CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

January 23, 2013

CONDITIONAL NEGATIVE DECLARATION

Project Identification
CEQR No. 11DCP022K
ULURP No. 090154ZMK
SEQRA Classification: Unlisted

Lead Agency
City Planning Commission
22 Reade Street
New York, NY 10007
Contact: Robert Dobruskin
(212) 720-3423

Name, Description and Location of Proposal

Maple Lanes Views
The applicant, Fairmont Lanes, LLC, is proposing a zoning map amendment to rezone a property located at 1560 60th Street (Block 5516, Lot 34) from M1-1 to R6A. The property is bounded by 16th Avenue, 60th and 61st Streets and the Long Island Railroad Bay Ridge Division Line right-of-way in the Borough Park/Bensonhurst neighborhood of Brooklyn, Community District 12.

The proposed action would facilitate a proposal by the applicant to develop twenty-five, four-story and cellar residential townhouses and a community facility building. The 183,498 square foot (sf) development would contain 112 dwelling units and a 7,600 sf synagogue. 56 below-grade accessory parking spaces would be provided.

The rezoning area is currently occupied by the Maple Lanes bowling alley and is zoned M1-1. M1-1 districts permit Use Groups 4-14, and 16-17, which include light manufacturing and industrial uses with a FAR of 1.0 and an FAR of 2.4 for community facility uses. Residential uses are not permitted. Maximum building height is determined by a sky exposure plane, which begins at a height of 30 feet above the street line. Off-street parking requirements vary with the use.

The proposed rezoning would establish an R6A district on Block 5516, Lot 34. R6A districts allow all housing types and have a maximum FAR of 3.00. The maximum base and building height is 60 and 70 feet, respectively. After the base height, the building must set back by at least 10 feet on a wide street and 15 feet on a narrow street before rising to its maximum height. Off-street parking is required for 50% of the total dwelling units

The affected lot for this project has an area of 72,704 square feet (sf) with a maximum allowable FAR of 1.0. The proposed rezoning would increase the allowable FAR to 3.0, thereby allowing a maximum Floor Area of 218,112 sf. In order to analyze the potential effects of the full available

buildable square footage that could be constructed as a result of the proposed action, a development consisting of 182 dwelling units and 91 below-grade accessory parking spaces was analyzed for environmental purposes. Absent the proposed action, the current use would remain. The build year is 2014.

To avoid any potential significant adverse impacts, the applicant has entered into a Restrictive Declaration for hazardous materials for their property at Block 5516, Lot 34. An (E) designation, (E-289), for noise would also apply to Block 5516, Lot 34, as described below.

The (E) designation for noise would preclude the potential for significant adverse impacts related to high levels of ambient noise. The text for the (E) designation for noise for the above properties is 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 dB(A) window/wall attenuation on all facades in order to maintain an interior noise level of 45 dB(A). In order 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, central air conditioning or air conditioning sleeves containing air conditioners.**

Statement of No Significant Effect:

The Environmental Assessment and Review Division of the Department of City Planning, on behalf of the City Planning Commission, has completed its technical review of the Environmental Assessment Statement, dated August 29, 2012, prepared in connection with the ULURP Application (Nos. 090154ZMK). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment, once it is modified as follows:

1. The applicant agrees via a restrictive declaration to prepare a Phase II Environmental Assessment Statement (ESA), hazardous materials sampling protocol and health and safety plans, which would be submitted to the Department of Environmental Protection (DEP) for approval. The applicant agrees to test and identify any potential hazardous material impact pursuant to the approved sampling protocols and, if any such impact is found, submit a hazardous material remediation plan including a health and safety plan to DEP for approval. If necessary, remediation measures would be undertaken pursuant to the remediation plans.

Supporting Statement:

The above determination is based on an environmental assessment which finds that:

1. A Phase I Environmental Site Assessment (ESA) was prepared for the project site. The

Phase I ESA was reviewed by DEP's Office of Environmental Planning and Assessment, and pursuant to a letter dated March 30, 2011 a Phase II Environmental Assessment Statement (ESA), hazardous materials sampling protocol and health and safety plan were recommended due to the potential presence of hazardous materials on the site as a result of past on-site and/or surrounding area land uses. As such, the applicant has entered into a restrictive declaration to ensure that a detailed Phase II testing would occur, and hazardous materials sampling protocol including a health and safety plan would be prepared, and is binding upon the property's successors and assigns. The declaration serves as a mechanism to assure the potential for hazardous material contamination that may exist in the subsurface soils and groundwater on the project site would be characterized prior to any site disturbance (i.e., site grading, excavation, demolition, or building construction). The restrictive declaration was executed on June 6, 2011 and submitted for recording on February 24, 2012. Pursuant to a letter from DEP dated August 29, 2012, DEP is in receipt of a signed copy of a DEP-approved restrictive declaration with proof of recording for the site. Consequently, no significant adverse impacts related to hazardous materials will occur.

2. The (E) designation for noise would ensure that the proposed action would not result in significant adverse impacts due to noise.

3. No other significant adverse effects on the environment which would require an Environmental Impact Statement are foreseeable.

It is fully agreed and understood that if the foregoing conditions, modification, and alterations are not fully incorporated into the proposed action, this Conditional Negative Declaration shall become null and void. In such event, the applicant shall be required to prepare a Draft Environmental Impact Statement before proceeding further with said proposal.

Should you have any questions pertaining to this Conditional Negative Declaration, you may contact Jonathan Keller at (212) 720-3419.

This Conditional Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617.

I, the Undersigned, as the applicant or authorized representative for this proposal, hereby affix my signature in acceptance of the above conditions to the proposed action.

Signature of Applicant or Authorized Representative

Date: 8-29-2012

Barry Katz
Name of Applicant or Authorized Representative

Celeste Evans

Date: 8/29/12

Celeste Evans, Deputy Director
Environmental Assessment & Review Division
Department of City Planning

Date: 1/23/13

Amanda M. Burden, FAICP, Chair
City Planning Commission