ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION
Sideya Sherman, Director Department of City Planning

Memorandum

To: Sarah Whitham, Alex Sommer

From: Evren Ulker-Kacar EUK

Date: August 6, 2026

Re: Qualified Action Determination

Land Use Application No.: 220026ZMK, N220027ZRK

Project Name: 2959 Avenue Y Rezoning

CEQR No.: 24DCP021K

Department Determination

The Department of City Planning has reviewed the above-referenced application and determined that, pursuant to Subdivision 5 of section 8-0111 of the Environmental Conservation Law, it is a Qualified Action not subject to further review under SEQRA / CEQR.

This Qualified Action:

_X_(Subdivision 5-a(b)(i)(1-6)) is an action for the purposes of the construction of housing that shall:

- Be connected to existing community or public water and sewerage systems at the commencement of habitation;
- Be located at a previously disturbed site;
- Not be located within an area zoned exclusively for industrial uses;
- Contain no more than fifty thousand square feet of commercial, retail, community facility or other non-industrial non-residential uses;
- Either:
  - Not exceed 250 dwelling units, or
  - Not exceed 500 dwelling units within a zoning district where, at the time of application, the standard maximum residential building height is greater than forty-five feet; or the maximum height of a building is regulated by something

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other than a horizontal plane and that allows residential buildings to exceed 45 feet, or there is no such maximum building height;

- Not include construction of only one single-family residence on a parcel of one-half or more acres.
- (Subdivision 5-a(c)(i)) is subject to local municipal requirements regarding hazardous materials and is accompanied by an applicant certification where applicable.[1]

___(Subdivision 5-a(b)(iii)) is an action for the purposes of construction of public parks located at a previously disturbed site that do not include performance centers, athletic stadiums, or other venues for mass gatherings, or other buildings or structures which do not serve public park, recreation, or open space purposes;

___Subdivision 5-a(b)(iv) is an action for the purposes of multi-use bicycle and pedestrian trails located at a previously disturbed site;

___Subdivision 5-a(b)(v) is an action for purposes of construction of public school facilities to be connected at the commencement of use to existing community or public water and sewerage systems, including sewage treatment works, (Subdivision 5-a(c)(i)) is subject to local municipal requirements regarding hazardous materials, and is accompanied by an applicant certification where applicable.

___Subdivision 5a(b)(vi) an action for the purposes of water and wastewater infrastructure projects that:

- replace, rehabilitate or reconstruct municipal water or wastewater infrastructure, in-kind and on the same site, including lead service line replacement;
- replace, rehabilitate, upgrade or reconstruct an existing small community water system, including lead service line replacement; or
- provide sewer service to a disadvantaged community served by one or more inadequate sewage treatment systems that has been determined by the department not to require a permit or approval pursuant to articles fifteen, twenty-four or twenty-five of this chapter or any rules or regulations promulgated thereunder;

___Subdivision 5a(b)(vii) an action for the purposes of a retrofit of an existing structure and its appurtenant areas to incorporate green infrastructure.

[1] E-912 for hazardous materials will be placed on Block 7423, Lots 36 and 38.

Applicant Provided Information

Proposed Action

The Applicant, Yaakov Marcus, seeks approval of a zoning map amendment and a zoning text amendment (the "Proposed Actions") on Block 7423, Lots 36, 38, and portion of (p/o) Lot 11 (the "Rezoning Area") in the Sheepshead Bay neighborhood of Brooklyn Community District 15. The Rezoning Area is a corner assemblage of three tax lots with approximately 25,270 square feet (sf) of lot area, with 200 feet of frontage along Avenue Y and 125 feet of frontage along both Brown Street and Haring Street.

The proposed zoning map amendment would change the existing R5 zoning district to an R7D zoning district. The proposed zoning text amendment would amend Appendix F of the Zoning Resolution (ZR) to designate the Rezoning Area as a Mandatory Inclusionary Housing (MIH) area.

The Proposed Actions would result in development on applicant-owned Projected Development Site 1 (Block 7423, Lots 36 and 38; approximately 14,386 sf of lot area).

No development is anticipated on the non-applicant owned Block 7423, p/o Lot 11 as it does not meet the soft site criteria described in the CEQR Technical Manual. The portion of Lot 11 proposed for rezoning is occupied by private open space serving the existing six-story, 240 dwelling unit residential building, and is not anticipated for redevelopment.

Proposed Project

The Proposed Actions would facilitate the Applicant's proposed development of a new seven-story (plus cellar), approximately 78.5-foot-tall, mixed residential and community facility building (the "Proposed Development") of approximately 95,931 gross square feet (GSF) on Projected Development Site 1, containing approximately 44,566 GSF of residential uses (38 dwelling units [DUs] averaging approximately 1,173 sf per unit, 20-30% of which (8–12 DUs) would be income-restricted pursuant to MIH depending on the option selected) and approximately 51,365 GSF of community facility uses, consisting of a school and a synagogue. The cellar would include 28 parking spaces with ten stackers, for a total of 38 accessory parking spaces.

Future Without the Proposed Actions (No-Action Condition)

In the No-Action Condition, the existing conditions on the lots comprising the Rezoning Area would remain. No Development is anticipated.

Future With the Proposed Actions (With-Action Condition)

In the With-Action Condition, assuming a typical factor of 850 sf per unit, Projected Development Site 1 would be developed with a ten-story (115-foot-tall) mixed-use residential and community facility building containing a total of approximately 96,261 GSF, consisting of 45,131 GSF of residential floor area with 53 DUs and 51,130 GSF (2.5 FAR) of ground-floor community facility use space. Of the 53 DUs, 20-30% (11–19 DUs) would be income-restricted pursuant to MIH Options 1, 2, or 3. Twenty required accessory parking spaces (fifty percent of the 40 market-rate units) would be provided.

Table 1: Total Development Increment (All Projected Development Sites)

Use	No-Action Condition	With-Action Condition	Increment
Residential GSF	0	45,131	+45,131
DUs (850 sf dwelling factor)	*0*	*53*	*+53*
Affordable DUs	*0*	*11–19*	*+11–19*
Community Facility GSF	7,030	51,130	+44,100
Accessory Parking Spaces	0	20	+20

Attachment: Applicant Hazardous Materials Certification

Yeshivat Or HaTorah
2959 Avenue Y
Brooklyn, NY 11235

Applicant Hazardous Materials Certification

Pursuant to Subdivision 5 of Section 8-0111 of the Environmental Conservation Law, certain applications seeking a Qualified Action determination by a lead agency must complete an Applicant Certification regarding hazardous materials remediation.

Project Name: 2959 Avenue Y Rezoning

Applicant Name: Yeshivat Or HaTorah

Contact: Yaakov Marcus

Date: 7/21/2026

Project Number: CEQR #: 24DCP021K; ULURP #: 220026ZMK, N220027ZRK

Project BBLs: 3074230036, 3074230038, p/o 3074230011

I, Yaakov Marcus, am the owner of Yeshivat Or HaTorah, the applicant ("Applicant") for a zoning map amendment from R5 to R7D and a zoning text amendment to Appendix F of the Zoning Resolution to designate a Mandatory Inclusionary Housing area ("the Application"). Applicant seeks a determination that the Application is a Qualified Action under Subdivision 5 of Section 8-0111 of the Environmental Conservation Law (the "Qualifying Action"). Applicant is the fee owner of 3074230036 and 3074230038 (Block 7423, Lots 36 and 38) (the "Property"), subject to the Application.

Applicant acknowledges that the Application is required to comply with local municipal requirements regarding hazardous materials remediation including, as applicable, an E-Designation regarding hazardous materials (E-912) and the completion of a Phase 1 Environmental Site Assessment.

Applicant hereby certifies that:

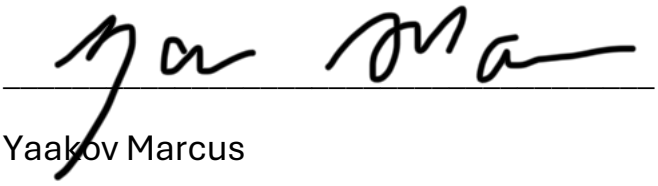
Yeshivat Or HaTorah
2959 Avenue Y
Brooklyn, NY 11235

(1) Applicant has followed and will follow all applicable laws, rules, and regulations regarding hazardous waste;

(2) a Phase I Environmental Site Assessment has been conducted for the Property in accordance with all appropriate inquiries regulations of the United States Environmental Protection Agency under the federal Comprehensive Environmental Response, Compensation, and Liability Act (40 CFR Section 312) to identify any recognized environmental conditions;

(3) Applicant has followed or will follow all applicable recommendations of such Phase I Environmental Site Assessment for the Property; and

(4) Applicant will report contamination at, on, or under the Property as required by applicable laws, rules and regulations.



Yaakov Marcus