DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Marisa Lago, *Director*
Department of City Planning

October 29, 2018

Daniel Egers
Greenberg Traurig, LLP
200 Park Avenue
New York, NY 10166

Re: **1640 Flatbush Rezoning**
CEQR No. 19DCP028K
ULURP Nos. 190053ZMK, N190054ZRK
Brooklyn, Community District 14

Dear Mr. Egers:

Under City Environmental Quality Review, the lead agency is required to determine whether a proposed action may or will not have a significant effect on the environment. In accordance with this regulation, the City Planning Commission had determined that the proposed action will not have a significant effect on the environment.

Enclosed is the Negative Declaration for CEQR No. 19DCP028K, 1640 Flatbush Rezoning, including supporting statements for the finding that the proposed action will not have a significant effect. The Negative Declaration was issued on October 29, 2018.

Sincerely,

Olga Abinader

cc: Marisa Lago, Chair
City Planning Commissioners
Raju Mann, City Council
Anthony Grande
Diane McCarthy
Susan Wong
Steven Lenard
Kenny Ramnarine
Pat Bussey
Eric Adams, Brooklyn Borough President
Brooklyn Community District 14

Olga Abinader, *Acting Director*
120 Broadway, 31st Floor, New York, N.Y. 10271
Phone (212) 720-3493 Fax (212) 720-3488
oabinad@planning.nyc.gov

NEGATIVE DECLARATION (Use of this form is optional)

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

To ensure that the proposed actions would not result in significant adverse hazardous materials, air quality, and noise impacts an (E) Designation (E-506) will be placed on Projected Development Site 1 (Block 7577, Lot 60). Refer to "Determination of Significance Appendix: (E) Designation" for the applicable (E) designation requirements. The analyses conducted for hazardous materials, air quality, and noise conclude that with the (E) Designation requirements in place, the proposed actions would not result in significant adverse impacts related to hazardous materials, air quality, or noise.

Land Use, Zoning, and Public Policy

A detailed analysis of the effects of the proposed actions on Land Use, Zoning and Public Policy was included in the EAS. The proposed actions would facilitate an increase in residential and commercial density on the development site and would bring existing residential uses within the directly affected area into greater conformance and compliance with zoning. The proposed actions would be compatible with the land use pattern and zoning of the surrounding area and recent development trends. The analysis concludes that no significant adverse impacts related to Land Use, Zoning and Public Policy would result from the proposed actions.

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)

TITLE	LEAD AGENCY
Acting Director, Environmental Assessment and Review Division	Department of City Planning, acting on behalf of the City Planning Commission
NAME: Olga Abinader	DATE: 10/26/18
SIGNATURE: Olga Abinader	

TITLE	
Chair, City Planning Commission	
NAME: Marisa Lago	DATE: 10/29/18
SIGNATURE: Marisa Lago	

Project Name: 1640 Flatbush Avenue
CEQR #: 19DCP028K
SEQRA Classification: Unlisted

Determination of Significance Appendix: (E) Designation

To ensure that the proposed actions would not result in significant adverse hazardous materials, air quality, and noise impacts, an (E) Designation **(E-506)** will be placed on **Projected Development Site 1 (Block 7577, Lot 60)** as described below:

Hazardous Materials

The (E) Designation requirements for hazardous materials are 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 are as follows:

Any new residential and/or commercial development on Block 7577, Lot 60, must utilize only natural gas in any fossil fuel-fired heating and hot water equipment, be fitted with low NOx (30 ppm) burners, and heating and hot water exhaust stacks must be located at the highest tier and at least 148 feet above grade.

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Noise

The (E) Designation requirements for noise are as follows:

> **In order to ensure an acceptable interior noise environment, future residential uses must provide a closed window condition with a minimum of 31 dBA window/wall attenuation on façades facing Flatbush Avenue, Lot 7501, and Aurelia Court (within 50 feet of Flatbush Avenue) to maintain an interior noise level of 45 dBA. 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.**