



**DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT**

SHAUN DONOVAN, Commissioner

**Office of Development**  
DIVISION OF NEW CONSTRUCTION  
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January 3, 2008

**REVISED NEGATIVE DECLARATION**

**(Supersedes Negative Declaration issued on December 26, 2007)**

**Project Identification**

Location: West 128<sup>th</sup> Street and St. Nicholas Avenue, Manhattan  
CEQR No. 03HPD020M  
ULURP No. Pending  
SEQRA Classification: Unlisted

**Name and Description of Proposal:**

**West 128<sup>th</sup> Street and St. Nicholas Avenue (Cornerstone Site 8)**

The New York City Department of Housing Preservation and Development (HPD), on behalf of the project sponsor, Site 8, LLC, is seeking the disposition of several City-owned properties and a zoning map amendment to change existing R8, R7-2 and R7-2/C1-4 zoning districts to R8A and R8A/C2-4 districts. In addition, HPD is seeking project approval and designation of the sites as Urban Development Action Area Plan (UDAAP) Projects. The proposal will be developed through HPD's Cornerstone Program.

The proposed action would facilitate the development of three predominantly residential buildings on a block (Block 1954) bounded by West 127<sup>th</sup> and West 128<sup>th</sup> streets and St. Nicholas Avenue and Frederick Douglas Boulevard in the Harlem neighborhood of Manhattan, Community District 10. The environmental review for the proposal conservatively assumes that the proposed project would include up to 250 dwelling units, 16,510 square feet of neighborhood retail space and a 100-space accessory parking garage contained in three buildings. The sites include the following:

- Building A would have a maximum height of approximately twelve stories and would be constructed on Block 1954, Lots 20, 21, 22, 23, 24, 25, 26, 27 and 28.
- Building B would have a maximum height of approximately six stories and would be developed on Block 1954, Lots 37, 38, 39, 41 and 42; and
- Building C would have a maximum height of approximately twelve stories and would be constructed on Block 1954, Lots 32, 33, 34, 35, and 36.

The project site described above, which contains three proposed buildings, consists of seventeen city-owned vacant lots, one city-owned vacant building and one privately-owned vacant lot (owned by the project sponsor). In addition to the three developments described above, there are two potential development sites on Block 1954 which are in private ownership (and not controlled by HPD or the project sponsor). The potential development sites (Block 1954, Lots 31 and 136) are currently vacant. Although unlikely, under the rezoning, the two sites could potentially be redeveloped with residential buildings. In order to avoid the potential for significant adverse impacts associated with hazardous materials, boiler emissions and noise on the potential development sites, (E) designations will be placed on the zoning map in connection with the zoning map amendment.

The proposed action includes a zoning map amendment to change existing R8, R7-2 and R7-2/C1-4 zoning districts to R8A and R8A/C2-4 districts. The existing R8 district is mapped over the western half of the block. R8 districts allow residential uses and have a maximum FAR of 6.02. The eastern portion of the block is mapped with an R7-2 district (with a C1-4 commercial overlay mapped along Frederick Douglas Boulevard). The R7-2 district allows residential uses and has a maximum FAR of 3.44. The C1-4 overlay allows neighborhood retail uses and has an FAR of 2 when mapped in R7 districts.

Under the proposal, the entire block would be rezoned to a contextual R8A zoning district, which allows residential uses at a maximum FAR of 6.02. The proposed C2-4 commercial overlay would be mapped along Saint Nicholas Avenue and Frederick Douglas Boulevard. The C2-4 overlay allows a slightly wider range of local retail uses than C1 districts and has an FAR of 2 when mapped in R8 districts.

To avoid the potential for impacts associated with hazardous materials, the proposed action includes (E) designations on the following properties:

- Block 1954, Lots 31 and 136

The text of the (E) designation for hazardous materials for the above properties is as follows:

**The (E) designation would require that the fee owner of such a site conduct a testing and sampling protocol, and remediation where appropriate, to the satisfaction of the DEP before the issuance of a building permit by the DOB (pursuant to Section 11-15 of the Zoning Resolution - Environmental Requirement). The (E) designation also includes a mandatory construction-related health and safety plan which must also be approved by the DEP.**

To avoid the potential for air quality impacts associated with boiler emissions, the proposed action includes (E) designations on the following properties:

- Block 1954, Lots 31 and 136



The text of the (E) designation for air quality for the above properties is as follows:

**Any new residential development on the above referenced properties must use natural gas as the type of fuel for space heating and hot water systems.**

To avoid the potential for impacts related to noise, the proposed action includes (E) designations for noise on the following site:

- Block 1954, Lot 31

The text of the (E) designation for noise for the above properties is as follows:

**In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum of 30 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 must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning or air conditioning sleeves containing air conditioners or HUD-approved fans.**

The proposed project will be implemented in conformance with the following provisions to be incorporated into the Land Disposition Agreement (LDA) in order to ensure that there are no significant adverse impacts associated with the disposition and UDAAP designation of the City-owned properties. The provision is as follows:

Hazardous Materials

A Phase I Environmental Site Assessment (ESA) prepared by ATC Associates dated October 16, 2006 noted the presence of a dry cleaning operation on a portion of the project site (lot 32) from at least 1956 through approximately 1968. Because the proposed action would result in ground disturbance and a dry cleaning operation had historically been noted at the site, the potential for perchloroethylene to be contained in soil (and possibly groundwater) cannot be ruled out and subsurface investigation would be required. Perchloroethylene is a manufactured chemical compound that is widely used for the dry cleaning of fabrics.

The New York State Department of Environmental Conservation (NYSDEC) may have jurisdiction over some or all activities. If it is determined that the NYSDEC has jurisdiction, the developer is responsible to ensure a review of such plans is coordinated

with the State. If applicable, the developer shall be responsible to provide copies of all correspondence with the State to HPD/DEP as it becomes available. If required, the developer shall provide any and all plans and reports generated in association with the requisite work to DEC. If applicable, the developer is responsible to ensure that a no further action determination is consistent with NYS DEC requirements.



In addition, to meet their CEQR obligation, as a result of potential contamination, the developer/project sponsor must submit to HPD's Environmental Review Unit, a Phase II Sampling and Analysis work plan/protocol designed to identify and, if present, delineate the nature and extent of potential soil and groundwater contamination at the sites. A site specific Investigation Health and Safety Plan should also be submitted. Upon completion of its review, HPD will transmit the documents to the New York City Department of Environmental Protection (DEP) for approval. The plan may include, at the agencies discretion, descriptions of a geophysical survey, excavation of test pits, installation of soil borings/monitoring wells, and collection of soil and groundwater samples, including a description of the methods to be used, a site map showing clearly and precisely all testing locations. If any underground tanks are found on site, a protocol for tank removal and soil and groundwater testing must be prepared and submitted to HPD and DEP for approval.

The developer/project sponsor would be responsible for providing a written report with findings and conclusions, and a summary of the testing program and laboratory results to HPD. The report should clearly indicate if remediation is required and its extent. Upon completion of this review and if the document is acceptable to HPD, HPD will transmit to the DEP for approval.

If DEP determines that no further soil or groundwater testing or remediation is necessary, written notice shall be given by DEP that the site may be developed as proposed.

The developer/project sponsor is responsible to perform any and all remediation and construction activities in accordance with the remediation plan and construction health and safety plan, as approved by DEP.

After completion of remediation, the developer/project sponsor shall provide a Site Closure report in accordance with DEP requirements to serve as proof that remediation is complete. If DEP/OEPA accepts the closure report, DEP will notify HPD and the developer that the proposed remediation work has been satisfactorily completed, and that the site is suitable for re-use/occupancy.

#### Noise Attenuation

The developer/sponsor will provide window-wall attenuation with an OITC rating of 30 dBA on the Saint Nicholas Avenue and Frederick Douglas boulevard facades of Buildings A, B and C in order to achieve a minimum interior noise environment (closed-window condition) of 45 dBA. Therefore, alternate means of ventilation are required. Alternate means of ventilation include, but are not limited to: (a) provision of central air conditioning; (b) provision of air conditioner sleeves containing air conditioners; or (c) HUD approved fans.



**Statement of No Significant Effect:**

Pursuant to the CEQR rules adopted on June 6, 1991, Executive Order 91, HPD has completed its technical review of the Environmental Assessment Statement (EAS) dated December 20<sup>th</sup>, 2007 and has determined that the proposed action will have no significant effect on the quality of the environment.

**Supporting Statement:**

The proposed action includes measures related to hazardous materials, air quality and noise. With these measures included as part of the proposal, the proposed action would not result in any significant adverse impacts. If the provisions described above are not fully implemented as part of the proposed action, then the Negative Declaration shall become null and void. In such event, a Draft Environmental Impact Statement (EIS) will be prepared before proceeding further with said proposal.

The EAS is on file with HPD and available for public review. This Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR Part 617.



Patrick Blanchfield  
Director of Environmental Review

January 3, 2008  
Date

