

E-263



CITY PLANNING COMMISSION
CITY OF NEW YORK
OFFICE OF THE CHAIR

CONDITIONAL NEGATIVE DECLARATION

Project Identification

CEQR No. 09DCP032K
ULURP No. 090225ZMK
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

Carroll Street Rezoning

The applicant, Center for Negative Thinking, is seeking a zoning map amendment (Block 347, Lots 50 and 54) from M1-1 to R6B in the Columbia Street Waterfront District neighborhood of Community District 6, Brooklyn. The proposed action would facilitate a proposal by the applicant to construct a four-story plus penthouse, 17,000 square foot building containing eight duplex dwelling units on the project site (Block 347, Lot 50). In addition, the proposed action would allow residential uses as-of-right on the adjacent property (Block 347, Lot 54). The property, a five-story structure which is not owned by the applicant, was previously granted a BSA variance (CEQR no. 07BSA057K) permitting residential uses on floors two through five only.

The project site is currently occupied by a single-story, 8,500 square-foot industrial building. The adjacent site, a 5,000 square foot lot which contains a 17,100 square foot structure, was formerly an industrial building and is currently vacant.

The existing M1-1 zoning permits manufacturing and limited commercial uses at a maximum FAR of 1.0, and does not permit new residential uses. The proposed R6B zoning district permits residential use with a maximum FAR of 2.0 and a maximum building height of 50 feet after a setback at 30-40 feet.

Absent the proposed action, the project site would remain in existing conditions, and the adjacent property would contain residential uses on floors two through five, and commercial uses on the ground floor.

To avoid any potential significant adverse impacts, the applicant has entered into a Restrictive Declaration for hazardous materials. Further an (E) designation (E-263) for hazardous materials, air quality and noise would be mapped as part of the rezoning, as described below.

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>

To avoid any potential significant adverse hazardous materials impacts, an (E) designation for hazardous materials would be mapped on Block 347, Lot 54. The text of the (E) designation for air quality is as follows:

Block 347, Lot 54 (Adjacent Site)

A Phase I Environmental Site Assessment (ESA) prepared in November 2007 noted a potential presence of hazardous materials on the subject property as a result of past and present on-site land uses. In order to avoid any potential impacts related to hazardous materials an (E) designation for hazardous materials would be placed on the following property(ies):

<u>Block</u>	<u>Lot(s)</u>
347	54

The text of the (E) designation is as follows:

Due to the possible presence of hazardous materials on the aforementioned designated sites there is potential for contamination of the soil and groundwater. To determine if contamination exists and to perform the appropriate remediation, the following tasks must be undertaken by the fee owners(s) of the lot(s) restricted by this (E) designation prior to any demolition or disturbance of soil on the lot, or conversion to residential uses on the ground floor of any existing building.

Task 1

The fee owner(s) of the lot(s) restricted by this (E) designation will be required to prepare a scope of work for any soil, gas, or groundwater sampling and testing needed to determine if contamination exists, the extent of the contamination, 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 DEP 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.

No sampling program may begin until written approval of a work plan and sampling protocol is received from DEP. The number and location of sample sites should be selected to adequately characterize the type and extent of the contamination, and the condition of the remainder of the site. 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 choosing sampling sites and performing sampling will be provided by DEP upon request.

Task 2

A written report with findings and a summary of the data must be presented to DEP after completion of the testing phase and laboratory analysis for review and approval. After receiving such test results, a determination will be provided 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 remediation is necessary according to test results, a proposed remediation plan must be submitted to DEP for review and approval. The fee owner(s) of the lot(s) restricted by this (E)

designation must perform such remediation as determined necessary by DEP. After completing the remediation, the fee owner(s) of the lot restricted by this (E) designation should provide proof 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 for review and approval prior to implementation.

With the implementation of the above (E) designation, no significant adverse impacts related to hazardous materials would occur.

With the placement of the (E) designation, no impacts related to hazardous materials are expected.

To avoid any potential significant adverse air quality impacts, an (E) designation for air quality would be mapped on Block 347, Lot 50. The text of the (E) designation for air quality is as follows:

Block 347, Lot 50 (Applicant's Site)

Any new residential and/or commercial development on the above-referenced property must ensure that the heating, ventilating and air conditioning stack(s) are located at least 30 feet from the 25 Carroll Street building's lot line facing Columbia Street and 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) designation, no impacts related to air quality are expected.

To avoid any potential significant adverse noise impacts, an (E) designation for noise would be mapped on Block 347, Lots 50 and 54. The text of the (E) designation for noise is as follows:

Block 347, Lot 50 (Applicant's Site)

In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with minimum window/wall attenuation of 28 dB(A) on all facades 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.

Block 347, Lot 54 (Adjacent Site)

In order to ensure an acceptable interior noise environment, future residential use located on the ground floor of any existing or future building must provide a closed window condition with minimum window/wall attenuation of 28 dB(A) on all facades 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, no impacts related to noise 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 October 21, 2010, prepared in connection with the ULURP Application (No. 090225ZMK). 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. The applicant agrees via a restrictive declaration to prepare a Phase II Environmental Assessment Statement (ESA), hazardous materials sampling protocol and health and safety plans, which would be submitted to the Department of Environmental Protection (DEP) for approval. The applicant agrees to test and identify any potential hazardous material impact pursuant to the approved sampling protocols and, if any such impact is found, submit a hazardous material remediation plan including a health and safety plan to DEP for approval. If necessary, remediation measures would be undertaken pursuant to the remediation plans.

Supporting Statement:

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

1. A Phase I Environmental Site Assessment (ESA) was prepared in November 2008 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 April 27, 2009 a Phase II Environmental Assessment Statement (ESA), hazardous materials sampling protocol and health and safety plan were recommended due to the potential presence of hazardous materials on the site as a result of past on-site and/or surrounding area land uses. As such, the applicant has entered into a restrictive declaration to ensure that a detailed Phase II testing would occur, and hazardous materials sampling protocol including a health and safety plan would be prepared, and is binding upon the property's successors and assigns. The declaration serves 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). The restrictive declaration was executed on June 8, 2010 and submitted for recording on June 23, 2010. Pursuant to a letter from DEP dated July 14, 2010, DEP is in receipt of a signed copy of a DEP-approved restrictive declaration with proof of recording for the site. Consequently, no significant adverse impacts related to hazardous materials will occur. Additionally, the (E) designation for the Adjacent Site's (Lot 54) ground floor would ensure that the proposed action would not result in significant adverse impacts due to hazardous materials.

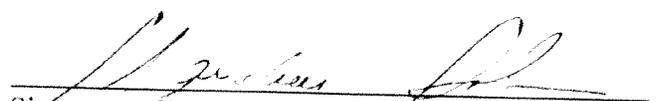
Carroll Street Rezoning
CEQR No. 09DCP032K
Conditional Negative Declaration

2. The (E) designation for air quality would ensure that the proposed action would not result in significant adverse impacts due to air quality.
3. The (E) designation for noise would ensure that the proposed action would not result in significant adverse impacts due to noise.
4. No other significant adverse 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 alterations 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.

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.



Signature of Applicant or Authorized Representative

Date: 10/21/10

MARSHALL SCHNE - CENTER FOR NEGATIVE THINKING LLC
Name of Applicant or Authorized Representative



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

Date: 10/25/10



Amanda M. Burden, FAICP, Chair
City Planning Commission

Date: 3/16/11