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, Epsilon Enterprises Realty, LLC, is seeking Zoning Map Amendments to i) rezone the project area (all or parts of Staten Island Block 490, Lots 1, 4, 19, 22 & 47; Block 489, portions of Lots 22 & 30) from an C4-2 district to an R6/C2-3 and ii) extend the boundaries of the Special Bay Street Corridor District (BSC) to include the Project Area; and Zoning Text Amendments to: i) Appendix F of the New York City Zoning Resolution to establish a Mandatory Inclusionary Housing (MIH) area coterminous with the rezoning area and ii) to bulk provisions of the BSC affecting primary street frontage and height regulations for Subdistrict F, in the Stapleton neighborhood of Staten Island Community District 1. The Project Area is generally bounded by Bay Street to the west, Prospect Street to the South, Sands Street to the North and the Staten Island Railroad to the east. The proposed actions would facilitate the development of an 8-story, 81-foot tall, approximately 100,486 gross square foot (gsf) mixed-use building on Block 490, Lot 1 ("Projected Development Site 1"), containing 83 dwelling units, approximately 21-25 of which would be income-restricted, pursuant to MIH. The building would contain approximately 90,486 gsf of residential use and 10,000 gsf of ground floor commercial uses, while providing approximately 35 accessory parking spaces at grade. In addition to Projected Development Site 1, one other Projected Development Site was identified and analyzed for a conservative CEQR analysis. A new 3-story, 35-foot mixed-use building containing approximately 8,174 gsf of residential use (10 units) and 3,050 gsf of ground floor commercial use would be developed on Block 490, Lot 19 (Projected Development Site 2).

The projected developments and uses facilitated by the Proposed Actions would be compatible with existing mixed residential and commercial retail uses on Bay Street and in the surrounding area. While the Proposed Actions would allow for an increase in development and bulk relative to the No-Action scenario, the proposed R6/C2-3 (BSC) district would extend the zoning designation that was established immediately to the north of the project area under the 2019 Special Bay Street Corridor District. The Proposed Actions would be compatible and consistent with public policies that currently apply to the Project Area and the surrounding area, including the City's goals to facilitate the construction of permanently affordable dwelling units. Additionally, consistency with the NYC Waterfront Revitalization Program (WRP) is included in the appendix of this EAS. The WRP Policy Assessment and Consistency form demonstrate that the Proposed Development is consistent with the policies of the WRP (WRP #22-099). Therefore, the Proposed Actions would not result in significant adverse impacts to land use, zoning, and public policy, and no further analysis is warranted.

Open Space

An assessment related to indirect residential effects on open space is included in the EAS. Under the With-Action conditions, the total open space ratio would decrease by 1.42%, from 0.847 to 0.835 acres per 1,000 residents, which is less than the threshold warranting a detailed analysis. Additionally, the EAS notes that the project is located less than a mile from Silver Lake Park, a large regional park spanning more than 200 acres.

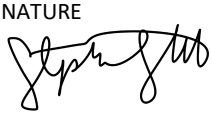
Hazardous Materials, Air Quality, and Noise

An (E) designation (E-722) 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 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 Andrew Martini at +1 212-720-3315.

TITLE	LEAD AGENCY
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 Stephanie Shellooe, AICP	DATE 7/7/2023

SIGNATURE



Project Name: 541-545 Bay Street
CEQR # 23DCP037R
SEQRA Classification: Unlisted

TITLE Chair, City Planning Commission	
NAME Daniel R. Garodnick	DATE 7/10/2023
SIGNATURE	

Project Name: 541-545 Bay Street
CEQR # 23DCP037R
SEQRA Classification: Unlisted

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):

Development Site	Borough	Block and Lot
Projected Development Site 1	Staten Island	Block 490, Lot 1
Projected Development Site 2	Staten Island	Block 490, Lot 19

(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-722**) would be established as part of approval of the proposed actions on **Projected Development Site 1** and **Projected Development Site 2** as described below:

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

Hazardous Materials

The (E) designation requirements applicable to **Projected Development Site 1** and **Projected Development Site 2** 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:

Projected Development Site 1: *Any new residential or commercial development on the above-referenced property must ensure that the heating, ventilating, air conditioning (HVAC), and hot water system(s) stack is located at the building's highest level or at least 84 feet above grade to avoid any potential significant adverse air quality impacts.*

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) 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 38 feet above grade, and that the stack is located at least 25 feet from the western lot line facing Bay Street and at least 25 feet from the southern lot line facing Prospect Street to avoid any potential significant adverse air quality impacts.*

Noise

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

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 dB(A) window/wall attenuation on the facades facing Bay Street, the facades facing Prospect Street within 50 feet of Bay Street, the facades facing Sands Street within 50 feet of Bay Street, and all facades within 100 feet of the elevated rail line for floors at or above the elevated rail line in order to maintain an interior L_{10} noise level not greater than 45 dB(A) or interior L_{dn} noise level not greater than 40 dB(A) 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, central air conditioning*.

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 dB(A) window/wall attenuation on the eastern, northern, and southern facades for floors at or above the elevated rail line in order to maintain an interior L_{10} noise level not greater than 45 dB(A) or interior L_{dn} noise level not greater than 40 dB(A) 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, central air conditioning.*