DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

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Department of City Planning

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POSITIVE DECLARATION

September 16, 2009

Project Identification
CEQR No. 10DCP002K
ULURP No. Pending
SEQRA Classification: Unlisted

Lead Agency
City Planning Commission
22 Reade Street
New York, NY 10007
Contact: Robert Dobruskin
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Name, Description and Location of Proposal:

1752 Shore Parkway Rezoning
The applicant, Thor Shore Parkway Developers, LLC, is proposing the following discretionary actions in connection with the proposed redevelopment of a 363,737 square foot parcel located at 1752 Shore Parkway (Block 6491, Lots 207 and 292) along the western shore of Gravesend Bay (Lower New York Bay) in the Bensonhurst neighborhood of Brooklyn, Community District 11:

- A zoning map amendment to rezone 1752 Shore Parkway from M3-1 to M1-1. The existing M3-1 district is a medium density manufacturing district that allows industrial uses at a maximum FAR of 2.0 and includes performance standards. The proposed M1-1 district is a manufacturing district that allows light industrial and certain commercial uses at a maximum FAR of 1.0.

- A special permit pursuant to ZR 74-922 to permit certain commercial establishments over 10,000 square feet in an M1 zoning district;

- A special permit pursuant to ZR 62-836 to permit bulk modifications on waterfront blocks;

- A special permit pursuant to ZR 74-744 to permit modification of signage requirements in General Large-Scale Developments;

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- A Chairperson certification pursuant to ZR 62-811 for public access to the waterfront and visual corridor; and

- A City Planning Commission authorization pursuant to ZR 62-822, paragraph (a), for modification of the provision of ZR 62-56 that requires that an upland connection be provided at least every 600 feet along a shore public walkway.

Additionally, the following discretionary approval may be sought:

- A City Planning Commission authorization pursuant to ZR 62-822, paragraph (b), to modify certain requirements of ZR 62-60 (design requirements for waterfront public access areas).

The proposed project would also require the following permits: a Joint Permit Application from the New York State Department of Environmental Conservation (NYSDEC) and Army Corps of Engineers to permit an in-water work, stabilization of riprap, outfalls, upland building and esplanade coverage; a State Pollutant Discharge Elimination System (SPDES) Permit from NYSDEC, to permit the discharge of stormwater during and after construction; and a Beneficial Use Determination (BUD), including a Soil Management Plan (SMP) from NYSDEC to permit the on-site reuse of soil from the western half of the project site to the eastern half of the project site.

The proposed actions would facilitate a proposal by the applicant to redevelop the project site with a two-story commercial building containing 214,000 gross square feet of Use Group 6 and 10 retail uses; 97,000 square feet of publicly accessible waterfront open space, and an unattended 690-space above-grade accessory parking garage. The project site is currently occupied by a bus storage facility and is developed with a two-story building, a one-story storage building and an accessory parking lot. Absent the proposed actions, the applicant has stated that the site would remain a bus storage operation.

Construction of the proposed project is anticipated to be completed by 2013.

Statement of Significant Effect:

On behalf of the City Planning Commission, the Environmental Assessment and Review Division has determined, pursuant to 6 NYCRR Part 617.7, that the proposed action may have a significant effect on the quality of the environment as detailed in the following environmental impacts, and that an environmental impact statement will be required:

1. The actions, as proposed, may result in significant adverse impacts related to land use, zoning, and public policy in the vicinity of the affected area.

2. The actions, as proposed, may result in significant adverse impacts on socioeconomic conditions in the vicinity of the affected area.

3. The actions, as proposed, may result in significant adverse shadow impacts in the vicinity of the affected area.

4. The actions, as proposed, may result in significant adverse impacts on urban design and visual resources in the vicinity of the affected area.

5. The actions, as proposed, may result in significant adverse impacts on neighborhood character in the vicinity of the affected area.

6. The actions, as proposed, may result in significant adverse impacts to natural resources in the affected area.

7. The actions, as proposed, may result in significant adverse hazardous materials impacts in the affected area.

8. The actions, as proposed, are located within the designated coastal zone and may result in significant adverse impacts related to the Waterfront Revitalization Program (WRP) within the affected area.

9. The actions, as proposed, may result in significant adverse impacts to traffic, and parking conditions in the vicinity of the affected area.

10. The actions, as proposed, may result in significant adverse impacts to air quality in the vicinity of the affected area.

11. The actions, as proposed, may result in significant adverse noise impacts in the vicinity of the affected area.

12. The actions, as proposed, may result in significant adverse construction-related impacts.

13. The actions, as proposed, may result in significant adverse impacts related to other aspects of the environment.

Supporting Statement:

The above determination is based on an Environmental Assessment Statement and Draft Scope of Work for an Environmental Impact Statement prepared for the action which finds that:

1. The proposed actions would facilitate the development of an approximately 214,000 square foot commercial development with publicly accessible open space uses which could affect land use, zoning and public policy in the surrounding area, which is zoned M3-1 and R6.

2. The proposed project would result in the development of approximately 214,000 square feet of commercial space on the project site. The development induced as a result of the proposed actions could potentially alter socioeconomic conditions in the area.

3. The proposed actions would result in the construction of a new building which would be approximately 56 feet tall at its highest point. The proposed building has the potential to cast shadows on nearby parks and other sunlight sensitive resources.

4. The proposed actions would result in a new commercial building whose use and form could differ from existing urban design elements in the affected area, and may affect the urban design character and visual resources of the area.

5. The proposed actions would result in new development which could alter existing neighborhood character by affecting land use, socioeconomic conditions, urban design, traffic, and noise.

6. The project site is located on the waterfront. Although most of the site consists of the parking facility and associated structures, upland vegetation, tidal wetlands and New York State Department of Environmental Conservation (NYSDEC)-regulated tidal wetland adjacent areas are also located on the site. Construction activities may affect natural resources, including the excavation and grading activities, vegetation clearing and grubbing, and work along the waterfront. In addition, waterfront construction activities may affect water quality.

7. The project site is within and adjacent to an M3-1 district, which allows heavy industrial uses. Historic uses on the project site are known to have included solid waste disposal, coal storage, an asphalt plant, auto dealership/rentals, and numerous underground and aboveground storage tanks. Based on these factors, new development on the project site has the potential to increase pathways of exposure to hazardous materials.

8. The proposed actions would result in new development in the designated coastal zone which could potentially be inconsistent with the policies of the LWRP.

9. The proposed actions would result approximately 214,000 square feet of commercial space of new development in the rezoning area which could result in additional vehicular trips and additional parking demand in the vicinity of the affected area.

10. The proposed actions would result in new development in the rezoning area which could potentially result in air quality impacts due to increased mobile source (vehicular) and stationary source (HVAC system) emissions. In addition, the proposed project would include waterfront access for the public in an area zoned for heavy manufacturing, potentially introducing sensitive receptors to industrial source emissions.

11. The proposed actions would increase traffic volumes and the immediate vicinity, which could result in additional traffic noise. The proposed action could also potentially result in noise impacts due to the introduction of sensitive receptors.

12. The proposed actions would result in new development that would involve demolition and construction activities which may result in temporary construction-related impacts.

13. The proposed actions would result in approximately 214,000 square feet of commercial space in an area currently zoned for manufacturing, creating the potential for human exposure to hazardous materials. This could potentially result in public health concerns.

14. Based on the preliminary screening assessments outlined in the *CEQR Technical Manual*, the following environmental areas would not require detailed analysis for the proposed project in the Draft Environmental Impact Statement (DEIS): community facilities; open space; historic resources; and transit and pedestrians.

15. The Draft Environmental Impact Statement (DEIS) to be prepared for the proposed action will identify and describe any other potential effects on the environment.

Public Scoping:

The CEQR lead agency hereby requests that the applicant prepare or have prepared, at their option, a Draft Environmental Impact Statement (DEIS) in accordance with 6 NYCRR 617.9(b) and Sections 6-08 and 6-12 of Executive Order No. 91 of 1977 as amended (City Environmental Quality Review).

A public scoping meeting has been scheduled for Thursday, October 29, 2009 at 10:00 AM at City of New York Department of City Planning, Spector Hall, 22 Reade Street, New York, New York 10007. Written comments will be accepted by the lead agency through the tenth day following the scoping meeting.

This determination has been prepared in accordance with Article 8 of the Environmental Conservation Law.

If you have any questions pertaining to this Positive Declaration, please contact the project manager, Olga Abinader, at (212) 720-3493.

Robert Dobruskin

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9/16/09

Date