E-279

DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

OFFICE OF THE CHAIR

# NEGATIVE DECLARATION

June 20, 2011

**Project Identification**
CEQR No. 11DCP148X
ULURP No. 110384ZMX
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:**

**Williamsbridge/ Baychester Rezoning**
The applicant, The New York City Department of City Planning (DCP), is proposing a zoning map amendment affecting approximately 181 full or partial blocks of the north central Bronx neighborhoods of Williamsbridge and Baychester. The proposed actions would rezone certain R4, R5, R6, R7-1 and C8-1 zoning districts in the area to R4, R4A, R5, R5A, R5D, R6, R6A, and R7A zoning districts, in order to protect neighborhood scale and character and create new growth opportunities near major corridors and mass transit. The proposal also includes updates to the commercial overlay districts in the rezoning area by reducing overlay depths and establishing new C1-4 and C2-4 overlay districts to reflect existing commercial use patterns. The proposed action would affect residential areas in the Williamsbridge neighborhood in the western part of the project area, residential areas in the Baychester neighborhood in the eastern part of the project area, and major commercial/residential corridors within the Williamsbridge neighborhood along White Plains Road, East 233rd Street and East Gun Hill Road. The rezoning area is generally bounded by the Bronx River to the west, Grenada Place, Needham Avenue, Marrola Place and the New England Thruway to the east, East 233rd Street to the north and East Gun Hill Road, and Lurting, Givan and Hammersley Avenues to the south.

The proposed zoning map amendment would consist of three components:

- First, to rezone 74 blocks from general zoning districts R4, R5, R6, and R7-1 to lower density districts R4, R4A, R5, and R5A.
- Second, to rezone 109 blocks from general zoning districts R4, R4, R4, R5, R5, and R6 to neighborhood contextual districts R5D, R5D, R5D, and R6A;
- Third, to rezone 46 blocks from general zoning districts R4, R5, R5, R5, R6, R6, and R6 to growth opportunity districts R6, R6, R6A, R6A, R7A, and R7A. The proposed zoning would also update existing C1-2 and C2-2 commercial overlay districts to C1-4 and C2-4, limit depths of commercial overlays, and create new C1-4 and C2-4 overlay

Amanda M. Burden, FAICP, *Chair*
22 Reade Street, New York, N.Y. 10007-1216
(212) 720-3200 FAX (212) 720-3219
http://www.nyc.gov/planning

districts where commercial uses today without an overlay.

It is the objective of the proposed action to:

- *Protect neighborhood scale and character by reinforcing existing development patterns*
  The proposed action would protect the neighborhood scale and character by reinforcing the existing development patterns. Where applicable, the action would downzone and contextualize residential districts and remove the "infill" provisions in R4 and R5 districts from a large number of lots in and surrounding the rezoning areas. Building heights and the overall potential size of new development would be restricted in these areas compared to as-of-right development today. The growth opportunities and incentives will be removed from the lower-density neighborhoods and shifted to areas where higher-density development is appropriate. The proposed action will protect the existing built context.

- *Update and add new commercial overlays to reinforce existing patterns of commercial uses*
  The lower-density neighborhoods would also be protected from commercial intrusion by updating the commercial overlays to reinforce existing land use patterns. Generally, C1-2 and C2-2 districts currently mapped along some of the retail corridors throughout the area are too deep. These commercial overlays are mapped to a depth of 150 feet where most commercial lots are approximately 100 feet in depth. Here, C1-4 and C2-4 overlays, at a depth of 100 feet, are more appropriate. The proposed updates to the commercial overlays will reduce the potential for commercial encroachment on residential streets. The new overlays will also update the parking requirements, which will aid in directing new commercial growth to the main corridors.

- *Create growth opportunities for appropriate areas around major corridors and mass transit*
  While current new residential development is incongruous, parts of the rezoning area are underutilized and could benefit from new growth and investment. As aforementioned, the proposed action would not only protect the neighborhood scale and character, but it would also create growth opportunities for areas in need of reinvestment. White Plains Road, East Gun Hill Road and East 233rd Street are ideal areas for new growth and investment. Proximate to mass transit these areas have vacant, surface parking or otherwise underutilized lots. Under the proposed action these areas would be rezoned to mid-density contextual districts which would encourage new housing and commercial opportunities.

The proposed action is intended to ensure that the configuration and density of new housing development is consistent with the area's existing patterns of development.

In order to assess the impacts associated with the proposed action, a Reasonable Worst Case Development Scenario was established. In total 12 projected development sites, considered most likely to be developed in the future with the proposed action, were

identified. As a result of the proposed action, it is anticipated that new development on those sites would consist of 544 residential units and 67,244 gross sf of commercial space. Under the no-action scenario, it is anticipated that those sites would contain 253 residential units, 44,908 gross square feet of commercial space, and 132,419 gross square feet of community facility space. Therefore, the proposed action would result in a net increase of 291 residential units and 22,336 gross square feet of commercial space, and a net decrease of 132,419 gross square feet of community facility space. In addition, a total of 132 potential development sites were identified; these sites are considered less likely to be developed in the future with the proposed action.

The affected area is currently zoned for R4, R5, R6, R7-1 and C8-1. The build year is 2021.

The proposed rezoning includes (E) designations on selected development sites in order to preclude future hazardous materials, air quality and noise impacts which could occur as a result of the proposed action. The E-designation number is E-279.

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

Block 4613, Lots 8, 43, 48
Block 4657, Lots 42, 67, 69, 71, 72, 90
Block 4660, Lots 19, 20, 25
Block 4671, Lot 4
Block 4693, Lot 33
Block 4835, Lots 36, 37, 39, 43, 45, 49
Block 4997, Lot 1
Block 4997, Lots 2, 3, 6, 8
Block 4829, Lot 11
Block 4852, Lots 1, 6
Block 4871, Lot 1
Block 4637, Lots 30, 34, 36
Block 4639, Lots 17, 26
Block 4643, Lots 1, 37
Block 4645, Lots 4, 6, 25, 34, 36, 39, 42
Block 4647, Lots 43, 46, 54, 55
Block 4649, Lots 13, 26, 28, 30
Block 4651, Lots 67, 70, 91
Block 4655, Lot 6
Block 4657, Lots 4, 17, 94, 96
Block 4658, Lot 1
Block 4659, Lots 22, 25, 75, 78
Block 4660, Lots 47, 48, 53, 54
Block 4657, Lots 88, 89
Block 4661, Lot 1
Block 4662, Lots 6, 24, 25, 28, 46, 48

Block 4663, Lots 10, 11, 12, 24, 26
Block 4664, Lots 42, 44
Block 4665, Lots 41, 42, 49, 52, 53, 55
Block 4670, Lots 2, 5
Block 4671, Lots 3, 9, 10, 64, 66, 67
Block 4681, Lots 1, 7, 20, 72
Block 4682, Lots 39, 41
Block 4693, Lots 4, 20, 21
Block 4695, Lot 70
Block 4705, Lots 5, 11, 26, 29, 32, 33
Block 4824, Lots 7, 25, 26, 29, 31, 73, 75
Block 4825, Lots 7, 9, 12, 17, 19, 20, 47, 48, 63, 66
Block 4826, Lots 26, 27, 28, 77, 79, 80
Block 4827, Lot 3
Block 4829, Lots 1, 16, 21, 26
Block 4831, Lot 11
Block 4832, Lot 1
Block 4833, Lot 41
Block 4834, Lots 7, 40, 58, 60, 82
Block 4835, Lots 1, 6
Block 4837, Lot 41
Block 4838, Lots 44. 47
Block 4840, Lots 42, 48
Block 4841, Lots 43, 44
Block 4842, Lots 38, 45, 50
Block 4843, Lots 34, 45
Block 4844, Lots 35, 42
Block 4845, Lots 36, 42, 48
Block 4846, Lots 42, 64, 65, 70, 79, 85
Block 4849, Lot 1
Block 4851, Lot 79
Block 4853, Lots 9, 11
Block 4856, Lots 7, 13
Block 4857, Lots 1, 5, 10, 49, 59, 63, 85, 89
Block 4860, Lots 51, 56
Block 4862, Lots 55, 58
Block 4865, Lots 44, 47
Block 4868, Lots 30, 54, 55, 62
Block 4872, Lots 1, 75
Block 4874, Lot 1
Block 4877, Lots 1, 73
Block 4877, Lot 73
Block 4900, Lots 15, 24, 33
Block 4903, Lot 42
Block 4997, Lots 38, 42
Block 5000, Lots 33, 43, 42

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

Block 4635, Lots 22, 24, 26, 28, 33, 34
Block 4637, Lots 30, 34, 36
Block 4639, Lots 17, 26
Block 4645, Lots 25, 34, 36, 39, 42
Block 4647, Lots 74, 79, 87, 90

Block 4651, Lot 91
Block 4657, Lots 88, 89, 94
Block 4662, Lots 6, 28, 30
Block 4663, Lots 24, 26
Block 4670, Lot 5
Block 4671, Lots 3, 9, 10, 64, 66, 67
Block 4681, Lot 7
Block 4684, Lot 32
Block 4693, Lots 1, 4, 6, 20, 21, 33
Block 4705, Lots 5, 32, 33
Block 4820, Lot 11
Block 4824, Lots 7, 25, 26, 29, 31, 73, 75
Block 4826, Lots 77, 79, 80
Block 4825, Lots 63, 66
Block 4827, Lot 3
Block 4829, Lots 1, 26
Block 4831, Lot 11
Block 4832, Lot 1
Block 4833, Lot 41
Block 4834, Lot 40, 58, 60
Block 4835, Lot 1, 6
Block 4840, Lots 42, 48
Block 4841, Lots 43, 44
Block 4842, Lots 38, 45, 50
Block 4843, Lots 34, 37, 45
Block 4844, Lots 35, 42
Block 4845, Lots 36, 42
Block 4846, Lot 70, 79, 85
Block 4647, Lots 43, 46
Block 4849, Lot 1
Block 4860, Lots 51, 56
Block 4872, Lots 1, 75
Block 4877, Lots 1, 73
Block 4900, Lot 33
Block 4997, Lots 38, 42
Block 5000, Lots 33, 42, 43

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

Block 4693, Lot 33 (Projected Development Site 7)
**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 from the lot's line facing Barnes Avenue for Oil No. 2 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 4693, Lots 1, 6 (Projected Development Site 11)
**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 65 feet from the lot's line facing Barnes Avenue and at least 65 feet from the lot's line facing East 227 Street for Oil No. 2 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 4635, Lots 22, 24 (Potential Development Site 101)
**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 from the lot's line facing Colden Avenue for Oil No. 2 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 4635, Lots 26, 28 (Potential Development Site 102)
**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 65 feet from the lot's line facing Bronxwood Avenue for Oil No. 2 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 4635, Lots 34, 133 (Potential Development Site 103)
**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 65 feet from the lot's line facing Colden Avenue for Oil No. 2 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 4637, Lot 30 (Potential Development Site 104)
**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 40 feet from the lot's line facing Hone Avenue and at least 40 feet from the lot's line facing Duncan Street for Oil No. 2 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 4637, Lots 34, 36 (Potential Development Site 105)
**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 from the lot's line facing Paulding Avenue for Oil No. 2 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 4639, Lot 17 (Potential Development Site 106)
**Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) must 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 4639, Lot 26 (Potential Development Site 107)
**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 from the lot's line facing Duncan Street and at least 60 feet from the lot's line facing Lurting Avenue for Oil No. 2 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 4643, Lot 37 (Potential Development Site 109)
**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 from the lot's line facing East Gun Hill Road and at least 70 feet from the lot's line facing Willett Avenue for Oil No. 2 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 4645, Lot 25 (Potential Development Site 111)
**Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) must 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 4645, Lots 34, 36 (Potential Development Site 112)
**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 55 feet from the lot's line facing East 213 Street for Oil No. 2 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 4645, Lots 39, 42 (Potential Development Site 113)
**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 from the lot's line facing East 213 Street for Oil No. 2 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 4647, Lot 43 (Potential Development Site 114)
**Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) must 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 4647, Lot 46 (Potential Development Site 115)
**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 from the lot's line facing East 213 Street for Oil No. 2 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 4647, Lots 74, 79 (Potential Development Site 117)
**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 85 feet from the lot's line facing East 213 Street for Oil No. 2 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 4647, Lots 87, 90 (Potential Development Site 118)
**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 65 feet from the lot's line facing East 216 Street for Oil No. 2 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 4651, Lot 91 (Potential Development Site 122)
**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 from the lot's line facing East 219 Street and 20 feet from the lot's line facing East 216 Street for Oil No. 2 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 4657, Lot 94 (Potential Development Site 126)
**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 from the lot's line facing East 213 Street and 60 feet from the lot's line facing Holland Avenue for Oil No. 2 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 4657, Lots 88, 89 (Potential Development Site 133)
**Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) must 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 4662, Lot 6 (Potential Development Site 135)
**Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) must are located at least 60 feet from the lot's line facing East 214Street 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 4662, Lots 28, 30 (Potential Development Site 137)
**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 65 feet from the lot's line facing East 215 Street and 15 feet**

**from the lot's line facing Holland Avenue for Oil No. 2 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 4663, Lot 24 (Potential Development Site 140)
**Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) must 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 4663, Lot 26 (Potential Development Site 141)
**Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) must 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 4670, Lot 5 (Potential Development Site 148)
**Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) must 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 4671, Lot 3 (Potential Development Site 149)
**Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) must 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 4671, Lots 9, 10 (Potential Development Site 150)
**Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) must 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 4671, Lots 64, 66, 67 (Potential Development Site 151)
**Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) must 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 4681, Lots 7 (Potential Development Site 153)
**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 45 feet from the lot's line facing Barnes Avenue and 45 feet from Tilden Street for Oil No. 2 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 4684, Lot 32 (Potential Development Site 156)
**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 40 feet from the lot's line facing Paulding Avenue for Oil No. 2 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 4693, Lot 4 (Potential Development Site 157)
**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 from the lot's line facing Laconia Avenue for Oil No. 2 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 4693, Lots 20, 21 (Potential Development Site 158)
**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 35 feet from the lot's line facing Paulding Avenue for Oil No. 2 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 4705, Lot 5 (Potential Development Site 160)
**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 from the lot's line facing Laconia Avenue for Oil No. 2 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 4705, Lots 32, 33 (Potential Development Site 163)
**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 30 feet from the lot's line facing East Gun Hill Road for Oil No. 2 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 4824, Lot 7 (Potential Development Site 167)
**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 20 feet from the lot's line facing Carpenter Avenue and at least 90 feet from the lot's line facing East 223 Street for Oil No. 2 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 4824, Lots 25, 26 (Potential Development Site 168)
**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 55 feet from the lot's line facing Carpenter Avenue for Oil No. 2 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 4824, Lots 29, 31 (Potential Development Site 169)
**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 55 feet from the lot's line facing White Plains Road for Oil No. 2 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 4824, Lots 73, 75 (Potential Development Site 170)
**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 10 feet from the lot's line facing East 233 Street and at least 60 feet from the lot's line facing East 222 Street for Oil No. 2 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 4826, Lots 77, 79, 80 (Potential Development Site 174)
**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 from the lot's line facing Carpenter Avenue and at least 45 feet from the lot's line facing White Plains Road for Oil No. 2 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 4825, Lots 63, 66 (Potential Development Site 176)
**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 from the lot's line facing White Plains Road for Oil No. 2 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 4827, Lot 3 (Potential Development Site 177)
**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 from the lot's line facing Carpenter Avenue and at least 50 feet from the lot's line facing East 225 Street for Oil No. 2 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 4829, Lot 1 (Potential Development Site 178)
**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 5 feet from the lot's line facing East 228 Street for Oil No. 2 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 4820, Lot 11 (Potential Development Site 179)
**Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) must 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 4829, Lot 26 (Potential Development Site 181)
**Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) must are located at least 40 feet from the lot's line facing East 228 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 4831, Lot 11 (Potential Development Site 182)
**Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) must are located at least 50 feet from the lot's line facing Lowerre 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 4832, Lot 1 (Potential Development Site 183)
**Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) must are located at least 50 feet from the lot's line facing East 229 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 4833, Lot 41 (Potential Development Site 184)
**Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) must 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 4834, Lot 40 (Potential Development Site 186)
**Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) must 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 4834, Lots 58, 60 (Potential Development Site 187)
**Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) must 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 4835, Lot 1 (Potential Development Site 189)

**Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) must are located at least 55 feet from the lot's line facing East 232 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 4835, Lot 6 (Potential Development Site 190)
**Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) must are located at least 55 feet from the lot's line facing East 233 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 4842, Lot 38 (Potential Development Site 195)
**Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) must are located at least 60 feet from the lot's line facing East 229 Street and at least 60 feet from the lot's line facing Barnes Avenue for Oil No. 2 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 4843, Lot 34 (Potential Development Site 197)
**Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) must are located at least 85 feet from the lot's line facing East 230 Street for Oil No. 2 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 4843, Lot 45 (Potential Development Site 198)
**Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) must are located at least 60 feet from the lot's line facing East 229 Street for Oil No. 2 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 4844, Lot 35 (Potential Development Site 199)
**Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) must are located at least 65 feet from the lot's line facing Barnes Avenue for Oil No. 2 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 4844, Lot 42 (Potential Development Site 1100)
**Any new residential and/or commercial development on the above-referenced**

**properties must ensure that the heating, ventilating and air conditioning stack(s) must are located at least 70 feet from the lot's line facing East 230 Street for Oil No. 2 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 4845, Lot 36 (Potential Development Site 1101)
**Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) must are located at least 60 feet from the lot's line facing East 232 Street for Oil No. 2 and at least 60 feet from the lot's line facing Barnes 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 4845, Lot 42 (Potential Development Site 1103)
**Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) must are located at least 35 feet from the lot's line facing East 232 Street for Oil No. 2 and at least 60 feet from the lot's line facing Barnes 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 4846, Lot 70 (Potential Development Site 1105)
**Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) must are located at least 65 feet from the lot's line facing White Plains Road for Oil No. 2 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 4846, Lots 79, 85 (Potential Development Site 1106)
**Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) must are located at least 40 feet from the lot's line facing Byron Avenue for Oil No. 2 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 4849, Lot 1 (Potential Development Site 1107)
**Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) must are located at least 5 feet from the lot's line facing East 224 Street and at least 55 feet from the lot's line facing East 225 Street and at least 55 feet from the lot's line facing Barnes Avenue for Oil No. 2 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 4860, Lots 51, 56 (Potential Development Site 1116)
**Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s)**

**must are located at least 55 feet from the lot's line facing Paulding for Oil No. 2 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 4872, Lot 1 (Potential Development Site 1122)
**Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) must are located at least 60 feet from the lot's line facing Paulding and at least 60 feet from the lot's line facing East 226 Street for Oil No. 2 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 4872, Lot 75 (Potential Development Site 1123)
**Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) must are located at least 40 feet from the lot's line facing Paulding and at least 45 feet from the lot's line facing East 225 Street for Oil No. 2 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 4877, Lots 1, 73 (Potential Development Site 1125)
**Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) must are located at least 50 feet from the lot's line facing East 230 Street and at least 4 for Oil No. 2 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 4900, Lot 33 (Potential Projected Development Site 1127)
**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 30 feet from the lot's line facing Laconia Avenue at least 30 feet from the lot's line facing East 222 Street for Oil No. 2 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 4997, Lots 38, 42 (Potential Development Site 1128)
**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 feet from the lot's line facing White Plains Road and at least 20 feet from the lot's line facing Byron Avenue for Oil No. 2 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 4997, Lots 38, 42 (Potential Development Site 1130)
**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 feet from the lot's line facing White Plains Road and at**

**least 20 feet from the lot's line facing Byron Avenue for Oil No. 2 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 5000, Lot 33 (Potential Development Site 1131)
**Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) must are located at least 65 feet from the lot's line facing Barnes Street and at least 65 feet from the lot's line facing East 234 Street for Oil No. 2 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 5000, Lots 42, 43 (Potential Development Site 1132)
**Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) must are located at least 5 feet from the lot's line facing Bussing Avenue for Oil No. 2 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 impacts related to stationary source air quality are expected.

To preclude the potential for significant adverse impacts related to noise, an (E) designation would be incorporated into the rezoning proposal for each of the following properties:

The following sites require 31 dBA of noise attenuation in order to avoid the potential for significant adverse impacts related to noise. The proposed action includes (E) designations on the following properties which include two (2) projected development sites:

Block 4657, Lots 42, 67, 69, 71, 72, 90

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 31 dB(A) window/wall attenuation in all façades 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.**

The following sites require 33 dBA of noise attenuation in order to avoid the potential for significant adverse impacts related to noise. The proposed action includes (E) designations on the following properties which include five (5) projected and 53 potential development sites:

Block 4635, Lots 22, 24, 34, 133
Block 4637, Lots 30, 34, 36
Block 4639, Lots 17, 26
Block 4643, Lots 1, 37, 43, 48
Block 4647, Lots 43, 46, 54, 55, 74, 79, 87, 90
Block 4651, Lots 67, 70, 91
Block 4657, Lots 4, 17, 94, 96
Block 4658, Lot 1
Block 4659, Lots 75, 78
Block 4662, Lots 6, 28, 30
Block 4663, Lots 10, 11, 12
Block 4665, Lots 49, 52, 53, 55
Block 4670, Lots 2, 5
Block 4681, Lots 1, 7, 20, 72
Block 4693, Lots 4, 20, 21, 33
Block 4705, Lots 5, 11, 29, 26
Block 4824, Lot 7
Block 4825, Lots 12, 79
Block 4827, Lot 3
Block 4835, Lots 36, 37, 39, 43 45, 49
Block 4837, Lot 41
Block 4838, Lot 44, 47
Block 4846, Lots 64, 65, 70, 85, 79
Block 4857, Lots 1, 63, 49, 59, 85, 89
Block 4868, Lots 54, 55, 62
Block 4997, Lots 1, 2, 3, 6, 8
Block 5000, Lots 33, 42, 43

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 33 dB(A) window/wall attenuation in all façades 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.**

The following sites require 35 dBA of noise attenuation in order to avoid the potential for significant adverse impacts related to noise. The proposed action includes (E) designations on the following properties which include one (1) projected and fifteen (15) potential development sites:

Block 4820, Lot 11
Block 4828, Lot 16
Block 4829, Lots 1, 11, 26
Block 4831, Lot 11

Block 4832, Lot 1
Block 4840, Lots 42, 48
Block 4841, Lots 43, 44
Block 4842, Lots 38, 45, 50
Block 4843, Lots 34, 45
Block 4844, Lots 35, 42

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 35 dB(A) window/wall attenuation in all façades 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.**

The following sites require 39 dBA of noise attenuation in order to avoid the potential for significant adverse impacts related to noise. The proposed action includes (E) designations on the following properties which include six (6) potential development sites:

Block 4835, Lots 1, 6
Block 4836, Lot 42
Block 4845, Lots 36, 42, 48
Block 4997, Lots 38, 42

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 39 dB(A) window/wall attenuation in all façades 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.**

With the placement of the (E) designation for noise, no impacts related to noise are expected and no further analysis is warranted.

**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 June 15, 2011, prepared in connection with the ULURP Application (ULURP Nos.). 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 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.

Robert Dobruskin

Date: June 17, 2011

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

Date: June 20, 2011

Amanda M. Burden, FAICP, Chair
City Planning Commission