

APPENDIX 24.1:

**(E) DESIGNATION TEXT FOR THE
MODIFIED PROJECT ALTERNATIVE**

Appendix 24.1: (E) Designation Text for the Modified Project Alternative¹

A. INTRODUCTION

Under the Modified Project Alternative, (E) Designations would be applied to Site B (Block 11 of Lot 1), to address potential issues related to hazardous materials, air quality, and noise. (E) Designations are applied to specific properties that could require remediation or other measures, should an owner want to demolish, excavate, or otherwise construct on his/her property. The text of the (E) Designations for the Modified Project Alternative is provided in this appendix.

B. HAZARDOUS MATERIALS

The (E) Designation for hazardous materials to be placed on Site B would require that pre-development activities include implementation of a Phase II sampling protocol and remediation to the satisfaction of the New York City Department of Environmental Protection (NYCDEP) before the issuance of a building permit. The text of the (E) Designation for hazardous materials is as follows:

Task 1. The fee owner(s) of the lot(s) restricted by this (E) Designation will be required to prepare a scope of work for any soil, gas, or groundwater sampling and testing needed to determine if contamination exists, the extent of the contamination, and to what extent remediation may be required. The scope of work will include all relevant supporting documentation, including site plans and sampling locations. This scope of work will be submitted to NYCDEP for review and approval prior to implementation. It will be reviewed to ensure that an adequate number of samples will be collected and that appropriate parameters are selected for laboratory analysis.

No sampling program may begin until written approval of a work plan and sampling protocol is received from NYCDEP. The number and location of sample sites should be selected to adequately characterize the type and extent of the contamination, and the condition of the remainder of the site. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of the sampling data. Guidelines and criteria for choosing sampling sites and performing sampling will be provided by NYCDEP upon request.

Task 2. A written report with findings and a summary of the data must be presented to NYCDEP after completion of the testing phase and laboratory analysis for review and approval. After receiving such test results, a determination will be provided by NYCDEP if the results indicate that remediation is necessary.

¹ This appendix is new to the FEIS. The text of the (E) Designations for hazardous materials and air quality is also new to the FEIS. The text of the (E) Designation for noise appeared in Chapter 1, "Project Description," in the DEIS.

If NYCDEP determines that no remediation is necessary, written notice shall be given by NYCDEP.

If remediation is necessary according to test results, a proposed remediation plan must be submitted to NYCDEP for review and approval. The fee owner(s) of the lot(s) restricted by this (E) Designation must perform such remediation as determined necessary by NYCDEP. After completing the remediation, the fee owner(s) of the lot restricted by this (E) Designation should provide proof that the work has been satisfactorily completed.

An NYCDEP-approved construction-related health and safety plan would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. This Plan would be submitted to NYCDEP for review and approval prior to implementation.

C. AIR QUALITY

To preclude the potential for significant adverse air quality impacts on other proposed developments from the HVAC emissions, an (E) designation would be incorporated into the proposed rezoning for the Site B portion of the proposed rezoning area. The text of the (E) designation is as follows:

Block 11, Lot 1

Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, and, on all buildings 100 feet in height or greater and 125 feet in height or less, ensure that the heating, ventilating and air conditioning stack(s) is located at least 170 feet from the lot line facing 54th Avenue and no greater than 360 feet from the lot line facing 2nd Street; and, on all buildings 85 feet in height or greater and less than 100 feet in height, ensure that the heating, ventilating and air conditioning stack(s) is located at least 160 feet and no greater than 520 feet from the lot line facing 54th Avenue and no greater than 130 feet from the lot line facing 2nd Street, to avoid any potential significant air quality impacts.

D. NOISE

The (E) Designation for noise to be placed on Site B would ensure that CEQR requirements for building attenuation are met. The text of the (E) Designation for noise is as follows:

In order to ensure an acceptable interior noise environment, any future residential uses on Lot 1 of Block 11 must be designed to provide a closed window condition with a minimum of 30 dBA window/wall attenuation on all facades in order to maintain an interior noise level of 45 dBA $L_{10(1)}$. In order to maintain a closed-window attenuation, an alternate means of ventilation must also be provided. Alternate means of ventilation include, but are not limited to, central air conditioning or air conditioning sleeves containing air conditioners or fans approved by the United States' Department of Housing and Urban Development (HUD). *