



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

July 25, 2005

Ethan Eldon
Ethan C. Eldon Associates, Inc.
1350 Broadway, Suite 612
New York, NY 10018

Re: **1129-1133 York Avenue**
CEQR No. 04DCP056M
ULURP Nos. 040488 ZMM, 040489 ZSM

Dear Mr. Eldon:

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, and issued a Conditional Negative Declaration (CND).

The CND was published in the Environmental Notice Bulletin (ENB) on April 20, 2005 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 proposal involves an application by Witkoff York, LLC for two discretionary actions affecting two properties in the Lenox Hill neighborhood of Manhattan, Community District 8. The proposed actions include a zoning map amendment to change a C8-4 zoning district to a C1-9 zoning district and, pursuant to Zoning Resolution Section 74-52, a special permit for a 100-space public parking garage in a high density central area. The rezoning area is located on Block 1456 on the west side of York Avenue between East 61st and East 62nd Streets and would be mapped to a depth of 100 feet. The rezoning area covers a portion of Lot 21, which is controlled by the applicant, and a portion of Lot 26, which is not under the applicant's control. The portions of Lots 21 and 26 which are not proposed to be rezoned would remain in a C8-4 zoning district.

Robert Dobruskin, *Director*
James Merani, *Deputy Director*
22 Reade Street, New York, N.Y. 10007-1216 Room 4E (212) 720-3420
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The proposed actions would facilitate a proposal by the applicant to develop an approximately 142,733 gross square feet (gsf), 26-story mixed use building containing 120 residential units and 6,163 gsf of commercial floor area on the property located at 1129-1133 York Avenue (Block 1456, Lot 21). The proposed actions would also facilitate the construction of a 100-space public parking garage to be located on the building's cellar and sub-cellar levels, with an entrance on the first floor that would utilize an existing curb cut on East 61st Street. The property is currently developed with an approximately 45,000 gsf, four-story structure occupied by a telecommunications company for offices, parking of company vehicles and equipment storage, which would be demolished.

Lot 26 is currently occupied by a 19-story residential building with parking, and is not expected to be redeveloped as a result of the proposed rezoning.

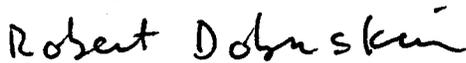
To avoid any potential impacts associated with noise, as part of the proposed rezoning, an (E) designation for noise will be placed on Block 1456, Lot 21. The (E) designation will ensure that the proposed action would not result in significant adverse impacts due to noise

Enclosed is the Conditional Negative Declaration for CEQR No. 04DCP056M, 1129-1133 York Avenue, including the conditions and supporting statements for the finding 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 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 applicant agrees to test and identify any potential hazardous material impact 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.

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

Sincerely,



Robert Dobruskin

cc:	Laurence Parnes	Raymond Gastil	Phil Sperling	Susan Wong
	Robert Kulikowski	Andrew Smith	The Hon. C. Virginia Fields	Pat Bussey
	Gail Benjamin	Brad Kieves	Community Board 8, Manhattan	



CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

CONDITIONAL NEGATIVE DECLARATION

July 25, 2005

Project Identification

CEQR No. 04DCP056M
ULURP Nos. 040488 ZMM, 040489 ZSM
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:

1129-1133 York Avenue

The applicant, Witkoff York LLC, seeks two discretionary actions affecting two properties in the Lenox Hill neighborhood of Manhattan, Community District 8. The proposed actions include a zoning map amendment to change a C8-4 zoning district to a C1-9 zoning district and, pursuant to Zoning Resolution Section 74-52, a special permit for a 100-space public parking garage in a high density central area. The rezoning area is located on Block 1456 on the west side of York Avenue between East 61st and East 62nd Streets and would be mapped to a depth of 100 feet. The rezoning area covers a portion of Lot 21, which is controlled by the applicant, and a portion of Lot 26, which is not under the applicant's control. The portions of Lots 21 and 26 which are not proposed to be rezoned would remain in a C8-4 zoning district.

The proposed actions would facilitate a proposal by the applicant to develop an approximately 142,733 gross square feet (gsf), 26-story mixed use building containing 120 residential units and 6,163 gsf of commercial floor area on the property located at 1129-1133 York Avenue (Block 1456, Lot 21). The proposed actions would also facilitate the construction of a 100-space public parking garage to be located on the building's cellar and sub-cellar levels, with an entrance on the first floor that would utilize an existing curb cut on East 61st Street. The property is currently developed with an approximately 45,000 gsf, four-story structure occupied by a telecommunications company for offices, parking of company vehicles and equipment storage, which would be demolished.

Lot 26 is currently occupied by a 19-story residential building with parking, and is not expected to be redeveloped as a result of the proposed rezoning.

To avoid any potential impacts associated with noise, as part of the proposed rezoning, an (E) designation for noise will be placed on Block 1456, Lot 21. The text of the (E) designation for noise is as follows:

In order to ensure an acceptable interior noise environment, future residential uses must provide a closed window condition with a minimum of 35 dB(A) window/wall attenuation on all facades 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 would also have to be provided. Alternate means of ventilation would include, but would not be limited to, central air conditioning or air conditioning sleeves containing air conditioners or HUD-approved fans.

The (E) designation will ensure that the proposed action would not result in significant adverse impacts due to noise.

Statement of No Significant Effect on 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 (EAS) dated April 7, 2005, prepared in connection with ULURP Application Nos. 040488 ZMM and 040489 ZSM. The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment, once modified as follows:

- 1) The applicant, Witkoff York LLC, 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 applicant agrees to test and identify any potential hazardous material impact 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.

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 January 2004 for the project site. It has been determined that absent further testing and review of the test results, the proposed action has the potential to result in significant adverse impacts relating to hazardous materials. The Phase I ESA was reviewed by DEP's Office of Environmental Planning and Assessment, and Phase II testing was recommended, as stated in a letter from DEP dated September 16, 2004, due to the potential presence of hazardous materials on the site as a result of past on-site land uses. The declaration, binding on all successors and assigns of the applicant, requires that a Phase II ESA be prepared, including a sampling protocol and a health and safety plan

for DEP's review and approval. If hazardous materials impacts exist, the declaration requires that the applicant submit a remediation plan for DEP's review and approval and provide for such remediation. 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 property would be characterized prior to any site disturbance (i.e., site grading, excavation, demolition, or building construction).

The restrictive declaration was executed on March 15, 2005. In a letter to the Department of City Planning dated April 8, 2005, DEP acknowledged receipt of a copy of the DEP-approved restrictive declaration with proof of recording. With the implementation of the condition described above, no significant adverse impact related to hazardous materials would occur.

- 2) The (E) designation for noise would ensure that no significant adverse impacts due to noise would result from the proposed action.
- 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 Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617.

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: 4/7/05

SCOTT ALPER

Name of applicant or Authorized Representative
(Please Print)

Robert Dobruskin

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

Date: 4/8/05



Amanda M. Burden, AICP, Chair
City Planning Commission

Date: 7/25/05