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 project. Based on a review of information about the project contained in this environmental assessment statement and any attachments hereto, which are incorporated by reference herein, the lead agency has determined that the proposed project 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 have no significant effect on the quality of the environment. Reasons supporting this determination are noted below.

Hazardous Materials, Air Quality, and Noise

An (E) designation (E-531) for hazardous materials, air quality and noise has been incorporated into the proposed actions. Refer to "Determination of Significance Appendix: (E) Designation" for a list of the sites affected by the proposed (E) designation and applicable (E) designation requirements. With these measures in place, the proposed actions would not result in significant adverse impacts to hazardous materials, air quality or noise.

Shadows

This EAS conducted a detailed Shadows analysis which found that incremental shadows would be cast on four publicly accessible sunlight-sensitive open space resources and one private open space resource associated with a NYCHA residential campus (i.e., Carver Houses, an eligible historic resource). The shadows cast on these sunlight-sensitive resources as a result of the proposed actions would not be significant enough in size or duration to effect public utilization of the open spaces or the growth of vegetation. As such, the proposed actions would not affect the vitality or usage of the sunlight-sensitive resources identified in the study area, and significant adverse impacts from shadows would not result from the proposed actions.

Historic and Cultural Resources

This application is classified as Type I under SEQRA regulations, due to the project area's proximity to historic resources. An assessment of historic resources was conducted and found that the proposed actions would not result in any types of visual or contextual impacts to the known historic resources within the study area, as all of the new buildings that could be developed under the proposed actions would be of height and bulk consistent with those within the surrounding area, nor would the proposed actions introduce any incompatible visual, audible, or atmospheric elements to the settings of known or eligible historic resources located in the area.

Activities associated with the construction of the proposed project could have potential significant adverse impacts on the Flower Hill Hospital Building, an eligible historic resource located within the project area. The implementation of a Construction Protection Plan in compliance with the Department of Building's Technical Policy and Procedure Notice (TPPN) #10/88 would avoid this potential impact. To ensure compliance with TPPN #10/88, the applicant will enter into a restrictive declaration that will specify all necessary project components related to the environment (PCREs) such as TPPN #10/88 is implemented by the applicant.

Transportation

A detailed transportation analysis was included in the EAS for traffic, pedestrians, and parking. The traffic analysis identified the need for a 3 second signal timing change at the intersection of Madison Avenue and East 106th Street to avoid a significant adverse impact at that location. The applicant shall make a request to DOT upon completion of the proposed project and coordinate with DOT at that time to implement the signal timing change. Therefore, with the incorporation of this PCRE into the above referenced restrictive declaration, no significant adverse traffic impacts are projected to occur as a result of the proposed actions.

The pedestrian analyses found that no significant adverse pedestrian impacts are projected to occur at any pedestrian element as a result of the proposed action. The parking analysis found that, while some drivers traveling to the project area would potentially have to find on-street parking or travel a greater distance to find available off-street public parking, the shortfall would not be considered a significant adverse parking impact.

Construction

The EAS conducted a detailed analysis of construction air quality and construction noise that incorporated a number of best management practices as part of the analyses. The restrictive declaration that will be imposed upon the applicant will specify these practices as PCREs. In addition, the restrictive declaration will require the appointment of an independent environmental monitor to ensure that these and other construction-related PCREs are implemented during the development of the applicant's proposed project. With the incorporation of these measures, the proposed actions would not result in significant adverse impacts related to construction activities.

TITLE	LEAD AGENCY
Deputy Director, Environmental Assessment and Review Division	Department of City Planning, acting on behalf of the City Planning Commission
NAME Olga Abinader	DATE 4/5/2019
SIGNATURE	

TITLE	
Chair, City Planning Commission	
NAME Marisa Lago	DATE 4/8/2019
SIGNATURE	

Project Name: Terence Cardinal Cooke Rezoning
CEQR #: 19DCP070M
SEQRA Classification: Type I

Determination of Significance Appendix: (E) Designation (E-531)

Hazardous Materials

To ensure that there would be no significant adverse hazardous materials impacts associated with the proposed project, an E designation (E-531) will be placed on the project site as follows:

Block 1611, Lots 1 and 15:

Task 1 - Sampling Protocol

The applicant submits to OER, for review and approval, a Phase 1A of the site along with a soil and groundwater 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 sample sites should be selected to adequately characterize the site, the specific source 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 be 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 the 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. An OER-approved construction-related health and safety plan would be implemented during evacuation and construction and activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. This plan would be submitted to OER for review and approval prior to implementation.

Air Quality

To ensure that there would be no significant adverse hazardous materials impacts associated with the proposed project, an E designation (E-531) will be placed on the project site as follows:

Block 1611, p/o Lot 1 (FHH Building):

Any new fossil fuel fired heating and hot water systems on the portion of Block 1611, Lot 1 within 150 feet of Fifth Avenue, must utilize only natural gas, be fitted with low NOx (30 ppm) burners with the maximum capacity of 10.04 MMBtu/hr, and ensure that fossil fuel-fired heating and heating and hot water equipment exhaust stack(s) are located at least 181 feet above grade, and located no greater than 66 feet away from the lot line facing Fifth Avenue, to avoid any potential significant air quality impacts.

Noise

To ensure that there would be no significant adverse hazardous materials impacts associated with the proposed project, an E designation (E-531) will be placed on the project site as follows:

Block 1611, p/o Lots 1 and 15:

To ensure an acceptable interior noise environment, future development at Block 1611, Lot 15 and the portion of Lot 1 beyond 150 feet east of Fifth Avenue (e.g., the area that is being rezoned under the Proposed Actions) must provide a closed-window condition with a minimum attenuation as shown in Table J-7 to ensure an interior L10 noise level not greater than 45 dBA or lower for residential and community facility uses or not greater than 50 dBA for commercial 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.