



CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

CONDITIONAL NEGATIVE DECLARATION

Project Identification

CEQR No. 11DCP136X
ULURP No. 110342MMX
SEQRA Classification: Unlisted

Lead Agency

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

Name, Description and Location of Proposal

Ponton Avenue Demapping

The applicant, Gerald Messuri, is seeking an amendment to the City Map to demap an unimproved portion of Ponton Avenue between Blondell Avenue and Waters Place located at 1364 Blondell Avenue (Block 4139, Lots 14 and 101 and Block 4134, Lot 14). The action would demap a total of 38,430 square feet of Ponton Avenue between Blondell Avenue and Waters Avenue, which is currently closed to traffic. On the City Map the street extends across the NYCT Rail Yard. The street was mapped prior to the construction of the NYCT Rail Yard and does not physically exist. The proposed action would facilitate the applicant's proposal to acquire a 9,090 square foot portion of Block 4139, Lot 101 and Block 4134, Lot 14, which is currently a Mapped Street, in order to continue its present use as accessory parking spaces and vehicle storage. The project site is City owned and located at the northeast corner of Blondell Avenue and Ponton Avenue, in an M1-1 district in the Westchester Village neighborhood of Bronx, Community District 11.

The applicant owns part of Block 4139, Lot 101. The portion of Block 4139, Lot 101 over the Mapped Street is City owned. Pursuant to the proposed action, this portion of City Owned land will be disposed to the applicant. The demapped portion of Ponton Avenue over the rail yard will not be disposed to the applicant.

The portion of the street proposed to be acquired by the applicant will be used for accessory parking and vehicle storage associated with the present use of the applicant's property. No new construction would take place on this portion of street besides adding paving, fencing, lighting and other security features. The majority of the demapped street is within the New York City Transit (NYCT) Maintenance Yard and consists of train tracks, NYCT equipment, and an office building with accessory parking zero to 18 feet below grade. Multiple train tracks, including an elevated subway line, cross over the project site.

Absent the proposed action, the portion of the Mapped Street that is the project site would continue to serve as parking and vehicle storage for adjacent businesses. The rest of the Mapped Street would continue to be a part of the NYCT Rail Yard. The anticipated build year is 2014.

To avoid any potential significant adverse impacts with respect to hazardous materials the Mapping Agreement between the applicant and the City of New York in connection with the proposed demapping shall set forth the environmental requirements outlined below concerning the applicant and city-owned properties at Block 4139, Lots 14 and 101 and Block 4134, Lot 14.

The environmental requirement for hazardous materials is as follows:

Task 1 – Sampling Protocol

If ground disturbance occurs, site sampling is necessary and the applicant must submit to the Department of Environmental Protection (DEP) for review and approval, a Phase II of the site.

Prior to proceeding with any development on the site, a soil and groundwater testing protocol including a description of methods and a site map with all sampling locations clearly and precisely represented must be submitted to DEP. No sampling program should begin until written approval of a protocol is received from DEP. 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 or 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 sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by DEP upon request.

Task 2 – Remediation Determination and Protocol

A written report with findings and a summary of the data from the Phase II must be submitted to DEP for review and approval. After receiving such results, a determination will be made by DEP if the results indicate that remediation is necessary.

If DEP determines that no remediation is necessary, written notice shall be given by DEP.

If based on the test results, DEP concludes that remediation is required; a remediation plan must be prepared and submitted to DEP for review and approval. The applicant must complete such

remediation when and as determined necessary by DEP. The applicant should then provide proper documentation, including an engineering certification, that the work has been satisfactorily completed.

A DEP-approved construction-related health and safety plan 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 DEP with the remediation plan for review and approval prior to implementation.

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 August 9, 2013, prepared in connection with the ULURP Application (ULURP No. 110342MMX). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment, once it is modified as follows.

1. If future development of the demapped property, including soil disturbance, is proposed, the applicant agrees to prepare a Phase II Environmental Assessment Statement (ESA) and submit to the Department of Environmental Protection (DEP) for approval. This requirement will be embodied in the Mapping Agreement to be executed in connection with the demapping.

Supporting Statement:

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

1. A Phase I Environmental Site Assessment (ESA) was prepared for the project site. The Phase I ESA was reviewed by DEP's Office of Environmental Planning and Assessment, and pursuant to a letter dated October 19, 2012, a Phase II Environmental Site Assessment (ESA) would be required if future development of the demapped property, including soil disturbance, is proposed. As such, the applicant agrees that the Mapping Agreement will ensure that a detailed Phase II testing would occur, and is binding upon the property's successors and assigns. The environmental requirements set forth in the Mapping Agreement will serve as a mechanism to assure the potential for hazardous material contamination, that may exist in the subsurface soils and groundwater on the project site, would be characterized prior to any site disturbance (i.e. site grading, excavation, demolition, or building construction. Consequently, no significant adverse impacts related to hazardous materials will occur.
2. No other significant effects on the environment which would require an Environmental Impact Statement are foreseeable.

It is fully agreed and understood that if the forgoing conditions are not fully incorporated into the proposed action, this Conditional Negative Declaration shall become null and void. In such event, the applicant shall be required to prepare a Draft Environmental Impact Statement before proceeding further with said proposal,

Should you have any questions pertaining to this Conditional Negative Declaration, you may contact Ingrid Young at (212) 720-3425.

This Conditional Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617.

I, the Undersigned, as the applicant or authorized representative for this proposal, hereby affix my signature in acceptance of the above conditions to the proposed action.



Date: 8/9/13

Signature of Applicant or Authorized Representative

Gerald Messuri

Name of Applicant or Authorized Representative



Date: 9/5/13

Celeste Evans, Deputy Director
Environmental Assessment & Review Division
Department of City Planning

Date: _____

Amanda M. Burden, FAICP, Chair
City Planning Commission