CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

CONDITIONAL NEGATIVE DECLARATION

Project Identification
CEQR No. 22DCP184X
ULURP No. 220283ZMX; N220284ZRX
SEQRA Classification: Unlisted

Lead Agency
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271
Contact: Stephanie Shellooe
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Name, Description and Location of Proposal

2560 Boston Road Rezoning

The Applicant, Boston Road Associates, seeks approval of a zoning map amendment and a zoning text amendment in order to facilitate the development of 2560 Boston Road (Block 4440, Lots 16, 30, and 32 – the "Projected Development Site") with two mixed-use buildings, including residential, commercial, and community facility uses located in the Allerton section of Bronx Community District 11. In addition, the Applicant intends to seek public financing through the New York City Housing Development Corporation ("HDC")/Department of Housing Preservation and Development ("HPD"). These actions are collectively referred to as the "Proposed Actions."

The zoning map amendment would rezone Block 4440, Lots 16, 30, and 32 from an R6/C8-1 district to an R7-2/C2-4 district. The zoning text amendment would modify Appendix F of the Zoning Resolution to establish a new Mandatory Inclusionary Housing (MIH) Area coterminous with the Projected Development Site.

Approval of the proposed actions would facilitate the development of two buildings (10 and 11 stories, and 110' and 120' feet tall, respectively) containing a total of 360,577 gross square feet ("gsf"), including 277,990 gsf of residential space (333 affordable dwellings units), 19,281 gsf of commercial space, and 6,752 of community facility space, along with 117 parking spaces.

Absent approval of the proposed actions, the affected area would remain unchanged. The proposed project is anticipated to be completed by 2026.

To avoid any potential significant adverse impacts, an (E) designation (E-694) for hazardous materials, air quality, and noise would be placed on the applicant's property, Bronx Block 4440, Lots 16, 30, and 32.

The (E) designation text related to hazardous materials is as follows:

> **Task 1 – Sampling Protocol A Phase I Environmental Site Assessment must be submitted to the New York City Mayor's Office of Environmental Remediation (OER). If required based on Phase I ESA conclusions, a soil, groundwater and soil vapor testing protocol must also be submitted, including a description of methods and a site map with all sampling locations clearly and precisely represented.**
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> **If subsurface 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.**
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> **Task 2 – Remediation Determination and Protocol**
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> **A written report with findings and a summary of the data must be submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination will be 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.**
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> **If remediation is needed, a proposed remediation plan must be submitted to OER for review and approval. Such remediation must be completed as determined necessary by OER. Appropriate documentation indicating that the work has been satisfactorily completed must be provided.**
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> **A Construction Health and Safety Plan (CHASP) 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 CHASP will be submitted to OER prior to implementation.**

The (E) designation text related to air quality is as follows:

> **Block 4440, Lots 16, 30, and 32 (Projected Development Site)**
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> **Any new residential, commercial and/or community facility development on the above-referenced property must use natural gas as the type of fuel for the heating, ventilating, and air conditioning (HVAC) systems and hot water equipment and ensure the HVAC systems and hot water equipment stack is located at the highest tier**

and at least 120 feet above grade to avoid any potential significant adverse air quality impacts.

The (E) designation text related to noise is as follows:

Block 4440, Lots 16, 30, and 32 (Projected Development Site)

In order to ensure an acceptable interior noise environment, future residential/commercial office/community facility uses must provide a closed-window condition with a minimum of 28 dBA window/wall attenuation on the facades facing Boston Road and the facades facing Barnes Avenue within 50 feet of Boston Road and the facades facing Matthews Avenue within 50 feet of Boston Road in order to maintain an interior noise level not greater than 45 dBA for residential and community facility or not greater than 50 dBA for commercial office uses as illustrated in the EAS. 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.

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, 2022, prepared in connection with the ULURP Application (Nos 220283ZMX and N220284ZRX). 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:

The Applicant agrees to enter into a Restrictive Declaration (RD) to ensure the implementation of Project Components Related to the Environment (PCREs) relating to transportation and construction noise that would avoid the potential for any significant adverse impacts. The PCREs are as follows:

1. The Applicant shall implement as part of its development of the Project Site, and at its sole cost and expense, the following construction noise PCREs:
    a. Source Controls listed below shall be implemented beyond existing New York regulations for construction of the proposed project:
        i. The applicant commits to achieving specific construction equipment noise levels identified in the EAS through the use of quieter equipment, better engine mufflers, refinements in fan design, and improved hydraulic systems.
        ii. Pile installation and foundation elements shall be constructed by drilling rather than impact pile driving.
        iii. Concrete pump and mixer trucks will not be used during superstructure construction.

b. Path Controls listed below shall be implemented beyond existing New York regulations for the construction of the proposed project:
    i. Concrete operations, including pumps and trucks, would occur within a 12-foot plywood enclosure along Barnes and Matthews Avenues.
    ii. Path noise control measures (e.g., portable noise barriers, panels, enclosures, and acoustical tents) for generators would be implemented. The details to construct portable noise barriers, enclosures, tents, etc., are noted in DEP's Rules for Citywide Construction Noise Mitigation.

2. The Applicant shall implement, at its sole cost and expense, the following transportation measures:
    a. The applicant shall develop and submit a plan for review and approval by NYC DOT to re-stripe the northeast-bound Boston Road approach at Allerton Avenue to widen the left lane from 9'-6" to 11'. The two through lanes would be narrowed from 10'-6" to 10' and 12' to 11'. The 8'-wide parking lane would remain the same. The improvement would apply to all time periods.

Supporting Statement:

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

1. The applicant will enter into a Restrictive Declaration to ensure the implementation of project components relating to transportation and construction noise which would avoid the potential for any significant adverse impacts related thereto.

2. 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: October 21, 2022

David Schwartz

Name of Applicant or Authorized Representative

Stephanie Shellooe, AICP, Director
Environmental Assessment and Review Division
Department of City Planning

Date: October 21, 2022

Daniel R. Garodnick, Chair
City Planning Commission

Date: March 27, 2023