



E-136

DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Amanda M. Burden, A.I.C.P., *Director*
Department of City Planning

October 4, 2004

Gary R. Hucka
Verizon New York Inc.
2nd Floor: 02D11 Verizon Properties Inc.
2980 Fairview Park Drive
Falls Church, VA 22042

Re: **Verizon West 47th/West 48th Street Rezoning**
CEQR No. 04DCP029M
ULURP No. 040250 ZMM
Manhattan, Community District 4

Dear Mr. Hucka:

Under City Environmental Quality Review, the lead agency is required to determine whether a proposed action may or will not have a significant effect on the environment. In accordance with this regulation, the City Planning Commission has determined that the proposed action will not have a significant effect on the environment once modified, as noted below.

Enclosed is the Conditional Negative Declaration (CND) for CEQR No. 04DCP029M, Verizon West 47th/West 48th Street Rezoning, including supporting statements for the finding that the project would not have a significant effect upon modification. The CND was published in the Environmental Notice Bulletin (ENB) on June 16, 2004, in accordance with the provisions of Article 8 of the Environmental Conservation Law (6NYCRR part 617). Written comments on the CND were accepted until the 30th calendar day following publication. No comments were received.

The applicant, Verizon New York Inc., is seeking an amendment to the City Zoning Map to change an M2-3 district to an M1-5 zoning district, on the block bounded by 47th Street to the south, 48th Street to the north, 11th Avenue to the east and 12th Avenue to the west (Block 1095, Lots 11, 18, 24, 27, 29, 35, 37, 39 and 40) in the Clinton neighborhood of Manhattan Community District 4.

The proposed action would facilitate a proposal by the applicant to construct a new 7-story and cellar building at 613-615 W. 47th Street, 617-623 W. 47th Street and 610-624 W. 48th Street

Robert Dobruskin, *Director*
James Merani, *Deputy Director*
22 Reade Street, New York, N.Y. 10007-1216 Room 4E (212) 720-3420
FAX (212) 720-3495
rdobrus@planning.nyc.gov

Verizon West 47th/West 48th Street Rezoning

CEQR No. 04DCP029M

page 2

(Lots 18 and 40), including 303,780 square feet of floor area. The building would contain 200,880 square feet for vehicle storage and 102,900 square feet for office and storage space. The project site is currently occupied by an undeveloped parking lot used for the storage of commercial/utility vehicles and vehicle storage and an office building. Construction is expected to be completed in the fall of 2006. Absent the proposed action, the applicant would redevelop its property under the existing zoning with a 2-story and cellar 144,420 square foot vehicle/equipment storage and office facility.

The Environmental Assessment Statement for the proposal indicates that the proposed action could also facilitate the development of a potential development site in the rezoning area. This site, located at 607 West 47th Street (Block 1095, Lot 24), could be developed with approximately 37,650 square feet of commercial or industrial space. This site is currently occupied by a 2-story auto service repair shop and garage. Based on a Phase I Environmental Site Assessment, analysis has not ruled out the potential presence of hazardous materials on the potential development site. The materials could include petroleum based, non-petroleum based, or both. Consequently, the proposed action would place an (E) designation for hazardous materials on Block 1095, Lot 24. The placement of the (E) designation on the zoning map would eliminate the potential for significant adverse impact from hazardous materials and would ensure that appropriate testing and remediation, if needed, would be undertaken.

The proposed project will not have a significant adverse environmental impact provided specific conditions are met. The conditions are:

For the properties located at 613-615 W. 47th Street, 617-623 W. 47th Street, and 610-624 W. 48th Street (Block 1095, Lots 18 and 40) the applicant 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 declaration establishes an agreement to test and identify any potential hazardous material impacts 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.

Sincerely,



Robert Dobruskin
Environmental Assessment and Review Division
New York City Department of City Planning

cc: Amanda Burden, A.I.C.P.
City Planning Commissioners
Hon. C. Virginia Fields, Manhattan Borough President
Manhattan Community Board 4

Verizon West 47th/West 48th Street Rezoning

CEQR No. 04DCP029M

page 3

Gail Benjamin

Robert Kulikowski

Darryl Cabbagestalk (DEP)

Melanie Meyers

Erik Bostford

Katherine Bucke

Pat Bussey

David Karnovsky

James Merani

Laurence Parnes

Phil Sperling

Susan Wong



CITY PLANNING COMMISSION
CITY OF NEW YORK
OFFICE OF THE CHAIR

CONDITIONAL NEGATIVE DECLARATION

October 4, 2004

Project Identification

CEQR No. 04DCP029M
ULURP No. 040250 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:

Verizon West 47th/West 48th Street Rezoning

The applicant, Verizon New York Inc., is seeking an amendment to the City Zoning Map to change an M2-3 district to an M1-5 zoning district, on the block bounded by 47th Street to the south, 48th Street to the north, 11th Avenue to the east and 12th Avenue to the west (Block 1095, Lots 11, 18, 24, 27, 29, 35, 37, 39 and 40) in the Clinton neighborhood of Manhattan Community District 4.

The proposed action would facilitate a proposal by the applicant to construct a new 7-story and cellar building at 613-615 W. 47th Street, 617-623 W. 47th Street and 610-624 W. 48th Street (Lots 18 and 40), including 303,780 square feet of floor area. The building would contain 200,880 square feet for vehicle storage and 102,900 square feet for office and storage space. The project site is currently occupied by an undeveloped parking lot used for the storage of commercial/utility vehicles and vehicle storage and an office building. Construction is expected to be completed in the fall of 2006. Absent the proposed action, the applicant would redevelop its property under the existing zoning with a 2-story and cellar 144,420 square foot vehicle/equipment storage and office facility.

The Environmental Assessment Statement for the proposal indicates that the proposed action could also facilitate the development of a potential development site in the rezoning area. This site, located at 607 West 47th Street (Block 1095, Lot 24), could be developed with approximately 37,650 square feet of commercial or industrial space. This site is currently occupied by a 2-story

Amanda M. Burden, AICP, *Chair*
22 Reade Street, New York, N.Y. 10007-1216
(212) 720-3200 FAX (212) 720-3219
nyc.gov/planning



Verizon West 47th/West 48th Street Rezoning
Conditional Negative Declaration
CEQR No. 04DCP029M
Page 2

auto service repair shop and garage. Based on a Phase I Environmental Site Assessment, analysis has not ruled out the potential presence of hazardous materials on the potential development site. The materials could include petroleum based, non-petroleum based, or both. Consequently, the proposed action would place an (E) designation for hazardous materials on Block 1095, Lot 24. The placement of the (E) designation on the zoning map would eliminate the potential for significant adverse impact from hazardous materials and would ensure that appropriate testing and remediation, if needed, would be undertaken. The text of the (E) designation is as follows:

Due to the possible presence of hazardous materials on the aforementioned designated site there is potential for contamination of the soil and groundwater. To determine if contamination exists and perform and appropriate remediation, the following tasks must be undertaken by the fee owners(s) of the lot restricted by this (E) designation prior to any demolition or disturbance of soil on the lot.

Task 1

The fee owner(s) of the lot 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 DEP 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 DEP. 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 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 provided 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 test results, a proposed remediation plan must be submitted to DEP for review and approval. The fee owner(s) of the lot restricted by this (E) designation must perform such remediation as determined necessary by DEP. 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.

A DEP-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 DEP for review and approval prior to implementation.

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 3, 2004, prepared in connection with the ULURP Application (040250 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. For the properties located at 613-615 W. 47th Street, 617-623 W. 47th Street, and 610-624 W. 48th Street (Block 1095, Lots 18 and 40) the applicant 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 declaration establishes an agreement to test and identify any potential hazardous material impacts 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.

Verizon West 47th/West 48th Street Rezoning
Conditional Negative Declaration
CEQR No. 04DCP029M
Page 4

Supporting Statement:

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

1. A Phase I Environmental Site Assessment (ESA), available in the proposal's CEQR file, was prepared in October 2003 for the property under the control of the applicant located at 613-615 W. 47th Street, 617-623 W. 47th Street, and 610-624 W. 48th Street (Block 1095, Lots 18 and 40). The ESA was reviewed by DEP's Office of Environmental Planning and Assessment, and a restrictive declaration was recommended, as stated in a memo by DEP dated June 3, 2004, due to the potential presence of hazardous material on the site as a result of past and present land uses at the applicant's site. The declaration requires that Phase II testing would occur and is binding upon the property's successors and assigns. The declaration serves as a mechanism to assure the potential for hazardous material contamination that may exist in the sub-surface soils and groundwater on the applicant's sites would be characterized prior to any site disturbance (i.e., site grading, excavation, demolition, or building construction).

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

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

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.

Should you have any questions pertaining to this Conditional Negative Declaration, you may contact Katherine Bucke at (212) 720-3493.

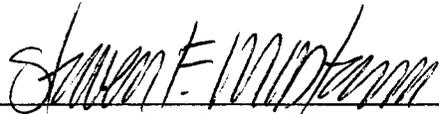
Verizon West 47th/West 48th Street Rezoning

Conditional Negative Declaration

CEQR No. 04DCP029M

Page 5

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



Signature of Authorized Representative

Date: June 3, 2004



Name of the applicant or Authorized Representative (Print)

Date:



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

Date: 6/4/04



Amanda M. Burden, AICP, Chair
City Planning Commission

Date: 10/4/04