



CITY PLANNING COMMISSION
CITY OF NEW YORK
OFFICE OF THE CHAIRMAN

CONDITIONAL NEGATIVE DECLARATION

Project Identification

CEQR No. 15DCP154R
ULURP Nos. N150145RAR, N140172RCR,
and N140173RCR
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

521-529 Durant Avenue

The applicant, Birb Realty Inc., is proposing a zoning text amendment pursuant to New York City Zoning Resolution (ZR) Section 107-06 (District Plan Appendix A) to eliminate a 13,336 square foot (sf) portion of a 25,577 sf Designated Open Space (“DOS”) area located within an R3X zoning district in the Special South Richmond District (SRD) in the Great Kills neighborhood of Staten Island, Community District 3. The 13,336 sf DOS designated area affected by the proposed text amendment includes a 2,441 sf portion of a lot (Block 5120, Lot 62, the “project site”) and an adjacent partially paved roadway measuring approximately 10,921 sf. The applicant is also seeking two City Planning Commission Certifications pursuant to ZR Section 107-08 (Future Subdivision of Lot 62 into Lots 62, 64 and 66) and ZR Section 107-121 (Public Schools). These are ministerial actions and not subject to CEQR review. Collectively, the proposed actions would facilitate a proposal by the applicant to develop 8,382 gsf of residential uses (six dwelling units) and nine accessory parking spaces accessible via curb cuts at 521-529 Durant Avenue at the project site.

The project site, which measures approximately 16,669 sf, is currently vacant. A 2,441 sf portion of the project site is encumbered by the Designated Open Space (DOS), and a 10,921sf portion of the DOS is mapped on a partially paved roadway (Durant Avenue), which fronts the project site and precludes access to and from the site. The proposed text amendment would remove the DOS designated areas on and adjacent to the project site and allow for development to occur pursuant to the underlying zoning district, R3X (SRD). The remaining DOS area, which is mapped to the southeast of the project site will remain. The existing R3X (SRD) zoning district regulations permit residential (Use Group 2) and community facility uses (Use Groups 3 & 4) at a maximum Floor Area Ratio (FAR) of 0.50. The analysis year for the proposed project is 2018.

It should be noted that Durant Avenue is not a mapped street, and the applicant was previously granted a waiver to permit development fronting a non-mapped street from the Board of Standards and Appeals (BSA) on February of 2014, (Cal Nos. 287-13-A and 288-13-A).

Absent the proposed actions, the project site is expected to remain vacant.

Carl Weisbrod, *Chairman*
22 Reade Street, New York, N.Y. 10007-1216
(212) 720-3200 FAX (212) 720-3219
<http://www.nyc.gov/planning>

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 14, 2015 prepared in connection with the ULURP Application (No. N150340ZRR). The City Planning Commission has determined that the proposed actions will have no significant effect on the quality of the environment, once it is modified as follows:

1. The applicant agrees via a Restrictive Declaration to conduct archaeological identification, investigation and mitigation in accordance with the *CEQR Technical Manual* and New York City Landmarks Preservation Commission (LPC) Guidelines for Archaeological Work in New York City. The Restrictive Declaration also restricts the applicant from submitting any permit applications to the Department of Buildings (DOB) that would allow for soil disturbance on the subject property until such time that LPC provides the necessary written notice to DOB.

Supporting Statement:

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

1. By letter dated May 21, 2015, LPC determined that the site may be archeologically significant and that further testing would be required in order to determine if the site contains Native American remains from 19th Century occupation of the project site. As such, the applicant has entered into a Restrictive Declaration which requires that prescribed archaeological work be conducted in accordance with *CEQR Technical Manual* and LPC Guidelines for Archaeological Work in New York City.

The Restrictive Declaration is binding upon the property's successors and assigns. The declaration serves as a mechanism to assure the archaeological testing be conducted and that any necessary mitigation measures be undertaken prior to any site disturbance (i.e., site grading, excavation, demolition, or building construction). The Restrictive Declaration was prepared in a form acceptable to the LPC and Restrictive Declaration was executed on June 8, 2015 and it is expected to be submitted for future recordation with the Office of the Richmond County Clerk.

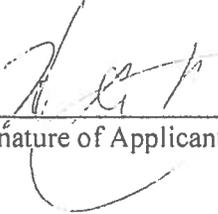
Consequently, no significant adverse impacts related to archaeological resources are expected.

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 foregoing conditions, modification, and alteration are not fully incorporated into the proposed actions, 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.

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 actions.

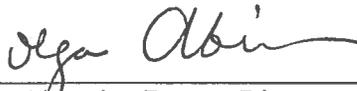


Signature of Applicant or Authorized Representative

Date: August 14, 2015

HIRAN A. RETHKUMB

Name of Applicant or Authorized Representative



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

Date August 14, 2015

Carl Weisbrod, Chairman
City Planning Commission

Date: _____