



CITY PLANNING COMMISSION
CITY OF NEW YORK
OFFICE OF THE CHAIRMAN

August 6, 2001

CONDITIONAL NEGATIVE DECLARATION

Project Identification

CEQR No. 01DCP024M
ULURP No. 010689 ZMM
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:

500 WEST 56th STREET

The Related Companies, LLP is seeking an amendment to the zoning map in Manhattan, Community District 4, for property fronting on West 55th and West 56th streets, located between Tenth and Eleventh avenues, from an M1-5 to an R8 zoning district, (Block 1084, Lots 39 and p/o 25), and from an M1-5 to a C2-7 zoning district, (Block 1084, Lots 38 and p/o 25). The site is located within the "Excluded Area" of the Special Clinton District and is within the Clinton Urban Renewal Area. The site had been previously developed with single story buildings containing a supermarket and light-industrial and auto-related uses, but those buildings have been removed and it is currently vacant and undeveloped. The proposed rezoning would facilitate a proposal by the applicant to redevelop the project site for residential and commercial use. The development site, which has a lot area of 40,167 square feet, consists of the proposed rezoning area (Block 1084, Lots 25,38, and 39), as well as an adjacent parcel (Block 1084, Lots 29 and 36) located in a C2-7 zoning district. Under the proposed zoning, the site could be redeveloped with a 380,000 square foot, 26-story mixed use building) which could have approximately 299,000 square feet of residential space (up to 281 housing units), 51,000 square feet of retail use on the first two floors, 28,000 square feet of community facility use on the lower floors, and a 40,000 square foot cellar which could include an accessory parking garage.

Current development plans for the site, which have been submitted to the New York City Housing Development Corporation for funding under the 80/20 Taxable Bond Program, call for a 28-story, 330,000 to 350,000 square foot building containing approximately 306 dwelling units (including 62 low income dwelling units under the 80/20 program and one superintendent's unit), approximately

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299,000 gsf of residential area (287,000 square feet of residential zoning floor area); 25,000 to 30,000 square feet of retail space above grade; 1,000 square feet of community facility space; a cellar containing an additional 25,000 to 30,000 square feet of retail area and/or accessory storage space and an accessory parking garage for approximately 70 cars. The building would be approximately 270 feet tall.

In response to environmental issues within the rezoning area, identified in the proposal's Environmental Assessment Statement, the proposed rezoning include (E) designations for noise which will be placed on Block 1084, Lots 25, 38 and 39. The text for (E) designations for noise would be as follows:

In order to ensure an acceptable interior noise environment, new residential development must provide a closed window condition with a minimum of 35 dB(A) window/wall attenuation 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 includes, but is not limited to, central air conditioning or air conditioners.

Statement of No Significant Effect Upon Modification:

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 June 21, 2001, prepared in connection with the ULURP Application (010566 ZMM). 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 to implement a remediation plan under the supervision of the New York City Department of Environmental Protection (NYCDEP) in accordance with the terms of a restrictive declaration acceptable to NYCDEP. The applicant agrees to record and execute such declaration prior to any action by the City Planning Commission in connection with this application.

Supporting Statement:

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

1. A Phase I Environmental Site Assessment report for the site was prepared by AKRF, Inc. in October 1998 and a Phase II Site Assessment was prepared in December 1998. At the time these assessments were performed, much of the site was covered by structures. The Phase

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I Site Assessment report indicated that the site had a history of use by manufacturing and motor-vehicle related businesses. Specifically, the following were noted:

- 500-502 West 56th Street (Lot 36). A two-story building used as a garage having two underground gasoline storage tanks installed prior to 1926, and vent pipes for tanks are still evident. The building was also used as a factory with a paint storage area and spray booth.
- 504-506 West 56th Street (Lot 38). A one-story motor vehicle repair shop which, in the 1920's was a garage with one underground gasoline storage tank. Later it was used as an iron works with a spray booth, paint baking room, sand blast room, and assembly area.
- 508-510 West 56th Street (Lot 39). This property is was used for truck storage and service. It was formerly a lumberyard and later a storage facility.
- 501 West 55th Street/831-839 Tenth Avenue (Lot 29). This property was a paved lot. It was originally occupied by four-story residential structures with ground floor stores. By the early 1960's, a motor vehicle repair shop was on the site. Eight 550-gallon underground storage tanks for gasoline and diesel fuel were on the site until they were removed in September 1998.
- 503-511 West 55th Street (Lot 25). This one-story structure housed storage rooms, a garage, and, at the west end of the building, a grocery store. Former uses on the site include a garage with two underground storage tanks, a storage battery manufacturer, an auto repair shop, and a printer.

The Phase II Site Assessment examined the potential for soil contamination at locations where historical records indicated that underground storage tanks had been present. Soil borings were taken in the areas of the suspected tank locations on Lots 25, 29, 36, and 38. Indications of gasoline contamination were only detected in one boring on Lot 25, beneath the former grocery store at the southwest corner of the site. This area was formerly a garage with two underground storage tanks.

A Tank Closure Report was prepared by AKRF, Inc. in June 2001. The only tank found on the site was removed in March of 2001. As required by underground storage tank (UST) regulations, an assessment was performed at the time the tank was removed to determine whether releases had occurred. Contaminated soil, associated with the underground storage tank, was detected upon tank removal. The soil was excavated and removed off-site to a licensed landfill. A spill was reported to the New York State Department of Environmental Conservation (NYSDEC). Review of the Tank Closure Report by NYSDEC is pending for

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an active Spill Number (01-00152) which has been assigned to a small portion of the site (former supermarket located at 509-511 West 55th Street). AKRF requested closure of this active spill number after removing one 550-gallon UST and the petroleum impacted soils surrounding it.

Upon review of the entire project, the Office of Environmental Planning and Assessment (OEPA) of the Department of Environmental Protection determined:

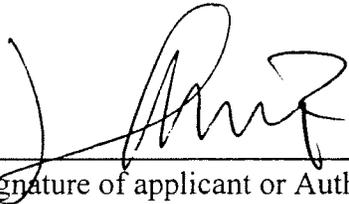
- Closure of the aforementioned spill would not eliminate the potential for hazardous materials issues on the entire site since numerous suspected and/or unidentified USTs still exist on other portions of the subject property.
- The subsurface soils have not been adequately characterized for all potential contaminants (based on historic land uses).
- AKRF's sampling events have been limited to identifying volatile organic compounds (VOC) and semi-volatile organic compounds (SVOC) (associated with on-site petroleum impacts due to gasoline and/or fuel oil storage). In order to fully characterize the entire site, additional soil testing (and groundwater testing, if necessary) for the presence of VOCs, SVOCs, PCBs, and Priority Pollutant Metals should be completed. Any planned sampling events should be coordinated through a DEP approved Workplan and Health and Safety Plan.

In order to prevent the potential for significant adverse impacts due to Hazardous Materials, a Restrictive Declaration regarding the above issues will be executed against the property and thus the site owner will agree to identify the existence of any impact found in connection with the development of the subject site, to submit results of above mentioned work to DEP for review, and, if deemed necessary, to mitigate any such impact if found, prior to development of the subject site.

2. The (E) designations would ensure no noise impacts.
3. No other significant effects on the environment which would require an Environmental Impact Statement are foreseeable.

It is fully agreed and understood that if the foregoing conditions, modifications, and alterations are not fully incorporated into the proposed action that 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 The site is located within the "Excluded Area" of the Special Clinton District and is within the Clinton Urban Renewal Area.

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



Signature of applicant or Authorized Representative

Date: 5/22/01

Jesse MASYR

Name of applicant or Authorized Representative
(Please Print)

Robert Dobruskin

Robert Dobruskin, Director
Environmental Assessment & Review Division
Department of City Planning

Date: 8-22-01



Joseph B. Rose, Chairman
City Planning Commission

Date: 6/25/01