DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Marisa Lago, *Director*
Department of City Planning

January 21, 2020

Benjamin Stark
Slater & Beckerman, PC
40 Exchange Place, Suite 1502
New York, NY 10005

Re: Bedford Avenue Overlay Extension
CEQR No. 20DCP072K
ULURP No(s). C200158ZMK
Brooklyn, Community District 01

Dear Mr. Stark,

Under City Environmental Quality Review, the lead agency is required to determine whether a proposed action may or will not have a significant effect on the environment. In accordance with this regulation, the City Planning Commission had determined that the proposed actions will not have a significant effect on the environment.

Enclosed is the Negative Declaration for CEQR No. 20DCP072K, Bedford Avenue Overlay Extension, including supporting statements for the finding that the proposed action will not have a significant effect. The Negative Declaration was issued on January 21, 2020.

Sincerely,

Stephanie Shellooe

cc: Project File
Marisa Lago, Chair
City Planning Commissioners
Raju Mann, City Council
Hon. Eric L. Adams, Brooklyn Borough President
Brooklyn Community District 1

Olga Abinader, *Director*
Stephanie Shellooe, AICP, *Deputy Director*
120 Broadway, 31st Floor, New York, N.Y. 10271
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Project Name: Bedford Avenue Overlay Extension
CEQR #: 20DCP072K
SEQRA Classification: Unlisted

NEGATIVE DECLARATION (Use of this form is optional)

Statement of No Significant Effect

Pursuant to Executive Order 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review, found at Title 62, Chapter 5 of the Rules of the City of New York and 6 NYCRR, Part 617, State Environmental Quality Review, the Department of City Planning, acting on behalf of the City Planning Commission assumed the role of lead agency for the environmental review of the proposed project. Based on a review of information about the project contained in this environmental assessment statement (EAS) and any attachments hereto, which are incorporated by reference herein, the lead agency has determined that the proposed project would not have a significant adverse impact on the environment.

Reasons Supporting this Determination

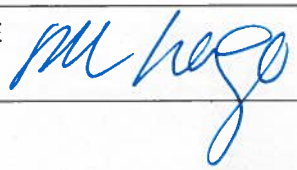
The above determination is based on information contained in this EAS, which finds the proposed actions sought before the City Planning Commission would have no significant effect on the quality of the environment. Reasons supporting this determination are noted below.

Hazardous Materials, Air Quality, and Noise:
An (E) designation (E-559) for hazardous materials, air quality, and noise has been incorporated into the proposed actions. Refer to Appendix 1: (E) Designation", attached to this Determination of Significance, for the site affected by the (E) designation and applicable (E) designation and applicable (E) designation requirements in place, the proposed actions would not result in significant adverse impacts to hazardous materials, air quality, and noise. The (E) designation will supersede the (E) designation (E-7A) for noise placed on both lots in the affected area as part of the Bedford Avenue North 3rd Street URA (CEQR No. 85-271K). With these measures in place, the proposed actions would not result in significant adverse impacts to hazardous materials, air quality, and noise.

Land Use, Zoning, and Public Policy:
A detailed analysis related to Land Use, Zoning, and Public Policy is included in the EAS. A significant adverse impact related to Land Use, Zoning, and Public Policy would result if a project would generate a land use incompatible the surrounding area. The proposed action is a zoning map amendment to add a C2-4 commercial overlay affecting the proposed development site (Block 2308, Lot 20) and a portion of an adjacent lot (Block 2308, Lot 7501) in the Williamsburg neighborhood of Brooklyn, Community District 1.The proposed action would facilitate the development of a three-story, approximately 8,519 gross square foot (gsf), mixed-use building containing two dwelling units and 4,095 gsf of ground floor commercial space. The analysis shows that while the action would allow the construction of commercial space that is not otherwise permitted at the site, the requested zoning map amendment to extend the C2-4 commercial zoning district to the rest of the project site and a portion of the adjacent lot would not result in changes to the zoning or land use patterns in the surrounding area. In addition, the proposed project would not conflict with applicable public policy goals. The analysis concludes that the proposed action would not result in a significant adverse impact to Land Use, Zoning, and Public Policy.

No other significant effects upon the environment that would require the preparation of a Draft Environmental Impact Statement are foreseeable. This Negative Declaration has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law (SEQRA). Should you have any questions pertaining to this Negative Declaration, you may contact Alexander McClean at (212) 720-3429.

TITLE	LEAD AGENCY
Deputy Director, Environmental Assessment and Review Division	Department of City Planning, acting on behalf of the City Planning Commission 120 Broadway, 31st Fl. New York, NY 10271 | (212) 720-3328
NAME Stephanie Shellooe, AICP	DATE January 17, 2020
SIGNATURE	

TITLE Chair, City Planning Commission	
NAME Marisa Lago	DATE January 21, 2020
SIGNATURE 	

Determination of Significance Appendix: (E) Designation

To ensure that the proposed actions would not result in significant adverse hazardous materials and air quality, an (E) Designation (E-559) will be placed on the development sites as described below**.** The (E) designation will supersede the (E) designation (E-7A) for noise placed on both lots in the affected area as part of the Bedford Avenue North 3rd Street URA (CEQR No. 85-271K). With these measures in place, the proposed actions would not result in significant adverse impacts to hazardous materials, air quality, and noise.

Hazardous Materials

The (E) Designation requirements for hazardous materials will be placed on Projected Development Site (Block 2380; Lot 20).

Task 1-Sampling Protocol

The applicant submits to OER, for review and approval, a Phase I of the site along with a soil, groundwater and soil vapor testing protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented. If site sampling is necessary, no sampling should begin until written approval of a protocol is received from OER. The number and location of samples should be selected to adequately characterize the site, specific sources 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 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 he 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 from test results, a proposed remediation plan must be submitted to 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.
A construction-related health and safety plan should be submitted to OER and would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil, groundwater and/or soil vapor. This plan would be submitted to OER prior to implementation.

Air Quality

The (E) Designation requirements for air quality will be placed on the Projected Development Site (Block 2380; Lot 20) and are as follows:

> **Any new residential/commercial development and/or enlargement on the above-referenced property must ensure that the HVAC stack is located at the highest tier and at least 39 feet above grade, and at least 32 feet away from the north-western lot line facing Berry Street to avoid any potential significant adverse air quality impact.**

Noise

The (E) Designation requirements for noise will be placed on the Projected Development Site (Block 2380; Lot 20) and are as follows:

> **To ensure an acceptable interior noise environment, future residential/commercial office uses must provide a closed-window condition with a minimum of 28 dBA window/wall attenuation on all facades in order to maintain an interior noise level not greater than 45 dBA for residential uses or not greater than 50 dBA for commercial office uses. 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, air conditioning.**