



CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIRMAN

REVISED NEGATIVE DECLARATION

Supersedes the Negative Declaration Issued on November 30, 2015¹

Project Identification

CEQR No. 15DCP193K
ULURP Nos. 150361ZMK, 160081ZRK
SEQRA Classification: Unlisted

Lead Agency

City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271
Contact: Robert Dobruskin
(212) 720-3423

Name, Description and Location of Proposal:

Oxford Nursing Home

The Applicant, Conover King Realty, LLC, is seeking a zoning map amendment from M2-1 to an M1-4/R6 (MX-5) and a zoning text amendment to Appendix F (“Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas”) and a related section in Article XII, Chapter 3 (“Special Mixed Use District”) of the New York City Zoning Resolution to establish a Mandatory Inclusionary Housing area (MIHA) coterminous with the rezoning area. The proposed actions would affect a single lot (Block 555, portion of Lot 5), in the Red Hook neighborhood of Brooklyn Community District (CD) 6. The proposed actions would facilitate a proposal by the Applicant to develop an approximately 173,989 gross square foot (“gsf”), 200-bed (Use Group 3) nursing home and ambulatory diagnostic and treatment facility at 141 Conover Street (Block 555, p/o Lot 5 “the proposed development site”). The proposed development site, an irregularly-shaped lot, is generally bounded by King Street to the north, Sullivan Street to the south, a line parallel to and 100’ from Van Brunt Street to the east and Conover Street to the west.

Currently, the proposed development site contains four single-story industrial buildings, comprised of a metal fabrication and repair shop and vehicular storage uses (Use Groups 16 & 17) totaling approximately 5,955 gsf. The proposed development site is currently zoned predominantly M2-1, which allows manufacturing and commercial uses with a Floor Area Ratio (FAR) of 2.0. A sliver of the proposed development site (2,000 square feet to the east of the site, which is not subject to the proposed actions) is zoned R5/C1-3. The proposed development site would be rezoned to M1-4/R6 (MX-5), a special mixed-use zoning district allowing residential uses up to 2.43 FAR, community facility uses up to 4.8 FAR, commercial uses up to 4.8 FAR, and manufacturing uses up to 2.0 FAR. Upon approval of the proposed actions, the proposed development would consist of an approximately 173,989 gsf mixed-use development, including

¹ This Revised Negative Declaration reflects the withdrawal of two of the four originally proposed actions subsequent to the certification of the project in November of 2015, as well as corrections made to the Waterfront Revitalization Program (WRP) assessment, as explained in the Supporting Statement of this document.

an approximately 157,500 gsf nursing home facility (200 beds) an approximately 26,350 gsf ambulatory diagnostic and treatment center (Use Group 4 medical offices) and a total of 53 accessory parking spaces (39 enclosed and 14 unenclosed spaces) accessed by a proposed curb cut along Sullivan Street.

For the purposes of a conservative analysis, the Environmental Assessment Statement (EAS) issued on November 25, 2015, analyzed two Reasonable Worst Case Development Scenarios (RWCDS), the “Proposed Project Scenario” (“RWCDS 1”), and the “Mixed-Use Scenario” (“RWCDS 2”). RWCDS 1 considered the Applicant’s proposed project (Block 555, p/o Lot 5). RWCDS 2 assumed that a 88,000 gsf mixed-use building containing 88 residential dwelling units (22 of which would be affordable, pursuant to the Mandatory Inclusionary Housing Program), 73,800 gsf of commercial office space, 24,600 gsf of community facility uses and a 54,930 sf parking garage containing 75 accessory parking spaces would be developed at the proposed development site.

In 2009, the New York State Department of Health (NYSDOH) granted the applicant a Certificate of Need for a 200-bed replacement facility at 139-141 Conover Street.

The analysis year for the proposed project is 2018. Absent the proposed actions the proposed development site is expected to remain in its existing conditions.

The proposed actions include an (E) designation on the development site (Block 555, Lot 5) in order to preclude significant adverse impacts related to hazardous materials, air quality and noise. The (E) designation number is E-371.

The (E) designation text related to hazardous materials is as follows:

Task 1: Sampling Protocol

Prior to construction, the applicant must submit to the New York City Mayor’s Office of Environmental Remediation (OER), for review and approval, a Phase II Investigation protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented.

No sampling should begin until written approval of a protocol is received by OER. The number and location of sample sites should be selected to adequately characterize the site, the specific source of suspected contamination (i.e., petroleum based contamination and non-petroleum based contamination), and the remainder of the site’s condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of the sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.

Task 2: Remediation Determination and Protocol

A written report with findings and a summary of the data must be submitted to OER after completion of the testing phase and laboratory analysis for review and approval.

After receiving such results, a determination is made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.

If remediation is indicated for the test results, a proposed remedial action plan (RAP) must be submitted by OER for review and approval. The applicant must complete such remediation as determined necessary by OER. The applicant should then provide proper documentation that the work has been satisfactorily completed.

An OER-approved construction-related health and safety plan (CHASP) would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. This plan would be submitted to OER for review and approval prior to implementation.

With the measures specified above, the proposed development would not result in any significant adverse impacts related to hazardous materials.

The (E) designation text related to air quality is as follows:

Any future construction of the proposed development on (Block 555, Lot 5) would be required to comply with the following (E) designation:

Any new development on the above-referenced property must ensure that the HVAC stack is located on the highest tier of the of the proposed development.

With the measures specified above, the proposed development would not result in any significant adverse impacts related to air quality.

The (E) designation text related to noise is as follows:

To avoid any potential impacts associated with noise on the development site (Block 555, Lot 5)

In order to ensure an acceptable interior noise environment, future residential or community facility uses must provide a closed-window condition with minimum attenuation of 28 dBA window/wall attenuation on the Conover Street façade in order to maintain an interior noise level of 45 dBA. 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.

With the attenuation measures specified above, the proposed development would not result in any significant adverse impacts related to noise.

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 November 25, 2015, and the Revised Environmental Assessment Statement, dated May 6, 2016, prepared in connection with the ULURP Application (Nos. 150361ZMK and 160081ZRK). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment.

Supporting Statement:

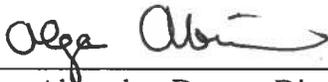
The above determination is based on an environmental assessment which finds that:

1. Subsequent to the issuance of an Environmental Assessment Statement on November 25, 2015 (the “November 2015 EAS”) and Negative Declaration on November 30, 2015, a Revised Environmental Assessment Statement (EAS) was issued on May 5, 2016. The Revised EAS reflects the withdrawal of two of the four actions originally proposed by the Applicant before the City Planning Commission (CPC). As originally filed, the proposed actions included: (1) a zoning map amendment from M2-1 to an M1-4/R6 (MX-5) (150361ZMK); (2) a zoning text amendment to Appendix F (“Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas”) and a related section in Article XII, Chapter 3 (“Special Mixed Use District”) of the New York City Zoning Resolution to establish a Mandatory Inclusionary Housing area (MIHA) coterminous with the rezoning area (160081ZRK); (3) a zoning special permit pursuant to Zoning Resolution (ZR) Section 74-902 (“Certain Community Facility Uses in R3 to R9 Districts and Certain Commercial Districts”) (150362ZSK); and (4) a certification pursuant to ZR Section 22-42 (“Certification of Certain Community Facility Uses”) (150363ZCK). As a result of the adoption of the NYC Department of City Planning-sponsored *Zoning for Quality and Affordability* text amendment on March 22, 2016, the proposed special permit (150362ZSK) and certification (150363ZCK) were no longer required to facilitate the proposed development. The special permit and certification were withdrawn by the Applicant on April 8, 2016.
2. For the purposes of a conservative analysis, the Revised EAS reflects an adjusted Reasonable Worst Case Development Scenario reflective of additional floor area that could be accommodated on the proposed development site. Originally, the November 2015 EAS considered the Applicant’s proposed project (RWCDS 1) for analysis purposes: an approximately 173,989 gross square feet (“gsf”), 200-bed (Use Group 3) nursing home and a 26,350 gsf ambulatory diagnostic and treatment facility, all of which were mandated by a site plan accompanying the previously-requested special permit. Since the special permit has been withdrawn, the proposed project is no longer subject to site plan approval. Pursuant to the rezoning, the proposed development site could accommodate 11,490 gsf of additional community facilities uses on the proposed development site. The Revised EAS reflects this additional floor area as part of a revised RWCDS 1, which consists of an approximately 173,989 gross square foot (“gsf”), 200-bed (Use Group 3) nursing home and a 37,840 gsf ambulatory diagnostic and treatment facility. The Revised EAS also addresses corrections made to the Waterfront Revitalization Program (WRP) assessment provided in the November 2015 EAS. As detailed in the Revised EAS, the revised RWCDS 1 and corrected WRP assessment would not result in significant adverse impacts on the environment, and would not alter the conclusions of the previous environmental review.

3. As reflected in the Revised EAS, the (E) designation (E-371) related to hazardous materials, air quality and noise, as proposed in the November 2015 EAS and Negative Declaration, would continue to apply to the proposed development site. The (E) Designation ensures that the proposed actions would not result in significant adverse impacts related to hazardous materials, air quality and noise.
4. No other significant effects on the environment which would require an Environmental Impact Statement are foreseeable.

This Revised 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 Revised Negative Declaration, you may contact Ingrid Young of the Department of City Planning at (212) 720-3425.



Olga Abinader, Deputy Director
Environmental Assessment & Review Division
Department of City Planning

Date: May 6, 2016

Carl Weisbrod, Chairman
City Planning Commission

Date: May 9, 2016