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 proposed actions are a Zoning Map Amendment from R4-1, R4A, R4A/C1-2 zoning districts to R5B/C2-4 and R6A/C2-4 zoning districts and a Zoning Text Amendment to establish a Mandatory Inclusionary Housing (MIH) area coterminous with the rezoning area in the Schuylerville neighborhood of Bronx Community District 10. The Project Area consists of Block 5312, Lots 1, 10, 19, and p/o 21; Block 5309, Lot 1, 7, 11, 35, 36, 41, 42, 44, 47, 50, 54, and p/o 60; Block 5306, Lots 8, 18, 19, 22, 23, 28, 30, 31, and 231; Block 5307, Lots 55, 58, 61, 63, 64, 66, 67, 73, 75, and 76. In conjunction with this application, the Applicant is also requesting the demapping of Meyers Street between Edison Avenue and East Tremont Avenue (a segment approximately 400 feet in length) in a separate application before the City Planning Commission. The Proposed Actions would facilitate development on four applicant-owned development sites: Projected Development Site 1 (Block 5312, Lot 1), Projected Development Site 2 (Block 5309, Lots 35, 36, 41, 42, 44, 47 and 50), Projected Development Site 3 (Block 5306, Lots 8, 18, 19, 22 and 23), and Projected Development Site 4 (Block 5307, Lots 61, 63, 64, 66 and 67). Project Development Sites 1-4 would contain a total of 324,082 gross square feet (gsf), including 269,975 gsf of residential floor area and 54,107 gsf of commercial floor area. Projected Development Sites 1-4 would contain a total of 384 residential units, between 96 and 116 of which would be permanently affordable pursuant to the MIH program. A total of 301 accessory parking spaces would be provided across all four sites. The Proposed Actions would also facilitate development of three non-applicant controlled development sites, Projected Development Site 5 (Block 5309, Lots 1, 7 and 54), Projected Development Site 6 (Block 5307, Lots 73, 75 and 76), and Potential Development Site A (Block 5306, Lots 28, 30, 31 and 23). The proposed actions reinforce existing land use patterns, reflecting local commercial activity along Bruckner Boulevard and East Tremont Avenue, both wide streets. Zoning provisions of the R6A/C2-4 and R5B/C2-4 zoning districts would ensure that development under the proposed zoning districts would be compatible with the lower density residential development surrounding the Project Area. Significant adverse impacts related to land use, zoning and public policy are not expected to occur as a result of the Proposed Actions and no further analysis is required.

Community Facilities

A detailed analysis related to community facilities and services (primary schools) is included in this EAS. The analysis finds that the Proposed Actions would result in an increment of 82 new primary school students, exceeding the threshold described in the CEQR Technical Manual for a detailed analysis of primary schools. The analysis finds that while the increase would result in a utilization rate of 145% for primary schools in the study area, the incremental increase from the Proposed Actions would only be 3%, and would not exceed significant adverse impact criteria identified in the CEQR Technical Manual. The Proposed Actions would therefore not result in any significant adverse impacts to community facilities and services, and no further analysis is required.

Open Space

A detailed analysis related to open space is included in this EAS. The Proposed Actions would result in an increase of approximately 1,085 new residents, which is above the threshold described in the CEQR Technical Manual for a detailed analysis of residential (active) open space. The open space ratio for residents in the study area would decrease by approximately 4.79% as a result of the Proposed Actions. The analysis finds that while there would be a decrease in open space ratio as a result of the increase in population, a number of qualitative factors would help to prevent an impact to open space resources. Open space resources would be provided on Projected Development Sites 1-3, including outdoor recreation areas on Projected Development Sites 1 and 3, which would serve to meet at least a portion of the active and passive open space needs of the projects' residents. The Proposed Actions would therefore not result in any significant adverse impacts to open space, and no further analysis is required.

Shadows

A detailed analysis related to shadows is included in this EAS. The Projected and Potential Development Sites are expected to cast shadows on three sunlight-sensitive open space resources: St. Raymond's Cemetery, Miele Park and the Hutchinson River Parkway. The shadows created by the Projected and Potential Development Sites are not anticipated to result in significant adverse impacts to these open space resources. Shadows on these resources would cover a limited area, particularly on St. Raymond's Cemetery, where no shadows will be cast on walking paths. Shadows on Miele Park and the Hutchinson River Parkway are limited in duration and are not anticipated to affect sunlight sensitive plantings. On each relevant analysis day the resources will still receive four to six hours of sunlight in all areas. The development facilitated by the Proposed Actions is not expected to result in the potential for significant adverse shadows impacts.

Transportation

A detailed analysis related to transportation is included in this EAS. Transportation related vehicle trips, and pedestrian trips resulting from the Proposed Actions would exceed the relevant CEQR Technical Manual thresholds for conducting a detailed analysis of traffic and pedestrian impacts, therefore, the following Level 1 and Level 2 Screening assessments have been prepared. The detailed analysis concluded that in the future with the proposed project, all five (5) intersections would operate in an acceptable LOS, below Mid LOS D, during all peak hours and there would be no significant adverse traffic impacts. The Proposed Actions would result in over 200 pedestrian trips at more than one peak-hour period, exceeding the threshold described in the CEQR Technical Manual for a detailed analysis. The analysis finds that while there would be more pedestrian trips at the mid-day and p.m. peak hours and the Saturday mid-day peak hours, the increase in trips would not affect the level of service

Project Name: Bruckner Sites Rezoning
CEQR # 22DCP015X
SEQRA Classification: Unlisted

(LOS) of intersections studied in the Project Area study area, and all intersections would continue to operate at LOS A or B. The Proposed Actions would therefore not result in any significant adverse impacts to transportation, and no further analysis is required.

Hazardous Materials, Air Quality, and Noise

An (E) designation (E-669) 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 Stephanie Shellooe at +1 212-720-3328.

TITLE Director, Environmental Assessment and Review Division	LEAD AGENCY 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 March 25, 2022
SIGNATURE	
TITLE Chair, City Planning Commission	
NAME Daniel R. Garodnick	DATE March 28, 2022
SIGNATURE	

Project Name: Bruckner Sites Rezoning
CEQR # 22DCP015X
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	Bronx	Block 5312, Lot 1
Projected Development Site 2	Bronx	Block 5309, Lots 35, 36, 41, 42, 44, 47 and 50
Projected Development Site 3	Bronx	Block 5306, Lots 8, 18, 19, 22 and 23
Projected Development Site 4	Bronx	Block 5307, Lots 61, 63, 64, 66 and 67
Projected Development Site 5	Bronx	Block 5309, Lots 1, 7 and 54
Projected Development Site 6	Bronx	Block 5307, Lots 73, 75 and 76
Potential Development Site A	Bronx	Block 5306, Lots 28, 30, 31 and 231

(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-669**) would be established as part of approval of the proposed actions on **Projected Development Sites 1-6 and Potential Development Site A** as described below:

Development Site	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
Projected Development Site 4	X	X	X
Projected Development Site 5	X	X	X
Projected Development Site 6	X	X	X
Potential Development Site A	X	X	

Hazardous Materials

The (E) designation requirements applicable to **Projected Development Site 1-6 and Potential Development Site A** 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.

Project Name: Bruckner Sites Rezoning
CEQR # 22DCP015X
SEQRA Classification: Unlisted

Air Quality

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

Block 5312, Lot 1 (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 88 feet above grade, and that the stack is located at least 20 feet from the western lot line facing Edison Avenue to avoid any potential significant adverse air quality impacts.*

Block 5309, Lots 35, 36, 41, 42, 44, 47, 50 (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 54 feet above grade, and that the stack is located at least 130 feet from the western lot line facing East Tremont Avenue to avoid any potential significant adverse air quality impacts.*

Block 5306, Lots 8, 18, 19, 22, 23 (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 84 feet above grade, and that the stack is located at least 70 feet from the eastern lot line facing East Tremont Avenue to avoid any potential significant adverse air quality impacts.*

Block 5307, Lots 61, 63, 64, 66, 67 (Projected Development Site 4): *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 36 feet above grade, and that the stack is located at least 55 feet from the western lot line facing Balcom Avenue to avoid any potential significant adverse air quality impacts.*

Block 5309, Lots 1, 7, 54 (Projected Development Site 5): *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 88 feet above grade to avoid any potential significant adverse air quality impacts.*

Block 5307, Lots 73, 75, 76 (Projected Development Site 6): *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 36 feet above grade, and that the stack is located at least 45 feet from the eastern lot line facing East Tremont Avenue to avoid any potential significant adverse air quality impacts.*

Block 5306, Lots 28, 30, 31, 231 (Potential Development Site A): *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 88 feet above grade, and that the stack is located at least 70 feet from the western lot line facing Revere Avenue to avoid any potential significant adverse air quality impacts.*

Project Name: Bruckner Sites Rezoning
CEQR # 22DCP015X
SEQRA Classification: Unlisted

Noise

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

Block 5312, Lot 1 (Projected Development Site 1): *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 to maintain an interior noise level not greater than 45 dBA for residential uses or not greater than 50 dBA for commercial office uses. 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 5309, Lots 35, 36, 41, 42, 44, 47, 50 (Projected Development Site 2): *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 eastern, western and southern facades to maintain an interior noise level not greater than 45 dBA for residential uses or not greater than 50 dBA for commercial office uses. 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 5306, Lots 8, 18, 19, 22, 23 (Projected Development Site 3): *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 eastern, western and northern facades and a minimum of 33 dBA window/wall attenuation on the southern facade to maintain an interior noise level not greater than 45 dBA for residential uses or not greater than 50 dBA for commercial office uses. 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 5307, Lots 61, 63, 64, 66, 67 (Projected Development Site 4): *To ensure an acceptable interior noise environment, future residential/commercial office uses must provide a closed-window condition with a minimum of 33 dBA window/wall attenuation on all facades to maintain an interior noise level not greater than 45 dBA for residential uses or not greater than 50 dBA for commercial office uses. 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 5309, Lots 1, 7, 54 (Projected Development Site 5): *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 to maintain an interior noise level not greater than 45 dBA for residential uses or not greater than 50 dBA for commercial office uses. 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 5307, Lots 73, 75, 76 (Projected Development Site 6): *To ensure an acceptable interior noise environment, future residential/commercial office uses must provide a closed-window condition with a minimum of 33 dBA window/wall attenuation on all facades to maintain an interior noise level not greater than 45 dBA for residential uses or not greater than 50 dBA for commercial office uses. 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.*