



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

January 8, 2007

Sandra Acosta  
A&C Development Partners  
214 East 49<sup>th</sup> Street  
New York, NY 10017

RE: West 145<sup>th</sup> Street Rezoning  
CEQR No. 05DCP070M  
ULURP No. 050414 ZMM  
Manhattan, Community District 10

Dear Ms. Acosta:

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 significant effect on the environment.

Enclosed is the Conditional Negative Declaration for CEQR No. 05DCP070M, including supporting statements for the finding that the project will not have a significant effect.

The applicant, A&C Development Partners, is proposing a zoning map amendment to rezone Block 2013, Lots 1, 3, 6, and a portion of Lot 61, in the Harlem neighborhood of Manhattan from R7-2/C1-4 and C8-3 to C4-4D. The area proposed to be rezoned (totaling approximately 25,978 square feet) is located on the western portion of the block bounded by Adam Clayton Powell Jr. Boulevard, 145<sup>th</sup> Street, Lenox Avenue, and 144<sup>th</sup> Street in Manhattan, Community District 10.

The proposed rezoning area is currently developed with community facility and commercial uses. Block 2013, Lot 61, which is under the control of the applicant, is developed with a one- and two-story building containing a grocery store on the ground floor and associated office space on the second story. The proposed action would permit the applicant to redevelop the entirety of Lot 61 with an approximately 90,712 sq. ft. 11-story building containing approximately 13,448 square feet of ground floor commercial space; 2,516 square feet of community facility space on the first and second floors; 76 dwelling units on the second through eleventh floors; and 50 accessory parking

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

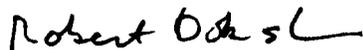
spaces in an underground parking garage. Construction of the building is expected to be completed by 2008.

In addition, the proposed action could facilitate the development of up to two potential development sites in the rezoning area - Block 2013, Lots 1 and 3. Block 2013, Lot 1, is developed with a one-story commercial building. The proposed action could facilitate the construction of a seven-story, 31,921 sq. ft. building with approximately 4,125 square feet of ground floor commercial space; 1,080 square feet of community facility space; and 36 dwelling units.

Block 2013, Lot 3, is developed with a two-story commercial building. The proposed action could facilitate the construction of a seven-story, approximately 40,573 sq. ft. building with approximately 5,423 square feet of ground floor commercial space; 1,373 square feet of community facility space, and 46 dwelling units.

The proposed project would be completed by 2008.

Sincerely,



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

cc: Amanda M. Burden, AICP  
City Planning Commissioners  
Hon. Scott M. Stringer  
Gail Benjamin  
Robert Kulikowski  
Laurence Parnes  
David Karnovsky  
Edwin Marshall  
Community Board 10, Manhattan

Susan Wong  
Pat Bussey  
James Merani  
Art Aguilar  
Phil Sperling



CITY PLANNING COMMISSION  
CITY OF NEW YORK

OFFICE OF THE CHAIR

## CONDITIONAL NEGATIVE DECLARATION

### **Project Identification**

CEQR No. 05DCP070M  
ULURP No. 050414 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:**

#### W. 145<sup>th</sup> Street Rezoning

The applicant, A&C Development Partners, is proposing a zoning map amendment to rezone Block 2013, Lots 1, 3, 6, and a portion of Lot 61, in the Harlem neighborhood of Manhattan from R7-2/C1-4 and C8-3 to C4-4D. The area proposed to be rezoned (totaling approximately 25,978 square feet) is located on the western portion of the block bounded by Adam Clayton Powell Jr. Boulevard, 145<sup>th</sup> Street, Lenox Avenue, and 144<sup>th</sup> Street in Manhattan, Community District 10.

The proposed rezoning area is currently developed with community facility and commercial uses. Block 2013, Lot 61, which is under the control of the applicant, is developed with a one- and two-story building containing a grocery store on the ground floor and associated office space on the second story. The proposed action would permit the applicant to redevelop the entirety of Lot 61 with an approximately 90,712 sq. ft. 11-story building containing approximately 13,448 square feet of ground floor commercial space; 2,516 square feet of community facility space on the first and second floors; 76 dwelling units on the second through eleventh floors; and 50 accessory parking spaces in an underground parking garage. Construction of the building is expected to be completed by 2008.

In addition, the proposed action could facilitate the development of up to two potential development sites in the rezoning area - Block 2013, Lots 1 and 3. Block 2013, Lot 1, is developed with a one-story commercial building. The proposed action could facilitate the construction of a seven-story, 31,921 sq. ft. building with approximately 4,125 square feet of ground floor commercial space; 1,080 square feet of community facility space; and 36 dwelling units.

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

Block 2013, Lot 3, is developed with a two-story commercial building. The proposed action could facilitate the construction of a seven-story, approximately 40,573 sq. ft. building with approximately 5,423 square feet of ground floor commercial space; 1,373 square feet of community facility space, and 46 dwelling units.

To avoid the potential for significant adverse impacts related to hazardous materials and noise, the proposed rezoning includes (E) designations.

### *Hazardous Materials*

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

Block 2013    Lots 1 and 3

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

#### **Task 1-Sampling Protocol**

##### **A. Petroleum**

**A soil, soil gas, and groundwater testing protocol (including a description of methods), and a site map with all sampling location represented clearly and precisely, must be submitted to the NYCDEP by the fee owner(s) of the lot which is restricted by this (E) designation, for review and approval.**

**A site map with the sampling locations clearly identified and a testing protocol with a description of methods, for soil, soil gas, and groundwater, must be submitted by the fee owner(s), of the lot which is restricted by the (E) designation, to the NYCDEP for review and approval.**

##### **B. Non-Petroleum**

**The fee owner(s) of the lot restricted by this (E) designation will be required to prepare a scope of work for any sampling and testing needed to determine if contamination exists 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 NYCDEP 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. For all non-petroleum (E) designated sites, the three generic NYCDEP soil and ground-water sampling protocols should be followed.**

**A scope of work for any sampling and testing to be completed, which will determine the extent of on-site contamination and the required remediation, must be prepared by the fee owner(s) of the lot restricted by this (E)**

designation. The scope of work will include the following: site plans, sampling locations, and all other relevant supporting documentation. The scope of work must be submitted to the NYCDEP for review and confirmation that an adequate testing protocol ( i.e., number of samples collected, appropriate parameters for laboratory analysis) has been prepared. The NYCDEP must approve the scope of work before it can be implemented.

For non-petroleum (E) designated sites, one of the three generic soil and groundwater sampling protocols prepared by the NYCDEP should be followed.

The protocols are based on three types of releases to soil and groundwater sampling protocols prepared by the NYCDEP should be followed.

The protocols are based on three types of releases to soil and groundwater, including: the release of a solid hazardous material to ground surface; the release of a liquid hazardous material to the ground surface; and the release of a hazardous material to the subsurface (i.e., storage tank or piping). The type of release defines the areas of soil to be sampled from surface, near-surface, to subsurface. Additionally, it determines the need for groundwater sampling.

A written approval of the sampling protocol must be received from the NYCDEP before commencement of sampling activities. Sample site quantity and location should be determined so as to adequately characterize the site, the source of contamination, and the condition of the remainder of the site. After review of the sampling data, the characterization should b\have been complete enough to adequately determine what remediation strategy (if any) is necessary. Upon request, NYCDEP will provide guidelines and criteria for choosing sampling sites and performing sampling.

Finally, a Health and Safety Plan must be devised and approved by the NYCDEP before the commencement on any on-site activities.

#### **Task 2-Remediation Determination and Protocol**

After sample collection and laboratory analysis have been completed on the soil and/or groundwater samples collected in Task 1, a summary of the data and findings in the form of a written report must be presented to the NYCDEP for review and approval. The NYCDEP will provide a determination as to whether remediation is necessary.

If it is determined that no remediation activities are necessary, a written notice will be released to that effect. However, if it is the NYCDEP's determination that remediation is necessary the fee owner(s) of the lot restricted by the (E) designation must submit a proposed remediation plan to the NYCDEP for review and approval.

**Once approval has been obtain, and the work completed, the fee owner(s) of the lot restricted by the (E) designation must provide proof to the NYCDEP that the work has been completed satisfactorily.**

*Noise*

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

Block 2013    Lots 1, 3, and 61

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 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 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.**

**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 dated August 21, 2006, prepared in connection with the ULURP Application No. 050414 ZMM. 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 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.

The restrictive declaration also restricts the manner in which the property may be developed or redeveloped, by requiring the sampling protocol and remediation measures to serve as a condition precedent to any change of use in any such development or redevelopment of the property.

**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

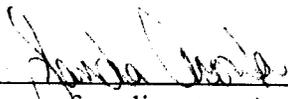
prepared on April 18, 2003, for the project site. The Phase I ESA was reviewed by DEP's Office of Environmental Planning and Assessment, and a Restrictive Declaration was recommended, as stated in a memo by DEP on February 21, 2006, due to the potential presence of hazardous materials on the site as a result of past and present on-site land uses. A Restrictive Declaration recorded on April 4, 2006, and received and approved by DEP on April 21, 2006. The declaration requires that detailed 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 project site would be characterized prior to any site disturbance (i.e., site grading, excavation, demolition, or building construction).

2. The (E) designation for hazardous materials would ensure that no significant adverse impacts due to hazardous materials would result from the proposed action.
3. The (E) designation for noise would ensure that no significant adverse impacts due to noise would result from the proposed action.
4. 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, 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: 4/20/06

  
\_\_\_\_\_  
Name of applicant or Authorized Representative  
(Please Print)

Date: 4/20/06

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

Date: 4/25/06



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Amanda M. Burden, Chair  
City Planning Commission

Date: 4/8/07

Should you have any questions pertaining to this Conditional Negative Declaration, you may contact Art Aguilar at (212) 720-3248.