

a Zoning Map amendment of the Kedem Winery site from M3-1 and C4-3 districts to an R7-3 district with a C2-4 commercial overlay along Kent Avenue;

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 62-736 of the Zoning Resolution;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on June 1, 2006 on the Decision and Application;

WHEREAS, the Council has considered the relevant environmental issues (CEQR No. 02DCP045K);

WHEREAS, after a study of the potential environmental impact of the proposed action, the lead agency 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 hazardous materials sampling protocol including a health and safety plan, 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 protocol 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 plan. With the implementation of the condition described above, no significant adverse impact related to hazardous materials would occur.
2. The applicant agrees via a restrictive declaration to fund the installation of a traffic signal at the intersection of Kent Avenue and Division Avenue, if determined to be warranted by the NYC Department of Transportation (DOT), upon completion of construction of the project. With the implementation of this condition, no significant adverse traffic impacts would result from the proposed project.

WHEREAS, the applicant signed a Conditional Negative Declaration (CND) on December 2, 2005. Subsequently, the EAS was revised to include an analysis of the project with an affordable housing component and the applicant signed a revised CND on March 17, 2006, which superseded the CND signed on December 2, 2005. The revised CND was published in the New York State Environmental Notice Bulletin on March 29, 2006. Pursuant to the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq., a 30-day comment period followed. No comments were received and the revised CND was issued on May 8, 2006.

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application;

RESOLVED:

The Council finds that the action described herein will have no significant effect on the environment

subject to the following conditions:

1. The applicant agrees via a restrictive declaration to prepare a hazardous materials sampling protocol including a health and safety plan, 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 protocol 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 plan.
2. The applicant agrees via a restrictive declaration to fund the installation of a traffic signal at the intersection of Kent Avenue and Division Avenue, if determined to be warranted by the NYC Department of Transportation (DOT), upon completion of construction of the project.

Pursuant to Sections 197-d and 200 of the New York City Charter and on the basis of the Decision and Application, the Council approves the Decision.

Adopted.

Office of the City Clerk, }
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on June 13, 2006, on file in this office.

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City Clerk, Clerk of The Council