E-234

CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

August 3, 2009

CONDITIONAL NEGATIVE DECLARATION

Project Identification
CEQR No. 03DCP013Q
ULURP No. 030129ZMQ
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

Grand Central Parkway Rezoning
The proposal involves an application by MCM Realty for an amendment to the Zoning Map to change Block 8401, Lots 550 & 600; parts of Lots 1 and 620, from the existing R3-2 designation to an R6A zoning district in the Glen Oaks section of Queens, Community District 13. The site is located east of the Grand Central Parkway service road and bounded by the prolongation of 72nd Avenue on the east side of the Grand Central Parkway South Service Road, a line 500 feet from and parallel to the Grand Central Parkway South Service Road, and a line along the easterly prolongation of 247th Street at the Grand Central Parkway South Service Road. The proposed action would facilitate the development of a 7-story building comprising of 142 dwelling units and two sublevel parking garages with 156 parking spaces on Lot 550, and bring an existing apartment building on Lot 600 into compliance with zoning. The subject site is currently occupied by a parking lot (Lot 550) and a 6-story apartment building and below-grade parking garage (Lot 600).

The applicant expects that construction would be completed in 2011.

The applicant has entered into a restrictive declaration (Block 8401, Lots 550 and 600) to ensure that the appropriate hazardous materials sampling protocols, including health and safety plans, will occur prior to construction on the premises (Block 8401, Lots 550 and 600). The restrictive declaration would ensure that appropriate mediation measure for on-site hazardous materials, if necessary, would occur. Therefore, with the restrictive declaration in place, no significant adverse impacts related to hazardous materials would occur.

In addition, the proposed action includes (E) designations for noise and air quality (E-234). The (E) designation for noise would be mapped on Block 8401, Lot 550. The text of the (E) designation is as follows:

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> **In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum of 35 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.**

With the placement of the (E) designation for noise, no impacts related to noise are expected and no further assessment is warranted.

The project also includes an (E) designation for air quality on Block 8401, Lot 550. The text of the (E) designation is as follows:

> **Any new residential development on the above-referenced property must ensure that natural gas is used as the type of fuel for space heating and hot water (HVAC) systems to avoid any potential significant air quality impacts.**

With the implementation of the above (E) designation, no significant adverse impacts related to air quality would occur.

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 April 15, 2009, prepared in connection with the ULURP Application (No. 030129 ZMQ). 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, MCM Realty, 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.

Supporting Statement:

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

1. A Phase I Environmental Site Assessment (ESA), prepared in was prepared in October, 2004 and is available in the proposal's CEQR file, for the properties located in Queens (Block 8401, Lots 550 and 600) 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 April 27, 2005, Phase II testing was recommended by DEP due to the potential presence of hazardous materials on the site as a result of past and present adjacent land uses

   The declaration, binding on all successors and assigns of the applicant, requires that Phase II testing be prepared, including a sampling protocol and a health and safety plan for DEP's review and approval. If hazardous materials impacts exist, the declaration requires that the applicant submit a remediation plan for DEP's review and approval and provide for such remediation. 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 applicant's property would be characterized prior to any site disturbance.

   The restrictive declaration was executed on April 19, 2006 and submitted for recording on May 1, 2006. Pursuant to a telephone call received by City Planning on April 16, 2009, DEP has acknowledged that it is in receipt of a signed copy of a DEP-approved restrictive declaration with proof of recording for the site.

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

3. The (E) designation for air quality would ensure that the proposed action would not result in significant adverse impacts due to air quality emissions.

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

With the implementation of the condition described above, no significant adverse impact related to hazardous materials would occur.

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.

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: 04/15/09

CAROL MONTE GILMI

Name of Applicant or Authorized Representative

James P. Merani, R.A., Deputy Director
Environmental Assessment & Review Division
Department of City Planning

Date: 04/17/09

Amanda M. Burden, FAICP, Chair
City Planning Commission

Date: 8/3/09