E-48

CITY ENVIRONMENTAL QUALITY REVIEW

The City of New York

DEPARTMENT OF ENVIRONMENTAL PROTECTION
59-17 Junction Boulevard, 11th Floor
Elmhurst, NY 11373-5107
(718) 595-4409

DEPARTMENT OF CITY PLANNING
22 Reade Street, Room 4-E
New York, NY 10007-1216
(212) 720-3420

January 13, 1993

Mr. George P. Apostolakos
Ethan C. Eldon Associates, Inc.
900 Ellison Avenue
Westbury, New York 11590

RE: CEQR No. 91-155X
ULURP No. 920141ZMX
Dock Street White Castle Rezoning
Bronx

Dear Mr. Apostolakos:

Under City Environmental Quality Review, the lead agencies are required to determine whether a proposed action may or will not have a significant effect on the environment. In accordance with this regulation, the Departments of Environmental Protection and City Planning, as CEQR co-lead agencies, have determined that the proposed action will not have a significant effect on the environment.

Enclosed is the Negative Declaration for CEQR No. 91-155X, the proposed rezoning from an R6 District to an M1-1 District to facilitate the construction of seven parking spaces to serve patrons of a proposed, adjacent, 2,166 square foot White Castle Restaurant, itself containing ten accessory parking spaces. The site is located on East Tremont Avenue, Bronx.

Due to the history of underground storage tanks on a site immediately adjacent to the rezoning area, the rezoning includes the provision for an "E" designation on the zoning map for the portion of the rezoning area on Lot 30. This declaration includes statements for the finding that the action will not have a significant effect.

Sincerely,

Joseph W. Ketas
Assistant Commissioner
Department of Environmental Protection

Annette M. Barbaccia
Director
Environmental Assessment and Review Division
Department of City Planning

xc: Richard Schaffer
City Planning Commission
Fernando Ferrer
Gail Benjamin
Thomas Jorling
John Ferguson
Carlos Cuevas
Esther Ginsberg
Anthony Quintana
Angela Kessler
William Valleta
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Vincent Sapienza
Martin Englehardt
Magdi Farag
Abby Nagel
Patricia Bussey
Andrea Malaster
Andrew Genn

enclosure

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NEGATIVE DECLARATION

Proposal No. 91-155X
ULURP No. 920141ZMX

Date Sent: 1/13/93

Name, Description and Location of proposal:

- Dock Street White Castle Rezoning.

- A proposed rezoning from an R6 District to an M1-1 District to facilitate the construction of seven parking spaces to serve patrons of a proposed, adjacent, new 2,166 square foot White Castle Restaurant, itself containing ten accessory parking spaces.

Due to the presence of underground storage tanks on Block 3860, Lot 1, which is immediately adjacent to the rezoning area, the rezoning includes the provision for an "E" designation on the zoning map for the portion of the rezoning area within Block 3859, Lot 30.

The text of the "E" designation would be as follows:

Due to the presence of underground storage tanks containing petroleum products there is potential for contamination of the soil and groundwater by existing or past leakage from such tanks. To determine if contamination exists on-site and to determine and perform any appropriate remediation, the following tasks must be undertaken by the applicant prior to any demolition, site grading, excavation, or construction on the site for development.

Task 1

The applicant must submit to the New York City Department of Environmental Protection Bureau of Environmental Remediation and Enforcement (DEP-BERE) for review and approval, a soil gas, soil and groundwater testing protocol including a description of methods, and a site map with all sampling locations clearly and precisely represented. No sampling program should begin until written approval of a protocol is received from DEP. The number and location of sample sites should be selected to adequately characterize the site, the specific source of suspected 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 sampling data. Guidelines and criteria for choosing sampling sites and performing sampling will be provided by DEP upon request.

Task 2

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

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

If remediation is necessary according to the test results, a proposed remediation plan must be submitted to DEP for review and approval. The applicant must perform such remediation as determined necessary by DEP. After completion of said remediation, the applicant should provide proof that the work has been satisfactorily completed.

Location:

At East Tremont Avenue approximate to demapped Dock Street, east of Westchester Avenue; Block: 3859, part of Lot 23 and part of Lot 30; Community Board No. 9, Bronx.

STATEMENT OF NO SIGNIFICANT EFFECT:

The Departments of City Planning and Environmental Protection, as CEQR Lead Agencies, have determined that the proposed action, including the provision for an "E" designation, will have no significant effect on the quality of the environment.

SUPPORTING STATEMENTS:

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

1. The above "E" designation on the zoning map is necessary due to the presence of underground storage tanks adjacent to the rezoning area. There may be a potential for soil and groundwater contamination from existing or past leakage from such tanks and a determination is necessary to conclude if such contamination exists and to perform necessary remediation.

2. No significant effects upon the environment which would require the preparation of an Environmental Impact Statement are foreseeable.

Joseph W. Ketas
Assistant Commissioner
Department of Environmental Protection

Annette M. Barbaccia for
Director
Environmental Assessment and Review Division
Department of City Planning