District 14 boundary on the south, and Coney Island Avenue on the west. A second, smaller rezoning area is generally bounded by Caton Avenue, Parkside Avenue and Clarkson Avenue on the north, Bedford Avenue and the Community District 14 boundary to the east, Avenue H, Campus Drive and the Long Island Railroad's Bay Ridge freight line on the south, and Coney Island Avenue on the west. Portions of the rezoning area have been designated as New York City Historic Districts. These include: Prospect Park South (1979), Albemarle and Kenmore Terraces (1978), Ditmas Park (1981) and Fiske Terrace-Midwood Park (2008) Historic Districts.

In conjunction with proposed zoning map amendment, a zoning text amendment is proposed to permit an Inclusionary Housing bonus for development providing affordable housing in the proposed R7A and C4-4A zoning districts along Flatbush Avenue, Church Avenue, Nostrand Avenue, Coney Island Avenue, and Cortelyou Road. Additionally, Quality Housing Study Areas within Community Board 14 would be removed from the zoning text. The inclusionary housing provisions of the proposed zoning text change are duplicative of the Quality Housing Study Areas, therefore, the study areas would no longer be necessary.

The proposed action is projected to result in development on 17 sites with a net increase of 180 residential units and 60,317 square feet of commercial space, a net decrease of 97,482 square feet

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of community facility space, and a net increase of 95 parking spaces. A total of 17 projected development sites and 72 potential development sites have been identified in the area. These projected development sites can be expected to generate 564 dwelling units under the Future No-Action condition and 744 dwelling units under the Future With-Action condition, producing a project increment of 180 units. Of the dwelling units produced in the Future With-Action condition, 144 would be affordable through the Inclusionary Housing Program. The analysis year for the proposed action is 2019.

As a part of the proposed action, (E) designations would be mapped on selected development sites which would preclude future hazardous materials and air quality impacts of the proposed action.

To avoid any potential impacts associated with hazardous materials, as part of the proposed rezoning, an (E) designation for hazardous materials would be placed on the following properties:

Block 5070, Lot 19
Block 5082, Lots 47, 55
Block 5089, Lots 1, 48, 65, 105
Block 5102, Lots 20, 28, 33, 35, 36, 39, 41, 46, 47, 48, 51, 52, 53
Block 5103, Lots 1, 8, 23, 26, 32, 36, 42
Block 5109, Lots 4, 8, 15, 20
Block 5112, Lot 1
Block 5113, Lot 24
Block 5125, Lots 11, 20, 51, 56, 58, 60
Block 5126, Lots 7, 9
Block 5152, Lot 12
Block 5164, Lot 13, 15
Block 5165, Lots 58, 59, 6167, 69
Block 5186, Lots 4, 10, 16, 24
Block 5188, Lots 6, 13, 14
Block 5224, Lot 135
Block 5225, Lots49, 56
Block 5227, Lots 1, 3, 5, 13, 15, 16
Block 5229, Lots 11, 15, 17
Block 5231, Lot 78
Block 5232, Lots 27, 28, 35, 37
Block 5249, Lots 51, 52, 53, 59
Block 5251, Lots 5, 7, 8, 11, 14, 15, 59
Block 6886, Lot 48
Block 6696, Lots 1, 5, 16, 78, 79, 81, 82
Block 6698, Lots 6, 9, 14, 15
Block 7756, Lots 1, 71
Block 7557, Lots 1, 47, 52, 56, 58, 60, 62, 68, 101, 124, 128, 142, 143
Block 7558, Lots 11, 32, 35, 43, 50, 51, 52

The (E) designation would require that the fee owner of the sites conduct a testing and sampling protocol and remediation where appropriate, to the satisfaction of the NYCDEP before the issuance of a building permit by the Department of Buildings pursuant to the provisions of Section 11-15 of the Zoning Resolution (Environmental Requirements). The (E) designation will also include a mandatory construction-related health and safety plan which must be approved by NYCDEP. The text for 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 groundwater 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 significant adverse impacts related to hazardous materials are anticipated.

To preclude the potential for significant adverse air quality impacts related to HVAC emissions, an (E) designation is incorporated into the rezoning proposal for each of the following properties:

Block 5082, Lots 47, 55
Block 5089, Lots 1, 105
Block 5102, Lots 28, 33, 35, 36
Block 5103, Lots 23, 26, 32, 36
Block 5109, Lots 4, 8, 15
Block 5112, Lot 1
Block 5125, Lots 51, 56, 58, 60
Block 5186, Lots 4, 10, 16, 24
Block 5229, Lots 11, 15, 17
Block 5232, Lots 27, 28, 35, 37
Block 5251, Lots 5, 7, 8, 11, 14, 15, 59
Block 6696, Lots 16, 78, 79, 81, 82
Block 6698, Lots 6, 9
Block 7557, Lots 1, 47, 52, 56, 58, 60, 62, 68, 101, 124, 128, 142, 143
Block 7558, Lots 1, 11, 32, 35, 43

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

Block 5102, Lot 28 (Projected Development Site 2)
Any new residential development on the above-referenced properties must ensure that the HVAC stacks are located at least 60 feet for Oil No. 2 from the lot line facing Albemarle Road or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 5112, Lot 1 (Projected Development Site 5)
Any new residential development on the above-referenced properties must ensure that the HVAC stacks are located at least 50 feet for Oil No. 2 from the lot line facing Westminster Road or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 5125, Lot 51 (Projected Development Site 7)
Any new residential development on the above-referenced properties must ensure that the HVAC stacks are located at least 60 feet for Oil No. 2 from the lot line facing Beverley Road or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 5186, Lot 10 (Projected Development Site 8)
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 at least 60 feet for Oil No. 2 from the lot lines facing Dorchester Road and Ditmas Avenue, or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 5229, Lot 11 (Projected Development Site 12)
Any new residential development on the above-referenced properties must ensure that the HVAC stacks are located at least 60 feet for Oil No. 2 from the lot line facing Farragut Road or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 5232, Lot 37 (Projected Development Site 13)
Any new residential development on the above-referenced properties must ensure that the HVAC stacks are located at least 80 feet for Oil No. 2 from the lot line facing Coney Island Avenue or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 7557, Lot 47 (Projected Development Site 15)
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 70 feet for Oil No. 2 from the lot line facing Hillel Place or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 7557, Lot 124 (Projected Development Site 16)
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 at least 70 for Oil No. 2 from the lot lines facing Flatbush Avenue and Hillel Place, or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 7558, Lot 1 (Projected Development Site 17)
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 60 feet for Oil No. 2 from the lot line facing Hillel Place or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 5082, Lot 55 (Potential Development Site 19)
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 90 feet for Oil No. 2 from the lot line facing 21st Street or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 5082, Lot 47 (Potential Development Site 20)
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 70 feet for Oil No. 2 from the lot line facing Flatbush Avenue or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 5089, Lot 105 (Potential Development Site 21)
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 50 feet for Oil No. 2 from the lot line facing Church Avenue or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 5089, Lot 1 (Potential Development Site 22)
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 50 feet for Oil No. 2 from the lot line facing Martense Street or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 5102, Lots 33, 35, 36 (Potential Development Site 25)
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 60 feet for Oil No. 2 from the lot line facing Church Avenue or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 5103, Lots 23, 26 (Potential Development Site 29)
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 50 feet for Oil No. 2 from the lot line facing Bedford Avenue or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 5103, Lot 32 (Potential Development Site 30)
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 50 feet for Oil No. 2 from the lot line facing Flatbush Avenue or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 5103, Lot 36 (Potential Development Site 31)
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 60 feet for Oil No. 2 from the lot line facing Bedford Avenue or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 5109, Lot 8 (Potential Development Site 34)
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 60 feet for Oil No. 2 from the lot line facing Bedford Avenue or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 5109, Lot 15 (Potential Development Site 35)
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 50 feet for Oil No. 2 from the lot line facing Flatbush Avenue or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 5109, Lot 4 (Potential Development Site 36)
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 50 feet for Oil No. 2 from the lot line facing Snyder Avenue or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 5125, Lots 56, 58 (Potential Development Site 40)
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 60 feet for Oil No. 2 from the lot line facing Beverley Road or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 5125, Lot 60 (Potential Development Site 41)
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 50 feet for Oil No. 2 from the lot line facing Regent Place or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 5186, Lot 4 (Potential Development Site 50)
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 60 feet for Oil No. 2 from the lot line facing Ditmas Avenue or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 5186, Lot 16 (Potential Development Site 51)
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 60 feet for Oil No. 2 from the lot line facing Dorchester Road or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 5186, Lot 24 (Potential Development Site 52)
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 50 feet for Oil No. 2 from the lot line facing Dorchester Road or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 5229, Lot 17 (Potential Development Site 60)
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 50 feet for Oil No. 2 from the lot line facing Farragut Road or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 5229, Lot 15 (Potential Development Site 61)
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 50 feet for Oil No. 2 from the lot line facing Foster Avenue and Farragut Road or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 5232, Lot 35 (Potential Development Site 63)
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 50 feet for Oil No. 2 from the lot line facing Coney Island Avenue or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 5232, Lots 27, 28 (Potential Development Site 64)
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 50 feet for Oil No. 2 from the lot line facing Coney Island Avenue or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 5251, Lots 14, 15 (Potential Development Site 67)
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 50 feet for Oil No. 2 from the lot line facing Farragut Road or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 5251, Lot 11 (Potential Development Site 68)
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 50 feet for Oil No. 2 from the lot line facing Farragut Road and 29th Street or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 5251, Lots 7, 8 (Potential Development Site 69)
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 50 feet for Oil No. 2 from the lot line facing 28th and 29th Streets or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 5251, Lots 5, 59 (Potential Development Site 70)
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 50 feet for Oil No. 2 from the lot line facing 28th Street or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 6696, Lots 81, 82 (Potential Development Site 72)
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 32 feet for Oil No. 2 from the lot line facing Avenue H and I or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 6696, Lots 78, 79 (Potential Development Site 73)
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 32 feet for Oil No. 2 from the lot line facing Avenue H or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 6696, Lot 16 (Potential Development Site 74)
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 42 feet for Oil No. 2 from the lot line facing 12th Street or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 6698, Lot 6 (Potential Development Site 75)
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 32 feet for Oil No. 2 from the lot line facing 14th and 15th Streets or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems,

to avoid any potential significant adverse air quality impacts.

Block 6698, Lot 9 (Potential Development Site 76)
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 32 feet for Oil No. 2 from the lot line facing 14th Street or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 7557, Lot 52 (Potential Development Site 79)
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 60 feet for Oil No. 2 from the lot line facing Glenwood Road and Hillel Place or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 7557, Lots 56, 58 (Potential Development Site 80)
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 50 feet for Oil No. 2 from the lot line facing Glenwood Road or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 7557, Lot 60, 62 (Potential Development Site 81)
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 50 feet for Oil No. 2 from the lot line facing Glenwood Road or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 7557, Lot 68 (Potential Development Site 82)
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 50 feet for Oil No. 2 from the lot line facing Kenilworth Place or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 7557, Lot 1 (Potential Development Site 83)
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 50 feet for Oil No. 2 from the lot line facing Flatbush Avenue or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 7557, Lot 128 (Potential Development Site 84)
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 50 feet for Oil No. 2 from the lot line facing Flatbush Avenue or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 7557, Lots 101, 142, 143 (Potential Development Site 85)
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 60 feet for Oil No. 2 from the lot line facing Avenue H or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.
Block 7558, Lot 43 (Potential Development Site 87)
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 60 feet for Oil No. 2 from the lot line facing 31st Street or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 7558, Lot 35 (Potential Development Site 88)
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 70 feet for Oil No. 2 from the lot line facing Nostrand Avenue and 31st Street or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 7558, Lot 32 (Potential Development Site 89)
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 50 feet for Oil No. 2 from the lot line facing Nostrand Avenue or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 7558, Lot 11 (Potential Development Site 90)
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 50 feet for Oil No. 2 from the lot line facing Avenue H or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

With the placement of the (E) designations on the above blocks and lots, no significant adverse impacts related to stationary source 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 February 27, 2009, prepared in connection with the ULURP Application (ULURP number 090335ZRK, 090336ZMK). 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:

1. The (E) designation for hazardous materials would ensure that the proposed action would not result in significant adverse impacts due to hazardous materials.

2. The (E) designations for air quality would ensure that the proposed action would not result in significant adverse impacts due to air quality.

3. No other significant adverse 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 Devesh Doobay at (212) 720-3419.

James P. Merani, R.A., Deputy Director
Environmental Assessment & Review Division
Department of City Planning

Date: February 27, 2009

Amanda M. Burden, FAICP, Chair
City Planning Commission

Date: March 2, 2009