NYC PLANNING

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Marisa Lago, *Director*
Department of City Planning

ENY Community Residences LLC
c/o Jamie Wiseman
97 North 10th Street, Suite 2D
Brooklyn, NY, 11249

Re:	**749 Van Sinderen Avenue Rezoning**
CEQR No.	21DCP147K
ULURP No(s).	210285ZMK; N210286ZRK
SEQRA Classification:	Unlisted
Brooklyn Community District:	BK05

Dear Jamie Wiseman,

Under City Environmental Quality Review, the lead agency is required to determine whether a proposed action may have a significant adverse impact on the environment. In accordance with this regulation, the City Planning Commission has determined that the proposed action would not have a significant adverse impact on the environment.

Enclosed is the Negative Declaration for CEQR No. 21DCP147K, 749 Van Sinderen Avenue Rezoning, including supporting statements for the finding that the proposed actions would not have a significant adverse impact on the environment. The Negative Declaration was issued on July 12, 2021.

Sincerely,

Stephanie Shellooe, AICP, *Deputy Director*

July 12, 2021
Date

cc: Project File
Marisa Lago, Chair
City Planning Commissioners
Raju Mann, Director, City Council Land Use Division
Eric Adams, Brooklyn Borough President
Brooklyn Community Board BK05

NEGATIVE DECLARATION

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 actions. 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 actions 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 not have a significant adverse impact on the environment. Reasons supporting this determination are noted below.

Land Use, Zoning, and Public Policy

A detailed analysis of land use, zoning, and public policy is included in the EAS. The applicant, ENY Community Residences LLC, is seeking approval for two discretionary actions (the "proposed actions") to facilitate the redevelopment of the applicant-owned project site at 749 Van Sinderen Avenue (Block 3865; Lot 9; Projected Development Site 1) in the East New York neighborhood of Brooklyn Community District (CD) 5. The proposed actions include a zoning map amendment to rezone Block 3865; Lots 6, 7, 9, 21, and portions of Lots 137, 138, 139, 140, 141, 142, 44, 45, 46, 46, 49, 150, and 151 (the "Proposed Rezoning Area") from an M1-1 district to a C4-4L district, and a zoning text amendment to Appendix F of the New York City Zoning Resolution (ZR) to map the Proposed Rezoning Area as a Mandatory Inclusionary Housing (MIH) area. The Proposed Rezoning Area is located on the block bounded by New Lots Avenue to the north, Snediker Avenue to east, Linden Boulevard to the south, and Van Sinderen Avenue to the west. Immediately west of the Proposed Rezoning Area is the elevated BMT Canarsie Line (L-Train) that connects Eighth Avenue in Chelsea to Canarsie Brooklyn. Approval of the proposed actions would facilitate new development on the applicant-owned Projected Development Site 1 (Block 3865; Lot 9). The three existing buildings would be demolished and replaced with a nine-story 111,201 gross square foot (gsf) mixed-use residential and commercial building containing 119 DUs , 25-30% of which would be affordable pursuant to MIH, and 11,015 gsf of ground floor retail space. Given the existing character of the surrounding area,the change in land use and zoning would not constitute a significant adverse impact.

Community Facilities

A detailed analysis of community facilities for childcare is included in the EAS. The proposed actions would not result in significant adverse impacts on community facilities. The proposed actions are not expected to generate more than 50 elementary and intermediate school students or 150 high school students, which are the CEQR Technical Manual thresholds for analysis, and therefore a detailed assessment of the potential impacts of the proposed actions on public schools is not warranted. The proposed actions would not result in the introduction of a sizeable new neighborhood and would therefore not result in a more than five percent increase in the ratio of residential units to libraries in Brooklyn. The 128 residential units facilitated by the proposed actions are expected to generate demand for 23 seats at publicly funded child care centers in the surrounding area. While existing publicly funded child care centers in the area would operate over capacity in the future with the proposed actions (with a utilization rate of 101.9 percent), the proposed actions would only increase the child care facility utilization rate by 1.1 percentage points. As the proposed actions would not result in a five percent or greater increase in the child care facility utilization rate, no significant adverse impacts to child care facilities would result, in accordance with the 2020 CEQR Technical Manual impact criteria.

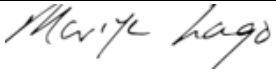
Hazardous Materials, Air Quality, and Noise

An (E) designation (E-632) related to hazardous materials, air quality, and noise would be established as part of the approval of the proposed actions. Refer to "Determination of Significance Appendix: (E) designation" for the applicable (E) designation requirements. The hazardous materials, air quality, and noise analyses conclude that with the (E) designation in place, the proposed actions would not result in a significant adverse impact related to hazardous materials, air quality, or noise.

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 Katherine Glass at +1 212-720-3425.

TITLE	LEAD AGENCY
Deputy Director, Environmental Assessment and Review Division	Department of City Planning on behalf of the City Planning Commission 120 Broadway, 31st Fl. New York, NY 10271 | 212.720.3328
NAME	DATE
Stephanie Shellooe, AICP	July 9, 2021
SIGNATURE 	

Project Name: 749 Van Sinderen Avenue Rezoning
CEQR # 21DCP147K
SEQRA Classification: Unlisted

TITLE Chair, City Planning Commission	
NAME Marisa Lago	DATE July 12, 2021
SIGNATURE 	

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Determination of Significance Appendix

The Proposed Action(s) were determined to have the potential to result in changes to development on the following site(s):

	Borough	Block and Lot
Projected Development Site 1	Bk	3865/9
Projected Development Site 2	Bk	3865/21
Projected Development Site 3	Bk	3865/ 6 and 7

(E) Designation Requirements

To ensure that the proposed actions would not result in significant adverse impacts related to hazardous materials, air quality, and noise an (E) designation (E-632) would be established as part of approval of the proposed actions on **Projected Development Sites 1, 2, and 3** as described below:

	Hazardous Materials	Air Quality	Noise
Projected Development Site 1	X	X	X
Projected Development Site 2	X	X	X
Projected Development Site 3	X	X	X

Hazardous Materials

The (E) designation requirements applicable to **Projected Development Sites 1, 2, and 3** for hazardous materials would apply as follows:

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 would apply as follows:

Block 3865; Lot 9 (Projected Development Site 1): Any new residential or commercial development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC), and hot water system(s), ensure that the stack is located at the building's highest level or at least 98 feet above grade, and that the stack is located at least 135 feet from the southern lot line facing Linden Boulevard and at least 100 feet from the northern lot line facing New Lots Avenue to avoid any potential significant adverse air quality impacts.

Block 3865; Lot 21 (Projected Development Site 2): Any new residential or commercial development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC), and hot water system(s), ensure that the stack is located at the building's highest level or at least 98 feet above grade, and that the stack is located at least 28 feet from the southern lot line facing Linden Boulevard to avoid any potential significant adverse air quality impacts.

Block 3865; Lots 6 and 7 (Projected Development Site 3): Any new residential or commercial development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC), and hot water system(s) and must be fitted with low NOx (30 ppm) burners, ensure that the stack is located at the building's highest level or at least 98 feet above grade, and that the stack is located at least 20 feet from the northern lot line facing New Lots Avenue to avoid any potential significant adverse air quality impacts.

Noise

The (E) designation requirements for Noise would apply as follows:

Block 3865; Lot 9 (Projected Development Site 1): In order to ensure an acceptable interior noise environment, future residential uses must provide a closed window condition with a minimum of 31 dBA window/wall attenuation on facades facing Van Sinderen Avenue and the facades facing New Lots Avenue within 50 feet of Van Sinderen Avenue and the facades facing Linden Boulevard within 50 feet of Van Sinderen Avenue to maintain an interior noise level not greater than 45 dBA for residential uses as illustrated in the EAS. 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

Block 3865; Lot 21 (Projected Development Site 2): In order to ensure an acceptable interior noise environment, future residential uses must provide a closed window condition with a minimum of 31 dBA window/wall attenuation on facades facing Van Sinderen Avenue and the facades facing New Lots Avenue within 50 feet of Van Sinderen Avenue and the facades facing Linden Boulevard within 50 feet of Van Sinderen Avenue to maintain an interior noise level not greater than 45 dBA for residential uses as illustrated in the EAS. 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.

Block 3865; Lots 6 and 7 (Projected Development Site 3): In order to ensure an acceptable interior noise environment, future residential uses must provide a closed window condition with a minimum of 31 dBA window/wall attenuation on facades facing Van Sinderen Avenue and the facades facing New Lots Avenue within 50 feet of Van Sinderen Avenue and the facades facing Linden Boulevard within 50 feet of Van Sinderen Avenue to maintain an interior noise level not greater than 45 dBA for residential uses as illustrated in the EAS. 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.